IN THE MATTER OF THE APPLICATION OF DENNIS R. UNGER, ET UX FOR A SPECIAL G AND ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST SIDE OF SUSQUEHANNA AVENUE, 420' SOUTHEAST OF AIGBURTH AVENUE (244 EAST SUSQUEHANNA AVENUE 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

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* BEFORE THE COUNTY BOARD OF APPEALS

> BALTIMORE COUNTY CASE NO. 90-7-SPHA

This case comes before the Board on appeal from a decision by the Deputy Zoning Commissioner dated October 3 1989 involving the

construction of a rear yard carport/deck, wherein the Petitioner was denied a varia. Je for a rear yard setback of 19' in lieu of the required 37.5' setback for a deck; and granted in part with

restrictions the construction of a carport. The Petitioners in this case, Dr. and Mrs. Dennis R. Unger, purchased the subject property in 1987 for their son's dwelling place at 244 E. Susquehanna Avenue in the Ninth Election District of Baltimore County. Their son, Joseph A. Phillip, testified for himself and his parents in this matter, which was heard in its

In August of 1988, Mr. Phillip obtained permits to construct entirety on this day. an 8' x 14' deck to be attached to the rear of his 15' wide townhouse, and a permit for a 9' x 20' carport to be built in the rear yard. After 99% of the carport/deck was completed by Mr. Phillip, a self-employed contractor, he received notice from the Zoning Office withdrawing its approval because a variance was required for a deficient rear yard setback.

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE Susquehanna Avenue, 420' SE of * DEPUTY ZONING COMMISSIONER AND ZOMING VARIANCE - SW/3 * OF BALTIMORE COUNTY Aiguirth Avenue (244 East Susquehanna Avenue) 9th Election District * Case No. 90-7-SPHA 4th Councilmanic District Dennis R. Unger, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a carport/deck to be constructed in the rear yard, and a variance to permit a rear yard setback of 19 feet in lieu of the required 37.5 feet for said carport/deck, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as Protestants were Mrs. W. Asendorf, adjoining property owner, Norman Walters, William O'Donnell, and Robert Gassman, Vice President of Towson Manor Village, all residents of the area.

Testimony indicated that the subject property, known as 244 East Susquehanna Avenue, consists of 1,650 sq.ft. zoned D.R. 10.5, and is improved with a single family townhouse owned by Petitioners for the past 18 months. Petitioners testified their adult sons reside on the property. Testimony indicated Petitioners submitted plans to Baltimore County in August 1988 for an 8' x 14' deck to be constructed to the rear of the existing dwelling to replace the rear stairway and kitchen door entrance, which is above ground level. A second building permit was issued for the construction of a $9' \times 20'$ carport, which is separate from the deck by approximately 1 inch. The top of the carport was constructed for use as a deck, abutting the deck attached to the house, but not physically connected. Approximately one month after the issuance of the permits, Petitioners

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Dennis R. Unger, et ux, Case No. 90-7-SPHA In his testimony, Mr. Phillip reviewed his drawings and gave specific details as to the positioning of his carport/deck and the dimensions of each structure, which were not clearly delineated by the two permits. In the construction procedure, the deck was elevated to a height wherein the carport roof was at the same level and provided additional deck area for family use. Although not connected, and basically two separate structures, separated by several inches, the County inspectors viewed the carport as an addition to the deck, and therefore a violation of the 37' setback

The Appellant testified that the carport/deck were improvements to his property and that real estate values in the

Protestant in this case, Mrs. W. Asendorf, a next door neighborhood would be maintained. neighbor, claimed that the height of the total project overwhelmed | her property and imposed on the privacy of neighbors. She also cited conditions of an unkempt yard and a construction project out

of proportion for the size of the rear yard. It is evident to this Board that the carport should be considered as a functional addition to the approved deck attached to the residence. Although separated, in actuality a single deck area has been created that is thereby subject to the 37.5' setback

In our careful review and consideration of the procedures carried out by the Appellant in building his rear yard project, _ne |

size of the deck area. They pointed out that the use proposed by Petitioners obstructs the view from and interfers with air and sunlight flow to adjoining properties. Mr. O'Donnell pointed out the Ungers' politeness were notified the building permits were issued in error and that the rear and cooperation with the community in an attempt to resolve the matter to of the carport did not meet rear yard setback requirements since the roof everyone's satisfaction. He further testified the Protestants were conof the existing carport was being used by Petitioners as a functional cerned as to the adverse affect allowing such improvements to exist would extension of the deck. Petitioner indicated he had approximately 90% of have on property values in the neighborhood. In response to this concern, the work completed. As a result, Petitioners filed the instant Petition Mr. Unger noted that two properties in the area had recently been sold. for a determination as to whether or not the structures could remain in

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

Dennis R. Unger, et ux, Case No. 90-7-SPHA

Board is guided by Section 307.1 of the Baltimore County Zoning

Regulations (BCZR) that mandates that a variance can be granted

where strict adherence would result in practical difficulty or

unreasonable hardship. The removal of the completed carport would

obviously cause a difficulty and hardship for the Appellant, but

307.1 further states that a variance shall be granted only in such

matters as to grant relief "without substantial injury to the

health, safety and general welfare." In regards to this clause of

the regulation, we agree that the size and elevation of the deck

Therefore, it is the opinion of this Board that the variance

to permit the carport at this location be granted, but that the use

of the rank of the structure as an extension of the approved deck

must be denied, and the railing on the perimeters of the roof must |

County Board of Appeals of Baltimore County ORDERED that the

Petition for Variance for a rear yard setback of 19 feet in lieu

IT IS FURTHER ORDERED that the Petition for Special Hearing

1. The carport roof shall not in any way be used as a deck.

to approve the carport construction in the rear yard be and is

__, 1990 by the

be removed, and access to this roof area must be discontinued.

of the required 37.5 feet be and the same is GRANTED; and

hereby GRANTED, subject to the following restrictions:

It is therefore this _____ day of ____

would have a detrimental effect on adjacent residents.

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the carport constructed in the rear yard should be considered a functional extension of the deck attached to the dwelling, even though separated by one inch and not physically connected. The permit issued for the carport did not include its dual use as a carport/deck. To permit Petitioners to use the area above

Dennis R. Unger, et ux, Case No. 90-7-SPHA 2. Within thirty (30) days of the date of this Order, Within thirty (30) days or the date or this order,
Appellants shall remove all railings on the perimeter of

A solid rear railing enclosing the deck attached to the A solid rear railing enclosing the deck attached to the house must be constructed to prevent any access to the

Any appeal from this decision must be made in accordance with

Rules B-1 through B-13 of the Maryland Rules of Procedure.

OF BALTIMORE COUNTY

the carport as a deck will have a negative impact upon adjoining property owners. Therefore, the requested variance for the combination carport/deck is denied. However, as discussed at the hearing, it was acceptable to Ms. Asendorf, the adjoining property owner most affected, that the carport may remain for purposes of use as a carport. Petitioners shall remove all upper railings from the carport and shall place a railing around the deck attached to the dwelling to prohibit individuals from

crossing over onto the carport roof. 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 in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of October, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 19 feet in lieu of the required 37.5 feet for a deck, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a carport to be constructed in the rear yard, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

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) If Petitioners desire said carport to remain, said carport shall not in any way be used as a deck. Further, within ninety (90) days of the date of this Order, Petitioners shall remove all railings above the carport and install a rear railing on the deck at-

tached to the dwelling to prevent individuals from crossing over onto the carport roof from the deck.

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

ANN M. NASTAROWICZ

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AMN:bjs

Deputy Zoning Commissioner for Baltimore County

kitchen and permits an easy viewing by individuals using the deck. She further indicated that the size of the deck lends itself to large parties. Ms. Asendorf testified as to the use of the deck late at night and the noise emanating therefrom which, if it were ground-level, would have less

area as a deck has a detrimental impact on the community overall. She

Petitioners argued that the deck and adjoining carport deck along

with other long-range plans to add shrubbery and an awning were improve-

ments to the property. Petitioners believe these improvements will result

in increased property values for all the residents in the area and not a

decrease as feared by some of the Protestants. Further, Petitioners ar-

gued that the work done to date was done in reliance upon the issuance of

permits, at considerable expense to them, and that to deny the relief

relief requested, testified in her opinion that the use of the carport

Ms. Asendorf, the adjoining property owner most affected by the

requested would result in unreasonable hardship.

testified as to the lack of privacy she now has as a result of the extension of the deck over the carport since it is at the same level as her

Messrs. O'Donnell and Gassman, testifying on behalf of Towson Manor Village, testified the neighborhood is concerned about the large

July 21, 1989

Mr. J. Robert Haines Zoning Commissioner of Baltimore County Baltimore County Court House Towson, Maryland 21204

Dear Mr. Haines:

Reference is made to Zoning Case Number 90 7 SPHA which is scheduled for hearing at 9:30 AM on Tuesday, July 25, 1989. We will be unable to attend the hearing due to work obligations.

