

IN RE: PETITION FOR ZONING VARIANCE
S/S Broadway Road, 975' W of
the c/l of Falls Road
(1211 Broadway Road)
8th Election District
3rd Councilmanic District
Alonso G. Decker, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-440-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Alonzo and Virginia Decker, and the Contract Purchasers, Francis P. Kuhajda and Gabriele V. Ronnett, in which the Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Gerald J. Schisler, the intended Builder, and Bill Cockey, the Real Estate Agent representing both parties in the transaction. Appearing as Protestants in the matter were Leslie Schulman, adjacent property owner, and Charles Schmenner, President of the Falls Road Community Association.

Testimony indicated that the subject property, known as 1211 Broadway Road, consists of 1.75 acres, zoned K.C.5 and is presently unimproved. The Contract Purchasers are desirous of constructing a 94-foot wide dwelling on the subject property, said property being 150 feet wide and 480 feet long. Gerald Schisler testified that the proposed dwelling, which will contain 5,000 sq.ft. of living space, will cost approximately \$400,000 and submitted building plans for the proposed residence marked Petitioner's Exhibit 2. Mr. Schisler testified that due to the narrow

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width of the lot and the size of the proposed dwelling, the relief requested is necessary.

Leslie Schulman, owner of the adjoining property at 1213 Broadway Road, appeared and testified in opposition to the Petitioners' request. Ms. Schulman is concerned about the type of dwelling proposed to be constructed on the subject property and the effect the construction will have not only on her property but also on an existing row of lilac bushes which currently grow on the property line between her property and the subject lot. Ms. Schulman's home is located on the west side of the subject property and on the east side there exists another 150-foot wide vacant lot.

Also appearing and testifying out of concern over the requested variances was Charles Schmenner, President of the Falls Road Community Association. Mr. Schmenner and Ms. Schulman both had an opportunity to review the building plans for the proposed dwelling. Both Protestants felt that the proposed dwelling is attractive and will uphold the value of other residences in the neighborhood. Both Protestants were concerned about maintaining the integrity and quality of the homes in this Falls Road community.

Ms. Schulman stated that she wanted an opportunity to discuss the proposed development with the Contract Purchasers, who were not present at the hearing. Ms. Schulman stated that she would like to come to an understanding with them regarding the row of lilacs that grow along the entire length of the property line and the intended location for the proposed driveway on the subject property. Ms. Schulman stated that she would submit for inclusion in the file and incorporation into the Order, a letter of understanding between herself, her husband, and the Contract Purchasers regarding these issues. More than a month has passed since the date of

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the hearing and no letter has been submitted by Ms. Schulman. Therefore, this Order shall be issued without the benefit of any letter of understanding.

The Petitioner has requested a 25-foot setback on both sides of the proposed dwelling. The requested variance on the east side is appropriate and should be granted. However, the Petitioner's request for a setback variance of 25 feet on the west side of the subject property is not appropriate due to the fact that the building envelope depicted on Petitioner's Exhibit 1 is 100 feet wide and the proposed dwelling is 94 feet wide. The Petitioner is requesting a greater variance than that needed for the construction of the proposed dwelling. Therefore, the requested variance for a 25-foot setback on the west side will be denied and a variance of 31 feet granted instead.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

- 3 -

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet on the east side and 31 feet on the west side, both in lieu of the required 50 feet for each for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

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time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to the Contract Purchasers, Francis P. Kuhajda and Gabriele V. Ronnett and shall not be transferred to any other purchasers. In the event the Contract Purchasers do not settle on the subject property, the variance granted herein shall terminate.

3) The proposed dwelling shall be constructed in accordance with the building plans submitted into evidence and marked Petitioner's Exhibit 2. Should the Contract Purchasers find it necessary to deviate from the building plans depicted on Petitioner's Exhibit 2, then any substantial change must be approved by this Deputy Zoning Commissioner.

4) The Petitioners, their successors and assign and/or any future purchaser of the subject property shall leave undisturbed the row of lilac bushes that exist along the common property line adjoining the Schulman property. However, the normal pruning of said bushes shall be permitted to occur. Furthermore, any driveway leading to the proposed dwelling from Broadway Road shall be located to the extent aesthetically possible, the farthest distance from the common property line adjoining the Schulman property so as not to interfere with said lilac bushes or the Schulman's quiet enjoyment of their property.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1992

Mr. Francis P. Kuhajda
Ms. Gabriele V. Ronnett
5409 St. Albans Way
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE
S/S Broadway Road, 975' W of the c/l of Falls Road
(1211 Broadway Road)
8th Election District - 3rd Councilmanic District
Alonso G. Decker, Jr., et ux - Petitioners
Case No. 92-440-A

Dear Mr. Kuhajda & Ms. Ronnett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Mr. Bill Cockey
1842 Deveron Road, Baltimore, Md. 21234

Mr. Gerald J. Schisler
2006 Blue Mount Road, Monkton, Md. 21111

Ms. Leslie Schulman
1213 Broadway Road, Lutherville, Md. 21093

Mr. Charles Schmenner
232 Castletown Road, Lutherville, Md. 21093

People's Counsel; File

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Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1211 BROADWAY ROAD
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.3 To permit a side yard setbacks of 25 ft. in lieu of the required 50 ft.

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

BUILDING LOT WAS FORMED PRIOR TO ZONING. DUE TO THE WIDTH OF THE LOT AND CURRENT SETBACK BOUNDARY LINES THE LOT WILL NOT ACCOMMODATE THE PURCHASERS' HOUSING PLANS.

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

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

Contract Purchaser(s):

Francis P. Kuhajda, Gabriele V. Ronnett

5409 ST. ALBANS WAY

Baltimore MD 21212

City Baltimore State MD Zipcode 21212

Signature of Petitioner: [Signature]

Signature of Attorney: [Signature]

(Type or Print Name)

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

Legal Owner(s): [Signature]

Alonso G. Decker, Jr.

Virginia G. Decker

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

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Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

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473
92-440-A

Zoning Description for 1211 Broadway Road

Located in the South Side of Broadway Road, 975' west from the center line of Falls Road.

Thence: S 4 00° W - 510 ft.

N 86 00° W - 150 ft.

N 4 00° E - 510 ft.

