

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S McPherson Court, 71 ft. * ZONING COMMISSIONER
W of c/i Chidridge Road * OF BALTIMORE COUNTY
1301 McPherson Court * OF BALTIMORE COUNTY
9th Election District * Case No. 92-476-A
4th Councilmanic District *
Timothy W. Frost, et ux
Petitioners *

HILLING ON MOTION FOR RECONSIDERATION

The above captioned matter originally came before me as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. By my Order dated August 10, 1992, the Petition was denied for reasons fully set forth therein.

Subsequently, the Petitioner/property owner, Timothy W. Frost, submitted a letter dated August 20, 1992 requesting reconsideration of my decision. Additional correspondence, dated August 31, 1992 and September 3, 1992 were, likewise, received from the Petitioner. These letters, taken collectively, will be considered as a Motion for Reconsideration.

By way of a brief history of the case, it is to be noted that Mr. Frost resides on a corner lot at the intersection of McPherson Court and Chidridge Road. His dwelling fronts McPherson Court.

Several years ago, Mr. Frost caused to be constructed a satellite receiving antenna/dish in the rear yard of his property. However, because the dish was not in compliance with Section 400.1 of the B.C.Z.R. which requires same to be located within the rear one-third of the lot farthest removed from any street, a zoning violation case was instituted by Baltimore County against him. In an attempt to resolve the issue before any action by the Court, Mr. Frost filed a Petition for Zoning Variance from

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Section 400.1 of the B.C.Z.R. This variance requested permission for Mr. Frost to keep the dish where located, notwithstanding the provisions of Section 400.1 of the B.C.Z.R., as provided above.

That case came before then Zoning Commissioner, J. Robert Haines, who denied the Petition for Zoning Variance by his Order dated April 5, 1990. A timely appeal was filed by Mr. Frost to the County Board of Appeals which, likewise, denied the Petition on January 8, 1991. There were no further appeals taken from the Board of Appeals' decision; thus, the Board's opinion became final.

Nonetheless, Mr. Frost refiled his Petition in 1992. The case came before me for hearing on July 27, 1992. By my opinion and Order dated August 10, 1992, I denied the Petition for Zoning Variance. My written Findings of Fact and Conclusions of law fully set forth the basis of my reasoning.

Particularly, I ruled that re litigation of the Petition was barred by the doctrine of res judicata. Specifically, I determined that both the subject dish and its location were identical to those issues in the prior case. Further, the same relief from the same section of the B.C.Z.R. was requested. Thus, in my view, the decision of the County Board of Appeals was final and re litigation of the identical subject matter and governing law was barred.

Within Mr. Frost's correspondence, he has offered several arguments in support of his request that my decision be reconsidered. These will be addressed in turn.

First, Mr. Frost notes that his property is located in that subdivision known as Devonshire Forest and that the plot for that subdivision was approved on or about October 25, 1954. Therefore, the Petitioner argues

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that the provisions of the B.C.Z.R. which govern the use of his property are not the regulations presently in effect, but rather those in force in 1954. Those regulations had been originally promulgated and adopted by Baltimore County in 1945. Thus, Mr. Frost reasons, because the 1945 version of the B.C.Z.R. contains no provisions for regulations of the satellite dish antenna, the variance is unnecessary and his use is not in violation of any zoning regulation.

Admittedly, the 1945 regulations may be relevant for the determination of certain issues regarding this property. For example, a Petition for Special Hearing for a nonconforming use would be governed by those regulations. Further, Sections 103.1 and 1802.2(B) of the B.C.Z.R. provide that setback, area, use and height standards shall be as prescribed by the zoning regulations in effect at the time the subject subdivision was approved by the Planning Board or its predecessor, the Planning Commission. Notwithstanding these provisions, the property owner has misconstrued the law in arguing that the 1945 regulations are applicable to his satellite dish. Clearly, it is well settled at law that absent any grandfathering provision, the regulations in effect at the time any property is improved, altered, or changed are applicable to that improvement or alteration. See e.g., *Rockville Fuel and Feed Co. vs. City of Gaithersburg*, 266 Md. 117, 291 A2d 672 (1972). If that were not the case, additions and/or amendments to ordinances which had been initially developed prior to the adoption of zoning in Baltimore County in 1945, would go unregulated. Clearly, Mr. Frost placed his satellite dish antenna in its present location well after the adoption of the comprehensive set of zoning regulations in 1955. Further, the issue presented in the instant case does not relate to height, use, area or setback requirements

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and is, thereby, not grandfathered by Sections 103.1 and 1802.2(B). As such, the current regulations govern that alteration/improvement to the property. Thus, Section 400.1 of the B.C.Z.R. must be satisfied unless a variance is obtained. Therefore, the Petitioner's argument that the recordation of his subdivision prior to the adoption of the 1955 regulations should prohibit the application of the current standards of the B.C.Z.R. is inappropriate.

A second basis of Mr. Frost's Motion for Reconsideration is offered in his letter of August 20, 1992. To summarize, Mr. Frost avers that then Zoning Commissioner Haines made several mistakes when his decision was authored in April 1990. Thus, the Petitioner argues that res judicata is not applicable.

This argument, likewise, must be dismissed for two reasons. First, it must be noted that the decision which bars the property owner's current Petition was that authored by the County Board of Appeals. As noted, an appeal of Zoning Commissioner Haines' decision was timely made and the case heard de novo before the County Board of Appeals. The Board of Appeals' decision superseded that decision made by Zoning Commissioner Haines and, in fact, is the quasi judicial determination which bars re litigation of the case. Thus, whatever Zoning Commissioner Haines may have or have not done is irrelevant, in that his decision was not the final decision in the earlier case.

Secondly, even if the Board of Appeals is alleged to have made the same mistake attributed to Zoning Commissioner Haines, their action is not a "mistake" of the nature which would permit reopening of this case. The Petitioner confuses the meaning of the word "mistake" within its everyday usage as compared with what that term means at law. Simply stated, a

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mistake is not made by the Hearing Officer because one disagrees with his reasoning process in arriving at a decision, rather the mistake alleged must be as to a jurisdictional issue or of such similar magnitude. See *Bernstein v. Kaganich*, 46 Md. App. 231, 417 A2d 456 (1980).

I see no evidence in the Motion before me that such a fundamental mistake was made or even alleged. Rather, the Petitioner argues that the Commissioner improperly instituted the zoning violation case against him. Even if this allegation is true, which is in and of itself highly debatable, such action by the Commissioner is not in the nature of a mistake which would permit re litigation of this case.

Lastly, the property owner argues that the instant Petition for Variance was filed at the recommendation of members of this office and, thus, should be entertained on its merits. Specifically, Mr. Frost alleges that the Deputy Zoning Commissioner, Timothy M. Kotroco, and the Director of Zoning Administration and Development Management, Arnold Jablon, instructed him to file his Petition. Mr. Kotroco's response to this allegation is set forth within his letter to the Petitioner dated August 28, 1992. He denies ever giving such advice or making such a recommendation. Further, it is a long standing practice of this office to refuse to provide legal advice in response to any inquiries made to it. As Mr. Kotroco's letter clearly notes, all determinations as to the merits of any Petition are to be made by the hearing officer who entertains that case.

Thus, for the aforementioned reasons, I am persuaded that Mr. Frost's Motion for Reconsideration must be denied. As I pointed out in my earlier opinion, he may have laudable reasons to offer in support of his request to permit the satellite dish where located. However, quite frankly, this case has been decided by the County Board of Appeals. If any redress was

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sought from their decision, the proper appeal to the Circuit Court should have been filed. Absent fraud, substantial change, mistake, surprise or inadvertence, the prior decision cannot be re litigated. None of these factors are present in this case.

Therefore, the Motion for Reconsideration must be denied and I shall so order.

WHEREFORE, it is this 10th day of Sept., 1992 ORDERED that the Petitioner's Motion for Reconsideration be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LE:smm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 16, 1992

Mr. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

RE: Petition for Zoning Variance
Case No. 92-476-A

Dear Mr. Frost:

In response to your letters dated August 20, August 31, and September 3, 1992 requesting a Motion for Reconsideration of decision regarding the above captioned case, please find enclosed my ruling on Motion for Reconsideration.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LE:smm
att:
cc: Mr. Dale Rauschenberg
Mr. Peter Llewellyn
Mr. Robert Anderson
Mr. George Ron

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IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S McPherson Court, 71 ft. * ZONING COMMISSIONER
W of c/i Chidridge Road * OF BALTIMORE COUNTY
1301 McPherson Court * OF BALTIMORE COUNTY
9th Election District * Case No. 92-476-A
4th Councilmanic District *
Timothy W. Frost, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1301 McPherson Court in the Lutherville section of Baltimore County. The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within that one-third portion of the rear yard which is the farthest removed from any street, as is required under the regulations.

The Petitioners/property owners, Timothy W. and Carol Ann Frost, appeared and testified at the hearing. Also appearing on behalf of the Petition was Walter Frazier of Stansbury Satellite, Inc. Mr. Frazier operates the company which sold the subject satellite dish to the Petitioners. There were numerous Protestants present. These included representatives of the neighborhood in which the subject property is located.

Although the propriety of the subject variance is contested, the underlying facts are clear and uncontested. Mr. and Mrs. Frost are the owners of that property located at 1301 McPherson Court in Lutherville. They, their two children and Mrs. Frost's mother reside therein. The

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ORDER RECEIVED FOR FILING
Date 8/10/92
By J. G. G. G.

ZONING DESCRIPTION *92-476-A*

Beginning at a point on the east side of McPherson Court which is 36 feet wide at the distance of 71 feet north of the centerline of Chidreide Road which is 36 feet wide. Being lot 64, Block B, Section #2 in the subdivision of Devonshire Forest as recorded in Baltimore County Plat Book #20, Folio #132, containing 7,314 square feet. Also known as 1301 McPherson Court and located in the #9 Election District.

#506

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CERTIFICATE OF POSTING BALTIMORE COUNTY TOWNSHIP, MARYLAND

92-476-A

District: *9th* Date of Posting: *7-1-92*
Posted for: *Various*
Postmaster: *Timothy W. Frost and Carol Ann H. Frost*
Location of property: *Lot 64, Block B, Section #2, Devonshire Forest, 1301 McPherson Court, Baltimore County, Maryland*
Location of sign: *Corner of 1301 St. Charles Court*
Remarks: *See Certificate of Publication*
Number of Signs: *1* Date of return: *7-10-92*
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CERTIFICATE OF PUBLICATION

TOWSON, MD. *June 18, 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 successive weeks, the first publication appearing on *June 18, 1992*

THE JEFFERSONIAN,

502 Lake Oriole
Publisher

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

receipt

Date: *6/10/92* Amount: \$401.410
Number: *170200906*
PUBLIC HEARING FEES: *014* PRICE
010 - ZONING VARIANCE (101) 1 2 \$50.00
TOTAL: \$30.00
LAST NAME OF OWNER: *FROST*
MICROFILMED
Please Check Cashier's Receipt for Baltimore County \$50.00
BA 000148P004-03-92

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

receipt

Date: *7/27/92* Amount: \$401.410
Number: *170200906*
PUBLIC HEARING FEES: *014* PRICE
010 - ZONING VARIANCE (101) 1 2 \$50.00
TOTAL: \$30.00
LAST NAME OF OWNER: *FROST*
MICROFILMED
Please Check Cashier's Receipt for Baltimore County \$50.18
BA 000148P007-07-92

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

DATE: _____

Timothy W. and Carol Ann H. Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508

RE:
CASE #92-019-A (Item 506)
1/9 Baltimore County, 71' 8" of c/o Chidreide Road
1301 McPherson Court
914 Election District - 414 Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

See Petitioner(s):

Please be advised that \$63.16 is due for advertising and posting of the above captioned property and hearing date.