We are former residents of the immediate area of the structure in question. We lived at 240 East Susquehanna prior to moving to our present home on Ridge Avenue. We are, therefore acquainted with the problems this construction is causing for the neighbors. We would respectfully call to your attention that the permit issued to the owner of this property allowed for the replacement of a back porch. It did not allow the entire back yard to be used as the owner intends. It seems that there is a trend in our county to get a permit, build to suit the owner's fancy and then to apply for variances which only make legal that which is illegal. The neighbors deserve to enjoy the full use of their back yards which includes an obstructed view of the area. The present structure at 242 East Susquehanna does not allow for that usage. It is unsightly, is out of place in the neighborhood environment and should have never been built in the first place. It is our opinion that the owner has used the law to his own advantage and has thumbed his mose at the need and concerns of the neighbors.

My father is a former president of our community association and I believe a letter he and my mother have written will outline for you the concerns we have about the stability of the Towson Manor Village Community. This area has worked hard to assist Baltimore County and other communities to achieve their goals but we need to protect ourselves against those who could care less about the area and who are interested in nothing more than their own desires. We firmly believe that this is one case where definitive action needs to be taken so that the interest of the neighborhood can be protected. We urge you to deny the Petition for Variance and that you require the owner to bring the structure into line with the original intent of the permit.

Thank you for allowing us to bring this matter to your attention. Your consideration of our input will be greatly appreciated.

Have a good day.

Mr. William O'Donnell, President Towson Manor Village, Inc.

The Honorable Barbara F. Bachur, Councilwoman

Fourth District of Baltimore County

Kevin R. Sharbonda

Pamela O. Sharbonda

Sincerely yours,

RAY R. & HELEN K. POTTER 233 Linden Avenue Towson, Maryland 21204

July 21, 1989

Mr. J. Robert Haines Zoning Commissioner of Baltimore County Baltimore County Court House Towson, Maryland 21204

Dear Mr. Haines:

This letter will refer to Zoning Case Number 90 7 SPHA scheduled for hearing on Tuesday, July 25, 1989 at 9:30 AM. We will be unable to attend the hearing because of work commitments and wish to use this means to register our opposition to any and all variances on this petition.

Towson Manor Village is a stable, viable neighborhood with many of its residents original owners of their homes. We have had many problems in the past with new home buyers either using their properties as investments for income or for illegal commercial purposes. In the past, we have assisted Baltimore County with projects which were of benefit to not only our community but to other communities such as East Towson, Greenbrier and Knollwood Donnybrook. One such project was the completion of the Towson By Pass Road which intersects York Road and Fairmount Avenue. Therefore, we believ we are not known as professional complainers or commentors on every issue that comes before var commission.

In the case to be heard, however we believe that you should be aware that there is a problem for us. This neighborhood has tried its best to maintain its residential integrity and to preserve its property values. True, we have our problems but we attempt to do what we can to resolve them. In the present case, however it seems that the issue can only be resolved by your office. We would respectfully call to your attention that a permit was issued for a specific purpose. That purpose being to replace an existing structure. What was built was anything but a replacement. The owner, in our opinion has used the regulations to his own advantage and has, as a result, damaged not only his neighbors but the general area as well. The structure is unsightly and in driving by, Mrs. Potter and I have noted that the underside has been used for storage of trash and other materials. In a residential setting, this should not be. People who live in that area deserve to enjoy their homes to the fullest. This unsightly structure does not allow them to do that. We realize that requiring the owner to remove the Car Port/Deck will probably work some inconvenience on him. At the same time, however we would remind all concered that more thought should have been given to what was going on at the time of original construction. In our opinion, this is one more example of people using the laws to their own advantage.

In view of the foregoing, we would hope that the county will exercise its just powers and require that corrective action be taken which will benefit the neighborhood rather than satisfy the desires of the owner. We urge that the structure be brought into line with the intent of the original permit.

Thank you very much for allowing us to bring our concerns to you in this matter and for your kind consideration of our inquiry. We would hope that you will understand the position of the neighbors in this issue. Towson Manor Village needs protection so that it can continue to be one of the oldest remaining, secure residential communities in the area. Our one concern is commercial encroachment. We are not unwilling to compromise but at the same time, we believe we have the responsibility to protect ourselves.

Thank you again, have a good day.

Mr. Bill O'Donnell, President Towson Manor Village, Inc.

The Honorable Barbara F. Bachur, Councilwoman Fourth District of Baltimore County

Mr. Ray Potter is a former President of Towson Manor Village, Inc.

BEGINNING for the same on the northeast side of Susquehanna

Avenue as now laid out fifty feet wide at the distance of four

hundred and twenty nine feet northerly from the corner formed by

the intersection of the easternmost side of Susquehanna Avenue with the northernmost side of Linden Avenue said place of

beginning also being at a point in line with the center of the

partition wall between the house erected on the lot now being

described and the house erected on the lot adjoining on the

southeast and running thence and binding on the northeast side of

Susquehanna Avenue north twenty seven degrees fifty eight minutes

west fifteen feet to a point in line with the center of the partition wall between the house on the lot now being described

and the house erected on the lot adjoining on the northwest

thence north sixty two degrees two minutes east to and through

the center of said wall and continuing the same course in all one

hundred and ten feet to the southwest side of the Hillen Road

thence binding on the southwest side of said road south twenty

seven degrees fifty eight minutes east fifteen feet to a point in

line with the center of the partition wall first herein mentioned

and thence south sixty two degrees two minutes west to and

through the center of said wall and continuing the same course in

all one hundred and ten feet to the place of beginning. The

improvements thereon being known as No. 244 Susquehanna Avenue.

BEING the same lot of ground described in a Deed dated April 11,

1984 and recorded among the Land Records of Baltimore County in

Liber EHK, Jr. No. 6699, folio 834 which was granted and conveyed

by JOHN B. STORCK and MARY MARGARET STORCK, (sometimes known as MARY SHAEFER STORCK), his wife unto DAVID CHRISTOPHER GALLOWAY,

Trust, Adjustable Rate Rider and Option to Convert, dated

December 11, 1984 and recorded among the Land Records of

Baltimore County in Liber EHK, JR. No. 6846, folio 467,

BEING ALSO the same lot of ground described in a Deed of

(also known as No. 244 E. Susquehanna Avenue).

the Grantor herein.

and property value before construction started. When my husband and I talked to the Unger brothers in August 1988 we expressed our concern and disbelief that the county would allow such a monstrosity to be built. They shrugged off our concern and continued to build. On September 21, 1988 Mr. James Dyer withdrew approval of the permit. On October 4, 1988 Mr. Jeffrey Long revealed a violation existed and asked that a variance/ petition be filed. At this point the Ungers continued to build and pour footings. On March 29,1989 the Ungers were requested AGAIN to file petitions and for a variance. On April 18,1989 Mr. Robert Haines requested a respnse from the Ungers. On April 21, 1989 Mr. James Thompson asked the Ungers to respnd. Obviously, the entire county employment staff in zoning became involved, not to mention the article written in the Towson Times, and the unexaggerated 100 phone calls made by me, and the Towson Manor Assc. It is my strong opinion that the Ungers have wasted the time of many people, broken the spirit of the law, and have no sense of community or respect for their neighbors as this "carport-deck-pier" has been used for numerous parties. I think the structure is a disgrace and eyesore to the neighborhood, and a source of embarrassment to the county's attempt to regulate such

To Whom it may concern,

July 20,1989

I was a resident at 238 E. Susquehanna Ave. from 1983 until June1,1989,

and new currently reside in North Carolina. I had initiated the investigation

neighborhood because of my experience with the countywhen I built an addition

for permits, a variance hearing, and my own concern for aesthetics, practicality,

at 238 in 1985. Back then it took seven months of dealing with the county

into the locsely termed "deck" at 240 E. Susquehanna on behalf of the

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is 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 ______ _Carport/Deck_as_constructed_in_the_rear_yard_at_244_Susquehanna_Avenue-----

_as_complying_in_all_respects_with_the_Baltimore_County_Zoning_Regulations_____ and Building Code

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.

	MAP NE 9
- A Turneh acer	Tegal Owner(s).
Contract Purchaser:	(Type or Phin Name) E. D. 2
(Type or Print Name)	(1900) Fam
	Signature
Signature	(Type or Print Name)
Address	auce Elligly De
City and State	Signature Suite 1909 (B) 628-84.
Attorney for Petitioner:	Suite 1909 (B) 628-84. 302 E. Joppa Rd. (H) 583-91- Phone No.
(Type or Print Name)	Address
(Type or Print Name)	Towson, MD, 21204 City and State
Signature	the number of legal owner, con-
1	Name, address and phone number of regarders tract purchaser or representative to be contacted
Address	
City and State	Name
Attorney's Telephone No.:	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day ___, 1952_, 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 County, on the _____ day of ____, 1987, at 9.30 o'clock

PETITON FOR ZONING VALANCE 90-7-5PHA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ____1B02.3.C.1 __301.1 ___To_permit_a_carport/deck-to----setback 19 feet from the rear property line instead of the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

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 are the legal owner(s).

egal Owner(s): CType of Print Name) Signature ALCE E Uncle R
Signature
Signature Accept F UNGAR R
(Type or Print Name)
Signature (E) 4.28 -8
Signature Suite 1909 (8) 628-0 302 E. Jop. 9 Rd. (4) 583-9. Phone No.
Address Phone No. Towson MD, 21204 City and State
above number of legal owner, con-
Name, address and phone induction to be contacted tract purchaser or representative to be contacted
Name
Address Phone No. Baltimore County, this day advertised, as
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required by the Zoming 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 106, County Office Building in Towson, Baltimore

Room 301, County Office Bldg.

