

IN RE: PETITION FOR ZONING VARIANCE
 SW/S of Sindall Road at the
 intersection of Ryewood Rd.
 7229 Sindall Road
 9th Election District
 4th Councilmanic District
 Malcolm A. Dutterer, Jr., et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-98-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1B02.3.A.1 and 214.1b to allow a rear yard setback of 2 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, Malcolm A. Dutterer, Jr., and Lisl Dutterer appeared, testified and were represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petitioners were Susan Holl, Evelyn R. Esler, Jane M. Vannoy and Bill Suter. There were no Protestants.

Testimony indicated that the subject property, known as 7229 Sindall Road, consists of 26,787 sq. ft. +/-, zoned D.R.10.5 and is currently improved with a single family dwelling and multiple additions.

The Petitioners are desirous of constructing an addition on the rear of their home, specifically, enclosing the existing deck. The Petitioners testified that the Perring Plaza Shopping Center lies directly across Perring Parkway from the rear of their home, and the noise emanating from the Center disrupts their quiet enjoyment of their rear yard. The Petitioners began enclosing the subject deck without obtaining the requisite building permits and subsequently received a stop work Order in May of 1989. This matter is currently the subject of violation case No. 89-334. The Petitioners testified that they were not aware they needed such a permit for this endeavor.

ORDER RECEIVED FOR FILING
 Date 1/9/90
 By M. D. Dutterer

MICROFILMED

Proffered testimony indicated that the Petitioners' immediate neighbors have no objection to their proposal.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

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

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship. 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.

ORDER RECEIVED FOR FILING
 Date 1/9/90
 By M. D. Dutterer

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-98-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.A.1 and 214.1b (1955)
 To allow a rear yard setback of 2 ft. in lieu of the required 50 ft.

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

SEE ATTACHED

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

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

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

Contract Purchaser: _____
 (Type or Print Name)

Signature: _____

 (Type or Print Name)

Address: _____

 City and State

Attorney for Petitioner: _____
 (Type or Print Name)

Address: 7229 SINDALL ROAD 825-4840

 City and State BALTIMORE, MD 21234

Signature: _____

 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____

 City and State

Attorney's Telephone No.: _____

 Address Phone No.

MAP NETC
 3C
 E. D. 9th
 DATE 1-22-90
 200 BF
 BF
 G.

ORDER RECEIVED FOR FILING
 Date 1/9/90
 By M. D. Dutterer

MICROFILMED

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 23 (1974).

In Lovola Federal Savings and Loan Association vs. Buschman 227 Md. 243 (1961), the Court, addressing the requirements of Section 307 stated:

It is firmly settled in this State that the mere fact that some use other than that permitted under an applicable zoning ordinance would be more profitable than any use which is permitted thereunder is not enough to invalidate a use restriction, if a property can reasonably be used for some purpose for which it is adapted. (supra at 248-249)

The Maryland Courts have made clear the fact that the weight is on the Petitioner to carry the burden of showing that he would be deprived of all reasonable use of his property if he were not granted relief from the particular zoning ordinance at issue. Frankel v. Mayor and City Council of Baltimore, 223 Md. 98 (1959).

In the case at bar, it is the opinion of the Zoning Commissioner that the Petitioners have not met this burden.

A site visit to the subject property on January 10, 1990, revealed gross inconsistencies between the pictorial evidence submitted at the hearing and the actual condition of the property. Photographs taken by the Baltimore County Inspector revealed that the subject addition is substantially completed contrary to the pictures submitted at the hearing as Petitioners' Exhibits 3 and 4. The photos taken on January 10, 1990 display a group home that has burgeoned to the point of encompassing virtually the entire rear yard of this property. The roof of the original structure has been raised, extended and had its pitch altered. The new structure towers above the adjoining row homes and appears to have been constructed on the side yard property line, extending from the common wall for a distance of approximately three-fourths of the way down the property

ORDER RECEIVED FOR FILING
 Date 1/9/90
 By M. D. Dutterer

MICROFILMED

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of January, 1990 that a variance to allow a rear yard setback of 2 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that a variance to allow a rear yard setback of 32.5 feet for the existing one story family room attached to the present house be and is hereby GRANTED, subject, however, to the following restriction:

1. That the second story addition over the permitted family room and the enclosed deck area shall be removed on or before July 1, 1990, however, an open projection deck from the rear of the permitted family room may be maintained for a distance of not more than 12 feet.

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

JRH/mm
 cc: Peoples Counsel

ORDER RECEIVED FOR FILING
 Date 1/9/90
 By M. D. Dutterer

OWNERS: MALCOLM & LISL DUTTERER
 7229 SINDALL ROAD 21234
 DISTRICT 9 ZONED DR10.5
 SUBDIVISION - PARKSIDE HEIGHTS

MICROFILMED

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

February 20, 1990

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

RE: Petition for Zoning Variance
 SW/S of Sindall Road at the intersection of Ryewood Road
 (7229 Sindall Road)
 9th Election District, 4th Councilmanic District
 MALCOLM A. DUTTERER, JR., ET UX - Petitioner
 Case No. 90-98-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1990 by Anthony J. DiPaula, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
 J. Robert Haines

J. ROBERT HAINES
 Zoning Commissioner

JRH:cer
 Enclosures

cc: Mr. & Mrs. Malcolm A. Dutterer, Jr.
 7229 Sindall Road, Baltimore, MD 21234
 Anthony J. DiPaula, 614 Bosley Avenue, Towson, MD 21204
 Susan Holl, 7231 Sindall Road, Baltimore, MD 21234



Dennis F. Rasmussen
 County Executive

IN THE MATTER OF THE APPLICATION OF MALCOLM A. DUTTERER, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST SIDE OF SINDALL ROAD AT THE INTERSECTION OF RYEWOOD ROAD (7229 SECTION OF RYEWOOD ROAD (7229 SINDALL ROAD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-98-A

OPINION

This case comes before the Board on appeal from a decision by the Zoning Commissioner dated January 19, 1990 denying in part and granting with restrictions in part the Petition for an area variance. The case was heard this day in its entirety.

This case follows a very erratic set of circumstances which the Board will chronologically list. On May 19, 1989, as the result of an anonymous phone call, a building inspector visited the site, noted construction work undertaken without benefit of a permit, and on May 19, 1989 issued a Stop Work Order. On May 23, 1989, Petitioner applied for and was granted a building permit (B017360) for the project. On this permit the rear setback was noted as 50' from the property line. In actuality, the proposed addition was not 50' from the property line but 50' referred to the original house. On June 2, 1989, a citation for the alleged violation of the setback requirements was issued. On June 7, 1989, Petitioner notified Baltimore County of his intention to stand trial on this citation. The Board will note that when these two occurrences happened building permit 017360 was, in Petitioner's estimation, a valid permit. On June 28, 1989, a Petition for Variance was filed with Baltimore County to permit the 2' rear yard

Malcolm Dutterer, et ux, Case No. 90-98-A 2

setback in lieu of the required 50'. On December 4, 1989, the hearing before the Zoning Commissioner on the Petition for Variance was held. In January, 1990, the trial date for the citation issued in June of 1989 drew near and the property was reinspected. The inspector noted that the exterior construction was virtually complete and the Stop Work Order was once again issued in light of the fact that no decision by the Zoning Commissioner existed. On January 19, 1990, the Zoning Commissioner rendered his Opinion basically denying the variance. On February 14, 1990, this decision was appealed to the Board of Appeals.

The testimony and exhibits received indicate that the proposed structure does indeed almost completely enclose the rear yard in this townhouse development. There was testimony and evidence from all the neighbors both abutting on both sides and residing in the area requesting that the variance be granted and the building addition as proposed be permitted. There was testimony that the rear of this group of homes all abut Perring Parkway which is a major four-lane highway that was not in existence when the properties were built. Directly across this four-lane highway is a large shopping center from which noise, dirt, and light evolve and cause concern to the residents therein. There was testimony by the Petitioner that he raised the contours of his roof line in order to receive sufficient flow to prevent leakage in the addition. The Board will especially note that the only detriment to the entire neighborhood that could be derived from this addition is to the adjoining homes all of whom have testified in favor of

Malcolm Dutterer, et ux, Case No. 90-98-A 3

granting the variance.

The matter before the Board in this case is an area variance and the Board has authority to grant area variances when strict compliance would result in practical difficulty or unreasonable hardship and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. The question therefore before the Board is whether it is fairly debatable that the evidence would show that strict compliance with the regulations would result in practical difficulty or unreasonable hardship. It is the opinion of this Board that these basic requirements have been satisfied.

From May 23, 1989 until January, 1990, even though the Petitioner was aware of the citation issued in June, he had in his possession permit B017360. Albeit, the rear yard setback on this permit was incorrectly stated. The Board has no testimony or evidence to indicate that this was a deliberate attempt to evade the regulations. In view of the fact that the rear yard setback does not now nor can it ever affect any properties across the alley from the rear of this house, nor is there any detriment that is causing neighbor anguish and since the exterior of the building has been virtually completed under permit B017360, the Board is of the opinion that this area variance should be granted and will so order.

ORDER

It is this 19th day of September, 1990 by the County Board of Appeals of Baltimore County ORDERED that the variance from

Malcolm Dutterer, et ux, Case No. 90-98-A 4

the required 50' rear yard setback to the 2' setback as indicated on the sketch (Petitioner's Exhibit No. 1) be and the same is hereby GRANTED.

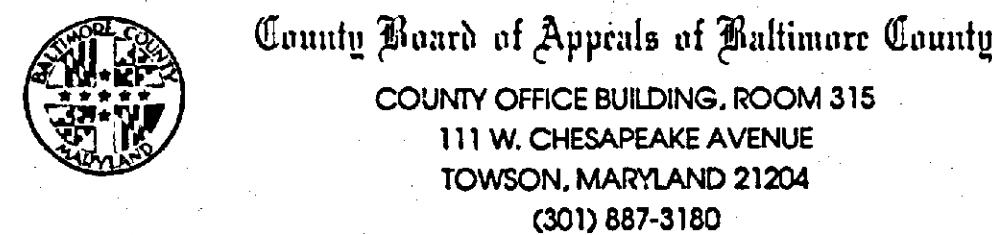
Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Arnold G. Foreman

Michael B. Suter



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

September 19, 1990

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 90-98-A (Malcolm A. Dutterer, Jr., et ux)

Dear Mr. DiPaula:

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

Sincerely,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Malcolm A. Dutterer, Jr.
Ms. Susan Holl
Ms. Evelyn R. Esler
Ms. Jane M. VanNoy
Mr. Bill Suter
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



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

HEARING ROOM - Room 301
County Office Building

(301) 887-3180

May 3, 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. 90-98-A MALCOLM A. DUTTERER, ET UX
3 1/2 S of Sindall Road at the intersection of
Ryewood Road (7229 Sindall Road)
9th Election District
4th Councilmanic District
VAR -rear yard setback of 2' in lieu of 50' -
enclosed existing deck.
1/19/90 -Z.C.'s Order DENYING in part; GRANTING
in part with restrictions.

