

86238A 124 **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 1A04.3.B.3 to permit a side yard setback of 32 ft. instead of the required 50 ft. and to amend lot # 46, Plat V, 1st. amended partial development plan of Hill Farm Book 47 Folio 136, to permit a dwelling outside of the permitted building area.

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

Due to family requirements, additional bedrooms need to be added to the existing house. The only reasonable location requires a sideyard set back variance.

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.

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: N/A
(Type or Print Name)

Signature: *Ally A. Kirk*
City and State: Baltimore, MD

Legal Owner(s): Harvey A. Kirk
(Type or Print Name)
Signature: *Harvey A. Kirk*
City and State: Baltimore, MD

Address: 11 Wyndham Court
Lutherville, MD
City and State: Baltimore, MD

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Robert Goldman
806 N. Calvert Street
Baltimore, MD 21202
City and State: Baltimore, MD

Architect: Robert Goldman/Chesapeake Design
(Type or Print Name) Group
Signature: *Robert Goldman*
806 North Calvert Street
Baltimore, MD 21202
City and State: Baltimore, MD

Architect's Telephone No.: 837-3622

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 1987, 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 10th day of December, 1987, at 2:30 o'clock.

Carl J. Hall
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-238-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

This petition has been received and accepted for filing this 15th day of April, 1987.

Carl J. Hall
ARNOLD FASION
Zoning Commissioner

Petitioner: Harvey A. Kirk, et ux
Attorney: A. Eric Dillman, Esquire
Received by: *James E. Ryan*
Chairman, Zoning Planning Advisory Committee

IN THE MATTER OF THE APPLICATION OF HARVEY A. KIRK, ET UX FOR VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF WYNDHAM CT., 675' EAST OF TREADWELL CT. (11 WYNDHAM CT.) 8th DISTRICT

* CIRCUIT COURT
* OF MARYLAND
* FOR
* BALTIMORE COUNTY

No. 86-238-A Case No. 1: 87-CG-996

ORDER

Upon the foregoing Motion to Dismiss Appeal, it is ORDERED this 15 day of April, 1987, that the aforesaid Appeal be dismissed without prejudice, upon payment of all open costs.

Joseph A. Murphy
JUDGE

True Copy Test
SUZANNE WILSON, CLERK
Suzanne Wilson
Deputy Clerk

FILED APR 15 1987

IN THE MATTER OF THE APPLICATION OF HARVEY A. KIRK, ET UX FOR VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF WYNDHAM CT., 675' EAST OF TREADWELL CT. (11 WYNDHAM CT.) 8th ELECTION DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 86-238-A

AMENDED ORDER

The Opinion and Order of this Board dated February 18, 1987 having been issued, it has come to the attention of this Board that the said Opinion contains a typographical error. That is, the last sentence contained on the first page of the Opinion notes that an attached garage is on the west side of the structure. However, the garage is actually located on the east side of the structure.

The intent, spirit and direction of the Opinion not being affected by this error, the Board's Order of February 18, 1987 is hereby SUSTAINED and UNDISTURBED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

By: *William T. Hackett*
William T. Hackett, Chairman

IN THE MATTER OF THE APPLICATION OF HARVEY A. KIRK, ET UX FOR VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF WYNDHAM CT., 675' EAST OF TREADWELL CT. (11 WYNDHAM CT.) 8th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 86-238-A

OPINION

This matter comes before the Board as an appeal from the Order of the Deputy Zoning Commissioner dated December 26, 1985, which granted, with restrictions, a petition for variance. Specifically, the Petitioner herein, Harvey A. Kirk, seeks this Board's approval to construct an addition to his house which will result in a side yard setback of some 32 feet, rather than the required 50 feet. (See Baltimore County Zoning Regulations, Sec. 1A 04.3. B.3., hereafter BCZR).

In support of his request, the Petitioner testified. He stated that he owns that property known as 11 Wyndham Court, on which he resides with his wife and three children. In order to satisfy the demands created by his growing family, Mr. Kirk seeks to place an addition on the west side of his house. The proposed addition would add a den/playroom to the first floor and a bedroom to the second floor. Additionally, Mr. Kirk opined that the additional living space required must be added to the west side of the house, which faces the home of Mr. Thomas Bologna, a Protestant and immediate next door neighbor. According to Mr. Kirk, there are several compelling reasons to place the addition on this side. First, expansion towards the rear of the property is impossible because of the topography of the land and the placement of the septic system. Placement of the addition to the opposite (east) side of the house is not possible for several reasons. Specifically, construction there would destroy the symmetry of the house. Also, the west side contains an attached garage, around which an addition cannot be built.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of February, 1987, by the County Board of Appeals, ORDERED that the Petition for Variance by the Petitioner, Harvey A. Kirk, for relief from Section 1A 04.3.B.3 of the BCZR, be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman
Harry E. Buchmeister, Jr.
Harry E. Buchmeister, Jr.
William T. Hackett
William T. Hackett

Harvey A. Kirk, et ux
Case No. 86-238-A

Echoing Mr. Kirk's conclusions was Robert Goldman, a registered architect retained by the Petitioner. He was more specific in his opinion that the addition could only be placed where proposed. After studying the property, the witness concluded that expansion to the rear was impossible not only because of the septic system and topography of the lot, but also that such expansion would disrupt the light, ventilation, and architectural character of the house. Additionally, expansion to the opposite (east) side was not possible for not only the reasons set forth by Mr. Kirk but that access to any expansion would, by virtue of the physical layout of the house, need go through the master bedroom.

In further support of the petition, the testimony of Lawrence W. Marino, a home improvement contractor, was offered. Mr. Marino essentially repeated those arguments offered by the Petitioner and Mr. Goldman.

In opposition to the variance, the Protestants offered the testimony of Richard T. Burns, an architect and land planner. Mr. Burns disputed the conclusions made by the Petitioner and his witnesses. Instead, Mr. Burns produced several alternatives to the petitioned addition which he suggested were practical. These alternatives suggested expansion towards the east property line and off the garage. Additionally, Mr. Burns noted that the addition as proposed by the Petitioner would cause a significant and adverse visual impact of the view from the Bologna property.

