

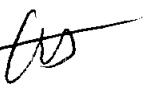
BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: February 15, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: W. Carl Richards, Jr.

FROM: Theresa R. Shelton 
Board of Appeals

SUBJECT: **James L. Hacker, et ux**
Case No.: 92-97-SPHA
Circuit Court Case No.: 94 CV 2068

Judge Hennegan of the Circuit Court issued an Order on October 26, 1994
AFFIRMING the Board of Appeals. No further appeals have been taken in this matter. The Board
of Appeals is closing and returning the file that is attached herewith.

Attachment: SUBJECT FILE ATTACHED

JAMES L. HAKER, ET UX

92-97-SPH

N/S of Forest Lane, 130' West of c/l
of Newburg Avenue (415 Forest Lane)

1st Election District

RE: Special Hearing and Variance on property

No. CR-93-305-SPH

August 22, 1991	Petition for Special Hearing filed to determine that Sec. 304.3 does not apply for this undersized lot, as a result of circumstance, filed by James L. Haker.
March 2, 1992	Petition for Variance to permit a lot area of 5,796 sq. ft. in lieu of the required 6,000 sq. ft.; a rear yard of 20' in lieu of the required 30' and a front yard setback of 36.5 +/-, filed by Francis X. Borgerding, Jr., Esquire on behalf of James L. Haker.
July 8	Hearing held on Petition by DZC.
August 13, 1992	Order of the DZC, in which Petition for Special Hearing is DENIED; and Petition for Variance is DISMISSED AS MOOT.
September 11	Order of Appeal filed by Francis X. Borgerding, Esquire, on behalf of Petitioners.
October 28, 1993	Hearing before the Board of Appeals.
February 10, 1994	Opinion and Order of the Board in which the Petition for Special Hearing and Petition for Zoning Variance GRANTED.
February 17	Amended Order of the Board to correct clerical error in which portion of language was inadvertently omitted; Petition for SPH and Petition for Variance GRANTED.
March 9	Petition for Judicial Review filed in the CCT by Kenneth H. Masters, Esquire on behalf of Frederick G. Timmel, Protestant.
March 10	Copy of Petition for Judicial Review received by the Board of Appeals from the CCT.
March 11	Certificate of Notice sent to interested parties.
May 4	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.
October 27	Order of the Cct wherein the decision of C.B. of A. was AFFIRMED (Hon. John O. Hennegan)

94 AUG -5 PM 3:49

Sandra Sanidas—887-2660

Civil Assignment Commissioner

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

Kathy Rushton—887-2660

Jury Assignments—Civil

Joyce Grimm—887-3497

Director of Central Assignment

Jan Dockman—887-2661

Non-Jury Assignments—Civil

June 16, 1994

KENNETH H. MASTERS, ESQ.

FRANCIS E. BORGERMEIER, JR., ESQ.

County Board of Appeals of Balto. Co. P.P.
Office of Law
400 Washington Ave
Towson, Md 21204

RE: NOW JURY 94 CV 2068 IN THE MATTER OF THE APPLICATION JAMES L. HAKER
SETTLEMENT CONFERENCE DATES

~~CONFERENCE ROOM #307 before the Honorable~~

All counsel and their clients **MUST** attend this Settlement Conference in **person**. All Insurance Representatives or, in domestic cases, a corroborating witness **MUST** attend this Settlement Conference in person. Failure of attendance in person of all parties listed above can result in sanctions being imposed, unless prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS.

HEARING DATE: Appeal: $\frac{1}{2}$ day Thursday, August 18, 1994 @ 9:30 a.m.

WITH THE EXCEPTION OF DOMESTIC CASES, COURT COSTS MUST BE PAID ON THE DATE OF SETTLEMENT CONFERENCE OR TRIAL, UPON SETTLEMENT OF THE CASE.

POSTPONEMENT POLICIES:

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other to conform calendars for the above date(s). Claim of not receiving notice will not constitute reason for postponement.

A request for postponement **MUST BE MADE IN WRITING** to the Assignment Office with a copy to all counsel involved.

COUNSEL MUST NOTIFY THE CIVIL ASSIGNMENT OFFICE **WITHIN 15 DAYS OF RECEIPT OF THIS NOTICE** AS TO ANY CONFLICTS THAT MAY EXIST WITH THE ABOVE REFERENCED DATES. OTHERWISE, IT WILL BE ASSUMED THAT THESE DATES ARE VALID AND **NO POSTPONEMENT WILL BE GRANTED.**

INDIVIDUALS WITH DISABILITIES, WHO MAY NEED ACCOMMODATIONS PRIOR TO COURT DATES, SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE (887-2687) OR USE THE COURT'S TDD LINE (887-3018) OR THE VOICE/TDD MD. RELAY SERVICE 1-800-735-2258.

94 JUN 20 PM 2:34
COUNTY BOARD OF APPEALS
OFFICE OF LAW

5 21-91
PETITION OF FREDERICK G. TIMMEL
of 410 Forest Lane
Catonsville, Maryland 21228

FOR JUDICIAL REVIEW OF THE
DECISION OF THE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

IN THE CASE OF
IN THE MATTER OF THE
APPLICATION OF JAMES L. HAKER, ET UX.
FOR A SPECIAL HEARING AND VARIANCE
ON PROPERTY LOCATED ON THE NORTH
SIDE OF FOREST LANE, 130 FEET WEST OF
THE CENTERLINE OF NEWBURG AVENUE
(415 Forest Lane)
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT

Case No.: 92-97-SPHA

IN THE

CIRCUIT COURT

FOR

BALTIMORE

COUNTY

Civil Action

No.: 94-CV-02068/75/152

94 JUN -1 AM 11:59
COUNTY BOARD OF APPEALS

* * * * *

PETITIONER'S MEMORANDUM

Now comes the Petitioner, FREDERICK G. TIMMEL, by and through his Attorney, Kenneth H. Masters, pursuant to Maryland Rule 7-207(a), files this Memorandum in support of his Petition for Judicial Review of the Decision of the County Board of Appeals of Baltimore County.

QUESTIONS PRESENTED

1. Did the County Board of Appeals of Baltimore County err, as a matter of law, in its finding that the Petitioners, below, satisfied the requirements of Baltimore County Zoning Regulations (BCZR) Section 304 and/or Section 304.1?
2. Even if, arguendo, the County Board of Appeals of Baltimore County is correct in its application of BCZR Section 304 and/or Section 304.1 to the facts in this case, did the County Board of Appeals of Baltimore County err in failing to find that the Petitioners, below, are victims of a "self-inflicted injury"?

3. Even if, arguendo, the County Board of Appeals of Baltimore County is correct in its application of BCZR Section 304 and/or 304.1 to the facts in this case, did the County Board of Appeals of Baltimore County err in granting a front yard set back variance which will result in building of a structure that extends greater than fourteen (14) feet in front of all of the other houses oriented to Forest Lane on the subject block and, thereby, finding that such construction would "be consistent with the surrounding community"?

THE FACTS

In or about August of 1991, James L. Haker and Faye E. Haker, his wife (the Petitioners, below, and hereinafter called Hakers), as owners of the subject property known as 415 Forest Lane in Catonsville, Baltimore County, Maryland, filed a Petition for Variance to the Zoning Commissioner of Baltimore County seeking, initially, set back variances in both the front and rear yards. That Petition was later amended by a Petition filed prior to March 1992 to include an area variance pursuant to Section 304 (the section then in effect) of the Baltimore County Zoning Regulations. The minimum required lot size is 6000 square feet.

In 1939, the subject parcel was an undivided part of a larger parcel owned by Charles Wilson Lovell and Laurine Lovell. The dimensions of the entire tract were 200 feet by 64.4 feet (12,880 square feet).

In 1950, Mr. and Mrs. Lovell conveyed out, by Deed, a portion of that entire tract unto Edwin T. Johnson and Agnes A. Johnson, the dimensions of which were 110 feet by 64.4 feet (7084 square feet) "saving and excepting" the balance of the tract. That parcel is now known as 216 Newburg Avenue. The remaining portion of the "Lovell" parcel is now known as 415 Forest Lane, the dimensions of which are 90 feet by 64.4 feet (5796 square feet, or 204 square feet less than the required 6000 square feet in a D.R. 5.5 zone).

Following a series of intervening conveyances, 216 Newburg Avenue (the 7084 square foot parcel) was conveyed into the Hakers by a Deed dated October 18, 1966. Thereafter, by a Deed dated June 18, 1970, the Lovells conveyed 415 Forest Lane (the subject, undersized

property) into the Hakers. Thus, as of June 18, 1970, the two parcels, albeit in different Deeds, were then under the common ownership of the Hakers.

It should be noted at this juncture that 216 Newburg Avenue is improved by a house and garage. On the other hand, 415 Forest Lane is generally an unimproved lot, but for the existence of a barbeque pit of some sort.

The Hakers occupied 216 Newburg Avenue as their residence generally from the time of their acquisition of that property in 1966 until they conveyed 216 Newburg Avenue unto David and Karen Humes by a Deed dated February 3, 1988. The Hakers, of course, retained 415 Forest Lane under their ownership at the time of their conveyance of 216 Newburg Avenue unto David and Karen Humes (Protestants before the Deputy Zoning Commissioner and before the County Board of Appeals of Baltimore County).

As can be seen on Petitioners' Exhibit 1 (and other exhibits, as well), unlike all of the other lots fronting on the east side of Forest Lane which have narrow fronts and deep backs, 415 Forest Lane has a wide front (90 feet) and a narrow back (64.4 feet). All of the houses constructed on the east side of Forest Lane and oriented to Forest Lane (as distinguished from 216 Newburg Avenue, which is, of course, fronted on and oriented to Newburg Avenue) have a common building line. The "building envelope" proposed by the Hakers' expert, Mr. Paul Lee, with the front yard set back variance requested by the Hakers, will result in any house constructed on 415 Forest Lane protruding more than 14 feet in front of the existing building line of all of the other houses on that side of Forest Lane which are oriented to Forest Lane.

ARGUMENT

It is the contention of the Petitioner, Frederick G. Timmel, that this matter is governed, as a matter of law, by Section 304 of the Baltimore County Zoning Regulations (BCZR) inasmuch as that was the applicable regulation in effect when the initial and the amended Petitions for Variance were filed by or on behalf of the Hakers. Section 304.1 did not become effective until June of 1992. Section 304.1 was created by County Council Bill No. 47-92 and did not substantively

change the pre-existing regulation. Copies of Section 304, 304.1, and County Council Bill No. 47-92 are appended hereto and are incorporated by reference herein.

Section 304 provides as follows:

"SECTION 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]"

Specifically, we contend that the County Board of Appeals of Baltimore County erred as a matter of law in its failure to properly apply the provisions of Section 304. Compliance with the provisions of Section 304 is the threshold for the authority to grant the relief being sought by the Hakers.

The first sentence of Section 304 sets forth the scope of the regulation.

"A one-family dwelling may be erected on a lot having an area or width...less than that required...provided:..." (emphasis supplied).

The word "or" in that sentence takes on a particular significance when read in conjunction with subsection b.. A plain reading of the regulation reveals that relief may be granted if, and only if, all three of the conditions set forth separately in subsections a. and b. and c. are met, inasmuch as the subsections are set out in the conjunctive.

Thus, relief from less than the required area requirement may be granted or relief from width at the building line may be granted, but not both, and then, only if all three conditions of the subsections are met.

Subsection a. of Section 304 sets out two alternatives for an undersized lot. The first alternative is that

"...such lot shall have been duly recorded either by deed...prior to the adoption of these Regulations..."

The regulations were adopted in March 1955.

The record in this case is clear that from 1950 when Charles Wilson Lovell and Laurine Lovell took title to the tract comprised of what are now 216 Newburg Avenue and 415 Forest Lane, there was no other deed (duly recorded or otherwise) relating to 415 Forest Lane until that lot was conveyed by the Lovells to the Hakers in 1970. As a result, the first alternative of subsection a. of 304 was not met.

The second alternative requires

"...a validly approved subdivision prior to the adoption of these Regulations..."

The Hakers' expert, Paul Lee, opined that the "subdivision" occurred by virtue and as a result of the conveyance of July 19, 1950 when the parcel known as 216 Newburg Avenue was conveyed by the Lovells to the Johnsons, "saving and excepting" in that Deed the parcel now known as 415 Forest Lane. See Transcript, page 60.

There is no dispute that the 1950 Deed did not separately or independently describe that parcel that was "saved and excepted". See Transcript, Page 74.

Further, it is apparent that Mr. Lee used the term "subdivision" in its most garden variety or laypersons sense. See Transcript, page 73 and page 79. In effect, Mr. Lee testified that if you have a "whole" and take away a part of that whole there is a "subdivision".

That reading of the regulation requires reading out of the regulations words that were placed in the regulation , to wit, "...a validly approved subdivision...". Emphasis supplied.

If one were to adopt the position taken by Mr. Lee, those words become mere surplusage. That position begs the question, validly approved by whom?

Baltimore County has an extensive body of law and regulations detailing the subdivision approval process. See Title 26 of the Baltimore County Code. Thus, the term "subdivision" when used in the context of Section 304 a. is a term of art and for an undersized lot to be eligible for relief under the second alternative of subsection a. of Section 304, the lot had to have been "...in a validly approved subdivision..." prior to 1955. 415 Forest Lane was not in any "validly approved subdivision" prior to 1955 (see Transcript, pages 73 through 76) and consequently, the subject property is not eligible for the relief sought under either alternative in Section 304 a.

That should be the end of the matter given the conjunctive structure of the regulation.

Notwithstanding, to go on with the analysis of Section 304 it is important to look at subsection b. as it relates to the word "or" in the first sentence of Section 304. The Hakers seek relief from both the area requirement and setback relief, contrary to the plain reading of subsection b. which expressly and unequivocally states

"...That all other requirements of the height and area requirements are complied with...".

The subject property is deficient in two respects by being both undersized and in need of building line variance. Axiomatically, the subject property fails to be eligible for relief under the provisions of subsection b. of Section 304.

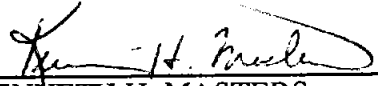
Additionally, it is less than clear whether the subject property is adversely affected by subsection c. This is so because the Hakers, while clearly not being the owners of "sufficient adjoining land" at the time their Petitions for Variances were filed, subjected themselves to a self-inflicted condition. They had, in fact, been the owners of "sufficient adjoining land" from 1970 into 1988.

For all of the foregoing reasons, the subject property does not qualify for relief under Section 304 BCZR or under 304.1, either) and the County Board of Appeals of Baltimore County was, therefor, without the authority, as a matter of law to grant the relief prayed.

Further, the front yard set back sought by the Hakers will result, notwithstanding Mr. Lee's opinion to the contrary, in incompatibility with the neighborhood by virtue of a building line being in excess of 14 feet beyond the existing building line of every other home fronting on that side of Forest Lane. Any house built on 415 Forest Lane will be conspicuous in its nonconformity to the neighborhood.

In conclusion, the Petitioner, Frederick G. Timmel, urges this Honorable Court to reverse the County Board of Appeals of Baltimore County as a matter of law. The Hakers contend, of course, that they were justifiably misled by apparent errors in county tax records. That fact, if believed, might suffice to protect the Hakers from the language of Section 304 c., only. However, mistake of fact provides no insulation from the conjunctive requirements of the balance of Section 304 (or 304.1). The subject property simply does not meet the requirements of the regulation and the County Board of Appeals of Baltimore County erred.

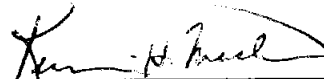
Respectfully submitted,


KENNETH H. MASTERS
Attorney for the Petitioner,
Frederick G. Timmel
1002 Frederick Road
Catonsville, Maryland 21228
(410) 788-2300

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of May, 1994, I caused to be mailed, postage prepaid, a copy of the foregoing Petitioner's Memorandum unto Francix X. Borgerding, Jr., Esquire, Attorney for the Respondents, James and Faye Haker, at

Mercantile Building, Suite 600, 409 Washington Avenue, Towson, Maryland 21204 and unto Ms. Kathleen C. Weidenhammer, Administrative Assistant, at County Board of Appeals of Baltimore County, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204.


KENNETH H. MASTERS

less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

Section 305--REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS [B.C.Z.R., 1955.]

In case of complete or partial casualty loss by fire, wind-storm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings¹⁵ before the casualty are not increased in any respect. [B.C.Z.R., 1955.]

Section 306--MINOR PUBLIC UTILITY STRUCTURES [B.C.Z.R., 1955.]

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

Section 307--VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955;
Bill No. 47, 1992.]

304.1--A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and {B.C.Z.R., 1955; Bill No. 47, 1992.}
- B. all other requirements of the height and area regulations are complied with; {B.C.Z.R., 1955.}
- C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

304.2-A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Office of Zoning Administration, at the time of application for a building permit, plans sufficient to allow the Office of Planning and Zoning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning and Zoning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. {Bill No. 47, 1992.}

B. At the time of application for the building permit, as provided above, the director of zoning administration shall request comments from the Director of the Office of Planning and Zoning (the director). Within fifteen (15) days of receipt of a request from the director of zoning administration, the director shall provide to the Office of Zoning Administration written recommendations concerning the application with regard to the following: {Bill No. 47, 1992.}

- 1. Site design: New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
- 2. Architectural design: Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. height;
 - b. bulk or massing;
 - c. major divisions, or architectural rhythm, of facades;

1. SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE REQUEST FOR PUBLIC
2. HEARING. AT THE PUBLIC HEARING, THE ZONING COMMISSIONER SHALL MAKE A
3. DETERMINATION WHETHER THE PROPOSED DWELLING IS APPROPRIATE.

4. 304.5 FINAL APPROVAL.

5. (A) THE DIRECTOR OF ZONING ADMINISTRATION MAY ISSUE THE BUILDING
6. PERMIT; OR

7. (B) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, THE DIRECTOR OF
8. ZONING ADMINISTRATION MAY REQUIRE A PUBLIC HEARING BEFORE THE ZONING COMMISSIONER
9. PURSUANT TO 304.4 ABOVE; OR

10. (C) IF THE OFFICE OF ZONING ADMINISTRATION HAS NOT NOTIFIED THE
11. APPLICANT OF A DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION, OR HAS
12. NOT NOTIFIED THE APPLICANT PURSUANT TO SUBSECTION 304.4 ABOVE OF THE INTENTION TO
13. REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR
14. PURPOSES OF THIS SECTION.

15. 304.6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF ZONING
16. ADMINISTRATION MAY BE APPEALED, IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY
17. THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.

18. 304.7 THE DIRECTOR OF ZONING ADMINISTRATION SHALL ESTABLISH APPROPRIATE
19. FEE SCHEDULES.

20. SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect
21. forty-five days after its enactment.

BO4792/BILLS92

1. 1. SITE DESIGN: NEW BUILDINGS SHALL BE APPROPRIATE IN THE
2. CONTEXT OF THE NEIGHBORHOOD IN WHICH THEY ARE PROPOSED TO BE LOCATED.
3. APPROPRIATENESS SHALL BE EVALUATED ON THE BASIS OF NEW BUILDING SIZE, LOT
4. COVERAGE, BUILDING ORIENTATION AND LOCATION ON THE LOT OR TRACT.

5. 2. ARCHITECTURAL DESIGN: APPROPRIATENESS SHALL BE EVALUATED
6. BASED UPON ONE OR MORE OF THESE ARCHITECTURAL DESIGN ELEMENTS OR ASPECTS:

- 7. I. HEIGHT;
- 8. II. BULK OR MASSING;
- 9. III. MAJOR DIVISIONS, OR ARCHITECTURAL RHYTHM, OF FACADES;
- 10. IV. PROPORTIONS OF OPENINGS SUCH AS WINDOWS AND DOORS IN
11. RELATION TO WALLS;
- 12. V. ROOF DESIGN AND TREATMENT; AND,
- 13. VI. MATERIALS AND COLORS, AND OTHER ASPECTS OF FACADE
14. TEXTURE OR APPEARANCE.

15. 3. DESIGN AMENDMENTS: THE DIRECTOR MAY RECOMMEND APPROVAL,
16. DISAPPROVAL, OR MODIFICATION OF THE BUILDING PERMIT TO CONFORM WITH THE
17. RECOMMENDATIONS PROPOSED BY THE OFFICE OF PLANNING AND ZONING.

18. 304.3 PUBLIC NOTICE. UPON APPLICATION FOR A BUILDING PERMIT PURSUANT TO
19. THIS SECTION, THE SUBJECT PROPERTY SHALL BE POSTED CONSPICUOUSLY UNDER THE
20. DIRECTION OF THE OFFICE OF ZONING ADMINISTRATION WITH NOTICE OF THE APPLICATION
21. FOR A PERIOD OF AT LEAST FIFTEEN (15) DAYS. WITHIN THE FIFTEEN (15) DAY
22. POSTING PERIOD, ANY OWNER OR OCCUPANT WITHIN 1,000 FEET OF THE LOT MAY FILE A
23. WRITTEN REQUEST FOR A PUBLIC HEARING WITH THE OFFICE OF ZONING ADMINISTRATION,
24. AND A HEARING SHALL BE SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE
25. REQUEST FOR PUBLIC HEARING. THE OFFICE OF ZONING ADMINISTRATION SHALL ESTABLISH
26. APPROPRIATE FEE SCHEDULES.

SECTION 304 Use of Undersized Single-Family Lots

304.1 A one-family DETACHED OR SEMI-DETACHED dwelling may be erected on a lot having an area or width at the building line less than that required by the [height and] area regulations [, provided:] CONTAINED IN THESE REGULATIONS IF:

a. [That] such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to [adoption of these Regulations; and] MARCH 30, 1955; AND

b. [That] all other requirements of the height and area regulations are complied with; and

c. [That] the owner of the lot does not own sufficient adjoining land to conform [substantially] to the width and area requirements CONTAINED IN THESE REGULATIONS.

