

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

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-7-SPHA

OPINION

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 variance 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 entirety on this day.

In August of 1988, Mr. Phillip obtained permits to construct 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 AND ZONING VARIANCE - EW/S of Susquehanna Avenue, 420' SE of 181st Avenue (244 East Susquehanna Avenue) 9th Election District 4th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-7-SPHA

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 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' 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

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 requirement.

The Appellant testified that the carport/deck were improvements to his property and that real estate values in the neighborhood would be maintained.

Protestant in this case, Mrs. W. Asendorf, a next door 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 regulation.

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

were notified the building permits were issued in error and that the rear of the carport did not meet rear yard setback requirements since the roof of the existing carport was being used by Petitioners as a functional extension of the deck. Petitioner indicated he had approximately 90% of the work completed. As a result, Petitioners filed the instant Petition for a determination as to whether or not the structures could remain in place.

Petitioners argued that the deck and adjoining carport deck along with other long-range plans to add shrubbery and an awning were improvements 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 argued 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 requested would result in unreasonable hardship.

Ms. Asendorf, the adjoining property owner most affected by the relief requested, testified in her opinion that the use of the carport area as a deck has a detrimental impact on the community overall. She 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 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 of an impact.

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

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 would have a detrimental effect on adjacent residents.

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 roof of the structure as an extension of the approved deck must be denied, and the railing on the perimeters of the roof must be removed, and access to this roof area must be discontinued.

ORDER

It is therefore this 26th day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance for a rear yard setback of 19 feet in lieu of the required 37.5 feet be and the same is GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the carport construction in the rear yard be and is hereby GRANTED, subject to the following restrictions:

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

size of the deck area. They pointed out that the use proposed by Petitioners obstructs the view from and interferes with air and sunlight flow to adjoining properties. Mr. O'Donnell pointed out the Ungers' politeness and cooperation with the community in an attempt to resolve the matter to everyone's satisfaction. He further testified the Protestants were concerned as to the adverse affect allowing such improvements to exist would have on property values in the neighborhood. In response to this concern, Mr. Unger noted that two properties in the area had recently been sold.

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:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) 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 (1974).

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, Appellants shall remove all railings on the perimeter of the carport roof.
3. A solid rear railing enclosing the deck attached to the house must be constructed to prevent any access to the carport roof.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.
Lawrence E. Schmidt

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 26th 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 attached 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
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

KEVIN RAY & PAMELA O. SHARBONDA
242 Ridge 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:

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 nose at the neighbors 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.

cc:

Mr. William O'Donnell, President
Towson Manor Village, Inc.
The Honorable Barbara F. Bachur, Councilwoman
Fourth District of Baltimore County

Sincerely yours,

Kevin R. Sharbonda
Pamela O. Sharbonda

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 Derrybrook. One such project was the completion of the Towson By Pass Road which intersects York Road and Fairmount Avenue. Therefore, we believe we are not known as professional complainers or commentators on every issue that comes before your 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 concerned 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.

cc:

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.

Sincerely yours,

Ray R. & Helen K. Potter

To Whom it may concern,
July 20, 1989

I was a resident at 238 E. Susquehanna Ave. from 1963 until June 1, 1989, and now currently reside in North Carolina. I had initiated the investigation into the loosely termed "deck" at 240 E. Susquehanna on behalf of the neighborhood because of my experience with the county when I built an addition at 238 in 1985. Back then it took seven months of dealing with the county for permits, a variance hearing, and my own concern for aesthetics, practicality, 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 15, 1989 Mr. Robert Haines requested a response from the Ungers. On April 21, 1989 Mr. James Thompson asked the Ungers to respond. 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 Assoc.

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 thoughtless building!!!

Most Sincerely,

James Thompson
919-480-2668

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 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 or deny the Petition for Variance and that you require the owner to bring the structure into line with the original intent of the permit.

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED BY The Zoning Commissioner of Baltimore County, this 10 day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of July, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 502.2(c) of the Baltimore County Zoning Regulations, to permit a carport/deck to be constructed on the property.

