

IN RE: PETITION FOR VARIANCE
NE/S Heavrin Court, 220' SE of
the c/l of Necker Road
(12 Heavrin Court)
11th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-397-A

Scott C. Stallings, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 12 Heavrin Court, located in the vicinity of Necker Avenue and Belair Road in White Marsh. The Petition was filed by the owners of the property, Scott C. and Lisa M. Stallings. The Petitioners seek relief from Sections 504 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 17 feet and a rear yard setback of 10 feet, in lieu of the required 26.25 feet and 11.25 feet, respectively, and to amend the First Amended Final Development Plan for Belneck Square, Lot 6 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Scott and Lisa Stallings, owners of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .1985 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners are desirous of constructing an open deck along the northeast side and rear of the dwelling as shown on the site plan. Testimony and photographs submitted show that the topography of the land limits the potential uses of the property. Specifically, the grading of the property renders the proposed deck site useless for any

ORDER RECEIVED FOR FILING
Date 6/3/96
By [Signature]

MICROFILMED

other activity. If proper setbacks are maintained, the deck would be too small for practical use. Thus, the relief requested is necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.


ORDER RECEIVED FOR FILING
7-16
6/13/76
[Signature]

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of June, 1996 that the Petition for Variance seeking relief from Sections 504 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 17 feet and a rear yard setback of 10 feet, in lieu of the required 26.25 feet and 11.25 feet, respectively, and to amend the First Amended Final Development Plan for Belneck Square, Lot 6 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners acknowledge that they are not to build any permanent structures within a designated utility easement. Therefore, the Petitioners understand that any structures built within said easements must be removed at their expense if the proper authority so desires.
- 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

MICROFILMED

ORDER RECEIVED FOR FILING

Date

4/3/96

By





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-397-A

12 HEAVEN CT.

which is presently zoned

RES-5

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) BCZR Sec. 504 (VB6.b, CMDP) & 301 (BCZR)

To allow an open projection deck with a side yard setback of 17 feet and rear yard setback of 10 feet in lieu of the required 26.25 feet and 11.25 feet respectively. And to amend the First Amended FDP of Belneck Square, Lot #6.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1) NO OTHER PLACE TO PUT DECK ON PROPERTY. 2) WITHOUT CROSSING OVER SETBACK-DECK WOULD BE TOO SMALL FOR PRACTICAL USE. 3) BACK PORTION OF PROPERTY (PROPOSED DECK SITE) IS USELESS FOR ANYTHING ELSE BECAUSE OF GRADING, RUNOFF, DRAINAGE, & HILL. (NOT LEVEL)

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):

MR. SCOTT C. STALLINGS
(Type or Print Name)

Signature

MRS. LISA M. STALLINGS
(Type or Print Name)

Signature

12 HEAVEN CT Address
BALTIMORE MD 21236 City State Zipcode
WORK - 410-712-9325
HOME - 410-256-7862 Phone No.

Name, Address and phone number of representative to be contacted.

LISA M. STALLINGS Name
12 HEAVEN CT Address
WORK - 410-529-3374
HOME - 410-256-7862 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

4/12/96

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink on Recycled Paper

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398

ZONING DESCRIPTION 96-397-A

ZONING DESCRIPTION FOR 12 HEAVEN CT.

BEGINNING AT A POINT 100' NE SIDE OF
HEAVEN CT. WHICH IS 50' WIDE AT THE DISTANCE
OF 220' + OR - SE OF THE CENTER LINE OF THE
NEAREST IMPROVED INTERSECTING STREET NECKER RD.
WHICH IS 50' WIDE. BEING LOT #6, BLOCK N/A,
SECTION N/A, IN THE SUBDIVISION OF BELNECK SQUARE
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK
62, FOLIO # 96 CONTAINING . 1985 ACS. ALSO
KNOWN AS 12 HEAVEN CT. AND LOCATED IN THE
11 ELECTION DISTRICT, 5 COUNCILMANIC DISTRICT.

MICROFILMED

~~877~~ 398

SouthC Collins 4/11/96
17/11/96

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-397-A

District: 11m
Posted for: MAY 20, 1996 HEARINGS Date of Posting: 5/19/96
Petitioner: SCOTT & LISA STALLINGS
Location of property: 12 HEAVRIN CT

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by: M. McHenry
Signature

Number of Signs: 1 Date of return: 5/3/96

MICROFILMED

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, Towson, Maryland 21286, at 10:00 a.m. on Monday, May 20, 1996, at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21286 as follows:

Case #96-397-A
(Item 398)

12 Heavrin Court,
M&S Heavrin Court, 2204-4-
SE of Cl Necker Road
11th Election District
5th Councilmanic

Legal Owner(s):
Scott C. Stallings and Lisa M.
Stallings

Variance: to allow an open
projection deck with a side
yard setback of 17 feet and
rear yard setback of 70 feet in
lieu of the required 26.25 feet
and 112.5 feet respectively,
and to amend the First
Amended FDP of Belbeck
Square, Lot #6.
Hearing: Monday, May 20,
1996, at 10:00 a.m. in Rm.
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 concern-
ing the File and/or Hearing,
Please Call 887-3391.

4/25/96 April 25 C46791

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/25, 19 96

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25, 19 96.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

REC'D

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

No. 316980

96-397-A

DATE 11/17/96 ACCOUNT R-001-015-000

AMOUNT \$ 85.00

RECEIVED STALLINGS
FROM: CIO Vols. - \$50.00 ITEM 37 398
030 Sign. - \$35.00 Taken by: JRF
FOR: \$85.00

MICROFILMED 1691#0147MICHRC \$85.00
BY 0002#53PM04-12-96

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



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/neighbor 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.: 398 ~~370~~ Petitioner: SCOTT & LISA STALLINGS

Location: 12 HEAVEN CT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SCOTT & LISA STALLINGS

ADDRESS: 12 HEAVEN CT.