HEARING ROOM -

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) ********** 887-3180 February 7, 1990

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. 90-7-SPHA DENNIS R. UNGER, ET UX, SW/s Susquehanna Ave., 420' SE of Aigburth Ave. (244 E. Susquehanna Ave.) 9th Election District 4th Councilmanic District SPH -carport/deck in rear yard; VAR -rear yard setback of 19' in lieu

of the req.'d 37.5' 10/3/89 - Z.C.'s Order DENYING in part; GRANTING in part with restrictions.

WEDNESDAY, JUNE 13, 1990 at 10:00 a.m. cc: Dr. and Mrs. Dennis R. Unger Petitioners/Appellants Charles E. Brooks, Esquire Counsel for Petitioners/Appellants

Mrs. W. Asendorf - Pro TESTAUT Mr. Norman Walters -Mr. William O'Donnell, Pres. Towson Manor Village, Inc. Mr. Robert Gassman

Docket Clerk - Zoning

People's Counsel for Baltimore County P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards. Jr.

Arnold Jablon, County Attorney LindaLee M. Kuszmaul Legal Secretary

COUNTY BOARD OF APPEALS 90 JUN -7 PM 2: 40 RE: PETITION FOR SPECIAL HEARING * BEFORE THE PETITION FOR VARIANCE SW/S Susquehanna Ave., 420' * COUNTRY BOARD OF APPEALS SE of Aigburth Avenue (244 E. Susquehanna Ave.) * OF BALTIMORE COUNTY 9th Election District 4th Councilmanic District DENNIS R. UNGER, et ux, CASE NO. 90-7-SPHA Petitioners WITHDRAWAL OF APPEARANCE Please withdraw the appearance of Charles E. Brooks and the Law Offices of Brooks & Spicer in the above captioned matter. Petitioners will be representing themselves. Charles E. Brooks Law Offices of Brooks & Spicer 610 Bosley Avenue Towson, Maryland 21204 (301) 296-2600 CERTIFICATE OF SERVICE I HEREBY CERTIFY that on this 7th day of feare 1990, a copy of the foregoing Withdrawal of Appearance was mailed to Peter Max Zimmerman, Deputy People's Counsel, Room 304, 111 West Chesapeake Avenue, Towson, Maryland 21204 BROOKS & SPICER BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE DAIE: July 29, 1989 TO: J. Robert Haines Zoning Commissioner FROM: Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS Case No. 90-7-SPHA Item No. 185 Re: Dennis R. Unger, et ux. The Petitioners request a variance to permit a rear yard setback of 19 feet in lieu of the required 37.5 feet for an open projection, and a special hearing to determine that the carport/deck was constructed in compliance with the Baltimore County Zoning Regulations and Building Code. In reference to this request, staff offers the following comments: This office has no comment on the appropriateness of the requested variance. The petition and plat are not clear as to whether the carport/deck is attached to the principal structure, as indicated by the sections of the BCZR which are being varianced, or a detached accessory structure, as indicated by the one inch separation between the deck and the carport, as shown on the site plan. If the structure is determined to be an accessory structure, calculations should be provided to show that no more than 40% of the rear vard is covered by the structure. a:72589.txt pg.1 Chippe (Many 90-7-51414 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

is R. Angor stay

Location of property: NE/S Susque ha new Are, 420' SE/ Aig burth Arm

Location of Signs: 1- Focising Susgnationed to Focising the both

on fronty of letitioner, offor, 9' in roadway

July Suspushorne Ans

Number of Signs: 2

610 BOSLEY AVENUE

TOWSON, MD 21204

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (361) 887-3353 J. Robert Haines November 28, 1989 Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204 RE: Petition for Special Hearing and Zoning Variance SW/S Susquehanna Avenue, 420' SE of Aigburth Avenue (244 East Susquehanna Avenue) 9th Election District, 4th Councilmanic District DENNIS R. UNGER, ET UX - Petitioners Case No. 90-7-SPHA Dear Board: Please be advised that an appeal of the above-referenced case was filed in this office on November 2, 1989 by Charles E. Brooks, 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. J. ROBERT HAINES Zoning Commissioner JRH:cer Enclosures cc: Dr. & Mrs. Dennis R. Unger Suite 1909, 302 E. Joppa Road, Towson, MD 21204 Charles E. Brooks, Brooks & Spicer 610 Bosley Ave., Towson, MD 21204 Mrs. W. Asendorf, 242 E. Susquehanna Avenue, Towson, MD 21204

The stand-alone accessory structure (deck/carport) has already

been built at considerable cost to myself in accordance with the permit

granted (where full disclosure was made to the Baltimore County Zoning

(2) The accessory structure did not need a variance prior to a use ruling. The definition I received both verbally from the zoning office, and

after subsequently reviewing the regulations myself, (regarding what an

accessory structure actually is, and what "attached" means) left little doubt that I had taken every precaution possible prior to making the investment necessary to build the structure in accordance with the

(3) As is stated in your letter of 3/29/88, the community has lodged a complaint and is pushing the zoning office. As a resident, home owner, and real estate salesperson of Towson, I understand and appreciate the

community's concerns with their personal property values; I too share this concern. Prior to the construction of the deck, I was not aware of the

formal organization of the community residence or I would have joined in,

solicited their advice, and taken action with their concerns in mind.

Since, I made a point to attend their meeting (uninvited) with the intent

to hear their concerns, layout my future enhancement plans for 244 E.

Susquehanna, and generally rassure them that when the total job is

complete (awning for the back, walkway in the back, rebuilt porch in the

front, shrubs front and back, new fencing, remodel the interior, etc.) the

property would command a much higher price than other properties recently

sold in the area. Hence, this would increase everyone's property value. I have extended an offer to work with the residents; short of this I am not

sure what other measures can be taken on my part to deal with this issue. The structure in question was built by a professional contractor, using top

quality material, from formal plans filed with your office. The final inspection is pending the completion of the construction, given that the permit for the attached deck has been withdrawn.

(3) With on-street parking in this neighborhood being the number one problem (as is evidenced by the number of complaints from the neighborhood committee on this issue), and because of the proximity of Towson State

University, off-street parking is a potential solution for residence. However, with a yard that is only 45 feet in depth, and 15 feet wide, one

would have to use practically the entire back yard to park the car. The

solution seems simple: a deck/carport provides the resident with both a normal family back yard environment, while providing ample secure parking for their vehicle. Many modern row and townhouse developments are looking to this building strategy as a logical solution. Old neighborhoods either enhance and improve or degenerate. I am of the opinion that what I am doing

would be considered an enhancement to the property.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE James Dyer Zoning Supervisor James Thompson FROM Zoning Enforcement Coordinator Item No.: 185 SUBJECT Petitioner: VIOLATION CASE # C - 89 501 LOCATION OF VIOLATION 244 Susquehanna Ave active violation case. When the petition is scheduled for a public hearing, NAME

1) Nancy Brady

264 E. Susguchanna Ave

Towson, Md. 21204

242 Ridge ave

For Towsontsune

19th C. A

Towson, Md 21204

ZH2 E. Susquehanna Ave

Towson, Md 21204

ZH204 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.

LAW OFFICES

PROOKS & SPICER

610 BOSLEY AVENUE

TOWSON, MARYLAND 21204

(301) 898-8600

October 30, 1989

Petitions for Special Hearing and Zoning Variance

CHARLES E. BROOKS

MALCOLM F. SPICER, JR.

HAND DELIVERED

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Dear Mr. Commissioner:

telephone 628-8434.

CEB/kmh Enclosure

#185

Unger

90-7-SPHA

instructions from your office.