Also testifying against the proposal was Mr. Bologna himself. He complained that granting of the proposed variance would compromise his privacy and create a substantial visual impact from his land.

Also heard from by the Board, were other community residents. Although their testimony speaks for itself on the record, generally it can be

Harvey A. Kirk, et ux
Case No. 86-238-A

summed that most opposed the petition. Additionally, those who favored the petition or at least did not object to it, lived some distance away.

Much of both the testimony heard and argument offered in this case dealt with the alternative expansion offered by Mr. Burns. The Protestants argued that his plans were feasible and workable. The Petitioner argued that they were illconceived, incomplete and impractical. After evaluating all of the evidence, we conclude that the alternative, although may be not the most desirable approach, is practical.

This conclusion having been reached, we must then turn to the requirements for the granting of the variance as prescribed by law. This Board has, of course, many times cited the "practical difficulty or unreasonable hardship" standard set forth in Section 307 of the BCZR. Additionally, this Board has often cited the standard used to measure practical difficulty as set forth in McClean vs. Soley, 220 MD 208 (1973) and Anderson vs. Chesapeake Beach 22 MD App. 28 (1973). That is,

- 1) Whether compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a practical purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) Whether a grant of the variance would do substantial injustice to both the applicant and his neighbors, or whether a lesser relaxation than applied for would give substantial relief;
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

In applying these standards to the issue presented in this case we must conclude that the variance cannot be granted. It is clear that the Petitioner has not met his burden that the denial of his petition would result

Harvey A. Kirk, et ux
Case No. 86-238-A

in practical difficulty. Although possibly less desirable, expansion to the house is possible so as not to violate the setback requirements. That is, expansion to the east is a legitimate alternative.

In Carney v City of Baltimore, 201 MD 130, 93 A 2d 74 (1972) the Court of Appeals, citing an earlier case, related "the need to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible . . ." (emphasis added) page 137. Under this reasoning, this Board must preserve the integrity of the setback ordinance and will therefore order that this petition for variance be denied.