BALTO. M.D. 21236

PHONE NUMBER: (410) 256-7862

WORK - (410) 712-9325

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
April 25, 1996 Issue - Jeffersonian

Please forward billing to:

Scott and Lisa Stallings
12 Heavrin Court
Baltimore, MD 21236
256-7862

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: 96-397-A (Item 398)
12 Heavrin Court
NE/S Heaverin Court, 220'+/- SE of c/l Necker Road
11th Election District - 5th Councilmanic
Legal Owner(s): Scott C. Stallings and Lisa M. Stallings

Variance to allow an open projection deck with a side yard setback of 17 feet and rear yard setback of 10 feet in lieu of the required 26.25 feet and 11.25 feet respectively, and to amend the First Amended FDP of Belneck Square, Lot #6.

HEARING: MONDAY, MAY 20, 1996 at 10:00 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.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

April 17, 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: 56-396-A (Item 394)
1209 1/2 Glen Arm Road
SE/S Glen Arm Road, 1909' SW of c/l Long Green Pike
11th Election District - 6th Councilmanic
Legal Owner(s): Fairhaven Limited Partnership
Contract Purchaser: John H. Franz, Jr.

Variance to permit 40 horsepower in lieu of the required 15 horsepower in the operation of all machines used in fabrication or repair.

HEARING: MONDAY, MAY 20, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Fairhaven Limited Partnership
John H. Franz, Jr.
Francis X. Bergerding, Jr., 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

May 15, 1996

Scott and Lisa Stallings
12 Heavrin Court
Baltimore, MD 21236

RE: Item No.: 398
Case No.: 96-397-A
Petitioner: Scott Stallings, et ux

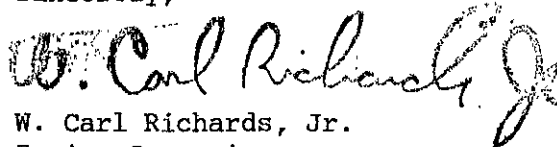
Dear Mr. and Mrs. Stallings:

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 26, 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)

7 MICROFILMED



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: April 26, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
 for April 29, 1996
 Item No. 398

The Development Plans Review Division has reviewed the subject zoning item. In addition to the drainage and utility easements shown along the northeast and northwest property lines of Lot #6, as shown on Plat SM 62/96, there is an existing triangular shaped drainage and utility easements at the northern corner of this lot per R/W 92-405-5. See attached print for location.

Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement. Therefore, we request this variance be denied.

RWB:HJO:jrb

cc: File

ZONESE

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: April 17, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 12 Heavrin Ct.

INFORMATION:

Item Number: 398

Petitioner: Stallings Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Pursuant to Section 1B01.3A.7(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

Prepared by: Jeffrey W Long

Division Chief: Gary L. Kerns

PK/JL

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

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-22-96

DATE: 4-23-96

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

Item #'s:

389

390

392

394

395

396

397

398

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 04/18/96

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 22, 1996.

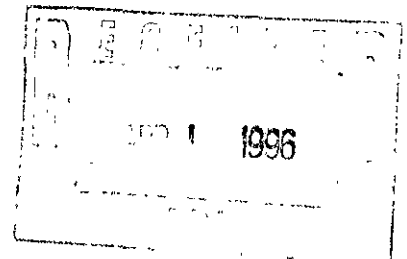
Item No.: SEE BELOW

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: 389, 390, 391, 392, 393, 394,
395, 397 AND 398.



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

cc: File



Printed with Soybean Ink
on Recycled Paper

Handwritten signature or initials



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

4-19-96

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

RE: Baltimore County
Item No. 398 (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 410-⁵⁴⁵⁻⁵⁵⁸¹~~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

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My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-335-8858, Statewide Toll Free



Baltimore County
Department of Permits and
Development Management

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

April 15, 1996

Mr. & Mrs. Scott C. Stallings
12 Heavrin Court
Baltimore, MD 21236

RE: Zoning Petition Item Number
12 Heavrin Court
11th Election District

Dear Mr. & Mrs. Stallings:

This letter is being written concerning the Petition for Variance, which you filed in the zoning office on April 12, 1996 with Jun Fernando. Due to unforeseen circumstances, the item number for your variance filing needs to be changed. The item number that you were given during the filing appointment, and which appears on your receipt, is item #373. **The new item number given to your petition filing is item #398.**

If you need further information or have any questions, please do not hesitate to contact Jun Fernando at (410) 887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a small "DCJ" monogram to the right.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:SCJ:scj

c: Jun R. Fernando

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RE: PETITION FOR VARIANCE
12 Heavrin Court, NE/S Heavrin Court,
220'+/- SE of c/l Necker Road
11th Election District, 5th Councilmanic

Scott and Lisa Stallings
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-397-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

