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

Special Hearing and Variance on property RE:

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 VE	Order of the Cct wherein the decision of C.B. of A. was AFFIRMED (Hon. John O. Hennegan)

Form CA2

Sandra Sanidas - 887-2660

CIRCUIT COURT FOR BALTIMORE COUNTY

Kathy Rushton—887-2660

Jury Assignments—Civil

Civil Assignment Commissioner

Joyce Grimm — 887-3497

Director of Central Assignment

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue

P.O. Box 6754

Towson, Maryland, 21285-6754

Jan Dockman — 887-2661
Non-Jury Assignments — Civil

August 2, 1994

KENNETH H. MASTERS, ESQ.

FRANCIS X. BORGERDING, JR., ESQ.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

OFFICE OF LAW

RE: Non-Jury 94 CV 2068 - IN THE MATTER OF JAMES L. HAKER

X SEXTHEMENT CONFERENCE PASTX X X

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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

Wednesday, August 31, 1994, @ 9:30 a.m. CORRECTED NOTICE OF AGREED DATE

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/I'DD MD. RELAY SERVICE 1-800-735-2258.

94 AUG -5 PM 3: 49

Sandra Sanidas - 887-2660

CIRCUIT COURT FOR BALTIMORE COUNTY

Jury Assignments - Civil

Civil Assignment Commissioner

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
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Kathy Rushton - 887-2660

Non-Jury Assignments -- Civil

Joyce Grimm—887-3497

Director of Central Assignment

Jene 15, 1994

KNUMETT W. MASTRES. ESO.

TRANCIS Y. BORGERPING, Jr. ESO.

County Board of Apopeels of Salto, Co. P.F. Office of Law 400 Neshington Ave Towsee, Md 21204 94 JUN 20 PM 2:

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

REPRESIDENCE CONTRACTOR DATES

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All counsel and their clients <u>MUST</u> attend this Settlement Conference in <u>person</u>. All Insurance Representatives or, in domestic cases, a corroborating witness <u>MUST</u> attend this Settlement Conference in person. <u>Failure</u> of attendance in <u>person</u> 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: 1 day Thursday, asgust 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.

PETITION OF FREDERICK G. TIMMEL	*	IN THE
of 410 Forest Lane Catonsville, Maryland 21228	*	
FOR JUDICIAL REVIEW OF THE	*	CIRCUIT COURT
DECISION OF THE COUNTY BOARD OF APPEALS OF	*	· ·
BALTIMORE COUNTY Old Courthouse, Room 49	*	FOR
400 Washington Avenue Towson, Maryland 21204	*	FOR
IN THE CASE OF	*	BALTIMORE
IN THE MATTER OF THE APPLICATION OF JAMES L. HAKER, ET UX.	*	
FOR A SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTH	*	COUNTY
SIDE OF FOREST LANE, 130 FEET WEST OF THE CENTERLINE OF NEWBURG AVENUE	*	
(415 Forest Lane) 1st ELECTION DISTRICT	*	Civil Action
1st COUNCILMANIC DISTRICT	*	No.: 94-CV-02068/75/152
Case No.: 92-97-SPHA		

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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.

OUESTIONS 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, <u>arguendo</u>, 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, <u>arguendo</u>, 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 <u>or</u> 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 <u>or</u> 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 relef from both the area requirement and setback relief, contrary to the plain reading of subsection b. which expressly and unequivocably 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 aforegoing 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

 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 compiled 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, windstorm, 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 dwellings 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 erect- ed 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.)
 - 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.
 - 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;

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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.
	304.5 FINAL APPROVAL.
4. 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
	APPLICANT OF A DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION, OR HAS
11.	NOT NOTIFIED THE APPLICANT PURSUANT TO SUBSECTION 304.4 ABOVE OF THE INTENTION TO
12.	REQUIRE A PUBLIC HEARING. THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR
13.	
14.	PURPOSES OF THIS SECTION. 304.6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF ZONING
15.	ADMINISTRATION MAY BE APPEALED, IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY
_16.	THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.
17.	THE BOARD OF APPEALS WITHIN FURIT-FIVE VISCOUTH SHALL ESTABLISH APPROPRIATE 304.7 THE DIRECTOR OF ZONING ADMINISTRATION SHALL ESTABLISH APPROPRIATE
18.	304.7 THE DIRECTOR OF ZUNING ADMINISTRATION
19.	FEE SCHEDULES.
20.	SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect
21.	forty-five days after its enactment.

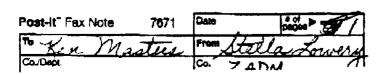
B04792/BILLS92

. 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. <u>DESIGN AMENDMENTS</u> : 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 REGEIPT OF THE
25.	REQUEST FOR PUBLIC HEARING: THE OFFICE OF SONING ADMINISTRATION SHALL BETABLISH

26.

APPROPRIATE FEE SCHEDULES:

- [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
- [That] all other requirements of the height and area regulations 8. are complied with; and 9...
- c. [That] the owner of the lot does not own sufficient adjoining 10. land to conform {substantially} to the width and area requirements CONTAINED IN 11. THESE REGULATIONS. 12.
 - 304.2.(A) ANY PERSON DESIRING TO ERECT A DWELLING PURSUANT TO TRE 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 23. ABOVE, THE DIRECTOR OF ZONING ADMINISTRATION SHALL REQUEST COMMENTS FROM THE 24. DIRECTOR OF THE OFFICE OF PLANNING AND ZONING (THE DIRECTOR). WITHIN FIFTEEN 25. (15) DAYS OF RECEIPT OF A REQUEST FROM THE DIRECTOR OF ZONING ADMINISTRATION, THE 26. DIRECTOR SHALL PROVIDE TO THE OFFICE OF ZONING ADMINISTRATION WRITTEN 27. RECOMMENDATIONS CONCERNING THE APPLICATION WITH REGARD TO THE FOLLOWING: 28.



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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 compiled 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, windstorm, 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 dwellings 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

-cmtelaz

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] indica Strike out indicate Underlining indicate Control of the Contro

Poet to		
Post-It" Fax Note	7671	Date
Ken Ma	-	# 01
Corpor Ma	aus	From Stella 9
Phone #		ICo.

1.

- 2. 304.1 A one-family DETACHED OR SEMI-DETACHED dwelling may be erected on a
 3. lot having an area or width at the building line less than that required by the
 4. {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 regulationsare complied with; and
- 10. c. {That} the owner of the lot does not own sufficient adjoining

 11. land to conform {substantially} to the width and area requirements CONTAINED IN

 12. THESE REGULATIONS.
- 304.2.(A) ANY PERSON DESIRING TO ERECT A DWELLING PURSUANT TO THE 13. PROVISIONS OF THIS SECTION SHALL FILE WITH THE OFFICE OF ZONING ADMINISTRATION, 14. AT THE TIME OF APPLICATION FOR A BUILDING PERMIT, PLANS SUFFICIENT TO ALLOW THE 15. OFFICE OF PLANNING AND ZONING TO PREPARE RECOMMENDATIONS IN ACCORDANCE WITH THE 16. GUIDELINES PROVIDED IN SUBSECTION (B) BELOW. ELEVATION DRAWINGS MAY BE REQUIRED 17. IN ADDITION TO PLANS AND DRAWINGS OTHERWISE REQUIRED TO BE SUBMITTED AS PART OF 18. THE APPLICATION FOR A BUILDING PERMIT. PHOTOGRAPHS REPRESENTATIVE OF THE 19. NEIGHBORHOOD WHERE THE LOT OR TRACT IS SITUATED MAY BE REQUIRED BY THE OFFICE OF 20. PLANNING AND ZONING IN ORDER TO DETERMINE APPROPRIATENESS OF THE PROPOSED NEW 21. BUILDING IN RELATION TO EXISTING STRUCTURES IN THE NEIGHBORHOOD. 22.
- 23. (B) AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT, AS PROVIDED

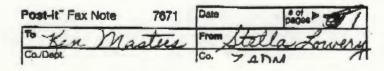
 24. ABOVE, THE DIRECTOR OF ZONING ADMINISTRATION SHALL REQUEST COMMENTS FROM THE

 25. DIRECTOR OF THE OFFICE OF PLANNING AND ZONING (THE DIRECTOR). WITHIN FIFTEEN

 26. (15) DAYS OF RECEIPT OF A REQUEST FROM THE DIRECTOR OF ZONING ADMINISTRATION, THE

 27. DIRECTOR SHALL PROVIDE TO THE OFFICE OF ZONING ADMINISTRATION WRITTEN

 28. RECOMMENDATIONS CONCERNING THE APPLICATION WITH REGARD TO THE FOLLOWING:





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 REGEIPT OF THE
25.	REQUEST FOR PUBLIC HEARING. THE OFFICE OF BONING ADMINISTRATION SHALL BETABLISH
26.	APPROPRIATE FEE SCHEDULES:

394-4 FINAL APPROVAL-

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	(A) IF NO WRITTEN REQUEST FOR A PUBLIC HEARING IS FILED, THE	•
DIRECTOR OF	SONING ADMINISTRATION MAY ISSUE THE BUILDING PERMIT, IN ASSORE	ANGE
WITH SECTIO	394-2-8- THE BEGISSON OF THE BIRECTOR OF BONING ADMINISTRATI	ON MAY
BE APPEALED	IN WHICH GASE THE HEARING SHALL BE SCHEDULED BY THE BOARD OF	APPEALS
WITHIN FORT	F-FIVE (45) BAYS FROM REGEIPT OF THE REQUEST:	

- WITHSTANDING ANY PROVISION HEREIN TO THE GONTRARY, THE DIRECTOR OF ZONING

 ADMINISTRATION HAY REQUIRE A PUBLIC HEARING BEFORE THE ZONING GOMMISSIONER 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 AGGEPTANCE OF THE APPLICATION OF THE DIRECTOR'S INTENTION TO REQUIRE A PUBLIC
 HEARING. THE PUBLIC HEARING SHALL BE SCHEDULED BEFORE THE ZONING GOMMISSIONER.
 WITHIN THIRTY (30) DAYS OF THE DIRECTOR OF ZONING ADMINISTRATION'S NOTIFICATION
 TO THE APPLICANT.
- (6) IF A WRITTEN REQUEST FOR A PUBLIC HEARING IS NOT FILED; AND IF
 THE OFFICE OF SONING 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 GONSIDERED 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 COMMISSIONED
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
.3.	REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE CONSIDERED APPROPRIATE FOR
4.	PURPOSES OF THIS SECTION.
.5.	304.6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF ZONING
6.	ADMINISTRATION MAY BE APPEALED. IN WHICH CASE THE HEARING SHALL BE SCHEDULED BY
7.	THE BOARD OF APPEALS WITHIN FORTY-FIVE (45) DAYS FROM RECEIPT OF THE REQUEST.
8.	304.7 THE DIRECTOR OF ZONING ADMINISTRATION SHALL ESTABLISH APPROPRIATE
9.	FEE SCHEDULES.
.0.	SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect

B04792/BILLS92

21.

forty-five days after its enactment.

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.

Francis X. Borgerding, Jr., Esquire

Kathleen C. Weidenhammer

Frederick G. Timmel

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 * CIVIL THE COUNTY BOARD OF APPEALS ACTION OF BALTIMORE COUNTY * No. $\frac{94-\text{CV}-02068}{75/152}$ 400 Washington Ave., Baltimore, MD 21204*

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

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 Maretition: Stor Special Hearing filed to determine that Sec. 304.3 does not apply for BALTIMORE COUNTY

of

result

92-97-SPHA, James L. Haker, et ux File No. 94-CV-02068/75/152

this

circumstance, filed by James L. Haker. Comments of Baltimore County Zoning Plans October 7 Advisory Committee. Petition for Variance to permit a lot area of March 2, 1992 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 \hat{X} . Borgerding, Esquire, on behalf of James L. Haker. Publication in newspapers. June 11 Certificate of Posting of property. July 8 Hearing held on Petition by the Deputy Zoning July 8 Commissioner. Order of the Deputy Zoning Commissioner in August 13, 1992 which Petition for Special Hearing is DENIED; and Petition for Variance is DISMISSED AS MOOT. х. filed by Francis Order Appeal of September 11 Borgerding, Esquire, on behalf of Petitioners. Hearing before the Board of Appeals. October 28, 1993 Opinion and Order of the Board in which the February 10, 1994 Petition for Special Hearing and Petition for Zoning Variance GRANTED. Amended Order of the Board to correct clerical February 17 in which portion of language was inadvertently omitted; Petition for SPH and Petition for Variance GRANTED. Petition for Judicial Review filed in the March 9 Circuit Court for Baltimore County by Kenneth H. Masters, Esquire on behalf of Frederick G. Timmel, Protestant. Copy of Petition for Judicial Review received March 10 by the Board of Appeals from the Circuit Court for Baltimore County. Certificate of Notice sent to interested March 11 parties.

undersized

lot,

as

a

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.
 - -Lot layout of Lots between Newberg Avenue, Forest Lane, Spring Drive, Locust Forest Drive.
- Protestant's Exhibits Nos. 1 -Chain of title & 7 Deeds, Liber 1059 Deed from Mengers to Lovell Deed from Lovell to 1939; conveying 215 1950 Johnson 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 & Rulchyfir 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

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

PLATION 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 / 1000
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

Moult E Rollish

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.

Charlotte E. Rodeliffe

Very truly yours,

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.

Mult E. Radeliffe
Charlotte E. Radeliffe

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 Washington Avenue, Towson, MD 21204

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

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

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 HAR 11 PM 3: 23

CLERK OF THE CHARLE COU.

Charlotto E Radeliffe

Charlotte E. Radcliffe

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

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

Andrew John South Services for the following the following

94 MAR -2 FN 1: 11

OCAMELA ROY DO SA VELEBRA RECENSOR

AECENVAR CORNEY BOASD OF JUREAUS

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

*94 MAR 10 THE: 51

*

CIRCUIT COURT

*

* FOR

*

BALTIMORE

*

COUNTY

*

Civil Action

No.:94CV2068 75/156

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

ELERK 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 CATO NSVILLE, 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

_ H March

KHM:pb enc.

cc:

Frederick G. Timmel

Francis X. Borgerding, Jr., Esquire

County Board of Appeals of Baltimore County

CERTIFICATE OF MAILING

Kenneth H. Masters

App-92

FILE#:

92-097-SPHA

NAME:

Haker, James L., et ux

STREET: TYPE:

Forest Lane, 415, N/s, 130' W of c/l Newburg Ave. SPH-undersized lot (304.3); VAR-setbacks, lot area

DISTRICT:

1;1

DATE APPEALED: 9/11/92 HRG. DATE:

10/28/93

2/10/94

ORDER DATE: DECISION:

G -SPH /lot size; G -variances -setbacks

CLOSED:

UP:

Х

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. on9/15/93.
- 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.
- 9/07/93 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.

THU

Eclimere County
Zoning Administration &
Development Management
111 West Chesopeake Avenue
Towson, Maryland 21204

Date 6/29/93

fqieoet

Account: R-001-6150

Number 477

By JLL.

