



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 15, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Post Office Box 5517
Towson, MD 21285-5517

Dear Mr. Hoffman:

RE: 7800 Block Eastern Avenue, Eastpoint Mall – Applebee's, Zoning Case #93-423-
SPHA, 15th Election District

This letter responds to your request for a zoning confirmation that the submitted red-lined plan showing 26 parking spaces (14 of which are acceptable as additional support parking in part for a 1,000 sq. ft. restaurant area increase) may be approved as being within the spirit and intent of the zoning case and plan in case #93-423-SPHA.

By this letter, staff confirms the spirit and intent approval for the restaurant addition and the 14 parking spaces as shown on the plan. Please document this response on all future plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II, Zoning Review

JLL:rye

c: zoning case #93-423-SPHA

Enclosure

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
ON PROPERTY LOCATED AT
104 E. SUSQUEHANNA AVENUE
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-423-SPH
L. RAY RACHUBA AND
CHARLES GOLDSBORO - OWNERS

OPINION

This matter comes before the Board on appeal from an Order of the Deputy Zoning Commissioner dated October 12, 1993 granting a Petition for Special Hearing. In that Order, the Deputy Zoning Commissioner found that the property owners, L. Ray Rachuba and Charles Goldsboro, were using their garage in conformance with the Baltimore County Zoning Regulations (BCZR). The Petition for Special Hearing alleges four violations of Section 26-119 of the Baltimore County Code, and of Sections 101, 102.1, 1B01.1A, and 431 of the BCZR. The nature of the violations is as follows:

1. Storage of six motor vehicles and three motorcycles on site;
2. Whether such vehicles are "commercial";
3. Whether the use of the accessory building is serving the residential use of the principal structure; to wit, the house; and
4. Whether such storage complies with restrictions ordered by the Board of Appeals in Case No. 81-60-V, dated May 13, 1982.

The subject property, which is located at 104 E. Susquehanna Avenue in Towson, is improved with a single-family dwelling and a garage which is located to the rear of the dwelling. The property owners were represented by Timothy Ryan Street, Esquire. Both property owners testified on their own behalf. Mr. Anthony Solesky testified as President of Towson Manor Village; Mr. Casey Kelley

Case No. V93-423-SPH L. Ray Rachuba /Charles Goldsboro, Owners2 testified as a resident of the community; and Reverend Kyle Kneen testified as the spiritual advisor of Mr. Walters. From the evidence and testimony presented, the Board finds the following facts.

The garage was built in 1973. It is used to store six antique classic automobiles and three motorcycles. All of the said vehicles belong to the property owners, L. Ray Rachuba and Charles Goldsboro. All space in the garage is occupied only by vehicles owned by the property owners. No alterations have been done to the garage, with the exception of painting, since it was built. The property owners conduct no commercial activities on the site. The property owners recently constructed a 6-foot privacy fence on the property line between Appellees' property and the neighbor, Norman Walters. The subject garage is an accessory building as defined in Section 101 of the BCZR.

From the above facts, the Board concludes as follows:

1. That the storage of the six motor vehicles and three motorcycles does serve the residential use and is not for commercial purposes;
2. The Order of the Board of Appeals in Case No. 81-60-V, dated May 13, 1982, has been complied with. No commercial vehicles are housed within the garage; no contractor's equipment is housed within the garage; and no mechanical repairs are conducted in the garage; and
3. The subject building is not illegal. There was absolutely no evidence presented to the contrary; the Appellants simply did not meet their burden on this issue.

ORDER

FOR THE FOREGOING REASONS, IT IS THEREFORE this 8th day of March, 1994 by the County Board of Appeals for Baltimore County

Case No. V93-423-SPH L. Ray Rachuba /Charles Goldsboro, Owners3
ORDERED that no violation exists concerning the use of the garage on the subject property; and, therefore, the Petition for Special Hearing be and is hereby GRANTED.
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
William T. Hackett, Chairman

Jason H. Lipowitz
Jason H. Lipowitz
S. Diane Levero
S. Diane Levero



County Board of Appeals of Baltimore County

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

March 8, 1994

Mr. Anthony Solesky, President
Towson Manor Village
249 Ridge Avenue
Towson, MD 21286

RE: Case No. V93-423-SPH
L. Ray Rachuba /Charles Goldsboro - Owners

Dear Mr. Solesky:

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

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Carey Kelley
Mr. Norman Walters
Ms. Susan Gray
Mr. Sam Lesight
Timothy Ryan Street, Esquire
Mr. L. Ray Rachuba
Mr. Charles Goldsboro
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

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on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING
104 E. Susquehanna Avenue
9th Election District
4th Councilmanic District
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. V93-423-SPH
L. Ray Rachuba and
Charles Goldsboro - Owners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Zoning Administration and Development Management Office (ZADM) as to the use of a garage on the subject property, which is located at 104 East Susquehanna Avenue in Towson. Said property is improved with a single family dwelling and garage which is located to the rear of the dwelling. Pursuant to the authority found in the Baltimore County Zoning Regulations (B.C.Z.R.), the owners of the property were summoned to appear before this Deputy Zoning Commissioner for this special hearing.

The residents of this community allege that violations of the B.C.Z.R. exist on this property and have asked for a ruling on the following issues which were noted within the Petition for Special Hearing: The legality of storing of six (6) vehicles and three (3) motorcycles on site; whether such vehicles are "commercial" in nature; whether the use of the accessory building (garage) is serving the residential use of the principal structure on the property, to wit, the dwelling; and whether such storage complies with the restrictions imposed in the Order issued by the Board of Appeals in Case No. 81-60-V, dated May 13, 1982.

