

IN THE MATTER OF  
THE APPLICATION OF  
MELVIN GOVIG, ET UX  
FOR A SPECIAL HEARING AND SPECIAL  
EXCEPTION ON PROPERTY LOCATED ON  
THE SOUTH SIDE LIBERTY ROAD, #013,  
SOUTHEAST CENTER LINE BRENBRUK DR.  
(8807 LIBERTY ROAD)  
2nd ELECTION DISTRICT  
2nd COUNCILMANIC DISTRICT

BEFORE THE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO. 89-336-SPHX

OPINION

This matter comes before the Board as an appeal from the decision of Zoning Commissioner Haines dated June 9, 1989, which granted with restrictions the property owner's Petition for Special Hearing and Special Exception. The Petitioner/property owners appeared before this Board and were represented by Counsel. Although no neighborhood protestants appeared, opposition to the proposal was present through the Office of the People's Counsel.

The property owners, Melvin and Valerie Govig, seek a special hearing and special exception to permit the operation of their magazine publication from the site. In that the scope of the operation falls to fall within the Home Occupation classification defined in Section 101 of the Baltimore County Zoning Regulations (hereinafter B.C.Z.R.), the property owners seek relief through Section 1B01.1.C.9B of the B.C.Z.R. This section permits, by special exception, "offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons" (emphasis added) in residential zones.

The Board heard from three witnesses. Mrs. Valerie Govig, the editor/publisher of the magazine, as well as property owner, testified as to the proposed operation. She stated that she and her husband publish a quarterly magazine entitled KiteLines to the kite hobby enthusiasts. This specialty magazine is a relatively small operation which involves employment of approximately five people. In addition to her husband and herself, the property owners

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employ Leonard Conover, an associate editor; Karl Cress, an assistant editor and production artist; and Luke Welsh, in charge of circulation and reader services. No other individuals are to be employed on-site. Mrs. Govig described fully the nature of the operation and her participation in same. She also provided a copy of KiteLines for the Board's perusal. She described her activities as editing, artwork, layout, photography, and writing. She also indicated that Mr. Conover assists her in these endeavors. She perceives herself and Mr. Conover as professional journalists in view of the original concepts they author.

Jim Janas of the Liberty Community Development Corporation also testified. He described the surrounding area as being largely commercial in nature. He also indicated that his organization fully endorsed the proposed project and supported the petitions.

Lastly, the Board heard from A. Randall Cassell, an architect and residential design planner. He introduced Petitioner's Exhibits No. 1 and No. 2 showing the proposed improvements and the office layout within site.

In considering this case, the Board is presented with several issues. First, in order to grant any special exception, the Board must be persuaded that the conditions articulated in Section 502 of the B.C.Z.R. are met. Clearly, they are satisfied in this case. The traffic generated by this project will be minimal. Further, there will be no obnoxious or intrusive activity on-site. Clearly, the use will not be detrimental or adversely affect the surrounding area.

Having satisfied these requirements, the Board turns its attention to the language of 1B01.1.C.9B as to the area requirement contained within that section. It was stipulated by the parties and attested to by Mr. Cassell that the office would not occupy more than 25 percent of the total floor area. Thus, this issue is easily resolved.

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However, the Board's most difficult decision is to determine whether the use proposed falls within the classification of activities for which offices and studios are permitted under the section. Simply stated, does Mrs. Govig's operation fall within that of a "professional person," or within one of the other classifications enunciated in the section. As we think was correctly stated by People's Counsel, the Board must consider Mrs. Govig's operation as a whole and not consider each individual aspect therein. Although Mrs. Govig draws limited artwork within her magazine, this is but a portion of her responsibilities. Based on the nature of her work, and the time spent on preparation of these drawings, we do not consider her to be an "artist," within the context of the B.C.Z.R. Nonetheless, it is clear that her activity requires great talent and professional expertise. Publication of each issue requires creative design and thought; combining requisite knowledge in writing, drawing, photography, etc. Based upon the cumulative requirements of publishing this magazine, the Board is persuaded that Mrs. Govig is in fact a professional within the context of 1B01.1.C.9B. Our holding here is a narrow one; that is, we are not declaring that every author of every magazine, newsletter, or daily to be a professional. But the product produced in the subject case and the necessities required for its publication render Mrs. Govig a professional in this instance.

The Board must consider the final requirement within 1B01.1.C.9B, that the office employment must be restricted to no more than one non-resident professional associate nor more than two other non-resident employees. Ms. Cress and Mr. Welsh clearly fall within the "two other non-resident employees." As to Mr. Conover, the uncontradicted testimony was that he was a vital and equal contributor to the publication with Mrs. Govig. Having determined that she is a professional person, we must reach the same conclusion as to his status as well, and therefore designate him as the permissible one non-resident professional associate.

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Lastly, although there was no testimony on same, the Board has reviewed Zoning Commissioner Haines' Opinion and concurs with many of the restrictions thereon. These will insure minimum adverse impact to the neighborhood and several of said restrictions will be adopted within our Order. The Board will therefore grant the Petitions for Special Hearing and Special Exception and will so order.

ORDER

It is therefore this 22nd day of January, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petitions for Special Hearing and Special Exception in the subject matter be and the same are GRANTED subject to the following restrictions:

1. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
2. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
3. The Petitioners shall provide no exterior parking lot lighting.
4. The special exception granted herein is for the Petitioners only and is not transferable to any future owner or successor in title without another public hearing to review the continued special exception use.
5. The Petitioner shall not allow or cause the accessory structures to be converted to a second dwelling unit and/or apartment. The garages shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
6. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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7. The Petitioners shall not permit or allow the accessory structures to be used for any non-residential purpose, including the storage of KiteLines materials.
8. There shall be no business signs.

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

*Lawrence E. Schmidt*  
Lawrence E. Schmidt, Acting Chairman

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

*John G. Disney*  
John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
SS Liberty Rd. 10. SE c/1  
Brenbrook Dr. (8807 Liberty Rd.)  
2nd Election District  
2nd Councilmanic District  
Melvin Govig, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval for an office or studio of a physician, dentist, lawyer, architect, engineer, artist, musician or other professional person as a Special Exception within the D.R.5.5 zone within the same building as that serving as the professional person's primary residence; does not occupy anymore than 25% of the total floor area of such residence, and does not involve the employment of more than one non-residential professional associate, nor two other non-residential employees. The Petition for Special Hearing to seek approval that the publishing operation for Kite Lines magazine is another professional persons operation as envisioned by Section 1B01.1.C.9B. for a special exception for an office or studio of a professional person in the home, all in accordance with Petitioners' Exhibits 3 and D.

The Petitioners, Melvin Govig and Valerie Govig appeared, testified and were represented by Hurst R. Hessey, Esquire. The Petitioners were supported in their testimony by Mr. A.R. Cassell, an architect. There were no Protestants.

The evidence and testimony tend to indicate that the subject property known as 8807 Liberty Road, Randallstown, Maryland 21133 is the residence of the Petitioners. This property is currently improved with a residential two story stone dwelling house with two accessory structures to the rear,

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By Mr. D. Reed

and they are used as garages. The currently existing home contains approximately 3200 sq. ft. of which 800 sq. ft. is envisioned to be used for professional office in the home. The subject property is zoned D.R.5.5. and contains ample parking facilities for the prospective employees and residents of the home. The lot contains approximately 4/10ths of an acre of ground. The two garages will not be used as part of the non-residential operation.

The Petitioners have provided evidence indicating that the professional office, known as Kite Lines, will be located on the basement floor of the rear portion of the currently existing dwelling structure. The Petitioners' Exhibit D is a plan of a proposed office use area and indicates that approximately 760 sq. ft. will be devoted to the proposed non-residential uses. However, the non-residential uses are covering too large an area of the house. The office is 760 sq. ft., the entrance and outer office is 278 sq. ft. and the store area is 327 sq. ft. for a total of 1,365 sq. ft. The Petitioner must redesign the floor area to prevent exceeding the permitted 25% (800 sq. ft.) limitation.

The evidence and testimony also indicate that the Petitioners are the publishers of a magazine known as Kite Lines which is published four times a year and has an international circulation of approximately 12,000 copies. The printing, circulation and bulk mailing of this particular publication will not be conducted from this location. The operations that are to be conducted on this site will include the layout of the magazine and the preparation of the articles and advertisement. The primary administrative functions of operating this magazine, including receiving correspondence and telephone calls from advertisers, suppliers and subscribers, the production of layout will be performed at this location. Including the

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Petitioners, there will be three (3) other non-resident individuals, who are employed in the operation of the magazine at this location.

The Petitioner, Valerie Govig, testified that the operations conducted at the subject property would consist of article layout, magazine layout, advertisement solicitation, diagraming, illustrating and preparation of a mailing list. She further testified that no actual printing would be conducted on the property, only preliminary development activities. Furthermore, there would be no mailing or processing of the magazine from this location, as all of those operations are handled by a publishing company which is located in a commercial district and is contracted for services by the Petitioner.

The Petitioners testified that two clerical employees would be employed on a daily basis, Monday through Friday, and a third person, Mr. Leonard M. Conover, would also be employed to assist in the publication of Kite Lines during regular business hours, Monday through Friday. Mr. Conover is considered a professional employee and extensive evidence was provided as to Mr. Conover's standing as a professional associate with the Petitioner in the publication of this magazine.

The Petitioners testified to all of the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, in her opinion, all of the prerequisites set therein would be complied with by the operation of this special exception at this location.

Mr. Cassell testified that, in his opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.