(3) PETITIONS | VARIANCE - 020 | = CODE 070 at 650.00 | SPECIAL HEARING 040 | = CODE 070 at 650.00 | SPECIAL EXCEPTION. 050 | \$\frac{1}{2}\$ | 05.00 | \$\frac{1}{2}\$ | \frac{1}{2}\$ | \frac

OWNER PIELKE 7933-35 BELAIR RD.

02A02H0292NICHRC BA C002:32PH04-29-93 \$755.0D

Please Make Checks Payable To: Baltimore County

Cashler 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/1 of Newburg Avenue
(415 Forest Lane)
1st Election District, 1st Councilmanic District
JAMES L. HAKER, ET UX - Petitioner
Case No. 92-97-SPHA

COUNTY BOARD OF APPEALS

COUNTY BOARD OF APPEALS

OF 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,

Arnold Jablon - Director Zoning Administration and Development Management

and Jablan /a

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/1 of Newburg Avenue (415 Forest Lane)

1st Election District, 1st Councilmanic District JAMES L. HAKER, ET UX - Petitioner Case No. 92-97-SPHA

 $\sqrt{\text{Petition}(s)}$ for Special Hearing and Zoning Variance

Description of Property

 $\sqrt{\text{Certificate of Posting}}$

 $\sqrt{}$ Certificate of Publication

 $\sqrt{ ext{Entry of Appearance of People's Counsel}}$

 $\sqrt{ ilde{Z}}$ oning Plans Advisory Committee Comments

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

Petitioner's Exhibits:

- 1. Plat to accompany Petition, V
- Description of Property \
- Contract of Sale $\sqrt{}$
- Assessments Inquiry V
- Tax MAP V
- 6. Assessment Summary ✓
- 7A 7C Photographs ✓
- Letter from Mr. James Haker
- 9. Letter from James Dyer/John Alexander
- 10. 1945 Zoning Regulations V
- 11. 1955 Zoning Regulations / 12 9 13. thoros / 1. Chain of Title

Protestant's Exhibits:

2.- 8. - Deeds √

 $\sqrt{9}$. Letter from David Humes

 $\sqrt{10}$. Drawing of lots

 $\sqrt{11}$. 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

Centered appearance 10/19/92 Counsel for Mr. + Ms.

Kennety H. Masters Esquie
Mc Farland, Weinkam & Masters, 1002 Frederick &d.

Mr. & Mr. & Mr. 1992

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

will not attend People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204 hearty pur 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 erect- ed 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: 3-3 REV 11/92

Derfeed 18/93 Exhibits Petitioner's Exhibits 1 X) Plat of 216 Nawburg + 415 Forest Lane 2 At then E - Pectures of subject property 12 3. Contract from Superior Kulders for 4/5 Forest Lane - 6 7/13/89

1 4. Office of assessments Inquiry 12/19/88 1 X 5. Plat - Portion Balto. Co. Tan Map 1 X 6. Tax record for Forest Land of 7/28/88 1 X7. List of properties within 3 to 4 blocks of subject property that are Undersized lots - from the Lusk report. from James Hakes.

Letter from James Dwyer, Joning Supervisors

to James Hakes. 10/17/89 1/10/90 10 Johning Regulations 1/22/45 VII. Journa Keynlations. 1955.

X/12. Deed from Mr. Lovell to Hagers. 6/18/70

VIII. Description of subject property by Paul Lee Engineering 2/20/92

X14. Lots between Newburglier, Forest Lane, Forest Spring Druc, Locust Drive

Protestant's Exhibits Y. Chanof title & 7 deals.

Liber 105, 9 - a dead from Mengers to Lovella - 1939

Deed from Lovella to Johnsons 1950 Conveying 215 hewbrug air

2. Petition theighborhood residents

3. Series of letters (10) Eginning with letter from horman Schmiff,

President, South Rolling Road Community assoc. 8/15/93

4. Appraisal By Burns Real Edat 6/10/93.

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL CATEGORY JUDICIAL REVIEW 75/152/94CV2068

PETITION OF FREDERICK G. TIMMEL

ATTORNEYS Kenneth H. Masters 1002 Frederick Rd. 21228 FOR JUDICIAL REVIEW OF THE 788-2300 DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CASE OF

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

Francis X. Borgerding, Jr. DiNerma and Breschi 409 Washington Avenue Suite 600 21204 296–6820 (James L. & Faye E. Haker)

DIESI Muiled 11/01/94

Thaticulars in processial LOCATION: BREAKERS LACE OF 202

convictionistella hilumed to COA

1st COUNCILMANIC DISTRICT

5 TE 74+ 6-97-5 tr (1) Mar. 9, 1994 Petition for judicial review, fd. Notice

CV CLK 80.00 B LBRY rs(2) Mar. 28, 1994 Response of JAMES L. HAKER & FAYE E. HAKER to Petition for Judicial Review fd. (rec'd 3-24-94) CKCHECK TL #64466 COOZ RO1 T13:4

s*(3) May 6, 1994 Transcript of Record fd. (rec'd 5-4-94) s*(4) May 6, 1994 Notice of Filing of Record fd.

ih(5) June 3, 1994, Petitioner's Memorandum, fd. (rec'd 6/1/94) dd(6) July 5,1994 Stipulation of Delay in filing of Appellees' Memorandum,

mar (7) Jul 11, 1994 Respondent's (JAMES L. HAKER & FAYE E. HAKER) Memorandum in Response, with exhibits, fd.

August 31, 1994. Hon. John O. Hennegan. Hearing had. Order to be filed. PH(8) Oct 27,1994 Opinion and Order of Court Affirming the decision of the County Board of Appeals, etc, fd. (JOH)

PAID DEC 27 1994 SUZANNE MENSH, CLERK

10.00

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152

Section 304.1?

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POCKET CUBER

PETITION OF FREDERICK G. TIMMEL

DECISION OF THE COUNTY BOARD OF

OF 401 Forest Lane

IN THE CASE OF

APPLICATION OF

IN THE MATTER OF THE

<u>JAMES L. HAKER, ET UK</u> FOR A SPECIAL HEARING AND

OF NEWBURGH AVENUE

(416 Forest Lane)

Catonsville, ND 21228

FOR JUDICIAL REVIEW OF THE

APPEALS OF BALTIMORE COUNTY

VARIANCE OF PROPERTY LOCATED

ON THE NORTH SIDE OF FOREST LANE

130 FEET WEST OF THE CENTER LINE

Respondents, James L. Haker et ux.

to March 30, 1955; and [B.C.Z.R., 1955; Bill No. 47, 1992.]

7-7-40 LANCE L. LANCE

27/94 Hon. John O. Hennegan

COL AFFIRMS CBA

CIRCUIT COURT

BALTIMORE

Case No. 94CV02068

FIL (**) OCT 2 7 1994

COUNTY

OPINION

The issues raised by the Petitioner are as follows:

1. Did the County Board of Appeals of Baltimore

Petitioners, below, satisfied the requirements of Baltimore

2. Even if, arguendo, the County Board of Appeals

This Court has been petitioned by Frederick G.

Timmel to review a decision by the Baltimore County Board

of Appeals dated February 10, 1994 and February 17, 1994

(amended) granting variances and other relief unto the

County err, as a matter of law, in its finding that the

County Zoning Regulations (B.C.Z.R.) Section 304 and/or

of Baltimore County is correct in its application of

B.C.Z.R. Section 304 and/or Section 304.1 to the facts in

this case, did the County Board of Appeals of Baltimore

IN THE

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.]

The Appellant argues that the requirements of the law have not been met since there is not a duly recorded deed or a validly approved subdivision that existed prior to the enactment of Section 304. The crux of the argument is that the 1950 deed did not separately and correctly describe that parcel that was saved and excepted. They further argue that the regulation has not been complied with since the subject property is deficient in two respects by being both undersized and in need of a building line variance. Baltimore County Zoning Regulation Section 307 is not applicable to Section 304 and a variance may not be sought in order to become compliant with the requirements of the height and variance regulations. Finally, they argue that the relief requested by the Hakers will result in a house being built on 415 Forest Lane which will be in non-conformity to the neighborhood.

A deed is defined as a conveyance of realty, a writing signed by the grantor, whereby title to realty is transferred from one to another. Black's Law

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 B.C.Z.R. 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 nouses oriented to Forest Lane on the subject block and, thereby, finding that such construction would "be consistent with the surrounding community"?

The facts are fairly simple and not seriously in dispute:

This matter concerns property known as 415 Forest Lane in Catonsville, Baltimore County, Maryland. In 1939 the subject parcel was an undivided larger part of a parcel owned by Charles Wilson Lovell and Laurine Lovell. The entire tract measured 200 feet by 64.4 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 parcel conveyed out measured 110 feet by 64.4 feet saving and excepting the balance of the tract unto Mr. and Mrs. Lovell. The parcel conveyed out is now known as 216 Newburgh Avenue. The residue reserved is now known as 415 Forest Lane for which dimensions are 90 feet by 64.4 feet. The square footage of 415 Forest Lane

-2-

is 5796 square feet which is less than the 6000 square feet necessary to construct a dwelling in a DR 5.5 zone. In a deed dated June 18, 1970, the Lovells conveyed 415 Forest Lane to the Hakers who had by a deed dated October 16, 1966 purchased 216 Newburgh Avenue.

The Hakers by a deed dated February 3, 1988 conveyed 216 Newburgh Avenue to David and Karen Humes, said parcel being improved by a house and a garage. The Hakers retained unto themselves the unimproved lot known as 415 Forest Lane.

Upon determining that 415 Forest Lane did not meet the development requirements of Baltimore County Code and Regulations, the Hakers filed a petition for variance which was denied by the Deputy Zoning Commissioner. Subsequently, an appeal was filed to the Baltimore County Board of Appeals who granted the relief requested by James L. Haker and Faye E. Haker, his wife.

The rules governing judicial review of Administrative Agency Decisions are found in Maryland Rules of Procedure Rule 7-201 et seq.

A reviewing court may, and should examine facts found by an agency, to see if there was evidence to support each fact found. If there was evidence of the fact in the record before the agency, no matter how conflicting or how questionable the credibility of the source of the evidence, the Court has no power to substitute its assessment of credibility for that made by the agency, and by doing so,

-3-

Dictionary. A subdivision is defined as the division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. (B.C.Z.R. 1955). There exists no definition for a subdivision in the Baltimore County Zoning Regulations or Baltimore County Public Laws existing prior to 1955.

It is a sound rule of construction, that if possible, unless it contravenes some rule of law, every part of a deed and the intention of the parties shall prevail. It is, also, a well established principle, that the title to realty cannot be held in abeyance; it must, at all times, reside somewhere, and in such force, that an injury to the possession can be redressed by an action at law. Georges Creek Co. v. Detmold, 1 Md. 225. Now if the construction of the law as proposed by Counsel for the Appellant was correct, then the title to the locus in quo, would reside nowhere. This view would, indeed, present an anomalous state of things. Where a deed creates a reservation in favor of the grantor, knowledge by the grantor is all that is required and there is no necessity for the execution of another deed to give effect to the reservations. Georges Creek Co. v. Detmold, 1 Md. 225.

It is a cardinal principal in the construction of deeds, contracts and wills that the intention of the parties shall prevail, unless it violates or infringes some principal of law. Zittle v. Weller, 63 Md. 190 (1895).

Mr. Paul Lee, a licensed engineer who was qualified as an expert, opined that the 1950 deed created a recorded law and a subdivision in regard to 415 Forest Lane. Transcript p.50, 11.9-20. Transcript p.59, 11.12-19.

In examining the whole deed and title to the subject property, there seems to be substantial evidence based on the law and the testimony of Mr. Paul Lee to determine that the intention of the grantors was to create a valid deed and subdivision and to reserve for themselves a 90' x 64.4' lot. Thus they would not be required pursuant to Georges Creek Co. v. Detmold, Id. to create a new deed with a metes and bounds description. Consequently, the Board of Appeals could then find that the lot had been duly recorded by a deed or a validly approved subdivision prior to the adoption of Section 304 of the Baltimore County Zoning Regulations.

As to the Petitioners second contention that the Respondents have not met the requirements of 304.1(b), the Petitioner argues that 307 B.C.Z.R. permitting variances which, if granted, would result in compliance with the height and area requirements are not applicable to 304.1 B.C.Z.R..

-7-

Section 307 provides:

reject the fact. Commissioner, Baltimore City Police Department v. Cason 34 Md. App. 487, 368 A2 1067 (1977). Hoyt v. Police Commissioner of Baltimore City, 279 Md. 74, 367 A2 924 (1977). Not only is it the province of the agency to resolve conflicting evidence, but where inconsistent inferences from the same evidence can be drawn, it is for the agency to draw the ruling inference. Bullock v. Pelham Woods Apt., 283 Md. 505, 390 A2 1119

A reviewing court may and should examine any conclusion reached by an agency, to see whether reasonable minds could reach that conclusion from the facts in the record before the agency, either by direct proof or by permissible inference. If the conclusion could be so reached, then it is based on substantial evidence, and the Court has no power to reject that conclusion. The common denominator for testing judicial review of the act of an administrative agency has been defined as whether a reasoning mind reasonably could have reached the factual conclusion which the agency found and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment. Supervisor of Assessments v. El, 272 Md. 77, 321 A2 166 (1974).

Section 304 - Use of Undersigned Single-Family Lots, Subsection 304.1 provides:

-4-

A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior

-5-

-6-

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-

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

True Copy Test

BEANE MENN, Clork

Per Tony Monnaulo

Dopay Clork

October 26, 1994

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

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)

* BEFORE THE
COUNTY BOARD OF APPEALS

* OF

OF

OF

CASE NO. 92-97-SPHA

1ST ELECTION DISTRICT

1ST COUNCILMANIC DISTRICT *

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

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

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

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.

IN THE MATTER OF THE

JAMES L. HAKER, ET UX

1ST ELECTION DISTRICT

FOR A SPECIAL HEARING AND

ON THE NORTH SIDE OF FOREST

LAME, 130 FEET WEST OF THE

1ST COUNCILMANIC DISTRICT

CENTERLINE OF NEWBURG AVENUE

VARIANCE ON PROPERTY LOCATED * OF

County Board of Appeals of Baltimore County

50 feet be and the same is hereby GRANTED.

is hereby GRANTED; and it is further

THE APPLICATION OF

(415 FOREST LANE)

Amended Order.

BEFORE THE

* * * * * * * * *

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

approval of the subject property as a buildable lot be and the same

and 303.1 Baltimore County Zoning Regulations to permit a lot size

of 1,796 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

IT IS THEREFORE this 17th day of February, 1994 by the

ORDERED that the Petition for Special Hearing requesting

ORDERED that the Petition for Variance from Section 1B02.3.C.1

COUNTY BOARD OF APPEALS

William T. Hackett, Chairman

OF BALTIMORE COUNTY

On February 10, 1994, this Board issued an Opinion and Order

* COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

* CASE NO. 92-97-SPHA

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 and 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

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,

Athleen 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
Feople'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

Priviled with Sovbean ins

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.

