

88-111-A

#487

N/S Regester Ave., 151.6' E of Pinehurst Rd.
(210 Regester Ave.)

9th E.D.

8/13/87

Variance - filing fee \$35.00 - Steven Alpern, et al

8/13/87

Hearing set for 9/22/87, 10:00 a.m., before Mr. Haines.

9/22/87

Advertising and Posting - \$91.38

10/8/87

Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit a side yard setback of 6' in lieu of the required 10' is DENIED.

11-6-87

Appeal filed by the Petitioner's Attorney.

1/26/88

Hearing set for Thursday, April 7, 1988 at 1 p.m. before Board of Appeals.

5/19/88

ORDERED by County Board of Appeals of Baltimore County, that the decision of the Zoning Commissioner of Baltimore County denying the requested variance be and the same is hereby AFFIRMED.

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 1002.2.C.1. to permit a side yard setback of 6 feet to 11 feet of the required 10 feet.

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

1. Insulate and reduce heating bills.
2. A place to sit out and not be concerned with weather, bugs, mosquitoes, flies, etc.
3. Reduce outside noise.
4. Improve appearance of house.

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)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.:
Address

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

of August 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1987, at 10:00 o'clock A.M.

J. Robert Davis
Zoning Commissioner of Baltimore County

Case No. 88-111-A
Steven Alpern, et al
The Court went on to say "...that the detriment to the applicant must be weighed against the benefit to the community in maintaining the general plan." See also Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220.

The Board weighed the detriment to Mr. Alpern against the benefit to the Rodgers Forge Community Association in maintaining a general plan, and we find as a fact that the enclosure of the side porch by glass structure would affect the aesthetic ambience of the 1,800 homes in the Rodgers Forge Community Association and to grant the variance under the circumstances would be arbitrary and capricious.

The Board notes that it is addressing the variance of the applicant in this case and is not considering or addressing the question of any covenants that may or may not exist with respect to the properties in the Rodgers Forge Community Association and/or the existing structures or porches in this area.

ORDER

For all the above reasons, it is this 19th day of May, 1988 by the County Board of Appeals of Baltimore County ORDERED that the decision of the Zoning Commissioner of Baltimore County denying the requested variance be and the same is hereby AFFIRMED.

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

Thomas J. Bollinger, Acting Chairman

Harry E. Bushmister, Jr.

Arnold G. Foreman

IN THE MATTER OF
THE APPLICATION OF
STEVEN ALPERN, ET AL
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE OF
REGISTER AVENUE, 151.6' EAST OF
PINEHURST ROAD
(210 REGISTER AVENUE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-111-A

OPINION

This case comes before the Board after a decision of the Zoning Commissioner of Baltimore County denying a side yard setback variance.

The testimony in this case and all of the pictorial and schematic exhibits indicate that the property in question is in the "old section" of Rodgers Forge and is improved by a red brick multi-story structure with a side porch that is covered and extending 8 feet from the foundation of the main structure and being 12 feet wide is unenclosed. This porch, testimony indicated, had been built when the existing dwelling was built prior to the requirements of any subdivision approval by the Planning Board or any other then existing approval authority of Baltimore County as far as the side yard setback is concerned.

The Board believes that the initial question that it must confront is whether this property owner needs a variance in the first place. The Baltimore County Zoning Regulations (B.C.Z.R.) Section 103.1 states as follows:

"These Regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission, (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these Regulations. The zoning regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the zoning regulations

Case No. 88-111-A
Steven Alpern, et al

In effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission."

A check of the zoning records indicates that this section of Rodgers Forge community is so old that there is no approved plat for the original subdivision and consequently the present regulations must apply, and the side yard setback in this case would be 10 feet. Thus, the property owner, when he changes the use and encloses this porch, would require a variance.

Having determined that the variance is required, the Board considered all of the testimony and exhibits and finds as a fact that this property is located in an older section of a development of like townhouses and that the association and immediate property owners comprise approximately 1,800 homes with 40 to 45 of these homes having side porches and none of these porches are glass-enclosed. There are five to six porches which are enclosed with screens, and the community association is opposed to glass-enclosed porches because it would not allow the uniformity of the homes to be preserved and would affect the aesthetic uniformity of the neighborhood. The property owner, the Appellant, on the other hand, wishes to enclose his porch with glass so that he can have additional space for his wife to play music, for additional protection against teenagers in the neighborhood, and to increase his privacy. Testimony is that there is no intention to have electricity or heat in the porch once enclosed with glass.

The Board in determining whether a variance should be granted must distinguish between a use variance where the burden is one of proving undue hardship or whether it is an area variance where the burden is to prove practical difficulty. In this particular case, the Board finds the question to be one of an area variance and finds that to prove practical difficulty the

Case No. 88-111-A
Steven Alpern, et al

Following criteria must be met:

1. Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. Whether granting the variance would do substantial injustice to the applicant and the other approximately 1,800 property owners in this district; and
3. Whether the relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Board finds as a fact that the evidence before it does not show that strict compliance would unreasonably prevent the use of the property. The Board finds as a fact by the testimony and exhibits presented to it that granting of the variance would do substantial injustice to the Rodgers Forge community and the 1,800 property owners therein. The Board finds as a fact that the relief cannot be granted in such a fashion so that the spirit of the ordinance will be observed and public safety and welfare secured.

This case presented some rather unique questions of law for the Board and in reviewing certain appellate decisions the Board found as binding and most persuasive the case of *Dahl v. County Board of Appeals of Baltimore County*, 258 Md. 157, 265 A.2d 227, wherein the Court stated:

"We cannot overlook the fact that in the instant case there are substantial residential properties within the immediate area of the applicant. The evidence is such as would lead a reasonable man to the belief that the granting of the variances may well affect the aesthetic ambience (emphasis added) of the residentially zoned properties which lie in the immediate area, and for this reason we are of the opinion that the granting of the variances would be in disharmony with the spirit and intent of the regulations."

APPEAL

Petition for Zoning Variance
N/S Register Avenue, 151.6' E of Pinehurst Road
(210 Register Avenue)
9th Election District - 4th Councilmanic District
Steven Alpern, et al - Petitioners
Case No. 88-111-A

Side yard setback

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel (Not in File)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1 - Plat of Property revised 5/17/87

2 - Letter of support dated 9/21/87

3 - Color photographs of similar properties

Zoning Commissioner's Order dated 10/3/87

1-12-88

Richard T. Romero, Esquire, Attorney for Petitioner

341 N. Calvert Street, Baltimore, Md. 21202

Patio Enclosures, Inc.

