

*File*

IN THE MATTER OF : IN THE CIRCUIT COURT  
REVAL ENTERPRISES, INC. : FOR BALTIMORE COUNTY  
: CASE NO. 89-CR-1970

: : : : : : : :

OPINION

This case comes before the Court on appeal from an order of the County Board of Appeals of Baltimore County (hereinafter called 'the Board') denying appellant, Reval Enterprises, Inc.'s request for a zoning variance. This variance was initially granted by the Zoning Commissioner and subsequently reversed by the Board on May 9, 1989. Appellant seeks a variance to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of required 15 feet.

Appellant is the owner of an eight acre tract of land off of Lake Avenue in Baltimore County. In 1987, appellant purchased this property for a commercial venture. The land was subsequently subdivided into seventeen lots each averaging approximately 18,000 square feet. Located on lot fourteen is a manor house and an accessory garage. This appeal concerns the accessory five bay garage that has been in existence for the past fifty-two years. The record reflects testimony to the effect that the second floor of this garage was intermittently used for residential purposes but

such use ceased in 1982. Appellant is constructing a community of homes with a Williamsburg motif. At the initial County Review Group (CRG) process, appellant indicated its intent to tear down the garage and replace it with a structure that would conform with its proposed plans.

However, this idea of razing the garage was later abandoned by appellant. Appellant with the advice of its architect, Mr. Kennedy, and its engineer determined that the garage was a very substantial building with a replacement value of over \$200,000.00 and could in fact fit into the Williamsburg theme without razing the structure. Based on these facts, appellant sought a variance that would enable it to retain the existing garage, increase the size of it and convert it into a residence. Appellant contends that to deny such a variance would in effect impose an unreasonable hardship and practical difficulty on it. The transcript of the Board hearing reveals the testimony and concerns of several abutting land owners whose properties they alleged will be adversely affected by the granting of the requested variance.

The scope of review by this Court of the Board's decision is limited. "The substantiality of the evidence is the common denominator of the scope of judicial review with respect to all administrative agencies." Balto. Lutheran High School V. Employment Security Administration. 302 Md. 649, 661 (1985).

The substantial evidence standard of review requires only that the reviewing court examine the agency's decision to determine whether reasoning minds could reasonably reach that conclusion by direct proof or by permissible inference from the facts and the record before the agency. Vavasori V. Commission on Human Relations, 65 Md. App. 237, 251 (1985).

The reviewing court also "must review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." Bullock V. Pelham Wood Apts., 283 Md. 505, 513 (1978).

In reviewing the decision of the Board, it must be kept in mind that "[t]he standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean V. Soley, 270 Md. 208, 213 (1973).

In limiting the scope of inquiry to whether the decision of the Board is fairly debatable, this Court "may not substitute its judgment for that of the Board. The Court is to determine only whether a reasoning mind could have reached the conclusion reached by the Board." Cicala V.

Disability Review Board, 288 Md. 254, 260 (1980).

The Court will affirm the Board's decision to deny appellant's request for a variance.

In order to adequately review the Board's ruling the Court must consider the standard the Board used to deny appellant's request for a variance. The Board in its decision stated that it was guided by Section 307.1 of the Baltimore County Zoning Regulation. This section authorizes the Board to grant variances:

. . . only in cases where strict compliance with the zoning regulation for Baltimore County would result in practical difficulty or unreasonable hardship.  
. . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of zoning regulations; and only in such a manner as to grant relief without substantial injury to public health, safety and general welfare.

While the Board concedes that there could be an unreasonable hardship involved to the appellant, it nonetheless felt that any hardship was self-created. This was not a finding of unreasonable hardship and the record does not support a finding of unreasonable hardship. In rendering its decision, the Board focused on the potential injuries to the general welfare of the neighborhood that would result from the converted use of the garage with the proposed addition. The Board cited the problem that would arise if it permitted this large addition to be built. The Board stated "that to increase the size of the building

as proposed and to convert its use from a five-car garage to a completely residential use would indeed create injury to the general welfare of the neighborhood. The large addition with its increased impermeable surface and those impermeable surfaces normally associated with residential use would increase run-off and the detriment to the neighbor's enjoyment of their properties. . . ."

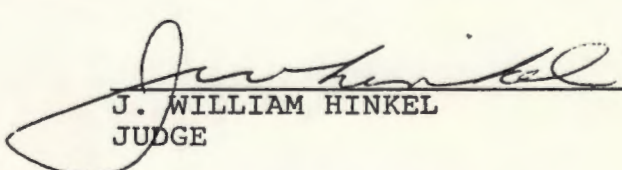
In McLean v. Soley, 270 Md. 208, 214 (1973), the Court of Appeals defined the criteria for determining when a 'practical difficulty' exists under Section 307:

- 1) Whether compliance with the strict letter of the restriction governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Court of Appeals has found 'practical difficult' to exist where compliance with the regulation would prevent the appellant from using the property or would render conformity with such restriction unnecessarily burdensome.

The Board found no evidence that indicated appellant is prevented in any way from using his property. Appellant's only contention is that it will not make practical sense to tear down a \$200,000.00 building and replace it with a new one that conforms. This Court is of the opinion that while it may be more expensive to rebuild a structure that conforms to the zoning regulations, this cost certainly is not prohibitive and doesn't constitute an 'unnecessary burden'. It suggests only that a smaller profit may be realized on Lot 14.

Upon a review of the evidence before the Board, the Court finds that the Board applied the appropriate standard and committed no error of law. There was substantial evidence before the Board to support its findings and conclusions. The issue is at least fairly debateable and, therefore, the Court will not disturb the Board's decision. Accordingly, the decision of the Board is AFFIRMED.



J. WILLIAM HINKEL  
JUDGE

JWH/lg

Dated: January 31, 1990

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County Office Building, Room 315  
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IN THE MATTER OF : IN THE CIRCUIT COURT  
REAL ENTERPRISES, INC. : FOR BALTIMORE COUNTY  
CASE NO. 89-CR-1970

OPINION

This case comes before the Court on appeal from an order of the County Board of Appeals of Baltimore County (hereinafter called 'the Board') denying appellant, Real Enterprises, Inc.'s request for a zoning variance. This variance was initially granted by the Zoning Commissioner and subsequently reversed by the Board on May 9, 1989. Appellant seeks a variance to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of required 15 feet.

Appellant is the owner of an eight acre tract of land off of Lake Avenue in Baltimore County. In 1987, appellant purchased this property for a commercial venture. The land was subsequently subdivided into seventeen lots each averaging approximately 18,000 square feet. Located on lot fourteen is a manor house and an accessory garage. This appeal concerns the accessory five bay garage that has been in existence for the past fifty-two years. The record reflects testimony to the effect that the second floor of this garage was intermittently used for residential purposes but

such use ceased in 1982. Appellant is constructing a community of homes with a Williamsburg motif. At the initial County Review Group (CRG) process, appellant indicated its intent to tear down the garage and replace it with a structure that would conform with its proposed plans.

However, this idea of razing the garage was later abandoned by appellant. Appellant with the advice of its architect, Mr. Kennedy, and its engineer determined that the garage was a very substantial building with a replacement value of over \$200,000.00 and could in fact fit into the Williamsburg theme without razing the structure. Based on these facts, appellant sought a variance that would enable it to retain the existing garage, increase the size of it and convert it into a residence. Appellant contends that to deny such a variance would in effect impose an unreasonable hardship and practical difficulty on it. The transcript of the Board hearing reveals the testimony and concerns of several abutting land owners whose properties they alleged will be adversely affected by the granting of the requested variance.

The scope of review by this Court of the Board's decision is limited. "The substantiality of the evidence is the common denominator of the scope of judicial review with respect to all administrative agencies." Bello, Lutheran High School v. Employment Security Administration, 302 Md. 649, 661 (1985).

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The substantial evidence standard of review requires only that the reviewing court examine the agency's decision to determine whether reasonable minds could reasonably reach that conclusion by direct proof or by permissible inference from the facts and the record before the agency. Navasota V. Commission on Human Relations, 65 Md. App. 237, 251 (1985).

