

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 for placement of satellite dish on roof instead of 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)

Hardship

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: (Type or Print Name) Harry W. Schultheis
Signature: Harry W. Schultheis
Address: Gertrude S. (Jackie) Schultheis
City and State: Baltimore, Maryland
Attorney for Petitioner: (Type or Print Name) 9010 Richlyn Drive - 21125 - 256-5234
Signature: (Type or Print Name)
Address: (Type or Print Name)
City and State: (Type or Print Name)
Attorney's Telephone No.: (Type or Print Name)

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of April, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of April, 1986, at 11:00 o'clock.

(over)

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of April, 1986, that the herein Petition for Variance(s) to permit

IN RE: PETITION ZONING VARIANCE
NM/S of Richlyn Drive,
598.53' NE of the centerline
of Forge Road (9810 Richlyn
Drive) - 11th Election
District
Harry W. Schultheis, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-403-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (satellite dish) on the roof instead of the required rear yard, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Walter Frazier, Stansbury Electronics, also appeared and testified on their behalf. Edward F. Jackovitz and eight other neighbors appeared and testified in opposition.

Testimony indicated that the instant case arose as a result of a complaint filed by Mr. Jackovitz alleging that the Petitioners had placed a satellite dish (dish), eight feet in diameter, on their roof in violation of the Baltimore County Zoning Regulations (BCZR). A violation hearing was held on November 19, 1985, but a decision was held sub curia pending the filing and outcome of this Petition.

The subject property, zoned D.R.3.5, is located on Richlyn Drive. Mr. Frazier, an expert in satellite dishes, presented a Site Check, Petitioners' Exhibit 2, which concluded that in order to receive the appropriate microwave television signals from orbiting satellites, the dish had to be placed in either the front yard or on the roof. It could not be placed in the rear yard without removing trees from neighboring yards because there is no clear "line

of sight". Mr. Frazier's testimony was uncontradicted. The dish was placed on the roof rather than in the front yard because the Petitioners believed it would be less intrusive on the roof.

Satellite dishes are designed to receive low energy radio signals from satellites orbiting the earth, and the signal received is then transmitted to a television receiver. However, a dish, unlike television and radio signals, requires an unobstructed line of sight to the satellite. A building or tree can block out reception.

The Protestants object to the unsightliness of satellite dishes and the perceived depreciation of property values the dishes create in their wake. They all complained that the Petitioners' dish is ugly and they want it removed. They also complained that they were not consulted before the dish was placed on the roof.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, BCZR.

Section 1B01.1.A.14, BCZR, permits accessory uses or structures as a matter of right in a D.R. zone. Section 101--Definitions, BCZR, defines an accessory use or structure as one which is customarily incident and subordinate to and serves as a principal use or structure; is subordinate in area, extent, or purpose to the principal use or structure; is located on the same lot as the principal use or structure served; and contributes to the comfort, convenience, or necessity of the occupants in the principal use or structure served. Unlike the R.C. zones, when an accessory use or structure, such as swimming pools, tennis courts, garages, utility sheds, or others, is subject to Section 400, BCZR, the D.R. zones do not specifically make such uses subject to the restrictions delineated therein. However, if the result implied would be followed, it would permit an accessory use or structure, not

- 2 -

a building, to be placed on a lot unrestricted by Section 400.1 in any D.R. zone. This clearly was not the intent of the Baltimore County Council. Section B400, BCZR, enacted within Bill No. 18, 1976, stated:

The provisions of this article apply only to principal use except as otherwise specified (as in item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A). (emphasis added)

Therefore, the Council has recognized that "accessory uses" are to be included in addition to accessory buildings in Section 400.1. This intent is obvious and not contradictory.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 350, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment," Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the

intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context"***[since] the meaning of the plainest words in a statute may be controlled by the context...." In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

The intent of the BCZR must be determined as being construed as a whole. See Smith v. Miller, 249 Md. 390.

While Section 1B01.1.A.14 appears to permit accessory uses or structures (the terms are combined by definition, Section 101) without restriction, it is clear that the intent of the Council was to subject such uses or structures to Section 400.