224 8th Avenue, Glen Burnie, Md. 21061

Mr. Scott D. Goetsch, Protestant

172 Brandon Road, Baltimore, Md. 21212

Ms. Patricia L. Zouck

99 Mardock Road, Baltimore, Md. 21212

Phyllis Cole Friedman, Esquire

People's Counsel of Baltimore County

Rm. 223, 414 Courthouse, Towson, Maryland 21204

5/17/87

5/17/87

5/17/87

5/17/87

5/17/87

5/17/87

5/17/87

5/17/87

BEGINNING FOR THE SAME on the North side of Register Avenue at the distance of 151 feet 6 inches easterly from the Northeast corner of Register Avenue and Pinehurst Road and at a point where the North side of Register Avenue is intersected by a line drawn midway between the house on the lot now being described and that on the lot adjoining on the West and running thence easterly binding on the North side of Register Avenue 35 feet 3 inches to a point in a line with the center of the partition wall there situate, thence North to and through the center of said wall and continuing the same course in all 132 feet 3/4 inch to the Southwest side of an alley 15 feet wide there situate, thence North-west binding on the Southwest side of said alley with the use thereof in common 38 feet 11-1/8 inches to intersect the aforesaid line drawn midway between the house on the lot now being described and that on the lot adjoining on the West and thence South binding on said line 137 feet 2-3/4 inches to the place of beginning. The improvements thereon known as No. 210 Register Avenue.

BEING the same lot of ground and improvements described in a Deed dated March 2nd, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.R., Jr. No. 5601, folio 505, etc. from Alan Stanley Beck and Ellen J. Beck, his wife, to the within named grantors.

BEING also the same lot of ground mentioned and described in a Mortgage dated March 2nd, 1978 and recorded among the Land Records, aforesaid in Liber E.H.R., Jr., No. 5601, folio 500.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th
Posted for: 10/22/87
Petitioner: Steven Alpern, et al
Location of property: N/S Register Avenue, 151.6' E of Pinehurst Road
Location of Sign: 210 Register Avenue
Date of Posting: 11/24/87

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21203

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 10/22/87

THE JEFFERSONIAN,

Publisher

32.18

ROYSTON, MUELLER, MCLEAN & REID

SUITE 400
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELEPHONE FAX (301) 828-7859

OF COUNSEL
CARROLL W. ROYSTON
H. ANTHONY MUELLER
JOHN L. ANKLEW

April 14, 1988

Thomas Bollinger, Esquire
County Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Zoning Appeal No. 88-111A, Request for Variance
210 Regester Avenue

Dear Mr. Bollinger:

I enclose the Memorandum of Law requested by you at the conclusion of the Hearing on this Appeal on April 7, 1988.

I thank you for your consideration in this matter.

Sincerely,

Keith R. Truffer

KRT/cjc
1767Y
Enclosure

cc: Mr. Robert A. McGrain, Jr.
Richard T. Rombro, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
MAY 19 1988

1759y
KRT/cjc
04/12/88

STEVEN ALPERN, ET AL.
Appellants/Petitioners

v.
RODGERS FORGE COMMUNITY
ASSOCIATION, INC.

IN THE
COUNTY BOARD OF
APPEALS OF
BALTIMORE COUNTY
Case No. P8-111-A

Appellee/Protestant

APPELLEE, RODGERS FORGE COMMUNITY ASSOCIATION'S, MEMORANDUM OF LAW

Appellee, Rodgers Forge Community Association, files this Memorandum of Law in support of its opposition to this Appeal.

At the conclusion of the hearing on this matter, the Board of Appeals raised the following question: Do the Baltimore County Zoning Regulations make a distinction between an enclosed and an open porch so as to require a variance for a porch enclosure?

The only reference in the Zoning Regulations to a porch is in BCRZ §301.1. This section describes a porch as follows: "a one-story open porch attached to the main building." The Appellant's current porch is open and clearly qualifies under this definition.

While a porch is defined as open, a "building" is defined as "a structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind." (BCRZ §101, p. 1-7.) The Zoning Regulations thus contemplate that an "open porch" is different from a "building" and that enclosing a porch changes it, by definition, to a building.

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 400
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4575
823-1800

The particular type of building involved in this case is a dwelling, defined by the Zoning Regulations as "a building or portion thereof which provides living facilities for one or more families." (BCRZ §101, p.1-10.) A ten foot side-yard setback is required of a "dwelling" in this zone. (BCRZ Section 1B02.3.C.1.) As defined by §301.1, a porch may encroach into as much as twenty-five percent (25%) of the required side-yard setback. By enclosing the porch, the Appellant's propose to change the character of the structure from one defined as an "open porch," with a seven and a half foot sideyard setback requirement, to an "enclosed" dwelling, with a ten foot side-yard setback requirement.

Concluding, the Appellants intend to construct an addition to their dwelling within the required side-yard setback of 10 feet. As such, the proposed addition requires that the Appellants meet the strict conditions of a variance before a building permit can be issued for this addition.

Respectfully submitted,

Keith R. Truffer
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-1800

Attorney for Appellee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 15th day of April, 1988, a copy of the foregoing Memorandum of Law was mailed by first class, postage prepaid, to Richard T. Rombro, Esquire, 341 N. Calvert Street, Baltimore, Maryland 21202.

Keith R. Truffer

-2-

1/20/88 -Following notified of hearing set for Thursday, April 7, 1988 at 1:00 p.m.

Mr. & Mrs. Steven Alpern
Richard T. Rombro, Esq.
Patio Enclosures, Inc.
Mr. Scott D. Gortach
Ms. Patricia L. Zouck
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

1/26/88 -Amended notice sent to above individuals -to reflect denial of requested zoning variance by Zoning Commissioner. Also forwarded a copy of packet from PC to Ms. Zouck -for individual to speak on behalf of community group. An attorney for community group will be entering appearance prior to hearing date.

LAW OFFICES WARTZMAN, ROMBRO, OMANSKY, BLIBAUM & SIMONS, P.A.

341 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(301) 685-0111

PAUL WARTZMAN
JOSEPH OMANSKY
STEVE C. BLIBAUM
S. MICHAEL ROMBRO
NATHAN HAMBURGER
OF COUNSEL
MICHAEL E. RAMONSON
ROBERT J. STEINBERG
ROBERT FULTON DASHLEIGH
51657

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

November 4, 1987

RE: Petition for Zoning Variance
N/S Regester Avenue, 151.6' E of Pinehurst
Road (210) Regester Avenue, 9th Election
District, 4th Councilmanic District
Case NO: 88-111-A-Steven Alpern, et al,
Petitioners

Madame Clerk:

Please enter an Appeal in the above captioned case to the Board of Appeals. I enclose herewith my check in the amount of \$75.00 made payable to the Board for the cost of the Appeal.

The Petitioner requested a Zoning Variance to erect an enclosed unheated patio room to take the place of an existing porch. The patio room will take up no more area than the porch which has a 6 foot set back. The Petitioner requested the same set back for the enclosed porch room which was denied by the Zoning Commissioner.

The Petitioner asserts that this decision is an error both as to the law and the facts and respectfully requests that the Board reverse the action of the Zoning Commissioner.