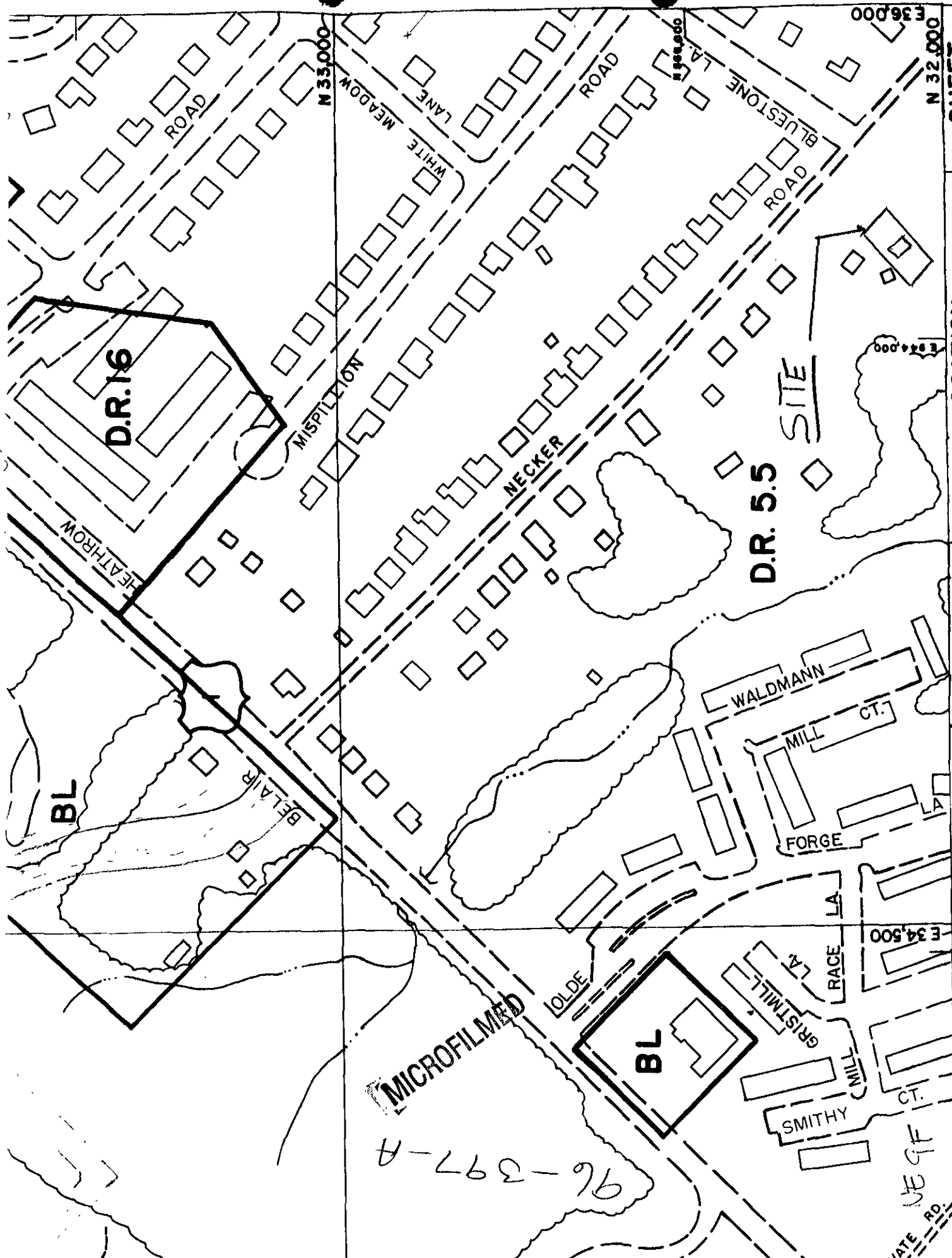
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Scott and Lisa Stallings, 12 Heavrin Court, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



SHEET 398

LOCATION # 888

SCALE

1992 COMPREHENSIVE ZONING MAP

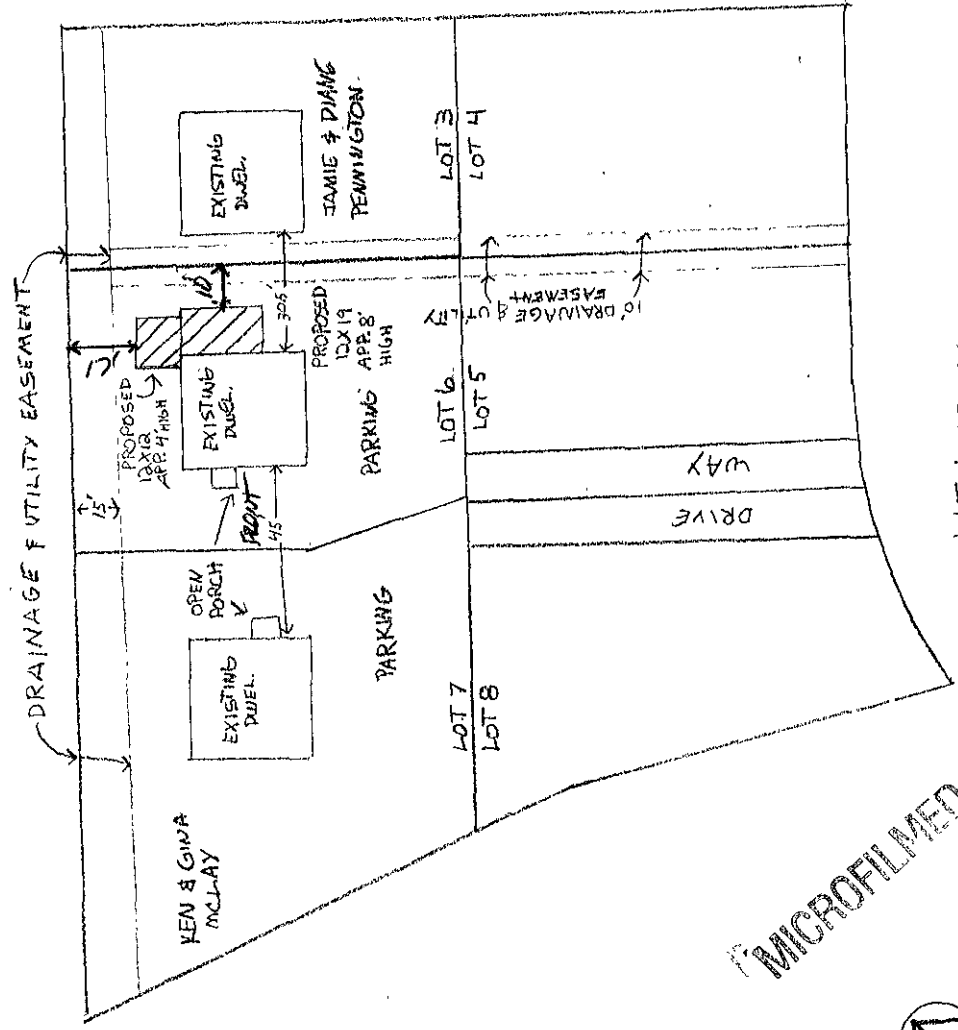
Ret Ex #1

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 12 HEAVRIN CT. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BELNECK SQUARE 96-397-A

plat book # 62, folio # 96, lot # 6, section # N/A
OWNER: SCOTT & LISA STALLINGS GEORGE GUCKERT
5842-470