The record unequivocally establishes that the dish serves no use other than to receive television signals, a use obviously incidental and subordinate to the principal use of this property. A satellite dish is a device used or designed to receive electromagnetic signals from earth-orbiting satellites and other extraterrestrial sources and is external or attached to the exterior of any building. The term includes satellite earth stations, satellite television antennae, satellite dish antennae, or any other devices designed to receive signals from satellites in the manner described above. A satellite dish is more than a television aerial mounted on a roof top. Its intent is to

expand the visual horizons available, and it exhibits technological advancement beyond limits imaginable for merely mortal television aeriels. Section 300.1.1, BCZR, is not applicable. Section 400 is.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

- 5 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of April, 1986, that the Petition for Zoning Variance to permit an accessory structure (satellite dish) on the roof instead of the required rear yard be and is hereby GRANTED from and after the date of this Order.

Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Harry W. Schultheis

Mr. Edward F. Jackovitz

People's Counsel

- 6 -

Case No. 86-403-A
Hear. No. 231
Date: 5/12/86
NW/S of Richlyn Dr., 598.53' NE
of the c/l of Forge Rd.
(9810 Richlyn Dr.) 11th Dist.
Harry W. Schultheis, et ux -
Petitioners

Var. From Sec. 400.1 for placement of satellite dish on roof instead of required rear yard.

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/Planning Commission - 4/14/86, GRANTED
10. Copy of Plat of Property See Petitioner's Exhibit No. 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 1 to 1 4/9/86 List of Protestants
17. Petitioners' Exhibits 1 to 2 Ptf. Ex. 1 - Plat re Richlyn property
18. Letter of Appeal, 5/12/86 by Protestants. Ptf. Ex. 2 - Site Check
19. Notice of Appeal received 5/12/86 Edward Jackovitz and Howard Adams.

Mr. Edward F. Jackovitz
9814 Richlyn Drive
Perry Hall, Maryland 21128
Appellant/Protestant
Mr. Howard Adams
9812 Richlyn Drive
Perry Hall, Maryland 21128
Appellant/Protestant
*Russell D. Karpook, Esquire
21 West Susquehanna Avenue
Towson, Maryland 21204
Attorney for Appellants/Protestants
Mr. Harry W. Schultheis
Mrs. Gertrude S. Schultheis
9810 Richlyn Drive
Perry Hall, Maryland 21128
Appellees/Petitioners
Phyllis C. Friedman, Esquire
People's Counsel
Norman E. Gerber
James Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Request Notification
P.G. RUTHERFORD
9133 RICHLYN DR.
PERRY HALL, MD 21128

RECEIVED
COUNTY CLERK OF BALTIMORE
MAY 13 A 11:50

ZONING DESCRIPTION

Northwest side of Richlyn Drive, 598.53 feet,
Northeast of the center line of Forge Road.
GLB No. 23 Folio 16 - - - Being known as Lot 9 Block A
as shown on the Plat of Section One, Richlyn Drive,
which plat is recorded among the Land Records of
Baltimore County in Plat Book G.L.B. 23, folio 16. The
improvements thereon being known as No. 9810 Richlyn Drive.

PETITION FOR ZONING VARIANCE
11th Election District

LOCATION: Northwest Side of Richlyn Drive, 598.53 feet Northeast of the Centerline of Forge Road (9810 Richlyn Drive)
DATE AND TIME: Wednesday, April 9, 1986, at 11:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a satellite dish on the roof in lieu of the required rear yard

Being the property of Harry W. Schultheis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(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

RE: PETITION FOR VARIANCE
NW/S of Richlyn Dr.,
598.53' NE of C/L of
Forge Rd. (9810 Richlyn
Dr.), 11th District
HARRY W. SCHULTHEIS, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-403-A

ENTRY OF APPEARANCE

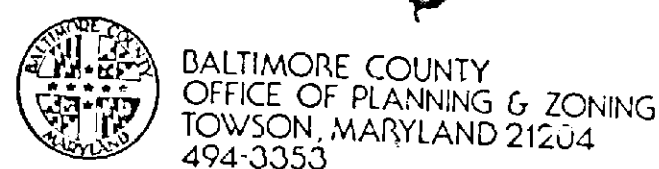
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

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

I HEREBY CERTIFY that on this 18th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Harry W. Schultheis, 9810 Richlyn Drive, Baltimore, MD 21128, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

April 2, 1986

Mr. Harry W. Schultheis
Mrs. Gertrude S. Schultheis
9810 Richlyn Drive
Perry Hall, Maryland 21128