THIS IS NOT TO BE USED AS A RECEIPT FOR THE ZONING CASE & NOT A RECEIPT FOR THE CASE OF THE HEARING. IN THE "CHECK" AREA, ONLY. DO NOT SIGN THIS CASE & NOT A RECEIPT FOR THE CASE OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please use the check and note same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or other, immediate attention to this matter is suggested.

Carol Ann
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

(410) 867-3353

JUNE 11, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the zoning law and regulations of Baltimore County will hold a public hearing on the property identified herein in Room 109 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on

June 11, 1992 at 9:00 a.m. in Rm. 118, Courthouse

CASE #92-019-A (Item 506)
1/9 Baltimore County, 71' 8" of c/o Chidreide Road
1301 McPherson Court
914 Election District - 414 Councilmanic
Petitioner(s): Timothy W. Frost and Carol Ann Frost
HEARING: MONDAY, JULY 27, 1992 at 9:00 a.m. in Rm. 118, Courthouse

Variances to permit placement of a satellite dish antenna in the rear yard of a corner lot but not within the rear 1/2 of the lot. Enclosed is a copy of the petition.

Carol Ann
DIRECTOR

Zoning Commissioner of Baltimore County

cc: Timothy and Carol Ann Frost

NOTE: REQUEST FOR VARIANCE IS SUBJECT TO THE OFFICIAL RECORDING OF THE CASE #92-019-A.

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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) 867-3353

July 6, 1992

Mr. & Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, MD 21093-5508

RE: Item No. 506, Case No. 92-476-A
Petitioner: Timothy W. Frost, et ux
Petition for Variance

Dear Mr. & Mrs. Frost:

The Zoning Plans Advisory Committee (ZPAC) 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 ZPAC that offer or request information on your petition. If additional comments are received from other members of ZPAC, 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 PUBLIC 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.

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

Your petition has been received and accepted for filing this 2nd day of June, 1992

Carol Ann
DIRECTOR

Received By:

W. Carl Richardson
Chairman,
Zoning Plans Advisory Committee

Petitioner: Timothy W. Frost
Petitioner's Attorney:

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BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 22, 1992
FROM: Robert W. Bowling, P.E., Zoning Administration and Development Management
RE: Zoning Advisory Committee Meeting for June 22, 1992
Item 506

The Developers Engineering Division has reviewed the subject zoning item and we recommend that a landscape plan be required, providing for effectively screening the dish from the neighbors and the street.

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

RWB:DAK:0

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RECEIVED
JUN 22 1992
ZONING OFFICE

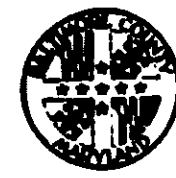
IN THE MATTER OF THE
APPLICATION OF TIMOTHY W.
FROST, ET AL FOR A ZONING
VARIANCE ON PROPERTY LOCATED
ON THE NORTHEAST CORNER
MCPHERSON COURT AND OTHORIDGE
ROAD (1301 MCPHERSON COURT)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-350-A

OPINION

Mr. and Mrs. Timothy W. Frost appealed from a decision of the Zoning Commissioner denying the placement of a satellite dish antenna in the rear yard of a corner lot, not within the rear one-third of the lot farthest removed from any street. At a hearing on November 30, 1990, Mr. and Mrs. Frost appeared and testified as did John Gregory Trueschler of 39 Othoridge Road. Additionally, Mr. Frost called Walter Frazier of the Stansbury Satellite Company, the firm that sold the satellite and installed it on Mr. Frost's property as an expert witness. On behalf of the Protestants, Dale Rauschenberg, 29 Othoridge Road, Timonium, Maryland 21093, testified as did Robert Anderson and George Krom, 28 Othoridge Road. Various photographs were placed into evidence showing the satellite dish antenna where it has been installed on Mr. and Mrs. Frost's property. Those photographs, as well as testimonial evidence, reveal that the dish has been installed at a position behind the line drawn directly from the rear back corner of the Frost dwelling, to Othoridge Road, but that it has been placed in the site of the yard nearest Othoridge Road. The satellite dish antenna remains visible to all persons travelling on McPherson Court and Othoridge Road as they approach and travel through that

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

February 8, 1991

Mr. and Mrs. Timothy W. Frost
1301 McPherson Court
Timonium, Maryland 21093

Re: Case No. 90-350-A (Timothy W. Frost, et al)

Dear Mr. and Mrs. Frost:

As no further appeals have been taken regarding the subject case, we have closed the file and returned same to the Office of the Zoning Commissioner along with any exhibits entered before the Board. The Zoning Commissioner's Office maintains the permanent file. If you have an interest in said file, please contact the Zoning Commissioner's Office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in said file have been notified.

Sincerely,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

cc: Mr. and Mrs. Dale Rauschenberg

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

February 26, 1991

887-3353

Mr. Dale Rauschenberg
29 Othoridge Road
Lutherville, Maryland 21093

Mr. Jay Esser
21 Othoridge Road
Lutherville, Maryland 21093

Mr. John Trueschler
39 Othoridge Road
Lutherville, Maryland 21093

RE: Case No. C-90-758
1301 MacPherson Court
9th Election District

Gentlemen:

This office has been notified by County Attorney Arnold Jablon that Timothy W. Frost, petitioner in Case No. 90-350A, has filed injunctive proceedings against Baltimore County within the Circuit Court of Maryland, Baltimore County as to the County Board of Appeals ruling of January 8, 1991.

Until this matter is resolved at the Circuit Court level, per the County Attorney, this office is not to proceed with any enforcement action.

When this office has a time and date as to the injunctive hearing, we will most certainly forward such information to each of you.

If you have further questions as to this legal suit against Baltimore County, please contact Assistant County Attorney Timothy Kotroco at 887-4020.

Sincerely,

JAMES H. THOMPSON
Zoning Enforcement Coordinator
887-3351

JHT:lj

cc: Timothy Kotroco, Assistant County Attorney
Kevin Connor, Zoning Inspector
Mr. Timothy W. Frost

111 West Chesapeake Avenue
Towson, MD 21204

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

February 24, 1992

(410) 887-3353
335

Mr. Dale Rauschenberg
29 Othoridge Road
Lutherville, MD 21093

Mr. Jay Esser
21 Othoridge Road
Lutherville, MD 21093

Mr. John Trueschler
39 Othoridge Road
Lutherville, MD 21093

RE: Case No. C-90-758
1301 MacPherson Court
9th Election District

Gentlemen:

As a follow-up to this office's letter of January 30, 1992 with the satellite dish yet to be relocated per the Baltimore County Zoning Regulations, we have gone to the extent to prepare for the Baltimore County Office of Law, the appropriate data to be utilized in the filing of an injunction petition within the Circuit Court for Baltimore County. We will most certainly forward to each of you a copy of this document. Most importantly, every effort will be made to update the community of all future developments in this matter.

Finally, this office has evidence within our case file that the property owners of 1301 MacPherson Court have once again filed for injunctive relief themselves within the Circuit Court for Baltimore County.

As always, if further questions remain, please contact this office at 887-3351.

Sincerely,

Kevin Connor
Zoning Inspector

KC:cer

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Office of Zoning Commission
of Baltimore County
Towson, Md. 21204

Gentlemen:

Sometime in the past, I attended what I believe was the initial hearing relating to the improper location of a satellite dish on the property known as 1301 McPherson Court, Lutherville, Maryland.

I was unable to attend today's hearing on a variance to the zoning regulations regarding this matter, but for the record, I would like it known, that unless greater valid and/or compelling reasons to grant a variance have been presented than were presented at the hearing I attended, I do not believe a variance should be granted.

Very truly yours,

1301 McPherson Court
Lutherville, Md.
21093

Walter A. McPherson
MICHROFILMED

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 28, 1992

(410) 887-4386

Mr. Timothy M. Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508

RE: PETITION FOR ZONING VARIANCE
Case No. 92-476-A

Dear Mr. Frost:

In light of the substance of your letter to Lawrence E. Schmidt, Zoning Commissioner, dated August 20, 1992 and in order to correct some mischaracterizations contained in your letter to me of the same date, the following comments are offered.

You asserted in your letter to me that I told you and Walt Frazier that the changes you made to your satellite dish would be substantial enough to warrant a second hearing on the same variance issue. Speaking for myself, I made no such representation. Furthermore, I have never had the occasion to speak to Mr. Frazier and have never had the opportunity to make his acquaintance. Therefore, your assertions are not correct.

When I spoke to you regarding the filing of your second variance request, I informed you that I could not hear the case myself due to the fact that I was involved with this issue while employed in the Office of Law. When responding to your question as to whether this second filing of a variance petition would be permitted or whether your changes were "substantial" I informed you that the hearing officer, Mr. Schmidt, would need to make that determination. I gave no advice to you on the viability of proceeding with your second Petition for Variance.

I trust that this letter will refresh your recollection of the substance of our conversation.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Lawrence E. Schmidt
File

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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

January 30, 1992

Mr. Timothy W. Frost
Ms. Carol Ann Frost
Ms. Rosalie L. Frost
1301 MacPherson Court
Lutherville, Maryland 21093

RE: Case No. C-90-758
1301 MacPherson Court
9th Election District

Ladies and Gentlemen:

On or about March 29, 1991 as plaintiffs, you entered a request for a hearing as to the alleged zoning violation pertaining to the satellite dish located at 1301 MacPherson Court within the Circuit Court of Maryland, Baltimore County.

The enforcement section, per the then County Attorney, Arnold Jablon, directed our division to withhold further action per the outcome of the circuit court case.

To date, this office has no record of an actual hearing as to this issue. However, a review of the circuit court file, 73/350/91-CSP-587, on January 27, 1992, indicated that the Honorable Alfred L. Brennan, Sr. rendered a decision on April 11, 1991. He noted that your complaint for interlocutory and final injunctive relief should be dismissed based upon the memorandum prepared by Baltimore County.

Therefore, the current placement of the satellite dish is in violation of the Baltimore County Zoning Regulations. However, rather than issue a citation immediately, Baltimore County will afford you the opportunity to either place the dish on the roof of your dwelling or in that third of your rear yard farthest away from any street and at least 2 1/2 feet from the side and rear property lines.

If this action cannot be taken within the next fourteen days, this office will need written verification/contract as to when your installer can accomplish this task. Failure to respond to this matter will result in

Printed on Recycled Paper

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

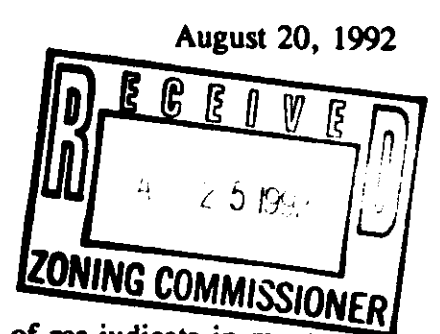
Dear Tim,

I was very surprised and disappointed when I received a ruling of res judicata in my request for variance for my satellite dish. When we spoke on the phone prior to the submission of my second request for variance, and I asked you if lowering my dish and planting shrubbery around the dish would be a substantial change, you indicated that you thought that it would probably be accepted. Arnold Jablon also told Walt Frazier essentially the same thing when he was asked about this same issue. I do recall that you said that the question of res judicata would have to be considered at this second hearing, however, I was lead by you to believe that these changes, which were made at additional expense to both Stansbury Satellite and me, would be considered to be "substantial" enough to avoid an outright decision of res judicata. I appreciate the straightforward way that you have assisted me in this case in the past. Even though this has been a most unpleasant part of my life for the past three years, dealing with you and Jim Thompson, in particular, has made it almost, and I know you will think this incredible, enjoyable. I hate to ask you for anything more, but now I am begging for a fair and just hearing on the issues by someone who has no predisposition on the case. I have enclosed a copy of a motion for reconsideration which I sent to Commissioner Schmidt. Please do everything you can to influence him to judge my case on the merits rather than ruling res judicata. As you know, making me move my dish to the roof of my home will not be in the best interests of anyone either from an aesthetic point of view or from the point of public health, safety, or welfare. It will serve only to prove to the protestants that it is possible to place a 10 foot satellite dish on the roof of my home, something which I believe they don't really think I will do. I just want to be allowed to address all of their aesthetic concerns without having to place my home at risk from either the wind load on the dish, or the possibility of a lightning strike.

