IN THE MATTER OF THE APPLICATION OF JEFFREY MILLER, D.D.S., ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NE/S MERRY HILL COURT, 956' N OF ANTON NORTH WAY (17 MERRY HILL COURT) 3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 98-177-A
AND		
RE: APPROVAL OF GRADING PERMIT #B318862 (MILLER PROPERTY)	*	CASE NO. CBA-97-162

* * * * * * * * *

O P I N I O N

This matter comes to the Board on two appeals, one from the granting by the Zoning Commissioner of a variance permitting a tennis facility to be located in a side yard in lieu of the requisite rear yard location; and the other from the approval of a grading permit. The appeals were noted by Marsha Lee Friedman, and the cases set in for hearing on July 22, 1998 at 10:00 a.m., by notice dated May 12, 1998 which invited Ms. Friedman to consider the advisability of retaining an attorney, referred her to the Board's Rules of Practice and Procedure, and advised that no postponements will be granted without sufficient reason in compliance with the Board's rules. Specifically, Ms. Friedman was advised by notice that no postponements would be granted within 15 days of the scheduled hearing date unless in full compliance with Rule 2(c).

Ms. Friedman sought a postponement by telephone call on July 20, 1998 on the ground that her husband had injured himself, and there would be no one to look after him while she attended the hearing. Apparently, Mr. Friedman had his foot propped up on a pillow when he was not getting around in a wheelchair.

Counsel for Petitioners objected to a postponement both for failure to comply with the Board's rules and because the injured party was not the Appellant. The Board advised Ms. Friedman by

telephone on July 21, 1998 that the hearing would be proceeding on July 22, 1998 either to entertain her request for postponement on the record or to proceed on the merits. Ms. Friedman advised that she did not know whether or not she would attend and, in fact, did not attend the hearing.

The hearing commenced at 10:30 a.m. in order to afford Ms. Friedman an opportunity to appear. Insofar as the matter was before the Board as a de novo appeal, Petitioners proceeded to present their case by proffer through counsel, Michael P. Tanczyn, Esquire.

On the basis of the proffers and Petitioners' exhibits, the Board finds as follows. The subject of the variance request is a tennis court approximately 60 feet wide and 140 feet deep. The subject property consists of a gross area slightly in excess of 3-1/2 acres zoned R.C. 5, and is improved with a two-story dwelling on the only eligible location within the building envelope. Due to the unusual configuration, there is no rear yard to speak of in which a tennis court could be placed, but there are a number of private lighted tennis courts in the area, as well as private pools. The Petitioners request lighting for the tennis court in a configuration of three lights on each side of the tennis court sufficient to permit night play, but not reflecting into surrounding properties. The tennis court is surrounded by a line of trees to the side and rear of the property which buffers the use from other houses. Petitioners have obtained community association approval for the tennis court.

While Ms. Friedman was not present to testify, the evidence indicated that she does own abutting property a significant distance away from the tennis court location. Ironically, were the

tennis court somehow placed more to the rear of the property as required, it would in fact be closer to Ms. Friedman's property. In any event, an aerial photograph identified a significant amount of wooded area between the tennis court and Ms. Friedman's pool and home.

Accordingly, the Board is persuaded to grant the Petition for Variance. The property is unique in its shape and configuration and satisfies the first requirement under Cromwell v. Ward. Further, Petitioners have presented evidence of practical difficulty in satisfaction of Cromwell, as well as Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md.App. 28 (1974), insofar as strict compliance with the rear yard requirements would unreasonably prevent the use of the property for a permitted purpose, and the relief can be granted without harm to the spirit of the ordinance or detrimental impact to the surrounding neighborhood. Petitioners testified to the lack of any impact on their enjoyment of their property due to a next-door neighbor's use of a tennis court immediately adjacent to their home, despite the fact that that neighbor has no time restrictions on the use of their tennis court. Insofar as the lighting does not impact any area beyond the Petitioner's boundaries and the forest area appears to provide an adequate buffer, the Board will grant the variance without a time restriction as to the lighting.

With respect to the appeal of the grading permit, testimony was offered to the effect that whatever grading occurred has ceased and the issue is now moot. The Board agrees.

O R D E R

THEREFORE, IT IS THIS 7th day of August, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance in Case No. 98-177-A to permit a tennis court be located in the side yard of the subject property in lieu of the requisite rear yard be and is hereby **GRANTED** with the following restriction:

1. Landscaping shall be in accordance with the landscape plan submitted at the hearing and as shown on the site plan entered into evidence as Petitioner's Exhibit No. 1; and it is further

ORDERED that the appeal filed from the approval of the grading permit in Case No. CBA-97-162 be and is hereby **DISMISSED** as moot.

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

Kristine K. Howanski, Chairman

Margaret Worrall

I concur with the Opinion in its entirety except for the provision to eliminate a nighttime lighting restriction. However, I would not object to the removal of the early morning time restriction.

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

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

August 7, 1998

Ms. Marsha Lee Friedman
6 Green Heather Court
Baltimore, MD 21208

Re: Case No. 98-177-A and Case No. CBA-97-162 /Jeffrey Miller DDS, et ux

Dear Ms. Friedman:

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, **with a photocopy provided to this office concurrent with filing in Circuit Court.** 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. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Michael P. Tanczyn, Esquire
Dr. and Mrs. Jeffrey Miller
Herbert Malmud
People's Counsel for Baltimore County
Michael Moorefield /DEPRM
Lawrence E. Schmidt /Zoning Commissioner
John R. Reisinger /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

IN RE:	PETITION FOR VARIANCE NE/S Merry Hill Court, 956' N of Anton North Way (17 Merry Hill Court) 3rd Election District 2nd Councilmanic District Jeffrey Miller, D.D.S., et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-177-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jeffrey Miller, D.D.S., and his wife, Wendy Miller. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tennis facility in the side yard in lieu of the required rear yard. 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 Jeffrey and Wendy Miller, property owners, Herbert Malmud, Professional Land Surveyor who prepared the site plan for this property, and Michael Tanczyn, Esquire, attorney for the Petitioners. Ms. Marsha Lee Friedman, an adjoining property owner to the rear of this site, appeared in opposition.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.512 acres, more or less, zoned R.C.5., and is improved with a substantially completed two-story dwelling. The property is a rectangular shaped parcel which lies lengthwise along Merry Hill Court in the Anton North II subdivision. This subdivision contains substantial single family homes on large lots. Subsequent to the hearing in this matter I conducted a site visit to the property and observed that much of

ORDER RECEIVED FOR FILING
Date
By

this subdivision is built out with large single family dwellings; however, there still remains a number of vacant lots.

In any event, Mr. & Mrs. Miller own the property and are presently constructing a two-story brick home thereon, which from my site visit, appears to be substantially completed. The subject of the variance request concerns a proposed tennis court. The tennis court will be approximately 60 feet wide and 140 feet deep and is proposed to be located in the side yard. As noted above, the property is of an unusual shape and configuration. The lot is long, with approximately 1,000 feet of frontage on Merry Hill Court. However, the property has a minimal depth and is approximately 140 feet at its widest point. Due to this unusual configuration, the Petitioners propose to locate the tennis court in the side yard. It is also to be noted that the lot contains a significant grade and the location selected for the proposed tennis court is the only site where level ground exists to accommodate same. The Petitioners also pointed out that no further grading of the site would be necessary and that significant landscaping would be installed to buffer the tennis court from neighboring properties. In addition to the proposed evergreen screen between the proposed tennis court and Merry Hill Court, a line of trees exists to the side and rear of the property which will buffer the use from other houses. The Petitioners also propose lighting for the tennis court. Three lights are proposed to be constructed on each side for a total of six lights. The lighting will be sufficient to allow night play but will not reflect into surrounding properties. The Petitioners noted that they had obtained community association approval for the tennis court and it was observed that there are other private lighted tennis courts within the area.

COUNTY RECORDER'S OFFICE
Date
By

Ms. Friedman testified in opposition to the request. She objects to the noise and lights associated with the use of the court. An examination of the site plan and plat of the subject property indicates that although she owns abutting property, her house is a significant distance away from the proposed location of the tennis courts.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. as it relates to the grant of variance relief. Clearly, the tennis court cannot be located anywhere on the site other than where proposed. The use cannot be placed behind the house, due to the insufficient depth of the lot. The uniqueness of the lot is found in its size and configuration, which limit the area where the proposed tennis court can be constructed.

I also do not believe that the proposed tennis court will cause any detrimental impact to the surrounding neighborhood. As noted above, this is an area of substantially sized homes on large lots. A retention of the existing trees and implementation of the proposed evergreen screen should buffer the use proposed from surrounding properties. Moreover, I will impose a restriction as to the lighting of the court. In my judgment, the court should not be lit before 7:00 AM on any given day, or after 10:00 PM weekdays, or 11:00 PM weekends. Such a restriction will insure that the court is used only at reasonable hours and that there will not be any adverse impact on surrounding properties.

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:

ORDER RECEIVED FOR FILING
Date
By

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).

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, and meets 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 Zoning Commissioner for Baltimore County this 9th day of January, 1998 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tennis facility in the side yard in

ORDER RECEIVED FOR FILING
Date 1/9/98
By

lieu of the required rear yard, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Landscaping shall be in accordance with the landscape plan submitted at the hearing and as shown on the site plan entered into evidence as Petitioner's Exhibit 1.

3) Use of the tennis court shall be limited to the hours of operation as set forth above.

4) 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/19/85
By

Baltimore County
Zoning Commissioner
Office of Planning

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

January 9, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Merry Hill Court, 956' N of Anton North Way
(17 Merry Hill Court)
3rd Election District - 2nd Councilmanic District
Jeffrey Miller, D.D.S., et ux - Petitioners
Case No. 98-177-A

Dear Mr. Tanczyn:

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. & Mrs. Jeffrey Miller
3806 Timberview Way, Reisterstown, Md. 21136

Mr. Herbert Malmud
100 Church Lane, Baltimore, Md. 21208

Ms. Marsha Lee Friedman
6 Green Heather Court, Baltimore, Md. 21208

People's Counsel; Case Files

Printed with Soybean Ink
on Recycled Paper

98-177-A

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17 Merry Hill Court

which is presently zoned RC5

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) a variance from Section 400.1 of the Baltimore County Zoning Regulations to permit a tennis facility in the side yard rather than the rear yard.

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

Strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. The long, narrow shape of this 3.51 acre lot provides insufficient rear yard within which to locate a tennis facility, intended to be limited to use of the owners and their invitees.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

Michael P. Tanczyn

(Type or Print Name)

Michael P. Tanczyn

Signature

606 Baltimore Ave., Suite 106

Address Phone No.

Towson, MD 21204

City State Zipcode

410-296-8823

Legal Owner(s)

Jeffrey Miller, D.D.S.

(Type or Print Name)

Signature

Wendy Miller

(Type or Print Name)

Wendy Miller

Signature

3806 Timberview Way

Address Phone No

Reisterstown, MD 21136

City State Zipcode

Name, Address and phone number of representative to be contacted

Herbert Malmud

Name

100 Church Lane

Baltimore, MD 21208 410-653-9511

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW
11/3/97 WCR

Zoning Administration & Development Management

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98-177-A

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION FOR VARIANCE REQUEST FOR THE
MILLER RESIDENCE
17 MERRY HILL COURT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE EAST SIDE OF MERRY HILL ROAD, 50 FEET WIDE, AT THE DISTANCE OF 956 FEET NORTH OF THE CENTERLINE INTERSECTION OF ANTON NORTH WAY, 50 FEET WIDE. BEING LOT 23 IN THE SUBDIVISION OF ANTON NORTH SECTION TWO RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 58, FOLIO 27, CONTAINING 3.512 ACRES OF LAND, MORE OR LESS. ALSO KNOWN AS 17 MERRY HILL COURT AND LOCATED IN 3RD ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558
OCTOBER 20, 1997

STATE OF MARYLAND
HERBERT MALMUD
No. 7558
REGISTERED
LAND SURVEYOR

FILE: DESMILLER

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-177-A
17 Merry Hill Court
NE/S Merry Hill Court, 956' E & N of centerline Anton North Way
3rd Election District
2nd Councilmanic
Legal Owner(s):
Jeffrey Miller, D.D.S. & Wendy Miller
Variance: to permit a tennis facility in the side yard rather than the rear yard.
Hearing: Monday, December 15, 1997 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/389 Nov. 27 C192418

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 1997

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 Nov. 27, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MA' AND
OFFICE OF BUDGET & FINANC.
MISCELLANEOUS RECEIPT

No. 04[illegible]

DATE 11/3/97 ACCOUNT 001-6150

AMOUNT $ 50.00 (NCR)

RECEIVED FROM: Michael P Tanczyn

FOR: #010 -- VARIANCE

17 Merry Hill Court #98-177-A

DROP-OFF NO REVIEW

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]
10/17/97 11/03/97 [illegible]
MISC [illegible]
5 MISCELLANEOUS CASH RECEIPT
Receipt # 05764
CASH, 04009

50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 04700

DATE 2/4/98 ACCOUNT R-001-6150

AMOUNT $ 210.00

RECEIVED FROM: Barry H. Freedman, MD, Esq.