304.2.(A) ANY PERSON DESIRING TO ERECT A DWELLING PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL FILE WITH THE OFFICE OF ZONING ADMINISTRATION, AT THE TIME OF APPLICATION FOR A BUILDING PERMIT, PLANS SUFFICIENT TO ALLOW THE OFFICE OF PLANNING AND ZONING TO PREPARE RECOMMENDATIONS IN ACCORDANCE WITH THE GUIDELINES PROVIDED IN SUBSECTION (B) BELOW. ELEVATION DRAWINGS MAY BE REQUIRED IN ADDITION TO PLANS AND DRAWINGS OTHERWISE REQUIRED TO BE SUBMITTED AS PART OF THE APPLICATION FOR A BUILDING PERMIT. PHOTOGRAPHS REPRESENTATIVE OF THE NEIGHBORHOOD WHERE THE LOT OR TRACT IS SITUATED MAY BE REQUIRED BY THE OFFICE OF PLANNING AND ZONING IN ORDER TO DETERMINE APPROPRIATENESS OF THE PROPOSED NEW BUILDING IN RELATION TO EXISTING STRUCTURES IN THE NEIGHBORHOOD.

(B) AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT, AS PROVIDED ABOVE, THE DIRECTOR OF ZONING ADMINISTRATION SHALL REQUEST COMMENTS FROM THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING (THE DIRECTOR). WITHIN FIFTEEN (15) DAYS OF RECEIPT OF A REQUEST FROM THE DIRECTOR OF ZONING ADMINISTRATION, THE DIRECTOR SHALL PROVIDE TO THE OFFICE OF ZONING ADMINISTRATION WRITTEN RECOMMENDATIONS CONCERNING THE APPLICATION WITH REGARD TO THE FOLLOWING:

Post-It Fax Note	7071	Date	# of pages 1
To Ken Masters	From Stella Lowery		
Co./Dept	Co. 7 ADM		

less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

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- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
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In case of complete or partial casualty loss by fire, wind-storm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings¹⁵ before the casualty are not increased in any respect. [B.C.Z.R., 1955.]

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6/92

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 7

BILL NO. 47-92

MR. MELVIN G. MINTZ, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 6, 1992

A BILL ENTITLED

AN ACT concerning

Undersized Single-Family Lots

FOR the purpose of amending the Zoning Regulations in order to require that small scale individual lot construction must meet certain minimum design and compatibility standards in established residential communities, and requiring that a petition be filed, notice be given, and a hearing be provided in order to make certain determinations as to the appropriateness of the construction.

BY repealing and re-enacting, with amendments,

Section 304

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board, dated November 7, 1991, concerning the subject legislation and has held a public hearing thereon, on March 10, 1992, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 304 of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION: CAPITALS INDICATE
[Brackets] indicate
~~Strike-out~~ indicate
Underlining indicate

Post-It Fax Note

7871

To	Ken Masters	Date	
Co./Dept.		From	Stella L.
Phone #		Co.	
		# of pages	5

SECTION 304 Use of Undersized Single-Family Lots

304.1 A one-family DETACHED OR SEMI-DETACHED dwelling may be erected on a lot having an area or width at the building line less than that required by the {height and} area regulations [, provided:] CONTAINED IN THESE REGULATIONS IF:

a. [That] such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to [adoption of these Regulations; and] MARCH 30, 1955; AND

b. [That] all other requirements of the height and area regulations are complied with; and

c. [That] the owner of the lot does not own sufficient adjoining land to conform [substantially] to the width and area requirements CONTAINED IN THESE REGULATIONS.

304.2.(A) ANY PERSON DESIRING TO ERECT A DWELLING PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL FILE WITH THE OFFICE OF ZONING ADMINISTRATION, AT THE TIME OF APPLICATION FOR A BUILDING PERMIT, PLANS SUFFICIENT TO ALLOW THE OFFICE OF PLANNING AND ZONING TO PREPARE RECOMMENDATIONS IN ACCORDANCE WITH THE GUIDELINES PROVIDED IN SUBSECTION (B) BELOW. ELEVATION DRAWINGS MAY BE REQUIRED IN ADDITION TO PLANS AND DRAWINGS OTHERWISE REQUIRED TO BE SUBMITTED AS PART OF THE APPLICATION FOR A BUILDING PERMIT. PHOTOGRAPHS REPRESENTATIVE OF THE NEIGHBORHOOD WHERE THE LOT OR TRACT IS SITUATED MAY BE REQUIRED BY THE OFFICE OF PLANNING AND ZONING IN ORDER TO DETERMINE APPROPRIATENESS OF THE PROPOSED NEW BUILDING IN RELATION TO EXISTING STRUCTURES IN THE NEIGHBORHOOD.

(B) AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT, AS PROVIDED ABOVE, THE DIRECTOR OF ZONING ADMINISTRATION SHALL REQUEST COMMENTS FROM THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING (THE DIRECTOR). WITHIN FIFTEEN (15) DAYS OF RECEIPT OF A REQUEST FROM THE DIRECTOR OF ZONING ADMINISTRATION, THE DIRECTOR SHALL PROVIDE TO THE OFFICE OF ZONING ADMINISTRATION WRITTEN RECOMMENDATIONS CONCERNING THE APPLICATION WITH REGARD TO THE FOLLOWING:

Post-It Fax Note	7671	Date	# of Pages 1
To Ken Masters	From Stella Lowery		
Co/Dept.	Co. 7 ADM		

1. 1. SITE DESIGN: NEW BUILDINGS SHALL BE APPROPRIATE IN THE
2. CONTEXT OF THE NEIGHBORHOOD IN WHICH THEY ARE PROPOSED TO BE LOCATED.
3. APPROPRIATENESS SHALL BE EVALUATED ON THE BASIS OF NEW BUILDING SIZE, LOT
4. COVERAGE, BUILDING ORIENTATION AND LOCATION ON THE LOT OR TRACT.

5. 2. ARCHITECTURAL DESIGN: APPROPRIATENESS SHALL BE EVALUATED
6. BASED UPON ONE OR MORE OF THESE ARCHITECTURAL DESIGN ELEMENTS OR ASPECTS:

7. I. HEIGHT;
8. II. BULK OR MASSING;
9. III. MAJOR DIVISIONS, OR ARCHITECTURAL RHYTHM, OF FACADES;
10. IV. PROPORTIONS OF OPENINGS SUCH AS WINDOWS AND DOORS IN
11. RELATION TO WALLS;
12. V. ROOF DESIGN AND TREATMENT; AND,
13. VI. MATERIALS AND COLORS, AND OTHER ASPECTS OF FACADE
14. TEXTURE OR APPEARANCE.

15. 3. DESIGN AMENDMENTS: THE DIRECTOR MAY RECOMMEND APPROVAL,
16. DISAPPROVAL, OR MODIFICATION OF THE BUILDING PERMIT TO CONFORM WITH THE
17. RECOMMENDATIONS PROPOSED BY THE OFFICE OF PLANNING AND ZONING.

18. 304.3 PUBLIC NOTICE. UPON APPLICATION FOR A BUILDING PERMIT PURSUANT TO
19. THIS SECTION, THE SUBJECT PROPERTY SHALL BE POSTED CONSPICUOUSLY UNDER THE
20. DIRECTION OF THE OFFICE OF ZONING ADMINISTRATION WITH NOTICE OF THE APPLICATION
21. FOR A PERIOD OF AT LEAST FIFTEEN (15) DAYS. WITHIN THE FIFTEEN (15) DAY
22. POSTING PERIOD, ANY OWNER OR OCCUPANT WITHIN 1,000 FEET OF THE LOT MAY FILE A
23. WRITTEN REQUEST FOR A PUBLIC HEARING WITH THE OFFICE OF ZONING ADMINISTRATION,
24. AND A HEARING SHALL BE SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE
25. REQUEST FOR PUBLIC HEARING. THE OFFICE OF ZONING ADMINISTRATION SHALL ESTABLISH
26. APPROPRIATE FEE SCHEDULES.

304.4 FINAL APPROVAL-

(A) IF NO WRITTEN REQUEST FOR A PUBLIC HEARING IS FILED, THE DIRECTOR OF ZONING ADMINISTRATION MAY ISSUE THE BUILDING PERMIT, IN ACCORDANCE WITH SECTION 304.2-B. THE DECISION OF THE DIRECTOR OF ZONING ADMINISTRATION MAY BE APPEALED, IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.

(B) IF A WRITTEN REQUEST FOR A PUBLIC HEARING IS NOT FILED, AND NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY, THE DIRECTOR OF ZONING ADMINISTRATION MAY REQUIRE A PUBLIC HEARING BEFORE THE ZONING COMMISSIONER WHERE A DETERMINATION SHALL BE MADE WHETHER THE PROPOSED DWELLING IS APPROPRIATE. THE OFFICE OF ZONING ADMINISTRATION MUST NOTIFY THE APPLICANT WITHIN TWENTY (20) DAYS OF ACCEPTANCE OF THE APPLICATION OF THE DIRECTOR'S INTENTION TO REQUIRE A PUBLIC HEARING. THE PUBLIC HEARING SHALL BE SCHEDULED BEFORE THE ZONING COMMISSIONER WITHIN THIRTY (30) DAYS OF THE DIRECTOR OF ZONING ADMINISTRATION'S NOTIFICATION TO THE APPLICANT.

(C) IF A WRITTEN REQUEST FOR A PUBLIC HEARING IS NOT FILED, AND IF THE OFFICE OF ZONING ADMINISTRATION HAS NOT NOTIFIED THE APPLICANT OF A DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION, OR HAS NOT NOTIFIED THE APPLICANT PURSUANT TO SUBSECTION (B) ABOVE OF THE INTENTION TO REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR PURPOSES OF THIS SECTION.

304.4 PUBLIC HEARING.

WITHIN THE FIFTEEN (15) DAY POSTING PERIOD: 1) ANY OWNER OR OCCUPANT WITHIN 1,000 FEET OF THE LOT MAY FILE A WRITTEN REQUEST FOR A PUBLIC HEARING WITH THE OFFICE OF ZONING ADMINISTRATION, OR 2) THE DIRECTOR OF ZONING ADMINISTRATION MAY REQUIRE A PUBLIC HEARING. THE OFFICE OF ZONING ADMINISTRATION SHALL NOTIFY THE APPLICANT WITHIN TWENTY (20) DAYS OF THE RECEIPT OF A REQUEST FOR A PUBLIC HEARING. A HEARING BEFORE THE ZONING COMMISSIONER SHALL BE

1. SCHEDULED WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE REQUEST FOR PUBLIC
2. HEARING. AT THE PUBLIC HEARING, THE ZONING COMMISSIONER SHALL MAKE A
3. DETERMINATION WHETHER THE PROPOSED DWELLING IS APPROPRIATE.

4. 304.5 FINAL APPROVAL.

5. (A) THE DIRECTOR OF ZONING ADMINISTRATION MAY ISSUE THE BUILDING
6. PERMIT; OR

7. (B) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, THE DIRECTOR OF
8. ZONING ADMINISTRATION MAY REQUIRE A PUBLIC HEARING BEFORE THE ZONING COMMISSIONER
9. PURSUANT TO 304.4 ABOVE; OR

10. (C) IF THE OFFICE OF ZONING ADMINISTRATION HAS NOT NOTIFIED THE
11. APPLICANT OF A DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION, OR HAS
12. NOT NOTIFIED THE APPLICANT PURSUANT TO SUBSECTION 304.4 ABOVE OF THE INTENTION TO
13. REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR
14. PURPOSES OF THIS SECTION.

15. 304.6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF ZONING
16. ADMINISTRATION MAY BE APPEALED, IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY
17. THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.

18. 304.7 THE DIRECTOR OF ZONING ADMINISTRATION SHALL ESTABLISH APPROPRIATE
19. FEE SCHEDULES.

20. SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect
21. forty-five days after its enactment.

B04792/BILLS92

LAW OFFICES
McFARLAND & MASTERS
1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND
KENNETH H. MASTERS

BRIAN V. MCFARLAND

TELEPHONE
(410) 788 - 2300
744 - 0931
788 - 0311
FAX 744 - 3423

May 31, 1994

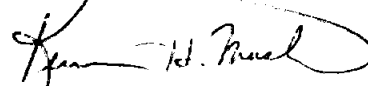
Clerk
Circuit Court for Baltimore County
County Courts Building
P.O. Box 6754
Towson, Maryland 21285-6754

Re: Petition of Frederick G. Timmel
Civil Action No. 75/152/94 CV 2068
Agency Case No.: 92-97 SPHA

Dear Madam Clerk:

Enclosed herewith please find Petitioner's Memorandum in the above matter.

Very truly yours,



KENNETH H. MASTERS

KHM:pb
enc.

cc: Francis X. Borgerding, Jr., Esquire
Kathleen C. Weidenhammer
Frederick G. Timmel

RECEIVED
COUNTY CLERK
94 JUN -1 AM 11:59

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF
FREDERICK G. TIMMEL
410 Forest Lane
Catonsville, Maryland 21228

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse
400 Washington Ave., Baltimore, MD 21204

*
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*
*
* CIVIL
ACTION
* No. 94-CV-02068
/75/152

IN THE CASE OF: IN THE MATTER OF
JAMES L. HAKER, ET UX
FOR A SPECIAL HEARING AND VARIANCE
ON PROPERTY LOCATED ON THE NORTH SIDE
OF FOREST LANE, 130 FEET WEST OF THE
CENTERLINE OF NEWBURG AVENUE
(415 FOREST LANE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 92-97-SPHA

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*

* * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Robert O. Schuetz and S.
Diane Levero, constituting the County Board of Appeals of Baltimore
County, and in answer to the Petition for Judicial Review directed
against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the Office
of Zoning Administration and Development Management and the Board
of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 92-97-SPHA RECEIVED AND FILED

August 22, 1991 94 MAY 14 PM 2:56 Petition for Special Hearing filed to
determine that Sec. 304.3 does not apply for

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

this undersized lot, as a result of circumstance, filed by James L. Haker.

October 7 Comments of Baltimore County Zoning Plans Advisory Committee.

March 2, 1992 Petition for Variance to permit a lot area of 5,796 sq. ft. in lieu of the required 6,000 sq. ft.; a rear yard of 20' in lieu of the required 30' and a front yard setback of 36.5 +/-, filed by Francis X. Borgerding, Jr., Esquire, on behalf of James L. Haker.

June 11 Publication in newspapers.

July 8 Certificate of Posting of property.

July 8 Hearing held on Petition by the Deputy Zoning Commissioner.

August 13, 1992 Order of the Deputy Zoning Commissioner in which Petition for Special Hearing is DENIED; and Petition for Variance is DISMISSED AS MOOT.

September 11 Order of Appeal filed by Francis X. Borgerding, Esquire, on behalf of Petitioners.

October 28, 1993 Hearing before the Board of Appeals.

February 10, 1994 Opinion and Order of the Board in which the Petition for Special Hearing and Petition for Zoning Variance GRANTED.

February 17 Amended Order of the Board to correct clerical error in which portion of language was inadvertently omitted; Petition for SPH and Petition for Variance GRANTED.

March 9 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Kenneth H. Masters, Esquire on behalf of Frederick G. Timmel, Protestant.

March 10 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

March 11 Certificate of Notice sent to interested parties.

May 4

Transcript of testimony filed.

- Petitioner's Exhibits No. 1 -Plat of 216 Newburg & 415 Forest Lane.
2 -A thru E - Pictures of subject property.
3 -Contract from Superior Builders for 415 Forest Lane 7/13/89.
4 -Office of Assessments Inquire 12/19/88.
5 -Plat - Portion Balto. Co. Tax Map.
6 -Tax record for Forest Lane lot 7/28/88.
7 -List of properties with 3 to 4 blocks of subject property that are undersized lots - from the Lusk report.
8 -Letter to Robert Haines, Zoning Commissioner 10/17/89.
9 -Letter from James Dyer, Zoning Supervisor 1/10/90 to James Haker.
10 -Zoning Regulations 1/22/45.
11 -Zoning Regulations 1955.
12 -Deed from Mr. Lovell to Hagers 6/18/70.
13 -Description of subject property to Paul Lee Engineering 2/20/92.
14 -Lot layout of Lots between Newburg Avenue, Forest Lane, Forest Spring Drive, Locust Drive.

- Protestant's Exhibits Nos. 1 -Chain of title & 7 Deeds, Liber 1059 Deed from Mengers to Lovell 1939; Deed from Lovell to Johnson 1950 conveying 215 Newburg Avenue.
2 -Petition signed by neighborhood residents.
3 -Series of letters (10) beginning with letter from Norman Schmuff, President, South Rolling Road Community Assoc. 8/15/93.
4 -Appraisal by Burns Real Estate 6/10/93.

May 4, 1994

Record of Proceedings filed in the Circuit
Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered
and upon which said Board acted are hereby forwarded to the Court,
together with exhibits entered into evidence before the Board.

Respectfully submitted,

Charlotte E. Radcliffe

Charlotte E. Radcliffe

Legal Secretary

County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: People's Counsel for Baltimore County
Kenneth H. Masters, Esquire
Frederick G. Timmel
Francis X. Borgerding, Esquire
James L. Haker

PETITION OF: Frederick G. Timm

CIVIL ACTION # 75/152 /94-CV-02068

IN THE MATTER OF JAMES L. HAKER, ET UX

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Mary Rose
Clerk's Office

Date: 5/4/94



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 11, 1994

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

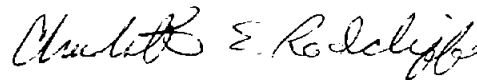
RE: Civil Action No. 94-CV-02068
James L. Haker, et ux

Dear Mr. Borgerding:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on March 9, 1994 in the Circuit Court for Baltimore County from the majority decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,


Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. James L. Haker
Mr. Paul Lee
Ms. Karen A. Humes
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /ZADM
Arnold Jablon /ZADM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 11, 1994

Kenneth H. Masters
MCFARLAND & MASTERS
1002 Frederick Road
Catonsville, MD 21228

RE: Civil Action No. 94-CV-02068
James L. Haker, et ux

Dear Mr. Masters:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

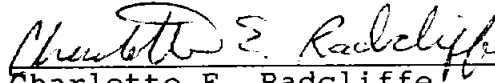
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Frederick G. Timmel



I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Kenneth H. Masters, Esquire, MCFARLAND & MASTERS, 1002 Frederick Road, Catonsville, Maryland 21228, Counsel for Petitioner; Frederick G. Timmel, Petitioner; Francis X. Borgerding, Jr., Esquire, DINENNA AND BRESCHI, 409 Washington Avenue, Suite 600, Towson, MD 21204, Counsel for Mr. Haker; Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine, MD 21797; this 11th day of March, 1994.



Charlotte E. Radcliffe

Legal Secretary

County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF FREDERICK G. TIMMEL
410 Forest Lane
Catonsville, Maryland 21228

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 94-CV-02068
/75/152

IN THE CASE OF: IN THE MATTER OF
JAMES L. HAKER, ET UX
FOR A SPECIAL HEARING AND VARIANCE
ON PROPERTY LOCATED ON THE NORTH SIDE
OF FOREST LANE, 130 FEET WEST OF THE
CENTERLINE OF NEWBURG AVENUE
(415 FOREST LANE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 92-97-SPHA

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Robert O. Schuetz, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Kenneth H. Masters, Esquire, MCFARLAND & MASTERS, 1002 Frederick Road, Catonsville, Maryland 21228, Counsel for Petitioner; Frederick G. Timmel, Petitioner; Francis X. Borgerding, Jr., Esquire, DINENNA AND BRESCHI, 409 Washington Avenue, Suite 600, Towson, MD 21204, Counsel for Mr. Haker; Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine, MD 21797; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

RECEIVED AND FILED

94 MAR 11 PM 3:23

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Charlotte E. Radcliffe
Charlotte E. Radcliffe

Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

LAW OFFICES
McFARLAND & MASTERS

1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND
KENNETH H. MASTERS

BRIAN V. MCFARLAND

TELEPHONE
(410) 788 - 2300
744 - 0931
788 - 0311
FAX 744-3423

February 28, 1994

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 92-97-SPHA
James L. Haker, et ux.
Decision dated February 10, 1994 as amended
on February 17, 1994

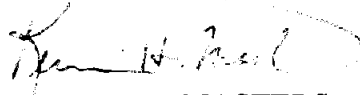
Dear Ms. Weidenhammer:

Enclosed please find a copy of the Petition of Frederick G. Timmel for Judicial Review of the above decision of the County Board of Appeals of Baltimore County.

Please advise me, or in my absence, Brian McFarland, Esquire, of my office, of what arrangements are necessary to have the proceedings before the County Board of Appeals of Baltimore County transcribed. I obviously want transcription.

Thank you for your assistance.

Very truly yours,


KENNETH H. MASTERS

KHM:fj

enc.

cc: Mr. Frederick G. Timmel

*3/07/94 -
Spoke w/ B. McFarland -
Hearing date 10/28/94
CP = Court Reporter
will l.m. for her to
call Masters or McFarland.
H.G.W.*

11:11 AM 2-28-94

CLERK OF COURT
BALTIMORE COUNTY

PETITION OF FREDERICK G. TIMMEL
of 410 Forest Lane
Catonsville, Maryland 21228

FOR JUDICIAL REVIEW OF THE
DECISION OF THE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

IN THE CASE OF
IN THE MATTER OF THE
APPLICATION OF JAMES L. HAKER, ET UX
FOR A SPECIAL HEARING AND VARIANCE
ON PROPERTY LOCATED ON THE NORTH
SIDE OF FOREST LANE, 130 FEET WEST OF
THE CENTERLINE OF NEWBURG AVENUE
(415 Forest Lane)
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT

Case No.: 92-97-SPHA

RECEIVED
COUNTY BOARD OF APPEALS

* IN THE
* 94 MAR 10 PM 1:51

*
* CIRCUIT COURT

*
* FOR

*
* BALTIMORE

*
* COUNTY

*
* Civil Action

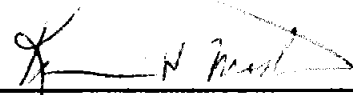
*
* No.: 94CV0068/75/152

* * * * *

PETITION FOR JUDICIAL REVIEW

Now comes the Petitioner, Frederick G. Timmel, a witness and Protestant in the proceeding before the County Board of Appeals of Baltimore County from which this review is being sought and as an aggrieved property owner residing across Forest Lane from the subject property, by his Attorney, Kenneth H. Masters, and Petitions this Honorable Court pursuant to Maryland Rule 7-202 for Judicial Review of the decision of the County Board of Appeals for Baltimore County dated February 10, 1994, as amended on February 17, 1994.