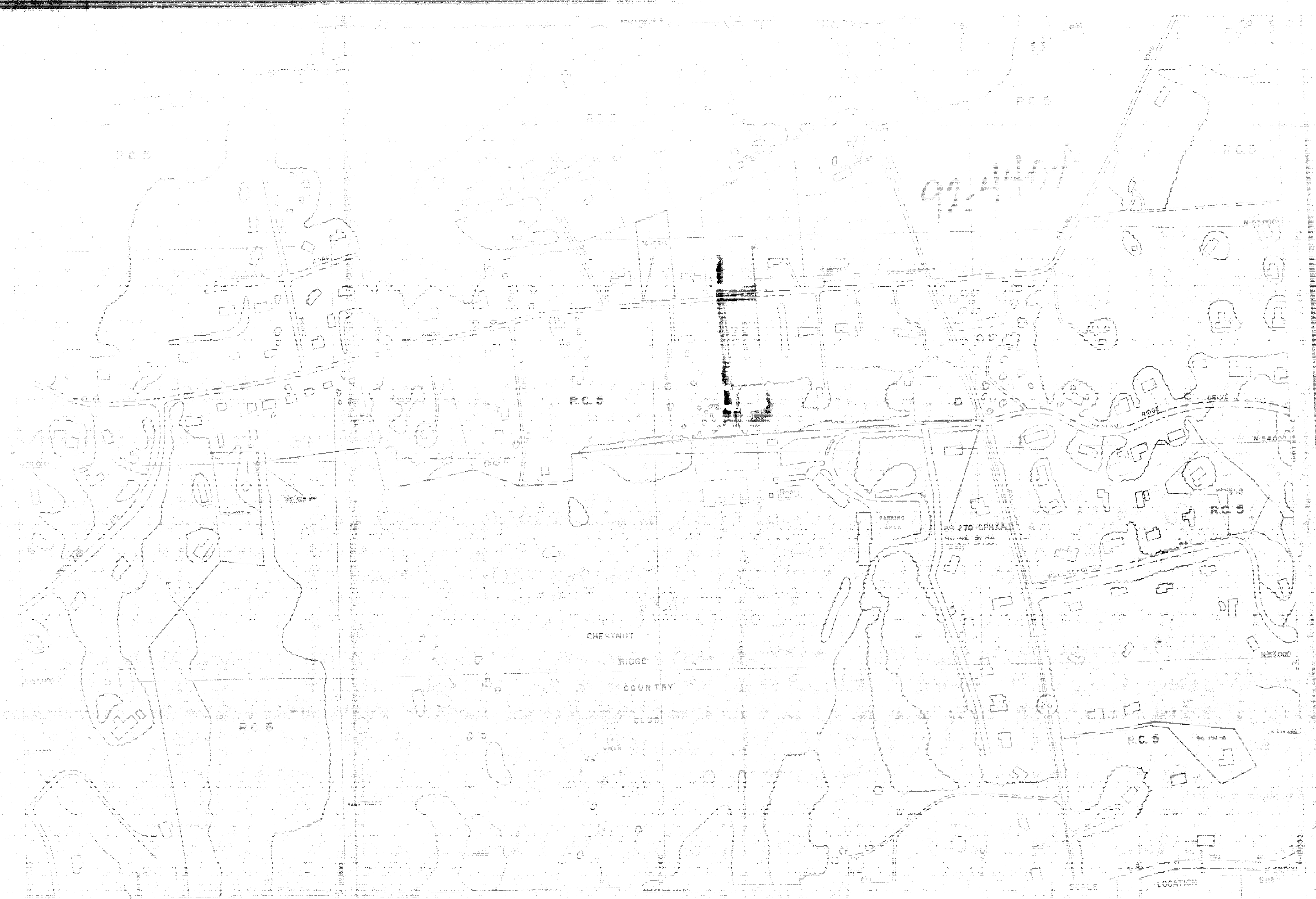
S 86 00° E - 150 ft. to the point of beginning

As Recorded in Deed liber 3907, Folio 322
Save and except SM 9049-279

Area = 1.75 acres

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92-44407



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	1" = 200'
DATE	
PHOTOGRAPHY	
LOCATION	CHESTNUT RIDGE COUNTRY CLUB
Sheet	NW 14-D

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CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 6th Date of Posting: 5-28-92

Posted to: Alonso G. and Virginia G. Decker

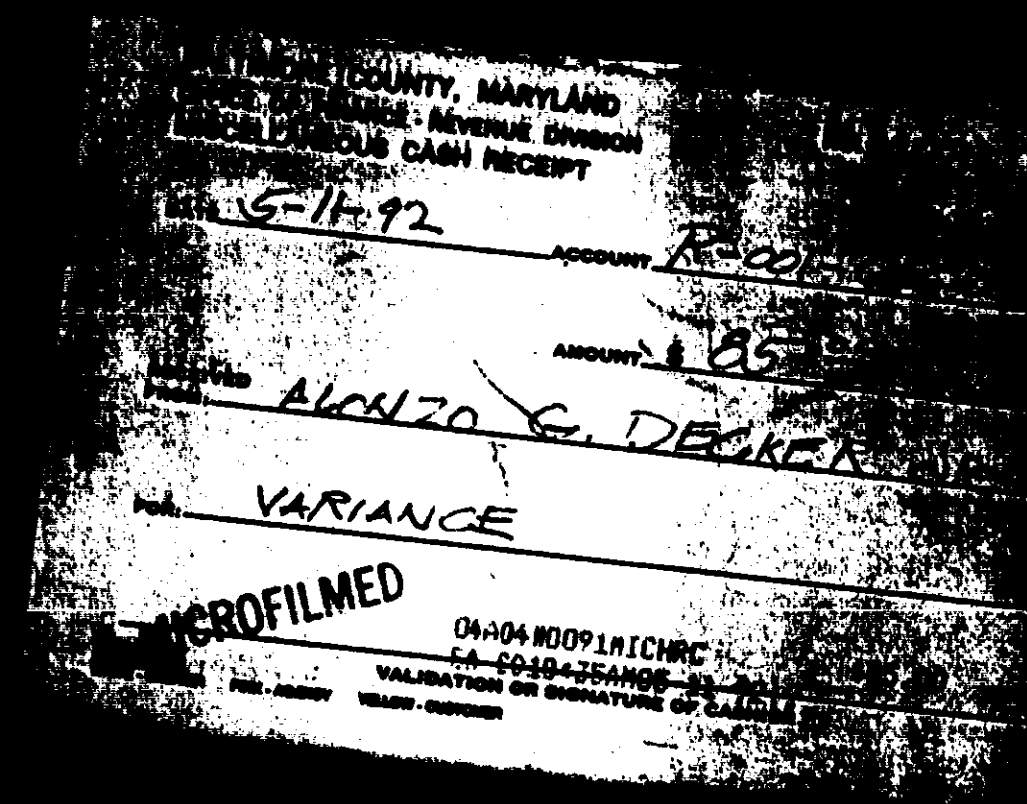
Location of property: 515 of Broadway Road, 725' W of the
R.H. of Teller Road, 12th Broadway Road

Location of sign: South side of Broadway Road in front
of subject property

Remarks: See map Date of return: May 29-92

Number of Signs: 1

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

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

DATE: 6/9/92

COPY

Francis P. Kuhajda and Gabriela Rossett
 5409 St. Albans Way
 Baltimore, Maryland 21212

RE:
 CASE NUMBER: 92-440-A
 515 Broadway Road, 975' W of c/l Falls Road
 1211 Broadway Road
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Alonso G. and Virginia G. Decker
 Contract Purchaser(s): Francis P. Kuhajda and Gabriela V. Rossett

Dear Petitioner(s):

Please be advised that \$ 44.73 is due for advertising and posting of the above captioned property. NOTE: POSTING FEES PREVIOUSLY PAID - THIS AMOUNT REPRESENTS ADVERTISING CHARGES ONLY.

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

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

Bel Jablon
 ARNOLD JABLON
 DIRECTOR

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

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

May 19, 1992

NOTICE OF HEARING

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

CASE NUMBER: 92-440-A
 515 Broadway Road, 975' W of c/l Falls Road
 1211 Broadway Road
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Alonso G. and Virginia G. Decker
 Contract Purchaser(s): Francis P. Kuhajda and Gabriela V. Rossett
 HEARING: TUESDAY, JUNE 23, 1992 at 10:30 a.m.

Variance to permit side yard setbacks of 25 feet in lieu of the required 50 feet.

Lawrence E. Schmidt
 Lawrence E. Schmidt
 Zoning Commissioner of
 Baltimore County

cc: Alonso and Virginia Decker
 Francis Kuhajda and Gabriela Rossett

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

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CERTIFICATE OF PUBLICATION

TOWSON, MD., May 28, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 28, 1992

THE JEFFERSONIAN,
S. Zakem Orlan
 Publisher

\$44.73

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receipt

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

Account: R-001-6150
 Number

Date: 5/11/92

PAID PER HAND-WRITTEN RECEIPT DATED 5/11/92

5/13/92

92-440-A

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$50.00
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: DECKER, JR.

