

IN THE MATTER OF
THE APPLICATION OF
EVELYN F. QUINN
FOR ZONING VARIANCES ON PROPERTY
LOCATED ON THE EAST SIDE OF
OVERBROOK ROAD, 297' NORTH OF BOYCE
AVENUE
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-175-A

ORDER OF DISMISSAL

This is an appeal from the decision of the Zoning Commissioner dated December 30, 1987 on property located on the east side of Overbrook Road, 297 feet north of Boyce Avenue in the 9th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed September 1, 1988 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Appellant/Petitioner in the above-entitled case; and

W. AS, the said attorney for said Appellant/Petitioner requests that the appeal filed on behalf of said Appellant/Petitioner be dismissed and withdrawn as of September 1, 1988,

IT IS HEREBY ORDERED this 9th day of September, 1988 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
Arnold G. Foreman
Thomas J. Bollinger

IN RE: PETITION FOR ZONING VARIANCE
E/S Overbrook Road 297' North
of Boyce Avenue
9th Election District
4th Councilmanic District
Evelyn F. Quinn
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-175 A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a 10 foot side yard setback in lieu of the required 15 foot minimum and for the second lot to be permitted a 20 foot rear yard setback in lieu of the required 40 foot minimum setback in the rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, represented by Gary C. Duvall, Esquire, appeared and testified on her behalf. The Petitioner's testimony was supported by her Engineer, James W. McKee of McKee and Associates, Inc. The Protestants were represented by E. Harrison Stone, Esquire and testimony was provided by Messrs. Kirby, Brooks, and West for the Protestants. A Protestant sign-in sheet is present in the file and indicates that there were numerous other Protestants in this matter.

Testimony of the Petitioner tends to indicate that the subject property is zoned D.R.2 and is located off of Overbrook Road in the Greater Ruxton section of Baltimore County.

The Petitioner purchased the subject lot in December of 1986 with the intention of building a residence thereupon for her and her family's own use. The proposed lot consists of 1.01 acres of ground and is roughly equally bisected from north to side by a presently existing stream. As is indicated on Petitioner's Exhibit 1, there are substantial wetlands area on this par-

ticular property. The resulting wetlands and streambed cause the subject property to have very limited building envelopes. The Petitioner has proposed to subdivide the lot roughly along the line presently followed by the streambed. The subdivision will allow the ultimate sale of one of the building lots; specifically, Lot 1 as shown on Petitioner's Exhibit 1. The subdivision of this property is not before the Commissioner at this time as an element of the proposed zoning variances. The issues before the Commissioner are limited to the particular requested variances for each of the proposed dwellings.

The proposed dwelling unit on Lot #1 is a hypothetical dwelling unit proposed for that lot to be included in this Petition. It has not been defined as to exact dimensions or placement of the unit. The proposed dwelling unit on Lot #2 is the proposed dwelling unit placed upon that lot in the particular manner and position as desired by the Petitioner. This unit is for her home for that she intends to have built upon that lot if the particular variances are granted.

The Petitioner's Engineer testified that in his expert opinion all of the conditions precedent of Section 307 of the Baltimore County Zoning Regulations ("B.C.Z.R.") have been or would be complied with if the subject variances were granted in this particular matter. He further testified that there would be no injury to the health, safety and general welfare of the community and that the subject variances would not adversely affect the traffic or public services and utilities of the general community.

The Protestants testified vigorously in opposition to the development of either Lots 1 or 2 and, furthermore, raised upon legal argument the issue of whether or not the particular subject property is actually two lots. Based upon the bench ruling by the Zoning Commissioner the issue of one or two

- 2 -

proposed building lots was not before him at this time. Therefore, the issue before the Zoning Commissioner, in this particular matter, is only the variances. Additional evidence and testimony was not offered on the number of lots issued. As indicated by the bench ruling, I will not rule on the appropriateness of the subdivision of this property. The issue of the subdivision will not be ruled on in this Order and, therefore, nothing herein contained is to be construed as a ruling on the appropriateness of one or two building lots upon the subject property.

The Protestants offered testimony and evidence indicating their opposition to the subject variances. There was testimony indicating that the opposition to the proposed variances being granted resulted from the impact upon water quality and the protection of the wetlands and streambed located upon the subject property. There was additional testimony indicating that the subject variances would allow the new dwelling units to be constructed in a manner inconsistent with the placement of dwellings within the community in relationship to their neighboring properties.

In order for the Petitioner to establish entitlement to a zoning variance, she must prove that the requested variance is the result of some practical difficulty unique to the property or an unreasonable hardship created by the Baltimore County Zoning Regulations. For instance in Wilson v. Mayor and Commissioners of the Town of Elkton, 35 Md. App. 417, 371 A2d 443 (1977). The Court indicated that a Petitioner must establish practical difficulty in order to obtain an area variance and, furthermore, that the Petitioner must establish or meet the following criteria:

"(1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for the permitted purpose or render conformance unnecessarily burdensome.

- 3 -

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 1802.3.C.1 for lot 1 to permit a 10' foot sideyard setback in lieu of the required 15 feet minimum and for lot 2 to permit a 20' foot rear yard setback in lieu of the 40' foot minimum.

Hardship and practical difficulty due to topography and flood plain

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Evelyn F. Quinn (Type or Print Name)	Evelyn F. Quinn (Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	1205 Malvern Avenue 821-8020
Gary C. Duvall (Type or Print Name)	Address
Signature	Towson, Maryland 21204
Address	City and State
401 Washington Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	McKee & Associates, Inc.
City and State	Name
Attorney's Telephone No.:	Hunt Valley, Maryland 252-5820
	Address

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1988, 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 10th day of November, 1988, at 9:00 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HRS. + 1 HR.
AVAILABLE FOR HEARING
MON. / TUES. / WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE 7/9

(2) Whether the grant would do substantial injustice to applicant as well as other property owners in district or, whether a lesser relaxation than that applied for, would give substantial relief.

(3) Whether relief granted in such fashion that the spirit of the ordinance would be observed and the public safety and welfare secured."

These requirements are also tempered by what is referred to often as the self created hardship. The Court of Appeals, in many cases, has stated in essence that if the property reasonably cannot be adapted to use in conformity with the zoning regulations and the restrictions that they apply, due to the unique circumstances of the particular property, then the variance should be granted. However, if the unusual or unique circumstances which hinder the reasonable use of the property, under the restrictions of the zoning regulations, have been caused or created by the property owner or his or her predecessor title then the hardship cannot be accepted as it was essentially self imposed or self imposed and is not appropriate for relief under the Sect. 17 variance requirements.

The testimony in this particular matter indicates that the Petitioner was well aware of the stream that bisected the particular property. The topography of this particular lot was obvious, at the time of the purchase. The Petitioner has proposed to subdivide the subject property and, therefore, I shall consider the variances in relationship to the lots as defined by the Petitioner's exhibits.