Appearing in response to the summons issued were L. Ray Rachuba and Charles Goldsboro, owners of the subject property. The owners were represented by Timothy Ryan Street, Esquire.

Messrs. Rachuba and Goldsboro offered testimony concerning the use of their property. Mr. Rachuba testified that he is part owner of the subject property. He testified that there have been no changes to the garage and that this building is in the same structural condition as it existed at the time of his purchase of the property. Mr. Rachuba testified that he and Mr. Goldsboro, co-owner, currently store six (6) automobiles and three (3) motorcycles inside the garage. He stated that none of the space within the garage is rented out for public storage and that all of the vehicles stored therein belong to either himself or Mr. Goldsboro. Mr. Rachuba testified that many of the vehicles are of show quality. He stated that they are expensive vehicles which must be stored in the garage so that they are not exposed to various adverse elements and inclement weather. Mr. Rachuba testified that no mechanical work is performed on the site.

Mr. Goldsboro next testified. He stated that he is co-owner of the subject property and that he resides in the dwelling thereon. He testified that he also has two room-mates who are students at Towson State University. Mr. Goldsboro testified that all of the vehicles stored in the garage are residential vehicles and that none are commercial. He testified that no mechanical work is performed on the premises and that no one pays for the storage of any vehicles at this site. He further testified that the only maintenance of the vehicles which takes place on the site is washing and waxing.

Many of the residents of the surrounding community appeared and testified in opposition to the subject garage. Mr. Carey Kelley, a resident of the area and community activist, called into question the legality of the structure itself. Mr. Kelley believes that when the former owner of the property, Mr. Warren Dykes, built the garage, he ignored the building permit which allowed for a building height of 12 feet. Mr. Kelley stated that the garage is taller than 12 feet and is therefore, illegal and does not comply with the B.C.Z.R.

Also testifying on behalf of the residents and in opposition to the garage was Rev. K. Kyle Kneen. Rev. Kneen testified that he is very much concerned about Mr. Norman Walters who resides adjacent to the subject garage. Rev. Kneen believes that the size and use of the subject garage has adversely affected Mr. Walter's quality of life. He also testified that in his opinion, the subject structure is totally inappropriate for this residential neighborhood.

Mr. Samuel Lesight also appeared and testified concerning the subject garage. His testimony revealed that at some time in the past, the previous owner, Mr. Dykes, backfilled around the foundation of the garage so that it would meet the height requirements of the B.C.Z.R. Mr. Lesight stated that the previous owner should not have been permitted to rectify a height problem by building up the ground around the structure itself.

Much of the testimony offered by the individuals opposed to the garage was directed to the building itself. There is no question, and the evidence demonstrates, that this is a rather large garage to be located on a residential property. However, as was noted at the hearing, the Petition as filed does not ask for a ruling as to the legality of the structure itself, rather, it cites four specific areas of concern as to the use

of the structure. I advised the community that any objection to the structure itself should be reserved for another hearing on another day. As to the four specific areas on which I have been asked to rule, I will respond to each in the order in which they were presented within the Petition for Special Hearing.

First, the legality of storing six vehicles and three motorcycles on the subject property has been questioned. Testimony at the hearing revealed that all of the vehicles stored within the garage are the personal property of Messrs. Rachuba and Goldsboro. Testimony demonstrated that they are show vehicles, and, given their value, should be stored within an enclosed structure and not left out in the elements. Further, all of the vehicles are capable of being stored within the garage. Finally, there are no vehicles stored on the site which are not the personal property of the owners. Therefore, I find that the storage of the six automobiles and three motorcycles within the garage on the premises should be permitted.

The next issue to be considered is whether or not these vehicles are commercial in nature. All of the testimony presented demonstrated that these vehicles are not commercial but are expensive, show quality vehicles which are the personal property of the owners and because of their classic nature, must be stored within the subject garage.

I must next consider whether the use of the subject garage serves the residential use of the principal structure, which is the dwelling. I find it to be perfectly acceptable for the individuals who own a residence to be able to store their personal, private, non-commercial vehicles on the premises. I therefore find that the garage in question is serving the residential use of the dwelling on the property.

ORDER RECEIVED FOR FILING
Date 1/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/13/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/13/94
By [Signature]

Finally, I must consider whether the storage of these vehicles complies with the restrictions imposed in the Order issued by the Board of Appeals in Case No. 81-60-V, dated May 13, 1982, a copy of which has been attached hereto and marked as Exhibit A. A review of that opinion reveals that there were no restrictions imposed upon this property. I question why the Petition for Special Hearing was worded in that fashion. However, I will review the contents of that Order and opine whether the testimony and evidence offered at the hearing before me is consistent with the dictates of that Order.

After careful review of the Order issued by the Board of Appeals in Case No. 81-60-V, I find that the current use of the garage complies with the terms and conditions of said Order. Furthermore, it is important to note that in their findings, specifically Item No. 5 on Page 2 thereof, the Board found that... "the building does not physically resemble a normal residential garage but is more like a warehouse. The building is 38 feet wide with a 12-foot wide door on one end. The roof has a parapet all the way around. The building just barely meets the height requirements of Section 400.3 of the B.C.Z.R." Many of the residents raised issue with the height of the building. They believe that the height of the building exceeds the height requirements promulgated by the B.C.Z.R. Although I have not been asked to rule on whether the building satisfies the height requirements of the B.C.Z.R., it is to be noted that a determination has already been made by the Board of Appeals, pursuant to their findings on that issue in Case No. 81-60-V and found in Item No. 5 on Page 2 of that Order.

