

IN THE MATTER OF
THE APPLICATION OF
JOHN C. AXEL
FOR ZONING VARIANCE ON
PROPERTY LOCATED ON THE NORTH
SIDE OF PLEASANT HILL ROAD,
APPROXIMATELY 2,000 FEET WEST OF
THE CENTER LINE OF REISTERSTOWN
ROAD (102 PLEASANT HILL ROAD)
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from the denial of a variance to locate an accessory structure in the front yard in lieu of the rear yard. This appeal was taken by the Petitioner/Appellant in this case.

Let the record indicate that at 10:45 a.m. Petitioner/Appellant had not appeared. The Board recessed and contacted Mr. Axel's office as to whether or not he intended to appear and was informed by Mr. Axel's secretary that, as far as she knew, he did intend to appear. Let the record indicate that the Board reconvened at 11:05 a.m.; Mr. Axel had not appeared nor had he contacted this Board in any manner.

It is the opinion of this Board that this appeal should be dismissed for lack of appearance and the Deputy Zoning Commissioner's Order affirmed. Let the record indicate that 18 protestants did appear and were prepared to proceed in opposition to the petition.

ORDER

It is therefore this 12th day of February, 1988 by the County Board of Appeals of Baltimore County ORDERED that the appeal of the Order of the Deputy Zoning Commissioner be DISMISSED for lack of appearance, and that the Deputy Zoning Commissioner's Order dated May 20, 1987 be and the same is hereby AFFIRMED.

Case No. 87-435-A
John C. Axel

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis

Patricia Phipps

IN RE: PETITION FOR ZONING VARIANCE
N/S Pleasant Hill Road,
Approx. 2,000' W of the
c/l of Reisterstown Road
(102 Pleasant Hill Road)
4th Election District
3rd Councilmanic District
John C. Axel, Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-435-A

The Petitioner herein requests a variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard, as more particularly described on the plan submitted, dated February 10, 1987 and identified as Petitioner's Exhibit 1.

Testimony by and on behalf of the Petitioner indicated that construction of the existing 24' x 24' garage was begun in August or September of 1986 without benefit of a building permit. The Petitioner stated that he "understood" that the contractor, a Fred Rosen, was licensed, that Mr. Rosen "advised" him that he had done previous work in Baltimore County, and that he thought Mr. Rosen was "supposed" to get the necessary permits. The contract between the Petitioner and Mr. Rosen consisted of blueprints and a list on a piece of paper. The construction was partially completed in January 1987, at which time the Petitioner was informed that the structure was in violation of the Baltimore County Zoning Regulations (BCZR). The installation of the garage door, a side door, the electrical work, exterior grading and possibly wood staining remained to be completed. At that time, all work ceased and since then the structure has been used to store two vehicles. The Petitioner listed as his hardships the location of the existing septic system and shrubbery, variations and severe drop in grade, concern for stormwater runoff and drainage, and limited access to the rear yard.

Numerous protestants appeared and five testified in protest. The neighborhood was described as a quiet community over 100 years old. Several neighbors have built garages in recent years, but have obtained permits and displayed those permits for the public to see. Contrary to the Petitioner's testimony that the garage is visible only to two neighbors, three Protestants testified that it was visible from their property. Others referred to its visibility as they walked and drove in the area. The Protestants spoke of their opposition to the placement of the garage, that the size and architectural design of the garage in the front yard are incompatible to the style of housing in the neighborhood, and of their deep concern that the BCZR and building permit process were not complied with. It is their belief that the appearance of the garage at this location is detrimental to the neighborhood. One Protestant stated that the Petitioner's hardship was of his own making.

The Petitioner, an attorney, asked several of the protesting witnesses if, or why, they had not made inquiries of him and discussed the matter with him at the time construction was going on. Responses indicated that they had contacted Baltimore County to inquire whether zoning and permit requirements had been met.

All parties to the hearing stipulated to a visit to the site and general neighborhood by the Deputy Zoning Commissioner.