As I stated above, this ruling has no affect upon the possible subdivision. I have viewed the variances in light of the exhibits that the Petitioner has presented.

Based upon the testimony of the Petitioner and her witnesses, it is obvious that the requested variances for Lot #1 have been requested in the abstract.

The testimony clearly indicates that a dwelling unit could be constructed upon that lot within the appropriate building envelope and that the proposed dwelling unit is nothing more than an abstract unspecified and undetermined development plan. There is absolutely no reason why the actual development plan for Lot #1 cannot be reconfigured to exist within the appropriate building envelope respecting all of the appropriate side yard setbacks required by the "B.C.Z.R."

The testimony about Lot #2 clearly establishes that the Petitioner has created the need for the variances by her own action. The Petitioner testified to the size and type of house she wants to build. She stated and, the Protestants agreed, that a house could be built on Lot #2 without a variance, but the Petitioner wants a larger house set differently on the lot. This request is a desire, not a hardship.

There is enough area upon which to construct a dwelling unit without the granting of any area variances. Furthermore, the evidence indicates that a marketably priced, sized and scaled dwelling unit can be constructed within the building envelope upon Lot #2.

Therefore, it is clear from the testimony, that the subject variances are clearly contrary to the spirit and intent of the B.C.Z.R. and would result in substantial detriment to the public good and the general health, safety and welfare of the community.

The Petitioner has clearly failed to meet the burden of proof. The variances requested are not required and the land can be developed in a proper and legal way without the variances. The hardships are not unique to this

property, but only unique to the way in which the Petitioner wants to develop the land.

After due consideration of the testimony and evidence presented, it is my opinion that no practical difficulty exists that would require the requested variances. Pursuant to the advertisement, posting of the property, and the public hearing on the Petition held, and for the reasons given above, the requested variances should be denied.

WHEREFORE, IT IS ORDERED By the Zoning Commissioner of Baltimore County this 30th day of December, 1987 that the Petition for Zoning Variance to permit a 10 foot side yard setback in lieu of the lieu of the required 15 foot minimum and, for Lot #2, to permit a 20 foot rear yard setback in lieu of the required 40 foot minimum be and is hereby DENIED, from and after the date of this Order.

JRH:man
cc: Peoples Counsel
cc: Gary C. Duvall, Esquire
cc: E. Harrison Stone, Esquire

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- 4 -

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MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

May 22, 1987

DESCRIPTION FOR
ZONING VARIANCES
LOT 1 AND LOT 2
RESUBDIVISION OF LOT 3 AND PART OF LOT 4
PLAT MADE BY SUTTON-BRITCHER & CO.

Beginning for the same on the East side of Overbrook Road (30 feet wide),
297 feet North of the intersection formed by the North side of Boyce Avenue and
the East side of Overbrook Road; thence running with and binding on the East
side of Overbrook Road, northerly, with a curve to the left having a radius of
153.11 feet, an arc length of 104.56 feet, and a chord bearing and distance of
North 06° 47' 50" E - 102.54 feet to a point; thence leaving said road, and
running North 32° 28' 00" East 104.08 feet to a point; thence North 25° 51' 00"
East 62.49 feet to a point; thence South 87° 51' 40" East 120.93 feet to a
point; thence South 02° 52' 00" West 76.83 feet to a point; thence South 02°
52' 00" West 182.00 feet to a point; thence North 85° 13' 00" West 203.88 feet
to the place of beginning. Containing 1.01 acres of land, more or less.



PROTESTANT'S EXHIBIT 2

We, the undersigned, oppose the requested zoning
variances in Case 88-175-A, the Evelyn Quinn zoning case for
Overbrook Road in Ruxton.

Name, address (please print)	Signature
1. BARBARA + Roy Keesy 7812 Overbrook Rd	[Signature]
2. James P. + Leslie Hartley 7811 Overbrook Rd	[Signature]
3. Thomas + Anne Loren 7809 Overbrook Rd	[Signature]
4. Margorie B Jones 1302 Boyce Ave Majan Lane	[Signature]
5. Brad + Bill K. Lewis 7803 Overbrook Rd	[Signature]
6. EDWARD + VIOLA M. JINDRA 1214 BOYCE AVE. Edward Jindra	[Signature]
7. Martha Lewis 7803 Overbrook Rd	[Signature]
8. Vela and Claudia Lane 7815 Overbrook Road Claudia J. Lane	[Signature]
9. David + Lillian 7819 Overbrook Rd Mary B. Lillian	[Signature]
10. THOMAS E. JORDING 7817 OVERBROOK RD	[Signature]
11. Lela A. Adams 7810 Overbrook Rd	[Signature]
12. V. Virginia H. Goodwin 7800 Overbrook Rd 21004	[Signature]
13. Anthony Montgomery 7806 Overbrook Rd 21004	[Signature]
14. Elizabeth + Andrew Brodis 7813 Overbrook Rd 21004	[Signature]
15. Mrs. M. Thomas 1214 Boyce Ave. 1 Overbrook -	[Signature]
16. Christopher R. West 7808 Overbrook Rd. Ruxton, Md 21004	[Signature]
17. Christine + Herbert Bump 7830 Cleburn Street Ruxton, Md 21004	[Signature]
18. Elsie Brooks Brinkley 7814 Overbrook Rd	[Signature]

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5. Brad + Bill K. Lewis 7803 Overbrook Rd	[Signature]
6. EDWARD + VIOLA M. JINDRA 1214 BOYCE AVE. Edward Jindra	[Signature]
7. Martha Lewis 7803 Overbrook Rd	[Signature]
8. Vela and Claudia Lane 7815 Overbrook Road Claudia J. Lane	[Signature]
9. David + Lillian 7819 Overbrook Rd Mary B. Lillian	[Signature]
10. THOMAS E. JORDING 7817 OVERBROOK RD	[Signature]
11. Lela A. Adams 7810 Overbrook Rd	[Signature]
12. V. Virginia H. Goodwin 7800 Overbrook Rd 21004	[Signature]
13. Anthony Montgomery 7806 Overbrook Rd 21004	[Signature]
14. Elizabeth + Andrew Brodis 7813 Overbrook Rd 21004	[Signature]
15. Mrs. M. Thomas 1214 Boyce Ave. 1 Overbrook -	[Signature]
16. Christopher R. West 7808 Overbrook Rd. Ruxton, Md 21004	[Signature]
17. Christine + Herbert Bump 7830 Cleburn Street Ruxton, Md 21004	[Signature]
18. Elsie Brooks Brinkley 7814 Overbrook Rd	[Signature]