EXISTING RESIDENCE

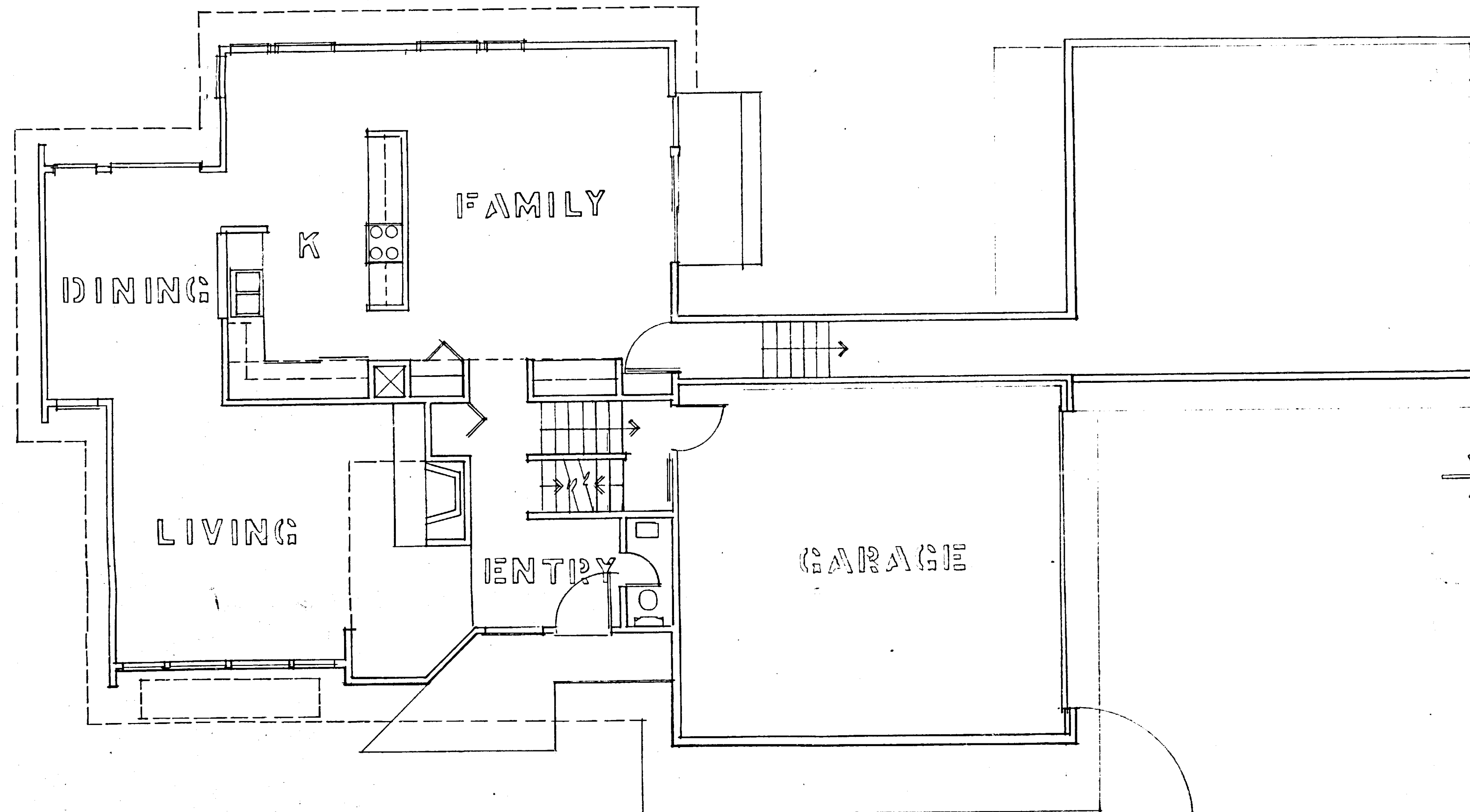
NEW ADDITION

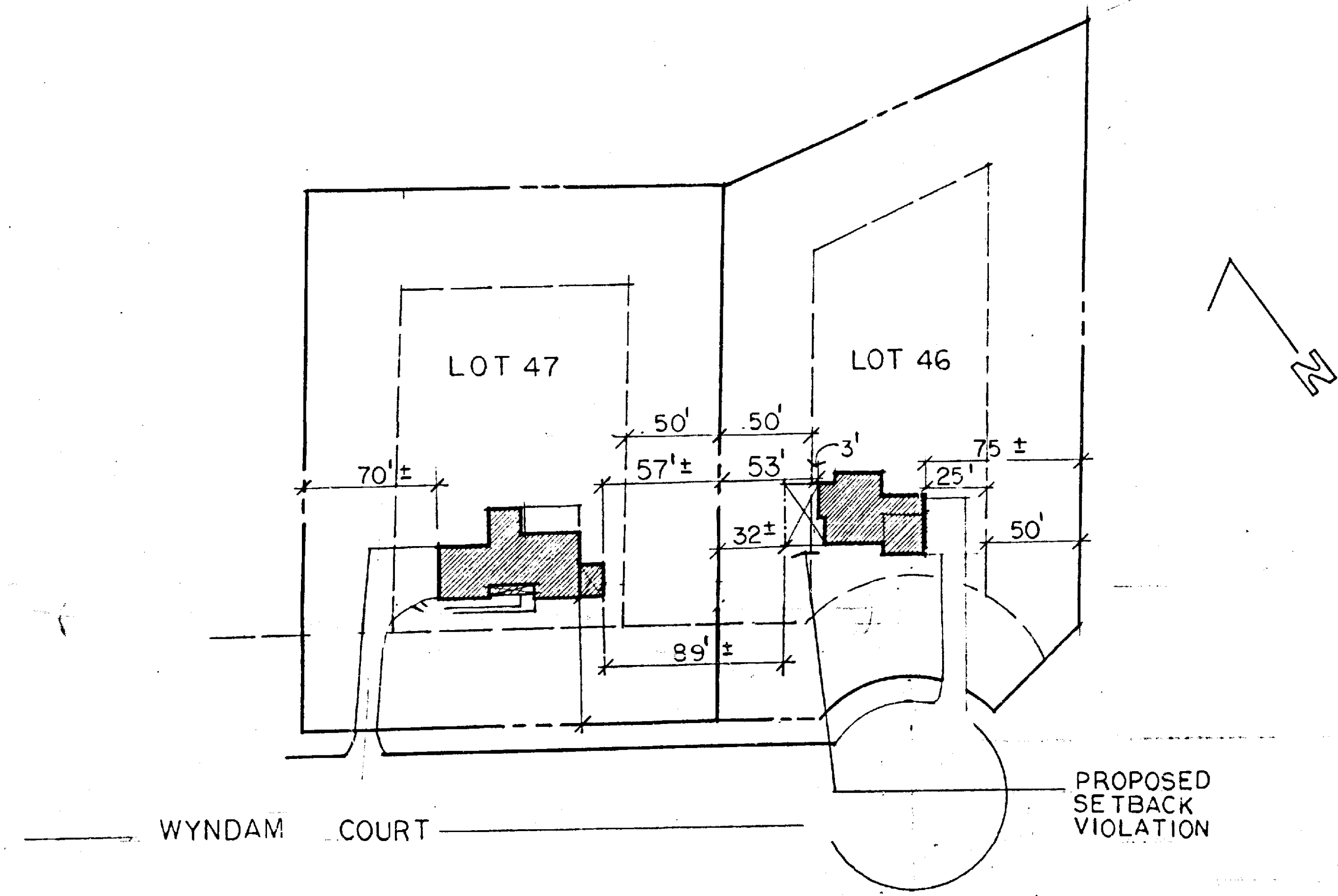
BEDROOMS
AND BATH AREA

BEDROOM
AND BATH

← FIFTY FOOT
← SETBACK LINE

Plot
2(c)





Prat exch 5



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

September 5, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-238-A HARVEY A. KIRK, ET UX
N/s Wyndham Ct., 675' E of Treadwell Ct. (11 Wyndham Ct.)
8th District
Variance-Side yd. setback of 32' in lieu of 50' and amend Lot #46 to permit a dwelling outside of the permitted building area.
12/26/85 - D.Z.C. Granted w/restrictions

ASSIGNED FOR:

cc: Mr. and Mrs. Harvey Kirk Petitioners
S. Eric DiNenna, Esq. Counsel for Petitioners
Michael Marino, Esq. Counsel for Protestants
Ms. Charlotte Douglas
Robert Goldman/Chesapeake Design Architect
Dr. Maria Holliday
Thomas J. Bollinger, Esq. Office of Law Planning
James Hoswell
Arnold Jablon Zoning
Jean Jung
James Dyer

June Holmen, Secy.

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204
June 13, 1986

NOTICE OF POSTPONEMENT and REASSIGNMENT

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

CASE NO. 86-238-A HARVEY A. KIRK, ET UX
FOR VARIANCE - SIDE YARD SETBACK AND TO AMEND LOT #46 TO PERMIT A DWELLING OUTSIDE OF PERMITTED BUILDING AREA
N/S WYNDHAM CT., 675' E. OF TREADWELL COURT
8th DISTRICT
12/26/85 - D.Z.C. GRANTED W/RESTRICTIONS

Scheduled for hearing on Thursday, July 24, 1986, at 10 a.m. has been POSTPONED at the request of counsel for the Petitioners and has been

REASSIGNED FOR: THURSDAY, JULY 10, 1986, at 10 a.m.

cc: S. Eric DiNenna, Esq. Counsel for Petitioners
Mr. and Mrs. Harvey Kirk Petitioners
Michael Marino, Esq. Counsel for Protestants
Charlotte Douglas Hillfarm Community Assn.
Robert Goldman Architect
Phyllis C. Friedman People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

