IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - NE/S Seneca Park Road, 400' E of the c/l of Nanette Lane (950 Seneca Park Road) 15th Election District 5th Councilmanic District

Arthur Smith, et ux Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 94-217-SPHA and V93-422-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance in Case No. 94-217-SPHA and Petition for Special Hearing in Case V93-422-SPH for the subject property, known as 950 Seneca Park Road. The Petition in Case No. V93-422-SPH was filed by the Zoning Administration and Development Management (ZADM) office concerning a violation of the Order issued in prior Case No. 92-365-A as to compliance with side yard setback requirements for two sheds on the property, and the encroachment of the required gutters and downspouts thereon into the adjoining property. Thereafter, the owners of the subject property, Arthur and Arlene Smith, were advised to file the Petitions in Case No. 94-217-SPHA in order to resolve the issues raised in Case No. V93-422-SPH. In Case No. 94-217-SPHA, the Petitioners request a special hearing to approve the removal of Restriction No. 3 from the Order issued in Case No. 92-365-A, dated June 8, 1992, to permit the removal of the gutters and downspouts from the two sheds in question and a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the 1 foot granted in Case No. 92-365-A for the two sheds in question, as more particularly described on Petitioner's Exhibits 1 and 3.

Appearing at the public hearing held on behalf of the Petitioners were Arthur L. and Arlene Smith, the property owners, and Paul Lee, Professional Engineer. The Petitioners were represented by Francis X. Borgerding, Jr., Esquire. Appearing as Protestants in the matter were Paul, Earl, Barbara, and Sue Mitchell, adjacent property owners, and Eugene Schmidt. The Protestants were represented by Michael Marino, Esquire.

Testimony indicated that the subject property, known as 950 Seneca Park Road, consists of 0.52 acres, more or less, zoned R.C. 5 and is improved with a single family dwelling and two sheds, which are the subject of this case. This property is located within the Chesapeake Bay Critical Areas on Seneca Creek. As noted above, this property was the subject of prior Case No. 92-365-A in which a side yard setback of 1 foot was granted for the two sheds by this Deputy Zoning Commissioner on June 8, 1992. The Petitioners now seek to amend the relief previously granted due to ongoing disputes between themselves and the adjacent property owners. Both the Petitioners and the adjoining property owners have invested considerable sums of money for the preparation of field surveys to determine the location of the property line between their respective properties. The Petitioners hired Paul Lee, a Registered Professional Engineer, to engage a Registered Property Line Surveyor to prepare a plat of the existing improvements on the property and its boundary lines. The Protestants hired Spellman, Larson & Associates to prepare a field survey of existing conditions on the Smith property. Subsequently, the parties discovered that the sheds in question were actually closer to the property line than originally determined and that the previously granted variance of 1 foot was inadequate. To be more exact, the utility shed closest to the water is actually situated .66 feet from the property line. In the previous

case, I required that the Petitioners install rain gutters and downspouts on the two sheds to channel any water runoff away from the neighboring property. Mr. Smith proceeded to install the required gutters and downspouts. However, due to the sheds being located closer to the property line than originally determined, the gutters and downspouts now overhang onto the Protestants' property.

In addition to the requested modification of the variance relief granted in the prior Order, the Petitioners seek removal of Restriction No. 3 thereof to permit removal of these gutters and downspouts which would eliminate encroachment onto their neighbors' property as noted above.

Testimony revealed that no changes have been made to this property since the prior hearing held in April 1992. However, it has since been determined that the property line is not in the location where it was previously thought to be located. Specifically, the Petitioners and the Protestants have discovered that the property line is approximately 4 inches from the utility sheds and not 1 foot as previously believed. Therefore, the Petitioners seek a modification of the relief granted in the prior Order.

As noted above, the Mitchell family appeared at the hearing in opposition to the Petitioners' request. However, the Protestants did not offer any testimony as to why the relief requested should not be granted. Inasmuch as the facts and circumstances presented in this case revealed that there has been no change in the improvements on the Smith property since the hearing held in Case No. 92-365-A, the relief requested herein shall be granted.

As to the special hearing relief sought, the Petitioners find themselves in an unusual situation. Pursuant to the previous Order, they

were directed to install gutters and downspouts on the sheds in question in order to divert any water runoff away from their neighbors' property. Now, however, these gutters and downspouts encroach upon their neighbors' property. Testimony presented by Mr. Paul Lee, the Petitioners' engineer, revealed that the only gutter which technically overhangs the property line is the one on the shed located closest to the water. The gutters and downspouts on the other shed do not pose a problem. Inasmuch as I cannot require the Petitioners to make an improvement on their property that will result in their trespassing onto their neighbors' property, the special hearing relief requested herein shall be granted to allow the Petitioners to remove the gutters and downspouts from the shed closest to the water. However, the gutters and downspouts on the other shed shall not be removed.

