

**THIRD JUDICIAL CIRCUIT OF MARYLAND**

**COUNTY COURTS BUILDING  
TOWSON, MARYLAND 21204  
(410) 887-2647**

RONALD THOMAS SMITH, et ux.

Petitioners

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE  
  
BALTIMORE COUNTY BOARD OF APPEALS

IN THE CASE OF

PETITION FOR ZONING VARIANCE  
SOUTHWEST OF VIOLETTE AVENUE  
188' E OF C/1 OF BENSON AVENUE  
1236 VIOLETTE AVENUE  
13TH ELECTION DISTRICT  
CASE NO. 96-376-A

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* CASE NO. 03-C-96-12332  
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\*  
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\*

### OPINION AND ORDER

This case comes before this court as the result of a  
Petition for Judicial Review from the decision of the Baltimore  
County Board of Appeals (the "Board") denying the Smiths' (the  
"Petitioners") request for a variance to construct an additional

**FILED** AUG 05 1997

bedroom on the side of their family residence. Argument was heard by this court on July 7, 1997 from counsel for both the Petitioners and Mr. & Mrs. John A. Purkey, Jr. (the "Protestants"), and the matter was held sub-curia pending a review of the record. This court finds as a matter of law that the Board did not err in its decision of November 6, 1996, denying Petitioner's request for a variance, pursuant to Baltimore County Zoning Regulation §307.1.

Petitioners filed a Petition for an Administrative Zoning Variance to allow a room addition with a side yard setback of 5 feet from building to tract boundary in lieu of the required 30 feet. On June 25, 1996, the Zoning Commissioner granted the Petition for Variance. A Notice of Appeal was filed by the Protestants. The Board took testimony and heard argument from both the Petitioner and counsel for the Protestants. On November 6, 1996, the Board denied the Petition for Variance.

This court has consolidated the issues raised by Petitioners for review, rephrased as follows: (1) whether the Board's Order denying the Petitioner's request for variance was an abuse of discretion and arbitrary and capricious? (2) whether Petitioner

was denied his right to a fair and impartial hearing before the Board by the failure of one of the Board members to disclose his true relationship to the Protestant who appeared at the hearing conducted by the Board?

The factual history is well-documented in the pleadings and in the opinion of the Board and will not be set forth fully herein. In pertinent part, Petitioners acquired the subject property approximately nine years ago. The parcel of land consists of .1977 acres and is improved with a brick and framed split level, two bedroom, residence located at 1236 Violette Avenue in the subdivision of Whittemore Park. The Petitioners seek to add a third bedroom to the residence in order to accommodate their two children. To this end, Petitioners filed for a variance to expand, enclose and convert an exiting carport into the desired bedroom. This addition will place the property within 5 feet from the property line. Between the side of Petitioners' residence and the Protestants' backyard, the subject area for the variance, exists a 15-foot unimproved alley.

The Petitioners are unable to extend from the rear of their property because of the improvements thereon of an attached deck,

and an above-ground swimming pool. Also, Petitioners are confined by a 10 foot setback on opposite side of the residence.

The scope of review by this court is limited to determining whether or not the Board's decision is based on an error of law and whether the record as a whole supports the Board's findings and conclusions. Heaps v. Cobb, 185 Md. 372 (1985). However, the scope of review is narrow, recognizing that Board members have expertise in a particular area and ultimately should be free to exercise their own discretion. Finney v. Halle, 241 Md. 224 (1966). The reviewing court will not substitute its judgment for that of an administrative board where the issue is freely debatable and the record contains substantial evidence supporting the administrative decision. Montgomery County v. Woodward and Lorthrop, Inc., 280 Md. 686 (1977).

With respect to the law, Section 307.1 provides in pertinent part:

"The zoning commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and are hereby given the power to grant variances...where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations...would result in practical difficulty or unreasonable hardship. [A]ny such variance shall be granted

only if in the strict harmony with the spirit and intent of said...regulation, and in only such a manner as to grant relief without injury to public health, safety and general welfare."

As correctly noted by counsel for the Protestants in oral argument, variances, even seemingly minor area variances, are rarely appropriate or justified:

"[I]n our review of the reported Maryland cases since the creation of the state zoning enabling act..., we have found only five reported Maryland cases in which the grant of a variance has been affirmed or the denial of a variance has been reversed. [Cases cited.] All of these cases were decided over a twelve year period and the last of them was decided more than twenty-one years ago. Three of them...appear to be somewhat at odds with accepted Maryland law..." Cromwell v. Ward, 102 Md. App. 691, 711, (1995).

Petitioners contend that there are special circumstances and conditions unique to their property. Further stating, unlike neighboring homes, Petitioner's property is adjacent to a 15-foot unimproved alley which separates Petitioners' property from the Protestants' property. As such, Petitioners argue that the Board, based on this evidence, arbitrarily and capriciously denied Petitioners' variance without due regard to the uniqueness test as set forth in Cromwell v. Ward. See also North v. St. Mary's County, 99 Md. App. 512 (1994). However, the law requires that the subject property be unique and have inherent

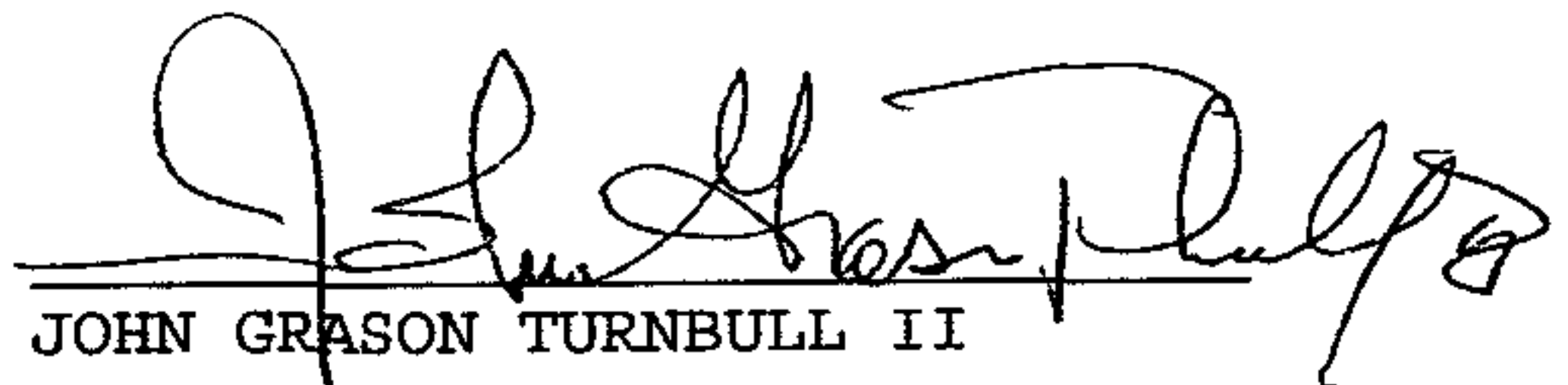
characteristics not shared by other properties in the area, such as its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. North v. St. Mary's County, 99 Md. App. at 514. The Petitioners did not assert any of these characteristics as distinguishing their property from neighboring properties. The Board was not arbitrary and capricious when it decided to deny the Petition for Variance. In fact, the Board made special note of the testimony given by Mr. Smith regarding the 15-foot alley and concluded that the alleyway is not part of the subject property and cannot be considered.

This court finds the Board was correct when it found that because the alley was not located on Petitioners' property, it could not be considered in determining whether or not Petitioners property was, in fact, unique to the area. Further finding, that the subject property is not otherwise unique or peculiar to the common characteristics of neighboring properties, such as to the shape and topography of the land. Id.

Petitioners' contention. Assuming Mr. Bucheister had voted to grant the variance, the result would remain unaffected.

Accordingly, it is this 31st day of July, 1997,

ORDERED, by the Circuit Court for Baltimore County, that the decision of the Baltimore County Board of Appeals is AFFIRMED.



JOHN GRASON TURNBULL II  
JUDGE

Copies sent to:

G. Warren Mix, Esquire  
Attorney for Petitioners

Robert L. Hanley, Jr., Esquire  
Attorney for Protestants

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF RONALD THOMAS SMITH, ET UX  
1236 Violette Avenue  
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-96-12332

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF  
RONALD THOMAS SMITH, ET UX  
FOR ZONING VARIANCE ON PROPERTY  
LOCATED SOUTHWEST OF VIOLETTE AVENUE,  
188' E OF C/L OF BENSON AVENUE  
(1236 VIOLETTE AVENUE)  
13TH ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. 96-376-A

\* \* \* \* \*

PROCEEDINGS BEFORE THE ZONING COMMISSIONER  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Lawrence M. Stahl, Harry E. Buchheister, Jr., and  
S. Diane Levero, constituting the County Board of Appeals of  
Baltimore County, and in answer to the Petition for Judicial Review  
directed against them in this case, herewith return the record of  
proceedings had in the above-entitled matter, consisting of the  
following certified copies or original papers on file in the  
Department of Permits and Development Management and the Board of  
Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

No. 96-376-A

April 1, 1996

RECEIVED AND FILED  
97 FEB -3 PM 12:37  
Petition for Administrative Zoning Variance  
filed by Ronald Thomas and Patricia Marie  
Smith, to allow an addition with a side yard  
setback of 5' from building to tract boundary,  
in lieu of the required 30'.

April 24, 1996

Request for Hearing on Petition for  
Administrative Zoning Variance and statement

of opposition received from Charles E. Kountz, Esquire, on behalf of John and Dorothy Purkey, Jr.

April 30, 1996      ZAC Comments.

March 11            Certificate of Posting of property.

May 9                Publication in newspaper.

June 3                Hearing held on Petition by the Zoning Commissioner.

June 25              Order of the Zoning Commissioner in which Petition for Variance was GRANTED with restrictions.

July 24               Notice of Appeal filed by Robert L. Hanley, Jr., Esquire, on behalf of Mr. and Mrs. John A. Purkey, Jr.

September 19        Hearing before the Board of Appeals. Deliberation conducted at conclusion of hearing.

November 6           Opinion and Order of the Board in which the Petition for Variance was DENIED.

December 4           Petition for Judicial Review filed in the Circuit Court for Baltimore County by G. Warren Mix, Esquire, on behalf of Ronald Thomas Smith, et ux.

December 9           Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

December 9           Certificate of Notice sent to interested parties.

February 3, 1997    Transcript of testimony filed.

No additional exhibits entered before the Board with the exception of the Zoning Commissioner's file from below forwarded herewith.

February 3, 1997    Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court,

96-376-A, Ronald Thomas Smith, et ux  
File No. 3-C-96-12332

3

together with exhibits entered into evidence before the Board.

Respectfully submitted,



Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals of Baltimore  
County, Room 49, Basement - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

cc: G. Warren Mix, Esquire  
Ronald Thomas Smith, et ux  
Robert L. Hanley, Jr., Esquire  
John A. Purkey, Jr.  
People's Counsel for Baltimore County  
Virginia W. Barnhart, County Attorney

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF RONALD THOMAS SMITH, ET UX  
1236 Violette Avenue  
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-96-12332

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF  
RONALD THOMAS SMITH, ET UX  
FOR ZONING VARIANCE ON PROPERTY  
LOCATED SOUTHWEST OF VIOLETTE AVENUE,  
188' E OF C/L OF BENSON AVENUE  
(1236 VIOLETTE AVENUE)  
13TH ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. 96-376-A

RECEIVED AND FILED  
\*96 DEC -9 PM 2:48  
CLERK OF BALTIMORE COUNTY

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Lawrence M. Stahl, S. Diane Levero, Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, Maryland 21204, Counsel for Petitioners; Ronald Thomas Smith, Petitioners; Mr. and Mrs. John A. Purkey, Jr., 3916 Benson Avenue, Baltimore, Maryland 21227; Robert L. Hanley, Jr., Esquire, Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204-5340, Counsel for Mr. & Mrs. Purkey; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

  
Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, Maryland 21204, Counsel for Petitioners; Ronald Thomas Smith, Petitioners; Mr. and Mrs. John A. Purkey, Jr., 3916 Benson Avenue, Baltimore, Maryland 21227; Robert L. Hanley, Jr., Esquire, Suite 700, Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland 21204-5340, Counsel for Mr. & Mrs. Purkey; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 9th day of December, 1996.



Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

PETITION OF

RONALD THOMAS SMITH, et ux.  
1236 Violette Avenue  
Baltimore, MD 21227

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE

BALTIMORE COUNTY BOARD OF APPEALS  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

IN THE CASE OF

Petition for Zoning Variance  
Southwest of Violette Avenue,  
188' E of C/1 of Benson Avenue  
1236 Violette Avenue  
13th Election District  
Case No. 96-376-A

\* \* \* \* \*

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 03-C-96-12332

Case: 03-C-96-012332  
CF-Civil Fili  
90.00  
Appearance Fee  
10.00  
TOTAL  
100.00

COMMENT:  
Smith vs Balto. Co.

Receipt #199600020075  
\* Cashier: RG COUNCIL\*  
12/04/96 3:05pm

PETITION FOR JUDICIAL REVIEW

Ronald Thomas Smith, et ux., Appellants, by and  
through their attorney, G. Warren Mix and Turnbull, Mix &  
Farmer, hereby petition and request for judicial review by  
the Circuit Court for Baltimore County, pursuant to Rule 7-  
202, from the decision of Board of Appeals of Baltimore  
County denying the Petitioners' request for a variance in its  
Order dated November 6, 1996. A copy of said denial is  
attached hereto.

LAW OFFICES  
TURNBULL, MIX  
& FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204  
828-0700

RECEIVED AND FILED  
96 DEC -4 PM 2:28  
CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY  
NW

*G. Warren Mix*  
G. WARREN MIX  
TURNBULL, MIX & FARMER  
706 Washington Avenue  
Towson, Maryland 21204  
(410) 825-1517  
Attorney for Appellant

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

Case Number: 03-C-96-012332

TO: BALTIMORE COUNTY BOARD OF APPEALS  
Old Courthouse Room 49  
400 Washington Avenue  
Towson, MD 21204

03-C-96-012332

|                               |   |                         |
|-------------------------------|---|-------------------------|
| IN THE MATTER OF              | * | BEFORE THE              |
| THE APPLICATION OF            | * | COUNTY BOARD OF APPEALS |
| RONALD THOMAS SMITH, ET UX    | * |                         |
| FOR A VARIANCE ON PROPERTY    | * | OF                      |
| LOCATED SOUTHWEST OF VIOLETTE | * | BALTIMORE COUNTY        |
| AVENUE, 188' EAST OF THE      | * |                         |
| CENTERLINE OF BENSON AVENUE   | * | CASE NO. 96-376-A       |
| (1236 VIOLETTE AVENUE)        |   |                         |
| 13TH ELECTION DISTRICT        |   |                         |
| 1ST COUNCILMANIC DISTRICT     |   |                         |
| * * * *                       |   | * * * *                 |

O P I N I O N

This case comes before the Board on appeal from a decision by the Zoning Commissioner granting a Petition for Variance to allow a room addition with side yard setback of 5 feet from building to tract boundary in lieu of the required 30 feet, with restrictions. Appearing as Petitioners were the property owners, Ronald T. Smith and Patricia M. Smith.

The Appellants in this matter are Mr. & Mrs. John A. Purkey, Jr., who were represented by Robert L. Hanley, Jr., Esquire. There were no other interested persons or protestants present. However, the file does include a letter of support from an officer of the Violetville Community Association.

At the beginning of this hearing, Board member Harry Buchheister made it known that he was acquainted with the Purkey family as a former resident of the community. Acting Chairman Stahl inquired of the Petitioner and Counsel for the Appellant whether there were any objections to Mr. Buchheister's participation in the hearing of the case. There being none, the hearing commenced and was heard in its entirety on this day.

Because Petitioners were without counsel, the Acting Chairman explained the nature of the proceedings, and of the Petitioners' rights in presenting their case.

Petitioner, Ronald Smith, described his home, a split-level

dwelling which faces Violette Avenue in the subdivision of Whittemore Park in the First Councilmanic District of Baltimore County, as a two-bedroom residence. He testified that a third bedroom is essential to provide for their son and daughter, and that he would like to enclose the existing carport of 9-1/2 feet by 23 feet, expanding its width to 16 feet. Although this addition will place his dwelling 5 feet from the property line, Petitioner emphasized that a 15-foot unimproved driveway extends the length of his property. Testimony which was given and Petitioner's Exhibit #1 in the record show the distance from Appellant's house to Mr. Smith's property as 87 feet.

The rear of Mr. Smith's property cannot be used for the addition because of the improvements there of an attached deck, and an above-ground swimming pool.

The Appellants /Protestants in this matter did not testify, but their counsel remarked of their concern for water runoff from the Smith property, and to keep the alley open and free for access by emergency vehicles.

Mrs. Smith responded that their property is actually lower than the Purkey's. She also felt that vehicles will be able to readily utilize the unimproved alleyway when necessary.

In order to grant an area variance, the Board is guided by Section 307.1, which specifies several considerations, and the zoning law of Maryland as enunciated in the case of Cromwell v. Ward, 102 Md.App. 691 (1995), and cases cited therein.

Variances may be granted where special conditions or circumstances exist that are peculiar to the land or structure and where strict compliance with the law would result in practical

difficulty or unreasonable hardship. In Cromwell v. Ward, variances should only be granted when the uniqueness or peculiarity of a subject property is not shared by neighboring properties. In North v. St. Mary's County, 99 Md.App. 512, 638 A.2d 1175 (1994), the term "unique aspect" of a variance requirement does not refer to the extent of any improvements upon a property, or upon a neighboring property. Uniqueness of a property for zoning purposes requires that the subject property (land) have an inherent characteristic not shared by other properties in the area, such as shape, topography, environmental factors, etc.

The Board makes special note of testimony by the Petitioner that the unimproved public 15-foot alley separating the two properties gives his land a unique characteristic from that of others in the community. It is there, but he cannot utilize it. The alley creates a set-back distance that is unique in the neighborhood. However, the Board must make a judgment based on the law as we understand it, and the existence of the alley brings no peculiarity to the Petitioner's land. The alleyway is not a part of the property and cannot be considered.

In this case, the site is a tract property, and the only real difference to it from other neighboring properties are the alterations to it from construction to the rear and the carport to the side. There is nothing different per se about the land itself. The issue is simply, is this property, in and of itself, because of topography, rendered such that people needing to use it have to deal with it differently than the other people in the area, the neighbors.

In Cromwell v. Ward, the standard for uniqueness that

justifies a variance specifies that the uniqueness that warrants a variance to a zoning regulation requires that the uniqueness or peculiarity of a subject property is not shared by neighboring properties, and that, by the operation of the statute, an undue difficulty or unnecessary hardship is created. A review of all the evidence in this matter makes it clear that the subject property, as well as the surrounding properties, share common characteristics as to the shape and topography of the land.

Therefore, the Petition for Variance should be denied.