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

I, or we, agree to pay expenses of the 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.

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED BY The Zoning Commissioner of Baltimore County, this 10 day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of July, 1989, at 9:30 o'clock A.M.

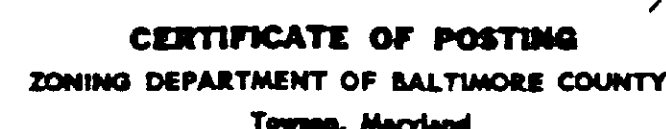
J. Robert Haines
Zoning Commissioner of Baltimore County.

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. (also known as No. 244 E. 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, the Grantor herein.

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

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 858-3180
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 Alsborth 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.
ASSIGNED FOR: 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 SEANT
Mr. Norman Walters -
Mr. William O'Donnell, Pres. Towson Manor Village, Inc.
Mr. Robert Gassman
People's Counsel for Baltimore County
F. 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. Kuszmual
Legal Secretary



CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 29, 19 89.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zafe Oliver

Publisher

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JK/ker

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ZOOLOGICAL


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

RWB:

Encl

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

April 21, 1989



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

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

Ladies and Gentlemen:

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 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 887-3391.

Sincerely,

JAMES H. THOMPSON
Zoning Enforcement Coordinator

JHT:ljs

Attachment

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

April 18, 1989



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

RE: Petition for Zoning Variance and
Special Hearing
244 Susquehanna 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 made in a timely manner. To date, no revisions, petitions, nor 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
File

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

March 29, 1989



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:

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 setback 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.

#185

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

December 12, 1988



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

RE: Zoning Hearing
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. 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.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Mr. James Dyer

335 + (JED + MR. UNGER)
MEETING 1-10-89
9:00
DENNIS UNGER
DECK VIOLATION
244 SUSQUEHANNA

Mr. Dennis R. Unger
Re: 244 Susquehanna Avenue
March 29, 1989
Page 2

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 4 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 refilled with the new petitions, but the plans 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
Page 3

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

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

JJSjr:cer

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

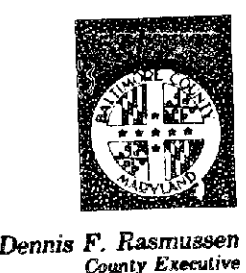
Jim Thompson
887-3351 4/13 Dyer's office
will call back had no record of
variance request
Mon. Tues.

Kevin Connor Fri. Mon.

called Jim Dyer's office 5:28:89 to log party
Sat/Sun.
Spoke to secretary
transferred to John Sullivan
never called back

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

February 17, 1989



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 variance 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 887-3391.

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
494-3353
J. Robert Haines
Zoning Commissioner

September 21, 1988

Mr. Ted Zaleski, Jr., Director
Department of Permits & Licenses
County Office Building
111 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
JAMES E. DYER
Zoning Supervisor

By: *Alfred Titus-Glover*
Alfred Titus-Glover
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
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-39-501

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.



Dennis F. Rasmussen
County Executive



Dennis F. Rasmussen
County Executive

#185

Mr. & Mrs. Dennis R. Unger
November 18, 1988
Page 2

- (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 scaled site 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.
John J. Sullivan, Jr.
Planning & Zoning Associate III

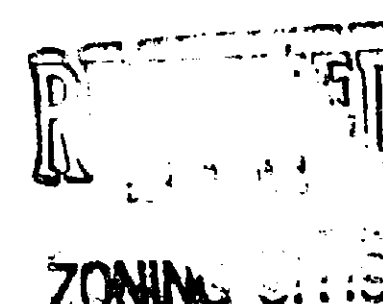
JJS:scj

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

November 29, 1988

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

Mr. J. Robert Haines
111 W. Chesapeake Ave.
Office of Planning and Zoning
Towson, Md. 21204



ZONING OFFICE

Dear Mr. Haines:

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 were 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 were granted, construction began and was 90% completed (only the footers remain to be set).
- 3 The next event that occurred was that a reporter from the Towson Times 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 complaint. A story was subsequently printed.
- 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 the size of the other decks in the same row house complex.
- 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 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 sounds to me as though we are getting into gray areas of the laws where subjective judgments are made. I, as a layman 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.

