



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 18, 1999

Mr. & Mrs. Alfonso Galvez
2917 Montebello Terrace
Baltimore, Maryland 21214

RE: PETITION FOR VARIANCE
E/S Manor Road, 30' S of the c/l Morgan Mill Road
(11823 Manor road)
11th Election District – 6th Councilmanic District
Holly Lee Deen, et al – Petitioners
Case No. 94-199-A

Dear Mr. & Mrs. Galvez:

This letter is to follow up on my meeting with Mrs. Galvez yesterday, during which she presented me with the requisite architectural drawings for the proposed dwelling you wish to construct on the above-captioned property. Pursuant to Restriction No. 2 of the Order issued in Case No. 94-199-A, architectural drawings were to be submitted to the Zoning Commissioner for review and approval to insure that the proposed dwelling on this property is compatible with existing houses in the surrounding neighborhood.

Please be advised that I have reviewed the drawings with Mr. Jeffrey Long, Chief of the Development Review Division of the Office of Planning, and he concurs with me that the proposed dwelling will be compatible with existing homes in the surrounding community. A copy of this letter along with a set of the architectural drawings are being forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

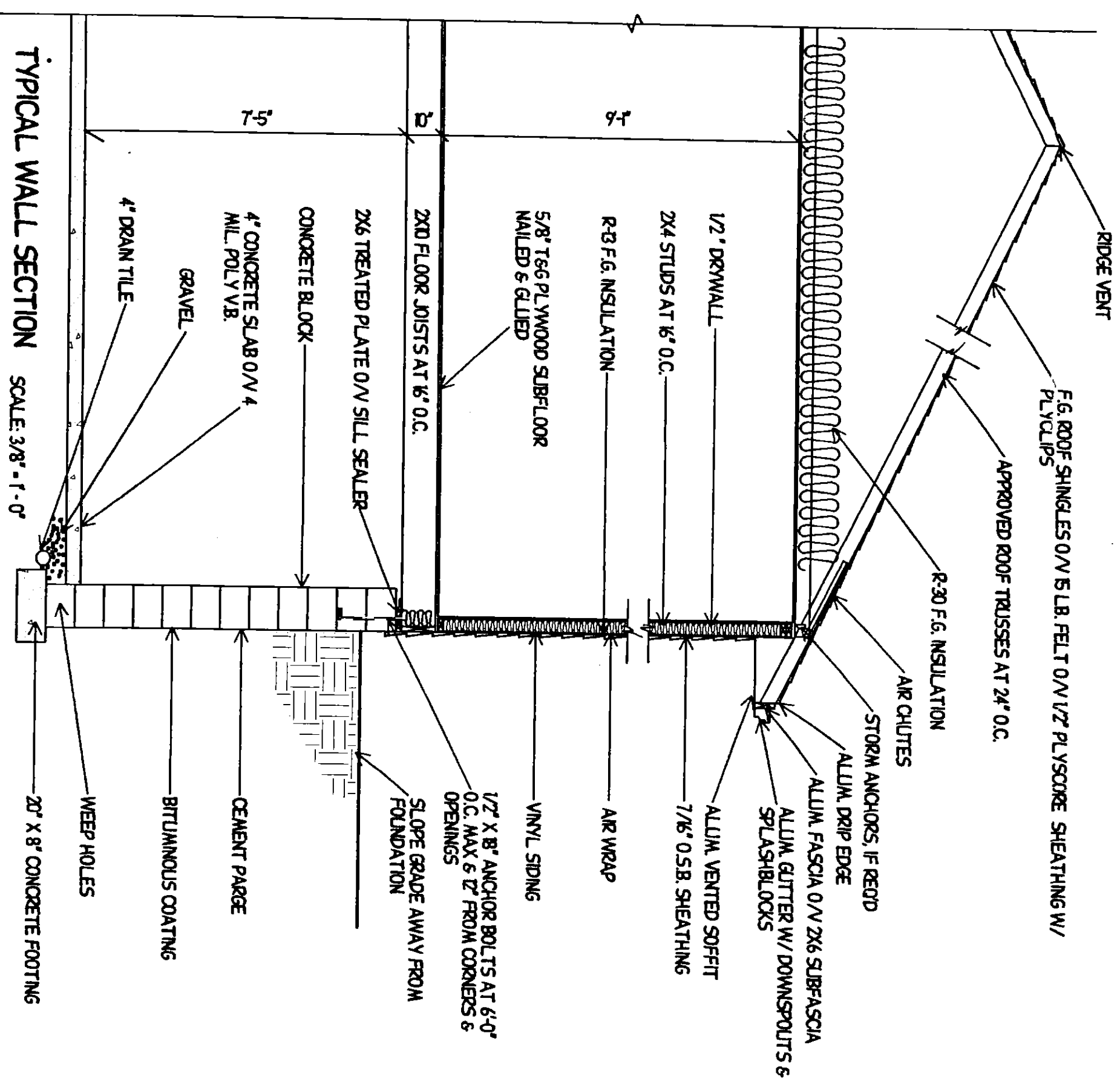
Should you have any further questions on the subject, please do not hesitate to contact me at 887-4386, or Mr. Long, at 887-3980.

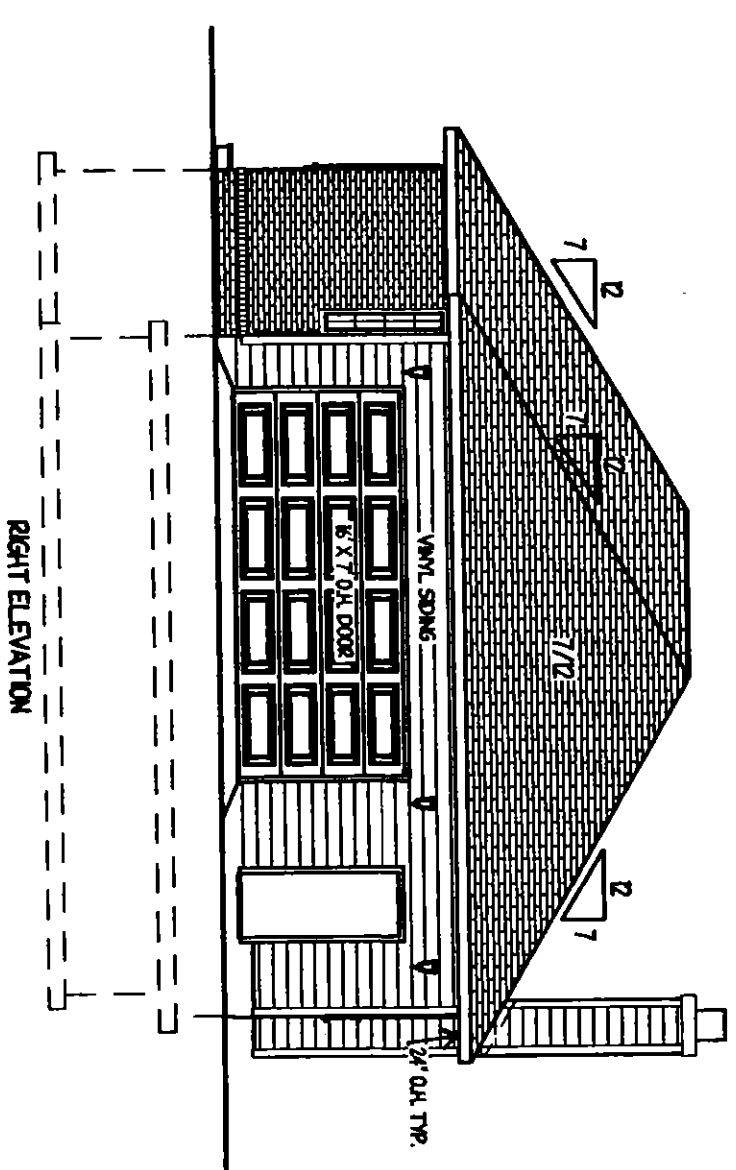
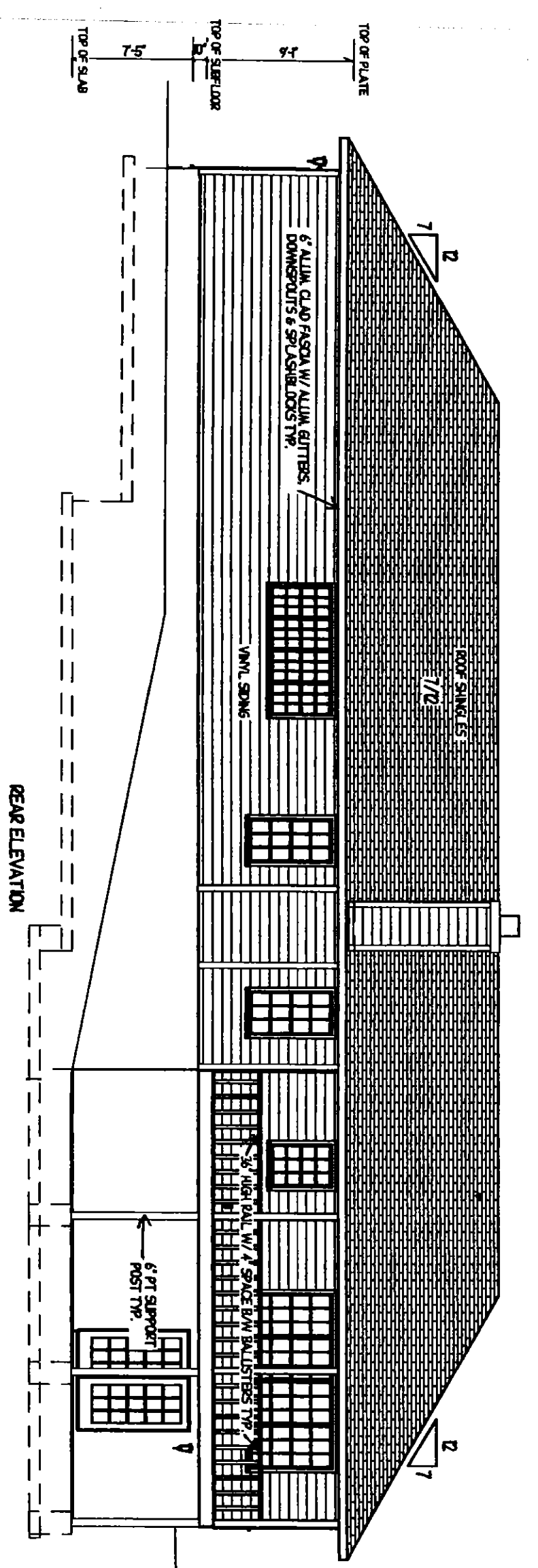
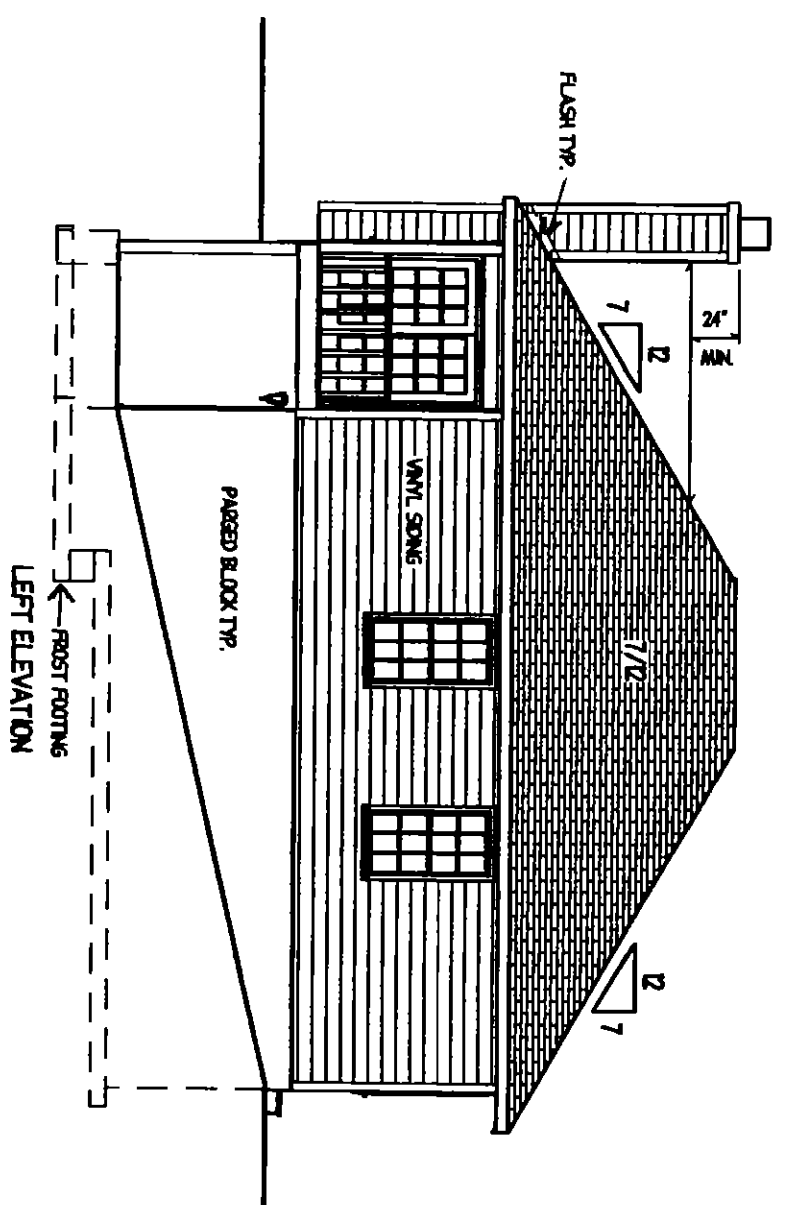
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