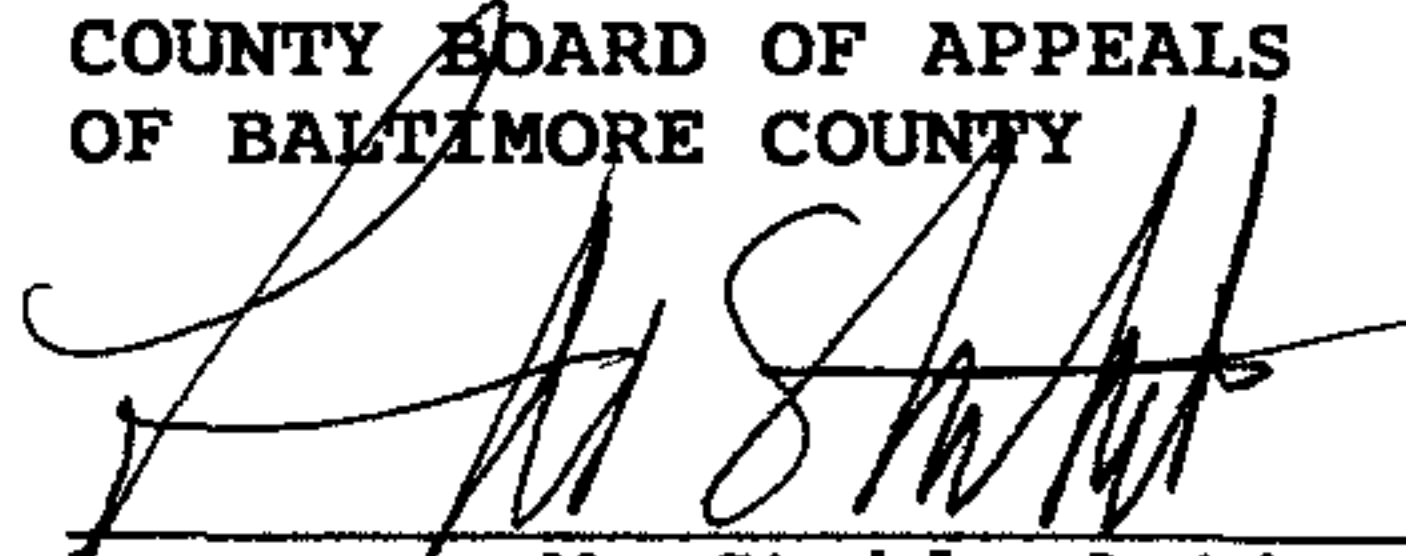
O R D E R

THEREFORE, IT IS THIS 6th day of November, 1996  
by the County Board of Appeals of Baltimore County

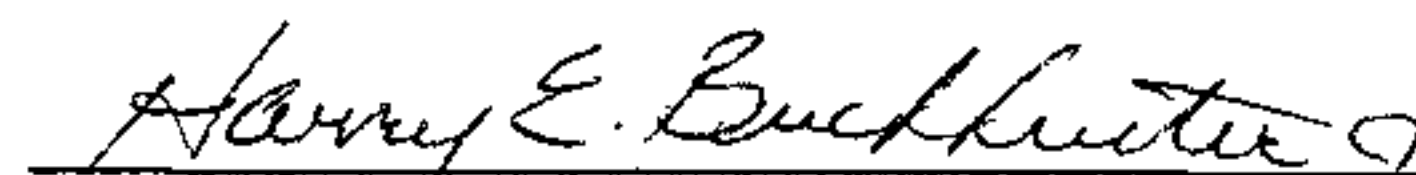
ORDERED that the Petition for Variance to allow an addition with side yard setback of 5 feet from building to tract boundary in lieu of the required 30 feet be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY



Lawrence M. Stahl, Acting Chairman

  
S. Diane Levero  
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

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

November 6, 1996

Robert L. Hanley, Jr., Esquire  
NOLAN, PLUMHOFF & WILLIAMS, CHTD.  
Suite 700, Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204-5340

RE: Case No. 96-376-A  
Ronald Thomas Smith, et ux

Dear Mr. Hanley:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Rodcliffe for*  
Kathleen C. Bianco  
Legal Administrator

encl.

cc: Mr. and Mrs. John A. Purkey, Jr.  
Mr. and Mrs. Ronald Smith  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 SW of Violette Avenue, 188 ft.  
 E of c/l of Benson Avenue \* ZONING COMMISSIONER  
 1236 Violette Avenue  
 13th Election District \* OF BALTIMORE COUNTY  
 1st Councilmanic District  
 Ronald Thomas Smith, et ux \* Case No. 96-376-A  
 Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1236 Violette Avenue in the Whittemore Park subdivision of western Baltimore County. The Petition is filed by Ronald T. Smith and Patricia M. Smith, his wife, property owners. Variance relief is requested from Section 504 of the Baltimore County Zoning Regulations (BCZR); and from Section V.B.5.b of the CMDP to allow an addition with a side yard setback of 5 ft. from building to tract boundary, in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance. This matter was originally filed as an administrative variance pursuant to Section 26-127 of the Baltimore County Code. That section allows the Zoning Commissioner to grant variance relief in certain circumstances without a public hearing. However, in this case, a public hearing was requested by John and Dorothy Purkey, Jr., neighbors. Thus, the matter was scheduled for hearing.

Appearing at the public hearing held for this case were the property owner/Petitioners, Ronald T. Smith and Patricia M. Smith. Appearing in opposition to the request were John A. Purkey, Jr., and Dorothy E. Purkey, his wife. The Protestants were represented by Charles E. Kountz, Esquire. There were no other interested persons or Protestants present. However, the file does reflect that several letters in support of the Petition were received from surrounding neighbors.

Jr. Date By  
 6/3/96  
 J. Purkey

MICROFILMED

Testimony and evidence offered was that the subject property is .1977 acres in area, zoned D.R.5.5. Mr. and Mrs. Smith have owned the site for approximately 9 years and reside thereon. The property is improved with a brick and framed split level dwelling which fronts Violette Avenue. The property also contains a concrete drive and an attached open carport. To the rear of the site is a framed deck and an above ground pool.

The Smiths indicated that they wish to enlarge the house and propose constructing a one story frame addition. The addition will be constructed on that side of the house which currently features the carport. The carport will be removed and the addition erected in its place. The addition is shown to be 16 ft. in width by 23 ft. in depth. Construction of the addition will add a third bedroom to the house. In this regard, Mr. and Mrs. Smith indicated that they have two children and a third bedroom is necessary. They also indicated that the proposed location of the addition is the only place which is practical for additional construction. Specifically, a 10 ft. setback is maintained from the side property line on the other side of the house so that the addition cannot be constructed there. Moreover, the house cannot be expanded to the rear because of the existence of the deck and the above ground pool.

Mr. Purkey testified and indicated that he resides in an adjacent property. However, his house actually fronts Benson Avenue and the rear faces the subject dwelling. He has lived in this house for approximately 40 years. It is of significant note that the Purkeys' rear yard property line and the Bensons' side yard property line is separated by a distance of 15 ft. This distance is occupied by an unimproved alleyway which is shown in numerous photographs submitted. Thus, although the proposed addition comes within 5 ft. of the property line, there is actually an additional 15 ft. of buffer between the respective yards of the liti-

ORDER RECEIVED FOR FILING

Date

By

ORDER RECEIVED FOR FILING

Date

By

gants. Mr. Purkey's objections are three-fold. First, he fears water runoff from the addition into the alley and his property. Secondly, he believes that the addition is inappropriate and compared the proposed addition as similar to "city houses". Lastly, he fears that emergency equipment may not be able to traverse through the alley if the improvements are made.

As to the first objection, installation of gutter and downspouts can direct the water away from the Purkey property and remove that concern. As to the third concern, the fire department noted no objection to the request within their Zoning Plans Advisory Committee (ZAC) comment. Moreover, the addition will not, in any way, intrude into the alley. Mr. Purkey's other objection is more as to a matter of taste.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. The existing improvements on the property and the site's shape and size are unique characteristics which justify the variance. Moreover, it is clear that the Petitioners cannot expand anywhere other than to the side under consideration. The fact that side of the house is already improved with a carport, will make the proposed addition to have less impact. Moreover, the existing alleyway provides a sufficient buffer. Overall, the Petitioners have complied with Section 307 of the BCZR and the case law.

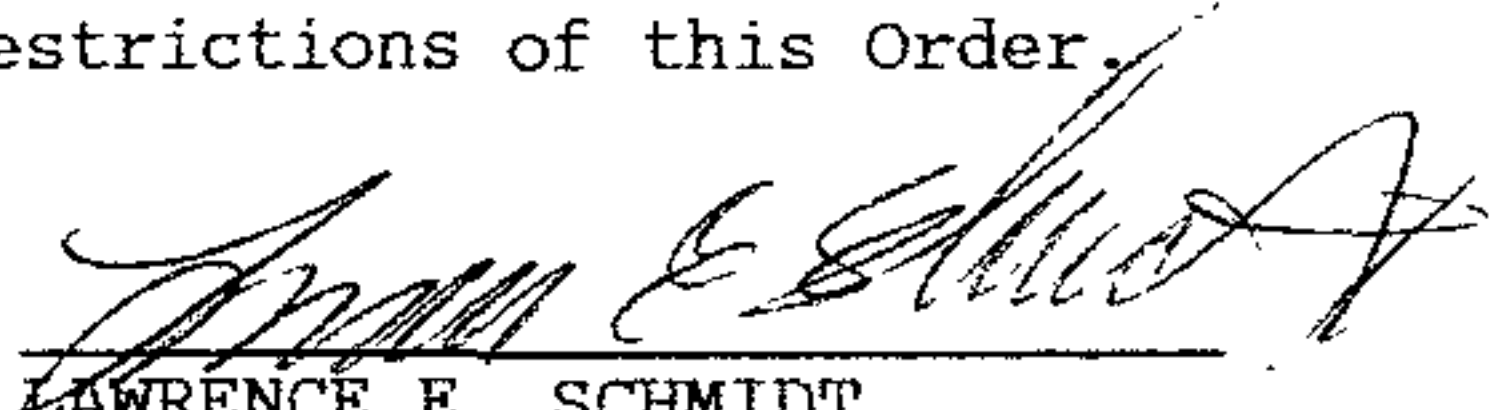
Notwithstanding the grant of the relief, I will require that the Petitioners install the appropriate gutters and downspouts to prevent water runoff into the Purkey property. In this regard, any permits for the addition must reference this restriction so as to assure compliance with same.

RECORDED

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of June, 1996 that a variance from Section 504 of the Baltimore County Zoning Regulations (BCZR), and from Section V.B.5.b of the CMDP to allow an addition with a side yard setback of 5 ft. from building to tract boundary, in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall install appropriate gutters and downspouts so as to prevent storm water runoff from flowing into adjacent property.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES/mmnn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 25, 1996

Mr. and Mrs. Ronald T. Smith  
1236 Violette Avenue  
Baltimore, Maryland 21229

RE: Case No. 96-376-A  
Petition for Zoning Variance  
Property: 1236 Violette Avenue

Dear Mr. and Mrs. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted 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 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

cc: Charles E. Kountz, Esquire, 4367 Hollins Ferry Road, 21222  
cc: Mr. and Mrs. John A. Purkey, Jr., 3916 Benson Ave., 21227

MICROFILMED





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

1236 VIOLETTE AVE

which is presently zoned

DR 5.5

96-376-A

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) 504, BCZR (CMP V.B.5.b)

To allow an addition with a side yard of 5 feet from building to tract boundary in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE BACK SHEET

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.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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)

RONALD THOMAS SMITH

(Type or Print Name)

Ronald Thomas Smith

Signature

PATRICIA MARIE SMITH

(Type or Print Name)

Patricia Marie Smith

Signature

1236 VIOLETTE AVE 247-5686

Address

Phone No

BALTIMORE

MD

21229

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

**MICROFILMED**

Zoning Commissioner of Baltimore County

REVIEWED BY: gf

DATE

4-1-96

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #:

376

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1236 VIOLETTE AVE  
address  
BALTIMORE MD 21229  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We have a two bedroom house, we now  
have two children a boy and girl. We  
need the addition for a third bedroom.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Ronald Thomas Smith  
(signature)  
Ronald Thomas Smith  
(type or print name)



Patricia Marie Smith  
(signature)  
PATRICIA MARIE SMITH  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25<sup>th</sup> day of March, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald Thomas Smith & Patricia Marie Smith

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/25/96  
date

Doyle A. Helmick  
NOTARY PUBLIC

My Commission Expires:

February 1, 1997

# Affidavit in support of Administrative Variance

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Ronald Thomas Smith  
(signature)  
RONALD THOMAS SMITH  
(type or print name)



Patricia Marie Smith  
(signature)  
PATRICIA MARIE SMITH  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25<sup>th</sup> day of March, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald Thomas Smith & Patricia Marie Smith

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AS WITNESS my hand and Notarial Seal.

3/25/96  
date

Joel A. Helmcauf  
NOTARY PUBLIC

My Commission Expires:

February 1, 1997

MICROFILMED



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for the property located at 1236 VIOLETTE AVE  
which is presently zoned DK 5.5

96-376-A

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To allow an addition with a side yard of 5 feet from building to tract boundary in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE BACK SHEET

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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.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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)

RONALD THOMAS SMITH  
(Type or Print Name)

Ronald Thomas Smith  
Signature

PATRICIA MARIE SMITH  
(Type or Print Name)

Patricia Marie Smith  
Signature

1236 VIOLETTE AVE 244-5686  
Address Phone No

BALTIMORE MD 21229  
City State Zipcode  
Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



REVIEWED BY: JF DATE: 4-1-96

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 376

96-376-A



*John C. Mellema, Jr. Inc.*

5409 East Drive

Baltimore, MD 21227

(410) 247-7488 Fax (410) 247-2507

March 21, 1996

ZONING DESCRIPTION FOR 1236 VIOLETTE AVENUE

Beginning at a point on the Southwest side of Violette Avenue which is a 50 foot right-of-way at a distance of 188 feet more or less Northwesterly of the centerline of the nearest improved intersecting street, Benson Avenue, which is a 60 foot right-of-way.

Being lot 34 block n/a, section n/a, in the subdivision of Resubdivision of a Portion of Whittemore Park as recorded in Baltimore County Plat Book 52 folio 100 containing 8612.5 sq. ft. also known as 1236 Violette Avenue and located in the 13th election district 1 Councilmanic District.

# 376

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-376-A

District 13th

Date of Posting 3/11/96

Posted for: Varied

Petitioner: Ronald & Patricia Smith

Location of property: 1236 Violetto Ave

Location of Signs: Facing road on property being zoned

Remarks: \_\_\_\_\_

Posted by \_\_\_\_\_

[Signature]  
Signature

Date of return: 3/17/96

Number of Signs: 1

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-376-A

District 13th

Date of Posting 4/12/96

Posted for: Adm. Variance

Petitioner: Ronald Thomas, et ux

Location of property: 1234 Violette Ave

Location of Sign: \_\_\_\_\_

Remarks: \_\_\_\_\_

Posted by \_\_\_\_\_

Signature

Date of return: 4/2/96

Number of Signs: \_\_\_\_\_



ADMINISTRATIVE VARIANCES  
CLOSING DATE.....APRIL 29, 1996

CASE NUMBER: 96-376-A (Item 376)

1236 Violette Avenue

SW of Violette Avenue, 188' of c/l Benson Avenue

13th Election District - 1st Councilmanic

Legal Owner(s): Ronald Thomas Smith and Patricia Marie Smith

**Post by: 4-14**

Administrative Variance to allow an addition with a side yard of 5 feet  
from building to tract boundary in lieu of the required 30 feet.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 4/30/96 ACCOUNT R-001-6150

AMOUNT \$ 40.00

RECEIVED FROM: Charles E. Kountz / Purkey

FOR: Hearing Request on Variance

03421#0335#ICHRC \$40.00  
BA 0002:51P#04-30-96

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF VANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No 016973

96-376-A

DATE 4-1-96 ACCOUNT R-001-615-000

AMOUNT \$ 85.00

RECEIVED SMITH  
FROM:

010 -- Variance -- 50.- ITEM # 376

080 -- Sign - - - - 35.- Taken by: JRP

FOR: 85.-

01A00#0087HICRC

\$85.00

PA 0010-18AM04-01-01

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County will hold a public hearing on the property identified below in Room 406 of the County Office Building, 100 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, 600 Pennsylvania Avenue, Washington, Maryland 20004 as follows:

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 5/9, 19 96.

A. H. Emerson  
LEGAL AD. - TOWSON

Case #96-376-A  
(Item 376)  
1236 Violette Avenue  
SW of Violette Avenue, 188'  
of E Benson Avenue  
13th Election District  
1st Councilmanic  
Legal Owner(s):  
Ronald Thomas Smith and  
Patricia Marie Smith

**Variance:** to allow an addition with a side yard of 5 feet from building to back boundary in lieu of the required 30 feet.

**Hearing:** Monday, June 3, 1996 at 11:30 a.m. in Rm. 118, Old Courthouse.

**LAWRENCE E. SCHMIDT**  
 Zoning Commissioner for  
 Lawrence County  
 1005 S. 1st Avenue are  
 handling all requests for  
 special permits. Please  
 call 887-3391.

(2) For information concern-  
 ing the EIS and/or Hearing,  
 Please Call 887-3391.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-376-A

District 13th

Date of Posting 8/2/96

Posted for: Appeal

Petitioner: Ronald T. Smith

Location of property: SW of Viola Ave. - 1236

Location of Sign: Facing roadway on property being appealed for zoning

Remarks: \_\_\_\_\_

Posted by [Signature] Date of return: 8/9/96  
Signature

Number of Signs: 1



BALTIMORE COUNTY, MARYLAND  
OFFICE OF TANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

023509

DATE 7/24/96 ACCOUNT 001-6150

AMOUNT \$ 210 00

RECEIVED  
FROM:

Robert L. Hanley

Appeal Var. - 175.00

FOR:

Sign

35.00  
210.00

01A00X0210HICRC

\$210.00

BA 0009:40AM07-25-96

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

RYE

BALTIMORE COUNTY, MARYLAND  
OFFICE OF TANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

6 222

DATE 7/24/96 ACCOUNT 001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Pickert L Hanley

Apprent Van. 175.00  
Sign 35.00  
210.00

FOR: \_\_\_\_\_

CLADGACUICIMTHRE  
BA 0009:40AM07-25 32

\$210.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

R/E



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 376 Petitioner: Ronald T Smith

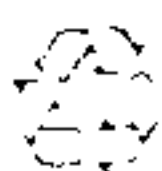
Location: 1236 Violette Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ronald T Smith

ADDRESS: 1236 Violette Ave Balto Md 21229

PHONE NUMBER: 247-5686



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: \_\_\_\_\_

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_



North

date: \_\_\_\_\_ prepared by: \_\_\_\_\_ Scale of Drawing: 1" = \_\_\_\_\_



Vicinity Map  
North  
scale: 1"=1000'

## LOCATION INFORMATION

Election District: \_\_\_\_\_

Councilmanic District: \_\_\_\_\_

1"=200' scale map#: \_\_\_\_\_

Zoning: \_\_\_\_\_

Lot size: \_\_\_\_\_  
acres square feet

SEWER: ☐ public ☐ private

WATER: ☐ yes ☐ no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: \_\_\_\_\_

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

TO: PUTUXENT PUBLISHING COMPANY  
May 9, 1996 Issue - Jeffersonian

Please forward billing to:

Ronald Thomas Smith  
1236 Violette Avenue  
Baltimore, MD 21229  
247-5686

---

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-376-A (Item 376)  
1236 Violette Avenue  
SW of Violette Avenue, 188' of c/l Benson Avenue  
13th Election District - 1st Councilmanic  
Legal Owner(s): Ronald Thomas Smith and Patricia Marie Smith

Variance to allow an addition with a side yard of 5 feet from building to tract boundary in lieu of the required 30 feet.

HEARING: MONDAY, JUNE 3, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

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.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 3, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-376-A (Item 376)  
1236 Violette Avenue  
SW of Violette Avenue, 188' of c/l Benson Avenue  
13th Election District - 1st Councilmanic  
Legal Owner(s): Ronald Thomas Smith and Patricia Marie Smith

Variance to allow an addition with a side yard of 5 feet from building to tract boundary in lieu of the required 30 feet.

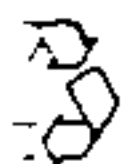
HEARING: MONDAY, JUNE 3, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Ronald and Patricia Smith  
Charles E. Kountz, Esq.

- 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  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 10, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-376-A (Item 376)  
1236 Violette Avenue  
SW of Violette Avenue, 188' of c/l Benson Avenue  
13th Election District - 1st Councilmanic  
Legal Owner(s): Ronald Thomas Smith and Patricia Marie Smith

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before April 14, 1996. The closing date (April 29, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Ronald and Patricia Smith





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

August 13, 1996

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), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-376-A

RONALD THOMAS SMITH, ET UX -Petitioners  
SW of Violette Avenue, 188' E of c/l of Benson  
Avenue (1236 Violette Avenue)  
13th Election District  
1st Councilmanic District

VAR -To allow addition with side yard setback  
of 5' from bldg to tract boundary in lieu of  
required 30'.