It was clear from the testimony and evidence presented by the residents of the surrounding community that the subject garage is not the

most aesthetically pleasing structure in this neighborhood. Testimony also revealed that the use of this garage has always been questionable and has been the subject of several zoning hearings over the past two decades. However, I have carefully reviewed the testimony and evidence offered at the hearing in this case and find that the property owners are using their garage in conformance with the B.C.Z.R.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1993, that no violation exists concerning the use of the garage on the subject property, and as such, the Petition for Special Hearing be and is hereby GRANTED.

TMK:bjs

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

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
October 12, 1993
(410) 887-4386

Timothy Ryan Street, Esquire
21 S. Main Street
Bel Air, Maryland 21014
RE: PETITION FOR SPECIAL HEARING
104 E. Susquehanna Avenue
9th Election District - 4th Councilmanic District
L. Ray Rachuba and Charles Goldsboro - Owners
Case No. V93-423-SPH

Dear Mr. Street:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Carey Kelley
224 Willow Avenue, Towson, Md. 21286

Ms. Susan Gray
334 Ridge Avenue, Towson, Md. 21286

Mr. Anthony Solesky, President
Towson Manor Village, 249 Ridge Avenue, Towson, Md. 21286

Mr. Sam Lesight
212 Wilden Drive, Towson, Md. 21286

Mr. Joe Quingert
108 Linden Terrace, Towson, Md. 21286

People's Counsel: *File*

Petition for Special Hearing

Case #: V-93-423-SPH
to the Zoning Commissioner of Baltimore County
for the property located at 104 E. SUSQUEHANNA AVENUE
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management, Baltimore County, having petitioners for a Special Hearing under Sections 26.3 and 26.12(a) of the County Code and Section 500.6 of the Zoning Regulations of Baltimore County, for the Zoning Commissioner to conduct a hearing involving a violation or alleged violation or non-compliance with any zoning regulations or order issued by the Zoning Commissioner, Board of Appeals or Court, or for the proper interpretation thereof, more specifically:

Section number(s): 26-119 Baltimore County Code

101 "Accessory Building", "Accessory Structure", "Commercial Vehicle", "Garage, Residential", "Principal Use"; 102.1; 180.1A; and 431 Baltimore County Zoning Regulations

Nature of Violation(s):

1. Storage of six vehicles and three motorcycles in storage on site.
2. Whether such vehicles are "commercial."
3. Whether the use of the accessory building is serving the residential use of the principal structure, to wit: the house.
4. Whether such storage complies with restrictions ordered by the Board of Appeals in Case No. 81-60-V, dated May 13, 1992.

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information and belief.

Date: *October 14, 1993*

Charles Goldsboro
Office of Zoning Administration Representative

SUMMONS

L. RAY RACHUBA
ISSUED TO: C/O The Rachuba Group
Suite 310
ADDRESS: 2300 West Joppa Road
Lutherville, MD 21093
Charles Goldsboro
104 E. Susquehanna Avenue
Towson, MD 21204

To appear and testify in the matter of an alleged zoning violation or for the purpose of a proper interpretation of the zoning regulations or order of the Zoning Commissioner, Board of Appeals or Court.

Hearing Date: Friday, 7/2/93 Time: 10:00 a.m./p.m. Location: Rm. 106, County Office Bldg.

Please be advised that your failure to appear at the date, time and location stated above could result in your attachment.

ORDER RECEIVED FOR FILING
Date: *10/2/93*
By: *[Signature]*

ORDER RECEIVED FOR FILING
Date: *10/2/93*
By: *[Signature]*

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 29, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 7/2/93
CASE NUMBER: V-93-423-SPH (C/92/1396)
104 E. Susquehanna Avenue
9th Election District - 4th Councilmanic
Property Owner(s): L. Ray Rachuba

Special Hearing to determine if storage of 6 vehicles and 3 motorcycles in garage on site complies with restrictions ordered by the Board of Appeals in case No. 81-60-V, dated 5/13/82; whether the vehicles are "commercial"; whether the use of the accessory building is serving the residential use of the principal structure, to wit: the house; and whether there is otherwise compliance with the Baltimore County Zoning Regulations.

HEARING: THURSDAY, JULY 29, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Timothy Ryan Street, Esq.
L. Ray Rachuba
Charles Goldsboro
Joseph Quingert/Towson Manor Improvement Association
Norman Walters

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

*JULY 29, 1993 - FAX
**JULY 29, 1993 - FIRST CLASS MAIL

NOTICE OF POSTPONEMENT CONFIRMATION

CASE NUMBER: V-93-423-SPH
LEGAL OWNER: L. Ray Rachuba
LOCATION: 104 E. Susquehanna Avenue

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JULY 29, 1993, HAS BEEN POSTPONED AT THE REQUEST OF TOWSON MANOR IMPROVEMENT ASSOCIATION. ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: *Tony Solesky/Towson Manor Improvement Association
**Timothy Ryan Street, Esq.

AJ:ggg

Post-It brand fax transmittal memo 7871	
To: Tony Solesky	From: ZADM
On: Towson Manor Imp	Co:
Dept:	Phone: 887-3391
Fax: 337-2830	Fax:

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 3, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 7/2/93 and 7/29/93
CASE NUMBER: V-93-423-SPH (C/92/1396)
104 E. Susquehanna Avenue
9th Election District - 4th Councilmanic
Property Owner(s): L. Ray Rachuba

Special Hearing to determine if storage of 6 vehicles and 3 motorcycles in garage on site complies with restrictions ordered by the Board of Appeals in case No. 81-60-V, dated 5/13/82; whether the vehicles are "commercial"; whether the use of the accessory building is serving the residential use of the principal structure, to wit: the house; and whether there is otherwise compliance with the Baltimore County Zoning Regulations.

