

IN THE MATTER OF THE APPLICATION OF GEORGE W. FRANK, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE OF SHERWOOD AVENUE, SOUTH SIDE OF WALNUT AVENUE (7911 SHERWOOD AVENUE)

9TH ELECTION DISTRICT
4TH COUNCILMANSHIP DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
CASE NO. 90-287-A

ORDER OF DISMISSAL

This case comes before this Board on appeal from the decision of the Zoning Commissioner dated April 25, 1990 granting with restrictions the Petition for Zoning Variance on property located in the Ninth Election District of Baltimore County.

WHEREAS the Board is in receipt of a letter of dismissal filed by Sheldon H. Lerman, M.D. on behalf of himself as well as Michael Glick and Richard Gatchell, all Appellants in this matter on April 9, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS said Appellants request that the appeal filed by them in this matter be dismissed and withdrawn as of April 9, 1991.

IT IS HEREBY ORDERED this 10th day of April, 1991 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
Lynn B. Ireland
Harry F. Buchenmeister, Jr.

Sheldon H. Lerman, M.D., P.A. Practice Limited to General Surgery (301) 721-1514
1800 Cedar Lane, Suite 402 Towson, Maryland 21284
8100 Harbor Road Baltimore, Maryland 21284

Chairman -
Richard Gatchell, Michael Glick & myself are withdrawing in appeal of Case # 90-287-A in the C.B.A.
Please cancel this case.

Sheldon H. Lerman, M.D., P.A.
Richard Gatchell
Michael Glick

81 HUNY 6-83V16
STY 2320V 05 000000 01000
03A-2320

IN RE: PETITION FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE OF SHERWOOD AVENUE, SOUTH SIDE OF WALNUT AVENUE (7911 SHERWOOD AVENUE)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
CASE NO. 90-287-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.B to permit a 30 ft. setback in lieu of the minimum 40 ft., in accordance with Petitioners' Exhibit 1.

The Petitioners, George W. Frank and Deborah Rollins-Frank, appeared and testified. Appearing on behalf of the Petitioners was Kathleen S. Wiley. Appearing and testifying on behalf of the Petitioners were John W. Wiley, and Louise Hanson of the Department of Environmental Protection and Resource Management. Appearing as Protestants were Richard E. Gatchell, Sheldon Lerman, and Michael Glick. Appearing as an interested party was Neal Serotte.

Testimony and evidence indicated that the subject property, known as 1409 Walnut Hill Lane, consists of 2.838 acres +/- zoned D.R. 2 and is improved with an existing residence, shed and barn.

Testimony indicated that the petitioners are desirous of providing vehicular access to the southern and eastern portions of the subject site for the purpose of residentially developing same. The Petitioners have proposed the construction of two residential dwellings on this site which will require the widening of the existing driveway, as indicated on Petitioners' Exhibit No. 1. Widening the driveway to the required 20 feet

will require a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 30 ft. rear yard setback in lieu of the required 40 ft. setback from the proposed access road to the existing dwelling.

The Petitioners asserted, in the alternative, that should the variance be denied, the subject property could be accessed from an extension of Maple Road which is currently a "paper road", as indicated on Petitioners' Exhibit 1.

Ms. Louise Hanson, from DEPRM, testified that accessing Maple Road, as proposed, would require the crossing of a significant wetland located in the southern portion of the subject property which her department would prefer to avoid. (See Department of Environmental Protection and Resource Management comments dated April 11, 1990 attached).

Mr. Richard E. Gatchell testified that he is an adjoining neighbor to the subject property and that he objects to the proposed multi-family access road from Walnut Hill Lane. He indicated that, in his opinion, extending Maple Hill Road to access the subject property would be a more appropriate alternative.

Dr. Sheldon Lerman, an adjoining property owner, testified that he is concerned that the Petitioners' proposal will create a traffic hazard on Walnut Hill Lane, which curves abruptly and is only 14-1/2 ft. wide at the subject driveway entrance, which creates a limited sight distance for vehicles.

Ms. Mitchell Glick concurred with Dr. Lerman's testimony and further testified that, in her opinion, the Petitioners' proposal would have an adverse impact on this community.

A site view of the subject property revealed substantial wetlands crossing the property in a north/south direction. It was also apparent that substantial "fill-in" has been undertaken on the northeast portion of the property, directly on top of a portion of the wetland area.

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

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 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
- 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, 430 Md. Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the variances requested will not be detrimental to the public health, safety and general welfare, provided the Petitioners comply with the restrictions set forth in this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of April, 1990 that the Petition for a Zoning Variance to permit 30 feet setback in lieu of the minimum 40 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 11, 1990, attached hereto and made a part hereof.

J. Robert Hines
Zoning Commissioner for Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-287-A

The undersigned, legal owner(s) of the property situated 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 1802.3.B. To permit a 30 foot rear yard setback in lieu of the minimum 40 foot.

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: Deborah Rollins-Frank
Type or Print Name: Deborah Rollins-Frank
Signature: Deborah Rollins-Frank
Address: George W. Frank
City and State: Baltimore
Attorney for Petitioner: George W. Frank
16742 Miller Lane Parkton, MD 21120 (301) 343-2442
City and State: Parkton, MD 21120 (301) 343-2442
Address: Parkton, MD 21120 (301) 343-2442
City and State: Parkton, MD 21120 (301) 343-2442
Attorney's Telephone No.: Parkton, MD 21120 (301) 343-2442

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of April, 1990, at 10:00 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING: 1 1/2 HOURS
AVAILABLE FOR READING: 2 HOURS
ALL OTHERS: SEE TWO MONTHS (over)
SYSTEMS BY: DATE: 4/15/90

ZONING DESCRIPTION

Beginning on the east side of Sherwood Avenue, 40 feet wide, at the distance of 15 feet south of the centerline of Walnut Avenue. Being Lot #15 in the Sherwood Improvement Company subdivision, Book No. 2, Folio 124. Also known as 7911 Sherwood Avenue, containing .545 acres in the 9th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-287-A

District: 9th Date of Posting: July 3, 1990

Petitioner for: George W. Frank, et al.

Location of property: 7911 Sherwood Avenue, 5/8 Walnut Avenue
7911 Sherwood Avenue

Location of Sign: In front of 7911 Sherwood Avenue

Remarks: See notes

Posted by: J.J. Grata Date of return: July 6, 1990

Number of Signs: _____

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21286

Account # 80014150
No. 2841

90-287

APPEAL FEES	QTY	PRICE
140 - UP ALL OTHER ORDERS	1	\$125.00
150 - POSTING SIGN / ADVERTISING	1	\$25.00
TOTAL		\$150.00

LAST NAME OF OWNER: FRANK

DATE: 7/3/90

PLEASE PRINT CHECKS PAYABLE TO: BALTIMORE COUNTY

NOTICE OF HEARING

October 6, 1990

Dennis F. Reardon
Zoning Commissioner

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 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-287-A
Corner E/S Sherwood Avenue, S/W Walnut Avenue
7911 Sherwood Avenue
9th Election District - 4th Councilmanic
Petitioner(s): George W. Frank, et al.

HEARING: TUESDAY, JANUARY 16, 1990 at 2:00 p.m.

Variance to permit a 30 foot rear yard setback in lieu of the minimum 40 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period. The Zoning Commissioner will, however, maintain any request for a permit in writing and retained in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "NEW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 897-3301 to confirm hearing date.)

J. Robert Hines
J. ROBERT HINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Frank

May 22, 1990

Zoning Commissioner
Baltimore County
Towson, MD 21204

Attn: Appeals Clerk

Re: Petition for zoning variance
Cor. E/S Sherwood Avenue
5/8 Walnut Avenue
7911 Sherwood Avenue
9th Election District
4th Councilmanic District
George W. Frank, et al.
Case No. 90-287-A

Dear Madam:

The undersigned wish to appeal the decision of the zoning commissioner in the referenced case and are herewith enclosing a check for \$150.00 as required.