6/25/96 -Z.C.'s Order in which Petition for  
Variance is GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, SEPTEMBER 19, 1996 at 10:00 a.m.

cc: Robert L. Hanley, Jr., Esquire Counsel for Appellants /Protestants  
Mr. and Mrs. John A. Purkey, Jr. Appellants /Protestants  
Charles E. Kountz, Esquire

Mr. and Mrs. Ronald Smith Petitioners

People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco  
Legal Administrator





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 30, 1996

Ronald and Patricia Smith  
1236 Violette Avenue  
Baltimore, MD 21229

RE: Item No.: 376  
Case No.: 96-376-A  
Petitioner: Ronald Smith, et ux

Dear Mr. and Mrs. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



4/24/96  
TO wcf  
S

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: April 22, 1996

FROM: *Sub* Robert W. Bowling, Chief  
Development Plans Review Division  
Department of Permits & Development  
Management

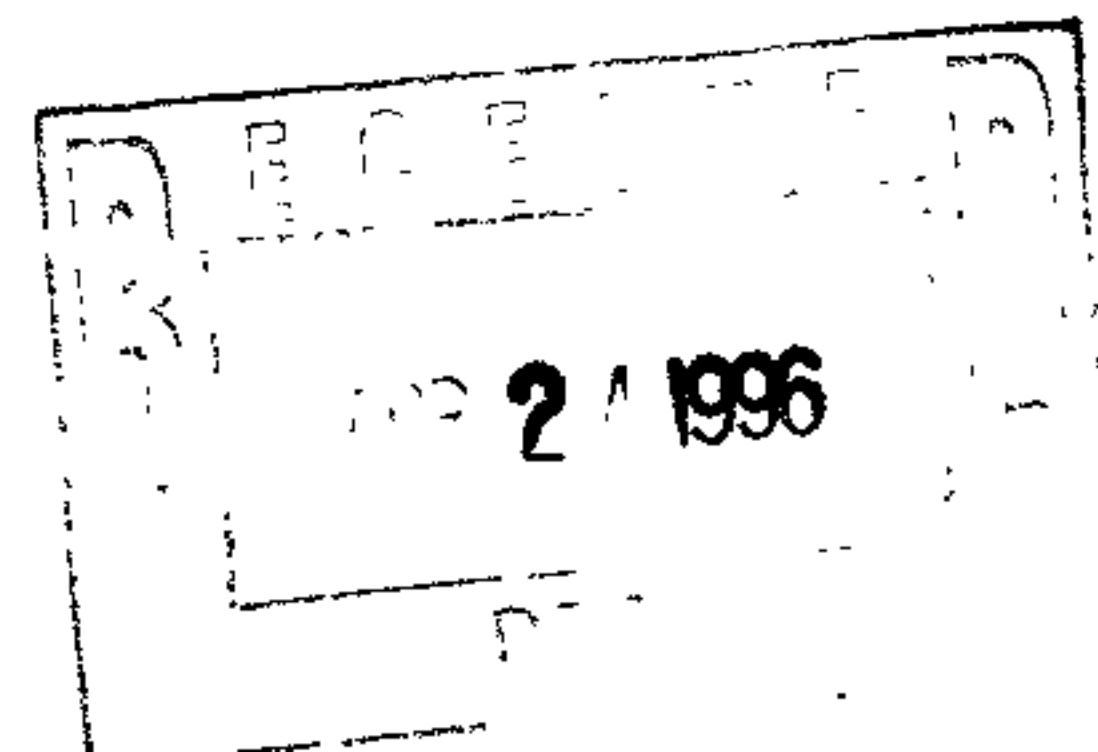
SUBJECT: Zoning Advisory Committee Meeting  
for April 22, 1996  
Item Nos 376, 378, 381, 382, 384,  
385, 386, & 388

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE7



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4-17-96

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

376

378

379

380

381

382

383

385

388

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 04/16/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 15, 1996.

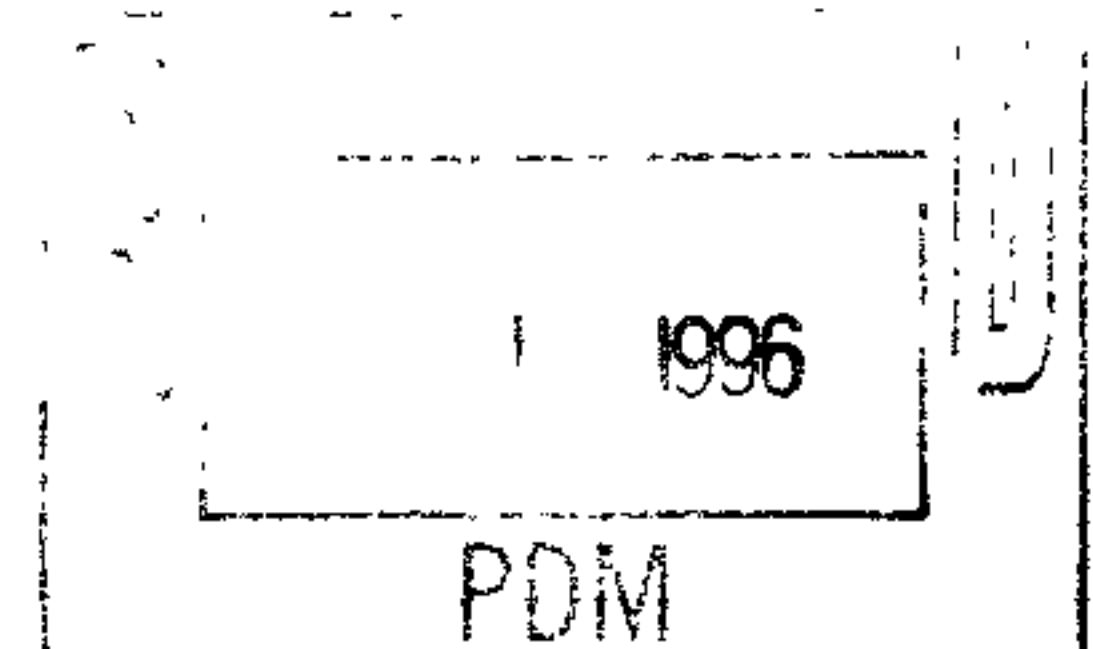
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 376, 378, 379, 382, 384, 385,  
386 AND ~~387~~.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink  
on Recycled Paper



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

4-12-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 376 (JRF)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-<sup>545-5581</sup>~~333-1350~~ if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** April 10, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 365, 366, 368, 369, 371, 375, 376, 379, 382, 384, 385, 386 and 388

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:

*Cary L. Kerns*

PK/JL



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 31, 1996

Ronald and Patricia Smith  
1236 Violette Avenue  
Baltimore, MD 21229

RE: Petition for Zoning  
Variance  
SW of Violette Avenue, 188  
ft. E of c/l of Benson Ave  
(1236 Violette Avenue)  
13th Election District  
1st Councilmanic District  
Ronald Thomas Smith, et ux  
- Petitioner  
Case No. 96-376-A

Dear Mr. and Mrs. Smith:

Please be advised that an appeal of the above-referenced case was filed in this office on July 24, 1996 by Robert L. Hanley, Jr., Esquire on behalf of Mr. and Mrs. John A. Purkey, Jr. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "J" and "A".

ARNOLD JABLON  
Director

AJ:rye

cc: Mr. Charles E. Kountz, Esquire  
People's Counsel



Baltimore County Government  
Department of Community Development  
Livability Code Enforcement Office



One Investment Place Suite 800  
Towson, MD 21204

887-4032  
Fax 887-5696

APPEAL

Petition for Zoning Variance  
SW of Violette Avenue, 188 ft. E of c/l of Benson Avenue  
(1236 Violette Avenue)  
13th Election District - 1st Councilmanic District  
Ronald Thomas Smith, et ux - Petitioners  
Case No. 96-376-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1 - Plan to Accompany Zoning Variance

19 Photographs (not marked as exhibits)

One Letter to Zoning Administration of Opposition from Charles E. Kountz, Esquire dated April 24, 1996

One Letter to Arnold Jablon dated May 7, 1996 from Charles E. Kountz

Two letters in support

Zoning Commissioner's Order dated June 25, 1996 (Granted)

Notice of Appeal received on July 24, 1996 from Robert L. Hanley, Jr., Esquire on behalf of Mr. and Mrs. John A. Purkey, Jr.

cc: Mr. and Mrs. Ronald T. Smith, 1236 Violette Avenue, 21229  
Charles E. Kountz, Esquire, 4367 Hollins Ferry Road, 21222  
Mr. and Mrs. John A. Purkey, Jr., 3916 Benson Avenue, 21227  
Robert L. Hanley, Jr., Esquire, Nolan, Plumhoff & Williams, Suite  
700, Court Towers, 210 West Pennsylvania Avenue, 21204-5340  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

Ronald Thomas Smith  
1236 Violette Avenue  
Baltimore, MD 21227

96-376-A

#3-C-96-12332

---

|                    |                                                                                                                                                                                                                |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 1, 1996      | Petition for Administrative Zoning Variance filed by Ronald Thomas and Patricia Marie Smith, to allow an addition with a side yard setback of 5' from building to tract boundary, in lieu of the required 30'. |
| April 24           | Request for Hearing and statement of opposition received from Charles Kountz, Esq., on behalf of John & Dorothy Purkey, Jr.                                                                                    |
| June 3             | Hearing held on Petition by the Z.C.                                                                                                                                                                           |
| June 25            | Order of the Zoning Commissioner in which Petition for Variance was GRANTED w/ R's.                                                                                                                            |
| July 24            | Notice of Appeal filed by Robert L. Hanley, Jr., Esquire, on behalf of Mr. and Mrs. John A. Purkey, Jr.                                                                                                        |
| September 19       | Hearing before the Board of Appeals. Deliberation conducted at conclusion of hearing.                                                                                                                          |
| November 6         | Opinion and Order of the Board in which the Petition for Variance was DENIED.                                                                                                                                  |
| December 4         | Petition for Judicial Review filed in the Circuit Court for Baltimore County by G. Warren Mix, Esquire, on behalf of Ronald Thomas Smith, et ux. (copy rec'd 12/9/96)                                          |
| December 9         | Certificate of Notice sent to interested parties.                                                                                                                                                              |
| February 3, 1997 ✓ | Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.                                                                                                                               |
| August 5, 1997 ✓ E | Opinion and Order of the Circuit Court; decision of the CBA is AFFIRMED (John Grason Turnbull, II).                                                                                                            |

7/26/96 -Letter from Patricia and Ronald Smith requesting consideration of early hearing date; deposit made on proposed construction.

8/13/96 -Notice of Assignment for hearing scheduled for Thursday, September 19, 1996 at 10:00 a.m. sent to following:

Robert L. Hanley, Jr., Esquire  
Mr. and Mrs. John A. Purkey, Jr.  
Charles E. Kountz, Esquire  
Mr. and Mrs. Ronald Smith  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

9/19/96 -Hearing completed before Board; publicly deliberated upon conclusion of hearing. Petition for Variance DENIED; order to be issued; appellate period to run from date of written Order. (L.B.M.)



County Board of Appeals of Baltimore County

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

December 9, 1996

G. Warren Mix, Esquire  
TURNBULL, MIX & FARMER  
706 Washington Avenue  
Towson, MD 21204

RE: Civil Action No. 3-C-96-12332  
RONALD THOMAS SMITH, ET UX

Dear Mr. Mix:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

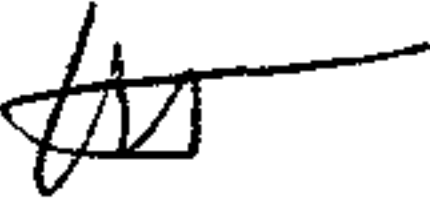
c: Ronald Thomas Smith, et ux



**BALTIMORE COUNTY, MARYLAND**  
Board of Appeals of Baltimore County  
*Interoffice Correspondence*

DATE: February 15, 2002

TO: Arnold Jablon, Director  
Permits & Development Management  
Attn.: W. Carl Richards, Jr.

FROM: Theresa R. Shelton   
Board of Appeals

SUBJECT: **Ronald Thomas Smith, et ux**  
**Case No.: 96-376-A**  
**Circuit Court Case No.: 03-C-96-12332**

Judge Turnbull of the Circuit Court issued an Order on July 31, 1997 AFFIRMING the Board of Appeals. No further appeals have been taken in this matter. The Board of Appeals is closing and returning the file that is attached herewith.

Attachment: SUBJECT FILE ATTACHED

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258  
Maryland Toll Free Number (800) 938-5802

11/22/04

Case Number: 03-C-96-012332 AE  
Date Filed: 12/04/1996  
Status: Closed/Active  
Case Flag:  
Judge Assigned: To Be Assigned,  
Location :

In The Matter of: Ronald Thomas Smith

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

| Description      | Number       |
|------------------|--------------|
| Reference Number | 96-376-A     |
| Case Folder ID   | C96012332V01 |
|                  | C9612332     |

INVOLVED PARTIES

| Type Num | Name(Last,First Mid,Title)                                                                                   | Addr Str/End     | Pty Disp<br>Addr Update | Entered  |
|----------|--------------------------------------------------------------------------------------------------------------|------------------|-------------------------|----------|
| PET 001  | Smith Ronald Thomas                                                                                          |                  | CT DO 08/05/97          | 12/04/96 |
|          |                                                                                                              | Party ID 0123956 |                         |          |
| Mail     | 1236 Violette Avenue<br>Baltimore MD 21227                                                                   | 12/04/96         |                         |          |
| Attorney | 0016154 Mix G Warren<br>Turnbull, Mix & Farmer<br>706 Washington Avenue<br>Towson, MD 21204<br>(410)825-1517 |                  |                         | 12/04/96 |
| ITP 001  | Baltimore County Board Of Appeals                                                                            |                  | CT DO 08/05/97          | 12/04/96 |
|          |                                                                                                              | Party ID 0123964 |                         |          |

Mail Old Courthouse Room 49  
400 Washington Avenue  
Towson, MD 21204

12/04/96

| Type Num | Name(Last,First Mid,Title) | Addr Str/End | Pty Disp<br>Addr Update | Entered |
|----------|----------------------------|--------------|-------------------------|---------|
|----------|----------------------------|--------------|-------------------------|---------|

|     |                        |  |                |          |
|-----|------------------------|--|----------------|----------|
| ITP | 002 Purkey, John An Jr |  | CT DO 08/05/97 | 12/23/96 |
|-----|------------------------|--|----------------|----------|

Party ID 0127524

Attorney 0008867 Hanley, Robert L  
Nolan Plumhoff & Williams Chtd  
Ste 700 Nottingham Centr  
502 Washington Ave  
Towson, MD 21204  
(410)823-7800

12/26/96

|     |                       |  |                |          |
|-----|-----------------------|--|----------------|----------|
| ITP | 003 Purkey, Dorothy R |  | CT DO 08/05/97 | 12/23/96 |
|-----|-----------------------|--|----------------|----------|

Party ID 0127526

Attorney 0008867 Hanley Robert L  
Nolan, Plumhoff & Williams, Chtd  
Ste 700 Nottingham Centr  
502 Washington Ave  
Towson MD 21204  
(410)823-7800

12/26/96

**CALENDAR EVENTS**

| Date     | Time            | Dur | Event Description        | Text SA | Jdg Day | Of Notice | User ID |
|----------|-----------------|-----|--------------------------|---------|---------|-----------|---------|
| Result   |                 |     | ResultDt By Result Judge | Rec     |         |           |         |
| 07/07/97 | 09 30A          | 02Q | Civil Non-Jury Trial     | Y       | TBA     | 01 /01    | JD DM   |
|          | Conclude        |     | 07/07/97 C J Turnbull    | II      | Y       |           |         |
|          | Stenographer(s) |     | Kathleen A Papesh        |         |         |           |         |

**DISPOSITION HISTORY**

| Disp     | Disp               | Stage                  |      |
|----------|--------------------|------------------------|------|
| Date     | Code Description   | Code Description       | User |
| 08/05/97 | DO Decree or Order | CT AFTER TRIAL/HEARING |      |

**JUDGE HISTORY**

| JUDGE ASSIGNED     | Type Assign | Date Removal | RSN |
|--------------------|-------------|--------------|-----|
| TBA To Be Assigned | J           | 12/04/96     |     |

**DOCUMENT TRACKING**

| Num/Seq | Description                                                                                                    | Filed    | Entered  | Party  | Jdg Ruling  | Closed   | User ID |
|---------|----------------------------------------------------------------------------------------------------------------|----------|----------|--------|-------------|----------|---------|
| 0001000 | Petition for Judicial Review                                                                                   | 12/04/96 | 12/04/96 | PET001 | TBA         | 08/05/97 | SD PH   |
| 0001001 | Answer<br>filed by John and Dorothy Purkey                                                                     | 12/23/96 | 12/26/96 | 000    | TBA         | 08/05/97 | PH PH   |
| 0002000 | Certificate Of Notice                                                                                          | 12/09/96 | 12/11/96 | 000    | TBA         | 08/05/97 | JBJ PH  |
| 0003000 | Notice of Appeal Sent                                                                                          | 02/04/97 | 02/04/97 | ITP001 | TBA         | 02/04/97 | JBJ JBJ |
| 0004000 | Notice of Appeal Sent                                                                                          | 02/04/97 | 02/04/97 | ITP002 | TBA         | 02/04/97 | JBJ JBJ |
| 0005000 | Notice of Appeal Sent                                                                                          | 02/04/97 | 02/04/97 | ITP003 | TBA         | 02/04/97 | JBJ JBJ |
| 0006000 | Notice of Appeal Sent                                                                                          | 02/04/97 | 02/04/97 | PET001 | TBA         | 02/04/97 | JBJ JBJ |
| 0007000 | Transcript of Record from Adm Agency<br>***                                                                    | 02/03/97 | 02/04/97 | 000    | TBA         | 08/05/97 | JBJ PH  |
| 0008000 | Notice - Recpt of Record of Proceedings<br>** copies sent                                                      | 02/03/97 | 02/04/97 | 000    | TBA         | 08/05/97 | JBJ PH  |
| 0009000 | Memorandum/Rule 7-207 **                                                                                       | 03/17/97 | 03/18/97 | PET001 | TBA         | 03/18/97 | PH PH   |
| 0009001 | Answer<br>fd by itp 2-3                                                                                        | 04/11/97 | 04/14/97 | 000    | TBA         | 08/05/97 | CB PH   |
| 0010000 | Scheduling Order                                                                                               | 04/01/97 | 04/01/97 | 000    | TBA         | 04/01/97 | JD JD   |
| 0011000 | Open Court Proceeding<br>July 7 1997 Hon John Grason Turnbull, II Hearing had<br>Opinion and order to be filed | 07/07/97 | 07/07/97 | 000    | JGT         | 08/05/97 | DM PH   |
| 0012000 | Order affirming decision                                                                                       | 08/05/97 | 08/05/97 | 000    | JGT Granted | 08/05/97 | PH PH   |
| 0013000 | sent to wcc in error 8/14/97 sending<br>to Board of appeals                                                    | 08/08/97 | 08/08/97 | 000    | TBA         |          | LC LC   |

**TICKLE**

| Code | Tickle Name          | Status | Expires  | #Days | AutoExpire | GoAhead | From | Type | Num | Seq |
|------|----------------------|--------|----------|-------|------------|---------|------|------|-----|-----|
| 1ANS | 1st Answer Tickle    | CLOSED | 12/23/96 | 0     | no         | no      | DANS | D    | 001 | 001 |
| 1YRT | One Year Tickle (Jud | CLOSED | 12/04/97 | 365   | no         | no      | DAAA | D    | 000 | 000 |

| Code | Tickle Name           | Status | Expires  | #Days | AutoExpire | GoAhead | From | Type | Num | Seq |
|------|-----------------------|--------|----------|-------|------------|---------|------|------|-----|-----|
| DEXH | Destroy Exhibits      | OPEN   | 12/12/04 | 33    | no         | no      | U643 | F    | 000 | 000 |
| EXPU | Exhibit Pickup Notice | OPEN   | 10/04/97 | 30    | no         | no      |      |      | 000 | 000 |
| SLTR | Set List For Trial    | DONE   | 12/23/96 | 0     | yes        | yes     | 1ANS | T    | 001 | 001 |

**EXHIBITS**

| Line #     | Marked | Code | Description                   | SpH | Sloc | NoticeDt | Disp Dt | Dis By |
|------------|--------|------|-------------------------------|-----|------|----------|---------|--------|
| Offered By | ITP    | 001  | Baltimore County Board Of App |     |      |          |         |        |
| 000        |        | B    | RETUREND                      |     |      |          |         |        |

**DIFFERENTIATED CASE MANAGEMENT****TRACKS AND MILESTONES**

|             |          |             |                        |        |     |
|-------------|----------|-------------|------------------------|--------|-----|
| Track       | R1       | Description | EXPEDITED APPEAL TRACK | Custom | Yes |
| Assign Date | 04/01/97 | Order Date  | 04/01/97               |        |     |
| Start Date  | 04/01/97 | Remove Date |                        |        |     |

| Milestone                                | Scheduled | Target   | Actual   | Status  |
|------------------------------------------|-----------|----------|----------|---------|
| Motions to Dismiss under MD Rule 2-322   | 04/16/97  | 08/05/97 | CLOSED   |         |
| All Motions (excluding Motions in Limine | 05/28/97  | 08/05/97 | CLOSED   |         |
| TRIAL DATE is                            | 07/07/97  | 06/30/97 | 07/07/97 | REACHED |