*Petitioner's Exhibit A*

FD-302 (Rev. 11-27-70)

March 9, 1989

TO WHOMEVER IT MAY CONCERN, regarding the professionalism of Leonard M. Conover:

Enclosed are materials representing some of the professional work produced for *Kite Lines* by Leonard M. Conover, our Associate Editor.

The three printouts are only 7-line listings from extensive computer databases that contain a good deal of additional descriptive information, but in the interests of saving eyestrain and paper we printed out only the more basic data. (We also printed only those lists from the six or more that Mr. Conover maintains.) The computer can, of course, print these lists in more detail and a great variety of formats (for example, by country, date, language, key word, etc.) This makes these lists more useful to researchers who come to us doing patent searches, literature studies, etc.

In addition, Mr. Conover keeps lists of current and previous world kite records and is a key influence in our staff decisions regarding acceptability of a world record. Our opinion is sought annually by the Guinness Book of Records in updating its kite world record section. In a recent letter, Guinness described a three-year transition plan to revise their kite listings and increase them substantially in the future, following many of our recommendations.

Our office was contacted this week by both Py-Lieberman of Smithsonian magazine to check facts for an article on kites in the forthcoming (May) issue. I answered 15-20 questions, corrected about 4 errors and verified spelling of 3 or 4 names. Although I happened to answer the phone that day, Mr. Conover could just as easily and capably have handled the entire matter.

Mr. Conover is fluent in French, Italian, Japanese and Russian as well as English, and knows many words in other languages, such as Spanish, German, Dutch, Hungarian and Chinese. He studied languages at Syracuse University, Syracuse, New York, and Indiana University, Bloomington, Indiana. In addition, he has published one of the better kite newsletters (samples enclosed) since 1981 and has flown kites all his life.

Mr. Conover is an adept editor, writes reviews or articles in every issue of our magazine, and turns difficult technical material into bright, readable articles. He measures and weighs all the kites for the data charts we publish with our kite reviews. His naturally curious intellect contributes to keeping this office and the rest of the kite world on its toes. *Kite Lines* is lucky to have the unique services of the respected professional, Leonard M. Conover.

*Valerie Govig*  
Valerie Govig, Publisher-Editor

*Petitioner's Exhibit B*  
Greater Delaware Valley Kite Society  
**Tight Lines**  
Volume 7, Number 3 \$1.00 May 17, 1987

**THE RUSSIANS ARE COMING!**  
To Wildwood? Nyet! But wouldn't it be fun? Dal Does this mean war? Who knows? ABOVE: recent Russkij stunt kite, plans for which appeared in a model airplane magazine. LEFT: an early Soviet stunter with three central bridle legs tied to a metal ring. This classic stunker also has wooden spars, sheet metal connectors, and a framing string within the "golden edge" of flying pattern. BELOW: fanciful an "akrobat" type kite. The flight begins at left (vzlyot = take-off) and ends at right (posadka = landing). For a complete translation, send 100 rubles.

ПРИМЕРЫ ПИЛОТАЖНЫХ КОМПЛЕКСОВ ДЛЯ ВОЗДУШНЫХ ЗМЕЙ ТИПА «АКРОБАТ»

*Petitioner's Exhibit C*  
Greater Delaware Valley Kite Society  
**Tight Lines**  
Volume 7, Number 5 \$1.00 September 17, 1987

**HAPPINESS IS**

HAPPINESS IS having a license plate frame like this on your car, truck, camper or...bathroom wall. So-called "vanity plates" are nice, but there are only a limited number of them to go around and they can cost plenty. A less expensive -- and more versatile -- alternative is a frame like the one illustrated here (reduced in size) or two others we have seen: "BORN TO FLY KITES" and "HE WHO FLIES WITH THE MOST KITES WINS".

The frames are made of chrome-plated metal with the message engraved on either red or blue plastic. Take your choice. We found our frames at SKY Irv & Dee Yaffie at 20 Pittman Avenue, Ocean Grove, NJ 07758. Or telephone them at (201) 774-0311. Maybe they'll sell them to you by mail.

The retail price at the time was \$12.50 apiece, but you may find them cheaper if you catch your retailer in a good mood.

**FLYING KITES**

HAPPINESS also is...great stamps from the Great Wall like those pictured here. Four brand new postage stamps depicting four different -- and beautiful -- traditional Chinese kites in full color are available from wherever stamp collectors usually buy their foreign stamps. If you are not a stamp collector -- you don't know where to buy foreign stamps, send \$1.00 to the G.D.V.K.S. and we'll mail you a set of four. (They're perfect for your S.V.A.K. letters.)

*Petitioner's Exhibit D*

Office - 752  
FAX - 114  
Phone - 577  
Address - 575

1058 - 3143 (32%)  
1058 - 3143 = 42%

SECURED  
SECURE  
SECURE

petemgo.308  
HRH/ea  
5/2/89

IN THE MATTER OF \*  
THE PETITIONS OF \* CASE NO.: 89-336-SPHX  
MELVIN GOVIG AND VALERIE GOVIG \*  
FOR SPECIAL EXCEPTION and \* Item No.: 246  
SPECIAL HEARING \*

PETITIONERS' MEMORANDUM IN SUPPORT OF  
PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING

Petitioners, Melvin Govig and Valerie Govig ("Petitioners"), by their attorney, Hurst R. Hessey, respectfully submit this Memorandum in support of their Petitions for Special Exception and Special Hearing to conduct magazine publishing operations at 8807 Liberty Road, Randallstown, Maryland (the "Property").

STATEMENT OF THE CASE

Petitioner, Valerie Govig, is the publisher and editor-in-chief of *Kite Lines* magazine, a quarterly publication dedicated to kite enthusiasts, with a world wide circulation of approximately 12,000. Petitioner, Melvin Govig, is the husband of Valerie Govig and contributes regularly to the publication of *Kite Lines*.

89-3365/PH

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Valerie Govig	2106 Campfield Rd., Baltimore, Md. 21227
M.E. Govig	2106 Campfield Rd. " "
A.R. Cassill	113 GOTHARD RD, LINDSEYVILLE MARYLAND 21093
Hurst R. Hessey, Esq.	1311 Fidelity Bldg
Attorney for Petitioner	Baltimore MD 21201

The Petitioners argue that the operation envisioned at this location complies with the spirit and intent of the provisions of Section 1B01.1.C.9.B for an "office or studio of physician or dentist, lawyer, architect, engineer, artist, musician or other professional" personal provided that any such office or studio is established within the same building as that serving as professional persons primary residence; does not occupy any more than 25% of the total floor area of such residence; and does not involve the employment of more than one non-residential professional associate, nor two other non-residential employees.

The Petitioners have presented evidence that they fall within the categories of "architects, engineers, artists" or "other professional persons" as specified in subsection 9B. The zoning regulations do not define these categories. In the absence of such definitions, words must be construed as their plain language meanings.

The Petitioners argued that Webster's Third New International Dictionary ("Webster's") defines "architect" as one that plans and achieves especially an objection that is felt to be the product of painstaking construction." The Petitioners plan and painstakingly construct each issue of Kite Lines. They have been doing so four (4) times a year for over twelve years. Kite Lines has an international circulation of approximately 12,000 readers who have come to expect the careful planning and construction they undertake. While the Govigs would not be considered to be architects in the traditional sense of constructors of buildings, they would qualify for the broader definition stated above as planners and achievers.

Secondly, the Petitioners argued that Webster's defines "engineer" as "a person who designs, invents, or contrives." To engineer something is

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"to guide the course of; manage or supervise during production or development." The Petitioners invent ideas for the magazine and design the layouts quarterly. As owner and editor, Mrs. Govig manages and supervises the production of the magazine as well as its development over the years. Once again, the Petitioners would not be considered engineers in the traditional sense of one who designs mechanical equipment, but they would be included under Webster's broader definition of designers, managers, or supervisors.

Thirdly, the Petitioners argue that Webster's defines "artist" as "one whose vocation involves drawing, painting, designing, or layout work" and "one who professes and practices an art in which conception and execution are governed by imagination and taste." The primary function the Petitioners will perform at the property is layout design. They would, therefore, be designated as artists under Webster's definition because their vocation is layout work. They also utilize imagination and taste in creating articles and choosing which features to print.

The Petitioners final argument is that Webster's defines "professional" as "one that engages in a particular pursuit, study, or science for gain or livelihood" or "is in an occupation requiring a high level of training or proficiency." The Petitioners receive compensation for their production of such well-read and established magazine requiring the utilization of the Petitioners' training and proficiency. Magazine production requires knowledge of layout designs, editing, and reader characteristics and tastes as well as proficiency in grammar and spelling. The Petitioners would satisfy both alternative definitions of "professional" given in Webster.

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The Petitioners argue that they can and should be categorized as architects, engineers, artists, and/or other professionals. In particular, they are artists or "other professional persons" because their primary function is designing layouts as artists do and they are remunerated from their magazine production as required for professionals.

Obviously, the Petitioners cannot obtain relief, pursuant to the granting of a special exception, if the Petitioners' activities are not a use which is envisioned within the spirit and intent of the special exception. The issue before the Zoning Commissioner is whether or not the Petitioners' activities are that of another professional person conducting an office or studio within his or her primary residence in compliance with the other definitional sections of that regulation.

The evidence tends to indicate that the Petitioners are conducting an occupation within their primary residence that complies with the other professional person as envisioned by Section 1B01.1.C.9.B. The B.C.Z.R. look to the Webster's Third New International Dictionary as the official definition for words not defined within the zoning regulations, themselves. Webster defines "professional" as a person engaged in a particular pursuit, study or science for gain or profit and/or the person who is engaged in an occupation requiring a high level of training to proficiency above and beyond that ordinarily found within the skills level of the population in general.