Sincerely,
Michael B. Rice
Michael B. Rice
7909 Sherwood Avenue
Ruxton, MD 21204
625-8909

Richard E. Gatchell
Richard E. Gatchell
1402 Walnut Hill Lane
Ruxton, MD 21204
321-1514

Richard E. Gatchell
1411 Walnut Hill Lane
Ruxton, MD 21204
435-2000

MBC:vcz
file/zoning.ca

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3303

Date: 1/2/90

Mr. & Mrs. George W. Frank
10742 Miller Lane
Parsons, Maryland 21120

Petition for Zoning Variance
CASE NUMBER: 90-287-A
Corner E/S Sherwood Avenue, S/W Walnut Avenue
7911 Sherwood Avenue
9th Election District - 4th Councilmanic
Petitioner(s): George W. Frank, et al.
HEARING: TUESDAY, JANUARY 16, 1990 at 2:00 p.m.

Dear Mr. & Mrs. Frank:

Please be advised that \$150.00 is due for advertising and posting of the above captioned variance.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT RECORD THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21286 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Hines
J. ROBERT HINES
ZONING COMMISSIONER

NOTE: If "PHASE II" of the "NEW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 897-3301 to confirm hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-287-A

District: 9th Date of Posting: December 21, 1989

Petitioner for: George W. Frank, et al.

Location of property: 7911 Sherwood Avenue, 5/8 Walnut Avenue
7911 Sherwood Avenue

Location of Sign: In front of 7911 Sherwood Avenue

Remarks: _____

Posted by: J.J. Grata Date of return: December 21, 1989

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 22, 1989

THIS IS TO CERTIFY, that the advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 21, 1989.

THE JEFFERSONIAN,
S. Zebe Orlean
Publisher

PROTESTANT(S) EXHIBIT 5

PROTESTANT(S) EXHIBIT 5

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21286

Account # 80014150
No. 987

90-287-A

PUBLIC HEARING FEES	QTY	PRICE
150 - POSTING SIGN / ADVERTISING	1	\$150.00
TOTAL		\$150.00

LAST NAME OF OWNER: FRANK

DATE: 1/2/90

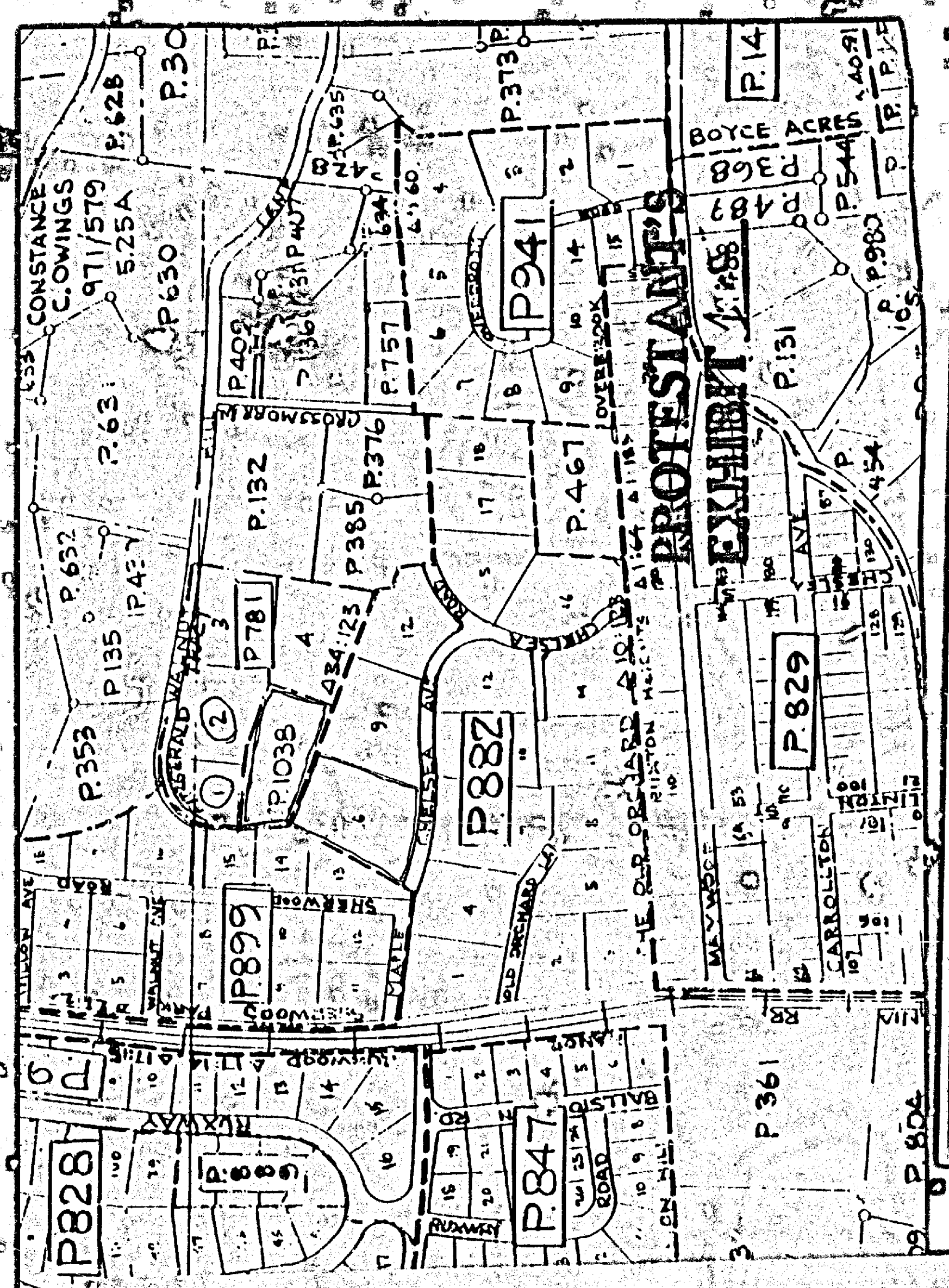
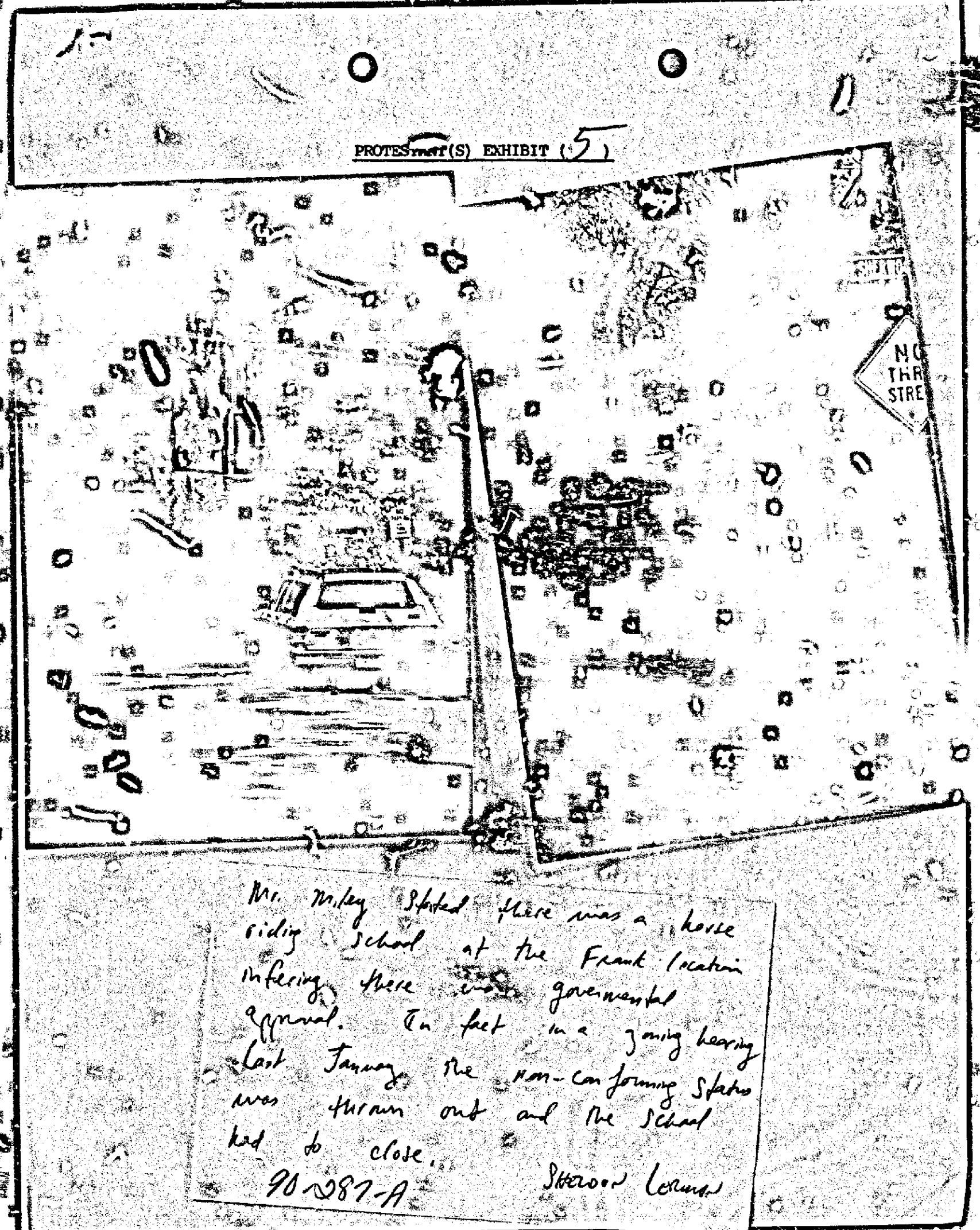
PLEASE PRINT CHECKS PAYABLE TO: BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 22, 1989