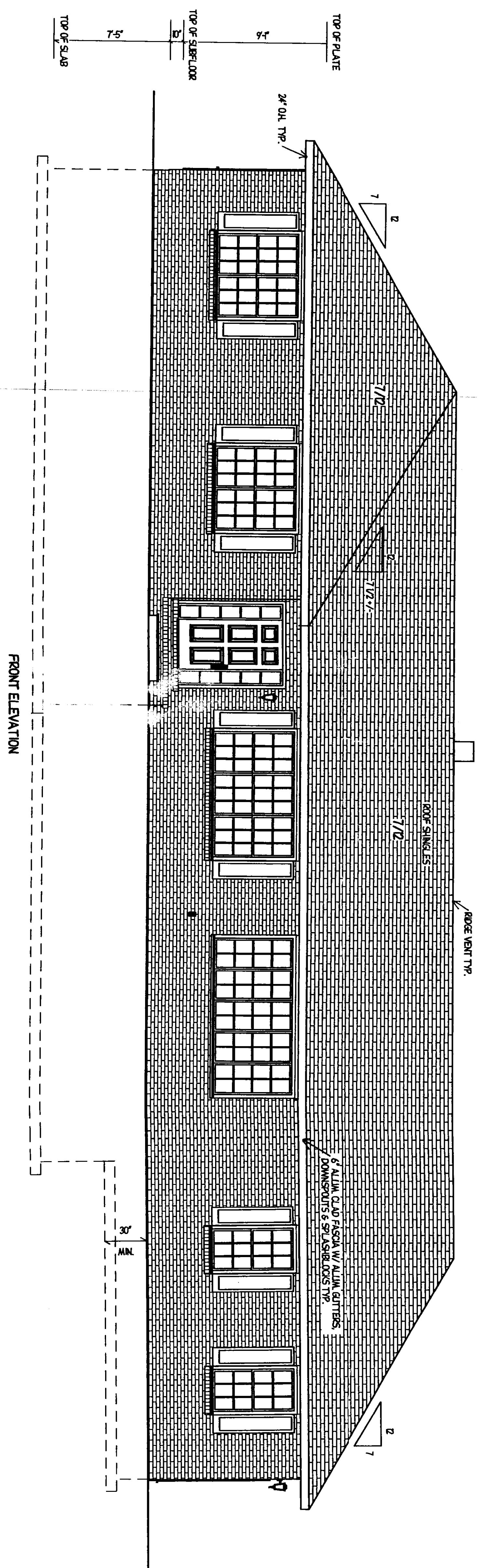
LES:bjs
cc: Mr. Jeffrey Long, OP; Case File

Come visit the County's Website at www.co.ba.md.us

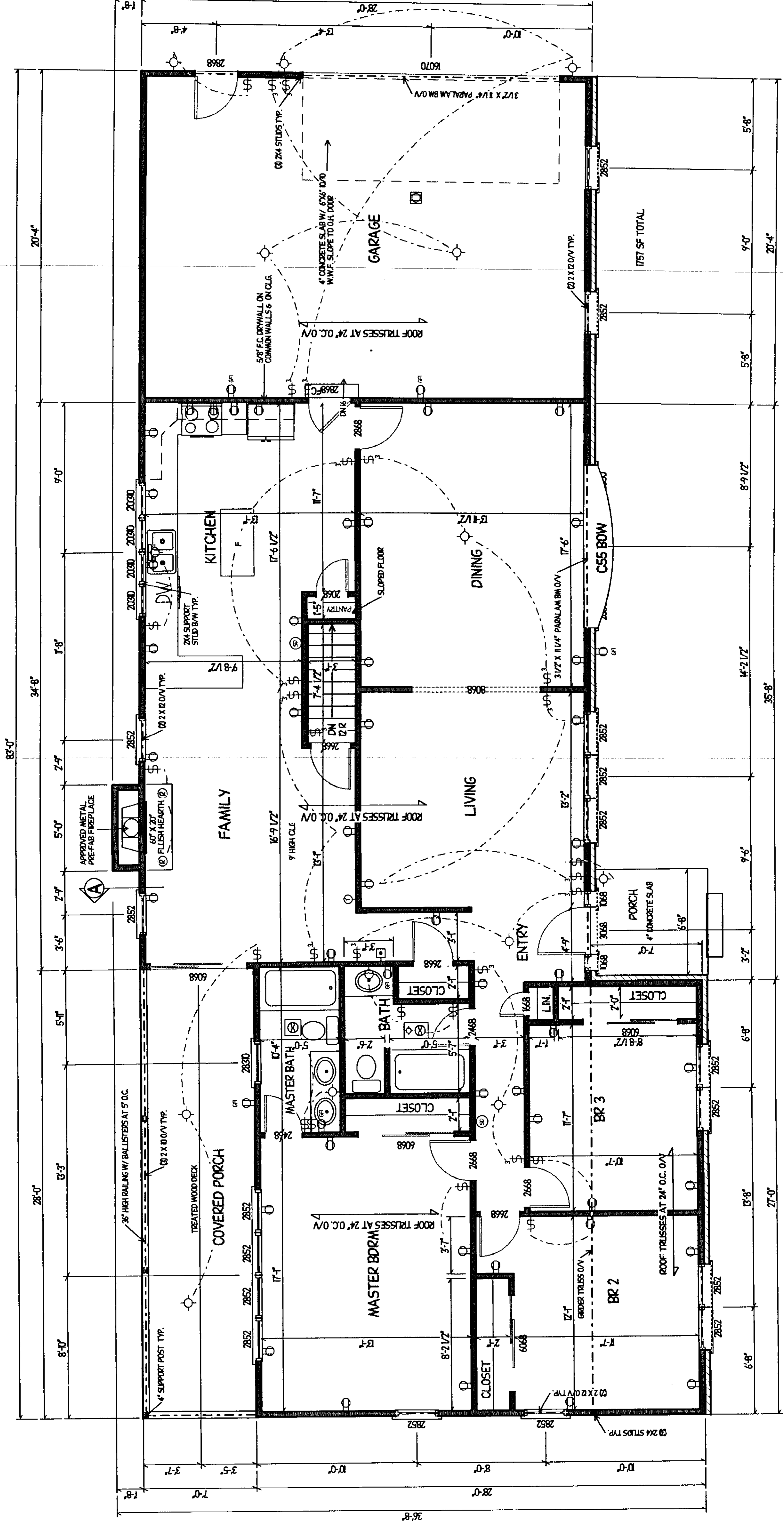




SCALE: 1/8" = 1'-0"



L. J. TEMPLE, GENERAL CONTRACTOR			
GALVEZ RESIDENCE			
SCALE: 1/4" = 1'-0"		DRAWN BY	
DATE: 5-12-79		DPR	
ELEVATIONS			
SHEET 3 OF 3			426-79



ELECTRICAL LEGEND	
	DUPLEX OUTLET
	SWITCH
	LIGHT
	SMOKE DETECTOR
	CHIME
	TELEVISION
	THERMOSTAT
	PHONE
	FAN
	FAN/LIGHT
	SPOT LIGHT
	PULL-SWITCH
	FLUORESCENT LIGHT
	RECESSED
	GARBAGE DISPOSAL
	WATER PROOF
	GROUND FAULT INTERRUPT

- CONSTRUCTION NOTES:
1. EXTERIOR DIMENSIONS ARE TO EXTERIOR SHEATHING. INTERIOR DIMENSIONS ARE TO STUD FACE.
 2. EXTERIOR WALLS TO BE 2X4 STUDS (4" ROUGH) AT 16" O.C. GARAGE WALLS TO BE 2X4 STUDS (4" ROUGH) AT 16" O.C. & INTERIOR WALLS TO BE 2X4 STUDS (3 1/2" ROUGH) AT 16" O.C. UNLESS NOTED OTHERWISE.
 3. ALL STRUCTURAL WOOD BEAMS, HEADERS, JOISTS, & RAFTERS TO BE HEW-FR NO. 2 OR BTR UNLESS NOTED OTHERWISE.
 4. WINDOWS TO BE ANDERSEN.
 5. DOUBLE JACK (TRIMMER) STUDS UNDER BEARING WALL HEADERS FOR OPENINGS FROM 6 TO 8 FEET.
 6. DOUBLE FLOOR JOISTS UNDER ALL PARALLEL WALL PARTITIONS INCLUDING END WALLS.
 7. CONFIRM ALL DIMENSIONS SHOWN & BUILDING CODE REQUIREMENTS BEFORE CONSTRUCTION BEGINS.
 8. NO STRUCTURAL DESIGN INTENDED. CONFIRM ALL BEAM, HEADER, JOIST & RAFTER SIZES WITH A REGISTERED OR LICENSED ENGINEER.
 9. PROVIDE SOLID WOOD BLOCKING UNDER ALL LOAD BEARING POINTS DOWN TO FOUNDATION.
 10. ALL STAIRS SHOWN HAVE 9" TREADS W/11/8" NOSING.
 11. MAINTAIN 6-8" MIN. HEADROOM CLEARANCE IN ALL STAIRWELLS.

L. J. TEMPLE, GENERAL CONTRACTOR	
GALVEZ RESIDENCE	
SCALE: 1/4" = 1'-0"	DRAWN BY
DATE: 5-12-99	DRP
FLOOR PLAN	
SHEET 2 OF 3	



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Zoning Commissioner

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(11823 Manor road)
11th Election District – 6th Councilmanic District
Holly Lee Deen, et al – Petitioners
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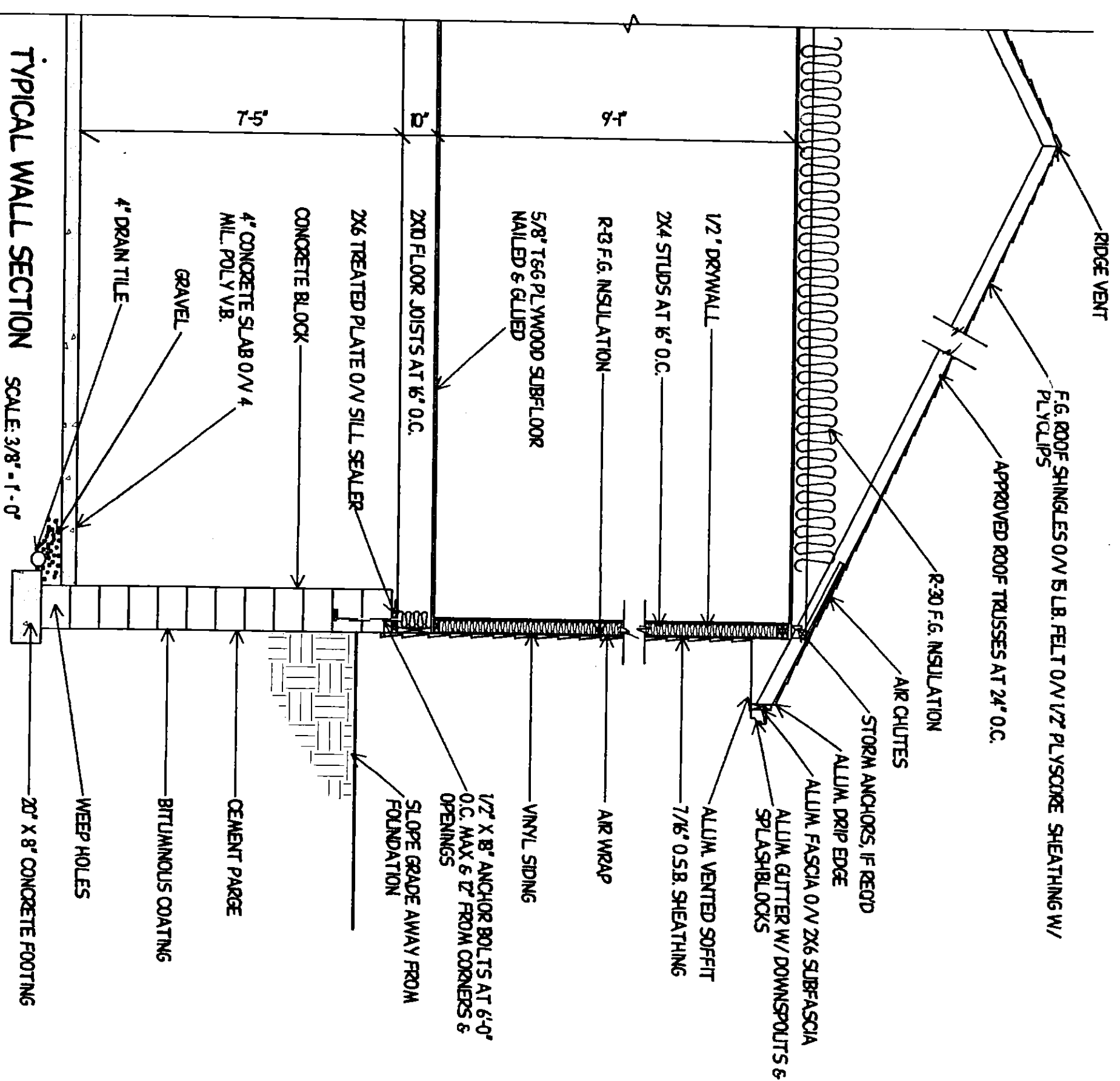
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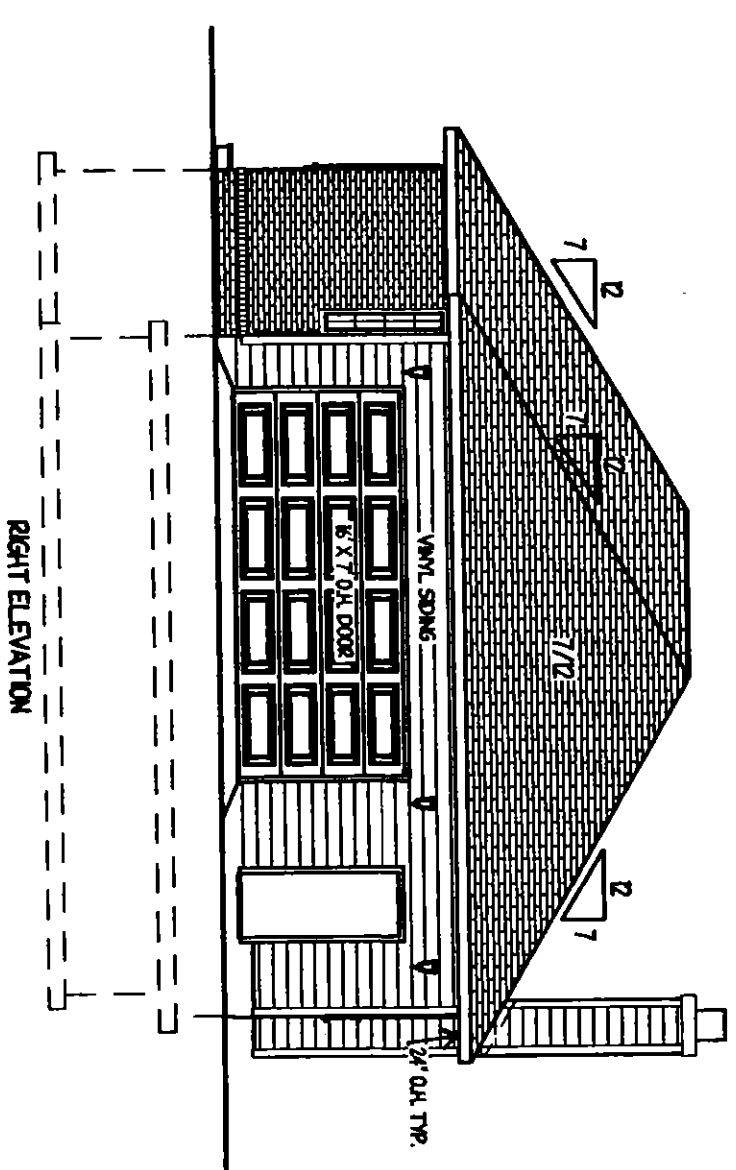
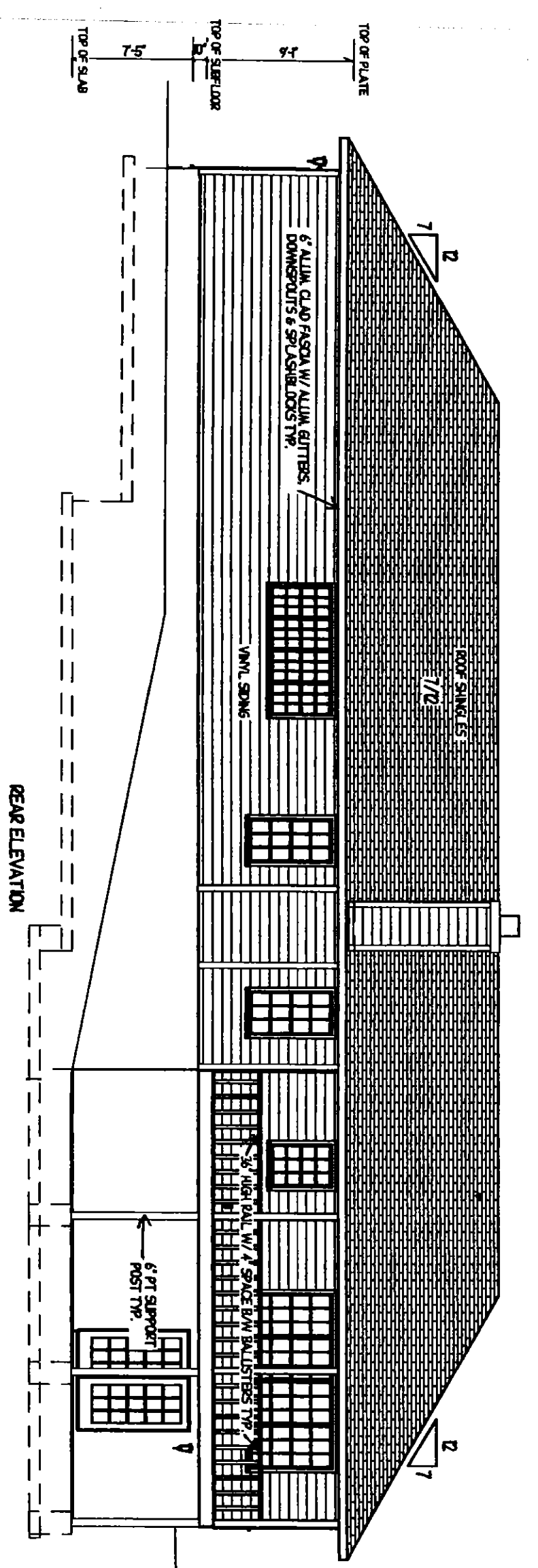
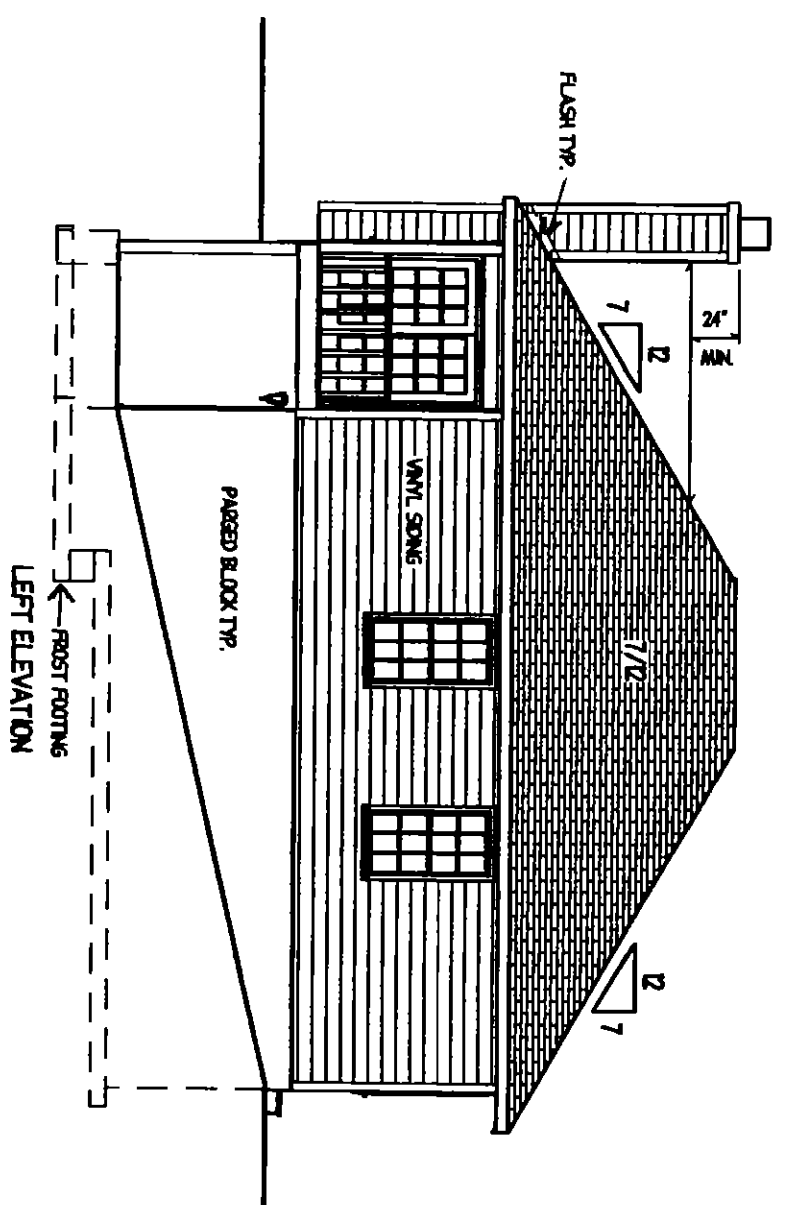
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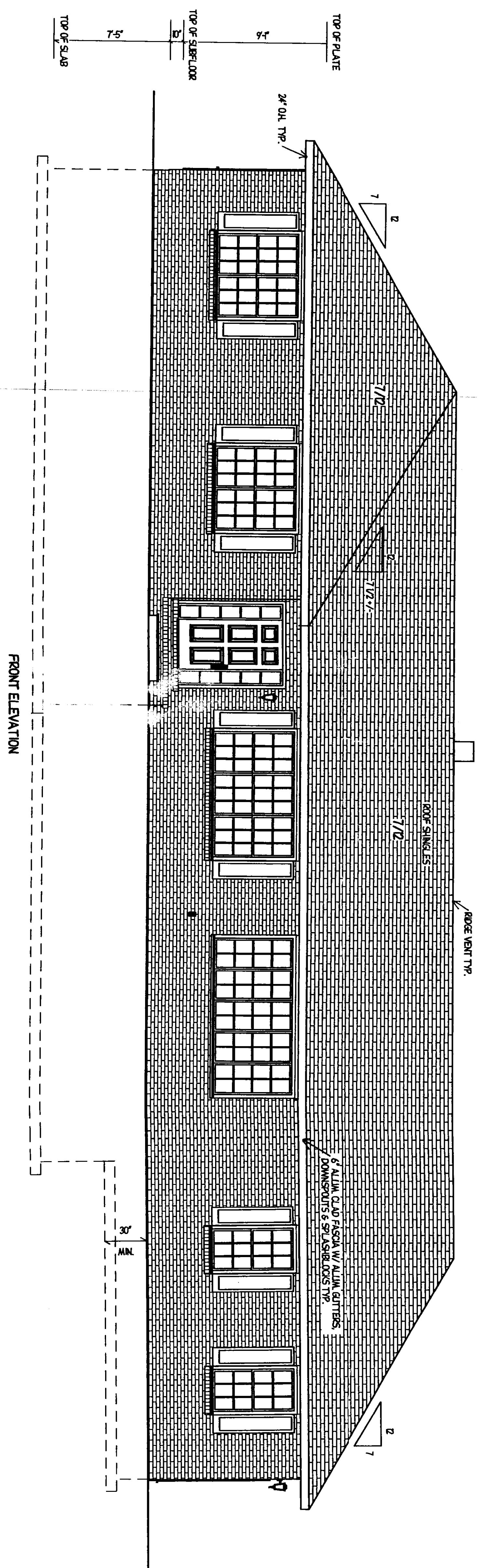
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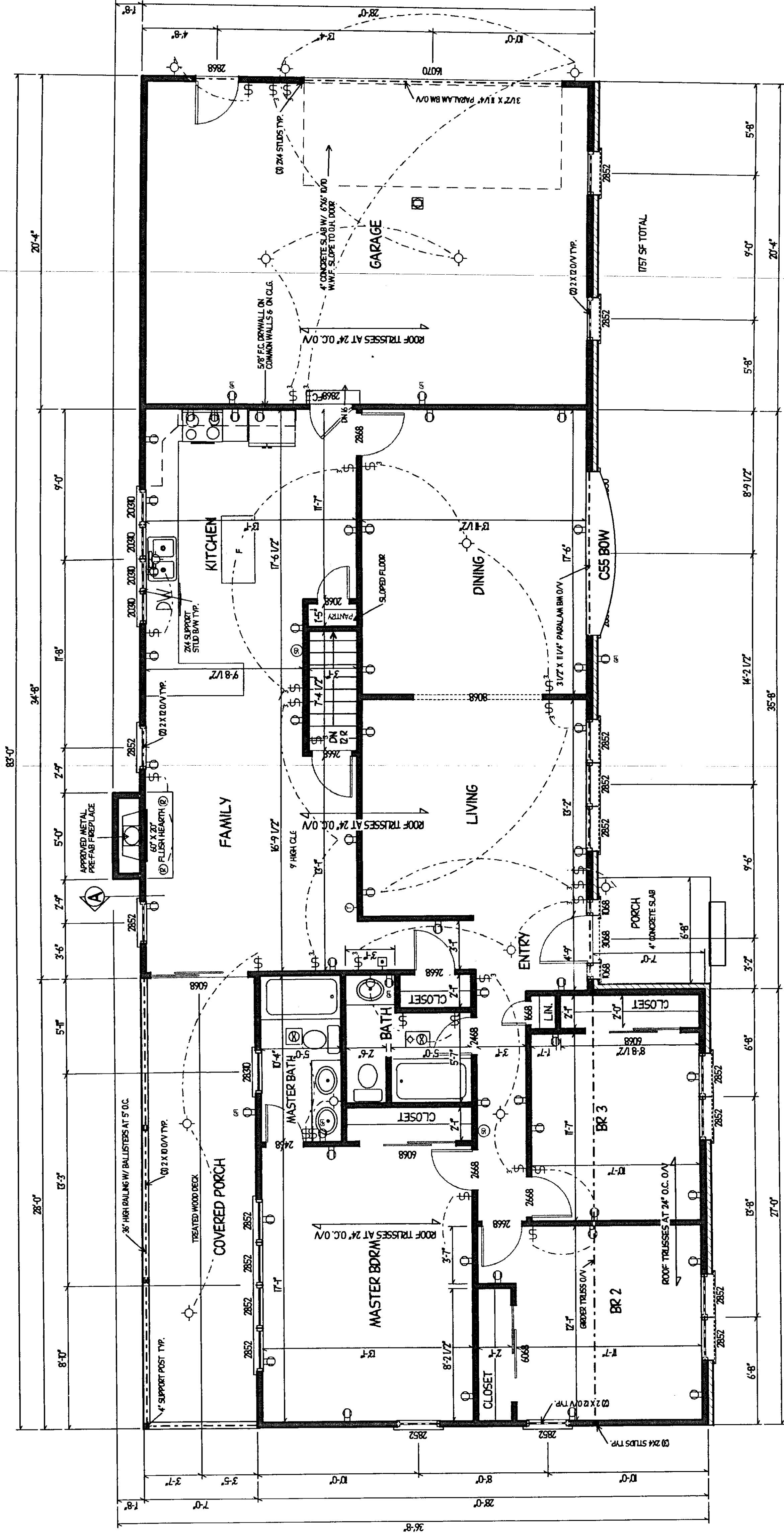




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ELEVATIONS			
SHEET 3 OF 3			426-79



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GALVEZ RESIDENCE	
SCALE: 1/4" = 1'-0"	DRAWN BY
DATE: 5-2-99	DRP
FLOOR PLAN	
SHEET 2 OF 3	

IN THE MATTER OF
THE APPLICATION OF
HOLLY LEE DEEN, ET AL
FOR ZONING VARIANCE ON
PROPERTY LOCATED ON THE EAST
SIDE MANOR ROAD, 30' +/- SOUTH
OF THE CENTERLINE MORGAN MILL
ROAD (11823 MANOR ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated February 4, 1994 in which the Petition for Variance was granted with restrictions.

WHEREAS, the Board is in receipt of a Letter of Dismissal filed by Jean Colston, Appellant /Protestant, dated July 6, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be dismissed and withdrawn as of July 6, 1994;

IT IS HEREBY ORDERED this 13th day of July, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Robert O. Schuetz
Robert O. Schuetz

C. William Clark
C. William Clark



County Board of Appeals of Baltimore County

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

July 13, 1994

Ms. Jean Colston
5 Bridle Valley Road
Glen Arm, MD 21057

RE: Case No. 94-199-A
Holly Lee Deen, et al

Dear Ms. Colston:

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

Very truly yours,

Christine E. Rodolff
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Francis X. Bergerding, Jr., Esquire
Keith Truffer, Esquire
Ms. Holly Lee Deen
Mr. Len Buerhaus
Mr. & Mrs. Albert Deen
Mr. & Mrs. T. Darin
Mr. T. Colonna
Mr. & Mrs. D. Schollenberger
Mr. Charles E. Rappold
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Recycled Ink
on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE
H/S Manor Road, 30 ft. +/-
S of c/l Morgan Mill Road
11823 Manor Road
11th Election District
6th Councilmanic District
Holly Lee Deen, et al
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-199-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11823 Manor Road in the northern section of Baltimore County. The Petition is filed by Catherine O. Deen and Holly Lee Deen, property owners. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow front and rear yard setbacks of 30 ft. in lieu of the required 50 ft. The relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing for this case were the property owners, Holly Lee Deen and Catherine O. Deen, as well as Albert Deen. The Petitioners were represented by Keith Truffer, Esquire. Appearing as Protestants were numerous residents of the surrounding locale. They included Jean and Gerald Colston, Charles E. Rappold and Janet Schollenberger.

Ms. Holly Lee Deen testified and presented the site plan. As noted on that plan, the subject site is 4.0717 acres in size and is zoned R.C.5. The property is a narrow, yet deep, tract which runs adjacent and parallel to Bridle Valley Road. The property actually fronts on Manor Road, across from the intersection of Manor Road and Morgan Mill Road.

Ms. Deen testified that she has owned the property for several years and has resided there with her parents. Presently, the property is improved with a 1-1/2 story existing dwelling on the front of the site. This dwelling is served by a loose stone driveway which accesses Manor Road. The balance of the tract, particularly the lengthy depth of the property to the rear of the dwelling, is unimproved. The property is only 120 ft. wide but reaches a depth of nearly 1500 ft. Moreover, Ms. Deen testified that she contemplates building a second single family house on the rear of the site. As shown on the site plan, this house will be oriented so as to face Bridle Valley Road, from which access will be provided. Ms. Holly Lee Deen indicates that she proposes to occupy that house so as to live within close proximity of her parents. Also offered were a series of covenants which are recorded among the Land Records of Baltimore County. These covenants purportedly allow Ms. Deen access to the rear of the property from Bridle Valley Road.

As noted above, numerous owners of residences which abut Bridle Valley Road also testified. They appeared in opposition to the request. As noted on the site plan, there are six residential lots which abut the length of Bridle Valley Road as it extends from Manor Road. As is also shown from the photographs submitted, these lots are substantial in size and contain attractive single family homes. Each lot is approximately 1-1/2 to 2 acres in size and the houses are substantially priced. These residents are concerned about the possible development on the rear of the Deen property and a potential diminishment of their property values.

Due to the configuration of the site and orientation of the proposed dwelling, only a 30 ft. front yard setback and 30 ft. rear yard setback will be maintained. Thus, the Petitioner seeks variance relief pursuant

-2-

to Section 307 of the B.C.Z.R. That section of the regulations provides the applicable standard which the Petitioner must meet in order for an area variance to be granted. Section 307 requires that the Petitioner demonstrate practical difficulty or unreasonable hardship. The Petitioner must also adduce evidence that variance relief will be within the spirit and intent of the B.C.Z.R. and not be detrimental to the surrounding locale. The concepts of practical difficulty and unreasonable hardship have been discussed at length by the appellate courts of this State. In McLean v. Soley, 270 Md. 208 (1973), the Court of Appeals set forth the criteria necessary to establish practical difficulty, as follows:

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

The Court has ruled that the practical difficulty standard is an easier standard for a Petitioner to meet than the undue hardship requirement. See Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Applying these standards to this matter, the case presents a rather classic scenario which justifies the variance request. Clearly, in this instance, the Petitioner has not created a self imposed difficulty or hardship. The property was purchased in its present configuration and the site constraints and characteristics of this property are unique. Particu-

larly, the narrow width, yet deep length, of the property are significant. The site contains sufficient acreage to permit two residential dwelling lots under the density regulations for an R.C.5 zone. That is, the Petitioner is not attempting to crowd the lot with more dwelling units than would be permissible. The variance is needed only because of the unusual dimensions of the property. If the property were more square shaped, development in accordance with the setback standards could easily be met. However, no matter where the proposed house is placed, front and rear yard setback variances will be required. Under the circumstances, I am persuaded that the Petitioner has met its burden at law and that the Petition for Variance should be granted. Clearly, due to the unusual site constraints unique to this property, the relief requested should and must be approved.

Nonetheless, I am appreciative of the neighbors concern over the diminution of their property values. Thus, to ensure that the development of the subject site does not adversely affect the properties, I will require the Petitioner to submit architectural drawings of the proposed dwelling prior to the issuance of any building permits. These drawings shall be submitted to this Zoning Commissioner who, upon consultation with the Office of Planning and Zoning, will review the drawings for compatibility with the surrounding houses. It is to be made clear that I will not impose specific architectural standards, nor my preferences, in evaluating these drawings. The drawings are to be submitted and approved solely for the purpose of ensuring that the proposed dwelling is not out of character with the surrounding neighborhood. A small bungalow type dwelling, for example, may be out of character with the existing community; whereas, a larger single family dwelling might be appropriate.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of February, 1994 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow front and rear yard setbacks of 30 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall submit architectural drawings to the Office of the Zoning Commissioner for review and approval. The drawings will reflect the architectural characteristics and size of the proposed dwelling to ensure that same is compatible with houses in the surrounding neighborhood.

LES:mmm

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 4, 1994

Keith Truffer, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-199-A
Petition for Variance
Property: 11823 Manor Road
Holly Lee Deen and Catherine O. Deen, Petitioners

Dear Mr. Truffer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted with restrictions and conditions, 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
Zoning Commissioner

LES:mmm
att.

cc: Ms. Holly Lee Deen, 11823 Manor Road, Glen Arm, Maryland 21057
Mr. and Mrs. Albert Deen, 5721 Williams Road, Hydes, Md. 21082
Mr. and Mrs. Gerald Colston, 5 Bridle Valley Rd., 21057
Mr. and Mrs. T. Darin, 3 Bridle Valley Road, 21057
Mr. T. Colonna, 9 Bridle Valley Road, 21057
Mr. and Mrs. D. Schollenberger, 4 Bridle Valley Road, 21057
Mr. Charles E. Rappold 4303 Echo Valley Road, 21057
Mr. Len Buerhaus, 1220 Longford Road, Lutherville, Md. 21093

Printed on Recycled Paper

ORDER RECEIVED FOR FILING
Date 2/4/94
By [Signature]

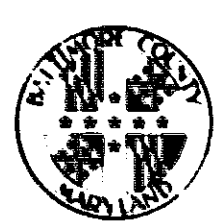
-3-

ORDER RECEIVED FOR FILING
Date 2/4/94
By [Signature]

-4-

ORDER RECEIVED FOR FILING
Date 2/4/94
By [Signature]

-5-



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11823 Manor Road
which is presently zoned RO-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sectional 1A04-3.B.3
TO ALLOW A FRONT AND REAR SETBACK OF 30 FEET
IN LIEU OF THE 50' SETBACK REQUIREMENT
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
OUR PROPERTY IS VERY LONG BUT
TO NARROW TO MEET THE SETBACK REQUIRED

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

ESTIMATED LENGTH OF HEARING: _____
unavailable for hearing

the following date: _____
Next Two Months

REVIEWED BY: JCM DATE: 11-5-93

193

Zoning Description

11823 Manor Rd.

94-199-A

Beginning for the same at a point
at the intersection of Manor Rd. (future
70 feet wide) and Bridle Valley Rd. (50
feet wide) and running thence;

- 1) South 82°-35'-19" East 1447.76 feet;
- 2) North 12°-14'-41" East 119.93 feet;
- 3) North 82°-35'-19" West 1450.44 feet;
- 4) South 10°-58'-07" West 119.74 feet

to the place of beginning. Containing 3.975
acres of land more or less. Said property
lying in the 11th election district of
Baltimore County, Md., and recorded in
Libar 9009, Folio 718.



Leonard J. Jablon

193

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 11/18/93
Posted for: Review
Petitioner: Catherine O. Deen
Location of property: 11823 Manor Rd., 1/4 mi. S of Morgan Mill Rd.
Location of Signs: Along roadway, on property being appealed
Remarks: See zoning map, 11th election district, 6th Councilmanic
Posted by: Michael Date of return: 11/24/93
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commission 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, on the date and at the time specified below.
CASE NUMBER: 94-199-A (Item 193)
11823 Manor Road, 1/4 mi. S of Morgan Mill Road, 11th Election District - 6th Councilmanic
Petitioner(s): Catherine O. Deen and Holly Lee Deen
Variance to allow a front and rear setback of 30 feet in lieu of the 50 foot setback requirement.
HEARING: MONDAY, DECEMBER 6, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.
11/08 November 93

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/18, 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 11/18, 1993

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON

94 MAR 18 PM 5:02

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/12/94
Posted for: Review
Petitioner: Philip Lee Deen, et al.
Location of property: 11823 Manor Rd., 1/4 mi. S of Morgan Mill Rd.
Location of Signs: Along roadway, on property being appealed
Remarks: See zoning map, 11th election district, 6th Councilmanic
Posted by: Michael Date of return: 3/18/94
Number of Signs: 1



Zoning Administration & Development Management
111 West Chesapeake Avenue, Towson, Maryland 21204

Receipt
Date: 11-3-93 94-199-A Account: R0014190
Catherine Deen 11823 Manor Rd. Number: JCM
VAR. (010) 850.00
Posting (050) 35.00
Total: 885.00

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND

OFFICE OF REVENUE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/7/94 ACCOUNT: R-001-6150

AMOUNT: \$175.00

RECEIVED FROM: Jean C. Deen

FOR: 94-199-A APPEAL

034030021141C4RC \$175.00

04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

139981

034030021141C4RC \$175.00

04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

139982

034030021141C4RC \$175.00

04-0011-000003-07-74

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139983

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04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

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VERIFICATION OR SIGNATURE OF CASHIER

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04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

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04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

139990

034030021141C4RC \$175.00

04-0011-000003-07-74

VERIFICATION OR SIGNATURE OF CASHIER

139991

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 193
Petitioner: CATHERINE DEEN
Location: 11823 MANOR RD.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: CATHERINE DEEN
ADDRESS: 5721 WILLIAMS RD.
HYDES, MD. 21082
PHONE NUMBER: 592-5708

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
November 18, 1993 Issue - Jeffersonian

Please forward billing to:

Catherine Deen
5721 Williams Road
Hydes, Maryland 21082
410-592-5708

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, on the date and at the time specified below.
CASE NUMBER: 94-199-A (Item 193)
11823 Manor Road, 1/4 mi. S of Morgan Mill Road, 11th Election District - 6th Councilmanic
Petitioner(s): Catherine O. Deen and Holly Lee Deen
HEARING: MONDAY, DECEMBER 6, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front and rear setback of 30 feet in lieu of the 50 foot setback requirement.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

COPY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOVEMBER 10, 1993

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, on the date and at the time specified below.
CASE NUMBER: 94-199-A (Item 193)
11823 Manor Road, 1/4 mi. S of Morgan Mill Road, 11th Election District - 6th Councilmanic
Petitioner(s): Catherine O. Deen and Holly Lee Deen
HEARING: MONDAY, DECEMBER 6, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front and rear setback of 30 feet in lieu of the 50 foot setback requirement.

ARNOLD JABLON
Director

cc: Catherine Deen and Holly Deen
Leonard G. Buchhaus

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 26, 1993

Mrs. Catherine O. and Holly Lee Deen
5721 Williams Road
Hydes, Maryland 21082

RE: Case No. 94-199-A, Item No. 193
Petitioners: Catherine O. Deen and Holly Lee Deen
Petition for Variance

Dear Mrs. Deen:

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 November 5, 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.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

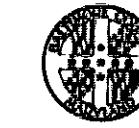
FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
For November 22, 1993
Item No. 193

The Development Plan Review Section has reviewed the subject zoning item. If variance is granted, this will be subject to the Minor Subdivision Process. Also, an existing 10 foot drainage and utility easement runs along the north property line.

BRW:jaw

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 18, 1993

(410) 887-3610

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

MEETING OF NOVEMBER 15, 1993

Property Owner: Roger Watkins and Beatrice K. Watkins
Location: #1630 Cape May Road
Item No.: 190 (JRF)

Property Owner: Catherine O. Deen & Holly Lee Deen
Location: #11823 Manor Road
Item No.: 193 (JCM)

Property Owner: Charles Michael Thomas & Catherine A. Thomas
Location: #9 Graveswood Road
Item No.: #194 (WCR)

Property Owner: Michael J. Biller & Pamela M. Biller
Location: #2311 Shaded Brook Drive
Item No.: #195 (JRF)

Property Owner: Edward C. Byrnes & Lisa S. Byrnes
Location: #1710 Kurtz Avenue
Item No.: #196 (JJS)

Property Owner: Sylvester W. Applebaum and
Dorothy J. Applebaum
Location: #401 Oak Forest Avenue
Item No.: #197 (JJS)

Property Owner: Carolyn H. Robinson & Timothy W. Robinson
Location: #2212 Dalewood Road
Item No.: #198 (RT)

Property Owner: George H. Woodward & Doris C. Woodward
Location: #19504 Resh Mill Road
Item No.: #199 (JCM/JRF)

Gentlemen:

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 17, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 193.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC.193/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-12-93

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

Re: Baltimore County
Item No. 94-193 (JCM)

Dear Ms. Minton:

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 project.

- 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,

David N. Kanev
DAVID N. KANEV, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2266 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 30, 1993

Mrs. Catherine O. and Holly Lee Deen
5721 Williams Road
Hydes, Maryland 21082

RE: Case No. 94-199-A, Item No. 193
Petition for Variance
11823 Manor Road

Dear Mrs. Deen:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on November 30, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

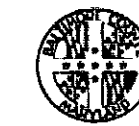
Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

c: Leonard G. Buerhaus

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 7, 1994

Keith Truffer, Esquire
102 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Variance
11823 Manor Road
11th Election District
6th Councilmanic District
Holly Lee Deen, et al-Petitioner
Case No. 94-199-A

Dear Mr. Truffer:

Please be advised that an appeal of the above-referenced case was filed in this office on March 4, 1994 by Mrs. Jean Colston on behalf of the Community of Manor Way. 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 Winarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Ms. Holly Lee Deen
Mr. and Mrs. Albert Deen
Mr. and Mrs. T. Darin
Mr. T. Colonna
Mr. and Mrs. Schollenberger
Mr. Charles E. Rappold
Mr. Len Buerhaus
People's Counsel

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on Recycled Paper

APPEAL

Petition for Variance
E/S Manor Road, 30 ft. ± S of C/L Morgan Mill Road
(11823 Manor Road)
11th Election District - 6th Councilmanic District
Holly Lee Deen, et al-PETITIONER
Case No. 94-199-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plan to Accompany Petition for Variance
2 - Deed, Liber 6306 Page 158
Amendment to Declaration of Right-of-Way
Second Amendment to Declaration of Right-of-Way

Protestant's Exhibits: 1 - Final Subdivision Plat of Manor Way

Eleven photographs attached to protestants exhibit no. one (not marked as exhibits)

Zoning Commissioner's Order dated February 4, 1994 (Granted)

Notice of Appeal received on March 4, 1994 from Mrs. Jean Colston on behalf of the residents of the Community of Manor Way

c: Mrs. Jean Colston, 5 Bridle Valley Road, Glen Arm, MD 21057
Keith Truffer, Esquire, 102 W. Pennsylvania Avenue, Towson, MD 21204
Ms. Holly Lee Deen, 11823 Manor Road, Glen Arm, MD 21057
Mr. and Mrs. Albert Deen, 5721 Williams Road, Hydes, MD 21082
Mr. and Mrs. T. Darin, 3 Bridle Valley Road, Glen Arm, MD 21057
Mr. T. Colonna, 9 Bridle Valley Road, Glen Arm, MD 21057
Mr. and Mrs. D. Schollenberger, 4 Bridle Valley Road, Glen Arm, MD 21057
Mr. Charles E. Rappold, 4303 Echo Valley Road, Glen Arm, MD 21057
Mr. Len Buerhaus, 1220 Longford Road, Lutherville, MD 21093
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

4/13/94 -Notice of Assignment for hearing scheduled for Thursday, July 7, 1994 at 10:00 a.m. sent to following:

Keith Truffer, Esquire
Ms. Holly Lee Deen
Mr. & Mrs. Albert Deen
Mrs. Jean Colston
Mr. & Mrs. T. Darin
Mr. T. Colonna
Mr. & Mrs. D. Schollenberger
Mr. Charles E. Rappold
Mr. Len Buerhaus
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

Letter from Ms. Colston confirming telephone call of 7/6/94 withdrawing appeal; no hearing will be held on 7/7/94 parties to be notified.
- 7/13/94 K. Truffer left message that appeal had been withdrawn by Appellants matter to be dismissed; no hearing to be held on 7/27/94.
Order of Dismissal to be issued by Board.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: November 18, 1994

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-199-A
HOLLY LEE DEEN, ET AL
District 11C6

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

Attachment



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 18, 1994

Ms. Jean Colston
5 Bridle Valley Road
Glen Arm, MD 21057

RE: Case No. 94-199-A
Holly Lee Deen, et al

Dear Ms. Colston:

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 Gwen 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: Francis X. Borgerding, Jr., Esquire
Keith Truffer, Esquire
Holly Lee Deen
People's Counsel for Baltimore County

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on Recycled Paper

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

March 11, 1994

(410) 887-4386

Keith R. Truffer, Esquire
Suite 600, The Royston Building
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

RE: Petition for Zoning Variance
11823 Manor Road, Case No. 94-199-A

Dear Mr. Truffer:

This is to acknowledge receipt of your letter dated February 14, 1994 received by this office on February 24, 1994. I apologize for the delay in this response. Inexplicably, your letter was not received until 10 days after its date of issue. Moreover, the file was not immediately available due to the fact that an appeal of my decision to the County Board of Appeals has been noted by Jean Colston of 5 Bridle Valley Road in Glen Arm.

With the filing of this appeal, a copy of which I have enclosed for your convenience, jurisdiction no longer vests in the Zoning Commissioner's office and I am unable to entertain your correspondence. Your letter would have been considered as a Motion for Reconsideration, as permitted by the Zoning Commissioner's rules of practice and procedure.

Although this matter is on appeal, I do direct your attention to Section 26-127 of the Baltimore County Code. Therein, the Zoning Commissioner is authorized to consider Petitions for Special Exception and Variance. Moreover, Section 26-127(c) provides that variance relief may be conditioned or restricted as determined by the Zoning Commissioner. Appropriate restrictions may be imposed to protect the health, safety or general welfare of the surrounding community. Thus, I disagree with your statement that I do not have the authority to impose the restrictions contained in my Order.

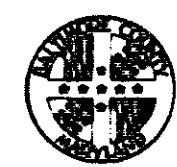
As to the merits of your request, I would not have disagreed with a revision of my Order to provide that a review of the architectural drawings be made part of the development review process. My intent for including the restriction was to ensure that any house ultimately built on this site was reviewed by the Office of Planning and Zoning to ensure that same was consistent with the dwellings in the immediate vicinity. Whether that review is mandated as a restriction in my Order, or whether same is part of the development plan, makes no practical difference. However, in view of the fact that the case has been appealed and that the Board will consider this case, de novo, I decline to rule on your Motion at all.

Please do not hesitate to contact me should you have any questions regarding this matter.

Very truly yours,

LES:mmm
encl.
Printed on Recycled Paper

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
April 13, 1994

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. 94-199-A
HOLLY LEE DEEN, ET AL -Petitioners
E/S Manor Road, 30 ft. +/- S of c/l Morgan Mill Road (11823 Manor Road)
11th Election District
6th Councilmanic District

VAR -To allow front and rear yard setbacks of 30 ft. in lieu of the required 50 ft.

2/04/94 -Z.C.'s Order in which Petition for Variance was GRANTED with restriction.

ASSIGNED FOR: THURSDAY, JULY 7, 1994 at 10:00 a.m.

cc: Keith Truffer, Esquire Counsel for Petitioners
Ms. Holly Lee Deen Petitioner
Mr. & Mrs. Albert Deen Petitioners
Mrs. Jean Colston Appellant /Protestant
Mr. & Mrs. T. Darin
Mr. T. Colonna
Mr. & Mrs. D. Schollenberger
Mr. Charles E. Rappold
Mr. Len Buerhaus

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

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

IN RE: PETITION FOR VARIANCE
11823 Manor Road
E/S Manor Road, 30 ft. +/- S of c/l Morgan Mill Road
11th Election District
6th Councilmanic District
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-199-A

TO: Douglas Schollenberger
4 Bridle Valley Road
Glen Arm, Md. 21057

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118 of the Old Courthouse, 400 Washington Avenue, Towson, Md. 21204 at 11:00 A.M.

on the 29 day of Dec. 1993, regarding the above captioned case, for the purpose of testifying at the request of the Zoning Commissioner

Lawrence E. Schmidt
Zoning Commissioner
Room 113/Old Court House
Towson, Md. 21204

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 12/29/93

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
C. S. KLINGELHOFFER II
THOMAS F. MCDONOUGH
EUGENE W. CUNNINGHAM JR.
LAUREL PARETTA EVANS
KEITH R. TRUFFER
ROBERT J. HANCOCK
EDWARD J. GILLIS
C. LARRY HOEHLMEISTER, JR.

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(410) 823-1800
TELECOPIER FAX (410) 828-7850

JOHN W. BROWNING
JULIA CHARRA BERE
LAURA L. HENNINGER
OF COUNSEL
H. ANTHONY MUELLER
CHARLES F. STEIN II
CARROLL W. ROYSTON
(410) 1981

February 14, 1994

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance -
11823 Manor Road
Case No. 94-199-A

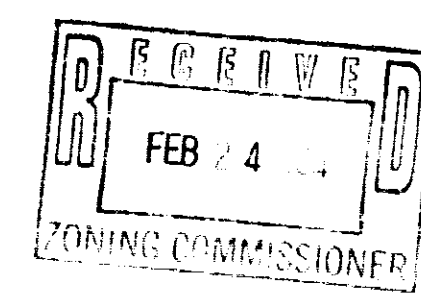
Dear Mr. Commissioner:

I have received and reviewed the Findings of Fact and Conclusions of Law made by you on February 4, 1994 concerning the requested zoning variance in this matter. By this letter, I ask you to revise the opinion so as to eliminate the condition placed upon your grant of the requested variance.

The Zoning Commissioner found as a fact that the unique features of the subject parcel create practical difficulty for the Petitioner in her use of the property. The findings of fact specifically referred to the long, narrow configuration of the property which justify the requested relief.

Page 4 of the opinion also imposes a condition on the grant of this variance. Specifically, you have required that architectural drawings of the proposed dwelling be submitted to you for review and approval "solely for the purpose of ensuring that the proposed dwelling is not out of character with the surrounding neighborhood." It is my belief that, unlike the grant of a special exception, the Zoning Commissioner does not possess the authority to attach conditions to the grant of a variance. If the facts support a finding that unique conditions of the property create undue hardship or practical difficulty in its use, the Petitioner is entitled to a variance free and clear from any additional conditions.

The Zoning Commissioner's imposed condition presents the



ROYSTON, MUELLER, MCLEAN & REID

Lawrence E. Schmidt, Zoning Commissioner
February 14, 1994
Page Two

Petitioner with a difficult practical problem. The drawings for the proposed dwelling will not be prepared until sometime in the future. For this reason, the Petitioner cannot obtain the Zoning Commissioner's approval of any plan until after the time within which to note an appeal has expired. Petitioner must choose between noting an appeal now from a grant of the relief sought or accepting what amounts to a pig in a poke that you or another Zoning Commissioner will approve the proposed architectural drawings submitted sometime in the future.

As was mentioned at the hearing, a development plan will be submitted to Baltimore County as part of the development process. That plan will be reviewed by, among others, the Office of Planning and Zoning for compliance with all Baltimore County development regulations. No more or less should be required of this Petitioner.

I ask the Zoning Commissioner to revise his February 4, 1994 order so as to remove the condition stated on page 4 requiring approval of architectural drawings of the proposed dwelling.

I thank you for your consideration in this matter.

Sincerely,

Keith R. Truffer
Keith R. Truffer

KRT/rmb
3/8/94/39
cc:

Ms. Holly Deen
Mr. and Mrs. Albert Deen
Mr. and Mrs. Gerald Colston
Mr. and Mrs. T. Darin
Mr. T. Colonna
Mr. and Mrs. D. Schollenberger
Mr. Charles E. Rappold
Mr. Len Buerhaus

March 4, 1994

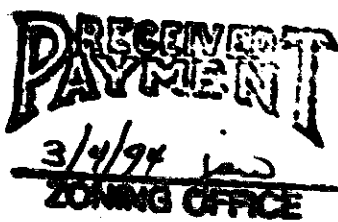
Lawrence C. Schmidt
Baltimore County
Office of Planning & Zoning

Ref: Case No. 94-199-A
Petition for Variance
Property: 11823 Manor Rd.
Holling: Catherine C. Deen, Petitioner

Dr. M. Schmidt,
On behalf of the residents of the Community
of Manor Way, we want to file an appeal
on the decision rendered on the above captioned
case dated Feb. 4, 1994.
Please contact me regarding any information
about this requested appeal.

Very Truly Yours,

John Colston
5 Bridle Valley Road
Shenandoah, Va. 21057
405-3656/529-1900



Page 1 of 2 Dec 29, 1993

Case No 94-199-A
11823 Manor Road Request for Variance

This property is only 110' wide,
The variance applied for would put a
house only 30' from the road.
The objection to this variance is
the lack of communication of the type
structure planned. This size property
would be very difficult to landscape.
Therefore the planned building would not
be comparable to the adjacent property and
community.

Northeast is Manor Springs at \$400,000 -
500,000 properties

Southwest is Manor Woods at size
price range.

Adjacent in proportion 300,000 to 400,000.

What would this variance do to the value
of our properties if a smaller, less value
property is built.

If better plans for proposed building
was available maybe there would be no
objection.

My property 4217 Echo Valley is
to the rear of the proposed variance and
would affect my value if a comparable

Dec. 27, 1993

Dear Sirs,

I oppose changing the
50' requirement to 30' for
building on the property in
question of Mrs. Deen and parents
fronting on our property on
Bridle Valley Rd.

My wife and I purposely
bought our property here
because of the requirements
already set. Even new neighbors
went to get expenses to meet
these rules and regulations.
I would like to see
these requirements be kept
in force.

Thank You,

Thomas Deen &

12/28/93

To Whom It May Concern,

I, Mrs. Diana Deen am a homeowner
on 3 Bridle Valley Rd. I am in opposition of
changing Baltimore County's requirement for
building a home 50' from property line
to 30'. This is being challenged by Mrs.
Holly Deen and family. My husband
and I purchased our property here on
Bridle Valley Rd because of the restrictions
already set by Baltimore Co. Even the previous
owner, Dr. Brumback, who sold Mrs. Deen's
and her family his property stated that
my husband and I he knew he could
not build on it or sell it to a
developer because of its restrictions.
He stated he would have to get
his neighbors on the other side to
sell their land to him, which did not
happen. Dr. Brumback said he had
just for shallow to meet Baltimore
County requirements.

We had to obey these requirements
set by Baltimore Co. for building as did
all of our neighbors. The new neighbors
building now are going to great
lengths and expenses to also meet
these regulations. My husband and
I also went to great lengths to

July 2, 1994

Baltimore Co. Zoning
Appeal Board

Ref: Case # 11823 Manor Road
94-199-A

To Whom This May Concern,

On behalf of the residents of
Manor Way, and by the advice of
our attorney, Frank Kitzersdorf,
we are hereby withdrawing our
appeal scheduled for Thursday,
July 7th.

Sincerely,

John Colston
5 Bridle Valley Road
(410) 665-3656

RECEIVED
COUNTY BOARD OF APPEALS
94 JUL -6 AM 10 52

12/8/93 - Postcard Notice of Continued Hearing
mailed per attached. *[Signature]*



Notice of Continued Public Hearing

Case #: 94-199-A

Re: Zoning Commission's Hearing on the property known as
11823 MANOR RD

A Continued Hearing has been scheduled for WEDNESDAY

DECEMBER 29, 1993 at 11:00 a.m. in Room 118, Old Courthouse.

400 Washington Avenue, Towson, Maryland.

For information, please call the
Office of Zoning Administration & Development Management
at 587-3391

No reposting per LES.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

[Signature]

Charles D. Deen
ALBERT DEEN
KEITH TRUFFET

ADDRESS

11823 Manor Rd
Shenandoah, VA 21057
5721 Williams Rd 21057
" WILLIAM RD "
102 W. PENNSYLVANIA AVE. THOMAS, MD. 21087

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John Colston
Gerald Colston
Tom Colonna/HARRP
Tom DARRIN
DIANA DARRIN/PROX
HARRP Emge - PROX
Charles E. Rappold
Janet Schollenberger
Doug Schollenberger by Prox

5 Bridle Valley Rd 21057
9 Bridle Valley Rd 21057
3 Bridle Valley Rd 21057
3 Bridle Valley Rd 21057
11823 Manor Rd 21057
4203 Echo Valley Rd 21057
4 Bridle Valley Rd 21057
4 Bridle Valley Rd 21057

THIS DECLARATION OF RIGHT-OF-WAY, Made this 27th day of July, 1985, by MILDRED A. HOOK (hereinafter called "Declarant").

WHEREAS, the Declarant is the owner in fee simple of Lots 2, 3, 4, 5 and 6 hereinafter sometimes called the "Lots", as shown on the plat entitled "Manor Way" dated June 3, 1980 and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 19 and

WHEREAS, the Declarant is desirous of establishing a Right-Of-Way for the mutual benefit of the lots as hereinafter stated, the following Right-Of-Way is hereby created, subject to the maintenance provisions as hereinafter provided in Paragraph 3.

The owners of Lots 2, 3, 4, 5 and 6 shall each have the right to use in common a Right-Of-Way fifty (50') feet wide, and extending for twenty five feet (25') on either side of the center line, described as follows:

Beginning for the same at a point on the Eastern right-of-way line of Manor Road said point being the mid point of the 15 foot wide tree sample land of Lot 4 as shown on a plat dated December 5, 1980, and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47, folio 19 and being known as Manor Way, thence running parallel to and 25 feet distant to the south of the outline of the entire tract the following course and distance: South 82° 34' 32" East 118.66 feet.

3) The cost of maintenance and repair of the Right-Of-Way hereinabove described, including, but not limited to, the cost of mowing the grass shoulders and snow removal, shall be borne by the owners of said Lots in the following percentages: Lot 2 - 10.2%, Lot 3 - 15.4%, Lot 4 - 23.5%, Lot 5 - 25.6%, Lot 6 - 28.3%. At such times as the owners of said Lots maintain and/or repair the Right-Of-Way, the type and nature of said maintenance and/or repairs shall be determined by majority vote of the owners of said Lots and the costs shall be borne according to the percentages set forth above.

The rights, privileges, obligations and responsibilities created in this Declaration of Right-Of-Way shall run with the land, be

AMENDMENT TO DECLARATION OF RIGHT-OF-WAY

This Amendment to Declaration of Right-of-Way is made as of this 27th day of July, 1985 by and among the undersigned.

WHEREAS, the undersigned are the owners or contract purchaser of Lots 2, 3, 4, 5 and 6, hereinafter sometimes called the "Lots", as shown on the plat entitled "Manor Way" dated June 3, 1980 and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 at folio 19, and

WHEREAS, the Lots are subject to and benefited by a certain Declaration of Right-of-Way (the "Declaration") dated July 2, 1981 and recorded among the Land Records of Baltimore County in Liber 6306 at page 158, and

WHEREAS, Robert Brumback ("Brumback") is the owner of all that property known as 11823 Manor Road (the "Property") which Property adjoins and is contiguous to the Lots (said Property being more particularly described in that certain deed dated July 15, 1983 and recorded as aforesaid in Liber 6592 at page 679) and

WHEREAS, Brumback is the contract purchaser of Lot 6 (one of the Lots) and is desirous of having the Property be subject to and benefited by the Declaration, and

WHEREAS, the owners of the Lots are agreeable to having the Property be made a part of the Declaration,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and for other good and valuable consideration, the receipt of which is acknowledged, the parties hereto hereby agree as follows:

(1) The Declaration is hereby amended by substitution of "Lot 6" in place of "Lot 6" wherever said reference appears, the reference to "Lot 6 and the Property," to the end that the Property shall have the right to the use in common of the right-of-way

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND

SIGNATURE *[Signature]* DATE *7/27/85*

CLERK DATE

Signature Sec 11-23

PETITIONER'S
EXHIBIT 10

SECOND AMENDMENT TO DECLARATION OF RIGHT-OF-WAY

THIS SECOND AMENDMENT TO DECLARATION OF RIGHT-OF-WAY (this "Second Amendment") is made as of this 30th day of December, 1991, by and between Robert J. Brumback ("Brumback") and Catherine O. Deen and Holly L. Deen, her daughter, as joint tenants with right of survivorship (collectively herein, "Deen").

Explanatory Statement

A. Brumback owns Lot 6 ("Lot 6") as shown on a plat entitled "Manor Way" (the "Plat"), which Plat is dated June 3, 1980, and is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 at folio 19.

B. Brumback also owns property known as 11823 Manor Road (the "Property") which Property adjoins and is contiguous to Lot 6, as well as to Lots 2, 3, 4 and 5 (which lots, together with Lot 6, are herein collectively referred to as the "Lots"), all of which lots are shown on the Plat. The Property is more particularly described in that certain Deed dated July 15, 1983 and recorded as aforesaid in Liber 6592 at page 676.

C. Deen is the purchaser of the Property.

D. The Lots are subject to and have the benefit of a certain Declaration of Right-of-Way (the "Original Declaration") dated July 2, 1981, and recorded as aforesaid in Liber 6306 at page 158. The Original Declaration was amended by amendment dated July 29, 1985 (the "First Amendment"), which First Amendment was recorded as aforesaid on August 15, 1985 in Liber E.H.K., Jr. 6975 at folio 21. Pursuant to the First Amendment the benefits and burdens of the Original Declaration were spread to the Property to the end that the owner of the Property has the right to the use in common with the owners of the Lots of the right-of-way described in the Original Declaration. The First Amendment further provided that the costs of maintaining and/or repairing the right-of-way would be determined as set forth in the Original Declaration and that the Property and Lot 6 would be jointly and severally responsible for 28.3% of such costs.

E. It is the desire of Brumback and Deen to amend certain provisions of the First Amendment since Lot 6 and the Property will no longer be owned by the same individual.

NOW, THEREFORE, in consideration of the Explanatory Statement, which shall be deemed to be a substantive part hereof, and for other good and valuable consideration, the receipt and adequacy of which is acknowledged, Brumback and Deen agree as follows:

Record for Transfer
State Department of
Assessments & Taxation
for Baltimore County
11/23/91
Date 12/30/91 Sec 30-135 RCL

19.00

5.00

0.00

24.00

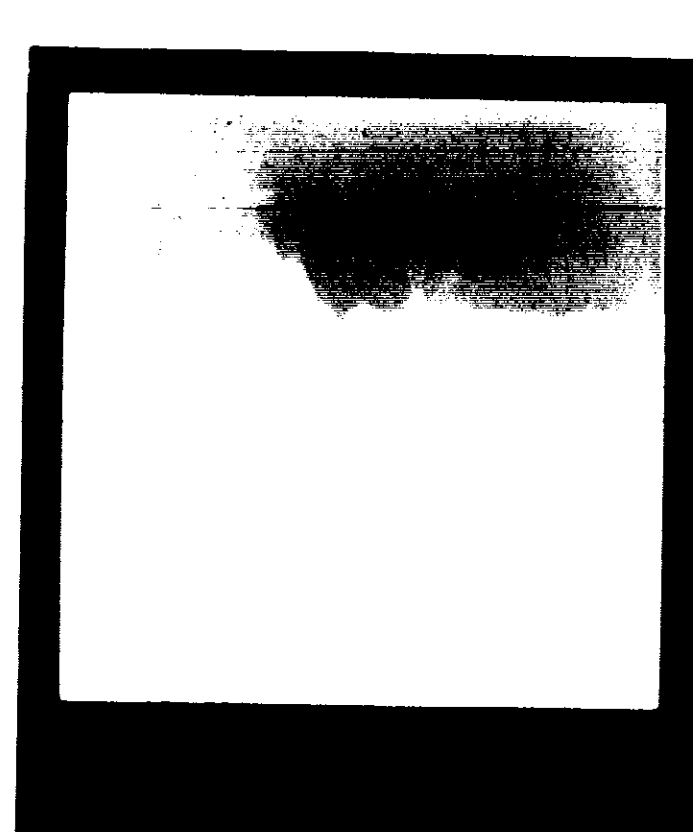
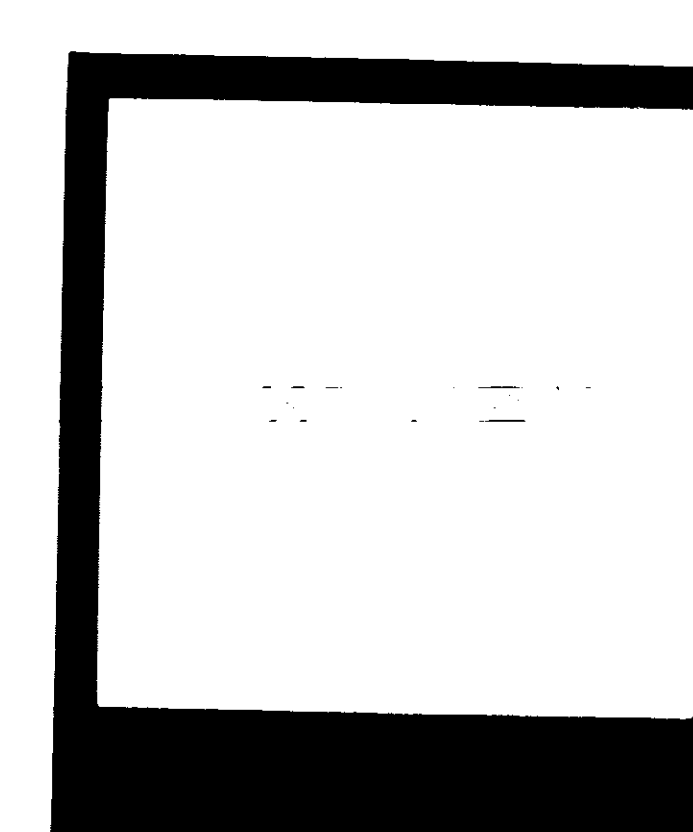
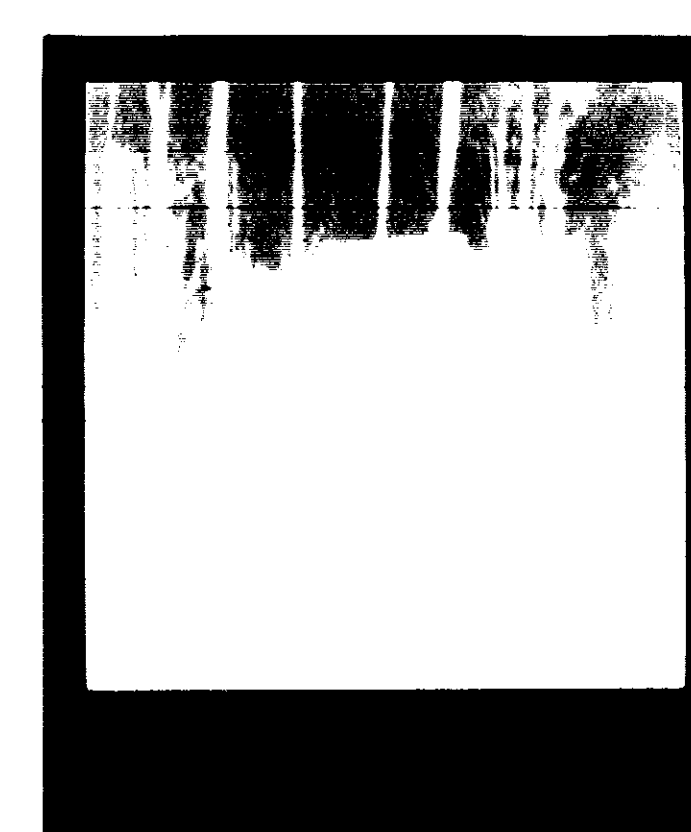
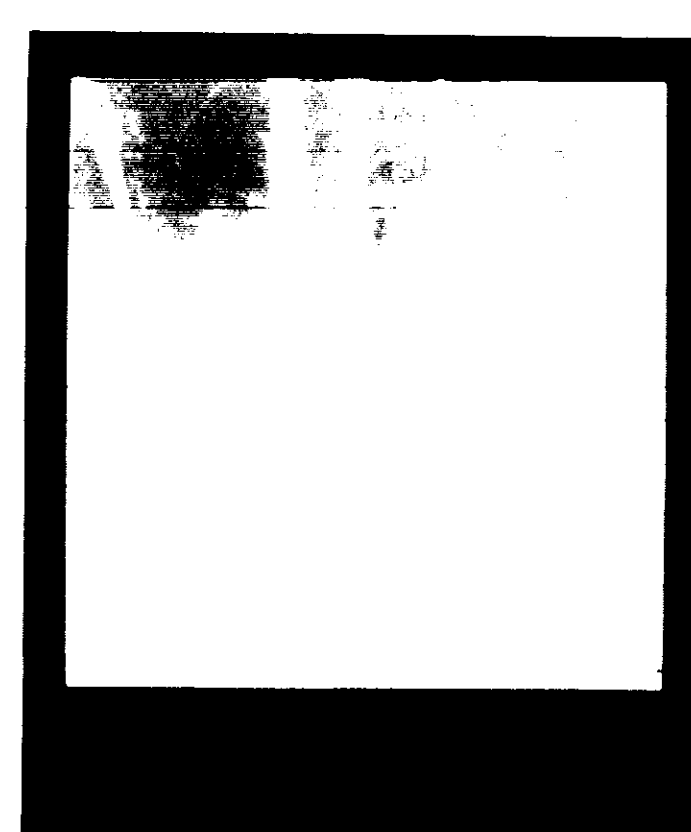
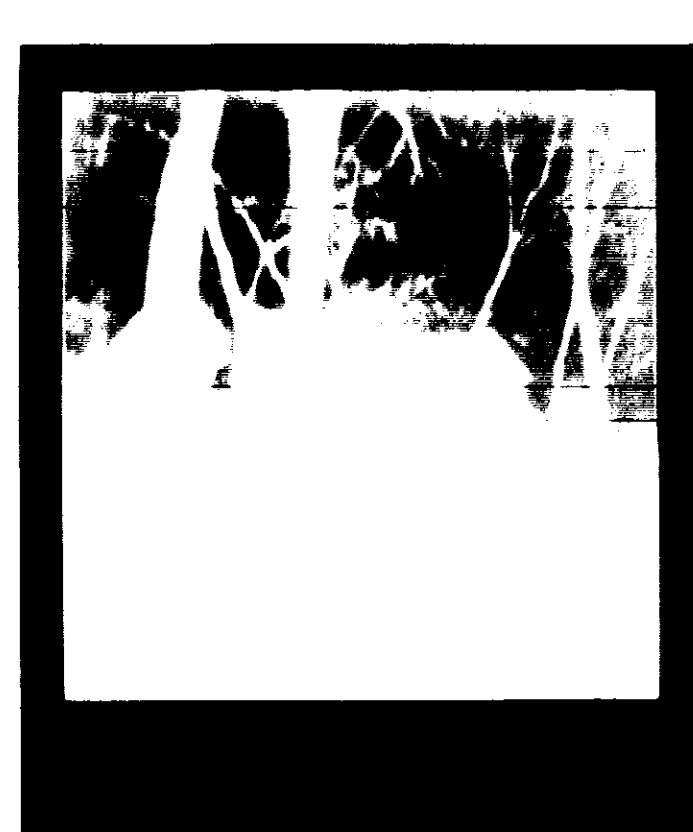
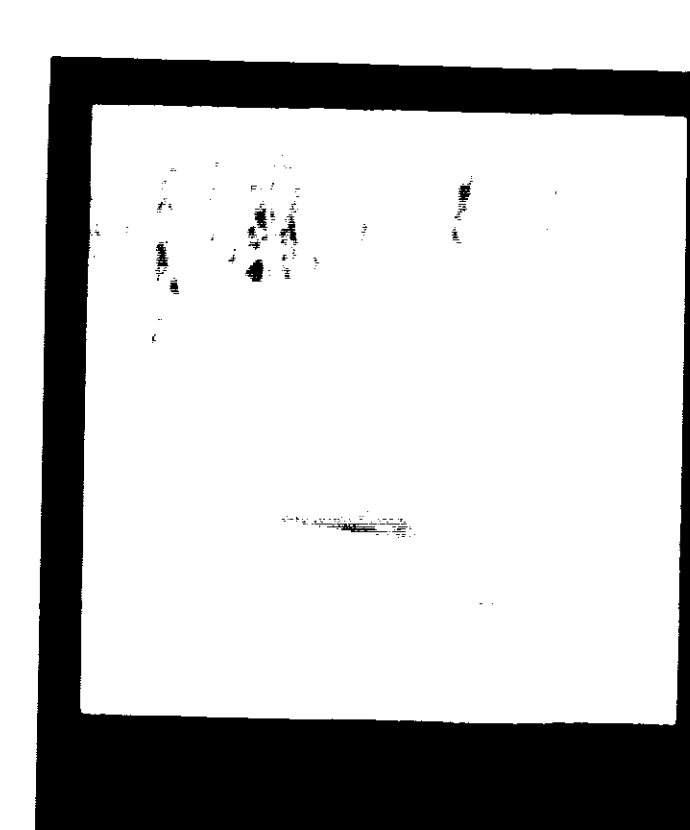
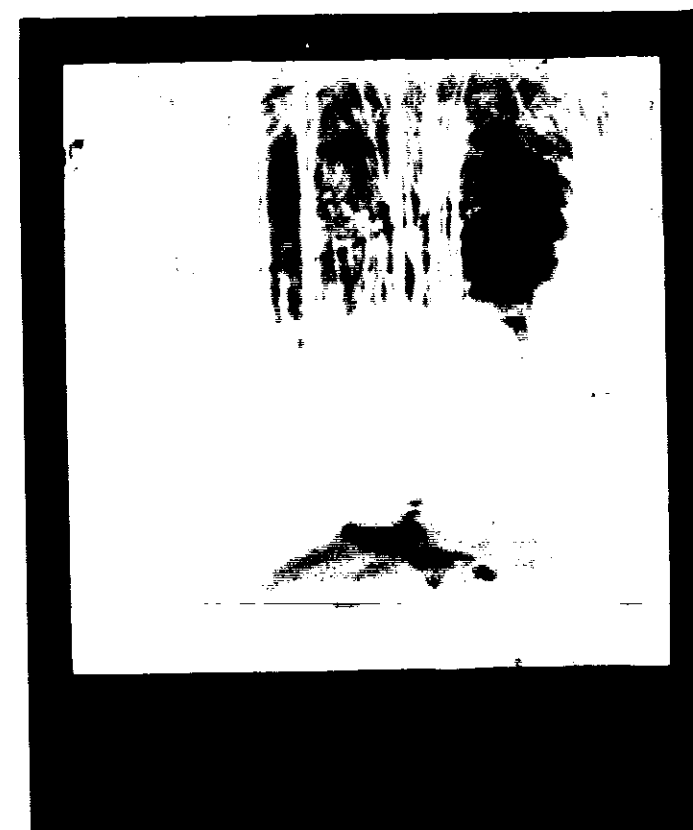
117581 0001 R02 11/4/91

12/26/91



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

11 Photographs



PROPERTY COORDINATES		
NO.	NORTH	EAST
1	55241.58	25307.94
2	58367.15	25410.75
3	58244.71	24288.86
4	58167.51	24885.85
5	55000.51	24858.41
6	58127.71	24263.42
7	58364.41	25446.55
8	55257.06	25422.74



- General Notes
1. Area: Gross 4.0717 Ac. ±
Highway Widening 0.0962 Ac. ±
 2. Present Zoning R.C. 5
 3. Density calculations 4.0717 x 0.647 = 2.716
No. of lots allowed - 2.7
No. of lots proposed - 2
 4. Present owners Catherine O. & Holly Dean
11823 Manor Rd. Tel. 882-8722
 5. Tax account #11-02-0195520
 6. Cond. ref. 9009-718
 7. Tax map 55, Grid 50121 Parcel 155
 8. Census tract 4112.02
 9. Regional planning district 310
 10. School district 55
 11. Watershed 2
 12. Coordinates and bearings are referred to the Baltimore County Metropolitan District Grid System and are based on the following traverse stations:
11713 N 55°51'26" E 25447.07
11714 N 84°53'31" E 25312.57
 13. Use of lots 1 & 2 - single family dwellings
 14. This property has been held in fact since before Nov. 1979. The developer engineer has confirmed that no part of the gross area of the property shown on this plan has ever been utilized, recorded or represented as density or area to support any off right dwellings.
 15. This property is not in the critical dry area.
 16. There are no streams on this property.
 17. There are no existing underground tanks, walls, or septic systems on this property other than those shown on Lot 1.
 18. a denotes capped pin set except where otherwise indicated.
 19. Councilmatic District G

94-199-A

94-199-A

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LEONARD G. GUERHAUS
1820 LONGFORD RD.
LUTHERVILLE, MD. 21043
TEL. 821-1155

Leonard G. Guerhaus
PREPARED BY: Leonard G. Guerhaus, Property Line Surveyor - 547

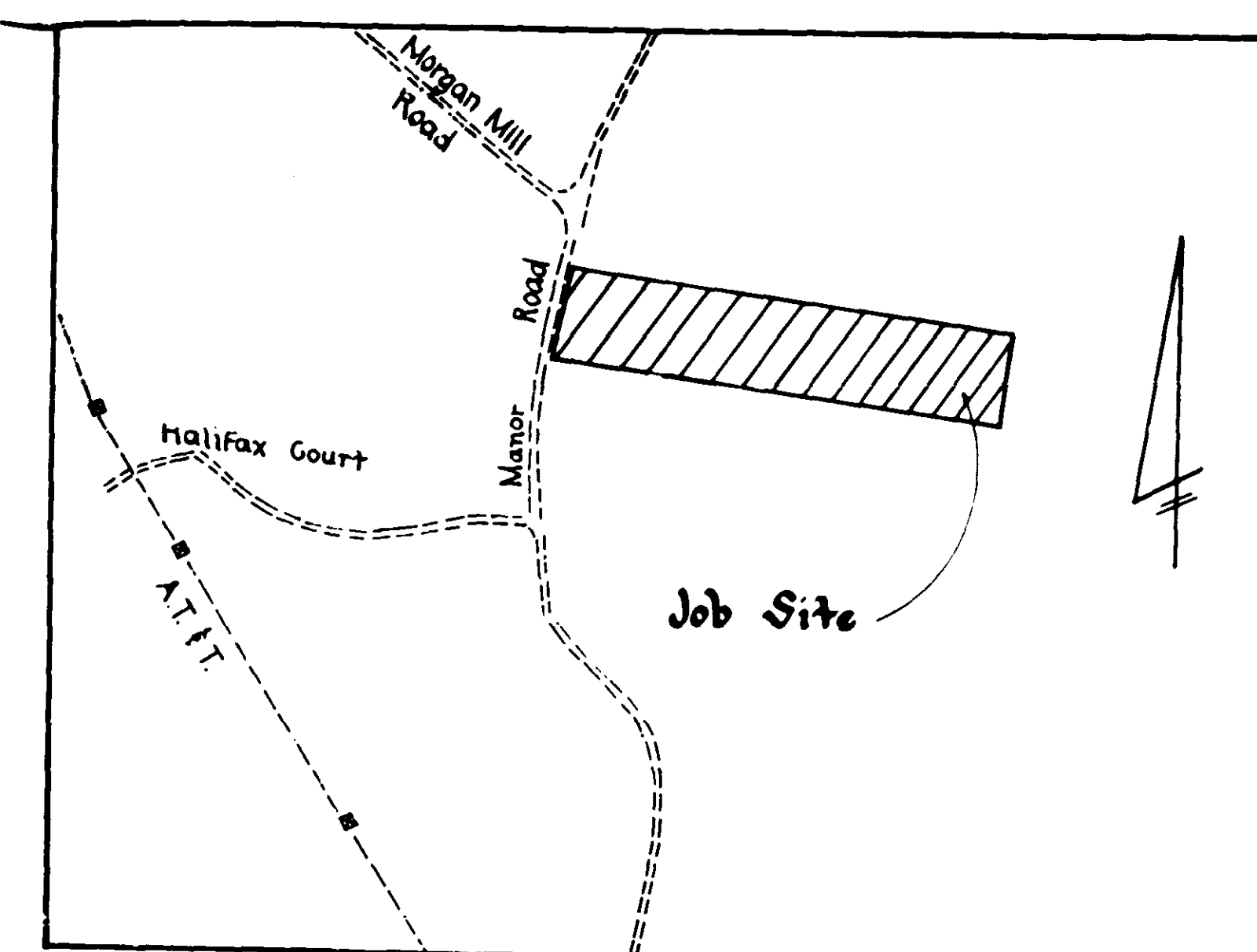
PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
11823 MANOR RD.
11th ELEC. DIST.
SCALE 1" = 100'