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

June 15, 1992

Mr. Francis P. Kuhajda
 5409 St. Albans Way
 Baltimore, MD 21212

RE: Item No. 473, Case No. 92-440-A
 Petitioner: Alonso G. Decker, et ux
 Petition for Variance

Dear Mr. Kuhajda:

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 indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

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

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

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of May, 1992

Bel Jablon
 ARNOLD JABLON
 DIRECTOR

Received By:
W. Carl Richards Jr.
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Alonso Decker, et ux
 Petitioner's Attorney:

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DPW (Public Services)
 Development Review Committee Response Form
 Authorized signature: Dennis A. Kemp Date: 6/1/92

Project Name: Alonso G. and Virginia G. Decker Meeting Date: 5-18-92 NC

File Number: DED DEPRM RP STP TE

COUNT 13
 FINAL TOTALS
 COUNT 13

*** END OF REPORT ***

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BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
 New Courts Building
 401 Bosley Avenue
 Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

DATE: May 20, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 18, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Philip & Carol Falkenklaus - Item 461
 Francis & Suzanne Boyle - Item 465
 Robert & Joan Greene - Item 466
 Joseph & Gloria Connor - Item 467
 Alonso & Virginia Decker - Item 473

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

RECEIVED
 JUN 2 1992
 ZONING OFFICE

5_18_92.txt
 Petition.txt

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MAY 08 1992
ZONING OFFICE
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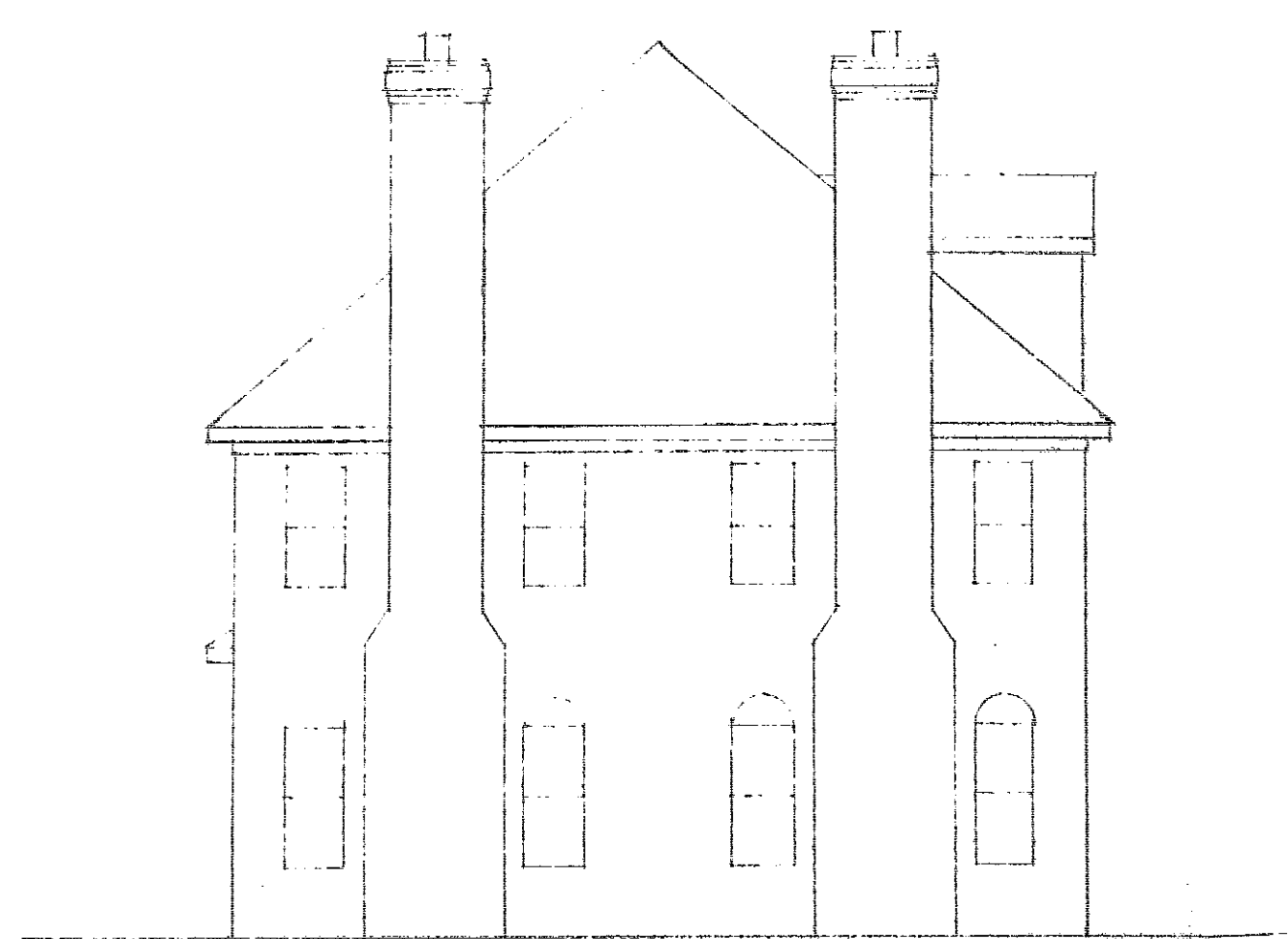
W. COHEN MEM