Very truly yours,

Richard T. Rombro

RTR/rab

cc: Steven Alpern, Petitioner
Patio Enclosures, Inc.

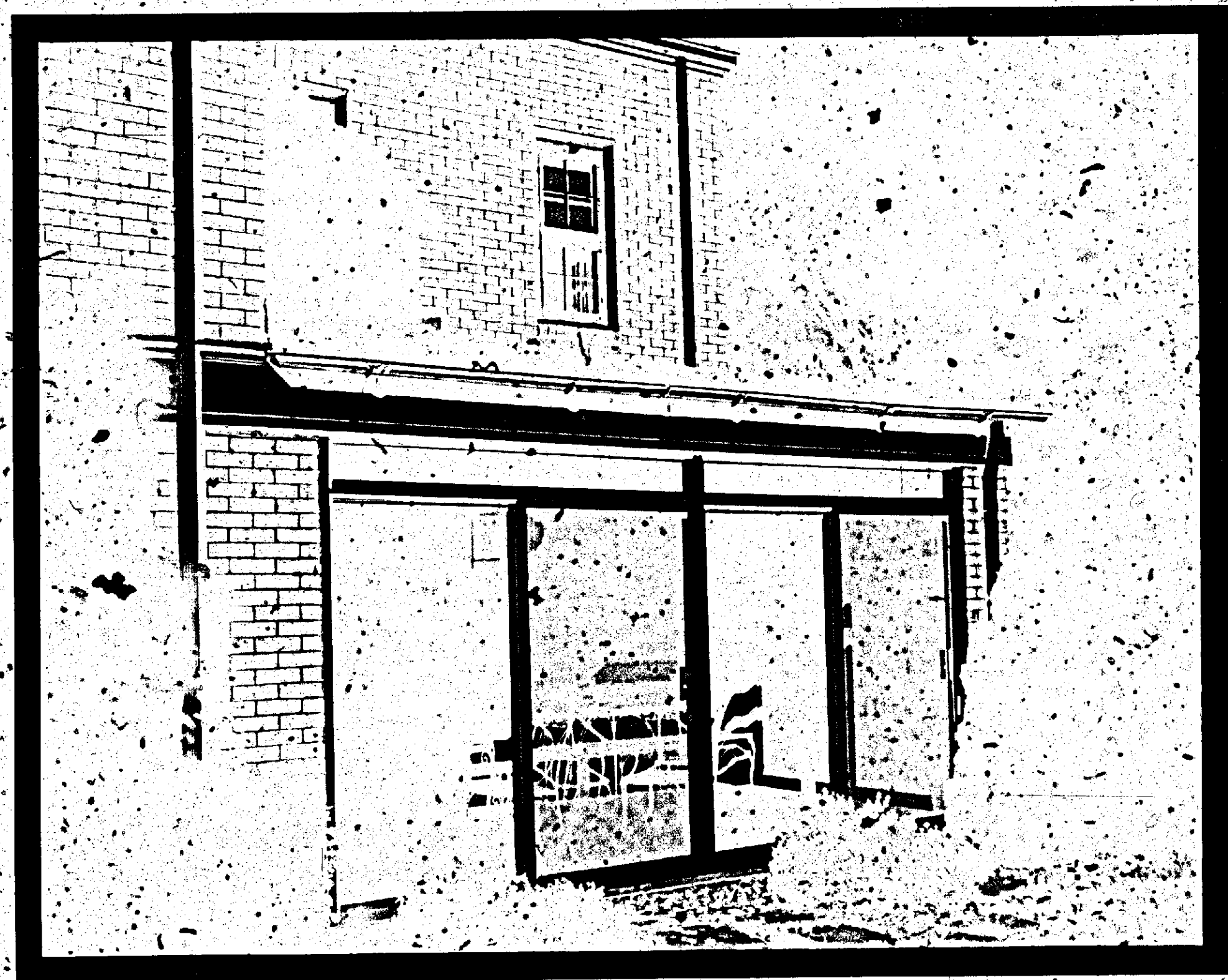
RECEIVED
NOV 6 1987
ZONING OFFICE

Home improvements: what counts when you sell

With house prices and mortgage interest rates still sky-high, many people who might otherwise have traded in the house they have for a bigger one are remodeling instead. Others, foregoing even higher prices, are adding recreational facilities to their homes instead of making travel plans.

Remodeling experts agree that for one of these reasons, remodeling that not only improves a home's resale value but also adds to its future sale price. Remodeling experts agree that for one of these reasons, remodeling that not only improves a home's resale value but also adds to its future sale price. Remodeling experts agree that for one of these reasons, remodeling that not only improves a home's resale value but also adds to its future sale price.

Improvement	Average Cost	% of Cost Added to Value
Room addition	\$15,000-\$20,000	100%
Bathroom addition	\$10,000	100
Adding second floor	\$17,000	100
Adding finished basement	\$10,000	100
Adding finished attic	\$10,000	100
Adding finished porch	\$10,000	100
Adding finished deck	\$10,000	100
Adding finished garage	\$10,000	100
Adding finished patio	\$10,000	100
Adding finished pool	\$10,000	100
Adding finished hot tub	\$10,000	100
Adding finished sauna	\$10,000	100
Adding finished fireplace	\$10,000	100
Adding finished window treatments	\$10,000	100
Adding finished lighting	\$10,000	100
Adding finished flooring	\$10,000	100
Adding finished paint	\$10,000	100
Adding finished landscaping	\$10,000	100
Adding finished garden	\$10,000	100
Adding finished driveway	\$10,000	100
Adding finished walkway	\$10,000	100
Adding finished fence	\$10,000	100
Adding finished gate	\$10,000	100
Adding finished mailbox	\$10,000	100
Adding finished porch light	\$10,000	100
Adding finished door handle	\$10,000	100
Adding finished doorknob	\$10,000	100
Adding finished lock	\$10,000	100
Adding finished keyhole	\$10,000	100
Adding finished hinge	\$10,000	100
Adding finished screw	\$10,000	100
Adding finished nail	\$10,000	100
Adding finished washer	\$10,000	100
Adding finished dryer	\$10,000	100
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Adding finished sink	\$10,000	100
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Adding finished toilet	\$10,000	100
Adding finished bathtub	\$10,000	100
Adding finished shower	\$10,000	100
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Adding finished mirror	\$10,000	100
Adding finished cabinet	\$10,000	100
Adding finished drawer	\$10,000	100
Adding finished shelf	\$10,000	100
Adding finished table	\$10,000	100
Adding finished chair	\$10,000	100
Adding finished bed	\$10,000	100
Adding finished dresser	\$10,000	100
Adding finished nightstand	\$10,000	100
Adding finished lamp	\$10,000	100
Adding finished clock	\$10,000	100
Adding finished picture	\$10,000	100
Adding finished rug	\$10,000	100
Adding finished curtain	\$10,000	100
Adding finished blind	\$10,000	100
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Adding finished pleat	\$10,000	100
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Adding finished cuff	\$10,000	100
Adding finished band	\$10,000	100
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Adding finished collar	\$10,000	100
Adding finished cufflink	\$10,000	100
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Adding finished underwear	\$10,000	100
Adding finished pajama	\$10,000	100
Adding finished nightgown	\$10,000	100
Adding finished robe	\$10,000	100
Adding finished slipper	\$10,000	100
Adding finished sock	\$10,000	100
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Adding finished pajama	\$10,000	100
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Adding finished robe	\$10,000	100
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Adding finished nightgown	\$10,000	100
Adding finished robe	\$10,000	100
Adding finished slipper	\$10,000	100
Adding finished sock	\$10,000	100
Adding finished underwear	\$10,000	100
Adding finished pajama	\$10,000	100
Adding finished nightgown	\$10,000	100
Adding finished robe	\$10,000	100
Adding finished slipper	\$1	