cc: Dr. and Mrs. Dennis R. Unger

Attn: Ms. Charlotte Radcliffe

RE: Notice of Appeal

Case No.: 90-7-SPHA

244 Susquehanna Avenue

9th Election District

Northeast side Susquehanna Avenue

420 feet southeast of Egberth Avenue

decision and Order of the Deputy Zoning Commissioner dated

October 3, 1989 on behalf of Dennis R. Unger and Alice E. Unger,

Appellants, 244 E. Susquehanna Avenue, Towson, Maryland 21204,

hundred seventy five dollars (\$275.00) in accordance with

Dennis R. Unger and Alice Unger, Appellants

Please note an appeal to the Board of Appeals from the

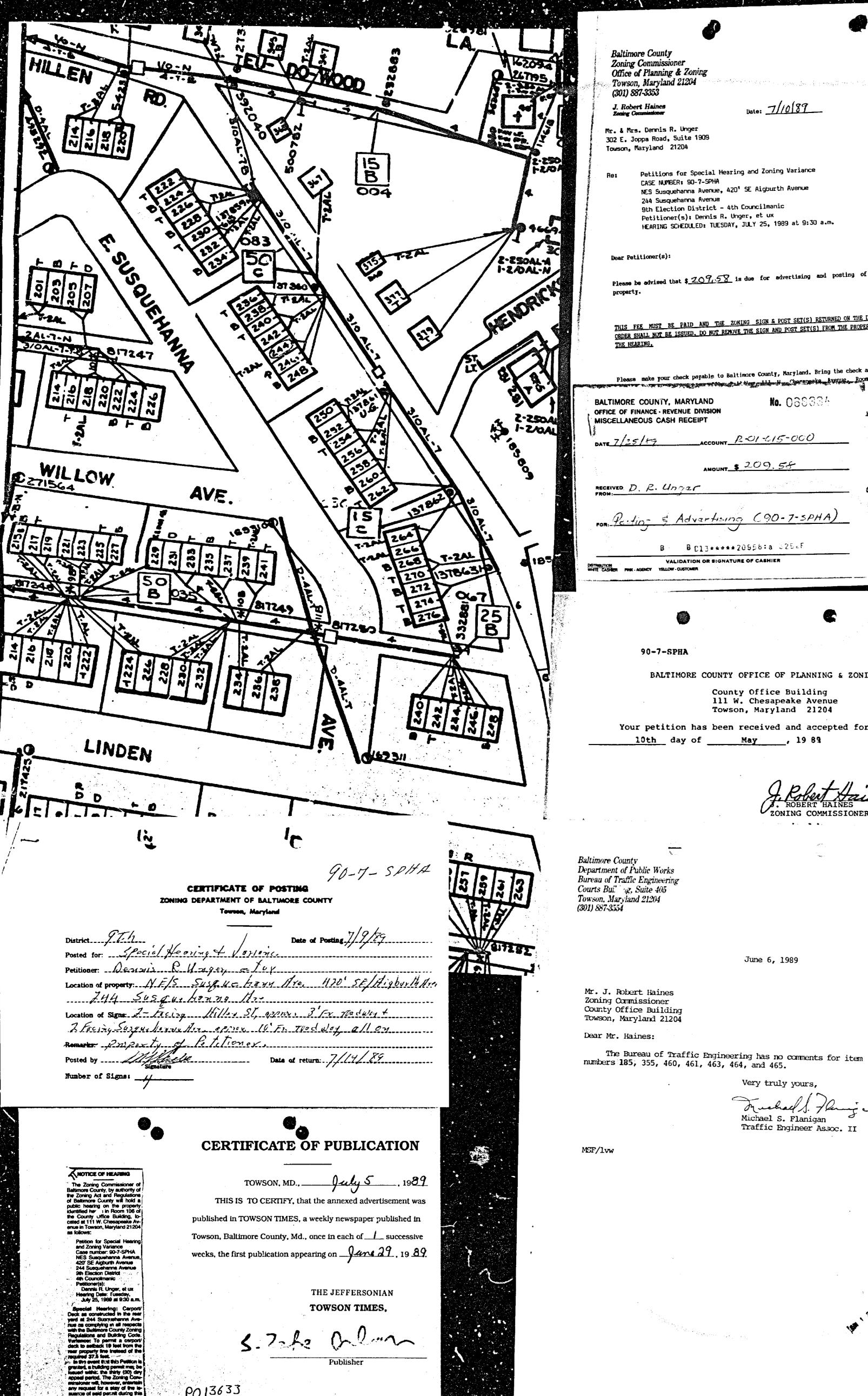
I am enclosing herewith a check in the amount of two

Charles E. Brooks

Office of Planning & Zoning

: BEFORE THE COUNTY BOARD OF APPEALS RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE OF BALTIMORE COUNTY SW/S Susquehanna Ave., 420' SE of Aigburth Ave. (244 E. Susquehanna Ave.) 9th Election District 4th Councilmanic District : Case No. 90-7-SPHA DENNIS R. UNGER, et ux, Petitioners ::::::: ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. Phyllis Cole Friedman People's Counsel for Baltimore County Letu Max Comemon 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 19th day of December, 1989, a copy of the foregoing Entry of Appearance was mailed to Charles E. Brooks, Esquire, Brooks & Spicer, 610 Bosley Ave., Towson, MD 21204. BALTIMORE COUNTY, MARYLAND 90-7-5PHA INTER-OFFICE CORRESPONDENCE

#180 Date Movember 9 1988 TO: James E. Dyer May 5, 1989 Zoning Supervisor FROM: James H. Thompson Zoning Enforcement Coordinator RE: Item No. 185-Unger/Petitioner 244 E. Susquehanna Avenue 9th Election District Please be advised that the above referenced property is the subject of an active zoning violation (Case No. C-89-501). When this case is scheduled for a hearing please advise the following individuals: Please be advised that the aforementioned petition is the subject of an Towsontown Community Association c/o Kevin Sharbonda 242 Ridge Avenue Towson, MD 21204 Nancy Brady 264 E. Susquehanna Avenue Towson, MD 21204 Catherine Asendorf 242 E. Susquehanna Avenue Towson, MD 21204



PO13633

neg M30976

prio \$ 109.58

CS 80 90-7-SPHA

summer of seid permit during this period for good cause shown Such requiset must be in writing and received in this office by the date of the hearing set above a presented at the hearing.

A ROBERT HAINE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Mr. & Mrs. Cennis R. Unger 302 E. Joppa Road, Suite 1909 Towson, Maryland 21204 Petitions for Special Hearing and Zoning Variance Dennis F. Rasmussen County Executive CASE NUMBER: 90-7-SPHA NES Susquehanna Avenue, 420' SE Aigburth Avenue 244 Susquehanna Avenue 9th Election District - 4th Councilmanic Petitioner(s): Demnis R. Unger, et ux HEARING SCHEDULED: TUESDAY, JULY 25, 1989 at 9:30 a.m. Dear Petitioner(s): Please be advised that \$ 209,58 is due for advertising and posting of the above referenced THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DATE OF THE HEARING. Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-01-615-000 DATE 7/25/49 AMOUNT \$ 209,58 RECEIVED D. R. Ungar POR Parting & Advartising (90-7-SPHA) 8 - B [13****20956:a 325.F VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

10th day of May , 19 89

County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204

June 6, 1989

Very truly yours,

Michael S. Flanigan

Traffic Engineer Assoc. II

Your petition has been received and accepted for filing this

90-7-SPHA

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Psul H. Reincke Chief

WITEH FURS

CHARLES E. BROOKS MALCOLM F. SPICER, JR.

HAND DELIVERED

Zoning Commissioner

County Office Building Towson, Maryland 21204

Baltimore County

111 West Chesapoake Avenu

THE OF ALL OTHER WHILES

LONG MARK OF CHARLES, CHARLES

150 PUSTING STORS FOREIGTSTNG

A Zoning Commissioner County Office Building

Attn: Ms. Charlotte Radcliffe

RE: Notice of Appeal

244 Susquehanna Avenue

Case No.: 90-7-SPHA

Office of Planning & Zoning

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

Dennis F. Rasmussen County Executive

May 2, 1989

B B Please make checks payable to: Baltimore county OASE # 90-7-5PHA

RE: Property Owner: Dennis R. Unger Location: #244 Susquehanna Avenue

Item No.: 185

Gentlemen:

Zoning Agenda: May 9, 1989

LAW OFFICES Brooks & Spicer

610 BOSLEY AVENUE

Towson, Maryland 21204

October 30, 1989

Petitions for Special Hearing and Zoning Variance

lice Unger, Appellants

Northeast side Susquehanna Avenue

420 feet southeast of Egberth Avenue

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

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the NationalFire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Catt last telly 5-4-49 Ap
Planking Group
Special Inspection Division Fire Prevention Bureau

JK/ker

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 20, 1989 To: J. Robert Haines

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

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Item No.

Re: Dennis R. Unger, ^ået ux.

The Petitioners request a variance to permit a rear yard setback of 19 feet in lieu of the required 37.5 feet for an open projection, and a special hearing to determine that the carport/deck was constructed in special hearing to determine that the carportracks was constructed in compliance with the Baltimore County Zoning Regulations and Building compliance with the partimore county coning Regulations and Burkering Code. In reference to this request, staff offers the following comments:

This office has no comment on the appropriateness of the requested

The petition and plat are not clear as to whether the carport/deck is attached to the principal structure, as indicated by the sections of the BCZR which are being varianced, or a detached accessory of the boak which are being varianced, or a decached accessory structure, as indicated by the one inch separation between the deck and the carport, as shown on the site plan. If the structure is determined to be an accessory structure, calculations should be determined to be an accessory structure, carculactons should be provided to show that no more than 40% of the rear vard is covered by the structure.

a:72589.txt pg.1

JUL 24 1989

ZIMB UNIX

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for May 9, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 185. 460, 461, 463, 464 and 465. Comments for Item 355 (County Review Group) are attached and remain valid.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

Encls.

Mr. Kevin Sharbonda 42 Ridge Avenue Towson, Maryland 21204

Ms. Catherine Asendorf 242 E. Susquehanna Avenue Towson, Maryland 21204

Ms. Nancy Brady 264 E. Susquehanna Avenue Towson, Maryland 21204 Ms. Lisanne List 238 E. Susquehanna Avenue

Towson, Maryland 21204

ጉዜ: Case No. C-89-501 244 E. Susquehanna Avenue 9th Election District

Ladies and Gentleman:

Please review the attached letter dated April 18, 1989 from the Zoning Commissioner, J. Robert Haines, to Dennis R. Unger.