Hearing Room -Room 48, Old Courthouse 400 Washington Avenue

(410) 887-3180 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

1st Coungilmanic District

Arnold Jablon, Director /ZADM

Printed with Soybean ink on Recycled Paper

JAMES L. HAKER, ET UK N/s of Forest Lane, 130' W of c/l Newburg Avenue (415 Forest Lane) 1st Election 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

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

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

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49

400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(410) 887-3180

The Board is becoming more and more concerned over the lengthy

The Board will suggest that if there are any conflicts with

Enclosed is a copy of the Notice of Postponement and

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

this scheduled date, they be resolved in the interim between now

and the scheduled hearing date of October 28, 1993, as no further

Reassignment which reflects the new hearing date of Thursday,

Francis X. Borgerding, Jr., Esquire

DINENNA AND BRESCHI

Towson, MD 21204

Dear Counsel:

at 10:00 a.m.

409 Washington Avenue

Mercantile-Towson Building

postponements will be granted.

October 28, 1993 at 10:00 a.m.

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

Suite 600

September 8, 1993

Re: Case No. 92-97-SPHA

James L. Haker, et ux

Very truly yours,

Receion Hankith

County Board of Appeals

William T. Hackett, Chairman

Kenneth H. Masters, Esquire

MCFARLAND & MASTERS

1002 Frederick Road

Catonsville, MD 21228

Protestants Mr. Paul Lee People's Counsel for Baltimore County - well not attend P. David Fields having per 5. H. 1/3/93 Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM

> Kathleen C. Weidenhammer Administrative Assistant

DINENNA AND BRESCHI

George A. Breschi FRANCIS X. BORGERDING, JR. 1 ROESET A. BRESCHI \$ ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

. . *

MERCANTILE BLDG. - SUITE 600 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 296-6820 PAX (410) 296-6884

(1938-1991) OFF. of counsel JENKINS & AWALT

887 3353

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

ATTN: Kathleen C. Weidenhammer

Case No.: 92-97-SPHA Hearing Date: 9/15/93 @ 1:00 P.M.

Dear Ms. Weidenhammer:

111 West Chesapeake Avenue

Mr. & Mrs. James J. Haker

16453 Frederick Road

Dear Mr. & Mrs. Haker:

accordingly.

process with this office.

Woodbine, MD 21797

Towson, MD 21204

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.

My apologies to any inconvenience this may cause the Board.

cc: Mr. and Mrs. James J. Haker

attorneys at law

S. ERIO DINENNA

August 30, 1993

RE: Petitioners: James L. Haker, et ux.

I am writing this correspondence to request a postponement of Accordingly, I am submitting this request to reset the hearing of the above-referenced matter to another date and time.

Very truly yours,

FRANCIS X. BORGERDING, JR.

Kenneth Masters, Esquire

33 2Eb -5 VH 11: 13

COUNTY BOARS OF 1 - EALE

Baltimore County Government

October 7, 1991

RE: Item No. 96, Case No. 92-97-SPHA

Petitioner: James J. Haker, et ux

Variance

Petition for Special Hearing and

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

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

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

The following comments are related only to the filing of future

zoning petitions and are aimed at expediting the petition filing

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.

The Director of Zoning Administration and Development

improvements that may have a bearing on this case.

MCFARLAND & MASTERS

1002 FREDERICK ROAD CATONSVILLE, MARYLAND 2122F

C. VICTOR MCPARLAND represe a. Masters setan v. Mepadland

. . .

Telephone AREA CODE 410 788 - 2800 788 - 0311 PAX 744-8428

September 2, 1993

Ms. Kethisen C. Weidenhammer Administrative Assistant County Board of Appeals of Baltimore County
Old Counthouse, Room 49
400 Washington Avenue
Towara, MD 21204

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

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 stremously object.

I scaline 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

In the alternative, should the Board of Appeals, for whatever reason, feel that a further continuous 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.

June H Roed KENNETH H. MASTERS Attorney for the Protestants

Mr. and Mrs. David Humes Francis X. Borgerding, Jr., Esquire

Zoning Flans Advisory Committe Coments

Anyone using this system should be fully aware that they

Attorneys and/or engineers who make appointments to file

Zoning Plans Advisory Committee

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 peition has not been filed correctly, there is

always a possibility that another hearing will be required or the

Zoming Commissioner will deny the petition due to errors or

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.

Date:October 7, 1991

incompleteness.

SO : II HY L- 435 E6 COUNTY BOARD OF ATTENCE

County Beard of Appeals of Baltimore Countr

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204 Bearing Room -(410) 887-3180 Room 48, Old Courthouse 400 Washington Avenue September 8, 1993

MOTICE 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 CRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH BULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE MO. 92-97-SPHA

JAMES L. HAKER, ET UX m/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 POSTPOMED at the request of Counsel for Petitioners/Appellants due to the unavailability of his clients on the assigned date; and has

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

** MOTE: 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. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

> Kathleen C. Weidenhammer Administrative Assistant

Postpol with Stephens for

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

111 West Chesapeake Avenue

887-3353

Towson MD 2120-

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

Petitioner's Attorney:

Printed with Soybean Inc v v on Recycled Paper

WTH/kcw

encl.

JED: jw

Enclosures

MICROFILMEL

MIUNUTILIVIEL

LIDER 4 | 88 PAGE 422 DES-SHIPLD DEED - CODO - City of Cooking - 40



This Deed, Made this

In the year one thousand hime hundred and sixty-three . by and between Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, his wife

Baltimore County in the State of Maryland, of the first part, and James White Findlay and Margaret Elizabeth Findlay, his wife of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged the said Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, his wife

do grant and convey tinto the said James White Findlay and Margaret Elizabeth

Findlay, his wife, as tenants by the entireties, their

heirs and assigns, in fee simple, all --- that lot----- of ground, situate, lying and being in

Beginning for the same at the corner formed by the intersection of the northeast side of Forest Lane, as laid out thirty-three feet wide, and the northwest side of Newburg Avenue, said point of beginning being distant four hundred eighty-four feet, measured northeasterly along the northwest side of Newburg Avenue, from the northeast side of Rolling Road: and running thence and binding on the northeast side of Forest Lage North fortyfive .degrees no Minutes West one hundred ten feet; thence for a line of division North forty-five degrees no minutes East sixty-four and forty one-hundredths feet; thence South forty-five degrees no minutes East one hundred ten feet to the northwest side of Newburg Avenue herein referred to; and thence binding on the horthwest side of Newburg Avenue South fortyfive degrees no minutes West sixty-four and forty one-hundredths feet to the place of beginning. The improvements thereon being known as No. 216 Newburg Avenue.

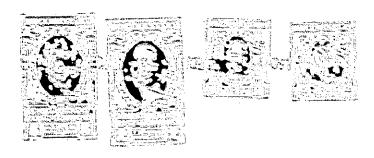
BEING the same lot of ground described in a Deed dated July 14, 1958 and recorded among the Land Records of Baltimore County in Liber GLB No. 3384 folio 468 which was granted and conveyed by Edwin T. Johnson and Agnes A. Johnson, his wife the therein grantors.

Chis Deed, Made dis ' day of . , nineteen hundred and sixty-six. by and between JAMES WHITE PINDIAY AND MARCARET ELIZABETH PINDIAY, HIS WIFE, of Baltimore County, in the State of Maryland, Grantors, and JAMES J. MARER AND FAYE E. MARER, HIS WIFE, of the same County and State, Grantees.

WITHESSETH, That is consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said James White Pindler and Margaret Elizabeth Pindler, his wife, do hereby grant and convey unto the said Jares J. Haker and Paye E. Haker, his vife, as tomants by the ontir etles, their assigns, the survivor of thed, his or her heirs and assigns, in fee simple, all that let of ground cituate and lying in the First Ricction District of Baltimore County, Maryland, and described as follows:

BECINERS for the came at the corner formed by the intersection of the northeast side of Forest Lame, as laid out 33 feet wide, and the northwest side of Newburg Avenue, said point of beginning being distant 490 feet measured northeasterly along the northwest side of Newburg Avenue from the northeast side of Rolling Road, and running therte and binding on the northeast side of Fotest lane north 45 degrees 00 minutes west 117 feet, thence for a line of division north 45 degrees 00 minutes east 64.40 feet, theree south 65 degrees 88 similar each 110 feet to the northwest side of Newburg Avenue herein referred to and themse bidding on the northwest side of New-The transport of the At degrees he sin too west his is feet to the place of beginning. The improvements theseen being known is Me. 218 Newburg Avenue.

primi the same for of ground which to Tred. dated July 310t, 1963 and recorded among the land Feartds of Baltimere County in liber R.R.G. No. 4188 folio 422, was granted and removed by Frank W. Lichtehberr, Jr. and wife, unio the Grantede herein.



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de de de de de

9500m

The undersigned hereby petition the Baltimore County Zoning Commission Board of Appeals to disapprove the request for a variance of the zoning regulations pertaining to 415 Forest Lane, case number 92-97-SPHA. We believe that the requested variance, if granted, will permit the construction of a home on this site which will not be consistent with the standards of the neighborhood, thereby adversely affecting the value of our homes and the quality of our neighborhood. We petition the Baltimore County Zoning Commission to uphold the regulations which were established to protect homeowners from such inappropriate use.

SIGNATURE	DATE	ADDRESS	PHONE #
Mary M. Mary			
1 1/2 /2			
Land Mary Comment	1 A 1 2 3	4/14 Forcest Land	747-3424
James & Dagan			
Lucia Care	7.22.23	And Freed Free	747-3485
Marie Burger	£		
which of Times	7-26-93	410 Forest Lane	747-7049
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Jan K. Jag Ja	7-28	403 Folist Le	747-6718
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James Woods		302 New brugar	747410
The Off oling	أحادث والمتحادث الأناكة	402 Forest have	744-66
Francis Ligaria	1/28	302 Jours Ja	744-5398
Truck / my	0.49	92 Forest Jane	744-2398
William Les	7/28	406 Forest Lane	747-5762
	7/28	504 YOREST LANE	744-7/61
Michael 10 3 20	7.30	504 Forest Lane	744 - 7/6/

			·
South	Rolling Road C	ommunity A ssociation	Prop. 12.3
Bultimore County Toning Co Old Court House, Room 49 400 Washington Ave Towson, Md. 21204	ALLE SARE LIGHTS		15 August 1993
RE. Case number 42.47SPHA	C proposed developme	nt of vacant lot at 415 Forest L	ane
Dear Sirs: Madams			
Association wishes to register To permit construction on this procedent which could lead to	Tour vehement opposits undersized lot with the or the destruction of this mate in the context of the different of the Baltim mances be rejected; and	we request further that you o	ted variances. t a dangerous ne proposed , and s for this area.
		Sincerely yours,	
CC: Mr. D. Humes		Norman R. Schmuff, 9 Forest Dr. Catonsville, MD 212	28-5028
Mr. F. Timmel			

THE TITLE GUARAUTER COMPANY (Individual Form) Apr 11.7----JUME . thousand time hundred and seventy. MINIT WILLTY LAWETE AND LAWRING EXCESS LOVELL, his wife, of the first just, Crackys, The T. WINT BELLEAY BY MAKER, and wife, of the greened part, Orintrus. The matter was an consideration of the abm of Five Dollars, and other valuable considerations, the recess where a horoby acknowledged, the sold Grantor does hereby grant, convey, and assign unto the second description, as because by the entireties, their assigns, the serviver of is an ordered that that the feet of the feet of the first of the first of the feet of the first of the first of the feet of th let(a) of ground ล (สาร ราการ) หลับ ซึ่งอากุรากุที่โดยซากุบั กั Balthore County - - - - - - - - - - - of the Some of Morniand, and described as fellows, that is to say: The Control of the Standard Standard State Set Control of Standard State Control of Standard The state of the steel of the principality is the firest Line of the and the first of the second of The state of the s tills fa mich of discount out the fitter of teet in the state at a The there is not the second of The control of the Anti-American street and the first to be at the particle of the control of the content of The state of the s . I com ción como sos subsolventos que que en desperir App (e en empero en el proceso en el como en el co The state of the s submission Parma Mariner and with the the within Grantstell in the elected TO SIND A TO BECOME THE FACTOR SHOWER described on contradict that is a contradiction of A carried to the mind and the vitterin dispersions to I hade I. There is an arrivage of The second of th of fer editoret water is described on fellows: the controlled the street to corner for all ty the intersection of the estimate there is a sign to the stant out 31 feet wide and the northwest side of North Anne. or most supposed the first of 444 frot measured marties to fively at a second enterest the end Novembry Ademia Erom the mit cast side of Rolling Road, the thirty the cast great them are the more total great from the Lipsel north 15 deeps to a contract of the contra tions tout all deposes of minutes, east 110 feet to the northwest side of Nover Avenue were end when he are and proposed for time out the notified of the of he at he does not be at courses I'm modes unde fit in the the place of boginship. The toric is not a tiere on the state of the Burns Real Estate Services, Inc. OLD FREDERICK ROAD MARRIOTTSVILLE, MARYLAND 21104

APPRAISALS CONSULTATIONS

DATE OF APPRAISAL: 6-10-93 SUBJECT PROPERTY: 216 Newburg Avenue, Catonsville, Baltimore County, Maryland 21228,

(301) 442-1414

APPLICANT: Humes, David & Karen

100 SIZE: 64' x 90', approx.

FINEST AND BEST USE: Out Parcel, excess land TOTAL VALUE: \$8,000 in fee

sitisfest property is located in a suburban setting of mostly very well kept residential properties. It is site of middle to upper income families. It is ideally situated near modern business and shopping centers and tas easy access to major highways. Schools are nearby and public transportation is available.

Sitjest property is an unimproved lot that is basically level and rectangular in shape. It is mostly an open field. It has road frontage along Forest Lane with carbing improvements.

The subject lot is considered an "Out Parcel". Due to the size of the lot, it is not suitable for a residential dealling. Since it is located in a residential neighsorneed, its "Highest and Best Use" would be that of excess land or an "Out Parcel". It is bordered on three sizes by three adjoining lots that are improved by single family dwellings. Its use would be to add it to one of the three lots with the most desirable to be adjoined to the front parcel of 216 Newburg Avenue.

Adjoining it to the front parcel would add value to the front lot, but such value would be limited as the improvements to the front lot have been laid out in such a way that the lot is a separate entity to itself and does not require additional land to correct its layout. In addition, recent market trends indicate smaller lots for residential housing, limiting required yard maintenance.