THIS IS TO CERTIFY, that the advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 22, 1989.

TOWSON TIMES,
S. Zebe Orlean
Publisher



RE-WRITTEN CONTRACT Addendum #6

This Contract of Sale supersedes a prior contract of sale between the parties hereto dated 2-8-89, and the Buyer hereby authorizes the real estate broker holding the deposit monies to apply said deposit received under the prior contract of sale to the present contract of sale.

1. Frank's will apply for variance to DR 2 set back requirement for driveway.
2. Frank's will sign addendum to provide Miley with 20' driveway in fee from Walnut Hill to provide ingress/egress to 1st lot 1.013 and bottom lot 1.195
3. Frank & Sallins will convey to Miley deed to triangular portion located in western side of 1.013 lot.
4. Frank's knew and understand that the garage will be knocked down to facilitate access to both describe lots.
5. Deposit to be placed in interest bearing account.
6. The property will provide two building lots.
7. The property is zoned DR-2.
8. Both lots have passed percolation tests.
9. Both lots will have access to public water and utilities from Walnut Hill Lane.
10. This contract can be assigned by purchaser without written consent or approval by seller.
11. Settlement shall occur on or before 35 days after sellers receive affirmative opinion from zoning commission approving 20' in fee driveway and approved building set back variance.
12. In the event buyers settle on the property and the sellers obtain a release and extinguishment of the building restriction as set forth in the deed recorded at OTC 5119 Folio 638 by Edwin R. Fitzgerald and Carolyn J. Fitzgerald the buyer/mortgagee shall waive the interest on the mortgage between buyer and seller dated May 26th, 1989 for the period of August 26th, 1989 to September 25th, 1989.

PETITIONER'S EXHIBIT 5

Witness: *[Signature]* Seller
[Signature] Buyer
 Witness: *[Signature]* Seller
[Signature] Buyer

Chris Colle, Inc. CONTRACT OF SALE ADDENDUM

Merrill Lynch Realty

Listing Office: TOWSON Agent: D.L. STERN
 Selling Office: TOWSON Agent: D.L. STERN

DATE: FEB. 7th., 1989

ADDENDUM (Number 3) to the Contract of Sale dated FE. 7th., 1989
 for the property known as LOT(S) WALNUT HILL LANE, RUXTON, MD. 21204 by and between GEORGE AND DEBORAH FRANK Sellers and JOHN & KATHLEEN MILEY Buyers.

SAID CONTRACT is hereby amended as follows:

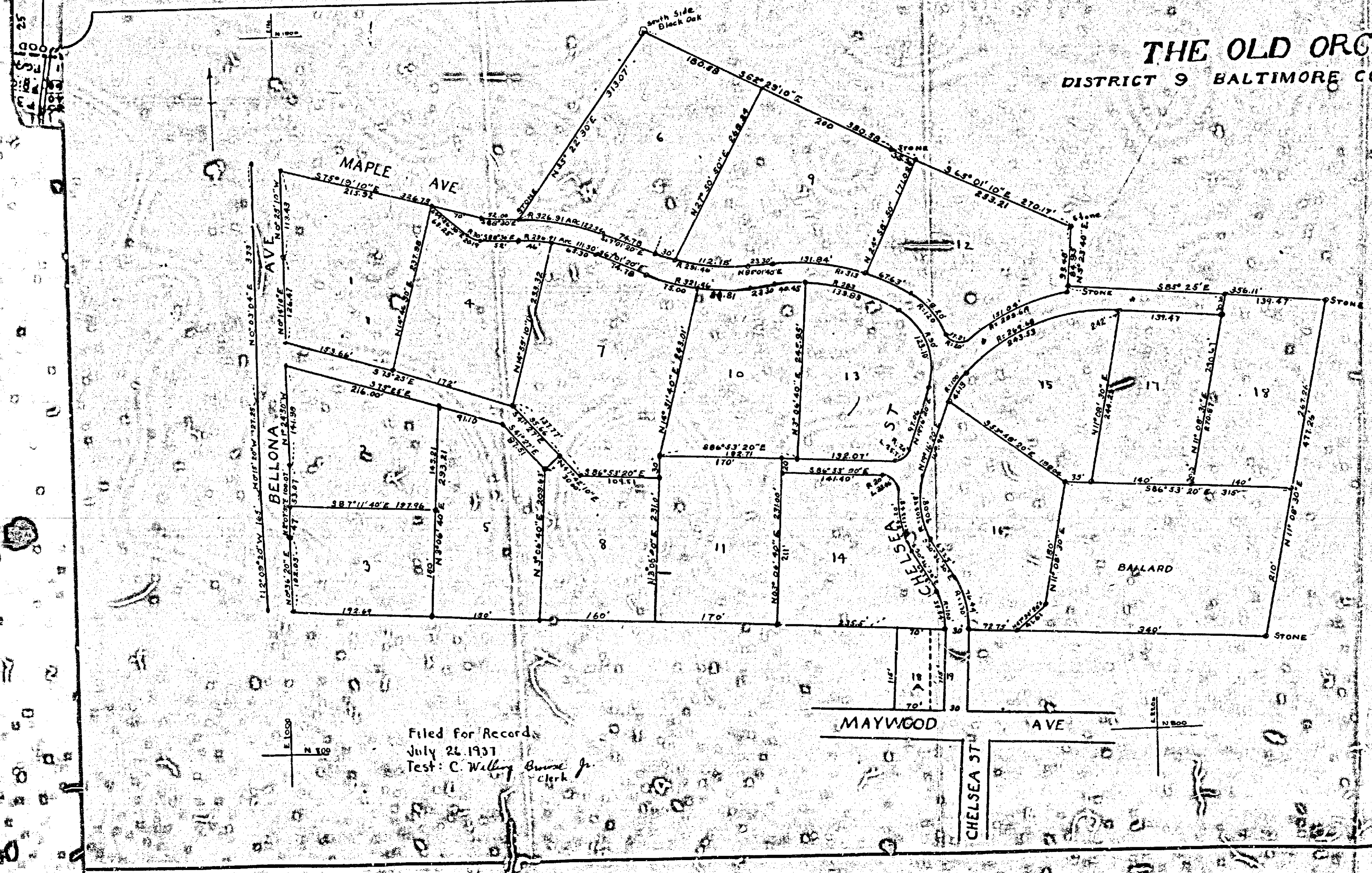
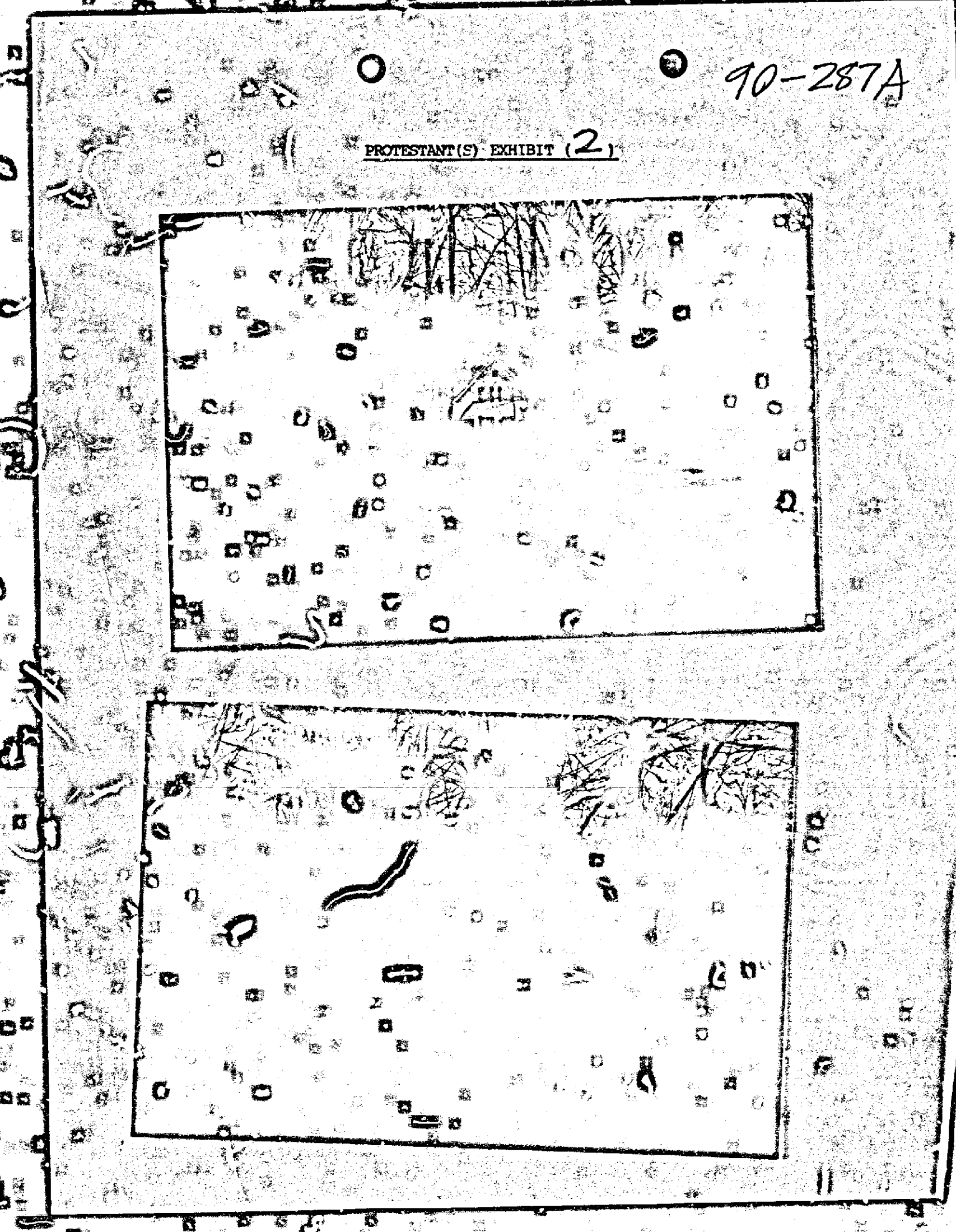
- 1) THE 1.013 LOT HAS ACCESS FROM WALNUT HILL LANE.
- 2) THE 1.20 LOT HAS ACCESS THROUGH THE GLICK PROPERTY (OR ALONG SIDE OF IT AS THE CASE MAY BE) FROM MAPLE AVE.
- 3) BOTH LOTS HAVE ACCESS TO PUBLIC WATER.
- 4) THE PROPERTY WILL CONTINUE TO BE MARKETED AND BACK UP CONTRACTS ACCEPTED UNTIL SUCH TIME AS ALL CONTINGENCIES HAVE BEEN SATISFIED AND/OR WAIVED OR UNTIL SUCH TIME AS SAID CONTINGENCIES HAVE NOT BEEN SATISFIED AND THE CONTRACT DECLARED BY BUYERS TO BE NULL AND VOID.

PETITIONER'S EXHIBIT 6

All other terms and conditions of the above referenced Contract of Sale remain as originally agreed, unless amended by subsequent addendum executed by the parties hereto.

WITNESS: *[Signature]* DATE: 2-7-89 BUYER: John W. Miley
[Signature] DATE: 2-7-89 BUYER: Kathleen Miley
 WITNESS: *[Signature]* DATE: 2-8-89 SELLER: George & Deborah Frank
[Signature] DATE: 2-8-89 SELLER: George Frank

Revised 284



OFFICE: 206 LEXINGTON ST. BALTO. MD.
SCALE: 1" = 100' 133 W.M. 7.2-1937

PROTESTANT(S) EXHIBIT 3

ALBERT E. POHMER
SURVEYOR & CIVIL ENGINEER
OFFICE: 206 LEXINGTON ST. BALTO. MD.
SCALE: 1" = 100' 133 W.M. 7.2-1937
REVISED 4-2-1937
L.M.C. NO. 723

County Board of Appeals of Baltimore County
 COUNTY OFFICE BUILDING, ROOM 315
 1111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 887-3180
 HEARING ROOM - Room 301, County Office Bldg. December 28, 1990
 BUREAU OF PUBLIC SERVICE
 DEC 31 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH 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. 90-287-A
 GEORGE W. FRANK, ET UX
 E/s Sherwood Ave., S/s Walnut Ave.
 (7911 Sherwood Avenue)
 9th & 4th C.
 VAR-30' setback in lieu of 40'
 4/25/90 - Z.C.'s Order GRANTING Petition with restrictions.

which was scheduled for hearing on January 15, 1991 has been POSTPONED to February 20, 1991. It has come to the Board's attention that County Offices will be closed on January 15, 1991 to observe Martin Luther King, Jr.'s Birthday. Therefore, this matter has been

REASSIGNED FOR: WEDNESDAY, FEBRUARY 20, 1991 AT 10:00 a.m.

cc: Mr. Michael B. Glick Appellant/Protestant
 Sheldon Lerman, M.D.
 Mr. Richard Gatchell
 Mr. and Mrs. George Frank Petitioners
 Mr. and Mrs. John Miley
 Mr. Neal Serotte
 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

91 JUN 2 AM 8:52
 COUNTY BOARD OF APPEALS
 REFILED

County Board of Appeals of Baltimore County
 COUNTY OFFICE BUILDING
 1111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 887-3180
 HEARING ROOM - Room 301
 County Office Building August 22, 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. 90-287-A
 GEORGE W. FRANK, ET UX
 E/s Sherwood Ave., S/s Walnut Ave.
 (7911 Sherwood Avenue)
 9th Election District
 4th Councilmanic District
 VAR-30' setback in lieu of 40'
 4/25/90 - Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: TUESDAY, JANUARY 15, 1991 at 10:00 a.m.

cc: Mr. Michael B. Glick Appellant/Protestant
 Sheldon Lerman, M.D.
 Mr. Richard Gatchell
 Mr. and Mrs. George Frank Petitioners
 Mr. and Mrs. John Miley
 Mr. Neal Serotte
 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

30 AUG 22 PM 2:02
 COUNTY BOARD OF APPEALS
 RECEIVED
 AUG 22 1990
 BALTIMORE COUNTY
 PLANNING & ZONING DEPARTMENT

May 22, 1990

Zoning Commissioner
 Baltimore County
 Towson, MD 21204
 Attn: Appeals Clerk

Re: Petition for zoning variance
 Cor. E/S Sherwood Avenue
 S/S Walnut Avenue
 7911 Sherwood Avenue
 9th Election District
 4th Councilmanic District
 George W. Frank, et ux
 Petitioners
 Case No. 90-287-A

Dear Madam:

The undersigned wish to appeal the decision of the Zoning Commissioner in the referenced case and are herewith enclosing a check for \$150.00 as required.