The Petitioners, in this case, are conducting an occupation which normally would be viewed as limited only to business and industrial zones, namely, publishing. However, the Petitioners are actually not in the publishing business as that term is used in the business and in the B.C.Z.R., which calls for printing, lithographing, or publishing plant.

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Likewise, the Petitioners' activities are not similar to those activities envisioned by the concept of a duplicating service business as listed in the B.L. zone. Clearly, the printing, lithographing, or publishing plant uses are listed in the heavy business zones and in the manufacturing zones because they are considered commercial activities. The Petitioners have spent a great deal of time emphasizing that all of those activities; printing, lithographing or publishing plant activities will be conducted as they are currently for the Petitioner at a commercial publishing house.

It appears that the activities to be conducted by the Petitioners at their location are inherently similar to the activities conducted by the professional persons listed and enumerated in Section 1B01.1.C.9.B, such as physicians, dentists, lawyers, architects, engineers, artists and musicians. The activities and the intrusions into the health, safety and general welfare of the public are almost identical to those enumerated professions. The offensiveness of this type of commercial operation is no greater than that which would be generated by one of the enumerated professional persons office operations within the D.R.5.5. zone.

The activities to be conducted by the Petitioners, as described herein above, at this location, should be viewed as acceptable as another professional persons office.

The issue in the Special Exception is whether or not the requirements of Section 502.1 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above

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and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz that,

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioners must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

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Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9<sup>th</sup> day of June, 1988, that approval for an office or studio of another professional person as a Special Exception within the D.R.5.5 zone within the same building as that serving as the professional person's primary residence and, approval of the Petition for Special Hearing that the publishing operation for Kite Lines magazine is another professional persons operation as envisioned by Section 1B01.1.C.9.B. for a special exception for an office or studio of a professional person in the home, all in accordance with Petitioners' Exhibits 3 and D., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
4. The Petitioners shall provide no exterior parking lot lighting.
5. The special exception granted herein is for the petitioners only and is not transferable to any future owner or successor in title without another public hearing to review the continued special exception use.

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6. The Petitioners shall not allow or cause the accessory structures to be converted to a second dwelling unit and/or apartment. The garages shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

7. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

8. The Petitioners shall limit all operations to Monday thru Friday, 8:00 A.M. to 6:00 P.M.

9. The Petitioners shall not permit or allow the accessory structures to be used for any non-residential purpose, including the storage of Kite Lines materials.

10. The Petitioners shall either cease operations on or before July 15, 1993, or file a new Petition for Special Exception to renew, resume and reaffirm the publishers use at this site.

11. There shall be no business signs.

J. Robert Hines  
J. ROBERT HINES  
Zoning Commissioner for  
Baltimore County

JRH:mmm  
cc: Peoples Counsel

Mr. and Mrs. N.E. Govig, 7106 Campfield Road, Baltimore, Md. 21207  
Mr. A.R. Cassell, 113 Gothard Road, Lutherville, Md. 21093  
Hurst Hessey, Esquire, 1311 Fidelity Building, Baltimore, Md. 21201

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### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-336-SPHX

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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for See Attached Statement

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

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

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

Contract Purchaser: N/A (Type or Print Name)	Legal Owner(s): Melvin Govig (Type or Print Name)
Signature <i>Melvin Govig</i>	Signature <i>Melvin Govig</i>
Address	Address 8807 Liberty Road
City and State	City and State Randallstown, Maryland 21133
Attorney for Petitioner: Hurst R. Hessey (Type or Print Name)	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Hurst R. Hessey
Signature <i>Hurst Hessey</i>	Signature <i>Hurst Hessey</i>
Address 1311 Fidelity Building	Address 1311 Fidelity Building
City and State Baltimore, Maryland 21201	City and State Baltimore, Maryland 21201
Attorney's Telephone No.: 539-3300	Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this 21<sup>st</sup> day of Dec, 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 22<sup>nd</sup> day of Dec, 1988, at 10 o'clock A.M.

J. Robert Hines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING  
AVAILABILITY FOR HEARING  
DATE FOR HEARING  
ESTIMATED COST

Petitioner seeks a special exception to conduct magazine operations at her residence at 8807 Liberty Road (the "Premises"). Petitioner, Valerie Govig, is the owner and publisher of Kite Lines Magazine, which has been published quarterly for over 12 years, with an international circulation of approximately 12,000.

No printing, circulation, mailing, or bulk mailing will take place at the Premises. These operations are contracted to a printing company that prints, binds, and distributes the magazine to its subscribers.

The layout of the magazine, as well as preparation of the articles and advertisements are handled by Petitioner, Valerie Govig, and she seeks the special exception to enable her to conduct the administrative aspects of publication, including receiving correspondence and telephone calls from advertisers, suppliers, and subscribers, layout operations, and receiving subscriber complaints, at the Premises. Three persons are presently employed in the administrative operations of the magazine.

The use of the Premises, as anticipated by Petitioner, Valerie Govig, will not be detrimental to the health, safety, or general welfare of the locality of the Premises; tend to create congestion in roads, streets or alleys therein; create a potential hazard from fire, panic or other dangers; tend to overcrowd land or cause undue concentration of population; interfere with adequate provisions for schools, parks, water, sewage, transportation or public

acquirements, conveniences, or improvements; interfere with adequate light and air; be inconsistent with the purposes of the Premises' zoning classification nor in any other way inconsistent with the spirit and intent of the Baltimore County Zoning Regulations; nor be inconsistent with the impermeable surface and vegetation retention provisions of the Baltimore County Zoning Regulations.

zoning.130  
hrh/pa

#246

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-336-SPHX

District: 2nd Date of Posting: July 17, 1989

Posted for: Appeal

Petitioner: Melvin Govig, et ux

Location of property: 55 Liberty Road, 1013' SE of c/l Brenbrook Drive, 8807 Liberty Road

Location of Signs: In front of 8807 Liberty Road

Remarks:

Posted by: J. Robert Haines Date of return: July 28, 1989

Number of Signs: 1

#246

**PETITION FOR SPECIAL HEARING**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-336-SPHX

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve \_\_\_\_\_ (See attached statement)

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

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

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

Contract Purchaser:	N/A	Legal Owner(s):	Melvin Govig
(Type or Print Name)		(Type or Print Name)	
Signature		Signature	<i>Melvin Govig</i>
Address		Valerie Govig	(Type or Print Name)
City and State		Signature	<i>Valerie Govig</i>
Attorney for Petitioner:	Hurst R. Hessey	8807 Liberty Road	Address
(Type or Print Name)		Address	Phone No.
Signature	<i>Hurst R. Hessey</i>	Randallstown, Maryland 21133	City and State
Address	1311 Fidelity Building	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
City and State	Baltimore, Maryland 21201	Hurst R. Hessey	
City and State		Name	
Attorney's Telephone No.:	539-3300	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of Dec, 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 22nd day of Feb, 1989, at 10 o'clock A.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County.

cc-001 (over)

Petitioner has filed contemporaneously with this Petition for Special Hearing a petition for Special Exception seeking approval to conduct the administrative aspects of publishing Kite Lines Magazine at the property at 8807 Liberty Road, Randallstown, Maryland.

The Baltimore County Zoning Regulations, in Section 1B01.1C, sets forth the uses permitted by Special Exception. The use contemplated by the Petitioner, Valerie Govig, in her Petition for Special Exception, is not expressly set forth in Section 1B01.1C. However, Paragraph 9B of Section 1B01.1C permits by Special Exception use of property in D.R. zones for "offices or studios of physicians, dentist, lawyers, architects, engineers, artists, musicians, or other professional persons. . . ." with certain limitations that are met by the Petitioner in this Special Hearing.

The types of activities that the Petitioner contemplates undertaking at the premises entail primarily layout, correspondence, drawings, and artistic design, which are the same activities that a practicing artist, architect, or engineer undertake. Accordingly, Petitioner is requesting this Special Hearing to determine that her contemplated activity and use fit within the purview of the activities and uses permitted under Paragraph 9B of Section 1B01.1C of the Baltimore County Zoning Regulations.

sphrstat.d07  
HRH/eal

#246

**PROPERTY DESCRIPTION TO ACCOMPANY  
A PETITION FOR SPECIAL EXCEPTION/  
PETITION FOR SPECIAL HEARING**

Beginning for the same at a point on the west side of Liberty Road, 1,013 feet Northwest from the center line of Brenbrook Drive, thence North 48 degrees 45 minutes East 247.10 feet; thence South 58 degrees 30 minutes East 75 feet; thence South 48 degrees 45 minutes West 247.10 feet; thence North 58 degrees 30 minutes West 75 feet to the point of the beginning; the property thereon being known and designated as number 8807 Liberty Road, containing .4063 acres, more or less.

propdesc.d07  
HRH/eal

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

July 3, 1989

*Dennis P. Rasmussen*  
County Executive

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

RE: Petition for Special Hearing and Special Exception  
8807 Liberty Road, 1013' SE of c/l Brenbrook Drive  
2nd Election District, 2nd Councilmanic District  
MELVIN GOVIG, ET UX - Petitioners  
Case No. 89-336-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 23, 1989. 1989 by People's Counsel for Baltimore County. 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. Melvin Govig, 8807 Liberty Road, Randallstown, MD 21133  
Hurst R. Hessey, 1311 Fidelity Building, Baltimore, MD 21201  
Mr. A.R. Cassell, 113 Gothard Road, Lutherville, MD 21093  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, MD. 21204  
File

#246

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-336-SPHX

District: 2nd Date of Posting: 1-31-89

Posted for: Special Hearing & Special Exception

Petitioner: Melvin Govig, et ux


Location of property: 55 of Liberty Road, 1013' SE of the c/l of Brenbrook Drive (8807 Liberty Road)

Location of Signs: In front of 8807 Liberty Road

Remarks:

Posted by: J. Robert Haines Date of return: 2-10-89

Number of Signs: 2

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

January 22, 1990

**RECEIVED**  
JAN 23 1990  
**ZONING OFFICE**

Phyllis Cole Friedman, People's Counsel  
for Baltimore County  
Room 304, County Office Building  
Towson, MD 21204

RE: Case No. 89-336-SPHX  
Melvin Govig, et ux

Dear Ms. Friedman:

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

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Hurst R. Hessey, Esquire  
Mr. & Mrs. Melvin Govig  
Mr. A. R. Cassell  
Mr. David Harris  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney  
Baxter Smith, Landmark Community  
Newspapers of Maryland, Inc.