Increfore, relying on the fact that the subject is located in a residential area and does not meet the criteria to

ENVIRONMENTAL DISCLAIMER: The value estimated is based on the assumption that the property is not negatively affected by the existence of hazaroous substances a personner consistency observes allower states and the applicance is not an expert in the identification of bazarous substances a personner of personner and the applicances of and argument about the subject property do not device an information that is a discussion of service and observes and argument about the subject property describes an unless otherwise states and arguments and arguments and arguments about the subject property describes an unless otherwise states. reveal the existence of hazal ocus substances of detrimental environmental conditions on or around the profit is, that would negatively affect its value

ADDITIONAL CERTIFICATION: The appraiser further certifies that 1. This appraisal penderms to the Uniform Standards of Professional Appropriate ("USPAP") adopted by the Appraisal Standards Board of the Appraisa: Foundation, except manime Deputition Provision of the USPAN does not apply 2. Their compensation is a more regent above the reporting or a predeference individue or direction in value that tavors the cause of the client, the amount of the value estimate, the sits of end of a shouldted result, or the occurrence of a subsequent event. 3. This appraisal #55 377 #11 was not based on a requested minimum valuation—a appecific valuation, or the approval of a loan

10-93

Appraise:

Appr

This Deed, Mane This Bell day of BURLERY in the year one thousand nine nundred and eighty-eight by and between JAMES J. HAKER and FAYE E. HAKER, his wife, parties of the first part, and DAVID G. HUMES and KAREN G. HUMES, his wife, parties of the second part WITNESSETH, That in consideration of the sum of ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED AND 00/100 DCLLARS (\$149,900.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the maid parties of the first part grant and converte the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives accommon and sengus forever , in fee simple, all that of ground situate in Baltimore County, Maryland and described as follows, that is to some FOR DESCRIPTION OF FROFFETY SEE EXHIBIT A ATTACHED HERETO AND MADE A BEING the same property which by Deed dated October 18, 1966 and recorded among the land Records of Baltimore County in Liber 4607, Folio 040 was granted and conveyed by James White Findlay and Folio 040 was granted and conveyed by James J. Haker and Faye E. Margaret Elizabeth Firdlay, his wife, to James J. Haker and Faye E. . ARC F 16.00 A T TX 749.50 A DOCS 750.00 SH CLERK 1515.50 #18205 COO3 RO1 T13#31 Because and Indicates

197 PAGE 5 6 6

216 Newburg Avenue Catonsville, MD 21228 July 14, 1989

B 138 ... 28 5 5 41 5 112 5

Mr. and Mrs. James J. Haker 16453 Frederick Road Woodbine MD ::-;-

Dear Jim and Faye

I feel that it is important at this time to inform you of certain factors concerning the lot which will have an impact on your decisions. The reason it took so long to reply to your last the lot neets all of the requirements of the Baltimore County coning commission in order to be considered a legal building site before we could consider increasing our offer. My reason for this, as I stated in my letter of July 7, 1989, is that we must have complete assimant that we could sell the lot for at least as much we pay for its otherwise, we would be leaving ourselves vulnerable considerable financial loss if we were to find ourselves in a situation where we had to sell the lot and determined only then that it is not a legal building site. Therefore, I have researched this matter myself and my findings are discussed below.

The lot is located in an area which bears a zoning classification of D.R. 5.5. The setback requirements for this zoning classification are: front - 25 feet, rear - 30 feet, and sides - 10 feet. If the house were oriented with the front facing the street them in order to meet the setback requirements, the house could be oriented with a side facing the street. With this could be criented with a side facing the street. With this percentation a 45 X 30 foot house could be constructed. This may be possible although I know there will be considerable opposition to a house being constructed with such orientation since all the council the street.

In addition to the setback requirements, the Baltimore County Coming Commission has established regulations concerning the minimum square footage required to construct a single family dwelling in an area with a given zoning classification. In an area construct a single family dwelling. Attached you will find a copy of your deed for the lot as granted to you from the Lovells in 1970. The neets and bounds description of the original property describes it as 200 X 64.4 feet. This constitutes an area of 12,660 square feet. Likewise, the portion of the lot deeded to the Johnsons on which our home is now situated, is described as 110 X 64.4 feet, which constitutes an area of 7,084 square feet. The difference between the two constitutes the area of the lot, which

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

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

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:

have lots that are smaller than 415 Forest Lane.

"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.

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

{B.C.Z.R., 1955; Bill No. 47, 1992.}

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

Zoning Variance requesting relief from BCZR Sections 1802.3.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 <u>10th</u> day of <u>February</u>, 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
1802.3.C.1 and 303.1 Baltimore County Zoning Regulations to permit

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

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. Nached William T. Hackett, Chairman

J. Diane Levers

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 RISIDENCES

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.6 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.20 8 zones, 50 feet in R.10 9 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 therefore 11 in the area regulations for R.20, 12 R.10 13 and R.6¹⁴ zones respectively. [B.C.2.R., 1955; Resolution, November 21, 1956.]

303.2-In B.L., 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 erect-ed 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.]
- 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;
 - major divisions, or architectural rhythm, of facades;

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,

Gheer C. Keidenhammer

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

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)
lst Election District
lst Councilmanic

District

BEFORE THE
DEPUTY ZONING COMMISSIONER

the c/l of Newburg * OF BALTIMORE COUNTY Avenue (415 Forest Lane) * Case No.: 92-97-SPHA lst Election District

James L. Haker, et ux Petitioners

ORDER FOR APPEAL

* * * * * * * * * * * *

oner:

Mr. Commissioner:

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

PRANCIS X. BORGERDING OR.

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 ______ day of September, 1992, a copy of the aforegoing 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-//-92 CL ZONING OFFICE ERANCIS X. BORGEBOING, OR MICROFILMED

Forest Lane, 130' W of the c/l * DEPUTY ZONING COMMISSIONER of Newburg Avenue

(415 Forest Lane) * OF BALTIMORE COUNTY lst Election District * Case No. 92-97-SPHA

James L. Haker, et ux * Petitioners

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE

AND BONING VARIANCE - N/S of

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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 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 50.6 feet, for a proposed dwelling in accordance with Petitioner's 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.

of app was

REV 11/92

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.

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.

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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

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 gound 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 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 mot 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

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13^{+6} 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 E.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 Potitioner's Exhibit 1, be and is hereby DISMISSED as moot

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue

(410) 887-4386

Francis X. Borgerding, Jr., Esquire

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

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, Deputy Zoning Commissioner

> > for Baltimore County

S. C. S. S.

1002 Frederick Road, Baltimore, Md. 21228

410 Forest Lane, Baltimore, Md. 21228 Mr. & Mrs. Nicholas M. Beccio, Sr.

Newburg Avenue

RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE N/S Forest Lane, 130' W of C/L 1st Election District

lst Councilmanic District JAMES J. HAKER, et ux, Petitioners

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 92-97-SPHA

ENTRY OF APPEARANCE

::::::

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

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zumenna 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.

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-97-5PHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve TO DETERMINE THAT SEC. 304.3 DOES NOT APPLY FOR THIS UNDERSIZED LOT, AS A BESULT OF CIRCUMSTANCE,

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.

Contract Purchaser/Lessee

Attorney's Telephone No.:

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.

(Type or Print Name)	JAMES J. HAKER Type or Print Name)
Signature	Signature & Ida be
Address	(Type of Print Name)
City and State	Signature C. Paker
Attorney for Petitioner:	
(Type or Print Name)	16453 FREDERICK RD. Address Phone No. 442-2356
Signature	DOODBINE, MD 21797 City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
	JAMES J. + FAYE E HAKER

Legal Owner(s):

Was D. BINE 1. M.D. 21747
Address Phone No. 442 - 2334 OFFICE USE ONLY TIMATED LENGTH OF HEARING (-1/2HR.) +1HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS DATE 8/23/91

14453 FREDERICK RD.

to the Zoning Commissioner of Baltimore County 92-9 The undersigned, legal owner(a) 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 Petitioner requesting a variance pursuant to Section 304 from Section 1802.3, C. and Section 303.1 of the BCZR to permit a lot area of 5,796-sq:-ft:-in-lieu-of-the-required-6,000-sq.-ft:--(A-var.-of--204-sq. ft.); a rear yard of 20' in lieu of the required 30' (a var. of 10'); and a front yard setback of 36.5 (average setback of existing dwelling 200 each side

of property - a variance of 14.1'±).

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

l) Lot size 2) Separate lot

Contract Parchaser/Lessone

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 Saltimore County adopted pursuant to the Zoning Law For Baltimore County,

	(Type or Print Mome)
•	Signature
	Address
	City and State
	Attorney for Petitioner:
	Francis X. Rorgerding, Jr.
	409 Washington Ave., Ste. 600
	Address
	Towson, Maryland 21204

Attorney's Telephone No.: (410) 296-6820

MICHUILINE

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 Polition. Legal Owner(s): James L. Haker
(Type or Print Name), Faye E Haker

16453 Frederick Rd. (410) 296-6820 Lisbon, Maryland 21797

Name, address and phone number of legal owner, contract purchaser or representative to be contacted Francis X. Borgerding, Jr. 409 Washington Ave., Ste. 600

TOWBON - Maryland -21204 (410) 296-6820 ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING HON. TUES. / WED. - HEXT TWO HONTHS

ALL OTHER

Towson, MD 21204

August 13, 1992

409 Washington Avenue, Suite 600 Towson, Maryland 21204 RE: FETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE

Case No. 92-97-SPHA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the

People's Counsel

File

cc: Kenneth Masters, Esquire

Mr. & Mrs. Fred G. Timmel 409 Forest Lane, Baltimore, Md. 21228

Paul Les P.E.

Paul Los Engineering Inc. 301 W. Pranylmain Am. 92-97-5PHA Tomm. Maryland 24201 410-821-5941

347

0.133 ACRE PARCEL

DESCRIPTION

N. S. OF FOREST LANE, 1351 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 450 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

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92-97-5PHA

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zoning description 92-97-5PHA

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 Newberg 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 (Newberg Avenue,) 1st Election District, 1st Councilmanic

Date of Posting March 24, 1992 Paris James J. Haker, et up 415 Forest Lane 130' Wof e/2 Newberg arenne and the 1/5 of Forest Lane in front of suffict grope ty Posted by I. J. Arata Date of roture: March 27, 1992 Penter of Signer MILKUFILMEU

CERTIFICATE OF PUBLICATION

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 ___ successive weeks, the first publication appearing on ≤ 114 , 1997

THE JEFFERSONIAN.

92-97-5PHA

5. Zete Orlo.

\$41.22

MICROFILMEL

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William A Making Free Leader

receipt

Account: R-001-6150

Please Make Chick(Pubble 3N1 BARBore County \$35.00 BA CO10:30AH03-03-92

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN.

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of ____successive

weeks, the first publication appearing on 924, 1991.

5. Zete Orlan Publisher

THIS IS TO CERTIFY, that the annexed advertisement was publish Baltimore County, Md., once in each of ____successive weeks, the first

5. Zehe Olm

\$ 60.78

MICROFILMEU

receipt

dem No 1408000006

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MICROFILMED Y

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CERTIFICATE OF PUBLICATION

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 ____ successive weeks, the first publication appearing on June 11, 1912

THE JEFFERSONIAN,

5. Zete Orlon Publisher

92-97-SPHA Date of Posting 7-8-92 Marian Huma Hearing & Warranne James James Hatel et use were a proper Might forest Love, 130'W of the Clof Devolute avenue to the the sale of Forest fine in front of MICROFILMED

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WYEAL FEET

Baltimore County
Zoning Commissiones
County Office Building
111 West Champrobe Avenue
Towns. May land 21204

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receipt

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MICROFILMED TOTAL: \$385.00

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MICROFILMED

Please Make CHINDRIGHT PAY SMAGGER County \$85.78
BA C012:29PH10-31-91

lames and Faye Haker

DATE: OCTOBER 8, 1991

COPY 16453 Frederick Road Unndbine, Maryland 21797

Case Number: 92-97-SPHA N/S Forest Lane, 130' W of c/l Newberg Avenue 415 Forest Lane 1st Election District - 1st Councilmenic Petitioner(s): James J. Haker, 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 SIGH & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE, DO NOT REMOVE THE SIGH & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return small 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.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue 887-3353 Towson, MD 21204

BALTIMOF COUNTY, MARYLAND MICHLARIBOUS CASH RECEIPT DATE 8-21-92 NOODEN R-001-6150

AMOUNT 8 117.22 James Haker

VALIDATION OR SIGNATURE OF CASHIER

THIS FEE MUST BE PAID. ALSO, THE ZORING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesspeake Avenue, Room 113, Tomson, 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.

111 West Chesapeake Avenue

James and Paye Helter

16453 Frederick Road

Woodbine, Hazyland 2179

Case Busher: 92-97-5293

415 Forest Lane

Dear Petitioner(s):

M/S Forest Lane, 130' W of c/l Heaberg Avenue

HEARING: NOMDAY, OCTOBER 21, 1991 at 2:00 p.m.

ist Election District - 1st Councilsonic

Petitioner(s): James J. Heker, et ux

Towson, MD 21204

MICKUFILIVIEL

MTR: 5.27.92

Junes and Paye Bakes 16453 Frederick Road Boodbine, Haryland 21797

CASE PROPER: 92-97-SPEA 92-97-589% (Item 96) at 10:30 a.m. in Rm. 118, Courthouse M/S Forest Lame, 130' W of c/l Memberg Avenue 1st Election District - 1st Councilmenic Petitioner(s): James J. Haker, et ux

Dear Petitioner(s):

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

Baltimore County Government

Office of Zoning Administration

and Development Management Office of Planning & Zoning

THIS FEE HOST BE PAID. MLSO, THE ZOHING SIGN & POST SET(S) HEST BE RETURNED ON THE DAY OF THE HEARING OR THE CHOOSE SMALL HOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY DIFFIL THE DAY OF THE

Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesspeaks Avenue, Boom 113, Towson, Haryland 21204. It should have your case number noted thereon and be under 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.

or: Francis I. Borgarding, Jr. Esq.

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

WOTICE OF HEARING

Room 118, Baltimore County Courthouse, 400 Heshington Avenue, Towson, Haryland 21204 as follows:

III West Chesapeake Avenue Towson, MD 21204

SEP. 1 3 1991

(410) 887-3353

and the file is the

887-3353

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in

Case Mumber: 92-97-5299 M/S Forest Lame, 130' H of c/l Memberg Avenue 415 Porest Lane ist Election District - let Councilemic Petitioner(s): James J. Hatter, et ux HEARING: MINDAY, 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 Variance to allow a from year senses of 20 ft. in lieu of required front average of 25 ft. and a rear yard methads of 20 ft. in lies of the required 30 ft.

J. Robert Haire at 200 mars to 200 mars to

co: James and Faye Hanner

DINENNA AND BRESCHI ATTORNEYS AT LAW

October 7, 1991

S ERIC DINENNA, P.A. GEORGE A. BRESCHI, P.A. ----FRANCIS X BORGERDING JR :

TALSO MEMBER DRO STA (11 D) Collemb a bar

CL SUITE 600

MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 ____

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

Arnold Jablon Director of Zoning Administration County Office Building 111 West Thesapeake Avenue

Towson, Maryland 21204

RE: Case No.: 92-97-SPHA Location: Newberg Avenue -415 Forest Lane My Client: Haker Date of Hearing: 10/21/91

at 2:00 P.M.

Dear Mr. Jablon:

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

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

and of the Believe

2000 G OFFICE

DINENNA AND BRESCHI ATTORNEYS AT LAW

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

FRANCIS X. BORGERDING, JR.; ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

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

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

1970-94

October 16, 1991

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

ATTN: Gwenn

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

Dear Gwenn:

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.

Amended Petition that shall, in addition to the Petition already filed, he the subject matter of the hearing of October 10, 1991. Please do not send to the papers nor post the property until such

If you have any questions, please contact me.

the second of the second of the second

time as the Amended Petition is filed.

Please be advised that within the next 10 days I will file an

S. ERIC DIMENNA

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



ZONING OFFICE

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

Towson, MD 2120-

111 West Chesapeake Avenue

וניטון לאי בשמשעל

COPY

NOTICE OF POSTPONEMENT

TASE NUMBER: 92-97-SPHA LEGAL OWNER(s): JAMES J. HAKER, 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.