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

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

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 special hearing relief, as modified, and variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

In light of the subject property existing within the Chesapeake Bay Critical Areas, Sections 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) must also be examined. However, since no expansion or intensification of the sheds in question is planned, the relief requested is not subject to the requirements of Critical Areas legislation. Furthermore, there were no comments submitted to the contrary by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing relief, as modified, and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1994 that the Petitioners shall be permitted to remove the gutters and downspouts from the shed closest to the water on the east side of their property, in accordance with Petitioner's Exhibits 1 and 3, and as such, the Petition for Special Hearing filed in Case No. 94-217-SPHA to approve the removal of Restriction No. 3 from the Order issued June 8, 1992 in Case No. 92-365-A, as

modified herein, be and is hereby GRANTED and the Petition for Special Hearing filed in Case No. V93-422-SPH is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the 1 foot granted in Case No. 92-365-A for the two existing sheds, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
>
> 2) Only the gutters and downspouts on the shed closest to the water on the easternmost portion of the subject property shall be removed. The gutters and downspouts on the other shed shall remain in place.
>
> 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Petition for Special Hearing

Case #: V-93-422-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 950 SENECA PARK ROAD

which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
Baltimore County hereby petitions for a Special Hearing under Sections 26-3 and 26-121(a) of the County Code and Section 500.6 of the Zoning Regulations of Baltimore County, for the Zoning Commissioner to conduct a hearing involving a violation or alleged violation or non-compliance with any zoning regulations or order issued by the Zoning Commissioner, Board of Appeals or Court, or for the proper interpretation thereof, more specifically

Section number(s): 26-119 Baltimore County Code
102.1; 1A04.2A; and 1A04.3B.3 Baltimore County Zoning Regulations

Nature of violation(s):
1. Side yard setbacks for utility sheds not in compliance with order issued in Case No. 92-365A.
2. Metal guttering on existing shed encroaches onto 946 Seneca Park Road.

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information and belief

Date June 14, 1993 — [signature] Office of Zoning Administration Representative

SUMMONS

ISSUED TO ARTHUR L. AND ARLENE SMITH
ADDRESS 950 Seneca Park Road
Baltimore, Maryland 21220

To appear and testify in the matter of an alleged zoning violation or for the purpose of a proper interpretation of the zoning regulations or order of the Zoning Commissioner, Board of Appeals or Court

Hearing Date: Friday, 7/2/93 Time: 9:00 am/pm Location: Rm. 106, County Office Bldg.

[signature] Zoning Commissioner for Baltimore County

Please be advised that your failure to appear at the date, time and location stated above could result in your attachment.

ORDER RECEIVED FOR FILING
Date ______
By ______

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING ______

NOTICE

to the Director of Zoning Administration & Development Management

Special Hearing # V-93-422-SPH

Date 6/11/93

I hereby acknowledge receipt of the attached Petition for Special Hearing

Date 6/21/93 Signature [signature]
Address ______
Phone # 687-5165

RETURN TO:

Director of Zoning Administration and Development Mangement
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 15, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: V-93-422-SPH (C/93/672)
950 Seneca Park Road
15th Election District - 5th Councilmanic
Property Owner(s): Arthur Smith

Special Hearing to determine if side yard setbacks for utility sheds are in compliance with order issued in Case No. 92-365-A and whether metal guttering on existing shed encroaches onto 946 Seneca Park Road.

HEARING: WEDNESDAY, AUGUST 4, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse,400 Washington Avenue, Towson, Maryland 21204.

ARNOLD JABLON
DIRECTOR

cc: Arthur L. Smith
Francis X. Borgerding, Jr., Esq.
Earl Mitchell

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 29, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 7/2/93 and 8/4/93
CASE NUMBER: V-93-422-SPH (C/93/672)
950 Seneca Park Road
15th Election District - 5th Councilmanic
Property Owner(s): Arthur Smith

Special Hearing to determine if side yard setbacks for utility sheds are in compliance with order issued in Case No. 92-365-A and whether metal guttering on existing shed encroaches onto 946 Seneca Park Road.

HEARING: THURSDAY, AUGUST 19, 1993 at 2:00 p.m. in the County Office Building, Rm. 106, 111 W. Chesapeake Avenue, Towson, Maryland.

ARNOLD JABLON
DIRECTOR

cc: Arthur L. Smith
Francis X. Borgerding, Jr., Esq.
Earl Mitchell
Eugene Schmidt

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 16, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 8/19/93
CASE NUMBER: V-93-422-SPH (C/93/672)
950 Seneca Park Road
15th Election District - 5th Councilmanic
Property Owner(s): Arthur Smith

Special Hearing to determine if side yard setbacks for utility sheds are in compliance with order issued in Case No. 92-365-A and whether metal guttering on existing shed encroaches onto 946 Seneca Park Road.