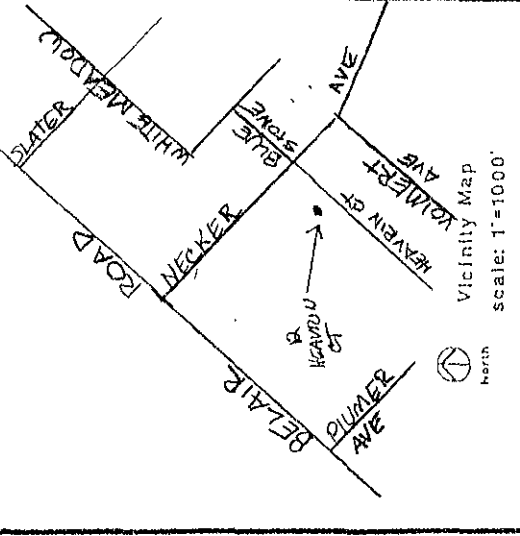


MICROFILMED

North
date: 4/11/96
prepared by: SCOTT STALLINGS

Scale of Drawing: 1" = 50'

HEAVRIN COURT



LOCATION INFORMATION

Election District: 11
 Councilmanic District: 5
 1" = 200' scale map #: NE-9F
 Zoning: DR-55
 Lot size: 1,985 APP. 7,500 square feet
 acreage

public private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: [Signature] ITEM #: 322 CASE #:
398

Ret Ex #4

May 13, 1996

To Whom It May Concern:

Mr. and Mrs. James T. Pennington III. of 6 Heavrin Court, Baltimore, Maryland 21236, have no objections to Mr. and Mrs. S. Stallings of 12 Heavrin Court building a deck that may extend over his property. The deck will be in the back of his house and on the side of our house where our ground is totally useless because of the grading. On this day we give Mr. and Mrs. Stallings permission to use any part of our connecting properties.

Sincerely,

Mr. James T. Pennington III.

James T. Pennington III.

Mrs. D. Pennington, III.