The reviewing court also "must review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." Bullock v. Pelham Wood Apts., 283 Md. 505, 513 (1978).

In reviewing the decision of the Board, it must be kept in mind that "[t]he standard for granting a variance . . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley, 270 Md. 208, 213 (1973).

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Disability Review Board, 288 Md. 254, 260 (1980).

The Court will affirm the Board's decision to deny appellant's request for a variance.

In order to adequately review the Board's ruling the Court must consider the standard the Board used to deny appellant's request for a variance. The Board in its decision stated that it was guided by Section 307.1 of the Baltimore County Zoning Regulation. This section authorizes the Board to grant variances:

... only in cases where strict compliance with the zoning regulation for Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of zoning regulations; and only in such a manner as to grant relief without substantial injury to public health, safety and general welfare.

While the board concedes that there could be an unreasonable hardship involved to the appellant, it nonetheless felt that any hardship was self-created. This was not a finding of unreasonable hardship and the record does not support a finding of unreasonable hardship. In rendering its decision, the Board focused on the potential injuries to the general welfare of the neighborhood that would result from the converted use of the garage with the proposed addition. The Board cited the problem that would arise if it permitted "his large addition to be built. The Board stated "that to increase the size of the building

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as proposed and to convert its use from a five-car garage to a completely residential use would indeed create injury to the general welfare of the neighborhood. The large addition with its increased impermeable surface and those impermeable surfaces normally associated with residential use would increase run-off and the detriment to the neighbor's enjoyment of their properties. . . ."

In McLean v. Soley, 270 Md. 208, 214 (1973), the Court of Appeals defined the criteria for determining when a 'practical difficulty' exists under Section 307:

- 1) Whether compliance with the strict letter of the restriction governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Court of Appeals has found 'practical difficulty' to exist where compliance with the regulation would prevent the appellant from using the property or would render conformity with such restriction unnecessarily burdensome.

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The Board found no evidence that indicated appellant is prevented in any way from using his property. Appellant's only contention is that it will not make practical sense to tear down a \$200,000.00 building and replace it with a new one that conforms. This Court is of the opinion that while it may be more expensive to rebuild a structure that conforms to the zoning regulations, this cost certainly is not prohibitive and doesn't constitute an 'unnecessary burden'. It suggests only that a smaller profit may be realized on Lot 14.

Upon a review of the evidence before the Board, the Court finds that the Board applied the appropriate standard and committed no error of law. There was substantial evidence before the board to support its findings and conclusions. The issue is at least fairly debatable and, therefore, the Court will not disturb the Board's decision. Accordingly, the decision of the Board is AFFIRMED.

JWH/lg

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Towson, Maryland 21204  
County Board of Appeals of Baltimore Co.  
County Office Building, Room 315  
Towson, Maryland 21204

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IN THE MATTER OF :  
THE APPLICATION OF :  
REAL ENTERPRISES, INC. :  
FOR ZONING VARIANCES ON PROPERTY :  
LOCATED ON THE NORTHWEST SIDE OF :  
DORRISON CIRCLE, 400' NORTH OF THE :  
CENTERLINE OF LAKE AVENUE :  
9th Election District :  
4th Councilmanic District :  
BALTIMORE COUNTY :  
CASE NO. 89-126-A

OPINION

This case comes before this Board on appeal from a decision by the Zoning Commissioner granting the Petition for Variances to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of required 15 feet. The case was heard this day in its entirety.

In this Opinion, the Board will clarify certain issues prior to their consideration of testimony. The Board will especially note in the Zoning Commissioner's Order that there were no protestants at his hearing and that all the testimony and evidence presented at that hearing was uncontradicted. There was testimony at this hearing that the many neighbors appearing in protest had seen no sign on the property and cited this as their reason for not appearing before the Zoning Commissioner. The Board is therefore of the opinion that the Zoning Commissioner had before him only one side of the case while the Board has many abutting neighbors rebutting the testimony of the Petitioner.

The Board will also note that the building in question is a five-car garage erected in 1938 whose purpose was to act as an accessory building to the original residence on the property, commonly referred to as "the mansion." There was also testimony that the second floor of this garage was intermittently used for residential purposes. There was testimony that no residential use of this second floor of the garage has occurred since 1982. The Board is therefore

Case No. 89-126-A  
Real Enterprises, Inc.

of the opinion that if the use of the existing building remains strictly a garage use with no residential use, the building can remain in its present state. Any potential claim for a nonconforming use of the second floor or any part of the garage as a residence has lapsed and is therefore moot.

Robert Voelkel, the property owner, testified that he bought the property in 1987 and subdivided it into 17 lots averaging 18,000 square feet in area. He testified that his original plan was to completely raze this building. In retrospect and upon advice from his engineer, he changed his mind and is now petitioning to raze the addition shown on Zoning Commissioner's Exhibit No. 1 and to add an addition 29 feet by 36 feet and to convert the entire structure into residential use.

Samuel Shockley, Civil Engineer, testified that he developed this plan especially to retain the trees and shrubs and to retain the existing building which would be in keeping with the neighborhood and its Williamsburg motif. He further noted that this building has been in existence more than 50 years.

Shannon Kennedy, an architect, testified as to his design of this land use and the desirability of retaining the building.

Appearing for protestants was Ms. Jane Mace of 4006 Wilmhurst Drive, whose back yard is very near to the subject site. She testified that her property suffers from water run-off from this building and that her back yard is wet and getting worse.

Ms. Helen Whiting, 4000 Lanesboro Drive, whose property directly abuts this site, reiterated Ms. Mace's testimony. She further testified that the last anyone used the upstairs apartment in the garage was in 1982, and that when she moved there, it was strictly used as a garage.

Richard Butcher, 6005 Lakehurst Drive, testified as a representative of the local community association that was opposed to the renovation of this garage and its proposed residential use.

Allen Blum, 6002 Lakehurst Drive, whose property abuts the subject site directly to the east, testified at length as to the serious run-off problems this building creates, and his extreme objection to its conversion to strictly residential use, and his fears that the addition as proposed could only increase his run-off problems.

James S. Patton, a registered Professional Engineer, testified in support of the Protestants' case and noted the various changes that have taken place from the original plan up and through the present plan. This concluded testimony in this case and the record will speak for itself as to the detailed testimony received by this Board.

In order to grant an area variance, the Board is guided by Section 307.1. Section 307.1 mandates several things. A variance can be granted where strict compliance would result in practical difficulty or unreasonable hardship. While the continued use of this building strictly as a garage could result in practical difficulty, my unreasonable hardship involved is self-created. Section 307.1 further mandates that any such variance shall be granted only in such matters as to grant relief "without substantial injury to public health, safety and general welfare. They shall have no power to grant any other variances." It is the opinion of this Board that to increase the size of the building as proposed and to convert its use from a five-car garage to a completely residential use would indeed create injury to the general welfare of the neighborhood. The large addition with its increased impermeable surface and those impermeable surfaces normally associated with residential use would

Increase the run-off and the detriment to the neighbors' enjoyment of their properties, and therefore the variances shall be denied and this Board will so order.

#### ORDER

It is therefore this 9th day of May, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variances to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of required 15 feet be and the same is DENIED.

Any appeal from this decision must be made in accordance with Rules 8-1 through 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman  
Arnold G. Foreman  
Harry E. Buchmeister, Jr.