Sincerely,
 Michael B. Glick
 7909 Sherwood Avenue
 Ruxton, MD 21204
 625-8989

Sheldon Lerman, M.D.
 1409 Walnut Hill Lane
 Ruxton, MD 21204
 321-1514

Richard E. Gatchell
 Richard Gatchell
 1411 Walnut Hill Lane
 Ruxton, MD 21204
 435-2000

MBG:vfc
 file/zoning.sa

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

DECEMBER 1, 1989

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

RE: Property Owner: GEORGE W. FRANK
 Location: 7911 SHERWOOD AVENUE
 Item No.: 144 Zoning Agenda: NOVEMBER 14, 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 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
3. The vehicle dead end condition shown at 300 Feet turnaround required for fire apparatus EXCEEDS the maximum allowed by the Fire Department.
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: Noted and Approved
 Planning Group Fire Prevention Bureau
 Special Inspection Division

JK/KEK

County Board of Appeals of Baltimore County
 COUNTY OFFICE BUILDING
 1111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 887-3180
 HEARING ROOM - Room 301
 County Office Building August 22, 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. 90-287-A
 GEORGE W. FRANK, ET UX
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 (7911 Sherwood Avenue)
 9th Election District
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 VAR-30' setback in lieu of 40'
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ASSIGNED FOR: TUESDAY, JANUARY 15, 1991 at 10:00 a.m.

cc: Mr. Michael B. Glick Appellant/Protestant
 Sheldon Lerman, M.D.
 Mr. Richard Gatchell
 Mr. and Mrs. George Frank Petitioners
 Mr. and Mrs. John Miley
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 People's Counsel for Baltimore County
 P. David Fields
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 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

PP's do assigned to out on Shirley Road 8/22/90
 21204 (10000)
 (see 20 County)

8/22/90 - Following parties notified of hearing set for January 15, 1991 at 10:00 a.m.:

Mr. Michael B. Glick
 Sheldon Lerman, M.D.
 Mr. Richard Gatchell
 Mr. and Mrs. George Frank
 Mr. and Mrs. John Miley
 Mr. Neal Serotte
 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

12/28/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to February 20, 1991 at 10:00 a.m. due to County Holiday.

1/18/91 - Above parties notified of POSTPONEMENT and REASSIGNMENT to May 22, 1991 at 11:00 p.m. at the request of Counsel for Appellant/Protestant.

4/9/91 - Received letter withdrawing appeal from Mr. Lerman on behalf of Mr. Gatchell and Mr. Glick. I telephoned both Mr. Gatchell and Mr. Glick to confirm that it was their intention to withdraw the appeal filed and signed by them since the withdrawal letter was signed by Mr. Lerman only. Mr. Gatchell returned my phone call and stated that it was in fact his intention to withdraw the appeal but he could not speak for Mr. Glick.

4/9/91 - Vicki from Michael Glick's office telephoned to advise that it was Mr. Glick's intention to withdraw his appeal. Order of Dismissal will follow.

BALTIMORE COUNTY, MARYLAND
 INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
 FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
 for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 144, 150, 153, 154, 155, 156, 158 and 159.

For Item 151, the creation of this lot leaves the 4.939 acre parcel without frontage. Plat 44/09 had previously eliminated frontage of lots east of the panhandle. It appears that a subdivision plat should be prepared for any subsequent division of this tract.

For Item 152, record plat 60/95 identifies Hillside Drive as Hillstead Drive.

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

RWB:a

BALTIMORE COUNTY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert Haines
 Zoning Commissioner
 FROM: Mr. Donald C. Outen
 SUBJECT: Frank Property
 Zoning Variance Request
 Case No. 90-287A

DATE: April 11, 1990

This office has completed its review of the above referenced zoning item and offers the following comments:

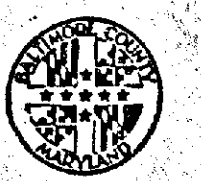
An access road from Maple Avenue to the rear two (2) lots of this property has been proposed. Construction of this road would require grading of a tributary to Roland Run and filling of adjacent non-tidal wetlands. This Department's policy is to avoid impacts to streams and wetlands where feasible alternatives exist.

It is this Department's opinion that a feasible alternative does exist in this case. An existing driveway that enters from Walnut Hill Road could be upgraded to serve these two (2) lots. It is our understanding that to utilize this driveway as an access would require approval of the above referenced request for a zoning variance. Due to the above mentioned environmental issues this Department recommends that the variance be granted.

We would also request that if the Zoning Commissioner grants approval, he condition that approval on the owner preparing a plot plan for these two lots that is consistent with current DEPDM policies and regulations.

Donald C. Outen, A.S.T.P., Chief
 Bureau of Water Quality and
 Resource Management

CC: Mr. Rocky Powell
 Mr. Glenn Shaffer



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

April 10, 1991

Sheldon Lerman, M.D.
 1409 Walnut Hill Lane
 Parkton, Maryland 21204

Re: Case No. 90-287-A (George W. Frank, et ux)

Dear Mr. Frank:

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. Kuszniewski
 Linda Lee M. Kuszniewski
 Legal Secretary

Enclosure

cc: Mr. Michael B. Glick
 Mr. Richard Gatchell
 Mr. and Mrs. George W. Frank
 Mr. and Mrs. John Milay
 Mr. Neal Serotte
 P. David Fields
 Pat Keller
 J. Robert Haines
 Ann M. Nastarowicz
 James E. Dyer
 W. Carl Richards, Jr.
 Pocket Clerk - Zoning
 Arnold Jablon, Chief Deputy County Attorney

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John W. Milay	1729 Dieck Rd.
Kathleen S. Milay	Parkton MD 21204
Louise Hanson	DFPRA

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Richard E. Gatchell	1411 Walnut Hill Lane 21204
Sheldon Lerman	1409 Walnut Hill Lane Parkton, MD
Neal Serotte (Interested Party)	7911 Sherwood Avenue Parkton, MD 21204
Michelle Glick	7909 Sherwood Ave 21204

THIS DEED, made this _____ day of May, 1989, by and between DEBORAH J. ROLLINS-FRANK and GEORGE W. FRANK, her husband of Baltimore County, Maryland, of the first part, and LORD CALVERT LAND GRANTS, INC., A Body Corporate of the State of Maryland, of the second part.

