

RE: PETITION FOR RECLASSIFICATION
from an R-10 Zone to an R-A Zone,
SPECIAL EXCEPTION FOR an
Elevator Apartment Building,
VARIANCES FROM Sections 216 and
217.7 of the Zoning Regulations,
W/S Bellona Avenue and
N/S Judge Lane,
9th District
Catherine G. Walker, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5806-RXV

ORDER OF DISMISSAL

Petition of Catherine G. Walker for reclassification from an R-10 Zone to an R-A Zone, special exception for an Elevator Apartment Building, and variances from Sections 216 and 217.7 of the Zoning Regulations on property located on the west side of Bellona Avenue and the north side of Judge Lane, in the Ninth District of Baltimore County.

Whereas the Board of Appeals is in receipt of an Order of Dismissal filed on May 6, 1965 from the Attorney representing the petitioner-appellant in the above entitled matter.

Whereas the said attorney for the said petitioner requested that the appeal filed on behalf of said petitioner, be dismissed and withdrawn as of May 6, 1965.

It is thereby ORDERED this 7th day of May, 1965, that said appeal be dismissed with prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Glen Parker

R. Bruce Alderman

PETITION FOR ZONING RE-CLASSIFICATION #5806RXV AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Catherine G. Walker, (widow) owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and hereby petition (1) that the zoning status of the herein described property be reclassified pursuant to the Zoning Law of Baltimore County, from an R-10 zone to an R-A zone, for the following reasons:

Change in neighborhood evidencing error in original Land Use Map

Petition for a Variance from Section 217.7 to allow a density of 120 family units instead of the permitted 60 (net) or 82 (gross); and from Section 216 to permit a front height of 145 ft. at 47.5 ft. instead of the permitted 54 ft. at 47.5 ft. and a rear height of 154 ft. at 115 ft. instead of the permitted 120 feet; at 115 ft. and side heights of 148 ft. and 151 ft. instead of the permitted 90 ft. and 89 ft. at 85 ft. instead of the permitted 90 ft. and 89 ft. at 85 ft. and 80 ft. of the Zoning Regulations of Baltimore County; for the following reasons:

- Present zoning of this property does not permit proper economical use, compatible with other properties in neighborhood, and
- Unusual shape, site and topography pose practical difficulty and hardship in use of property unless variance is granted.

County to use the herein described property, for an elevator apartment building.

15 stories

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

I, or we, agree to pay expenses of above reclassification and/or Special Exception 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.

Catherine G. Walker

Catherine G. Walker

Bellona Lane, Lutherville, Md.

John Warfield Armiger

406 Jefferson Building, Towson 4, Md.

VA. 5-7666

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of November, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of November, 1965, at 1:30 o'clock

RE: Petition for reclassification from "R-10" Zone to "R-A" Zone, Special Exception for Elevator Apartment Building, W/S Bellona Avenue and N/S Judge Lane, 9th District
Catherine G. Walker, Petitioner

BEFORE THE
BOARD OF APPEALS
FOR
BALTIMORE COUNTY
No. 5806-RXV

ORDER OF DISMISSAL

MR. CLERK:

Please write a Dismissal of the Appeal heretofore filed in the above-captioned case.

John Warfield Armiger
Attorney for Petitioners
200 Padonia Road East
Cockeysville, Maryland-21030
446-9440

ORDER TO APPEAL

MR. CLERK:

Please enter an Appeal to the Board of Zoning Appeals for Baltimore County from an ORDER of the Zoning Commissioner for Baltimore County dated March 28, 1963 denying the petition herein.

I HEREBY CERTIFY that on this 17th day of April, 1963,

a copy of the foregoing Order to Appeal was mailed to: Ernest C. Trimble, Esq., Jefferson Building, Towson 4, Maryland, Attorney for Protestants.

John Warfield Armiger
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John O. Rose, Zoning Commissioner Date: March 15, 1963

FROM: Mr. George M. Carvelis, Deputy Director

SUBJECT: #5806-RXV, R-10 to R-A, Special Exception for Elevator Apartments, and Variance to allow a density of 120 family units instead of the permitted 60 (net) or 82 (gross); to permit a front height of 145 feet at 47.5 feet instead of the permitted 54 feet at 47.5 feet and a rear height of 154 feet at 115 feet instead of the permitted 120 feet; at 115 feet and side heights of 148 feet and 151 feet instead of the permitted 90 feet and 89 feet at 85 feet. West side of Bellona Avenue and North side of Judge Lane. Being property of Catherine Walker.