June Holmen, Secretary

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of March 1987, a copy of the foregoing Motion to Dismiss Appeal and Order of Court was mailed, postage prepaid, to Michael Marino, Esquire, 10 E. Baltimore Street, Suite 1212, Baltimore, Maryland 21202; Board of Appeals for Baltimore County, Court House, Towson, Maryland 21204; Phyllis Friedman, Attorney At Law, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204

S. ERIC DINENNA

-2-



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

June 30, 1986

NOTICE OF POSTPONEMENT

CASE NO. 86-238-A HARVEY A. KIRK, ET UX
N/S WYNDHAM COURT 675' E. OF TREADWELL COURT
8th DISTRICT

Scheduled for hearing on Thursday, July 10, 1986 at 10 a.m. has been POSTPONED at the request of counsel for the Petitioner (witness not available). The case will be rescheduled at a later date.

cc: S. Eric DiNenna, Esquire
Mr. and Mrs. Harvey Kirk
Michael Marino, Esquire
Charlotte Douglas
Robert Goldman
Phyllis C. Friedman out
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Dr. Maria Holliday

Edith T. Eisenhart, Adm. Secretary

COPY

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

March 25, 1987

Clerk
Circuit Court for Baltimore County
County Courts Building
P.O. Box 5754
Towson, Maryland 21204

RE: Case No.: 87 CG 996
My Client: Harvey Kirk
My File No.: 85-80

Dear Mr. Clerk:

Enclosed herewith for filing please find Motion to Dismiss Appeal and an original and three (3) copies of an Order.
After the Court has signed the Order, please send back three (3) "True Test" copies.

Very truly yours,
S. ERIC DINENNA

SED:kar

Enclosures

cc: Michael Marino, Esquire
Board of Appeals for Baltimore County
Phyllis C. Friedman, Attorney At Law
Mr. Harvey Kirk



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

March 7, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-238-A HARVEY A. KIRK, ET UX
N/s Wyndham Ct., 675' E of Treadwell Court
8th District
Var.-Setback and amend Lot #46 to permit a dwelling outside of the permitted building area.
12/26/85 - DZC's Order-Granted

ASSIGNED FOR:

cc: Mr. and Mrs. Harvey Kirk Petitioners
S. Eric DiNenna, Esq. Attorney for Petitioners
Michael Marino, Esq. Attorney for Protestants
Charlotte Douglas
Robert Goldman Architect
Phyllis C. Friedman People's Counsel
Norman Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secy.

IN THE MATTER OF * CIRCUIT COURT
THE APPLICATION OF * OF MARYLAND
HARVEY A. KIRK, ET UX *
FOR VARIANCE ON PROPERTY *
LOCATED ON THE NORTH SIDE *
OF WYNDHAM CT., 675' EAST OF *
TREADWELL CT. (11 WYNDHAM CT.) * BALTIMORE COUNTY
8th DISTRICT *

No. 86-238-A Case No.: 87 CG 996

MOTION TO DISMISS APPEAL

Nc. Comes Harvey Kirk, et ux, by S. Eric DiNenna and DiNenna, Mann & Broschi, their attorneys, in support of this Petition, says:

1. That they no longer wish to pursue an appeal from the County Board of Appeals' decision filed with this Honorable Court on March 20, 1987.

WHEREFORE, your Movant prays that this Court pass an Order dismissing this Appeal without prejudice.

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
409 Washington Avenue
Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorneys for Petitioners-Appellants

Case No. 86-238-A HARVEY A. KIRK, ET UX
N/s Wyndham Ct., 675' E of Treadwell Ct. (11 Wyndham Ct.)
VAR -from Sec. 1A04.3.B.3 for side yard setback of 32' in lieu of 50' and amend Lot #46 to permit a dwelling outside of the permitted building area.
8th Election District

11/05/85 Petition filed -for variance from Section 1A04.3.B.3 to permit a side yard setback of 32' instead of the required 50' and to amend lot #46 Plat V, 1st amended partial development plan of Hill Farm, Book 47 Folio 136, to permit a dwelling outside of the permitted building area.
12/26/85 D.Z.C. (Jung) Order: That the Petition for Variance is GRANTED, subject to restrictions.
1/24/86 Order for Appeal to CBA from Michael E. Marino, Esq., on behalf of Thomas A. Bologna, et us, Protestants
1/29/86 Order for Appeal to CBA from S. Eric DiNenna, Esq., on behalf of Petitioners.
11/19/86 Hearing held before the Board.
2/18/87 Board DENIED setback variance; reversed D.Z.C.
2/19/87 Amended Order of the Board stating that the garage is actually located on the east side of the structure.
3/20/87 Order for Appeal filed in the Circuit Ct for Balto Co by S. Eric DiNenna, Esq., on behalf of Petitioners/Appellants
3/26/87 Motion to Dismiss Appeal filed by S. Eric DiNenna, Esq. on behalf of Petitioners/Appellants in CCT
4/15/87 Order of DISMISSAL by Judge Joseph F. Murphy, Jr., Baltimore County Circuit Court.

10-21-87 32 JUN 1987

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 37 PAGE 16 CASE NO. 87CG996 CATEGORY: APPEAL

ATTORNEYS

DiNenna, Mann & Breschi
S. Eric DiNenna
409 Washington Ave. (04)
296-6820

IN THE MATTER OF
THE APPLICATION OF
HARVEY A. KIRK, ET UX
FOR VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE
OF WYNDHAM CT., 675' EAST OF
TREADWELL CT. (11 WYNDHAM CT.)
8TH DISTRICT

No. 86-238-A

(1) March 20, 1987 - Order for Appeal from the Decision
and Order of the Board of Appeals of Baltimore County fd.

(2) March 23, 1987 - Certificate of Notice fd.

(3) Mar. 26, 1987 - Petitioner's Motion to Dismiss Appeal fd.

(4) April 15, 1987 - Order of Court that the aforesaid Appeal be
dismissed without prejudice, upon payment of all open costs fd.