RE: PETITION FOR ZONING VARIANCE
NW/S of Richlyn Dr., 598.53' NE of the c/l of
Forge Rd. (9810 Richlyn Dr.)
11th Election District
Harry W. Schultheis, et ux - Petitioners
Case No. 86-403-A

Dear Mr. Schultheis:

This is to advise you that \$52.65 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 018576
County, Maryland, and remit
Towson, Maryland

DATE: 4/12/86 ACCOUNT: 018576

SIGN & POST RETURNED 4/12/86 AMOUNT: \$ 52.65

RECEIVED FROM: Jack & Jill Day Care Center

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE
NW/S of Richlyn Dr.,
598.53' NE of C/L of
Forge Rd. (9810 Richlyn
Dr.), 11th District
HARRY W. SCHULTHEIS, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-403-A

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 18th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Harry W. Schultheis, 9810 Richlyn Drive, Baltimore, MD 21128, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Mr. Harry W. Schultheis
Mrs. Gertrude S. Schultheis
9810 Richlyn Drive
Perry Hall, Maryland 21128
March 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NW/S of Richlyn Dr., 598.53' NE of the c/l of
Forge Rd. (9810 Richlyn Dr.)
11th Election District
Petitioners: Harry W. Schultheis, et ux
Case No. 86-403-A

TIME: 11:00 a.m.
DATE: Wednesday, April 9, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

DATE: 4/12/86 ACCOUNT: 018576

AMOUNT: \$ 35

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Theresa C. Webb
09 Richlyn Drive
Perry Hall, Maryland 21128
Howard W. Adams, Jr.
2 Richlyn Drive
Perry Hall, Maryland 21128

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/15/86
Posted for: [Signature]
Petitioner: Harry W. Schultheis, et ux
Location of property: NW/S of Richlyn Dr., 598.53' NE of Forge Rd.
9810 Richlyn Drive
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 3/15/86
Number of Signs: 1

Petition
for Zoning Variance

11th Election District
LOCATION: Northwest side of Richlyn Drive, 598.53 feet Northeast of the Centerline of Forge Road (9810 Richlyn Drive)
DATE & TIME: Wednesday, April 9, 1986 at 11:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a satellite dish on the roof in lieu of the required rear yard.
Being the property of Harry W. Schultheis, et ux, as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order of
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., March 20, 1986
This is to Certify, That the annexed
[Signature]
[Signature]
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of [Signature] successive weeks before the [Signature] day of [Signature] 1986
[Signature] Publisher.



County Board of Appeals of Baltimore County

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

September 17, 1986

Russell D. Karpook, Esquire
21 West Susquehanna Avenue
Towson, MD 21204

RE: Case No. 86-403-A
Harry W. Schultheis, et ux

Dear Mr. Karpook:

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

Very truly yours,

Kathi Weidenhammer
KATHI WEIDENHAMMER
Administrative Secretary

Encl.

cc: Mr. Edward F. Jackovitz
Mr. Howard Adams
Mr. Harry W. Schultheis
Mrs. Gertrude S. Schultheis
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
R. G. Rutherford

IN THE MATTER OF :
THE APPLICATION OF :
HARRY W. SCHULTHEIS, ET UX :
FOR VARIANCE FROM SEC. 400.1 :
OF THE BALTIMORE COUNTY :
ZONING REGULATIONS :
NW/S OF RICHLYN DR, 598.53' NE :
OF THE C/L OF FORGE RD. (9810 :
RICHLYN DR.) :
11th District :
: NO. 86-403-A

ORDER OF DISMISSAL

This case is an appeal from the Order of the Zoning Commissioner dated April 14, 1986, granting a variance from Section 400.1 for the placement of a satellite dish on the roof instead of required rear yard. The subject property is located NW/S of Richlyn Dr., 598.53' NE of the c/l of Forge Road (9810 Richlyn Dr.) in the 11th Election District of Baltimore County.

WHEREAS, in open hearing before the Board of Appeals on September 9, 1986, and prior to the taking of any testimony, the attorney for the Protestants-Appellants dismissed the appeal taken on behalf of the Protestants-Appellants in the above-entitled matter.