Zoning Commissioner of Baltimore County, Maryland

cc: S. Eric DiNenna, Esq. James J. Haker, et ux J. DONALD WAGNER

MICHUELL

Prancis I. Borgarding, Jr., Esq. Thomas R. and Hary R. Laurence J. D. and Helan Hagmer Legneth H. Hasters, Leq.

Baitimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 115, Baltimore Lourty Lourthouse, 400 Washington Avenue, Townon, Maryland 21204 as follows:

Special Hearing : To intermine that Section 304.3 does not apply for this undersized lot, as a result of

Variance to permit a lot area of 5,7% 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

County will beld a public hearing on the property identified herein in

(410) 887-3353

Printed on Recycled Paper

111 West Chesapeake Avenue

MARCH 16, 1992

CASE NUMBER: 92-97-SPEN

92-97-SPHA (Itam 🛠) at Linki a.m. in 🖦 lid, Courthouse

N/S Forest Lame, 130' & of oil Newberg Avenue

HEARING: MONDAY, APRIL 13, 1992 at 10:30 a.m.

1st Election District - 1st Immonlamic

dwelling 200 ft. each side of property)

Petitioner(s): James J. Saker, et un

Towson, MD 21204

409 WASHINGTON AVENUE TOWSON, MARYLAND 21204 ____

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

4743-92

March 16, 1992

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

ATTN: Gwen

S. ERIC DINENNA, P.A.

GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. ‡

TALSO MEMBER OF DISTRICT OF

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

MCFARLAND, WEINKAM & MASTERS

1002 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 - 5029

March 17, 1992

TELEPHONE AREA CODE 301 744 - 3258

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 Newberg Avenue 1st Election District- 1st Councilmanic Petitioner(s): James J. Haker, et ux HEARING: MONDAY, APRIL 13, 1992 at

Dear Mr. Schmidt:

C. VICTOR MCFARLAND

KENNETHH. MASTERS

LQUIS J. WEINKAM, JR.

LOUIS J. WEINKAM SR. P.C.

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.

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

10:30 a.m.

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

111 West Chesapeake Avenue Towson, MD 21204

MARCH 27, 1992

(410) 887-3353

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

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..

NOTICE OF POSTPONEMENT

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

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

(410) 887-3353

LAW OFFICES MCFARLAND, WEINKAM & MASTERS TO

1002 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 S. VICTOR MOFARLAND LOUIS J. WEINKAM, SR. P.C.

TELEPHONE AREA CODE 410 788 - 2300 744 - 3256 FAX 744-3423

May 29, 1992

Arnold Jablon, Esq. Zoning Administration and Development Management 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:

KENNETH H, MASTERS

-LOUIS J. WEINKAM, JR.*

*ALSO ADMITTED IN D.C.

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,

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



ZONING OFFICE

Arnold Jablon, Esq.

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

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

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

887-3353

JUNE 1, 1992

NOTICE OF POSTPONEMENT

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

BEEN POSTPONED AT THE REQUEST OF KENNETH H. MASTERS, ATTORNEY FOR PROTESTANT DAVID HUMES.

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JUNE 9, 1992 HAS

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

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:ggs

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

III West Chesapeake Avenue Towson, MD 21204 JUNE 19. 1992

ST CONTRACTOR OF THE STATE OF T

(410) 887-3353

CONFIRMATION

NOTICE OF HEARING

The Louing Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will belie a public bearing on the property identified herein in Room 10% of the Lowery Militims Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Agaimers County Government

Office of Zearng Administration

Office of Planning & Zoning

MUSICE OF HEARING

Builing, Indated at 111 W. Cassapasha Potota in Towern, Maryland 21204 as follows:

The fining Commissioner of Dallibors Gourge by authority of the Zoning Act and Regulations of Baltimore

County whal rold a public bearing or the property blentified benefit in Room 105 of the County Office

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111 West Chesabeard Avenue

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9.45,75 tet by Callin of Pools, while

1 tween, MD 21264

and Development Management

Room 115 114 Incompose, 400 Washington Avenue, Towson, Maryland 21204 as follows:

RESCHEDULED FROM 6/9/92 CASE #92-97-57% (Item 😽) N/S Forest Lane, 150% & of oil Memburg avenue lst Election District - 1st Councilmanic

Petitioner(s): James J. Saker, et DK HEARING: FRIDAY COLT M. 1391 at 4:00 a.m. in Rm. 106, Office Building.

Special Hearing to betermine that Section 304.3 does not apply for this undersized lot, as a result of 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 freeling NO ft. each side of property.)

Zoning Commissioner o Baltimore County

cc: James J. Haiter, et ux Francis I. Borgerding, Esq. H. & Mrs. Thomas Lawrence

性、 & Rrs. J. D. Wagmer Frederick Timmel NOTE: MEARINGS ARE HAMDICAPPED 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 Room 48, Old Courthouse

OCT 2 9 1992 and the state of t THE STATE OF STREET

400 Washington Avenue 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/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 Orde: 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 Kenneth H. Masters, Esquire

Petitioners/Appellants 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 yo- ~ no!

LAW OFFICES MCFARLAND, WEINKAM & MASTERS

1002 FREDERICK ROAD

CATONSVILLE, MARYLAND 21228 C. VICTOR MOFARLAND

LOUIS J. WEINKAM, SR. P.O. Kenneth H. Masters LOUIS J. WEINKAM, JR *ALSO ADMITTED IN D.C.

TELEPHONE AREA GODE 410 744 - 3258 FAX 744-8423

November 6, 1992

Ms. Lindol.co M. Kaszmanl 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/l 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.

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.

Attorney for Mr. & Mrs. David Humes

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

County Board of Appeals of Baltimore County

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

Room 48, Old Courthouse 490 Washington Avenue 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 BULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE MO. 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 Chuncilmanic District SPH-Determination that Sec. 304.3 does not apply to subject undersized lot; VAR-Lot size; setbacks h h 13/92 - p.z.c.'s Order DENYING Petition M W in part; DISMISSING in part.

THURSDAY, JANUARY 14, 1993 AT 10:00 a.m. cc: Francis X. Borgerding, Jr/, Esquire Commsel for Petitioners/Appellants

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

Kenneth H. Masters, Fsquire 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. Kotacco W. Carl Richards, Jr. Docket Clerk/- Zoning

Arnold Jablen, Director of Zoning Administration

LindaLee M. Kuszmaul Legal Secretary

County Beard of Appeals of Baltimore County EGEIVE OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE NOV 1 3 1992 TOWSON, MARYLAND 21204

Hearing Room -(410) 887-3180 Boem 48, Old Courthouse 400 Washington Avenue November 12, 1992

REAU OF PUBLIC SERVICES 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 BEARING DATE UNLESS IN FULL COMPLIANCE WITH BULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE MO. 92-97-SPHA

REASSIGNED FOR:

رسية جريزمها بح يوسعه

JAMES L. HAKER, ET UX M/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 January 14, 1993 has been POSTPONED at the request of Counsel for Protestants and has been

TUESDAY, APRIL 27, 1993 AT 10:00 a.m. cc: Francis X. Borgerding, Jr., Esquire

Counsel for Petitioners/Appellants

Ar. and Ars. 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

> > TELEPHONE

788 · 2300 744 - 3256

FAX 744-3423

AREA CODE 4 10

DINENNA AND BRESCHI ATTORNEYS AT LAW

MERCANTILE BLDG. - SUITE 600 FRANCIS X. BORGERDING, JR. 1 A69 WASHINGTON AVENUE TOWSON, MARYLAND 21204 ROBERT A. BRESCHI (410) 296-6820 ** = 1 929828380 3180 3180 108 *** = 988848 FAX (410) 296-6884

S. ERIC DINENNA (1938-1991)----OF COUNSEL

JENKINS & 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.

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

FRANCIS X. BORGERDING, JR.

Very truly yours,

FXBJr:bjk 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

Hearing Room -Room 48, Old Courthouse 400 Washington Avenue 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 XX N/s of Forest Lang, 130' W of c/l Newburg Avenue (415 Forest Lane) lst Election District; lst 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: MUESDAY, 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 but 20, Paula 11/18/92 Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, Director of Zoning Administration

> LindaLee M. Kuszmaul Legal Secretary



County Board of Appeals of Baltimore County DECENVED 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

Room 48, Old Courthouse 400 Washington Avenue March 24, 1993

MOTICE OF POSTPONEMENT AND REASSIGNMENT

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.

REASSIGNED FOR:

JAMES L. HAKER, ET UX N/s of Forest Lane, 130' W of c/1 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

WEDNESDAY, JUNE 9, 1993 AT 10:00 a.m. cc: Francis X. Borgerding, Jr., Esquire Counsel for 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

Mr. and Mrs. James L. Haker

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, Director /ZADM Kathleen C. Weidenhammer

MCFARLAND, WEINKAM & MASTERS 1002 FREDERICK ROAD

CATONSVILLE MARYLAND 21228 LOUIS J. WEINKAM SR. P.C.

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/1 Newburg Avenue (415 Forest Lane) 1st Election District 1st Councilmanic District

Dear Ms. Weidenhammer:

C. VICTOR MOFARLAND

KEMNETH H. MASTERS

LOUIS J. WEINKAM IN

*ALSO ADMITTED NO.C.

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 manter 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 Wilma Joe Mathias vs. Hunting Hill Swimming Club. Inc., Case No. 90186002/CL116015, 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, Them H hed

Mr. and Mrs. David G. Humes

Printed on Recycled Paper

Catholic Control Control

Administrative Assistant

Petitioners/Appellants

Francis X. Borgerding, Jr., Esquire

Kenneth H. Masters, Counsel for Protestants

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

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

FROM: Robert W. Bowling, F.E.

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

BALTIMORE COUNTY, MARYLAND

PROPERTY OWNER: James J. Haker. et ux

Newberg Avenue

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

PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0

COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

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

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY

MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE

LOCATION: N/S Forest Lane, 130' W of centerline

. () CURB CUTS

() SIGNAGE

() RAMPS (degree slope)

INTER-OFFICE CORRESPONDENCE

October 7, 1991

ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF,

ZONING ITEM #: 96

ELECTION DISTRICT: 1st

COUNCILMANIC DISTRICT: 1st

DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

FOLLOWING:

HANDICAPPED.

PARKING LOCATION

BUILDING ACCESS

REQUIRED.

() OTHER -

NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

TOWSON, MARYLAND 21204 - PHONE - 887-3900.

COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Developers Engineering Tivision

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

SEPTEMBER 16, 1991

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

RE: Property Owner: JAMES J. HAKER

N/S FOREST LANE

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.

JP/KEK

MICROFILIVIEL

(301) 887-4500

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

111 West Chesapeake Avenue Towson, MD 212 +

(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/1 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.

Arnold Jablon - Director Zoning Administration and Development Management

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Pat Keller, Deputy Director Office of Planning and Soning

James T. Haker, Item No. 96

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

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/rdn

ITEMMO96/TXTROZ

September 15, 1992

Baltimore County Board of Appeals

92-97-SPHA

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

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

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

This office has no comments for item numbers 54, 82, 85, 88, 89, 90,

Mr. Armold Jablon, Director Office of Zoning Administration

and Development Hanagement

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

91, 93, 94, 95 and 97.

RJF/lvd

DATE: October 9, 1991

within the the

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

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

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

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Mctification: 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

THE WATER TO SHARE

Protestant's Exhibits: 1. Chain of Title 2.- 8. - Deeds

9. Letter from David Humes

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

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

3. Contract of Sale

4. Assessments Inquiry

6. Assessment Summery

7A - 7C - Photographs

8. Letter from Mr. James Haker

10. 1945 Zoning Regulations

11. 1955 Zoning Regulations

9. Letter from James Dyer/John Alexander

2. Description of Property

Petitioner's Exhibits: 1. Plat to accompany Petition

5. Tax MAP

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

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.

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

TOWSON, MARYLAND 21204 Hearing Room -Room 48, Old Courthouse 400 Washington Avenue March 24, 1993

NOTICE OF POSTPONEMENT AND REASSIGNMENT

(410) 887-3180

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

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

cc: Francis X. Borgerding, Jr., Esquire

Counsel for Petitioners/Appellants Petitioners/Appellants

Mr. and Mrs. James L. Haker Kenneth H. Masters, Esquire

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

Counsel for Protestants

County Bourd of Appeals of Bultimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

Hearing Room -Room 48, Old Courthouse (410) 887-3180 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-SPRA

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

conflict; and has been WEDNESDAY, AUGUST 18, 1993 AT 10:00 a.m.

at the request of Counsel for Protestants due to Court schedule

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

Arnold Jablon, Director /ZADM

Docket Clerk /ZADM_/

Extract on Danystad Paper

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.

MAY 5 1993

Kathleen C. Weidenhammer Administrative Assistant

MICROFILINIEL

DINENNA AND BRESOHI

attorneys at law

GRORGE A. HRESCHI FRANCIS K. BORGERDING. JR. t ROSERT A. BELFORI TALSO REMBER OF DISTRICT OF

MERCANTILE BLDG. - SUITE 600 400 Washington avenue TOWSON, MARYLAND 21204 (410) 296-6820 FAX (410) 296-688

S. ERIC DINENNA (1988-1991) ____ OF COUNSEL Jenkins & Awala

August 3, 1993

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

> RE: Petitioners: James J. & Faye E. Case No.: 92-92-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. Haker, 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. Haker, 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:bik cc: Mr. and Mrs. James J. Haker

Kenneth H. Masters, Esquire

RECEIVED RECEIVED OF AUG -4 PM

PP to 9/15/93

MCFARLAND, WHINKAM & MASTERS 1002 FREDERICK ROAD

CATONSVILLE, MARYLAND 21228

LAW OFFICES

AREA CODE 410

TELEPHONE

788 - 2300 744 - 3256

FAX 744-3423

ALSO ADMITTED BLOCK August 11, 1993 Ms. Kathleen C. Weidenhammer Administrative Assistant

County Board of Appeals of Baltimore County

Towson, Maryland 21204 Re: Case No.: 92-97-SPHA JAMES L. HAKER, ET UX

c/1 Newburg Avenue (415 Forest Lane)

Dear Ms. Weidenhammer

C. VICTOR INCFARLAND

REDNETH H. MASTERS

LOUIS J. WEINKAM, JA"

LOUIS J. WERKAM, SA. P.C.

Old Courthouse, Room 49

400 Washington Avenue

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

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

Thank you for your assistance in this matter.

cc: Francis X. Borgertling. Jr. Esquire Mr. & Mrs. David Humes

Kenneth H. Masters Attorney for the

₩

Hearing Room -Room 48, Old Courthouse

Printed on Recycled Paper

County Board of Appeals of Baltimore County

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

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. 59-19.

CASE NO. 92-97-SPHA

conflict; and has been

JAMES L. HAKER, ET UX N/s of Forest Lane, 130' W of 1/ 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

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 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



County Board of Appeals of Baltimore County

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

400 Washington Avenue August 5, 1993 NOTICE OF POSTPONEMENT AND REASSIGNMENT of the Kearing

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND Shirtly steam SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE Land A. T. 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

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

in part; DISMISSING in part.

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

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

Counsel for Protestants Kenneth H. Masters, Esquire 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

Hearing Room -

County Board of Appeals of Baltimore County

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

Room 48, Old Courthouse 400 Washington Avenue

August 5, 1993

MOTICE 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.