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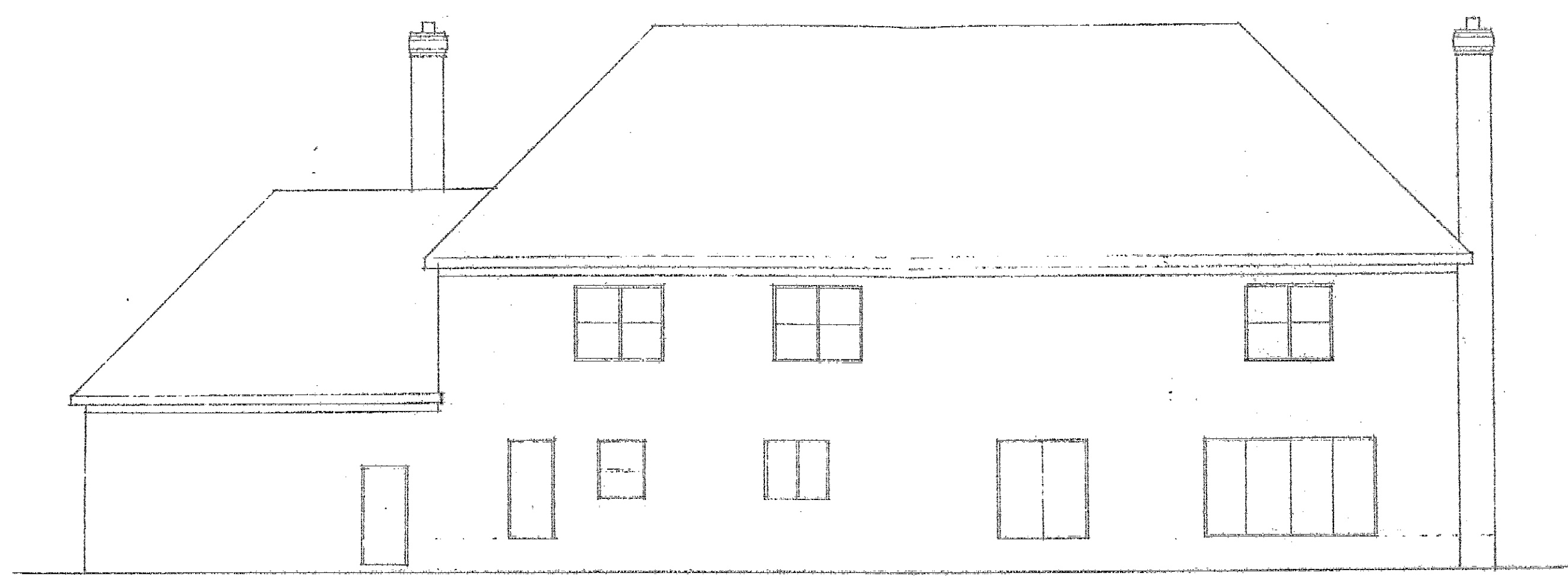
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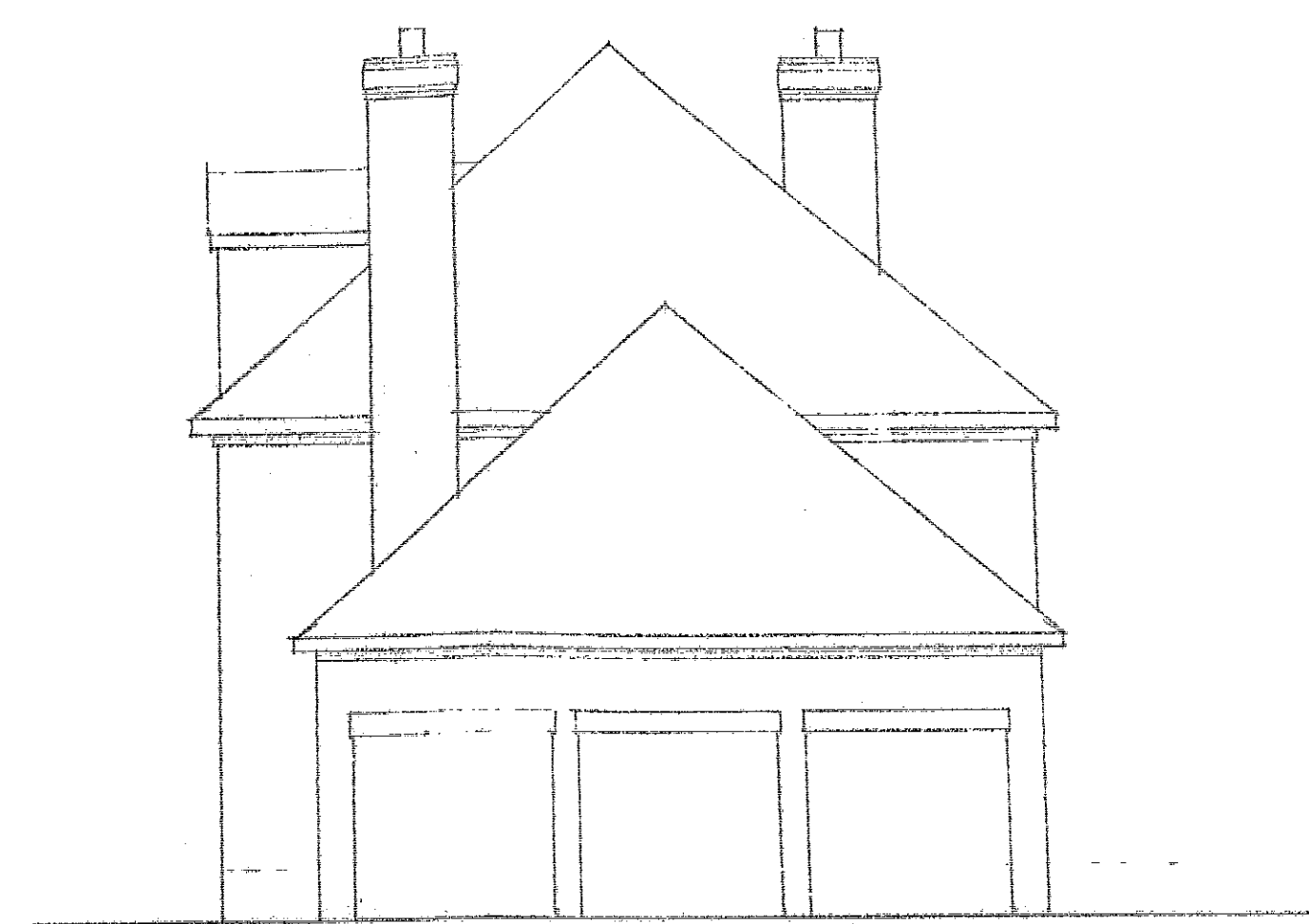
Zoning Office USE ONLY
reviewed by: ITEM #: CASE#:
REG. J. | 473 |



LEFT



REAR



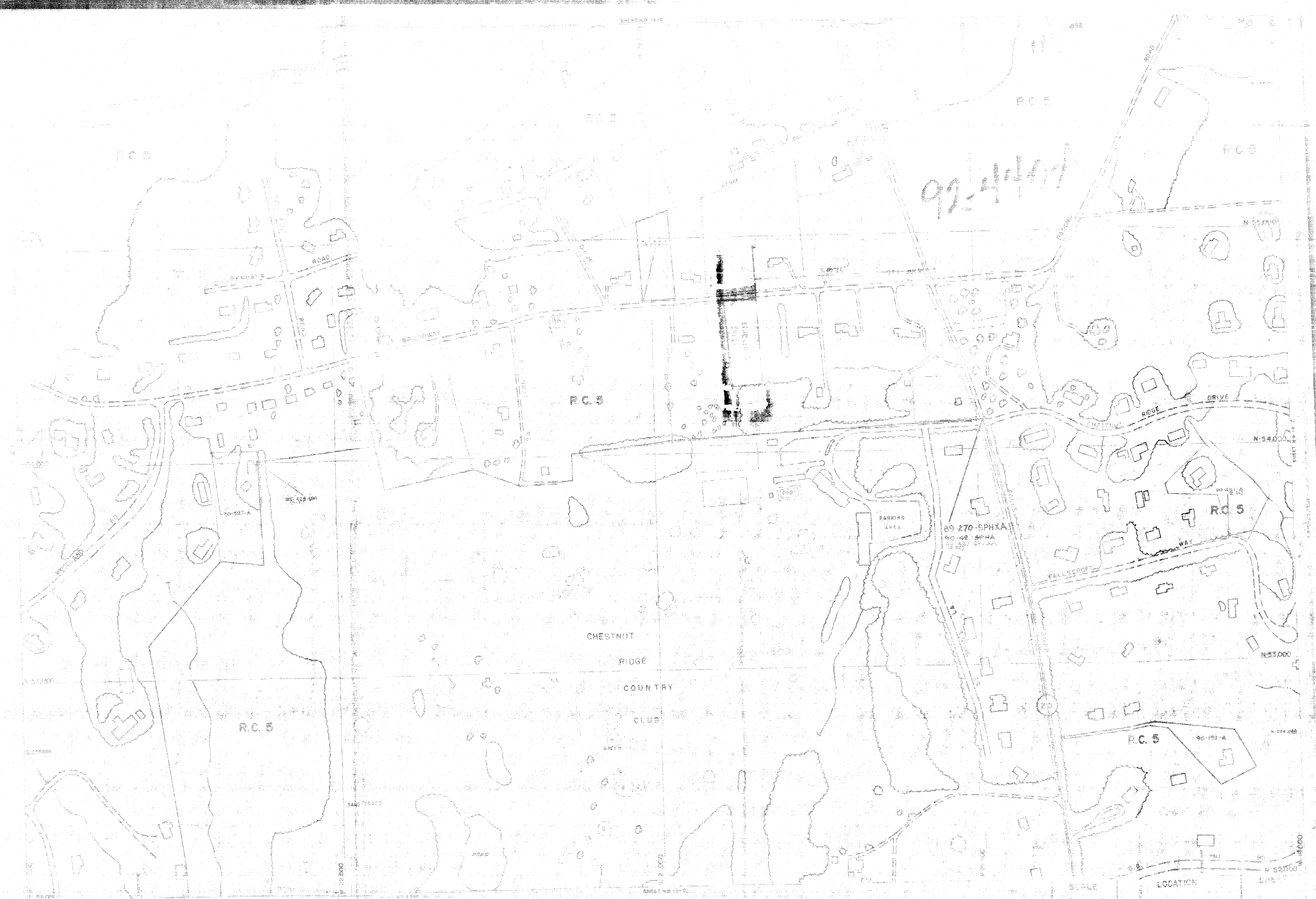
RIGHT



FRONT

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92-44407



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

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TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1992