RECEIVED AND FILED
94 MAR -9 AM 10:11
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY


Kenneth H. Masters
Attorney for the Petitioner
1002 Frederick Road
Catonsville, Maryland 21228
(410) 788-2300

LAW OFFICES
McFARLAND & MASTERS

1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND
KENNETH H. MASTERS

BRIAN V. MCFARLAND

TELEPHONE
(410) 788 - 2300
744 - 0931
788 - 0311
FAX 744-3423

February 28, 1994

Clerk
Circuit Court for Baltimore County
County Courts Building
P.O. Box 6754
Towson, Maryland 21285-6754

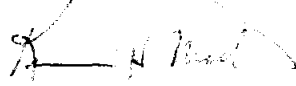
Attn: Pat Almony

Re: Petition of Frederick G. Timmel for Judicial Review

Dear Madam Clerk:

Enclosed herewith please find an original Petition for Judicial Review along with one copy, pursuant to Maryland Rule 7-202(d), for the County Board of Appeals of Baltimore County.

Very truly yours,


KENNETH H. MASTERS

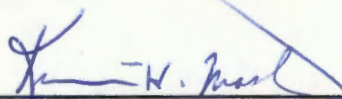
KHM:pb

enc.

cc: Frederick G. Timmel
Francis X. Borgerding, Jr., Esquire
County Board of Appeals of Baltimore County

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of February, 1994, I caused to be mailed, postage prepaid, a copy of the foregoing Petition for Judicial Review unto Francis X. Burgerding, Jr., Esquire, Attorney for the Applicants, Mr. and Mrs. James L. Haker, at Suite 600, Mercantile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204 and unto the County Board of Appeals of Baltimore County at Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204.



Kenneth H. Masters

App-92 # 7

FILE#: 92-097-SPHA
NAME: Haker, James L., et ux
STREET: Forest Lane, 415, N/s, 130' W of c/l Newburg Ave.
TYPE: SPH-undersized lot (304.3); VAR-setbacks, lot area
DISTRICT: 1;1
DATE APPEALED: 9/11/92
HRG. DATE: 10/28/93
ORDER DATE: 2/10/94
DECISION: G -SPH /lot size; G -variances -setbacks
CLOSED:
UP: X

10/29/92 - Following parties notified of hearing set for January 14, 1993 at 10:00 a.m.:

Francis X. Borgerding, Jr., Esquire
Mr. and Mrs. James L. Haker
Kenneth H. Masters, Esquire
Ms. Karen A. Humes
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

11/09/92 -Ltr from Kenneth Masters, Counsel for Mr. & Mrs. Humes, requesting POSTPONEMENT of above matter until after April 22, 1993, citing Legislative privilege /Mr. Masters is member of General Assembly.

11/12/92 - Above parties notified of POSTPONEMENT AND REASSIGNMENT to April 27, 1993 at 10:00 a.m. at the request of Counsel for Protestants citing legislative privilege.

3/24/93 -Notice of POSTPONEMENT & Reassignment sent to above parties; postponed to Wednesday, June 9, 1993 at 10:00 a.m.

4/29/93 -Ltr dtd 4/28/93 from Kenneth Masters, Esquire, requesting postponement from June 9 hearing date; will begin a jury trial that date in Circuit Court/ Baltimore City.

5/04/93 -Postponement granted; notices sent to all parties; matter reset to Wednesday, August 18, 1993 at 10:00 a.m.

8/04/93 -Ltr from F. Borgerding, Jr., Esquire requesting PP; client to be out of town on assigned hearing date.

8/05/93 -Notice of PP and Reassignment sent to above parties; postponement GRANTED; case to be heard on Wednesday, September 15, 1993 at 10:00 a.m.

8/12/93 -T/C from K. Masters, Esq. --scheduled to appear in Baltimore City Court on morning of 9/15/93; however, could be available for afternoon hearing before the Board. Conference call w/Frank Borgerding --agreed to reassignment of time from 10:00 a.m. to 1:00 p.m. on 9/15/93.

8/13/93 -Notice of Reassignment sent to all parties; matter reassigned to 1:00 p.m. on September 15, 1993; date of hearing to remain unchanged. Received letter of confirmation from K. Masters, Esq. this date.

9/02/93 -Ltr from Frank Borgerding -Clients unavailable on assigned date of 9/15/93; requests postponement.

9/03/93 - Ltr from Kenneth Masters --objec ting to postponement request; but asking that should it be granted, Counsel be consulted to arrive at firm date.

Page 2 --James L. Haker, et ux

9/08/93 -Postponement to be GRANTED as requested by Counsel for Petitioner/Appellant;
letter from Chairman Hackett to accompany Notice of PP and Reassignment
indicating that any further conflict with the new assignment date are to be
resolved prior to date of hearing; case rescheduled to Thursday, October 28,
1993 at 10:00 a.m.

93-472-SHA



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

477

Date

6/29/93

By JLL.

(3) PETITIONS
TOTAL

VARIANCE - 020

SPECIAL HEARING 040

SPECIAL EXCEPTION 050

3 SIGNS 080

= CODE 070 at \$650.00

\$105.00

TOTAL: \$755.00

OWNER PIELKE

7933-35 BELAIR RD.

02A02H0292NICHRC
BA 0002:32PH06-29-93

\$755.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 15, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

RECEIVED
COUNTY BOARD OF APPEALS
92 SEP 15 PM 2:37

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 11, 1992 by Francis X. Borgerding, Jr.. 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,

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine MD 21797

Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi
409 Washington Avenue, Suite 600 - Towson, Maryland 21204

Paul Lee - 304 W. Pennsylvania Avenue, Towson, Maryland 21204

Karen A. Humes - 216 Newburg Avenue Baltimore, MD 21228

Kenneth Masters, Esquire - 1002 Frederick Road Baltimore, MD 21228

People's Counsel - 400 Washington Avenue, Towson, MD 21204



APPEAL

Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

- ✓ Petition(s) for Special Hearing and Zoning Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments (Included with ZAC Comments)

*Petitioner's &
Protestants' Sign-in
Sheets*

- Petitioner's Exhibits:
1. Plat to accompany Petition ✓
 2. Description of Property ✓
 3. Contract of Sale ✓
 4. Assessments Inquiry ✓
 5. Tax MAP ✓
 6. Assessment Summary ✓
 - 7A - 7C - Photographs ✓
 8. Letter from Mr. James Haker ✓
 9. Letter from James Dyer/John Alexander ✓
 10. 1945 Zoning Regulations ✓
 11. 1955 Zoning Regulations ✓
 - 12 & 13. - Photos ✓

- Protestant's Exhibits:
1. Chain of Title ✓
 - 2.- 8. - Deeds ✓
 - ✓ 9. Letter from David Humes
 - ✓ 10. Drawing of lots
 - ✓ 11. Petition in Opposition

1E

- ✓ Deputy Zoning Commissioner's Order dated August 13, 1992 (Denied in part; Dismissed in part)
- ✓ Notice of Appeal received September 11, 1992 from Francis X. Borgerding, Jr.

(entered appearance 10/6/92 Counsel for Mr. & Mrs. Humes/Protestants)
Kenneth H. Masters, Esquire -
McFarland, Weinkam & Masters, 1002 Frederick Rd.
21228

cc: Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine MD 21797

*Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi
*409 Washington Avenue, Suite 600 - Towson, Maryland 21204

Paul Lee - 304 W. Pennsylvania Avenue, Towson, Maryland 21204

Karen A. Humes - 216 Newburg Avenue Baltimore, MD 21228

Kenneth Masters, Esquire - 1002 Frederick Road Baltimore, MD 21228

People's Counsel of Baltimore County *will not attend*
Rm. 304, County Office Bldg., Towson, Md. 21204 *hearing per S.H.*
8/13/93

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
~~Public Services~~

COPY OF OPINION/ORDER TO:
Frederick G. Timmel
410 Forest Lane
Catonsville, MD 21228

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955;
Bill No. 47, 1992.]

304.1--A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and [B.C.Z.R., 1955; Bill No. 47, 1992.]
- B. all other requirements of the height and area regulations are complied with; [B.C.Z.R., 1955.]
- C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

304.2-A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Office of Zoning Administration, at the time of application for a building permit, plans sufficient to allow the Office of Planning and Zoning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning and Zoning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. [Bill No. 47, 1992.]

B. At the time of application for the building permit, as provided above, the director of zoning administration shall request comments from the Director of the Office of Planning and Zoning (the director). Within fifteen (15) days of receipt of a request from the director of zoning administration, the director shall provide to the Office of Zoning Administration written recommendations concerning the application with regard to the following: [Bill No. 47, 1992.]

- 1. Site design: New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
- 2. Architectural design: Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. height;
 - b. bulk or massing;
 - c. major divisions, or architectural rhythm, of facades;

Exhibits

Petitioner's Exhibits

Verified
10/28/93

Verified
1/18/94

- ✓ X 1. Plat of 216 Newburg + 415 Forest Lane.
- ✓ X 2. A thru E - Pictures of subject property
- ✓ X 3. Contract from Superior Builders for 415 Forest Lane - 7/13/89
- ✓ X 4. Office of Assessments Inquiry 12/19/88
- ✓ X 5. Plat - Portion Balto. Co. Tax Map
- ✓ X 6. Tax record for Forest Lane lot 7/28/88
- ✓ X 7. List of properties within 3 to 4 blocks of subject property that are underused lots - from the Lusk report.
- ✓ X 8. Letter to Robert Haines, Zoning Commissioner from James Hakes 10/17/89
- ✓ X 9. Letter from James Dwyer, Zoning Supervisor to James Hakes 1/10/90
- ✓ X 10. Zoning Regulations 1/22/45
- ✓ X 11. Zoning Regulations 1955
- ✓ X 12. Deed from Mr. Lovell to Hagers 6/18/70
- ✓ X 13. Description of subject property by Paul Lee Engineering 2/20/92
- ✓ X 14. ^{Lot layout of} Lots between Newburg Ave., Forest Lane, Forest Spring Drive, Locust Drive

Protestant's Exhibits

X 1. Chain of title & 7 deeds.

Liber 105.9 - a deed from Mengers to Lovella - 1939

Deed from Lovella to Johnsons 1950 conveying 215 Newburg Ave

✓ X 2. Petition ^{signed by} neighborhood residents

✓ X 3. Series of letters (10) beginning with letter from Norman Schmuff, President, South Rolling Road Community Assoc. 8/15/93

X 4. Appraisal By Burns Real Estate 6/10/93.

-7

307.1 The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon Appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The County Council has not directly by legislation exempted 304.1 from the advantages bestowed on property owners through Section 307. In contrast Business Maritime Zones Sec. 417.7(G) (Bill No. 149-92) precludes the property owner from obtaining variances under certain circumstances. In addition, the County Council has sought to limit or modify one's rights to variances in an RTA, Sec. 1B01.1(B)(11)(b)(7) (Bill 124-81) repealed and replaced by Bill 2-92 Sec. 1B01.1(B)(1)(c). The County Council is presumed to have acted with respect to full knowledge and information as to prior and existing law. Bd. of Educ. of Garrett Cty. v. Lendo 453 A2 1185, 295 Md. 55 (1982). Therefore, if it was their intent to remove Section 304.1(b) B.C.Z.R. from the benefits of Section 307 B.C.Z.R. then they would have done so. Further there is substantial evidence that a hardship exists and the requested variance is not a result of a self-inflicted injury.

Finally, the record supports the finding that there is no adjoining land as required by §304.1(c).

-8-

As to the Petitioners' final contention that the variances granted are not in conformity with the surrounding neighborhood, there is ample evidence from both sides to support the various positions of the parties. It is within the purview of the County Board of Appeals to judge the credibility of the witnesses. A review of the transcript reveals that the County Board of Appeals had substantial evidence to support its findings. There is substantial testimony to conclude that reasonable minds could reasonably have reached the conclusion that the granting of the variances was in conformity with the character of the neighborhood and consistent with the surrounding community.

Based on the reasons cited above, this Court finds that there is substantial evidence to support the findings of the County Board of Appeals and this Court AFFIRMS their decision.

True Copy Test
SUSANNE L. HAKER, Clerk
For *Tony Morris*
Deputy Clerk

October 26, 1994

CC Francis X. Borgerding, Jr., Esquire
Kenneth H. Masters, Esquire

-9-

IN THE MATTER OF THE
THE APPLICATION OF
JAMES L. HAKER, ET UX
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF FOREST
LANE, 130 FEET WEST OF THE
CENTERLINE OF NEWBURG AVENUE
(415 FOREST LANE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-97-SPHA

AMENDED ORDER

On February 10, 1994, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Order issued in the proceedings and finds that a clerical error exists within that Order, and, more particularly, that a portion of the language with regard to the variances granted therein was inadvertently omitted. Accordingly, the Board will correct this clerical error in its Order as indicated by the underscored portion of the following Amended Order.

IT IS THEREFORE this 17th day of February, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing requesting approval of the subject property as a buildable lot be and the same is hereby GRANTED; and it is further

ORDERED that the Petition for Variance from Section 1B02.3.C.1 and 303.1 Baltimore County Zoning Regulations to permit a lot size of 3,796 sq. ft. in lieu of the required 6,000 sq. ft., and to permit a rear yard setback of 20 feet in lieu of the required 30 feet, and a front yard setback of 36.5 feet in lieu of the required 50 feet be and the same is hereby GRANTED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert O. Schuetz
Robert O. Schuetz

S. Diane Levero
S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 17, 1994

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 92-97-SPHA
James L. Haker, et ux

Dear Mr. Borgerding:

Enclosed please find a copy of the Amended Order issued this date by the County Board of Appeals of Baltimore County in the subject matter to correct a clerical error in the Board's original Order issued February 10, 1994.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. and Mrs. James L. Haker
Kenneth H. Masters, Esquire
David and Karen Humes
Mr. Frederick G. Timmel
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence F. Schaidt
Timothy M. Kotraco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM

IN THE MATTER OF THE
THE APPLICATION OF
JAMES L. HAKER, ET UX
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF FOREST
LANE, 130 FEET WEST OF THE
CENTERLINE OF NEWBURG AVENUE
(415 FOREST LANE)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-97-SPHA

OPINION

This case comes before the Board in an open hearing and deliberation, on an appeal by James L. Haker, et ux, of the Deputy Zoning Commissioner's Order denying the Petition for Special Hearing and resulting dismissal of the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (BCZR) concerning lot size and front and rear yard setbacks. The Board heard testimony for the Petitioners from Fay Haker and James Haker, the Petitioners, and Paul Lee, expert in land planning and engineering. The Board heard testimony for the Protestants from Frederick G. Timmel, Mary R. Lawrence, Beverly Solley, and Nicholas Beccio, all residing near the subject property, as well as from the Protestants, David and Karen Humes. From said testimony and the evidence and exhibits received, we find the following facts.

The subject property, known as 415 Forest Lane, is a property separated from adjacent land known as 216 Newburg Avenue. Under the terms of sale on the deed dated July 19, 1950, 216 Newburg Avenue was sold by Charles and Laurine Lovell to Edwin and Agnes Johnson; the terms excluded that portion of 216 Newburg Avenue now known as the subject property, 415 Forest Lane. The subject

Case No. 92-97-SPHA James L. Haker, et ux

property was sold by Charles and Laurine Lovell to James and Fay Haker on June 18, 1970. The actual metes and bounds of the subject property were never recorded as a separate property, but the subject property was made separate from 216 Newburg Avenue as a result of the July 19, 1950 sale and, for lack of a better word than the term of art, subdivision of 216 Newburg Avenue to two separate properties and ownerships.

Following the 1950 Johnson acquisition of 216 Newburg Avenue, ownership of 216 Newburg changed several times until Mr. & Mrs. Haker purchased the property on October 18, 1966; the subject property was purchased by the Hakers nearly four years later. Mr. & Mrs. Haker owned both properties until they sold 216 Newburg Avenue on February 3, 1988 to the Protestants, keeping 415 Forest Lane for future use.

Property tax records, official County correspondence and the Petitioners' testimony indicate that the Petitioners have made a good faith attempt in the past to ascertain the correct dimensions of 415 Forest Lane, paying property taxes for nearly 20 years on an incorrect and inflated assessment which also caused the Petitioners to make financial decisions on incorrect information. Paul Lee, Registered Professional Engineer and an expert in land planning, testified that, during his review, he noticed that Baltimore County discovered the lot dimension error on July 31, 1989, and that the Petitioners had not only paid taxes on an incorrect assessment of lot size, but that their assessor likely had assessed the property on the assumption that the lot was already a "buildable lot" based

Case No. 92-97-SPHA James L. Haker, et ux

on the listed size.

Mr. Lee's testimony included an historical overview of applicable zoning regulations since 1945, including some detail regarding setback requirements, minimum lot sizes and important dates of changes in the regulations. He testified that, when 216 Newburg Avenue was subdivided in the 1950 sale, the remaining portion (the subject property) was considered a buildable lot in accordance with then-current regulations of 1945. He further testified that the subject property is within 200 square feet of meeting current lot size requirements. Mr. Lee stated that the 1950 sale of 216 Newburg Avenue constituted a valid recording of the subject property by a practice of "saving and excepting"; on cross-examination, he stated that BCZR Section 304.1 is met by virtue of the stated date that the subject property was created; on redirect testimony, Mr. Lee stated that "saving and excepting" was a common practice in 1950 and that numerous properties throughout the County were likely described by metes and bounds remaining after division of a property.

Concerning other issues, Mr. Lee testified that a variance is needed on the issues of front and rear yard setbacks; that the front yard setback proposed is in alignment with the side setback of the adjacent (216 Newburg Avenue) property; that the best use of the property is for construction of a single-family dwelling; that improvement of the site as proposed would be consistent with the neighborhood; that adequate utilities exist to construct the proposed dwelling; and that the proposed development

Case No. 92-97-SPHA James L. Haker, et ux

of the property is in the spirit of current regulations.

Testimony by the Petitioners was mainly limited to recounting evidence presented, except a few points. First, numerous improved lots in the neighborhood are smaller than the area stipulated under the pre-1955 regulation and that the subject property far exceeds those regulations; and, second, had they known that the subject property is under-sized by current regulations, they would not have sold 216 Newburg Avenue alone, but would have required the inclusion of 415 Forest Lane as part of the sale.

Testimony by those present for the Protestants, other than the Protestants themselves, was limited to a recounting of letters presented as exhibits: that they do not believe that construction of a home on the site would be in keeping with the surroundings; that their "views" from their homes would be adversely affected; and that their properties' values would be reduced as a result of the new dwelling.

A few words concerning the proposed building envelope on the subject property are of value at this point. The proposed building envelope as shown in the Petitioners' exhibits indicates that a new dwelling as proposed would be located no closer to any neighboring home than any other nearby home to its respective neighboring homes, and, in fact, may be more remote than others.

Testimony from the Protestants, while similar to other protesting testimony, did include a short summary of negotiations with the Petitioners because the Protestants desire to purchase the subject property, probably to maintain the property as-is, Mrs.

NOTICE OF 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. 92-97-SPHA JAMES L. HAKER, ET UX
W/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which is scheduled to be heard on September 15, 1993 has been reassigned to start at 1:00 p.m. on that date at the request of Counsel for Protestants, and without objection by Counsel for Petitioners (date of hearing remains unchanged); and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 15, 1993 AT 1:00 p.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants
David and Karen Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County - *will not attend hearing per S.H. 9/2/93*
P. David Fields
Lawrence E. Schmidt
Timothy M. Ketroco
W. Carl Richards, Jr. /ZADM
Docket clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

DINENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.
ROBERT A. BRESCHI
1400 MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-6850
FAX (410) 887-6854

S. ERIC DINENNA
(1988-1991)
OF COUNSEL
JENKINS & AVALTZ

August 30, 1993

County Board of Appeals for
Baltimore County
Court House
Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Weidenhammer

RE: Petitioners: James L. Haker, et ux.
Case No.: 92-97-SPHA
Hearing Date: 9/15/93 @ 1:00 P.M.

Dear Ms. Weidenhammer:

I am writing this correspondence to request a postponement of the above-referenced hearing date which was recently reset from 10:00 A.M. on September 25, 1993 to 1:00 P.M. As I advised in a recent telephone conversation, my clients have a commitment in the afternoon of September 15, 1993 which they inform me they cannot escape. Accordingly, I am submitting this request to reset the hearing of the above-referenced matter to another date and time.

My apologies to any inconvenience this may cause the Board.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. and Mrs. James J. Haker
Kenneth Masters, Esquire

39 SEP - AM 11 26

SEP 25 1993

LAW OFFICES
MCFARLAND & MASTERS
1008 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND
KENNETH H. MASTERS
EMILY T. MCFARLAND

TELEPHONE
AREA CODE 410
755 - 1800
744 - 1881
755 - 1881
FAX 744-2628

September 2, 1993

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No.: 92-97-SPHA
JAMES L. HAKER, ET UX
c/l Newburg Avenue (415 Forest Lane)

Dear Ms. Weidenhammer:

I am in receipt of a copy of Mr. Borgerding's letter of August 30, 1993 wherein he variously refers to September 25 and September 15 and wherein he requests yet another continuance. On behalf of my clients, I must strenuously object.

I realize that scheduling concessions have been previously made to accommodate my schedule, but as I made clear in my August 11 letter, this matter has been drawn out long enough. It must be brought to a conclusion. Therefore, I respectfully request that the date and time agreed to by and between counsel on August 11, 1993 be adhered to, to wit, September 15, 1993 at 1:00 p.m.

In the alternative, should the Board of Appeals, for whatever reason, feel that a further continuance is warranted, then I would hope that counsel be consulted so that an agreed and firm hearing date be set once and for all.

Very truly yours,

KENNETH H. MASTERS
Attorney for the Protestants

KHM:bj
cc: Mr. and Mrs. David Humes
Francis X. Borgerding, Jr., Esquire

30 SEP - AM 11 26

SEP 25 1993

NOTICE OF POSTPONEMENT AND REASSIGNMENT ** See Note **

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. 92-97-SPHA JAMES L. HAKER, ET UX
W/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled to be heard on September 15, 1993 has been POSTPONED at the request of Counsel for Petitioners/Appellants due to the unavailability of his clients on the assigned date; and has been

REASSIGNED FOR: THURSDAY, OCTOBER 28, 1993 AT 10:00 a.m.