Diane Pennington

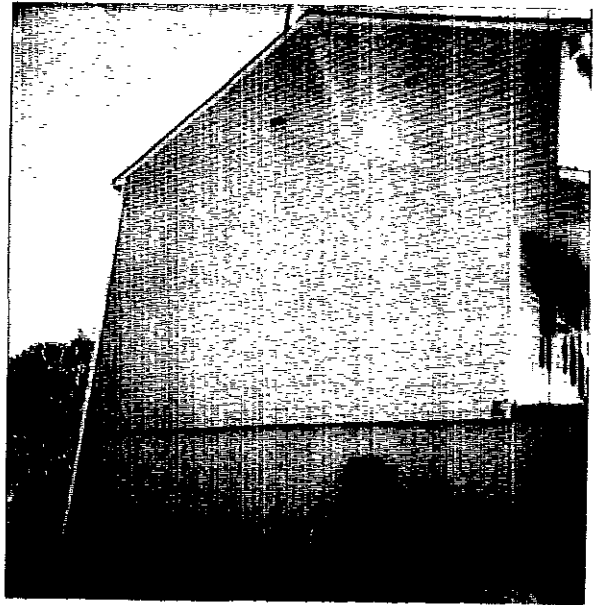
MICROFILMED

Petitioner's
Exhibits
3A-3I
photographs
Case #
96-397-A

MICROFILMED



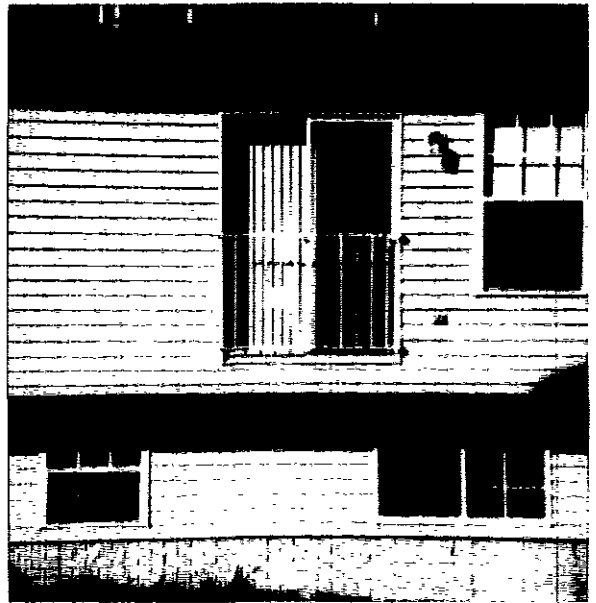
Pet Ex 3A



3B



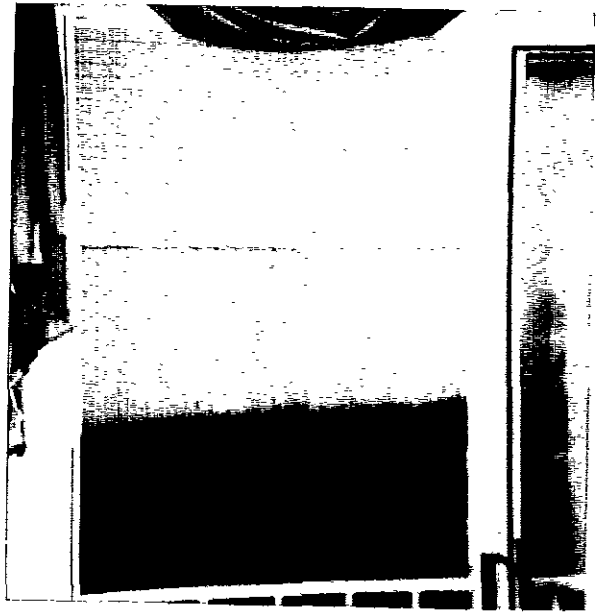
3C



3D



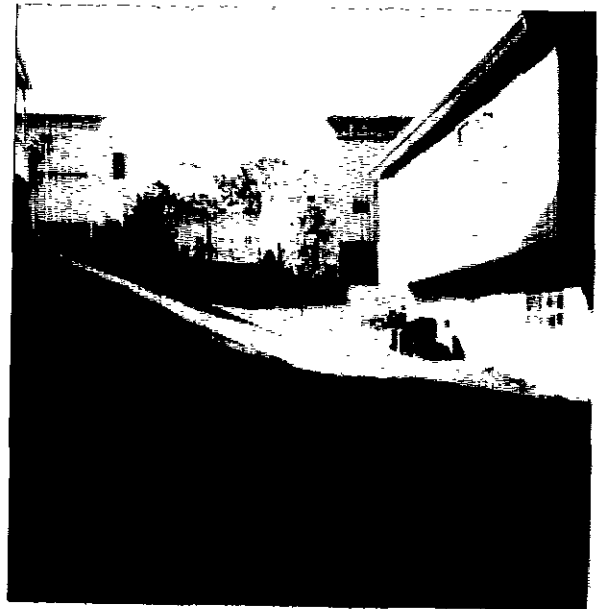
35



35



36



34



3F

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 3, 1996

Mr. & Mrs. Scott C. Stallings
12 Heavrin Court
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
NE/S Heavrin Court, 220' SE of the c/l of Necker Road
(12 Heavrin Court)
11th Election District - 5th Councilmanic District
Scott C. Stallings, et ux - Petitioners
Case No. 96-397-A

Dear Mr. & Mrs. Stallings:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File

MICROFILMED

IN RE: PETITION FOR VARIANCE * BEFORE THE
 NE/S Heavrin Court, 220' SE of * DEPUTY ZONING COMMISSIONER
 the c/l of Necker Road (12 Heavrin Court) * OF BALTIMORE COUNTY
 11th Election District * Case No. 96-397-A
 5th Councilmanic District *
 Scott C. Stallings, et ux
 Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 12 Heavrin Court, located in the vicinity of Necker Avenue and Belair Road in White Marsh. The Petition was filed by the owners of the property, Scott C. and Lisa M. Stallings. The Petitioners seek relief from Sections 504 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 17 feet and a rear yard setback of 10 feet, in lieu of the required 26.25 feet and 11.25 feet, respectively, and to amend the First Amended Final Development Plan for Belneck Square, Lot 6 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Scott and Lisa Stallings, owners of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .1985 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners are desirous of constructing an open deck along the northeast side and rear of the dwelling as shown on the site plan. Testimony and photographs submitted show that the topography of the land limits the potential uses of the property. Specifically, the grading of the property renders the proposed deck site useless for any

other activity. If proper setbacks are maintained, the deck would be too small for practical use. Thus, the relief requested is necessary in order to proceed as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1996 that the Petition for Variance seeking relief from Sections 504 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 17 feet and a rear yard setback of 10 feet, in lieu of the required 26.25 feet and 11.25 feet, respectively, and to amend the First Amended Final Development Plan for Belneck Square, Lot 6 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners acknowledge that they are not to build any permanent structures within a designated utility easement. Therefore, the Petitioners understand that any structures built within said easements must be removed at their expense if the proper authority so desires.
- 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.

TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 4/25/96
 By [Signature]

TMR:bjs

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

June 3, 1996

(410) 887-4386

Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

Mr. & Mrs. Scott C. Stallings
 12 Heavrin Court
 Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
 NE/S Heavrin Court, 220' SE of the c/l of Necker Road
 (12 Heavrin Court)
 11th Election District - 5th Councilmanic District
 Scott C. Stallings, et ux - Petitioners
 Case No. 96-397-A

Dear Mr. & Mrs. Stallings:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

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

TMR:bjs
 cc: People's Counsel
 [Signature]

Printed with Dayplan Ink on Recycled Paper

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 12 HEAVRIN CT
96-397-A which is presently zoned DR 5.5

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 Subchapter B, § 10-101 (V.B., B. CHDP) & 301 (B.C.Z.R.) to allow an open projection deck with a side yard setback of 17 feet and rear yard setback of 10 feet in lieu of the required 26.25 feet and 11.25 feet respectively, and to amend the First Amended FDP of Belneck Square, Lot #6.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) 1) NO OTHER PACE TO RT DECK ON PROPERTY WITHOUT CROSSING OVER SETBACK DECK WOULD BE TOO SMALL FOR PRACTICAL USE. 2) BKA PORTION OF PROPERTY (PROPOSED DECK SITE) IS USELESS FOR ANYTHING ELSE BECAUSE OF GRADING, DROFF, DRAINAGE, & HILL (LOT LEVEL)

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/Leasee: MR. SCOTT C. STALLINGS
 Type of Petitioner: DEPUTY ZONING COMMISSIONER
 Signature: [Signature]
 Address: 12 HEAVRIN CT
 City: BALTIMORE State: MD Zipcode: 21236
 Attorney for Petitioner: LISA M. STALLINGS
 Type of Petitioner: DEPUTY ZONING COMMISSIONER
 Signature: [Signature]
 Address: 12 HEAVRIN CT
 City: BALTIMORE State: MD Zipcode: 21236
 Address and phone number of representative to be contacted: 12 HEAVRIN CT
 City: BALTIMORE State: MD Zipcode: 21236
 Address: 12 HEAVRIN CT
 City: BALTIMORE State: MD Zipcode: 21236
 Address and phone number of representative to be contacted: 12 HEAVRIN CT
 City: BALTIMORE State: MD Zipcode: 21236

ESTIMATED LENGTH OF HEARING: _____
 the following date: _____
 ALL OTHER: _____
 REVIEWED BY: [Signature] DATE: 4/12/96
 # 398

ZONING DESCRIPTION 96-397-A
ZONING DESCRIPTION FOR 12 HEAVRIN CT
BEGINNING AT A POINT 100' LWS SIDE OF
HEAVRIN CT, WHICH IS 50' WIDE AT THE DISTANCE
OF 220' +/- OR - SE. OF THE CENTER LINE OF THE
NEAREST IMPROVED INTERSECTING STREET NECKER RD,
WHICH IS 50' WIDE, BEING 1/4" E/O, BOOK 416,
SECTION 116, IN THE SUBDIVISION OF BELNECK SQUARE,
AS RECORDED IN BALTIMORE COUNTY, PAST BOOK
00, FOLIO # 96 CONTAINING .1985 ACS. ALSO
KNOWN AS 12 HEAVRIN CT, AND LOCATED IN THE
11 ELECTION DISTRICT, 5th COUNCILMANIC DISTRICT.