While I indicated to Ms. Lisanne List this week that a citation While I indicated to Ms. Lisanne List this week that a citation would be forthcoming on April 21, 1989, we are currently bound by Mr. Haines' decision and thus we must wait until April 25, 1989 before further action is instituted.

If further questions remain, please contact either Inspector Kevin Connor or myself at 887-3351.

Sincerely, DAMES H. THOMPSON Zoning Enforcement Coordinator

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

April 18, 1989



#185

Dennis R. Unger 302 East Joppa Road Suite 1909 Towson, MD 21204

RE: Petition for Zoning Variance and Special Hearing 244 Susquehenra Avenue Filed 11/1/88; Item No. 185

Dear Mr. Unger:

As you were informed per our latest letter dated March 29, 1989, additional Special Hearing forms plus an additional filing fee plus revisions to the existing site plans are required. This original petition was accepted on the conditions that any corrections or additions would be was accepted on the conditions that any contions, petitions, nor the made in a timely manner. To date, no revisions, petitions, nor the made in a timery manner. To date, no revisions, petitions, not the additional fee have been received by this office. If the requested data are not received within 7 days, the petition will be dismissed and the fees not refunded.

If you have any questions, you may call John Sullivan of the Development Control Office at 887-3391.

Very truly yours,

J. Robert Haines Zoning Commissioner

JJS:scj

cc: James H. Thompson

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

March 29, 1989



302 E. oppa Road Suite 1909 Towson, Maryland 21204

> RI: 244 Susquehanna Avenue Variance and Special Hearing Putition 9th Election District

Dear Mr. Unger:

Mr. Dennis R. Unger

Reference is made to our previous meeting concerning the improvements at the above referenced location and my letter of November 18, 1988 which is still valid with the exception of the setback between the deck attached to the dwelling, hereinafter referred to as a porch, and the street property line which has now been determined by you to be 39 feet. Based upon the applicable Zoning Regulations, Section 103.1; Section 400.1; Section 101 -Definition of Accessory Building; and Section 1802.3.A. B. and C. (all enclosed), a . . . back of only 37.5 feet is required and a variance will not be required.

The question still remains as to whether or not the carport location within inches of the porch conflicts with the intent of the Zoning Regulations applicable to free-standing accessory structures. While the carport is not actually attached to the porch, it is easily accessible and functional to the porch and/or dwelling and has the appearance of being attached.

In order to determine compliance with the Zoning Regulations, the following is recommended:

1. Petition the Zoning Commissioner for a Special Hearing via Section 500.7 for a determination as to whether or not the carport/deck as constructed at 244 Susquehanna Avenue complies in all respects with the Zoning Regulations and the building code applicable thereto.

Mr. Dennis R. Unger Re: 244 Susquehanna Avenue March 29, 1989

2.) In the event that the Zoning Commissioner rules that the carport/deck is attached i.e. based upon the intent of the Regulations, it is suggested that you also file a variance petition requesting a rear yard setback of * ____ feet instead of the required 37.5 feet. In order for the Zoning Commissioner to grant such a Variance, certain proofs are necessary. See Section 307 enclosed.(* - To be determined by the petitioner)

In summary, it is the position of this office based upon the enclosed regulations that the height and area requirements applicable to any new additions or improvements at the subject address are those set forth in the table under Section 1802.3.A., B., & C. - "Zoning Regulations for certain existing developments"; Section 101 and 400.1-"Definitions of Accessory Structure"; and Section 301.1 -"Projections into Yards"

The special hearing should be filed under Section 500.7 which gives the Zoning Commissioner the discretion to hold hearings and pass orders that he feels are necessary for the proper enforcement of the Zoning Regulations.

As previously stated, I am for your edification and review enclosing copies of the applicable regulations. In addition, I am also enclosing completed petition forms for your review. It is important, however, that you fully understand that the wording typed on said forms is intended only as an example to help you in filing. To this end, I am also enclosing blank forms that you or your attorney can complete, sign and submit with the required plans and filing fees. This office is in receipt of your filing fee for the porch setback variance, therefore, it will not be necessary to submit a fee for the carport/deck. However, an additional \$35.00 fee will be necessary for the special hearing request. Also, the descriptions can be refiled with the new petitions, but the plats must be revised as to yard depth and setback of the porch.

It is requested that you file the petitions as you feel necessary within the next 10 days or notify the enforcement section of this office within that time period of your intentions regarding the complaint that is presently pending. In as much as the community has been patiently awaiting action by this office regarding their complaint, it is also requested that you refrain from using the carport/deck until the matter has been resolved either by the Zoning Commissioner's Order or by Order of the District Court.

Mr. Dennis R. Unger 244 Susquehanna Avenue March 29, 1989

Should you have any questions, please do not hesitate to contact me at your earliest convenience at 887-3391.

Very truly yours, JAMES E. DYER
Zoning Supervisor John J. Sallinger. BY: JOHN J. SULLIVAN, JR.
Planning & Zoning Associate III

JJSjr/cer

cc: J. Robert Haines, Zoning Commissioner James Thompson, Zoning Enforcement Coordinator

Kevinconner Fri.-Man.

called Jun Dyer's Office 5.2289, to log, party Sat /Sun. Spoke to secretary transferred to John Sullivan never called back

#185

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

February 17, 1989



Dennis F. Rasmusser

Mr. Dennis R. Unger 302 E. Joppa Road Suite 1909 Towson, Maryland 21204

RE: 244 Susquehanna Avenue Variance and Special Hearing Petition 9th Election District

Dear Mr. Unger:

I have reviewed this matter with J. Robert Haines, Zoning Commissioner, in light of the fact that the setback of the deck (connected to the house) is 39 ft. a Var ance is no longer required as the minimum required setback of 37 1/2 ft. has been met. However, per Mr. Haines, a Special Hearing will be required to determine if the roof of the existing carport can be considered a "functional" extension of the aforementioned deck. A Variance Petition in the "carport-deck" must be filed simultaneously for the rear setback. Since an existing Variance Petition and \$35.00 paid filing fee is on file, the wording can be changed to reflect this new Variance request. You may call 887-3391 to make an appointment to file the Special Hearing Petition.

If you have any questions, please do not hesitate to contact me at

Very truly yours,

JAMES E. DYER Zoning Supervisor

BY: JOHN J. SULLIVAN, JR. Planning & Zoning Associate III

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

December 12, 1988



#185

302 E. Joppa Road Towson, Maryland 21204 PE: Zoning Hearing

Dr. and Mrs. Dennis R. Unger

244 Susquehanna Avenue

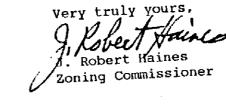
Dear Dr. and Mrs. Unger:

I am in receipt of your letter of November 29, 1988 and I understand your frustration. I strongly suggest that you make an appointment to meet with Mr. James Dyer, Zoning Supervisor, phone #887-3391, in order to resolve the questions that you have about what standards apply to this matter.

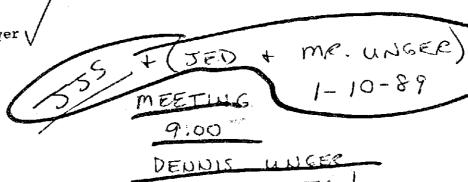
It is impossible for me to undertake such a meeting because you may need to have a hearing before the Zoning Commissioner and those hearings are conducted as fair and impartial judicial hearings. nearings are conducted as rair and impartial judicial hearings.

Obviously, if I had prior contact with you about this matter, I would not be able to conduct such a hearing.

Thank you very much.



ZYU SUSQUEHANNA



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 4943353 - 3391 Robert Haines

887-3591. called 3/21/89 lunch

October 4, 1988



Mr. Dennis R. Unger 244 E. Susquehanna Avenue Towson, Maryland 21204

RE: Case No. C-89-501

244 E. Susquehanna Avenue 9th Election District

Dear Mr. Unger:

A recent inspection and further communication with the Zoning Development Control Office has revealed that a violation exist at the above referenced property regarding the rear set back. Alfred Titus-Glover, Planning and Zoning Associate has advised me that you plan to modify the dimensions of the existing deck in order to comply with the required setback regulation. As an alternative, should you elect to file a petition for variance, please contact me.

Should there be any questions, I can be reached at 832-8090. 887-8090 Failure to take any action within 30 days from the date of this letter may result in the issuance of a citation.

> 111-JEFFREY W. LONG Zoning Inspector

Sincerely,

JWL:ljs

Mr. Ted Zaleski, Jr., Director Department of Permits & Licenses County Office Building lll West Chesapeake Avenue Towson, Maryland 21204

> RE: Building Permit #3794-88 Election District 7, Precinct 11 244 East Susquehanna Avenue Towson, Maryland 21204

Dear Mr. Zaleski:

The Zoning office is withdrawing its approval of the above referenced building permit. The approval was erroneous and inappropriate because a variance is required for a deficient rear yard setback. In light of this our approval is hereby rescinded.