IT IS HEREBY ORDERED, this 17th day of September, 1986, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Phipps
Patricia Phipps

IN RE: PETITION ZONING VARIANCE * BEFORE THE
NW/S of Richlyn Drive, * ZONING COMMISSIONER
598.53' NE of the centerline * OF BALTIMORE COUNTY
of Forge Road (9810 Richlyn *
Drive) - 11th Election *
District *
Harry W. Schultheis, et ux, * Case No. 86-403-A
Petitioners *

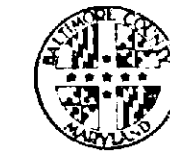
NOTICE OF APPEAL

Mr. Commissioner:

EDWARD F. JACKOVITZ and HOWARD ADAMS, aggrieved parties, by their undersigned attorney, hereby note an appeal from the Order of the Zoning Commissioner entered on the 14th day of April, 1986 in the above-captioned matter.

POWER AND MOSNER

Russell D. Karpook
Russell D. Karpook
21 W. Susquehanna Avenue
Towson, Maryland 21204
(301) 823-1250



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 13, 1986

Mr. Harry W. Schultheis
Mrs. Gertrude S. Schultheis
9810 Richlyn Drive
Perry Hall, Maryland 21128

Re: Petition for Zoning Variance
NW/S of Richlyn Dr., 598.53' NE of the c/l
of Forge Rd. (9810 Richlyn Dr.)
Harry W. Schultheis, et ux - Petitioners
Case No. 86-403-A

Dear Mr. and Mrs. Schultheis:

Please be advised that on May 12, 1986, an appeal was filed by Protestants, Edward F. Jackovitz and Howard Adams, from the decision rendered by the 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
ARNOLD JABLON

No. 021024

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

DATE: _____ ACCOUNT: _____
AMOUNT: \$ _____
RECEIVED FROM: _____
FOR: _____
VALIDATION OR SIGNATURE OF CASHIER: _____



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 23, 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. 36-403-A HARRY W. SCHULTHEIS, ET UX
FOR VARIANCE FROM §400.1 (Satellite dish on roof instead of required rear yard)
NW/S RICHLYN DRIVE 598.53'
NE OF C/L OF FORGE ROAD
(9810 RICHLYN DRIVE)
11th DISTRICT
4/14/86 - Z.C. GRANTED PETITION

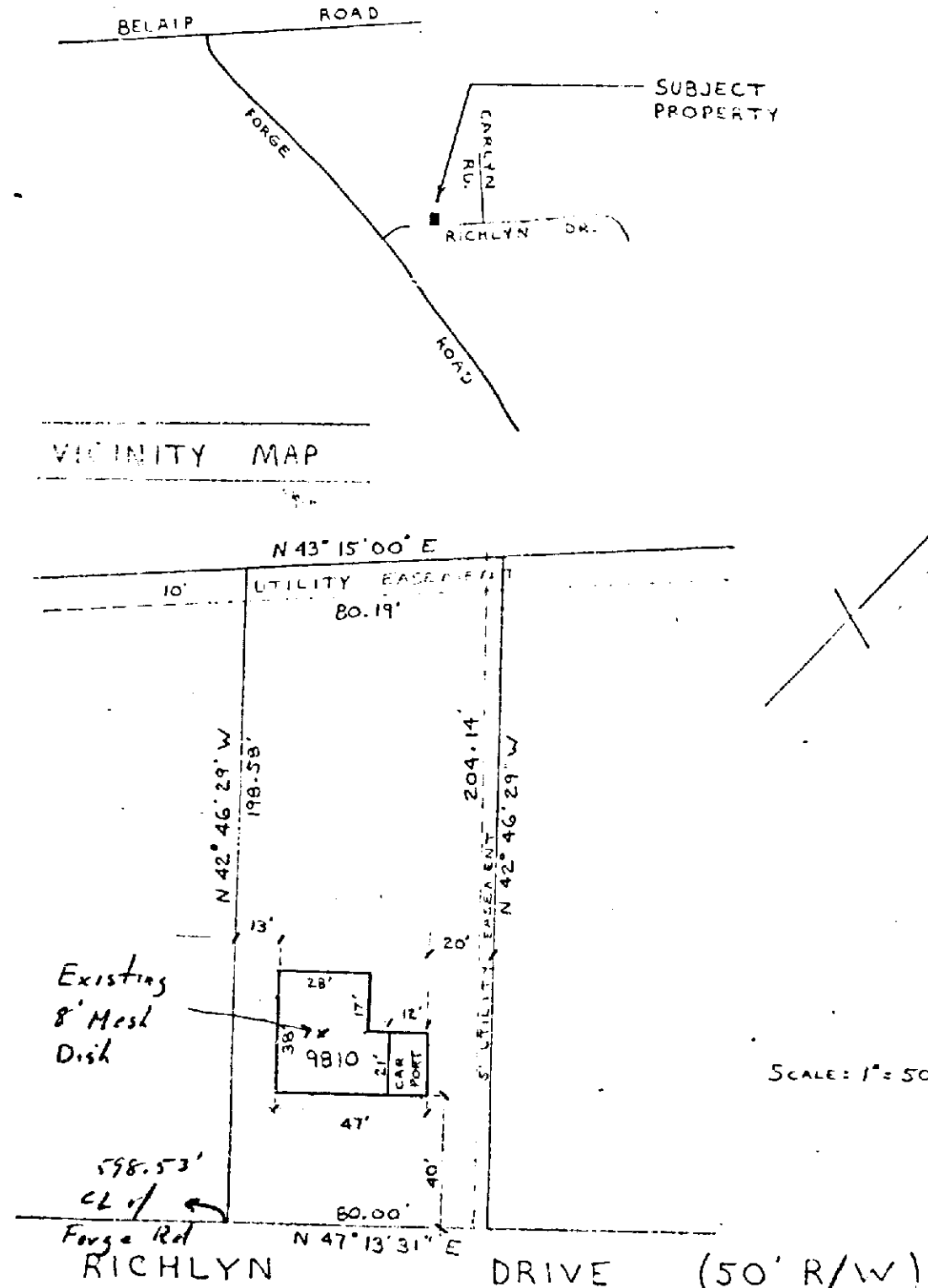
ASSIGNED FOR: TUESDAY, SEPTEMBER 9, 1986 at 10 a.m.

