

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Pot Spring Road, 425 ft. * BOARD OF APPEALS
NE of Colomade Road * OF
8th Election District * BALTIMORE COUNTY
3rd Councilmanic District *
10633 Pot Spring Road *
Mohammad H. Zamani, et ux *
Petitioners * Case No. 93-323-SPH

MEMORANDUM OF LAW

Dr. Mohammad H. Zamani and Dr. Shala Zamani (Moshiri), his wife, by their attorney, Henry W. Stewart, does file this Memorandum of Law in support of the Petitioners' request for a variance of the present restriction requiring a twenty foot setback from the property line of Mr. and Mrs. James T. Brady and the permission to install lights on the tennis court, subject to those restrictions which may be set forth by the Board of Appeals on the use of same.

STATEMENT OF FACTS

A brief review of the history of this case would indicate that the disagreement between the parties in this matter dates back to pre 1989, when the Petitioners did file a Petition for variance requesting relief under the Baltimore County Zoning Regulations, namely Section 400.1 to permit accessory structures which would include a swimming pool and tennis court on their property. Following a Hearing on the issues involved, the Deputy Zoning Commissioner did on September 14, 1989, grant the Petition for the installation of the tennis court and pool, subject to certain restrictions, one of which was that the southeast corner of the fence to

surround the tennis court would be a minimum of twenty feet from the property line, which would adjoin the protestants' property. Additionally, the Deputy Zoning Commissioner did order that no lighting other than decorative lighting be permitted on the tennis court, and that the hours of play on same be restricted as set forth in that Order.

Following the installation of the tennis court, and the difficulties experienced by the Petitioners because of the very steep terrain in the rear of their property, and the structuring and terracing of that area necessary to install safely the tennis court in question, because of the failure of the soil to compact satisfactorily, the fencing around the area resulted in but a 7.3 foot setback from the adjoining Brady property.

It was from this deviation from the previously set variance that the protestants did complain to the Zoning Office, and to which the Petitioners did request a Hearing before the Zoning Commissioner on a variance to conform with the existing fence as now installed, and to allow lighting on the tennis court area only, although to be restricted as to the time for use of same. On June 18, 1993 the Zoning Commissioner, Lawrence E. Schmidt, Esquire did render his Findings of Fact and Conclusions of Law which did grant a reduction of the setback distance from the fence surrounding the court, to the property line, to be amended from the previous twenty feet, to 7 foot 3 inches as now determined to be in existence, and did prohibit the installation of lights on said tennis court,

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although increase the hours of tennis play from 10:00 a.m. to dusk on the weekends, and from 8:00 a.m. to dusk on the weekdays. The protestants, Mr. and Mrs. James L. Brady, have taken an Appeal to this Order of the Zoning Commissioner, for which argument was heard De Novo on said issues on February 24, 1994.

ARGUMENT

Testimony was presented on behalf of the Petitioners that Dr. Zamani and his wife, Dr. Moshiri, are physicians whose hours of enjoyment of the tennis court are restricted because of their being on call and certainly unavailable for use of same during the day. Dr. Zamani, in his testimony before the Board of Appeals did state that, "his priorities in his position as a physician are greatly limited in that the primary responsibility is to his patients, secondly his family, and lastly to himself". From his testimony it was clear that the hours of enjoyment of the tennis court area are such that when he does have the opportunity to enjoy same, it is usually too dark in the winter, or too late in the summer where the natural lighting on the court would be available for use by him. The Petitioner was quite sensitive to the concern of the adjacent neighbors stating, that it would be understood that if lighting was to be available to him for the use of the tennis court, it would certainly not be utilized in the late evening hours, but only during such time as the Board of Appeals would consider practical under the circumstances. The contractor from American Tennis Courts did

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state that he was capable of providing pinpoint lighting so as to place a path of darkness on any spot not in use as for the tennis court area, and to such a degree that one could "lose his keys in this area". Mr. Elfenbein specified that he has had many years of experience in the installation of many such courts, and that no direct light would shine onto the protestants' property, although they would be concerned for same. Dr. Zamani, in support of that which was presented by Mr. Elfenbein, did state that the shrubbery is now adjacent to the court area and between his property and that of the Brady property, and was such that it would provide additional coverage of the light, which the Brady's fear would pass onto their property. Interestingly enough Mr. Brady's primary concern is his fear of what he perceives as being pounding tennis balls and light shining onto his property, all of which can be restrictive to such an extent through the use of the court area itself and technology in lighting to alleviate any such fear or apprehension. Mr. Elfenbein and Mr. Matricciani both indicated that the structure of the tennis court area and the support on the topography of the backyard of the Zamani residence, was such that the particular terracing and structure that was required, did result in the court area being inadvertently moved closer to the property line of the Bradys, than was anticipated under the variance Order as passed by the Deputy Zoning Commissioner. Although the protestants attempted to show that Dr. Zamani and his wife

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intentionally violated the Deputy Zoning Order, and was attempting to take advantage of same in this matter, their testimony and documents submitted in this regard falls far short of proving that Dr. Zamani and his wife, in any way, attempted to relocate or deviate from the original variance as passed by the Zoning Office in this regard. A survey of the area in question would indicate to any reasonable person that the terracing and structuring of the tennis court, as well as the pool, which is not at issue here, took quite an engineering feat in itself to accomplish, and through their own documents as presented by the protestants, added a considerable expense to the Petitioners. Zoning Commissioner Lawrence Schmidt, in his own personal survey of the property indicates that there is no evidence that the existing layout is detrimental to the Brady property. He does further state that there is a substantial line of evergreens and other deciduous trees and shrubs along the length of the Brady/Zamani property line, which would shield the Brady property from the existing court. Dr. Zamani in his testimony did state that the shrubs have become much taller and much more bushier to give further shielding and/or protection from the concerns of the Bradys in this matter. It is well settled in questions of "area variance" that same may be granted where strict applications of the zoning regulations would cause practical difficulty to the Petitioners and their use of the property, McLean v. Soley, 270 Md. 208, 1973. The Court did

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further recognize in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, that in proving practical difficulty for an area of variance, the Petitioners must meet the following criteria:

1. Whether the 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 the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether the relief can be granted in such fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

In support of the Petitioners' argument with respect to the relief which he would request in this matter, both the Deputy Zoning Commissioner in her initial granting of the variance, and secondly, the Zoning Commissioner in his Order of June 18, 1993, where the variance was inadvertently shortened, did state "there was no finding of evidence that this existing layout is detrimental to the Brady property, and that shortening the court to comply with the Deputy Zoning Commissioner's setback, would serve no real purpose as the use of the court and the activity thereon would continue in an identical manner." In an attempt to strengthen their argument with respect to the adverse use of the tennis court

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the Petitioners did make argument that there was a basketball court adjacent to the tennis court, which never heard to be in use by them, would unnecessarily interfere with their use and enjoyment of their property. If the protestants are requesting that the southeast corner of this court be torn down and refenced to meet the variance requirements, little if any gain, would be made by either party, recognizing the cost to the Petitioners and the little footage to be gained by the protestants to offset any possible noise and/or interference to their property. The proper compromise with respect to the variance issue by the parties, would be that with respect to the southeast corner and the concerns of the Bradys as to their interference of noise, etc., that the area in question be restricted in its use during reasonable hours so that there would not be any reason for further concern. Counsel for the Petitioners did attempt to prove at the time of the Hearing, that the tennis court, although moved farther towards the Brady property as a result of the soil compaction, etc., was still far enough away from the property that if the tennis court itself was excluded, there would possibly be at least 47 feet from the end line to the location where the fence was to be located. Basketball in the use of the court, was never a main idea for the Zamani family, but an afterthought recommended by the tennis court installer for the maximum use of the court area, and the end line beyond the tennis court.

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CONCLUSION

In conclusion, therefore, the request for a variance from that of twenty feet to 7.3 feet should be granted by the Board of Appeals, as strict compliance of the previous requirement would unreasonably prevent the use of the property for a permitted purpose and render the conformance unnecessarily burdensome. Recognizing that the relocation of the structure was not an intentional act of the Petitioners, but full responsibility rested with the contractors, it would cause a substantial injustice to the Petitioners and a lesser relaxation than that as previously granted would give substantial relief, and not cause any detriment to the Brady family. Lastly, relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare secured. On the issue of lighting, and the technology involved, it is clear that most of the concern of the protestants is apprehension of that which will occur, not which they have actually observed in this matter. From the location of the tennis court to the proximity of the front bedroom window of the Brady family, testimony was quite evident that technology is such that they will not unnecessarily be interfered with the use and enjoyment of their home, nor in any way have any such lighting shine on their property. The trees and shrubbery as now planted adjacent to the properties has now grown to such density that it obscures the fenced area from much of the apprehensive light and sound as feared by the protestants. Dr. Zamani has additionally, in his testimony,

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given assurances that if said lighting would be granted, that he would be subject to those restrictions which would be imposed by the Board of Appeals in the use of this lighted area. There is no evidence as presented by the protestants that the value of their property would, in fact, be unnecessarily interfered with and/or decreased in value through the restrictive use of the tennis court and the granted variance as allowed by the Zoning Commissioner.

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CERTIFICATION OF MAILING

I DO HEREBY CERTIFY, that on this 31st day of March, 1994, a copy of the foregoing Memorandum of Law, was mailed, postage prepaid, to Michael Scher, Esquire and Kim Hale Carney, Esquire, Tydings & Rosenberg, 100 E. Pratt Street, Baltimore, Maryland 21202, attorneys for the protestants.

HENRY W. STEWART

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Mohammad K. Zamani, et ux. Case No. 93-323 SPH
Petitioners/Appellees

APPELLANTS JAMES AND FRANCINE BRADY'S CLOSING MEMORANDUM

Appellants/protestants James and Francine Brady ("the Brady's" or "Protestants") submit this closing memorandum in place of closing argument at the February 24, 1994, appeal of the above-referenced matter.

I. Introduction

Drs. Zamani and Moshiri ("Petitioners" or "the Zamani's") live at 10633 Pot Spring Road and the Brady's live at 10631 Pot Spring Road. They are next door neighbors. Their properties are each several acres but due to the geological constraints of the properties, their houses face each other and both the Brady's and Zamani's side yards face Pot Spring Road.

In 1989, the Zamani's obtained an area zoning variance from Deputy Zoning Commissioner Anna Nastarowicz of Baltimore County to construct a swimming pool and tennis court in their front and side yard instead of the required rear yard. Commissioner Nastarowicz granted the variance subject to the following restrictions: (1) the tennis court and southeast corner of the

fence surrounding the tennis court be a minimum of twenty (20) feet from the Brady's front property line; (2) that no lighting, other than decorative, be installed to allow tennis play after dark; (3) that tennis playing be limited from 8:00 a.m. to 9:00 p.m. on Monday through Friday and from 10:00 a.m. to 9:00 p.m. on Saturday and Sunday; and (4) that a buffer of shrubbery on the Zamani's property be provided. Protestants' Exhibit No. 8. Deputy Commissioner Nastarowicz's decision ("1989 variance" or "Commissioner Nastarowicz's decision") was based in part on, and incorporated, an agreement between the Brady's and the Zamani's whereby the Brady's gave up their absolute right to contest the Zamani's request for a variance in exchange for the Zamani's agreement to provide a 20-foot setback, to limit their hours of play, and to not install lights for nighttime playing. See *id.* at 2. In fact, at the hearing before Commissioner Nastarowicz, the Brady's informed the court that they would not oppose the variance as long as the tennis court was set back 20 feet, no lights were installed, and adequate landscaping be provided as a buffer.

After the 1989 variance, the Zamani's applied for, and obtained, a fence permit to build a fence around a tennis court with a 20-foot setback.¹ See Protestants' Exhibit Nos. 11, 12, 14. The Zamani's made no mention of a basketball court in their

¹ The application for the permit and the fence permit state that there is to be a rear setback of 20 feet. The plat attached to the application, protestants' exhibit no. 12, shows that the 20-foot setback is a front setback.

request for a variance, at the hearing on that request, or in any of the permits filed with the Baltimore County Building Engineer's office.

Despite Deputy Commissioner Nastarowicz' opinion requiring a 20-foot setback distance, the Zamani's built a tennis court and surrounding fence that, according to a survey conducted by Gene Raphael, was approximately 15 feet longer than described in the fence permit, and within 7 feet of the Brady's front property line. Protestants' Exhibit No. 10. The Zamani's do not dispute the accuracy of Gene Raphael's survey. In this approximately 15' x 53' feet additional area that was paved on the southern end of the tennis court, the end closest to the Brady's front yard, the Zamani's had a basketball court painted and a pole, backboard, and net installed.

When the zoning office filed a citation against the Zamani's for violating Order 90-343, the Zamani's requested a variance from their variance to have the setback requirement eliminated and to have lights for nighttime playing installed. At the hearing before Lawrence Schmidt, Zoning Commissioner for Baltimore County, the Zamani's claimed that the tennis and basketball court were accidentally built within the 20-foot setback requirement, and that although elimination of the basketball court to comply with the 1989 variance was feasible, it would be unnecessarily expensive. See Joint Exhibit No. 1.

Commissioner Schmidt denied the Zamani's permission to install lights on the tennis court for nighttime playing, but

granted the Zamani's request for a reduction of the setback distance. See Joint Exhibit No. 1. Commissioner Schmidt ordered that tennis and basketball playing be permitted from 10 a.m. to dusk on Saturdays and Sundays, and 8 a.m. to dusk on Monday through Friday.

The Brady's appealed that portion of Commissioner Schmidt's decision that ordered a reduction of the setback distance because the existing layout--a tennis and basketball court within 7 feet of the Brady's front yard--is substantially unjust to the Brady's and interferes with their use and enjoyment of the property. Moreover, the restrictions imposed in the 1989 variance are fair to the Zamani's and permit the Zamani's a reasonable use of their property. The Zamani's conformance with the 20-foot setback requirement would not be unnecessarily burdensome.

At the *de novo* hearing before the County Board of Appeals on February 24, 1994, the Zamani's again raised the issue of having lights installed for nighttime playing. The Brady's also oppose the installation of lights, and believe that the glow of such lights, and the noise created by the extended hours of play permitted by such lights, would be substantially unjust to the Brady's and interfere with the health and welfare of the Brady's. Moreover, in the parties' settlement agreement reached in 1989, the Brady's did not contest the Zamani's request for a variance because the Zamani's agreed not to install lights for nighttime playing.

The undisputed evidence presented at the February 24, 1994, hearing, establishes that the Zamani's have built a basketball and tennis court 7 feet from the Brady's front property line. The Zamani's did not establish that either compliance with the 20-foot setback requirement or the absence of lights for nighttime playing creates an unreasonable hardship or practical difficulty. In fact, it was shown that creating a 20-foot setback would not impact upon the Zamani's tennis court at all, but only would affect the basketball court.

The evidence offered by the Brady's, however, establishes that the existing encroachment of the basketball court is unjust to the Brady's, who entered into an agreement with the Zamani's providing for a 20-foot setback, and interferes with the Brady's use and enjoyment of their property. The Brady's also showed that the installation of lights for nighttime playing would further interfere with the Brady's use and enjoyment of their property, and harm the Brady's health and welfare.

II. Argument

A. The Zamani's Compliance with the Original Variance's 20-Foot Setback Requirement Does Not Impose an Undue Hardship or Practical Difficulty Upon the Zamani's.

Section 307 of the Baltimore County Zoning Regulations authorizes the Zoning Commissioner and, on appeal, the County Board of Appeals, to grant variances from area and height regulations where strict compliance with the Regulations would result in "practical difficulty or unreasonable hardship." *Lovola Fed. Sav. & Loan v. Buschman*, 227 Md. 243, 246-47 (1961).

To prove practical difficulty, an applicant for a variance must meet the following requirements:

- (1) whether strict compliance with the requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- (2) whether the granting of the variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; 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.

McLean v. Soley, 270 Md. 208, 214-15 (1973).

The Zamani's did not establish that compliance with the 20-foot setback requirement would result in practical difficulty or unreasonable hardship. The Zamani's compliance with the 20-foot setback would not deny the Zamani's a reasonable use of their property and would not be unnecessarily burdensome. Moreover, the existing layout--a 7-foot setback of a tennis and basketball court--is unjust to the Brady's and causes substantial injury to the Brady's health and welfare.

1. The Zamani's Intentional Violation of the 20-Foot Setback Requirement is a Self-Created Circumstance, and Therefore, is Insufficient to Justify the Granting of a Variance.

At the hearing before the County Board of Appeals, Dr. Zamani, one of the petitioners, testified that the tennis and basketball court were accidentally built within 7 feet of the Brady's front property line. Dr. Zamani also testified that

basketball playing was not important to him, and that the addition of a basketball court was not his idea, but rather the idea of one of his subcontractors, American Tennis Courts. Bruce Elfenbein, a representative of American Tennis Courts, and William Matricciani, a representative of Fence Fair, Inc., the subcontractor that installed the Zamani's fence surrounding the tennis and basketball courts, testified that they were unaware of the 20-foot setback requirement in the 1989 order and fence permit.

The documentary evidence introduced by appellants clearly establishes, however, that the existing location of the tennis and basketball court within the 20-foot setback was no accident, but in fact was specifically requested and overseen by Dr. Zamani. Beginning in 1991, Dr. Zamani, by himself and also through his agent, specifically negotiated and contracted with Atlantic Builders Group, the general contractor, to have a basketball court measuring 15 x 53 feet paved and added to the tennis court within the 20' setback requirement. See Protestants' Exhibit Nos. 1 through 5. For example, in a facsimile from Amir Asghari, Zamani's agent, to Dave Teague at Atlantic Builders Group, Asghari asked the contractor to "please have the American Tennis Court to extend the paving at Dr. Zamani's tennis court towards South to the property line. Obviously, this would be an extra to the contract." Protestants' Exhibit No. 1. Further, a letter and drawing prepared by Zamani's agent, with copies to Dr. Zamani, show that while the

1989 order was in effect, the Zamani's considered extending the basketball court all the way to the Brady's property line, in complete disregard of the Deputy Commissioner's order.² See Protestants' Exhibit No. 3 at ¶ 7 and the attached sketch. Even if Dr. Zamani's testimony were believable, however, the "accidental" violation of a zoning order is insufficient to justify the granting of a variance.

A variance will not be granted on the basis of practical difficulty if the "difficulty" was the result of the applicant's own actions. Salisbury Bd. of Zoning Appeals v. Bounds, 240 Md. 547, 554 (1965); Fem Constr. Co. v. Mayor of Baltimore, 233 Md. 372, 376-77 (1963); Wilson v. Town of Elkton, 35 Md. App. 417, 427-28 (1976). Salisbury Bd. of Zoning Appeals v. Bounds, 240 Md. 547 (1965), both factually and legally, supports the Protestants' position that the Zamani's should not be granted a variance from the 1989 variance. In Salisbury, the appellees did not comply with formal requirements of the Salisbury Zoning Code, and as a result, mistakenly began building four apartments within a three-bedroom house without the necessary permit. After almost ninety percent of the work had been completed, the appellees discovered they did not have the permit. When the acting building inspector refused to issue a

² This evidence regarding the Zamani's intentional violation of the 1989 variance was not known by the Brady's until recently, and therefore, was not presented to Commissioner Schmidt when he heard the Zamani's petition for a variance from the variance.

permit, the appellees applied to the Salisbury Board of Zoning Appeals to seek a variance to allow the fourth apartment. The Board refused to grant the variance on the grounds that the applicants were responsible for obtaining a valid permit and had demonstrated no hardship, other than financial. Id. at 550.

The Court of Appeals affirmed the Board's denial of the variance. In so doing, the court stated several reasons pertinent to the instant matter. Specifically,

[t]he only evidence before the Board as to hardship or injustice involving the property was the fact that repairs and alteration work had been substantially completed before an application for either a variance or a building permit had been made and that what had been done could not be undone without financial hardship to appellees. The appellants contend that a self-inflicted hardship such as was evident in this case cannot be the basis for a variance. We agree.

Id. at 554 (emphasis added).

The court noted that construction of the fourth apartment and the resultant hardship could have been avoided if the appellees had used proper diligence in ascertaining the applicable requirements for a four-apartment dwelling. Id. at 555. "The hardship here relied on [by the appellees is] entirely self-created and the Board properly refused to allow it to be used as a fulcrum to lift, by way of a variance, the valid limitations imposed by the [zoning regulations]." Id. Moreover, the Court explained, financial hardship is legally insufficient to justify a variance. Id. at 551, 555.

In this case, too, the encroachment of the tennis and basketball courts could have been avoided. Even if one believes Dr. Zamani's testimony that the encroachment was an accident, Salisbury establishes that the Zamani's failure to use proper diligence in ensuring compliance with the 20-foot setback requirement is no excuse. The Zamani's should not benefit by their alleged ignorance, or their subcontractors' supposed ignorance, of the setback requirement.³

Wilson v. Town of Elkton, 35 Md. App. 417 (1977), also is on point. In that case, Mrs. Rooney lived at a three-story house at 143 Main Street from 1960 until 1974. The home potentially consisted of three separate apartments, one on each floor, although for many years she had occupied the first two floors as her residence, and treated the third floor as a separate dwelling. The property in question violated a zoning ordinance passed in 1963, but was permitted to continue to exist subject to the ordinance's non-conforming use provisions. In 1974 she sold the home to Dr. Pasqualini, who sought a variance to add an outside stairway to the second and third floors. The purchaser of the property wanted to use all three units as apartments, and learned that the applicable fire code required a stairway from the second and third floors. The Board of Appeals granted the variance, concluding that the property could lawfully be used for

³ Although Dr. Zamani testified that the encroachment of the basketball court and tennis court was an accident, the documentary evidence establishes that Dr. Zamani purposefully built the courts within 7 feet of the Brady's property.

three apartments, and therefore, a variance permitting the required stairway was proper.

The neighboring property owners, the Wilson's, appealed to the Circuit Court, which affirmed the Board's decision, and a subsequent appeal to the Court of Special Appeals was taken. The Court of Special Appeals held that because Mrs. Rooney had occupied two of the floors as her residence, she had abandoned the non-conforming use of a third unit. Because the property could not lawfully be used to house three apartments, the variance was improper. Specifically, the court explained that the requirement of the State Fire Prevention Code precipitated the request for, and the justification of the variance. "It approaches the ridiculous to say that the unlawful extension of the non-conforming use from two units to three units entitles the owner to the blessing of legitimacy for the violation of yet another law." Id. at 427.

The Court further explained:

Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions of the zoning ordinance, hardship arises which is capable of being relieved through the grant of a variance. The restrictions of the ordinance, taken in conjunction with the unique circumstances affecting the property must be the proximate cause of the hardship. If the peculiar circumstances which render the property incapable of being used in accordance with the restrictions contained in the ordinance have been themselves caused or created by the property owner or his predecessor in title, the essential basis of a variance, i.e., that the hardship be caused solely through the manner of operation of the ordinance upon the particular property, is lacking. In such case, a variance will not be granted; the hardship, arising as a result of the act of the owner or his predecessor will be regarded as having been self-created, barring relief.