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

08/14/97

Case Number: 03-C-96-012332 AE  
Date Filed: 12/04/96  
Status: Closed/Active  
Reference Number: 96-376-A  
Judge Assigned: To Be Assigned,

In The Matter of: Ronald Thomas Smith

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

| Description      | Number   |
|------------------|----------|
| Reference Number | 96-376-A |

INVOLVED PARTIES

| Type Num | Name(Last,First,Mid,Title)                                                                                                                                                                     | Dispo | Entered           |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------------|
| PET 001  | Smith, Ronald Thomas<br>Attorney: 0016154 Mix, G Warren<br>Turnbull, Mix & Farmer<br>706 Washington Ave<br>Towson, MD 21204<br>(410)825-1517                                                   | CT DO | 08/05/97 12/04/96 |
| ITP 001  | Baltimore County Board Of Appeals<br>Old Courthouse Room 49<br>400 Washington Avenue<br>Towson, MD 21204                                                                                       | CT DO | 08/05/97 12/04/96 |
| ITP 002  | Purkey, John An, Jr<br>Attorney: 0008867 Hanley Jr, Robert L<br>Nolan, Plunhoff & Williams, Chartered<br>Ste 700 Nottingham Centre<br>502 Washington Ave.<br>Towson, MD 21204<br>(410)823-7800 | CT DO | 08/05/97 12/23/96 |
| ITP 003  | Purkey, Dorothy R<br>Attorney: 0008867 Hanley Jr, Robert L                                                                                                                                     | CT DO | 08/05/97 12/23/96 |

RECEIVED  
COUNTY BOARD OF APPEALS  
97 AUG 21 AM 8:09

Nolan, Plunhoffs & Williams, Chartered  
 Ste 700 Nottingham Centre  
 502 Washington Ave.  
 Towson, MD 21204  
 (410)823-7800

## CALENDAR EVENTS

Date Time Dur Cer Evnt Jdg L Day Of Rslt By ResultDt Jdg T Notice Rec

-----  
 07/07/97 09:30A 002 yes CIVI TBA 01 /01 CON C 07/07/97 JGT P Y  
 Stenographer(s): Kathleen A Trainor

## JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN

-----  
 TBA To Be Assigned. J 12/04/96

## DOCUMENT TRACKING

| Num/Seq | Description                                               | Filed    | Received | Party | Routed | Ruling   | Closed   | User ID |
|---------|-----------------------------------------------------------|----------|----------|-------|--------|----------|----------|---------|
| 001000  | Petition for Judicial Review                              | 12/04/96 | 12/04/96 | TBA   | PET001 |          | 08/05/97 | SD PH   |
| 001001  | Answer<br>filed by John and Dorothy Purkey                | 12/26/96 | 12/23/96 | TBA   | 000    |          | 08/05/97 | PH PH   |
| 002000  | Certificate Of Notice                                     | 12/11/96 | 12/09/96 | TBA   | 000    |          | 08/05/97 | JH PH   |
| 003000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP001 | 02/04/97 | 02/04/97 | JH JH   |
| 004000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP002 | 02/04/97 | 02/04/97 | JH JH   |
| 005000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP003 | 02/04/97 | 02/04/97 | JH JH   |
| 006000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | PET001 | 02/04/97 | 02/04/97 | JH JH   |
| 007000  | Transcript of Record from Adm Agency<br>***               | 02/04/97 | 02/03/97 | TBA   | 000    |          | 08/05/97 | JH PH   |
| 008000  | Notice - Recpt of Record of Proceedings<br>** copies sent | 02/04/97 | 02/03/97 | TBA   | 000    |          | 08/05/97 | JH PH   |
| 009000  | Memorandum/Rule 7-207 **                                  | 03/18/97 | 03/17/97 | TBA   | PET001 |          | 03/18/97 | PH PH   |
| 009001  | Answer<br>fd by itp 2-3.                                  | 04/14/97 | 04/11/97 | TBA   | 000    |          | 08/05/97 | CB PH   |

| Num/Seq | Description                                                                                                        | Filed    | Received | Party | Routed | Ruling   | Closed   | User ID |
|---------|--------------------------------------------------------------------------------------------------------------------|----------|----------|-------|--------|----------|----------|---------|
| 010000  | Scheduling Order                                                                                                   | 04/01/97 | 04/01/97 | TBA   | 000    | 04/01/97 | 04/01/97 | JD JD   |
| 011000  | Open Court Proceeding<br>July 7, 1997 Hon. John Grason Turnbull, II. Hearing had.<br>Opinion and order to be filed | 07/07/97 |          | JGT   | 000    |          | 08/05/97 | DM PH   |
| 012000  | Order affirming decision                                                                                           | 08/05/97 |          | JGT   | 000    | Granted  | 08/05/97 | PH PH   |
| 013000  | sent to wcc in error 8/14/97 sending<br>to Board of appeals                                                        | 08/08/97 |          | TBA   | 000    |          |          | LC LC   |

## TICKLE

| Code | Tickle Name           | Status | Expires  | #Days | AutoExpire | GoAhead | From | Type |
|------|-----------------------|--------|----------|-------|------------|---------|------|------|
| 1YRT | One Year Tickle (Jud  | CLOSED | 12/04/97 | 365   | no         | no      | DAAA | D    |
| 1ANS | 1st Answer Tickle     | CLOSED | 12/23/96 | 0     | no         | no      | DANS | D    |
| SLTR | Set List For Trial    | DONE   | 12/23/96 | 0     | yes        | yes     | 1ANS | T    |
| EXPU | Exhibit Pickup Notice | OPEN   | 10/04/97 | 30    | no         | no      |      |      |

## EXHIBITS

| Line # | Marked | Code    | Description                   | SpH | Sloc | NoticeDt | Disp Dt | Dis By |
|--------|--------|---------|-------------------------------|-----|------|----------|---------|--------|
| 000    |        | ITP 001 | Baltimore County Board Of App |     |      |          |         |        |
|        |        | B       | BOX 482/ CBA TRANS            |     |      |          |         | B      |

DIFFERENTIATED CASE MANAGEMENT  
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes  
Assign Date: 04/01/97 Order Date : 04/01/97  
Start Date 04/01/97 Remove Date.

| Milestone                                | Scheduled | Target   | Actual   | Status  |
|------------------------------------------|-----------|----------|----------|---------|
| Motions to Dismiss under MD. Rule 2-322( | 04/16/97  | 08/05/97 |          | CLOSED  |
| All Motions (excluding Motions in Limine | 05/28/97  | 08/05/97 |          | CLOSED  |
| TRIAL DATE is                            | 07/07/97  | 06/30/97 | 07/07/97 | REACHED |

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

N O T I C E   O F   R E C O R D

Case Number: 03-C-96-012332  
Old Case number:  
C I V I L                      96 376-A

In The Matter of: Ronald Thomas Smith

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 3rd day of February, 1997.

*Suzanne Mensh*



~~Suzanne Mensh~~  
Clerk of the Circuit Court, per J.H.

Date issued: 02/04/97

TO: BALTIMORE COUNTY BOARD OF APPEALS  
Old Courthouse Room 49  
400 Washington Avenue  
Towson, MD 21204

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

07/07/97

Case Number: 03-C-96-012332 AE  
Date Filed: 12/04/96  
Status: Open/Active  
Reference Number: 96-376-A  
Judge Assigned: To Be Assigned,

In The Matter of: Ronald Thomas Smith

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

| Description      | Number   |
|------------------|----------|
| Reference Number | 96-376-A |

INVOLVED PARTIES

| Type | Num | Name(Last,First,Mid,Title)                                                                                                                                                                 | Dispo | Entered  |
|------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|
| PET  | 001 | Smith, Ronald Thomas<br>Attorney: 0016154 Mix, G Warren<br>Turnbull, Mix & Farmer<br>706 Washington Ave<br>Towson, MD 21204<br>(410)825-1517                                               |       | 12/04/96 |
| ITP  | 001 | Baltimore County Board Of Appeals<br>Old Courthouse Room 49<br>400 Washington Avenue<br>Towson, MD 21204                                                                                   |       | 12/04/96 |
| ITP  | 002 | Purkey, John An, Jr<br>Attorney 0008867 Hanley, Robert L<br>Nolan, Plumhoff & Williams, Chartered<br>Ste 700 Nottingham Centre<br>502 Washington Ave.<br>Towson, MD 21204<br>(410)823-7800 |       | 12/23/96 |
| ITP  | 003 | Purkey, Dorothy R<br>Attorney: 0008867 Hanley, Robert L                                                                                                                                    |       | 12/23/96 |

Nolan, Plumhoff & Williams, Chartered  
 Ste 700 Nottingham Centre  
 502 Washington Ave  
 Towson, MD 21204  
 (410)823-7800

## CALENDAR EVENTS

| Date     | Time   | Dur | Cer | Evnt | Jdg L | Day | Of  | Rslt | By | ResultDt | Jdg T | Notice | Rec |
|----------|--------|-----|-----|------|-------|-----|-----|------|----|----------|-------|--------|-----|
| 07/07/97 | 09 30A | 002 | yes | CIVI | TBA   | 01  | /01 |      |    |          | P     |        |     |

## JUDGE HISTORY

| JUDGE ASSIGNED      | Type | Assign Date | Removal | RSN |
|---------------------|------|-------------|---------|-----|
| TBA To Be Assigned. | J    | 12/04/96    |         |     |

## DOCUMENT TRACKING

| Num/Seq | Description                                               | Filed    | Received | Party | Routed | Ruling   | Closed   | User ID |
|---------|-----------------------------------------------------------|----------|----------|-------|--------|----------|----------|---------|
| 001000  | Petition for Judicial Review                              | 12/04/96 | 12/04/96 | TBA   | PET001 |          |          | SD SD   |
| 001001  | Answer<br>filed by John and Dorothy Purkey                | 12/26/96 | 12/23/96 | TBA   | 000    |          |          | PH PH   |
| 002000  | Certificate Of Notice                                     | 12/11/96 | 12/09/96 | TBA   | 000    |          |          | JH JH   |
| 003000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP001 | 02/04/97 | 02/04/97 | JH JH   |
| 004000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP002 | 02/04/97 | 02/04/97 | JH JH   |
| 005000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | ITP003 | 02/04/97 | 02/04/97 | JH JH   |
| 006000  | Notice of Appeal Sent                                     | 02/04/97 | 02/04/97 | TBA   | PET001 | 02/04/97 | 02/04/97 | JH JH   |
| 007000  | Transcript of Record from Adm Agency<br>***               | 02/04/97 | 02/03/97 | TBA   | 000    |          |          | JH JH   |
| 008000  | Notice - Recpt of Record of Proceedings<br>** copies sent | 02/04/97 | 02/03/97 | TBA   | 000    |          |          | JH JH   |
| 009000  | Memorandum/Rule 7-207 **                                  | 03/18/97 | 03/17/97 | TBA   | PET001 |          | 03/18/97 | PH PH   |
| 009001  | Answer<br>fd by itp 2-3                                   | 04/14/97 | 04/11/97 | TBA   | 000    |          |          | CB CB   |

| Num/Seq Description     | Filed    | Received | Party   | Routed   | Ruling | Closed      | User ID |
|-------------------------|----------|----------|---------|----------|--------|-------------|---------|
| 010000 Scheduling Order | 04/01/97 | 04/01/97 | TBA 000 | 04/01/97 |        | 04/01/97 JD | JD      |

## TICKLE

| Code Tickle Name          | Status | Expires  | #Days | AutoExpire | GoAhead | From | Type |
|---------------------------|--------|----------|-------|------------|---------|------|------|
| 1YRT One Year Tickle (Jud | OPEN   | 12/04/97 | 365   | no         | no      | DAAA | D    |
| 1ANS 1st Answer Tickle    | OPEN   | 12/23/96 | 0     | no         | no      | DANS | D    |
| SLTR Set List For Trial   | DONE   | 12/23/96 | 0     | yes        | yes     | 1ANS | T    |

## EXHIBITS

| Line #     | Marked  | Code                          | Description | SpH | Sloc | NoticeDt | Disp Dt | Dis By |
|------------|---------|-------------------------------|-------------|-----|------|----------|---------|--------|
| Offered By | ITP 001 | Baltimore County Board Of App |             |     |      |          |         |        |
| 000        | B       | BOX 482/ CBA TRANS            | B           |     |      |          |         |        |

DIFFERENTIATED CASE MANAGEMENT  
TRACKS AND MILESTONES

|                       |              |                                     |             |
|-----------------------|--------------|-------------------------------------|-------------|
| Track                 | R1           | Description: EXPEDITED APPEAL TRACK | Custom. Yes |
| Assign Date           | 04/01/97     | Order Date : 04/01/97               |             |
| Start Date : 04/01/97 | Remove Date: |                                     |             |

| Milestone                                | Scheduled | Target   | Actual | Status |
|------------------------------------------|-----------|----------|--------|--------|
| Motions to Dismiss under MD. Rule 2-322( | 04/16/97  |          |        | OPEN   |
| All Motions (excluding Motions in Limine | 05/28/97  |          |        | OPEN   |
| TRIAL DATE is                            | 07/07/97  | 06/30/97 |        | OPEN   |

Circuit Court for Baltimore County  
City or County

## CIVIL—NON-DOMESTIC CASE INFORMATION REPORT

### Directions:

**Plaintiff:** This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

**Defendant:** You must file an Information Report as required by Rule 2-323(h).

**THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.**

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT CASE NUMBER: \_\_\_\_\_ (Clerk to insert)

CASE NAME: Smith et al. Plaintiff v Baltimore County Defendant

JURY DEMAND: ☐ Yes ☒ No Anticipated length of trial: 1 hours or \_\_\_\_\_ days

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known: \_\_\_\_\_

HAS ALTERNATIVE DISPUTE RESOLUTION (ADR): Been Tried? ☐ Yes ☒ No  
Requested? ☐ Yes ☒ No

If yes, specify: \_\_\_\_\_

Special Requirements? ☐ Interpreter/communication impairment  
☐ Other ADA accommodation: \_\_\_\_\_

| NATURE OF ACTION<br>(CHECK ONE BOX)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DAMAGES / RELIEF                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TORTS</b><br><input type="checkbox"/> Motor Tort<br><input type="checkbox"/> Premises Liability<br><input type="checkbox"/> Assault & Battery<br><input type="checkbox"/> Product Liability<br><input type="checkbox"/> Professional Malpractice<br><input type="checkbox"/> Wrongful Death<br><input type="checkbox"/> Business & Commercial<br><input type="checkbox"/> Libel & Slander<br><input type="checkbox"/> False Arrest/Imprisonment<br><input type="checkbox"/> Nuisance<br><input type="checkbox"/> Toxic Torts<br><input type="checkbox"/> Fraud<br><input type="checkbox"/> Malicious Prosecution<br><input type="checkbox"/> Lead Paint<br><input type="checkbox"/> Asbestos<br><input type="checkbox"/> Other _____ | <b>LABOR</b><br><input type="checkbox"/> Workers' Comp.<br><input type="checkbox"/> Wrongful Discharge<br><input type="checkbox"/> EEO<br><input type="checkbox"/> Other _____<br><b>CONTRACTS</b><br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Confessed Judgment<br><input type="checkbox"/> Other _____<br><b>REAL PROPERTY</b><br><input type="checkbox"/> Judicial Sale<br><input type="checkbox"/> Condemnation<br><input type="checkbox"/> Landlord Tenant<br><input type="checkbox"/> Other _____<br><b>OTHER</b><br><input type="checkbox"/> Civil Rights<br><input type="checkbox"/> Environmental<br><input type="checkbox"/> ADA<br><input checked="" type="checkbox"/> Other <u>Administrative Appeal (Zoning)</u> | <b>A. TORTS</b><br><b>Actual Damages</b><br><input type="checkbox"/> Under \$7,500<br><input type="checkbox"/> \$7,500 - \$50,000<br><input type="checkbox"/> \$50,000 - \$100,000<br><input type="checkbox"/> Over \$100,000<br><input type="checkbox"/> Medical Bills \$ _____<br><input type="checkbox"/> Property Damages \$ _____<br><input type="checkbox"/> Wage Loss \$ _____ | <b>B. CONTRACTS</b><br><input type="checkbox"/> Under \$10,000<br><input type="checkbox"/> \$10,000 - \$20,000<br><input type="checkbox"/> Over \$20,000<br><b>C. NONMONETARY RELIEF</b><br><input type="checkbox"/> Declaratory Judgment<br><input type="checkbox"/> Injunction<br><input checked="" type="checkbox"/> Other <u>Reversal of Board Decision</u> |

### TRACK REQUEST

With the exception of Baltimore County, Baltimore City, and Prince George's County, please fill in the estimated **LENGTH OF TRIAL**. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☐ 1/2 day of trial or less ☐ 3 days of trial time  
☐ 1 day of trial time ☐ More than 3 days of trial time  
☐ 2 days of trial time

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.**

Date: December 4, 1996 Signature: Alanna Ruiz

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

**CIRCUIT COURT FOR BALTIMORE CITY (check only one)**

- |                                           |                                                                                                                                                                                       |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Expedited        | Trial 60 to 120 days from notice. Non-jury matters.                                                                                                                                   |
| <input type="checkbox"/> Standard-Short   | Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500, contract claims up to \$20,000; condemnations; injunctions and declaratory judgments. |
| <input type="checkbox"/> Standard-Medium  | Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.                                     |
| <input type="checkbox"/> Standard-Complex | Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.                                            |
| <input type="checkbox"/> Lead Paint       | Trial per model order.                                                                                                                                                                |
| <input type="checkbox"/> Asbestos         | Events and deadlines set by individual judge.                                                                                                                                         |
| <input type="checkbox"/> Protracted Cases | Complex cases designated by the Administrative Judge.                                                                                                                                 |

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY**

- |                                    |                                                                                           |
|------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> TRACK I   | Cases having Judicially-assessed values under \$25,000.                                   |
| <input type="checkbox"/> TRACK II  | Cases having Judicially-assessed values greater than \$25,000 but not complex litigation. |
| <input type="checkbox"/> TRACK III | Non-jury.                                                                                 |
| <input type="checkbox"/> TRACK IV  | Statutory Priority Jury Track.                                                            |
| <input type="checkbox"/> TRACK V   | Complex Litigation (Business, Tort, Orphan's Court Appeals).                              |

**LIABILITY FACTORS**

- ☐ Rear-end  
☐ Slip and Fall  
☐ Intersection  
☐ Changing Lanes

- ☐ Left-hand Turn  
☐ Other: \_\_\_\_\_

**INJURY FACTORS**

- ☐ Soft Tissue  
☐ Broken Bones  
☐ Joint Damages  
(knee, ankle, etc.)

- ☐ Herniated Disk  
☐ Severe Head Injury  
☐ Other: \_\_\_\_\_

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- |                                                                       |                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Expedited<br>(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.                                                                           |
| <input type="checkbox"/> Standard<br>(Trial Date-240 days)            | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.                                                 |
| <input type="checkbox"/> Extended Standard<br>(Trial Date-345 days)   | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex<br>(Trial Date-450 days)             | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.                                                                                                                             |

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

### CIRCUIT COURT FOR BALTIMORE CITY (check only one)

- |                                           |                                                                                                                                                                                       |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Expedited        | Trial 60 to 120 days from notice. Non-jury matters.                                                                                                                                   |
| <input type="checkbox"/> Standard-Short   | Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500, contract claims up to \$20,000; condemnations; injunctions and declaratory judgments. |
| <input type="checkbox"/> Standard-Medium  | Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.                                     |
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| <input type="checkbox"/> Lead Paint       | Trial per model order.                                                                                                                                                                |
| <input type="checkbox"/> Asbestos         | Events and deadlines set by individual judge.                                                                                                                                         |
| <input type="checkbox"/> Protracted Cases | Complex cases designated by the Administrative Judge.                                                                                                                                 |

### CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

- |                                    |                                                                                           |
|------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> TRACK I   | Cases having Judicially-assessed values under \$25,000.                                   |
| <input type="checkbox"/> TRACK II  | Cases having Judicially-assessed values greater than \$25,000 but not complex litigation. |
| <input type="checkbox"/> TRACK III | Non-jury.                                                                                 |
| <input type="checkbox"/> TRACK IV  | Statutory Priority Jury Track.                                                            |
| <input type="checkbox"/> TRACK V   | Complex Litigation (Business, Tort, Orphan's Court Appeals).                              |

#### LIABILITY FACTORS

- |                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Rear-end       | <input type="checkbox"/> Left-hand Turn |
| <input type="checkbox"/> Slip and Fall  | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Intersection   |                                         |
| <input type="checkbox"/> Changing Lanes |                                         |

#### INJURY FACTORS

- |                                                               |                                             |
|---------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Soft Tissue                          | <input type="checkbox"/> Herniated Disk     |
| <input type="checkbox"/> Broken Bones                         | <input type="checkbox"/> Severe Head Injury |
| <input type="checkbox"/> Joint Damages<br>(knee, ankle, etc.) | <input type="checkbox"/> Other: _____       |

### CIRCUIT COURT FOR BALTIMORE COUNTY

- |                                                                       |                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Expedited<br>(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.                                                                           |
| <input type="checkbox"/> Standard<br>(Trial Date-240 days)            | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.                                                 |
| <input type="checkbox"/> Extended Standard<br>(Trial Date-345 days)   | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex<br>(Trial Date-450 days)             | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.                                                                                                                             |

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Ronald Thomas Smith, et ux -Petitioners  
Case No. 96-376-A

DATE : September 19, 1996 /at conclusion of hearing

BOARD /PANEL : Lawrence M. Stahl (LMS)  
S. Diane Levero (SDL)  
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco  
Legal Administrator

Those present at this deliberation included Appellants /Protestants and Petitioners to this matter. People's Counsel did not participate in these proceedings.

