PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

1

188-XA

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TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we Charles Fountain Corp. legal owner. of the property situate in Baltimore MA County and which is described in the description and plat attached hereto and made a part hereof, a 9 County and which is described in the description and parasite the second property be re-classified, pursuant acreby petition (1) that the zoning status of the herein described property be re-classified, pursuant acreby petition (1) that the zoning status of the herein described property be re-classified. to the Zoning Law of Baltimore County, from an NW-8-A

zone; for the following reasons: Property is presently zoned R.A. and petitioner is

unable to obtain full rental.

Variance to Sections 409.2 a sr.i 409.2 b (5) Yo permit Lt parking spaces instead of the required by

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimo County, to use the herein described property, for ... offices and office Building

Property is to be posted and advertised as prescribed by Zoning Regulations. A or we, agree to pay expenses of above re-classification and/or Special Exception advertising cosing, 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 harles Teyotan Coap

Contract purchase

Whilliam Hindel

Address 8200 Harford Road Baltimore, Maryland 21234 ORDERED By The Zoning Commissioner of Paltimore County, this

of January ing 7 that the numbert matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commircioner of Baltimore County in Room 106, County Office Building in Towson, Baltim ..., 1967..., at 2:00 o'clock

...P. M

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Address 3904 White Avenu

De mangione Pres.

Mestania Attorney

Baltimore, Maryland 21206

Charles Fountain Corporation - No. 67-138-XA

adoption of the map. There have been procically no changes in the locality since 1966 to the date of the present hearing, and the Board is of the opinion that the neighbors' fears are groundless as to any extension requiring changes in zoning classification north of the subject property. The granting of a petition for a special exception is controlled by Section 502 of the Zoning Regulations, and each application must be considered separately, and because items listed as special exception are "proper uses of land", they neither stem from nor result in such changes in land use a; would alone impel change in zoning classification in nearby property

The request fo: a variance in this case involves only a difference of five parking spaces on the Charles Founteis, parking lot, and appears to the Board to be minimal. The plat filed with the petition, which is an exhibit in the case, indicates that it would be a hardship to provide more than forty-four spaces on this lot. It is to be noted that Mr. Thomas V. Dawes, appearing as a protestant and who is Vice President of the Whiting-Turner Construction Company and of the Woodbrook Building Corporation, which owns the office building next door to the subject property, when asked whether or not he feit the Whiting-Jurner Building had been detrimental to the neighborhood, facetiously answered that he feared that he would have to "take the Fifth Amentment on that one", and apparently his only objection was the fear of a spillover of parking use on his lot from the subject property.

The Board feels that the granting of this petition would in actuality be of benefit to the locality and to the County at large, and the petition will therefore be granted, subject to the following restrictions as to the special exception:

> 1. The present building is not to be enlarged, nor are there to be any changes in the exterior appearance of the same other than such as may be required for the remodeling of the

Pursuant to the advertisement, posting of preperty, and public hearing on the lassification should be had; and it further appearing that by reason of... -hould be granted 196 that the herein deceribed property or area should be an the same is hereby reclassified; from a zone, and/or a Special Exception for a__ granted, from and after the date of this order Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by x sourced insufficient. testimony was adduced to war ant. the granting of the special exception STANTED It is further ORDEKED that the Variance requested to permit 44 parking spaces instead of the required 49 spaces is DENIED, T IS ORDERED by the Zoning Commissioner of Baltimore County, this. March 1967 that the skeecenest COMMON AND VALUE HIS HIS WAS THEST PROPERTY SENERAL TOTAL PROPERTY. Jeg . exer the Special Exception for Offices and office building he and the same is hereby DENIED The Variance requested is DENIED.

Charles Fountain Corporation - No. 67-188-XA

- 2. Not over fifty percent of the floor space now existing in the building is to be used for offices.
- 3. The use shall be subject to approval as to the site plan, ingress and earess, by me State Roads Commission, the Office of Planning and Zoning, and other appropriate departments of Baltimore County

- 4 -

ORDER

day of February, 1968, by the County Board of Appeals ORDERED, that the special exception and variance petitioned for be and the same is hereby granted, subject to the aforegoing restrictions, and subject to site alon approval by the Department of Planning and Zoning, Bureau of Public Services and State Roads Commission.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedury, 1961 edition.