#68-111-A
 9th District
 N/a Regester Ave. 151.6' E of Pinehurst Rd.
 (210 Regester Avenue)
 Steven Alpern, et al
 1 SIGN

58-111-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
 13th day of August, 1987.
 J. Robert Haines
 ROBERT HAINES
 ZONING COMMISSIONER
 Petitioner: Steven Alpern, et al
 Petitioner's Attorney: _____
 Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

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

J. Robert Haines
Zoning Commissioner

November 12, 1987



Dennis F. Rasmussen
County Executive

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

RE: Petition for Zoning Variance
N/S Register Avenue, 151.6' E of Pinehurst Road (210 Register Avenue)
9th Election District - 4th Councilmanic District
Case No. 88-169-A; Steven Alpern, et al - Petitioners

Dear Board:

Please be advised that on November 6, 1987, an appeal of the decision rendered in the above-referenced case was filed by Richard T. Rombro, Esquire, on behalf of the Petitioners. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

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

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:bjs

cc: Richard T. Rombro, Esquire, Attorney for Petitioner
341 N. Calvert Street, Baltimore, Md. 21202

Patio Enclosures, Inc.
224 8th Avenue, Glen Burnie, Md. 21061

Mr. Scott D. Goetsch, Protestant
122 Brandon Road, Baltimore, Md. 21212

Ms. Patricia L. Zouck, Protestant
99 Murdock Road, Baltimore, Md. 21212

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

File

RECEIVED
COUNTY BOARD OF APPEALS
NOV 18 1987



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

May 19, 1988

Richard T. Rombro, Esquire
341 N. Calvert Street
Baltimore, MD 21202

RE: Case No. 88-111-A
Steven Alpern, et al

Dear Mr. Rombro:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Enclosure

cc: Mr. & Mrs. Steven Alpern
Keith Truffer, Esquire
Ms. Patricia L. Zouck
Mr. Scott D. Goetsch
Patio Enclosures, Inc.
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

LAW OFFICES
WARTZMAN, ROMBRO, OMANSKY, BLIBAUM & SIMONS, P.A.
341 N. CALVERT STREET
BALTIMORE, MARYLAND 21202
Telephone (301) 685-0111
FAX (301) 685-0729

PAUL WARTZMAN
J. ROBERT ROMBRO
MICHAEL OMANSKY
MICHAEL BLIBAUM
ALVIN J. SIMONS JR.
MICHAEL W. QUAINY
MATTHEW A. WINTERKUN
DANIEL E. EPTEN
*Admitted to New York and Maryland Bars

April 19, 1988

Baltimore County
Board of Appeals
Old Court House
Room 205
Towson, Maryland 21204

ATTN: Mr. Bollinger

RE: Case No. 88-169-A
Petition for Zoning Variance
Steven Alpern - Petitioner

Dear Mr. Bollinger:

The above-captioned case was heard before your panel on April 7, 1988. The uncontested testimony was that the applicant's house had been built forty (40) some years ago with a side porch. The side porch had a seven (7) foot set-back which was in conformity with the then existing zoning requirements. Subsequently, the ordinance was changed to require a ten (10) foot set-back. The applicant is seeking a variance in this case so that he can enclose the porch with glass.

I made a motion on behalf of the applicant that no variance was necessary since the existing side porch was a lawful non-conforming use, and the use was not being extended, merely enclosed. You suggested that if counsel wished to submit a memorandum on the question, you would allow ten (10) days. Pursuant thereto, I am enclosing same for the panel's consideration.

You will recall that testimony was given by a Robert McGrain, a real estate agent who gave the opinion that the enclosure would decrease the value of the property generally. Mr. Tice, in rebuttal, said that studies had been made which showed that this was not the case. I am enclosing a Good Housekeeping article

Baltimore County
Board of Appeals
April 19, 1988
page two

which indicates that enclosing a porch adds 100% of its cost to the value of the house; and a further article from a remodeling magazine which indicates the same thing.

Finally, I am enclosing for the panel, three (3) photographs which show the kind of enclosure which will be used.

If there is any further information which I can give to the panel, please advise me.

Very truly yours,
Richard T. Rombro

RTR/rab
51657
enclosure

cc: Phyllis Cole Friedman, Esquire
Keith R. Truffer, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
APR 20 1988

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
600 PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 600-1200
FAX (301) 600-1201

JOHN E. ROYSTON
JAMES M. MUELLER
JAMES W. McLEAN
JAMES E. REID
JOHN E. ROYSTON
JAMES M. MUELLER
JAMES W. McLEAN
JAMES E. REID

March 27, 1988

Mr. William T. Hackett
Chairman
County Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Zoning Appeal No. 88-111A, Request for Variance
210 Register Avenue

Dear Mr. Hackett:

Please enter my appearance on behalf of the Rodgers Forge Community Association, who is a Protester in this matter.

I thank you for your cooperation.

Sincerely,

STEVEN ALPERN

RTR/rab
51657

cc: Mr. Steven Alpern

STEVEN ALPERN, et al : IN THE
APPELLANTS/PETITIONERS : COUNTY BOARD OF APPEALS
VS : OF BALTIMORE COUNTY
RODGERS FORGE COMMUNITY : CASE NO: 88-111-A
ASSOCIATION, INC. :

MEMORANDUM OF LAW

RE: PETITION FOR VARIANCE

The Maryland Courts have held that to qualify as a lawful non-conforming use, the use must be in existence at the time of enactment of the zoning ordinance. Boulevard Scrap Co. v. City of Baltimore, 213 Md. 6, 130 A.2d 743 (1957). Based on the clear testimony before the panel, I do not believe the opponents would argue that the porch in this case is not a non-conforming use.

