

IN THE MATTER OF THE APPLICATION OF THE NEW LIFE GROUP, INC. FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED IN THE VILLAGE OF PAWNEE, SECTION IV, SOUTH SIDE OF PAWNEE ROAD, EAST SIDE OF BALLARD, 15TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to the Board as an appeal from the decision of the Zoning Commissioner dated January 4, 1990 which denied in part and granted in part the Petition for Special Hearing and denied the Petitions for Special Exception and Variance on property located in the 15th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of appeal filed July 27, 1990 (a copy of which is attached hereto and made a part hereof) from J. Carroll Holzer, Esquire, Counsel for the Petitioners/Appellants in the above-entitled case; and

WHEREAS, said Counsel requests that the appeal filed by him on behalf of Petitioners/Appellants be dismissed and withdrawn as of July 27, 1990,

IT IS HEREBY ORDERED this 27th day of July, 1990 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

William T. Hackett, Chairman

William T. Hackett, Chairman

William T. Hackett, Chairman

RE: PETITIONS FOR SPECIAL HEARING, EXCEPTION AND ZONING VARIANCE Village of Pawnee, Section IV, SS of Pawnee Road, S/S of Ballard 15th Election District 6th Councilmanic District

The New Life Group, Inc. Petitioner

NOTICE OF APPEAL

The New Life Group, Inc., by and through their attorney, J. Carroll Holzer, hereby enters an appeal to the County Board of Appeals from the decision of the Zoning Commissioner dated January 4, 1990 in the above referenced case as to the Commissioner's denying Petitioner's request for Special Exception and Zoning Variance.

Attached to this Notice is a check to cover the costs in this Appeal.

RECEIVED JAN 25 1990 ZONING OFFICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 1990, a copy of the Notice of Appeal was mailed to Mr. Robert Haines, Zoning Commissioner of Baltimore County, County Office Building, Towson, Maryland 21204.

J. Carroll Holzer

IN RE: PETITIONS FOR SPECIAL HEARING, EXCEPTION AND ZONING VARIANCE Village of Pawnee, Section IV, SS of Pawnee Road, S/S of Ballard 15th Election District 6th Councilmanic District

The New Life Group, Inc. Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 90-234-SPHKA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval as an accessory use the community pool as shown in the proposed first amended partial development plan of Pawnee Village and meeting tests listed in RM-3, A-2, of the Zoning Policy Manual; Petition for Special Exception for a community pool by owners/members of residential development with relief from RTA and setback requirements as described in attached revised development plan; Petition for Zoning Variance from Section 409.6.4 to permit no parking spaces on premises; Section 504 (CMDF) V.B.2 Section 1B02.2.B to permit a 3 foot setback for the side pool patio in lieu of the required 20 feet with the sum of the sides totaling 38 feet in lieu of the required 55 feet, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, The New Life Group, Inc., by Richard Kline, Vice President, appeared, testified and was represented by J. Carroll Holzer, Esquire. Appearing and testifying on behalf of the Petitioner was Mr. William Duvall, a professional engineer and Mr. Mark McManus of DEPRM. Mr. Howard Hogue appeared as a Protestant.

Testimony indicated that the subject property located on the corner of Pawnee Road and Ballard Avenue is zoned D.R.5.5 and is currently unimproved.

Mr. Kline testified that the Petitioner is desirous of constructing the subject community pool to make the Village of Pawnee Development more attractive to home buyers. The Petitioner testified that the pool would be maintained by the Village of Pawnee Community Association and members will be limited to those persons owning lot. in sections 1A, 2, 3 and 4 exclusively. Mr. Kline testified that the requested variances are necessary to create a recreational facility that will adequately meet the needs of this community. He testified that, in his opinion, the proposed parking along Pawnee Road, Ballard Avenue and Taos Circle will provide adequate parking for this site and will have no adverse impact on the health, safety or general welfare of the surrounding community. He testified that he anticipates many of the resident members will choose to walk to the pool in lieu of driving an automobile, thereby decreasing the demand for parking around this facility. Petitioner testified that the requested 3 foot setback from unimproved lot No. 3 on Taos Circle is necessary to accommodate the anticipated use of the pool. Mr. Kline testified that, in his opinion, the Petitioner's request is within the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) and, otherwise, fulfills the requirements of Section 502.1 and 307.1 of the B.C.Z.R.

Mr. William Duvall testified on behalf of the Petitioner and stated that the requested variances are necessary to accommodate the proposed bath house and community building. He testified that landscaping is proposed along Pawnee Road and Ballard Avenue and will conform to the requirements of the County Landscape Manual. Mr. Duvall testified that, in his opinion, the Petitioner's request meets the requirements set forth in Sections 502.1 and 307.1 of the B.C.Z.R.

Mr. Mark McManus appeared and testified on behalf of the Petitioner. He stated that he has reviewed the Petitioner's proposal and that the Petitioner's plans meet and/or exceed the requirements for community pools as promulgated in the Baltimore County Code. He further testified that the majority of the community pools in Baltimore County are not utilized to capacity, usually sparsely occupied except for weekends and holidays.

Mr. Hogue testified that his backyard abuts Pawnee Road across the street from the proposed pool. Mr. Hogue testified that his community currently experiences parking problems and is concerned that the Petitioner's proposal will only exacerbate this problem. Mr. Hogue also testified that he was concerned for the safety of small children crossing Pawnee Road in between parked cars. Among his other concerns, were noise, vandalism, litter, and a decrease in property values, all of which he anticipates will result should the subject pool be approved.