ASSIGNED FOR: FRIDAY, AUGUST 24, 1990 at 10:00 a.m.

cc: Anthony J. DiPaula, Esquire Counsel for Petitioners/Appellants
Mr. and Mrs. Malcolm Dutterer " "
Ms. Susan Holl " "
Ms. Evelyn R. Esler " "
Ms. Jane M. VanNoy " "
Mr. Bill Suter " "
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

LindaLee M. Kuszmaul
Legal Secretary

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SW/S of Sindall Rd. at the : OF BALTIMORE COUNTY
Intersection of Ryewood Rd. (7229 Sindall Road)
9th Election District
4th Councilmanic District
MALCOLM A. DUTTERER, JR., et ux, Case No. 90-98-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 14th day of March, 1990, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

5/3/90 - Following parties notified of hearing set for August 24, 1990 at 10:00 a.m.:

Anthony J. DiPaula, Esq.
Mr. & Mrs. Malcolm Dutterer
Ms. Susan Holl
Ms. Evelyn R. Esler
Ms. Jane M. VanNoy
Mr. Bill Suter
People's Counsel
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

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3553
J. Robert Haines
Zoning Commissioner

February 20, 1990



Dennis F. Raussen
County Executive

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

RE: Petition for Zoning Variance
SW/S of Sindall Road at the intersection of Eyewood Road
(7229 Sindall Road)
9th Election District, 4th Councilmanic District
MALCOLM A. DUTTERER, JR., ET UX - Petitioner
Case No. 90-98-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1990 by Anthony J. DiPaola, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Malcolm A. Dutterer, Jr.
7229 Sindall Road, Baltimore, MD 21234

Anthony J. DiPaola, 614 Bosley Avenue, Towson, MD 21204

Susan Holl, 7231 Sindall Road, Baltimore, MD 21234

Evelyn R. Esler, 7235 Sindall Road, Baltimore, MD 21234

Jane M. VanNoy, 7227 Sindall Road, Baltimore, MD 21234

Bill Suter, 7230 Sindall Road, Baltimore, MD 21234

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

File

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

In Loyola Federal Savings and Loan Association vs. Buschman 227 Md.
243 (1961), the Court, addressing the requirements of Section 307 stated:

It is firmly settled in this State that the mere fact that some use other than that permitted under an applicable zoning ordinance would be more profitable than any use which is permitted thereunder is not enough to invalidate a use restriction, if a property can reasonably be used for some purpose for which it is adapted. (supra at 248-249)

The Maryland Courts have made clear the fact that the weight is on the Petitioner to carry the burden of showing that he would be deprived of all reasonable use of his property if he were not granted relief from the particular zoning ordinance at issue. Frankel v. Mayor and City Council of Baltimore, 223 Md. 98 (1959).

In the case at bar, it is the opinion of the Zoning Commissioner that the Petitioners have not met this burden.

A site visit to the subject property on January 10, 1990, revealed gross inconsistencies between the pictorial evidence submitted at the hearing and the actual condition of the property. Photographs taken by the Baltimore County Inspector revealed that the subject addition is substantially completed contrary to the pictures submitted at the hearing as Petitioners' Exhibits 3 and 4. The photos taken on January 10, 1990 display a group home that has burgeoned to the point of encompassing virtually the entire rear yard of this property. The roof of the original structure has been raised, extended and had its pitch altered. The new structure towers above the adjoining row homes and appears to have been constructed on the side yard property line, extending from the common wall for a distance of approximately three-fourths of the way down the property

COVAHEY & BOUZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOUZER
MARK S. DEWAN
ANTHONY J. DI PAOLA
THOMAS R. DORE

FAX 301-296-2131

DEEPLY TO:
ANNEX OFFICE
SUITE 101
808 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-8828

February 13, 1990

HAND DELIVERY

J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
FEB 14 1990

ZONING OFFICE

RE: CASE NO.: 90-98-A
PETITION FOR ZONING VARIANCE
MALCOLM A. DUTTERER, ET UX.
PETITIONERS

Dear Mr. Haines:

Please note an Appeal to the Baltimore County Board of Appeals in connection with the decision rendered on January 19, 1990 denying the Petition for Zoning Variance in this case. Enclosed please find a check in the amount of \$150.00 to cover the cost of same.

Thank you.

Very truly yours,

Anthony J. DiPaola

Anthony J. DiPaola

AJD/cab
9'cb.13

cc: Mr. and Mrs. Malcolm Dutterer
Timothy Kotzoco, Esquire
Frank Dimeglio, Zoning Inspector

line. The aforementioned enclosed deck has been incorporated into the accessory shed which sits approximately two feet from the rear property line. Of particular concern is the Petitioners' representations on the signed application for permit with the Building Engineer for Baltimore County (Petitioners' Exhibit 5) which was applied for subsequent to the stop work Order. The subject property is described thereon as having a rear yard setback of 50 feet. The Petitioners' own evidence and testimony at the hearing, clearly, indicated that this property has not had a 50 foot setback since at least 1980, and currently only has a 2 foot rear yard setback. Pursuant to the aforementioned application, the stop work Order was lifted and the Petitioners resumed construction.

It is a well settled point of law in Maryland that a property owner cannot successfully assert a self-inflicted hardship as grounds for the granting of a variance. Ad + Soil, Inc. v. County Commissioners of Queen Annes County, 307, Md. 307 (1986).

Further, as reflected in the aforementioned case law, the mere fact that the Petitioners' property is less profitable, is not sufficient grounds to meet the undue hardship or practical difficulty requirements of Section 307 of the B.C.Z.R.

Upon careful consideration of the testimony and evidence presented, it is the opinion of the Zoning Commissioner that the requested variances are for the purpose of curing a self-inflicted hardship which arose out of a total disregard for the Baltimore County permit process, and not for the purpose of eliminating an undue hardship or practical difficulty, pursuant to Section 307 of the B.C.Z.R. Therefore, the requested variances must be denied.

ORDER RECEIVED FOR FILING
Date 2/13/90
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE
SW/S of Sindall Road at the
intersection of Eyewood Rd.
7229 Sindall Road
9th Election District
4th Councilmanic District
Malcolm A. Dutterer, Jr., et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-98-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1802.3.A.1 and 214.1b to allow a rear yard setback of 2 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, Malcolm A. Dutterer, Jr., and Lisl Dutterer appeared, testified and were represented by Anthony J. DiPaola, Esquire. Also appearing on behalf of the Petitioners were Susan Holl, Evelyn R. Esler, Jane M. VanNoy and Bill Suter. There were no Protestants.

Testimony indicated that the subject property, known as 7229 Sindall Road, consists of 26,787 sq. ft. +/-, zoned D.P.10.5 and is currently improved with a single family dwelling and multiple additions.

The Petitioners are desirous of constructing an addition on the rear of their home, specifically, enclosing the existing deck. The Petitioners testified that the Perring Plaza Shopping Center lies directly across Perring Parkway from the rear of their home, and the noise emanating from the Center disrupts their quiet enjoyment of their rear yard. The Petitioners began enclosing the subject deck without obtaining the requisite building permits and subsequently received a stop work Order in May of 1989. This matter is currently the subject of violation case No. 89-334. The Petitioners testified that they were not aware they needed such a permit for this endeavor.

ORDER RECEIVED FOR FILING
Date 2/13/90
By [Signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of February, 1990 that a variance to allow a rear yard setback of 2 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that a variance to allow a rear yard setback of 32.5 feet for the existing one story family room attached to the present house be and is hereby GRANTED, subject, however, to the following restriction:

1. That the second story addition over the permitted family room and the enclosed deck area shall be removed on or before July 1, 1990, however, an open projection deck from the rear of the permitted family room may be maintained for a distance of not more than 12 feet.

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

JRH/mm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 2/13/90
By [Signature]

Proffered testimony indicated that the Petitioners' immediate neighbors have no objection to their proposal.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

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

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship. 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.

ORDER RECEIVED FOR FILING
Date 2/13/90
By [Signature]

OWNERS: MALCOLM & LISL DUTTERER
7229 SINDALL ROAD 21234
DISTRICT 9 ZONING DISTRICT 10.5
SUBDIVISION - PERRING PLAZA

PROPERTY DESCRIPTION

Being known and designated as Lot No. 3, Block X, as laid out and delineated on a Plat prepared by Knecht & Maxwell, Landscape Architects and Engineers, and entitled "Record Plat - Section Two - Blocks N, X, Y & Z - Parkside Heights," said Plat being dated April 15, 1958, and recorded among the Plat Records of Baltimore County in Plat Book GLB No. 25, Folio 59. The improvements thereon being known as No. 7229 Sindall Road, and described in the Ninth Election District of Baltimore County, Maryland, and described in the Deed from Burbank Court Corporation to Malcolm A. Dutterer, Jr., and Lisl Dutterer, dated July 7, 1960, and recorded on July 12, 1960, among the Land Records of Baltimore County in Liber WJR No. 3723, Folio 387.

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-98-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section JED2.3.a.i. and 21a.1b. (1955) to allow a rear yard setback of 2 ft. in lieu of the required 50 ft.

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

- 001
- 002
- 003
- 004
- 005
- 006
- 007
- 008
- 009
- 010

SEE ATTACHED

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 petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser: _____ Legal Owner(s): MALCOLM A. DUTTERER, JR.
 (Type or Print Name) (Type or Print Name)
 Signature: [Signature]
 Address: 7229 SINDALL ROAD
 (Type or Print Name) (Type or Print Name)
 City and State: BALTIMORE, MD
 Signature: [Signature]
 Attorney for Petitioner: 7229 SINDALL ROAD 825-4860
 (Type or Print Name) Address Phone No.
 Signature: MALCOLM A. DUTTERER, JR.
 City and State: BALTIMORE, MD 21234
 Address: _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State: _____ Name
 Attorney's Telephone No.: _____ Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of June 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 20th day of Sept 1989, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 45 min
 ALL MON./TUES./WED. - HEAR THIS MORNING (over)
 REVIEWED BY: CAM DATE: 16 June 89
 Citation: 89-339

The minimal size of the subject house necessitates use of the yard area for privacy, relaxation recreation and entertainment.
 Construction in the front yard would interfere with the neighborhood's existing architectural integrity.
 A number of the neighboring property owners have already constructed living space in their rear and side yards.
 Lights and noise from Perring Parkway and the Perring Parkway Shopping Center which are both directly behind the Petitioner's residence together with the weather and insects severely limit the Petitioner's use of their property for residential purposes --privacy, relaxation, recreation and entertainment.
 Petitioners seek to have peaceful, private, full, year-round residential use of their rear property area.
 Due to the minimal size of the Petitioners' rear yard, a smaller enclosure would render the remainder of the yard unusable for residential purposes.

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 20th day of Sept 1989, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 45 min
 ALL MON./TUES./WED. - HEAR THIS MORNING (over)
 REVIEWED BY: CAM DATE: 16 June 89
 Citation: 89-339

CERTIFICATE OF PUBLICATION
 August 29 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 24, 1989.
 JEFFERSONIAN
 NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
 5. Zube Olson
 Publisher
 P016235
 reg 1134136
 ca. 90-98-A
 price \$74.86

CERTIFICATE OF POSTING 90-98-A
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 District: 924 Date of Posting: 11/17/89
 Posted for: Variance
 Petitioner: Malcolm A. Dutterer, Jr.
 Location of property: 5.16 S. SINDALL RD. near Perring Wood Rd.
7229 SINDALL RD.
 Location of Sign: Sign on SINDALL RD. across from Perring Wood Rd.
 Remarks: _____
 Posted by: [Signature] Date of return: 9/18/89
 Number of Signs: 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
 September 6, 1989
 Mr. & Mrs. Malcolm A. Dutterer, Jr.
 7229 Sindall Road
 Baltimore, MD 21234
 RE: Item No. 557, Case No. 90-98-A
 Petitioner: Malcolm A. Dutterer, et ux
 Petition for Zoning Variance
 Dear Mr. & Mrs. Dutterer:
 The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.
 Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.
 IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.
 Very truly yours,
 James E. Dyer
 Chairman
 Zoning Plans Advisory Committee
 JED:jw
 Enclosures

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

Baltimore County Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 405
 Towson, Maryland 21204
 (301) 887-3554
 Mr. J. Robert Haines
 Zoning Commissioner
 County Office Building
 Towson, MD 21204

RECEIVED
 AUG 3 1989
 ZONING OFFICE

Dear Mr. Haines:
 The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,
 Michael S. Flanigan
 Michael S. Flanigan
 Traffic Engineer Associate II

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

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

RE: Property Owner: MALCOLM A. DUTTERER, JR.
 Location: #7229 SINDALL ROAD
 Item No.: 557 Zoning Agenda: JUNE 27, 1989

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

REVIEWER: [Signature] Noted and Approved: Capt. Wm. Brady
 Planning Group Fire Prevention Bureau
 Special Inspection Division