> Sincerely. JAMES E. DYER Zoning Supervisor

> > Planning & Zoning Assoc. I

ATG:dt

cc: Dennis R. Unger 244 E. Susquehanna Avenue Towson, MD 21204

File

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

J. Robert Haines

November 18, 1988



#185

Mr. & Mrs. Dennis R. Unger 302 East Joppa Road Towson, MD 21204

> RE: Zoning Hearing 244 Susquehanna Avenue 9th Election District Zoning Enforcement Case #C Jy-501

Dear Mr. & Mrs. Unger:

In reference to your zoning Variance Petition, Item #185, filed 11-1-88 in the Zoning Office, I have reviewed the same with Alfred Glover and W. Carl Richards, Zoning Coordinator, and the following materials must be submitted prior to further processing:

- (1) Structural drawings showing the separate structures and the separation between the deck and carport clearly shown and dimensioned.
- (2) A Special Hearing is required for the Zoning Commissioner to determine if the use of the carport roof as a deck (even though not attached) could be considered a functional portion of the dwelling and be required to meet Section 301 (open projection setbacks).
- (3) It is also advisable to also include a Variance for the functional deck (in the alternative) to permit a setback of 14 ft. in lieu of the required 37.5 ft. should the Zoning Commissioner determine that the carport roof is a functional portion of the dwelling and not an accessory structure.

Mr. & Mrs. Dennis R. Unger November 18, 1988

> (4) An additional \$60.00 must be submitted to cover the revised plans and the Special Hearing request.

(5) All of the information on the enclosed sample site plan and checklist must be included on the revised scaledsite plans and descriptions submitted.

You may call 887-3391 to make another appointment with me to review the above referenced and revised petition. At this time the structural drawings, filing fees, 3 copies of the completed revised petition forms, 6 Copies of a zoning description, 10 copies of the revised site plans, and this letter must be submitted prior to any further processing.

Very truly yours,

John J. Sullivan, Jr. Planning & Zoning Associate III

JJS:sci

cc: W. Carl Richards, Zoning Coordinator Jeffrey Long, Zoning Inspector

November 29. 1988

Dr. Dennis R. Unger 244 E. Susquehanna Ave Towson Md. 21204

Dear Mr. Haines;

Mr. J. Robert Haines

Towson, Md. 21204

111 W. Chesapeake Ave.

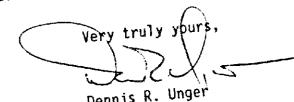
Office of Planning and Zoning

This letter is being written to request a meeting, at your convenience, with you and your zoning coordinator Mr. Richards to discuss the construction of my deck and accessory structure at 244 E. Susquehanna Ave. in Towson. I will briefly outline the events that occurred to date and my concern regarding the way this situation is progressing.

- 1 In August of this year I went to the Office of planning and zoning to apply for a permit to construct a deck on the back of my house that I could also use as a carport off of Hillen street. I was advised that my plans where not within the present zoning laws; however, I could apply for two permits, one for an attached deck and the other for a detached accessory structure that could serve as both a carport and a deck. Not being in the construction business I had several things defined at that time. (1) what does detached mean? (2) what does the term accessory structure mean? and (3) what where the specific setbacks required of the two structures. Full disclosure was made at the time, by myself, of the intended use of the structures.
- 2 Several weeks later, after redrawing the plans, I sent my son back to your office to get the building permits. They where granted, construction began and was 90% completed (only the
- 3 The next event that occurred was that a reporter from the <u>Towson</u>
 <u>Times</u> contacted my son, who lives in the house, and requested a
 story. It seems that a neighbor three houses to our north did
 not like the accessory structure and had lodged a formal
- 4 A short time later I was sent a letter from the zoning board and personally contacted by Mr. Glover, the issuer of the building permits, and informed that the permit for the attached deck only was issued in error and was being withdrawn. It did not meet the 37 1/2 ft. setback requirement, although it was in keeping with
- 5 The next logical step, as recommended by the zoning officer was to apply for a variance from 37 1/2 ft to 34 ft. for the attached deck. The accessory structure was never in question. I

understand that these things happen and because of the investment in the structures and the additional cost of bringing them into compliance, I applied for the variance.

The attached letter dated 11/18/88 will be the subject of my requested meeting. I believe I have responded to your ever request in good requested meeting. I believe I have responded to your ever request in good faith and what you have ask me to do in the letter is not in keeping with the recommended directions earlier provided by your office. I am a working member of this community who has invested several thousand dollars into an improvement to my property and has made every attempt to stay within the regulations as defined by your staff. The tone of the attached letter regulations as defined by your staff. The tone of the laws where regulations as though we are getting into gray areas of the laws where sounds to me as though we are getting into gray areas of the laws where subjective judgments are made. I, as a laymen may not fully understand these areas but they could cost me dearly. As a courtesy to me, I would like to request an informal meeting of the principals to help me understand the ramifications of this situation.



Dennis F. Rasmussen County Executive

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

J. Robert Haines Zoning Commissioner

November 18, 1988



Mr. & Mrs. Dennis R. Unger 302 East Joppa Road Towson, MD 21204

> RE: Zoning Hearing 244 Susquehanna Avenue 9th Election District

Zoning Enforcement Case #C-89-501

Dear Mr. & Mrs. Unger:

In reference to your zoning Variance Petition, Item #185, filed 11-1-88 in the Zoning Office, I have reviewed the same with Alfred Glover and W. Carl Richards, Zoning Coordinator, and the following materials must be submitted prior to further processing:

- (1) Structural drawings showing the separate structures and the separation between the deck and carport clearly shown and dimensioned.
- (2) A Special Hearing is remired for the Zoning Commissioner to determine if the use of the carport roof as a deck (even though not attached) could be considered a functional portion of the dwelling and be required to meet Section 301 (open projection setbacks).
- (3) It is also advisable to also include a Variance for the functional deck (in the alternative) to permit a setback of 14 ft. in lieu of the required 37.5 ft. should the Zoning Commissioner determine that the carport roof is a functional portion of the dwelling and not an accessory structure.

Mr. & Mrs. Dennis R. Unger November 18, 1988

- (4) An additional \$60.00 must be submitted to cover the revised plans and the Special Hearing request.
- (5) All of the information on the enclosed sample site plan and checklist must be included on the revised scaledsite plans and descriptions submitted.

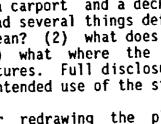
You may call 887-3391 to make another appointment with me to review the above referenced and revised petition. At this time the structural drawings, filing fees, 3 copies of the completed revised petition forms, 6 copies of a zoning description, 10 copies of the revised site plans, and this letter must be submitted prior to any further processing.

Very truly yours,

John J. Salla Jr. John J. Sullivan, Jr.

Planning & Zoning Associate III

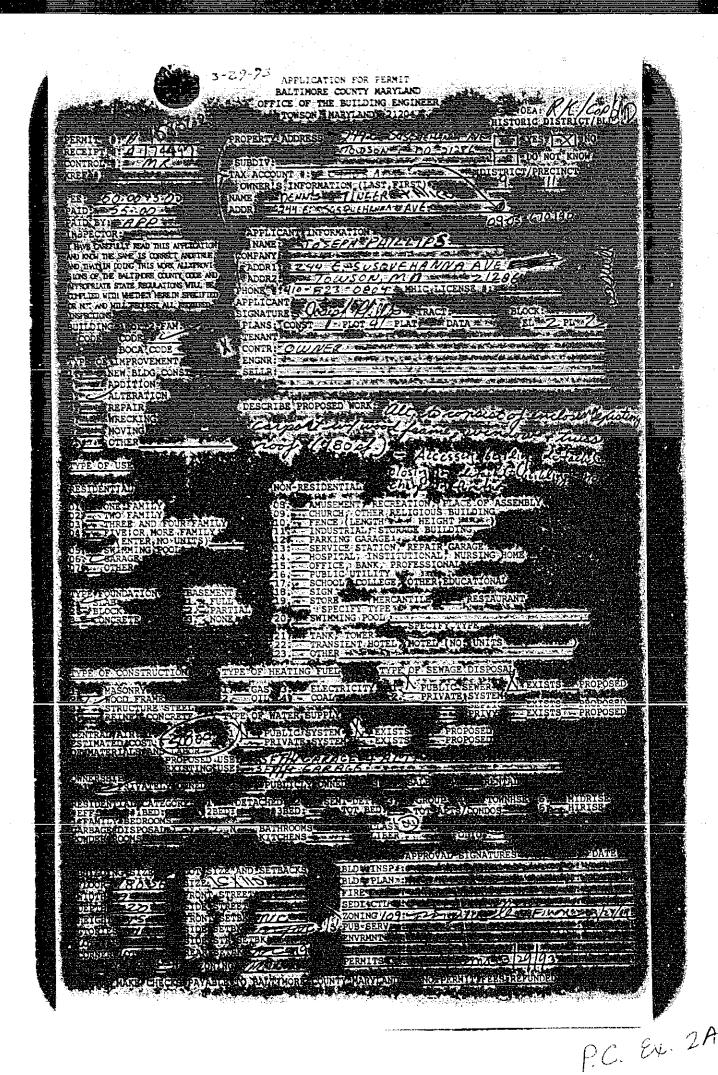
cc: W. Carl Richards, Zoning Coordinator Jeffrey Long, Zoning Inspector