LMS: We are here now in the deliberation process of this matter. As I've indicated before, and you folks were here for the previous case -- this is a zoning matter that must be deliberated out here. I'm not real happy with the process, as I've indicated earlier, and make note of that here for the record, but here we go.

It's interesting, panel members, that this case follows our deliberation on a previous matter which was a variance, and which was a rather lengthy discussion of Cromwell v. Ward, and so forth. Cromwell v. Ward, of course, being the seminal case right now on variances, and a very, very, very strict standard.

And the last time, I dealt with uniqueness last. Let me deal with it first this time.

The cases are clear, both Cromwell plus other cases relative to it that the whole idea and definition of "uniqueness" derives not only from the physical aspects of the property but that which occurs relative to the land that has nothing to do with what the individual users of the land have vested upon it.

There were easement questions in the last case -- and in this case the fact that it is a tract property and the only real alterations to it are from construction to the back and to the side -- albeit a carport; that other than the alley, which is a tangential thing to the property, that there really is nothing different per se about the land itself. There are no conditions imposed on the property and upon the use of the property by force and entities other than the people who live there.

The facts on the ground are simply that a house and certain additions to the house exist. Yes, they do. Whether or not, frankly, it's possible to build out the back or not -- possible to have 9-1/2 to enclose this carport or not -- is

really not the issue. The issue here is simply does this property in and of itself because of topography -- that is the shape, size, lay of it -- things that Mother Nature or the law have imposed on it -- have rendered such that people needed to use it have to deal with it differently than the other people in the area, the neighbors.

It makes no difference whether or not other people have been able to do things or not do things. No difference whether other variances have been granted or not granted. Very often, variances are granted simply because no one complains and no one subjects the property to an appeal process, but where somebody does subject a variance request to an appeal process, the Board is constrained to confine itself to those very clear areas of the law that tell us what we can and cannot do.

We do not get into modifications here; why people do things. They are generally reasons that have nothing to do with the law or whether someone can do something or not, or whether someone likes that they can do something or not. Very often, I've given examples from trial law -- example when someone who testifies -- and someone says something to which there should be an objection. But, because no one objects to it, the issue of whether or not it is objectionable does not come up.

A judge once said he is the judge; not the lawyers and not the parties. If someone does not question if you could do this -- then very often, you can do it.

Where a variance has been requested and granted, if that's where it ends, that's where it ends. But if you have to go beyond that, the law imposes circumstances and criteria upon those making the decisions. The simple problem here is that there is nothing inherent in the land or legal responsibilities, like easements, and so forth, imposed upon the land that make it so different that the only way to do something without practical difficulty or unreasonable hardship would be to allow the type of variance that is being requested here.

Mr. Schmidt's Opinion comes to a conclusion rather quickly. Whether he determined that he felt it was the appropriate thing to do or whether he felt there were other legal non-related reasons that moved him to do it -- that's not an issue here. This is a de novo hearing; we have to do it from scratch; we are hearing it for the first time. We can admit what happened below, but must make an independent judgement based on the law as we understand it. Other options could exist in the zoning law, but that's not something we can deal with today.

So although I am concerned about how we got here and modifications that brought us here, and although I am concerned about the manner in which it may have been reviewed

below, I don't see any way, under Cromwell v. Ward, that the uniqueness prong is satisfied. The law is very clear -- If we cannot reach that somehow, and, again, it's very interesting that we had the case this morning, but it was different; and there were on the ground reasons that made the property different. No such thing here.

While the result may be non-objectionable and possibly an improvement to the life of Petitioners in the house, the law confines us to make a decision. Having failed the first prong, the other prongs are not necessary to be reached.

And, accordingly, I would find that Cromwell has not been satisfied, and I would rule that the variance should be denied.

SDL: I don't think there's a lot to add. It's a pretty clear-cut case. And we are, despite desirability on the part of Petitioners to add this extra bedroom on and the benefits that may have accrued to the Petitioners by having the extra bedroom, we are constrained by the law, and if we go against the law, we can be easily reversed. In this case, I believe we could be easily reversed. It's clear there is nothing unique about the property. The alleyway is not a part of the property and cannot be considered.

Uniqueness must be inherent to the property itself. I would have to agree that it must be denied.

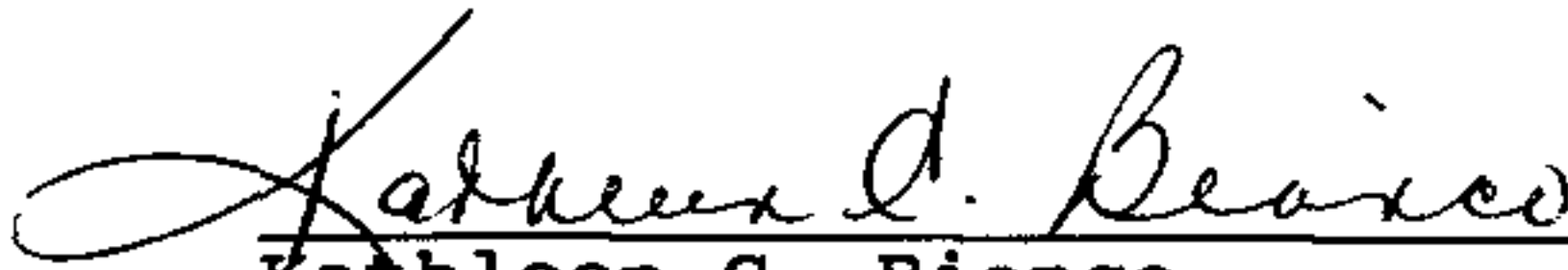
HEB: I don't believe there is anything more I could add. I concur with the fact that the variance should be denied.

LMS: A written Opinion will be issued, and rights of appeal -- to the Circuit Court for Baltimore County -- will derive from the issuance and date of that Order.

We are adjourned.

\* \* \* \* \*

Respectfully submitted,

  
Kathleen C. Bianco  
Legal Administrator

LAW OFFICES OF  
CHARLES E. KOUNTZ

4367 Hollins Ferry Road - Suite 26 Baltimore, Maryland 21227-1797  
410 242-0100 1-800-750-0934  
FAX 410-242-0212

May 7, 1996

Arnold Jablon, Director  
Baltimore County Department of Permits  
and Development Management  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case Number: 96-376-A (Itc  
1236 Violette Avenue  
Legal Owners: Ronald Thon  
Hearing Date: Monday, June 5, 1996 at 11:00 a.m.

Rescheduled

Wed May 29

at 2

Kachael

Dear Mr. Jablon:

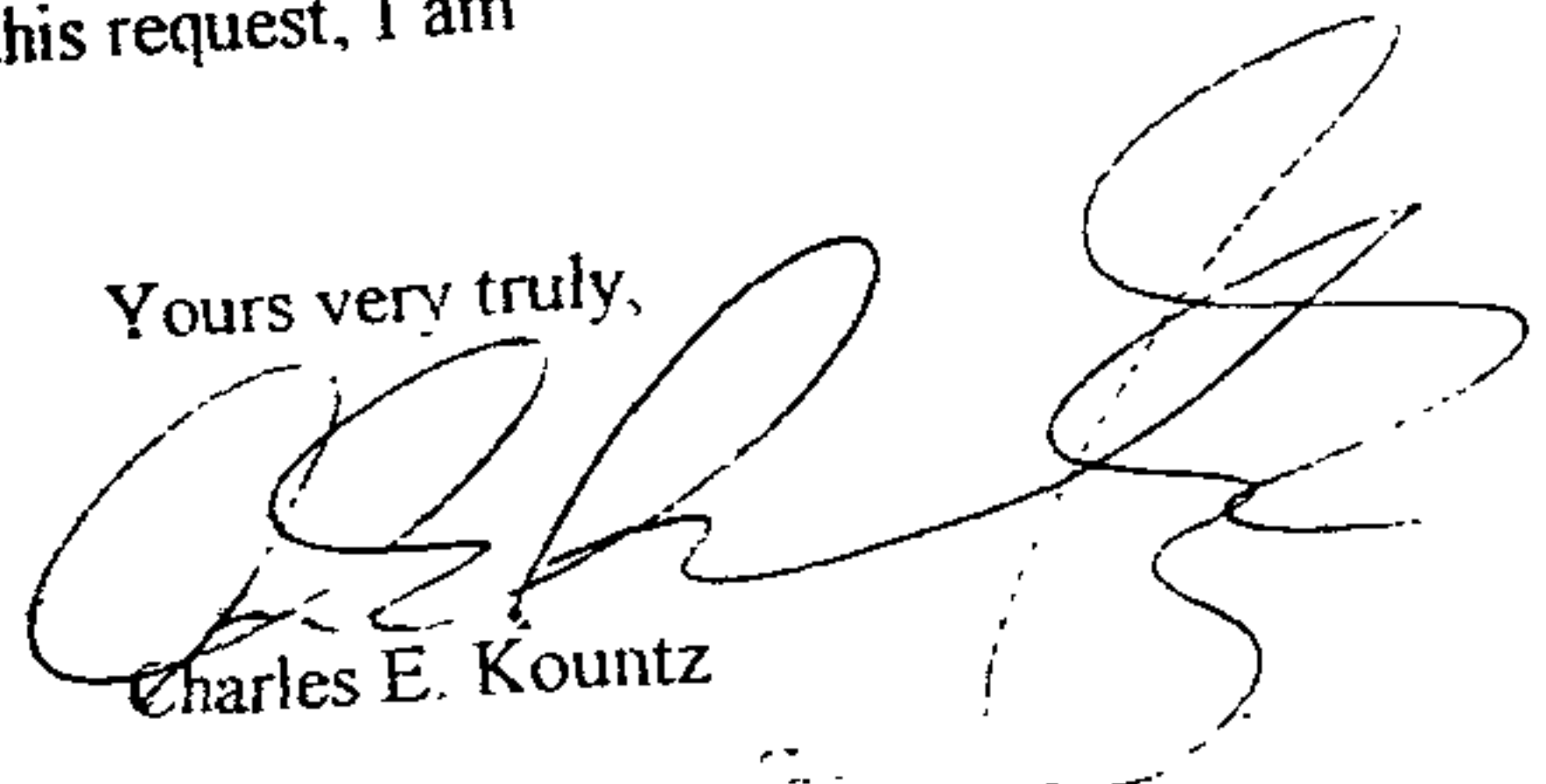
This will acknowledge receipt and thank you for your notice in reference to the above-captioned hearing.

Please be advised that I would respectfully request that this matter be rescheduled to another date for reason that I will be on a family planned vacation from June 1, 1996 through June 16, 1996, out of the country and will be unable to be present on behalf of my client.

This vacation has been scheduled for over eight months and cannot be rescheduled or canceled due to the nature of the trip.

Thank you for your kind consideration in this request, I am

Yours very truly,

  
Charles E. Kountz

cc: Ronald and Patricia Smith

LAW OFFICES OF  
CHARLES E. KOUNTZ

*4/16/96*  
*MS*  
4367 Hollins Ferry Road - Suite 26 Baltimore, Maryland 21227-1797

410 242-0100

1-800-750-0934

FAX 410-242-0212

April 24, 1996

Zoning Administration and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Petitioners: Ronald Smith, et ux.  
Case No.: 96-376-A  
Variance for a side yard setback

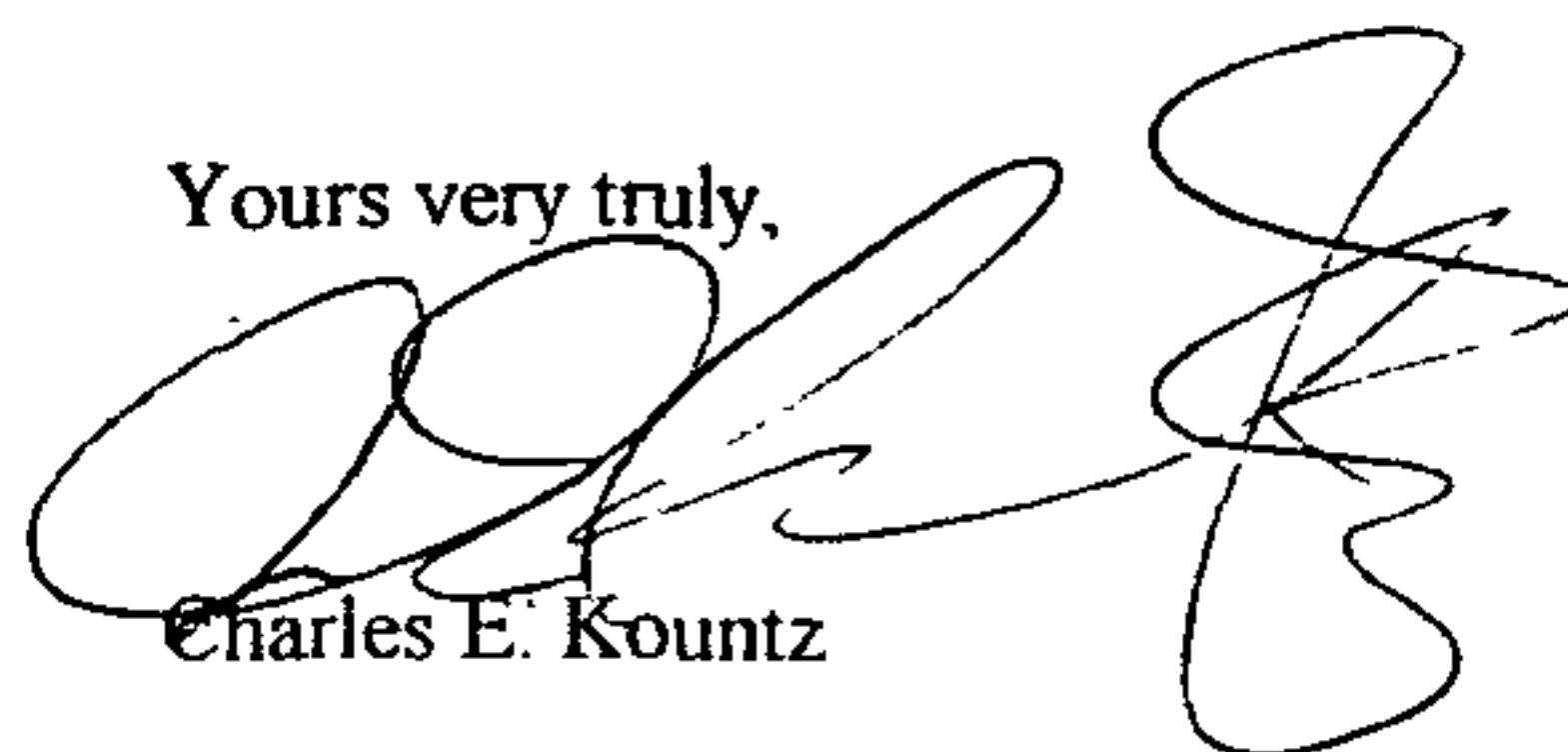
Gentlemen:

Please be advised that I represent John and Dorothy Purkey who are the adjacent property owners at 3916 Benson Avenue, Baltimore County, Maryland, 21227, to the above-captioned Petitioners.

Please be advised that my clients adamantly oppose the variance request and respectfully request a hearing.

Should you have any questions concerning the above, please feel free to contact me.

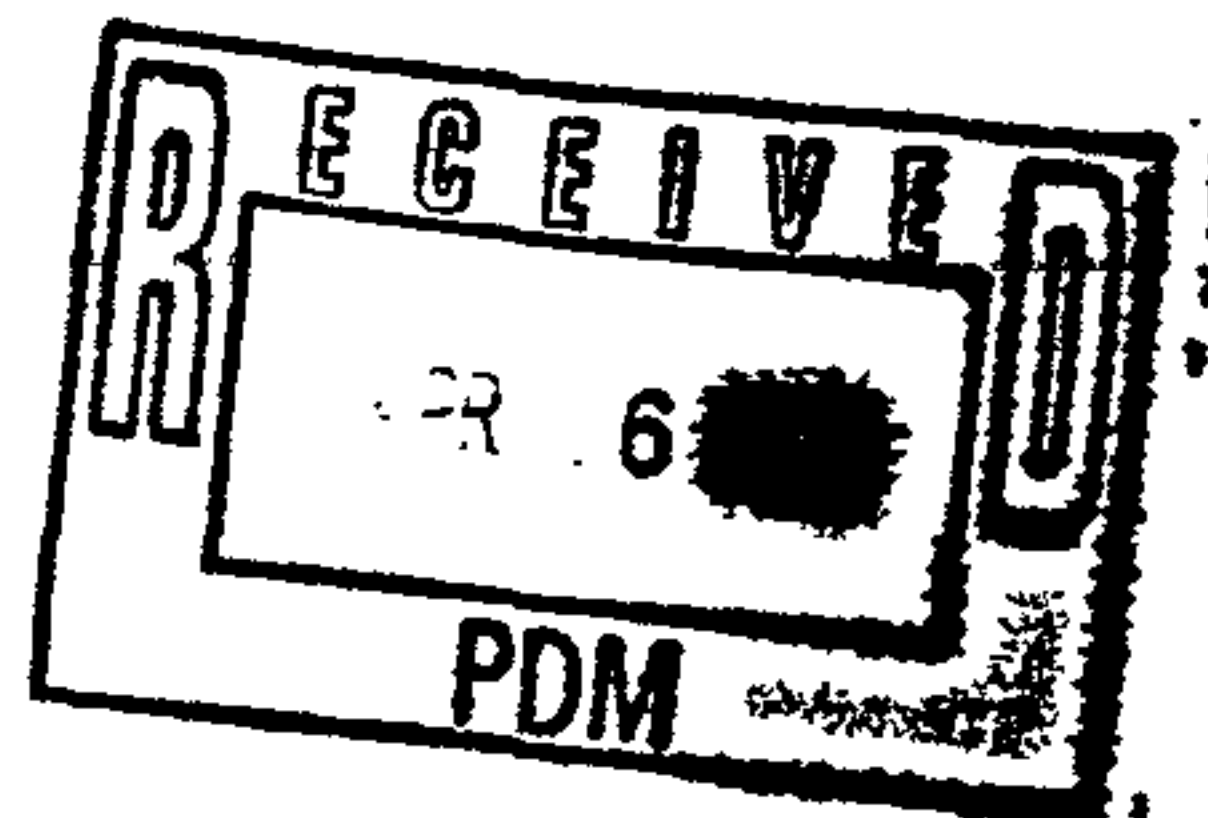
Yours very truly,



Charles E. Kountz

CEK/rlb

cc: John and Dorothy Purkey



LAW OFFICES  
**TURNBULL, MIX & FARMER**

706 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

(410) 828-0700  
(410) 825-1517  
FAX: (410) 828-5086

G WARREN MIX  
JAMES R FARMER  
DOUGLAS T SACHSE  
PATRICK J PERKINS  
STEVEN D. SHEMENSKI

JOHN GRASON TURNBULL  
(1909-1984)  
WILLIAM E. HAMMOND  
(1924-1992)  
OCEAN CITY OFFICE  
210 N. 15TH STREET  
OCEAN CITY, MD 21842  
(410) 289-6419

Decemer 17, 1996

Ms. Charlotte E. Radcliffe  
County Board of Appeals of Balto. Co.  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Civil Action No. 3-C-96-02332  
Ronald Thomas Smith, et ux.