Generally, a non-conforming use may not be extended or expanded unless it is permitted by zoning regulations. Phillips v. Zoning Commissioners of Howard County, 225 Md. 102, 169 A.2d 410 (1961) held that the question that what is an extension or enlargement of a non-conforming use is ordinarily one of fact, and the determination in each case depends on its own facts. The Phillips Court said (at 169 A.2d 414)

"While it is true that mere intensification of a non-conforming use is permissible so long as the nature of the use is not substantially changed, it is generally recognized that the right of a land-owner to continue the same kind of use to which the property was devoted on the critical date does not confer on him a right to subsequently change or add to that use a new and different one amounting to a drastic enlargement or extension of the prior existing use." (citations omitted)

The language cited in Phillips is dicta. However, in Jahnigen v. Staley, 245 Md. 130, 225 A.2d 277 (1967), the Court of Appeals made a specific holding to the same effect. The Court held in Jahnigen:

"The basic premise underlying zoning regulations is to restrict rather than expand non-conforming uses. (citations omitted) However, an intensification of a non-conforming use is permissible so long as the nature

and character of the use is unchanged and substantially the same facilities are used."

The Court cited the case of Nyburg v. Solomon, 205 Md. 150, 106 A.2d 483, 46 ALR 2d 1051 noting that was a case in which there was a prior non-conforming use as a parking area which was not enlarged, but the volume of cars parked thereon was increased from a small number to about 30 or 50. "This was held to be a mere intensification of the non-conforming use, and the restrictions imposed by the zoning board limiting the space used for parking to 10 vehicles at one time were struck down."

Finally, in Kent County Planning Inspector v. Abel, 246 Md. 395, 228 A.2d 247, the Court quoted the Jahnigen case saying "also, in Jahnigen v. Staley (supra) we again recognize the right of a property owner to intensify a non-conforming use."

ARGUMENT

The applicant in this case submits that it is clear that what is intended here at the most is intensification (and a minor one at that) rather than any enlargement or expansion of the non-conforming use. Based on the cases cited above, the applicant submits that he is not required to obtain a variance for this permitted use of his lawful non-conforming use.

RESPECTFULLY SUBMITTED,

RICHARD T. ROMBRO
WARTZMAN, ROMBRO, OMANSKY,
BLIBAUM & SIMONS, P.A.
341 N. Calvert Street
Baltimore, Maryland 21202
(301) 685-0111

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 1988, a copy of the foregoing Memorandum was mailed postage prepaid to Keith R. Truffer, Esquire, ROYSTON, MUELLER, McLEAN & REID, Suite 600, 102 W. Pennsylvania Avenue, Towson, Maryland 21203-4575.

RICHARD T. ROMBRO



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

March 25, 1988

Keith R. Truffer, Esquire
ROYSTON, MUELLER, McLEAN & REID
Suite 600, 102 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 88-111-A
Steven Alpern, et al

Dear Mr. Truffer:

Enclosed is a copy of the Notice of Assignment which was sent out on January 29, 1988 regarding the subject case which is set for hearing on Thursday, April 7, 1988. Your appearance is being entered on behalf of the Rodgers Forge Community Association per your letter received in this office on March 24, 1988.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELECOM FAX (301) 828-7556

April 6, 1988

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

Re: Zoning Appeal No. 88-111A, Request for Variance
210 Regester Avenue

Dear Board:

I enclose the original two resolutions by the Rodgers Forge Community Association designating Edward Gilliss as the individual to testify on behalf of the Association in this appeal. I also enclose Mr. Gilliss' affidavit in this regard. Please file these documents in this matter.

I thank you for your cooperation.

Sincerely,

Keith R. Truffer

KRT:tm
Enc.

cc: Richard T. Rombro, Esq.
3637a

RECEIVED
COUNTY BOARD OF APPEALS
FEB 17 1988
P 4 08

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly appointed member of the Zoning Committee of the Rodgers Forge Community Association, Inc.

ATTEST:

THE RODGERS FORGE COMMUNITY
ASSOCIATION, INC.

Secretary

Edward J. Gilliss
April 5, 1988

THE RODGERS FORGE COMMUNITY
ASSOCIATION, INC.

Secretary

President

RECEIVED
COUNTY BOARD OF APPEALS
FEB 17 1988
P 4 09

THE RODGERS FORGE COMMUNITY ASSOCIATION, INC.

RESOLVED: That at the Board of Governors meeting of the Rodgers Forge Community Association, Inc. held on October 14, 1987, it was decided by the Association that responsibility for review and action on all zoning matters be placed in the Zoning Committee consisting of the following members:

Richard Zeff
Mary Laura Kalista
Francis Palumbo
Don Gerding
Tede Henderson
Ed Gilliss
Scott Goetsch
Jean Duval
Bob McGrain
Christopher Nicholson
Patricia Zouck
Ed Swotoda
Karen Palumbo

AS WITNESS OUR HANDS AND SEAL THIS 5TH DAY OF APRIL 1988.

ATTEST:

THE RODGERS FORGE COMMUNITY
ASSOCIATION, INC.

Secretary

President

RECEIVED
COUNTY BOARD OF APPEALS
FEB 17 1988
P 4 09

THE RODGERS FORGE COMMUNITY ASSOCIATION, INC.

RESOLVED: That the position of the Rodgers Forge Community Association, Inc. as adopted by the Zoning Committee on the zoning matter known as:

Case No. 88-111-A
Steven Alpern, et al.

is that: (a) The interests of the individual members of the Community Association would be materially harmed by the granting of this Petition.

(b) Petitioner will not experience practical difficulty or unnecessary hardship from the denial of the Petition.

IT IS FURTHER RESOLVED: That Edward J. Gilliss is authorized to speak on behalf of the Community Association on this zoning matter.

AS WITNESS OUR HANDS AND SEAL THIS 5TH DAY OF APRIL 1988.

ATTEST:

THE RODGERS FORGE COMMUNITY
ASSOCIATION, INC.

Secretary

President

RECEIVED
COUNTY BOARD OF APPEALS
FEB 17 1988
P 4 09

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 191-3180

January 26, 1988

Ms. Patricia L. Zouck
99 Murdock Road
Baltimore, MD 21212

RE: Case No. 88-111-A
Steven Alpern, et al

Dear Ms. Zouck:

Enclosed is a copy of the amended notice which was mailed to all listed individuals today. Also enclosed is a packet which has been prepared by the office of People's Counsel. This packet contains the forms which are necessary when an individual or individuals will be speaking on behalf of a community or civic group.

As soon as we receive the letter of appearance from your attorney, we will enter his name into the case file.

If you have any questions, please call me. Thank you for your telephone call.

Sincerely,

Keith R. Truffer
Administrative Secretary

Encls.

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 191-3180

HEARING ROOM #218

AMENDED NOTICE - to reflect
denial of requested
variance by Zoning
Commissioner.

January 26, 1988

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). 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. 88-111-A

STEVEN ALPERN, ET AL
N/S Regester Avenue, 151.61' E of Pinehurst Road
(210 Regester Avenue)

9th Election District
4th Communitarian District

10/05/87 -Z.C. DENIED variance.

