

IN RE: PETITION FOR ZONING
VARIANCE NW/8 Cold
Springs, 125' S
Chesapeake Avenue
(828 Cold Spring
Road) 15th Election
District, 5th
Councilmanic District

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO. 89 CG 3490

Ralph Fred Kallenberg,
et ux
Petitioners

ORDER

For the reasons stated on the record in open Court after reviewing the entire record on appeal and after hearing argument of counsel,

IT IS THIS 28th DAY OF February, 1990, BY THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDERED that the September 7, 1989 Opinion and Order of the Board of Appeals in Case No. 89-201-A be and the same is hereby AFFIRMED.

Joseph T. Murphy
JUDGE

FILED MAR 2 1990

IN THE MATTER OF THE APPLICATION OF RALPH FRED KALLENBERG, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE COLD SPRINGS, 125' SOUTH OF CHESAPEAKE AVENUE (828 COLD SPRING ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated January 5, 1989, denying a variance for the installation of a satellite dish in the front yard in lieu of the rear yard, as required in Section 429.2 of the Baltimore County Zoning Regulations. This case was heard this day in its entirety.

Mr. Frank Lee, land surveyor, testified for the Petitioner as to his personal investigation of the boundaries of the subject lot #187 shown to be a fifty-five foot (55') front along the water. Counsel for the Protestants entered as Exhibit No. 1 in this case the original plat for Long Beach Estates (1910) showing the property width to be forty-three feet (43'), the difference being the length of the angle of the shoreline versus the width of the lot. A twenty-five foot (25') reserved "paper road" also exists between lots 187 and 188, creating a wider perspective of lot size than actually exists.

Mr. Paul Kallenberg, Petitioner, explained that a corrected plat was prepared in July of this year and was entered as Petitioners' Exhibit No. 2, showing all correct dimensions.

Mr. Kallenberg testified to his reliance on the expertise of the satellite vendor in the placement of his satellite dish in the front yard, 4 1/2 feet from his seawall and in front of a large holly tree.

Mr. Kallenberg further commented that the satellite dish was installed in April of 1988 without obtaining a permit. At the direction of the company from

Ralph Fred Kallenberg, et ux
Case No. 89-201-A

whom he purchased the "dish", he was informed that the permit was not necessary. In the course of his testimony, the Petitioner identified a number of photographs taken from various points on his property and from his neighbor's property, showing the buildings and improvements, trees, water front, piers, and the installed satellite dish, which has a screened dish thirteen feet (13') high and ten feet (10') in diameter. In the exhibit of photographs, Counsel for the Petitioner emphasized the interference to satellite reception that would be anticipated if the installation were in the rear yard, and the difficulty receiving all the channels possible with a satellite dish.

Mr. Kallenberg stated that with his existing dish location, he is able to receive approximately 200 of the 230 channel signals as a result of his unimpeded, open-water dish direction. He agreed that his view of the river is important to him, and the dish's location does not impede his view. The regulations of the Chesapeake Bay Critical Areas legislation were reviewed as it applied to this matter of trees being the cause of poor reception, and the necessity of the front yard positioning of the satellite dish. Trees may not be removed in this conservation zone, particularly along the "paper road" which was reserved as a public conveyance for other property owners in the area. Referral was made to a letter from the Department of Environmental Protection and Resource Management (DEPRM) stating no opposition to the satellite location requested.

Appearing as an expert witness for the Petitioner was Mr. Walter Frazier, who served as a consultant in evaluating the subject property as to the best location for the satellite dish. Mr. Frazier reviewed his professional career and his active participation in providing facts and information leading to legislation and regulations as they apply to the installation of satellite dishes.

As an officer of the company from whom the Petitioner purchased the

Ralph Fred Kallenberg, et ux
Case No. 89-201-A

above case be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchmeister, Jr.
Harry E. Buchmeister, Jr.

Arnold G. Foreman
Arnold G. Foreman

IN RE: PETITION FOR ZONING VARIANCE NW/8 Cold Springs, 125' S Chesapeake Avenue (828 Cold Spring Road) 15th Election District 5th Councilmanic District Ralph Fred Kallenberg, et ux Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-201-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 429.2 to permit an accessory satellite receiving dish in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Annabelle Kallenberg and Ralph Fred Kallenberg appeared, testified and were supported in their testimony by Mr. Walter Frazer, an expert witness from Stansbury Audio, whose business address is 6330 Frankford Avenue, Baltimore, Maryland 21206. Protestants, Mr. and Mrs. George Amos appeared, testified and were represented by John Conruss, Esquire. Mr. and Mrs. Ira Taylor also appeared and testified as Protestants.

The Petitioners argue that the proposed satellite dish must be placed at the location where it is already been constructed in the front yard of the subject property as indicated on Petitioner's Exhibit 1. The Petitioners claim that the subject satellite dish must be established at this location because the reception of the available satellites is not possible in any other location. This is due to the interference from trees and structures both on and off site. The Petitioners argue that this justifies their requirements, pursuant to Section 307.1 of the Baltimore County

COURT REVIEWED THIS FILING
1/5/90
By [Signature]

Ralph Fred Kallenberg, et ux
Case No. 89-201-A

In arriving at a decision, this Board has seriously weighed the rights of the Petitioner to receive the full benefit of his investment in a satellite receiving dish. In our consideration, we have also been mindful of the intent and objectives of the County Council in providing Section 429.1-3 of the Zoning Regulations covering satellite dishes.

Testimony in this case put forth evidence that satellite dishes require a reasonably open and unobstructed plane for the owner's dish to have clear access to all the signals transmitted from present and future orbiting satellites. Section 429.2 (BCZR) specifies that accessory receiving dishes shall be located in the rear yard, unless the location "hinders" reception, as has been projected in the Petitioner's request for a variance.

Testimony was heard that there are several alternatives open to the Petitioner for a rear yard location, such as a roof-top and pole extension, or a ground based pole bearing the dish, both to a height clearing trees that may have been "topped-out." These alternatives undoubtedly would cause the owner greater installation costs with the possibility of not obtaining maximum reception.

Co-related to these options is the stipulation of Section 429.3 which states that "location on a lot is subject to the provisions of Section 307 (BCZR)"; that is, whether strict compliance with Section 429 would result in "practical difficulty or unreasonable hardship."

In the opinion of this Board, the thrust of Section 429 is to strictly limit and even discourage accessory structures in the front yards of homes in a residential zone. The less difficult and most convenient location for the subject dish is in the front yard at ground level, but the difficulty and hardship, in the Board's perspective, is the location's negative effect on neighboring properties.

Aesthetics obviously are a priority consideration in the selection of a

Ralph Fred Kallenberg, et ux
Case No. 89-201-A

satellite dish location. Front yard landscapes that have similar appearances with neighboring properties are desirable, while an occasional structure such as a satellite dish, shed, or shelter is likely to substantially detract from the aesthetic value of a location.

Of some concern is the potential for proliferation of satellite dishes, particularly in a reasonably high residential zone. With the subject site, we are assessing the impact of a front yard accessory structure where properties are fifty feet or less in their width, and thereby a given property can directly "feel" the negatives of a neighboring property.

In the Board's deliberations in the Petitioner's quest for maximum reception by his satellite dish, we took special note of Section 307 (BCZR) which directs that variances "shall be granted only if in such manner as to grant relief without substantial injury to public health, safety and general welfare." To gain access to two hundred and twenty-four channels, the vendors and consultant to the Petitioner selected and installed the dish in the front yard while comparable reception was potentially possible from a rear yard location. Unless positioned at an above ground installation, reception may be hindered to a point, but satellite signals in multiple figures are possible, and for this convenience, the Petitioner should accept whatever practical difficulty or undue hardship may be involved.

In particular, this Board is persuaded that the granting of this variance would cause substantial injustice to the neighborhood. In our view, the Petitioner has not met his burden sufficiently to justify the granting of a variance from the Zoning Regulations enunciated by the County Council. We therefore believe that the variance should be denied and will so order.

ORDER

It is therefore this 7th day of September, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance in the

Zoning Regulations, (B.C.Z.R.) and establishes a practical difficulty and unreasonable hardship. The Petitioners also argue that the site where the satellite dish has been constructed is the only available site on the entire property owned by the Petitioners and that no other site is available.

The Protestants argue that the satellite dish is unsightly. That the Petitioners did not attempt to locate the satellite dish atop a structure or in the rear yard because it was esthetically most pleasing to the Petitioners to place the satellite dish at this location because it is screened from the Petitioners' view by the Petitioners' own trees. The Protestants claim that the Petitioners did not take into account the needs of the adjoining property owners which the Protestants are and have unfairly worked a hardship upon the Protestants. The Protestants also challenge the site survey introduced as Petitioners' Exhibit 1 and claim that the survey is inaccurate and improperly shows the location of the subject property and adjoining properties. The Protestants provided Protestants' Exhibit 1, as a revised version of the site plan.

The property in question is located within the Chesapeake Bay Critical Area and is, therefore, subject to the requirements of Section 307.2 and 500.14 of the B.C.Z.R. No testimony was provided by the Petitioners relevant to Sections 307.2 or 500.14 of the B.C.Z.R. Therefore, the Petitioners' case must fail for lack of evidence to meet the burden of proof required under Sections 307.2 and 500.14.

The Petitioners' case is also severely hampered even if this matter was not within the Chesapeake Bay Critical Area. The Petitioners did not have anyone available, at the hearing on December 2, 1988, who could testify that the satellite dish cannot operate at any location upon the Petitioners' land.

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tioners' land. The failure to prove the practical difficulty created by the alleged inability to receive satellite transmissions at other locations on the subject site is fatal to the Petitioners' case.

In light of the Petitioners' failure to produce witnesses relevant to the hardship and practical difficulty under Section 307.1 and their failure to provide evidence relative to the requirements of Section 307.2 and 500.14 of the B.C.Z.R., I have no choice but to deny the subject variance.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January, 1989 that the Petition for Zoning Variance to permit an accessory satellite receiving dish in the front yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit 1, be and the same is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/ann
cc: Peoples Counsel
Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206
Mr. and Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
Mr. and Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, Md. 21220
Mr. Robert W. Sheesley, Director, Dept. of Environmental Protection and Resource Management
Mr. Wayne Northrup, State Dept. of Planning, State Office Building 301 W. Preston St., Baltimore, Maryland 21201.

-3-

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-201-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 429.2 to permit an accessory satellite receiving dish in the front yard, in lieu of the required rear yard.

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

Satellite receiving dish cannot be erected any place on the property to receive full satellite signals. This also includes the roof of the dwelling.