2nd District

HEARING: Wednesday, March 27, 1963 (1:30 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-10 to R-A zoning together with a Special Exception for elevator apartments and variances. It has the following advisory comments to make with respect to pertinent planning features:

- Zoning reclassifications have occurred in the area which have changed land use potentials from a single family residential to an apartment residential context. The most significant zoning reclassification occurred on the tract between Bellona Lane and Charles Street just south of the Bellona Interchange. Apartment zoning was created by petition and subsequently a special exception for elevator apartments was granted with variances. The order of the Board of Appeals limited the height to 20 stories with a density of 36 families per acre. Based on the standards set forth in the Zoning Regulations for the granting of special exceptions and variances, it is only fair to presume that the Board affirmatively found that the higher apartment structure on the easterly side of Bellona Lane would not interfere with the right of owners on the westerly side to use and enjoy their property within the context of its single family residential zoning.
- From a planning viewpoint, an appropriate boundary line has been established for apartment zoning here. Further extension of apartment zoning westerly from Bellona Lane would not be in keeping with the larger lot single family residential character of the area. The ability of Bellona Lane to absorb the entire volume of traffic which apartment development on both sides would yield also is questioned.
- With respect to the high rise apartment structure, the Planning staff notes that the petitioner is seeking variances to allow densities of 60.5 families per acre net and 35.5 families per acre gross. This compares with the 25.5 net and 21.7 gross densities which currently are permitted for a fifteen story building in a R-A zone. Within the property along the street the subject property does not have extensive frontage along the Bellona right-of-way which results in great differences between the allowable gross and net densities. From a planning viewpoint, it would appear that the



RE: PETITION FOR RECLASSIFICATION
From "R-10" Zone to "R-A" Zone;
Special Exception for Elevator
Apartment Building and Variances
to Sections 217.7 and 216 of
Zoning Regulations - W.S. Bellona
Ave. and N. Side Judge Lane, 9th
Dist., Catherine G. Walker,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5806 - RXV

RE: PETITION FOR RECLASSIFICATION
From "R-10" Zone to "R-A" Zone;
Special Exception for Elevator
Apartment Building and Variances
to Sections 217.7 and 216 of
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Ave. and N. Side Judge Lane, 9th
Dist., Catherine G. Walker,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 5806-RXV

The petitioner, in the above matter, has requested a reclassification of property on the west side of Bellona Avenue and the north side of Judge Lane, in the Ninth District of Baltimore County, from an "R-10" Zone to an "R-A" Zone; a special exception for an elevator apartment building and various variances to Sections 217.7 and 216 of the Baltimore County Zoning Regulations.

Many changes were mentioned on the Land Use Map and of course the property known as the Strickland property, which is across the street from the subject property, was mentioned as a prime reason why the property owned by the petitioner, Catherine G. Walker, should be rezoned. The Strickland property located on Charles Street Avenue lies in a depression and is separated from other land and, therefore, ideally located for high rise apartments. This does not apply to the Walker property nor is the Walker property large enough to support an elevator apartment building and all that should go with it.

For the above reasons the petition should be DENIED.

It is this 10th day of March, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification be and the same is hereby denied and that the above described property or area, be and the same is continued as and to remain an "R-10" Zone and the special exception for an elevator apartment building be and the same is hereby denied. Variances to Section 217.7 and 216 are also denied.

Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John O. Rose, Zoning Commissioner Date: March 15, 1963

FROM: Mr. George M. Carvelis, Deputy Director

SUBJECT: #5806-RXV

2nd District

HEARING: Wednesday, March 27, 1963 (1:30 P.M.)

subject property, even if apartment zoning were appropriate, is not sufficiently large enough to accommodate within the spirit and intent of the Zoning Regulations the number of families which the petitioner proposes to place here. Certainly, extraordinary facts would be needed to justify the high rise structure here and to negate the condition concerning overcrowding of land and causing undue concentration of population.

- With respect to the height variances being sought, again it would appear that the proposed structure is grossly out of scale with the height set forth in the Zoning Regulations. The subject property is not sized to adequately contain a fifteen story building within the 15' restrictions of the R-A zone. The extra height being sought appears to benefit exclusively the property owner and is not responsive to a very specific need for high rise apartments which can only be met on this site.

CERTIFICATE OF POSTING

JOHNS DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 2nd Date of Posting 3-9-63
 Posted for Reclassification from R-10 to RA
 Petitioner: Catherine G. Walker
 Location of property: 2415 Bellona Lane & N. W. Judge Lane
 Location of sign: at sign facing Bellona Lane - front
 Remarks: for property
 Posted by: _____ Date of return: 3-14-63

5806 RXV

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 17763

DATE 3/10/63

TO: John W. Amiger, Esq.,
Jefferson Building
Towson 4, Maryland

BILLED: Office of Planning & Zoning
119 County Office Bldg.
Towson 4, Maryland

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
01-462		Cost of appeal in matter of petition of Catherine G. Walker No. 5006	\$70.00
		3-9-63 3117 * * * TIL-	70.00

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
 PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 16532

DATE 3/7/63

TO: John W. Amiger, Esq.,
Jefferson Building
Towson 4, Md.