HEARING: TUESDAY, SEPTEMBER 7, 1993 at 2:00 p.m. in Rm. 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Timothy Ryan Street, Esq.
Tony Solesky
Susan Gray
Sam Lesight
Carey Kelley
Joe Quingert

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 10, 1993

Mr. Joseph Quingert, Vice President
Towson Manor Improvement Association
108 Linden Avenue
Baltimore, Maryland 21204

Re: Case No. V-93-423-SPH
104 East Susquehanna Avenue
9th Election District

Dear Mr. Quingert:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
ARNOLD JABLON
DIRECTOR

AJ/cmm
Enclosure

cc: Douglas B. Riley, Councilman, 4th District

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 8, 1993

Timothy Ryan Street, Esquire
21 S. Main Street
Bel Air, MD 21014

RE: Petition for Special Hearing
104 E. Susquehanna Avenue
9th Election District
4th Councilmanic District
L. Ray Rachuba and Charles
Goldsboro-Owners
Case No. V93-423-SPH

Dear Mr. Street:

Please be advised that an appeal of the above-referenced case was filed in this office on November 5, 1993 by Anthony Solesky, President, Towson Manor Village. 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 Miniarski at 887-3391.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

cc: Mr. Carey Kelley
Ms. Susan Gray
Mr. Sam Lesight
Mr. Joe Quingert
People's Counsel

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APPEAL

Petition for Special Hearing
104 E. Susquehanna Avenue
9th Election District - 4th Councilmanic District
L. Ray Rachuba and Charles Goldsboro-Owners
Case No. V93-423-SPH

Petition(s) for Special Hearing

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

Petitioner's Exhibits: 1 - Two Photographs

Protestant's Exhibits: 1 - Chronological list of previous zoning hearings and copies of the findings

Deputy Zoning Commissioner's Order dated October 12, 1993 (Granted)

Notice of Appeal received on November 5, 1993 from Mr. Anthony Solesky, President, Towson Manor Village

c: Mr. Anthony Solesky, President, Towson Manor Village, 249 Ridge Avenue, Towson, MD 21286

Mr. Carey Kelley, 224 Willow Avenue, Towson, MD 21286

Ms. Susan Gray, 334 Ridge Avenue, Towson, MD 21286

Mr. Sam Lesight, 212 Wilden Drive, Towson, MD 21286

Mr. Joe Quingert, 108 Linden Terrace, Towson, MD 21286

Timothy Ryan Street, Esquire, 21 S. Main Street,
Bel Air, MD 21014

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
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
James Thompson, Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 30, 1993

Mr. Anthony Solesky
President
Towson Manor Village
249 Ridge Avenue
Towson, MD 21286

RE: Case No. V-93-423-SPH
104 East Susquehanna Avenue
9th Election District

Dear Mr. Solesky:

I am in receipt of your letter dated November 2, 1993. Please be advised that your request to appeal the decision in the above-referenced matter has been forwarded to the County Board of Appeals (Board) for scheduling.

As to the legality of the structure itself, I suggest you raise this issue with the Board at the time of the hearing. The appeal would include your disagreement with Deputy Zoning Commissioner Kotroco's comment that, if I might paraphrase, because the Petition for Special Hearing specifically did not address the issue of the building itself, any objection to it must await for another hearing on another date.

Petitions filed with the zoning commissioner are not the zoning equivalent of indictments, i.e., treated with particularity for language and sentence structure. Their purpose is to provide general notice of concerns about specific properties. They are to be interpreted liberally, with the idea to hear all issues and to avoid multiplication of hearings and innumerable delays in resolving concerns. In other words, in my opinion, Deputy Zoning Commissioner Kotroco should have just gotten to the point and made a ruling.

I am suggesting, therefore, that these issues be raised on appeal. If the Board agrees and renders a decision, another hearing before the zoning commissioner would be unnecessary. The hearing before the Board is de novo, which means the entire case is heard all over again as if the hearing before the deputy zoning commissioner had not occurred.

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on Recycled Paper



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

DOUGLAS B. RILEY
COUNCILMAN, FOURTH DISTRICT

COUNCIL OFFICE 887-3388
887-3186

MEMORANDUM

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Douglas B. Riley
Councilman, Fourth District

DATE: November 24, 1993

SUBJ: 104 East Susquehanna Avenue

I received a copy of the letter from Anthony Solesky, President of Towson Manor Village Association, requesting another special hearing for the property at 104 East Susquehanna Avenue. Will you please send me a copy of your response to Mr. Solesky.

Thank you.

DBR:akd

cc: Mr. Anthony Solesky

JABLON.3/TXTAND

RECEIVED
NOV 26 1993
ZADM

12/15/93 - Following parties notified of hearing set for Wednesday,
February 16, 1994 at 10:00 a.m.:

Mr. Anthony Solesky, President
Towson Manor Village
Mr. Carey Kelley
Mr. Norman Walters
Ms. Susan Gray
Mr. Sam Lesight
Mr. Joe Quingert
Timothy Ryan Street, Esquire
Mr. L. Ray Rachuba
Mr. Charles Goldsboro
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

ASSIGNMENT OFFICE
CIRCUIT COURT FOR HARFORD COUNTY
COURT HOUSE
20 WEST COURTLAND STREET
BEL AIR, MARYLAND 21014
TELEPHONE: 638-3247 OR 3426
BALTIMORE-879-0012

TO: Timothy R. Streett, Esquire
21 South Main Street
Bel Air, Maryland 21014

DATE: May 11, 1993

RE: CR 93C0244

IN RE: STATE OF MARYLAND

VS.

HOWARD D. ESKEW

Take notice that the above case has been scheduled for trial on
JULY 2, 1993 at 9:30 A.M.