Based on the testimony and evidence produced at the hearing in this matter, it is the opinion of the Zoning Commissioner that the Petitioner has not met the requirements of Sections 502.1 or 307.1 and, therefore, the requested relief must be denied.

Section 307.1 provides, in part:

"... (A) a variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare." (emphasis added)

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).

In Loyola Federal Savings and Loan Association v. 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 burden 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) (emphasis added).

The Petitioner testified that lots 2,3,4 and 5 along Taos Circle are currently undeveloped with no outstanding contracts for their purchase. The aforementioned lots would provide ample space to accommodate parking for the proposed pool, and, thereby, avoid thrusting the parking hardship on the community bordering these roadways.

Based upon the testimony and evidence produced at the hearing of this matter, it is the opinion of the Zoning Commissioner that Petitioner has not met the requirements of Section 307.1 of the B.C.Z.R. and, therefore, the requested variances must be denied.

Pursuant to Section 502.1(d) of the B.C.Z.R., the Petitioner is required to show, prior to the granting of any special exception, that the requested special exception will not tend to overcrowd land and cause undue concentration of population.

It is the opinion of the Zoning Commissioner that the Petitioner has not met this burden and, therefore, the Petitioner's request for special hearing and special exception must be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of January, 1990, that the Petition for Special Hearing to approve an accessory use community pool, as indicated on Petitioner's Exhibit No. 1, is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing for a finding that the proposed pool meets the requirements of RM-3 and A-2 of the Zoning Policy Manual is hereby GRANTED; and

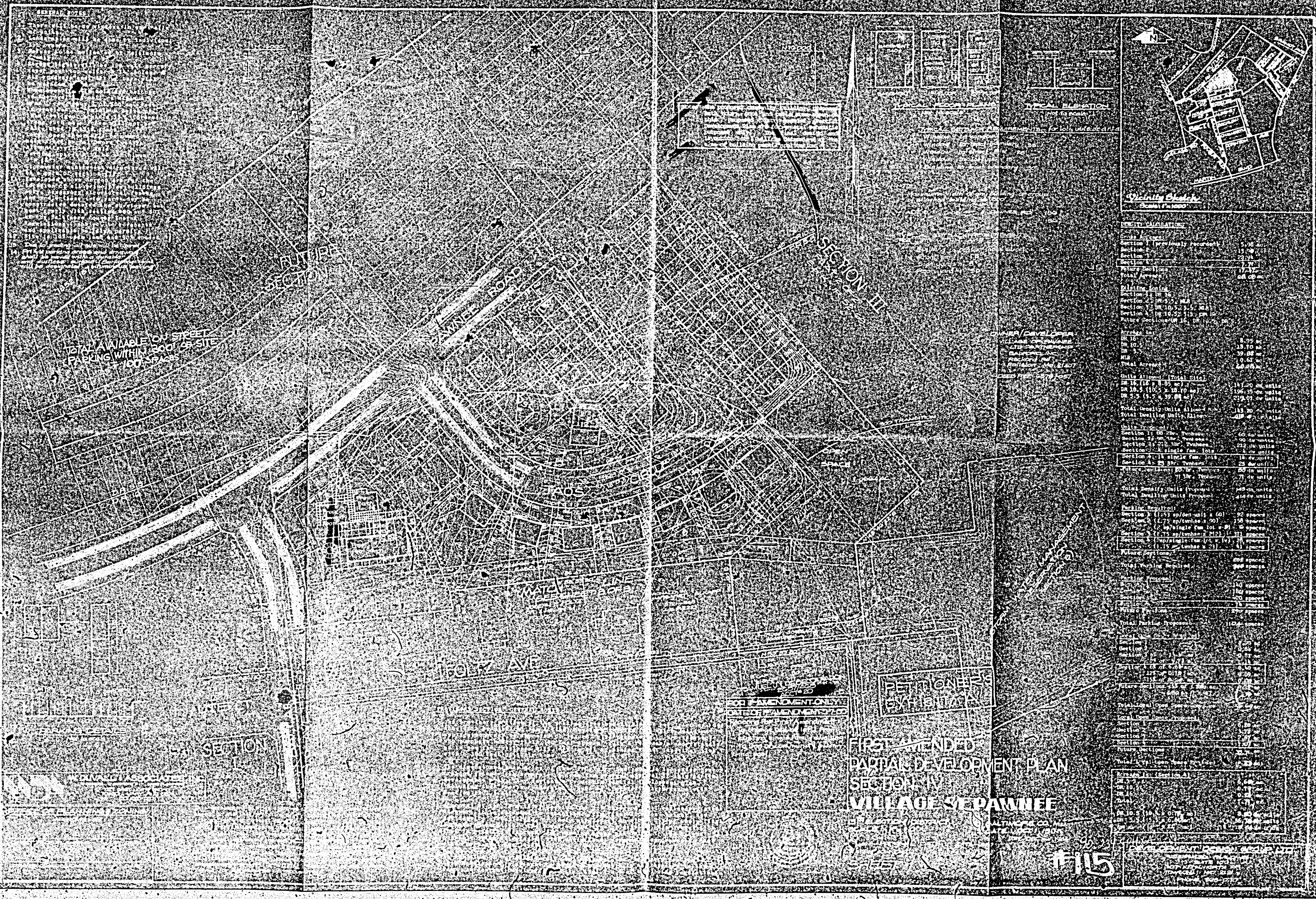
IT IS FURTHER ORDERED that the Petition for Special Exception for a community pool by owners/members of residential development with relief from RTA and setback requirements as described on Petitioner's Exhibit 1 is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 409.6.4 to permit no parking spaces on premises; from Section 504

(CMDF) V.B.2 Section 1B02.2.B to permit a 3 foot setback for the side pool patio in lieu of the required 20 feet with the sum of the sides totaling 38 feet in lieu of the required 55 feet, as more particularly described on Petitioner's Exhibit No. 1, be and is hereby DENIED.