ASSIGNED FOR:

THURSDAY, APRIL 7, 1988 at 1:00 P.M.

cc: Mr. & Mrs. Steven Alpern
Richard T. Rombro, Esquire
Patio Enclosures, Inc.
Mr. Scott D. Goetsch
Ms. Patricia L. Zouck /
Rodgers Forge Community Assn.
P. David Fields
James G. Howell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Appellants /Petitioners
Counsel for Appellants/Petitioners
Appellee/Protestant
Appellee/Protestant

3/24/88 -Keith R. Truffer, Esq.
entered appearance on behalf of
Rodgers Forge Community Assn.

Kathleen C. Weidenhamer
Administrative Secretary

232 Md. 255 ATLAS REPORTER 24 SERIES

Under the terms of the agreement between the applicant and the Board of Appeals, the applicant has agreed to pay the fee for the preparation of the report by the Board of Appeals.

The Board of Appeals has reviewed the report and has found that the applicant has failed to comply with the requirements of the Board of Appeals.

On the basis of what he has said in this opinion, the Board of Appeals has decided to deny the applicant's request for a variance.

We cannot overlook the fact that in the instant case there are substantial residential properties within the immediate area.

The applicant has failed to show that the proposed use is a reasonable and necessary part of the development of the property.

The Board of Appeals has decided to deny the applicant's request for a variance.

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GALBLUM

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The Board of Appeals has decided to deny the applicant's request for a variance.

DAHL V. COUNTY BOARD OF APPEALS OF BALTIMORE CO. Md. 229

1 and 11

After a public hearing, the Deputy Zoning Commissioner passed an order granting the rezoning and variances sought by the petitioners for Lots 10 through 19 but denied the rezoning and variances sought for Lots 20, 21, 22 and 24. On July 26, 1987, the petitioners filed a timely appeal; however, it must be noted that the petitioners did not file any appeal.

It certainly makes no sense or logic to argue that the petitioners in perfecting their appeal intended to take an appeal from any action of the Deputy Commissioner other than that portion of his opinion granting the rezoning and variances to Lots 10 through 19, for the simple reason that the issues involving Lots Nos. 22, 23 and 24 were resolved in their favor.

The wording of the following notice of appeal filed by the petitioners with the Zoning Commissioner supports this reasoning:

"Please note an appeal from the portions of said order granting the rezoning and variances and variance to the Board of Appeals of Baltimore County on behalf of Earl S. Jones, et al., residents and protestants." (Emphasis supplied)

Section 501(b) of the ordinance, which is the general provision regulating appeals, provides in pertinent part:

"Any person or persons, jointly or severally, any taxpayer, or any official, officer, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the County Board of Appeals."

The above Section should also be considered in conjunction with Section 101.3 which provides in pertinent part:

"All decisions of the County Board of Appeals shall be made after notice and opportunity for hearing de novo upon the issues before the Board."

(Emphasis supplied)

Both parties to this appeal agree that there appears to be no Maryland law adjudicating the question of whether the de novo review power of the Board of Appeals is to be limited to those portions of the Zoning Commissioner's decision from which an appeal has been taken.

However, in *Dean v. Baltimore Gas & Electric Company*, 280 Md. 417, 214 A.2d 140 (1965), this question briefly surfaced but then disappeared. There, a utility company desired to construct a high tension transmission line over a segment of a standard railroad right of way 51 miles

long. The Board of Appeals had granted a variance for the construction of the line.

The Board of Appeals had granted a variance for the construction of the line.

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

J. Robert Haines
Zoning Commissioner

November 12, 1987



Dennis F. Rasmussen
County Executive

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

RE: Petition for Zoning Variance
N/S Regester Avenue, 151.6' E of Pinehurst Road (210 Regester Avenue)
9th Election District - 4th Councilmanic District
Case No. 88-111-A; Steven Alpern, et al - Petitioners

Dear Board:

Please be advised that on November 6, 1987, an appeal of the decision rendered in the above-referenced case was filed by Richard T. Rombro, Esquire, on behalf of the Petitioner. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

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

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Richard T. Rombro, Esquire, Attorney for Petitioner
341 N. Calvert Street, Baltimore, Md. 21202

Patio Enclosures, Inc.
224 8th Avenue, Glen Burnie, Md. 21061

Mr. Scott D. Goetsch, Protestant
122 Brandon Road, Baltimore, Md. 21212

Ms. Patricia L. Zouck, Protestant
99 Murdock Road, Baltimore, Md. 21212

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

File

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

J. Robert Haines
Zoning Commissioner

October 8, 1987



Dennis F. Rasmussen
County Executive

Mr. Steven Alpern
210 Regester Avenue
Baltimore, Maryland 21212

RE: Petition for Zoning Variance
N/S Regester Avenue, 151.6' E of Pinehurst Road (210 Regester Avenue)
9th Election District, 4th Councilmanic District
Case No. 88-111-A - Steven Alpern, et al - Petitioners

Dear Mr. Alpern:

Pursuant to the recent hearing held on the subject 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,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

Enclosures

cc: Patio Enclosures, Inc.
224 8th Avenue, Glen Burnie, Maryland 21061

Mr. Scott D. Goetsch
122 Brandon Road, Baltimore, Maryland 21212

Ms. Patricia L. Zouck
99 Murdock Road, Baltimore, Maryland 21212

People's Counsel

File

PETITION FOR ZONING VARIANCE

9th Election District - 4th Councilmanic District

Case No. 88-111-A

LOCATION: North Side of Regester Avenue, 151.6 feet East of Pinehurst Road (210 Regester Avenue)

DATE AND TIME: Tuesday, September 22, 1987, at 10:00 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 side yard setback of 6 feet in lieu of the required 10 feet

Being the property of Steven Alpern, et al 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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 191-3180

HEARING ROOM #213

January 26, 1988

NOTICE OF ASSIGNMENT

AMENDED NOTICE -to reflect denial of requested variance by Zoning Commissioner.

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. 88-111-A

STEVEN ALPERN, ET AL

N/S Regester Avenue, 151.6' E of Pinehurst Road (210 Regester Avenue)

9th Election District
4th Councilmanic District

VAR -side yard setback

10/08/87 -Z.C. DENIED variance.

ASSIGNED FILE#

THURSDAY, APRIL 7, 1988 at 1:00 p.m.

cc: Mr. & Mrs. Steven Alpern

Appellants /Petitioners

Richard T. Fombro, Esquire

Counsel for Appellants/Petitioners

Patio Enclosures, Inc.

Mr. Scott D. Goetsch

Appellee/Protestant

Ms. Patricia L. Zouck /

Appellee/Protestant

Rodgers Forge Community Assn.