** NOTE: No further postponements will be granted. **

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants
David and Karen Humes Protestants
Mr. Paul Lee
P. David Fields
Lawrence E. Schmidt
Timothy M. Ketroco
W. Carl Richards, Jr. /ZADM
Docket clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

September 8, 1993

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

Kenneth H. Masters, Esquire
MCFARLAND & MASTERS
1002 Frederick Road
Catonsville, MD 21228

Re: Case No. 92-97-SPHA
James L. Haker, et ux

Dear Counsel:

The Board is becoming more and more concerned over the lengthy delay in the scheduling of the subject matter. However, the Board also feels strongly that it is essential that the principal parties be present at the hearing. Since the principal parties, as evidenced by Mr. Borgerding's letter of August 30, 1993, cannot be present at the September 15, 1993 hearing, the Board will once again grant a postponement and reset the case to October 28, 1993 at 10:00 a.m.

The Board will suggest that if there are any conflicts with this scheduled date, they be resolved in the interim between now and the scheduled hearing date of October 28, 1993, as no further postponements will be granted.

Enclosed is a copy of the Notice of Postponement and Reassignment which reflects the new hearing date of Thursday, October 28, 1993 at 10:00 a.m.

Very truly yours,
William T. Hackett, Chairman
County Board of Appeals

WTH/kcw

encl.

cc: Mr. & Mrs. James J. Haker
Mr. & Mrs. David Humes

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 7, 1991

887-3553

Mr. & Mrs. James J. Haker
16453 Frederick Road
Woodbine, MD 21797

RE: Item No. 96, Case No. 92-97-SPHA
Petitioner: James J. Haker, et ux
Petition for Special Hearing and
Variance

Dear Mr. & Mrs. Haker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments

Date: October 7, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

Your petition has been received and accepted for filing this
23rd day of August, 1991.

ARNOLD JABLON
DIRECTOR

Received By:
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: James J. Haker, et ux

Petitioner's Attorney:

MICROFILMED

MICROFILMED

BEING the same lot of ground described in a Deed dated July 14, 1936 and recorded among the Land Records of Baltimore County in Liber 51B No. 1754 folio 46B which was granted and conveyed by Edwin T. Johnson and Agnes A. Johnson, his wife unto the herein grantors.

~~CONFIDENTIAL~~

JUN 1970
JUN 1970
36000

RECORDED FOR IDENTIFIER
JAN 2 11 88

APR 11 1988
NOT
STANDARD JR DATE 2/11/88

Review Appraiser: MD Lic # 1557699
(if applicable)

[illegible]

CC: Mr. D. Hummer
Mr. F. Timme

[illegible]

Date 6-10-93 Appraiser [Signature]
Date _____ Review Appraiser MD Lic #1557699
Date _____
USE A RISK TAG

Case No. 92-97-SPHA James L. Haker, et ux 5
Humes indicating they would be impacted by "...having to look at someone else's back yard and unsightly house from their back yard." During cross-examination, Mr. Humes indicated he could not imagine why the Hakers would sell 216 Newburg Avenue and retain the adjacent lot if the lot was not buildable. He also indicated he has no problem with 206, 208 or 210 Newburg Avenue, all of which have lots that are smaller than 415 Forest Lane.

This Board heard all testimony and has reviewed the exhibits and finds the following: First, the subject property was created and described by means and practice of that day and that the subject property was therefore considered buildable as of the date of first sale, July 19, 1950. Therefore, we find that the subject property is a buildable lot in accordance with BCZR 304.1, which states:

"A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and [B.C.Z.R., 1955; Bill No. 47, 1992.]
B. all other requirements of the height and area regulations are complied with; [B.C.Z.R., 1955.]
C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

As such, we also find contrary to the Deputy Zoning Commissioner's dismissal of variance petition as moot. In light of our finding that the subject property is a buildable lot, the Petition for

Case No. 92-97-SPHA James L. Haker, et ux 6
Zoning Variance requesting relief from BCZR Sections 1B02.3.C.1 and 303.1 must be considered. We find that the proposed development to be well within regulations in force at the time the subject property was created, as regards lot size and front and rear yard setbacks (Petitioners' Exhibit 10: Zoning Regulations and Restrictions for Baltimore County - 1945, Section III.C.1, 2 and 4). Lot configuration and shape, relative to the front lot line, of the subject property are such that the strict adherence to the above BCZR sections would result in an even greater hardship to the Petitioners than the over-payment of property taxes to the recent date of corrected assessment. Practical difficulty in constructing a dwelling is present unless relief is granted for lot size and setbacks. We find the proposed development to be consistent with the surrounding community and agree with the expert testimony that the best use of the property is as a lot with a single-family dwelling, and that the proposed development would not adversely affect the health, safety or welfare of the community. Therefore, we shall find in favor of the zoning variance.

ORDER

IT IS THEREFORE this 10th day of February, 1994 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Hearing requesting approval of the subject property as a buildable lot be and the same is hereby GRANTED; and it is further

ORDERED that the Petition for Variance from Sections 1B02.3.C.1 and 303.1 Baltimore County Zoning Regulations to permit

Case No. 92-97-SPHA James L. Haker, et ux 7
a lot size of 5,796 sq. ft. in lieu of the required 6,000 sq. ft., and to permit a rear yard setback of 36.5 ft. in lieu of the required 30 ft. be and the same is hereby GRANTED.
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert O. Schuetz
Robert O. Schuetz

S. Diane Levero
S. Diane Levero

- 301.2--Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than 4 feet provided that such projections (excepting eaves) are not over 10 feet in length. [B.C.Z.R., 1955.]
301.3--No side and/or rear yard is required for a business or manufacturing use in that portion of any property located in a B.R., M.R., M.L.R., M.L., or M.H. zone if such side and/or rear line abuts on a railroad right-of-way or siding, to either of which it uses rail access. [B.C.Z.R., 1955; Bill No. 56, 1961.]
Section 302--HEIGHT AND AREA REGULATIONS FOR NEW RESIDENCES³
IN BUSINESS AND MANUFACTURING ZONES: [B.C.Z.R., 1955; Resolution, November 21, 1956.]
Residences hereafter erected in business and manufacturing zones shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by R.6⁴ zone regulations if no residence zone immediately adjoins. [B.C.Z.R., 1955; Resolution, November 21, 1956.]
Section 303--FRONT YARD DEPTHS IN RESIDENCE AND BUSINESS ZONES [B.C.Z.R., 1955.]
303.1--In R.20,⁵ R.10,⁶ and R.6⁷ zones the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200' of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in R.20⁸ zones, 50 feet in R.10⁹ zones and 40 feet in R.6¹⁰ zones. In no case, however, shall non-residential principal buildings have front yards of less depth than those specified therefore¹¹ in the area regulations for R.20,¹² R.10¹³ and R.6¹⁴ zones respectively. [B.C.Z.R., 1955; Resolution, November 21, 1956.]
303.2--In B.1., B.M. and B.R. zones the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100' of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

REV 06/92

3-2

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955; Bill No. 47, 1992.]

304.1--A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and [B.C.Z.R., 1955; Bill No. 47, 1992.]
B. all other requirements of the height and area regulations are complied with; [B.C.Z.R., 1955.]
C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

304.2-A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Office of Zoning Administration, at the time of application for a building permit, plans sufficient to allow the Office of Planning and Zoning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning and Zoning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. [Bill No. 47, 1992.]

B. At the time of application for the building permit, as provided above, the director of zoning administration shall request comments from the Director of the Office of Planning and Zoning (the director). Within fifteen (15) days of receipt of a request from the director of zoning administration, the director shall provide to the Office of Zoning Administration written recommendations concerning the application with regard to the following: [Bill No. 47, 1992.]

1. Site design: New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
2. Architectural design: Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. height;
 - b. bulk or massing;
 - c. major divisions, or architectural rhythm, of facades;

REV 11/92

3-3



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 10, 1994

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 92-97-SPHA
James L. Haker, et ux

Dear Mr. Borgerding:

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

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. and Mrs. James L. Haker
Kenneth H. Masters, Esquire
David and Karen Humes
Mr. Frederick G. Timmel
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITIONS FOR SPECIAL*
HEARING AND ZONING
VARIANCE - N/S of *
Forest Lane, 130' W of *
the c/l of Newburg *
Avenue *
(415 Forest Lane) *
1st Election District *
1st Councilmanic *
District *
James L. Haker, et ux *
Petitioners *

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.: 92-97-SPHA

ORDER FOR APPEAL

Mr. Commissioner:

Now comes James L. Haker and Faye E. Haker, by Francis X. Borgerding, Jr. and DiNenna and Breschi, and enters an Order for Appeal from the Decision of the Zoning Commissioner dated August 13, 1992.

Francis X. Borgerding, Jr.
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for James L. Haker and
Faye E. Haker

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of September, 1992, a copy of the foregoing Order for Appeal was mailed, postage prepaid to People's Counsel for Baltimore County, Court House, Towson, Maryland 21204 and Kenneth Masters, Esquire, 1002 Frederick Road, Baltimore, Maryland 21228.

9-11-92
ZONING OFFICE

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE - N/S of *
Forest Lane, 130' W of the c/l *
of Newburg Avenue *
(415 Forest Lane) *
1st Election District *
1st Councilmanic District *
James L. Haker, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, James L. and Faye E. Haker, by and through their attorney, Francis X. Borgerding, Jr., Esquire, in which the Petitioners request a determination that Section 304.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) does not apply to the subject undersized lot. More specifically, the Petitioners are requesting approval of the subject property as a buildable lot. The Petitioners also filed a Petition for Zoning Variance requesting relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot size of 5,796 sq.ft. in lieu of the required 6,000 sq.ft. and from Section 303.1 of the B.C.Z.R. to permit a rear yard setback of 20 feet in lieu of the required 30 feet, and a front yard setback of 36.5 feet in lieu of the required 30.6 feet, for a proposed dwelling in accordance with Petitioners' Exhibit 1.

Appearing on behalf of the Petitions were James J. and Faye E. Haker, represented by Francis X. Borgerding, Jr., Esquire, and Paul Lee, Engineer. Appearing as Protestants in the matter were numerous residents of the area. In particular, Karen A. Humes, adjoining property owner, appeared and testified in opposition to the relief requested. Ms. Humes was represented by Kenneth Masters, Esquire.

ORDER RECEIVED FOR FILING
Date 9/15/92
By

MICROFILMED

Testimony indicated that the subject property, known as 415 Forest Lane, consists of 5,796 sq.ft., more or less, zoned D.R. 5.5 and is currently unimproved, with the exception of a shed and small basketball court. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Faye Haker appeared and testified on behalf of the Petitioners. Mrs. Haker testified that she and her husband purchased the subject property in June 1970 from Charles and Laurine Lovell. Mrs. Haker testified that they purchased the subject property because at that time they resided on the immediately adjoining property known as 216 Newburg Avenue and they wanted additional yard space. At the time of their purchase and up to the time the Petitioners filed this request, the Petitioners always believed that the subject property was a buildable lot. The Petitioners belief that the lot was buildable was based upon County tax records which described this lot as 64.4 feet in width and 110 feet in length. A lot with those dimensions would surpass the 6,000 sq.ft. requirement for a buildable lot.

Mrs. Haker testified that in 1987 she came to Baltimore County to inquire as to whether the lot in question was a legal building lot and was assured that it was, but that variances might be needed to meet front and rear yard setback requirements. In February, 1988, feeling assured that the subject lot was buildable, the Hakers then proceeded to sell their residence at 216 Newburg Avenue to Mr. & Mrs. Humes. The Hakers decided at that time that since the subject lot was buildable, they would sell only their residence to Mr. & Mrs. Humes and retain the subject lot for future building purposes. Mrs. Haker testified that had they known the subject property was not buildable, they would have offered the lot for sale along with their property at 216 Newburg Avenue to the Humes.

ORDER RECEIVED FOR FILING
Date 8/13/92
By [Signature]

- 2 -

In July 1989, the Hakers contracted to sell the subject lot to Superior Builders for the purpose of constructing a single family dwelling thereon. When Superior Builders applied for a building permit, it was discovered that the tax records were incorrect and that the subject lot was undersized. Once the Petitioners realized this problem, they filed the instant Petitions to approve the lot in question as buildable.

It should be noted that the deed by which the Hakers took title to the subject property, dated June 18, 1970, describes the property as being only 90 feet in length and 64.4 feet in width. The deed was accurate in its description; however, the tax records were incorrect.

Paul Lee, Registered Professional Engineer, testified on behalf of the Petitioners. Mr. Lee gave a historical overview of the subject property, starting with the 1945 regulations which stated that a buildable lot must have at least 5,000 sq.ft. of area and a width of 50 feet. Therefore, in 1945 and continuing until the zoning regulations changed in 1955, this particular lot was considered to be buildable. This assumes, however, that the lot in question was a lot of record during that time.

Mr. Lee further testified that in 1955 the B.C.Z.R. changed and required that a buildable lot contain an area of 6,000 sq.ft. That 6,000 sq.ft. requirement remains in effect today. Mr. Lee testified that, in his opinion, the subject lot was created in 1950 by virtue of a deed dated July 19, 1950 which granted and conveyed the single family dwelling at 216 Newburg Avenue from Charles and Laurine Lovell to Edwin T. and Agnes A. Johnson. At that time, Mr. & Mrs. Lovell owned a 200-foot x 64.4-foot lot, which contained the dwelling known as 216 Newburg Avenue and the lot which is the subject of this hearing. Mr. Lovell granted to the Johnsons the dwelling which was situated upon a lot 110 feet by 64.4 feet in area.

ORDER RECEIVED FOR FILING
Date 8/13/92
By [Signature]

- 3 -

MICROFILMED

Mr. Lovell retained for himself and his wife the lot which is the subject of this hearing containing an area of ground 90 feet by 64.4 feet. Paul Lee testified that in his opinion, a buildable lot was created by virtue of this apparent subdivision. However, I disagree with Mr. Lee on this point.

The lot which is the subject of this hearing was not a lot of record as of 1950 because no new deed was recorded giving a metes and bounds description of the subject property. The 1950 deed from Lovell to Johnson merely describes a lot of ground that was associated with the single family dwelling known as 216 Newburg Avenue. No separate description was prepared and recorded by deed for the subject lot. Because of this, the lot in question was not a lot of record, and therefore, not a buildable lot in 1950. For these reasons and applying the language set forth in Section 304 of the B.C.Z.R., I find that the subject property is not a buildable lot.

The Petitioners argued the relief requested should be granted because they relied to their detriment on Baltimore County tax records in determining that the subject property is a buildable lot by virtue of the dimensions of the lot stated in those records. I find that not to be the case. The deed by which the Petitioners took title to this lot clearly states that the subject lot is only 90 feet long. Therefore, the Petitioners had the requisite knowledge since the time of their purchase that the lot was only 90 feet in length and not 110 feet. Furthermore, the deed by which the Hakers conveyed their residence to the Humes, dated February 3, 1988 described the parcel which was being conveyed as a lot with the dimensions of 110 feet by 64.4 feet. Knowing that the original lot had an overall width of 200 feet, and having conveyed 110 feet of that width

ORDER RECEIVED FOR FILING
Date 8/13/92
By [Signature]

- 4 -

MICROFILMED

would lead one to easily deduce that the remaining lot was only 90 feet wide.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be denied. Inasmuch as I have found the subject lot is not a buildable lot, it therefore becomes unnecessary to address the requested variances. Therefore, the Petition for Zoning Variance shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of August, 1992 that Section 304.3 of the B.C.Z.R. does apply to the subject property, which is undersized and is not a buildable lot, and as such, the Petition for Special Hearing is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a lot size of 5,796 sq.ft. in lieu of the required 6,000 sq.ft. and from Section 303.1 of the B.C.Z.R. to permit a rear yard setback of 20 feet in lieu of the required 30 feet, and a front yard setback of 36.5 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/13/92
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204
August 13, 1992 (410) 887-4386

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
N/S Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District - 1st Councilmanic District
James L. Haker, et ux - Petitioners
Case No. 92-97-SPHA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Zoning Variance dismissed as moot 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 887-3351.

Very truly yours,

[Signature]

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Kenneth Masters, Esquire
1002 Frederick Road, Baltimore, Md. 21228

Mr. & Mrs. Fred G. Timmel
410 Forest Lane, Baltimore, Md. 21228

Mr. & Mrs. Nicholas M. Beccio, Jr.
409 Forest Lane, Baltimore, Md. 21228
People's Counsel

File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
AND ZONING VARIANCE :
N/S Forest Lane, 130' W of C/L : OF BALTIMORE COUNTY
Newburg Avenue
1st Election District :
1st Councilmanic District :
JAMES J. HAKER, et ux, : Case No. 92-97-SPHA
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204-4606
(410) 887-2188

I HEREBY CERTIFY that on this 21st day of July, 1992, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. James J. Haker, 16453 Frederick Rd., Woodbine, MD 21797, Petitioners.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman

MICROFILMED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-97-SPHA

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 800.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve or deny the petition. I, the undersigned, hereby 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.

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/Lessee:
(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.:
Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.: (410) 296-6820



ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: LG DATE 8/23/92

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-97-SPHA

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 800.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve or deny the petition. I, the undersigned, hereby 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.

1) Lot size
2) Separate lot
3) Other reasons to be presented at hearing

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.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.: (410) 296-6820

ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: JCL DATE 8/23/92

MICROFILMED

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-251-5361

DESCRIPTION

0.133 ACRE PARCEL
N. S. OF FOREST LANE, 135'± W. OF NEWBURG AVENUE
ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Forest Lane, said point also being located N 45° W - 135 feet± from the center of Newburg Avenue; thence binding on the north side of Forest Lane (1) N 45° W - 90 feet, thence leaving said north side of Forest Lane (2) N 45° E - 64.4 feet, thence (3) S 45° E - 90 feet, and (4) S 45° W - 64.4 feet to the north side of Forest Lane and point of beginning.

Containing 0.133 Acre of land more or less.



J.O. 92-003
2-20-92

Engineers — Surveyors — Site Planners

347

ZONING DESCRIPTION

92-97-SPHA
Beginning on the north side of Forest Lane, which is 33' wide at a distance of 110' west of the centerline of the nearest improved intersecting street Newburg Avenue which is width not known (number of feet of right-of-way width) wide. Being as recorded in Deed Liber 5105, Folio 0488 measuring 64.3 x 110' square. Also known as 415 (Newburg Avenue) 1st Election District, 1st Councilmanic District.

MICROFILMED

96

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-97-SPHA
District: 1st Date of Posting: March 24, 1992
Posted for: Special Hearing & Variance
Petitioner: James J. Haker, et al.
Location of property: 115 Forest Lane, 130' W of 1/2 Newburg Avenue
415 Forest Lane
Location of Signs: 1/2 of Forest Lane on front of subject property
Remarks:
Posted by: J. J. Oates
Number of Signs: 2
Date of return: March 27, 1992
MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992
THIS IS TO CERTIFY, that the annexed 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 June 11, 1992

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/14, 1992
THIS IS TO CERTIFY, that the annexed 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 5/14, 1992

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$47.22

MICROFILMED

CERTIFICATE OF PUBLICATION

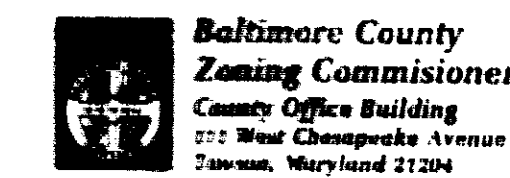
TOWSON, MD. 10/2, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$60.78

MICROFILMED



Date

Account: R-001-6150
Number

receipt

Please Make Check Payable To: Baltimore County
BA C010:30AM03-03-92 \$35.00

Cashier Validation

CERTIFICATE OF PUBLICATION

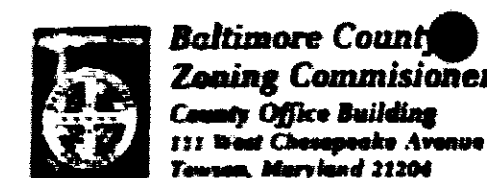
10/2, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991

CATONSVILLE TIMES

S. Zeke Orlan
Publisher

\$60.78

MICROFILMED



Date

Account: R-001-6150
Number

receipt

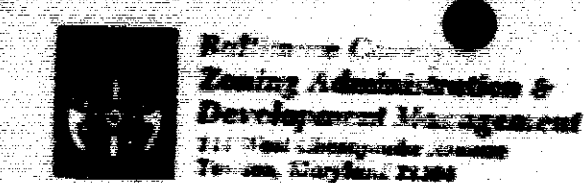
Please Make Check Payable To: Baltimore County
BA C010:04AM03-23-91 \$70.00

Cashier Validation

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-97-SPHA
District: 1st Date of Posting: September 26, 1991
Posted for: Special Hearing & Variance
Petitioner: James J. Haker, et al.
Location of property: 115 Forest Lane, 130' W of 1/2 Newburg Avenue
415 Forest Lane
Location of Signs: on front of subject property
Remarks:
Posted by: J. J. Oates
Number of Signs: 2
Date of return: October 4, 1991

STICKERS REGARDING POSTPONEMENT OF OCT. 21, 1991 HEARING PLACED ON SIGNS ON 10-18-91 by Kevin Connor



Account: R-001-6150
Number

receipt

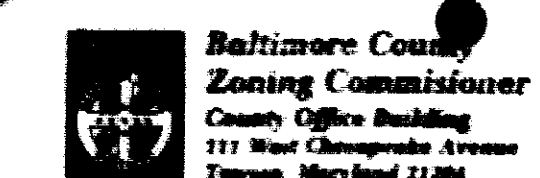
92-97-SPHA

APPEAL FEES	QTY	PRICE
140 - OF ALL OTHER ORDERS	2 X	\$175.00
150 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$385.00

MICROFILMED

04A04R0001N1CHRC
BA C002:16PM07-15-92 \$385.00
Please Make Check Payable To: Baltimore County

Cashier Validation



Account: R-001-6150
Number

receipt

92-97

APPEAL FEES	QTY	PRICE
140 - OF ALL OTHER ORDERS	2 X	\$175.00
150 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$385.00

MICROFILMED

Please Make Check Payable To: Baltimore County
BA C012:24PM10-31-91 \$85.78

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



887-3353

DATE: OCTOBER 8, 1991

James and Faye Baker
16453 Frederick Road
Woodbine, Maryland 21797

COPY

RE: Case Number: 92-97-SPHA
N/S Forest Lane, 130' W of c/l Newberg Avenue
415 Forest Lane
1st Election District - 1st Councilmanic
Petitioner(s): James J. Baker, et ux
HEARING: MONDAY, OCTOBER 21, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$85.78 is due for advertising and posting of the above captioned property.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



887-3353

DATE: _____

James and Faye Baker
16453 Frederick Road
Woodbine, Maryland 21797

RE: Case Number: 92-97-SPHA
N/S Forest Lane, 130' W of c/l Newberg Avenue
415 Forest Lane
1st Election District - 1st Councilmanic
Petitioner(s): James J. Baker, et ux
HEARING: MONDAY, OCTOBER 21, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 85.78 is due for advertising and posting of the above captioned property.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
OFFICE OF JAMES J. BAKER, ESQ.
MICROFILMED CASE RECEIPT
DATE: 8-21-92 AMOUNT: R-001-6156
RECEIVED BY: James Baker
FOR: P.A. 92-97-SPHA (7/31/92 HEARING)
MICROFILMED
VALIDATION OR SIGNATURE OF CASEWORKER
DATE: _____ TIME: _____

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



(410) 887-3353

DATE: 8-27-92

James and Faye Baker
16453 Frederick Road
Woodbine, Maryland 21797

RE: Case Number: 92-97-SPHA
92-97-SPHA (Item 96) at 10:30 a.m. in Rm. 118, Courthouse
N/S Forest Lane, 130' W of c/l Newberg Avenue
1st Election District - 1st Councilmanic
Petitioner(s): James J. Baker, et ux

Dear Petitioner(s):

Please be advised that \$ 117.22 is due for advertising and posting of the above captioned property.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl J. Jahn
Carl J. Jahn

ARNOLD JABLON
DIRECTOR

cc: Francis E. Borgerding, Jr., Esq.