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County will hold a public hearing on the following matter:

**Case No. 89-336-SPHX**

**MELVIN GOVIG, ET UX**

**PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION**

**8807 LIBERTY ROAD, 1013' SE OF THE CENTER LINE OF BRENBROOK DRIVE, 2ND ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT**

The hearing will be held on February 10, 1989 at 10:00 A.M. in the County Office Building, Room 304, Towson, Maryland.

The purpose of the hearing is to hear the testimony of the petitioner and the public and to determine whether or not a special hearing should be held to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the petition.

The hearing will be held in the County Office Building, Room 304, Towson, Maryland. The hearing will be held on the date and time stated above. If you have any questions concerning this matter, please do not hesitate to contact this office.

*Dennis P. Rasmussen*  
County Executive

**NEWS OF MARYLAND, INC.**

Feb. 1, 1989

Pub. No. 09505

1989

daily newspaper published in Carroll County, Maryland.

daily newspaper published in Baltimore County, Maryland.

daily newspaper published in Baltimore County, Maryland.

daily newspaper published in Baltimore County, Maryland.

NEWS OF MARYLAND, INC.

*Dennis P. Rasmussen*

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

APPEAL HEARINGS SCHEDULED FOR  
 THE WEEK OF JANUARY 8, 1990

TUESDAY 1/09/90 10:00 a.m. HUNTRIDGE NORTH, SECTION II  
 Case No. CBA-89-115 RE: Denial of access to two lots  
 per letter from DEFRM  
 HEARING ROOM - Room 301  
 County Office Building

WEDNESDAY 1/10/90 10:00 a.m. EDWARD K. RUPPERT, ET UX  
 Case No. 89-62-SFH S/s Old Court Road, 97.37' NW of Parkfield  
 Road (4719 & 4727 Old Court Road)  
 HEARING ROOM - Room 301 2nd Election District; 2nd Councilmanic District  
 County Office Building SPH -nonconforming use /storage & repair of  
 hauling trucks and equipment

THURSDAY 1/11/90 10:00 a.m. TOWSON COMMONS LTD. PARTNERSHIP  
 Case No. 90-130-SFHA W/s York Road between S/s of Pennsylvania  
 Avenue and N/s Chesapeake Avenue  
 HEARING ROOM -County Council 9th Election District; 4th Councilmanic District  
 Chambers -Old Courthouse Second Floor SPH -modified parking plan; VAR -setbacks,  
 height, open space and parking  
 Day #3 -continued from 1/04/90

FRIDAY 1/12/90 10:00 a.m. MELVIN GOVIG, ET UX  
 Case No. 89-336-SPHX S/s Liberty Road, 1013' SE of centerline  
 Brenbrook Drive  
 HEARING ROOM -Room 301 2nd Election District; 2nd Councilmanic District  
 County Office Building SPH -Magazine office determined to be  
 professional office; SE -office in residence

cc: Executive Office  
 County Council  
 Law Office  
 People's Counsel  
 Planning Office  
 Current Planning  
 Board Members  
 Court Reporter  
 Information Desks (2)  
 Docket Clerk -Zoning

RE: PETITIONS FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
 AND SPECIAL EXCEPTION OF BALTIMORE COUNTY  
 S/S Liberty Rd. 1013' SE C/L :  
 Brenbrook Dr. (8807 Liberty Rd.) :  
 2nd Election District :  
 2nd Councilmanic District :  
 MELVIN GOVIG, et ux, : Case No. 89-336-SPHX  
 Petitioners :  
 : : : : :  
 : : : : :

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of June 8, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman  
 People's Counsel for Baltimore County

*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 887-2188

I HEREBY CERTIFY that on this 29th day of June, 1989, a copy of the foregoing Notice of Appeal was mailed to Hurst R. Hessey, Esquire, 1311 Fidelity Building, Baltimore, MD 21201, Attorney for Petitioners.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman

PRECEDENT  
 6-29-89  
 ZONING OFFICE

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 (301) 887-3353  
 J. Robert Haines  
 Zoning Commissioner

June 8, 1989

Hurst R. Hessey, Esquire  
 1311 Fidelity Building  
 Baltimore, Maryland 21201  
 Dennis F. Rasmussen  
 County Executive

RE: Case No. 89-336-SPHX  
 Melvin Govig, et ux, Petitioners

Dear Mr. Hessey:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been granted, 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 887-3391.

Very truly yours,  
*J. Robert Haines*  
 J. Robert Haines  
 Zoning Commissioner

JRH:mmm  
 cc: Peoples Counsel  
 cc: Mr. and Mrs. Melvin Govig, 8807 Liberty Road, Randallstown, Md. 21133  
 cc: Mr. A.R. Cassell, 113 Gothard Road, Lutherville, Md. 21093

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 2, 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 February 2, 1989.

THE JEFFERSONIAN,  
*S. Zabe Orlov*  
 Publisher

PO 09608  
 reg M 25228  
 ca 89-336-SPHX  
 price \$51.22

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

Date: 2-7-89

Mr. & Mrs. Melvin Govig  
 8807 Liberty Road  
 Randallstown, Maryland 21133

Re: Petition for Special Exception and Special Hearing  
 CASE NUMBER: 89-336-SPHX  
 55 Liberty Road, 1013' SE c/l Brenbrook Drive  
 8807 Liberty Road  
 2nd Election District - 2nd Councilmanic District  
 Petitioner(s): Melvin Govig, et ux  
 HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 10:00 a.m.

Dear Mr. & Mrs. Govig:

Please be advised that \$134.50 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 set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

Post set(s), there for each set not

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

DATE: 2/22/89 ACCOUNT: R-01-615-000

AMOUNT: \$ 134.50

PAID BY: Melvin Govig, et ux

FOR: P.H. 2/22/89

8 8724 \*\*\*\*\*13450 89-336-SPHX

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

January 20, 1989

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 Special Exception and Special Hearing  
 CASE NUMBER: 89-336-SPHX  
 55 Liberty Road, 1013' SE c/l Brenbrook Drive  
 8807 Liberty Road  
 2nd Election District - 2nd Councilmanic District  
 Petitioner(s): Melvin Govig, et ux  
 HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 10:00 a.m.

Special Exceptions to conduct magazine operations at 8807 Liberty Road. Special Hearings to conduct administrative aspects of publishing a magazine, to include preparation and layout of articles and advertisements, receiving correspondence and telephone calls from advertisers, suppliers, and subscribers, layout operations, receiving subscriber complaints, no printing, circulation mailing, or bulk mailing will take place at the Premises. Three persons are presently employed in the administration operations of the magazine.

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*  
 J. ROBERT HAINES  
 Zoning Commissioner of  
 Baltimore County  
 cc: Melvin Govig, et ux  
 Hurst R. Hessey, Esq.  
 File

petmemgo.308  
 H/H/eal  
 5/2/89

IN THE MATTER OF \*  
 THE PETITIONS OF \* CASE NO.: 89-336-SPHX  
 MELVIN GOVIG and VALERIE GOVIG \*  
 FOR SPECIAL EXCEPTION and \* Item No.: 246  
 SPECIAL HEARING \*  
 \* \* \* \* \*

PETITIONERS' MEMORANDUM IN SUPPORT OF  
 PETITIONS FOR SPECIAL EXCEPTION AND SPECIAL HEARING

Petitioners, Melvin Govig and Valerie Govig ("Petitioners"), by their attorney, Hurst R. Hessey, respectfully submit this Memorandum in support of their Petitions for Special Exception and Special Hearing to conduct magazine publishing operations at 8807 Liberty Road, Randallstown, Maryland (the "Property").

STATEMENT OF THE CASE

Petitioner, Valerie Govig, is the publisher and editor-in-chief of *Kite Lines* magazine, a quarterly publication dedicated to kite enthusiasts, with a world wide circulation of approximately 12,000. Petitioner, Melvin Govig, is the husband of Valerie Govig and contributes regularly to the publication of *Kite Lines*.

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The Petitioners filed Petitions for Special Exceptions and Special Hearing to conduct the administrative aspects of publishing *Kite Lines* at 8807 Liberty Road, Randallstown, Maryland. The Property is zoned DR 5.5. A hearing on the Petitions was conducted before J. Robert Haines, Zoning Commissioner for Baltimore County, on February 22, 1989 at which time Petitioner, Valerie Govig, testified as to the proposed business operations. Petitioner, Valerie Govig, testified that the operations conducted at the Property would consist of article writing, magazine layout, advertisement solicitation and receiving, diagraming, illustrating, and preparation of mailing lists. No actual publishing would be conducted at the Property. Petitioner, Valerie Govig, testified that the actual publishing and mailing of the magazine was contracted out to an off-premises publishing company.