Id. at 427-28 (citations omitted). Because Mrs. Rooney's abandonment of the third unit made it unlawful for the purchaser to use the building for three units, the court held that the hardship was self-created, and therefore, a variance was improper.

Similarly, in the instant matter, the Zamani's encroachment of the 20-foot setback was self-created, and Commissioner Schmidt's decision granting a variance from the 20-foot setback was reversible error. It "approaches the ridiculous to say" that the Zamani's intentional and unlawful violation of the original variance "entitles [them] to the blessing of legitimacy" for a second variance. See id. at 427. In sum, the Zamani's self-inflicted practical difficulty and financial inconvenience are legally insufficient to justify the granting of a new variance.

² The Zamani's did not establish that Compliance with the Original Variance's 20-foot Setback Requirement was Burdensome or Difficult.

To establish practical difficulty sufficient to justify the granting of a variance, one of the requirements the applicant must meet is that strict compliance with the zoning regulations would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome. McLean, 270 Md. at 214. There was no testimony by the Zamani's that complying with the 20-foot setback as required by the 1989 order would unreasonably prevent the use of the property or be unnecessarily burdensome. See Joint Exhibit No. 1 at 3. Indeed, one of Dr. Zamani's witnesses, William Matriccioni

with Fence Fair, Inc., testified that the existing 90 degree angle on the southeast corner of the basketball court could be eliminated to provide the 20-foot setback. See also id. Elimination of the basketball court to provide the 20 feet setback distance would not interfere at all with the Zamani's use of the tennis court. Only the basketball court would be eliminated. Dr. Zamani himself testified that basketball playing was not important to him, and that one of his subcontractors had the idea for a basketball court. It was the tennis court for which the Zamani's originally sought a variance, and the tennis court would not be impacted by compliance with the 20-foot setback. In short, the Zamani's have failed to establish that compliance with the 1989 variance is difficult or burdensome, and therefore, a variance from the variance should not be permitted.

³ The Existing Layout Causes Substantial Injury to the Brady's Health and Welfare.

A variance will not be granted if it causes substantial injury to the public health, safety, and general welfare. Loyola, 227 Md. at 247. The existing encroachment of the Zamani's basketball and tennis court significantly interferes with the Brady's use and enjoyment of their property. Jim Brady, one of the appellees, testified that the existing layout of the basketball and tennis court 7 feet from their front yard, and not much further from the Brady's master bedroom, interferes with the Brady's use and enjoyment of their property. Mr. Brady testified that when the Zamani's originally began constructing the pool and

tennis court in the Zamani's front and side yards, the Brady's entered into an agreement whereby the Brady's gave up their absolute right to contest the Zamani's request for a variance in exchange for the Zamani's agreement to provide a 20-foot setback and to not install lights. The Brady's originally wanted more than a 20-foot setback, particularly since the Zamani's property is over 4 acres, but cooperated with the Zamani's who claimed that the topography of their land would not permit a tennis court to be built further than 20 feet from the Brady's front yard. The Zamani's never made mention of a basketball court, and the Brady's would never have agreed to a 20-foot setback if they knew that a basketball court would be installed.

Obviously, basketball playing is even more annoying than tennis playing. The Brady's never had any notice that the Zamani's intended to construct a basketball court, and the Bradys are currently unable to enjoy and use their residence due to the visual, as well as auditory, nuisance.

The Court of Appeals has held that a 13-foot encroachment of a 20-foot setback is significant. In Cities Service Oil Co. v. Board of County Comm'rs, 226 Md. 204 (1960), Cities Service had obtained a building permit for construction of a filling station. A stop work order was issued by a county inspector based upon an alleged violation of rear-yard setback requirements. Cities Service had already begun work on the service station when the stop work order was issued. Id. at 209. Cities Service appealed to the Board of Zoning Appeals of Prince George's County for a

variance, arguing among other things, that it would impose a serious and unnecessary hardship upon Cities Service not to permit it to build at that location and to require it to remove the building already partly constructed. The Board denied the variance, although construction had commenced, stating that "a granting of the relief prayed would be a substantial impairment of the intent, purpose and integrity of the Zoning Ordinance." Id. at 210.

The Court of Appeals upheld the Board's denial of the variance. Specifically, the court focused on the fact that the denial did not prevent any reasonable use of the property, and although there may have been confusion among the city officials as to the appropriate lot lines, it was "too clear for argument that an encroachment of more than 13 feet on the 20 foot required set-back is no inconsequential or trivial matter in this situation." Id. at 214.

By analogy, as explained above, the Zamani's have not been denied a reasonable use of their property by requiring a 20-foot setback distance. And here, unlike in Cities Service, there was no ambiguity regarding the 20-foot setback requirement. Dr. Zamani testified, as he must, that he knew about the 20-foot setback. In short, the Zamani's purposeful encroachment of more than 13 feet on the 20-foot required setback is no inconsequential or trivial matter.

4. The Zamani's Intentional Violation of the 20-Foot Setback Requirement in the 1989 Order and the Parties' Agreement is Substantially Unjust to the Brady's.

In Maryland, a variance will not be granted if it is substantially unjust to neighboring property owners. See McLean, 270 Md. at 214; Anderson v. Board of Appeals, 22 Md. App. 28, 38 (1973). It would be substantially unjust to allow the Zamani's to benefit from their purposeful and intentional violation of the 20-foot setback requirement in the 1989 order and in the agreement between the parties. The Brady's negotiated in good faith with the Zamani's when the Brady's reached an agreement with the Zamani's not to oppose the Zamani's original request for a variance provided the Zamani's created a 20-foot setback and met other restrictions. To allow the Zamani's to avoid the 20-foot setback by their deceit of the Brady's, and the zoning agencies, would be unfair. In short, the 20-foot setback requirement of the original variance provides "substantial relief to the [Zamani's] and [is] more consistent with justice to [the Brady's]". McLean, 270 Md. at 214.

B. The Original Variance's Prohibition of Lights for Nighttime Playing Does Not Deny the Zamani's a Reasonable Use of Their Property and Does not Impose an Undue Hardship or Practical Difficulty Upon the Zamani's.

The evidence offered by the Zamani's at the February 24, 1994, hearing did not establish that the absence of lights for nighttime playing creates an undue hardship or practical

difficulty. Under Commissioner Schmidt's order, the Zamani's are permitted to play tennis from 8:00 a.m. to dusk on Monday through Friday, and 10:00 a.m. to dusk on Saturday and Sunday. During the summer, the season of optimum tennis play, dusk does not arrive until 8:00 or 8:30 p.m. The 1989 variance limited tennis play from 8:00 a.m. to 9:00 p.m. Monday through Friday, and 10:00 a.m. to 9:00 p.m. on Saturday and Sunday. Either of these time of play restrictions seem reasonable. Dr. Zamani testified that without the installation of lights, he and his wife cannot currently enjoy the tennis court because as doctors they work long and odd hours, and cannot play tennis during the daylight hours.⁴ There was no testimony that the Zamani's existing schedule is any different than it was in 1989 when the Zamani's agreed not to install lights for nighttime playing and when Commissioner Nastarowicz imposed the time of play restrictions. In any event, the minimum inconvenience posed by the hours of play restrictions in either the 1989 variance or Commissioner Schmidt's order, is insufficient to justify granting a variance. See Carney v. City of Baltimore, 201 Md. 130 (1952); Green v. Blair, 77 Md. App. 144 (1991).

In Carney, the applicant desired an area variance from the side-yard requirements of Baltimore City's Zoning Ordinance to

⁴ Even though Commissioner Nastarowicz's and the agreement between the Brady's and the Zamani's prohibited lights, Dr. Zamani paid for and had installed concrete light pole bases. Thus, it is clear that Dr. Zamani did not ever intend to abide by his agreement with the Brady's or by the requirements of the 1989 variance. See Protestant's Exhibit Nos. 5, 7.

build a first floor addition. Due to Mrs. Carney's physical health, it was difficult for Mrs. Carney to walk upstairs, and building a first floor addition would have been convenient. In affirming the Board of Municipal and Zoning Appeals of Baltimore City's refusal to permit the addition, the Court of Appeals noted that the "need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant." Id. at 137.

Applying Carney to the instant matter, the Zamani's convenience is not a legally sufficient practical difficulty to justify installation of lights. The Zamani's convenience by the installation of lights is particularly inappropriate when weighed against the harm the lights would cause to the Brady's. Although Zamani's witness Bruce Elfenbein with American Tennis Courts testified that the lights would not shine upon the Brady's property and that the Zamani's had a sufficient vegetative buffer to reduce any glow into the Brady's property, he did admit that the Brady's might be able to see the glow of the lights since the Brady's were downhill from the Zamani's. Mr. Elfenbein also admitted that the lights would reflect off of the court and the people playing tennis.

Mr. Brady testified that he is concerned that the lights might shine into his home and master bedroom window, which has a high window and which is in the front of the Brady's home, and therefore, faces the Zamani's tennis/basketball court. The Brady's also are concerned about the noise that they would suffer

by the extended hours of tennis and basketball playing permitted by such lights. Finally, Mr. Brady testified that he had agreed in 1989 not to contest the Zamani's request for a variance to build a pool and tennis court in the Zamani's front and side yards instead of the required rear yard because the Zamani's had agreed not to install lights. Obviously, if Mr. Brady knew that the Zamani's did not intend to live up to their agreement, the Brady's would have opposed the original variance in 1989.

In short, installation of lights would harm the health and welfare of the Brady's, and therefore, would be substantially unjust to the Brady's. But the absence of lights does not deny the Petitioners a reasonable use of their tennis court, and does not pose an "undue hardship" or "practical difficulty" that would justify the granting of a variance.

Conclusion

For these reasons, Commissioner Schmidt's order reducing the 20-foot setback to 7 feet 3 inches should be reversed, and the original variance requiring a 20-foot setback should be reinstated. That portion of Commissioner Schmidt's decision denying installation of lights, however, should not be disturbed.

Peter J. Sommer
Peter J. Sommer
Kim Hale Carney
Tydings & Rosenberg
100 East Pratt Street
Baltimore, Maryland 21202
(410) 752-9700
Attorneys for Appellants Mr. and Mrs. James T. Brady

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 1994, a copy of the foregoing was mailed, first class, postage prepaid to:

Henry W. Stewart, Esquire
209 Courtland Avenue
Towson, Maryland 21204
Attorney for Petitioners/Appellees

Peter J. Sommer
Peter J. Sommer

IN RE: * BEFORE THE
PETITION FOR SPECIAL HEARING * BOARD OF APPEALS
M/S Pot Spring Road, * OF
425 Ft. NE of Colonnade Road *
8th Election District * BALTIMORE COUNTY
3rd Councilmanic District *
10633 Pot Spring Road * Case No. 93-323-SPH
Mohammad H. Zamani, et ux *
PETITIONERS *

COURT ORDER

This matter having come before the Board of Appeals on February 24, 1994, on the appeal of James and Francine Brady ("the Brady's" or "the Protestants"), as to the June 18, 1993, findings of Fact and Conclusions of Law reached by the Zoning Commissioner of Baltimore County, testimony having been taken, argument of counsel having been heard, and a settlement agreement having been reached between the Brady's and Petitioners Mohammad H. Zamani and Shihla Moshiri (hereinafter "the Property Owners") with respect to the issues involved, it is this 22nd day of June, 1994,

ORDERED that the Petition for Special Hearing of the Property Owners for permission to install lights on the tennis/basketball court is denied, and it is;

FURTHER ORDERED that Petitioners are barred from seeking a variance and/or any other legal proceeding for permission to install lights on the tennis/basketball court so long as James and Francine Brady reside at 10631 Pot Spring Road, and it is;

FURTHER ORDERED that a reduction of the setback distance from the fence surrounding said tennis court to the property

line, shall be amended from the September 14, 1989, Order to reflect an existing setback of 7 feet 3 inches, and as such, said variance with respect to said setback shall be granted, and it is;

FURTHER ORDERED that the hours and use of the tennis/basketball court shall be amended from the September 14, 1989, Order to permit play on said area from 10:00 a.m. until dusk on weekends, and from 8:00 a.m. until dusk on weekdays, and it is;

FURTHER ORDERED that no improvements, additions, modifications, or structures to the tennis/basketball court shall be sought or allowed without the Property Owners filing a Petition for Special Hearing and a public hearing being held thereon, and it is;

FURTHER ORDERED that the Property Owners shall cooperate with the Protestants in making the area of their adjacent property lines covered with foliage and/or dense shrubbery as to provide an aesthetic and adequate barrier with respect to sight and sound, and in maintaining the area of their adjacent property lines in a neat and clean manner, so as to provide both properties with the best possible effect with respect to the sale of said properties.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Michael E. Sauer
Michael E. Sauer
S. Diane Levero
S. Diane Levero

I have read the above and agree to the terms and provisions of same.

Mohammad H. Zamani
MOHAMMAD H. ZAMANI
Petitioner

Shihla Moshiri
SHAHLA MOSHIRI
Petitioner

Francine Brady
FRANCINE BRADY
Protestant

James Brady
JAMES BRADY
Protestant

Henry W. Stewart
HENRY W. STEWART
Attorney for Petitioners

Kim Hale Carney
KIM HALE CARNEY
Attorney for Protestants



County Board of Appeals of Baltimore County

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

June 22, 1994

Henry W. Stewart, Esquire
209 Courtland Avenue
Towson, MD 21204

RE: Case No. 93-323-SPH
MOHAMMAD H. ZAMANI, ET UX

Dear Mr. Stewart:

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

Very truly yours,
Ch. Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Drs. Mohammad Zamani and Shahla Zamani
Kim Hale Carney, Esquire
James T. Brady
Morris B. Wexler
Overlook Homeowners Assn.
Bruce Elfenbein
American Tennis Courts
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN RE: PETITION FOR SPECIAL HEARING
E/S Pot Spring Road, 425 ft.
NE of Colonsade Road
8th Election District
3rd Councilmanic District
10633 Pot Spring Road
Mohammad H. Zamani, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-323-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a Petition for Special Hearing for that property located at 10633 Pot Spring Road in the Overlook Subdivision in Cockeysville. The Petition is filed by the owners of the subject property, Mohammad H. Zamani and Shahla Zamani (Moshiri), his wife. The Petition seeks an amendment of the variance granted in a previous zoning case (No. 90-34-A). Specifically, the Petitioner seeks a lifting of a restriction within the previous Order governing the hours of use of the tennis court, permission to install lights on the tennis court and a reduction of the setback distance from the fence surrounding said court to the property line.

Pursuant to the applicable provisions of law, the matter was scheduled for public hearing. Appearing at that hearing on behalf of the Petition were the Petitioners, Mohammad Zamani and Shala Zamani (Moshiri). Also appearing was Bruce Elfenbein of American Tennis Courts, Inc. and William Guy Matricciani. The Petitioners were represented by Henry W. Stewart, Esquire. Appearing in opposition were the residents of the property immediately next door, namely, James T. Brady and Francine Brady. They were represented by Michael S. Scher, Esquire. Also appearing was Morris B. Wexler, Treasurer of the Overlook Homeowners Association.

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Date 6/22/94
By *Ch. Weidenhammer*

A summary of the prior zoning case and history of this site is appropriate in order to appreciate what is requested in the instant Petition. The Petitioners originally came before the Deputy Zoning Commissioner in September of 1989 on a Petition for Variance. That Petition sought relief from Section 400.1 of the B.C.Z.R. to permit accessory structures (including a pool and tennis court) in the front and side yard of the property, in lieu of the required rear yard. The Petition was granted by Order of Deputy Zoning Commissioner, Ann M. Nastarowicz on September 14, 1989. Although granting the Petition and permitting the tennis court and pool in the side and front yards, as requested, Deputy Zoning Commissioner Nastarowicz imposed a number of restrictions. These included that the tennis court and the south east corner of the fence surrounding same must be a minimum of 20 ft. from the property line adjoining the Brady property at 10631 Pot Spring Road, that no lighting other than decorative be permitted on the tennis court, and that tennis could be played only between the hours of 8:00 A.M. to 9:00 P.M., Monday through Friday and 10:00 A.M. to 9:00 P.M. on Saturday and Sunday. The Petition for Special Hearing in the instant case seeks a revision of these conditions.

Dr. Mohammad Zamani testified and noted that he resides on the property with his wife and four children. He has resided there for approximately five years. He discussed the history of the court and the prior zoning case, as outlined above. He noted that presently the court is not lighted and stated that this lack of lighting causes a significant hardship upon him. Specifically, he notes that as a physician he works uneven and late hours and is often unable to schedule tennis matches during the daylight hours. Thus, he has not been able to utilize the court to the extent which he desires.

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Date 6/22/94
By *Ch. Weidenhammer*

Dr. Zamani also described the existing court, which is depicted on a number of photographs that were submitted at the hearing. The existing improvements are also more particularly shown on the site plan which has been submitted and identified as Petitioners' Exhibit No. 1. As noted on that plan, the court is painted on an impervious surface which is located in the side and front yards of the subject lot. The lot is roughly triangular in shape and is steeply sloped. Due to these site constraints, the court is located near the property line between the subject lot and the Brady property.

It is apparent that the court was not constructed in compliance with the restrictions in Deputy Zoning Commissioner Nastarowicz's Order. The court, which is of regulation size, is 78 ft. from base line to base line, or 39 ft. from each baseline to the centerline (net line). Further, the impervious surface of the court extends in a northerly direction approximately 22 ft. from the baseline. Obviously, this allows for an area to be utilized by a player to return shots which land near the baseline. To the south, towards the Brady property, however, the impervious surface extends for a greater distance. Specifically, the court extends a distance of 47 ft. from the baseline. Within this area, labeled a buffer area by the Petitioners, the Petitioners have painted a basketball court and constructed a pole, backboard and rim. Although this 47 ft. wide area may not be part of the tennis court, per se, clearly it is utilized by the tennis players during their matches and is an additional recreation area for basketball games.

Also testifying was Dr. Shahla Zamani Moshiri. She echoed her husband's testimony and stated that she is also a physician. As, with her husband, she has limited time to enjoy the court.

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Date 6/22/94
By *Ch. Weidenhammer*

Also testifying was William Matricciani from Fence Fair, Inc. His company did some of the field work when the court was originally constructed. He testified extensively about the severe grade of the property and the necessary retaining wall and other improvements which were implemented in order to construct a level court. He noted that the existing 90 degree angle on the southeast corner of the court could be eliminated to provide the 20 ft. setback required by Deputy Zoning Commissioner Nastarowicz. However, it is clear that this would not significantly reduce any impact of the court on the Brady property and may well be considered an unnecessary and expensive reconstruction.

Also testifying on behalf of the Petition was Bruce Elfenbein of American Tennis Courts. He discussed extensively the proposed lighting scheme. He noted that six individual lights are proposed. Each light would be on a pole 20 ft. high and the poles would be located on both sides of the court at the baselines and net line. He further testified as to the advanced technology in the lighting system which would be installed. He stated that no direct light would shine into the Bradys' property. In his view, the lighting of the court would not present a problem for the Bradys. Further, he noted that the poles would be painted black so as to blend into the landscape.

As to the Protestants, testimony was received from Francine Brady, the immediate next door neighbor. She indicated that she has resided on her lot for approximately six years. She observed that the front of her house faces the front of the Zamani house. Further, according to a survey completed by her surveyor, the corner of the improved court is but 7 ft. 3 inches from her property line. She also noted that the landscaping which has been undertaken to buffer the court from the Brady house does not

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Date 6/22/94
By *Ch. Weidenhammer*

fully screen the Zamani property. She is concerned that lighting of the court would adversely impact her use and enjoyment of the property.

James Brady also testified. He stated that the original variance was based upon a compromise agreed to by the parties. This testimony is corroborated within the body of Deputy Zoning Commissioner Nastarowicz's Order. Mr. Brady indicated that the compromise was founded upon the restrictions which were imposed in the previous Order. In his view, these restrictions should not be lifted. Although admitting under cross examination that he could not directly contradict the testimony of Mr. Elfenbein, he believes that the lighting will adversely impact the use of his property and shine into his house. He corroborated his wife's testimony that the Master Bedroom in his house is in the front of the dwelling so as to immediately face the tennis court.

Also testimony was received from Eugene Raphael, a surveyor retained by the Protestants. He introduced an exhibit marked as Protestants' Exhibit No. 2. According to this exhibit, the existing fence is located 7 ft. 3 inches from the Brady property line.

Lastly, testimony was received from Mr. Wexler of the Overlook Homeowners Association. He indicated that his association supports the original restrictions and believes that the Petition for Special Hearing should be denied. From the Association's standpoint, the lifting of the restrictions will result in an adverse impact on the Brady property.

In addition to the testimony, exhibits and documents presented, I took the opportunity to view the subject site. I walked both the Brady and the Zamani properties, and also viewed other homes in this subdivision. The Overlook subdivision is a residential community of expensive homes built on substantial lots. There are a number of tennis courts,

ORDER RECEIVED FOR FILING
Date 6/22/94
By *Ch. Weidenhammer*

and other accessory structures in this community. However, it does appear that the Zamani/Brady properties are unique in terms of the configuration of those lots and the orientation of the homes. Specifically, the Zamani house faces the Brady house and both properties utilize a common driveway. Although each lot is substantial, these site constraints and the placement and orientation of the involved dwellings create circumstances which are unique to these two lots. Particularly, notwithstanding the large acreage of the lots, the placement of the dwellings and improvements thereon are such that any upgrading on the lot will clearly impact the other property. Further, I have reviewed Deputy Zoning Commissioner Nastarowicz's opinion and find same to be both well reasoned and rational. Absent compelling circumstances, I do not believe that her restrictions should be disturbed. As noted both within the language of her opinion and during Mr. Brady's testimony, her decision was crafted in part based upon negotiations and the agreement between the parties. Although the agreement was apparently not reduced to a contract or restrictive covenant, it is clear that both parties negotiated an agreement which they believed at the time to be fair and just for both property owners.

Based upon these considerations, I am persuaded that that portion of the Petition for Special Hearing requesting approval for the installation of lights on the tennis court be denied. Mr. Elfenbein's testimony, notwithstanding, the installation of lights will have some negative effect on the Brady property. Mr. Elfenbein admitted that the glow from the lights would be visible from the Brady property, although no direct light would shine thereon. In my view, the Zamani's needs for convenience does not justify this imposition on the Brady property. There is no compelling reason that the court should be lighted but for the convenience of the

ORDER RECEIVED FOR FILING
Date 6/22/94
By *Ch. Weidenhammer*

homeowners. In my view, this is insufficient to set aside the well reasoned restrictions imposed by Deputy Zoning Commissioner Nastarowicz, which were based upon an agreement reached by the parties.