Mr. Francis P. Kuhajda
Ms. Gabriele V. Ronnett
5409 St. Albans Way
Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE
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Dear Mr. Kuhajda & Ms. Ronnett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Mr. Bill Cockey
1842 Deveron Road, Baltimore, Md. 21234

Mr. Gerald J. Schisler
2006 Blue Mount Road, Monkton, Md. 21111

Ms. Leslie Schulman
1213 Broadway Road, Lutherville, Md. 21093

Mr. Charles Schmenner
232 Castletown Road, Lutherville, Md. 21093

People's Counsel; File

MICROFILMED

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1211 BROADWAY ROAD
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.3 To permit a side yard setbacks of 25 ft. in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate **EXEMPT** for practical difficulty)

BUILDING LOT WAS FORMED PRIOR TO ZONING. DUE TO THE WIDTH OF THE LOT AND CURRENT SETBACK BOUNDARY LINES THE LOT WILL NOT ACCOMMODATE THE PURCHASERS' HOUSING PLANS.

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

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

Contract Purchaser(s):

Francis P. Kuhajda, Gabriele V. Ronnett

5409 ST. ALBANS WAY

Baltimore MD 21212

City Baltimore State MD Zipcode 21212

Signature of Petitioner: [Signature]

Signature of Attorney: [Signature]

(Type or Print Name)

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

Legal Owner(s): [Signature]

Alonso G. Decker, Jr.

Virginia G. Decker

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

Signature of Attorney: [Signature]

MICROFILMED

473
92-440-A

Zoning Description for 1211 Broadway Road

Located in the South Side of Broadway Road, 975' west from the center line of Falls Road.

Thence: S 4 00° W - 510 ft.
N 86 00° W - 150 ft.
N 4 00° E - 510 ft.
S 86 00° E - 150 ft. to the point of beginning

As Recorded in Deed liber 3907, Folio 322
Save and except SM 9049-279

Area = 1.75 acres

MICROFILMED

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

92-440-A

District: 6th Date of Posting: 5-28-92

Posted to: Alonso G. and Virginia G. Decker

Location of property: 515 of Broadway Road, 725' W of the
R.H. of Teller Road, 12th Broadway Road

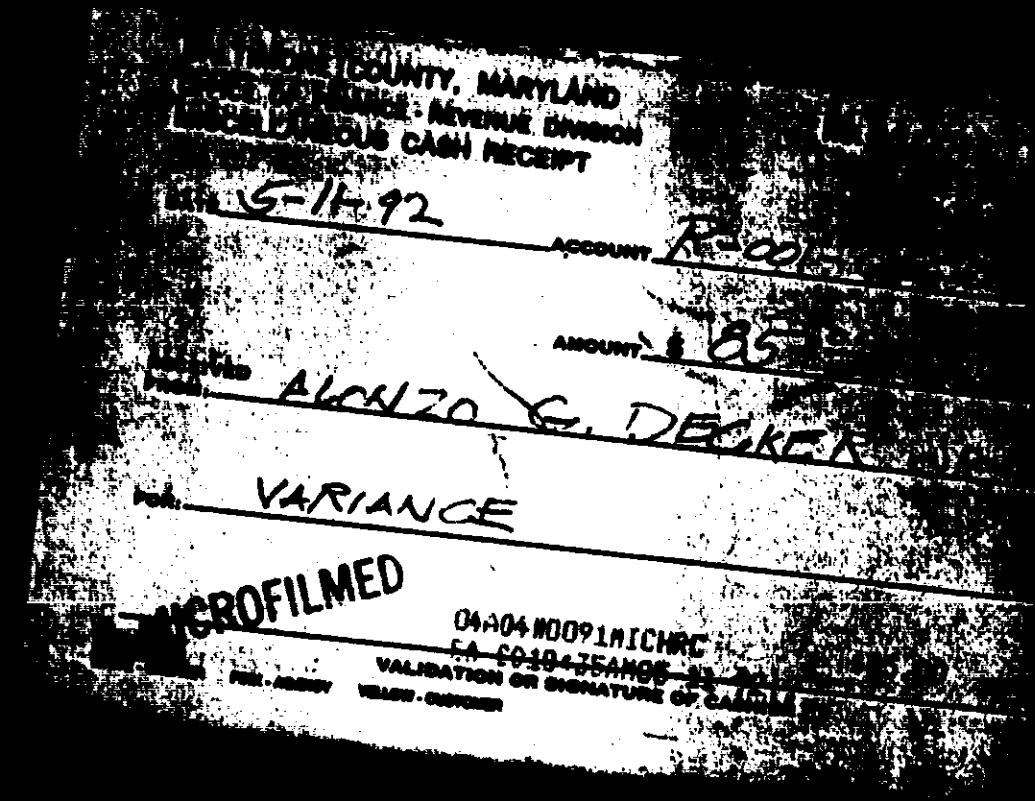
Location of sign: South side of Broadway Road in front
of subject property

Remarks: See map

Posted by: John J. Decker Date of return: May 29-92

Number of Signs: 1

MICROFILMED



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

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

DATE: 6/1/92

COPY

Francis P. Kuhajda and Gabriela Rossett
 5409 St. Albans Way
 Baltimore, Maryland 21212

RE:
 CASE NUMBER: 92-440-A
 515 Broadway Road, 725' W of c/l Falls Road
 12th Broadway Road
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Alonso G. and Virginia G. Decker
 Contract Purchaser(s): Francis P. Kuhajda and Gabriela V. Rossett

Dear Petitioner(s):

Please be advised that \$ 44.73 is due for advertising and posting of the above captioned property. NOTE: POSTING FEES PREVIOUSLY PAID - THIS AMOUNT REPRESENTS ADVERTISING CHARGES ONLY.

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

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

Bel Jablon
 ARNOLD JABLON
 DIRECTOR

MICROFILMED

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

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

May 19, 1992

NOTICE OF HEARING

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

CASE NUMBER: 92-440-A
 515 Broadway Road, 725' W of c/l Falls Road
 12th Broadway Road
 8th Election District - 3rd Councilmanic
 Legal Owner(s): Alonso G. and Virginia G. Decker
 Contract Purchaser(s): Francis P. Kuhajda and Gabriela V. Rossett
 HEARING: TUESDAY, JUNE 23, 1992 at 10:30 a.m.

Variance to permit side yard setbacks of 25 feet in lieu of the required 50 feet.

Lawrence E. Schmidt
 Lawrence E. Schmidt
 Zoning Commissioner of
 Baltimore County

cc: Alonso and Virginia Decker
 Francis Kuhajda and Gabriela Rossett

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

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 28, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 28, 1992

THE JEFFERSONIAN,
S. Zakem Orlan
 Publisher

\$44.73

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receipt

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

Account: R-001-6150
 Number

Date: 5/11/92

PAID PER HAND-WRITTEN RECEIPT DATED 5/11/92

5/13/92

92-440-A

	QTY	PRICE
PUBLIC HEARING FEES	1 X	\$50.00
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: DECKER, JR.