CV GEN COSTS 87996 #
CV CLK 70.00
B 5.00
F 2.00
CN CHECK TL 77.00
NOV573 C001 R02 T15154
03/23/87

RECEIVED
COUNTY BOARD OF APPEALS
1987 APR 21 P 2 20

Case No. 86-238-A
Item No. 124
Date: January 24, 1986

N/S of Wyndham Court, 675' E of
Treadwell Court (11 Wyndham Court)
8th Election District
Harvey A. Kirk, et ux, Petitioners

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting (1 Sign)
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance
9. Copy of Order - Zoning/Deputy Zoning Commissioner
10. Copy of Plat of Property (Petitioner's Exhibit 1)
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits to
17. Petitioners' Exhibits 1 to 3
18. Letter of Appeal

Mr. & Mrs. Harvey A. Kirk
11 Wyndham Court
Lutherville, MD 21093

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, MD 21204

Michael Marino, Esquire
10 E. Baltimore Street
Suite 1212
Baltimore, MD 21202

Ms. Charlotte Douglas
Hillfarm Community Association
27 Treadwell Court
Timonium, MD 21093

Phyllis C. Friedman, Esquire
Norman E. Gerber
James Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Petitioners
Attorney for Petitioners
Attorney for Protestants
People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

IN RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District

HARVEY A. KIRK, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No.: 86-238-A

ORDER FOR APPEAL

Please enter an appeal on behalf of the petitioners, HARVEY A. and P. JAY
KIRK from the decision of the Deputy Zoning Commissioner dated December 26, 1985,
wherein the request for a variance from the required fifty feet (50') to a setback of
thirty feet (30') was denied.

IM 27 11 14

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820
Attorney for Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of January, 1986, a copy of
the foregoing Order for Appeal was mailed, postage prepaid, to Michael E. Marino,
Esquire, Suite 1212, Ten E. Baltimore Street, Baltimore, Maryland 21202, attorney
for Protestants.

RECEIVED
COUNTY BOARD OF APPEALS
1986 JAN 29 P 11 30 E

IN RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District

HARVEY A. KIRK, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 86-238-A

ORDER FOR APPEAL

THOMAS A. BOLOGNA and KATHY BOLOGNA, Protestants, order an
appeal from the final judgment entered in this action on
December 26, 1985.

IM 27 11 14

Michael E. Marino, Esquire
Suite 1212
Ten E. Baltimore Street
Baltimore, Maryland 21202
(301) 685-4400
Attorney for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of January, 1986, a
copy of the foregoing Order of Appeal was mailed, postage
prepaid, to S. Eric DiNenna, Esquire, 406 West Pennsylvania
Avenue, Towson, Maryland 21204, attorney for Petitioners.

Michael E. Marino, Esquire

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: Feb 5, 1986

Posted for: Appeal

Petitioner: Harvey A. Kirk, et ux

Location of property: N/S of Wyndham Ct. 675' E of Treadwell Court

Location of Sign: In front of #11 Wyndham Court

Remarks: M. E. Marino

Posted by: M. E. Marino Date of return: Feb 7, 1986

Number of Signs: 1

IN RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District

Harvey A. Kirk, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 86-238-A

ORDER FOR APPEAL

THOMAS A. BOLOGNA and KATHY BOLOGNA, Protestants, order an
appeal from the final judgment entered in this action on
December 26, 1985.

IM 27 11 14

Michael E. Marino, Esquire
Suite 1212
Ten E. Baltimore Street
Baltimore, Maryland 21202
(301) 685-4400
Attorney for Protestants

CERTIFICATE OF MAILING

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copy of the foregoing Order of Appeal was mailed, postage
prepaid, to S. Eric DiNenna, Esquire, 406 West Pennsylvania
Avenue, Towson, Maryland 21204, attorney for Petitioners.

Michael E. Marino, Esquire

LAW OFFICES
HALL & FRONK, P. A.
SUITE 1212
TEN EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 685-4400

SUITE 120
2324 WEST JOPPA ROAD
LUTHERVILLE, MARYLAND 21093
(301) 321-6090

June 9, 1986

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
406 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 86-238-A
Harvey A. Kirk, et ux.

Dear Eric:

I am informed that Tom Bologna will be out of the country
from June 30, 1986 through July 7, 1986. I enclose a copy of a
request for postponement in the above-captioned matter which I
have forwarded to the County Board of Appeals.

Very truly yours,
Michael E. Marino

MEM:jlk
1816J
Enclosure

RECEIVED
COUNTY BOARD OF APPEALS
1986 JUN 19 A 11 36

IN RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District

HARVEY A. KIRK, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No.: 86-238-A

ORDER FOR APPEAL

Please enter an appeal on behalf of the petitioners, HARVEY A. and P. JAY
KIRK from the decision of the Deputy Zoning Commissioner dated December 26, 1985,
wherein the request for a variance from the required fifty feet (50') to a setback of
thirty feet (30') was denied.

IM 27 11 14

S. ERIC DINENNA
DINENNA, MANN & BRESCHI
406 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 296-6820
Attorney for Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of January, 1986, a copy of
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Esquire, Suite 1212, Ten E. Baltimore Street, Baltimore, Maryland 21202, attorney
for Protestants.

RECEIVED
COUNTY BOARD OF APPEALS
1986 JUN 19 A 11 36

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

No. 018408

DATE: 1-24-86 ACCOUNT: R-01-615-000

AMOUNT: \$ 80.00

RECEIVED FROM: S. Eric DiNenna, P.A., Esquire for Harvey A. and P. Jay Kirk

APPEAL FEE FOR CASE NO. 86-238-A

VALIDATION OR SIGNATURE OF CARRIER

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

No. 01619

DATE: 1/29/86 ACCOUNT: R-01-615-000

AMOUNT: \$ 80.00

RECEIVED FROM: S. Eric DiNenna, P.A., Esquire for Harvey A. and P. Jay Kirk

APPEAL FEE FOR CASE NO. 86-238-A

VALIDATION OR SIGNATURE OF CARRIER

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

No. 012316

DATE: 2/27/85 ACCOUNT: 01-615-000

AMOUNT: \$ 350.00

RECEIVED FROM: Chesapeake Design Group

FOR: Veterans + Realtors #124

VALIDATION OR SIGNATURE OF CARRIER

November 8, 1985

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variance
N/S Wyndham Court, 675' E/Treadwell Ct.
(11 Wyndham Ct.)
8th Election District
Harvey A. Kirk, et ux - Petitioners
Case No. 85-238-A

TIME: 9:30 a.m.