PETITIONER(S) SIGN-IN SHEET

88-175-A

NAME	ADDRESS
Evelyn Quinn	1205 Malvern Ave 21004
Janet De Lee	5 Shaver Rd 21030

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

88-175-A

District: 9 Date of Posting: February 3, 1988
Posted for: Appeal
Petitioner: Evelyn F. Quinn
Location of property: 4th Overbrook Rd. approx. 1/2 mi. N. of Boyce Ave.
Location of Signs: 4th Overbrook Rd. approx. 1/2 mi. N. of Boyce Ave.
Remarks:
Posted by: E. J. [Signature] Date of return: February 7, 1988
Number of Signs: 1

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

11-4-87
Date

REVISED *

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 19 Zoning Advisory Committee Meeting of 7-21-87
Property Owner: Evelyn F. Quinn District 9
Location: 4th Overbrook Rd.
Water Supply: mto Sewage Disposal: mto

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovation to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
 - () Soil percolation tests, have been conducted. The results are valid until [blank].
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () is not acceptable and must be repeated. This must be accomplished prior to occupancy of property and approval of Building Permit applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Others
* These comments will supersede those made 8/25/87

No clearing or grading / construction is allowed in
interior Overbrook Rd. except as allowed by Baltimore
County Water Quality Policy. Please contact the
Department of Environmental Management at 494-3768
at 494-3768 if there are any questions concerning this comment.

Karen D. Murray
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

IN RE: PETITION FOR ZONING
VARIANCE E/S Overbrook Road
297' North of Boyce Avenue
9th Election District
4th Councilmanic District
Evelyn F. Quinn
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-175 A

ORDER OF APPEAL

Please note an appeal on behalf of the Petitioner in the
above-captioned matter to the Board of Appeals for Baltimore
County from the Findings of Fact and Conclusions of Law of
the Zoning Commissioner on the 30th day of December, 1987.

RECEIVED
JAN 12 1988
ZONING OFFICE

[Signature]
Gary C. Duvall
MILES & STOCKBRIDGE
12th Floor
401 Washington Avenue
Towson, MD 21204
(301) 821-6565
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of January, 1988, a
copy of the foregoing Notice of Appeal was mailed to E.
Harrison Stone, Esquire, Royston, Mueller, McLean & Reid, 102
West Pennsylvania Avenue, Towson, MD 21204-4575, attorney
for the Ruxton-Riderwood-Lake Roland Area Improvement
Association, Inc.; and to Phyllis Cole Friedman, People's
Counsel for Baltimore County, Courthouse, Towson, MD 21204.

[Signature]
Gary C. Duvall

RE: PETITION FOR VARIANCE
E/S Overbrook Rd., 297'
N of Boyce Ave., 9th
Election District,
4th Councilmanic District
EVELYN F. QUINN, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Zoning Case No. 88-175-A

ENTRY OF APPEARANCE

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

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

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2189

I HEREBY CERTIFY that on this 22nd day of January, 1988, a copy of
the foregoing Entry of Appearance was mailed to Gary C. Duvall, Esquire,
Miles & Stockbridge, 12th Floor, 401 Washington Ave., Towson, MD 21204;
and E. Harrison Stone, Esquire, Royston, Mueller, McLean & Reid, 102 W.
Pennsylvania Ave., Towson, MD 21204-4575.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

PETITIONER(S) SIGN-IN SHEET

88-175-A

NAME	ADDRESS
Christine K. West	7802 Overbrook Rd 21004
Claudia Lane	7815 Overbrook Rd 21004
James P. Hartley	7811 Overbrook Rd 21004
Thomas + Anne Loren	7809 Overbrook Rd 21004
Margorie B Jones	1302 Boyce Ave 21004
Brad + Bill K. Lewis	7803 Overbrook Rd 21004
Edward + Viola M. Jindra	1214 Boyce Ave 21004
Martha Lewis	7803 Overbrook Rd 21004
Vela + Claudia Lane	7815 Overbrook Rd 21004
David + Lillian	7819 Overbrook Rd 21004
Thomas E. Jording	7817 Overbrook Rd 21004
Lela A. Adams	7810 Overbrook Rd 21004
V. Virginia H. Goodwin	7800 Overbrook Rd 21004
Anthony Montgomery	7806 Overbrook Rd 21004
Elizabeth + Andrew Brodis	7813 Overbrook Rd 21004
Mrs. M. Thomas	1214 Boyce Ave 21004
Christopher R. West	7808 Overbrook Rd 21004
Christine + Herbert Bump	7830 Cleburn Street 21004
Elsie Brooks Brinkley	7814 Overbrook Rd 21004



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

HEARING ROOM #218

April 6, 1988

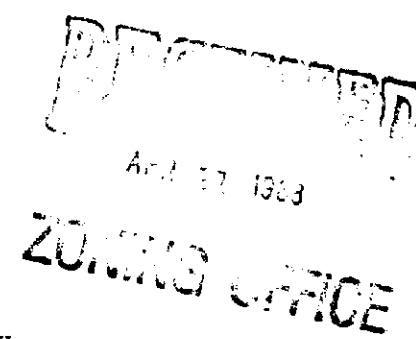
NOTICE OF ASSIGNMENT

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. 88-175-A
EVELYN F. QUINN
E/S Overbrook Rd., 297' N of Boyce Ave.
9th District
Variances - Side and rear yard setbacks
12/30/87 - Z.C.'s Order - DENIED
ASSIGNED FOR:
THURSDAY, JUNE 9, 1988, at 10 a.m.

cc: Gary C. DuVall, Esq. Counsel for Petitioner
E. Harrison Stone, Esq. Counsel for Protestants
Phyllis C. Friedman, Esq. People's Counsel
P. David Fields Office of Planning
James Hoswell " " "
J. Robert Haines Zoning Office
Ann Nastarowicz " " "
James E. Dyer " " "
Docket Clerk " " "

June Holmen, Secretary



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

HEARING ROOM #218

May 31, 1988

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). 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. 88-175-A
EVELYN F. QUINN
E/S Overbrook Road, 297' N of Boyce Avenue
9th Election District
4th Councilmanic District
Variances - side and rear yard setbacks
12/30/87 - Z.C.'s Order - DENIED

which had been scheduled for hearing on Thursday, June 9, 1988 has been POSTPONED at the request of Counsel for Petitioner pending a possible resolution; the case will not be reset for hearing until the Board has been requested to do so by Counsel for Petitioner, and, if needed, said hearing will not be rescheduled prior to September 1988 at Counsel's request.

cc: Gary C. DuVall, Esquire Counsel for Appellant/Petitioner
E. Harrison Stone, Esquire Counsel for Appellees/Protestants
Phyllis C. Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

PETITION FOR ZONING VARIANCE

9th Election District - 4th Councilmanic District
Case No. 88-175-A

LOCATION: East Side of Overbrook Road, 297 feet North of Boyce Avenue

DATE AND TIME: Tuesday, November 10, 1987, at 9:00 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 10 feet in lieu of the required minimum of 15 feet as to Lot No. 1 and a rear yard setback of 20 feet in lieu of the minimum required 40 feet as to Lot No. 2