After due consideration of the evidence and testimony presented at the hearing, and following a site visit to the property and general area, in the opinion of the Deputy Zoning Commissioner, the location of the garage is inappropriate and is indeed detrimental to the character and appearance of the surrounding neighborhood. Further, it appears from her inspection of the site and review of Petitioner's Exhibit 1, that the Petitioner has adequate space in his rear yard to place a garage in that area without the necessity of variances from the BCZR. For the reasons stated above, the Deputy Zoning Commissioner believes that the variance requested will adversely affect the health, safety and general welfare of the community and should not be granted.

ORDER RECEIVED FOR FILING
Date 3/1/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/1/88
By [Signature]

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 - to permit an accessory structure (garage) to be located in the front yard in lieu 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) The location of the garage at a distance further toward the rear of the property such that it would be in the rear yard would:

1. Prevent any and all access to the rear of the property where the septic system is located and lack of access would mean inability to service same.
2. The property suffers a large downgrade beyond the present location of the garage and is unlevel which would create a great financial burden in leveling to be able to locate the garage in that area.
3. (SEE ATTACHED)

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

Address

City and State

Attorney for Petitioner:

JOHN C. AXEL

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 252-7169

Legal Owner(s):

JOHN C. AXEL

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

JOHN C. AXEL

Address

City and State

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

of March 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of May, 1987, at 9:45 a.m.

Charles J. [Signature]
Zoning Commissioner of Baltimore County.

(over)

3. The leveling of the property to locate the garage in the rear of the property would create drainage hazards either to the property owner or the neighbor to the left of the property owner.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 16, 1987

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 April 16, 1987.

THE JEFFERSONIAN.

Publisher

PETITION FOR ZONING VARIANCE
N/S Pleasant Hill Road,
Approx. 2,000' W of the
c/l of Reisterstown Road
(102 Pleasant Hill Road)
4th Election District
3rd Councilmanic District
John C. Axel, Petitioner

LOCATION: North Side Pleasant Hill Road, approximately 2,000 feet West of the Centerline of Reisterstown Road (102 Pleasant Hill Road).

DATE AND TIME: Friday, May 8, 1987, at 9:45 a.m.
PUBLIC HEARING: Room 301, 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 an accessory structure (garage) in the front yard in lieu of the required rear yard.

Being the property of John C. Axel, as shown on plat plan filed with the Zoning Office.

In the event that the variance is granted, a building permit may be issued within the 120-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 JARLON
Zoning Commissioner
of Baltimore County
6th Apr 16

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th
Posted for: [Signature]
Petitioner: John C. Axel
Location of property: N/S of Pleasant Hill Rd. Approx. 2,000' W of c/l of Reisterstown Rd. (102 Pleasant Hill Road)
Location of Sign: Corner of 102 Pleasant Hill Road
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of return: July 6, 1987

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th
Posted for: [Signature]
Petitioner: John C. Axel
Location of property: N/S Pleasant Hill Rd. Approx. 2,000' W of c/l of Reisterstown Rd. (102 Pleasant Hill Road)
Location of Sign: In front of 102 Pleasant Hill Rd.
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of return: April 24, 1987

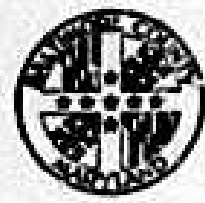
40
X 0001
002
DATE 1/19/87

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 20th day of May, 1987 that a variance to permit an accessory structure (garage) in the front yard, is hereby DENIED.

Jan M. H. [Signature]
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 3/1/88
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/1/88
By [Signature]



County Board of Appeals of Baltimore County

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

February 12, 1988

John C. Axel, Esquire
102 Pleasant Hill Road
Owings Mills, MD 21117

RE: Case No. 87-435-A
John C. Axel

Dear Mr. Axel:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. Martin Spalding
Phyllis Cole Friedman, Esquire
Mr. Neil E. Merkel
Mr. F. J. Corbett
P. David Fields
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

2/18/88

T/C fr John Axel's secretary (Jo) 752-7169

RE: Case No. 87-435-A

Mr. Axel was denied variance by Jung for garage in front yard (structure exists).

He did not appear for hearing; Jung's order was therefore affirmed.

His question: He's not inclined to appeal the Board's decision; however, wants to know how long he has to take down the existing garage (not specified in either the Board's opinion/order nor in Jean Jung's Order).