Petitioner, Valerie Govig, further testified that eight hundred (800) square feet of the basement of the Property, or approximately twenty-three percent (23%) of the total square footage of the improvements on the Property, would be utilized for publishing operations. She further testified that two clerical employees would be employed on a daily basis, Monday through Friday, and a third person, Leonard M. Conover, would also be present and assisting in the publication of *Kite Lines* during regular business hours at the Property. At the hearing conducted on February 22, the Zoning Commissioner raised a question as to whether Mr. Conover could be considered a professional, so that the

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standards set forth in Section 1801.1 C. 9B of the Baltimore County Zoning Regulations ("BCZR") could be relied upon as authority for the granting of the Special Exception requested by the Petitioners. A secondary question arose as to whether the proposed publishing operation fit within the type of uses contemplated by Section 9B.

Petitioner, Valerie Govig, testified that all of the requirements and standards of Section 502.1 of the BCZR, have been met and complied with by the Petitioners. No protestants were present at the hearing, and no evidence contradictory to the testimony of Valerie Govig was presented. Further, a letter from the Liberty Community Development Corporation was sent to the Zoning Commissioner favorably reviewing the Petitioner's proposals.

#### ANALYSIS

##### I. The Zoning Commissioner has the authority to grant a Special Exception to conduct certain magazine publishing operations in a DR 5.5 zone.

The Zoning Commissioner, in relying on the provisions of BCZR, Section 1801.1 C, Subsection 9B relating to architects, engineers, artists or other professionals, has the authority to grant a Special Exception for a magazine publisher.

Special Exceptions are allowed in all DR zones for:

Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not

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involve the employment of more than one nonresident professional associate nor two other nonresident employees. [Bill No. 105, 1982.] BCZR Section 1801.1 C.

Melvin and Valerie Govig fall within the categories of "architects, engineers, artists" or "other professional persons" as specified in subsection 9B. The Zoning Regulations do not define these categories. In the absence of such definitions, words must be construed as their plain language meanings.

Webster's Third New International Dictionary ("Webster's") defines "architect" as "one that plans and achieves especially an objective that is felt to be the product of painstaking construction." Melvin and Valerie Govig plan and painstakingly construct each issue of Kite Lines. They have been doing so four times a year for over twelve years. Kite Lines has an international circulation of approximately 12,000 readers who have come to expect the careful planning and construction the Petitioners undertake. While the Govigs would not be considered to be architects in the traditional sense of constructors of buildings, they would qualify for the broader definition stated above as planners and achievers.

Secondly, Webster's defines "engineer" as "a person who designs, invents, or contrives." To engineer something is "to guide the course of; manage or supervise during production or development." The Govigs invent ideas for the magazine and design the layouts quarterly. As owner and editor, Valerie Govig manages

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and supervises the production of the magazine as well as its development over the years. Once again, the Govigs would not be considered engineers in the traditional sense of one who designs mechanical equipment but they would be included under Webster's broader definition of designers, managers, or supervisors.

Thirdly, Webster's defines "artist" as "one whose vocation involves drawing, painting, designing, or layout work" and "one who professes and practices an art in which conception and execution are governed by imagination and taste." The primary function the Govigs will perform at the Property is layout design. They would, therefore, be designated as artists under Webster's definition because their vocation is layout work. They also utilize imagination and taste in creating articles and choosing which features to print.

Finally, Webster's defines "professional" as "one that engages in a particular pursuit, study, or science for gain or livelihood" or "is in an occupation requiring a high level of training or proficiency." The Govigs receive compensation for their production of Kite Lines. The production of such a well-read and established magazine requires the utilization of the Govigs' training and proficiency. Magazine production requires knowledge of layout designs, editing, and reader characteristics and tastes as well as proficiency in grammar and spelling. The Govigs would satisfy both alternative definitions of "professional" given in Webster's.

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The Govigs can and should be categorized as architects, engineers, artists, and/or other professionals. In particular, they are artists or "other professional persons" because their primary function is designing layouts as artists do and they are remunerated from their magazine production as required for professionals.

It is generally presumed that the special exception, as part of the comprehensive zoning plan, is in the interest of the general welfare, and therefore, valid. Once it is determined that the Petitioners proposed use fits one of the enumerated categories set forth in Section 1801.1 C. of BCZR, the Zoning Commissioner has the authority to allow such use "absent any fact or circumstance negating the presumption." Schultz v. Pritts, 291 Md. 1, 11(1981). The Zoning Commissioner must judge whether the neighboring properties in the general vicinity would be adversely affected and whether the particular use requested is in harmony with the general intent and purpose of the zoning plan. Schultz, 291 Md. at 11.

The purpose of the Baltimore County Zoning Regulations, Bill No. 40, 1967, is :

For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community; zones are intended to provide broad regulations of the use and manner of use of land, in accordance with comprehensive plans.

Article 1 - General Provisions, Section 100.1, subsection A1.

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The Petitioners are residents of the Randallstown area at issue and will put a portion of their earnings from Kite Lines production back into the area through taxes, ground rent, and purchases of goods both for their business operations and for their personal needs. The use of their residence as a center for a magazine production is not inconsistent with the general intent or purpose of the Zoning Regulations. While there may be argument that a small operation would not benefit the community or that the revenue generated by such a small business would not make a difference, Petitioners do not have to show that their proposed use would be a benefit to the community. Schultz, 291 Md. at 11. They do, however, have the burden of showing that their desired use of the property meets the prescribed standards and requirements of the BCZR, which they have done through testimony at the hearing.

If the proposed Special Exception use of the property has an adverse effect on the community, the Special Exception should be denied. The test to determine if there is an adverse effect is whether facts or circumstances show that the proposed use at the proposed location would have "adverse effects above and beyond those inherently associated with such a Special Exception use irrespective of its location within the zone." Schultz, 291 Md. at 22-23.

There was no probative evidence of any adverse effect at the hearing. No protestants attended hearing. Even if they had, it would be difficult to show any adverse effect that the magazine

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preparation would cause. It is a small business that deals only in the production of the magazine and not its printing or distribution. Consequently, few people would be on the Property on a daily basis. Also, there would not be the need for noisy printing presses or the trappings that businesses with a lot of machinery bring to a community, such as noise or air pollution. There would also not be the need for trucks to transport the finished magazines because the proposed use of the Property does not include distribution of the magazine. It is, therefore, likely that there would not be an adverse effect on the community, such as disturbing the tranquility of the community or congesting the streets.

##### II. Leonard M. Conover, Associate Editor of Kite Lines, is a "professional" as contemplated in subsection 9B of Section 1801.1 C., BCZR.

Subsection 9B discusses "other professionals" in the text concerning architects, engineers, and artists. Thus, the term "professional" must be construed in this context. The same arguments supporting the classification of the Petitioners as members of the class including architects, engineers, artists, and other professionals, also apply to Mr. Conover.

Mr. Conover, as Associate Editor of Kite Lines, works on layouts as an artist does and receives compensation for his services as a professional.

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His occupation requires a high degree of proficiency and training. He must contribute articles as well as edit other articles for Kite Lines. He is proficient in many languages and this training, combined with his knowledge of kites, allows him to translate difficult material into readable articles for his non-professional readers. He has also produced his own kite newsletter, Tight Lines, for eight years. He is very knowledgeable in his craft and has devoted his time and effort solely to it. Submitted with this Memorandum are the Bibliography of Mr. Conover and related documents, which detail his training and professional accomplishments.

Mr. Conover should be considered to be a professional under subsection 9B. He would, therefore, qualify as a non-resident professional associate. As such, the proposed use of the residence to conduct magazine publishing operations which would employ Mr. Conover and two other employees would not violate subsection 9B's restriction of no more than one non-resident professional associate nor two other non-resident employees.

#### CONCLUSIONS


The Zoning Commissioner has the authority to grant Petitioners' Request for Special Exception. Their operation falls within the uses contemplated by subsection 9B allowing for the offices or studios of artists and other professionals to be operated in DR 5.5 zones. Further, there is no showing of adverse effect on the

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community and the proposed use does not contravene the purpose or intent of the BCZR.

Leonard M. Conover falls within the scope of professional as contemplated by Subsection 9B and would, therefore, not cause the Petitioners to violate that subsection's limit on the employment of one non-resident professional associate nor two other non-resident employees.

Respectfully Submitted,

  
Hurst R. Hessey,  
Attorney for Petitioners,  
Melvin and Valerie Govig

10



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
1111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND  
(301) 794-3180 887-3180  
September 25, 1989

HEARING ROOM -  
Room 301, County Office Bldg.

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. 89-336-SPHX MELVIN GOVIG, ET UX  
5/8 Liberty Road, 1013' SE c/l Brenbrook Drive  
(8807 Liberty Road)  
2nd Election District  
2nd Councilmanic District  
SPH & SE - to conduct magazine operations at a residence.  
6/9/89 - Z.C.'s Order GRANTING Petitions with restrictions.