IN RE: PETITION FOR ZONING VARIANCE  
RE/8 Dembeigh Circle, 600' N  
of the C/L of Lake Avenue  
(912 West Lake Avenue)  
9th Election District  
4th Councilmanic District  
Reval Enterprises, Inc.  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-126-A  
\* Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of the required 15 feet, for the proposed reconstruction of an existing dwelling, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Robert E. Voelker, Jr., President, and R. Emmett Voelker, II, appeared and testified. Also appearing on behalf of the Petition was Thomas N. Hiddison, and Samuel Shockley. There were no violators.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October, 1988 that the Petition for Variance to permit a window to tract boundary of 6 feet in lieu of the required 35 feet, a building to tract boundary of 6 feet in lieu of the required 30 feet, and a window to property line of 6 feet in lieu of the required 15 feet, for a proposed dwelling addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit, and be granted same upon receipt of this Order, however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed reconstruction of an existing dwelling to be converted to a second dwelling unit and/or apartment.
- 3) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Tower, Maryland 21204  
04-5503  
J. Robert Haines  
Zoning Commissioner

October 20, 1988

Mr. Robert E. Voelker, Jr., President  
Reval Enterprises, Inc.  
912 West Lake Avenue  
Baltimore, Maryland 21210

RE: PETITION FOR ZONING VARIANCE  
RE/8 Dembeigh Circle, 600' N of the C/L of Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic District  
Reval Enterprises, Inc. - Petitioner  
Case No. 89-126-A

Dear Mr. Voelker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Mr. Charlotte Redliffe at 494-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Sam Shockley  
Development Engineering Consultants, Inc.  
6603 York Road, Baltimore, Maryland 21212  
People's Counsel

File

#### 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 1001.2.C.4. (V.R.5.5.A. V.R.5.5.B. V.R.5.5.C. V.R.5.5.D. V.R.5.5.E. V.R.5.5.F. V.R.5.5.G. V.R.5.5.H. V.R.5.5.I. V.R.5.5.J. V.R.5.5.K. V.R.5.5.L. V.R.5.5.M. V.R.5.5.N. V.R.5.5.O. V.R.5.5.P. V.R.5.5.Q. V.R.5.5.R. V.R.5.5.S. V.R.5.5.T. V.R.5.5.U. V.R.5.5.V. V.R.5.5.W. V.R.5.5.X. V.R.5.5.Y. V.R.5.5.Z. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. 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V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. V.R.5.5.SS. V.R.5.5.TT. V.R.5.5.UU. V.R.5.5.VV. V.R.5.5.WW. V.R.5.5.XX. V.R.5.5.YY. V.R.5.5.ZZ. V.R.5.5.AA. V.R.5.5.BB. V.R.5.5.CC. V.R.5.5.DD. V.R.5.5.EE. V.R.5.5.FF. V.R.5.5.GG. V.R.5.5.HH. V.R.5.5.II. V.R.5.5.JJ. V.R.5.5.KK. V.R.5.5.LL. V.R.5.5.MM. V.R.5.5.NN. V.R.5.5.OO. V.R.5.5.PP. V.R.5.5.QQ. V.R.5.5.RR. 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Reval Enterprises, Inc.  
Case No. 89-126-A, File No. 89-CO-1970

April 26, 1989 Hearing on appeal before the Board of Appeals.  
May 9, 1989 Opinion and Order of the Board ordering that the Petition for Variance be DENIED.

June 6, 1989 Order for Appeal filed in the Circuit Court for Baltimore County by Thomas H. Biddison, Jr., Esquire on behalf of the Plaintiff.

June 6, 1989 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County.

June 12, 1989 Certificate of Notice sent to all interested parties.

September 5, 1989 Transcript of testimony filed.

Appellee's Exhibit No. 1 - Zoning case file.

" " " 2 - Photograph  
" " " 3 - First Amended Development Plan of Deming Hill dated October 19, 1989.

Appellants' Exhibit No. 1 - Photograph of view from Whiting dining room and enlargement.

" " " 2 - Resolution and Affidavit.

" " " 3 - A - Photograph of existing structure wing northeast corner proximity to property line.

" " " 3 - B - Photograph of existing structure wing southeast corner proximity to property line.

" " " 3 - C - Photograph of developer's stake for property line reference.

" " " 3 - D - Photograph of developer's stake for property line reference.

" " " 4 - A - Photograph of existing structure from the north and enlargement.

" " " 4 - B - Photograph of view along property line from south and enlargement.

" " " 4 - C - Photograph showing comparative elevations vicinity of property line and enlargement.

" " " 5 - A - Photograph showing saturated area during wet weather and enlargement.

" " " 5 - B - Photograph of property line from the north and enlargement.

" " " 5 - C - Photograph of view from Bloom kitchen and enlargement.

" " " 5 - D - Photograph showing slope from existing structure to Bloom property and enlargement.

" " " 5 - E & F - Photographs showing slope from north.

Reval Enterprises, Inc.  
Case No. 89-126-A, File No. 89-CO-1970

Appellants' Exhibit No. 6 - Correspondence between Mr. Bloom and the Ayl Corporation.

" " " 7 - Resumes of James S. Patton, P.E.

" " " 8 - CRG Plan dated July 23, 1987.

" " " 9 - Final Development Plan dated January 5, 1989.

" " " 10 - Plan dated July 14, 1988.

" " " 11 - Plan dated July 23, 1987.

" " " 12 - CRG Minutes dated July 23, 1987.

" " " 13 - CRG Comments dated July 13, 1987.

" " " 14 and 15 - Drawings.

September 5, 1989 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

*Linda M. Kussman*  
Linda M. Kussman, Legal Secretary  
County Board of Appeals

cc: Thomas H. Biddison, Jr., Esquire  
J. Carroll Holzer, Esquire

IN THE MATTER OF THE APPLICATION  
OF REVAL ENTERPRISES, INC. FOR  
ZONING VARIANCES ON PROPERTY  
LOCATED ON THE NORTHEAST SIDE OF  
DOWNSIDE CIRCLE, 600' NORTH OF THE  
CENTERLINE OF LAKE AVENUE AND W. LAKE  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT  
REVAL ENTERPRISES, INC., PLAINTIFF  
ZONING FILE NO. 89-126-A

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY

CO Doc. No. 68  
Folio No. 370  
File No. 89-CO-1970

CERTIFICATE OF NOTICE

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Arnold G. Foreman and Harry E. Buchhalter, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Reval Enterprises, Inc., 912 W. Lake Avenue, Baltimore, Maryland 21210, Petitioner/Plaintiff; Thomas H. Biddison, Jr., Esquire, Gallagher, Evelius & Jones, 218 N. Charles Street, Suite 400, Baltimore, Maryland 21201-4033, Counsel for the Petitioner/Plaintiff; J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Appellants/Protestants; Richard Butchko, et al, Lakehurst Community Association, 6005 Lakehurst Drive, Baltimore, Maryland 21210, Appellants/Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Room 315, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

*Linda M. Kussman*  
Linda M. Kussman  
County Board of Appeals of Baltimore  
County, Room 315, County Office Bldg.  
Towson, Maryland 21204 (301) 867-3180

Reval Enterprises, Inc.  
Case No. 89-126-A, File No. 89-CO-1970

I HEREBY CERTIFY that a copy of the aforesaid Certificate of Notice has been mailed to Reval Enterprises, Inc., 912 W. Lake Avenue, Baltimore, Maryland 21210, Petitioner/Plaintiff; Thomas H. Biddison, Jr., Esquire, Gallagher, Evelius & Jones, 218 N. Charles Street, Suite 400, Baltimore, Maryland 21201-4033, Counsel for the Petitioner/Plaintiff; J. Carroll Holzer, Esquire, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Appellants/Protestants; Richard Butchko, et al, Lakehurst Community Association, 6005 Lakehurst Drive, Baltimore, Maryland 21210, Appellants/Protestants and Arnold G. Foreman, Esquire, c/o County Board of Appeals of Baltimore County, 111 W. Chesapeake Avenue, County Office Building, Room 315, Towson, Maryland 21204, on this 12th day of June, 1989.

*Linda M. Kussman*  
Linda M. Kussman, Legal Secretary  
County Board of Appeals of Baltimore  
County

IN THE MATTER OF  
THE APPLICATION OF  
REVAL ENTERPRISES, INC.  
FOR ZONING VARIANCES ON  
PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DOWNSIDE  
CIRCLE, 600' NORTH OF THE  
CENTERLINE OF LAKE AVENUE  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
CASE NO: 89CO1970  
68/370

MOTION FOR EXTENSION TO FILE RECORD

Appellant, Reval Enterprises, Inc., by and through their attorneys, Thomas H. Biddison, Jr., and Gallagher, Evelius & Jones, moves for an extension to file record and says:

1. Robert Voelkel, principal of Reval Enterprises, Inc., has had a death in his immediate family. Due to his unavailability, under the circumstances, the transcript is being processed the transcript prior to the July 6th deadline, warrants Appellant's request for an extension of time to file record.