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

JRH:mmm
cc: Peoples Counsel



Vicinity Sketch
Scale 1" = 100'

DEVELOPMENT DATA

Section I (proposed)	1.00 ac
Section II	1.00 ac
Section III	1.00 ac
Section IV	1.00 ac
Section V	1.00 ac
Total	5.00 ac

Lot Data

Section I	1.00 ac
Section II	1.00 ac
Section III	1.00 ac
Section IV	1.00 ac
Section V	1.00 ac
Total	5.00 ac

Units Allowed (Total Site)

Section I	1.00 ac
Section II	1.00 ac
Section III	1.00 ac
Section IV	1.00 ac
Section V	1.00 ac
Total	5.00 ac

Units Allowed (Total Site)

Section I	1.00 ac
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Section III	1.00 ac
Section IV	1.00 ac
Section V	1.00 ac
Total	5.00 ac

Units Allowed (Total Site)

Section I	1.00 ac
Section II	1.00 ac
Section III	1.00 ac
Section IV	1.00 ac
Section V	1.00 ac
Total	5.00 ac

**FIRST AMENDED
PARRAN DEVELOPMENT PLAN
SECTION IV
VILLAGE SEPANNEE**

#115

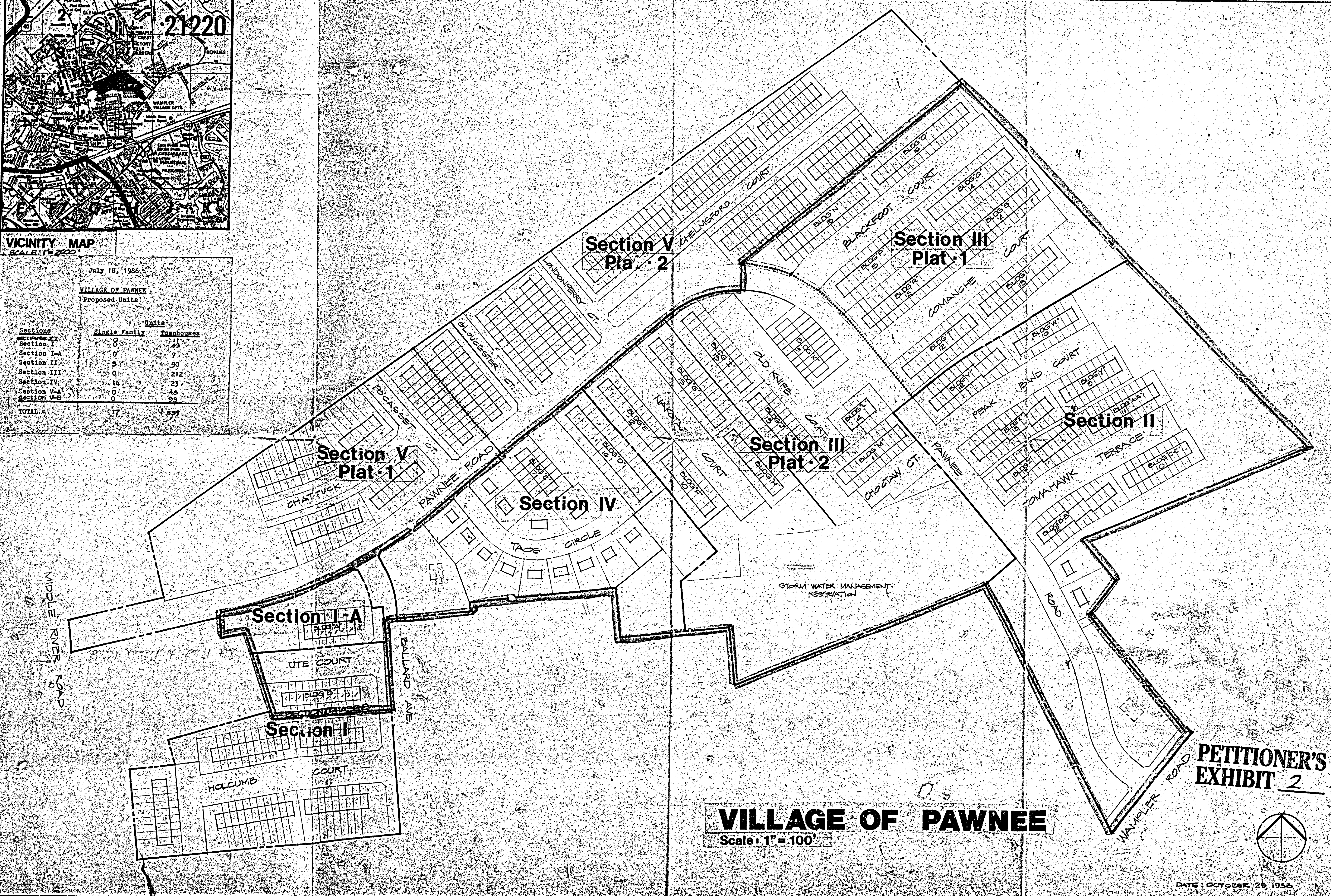


VICINITY MAP
SCALE: 1" = 220'