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JAMES L. HAKER, ET UX N/s of Forest Lane, 130' W of c/l Newburg Avenue (415 Forest Lane) lst Election District; 1st Councilmanic District SPH-Determination that Sec. 304.3 does not apply to subject undersized lot;

8/18/92 - 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 Petitoners' schedule conflict; and has been WEDNESDAY, SEPTEMBER 15, 1993 AT 10:00 a.m. REASSIGNED FOR:

VAR-Løt size; setbacks

cc: Francis X. Borgerding, Jr., Esquire

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

Counsel for Protestants Kenneth H. Masters, Esquire 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

Hearing Room -

TOWSON, MARYLAND 21204 (410) 887-3180 Room 48, Old Courthouse 400 Washington Avenue

August 13, 1993

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49

400 WASHINGTON AVENUE

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 POSTPONENENTS 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.

MOTICE OF REASSIGNMENT **

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

Petition for Special Hearing and Zoning Variance N/S of Forest Lane, 130' W of the c/1 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

V 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 V

6. Assessment Summary

7A - 7C - Photographs $\sqrt{}$ 8. Letter from Mr. James Haker

9. Letter from James Dyer/John Alexander V

Letitioners +

10. 1945 Zoning Regulations

Protestant's Exhibits:

11. 1955 Zoning Regulations 12 9/3 - Photos / 2.- 8. - Deeds ...

 $\sqrt{9}$. Letter from David Humes V10. Drawing of lots

 $\sqrt{11}$. Petition in Opposition

 $\sqrt{ ext{Deputy Zoning Commissioner's Order dated August 13, 1992 (Denied in$ part; Dismissed in part)

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

Baltimore County Board of Appeals September 15, 1992 Page 2

Francis X. Borgerding, Jr., Esquire - DiNenna and Breschi A409 Washington Avenue, Suite 600 - Towson, Maryland 21204

- 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 attack
Rm. 304, County Office Bldg., Towson, Md. 21204

Actual Property Pr

and Development Management

Public-Services

Request Notification: P. David Fields, Director of Planning & Zoning

Patrick Keller, Office of Planning & Zoning Lawrence R. Schmidt, Zoning Commissioner Timothy M. Kotroco, Deputy Zoning Commissioner W. Carl Richards, Jr., Zoning Coordinator Docket Clerk Arnold Jablon, Director of Zoning Administration

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

Valtimore County, Maryland

PEOPLE'S COUNSEL HOSMXHMXEONNEXCONNEXCONNEXC Room 47, Courthouse XKMXWEXKEMESAPEAKEXXENDEX 400 Washington Avenue TOWSON, MARYLAND 21204

PHYLLIS COLE FRIEDMAN People's Counsel

PETER MAX ZIMMERMAN Deputy People's Counsel

July 31, 1992

887xxx-2188

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

PCF:sh

cc: Mr. and Mrs. James J. Haker

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 BRÉSCHI Suite 600 Mercantile-Towson Building

92-97.58HA

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

Dear Mr. Borgerding:

409 Washington Avenue

Towson, MD 21204

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,

Unlit & Redeligh Charlotte E. Radcliffe Legal Secretary

Enclosure

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 cc: Mr. James L. Haker

Arnold Jablon /ZADM

ZADM

Printed with Soybean Ink on Recycled Paper

Page 2 — James L. Beker, 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.

19/29/92 - Following parties notified of hearing set for January 14, 1993 at 10:00 a.m.:

Prancis X. Borgerding, Jr., Esquire Mr. and Mrs. James L. Haker Kenneth H. Masters, Esquire Ms. Karen A. Homes Mr. Paul Lee People's Counsel for Baltimore County P. David Pields 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 FISTPONEMENT AND REASSIGNMENT to April 27, 1993 at 10:00 a.m. at the request of Counsel for Protestants citing legislative

3/24/93 -Notice of POSTPONEMENT & Peassignment 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 tegin 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 FP 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: nowever, 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. on9/15/93.

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 I. 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 - objec ting to postponement request; but asking that should it be granted, Counsel be consulted to arrive at firm date.

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

December 2, 1996

TO:

Catherine A. Milton Planner I, Zoning Review

Case #92-97-SPHA 415 Forest Lane

This office was informed by Diana Itter, 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 varianced was 6,000 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:sci

LAW OFFICES

2010.92

TELEPHONE AREA CODE 301

788 - 2300

744 - 3256

FAX 744-3423

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

October 18, 1991

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:

C. VICTOR MEFARLAND

KENNETHH MASTERS

LOUIS J. WEINKAM JR.

Arnold Jablon, Esquire

*ALSO ADMITTED NIDC

LOUIS J. WEINKAM SR. P.C.

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,

> June H Mask Kenneth H. Masters

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



MICROFILMED

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. *
*ALSO ADNITTED IN D.C.

AREA CODE 410

October 5, 1992

TELEPHONE

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, 130 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.

KHM:ifm

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

504 Porest 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 92-978PHA

It has come to our attention that the owner of a small lot on my street (415 Porest Lame) is requesting the Board to grant a variance of the soming regulation inorder to sell an undersize lot as a baildable lot.

We oppose any wariances 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 inorder for an absentee owner to make a few extra dollars,

William&Michelle Ree

9-15.93

210 Newburg Avenue Catonsville, MD 21228 August 11, 1993

County Board of Appeal of Baltimore County Old Courthouse Boom 49 400 Weshington Avenue TOMBOR, MD 21204

Gentlemen:

We are writing to request that a variance of the zoning regulations be dealed 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,

RECEIVED OF APPEALS

99 ABS 10 PH 12: 22

框: Case Musber 92-97-9749

we are writing to express our opposition to the granting of variances and a Special Mearing which would permit a home to be constructed on the is immediately adjacent to the subject lot and are especially concerned about the devaluation of our property and loss of privacy that will inevitably ensue if receive the is negative to the subject lot and are especially concerned about the devaluation 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 commity members despite the fact that they lived at 216 Newburg Avenue, which adjains the subject let, for 20 years. Why did they choose to build after they had sold their home on Memburg Avenue and moved out of the community? It seems evident that they know exactly what everyone else in the meighborhood 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

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 35 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 because the lot is only 65 feet in depth, the owners have requested permission 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

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 those records during each of the 23 years they have owned the subject property. Because they did not take the proper care to examine their deed and to obtain a decision from the zoning commission prior to selling their adjoining property to us. is not reason to grant a variance. The neighborhood is not responsible for their carelessness so we should not be forced to bear what are rightfully their consequences.

Thank you for your consideration.

21 June 1992

Mr. Lawrence E. Schmidt Baltimore County Zoning Commissioner 111 W. Chesapeake Avenue Room 123 Towson, Md. 21204

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

Dea: 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.

Catonsville, MD 21228-5028

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

> REGINT ZONING OFFICE

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

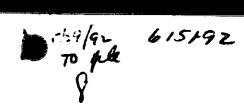
Dear Sirs:

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.

Nicholas M. Beccio



Catonsville, MD, 21228 22 April, 1992

410 Forest Lane

Baltimore Co. Zoning Commissioner Office of Plenning and Zoning 111 W Chasapeake Ave. Townson, 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 percel 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 nonresident 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

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 leck of interest nor a lack of personal conviction about this matter.

Thenk you for your consideration.

Lederick S. Timmel Mayore J. Timmel Merjorie J. Timmel



ZONING OFFICE

93 MS -5 MII: 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.

Rederick G. Timmel

Marjorie & Timmel

Marjorie J. Hinmel

(410) 747-7049

Balt, Co. Bd. of Appeals old Court house, Am. 49 Towson, MD, 21204 Ref: Case # 92-97-58HA

When the written ruling as the Bd. of Appeals is issued, please mail a copy to me. From our recent phone serversation I understand that van will do this, and that any résident not lave 30 days to appeal. The Appeal hearing was held on 29 Set. 1993.

Thank you

1 /minel Frederick G. Timmel

414 Forest Lane Catonsville, Maryland 21228 July 28, 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

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

Pirthermore, we believe that such construction would undoubtedly result in lowering the value of our property and the property of others in the

Respectfully,

John Donald Wagner 18 elen m Wagner J. Donald and Helen M. Wagner Homeowners at 414 Forest Lane

8645-93

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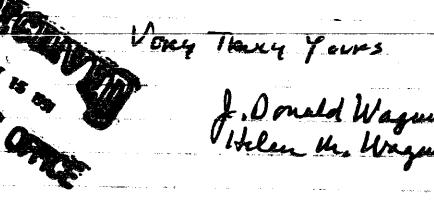
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Exact the first the COLTIMORS G. 300106 Comm PPELEF ME PLANNING ! 2-3MING Tousen Mar 21287

GENTLE MEN.

My PROPERTY IS DIRECTLY Opposing The Hakers Let. The Waivers AS PEQUESTED IN THIS CASE (92-92- SPHA) IS DETRIMENTAL TO THE PLAN & VANGOF NEISH BEKING PROPERTIES ALL HOMES OF PEREST LANG HAVE A SOT BACK ON THE RIGHT SLOP OF FEREST LANG 15 35' AND 50' ON THE LEFT SIDE, OUR BACK YARDS Depart 15 150' From our Homes. I Am Thene Fend ASKING THAT THESE WALVERL BE ROJECTER



4639-92

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 Catchsville, 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 ides 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 nouse and a comfortable distance from the busy street. Both would be lost if a building were allowed on this small
- 3. We have lived at 216 Newburg Avenue on the corner of Forest Lane since 1951 (the house and projecty 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 foctage 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
- 4. We believe construction of a house on this site would affect, adversely, the value of our home and the homes of our neighbors,

homas R. Laurence mary R. Laurence Thomas R. and Mary R. Lawrence Homeowners at 218 Newburg Avenue

118 Newpurg Avenue Catomorille, MI wille: ರಿಯಾಲ್ಕರ 17, 1991 -

Baltimore County Zaming Cormissioner Office of Flanning and Israng Tiwein, Yarpiand 21204

Dair Commissioner,

We are writing to express our opinion on case number 9%-97-SFRA which will be mearn on Monday, Cottler II, 1991 at 4 pm. It is not possible for

As we understand it the owners of the vasant lot at 415 Forest lane are seeking a variance of the zoning regulations in order to construct a nouse. at the site. We strongly oppose the granting of such a variance for the filliwing measins:

- The property is too small for a desirable size house.
- 1. If the variance is granted the building would be only 10 feet from the street. Other homes on Forest Lame are at least 35 feet from the street. To us this seems imappropriate and unlesigable for the neighborhood.
- 3. The size nouse that it would be possible to construct would its instansistent with the existing homes in the area.

Thank you for your consideration in this matter.

may to same

Lames 1 Tow leve Thomas R. and Mary R. Lawrence

ZADM

april 5.1992

The service fallow Boundary Government Offer if going atmenutation in Empower mongement And & Good & Bound

They seem about in ugue & Case Kinker: 92-97 SPHA Patitioner: Jame J. Hefer, in light

For tansone & 2 Row Station preserving that we are gumes the same dot stores of inguit sign for as know to be bout there we have planner & & present on the ferring that we are icides and of town for the best for promother of the part when we about to returning. putiting the unice larly June. Putings its postponent

318 Tuckery drame Catomorica, md 21235 RECLIVEN AFR 10 1992 .

ZONING OFFICE

JAMES B. CULP 403 FOREST LANE

AUGUST 3, 1993

BALTIMORE, MARYLAND 21228 COUNTY BOARD OF AMERICS OF BALTIMORE COUNTY REF. CLASE No. 92-97-SPHA

PLEASE BE ADVISED THAT THE UNDERSIGNED PERSONS ALE SERIOUS AN PROTESTING THE CONSTRUCTION OF A DESCURS ON THE UNBEREIRE. LOT AT 415 FOREST LANE, BEHIND 26 NEVENLO.

THE PROPOSED DWELLING WOULD BE LOCATED ONLY TO FEET FROM THE STREET, THIS IS IS LETT OLDSER THAN ANY OTHER DESCURS ON THE BLOCK, THE REAR YARD DEPTH WILL BE ONLY DO FEET WHILE THE LEGISLED BOTTH IS 30 FEET.

THESE PROTULES WOOLD GLEATLY DEVALUE ALL OTHER PROPERTIES ON THE BLOCK, WE ARE GREATLY CON-CERNES ESTECIONALY SINGE MOST OF THE RESIDENS ON THE BLOCK ARE RETIRED SENIOR CUTIZENS.

ALL OF US WISH TO RETAIN THE HIGH DUBLITY NEIGHBALLOW WHICH WE HAVE ENTOYED FOR HO YEARS.

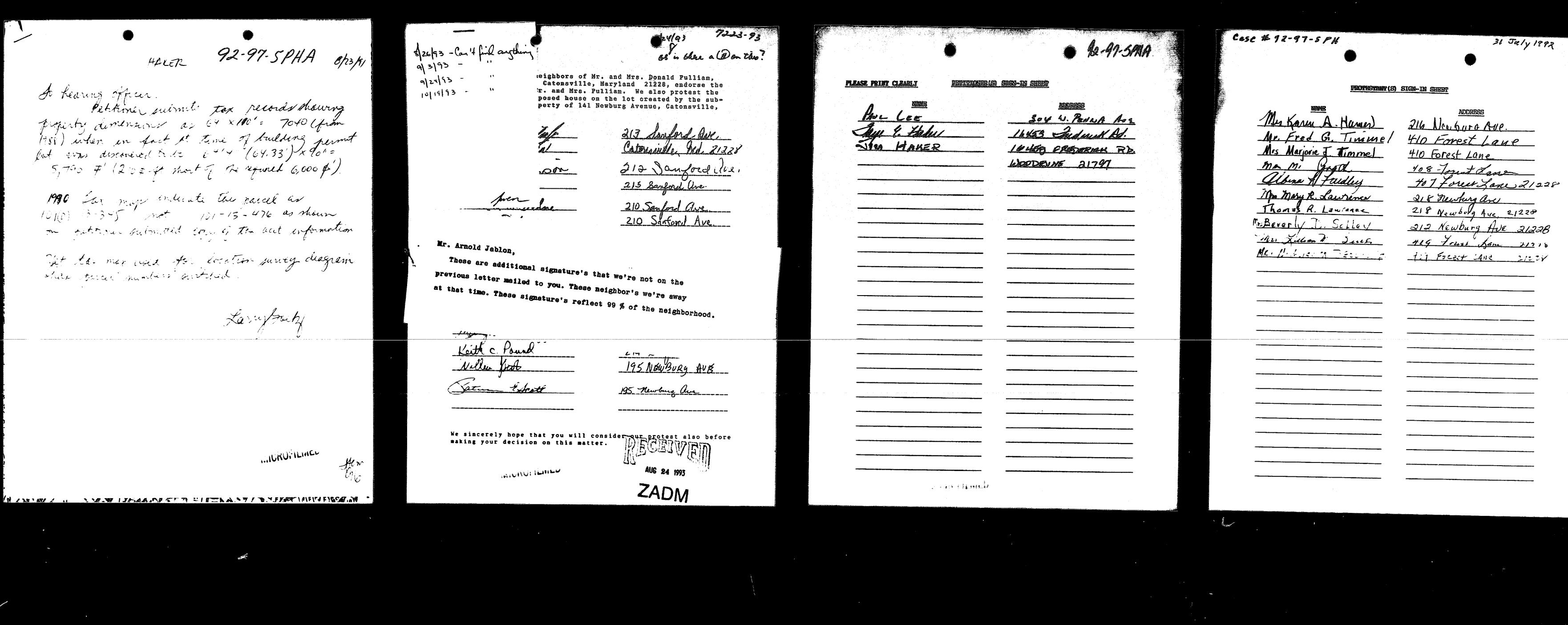
WE SWEELERY HORE THAT YOU WILL DECIDE IN OUR FOUR AND DENY THE OWNERS AFFERN ALLOWAND US TO CONTINUE LIVING IN A MIGH QUALITY AREA.