As to the second prong of relief requested in the special hearing, I am persuaded that the existing setback distance between the fence and property line can remain and that the setback restriction should be modified. I reach this result even though I do not share the Petitioners viewpoint that the distance between the baseline on the south side of the court and the fence is a buffer area. It is part of the tennis/basketball court and will, no doubt, be used for recreational purposes. Clearly, it is not landscaped or occupied by trees or other vegetative buffer. Nonetheless, there is no evidence that the existing layout is detrimental to the Brady property. There is a substantial line of evergreens and other deciduous trees and shrubs along the length of the Brady/Zamani property line. This natural buffer does somewhat shield the Brady property from the existing court. Shortening the court to comply with the Deputy Zoning Commissioner's 20 ft. setback would serve no real purpose. The use of the court and the activities thereon would continue in an identical manner. Thus, I am persuaded that Deputy Zoning Commissioner Nastarowicz's Order should be amended to allow the existing setback of 7 ft. 3 inches. The existing condition will be allowed to remain and the previous Order will be modified in accordance with the comments above. However, no additional improvements, expansion or modifications of the court area will be permitted.

Lastly, as to the hours of use, I am persuaded that the morning hours for activity on the property are reasonable and appropriate. There should be use of the court prior to 10:00 A.M. on weekends and 8:00 A.M. on week-

ORDER RECEIVED FOR FILING
Date 6/22/94
By *Ch. Weidenhammer*

days. The Bradys are entitled to the enjoyment and undisturbed use of their property, particularly during these times. However, the existing restriction on the evening hours of use, in my view, has no rational basis. It is far more proper for the Petitioners to use the court until dusk, depending on the particular season. Specifically, if the Petitioners wish to utilize the tennis court in the Spring/Summer evening hours before dusk, yet after 8:00 P.M., they should be permitted to do so. During the Fall/Winter the court can be used as long as there is sufficient natural light. Thus, that portion of Deputy Zoning Commissioner Nastarowicz's opinion limiting the evening hours of use will be amended.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18th day of June, 1993 that the Petition for Special Hearing for permission to install lights on the tennis/basketball court, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a reduction of the setback distance from the fence surrounding said court to the property line be amended from the prior Order to reflect an existing setback of 7 ft. 3 inches, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the hours of use of the tennis/basketball court shall be amended to permit play from 10:00 A.M. to dusk on weekends and from 8:00 A.M. to dusk on weekdays, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk

ORDER RECEIVED FOR FILING
Date 6/18/93
By Sh. Moshiri

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

2. No further improvements or modifications to the tennis/basketball court shall be allowed without the property owners filing a Petition for Special Hearing and a public hearing being held thereon.

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

LES:mmm

ORDER RECEIVED FOR FILING
Date 6/18/93
By Sh. Moshiri

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

(410) 887-4386

June 17, 1993

Henry W. Stewart, Esquire
209 Courland Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 93-323-SPH
Mohammad H. Zaman, et ux, Petitioners
Property: 10633 Pot Spring Road

Dear Mr. Stewart:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in part and denied in part, in accordance with the attached Order.

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

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att:
cc: Drs. Mohammad Zaman and Shahla Zamani (Moshiri)
cc: Mr. and Mrs. James T. Brady
cc: Morris B. Wexler, Overlook Homeowners Assn.
cc: Michael S. Scher, Esquire, Tydings and Rosenberg
cc: Mr. Bruce Elfenbein, American Tennis Courts, 4051 North Point Rd.



329
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 10633 Pot Spring Rd, Cockeysville, Md 21030
which is presently zoned RC4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve.

see attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease _____
Legal Owner(s) _____
Type of Post Name _____
Signature _____
Address _____
City _____ State _____ Zipcode _____
Attorney for Petitioner _____
Type or Print Name _____
Signature _____
Address _____ Phone No. _____
City _____ State _____ Zipcode _____
ESTIMATED LENGTH OF HEARING _____
Available for Hearing _____
The following date _____ Next Two Months
ALL OTHER _____
RECEIVED BY: *LES* DATE: 2/27/93

329

March 09, 1993

93-323-SPH

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

RE: Case no. C-93-1255
10633 Pot Spring Road
8th Election District

Request for Variance:

We undersigned owner of property located at 10633 Pot Spring Road file for Zoning Variance to amend the prior Zoning Variance (90-34-A). The following Variances are respectfully requested:

1. Lifting restriction for use of tennis court
2. Installing the light in the tennis court
3. Setting back the fence to the property line.

Reasons:

We are professionals, both physicians, who have extended work hours in the office and due to emergencies, so our time is very limited and with the curfew set forth and not having a light, we are not able to use the tennis court most of the year. We moved the tennis court 55 feet away from the North border and the proposed light installation will be 80 feet away from the North border.

We thank you in advance for your kind consideration in regard to the above matters.

Sincerely,
Shahla Moshiri, M.D.
Shahla Moshiri, M.D.
M. H. Zaman, M.D.
Mohammad H. Zaman, M.D.

LES
2/27/93

329

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 10633 Pot Spring Rd
Election District 8 Councilmanic District 3
Beginning at a point on the E side of Pot Spring Rd which is 50 (number of feet of right-of-way width) (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 425' NE of the centerline of the nearest improved intersecting street COLONADE RD (name of street) which is 50' wide. *Being Lot # _____ Block _____, Section # _____ in the subdivision of _____ (name of subdivision) as recorded in Baltimore County Plat Book # _____, Folio # _____, containing _____ (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown; instead state: "As recorded in Deed Liber _____, Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

LES
2/27/93

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *RD* Date of Posting: *4/28/93*
Posted for: *Special Hearing*
Petitioner: *Shahla & Mohammad Zaman*
Location of property: *10633 Pot Spring Rd - EB*
Location of Signs: *Posting 200 away from fence of driveway*
Remarks: _____
Posted by: *M. H. Zaman* Date of return: *4/30/93*
Number of Signs: *1*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *RD* Date of Posting: *7/25/93*
Posted for: *Appeal*
Petitioner: *Shahla & Mohammad Zaman*
Location of property: *10633 Pot Spring Rd., EB, 425' NE of Col. Rd.*
Location of Signs: *Posting roadway on property being appealed*
Remarks: _____
Posted by: *M. H. Zaman* Date of return: *7/30/93*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/8 1993

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 4/8, 1993.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 108487
DATE: 4/28/93 ACCOUNT: R001-6150
AMOUNT: \$ 35-
RECEIVED FROM: ZAMANI
FOR: Posting 93-323-SPH
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 131128
DATE: 3/23/93 ACCOUNT: R-001-6150
AMOUNT: \$ 50.00
RECEIVED FROM: SHAHLA MOSHIRI
FOR: SPECIAL HEARING
VALIDATION OR SIGNATURE OF CARRIER

93-313-SPH receipt

Account: R-001-4180
Number

Date

3/29/93 H9300329
PUBLIC HEARING FEES QTY PRICE
030 -SPECIAL HEARING (TRL) 1 X \$50.00
TOTAL: \$50.00
LAST NAME OF OWNER: ZAMANI

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 17-343
DATE 4/19/93 ACCOUNT R-001-6150
AMOUNT \$25.00
RECEIVED FROM TYUNG + ROSENBERG
FOR APPEAL case no. 93-323-SPH
10633 Pot Spring Rd
03A03400551049C \$25.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 17-342
DATE 7/19/93 ACCOUNT R-001-6150
AMOUNT \$175.00
RECEIVED FROM TYUNG + ROSENBERG
FOR APPEAL case no. 93-323-SPH
10633 Pot Spring Rd
03A03400551049C \$175.00

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 19, 1993

Mohammad H. Zamani
10633 Pot Spring Road
Cockeysville, Maryland 21030

RE: PAYMENT OF POSTING AND ADVERTISING FEES
CASE NUMBER: 93-323-SPH
10633 Pot Spring Road

Dear Petitioners:

Be advised that a new policy has been established to effectuate the billing and payment for property posting and legal advertising fees. As in the past, this office will ensure that the legal requirements for posting and advertising are satisfied; the policy change will effect to whom and when these fees are paid.

The above-referenced petition was filed as the new policy was being formulated, and now falls under same. Consequently, one or more of the following applies:

- (X) Posting charges in the amount of \$ 35 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.
- (X) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- () If you are represented by an attorney, this bill may be forwarded your attorney, who in turn, will either re-route it to you for payment or make payment to the newspaper and later add these charges to his/her accounting for services rendered.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

AJ:ggg

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TO: PUTNEY PUBLISHING COMPANY

Re CASE NUMBER: 93-323-SPH (Item 329)
10633 Pot Spring Road
E/S Pot Spring Road, 425' NE of Colonsade Road
8th Election District - 3rd Councilmanic
Petitioner(s): Shabla Zamani (Moshiri) and Mohammad H. Zamani
HEARING: TUESDAY, MAY 4, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Please forward billing to:

Shabla Zamani and Mohammad Zamani
10633 Pot Spring Road
Cockeysville, Maryland 21030

PHONE: (410) 666-3555

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-323-SPH (Item 329)
10633 Pot Spring Road
E/S Pot Spring Road, 425' NE of Colonsade Road
8th Election District - 3rd Councilmanic
Petitioner(s): Shabla Zamani (Moshiri) and Mohammad H. Zamani
HEARING: TUESDAY, MAY 4, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to amend the Order in zoning case #90-34-A.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

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

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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 9, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 5/4/93
CASE NUMBER: 93-323-SPH (Item 329)
10633 Pot Spring Road
E/S Pot Spring Road, 425' NE of Colonsade Road
8th Election District - 3rd Councilmanic
Petitioner(s): Shabla Zamani (Moshiri) and Mohammad H. Zamani

Special Hearing to amend the Order in zoning case #90-34-A.

HEARING: TUESDAY, MAY 18, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

cc: Shabla and Mohammad Zamani

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

Printed on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 23, 1993

Drs. Shabla and Mohammad H. Zamani
10633 Pot Spring Road
Cockeysville, MD 21030

RE: Case No. 93-323-SPH, Item No. 329
Petitioner: Shabla and Mohammad H. Zamani
Petition for Special Hearing

Dear Drs. Zamani:

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 March 23, 1993, and a hearing was 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.

Printed on Recycled Paper

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-1-93

Ms. Julie Winarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 4399 (LEO)

Dear Ms. Winarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7856 Baltimore Metro - 888-8451 D.C. Metro - 1-800-495-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-8717

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: April 14, 1993

SUBJECT: 10633 Pot Spring Road

INFORMATION:

Item Number: 329

Petitioner: Drs. Shabla and Mohammad Zamani

Property Size:

Zoning: R.C. 4

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a review of the restrictions imposed in Case No. 90-34A, staff recommends that the Petitioner's request be denied. At the time the restrictions were attached, they appeared to be appropriate and nothing has changed since that time to indicate otherwise. However, the opinion of the community and the immediate residents, in particular, should be considered prior to final consideration of this matter.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl Kern

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: W. Hackett /M. Sauer /D. Levero DATE: April 4, 1994

FROM: kathi

SUBJECT: Open Deliberation /Thursday, April 21, 1994
Mohammad H. Zamani, et ux
Case No. 93-323-SPH

Enclosed for your review prior to open deliberation on Thursday, April 21, 1994 at 9:30 a.m., are copies of the following filed with this office on March 31, 1994, in the subject matter:

- 1) Memorandum of Law filed by Henry W. Stewart, Esquire, on behalf of Dr. Mohammad H. Zamani and Dr. Shaha Zamani, Petitioners.
2) Appellants James and Francine Brady's Closing Memorandum filed by Peter J. Sommer and Kim Hale Carney, TYDINGS & ROSENBERG.

Should you have any questions regarding the above, please call me.

Enclosures (2)

BALTIMORE COUNTY, MARYLAND

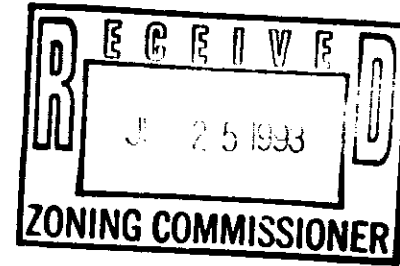
INTER-OFFICE CORRESPONDENCE

TO: Larry Schaidt
Baltimore County Zoning Commissioner

DATE: June 24, 1993

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

SUBJECT: 10633 Pot Spring Rd - 93-323-SPH



I just read the Zoning Commissioner's order regarding the provision of lighting for the tennis courts located at 10633 Pot Spring Road. The order is well reasoned and thought out. The fact that you visited the site also shows interest on your part in fully understanding the issues.

There is, however, one point that disturbs me and appears to surface time and time again in Baltimore County. The Zamani's although well intentioned in their endeavors obviously choose to ignore Anne Natarowicz's order and constructed their tennis/basketball court 7 feet 3 inches from the Brady's property line rather than maintaining a 20 foot buffer (to which they agreed). Although the 7 feet 3 inches may be adequate, the order none the less required a 20 foot buffer and the Zamani's agreed to maintain this buffer.

It doesn't matter who created the error which resulted in the buffer being reduced from 20 feet to 7 feet 3 inches, the point is that a mistake was made and the County didn't address the issue. If we continue to reward people for breaking the law, then why on earth would they obey the Zoning Commissioner's orders.

Last year when I was visiting Anne Arundel County, the Zoning Commissioner required an accessory building (garage) that had been incorrectly placed to be moved. In addition, the Zoning Commissioner requested the contractors MHIC number in order to notify the Maryland Homeowners Improvement Contractor Licensing agency that a violation had taken place. It is well known (believe me) and discussed among builders and contractors that Baltimore County is lax if not nonexistent in its adherence to rules and regulations regarding these types of violations. I realize that these situations are difficult and that I am a lone voice in the wilderness but it seems that we have to get the word out that these types of abuses won't be tolerated.

Pat Keller signature and name.

PK:bj

93323.SPH/TXTBVO

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 18, 1993

Henry W. Stewart, Esquire
209 Courtland Avenue
Towson, MD 21204

RE: Petition for Special Hearing
E/S Pot Spring Road, 425 Ft.
NE of Colonade Road
(10633 Pot Spring Road)
8th Election District
3rd Councilmanic District
Mohammad H. Zamani, et ux-PETITIONER
Case No. 93-323-SPH

Dear Mr. Stewart:

Please be advised that an appeal of the above-referenced case was filed in this office on July 16, 1993 by Michael S. Scher. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon signature and name, Director.

AJ:jaw

cc: Drs. Mohammad Zamani and Shahla Zamani
Michael S. Scher, Esquire, Tydings and Rosenberg
Mr. Morris B. Wexler, Overlook Homeowners Assn.
Mr. Bruce Eifenbein, American Tennis Courts
People's Counsel

APPEAL

Petition for Special Hearing
E/S Pot Spring Road, 425 Ft.
NE of Colonade Road
(10633 Pot Spring Road)
8th Election District - 3rd Councilmanic District
Mohammad H. Zamani, et ux-PETITIONER
Case No. 93-323-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protester(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Variance

1 (ASB) - Two Photographs

2 - Seven Photographs

3 - Four Photographs

4 - Plan of Zamani Residence

5 - Three Photographs

6 - Copy of Building permit

Protestant's Exhibits: 1 - Six Photographs

2 - Plat of Overlook

3 - Letter dated June 9, 1993

Zoning Commissioner's Order dated June 18, 1993 (Denied/Granted)

Notice of Appeal received on July 16, 1993 from Michael S. Scher

cc: Henry W. Stewart, Esquire, 109 Courtland Avenue, Towson, MD 21204
Drs. Mohammad Zamani and Shahla Zamani, 10633 Pot Spring Road, Cockeysville, MD 21030
Michael S. Scher, Esquire, Tydings and Rosenberg, 100 E. Pratt Street, Baltimore, MD 21202
Mr. Morris B. Wexler, Overlook Homeowners Assn., 10711 Pot Spring Road, Cockeysville, MD 21030
Mr. Bruce Eifenbein, American Tennis Courts, 4501 North Point Rd., Baltimore, MD 21222
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 4, 1994
Zoning Administration & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 93-323-SPH
MOHAMMAD H. ZAMANI, ET UX
District 8c3

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

9/22/93 - Following parties notified of hearing set for Wednesday, December 1, 1993 at 10:00 a.m.:

Michael S. Scher, Esquire
Mr. & Mrs. James T. Brady
Henry W. Stewart, Esquire
Drs. Mohammad Zamani and Shahla Zamani
Mr. Morris B. Wexler
Overlook Homeowners Assn.
Mr. Bruce Eifenbein
American Tennis Courts
People's Counsel for Baltimore County

W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

10/13/93 -Ltr dtd 10/12/93 from Michael S. Scher, Esquire, Counsel for M/M Brady, Appellants/Protestants--Mr. Brady will be out of town /business trip / on scheduled hearing date; requesting postponement.

10/21/93 -Notice of PP and Reassignment sent to parties.

12/09/93 -T/C from Kim Carney, Esquire (Tydings & Rosenberg); requested duplicate copy of October 21, 1993 Notice; copy sent this date.

1/05/94 - Conference call with M. Scher and H. Stewart, Counsel for the parties in subject appeal; Mr. Stewart, representing Dr. Zamani, Petitioner, requests postponement --Dr. Zamani scheduled to perform surgery on scheduled date of 1/13/94 /s)ood drawn and surgery cannot be postponed. M. Scher, Counsel for Appellants/Protestants, is in agreement with request with no objections. Mutually agreeable date of Thursday, February 24, 1994 at 1:00 p.m. being held pending receipt of letter requesting said postponement from Mr. Stewart.

1/06/94 -Letter from H. Stewart, Esquire, confirming above conference call and request for postponement, with matter being rescheduled to mutually agreeable date of February 24, 1994 at 1:00 p.m. pursuant to 1/05/94 conversation.

1/07/94 -Second Notice of PP & Reassignment sent to parties; case reassigned to agreed upon date of Thursday, February 24, 1994 at 1:00 p.m.

3/31/94 -Memorandum of Law filed by Henry W. Stewart, Esquire on behalf of Zamani -Appellants James and Francine Brady's Closing Memorandum filed by Peter J. Sommer and Kim Hale Carney, Counsel on behalf of Protestants.

4/05/94 -Letter from Kim Hale Carney, Esq. -Counsel for Protestants, enclosing two photographs to be included with case file. (Upon review of file, verified that these particular photos of Brady home were never entered as exhibits either before the Board or before the ZC.) Returned photos to Ms. Carney w/letter indicating that photos had never been entered. Copy to H. Stewart, Esquire, Counsel for Petitioners.

Page 2 Case No. 93-323-SPH
Mohammad H. Zamani, et ux -Petitioners

4/19/94 -Telephone call to Kim Hale Carney, Esquire, and Henry W. Stewart, Esquire -- Deliberation scheduled for April 21, 1994 to be cancelled; unexpected surgery -M/S on 4/16/94. Deliberation will be reset as soon as the Board has a clear indication as to when M/S will be available and returning to work. Will send notice to parties advising of cancellation. - Notice of Postponement sent to parties, advising that notification will be sent to all parties as indicated when deliberation is rescheduled.

6/13/94 -Consent Order signed by parties hand delivered to CBA office by Dr. Zamani, Petitioner; agreement signed by both Petitioners and Protestants; submitted for approval/signature by Board.

County Board of Appeals of Baltimore County



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

(410) 887-3180
October 21, 1993

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

NOTICE OF POSTPONEMENT & REASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-323-SPH MOHAMMAD H. ZAMANI, ET UX
E/S Pot Spring Road, 425' NE of Colonade Road (10633 Pot Spring Road)
8th Election District
3rd Councilmanic District

Handwritten notes: PPD to request of Petitioner - 100 sq ft of tennis court to be removed - 100 sq ft of tennis court to be removed - 100 sq ft of tennis court to be removed.

6/18/93 -Z.C.'s Order in which Petition for Special Hearing was GRANTED as to setback distance and amendment to hours of use w/restrictions; and DENIED as to the installation of lights on the tennis/basketball court.

which was scheduled for hearing on December 1, 1993 has been POSTPONED at the request of Counsel for Appellants/Protestants due to Appellant's schedule conflict; and has been

REASSIGNED FOR: THURSDAY, JANUARY 13, 1994 at 10:00 a.m.

cc: Michael S. Scher, Esquire Counsel for Appellants/Protestants
Mr. & Mrs. James T. Brady Appellants/Protestants
Henry W. Stewart, Esquire Counsel for Petitioners
Drs. Mohammad Zamani and Shahla Zamani Petitioners
Mr. Morris B. Wexler Overlook Homeowners Assn.
Mr. Bruce Eifenbein American Tennis Courts
People's Counsel for Baltimore County
P. David Fields Docket Clerk /ZADM
Lawrence E. Schmidt Arnold Jablon, Director /ZADM
Timothy M. Kotrocco

Kathleen C. Weidenhammer
Administrative Assistant

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
September 22, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-323-SPH MOHAMMAD H. ZAMANI, ET UX
E/S Pot Spring Road, 425' NE of Colonnade Road (10633 Pot Spring Road)
8th Election District
3rd Councilmanic District

SPH - lifting of restriction governing hours of use of tennis court, permission to install lights on tennis court, and reduction of setback distance from fence surrounding said court to property line.

6/18/93 - Z.C.'s Order in which Petition for Special Hearing was GRANTED as to setback distance and amendment to hours of use w/restrictions; and DENIED as to the installation of lights on the tennis/basketball court.

ASSIGNED FOR: WEDNESDAY, DECEMBER 1, 1993 at 10:00 a.m.

cc: Michael S. Scher, Esquire Counsel for Appellants/Protestants
Mr. & Mrs. James T. Brady Appellants/Protestants
Henry W. Stewart, Esquire Counsel for Petitioners
Drs. Mohammad Zamani and Shahia Zamani Petitioners
Mr. Morris B. Wexler Overlook Homeowners Assn.
Mr. Bruce Elfenbein American Tennis Courts
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
January 7, 1994

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-323-SPH MOHAMMAD H. ZAMANI, ET UX
E/S Pot Spring Road, 425' NE of Colonnade Road (10633 Pot Spring Road)
8th Election District
3rd Councilmanic District

SPH - lifting of restriction governing hours of use of tennis court, permission to install lights on tennis court, and reduction of setback distance from fence surrounding said court to property line.