July 18, 1986

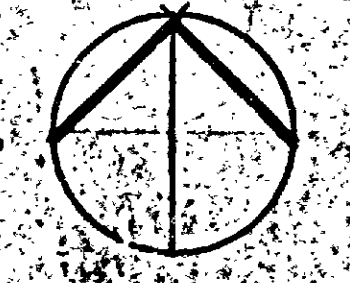
VILLAGE OF PAWNEE
Proposed Units

Sections	Units	
	Single Family	Townhouses
Section I	0	11
Section I-A	0	49
Section II	5	7
Section III	0	90
Section IV	14	212
Section V-A	0	23
Section V-B	0	45
TOTAL	17	397



VILLAGE OF PAWNEE
Scale: 1" = 100'

PETITIONER'S
EXHIBIT 2



DATE: OCTOBER 25, 1986

RONALD L. MAHER
J. CARROLL HOLZER
LAW OFFICES
HOLZER, MAHER & DEMILLO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6900
FAX (301) 827-6964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 IN SALES STREET, N.W.
WASHINGTON, D.C. 20006

July 26, 1990
#6401

Ms. Linda Lee M. Kuszmaul
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-234-SPHXA
The New Life Group, Inc.
Village of Pawnee, Section IV
SPH/SE/VAR-Community Pool;
RTA & setbacks; parking

Dear Ms. Kuszmaul:

Please note as of this date, my client The New Life Group, Inc., wishes to withdraw its appeal from the above referenced case scheduled for Tuesday, August 7, 1990.

I appreciate your prompt attention in this matter.

Very truly yours,

J. Carroll Holzer

cc: New Life Group
Allan Berman, President

JCH:kls

RECEIVED
COUNTY BOARD OF APPEALS
JUL 27 AM 10:30

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-234-SPHXA

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 (Parking) Section 409.6.4 Bill #26-88 to PET: mit no parking spaces on premises. (Setbacks) Section 504 (CHDP) V.B.2 Section 1 B02.2.B to permit a 3 ft. setback for the side yard patio in lieu of required 20 ft. with the sum of the sides totaling 38 ft. in lieu of the required 55 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) because pool is for owners/tenants of the subdivision only, any additional parking requirements would duplicate existing street parking. Subject site is too small to accommodate pool facilities and cars. Given the number of owners/tenants who are expected to utilize the pool, reducing pool size to meet setback requirements would not accommodate anticipated and planned pool use and would present an unnecessary hardship upon the owners of the pool and users.

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

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No. 825-6960

Legal Owner(s):

The NewLife Group, Inc.

Signature

(Type or Print Name)

Signature

1320 Old Chainbridge Rd. Suite 450

Address

McClean, Va. 22101

City and State

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

Richard D. Kline

Same as Above (703) 556-0740

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of Oct 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 14 day of Dec 1989, at 2 o'clock p.m.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

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

J. Robert Haines
Zoning Commissioner

January 4, 1990

Carroll H. Zee, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Zoning Variance
The New Life Group - Petitioner
Case No. 90-234-SPHXA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines

Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

W. DUVALL & ASSOCIATES, INC.
Engineers • Surveyors • Land Planners

90-234-SPHXA

AUGUST 29, 1989
ZONING DESCRIPTION
SECTION IV VILLAGE OF PAWNEE
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point 1100 feet, more or less, northwesterly from the intersection of Ballard Avenue and Middle River Road, said point being designated as coordinate point number 7 on the northwestermost right of way line of Pawnee Road, all as shown on a plat entitled "Section Four Village of Pawnee" as recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 54 Folio 28; thence running for the outline of said plat, the following sixteen courses and distances, viz:
1) Binding on the aforesaid Pawnee Road by a curve to the left having a radius of 1000.00 feet and an arc length of 224.58 feet being subtended by a chord bearing North 55 degrees 12 minutes 33 seconds East 224.20 feet; thence
2) North 48 degrees 46 minutes 22 seconds East 499.67 feet; thence
3) South 41 degrees 13 minutes 38 seconds East 556.26 feet; thence
4) South 48 degrees 46 minutes 22 seconds East 121.05 feet; thence
5) South 06 degrees 28 minutes 30 seconds East 125.00 feet; thence
6) South 08 degrees 33 minutes 30 seconds East 156.81 feet; thence
7) North 05 degrees 58 minutes 30 seconds West 125.00 feet; thence
8) South 83 degrees 33 minutes 30 seconds East 25.00 feet; thence
9) South 05 degrees 58 minutes 30 seconds West 218.53 feet; thence
10) South 03 degrees 33 minutes 30 seconds West 35.21 feet; thence
11) North 05 degrees 50 minutes 00 seconds West 30.00 feet; thence
12) South 84 degrees 10 minutes 00 seconds West 145.00 feet and an arc length of 62.47 feet being subtended by a chord bearing North 18 degrees 10 minutes 30 seconds West 61.68 feet; thence
13) By a curve to the left having a radius of 145.00 feet and an arc length of 62.47 feet being subtended by a chord bearing North 18 degrees 10 minutes 30 seconds West 61.68 feet; thence
14) North 30 degrees 31 minutes 00 seconds West 38.43 feet; thence
15) North 74 degrees 49 minutes 37 seconds West 14.32 feet; thence
16) North 28 degrees 21 minutes 15 seconds West 60.00 feet to the point of beginning.

CONTAINING 7.71 acres of land, more or less.