FOR: Appeal - Case # 98-177-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

K 1/8

PAID RECEIPT
[illegible]
02/04/98 02/04/98 [illegible]
MISC [illegible]
5 MISCELLANEOUS CASH RECEIPT
Receipt # 05764
CASH, 04009

210.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-177-A

Petitioner/Developer: JEFFREY & WENDY MILLER, ETAL
C/O MICHAE TANCZYN, ESQ

Date of Hearing/Closing: 12/15/97
@ 11:00 AM
RM-407
COURTS

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #17 MERRY HILL CT

The sign(s) were posted on 11/28/97 - NOV. 28, 1997
(Month, Day, Year)

Sincerely,

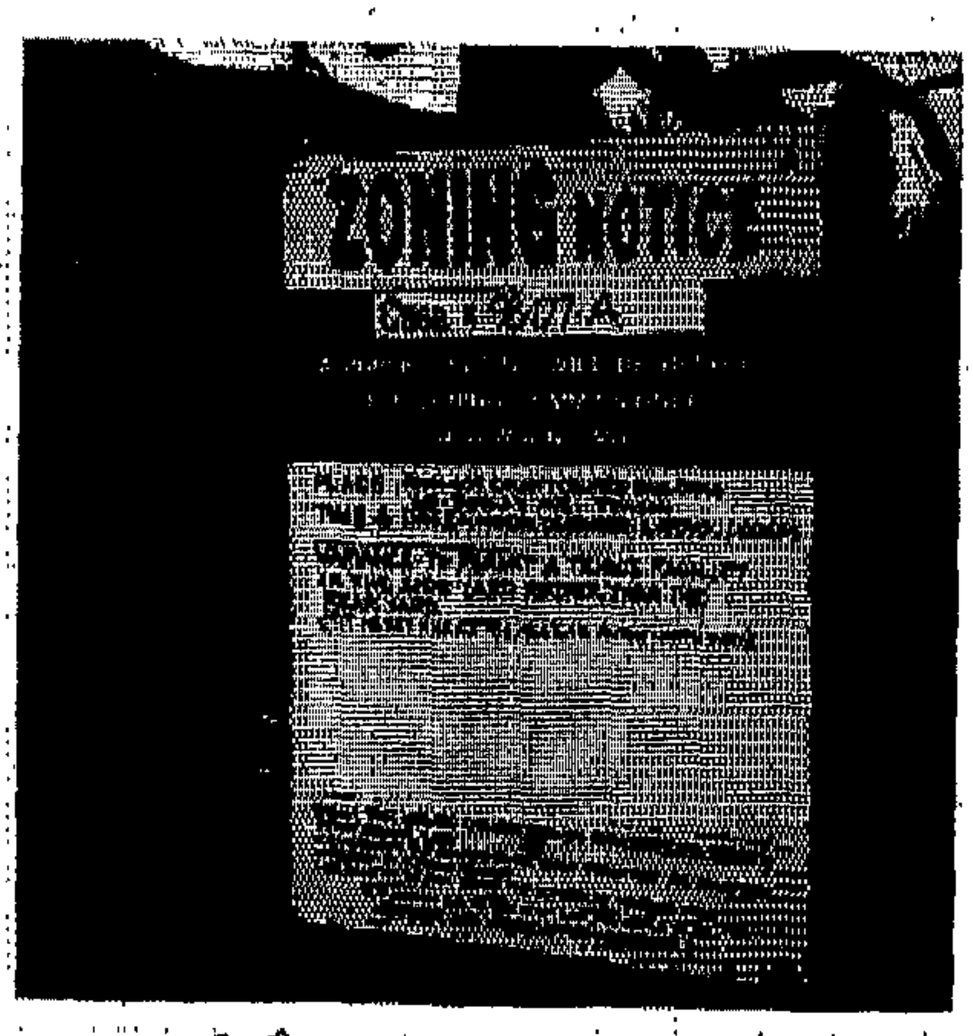
Patrick O'Keefe 11/28/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 905-8571
(Telephone Number)



98-177-A P: 11/28/97
#17 MERRY HILL CRT.
JEFFREY & WENDY
MILLER c/o M. TANCZYN H: 12/15/97 @ 11:00 A

CERTIFICATE OF POSTING

RE: Case No.: 98-177-A

Petitioner /Developer:

JEFFREY MILLER

Date of Hearing/Closing:

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 17 MERRY HILL CT.

The sign(s) were posted on 2/9/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 2/9/98
Signature of Sign Poster and Date

GARY C. FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-177-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT A TENNIS FACILITY IN THE SIDE YARD RATHER THAN THE REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:
Michael P. Tanczyn, Esquire 410-296-8823
606 Baltimore Avenue, Suite 106
Towson, MD 21204

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-177-A
17 Merry Hill Court
NE/S Merry Hill Court, 956' E & N of centerline Anton North Way
3rd Election District - 2nd Councilmanic District
Legal Owner: Jeffrey Miller, D.D.S. & Wendy Miller

Variance to permit a tennis facility in the side yard rather than the rear yard.

HEARING: Monday, December 15, 1997 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

November 14, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-177-A
17 Merry Hill Court
NE/S Merry Hill Court, 956' E & N of centerline Anton North Way
3rd Election District - 2nd Councilmanic District
Legal Owner: Jeffrey Miller, D.D.S. & Wendy Miller

Variance to permit a tennis facility in the side yard rather than the rear yard.

HEARING: Monday, December 15, 1997 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Arnold Jablon
Director

c: Michael P. Tanczyn, Esquire
Jeffrey Miller, D.D.S. & Wendy Miller
Herbert Malmud

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 30, 1997.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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on Recycled Paper

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

May 12, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-177-A
AND
CASE #: CBA-97-162

IN THE MATTER OF: JEFFREY MILLER, D.D.S., ET UX
17 Merry Hill Court 3rd E; 2nd C

Petition for Variance GRANTED with restrictions (98-177-A); and Approval of Grading Permit #B318862 (CBA-97-162).

ASSIGNED FOR: WEDNESDAY, JULY 22, 1998 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Appellants /Protestants : Marsha Lee Friedman

Counsel for Petitioners/Property Owners: Michael P. Tanczyn, Esquire
Petitioners/Property Owners: Dr. and Mrs. Jeffrey Miller

Herbert Malmud

People's Counsel for Baltimore County
Michael Moorefield /DEPRM
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
John R. Reisinger /PDM
Arnold Jablon, Director /PDM
James A. Helfman, Assistant County Attorney
Virginia W. Barnhart, County Attorney

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on Recycled Paper

ATTENTION: KATHI

FOR SCHEDULING PURPOSES - THE MILLER'S WANTED TO LET THE BOARD KNOW THEY HAVE VACATION SCHEDULED FOR JULY ~~4TH~~ JULY 8 1998

7/22/98

3-9-98

Baltimore County
Department of Permits and
Development Management

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

December 10, 1997

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

RE: Item No.: 177
Case No.: 98-177-A
Petitioner: Jeffrey Miller, et ux

Dear Mr. Tanczyn:

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 November 3, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE 11/26/97 AFK

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: November 24, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 17 Merry Hill Court

INFORMATION

Item Number: 177

Petitioner: Miller Property

Zoning: RC-5

Summary of Recommendation:

Should the applicant's request be granted, a condition should be placed in the Order restricting the use of lights for the tennis court.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

AFK/JL

RECEIVED
NOV 25 1997
97-5443
PDM

C:\MSOFFICE\WINWORD\ZAC\177.DOC

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

INTEROFFICE CORRESPONDENCE

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

Date: November 24, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 24, 1997
Item No. 177

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Specimen trees were removed from this site in violation of the approved C.R.G. plan. If the variance is granted, a landscape plan must be prepared by a landscape architect that maximizes revegetating the site to the full extent possible. The submitted landscape plan is not acceptable.

RWB:HJO:jrb

cc: File

ZONE1124.177

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

NOVEMBER 19, 1997

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 NOVEMBER 17, 1997

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:

175, 177, 179, 180 182, 183, AND 184

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

RECEIVED
NOV 24 1997
PDM

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 11/21/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov 17, 97

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

Item #'s: 173, 177, 178, 179, 180, 181, 183, 184

RBS:sp

BRUCE2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 11/14/91
Item No. 177 WCR

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Cindy R. Weff

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE 17 Merry Hill Court, NE/S Merry Hill Ct, 956' E & N of c/l Anton North Way 3rd Election District, 2nd Councilmanic Jeffrey Miller, D.D.S. & Wendy Miller Petitioners	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 98-177-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 1st day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** August 16, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File:
98-177-A /Jeffrey Miller, D.D.S., et ux - Petitioners
(riding with DEPRM Case No. CBA-97-162)

As no appeal was taken from the Board's decision (issued August 7, 1998) in the above captioned case, we are hereby closing file and returning same herewith.

Attachment (File No. 98-177-A) + Roll of Pet. Ex 4A & 4B.

COUNTY COUNCIL OF BALTIMORE COUNTY

COURT HOUSE, TOWSON, MARYLAND 21204

KEVIN KAMENETZ
COUNCILMAN, SECOND DISTRICT

COUNCIL OFFICE: 887-3196
DISTRICT OFFICE: 887-3385

September 18, 1997

Marsha Friedman
6 Green Heather Court
Baltimore, Maryland 21208

Dear Mrs. Friedman:

This letter is to acknowledge your recent communication to my office regarding the clearing of vegetation on Building lot #23, 17 Merry Hill Court. I have requested that Mr. Avery Harden, Landscape Specialist, of the Department of Permits and Development Management investigate this concern for us. Mr. Harden has advised me that due to his schedule, he will be making an on-site inspection this coming Tuesday or Wednesday. In the meantime, Mike Moorefield, Supervisor of Sediment Control, Inspection and Enforcement inspected the site today and issued a stop work order on the construction of the tennis court. The property owner will have to make application for a building permit at which time the zoning will be reviewed. I will keep you advised as to what future action will be taken.

Thank you for bringing this matter to my attention. I appreciate the opportunity to serve as your County Councilman, and I will strive to meet your expectations.

Should you need additional information in the meantime, please contact my Administrative Assistant, Adele Kass, at 410-887-3196.

Very truly yours,

Kevin Kamenetz

Kevin Kamenetz
Councilman, Second District

KK:dlm
FRIEDMAN.001

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

October 10, 1997

Mr. Adam Berg
Midlantic Courts Inc.
1415 Bush Street
Baltimore, Md 21230

Re: Permit B318446
17 Merry Hill Court

Dear Mr. Berg:

Permit B318446 for the construction of a fence around a tennis court was issued based on information that the tennis court was to be located in the rear yard of 17 Merry Hill Court. We have since learned that the tennis court is in the side yard of the house, and as such, cannot be built without a zoning variance. The permit, therefore, is hereby suspended and no work is to be done.

If you have any questions or require any further information, please contact me at 887-4585.

Sincerely,

John R. Reisinger
Buildings Engineer

c. Doug Swam
John Altmeyer

Baltimore County
Department of Permits and
Development Management

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

November 3, 1997

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Drop-Off Petition (98-177-A)
17 Merry Hill Court
3rd Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

Very truly yours,

WCR/scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

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Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

November 10, 1997

Ms. Marsha Friedman
6 Green Heather Court
Baltimore, Md 21208

Dear Ms. Friedman:

I am responding to your November 6 letter for Mr. Wisnom, since most of it concerns my actions. In my absence Mr. Wisnom attempted to trace and explain what I had done so you would not have to wait for a reply from me. Not being apprised of all that had transpired, Mr. Wisnom reasoned, quite correctly, that the permit in question would not allow Mr. Berg to build the tennis court fence where you feared he would since it clearly stated "back yard". As the area being graded is in the side yard, the permit is worthless, whether suspended or not.

While this point is certainly valid, I felt the permit should be suspended to avoid any confusion and took steps to do so as I told you. I sent a letter to Mr. Berg suspending the permit on October 10, 1997. (copy attached) A copy of the suspension was to go to Mr. Swam in our Processing Division so he could have the proper notation made in our records. For whatever reason, this copy did not reach Mr. Swam, so the notation was not made, and Mr. Wisnom concluded that the permit was still valid.

As for my responses to your correspondence, I have spoken to you on the phone and thought we were up to date. If you prefer written responses, that can certainly be done in the future. As far as I am aware, the only unresolved issues remaining involve the mechanics and approval standards for the grading permit, and this is a matter for Sediment Control Inspection.

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This morning I was informed that a variance to build the tennis court in the side yard has finally been applied for, so you will have your chance to make your objections known in a proper forum.

Sincerely,

John R. Reisinger
Buildings Engineer

c. Executive Office
Arnold Jablon
Rick Wisnom

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 1997

Mrs. Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

Re: 17 Merry Hill Court

Dear Mrs. Friedman:

In regards to your letter to Mr. Reisinger concerning the non-revocation of a fence permit, I will try to address the situation because Mr. Reisinger is on vacation. Here are the facts as I know them:

1. B318862 - grading permit issued to stabilize an area issued to stabilize an area along the side of the property.

2. B318437 - grading permit specifically for the grading of a tennis court. This permit has not been issued and is held because a variance is required to place the tennis court in the area proposed according to the plan submitted.

3. B318446 - fence permit issued for a tennis court which states and clearly shows on plot plan submitted to be in the rear yard.

The reason is clear as to why Mr. Reisinger did not revoke or suspend the fence permit. It is a legal permit. A tennis court and fence for same are permitted in the rear yard, that is that portion of the property that is beyond the rear building line of the house. The permit holder may build a tennis court in the rear yard, consequently, Mr. Reisinger does not have grounds to revoke the permit.