*TC NSB*  
Thomas H. Biddison, Jr.  
Gallagher, Evelius & Jones  
218 North Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033  
(301) 727-7702

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1989, I mailed, first-class mail, postage prepaid, a copy of the

IN THE MATTER OF  
THE APPLICATION OF  
REVAL ENTERPRISES, INC.  
FOR ZONING VARIANCES ON  
PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DOWNSIDE  
CIRCLE, 600' NORTH OF THE  
CENTERLINE OF LAKE AVENUE  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO: 89-126-A

ORDER FOR APPEAL

MR. CLERK:  
Please enter an appeal on behalf of Reval Enterprises, Inc.

*TC NSB*  
Thomas H. Biddison, Jr.  
Gallagher, Evelius & Jones  
218 North Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033  
(301) 727-7702

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that in compliance with Maryland Rule 82c prior to filing this Order for Appeal a copy was mailed by *TC NSB* this 26th day of June, 1989, to the County Board of Appeals of Baltimore County. Copies were also mailed to Carol Holzer, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Protestants and Peter Zimmerman,

RECEIVED  
6/16/89  
COUNTY BOARD OF APPEALS

IN THE MATTER OF  
THE APPLICATION OF  
REVAL ENTERPRISES, INC.  
FOR ZONING VARIANCES ON  
PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DOWNSIDE  
CIRCLE, 600' NORTH OF THE  
CENTERLINE OF LAKE AVENUE  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
CASE NO: 89CO1970  
68/370

ORDER

It is hereby this 28th day of June 1989, ORDERED that the Appellant's Motion for Extension to File Record is hereby granted. Record to be filed on or before September 5, 1989.

*William M. Biddison*  
JUDGE

TWBJR:6176c

*TC NSB*  
Thomas H. Biddison, Jr.  
Gallagher, Evelius & Jones  
218 North Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033  
(301) 727-7702

Esquire, Suite 606, 28 W. Allegheny Avenue, Towson, Maryland 21144, Deputy People's Counsel.

*Thomas H. Biddison, Jr.*  
Thomas H. Biddison, Jr.

TWBJR:daw  
6/22/89  
5783X

RECEIVED  
6/16/89  
COUNTY BOARD OF APPEALS



IN THE MATTER OF  
THE APPLICATION OF  
REVAL ENTERPRISES, INC.  
FOR ZONING VARIANCES ON  
PROPERTY LOCATED ON THE  
NORTHEAST SIDE OF DEMBEIGH  
CIRCLE, 600' NORTH OF THE  
CENTERLINE OF LAKE AVENUE  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

PETITION IN SUPPORT OF APPEAL

Reval Enterprises, Inc., through counsel, Thomas N. Biddison, Jr. and Gallagher, Evelius & Jones, in furtherance of the Appeal filed in this matter says:

1. The action appealed from is the final Opinion and Order issued by the County Board of Appeals of Baltimore County in this matter on May 9, 1989 (attached hereto as Exhibit A).

2. The agency committed the following error in its findings:

(a) It accepted opening statements of counsel for the Protestants as evidence in the case in that it made factual findings based on counsel's opening statement with no factual support for such allegations in the testimony before the Board.

(b) The Board's finding that the building can remain in its present state, but not be granted a variance, is absolutely unsustainable. Any of the alleged damage to public health safety and welfare because of the purported run-off, will necessarily occur just by retention of the existing structure. It is only the use of the building which will change, and there was no evidence before the Board that the proposed residential use would adversely affect public health safety or welfare.

(c) The Board erred in its finding as to Ms. Mace's testimony. Her testimony was that the general slope of the land was what caused her property to receive run-off from the neighboring Reval property. As to any run-off from the building itself, the record is clear that it could be properly contained and directed by gutters which would necessarily be part of the improvement of the building to a dwelling. As far as the complaints of the Protestants regarding run-off from their adjacent uphill neighbors, the common law is clear that as long as waters are not collected and discharged onto downhill adjacent property, that the uphill landowner has the right to allow the natural run-off flow across his neighbor's property.

(d) It is not clear whether the Board found the requisite practical difficulty to justify the granting of variance, but in any event, the record was replete with sufficient evidence in this respect. Furthermore, the Board's finding as to unreasonable hardship, although not supported by the record, is irrelevant in that practical difficulty or unreasonable hardship is all that is required.

(e) The primary thrust of the Board's decision is found in the last sentence of the Opinion to the effect that: "The large addition with its increased impermeable surface and those impermeable surfaces normally associated with residential use would increase the run-off and the detriment to the neighbor's enjoyment of their properties..." This finding was clearly in error and is unsupported by the record. The finding fails to take into consideration that before the addition moves forward, a substantial part of the existing structure will be torn down. Furthermore, there was no legally sufficient testimony that there would be increased run-off caused by the addition. The only testimony in this respect was the speculation of Mr. Blum. With County requirements for on site storm water retention for new construction and the ability to control and direct water run-off

with appropriate spouting and landscaping, it is absolutely clear that steps could be undertaken as part of the new construction to avert a worsening of the run-off condition. Since this was essentially a new issue introduced for the first time by the Board in its decision, Appellant should, at the very least, be entitled to have this matter remanded to the Board for the taking of evidence on the specific point of whether the new construction would, in fact, increase run-off. It would be Appellant's intention to so design the structure and landscaping so as to alleviate the run-off condition rather than worsen it, but inasmuch as the run-off from the residential type improvement had not become an issue until some of the protestants raised it before the Board, and in that there was no testimony whatsoever in that increased run-off from residential type improvements, Appellants did not have the opportunity to present evidence in this respect as to what they would do to direct and control run-off.

3. Accordingly, Appellant seeks a reversal of the Board of Appeals' decision and the granting of the requested variances by this Honorable Court. In the alternative, Appellant seeks a remand to the Board for the taking of additional testimony as to the run-off issue, which the Board found to be determinative but as to which the record was not fully developed.

Thomas N. Biddison, Jr.  
Gallagher, Evelius & Jones  
218 North Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033  
(301) 727-7702

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that in compliance with Maryland Rule 82c prior to filing this Petition in Support of Appeal a copy was served by mailing this 2nd day of June, 1989, to the County Board of Appeals of Baltimore County. Copies were also mailed to Carroll Holzer, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Protestants and Peter Zimmerman, Esquire, Suite 606, 28 W. Allegheny Avenue, Towson, Maryland 21204, Deputy People's Counsel.

Thomas N. Biddison, Jr.  
Thomas N. Biddison, Jr.

TNBJR:5704x  
6/2/89

IN RE:  
PETITION FOR ZONING VARIANCE  
NE/S DEMBEIGH CIRCLE, 600  
FEET N. OF THE C/L OF LAKE  
AVENUE (912 WEST LAKE AVENUE)  
9TH ELECTION DISTRICT,  
4TH COUNCILMANIC DISTRICT  
REVAL ENTERPRISES, INC.,  
Petitioner

NOTICE OF APPEAL

We, the undersigned, hereby enter an appeal from the decision of the Zoning Commissioner of Baltimore County, to the Board of Zoning Appeals. Our check in the amount of Ninety Dollars (\$90.00) is enclosed herewith.

Col. Allan H. Bloom

Kathleen Stevens, M.D.,

6002 Lakehurst Drive  
Baltimore, MD. 21210

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 039572  
DATE 11-18-88 ACCOUNT 001006-6150  
AMOUNT \$ 90.00  
RECEIVED KATHLEEN + ALLAN BLOOM  
6002 LAKEHURST DR. BALTIMORE, MD 21210  
FOR APPEAL FILING - CASE # 89-126-A  
REVAL ENTERPRISES, INC.  
B 8150\*\*\*\*\*900018 2718F  
VALIDATION OR SIGNATURE OF CASHIER  
FISCAL AGENCY YELLOW-CUSTOMER

6004 Lakehurst Drive  
Baltimore, MD. 21210

6000 Lakehurst Drive  
Baltimore, MD. 21210

Samuel Mace, M.D.