cc: Mr. and Mrs. Harry W. Schultheis Petitioners
Russell D. Karpook, Esquire Counsel for Protestants-Appellants
Mr. Edward F. Jackovitz Protestant-Appellant
Mr. Howard Adams " "
Phyllis Cole-Friedman People's Counsel out per Shirley 4/24/86
R. G. Rutherford
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

6/23/86 - Notified of appeal hearing scheduled for TUESDAY, SEPTEMBER 9, 1986 at 10 a.m.

Mr. Edward F. Jackovitz
Mr. Howard Adams
Russell D. Karpook, Esq.
Mr. Harry W. Schultheis
Phyllis Cole-Friedman
R. G. Rutherford



Variance
DR 3-5
11th Dist
Public Utilities Exist

SITE CHECK
DATE: 5/30/85
NAME: Harry Schultheis
ADDRESS: 9810 Richlyn Dr.
Baltimore, Md. 21128
PHONE: 256-5234, 282-7260
LINE OF SITE: ROOF - GOOD FAIR POOR *Top 8 Satellites OK
GROUND - GOOD FAIR POOR *NO Line of Sight
TALL POLE - GOOD FAIR POOR
TREES TO BE TRIMMED Neighbors trees
OPEN LNA (Micro Wave Check) - GOOD FAIR POOR
NUMBER OF WHITE OUTS - N/A
NUMBER OF BLACK OUTS - N/A
NUMBER OF SCRAMBLED - N/A
NUMBER OF CLEAN NBC - N/A
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 (25-30 degree slope) * Suggest Black dish if on roof to reduce impact on area
1.5 STORIES
LADDERS NEEDED - 6', 10', 16', 32', 40'
TALL POLE: Height (N/A FT.)
LADDERS NEEDED - 6', 10', 16', 32', 40'
SCAFFOLDING (N/A FT.)
DIFFICULTY FACTOR: 2 of 5
GB, MR inspectors / TC, PB installers
Inspected + Approved WKF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
Date: March 24, 1986

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

SUBJECT: Zoning Petition No. 86-403-A

The placement of the satellite on the rooftop does not concern this office; however, lacking information as to the diameter of dish and total height, this office cannot offer final comments.