ASSIGNED FOR: FRIDAY, JANUARY 12, 1990 at 10:00 a.m.

cct Mr. and Mrs. Melvin Govig Petitioners  
People's Counsel for Baltimore Appellant  
County  
Mr. David Harris  
Hurst R. Hessey, Esq. Counsel for Petitioners  
Mr. A. R. Cassell  
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

Lindalee M. Kuszmaul  
Legal Secretary

RE: PETITIONS FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
AND SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
S/S Liberty Rd. 1013' SE C/L  
Brenbrook Dr. (8807 Liberty Rd.)  
2nd Election District  
2nd Councilmanic District  
MELVIN GOVIG, et ux, : Case No. 89-336-SPHX  
Petitioners

NOTICE OF APPEAL

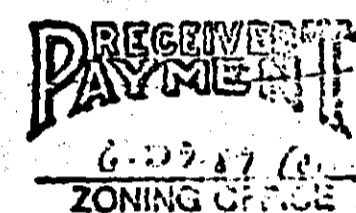
Please note an appeal from your decision in the above-captioned matter, under date of June 8, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

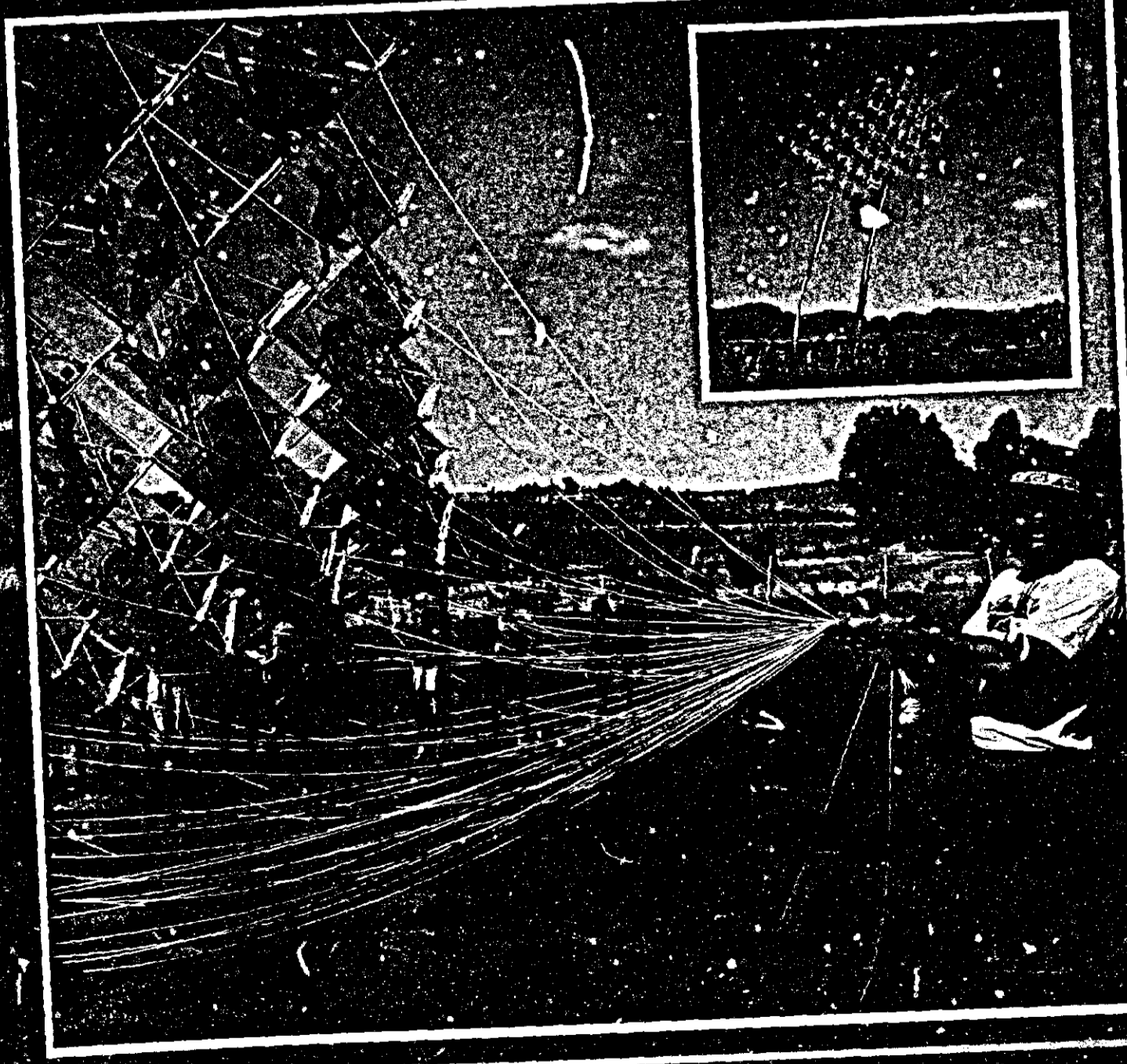
*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
1111 W. Chesapeake Avenue  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 14th day of June, 1989, a copy of the foregoing Notice of Appeal was mailed to Hurst R. Hessey, Esquire, 1311 Fidelity Building, Baltimore, MD 21201, Attorney for Petitioners.

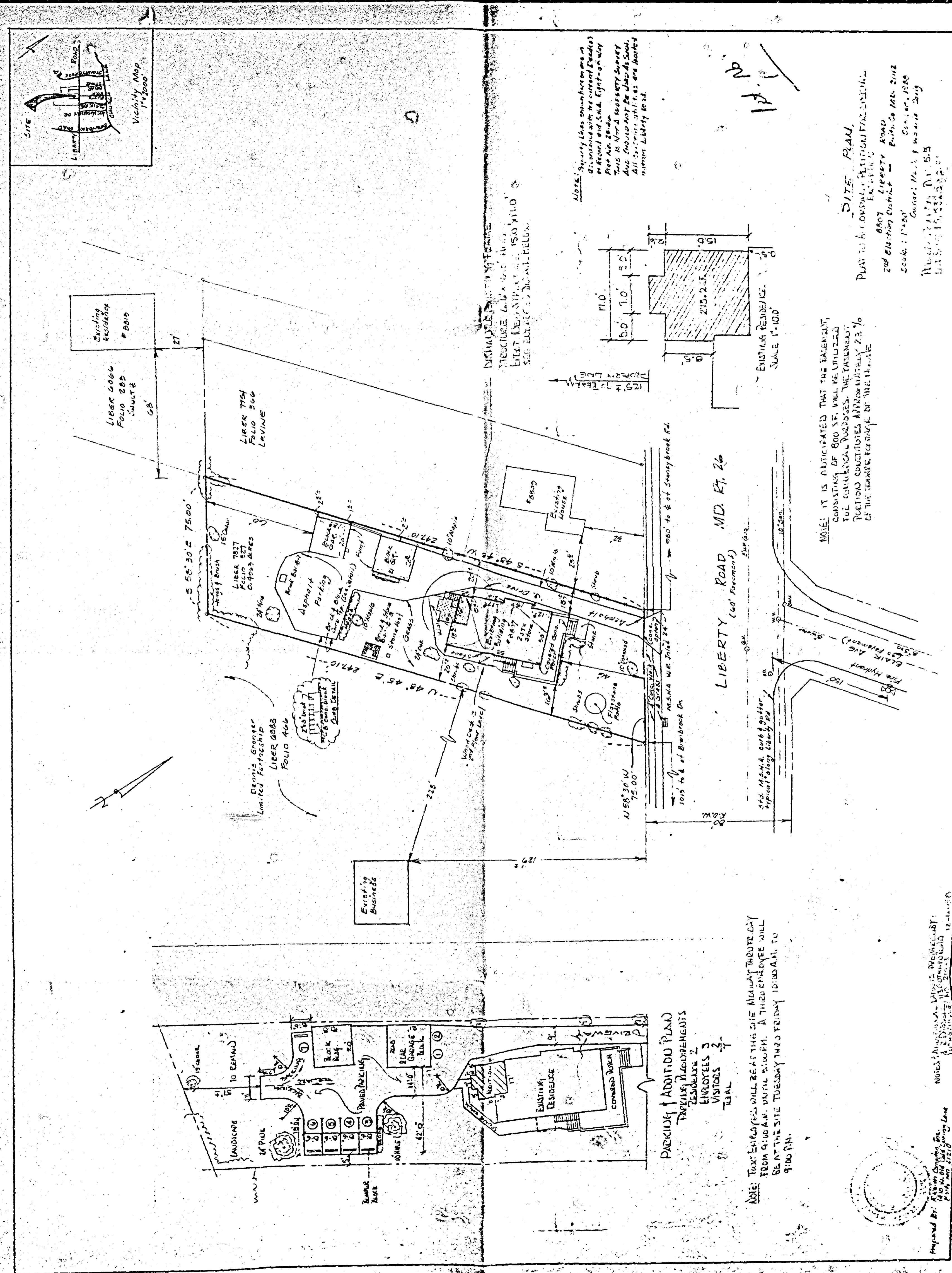
*Phyllis Cole Friedman*  
Phyllis Cole Friedman