I will appreciate anything you can do to help me in resolving what has become a very tiresome and divisive issue in my community.

Sincerely,

Tim Frost
Tim Frost
1301 McPherson Court
Lutherville, MD 21093-5508



IN THE MATTER OF THE
APPLICATION OF TIMOTHY W.
FROST, ET AL. FOR A ZONING
VARIANCE ON PROPERTY LOCATED
ON THE NORTHEAST CORNER
OF MCFHERSON COURT AND OTHORIDGE
ROAD (1301 MCFHERSON COURT)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

OPINION

Mr. and Mrs. Timothy W. Frost appealed from a decision of the Zoning Commissioner denying the placement of a satellite dish antenna in the rear yard of a corner lot, not within the rear one-third of the lot farthest removed from any street. At a hearing on November 30, 1990, Mr. and Mrs. Frost appeared and testified as did John Gregory Trueschler of 39 Othoridge Road. Additionally, Mr. Frost called Walter Frasier of the Stansbury Satellite Company, the firm that sold the satellite and installed it on Mr. Frost's property as an expert witness. On behalf of the Protestants, Dale Rauschenberg, 29 Othoridge Road, Timonium, Maryland 21093, testified as did Robert Anderson and George Krom, 28 Othoridge Road. Various photographs were placed into evidence showing the satellite dish antenna where it has been installed on Mr. and Mrs. Frost's property. Those photographs, as well as testimonial evidence, reveal that the dish has been installed at a position behind the line drawn directly from the rear back corner of the front dwelling, to Othoridge Road, but that it has been placed in the site of the yard nearest Othoridge Road. The satellite dish antenna remains visible to all persons travelling on McPherson Court and Othoridge Road as they approach and travel through that

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County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(410) 867-3180

February 8, 1991

Mr. and Mrs. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093

Re: Case No. 90-350-A (Timothy W. Frost, et al)

Dear Mr. and Mrs. Frost:

As no further appeals have been taken regarding the subject case, we have closed the file and returned same to the Office of the Zoning Commissioner along with any exhibits entered before the board. The Zoning Commissioner's Office maintains the permanent record. If you have an interest in said file, please contact the Zoning Commissioner's Office at 867-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in said file have been notified.

Sincerely,
Linda L. M. Rasmussen
Linda L. M. Rasmussen
Legal Secretary

/cc: Mr. and Mrs. Dale Rauschenberg

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

February 26, 1991

867-3353

Mr. Dale Rauschenberg
29 Othoridge Road
Lutherville, Maryland 21093
Mr. Jay Easer
21 Othoridge Road
Lutherville, Maryland 21093
Mr. John Trueschler
39 Othoridge Road
Lutherville, Maryland 21093

Re: Case No. C-90-750
1301 McPherson Court
9th Election District

Gentlemen:

This office has been notified by County Attorney Arnold Jablon that Timothy W. Frost, petitioner in Case No. 90-350-A, has filed injunctive proceedings against Baltimore County within the Circuit Court of Maryland, Baltimore County as to the County Board of Appeals ruling of January 8, 1991.

Until this matter is resolved at the Circuit Court level, per the County Attorney, this office is not to proceed with any enforcement action.

When this office has a time and date as to the injunctive hearing, we will most certainly forward such information to each of you.

If you have further questions as to this legal suit against Baltimore County, please contact Assistant County Attorney Timothy Kotroba at 867-4820.

Sincerely,
James H. Kotroba
JAMES H. KOTROBA
Zoning Enforcement Coordinator
471-5561

JHT:ljs

cc: Timothy Kotroba, Assistant County Attorney
Kevin Connor, Zoning Inspector
Mr. Timothy W. Frost

MICROFILMED

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



111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

January 30, 1992

Mr. Timothy W. Frost
Mr. Carol Ann Frost
Mr. Rosalie L. Frost
1301 McPherson Court
Lutherville, Maryland 21093

Re: Case No. C-90-750
1301 McPherson Court
9th Election District

Ladies and Gentlemen:

On or about March 29, 1991 as plaintiffs, you entered a request for a hearing as to the alleged zoning violation pertaining to the satellite dish located at 1301 McPherson Court within the Circuit Court of Maryland, Baltimore County.

The enforcement action, per the then County Attorney, Arnold Jablon, directed our division to withhold further action per the outcome of the circuit court case.

To date, this office has no record of an actual hearing as to this issue. However, a review of the circuit court file, 72/350/91-CSP-587, on January 27, 1992, indicated that Honorable Alfred L. Brennan, Jr. rendered a decision on April 11, 1992. He noted that your complaint for injunctive relief and final injunctive relief should be dismissed based upon the memorandum prepared by Baltimore County.

Therefore, the current placement of the satellite dish is in violation of the Baltimore County Zoning Regulations. However, rather than issue a citation immediately, Baltimore County will afford you the opportunity to either place the dish on the roof of your dwelling or in that third of your yard farthest away from any street and at least 3 1/2 feet from the lot and rear boundary lines.

If this action cannot be taken within the next fourteen days, this office will need written verification/contract as to when your installer can accomplish this task. Failure to respond to this matter will result in

471-5561

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111 West Chesapeake Avenue
Towson, MD 21204

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



February 24, 1992

(410) 867-3363
355

Mr. Dale Rauschenberg
29 Othoridge Road
Lutherville, MD 21093
Mr. Jay Easer
21 Othoridge Road
Lutherville, MD 21093
Mr. John Trueschler
39 Othoridge Road
Lutherville, MD 21093

Re: Case No. C-90-750
1301 McPherson Court
9th Election District

Gentlemen:

As a follow-up to this office's letter of January 30, 1992 with the satellite dish was to be relocated per the Baltimore County Zoning Regulations, we have gone to the extent to prepare for the Baltimore County Office of Law, the appropriate data to be utilized in the filing of an injunction petition within the Circuit Court for Baltimore County. We will send a copy of this document to each of you a copy of this document. Most importantly, every effort will be made to update the community of all future developments in this matter.

Finally, this office has evidence within our case file that the property owners of 1301 McPherson Court have once again filed for injunctive relief themselves within the Circuit Court for Baltimore County.

As always, if further questions remain, please contact this office at 867-3353.

Sincerely,
Kevin Connor
Kevin Connor
Zoning Inspector

KCC:er

MICROFILMED

Office of Zoning Commission
of Baltimore County
Towson, Md. 21204

Gentlemen:

Someone in the past, I attended what I believe was the initial hearing relating to the improper location of a satellite dish on the property known as 1301 McPherson Court, Lutherville, Maryland.

I was unable to attend today's hearing on a variance to the zoning regulations regarding this matter, but for the record, I would like it known, that unless quite a while and/or compelling reasons to grant a variance have been presented then were presented at the hearing I attended, I do not believe a variance should be granted.

Very truly yours,
Walter A. McPherson
Walter A. McPherson

1301 McPherson Court
Lutherville, Md.
21093

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



August 28, 1992

(410) 867-4386

Mr. Timothy W. Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508
Re: PETITION FOR ZONING VARIANCE
Case No. 92-476-A

Dear Mr. Frost:

In light of the substance of your letter to Lawrence E. Schmidt, Zoning Commissioner, dated August 20, 1992 and in order to correct some misstatements contained in your letter to me of the same date, the following comments are offered.

You asserted in your letter to me that I told you and Walt Frasier that the chances you made to your satellite dish would be substantial enough to warrant a second hearing on the same variance issue. Speaking for myself, I made no such representation. Furthermore, I have never had the occasion to speak to Mr. Frasier and have never had the opportunity to make his acquaintance. Therefore, your assertions are not correct.

When I spoke to you regarding the filing of your second variance request, I informed you that I could not hear the case myself due to the fact that I was involved with this issue while employed in the Office of Law. When responding to your question as to whether this second filing of a variance petition would be heard or whether your chances were "substantial" I informed you that the hearing officer, Mr. Schmidt, would need to make that determination. I gave no advice to you on the viability of proceeding with your second petition for variance.

I trust that this letter will refresh your recollection of the substance of our conversation.

Very truly yours,
Timothy H. Kotroba
TIMOTHY H. KOTROBA
Deputy Zoning Commissioner
for Baltimore County

cc: Lawrence E. Schmidt
file

MICROFILMED

Mr. Timothy Kotroba
Deputy Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Dear Tim,

I was very surprised and disappointed when I received a ruling of res judicata in my case for variance for a satellite dish. When we spoke on the phone prior to the submission of my second request for variance, and asked you if lowering the dish and planting shrubbery around the dish would be a "substantial" change, you indicated that you thought that it would probably be accepted. Arnold Jablon also told Walt Frasier essentially the same thing when he was asked about this same issue. I do recall that you said that the question of res judicata would have to be considered at this second hearing, however, I was led by you to believe that these changes, which were made at additional expense to both Stansbury Satellite and me, would be considered to be "substantial" enough to void an outright decision of res judicata. I appreciate the straightforward way that you have stated my in this case in the past. Even though this has been a most unpleasant part of my life for the past three years, dealing with you and Jim Thompson, in particular, has made it almost, and I know you will think this incredible, enjoyable. I have to ask you for anything more, but now I am begging for a fair and just hearing on the issues by someone who has no predisposition on the case. I have enclosed a copy of a motion for reconsideration which I sent to Commissioner Schmidt. Please do everything you can to influence him to judge my case on the merits rather than ruling res judicata. As you know, making me move my dish to the roof of my home will not be in the best interests of anyone other than an aesthetic point of view or from the point of public health, safety, or welfare. It will serve only to prove to the protesters that it is possible to place a 10 foot satellite dish on the roof of my home, something which I believe they don't really think I will do. I just want to be allowed to address all of their aesthetic concerns without having to place my home at risk from either the wind load on the dish, or the possibility of a lightning strike. I will appreciate anything you can do to help me in resolving what has become a very stressful and divisive issue in my community.

Sincerely,
Tim Frost
Tim Frost
1301 McPherson Court
Lutherville, MD 21093-5508

MICROFILMED

Mr. Lawrence Schmidt
Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Motion for Reconsideration of Decision
Case Number 92-476-A (Item 350)

Dear Mr. Schmidt,

You stated in your decision on my case that the principle of res judicata applied. I maintain that, based upon the case which you cited, Board of County Commissioners v. Backus, 24 Md. App. 435, (1975), the principle of res judicata does not apply because a mistake of law was made in the original case. The basis of the original complaint against me was that section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) applied to my installation. The B.C.Z.R. as it existed at the time of the original complaint contained no such reference. Linkage between section 400.1 and my case was made using a memorandum contained in the Policy Manual issued by the Office of the Zoning Commissioner for Baltimore County. A flaw existed in the initial citation. As stated in the cover letter to the Policy Manual, a flaw existed in the initial citation. (see exhibit 1, page 1), the policy manual had no force of law and was intended as guidance only. In effect, legal action was brought against me based upon a document which was not a law. Proof of due fact that the Policy Manual had no basis in law is shown in the attached document (see exhibit 2, page 1). On May 3, 1992, a special hearing was held before Commissioner Haines to determine whether the Baltimore County Zoning Commissioner's Policy Manual should have the force of law. As a result of that hearing, the decision was made to give that document the force of law. This action, in and of itself, demonstrated that the then Zoning Commissioner for Baltimore County, J. Robert Haines, was admitting that his original action against me on this issue was a mistake of law. To judge that this case falls under the principle of res judicata would be to affirm an already erroneous decision.