DATE: Tuesday, December 10, 1985

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

[Signature]
Zoning Commissioner
of Baltimore County

cc: Robert Goldman
Chesapeake Design Group
806 North Calvert Street
Baltimore, Maryland 21202

IN RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District
Harvey A. Kirk, et ux,
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-238-A

The Petitioners herein request a side yard setback of 32 feet in lieu of the required 50 feet and to amend Lot No. 46, Plat V, first amended partial development plan of Hill Farm Book 47 Folio 136, to permit a dwelling outside of the permitted building area.

The Petitioner testified that the existing residence, which he purchased several years ago, is a three bedroom contemporary house on several levels. At the time of purchase he had no intention of adding to the house, but now, in addition to a son and daughter from a previous marriage, he and his wife expect a child in the spring and may have additional children. He proposes to extend the hall on the top level of the house to add two bedrooms and a bath (Petitioner's Exhibit 3b) so that all of the children will have bedrooms in the same area of the house. The lower level of the addition will be utilized as a family room. The location of the proposed addition is indicated on the plan prepared by The Chesapeake Design Group, Inc. and marked Petitioner's Exhibit 1. The site is the lowest lot developed on the cul de sac. There is a berm between the house and the street, a swale between the house and the western property line, and the property slopes steeply away from the street. To the rear of the house is the septic and drainage areas. The Petitioner does not anticipate removing any of the trees to the west and is willing to add additional plantings in that area. The architect for the Petitioner testified that he considered the aesthetics of the existing house and community, the internal flow of the house, and his client's program of needs: children's bedrooms to communicate with bedrooms.

rooms." He first attempted to renovate the existing house but could not provide adjacent bedrooms. An addition to the east would be more visible to the community, would be complex and infeasible, would probably require a variance, and would not put the children's bedrooms together. Likewise, converting the existing garage to bedrooms would separate the children's bedrooms. Professionally, he could not recommend an addition to the rear because of the possibility of foundation problems from the wet nature of the soil. In addition, the septic field is in the rear and a rear addition would block windows, a code violation. The proposed addition could have a sheer wall with no windows facing the adjacent neighbor and would not interfere with the swale and existing trees. The program could be accomplished with a 34 or 35 foot setback.

A number of persons appeared and spoke in protest. A member of the Board of the Hillfarm Community Association testified that 26 out of 43 members of the Association responded to a survey, with 23 or 24 signifying opposition to the granting of variances in the community. The instant Petition for Variance was not referenced in the survey. On the Board, four members out of seven voted to oppose the instant Petition without having seen the Petition and accompanying plan. The Board representative testified that the Association opposed the variance request because the members did not want a similar variance granted next door to them. As an individual, the same woman said she opposed the variance because she was afraid any granting of such a variance would set a precedent in the area, a sentiment repeated by several other protestants.

A neighbor and registered architect testified that there were inaccuracies in the plan marked Petitioner's Exhibit 1 and that there was more available space on the eastern side of the house as indicated on the drawing marked Protestants' Exhibit 1. In his opinion, the Petitioner has reasonable alternatives available to him and the requested variances, if granted, would violate the

spirit and intent of the Baltimore County Zoning Regulations as to setbacks and be a violation of privacy. The adjacent neighbor testified about the difficulties and decisions as to the placement of his own home to meet setback requirements, the developer's restrictions, that other alternatives are available, and that living on the deck and porch located on the eastern side of his house would be restricted by the addition. Protesters also referred to possible loss of trees, "playing by the rules," and possible detriment to their financial welfare if the variances were granted.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of part of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 26th day of December, 1985, that the herein Petition for Variance to permit a side yard setback of 35 feet in lieu of the required 50 feet and to amend Lot No. 46, Plat V, first amended partial development plan of Hill Farm Book 47 Folio 136, to permit a dwelling outside of the permitted building area, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The western wall of the addition shall be windowless on the second floor.
2. No trees shall be removed except for disease or safety between the house and the property line and home to the west. Additional landscaping, a minimum of 20 evergreens anticipated to reach a height of six feet within three years, shall be planted between the addition and the adjacent residence to the west.

- 3 -

3. Any heat pumps and other mechanicals shall be a minimum of 50 feet from the western property line.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

JMHJ:bg

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

ARNOLD JADON
ZONING COMMISSIONER

December 26, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S of Wyndham Court, 675'
E of Treadwell Court
(11 Wyndham Court) -
8th Election District
Harvey A. Kirk, et ux,
Petitioners
Case No. 86-238-A

Dear Mr. DiNenna:

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

Very truly yours,

[Signature]
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Michael Marino, Esquire
10 E. Baltimore Street
Suite 1212
Baltimore, Maryland 21202

Ms. Charlotte Douglas
Hillfarm Community Association
27 Treadwell Court
Towson, Md. 21093

Zoning Description:

Beginning on north side of Wyndham Court, 50' wide at a distance of 675 feet east of the center line of Treadwell Court. Being lot 46, Plat V in the Subdivision "The Hill Farm." Book 47 folio 136. Also known as 11 Wyndham Court in the 8th Election District.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S Wyndham Ct., 675' :
E of Treadwell Ct. : OF BALTIMORE COUNTY
(11 Wyndham Ct.), 8th Dist.
HARVEY A. KIRK, Petitioner : Case No. 86-238-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.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 19th day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Harvey A. Kirk, 11 Wyndham Ct., Lutherville, MD 21093; and Mr. Robert Goldman, Chesapeake Design Group, 806 North Calvert St., Baltimore, MD 21202.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