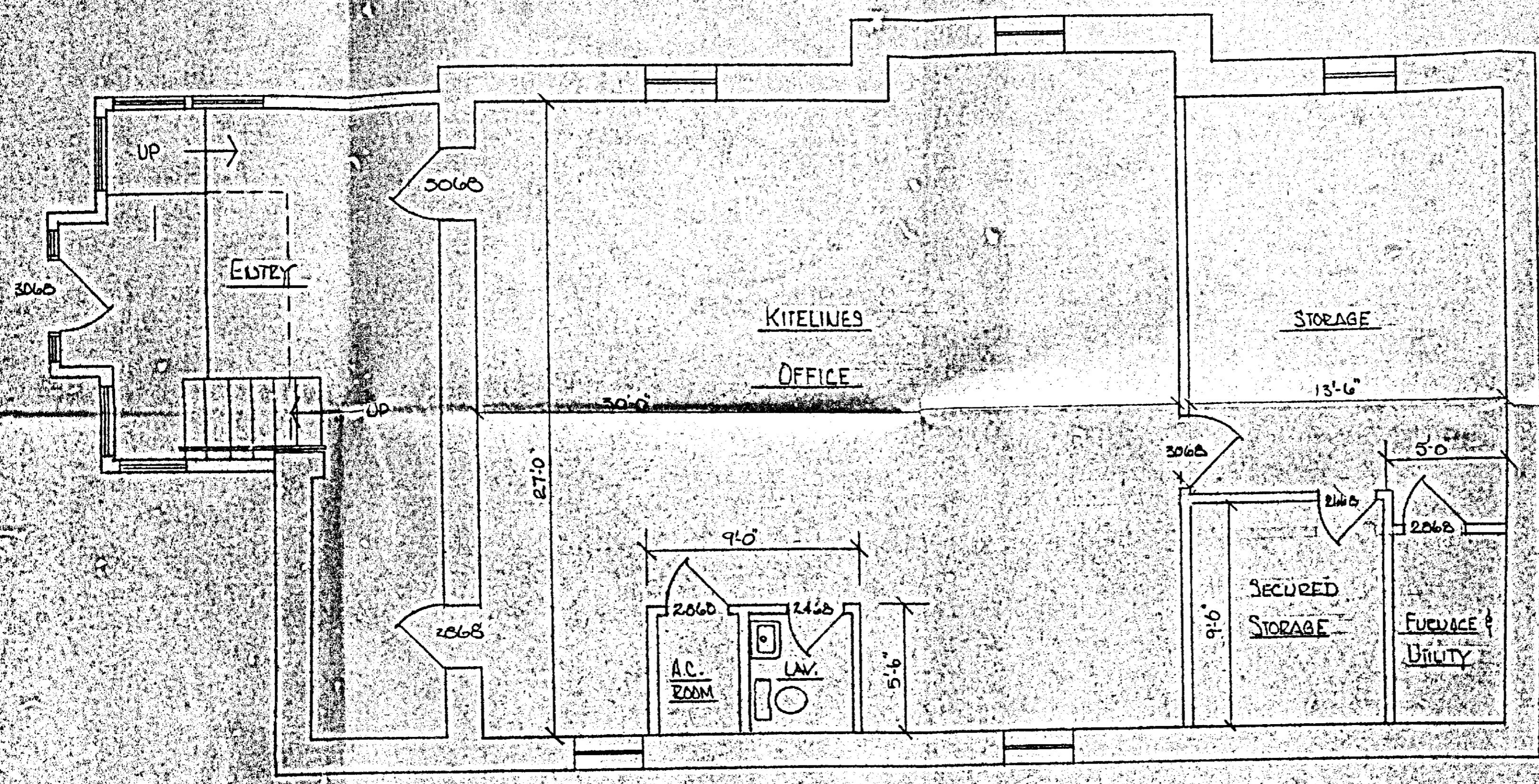
# Kites



TASMANIA CELEBRATES WITH KITES  
The Action in Traction • The Long Beach Phenomenon • New Stunt Kite Records







SCALE 1/4" = 1'-0"

**SPACE ALLOCATION**

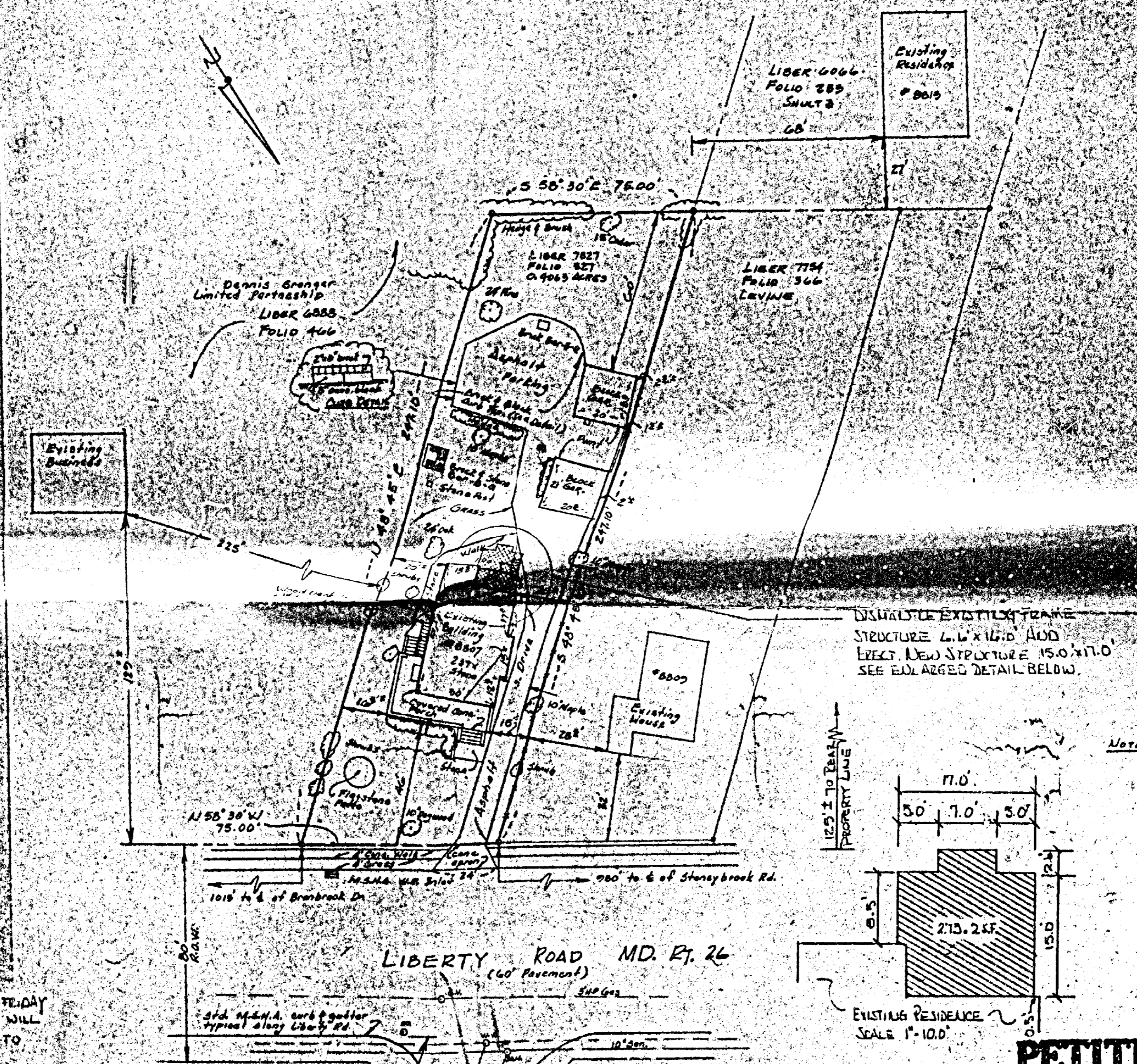
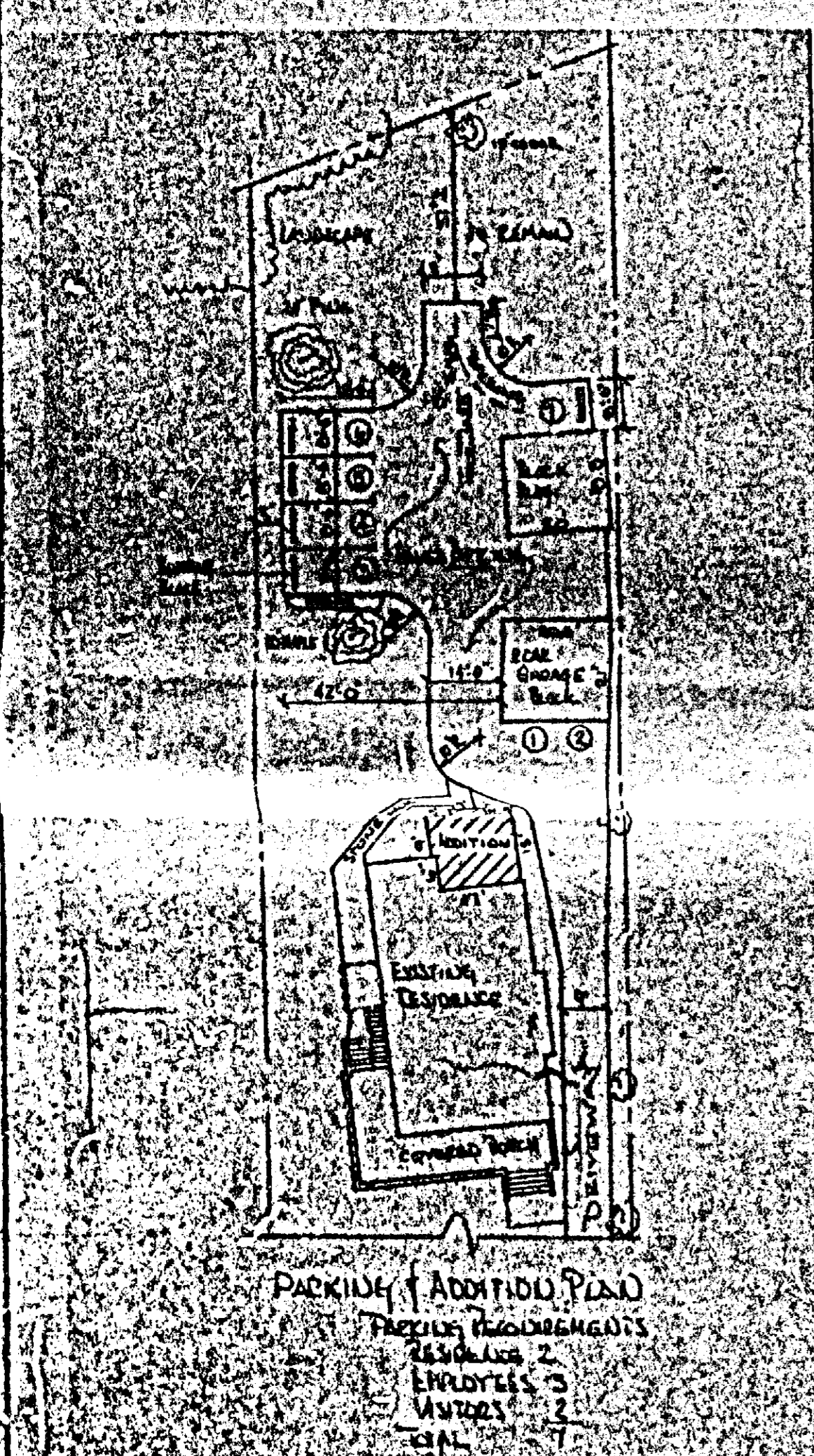
1ST FLOOR	2ND FLOOR	3RD FLOOR
OFFICE SPACE 717'	RES. SPACE 477'	RES. SPACE 972'
STORAGE 365'		
UTILITY & SANITARY 90'		
RESIDENCE SPACE 297'		