It is apparent that if a tennis court is to be constructed upon this property, it may well be in the side yard. However, the owner will have to work through the variance process which will most likely require a public hearing. If the owner is successful, the fence permit issued would become invalid and another permit for the fence would have to be applied for showing the setbacks approved during the variance proceedings, assuming, of course, that the variance would be approved.

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I can not presume to know whether a variance will be granted or not, that decision will be made by a zoning commissioner. A request for a variance has been filed. The case number is 98-177A. As the process proceeds, somewhere along the line, signs will be erected to let the community know what is requested. At that juncture you may enter your presence in protest.

I hope I have addressed your problem with Mr. Reisinger. There simply is no need to revoke the fence permit.

Sincerely,

Raymond S. Wisnom, Jr., Chief
Division of Code Inspection
and Enforcement

RSW/bb

Baltimore County
Department of Permits and
Development Management

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

November 28, 1997

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

98-177-A

RE: Drop-Off Petition Review (Item #177)
17 Merry Hill Court
3rd Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

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

Very truly yours,

Jun R. Fernando

Jun R. Fernando
Planner II
Zoning Review

JRF:scj

Enclosure (receipt)

c: Zoning Commissioner

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on Recycled Paper

/98
8
TO JW
TO FOR
2/4/98 U.CA.
CASHIER 2/4

February 3, 1998

Mrs. Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208
410-484-1360

To Mr. Arnold Jablon
County Office Building
111 West Chesapeake Ave.
Towson , Maryland 21204

RE:Decision of Zoning Commissioner
In Petition for Variance
17 Merry Hill Court
Case No. 98-177-A

Dear Mr. Jablon,

Please accept this letter as a **REQUEST FOR AN APPEAL** from the decision of Lawrence E. Schmidt rendered on January 9, 1998, Case No. 98-177-A.

As per instructions in your office from Miss Gwynn, and as an adjoining property owner and party; enclosed please find a check for $210.00 to cover the cost of the Appeal in this matter. This request is being hand delivered on February 3, 1998.

Thank you for your assistance.

Sincerely,

Marsha Lee Friedman

RECEIVED
FEB - 3 1998
98-433
PDM

Baltimore County
Department of Permits and
Development Management

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

February 4, 1998

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

RE: Petition for Zoning
Variance
NE/S Merry Hill Court,
956' N of Anton North Way
(17 Merry Hill Court)
3rd Election District
2nd Councilmanic District
Jeffrey Miller, D.D.S.,
et ux - Petitioners
Case No. 98-177-A

Dear Mr. Tanczyn:

Please be advised that an appeal of the above-referenced case was filed in this office on February 3, 1998 by Marsha Lee Friedman. 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 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

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APPEAL

Petition for Zoning Variance
NE/S Merry Hill Court, 956' N of Anton North Way
(17 Merry Hill Court)
3rd Election District - 2nd Councilmanic District
Jeffrey Miller, D.D.S., et ux - Petitioners
Case No. 98-177-A

RECEIVED
COUNTY BOARD OF APPEALS
98 FEB -5 PM 2:22

Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Variance
2 - Site Photos to Accompany Variance
3 - Anton North, Section Two Plat

Letter from Kevin Kamenetz, Councilman, Second District, to Marsha Friedman dated September 18, 1997

Letter from Marsha Lee Friedman to Arnold Jablon, Director of Permits and Development Management dated October 7, 1997

Letter from John R. Reisinger, Buildings Engineer, to Adam Berg dated October 10, 1997

Letter from Marsha Lee Friedman to John R. Reisinger, Buildings Engineer, dated October 12, 1997

Letter from Marsha Lee Friedman to Paula Hock of Dutch Ruppersberger's Office dated October 16, 1997

Letter from Marsha Lee Friedman to Paula Hock of Dutch Ruppersberger's Office dated October 25, 1997

Letter from Marsha Lee Friedman to John R. Reisinger, Buildings Engineer, dated October 30, 1997

Letter from Marsha Lee Friedman to Raymond S. Wisnom, Jr., Chief of the Division of Code Inspection and Enforcement, dated November 6, 1997

Letter from John R. Reisinger, Buildings Engineer, to Marsha Friedman dated November 10, 1997

Letter from Raymond S. Wisnom, Jr., Chief of the Division of Code Inspection and Enforcement, to Marsha Lee Friedman dated November 14, 1997

Memorandum in Opposition to Variance from Barry H. Friedman, Esquire to Lawrence Schmidt, Zoning Commissioner dated December 10, 1997

Zoning Commissioner's Order dated January 9, 1998 (Granted)

Notice of Appeal received on February 3, 1998 from Marsha Lee Friedman

c. Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204
Dr. and Mrs. Jeffrey Miller, ~~3806 Timberview Way, Reisterstown,~~ 17 MERRY HILL CT., PIKESVILLE MD 21208-1946
Maryland 21136
Mr. Herbert Malmud, 100 Church Lane, Baltimore, MD 21208
* Ms. Marsha Lee Friedman, 6 Green Heather Court, Baltimore, MD 21208
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

410-484-1360

Marsha Friedman

✓E

Case No. 98-177-A — VAR -To permit tennis facility in side yard ilo required rear yard; and

Case No. CBA-97-162 — RE: Approval of granding permit #B318862

1/09/98 -Z.C.'s Order in which Petition for Variance was GRANTED; and
9/23/97 -Grading Permit #B318862 issued by walk-thru per Doug Swam (PDM)
11/14/98 -Conclusion of correspondence between Marsha Lee Friedman and John Reisinger, PDM

5/12/98 - Notice of Assignment for hearing scheduled for Wednesday, July 22, 1998 at 10:00 a.m. sent to following:

Marsha Lee Friedman
Michael P. Tanczyn, Esquire
Dr. and Mrs. Jeffrey Miller
Herbert Malmud
People's Counsel for Baltimore County
Michael Moorefield /DEPRM
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
John R. Reisinger /PDM
Arnold Jablon, Director /PDM
James A. Helfman, Assistant County Attorney
Virginia W. Barnhart, County Attorney

7/20/98 -T/C from Marsha Friedman, Appellant; requesting postponement as her husband was treated in emergency room after a fall and was told not to walk; using wheelchair to get around.
- Upon review of file, Ms. Friedman is the sole appellant in this matter; she indicated that she is aware of that fact, but there will be no one to look after her husband while she attends the hearing.
- T/C placed to M. Tanczyn, counsel for the Petitoners, and also message left for KKH who will chair the hearing on 7/22/98.
- T/C to Ms. Friedman; spoke w/Mr. Friedman; advised him that I would be getting back to his wife on Tuesday, 7/21/98 relative to the status of her request.

7/20/98 -T/C from M. Tanczyn - would object to a postponement; only Appellant was Mrs. Friedman who was also protestant below. Should postponement request be made on the record 7/22/98, will again object and ask that this matter go forward as scheduled. Case took one hour before Zoning Commissioner; anticipates no longer than that before the Board.

7/21/98 -Advised Mr. Tanczyn that Board will convene on 7/22/98 as scheduled for hearing in this matter. T/C to Mrs. Friedman - line busy. Attempted a second call after lunch (busy); called at 3:40 p.m. (busy). Reached Ms. Friedman at 4:40 p.m.; advised her that hearing would proceed on 7/22/98 at the scheduled time.

7/22/98 - Board convened for hearing at 10:30 a.m.; Ms. Friedman did not appear. Upon public deliberation of the evidence submitted by Petitioners, Board granted variance request and dismissed appeal as to the grading permit as moot. Written Opinion and Order to be issued by Board (K.W.B.); appellate period to run from date of written Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: *Jeffrey Miller, DDS, et ux*
Case No. 98-177-A and Case No. CBA-97-162

DATE : July 22, 1998 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Margaret Worrall (MW)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrator

KKH: We are ready to deliberate on Case No. 98-177-A and CBA-97-162, the first being a petition for variance and the second being the issue of the grading permit. And the variance is for permission to build a tennis facility in the side yard instead of the requisite rear yard pursuant to Section 400.1 of the zoning regulations. Margaret?

MW: The standards for the variance are set forth most clearly for us under the Cromwell v. Ward decision in the upper court. And to grant a variance, we must find three things and find them in a certain order. The first of those elements is uniqueness; found lot to be unique based on testimony and evidence. Second is practical difficulty or hardship; agree based on evidence there is no other location; tennis courts are permitted in this zone; others in the neighborhood; petitioners would suffer practical difficulty if variance denied. Third is spirit and intent; no problem with tennis facility located there; meets spirit and intent.

Grant variance; dismiss grading permit appeal as moot. Reserved on lighting issue; possibly restricting hours of operation is more than is needed.

HEB: Variance should be granted; considering restrictions as to hours of operation /playing time. Houses separated by wooded area; grading for tennis court was minor; is completed.

For reasons as stated by Margaret, would grant variance and dismiss grading permit.

KKH: Did not agree as to lighting restrictions; agree with both as to the variance; was testimony and evidence as to uniqueness; meet practical difficulty standard; no other place to put it. Agrees as to spirit and intent as explained by Margaret.

I also agree that the grading permit is moot; it is over.

Deliberation /Jeffrey Miller DDS, et ux
Case No. 98-177-A and Case No. CBA-97-162

As to lighting restrictions, Board discussed this issue; final decision reached was to grant the variance without the lighting restriction; and to dismiss appeal as to grading permit as moot.

* * * * * * *

NOTE: These minutes confirm for the file that public deliberation in this matter was held this date and a final decision rendered in which the requested variance relief was granted and the appeal as to the grading permit dismissed as moot.

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

B 218437
Case # 98-177A LTR, 2/17/98

TANCZYN and MENTZER L.L.C.

Attorneys at Law

Limited Liability Company Including Other Entities

Michael P. Tanczyn, P.A.
Member

Charles E. Mentzer
Member

Writer's Direct Dial:
410-296-8823

Charles S. Mentzer
Of Counsel

REPLY TO: TOWSON OFFICE:
Suite 106
606 Baltimore Avenue
Towson, MD 21204-4026
Fax: 410-296-8827

February 20, 1998

Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, MD 21204

Attention: Reg

Re: 17 Merry Hill Court

Dear Reg:

This is to confirm that I have advised Dr. Miller that he is building the tennis court at risk because of the appeal which has been filed.

Very truly yours,

MICHAEL P. TANCZYN

MPT:pb

cc: Dr. Jeffrey Miller
Mr. Herbert Malmud

RECEIVED

Mrs. Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

August 25, 1998

Mr. Robert Frankel
Frankel Cadillac Co-Land Rover
201 Reisterstown Road
Pikesville, Maryland 21208

RE: 17 Merry Hill Court
Case No. 98-177-A and Case No. CBA-97-162 / Jeffrey
Miller DDS, et ux

Dear Mr. Frankel,

Thank you for speaking with me over the phone on Thursday. I would appreciate if you could please send me a copy of the covenants for the Community Association. I would also appreciate if you could send me written confirmation regarding your statement, that **you**, not the Community Association, as was represented at two separate hearings, gave approval for the Tennis Court. If you would please send me this information within a week I would appreciate it.

Thank you for your timely assistance in this matter.

Sincerely,

Marsha Lee Friedman

cc: Peoples Counsel for Baltimore County
Michael Moorefield/DEPRM
Lawrence E. Schmidt / Zoning Commissioner
John R. Reisinger /PDM
Arnold Jablon, Director / PDM
Virginia W. Barnhart, County Attorney
Kristine K. Howanski, Chairman
Margaret Worrall
Harry E. Buchheister, Jr.
Mr.Kevin Kamenetz

98 AUG 26 PM 2:07
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COUNTY BOARD OF APPEALS

telephone on July 21, 1998 that the hearing would be proceeding on July 22, 1998 either to entertain her request for postponement on the record or to proceed on the merits. Ms. Friedman advised that she did not know whether or not she would attend and, in fact, did not attend the hearing.

The hearing commenced at 10:30 a.m. in order to afford Ms. Friedman an opportunity to appear. Insofar as the matter was before the Board as a de novo appeal, Petitioners proceeded to present their case by proffer through counsel, Michael P. Tanczyn, Esquire.

On the basis of the proffers and Petitioners' exhibits, the Board finds as follows. The subject of the variance request is a tennis court approximately 60 feet wide and 140 feet deep. The subject property consists of a gross area slightly in excess of 3-1/2 acres zoned R.C. 5, and is improved with a two-story dwelling on the only eligible location within the building envelope. Due to the unusual configuration, there is no rear yard to speak of in which a tennis court could be placed, but there are a number of private lighted tennis courts in the area, as well as private pools. The Petitioners request lighting for the tennis court in a configuration of three lights on each side of the tennis court sufficient to permit night play, but not reflecting into surrounding properties. The tennis court is surrounded by a line of trees to the side and rear of the property which buffers the use from other houses. Petitioners have obtained community association approval for the tennis court.

While Ms. Friedman was not present to testify, the evidence indicated that she does own abutting property a significant distance away from the tennis court location.

ORTHODONTIC ASSOCIATES

JEFFREY C. MILLER, D.D.S., P.A.*
AARON SCHAEFFER, D.D.S., M.S.
MICHAEL PANTOS, D.M.D.
RALPH V. DANIELLO, D.D.S.