BILLED: Planning Department of
Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
01-462		Advertising and posting of property for Catherine Walker	\$4.50
		3-28-63 2732 * * * TIL-	4.50

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
 PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 3-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 15313

DATE 11/15/62

TO: John W. Amiger, Esq.,
Jefferson Building
Towson 4, Md.

BILLED: Planning Department of
Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
01-462		Petition for Reclassification & Special Exemption	\$0.00
		11-16-62 2660 * * * TIL-	\$0.00

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
 PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7th March 1963
 THIS IS TO CERTIFY, That the annexed advertisement was published in THE COUNTY NEWS WEEK, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 008 successive weeks before the 87th day of March 1963, the first publication appearing on the 7th day of March 1963.

THE COUNTY NEWS WEEK

W. J. Rogers
Editor

Description to Accompany Petition for
 Rezoning From R-10 to RA with Variances
 for Height & Density Bellona Lane &
 Baltimore County Beltway

February 1, 1963 #9

Beginning for the same at the intersection formed by the North side of Judges Lane as widened 22.50 feet to the North and the West side of Bellona Lane as widened 20.00 feet to the West and running thence binding on the West side of said Bellona Lane as widened North 12° 59' 30" East 117.50 feet to intersect the second line of a parcel of land described in a deed dated June 24, 1952, from Henry Vogt and John W. Hessian, Jr. Trustees to Robert Walker and wife and recorded among the Land Records of Baltimore County in Liber G.L.B. 2130 folio 89 at a point 20.00 feet from the beginning thereof, thence binding on part of said second line in said deed North 79° 33' 00" West 181.64 feet, thence binding on part of the third line in a deed dated February, 1954, from John M. Brooks and wife to Robert Walker and wife and recorded among the Land Records of Baltimore County in Liber G.L.B. 2435 folio 150 North 12° 59' 30" East 200 feet more or less to the South side of the Baltimore County Beltway, thence westerly binding on the South side of said Baltimore County Beltway as shown on State Roads Commission of Maryland Right-of-Way plate #10570 & #10571 232 feet more or less to intersect the fourth line of the land described in a deed dated January 18, 1957, from H. Frances Lebrun and wife to Robert Walker and wife and recorded among the Land Records of Baltimore County in Liber G.L.B. 3091 folio 150, thence binding on part of the fourth line in said last mentioned deed and part of the fifth line the two following courses and distances viz: first South 27° 44' 00" West 111 feet more or less and second South 6° 51' 00" West 293.87 feet to the North side of the above mentioned Judges Lane as widened thence South

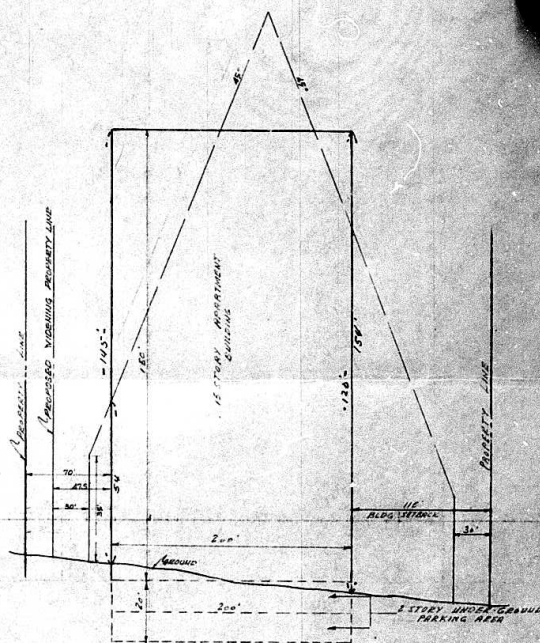
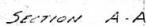
Description to Accompany Petition for
 Rezoning From R-10 to RA with Variances
 for Height & Density Bellona Lane &
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February 1, 1963

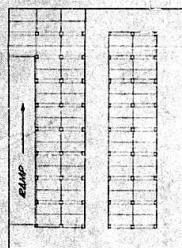
Sheet 2

79° 33' 00" East binding on the North side of said Judges Lane as widened all 398.00 feet to the place of beginning.
 Containing 2.43 acres of land more or less.
 For title see the following deeds:
 1) H. Frances Lebrun and wife to Robert Walker and wife dated January 18, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. 3091 folio 150.
 2) John M. Brooks and wife to Robert Walker and wife dated February, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2435 folio 360.
 3) Henry Vogt and John W. Hessian, Jr., Trustees to Robert Walker and wife dated June 24, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2130, folio 89.