Norman E. Gerber per JCH/dml
NORMAN E. GERBER, AICP, Director
Office of Planning & Zoning

NEC/JCH/dml

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 14, 1986

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

000

Mr. and Mrs. Harry W. Schultheis
9810 Richlyn Drive
Baltimore, Maryland 21128

Re: Item No. 231 - Case No. 86-403-A
Petitioners - Harry W. Schultheis, et ux
Variance Petition

Dear Mr. and Mrs. Schultheis:

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

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

March 19, 1986

Re: Zoning Advisory Meeting of DECEMBER 24, 1986
Item # 231
Property Owner: HARRY W. SCHULTHEIS, et ux
Location: NW side of Richlyn Drive, 598.53' NE of E of Forge Rd.

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.

- ☒ 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 22-93 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 1/13/79.
- ☒ The property is located in a deficient service area as defined by Bill 173-79. 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 high level intersection as defined by Bill 173-79, and its conditions change annually. The intersection is controlled by the County Council.
- ☒ Additional comments:

cc: James Russell

Eugene A. Baker
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-5550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. -ZAC- Meeting of December 24, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 231, 232, 233, 234, 235, and 236.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

NSF/bld

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

PAUL H. REINCKE
CHIEF

January 10, 1986

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harry W. Schultheis, et ux

Location: NW side of Richlyn Drive, 598.53' NE of centerline of Forge Road

Item No.: 231 Zoning Agenda: Meeting of December 24, 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 or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments of this type.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3630

TED ZALESKI, JR.
DIRECTOR

February 6, 1986

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

Dear Mr. Jablon:

Comments on Item # 231 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Harry W. Schultheis, et ux
Location: NW side of Richlyn Drive, 598.53' NE of E of Forge Road
Districts: 11th.

APPLICABLE ITEMS ARE CIRCLED:

- ☒ 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 (JULY 1974 - 1985) 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.
- ☒ 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.
- ☒ All the Groups except the Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. No 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 exterior wall within 3'-0" of an interior lot line.
- ☒ The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- ☒ The requested variance appears to conflict with Section(a) _____ of the Baltimore County Building Code.
- ☒ 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 to Mixed Use _____ See Section 312 of the Building Code.
- ☒ 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 elevation above sea level for the lot and the finish floor levels including basement.
- ☒ Comments: Receiving Dish on roof is subject to the design loads of Article 9 in the Building Code. Contact Mr. Edward Bauer - Phone 494-3987 - for information.

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 122 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burman
Charles E. Burman
Bldg. Plans Sec.

-177/194

4/9/86

Case 86-403-A

RE: Baltimore Zoning Variance

James H. Atkinson

9806 Richlyn Dr.

Howard W. Adams Jr.

9812 Richlyn Dr.

Barbara A. Burkhead (Mrs.)

