FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

This matter comes before the Zoning Commissioner as a Petition for Variance for the subject property known as 141 Newburg Avenue located in the Catonsville area of Baltimore County. The Petition was filed by David A. Carney, Executor of the Estate of Alice B. Carper, legal owner. The Petition as filed seeks relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) on Lot 1 with a height of 20 feet in lieu of the maximum permitted 15 feet, and from Section 1802.3.C.1 of the B.C.Z.R. to permit a rear yard setback of 28 feet in lieu of the required 30 feet for a proposed dwelling on Lot 2. The subject property and relief requested are more particularly shown on the site plan submitted with the Petition filed and identified herein as Petitioner's Exhibit 1.

Appearing at the public hearing held in this matter was David A. Carney, Esquire, attorney and personal representative of the Estate of Alice B. Carper, property owner. Also appearing on behalf of the Petition were Louis Carper, son of Alice B. Carper and beneficiary of the Estate, and Joseph N. McGraw, Jr., Frofessional Engineer who prepared the site plan of the property. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 0.9269 acres, more or less, zoned D.R. 5.5 and is improved

with a two and one-half story single family dwelling, detached garage and frame shed. The property is located at the intersection of Newburg and Sanford Avenues in the Catonsville subdivision of Oak Springs. As noted above, the property was owned by Alice B. Carper who is now deceased. At the time of her ownership, the property was used as a single family residence. Subsequent to her death, Mr. Carney, as Personal Representative of the Estate, determined to subdivide the property and a subdivision plan depicting a minor subdivision of the property into two building lots was submitted for approval. Pursuant to the density regulations of the B.C.Z.R., the D.R. 5.5 zoning of the subject site would permit a minor subdivision of up to five (5) residential lots; however, the Petitioner seeks only a two-lot subdivision. Proposed Lot 1 will contain the existing improvements and proposed Lot 2 is intended to be developed with a single family residence consistent with other homes in the area. As depicted on the site plan, the existing dwelling on proposed Lot 1 fronts on Newburg Avenue and the garage, which is the subject of the variance requests, is located towards the rear of the lot, approximately 28 feet from the proposed dwelling on Lot 2, which will front on Sanford Avenue.

As to the variances requested, the first relates to the existing garage to the rear of Lot 1. A photograph submitted into evidence as Petitioner's Exhibit 3, shows same to be an attractive building compatible with the older home on this lot. The garage has apparently existed for many years and is a two-story structure with a height of 20 feet, clearly in excess of the 15-foot height allowed pursuant to Section 400.3 of the B.C.Z.R. The Petitioner argues that the height variance requested should be granted inasmuch as removal of the second story or roof of the garage would constitute a practical difficulty or unreasonable hardship to the

Petitioner. Moreover, the garage is located within the interior of the lot and does not adversely affect the surrounding locale. Testimony to this effect was offered by Mr. McGraw, the site engineer.

As to the second variance requested, the same relates to proposed Lot 2. As shown on the site plan, the building envelope provides for a 28-foot rear yard setback from the rear of the building envelope to the rear property line. This property line is located near the existing garage on Lot 1. Apparently when the minor subdivision plan was initially approved, the office of Planning recommended that the proposed dwelling on Lot 2 be setback from Sanford Avenue a distance consistent with other homes along this street. Thus, in order to move the house further back from Sanford Avenue to present a consistent front yard setback, the rear yard setback is compromised by 2 feet.

All zoning variances from the strict implementation of the B.C.Z.R. must be adjudged in accordance with the standards contained within Section 307 increof. The Petitioner must prove that the property owner would suffer a practical difficulty or unreasonable hardship if the relief requested were to be denied. Moreover, testimony and evidence must be presented that the spirit of the regulations will be observed and that relief can be granted in a manner so as not to adversely affect the sur-

Applying these standards to the case presented, I am entirely persuaded that the Petitioner has satisfied its burden and that the variances should be granted. Clearly, preservation of the existing garage which is an attractive structure, is warranted. This garage predates the B.C.Z.R. by many years and is consistent with the principal dwelling on the lot. Moreover, in order to preserve the character of the properties on Sanford Avenue, the requested variance to rear yard setback requirements should also be granted. In the opinion of this Zoning Commissioner, the granting of this relief will be consistent with the sound planning policies offered by the Office of Planning and Zoning and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons stated above, the variance relief requested shall be granted.