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):
(Type or Print Name)	Annabelle Kallenberg, et al
Signature	<i>Annabelle Kallenberg</i>
Address	Ralph Fred Kallenberg
City and State	Baltimore, Maryland
Attorney for Petitioner:	Name, address and phone number of legal owner, contact purchaser or representative to be contacted
(Type or Print Name)	Ralph Fred Kallenberg
Address	828 Cold Springs Avenue 335-6670
City and State	Baltimore, Maryland 21220
Signature	Name
Address	Ralph Fred Kallenberg
City and State	Baltimore, Maryland
Attorney's Telephone No.:	828 Cold Springs Avenue
	Address Phone No.

MAP	NEIK
SB	
P. D.	LSK
DATE	2/13/89
REC	JP
1000	X
DP	

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 2nd day of December, 1988, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR.) + 1HR.
AVAILABLE FOR HEARING (over)
ALL MON./TUES./WED. - NEXT TWO MONTHS
REVIEWED BY: *JRH* DATE: 2/1/89

Appeal - Case No. 89-201-A
RALPH FRED KALLENBERG, ET UX - Petitioners
February 15, 1989
Page 2

- Mr. John Gontrum, 809 Eastern Boulevard, Essex, Md. 21221
- Mr. & Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
- Mr. & Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, Md. 21220
- Mr. Robert W. Sheesley, Dept. of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, Md. 21204
- Mr. Wayne Northrup, State Dept. of Planning, State Office Building, 301 W. Preston Street, Baltimore, Md. 21201
- People's Counsel of Baltimore County, Rm. 304, County Office Bldg., Towson, Md. 21204
- File

RECORDING for the same on the northwesternmost side of Cold Springs Avenue and at the division line between Lots Nos. 126 and 127 as laid out on the plat of Long Beach Estate Plan C said plat being recorded among the Land Records of Baltimore County in Plat Book No. 4, Folio 131 and existing thence bounding on the northwesternmost side of Cold Springs Avenue, South twenty-eight degrees (28°) West seventy feet (70') to aforesaid plat thence bounding on the northwesternmost side of said twenty-five foot (25') Avenue, North eighty-nine degrees, nine minutes (89° 9') West two hundred forty-one and four-tenths feet (241.4') to the waters of Middle River, thence north westerly bearing on the waters of Middle River fifty-five and eight-tenths feet (55.8') to a point in line with the division line between Lots No. 126 and 127 on the aforesaid plat and thence to and bounding on said division line North eighty-five degrees fifty-five minutes (85° 55') East three hundred fourteen and one-tenth feet (314.1') to the plat entitled, "Plan C of Long Beach Estates", which plat is recorded as aforesaid in Plat Book No. 4, Folio 131. The improvements thereon being known as No. 828 Cold Springs Avenue.

APPEAL

Petition for Zoning Variance
NW/8 Cold Springs, 125' S Chesapeake Avenue
(828 Cold Spring Road)
15th Election District - 5th Councilmanic District
RALPH FRED KALLENBERG, ET UX - Petitioner
Case No. 89-201-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 Environmental Protection Comments
- Petitioner's Exhibits: 1) Plat for Zoning Variance
2) Two (2) Polaroid photographs of location
- Protestant's Exhibits: 1) Plat for Zoning Variance
2) Fourteen (14) 3" x 5" photographs of location (Marked A through N)
- Deputy Zoning Commissioner's Order dated January 5, 1989 (Denied)
- Notice of Appeal received February 3, 1989 from S. Eric DiNenna, Attorney on behalf of Petitioners.
- cc: Mr. & Mrs. Ralph F. Kallenberg, 828 Cold Springs Avenue, Baltimore, Md. 21220
S. Eric DiNenna, DiNenna, Mann & Breschi, Suite 600, 409 Washington Boulevard, Towson, Md. 21204
Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206
Mr. John Gontrum, 809 Eastern Boulevard, Essex, Md. 21221
Mr. & Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
Mr. & Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, Md. 21220
Mr. Robert W. Sheesley, Dept. of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, Md. 21204
Mr. Wayne Northrup, State Dept. of Planning, State Office Building, 301 W. Preston Street, Baltimore, Md. 21201
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

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

October 6, 1989

John B. Gontrum, Esquire
Romadka, Gontrum & Hennehan
Irvington Federal Building
809 Eastern Boulevard
Essex, Maryland 21221

Re: Case No. 89-201-A (Ralph Fred Kallenberg, et ux)

Dear Mr. Gontrum:

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,

Lindalee M. Kuszmaul
Lindalee M. Kuszmaul
Legal Secretary

- Encl.
- cc: Mr. Walter Frazer
- Mr. and Mrs. George Amos
- Mr. and Mrs. Ira Taylor
- Mr. Robert W. Sheesley
- Mr. Wayne Northrup
- P. David Fields
- Pat Keller
- J. Robert Haines
- Ann M. Nastarowicz
- James E. Dyer
- W. Carl Richards, Jr.
- Docket Clerk - Planning
- Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 15, 1989

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

RE: Petition for Zoning Variance
NW/8 Cold Springs, 125' S Chesapeake Avenue
(828 Cold Spring Road)
15th Election District, 5th Councilmanic District
RALPH FRED KALLENBERG, ET UX - Petitioners
Case No. 89-201-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 3, 1989 by S. Eric DiNenna, Attorney on behalf of the Petitioners. 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: Mr. & Mrs. Ralph F. Kallenberg, 828 Cold Springs Avenue, Baltimore, Md. 21220
S. Eric DiNenna, DiNenna, Mann & Breschi, Suite 600, 409 Washington Boulevard, Towson, Md. 21204
Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206



Dennis F. Rasmussen
County Executive

S. ERIC DINENNA, P.A.
 JAMES L. MANN, JR., P.A.
 GEORGE A. BRESCHI, P.A.
 GERALDINE A. KLAUBER
 FRANCIS X. BORGARDING

DINENNA, MANN & BRESCHI
 ATTORNEYS AT LAW

SUITE 600
 MERCANTILE-TOWSON BUILDING
 409 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204
 (301) 296-6820
 TELEFAX (301) 296-6884

February 2, 1989

J. Robert Haines
 Zoning Commissioner
 for Baltimore County
 County Office Building
 Towson, Maryland 21204

RE: Case No. 89-201-A
 Ralph Fred Kallenberg, et ux,
 Petitioners

Dear Mr. Commissioner:

Enclosed herewith please find the Order of Appeal concerning the above-captioned matter, as well as my check in the amount of \$90.00 covering the cost of the Appeal.

Very truly yours,
S. Eric Dinenna
 S. ERIC DINENNA

SED:cjc
 Enclosure
 cc: Mr. Ralph Kallenberg

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

No. 086152

DATE 2-3-89 ACCOUNT 01-11-11-11
 AMOUNT \$ 90.00

RECEIVED DINENNA, MANN & BRESCHI
 S. ERIC DINENNA, JAMES L. MANN, JR., GEORGE A. BRESCHI

FOR: J. ROBERT HAINES, ZONING COMMISSIONER
 301 W. PRESTON ST., BALTIMORE, MD. 21201

VALIDATION OR SIGNATURE OF CASHIER
 PREVIOUSLY YELLOW-CUSTOMER

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NW/S Cold Springs, 125' S * ZONING COMMISSIONER
 Chesapeake Avenue * OF BALTIMORE COUNTY
 (828 Cold Spring Road) *
 15th Election District * Case No. 89-201-A
 5th Councilmanic District *
 Ralph Fred Kallenberg, et ux
 Petitioners

ORDER OF APPEAL

MR. COMMISSIONER:
 Please enter an appeal on behalf of Ralph Fred Kallenberg, et ux, to the County Board of Appeals for Baltimore County from the decision of the Zoning Commissioner dated January 5, 1989, concerning the above-captioned matter.

S. Eric Dinenna
 S. ERIC DINENNA
 DINENNA, MANN & BRESCHI
 409 WASHINGTON AVENUE,
 SUITE 600
 TOWSON, MARYLAND 21204
 (301)296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of February, 1989, a copy of the foregoing Order of Appeal was mailed, postage prepaid, to People's Counsel, County Office Building, Towson, Maryland 21204.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

DINENNA, MANN & BRESCHI
 ATTORNEYS AT LAW
 SUITE 600
 MERCANTILE-TOWSON BLDG.
 409 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204
 (301) 296-6820

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NW/S Cold Springs, 125' S * ZONING COMMISSIONER
 Chesapeake Avenue * OF BALTIMORE COUNTY
 (828 Cold Spring Road) * Case No. 89-201-A
 15th Election District *
 5th Councilmanic District *
 Ralph Fred Kallenberg, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 429.2 to permit an accessory satellite receiving dish in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Annabelle Kallenberg and Ralph Fred Kallenberg appeared, testified and were supported in their testimony by Mr. Walter Frazer, an expert witness from Stansbury Audio, whose business address is 6330 Frankford Avenue, Baltimore, Maryland 21206. Protestants, Mr. and Mrs. George Amos appeared, testified and were represented by John Gontrum, Esquire. Mr. and Mrs. Ira Taylor also appeared and testified as Protestants.

The Petitioners argue that the proposed satellite dish must be placed at the location where it is already been constructed in the front yard of the subject property as indicated on Petitioner's Exhibit 1. The Petitioners claim that the subject satellite dish must be established at this location because the reception of the available satellites is not possible in any other location. This is due to the interference from trees and structures both on and off site. The Petitioners argue that this justifies their requirements, pursuant to Section 307.1 of the Baltimore County

ORDER RECEIVED FOR FILING
 Date 2-3-89
 By *M. H. Haines*

ORDER RECEIVED FOR FILING
 Date 2-3-89
 By *M. H. Haines*

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-201-A

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 429.2 to permit an accessory satellite receiving dish in the front yard, in lieu of the required rear yard.

Satellite receiving dish cannot be erected any place on the property to receive full satellite signals. This also includes the roof of the dwelling.

Property is to be advertised as prescribed by Zoning Regulations.

of above Variance advertising, posting, etc., upon filing of this petition, to be bound by the zoning regulations and restrictions of 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.