BALTO. CO., MD.
OCT. 1993

COORDINATE TABLE					
No.	North	East	No.	North	East
1.	54,048.6012	23,325.4684	5.	54,864.6485	24,816.1584
2.	55,241.6618	23,388.0005	6.	54,761.3085	24,750.0755
3.	55,237.1218	23,422.0302	7.	54,544.1440	23,358.3066
4.	55,050.0511	24,856.4512			

GENERAL NOTES

- Highway & Highway Widening, Slope Easements, & Drainage Utility Easements shown hereon are reserved unto the Developer and are hereby offered for dedication to Baltimore County, Maryland. The Developer, its successors and assigns shall convey said areas, by deed, to Balto. Co., Md. at no cost.
- For Panhandle Lots; Refuse collection, snow removal, and roadway maintenance are provided to the junction of the panhandle & Street R/W line only, and set onto the panhandle lot driveway.
- All panhandles shown hereon have a width of 10'.
- All building setbacks are 50' from all lot lines.
- This subdivision is on the Loch Raven Watershed.

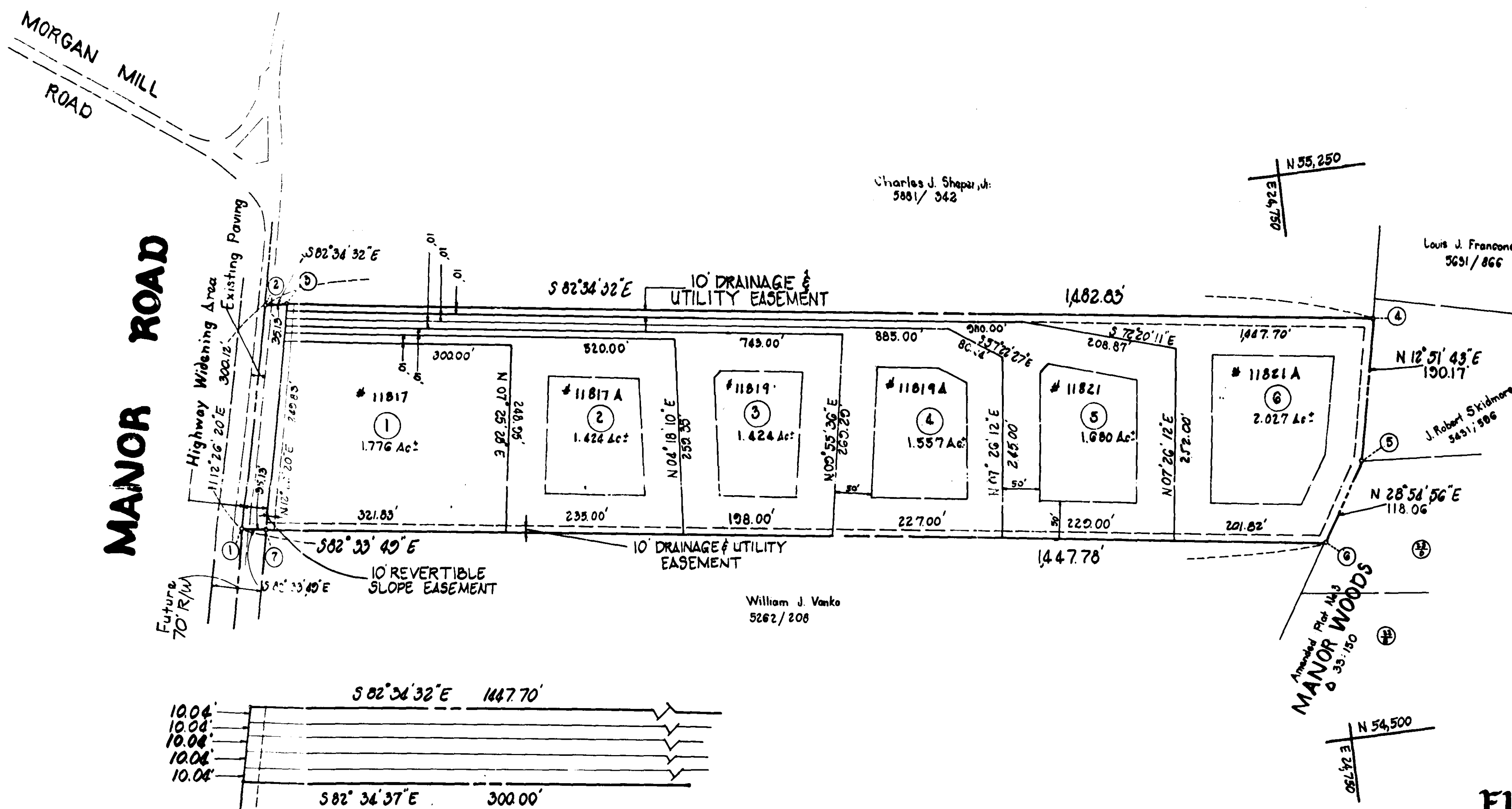


VICINITY MAP
Scale: 1"=500'

DENSITY NOTES

- Existing Zoning of Property
- Gross Area
- Highway Widening Area
- Net Area of Lots
- No. of Lots Allowed
- No. of Lots Proposed
- Average Lot Size

RC-5
10.13 Ac.
0.24 Ac.
0.80 Ac.
1013 x 667' G LOTS
6 Lots
165 Ac.



Panhandle Detail
Scale: 1"=50'

OWNER'S CERTIFICATION

The requirements of Sections 72A to 72D of Article 17 of the Annotated Code of Maryland, 1930 Edition, Chapter 106 of the Acts of 1945, as amended by Chapters 84 & 786 of the Acts of 1947, and subsequent Acts, if any, amendatory thereto, so far as they concern the making of the plat & setting of markers have been complied with.

Owner of the Land shown hereon:

Edward J. Mackay Owner
Date: 5/4/80

SURVEYOR'S CERTIFICATION

I, James W. McKee, a registered land surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out & the plat thereof prepared in accordance with Sections 72A to 72E, inclusive of Article 17 of the Annotated Code of Maryland, 1930 Edition, as enacted or amended by the Acts of 1945 & 1947, & subsequent acts, if any, amendatory thereto.

James W. McKee
James W. McKee

6/5/80
Date:

OWNER'S CERTIFICATION

The requirements of Section 72A to 72D of Article 17 of the Annotated Code of Maryland, 1930 Edition, Chapter 106 of the Acts of 1945, as amended by Chapters 84 & 786 of the Acts of 1947 and subsequent Acts, if any, amendatory thereto, so far as they concern the making of the plat & setting of markers have been complied with.

Owner of the Land shown hereon:
Mildred A. Hook
Owner

6/5/80
Date:

FINAL SUBDIVISION PLAT

OF "MANOR WAY"

11th Election District
Scale: 1"=100'

Baltimore Co., Md.
June 3, 1980

For

OWNER
Mildred A. Hook
11817 Manor Road
Glen Arm, Md 21057

Deed Reference: 1111/524

McKEE, DUAL & ASSOCIATES, INC.

Civil Engineers & Land Surveyors
1717 York Road Ldn-Lea Building Lutherville, Maryland 21003

Job No.	Scale	Engr.	Drawn	Sht. No.
79-20	1"=100'	J.W.M.	G.A.B.	1 of 1
Date: 5-21-80	Des: J.W.M.	Chkd:		

Approved: Baltimore County Planning Board
Date: 9/1/80
Director: *Thomas E. Burke*

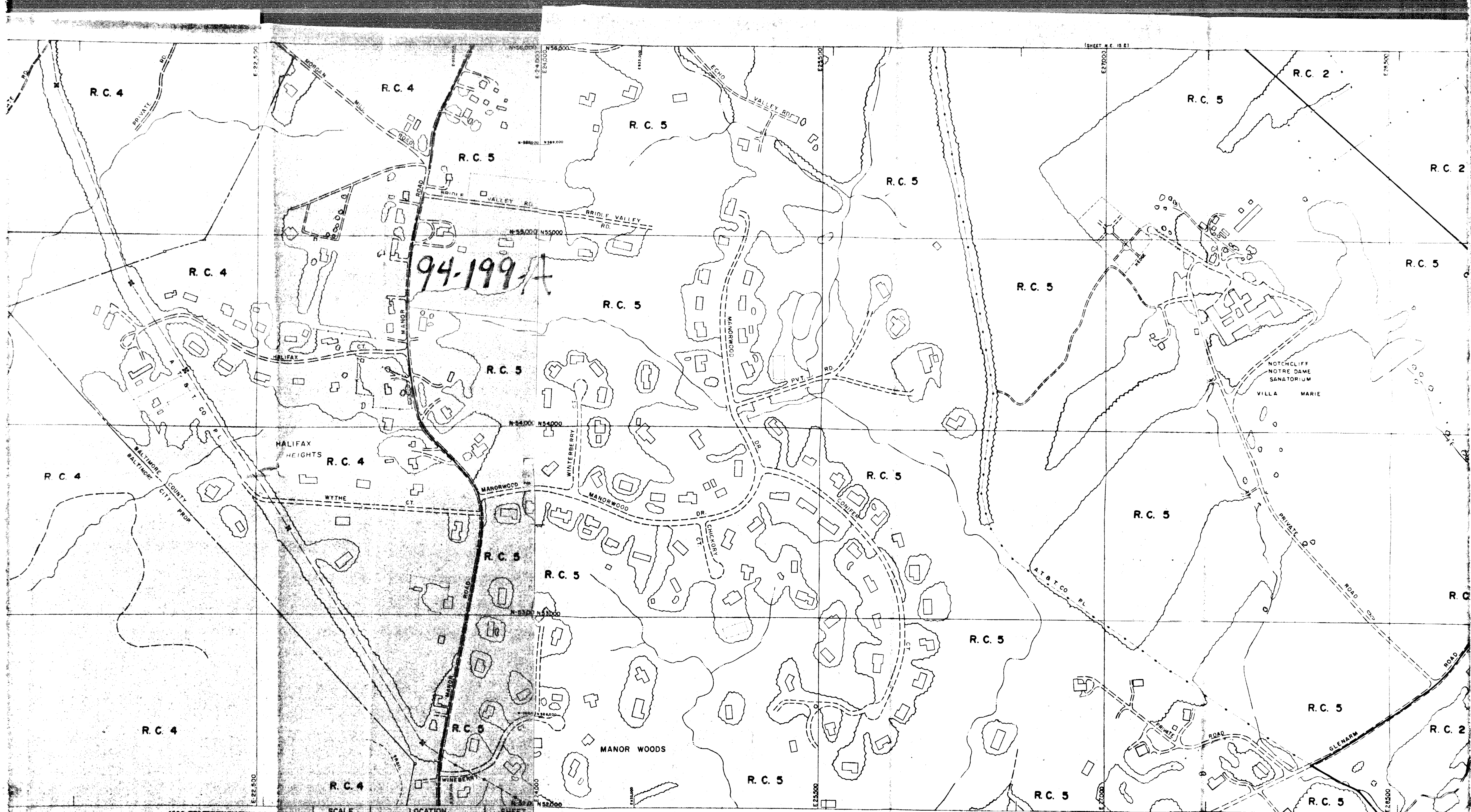
Approved: County Health Officer
Date: *7/1/80*

Approved: County Roads Engineer
Date: *7/1/80*

Note: The streets and or roads shown hereon and the mention thereof in deeds are for the purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title to the lands thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Note: The courses and coordinates shown hereon are referred to the following Baltimore County Traverse Stations:

Station	North	East
11714	54,950.8100	23,312.5900
11715	54,400.5800	23,277.6700



BALTIMORE COUNTY AND ZONING MAP 1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 <i>William A. Howard IV</i> Chairman, County Council	SCALE 1" = 200' DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION LOCH RAVEN MANOR ROAD	SHEET NE 14-D	1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 13, 1988 <i>Debra J. Hall</i> Chairman, County Council	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP 1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 <i>William A. Howard IV</i> Chairman, County Council
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