American Association of Orthodontists

* DIPLOMATE AMERICAN BOARD OF ORTHODONTICS

February 19, 1998

Baltimore Permits and Licenses, Zoning Department,

RE: tennis court 17 Merry Hill , Pikesville, Maryland 21208
Dear Reg,

The following letter is restate my commitment to the following regarding the tennis court at 17 Merry Hill:

1. We plan to fully comply with the time restriction regarding the lighting of the tennis court as described by Mr. Schmit (Zoning Commissioner).
2. We plan to fully comply with the approved landscape plan presented to both the neighborhood association and the Zoning Commissioner

Additionally, I am aware that the permit to build my tennis court is at risk pending the decision of the Appeal's Board.

In any event, I still wish to proceed with the construction of the tennis court, and would very much appreciate a prompt issuance of the permit.

Sincerely,

Jeffrey C. Miller
Wendy Miller
17 Merry Hill
Pikesville, Maryland 21208
Phone 410-744-2230
Pager 410-716-4445

Fax Cover Sheet

FAX # (410) 484-2260

BARRY H. FRIEDMAN, MD., Esq.
Attorney at Law

110 PAINTERS MILL RD. SUITE 27 OFFICE (410) 902-9844
OWINGS MILLS, MARYLAND 21117 HOME (410) 484-1360
MEMBER MARYLAND AND PENNSYLVANIA BAR

TO: Zoning Commissioners Office FAX #: 410-887-3468

PHONE #: 410-887-4386 DATE: 12/12/97 TIME: 10:05 a.m.

COMPANY: TOTAL PAGES (INCLUDING THIS SHEET): 24

Message:

RE: Case # 98-177A
17 Merry Hill Court
Jeffrey Muller D.P.S.
Monday - December 15, 1997
Room 407
County Courts Building

Opposition to Variance

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange the return of the transmitted documents to us.

****PLEASE DELIVER THIS FAX IMMEDIATELY****

CASE NUMBER: 98-184-A
1527 Customs Road
N/S Customs Road, 14.53' N of centerline Sagamore Road
14th Election District - 7th Councilmanic District
Legal Owner(s): Michael David Gentle & Nicole Michelle Gentle

Variance to allow a fence with a height of 6 feet in lieu of the required 42 inches.

HEARING: FRIDAY, DECEMBER 12, 1997 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

CASE NUMBER: 98-178-SPHXA
8919 Liberty Road
S/S Liberty Road, 300' SE Greens Lane
2nd Election District - 2nd Councilmanic District
Legal Owner(s): William Carter Stone, D.D.S. & Doris Marie Stone
Contract Purchaser(s): Craig W. Stone, D.D.S.

Special Exception to establish the office of a professional person in the primary residance utilizing less than 25% of the residance. Special Hearing to approve 1 non-resident professional person, that is not an associate, to utilize the basement office, utilizing less than 25% of the residance. Variance to permit a modified parking layout.

HEARING: MONDAY, DECEMBER 15, 1997 at 9:00 a.m. in Room 407, County Office Building, 401 Bosley Avenue.

CASE NUMBER: 98-177-A
17 Merry Hill Court
NE/S Merry Hill Court, 956' E & N of centerline Anton North Way
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Jeffrey Miller, D.D.S. & Wendy Miller

Variance to permit a tennis facility in the side yard rather than the rear yard.

HEARING: MONDAY, DECEMBER 15, 1997 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

CASE NUMBER: 98-180-A
8 Sebastian Court
N/S Sebastian Court, 202.08' SW of centerline Gwynwest
4th Election District - 3rd Councilmanic District
Legal Owner(s): Andre F. Brown & Barbara A. Brown

Variance to allow a recreational vehicle to be parked in the front yard at a distance of 2 feet from the property line in lieu of the required side yard 8 feet rear of the front foundation or at least 2-1/2/ feet from the side property line.

HEARING: MONDAY, DECEMBER 15, 1997 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

POSTPONED FROM 11/14/97
CASE NUMBER: 98-145-X
1003 Race Road
SE/S Race Road, approximately 300' NE of Rossville Blvd. and 370' S of centerline Kelso Dr.
15th Election District - 5th Councilmanic District
Legal Owner(s): Hoffman Bus Company
Contract Purchaser(s): Rocky D. Wallace

Special Exception for a service garage.

HEARING: TUESDAY, DECEMBER 16, 1997 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

POSTPONED FROM 11/14/97
CASE NUMBER: 98-146-SPHX
2401 York Road
NEC York Road and Main Boulevard
8th Election District - 4th Councilmanic District
Legal Owner(s): 2401 York Road, LLC

Special Exception for a Class "B" office building.
Special Hearing to approve an amended plan and order to relief granted in case number 94-272-XA for special exception.

HEARING: TUESDAY, DECEMBER 16, 1997 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

RESCHEDULED FROM 10/20/97
CASE NUMBER: 98-89-SPH
708 Aldworth Road
W/S Aldworth Road, 110' S of Edsworth Road

BARRY H. FRIEDMAN M.D., J.D., FCLM

Attorney at Law

Telephone (410) 902-9844
Fax (410) 484-2260

110 Painters Mill Road
Suite 27
Owings Mills, Maryland 21117

December 10, 1997

Zoning Commissioner
Room 407
County Courts Building
401 Bosley Avenue
Towson , Maryland 21204

RE: Case Number: 98-177-A
Jeffrey Miller, D.D.S. & Wendy Miller
Variance to permit a tennis facility in the side yard rather than the rear yard.

Memorandum in Opposition to Variance
Case 98-177-A
17 Merry Hill Court

Objection :

To the destruction and grading prior to plans and permits with follow up variance request for location of tennis court and 8-10 foot fencing in the side yard.

Standing :

Barry H. Friedman and Marsha Lee Friedman are the residents and owners of adjoining property located at 6 Green Heather Court. The proposed variance would place the Tennis Court and fence in line with our front lawn on the right side of the property when standing in our front yard facing forward.

Background History:

The house at 17 Merry Hill Court is currently under construction , and several months ago we were disturbed by the falling of 100-200 foot trees adjoining our property. We proceeded to the right front side of our home and went out to see a large area of environmental sensitive woods and underbrush being cleared out and destroyed. On our investigation we found that although **NO** permit was requested, this work for placement of a tennis court was begun. I personally spoke to Mr. Adam Berg, who then applied for a permit , and then again began work. I visited the sight as I could not believe a variance

had been issued over night. It turned out that he was working with **NO** permit, just an application. After many letters and phone calls (see attached)a County official was finally forced to admit that the Tennis Court was on the side of the house, not in the back yard. despite of only a limited permit issued for stabilization , extensive work was done, including continued destruction of trees, bringing in many truckloads of dirt to fill in the land (at least 10 dump truck loads of dirt were brought to this site). We have attached copies of correspondence to assist in your evaluation.

Result :

The work that has been done to date has caused extensive change to the land, and destruction of nature. Underbrush and old growth in an area which is sensitive to run off and important to adjoining property stabilization (this area was a flood plan). In fact, the question of damage to the root system of 100-200 foot trees on our property may not be realized for 4-5 years. I cannot believe that this work was done without proper permits and plans by experience builders, rather I believe that this was done to **AVOID THE PERMIT PROCESS**. I believe that they knew that if they would have followed the correct procedure prior to the work, they would not have been allowed to cause such destruction, and clear cutting.

Summary :

Granting the variance in this case would place a Tennis Court and fence adjoining our (R) side of our front yard, and allow it to be in clear proximity to our property line. It would change the character of the community, and create a nuisance in this location.

There has been extensive work done without permits (despite multiple confrontations) and rewarding the property owner and builder with a variance for something they would not have been able to obtain because of the original nature of the land and location would be wrong. **This type of reward would only encourage builders to ignore the permit process in the future.**

Conclusion :

We request that the variance not be granted and the builder and home owner be required to replant and stabilize the area for reasons stated above.

Respectfully Submitted,

Barry H. Friedman M.D., J.D., FCLM

Marla Lee Friedman

BHF/ml

Mrs. Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

October 30, 1997

Mr. John R. Reisinger,PE
Buildings Engineer
Chief Codes Administrator
Baltimore County Department of Permits &
Development Management
County Office Building
Towson, Maryland 21204

RE: 17 Merry Hill Way
Lot 22

Dear Mr. Reisinger,

Since to date I have not heard from you, I called permits to check the status of the above property. To my surprise I was informed that you **had not** revoked the fence permit for the above mentioned property as you had stated in our October 12, 1997 conversation. I proceeded to check with Mr. Sullivan to see if there had been any variance hearings applied for; M's Sophie Jennings checked the computer, and there are none.

You have really left me no alternative but to contemplate seeking legal counsel in regard to my rights as a citizen of Baltimore County.

I look forward to hearing from you, and thank you in advance for your assistance.

Sincerely,

Marsha Lee Friedman

Enclosure

cc: Mr. Kevin Kaminitz
M's Paula Hollinger
Mr. D. Ruppersberger
Mr. Jack Dillon
Mr. Arnold Jablon
Mr. James Thompson

Mrs. Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

October 25, 1997

Mr. D. Ruppersberger
ATT: M's Paula Hock
400 Washington Ave.
Towson, Maryland 21204
FAX-410-887-4049

RE: 17 Merry Hill Way
Lot 22

Dear M's Hock,

I hadn't heard from you so I assumed there would soon be a zoning notice posted on the above property. Again I'm wrong. As of this morning there was no notice posted, even though there was work begun late yesterday afternoon. Today gravel was placed in the bed of the " tennis court " and was smoothed in. Sighting equipment is there to place the court. Is this project being overlooked for some reason?

When we spoke you told me that you were going to have an inspector go to the property, and that the area had to be seeded. I don't know if an inspector went, but I do know that this area has not been seeded. Others in our area have notices up for variances, why not Mr. Berg for this tennis court? Is this also going to be done after the fact as was the so called grading permit?

Thank you again for your assistance in this matter. I look forward to hearing from you.

Sincerely,

Marsha Lee Friedman

CC: Mr. John Risinger
Mr. Kevin Kaminitz
M's Paula Hollinger
Mr. Jack Dillon
Mr. Arnold Jablon

M's Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

October 16, 1997

Mr. D. Ruppersberger
ATT; M's Paula Hock
400 Washington Ave.
Towson, Maryland 21204
410-887-4049

RE: 17 Merry Hill Way
Lot 22

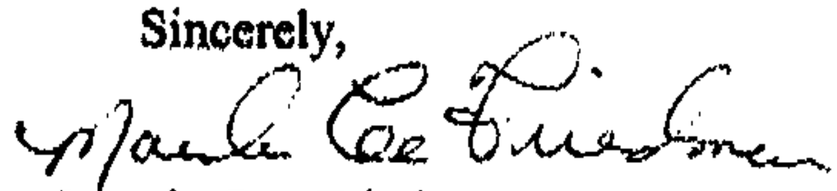
Dear M's Hock,

I appreciated your phone call today in regard to 17 Merry Hill Way. I'm still having difficulty understanding how Mr. Adam Berg is able to grade this property, which includes, even today, bringing in dump truck loads of dirt without having a grading plan.

Regarding the matter of the sediment control records; I can't understand why there is no record of all of the elaborate , experimental measures that were agreed upon , and implemented during the development of Anton North 2. Mr. Morefield was very involved with this development, and I am sure he remembers working along with Mr. Jim Gracie in this regard.

Thank you again for your assistance in this matter.

Sincerely,



Marsha Lee Friedman

CC: Mr. John R. Risinger
Mr. Kevin Kaminitz
M's Paula Hollinger
Mr. Jack Dillon
Mr. Arnold Jablon

Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

To Mr. John R. Reisinger, PE
Buildings Engineer
Chief Codes Administrator
Baltimore County Department of Permits &
Development Management
County Office Building
Towson, Maryland 21204

October 12, 1997

RE: 17 Merry Hill Way
Lot 22

Dear Mr. Reisinger,

I'm glad that I was able to return your phone call on Friday afternoon. It did not surprise me that you came to the same conclusion as I did (after sending someone out to the site) ; that the Tennis Court is being planned for the side of the yard and will need a variance. The fact that the fence permit was requested for the back of the yard as we discussed on October 8,1997, and was really for the side of the yard also doesn't surprise me considering everything else that has occurred. **However, the fact that you revoked the permit helps to restore my faith in the system.**

I'm still having difficulty in understanding why the grading permit has allowed Mr. Adam Berg to do what he did. The fact that there had been a stop work order; and then he got a permit to continue to grade , should not have allowed him to prepare the ground; as well as level the land by bringing in truck loads of dirt for the tennis court.

I hope that you will finally be able to reach Mr. Mike Morefield to find out if he was in possession of a grading plan at the time he issued the grading permit to Mr. Berg. We already know that he didn't have one before beginning construction.

As we discussed, I will check my old files to see if I still have any paperwork left from when this property was developed. Unfortunately, I had recently purged my files, and may not have the file. I am also going to look for all of the pictures.

At this point, I am still contemplating whether I should request that the grading permit be revoked. I have been informed by your office that this grading permit gives whomever the right to continue to do whatever to the property ; for two (2) years.

I look forward to hearing from you, and thank you again for your assistance.

Sincerely,

Marsha Lee Friedman

cc : Mr. Kevin Kaminitz
M's Paula Hollinger
Mr. D. Ruppersberger
Mr. Jack Dillon
Mr. Arnold Jablon

Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208

October 8,1997

To: Mr. John R. Reisinger, PE
Buildings Engineer'
Chief Codes Administrator
Baltimore County Department of Permits &
Development Management
County Office Building
Towson, Maryland 4585

RE: 17 Merry Hill Way
Lot 22

Dear Mr.Reisinger,

Thank you for meeting with me today. I had no idea that to request that a grading permit be revoked would take up to three months to be heard, especially under these circumstances.