Very truly yours,
Dennis R. Unger
Dennis R. Unger

cc: 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 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.



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Dennis R. Unger
November 18, 1988
Page 2

- (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 scaled site 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.
John J. Sullivan, Jr.
Planning & Zoning Associate III

JJS:scj

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

3-07-73 APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER

PERMIT NO. B158562
RECEIPT NO. A174497
CONTROL NO. MR
XREF NO. B158562

DATE: 02/15/94
TIME: 09:30:28

PROPERTY ADDRESS: 244 SUSQUEHANNA AVE
SUBDIV: 420 SE OF AIGBIRTH
TAX ACCOUNT #: 0903670190
OWNERS INFORMATION (LAST, FIRST)
NAME: UNGER, DENNIS & ALICE
ADDR: 244 E SUSQUEHANNA AVE. 21204

APPLICANT INFORMATION
NAME: DENNIS UNGER
COMPANY:
ADDR1: 244 SUSQUEHANNA AVE.
ADDR2: TOWSON MD 21204
PHONE #: 410-823-0804
LICENSE #:
NOTES: RK/COF/SMD PERMIT SUSPENDED BY JRR PER ZONING 4/13/93 DAS

APPROVED: 03/29/93
ISSUED: 03/29/93
OCCPNY:

INSPECTOR: 098
DATE: 02/15/94

ENTER - PERMIT DETAIL
PF2 - APPROVALS
PF3 - INSPECTIONS
PF7 - DELETE
PF8 - NEXT PERMIT
PF9 - SAVE
PF10 - INQUIRY
PANEL BP1004M

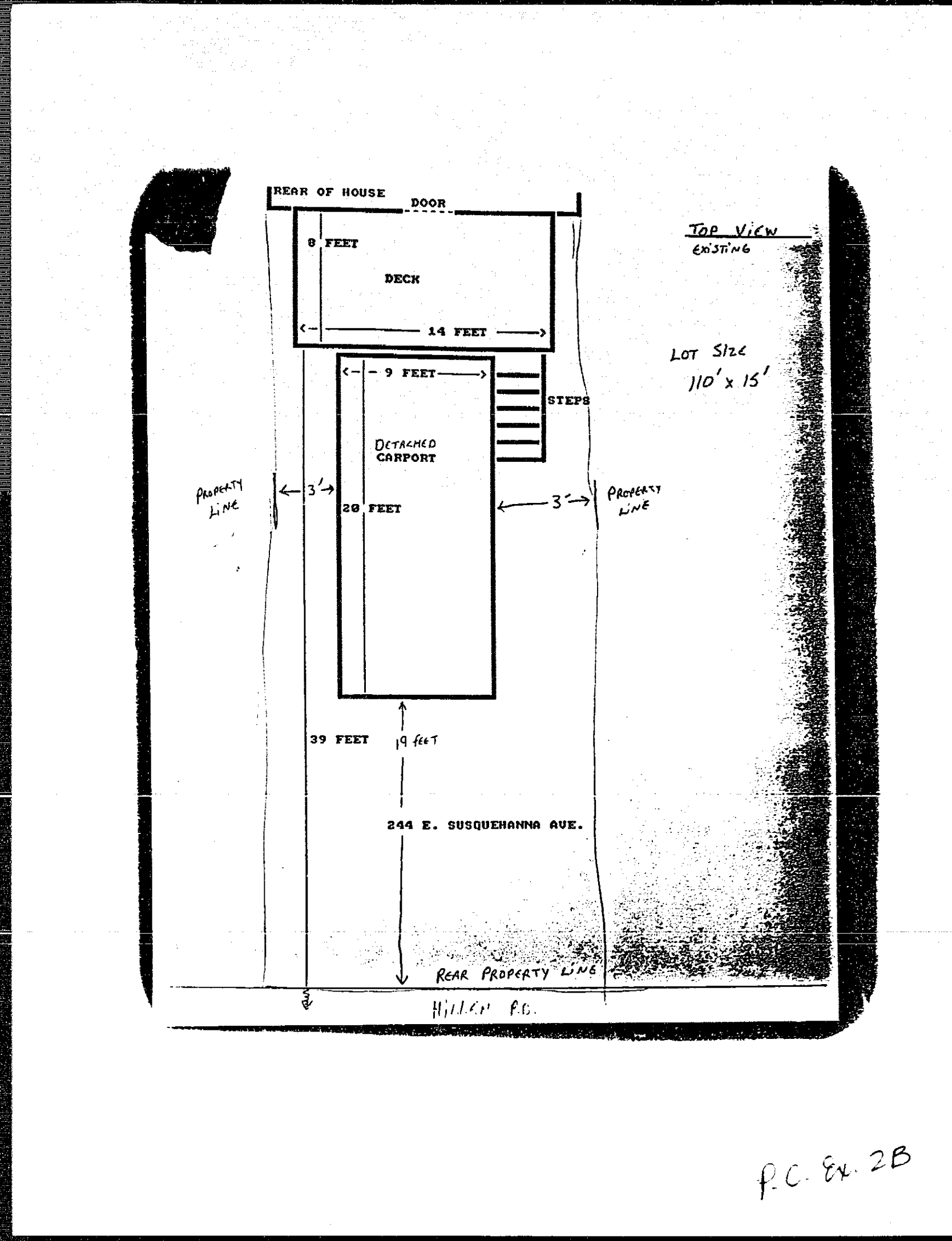
TIME: 09:30:42
DATE: 02/15/94
BUILDING DETAIL 1
TRACT: PLD
BLOCK: 11:50:23