Legal Owner(s):
 Annabelle Kallenberg, et al.
 Signature
 Ralph Fred Kallenberg
 Signature
 828 Cold Springs Avenue 335-6670
 Address Phone No.
 Baltimore, Maryland 21220
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Ralph Fred Kallenberg
 City and State

Attorney's Telephone No.: 828 Cold Springs Avenue
 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of *October* 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of *December*, 1988, at 2 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR) * 1HR.
 AVAILABLE FOR HEARING (over)
 ALL MON./TUES./WED. - NEXT TWO MONTHS
 OTHER
 REVIEWED BY: *JRH* DATE: 8/2/88

Zoning Regulations, (B.C.Z.R.) and establishes a practical difficulty and unreasonable hardship. The Petitioners also argue that the site where the satellite dish has been constructed is the only available site on the entire property owned by the Petitioners and that no other site is available.

The Protestants argue that the satellite dish is unsightly. That the Petitioners did not attempt to locate the satellite dish atop a structure or in the rear yard because it was esthetically most pleasing to the Petitioners to place the satellite dish at this location because it is screened from the Petitioners' view by the Petitioners' own trees. The Protestants claim that the Petitioners did not take into account the needs of the adjoining property owners which the Protestants are and have unfairly worked a hardship upon the Protestants. The Protestants also challenge the site survey introduced as Petitioners' Exhibit 1 and claim that the survey is inaccurate and improperly shows the location of the subject property and adjoining properties. The Protestants provided Protestants' Exhibit 1, as a revised version of the site plan.

The property in question is located within the Chesapeake Bay Critical Area and is, therefore, subject to the requirements of Section 307.2 and 500.14 of the B.C.Z.R. No testimony was provided by the Petitioners relevant to Sections 307.2 or 500.14 of the B.C.Z.R. Therefore, the Petitioners' case must fail for lack of evidence to meet the burden of proof required under Sections 307.2 and 500.14.

The Petitioners' case is also severely hampered even if this matter was not within the Chesapeake Bay Critical Area. The Petitioners did not have anyone available, at the hearing on December 2, 1988, who could testify that the satellite dish cannot operate at any location upon the Peti-

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-201-A

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 429.2 to permit an accessory satellite receiving dish in the front yard, in lieu of the required rear yard.

Satellite receiving dish cannot be erected any place on the property to receive full satellite signals. This also includes the roof of the dwelling.

Property is to be advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser:
 (Type or Print Name)
 Signature
 Address
 City and State

Legal Owner(s):
 Annabelle Kallenberg, et al.
 Signature
 Ralph Fred Kallenberg
 Signature
 828 Cold Springs Avenue 335-6670
 Address Phone No.
 Baltimore, Maryland 21220
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Ralph Fred Kallenberg
 Name
 828 Cold Springs Avenue
 Address Phone No.

Attorney's Telephone No.: 828 Cold Springs Avenue
 Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of *October* 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of *December*, 1988, at 2 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County.

tioners' land. The failure to prove the practical difficulty created by the alleged inability to receive satellite transmissions at other locations on the subject site is fatal to the Petitioners' case.

In light of the Petitioners' failure to produce witnesses relevant to the hardship and practical difficulty under Section 307.1 and their failure to provide evidence relative to the requirements of Section 307.2 and 500.14 of the B.C.Z.R., I have no choice but to deny the subject variance.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of *January*, 1989 that the Petition for Zoning Variance to permit an accessory satellite receiving dish in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1, be and the same is hereby DENIED.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:mmm
 cc: Peoples Counsel
 Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206
 Mr. and Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
 Mr. and Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, Md. 21220
 Mr. Robert W. Sheesley, Director, Dept. of Environmental Protection and Resource Management
 Mr. Wayne Northrup, State Dept. of Planning, State Office Building 301 W. Preston St., Baltimore, Maryland 21201.

ORDER RECEIVED FOR FILING
 Date 2-3-89
 By *M. H. Haines*

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 287-3333

J. Robert Haines
 Zoning Commissioner

January 3, 1989

Mr. and Mrs. Ralph F. Kallenberg
 828 Cold Spring Road
 Baltimore, Maryland 21220

RE: Petition for Zoning Variance
 Case No. 88-201A
 Ralph F. Kallenberg, et ux, Petitioners

Dear Mr. and Mrs. Kallenberg:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
J. Robert Haines
 Zoning Commissioner

JRH:mmm
 att.
 cc: Peoples Counsel
 Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206
 Mr. and Mrs. George Amos, 830 Cold Spring Rd., Baltimore, Md. 21220
 Mr. and Mrs. Ira Taylor, 826 Cold Spring Rd., Baltimore, Md. 21220
 Mr. Robert W. Sheesley, Director, Dept. of Environmental Protection and Resource Management
 Mr. Wayne Northrup, State Dept. of Planning, State Office Building, 301 W. Preston St., Baltimore, Maryland 21201.



Dennis F. Rasmussen
 County Executive

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1989

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 Nov. 10, 1989.

THE JEFFERSONIAN,

S. Zafe Orlov

Publisher

PO 05791 reg 1720410 case 89-201-A price \$41.25

NOTICE OF HEARING The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance...

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

J. Robert Haines Zoning Commissioner

October 19, 1988

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...

Petition for Zoning Variance CASE NUMBER: 89-201-A 1475 Cold Springs, 125' S Chesapeake Avenue (828 Cold Springs Road) 15th Election District - 5th Councilmanic District

Variance to permit an accessory satellite receiving dish in the front yard, in lieu of the required rear yard.

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.

J. Robert Haines Zoning Commissioner of Baltimore County

IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989, PLEASE TELEPHONE DECKET GLENN AT 494-3391 TO CONFIRM DATE.



Dennis F. Rasmussen County Executive

IN THE MATTER OF THE APPLICATION OF RALPH FRED KALLENBERG, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE COLD SPRINGS, 125' SOUTH OF CHESAPEAKE AVENUE (828 COLD SPRING ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Harry E. Buchheister, Jr. and Arnold G. Foreman, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter...

ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY

- October 18, 1988 Petition filed by Mr. and Mrs. Kallenberg for a variance to permit an accessory satellite receiving dish in the front yard...
November 10 Publication in newspaper - filed.
November 12 Certificate of Posting of property - filed.
November 25 Comment of Baltimore County Zoning Plans Advisory Committee - filed.
December 2 Hearing held on Petition at 2:00 p.m. by Zoning Commissioner.
January 5, 1989 Order of the Zoning Commissioner DENYING Petition for Variance.
February 3 Order for Appeal received from S. Eric DiNenna, Esquire on behalf of Mr. and Mrs. Kallenberg, Petitioners.
August 17 Hearing on appeal before the Board of Appeals.
September 7 Order of the Board DENYING Petition for Variance.
October 3 Order for Appeal filed in the Circuit Court for Baltimore County by S. Eric DiNenna, Esquire on behalf of the Petitioners.
October 3 Petition to accompany Appeal filed in the Circuit Court for Baltimore County

Ralph Fred Kallenberg, et ux Case No. 89-201-A, File No. 89-CG-3490

- October 6, 1989 Certificate of Notice sent to all interested parties.
November 2, 1989 Transcript of testimony filed.
Petitioner's Exhibit No. 1 - Plat dated March 17, 1989
2 - Plat
3 - Picture Board "A" Photo (IN BOARD'S CLOSET)
4 - Picture Board "B" Photo (IN BOARD'S CLOSET)
5 - Site survey - 3 pages from Stansbury
6 - File

- Protestants' Exhibit No. 1 - Record Plat - Long Beach Estates dated 1910
2 - Plat with markings
November 2, 1989 Record of proceedings filed in 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. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office, and upon request of the parties or the Court will be transmitted to the Court by whomsoever institutes the request.

Respectfully submitted, LindaLee M. Kuszmaul LindaLee M. Kuszmaul County Board of Appeals of Baltimore County

- cc: S. Eric DiNenna, Esquire Mr. and Mrs. Ralph F. Kallenberg John B. Gontrum, Esquire Mr. and Mrs. George Amos Mr. Walter Frazier Mr. and Mrs. Ira Taylor

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-201-17

District: 1576 Variance Date of Posting: 11/14/88
Posted for: Ralph Fred Kallenberg et ux
Petitioner: Ralph Fred Kallenberg et ux, 125' S Chesapeake Avenue, 828 Cold Springs Lane, Towson, Md.
Location of Sign: Front of property, 828 Cold Springs Lane, Towson, Md.
Remarks: Mailed by J. Robert Haines Date of return: 11/14/88

IN THE MATTER OF THE APPLICATION OF RALPH FRED KALLENBERG, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE COLD SPRINGS, 125' SOUTH OF CHESAPEAKE AVENUE (828 COLD SPRING ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

CERTIFICATE OF NOTICE

Madam Clerk: Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Harry E. Buchheister, Jr. and Arnold G. Foreman, 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, S. Eric DiNenna, Esquire, P.O. Box 10508, Towson, MD 21285-0508, Counsel for Plaintiffs; Mr. and Mrs. Ralph Fred Kallenberg, 828 Cold Springs Avenue, Baltimore, MD 21220, Plaintiffs; John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, MD 21221, Counsel for Protestants; Mr. and Mrs. George Amos, 830 Cold Spring Road, Baltimore, MD, 21220, Protestants; Mr. Walter Frazier, 6330 Frankford Avenue, Baltimore, MD 21206; Mr. and Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, MD 21220; and Arnold G. Foreman, Esq., c/o County Board of Appeals, Room 315, County Office Bldg., Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul LindaLee M. Kuszmaul, County Board of Appeals Room 315, County Office Building Towson, MD 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to S. Eric DiNenna, Esq., P.O. Box 10508, Towson, MD 21285-0508, Counsel for Plaintiffs; Mr. and Mrs. Ralph Fred Kallenberg, 828 Cold Springs Avenue,

Ralph Fred Kallenberg, et ux Case No. 89-201-A, File No. 89-CG-3490
Baltimore, MD 21220, Plaintiffs; John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, MD 21221, Counsel for Protestants; Mr. and Mrs. George Amos, 830 Cold Spring Road, Baltimore, MD 21220, Protestants; Mr. Walter Frazier, 6330 Frankford Avenue, Baltimore, MD 21206; Mr. and Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, MD 21220; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, Towson, MD 21204 on this 6th day of October, 1989. LindaLee M. Kuszmaul LindaLee M. Kuszmaul, County Board of Appeals Room 315, County Office Building Towson, MD 21204 (301) 887-3180

IN THE MATTER OF THE APPLICATION OF RALPH FRED KALLENBERG, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE COLD SPRINGS, 125' SOUTH OF CHESAPEAKE AVENUE (828) COLD SPRING ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT CASE NO.: 89-201-A
ORDER FOR APPEAL
Mr. Clerk: On behalf of Ralph F. Kallenberg, et ux, please enter an Appeal to the Circuit Court for Baltimore County from the Order of the Board of Appeals for Baltimore County dated September 7, 1989.