As it is after working hours, I only can assume that you had no information for me regarding the permits, variance , the CRG etc. I hope that you were able to get a scale drawing comparing the location of the home to the lot.

Thank you for your assistance in this matter.

Sincerely,

Marsha Lee Friedman

cc : Mr. Kevin Kaminitz
M's Paula Hollinger
Mr. D. Ruppersberger
Mr. George Perdikakis
Mr. Jack Dillon
Mr Avery Harden
Mr. Arnold Jablon
Mr. James Thompson

Marsha Lee Friedman
6 Green Heather Court
Baltimore, Maryland 21208
410-484-1360
410-902-9844
FAX 410-484-2260

October 7, 1997

To Mr. Arnold Jablon
Director of Permits and Development
Towson, Maryland 21204

RE: 17 Merry Hill Way
Lot 22
Adam Berg - Tennis Court Builder

Dear Mr. Jablon,

This is to formally request that you revolk the so called "grading permit " on the above mentioned property, that was granted without any permit, zoning variance hearing, nor grading permit on this environmentally sensitive area.

Today they began to bring in truck loads of dirt, I decided I would request a copy of the grading plan from Mr. Morefield. When I arrived home from work I found this (see enclosed #1) which is suppose to represent a grading plan. To me this is not a filed grading plan, this is a plat with a little drawing of the tennis court.

In speaking with Mr. Berg, I asked him if he had a plan , he said no He said he built another court, without any trouble. Had he gone for his permit for the variance, he wouldn't have been able to be doing what he has done, and continues to do it , until he had a hearing. He said, I know I need so many feet here , and to put up the fence I need to moved the court to here, and I had to tear out the trees so that the roots won't hurt the court. He then said you can't get the trees back, what do you want.

What has been done here, is that someone is being rewarded for doing something wrong. For not following the law. The county has decided, for what ever reason to let this happen, and it's wrong. If we can't count on those who work in the system to follow the law, how can we trust anything that is said or done, or that what is being done is correct?

Evidently, Mr.Adam Berg began this project with a wave of the hand, (I observed it) at approximately 6:30 p.m.. The Bulldozer moved in ,the Bobcats were

there to push and lift the logs, the chain saws revved up, and the trees crashed to the ground. Some reaching to the blue debris trailers, that were lined up in the street (without any markings , essentially a hazard for days.) These were hardwood trees, centuries old, that held the ground, and the hills that they soared above. The trucks would come remove trailers, and bring new ones to carry away the logs. There were No environmental control measures, and the Bobcat while waiting began going down to the bottom of the hill. They were using a mulch machine, that because of the wind currents in the valley , the fine particles caused me such severe burning of my nose and throat that I had to go in from my pool area. We were very worried about our trees. They had **NO** stakes to mark the area . They were coming up both of our hills. The guy doing the cutting with the chain saw, began just indiscriminately cutting brush up the hill while he would wait for them to move the logs. Our house shook, and because it's a valley , all sounds are magnified.. You just didn't know what would happen. They were getting very close to our property line. (see exhibit #2)

I began calling all of the offices as soon as the activity began . I was told there is no record of any permit, that there is nothing going on. Mr. James Thompson (who said that it was good that I asked his name, and then said you should always ask to whom you are speaking) told me that unless something was being built that they couldn't do anything. Mr. Mike Morefield **Never** returned my calls, and only after I got Mr. Kevin Kamenetz's office involved ; did he finally take my calls. I understand that Mr. Morefield signed off on the grading permit, of which I was under the impression that Mr. Berg was to stabilize the land seed it, and then apply for a permit. I felt that finally something was being done. However ,Mr. Berg, and his associates, Mr. Tom Ruhl and Mr. Brian Foster, said the tennis court would be built. And this past Thursday evening, September 9th, we(my husband and I) went around to the property because when I spoke to I believe to Janis in your office on Wednesday the 8th , I was informed that they were to stabilize the property. We were then told as they worked in the dark , at around 7:30 p.m. on their Bobcats, that they can do everything up to the Tennis Court itself. then they'll get their permit.

After Mr. Berg was shut down by Mr. Don Hoeheader. I was later informed by Mr. Hoeheader informed that he new Mr. Berg from school, and that Mr. Berg will do what they tell him; and anyway the trees are gone. Mr. Berg called my husband around 5:30 p.m. the evening they had been shut, and said that he got the permit. We couldn't understand how that could be. You get shut down and get a permit right away , with a variance without a hearing. That night they were back at work. That night I called Mr. Kamenetz's office and left a message . The next morning they were back there again. But I received a call from M's Adele Kass, and she said that they were shut down. (see enclosed letter). My husband drove around. on his way to work, camera in hand, took pictures, and Mr./Berg said he had a permit. My husband asked to see it. It was an application , not a permit. Mr. Adam Berg asked his father to get off the bulldozer. Mr. Berg has been in the business, you can't tell me he didn't know what was right from wrong. On Tuesday morning I received a call from M's Kass to tell me that they were given a permit , to grade, Funny, they were already there.

The problem is that I really didn't understand what was happening. Finally , a stop work order, and even up to today , October 7, 1997 when I spoke with M's Gwynn Stevens there has been no application for a hearing. (I understand from Adel Kass that they were going for an Administrative Hearing) but the work goes on.

The area behind my property is an environmentally sensitive area. When Anton North II was being developed, I got involved because, there once was a stream that ran between my property, an this area, Mr. Ben Blum buried the stream, tore down the barn that was also there without a permit. Everyone new it was wrong, Mr. Blum was shut down for months, and Mr. Jim Gracie, as well as Save our Streams , and others got very involved. I was informed that the reason that they were allowed to continue after months was that Mr. Blum had said he had already sold a lot. They ended up having to build an elaborate system down by Mr. Sharrow's property. A pond that once nestled there was filled in. The stream began to come back, so now its running in a black flex pipe under the Merry Hill property. They also found 5 springs (there was a spring house) which are now diverted as well. There is a CRG note #8 which stated that **All Vegetation and Tree Lines Shown were Suppose to Stay**. If this was to be changed , then there should have been a hearing as well. They are putting the Tennis Court on the side of the house, **This should require a Hearing** . The lot is also very narrow, so if they were to tear out the trees, and if there was a note as #8 states , as well as the fact in regard to the 50 ft old growth should apply to any kind of development, not just a building as Mr. Jack Dillon has now informed me, there should have been a hearing. This doesn't make any sense. They were handed a fence permit for whatever height, without having a hearing . Remember they need to obtain a variance, so how did they get that permit? I feel as if I was , and continue to be getting stall tactics ; while Mr. Berg doe everything but lay the surface. That is just not right.

Thank you for your consideration in this matter.

Sincerely,

Marsha Lee Friedman

Enclosures

cc's: Mr.Kevin Kaminitz
M's Paula Hollinger
Governor's Office
Mr. D.Ruppersberger
Mr. George Perdikakis
Mr. Jack Dillon
Mr. Avery Harden

98-177A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

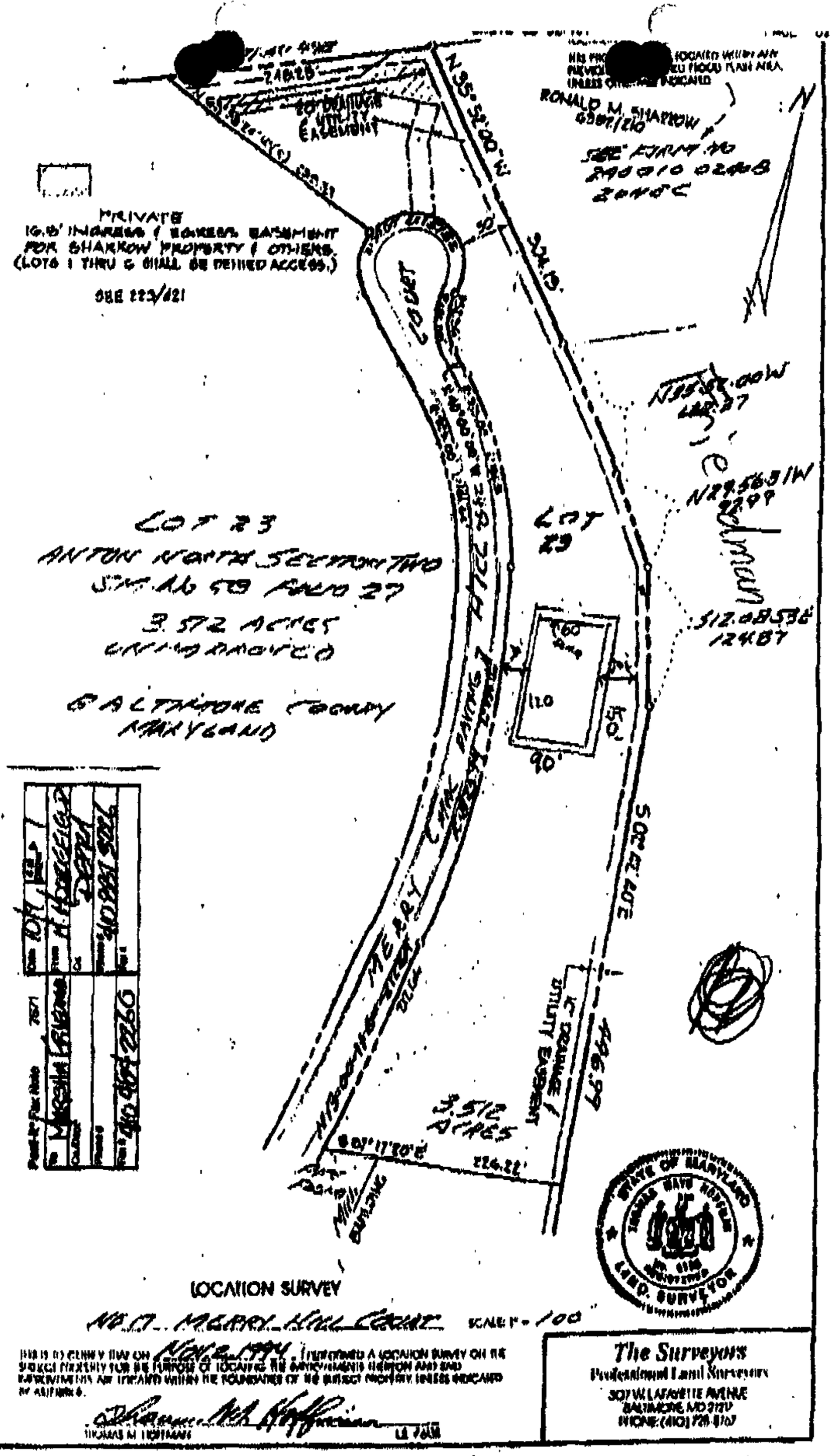
NAME	ADDRESS
JEFFREY MILLER	3806 Timber View Way
Wendy Miller	" " " "
HERBERT MALMUD	100 CHURCH LANE
H. MALMUD & ASSO. INC	PIKESVILLE, MD 21208
Michael TAWCZYN	Ste 106 406 BALTO AVE TOWSON Md 21204

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Mark Lee Friedman	6 Green Heather Court 21208



LOCATION SURVEY

NO. 17 MERRY HILL COURT SCALE 1" = 100'

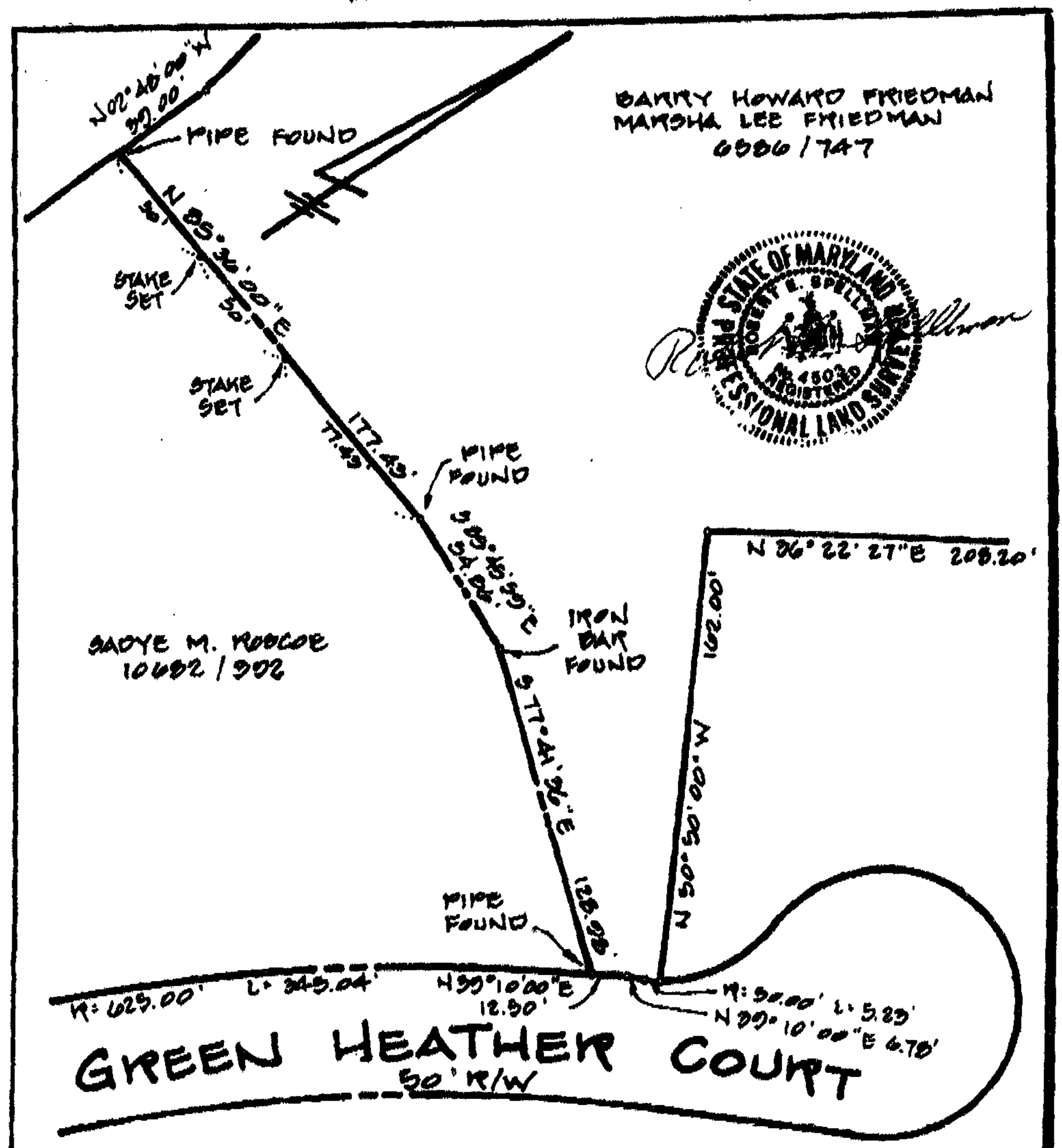
THIS IS TO CERTIFY THAT ON NOV. 2, 1994, I PERFORMED A LOCATION SURVEY ON THE SUBJECT PROPERTY FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS HEREON AND THE IMPROVEMENTS ARE FOUND WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY UNLESS INDICATED OTHERWISE.