330 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-234-SPHXA

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, as accessory use the community pool as shown in proposed first amended partial development plan of Pawnee Village described in attached plan and meeting tests listed in RM-3, A-2, Community Recreation Facilities.
Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

The NewLife Group, Inc.

(Type or Print Name)

Signature

(Type or Print Name)

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

DATE 7/29/89 ACCOUNT R-31-315

AMOUNT \$ 450.00

RECEIVED 4-20-89 Mark & Doreen

FOR 2454 Bldg 2, 4 & 5 Unit #115

8 B 127-*****4506104 621-F

VALIDATION OR SIGNATURE OF CASHIER

DATE 7/29/89

RECEIVED 4-20-89 Mark & Doreen

FOR 2454 Bldg 2, 4 & 5 Unit #115

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FOR 2454 Bldg 2, 4 & 5 Unit #115

8 B 127-*****4506104 621-F

VALIDATION OR SIGNATURE OF CASHIER

DATE 7/29/89

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1524

Posted for: Appeal

Petitioner: New Life Group, Inc.

Location of property: Village of Pawnee, Section IV, 111 W. Chesapeake Ave., #105

Location of signs: 111 W. Chesapeake Ave., #105

Remarks: 111 W. Chesapeake Ave., #105

Posted by: J. Robert Haines

Number of signs: 1

Date of return: 7/16/89

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

15 Patton Court

21226

15 Patton Court

21226

15 Patton Court

21226

15 Patton Court

21226

15 Patton Court

21226

15 Patton Court

21226

PETITION FOR SPECIAL EXCEPTION
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-234-SPHXA

The undersigned, legal owner(s) of a property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for community pool by owners/members of residential development with relief from RTA and setback requirements as described in attached revised development plan.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

The NewLife Group, Inc.

(Type or Print Name)

Signature

(Type or Print Name)

1320 Old Chainbridge Rd. Suite 430

Address

McClean, Va. 22101

City and State

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

Richard D. Kline

Same as Above (703) 556-0740

Address

Phone No.

Attorney for Petitioner:

J. Carroll Holzer

(Type or Print Name)

Signature

Address

305 W. Chesapeake Ave. #105

Towson, Md. 21204

City and State

Attorney's Telephone No. 825-6960

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of Oct 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 14 day of Dec 1989, at 2 o'clock p.m.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR. - 1 1/2HR. - 2HR. - 3HR. - 4HR. - 5HR. - 6HR. - 7HR. - 8HR. - 9HR. - 10HR. - 11HR. - 12HR. - 13HR. - 14HR. - 15HR. - 16HR. - 17HR. - 18HR. - 19HR. - 20HR. - 21HR. - 22HR. - 23HR. - 24HR. - 25HR. - 26HR. - 27HR. - 28HR. - 29HR. - 30HR. - 31HR. - 32HR. - 33HR. - 34HR. - 35HR. - 36HR. - 37HR. - 38HR. - 39HR. - 40HR. - 41HR. - 42HR. - 43HR. - 44HR. - 45HR. - 46HR. - 47HR. - 48HR. - 49HR. - 50HR. - 51HR. - 52HR. - 53HR. - 54HR. - 55HR. - 56HR. - 57HR. - 58HR. - 59HR. - 60HR. - 61HR. - 62HR. - 63HR. - 64HR. - 65HR. - 66HR. - 67HR. - 68HR. - 69HR. - 70HR. - 71HR. - 72HR. - 73HR. - 74HR. - 75HR. - 76HR. - 77HR. - 78HR. - 79HR. - 80HR. - 81HR. - 82HR. - 83HR. - 84HR. - 85HR. - 86HR. - 87HR. - 88HR. - 89HR. - 90HR. - 91HR. - 92HR. - 93HR. - 94HR. - 95HR. - 96HR. - 97HR. - 98HR. - 99HR. - 100HR. - 101HR. - 102HR. - 103HR. - 104HR. - 105HR. - 106HR. - 107HR. - 108HR. - 109HR. - 110HR. - 111HR. - 112HR. - 113HR. - 114HR. - 115HR. - 116HR. - 117HR. - 118HR. - 119HR. - 120HR. - 121HR. - 122HR. - 123HR. - 124HR. - 125HR. - 126HR. - 127HR. - 128HR. - 129HR. - 130HR. - 131HR. - 132HR. - 133HR. - 134HR. - 135HR. - 136HR. - 137HR. - 138HR. - 139HR. - 140HR. - 141HR. - 142HR. - 143HR. - 144HR. - 145HR. - 146HR. - 147HR. - 148HR. - 149HR. - 150HR. - 151HR. - 152HR. - 153HR. - 154HR. - 155HR. - 156HR. - 157HR. - 158HR. - 159HR. - 160HR. - 161HR. - 162HR. - 163HR. - 164HR. - 165HR. - 166HR. - 167HR. - 168HR. - 169HR. - 170HR. - 171HR. - 172HR. - 173HR. - 174HR. - 17

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 1, 1990

HEARING ROOM -
Room 301, County Office Bldg.