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



887-3353

SEP 13 1991

NOTICE OF HEARING

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-97-SPHA
N/S Forest Lane, 130' W of c/l Newberg Avenue
415 Forest Lane
1st Election District - 1st Councilmanic
Petitioner(s): James J. Baker, et ux
HEARING: MONDAY, OCTOBER 21, 1991 at 2:00 p.m.

Special Hearing : To determine that Section 304.3 does not apply for this undersized lot, as a result of the circumstances.
Variance to allow a front yard setback of 20 ft. in lieu of required front average of 25 ft. and a rear yard setback of 20 ft. in lieu of the required 30 ft.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: James and Faye Baker

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

DINENNA AND BRESCHI
ATTORNEYS AT LAW

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

October 7, 1991

Arnold Jablon
Director of Zoning Administration
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 92-97-SPHA
Location: Newberg Avenue -
415 Forest Lane
My Client: Baker
Date of Hearing: 10/21/91
at 2:00 P.M.

Dear Mr. Jablon:

Please be advised I represent Mr. and Mrs. Baker concerning the above-captioned matter and it has come to my attention that an additional variance is necessary relative to their request concerning the above-captioned matter.

Accordingly, I would respectfully request a postponement of this matter scheduled for October 21, 1991 at 2:00 P.M.

This confirms our conversation concerning this matter.

I will be in a position shortly to file an amended Petition concerning the additional request for a square footage of area for the lot as well as the address.

It appears that no new plats are necessary.

Thank you for your cooperation.

Very truly yours,

S. ERIC DINENNA

SED:bjk
cc: Mr. and Mrs. James J. Baker

MICROFILMED

OCT 8 1991
ZONING OFFICE

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

DINENNA AND BRESCHI
ATTORNEYS AT LAW

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

October 16, 1991

Arnold Jablon
Administrator
Office of Zoning Administration
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Gvonn

RE: Case No.: 92-97-SPHA
Location: Newberg Avenue -
415 Forest Lane
My Client: Baker
Date of Hearing: 10/21/91
at 2:00 P.M.

Dear Gvonn:

This is to confirm my conversation with Eileen that the above-captioned matter has been postponed from October 21, 1991 at 2:00 P.M. and that the tentative date for the hearing is now set for December 10, 1991.

Please be advised that within the next 10 days I will file an Amended Petition that shall, in addition to the Petition already filed, be the subject matter of the hearing of October 10, 1991.

Please do not send to the papers nor post the property until such time as the Amended Petition is filed.

If you have any questions, please contact me.

Very truly yours,

S. ERIC DINENNA

SED:bjk
cc: Mr. and Mrs. James Baker

OCT 17 1991
ZONING OFFICE

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



887-3353

DATE: OCT 16, 1991

COPY

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-97-SPHA
LEGAL OWNER(S): JAMES J. BAKER, ET UX
LOCATION: 415 FOREST LANE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON MONDAY, OCTOBER 21, 1991 HAS BEEN POSTPONED AT THE REQUEST OF S. ERIC DINENNA, ATTORNEY FOR THE PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County, Maryland

cc: S. Eric Dinenna, Esq.
James J. Baker, et ux
J. DONALD WAGNER

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



(410) 887-3353

MARCH 16, 1992

NOTICE OF HEARING

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-97-SPHA
92-97-SPHA (Item 96) at 10:30 a.m. in Rm. 118, Courthouse
N/S Forest Lane, 130' W of c/l Newberg Avenue
1st Election District - 1st Councilmanic
Petitioner(s): James J. Baker, et ux
HEARING: MONDAY, APRIL 13, 1992 at 10:30 a.m.

Special Hearing : To determine that Section 304.3 does not apply for this undersized lot, as a result of the circumstances.
Variance to permit a lot area of 5,796 sq. ft. in lieu of the required 6,000 sq. ft.; a rear yard of 20 ft. in lieu of the required 30 ft.; and a front yard setback of 36.5' +/- (average setback of existing dwelling 200 ft. each side of property)

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: James and Faye Baker
Francis E. Borgerding, Jr., Esq.
Thomas E. and Mary E. Lawrence
J. D. and Marie Wagner
Kenneth H. Hartley, Esq.

4747-92
AS
DINENNA AND BRESCHI
ATTORNEYS AT LAW
S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. BORGERDING, JR.
SALUD MEMBER OF DISTRICT OF
COLUMBIA BAR
SUITE 600
MERCANTILE-TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

March 16, 1992

Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Gwen

RE: Case No.: 92-97-SPHA
Petitioners: James J. Haker,
et ux.
Hearing: Monday, April 13, 1992
at 10:30 A.M.

Dear Gwen:

Pursuant to our recent telephone conversation, I am requesting a postponement of the above-referenced hearing date. As I stated in our telephone conversation, the reason for this request for postponement is that I am scheduled to be in depositions the entire day of April 13, 1992 in reference to a case pending before the Circuit Court for Baltimore County. Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

RECEIVED
MAR 19 1992
ZONING OFFICE

1/23-92
TS
65
LAW OFFICES
MCFARLAND, WEINKAM & MASTERS
1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228 - 5029
C. VICTOR MCFARLAND
LOUIS J. WEINKAM, SR., P.C.
KENNETH H. MASTERS
LOUIS J. WEINKAM, JR.
TELEPHONE
AREA CODE 301
744 - 2900
744 - 3256

March 17, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: CASE NUMBER: 92-97-SPHA
92-97-SPHA (Item 96) at 10:30 a.m.
in Rm. 118, Court House
N/S Forest Lane, 130' W of c/l
Newburg Avenue
1st Election District- 1st
Councilmanic
Petitioner(s): James J. Haker, et ux
HEARING: MONDAY, APRIL 13, 1992 at
10:30 a.m.

Dear Mr. Schmidt:

I am receipt of the Notice of Hearing in the above matter dated March 16, 1992 and received in my office on March 16, 1992.

I must, for the reason that I am in the General Assembly, request pursuant to Courts Article, Section 6-402, request that the hearing be continued at least until after 10 days following the conclusion of the legislative session.

Thank you for your assistance.

Very truly yours,

Kenneth H. Masters
Attorney for Mr. and Mrs. David Humes

KHM:ct

cc: Mr. and Mrs. David Humes
Francis X. Borgerding, Esquire
Mr. and Mrs. Thomas Lawrence
Mr. and Mrs. J. D. Wagner

RECEIVED
MAR 18 1992
ZONING OFFICE
MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

MARCH 27, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-97-SPHA
PETITIONER(S): JAMES J. HAKER, et ux
LOCATION: 425 FOREST LANE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON MONDAY, APRIL 13, 1992, HAS BEEN POSTPONED AT THE REQUEST OF ATTORNEYS, KENNETH H. MASTERS AND FRANCIS X. BORGERDING, JR..

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Director

cc: Kenneth H. Masters, Esq.
Francis X. Borgerding, Jr., Esq.
James J. Haker, et ux
Thomas R. and Mary R. Lawrence
J. D. and Helen Wagner

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

NOTICE OF HEARING

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

RECEIVED FROM: 3-27-92
CASE #92-97-SPHA (Item 96)
N/S Forest Lane, 130' W of c/l Newburg Avenue
1st Election District- 1st Councilmanic
Petitioner(s): James J. Haker, et ux
HEARING: MONDAY, APRIL 13, 1992 at 10:30 a.m.

Special hearing to determine that Section 304.3 does not apply for this undersized lot, as a result of the circumstances.
Variance to permit a lot area of 5,796 sq. ft. in lieu of the required 6,000 sq. ft.; a rear yard of 20 ft. in lieu of the required 30 ft.; and a front yard setback of 36.5 ft., more or less, (average setback of existing dwelling 30 ft. each side of property.)

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: James J. Haker, et ux
Francis X. Borgerding, Esq.
Mr. & Mrs. Thomas Lawrence
Mr. & Mrs. J. D. Wagner
Frederick Tinnel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

1/16-92
615892
LAW OFFICES
MCFARLAND, WEINKAM & MASTERS
1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
C. VICTOR MCFARLAND
LOUIS J. WEINKAM, SR., P.C.
KENNETH H. MASTERS
LOUIS J. WEINKAM, JR.
SALUD ADMITTED IN DC
TELEPHONE
AREA CODE 410
744 - 2900
744 - 3256
FAX 744-3423

May 29, 1992

Arnold Jablon, Esq.
Director
Zoning Administration and Development Management
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 92-97-SPHA
N/S Forest Lane, 130' W of c/l Newburg Avenue
1st Election District - 1st Councilmanic
Petitioner(s): James J. Haker, et ux
HEARING: Tuesday, June 9, 1992 at 9:30 a.m.

Dear Mr. Jablon:

I am writing to confirm the substance of my telephone conversation with you of May 29, 1992 wherein I requested, and you granted, a continuance of the above referenced hearing from the present date of June 9, 1992.

To restate the reasons for my request for the continuance, they are as follows:

1. Notwithstanding the fact that my name appears on the list of those to whom copies were directed, I did not receive a copy of the Notice of Hearing dated May 6, 1992 until I went to the Zoning Office on May 28, 1992 at approximately 2:30 p.m.

2. The first notice I had that this matter had been set in for a hearing on June 9, 1992 was as a result of a telephone conversation I had with my client, Mr. David Humes, late in the afternoon of May 27, 1992. Mr. Humes called to tell me that he had been advised by a neighbor that the case was set for June 9. Mr. Humes, of course, wanted to confirm that I was so aware. Of course, I was not.

3. On May 28, 1992 I went to the Zoning Office to verify the hearing date. It was then that I received a photocopy of the Notice of Hearing dated May 6, 1992.

4. I am presently scheduled to appear in the District Court for Howard County on June 9, 1992 at 9:00 a.m.

5. I presently have a meeting scheduled in Annapolis at 11:00 a.m. on June 9, 1992 on a legislative-regulatory matter.

RECEIVED
JUN 1 1992
ZONING OFFICE

Arnold Jablon, Esq.

-2-

May 28, 1992

6. Finally, when I reviewed the file in the Zoning Office on May 28, 1992, I discovered that an Amended Petition for Variance had been filed on or about March 2, 1992 of which I had been previously unaware.

In addition to calling your office to request this continuance, I, of course, called the attorney for the Petitioners, Mr. Borgerding. Mr. Borgerding indicated that it was his belief that his clients were interested in getting this matter resolved, and consequently, he would not agree to a continuance.

At your direction, Mr. Borgerding and I have conferred on an agreed date for the hearing. However, Mr. Borgerding's expert witness, Paul Lee, is out of town until next week. Naturally, Mr. Borgerding wants to confirm Mr. Lee's availability before committing to a new date.

Therefore, Mr. Borgerding and I will talk next week to arrive at an agreed hearing date which we will confirm to your office.

I have directed copies of this letter to all of the interested parties of which I am aware so as to minimize any inconvenience to them.

Finally, I wish to express my appreciation for your understanding and assistance.

Very truly yours,

Kenneth H. Masters
Attorney for the Protestants,
Mr. and Mrs. David Humes

KHM:fj

cc: Mr. and Mrs. David G. Humes
Francis X. Borgerding, Jr., Esq.
Mr. and Mrs. Thomas Lawrence
Mr. and Mrs. J. D. Wagner

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

JUNE 1, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-97-SPH
PETITIONER(S): JAMES L. HAKER, et ux
LOCATION: 1 NEWBURG AVENUE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JUNE 9, 1992 HAS BEEN POSTPONED AT THE REQUEST OF KENNETH H. MASTERS, ATTORNEY FOR PROTESTANT DAVID HUMES.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Director

cc: James J. Haker, et ux
Francis X. Borgerding, Esq.
Mr. & Mrs. Thomas Lawrence
Mr. & Mrs. J. D. Wagner

*ENCLOSED IS A POSTPONEMENT STICKER TO BE PLACED ON THE ZONING SIGN.

AJ:ggg

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

CONFIRMATION

NOTICE OF HEARING

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

Room 118 112 Court House, 400 Washington Avenue, Towson, Maryland 21204 as follows:

RECEIVED FROM: 6-1-92
CASE #92-97-SPH (Item 96)
N/S Forest Lane, 130' W of c/l Newburg Avenue
1st Election District- 1st Councilmanic
Petitioner(s): James J. Haker, et ux
HEARING: TUESDAY, JUNE 9, 1992 at 9:30 a.m. in Rm. 106, Office Building.

Special hearing to determine that Section 304.3 does not apply for this undersized lot, as a result of the circumstances.
Variance to permit a lot area of 5,796 sq. ft. in lieu of the required 6,000 sq. ft.; a rear yard of 20 ft. in lieu of the required 30 ft.; and a front yard setback of 36.5 ft., more or less, (average setback of existing dwelling 30 ft. each side of property.)

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

cc: James J. Haker, et ux
Francis X. Borgerding, Esq.
Mr. & Mrs. Thomas Lawrence
Mr. & Mrs. J. D. Wagner
Frederick Tinnel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
October 29, 1992

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 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. 92-97-SPHA JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

ASSIGNED FOR: THURSDAY, JANUARY 14, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants
Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

yes - no

LAW OFFICES

McFARLAND, WEINKAM & MASTERS

1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
C. VICTOR McFARLAND
LOUIS J. WEINKAM, JR., P.C.
KENNETH H. MASTERS
LOUIS J. WEINKAM, JR.
*ALSO ADMITTED MD&D

TELEPHONE
AREA CODE 410
788-2800
744-4000
FAX 744-0600

November 6, 1992

Ms. LindaLee M. Kuszmaul
Legal Secretary
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 92-97-SPHA
James L. Haker, et ux
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District; 1st Councilmanic District
Present Hearing Date: Thursday, January 14, 1993
10:00 A.M.

Dear Ms. Kuszmaul:

I am writing to acknowledge receipt of the Notice of Assignment in the above-referenced case, dated October 29, 1992.

I must, pursuant to Courts and Judicial Proceedings Article, Section 6-402, request a continuance of this proceeding for the reason that I am a member of the General Assembly, and will be in Legislative Session on the presently scheduled hearing date for this matter.

Section 6-402 provides that the matter must be continued until ten days after the conclusion of the Legislative Session. The 1993 Legislative Session should conclude on April 12, 1993 at Midnight. Therefore, I would request that this matter be continued until sometime after April 22, 1993.

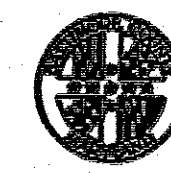
Thank you for your kind cooperation in this matter. I have transmitted copies to the persons whose names appear at the bottom of this letter. Should you desire that I send additional copies to any other persons, kindly advise accordingly.

Very truly yours,

Francis X. Borgerding, Jr.
Francis X. Borgerding, Jr., Esquire
Attorney for Mr. & Mrs. David Humes

KHM:pb
cc: Mr. & Mrs. David Humes
Francis X. Borgerding, Jr., Esq.
Office of the People's Counsel for Baltimore County
Mr. Arnold Jablon, Director of Zoning Administration

RECEIVED
COUNTY BOARD OF APPEALS
92 NOV - 9 PM 12



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
October 29, 1992

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 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. 92-97-SPHA JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks
8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

ASSIGNED FOR: THURSDAY, JANUARY 14, 1993 AT 10:00 a.m.

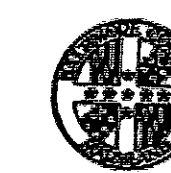
cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants
Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

*11/12/92
to 4/12/93
of 10/29/92
yes - no*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
November 12, 1992

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on January 14, 1993 has been POSTPONED at the request of Counsel for Protestants and has been

REASSIGNED FOR: TUESDAY, APRIL 27, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants
Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

yes - no

DiNENNA AND BRESCHI

ATTORNEYS AT LAW

93 MAR 22 PM 11:00
GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR., ESQUIRE
ROBERT A. BRESCHI
MERCANTILE BLDG., SUITE 600
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-0820
FAX (410) 296-6884

S. ERIC DINENNA
(410) 296-0820
OF COUNSEL
JERKINS & AWALT

March 19, 1993

County Board of Appeals
of Baltimore County
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Case No. 92-97-SPHA
415 Forest Lane
Hearing Date: Tuesday, April 27,
1993 at 10:00 A.M.
My Clients: Mr. and Mrs. James J.
Haker

Gentlemen/Ladies:

This correspondence is being written to request a postponement of the above-referenced hearing. The reason for the request for postponement is that due to a commitment scheduled last fall, I will be out of the country on April 27, 1993. I have been in contact with Kenneth H. Masters, Counsel for the Protestants in this matter, and he informs me that under the circumstances, he has no objection to the granting of a postponement in this matter.

I apologize for not forwarding this request to the Board at earlier date. Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXB:jrbjk
cc: Mr. and Mrs. James J. Haker
Kenneth H. Masters, Esquire



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
November 12, 1992

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on January 14, 1993 has been POSTPONED at the request of Counsel for Protestants and has been

REASSIGNED FOR: TUESDAY, APRIL 27, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants
Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

*3-21-93
Pdt to 4/27/93
@ 10:00*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
March 24, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on April 27, 1993 has been POSTPONED at the request of Counsel for Petitioners and has been

REASSIGNED FOR: WEDNESDAY, JUNE 9, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants
Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant

WCC
RECEIVED
MAR 26 1993
ZADM

LAW OFFICES

McFARLAND, WEINKAM & MASTERS

1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

TELEPHONE
AREA CODE 410
788-2800
744-4000
FAX 744-0600

April 28, 1993

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case No. 92-97-SPHA
JAMES L. HAKER, ET UX
N/S of Forest Lane, 130' W of
C/I Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

Dear Ms. Weidenhammer:

Upon return to my law office following the conclusion of the 1993 session of the General Assembly I saw the notice continuing the above captioned case to June 9, 1993 at 10:00 a.m. from its previously scheduled date of April 27, 1993.

While I certainly joined with counsel for the Petitioners, Mr. Borgerding, in agreeing to continue the matter from April 27, 1993, I was not consulted about the availability of June 9.

Unfortunately, I am presently scheduled to begin a jury trial in the Circuit Court for Baltimore City in the matter of *William Joe Mathias, Jr. v. Hunting Hill Swimming Club, Inc.* Case No. 90186002CL116015, on June 9, 1993. That date was established in early January, 1993 by a conference call between opposing counsel and the Honorable Joseph H. H. Kaplan, the Administrative Judge of the Circuit Court for Baltimore City. For this reason, I must respectfully request a postponement from the June 9, 1993 date.

I will be happy to engage in a conference call with your office and with Mr. Borgerding to reach a mutually agreeable hearing date.

Thank you for your assistance.

Very truly yours,

Francis X. Borgerding, Jr.
Francis X. Borgerding, Jr., Esquire
Counsel for Protestants

KHM:jfm
cc: Mr. and Mrs. David G. Humes
Francis X. Borgerding, Jr., Esquire

RECEIVED
MAR 26 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting
for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For Item 84, see the County Review Group comments for the St. Lukes Apartment site.

For Item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For Item 92, the previous County Review Group comments remain in effect.

For Item 95, see the County Review Group comments for this site.

For Item 101, comments are reserved for this site until the County Review Group meeting.

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

RWB:s

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

SEPTEMBER 16, 1991

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES J. HAKER
Location: N/S FOREST LANE

Item No.: 96 Zoning Agenda: SEPTEMBER 3, 1991

Gentlemen:

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

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

REVIEWER: *H. J. P. P.* Noted and Approved *H. J. P. P.*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 19, 1991
Zoning Administration and
Development Management

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

SUBJECT: James T. Haker, Item No. 96

In reference to the Petitioner's request, staff offers no comments.

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/rda

ITEM NO. 96/TATROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

APPEAL

Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

Petition(s) for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits:

1. Plat to accompany Petition
2. Description of Property
3. Contract of Sale
4. Assessments Inquiry
5. Tax MAP
6. Assessment Summary
- 7A - 7C - Photographs
8. Letter from Mr. James Haker
9. Letter from James Dyer/John Alexander
10. 1945 Zoning Regulations
11. 1955 Zoning Regulations

Protestant's Exhibits:

1. Chain of Title
2. - 8. - Deeds
9. Letter from David Humes
10. Drawing of lots
11. Petition in Opposition

Deputy Zoning Commissioner's Order dated August 13, 1992 (Denied in part; Dismissed in part)

Notice of Appeal received September 11, 1992 from Francis X. Borgerding, Jr.