**SPACE %**

OFFICE TO RESIDENCE, STORAGE & UTILITY	717	100 = 22.4%
	3198	

GOVIC RESIDENCE  
 FIRST FLOOR LAYOUT  
 SPACE ALLOCATION  
 8807 LIBERTY ROAD  
 BALTO. MD. 21133  
 A-Z GRAPHICS / A-Z CASSELL



DISTANCE EXISTING FRAME  
 STRUCTURE 6.6' x 16.0' AND  
 EXIST. NEW STRUCTURE 15.0' x 11.0'  
 SEE ENLARGED DETAIL BELOW

Note: Property Lines shown here are in accordance with the current Deeds of Record and S.M.A. Right-of-Way Plat No. 2544. This is Not A Property Survey and Should Not be Used As Such. All existing utilities are located within Liberty Road.

NOTE: TWO EMPLOYEES WILL BE AT THE SITE MONDAY THROUGH THURSDAY FROM 9:00 A.M. UNTIL 5:00 P.M. A THIRD EMPLOYEE WILL BE AT THE SITE TUESDAY THROUGH FRIDAY 10:00 A.M. TO 4:00 P.M.

NOTE: IT IS ANTICIPATED THAT THE BASEMENT, CONSISTING OF 800 SF, WILL BE UTILIZED FOR COMMERCIAL PURPOSES. THE BASEMENT PORTION CONSTITUTES APPROXIMATELY 23% OF THE SOURCE FOOTAGE OF THE HOUSE.

**PETITIONER'S EXHIBIT 3**

**SITE PLAN**  
 PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
 8807 LIBERTY ROAD  
 2nd Election District - BALTO. CO. MD. 21133  
 Scale: 1" = 30'  
 Owners: Melvin J. Wehrle, Only  
 PRESENT ZONING: D.R.-5.5  
 LOT SIZE: 18,315 SQ. FT.



89-336-SPHX  
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  
21st day of December, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

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

Petitioner: Melvin Govig  
Petitioner's Attorney: Hurst R. Hessey

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

January 17, 1989

*Dennis F. Rasmussen*  
Dennis F. Rasmussen  
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers  
199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, (246) and 247.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSE/lw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner Date: February 15, 1989

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Melvin Govig  
SUBJECT: Zoning Petition No. 89-336-SPHX

The petitioner is requesting a special hearing and special exception to  
establish an office use within a D.R.5.5 zone. In reference to this request,  
staff provides the following information:

- This site was a zoning issue on the 1988 zoning map. The County Council ruled against granting this request.
- The D.R.5.5 zoning allows for the establishment of 1) home occupations; or 2) offices of professionals. The requirements are outlined in 1801.1, C, 9B, and 1801.1, A14D. The requirements stipulate that 1) the office is in the same building as primary residence; 2) does not occupy more than 25% of the total gross floor area; and 3) does not have more than one professional nor two other non-professional non-residents. The applicant states that three employees will be working at the site. Any expansion of the zoning requirements beyond those outlined for home occupations or professional office will require CRG review.
- The expansion of the proposed building in conjunction with this request raises concerns of expanding the residence to comply with the 25% requirement.

The nature and scope of the petitioner's request needs to be carefully reviewed and analyzed. If this project is approved, the following conditions should be applied:

- The special exception hearing shall only apply to the petitioner and site plan as submitted.
- A landscape plan including a streetscape shall be reviewed and approved by the County Landscape Planner.
- Detailed floorplans (interior) shall be provided enumerating those areas to be used for residence and those areas to be used for office uses.
- Signage shall be strictly limited as approved by the County Landscape Planner.

PK/sf  
CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1989

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

Hurst R. Hessey, Esquire  
1311 Fidelity Building  
Baltimore, MD 21201

RE: Item No. 246, Case No. 89-336-SPHX  
Petitioner: Melvin Govig, et ux  
Petition for Special Hearing & Special Exception

Dear Mr. Hessey:

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. 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:jw  
Enclosures

cc: Mr. & Mrs. Melvin Govig  
8807 Liberty Road  
Randallstown, MD 21133

SHA Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

January 11, 1989

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

Attn: Mr. James Dyer

Re: Baltimore County  
Melvin Govig Property  
Zoning Hearing  
of 12-20-88  
S/S Liberty Road (MD 26)  
1013' S/E of Centerline  
of Brenbrook Drive  
8807 Liberty Road  
(Item #246)

Dear Mr. Haines:

After reviewing the submittal for the Melvin Govig Property, we find the plan acceptable.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,  
*Creston J. Mills, Jr.*  
Creston J. Mills, Jr., Chief  
Bureau of Engineering  
Access Permits

LB:maw  
cc: Mr. J. Ogle

333-1350  
My telephone number is (301) 333-1350  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

RECEIVED  
JAN 17 1989  
ZONING OFFICE

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

Paul H. Reincke  
Chief

December 29, 1988

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

Re: Property Owner: Melvin Govig, et ux  
Location: SS Liberty Road, 1,013' SE of c/1 of Brenbrook Dr.  
8807 Liberty Road  
Item No.: 246 Zoning Agenda: Meeting of 12/20/88

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

NOTED & APPROVED: *John F. O'Neill*  
John F. O'Neill  
Fire Prevention Bureau

REVIEWED: *Paul H. Reincke*  
Paul H. Reincke  
Special Inspection Division

/s/

HESSEY & HESSEY  
ATTORNEYS AT LAW  
1311 FIDELITY BUILDING  
CHARLES AND LEXINGTON STREETS  
BALTIMORE, MARYLAND 21201  
TELEPHONE (301) 539-3300  
FAX (301) 539-3305

TELEX  
012355 BAL LAW US  
EASTLON MAHLR24  
6280244

JOHN H. NORRIS, EMERITUS  
JOHN H. HESSEY (1900-1978)  
JOHN H. HESSEY (1923-1987)

RECEIVED  
MAY 3 1989  
ZONING OFFICE

May 2, 1989

Mr. J. Robert Haines,  
Zoning Commissioner  
for Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

Dear Mr. Haines:

Re: Petitions for Special Hearing and Special Exception  
S/S Liberty Road, 1013' SE of the c/1 of Brenbrook  
Drive (8807 Liberty Road)  
2nd Election District - 2nd Councilmanic District  
Melvin Govig, et ux - Petitioners  
Case No. 89-336-SPHX

Per your letter of April 17, 1989, and following up the  
hearing before you on February 22, 1989, I am enclosing the  
following:

1. Memorandum in support of Petitioners' request for Special Exception and Special Hearing;
2. Bibliography and supporting documentation relating to Leonard H. Conover; and
3. Two sets of floor plans for the basement at the subject property.

I apologize for the delay in forwarding these documents to you. Thank you for your consideration of this matter.

Sincerely,  
*Hurst R. Hessey*  
Hurst R. Hessey

Enclosures  
HRH/gmd  
cc: Mr. and Mrs. Melvin Govig  
haines.502

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

July 3, 1989

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

RE: Petition for Special Hearing and Special Exception  
SS Liberty Road, 1013' SE c/1 Brenbrook Drive  
(8807 Liberty Road)  
2nd Election District, 2nd Councilmanic District  
MELVIN GOVIG, ET UX - Petitioners  
Case No. 89-336-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 29, 1989, by People's Counsel for Baltimore County. 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. Melvin Govig, 8807 Liberty Road, Randallstown, MD 21133  
Hurst R. Hessey, 1311 Fidelity Building, Baltimore, MD 21201  
Mr. A. R. Cassell, 113 Gothard Road, Lutherville, MD 21093  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
File

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

January 22, 1990

Phyllis Cole Friedman, People's Counsel  
for Baltimore County  
Room 304, County Office Building  
Towson, MD 21204

RE: Case No. 89-336-SPHX  
Melvin Govig, et ux

Dear Ms. Friedman:

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

Sincerely,  
*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Hurst R. Hessey, Esquire  
Mr. & Mrs. Melvin Govig  
Mr. A. R. Cassell  
Mr. David Harris  
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  
Walter Smith, Landmark Community  
Newspapers of Maryland, Inc.