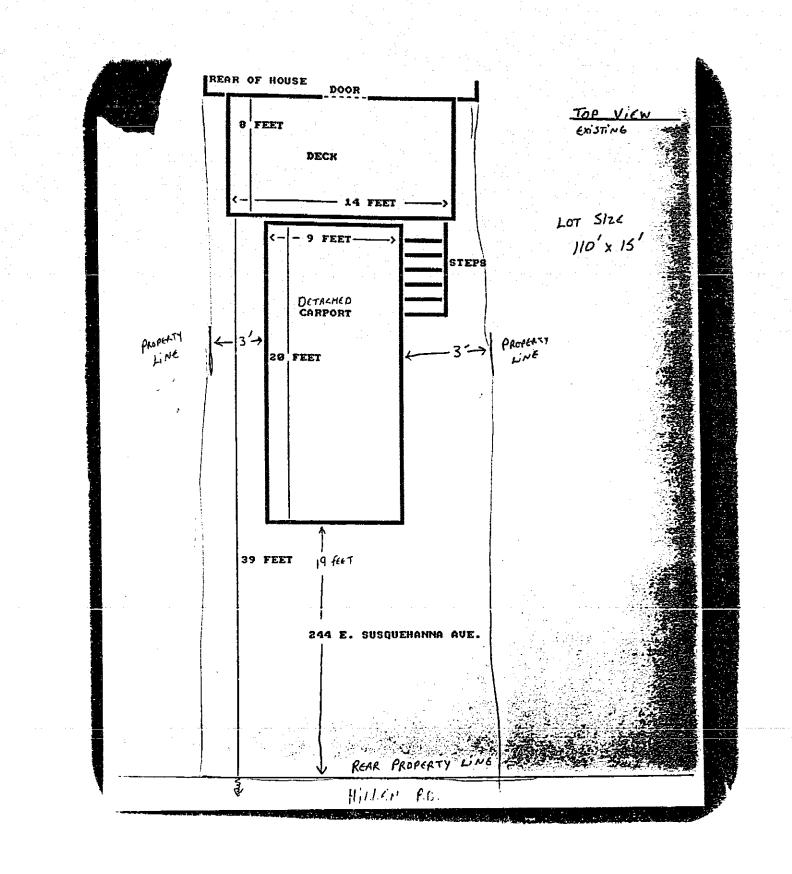


footers remain to be set).

complaint. A story was subsequently printed.

the size of the other decks in the same row house complex.





DATE 02/15/94 GENERAL PERMIT APPLICATION DATA PLF 16:13:14 PERMIT # B158562 PROPERTY ADDRESS RECEIPT #: A174497 244 SUSQUEHANNA AVE CONTROL #: MR SUBDIV: 420 SE OF AIGBURTH XREF + B158562 TAX ACCOUNT + 0903670190 DISTRICT/PRECINCT 09 11 OWNERS INFORMATION (LAST, FIRST) NAME: UNGER, DENNIS & ALICE ADDR: 244 E SUSQUEHANNA AVE. 21204 PAID BY: GWNER DATES APPLICANT INFORMATION APPLIED: 03/29/93 NAME: DENNIS UNGER ISSUED: 03/29/93 COMPANY: OCCFNCY: ADDR1: 244 SUSQUEHANNA AVE. ADDR2: TOWSON MD 21204 INSPECTOR: 09R PHONE #: 410-823-0804 LICENSE #: NOTES: RK/COP/SMD FERMIT SUSPENDED BY JRR PER ZONING 4/13/93 DAS ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INGRY TIME: 09:30:42 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 04/07/93 BUILDING DETAIL 1 PLO 11:50:23 PERMIT # B158562 PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2 TENANT CONTR: OWNER Infav 3 ENGNR: USE 0: SELLR: FOUNDATION BASE WORK: ALTERATION TO CONSIST OF ENCLOSING EX.CARPORT W/WOOD FRAME, WINDOWS & STICK BLT RAFTER ROOF. CONSTRUC FUEL SEWAGE WATER 9X20X15=180SF. ACCESSORY BLDG DETACHED-CLOSING 2 1E 1E IN, NO CHANGE IN USE. DERTRAC ATR REISSUED TO CORRECT TYPE OF USE+WORDING PER ESTIMATED COST INSPECTOR: 500.00 PROPOSED USE: SETH, DETACHED GARAGE & AUTERATION DWHERSHIP. 4 EXISTING USE: SETH & DETACHED CARPORT #EFF: #3BED: #3BED: TOT BED: TOT APTS: PASSWORD: made depth were truly start what will need upon translated refer that were that when translated tra ENTER - MEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PP - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU TIME: 09 30:55 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 04/07/93 DATE: 02/15/94 BUILDING DETAIL 2 PLO 11:50:23 PERHIT #: 8158562 BUILDING SIZE LOT SIZE AND SETBACKS FLOOR: 180 SIZE: 0015.00 X 0110.00 WIDTH: 9 FRONT STREET: DEFTH: 20 SIDE STREET: FOWLER FORMS: HEIGHT: 45 FRONT SETE: NO BATHACQHE STORIES: 1 SIDE SETB: 3'/3' SIDE STR SETB: LOT NOS: REAR SETB: 191 CORNER LOT: N ASSESSMENTS LAND: 0032000.00 SECTION: IMPROVEMENTS: 0031070.00 LIBER: 000 TOTAL ASS.: FOLIO: 000 P.C. Ex. 3 CLASS: 04

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

June 26, 1990

Dr. and Mrs. Dennis Unger Suite 1909 302 E. Joppa Road Towson, Maryland 21204

Re: Case No. 90-7-SPHA (Dennis R. Unger, et ux)

Dear Dr. and Mrs. Unger:

Enclosed please find a copy of the final Opinion and Order

issued this date by the County Board of Appeals in the subject case.

Legal Secretary

Enclosure

co: Mrs. W. Asendorf Mr. Norman Walters

Mr. William O'Donnell, Pres. Towson Manor Village, Inc. Mr. Robert Gassman

✓ People's Counsel for Baltimore County 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

IN RE: BETITIONS FOR SPECIAL HEARING * BEFORE THE AND ZONING VARIANCE - SW/S Sisquehanna Avenue, 420' SE of * DEPUTY ZONING COMMISSIONER A: gburth Avenue (244 East Susquehanna Avenue) * OF BALTIMORE COUNTY The Election District * Case No. 90-7-SPHA 4th Councilmanic District Dennis R. Unger, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a carport/deck to be constructed in the rear yard, and a variance to permit a rear yard setback of 19 feet in lieu of the required 37.5 feet for said carport/deck, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as Protestants were Mrs. W. Asendorf, adjoining property owner, Norman Walters, William C'Donnell, and Robert Gassman, Vice President of Towson Manor Village, all residents of the area.

Testimony indicated that the subject property, known as 244 East Susquehanna Avenue, consists of 1,650 sq.ft. zoned D.R. 10.5, and is improved with a single family townhouse owned by Petitioners for the past 18 months. Petitioners testified their adult sons reside on the property. Testimony indicated Petitioners submitted plans to Baltimore County in August 1988 for an 8' x 14' deck to be constructed to the rear of the existing dwelling to replace the rear stairway and kitchen door entrance, which is above ground level. A second building permit was issued for the construction of a 9' x 20' carport, which is separate from the deck by approximately 1 inch. The top of the carport was constructed for use as a deck, abutting the deck attached to the house, but not physically connected. Approximately one month after the issuance of the permits, Petitioners

111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353

April 12, 1993

Mr. and Mrs. Dennis R. Unger 110 West 39th Street, #1801 Baltimore, Maryland 21210-3137

Re: Case No. C-93-2108 244 East Susquehanna Avenue 9th Election District

Dear Mr. and Mrs. Unger:

This office has been made aware that you intend to enclose your existing carport, based on the information found within your building permit #B158562. According to the County Board of Appeals' order (Case No. 90-7-SPHA) you were granted the right to have a carport that is setback 19 feet in lieu of the required 37.5 feet The County Board of Appeals also stated in its opinion that "{i}t is evident to this Board that the carport should be considered as a functional addition to the approved deck attached to the residence. Although separated, in actuality a single deck area has been created that is thereby, subject to the 37.5' setback regulations."

With this being the case, if you follow through with your intentions, you will be found to be in violation of the County Board of Appeals' order. Your existing carport is considered an open projection structure and was granted a variance as such. If the carport becomes enclosed, it has to meet the setback that is necessary for a primary dwelling, which in your case would be 50 feet.

This office requests that you do not proceed with enclosing your carport. Accordingly, failure to heed this request will result in the insurance of a citaiton, whereas a monetary fine of \$200 per day, per violation (Section 26-121, Baltimore County Code) will be imposed on You.

Through your cooperation, the alleged violation will be resolved without the need for district court action.



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: April 13, 1993 John R. Reisinger Building Engineer Permits and Licenses

FROM: James H. Thompson Zoning Enforcement Coordinator Building Permit No. B158562 Location: 244 East Susquehanna Avenue

Dennis and Alice Unger

Please rescind the referenced permit issued March 29, 1993, that pertains to enclosing an existing carport with wood frame, windows and

It is the opinion of this office that the current construction on the carport/deck does violate the County Board of Appeals decision of June 26, 1990.