PERMIT # B158562
PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2
BUILDING CODE: 1
USE: 04

FOUNDATION BASE
CONSTR FUEL SEWAGE WATER
CENTRAL AIR
ESTIMATED COST
500.00
PROPOSED USE: SFTH, DETACHED GARAGE & ALTERATION
EXISTING USE: SFTH & DETACHED CARPORT

PROPERTY SIZE
LOT: 110' x 15'
DECK: 8 FEET
DETACHED CARPORT: 9 FEET
REAR PROPERTY LINE
REAR OF HOUSE DOOR

PC. Ex. 2A



PERMIT # B158562
RECEIPT NO. A174497
CONTROL NO. MR
XREF NO. B158562

DATE: 02/15/94
TIME: 09:30:28

PROPERTY ADDRESS: 244 SUSQUEHANNA AVE
SUBDIV: 420 SE OF AIGBIRTH
TAX ACCOUNT #: 0903670190
OWNERS INFORMATION (LAST, FIRST)
NAME: UNGER, DENNIS & ALICE
ADDR: 244 E SUSQUEHANNA AVE. 21204

APPLICANT INFORMATION
NAME: DENNIS UNGER
COMPANY:
ADDR1: 244 SUSQUEHANNA AVE.
ADDR2: TOWSON MD 21204
PHONE #: 410-823-0804
LICENSE #:
NOTES: RK/COF/SMD PERMIT SUSPENDED BY JRR PER ZONING 4/13/93 DAS

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USE: 04

FOUNDATION BASE
CONSTR FUEL SEWAGE WATER
CENTRAL AIR
ESTIMATED COST
500.00
PROPOSED USE: SFTH, DETACHED GARAGE & ALTERATION
EXISTING USE: SFTH & DETACHED CARPORT

PROPERTY SIZE
LOT: 110' x 15'
DECK: 8 FEET
DETACHED CARPORT: 9 FEET
REAR PROPERTY LINE
REAR OF HOUSE DOOR

PC. Ex. 3

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.