6/18/93 - Z.C.'s Order in which Petition for Special Hearing was GRANTED as to setback distance and amendment to hours of use w/restrictions; and DENIED as to the installation of lights on the tennis/basketball court.

which was scheduled for hearing on January 13, 1994 has been POSTPONED to an agreed-upon date at the request of Counsel for Petitioners and without objection by Counsel for Appellants/Protestants; and has been

REASSIGNED FOR: THURSDAY, FEBRUARY 24, 1994 at 1:00 p.m.

cc: Michael S. Scher, Esquire Counsel for Appellants/Protestants
Mr. & Mrs. James T. Brady Appellants/Protestants
Henry W. Stewart, Esquire Counsel for Petitioners
Drs. Mohammad Zamani and Shahia Zamani Petitioners
Mr. Morris B. Wexler Overlook Homeowners Assn.
Mr. Bruce Elfenbein American Tennis Courts
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

February 24, 1994

NOTICE OF POSTPONEMENT / DELIBERATION

As previously advised, the following matter was scheduled for deliberation by the County Board of Appeals on April 21, 1994. However, due to a medical emergency, resulting in the unavailability of one of the three Board members, the Board must postpone deliberation in this matter. Notice will be sent to all parties when deliberation is rescheduled.

MOHAMMAD H. ZAMANI, ET UX -PETITIONER
CASE NO. 93-323-SPH

DATE AND TIME : POSTPONED; TO BE RESCHEDULED WHEN CIRCUMSTANCES PERMIT.

LOCATION : Room 48, Basement, Old Courthouse

cc: Kim Hale Carney, Esquire Counsel for Appellants/Protestants
Mr. & Mrs. James T. Brady Appellants/Protestants
Henry W. Stewart, Esquire Counsel for Petitioners
Drs. Mohammad Zamani and Shahia Zamani Petitioners
Mr. Morris B. Wexler Overlook Homeowners Assn.
Mr. Bruce Elfenbein American Tennis Courts
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

February 24, 1994

NOTICE OF DELIBERATION

As indicated at the conclusion of the hearing on February 24, 1994, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

MOHAMMAD H. ZAMANI, ET UX -PETITIONER
CASE NO. 93-323-SPH

DATE AND TIME : Thursday, April 21, 1994 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Kim Hale Carney, Esquire Counsel for Appellants/Protestants
Mr. & Mrs. James T. Brady Appellants/Protestants
Henry W. Stewart, Esquire Counsel for Petitioners
Drs. Mohammad Zamani and Shahia Zamani Petitioners
Mr. Morris B. Wexler Overlook Homeowners Assn.
Mr. Bruce Elfenbein American Tennis Courts
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

February 24, 1994

Michael S. Scher, Esquire TYDINGS & ROSENBERG
100 E. Pratt Street
Baltimore, MD 21202
Henry W. Stewart, Esquire
209 Courtland Avenue
Towson, MD 21204

RE: Case No. 93-323-SPH
Mohammad H. Zamani, et ux

Dear Counsel:

Enclosed is a copy of the Notice of Deliberation which was sent this date to all parties listed in the Board's file. Deliberation in this matter has been scheduled for Thursday, April 21, 1994 at 9:30 a.m. in the Board's hearing room.

Additionally, regarding closing memorandums due March 31, 1994, it is requested that you submit an original and three copies.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

April 5, 1994

Kim Hale Carney, Esquire
TYDINGS & ROSENBERG
100 E. Pratt Street
Baltimore, MD 21202

Re: Case No. 93-323-SPH
Mohammad H. Zamani, et ux

Dear Ms. Carney:

This will acknowledge receipt of your letter dated April 1, 1994 enclosing two photographs of your clients' home.

The hearing on this matter was concluded on February 24, 1994. These photographs were not offered into evidence at that time and, therefore, cannot be considered as evidence in this case. We are returning them to you.

Very truly yours,

William T. Hackett
William T. Hackett
Chairman

Enclosures (2)

cc: Henry W. Stewart, Esquire

August 4, 1994

Kim Hale Carney, Esquire
TYDINGS AND ROSENBERG
100 E. Pratt Street
Baltimore, MD 21202

RE: Case No. 93-323-SPH
Mohammad H. Zamani, et ux

Dear Ms. Carney:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Owen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Drs. Mohammad Zamani and Shahia Zamani
Mr. & Mrs. James T. Brady
Henry W. Stewart, Esquire
Bruce Elfenbein
American Tennis Courts
People's Counsel for Baltimore County
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

THE PROFESSIONAL CENTER
120 WEST PIERCE DRIVE
SUITE 503
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-7766

GOLDEN RING EXECUTIVE PARK
17 FONTANA LANE
SUITE 107-109
BALTIMORE, MARYLAND 21217
TELEPHONE (410) 574-2630

EMPIRE TOWERS BUILDING
7310 RITCHIE HIGHWAY
SUITE 513
GLEN BURNE, MARYLAND 21041
TELEPHONE (410) 766-7222

April 5, 1993

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

RE: CASE# 93-323-SPH
HEARING: 05/04/93 at 10:00 a.m.

Dear Mr. Jablon:

I am writing in reference to the notice I received of the hearing scheduled for the above mentioned case on May 4, 1993 at 10:00 a.m. in Room 118 of the Old Courthouse.

Unfortunately, my wife and I will be out of the country at that time attending medical conferences in Russia. Due to these prior arrangements, we will not be able to attend the hearing and wish to request a reschedule date for the following week. I have enclosed a copy of the travel itinerary as verification for you to view.

I truly appreciate your consideration. Thank you for your assistance.

Sincerely,

M. H. Zamani
Mohammad H. Zamani, M.D., P.A.

MHZ:pm
enclosure

RECEIVED
APR 5 1993
ZADM

LAW OFFICES OF
HENRY W. STEWART, P. A.
300 W. YORK ROAD
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

March 31, 1994

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

Re: Case No. 93-323-SPH
Mohammad H. Zamani, et ux

Dear Ms. Weidenhammer:

Enclosed please find Memorandum of Law as requested to be prepared in the above-captioned matter, and submitted by March 31, 1994. For this purpose I am hand-carrying same to your office.

Thank you for your kind cooperation with respect to the above.

Very truly yours,

Henry W. Stewart

HWS:mc
Enclosure

cc: Michael S. Scher, Esquire
Kim Hale Carney, Esquire

94 MAR 31 PM 10:50

LAW OFFICES OF
HENRY W. STEWART, P. A.
300 W. YORK ROAD
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

January 5, 1994

County Board of Appeals for Baltimore County
ATTN: Kathleen Weidenhammer
Old Courthouse
Room 49
400 Washington Avenue
Towson, MD 21204

RE: Mohammad H. Zamani, et ux
Case No. 93-323-SPH

Dear Ms. Weidenhammer:

This will confirm our conference call earlier today with Michael Scher, Attorney for Appellants, and my request for a postponement of that matter now scheduled for a hearing on January 13, 1994, at 10:00 a.m. As I related to you and Mr. Scher, Dr. Zamani, who is a surgeon, has a very difficult surgery to undergo on the above date of January 13, 1994. What makes this surgery very difficult is that the blood work which was taken in the above date of January 13, 1994, and the surgery this matter must be replaced by that date and the surgery therefore cannot be postponed. Recognizing Mr. Scher is not in objection to this requested postponement, may I please ask your kind cooperation with respect to the postponement of same.

This will also confirm the agreed date of February 24, 1994, at 1:00 p.m., and accordingly, I would appreciate your very kind cooperation in rescheduling same to that date.

Thank you once again for your kind attention and the cooperation of Mr. Scher who will be receiving a copy of this correspondence.

Very truly yours,

Henry W. Stewart

HWS/abs

cc: Michael S. Scher, Esquire
Dr. Shala Moshiri
Dr. Mohammad H. Zamani

cc: To: HWS/abs

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

July 14, 1993

BY HAND DELIVERY
Ms. Julie Winiarski
Appeals Clerk
County Board of Appeals
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 93-323-SPH
Property: 10633 Pot Spring Road
Petitioners: Mr. and Mrs. Mohammad H. Zamani

Dear Ms. Winiarski:

This letter is to inform you that Mr. and Mrs. James T. Brady appeal the June 18, 1993, decision of Baltimore County Zoning Commissioner Lawrence E. Schmidt in the above-referenced case relating to property located at 10633 Pot Spring Road in the Overlook Subdivision in Cockeysville, Maryland. The Bradys are owners of the real property adjacent to the subject property. Enclosed for filing fees please find a check to Baltimore County in the amount of \$210.00 (\$175.00 for the appeal and \$35.00 for the sign).

Please call me if you have any questions.

Sincerely,

Michael S. Scher

Enclosure
cc: Mr. and Mrs. James T. Brady

khs/app.brady

RECEIVED
PAYMENT
7/16/93
ZONING OFFICE

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

October 12, 1993

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

Re: Petition for Special Hearing
Case No. 93-323-SPH
Mohammad H. Zamani, et ux., Petitioners
James T. Brady, et ux., Appellants/Protestants
Property: 10633 Pot Spring Road

Dear Board:

This firm represents Mr. and Mrs. James T. Brady, appellants/protestants, in the above-referenced appeal. I recently received a notice of assignment of the appeal for Wednesday, December 1, 1993. The purpose of this letter is to request a postponement, pursuant to Rule 2(b) of the Rules of Practice and Procedure of County Board of Appeals. The reason for the request of postponement is that Mr. Brady, one of the appellants, will be out of the state on business on December 1, 1993. Mr. Brady's business trip is unavoidable.

I appreciate your consideration of this request.

Sincerely,

Michael S. Scher

MSS/dmc

cc: Henry W. Stewart, Esquire
(Counsel for Petitioners)
Mr. & Mrs. James T. Brady

KHC#15
a:1222

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

March 3, 1994

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

Re: Zamani, et ux., Case No. 93-323-SPH

Dear Ms. Weidenhammer:

Your office contacted me Friday, February 25, 1994, regarding Exhibit 3, which is a June 18, 1992 letter from Amir Asghari, with Johnson, Mirairan, and Thompson, to David Tague, with Atlantic Builders Group, and attached sketch. Apparently, Exhibit 3, which was admitted into evidence, is missing from the file. I enclose another copy of the June 18, 1992 letter which is the same letter that was introduced into evidence as part of Exhibit 3. I also enclose another copy of the sketch which was attached to the letter and which also comprises Exhibit 3. As I mentioned to you on the telephone, however, I do not have a copy of the sketch in the size that was admitted into evidence. I believe the size of the sketch submitted to the Court was on 11" x 14" paper. The attached sketch is on 8 1/2" x 11" paper, and therefore, is a reduced version and more difficult to see. I also have enclosed a much larger version of the sketch if you have trouble reading this smaller version. Both of the enclosed sketches are identical to the sketch that was part of Exhibit 3.

I appreciate your contacting me regarding Exhibit 3.

Sincerely,

Kim Hale Carney

KHC/gm
Enclosures

KHC#17
a:1269

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

March 30, 1994

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

RE: Zamani, et ux., Case No. 93-323-SPH

Dear Ms. Weidenhammer:

Enclosed please find an original and three copies of the Appellants James and Francine Brady's Closing Memorandum. Please call me if you have any questions.

Sincerely,

Kim Hale Carney

Enclosures

cc: Henry W. Stewart, Esquire (w/encl.)
James T. Brady, C.P.A. (w/encl.)

KHC/cch
a:1269

94 MAR 31 PM 10:50

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

April 1, 1994

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

Re: Zamani, et ux.,

Dear Ms. Weidenhammer:

Enclosed please find two photographs of the front of the Brady's home that show the master bedroom and guest bedroom windows. I believe these photos are already in the file, but my client, Mrs. Brady, wanted to be sure that they were included in the file.

Sincerely,

Kim Hale Carney

KHC/gm
Enclosures
cc: Henry W. Stewart, Esq. (w/o enclosures)

KHC#17
a:1269

LAW OFFICES OF
TYDINGS & ROSENBERG
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
FACSIMILE 410-984-8000
TELEPHONE 410-984-8000

April 6, 1994

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

Re: Zamani, et ux., Case No. 93-323-SPH

Dear Board Members:

This letter is to inform you that the Brady's, the appellants/protestants in the above-referenced matter, plan on putting their current residence, located at 10633 Pot Spring Road, on the market for sale in the near future. We report this decision to you for informational purposes only since we do not believe that it in any way affects the facts and circumstances described in the Closing Memorandum or should impact your decision in that matter.

Please call me if you have any questions.

Sincerely,

Kim Hale Carney

KHC/gm

cc: Henry W. Stewart, Esq.

KHC#17
a:1269

SEILAND AND JEDNORSKI, P.A.
ATTORNEYS AT LAW
SUITE 204
75 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 5404
TOWSON, MARYLAND 21204
(301) 251-8200

CHARLES A. JEDNORSKI
DONALD W. BARRICK
MICHAEL RICHER
J. NEIL LANZI
DANIEL J. BARTOLINI

JOHN O. SEILAND
OF COUNSEL

June 14, 1989

FILE

Not on file

Michael S. Scher, Esquire
Tydings and Rosenberg
26th Floor
201 N. Charles Street
Baltimore, Maryland 21201

Re: J. Robert Haines v. Mohammad H. Zamani, et al.
Case No. 497-89SP/T

Dear Mr. Scher:

This letter is to confirm our Settlement Agreement made on June 6, 1989, concerning the location of a tennis court on my client's property known as 10633 Pot Spring Road. It is my understanding that on behalf of your clients, Francine and James Brady, that you have agreed to my clients' proposal. The Agreement between the parties is as follows:

1. Drs. Zamani and Moshiri, subject to the Order of the Zoning Commissioner, will agree to shift their proposed tennis court from its present location on their property ten (10) feet in a northerly direction so that the southeast corner of the fence surrounding the tennis court will be twenty (20) feet from the property line dividing 10633 Pot Spring Road and 10631 Pot Spring Road.
2. Drs. Zamani and Moshiri agree not to install any lighting which would allow night tennis. However, they will be allowed to install decorative lighting.
3. My clients agree to provide adequate screening and landscaping around the tennis court including four (4) foot evergreens which will be located along the fence on the south side of the tennis court which faces the Brady residence.

74-14 12:11PM '89

Michael S. Scher, Esquire
June 14, 1989
Page -2-

4. Your clients agree not to oppose the pending petition for variance subject to the aforementioned conditions being presented to the Zoning Commissioner at the variance hearing.

I have provided below space for all parties to sign and acknowledge this Agreement.

Very truly yours,

J. Neil Lanzi
Attorney for Mohammad H. Zamani, M.D. and Shahla Moshiri, M.D.

Michael S. Scher
Attorney for Francine Brady and James Brady

Mohammad H. Zamani, M.D.

Shahla Moshiri, M.D.

Francine Brady

James Brady

15-14 12:11PM '89

INTERNATIONAL PROFESSIONAL MEETING COORDINATORS, LTD.

265 1111 AVENUE
NEW YORK, NY 10016
TEL: 212 713 4400
USA CANADA 800 845 2277
FAX: 212 685 2011
TELEX: 3735364

CME JOINT CONFERENCE
THE BEST OF RUSSIA
APRIL 30 - MAY 08, 1993

DEAR TOUR PARTICIPANT:

Enclosed please find your final invoice for your upcoming trip to THE BEST OF RUSSIA. Your flight schedule is as follows:

NEW YORK(JFK)/HELSINKI	30 APR	PINNAIR #102	5:55PM/ 8:50AM (01 MAY)
HELSINKI/ST. PETERSBURG	01 MAY	FINNIAR #710	9:45AM/11:50AM
MOSCOW/HELSINKI	08 MAY	AEROFLOT#203	10:10AM/10:55AM
HELSINKI/NEW YORK(JFK)	08 MAY	FINNIAR #101	2:10PM/ 4:00PM

PLEASE NOTE: Please allow 2 TO 4 HOURS MINIMUM connecting time TO AND FROM international flights.

IMPORTANT INFORMATION:

LUGGAGE: The international limit in economy class is 20 kilos or 44 pounds for two pieces of checked luggage total; and one carry-on bag not to exceed 5 kilos or 11 pounds.

CUSTOMS: If you have a new camera, tape recorder, watch, jewelry, etc., register these items with U.S. Customs at the airport PRIOR TO DEPARTURE so that upon your return to the United States you will not be asked to pay duty on these items. KEEP RECEIPTS OF ALL PURCHASES MADE ABROAD. Customs regulations permit purchases in the amount of \$400.00 per person, duty free; over \$400.00 and up to \$1400.00 will be subject to a flat 10% duty. Any amount over \$1400.00 will be dutiable at varying rates depending on the article.

IMMUNIZATIONS: There are no immunizations required for RUSSIA at the present time by the Health Department. Please check with your local physician or Health Department for any recommendations that they may have. If you should have any additional questions please contact the CENTER FOR DISEASE CONTROL (CDC) in Atlanta: (404) 639-2572.

REMINDER: If you have not already forwarded the copies of your passports and completed visa applications to this office, please do so immediately.

Additional information and final documents will be forwarded to you approximately two weeks prior to departure.

Q: WILD ENTERPRISE AND RELIABILITY SERVICES

June 13, 1993

Henry W. Stewart
209 Courtland Avenue
Towson, Maryland 21204

Dear Mr. Stewart,

This letter is in response to your letter of May 27, to the Overlook Homeowners' Association. The Board of Directors met on June 9, 1993, and discussed the requested variance in zoning pertaining to the Zamani tennis court at 10633 Pot Spring Road. The Board unanimously agreed to maintain our previously stated position as declared in our letter of June 9, 1993, to Lawrence Schmidt in the Baltimore County zoning office.

Article VII of the "Declaration of Overlook Restrictions" states that consideration be given to any structure "and the view from adjacent or neighboring properties." We found no fault with the original variance granted to the Zamanis, allowing a twenty (20) foot minimum setback. We take a firm stand on adherence to both the Overlook Restrictions and the Baltimore County Zoning Administration. This Board does not see a need for an on-site inspection or interview. The illumination of the tennis court would detract from the neighboring residence.

Very truly yours,

Penny Brand

Penny Brand
Secretary
Overlook Homeowners' Association
10718 Pot Spring Road
Cockeysville, Maryland 21030

RECEIVED
MAY 12 1993
ZONING COMMISSIONER

June 9, 1993

Lawrence E. Schmidt
Zoning Commissioner
400 Washington Ave.
Towson, MD 21204

The Executive Board of the Overlook Homeowner's Association has reviewed the request of Shahla Zamani and Mohammed Zamani, Case #93-323-SPH (Item 329), 10633 Pot Spring Road, and the request to amend the order in zoning, Case #90-34-A.

It is the unanimous decision of the Board that the original variance be rigidly adhered to. The previous request has allowed the petitioners to construct a tennis court on their side yard rather than the required back yard. This places the court in the front yard of their immediate neighbors. The requested amendment would place the court approximately seven (7) feet from their property line instead of the agreed upon twenty (20) feet. The illumination of this court will further detract from the immediate neighboring residence.

Additionally, the Overlook Homeowner's Association feels that any violation of the previous variance should be corrected immediately.

Sincerely,

Penny Brand
Penny Brand
Secretary, Overlook Homeowner's Association
10718 Pot Spring Rd.
Cockeysville, Md. 21030

February 22, 1994

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

Re: Appeal in Case No. 93-323-SPH

To whom it concerns:

I am unable to testify at the appeal that is scheduled for Thursday, February 24, 1994, at 1:00 P.M. but wanted to inform you that the position of the Board of Directors of the Overlook Homeowners Association regarding the Zamani's tennis court is stated in my June 9, 1993 letter to Lawrence E. Schmidt and my June 13, 1993 letter to Henry Stewart. Copies of these letters are attached.

Very truly yours,

Penny Brand

Penny Brand
Former Secretary
Overlook Homeowners' Association
10718 Pot Spring Road
Cockeysville, Maryland 21030

94 FEB 22 11:11:18

Overlook Home Owners Association
10700 Pot Spring Road
Cockeysville, Maryland 21030

The Executive Board of the Overlook Community Association has reviewed the request of Shahla Zamani and Mohammed Zamani, Case #93-323-SPH (Item 329), 10633 Pot Spring Road, and the request to amend the order in zoning, Case #90-34-A.

It is the unanimous decision of the Board that the original variance be rigidly adhered to. The previous request has allowed the petitioners to construct a tennis court on their side yard rather than the required back yard. This places the court in the front yard of their immediate neighbors. The illumination of this court will further detract from the immediate neighboring residence.

Additionally, the community association feels that any violations of the previous variance should be corrected immediately.

Sincerely,

P. Brand, Secretary
Overlook Homeowners Association

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES T. BRADY	10631 POT SPRING RD COCKEYSVILLE, MD 21030
FRANCINE BRADY	10631 POT SPRING RD COCKEYSVILLE, MD 21030
Morris B. Wexler Treasurer - Overlook Homeowners Ass'n	10711 Pot Spring Rd Cockeysville, MD 21030
Michael S. Scher Tydings & Rosenberg 100 E. Pratt St. On behalf of the Bradys	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
M. H. Zamani	
M. H. Zamani	10633 POT SPRING Rd.
SHAHLA MOSHIRI	COLBYVILLE, Md.
	21030
William Guy MATRICIANI	3921 N. Pt. Blvd.
Bruce Eifenbein	4051 North Point Rd. 21222
Hancy V. Schmitt	207 Courtland St Jonsom MD 21207

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Joint Ex. #1

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

(410) 887-4386

June 17, 1993

3391

Henry M. Stewart, Esquire
209 Courtland Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 93-323-SPH
Mohammad H. Zamani, et ux, Petitioners
Property: 10633 Pot Spring Road

Dear Mr. Stewart:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3191.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Drs. Mohammed Zamani and Shahla Zamani (Moshiri)
cc: Mr. and Mrs. James T. Brady
cc: Morris B. Wexler, Overlook Homeowners Assn.
cc: Michael S. Scher, Esquire, Tydings and Rosenberg
cc: Mr. Bruce Eifenbein, American Tennis Courts, 4051 North Point Rd.

06

Prot. Ex. 1

Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

FAX TRANSMITTAL

DATE: 8/17/91
TO: Dave Tague at ABG
FROM: Amir Asghari at JMT

TOTAL NUMBER OF PAGES: 1
(Including FAX transmittal)

Please forward this transmittal and additional pages of correspondence to the indicated person/office as soon as possible.

If there are any questions concerning this transaction contact our office at (301) 329-3100. Our FAX Machine number is 1-301-672-2100.

Thank you for your assistance and cooperation.

ADDITIONAL COMMENTS: As per our telephone discussion, please have the American Tennis Court to extend the paving at Dr. Zamani's Tennis Court towards South to the property line. Obviously this would be an order to the contractor. I'll be at the site on Monday.
7:00 a.m.

See you,
Amir

343

72 LOVETON CIRCLE • SPARKS, MD. • 21152 • (410) 329-3100

ATLANTIC BUILDERS GROUP, INC.