6006 Lakehurst Drive  
Baltimore, MD. 21210

6005 Lakehurst Drive  
Baltimore, MD. 21210

Rodney Brooks,

6011 Hollins Avenue  
Baltimore, MD. 21210

6005 Lakehurst Drive  
Baltimore, MD. 21210  
President, Lakehurst Community Association, pursuant to powers granted in Articles of Incorporation of Lakehurst Community Association attached herewith and after consultation with the Board of Directors of the Lakehurst Community Association.

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

J. Robert Haines  
Zoning Commissioner

November 30, 1988

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
NE/S Dembeigh Circle, 600' N of the C/L of Lake Avenue  
(912 West Lake Avenue)  
9th Election District, 4th Councilmanic District  
Reval Enterprises, Inc. - Petitioner  
Case No. 89-126-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 18, 1988 by Richard Butchok, et al on behalf of the Lakehurst Community Association who oppose the above variance. 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:cer

Enclosures

cc: Robert E. Voelkel, Jr. and R. Emmett Voelker, II  
Reval Enterprises, Inc.  
912 West Lake Avenue, Baltimore, Md. 21210

Thomas N. Biddison  
218 North Charles Street, Baltimore, Md. 21201

Case No. 89-126-A  
Appeal  
November 30, 1988  
Page 2

Samuel Shockley  
6603 York Road, Baltimore, Md. 21212

Richard Butchok, President - Lakehurst Community Association  
6005 Lakehurst Drive, Baltimore, Md. 21210

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Petition for Zoning Variance  
 NE/8 Dunbar Circle, 600' N of the C/L of Lake Avenue  
 (912 West Lake Avenue)  
 9th Election District - 4th Councilmanic District  
 REVAL ENTERPRISES, Inc. - Petitioner  
 Case No. 89-126-A

Notice of Appeal received November 18, 1986 from Richard Butchok,  
President of the Lakehurst Community Association

**Request Notification:** P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann N. Nastorowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

# 58.00  
PO# 061210  
Reg# 118988

Tauson Time  
~~THE JEFFERSONIAN~~

THE JEFFERSONIAN,  
S. Zebe M.L.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, for ~~1000~~ ~~1000~~ ~~1000~~ minutes before

059051

post set(s), then  
each set not

post set(s), there  
each set not

BALTIMORE COUNTY, MARYLAND  
BUREAU OF FORENSIC SCIENCE  
FEDERAL BUREAU OF INVESTIGATION

10/13/88 R-01-615-000

110-52

Recd. [unclear] [unclear]

Recd. [unclear] [unclear]

10-13-88 [unclear]

88-106-A

LABORATORY OF FORENSIC SCIENCE

Map No. 346 Date of Survey September 22, 1928  
 Printed for: Verano  
People's Transportation, Inc.  
1001 E. Leigh, Chicago, Ill., U. S. A.  
 Location of property: along Lake Ave. at entrance to subject  
U. S. A. (see map)  
 Location of map: North side of Lake Ave. at entrance to subject  
property  
 Printed by: S. J. Grist Date of release September 22, 1928  
 Number of sheets: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 88-128-A  
NE/5 Dambligh Circle, 600' N c/l Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic  
Petitioner(s): Revval Enterprises, Inc.  
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988

Variance to permit a window to tract boundary of 8 feet, building to tract boundary of 8 feet, and window to property line of 8 feet in lieu of the required 35 feet, 30 feet and 15 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Robert E. Feinkel, Jr.  
Steven L. Fader  
File

# APPEAL

Petition for Zoning Variance  
NE/S Dembeigh Circle, 600' N of the C/L of Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic District  
REVAL ENTERPRISES, Inc. - Petitioner  
Case No. 89-126-A

Petition for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel (None submitted)  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments  
Petitioner's Exhibits: 1. Plat to accompany Petition for Variance  
2. Two 3" x 5" photographs of building  
Zoning Commissioner's Order dated October 20, 1988 (Granted with restrictions)  
Notice of Appeal received November 18, 1988 from Richard Butchok, President of the Lakehurst Community Association

cc: Robert E. Voelkel, Jr. and R. Emmett Voelker, II  
Reval Enterprises, Inc.  
912 West Lake Avenue, Baltimore, Md. 21210  
Thomas N. Biddison  
218 North Charles Street, Baltimore, Md. 21201  
Samuel Shockley  
6603 York Road, Baltimore, Md. 21212  
Richard Butchok, President - Lakehurst Community Association  
6005 Lakehurst Drive, Baltimore, Md. 21210  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastanowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

## CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept 19 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, once in each of 1 successive weeks, the first publication appearing on Sept 14 1988  
\$ 58.00  
Reg# 64910  
Reg# 118988  
Towson Times  
THE JEFFERSONIAN  
S. Zeke Orlov  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case Number: 89-126-A  
1065 Dembeigh Circle, 600' N of Lake Avenue  
(912 West Lake Avenue)  
9th Election District  
Petitioner(s): Reval Enterprises, Inc.  
People's Counsel: J. Robert Haines  
Date: Sept. 15, 1988 at 9:00 a.m.  
Variance to permit a window to tract boundary of 6 feet, building to tract boundary of 6 feet, and window to property line of 6 feet in lieu of the required 35 feet, 30 feet and 15 feet, respectively.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

## CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept 19 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, once in each of 1 successive weeks, the first publication appearing on Sept 15 1988  
\$ 37.50  
Reg# 04209  
Reg# 118987  
THE JEFFERSONIAN  
S. Zeke Orlov  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case Number: 89-126-A  
1065 Dembeigh Circle, 600' N of Lake Avenue  
(912 West Lake Avenue)  
9th Election District  
Petitioner(s): Reval Enterprises, Inc.  
People's Counsel: J. Robert Haines  
Date: Sept. 15, 1988 at 9:00 a.m.  
Variance to permit a window to tract boundary of 6 feet, building to tract boundary of 6 feet, and window to property line of 6 feet in lieu of the required 35 feet, 30 feet and 15 feet, respectively.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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

Date: 9/22/88



Dennis F. Rasmussen  
County Executive

Re: Petition for Zoning Variance  
Case Number: 89-126-A

Dear Mr. Voelkel:

Please be advised that 7/1050 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, at least 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 059051  
DATE 10/13/88 ACCOUNT 101-615-000  
AMOUNT 110.50  
RECEIVED Reval Enterprises, Inc.  
FROM Reval Enterprises, Inc.  
FOR 10-13-88 Hearing  
B 021\*\*\*\*\*110589-126-A  
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-126-A

District 9th Date of Posting September 22, 1988  
Posted for: Variance  
Petitioner: Reval Enterprises, Inc.  
Location of property: NE/S Dembeigh Circle, 600' N of Lake Avenue  
(912 West Lake Avenue)  
Location of Sign: North side of Lake Ave. at entrance to subject property  
Remarks: \_\_\_\_\_  
Posted by: J. J. Orlov Date of return: September 23, 1988  
Number of Signs: 1

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

SEP. 22 1988



Dennis F. Rasmussen  
County Executive

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-126-A  
NE/S Dembeigh Circle, 600' N of Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic  
Petitioner(s): Reval Enterprises, Inc.  
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 9:00 a.m.

Variance to permit a window to tract boundary of 6 feet, building to tract boundary of 6 feet, and window to property line of 6 feet in lieu of the required 35 feet, 30 feet and 15 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Robert E. Voelkel, Jr.  
Steven L. Fader  
File

Petition for Zoning Variance  
RE/S Deaneigh Circle, 600' N of the C/O of Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic District  
NORM. ENTERPRISES, Inc. - Petitioner  
Case No. 89-126-A

Var.-To permit a window to tract boundary of 6' in lieu of the req. 35' bldg. to tract boundary of 6' in lieu of req. 30'.

Petition for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel (None submitted)  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments  
Petitioner's Exhibits: 1. Plat to accompany Petition for Variance  
2. Two 3" x 5" photographs of building  
Zoning Commissioner's Order dated October 20, 1988 (Granted with restrictions)  
Notice of Appeal received November 18, 1988 from Richard Butchok, President of the Lakeshore Community Association

cc: Robert E. Voelkel, Jr. and R. Emmet Voelkel, II  
Reval Enterprises, Inc.  
912 West Lake Avenue, Baltimore, Md. 21210  
Thomas M. Biddison  
218 North Charles Street, Baltimore, Md. 21201  
Samuel Shockley  
6603 York Road, Baltimore, Md. 21212  
Richard Butchok, President - Lakeshore Community Association  
6005 Lakeshore Drive, Baltimore, Md. 21210  
People's Counsel: Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Kallier, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Mastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk  
Steven L. Fader  
Development Engr'g. Consultants, Inc.  
6603 York Road  
Baltimore, MD.