Being the property of Evelyn F. Quinn, 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Variance
Petitioner: Evelyn F. Quinn
Location of property: E/S Overbrook Rd., 297' N of Boyce Ave.
Location of Sign: E/S of Overbrook Rd. opposite 4th North of Boyce Ave.
Remarks: L. J. Haines
Posted by: L. J. Haines
Number of Signs: 1
Date of Posting: October 23, 1987
Date of return: October 30, 1987

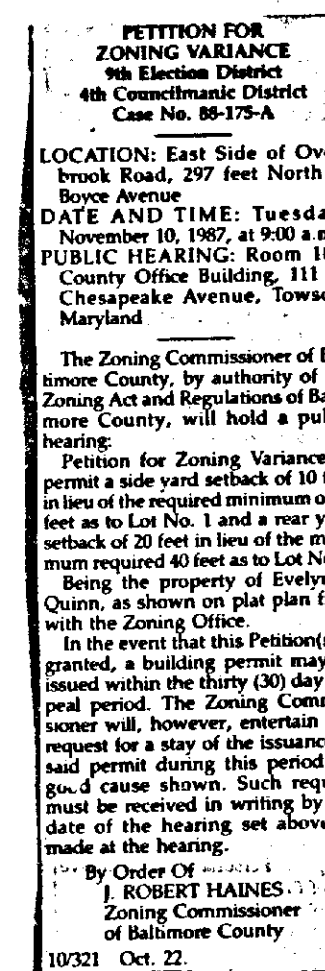
CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 22, 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 Oct 22, 1987

THE JEFFERSONIAN,

Susan Lindew Olsch
Publisher



Gary C. DuVall, Esquire
401 Washington Avenue
Towson, Maryland 21204

October 6, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
E/S Overbrook Rd., 297' N of Boyce Ave.
9th Election District - 4th Councilmanic District
Evelyn F. Quinn - Petitioner
Case No. 88-175-A

TIME: 9:00 a.m.

DATE: Tuesday, November 10, 1987

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 21, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 21, 1987

TOWSON TIMES,

Susan Lindew Olsch
Publisher



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

J. ROBERT HAINES
ZONING COMMISSIONER

November 3, 1987

Gary C. DuVall, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Overbrook Rd., 297' N of Boyce Ave.
9th Election District - 4th Councilmanic District
Evelyn F. Quinn - Petitioner
Case No. 88-175-A

Dear Mr. DuVall:

This is to advise you that \$100.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to the Zoning Office, Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 45645

DATE: 11-10-87 ACCOUNT: 01-415-000

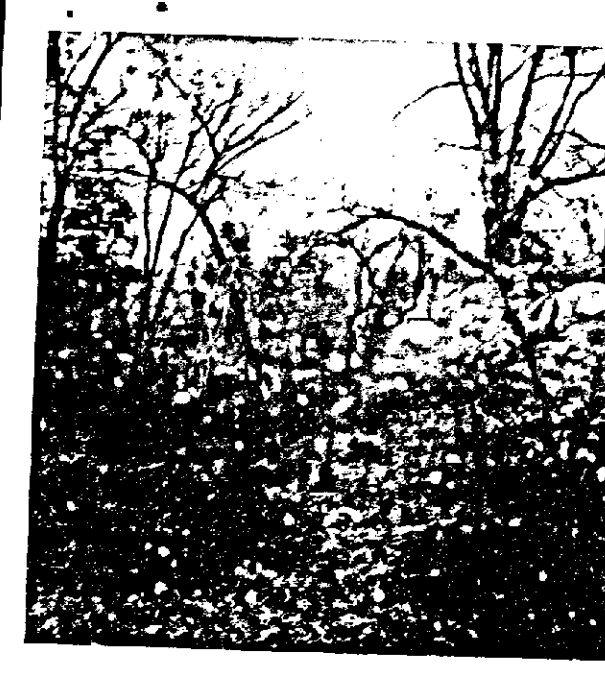
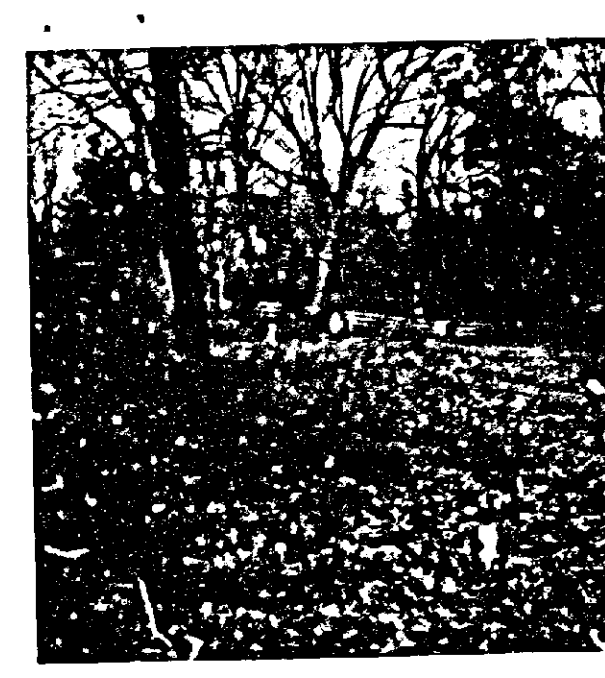
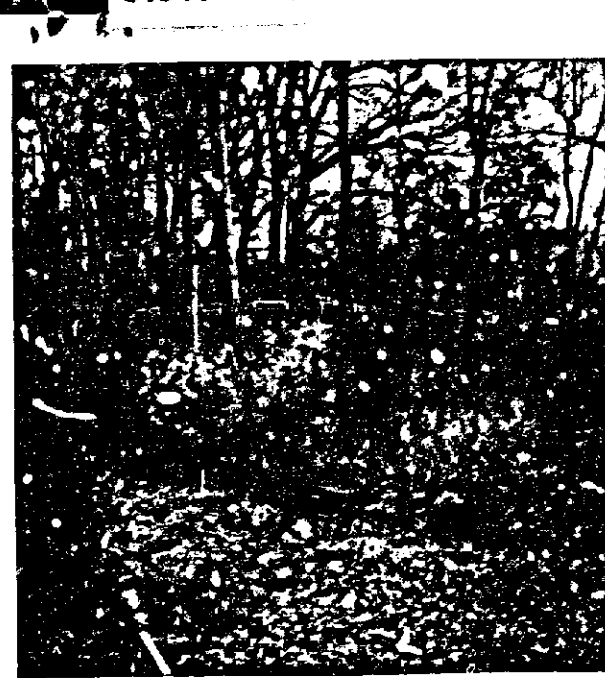
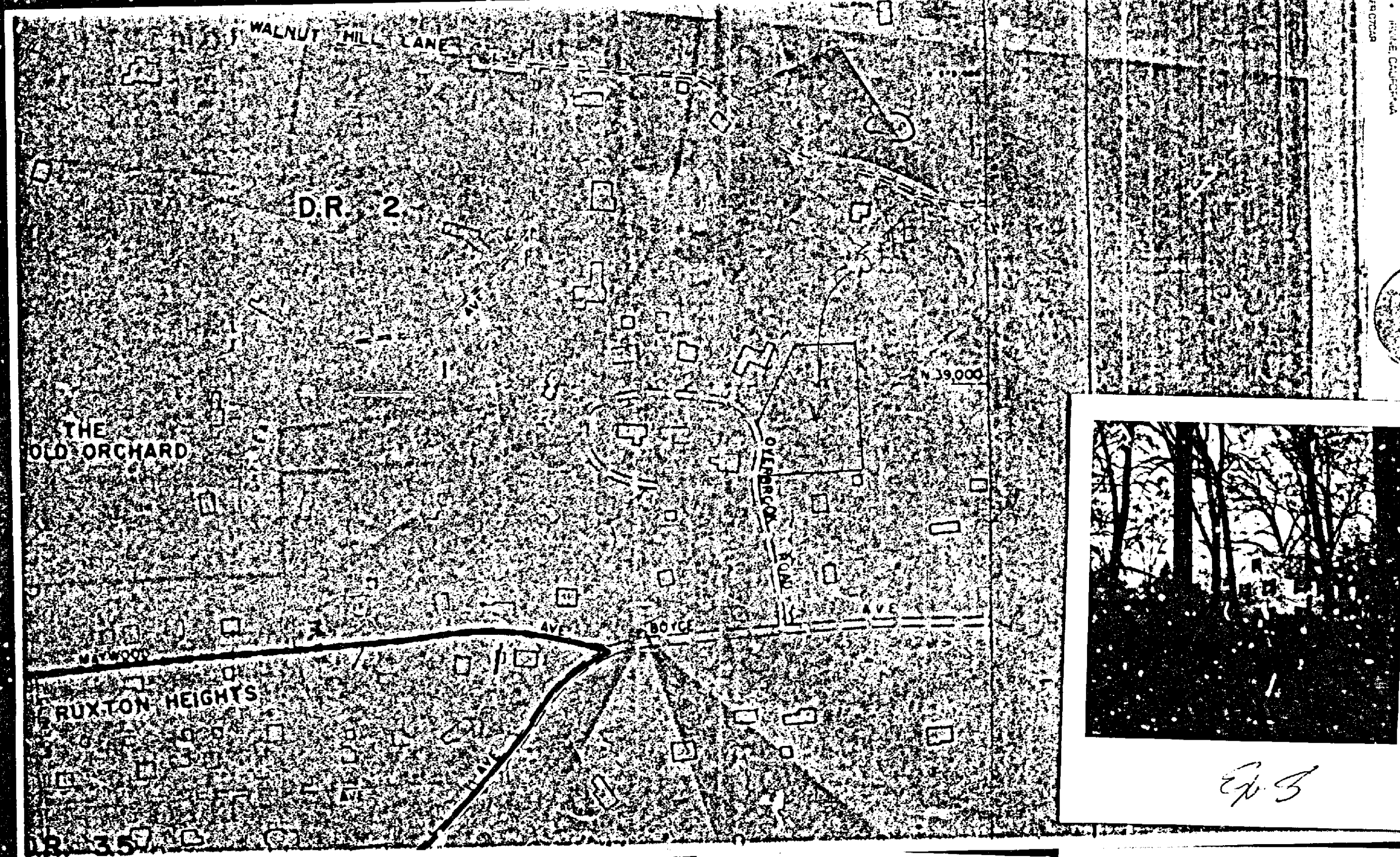
AMOUNT: \$ 100.48