Another flaw existed in the initial decision made by Commissioner Haines. In his original decision (see exhibit 3, page 4) it is stated that since I had the absolute right to place my dish on the roof of my house, there was no need to even consider granting a variance. If that were true, then there would be no need to grant a variance under section 409 of the B.C.Z.R., thus rendering that entire section of the law invalid. By making such a decision, Commissioner Haines effectively denied me due process of law.

The only reason why I filed this second request for a variance was that both Mr. Timothy Konevsky, your deputy, and Mr. Arnold Jablon, the Director of Zoning Administration and Development Management, told me and Mr. Walter Frazer from Stansbury Satellite that if we made the modifications to the site of lowering the dish closer to the ground and planting shrubbery around, no dish, then that would be a substantial change to the site and the case would not be considered to fall under the concept of res judicata. The decision to reapply for a variance was not made in an arbitrary and capricious manner, but based upon advice from members of your staff which we thought to be sound.

MICROFILMED

Mr. Lawrence Schmidt
Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Motion for Reconsideration of Decision
Case Number 92-476-A (Item 350)

Dear Mr. Schmidt,

Additional information about my case has just come to my attention about an error which was made in my original hearing which I wish you to consider.

The development in which my home is located is in Devonshire Forest. The plans for my community were approved on October 25, 1954. Because of this, the zoning regulations which govern my home are those which were approved in 1945. When my case was first heard by Mr. Haines, no mention of this fact was made by him or myself during his hearing. So, as you can see, an error was made on the part of the zoning commissioner in that the wrong regulations were used to judge my case.

In the 1945 regulations, accessory structures must be placed in the rear yard of a corner lot and located at a distance of 25 feet from the nearest road. My satellite dish is located in my rear yard, but it is only 12 feet from the street. I can, therefore, move my satellite dish 3 feet further towards the north, and be in full compliance with the 1945 regulations.

In the light of these facts, I request that you reconsider my request for variance based upon the testimony and law brought out in my hearing of July 27, 1992 and not consider the litigation to fall under the principle of res judicata.

Sincerely,

Timothy W. Frost
Timothy W. Frost
1300 McKersien Court
Lutherville, MD 21093-5508

MICROFILMED

Mr. Lawrence Schmidt
Zoning Commissioner
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Motion for Reconsideration of Decision
Case Number 92-476-A (Item 350)

Dear Mr. Schmidt,

Additional information about my case has just come to my attention which I wish you to consider.

The development in which my home is located is in Devonshire Forest. The plans for my community were approved on October 25, 1954 as stated on deed of trust and associated documents attached as exhibit 1. Because my property was approved in 1954, the version of the B.C.Z.R. which governs my home is the one which was in effect in 1945. When my case was first heard by Mr. Haines, no mention of this fact was made by him or myself during my hearing. So, as you can see, an error was made on the part of the zoning commissioner in that the wrong regulations were used to judge my case.

The 1945 version of the B.C.Z.R. contains no provisions for the regulation of satellite dish antennas. Therefore, there is not now nor has there ever been any valid law which can regulate the installation of a satellite dish antenna on my property.

In the light of these facts, I request that you issue instructions to your staff that no further action will be taken against me on this issue. Furthermore, I request that I receive a written confirmation from your office that this issue is closed and that I do not need to make any modifications to my satellite dish or my property.

I'm sorry that this information was not brought out sooner so that both you and I myself would not have been involved in such a non-issue. I do want to take this opportunity to thank you and the members of your staff for your assistance in this matter.

Sincerely,

Timothy W. Frost
Timothy W. Frost
1300 McKersien Court
Lutherville, MD 21093-5508

MICROFILMED

PLEASE PRINT CLEARLY

PROXY/STAMP (S) SIGN-IN (S) HERE

NAME

Timothy W. Frost
Walter Frazer
Charles J. Frost
Carol Ann Frost

ADDRESS

1101 Rockview Ct.
1013 Rockview Ct. 21204
1301 McKersien Ct. 21093
1301 McKersien Ct. 21093

PROXY/STAMP (S) SIGN-IN (S) HERE

NAME

Dale Rosenbaum
George Rosenbaum
Wanda E. Rosenbaum
William Rosenbaum
Yvonne Rosenbaum
Robert Rosenbaum
Robert B. Rosenbaum
Robert B. Rosenbaum
Robert B. Rosenbaum

ADDRESS

29 Cheshire Rd.
29 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.
30 Cheshire Rd.

MICROFILMED

Feb 19 1992
Move that dish,
couple living in
Lutherville told
Frosts' neighbors
complain about
their satellite dish.



Move that dish, couple is told

By Carol Frost
Lutherville, Md. (AP) — A couple living in Lutherville, Md., told their neighbors to stop complaining about their satellite dish. The couple, Timothy and Carol Frost, said they had been told by neighbors to move the dish, but they refused. They said the dish was installed before they moved into the house and that they had no choice but to keep it. The couple said they had been told by neighbors to move the dish, but they refused. They said the dish was installed before they moved into the house and that they had no choice but to keep it. The couple said they had been told by neighbors to move the dish, but they refused. They said the dish was installed before they moved into the house and that they had no choice but to keep it.

MICROFILMED

APR 19 1992
FEB 19 1992
FEB 19 1992
FEB 19 1992

RECEIVED 4-12-92
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20540

Before the
Federal Communications Commission
Washington, D.C. 20540

In the Matter of
Proprietors of Satellite
Antenna Mounting Devices
at Times of Distress, New York

Reference: New York DA 91-145
Antenna Mounting Devices
at Times of Distress, New York

MEMORANDUM FOR THE RECORD
Adopted March 21, 1992
Released March 21, 1992

By the Commission:

1. INTRODUCTION
1. Petitioner, Joseph A. Carlin, requests the Commission to issue a declaratory ruling regarding the application of the Federal Communications Commission's (FCC) rules regarding the installation of satellite dish antennas on residential property. Carlin's request is based on the fact that he has been told by the FCC that he must remove his satellite dish antenna from his property. Carlin claims that the FCC's rules are outdated and that he has a right to install a satellite dish antenna on his property. Carlin requests that the Commission issue a declaratory ruling stating that he has a right to install a satellite dish antenna on his property.

2. FACTS
Carlin is a resident of New York City. He has a satellite dish antenna installed on his property. He has been told by the FCC that he must remove his satellite dish antenna from his property. Carlin claims that the FCC's rules are outdated and that he has a right to install a satellite dish antenna on his property. Carlin requests that the Commission issue a declaratory ruling stating that he has a right to install a satellite dish antenna on his property.

3. ANALYSIS
The Commission has considered Carlin's request and has concluded that Carlin has a right to install a satellite dish antenna on his property. The Commission has found that the FCC's rules are outdated and that Carlin has a right to install a satellite dish antenna on his property. The Commission has issued a declaratory ruling stating that Carlin has a right to install a satellite dish antenna on his property.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
410-333-3333

ARNOLD JACOB
ZONING COMMISSIONER

EAH M. H. HANS
DEPUTY ZONING COMMISSIONER

SUBJECT: POLICY MANUAL
DATE: 9/20/95

This POLICY MANUAL is a compilation of legislative, executive, and administrative public policies. These policies are promulgated by the Zoning Commissioner of Baltimore County, pursuant to the Baltimore County Charter, §322.1, and the Baltimore County Zoning Regulations, §500.6. The principles enunciated herein have the limited purpose of facilitating and improving the implementation of procedures throughout the Baltimore County Department of Planning & Zoning Administrative Offices.

The policies originated here are subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. As such, the policies have no binding effect within a Court of Law, although they may be utilized by the Courts to interpret and construe pertinent zoning regulations. *Hofmeister v. Frank Realty Co., Inc.*, 373 A.2d 374 (1977); *Farber's, Inc. v. Controller of the Treasury of the State of Maryland*, 266 Md. 44 (1972).

This Manual could not have been prepared without the experience and knowledge of James Byer, Zoning Supervisor; Diana Itzky; Douglas Dunn; and Nicholas Comodori, Zoning Coordinator; and especially without the time, effort and ability of Carl Richards.

EXHIBIT 1 PAGE 1

1992 Edition

Baltimore County Zoning Commissioner's Policy Manual

Administrative Supplement to the Baltimore County Zoning Regulations

EXHIBIT 2 PAGE 1

MICROFILMED

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bayley 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: June 17, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 15, 1992

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

Robert A. Yeaman - Item 504
Joseph & Aurelia Loveman - Item 505
Timothy & Carol Ann Frost - Item 506
James & Brenda Thomas - Item 507
Victor & Sandra Florenza - Item 509

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

RECEIVED
JUN 22 1992

ZONING OFFICE

MICROFILMED

6-15-92, CKE
Peltine, CKE

Development Review Committee Response Form
Authorized signature: *Robert A. Yeaman* Date: *6/22/92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
9047A	Stonagate at Patapsco (Aerial Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
✓	Washington Homes, Inc.	504	N/C	6-15-92
DED DEPRM RP STP TE				
✓	Aurelia Loveman For Joseph H. Loveman	505	N/C	
DED DEPRM RP STP TE				
✓	Timothy M. And Carol Anne M. Frost	506	N/C	
DED DEPRM RP STP TE				
✓	James B. And Brenda G. Thomas	507	N/C	
DED DEPRM RP STP TE				
✓	James E. Bishop, Sr.	508	N/C	
DED DEPRM RP STP TE				
✓	Victor E. And Sandra J. Florenza	509	N/C	
DED DEPRM RP STP TE				
✓	Lena Dulise	510	N/C	
DED DEPRM RP STP TE				
COUNT 2				
✓	Howard W. Dawson, Sr.	503	N/C	6-8-92
DED DEPRM RP STP TE				
COUNT 3				
Washington Homes, Inc.	504	6-15-92		
DED DEPRM RP STP TE				
Aurelia Loveman For Joseph H. Loveman	505			
DED DEPRM RP STP TE				
✓	Timothy M. And Carol Anne M. Frost	506		
DED DEPRM RP STP TE				
✓	James B. And Brenda G. Thomas	507		
DED DEPRM RP STP TE				
✓	James E. Bishop, Sr.	508		
DED DEPRM RP STP TE				
✓	Victor E. And Sandra J. Florenza	509		
DED DEPRM RP STP TE				
FINAL TOTALS				
COUNT 9				

MICROFILMED

Development Review Committee Response Form
Authorized signature: *T. P. Horey* Date: *6-22-92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
9047A	Stonagate at Patapsco (Aerial Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
✓	Washington Homes, Inc.	504	N/C	6-15-92
DED DEPRM RP STP TE				
✓	Aurelia Loveman For Joseph H. Loveman	505	N/C	
DED DEPRM RP STP TE				
✓	Timothy M. And Carol Anne M. Frost	506	N/C	
DED DEPRM RP STP TE				
✓	James B. And Brenda G. Thomas	507	N/C	
DED DEPRM RP STP TE				
✓	James E. Bishop, Sr.	508	N/C	
DED DEPRM RP STP TE				
✓	Victor E. And Sandra J. Florenza	509	N/C	
DED DEPRM RP STP TE				
COUNT 2				
✓	Albert F. And Ann D. Hocar	478	N/C	6-1-92
DED DEPRM RP STP TE				
✓	Gene Nelson And Paulette Enser	489	N/C	
DED DEPRM RP STP TE				
✓	Lawrence F. And Ruth C. Solomon	493	N/C	
DED DEPRM RP STP TE				
COUNT 3				
Washington Homes, Inc.	504	6-15-92		
DED DEPRM RP STP TE				
Aurelia Loveman For Joseph H. Loveman	505			
DED DEPRM RP STP TE				
✓	Timothy M. And Carol Anne M. Frost	506		
DED DEPRM RP STP TE				
✓	James B. And Brenda G. Thomas	507		
DED DEPRM RP STP TE				
✓	James E. Bishop, Sr.	508		
DED DEPRM RP STP TE				
✓	Victor E. And Sandra J. Florenza	509		
DED DEPRM RP STP TE				
FINAL TOTALS				
COUNT 9				