NOTICE TO COUNSEL:

1. Check immediately for availability of clients, witnesses, etc.
2. IF YOUR CLIENT IS INCARCERATED, IMMEDIATELY NOTIFY THE OFFICE OF THE STATE'S ATTORNEY, 20 W. COURTLAND STREET, BEL AIR, MD. 21014 (PHONE 638-3500), OF YOUR CLIENT'S WHEREABOUTS SO THEY MAY PETITION FOR A WRIT OF HABEAS CORPUS AD PROSEQUEM.
3. Advise the Assignment Office 10 DAYS PRIOR TO TRIAL DATE of our estimate of trial time.

LOU ANN BANE
ASSIGNMENT CLERK
JANE DEHAVEN
ASSISTANT ASSIGNMENT CLERK

NOTICE
to the Director of Zoning Administration & Development Management

Special Hearing # V-93-423-SPH

Date 6/11/93

I hereby acknowledge receipt of the attached Petition for Special Hearing

Date 6/11/93 Signature *[Signature]*

Address 276 W. WYOMING RD. ST. 300

Bel Air, MD 21027

Phone # 410 927-1900

RETURN TO:

Director of Zoning Administration and Development Management
111 West Chesapeake Avenue, Suite 100
Towson, Maryland 21204

RECEIVED
JUN 18 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: May 25, 1994

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. V93-423-SPH
L. RAY RACHUBA AND CHARLES GOLDSBORO
District 9C4

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

Attachment

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

November 8, 1993

As per Arnold Jablon no fees will be charged.



County Board of Appeals of Baltimore County

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

December 15, 1993

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

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. V93-423-SPH

L. RAY RACHUBA AND CHARLES GOLDSBORO - Owners
104 E. Susquehanna Avenue
9th Election District
4th Councilmanic District

SPH - Use of garage on subject property /storage of six vehicles and three motorcycles; and compliance with prior Order of CBoA /Case No. 81-60-V, dated 5/13/82.

10/12/93 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; no violation exists concerning garage on subject property.

ASSIGNED FOR: WEDNESDAY, FEBRUARY 16, 1994 at 10:00 a.m.

cc: Mr. Anthony Solesky, President
Towson Manor Village

Appellants /Protestants

Mr. Carey Kelley
Mr. Norman Walters
Ms. Susan Gray
Mr. San Lesight
Mr. Joe Quingert

Timothy Ryan Street, Esquire
Mr. L. Ray Rachuba
Mr. Charles Goldsboro

Counsel for Property Owners
Property Owner

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County

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

May 25, 1994

Anthony Solesky, President
Towson Manor Village
249 Ridge Avenue
Towson, MD 21286

RE: Case No. V93-423-SPH
L. RAY RACHUBA and CHARLES GOLDSBORO

Dear Mr. Solesky:

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 the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: L. Ray Rachuba
Charles Goldsboro
Norman Walters
People's Counsel for Baltimore County

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TIMOTHY RYAN STREETT

ATTORNEY AT LAW
21 S. Main Street
Bel Air, Maryland 21014
(410) 838-0767

June 22, 1993

Mr. Arnold Jablon
Baltimore County Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: L. Ray Rachuba
Charles Goldsborough
104 East Susquehanna Avenue
Towson, Maryland 21204
Hearing Date: 7/2/93

Dear Mr. Jablon:

My clients, L. Ray Rachuba and Charles Goldsborough have asked me to appear on their behalf at the above hearing scheduled for July 2, 1993 at 10:00 a.m. I would request that this matter be postponed due to a conflict in my schedule. I am scheduled before the Circuit Court for Harford County on the same date and time. Please refer to the trial notice attached.

I look forward to re-scheduling this matter with your office at a mutually convenient time.

Thanking you in advance for your anticipated cooperation, I remain

Very truly yours,

Timothy R. Streett

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JUN 23 1993
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TIMOTHY RYAN STREETT

ATTORNEY AT LAW
21 S. Main Street
Bel Air, Maryland 21014
(410) 838-0767

July 22, 1993

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Ms. Gwen Stevens

V-93-423-SPH
Re: Case No. C-92-1396
104 East Susquehanna Avenue
9th Election District
Storage of Vehicles

Dear Ms. Stevens:

This letter will confirm our conversation of this date wherein I agreed to the postponement requested by Towson Manor Improvement Association. I will be available in the afternoon during the first week in September and probably the second week with the exception of Labor Day Weekend (no Friday afternoons please).

I assume that the Tuesday hearing has been rescheduled.

With kindest regards, I remain

Very truly yours,

Timothy R. Streett

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TOWSON MANOR VILLAGE

"A FRIENDLY PLACE TO LIVE"

July 15, 1993

Arnold Jablon
Director of Zoning Administration and Development
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. V-93-423-SPH

Dear Mr. Jablon:

We are writing to request that the zoning hearing for 104 E. Susquehanna Avenue (Case No. V-93-423-SPH) scheduled for July 29 at 2 p.m. in Rm. 106 of the County Office Building be postponed until September. Further, we would like the hearing to be scheduled in the evening so that more of our community members can attend. At the very least, we ask that the hearing be set for as late in the afternoon as is possible.

Our reasons for requesting this postponement are: 1) the hearing set for July 29 on this property was postponed (by the other side) at the 11th hour, which meant that many of our concerned residents were not notified of the change and thus made the trip to the County Office Building for nothing; and 2) we would like to have ample time to communicate the importance of this hearing to as many of our community members as possible (i.e., through a community-wide meeting).

Also, as we remain concerned about the legality of the structure itself, and not just its possible commercial use, we would like the scope of the hearing to include that critically important issue as well.

We will await your response to our request.