HEARING: THURSDAY, SEPTEMBER 23, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

NO FURTHER POSTPONEMENT

ARNOLD JABLON
DIRECTOR

cc: Arthur and Arlene Smith
Earl Mitchell
Francis X. Borgerding, Jr., Esq.
Eugene Schmidt

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 21, 1993

NOTICE OF REASSIGNMENT

RESCHEDULED FROM 7/2/93; 8/4/93; 8/19/93; and 9/23/93
CASE NUMBER: V-93-422-SPH (C/93/672)
950 Seneca Park Road
15th Election District - 5th Councilmanic
Property Owner(s): Arthur Smith

Special Hearing to determine if side yard setbacks for utility sheds are in compliance with order issued in Case No. 92-365-A and whether metal guttering on existing shed encroaches onto 946 Seneca Park Road.

HEARING: FRIDAY, NOVEMBER 19, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

ARNOLD JABLON
DIRECTOR

cc: Arthur and Arlene Smith
Earl Mitchell
Francis X. Borgerding, Jr., Esq.
Eugene Schmidt

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 24, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of BaltimoreCounty, will hold a public hearing on the property identified herein inRoom 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-217-SPHA (Item 207)
950 Seneca Park Road
W/S Seneca Park Road, 400' E of c/l Wannette Lane
15th Election District - 5th Councilmanic
Petitioner(s): Arthur Smith and Arlene Smith

Special Hearing to approve the removal of restriction #3 from the order of the Deputy Zoning Commissioner in zoning case #92-365-A dated June 8, 1992 so that gutters and downspouts on the existing sheds that overhand the existing property line can be removed. Variance to revise a side yard setback of 1 ft. (granted in case #92-365-A) for two utility sheds to a zero ft. side yard setback.

AND

CASE NUMBER: V-93-422-SPH (C/93/672)
950 Seneca Park Road
15th Election District - 5th Councilmanic
Property Owner(s): Arthur Smith

Special Hearing to determine if side yard setbacks for utility sheds are in compliance with order issued in Case No. 92-365-A and whether metal guttering on existing shed encroaches onto 946 Seneca Park Road.

HEARING: TUESDAY, JANUARY 11, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Arnold Jablon
Director

cc: Arthur and Arlene Smith
Francis X. Borgerding, Jr., Esq.
Michael Marino, Esq.
Earl Mitchell
Eugene Smith

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

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 9, 1993

Mr. Earl Mitchell
946 Seneca Park Road
Baltimore, Maryland 21220

Re: Case No. V-93-422-SPH
950 Seneca Park Road
15th Election District

Dear Mr. Mitchell:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
Director

AJ/cmm
Enclosure

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1993

Mr. Arthur L. Smith
950 Seneca Park Road
Baltimore, Maryland 21220

Re: Case Nos. V-93-422-SPH and 93-151
950 Seneca Park Road
15th Election District

Dear Mr. Smith:

You have previously requested that this office supply you with a copy of the survey performed by Spellman, Larson & Associates, Incorporated of the plat prepared for Earl Mitchell's property of 946 Seneca Park Road. Unfortunately, the copy that was supplied to the enforcement division has been misfiled. Having consulted with Joseph L. Larson, vice president of Spellman, Larson & Associates, Incorporated, the attorney representing Earl Mitchell has stated to his client that Baltimore County cannot receive an additional copy of the plat until the day of the public hearing.

I am not pleased with the fact that our office misplaced the original survey. However, I can assure you that this plat did not agree with the one prepared by surveyor Frank S. Lee. Hopefully, the upcoming hearing will resolve this matter once and for all.

Sincerely,

James H. Thompson
Zoning Enforcement Coordinator

JHT/cmm

c: Francix X. Borgerding, Jr., Esquire
Craig McGraw

received
7-9-93

Printed on Recycled Paper

[redacted]
FOR: Hearing
DATE: 10/29 TIME: 1:00 A.M. P.M.
M: Earl Mitchell
OF:
PHONE: 1-800-367-8722
AREA CODE NUMBER EXTENSION
☐ FAX
☐ MOBILE
AREA CODE NUMBER TIME TO CALL
[redacted]
MESSAGE: V-93-422-SPH
Variance filed
11-15-93
SIGNED
RECYCLED PAPER

6/25/93 Y
233-93 JT
to M. notify neighbor - call friends get alternates date + re schedule

JUNE 24, 1993

FROM: ARTHUR L. & ARLENE SMITH
950 SENECA PARK ROAD
BALTIMORE, MD. 21220

TO: DIRECTOR OF ZONING ADMINISTRATION,
AND DEVELOPING MANAGEMENT
111 WEST CHESAPEAKE AVENUE
SUITE 109
TOWSON, MD. 21204

REF: SPECIAL HEARING # V-93-422-SPH
ATTN: JIM THOMPSON

MR. THOMPSON,

THIS LETTER IS TO INFORM YOU THAT WE ARE REQUESTING A POSTPONEMENT ON THE ABOVE SAID HEARING, CASE# V-93-422- SPH, DUE TO THE FACT THAT WE ARE IN THE PROCESS OF OBTAINING A SURVEY OF THE CORRECT PROPERTY LINES.