MICROFILMED

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

JUNE 12, 1992

(410) 887-4000

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

RE: Property Owners: TIMOTHY W. FROST AND CAROL ANN M. FROST
Location: #1301 MCPHERSON COURT

Item No.: 506 (JCM) Zoning Agenda: JUNE 15, 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 plan for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Horey* Noted and Approved
Special Inspection Division Fire Prevention Bureau

JF/REK

RECEIVED
JUN 15 1992
ZONING OFFICE

MICROFILMED

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Carl J. Horey* Date: *6/24/92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Washington Homes, Inc.	504	N/C	6-15-92
DED DEPRM RP STP TE				
✓	Aurelia Loveman For Joseph H. Loveman	505	N/C	
DED DEPRM RP STP TE				
✓	Timothy M. And Carol Anne M. Frost	506	N/C	
DED DEPRM RP STP TE				
✓	James B. And Brenda G. Thomas	507	N/C	
DED DEPRM RP STP TE				
✓	James E. Bishop, Sr.	508	N/C	
DED DEPRM RP STP TE				
✓	Victor E. And Sandra J. Florenza	509	N/C	
DED DEPRM RP STP TE				
✓	Lena Dulise	510	N/C	
DED DEPRM RP STP TE				
COUNT 7				
FINAL TOTALS				
COUNT 7				

*** END OF REPORT ***

MICROFILMED

ZONING ENFORCEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards June 5, 1992

FROM: James H. Thompson

SUBJECT: ITEM NO. 506

1301 MCPHERSON COURT

FROST - PETITIONER

When the above petition is scheduled for a public hearing, please notify:

A) Councilman Douglas R. Riley

B) Dale Rauchenberg

29 Otheridge Road

Lutherville, MD 21093

C) Jay Essex

21 Otheridge Road

Lutherville, MD 21093

D) John Trueschler

39 Otheridge Road

Lutherville, MD 21093

It is imperative that this case not be scheduled before the Zoning Enforcement Committee, Timothy Frost, because of his prior involvement with this property.

JH/ore

cc: Geraldine Stephens - Docket Clerk

C-90-758
Active Zoning Case

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-3333

By Robert Horey

County Engineer

January 28, 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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 90-350-A

60-Corner McPherson Court and Otheridge Road

1301 McPherson Court

MD Election District - 4th Councilmanic

Petitioner(s): Timothy W. Frost, et al

HEARING: WEDNESDAY, MARCH 16, 1992 at 9:00 a.m.

Variance: To permit placement of a satellite dish antenna in a position in the lot which is in the rear yard but within the third of the lot farthest from any street.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "HOUSE 11" of the "HANS EPERENYI PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of same, telephone 887-3331 to confirm hearing date.)

MICROFILMED

cc: Mr. & Mrs. Frost
Dale Rauchenberg
Jay Essex
John Trueschler

Board of Appeals
887-3180



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

January 8, 1991

Mr. and Mrs. Timothy Frost

1301 McPherson Court

Towson, Maryland 21203

Re: Case No. 90-350-A (Timothy W. Frost, et al)

Dear Mr. and Mrs. Frost:

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.

Sincerely,

Linda M. Ruzanski

Linda M. Ruzanski

Legal Secretary

Enclosure

cc: Mr. and Mrs. Walter Frazier

Mr. and Mrs. Dale Rauchenberg

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Mastarowicz

James B. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

MICROFILMED

IN RE: PETITION FOR VARIANCE
McNether Court
and Othello Road
1301 McNether Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et al
Petitioners

• BEFORE THE
• RECORDING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 90-350A

PETITION FOR VARIANCE

The Petitioners herein request a variance from Section 400.1 to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within the rear 1/3 of the lot farthest removed from any street, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Timothy W. Frost, et al, appeared and testified. Appearing and testifying on behalf of the Petition, was Walter S. Fowler, President of Stansbury, Inc. Also appearing on behalf of the Petition, was Rosalie L. Frost. Appearing and testifying on behalf of the Petition, was Florence Boyer, Helen Williams, Carolyn Enser, John J. Enser, Theresa Kauchensberg, Dale Kauchensberg and George S. Enser. Appearing and testifying for informational purposes was Stephanie J. Schleich, President, Orchard Hills Community Association, Inc.

Testimony indicated that the subject property, known as 1301 McNether Court, is a corner lot consisting of .17 acres +/-, zoned D.R.S.S., and improved with a single family dwelling. Testimony indicated that the Petitioners have erected a 15' high satellite dish in the rear yard portion of their corner lot along Othello Road, as indicated on Petitioners' Exhibit No. 1.

Mr. Frost testified that Stansbury, Inc., the seller of the subject

MICROFILMED
EXHIBIT 3

DEED OF TRUST

THE PURCHASE MONEY DEED OF TRUST is made this 22nd day of April 1992, among the Grantee Timothy W. Frost and Carol Ann M. Frost, his wife, and Rosalie L. Frost (herein "Borrower"), (herein "Trustee"), and the Beneficiary, BALTIMORE FEDERAL SAVINGS AND LOAN ASSOCIATION, a corporation organized and existing under the laws of the United States of America (herein "Lender").

BEFORE, in consideration of the individuals herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the 9th Election District, County of Baltimore, State of Maryland:
BEING known and depicted as Lot No. 4 in Block 8 as shown on the Plat of Section 2 of Devereaux Forest, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book 13A No. 26, page 132. The improvements thereon being known as No. 1301 McNether Court.

Said property is subject to the annual rent of \$120.00, payable bi-monthly in each and every year on the 22nd days in the months of June and December.

which has the address of 1301 McNether Court, Baltimore, Maryland, 21093 (herein "Property Address").

The above property being here purchased in whole or in part with the sum secured hereby. Together with all the improvements now or hereafter created on the property, and all easements, rights, appurtenances, rents (subject however to the rights and authorities given herein to Lender to collect and apply such rents), royalties, mineral, oil and gas rights and profits, water, water rights, and water, and all future now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust, and all of the foregoing, together with said property (or the leasehold estate if the Deed of Trust is on a leasehold) are hereby referred to as the "Property".

To Secure to Lender (as the repayment of the loan-borrowed evidenced by Borrower's note dated of even date herewith herein "Note"), in the principal sum of \$120,000.00, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on July 1, 1992. The payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust, and the performance of the covenants and agreements of Borrower herein contained, and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 21 hereof (herein "Future Advances").

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right in grant and convey the Property, that the Property is unencumbered, and that Borrower will warrant and defend specially the title to the Property against all claims and demands, subject to any declaration, reservation or restrictions listed in a schedule of covenants to coverage in any side instrument policy issuing Lender's interest in the Property.

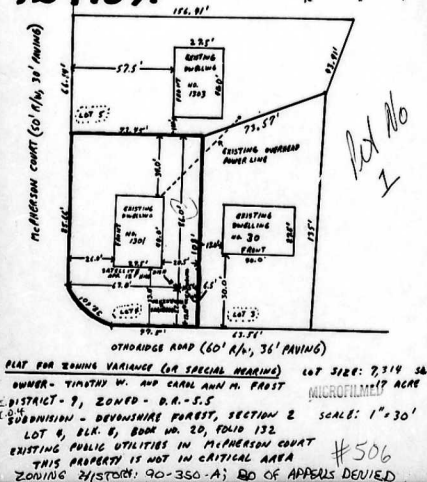
WITNESSETH - I, the County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the Office of the County Clerk of Baltimore County, Maryland.

EXHIBIT 1

MICROFILMED

PLAN TO A COMPANY ZONING VARIANCE OR SPECIAL HEARING

92-476-A



IN RE: PETITION FOR ZONING VARIANCE
RE: Corner McPherson Court
and Othoridge Road
1301 McPherson Court
9th Election District
4th Councilmanic District
Timothy W. Frost, et al
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-350A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 to permit the placement of a satellite dish antenna in the rear yard of a corner lot, but not within the rear 1/3 of the lot farthest removed from any street, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners, Timothy W. Frost and Carol Ann Frost, appeared and testified. Appearing and testifying on behalf of the Petition, was Walter R. Frazier, President of Stansbury, Inc. Also appearing on behalf of the Petition, was Rosalie L. Frost. Appearing and testifying as Protestants were Florence Boyer, Helen Williams, Carol Ann Enzor, John J. Esser, Theresa Rauschenberg, Dale Rauschenberg and George S. Krom. Appearing and testifying for informational purposes was Stephanie J. Boblouch, President, Orchard Hills Community Association, Inc.

Testimony indicated that the subject property, known as 1301 McPherson Court, is a corner lot consisting of .17 acres +/-, zoned D.R.5.5, and improved with a single family dwelling. Testimony indicated that the Petitioners have erected a 15' high satellite dish in the rear yard portion of their corner lot along Othoridge Road, as indicated on Petitioners' Exhibit No. 1.

1. Mr. Frost testified that Stansbury, Inc., the seller of the subject

MICROFILMED EXHIBIT 3

DEED OF TRUST

THIS PURCHASE MONEY DEED OF TRUST is made this 23rd day of April 1990, among the Grantor Timothy W. Frost and Carol Ann M. Frost, his wife, and Rosalie L. Frost (herein "Borrower"), (herein "Trustee"), and the Beneficiary, BALTIMORE FEDERAL SAVINGS AND LOAN ASSOCIATION, a corporation organized and existing under the laws of the United States of America (herein "Lender").

Borrower, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the 9th Election District County of Baltimore, State of Maryland:

BEING known and designated as Lot No. 4 in Block E as shown on the Plot of Section 2 of Devonshire Forest, which Plot is duly recorded among the Land Records of Baltimore County in Plat Book CLB No. 20, page 132. The improvements thereon being known as No. 1301 McPherson Court.

Being the same property described in a Deed dated of even date and recorded among the Land Records of the aforesaid County prior hereto from William R. Burk and Joyce Ann Burk.

Said property is subject to the annual rent of \$120.00, payable half-yearly in each and every year on the 22nd days in the months of June and December.

which has the address of 1301 McPherson Court, Baltimore, Maryland, 21093 (herein "Property Address");

The aforesaid property having been purchased in whole or in part with the sums secured hereby, together with all the improvements now or hereafter created on the property, and all easements, rights, appurtenances, rents (subject however to the rights and authorities given herein to Lender to collect and apply such rents), royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust, and all of the foregoing, together with said property (or the leasehold estate if this Deed of Trust is on a leasehold) are herein referred to as the "Property";

To Secure to Lender (a) the repayment of the indebtedness evidenced by Borrower's note dated of even date herewith (herein "Note"), in the principal sum of \$31,200.00 Dollars, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on May 1, 2010; the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained; and (b) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 21 hereof (herein "Future Advances").