THOMAS M. TORMAN LS 7638

The Surveyors
Professional Land Surveyors
307 W. LAFAYETTE AVENUE
BALTIMORE, MD 21201
PHONE: (410) 728-8107

#1

B318062



SPELLMAN, LARSON & ASSOCIATES, INC.
RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN
CIVIL ENGINEERS - LAND SURVEYORS

SUITE 4[illegible] JEFFERSON BUILDING
TOWSON, MARYLAND 21204

(410) 823-5005
(410) 823-3539

(410) 825-5215
FAX

PROPERTY PLAT
GREEN HEATHER COURT
"GARDEN VIEW"
47/125
3rd ELECT. DIST. BALTO. CO., MD
1" = 50' MAY 10, 1997

97027

CURVE DATA

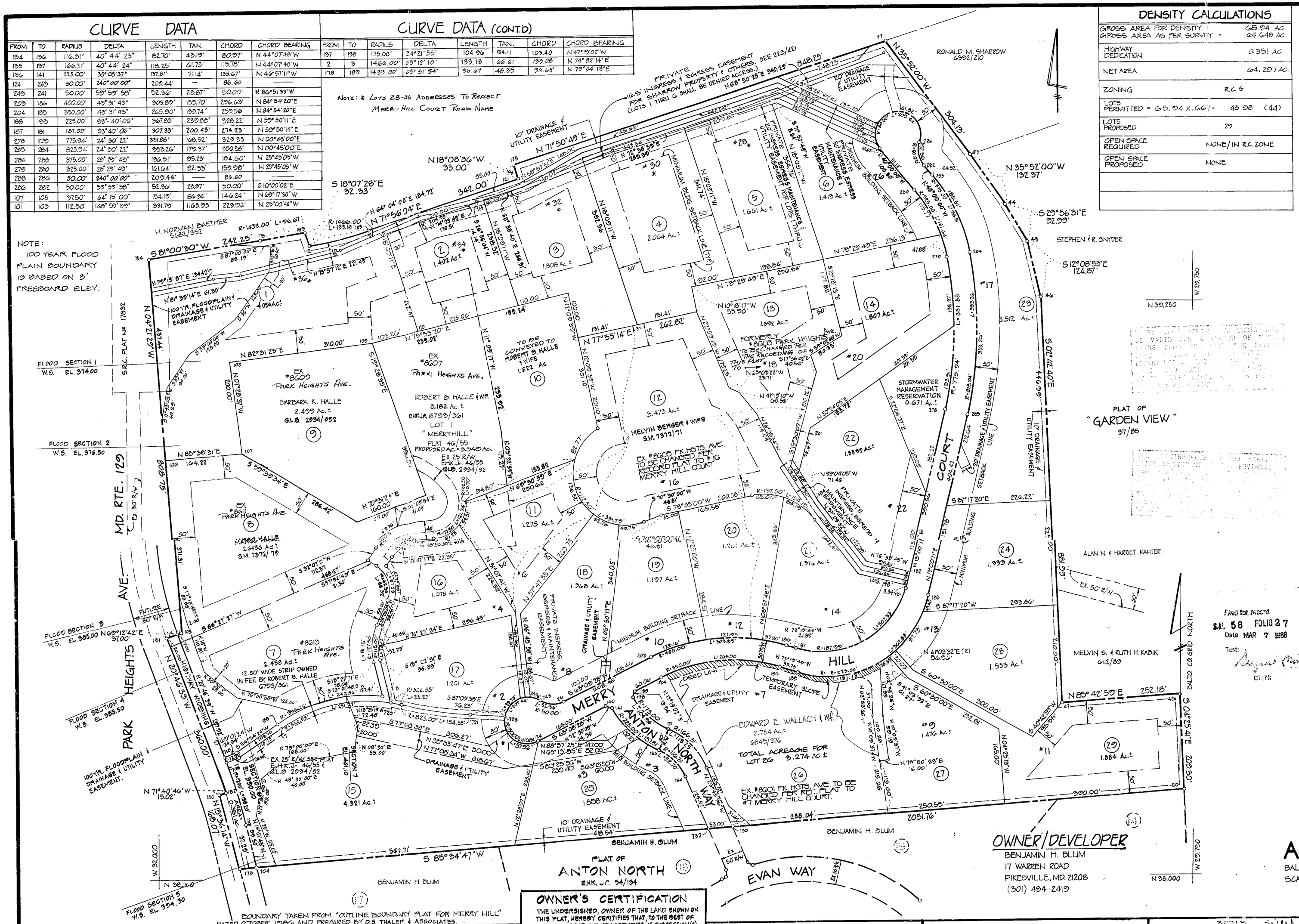
FROM	TO	RADIUS	DELTA	LENGTH	TAN.	CHORD	CHORD BEARING
134	136	116.31'	40° 44' 23"	82.70'	43.19'	80.97'	N 44°07'48"W
135	137	166.31'	40° 44' 24"	118.25'	61.75'	115.78'	N 44°07'48"W
136	141	225.00'	35°05'37"	137.81'	71.14'	135.67'	N 46°57'11"W
124	243	50.00'	240°00'00"	209.44'	—	86.60	——
243	241	50.00'	59°59'58"	52.36'	28.87'	50.00'	N 86°51'33"W
203	186	400.00'	43°31'43"	303.89'	159.70'	296.63'	N 64°54'20"E
204	185	350.00'	43°31'43"	265.90'	139.74'	259.58	N 64°54'20"E
188	189	225.00'	93°40'00"	367.83'	239.88'	328.22'	N 59°50'11"E
187	181	187.29'	93°40'06"	307.33'	200.49'	274.23'	N 59°50'14"E
278	279	775.94'	24°30'22"	331.88'	168.52'	329.35	N 00°45'00"E
285	284	825.94'	24°30'22"	353.26'	179.37'	350.58'	N 00°45'00"E
284	283	375.00'	28°29'49"	186.51'	95.29'	184.60'	N 25°45'05"W
279	280	325.00'	28°29'49"	161.64'	82.55'	159.98'	N 25°45'05"W
288	286	50.00'	240°00'00"	209.44'	——	86.60	
286	287	50.00'	59°59'58"	52.36'	28.87'	50.00'	S 10°00'02"E
107	105	137.50'	64°15'00"	154.19'	86.34'	146.24'	N 69°17'30"W
101	103	112.50'	168°59'33"	331.70'	1165.93'	223.03'	N 25°00'46"W

CURVE DATA (CONT.D)

FROM	TO	RADIUS	DELTA	LENGTH	TAN.	CHORD	CHORD BEARING
197	198	175.00'	34°21'55"	104.96'	54.11	103.40	N 47°19'02"W
2	3	1466.00'	05°12'10"	133.18	66.61	133.08'	N 74°32'14"E
178	189	1439.00'	03°51'54"	96.67	48.35	96.65'	N 78°24'13"E

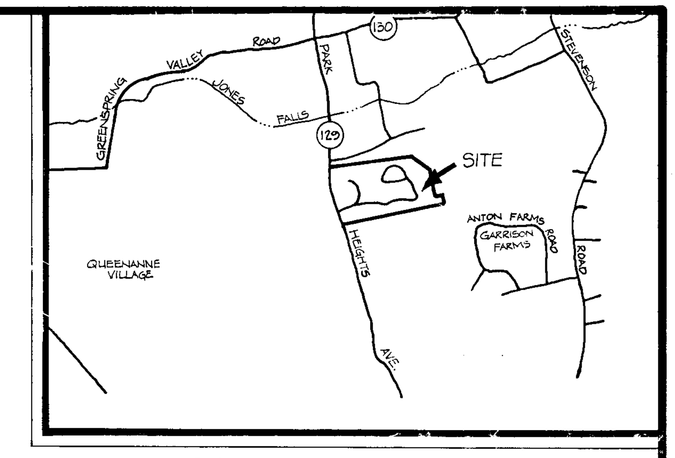
NOTE: * LOTS 28-36 ADDRESSES TO REFLECT MERRY HILL COURT ROAD NAME

NOTE: 100 YEAR FLOOD PLAIN BOUNDARY IS BASED ON 3' FREEBOARD ELEV.



DENSITY CALCULATIONS

GROSS AREA FOR DENSITY * GROSS AREA AS PER SURVEY *	65.04 AC. 64.648 AC.
HIGHWAY DEDICATION	0.351 AC.
NET AREA	64.297 AC.
ZONING	R.C. 5
LOTS PERMITTED = 65.04 X .667 =	43.38 (44)
LOTS PROPOSED	29
OPEN SPACE REQUIRED	NONE/IN R.C. ZONE
OPEN SPACE PROPOSED	NONE



LOCATION MAP

SCALE: 1" = 2000'

COORDINATES

NO.	NORTH	WEST	NO.	NORTH	WEST
179	38022.43	31825.97	282	39588.05	30838.02
180	38165.36	31871.18	283	39519.27	30822.25
182	38130.08	31856.92	284	39353.00	30241.05
191	38526.67	31964.62	285	39002.46	30246.64
190	38529.80	31950.03	183	38608.41	30337.64
184	39246.21	32011.43	188	38443.40	30621.41
178	39384.07	31772.22	185	38439.75	30655.65
180	39402.40	31677.32	204	38430.70	30914.18
2	39371.06	31647.26	189	38403.56	30967.76
3	39407.16	31538.00	198	38390.25	30971.91
121	39519.21	31219.86	197	38320.16	30825.90
175	39544.57	31214.18	195	38237.06	30815.29
77	39808.85	30418.10	782	38101.09	308[illegible].45
43	39562.39	30239.91	790	38106.07	30757.62
44	39455.12	30162.36	704	38022.36	31188.80
45	39374.54	30115.24	720	38377.02	31478.05
46	39252.46	30089.67	721	38354.73	31325.35
47	38871.46	30041.55	8	38381.70	31300.83
48	38800.29	29739.47	723	38350.82	31249.22
50	38181.62	29730.31	158	38337.76	31746.92
181	38633.16	30383.24	7	38327.53	31739.75
134	38216.81	30861.05	710	357[illegible].35	31653.1[illegible]
136	38275.03	30917.45	706	38254.66	31854.68
141	38367.64	31016.57	700	38535.54	31941.25
140	38371.24	31030.21			
124	38297.38	31177.41			
243	38383.86	31172.67			
241	38381.12	31122.74			
203	38475.31	30934.77			
186	38501.65	30641.31			
187	38495.37	30620.34			
278	30013.71	30255.36			
279	39243.03	30291.05			
280	39487.19	30360.56			
288	39572.23	30491.98			
286	39587.23	30344.70			

Filed for record
S.H. 58 FOLIO 27
Date MAR 7 1988
Test:
Clerk

DEED REFERENCES: 7372/079 & 7372/086 & 7372/71
2934/92
G793/361
G843/376

TAX ACCOUNT Nos: 20-00-018116
20-00-012117
20-00-012119
03-08-005175
18-00-014157
03-08-051200

NOTE:
THE DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES.

Pet No 3

ANTON NORTH SECTION TWO

BALTIMORE COUNTY, MARYLAND
SCALE: 1"-100'
ELECTION DISTRICT - 3C3
DECEMBER 1, 1987

OWNER/DEVELOPER

BENJAMIN H. BLUM
17 WARREN ROAD
PIKESVILLE, MD 21208
(301) 484-2419

APPROVED: 3/3/88
DIRECTOR OF PUBLIC WORKS — DATE

APPROVED: 3-7-88
DIRECTOR OF PLANNING AND ZONING — DATE

APPROVED: 3-1-88
DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MGMT. — DATE

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION(C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

Leonard T. Bart 3-9-88
REG. No. 10850 — DATE

OWNER'S CERTIFICATION

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION(C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

SIGNATURE	DATE
Merry Berger	1/12/88
Louis Berger	1/12/88
Edward E. Wallach	1/12/88
Sylvia Wallach	1/10/88
[illegible]	1/25/88
W. T. McDonald	1/25/88
Barbara K. Halle	1/25/88
[illegible]	1/25/88

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE, AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER , HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.