Baltimore County Board of Appeals
September 15, 1992
Page 2

cc: Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine MD 21797

Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi
409 Washington Avenue, Suite 600 - Towson, Maryland 21204

Paul Lee - 304 W. Pennsylvania Avenue, Towson, Maryland 21204

Karen A. Humes - 216 Newburg Avenue Baltimore, MD 21228

Kenneth Masters, Esquire - 1002 Frederick Road Baltimore, MD 21228

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

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 7, 1991

RECEIVED
OCT 10 1991
ZONING OFFICE

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD P. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 96
PROPERTY OWNER: James J. Haker, et ux
LOCATION: N/S Forest Lane, 130' W of centerline
Newburg Avenue
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 15, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 11, 1992 by Francis X. Borgerding, Jr.. 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,

Arnold Jablon
Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodbine MD 21797

Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi
409 Washington Avenue, Suite 600 - Towson, Maryland 21204

Paul Lee - 304 W. Pennsylvania Avenue, Towson, Maryland 21204

Karen A. Humes - 216 Newburg Avenue Baltimore, MD 21228

Kenneth Masters, Esquire - 1002 Frederick Road Baltimore, MD 21228

People's Counsel - 400 Washington Avenue, Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
22 SEP 15 PM 2:31



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue March 24, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks
8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on April 27, 1993 has been POSTPONED at the request of Counsel for Petitioners and has been

REASSIGNED FOR: WEDNESDAY, JUNE 9, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants

Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue May 4, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks
8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on June 9, 1993 has been POSTPONED at the request of Counsel for Protestants due to Court schedule conflict; and has been

REASSIGNED FOR: WEDNESDAY, AUGUST 18, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

D'ENENNA AND BRESCHI

ATTORNEYS AT LAW
GEOFFREY A. BRESCHI
FRANCIS X. BORGERDING, JR.
ROBERT A. BRESCHI
1400 WILSON AVENUE
COLUMBIA, MD

MERCANTILE BLDG., SUITE 800
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
FAX (410) 887-3180

S. ERIC D'ENENNA
(1988-1989)
OF COUNSEL
JEREMY S. A. WALKER

August 3, 1993

County Board of Appeals
of Baltimore County
Court House
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petitioners: James J. & Faye E.
Baker
Case No.: 92-97-SPHA
Hearing Date: 8/18/93 @ 10:00 A.M.

Gentlemen/Ladies:

I am writing on behalf of my clients, James J. and Faye E. Baker, in relation to the above-referenced matter. The purpose of this correspondence is to request a postponement of the above-referenced hearing date. The reason for the request of postponement is that my client, James J. Baker, has recently started new employment and is required to be in training out of town during the week of August 18, 1993. I apologize for any inconvenience this may cause in the Board's schedule, however, under the circumstances, my client is compelled to submit this request.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: Mr. and Mrs. James J. Baker
Kenneth H. Masters, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG -4 PM 12:02

PP to 9/15/93

LAW OFFICES
MCFARLAND, WEINKAM & MASTERS

C. VICTOR MCFARLAND
LOUIS J. WEINKAM, SR. P.C.
KENNETH H. MASTERS
1000 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

1000 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

TELEPHONE
AREA CODE 410
786 - 2800
744 - 3000
FAX 744-0429

August 11, 1993

Ms. Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 92-97-SPHA
JAMES L. HAKER, ET UX
c/l Newburg Avenue (415 Forest Lane)

Dear Ms. Weidenhammer:

I am writing to confirm the conference call of August 11, 1993, initiated by me and including you and Mr. Borgerding.

I had called because the Board of Appeals had rescheduled the above hearing from August 18, 1993 at 10:00 a.m. at the request of Mr. Borgerding to September 15, 1993 at 10:00 a.m. Unfortunately, I am already scheduled in court in Baltimore City on the morning of September 15. However, I did not want to see this case set off again to some later date.

Rather, it was agreed that this case would be heard beginning at 1:00 p.m. on September 15, 1993 as opposed to 10:00 a.m. on that date. This was agreed to by Mr. Borgerding on behalf of the Petitioners.

You advised that you would be sending out revised notices to reflect the time change.

Thank you for your assistance in this matter.

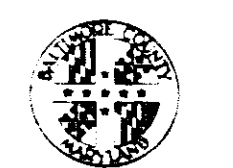
Very truly yours,

Kenneth H. Masters
Attorney for the
Protestants

KHM:ba
cc: Francis X. Borgerding, Jr. Esquire
Mr. & Mrs. David Humes

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 12 PM 12:16

OK to
1000
4/15/93



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue May 4, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled for hearing on June 9, 1993 has been POSTPONED at the request of Counsel for Protestants due to Court schedule conflict; and has been

REASSIGNED FOR: WEDNESDAY, AUGUST 18, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue August 5, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
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1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled to be heard on August 18, 1993 has been POSTPONED at the request of Counsel for Petitioners due to Petitioners' schedule conflict; and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 15, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue August 5, 1993

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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which was scheduled to be heard on August 18, 1993 has been POSTPONED at the request of Counsel for Petitioners due to Petitioners' schedule conflict; and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 15, 1993 AT 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

Ms. Karen A. Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue August 13, 1993

NOTICE OF 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. 92-97-SPHA JAMES L. HAKER, ET UX
N/s of Forest Lane, 130' W of
c/l Newburg Avenue (415 Forest Lane)
1st Election District;
1st Councilmanic District

SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks

8/13/92 - D.Z.C.'s Order DENYING Petition in part; DISMISSING in part.

which is scheduled to be heard on September 15, 1993 has been reassigned to start at 1:00 p.m. on that date at the request of Counsel for Protestants, and without objection by Counsel for Petitioners (date of hearing remains unchanged); and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 15, 1993 AT 1:00 p.m.

cc: Francis X. Borgerding, Jr., Esquire
Counsel for Petitioners/Appellants
Mr. and Mrs. James L. Haker Petitioners/Appellants

Kenneth H. Masters, Esquire Counsel for Protestants

David and Karen Humes Protestants
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

APPEAL

Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 130' W of the c/l of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

- ✓ Petition(s) for Special Hearing and Zoning Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Director of Planning & Zoning Comments (Included with ZAC Comments)

- Petitioner's Exhibits:
1. Plat to accompany Petition ✓
 2. Description of Property ✓
 3. Contract of Sale ✓
 4. Assessments Inquiry ✓
 5. Tax MAP ✓
 6. Assessment Summary ✓
 - 7A - 7C - Photographs ✓
 8. Letter from Mr. James Haker ✓
 9. Letter from James Dyer/John Alexander ✓
 10. 1945 Zoning Regulations ✓
 11. 1955 Zoning Regulations ✓
- Protestant's Exhibits:
1. Chain of Title ✓
 2. - 8. - Deeds ✓
 9. Letter from David Humes ✓
 10. Drawing of lots ✓
 11. Petition in Opposition ✓

- ✓ Deputy Zoning Commissioner's Order dated August 13, 1992 (Denied in part; Dismissed in part)
- ✓ Notice of Appeal received September 11, 1992 from Francis X. Borgerding, Jr.

Baltimore County Board of Appeals
September 15, 1992
Page 2

Central appearance 10/6/92 Counsel for Mr. & Mrs. Humes/Protestants
Kenneth H. Masters, Esquire - 1002 Frederick Rd. 21228
cc: Mr. & Mrs. James L. Haker, 16453 Frederick Road, Woodlawn MD 21297
Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi
409 Washington Avenue, Suite 600 - Towson, Maryland 21204
Paul Lee - 304 W. Pennsylvania Avenue, Towson, Maryland 21204
Karen A. Humes - 216 Newburg Avenue Baltimore, MD 21228
Kenneth Masters, Esquire - 1002 Frederick Road Baltimore, MD 21228
People's Counsel of Baltimore County will not attend
Rm. 304, County Office Bldg., Towson, Md. 21204 *meeting per S.H. 8/13/93*
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

COPY OF OPINION/ORDER TO:
Frederick G. Timmel
410 Forest Lane
Catonsville, MD 21228

Page 2 - James L. Haker, et ux

9/08/93 - Postponement to be GRANTED as requested by Counsel for Petitioner/Appellant; letter from Chairman Hackett to accompany Notice of PP and Reassignment indicating that any further conflict with the new assignment date are to be resolved prior to date of hearing; case rescheduled to Thursday, October 28, 1993 at 10:00 a.m.

10/29/92 - Following parties notified of hearing set for January 14, 1993 at 10:00 a.m.:

Francis X. Borgerding, Jr., Esquire
Mr. and Mrs. James L. Haker
Kenneth H. Masters, Esquire
Ms. Karen A. Humes
Mr. Paul Lee
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

- 11/09/92 - Ltr from Kenneth Masters, Counsel for Mr. & Mrs. Humes, requesting POSTPONEMENT of above matter until after April 22, 1993, citing legislative privilege /Mr. Masters is member of General Assembly.
- 11/12/92 - Above parties notified of POSTPONEMENT AND REASSIGNMENT to April 27, 1993 at 10:00 a.m. at the request of Counsel for Protestants citing legislative privilege.
- 3/24/93 - Notice of POSTPONEMENT & Reassignment sent to above parties; postponed to Wednesday, June 9, 1993 at 10:00 a.m.
- 4/29/93 - Ltr dtd 4/28/93 from Kenneth Masters, Esquire, requesting postponement from June 9 hearing date; will begin a jury trial that date in Circuit Court/ Baltimore City.
- 5/04/93 - Postponement granted; notices sent to all parties; matter reset to Wednesday, August 18, 1993 at 10:00 a.m.
- 8/04/93 - Ltr from F. Borgerding, Jr., Esquire requesting PP; client to be out of town on assigned hearing date.
- 8/05/93 - Notice of PP and Reassignment sent to above parties; postponement GRANTED; case to be heard on Wednesday, September 15, 1993 at 10:00 a.m.
- 8/12/93 - Ltr from K. Masters, Esq. -- scheduled to appear in Baltimore City Court on morning of 9/15/93; however, could be available for afternoon hearing before the Board. Conference call w Frank Borgerding -- agreed to reassignment of time from 10:00 a.m. to 1:00 p.m. 08/15/93.
- 8/13/93 - Notice of Reassignment sent to all parties; matter reassigned to 1:00 p.m. on September 15, 1993; date of hearing to remain unchanged. Received letter of confirmation from K. Masters, Esq. this date.
- 9/02/93 - Ltr from Frank Borgerding - Clients unavailable on assigned date of 9/15/93; requests postponement.
- 9/08/93 - Ltr from Kenneth Masters -- objecting to postponement request; but asking that should it be granted, Counsel be consulted to arrive at firm date.



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 47, Courthouse
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
887-2824-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

July 31, 1992

The Honorable
Lawrence E. Schmidt
Zoning Commissioner
Room 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: James J. Haker, Petitioner
Zoning Case No. 92-97-SPHA

Dear Commissioner Schmidt:

Irrespective of the facts that might demonstrate hardship or practical difficulty, it is the position of our office that a variance from the 6000 square feet is an impermissible density variance which, under Section 307, the Zoning Commissioner does not have the authority to grant.

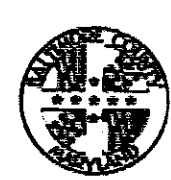
Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

ECF:sh

cc: Mr. and Mrs. James J. Haker

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 11, 1994

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 94-CV-02068
James L. Haker, et ux

Dear Mr. Borgerding:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on March 9, 1994 in the Circuit Court for Baltimore County from the majority decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. James L. Haker
Mr. Paul Lee
Ms. Karen A. Humes
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards
Docket Clerk /EADM
Arnold Jablon /EADM

RECEIVED
MAR 14 1994
ZADM

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE: December 2, 1996
TO: File
FROM: Catherine A. Milton
Planner I, Zoning Review
SUBJECT: Case #92-97-SPHA
415 Forest Lane

CAM

This office was informed by Diane Iiter, OPCC, that the subject property was down-zoned to D.R.-2. This property was granted a variance to lot size by a Circuit Court Order dated 10/27/94. Since the lot size that was variances was 8,000 square feet (D.R.-5.5) and as of today's date the property is now zoned D.R.-2, and since no permits have been applied for or acted upon, the property would need undersized lot approval for D.R.-2 area and setbacks prior to a building permit being able to be issued.

CAM:scj

LAW OFFICES

MCFARLAND, WEINKAM & MASTERS
1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228 - 5029

October 18, 1991

Arnold Jablon, Esquire
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Case No.: 92-97-SPHA
N/S Forest Lane, 130' W of
C/I Newburg Avenue
415 Forest Lane
1st Election District
1st Councilmanic
Petitioners: James J. Haker, et ux.

Dear Mr. Jablon:

Kindly enter my appearance on behalf of Mr. and Mrs. David G. Humes of 216 Newburg Avenue, Catonsville, Maryland. Protestants.

Please advise me of the new hearing date.

Very truly yours,

Kenneth H. Masters
Kenneth H. Masters

KHM:jfm

cc: Mr. and Mrs. David Humes
S. Eric Dinenna, Esquire

RECEIVED
OCT 22 1991
ZONING OFFICE

LAW OFFICES
MCFARLAND, WEINKAM & MASTERS

1002 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND
LOUIS J. WEINKAM, SR., P.C.
KONNETH H. MASTERS

TELEPHONE
AREA CODE 410
788 - 2800
744 - 3800
FAX 744-0420

October 5, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Petition for Special Hearing and Zoning Variance
N/S of Forest Lane, 150' W of the C/I of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No.: 92-97-SPHA

Dear Board:

Kindly enter my appearance on behalf of the Protestants, David and Karen Humes, who reside at 216 Newburg Avenue, Catonsville, Maryland 21228, and whose property adjoins the subject parcel.

Please advise me of the hearing date.

Very truly yours,

Kenneth H. Masters
Kenneth H. Masters

KHM:jfm

cc: Mr. and Mrs. David Humes
Francis X. Borgending, Jr., Esquire

11-11-92 9-12026
COUNTY BOARD OF APPEALS

504 Forest Lane
Catonsville, MD
August 11, 1993

County Board of Appeals of Balto. Co.
Old Courthouse, Room 49
400 Washington Ave.
Towson, MD 21204

RE: CASE 92-97SPHA

It has come to our attention that the owner of a small lot on my street (415 Forest Lane) is requesting the Board to grant a variance of the zoning regulation in order to sell an undersize lot as a buildable lot.

We oppose any variances given to this property. To try to squeeze a home on this lot would be to the detriment of this long established neighborhood.

Our zoning regulations were adopted to avoid this kind of problem and it should not be changed in order for an absentee owner to make a few extra dollars,

Very Truly Yours

William Michelle Reed
William Michelle Reed

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COUNTY BOARD OF APPEALS
93 AUG 18 AM 11:16

9-15-93

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COUNTY BOARD OF APPEALS
93 AUG 19 AM 11:01

210 Newburg Avenue
Catonsville, MD 21228
August 11, 1993

County Board of Appeal of Baltimore County
Old Courthouse Room 49
400 Washington Avenue
Towson, MD 21204

Gentlemen:

We are writing to request that a variance of the zoning regulations be denied at 415 Forest Lane (behind 216 Newburg Avenue, Catonsville). The present lot size is less than the 6000 square foot minimum size for a house in this area, and would not be consistent with the quality of the surrounding homes.

Therefore, we ask that their petition be denied. We thank you in advance for your consideration.

Sincerely,

John B. MacKay
John B. MacKay
Maude MacKay

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 18 PM 12:22

County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case Number 92-97-SPHA

Dear Sirs:

We are writing to express our opposition to the granting of variances and a Special Hearing which would permit a home to be constructed on the vacant lot known as 415 Forest Lane in Catonsville, MD. We own property that is immediately adjacent to the subject lot and are especially concerned about the development of our property and loss of privacy that will inevitably ensue if construction is permitted on this site. The owners of this lot have failed to maintain their property and have refused to discuss their plans with community members despite the fact that they lived at 216 Newburg Avenue, after they had sold their home on Newburg Avenue and moved out of the community. It seems evident that they know exactly what everyone else in the neighborhood does, and that is that a home on that lot will serve only to diminish the quality of life and the value of the homes in the surrounding area. It is clear that they do not have the best interest of the neighborhood in mind.

A major factor in our decision to live in this area was that the developers provided ample living space for all homeowners. Development on this lot will create a home that is almost completely lacking in open space. All of the homes on the same side of the street as the subject lot share a front setback of 25 feet and the homes opposite the lot set back 50 feet. The requested variance would allow a home to be constructed only 20 feet from the street. Because the lot's long dimension is parallel to the street and to build to within 20 feet of the rear lot line where the zoning regulations require 30 feet. A survey of the surrounding properties reveals that most homes have back yards of at least 50 feet. It is not possible to build a home on that lot which will be evenly remotely consistent with the surrounding homes.

The owners of the lot stated in the hearing held last July that they relied on the tax records for the dimensions of the lot. Although the tax records are unfortunately incorrect, the owners had the opportunity to correct property. Because they did not take the proper care to examine their deed and obtain a decision from the zoning commission prior to selling their adjoining property to us, is not reason to grant a variance. The neighborhood what are rightfully their consequences.

Thank you for your consideration.

Sincerely,

David B. Humes
David B. Humes
Karen G. Humes
Karen G. Humes



21 June 1992

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
113 W. Chesapeake Avenue
Room 123
Towson, Md. 21204

RE: Case number 92-97SPHA, proposed development of vacant lot at 415 Forest Lane

Dear Mr. Schmidt:

With regards to the above zoning case 92-97SPHA, the South Rolling Road Community Association wishes to register our vehement opposition to the grant of the requested variances. To permit construction on this undersized lot with the requested setbacks would set a dangerous precedent which could lead to the destruction of this community as we know it. The proposed residence is clearly inappropriate in the context of the surrounding neighborhood, and inconsistent with the spirit and intent of the Baltimore County Zoning regulations for this area.

Further details are discussed in the attached document prepared by one of the adjacent property owners, Mr. David Humes.

We ask that the requested variances be rejected; and we request further that you determine that Section 304.C DOES apply to this undersized lot.

Sincerely yours,

Norman R. Schmuff
Norman R. Schmuff, President
9 Forest Dr.
Catonsville, MD 21228-5028

CC: Mr. David Humes
Mr. K.H. Masters

RECEIVED
JUN 18 1992
ZONING OFFICE

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG 11 PM 12:16

409 Forest Lane
Catonsville, MD 21228
August 9, 1993

County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case Number 92-97-SPHA

Dear Sirs:

We are writing to express our deepest concern over the possibility of a home being constructed on the vacant lot known as 415 Forest Lane, which adjoins our property at 409 Forest Lane. We have lived at this location for 23 years and have enjoyed the openness of the neighborhood and the privacy afforded by ample open space being provided for each home. A home on this lot will disrupt this high quality standard which has always existed in this neighborhood, and will diminish the quality of life and the value of the surrounding homes. The development of this community has been shaped by reasonable guidelines in the form of the zoning regulations which have provided a quality of living we have all come to expect and enjoy. If a home is allowed on this lot it will always stand as a symbol of injustice, and of the greed and disregard of those who developed the property.

The requested variances would allow a home be positioned such that it is completely out of alignment with the existing homes. The zoning regulations exist in order to maintain consistency and reasonable density within neighborhoods and to protect homeowners from encroachments which would otherwise devalue their homes and diminish their quality of life. It would be a great miscarriage of justice if a single non-resident property owner were allowed to disrupt the quality of life for so many long time residents and former neighbors. We appeal to the zoning commission that you uphold those regulations with respect to this lot and disallow the requests for variance and Special Hearing.

Your consideration of our position is most appreciated.

Sincerely,

Nicholas M. Becco
Nicholas M. Becco
Lillian Becco
Lillian Becco

410 Forest Lane
Catonsville, MD, 21228
22 April, 1992

Baltimore Co. Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Ave.
Towson, MD 21204

Ref: Case No. 92-97-SPHA for vacant lot at 415 Forest Lane, 21228.

As owner-residents on Forest Lane for the past 29 years, we would like to express our deep concern regarding the referenced case, and for the possibility that a house might be built on the small parcel of land known as 415 Forest Lane.

The lot as now configured is too small for any house that might be compatible with the existing neighborhood. As requested for the first scheduled hearing (21 Oct 1991) the front and rear set-backs would have placed the house completely out of line with the set-backs of adjacent homes on Forest Lane. The requested set-backs posted on the present notice (at this time "postponed") would leave room for a house of approximately ten feet in depth; some error must exist in the posting and/or your files in room 109.

Zoning regulations exist to protect homeowners from misuse of property, particularly in established residential areas. The granting of any variance for this lot would cause hardship for many long-time owner-residents in order to provide financial gain for only one non-resident property owner. We are therefore strongly opposed to the granting of any variance because of the adverse economic and aesthetic impact on this fine stable residential neighborhood.

We had planned to attend the previous two postponed hearings in Towson (Oct 91 and April 92). Since it now seems that the hearing will take place in early May it will conflict with a travel commitment that we can not reschedule. We want you to know that our absence does not reflect a lack of interest nor a lack of personal conviction about this matter.

Thank you for your consideration.

Sincerely,

Frederick G. Timmel
Frederick G. Timmel
Marjorie J. Timmel
Marjorie J. Timmel

RECEIVED
JUN 24 1992
ZONING OFFICE

RECEIVED
COUNTY BOARD OF APPEALS
93 AUG -5 AM 11:40

410 Forest Lane
Catonsville, MD, 21228
3 August 1993

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Ave.
Towson, MD 21204

Ref: Case No. 92-97-SPHA for vacant lot at 415 Forest Lane, 21228.

As owner-residents on Forest Lane for the past 30 years, we would like to express our deep concern regarding the referenced case, and for the possibility that a house might be built on the small parcel of land known as 415 Forest Lane.

The lot as now configured is too small for any house that might be compatible with the existing neighborhood. As discussed before the Deputy Zoning Commissioner on 31 July 1992, the front and rear set-backs would have placed the house completely out of line with the set-backs of adjacent homes on Forest Lane. The request also involved the use of a parcel of land with insufficient area to meet minimum zoning requirements; this would create crowding of houses inconsistent with existing homes.

Zoning regulations exist to protect homeowners from misuse of neighboring property, particularly in established residential areas. The granting of any variance for this lot would cause hardship and loss for many long-time owner-residents in order to provide financial gain for only one non-resident property owner. We are therefore strongly opposed to the granting of any variance because of the adverse economic and aesthetic impact on this fine stable residential neighborhood.

Thank you for your consideration.

Sincerely,

Frederick G. Timmel
Frederick G. Timmel
Marjorie J. Timmel
Marjorie J. Timmel

(410) 747-7049

410 Forest Lane
Catonsville, MD, 21228
6 Jan 1994

Balt. Co. Bd. of Appeals
Old Court House, Rm. 49
Towson, MD, 21204

Ref: Case # 92-97-SPHA

When the written ruling of the
Bd. of Appeals is issued, please
mail a copy to me. From our recent
phone conversation I understand that
you will be this, and that any
resident will have 30 days to
appeal. The appeal hearing was
held on 28 Oct. 1993.