P. David Fields

James G. Hoswell

J. Robert Haines

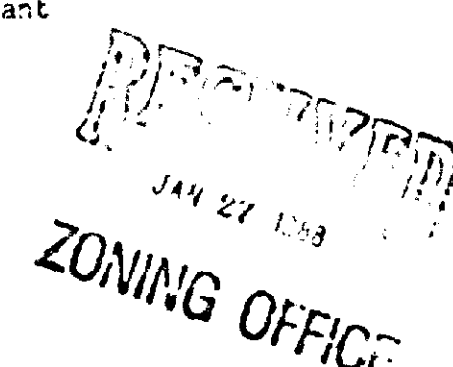
Ann M. Nastarowicz

James E. Dyer

Robyn Clark

Arnold Jablon, County Attorney

Kathleen C. Weldenhammer
Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 191-3180

HEARING ROOM #218

January 20, 1988

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). 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. 88-111-A

STEVEN ALPERN, ET AL

N/S Regester Avenue, 151.6' E of Pinehurst Road (210 Regester Avenue)

9th Election District

4th Councilmanic District

VAR -side yard setback

10/08/87 -Z.C. GRANTED variance.

SIGNED FOR:

THURSDAY, APRIL 7, 1988 at 1:00 p.m.

cc: Mr. & Mrs. Steven Alpern

Appellants /Petitioners

Richard T. Rombro, Esquire

Counsel for Appellants/Petitioners

Patio Enclosures, Inc.

Mr. Scott D. Goetsch

Appellee/Protestant

Ms. Patricia L. Zouck

Appellee /Protestant

P. David Fields

James G. Hoswell

J. Robert Haines

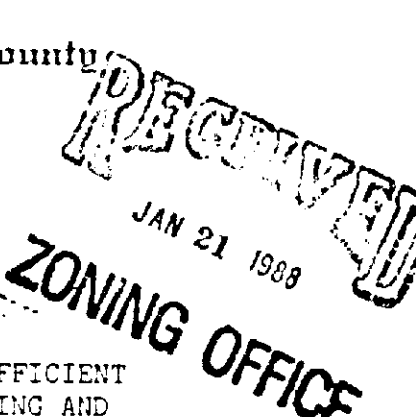
Ann M. Nastarowicz

James E. Dyer

Robyn Clark

Arnold Jablon, County Attorney

Kathleen C. Weldenhammer
Administrative Secretary



any hearing conflict 87-03-57

7/30/87
TE JD

Steven Alpern
210 Regester Ave.
Baltimore, MD 21212

July 27, 1987

Dear Commissioners,

It has now been over four months (March 16) since we contracted with Patio Enclosures, Inc. to enclose our side porch. They filed a variance (Item #487) in our behalf with your office over two months ago (May 15). In the meantime we have had our first child and my mother's illness has caused her health to deteriorate. Our enclosed side porch is being counted on to help deal with these new housing demands. We request that you expedite our variance hearing so we can complete this porch before it places any undue hardship on our family. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Steven Alpern
et al



ZONING OFFICE

Sept 21, 1987

DEAR SIR:

MY HOUSE AT 200 REGESTER DIRECTLY FACES THE EXISTING PORCH WHICH MY NEIGHBORS AT 210 REGESTER WISH TO ENCLOSE. HAVING SEEN THE PLANS I DO NOT FEEL THAT THIS IMPROVEMENT WILL DETRACT FROM THE APPEARANCE OF THE HOUSE OR THE SURROUNDING HOMES. THE BUILDING LINE ON THAT SIDE OF THE HOUSE HAS ALREADY BEEN ESTABLISHED AND EXISTING FOOTINGS WILL BE UTILIZED. ALSO, OTHER HOMES IN THE COMMUNITY HAVE ENCLOSED SIDE PORCHES.

I MAINTAIN THAT IF THE IMMEDIATE NEIGHBORS HAVE NO OBJECTIONS, THEN MR ALPERN SHOULD BE ISSUED A PERMIT.

Sincerely,

Nicholas J. Rancie

EXHIBIT 2

NICHOLAS J. RANCIE
205 REGESTER AVE.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: September 22, 1987

FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
Zoning Petition Nos. 88-102-A, 88-103-A, 88-104-A, 88-105-A, 88-106-A, 88-108-A, 88-109-A, 88-110-A, 88-111-A, 88-112-A

There are no comprehensive planning factors requiring comment on the above numbered petitions.

Norman E. Gerber, AICP
Director

NEG:KAR:dm

cc: Ms. Shirley M. Ee-s, Legal Assistant, People's Counsel
File



ZONING OFFICE

Mr. Steven Alpern
Ms. Carolyn Williams
210 Regester Avenue
Baltimore, Maryland 21212

August 18, 1987

NOTICE OF HEARING

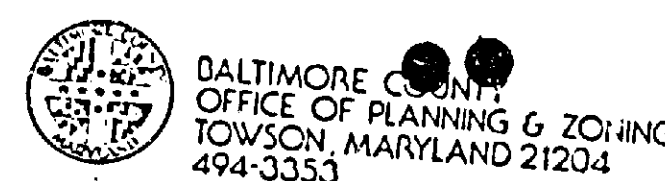
RE: PETITION FOR ZONING VARIANCE
N/S Regester Ave., 151.6' E of Pinehurst
Rd. (210 Regester Ave.)
9th Election District - 4th Councilmanic District
Steven Alpern, et al - Petitioners
Case No. 88-111-A

TIME: 10:00 a.m.
DATE: Tuesday, September 22, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Commissioner
Baltimore County

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

DATE 9/22/87 ACCOUNT 88-111-A
AMOUNT \$ 35.00
RECEIVED FROM Steven Alpern, et al
FOR Filing Fee For Variance Item 247
BOSTON *****25, 014 5111
P-11111111
VALIDATION OR SIGNATURE OF CASHIER



J. ROBERT HAINES
ZONING COMMISSIONER

September 15, 1987

Mr. Steven Alpern
Ms. Carolyn Williams
210 Regester Avenue
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE
N/S Regester Ave., 151.6' E of Pinehurst Rd.
(210 Regester Ave.)
9th Election District - 4th Councilmanic District
Steven Alpern, et al - Petitioners
Case No. 88-111-A

Dear Mr. Alpern and Ms. Williams:

This is to advise you that \$91.38 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 if self.

Please advise:

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

DATE 9/22/87 ACCOUNT 88-111-A
SIGN & POST MM AMOUNT \$ 91.38
RECEIVED FROM Steven Alpern, et al
FOR Advertising & Posting of Sign Case 88-111-A
BOSTON *****25, 014 5111
P-11111111
VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
WARTZMAN, ROMBRO, OMANSKY, BLUBAUM & SIMONS, P.A.
341 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(301) 685-0111

PAUL WARTZMAN
JENNIFER ROMBRO
STEVE OMANSKY
SAMUEL BLUBAUM
MICHAEL H. SIMONS
ALVIN F. SIMONS, JR.