124

1:50'	8-30-82	JOB. NO. E-102
-------	---------	-------------------

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner
 FROM: Norman E. Gerber, AICP, Director
 Office of Planning and Zoning
 SUBJECT: Zoning Petitions No. 86-238-X, 86-239-A, 86-240-A, 86-241-A, and 86-244-A

Date: November 21, 1985

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

Norman E. Gerber, AICP, Director

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 20, 1985

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

000

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

S. Eric DiNenna, Esquire
 406 West Pennsylvania Avenue
 Towson, Maryland 21204

RE: Item No. 124 - Case No. 86-238-A
 Petitioners - Harvey A. Kirk, et ux
 Variance Petition

Dear Mr. DiNenna:

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. Dyer
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Mr. Robert Goldman
 Chesapeake Design Group
 806 North Calvert Street
 Baltimore, Maryland 21202

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2566
 494-4500

PAUL H. REINCKE
 CHIEF

October 14, 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: Harvey A. Kirk, et ux

Location: NE/S Wyndham Court, 675' SE Treadwell Court

Item No.: 124 Zoning Agenda: Meeting of October 8, 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.

() 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: *John F. O'Hara* Noted and Approved: _____
 Planning Group Fire Prevention Bureau
 Special Inspection Division

/mb

9 Tremblant Court
 Lutherville, Maryland 21093
 December 9, 1985

Zoning Commissioner's Office
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Gentlemen:

Please accept this letter as authorization for Charlotte Douglas to speak as a representative of The Hill Farm Community Association. She is a member of the Board of Directors who has been asked to present the views of The Hill Farm Community Association in regard to the variance being requested by Mr. and Mrs. Harvey Kirk.

Very truly yours,

John F. O'Hara
 John F. O'Hara
 President, The Hill Farm
 Community Association

JJK/lah

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner's Office
 FROM: Kathi Weidenhamer, County Board of Appeals
 SUBJECT: Case No. 86-238-A
 Harvey A. Kirk, et ux

Date: October 29, 1985

Since the appeal taken to the Circuit Court regarding the subject case was dismissed on April 15, 1987 and no further action has been taken, we are closing the file and returning the attached case file to your office.

Attachment

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-4500

NORMAN E. GERBER
 DIRECTOR

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

November 15, 1985

RE: Zoning Advisory Meeting of OCTOBER 8, 1985
 Item # 124
 Property Owner: HARVEY A. KIRK, et ux
 Location: NE/S WYNDHAM CT. 675'SE TREADWELL CT.

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.
- () 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 on _____.
- () LANDSCAPING must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 175-79. 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 175-79, and as conditions change traffic capacity may become more limited. The State Services Areas are re-evaluated annually by the County Council.

(X) Additional comments:
 A COPY OF THE FINAL DEVELOPMENT PLAN WITH THE AMENDMENT ADDED SHOULD BE SUBMITTED.

cc: James Howell

Eugene A. Boker
 Chief, Current Planning and Development

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

November 22, 1985

TED ZALESKI, JR.
 DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 124, Zoning Advisory Committee Meeting are as follows:

Property Owner: Harvey A. Kirk, et ux
 Location: NE/S Wyndham Court, 675' SE Treadwell Court
 District: 8th.

APPLICABLE TYPES ARE CHECKED:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.B.S.I. #17-1 - 1980) and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction.

() Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

D. 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.

E. All Use Groups except B-4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups 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 101, Section 1101, Section 1102 and Table 1101. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. 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 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. 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. Maryland Architectural or Engineer seals are usually required. The change of Use Group are from Use _____ to the _____ or to Mixed Use. See Section 212 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

K. 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 127 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

Charles S. Boker
 Building Permit Service

L/22/85

DINENNA, MANN & BRESCHI
 ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
 JAMES L. MANN, JR., P.A.
 GEORGE A. BRESCHI, P.A.
 ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
 TOWSON, MARYLAND 21204
 (301) 296-6820

June 25, 1986

Mr. William Hackett
 Chairman
 County Board of Appeals
 Room 200
 Court House
 Towson, Maryland 21204

RE: Case No.: 86-238-A
 Harvey A. Kirk, et ux, Petitioners

Dear Mr. Chairman:

This is to confirm my conversation with your secretary wherein I have requested a change in the date of the hearing from July 10, 1986 to July 23, 1986, because my expert would not be available on July 10.

I have attempted to reach Mr. Michael Marino, counsel for the Appellant/Protestant, to confirm this date but have been unable to reach him after leaving several messages.

Accordingly, I, on behalf of my client, expect this matter to be tried on July 23, 1986, with no further delays. This matter has been postponed and pushed around as a result of conflicts of everyone's schedule but my client is insisting that this matter be tried as soon as possible so that he can make the appropriate plans.

I do respect the Board's scheduling and its position but must request that this matter be tried on July 23 at 10:00 a.m.

Thank you for your cooperation.

Very truly yours,

S. Eric Dinenna
 S. ERIC DINENNA

SED:kar

cc: Harvey A. Kirk, Esquire
 Michael Marino, Esquire

RECEIVED APPEALS
 COUNTY BOARD OF APPEALS
 JUL 26 AM 2:56

LAW OFFICES
HALL & FRONK, P. A.
SUITE 1212
TEN EAST BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 685-4400

SUITE 120
2324 WEST JOPPA ROAD
LUTHERVILLE, MARYLAND 21093
(301) 321-8090

June 9, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William T. Hackett
County Board of Appeals
Room 200
Courthouse
Towson, Maryland 21204

Re: Case No. 86-238-A
Harvey A. Kirk, et ux.
N/s Wyndham Court, 675' E of Treadwell Court

Dear Mr. Hackett:

Please be advised that I represent the Appellant in the above-captioned matter, Thomas and Kathy Bologna. A hearing has been scheduled for the County Board of Appeals for July 2, 1986 at 10:00 a.m. Mr. Bologna has been directed by his employer, Becton-Dickinson, to be out of the country on company business during the week of June 30, 1986 and extending through July 7, 1986.

Under the circumstances, please accept this letter as a request for postponement of the above-captioned matter, in accordance with the rules of procedure of the County Board of Appeals of Baltimore County.

I also enclose a photocopy of my transmittal letter to Eric DiNenna.

Very truly yours,

Michael E. Marino

MEM:jlh
1816J

Enclosure

RECEIVED
COUNTY BOARD OF APPEALS
JUN 10 11:36

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-6820

November 1, 1985

Arnold Jablon
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Item #124
Petitioner Harvey Kirk, et ux
11 Wyndam Court

Dear Mr. Commissioner:

Please enter my appearance on behalf of the Petitioners concerning the above-captioned matter.

Prior to setting this matter for hearing, would you be so kind as to have your office contact me so that a date may be set that would not conflict with my Master's schedule.

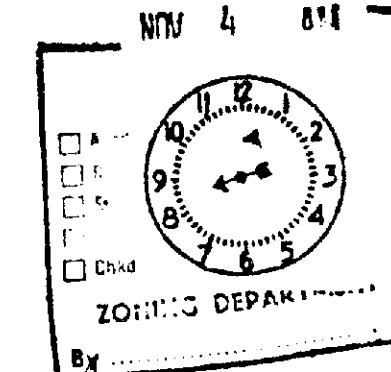
Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:bk

cc: Harvey Kirk, Esquire



THOMAS A. BOLOGNA
KATHY M. BOLOGNA
9 Wyndam Court
Timonium, Maryland 21093
(301) 252-3572

November 21, 1985

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

Re: Petition for Zoning Variance
Zoning Case No. 86 - 238-A
Petitioner - Harvey A. Kirk, and
R. Joy Kirk
Property - 11 Wyndam Court

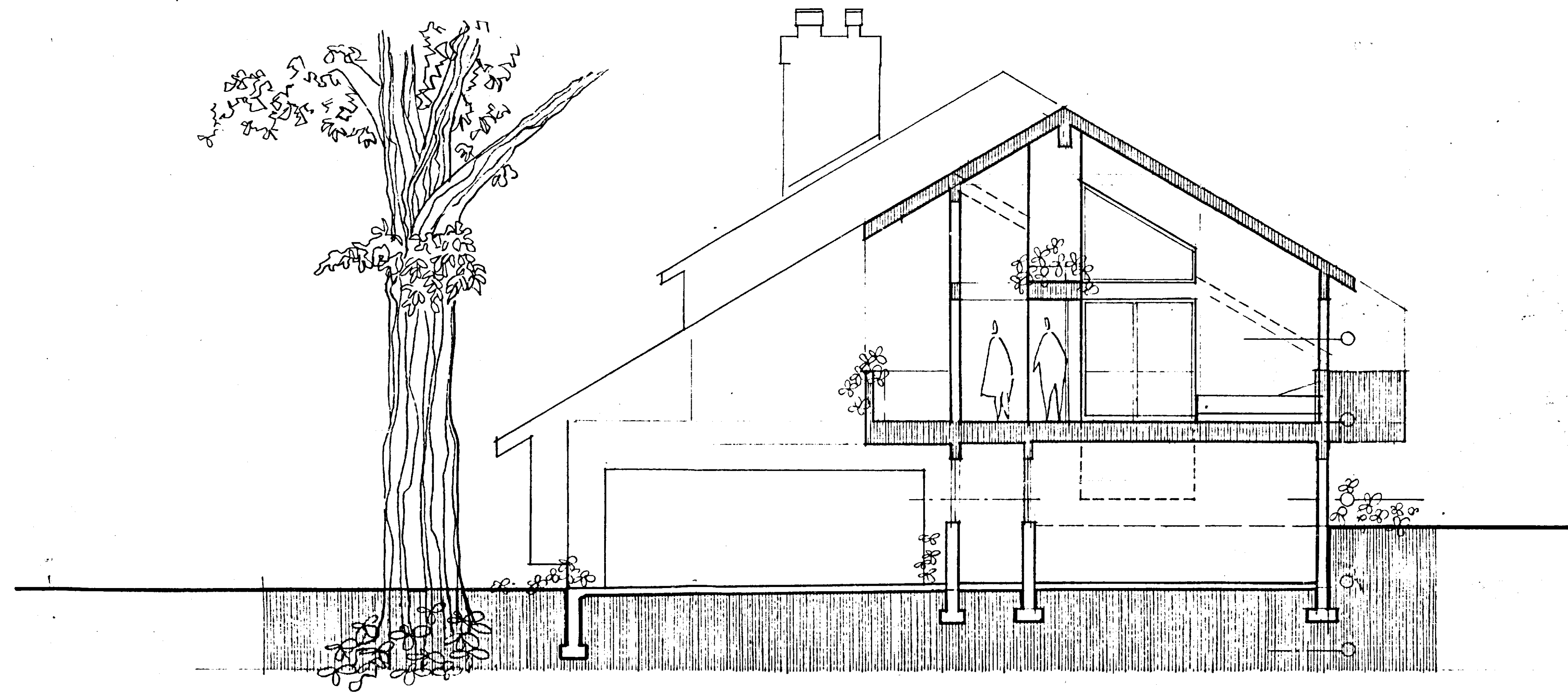
Dear Mr. Jablon:

This letter will serve as request for a stay of the issuance of any building permit with respect to the above captioned property. The undersigned persons are the owners of 9 Wyndam Court and intend to oppose the zoning variance applied for, in that it, if granted, will impair the value of our property, not be in strict harmony with the spirit and intent of the area, negatively impact the aesthetic ambience of the neighborhood, and is not necessary to accomplish the new construction with which the petitioner contemplates.

Respectfully submitted,

By: Thomas A. Bologna
Thomas A. Bologna

By: Kathy M. Bologna
Kathy M. Bologna



SECTION
SCALE 1/4" = 1'-0"

Protestants
NO
2 (A1)