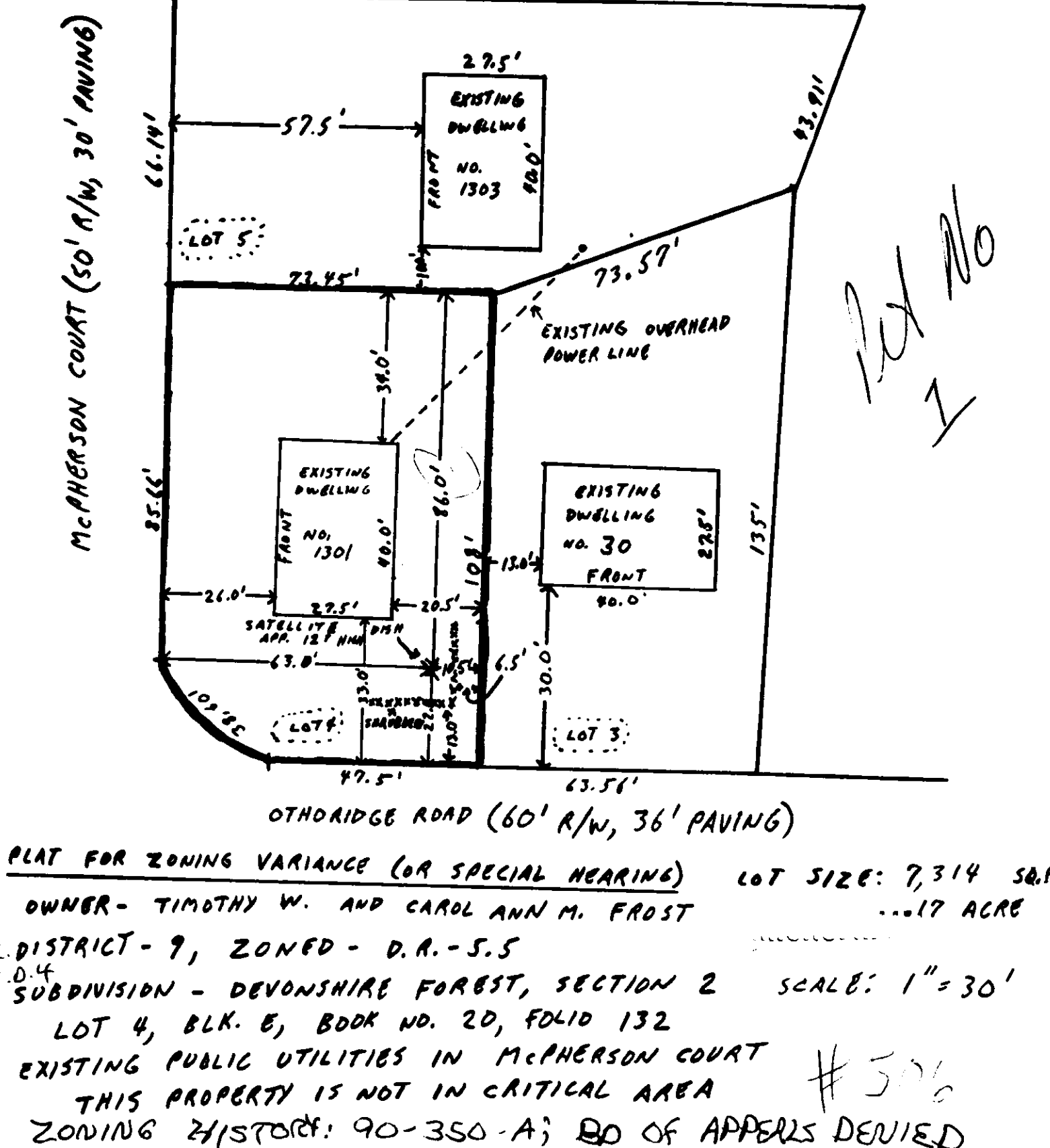
Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property, that the Property is unencumbered, and that Borrower will warrant and defend specially the title to the Property against all claims and demands, subject to any declarations, easements or restrictions listed in a schedule of exceptions to coverage in any title insurance policy insuring Lender's interest in the Property.

MARYLAND - 1 to 4 Family - 776 FRAU/FILM/UM UNIFORM INSTRUMENT

EXHIBIT 1

PLAN TO ACCOMPANY ZONING VARIANCE OR SPECIAL HEARING

92-476-A



Baltimore County Government
Department of Permits and Licenses
111 West Chesapeake Avenue
Towson, MD 21204
July 24, 1992 (410) 887-3610

Mr. Tim Frost
1301 McPherson Court
Lutherville, Maryland 21093-5508

Re: Satellite dish

Dear Mr. Frost

On July 24, 1992, I received the hand delivered letter of inquiries we briefly discussed by telephone on July 23, 1992 and the following is a response to those questions in the same numerical order as addressed in your letter.

1. Section 100.4 of the code provides, This code shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation, and fire safety; and, in general, to secure the safety to live and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

2. The building code does require permits for satellite dishes on roofs. Section 622.3.1 of the Building code requires permits for any satellite dish larger than 2' in diameter erected on a roof or attached to any building or structure. Section 622.3.2 provides that satellite antenna's larger than 2' in diameter shall be subject to the structural provisions of the building code including wind and snow loads.

3. Baltimore County does not require permits for ground mounted satellite dishes. They must, however, be installed in compliance with zoning regulations.

4. The disparity exists for permit requirements for roof or building mounted and ground mounted satellite dishes because of concerned code officials that the roof or walls of a building to provide sufficient strength to safely support the additional loads primarily wind loads on the building or structure. Officials do not believe that the installation and mounting of a ground satellite dish located on the ground is as critical as of the potential damage to a building that could occur if the satellite dish was improperly attached or the roof or wall structure was incapable of supporting the additional loads. Potential for injury to persons would also be greater from a roof mounted antenna than ground mounted if it was dislodged during a severe windstorm.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT #: B080921 CONTROL #: SD DIST: 09 PREC: 08
DATE ISSUED: 02/04/91 TAX ACCOUNT #: 0902206290 CLASS: 04

PLANS: CONST 2 PLOT R-PLAT DATA ELEC YES PLUM NO
LOCATION: 1301 MCPHERSON CT
SUBDIVISION: DEVONSHIRE FOREST

OWNERS INFORMATION
NAME: FROST, TIMOTHY
ADDR: 1301 MCPHERSON CT LUTHERVILLE, MD 21093

TENANT:
CONTR: STANSBURY SATELLITE, 6330 FRANFORD AVE 21206
ENGR:
SELLR:
WORK: CONST SATELLITE DISH ON ROOF OF EXISTING SFD 10' DIAMETER, 12' ABOVE ROOF. TOTAL HEIGHT IS 30' INCLUDING SFD & SATELLITE DISH. WILL FOLLOW MAN INSTRUCTION. MAN INST ATTACHED. NO STRUCTUR ENGINEER'S LETTER DATA SHEETS & SEALS WAIVED PER G.M. 7/21/91.

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & SATELLITE DISH
500.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION
USE: OTHER - RESIDENTIAL
FOUNDATION:
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS
SIZE: 104/108X066/073
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB: NC
REAR SETB: NC

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

MICROFILMED

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

Baltimore County Government
Department of Permits and Licenses
111 West Chesapeake Avenue
Towson, MD 21204
CALL: 887-3987
887-3610

"04"

February 4, 1991

Timothy Frost
1301 McPherson Ct.
Lutherville, MD 21093

DISTRICT: 9
LOCATION: 1301 McPherson Ct.
Re: PERMIT: B080921/SD
PRECINCT: 8

MR. MILANO "04" COMMENTS PLANS REVIEW-PHONE 887-3987

YOUR PLANS ARE RELEASED FROM THIS DEPARTMENT AND DO NOT REQUIRE A DIRECT REPLY, UNLESS REQUESTED. COMMENTS SHALL BE COMPLIED WITH, ANY OTHER DEPARTMENT OR AGENCY COMMENTS SHALL BE RESOLVED DIRECTLY WITH THAT DEPARTMENT OR AGENCY. DURING PEAK PERIODS PHONE CALLS WILL ONLY BE ACCEPTED BETWEEN 2:00 AND 3:00 P.M.

1. Satellite dish shall be supported over existing bearing wall. Structural bearing of roof rafters shall be supported by bottom ceiling joist directly over bearing wall. Roof joist braces shall be fastened with belts to ceiling joists.

THIS REVIEW COVERS ONLY MAJOR CODE REQUIREMENTS. THE LAW REQUIRES COMPLIANCE WITH ALL CODE PROVISIONS, WHETHER POINTED OUT BY THE REVIEW OR NOT.

CC: Plans Review, Sup. Copy, Inspection
Folder, File, File Department
Owner: Timothy Frost, 1301 McPherson Ct., Lutherville, MD 21093
Filer: same as owner

revised 5/89

Mr. Joseph Nolan
Office of the Building Engineer
for Baltimore County

Dear Mr. Nolan,

Please provide written answers to the following questions about the Baltimore County Building Code.

1. Why does Baltimore County have a building code? (I presume that the answer will be something like "The building code is intended to set standards of construction which will protect the public health, safety, and welfare for persons who are located inside and outside of the buildings.")
2. Is it true that the building code requires that a building permit be obtained for the installation of a satellite dish on the roof of a building? (I know that the answer here is "yes".)
3. Is it true that the building code does not require that a building permit be obtained for the installation of a satellite dish on the ground? (I know that the answer here is also "yes".)
4. Why does the above disparity exist between regulation of satellite dishes which are installed on the roof of a building and the lack of a standard for satellite dishes which are installed on the ground? (I presume that the answer to this question will be some like "Satellite dish antennas which are properly installed on the ground in accordance with manufacturer's specifications, by the very nature of the location and installation, pose virtually no threat to either the public health, safety, and welfare, or the structural stability and integrity of any building. Satellite dish antennas which are installed on the roofs of buildings, even though they are installed in accordance with manufacturer's specifications and in accordance with the provisions of the Baltimore County building code, may, during periods of unusual weather conditions, pose a threat to the health, safety and welfare of persons located both inside and outside of the affected building.")
5. Where would you recommend that a satellite dish antenna be installed to ensure that the public health, safety, and welfare be given optimal protection? (In the light of our telephone conversation of Wednesday, July 23, 1992, I presume that your recommendation would be on the ground. If that is not your answer, please provide a detailed reason why a roof installation would be safer.)

If you have any questions, I can be reached at 965-2193, 966-1314 or 321-1392.

Sincerely,
Tim Frost

MICROFILMED

Mr. Lawrence Schmidt
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave. Room 109
Towson, MD 21204

RE: Variance for Placement of Satellite Dish Antenna
Case Number 92-476-A (Item 506)

Dear Mr. Schmidt,

I wish to offer my support for Mr. Frost's variance request. I believe that Mr. Frost's satellite dish poses no threat to the health, safety or welfare of anyone in the community. Mr. Frost has planted a privacy hedge around the satellite dish which will, in time, almost completely screen the view of the dish from others in the community.

I believe that forcing Mr. Frost to place his satellite dish on the roof of his house would be inappropriate. Placement of the satellite dish on the roof of Mr. Frost's house would make it impossible for Mr. Frost to screen it from view and might result in damage to Mr. Frost's home.