Dear Ms. Radcliffe:

I am in receipt of your letter of December 9, 1996 concerning the transcript, etc. Please be advised that Ms. Peatt has already prepared the transcript for my client and I have the original in my office. Therefore, it is only necessary that we copy same and it is not necessary to order another transcript to go with the record.

Very truly yours,

TURNBULL, MIX & FARMER

  
G. Warren Mix

GWM/df

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES\*\*  
STUART A. SCHADT

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

WRITER'S DIRECT DIAL  
823-

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

July 24, 1996

VIA HAND DELIVERY

Arnold Jablon, Director  
Zoning Administration & Development  
Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

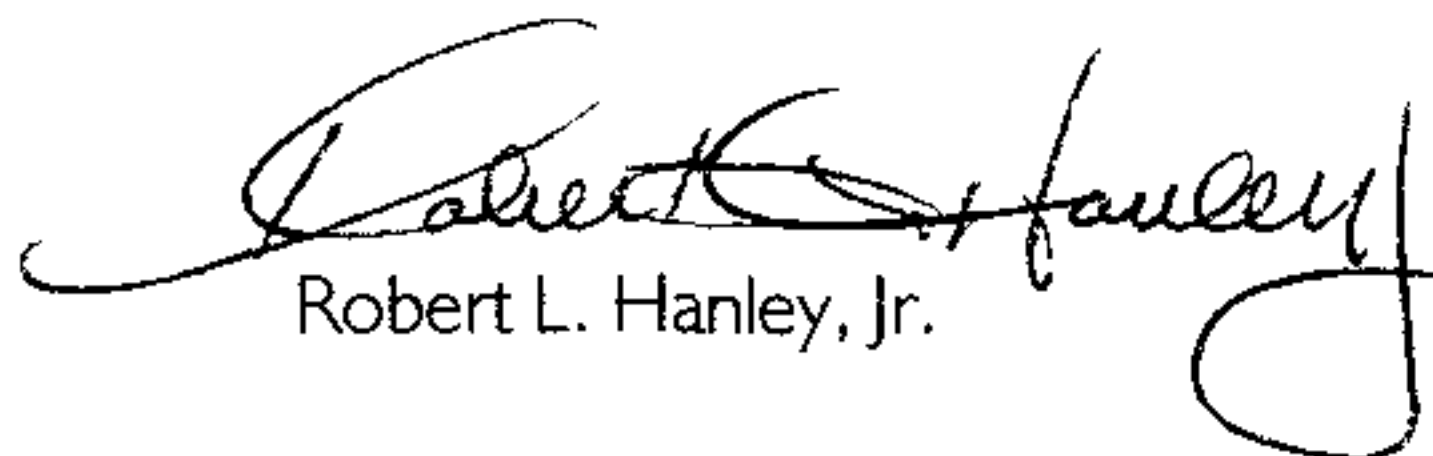
Re: Case No.: 96-376-A  
Petition for Zoning Variance  
Property: 1236 Violette Avenue

Dear Mr. Jablon:

I represent Mr. and Mrs. John A. Purkey, Jr. who appeared as Protestants before the Zoning Commissioner. Please enter an appeal in the above-captioned matter. I have enclosed my office check in the amount of \$210.00 for the filing fee and posting.

Thank you for your assistance.

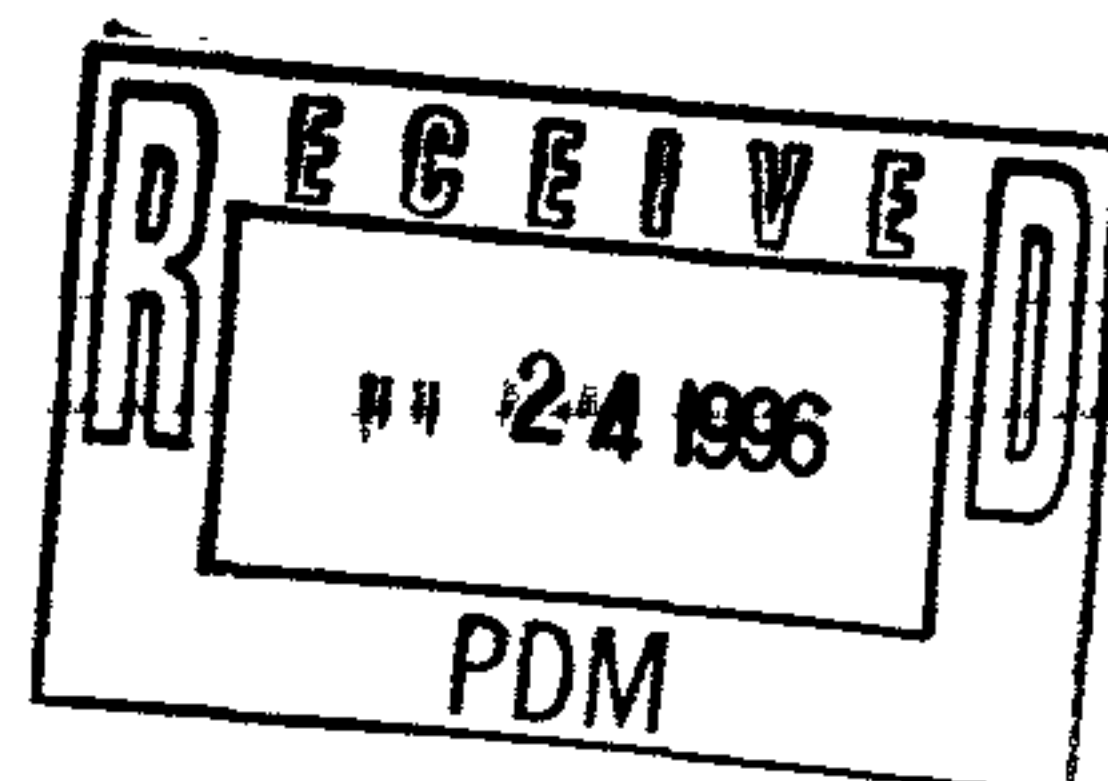
Very truly yours,

  
Robert L. Hanley, Jr.

RLHjr/emd

enc.

cc: Honorable Lawrence E. Schmidt, Zoning Commissioner  
Ms. Kathy Bianco, County Board of Appeals  
Mr. and Mrs. John Purkey, Jr.



LAW OFFICES OF  
CHARLES E. KOUNTZ

*4367 Hollins Ferry Road - Suite 2C Baltimore, Maryland 21227-1797*

410 242-0100

1-800-750-0934

FAX 410-242-0212

April 24, 1996

Zoning Administration and Development Management  
111 W Chesapeake Avenue  
Towson, Maryland 21204

RE: Petitioners' Ronald Smith, et ux  
Case No. 96-376-A  
Variance for a side yard setback

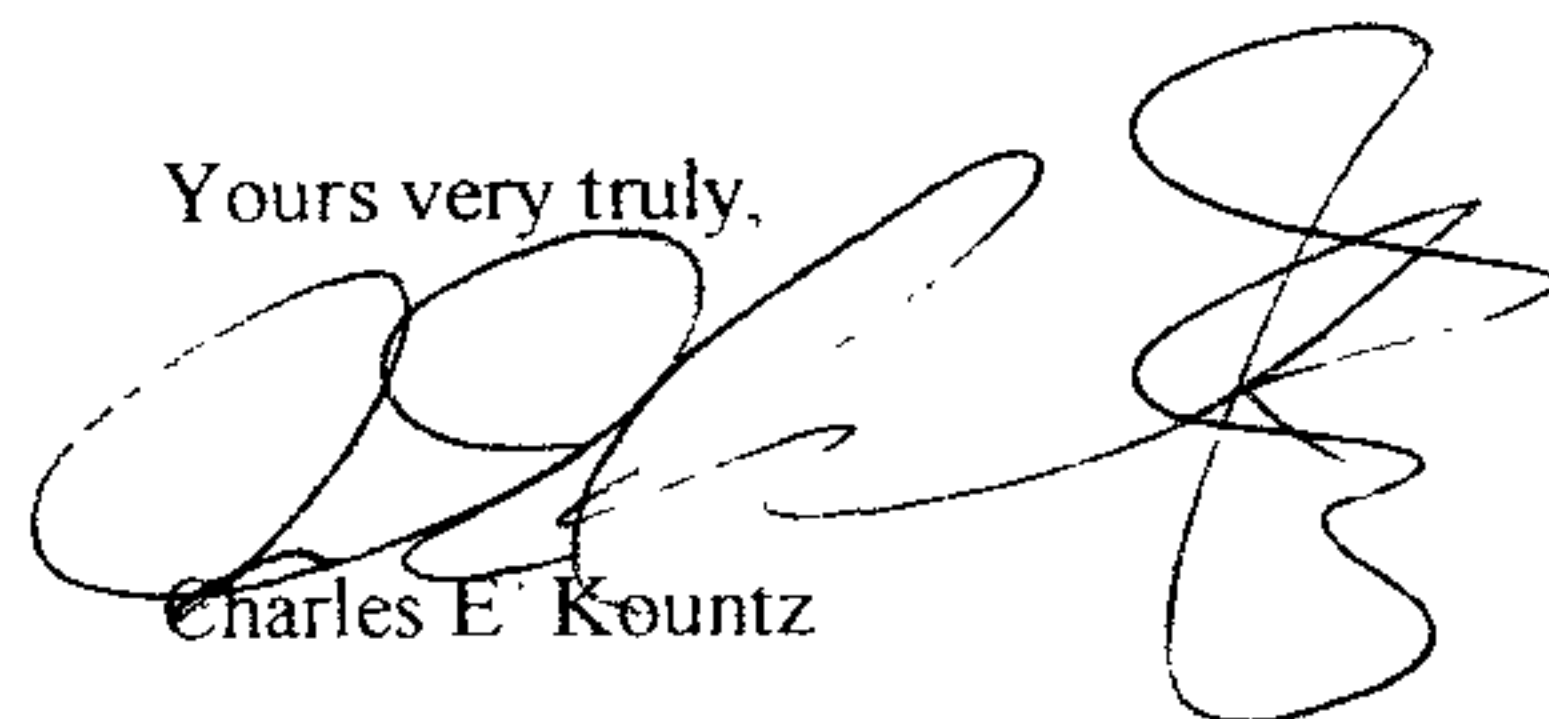
Gentlemen:

Please be advised that I represent John and Dorothy Purkey who are the adjacent property owners at 3916 Benson Avenue, Baltimore County, Maryland, 21227, to the above-captioned Petitioners.

Please be advised that my clients adamantly oppose the variance request and respectfully request a hearing.

Should you have any questions concerning the above, please feel free to contact me

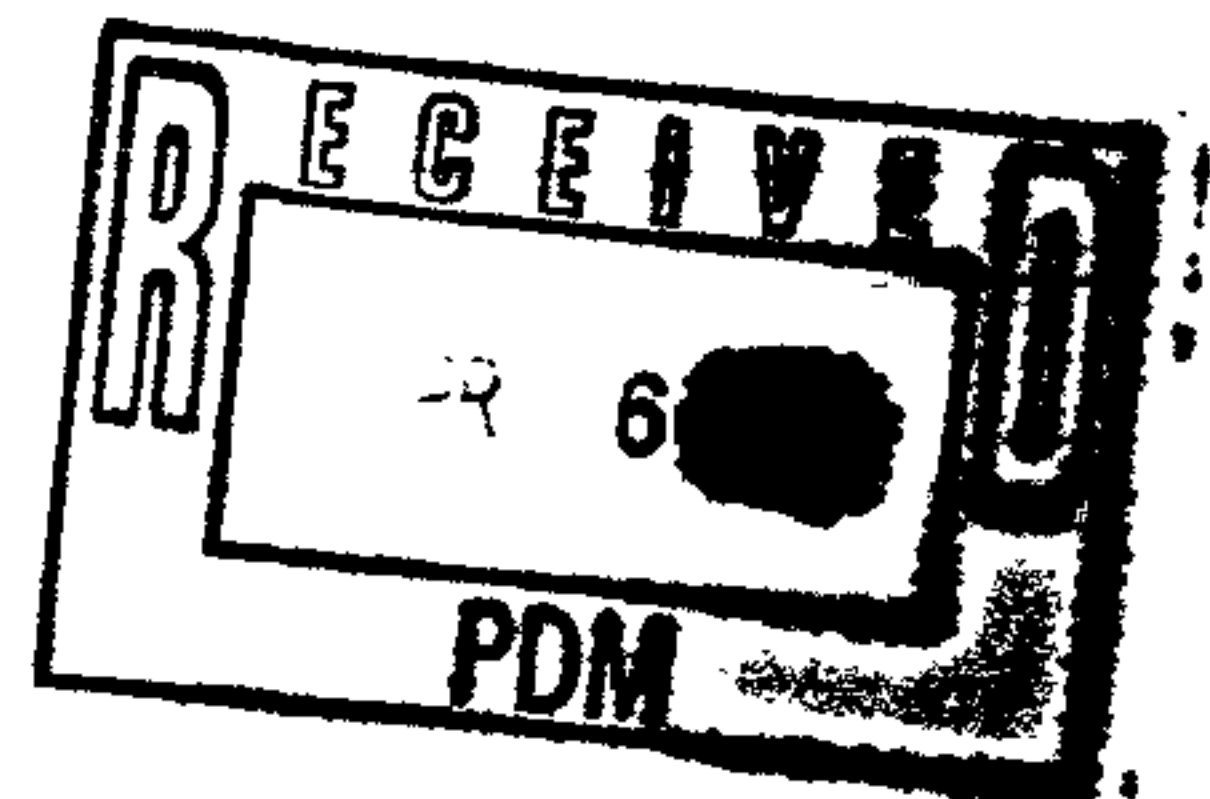
Yours very truly,



Charles E. Kountz

CEK/rlb

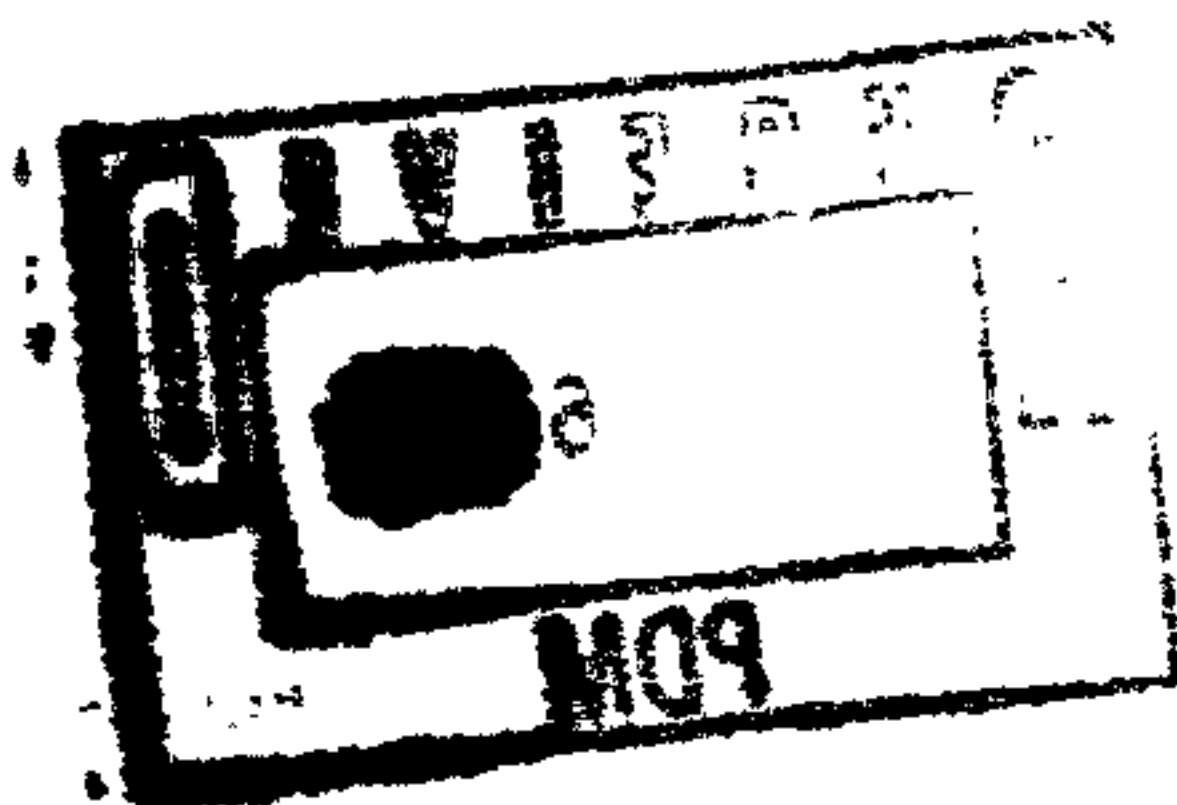
cc: John and Dorothy Purkey



LAW OFFICES OF  
CHARLES E. KOUNTZ  
4387 HOLLINS FERRY ROAD  
SUITE 2C  
BALTIMORE, MARYLAND 21227-1797

OFFICE  
(410) 242-0100

FAX  
(410) 242-0212



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Charles E. Krentz Eng.  
Attorney for Protestants  
John P. Purkey Jr.  
Dorothy E. Purkey

4367 Hollis Ferry Rd.  
Baltimore MD 21222  
3916 Benson Ave Baltimore MD 21227  
3916 Benson Ave. 21227 Md

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ronald Smith

1236 Violette Ave

Patricia Smith

1236 Violette Ave



96-2285

5/9/96  
g

LAW OFFICES OF  
CHARLES E. KOUNTZ

*4367 Hollins Ferry Road - Suite 2C Baltimore, Maryland 21227-1797*

410 242-0100

1-800-750-0934

FAX 410-242-0212

May 7, 1996

Arnold Jablon, Director  
Baltimore County Department of Permits  
and Development Management  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case Number: 96-376-A (Item 376)  
1236 Violette Avenue  
Legal Owners: Ronald Thomas Smith and Patricia Marie Smith  
Hearing Date: Monday, June 3, 1996 at 11:00 a.m.

Dear Mr. Jablon:

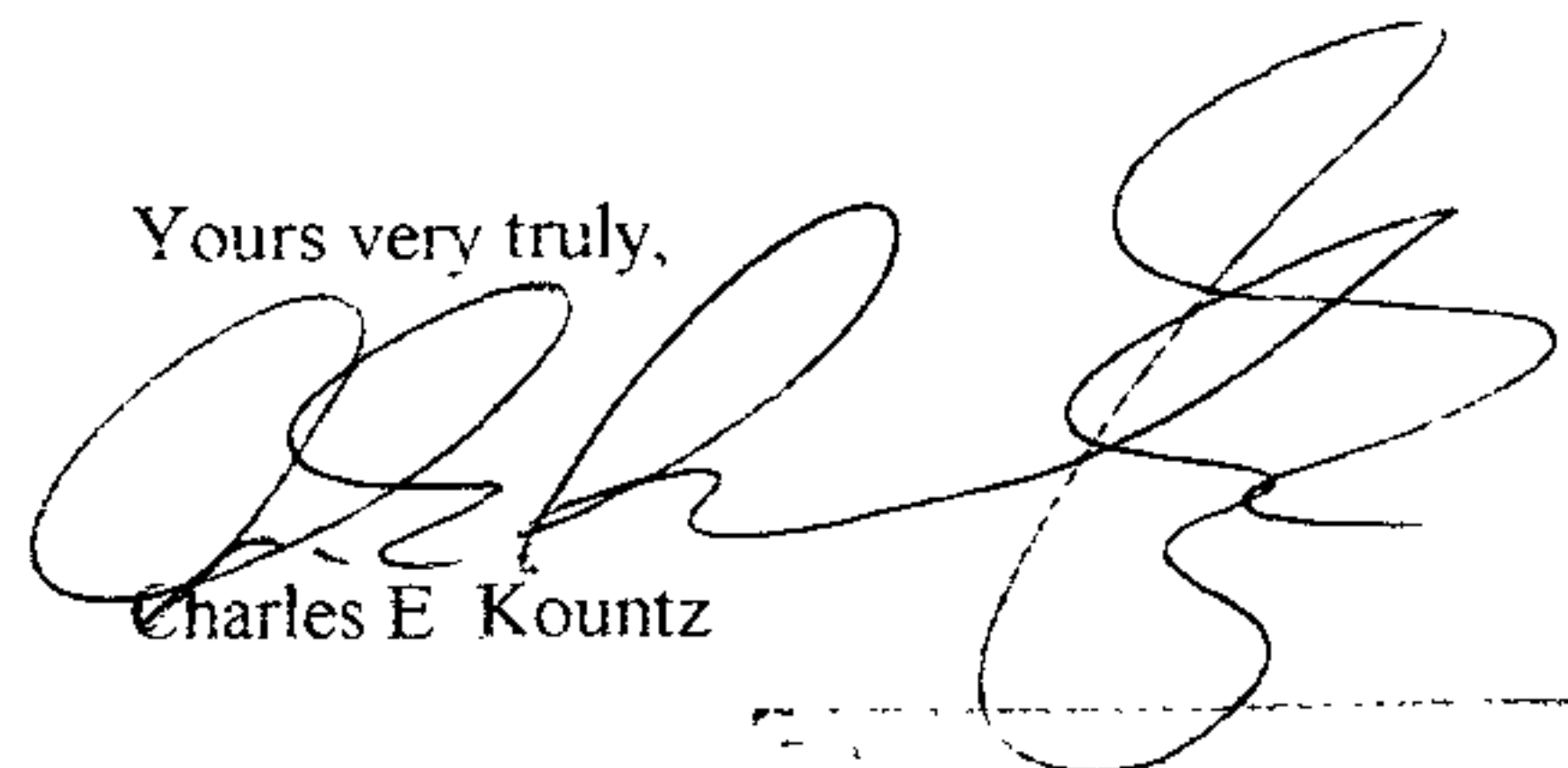
This will acknowledge receipt and thank you for your notice in reference to the above-captioned hearing.