JK/KEK

ZONING ENFORCEMENT
 Baltimore County Zoning Office
 Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 TO: James E. Dyer
 Zoning Supervisor
 FROM: James H. Thompson
 Zoning Enforcement Coordinator
 RE: Item No. #557 (if known)
 Petitioner: Lisl E. & Malcolm A. Dutterer, Jr. (if known)

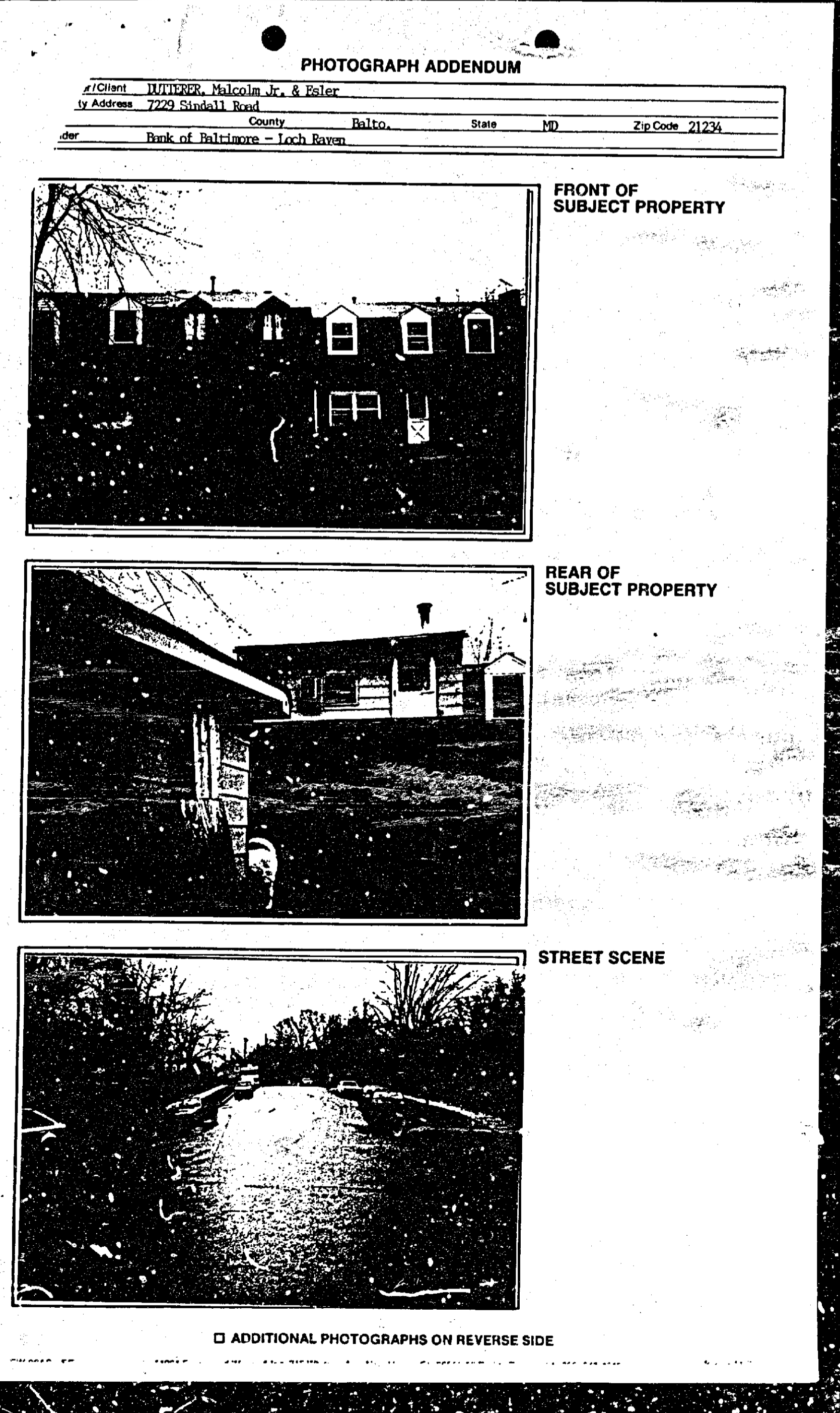
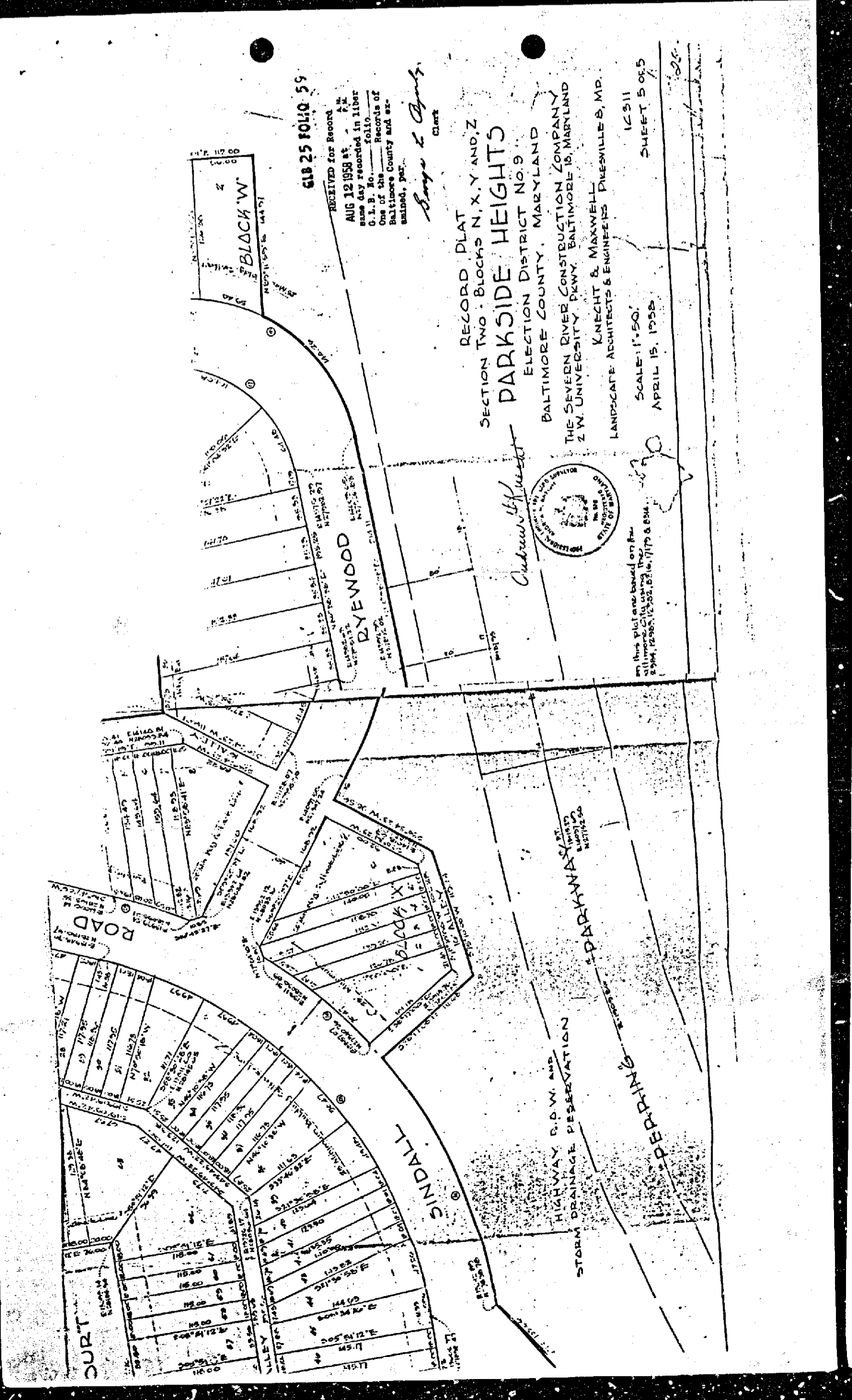