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

June 15, 1992

Mr. Francis P. Kuhajda
 5409 St. Albans Way
 Baltimore, MD 21212

RE: Item No. 473, Case No. 92-440-A
 Petitioner: Alonso G. Decker, et ux
 Petition for Variance

Dear Mr. Kuhajda:

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 indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

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

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

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of May, 1992

Bel Jablon
 ARNOLD JABLON
 DIRECTOR

Received By:
W. Carl Richards Jr.
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Alonso Decker, et ux
 Petitioner's Attorney:

MICROFILMED

DPW (Public Services)
 Development Review Committee Response Form
 Authorized signature: Dennis A. Kemp Date: 6/1/92

Project Name: Alonso G. and Virginia G. Decker
 File Number: 5-18-92 Zoning Issue: NC Meeting Date: NC

Variance
 DED DEPRM RP STP TE

COUNT 13
 FINAL TOTALS
 COUNT 13

*** END OF REPORT ***

MICROFILMED

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
 New Courts Building
 401 Bosley Avenue
 Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

DATE: May 20, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 18, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Philip & Carol Falkenklaus - Item 461
 Francis & Suzanne Boyle - Item 465
 Robert & Joan Greene - Item 466
 Joseph & Gloria Connor - Item 467
 Alonso & Virginia Decker - Item 473

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

RECEIVED
 JUN 2 1992
 ZONING OFFICE

5_18_92.txt
 Petition.txt

MICROFILMED

DPW/Engineering
Development Review Committee Response Form
Authorized signature *R. J. Family* Date 6/11/92

Project Name
File Number
Alonzo G. And Virginia G. Decker
Variance
DED DEPRM RP STP TE
COUNT 13
FINAL TOTALS
COUNT 13
*** END OF REPORT ***

MICROFILMED

92-440-A 6-23
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: J. Lawrence Pilson
SUBJECT: Zoning Issue #473; Zoning Advisory Committee Meeting of
May 18, 1992, Alonzo G. Decker, Jr., and Virginia G. Decker

COMMENTS ARE AS FOLLOWS:

Maintain minimum required distance from well and septic.

JLP:mp

473.ZNG/GWRMP

RECEIVED
JUN 16 1992
ZONING OFFICE

MICROFILMED

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

(301) 887-4500

MAY 22, 1992

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

RE: Property Owner: ALONZO G. DECKER, JR. AND VIRGINIA G. DECKER
Location: #1211 BROADWAY ROAD

Item No.: 473 (RT) Zoning Agenda: MAY 18, 1992

Gentlemen:

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

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

REVIEWER: *Capt. Jerry Grifer* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JF/REK

RECEIVED
MAY 29 1992
ZONING OFFICE

MICROFILMED

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *W. J. Decker* Date 6/1/92

Project Name
File Number
Alonzo G. And Virginia G. Decker
Variance
DED DEPRM RP STP TE
COUNT 13
FINAL TOTALS
COUNT 13
*** END OF REPORT ***

MICROFILMED

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



92-440-A

(410) 887-3353

May 14, 1992

Francis P. Kuhajda
Gabriele V. Ronnett
5409 St. Albans Way
Baltimore, MD 21212

RE: Petition for Variance
1211 Broadway Road
Legal Owner: Virginia &
Alonzo Decker, Jr.
8th Election District

Dear Contract Purchaser:

This letter is in reference to the petition that was filed for the above-mentioned property on May 11, 1992.

I was in error for charging you \$35.00 for the cost of posting the property. Posting and advertising fees are separate charges and you will be billed for these charges at a later date. You will be given credit for the \$35.00 once the cost of posting and advertising are determined.

If you have any questions concerning the above, please do not hesitate to contact me at 887-3391.

Very truly yours,

Regina T. Schiller
Regina T. Schiller
Planner

RT:scj

MICROFILMED

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
Leslie Schuman 1213 Broadway Rd 21093
Charles Schumann 232 Casselton Rd 21093
Pres Falls Rd Comm Assoc

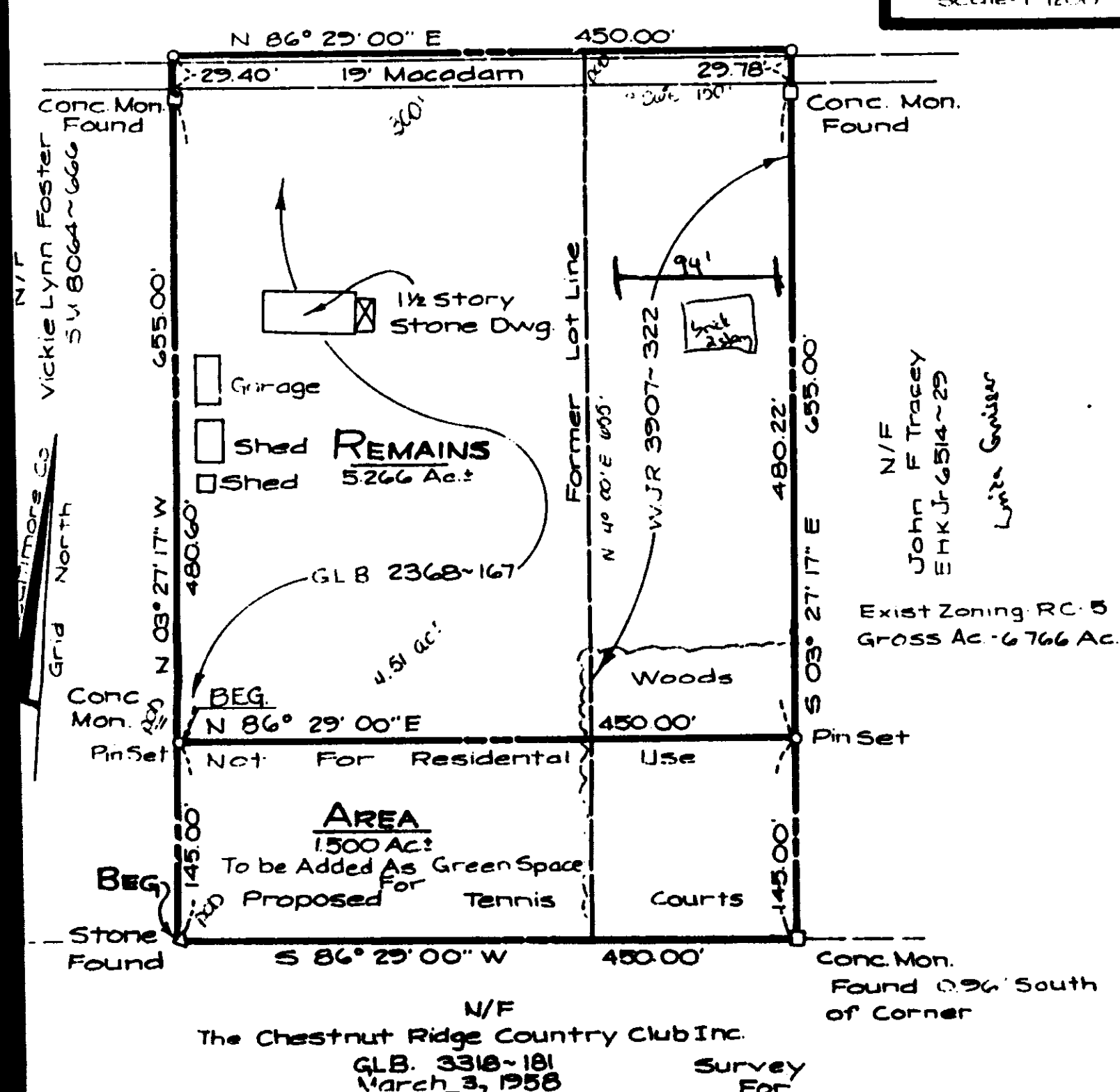
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Bill Cockey 1842 Deveron Road 21234
Gerald J. Schiller 2006 Blue Mount Rd 21111