NOTE:
1.) FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
2.) RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
3.) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY BILL 56-82 (SECTION 22-66).
4.) RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5.) THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6.) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.

P.W.A. COMPLETED 38713 — 3-1-88
FINAL PLAT CHECK: PLANNING — ENGINEERING — STREET NAMES — HOUSE NOS. 3-2-88

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

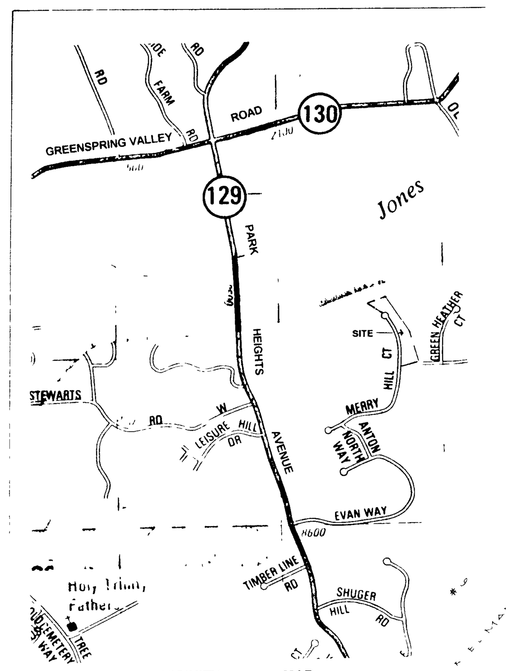
# 13150	# 13151
N 40,059.99	N 38,656.92
W 32,078.66	W 32,048.54

W. DUVALL & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • LAND PLANNERS
530 EAST JOPPA ROAD TOWSON, MARYLAND 21204
(301) 583-9571

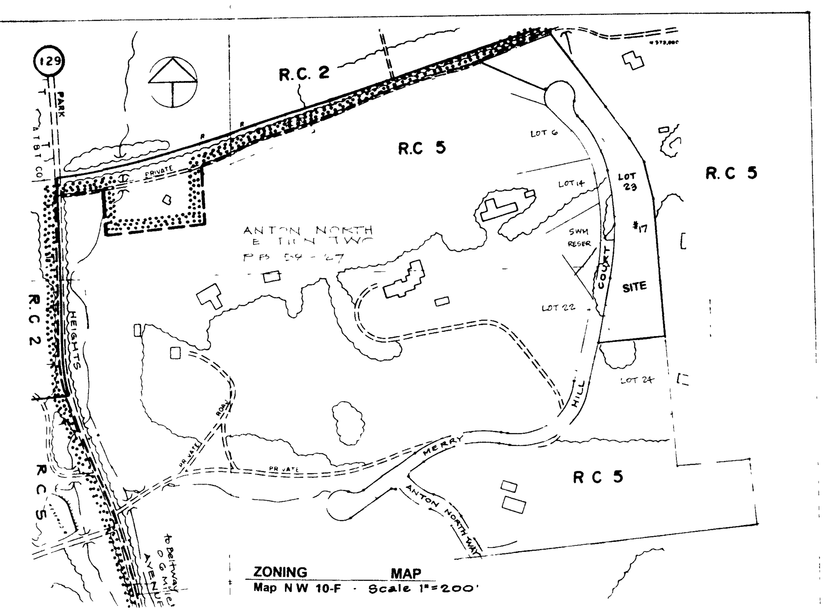
COMPUTED BY: K.W.
DRAWN BY: J.L.D.
CHECKED BY: L.T.B.
PROJECT NUMBER: 86065

58 27 S.H. 58 FOLIO 27

A & E INC. BALTIMORE



VICINITY MAP
Scale 1"=1000'+/-



ZONING MAP
Map NW 10-F · Scale 1"=200'

NOTES

1 PETITIONER & OWNER
Jeffrey & Wendy Miller
3806 Timber View Way
Reisterstown, MD 21136
Telephone 410-526-6767

2 DEED REFERENCE Liber 10846, folio 361, (Lot 23, Anton North Section 2, Plat Book 58-27)
TAX MAP 88, GRID 9, PARCEL 12
ACCOUNT No 21-00-003901

3 EXISTING ZONING R C 5

4 EXISTING USE SINGLE FAMILY RESIDENCE

5 PROPOSED USE SAME, WITH A TENNIS COURT

6 TOTAL AREA OF PROPERTY 3 612 ACRES +/-

9 ZONING HISTORY None

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW

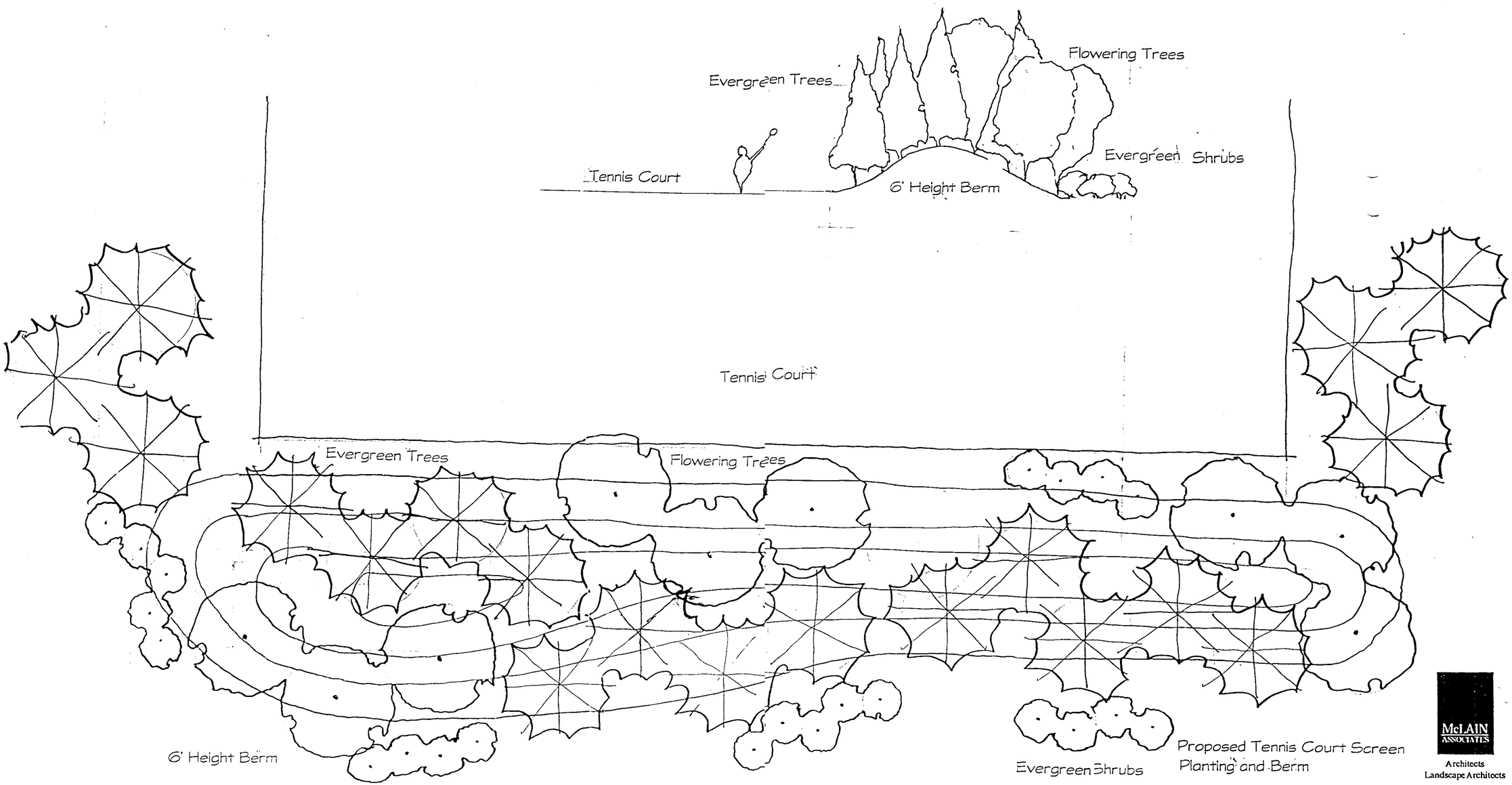
98-177-A

PLAT TO ACCOMPANY VARIANCE REQUEST FOR MILLER RESIDENCE

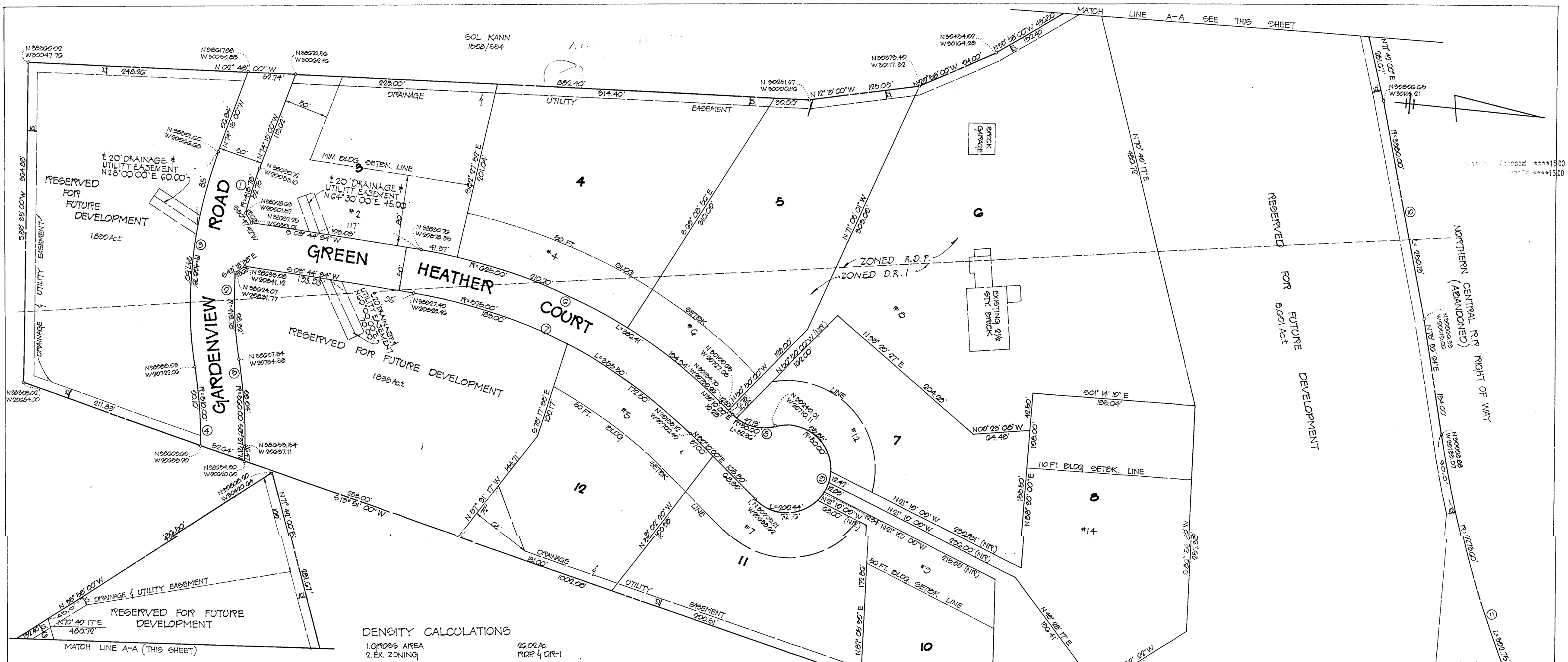
17 MERRY HILL COURT
ELECTION DISTRICT NO. 3
COUNCILMANIC DISTRICT NO. 2
BALTIMORE COUNTY, MARYLAND

Scale 1" = 50' October 18, 1997

Prepared by
H Malmud & Associates, Inc
100 Church Lane
Baltimore, Maryland 21208
Telephone 410-653-9511



McLAIN ASSOCIATES
Architects
Landscape Architects



PLAT Nº 6
STEVENSON PARK
W.J.R. 28-88

DENSITY CALCULATIONS

1. GROSS AREA	26.02 Ac.
2. EX. ZONING	R.D.P. & DR-1
3. AREA: ZONED R.D.P.	0.12 Ac.
4. AREA RESERVED FOR FUTURE USE	3.84 Ac.
5. GROSS AREA	3.96 Ac.
6. AREA OF ROADS	0.62 Ac.
7. NET AREA	4.66 Ac.
8. ALLOWABLE NET DENSITY	10 UNIT/Ac.
NO. ALLOWABLE LOTS	4
NO. PROPOSED LOTS	4
ACTUAL NET DENSITY	0.86
ACTUAL GROSS DENSITY	0.76
AREA ZONED DR-1	19.00 Ac.
AREA RESERVED FOR FUTURE USE	8.92 Ac.
GROSS AREA	8.98 Ac.
AREA ROADS	0.81 Ac.
NET AREA	7.87 Ac.
ALLOWABLE NET DENSITY	10 UNIT/Ac.
NO. ALLOWABLE LOTS	7
NO. PROPOSED LOTS	5
ACTUAL NET DENSITY	0.66
ACTUAL GROSS DENSITY	0.60