MR. FRANCIS BORGERDING, 409 WASHINGTON AVENUE,TOWSON,MD.. 21204 WILL BE REPRESENTING ARTHUR L. AND ARLENE SMITH IN THIS MATTER.

ALSO, I STILL HAVE NOT RECEIVED COPIES OF THE SURVEYS TAKEN BY SPELLMAN LARSON AND ASSOCIATES, INC., FROM YOU AS OF THIS DATE. ANYTHING YOU COULD DO TO EXPIDITE THIS MATTER WOULD BE GREATLY APPRECIATED. THANK YOU FOR YOUR COOPERATION.

SINCERILY,

ARTHUR L. SMITH

RECEIVED
JUN 25 1993
ZADM

6446-93
7/20/93 Y
TO BS

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.‡
ROBERT A. BRESCHI
‡ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

July 20, 1993

2nd Request

Arnold Jablon
Director of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Suite 109
Towson, Maryland 21204

RE: Special Hearing No.: V-93-422-SPH
Hearing Date: August 4, 1993 @
9:00 A.M.

Dear Mr. Jablon:

The purpose of this correspondence is to request a postponement of the above-referenced hearing. The reason for the request for postponement is that my client, Arthur Smith, will be out of the state on August 4, 1993.

Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. Arthur Smith

RECEIVED
JUL 22 1993
ZADM

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.‡
ROBERT A. BRESCHI
‡ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

July 20, 1993

RECEIVED
23 1993
ZONING COMMISSIONER

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Office of the Zoning Commissioner
for Baltimore County
Court House
Towson, Maryland 21204

RE: Special Hearing V-93-422-SPH
950 Seneca Park Road
Baltimore, Maryland 21220

Dear Mr. Kotroco:

I am writing on behalf of my clients, Arthur and Arlene Smith who own the above-referenced property and are being asked to defend the allegations raised in the above-referenced special hearing. Critical to the allegations raised by the Petitioner in the above-referenced special hearing, which include deficient side yard setbacks and encroachment onto 946 Seneca Park Road is a survey prepared by Joseph L. Larson of Spellman, Larson and Associates, Inc. It is my understanding that a copy of this survey was forwarded to the Office of Zoning Administration and Development Management in support of the above-referenced special hearing. Per the correspondence of Mr. James H. Thompson attached hereto, this survey has been misplaced and Petitioner's counsel refuses to allow my client to inspect said survey until the time of the above-referenced special hearing.

In my opinion it is impossible for my client to adequately prepare to defend the allegations raised by the Petitioner in regard to the above-referenced special hearing without having my clients' surveyor review and comment on Mr. Larson's survey prior to the time of the hearing of this matter. I am therefore requesting a ruling prior to the hearing of this matter requiring the Petitioner to provide another copy of Mr. Larson's survey to the Office of Zoning Administration and Development Management in order that my client may be permitted to review same to adequately prepare for the hearing of this matter.

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

The Honorable Timothy M. Kotroco
Page 2
July 20, 1993

Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure
cc: C. Eugene Schmidt, Esquire
Mr. Arthur Smith

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.‡
ROBERT A. BRESCHI
‡ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

October 4, 1993

RECEIVED
8 1993
ZONING COMMISSIONER

RECEIVED OCT 27 1993

Timothy M. Kotroco
Deputy Zoning Commissioner for
Baltimore County
Suite 113
Court House
400 Washington Avenue
Towson, Maryland 21204

RE: Case No.: V-93-422-SPH and
93-151
950 Seneca Park Road
15th Election District

Dear Mr. Kotroco:

Pursuant to our recent telephone conversation, I am writing this correspondence on behalf of my clients, Arthur and Arlene Smith, confirming that they will shortly file for amended zoning variance concerning the above-referenced property. As their variance request directly relates to the above-referenced cases, counsel for Earl Mitchell, Michael Marino, Esquire, agreed to jointly consent to a postponement of the hearing which was set for October 23, 1993 at 2:00 P.M. Once my client's zoning variance petition has been filed, I will request that the variance petition along with the above-referenced matters be heard at the same time in order that we may avoid necessitating two separate hearings concerning this overall matter.

Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Mr. and Mrs. Arthur Smith
Michael Marino, Esquire