WITNESSETH, that in consideration of the sum of Zero Dollars (\$0.00) and such other good and valuable considerations, the receipt of which is hereby acknowledged, the said DEBORAH J. ROLLINS-FRANK and GEORGE W. FRANK, her husband, do hereby grant and convey unto the said LORD CALVERT LAND GRANTS, INC., its successors and assigns, in fee simple, all those lots of ground situated in the Ninth Election District of Baltimore County, Maryland, and described as follows, that

BEGINNING FOR THE FIRST thereof at the corner formed by east side of Sherwood Avenue as said Avenue are defined on and binding on the east side of Sherwood Avenue 135 feet 6 inches to the northwest corner of a certain Lot No. 14, which by Deed dated April 22, 1904 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 275, folio 235, etc., was conveyed by the Sherwood Land Improvement Company of Baltimore City to William L. Smith and wife, thence easterly bounding on the northern outline of said Lot No. 14, 180 feet, until it intersects the 5th line of the whole lot of ground, which by Deed dated August 31, 1903 and recorded among the Land Records aforesaid in Liber N.B.M. No. 269, folio 450, etc., was conveyed by Joseph Dice and wife to the Sherwood Land Improvement Company of Baltimore City, thence bounding reversely on said fourth line of the last recited line bounding reversely on said fourth line of the last recited lot north 19-1/4 degrees east 71 feet 5 inches to the south side of Walnut Avenue and thence westerly bounding on the beginning of the last recited Avenue to the place of Sherwood Road.

SAVING AND EXCEPTING therefrom, however, all those two parcels of land which by Deed dated October 19, 1904 and 279, folio 407, etc., was conveyed by The Sherwood Land Improvement Company of Baltimore City to Nicholas M. Smith.

TOGETHER WITH all that contiguous parcel of ground which by Deed dated October 15, 1904 and recorded among the Land Records of Baltimore County in Liber No. 279, folio 393, etc., was conveyed by Nicholas M. Smith to others to the particularly described as follows: beginning for the same at a point in the third line of the last recited line and more from Lewis Roberts and wife to Robert Roberts dated June 20, 1884 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 141, folio 392 & c at the distance of sixty-nine feet and one-fourth of a foot north from the south side of a black oak tree at the beginning of said line being also five feet and five twelfths of a foot northerly from a stone heretofore planted and running thence binding on said third line north four degrees and fifty minutes east fifty feet to the center of a road to be laid out for use in common, said road to be ten feet wide at grade of same with the necessary additional land for slopes, thence southeasterly along the center of said

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

October 3, 1989

Mr. & Mrs. George W. Frank
 16724 Miller Lane
 Parkton, Maryland 21120

RE: 7822 Chelsea Street Lot C
 "The Old Orchard" Subdivision
 Plat Book 10 Folio 123
 1.1963 acres/CR2
 9th Election District

Dear Mr. & Mrs. Frank:

Based upon the information you have provided, please advise if the above referenced property has frontage on an unimproved Baltimore County public road. If this right-of-way were to be improved, giving access to the specific lot, a public hearing would not be required provided all applicable zoning regulations are met. If the right-of-way is not improved and access is created and provided via another public street, any zoning deficiencies (setbacks, lot width) would require a public hearing.

If you need further assistance, please do not hesitate to contact me at 887-3391.

Very truly yours,

James E. Dyer
 JAMES E. DYER
 Zoning Supervisor

BY: Mitch Kellman
 Planner II

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

April 25, 1990

Mr. and Mrs. George Frank
 16742 Miller Lane
 Parkton, Maryland 21120

RE: Petition for Zoning Variance
 Case No. 90-287-A

Dear Mr. and Mrs. Frank:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
 Zoning Commissioner

JRH:mm
 encl.: Peoples Counsel
 cc: Protestants

ELLIOTT & ELLIOTT
 ATTORNEYS AT LAW

MAURICE L. ELLIOTT
 1820 FIDELITY BLDG.
 BALTIMORE, MD 21201
 (301) 782-2888

ROGER L. ELLIOTT
 ONE WILLOW AVE.
 TOWSON, MD 21204
 (301) 881-1800

HAND-DELIVERED

October 25, 1989

Mitch Kellman, Planner II
 Baltimore County Zoning
 Commission
 Office of Planning & Zoning
 Towson, MD 21204

RE: Mr. and Mrs. George W. Frank
 Item No. 1-4

Dear Mr. Kellman:

My clients advise that they have applied for a zoning variance and have informed me that it may take some time to obtain a hearing thereon. The purpose of this letter is to request that you do everything possible to expedite this. The property is currently the subject of a contract dispute involving the variance and is subject to the very immediate threat of a mortgage foreclosure against Mr. and Mrs. Frank and this property. Once again, because of this hardship, I would request that the hearing be expedited insofar as is humanly possible. Thank you for your kind attention to the above.

Very truly yours,

Roger L. Elliott
 Roger L. Elliott
 RE/gh

cc: Mr. and Mrs. George W. Frank

Handwritten notes
 90-287-A

Michael B. Glick
 111 WATER STREET - BALTIMORE, MARYLAND 21202

JANUARY 15, 1990

Zoning Commissioner of
 Baltimore County
 Baltimore County Office Bldg
 1111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Case # 90-287A

Dear Sir/Madam:

I am the owner of the property located at 7909 Sherwood Avenue, which is adjacent to the property which is the subject of the referenced case. I would like to ask you to recognize my strong objection to the granting of the proposed variance. This objection is based upon the following grounds:

1. Permitting a point of ingress-egress at the location in question on Walnut Hill Lane will exacerbate an already difficult traffic condition.
2. I believe that the intent of the zoning requirement is to provide a comfortable amount of spacing bordering driveways. A 25% reduction in the size of the right-of-way is a very substantial reduction, which directly averts the intent of the code.

You should be aware that the applicant has not contacted me to disclose his plans nor to request support for the pending variance. I believe that granting the variance would be detrimental to my property.

Thank you for considering my request that you deny the variance application.

Sincerely,
Michael B. Glick
 Michael B. Glick

RECEIVED
 JAN 17 1990
 ZONING OFFICE

Michael B. Glick
111 WATER STREET - BALTIMORE, MARYLAND 21202

RECEIVED
JAN 16 1990
ZONING OFFICE

Zoning Commissioner of
Baltimore County
Baltimore County Office Bldg.
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case # 90-287A

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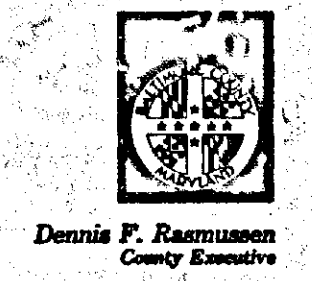
Thank you for considering my request that you deny the variance application.

Sincerely,
Michael B. Glick
Michael B. Glick

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

J. Robert Haines
Zoning Commissioner

June 26, 1990



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

RE: Petition for Zoning Variance
E/S Sherwood Avenue, S/S Walnut Avenue
(7911 Sherwood Avenue)
9th Election District, 4th Councilmanic District
GEORGE W. FRANK, ET UX - Petitioner
Case No. 90-287-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 24, 1990 by Michael B. Glick, Sheldon Lerman, M.D., Richard Gatchell. 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

cc: George W. Frank & Deborah Rollins-Frank
16742 Miller Lane, Parkton, MD 21120

Mr. & Mrs. John Miley, 1729 Circle Road, Ruxton, MD 21204

Neal Serotte, 7915 Sherwood Avenue, Ruxton, MD 21204

Michael B. Glick, 7909 Sherwood Avenue, Ruxton, MD 21204

Sheldon Lerman, M.D., 1409 Walnut Hill Lane, Ruxton, MD 21204

Richard Gatchell, 1411 Walnut Hill Lane, Ruxton, MD 21204

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

RECEIVED APPEALS
COUNTY BOARD OF APPEALS
90 JUN 27 AM 9:07

APPEAL

Petition for Zoning Variance
E/S Sherwood Avenue, S/S Walnut Avenue
(7911 Sherwood Avenue)
9th Election District - 4th Councilmanic District
GEORGE W. FRANK, ET UX - Petitioner
Case No. 90-287-A

- Petition for Zoning Variance
- Description of Property
- Certificate of Posting
- Certificate of Publication
- Entry of Appearance of People's Counsel (None submitted)
- Zoning Plans Advisory Committee Comments
- Director of Planning & Zoning Comments