9816 Richlyn Drive

Nancy A. Bender

9813 Richlyn Dr.

Eliette H. Bender

9813 Richlyn Drive

Sharon C. Helt

9804 Richlyn Dr. 2/1/88

Mary E. Rausch & Edward J. Rausch

9818 Richlyn Dr. 2/1/88

Edward F. Jacoby

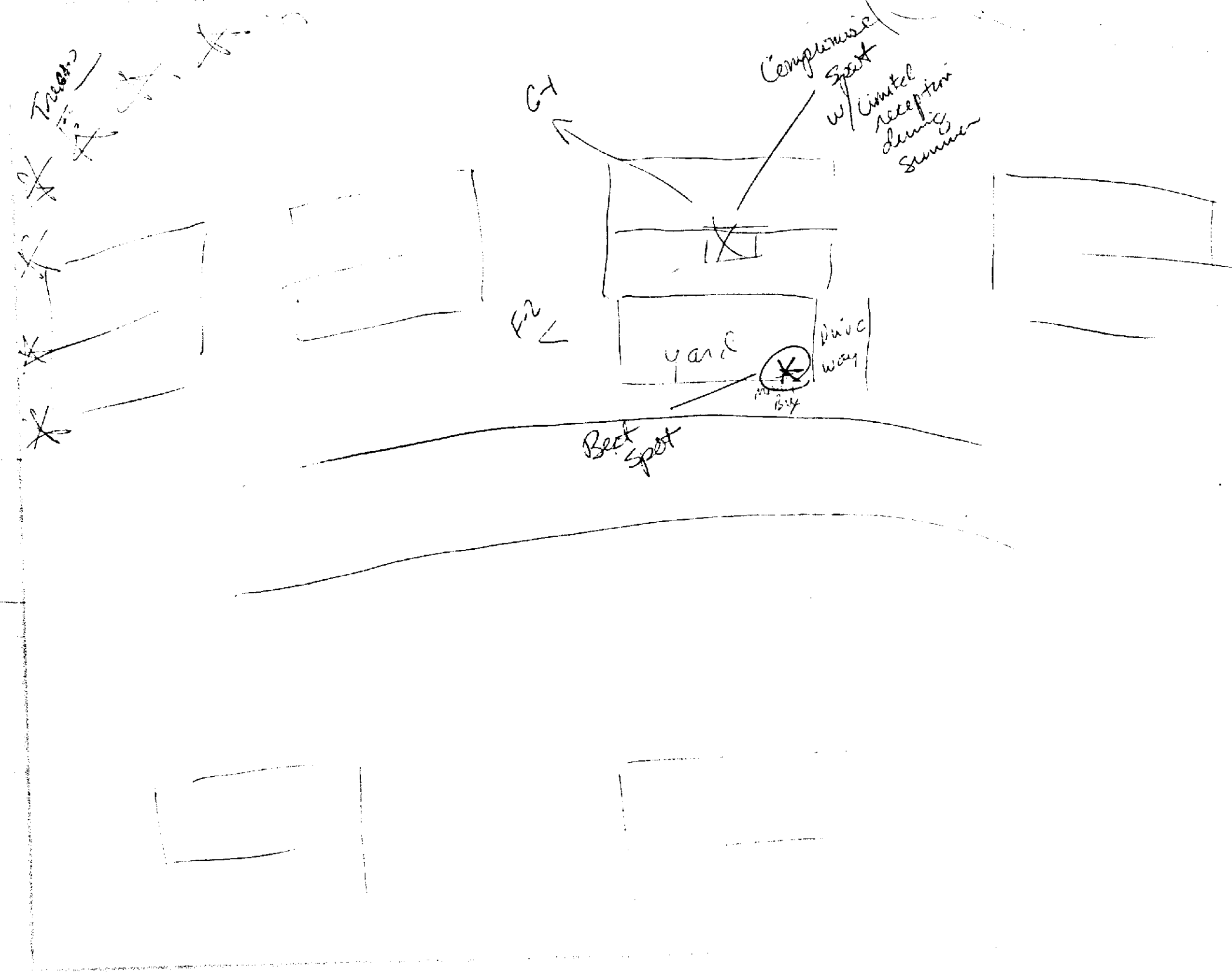
9814 Richlyn Dr. Perry Hall Md 21128

Results:

- 1) Perfect location to obtain all satellites would be in front yard near curb.
- 2) Second choice (only at last resort) would locate the dish on roof. This limits selection of 1/2 of satellites because of trees located 3 properties up the road. When leaves fall off maybe 2-3 more satellites will come into play.
- 3) Yard in back of house is completely ruled out because of no line of sight at all. (no chance for any satellite to be viewed, even with 10FT tall pole)

Suggestions:

- 1) Front yard is best but customer doesn't want it there because of neighborhood impact.
- 2) Roof is next choice. Customer will not receive all the satellites but will get better reception in fall + winter when leaves come off trees.
- 3) If roof is selected recommend Black mesh to further reduce impact on surrounding area.



PETITION FOR ZONING VARIANCE
11th Election District

LOCATION: Northwest Side of Richlyn Drive, 598.53 feet Northeast of the Centerline of Forge Road (9810 Richlyn Drive)

DATE AND TIME: Wednesday, April 9, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a satellite dish on the roof in lieu of the required rear yard.

Being the property of Harry W. Schultheis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(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. 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 20, 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 20, 1986

THE JEFFERSONIAN,

JB Ventonli

Publisher

Cost of Advertising

22.00

86-403A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

86-403-A

District: 1174 Date of Posting: 3/22/86

Posted for: Appeal

Petitioner: Harry W. Schultheis, et ux

Location of property: 9810 Richlyn Dr., 598.53' NE/Forge Rd.

Location of Signs: Facing Richlyn Dr., 12' from roadway, on property of Petitioner

Remarks:

Posted by: *Arnold Jablon* Signature Date of return: 4/22/86

Number of Signs: 1

Case No. 86-403-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 4th day of March, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Harry W. Schultheis, et ux
Petitioner's Attorney

Received by: *James E. Dyer*
Chairman, Zoning Plans Advisory Committee