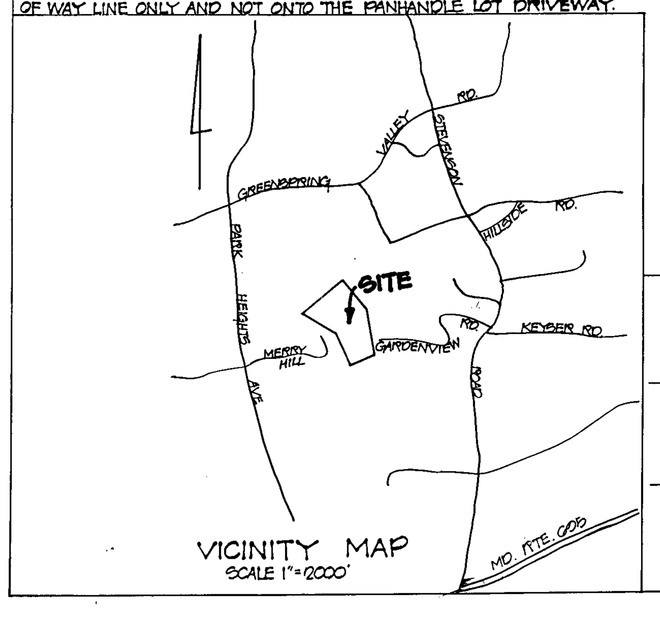
CURVE DATA

Nº	RADIUS	Δ	TAN.	ARC.	CHORD & L.C.B.
1	416.78'	15° 27' 08"	56.41'	112.78'	S72°71' 07" 20" E
2	416.78'	07° 12' 50"	40.99'	08.92'	08.10' S82° 19' 54" W
3	408.78'	30° 15' 00"	126.71'	247.50'	244.68' N80° 22' 30" W
4	510.00'	10° 07' 21"	45.17'	90.10'	89.99' N80° 33' 40" E
5	500.00'	10° 07' 21"	44.00'	88.34'	88.21' N80° 33' 40" E
6	625.00'	33° 28' 25"	100.61'	365.41'	360.09' S71° 27' 17" W
7	575.00'	33° 28' 25"	185.54'	335.80'	330.87' S71° 27' 17" W
8	50.00'	90° 00' 00"	50.00'	78.54'	70.71' S45° 00' 00" W
9	50.00'	240° 00' 00"	—	209.44'	86.60' N90° 00' 00" W
10	2382.00'	04° 14' 24"	176.12'	352.13'	350.02' N78° 40' 12" E
11	1973.60'	17° 40' 08"	307.08'	607.78'	605.00' N67° 00' 00" E

GENERAL NOTES

1. ALL LOTS IN ZONE RDP ARE A MINIMUM OF 43,560 SQ.FT. (1 ACRE)
2. ALL LOTS IN ZONE DR-1 ARE A MINIMUM OF 40,000 SQ.FT.
3. THERE IS A 10 FT. DRAINAGE & UTILITY EASEMENT ALONG THE REAR & SIDES OF EACH LOT UNLESS OTHERWISE NOTED.

FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.



VICINITY MAP
SCALE 1" = 2000'

COORDINATES
THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS

HUB Nº X-2465	W 2708205	N 588 4021
HUB Nº X-2466	W 2704108	N 588 4340

APPROVED BALTIMORE COUNTY PLANNING BOARD
William D. Fromm 3/8/74
DATE

APPROVED
Thomas J. Manning 3/8/74
COUNTY ROADS ENGINEER DATE

APPROVED
Maurice L. Wheeler MD 3-1-74
Acting DEPUTY STATE & COUNTY HEALTH OFFICER DATE
3/28/74 TMC

P.W. A. Completed 37309 DAL.
Final Plat Checked:
Planning
Engineering 2-28-74
Street Names: 2-28-74
House Nos. 3-11-74

E.H.K., JR. 37 FOLIO 85
Filed for record
Date MAR 11 1974
Test:
Clerk

PLAT OF
"GARDEN VIEW"
3RD ELECTION DISTRICT BALTIMORE CO. MARYLAND
SCALE 1" = 50'
NOVEMBER 13, 1973

DEVELOPER
RUTH N. KABIK
110 SLADE AVE.
BALTO. MD 21208

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.

PLAT Nº 5
STEVENSON PARK
W.J.R. 28-88

HUDKINS ASSOCIATES INC.
200 EAST JOPPA ROAD
TOWSON, MARYLAND
21204

GARDEN VIEW
37-85

NOTE

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

OWNER'S CERTIFICATE

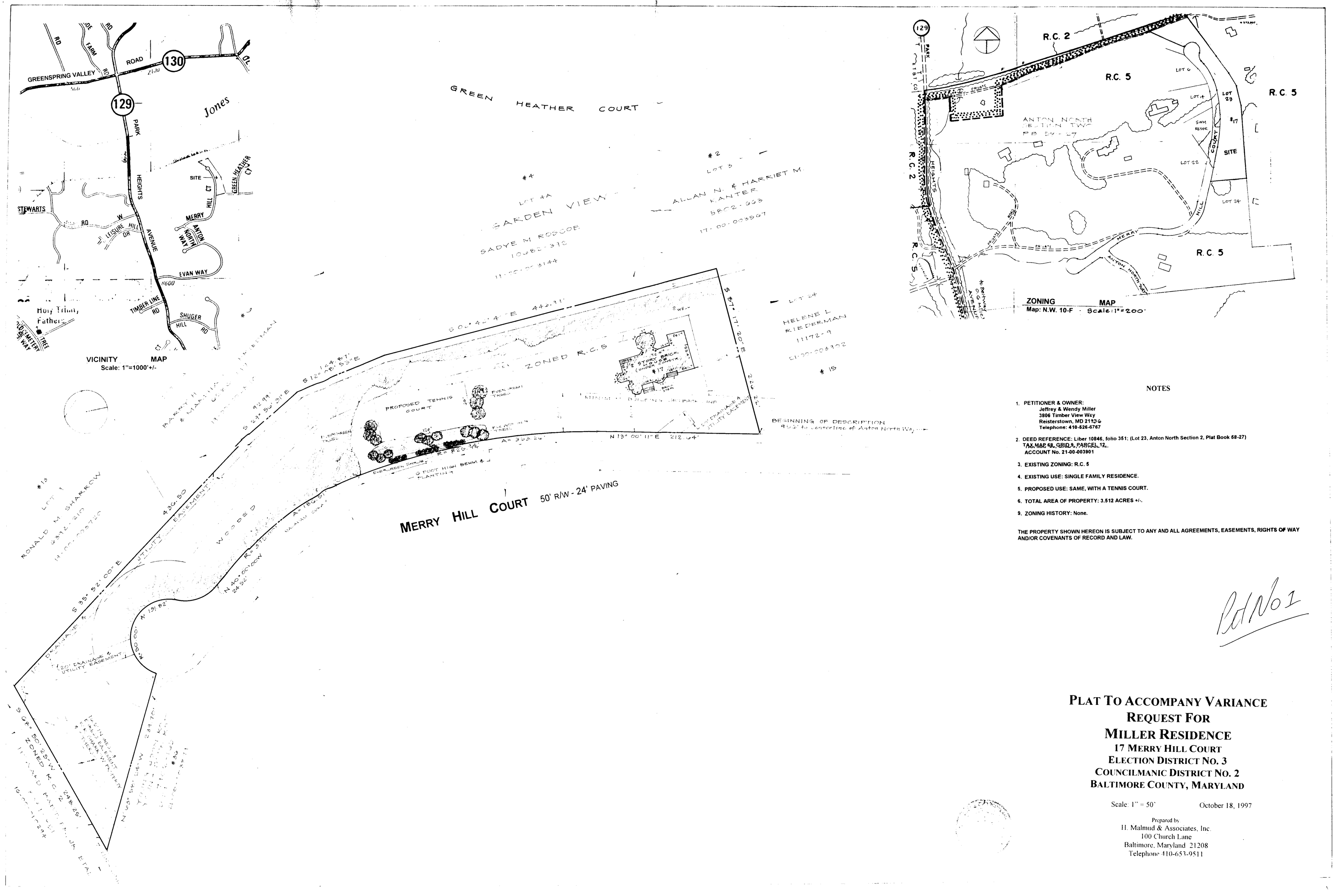
THE REQUIREMENTS OF SECTION 72 B, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (FLACK 1947 SUPPLEMENT) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT HAVE BEEN COMPLIED WITH.

R.N.K., INC.
110 SLADE AVENUE
BALTO. MD. 21204
BY: Ruth Kabik, Pres.

SURVEYOR'S CERTIFICATE

I, MALCOLM E. HUDKINS, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LANDS KNOWN AS HOUSE BILL 459, CHAPTER 1016 OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THERETO.

Malcolm E. Hudkins 12/20/73
REG. NO. 5055 DATE



NOTES

1. PETITIONER & OWNER:
   Jeffrey & Wendy Miller
   3806 Timber View Way
   Reisterstown, MD 21136
   Telephone: 410-526-6767
2. DEED REFERENCE: Liber 10846, folio 351; (Lot 23, Anton North Section 2, Plat Book 58-27)
   TAX MAP 68, GRID 9, PARCEL 12.
   ACCOUNT No. 21-00-003901
3. EXISTING ZONING: R.C. 5
4. EXISTING USE: SINGLE FAMILY RESIDENCE.
5. PROPOSED USE: SAME, WITH A TENNIS COURT.
6. TOTAL AREA OF PROPERTY: 3.512 ACRES +/-.
9. ZONING HISTORY: None.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

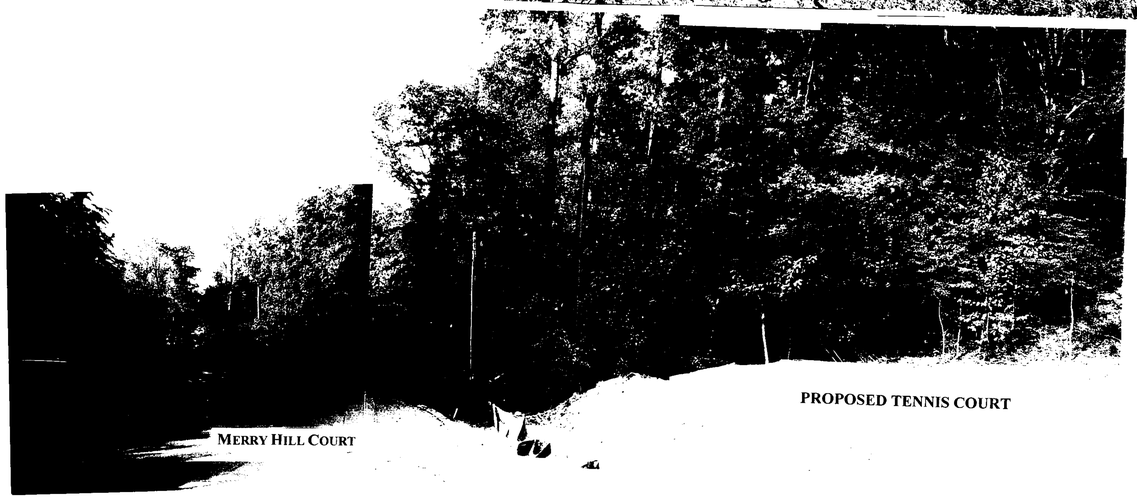
Pet No 1

PLAT TO ACCOMPANY VARIANCE REQUEST FOR MILLER RESIDENCE

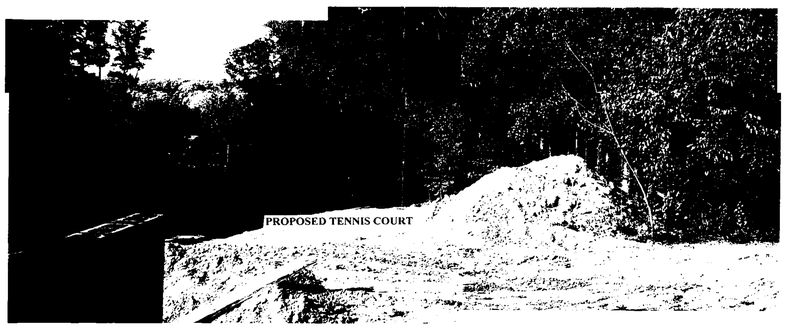
17 MERRY HILL COURT
ELECTION DISTRICT NO. 3
COUNCILMANIC DISTRICT NO. 2
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 50' October 18, 1997

Prepared by
H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410-653-9511



PROPOSED TENNIS COURT



Pet No2

SITE PHOTOS
TO ACCOMPANY VARIANCE REQUEST FOR
MILLER RESIDENCE
17 MERRY HILL COURT
ELECTION DISTRICT NO. 3
COUNCILMANIC DISTRICT NO. 2
BALTIMORE COUNTY, MARYLAND

Date of Photos: October 8, 1997

Prepared by:

H. Malmud & Assoicates, Inc.
100 Church Lane
Baltimore, Maryland 21208

Telephone 410 653-9511