RECEIVED FROM: Gary DuVall

FOR: 10 061 x Posting

28-11-87-100.48-100.48-100.48

VALIDATION OR SIGNATURE OF CASHIER



St. 46

St. 47

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner



December 31, 1987

Gary C. Duvall, Esquire
Miles and Stockbridge
401 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No. 88-175-A
Evelyn F. Quinn, Petitioner

Dear Mr. Duvall:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Zoning Variance has been Denied.

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:rm
enclosure (2)
cc: E. Harrison Stone, Esquire

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

January 13, 1988

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

RE: Petition for Zoning Variance
E/S Overbrook Road, 297' N of Boyce Avenue
9th Election District, 4th Councilmanic District
Evelyn F. Quinn - Petitioner
Case No. 88-175-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 12, 1988 by Gary C. Duvall, Esquire, Attorney for Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it 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: Gary C. Duvall, Esquire, Attorney for Petitioner
Miles & Stockbridge, 401 Washington Avenue, 12th Floor, Towson, 21204

E. Harrison Stone, Esquire, Attorney for Protestants
Ryston, Mueller, McLean & Heid, 102 W. Pennsylvania Ave., Towson, 21204

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

File



County Board of Appeals of Baltimore County
Room 315, County Office Building
Towson, Maryland 21204
(301) 494-3188

September 9, 1988

Gary C. Duvall, Esquire
Miles & Stockbridge
401 Washington Avenue, 12th Floor
Towson, MD 21204

RE: Case No. 88-175-A
Evelyn F. Quinn

Dear Mr. Duvall:

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

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. James McKee
McKee & Associates, Inc.
E. Harrison Stone, Esquire
Phyllis C. Friedman, Esquire
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LAW OFFICES
MILES & STOCKBRIDGE
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301 494-3353
CABLE TELETYPE
TELEX 97-01
GARY C. DUVALL

May 26, 1988

HAND DELIVERY

Chairman,
County Board of Appeals of Baltimore County
Room 200
Courthouse
Towson, MD 21204

RE: Case #88-175-A
Petitioner: Evelyn F. Quinn
Hearing Date: June 9, 1988
10:00 a.m.

Dear Mr. Chairman:

I would like to request, on behalf of the Petitioners and Protestants, a postponement of the presently scheduled appeal for June 9, 1988. The parties believe that a resolution may be attainable after the community has had an opportunity to meet and present an alternative plan to the Petitioner. Further, the Petitioner believes that there may be means to satisfy the community's concern which would obviate the need to go forth with a public hearing.

Accordingly, in order to avoid unnecessary expenses to both sides, the parties are in agreement to requesting of this Board a postponement until September, 1988 of the above-captioned appeal.

Thank you for your consideration of this matter.