Please be advised that I would respectfully request that this matter be rescheduled to another date for reason that I will be on a family planned vacation from June 1, 1996 through June 16, 1996, out of the country and will be unable to be present on behalf of my client.

This vacation has been scheduled for over eight months and cannot be rescheduled or canceled due to the nature of the trip.

Thank you for your kind consideration in this request, I am

Yours very truly,



Charles E Kountz

cc: Ronald and Patricia Smith

1996

BALTIMORE COUNTY DEPARTMENT OF PERMITS  
AND DEVELOPMENT MANAGEMENT  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

ATTENTION: ARNOLD JABLOW

RE: CASE NO. 96-376A

MAY 14, 1996

TO WHOM THIS MAY CONCERN:

As Vice President of the Violetville Community Association and Editor of the VCA Newsletter, it has been brought to my attention that my neighbor who is located behind my home, Mr. Smith's home is located at 1236 Violette Ave, has had opposition to his zoning notice regarding his building an additional bedroom on the side of his home. Mr. Smith current home has only two bedrooms. His current two bedroom home does not allow for each of his children a bedroom. Mr. Smith has one boy and one girl and this has created a hardship for this family and the only solution is to build an additional bedroom. The only other solution is for Mr. Smith to move.

It is my understanding that the opposition is coming from Mr. Smith's neighbor, Mr. Purkey, whose home is located on Benson Avenue. Mr. Purkey's complaint is that the addition to the Smith's home will infringe upon his property. There is an alley situated between Mr. Smith and Mr. Purkey's property and this proposed addition in no way infringes upon Mr. Purkey's property.

Mr. Smith has been an outstanding neighbor, one who spends many hours upkeeping his home and property, his home is always in top condition and his lawn and gardens are very well kept. Mr. Smith has not only lived here with his current family, but was born and raised in Violetville also, and he wishes to remain here to continue to raise his children. His Parents also live here in Violetville.

6/3  
TO BS  
for file

96-3169

5/29

Mr. Smith  
May 14, 1996  
RE: CASE NO.- 96-376A  
Page Two

Mr. Smith has informed me that his plans to build an addition were well thought out and the only place feasible for this building to be erected is on the side of his house, where there is currently a covered patio and car port.

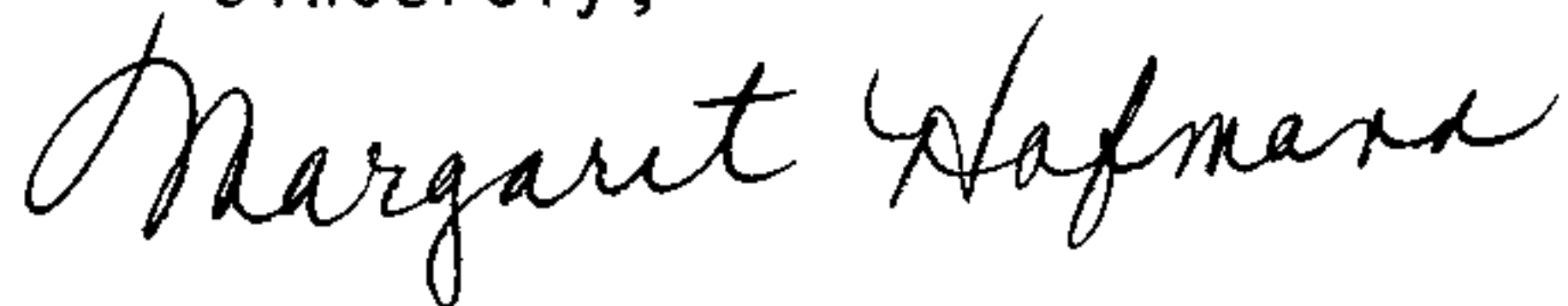
Mr. Purkey's attorney notified the Smith's that Mr. Purkey would have no objections to Mr. Smith's building the addition on the back of his home. This request is not feasible as it would create several problems. 1. The rear of the home consists of a rear kitchen door and window and a large deck. 2. The other side of the rear of the home is bedroom windows and an expensive pool and landscaping. For Mr. Smith to put an addition on the rear of his home would eliminate a rear entrance and windows which would create a fire hazard, Mr. Purkey should be aware of this as he is the Captain of the Violetville Fire Dept. 3. Mr. Smith does not want his child's bedroom off of the kitchen. Mr. Smith's plans to add an addition on to the side of his home is more practical and less expensive.

It is therefore my opinion that Mr. Purkey's objection is petty and unwarranted. Mr. Purkey is the only one who has objected and all of the other neighbors have no problem with the proposed addition.

We ask that the right of way of building the addition to the side of Mr. Smith's Home be granted.

Should you have any questions regarding this letter, please feel free to contact me at 410-368-1489.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Hofmann". The signature is written in dark ink and is positioned above the printed name.

Margaret Hofmann

96-376-A

4-28-96

To whom it may concern,  
We have no objections to the  
addition being built on 1236 Violette Ave

DANIEL HUFFMAN  
1232 VIOLETTE AVE.  
BALTO. MD. 21229

Daniel Huffman  
Frank Huffman

Scott & Karen Brunelle  
1234 Violette Ave.  
Balto Md. 21229

Karen Brunelle  
Scott J. Brunelle

JAMES NORMAN SMITH  
3805 PATAPSCO AVE  
BALTIMORE MD 21229

James Smith

MARGARET HOFMANN / JOHN HOFMANN  
3803 W. PATAPSCO AVE  
Balto, MD. 21229

Margaret Hofmann  
John E Hofmann Jr.

Ikea Luker  
3812 Benson Ave  
Balto. MD. 21229

Larry Pinkney  
3818 Benson Ave  
BALTO MD 21227

(OVER)

To whom it may concern,

This letter is in

reference to case 96-37679  
Petition for Forcing Warrant.

We were informed that  
our neighbor, Robin Runkley  
has appeared in case and  
fully 89th. We save a  
contract of \$55000 deposit  
in April and construction  
was to begin in May.  
Mr. Runkley has advised  
the financial hardship  
from this, also our  
two children may lose  
home to share the same  
land. We are requesting  
that our next hearing  
date be scheduled sooner

as possible. Mr. Runkley  
has saved enough  
delays. He would  
prefer without a court,  
thereby one of the  
children need no lawyers.  
We have great concerns  
will be taken for all  
request.

Thank you  
Patricia Smith  
Ronald Smith



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 31, 1996

Ronald and Patricia Smith  
1236 Violette Avenue  
Baltimore, MD 21229

五、六、七、八、九

RE: Petition for Zoning  
Variance  
SW of Violette Avenue, 188  
ft. E of c/l of Benson Ave  
(1236 Violette Avenue)  
13th Election District  
1st Councilmanic District  
Ronald Thomas Smith, et ux  
- Petitioner  
Case No. 96-376-A

Dear Mr. and Mrs. Smith:

Please be advised that an appeal of the above-referenced case was filed in this office on July 24, 1996 by Robert L. Hanley, Jr., Esquire on behalf of Mr. and Mrs. John A. Purkey, Jr. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

Carl Jable

ARNOLD JABLON  
Director

AJ: rye

cc: Mr. Charles E. Kountz, Esquire  
People's Counsel

- 25-96

To whom it may concern,

This letter is in  
reference to case 96-376A  
Petition for Zoning Variance.

We were informed that  
our neighbor John Runkey  
has appealed our case on  
July 24th. We gave a  
contractor \$5,500.00 deposit  
in April and construction  
was to begin in May.

Mr. Runkey has caused  
us financial hardship  
from this, also our  
two children & my 1st girl  
have to share the same  
bed. We are requesting

that our next hearing  
date be scheduled as soon

1-25-96

as possible. Mr. Runkey  
has caused enough  
delays. He is also a  
man without a heart,  
knowing one of our  
children needs a bedroom.  
We hope great consideration  
will be taken for our  
request.

Thank You  
Patricia Smith  
Ronald Smith

Case No. 96-376-A  
Ronald Thomas Smith

9/19/96

### Petitioner's Case

Witness

Ronald Smith

2 BR house, boy + girl. need 3rd BR

has existing carport - extends  $9\frac{1}{2}'$  from house.

my boundary line - + Purkey's - 15' easement - not owned by anyone -  
abandoned alley - abandoned in '83

Purkey's bk yd is to my side.

2 - W still be 6' from my ppty line + 15' to his ppty line - so  
in reality 2 - W is 21'.

87' from house to my ppty line

~~Hisland~~

He issued a bldg permit restriction b/c supposedly my downspouts  
were flooding his ppty. But his land slopes toward mine.

### Cross

his ppty is rectangular. All ppty in area is rectangular.

Can't build out bk of ppty b/c of ditch + pool. He put 2m up.

His ppty is similar to other ppty.

I'm 7 only | 21 has > 15' alleyway.

Board

In order for me to bld out my bk,  
it wasn't practical to put a BR in bk - I talked to contractors + they  
wd have to dig out so deep.

Witness

<sup>Mary</sup>  
Patricia Smith

1 house approx 108' apart

If we built an addition on bk, 7 entrances to bk of house wld be  
thru 7 BR.

### Cross

has cellar. use for storage. has family room. has utility room - for storage  
+ playroom. no windows in base.

### Argument - Appellants - Hanley

Uniqueness defined - St. Mary's County case

Uniqueness can't be created by improvements on ppty but must  
be inherent to land.

It is a rectangular property in a tract setting.  
These ppl wd jst prefer 1 build out 7 side w 2 house.  
ZC mentioned 7 pool + 7 deck.

### Smith - Petitioner

2's already a carport 2. We tk 2s wd b a nice improve.

carport 23 x 9 1/2'

### Deliberation

Uniqueness must be inherent 2 property. 7 alleyway is not a part w 7 property + can't be considered as 7 issue w uniqueness.

Smith

96-376-A

2 BM

(L)

96-376A

Smith

Robert Hamley

Revel Smith / Pat. Smith

Revel ~~James~~ Smith

2 Broom house - boy of a girl  
need a 3<sup>rd</sup> bedroom - existing  
Carport under roof 9 1/2 ft. 23'  
applied for variance

sep. by 15 ft. easement

Revel

his backyard is on ~~the~~  
left of Pat's 15 ft from  
prop line total of 21 ft to  
Revel's prop line

Revel's land slopes to living  
15 ft no matter what -

2

Cross X Smith - Hardy  
Sulced pool in back  
keep them from going that  
way.

Uniqueness

Could you put addition there  
only are practical to  
expand NO

---

Patricia Smith

Hoops are 108 ft apart - only 20'  
back door would be on bedroom  
Cellar entrance would be blocked  
off

Comment - I wanted to buy this lot  
he has a problem with us.

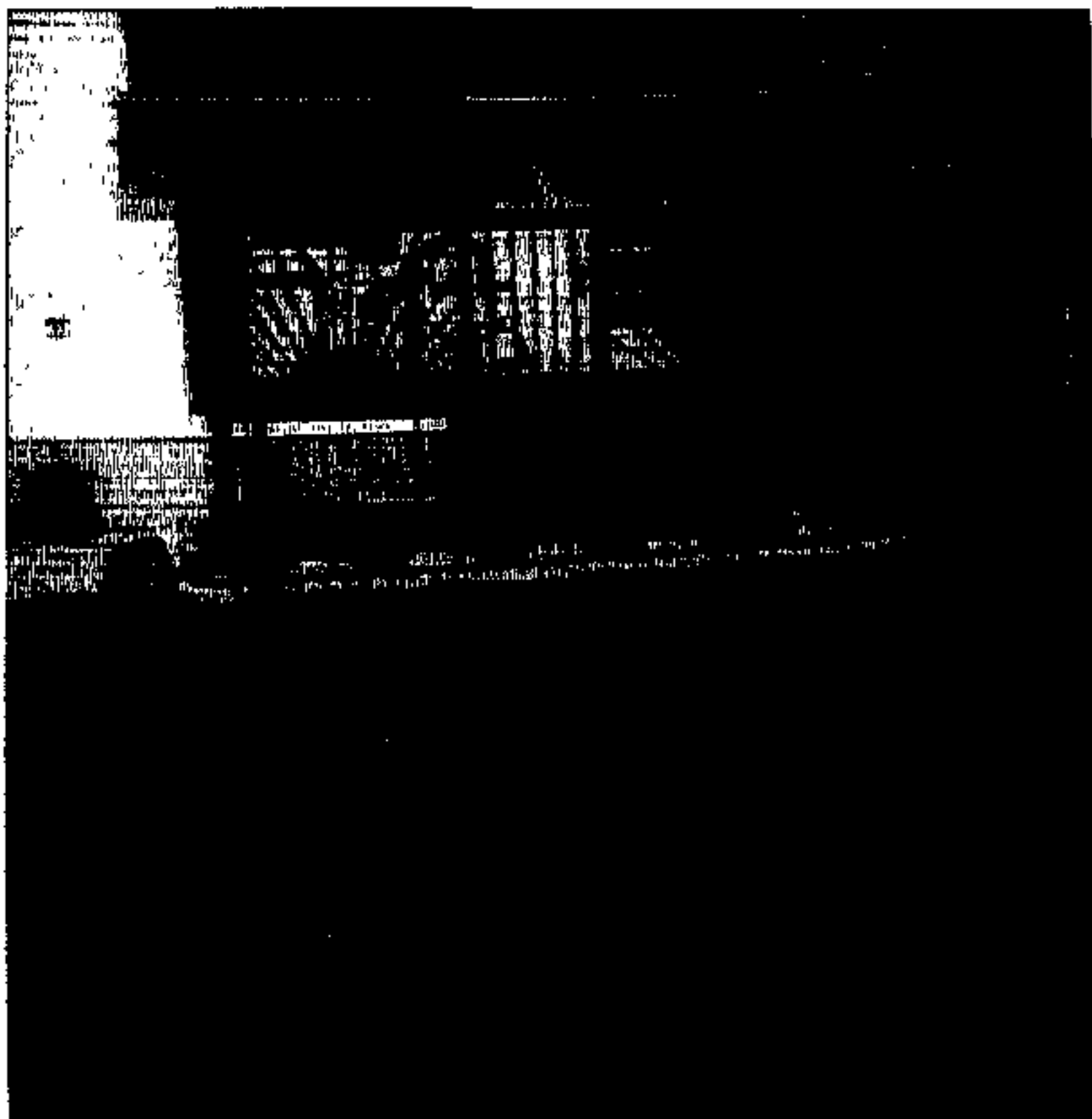
Not value of reconstruction  
Not with sums

3

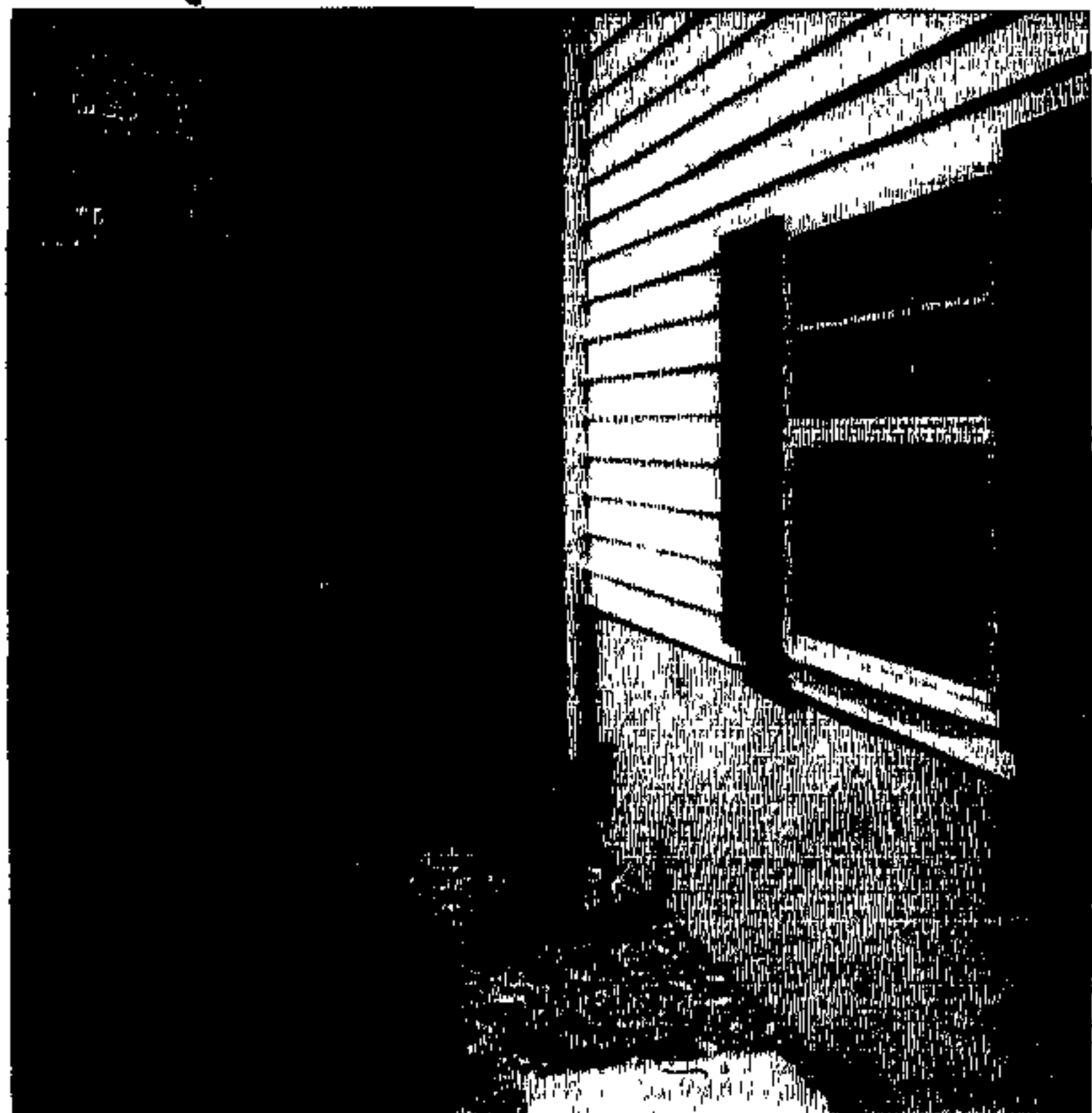
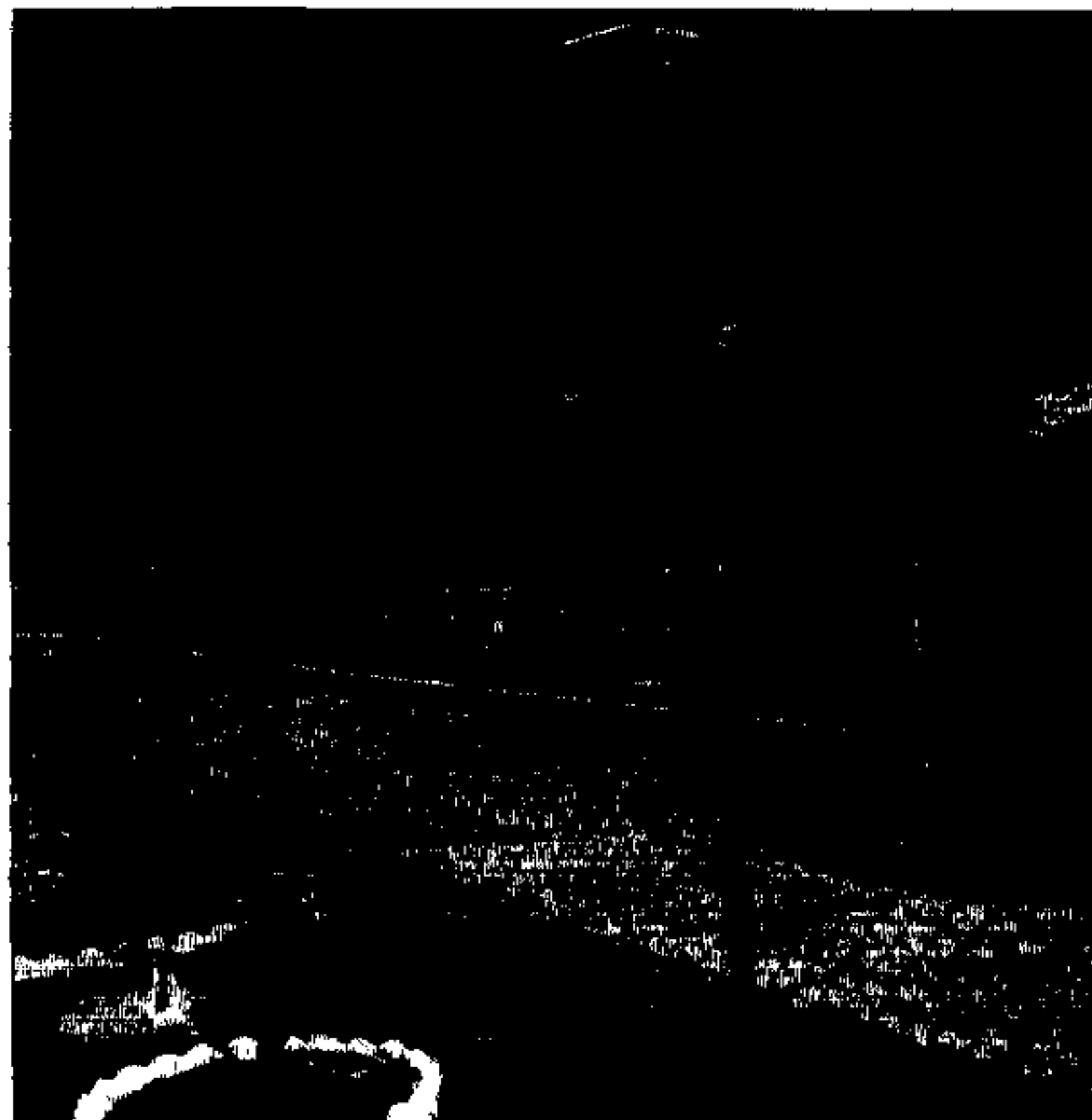
Pat. Smith - Cross X Hanley  
Resident has utility room &  
playroom - ~~no~~ windows