- Petitioner's Exhibits: 1., 2., & 3. - Plans for Zoning Variance
4. Photographs of lot
 5. Rewritten Contract
 6. Contract of Sale Addendum
- Protestant's Exhibits:
1. Copy of Tax Map
 2. Photographs of road
 3. Plat of "The Old Orchard"
 4. Plat to accompany Petition
 5. Photographs of road

Zoning Commissioner's Order dated April 25, 1990 (Granted w/ Restrictions)
Notice of Appeal received May 24, 1990 from Protestants, Michael B. Glick, Sheldon Lerman, M.D., and Richard Gatchell

cc: George W. Frank & Deborah Rollins-Frank
16742 Miller Lane, Parkton, MD 21120

Mr. & Mrs. John Miley, 1729 Circle Road, Ruxton, MD 21204

Neal Serotte, 7915 Sherwood Avenue, Ruxton, MD 21204

Michael B. Glick, 7909 Sherwood Avenue, Ruxton, MD 21204

Sheldon Lerman, M.D., 1409 Walnut Hill Lane, Ruxton, MD 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

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

Mr. & Mrs. George W. Frank
16742 Miller Lane
Parkton, MD 21120

RE: Item No. 144, Case No. 90-287-A
Petitioner: George W. Frank, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Frank:
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.

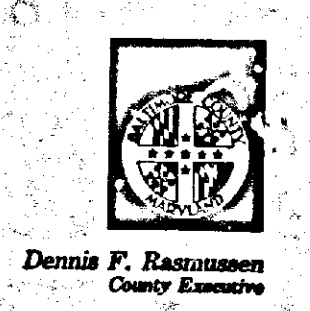
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

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

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 20th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

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

Petitioner: George W. Frank, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 15, 1989

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

SUBJECT: George W. Frank, et ux, Item 144
Zoning Petition No. 90-287A

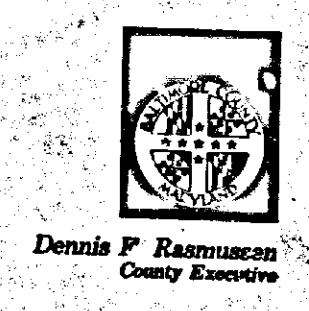
The Petitioners request a variance to rear yard set back requirements.

In reference to this request, staff offers no comment.
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.

EK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

November 29, 1989



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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 144, 150, 151, 152, 153, 154, 155, 156, 157 & 159.

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

MSE/LW

RECEIVED
DEC 6 1989
ZONING OFFICE

Baltimore County
Fire Department
300 York Road
Towson, Maryland 21284-2536
(301) 837-4500
Paul H. Feltz
Chief

DECEMBER 1, 1989



Dennis F. Hammann
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: GEORGE W. FRANK
Location: #7911 SHERWOOD AVENUE
Item No.: 144 Zoning Agenda: NOVEMBER 14, 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 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

3. The vehicle dead end condition shown at 300 Feet turnaround required for fire apparatus EXCEEDS the maximum allowed by the Fire Department.

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: *Chit...* Noted and Approved
Planning Group
Special Inspection Division

Wm. Bishop
Fire Prevention Bureau

JX/KEK

DEC 05 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 150, 153, 154, 155, 156, 158 and 159.

For Item 151, the creation of this lot leaves the 4.939 acre parcel without frontage. Plat 44/89 had previously eliminated frontage of lots east of the peninsula. It appears that a subdivision plat should be prepared for any subsequent division of this tract.

For Item 152, record plat 60/95 identifies the Hillside Drive as Hillstead Drive.

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

RWB:s

DEC 27 1989

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Robert Haines
Zoning Commissioner
FROM: Mr. Donald C. Outen
SUBJECT: Frank Property
Zoning Variance Request
Case No. 90-287A

DATE: April 11, 1990

RECEIVED
APR 20 1990

ZONING OFFICE

This office has completed its review of the above referenced zoning item and offers the following comments:

An access road from Maple Avenue to the rear two (2) lots of this property has been proposed. Construction of this road would require piping of a tributary to Roland Run and filling of adjacent non-tidal wetlands. It has been this Department's policy to avoid impacts to streams and wetlands where feasible alternatives exist.

It is this Department's opinion that a feasible alternative does exist in this case. An existing driveway that enters from Walnut Hill Road could be upgraded to serve these two (2) lots. It is our understanding that to utilize this driveway as an access would require approval of the above referenced request for a zoning variance. Due to the above mentioned environmental issues this Department recommends that the variance be granted.

We would also request that if the Zoning Commissioner grants approval, the condition that approval on the owner preparing a plot plan for these two lots that is consistent with current DEPRM policies and regulations.

Donald C. Outen
Donald C. Outen, A.P.C.P., Chief
Bureau of Water Quality and
Resource Management

DCO:ROP:EP

cc: Mr. Rocky Powell
Mr. Glenn Shaffer

NOTES:
1. CURRENT SURVEY: D.P. 8
2. D.P. 8 REFERENCE: 7/11/89
3. THESE LOTS ARE PROPOSED TO BE PARCELED
4. PROPOSED ACCESS ROAD TO BE CONSTRUCTED
5. PROPOSED ACCESS ROAD TO BE CONSTRUCTED
6. PROPOSED ACCESS ROAD TO BE CONSTRUCTED
7. PROPOSED ACCESS ROAD TO BE CONSTRUCTED
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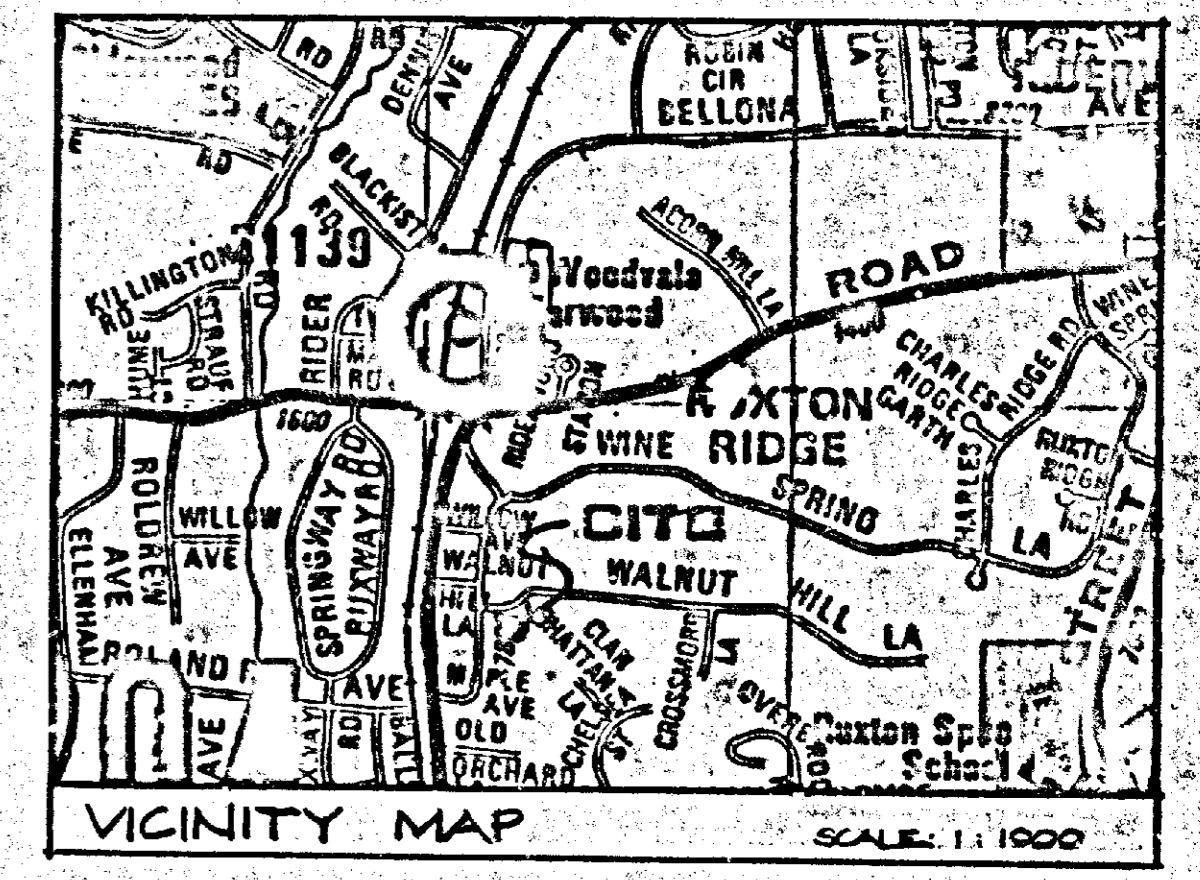
LEGEND
- - - - - 5,000 SQ. FT. MINOR DIVISION SYSTEM ROAD
○ CHANGE APPROVED FOR SITE
△ CHANGE APPROVED FOR SITE
● CHANGE APPROVED FOR SITE
- - - - - 5,000 SQ. FT. MINOR DIVISION SYSTEM ROAD