Asked if we could get back to her today.

k

T/C by Larry Schmidt to Axel's secretary 2/18/88.

Not within the Board's authority to make that determination. Rather it rests with the Office of Law and the Office of Zoning whom the Law Office represents.

Zoning inspector will visit site, since the variance was denied. Issue violation notice and thereby will timeframe be given for taking down the structure. -fine runs by the day.

Recommended that it would be in the petitioner's best interest to remove structure as soon as possible.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 21, 1987

John C. Axel, Esquire
200 E. Lexington Street, Suite 1100
Baltimore, Maryland 21202

Dennis F. Rasmussen
County Executive

RE: Petition for Zoning Variance
N/S Pleasant Hill Road, approx.
2,000' W of the c/l of
Reisterstown Road
(102 Pleasant Hill Road)
4th Election District
3rd Councilmanic District
Case No. 87-435-A

Dear Mr. Axel:

Pursuant to the hearing recently held on the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Denied in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: Mr. Martin Spalding
121 Pleasant Hill Road
Owings Mills, Maryland 21117

People's Counsel

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

June 17, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Pleasant Hill Road, approx. 2,000' W of the c/l of Reisterstown Road
(102 Pleasant Hill Road)
4th Election District, 3rd Councilmanic District
John C. Axel - Petitioner
Case No. 87-435-A

Dear Board:

Please be advised that on June 16, 1987, an appeal of the decision rendered in the above-referenced case was filed by Mr. John C. Axel, Petitioner. All materials relative to the case are being forwarded to your office herewith.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: Mr. John C. Axel
102 Pleasant Hill Road, Owings Mills, Md. 21117

Mr. Martin Spalding
121 Pleasant Hill Road, Owings Mills, Md. 21117

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
July 15, 1987

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. 87-435-A JOHN C. AXEL
N/s Pleasant Hill Rd., approx. 2,000' W
of c/l of Reisterstown Road
4th Election District
Var.-Accessory structure (garage) to be
located in front yd. in lieu of rear yd.
5/20/87 - DZC Denied the variance

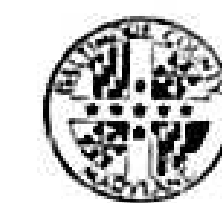
ASSIGNED FOR: TUESDAY, NOVEMBER 10, 1987, at 10:00 a.m.

cc: John C. Axel, Esq. Petitioner
Martin Spalding Protestant
Phyllis C. Friedman People's Counsel
Neil E. Merkel
Mr. F. J. Corbett
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James Dyer
Margaret duBois

RECEIVED
JUL 16 1987

ZONING OFFICE

June Holmen, Secretary



County Board of Appeals of Baltimore County

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

December 14, 1987

HEARING ROOM #218

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). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 87-435-A JOHN C. AXEL
N/s Pleasant Hill Rd., approx. 2,000' West
of c/l of Reisterstown Road
4th Election District
3rd Councilmanic District
Variance -Accessory structure (garage) to be
located in front yard in lieu of rear yard
5/20/87 -D.Z.C. DENIED the variance.

The above case, scheduled for hearing on Wednesday, December 23, 1987 has been POSTPONED by the Board at the request of both the Petitioner and the Protestant, and

REASSIGNED FOR: TUESDAY, FEBRUARY 2, 1988, at 10:30 a.m.

cc: John C. Axel, Esq. Petitioner/Appellant
Martin Spalding Protestant/Appellee
Phyllis C. Friedman People's Counsel for Baltimore County
Mr. Neil E. Merkel
Mr. F. J. Corbett
Norman E. Gerber
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Kathi Weidenhammer
Administrative Secretary

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Pleasant Hill Rd., approx. : OF BALTIMORE COUNTY
2,000' W of C/L of Reisterstown :
Rd. (102 Pleasant Hill Rd.) :
4th District :

JOHN C. AXEL, Petitioner: : Case No. 87-435-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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11st day of March, 1987, a copy of the foregoing Entry of Appearance was mailed to John C. Axel, Esquire, 200 E. Lexington St., Suite 1100, Baltimore, MD 21202, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR ZONING VARIANCE

4th Election District - 3rd Councilmanic District
Case No. 87-435-A

LOCATION: North Side Pleasant Hill Road, approximately 2,000 feet West of the Centerline of Reisterstown Road (102 Pleasant Hill Road)

DATE AND TIME: Friday, May 8, 1987, at 9:45 a.m.