Sincerely,

John E. Jeschke
Mary Jeschke
39 OTHORIDGE ROAD
Lutherville, MD 21093

cc: Mr. Timothy W. Frost

MICROFILMED

1046
July 26, 1993

Baltimore County Zoning Commission

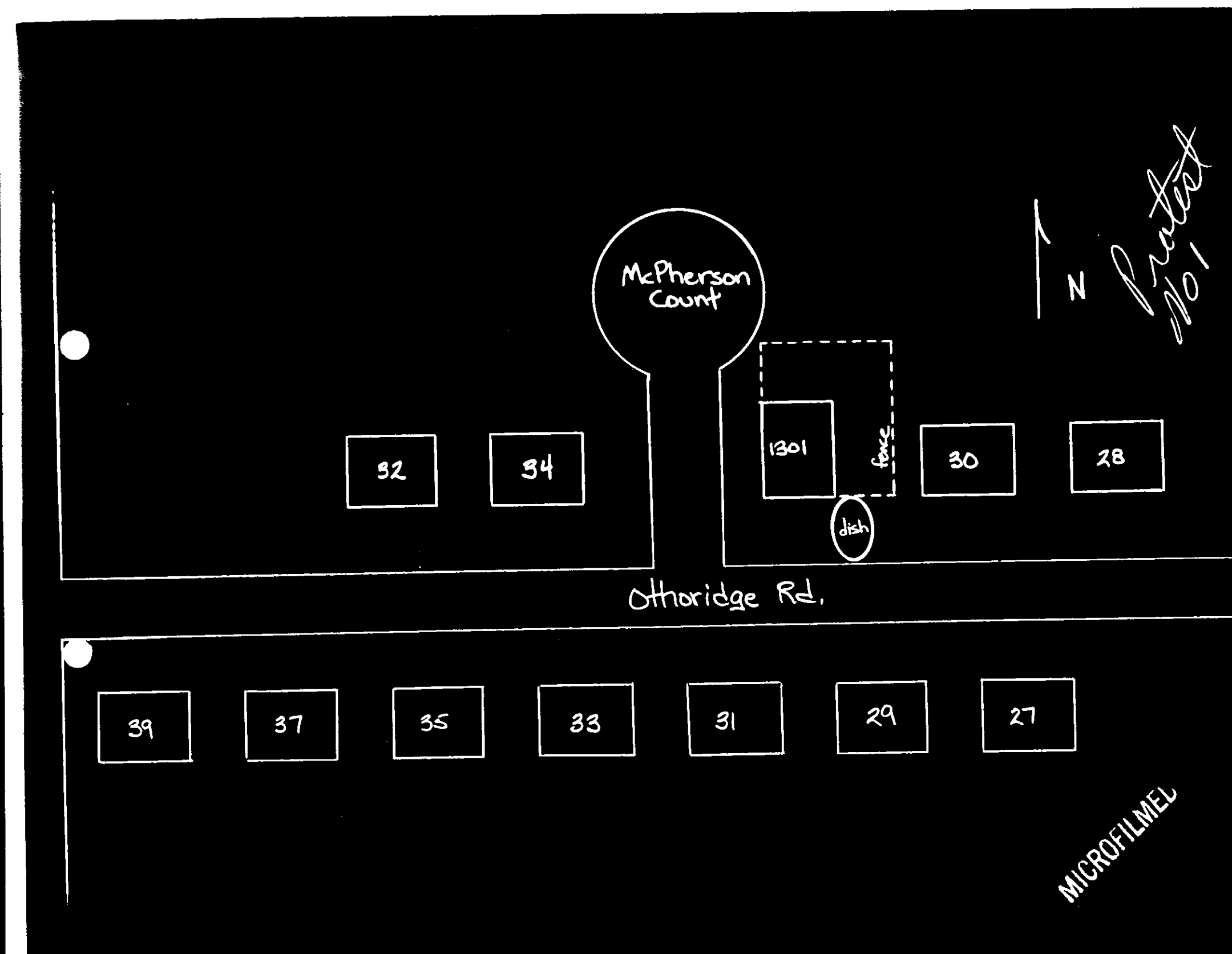
Gentlemen:

This case (C-90-758) Timothy Frost, et al. vs. Baltimore County has been dragging on since November, 1989. Mr. Frost's satellite dish is in violation of zoning regulations for a corner lot (Section 400.1).

Mr. Frost has had his day in court:

1. There was a hearing before the zoning commission on March 14, 1990. The request for a variance was denied.

MICROFILMED



Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204



Photo Case # 92-476A

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-5353

J. Robert Holmes
Zoning Commissioner

November 22, 1989

Mr. and Mrs. Timothy Frost
1301 McPherson Court
Timonium, Maryland 21093

RE: Case No. C-90-758
1301 McPherson Court
9th Election District

Dear Mr. and Mrs. Frost:

In regards to the above referenced case, a letter was recently sent to the complainants indicating that this matter would be closed. However, after discussing this issue with my supervisor, James Thompson, this case will be re-opened per Section 400.1 of the Baltimore County Zoning Regulations, (copy enclosed). A satellite dish, which constitutes an accessory structure, in a residential zone on a corner lot shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third.

The location of this satellite dish violates Section 400.1 and a variance is required. I will allow you thirty (30) days to either obtain a petition review date or correct the violation by relocating the satellite dish.

Failure to comply by December 26, 1989 will result in the issuance of a citation, wherein, you are subject to a civil penalty of \$200.00 for each violation and each day shall be considered a separate violation.

If you have any questions, please contact me at 887-8092.

Sincerely,

Kevin R. Connor
KEVIN R. CONNOR
Zoning Inspector

KRC:ljs

ARTICLE 4--SPECIAL REGULATIONS [B.C.Z.R., 1955.]
Section 400--PURPOSE [Bill No. 18, 1976.]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations. [Bill No. 40, 1987.]

Section 400--APPLICATION OF THIS ARTICLE'S PROVISIONS [Bill No. 18, 1976.]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A). [Bill No. 18, 1976.]

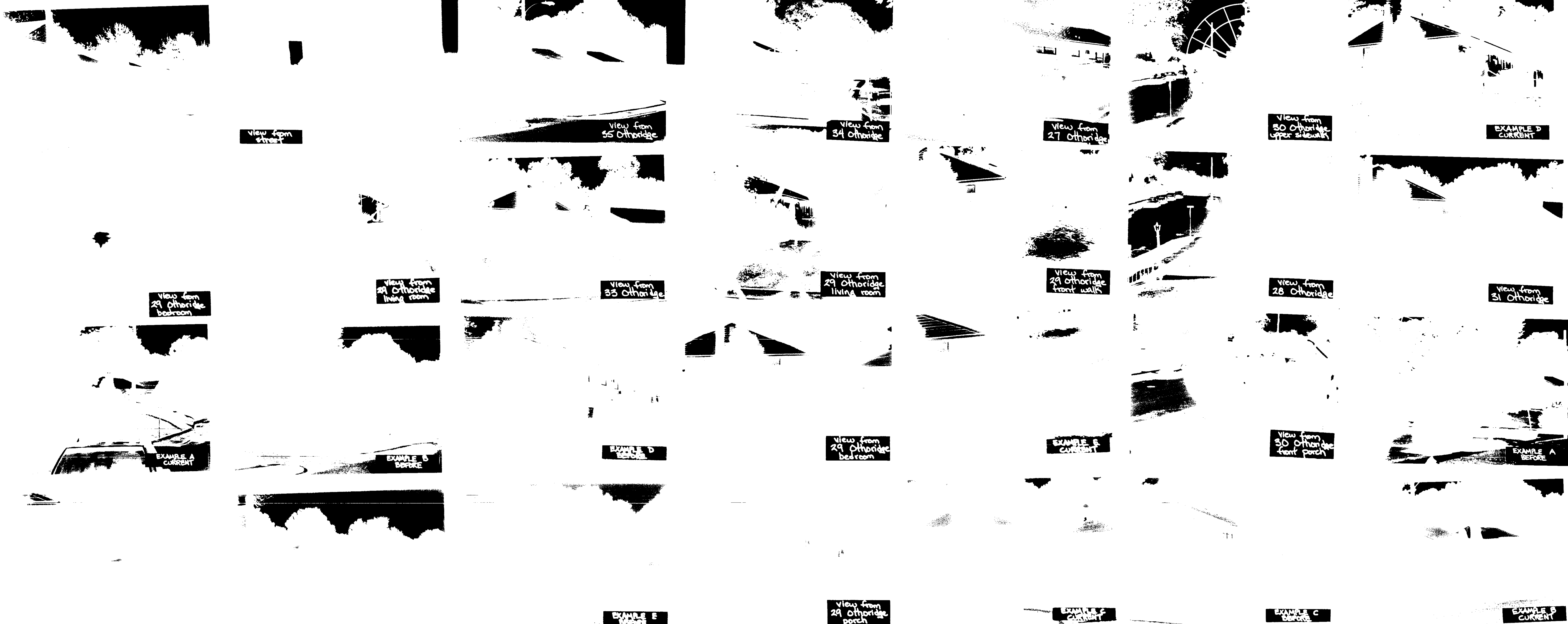
Section 400--ACCESSORY BUILDINGS IN RESIDENCE ZONES [B.C.Z.R., 1955; Bill No. 27, 1963.]

400.1--Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building. [B.C.Z.R., 1955; Bill No. 27, 1963.]

400.2--Accessory buildings shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. [B.C.Z.R., 1955.]

400.3--The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet. [B.C.Z.R., 1955.]

4-1



1.046
July 26, 1992

Baltimore County Zoning Commission

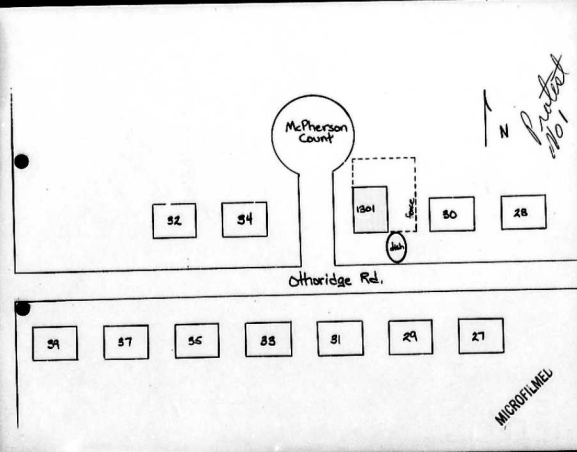
Interim:

This case (C-90-758) Timothy Frost, et al. vs. Baltimore County has been dragging on since November, 1989. Mr. Frost's satellite dish is in violation of zoning regulations for a corner lot (Section 400.1).

Mr. Frost has had his day in court:

1. There was a hearing before the zoning commission on March 14, 1990. The request for a variance was denied.

MICROFILMED



MICROFILMED

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204



Photos Case# 92-476A

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(410) 386-5252
J. Robert Nelson
Zoning Commissioner

November 22, 1989

Mr. and Mrs. Timothy Frost
1301 McPherson Court
Towson, Maryland 21203

RE: Case No. C-90-758
1301 McPherson Court
9th Election District

Dear Mr. and Mrs. Frost:

In regards to the above referenced case, a letter was recently sent to the complainants indicating that this matter would be closed. However, after discussing this issue with my supervisor, James Thompson, this case will be re-opened per Section 400.1 of the Baltimore County Zoning Regulations (copy enclosed). A satellite dish, which constitutes an accessory structure, in a residential zone on a corner lot shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third.

The location of this satellite dish violates Section 400.1 and a variance is required. I will allow you thirty (30) days to either obtain a petition review date or correct the violation by relocating the satellite dish. Failure to comply by December 24, 1989 will result in the issuance of a citation, wherein, you are subject to a civil penalty of \$200.00 for each violation and each day shall be considered a separate violation.

If you have any questions, please contact me at 887-9092.

Sincerely,

Kevin R. Connor
Kevin R. Connor
Zoning Inspector

KRC11js

MICROFILMED

ARTICLE 6--SPECIAL REGULATIONS [B.C.S.R., 1955.]
Section A400--PURPOSE [Bill No. 18, 1976.]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than could be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations. [Bill No. 40, 1977.]

Section 400--APPLICATION OF THIS ARTICLE'S PROVISIONS [Bill No. 18, 1976.]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.C.12) or unless the provision implicitly relates to accessory usage (as in Section 405A). [Bill No. 18, 1976.]