REVAL ENTERPRISES, INC.  
89-126-A  
RE/S Deaneigh Circle, 600' N of the C/O of Lake Avenue (912 W. Lake Avenue)  
9th E. 4th C  
VAR - to permit a window to tract boundary of 6' in lieu of the req. 35' building to tract boundary of 6' in lieu of the req. 30'.

August 10, 1988 Petition for Variance window/building to tract boundary of 6' and window to property line of 6' in lieu of the req. 35', 30' and 15', respectively.  
October 20 Order of the Z.C. that Petition for Variance be GRANTED with restrictions.  
November 18 Notice of Appeal to C.B. of A. from Richard Butchok, Pres. of Lakeshore Community Association.  
April 26, 1989 Hearing on appeal before the Board of Appeals. (HFB)  
May 9 Opinion and Order of the Board regarding the Petition for Variance be DENIED.  
June 6 Order for Appeal filed in CCB, BCO by Thomas M. Biddison, Jr., Esquire on behalf of Reval Enterprises, Inc.; Petition to accompany appeal also filed.  
June 12 Certificate of Notice sent.  
September 5, 1989 Transcript of testimony filed; record of proceedings filed.  
January 31, 1990 Circuit Court AFFIRMED C.B. of A. (J. William Hinkel).

cc: Robert E. Voelkel, Jr., Esq.  
J. CARROLL WALKER, Esq.  
COURT BOARD OF APPEALS  
TOWSON, MARYLAND 21204-0504

COUNTY COURT FOR BALTIMORE COUNTY  
ASSISTANT CLERK  
COUNTY COURT BUILDING  
415 E. JONES AVE.  
TOWSON, MARYLAND 21204-0504

RE: REVAL ENTERPRISES, INC. vs. ALAN M. MAJORS ET AL.  
JANUARY 4, 1990 @ 9:30 a.m.  
HEARING DATE  
ON THE FOLLOWING:  
APPEAL 1/7 Day  
Please see the below caption.

TO: THOMAS M. BIDDISON, JR., Esq.  
J. CARROLL WALKER, Esq.  
COURT BOARD OF APPEALS  
TOWSON, MARYLAND 21204-0504

UNSUB. RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to schedule a conference. Counsel of all parties shall appear at the hearing. If the above hearing date is not agreeable to any counsel, the parties shall file a written statement of the reasons for the request for a continuance with the Clerk of the Court. The Clerk of the Court shall schedule a new hearing date. The parties shall be notified of the new hearing date. The parties shall be responsible for the cost of the continuance. All statements must be filed by the hearing date.

LAW OFFICES  
GALLAGHER, EVELIUS & JONES  
318 NORTH CHARLES STREET  
BALTIMORE, MD 21201  
Telephone (800) 887-7700  
Telephone (410) 887-8078

July 3, 1989

Kathy C. Weidenhammer  
Administrative Secretary  
County Board of Appeals of Baltimore County  
County Office Building, Room 315  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Ms. Weidenhammer:

Pursuant to your request, enclosed please find the Order signed on June 29, 1989 extending our time to September 5, 1989.

Very truly yours,  
Thomas M. Biddison, Jr.

THBJR:daw  
Enclosure  
cc: Mr. Robert Voelkel

65-2 HJ 5- TFF 68  
JUL 12 1989

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 12, 1989

J. Carroll Walker, Esquire  
305 W. Chesapeake Avenue  
Suite 105  
Towson, Maryland 21204

Re: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Mr. Walters:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,  
Linda M. Kuzmaul  
Linda M. Kuzmaul  
Legal Secretary

Encl.  
cc: Richard Butchok, et al.  
Lakeshore Community Association  
Samuel Shockley  
Steven L. Fader  
P. David Fields  
Pat Kallier  
J. Robert Haines  
Ann M. Mastarowicz  
James E. Dyer  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 12, 1989

Thomas M. Biddison, Jr., Esquire  
Gallagher, Evelius & Jones  
218 N. Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033

Re: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Mr. Biddison:

In accordance with Rule 8-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule 8-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,  
Linda M. Kuzmaul  
Linda M. Kuzmaul  
Legal Secretary

Encl.  
cc: Reval Enterprises, Inc.

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
484-5554

August 24, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for Items number 480, 51, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

JRM/RF/lab

89-126-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 18th day of August, 1989.

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE  
September 30, 1988

COUNTY OFFICE BLDG.  
111 W. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

Mr. Robert E. Voelkel, Jr., President  
Reval Enterprises, Inc.  
912 West Lake Avenue  
Baltimore, Maryland 21210

RE: Item No. 19 - Case No. 89-126-A  
Petitioner: Reval Enterprises, Inc.  
Petition for Zoning Variance

Dear Mr. Voelkel:

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:dt

cc: Mr. Steven L. Fader  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, Maryland 21212

**APPEAL**

Petition for Zoning Variance  
NE/S Dembeigh Circle, 600' N of the c/l of Lake Avenue  
(912 West Lake Avenue)  
9th Election District - 4th Councilmanic District  
REVAL ENTERPRISES, Inc. - Petitioner  
Case No. 89-126-A

Var.-To permit a window to tract boundary of 6' in lieu of the req. 35' bldg. to tract boundary of 6' in lieu of req. 30'.

Petition for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel (None submitted)  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments  
Petitioner's Exhibits: 1. Plat to accompany Petition for Variance  
2. Two 3" x 5" photographs of building  
Zoning Commissioner's Order dated October 20, 1988 (Granted with restrictions)  
Notice of Appeal received November 18, 1988 from Richard Butchok, President of the Lakehurst Community Association

cc: Robert E. Voelkel, Jr. and R. Emmett Voelker, II  
Reval Enterprises, Inc.  
912 West Lake Avenue, Baltimore, Md. 21210

Thomas N. Biddison  
218 North Charles Street, Baltimore, Md. 21201

Samuel Shockley  
6603 York Road, Baltimore, Md. 21212

Richard Butchok, President - Lakehurst Community Association  
6005 Lakehurst Drive, Baltimore, Md. 21210

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

Steven L. Fader  
Development Engr'g. Consultants, Inc.  
6603 York Road  
Baltimore, MD.

REVAL ENTERPRISES, INC.

89-126-A

NE/S Dembeigh Circle, 600' N of the c/l of Lake Avenue (912 W. Lake Avenue)

9th E; 4th C

VAR - to permit a window to tract boundary of 6' in lieu of the req. 35'; building to tract boundary of 6' in lieu of the req. 30'.

August 10, 1988 Petition for Variances window/building to tract boundary of 6' and window to property line of 6' in lieu of the req. 35', 30' and 15', respectively.  
October 20 Order of the Z.C. that Petition for Variances be GRANTED with restrictions.  
November 18 Notice of Appeal to C.B. of A. from Richard Butchok, Pres. of Lakehurst Community Association.  
April 26, 1989 Hearing on appeal before the Board of Appeals. (HFB)  
May 9 Opinion and Order of the Board ordering that the Petition for Variances be DENIED.  
June 6 Order for Appeal filed in CCT, BCO by Thomas N. Biddison, Jr., Esquire on behalf of Reval Enterprises, Inc.; Petition to accompany appeal also filed.  
June 12 Certificate of Notice sent.  
September 5, 1989 Transcript of testimony filed; record of proceedings filed.  
January 31, 1990 Circuit Court AFFIRMED C.B. of A. (J. William Hinkel).

**CIRCUIT COURT FOR BALTIMORE COUNTY**

ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Boley Avenue  
TOWSON, MARYLAND 21204-6754

Irene Summers - 887-2680  
Civil Assignment Commissioner

TO: THOMAS N. BIDDISON, JR., ESQ.  
J. CARROLL HOLZER, ESQ.  
COURT BOARD OF APPEALS

RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP - 8 PM 12:03

THURSDAY, JANUARY 4, 1990 @ 9:30 a.m.