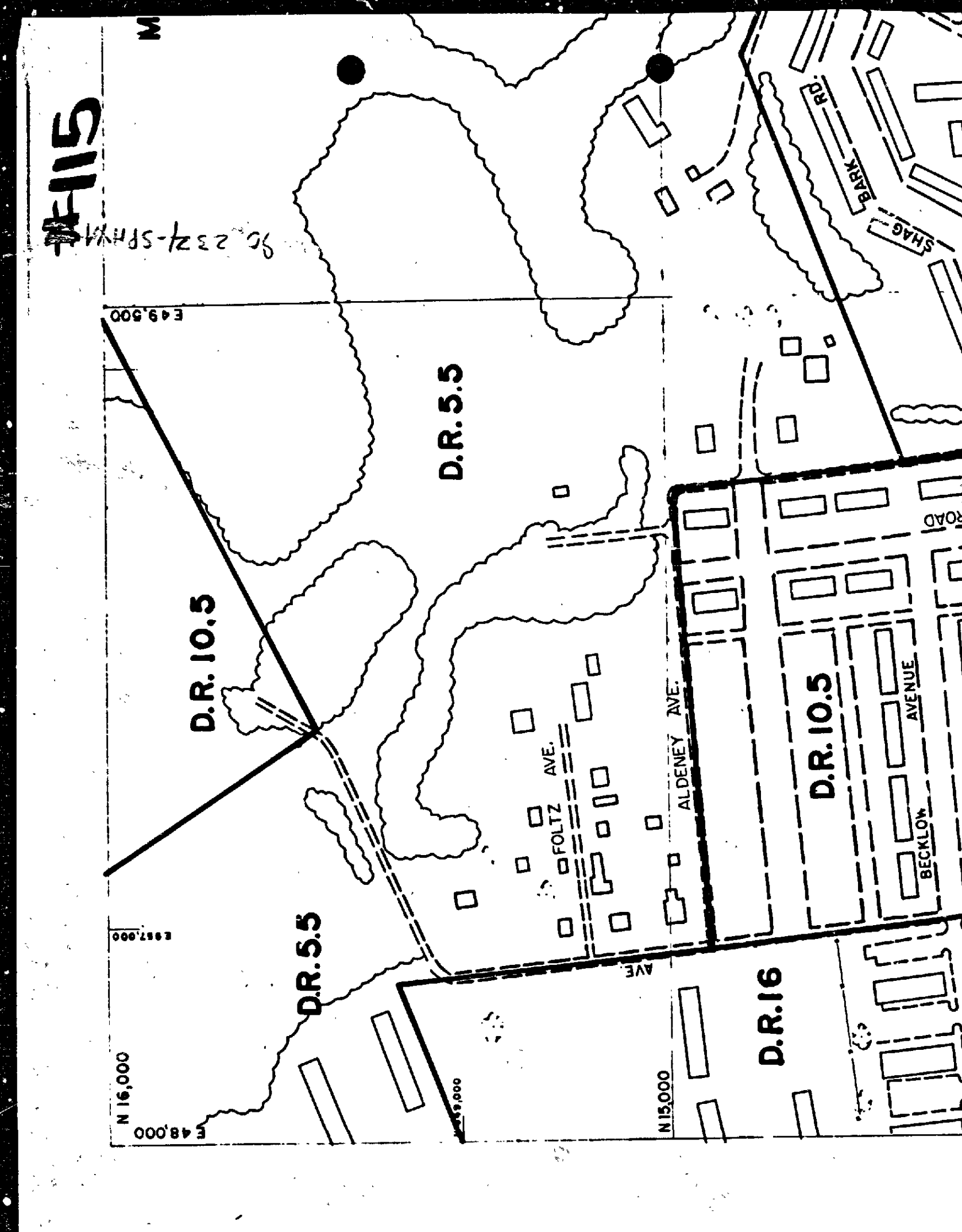
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-234-SPHXA THE NEW LIFE GROUP, INC.
Village of Pawnee, Section IV
S/s of Pawnee Rd., E/s of Ballard
15th Election District
6th Councilmanic District
SPH/SE/VAR - Community pool, RTA & setbacks; parking
1/4/90 - Z.C.'s Order DENYING Petition in part; GRANTING Petition in part.

ASSIGNED FOR: TUESDAY, AUGUST 7, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Petitioner
The New Life Group, Inc.
Mr. Howard Hogue
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
V. Carl Richards, Jr.
Pocket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusmaul
Legal Secretary



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1989

COUNTY OFFICE BLDG.
1111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Item No. 115, Case No. 90-234-SPHXA
Petitioner: The Newlife Group, et al
Petition for Special Exception, Special Hearing and Zoning Variance

Dear Mr. Holzer:

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 planning 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

cc: Mr. Richard D. Kline
The Newlife Group, Inc.
1320 Old Chainbridge Road
Suite 430
McLean, VA 22101