Sincerely yours,

Anthony Solesky, President
Anthony Solesky, President
249 Ridge Avenue
Towson, MD 21286
(410) 832-5887

cc: Councilman Douglas Riley

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TOWSON MANOR VILLAGE

"A FRIENDLY PLACE TO LIVE"

September 9, 1993

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

Re: Case No. V-93-423-SPH

Dear Mr. Kotroco:

We are writing in regard to the hearing held on September 7 dealing with 104 E. Susquehanna Avenue (Case No. V-93-423-SPH). We would like you to respond in writing to issues raised during the hearing and in this letter--preferably before you render your decision in this case.

As stated in the hearing, we remain most concerned about the legality of the structure itself. We believe that the evidence presented by Carey Kelley confirms that the building is in fact illegal, and as such should be torn down. At the very least, the building should be brought into compliance with the initial permit (e.g., it should be only 12 feet high). If, however, you deem that the building is legal, we ask that you present us with concrete proof. We want to see documentation of precisely why the County has permitted it to stand for all these years.

As to the hardship that may be incurred by the current owners should you confirm our belief that the building is illegal and must be razed, surely their title insurance will compensate them for the inconvenience of rebuilding the garage. It is unlikely that our community will ever be appropriately compensated for the time and effort that we have spent in fighting this case.

Further, we ask that you consider that for years our community has had to endure this structure and its various uses. The Reverend Kyle Kneen testified most eloquently as to the profound negative impact that the building and its uses (by a series of owners) have had on Mr. Norman Walters's quality of life over the past 16 years.

Rev. Kneen also aptly characterized this case as a watershed case for our community and other communities throughout the County. We believe that County officials have not dealt with the issues of this case in a timely and forthright manner. Thus, many members of our community now harbor serious doubts regarding the effectiveness of the zoning enforcement process.

Having said all this, we understand that you may feel that you cannot address the legality of the structure itself because it was omitted from the document filed by Arnold Jablon. We respectfully request that you delay your ruling on the usage until

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ZONING COMMISSIONER

TOWSON MANOR VILLAGE

"A FRIENDLY PLACE TO LIVE"

November 2, 1993

Arnold Jablon
Director of the Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. V-93-423-SPH

Dear Mr. Jablon:

We are writing to request that an appeal be filed in regard to the recent decision rendered by Deputy Zoning Commissioner Timothy Kotroco concerning the garage located at 104 E. Susquehanna Avenue (Case No. V-93-423-SPH).

Also, as we remain concerned about the legality of the structure itself, and not just its use (which was the subject of the September 7 hearing), we ask that you file a petition to address this critical issue.

We will await your written response to our requests.

Sincerely yours,

Anthony Solesky, President
Anthony Solesky, President
249 Ridge Avenue
Towson, MD 21286
32-5887

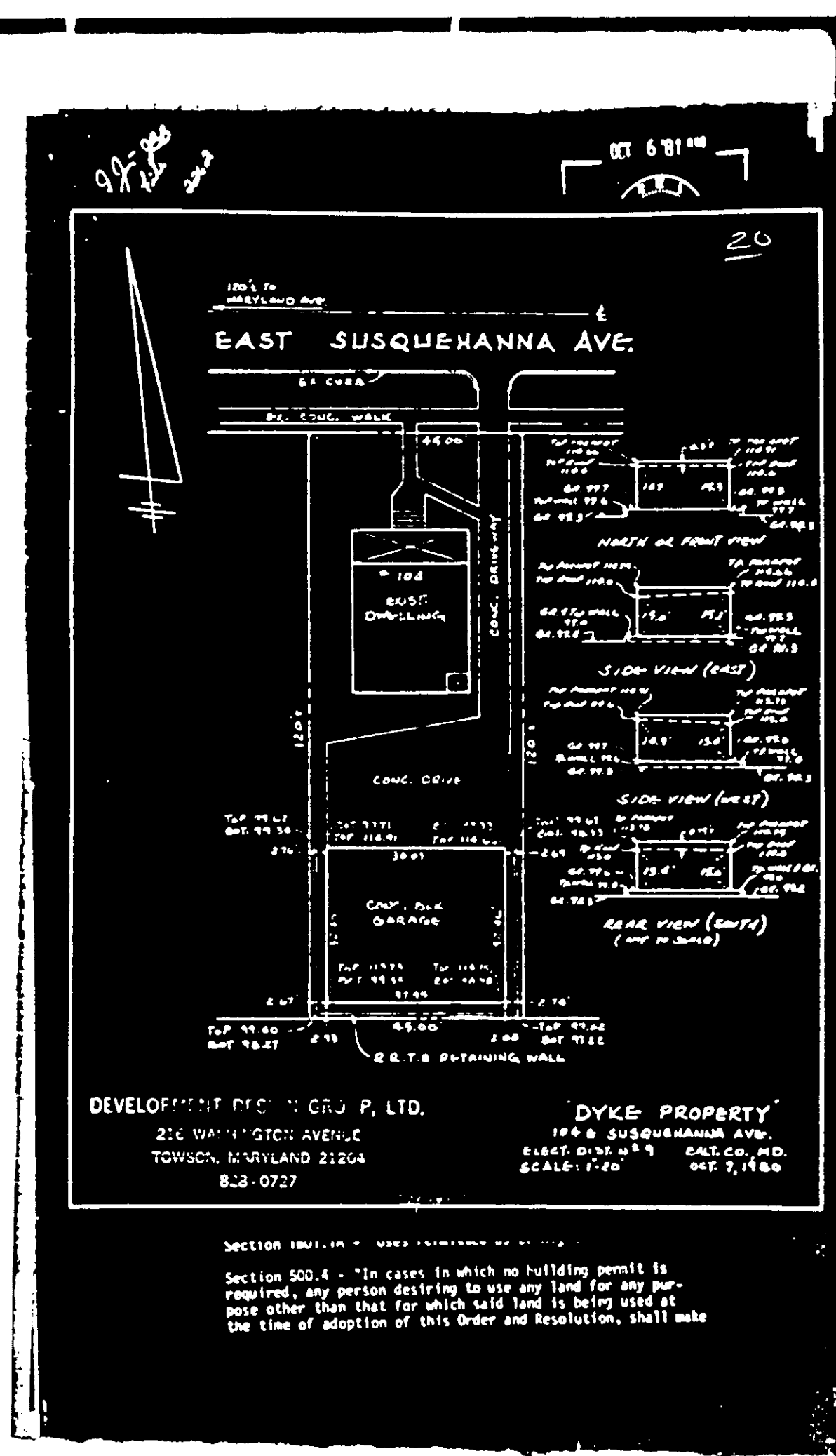
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Clar
check with Cwen when
NEW OPEN DATES exist for this
hearing.
then, recheck with attorney to
MAKE SURE NO CONFLICTS
Let R. J. A.
complaints, know
CASE HAS BEEN
FORWARDED
Samuel Dought
296 - 311
VI - Heavy (no upstg)