Closing  
Arnold v Ward

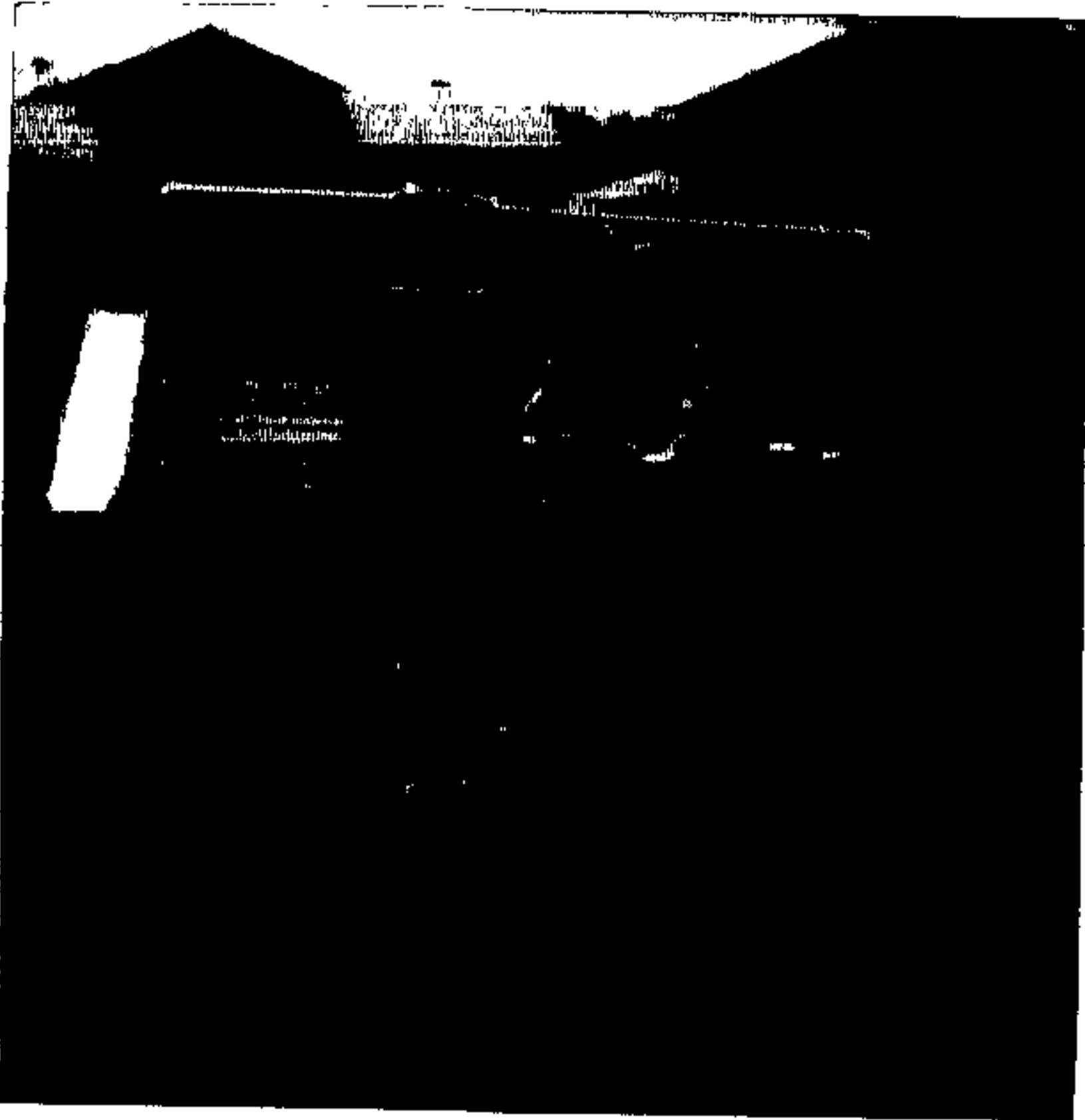
① Uniqueness para  
related to land - can be done  
w/ engineering difficulty  
engineering preference  
part of deck are already there  
/ over what asking for much

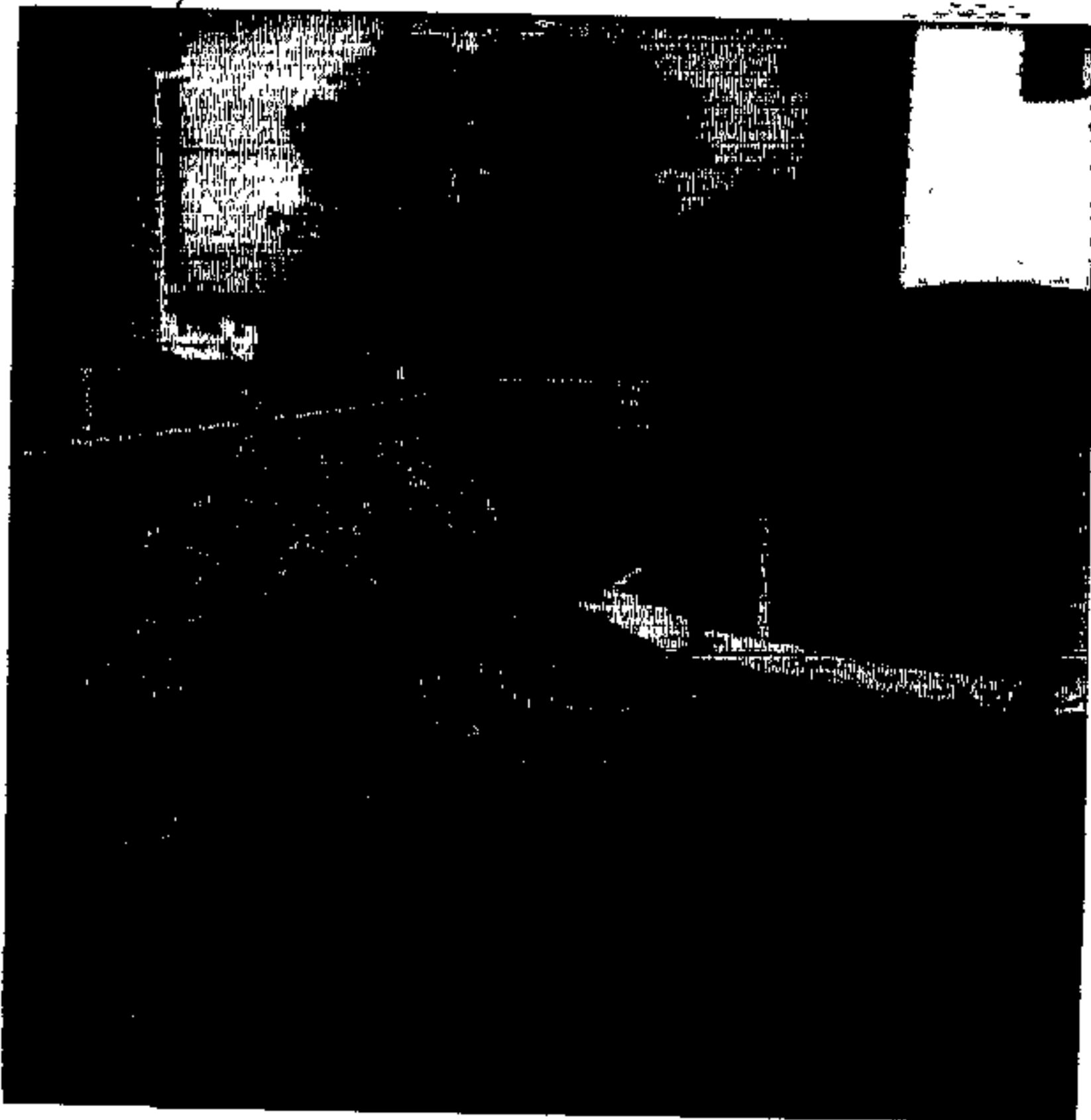


96.376-A

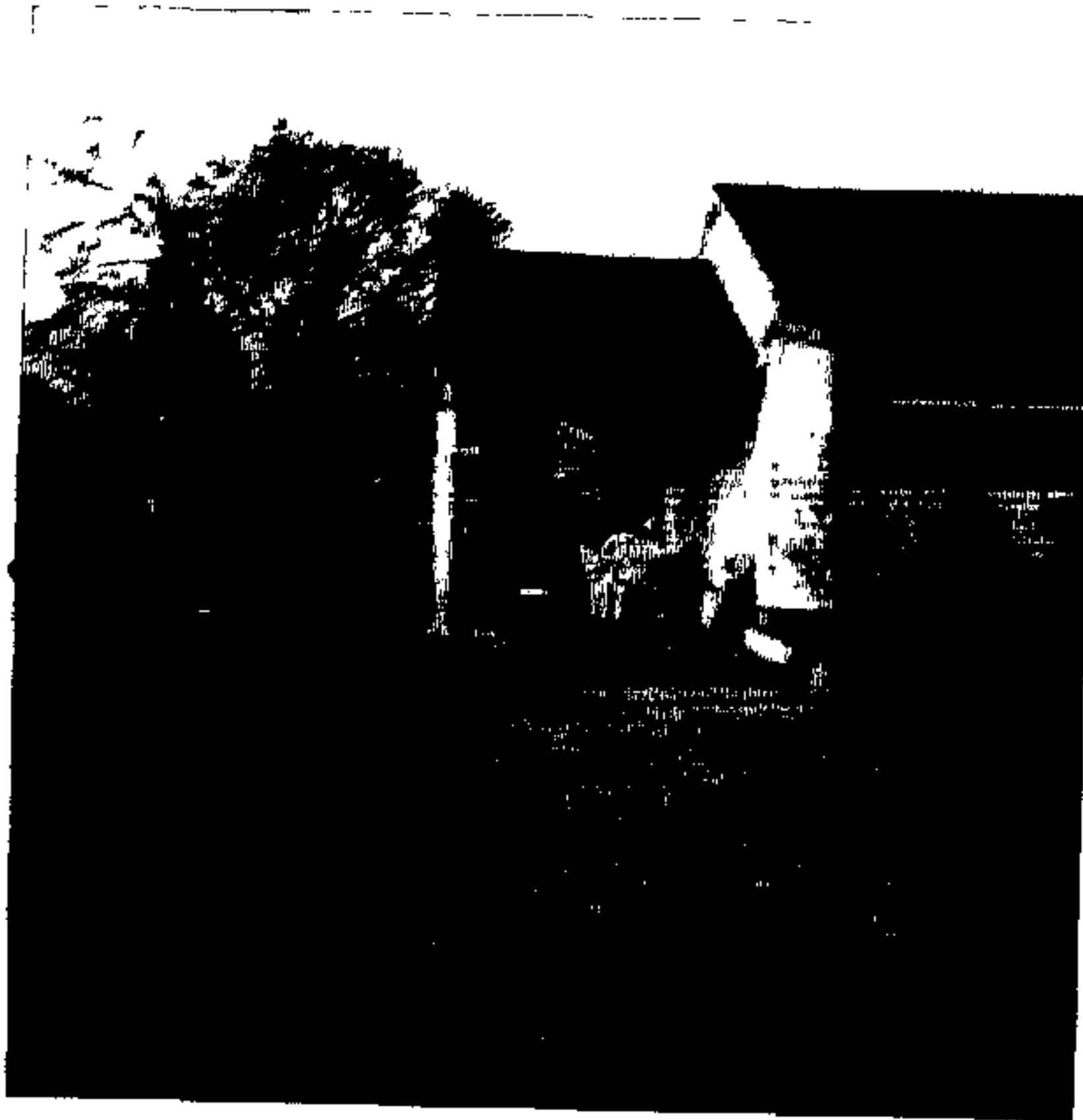










PETITIONER(S) EXHIBIT ( )

Side Yard & Proposed location of the addition  
(CARPORT TO BE REMOVE)



# 376

96-376-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1236 VIOLETTE AVENUE

Subdivision name: W/WHITEMORE PARK

plat book # 52, folio # 100, lot # 34, section #

OWNER: RONALD T. & PATRICIA M. SMITH

DEED REF. 7617/625

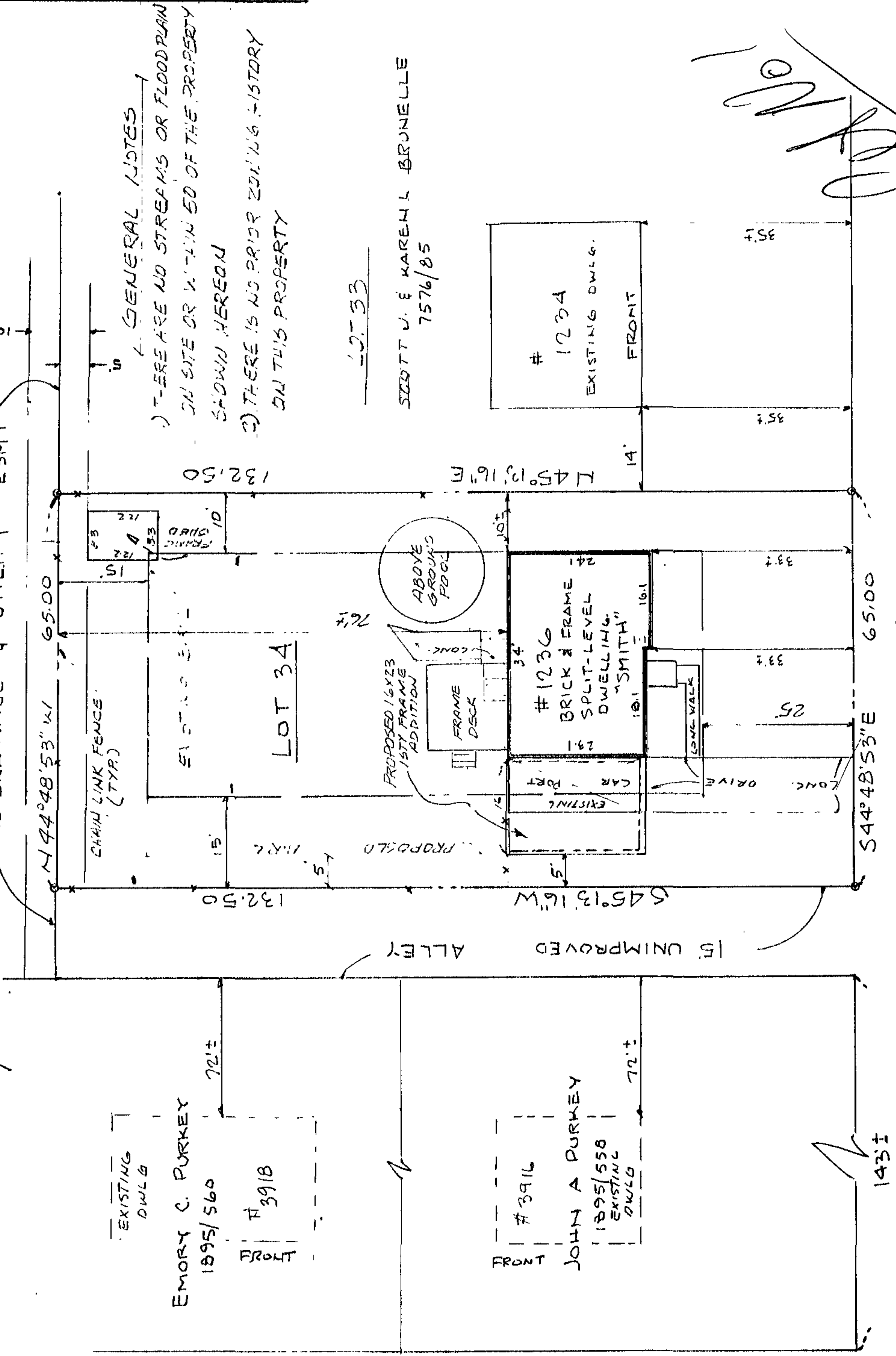
WARREN E. LINCOLN DOWNEY  
7981/573

JIM MOON & JI MOON JUN 4  
8456/722

LOT 35

LOT 36

10' DRAINAGE & UTILITY ESMT



GENERAL NOTES  
1) THERE ARE NO STREAMS OR FLOODPLAIN ON SITE OR WITHIN 50' OF THE PROPERTY SHOWN HEREON  
2) THERE IS NO PRIOR ZONING HISTORY ON THIS PROPERTY

LOT 33

SCOTT J. & KAREN L. BRUNELLE  
7576/85

VICINITY MAP  
SCALE 1" = 2000'

NOTE: MR. SMITH WOULD LIKE TO REMOVE THE EXISTING CARPORT AND BUILD A 12,000 FOOT ADDITION TO HIS HOUSE. THE ADDITION WILL BE 500 FEET OFF PROPERTY LINE.

BENSON AVENUE

VIOLETTE AVENUE

(50' R/W 24' PAVING)

SCALE 1" = 20' PREPARED BY: JOHN C. MELLEMA SR., INC.

LOCATION INFORMATION

Election District: 13  
Councilmanic District: 1  
1"=200' scale map#: SW 4 C  
Zoning: DR S S  
Lot size: 0.1977 acreage  
square feet 8612.54  
SEWER: ☒ public ☐ private  
WATER: ☒ public ☐ private  
Chesapeake Bay Critical Area: ☐ YES ☒ NO  
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JP ITEM #: 376 CASE#:

