

IN THE MATTER OF
THE APPLICATION OF
RICHARD T. LONSDALE, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
GOTHARD ROAD, 150' EAST OF
PINNTER ROAD
(102 GOTHARD ROAD)
8TH ELECTION DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 86-383-A

ORDER OF DISMISSAL

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 16, 1986.

WHEREAS, by letter dated April 16, 1992, the Board of Appeals notified the parties of record in the above-entitled matter that the appeal would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board has not received a reply from its letter of April 16, 1992, within 30 days as requested;

THEREFORE, the Board will, on its own Motion, dismiss the within appeal.

IT IS HEREBY ORDERED this 19th day of June, 1992 by the County Board of Appeals of Baltimore County that the above-referenced appeal in Case No. 86-383-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 19, 1992

J. Shawn Alcares, Esquire
25 South Street
Baltimore, MD 21202

RE: Case No. 86-383-A
Richard T. Lonsdale, et ux

Dear Mr. Alcares:

Enclosed is a copy of the Order of Dismissal issued this date by the County Board of Appeals in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: York Manor Improvement Assn., Inc.
George A. Breschi, Esquire
Mr. & Mrs. Richard T. Lonsdale
Ms. Virginia Probasco
Mr. Stoney E. Fraley
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
W. Carl Richards
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S of Gothard Road, 150' * BOARD OF APPEALS
E of Pinner Road * OF
(102 Gothard Road) * BALTIMORE COUNTY
8th Election District * Case No.: 86-383-A
Richard T. Lonsdale, et ux, *
Petitioners *

ENTRY OF APPEARANCE

MADAM CLERK:

Please enter my appearance on behalf of the Petitioners Richard T. Lonsdale, et ux, in the above-captioned matter.

S. Eric Dinenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
Suite 600
409 Washington Avenue
Towson, Maryland 21204
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of December, 1986, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, to J. Shawn Alcares, Esquire, 25 South Street, Baltimore, Maryland 21202, Attorney for Appellants, and to People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

S. Eric Dinenna
S. ERIC DINENNA

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S of Gothard Road, 150' * DEPUTY ZONING COMMISSIONER
E of Pinner Road * OF BALTIMORE COUNTY
(102 Gothard Road) * Case No. 86-383-A
8th Election District *
Richard T. Lonsdale, et ux, *
Petitioners *

The Petitioners herein request a variance to permit a satellite dish on the roof in lieu of the required rear yard.

Testimony by and on behalf of the Petitioners indicated that they had originally requested that a satellite dish company place a dish in their rear yard. The company responded that it was impossible to get reception from a ground location because of existing trees; the only alternatives were installation on the roof or a 30 to 40-foot pole. The company, without benefit of permit, installed a 9 3/4-foot dish on the rear portion of the roof. One of the Petitioners, Richard Lonsdale, is in ill health having suffered from serious heart problems and a stroke; satellite television is most important in his life.

Individuals from the neighborhood and York Manor Improvement Association were represented by Counsel and spoke in protest. The existing dish causes a negative visible impact on the community. It is dissimilar and out of character with the neighborhood. Covenants require that matters such as this be brought to the Association Board for approval prior to installation or construction.

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

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 (except as noted in Section 300) to permit a satellite dish on the roof instead of the required rear yard

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

- 1) Mr. Richard T. Lonsdale, legal owner, had suffered a major stroke at Johns Hopkins Hospital while undergoing heart surgery. Patient has limited use of left leg and less use of left arm. Uses wheelchair since 11-1-85
- 2) This satellite dish would provide singular means of communication with outside world.
- 3) The roof of the house was indicated as the only adequate site for the dish. The company maintains this position as a result of reviewing all other sites

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:	Legal Owner(s):
(Type or Print Name)	Mr. and Mrs. Richard T. Lonsdale
Signature	<i>Richard T. Lonsdale / Mrs. Richard T. Lonsdale</i>
Address	Mr. Lonsdale cannot sign his name
City and State	(Type or Print Name)
	Richard T. Lonsdale
Attorney for Petitioner:	Signature
(Type or Print Name)	102 Gothard Rd. 825-0739
Address	Address Phone No.
City and State	Lutherville, Md.
Signature	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State	Mrs. Richard T. Lonsdale
Attorney's Telephone No.:	Name
	102 Gothard Rd. Lutherville, Md 825-0739
	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 1986, 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 2nd day of April, 1986, at 10:15 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

County, this 16th day of May, 1986, that the herein Petition for Variance to permit a satellite dish on the roof in lieu of the required rear yard, in accordance with the plan submitted and filed herein, marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The satellite dish may remain in its present location or be placed on a pole in the rear yard. If placed on a pole, the location must meet all Baltimore County requirements for accessory structures except its total height may be as much as 38 feet from the ground level.
2. The satellite dish must be removed from the site within sixty (60) days from the date that Richard Lonsdale no longer resides in the dwelling.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

JSH:tg

PROPERTY DESCRIPTION

BEGINNING at a point on the north side of Gothard Road 150' East of Pinner Road and known as Lot 39, Block R, Plat Three, Section Two, of "York Manor" and recorded among the Land Records of Baltimore County in Plat Book 24, Folio 146.

ALSO KNOWN as 102 Gothard Road.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-383-A
Towson, Maryland

District: 8th Date of Posting: 7/1/86
Posted for: 48 days
Petitioner: Richard T. Lonsdale, et ux
Location of property: N/S Gothard Rd., E of Pinner Rd.
102 Gothard Rd.
Location of Signs: Front Gothard Rd., corner 12' from driveway, on property of Petitioner
Remarks:
Posted by: *[Signature]* Date of return: 7/1/86
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-383-A
Towson, Maryland

District: 8th Date of Posting: 7/1/86
Posted for: 48 days
Petitioner: Richard T. Lonsdale
Location of property: N/S Gothard Rd., E of Pinner Rd.
102 Gothard Rd.
Location of Signs: Front Gothard Rd., corner 12' from driveway, on property of Petitioner
Remarks:
Posted by: *[Signature]* Date of return: 7/1/86
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

PETITION FOR ZONING
VARIANCE
2nd Election District

TOWSON, MD., March 13, 1986

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 March 13, 1986.

THE JEFFERSONIAN,

Publisher
Cost of Advertising

24.75

LOCATION: North Side of Gothard Road, 100 feet East of Farmer Road (100 Gothard Road)
DATE AND TIME: Wednesday, April 2, 1986, at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Zoning Variance to permit a mobile dish on the roof in lieu of the required rear yard.
Being the property of Richard T. Lonsdale, et ux, as shown on the plan filed with the Zoning Office.
In the event that this Petitioner(s) 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
Mar. 13.

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

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 March 12, 1986.

TOWSON TIMES,

Publisher

34.00

LOCATION: North Side of Gothard Road, 100 feet East of Farmer Road (100 Gothard Road)
DATE AND TIME: Wednesday, April 2, 1986, at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Zoning Variance to permit a mobile dish on the roof in lieu of the required rear yard.
Being the property of Richard T. Lonsdale, et ux, as shown on the plan filed with the Zoning Office.
In the event that this Petitioner(s) 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
March 12

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 021767
DATE 6/30/86 ACCOUNT R-01-615-000
AMOUNT \$ 90.00
RECEIVED FROM J. Shawn Alcarese, Esquire
807 Wellington Rd., Balto., Md. 21212
FOR APPEAL & SIGN POSTING FEE re CASE NO. 86-383-A
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 7, 1986

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

Mr. and Mrs. Richard T. Lonsdale
102 Gothard Road
Lutherville, Maryland 21093

RE: Item No. 253 - Case No. 86-383-A
Richard T. Lonsdale, et ux - Petitioners
Variance Petition

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

Dear Mr. and Mrs. Lonsdale:

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:mr

Enclosures

cc: Jack Meyerhoff and Sons
Charles & Saratoga Streets
Baltimore, Maryland 21201

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. -ZAC- Meeting of January 14, 1986
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 250, 251, and 253.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 3, 1987

S. Eric DiNenna, Esquire
DINENNA, MANN & BRESCHI
Suite 600
409 Washington Avenue
Towson, MD 21204

RE: Case No. 86-383-A
Richard T. Lonsdale

Dear Mr. DiNenna:

The Board has received your request for postponement in Case No. 86-383-A, Petition of Richard T. Lonsdale, scheduled for March 12, 1987.

The Board's rules require that all parties be given at least 15 days notice of any postponement other than dire circumstances. The Board is well aware that similar cases as this one are now pending in Circuit Court and that legislation regarding satellite dishes is contemplated by the County Council. Since the 15-day rule cannot be complied with, and since the circumstances stated in your letter of February 27 do not constitute dire emergency, the Board will deny the requested postponement. The Board would also like to make all parties aware that we will receive all the testimony and evidence in this case but in all probability will not issue a written opinion or order pending the outcome of the Circuit Court cases and the proposed legislation.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:kcw

cc: John Ebersberger, Esquire
Patrick D. Hanley, Esquire
Mr. Richard Lonsdale
J. Shawn Alcarese, Esquire



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 16, 1992

George A. Breschi, Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

J. Shawn Alcarese, Esquire
25 South Street
Baltimore, MD 21202

RE: Case No. C6-383-A
Richard T. Lonsdale, et ux

Dear Counsel:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. On Motion filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/KCW

10/22/86 - Following were notified of hearing set for Wed. Jan. 21, 1987, at 10 a.m.:

J. Shawn Alcarese, Esq.
York Manor Improve. Assoc.
Ms. Virginia Probasco
Stoney Fraley
Mr. and Mrs. Richard Lonsdale
Phyllis Friedman
N. Gerber, J. Hoswell
Arnold Jablon, J. Jung, J. Dyer

1/20/87 - Eric DiNenna spoke w/Larry Schmidt by telephone. Requested postponement -- he has flu. L. Schmidt telephoned attorney for Protestants (J. S. Alcarese, Esq.); agreed to POSTPONEMENT of case to March 3, 1987 at 10:00 a.m. The above were notified of new hearing date (also B du Bois)

2/05/87 - POSTPONEMENT requested by Counsel for Protestants (J. Shawn Alcarese, Esq.) due to unavailability of key witness. Above notified of POSTPONEMENT and new hearing date -- Thursday, March 12, 1987 at 10:00 a.m.

3/03/87 - PP requested by Counsel for Petitioners; not in compliance with 15-days notice requirement; denied by letter dtd March 3 (WTH spoke with atty for Appellants)

3/09/87 - T/C from Counsel for Appellants; has spoken with clients; reconsidered his comments to WTH 3/03; now agrees that PP would be "the most economically expedient" way to handle this case pending CCT decision re satellite dishes.

3/09/87 - Notice of POSTPONEMENT sent to above; hearing to be reset pending outcome of CCT cases and final disposition of now-pending Co legislation; and at the request of Counsel.

4/16/92 -Letter to G. Breschi, Esquire and J. S. Alcarese, Esquire: /forthcoming Order of Dismissal for lack of prosecution; 30 days allowed for response.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 9, 1987

NOTICE OF POSTPONEMENT

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. 86-383-A

RICHARD T. LONSDALE, ET UX
N/s of GOTHARD RD., 150' E OF PINNTER ROAD
(102 GOTHARD ROAD)
8th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
VAR -FROM SEC. 400.1 FOR A SATELLITE DISH
ON ROOF INSTEAD OF REQUIRED REAR YARD
5/16/86 - D.Z.C. GRANTED VARIANCE W/RESTRICTIONS

Which had been set for hearing on Thursday, March 12, 1987 at 10:00 a.m. has been POSTPONED by mutual agreement of Counsel pending the outcome of Circuit Court cases and the final disposition of the now-pending legislation regarding satellite dishes. This case will be reset for hearing based on these two circumstances and upon request of Counsel.

cc: J. Shawn Alcarese, Esq. Counsel for Appellants/Protestants
York Manor Improvement Assn. Appellant/Protestant
Ms. Virginia Probasco " "
Mr. Stoney E. Fraley " "
Mr. & Mrs. Richard Lonsdale Appellees/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellees/Petitioners

Patrick D. Hanley, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 5, 1987

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 #59-79

CASE NO. 86-383-A

RICHARD T. LONSDALE, ET UX
N/S OF GOTHARD RD., 150' E OF PINNTER ROAD (102 GOTHARD ROAD)
8th DISTRICT
VAR -FROM SEC. 400.1 FOR A SATELLITE DISH ON ROOF INSTEAD OF REQUIRED REAR YARD
5/16/86 -D.L.C. GRANTED VARIANCE W/RESTRICTIONS

Which was scheduled for hearing on Tuesday, March 3, 1987 at 10:00 a.m. has been POSTPONED at the request of Counsel for Appellants/Protestants due to witness unavailability and

REASSIGNED FOR: Thursday, March 12, 1987 at 10:00 a.m.

cc: J. Shawn Alcaresse, Esq. Counsel for Appellants/Protestants
York Manor Improvement Assn. Appellant/Protestant
Ms. Virginia Probasco " "
Mr. Stoney E. Fraley " "
Mr. & Mrs. Richard Lonsdale Appellees/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellees/Petitioners
Patrick D. Wenley, Esquire
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 20, 1987

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 #59-79

CASE NO. 86-383-A

RICHARD T. LONSDALE, ET UX
N/S OF GOTHARD RD., 150' E OF PINNTER ROAD (102 GOTHARD ROAD)
8th DISTRICT
VAR -FROM SEC. 400.1 FOR A SATELLITE DISH ON ROOF INSTEAD OF REQUIRED REAR YARD
5/16/86 -D.L.C. GRANTED VARIANCE W/RESTRICTIONS

Which was scheduled for hearing on Wednesday, January 21, 1987 at 10:00 a.m. has been POSTPONED at the request of Counsel for Petitioners due to illness and

REASSIGNED FOR: Tuesday, March 3, 1987 at 10:00 a.m.

cc: J. Shawn Alcaresse, Esq. Counsel for Appellants/Protestants
York Manor Improvement Assn. Appellant/Protestant
Ms. Virginia Probasco " "
Mr. Stoney E. Fraley " "
Mr. & Mrs. Richard Lonsdale Appellees/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellees/Petitioners
Thomas J. Bollinger, Esquire Office of Law
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathi C. Weidenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

October 22, 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. 86-383-A

RICHARD T. LONSDALE, ET UX
N/S OF GOTHARD RD., 150' E OF Pinner Rd. (102 Gothard Rd.)
8th District

Var.-Fr. Sec. 400.1 for a satellite dish on roof instead of reg. rear yard

ASSIGNED FOR:

WEDNESDAY, JANUARY 21, 1987, at 10 a.m.

cc: J. Shawn Alcaresse, Esq. Attorney for Appellants/Protestants
York Manor Improvement Assn. Appellant/Protestant
Ms. Virginia Probasco " "
Mr. Stoney E. Fraley " "
Mr. and Mrs. Richard Lonsdale Appellees/Petitioners
Phyllis C. Friedman People's Counsel
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James Dyer
S. Eric DiNenna, Esq. Counsel for Petitioners
Thomas J. Bollinger, Esquire Office of Law

June Holmen, Secy.



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 30, 1986

Mr. and Mrs. Richard T. Lonsdale
102 Gothard Road
Lutherville, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
N/S of Gothard Rd., 150' E of Pinner Rd.
(102 Gothard Rd.)
8th Election District
Richard T. Lonsdale, et ux - Petitioners
Case No. 86-383-A

Dear Mr. and Mrs. Lonsdale:

Please be advised that on June 12, 1986, an appeal was filed by Appellants/Protestants, York Manor Improvement Association, Inc., Ms. Virginia Probasco, and Mr. Stoney E. Fraley, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-captioned matter.

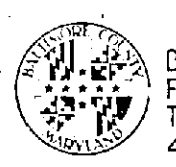
You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: J. Shawn Alcaresse, Esquire
Phyllis C. Friedman, Esquire
People's Counsel



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

PAUL H. REINCKE
CHIEF

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

Attention: Nick Conocchiaro, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Richard T. Lonsdale

Location: NS Gothard Road, 150' E of Pinner Road

Item No.: 253 Zoning Agenda: Meeting of 1-14-86

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.
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: [Signature]
Planning, Capital Construction Division Fire Prevention Bureau
Special Inspection Division

/nb



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

February 11, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 253 Zoning Advisory Committee Meeting are as follows:

Property Owner: Richard T. Lonsdale, et ux
Location: N/S Gothard Road, 150' E of Pinner Road
8th.

REMARKS:

1. 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.B.C. #17-85) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. 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.
4. 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.
5. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 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 500, Section 507, Section 508.2 and Table 500. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. 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 500 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. 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 Groups are from Use _____ to Use _____ or Mixed Uses. See Section 507 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, tidal/riverine. 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:

X. 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 a "permit". If desired, the applicant may obtain additional information by visiting Room 100 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

JTZ/TS



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3311
NORMAN E. GERBER
DIRECTOR

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

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.

1. There are no site planning factors requiring comment.
2. A County Review Group Meeting is required.
3. A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
4. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
5. A record plat will be required and must be recorded prior to issuance of a building permit.
6. The access is not satisfactory.
7. The parking arrangement is not satisfactory.
8. Parking calculations must be shown on the plan.
9. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
10. Construction in or alteration of the floodplain is prohibited under the provisions of Section 12-13 of the Development Regulations.
11. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
12. The proposed Development Plan was approved by the Planning Board on _____.
13. The proposed Development Plan was approved by the Planning Board on _____.
14. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
15. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
16. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
17. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
18. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
19. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.
20. The property is located in a deficient service area as defined by Capacity Use Certificate # _____.

cc: James Howell

Eugene A. Roter
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-383-A

Date: March 10, 1986

NEG:JGH:slm

In view of the lack of information as to the size and height of the proposed satellite dish, this office can offer no comment.

Norman E. Gerber, AICP
Director

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S OF GOTHARD ROAD, 150' E. OF * DEPUTY ZONING
PINNTER ROAD, (102 GOTHARD ROAD) * COMMISSIONER OF
8th ELECTION DISTRICT * BALTIMORE COUNTY
RICHARD T. LONSDALE, et ux * Case No. 86-383-A

APPEAL FROM GRANTING OF VARIANCE

MR. COMMISSIONER:

Please note an appeal from the May 16, 1986, decision and order by the Deputy Zoning Commissioner granting the variance in the above-captioned case. This appeal is being taken on behalf of:

1. York Manor Improvement Assoc., Inc.
P. O. Box 36
Lutherville, MD 21093
2. Virginia Probasco
204 Dunbeath Court
Lutherville, MD 21093
3. Stoney E. Fraley
1703 Haddington Garth
Lutherville, MD 21093

J. Shawn Alcarese
25 South Street
Baltimore, MD 21202
685-4558
Attorney for Appellants

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NS Gothard Rd., 150' : OF BALTIMORE COUNTY
E of Pinner Rd. (102 :
Gothard Rd.), 8th Dist. :
RICHARD T. LONSDALE, : Case No. 86-383-A
et ux, Petitioners :

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
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Richard T. Lonsdale, 102 Gothard Rd., Lutherville, MD 21093, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



102 Gothard Rd
Lutherville, Md. 21093
August 8, 1987

Brody Appeals
Pm. 2:00
Old Court House Rd.
Jowen, Md. 21204

To Whom It May Concern:

We oppose the appeal of #86-383-A
We believe our neighbor should be
able to keep their satellite dish if
they want it. We kind of
don't do not find the satellite
dish disturbing. We would not
even notice it if someone did
not point it out. It is not
harmed anyone and I believe it
is helping our neighbor as he
has been very sick.
Shady you, we remain

Sincerely,
David & Deborah

Eliz,
7/2/86
Can you please
respond to this letter
for us, as I don't
know the date and
time re this appeal.
By
Betty

July 29, 1986

J. Shawn Alcarese, Esquire
25 South Street
Baltimore, MD 21202

Re: Case No. 86-383-A
Richard T. Lonsdale, et ux
Petitioners

Dear Mr. Alcarese:

Replying to your letter of July 24, 1986, please be advised that the appeal you filed in the above entitled case has been docketed.

This case is not scheduled for hearing at the present time. However, when it is set you will be duly notified by this office.

Very truly yours,

Edith I. Eisenhart, Adm. Secretary

LAW OFFICES
J. SHAWN ALCARESE
25 SOUTH STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-685-4558

July 24, 1986

Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Appeal of Case No. 86-383-A
RICHARD T. LONSDALE, et ux

Dear Mr. Commissioner:

An appeal of the above case decision has previously been made. Please notify me of the date and time of the appeal hearing.

Thank you for your cooperation.

Very truly yours,

J. Shawn Alcarese

cc: York Manor Improvement Assn.

LAW OFFICES
J. SHAWN ALCARESE
25 SOUTH STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-685-4558

June 11, 1986

Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Petition for Variance
N/S of Gothard Road, 150' E of Pinner Road,
(102 Gothard Road) - 8th Election District
Richard T. Lonsdale, et ux, Petitioners
Case No. 86-383-A

Dear Mr. Commissioner:

Please note an appeal to the May 16, 1986, decision and order in the above-captioned case on behalf of the organization and individuals noted on the enclosed appeal petition. A check for fees is enclosed.

Very truly yours,

J. Shawn Alcarese

cc: York Manor Improvement Association

YORK MANOR IMPROVEMENT ASSOCIATION, INC.
P. O. BOX 36 - LUTHERVILLE, MD. 21093

January 13, 1986

Mr. Arnold Jablon, Commissioner
Baltimore County Office of Planning and Zoning
401 Bosley Avenue
Towson, Md. 21204

Dear Mr. Jablon:

Our Association opposes the granting of a variance to permit roof installation of a satellite TV dish at 102 Gothard Rd. (Mr. and Mrs. Richard Lonsdale). We would appreciate being notified of the hearing date when one is set.

Sincerely,

Virginia Probasco
President

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

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

February 27, 1987

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

RE: Petition of Lonsdale
Case No.: 86-383-A
My File No.: 86-72

Dear Mr. Chairman:

I am in receipt of your notice of February 5, 1987, wherein you notified me of a postponement from March 3, 1987, to March 12, 1987, because of a conflict of opposing counsel.

I agreed with that date but have recently learned that the Zoning Commissioner of Baltimore County has proposed legislation to the Baltimore County Planning Board and County Council that regulations be adopted concerning a satellite dish in a residential zone.

I would suggest that this matter be postponed for a period of time to afford the County to adopt regulations which will then, place the present case in perspective.

Recently, the District Court of Maryland, in two different opinions, had ruled that satellite dishes on the rooftop, is not a violation of the zoning regulations.

It is my understanding that these decisions have been appealed to the Circuit Court. It appears that the total matter is premature at this point in time and I think in the best interest of all parties, I would suggest a postponement for at least three months to see what the County does relative to the new legislation, or the Circuit Court does with reference to the appeals.

3/2

LAW OFFICES
J. SHAWN ALCARESE
28 SOUTH STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-699-4558

February 2, 1987

County Board of Appeals of Baltimore County
Room 200, Court House
Towson, MD 21204

Re: Richard T. Lonsdale, et ux
Variance Appeal
Hearing date: Tuesday, March 3, 1987

Gentlemen:

The above-captioned hearing was scheduled for Wednesday, January 21, 1987. I received a call from Mr. Larry Schmidt of your offices on Tuesday, January 20, 1987, informing me of Mr. DiNenna's illness and inquiring if there would be any objection to a postponement. There was, of course, none so long as the newly scheduled date didn't present problems to any of our witnesses.

As things seem to inevitably turn out, the March 3rd date does in fact conflict with previously scheduled plans of our main witness. Therefore, I am requesting another date be set anytime after March 5, 1987, except the weeks of April 13th, May 4th and May 18th, for I have trials scheduled those weeks.

Thank you for your consideration.

Very truly yours,

J. Shawn Alcarese

JSA:lw
cc: York Manor Improvement Association
Eric DiNenna, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
1987 MAR 31 A 10 39

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

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

February 5, 1987

RECEIVED
COUNTY BOARD OF APPEALS
1987 FEB 11 11 49

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

RE: My Clients: Mr. and Mrs.
Richard Lonsdale
Case No.: 86-383-A
My File No.: 86-75

Dear Mr. Chairman:

I am in receipt of a copy of a letter from Mr. Alcarese, counsel for Protestants concerning the above-captioned matter dated February 2, 1987, requesting a postponement of the March 3, 1987 hearing date.

I was just advised today by the Circuit Court that I might have to go to Arizona for a child support conference and do not object to the request for a postponement.

Because of my Master's hearing and I am sure of Mr. Alcarese's schedule, if this Board graciously grants the postponement of March 3, 1987, I would ask that your office contact both counsel prior to setting a new date so that there is no conflict.

I appreciate everyone's cooperation in this matter.

Very truly yours,

S. ERIC DINENNA

SED:kar

cc: J. Shawn Alcarese, Esquire
John Ebersberger, Esquire
Mr. and Mrs. Richard Lonsdale

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

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

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

December 3, 1986

Clerk
Board of Appeals
of Baltimore County
County Court House
Towson, Maryland 21204

RE: Petitioners: Richard T. Lonsdale,
et ux
Case No.: 86-383-A
My File No.: 86-75

Dear Clerk:

Enclosed for filing please find my Entry of Appearance regarding the above-captioned matter.

Thank you for your cooperation.

Very truly yours,

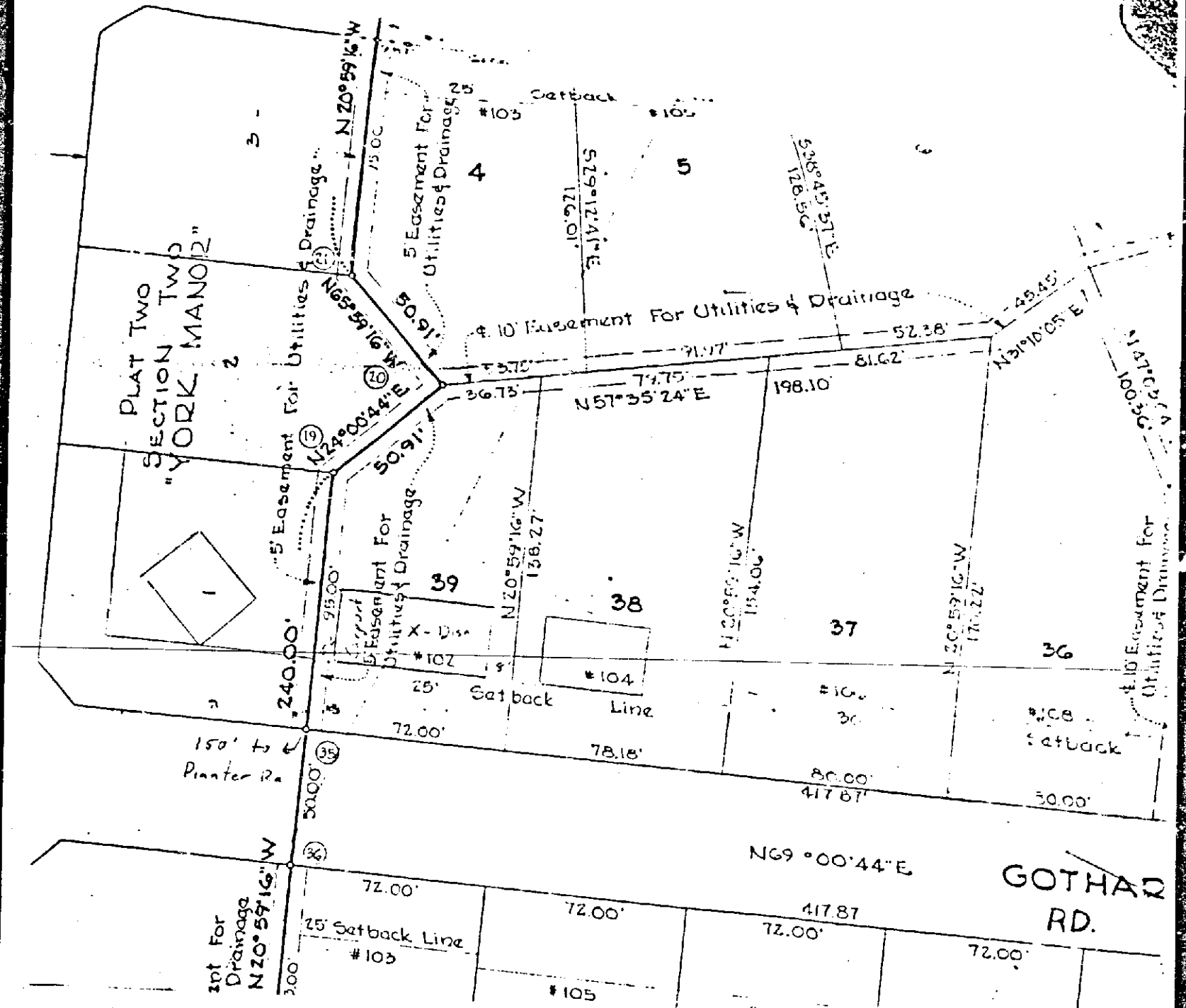
S. ERIC DINENNA

SED:kar

Enclosure

cc: J. Shawn Alcarese, Esquire
Mr. Richard Lonsdale
People's Counsel for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
1986 DEC 4 A 11 00



Plat for Zoning Variance

Owners: Richard & Vilma Lonsdale
District: 8 Zoned: D.R.5.5
Subdivision: York Manor
Lot No. 39, Block R, Book No. 24, Folio 146
Public Utilities Exist in Street
Scale 1" = 50'

PETITIONER'S
EXHIBIT 1

#253

SITE CHECK

DATE: 10-4-85

NAME: Richard Lonsdale

ADDRESS: 102 Gothard Rd.

Lutherville, Md. 21093

PHONE: 488-7722 / 825-0739

LINE OF SITE: ROOF - (GOOD) FAIR POOR
GROUND - GOOD FAIR (POOR) Neighbors Trees Blackthorn
TALL POLE - GOOD FAIR POOR Sideside Belt
TREES TO BE TRIMMED NO proper reception
from ground any where in yard.

OPEN LNA (Micro Wave Check) - (GOOD) FAIR POOR
NUMBER OF WHITE OUTS -
NUMBER OF BLACK OUTS -
NUMBER OF SCRAMBLED -
NUMBER OF CLEAN NBC -
METER STRENGTH - /

MICRO WAVE CHECK (GOOD CHANNELS) 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,
17,18,19,20,21,22,23,24
(FAIR CHANNELS) 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,
17,18,19,20,21,22,23,24

ROOF: Flat, (Peak) (22° degree slope)
2 STORIES

LADDERS NEEDED - 6', 10', 16', 32', 40'
TALL POLE: Height (FT.)
LADDERS NEEDED - 6', 10', 16', 32', 40'
SCAFFOLDING (FT.)

DIFFICULTY FACTOR:

PETITIONER'S
EXHIBIT 2

Support Roof Area
no other location can
receive satellite
on this property
locate on rear of
Peak, Use Blackthorn
Main to lower to
impact on neighbor

NEWS
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20534

News media information 202-254-7674
Recorded listing of releases and text
202-432-0002

Report No. ACTION IN DOCKET CASE January 14, 1986

FCC ADOPTS LIMITED PREEMPTION OF LOCAL ZONING OR
OTHER REGULATION OF SATELLITE EARTH STATIONS
(CC DOCKET 85-87)

The Commission has adopted limited "preemption" of local zoning or other regulation of satellite earth stations.

The FCC ruled that state and local zoning and other regulations which differentiate between satellite receiving-only antennas and other types of antenna facilities are preempted unless such regulations:

- have a reasonable and clearly defined health, safety or aesthetic objective; and,
- do not operate to impose unreasonable limitations "on" or prevent reception of satellite-delivered signals by receive-only antennas, or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of equipment.

Regulation of satellite transmitting antennas is preempted in the same manner, except that state and local health and safety regulation is not preempted.

The Commission noted this action ensures that state and local regulations will not interfere unreasonably with the federal right to construct and use antennas to receive satellite-delivered signals.

Under the adopted rule, local governments may impose non-discriminatory regulations on earth stations as long as the same regulations are applied to all stations. Thus, a community may preserve its historic character by limiting construction of all external antennas without singling out satellite facilities for different treatment.

If an ordinance or regulation differentiates in the treatment of antennas, the community must show that the ordinance or regulation has a reasonable and clearly defined health, safety or aesthetic objective. In addition, the regulation must not limit or prevent reception unreasonably, nor impose unreasonable costs on an antenna user.

PETITIONER'S
EXHIBIT 3

DIETZ, EBERSBERGER & DUVAL
ATTORNEYS AND COUNSELLORS AT LAW

ROBERT A. DIETZ
JOHN M. EBERSBERGER, JR.
MARLEN L. DUVAL, JR.

50 FRANKLIN STREET
ANNAPOLIS, MARYLAND 21401

TELEPHONES:
286-8000
BALTIMORE LINE 260-0818

December 27, 1985

Mr. Hugh Macintosh
Treasurer, Y.M.I.A.
Post Office Box 36
Lutherville, MD 21093

Dear Mr. Macintosh:

Our law firm has been retained by Mr. and Mrs. Richard T. Lonsdale to respond to your letter of December 3, 1985. Having worked for Robert and Harry Meyerhoff during the period of the original construction and having been an original resident of Gothard Road, I am somewhat familiar with the development and the restrictions applicable.

I reviewed the restrictions which you forwarded to my client along with your letter of December 3, 1985, but cannot locate the covenant which would apply to the erection of a T.V. antenna.

It would be appreciated if you would advise me as to what covenant number the Improvement Association contends governs this situation.

I am enclosing herewith our check in the amount of \$1.00 to cover the cost of a copy of the restrictive covenants applicable to Mr. and Mrs. Lonsdale's property. Page two and three of the covenants forwarded with your letter were quite difficult to read and a more legible copy would be appreciated.

Yours very truly,

John M. Ebersberger, Jr.

JMEJr/tlo
Enclosure
cc: Mr. Richard T. Lonsdale

P.S. to Mr. Lonsdale:
I know full well what covenant they are relying on.

JMEJr.

PETITIONER'S
EXHIBIT 4

JUANTEGUY AND PRADHAN, M.D., P.A.
122 BLADE AVENUE
SUITE 101
BALTIMORE, MARYLAND 21208
466-5901

JUAN M. JUANTEGUY, M.D.

DULEEP J. PRADHAN, M.D.

April 1, 1986

TO WHOM IT MAY CONCERN:

Re: Richard Lonsdale

The above mentioned patient has recently undergone coronary bypass surgery at Sinai Hospital.

Mr. Lonsdale is still recovering from his surgery and I feel it would be too stressful for him to attend the hearing on April 2, 1986.

Sincerely,

Juan M. Juanteguy, M. D.

PETITIONER'S
EXHIBIT 5

Protestant's Exhibits
1a-1d
86-383-A
Zoning Office



N/S of Gothard Road, 150' E of Pinnter Rd.
(102 Gothard Rd.)
8th Election District
Richard T. Lonsdale, et ux - Petitioners
Case No. 86-383-A
Appeal Filed: 6/12/86

§ 400.1
Var. - For a satellite dish on roof instead of reg. rear yard.

- ✓ X 1. Copy of Petition
✓ X 2. Copy of Description of Property
✓ X 3. Copy of Certificate of Posting
✓ X 4. Copy of Certificates of Publication
✓ X 5. Copy of Zoning Advisory Committee Comments
✓ X 6. Copy of Comments from the Director of Planning
✓ X 7. Copy of Order to Enter Appearance
✓ X 8. Copy of Order - Deputy Zoning Commissioner - **GRANTED** 5/14/86
✓ X 9. Copy of Plat of Property [See Petitioner's Ex. No. 1]
✓ X 10. Letter from Protestant, Virginia Probasco, York Manor Improvement Association, Inc., to Arnold Jablon, dated 1/13/86
✓ X 11. Protestant's Exhibits 1a to 1d
- NOTE: ALL ORIGINAL PHOTOGRAPHS SENT TO BOARD OF APPEALS - NO COPIES RETAINED IN ZONING FILE
- Protestant's Exhibit No. 1a - Undated color photograph of satellite dish on roof of home (back view)
Protestant's Exhibit No. 1b - Undated color photograph of satellite dish on roof of home (back view)
Protestant's Exhibit No. 1c - Undated color photograph of satellite dish on roof of home (back view)
Protestant's Exhibit No. 1d - Undated color photograph of satellite dish on roof of home (front view)

- ✓ X 12. Petitioner's Exhibits Nos. 1 to 5
- Petitioner's Exhibit No. 1 - Copy of plat re Lot 39, York Manor
Petitioner's Exhibit No. 2 - Site Check Report, dated 10/4/85
Petitioner's Exhibit No. 3 - FCC Decision, dated 1/14/86 re satellite earth stations
Petitioner's Exhibit No. 4 - Letter from John M. Ebersberger, Jr., Esquire, to Hugh Macintosh, dated 12/27/85
Petitioner's Exhibit No. 5 - Letter from Juan M. Juanteguy, M.D. to Whom It May Concern, dated 4/1/86

- ✓ X 13. Notice of Appeal of Appellants/Protestants, York Manor Improvement Assoc., Inc., Virginia Probasco and Stoney E. Fraley, received 6/12/86
✓ X 14. Copy of Cash Receipt No. 021767 re appeal fee
✓ X 15. Copy of Letter from Arnold Jablon, Zoning Commissioner to all parties, dated 6/30/86 notifying them of the filing of an appeal

* J. Shawn Alcarese, Esquire
25 South Street
Baltimore, Maryland 21202
Attorney for Appellants/Protestants, York Manor Improvement Association, Inc., Ms. Virginia Probasco, and Mr. Stoney E. Fraley

York Manor Improvement Association, Inc.
P.O. Box 36
Lutherville, Maryland 21093
Appellant/Protestant

Ms. Virginia Probasco
204 Dunbeath Court
Lutherville, Maryland 21093
Appellant/Protestant

Mr. Stoney E. Fraley
1703 Haddington Garth
Lutherville, Maryland 21093
Appellant/Protestant

Mr. and Mrs. Richard T. Lonsdale
102 Gothard Road
Lutherville, Maryland 21093
Appellees/Petitioners

Phyllis C. Friedman, Esquire - People's Counsel out 11/4/87

Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Request Notification
" "
" "
" "
" "

S. Eric DiNenna, Esq
409 Washington Ave.
Towson, Md. 21204
Suite 600
Counsel for Lonsdale

Law office

AJ:med

1111