Furthermore, per Director Arnold Jablon, an amendment to the Board's decision thru the public hearing process must be undertaken before we will reinstate this permit.

c: Douglas B. Riley, Councilman, 4th District Timothy L. Fitts, Zoning Inspector Rick S. Wisnom, Jr., Building Supervisor



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Rick S. Wisnom, Jr. DATE: April 15, 1993 Building Supervisor Building Inspections

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: Building Permit No. B158562 244 East Susquehanna Avenue Dennis and Alice Unger

Director Arnold Jablon has requested that a member of your staff review the carport and offer their opinion as to whether this structure is attached to the residence.

Furthermore, on April 14, 1993, Inspector Tim Fitts did verify that construction is still taking place and the referenced building permit has been rescinded.

c: Douglas B. Riley, Councilman, 4th District-Timothy L. Fitts, Zoning Inspector

P.C. Ex. #8

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P.C. 6

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 21, 1993

Kenneth G. Macleay, Esquire Rollins, Smalkin, Richards & Mackie 401 North Charles Street Baltimore, Maryland 21201

> Re: Case No. C-93-2108 244 East Susquehanna Avenue 9th Election District

Dear Mr. Macleay:

This office is prepared to issue a citation against the property owners, Dennis R. and Alice E. Unger, along with their son Todd. However, such action will be withheld provided no further construction takes place on the carport/deck.

In our conversation of April 19, 1993, you informed me that the rescinded permit was just hand-delivered to your client by the building inspector on April 15, 1993. Thus, the fact that construction was taking place after the April 13, 1993 date rescinding the permit can be understood.

It is trusted that this alleged violation can be resolved through the public hearing process and not through the court system. If additional questions remain, please contact this office at 887-3351.

Sincerely,

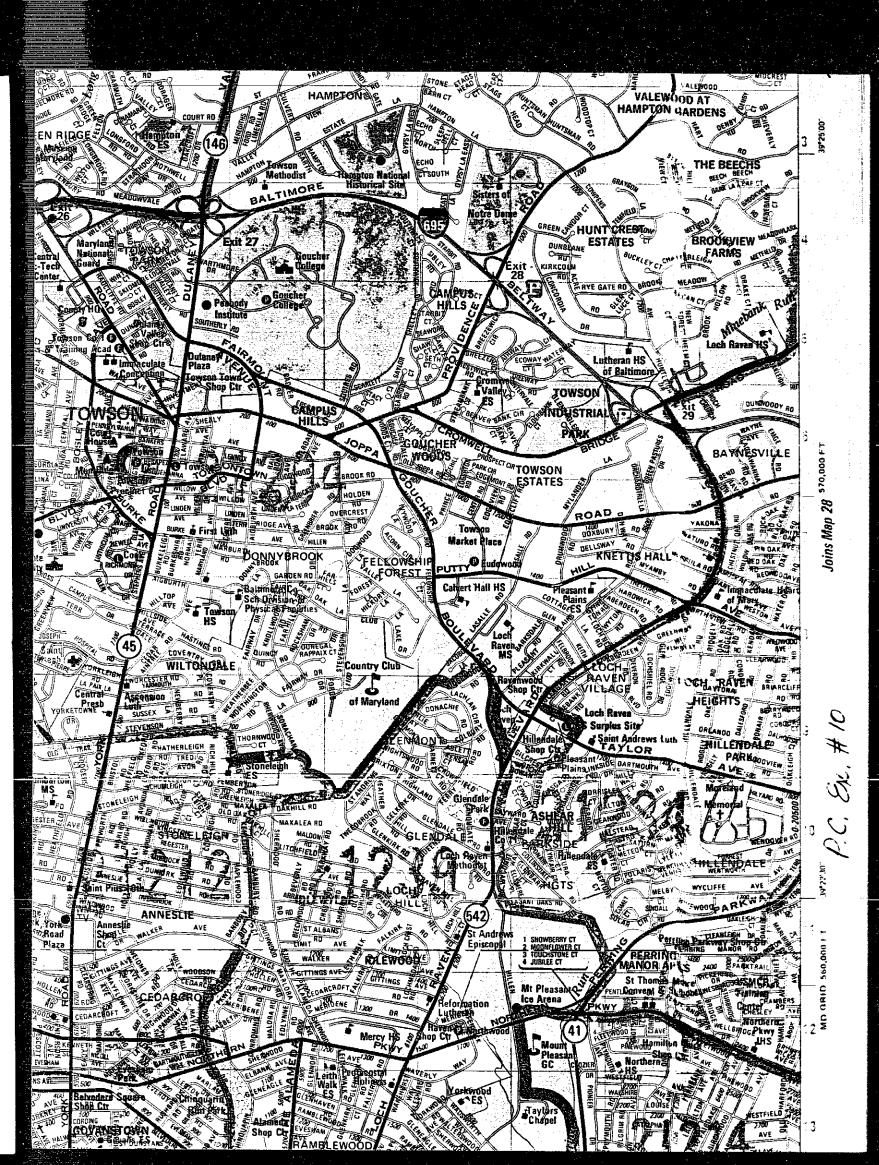
JHT/cmm

Printed on Recycled Paper

c: Douglas B. Riley, Councilman, 4th District Timothy L. Fitts, Zoning Inspector Rick S. Wisnom, Jr., Building Inspector

bc: Ms. Catherine Asendorf





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

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

DATE: July 16, 1993

SUBJECT: 244 E. Susquehanna Avenue

INFORMATION: Item Number:

Petitioner:

Property Size:

Zoning: Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Special Hearing request for 244 East Susquehanna Avenue is to approve or re-approve the construction under building permit #B158562 and to determine that the building permit complies with the Baltimore County Zoning Regulations.

The property is located within the Towson Manor Village neighborhood, which is designated as a Community Conservation Area by the Towson Community Plan (adopted by the Baltimore County Council on 2/3/92).

The zoning history of this property is important to establish. The Board of Appeals on 6/26/90 granted a Variance (Case No. 90-7SPHA) for an attached open carport 19' from the rear lot line, in lieu of the required 37.5'. The Variance was required to legalize a structure that was not built in accordance with the building permit plans. The Board was of the opinion that although the carport was constructed a few inches from a wooden deck, the structures are for al. practical purposes a single addition subject to the 37.5' setback.

456 750/7501



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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204 BUILDING PERMIT ______ DIST: 09 PREC: 11 PERMIT Φ: B158562 CONTROL ♣: MR DATE ISSUED: 03/29/93 TAX ACCOUNT \$: 0903670190 CLASS: 04 PLANS: CONST 00 PLOT /1 R PLAT 0 DATA 0 ELEC NO PLUM NO LOCATION: 244 SUSQUEHANNA AVE SUBDIVISION: 420 SE OF AIGBURTH THIS PERMIT

YEAR FROM DATE NAME: UNGER, DENNIS & ALICE ADDR: 244 E SUSQUEHANNA AVE.21204 OF ISSUE CONTR: OWNER ENGNR: SELLR: WORK: ALTERATION TO CONSIST OF ENCLOSING EX.CARFORT

W/WOOD FRAME, WINDOWS & STICK BLT RAFTER ROOF. 9X20X15=180SF. ACCESSORY BLDG DETACHED-CLOSING IN, NO CHANGE IN USE. REISSUED TO CORRECT TYPE OF USE+WORDING PER INSPECTOR.

BLDG. CODE: 1 AND 2 FAM. CODE ESTIMATED & PROPOSED USE: SETH, DETACHED GARAGE & ALTERATION

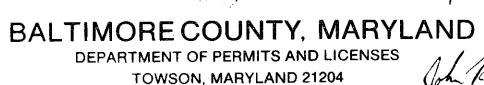
500.00 EXISTING USE: SETH & DETACHED CARFORT TYPE OF IMPRV: ALTERATIÓN USE: ONE FAMILY BASEMENT: NONE FOUNDATION: SLAB

SEWAGE: PUBLIC EXIST LOT SIZE AND SETBACKS

SIZE: 0015.00 X 0110.00 FRONT STREET: SIDE STREET: FRONT SETE: NC SIDE SETH: 3'/3' SIDE STR SETB: REAR SETB: 19'

OWNERS INFORMATION

EXPIRES ONE



PAREL UNIVER, PERFOR & ALTOR

SAMAGE PROPERTY OF EXCESS

5125: 90:5.00 E 7/18 00

FROM AVETET

ANDRE 244 F. ARRERENADA AVE. 21004

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BUILDINGS ENGINEER

MITT BENG PERMIT PASE DETECTS: 03.000000 - TAX ACCEDES \$: 00003670170 - TEACHS -PLANCE COURT DO CEST O A PLAT & TRATA O FLEC NO PLEATED ROCATION: 2:11 RUNGUEMANN AV . TRIBARY RUNGUE COO DE OF ASCHURCH

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

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SIDE SETE: DISCOVE CIDE SHE WEEK REAR SEATH 171 Pet. Ex. 2B

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

MATERIAL LIST

- 1. PRESSURE TREATED 2X4" S
- 2. PRESSURE TREATED 4X4" S
- 3. 1/2" PLYWOOD
- 4. DOUBLE INSULATED GLAZED WINDOWS (8) 4 PER SIDE
- 5. SIDING DOUBLE 5 INCH VINAL (COHITE)
- 6. 10LB. FELT PAPER
- 7. ASPHALT SHINGLES
- 8. 2X6" ROOF RAFTERS

EXHIBIT NO. 3

PETITIONER'S

PETITIONER'S EXHIBIT NO. 2