S. ERIC DINENNA DiNenna, Mann and Treachi P.O. Box 10508 Towson, Maryland 21285-0508 (301)296-6820

CERTIFICATE OF MAILING I HEREBY CERTIFY, that on this 11th day of November, 1989, a copy of the foregoing Order of Appeal was mailed, postage prepaid to John B. Gontrum, Esquire, Irvington Federal Building, 809 Eastern Boulevard, Essex, Maryland 21221, the Board of Appeals of Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and People's Counsel of Baltimore County, Room 304, County Office Building, Towson, Maryland 21204.

S. ERIC DINENNA - 1 -

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353
J. Robert Haines Zoning Commissioner
Mr. & Mrs. Ralph Fred Kallenberg 828 Cold Springs Road Baltimore, Maryland 21220
Re: Petition for Zoning Variance CASE NUMBER: 89-201-A 1475 Cold Springs, 125' S Chesapeake Avenue (828 Cold Springs Road) 15th Election District - 5th Councilmanic District Petitioner(s): Ralph Fred Kallenberg, et ux HEARING SCHEDULED: FRIDAY, DECEMBER 2, 1989 at 2:00 p.m.
Dear Mr. & Mrs. Kallenberg:

Please be advised that \$82.24 is due for advertising and posting of the above-referenced variance. Payment should be made to the time and bring to the County Office minutes before the hearing.
BALTIMORE COUNTY, MARYLAND No. 058950 OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE: 12/21/88 ACCOUNT: R-01-615-000 AMOUNT: \$ 82.24 RECEIVED FROM: Ralph Kallenberg FOR: Postage 12/21/89 89-201-A

J. ROBERT HAINES Zoning Commissioner of Baltimore County JRH:gs cct File

IN THE MATTER OF THE APPLICATION OF RALPH FRED KALLENBERG, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST SIDE COLD SPRINGS, 125' SOUTH OF CHESAPEAKE AVENUE (828) COLD SPRING ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT CASE NO. 89-201-A

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

PETITION OF APPEAL

Now comes Ralph Frederick Kallenberg, et ux, by S. Eric DiNenna, and DiNenna, Mann and Breschi, in support of the Order for Appeal, files this petition and says:

1. That the County Board of Appeals, as a result of testimony presented to it, issued an Opinion and Order dated September 7, 1989;
2. That the record of the proceedings before the Board that resulted in the Opinion and Order of the Board is void of any substantial supporting facts that justifies the Board's decision;
3. That the action of the Board was unsupported by competent material and substantial evidence;
4. That the evidence presented before the Board was not fairly debatable and accordingly, the Board was erroneous in its conclusion;
5. That the decision of the County Board of Appeals was otherwise arbitrary, capricious or illegal.

Having fully petitioned this Honorable Court, your Appellants pray:

1. That the Opinion and Order of the Board of Appeals for Baltimore County dated September 7, 1989 be reversed;

- 1 -

2. For such other and further relief as there cause may require.

S. ERIC DINENNA
DiNenna, Mann and Breschi
P.O. Box 10508
Towson, Maryland 21285-0508
(301)296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 3rd day of Oct, 1989,

a copy of the foregoing Order of Appeal was mailed, postage prepaid to John B. Gontrum, Esquire, Irvington Federal Building, 809 Eastern Boulevard, Essex, Maryland 21221, Board of Appeals of Baltimore County, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and People's Counsel of Baltimore County, Room 304, County Office Building, Towson, Maryland 21204.

S. ERIC DINENNA

- 2 -



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301)496-3180

HEARING ROOM
Room 301, County Office Building

April 10, 1989

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. 89-201-A RALPH FRED KALLENBERG, ET UX
NW/S Cold Springs, 125' S Chesapeake Ave.
(828 Cold Spring Road)
15th Election District
5th Councilmanic District
VAR -To permit satellite receiving dish in front yard

1/5/89 -Z.C.'s Order -DENIED Petition for Variance

which had been set for hearing on Thursday, June 15, 1989 at 1:00 p.m. has been POSTPONED at the request of Counsel for Protestants and without opposition from Counsel for the Petitioner. The case will be reset at the earliest possible hearing date with full consideration given to those dates for which Counsel will be unavailable.

cc: Mr. and Mrs. Kallenberg Appellants/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellants/Petitioners
Mr. Walter Frazer
John Gontrum, Esquire Counsel for Protestants
Mr. and Mrs. George Amos Protestants
Mr. and Mrs. Ira Taylor
Mr. Robert W. Sheesley Dept. of Environmental Protection & Resource Management
Mr. Wayne Northrup State Dept. of Planning
People's Counsel for Balto. Co.
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301)496-3180

HEARING ROOM
Room 301, County Office Building

April 10, 1989

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. 89-201-A RALPH FRED KALLENBERG, ET UX
NW/S Cold Springs, 125' S Chesapeake Ave.
(828 Cold Spring Road)
15th Election District
5th Councilmanic District
VAR -To permit satellite receiving dish in front yard

1/5/89 -Z.C.'s Order -DENIED Petition for Variance

which had been set for hearing on Thursday, June 15, 1989 at 1:00 p.m. has been POSTPONED at the request of Counsel for Protestants and without opposition from Counsel for the Petitioner. The case will be reset at the earliest possible hearing date with full consideration given to those dates for which Counsel will be unavailable.

cc: Mr. and Mrs. Kallenberg Appellants/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellants/Petitioners
Mr. Walter Frazer
John Gontrum, Esquire Counsel for Protestants
Mr. and Mrs. George Amos Protestants
Mr. and Mrs. Ira Taylor
Mr. Robert W. Sheesley Dept. of Environmental Protection & Resource Management
Mr. Wayne Northrup State Dept. of Planning
People's Counsel for Balto. Co.
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301)496-3180

HEARING ROOM
Room 301, County Office Building

March 21, 1989

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. 89-201-A RALPH FRED KALLENBERG, ET UX
NW/S Cold Springs, 125' S Chesapeake Ave.
(828 Cold Spring Road)
15th Election District
5th Councilmanic District
VAR -To permit satellite receiving dish in front yard

1/5/89 -Z.C.'s Order -DENIED Petition for Variance

ASSIGNED FOR: THURSDAY, JUNE 15, 1989 at 1:00 p.m.

cc: Mr. and Mrs. Kallenberg Appellants/Petitioners
S. Eric DiNenna, Esquire Counsel for Appellants/Petitioners
Mr. Walter Frazer
John Gontrum, Esquire
Mr. and Mrs. George Amos
Mr. and Mrs. Ira Taylor
Mr. Robert W. Sheesley Dept. of Environmental Protection & Resource Management
Mr. Wayne Northrup State Dept. of Planning
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Office of Law
LindaLee M. Kuszmaul
Legal Secretary

3/21/89 -Following notified of hearing set for Thursday, June 15, 1989 at 1:00 p.m.:

Mr. and Mrs. Kallenberg
S. Eric DiNenna, Esq.
Mr. Walter Frazer
John Gontrum, Esq.
Mr. and Mrs. George Amos
Mr. and Mrs. Ira Taylor
Mr. Robert Sheesley
Mr. Wayne Northrup
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, Esq.

4/10/89 -Above notified of POSTPONEMENT to be reset at the earliest possible date after July 5, 1989 by request of Counsel for Protestants due to vacation and without opposition from Counsel for the Petitioner.

6/12/89 - Above notified of hearing set for August 17, 1989 at 10:00 a.m.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301)897-3333
J. Robert Haines
Zoning Commissioner

February 15, 1989

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

RE: Petition for Zoning Variance
NW/S Cold Springs, 125' S Chesapeake Avenue
(828 Cold Spring Road)
15th Election District, 5th Councilmanic District
RALPH FRED KALLENBERG, ET UX - Petitioners
Case No. 89-201-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 3, 1989 by S. Eric DiNenna, Attorney on behalf of the Petitioners. 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:ccr

Enclosures

cc: Mr. & Mrs. Ralph F. Kallenberg
828 Cold Springs Avenue, Baltimore, Md. 21220
S. Eric DiNenna, DiNenna, Mann & Breschi
Suite 600, 409 Washington Boulevard, Towson, Md. 21204
Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206

Appeal - Case No. 89-201-A
RALPH FRED KALLENBERG, ET UX - Petitioners
February 15, 1989
Page 2

Mr. John Gontrum, 809 Eastern Boulevard, Essex, Md. 21221
Mr. & Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
Mr. & Mrs. Ira Taylor, 826 Cold Spring Road, Baltimore, Md. 21220
Mr. Robert W. Sheesley, Dept. of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, Md. 21204
Mr. Wayne Northrup, State Dept. of Planning
State Office Building, 301 W. Preston Street, Baltimore, Md. 21201
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File
Mr. Walter Frazer
6330 Frankford Avenue
Baltimore, Maryland 21206
Mr. and Mrs. Ralph F. Kallenberg
828 Cold Springs Avenue
Baltimore, Maryland 21220
S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
Suite 600
409 Washington Boulevard
Towson, Maryland 21204

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NW/S Cold Springs, 125' S * ZONING COMMISSIONER
 Chesapeake Avenue * OF BALTIMORE COUNTY
 (328 Cold Spring Road) * 15th Election District
 5th Councilmanic District *
 Ralph Fred Kallenberg, et ux *
 Petitioners *
 Case No. 89-201-A

ORDER OF APPEAL

MR. COMMISSIONER:
 Please enter an appeal on behalf of Ralph Fred Kallenberg,
 et ux, to the County Board of Appeals for Baltimore County
 from the decision of the Zoning Commissioner dated January 5,
 1989, concerning the above-captioned matter.