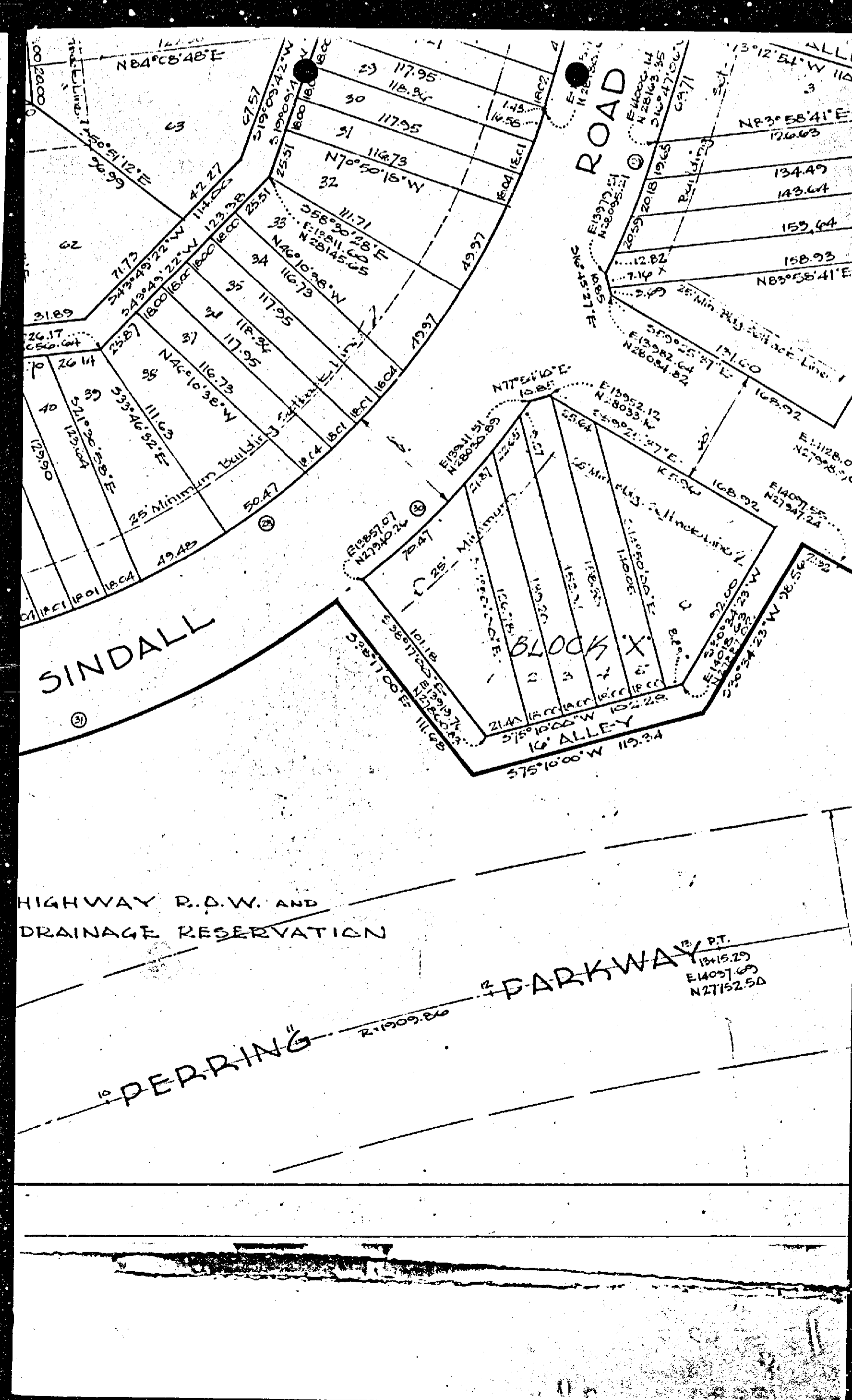
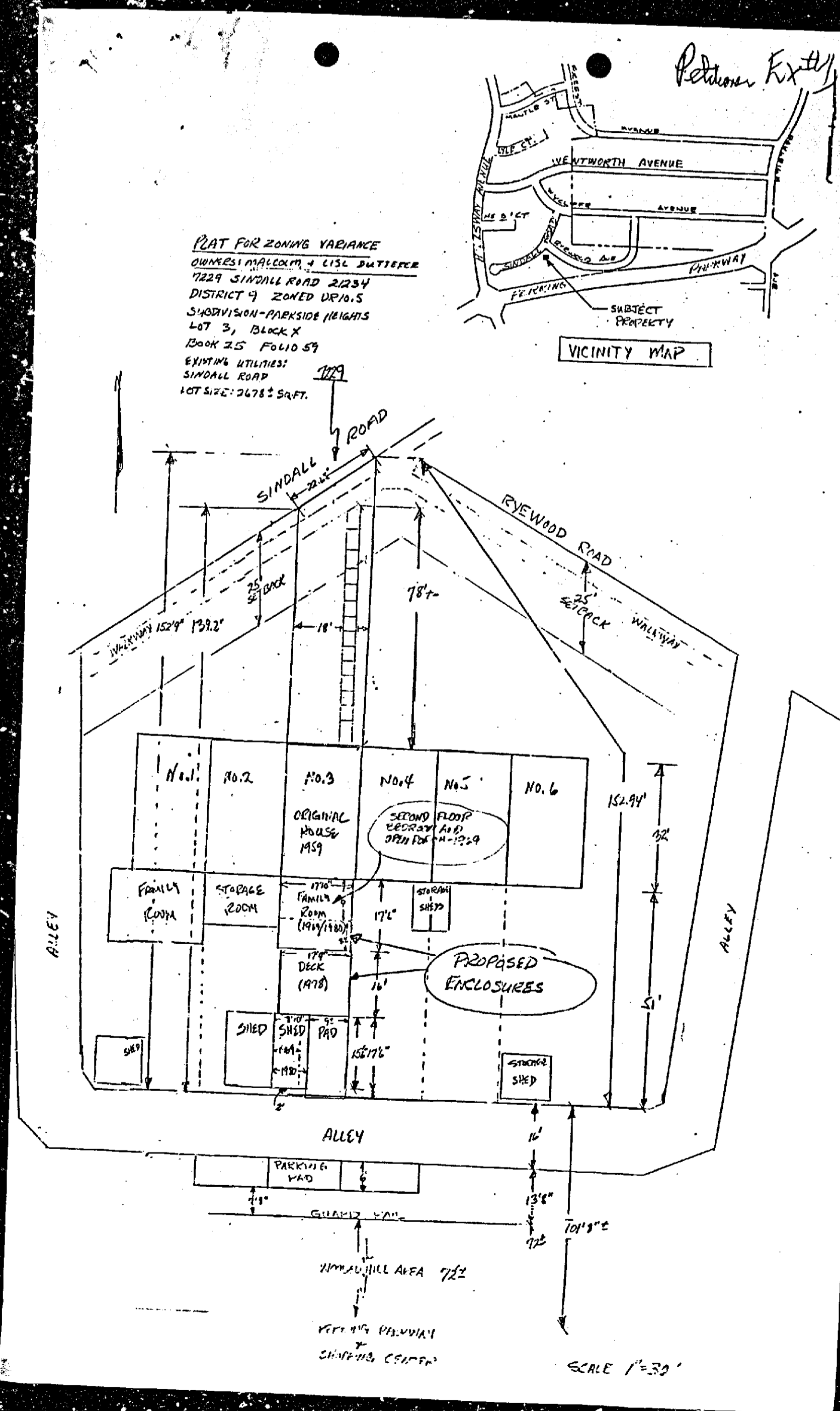
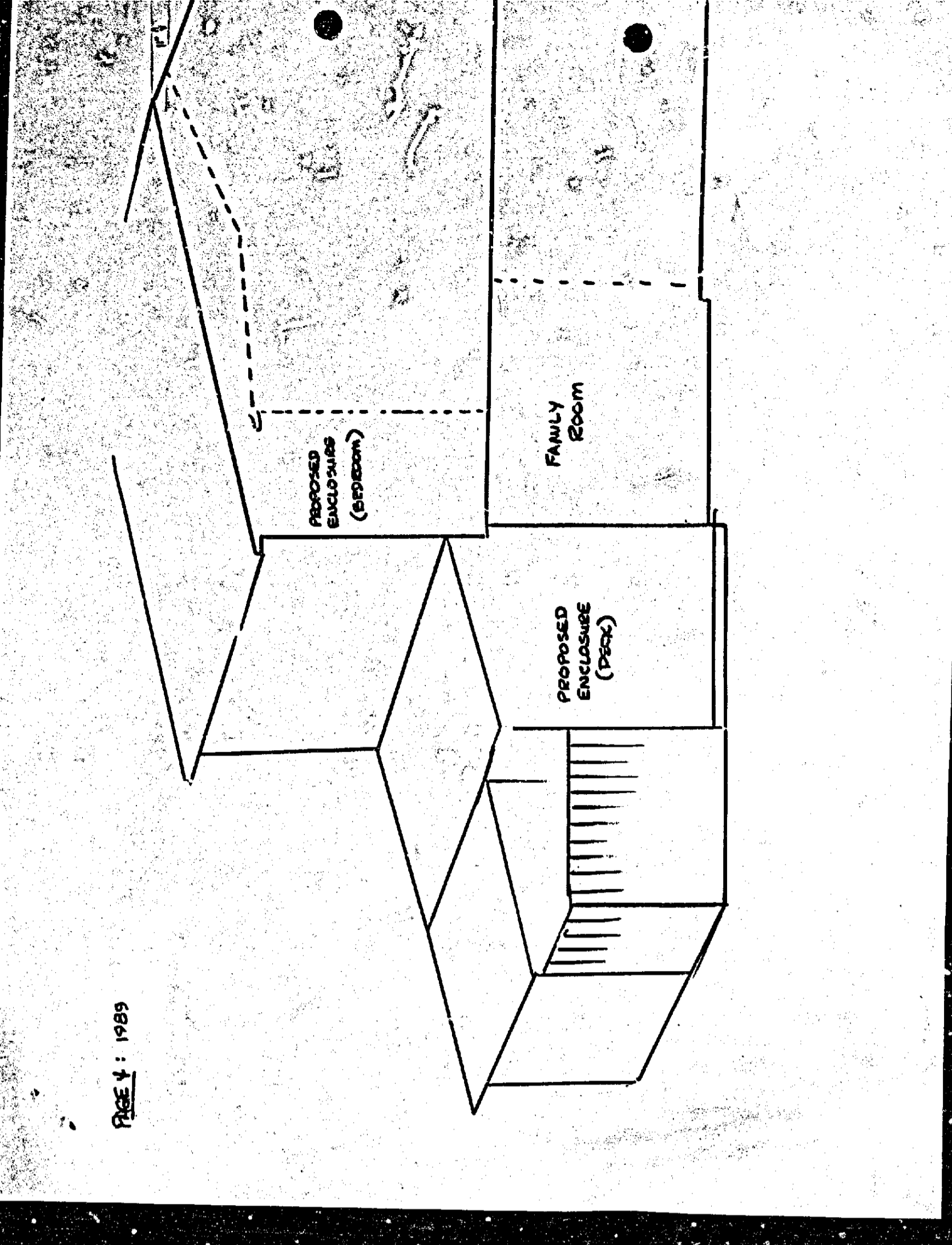
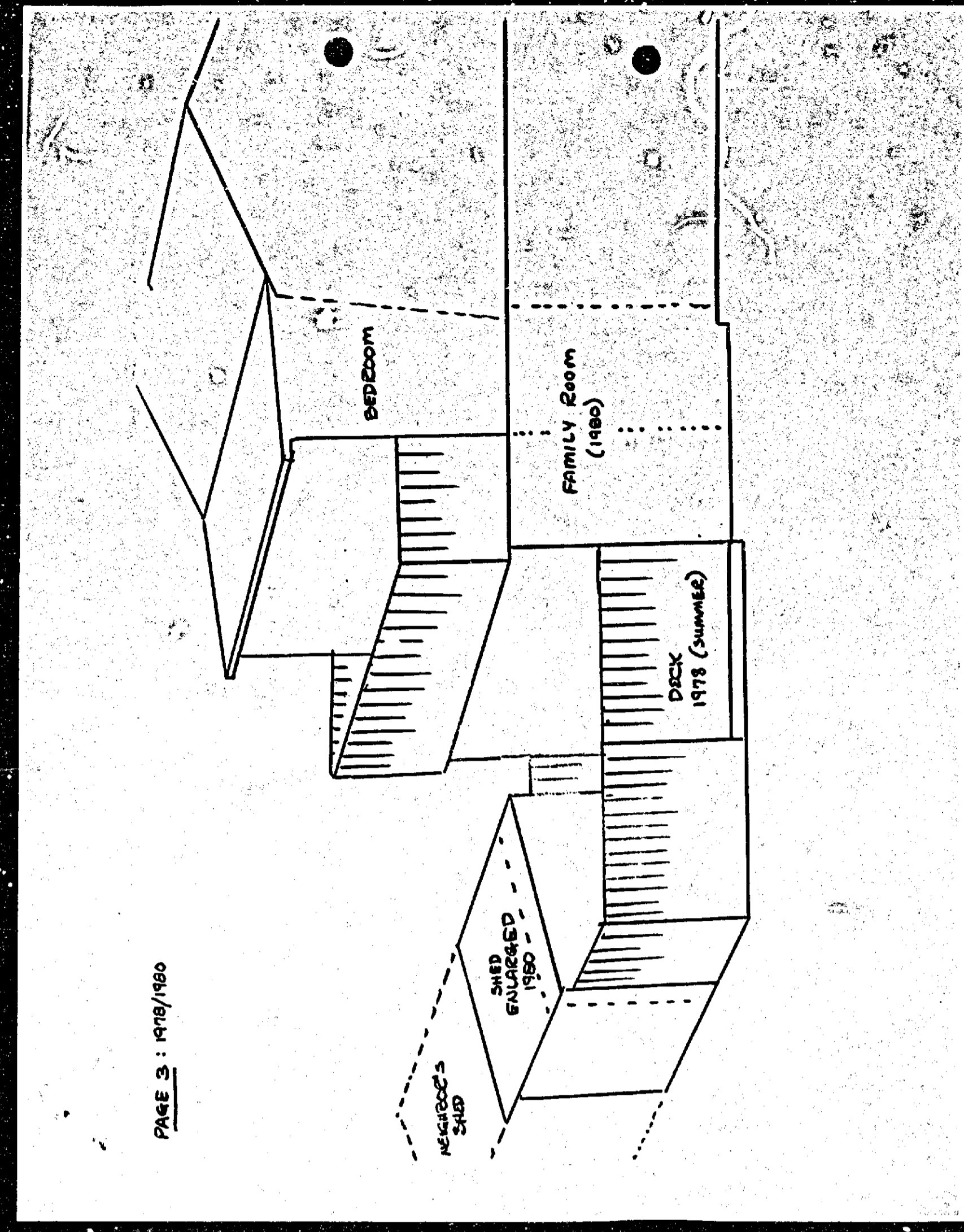
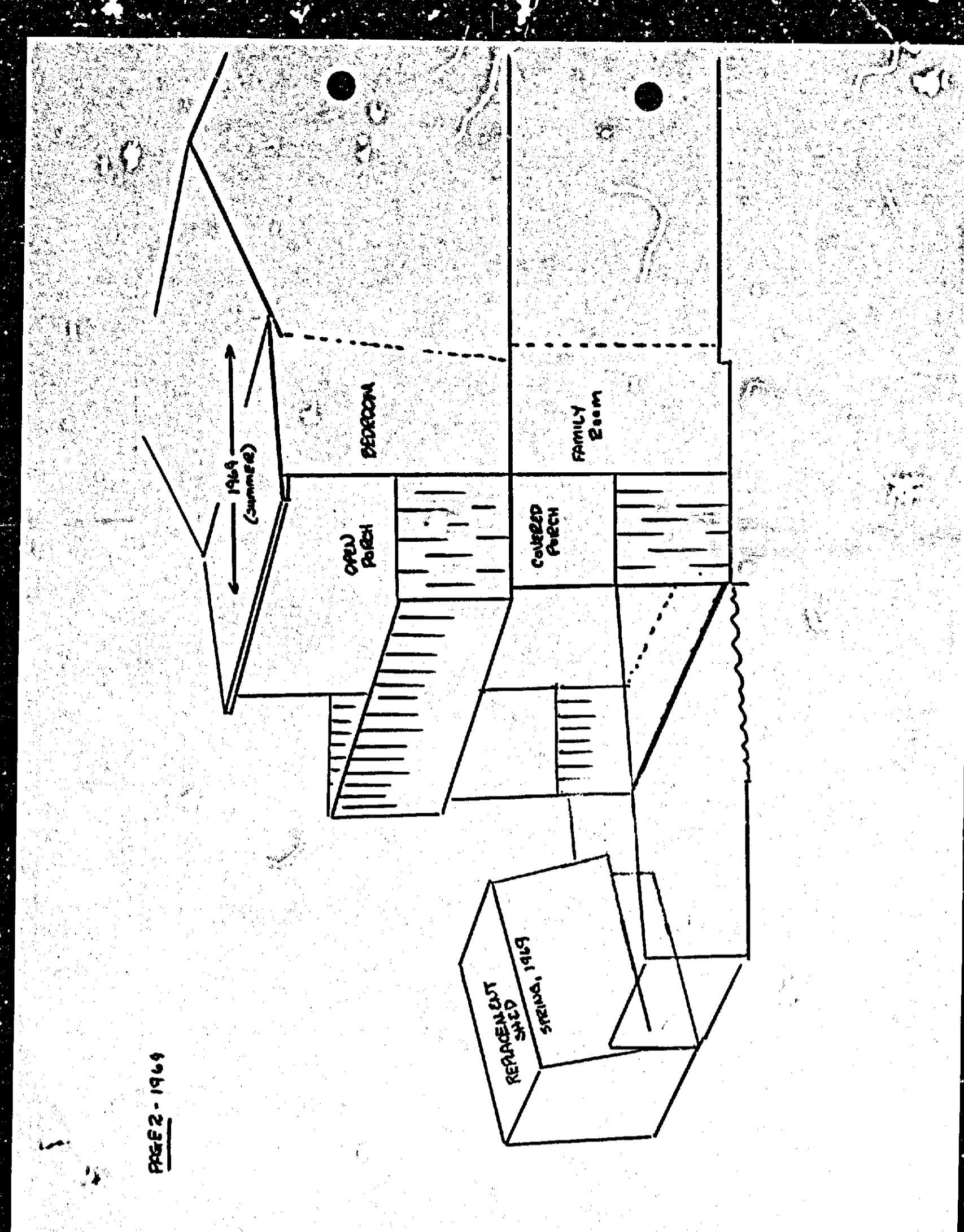
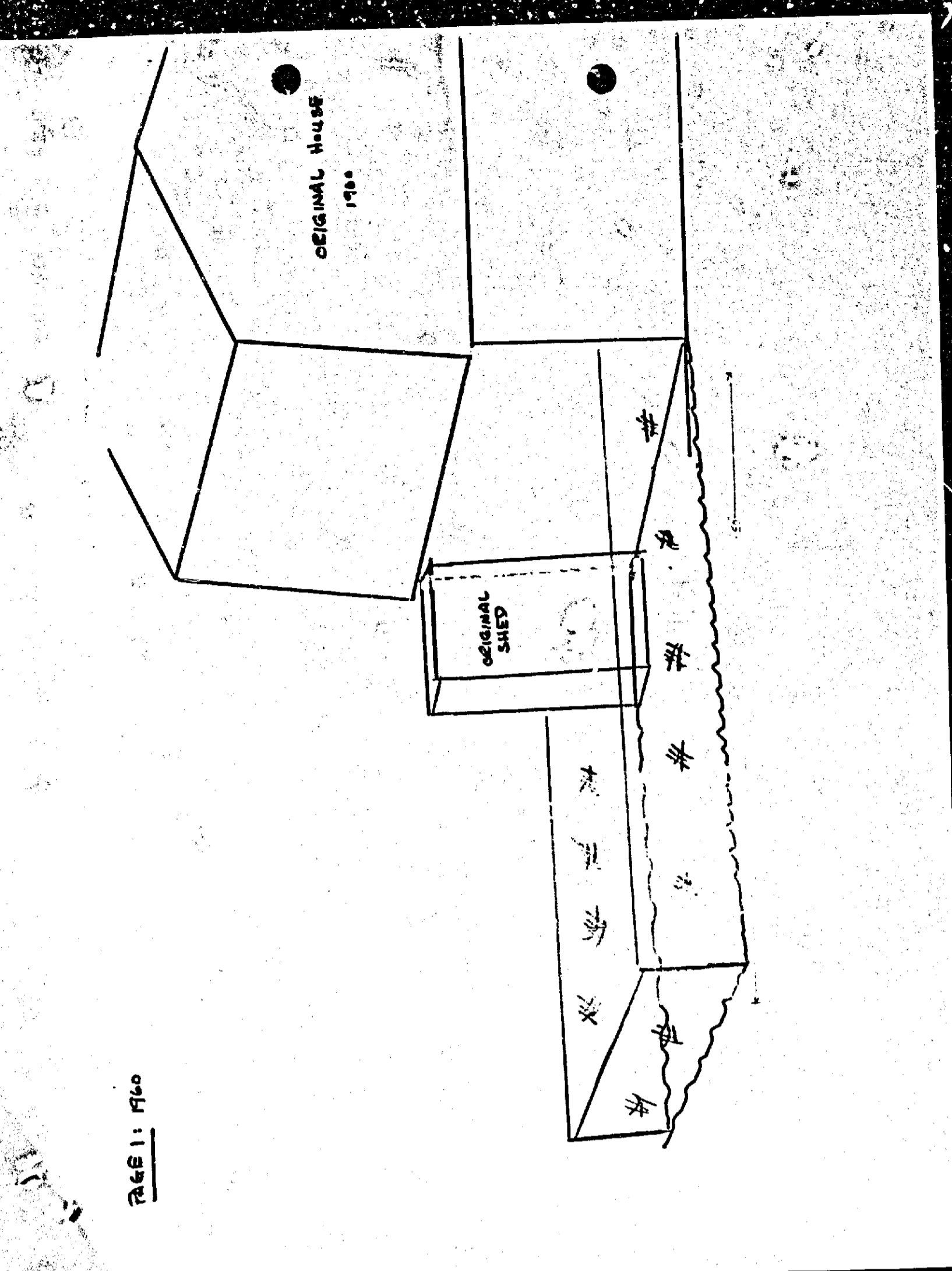
VIOLATION CASE # 89-334
 LOCATION OF VIOLATION 7229 Sindall Road
 DEFENDANT Lisl E. and Malcolm A. Dutterer, Jr.
 ADDRESS 7229 Sindall Road Baltimore, MD 21234