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

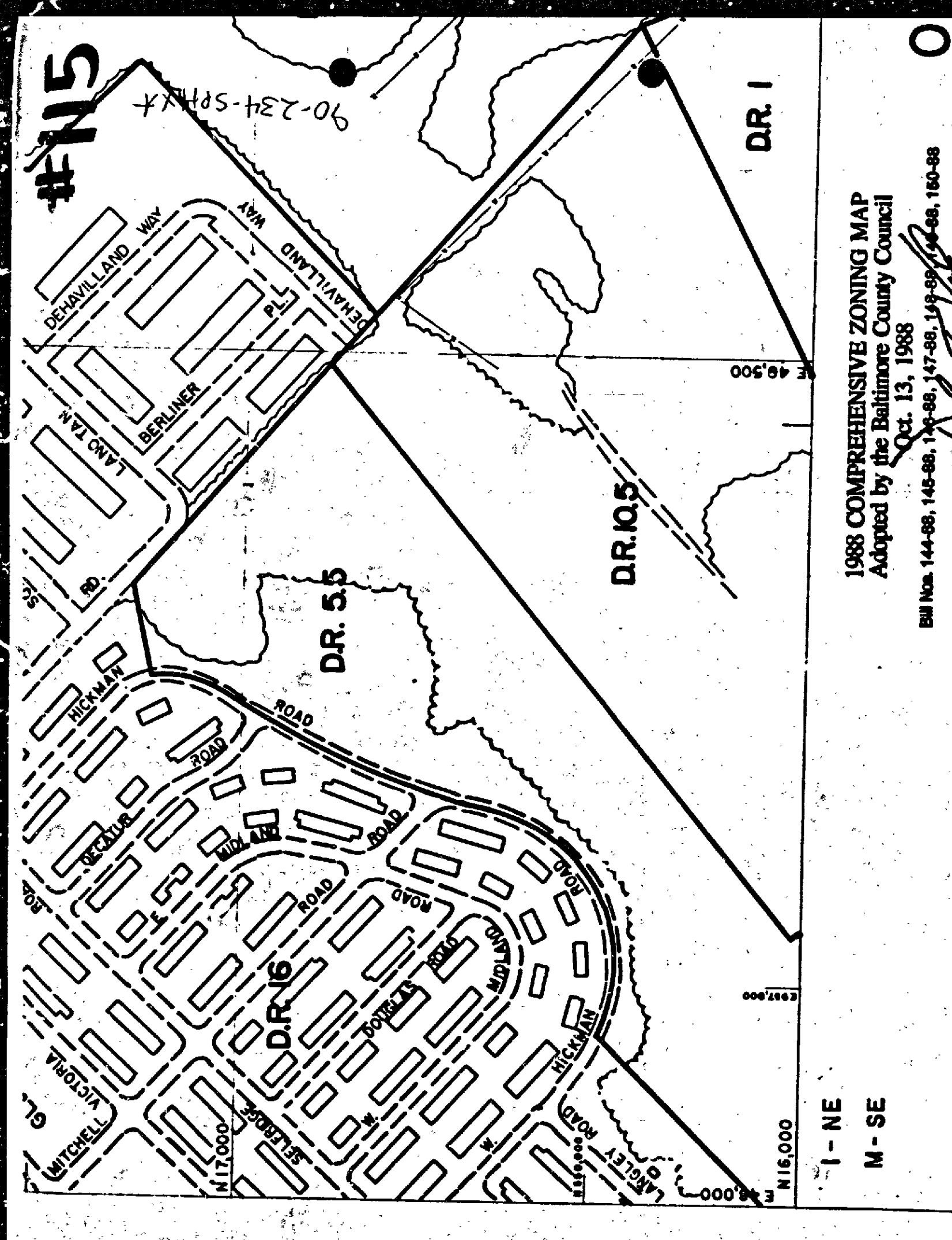
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 11th day of October, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

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

Petitioner: The Newlife Group, et al
Petitioner's Attorney: J. Carroll Holzer



DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this 10th day of July, 1989 by VILLAGE OF PAWNEE LIMITED PARTNERSHIP, a Maryland limited partnership (hereinafter referred to as the "Declarant"), and MARJORIE E. GRESHAM, Trustee (hereinafter referred to as "Trustee").

WHEREAS, the Declarant is the owner of certain property (hereinafter referred to as the "Premises") located in Baltimore County, State of Maryland, which is more particularly described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Trustee is Trustee for Society Mortgage Corporation pursuant to a Deed of Trust, Assignment of Rents and Leases and Security Agreement from the Declarant dated September 23, 1988 and recorded among the Land Records of Baltimore County, Maryland at Liber S.M. 7987 folio 395.

NOW, THEREFORE, the Declarant hereby declares that the Premises shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value, appearance and desirability of, and which shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, administrators, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
Definitions

As used in this Declaration, the following terms shall have the meanings herein ascribed thereto, except to the extent otherwise expressly provided, or otherwise resulting from necessary implication. The terms herein defined are:

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

November 9, 1989

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

RECEIVED
NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 110, 111, 112, 113, 114, 115, 116, 117, and 118.

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

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 6, 1989

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

SUBJECT: The New Life Group, Inc., Item 115
Zoning Petition No. 90-234

The Petitioner requests a Special Hearing to approve the accessory use of a community pool.

In reference to this request, staff offers the following conditions should the Petitioner's request be granted:

- Extensive screening should be applied to the area along the perimeter of the pool area to effectively screen existing and proposed single-family residences.
- A landscape plan must be submitted for approval prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

12/11/89 called Stealing Lane for P/U

PETITIONER'S
EXHIBIT 3

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Date: 10/19/89

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 115, Zoning Advisory Committee Meeting of October 10, 1989

Property Owner: NewLife Group, Inc.

Location: Village of Pawnee, Section IV, 55 of Pawnee Road District: 15

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3765, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
 - () The results are valid until
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2702.
- () Others

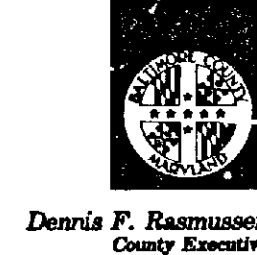
OCT 9-0-1989

J. Robert Haines
Zoning Commissioner

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

Paul H. Reincke
Chief

OCTOBER 10, 1989



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

RE: Property Owner: NEWLIFE GROUP, INC.