APPROVED: *George W. Frank*
George W. Frank
ADDRESS: 40,711 SHERWOOD AVE.
TOWSON, MD 21284
APPROVED: *Wm. Bishop*
Wm. Bishop
ADDRESS: 40,711 SHERWOOD AVE.
TOWSON, MD 21284
APPROVED: *Wm. Bishop*
Wm. Bishop
ADDRESS: 40,711 SHERWOOD AVE.
TOWSON, MD 21284

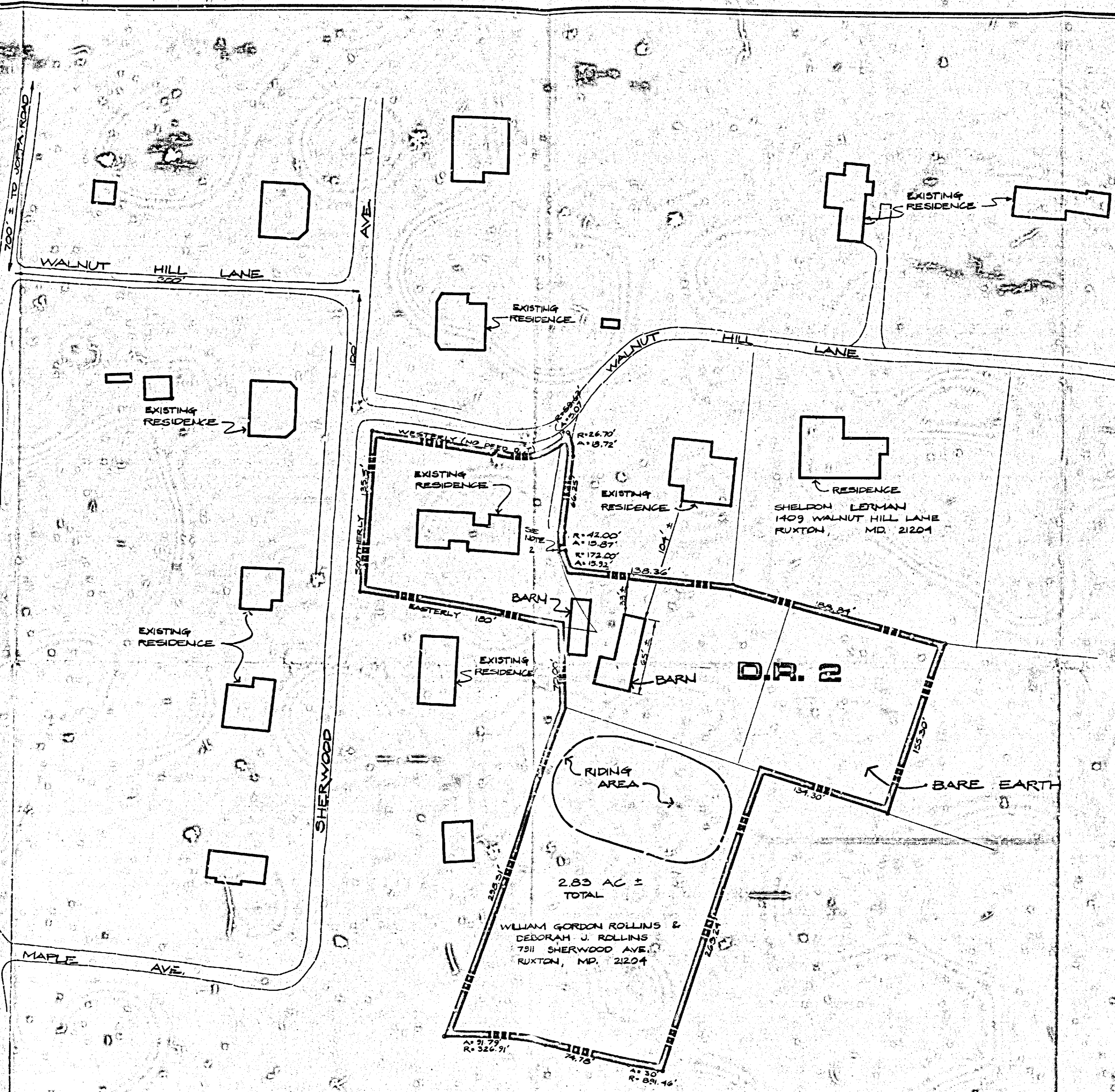
NOODIN & SAUCS ASSOCIATES, INC.
110 EAST 560
CULPEPER, VA 22024
PHONE: 434-5450

SCALE: 1" = 400' DATE: MARCH 1989
DRAWN: BCK CHECKED: M.B.S.

PROPERTY LOCATION
 THE PROPERTY IN QUESTION LIES APPROXIMATELY 700 FT. SOUTH OF JOPPA ROAD ALONG BELLONA AVENUE, 300 FT. EAST ON WALNUT HILL LANE AND 100 FT. SOUTH ON SHERWOOD AVENUE TO THE INTERSECTION OF SHERWOOD AVENUE AND WALNUT HILL LANE.

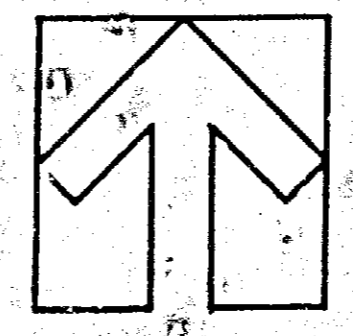


- NOTES**
1. THE PROPERTIES SHOWN HEREON WERE COMPILED FROM DEEDS, PLATS AND OTHER AVAILABLE INFORMATION, IT IS NOT A FIELD SURVEY.
 2. DEED LINES FOR L-435-522 & L-519-638 DO NOT MATCH.
 3. DEEDS FOR THE ROLLINS PROPERTY WERE FURNISHED TO H. MALMUD & ASSOCIATES, INC.



WILLIAM GORDON ROLLINS &
 DEBORAH J. ROLLINS
 7911 SHERWOOD AVE.
 RUXTON, MD. 21204

WFK WILLIAM F. KIRWAN, INC.
 Land Planning/Landscape Architecture
 23 E. Susquehanna Avenue
 Towson, MD 21284
 Phone 331/337-0075



SCALE: 1" = 50'

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
 BALTIMORE COUNTY COUNCILMANIC DISTRICT - 1, ELECTION DISTRICT - 9,

PETITIONER:
 DR. SHELDON LERMAN
 1409 WALNUT HILL LANE
 RUXTON, MD. 21204
 JUN 27, 1980

PROTESTANT'S EXHIBIT 4-8