Prot. Ex. 2

September 30, 1991

Dr. M. H. Zamani
c/o Johnson, Mirmiran & Thompson
Mr. Amir Asghari
72 Loveton Circle
Sparks, Maryland 21152

Re: Zamani Residence Tennis Court

Dear Dr. Zamani:

I am writing this letter to accomplish several goals. First, I wish to apologize for the many problems we've encountered during this project and the associated inconveniences you've had to tolerate. Second, I want to summarize the progress to date from commencement and analyze each phase of construction and decision making that lead to our current status. Third, I would like to investigate the options we have on how to proceed from this date, and finally, review the contract cost, approved change orders and outstanding proposals. I am sorry that this is so lengthy and cumbersome, but I feel it is necessary to reestablish a firm hold of the directions we need to move in to insure a prompt and equitable solution to the construction of the tennis court.

Atlantic Builders Group was asked to provide a cost proposal for the tennis court based on a drawing provided by JMT which showed a grading plan and proposed layout of retaining walls to retain the offsite borrow required to meet existing elevations of compacted fill adjacent to the swimming pool. No sections were given, nor specifications. ABG requested pricing from two contractors, Griffith Brothers Landscaping and Creative Land Design who was contacted originally by JMT. A price was given for a timber retaining wall system and a keystone system. Due to the prohibitive nature of the keystone type system, the selection was made to proceed with timber. When asked to price this system, Creative Land Design indicated they could not be competitive with Griffith's price. Subsequently, we asked another contractor to price the work (when construction was well underway) and again the cost exceeded Griffith's.

Our original proposal was forwarded to JMT on March 22, 1991. The estimate of \$73,020.00 reflected several cost savings suggestions, i.e. driveway access in lieu of curb cutting, temporary entrance and stone access drive to work area behind house. We included an allowance to patch the driveway when complete. We allowed for 500 cy of material to be used from Old Pasadena Road site as requested. We included sod or planting of any kind at the retaining wall, however, we did recommend using crownvetch for stabilization. We included engineering stakeout, inspection testing and supervision.

P.O. Box 70239 • 23 Fontana Lane • Baltimore, MD 21237
(301) 682-8900 • FAX (301) 682-8900

06

Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

Prot. Ex. 3

June 18, 1992

RECEIVED
JUN 22 1992

Atlantic Builders Group, Inc.

Mr. David B. Tague
Atlantic Builders Group, Inc.
23 Fontana Lane
Baltimore, Maryland 21237

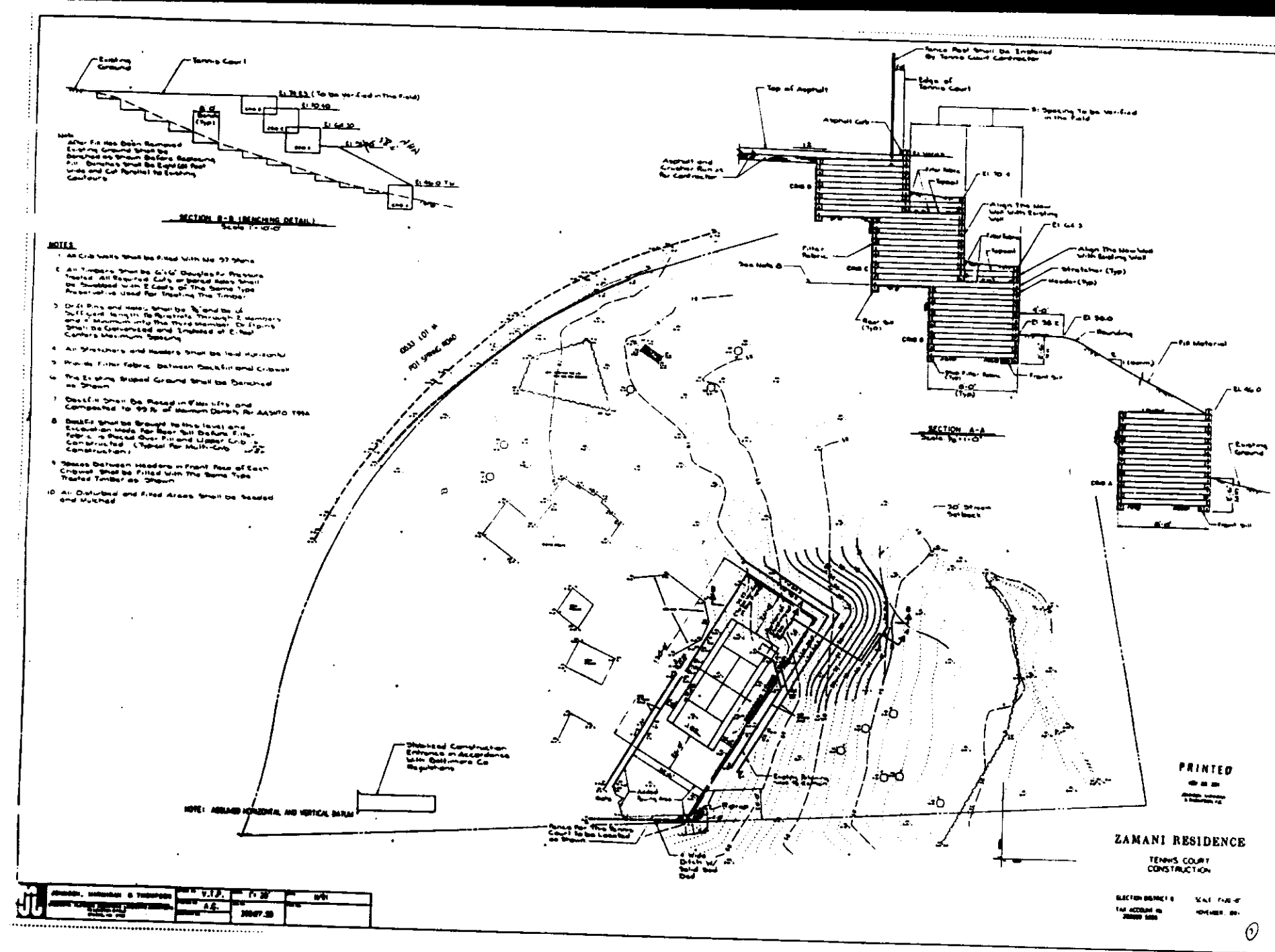
RE: Dr. Zamani Tennis Court

Dear Dave:

This is to confirm the results of our discussion held at the JMT Office Building on Wednesday, June 17, 1992. In attendance were Fred Mirmiran, Bob Thoman, you and I.

- The sloped section of the fill between crib walls A and B must be hydroseeded on Friday June 19, 1992. JMT recommended that this area be cultivated with Crown Vetch, which is suitable for slope protection and does not require constant maintenance.
- The area behind the building should be graded to drain the water to the north. The bench mark for grading will be the patio in front of the french doors. Once the grading is complete it will be seeded. Topsoil can be purchased for this area if necessary. The Owner will maintain and water the seeded areas.
- In order to repair the asphalt behind the existing wall extending from the new wall towards the south, it was agreed to saw cut the asphalt 3 feet from the wood retaining wall, dig at least 3 feet, install filter fabric behind the wall and backfill the areas with suitable material obtaining adequate compaction at 95% or better. To keep the water from infiltrating into the filled material ABG will provide, a thin layer of concrete over the fill.
- Replace the broken beam between the new and existing wall.
- Install at least 3 rows of timbers (ground contact) west of the Tennis Court between the pool and the north wall. Install asphalt curb next to this wall after the paving is complete.
- The edge of the existing asphalt must be saw cut straight. Once the base course of the asphalt is paved, another layer of asphalt (1 inch thick) will be placed on top of it throughout the entire area.
- The unpaved section between the existing asphalt and the sodded ditch at the south should be graded, compacted and prepared for paving. The new pavement is to be at the same elevation with the rest of the paved area. A sketch is enclosed.
- The roadway to the Tennis Court must be reseeded.

72 LOVETON CIRCLE • SPARKS, MD. • 21152 • (410) 329-3100
BUREAU, VA. YORK, PA. FAX: (301) 472-2100



ATLANTIC BUILDERS GROUP, INC.

Prot. Ex. 4

August 10, 1992

Mr. Amir Asghari
Johnson, Mirmiran & Thompson
72 Loveton Circle
Sparks, Maryland 21152

Re: Dr. Zamani Residence Tennis Court

Dear Amir:

Pursuant to our conversation of 8/5/92, our lump sum proposal to install an asphalt curb and basketball court at the referenced project while we are on site repairing the paving surface is FOUR THOUSAND, EIGHT HUNDRED SIXTY-FIVE DOLLARS (\$4,865.00).

Please note that if the asphalt curb is desired, it must be installed prior to the fence being installed. There will be mobilization charges of \$1,000 per mobilization if we have to come back after our work is done. Our other pricing for extras submitted last year will still be held the same.

We will await scheduling the repair of our work until Dr. Zamani directs us on the extras referenced above in writing. We are prepared to complete our contract obligations immediately but think it would be advantageous to Dr. Zamani if he wants to include the extra items to do everything at once. This will prevent the charges for remobilizations.

Also, as we discussed, we will only proceed upon receipt of written direction to do so with release of liability for settlement on the fill material.

If the extra work is to be performed, we will require payment on those specific items before we proceed.

Should you have any questions, do not hesitate to call. Please advise immediately how we are to proceed.

Very truly yours,

David B. Tague
David B. Tague
Project Manager

/s/

P.O. Box 70239 • 23 Fontana Lane • Baltimore, MD 21237
(410) 682-8900 • FAX (410) 682-8900

Prot. Ex. 5

August 14, 1992

Mr. David B. Tague
Atlantic Builders Group, Inc.
23 Fontana Lane
Baltimore, Maryland 21237

Re: Dr. Zamani Residence Tennis Court

Dear Dave:

You are hereby authorized to proceed with the asphalt paving at the above referenced project. Please note that the following items are to be corrected properly before the paving starts.

- It appears that the back filled area at crib wall 'D' between old and new construction has experienced a slight settlement. It needs a better compaction.
- All upper stretchers at Crib wall 'D' must be spiked to the lower timbers.
- The grass covered areas must be cleared.
- The existing fill should be regraded and compacted. Close attention must be paid to the corners, for a better compaction.

As you requested, a check in the amount of \$4,865.00 for the addition of a basketball court and asphalt curbs is enclosed. As Amir Asghari explained to you a pole base and/or sleeve for a future basketball hoop is needed. Previous extra work orders for the light pole bases remain the same. No super cushion for the tennis court is needed.

Please proceed with the work on August 17, 1992 and complete the work no later than August 28, 1992.

Should you have questions please call me.

Sincerely,

Amir Asghari
Dr. M.H. Zamani, MD

cc: Amir Asghari, JMT

RECEIVED
SEP 24 1992

Atlantic Builders Group, Inc.

December 4, 1992

Dr. Mohammed Zamani
10633 Pot Spring Road
c/o Johnson, Mirmiran & Thompson
72 Loveton Circle
Sparks, MD 21152

Dear Dr. Zamani:

For several weeks we have without success attempted to settle our differences regarding your tennis court. Our respective opinions as to the amount yet to be paid are too far apart, therefore, we withdraw our offer to settle this matter for less than the full amount. Enclosed is a current invoice which reflects the past due interest and cost increases for this project, payment of which is due immediately.

Very truly yours,
ATLANTIC BUILDERS GROUP, INC.

D. Gary Dohler
D. Gary Dohler
Controller/Treasurer

DGD:paa

Enclosure

cc: Robert [redacted]

cc: [redacted]

Prot. Ex. 6



Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

July 24, 1991

Mr. Dave B. Tague, Project Manager
Atlantic Builders Group, Inc.
23 Fontana Lane
Baltimore, Maryland 21237

Re: Tennis Court at Dr. Zamani's Residence
JMT Job No. 90127H

Dear Dave,

This is in reply to your letter dated July 8, 1991 regarding the following items:

- American Tennis Courts to furnish and install six (6) sleeved concrete footings for future installation of lighting system for \$990.00. Footings to be designed by the supplier.
- American Tennis Courts to furnish and install Latex-ite Super Cushion II, the shock absorbing system that adds greater player comfort and maximum player endurance. Price for this item will be \$4,136.00.

The Contractor is to guarantee the quality of the work for the period of full one year after the work is completed.

Sincerely,
JOHNSON, MIRMIKAN & THOMPSON, P.A.

Amir Agnani
Amir Agnani
Project Manager

AA/mdc

cc: Dr. Zamani

Prot. Ex. 7

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 14, 1989

J. Neil Lanzi, Esquire
Selland and Jednorski
25 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Pot Spring Road, approx. 425' NE of the c/l of Colonade Road
(10633 Pot Spring Road)
8th Election District - 3rd Councilmanic District
Mohammad H. Zamani, M.D., et al - Petitioners
Case No. 90-34-A

Dear Mr. Lanzi:

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,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

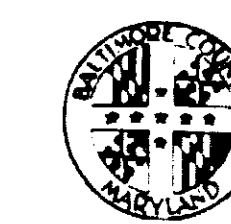
cc: Michael S. Scher, Esquire
Fred A. Cohen, Esquire
Tydings & Rosenberg
201 N. Charles Street, 26th Floor, Baltimore, Md. 21201

M. Searles, Jr. and Janice C. Searles
19 Highfield Court, Hunt Valley, Md. 21030

People's Counsel

File

Prot. Ex. 8



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 10633 Pot Spring Rd., Cockeysville, Md.
which is presently zoned RC4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve.

See attached sheet

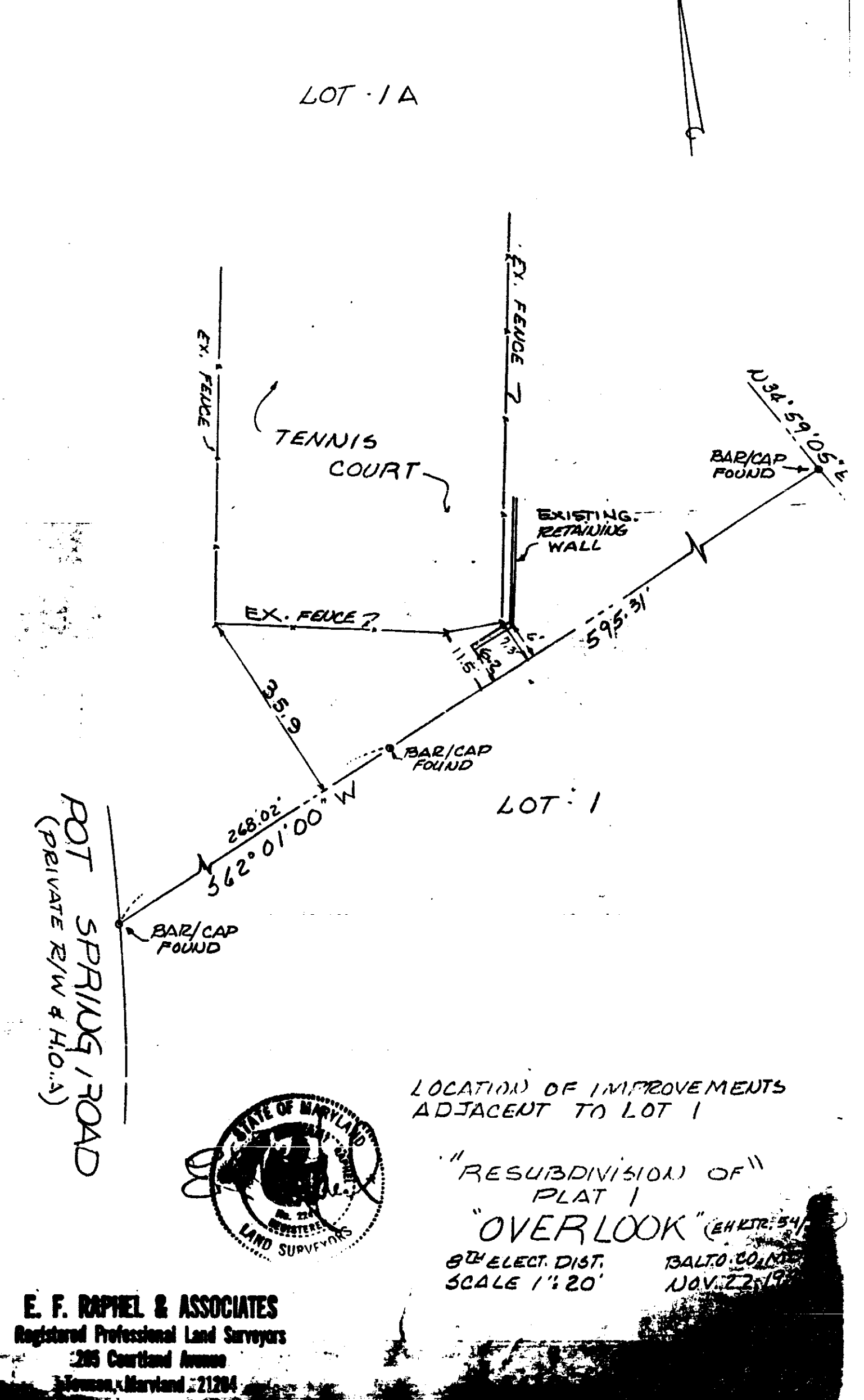
Property is to be posted and advertised as prescribed by Zoning Regulations. If it is not, the legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve.

Control Person Name: _____
Type of Petition: _____
Signature: _____
Address: _____
City: _____ State: _____
Attorney for Petitioner: _____
Type of Petition: _____
Signature: _____
Address: _____
City: _____ State: _____
Date: _____

Shahla Zamani (mother)
Shahla Zamani
Mohammad H. Zamani
M. H. Zamani
10633 Pot Spring Rd. 666
Cockeysville, Md. 21030

RECEIVED
DATE 9/20/89

Prot. Ex. 10



Prot. Ex. 11

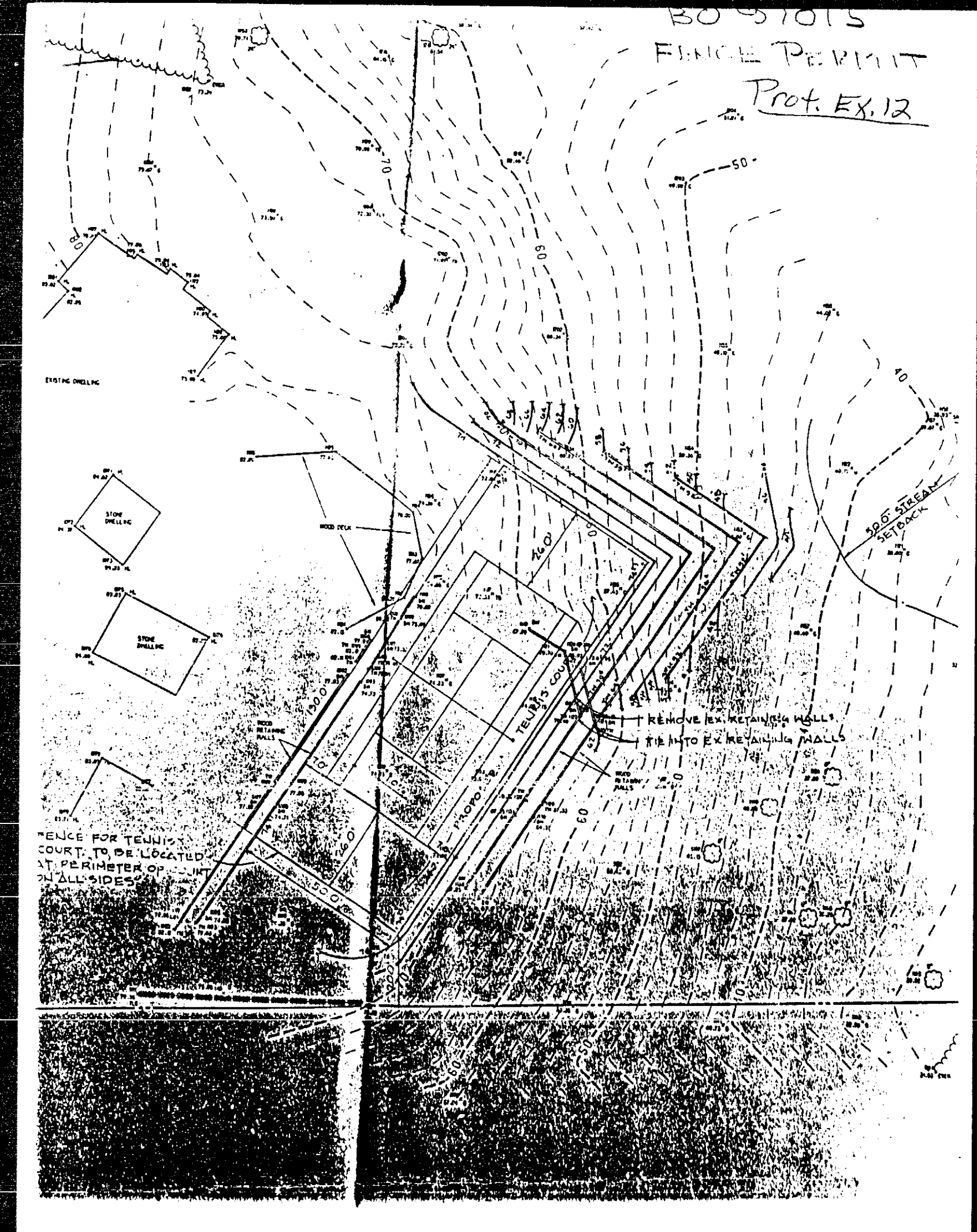
OFFICE OF THE BUILDING ENGINEER
BALTIMORE, MARYLAND 21204

REPORT NO. 1001115

PERMIT NO.	1001115	DATE	07/24/91
PROJECT NO.	1001115	DATE	07/24/91
OWNER	Dr. Mohammed Zamani	ADDRESS	10633 Pot Spring Road, Cockeysville, MD 21030
APPLICANT	Dr. Mohammed Zamani	ADDRESS	10633 Pot Spring Road, Cockeysville, MD 21030
DESIGNER	Johnson, Mirmiran & Thompson, P.A.	ADDRESS	23 Fontana Lane, Baltimore, MD 21237
CONTRACT NO.	90127H	DATE	07/24/91
TYPE OF PERMIT	REPAIR	DESCRIPTION	REPAIR OF TENNIS COURT
TYPE OF CONSTRUCTION	REPAIR	TYPE OF BUILDING	TENNIS COURT
TYPE OF FOUNDATION	CONCRETE	TYPE OF FINISH	CONCRETE
TYPE OF ROOFING	CONCRETE	TYPE OF WALLS	CONCRETE
TYPE OF FLOORING	CONCRETE	TYPE OF CEILING	CONCRETE
TYPE OF MECHANICAL	CONCRETE	TYPE OF ELECTRICAL	CONCRETE
TYPE OF PLUMBING	CONCRETE	TYPE OF PAINT	CONCRETE
TYPE OF OTHER	CONCRETE	TYPE OF OTHER	CONCRETE

NOTE: CHECKS PAYABLE TO BALTIMORE COUNTY DEPARTMENT OF PERMITS AND LICENSES - NO PERMIT FEE BEING REFUNDABLE

Prot. Ex. 12



Prot. Ex. 14

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21284

BUILDING PERMIT

PERMIT NO. 8097015 CONTROL NO. 8097015

DATE ISSUED 08/25/91 TAX ACCOUNT NO. 2000030867 CLASS 00A

PLANS: CONY 700, PLAT 1, RESUBDIVISION OF PLAT 1, PLUMBING

LOCATION: 10633 POT SPRING RD., COCKEYSVILLE, MD 21030

SUBDIVISION: OVERLOOK

DANGER INFORMATION: NONE

NAME: DR. MOHAMMAD ZAMANI (MOTHER) - SHAHLA ZAMANI

ADDRESS: 10633 POT SPRING RD., COCKEYSVILLE, MD 21030

TENANT: NONE

CONTRACT: NONE

ENCLOSURE: NONE

WORK: ERECT 10' HIGH GALVANIZED STEEL FENCE AROUND TENNIS COURT ON REAR PROPERTY. FENCE CANNOT BE ERECTED UNTIL AN EASEMENT IS OBTAINED FROM OWNER. EXPENSES IF NECESSARY.