Location: VILLAGE OF PAWNEE
Item No.: 115 Zoning Agenda: OCTOBER 10, 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.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300' feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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. J. M. B. 10-11-89 Noted and Approved: Capt. J. M. B. 10-11-89
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

OCT 11 1989

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

J. Robert Haines
Zoning Commissioner

January 4, 1990



J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Zoning Variance
The New Life Group - Petitioner
Case No. 90-234-SPHXA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

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

JRH:bjs

cc: People's Counsel

File

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

July 27, 1990

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Re: Case No. 90-234-SPHXA (The New Life Group, Inc.)

Dear Mr. Holzer:

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

Sincerely,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: The New Life Group, Inc.
Mr. Howard Hogue
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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th

Posted for: Appeal

Petitioner: The New Life Group, Inc.

Location of property: Village of Pawnee, Sect. IV

Location of Sign: Report 6 - R.C. & Call sign on down

Remarks:

Posted by: M. H. H.

Number of Signs: 1

Date of return: 7/27/90

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 1, 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. 90-234-SPHXA THE NEW LIFE GROUP, INC.
Village of Pawnee, Section IV
S/s of Pawnee Rd., E/s of Ballard
15th Election District
6th Councilmanic District
SPH/SE/VAR -Community pool; RTA & setbacks; parking
1/4/90 - Z.C.'s Order DENYING Petition in part; GRANTING Petition in part.

ASSIGNED FOR: TUESDAY, AUGUST 7, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Petitioner
The New Life Group, Inc.

Mr. Howard Hogue
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

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 1, 1990

NOTICE OF ASSIGNMENT

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CASE NO. 90-234-SPHXA THE NEW LIFE GROUP, INC.
Village of Pawnee, Section IV
S/s of Pawnee Rd., E/s of Ballard
15th Election District
6th Councilmanic District
SPH/SE/VAR -Community pool; RTA & setbacks; parking
1/4/90 - Z.C.'s Order DENYING Petition in part; GRANTING Petition in part.

ASSIGNED FOR: TUESDAY, AUGUST 7, 1990 at 10:00 a.m.

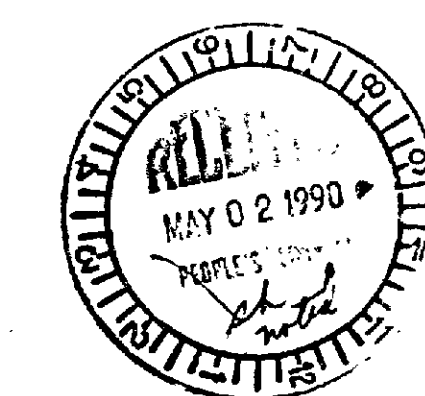
cc: J. Carroll Holzer, Esquire Counsel for Petitioner
The New Life Group, Inc.

Mr. Howard Hogue
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

5/1/90 - Following parties notified of hearing set for August 7, 1990 at 10:00 a.m.:

J. Carroll Holzer, Esq.
The New Life Group, Inc.
Howard Hogue
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



RECEIVED
COUNTY BOARD OF APPEALS
MAY 12 1990



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

February 13, 1990

Mr. Howard Hogue
15 Chattuck Court
Baltimore, MD 21220

RE: Case No. 90-234-SPHXA
The New Life Group, Inc.

Dear Mr. Hogue:

Enclosed is the copy you requested of the January 4, 1990 decision of the Zoning Commissioner in the subject matter.

In reviewing the case file, I found that your name had been placed in the file which would indicate that you were on the list to receive a copy of the above decision. However, I also noted that the street name was shown as "Chatter" which may have caused your copy to go astray in the mails. Your address has been corrected to that as shown above, and when this matter has been set in for hearing by the Board, you will receive a Notice of Assignment relative to that hearing date.

Should you have any questions, please contact this office.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

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

J. Robert Haines
Zoning Commissioner

February 2, 1990



Dennis F. Rasmussen
County Executive

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

RE: Petition for Special Hearing,
Exception and Zoning Variance
Village of Pawnee, Section IV,
SS of Pawnee Road, E/S of Ballard
15th Election District, 6th Councilmanic District

The New Life Group, Inc.
Petitioner
Case No. 90-234-SPHXA

Dear Board:

Please be advised that an appeal of Special Exception and Zoning Variance decision only in the above-referenced case was filed in this office on January 25, 1990, by J. Carroll Holzer, Attorney for the Petitioner. 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:jat

Enclosures

cc: J. Carroll Holzer, Esq.
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RECEIVED
COUNTY CLERK
FEB 6 1990

Board of Appeals
Case No. 90-234-SPHXA
Page 2

Howard Hogue
15 ~~Chatter~~ Court *Chattuck*
Baltimore, Md. 21220

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

File

RE: PETITIONS FOR SPECIAL HEARING,
EXCEPTION AND ZONING VARIANCE
Village of Pawnee, Section IV,
SS of Pawnee Road, E/S of Ballard
15th Election District
6th Councilmanic District
The New Life Group, Inc.
Petitioner
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 90-234-SPHXA

NOTICE OF APPEAL

The New Life Group, Inc., by and through their attorney,
J. Carroll Holzer, hereby enters an appeal to the County Board
of Appeals from the decision of the Zoning Commissioner dated
January 4, 1990 in the above referenced case as to the
Commissioner's denying Petitioner's request for Special
Exception and Zoning Variance.

Attached to this Notice is a check to cover the costs in
this Appeal.

RECEIVED
JAN 25 1990
ZONING OFFICE

J. Carroll Holzer
J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 1990,
a copy of the Notice of Appeal was mailed to Mr. Robert Haines,
Zoning Commissioner of Baltimore County, County Office,
Building, Towson, Maryland 21204.

J. Carroll Holzer
J. Carroll Holzer