Section 400--ACCESSORY BUILDINGS IN RESIDENCE ZONES

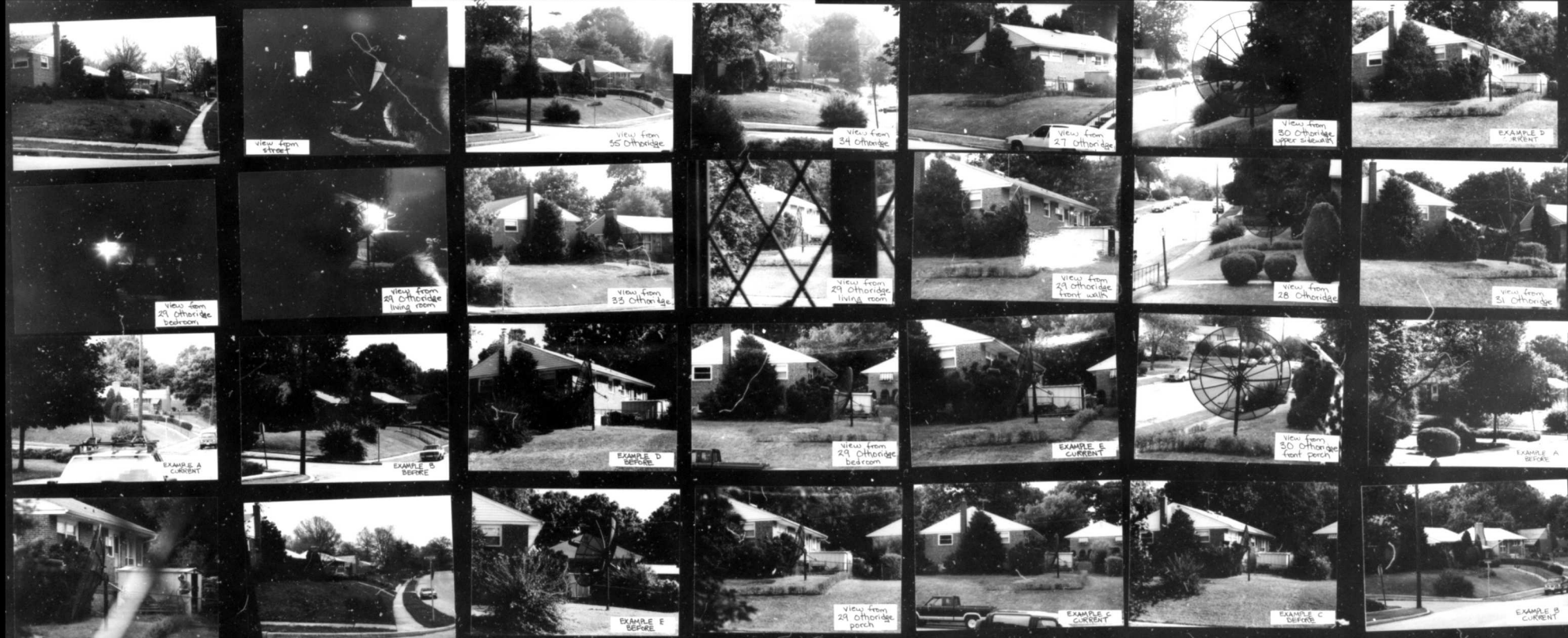
400.1--Necessary buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 400 thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in of the principal building and shall be subject to the yard requirements for such a building. [B.C.S.R., 1955; Bill No. 27, 1963.]

400.2--Necessary buildings shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. [B.C.S.R., 1955.]

400.3--The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet. [B.C.S.R., 1955.]

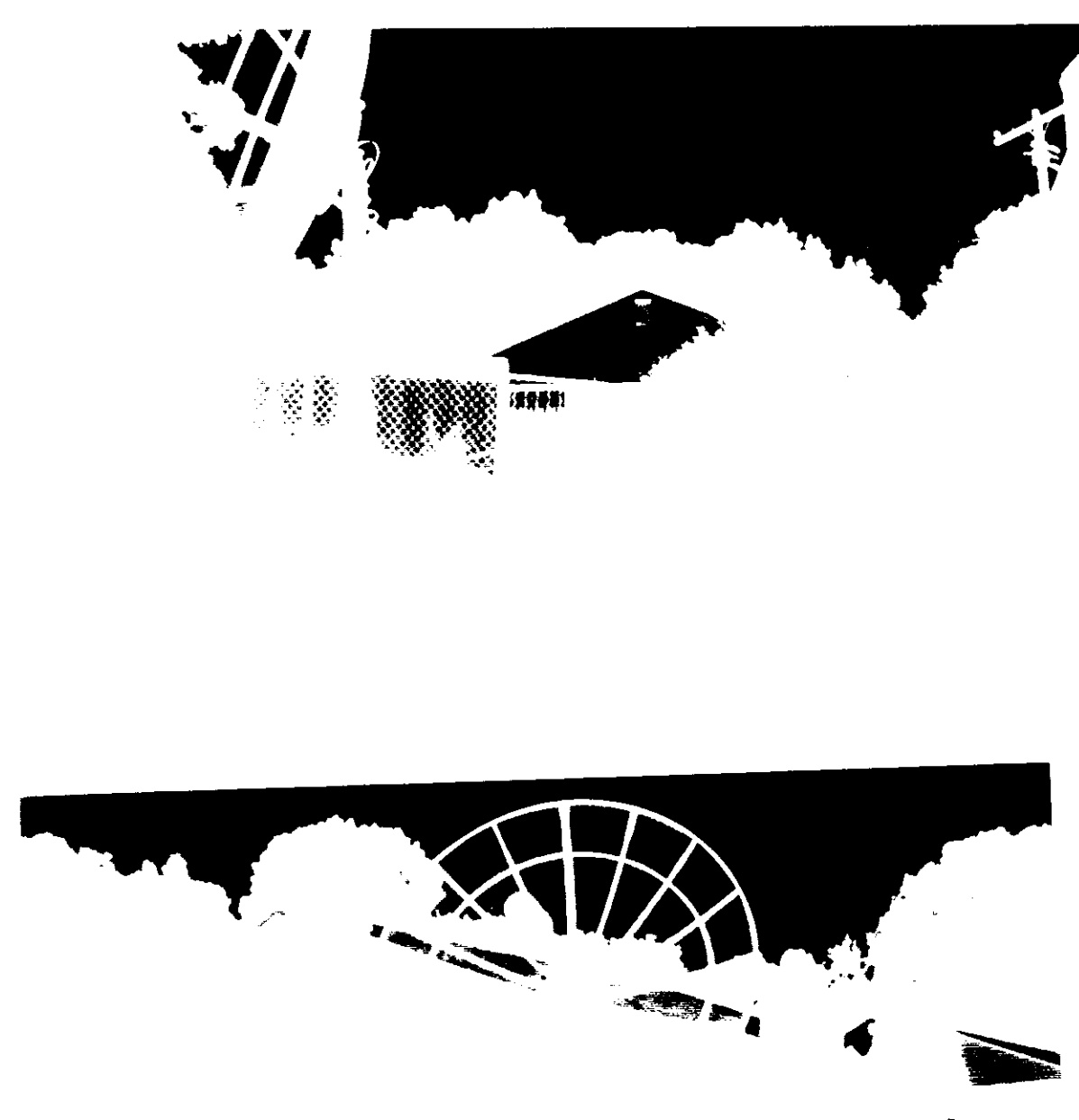
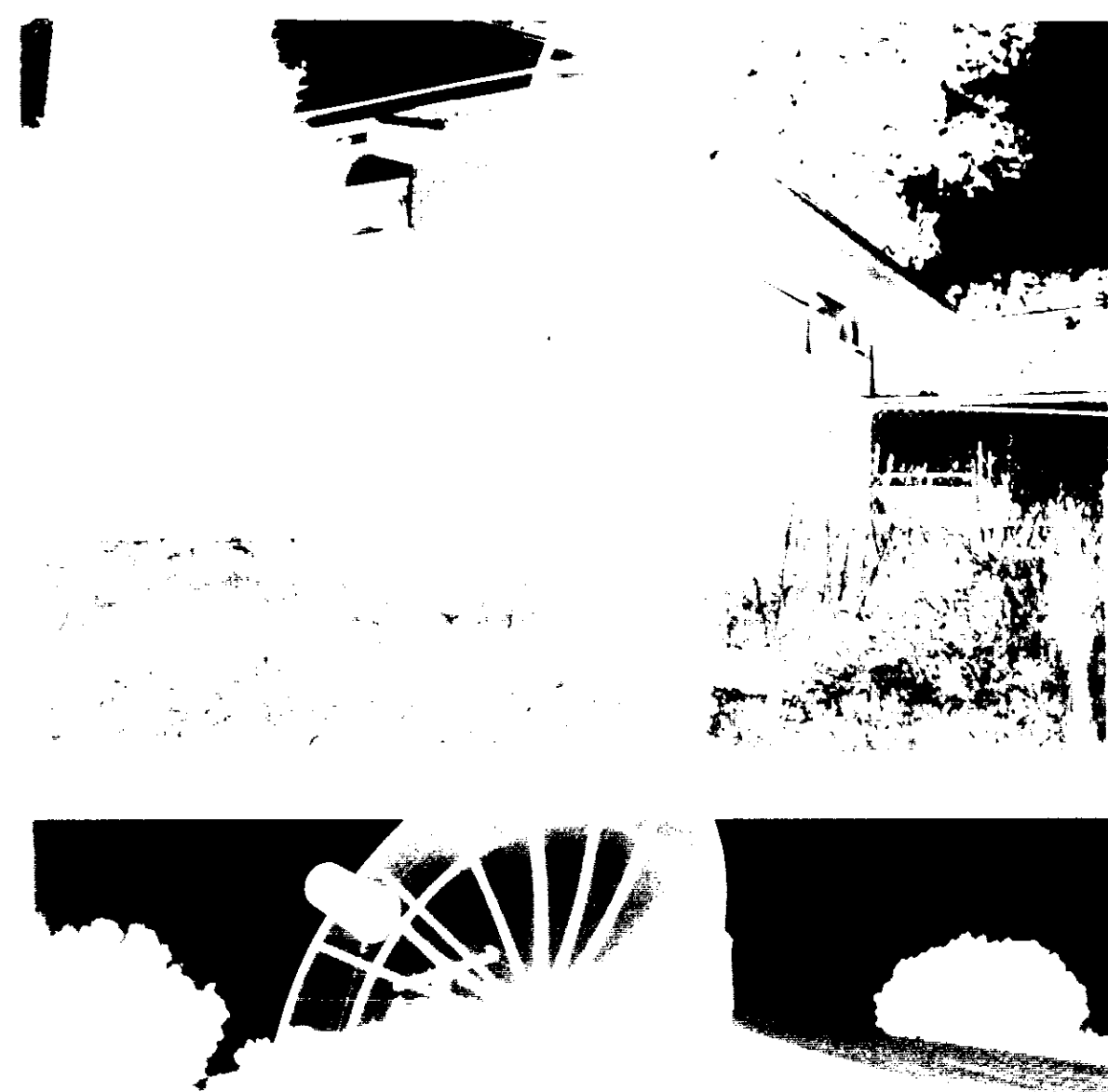
4-1

MICROFILMED





A-92-476-A



BALTIMORE COUNTY
PLANNING AND ZONING
AERIAL PHOTOGRAPHIC MAP

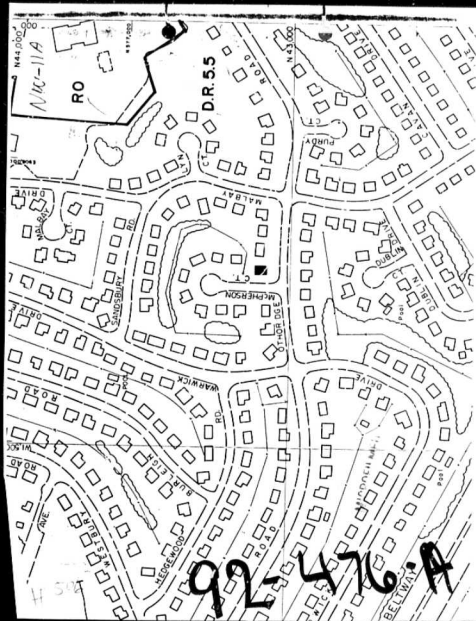
SCALE	LOCATION	SHEET
1" = 200' ±	 TOWSON	N.W. 11-A
DATE OF PHOTOGRAPHY		
JANUARY 1986		

Highmore County
Zoning Commissioner
Office of Planning & Zoning
Fowles, Maryland 21034



MICROFILMED

Photos Correl 92-476A



A-92-476-26



RE COUNTY
NNING AND ZONING
APHIC MAP

SCALE
1" = 200' ±

LOCATION
TOWSON

SHEET
NW
11-A

DATE
OF
PHOTOGRAPHY
JANUARY
1986