BLDG. CODE: 1000 CODE

RESIDENTIAL CATEGORY: DETACHED SINGLE-DWELLING, SINGLE-FAMILY OWNED

ESTIMATED PROPOSED USE: FENCE

ESTIMATED PROPOSED COST: \$5,000.00

TYPE OF TRAVEL: FENCE BUILDING CONTRACTOR

USE: OTHER RESIDENTIAL

FOUNDATION: NONE

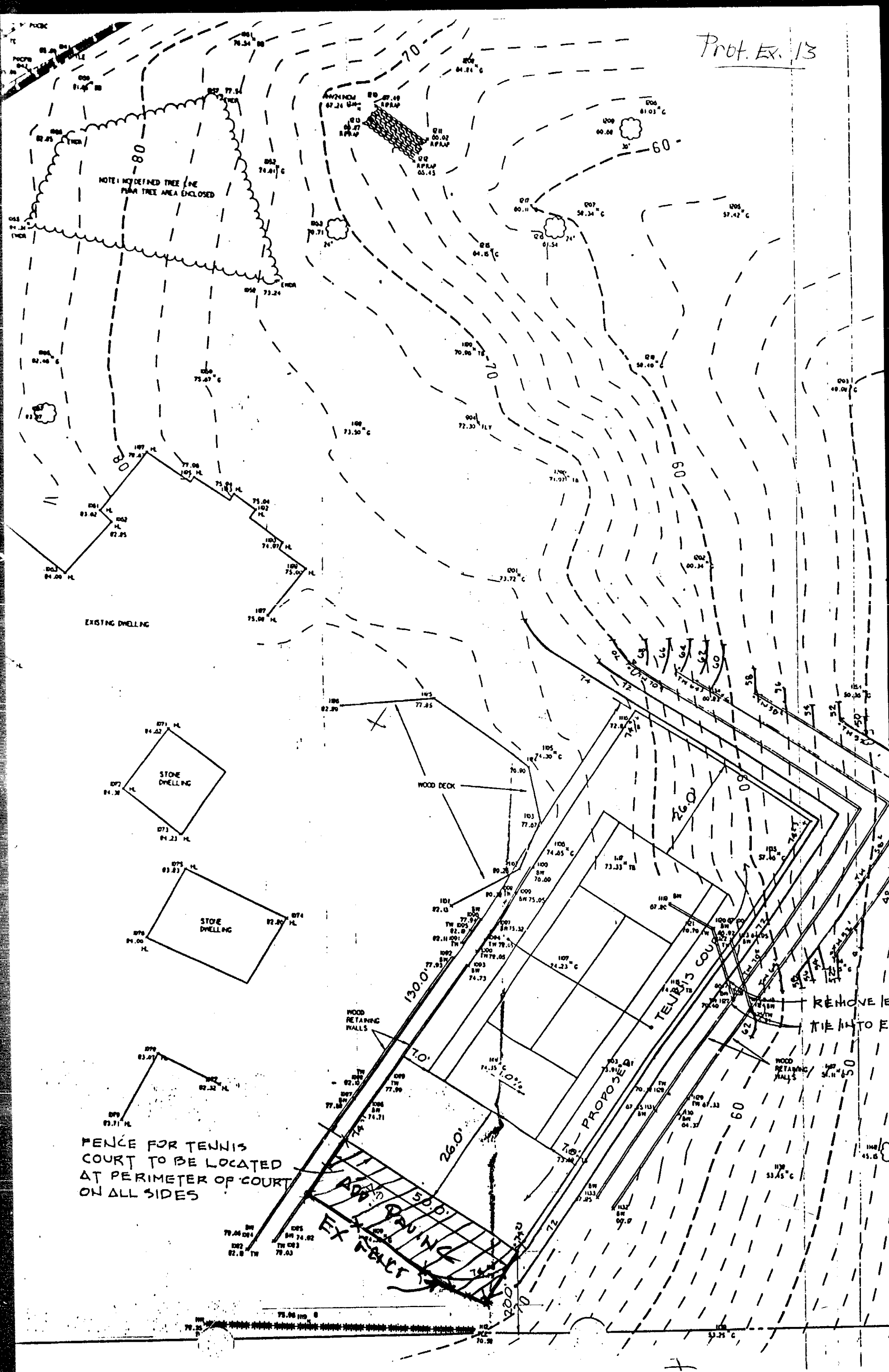
FENCE: POLY-ETHYLENE

LOT: 10633 POT SPRING RD.

DATE: 08/25/91

PROJECT: 10633 POT SPRING RD.

DATE: 08/25/91



not done

Lawrence E. Schmidt
Zoning Commissioner
400 Washington Ave.
Towson, Md. 21284

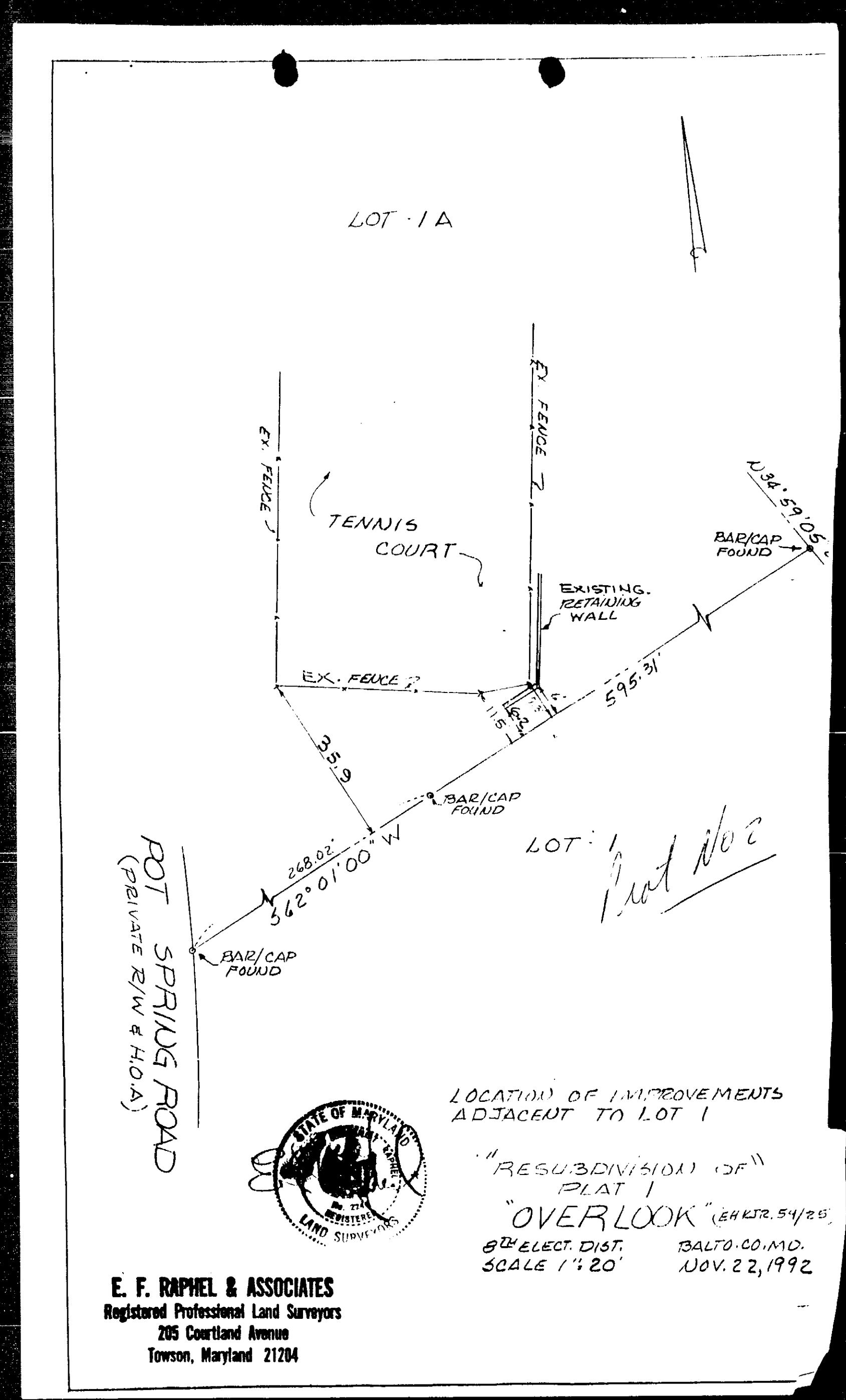
The Executive Board of the Overlook Homeowners Association reviewed the request of Shahid Zamani, 10633 Pot Spring Road, Baltimore, Md. 21284, for a zoning variance to amend the order in zoning, Case # 329.

It is the unanimous decision of the Board that the variance be rigidly adhered to. The Board has allowed the petitioner to construct a tennis court in the front yard rather than the required side yard. The requested amendment would place the tennis court (7) feet from their property line and the requested twenty (20) feet. The illumination of the tennis court detract from the immediate neighborhood.

Additionally, the Overlook Homeowner's Association has approved any violation of the previous variance and shall be resolved immediately.

Sincerely,

Penny Brand
Secretary, Overlook Homeowner's Association
10718 Pot Spring Rd.
Cockeysville, Md. 21030



Plat to accompany Petition for Zoning Variance
PROPERTY ADDRESS: 10633 POT SPRING ROAD
Subdivision Name: Overlook
plat book: folio 222 section
OWNER: Dr. & Dr. Mohammad H. Zamani
Date: _____
Prepared by: James Lloyd Scale of Drawing - 1" = 50'

Vicinity Map scale 1 in. = 1,000 ft. North

LOCATION INFORMATION
Councilmanic District: 3
Election District: 8
1" = 200' scale map #: N.E. 171A
Zoning: _____
Lot Size: 4.196 acreage square feet public private
SEWER
WATER
Chesapeake Bay Critical Area:
Prior Zoning Hearings: 90-34-A

Zoning Office USE ONLY
reviewed by: 3/13/93 ITEM #: 329 CASE # _____

James Lloyd ARCHITECTS P.A.
12935 Byfield Drive, Highland, Maryland 20777 • 410 531 1177

Zoning Commission

ME: TYPICAL 120' x 60' SINGLE TENNIS COURT ILLUMINATION WITH 12' BUFFER ZONE AROUND PERIMETER OF FENCED AREA
(6)CF8400-M(1000M MH)CUTOFF FLOODS AT 20' HEIGHT W/20 DEGREE TILT
ALL FOOTCANDLE LEVELS ARE MAINTAINED AT 2.5' ABOVE FINISHED GRADE
DRAWING FOR: BRUCE ELFENBEIN AT AMERICAN TENNIS COURTS
BY: MICHAEL KRUEGER, APPLICATION ENGINEERING AT RUMI LIGHTING, INC.

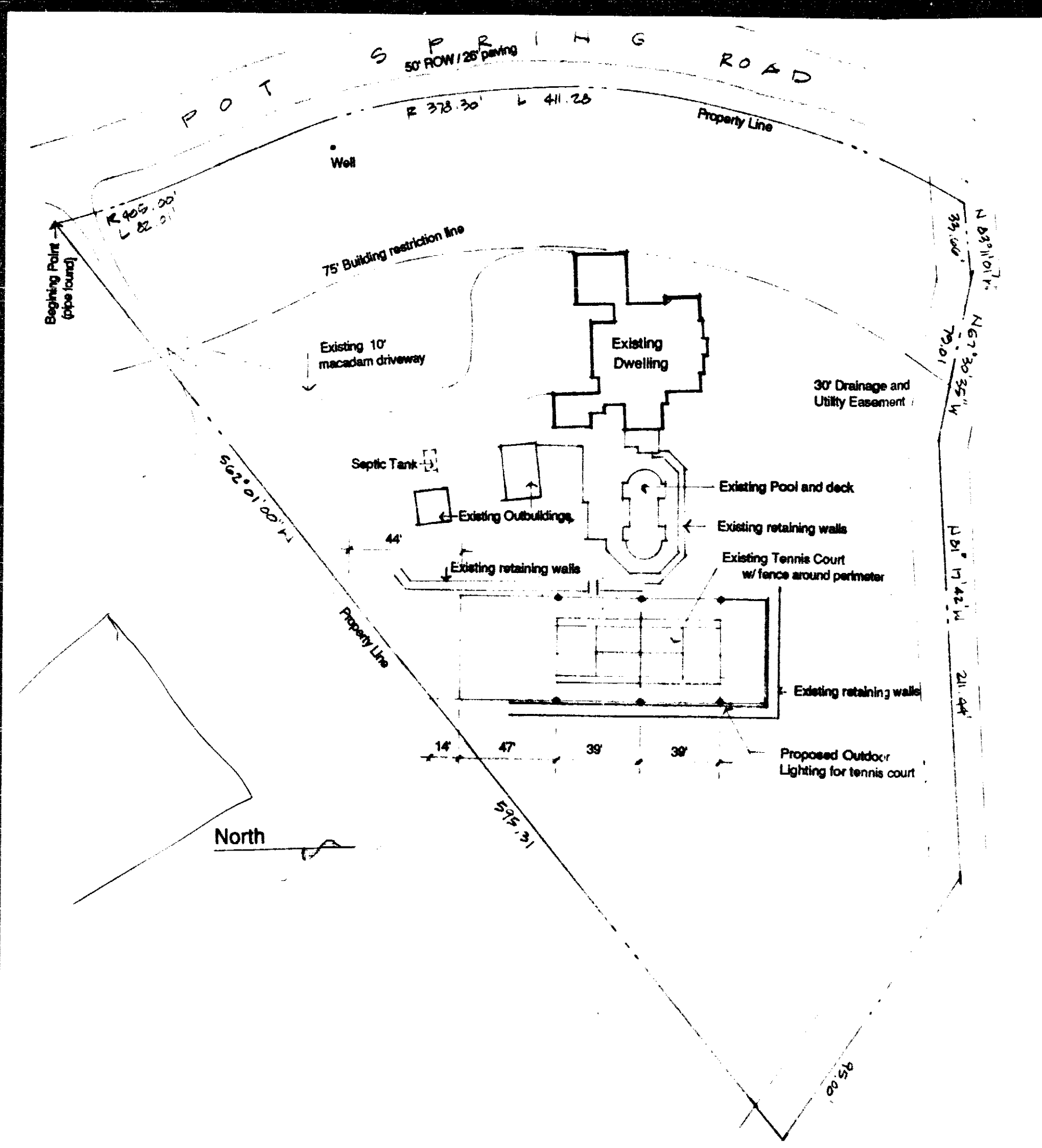
PLANE 2.5
POINT SPACING LEFT-TO-RIGHT = 6 ft
POINT SPACING TOP-TO-BOTTOM = 5 ft
LIGHT METER IS NORMAL TO PLANE

AVERAGE fc = 20.11
MAXIMUM = 42.4
MINIMUM = 4.14
AVERAGE/MINIMUM = 17.64
MAXIMUM/MINIMUM = 87.19

Prop. Ex. 2

1.14	1.86	3.15	5.50	9.22	11.1	11.4	10.2	7.33	6.20	5.51	11.6	12.6	11.6	8.81	6.90	7.86	10.2	11.4	11.1	9.22	5.90	9.15	1.96	1.14
1.72	2.00	6.99	9.62	17.4	28.6	24.0	19.0	13.2	12.3	16.9	22.8	27.8	22.8	14.7	14.0	16.2	24.0	24.0	28.5	17.4	9.02	9.05	2.90	1.72
2.29	6.82	7.14	19.8	20.4	46.8	29.0	19.4	12.8	23.9	34.6	39.3	34.4	28.2	16.0	10.9	28.9	39.7	34.8	19.8	11.1	8.92	2.09		
2.00	4.00	3.00	17.0	20.2	28.0	28.8	27.8	28.4	21.8	26.7	29.4	31.4	29.4	26.7	21.8	26.4	27.9	28.0	28.0	17.0	17.0	4.00	4.00	2.00
8.69	6.18	10.5	15.9	22.9	29.1	30.2	31.0	25.1	37.8	24.8	29.0	34.4	29.0	22.1	22.0	25.0	23.7	22.0	10.0	10.0	6.18	3.69		
4.09	6.05	10.7	17.6	27.6	39.1	30.2	31.0	25.1	37.8	24.8	29.0	34.4	29.0	22.1	22.0	25.0	23.7	22.0	10.0	10.0	6.05	4.09		
4.06	7.90	14.8	22.1	30.0	36.1	37.7	38.4	31.7	41.6	34.0	39.2	41.6	38.2	34.0	31.7	41.6	38.4	37.7	30.2	30.2	4.06	7.90	4.06	
4.78	9.83	15.4	24.7	31.4	37.1	39.9	36.8	30.1	42.8	35.0	40.2	42.8	38.0	35.0	30.1	42.8	38.4	39.9	30.2	30.2	4.78	9.83	4.78	
4.03	7.90	14.5	22.1	30.0	36.1	37.7	38.4	31.7	41.6	34.0	39.2	41.6	38.2	34.0	31.7	41.6	38.4	37.7	30.2	30.2	4.03	7.90	4.03	
1.88	6.86	10.7	17.6	27.6	39.1	30.2	31.0	25.1	37.8	24.8	29.0	34.4	29.0	22.1	22.0	25.0	23.7	22.0	10.0	10.0	6.86	1.88		
9.84	6.18	10.8	10.5	22.9	29.1	30.2	31.0	25.1	37.8	24.8	29.0	34.4	29.0	22.1	22.0	25.0	23.7	22.0	10.0	10.0	6.18	9.84		
2.00	4.00	3.00	17.0	20.2	28.0	28.8	27.8	28.4	21.8	26.7	29.4	31.4	29.4	26.7	21.8	26.4	27.9	28.0	28.0	17.0	17.0	4.00	2.00	
1.72	2.00	6.99	9.62	17.4	28.6	24.0	19.0	13.2	12.3	16.9	22.8	27.8	22.8	14.7	14.0	16.2	24.0	24.0	28.5	17.4	9.02	9.05	2.90	1.72
1.14	1.86	3.15	5.50	9.22	11.1	11.4	10.2	7.33	6.20	5.51	11.6	12.6	11.6	8.81	6.90	7.86	10.2	11.4	11.1	9.22	5.90	9.15	1.96	1.14

144'



Plat to accompany Petition for Zoning Variance
PROPERTY ADDRESS: 10633 POT SPRING ROAD
Subdivision Name: Overlook
plat book: folio 222 section
OWNER: Dr. & Dr. Mohammad H. Zamani
Date: _____
Prepared by: James Lloyd Scale of Drawing - 1" = 50'

Vicinity Map scale 1 in. = 1,000 ft. North

LOCATION INFORMATION
Councilmanic District: 3
Election District: 8
1" = 200' scale map #: N.E. 171A
Zoning: _____
Lot Size: _____ acreage square feet public private
SEWER
WATER
Chesapeake Bay Critical Area:
Prior Zoning Hearings: _____

Zoning Office USE ONLY
reviewed by: _____ ITEM #: _____ CASE # _____

James Lloyd ARCHITECTS P.A.
12935 Byfield Drive, Highland, Maryland 20777 • 410 531 1177

Prop. Ex. 8



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21284

John R. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT # B158005 CONTROL # HR DIST: 08 PREC: 08
DATE ISSUED: 03/23/93 TAX ACCOUNT # 2000005687 CLASS: 04

PLANS: DWG 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 10633 POT SPRING RD
SUBDIVISION: OVERLOOK

OWNER INFORMATION
NAME: ZAMANI, MOHAMMAD & MUSHERI, SHAHLA
ADDR: 10633 POT SPRING RD 21030

PERMIT CONTROL: OWNER
ERECTOR: SETC
WORK: ERECT 47' HIGH WOOD FENCE, 875LF, ON SIDE & REAR OF PROPERTY AND 42' FENCE 920LF ON FRONT OF PROPERTY. ANY FENCE ERECTED WITHIN AN EASEMENT MUST BE REMOVED AT OWNERS EXPENSE. IF NECESSARY, CANNOT FENCE ANY WALKWAY OR ACCESS EASEMENTS.
REPAIR CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD, POOL, STONE BLDG & FENCE
300.00 EXISTING USE: SFD, POOL, STONE BLDG