Thank you,
Frederick G. Timmel

inmate

County Board of Appeals of Baltimore County
Old Courthouse Room # 49
400 Washington Avenue
Towson, Maryland 21204

To the Baltimore County Zoning Commission Board of Appeals
Reference Case Number 92-97-SPHA

Please place us on record as opposing the granting of variances of the zoning
regulations to permit a home to be built on the vacant lot at 415 Forest Lane
in back of 216 Newburg Avenue.

The lot is under size to allow the construction of a house with space and front
footage to be consistent with neighboring homes. All the previous builders of
homes on Forest Lane have honored the zoning requirements.

Our home, which we helped to build and have lived in since 1953, is situated
directly opposite the lot in question and is 55 feet from the street. We are
concerned that the owners of the lot have neglected to care for the trees,
shrubbery and grass thus showing some disregard for their neighbors. We believe
that were the requested variances permitted construction of a house on such a
small lot would be another indication of disregard for the people who live on
Forest Lane.

Furthermore, we believe that such construction would undoubtedly result in
lowering the value of our property and the property of others in the
neighborhood.

Respectfully,

John Donald Wagner
Helen M Wagner
J. Donald and Helen M. Wagner
Homeowners at 414 Forest Lane

RECEIVED
COUNTY BOARD OF APPEALS
30 JUL 30 AM 11:54

414 Forest Lane
Catonsville, Maryland 21228
July 28, 1993

CASE # 92-97-SPHA
BALTIMORE CO. ZONING COMM.
OFFICE OF PLANNING & ZONING
TOWSON, MD, 21204

GENTLEMEN,

My property is directly
opposite the Baker's Lot. The variances
as requested in this case (92-97-SPHA)
is detrimental to the plan & value of
neighboring properties. All homes
of Forest Lane have a set back on the
right side of Forest Lane is 35' and
50' on the left side. Our back yards
depth is 150' from our homes. I
am therefore asking that these
variances be rejected.

Very Truly Yours

J. Donald Wagner
Helen M. Wagner

RECEIVED
ZONING OFFICE

MICROFILMED

218 Newburg Avenue
Catonsville, Maryland 21228
July 27, 1993

County Board of Appeals of Baltimore County
Old Courthouse Room # 49
400 Washington Avenue
Towson, Maryland 21204

To the Baltimore County Zoning Commission Board of Appeals
Reference Case Number 92-97-SPHA
From Thomas R. and Mary R. Lawrence - homeowners at 218 Newburg Avenue

We are writing to express opposition to granting variances of the zoning
regulations which would permit a home to be constructed on the vacant lot
behind 216 Newburg Avenue in Catonsville, Maryland. The lot faces Forest
Lane. Our position remains the same as at the previous hearing last summer.
The reasons are as follows:

1. The small size of the lot does not allow for a house to be constructed
that would be consistent with existing houses on Forest Lane. The
zoning regulations are intended to protect other homeowners from such
inconsistencies.
2. We are concerned for the quality of living in a house which would be so
obviously inconsistent with others on the street, not only for the family
that would be the owner of such house, but for the neighboring families
as well. Two of the desirable features of living in this community are
adequate space surrounding the house and a comfortable distance from the
busy street. Both would be lost if a building were allowed on this small
lot.
3. We have lived at 218 Newburg Avenue on the corner of Forest Lane since 1951
(the house and property were owned by Mrs. Lawrence's parents since 1937) and
we have watched all the other houses on Forest Lane being built by people
who took care to preserve the integrity of the neighborhood in regard to
front footage and lot size. There are four lovely brick homes 55 feet from
the street directly across from the lot in question. We hope to see this
integrity continue. The rear side of our property is across from a portion
of said lot.
4. We believe construction of a house on this site would affect, adversely,
the value of our home and the homes of our neighbors.

Respectfully,

Thomas R. Lawrence
Mary R. Lawrence
Thomas R. and Mary R. Lawrence
Homeowners at 218 Newburg Avenue

RECEIVED
COUNTY BOARD OF APPEALS
30 JUL 30 AM 11:54

218 Newburg Avenue
Catonsville, Maryland 21228
October 27, 1993

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

Dear Commissioner,

We are writing to express our opinion on case number 92-97-SPHA which
will be heard on Monday, October 27, 1993 at 4 p.m. It is not possible for
us to attend the hearing.

As we understand it the owners of the vacant lot at 415 Forest Lane are
seeking a variance of the zoning regulations in order to construct a house
at the site. We strongly oppose the granting of such a variance for the
following reasons:

1. The property is too small for a desirable size house.
2. If the variance is granted the building would be 11' off
set from the street. Other homes on Forest Lane are at
least 35 feet from the street. To us this seems inappropriate
and undesirable for the neighborhood.
3. The site area that it would be possible to construct would
be inconsistent with the existing homes in the area.

Thank you for your consideration in this matter.

Yours truly,
Thomas R. Lawrence
Mary R. Lawrence
Thomas R. and Mary R. Lawrence

RECEIVED
OCT 17 1993
ZONING OFFICE

RECEIVED
OCT 28 1993
ZADM

8645-93
93

11/1/93

The owner of the
Baltimore County Government
Office of Planning & Zoning
is requesting a variance of
the zoning regulations for
the property at 415 Forest Lane.

My name is

In regard to Case Number: 92-97 SPHA
Petitioner: James J. Hahn, et al
Location: 415 Forest Lane

The Lawrence & 2 Row sister property that is
opposite the vacant lot at 415 Forest Lane is not of
adequate size for a house to be built there. We are
opposed to the granting of the variance as it is
planned to be built on the lot of the petitioner &
sister and of course the lot is not of adequate size
for the house to be built there. Perhaps the petitioner
is not sure of the facts. Perhaps the petitioner
is not sure of the facts.

Yours truly
Mary R. Lawrence

5.8 Trucking Avenue
Catonsville, MD 21228

RECEIVED
OCT 10 1993
ZONING OFFICE

MICROFILMED

JAMES B. CULP
403 FOREST LANE
BALTIMORE, MARYLAND 21228

AUGUST 3, 1993

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
REF. CASE NO. 92-97-SPHA

GENTLEMEN,

PLEASE BE ADVISED THAT THE UNDERSIGNED PERSONS
ARE SERIOUSLY PROTESTING THE CONSTRUCTION OF A
BUILDING ON THE UNDESIRABLE LOT AT 415 FOREST LANE,
BEHIND 216 NEWBURG.

THE PROPOSED BUILDING WOULD BE LOCATED ONLY 20 FEET
FROM THE STREET. THIS IS 15 FEET CLOSER THAN ANY
OTHER BUILDING IN THE BLOCK. THE REAR YARD DEPTH
WOULD BE ONLY 20 FEET WHILE THE EXISTING DEPTH IS 50 FEET.

THESE FEATURES WOULD GREATLY DEVALUE ALL OTHER
PROPERTIES IN THE BLOCK. WE ARE GREATLY CON-
CERNED ABOUT THE EFFECTS SINCE MOST OF THE RESIDENTS
IN THE BLOCK ARE RETIRED SENIOR CITIZENS.

ALL OF US WISH TO RETAIN THE HIGH QUALITY
NEIGHBORHOOD WHICH WE HAVE ENJOYED FOR 40 YEARS.

WE SINCERELY HOPE THAT YOU WILL DECIDE IN OUR
FAVOR AND DENY THE UNDERSIGNED APPEAL ALLOWING US
TO CONTINUE LIVING IN A HIGH QUALITY AREA.

Sincerely,

James B. Culp
James B. Culp, Sr.
Norma E. Culp
Norma E. Culp

CS 111WA 9- 80V 66

RECEIVED
OCT 28 1993

HALER 92-97-SPHA 9/13/93

To Hearing Officer.

Petitioner submits tax records showing property dimensions as 64' x 100' = 7040 (from 1981) when in fact at time of building permit lot was discovered to be 64' x (64.33') x 96' = 5,790 # (12.33' short of required 6,000 #).

1990 Tax maps indicate the parcel as 101-13-476 as shown on petition submitted copy of the lot information.

Let the map used for location survey diagram show parcel numbers indicated.

Larry Burk

microfilm

for

9/26/93 - Can't find anything
9/31/93 - "
9/24/93 - "
10/14/93 - "

7223-93
8 in case a Don't do?

Neighbors of Mr. and Mrs. Donald Pulliam, Catonsville, Maryland, 21228, endorse the Mr. and Mrs. Pulliam. We also protest the proposed house on the lot created by the property of 141 Newburg Avenue, Catonsville,

217 Sanford Ave.
Catonsville, Md. 21228
212 Sanford Ave.
213 Sanford Ave.
210 Sanford Ave.
210 Sanford Ave.

Mr. Arnold Jablon,

These are additional signature's that we're not on the previous letter mailed to you. These neighbor's we're away at that time. These signature's reflect 99 % of the neighborhood.

Keith C. Pouch
Nellie J. Jost
James E. Schott
195 Newburg Ave.
195 Newburg Ave.

We sincerely hope that you will consider our protest also before making your decision on this matter.

RECEIVED
AUG 24 1993

ZADM

92-97-SPHA

PLEASE PRINT CLEARLY

PROTESTER(S) SIGN-IN SHEET

NAME ADDRESS
Arl Lee 304 W. Penna Ave.
John E. Hahn 16453 Piedmont Rd.
Jim Haver 16453 Piedmont Rd.
Wardell 21797

Case # 92-97-5 PH

31 July 1993

PROTESTER(S) SIGN-IN SHEET

NAME ADDRESS
Mrs. Karen A. Haver 216 Newburg Ave.
Mr. Fred G. Timmel 410 Forest Lane
Mrs. Marjorie J. Timmel 410 Forest Lane
Mr. M. J. Jost 408 Forest Lane
Alma H. Jost 407 Forest Lane 21228
Mr. Mary R. Lawrence 218 Newburg Ave.
Thomas R. Lawrence 218 Newburg Ave. 21228
Mr. Beverly L. Schley 212 Newburg Ave. 21228
Mr. James D. Jost 409 Forest Lane 21218
Mr. H. Jost 407 Forest Lane 21218

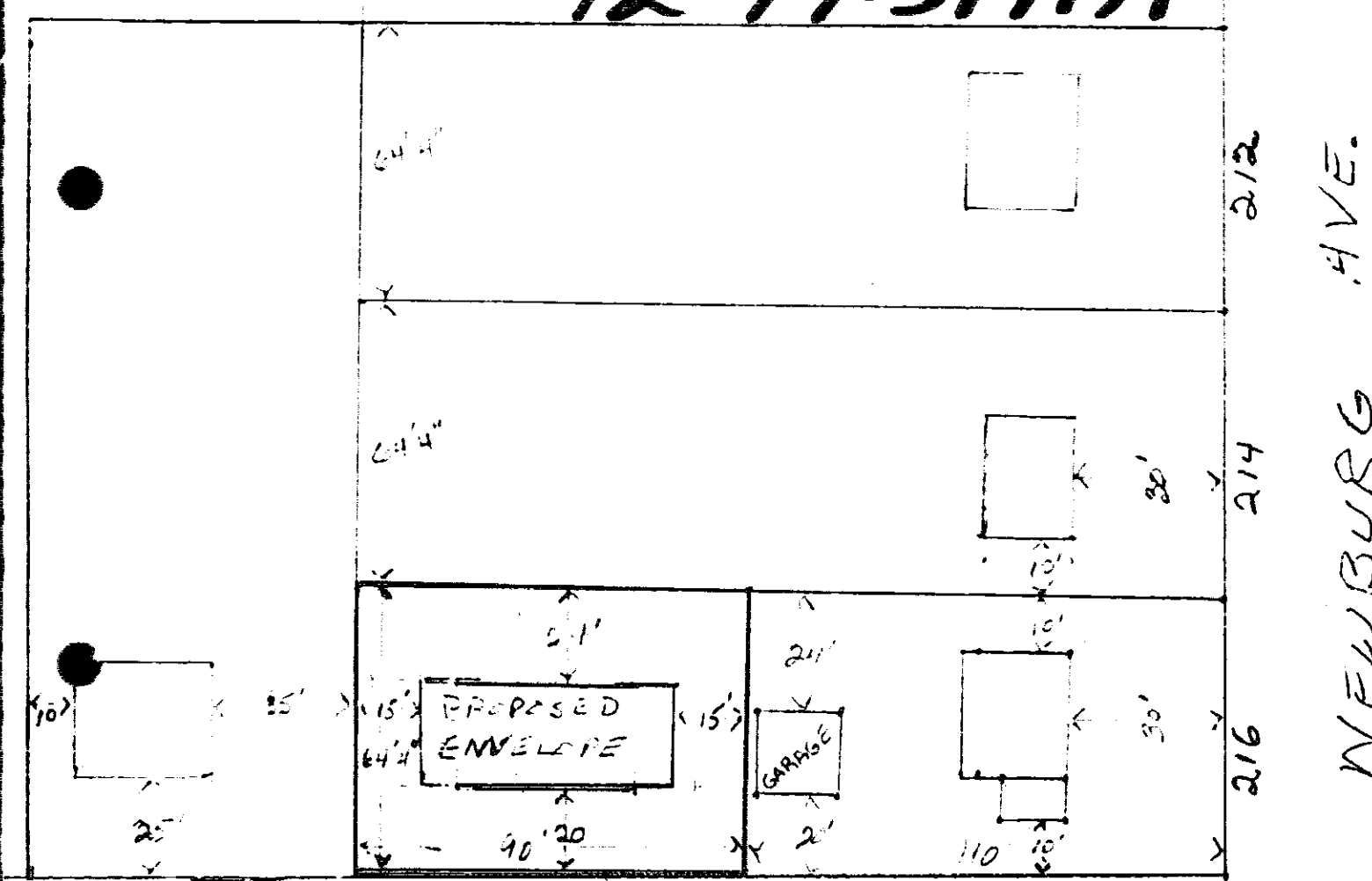
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 415 FOREST LANE see pages 5 & 6 of the CHECKLIST for additional required information.

Subdivision name: FOREST SPRING plat book # 101-13-476

OWNER: JAMES S. & FAYE E. HAVER

92-97-SPHA

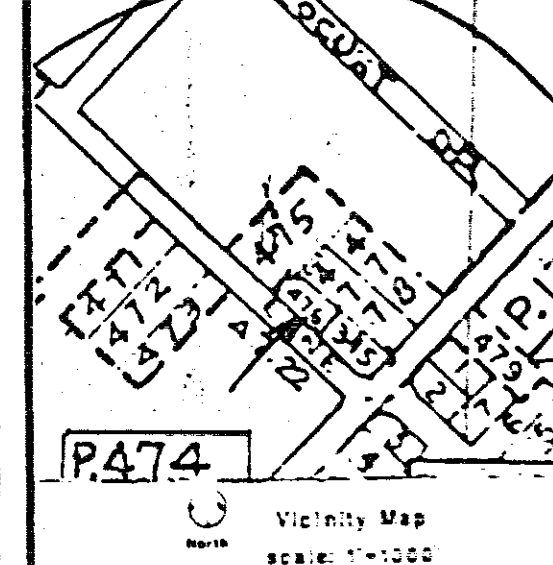


FOREST LANE

dated: 8-24-93

prepared by: J. HAVER

Scale of Drawing: 1" = 40'



LOCATION INFORMATION

Councilmanic District: 1st

Election District: FIRST

1"=200' scale map: SW 4-F

Zoning: DR-55

Lot size: 133 5790 square feet

acres

SEWER: ☒

WATER: ☒

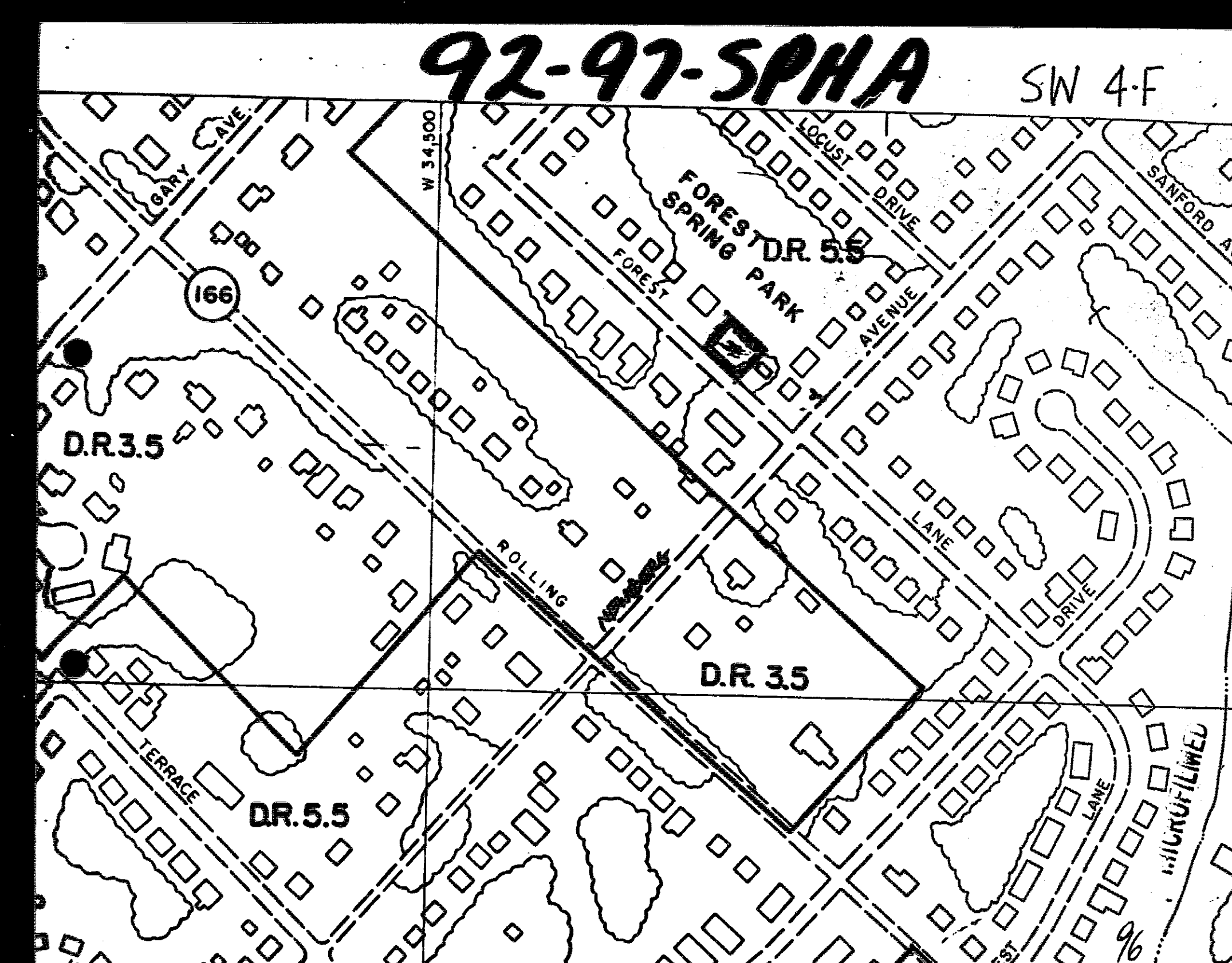
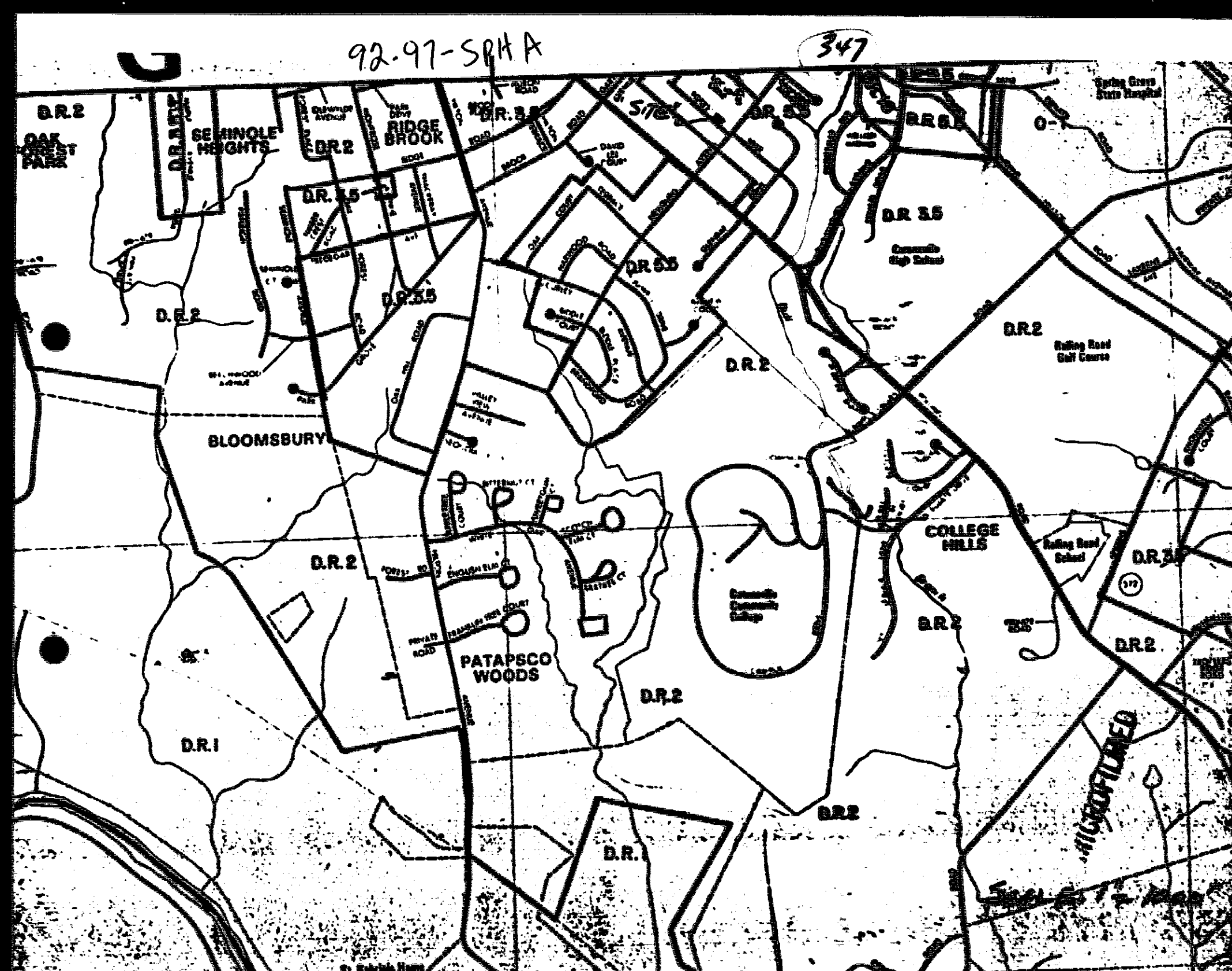
Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: ITEM #: CASE:

LG 96



BALTIMORE COUNTY ZONING REGULATIONS

ADOPTED BY
COUNTY COMMISSIONERS

OF
BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wesley H. Adams
Zoning Commissioner

UNP 5101

This Deed, Made this 18th day of June, 1970, in the year one thousand nine hundred and seventy, by and between

CHARLES WILSON LOVELL and LAURINE BRINK LOVELL, his wife, of the first part, Grantees, and JAMES J. HAKER and FAYE E. HAKER, his wife, of the second part, Grantors.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantees have hereby granted, conveyed and assign unto the said Grantees, as tenants by the entireties, their assigns, the survivors of them, his or her heirs and assigns, in fee simple, all that

lot of ground

which is the first Section District of Baltimore County, in the State of Maryland, and is to say:

Beginning for the same at a point on the north side of Forest Lane, said point also being located N 45° W - 135 feet from the center of Newburg Avenue; thence binding on the north side of Forest Lane (1) N 45° W - 90 feet, thence leaving said north side of Forest Lane (2) N 45° E - 64.4 feet, thence (3) S 45° E - 90 feet, and (4) S 45° W - 64.4 feet to the north side of Forest Lane and point of beginning.