PUBLIC HEARING: Room 301, 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 an accessory structure (garage) in the front yard in lieu of the required rear yard

Being the property of John C. Axel, 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

October 16, 1987

Mr. William T. Hackett, Chairman,
Baltimore County Board of Appeals
Room 200 - Court House
Towson, MD. 21204

RE: Case No. 87-435-A
John C. Axel

Dear Mr. Hackett:

I am writing to request that no more postponements be granted to Mr. Axel of the above-captioned case.

Like many other residents of our community, I work five days a week, and it is not an easy matter to take days off whenever I want for things like this. For instance, I had to get special permission to be able to have off on November 10 (the day the appeal hearing was first set for). Now after being notified that the hearing date had been changed, I told my employer I did not need the date of November 10 off, but now I had to have off on December 23. He was not pleased about it, but he did finally approve it. I am sure he will not authorize any more changes.

Changing dates on the hearing is an inconvenience to me and all other neighbors who want to and/or have to attend this hearing. We had a good representation at the first zoning hearing when Mr. Axel was told he was in violation of the zoning regulations, and we certainly want to have a good attendance for his appeal hearing, as the neighborhood is against this garage and know it is necessary to appear for the hearing, and testify in that manner.

Also, if the hearing is changed again, it would go into winter, thereby making it almost an impossibility for older members of our community to attend the hearing in bad weather.

We have put up with this zoning violation long enough. It is time to have the hearing without further postponements so that a ruling one way or the other can be made, and we can get on with our lives.

Thank you for your time and consideration.

Sincerely,

Edith B. Sullivan

Edith B. Sullivan
104 Pleasant Hill Road
Owings Mills, MD. 21117

EBS:s

MICROFILMED

JOHN C. AXEL
ATTORNEY AT LAW

*Court Square Building, 200 E. Lexington Ave.
Suite 1100
Baltimore, Maryland 21202*

September 24, 1987

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

RE: Case No.: 87-435-A
Hearing Date: Tuesday, November 10, 1987, 10:00 a.m.

Dear Sir:

Please be advised that the above captioned matter is presently scheduled for the County Board of Appeals of Baltimore County on Tuesday, November 10, 1987 at 10:00 a.m.

I would greatly appreciate your cooperation in postponing this matter as I have two previously scheduled jury trials, both of which are scheduled to begin on Monday, November 9, 1987 and both of which will require more than two days of trial in all likelihood and one of which shall be tried consecutively upon the conclusion of the first such that it will be virtually impossible for me to appear on November 10, 1987 concerning this matter. Kindly note that the aforementioned previously scheduled jury trials are known as State of Maryland v. Edward Brune, criminal case number 1-2-146751B3, Circuit Court for Baltimore City and Jackson v. Brown, civil case number 85122020/CL34018, Circuit Court for Baltimore City.

As a result of the aforementioned jury trial scheduling, and the obvious conflict in my trial schedule, I would greatly appreciate your consideration and cooperation in postponing the hearing of November 10, 1987 and advising as to the new date and time of hearing concerning this matter.

Very truly yours,

John C. Axel

JCA/blt

cc: Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
1987 SEP 28 A 11 44

MICROFILMED

County Board of Appeals

Room 219 Court House

TOWSON, MARYLAND 21204

October 1, 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 #108

CASE NO. 87-435-A

JOHN C. AXEL

N/S Pleasant Hill Rd., approx. 2000' W
of c/l of Reisterstown Rd.

4th Election District

Variance-Accessory structure (garage) to be
located in front yard in lieu of rear yard

5/20/87 - DEC Denied the variance

The above case, scheduled for hearing on Tuesday, Nov. 10, 1987, at 10 a.m.

has been POSTPONED by the Board at the request of Petitioner, and

REASSIGNED FOR:

WEDNESDAY, DECEMBER 23, 1987, at 10 a.m.

cc: John C. Axel, Esq.