DAVID W. OMANSKY
DAVID A. OMANSKY

RE HARDY BURNING
LEE W. BURNING
MICHAEL E. BURNING
MARTIN ALPERN
MICHAEL E. BURNING
MICHAEL E. BURNING
MICHAEL E. BURNING

DAVID W. OMANSKY
DAVID A. OMANSKY

November 4, 1987

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

RE: Petition for Zoning Variance
N/S Regester Avenue, 151.6' E of Pinehurst
Road (210 Regester Avenue), 9th Election
District, 4th Councilmanic District
Case No. 88-111-A - Steven Alpern, et al,
Petitioners

Madame Clerk:

Please enter an Appeal in the above captioned case to the Board of Appeals. I enclose herewith my check in the amount of \$75.00 made payable to the Board for the cost of the Appeal.

The Petitioner requested a Zoning Variance to erect an enclosed unheated patio room to take the place of an existing porch. The patio room will take up no more area than the porch which has a 6 foot set back. The Petitioner requested the same set back for the enclosed porch room which was denied by the Zoning Commissioner.

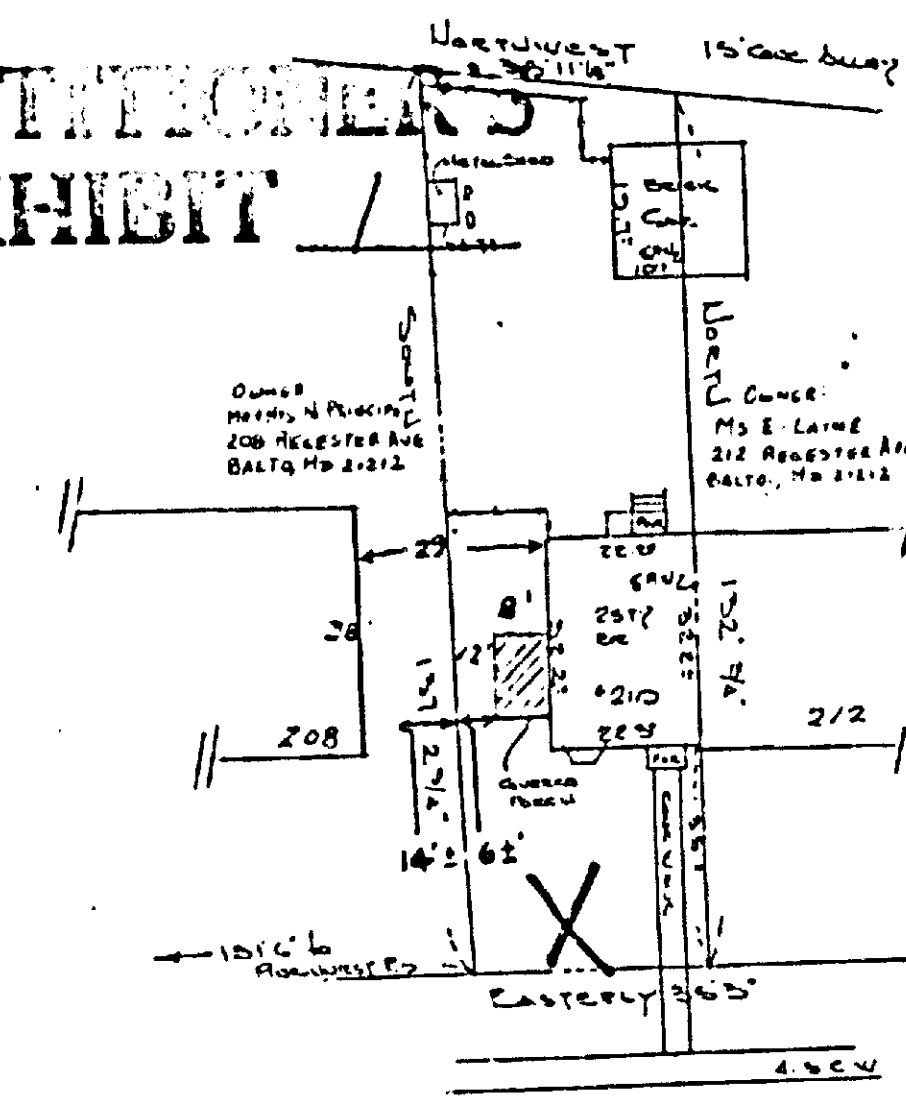
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/4/87 ACCOUNT 88-111-A
SIGN & POST MM AMOUNT \$ 75.00
RECEIVED FROM Steven Alpern, et al
FOR Advertising & Posting of Sign Case 88-111-A
BOSTON *****25, 014 5111
P-11111111
VALIDATION OR SIGNATURE OF CASHIER

RECEIVED
NOV 5 1987
ZONING OFFICE

Flat showing the property known as 210 Regester Avenue, Baltimore, Maryland.

PETITIONER'S EXHIBIT



ORIGINAL PLAT REVISED
FOR ZONING VARIANCE
REQUEST 5/1/87



THIS IS TO CERTIFY that I have located the improvements on the lot shown hereon and they lie within the boundaries. It is not intended to be used to establish property lines.

Steven P. Alpern
Carolyn Williams
210 Regester Avenue
Covans, Md. 21212
Scale 1" = 30'
Lot No. 10-5
Election District 09
Block None
Folio None
Subdivision Rogers Fore

Map 080
Block 01
Parcel 00031
Liber 6454
Folio 0292

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: September 2, 1987
FROM: Norman E. Gerber, AICP
Zoning Petition Nos. 88-18-SBH, 88-103-A,
88-104-A, 88-105-A, 88-106-A, 88-108-A,
SUBJECT: 88-109-A, 88-110-A, 88-111-A, 88-112-A

There are no comprehensive planning factors requiring comment on the above numbered petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:KAK:dme
cc: Ms. Shirley H. Hess, Legal Assistant, People's Counsel
File

RECEIVED
SEP 14 1987
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1987

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

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

Mr. Steven Alpern
210 Regester Avenue
Baltimore, Maryland 21212

RE: Item No. 487 - Case No. 88-111-A
Petitioners: Steven Alpern, et al
Petition for Zoning Variance

Dear Mr. Alpern:

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:kbb

Enclosures

cc: Patio Enclosures, Inc.
224 Eighth Avenue
Glen Burnie, Maryland 21061



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

XXXXXXXXXXXX
XXXXXXXXXXXX

C. Richard Moore
Acting Director

June 10, 1987

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 485, 486, 487, 488, 489, 490, 491, 493, and 494.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

Baltimore County
Fire Department
Towson, Maryland 21204 2566
494-4500

Paul H. Remke
Chief

June 11, 1987

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

Re: Property Owner: Steven Alpern, et al

Location: N/S Regester Avenue, 151.6' E from N/E corner of Regester
Avenue and Pinehurst Road

Item No.: 487

Zoning Agenda: Meeting of 6/2/87

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 100 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 EXHIBIT 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," 1996 edition prior to occupancy.
6. Site plans are approved, as shown.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *John F. O'Neill*
Planning and Zoning
Special Inspection Division