Sincerely,

Gary C. Duvall

GCD:ld

cc: E. Harrison Stone, Esquire
Phyllis Cole Friedman, Esquire

Rec'd. 5-26-88
4:00 p.m.
Ed. of Appeals
J.H.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner
FROM: Mr. Norman E. Gerber, AICP, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 88-152-A, 88-153-A, 88-154-A, 88-155-A, 88-165-A, 88-167-A, 88-168-A, 88-169-A, 88-170-A, 88-171-A, 88-174-A, 88-175-A, 88-176-A, 88-177-A, 88-179-A, 88-180-A, 88-181-A, 88-183-A, 88-185-X, 88-186-A, and 88-187-A.

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

Norman E. Gerber
Director
Office of Planning and Zoning

NEG/JH/jat
cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel
File

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
27th day of September, 1987

J. Robert Haines
Zoning Commissioner

Petitioner: Evelyn F. Quinn
Petitioner's Attorney: Gary C. Duvall, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 19, Zoning Advisory Committee Meeting of 7-21-87
Property Owner: Evelyn F. Quinn
Location: E/S Overbrook Rd. District 9
Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction area and type of equipment to be used for the food service operation must be submitted to the Health and Mental Hygiene Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3011.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. The contents removed by a licensed hauler and tank removed from the property or properly backfilled.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____ conducted.
() The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If subsurface of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Other:

* These comments will supersede those made 8/25/87

No clearing or grading / construction is allowed in delineated wetlands except as allowed by Baltimore County Water Quality Policy. Please contact the acceptable permits for grading occurs in the wetlands. Contact Mr. John Shaffer of Environmental Management Bureau at 494-3768 if there are any questions concerning this comment.

Karen D. Murray
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

11-10-87
88-175-A

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 3, 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

Gary C. Duvall, Esquire
Miles & Stockbridge
401 Washington Avenue
Towson, Maryland 21204

RE: Item No. 19 - Case No. 88-175-A
Petitioner: Evelyn F. Quinn
Petition for Zoning Variance

Dear Mr. Duvall:

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 / KCB
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: McKee & Associates, Inc.
5 Shawan Road, Shawan Place
Hunt Valley, Maryland 21030

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 19, Zoning Advisory Committee Meeting of 7-21-87
Property Owner: Evelyn F. Quinn
Location: E/S Overbrook Rd. District 9
Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
494-6554

July 31, 1987

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

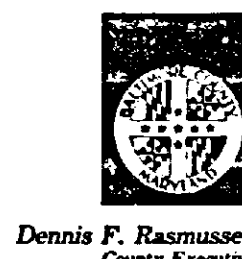
Dear Mr. Jablon:

The Baltimore County Bureau of Traffic Engineering has no comments for items number 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:it



Baltimore County
File Department
Towson, Maryland 21204-2586
494-4590

Paul H. Reincke
Chief

July 28, 1987

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

Re: Property Owner: Evelyn F. Quinn

Location: E/S Overbrook Rd., 297' N. of the N/S Boyce Avenue

Item No.: 19

Zoning Agenda: Meeting of 7/21/87

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 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.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Fire flow test shall be required.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

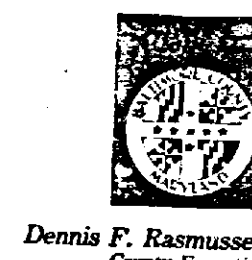
() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Planning/Group
Special Inspection Division

Noted and
Approved: *John F. O'Neill*
Fire Prevention Bureau

/s/



Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

January 13, 1988

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

RE: Petition for Zoning Variance
E/S Overbrook Road, 297' N of Boyce Avenue
9th Election District, 4th Councilmanic District
Evelyn F. Quinn - Petitioner
Case No. 88-175-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 12, 1988 by Gary C. Duvall, Esquire, Attorney for Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it 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

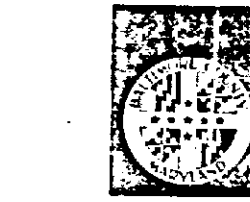
JRH:bjs

cc: Gary C. Duvall, Esquire, Attorney for Petitioner
Miles & Stockbridge, 401 Washington Avenue, 12th Floor, Towson, 21204

E. Harrison Stone, Esquire, Attorney for Protestants
Royston, Mueller, McLean & Reid, 102 W. Pennsylvania Ave., Towson, 21204

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

File



COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

OVERBROOK ROAD

Subdivision Name, Section and/or Plat

Developer and/or Engineer: *Nick + Assoc.*
Watershed: *2* No. of Lots or Units: *101* Total Acreage: *Public* *Public*
Water: *Public* Sewer: *Public*

COMMENTS ARE AS FOLLOWS:

Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762. Soil percolation test have been conducted. Revised plans must be submitted prior to approval of plat. *Public* are not required and the plat can be approved as submitted. Contact this office for more complete information.

Public sewers *Public* must be utilized and/or extended to serve the property.

A Hydrogeological Study and Environmental Effects Report for this subdivision, *Public* must be submitted, *Public* are not required, *Public* is incomplete and must be revised, *Public* has/have been reviewed and approved.

A Water Appropriation Permit Application must be submitted. *Public* has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

It is recommended the plan, *Public* be approved as submitted, *Public* be approved as submitted subject to the following conditions noted:

It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

Revised plan dated 11-3-87 rec'd. and is approved. Wetlands were delineated on 11-2-87 by Mr. G. Stone. Wetlands are shown on the plan. No changes in construction are allowed in the wetlands except for road crossing and as shown on the plan. The site is acceptable provided no grading occurs in the field-delineated wetlands.

SS 783R

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. RINGLINDER III
THOMAS F. McDONOUGH
LAWRENCE F. HADLUP
LAUREL P. EVANS
KEITH B. TRUFFER
ROBERT S. HANCOCK
EDWARD J. GILLIS
C. LARRY HODGES
ELIZABETH P. S. STELLMANN

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 823-1800
TELETYPE FAX (301) 828-7859

November 17, 1987

Mr. J. Robert Haines
Zoning Commissioner for
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #88-175-A

Dear Commissioner Haines:

Enclosed is the written confirmation of Mr. West's authority to speak on behalf of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. Also enclosed is the letter we adopted to have Mr. West introduce at our hearing.

I ask you for the additional time to obtain such information.

Sincerely yours,
E. Harrison Stone
E. Harrison Stone

EHS:jz
Enclosure
0930g

cc: Gary C. Duvall, Esq.

RECEIVED
NOV 17 1987
ZONING OFFICE

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

November 5, 1987

Board of Governors
Frances P. Saybolt
President
Robert E. Scott, Jr.
1st Vice President
Christopher R. West
2nd Vice President
John C. Ruxton
Treasurer
Louise H. Hildreth
Secretary

Thomas M. Bruggeman
Nancy Cammack
Robert V. Fowlkes
Mary Michael Klim
Judith Kremen
Jane S. B. Lawrence
Sarah Lord
James H. Magee, III
Herbert B. Mitternath
Annette Nagler
Paula Neill
Carl B. O'Donovan
John Rags Orick
Carol Rose Palmer
Roy C. Parsons
Gordon B. Shelton
Marge Simon
E. Richard Watts, Jr.