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

NAME ADDRESS

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

ech/



Return Ex #5
8/24/90

To whom it may concern:

IT IS MY UNDERSTANDING THAT CERTAIN HOME IMPROVEMENTS TO 7229 SINDALL RD BY ITS OWNERS, MALCOLM & LISA DUTTERER ARE NOT WITHIN ZONING REGULATIONS. IT IS MY FEELING THAT ALL WORK DONE TO THAT ADDRESS HAS IMPROVED THE NEIGHBORHOODS BEAUTY AND INCREASED PROPERTY VALUES. KNOWING THE DUTTERERS AS I DO, I KNOW THAT THEY WOULD IN NO WAY DO ANYTHING AGAINST THIS COMMUNITY. BEING A COUNTY EMPLOYEE, I KNOW THAT OUR TIME AND THE COUNTY'S FUNDS COULD BE USED ON MORE IMPORTANT AND STRONGLY CONTESTED ISSUES.

I FEEL THAT IT IS IMPORTANT FOR YOU TO KNOW THAT IF IT HAD NOT BEEN FOR AN INJURY TO MY FOUR YEAR OLD SON ON 8/23/90, I WOULD HAVE STATED MY OPINIONS IN PERSON.

THANK YOU,
Mark Hilly
Mark Hurlby
7225 SINDALL RD
BALT MD 21234

Return Ex #5

7233 Sindall Road
Parkville, Maryland
21234

23 August 1990

To Whom It May Concern,

This letter is to inform all interested parties that the residents of 7233 Sindall Road, Parkville, Maryland 21234-6816 have no objections whatsoever to the improvements made by Mr. Malcolm Dutterer on his home at 7229 Sindall Road, Parkville, Maryland 21234. We feel the changes made to his home greatly improve the aesthetic and monetary value of his and the surrounding properties. The additions to his home pose no threat of injury or damage to the neighboring people or property as they appear soundly constructed and show no evidence of potential hazard. Please reconsider all motions against Mr. Dutterer ordering him to cease work or to remove what has been done.

Thank you,
Joseph E. Balan
Richard E. Balan
Joseph, Richard And Sharor Lenham

Return Ex #5

August 23, 1990

To whom it may concern

This letter is to state that our neighbors Mr. & Mrs. Dutterer are very upstanding people, and an asset to the community. They are very conscientious people about neighborhood cleanliness and beauty. They have decorated their home with flowers and shrubbery and are always ready to help anyone beautify the surrounding neighborhood.

My wife Cailla Meyers and myself, have lived in the neighborhood for 14 years. In all that time the Dutterers home has never looked distasteful or in need of any obvious repair. We have visited the inside of the Dutterers home on occasion and have observed for ourselves the workmanship, effort, and pride that they put into their home.

We, my wife and I have no objection to the work or construction being done on the Dutterers property. If anything, in our opinion it adds to the value of the homes in our community.

Ronald L. Meyers
Cailla H. Meyers
7232 Sindall Rd.
Pulver, Md 21234

Return Ex #5

August 23, 1990

To whom it may concern

We are writing on behalf of the Dutterer family in total support of their (enclosed rooms and deck) project. Our home is perpendicular to their backyard (1702 Ryewood Road) and the Dutterer's home is, on we admire.

Being residents here for twelve years, we have watched this home being improved upon and being built out - giving it great value in its property, and presenting a very clean and impressive extension (much needed in these homes).

We, personally, have no objection to this extension of the Dutterer's home. If anything, it has encouraged the neighborhood to make the most of your home, and their home is a beautiful representation!

We only wish we could have been here personally to support this family, as they take great pride in their home and are a family that more neighborhoods should have in them.

Mrs. Kathy Costanzo
Mr. Rick Costanzo

P.C. #1

NAME OF THE FOLLOWING RESIDENT AGENT/ RATE OFFICER (IF APPLICABLE):

BALTIMORE COUNTY, MARYLAND
CITATION NO. 89-334

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
THAWSON, MARYLAND 21204

NAME OF PERSON(S) CHARGED: LISA E. DUTTERER AND MALCOLM A. DUTTERER, JR. - TENANTS BY ENTIRETIES

CURRENT ADDRESS IN FULL: 7229 SINDALL ROAD, BALTIMORE, MD 21234

OWNER (X) OR OCCUPANT () RELATED CITATIONS:

IT IS FORMALLY CHARGED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "CONTRACTOR'S EQUIPMENT STORAGE YARD", "SETBACK", "ACCESSORY BUILDING", "MAXIMUM HEIGHT 102.11, 100.11B, 100.3.C, 214.1, 400.11, 400.2

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R. 10.5 TO COMMIT THE FOLLOWING:
1. OPERATION OF A CONTRACTOR'S EQUIPMENT STORAGE YARD. 2. ACCESSORY BUILDING OCCUPYING MORE THAN 40% OF THE REAR YARD. 3. SETBACK DOES NOT MEET THE REQUIRED SETBACKS.