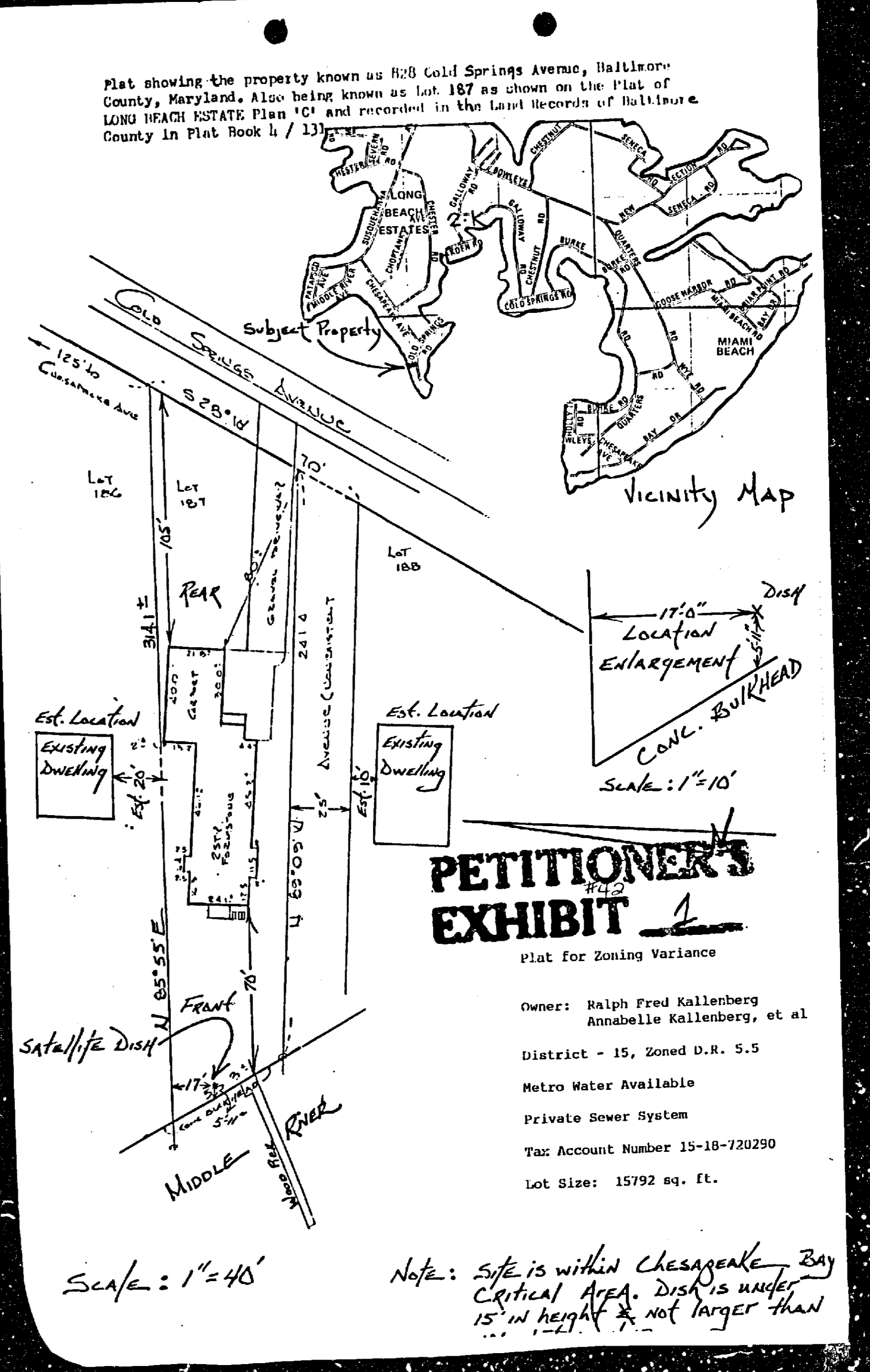
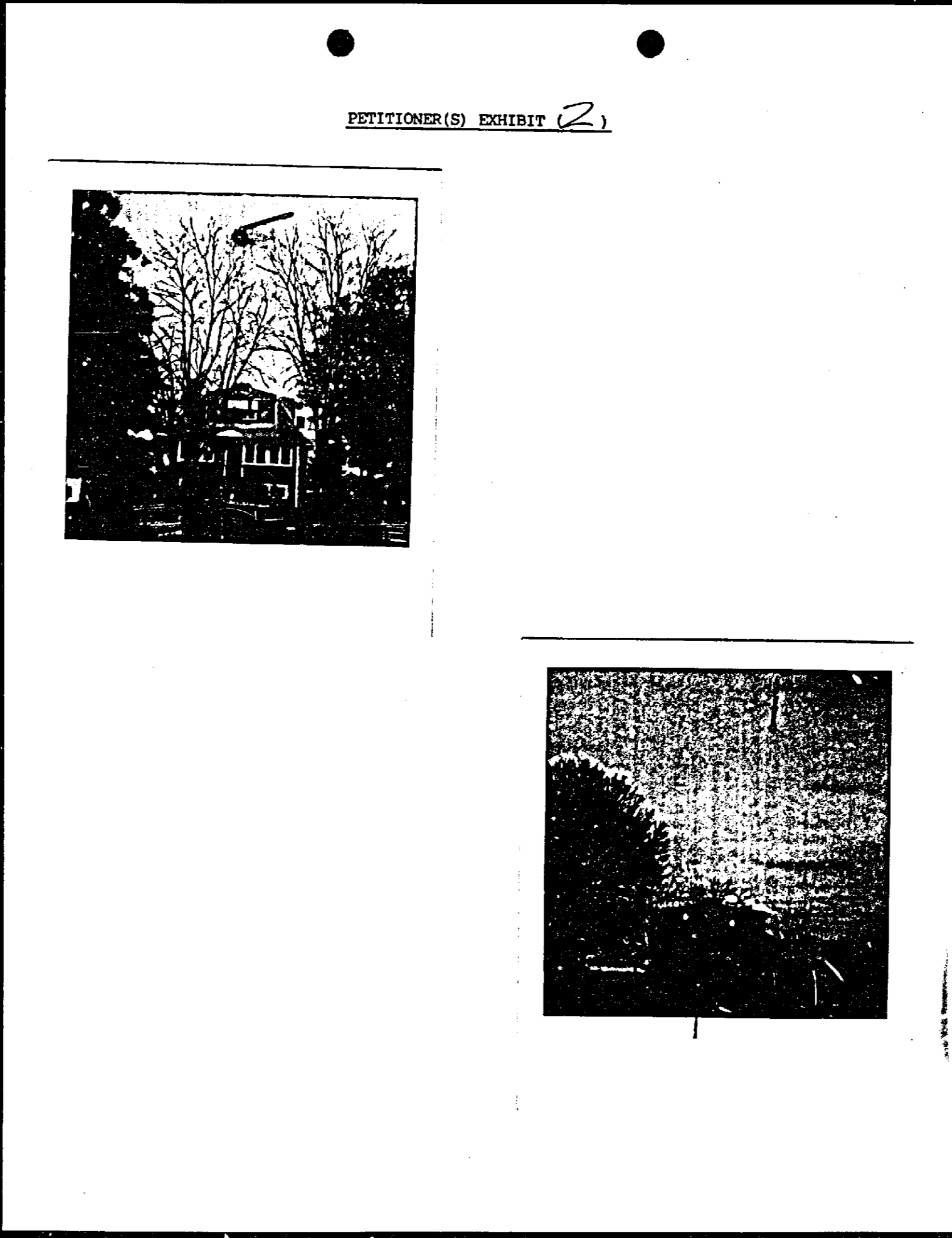
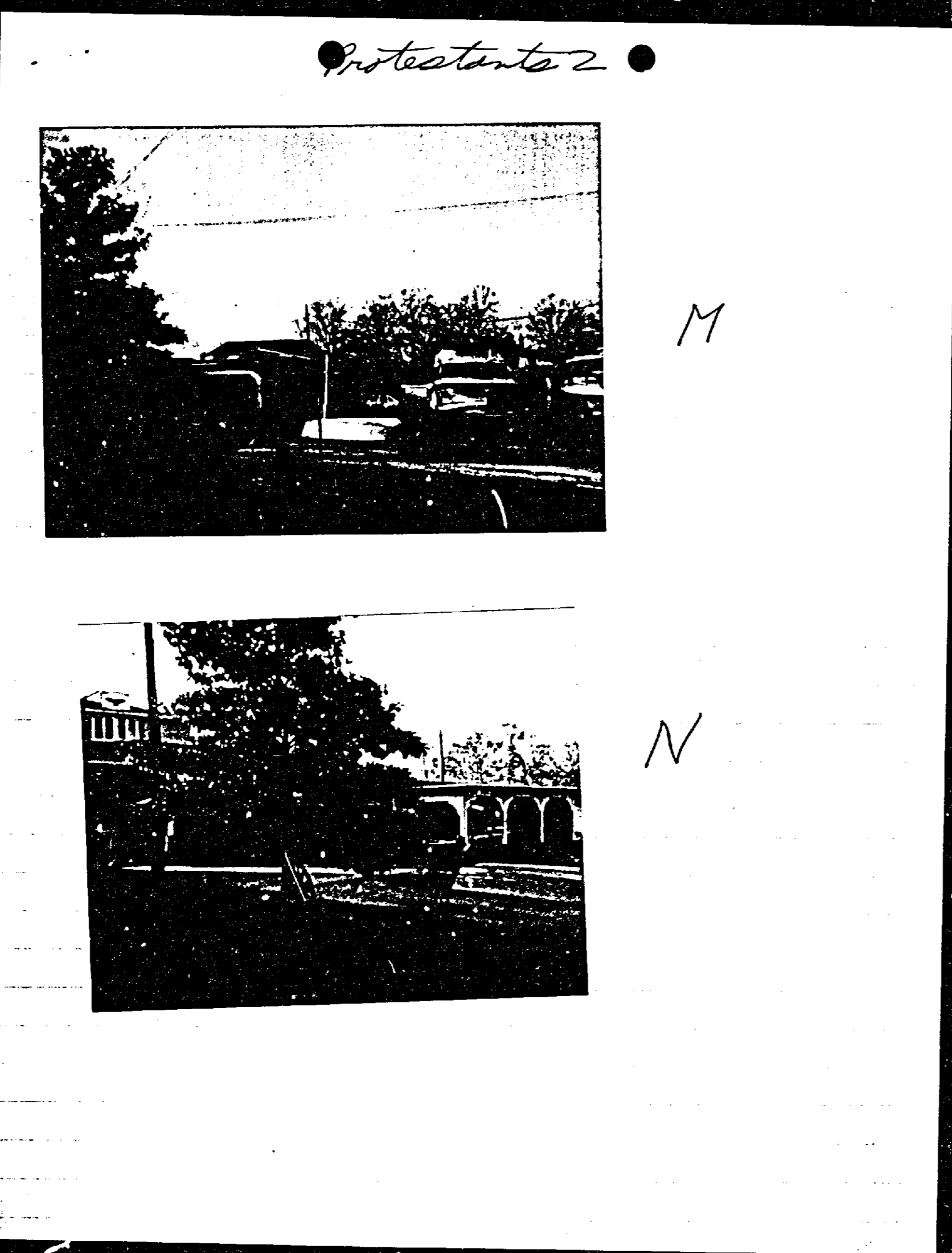
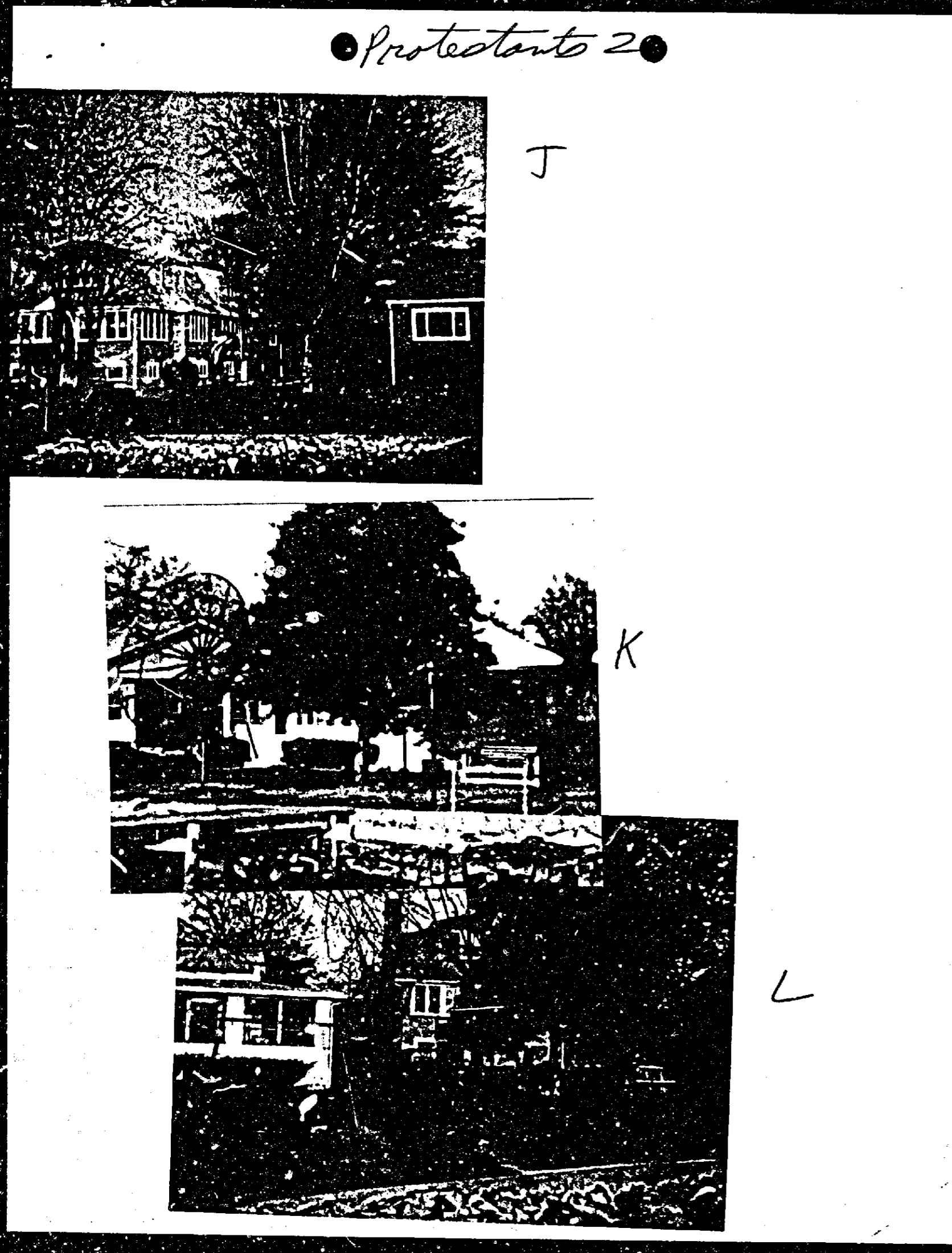
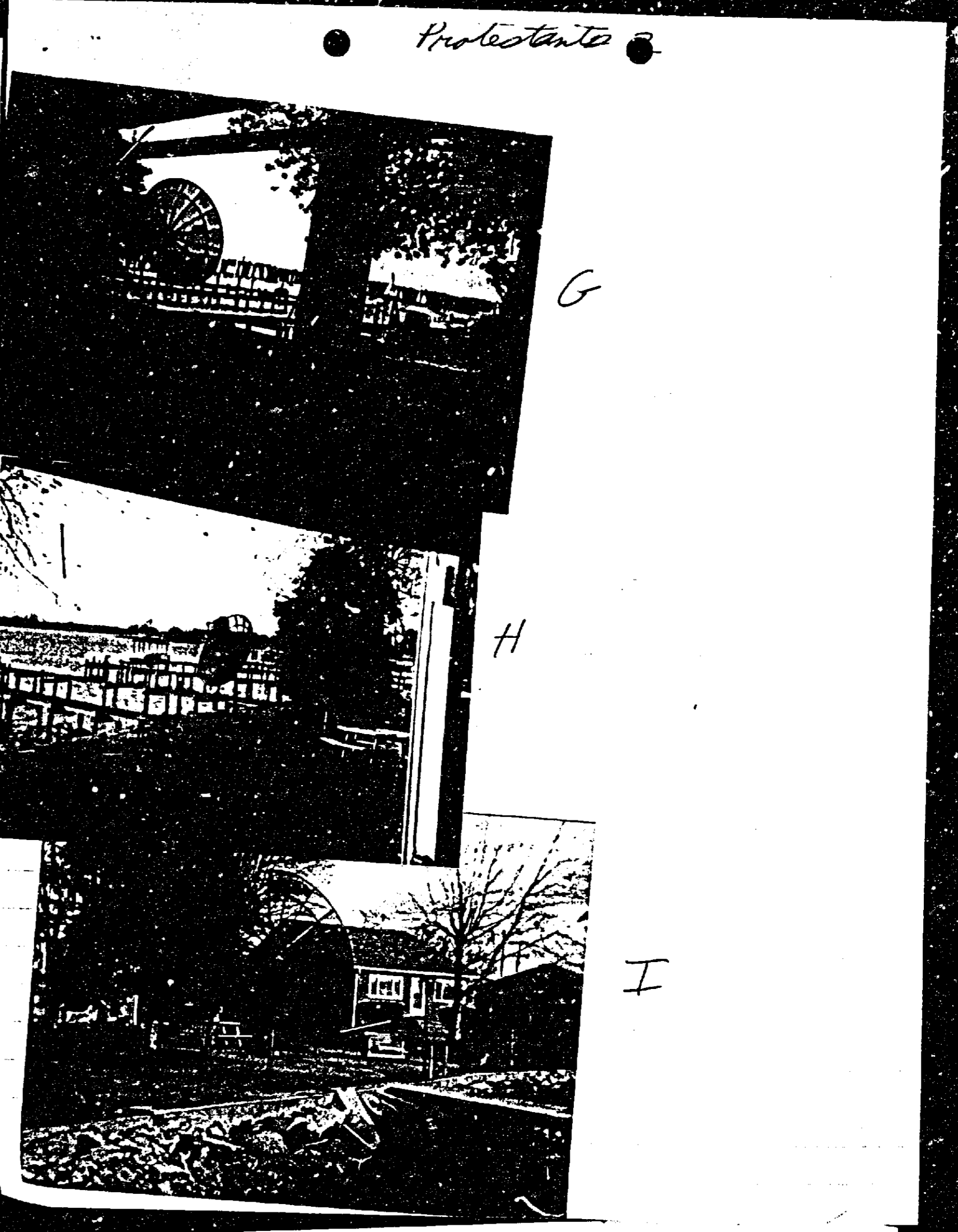
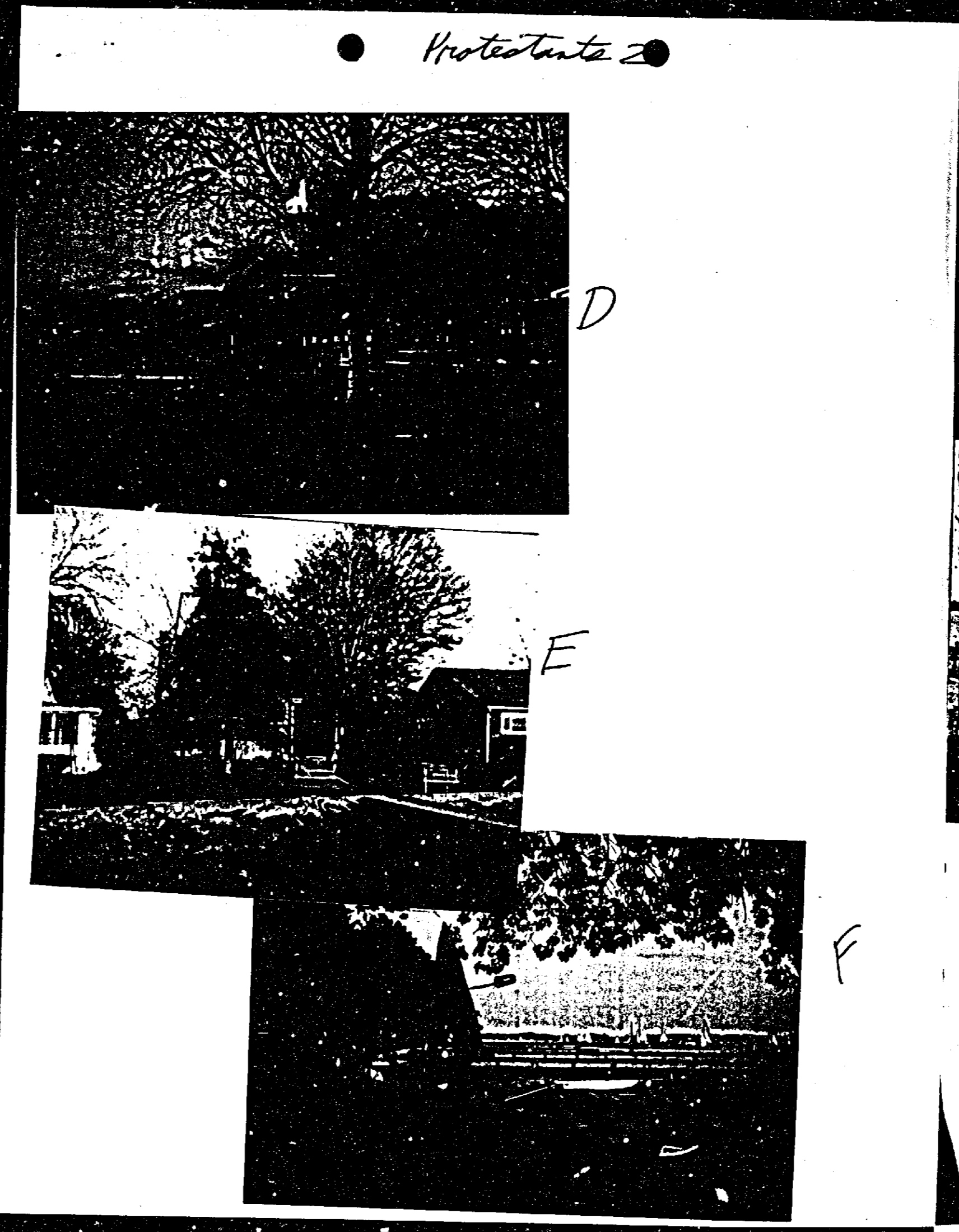
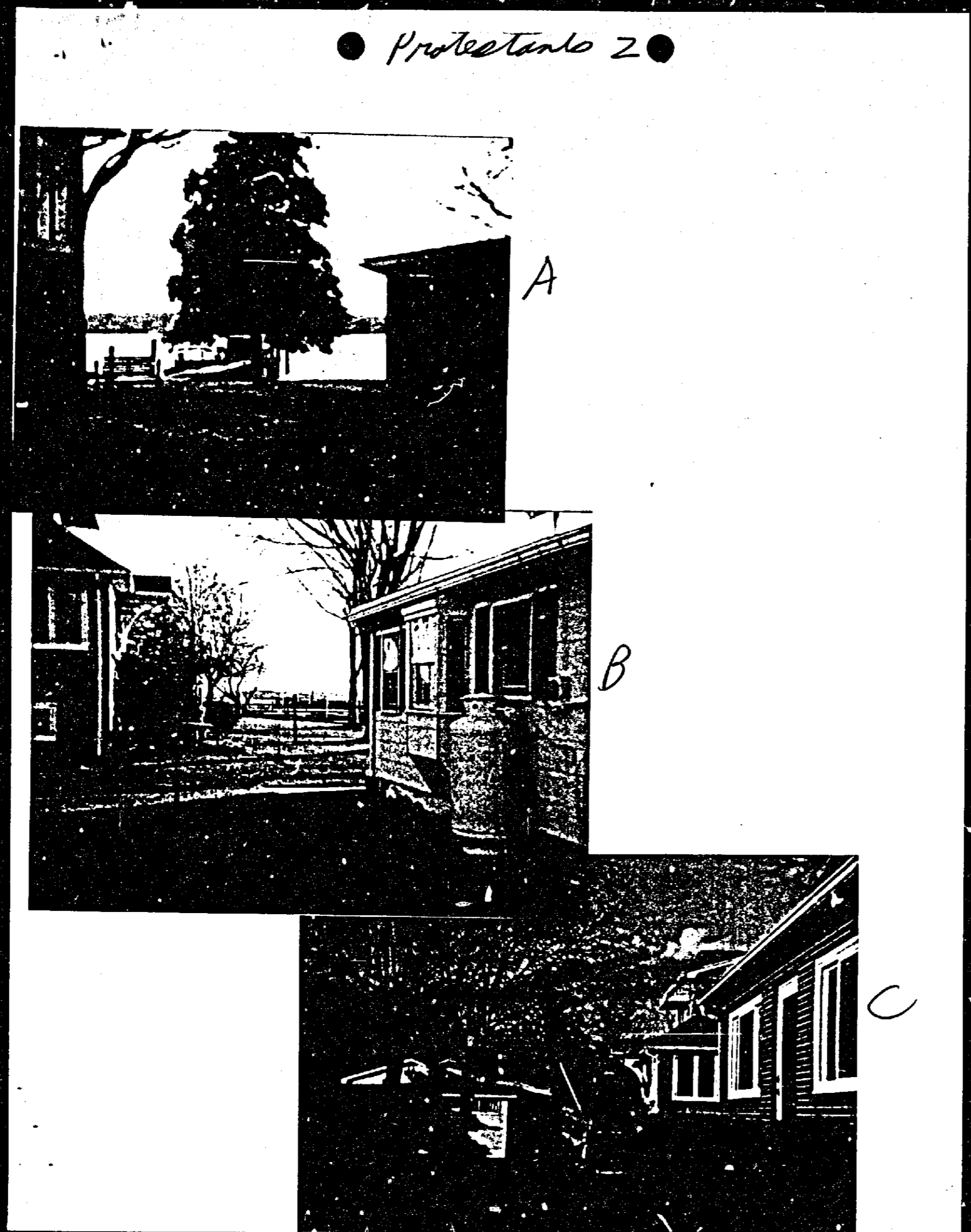
Ralph Kallenberg
 S. ERIC DINERNA
 DINERNA, HANN & BRESCHI
 409 Washington Avenue,
 Suite 600
 Towson, Maryland 21204
 (301)296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of February, 1989,
 a copy of the foregoing Order of Appeal was mailed, postage
 prepaid, to People's Counsel, County Office Building, Towson,
 Maryland 21204.