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - RESIDENTIAL

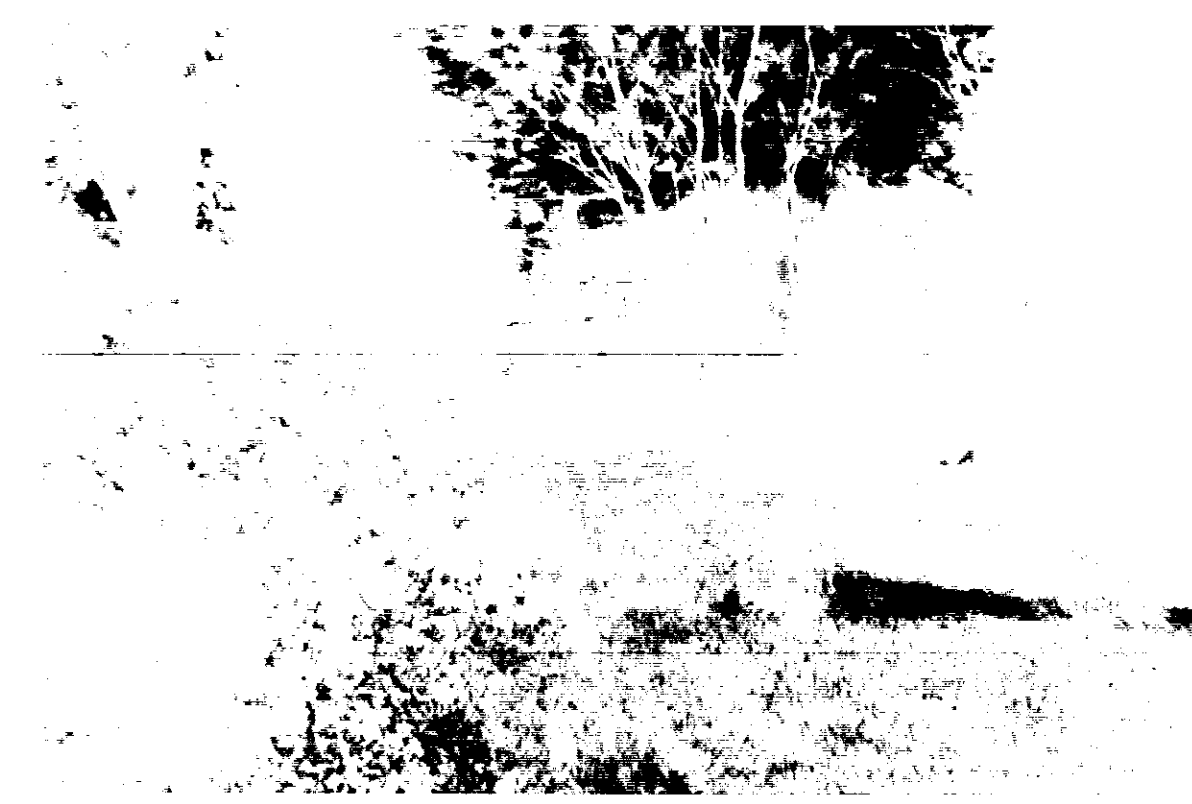
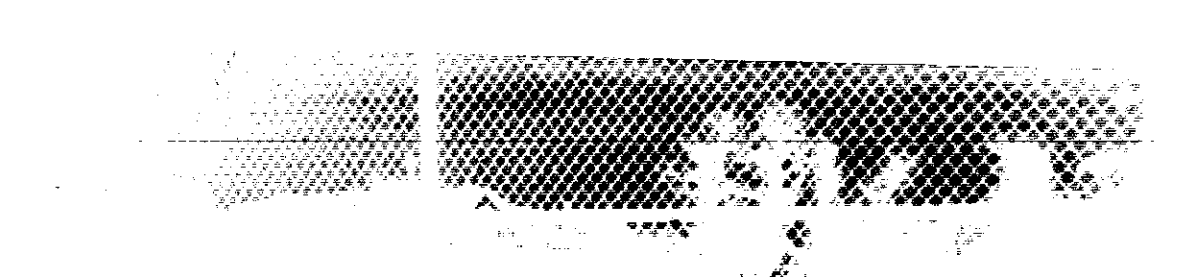
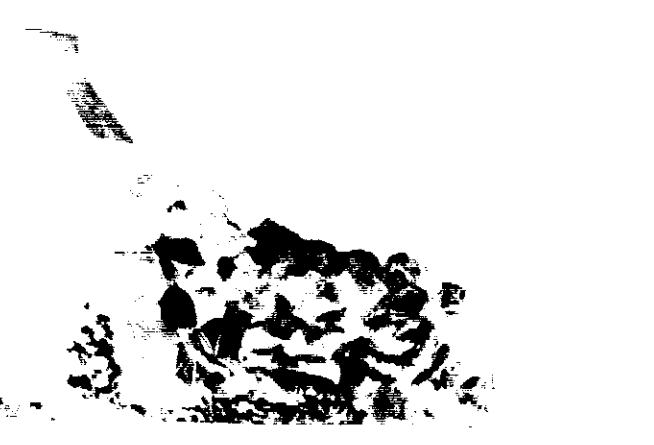
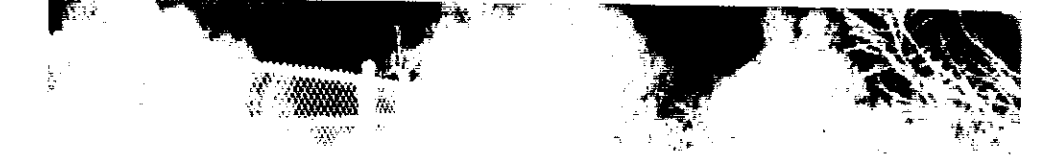
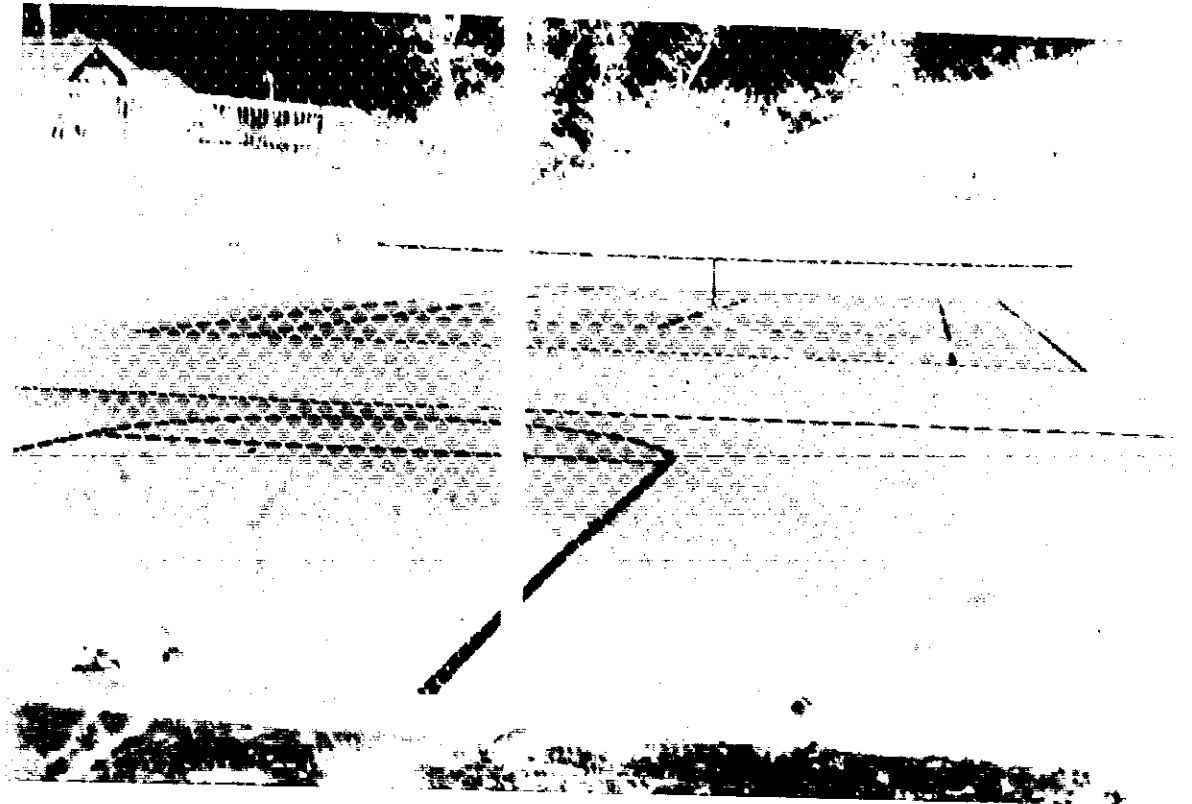
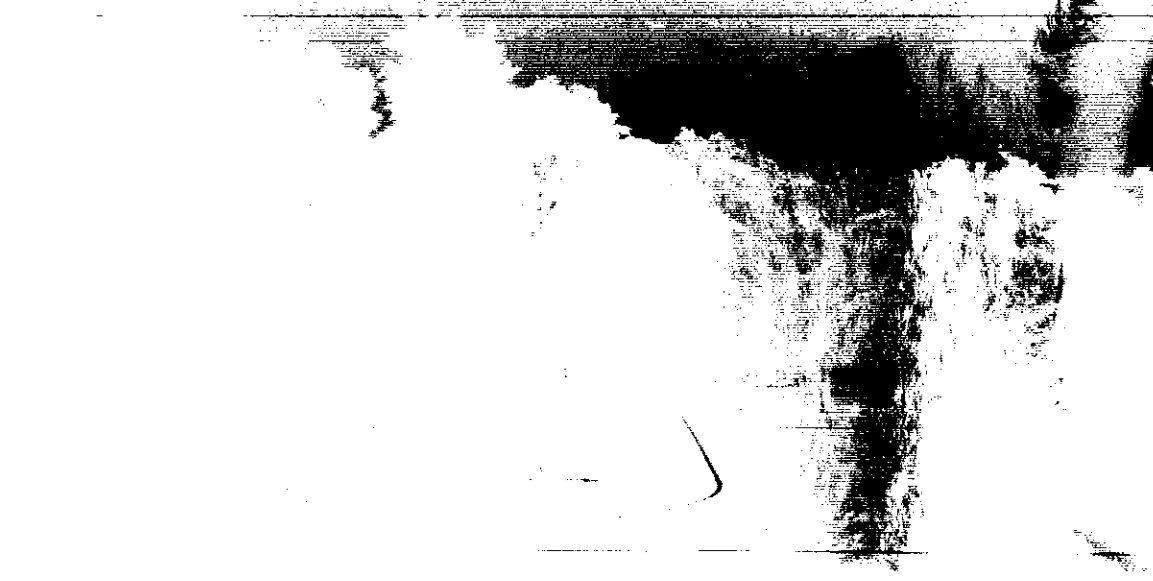
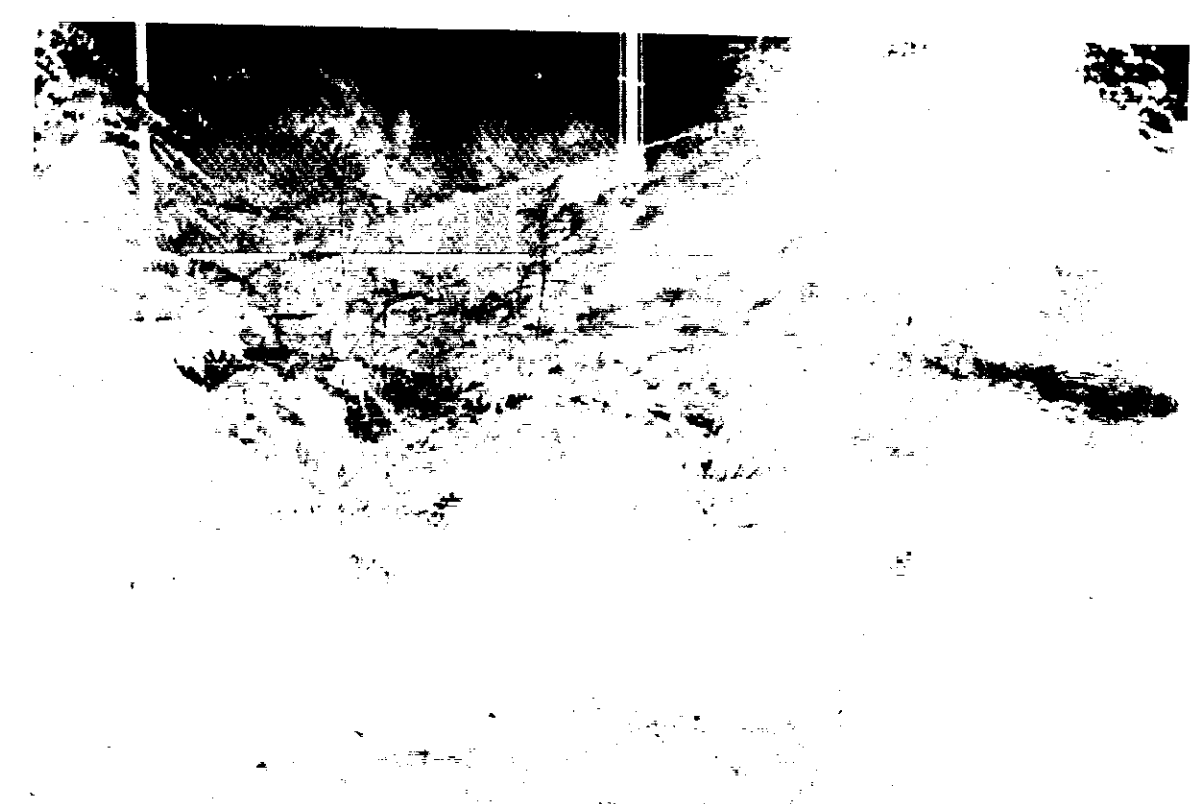
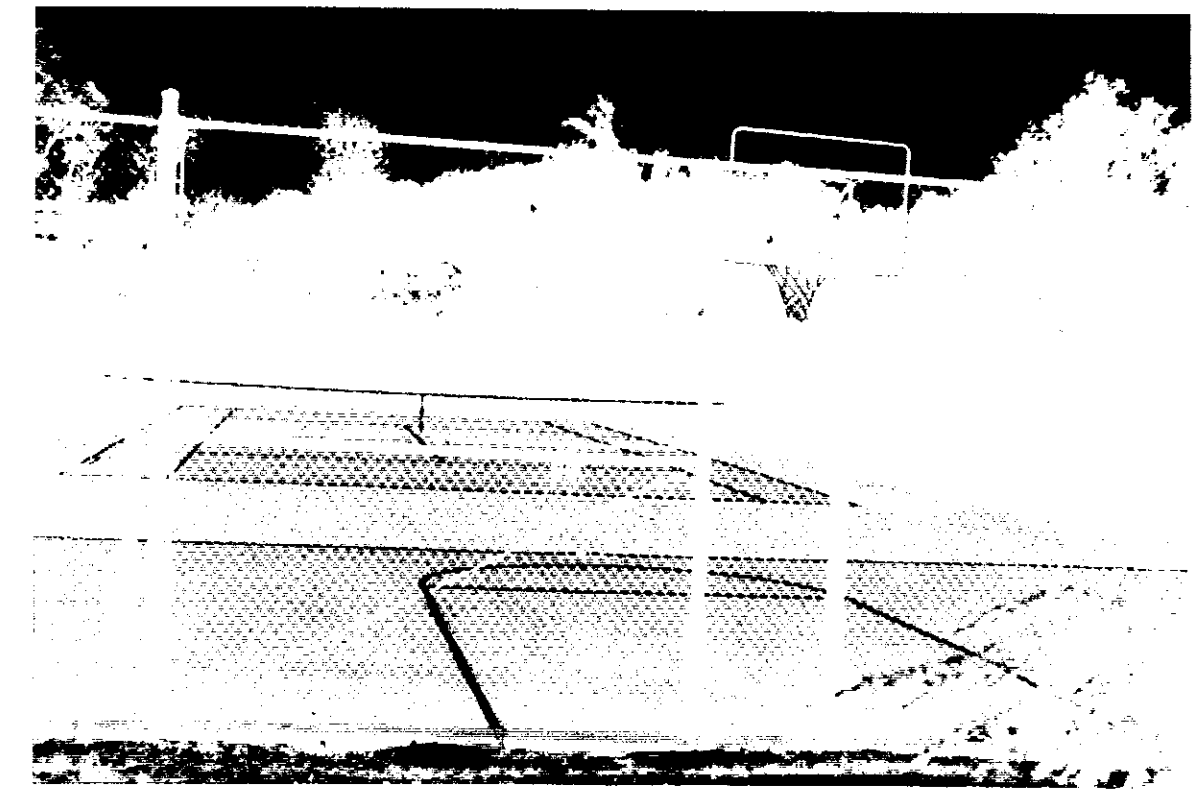
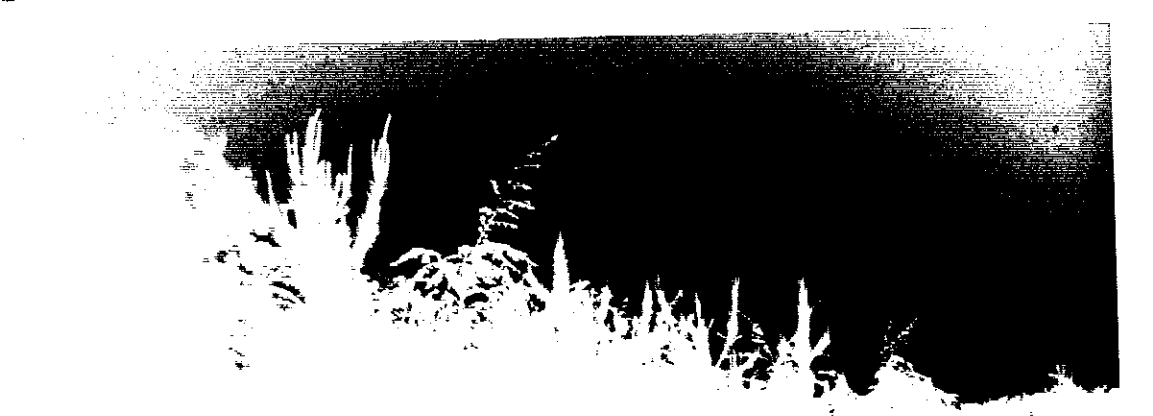
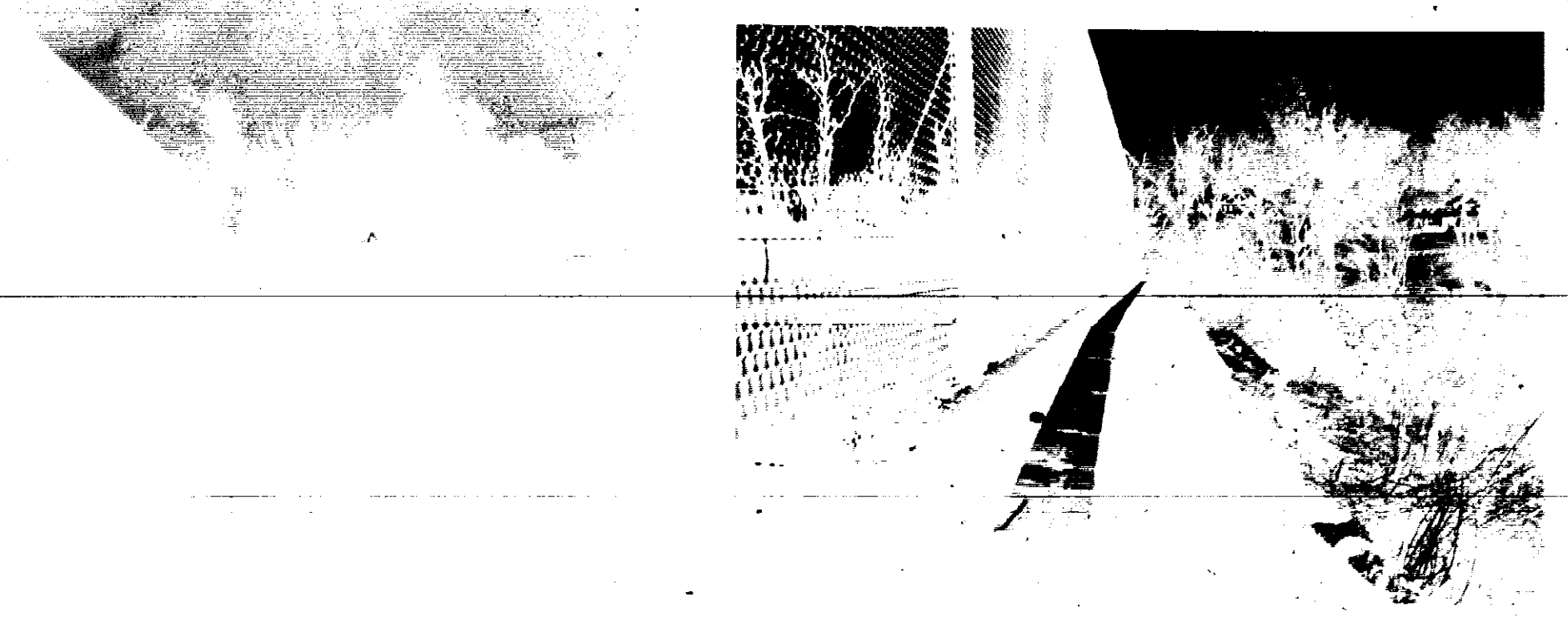
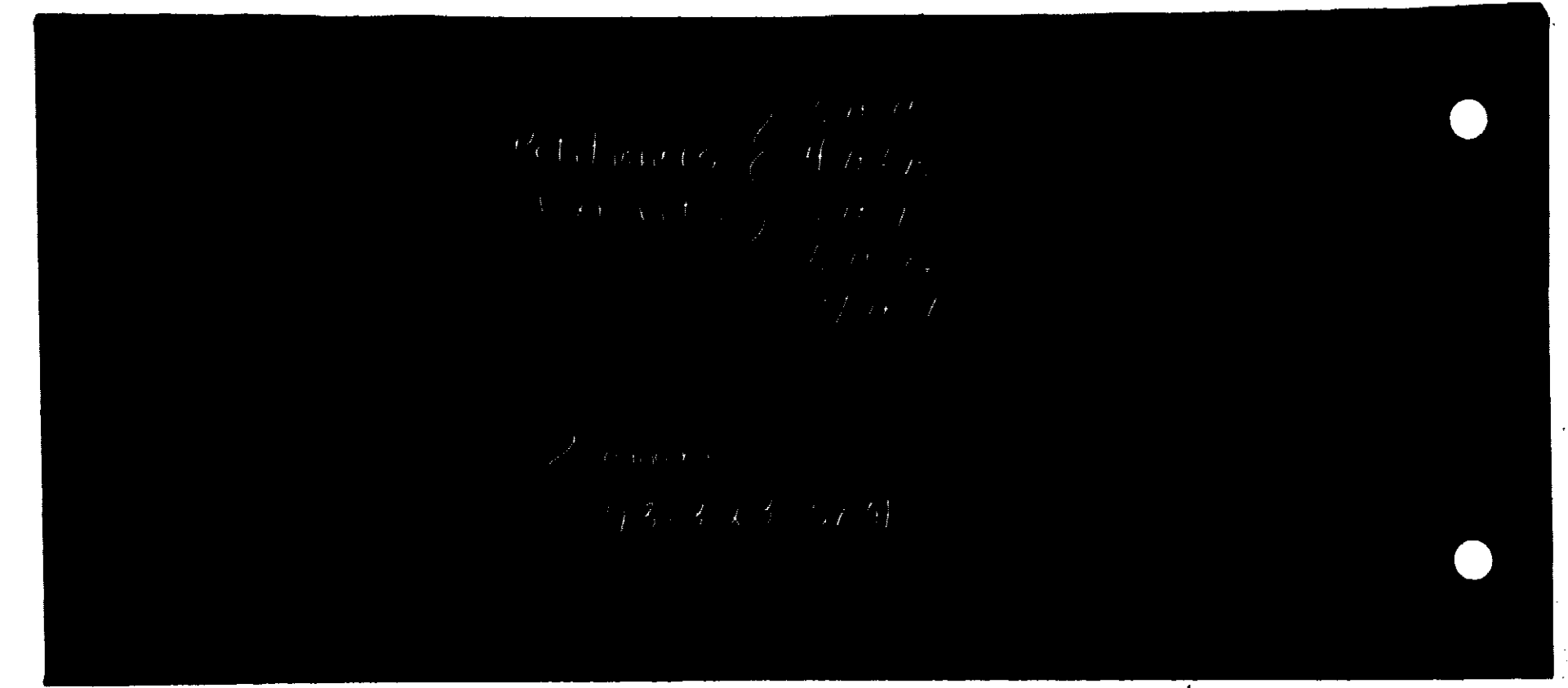
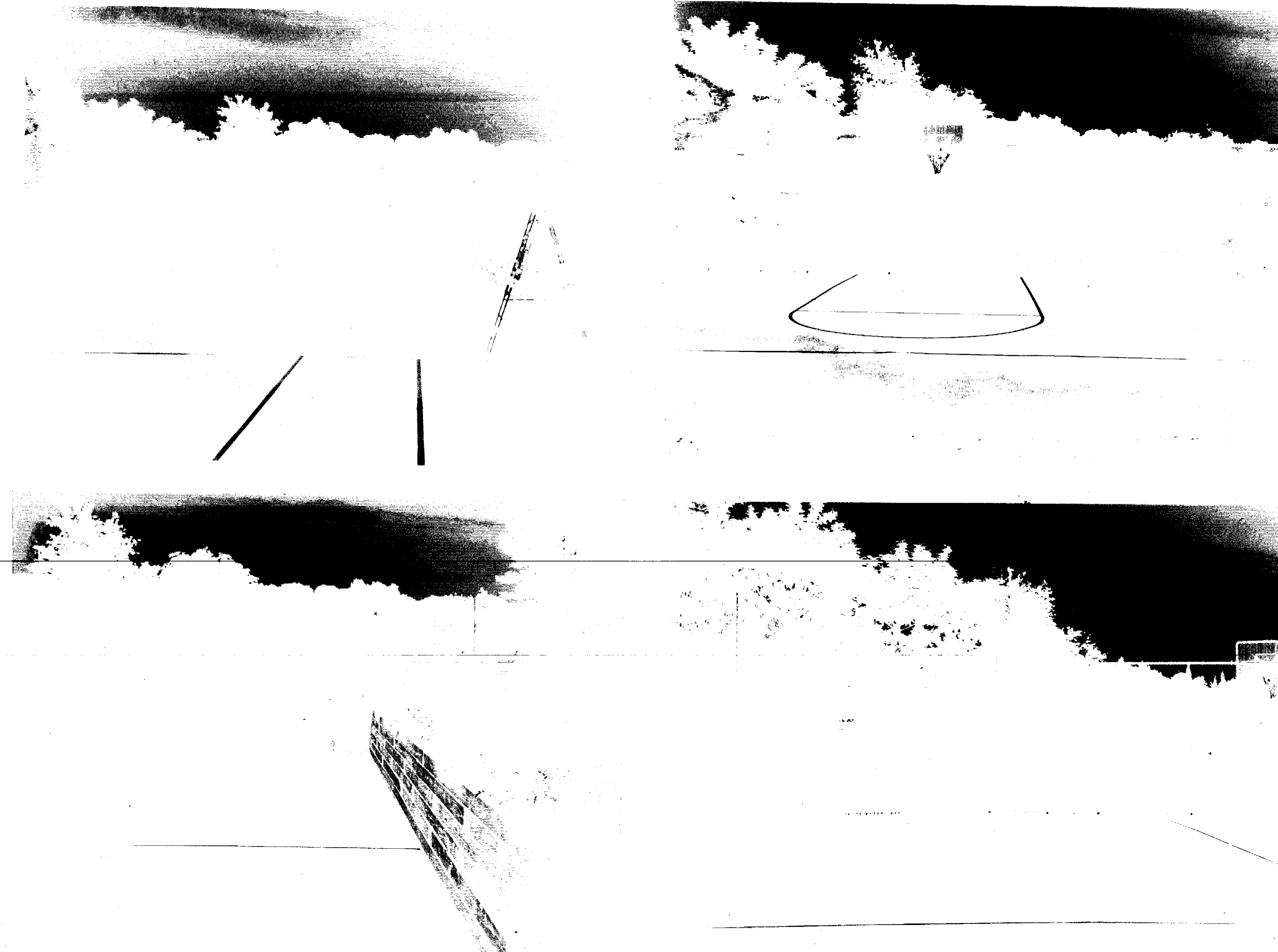
FOUNDATION: BASEMENT:
SPACE: PRIV. EXISTS WATER: PRIV. EXISTS