398
 [Signature]
 4/11/96

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 4/25/96
 Posted for: MAY 20, 1996 HEARING
 Petitioner: SCOTT & LISA STALLINGS
 Location of property: 12 HEAVRIN CT
 Location of Signs: Along northeast boundary line
 Remarks: _____
 Posted by: [Signature] Date of return: 4/25/96
 Number of Signs: 1

CERTIFICATE OF PUBLICATION
 TOWSON, MD. 4/25, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25, 1996.

THE JEFFERSONIAN,
 A. Henickson
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
 OFFICE OF REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT # 96-397-A

DATE: _____ ACCOUNT: _____
 AMOUNT: \$ _____
 RECEIVED FROM: _____
 FOR: _____
 VALIDATION OR SIGNATURE OF CASHIER: _____

ORDER RECEIVED FOR FILING
 Date 4/25/96
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/25/96
 By [Signature]



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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

FOR NEWSPAPER ADVERTISING:

Form No.: 398 Petitioner: SCOTT & LISA STALLINGS
Location: 12 HEAVEN CT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SCOTT & LISA STALLINGS

ADDRESS: 12 HEAVEN CT.

BALTO. M.D. 21204

PHONE NUMBER: (410) 254-2862
(410) 712-9305

TO: PERMITS PUBLISHING COMPANY
April 25, 1996 Issue - Jeffersonian
Please forward billing to:
Scott and Lisa Stallings
12 Heavin Court
Baltimore, MD 21204
254-7862

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: 96-397-A (Item 398)
12 Heavin Court
N/2 Heavin Court, 220' +/- SE of e/4 Becker Road
11th Election District - Sub Condemnic
Legal Owner(s): Scott C. Stallings and Lisa M. Stallings

Variance to allow an open projection deck with a side yard setback of 17 feet and rear yard setback of 10 feet in lieu of the required 26.25 feet and 11.25 feet respectively, and to amend the first recorded PUP of Belmont Square, lot #6.

HEARING: MONDAY, MAY 20, 1996 at 10:00 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 887-3333.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3333.



Baltimore County
Department of Permits and
Development Management

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

April 17, 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: 96-397-A
12 Heavin Court
N/2 Heavin Court, 220' +/- SE of e/4 Becker Road
11th Election District - Sub Condemnic
Legal Owner(s): Scott C. Stallings and Lisa M. Stallings
Contract Purchaser: John N. Frank, Jr.

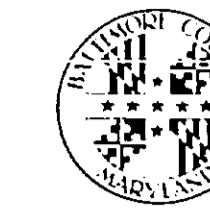
Variance to permit a porch to be used in the required to be removed to the operation of all machines and in fabrication or repair.

HEARING: MONDAY, MAY 20, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

ARNOLD JABLON
DIRECTOR

FOR: Fairhaven Limited Partnership
John N. Frank, Jr.
Francis A. Schepers, Jr., Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3333.



Baltimore County
Department of Permits and
Development Management

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

May 15, 1996

Scott and Lisa Stallings
12 Heavin Court
Baltimore, MD 21236

RE: Item No.: 398
Case No.: 96-397-A
Petitioner: Scott Stallings, et ux

Dear Mr. and Mrs. Stallings:

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 26, 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)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: April 26, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for April 23, 1996
Item No. 398

The Development Plans Review Division has reviewed the subject zoning item. In addition to the drainage and utility easements shown along the northeast and northwest property lines of Lot #6, as shown on Plat SM 62/96, there is an existing triangular shaped drainage and utility easements at the northern corner of this lot per R/W 92-405-5. See attached print for location.

Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement. Therefore, we request this variance be denied.

RWB:H30:jrb
cc: File

ZONEBE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
DATE: April 17, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 12 Heavin Ct.

INFORMATION:

Item Number: 398

Petitioner: Stallings Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:
Pursuant to Section 1801.3A.7(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article 18) and other provisions of the C/MP.

Prepared by: Jeffrey W. Long
Division Chief: Carol K. Klein

PK/JL

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

TO: ZACM
DATE: 4-23-96

FROM: DESEM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-23-96

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

- Item #'s:
389
390
392
394
395
396
397
398

LS:sp

LETTY2/DEPRM/TXTSEP

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 04.18.96

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 23, 1996.

Item No.: SEE BELOW
Zoning Agenda:

Settlement:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 389, 390, 391, 392, 393, 394, 395, 397 AND 398.

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

cc: File

Printed on Recycled Paper

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

RE: Baltimore County
Item No. 398 (J.F.F.)

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 410-333-1350 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
800-336-2267 Statewide Toll Free



Baltimore County
Department of Permits and
Development Management

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

April 15, 1996

Mr. & Mrs. Scott C. Stallings
12 Heavrin Court
Baltimore, MD 21236

RE: Zoning Petition Item Number
12 Heavrin Court
11th Election District

Dear Mr. & Mrs. Stallings:

This letter is being written concerning the Petition for Variance, which you filed in the zoning office on April 12, 1996 with Jun Fernando. Due to unforeseen circumstances, the item number for your variance filing needs to be changed. The item number that you were given during the filing appointment, and which appears on your receipt, is item #373. The new item number given to your petition filing is item #398.