APPEAL: 1/2 day

HEARING DATE: THURSDAY, JANUARY 4, 1990 @ 9:30 a.m.

ON THE FOLLOWING: APPEAL: 1/2 day

PLEASE SEE THE BELOW NOTATIONS.

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendar. Claim of not receiving notice shall be filed with the Assignment Office.

IF THE ABOVE HEARING DATE IS NOT APPLICABLE TO ANY COUNSEL, A REQUEST FOR A POSTPONEMENT MUST BE MADE IN WRITING TO THE ASSIGNMENT OFFICE OF THE CIRCUIT COURT FOR BALTIMORE COUNTY, 401 BOLEY AVENUE, TOWSON, MARYLAND 21204-6754, NO LATER THAN 10:00 A.M. ON THE DAY PRIOR TO THE HEARING DATE. POSTPONEMENTS WILL BE GRANTED ONLY IN EXCEPTIONAL CIRCUMSTANCES.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

LAW OFFICES  
**GALLAGHER, EVELLIUS & JONES**  
PARK CHARLES  
218 NORTH CHARLES STREET  
BALTIMORE, MD 21201  
TELEPHONE (410) 787-7908  
TELEFAX (410) 837-3070

July 3, 1989

Kathy C. Weidenhammer  
Administrative Secretary  
County Board of Appeals of Baltimore County  
County Office Building, Room 315  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Ms. Weidenhammer:

Pursuant to your request, enclosed please find the Order signed on June 29, 1989 extending our time to September 5, 1989.

Very truly yours,

Thomas N. Biddison, Jr.

TNBJR:daw  
Enclosure  
cc: Mr. Robert Voelkel

65-2 WJ 5-70668  
BALTIMORE COUNTY CLERK



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 12, 1989

J. Carroll Holzer, Esquire  
305 W. Chesapeake Avenue  
Suite 105  
Towson, Maryland 21204

Re: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Mr. Holzer:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul  
LindaLee M. Kuszmaul  
Legal Secretary

Encl.  
cc: Richard Butchok, et al  
Lakehurst Community Association  
Samuel Shockley  
Steven L. Fader  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 12, 1989

Thomas N. Biddison, Jr., Esquire  
Gallagher, Evellius & Jones  
218 N. Charles Street  
Suite 400  
Baltimore, Maryland 21201-4033

Re: Case No. 89-126-A  
Reval Enterprises, Inc.

Dear Mr. Biddison:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul  
LindaLee M. Kuszmaul  
Legal Secretary

Encl.  
cc: Reval Enterprises, Inc.

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

August 24, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 480, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,

Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/lab

89-126-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 10th day of August, 1989.

Petitioner Reval Enterprises, Inc.  
Petitioner's Attorney

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

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

September 30, 1988

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. Robert E. Voelkel, Jr., President  
Reval Enterprises, Inc.  
912 West Lake Avenue  
Baltimore, Maryland 21210

RE: Item No. 19 - Case No. 89-126-A  
Petitioner: Reval Enterprises, Inc.  
Petition for Zoning Variance

Dear Mr. Voelkel:

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:dt

cc: Mr. Steven L. Fader  
Development Engineering Consultants, Inc.  
6603 York Road  
Baltimore, Maryland 21212



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT  
Date 8/17/88

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

Zoning Item # 19, Zoning Advisory Committee Meeting of August 9, 1988

Property Owner: Reval Enterprises, Inc. District 9

Location: NE/S Dembeigh Circle Sewage Disposal metro

Water Supply 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 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, whirlpool, hot tub, water and sewerage 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 Natural 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. 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 \_\_\_\_\_ 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 submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
  - ( ) Others Private water supply and individual sewage disposal system must be properly abandoned unless metropolitan water and sewer is made available to this property.

Karen M. Morrey  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Planning Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chair  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Reval Enterprises, Inc.

Location: NE/S Dembeigh Circle, 600' N of c/1 of Lake Avenue

Item No.: 19 Zoning Agenda: Meeting of 9/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

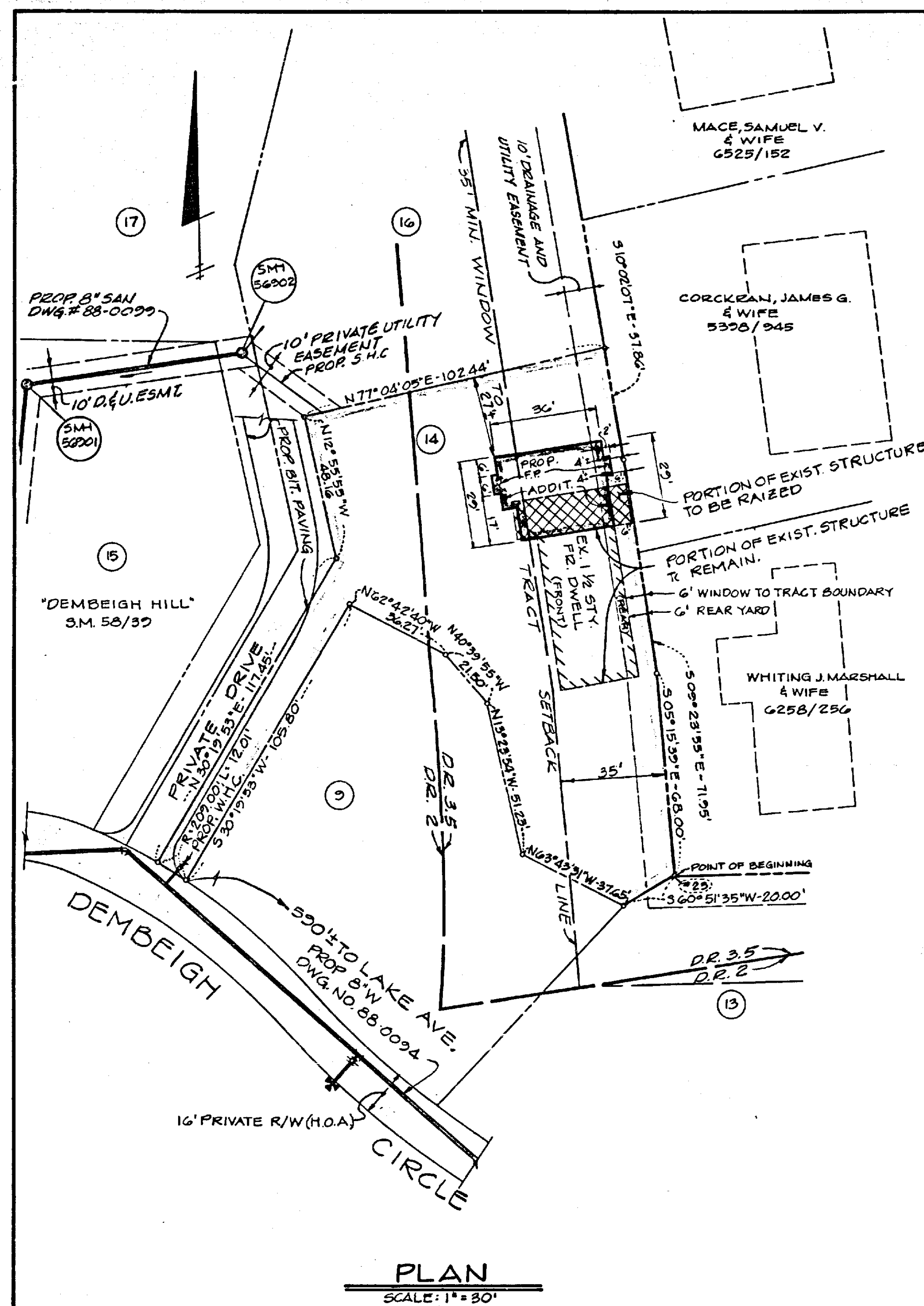
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