Ralph Kallenberg
 S. ERIC DINERNA
PREPARED
 2-3-89 (O.K.-w)
 ZONING OFFICE

DINERNA,
 HANN & BRESCHI
 ATTORNEYS AT LAW
 SUITE 600
 409 WASHINGTON AVENUE
 TOWSON, MARYLAND 21204
 (301) 296-6820



APPEAL

Petition for Zoning Variance
NW/S Cold Springs, 125' S Chesapeake Avenue
(828 Cold Spring Road)
15th Election District - 5th Councilmanic District
RALPH FRED KALLENBERG, ET UX - Petitioner
Case No. 89-201-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 Environmental Protection Comments ✓
- Petitioner's Exhibits: 1) Plat for Zoning Variance ✓
- 2) Two (2) Polaroid photographs of location ✓
- Protestant's Exhibits: 1) Plat for Zoning Variance ✓
- 2) Fourteen (14) 3" x 5" photographs of location (Marked A through N) ✓

Notice of Appeal received February 3, 1989 from S. Eric DiNenna, Attorney on behalf of Petitioners.

- cc: Mr. & Mrs. Ralph F. Kallenberg
828 Cold Springs Avenue, Baltimore, Md. 21220
- S. Eric DiNenna, DiNenna, Mann & Breschi
Suite 600, 409 Washington Boulevard, Towson, Md. 21204
- Mr. Walter Frazer, 6330 Frankford Avenue, Baltimore, Md. 21206
- Mr. John Contrum, 809 Eastern Boulevard, Essex, Md. 21221
- Mr. & Mrs. George Amos, 830 Cold Spring Road, Baltimore, Md. 21220
- Mr. & Mrs. Ira Taylor, 626 Cold Spring Road, Baltimore, Md. 21220
- Mr. Robert W. Sheesley, Dept. of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, Md. 21204
- Mr. Wayne Northrup, State Dept. of Planning
State Office Building, 301 W. Preston Street, Baltimore, Md. 21201
- 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
Arnold Jablon, Esquire

out per Shusley 4/14/89

89-201-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 October, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Ralph F. Kallenberg, et ux Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee
Petitioner's Attorney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner Date: August 24, 1988

FROM: Mr. Robert W. Sheesley
Ralph and Annabelle Kallenberg
SUBJECT: 15PR #427, 828 Cold Spring Rd.

Subject property is located along Cold Spring Road adjacent to Chesapeake Avenue in Long Beach Estates, Baltimore County. This site is within the Chesapeake Bay Critical Area and is classified as a limited development area.

The applicant has requested a zoning variance to permit an accessory satellite dish in the front yard, in lieu of required rear yard.

This request is consistent with the goals of the Chesapeake Bay Critical Area program and, therefore, is approved.

If you have any questions, please call Mr. David Flowers at 494-3980.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental
Protection & Resource Management

RWS:KLC:krp

CPS-008

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: HEALTH DEPT.

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 429.2 to permit an accessory satellite receiving dish in the front yard, in lieu of the required rear yard.

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

Satellite receiving dish cannot be erected any place on the property to receive full satellite signals. This also includes the roof of the dwelling.

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

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

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

Contract Purchaser:
(Type or Print Name) Annabelle Kallenberg, et al
Signature
Address Ralph Fred Kallenberg
City and State Baltimore, Maryland 21220

Legal Owner(s):
(Type or Print Name) Annabelle Kallenberg, et al
Signature
Address Ralph Fred Kallenberg
City and State Baltimore, Maryland 21220

Attorney for Petitioner:
(Type or Print Name) 828 Cold Springs Avenue 335-6670
Address Baltimore, Maryland 21220
City and State Baltimore, Maryland 21220
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name Ralph Fred Kallenberg
Address 828 Cold Springs Avenue
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

ESTIMATED LENGTH OF HEARING (1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100)
AVAILABLE FOR HEARING (over)
ALL MON./TUES./WED. - NEXT TWO MONTHS OTHER

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCES X. BORGWERDING
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21284
(301) 296-6830
TELEFAX (301) 296-6884

May 4, 1989

Baltimore County Board
of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 89-201-A
Kallenberg, et ux

Dear Mr. Chairman:

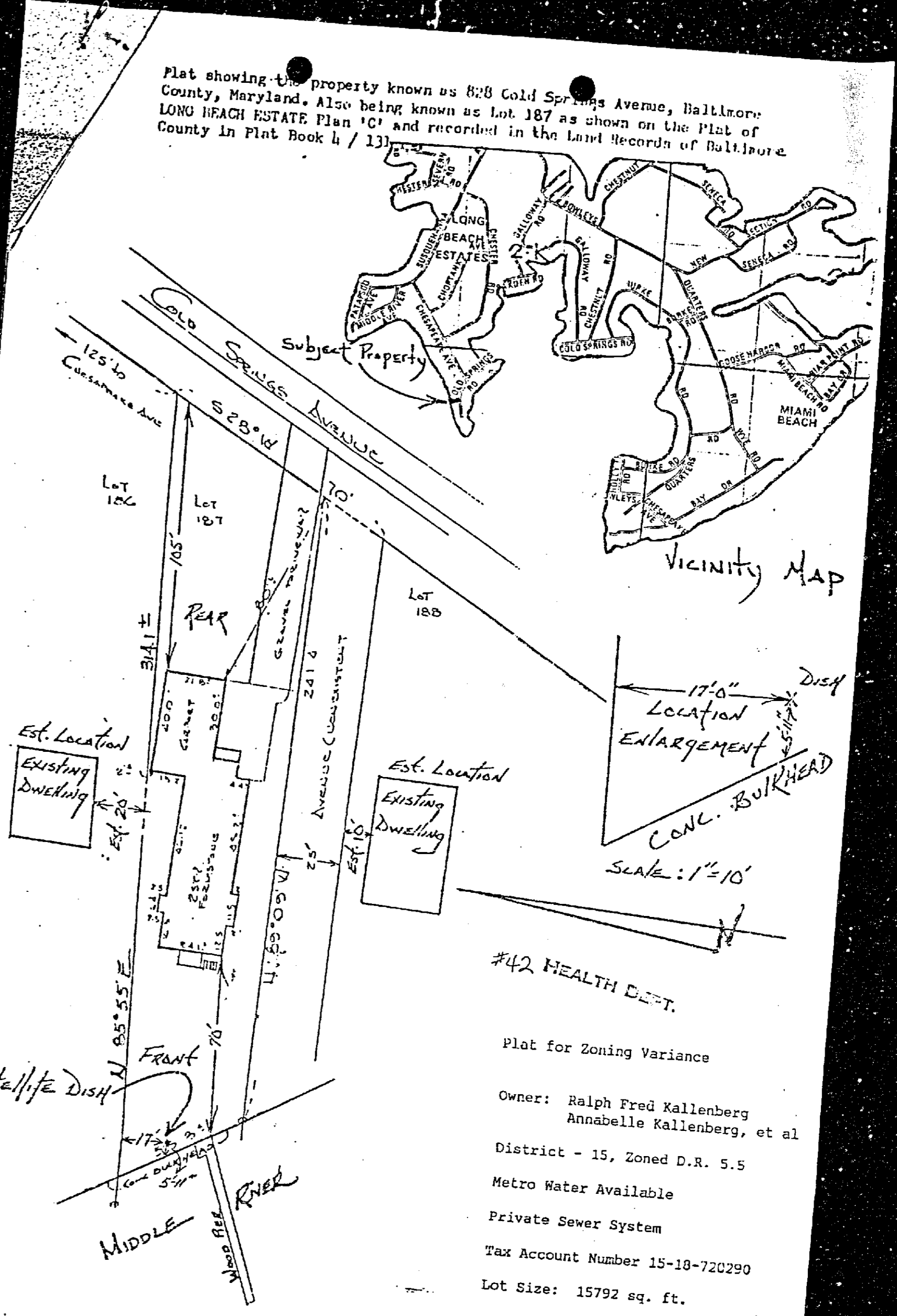
Enclosed herewith please find four copies of the plat to accompany the petition for a Variance to permit a satellite dish, the subject of the above captioned matter.

Very truly yours,
Geraldine A. Klauber

GAK:igaw
cc: Mr. Paul Kallenberg
enclosures

One copy to
J. Sheesley
K.

62-2 MJ 5-10169



Scale: 1"=40'

Note: site is within Chesapeake Bay Critical Area. Dish is under 15' in height & not larger than 12' x 12'.

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCES X. BORGWERDING
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21284
(301) 296-6830
TELEFAX (301) 296-6884

February 2, 1989

J. Robert Haines
Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Case No. 89-201-A
Ralph Fred Kallenberg, et ux,
Petitioners

Dear Mr. Commissioner:

Enclosed herewith please find the Order of Appeal concerning the above-captioned matter, as well as my check in the amount of \$90.00 covering the cost of the Appeal.

Very truly yours,
S. ERIC DINENNA

SED:cjc
Enclosure
cc: Mr. Ralph Fred Kallenberg
People's Counsel

RECEIVED
2-3-89 (O.K.)
ZONING OFFICE

DI NENNA, MANN & BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21284
(301) 296-6820
TELEFAX (301) 296-6884

April 4, 1989

County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 89-201-A
Kallenberg, et ux

Dear Mr. Chairman:

I am in receipt of Mr. Gontrum's letter of March 27, 1989, indicating that June 15, 1989 was a bad day for him because he would be on vacation at that time.

I have no objections to your granting a postponement of this matter, but please be advised that I will be on vacation from June 17th through June 24, 1989.

I also have the Master's hearings to conduct and do have my schedule and would ask that you have your secretary contact me prior to setting a date so there is no conflict with my Master's schedule, nor Mr. Gontrum's schedule, nor the Board's schedule.

Very truly yours,

S. Eric DiNenna

S. ERIC DI NENNA

SED:cjc
cc: John B. Gontrum, Esquire
Mr. Paul Kallenberg
People's Counsel

Please Note New Mailing Address:

DiNenna, Mann & Breschi
P.O. Box 10508
Towson, Maryland 21285-0508

68 APR 5 - 2 15
RECEIVED
COUNTY BOARD OF APPEALS

LAW FIRM
Rosadka, Gontrum & Hennegan
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 886-8271

ROBERT J. ROSADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN
DONALD B. SHERFF

March 27, 1989

County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-201-A
Ralph Fred Kallenberg, et ux

Dear Sir:

As you are aware, I represent Mr. and Mrs. George Amos in reference to the above matter. This is scheduled for June 15, 1989. Please be advised that I will be on an extended vacation from June 15th through July 5th and will be unable to attend the hearing. I would therefore request that you would kindly reschedule the above and advise me accordingly.

Thank you for your cooperation in this matter.

Very truly yours,

J.B. Gontrum

John B. Gontrum

JBG:kb
cc: S. Eric DiNenna, Esquire
Arnold Jablon, County Attorney
Robert Sheesley
People's Counsel for Baltimore County
Mr. and Mrs. George Amos

68 APR 5 - 2 15
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COUNTY BOARD OF APPEALS



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

September 7, 1989

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
P.O. Box 10508
Towson, Maryland 21285-0508

Re: Case No. 89-201-A
Ralph Fred Kallenberg, et ux

Dear Mr. DiNenna:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Ralph F. Kallenberg
Mr. Walter Frazier
John B. Gontrum, Esquire
Mr. and Mrs. George Amos
Mr. and Mrs. Ira Taylor
Mr. Wayne Northrup
Robert W. Sheesley
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

DI NENNA, MANN & BRESCHI
ATTORNEYS AT LAW
SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21284
(301) 296-6820
TELEFAX (301) 296-6884

October 3, 1989

Clerk
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754

RE: Case No. 89-201-A
IN THE MATTER OF THE APPLICATION OF
RALPH F. KALLENBERG, ET UX

Dear Madam Clerk:

Enclosed herewith please find the Order for Appeal and Petition of Appeal concerning the above captioned matter.

Also enclosed herewith please find our check in the amount of \$92.00 to cover the cost of filing same.

Very truly yours,

S. Eric DiNenna

S. ERIC DI NENNA

SED:gak
Enclosure
cc: County Board of Appeals
John Gontrum, Esquire
Mr. and Mrs. Kallenberg
People's Counsel

68 OCT 6 - 3 68
RECEIVED
COUNTY BOARD OF APPEALS



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

October 6, 1989

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
P.O. Box 10508
Towson, MD 21285-0508

Re: Case No. 89-201-A (Ralph Fred Kallenberg, et ux)

Dear Mr. DiNenna:

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,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Encl.
cc: Mr. and Mrs. Ralph F. Kallenberg



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

October 6, 1989

John B. Gontrum, Esquire
Rosadka, Gontrum & Hennegan
Irvington Federal Building
809 Eastern Boulevard
Essex, Maryland 21221

Re: Case No. 89-201-A (Ralph Fred Kallenberg, et ux)

Dear Mr. Gontrum:

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,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Encl.
cc: Mr. Walter Frazier
Mr. and Mrs. George Amos
Mr. and Mrs. Ira Taylor
Mr. Robert W. Sheesley
Mr. Wayne Northrup
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

RALPH FRED KALLENBERG, ET UX #89-201-A
15th Election District
5th Councilmanic District
NW/s Cold Springs, 125' S of Chesapeake
Avenue (828 Cold Spring Road)

VAR - to permit an accessory structure satellite receiving dish in the front yard in lieu of the required rear yard.

October 18, 1988 Petition filed by Mr. and Mrs. Kallenberg for a variance to permit an accessory satellite receiving dish in the front yard in lieu of the required rear yard.
January 5, 1989 Order to the Z.C. DENYING Petition for Variance.
February 3 Order for Appeal received from S. Eric DiNenna, Esquire on behalf of the Kallenbergs.
August 17 Hearing on appeal before the Board. (HBF)
September 7 Opinion and Order of the Board DENYING Petition for Variance.
October 3 *IE* Order for Appeal filed in CCT, BCO by S. Eric DiNenna, Esquire on behalf of the Kallenbergs; Petition to accompany appeal also filed.
October 6 Certificate of Notice sent.
November 2, 1989 *IE* Transcript of testimony filed; record of proceedings filed.
February 28, 1990 *IE* Order of the CCT, BCO AFFIRMING C.B. of A. (Judge Joseph F. Murphy).

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
November 25, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21284

000

Mr. & Mrs. Ralph F. Kallenberg
828 Cold Springs Avenue
Baltimore, Maryland 21220

RE: Item No. 42 - Case No. 89-201-A
Petitioners: Ralph F. Kallenberg, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Kallenberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are 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

Enclosure

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

September 1, 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 41,
42, 44, 45, 46, 47, and 48.

Very Truly Yours,

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

SEW/RF/saw

RECEIVED
SEP 6 1988

ZONING OFFICE

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

Paul H. Reincke
Chief

August 18, 1988

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



Dennis F. Rasmussen
County Executive

Re: Property Owner: Ralph Fred Kallenberg, et ux

Location: NW/S of Cold Spring, 125' S of Chesapeake Avenue

Item No.: 42

Zoning Agenda: Meeting of 8/16/88

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

REVIEWER:
Planning Group
Special Inspection Division

Noted and
Approved:

Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

DATE: August 2, 1988

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 42 (if known)
Petitioner: Kallenberg (if known)

VIOLATION CASE # C-89-2188

LOCATION OF VIOLATION 828 Cold Spring Road

DEFENDANT Ralph and Annabelle Kallenberg

ADDRESS 828 Cold Spring Road Baltimore, MD 21220

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Walter Fraser	Stansbury-International Stereo Video and Satellite Center 6330 Frankford Avenue Baltimore, Maryland 21206
George Amoss	830 Cold Spring Road Baltimore, MD 21220
Ira J. Taylor	826 Cold Spring Road Baltimore, MD 21220

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/