Sincerely,
Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mrs. W. Asendorf
Mr. Norman Walters
Mr. William O'Donnell, Pres.
Towson Manor Village, Inc.
Mr. Robert Gassman
Vice President of Baltimore County
P. David Fields
Pat Keller
J. Robert Raines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk-Loring
Arnold Jablon, County Attorney

PC. #4

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SW/S
Susquehanna Avenue, 420' SE of Aigborth Avenue
(244 East Susquehanna Avenue)
9th Election District
4th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-7-SPHA

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 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.S, 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

PC. 5

Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3553

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 issuance of a citation, 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.

PC. 6

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3553

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger
Building Engineer
Permits and Licenses

DATE: April 13, 1993

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: 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 truss roof.

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.

JHT/cmm

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

PC. 7

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3553

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Rick S. Wisnom, Jr.
Building Supervisor
Building Inspections

DATE: April 15, 1993

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.

JHT/cmm

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

PC. Ex. #8

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 21, 1993

(410) 887-3353

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.

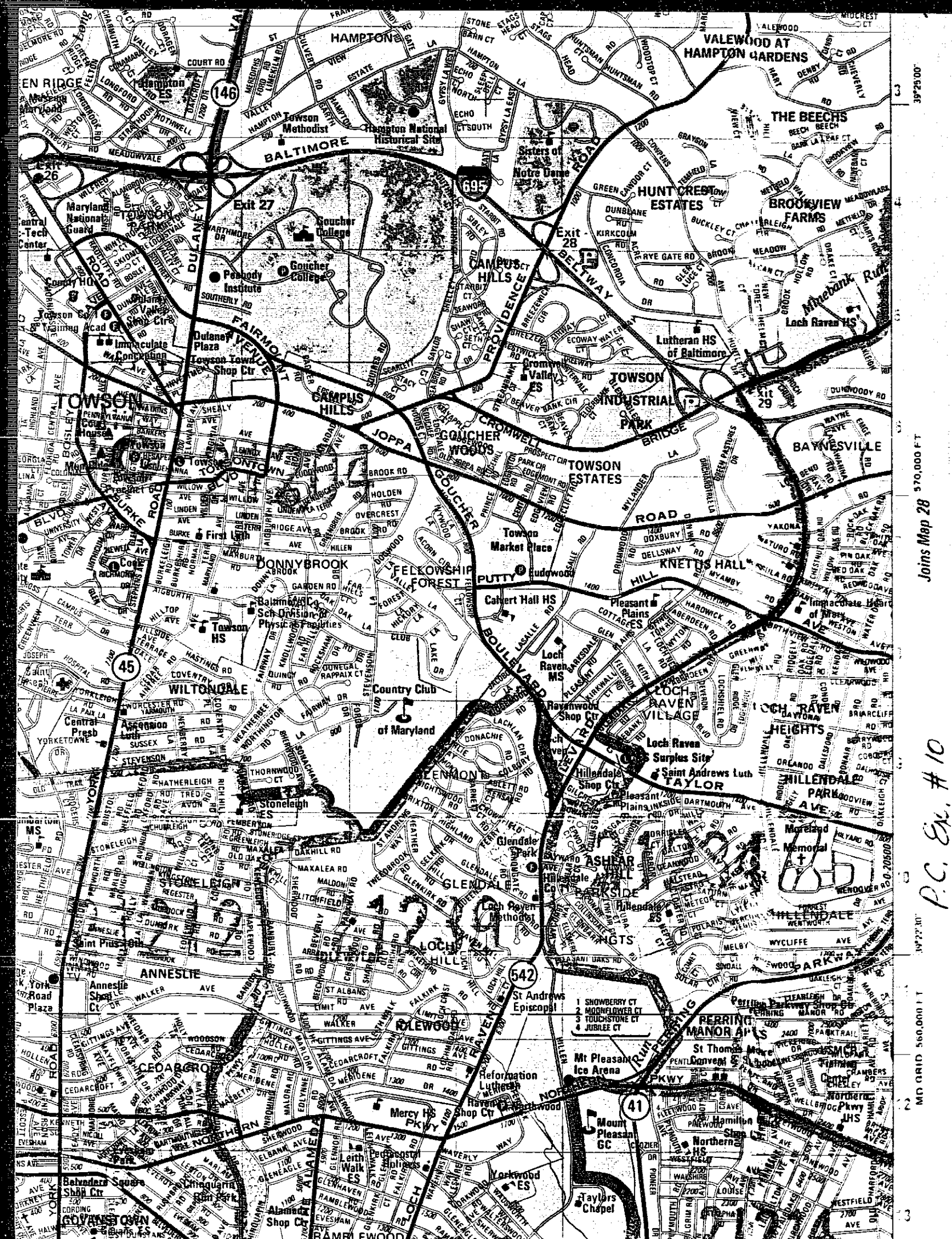
Sincerely,
James H. Thompson
Zoning Enforcement Coordinator