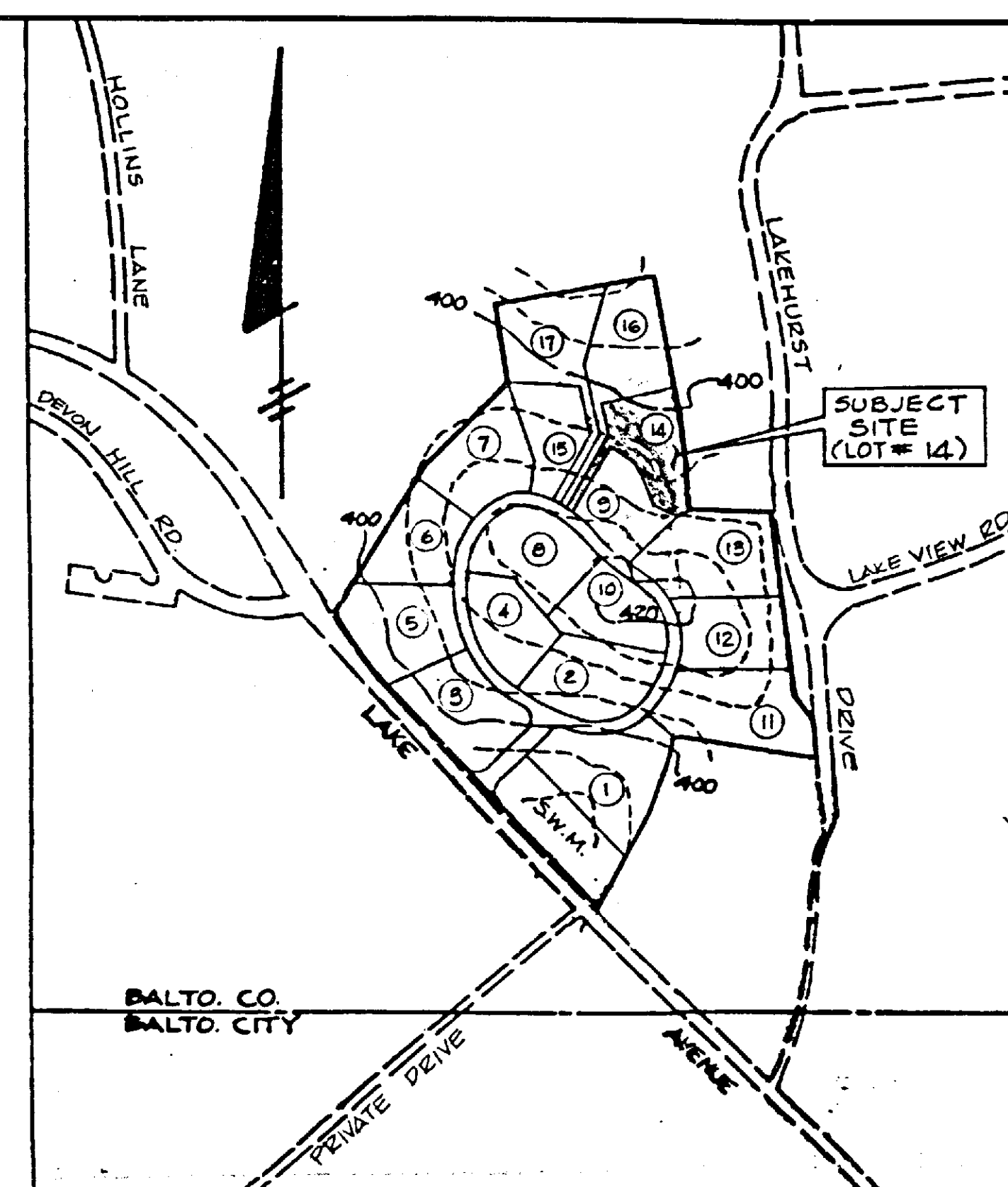
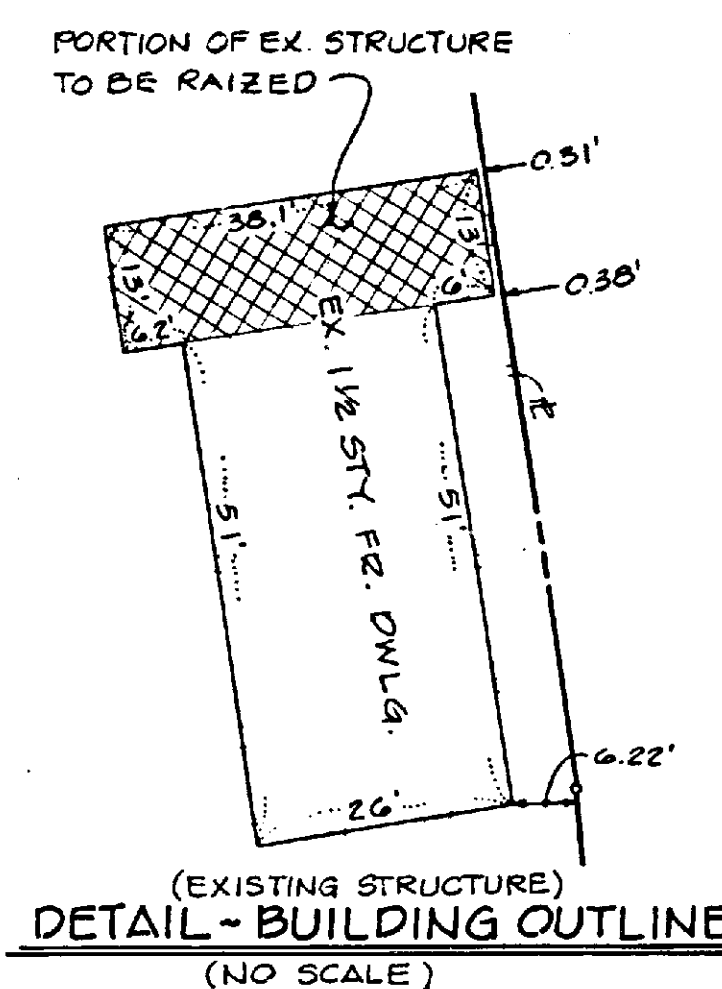
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association 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 Noted and Approved: \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division



PLAN  
SCALE: 1" = 30'



LOCATION MAP  
SCALE: 1" = 200'

SITE DATA

1. LOT 14 - DEMBEIGH HILL  
AREA: 14,629.47 SQ. FT. OR 0.3358 AC.  
PART OF SUBDIVISION "DEMBEIGH HILL"  
RECORDED IN PLATBOOK S.M. 58, FOLIO 39.
2. PARKING (OFF-STREET)  
REQUIRED - 2 SPACES  
PROVIDED - 2 SPACES
3. ZONING: DE.2, DE.35
4. EXISTING SEPTIC AND WELL TO BE REMOVED
5. PUBLIC WATER & SEWER TO BE INSTALLED TO LOT #14 FROM DEMBEIGH CIRCLE.
6. OWNER:  
REVAL ENTERPRISES, INC.  
912 WEST LAKE AVE.  
BALTIMORE, MD 21210  
(301) 377-5856

NOTE: VARIANCE REQUEST FOR LOT NO. 14, DEMBEIGH HILL:  
1. 180' SETBACK TO SHED WITH A WINDOW TO TRACT DISTANCE OF 6' INSTEAD OF MINIMUM 30' SETBACK REQUIREMENT.  
2. 180' 2.3' C.I. TO PERMIT A 6' MINIMUM SETBACK DISTANCE SETBACK LIEU OF THE REQUIRED 30 FEET BUILDING SETBACK DISTANCE.

#19

DEVELOPMENT ENGINEERING CONSULTANTS, INC.  
BALTIMORE SITE ENGINEERS & SURVEYORS MARYLAND

PLAT TO ACCOMPANY PETITION FOR VARIANCE  
LOT NO. 14 - "DEMBEIGH HILL"  
SUBDIVISION: "DEMBEIGH HILL"  
ELECTION DISTRICT NO. 264 BALTIMORE COUNTY, MARYLAND

| SHEET  | DATE    | CONTRACT NO. |
|--------|---------|--------------|
| 1 OF 1 | 7-14-88 | 87-126-A     |