COUNTY BOARD OF APPEALS

#67-188) PETITION FOR SPECIAL EXCEPTION FOR OFFICES, AND VARIANCE FOR E/S Charles Street 975 feet South of

#9

SEL.3-

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REFORE COUNTY BOARD OF APPEALS OF B ALTIMORE COUNTY

No 67-188-XA

. OPINION

This case involves an application for a special exception to use part of an apartment building for offices, and for a variance to allow the use of forty-four (44) automobile parking spaces instead of the forty-nine (49) which would be required by the Zoning Regulations. The application involves no change in zoning classification nor any extension of present land use beyond the boundaries of the R-A zone

This property is on the east side of Charles Street Avenue opposite Wood Avenue and was zoned R-A by petition in accordance with an Order of this Board dated October 11, 1961, and subsequently affirmed by the Circuit Court. It had previously been zoned R-10, and is bounded on the south by a B-L zone, which has been fully developed for various commercial uses also on the east side of Charles Street, the neares of which to the present apartment house being a drug store and an office building owned by the Whiting-Tumer-Construction Company, which is fully occupied. There is a large parking lot between the office building and the drug store ca the south and the Charles Fountain Apartments on the north. The testimony shows that these apa designed as large luxury type apartments, and the owner's experience as to rentals has been unfortunate. The apartment house contains twenty (20) units running from \$200.00 to \$280.00 per month for a minimum of two bedrooms, and only nine of which were under one time since construction. The apartment is operating at a substantial loss every year

Charles Fountain Corporation - No. 67-188-XA

in the face of a substantial demand for office space in the neighborhood. The owner testified that he only wished to convert less than fifty percent of the floor space to offices, and would confine the office use either to the first floor or to two floors on the eastern half of the building. There would be no changes in the exterior appe the building and no addition to or extension of either the building itself or any land use outside of its present boundaries. The above facts were confirmed by three realtors red in the renials of apartments a. I offices, and familiar with the situation in the neighborhood with respect to land uses and demand for both app The opinion was expressed that office use at this location would amount to no detrimen whatever to the health, safety and general welfare of the locality, and that the applica tion would not tend to create any of the potential dangers or hazards contemplated in Section 502.1 of the Zoning Rules and Regulations.

With this view the Board is in accord, and we find as a fact that the preapplicant has met the hurden required by the said Section 502.1, and we feel that the

A number of prorestants and land owners in the vicinity testified at the hearing. The major reason excressed for the apposition was the fear that this application might result in commercial zoning north of this property. A great deal of this was based on their experience with a previous case involving the area to the north for which R-A zoning was denied by this Board, and which denial was affirmed by the courts in 196 (Zoning File #63-145-R). The Board's opinion in that case recognized that in the original inal rezoning case (#5213, of October 1961), the Charles Fountain property was considered to be a transitional zone between the commercial development on the south and the Pull residential classification to the north. In the 1966 case he Board affirmed the previous intent and felt that the boundary line between R-A zoning and other residential zoning to the north had been properly drawn at the time of the

HINKEL AND HOMENBERGER

April 10, 1967



John G. Rose, Zoning Commissioner Baltimore County Office of Planning and Zoning County Office Building Towson, Maryland 21204

Re: Petition for Special Exception & Variance to Coning Regulations E/S Charles Street 975' S. Bellona Avenue, 9th District Charles Fountain Corp. Petitioner - No. 67-188-XA

J. WILLIAM HINKEL

Please enter an Appeal of the captioned matter to the County Board of Appeals. I have enclosed a check in the amount of \$40.00 o'c over the cost of this Appeal. $\frac{73.7 c_0}{75.7 c_0}$ Sincerely yours,

Jull Hold J. William Hinkel

JWH/mah Enclosure

618-1441

DOLLENBERG BROTHURS legistered Professional Engineers & Land Surveyors TOWSON, MD. 21204

Decembar 15, 1966

#67-188XA

Zoning Description

All that piece or parcel of land situate, lying and being in the MOPP Binth Election District of Saltimore County, State of Maryland and de-scribed as Follows to Will.

scribed as follows to wit:

Beginning for the same on the east side of Charles Street at the distance of 975 feet southerly, measured along the east side of and of the same of 975 feet southerly, measured along the east side of and of Charles Street, from the corner formed by the intersection of the east side of east of the same creation of the same or the same of the same or the same

Containing 1.09 Acres of land more or less.

The improvements on said lot being known as No. 6301 N. Charles

Being a part of lots Nos 12 and 13 as laid out on the aforesaid plet of "Woodbrook Highlands".