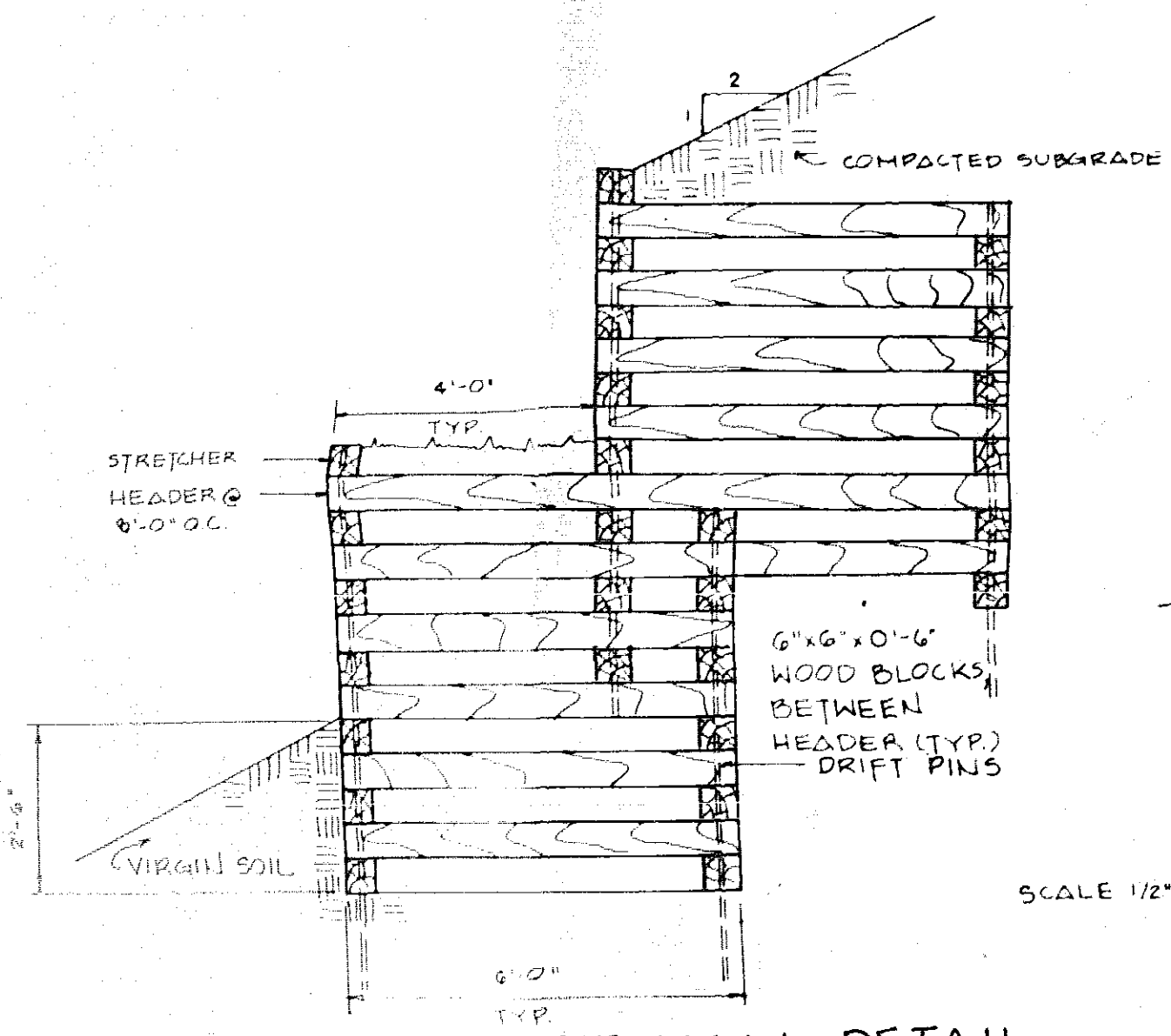
LOT SIZE AND SETBACKS

ST. 4.126 AC
FRONT STREET: 0
SIDE STREET: 0/0
REAR STREET: 0

**THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE**

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.





TIMBER CRIB WALL DETAIL

SCALE 1/2"=1'-0"

- NOTES:
1. ALL TIMBER TO BE 4"x4" DOUGLASS FIR FENCE GRADE. ALL REQUIRED CORN OR BORED HOLES TO BE MARKED WITH 2 COATS OF THE SAME TYPE OF PAINT. PRESERVATIVE USED FOR TREATING THE TIMBER.
 2. DRIFT PINS AND WAILS TO BE 1/2" x 4" x 12'.
 3. DRIFT PINS TO BE OF DIFFERENT LENGTHS TO PENETRATE 2" MINIMUM AND 4" MAX INTO THE 2" WAIL.
 4. ALL STRUCTURE AND HEADERS TO BE LAID HORIZONTAL.

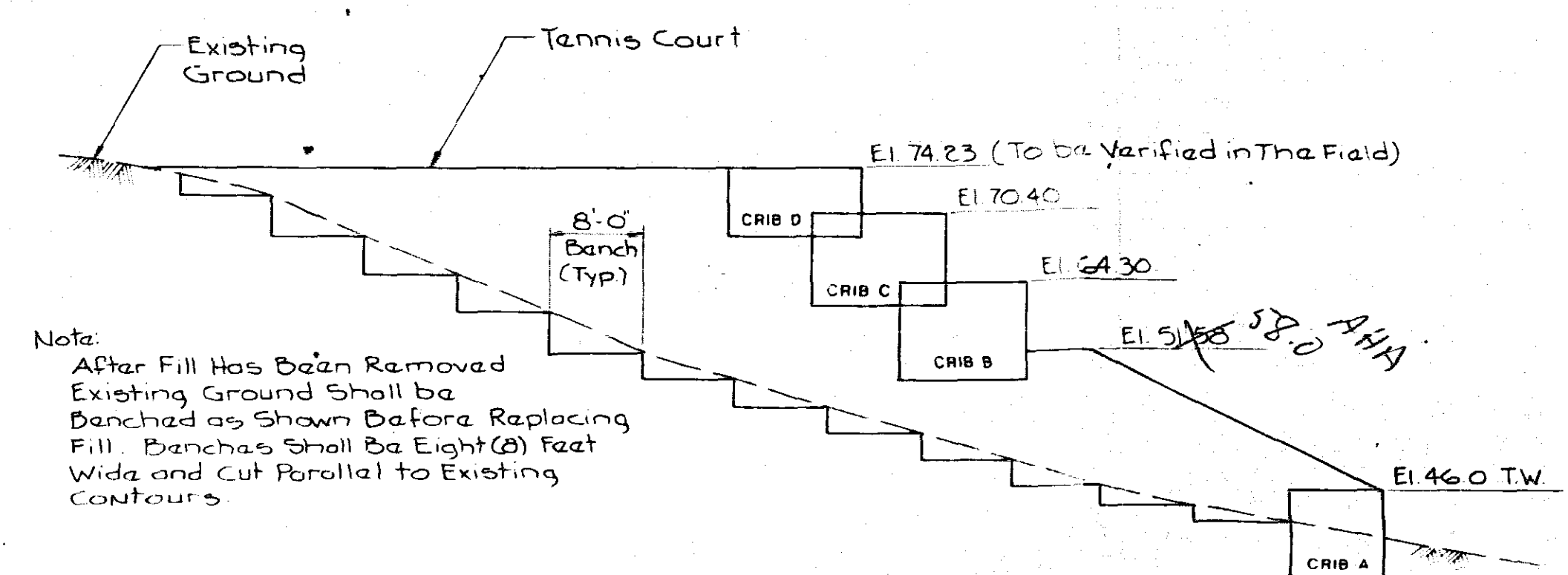
NOTE: ASSUMED HORIZONTAL AND VERTICAL DATUM
PROPERTY LINES ARE APPROXIMATE



FENCE FOR TENNIS COURT TO BE LOCATED 4' PERIMETER OF COURT ON ALL SIDES

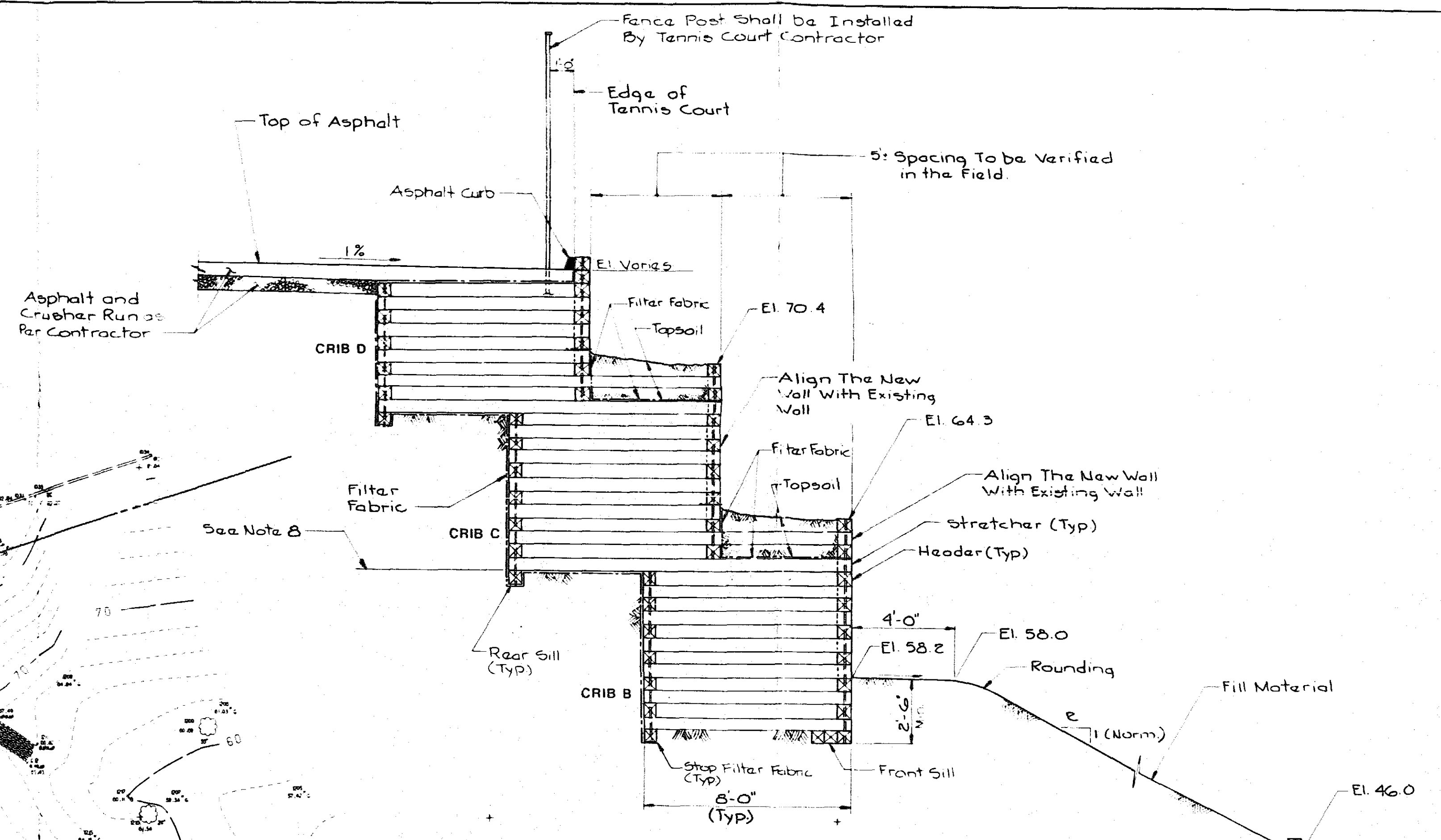
	Drawn By:	CBS	Scale:	1"=20'	Date:	2-28-91
	Checked By:	TF	Job No.:	390216.01	File No.:	
	Approved By:					

Pet. Ex. 1
PETITIONER'S EXHIBIT No. 4
ZAMANI RESIDENCE
 TENNIS COURT CONSTRUCTION
 ELECTION DISTRICT 8 SCALE 1"=20'
 TAX ACCOUNT NO. MARCH, 1991

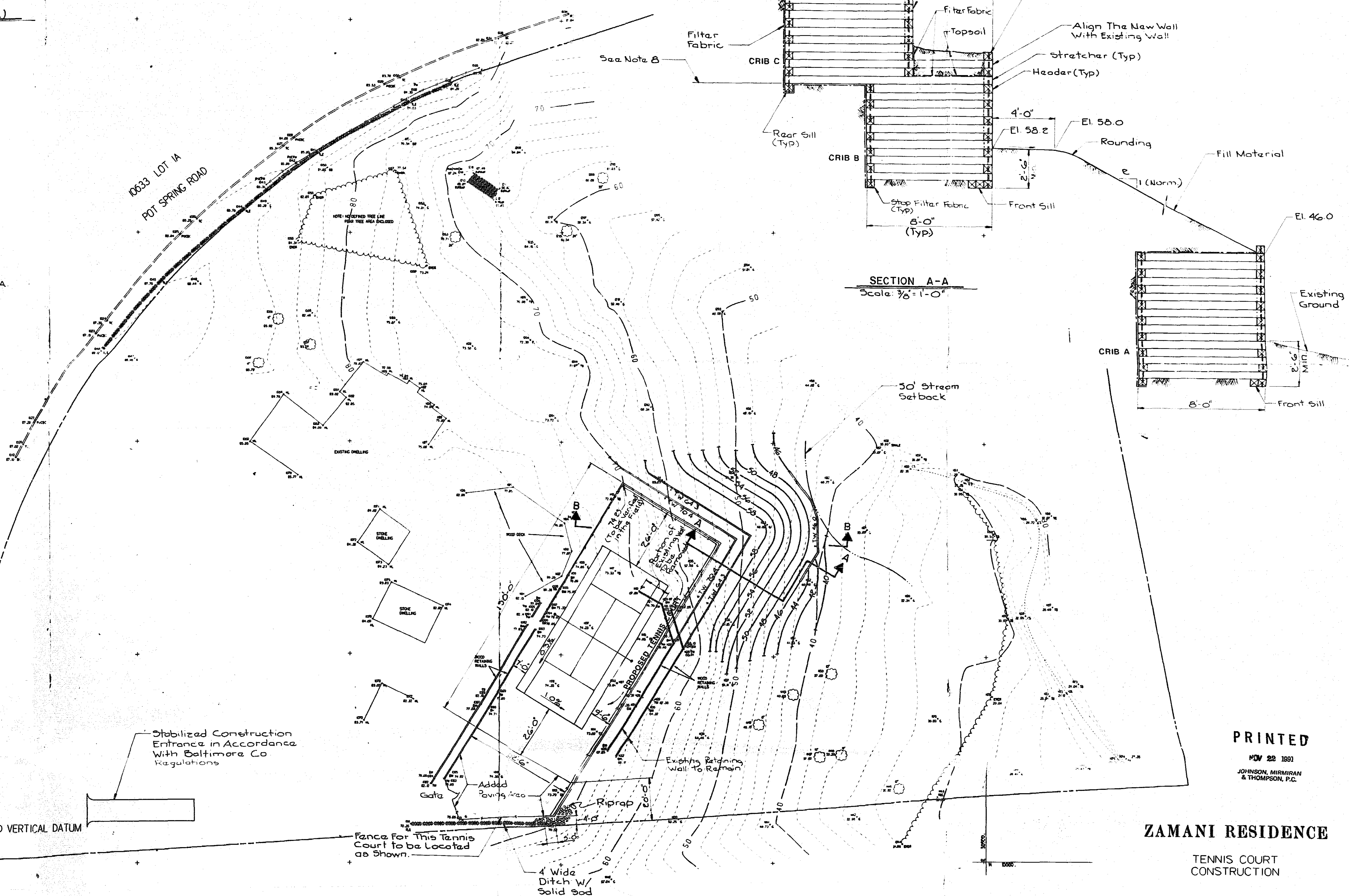


SECTION B-B (BENCHING DETAIL)
Scale: 1" = 10'-0"

- NOTES:**
1. All Crib Walls Shall be Filled With No. 57 Stone.
 2. All Timbers Shall be 6"x6" Douglas Fir Pressure Treated. All Required Cuts or Bored Holes Shall be Swabbed With 2 Coats of the Same Type Preservative Used for Treating the Timber.
 3. Drift Pins and Holes Shall be 3/4" and be of sufficient length to penetrate through 2 Members and 4" Minimum into the Third Member. Driftpins Shall be Galvanized and Installed at 2-foot Centers Maximum Spacing.
 4. All Stretchers and Headers Shall be laid Horizontal.
 5. Provide Filter Fabric between Backfill and Cribwall.
 6. The Existing Sloped Ground Shall be Bench as Shown.
 7. Backfill Shall be Placed in 9" Max lifts and Compacted to 95% of Maximum Density Per AASHTO T99A.
 8. Backfill Shall be Brought to the level and Excavation Made for Rear Sill before Filter Fabric is Placed over Fill and Upper Crib is Constructed. (Typical for Multi-Crib Construction.)
 9. Spaces Between Headers in Front Face of Each Cribwall Shall be Filled with the Same Type Treated Timber as Shown.
 10. All Disturbed and Filled Areas Shall be Seeded and Mulched.



SECTION A-A
Scale: 3/8" = 1'-0"



NOTE: ASSUMED HORIZONTAL AND VERTICAL DATUM

PRINTED
MAY 22 1991
JOHNSON, MIRMIRAN & THOMPSON, P.C.

ZAMANI RESIDENCE
TENNIS COURT
CONSTRUCTION

ELECTION DISTRICT 8 SCALE: 1" = 20'-0"
TAX ACCOUNT No. 200000 5686 NOVEMBER, 1991

JOHNSON, MIRMIRAN & THOMPSON ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS 72 LEXINGTON CIRCLE SPARKS, MD. 21152	Drawn By: V.T.P.	Scale: 1" = 20'	Date: 11/91
	Checked By: A.G.	Job No.: 390127.50	File No.:
	Approved By:		