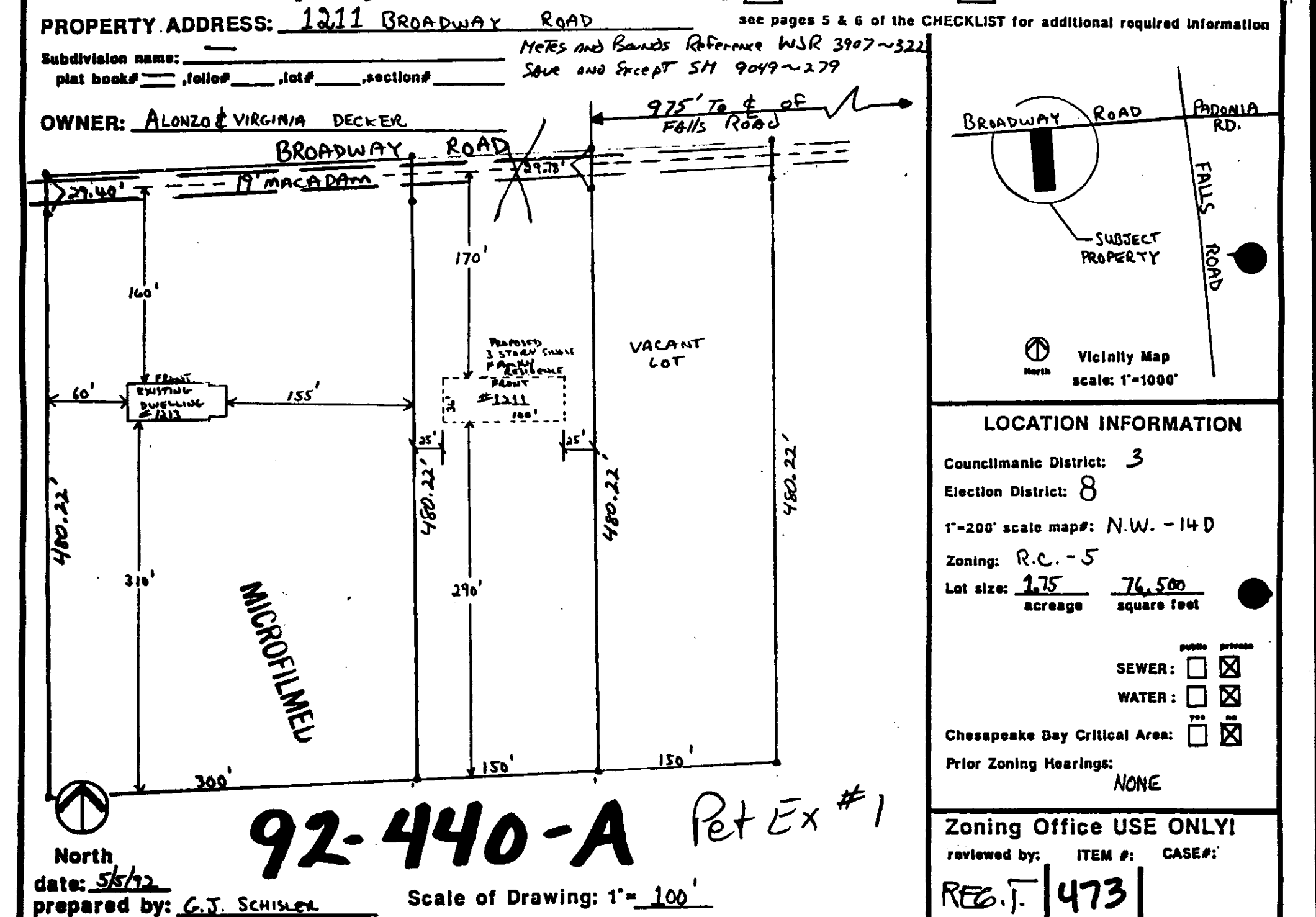
MICROFILMED

BROADWAY ROAD

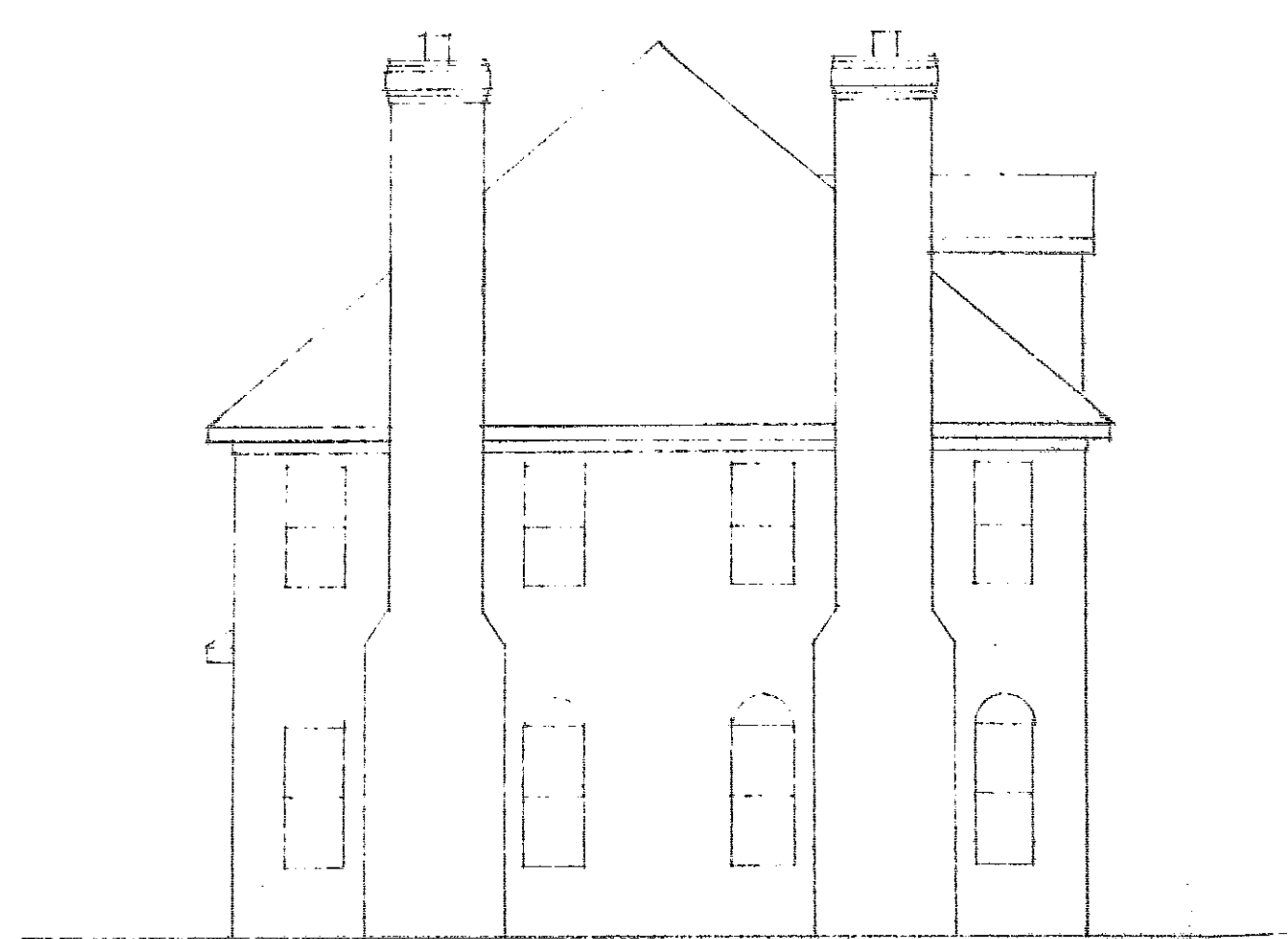


THE CHESTNUT RIDGE COUNTRY CLUB INC.
G.L.B. 3318-18
March 3, 1958
Survey For
South Side of Broadway Road
8th Election District Baltimore Co. MD.
Tax Map 52 Block 6 Parcel 58-57
R.T.F. INC.
Professional Land Surveyors
142 East Main St.
Westminster, Maryland 21157
676-1222 645-2040
Checked by A.S. R.T.F. Date 1-24-90
Drawn by S. P. R.T.F. Date 1-24-90
Scale 100' = 1\"/>