Being the property of Cherles Fountain Corporation as shown on plat plan filed with the Zoning Department.



HEARING:

Wednesday, March 29, 1987 (2:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

We note that the Zoning Regulations state, "It is the Intent of these regulations that adequate offstreet parking spaces be provided for all buildings, and that the requirements hereinafter set forth are and shall be taken as absolute minimums, to be exceeded wherever feables." From a planning vivepoint, any office use here to an extent greater than that for which adequate parking can be provided is excess

J. William Hinkel, Esquir Sun Federa, Building \$200 Harford Road

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Off'ce Building 111 W. Chesapeake Avenu Towsen, Maryland 2120h

Your petition has been received and accepted for filing this

31st day of January , 1967.

Petitioner Charles Fountin, Inc.

Petitions -is Attorney , William Hinkel, Egg Reviewed by James 2 Mar.

7-188 XA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Marylane

Date of Posting Hinish 10 1967 Speak & flytain & Knigard Charles Families de Location of property E/S of Line st 9:5 5 ef Sellens Care teration of Signs E/S if the la St 1906 5 of Billouis dis. Date of return HUMLS 6- 16, 196. 7.

67-188 XA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

Date of Posting (1911 28, 1967 Speak Petitioner Challes Fourther Corp.
Levelin of property to Charles St. 935 5 of Bellona Leve Location of Signs E/2 Charles St 1010' 5 of Lellone All. Date of return Hay 4, 1967

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TOWSON, AD. 21204

J. William Hinkel, Esquire Sun Federal Building 8200 Harford Road Baltimore, Maryland 21234

Special Exception for Offices and Office Building, Parking Variance for Charles Fountain, Inc. . E/S of Charles Street U of Bellona Avenue
9th District

February 3 1967

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BURBAU OF ENGINEERING Water - Existing 10 water in Charles Street
Sewer - Existing 10 sanitary sewer in Charles Street - Adequacy of existing utilities to be
determined by developer or his engineer.
Road - Lagrange Lane is to be developed as a minimum 30 road on a 40 R/W. Provision
should be made for a turn-around at the end of Lagrange Lane.

STATE ROADS COMMISSION - Since the cristing entrances meet with State Roads Commission standards, this Office has no comment.

FIRE BUR ZAU - Shall require all fire regulations for office building to be met.

HEALTH DEPARTMENT - Since metropolitan rewer and water are existing in the building,

TRAFFIC ENGINEERING - This Bureau is of the opinion that the parking regulations as setforth in the Baltimore County Zoning Regulations fire minimum parking spaces 1, 2 and 102 as marked in the field should be eliminated to provide better circulation and Carning movements. In doing this, the parking on the site will be dispaces.

ZONING ADMINISTRATION DIVISION - This Office is withholding approval of a hearing date until such time as the Petitione're engineer has contacted the dureau of Traffic Engineering and corked out a suitable parking arrangement. This is necessary to assure that the proper parking variance is requested.

The above comments are not intended to indicate the appropriateness of the soning action requested, but to against that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zonnig will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer: Project Planning, Suliding Engineer, Board of Education, Sureau of Land Development, Industrial Develop-

JAMES E. DYER PT

BALTIMORE COUNTY, MARYAND

No. 49254 DATE March 18, 1968 OFFICE OF FINANCE

32.00°

\$ 2.00

DUNT NO. 01.712

Charles Fountain Corp. E/S Charles St. 975' S. of Bullona A

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND O DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 C. Richard Moore, Traffic Engineering

John Meyers, State Roads Commission Lt. Che les Morris, Fire Burezo William Greenwal, Health Department Caryle Brown, Bureau of Faginaering

Comby, will hold a public bear-partition for Special Fa-esption for Offices and Office Building. Pettition for Variance from the Combine Payables of Bal-bert Combines of Bal-terial Combines of Bal-terial Combines of Bal-partition of Bal-partition of Bal-terial Combines of Bal-pared Combines of Balpared Combines of Balpared Combines of Balpared Combines of Balpared Combines Combines Combines of Balpared Combines Combines of Balpared Combines Combines of Balpared Combines Combines Combines of Balpared Combines Combines

OFFICE OF THE BALTIMORE COUNTIAN

No. I Newburg Avenue

CATONSVILLE, MD.

Mar eh 13. 1967

THIS IS TO CERTIFY, that the annexed advertisement of John G. Hose, Zoning Semmissioner of Beltimore County

was inserted in THE BALTIMORE COUNTIA 4, a group of weekly newspapers published in Baltimore County, Maryland, once a week for One surrecting weeks before the 13th day of March, 19 67, that is to my the same was inserted in the issues of March 9, 1967.