Petitioner

Martin Spalding

Protestant

Phyllis C. Friedman

People's Counsel

Will E. Merkel

Mr. F. J. Corbett

Norman E. Gerber

James Hoswell

Frank Fisher

J. Robert Haines

Ann Mastarowicz

James Dyer

PP to
Spalding
at 10:30

MICROFILMED

JOHN C. AXEL
ATTORNEY AT LAW

*Court Square Building, 200 E. Lexington Ave.
Suite 1100
Baltimore, Maryland 21202*
December 2, 1987

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

RE: Case No.: 87-435-A
Hearing Date: December 23, 1987 at 10:00 a.m.

Dear Sir:

I am in receipt of notice indicating the reassignment of the above noted matter for hearing on Wednesday, December 23, 1987 at 10:00 a.m.

I most regretably must respectfully request a postponement of this matter as I have a criminal jury trial scheduled in the Circuit Court for Baltimore County, known as State of Maryland v. Louis Gendason, criminal number 87CR5374, said jury trial is scheduled to begin on Tuesday, December 22, 1987 and to continue from day to day until concluded. This matter in all likelihood will not be concluded by the end of the day on December 22, 1987 as the Defendant whom I represent has at least twelve witnesses to testify in this matter in addition to those to testify on behalf of the State of Maryland.

Therefore, I greatly appreciate your courtesy and understanding in postponing the above captioned matter and please note that I will be more than agreeable to arranging a future non-conflicting date by telephone with your office so that no further scheduling conflicts would occur.

Thanking you for your cooperation and understanding and awaiting your early response, I remain,

Very truly yours,

John C. Axel

JCA/jm

cc: Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County

MICROFILMED

M. A. SPALDING & ASSOCIATES, INC.
CONTRACTORS

December 2, 1987

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

Re: Case #87-435-A
John C. Axel

Dear Mr. Hackett,

I am writing to request a postponement in the above mentioned case; scheduled for December 23, 1987.

This case was originally scheduled for November 10th, and was changed by Mr. Axel.

There are various problems that arise during the holiday time of the year. Scheduling interested neighbors for participation is extremely problematic, and since this is a neighborhood situation, timing is very important.

My own schedule with business and travel will not allow me to be present on the 23rd.

We have no prejudice for Mr. Axel; and since the structure in question is already built, timing can be more flexible.

Thank you for your consideration in this matter and if you have any problems or questions please call.

Sincerely,

Martin A. Spalding

Martin A. Spalding

MAS/jlw

81 NICOMEDUS ROAD - REISTERSTOWN, MD 21136 (301) 356-6100

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 28, 1987

MICROFILMED

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

cc:

Chairman

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

John C. Axel, Esquire
200 E. Lexington Street, Suite 1100
Baltimore, Maryland 21202

RE: Item No. 324 - Case No. 87-435-A
Petitioner: John C. Axel
Petition for Zoning Variance

Dear Mr. Axel:

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.

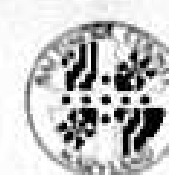
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:PKB

Enclosures

cc: John C. Axel, Esquire
102 Pleasant Hill Road
Owings Mills, Maryland 21117



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

PAUL H. RENCKE
CHIEF

February 18, 1987

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

RE: Property Owners: John C. Axel

Location: N/S Pleasant Hill Rd., 2000 ft. ± W of centerline of
Reisterstown Rd.

Item No.: 324 Zoning Agenda: Meeting of 2/17/87

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", 1986 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Rencke* Approved: *John E. O'Neill*

Planning Group
Special Inspection Division

/mb

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BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

February 12, 1987

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

Dear Mr. Jablon:

Comments on Item # 324, Zoning Advisory Committee Meeting are as follows:

Property Owners: John C. Axel
Location: N/S Pleasant Hill Road, 2000 ft ± W of Centerline of Reist. Rd.
District: 4th