JHT/cmm

cc: Douglas B. Riley, Councilman, 4th District
Timothy L. Pitts, Zoning Inspector
Rick S. Wisnom, Jr., Building Inspector
File

cc: Ms. Catherine Asendorf

PC Ex #9



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: 456

Petitioner: Todd Unger

Property Size:

Zoning: DR 10.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

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

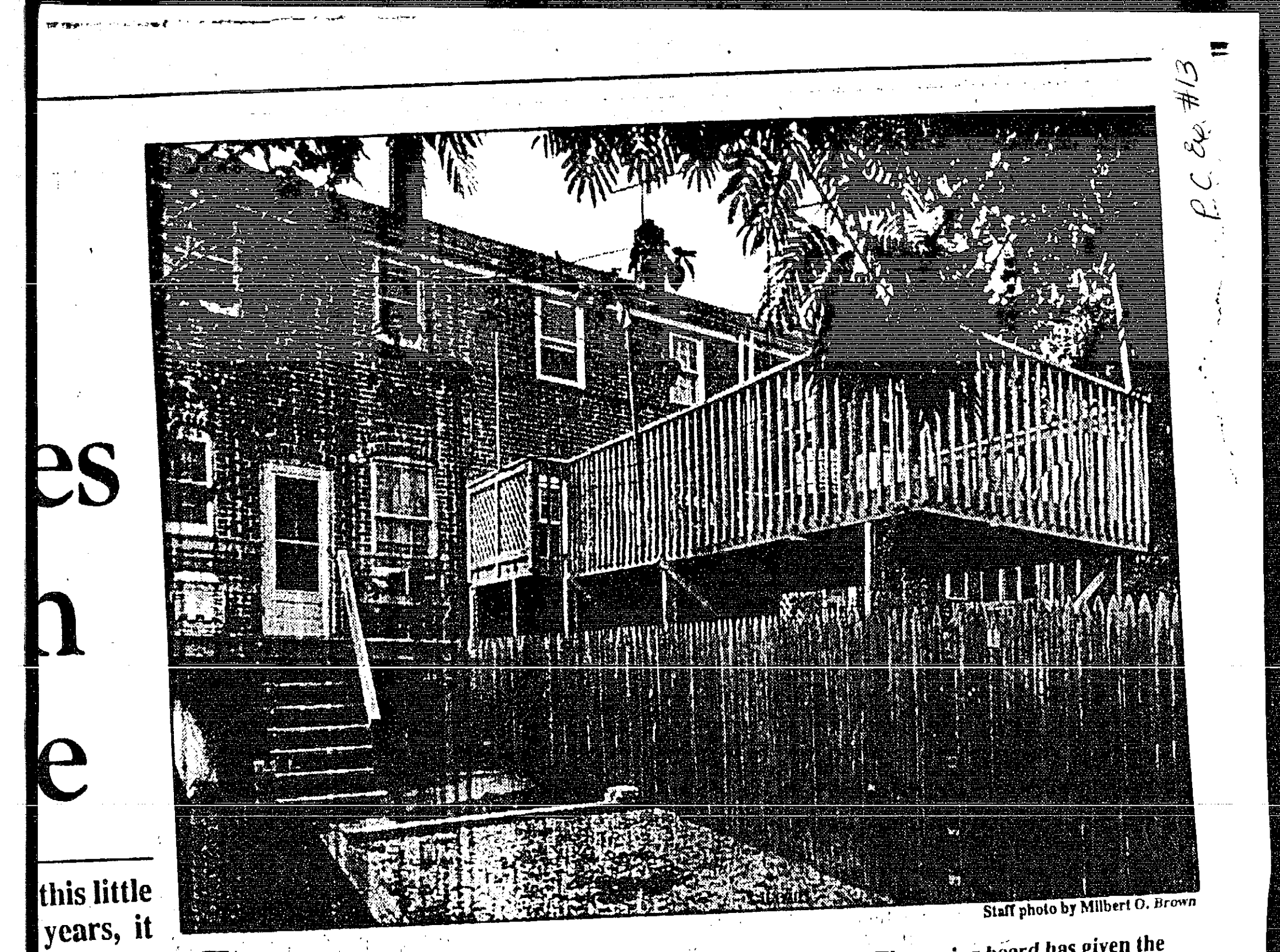
The property is located within the Towson Manor Village neighborhood, which is designated as a Community Conservation Area by the Towson Community Plan (adopted by the Baltimore County Council on 2/3/92).