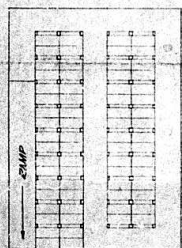
SCALE: HOR. 1"=50'
VERT. 1"=20'



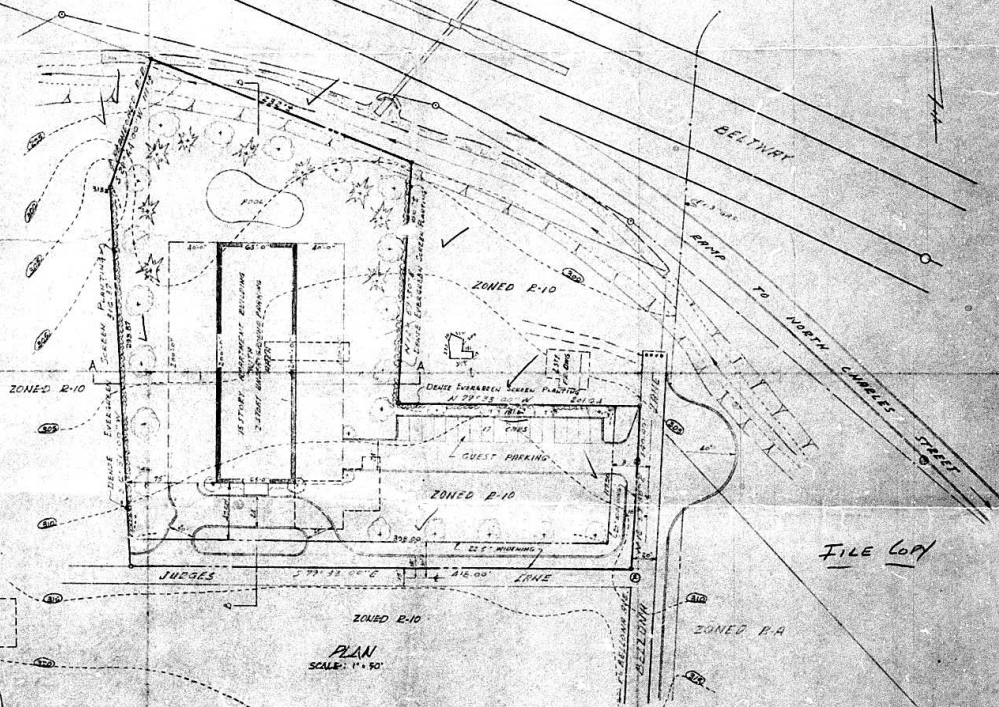
SECTION B.B



UPPER LEVEL PARKING
72 SPACES



LOWER LEVEL PARKING
68 SPACES



PLAN
SCALE: 1" = 50'

EXISTING USE OF PROPERTY	VACANT
PROPOSED USE OF PROPERTY	IMPLEMENTS
EXISTING ZONING OF PROPERTY	R-10
PROPOSED ZONING OF PROPERTY	R-4
GROSS RES. AREA OF PROPERTY	3.18
NET RES. AREA OF PROPERTY	2.43
TOTAL NO. OF APTS ALLOWED (GROSS)	81.8
TOTAL NO. OF APTS ALLOWED (NET)	62.0
TOTAL NO. OF APTS.	120
TOTAL NO. OF PARKING SPACES REQUIRED	120
TOTAL NO. OF PARKING SPACES PROVIDED	140

FRONT 145' @ 475' INSTEAD OF 54' @ 475'
REAR 191' @ 115' INSTEAD OF 120' @ 115'
SIDE 191' @ 80' INSTEAD OF 89' @ 80'
SIDE 148' @ 85' INSTEAD OF 90' @ 85'
120 APTS. INSTEAD OF 62 ALLOWED NET.
SPECIAL EXCEPTION FOR ELEVATOR APTS. BLDG.

PLAT TO ACCOMPANY
PETITION FOR REZONING
FROM R-10 TO R-A WITH VARIANCE

BALTO. CO. MD.
SCALE: AS SHOWN

ELECT. DIST. NO. 3
DATE: OCT. 24, 1962
REVISED JAN. 28, 1963
REVISED: FEB. 1, 1965.

George William Stephens, Jr.
and Associates, Inc.
Engineers
5 McCue Avenue
Towson, 4, Maryland