If you need further information or have any questions, please do not hesitate to contact Jun Fernando at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:SCJ:sj

c: Jun R. Fernando

RE: PETITION FOR VARIANCE
12 Heavrin Court, NE/S Heavrin Court,
220' +/- SE of c/1 Necker Road
11th Election District, 5th Councilmanic
Scott and Lisa Stallings
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-397-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Scott and Lisa Stallings, 12 Heavrin Court, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

May 13, 1996

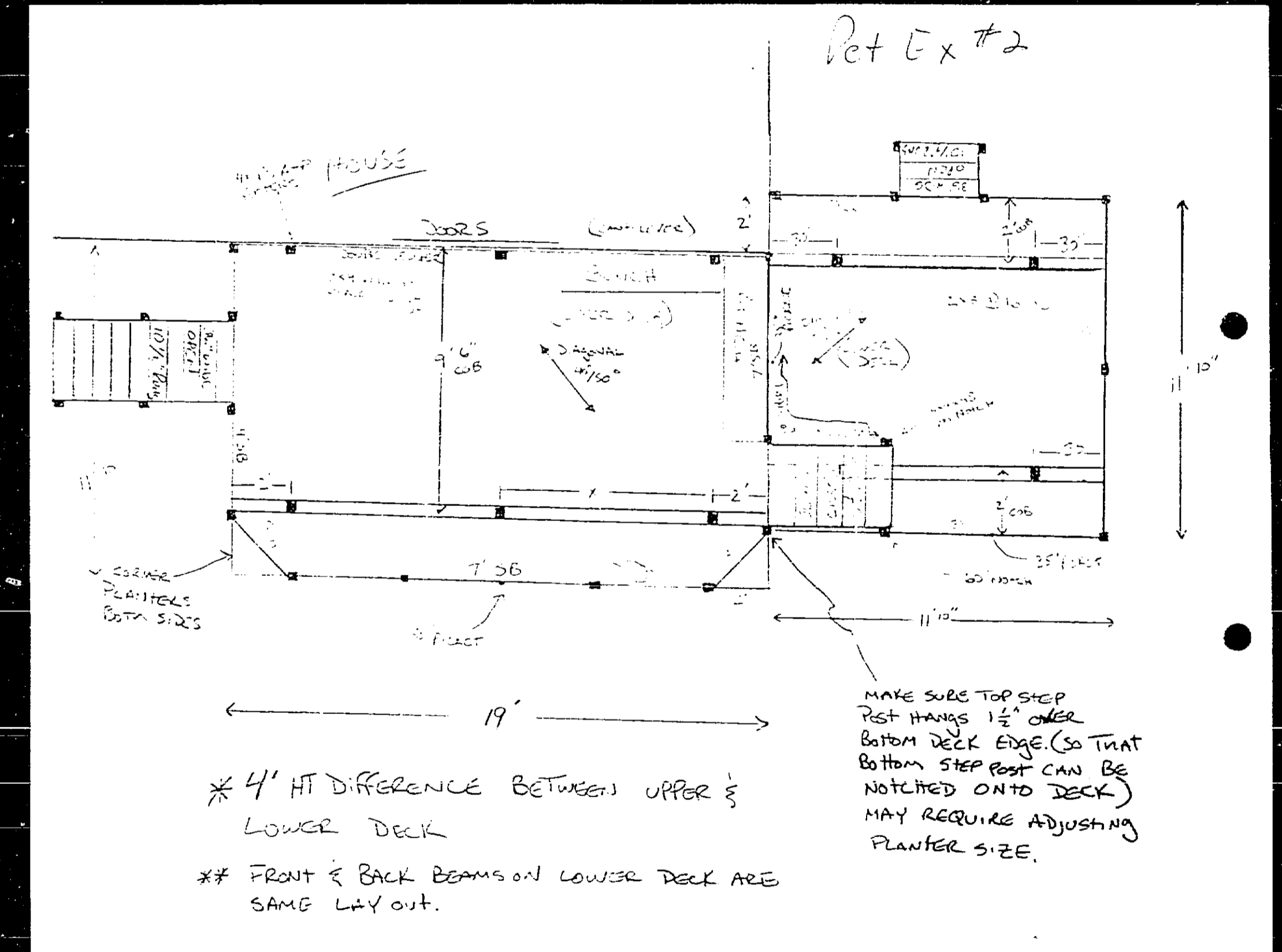
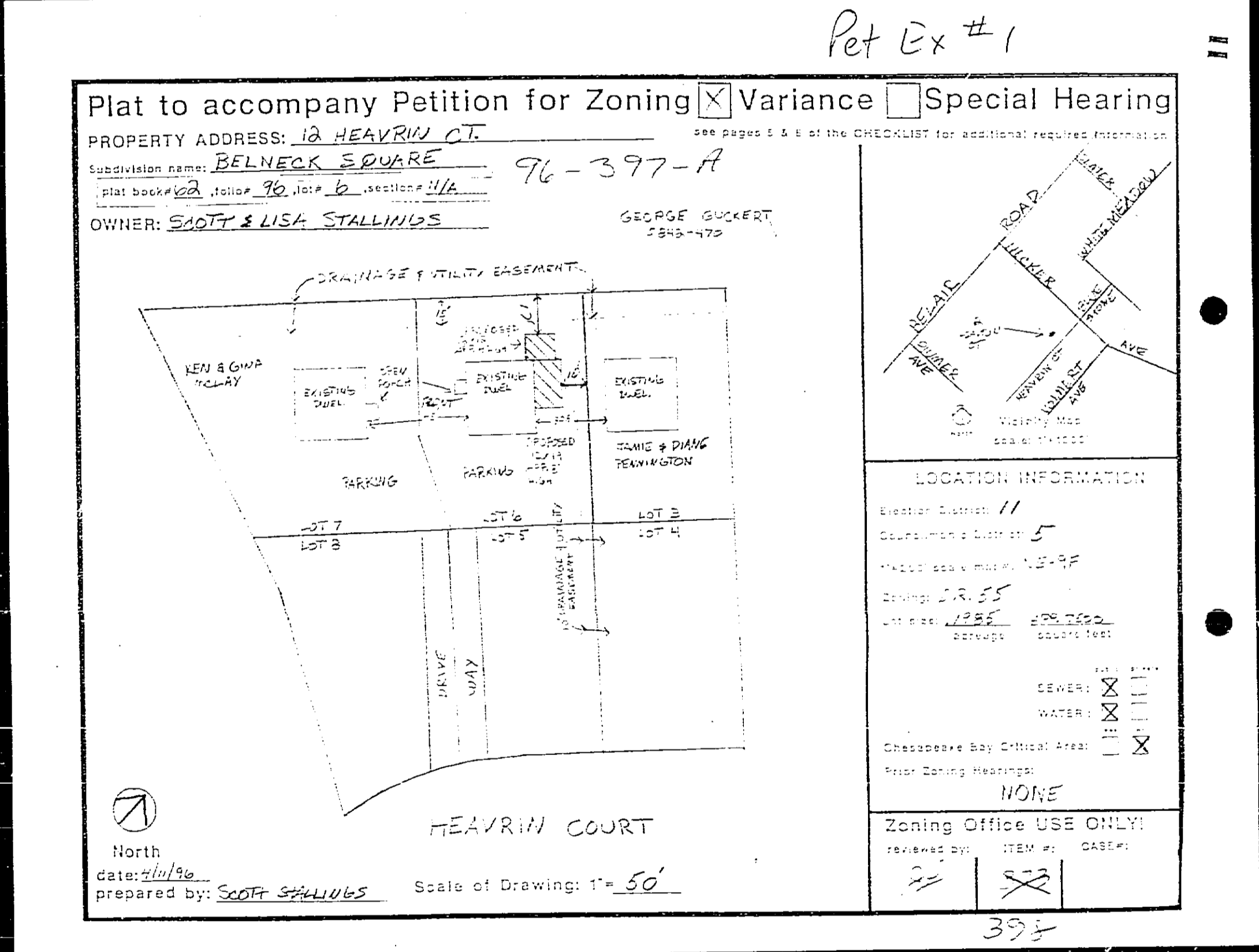
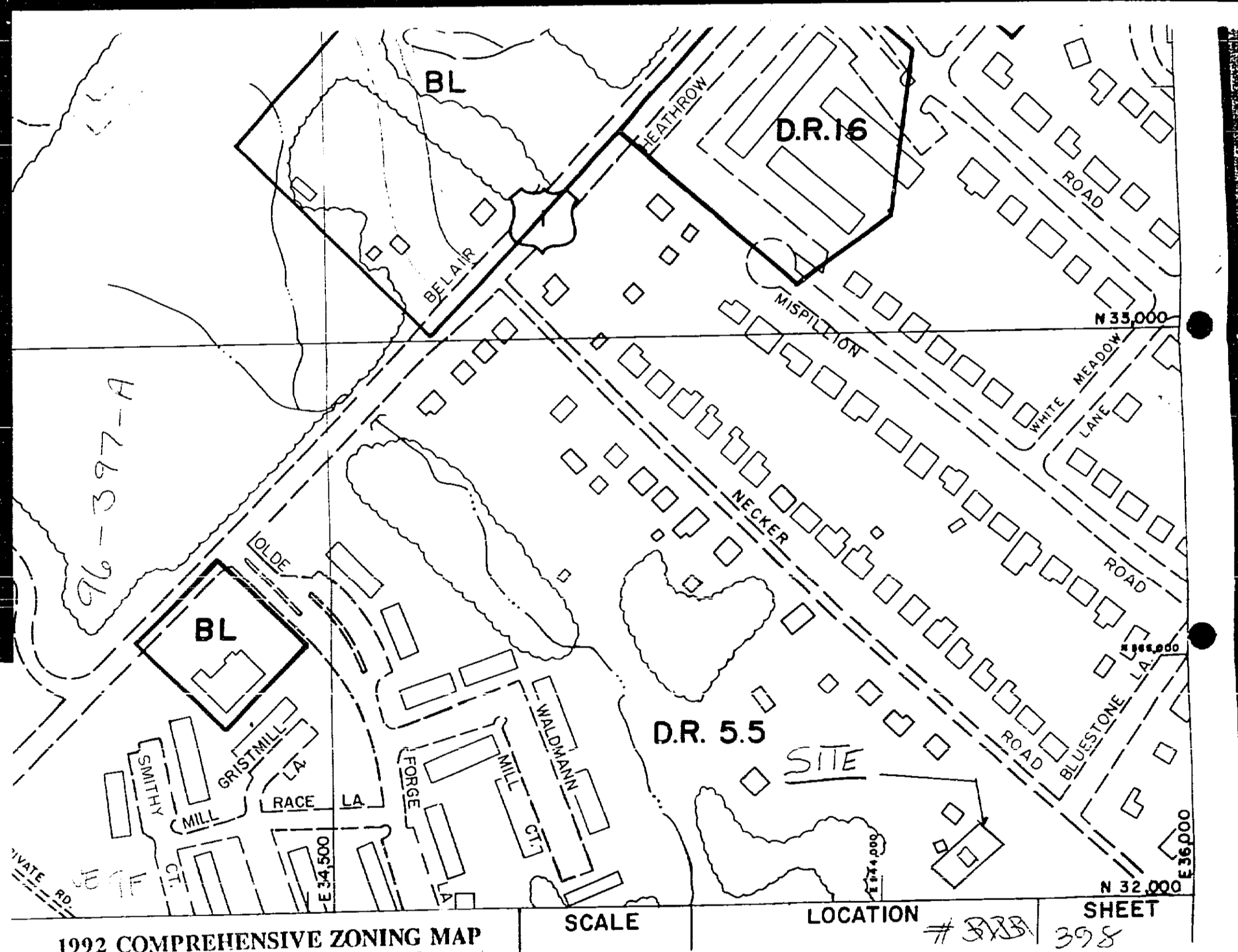
To Whom It May Concern:

Mr. and Mrs. James T. Pennington III, of 6 Heavrin Court, Baltimore, Maryland 21286, have no objections to Mr. and Mrs. S. Stallings of 12 Heavrin Court building a deck that may extend over his property. The deck will be in the back of his house and on the side of our house where our ground is totally level. No use of the grading. On this day we give Mr. and Mrs. Stallings permission to use any part of our connecting properties.

Sincerely,

Mr. James T. Pennington III
James T. Pennington III
Mrs. D. Pennington III
D. Pennington III

Pet Ex #4



Petitioner's
Exhibits
3A-3I
photographs
Case #
96-397-A



Pet Ex 3A 3B 3C 3D 3E 3F 3G 3H 3I