THEREFORE, O IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3/ day of February, 1994 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet on Lot 1, and from Section 1802.3.C.1 of the B.C.Z.R. to permit a rear yard setback of 28 feet in lieu of the required 30 feet for a proposed dwelling on Lot 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

94-251-A ZONING DESCRIPTION FOR #141 NEWBURG AVENUE 1ST ELECTION DISTRICT IST COUNCILMANIC DISTRICT

Beginning at the intersection of the southeast side of Newburg Avenue, 50 feet wide, and the northeast side of Sanford Avenue, 50 feet wide. Thence running North 42 degrees 12 minutes 20 seconds East 150 feet, South 48 degrees 09 minutes 30 seconds East 268 feet, South 42 degrees 12 minutes 20 seconds West 151.70 feet and North 47 degrees 47 minutes 40 seconds West 268 feet to the place of beginning as recorded in Deed Liber 3514, Folio 246.



94-251-A

ZONING DESCRIPTION FOR #141 NEWBURG AVENUE 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

Beginning at the intersection of the southeast side of Newburg Avenue, 50 feet wide, and the northeast side of Sanford Avenue, 50 feet wide. Thence running North 42 degrees 12 minutes 20 seconds East 150 feet, South 48 degrees 07 minutes 30 seconds East 241 feet, South 42 degrees 12 minutes 20 seconds West 61.7 feet North 47 degrees 47 minutes 40 seconds West 51.73 feet, South 87 degrees 12 minutes 20 seconds West 14.14 feet, South 42 degrees 12 minutes 20 seconds West 80 feet and North 47 degrees 47 minutes 40 seconds West 179.27 feet to the place of beginning as partly described in a Deed recorded in Liber 3514, Folio 246.



#252

Baltimore County Government Zoning Commissioner Office of Planning and Zoning Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204 February 23, 1994 David A. Carney, Esquire c/o Reese and Carney 10715 Charter Drive Columbia, Maryland 21044 RE: PETITION FOR VARIANCE SE/S Newburg Avenue and NE/S Sanford Avenue (141 Newburg Avenue) 1st Election District - 1st Councilmanic District David A. Carney, Executor of Estate of Alice B. Carper - Petitioner Case No. 94-251-A Dear Mr. Carney: Enclosed please find a copy of the decision rendered in the

above-captioned matter. The Petition for Variance has been granted in vaccordance 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.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Mr. Joseph W. McGraw, Jr. c/o J.S.T. Engineering Co., Inc. 3812 Mary Avenue, Baltimore, Md. 21206 People's Counsel

Petition for Variance
to the Zoning Commissioner of Baltimore County for the property located at 141 HENBURG AVENUE which is presently zoned D.R. S.S. This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Sec. 400.3 To permit an accessory structure (garage) with a height of 20 feet in lieu of the required 15 feet in lot #1 and 1802.30.1 to permit a Egar yard setback at 28 feet in lieu of the required 30 feet Zoding Righthas Father County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or TO BE DISCUSSED AT HEARING Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): David A. Carney Executor of Estate of Alice B. Carper Signature David A. Carney c/o Reese and Carney 10715 Charter Drive
AddressColumbia, MD. 21044 Phone No. (410) 740-4600 Name. Address and phone number or representative to be contacted Joseph W. McGraw, Jr. C/O J.S.T. Engineering Co., Inc. Name 3812 Mary Avenue Baltimore, Maryland 21206

#252

LES:bjs

94-251-A

ZONING DESCRIPTION FOR #207 SANFORD AVENUE 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

Beginning on the northeast side of Sanford Avenue, 50 feet wide at the distance of 204.27 feet southeast of the centerline of Newburg Avenue, 50 feet wide. Thence running North 42 degrees 12 minutes 20 seconds East 80 feet, North 87 degrees 12 minutes 20 seconds East 14.14 feet. South 47 degrees 47 minutes 40 seconds East 51.73 feet North 42 degrees 12 minutes 20 seconds East 61.7 feet, South 48 degrees 09 minutes 30 seconds East 27 feet, South 42 degrees 12 minutes 20 seconds West 151.70 feet and North 47 degrees 47 minutes 40 seconds West 88.73 feet to the place of beginning as partly described in a Deed recorded in Liber 3514. Folio 246.