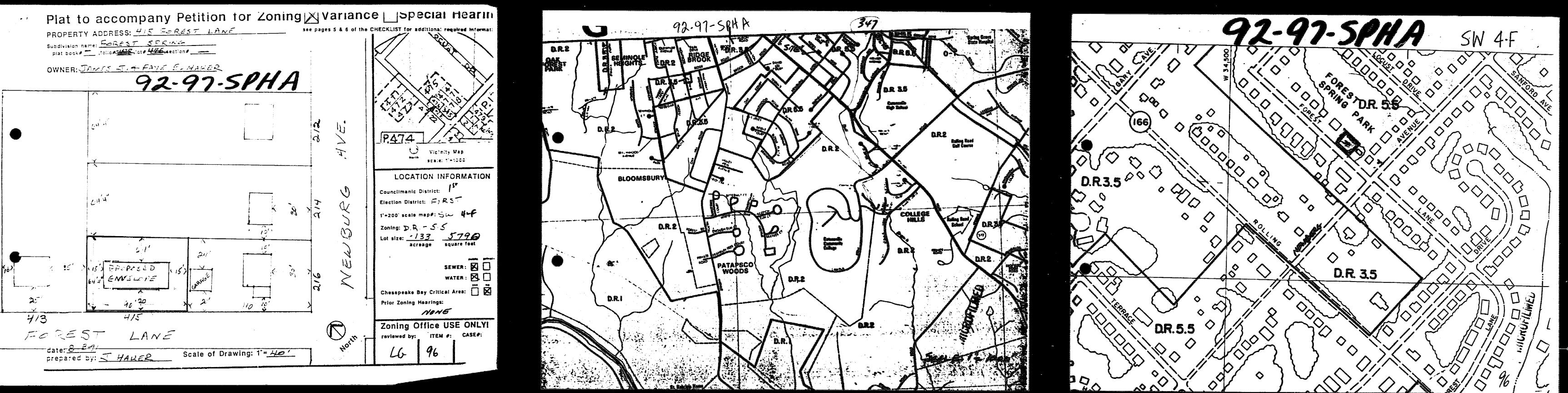
Jan B. Crus, Sx.

HORMA E. Cour

69 11 MA 3- 8UA 88 COUNTY BOARD OF APPEALS

ZONING OFFICE





CHAIN OF TITLE

Min Ex

Entire Parcel which now consists of 216 Newburg Avenue and 415 Forest Lane.

Deed dated April 5, 1939 Harry and Alice Mengers, Grantors Charles Wilson Lovell and Laurine Lovell, Grantees (Entire Parcel) - 20/16 blue this lot as a lot of record

Charles Wilson Lovell and Laurine Lovell, Grantors Edwin T. Johnson and Agnes A. Johnson. Grantees

Liber 3384 Folio 468 Deed dated July 14, 1958 Edwin T. Johnson and Agnes A. Johnson, Grantors

Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, Grantees Liber 4188 Folio 422 Deed dated July 31, 1963

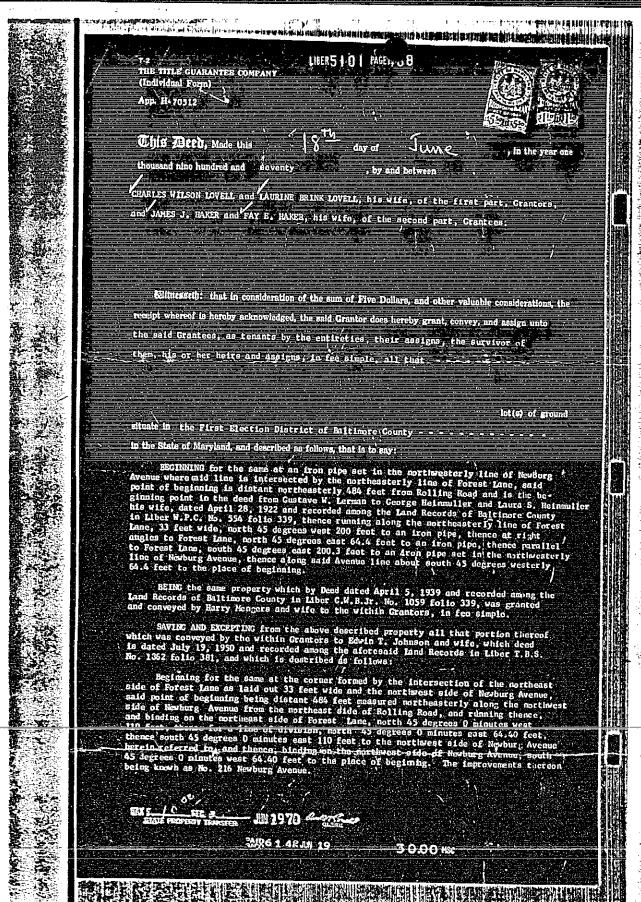
Frank W. Lichtenberg, Jr. and Barbara Jean Lichtenberg, Grantors James White Findlay and Margaret Elizabeth Findlay, Grantees

James White Findlay and Margaret Elizabeth Findlay, Grantors James J. Haker and Faye E. Haker, Grantees

> Charles Wilson Lovell and Laurine Brink Lovell, Grantors James J. Haker and Fay E. Haker, Grantees

Liber 7791 Folio 566 Deed dated February 3, 1988 James J. Haker and Faye E. Haker, Granters David G. Humes and Karen G. Humes, Grantees

Deed dated October 18, 1966



Paul Los, P.C.

• Pet. Ex. 13

Paul Lee Engineering Inc. 304 W. Pennsylvania Acc. Towson, Maryland 21204 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 450 W - 135 feet from the center of Newburg Avenue; thence binding on the north side of Forest Lane (1) N 450 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

by Joseph Cramby et al to Frederick C Height

Also part of that parcel of land which by deed dated June 24rd 1896 and recorded smang the Land Records of Baltisore County in Liber J W S No 153 foli: 129 etc was conveyed by Frants E S Wolfe Bachelor to Frederick C Heighe

See also the following deeds to the within grantors 1-a deed from Lisa W Heighe unruried dated December 16 1932 and recorded among the Land Records of Baltimore County in Liber L McL M No 910 felio 31 etc 2-a deed from Thomas M Jonifer unmorried dated April 8 1933 and recorded among the Land Records of Baltimore County in Liber L McL M No

Together with the buildings and improvements thereon exceted made or being and all and every the rights allegs weys we hers privileges appurtenances and advantages to the same

To have end to hold the saidlot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and saventages thereto belonging or apportaining unto and tothe prepar use and benefit of the soid Francesco Dimerce his heirs and assigns forever in fee almple

And the said Echart H Heighe and Anne McE Heighe his wife horeby covenant that they will varrent specially the property hereby granted and conveyed and that they will execute such further nasurances ofsoid property as may be requisite

Witness the hends and seels of sold gruntors

Robert H Heighe Jamle R Melcher Anno McE Holghe State of Florida Dade 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 Dade County Florida aferosaid parsonally appeared Robert H Heighe and Anne MSE Heighs the within granters and they acknowledged theforegoing deed to be their act As Witness my hand and Notarial soal

> (hotarial scal) Jemie R Melcher

Recorded Apr 13 1939 at 2.30 F M & EXU For C William Browne Jr Clerk

Harry Mencers and wife Chas W Lovell and wife uss \$1.00 s r r \$1.00

This Deed Made this 5 dayof April 1939 by and between 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

Witnesseth that in consideration of thesum of five dellars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Narry Mangers and Alice R Mengers his wife do grant and convey unto the said

Charles Wilson Levell and Engrine Brink Lovell his wife their heirs and assigns in fee simple all that lot of ground sut ato lying and boing in Faltimore County aforesaid and deceribed as follows that is to say

Beginning at on iron pips set in the northwesterly line of Newberg Avenus where said line is intersected by the northeesterly line of Forest Lone and point of beginning is disas day a value of solf two or otty, the within named granter, and not massedged the aforegoing out the Tee Tipe and art raid body corporate.

In Territories Microsof, I herem to set my hand and affix my notarial scal.

W. H. Teppers

William H. Trovers - Notary Public acestant Ind ा, 1950 at 2:10 P H & Exd per T Braden Sticett - Clerk (bad HP Exd By DDSA)

In the year one thousand nine hundred and fift by and between Charles Wilson Levell and Laurid Brink Loveli, his wife, of Baltimore County, Tinde of Frylag, parties of the flist part; and Eduin T. Johnson and Agnes A. Johnson,

his wife, of Palbimore County, Shabe of Maryland, parties of the second part. respectly, that in consideration of the sum of five deliars and other valuable censiwhice, this day paid, the receipt whereof is hursby acknowledged, the said parties of

but traiser, in for simple, all that lot of ground situate in Baltimore, County, in the State of Dougland, which according to a survey dated July 11, 1950, made by Albert E. Pohmo

Deglaring for the same at the corner formed by the intersection of the northeast side of Carant lame as isid out thirty-three feet wide and the northwest side of Newburg Avenue, s point of beginning being distant four hundred eighty-four feet measured northeasterly along the merbluous side of Newburg Avanue from the portheast aide of Rolling Road; and ru sing there, and binding on the northeast side of Forest Lane, north forty-five degrees core make the wort one hundred ten feet; thence for a line of division, north forty-five desiers terr rinches dask platy-four and forty one-hundredths feet; thence south forty-five degrees rote withhes east one hundred ton feet to the northwest side of Newburg Avenue horein referred to; and thence, binding on the northwest side of Newburg Avenue, south forty-five degrees zero minutes west sixty-four and fourty one-hundredths feet to the place of basimilas. The improvements thereon being known as No. 216 Newburg Avenue. Being yeart of the property which, by dood dated April 5, 1939, and recorded among the

Land Macards of Faltimore County in Liber C.W.B.Jr. No. 1059 folio 330, was granted and eq veyed by "stry Himpors and wife to the within named parties of the first part, in fee simple Tegether with the buildings and improvements thereupon; and the rights, alleys, ways, esters, grivileges, appurtenances and advantages to the same belonging or in anywise apper

To have and to hold the said lot of ground and promises, unto and to the use of the s iduja T. Jahusan and Aares A. Johnson, his wife, as terrate by the entireties, their assigns. and muta the amedian of them, his or her hairs and nestins, in fee simple.

that the self parkles of the first part covenant that they will warrant specially the wegarty himsby cranted and conveyed, and that they will execute such further assurances

Charles Milson Leveli (Seat) Imprine Prink Juyell (Sent)

LISER 3394 PAGE 468



This Deed, Made this four teenth - - - - - day of July, - - - - in the year one thousand nine hundred and fifty-eight, , by and between Edwin'r. .

of Baltimore County - - - - - - - In the State of Maryland, of the first part, and Frank W. Lichtenberg, Jr., and Barbara Jean Lichtenberg, his wife, of

Newburg Avenue

212

211

Forest Spring Lane

213

· N

U

21

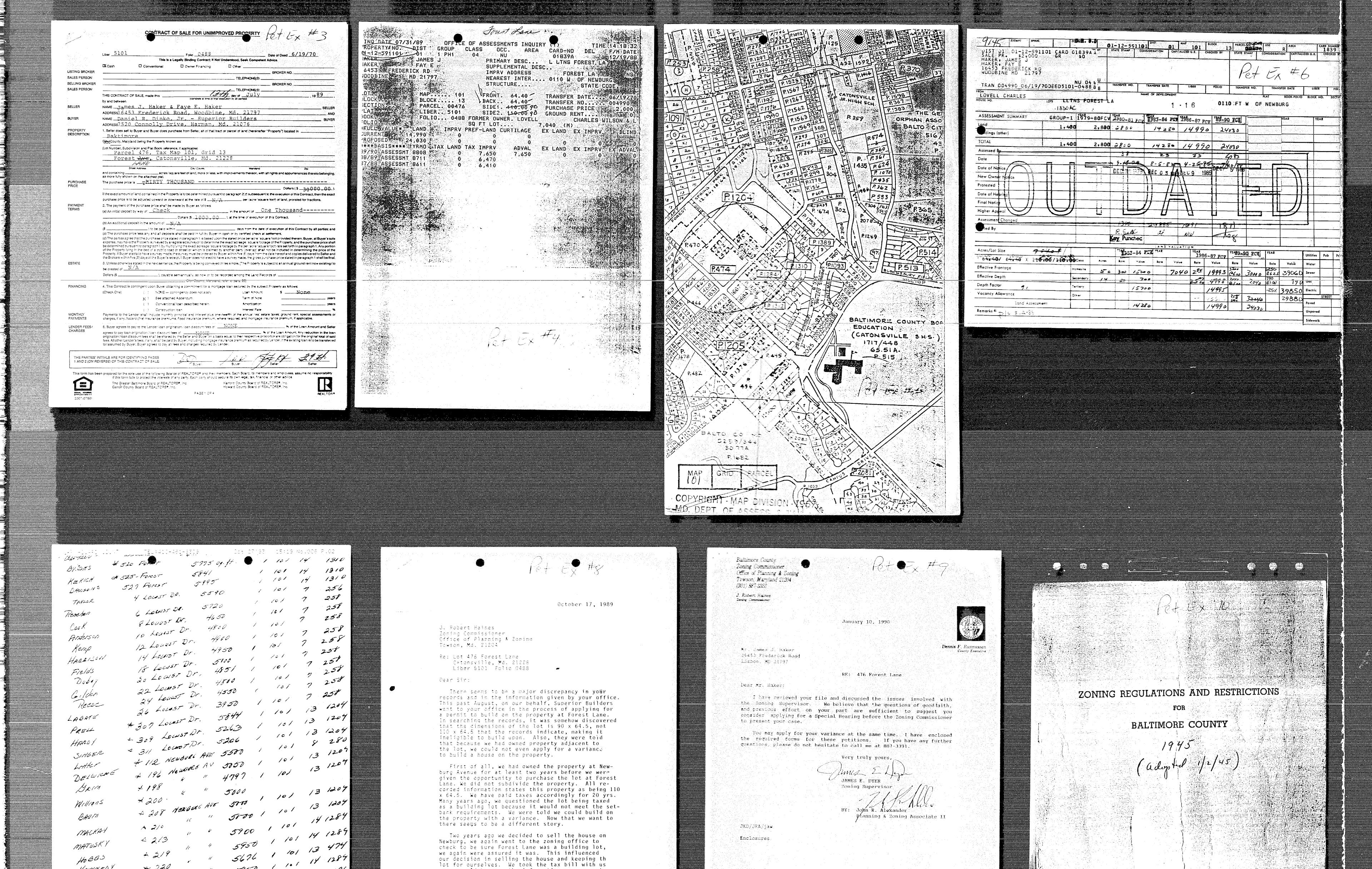
012

Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged,

do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns

heirs and assigna, in fee simple, 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, as laid out thirty-three feet wide, and the northwest side of Newburg Avenue, said point of beginning being distant four hundred eighty-four feet, measured northensterly along the northwest side of Newburg Avenue, from the northeast side of Rolling Road; and running thence and binding on the northeast side of Forest Lane North fortyfive degrees no minutes West one hundred ten leet; thence for a line of division North forty-five degrees no minutes East sixty-four and forty one-hundredths feet; thence South forty-five degrees no minutes East one hundred ten feet to the northwest side of Newburg Avenue herein referred to; and thence binding on the northwest side of Newburg Avenue South fortylive degrees no minutes West Bixty-four and forty one-hundredths feet to the place of beginning. The improvements thereoh being known as No. 216 Newburg Avenue.