LOCATION AND DATE(S) OF VIOLATION: 7229 SINDALL ROAD
5/18/89 AND 5/30/89 - PERSEVER

TO RESPOND TO THE ABOVE CHARGE(S) LOGGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:
1) YOU MAY PAY A FINE OF \$1,200.00 (\$600.00 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FURN ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, THAWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 22ND DAY OF JUNE, 1989.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY ZONING COMMISSIONER BY FILING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING COMMISSIONER'S OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF YOU FAIL TO PAY THE FINE, OR REQUEST A TRIAL BY THE RESPECTIVE DEADLINES, YOU WILL RECEIVE A FORMAL NOTICE OF VIOLATION AFTER WHICH YOU WILL HAVE FIFTEEN (15) DAYS TO PAY THE ORIGINAL FINE. AFTER THAT DATE, THE FINE WILL BE \$2,400.00 (\$1,200.00 FOR EACH ADDITIONAL DAY). IF NOT PAID WITHIN THIRTY-FIVE (35) DAYS FROM THE DATE OF THE FORMAL NOTICE OF VIOLATION, THE DISTRICT COURT MAY SCHEDULE THE CASE FOR TRIAL. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

6-7-89
Frank M. Di Meglio
OFFICE OF PLANNING & ZONING REPRESENTATIVE

DATE: 6-7-89

BASED ON THE STATEMENT OF FRANK M. DIMIGLIO, THIS CITATION IS HEREBY ISSUED THIS 2ND DAY OF JUNE, 1989.

James J. Dimiglio
DEPUTY ZONING COMMISSIONER

ACKNOWLEDGEMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

NOTICE OF INTENTION TO STAND TRIAL

CITATION NO. 89-334
6/23/89

RETURN TO:
ZONING OFFICE
111 W. CHESAPEAKE AVENUE
THAWSON, MARYLAND 21204

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I HEREBY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND FOR THE VIOLATION(S) CHARGED ON THE ATTACHED CITATION.

DATE: June 7, 1989
ADDRESS: 7229 Sindall Road, Baltimore, Maryland 21234

SIGNATURE: Lisa E. Dutterer

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Appled
Date of Posting: 3/11/90
Petitioner: Malcolm B. Dutterer, et al
Location of property: 7229 Sindall Rd, Parkville, Md
Location of Sign: 7229 Sindall Rd, approx 1/2 mi from driveway on property of Petitioner
Remarks:
Posted by: J. Dimiglio
Number of Signs: 1
Date of return: 3/16/90

OWNERS TITLE INSURANCE POLICY (NATIONAL TITLE UNDERWRITERS ASSOCIATION STANDARD OWNER FORM) NPH

The Title Guarantee Company

POLICY NUMBER BALTIMORE 2, MARYLAND AMOUNT 9,300.00
H.O. 30355

This Policy of Title Insurance Witnesseth: That THE TITLE GUARANTEE COMPANY, a Maryland Corporation, has issued to the insured, James H. Thompson, a Maryland Resident, SCHEDULE A

1. The estate or interest in the real estate described below covered by this Policy is:

A leasehold estate.

2. Description or identity of the real estate in which the Insured has the estate or interest covered by this Policy.

A lot of ground in the Ninth Election District of Baltimore County, Maryland, known as No. 7229 Sindall Road, and more particularly described in the deed from Burbank Court Corporation to the insured, dated July 7, 1960, and recorded on July 12, 1960, among the Land Records of Baltimore County in Liber W.J.R. No. 3723, folio 387.

The above property is subject to an annual ground rent of \$120.00 which is redeemable at 6% after December 15, 1964, on one month's notice.

SCHEDULE B

This Policy does not insure or indemnify against the defects, claims, interests, objections to title, liens or encumbrances affecting said real estate, or the estate or interest therein covered by this Policy, as are scheduled below:

1. Rights or claims of parties other than the Insured in actual possession of any or all of the property.
2. Unrecorded easements, if any, on, above or below the surface; and any discrepancies or conflicts in boundary lines or shortages in area or encroachments, which a correct survey or an inspection of the premises would disclose.
3. Possible unfiled mechanics' and materialmen's liens.
4. Restrictions contained in a Declaration of the Severn River Construction Co., dated July 18, 1959, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3566, folio 220, and 25 foot setback line shown on recorded plan in Liber G.L.B. No. 3310, folio 278.
5. Rights of Baltimore Gas and Electric Company to erect poles and saving wires by agreement with The Severn River Construction Co., dated February 14, 1958, and recorded in Liber G.L.B. No. 3310, folio 278.
6. Sub-surface rights of the Mayor and City Council of Baltimore in and to the Loch Raven Water Supply Tunnel through the tract of which this lot is a part.
7. Taxes already levied for the year 1960 are paid, but this policy does not insure against possible future tax levies for the balance of the year 1960.

P.C. #8

APPEAL
ADDENDUM TO CHECKLIST

Petition for Zoning Variance
SW/S of Sindall Road at the intersection of Ryewood Road
(7229 Sindall Road)
9th Election District - 4th Councilmanic District
MALCOLM A. DUTTERER, JR. ET UX - Petitioner
Case No. 90-98-A

Below find a list of items from our Zoning Enforcement's Violation File No. C-89-2146 which should be included as part of the appeal file as per Frank Dimiglio, Zoning Inspector of the Zoning Office

Copy of Citation
Memo from James H. Thompson to Zoning Commissioner
Memo to Building Engineer to issue stop work order
Copy of Permit Application with Rear Setback highlighted in Green
Photographs from dates: 5/18/89, 5/30/89 and 1/10/90

RECEIVED
JUN 25 1989
BALTIMORE

ZONING ENFORCEMENT

P.C. #2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
January 12, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Case No. 90-98-A
SMS Sindall Road & Ryewood Road
Dutterer - Petitioner
9th Election District

Please be advised that our district court case, 89-334, 7229 Sindall Road, has been rescheduled for January 24, 1990, before the Honorable Gerard W. Wittstadt.

It is imperative that an order be written immediately. On January 10, 1990, Judge Wittstadt proceeded with trying a case that our office wanted to be continued pending the outcome of the public hearing.

On January 10, 1990, at my request, Frank DiMeglio re-inspected 7229 Sindall Road as to the current status of the structure in question. His photos reveal that the addition is virtually completed. I was at a loss as to how and why the defendants/petitioners would take this action seeing that stop work order number G00249 was issued at my request on May 19, 1989 and you have yet to render your decision. Upon review of petitioner's exhibit number 5, building permit number B017360, I found the answer. The major problem is that improper information was supplied to our office to obtain its approval. All information was supplied to our office and during that time period, I informed this took a total of four days and during that time period, I informed Mrs. Lial Dutterer, Jr., in person, that a variance petition would have to be filed and granted for construction to continue.

I am requesting that major consideration be given to these facts in making your decision.

JHT:ljs

ZONING ENFORCEMENT

P.C. #3

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger
Building Engineer
January 12, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Case No. 89-334
7229 Sindall Road
Lial & Malcolm Dutterer, Jr. - Property Owners
9th Election District

On May 19, 1989, I requested that your office issue a stop work order pertaining to an addition being added to the rear of 7229 Sindall Road without a permit.

Subsequent to stop work order G002490 was issued relative to this construction.

Ultimately, the property owners were able to obtain a building permit, B017360.