The zoning history of this property is important to establish. The Board of Appeals on 6/26/90 granted a Variance (Case No. 90-78PHA) 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.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Unger*

PK/JL:lw

PC #11



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John P. Reig
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B158562 CONTROL #: MR DIST. 09 PREC. 11
DATE ISSUED: 03/25/93 TAX ACCOUNT #: 0903670190 CLASS: 04

PLANS: CONST 00 PLOT A R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 244 SUSQUEHANNA AVE
SUBDIVISION: 420 SE OF AIGRURTH

OWNERS INFORMATION
NAME: UNGER, DENNIS & ALICE
ADDR: 244 E SUSQUEHANNA AVE. 21204

TENANT:
CONTR: OWNER
ENGR: *John P. Reig*
SELLR:

WORK:
ALTERATION TO CONSIST OF ENCLOSING EX. CARPORT
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
RESIDENTIAL CATEGORY: TOWNHOUSE OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SETH, DETACHED GARAGE & ALTERATION
500.00 EXISTING USE: SETH & DETACHED CARPORT

TYPE OF IMPRV: ALTERATION
USE: ONE FAMILY
FOUNDATION: SLAB
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS
SIZE: 0015.00 X 0110.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 3' / 3'
SIDE STR SETB:
REAR SETB: 19'

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

PC Ex 2A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John P. Reig
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B158562 CONTROL #: MR DIST. 09 PREC. 11
DATE ISSUED: 03/25/93 TAX ACCOUNT #: 0903670190 CLASS: 04

PLANS: CONST 00 PLOT A R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 244 SUSQUEHANNA AVE
SUBDIVISION: 420 SE OF AIGRURTH

OWNERS INFORMATION
NAME: UNGER, DENNIS & ALICE
ADDR: 244 E SUSQUEHANNA AVE. 21204

TENANT:
CONTR: OWNER
ENGR: *John P. Reig*
SELLR:

WORK:
ALTERATION TO CONSIST OF ENCLOSING EX. CARPORT
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
RESIDENTIAL CATEGORY: TOWNHOUSE OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SETH, DETACHED GARAGE & ALTERATION
500.00 EXISTING USE: SETH & DETACHED CARPORT

TYPE OF IMPRV: ALTERATION
USE: ONE FAMILY
FOUNDATION: SLAB
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS
SIZE: 0015.00 X 0110.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 3' / 3'
SIDE STR SETB:
REAR SETB: 19'

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

PC 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 VINYL (WHITE)
6. 10LB. FELT PAPER
7. ASPHALT SHINGLES
8. 2X6" ROOF RAFTERS

PETITIONER'S
EXHIBIT NO. 2

PETITIONER'S
EXHIBIT NO. 3