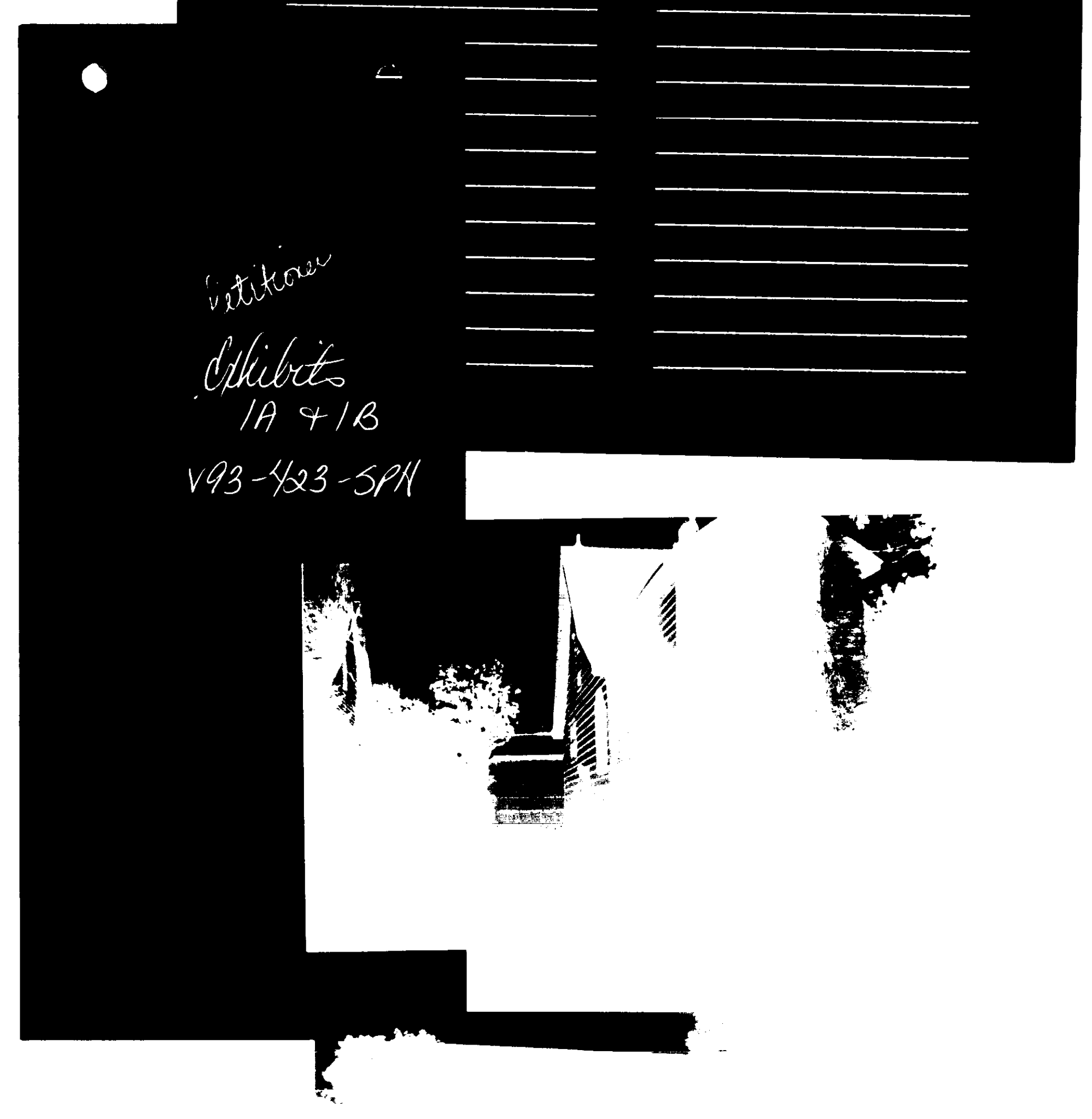
18 Susquehanna
Tony Slesky
249 Ridge Ave 21286
FAX
337-2830
Susan Gray
334 Ridge Ave 21286
Sam Dought
212 Wilton Ave 21286
George Dought
224 Wilton Ave 21286
Joe Quingert
108 Tiram, Towson 21204