BEING the same lot or parcel of ground which by deed dated July 19, 1950, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1862, folio 381, etc., was granted and conveyed by Charles Wilson Lovell and wire to the said parties of the first part, in fee simple.



check to be sure Forest Lane was a building lot,

so we could be sure the information was correct. Once again, we were assured it was a building lot.

Now we are being told we cannot build upon it because we should have added enough land or sq.

ft. to make it a buildable lot. I say to you,

because of incorrect records we all thought it was a buildable lot, so why would I have gone to the trouble and expense of doing this.

we again were assured it was. This influenced our decision in selling the house and keeping th lot for ourselves. We took the tax bill with us

4 5950 1 101 19 1196 4 5700 1 101 19 1196 4 5986 1 101 19 1191

* Then are all very close to purpetly -HUMES IS 2/6 NEW GERG ANE, PET. EX.7)

and the control of th

KENNEDY

Lolley

DEALE



The undersigned hereby petition the Baltimore County Zoning Commission to disapprove the request for a variance of the zoning regulations pertaining to 415 Forest Lane, case number 92-97-SPHA. We believe that the requested variance, if granted, will permit the construction of a home on this site which will not be consistent with the standards of the neighborhood, thereby adversely affecting the value of our homes and the quality of our neighborhood. We petition the Baltimore County Zoning Commission to uphold the regulations which were established to protect homeowners from such

inappropriate use.

SIGNATURE	DATE	ADDRESS	PHONE #
Hickory Charles	80.1.81	489 Franst LANG	747-6085
rederich H. Jumel	9 Cct. 1991	4/CFcrest Lane - 21228	747-7049
Mayore - Comme		19 - 1 - 1 - 1 x 33	7+7-764
Ti was to the	9/15/91	469 - recei hore	747-501
MUT The hale	18/4/5	406 706 7 XUNC	747-576
Frank pllingte	10/9/91	32 Forest Fare	744-139
The same of the			77
Elith & Bleen	919 191	for frust Lune	744-6
Fleien Waarac	Voy 1: 10	- 14 Ferral Line	747-3
join le anne	18.0	419 Ferrance	247-341
Illere adia	10	rest - ni	7-1-5
Morne & Care	18	Lite The Control	7.7
Janes Day	10	4	147-67
Large Strack	10	Har Topics Ku	7-7-222
milion Sprain	10	1 7/22-22	7-7-27.
Robert Brien	90109	2 2 Forest dime in	747-38
Partie Land		The state of the s	4
What reple			7593011
Test Time			
Tolor of the	, -, -,	402 Fe. 150 1941	744-60
			754-66

Prot	Ex	#10
10		10

Newburg Avenue

	1	-							902
<u> </u>	Õ	108	410	420 418 416 414 412 410 408 406 404 402 400	4 2	416	418	420	802
		·	···						210
									212
401		403	407 405 403	407	409	4			214
1		j				ı	415		216

Forest Spring Lane

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* * *		
;	LOT 15	LOT 16
į		
,	RESUBBINISION	01 6075
:	25 TO . 06, PART OF	130 4
	3: 70 43	•
	FOREST SPRIN	G PARK
	5-8-34	

EX 57. 204 KS : DR. 5.5" EXIST JSS RESIDENTIAL"

HE CEUT 30 (A 10 YAR.) EXIST ZONING: 'DR & 5" EXIST USE: " RESIDENTIAL SANFORD AVE LOCUST DR

> LOCATION PLAN SCALE: 1" 500'

H3 Z HS 10/21/91 ___ 2pm -11

7, 92 at 9:30 g/m in 106 11 1/31/92 at 916 9m in 106

5PHA 96 10-21-91

Franciscosing/a) _____ indicance the workpool 1.

345'2 - 20.00 BK BALB BE DHIG 3 & POREST LAR EN D' N CREST MEST PROCES (ex MAG.) FOREST WILEU OF SOG AVER MOVER AYAR ANCE OF A Ex OWLG Ex oncs ! Ex SHULLS EX.5" CON NO DE SE EXIST USE PEFCENTIAL

ZONING HETCEY

1. 1059-337 A.S 35, WELSER TO LOVELL

2. 1862-381 (7-3-50, LOVELL TO JOHUSON

3. 5101-488 6-870, LOVEL TO WIKER

ORIGINAL OF SUBDIVIDED CREATING

110 = 64.4 OT PERGLENBURG SYE

28.3 NAL LOT - 200 . 64.4"

GENERAL NOTES

AREA SE "TO "ETT" = 5.795 SE (38055 -7.28/5.84) 2 EX ET, LG ZOL LG OF TOTERTY " OR 5.5" 3 EXISTING JEE OF PROPERTY - VACANT"

4. PROPOSES ZON WE OF PROPERTY = "OR 5.5" E PROPOSES JOS DE PROPERTY : "RESIDENTIAL" SEX STILE JTL TES AVAILABLE TO SITE

T "E" TOLER REDUEST UG 4 VARIANCE PERSUANT TO SECTION 304 FORM SECTION I BORBE I AND SECTION 303.1 PX. DE THE BUILT TO TERMIT A LOT AREA OF 5,796 S.F. IN CIEU SE THE "ESCIPET SOOD SE (A VAR OF POASE); AREAR TARE OF BEING THE REQUIRED 30 CAYAR OF 10'D; AND A FET - LES SETBACK OF 36.5" FROM THE CONTER OF THE NOAD A LEDGE THE REQUIRED 50.6" (AVERAGE SETBACK JE EXET LE CHELL HE TOO'SACH S.DE OF PROPERTY - A VARALIE DE (4.17).

EXISTIL & SET BACKE (FROM) & TO 40) EDO WEST 200 BAST 51,51,51 50 216, 50, 7.6.

AVER SE BACK PSS 5 . 50.6

PLAT TO ACCOMPLY PETITION = 9,**T**

KARIANCES 1.133 45 TE PARCEL (4.5. FOREST LAKE TO IN NEWBURG AVE.)

MICROFILMEL

FLECT. DIST. CI PK 3CALE 1:40

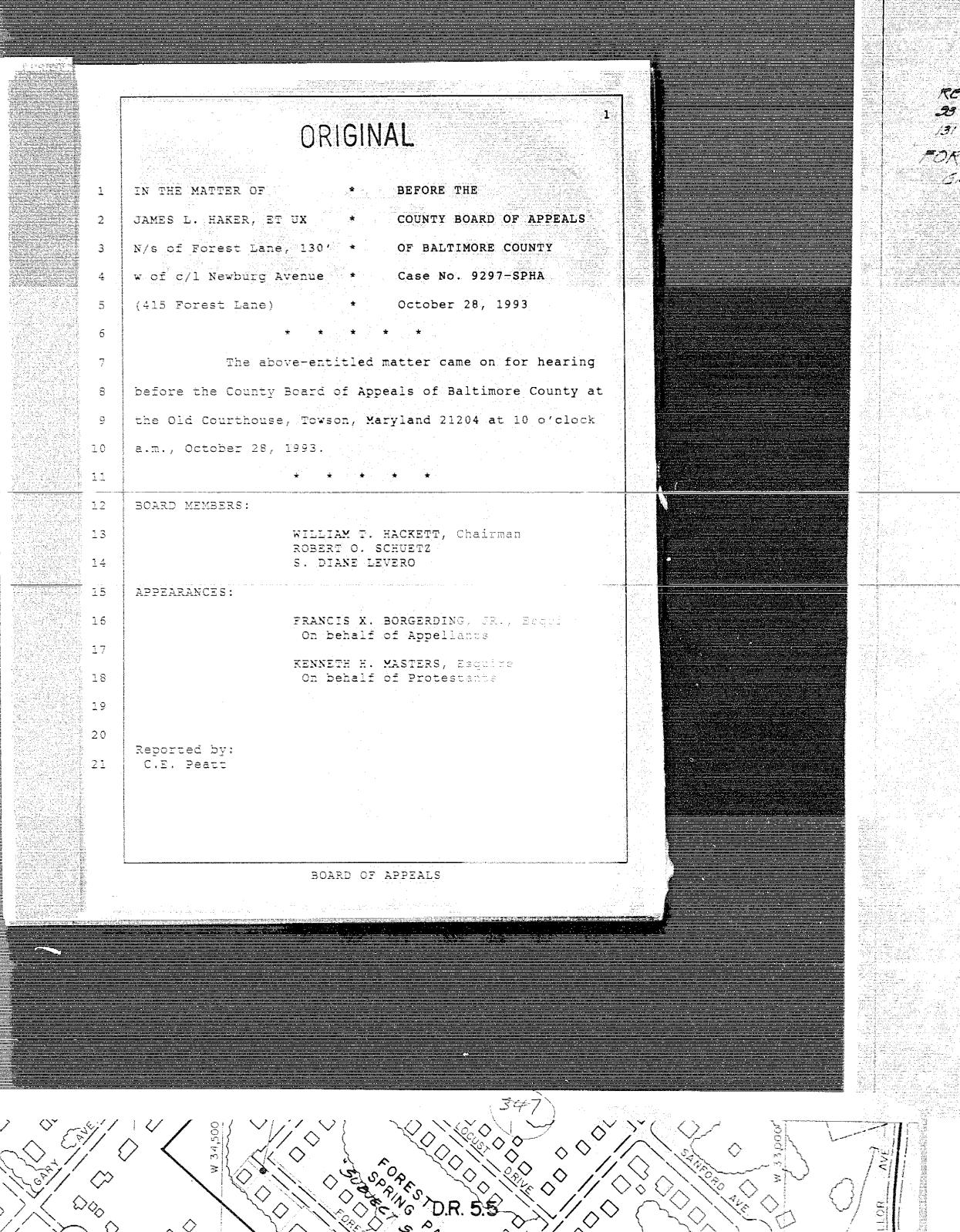
ENCTIMORE COUNTY, MO. F68 20, 1992

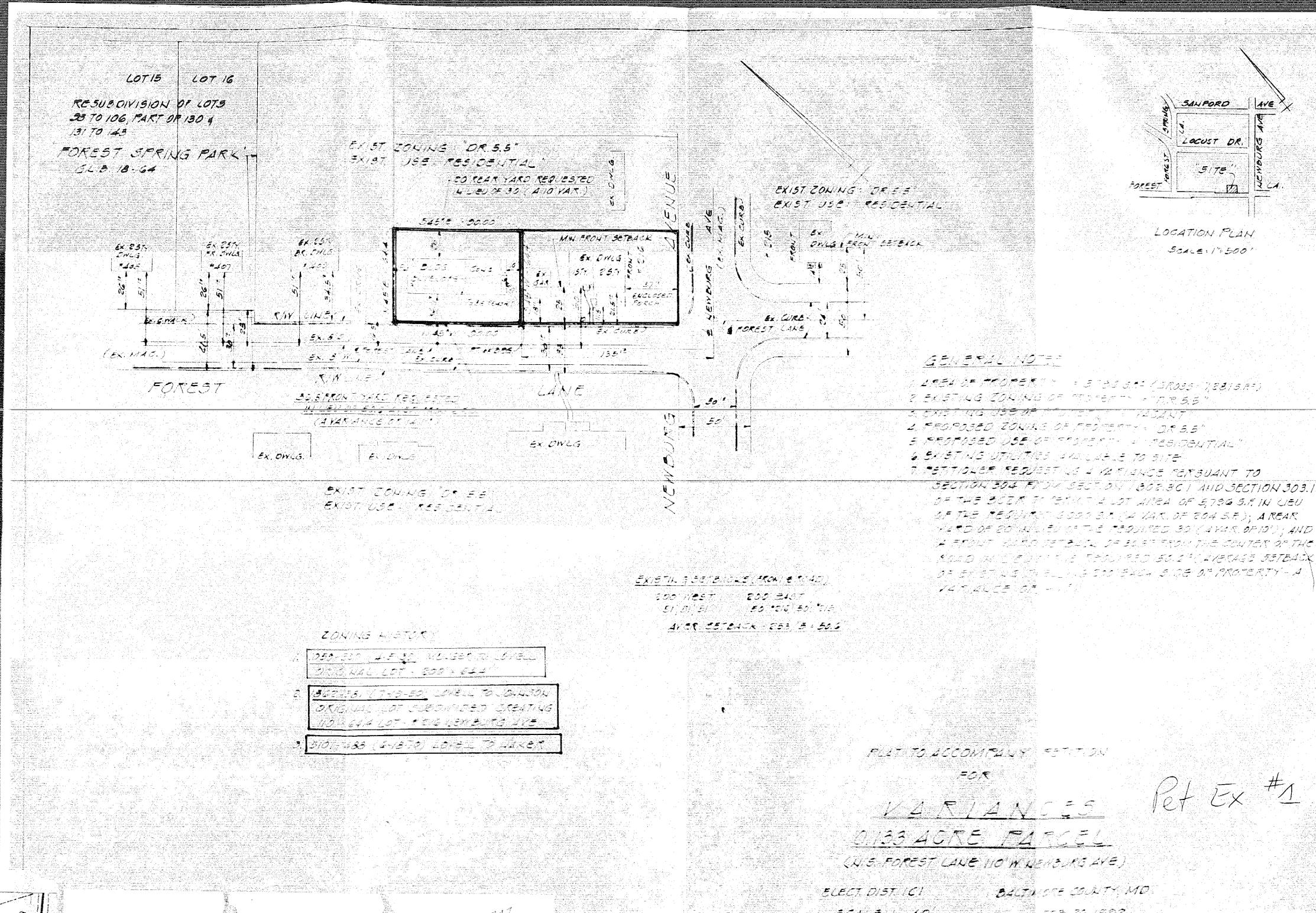
347

VAMES L. HAKER
KNOT FREDERKE RD P.K.
LISBOU, ND. WATT



PAUL LEE ENGINEERING, INC. 304 W. PEHNSYLVANIA AVE. TOWSON, MARYLAND-81804





DR 3.5

DR 5.5

DR 5.5

Parl Les P.E.

Paul Lee Engineering Inc. 304 W. Pennsylvania Ave. Towson, Maryland 21204 410-821-5941 DESCRIPTION

N. S. OF FOREST LANE, 135' W. OF NEWBURG

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

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At TON NO

Engineers - Surveyors - Site Manners