Containing 0.133 Acre of land more or less,

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Baltimore, Maryland 21201
410-521-5341

DESCRIPTION

0.133 ACRE PARCEL

N. S. OF FOREST LANE, 135± W. OF NEWBURG AVENUE

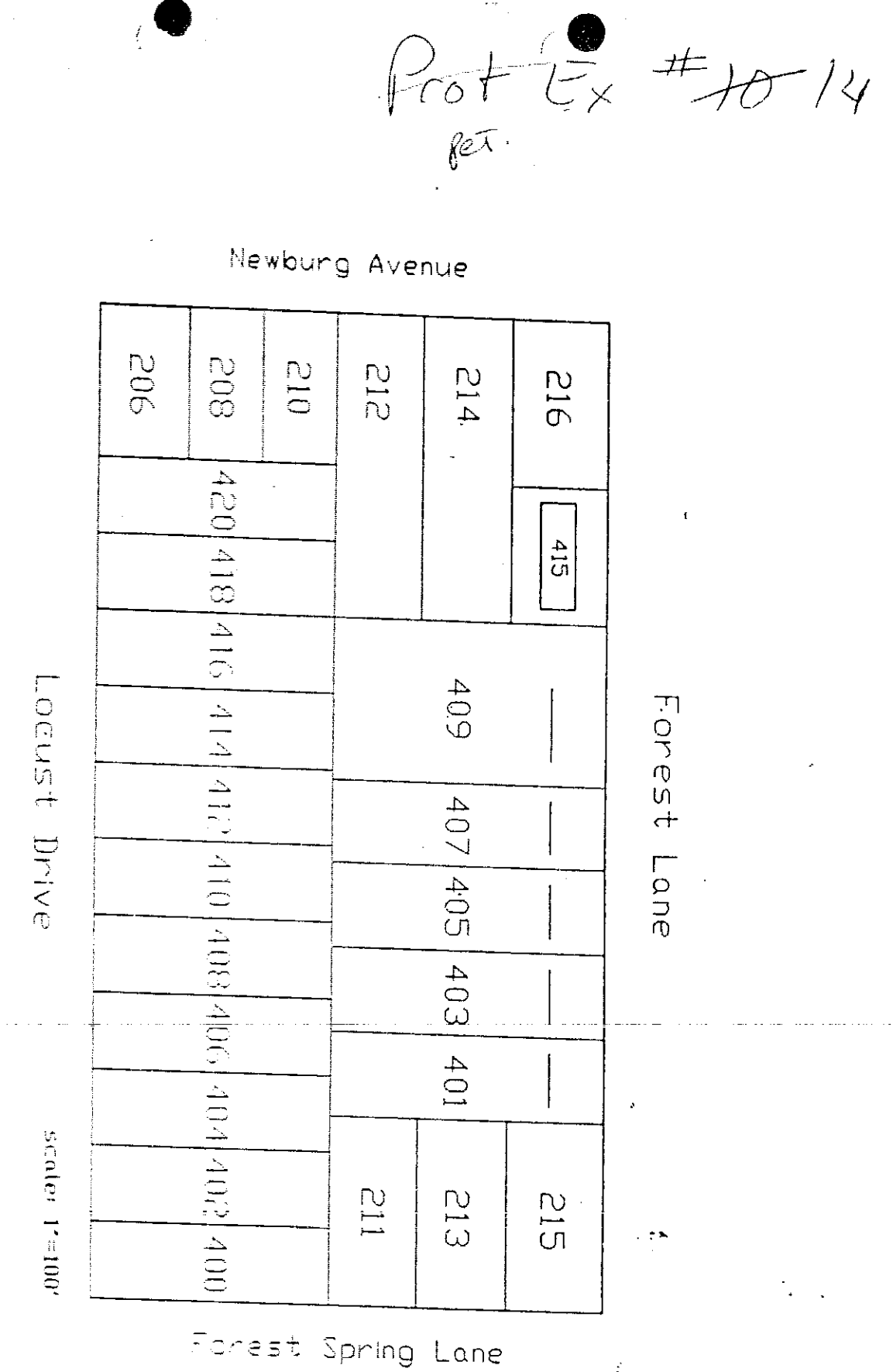
ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND

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Containing 0.133 Acre of land more or less,

J.O. 92-003
2-20-92

Engineers - Surveyors - Site Planners



CHAIN OF TITLE

Entire Parcel which now consists of 216 Newburg Avenue and 415 Forest Lane.

Liber 1059 Folio 339
Deed dated April 5, 1959
Harry and Alice Mengers, Grantors
Charles Wilson Lovell and Laurine Lovell, Grantees
(Entire Parcel)

216 Newburg Avenue
Liber 1562 Folio 381
Deed dated July 19, 1950
Charles Wilson Lovell and Laurine Lovell, Grantors
Edwin T. Johnson and Agnes A. Johnson, Grantees

Liber 3384 Folio 453
Deed dated July 14, 1958
Edwin T. Johnson and Agnes A. Johnson, Grantors
Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, Grantees

Liber 4138 Folio 422
Deed dated July 31, 1965
Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, Grantors
James White Findlay and Margaret Elizabeth Findlay, Grantees

Liber 4607 Folio 040
Deed dated October 18, 1966
James White Findlay and Margaret Elizabeth Findlay, Grantors
James J. Haker and Faye E. Haker, Grantees

415 Forest Lane
Liber 5101 Folio 488
Deed dated June 18, 1970
Charles Wilson Lovell and Laurine Lovell, Grantors
James J. Haker and Faye E. Haker, Grantees

Liber 7791 Folio 566
Deed dated February 3, 1988
James J. Haker and Faye E. Haker, Grantors
David G. Humes and Karen G. Humes, Grantees

Liber 1059

by Joseph Crosby et al. to Frederick C. Heiche

Also part of that parcel of land which by deed dated June 24th 1958 and recorded among the Land Records of Baltimore County in Liber J W B No 133 folio 129 etc was conveyed by Francis R. Wolfe Bachelor to Frederick C. Heiche

See also the following deeds to the within grantees 1-a deed from Lina W. Heiche underrated dated December 16 1955 and recorded among the Land Records of Baltimore County in Liber L M L No 210 folio 31 etc 2-a deed from Thomas H. Jantner underrated dated April 5 1959 and recorded among the Land Records of Baltimore County in Liber L M L No 207 folio 318 etc

Together with the buildings and improvements thereon erected made or being and all and every the rights appurtenant thereto and advantages to the same belonging or in anywise appertaining

To have and to hold the title of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights appurtenant thereto and advantages to the same belonging or in anywise appertaining unto and to the proper use and benefit of the said Frederick C. Heiche his heirs and assigns forever in fee simple

And the said Robert H. Heiche and Anne Mc Heiche his wife hereby covenant that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances of said property as may be requisite

Witness the hands and seals of said grantees

Robert H. Heiche (GRT.)
Anne Mc Heiche (GRT.)

State of Florida Dea. County to wit

I hereby certify that on this 28th day of March in the year one thousand nine hundred and thirty nine before me the subscriber a Notary Public of the State of Florida in and for Dale County Florida personally appeared Robert H. Heiche and Anne Mc Heiche the within grantees and they acknowledged the foregoing deed to be their act

As Witness my hand and Notarial seal

(Notarial seal) Jenie R. Malcher
Notary Public

Recorded Apr 13 1939 at 2:30 P.M. E.D. For C. William Brown Jr. Clerk

191123

This Deed Made this 5 day of April 1939 by and between

Harry Mengers and wife
Harry Mengers and Alice R. Mengers his wife of Baltimore County State of Maryland of the first part and Charles Wilson Lovell and Laurine Brink Lovell his wife of the second part

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Harry Mengers and Alice R. Mengers his wife do grant and convey unto the said Charles Wilson Lovell and Laurine Brink Lovell his wife their heirs and assigns in fee simple all that lot of ground situate lying and being in Baltimore County aforesaid and described as follows that is to say:

Beginning at a point on the north side of Newburg Avenue where said line is intersected by the northwesterly line of Forest Lane said point of beginning is distant

Liber 3384

This Deed, Made this fourteenth day of July, 1958, by and between Edwin T. Johnson and Agnes A. Johnson, his wife, of the first part, Grantors, and Frank W. Lichtenberg, Jr., and Barbara Jean Lichtenberg, his wife, of the second part, Grantees.

Witnesseth: that in consideration of the sum of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part have hereby granted, conveyed and assign unto the said parties of the second part, as tenants by the entireties, their assigns, the survivors of them, and the heirs and assigns of such survivor, all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the same at the corner formed by the intersection of the northeast side of Forest Lane, said point also being located N 45° W - 135 feet from the center of Newburg Avenue; thence binding on the north side of Forest Lane (1) N 45° W - 90 feet, thence leaving said north side of Forest Lane (2) N 45° E - 64.4 feet, thence (3) S 45° E - 90 feet, and (4) S 45° W - 64.4 feet to the north side of Forest Lane and point of beginning.

Containing 0.133 Acre of land more or less,

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Baltimore, Maryland 21201
410-521-5341

DESCRIPTION

0.133 ACRE PARCEL

N. S. OF FOREST LANE, 135± W. OF NEWBURG AVENUE

ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND

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J.O. 92-003
2-20-92

Engineers - Surveyors - Site Planners

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N. S. OF FOREST LANE, 135± W. OF NEWBURG AVENUE

ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Forest Lane, said point also being located N 45° W - 135 feet from the center of Newburg Avenue; thence binding on the north side of Forest Lane (1) N 45° W - 90 feet, thence leaving said north side of Forest Lane (2) N 45° E - 64.4 feet, thence (3) S 45° E - 90 feet, and (4) S 45° W - 64.4 feet to the north side of Forest Lane and point of beginning.

Containing 0.133 Acre of land more or less,

J.O. 92-003
2-20-92

Engineers - Surveyors - Site Planners

Liber 3384

This Deed, Made this fourteenth day of July, 1958, by and between Edwin T. Johnson and Agnes A. Johnson, his wife, of the first part, Grantors, and Frank W. Lichtenberg, Jr., and Barbara Jean Lichtenberg, his wife, of the second part, Grantees.

Witnesseth: that in consideration of the sum of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part have hereby granted, conveyed and assign unto the said parties of the second part, as tenants by the entireties, their assigns, the survivors of them, and the heirs and assigns of such survivor, all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

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Containing 0.133 Acre of land more or less,

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Baltimore, Maryland 21201
410-521-5341

DESCRIPTION

0.133 ACRE PARCEL

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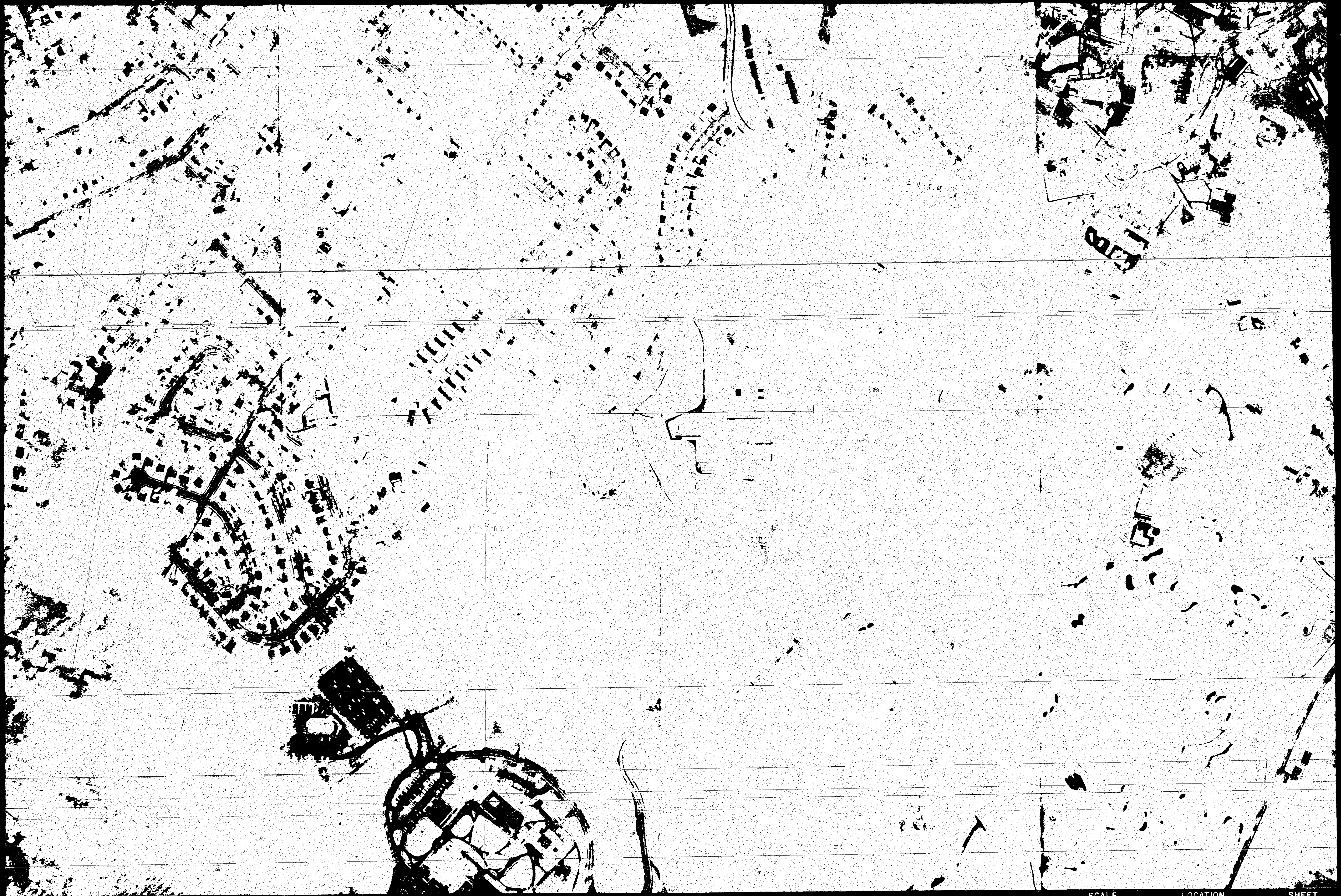
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Engineers - Surveyors - Site Planners



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY: AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 4-F
DATE OF PHOTOGRAPHY JANUARY 1986	92-97-SPHA	MICROFILMED

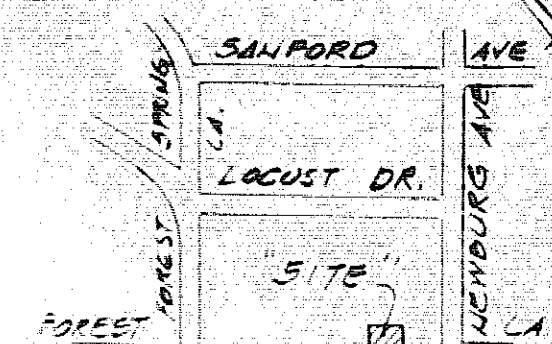
10

7 The above-entitled matter came on for hearing
8 before the County Board of Appeals of Baltimore County at
9 the Old Courthouse, Towson, Maryland 21204 at 10 o'clock
10 a.m., October 28, 1993.

15 APPEARANCES:

KENNETH H. MASTERS, Esquire
On behalf of Protestants

BOARD OF APPEALS



LOCATION PLAN
SCALE 1"=500'

1. AREA OF PROPERTY = 5.50 AC. (ACROSS 783.81')
2. EXISTING ZONING OF PROPERTY = "R.R.B."
3. EXISTING USE OF PROPERTY = RESIDENT
4. PROPOSED ZONING OF PROPERTY = "R.B.B."
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL"
6. EXISTING UTILITIES AVAILABLE TO SITE
7. SETBACKS REQUIRED AS A VARIANCE NECESSARY TO
SECTION 304 FROM SECTION 303(B)(3)(C) AND SECTION 303.
OF THE ZONING TEXT: 1. LOT AREA OF 5789.95 IN VIEW
OF THE REQUIRED 5000 SQ. FT. (4 OF 804 SF); AREA
NOTED OF 5014.5 IN THE TABULATED 30 (4148 OF 1011); AND
2. FRONT YARD SETBACK OF 15 FT. FROM THE CENTER OF THE
ROAD AND 10 FT. FROM THE PROPOSED SIDE DRIVEWAY SETBACK
OF 10 FT. WITH THE EXISTING 15 FT. SIDE OF PROPERTY AND
14.5 FT. OF SETBACK.

250-500 2-F-30 NO-500 70-0600
200-840 100-500 511

300-161, 1743-50, LOWELL TO GALLISON
ORIGINAL LOT SUBDIVIDED CREATING
110-644 LOT - 110-644 BLDG AVE.

5101-485 (4-870) 40.0-3-11-11-11

FILE TO ACCOMPANY PETITION
FOR

Ref Ex #1

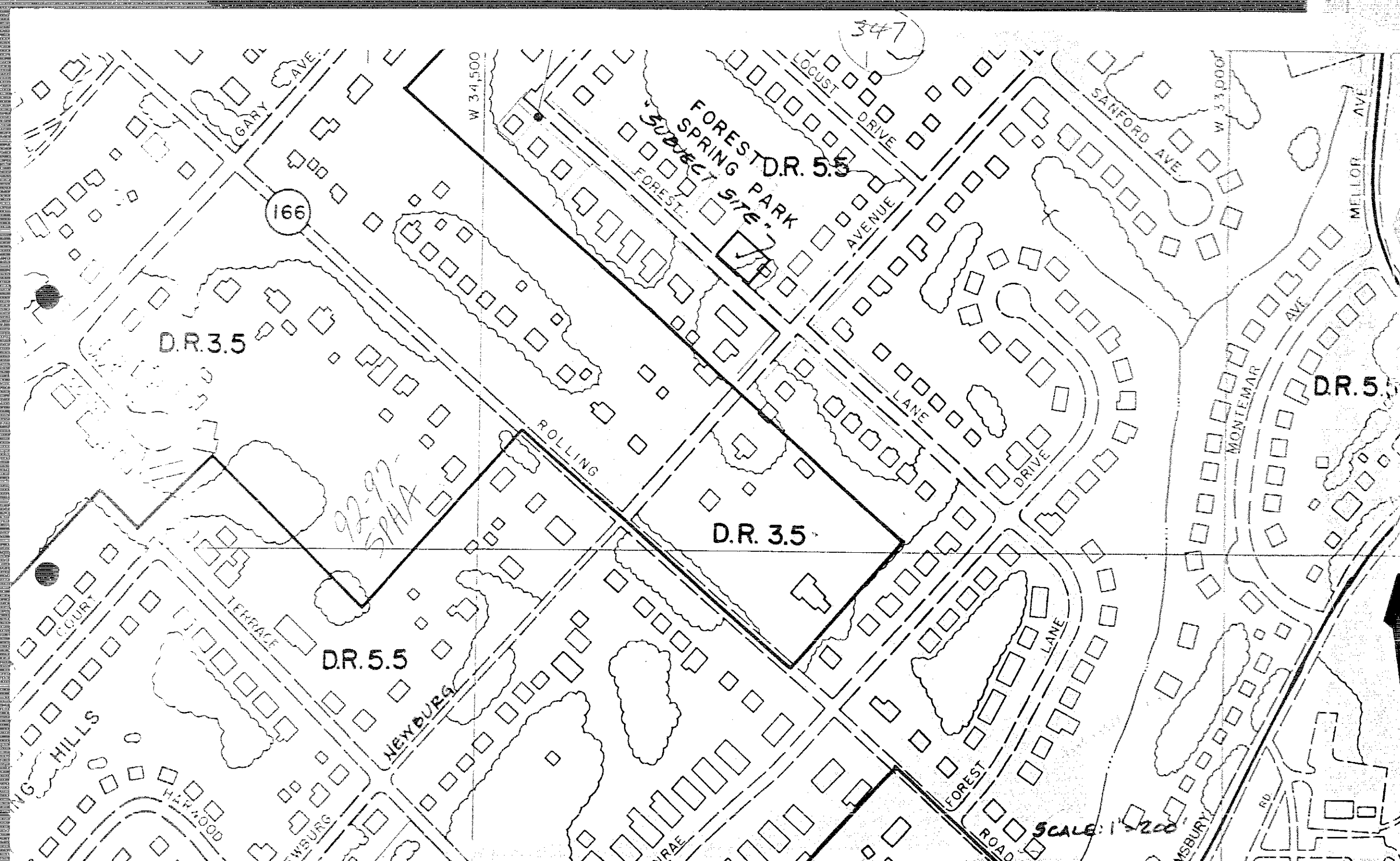
LINE FOREST LANE 110 W. HENRIE AVE.

BALTIMORE COUNTY, MD
FEB 20, 1992



PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE
TOWSON, MARYLAND 21204

Jo 92-003



Paul Lee P.E.

Paul Leo Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

0.133 ACRE PARCEL

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