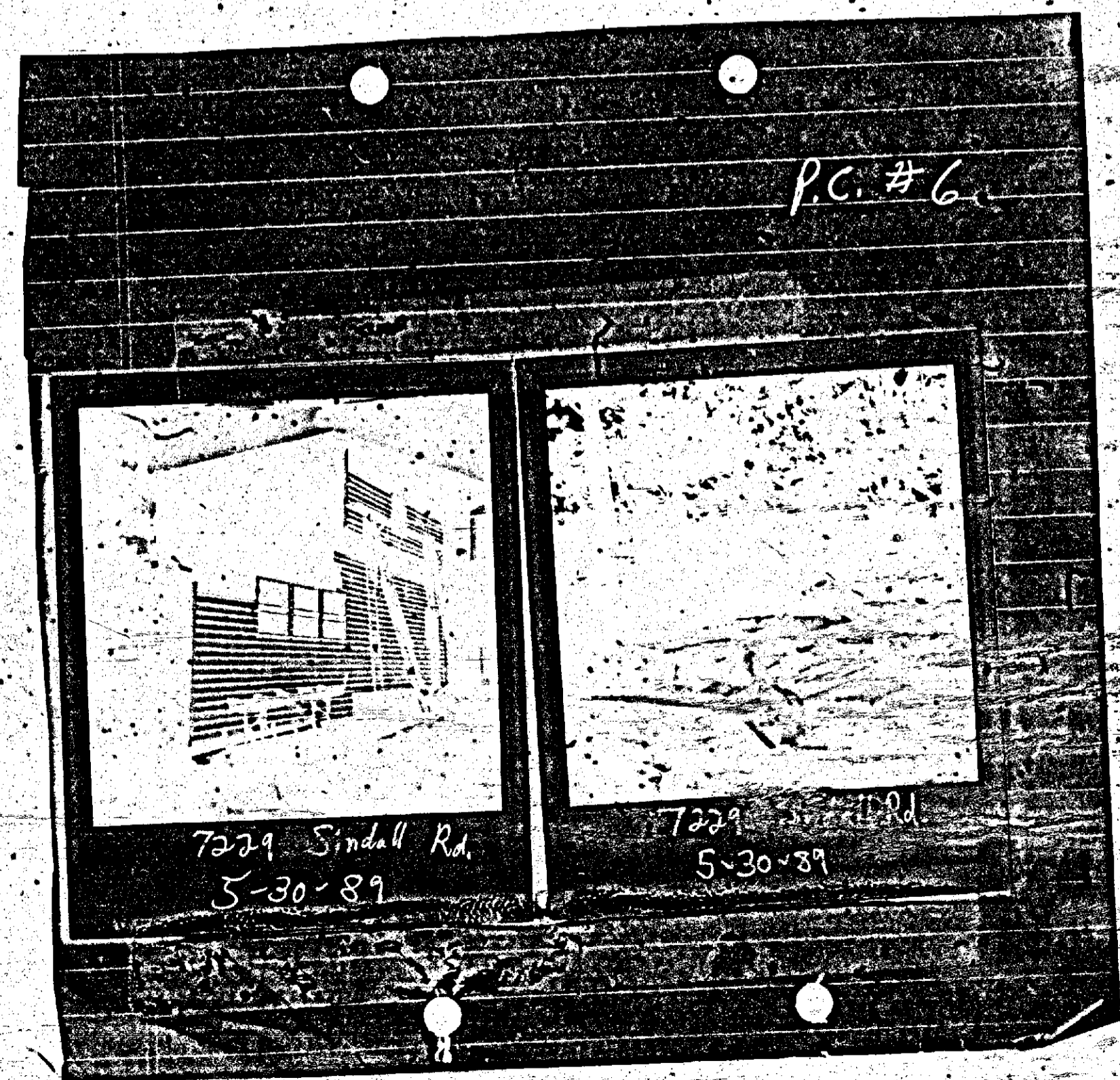
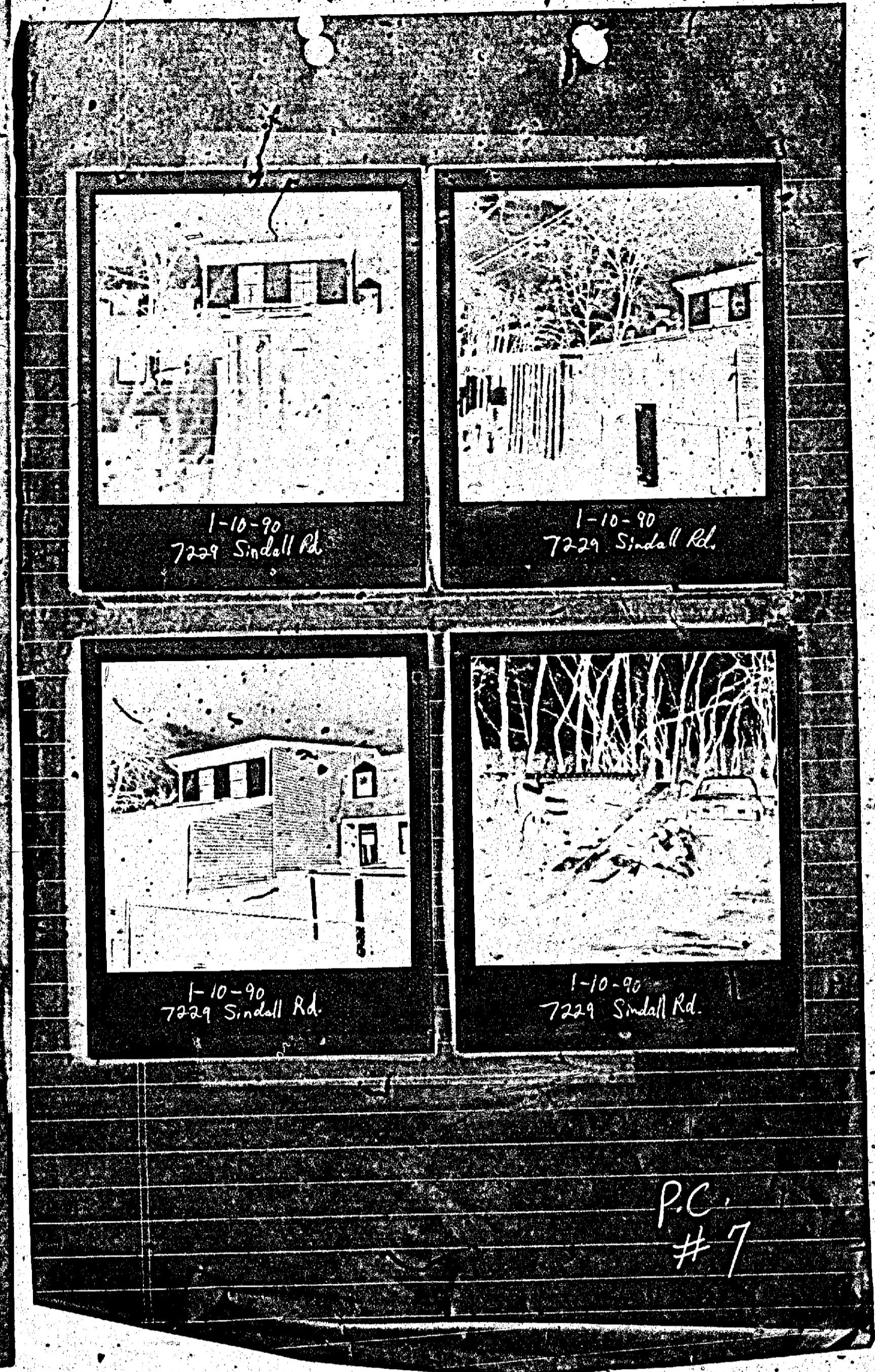
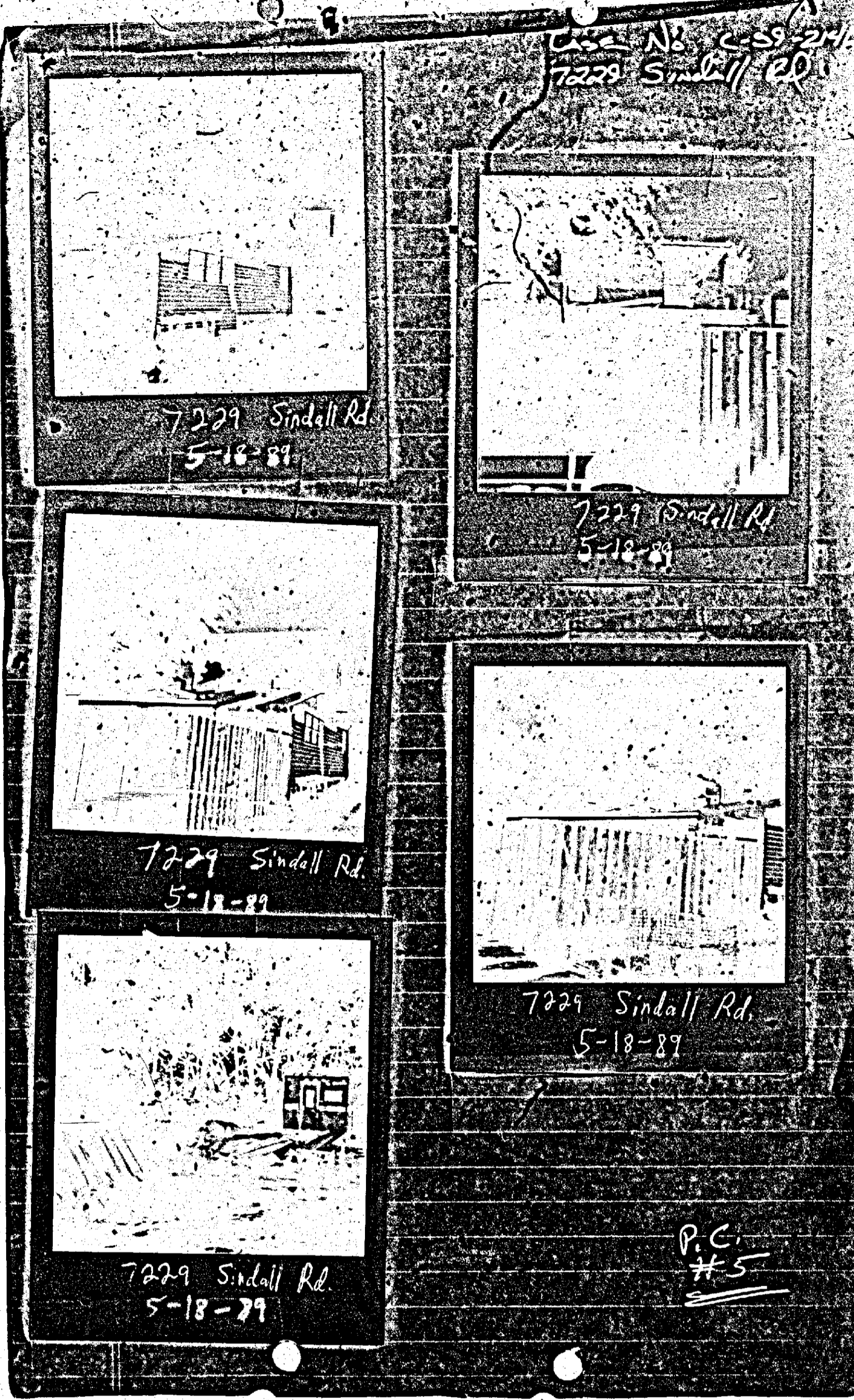
The major problem at this time is that the permit was issued based on incorrect information supplied to Development Control. Furthermore, Zoning Commissioner Haines has yet to write an order to allow its current placement.

Therefore, please re-institute a stop work order for this property.

Any questions, please call me at 887-3351.

JHT:ljs

cc: J. Robert Haines
Zoning Commissioner





APPROVED 7/11/68 Date
 BALTIMORE COUNTY HEALTH DEPARTMENT
William H. F. Wooten, M.D.
 Deputy State and County Health Officer - 7-12-74

APPROVED Jan 26, 1968 Date
James J. Deane
 Director, Baltimore County Planning Board

APPROVED 6/27/68 Date
Richard G. Hunt
 Road Engineer, Baltimore County Highways Dept.

CURVE DATA

STATION	CHORD	BEARING
17	11.71	N 75° 18' 00" E
18	15.74	N 75° 18' 00" E
19	19.77	S 77° 23' 55" E
20	23.80	S 77° 23' 55" E
21	27.83	S 77° 23' 55" E
22	31.86	S 77° 23' 55" E
23	35.89	S 77° 23' 55" E
24	39.92	S 77° 23' 55" E
25	43.95	S 77° 23' 55" E
26	47.98	S 77° 23' 55" E
27	52.01	S 77° 23' 55" E
28	56.04	S 77° 23' 55" E
29	60.07	S 77° 23' 55" E
30	64.10	S 77° 23' 55" E
31	68.13	S 77° 23' 55" E
32	72.16	S 77° 23' 55" E
33	76.19	S 77° 23' 55" E
34	80.22	S 77° 23' 55" E
35	84.25	S 77° 23' 55" E
36	88.28	S 77° 23' 55" E
37	92.31	S 77° 23' 55" E
38	96.34	S 77° 23' 55" E
39	100.37	S 77° 23' 55" E
40	104.40	S 77° 23' 55" E
41	108.43	S 77° 23' 55" E
42	112.46	S 77° 23' 55" E
43	116.49	S 77° 23' 55" E
44	120.52	S 77° 23' 55" E
45	124.55	S 77° 23' 55" E
46	128.58	S 77° 23' 55" E
47	132.61	S 77° 23' 55" E
48	136.64	S 77° 23' 55" E
49	140.67	S 77° 23' 55" E
50	144.70	S 77° 23' 55" E
51	148.73	S 77° 23' 55" E
52	152.76	S 77° 23' 55" E
53	156.79	S 77° 23' 55" E
54	160.82	S 77° 23' 55" E
55	164.85	S 77° 23' 55" E
56	168.88	S 77° 23' 55" E
57	172.91	S 77° 23' 55" E
58	176.94	S 77° 23' 55" E
59	180.97	S 77° 23' 55" E
60	185.00	S 77° 23' 55" E
61	189.03	S 77° 23' 55" E
62	193.06	S 77° 23' 55" E
63	197.09	S 77° 23' 55" E
64	201.12	S 77° 23' 55" E
65	205.15	S 77° 23' 55" E
66	209.18	S 77° 23' 55" E
67	213.21	S 77° 23' 55" E
68	217.24	S 77° 23' 55" E
69	221.27	S 77° 23' 55" E
70	225.30	S 77° 23' 55" E
71	229.33	S 77° 23' 55" E
72	233.36	S 77° 23' 55" E
73	237.39	S 77° 23' 55" E
74	241.42	S 77° 23' 55" E
75	245.45	S 77° 23' 55" E
76	249.48	S 77° 23' 55" E
77	253.51	S 77° 23' 55" E
78	257.54	S 77° 23' 55" E
79	261.57	S 77° 23' 55" E
80	265.60	S 77° 23' 55" E
81	269.63	S 77° 23' 55" E
82	273.66	S 77° 23' 55" E
83	277.69	S 77° 23' 55" E
84	281.72	S 77° 23' 55" E
85	285.75	S 77° 23' 55" E
86	289.78	S 77° 23' 55" E
87	293.81	S 77° 23' 55" E
88	297.84	S 77° 23' 55" E
89	301.87	S 77° 23' 55" E
90	305.90	S 77° 23' 55" E
91	309.93	S 77° 23' 55" E
92	313.96	S 77° 23' 55" E
93	317.99	S 77° 23' 55" E
94	322.02	S 77° 23' 55" E
95	326.05	S 77° 23' 55" E
96	330.08	S 77° 23' 55" E
97	334.11	S 77° 23' 55" E
98	338.14	S 77° 23' 55" E
99	342.17	S 77° 23' 55" E
100	346.20	S 77° 23' 55" E

OWNERS CERTIFICATE
 The undersigned hereby certifies that the plat and the map thereon were prepared in accordance with the provisions of Chapter 104 of the Acts of 1946 as amended and that the same are correct and true to the original survey and the calling of the same.

NOTE
 The streets and/or roads as shown hereon and the manner thereof in deeds hereon are for the purpose of identification only and the same are not to be construed as a dedication of the same to the public use unless it is expressly so provided in the grant of the deed to which this plat is attached. This being a plat of a subdivision of land.

RECORD PLAT
 SECTION TWO, BLOCKS N, X, Y AND Z
PARKSIDE HEIGHTS
 ELECTION DISTRICT No. 9
 BALTIMORE COUNTY, MARYLAND

THE SEVERN RIVER CONSTRUCTION COMPANY
 2 W. UNIVERSITY PKWY, BALTIMORE 18, MARYLAND

KNECHT & MAXWELL
 LANDSCAPE ARCHITECTS & ENGINEERS
 1111 W. BALTIMORE AVE., BALTIMORE, MD.

SCALE 1" = 50'
 APRIL 15, 1968

SHEET 5 OF 5

Notes: Coordinates shown on this plat are based on the geodetic system of Baltimore City using the following Traverse Points: 12984, 12985, 12986, 11178 & 8344.