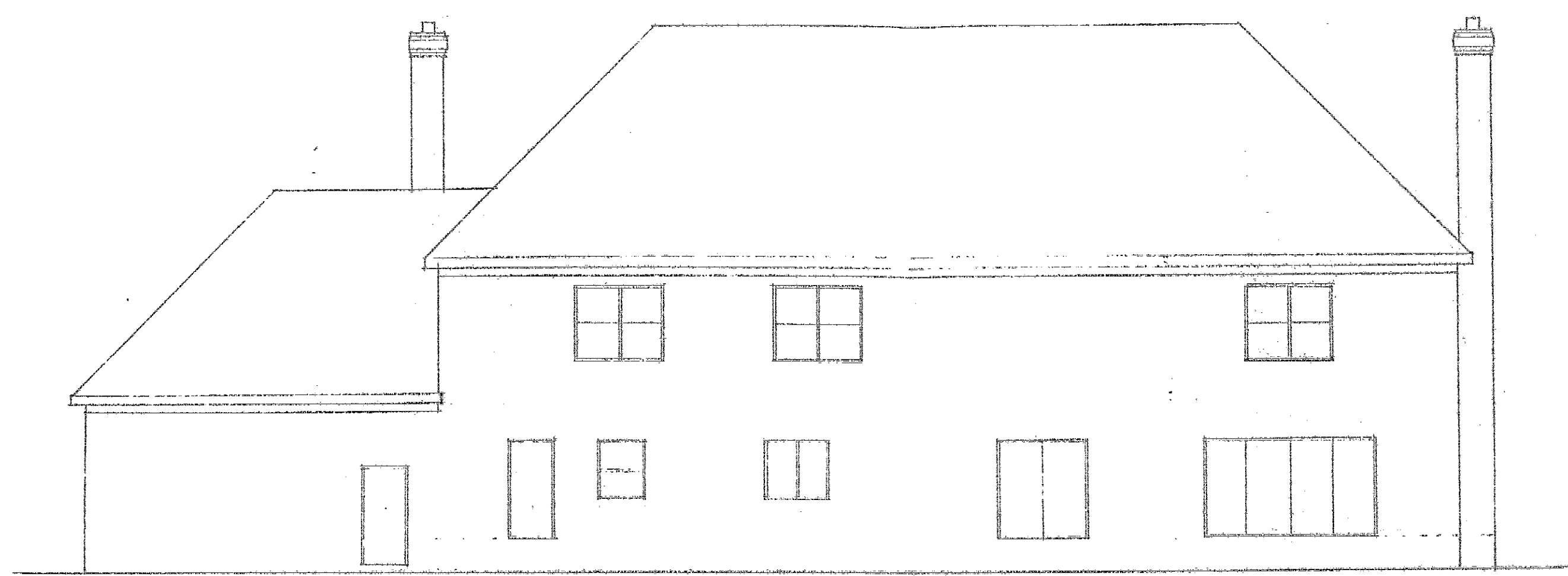
Plat to accompany Petition for Zoning Variance Special Hearing



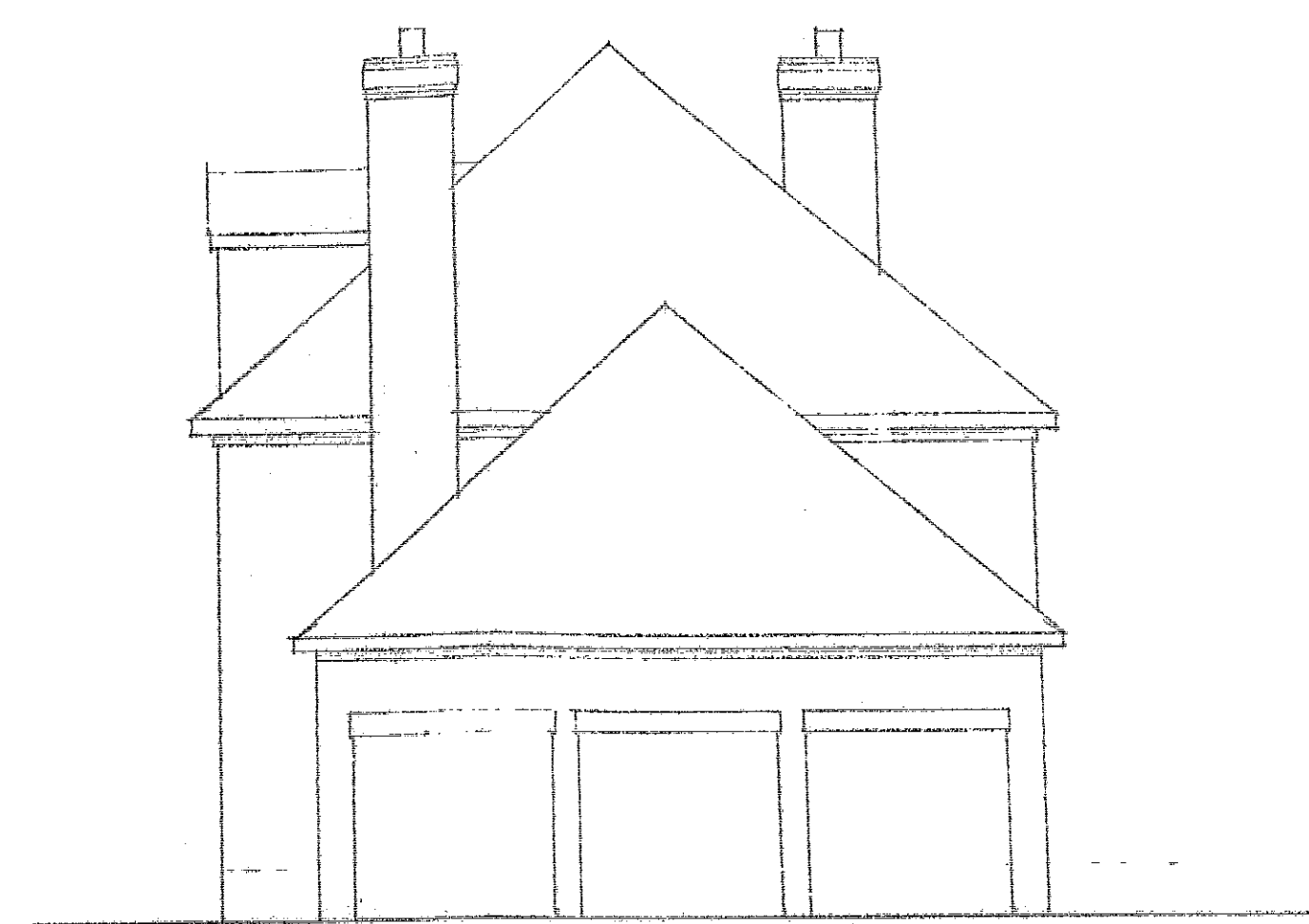
Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
REG. 1 473



LEFT



REAR



RIGHT



FRONT

MICROFILMED