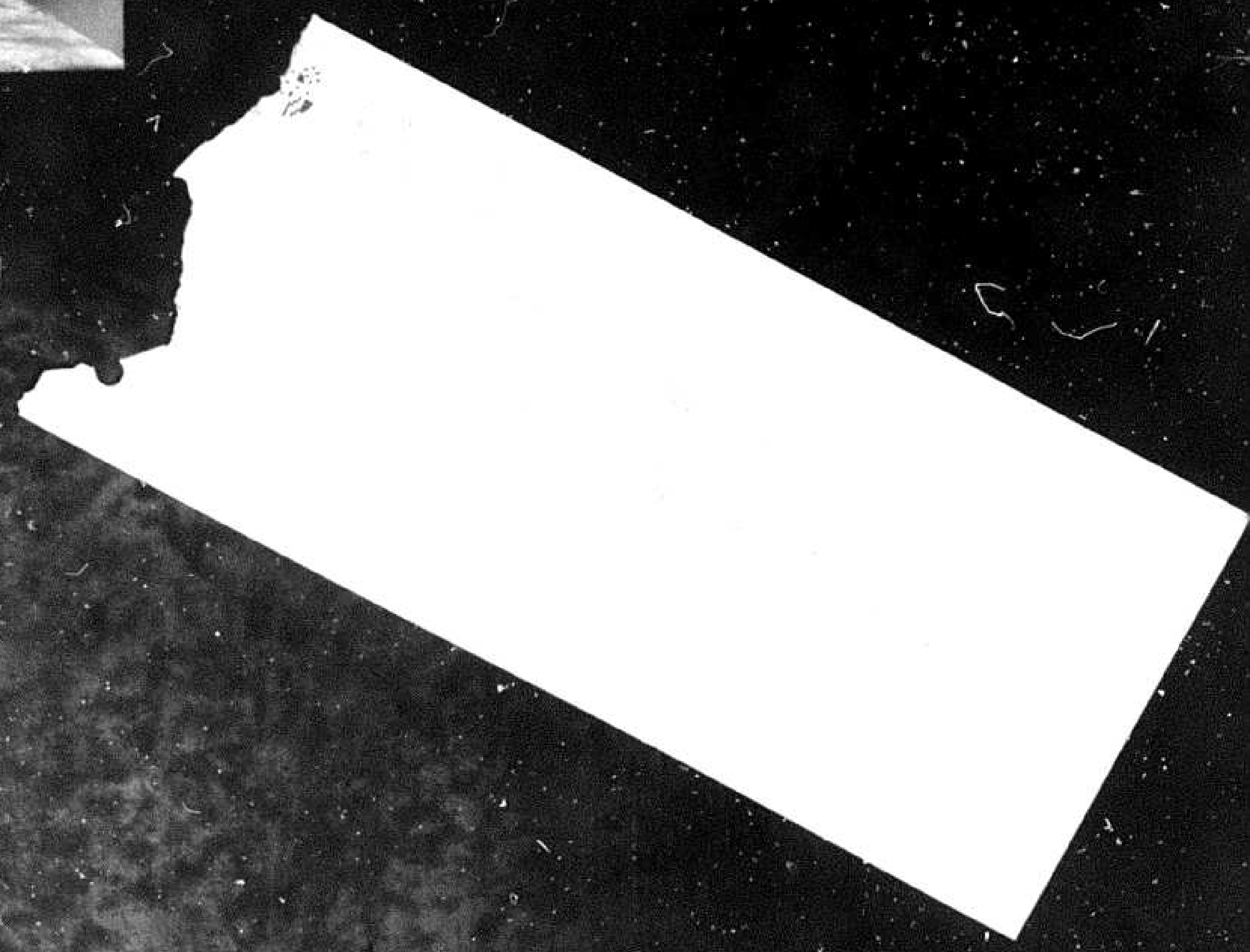
APPLICABLE ITEMS ARE CIRCLED:

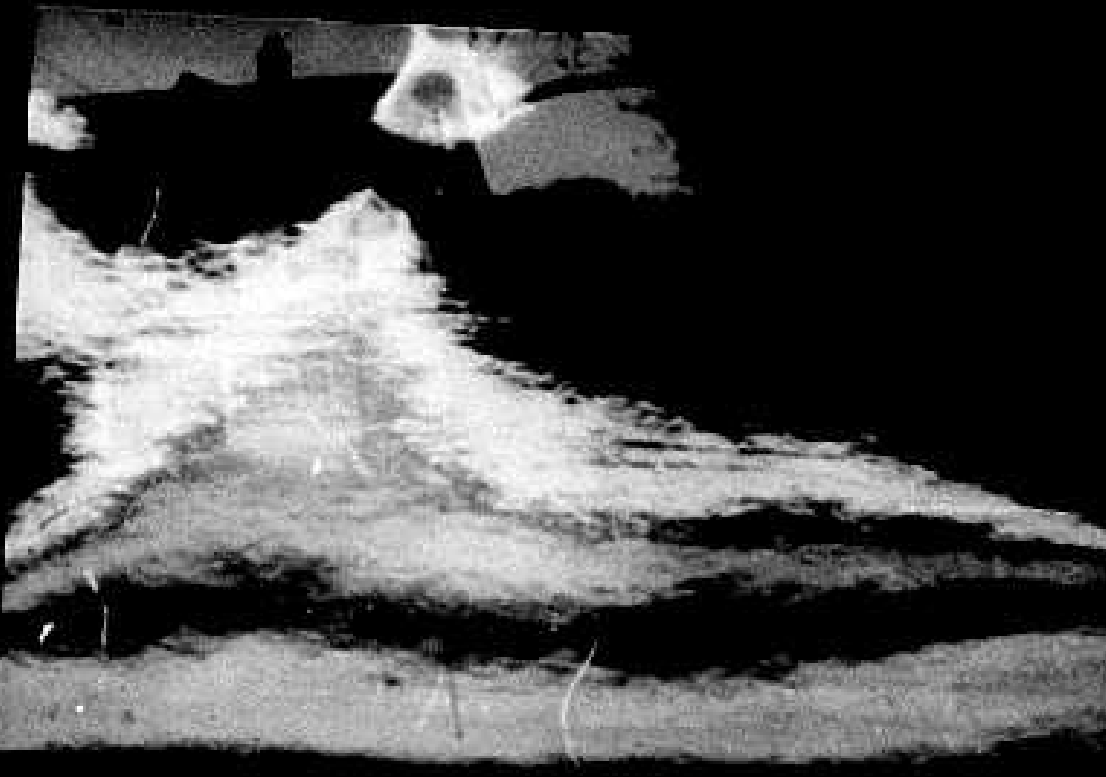
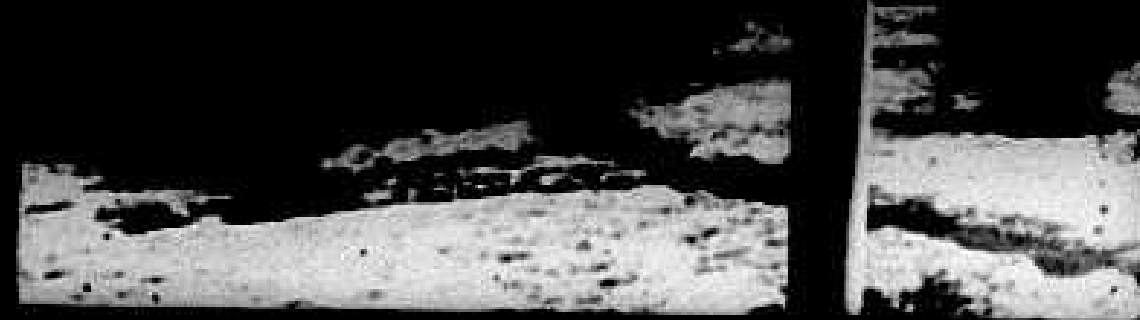
1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.C. #17-1 - 1985) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of 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 shall be 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 One Group except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-1 One Group require a one hour wall if closer than 5'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party wall. See Table 401, Section 1207, Section 1208.2 and Table 1202. 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 401 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 alternative 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 Use _____.
9. The proposed project appears to be located in a Flood Plain, Flood/Hazardous. 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 Flood Hazard Levels including basement.
10. Comments: If a permit was not acquired, it shall be applied for as required by the Building Code.

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

Martin A. Spalding
Martin A. Spalding
Building Plans Reviewer

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BALTIMORE COUNTY
EXECUTIVE OFFICE
TOWSON, MARYLAND 21204

Attorney's Exhibit 2
Protestant's Exhibit 1a-1d &
2a-2c