Robert W. Locke
Ex Officio

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case #88-175-A
Item #19
11/10/87

Dear Commissioner Haines:

The Executive Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association understands that all residents on Overbrook Road are unanimously opposed to the request for the variances requested by the petitioner and would like to go on record in support of the residents and position of this Board that the variance be denied in keeping with the harmony and integrity of the community.

Sincerely,

Frances P. Saybolt
Frances P. Saybolt
President

RECEIVED
NOV 17 1987
ZONING OFFICE

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

November 10, 1987

Board of Governors
Frances P. Saybolt
President
Robert E. Scott, Jr.
1st Vice President
Christopher R. West
2nd Vice President
John C. Ruxton
Treasurer
Louise H. Hildreth
Secretary

Thomas M. Bruggeman
Nancy Cammack
Robert V. Fowlkes
Mary Michael Klim
Judith Kremen
Jane S. B. Lawrence
Sarah Lord
James H. Magee, III
Herbert B. Mitternath
Annette Nagler
Paula Neill
Carl B. O'Donovan
John Rags Orick
Carol Rose Palmer
Roy C. Parsons
Gordon B. Shelton
Marge Simon
E. Richard Watts, Jr.

Robert W. Locke
Ex Officio

J. Robert Haines
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #88-175-A
Item #9
11/10/87

Dear Commissioner Haines:

This will confirm the authority of Christopher R. West, 2nd Vice President of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., to speak on behalf of the Board of Governors in the above mentioned case.

Sincerely,

Frances P. Saybolt
Frances P. Saybolt
President

RECEIVED
NOV 17 1987
ZONING OFFICE

LAW OFFICES
MILES & STOCKBRIDGE

401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 828-6005
TELEX 87 01

17 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
348 HUNTERFORD COURT
ROCKVILLE, MARYLAND 20850
1706 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

September 22, 1987

Mr. James Dyer, Supervisor
Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 19
Petitioner: Evelyn Quinn

Dear Jim:

Now that this matter has gone through the subdivision process, I would appreciate it if you would set this matter in immediately for a hearing on the Petition for Variance filed several months ago.

Many thanks.

Very truly yours,
Gary C. Duvall
Gary C. Duvall

GCD:ld

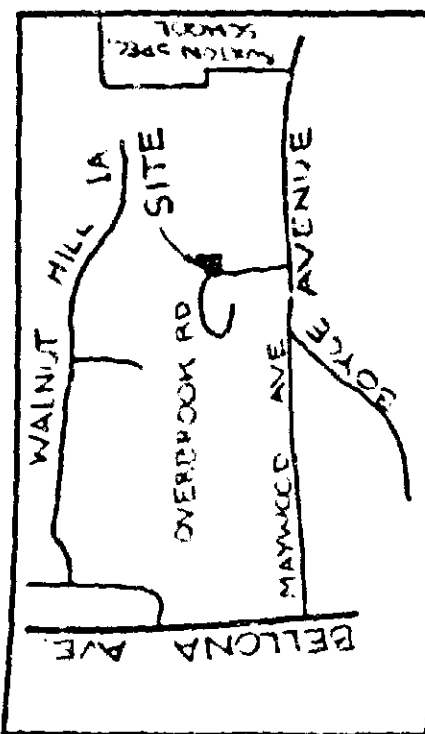
RECEIVED
SEP 23 1987
ZONING OFFICE



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	BALTIMORE	N.W.
DATE OF PHOTOGRAPH JANUARY 1986	PETITIONER'S EXHIBIT 5	10-B



VICINITY MAP
SCALE 1" = 1000'

EXISTING ZONING DR-2

AREA OF LOT 1 22,800 SQFT
AREA OF LOT 2 21,250 SQFT
TOTAL AREA 101 AC

* NOTE:

THE LIMIT OF WETLANDS AS SHOWN
HEREON HAS BEEN ESTABLISHED
IN THE FIELD BY THE BALTIMORE
COUNTY DEPT. OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT.

PETITIONER'S EXHIBIT 1

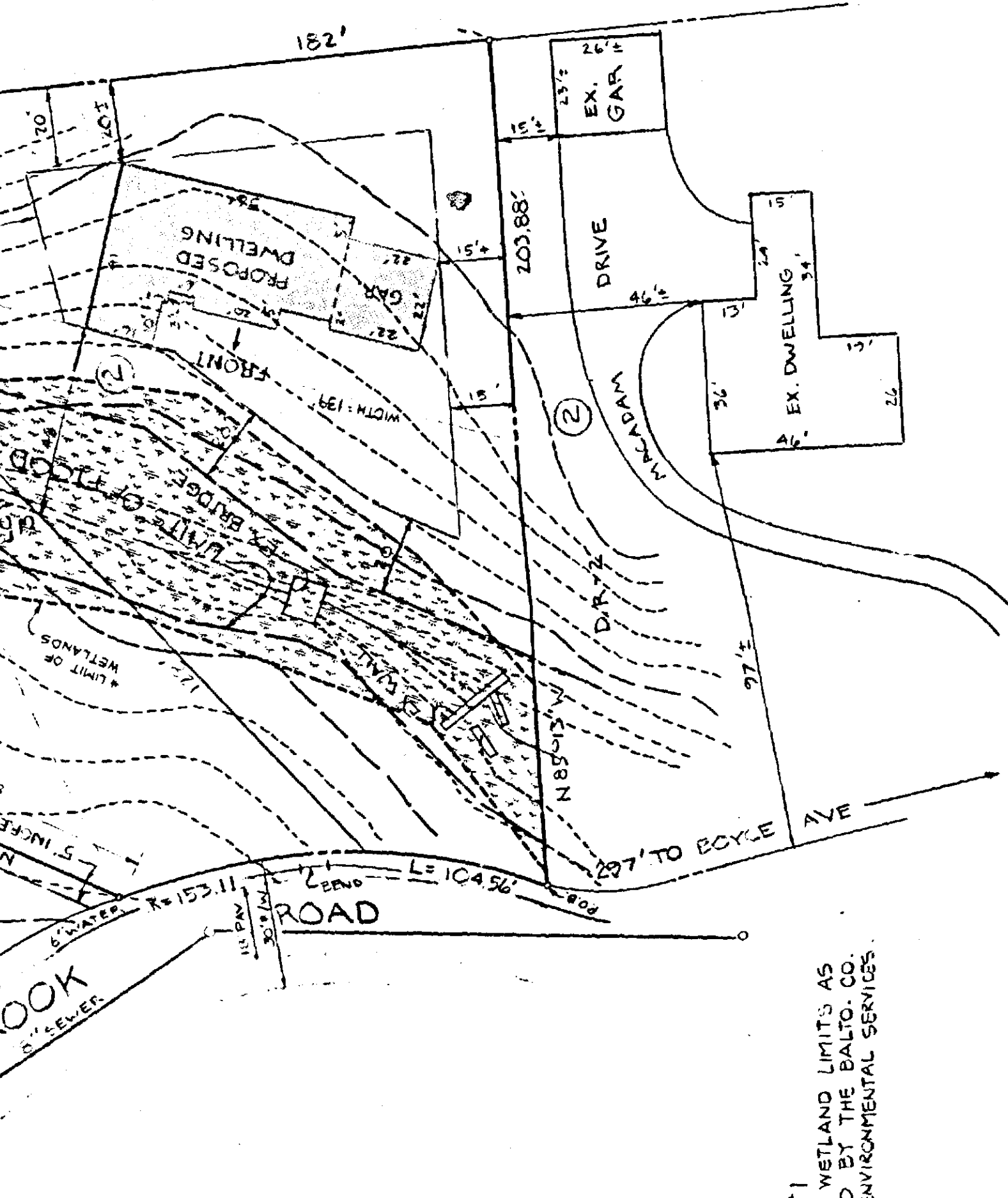
PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCE

AT
OVERBROOK ROAD
RESUBDIVISION OF
LOT 3 PART OF LOT 4
PLAT MADE BY
SUTTON-BRITCHER & CO.
Δ 9/60

ELECT DIST NS 9 BALTO. CO. MD
DATE: MAY 15, 1987 SCALE: 1" = 30'
REVISED: NOV. 5, 1987

OWNER
P.S. EVELY GUINN
DEED REC 7450/452
1205 MALVERN AVE
TOWSON, MARYLAND
(301) - 821-8060
TAX ACT NS 1600012178

EDWARD JINDRA
1295/542
1214 BOYCE AVE
D.R.-2



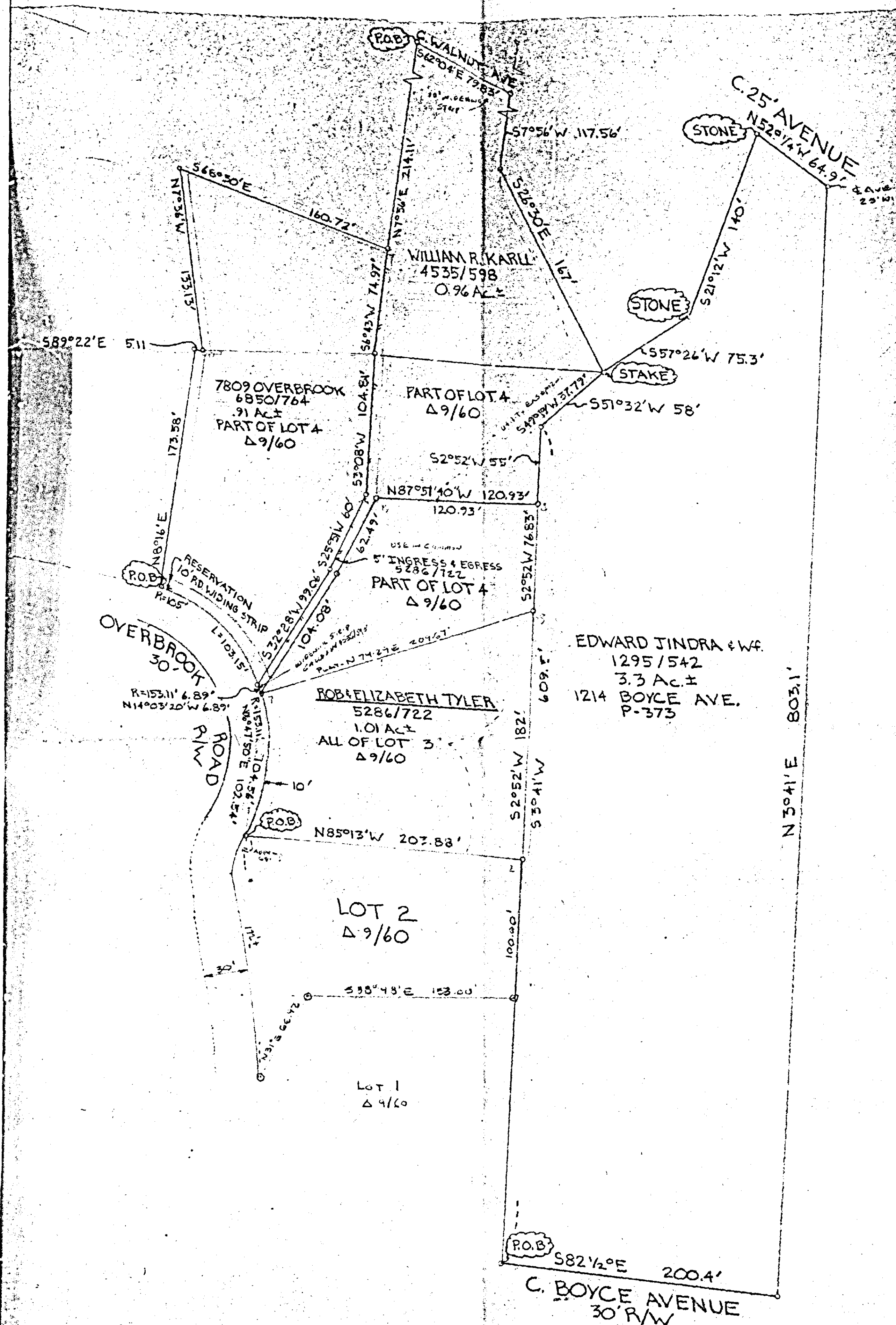
ZONING REQUEST FOR LOT 1
REQUESTING A VARIANCE FROM SECTION
1802.3 C 1 OF THE BALTIMORE COUNTY
ZONING REGULATIONS TO PERMIT A 10'
SIDE YARD SETBACK IN LIEU OF THE
REQUIRED 15' MINIMUM.

ZONING REQUEST FOR LOT 2
REQUESTING A VARIANCE FROM SECTION
1802.3 C 1 OF THE BALTIMORE COUNTY
ZONING REGULATIONS TO PERMIT A 20'
REAR YARD SETBACK IN LIEU OF THE
REQUIRED 40' MINIMUM.

REVISION #1
GENERATED WETLAND LIMITS AS
ESTABLISHED BY THE BALTO. CO.
BUREAU OF ENVIRONMENTAL SERVICES

James W. McKee, MD Reg No. 9012 Date

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawin Place - 5 Shawin Road
Hunt Valley, MD 21093
301-232-5820



OVERBROOK ROAD
TITLE DEED 5286/722
BALTIMORE CO., MD
SCALE 1" = 50'
J.O. 87-02

PETITIONER'S
EXHIBIT 4