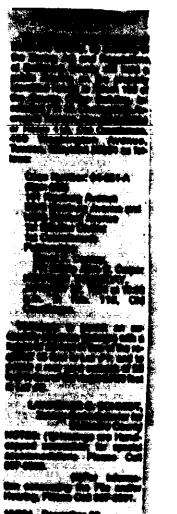


25,2

Posted for: Varience	Date of Posting 1/2/94
	PRESTATE Atio R. Gargon
Location of property: 141 Now 6 479	Ar. SHS & NEB San Ford Ave

Location of Signer Facing Toadway	On proporty boing 70m d
Remarks:	•••••••••••••••••••••••••••••••••••••••
Remarks:	Date of return: 1/14/94

CERTIFICATE OF PUBLICATION



THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Dec. 30, 1953.

THE JEFFERSONIAN.

Zoning Administration & Development Management Date 12/17/93 Tokon by JRF Carnoy -- 141 Nawburg Ava. 010 Variance (2) ... 100.00 080 Sign (1) - - 35.06 \$ 135.00 BOMBORBEROKTORIO EA PARTITIONERS 19 AS

111 West Chesapeake Avenue Towson, MD 21201 ZONING HEARING ADVERTIGING AND POSTING REQUIREMENTS & PROCEDURES

and Development Management

Baltimore County Government Office of Zoning Administration

(410) 887-3353

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 accessed 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.

______ For newspaper advertising: Item No.: 252 Petitioner: DAVID A CARNEY EXECUTOR OF ESTATE OF ALICE B. Location: 141 NEWBURG AVENUE PLEASE FORWARD ADVERTISING BILL TO: NAME: JOSEPH L. Mª GRAW JR % J.S.T. ENGINEERING G, INC. ADDRESS: 3012 MARY AVENUE BALTO. MD. 21206 PHONE NUMBER: (410) 444-8848

(Revised 04/09/93)

Item Number: 252
Planner: JRF
Date Filed: 12-17-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing: Descriptions, including accurate beginning point Actual address of property Acreage

Plats (need 12, only ____ submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need minimum 1 original signature) and/or

printed name and/or address and/or telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal

owner/contract purchaser Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect

and/or commission has expired

TO: PUTULENT PUBLISHING COMPANY December 30, 1993 Issue - Jeffersonian

Please foward billing to: Joseph W. McGraw, Jr. c/o J.S.T. Engineering Co., Inc. 3812 Mary Avenue Baltimore, Maryland 21206

410-444-8848

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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-251-A (Item 252) 141 Newburg Avenue SE/S Newburg Avenue and NE/S Senford Avenue 1st Election District - 1st Councilmenic Petitioner(s): David A. Carmey, PR Estate Alice B. Carper HEARING: THURSDAY, JANUARY 27, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit an accessory structure (garage) with a height of 20 feet in lieu of the required 15 feet in Lot #1; and to permit a rear yard methods of 28 feet in lieu of the required 30 feet in Lot #2.

ZOWING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DECEMBER 23, 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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-251-A (Item 252) 141 Newburg Avenue SE/S Newburg Avenue and NE/S Sanford Avenue 1st Election District - ist Councilmanic Petitioner(s): David A. Carney, PR Estate Alice B. Carper HEARING: THURSDAY, JANUARY 27, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit an accessory structure (garage) with a height of 20 feet in lieu of the required 15 feet in Lot #1; and to permit a rear yard setback of 28 feet in lieu of the required 30 feet in Lot #2.

cc: David A. Carney Joseph W. McGraw, Jr.

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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

JANUARY 6. 1994

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF POSTPONEMENT

CASE NUMBER: PETITIONER(S):

94-251-A DAVID A. CARNEY, PR ESTATE ALICE B. CARPER 141 NEWBURG AVENUE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JANUARY 27, 1994, HAS BEEN POSTPONED AT THE REQUEST OF DAVID A. CARNEY, ATTORNEY FOR

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

cc: David A. Carney Joseph W. McGraw, Jr≇

MPLEASE PLACE ENCLOSED POSTPONEMENT STICKER ON THE ZONING NOTICE SIGN.

Printed with Soybeen Ink.

PET-FLAG (TXTSOPH) 11/17/93



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

JANUARY 11, 1994

NOTICE OF REASSIGNMENT

Rescheduled from 1/17/94 CASE NUMBER: 94-251-A (Item 252) 141 Newburg Avenue SE/S Newburg Avenue and NE/S Sanford Avenue 1st Election Pistrict - 1st Councilmanic Petitioner(s): David A. Carney, PR Estate Alice B. Carper

Variance to sermit an accessory structure (garage) with a height of 20 feet in lieu of the required 15 feet in Lot #1; and to permit a rear yard setback of 28 feet in lieu of the required 30 feet in Lot #2.

HEARING: THURSDAY, FEBRUARY 10, 1994 at 11:00 a.m. Rm. 118, Courthouse.

ARNOLD JABLON DIRECTOR

cc: David A. Carney** Joseph W. McGarw, Jr.

**PLEASE PLACE THE ENCLOSED "NEW DATE" STICKER ON THE ZONING SIGN.

Printed with Soyboan Ink
on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

January 14, 1994 5

Mr. David A. Carney C/O Reese and Carney 10715 Charter Drive Columbia, Maryland 21-44

> RE: Case No. 94-251-A, Item No. 252 Petitioner: David A. Carney, Executor, Estate of Alice B. Carper Petition for Variance

Dear Mr. Carney:

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 December 17, 1993, and a hearing was scheduled accordingly.

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

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

Printed with Soybean link on Recycled Paper

Maryland Department of Transportation State Highway Administration

Ms. Charlotte Minton

County Office Building

Zoning Administration and Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

O. James Lighthizer Hal Kassoff Administrator

12-22-93

Re: Baltimore County Item No.: \$ 250 (JRT)

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, John Contestabile, Chief Engineering Access Permits

My telepitione number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

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

DATE: January 4, 1994

SUBJECT: 141 Newburg Avenue

INFORMATION:

Item Number: Petitioner:

David A. Carney Property Size:

Zoning:

Requested Action: Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The petitioner has revised his development plan according to comments submitted by the Office of Planning, one of which was to align the front of the proposed house with that of 209 Sanford Avenue. This revision has resulted in the need for the 28' rear yard variance request. Staff therefore, supports the appli-

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

Armold Jables Director . Imang Administration and

Development Menagement Halthrore County Office Building Towson, ND 21504 MAN. STOF -1100

RE: Property Owner: DAVID A. CARNEY, PERSONAL REPRESENTATIVE SCR ESTATE OF ALICE B. COUPER (OCATION: SE/F NEWFORG AVE. & NE/S SANFORD AVE. 1141 MELPHIES AVE.)

Zoning Agenda: VARIANCE (Mas Na.: PER (JEE)

7. The sign survention Bordan has no comments at this time.

Forseart to your request, the referenced property has been surveyed by this fursal and the comments below are applicable and required to the secretification is all perated into the final plans for the property.

ZADM

(410) 887-4500

FUNCTOR: | 1 . ROBERT M. RAUFRWALD 5,72 € 2000 1100, PROME 687-4681, MS-1102F

ATTORNEYS AT LAW DAVID A. CARNEY DANIEL H. SCHERR 10715 CHARTER DRIVE DAVID C. HJORTSBERG LAURENCE B. RABER KEVIN J. KELEHAN (410) 740-4600 JEFFREY A. KREW WASHINGTON AREA MICHAEL S. MOLINARO (301) 621-5255 L. ROLAND STURM JOAN M. BECKER CONWELL F. SAPP BETH JACKSON YEAGER SUSAN E. BEASILEY CATHLEEN F. WARD

Reese and Carney CHARLES A. REESE COLUMBIA, MARYLAND 21044 255 N. WASHINGTON STREET ROCKVILLE, MARYLAND 20850

SUITE 505

(30) 762-6210

BALTIMORE FAX (410) 730-7729 WASHINGTON FAX (301) 621-5273

December 30, 1993

Mr. Arnold Jablon Director Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue

> RE: Case No. 94-251-A 141 Newburg Avenue

Dear Mr. Jablon:

Towson, MD 21204

I am the Personal Representative for the Estate of Alice B. Carper and have received the notice of the hearing on the variance request. I will be out of the State during the week of January 24th and would be unavailable to attend the hearing as scheduled on January 27th. I am an essential participant in that proceeding and request that the matter be re-scheduled for the earliest available date after January 28th. If the matter cannot be timely re-scheduled, please advise me as soon as possible.

Thank you for any consideration you can give in this matter.

Very truly yours, REESE AND CARNEY David A. Carney

DAC/GCa

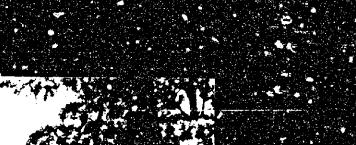


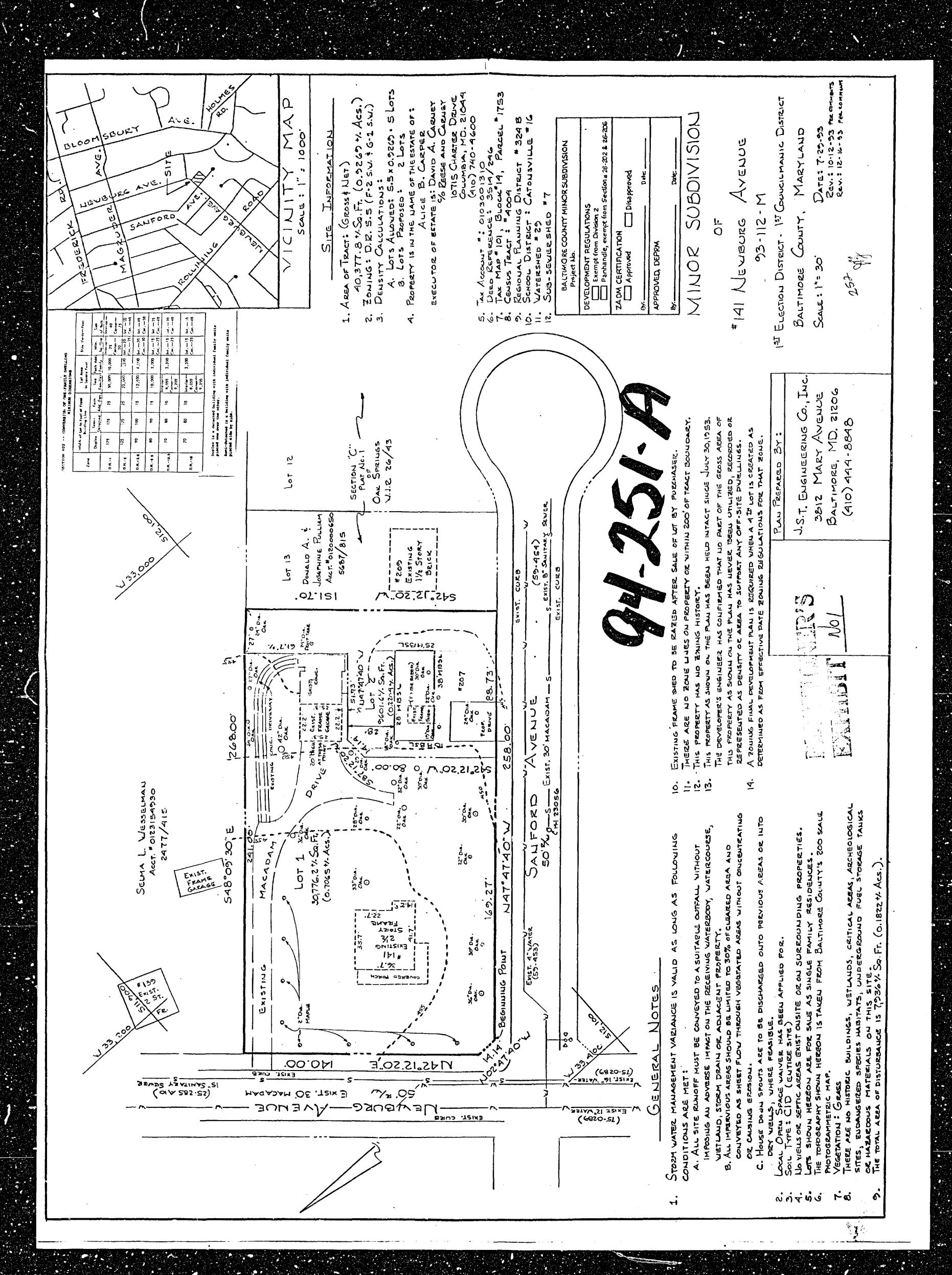
Case 94-251-A

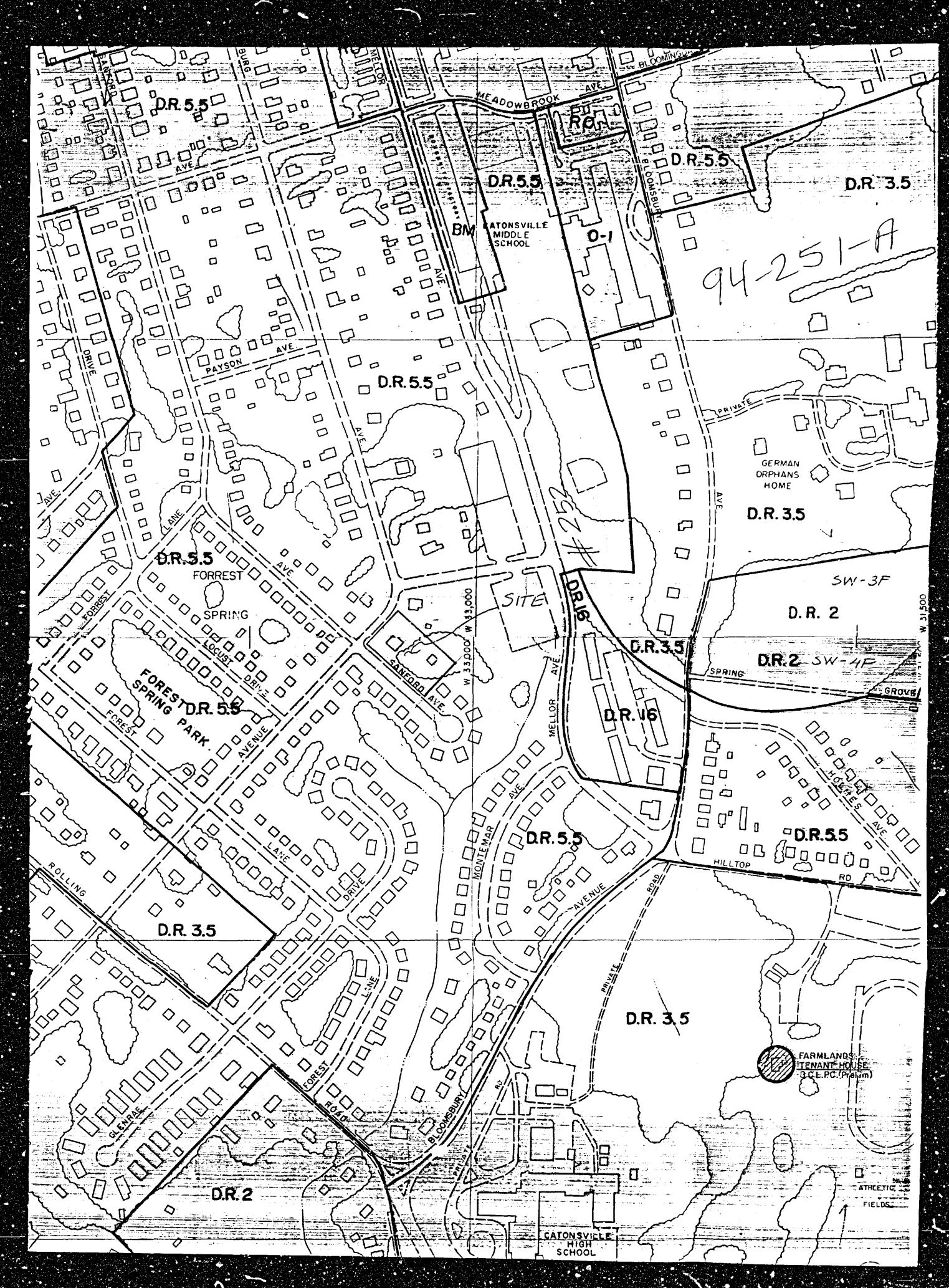


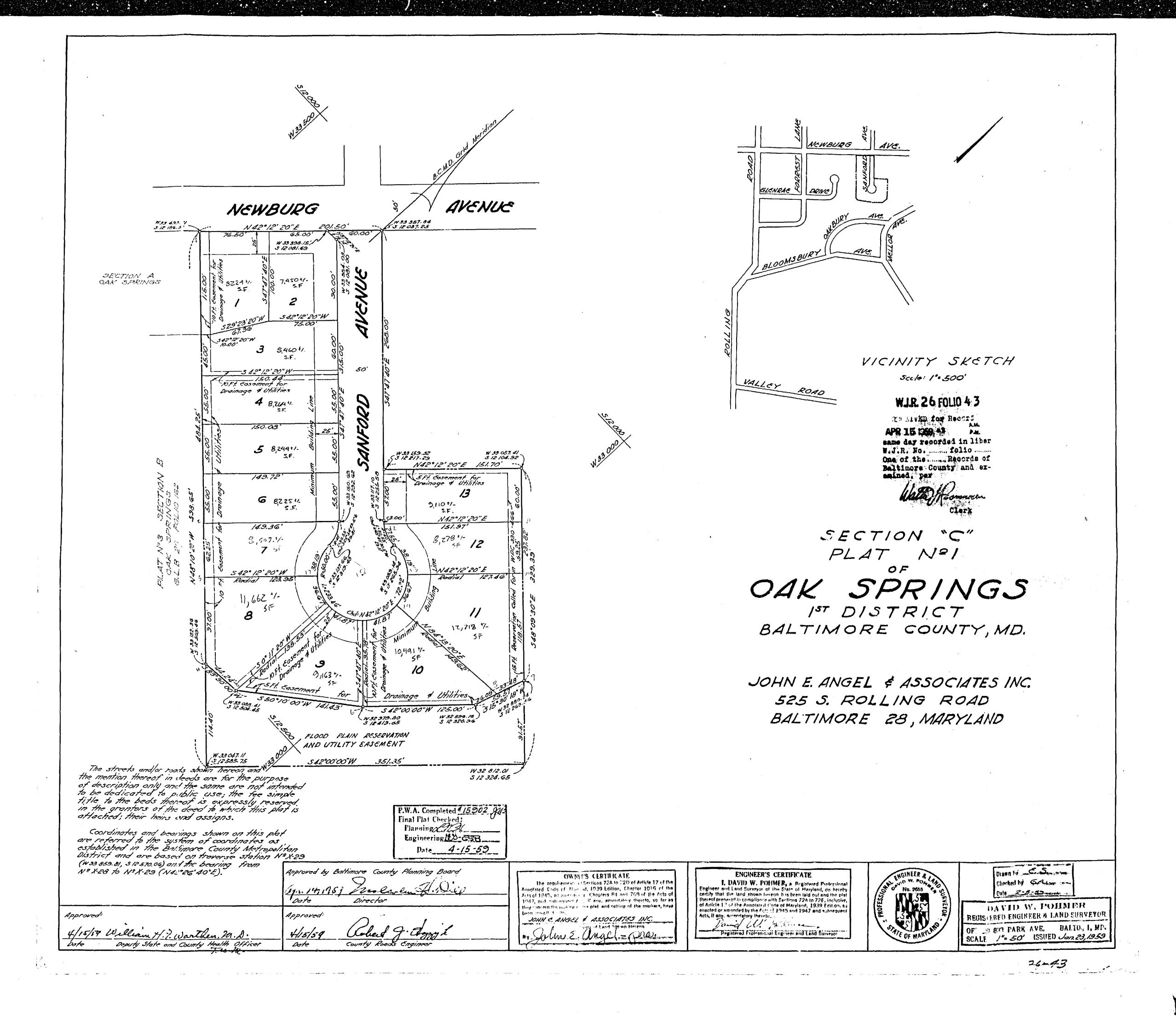












Erennen i Noz