PROTESTANT(S) SIGN-IN SHEET
NAME ADDRESS
215 Wm. St
H. L. A. 21014
830 W. J. A. St
L. H. A. 21097
104 E. SUSQUEHANNA
TOWSON MD 21204
PROTESTANT(S) SIGN-IN SHEET
NAME ADDRESS
Jack K. Howard 250 E. Susquehanna Ave. 21286
Catherine Howard 212 E. Susquehanna Ave. 21286
Michael Howard 212 E. Susquehanna Ave. 21286
Margaret Howard 104 E. Susquehanna Ave. 21286
Margaret Walters 104 E. Susquehanna Ave. 21286
Paul J. Howard 943 Washington St. 21234
J. S. Howard 108 Tiram Ave. 21204
Robert A. Howard 212 E. Ridge Ave. 21286
Cathy Kelley 224 Wilton Ave. 21286
Samuel Dought 212 Wilton Ave. 21286
Cathy Kelley 212 Wilton Ave. 21286
Susan Gray 334 Ridge Ave. 21286

EXHIBIT A
IN THE MATTER OF
THE BOARD OF APPEALS
FOR ALLEGED VIOLATION
OF THE ZONING ORDINANCE
OF BALTIMORE COUNTY
No. 81-60-V
(C-41-13)
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
OPINION
This case comes before the Board on an appeal from a decision of the
Deputy Zoning Commissioner, dated December 27, 1981, ordering that the subject structure
is a residential garage, and that the Order in Case #81-60-V, dated September 25, 1980,
be enforced. In this context, the only matter before the Board is to decide whether the
structure in question is a residential garage or an accessory building, and this was the only
testimony taken.
The Board, however, feels it is incumbent upon it to briefly review the case
in this Opinion to put the issues in their proper perspective. The original complaint
concerned the storage of contractor's equipment in a residential zone and the Order of the
Deputy Zoning Commissioner, dated September 25, 1980, found a violation as charged to exist.
On appeal to this Board the Defendant admitted to the storage of equipment and
requested sixty days in which to sell the property. By Order of January 29, 1981, the
Board granted this request and on March 26, 1981, granted an extension of thirty additional
days to comply with this Order. This Order was appealed to the Circuit Court, and as
the case was set for trial on whether the building in question was a residential garage
or an accessory building. The case was remanded to the Deputy Zoning Commissioner to
take testimony on this point and on Order, dated December 22, 1981, from the Deputy
Zoning Commissioner found it to be a residential garage. It is from this Order that the
appeal to the Board is taken.
The testimony and evidence before the Board produced the following:
1. Permit Application #1653 requires a building permit for
a garage, but not for a residential garage. The Board requires
a permit for a residential garage for an accessory building.
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MAY 1981
ZONING



APPELLEE'S #7
PHOTOGRAPH
CASE # V93-423-SPH



PROTESTANTS
EXHIBIT NO. 1
Case # 80 - 209 - V
Warren Scott Dyke
104 East Susquehanna Avenue
Towson Maryland 21204
Mr. Dyke bought the property at 104 East Susquehanna Avenue in 1973. He
began building the structure in April, 1979. He applied for a building permit to replace as
existing one-car residential garage. He proceeded to construct a commercial-
type structure. Permit was issued for a 12 foot high building.... he built
at 16.5 feet.
After completion of said structure he then had installed a Three Phase, 200 Ampere
120/208 Volt electric service into said structure in April, 1979. Pole carry-
ing the transformer was placed in Mr. Dyke's front yard. Electric permit
#5806 .. Allen G. Kemp, Wilgate Road the electrician. Final inspection by
Mr. Joiner, Inspector on 4 - 25 - 79. Mr. D. filed request for variance.
April 14, 1980 ---- Executive Board of Towson Manor Improvement Association held
meeting to discuss the problem and decision was made to voice objection.
April 17, 1980 ---- Letter read before Ms. Jean Jung at Hearing stating our
objections. Present were Mr. Dyke, his Attorney, Mr. J. Hornstein,
Mr. Norman Walters, Mr. August Herring and Mrs. Jerry Howard.
April 23, 1980 ---- Follow-up letter to Mr. Hammond citing further actions
Mr. Dyke was taking before verdict was rendered..... the building had
been stuccoed and sprayed painted.
May 26, 1980 ---- Petition for variance was denied.
July 10, 1980 ---- Case # 560021-Hearing in District Court. Judge William
Baldwin - 9:40 A. M. Mr. Dyke did not appear in his own defense.
Judge issued bench warrant. Nothing more was ever heard of this hearing.
August 7, 1980 ---- Hearing scheduled for August 28, 1980. Hearing postponed.
Hearing rescheduled for September 15, 1980 at 10:30 A. M.
Hearing rescheduled back to September 6, 1980 at 1:30 P.M.
September 8, 1980 ---- Case # 81 - 60 - V. Present: Mr. Dyke, Mr. J. Hornstein,
Mr. Norman Walters, Mr. August Herring, Mrs. Jerry Howard, Mr. James
Thompson, Zoning Inspector. Mrs. Walters and Mrs. Howard testified.
September 25, 1980 ---- Ms. Jean Jung rendered her decision -- giving Mr. Dyke
30 days to remove all contractor's equipment from property. Allowing him
to store the one dump truck in the garage.
October 21, 1980 ---- Mr. Dyke filed an appeal of Ms. Jung's decision.
October 28, 1980 ---- Court Hearing held no notice to anyone. Mr. Dyke
granted variance. To date we have not been notified of this decision.
January 15, 1981 ---- Case # 81 - 60 - V. Hearing before Baltimore County
Board of Appeals at 11:00 A. M. Mr. Dyke ADDED that he was in violation
by storing contractor's equipment on the property, etc.. He was given
60 days to comply with Ms. Jung's previous decision.