THE BALTIMORE COUNTIAN

By Faul J Morgan

1. Shall 'equire all fire regulations for office building to be net.

Proposed Zoning: Special Exception, offices. Variance to section 109, 2a and 409, 2b.

NUBLECT Property Denset Grantes Fountain Sorp.
Locations 8/3 Charles Street, 975# South of bellong Avenue
Districts 9th
Present Zoning: H-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

no Mr. James A. Dver. Chairman

TO Advisory Committee Zoning Acvisory Committee FROM Lt. Charles F. Morris, Sr. Fire Bureau

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was

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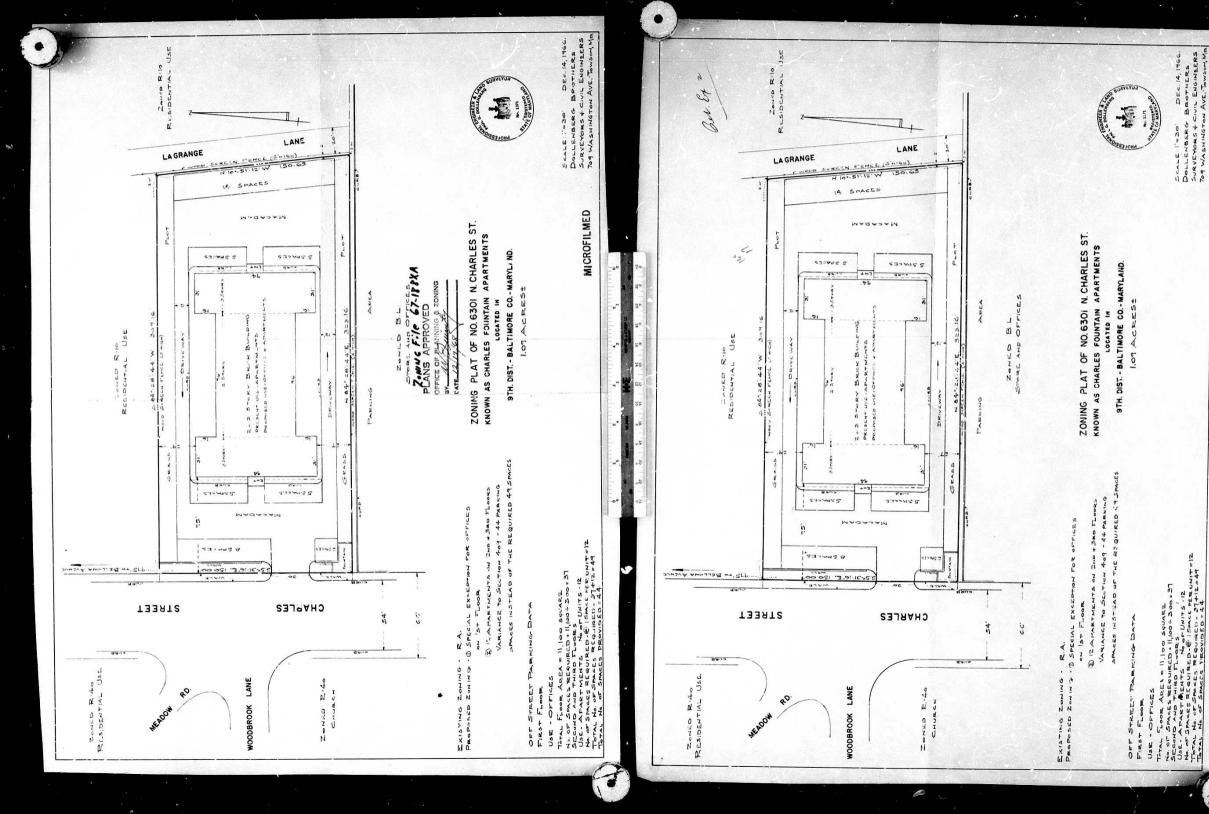
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(Chastes Frentin Spectures) for a the day of the grant of 2 - project to Bathing Control of Many Suiger

Nov. 15, 1968

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SCALE I'= 30' DEC. 14, 1966.
DOLLEMBERG BROTHERS
SURVEYORS & CIVIL ENGINEERS
709 WASHINGTON AVE. Towson, MR