Appeal - Case No. 90-98-A
Malcolm A. Dutterer, Jr. et ux
February 28, 1990
Page 2

Evelyn R. Esler, 7235 Sindall Road, Baltimore, MD 21234
Jane M. VanNoy, 7227 Sindall Road, Baltimore, Md., 21234
Bill Suter, 7230 Sindall Road, Baltimore, MD 21234

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

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COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

FAX 301-296-2131

REPLY TO:
ANNEX OFFICE
SUITE 101
808 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301
828-9441

February 13, 1990

HAND DELIVERY

J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO. 90-98-A
PETITION FOR ZONING VARIANCE
MALCOLM A. DUTTERER, ET UX.
PETITIONERS

RECEIVED
FEB 14 1990

ZONING OFFICE

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0014150
Number: 1402

Date: 2/15/90

APPEAL FEES	DIY	PRICE
140 - OF ALL OTHER ORDERS		\$125.00
150 - POSTING SIGNS / ADVERTISING	X	\$25.00
LAST NAME OF OWNER: DUTTERER, JR.		TOTAL: \$150.00

CASE # 90-98-A

8 112*****150001 S168F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-8353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

Denise F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Zoning Variance

Case Number: 90-98-A
SWS of Sindall Road at the intersection of Ryewood Road
9th Election District - 4C Residential
Petitioner(s): Malcolm A. Dutterer, Jr., et al
HEARING SCHEDULED: MONDAY, FEBRUARY 4, 1990 at 9:30 a.m.

Variance: To allow a rear yard setback of 2 feet in lieu of the required 50 feet.

NOTE: IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY ON THE ABOVE HEARING DATE, THE HEARING WILL BE POSTPONED. IN THE EVENT OF SNOW, TELEPHONE 887-3351 TO CONFIRM HEARING DATE.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor
DATE: August 31, 1989

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. #557 (if known)
Petitioner: Lisl E. & Malcolm A. Dutterer, Jr. (if known)

VIOLATION CASE # 89-334

LOCATION OF VIOLATION 7229 Sindall Road

DEFENDANT Lisl E. and Malcolm A. Dutterer, Jr.

ADDRESS 7229 Sindall Road Baltimore, MD 21234

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

NAME ADDRESS

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

ech/

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John R. Belsinger
Building Engineer
January 12, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Case No. 89-334
7229 Sindall Road
Lisl & Malcolm Dutterer, Jr. - Property Owners
9th Election District

On May 19, 1989, I requested that your office issue a stop work order pertaining to an addition being added to the rear of 7229 Sindall Road without a permit.

Subsequently, stop work order G002490 was issued relative to this construction.

Ultimately, the property owners were able to obtain a building permit, B017360.

The major problem at this time is that the permit was issued based on incorrect information supplied to Development Control. Furthermore, Zoning Commissioner Haines has yet to write an order to allow it's current placement.

Therefore, please re-institute a stop work order for this property.

Any questions, please call me at 887-3351.

JHT:ljs
J. Robert Haines
Zoning Commissioner

MICROFILMED

ZONING ENFORCEMENT

Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
January 12, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Case No. 90-98-A
SWS Sindall Road & Ryewood Road
Dutterer - Petitioner
9th Election District

Please be advised that our district court case, 89-334, 7229 Sindall Road, has been rescheduled for January 24, 1990, before the Honorable Gerard W. Wittstadt.

It is imperative that an order be written immediately. On January 10, 1990, Judge Wittstadt proceeded with trying a case that our office wanted to be continued pending the outcome of the public hearing.

On January 10, 1990, at my request, Frank DiMeglio re-inspected 7229 Sindall Road as to the current status of the structure in question. His photos reveal that the addition is virtually completed. I was at a loss as to how and why the defendant/petitioner would take this action seeing that stop work order number G00249 was issued at my request on May 19, 1989 and you have yet to render your decision. Upon review of petitioner's exhibit number 5, building permit number B017360, I found the answer. The major problem is that improper information was supplied to our office to obtain it's approval. All this took a total of four days and during that time period, I informed Mrs. Lisl Dutterer, Jr., in person, that a variance petition would have to be filed and granted for construction to continue.

I am requesting that major consideration be given to these facts in making your decision.

JHT:ljs

MICROFILMED

PETITIONER(S) EXHIBIT (4)



MICROFILMED



PETITIONER'S EXHIBIT 6

LIBER 3566 PAGE 220

THIS DECLARATION, made this 18th day of July, 1959, by THE SEVERN RIVER CONSTRUCTION CO., a Maryland corporation (hereinafter called "Severn River").

WHEREAS Severn River is the owner of the land shown on the Plat entitled "Record Plat - Section Two - Blocks N, X, Y and Z - Parkside Heights," prepared by Knecht & Maxwell, Landscape Architects & Engineers, dated April 15, 1958 and recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 25, folio 59; said land being part of the whole tract which by Deed dated the 20th day of July, 1954 and recorded among the Land Records of said County in Liber G.L.B. No. 2541, folio 322, was granted and conveyed by Glenn F. Gall and wife to the said Severn River.

AND WHEREAS Severn River, for the purpose of creating and maintaining a general scheme of development, desires that the land shown on the above-mentioned Plat shall be subject to the covenants, agreements, easements, reservations and restrictions hereinafter set forth.

NOW, THEREFORE, THIS DECLARATION WITNESSETH that Severn River, for itself, its successors and assigns, in consideration of the mutual benefits to be derived by it and them, hereby imposes on the land shown upon said Plat the following covenants, agreements, easements, reservations and restrictions:

1. The land shown on said Plat and any lot or lots now or hereafter laid out thereon and any building or structure now or hereafter erected thereon shall be occupied and used for residential purposes only, except and provided, however, as follows:

(a) With the written consent and approval of Severn River, real estate sales, management and/or construction offices may be erected, maintained and operated on any part of said land and/or in any building or structure now or hereafter erected thereon, provided such offices are used and operated in connection with the development of said land or the construction of improvements on said land or the management, rental or sale of any part of the premises or any improvements which may be now or hereafter erected on said land; but no part of

MICROFILMED

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PROPERTY ADDRESS: 7229 SINDALL ROAD
SUBDIV: HARBORVIEW HEIGHTS
TAX ACCOUNT #: 21250
OWNER'S INFORMATION (LAST, FIRST)
NAME: DUTTERER JR., MALCOLM A. LISA
ADDR: 7229 SINDALL ROAD

APPLICANT INFORMATION
NAME: MALCOLM DUTTERER JR.
COMPANY: DUTTERER
ADDRESS: 7229 SINDALL ROAD 21231
PHONE: 410-288-9796
APPLICANT SIGNATURE: Malcolm Dutterer
PLANS: CONST. PLOT PLAT DATA EL PL 2
CONTR: 0.184
SELLER:

DESCRIBE PROPOSED WORK:
REMOVE EXISTING DECK WITH REAR SIDING
TO BE USED AS SUN ROOM. NO INU.
SEE SHOP WORK ORDER 8002490.

TYPE OF USE:
ONE FAMILY
TWO FAMILY
THREE OR FOUR FAMILY
FIVE OR MORE FAMILY
SWIMMING POOL
GARAGE
OTHER

TYPE OF CONSTRUCTION:
TYPE OF HEATING FUEL
TYPE OF WATER SUPPLY
TYPE OF SEWAGE DISPOSAL

APPROVAL SIGNATURES DATE

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PETITIONERS EXHIBIT 5

APPROVAL SIGNATURES DATE

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

The minimal size of the subject house necessitates use of the yard area for privacy, relaxation recreation and entertainment.

Construction in the front yard would interfere with the neighborhood's existing architectural integrity.

A number of the neighboring property owners have already constructed living space in their rear and side yards.

Lights and noise from Perring Parkway and the Perring Parkway Shopping Center which are both directly behind the Petitioner's residence together with the weather and insects severely limit the Petitioner's use of their property for residential purposes -- privacy, relaxation, recreation and entertainment.

Petitioners seek to have peaceful, private, full, year-round residential use of their rear property area.

Due to the minimal size of the Petitioner's rear yard, a smaller enclosure would render the remainder of the yard unusable for residential purposes.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 974
Posted for: Variance
Petitioner: Malcolm A. Dutterer, Jr. et ux
Location of property: 7229 Sindall Rd.
Location of Sign: 7229 Sindall Rd.
Remarks: On property of Petitioner

Posted by: [Signature]
Date of return: 1/17/89

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

J. Robert Haines
Zoning Commissioner

February 2, 1990

Anthony J. DiPaola, Esquire
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 90-98-A
Petition for Zoning Variance
Malcolm A. Dutterer, et ux
Petitioners

Dear Mr. DiPaola:

I am in receipt of your letter dated January 29, 1990 regarding the above captioned case. Please be advised that I will not entertain a Motion for Reconsideration and suggest that you recommend to your clients to file an appeal.

I understand your clients' desire to have the State Senator, F. Vernon Boozer, represent them regarding the zoning violation case and will be more than happy to consider a postponement until after the General Assembly recesses.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

J. Robert Haines
Baltimore Co. Zoning Commissioner
Towson Md.

Dear Sir,

I am unable to attend the meeting on 1/4 because I must leave for work.

I have no objection to the Dutterer petition to allow a rear yard setback of 2 feet, rather than the required 50 feet.

Sincerely,
Ronald Meyers
7232 Sindall Rd.

PETITIONER'S EXHIBIT 7

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301 828-9441
FAX 301-296-2131

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DI PAULA
THOMAS P. DORE

REPLY TO:
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301 828-5528

January 29, 1990

RECEIVED
JAN 30 1990
ZONING OFFICE

RECEIVED
JAN 30 1990
ZONING OFFICE

RE: Petition for Zoning Variance
Malcolm A. Dutterer, et ux
Case No.: 90-98A

Dear Mr. Haines:

Please treat this as a Request for Reconsideration/Modification of the decision rendered on January 19, 1990 on behalf of the Dutterers. Rest assured that they are not looking for wholesale changes to your decision, only an opportunity for me to meet with you to clear what is apparently a misunderstanding in the testimony created when you visited the site. Specifically, I am referring to the second floor addition over the family room which now appears to be under initial construction and not something which has existed for several years as represented at the hearing. I believe this needs to be explained, and further believe that the Inspector can substantiate the explanation.

The Dutterers are realistic people who do not wish to pursue a drawn out appeal, or have to defend the violation pending in the District Court. They only ask for a small reconsideration. If the violation goes forward, they want Mr. Boozer to represent them personally.

7233 Sindall Road
Baltimore, Maryland 21234
RE: Case 90-98-A

Dear Sir,

I am unable to attend the zoning hearing on 4 December 1989 because I must be at work.

I have no objection to the Dutterers' petition to allow a rear yard setback of two feet rather than the required fifty feet.

Very truly yours,
Joseph E. Bush
Richard E. Bonham

PETITIONER'S EXHIBIT 8

J. Robert Haines
January 29, 1990
Page 2

If I can meet with you sometime in the "very near future," I believe we can lay all of this to rest. Thank you.

Very truly yours,
Anthony J. DiPaola

AJD/ds
1 ds.30

cc: Malcolm & Lisl Dutterer

CERTIFICATE OF PUBLICATION
August 29, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 24, 1989.

JEFFERSONIAN
NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

5. Zube O'Brien
Publisher

P016235
Reg. #34136
ca. 90-98-A
page 874.86

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

July 24, 1989

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

RECEIVED

AUG 3 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, ~~556~~, 558 and 559.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

MICROFILMED

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

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



Dennis F. Rasmussen
County Executive

RE: Property Owner: MALCOLM A. DUTTERER, JR.
Location: #7229 SINDALL ROAD
Item No.: 557 Zoning Agenda: JUNE 27, 1989

Gentlemen:

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.

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

REVIEWER: Capt Joseph Kelly 6-26-89
Planning Group
Special Inspection Division

Noted and Approved Capt Wm Brady
Fire Prevention Bureau

JK/KEK

MICROFILMED

JUN 27 1989