

69-104-RXA PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Alexander and Lena Falbo, legal owners 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an SE-C-4-A zone; for the following reasons:

There was obviously an error in the original zoning description when this property was zoned from R-6 to B-1 as the drawing will show a sliver of ground 5.60 feet in width which is between the existing B-1 property and the R-6 property adjacent thereto. It was certainly the intent to run the B-1 zone to the divisional line between the property.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for service garage in a B-1 zone.

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

I, or we, agree to pay expenses of above re-classification 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.

Contract purchaser Alexander Falbo Legal Owner
Address 202 Maple Avenue, Balto., Md. 21222

Contract purchaser Lena Falbo Legal Owner
Address 202 Maple Avenue, Balto., Md. 21222

Protestant's Attorney George D. Edwards
Address 6903 Dummaway, Balto., Md. 21222
Attorney's Office

Protestant's Attorney Michael J. Dwyer
Address 6903 Dummaway, Balto., Md. 21222
Attorney's Office

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of October, 1968, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of November, 1968, at 11:00 o'clock.

11:00 PM
11/7/68
320

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Alexander and Lena Falbo, legal owners 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 232.1 from required 10' setback to existing 8' setback and Section 232.2 from required 12' setback against R-6 zone to existing 1' setback.

We have a non-conforming use and existing building and we wish to conform with the law and obviously, to make the non-conforming use and existing building comply, it is necessary for the above variances.

See attached description

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

Contract purchaser Alexander M. Falbo Legal Owner
Address 202 Maple Avenue, Balto., Md. 21222

Contract purchaser Lena Falbo Legal Owner
Address 202 Maple Avenue, Balto., Md. 21222

Protestant's Attorney George D. Edwards
Address 6903 Dummaway, Balto., Md. 21222
Attorney's Office

Protestant's Attorney Michael J. Dwyer
Address 6903 Dummaway, Balto., Md. 21222
Attorney's Office

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of October, 1968, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of November, 1968, at 11:00 o'clock.

11:00 PM
11/7/68
320

JUNE JEWELL
LUCY MESSINE
LUTHER J. BELL
MARY CANELLI
THE ST. HELENA IMPROVEMENT
ASSOCIATION, INC., a/c/c
vs.
ALEXANDER FALBO
Intervenor
The County Board of Appeals
OF BALTIMORE COUNTY
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
MISC. CASE: 4405
DOCKET: 8
FOLIO: 530

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of July, 1970, by the Circuit Court for Baltimore County, ORDERED that the decision of the County Board of Appeals of Baltimore County be and the same is hereby AFFIRMED.

H. Kemp MacDaniel
H. KEMP MACDANIEL
JUDGE

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCES N/S of Maple Avenue, 150' W of Willow Spring Road - 12th District Alexander Falbo Petitioner NO. 69-104-RXA BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioner seeks a Reclassification of his property from a R-6 zone to a B-1 zone and also a Special Exception to use his property as a service garage. Several setback Variances are also requested.

The subject tract is improved with a grocery store and a garage, both of which are non-conforming uses. This Petition was vigorously opposed by neighborhood residents, who quite obviously are not happy with the manner in which the present garage operation is being conducted.

Without reviewing the evidence, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to show error in the original zoning or such substantial changes in the character of the neighborhood to justify the granting of the Petition. In view of this finding, the requests for a Special Exception and Variances must necessarily be denied.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 20 day of December, 1968, that the above Reclassification be and the same is hereby DENIED, that the above described property or area be and the same is hereby continued as and to remain a R-6 zone; and the Special Exception for a service garage be and the same is hereby DENIED. The requested Variances are hereby DENIED.

Edward R. Heston
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 11/17/68
BY George D. Edwards

JUNE JEWELL
LUCY MESSINE
LUTHER J. BELL
MARY CANELLI
THE ST. HELENA IMPROVEMENT
ASSOCIATION, INC., a/c/c
vs.
ALEXANDER FALBO
Intervenor
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
MISC. CASE: 4405
DOCKET: 8
FOLIO: 530

OPINION

This is an appeal from a decision of the County Board of Appeals granting to the Appellee, Alexander Falbo, a reclassification from R-6 to B-1 zone; a special exception for a service garage; and certain variances from Sec. 232.1 and 232.2 of the Baltimore County Zoning Regulations.

The subject property is located on the North side of Maple Avenue, 150 feet west of Willow Spring Road, in the 12th Election District of Baltimore County. The property fronts on Maple Avenue 153.6 feet and is 91 feet deep comprising of 0.340 acres. It is improved by two buildings sharing a common party wall. The building on the west side is used as a service garage for automobiles and the east building is used as a food market. All the property is zoned B-1. (Business Local) with the exception of a small tract of land some 3 feet 6 inches wide by 91 feet deep, which borders on the west side of the property.

The Petitioner below Mr. Alexander Falbo requested that this small tract be rezoned from its present R-6 zoning to a B-1 zoning; that a special exception for a service garage on 0.252 acres of the subject property be granted and that variances for setbacks of the two buildings be allowed. The Board granted

all the requests of the Petitioner and under Section 5J1.1 of the Zoning Regulations set down certain restrictions on the special exception.

This Court has reviewed the transcript of record, considered the oral argument, and has read the memorandums submitted on behalf of all the parties in order to reach its conclusion.

In its opinion, the Board stated that all parties agreed that the small sliver of land zoned R-6 was a result of an error in the description of the notes and bounds of the property and as such the zoning map, adopted in 1956, reflected this error. This fact is borne out by the evidence in the record and this Court agrees with the finding of the Board in changing the classification from R-6 to B-1 to conform to the balance of the remaining property. As to the setbacks of the two mentioned buildings, the Board in its opinion stated that not to allow the variances from the present regulations would result in an undue hardship requiring the Petitioner to raze the buildings to so comply with the present code. This Court agrees with the Board's finding as to these allowances and so finds that there is sufficient testimony in the record to support the Board's findings. As to the special exception for a service garage and the restrictions imposed by the Board, the Court further finds that the Board's granting of this request is supported by testimony in the record.

There have been fundamental principles repeated many times by the Court of Appeals with reference to the proper scope of review by the Courts in zoning appeals. This principle has most recently been repeated in C.F. Haidemann v. Board of County

Commissioners of Howard County, Es. al. 253 Md. 298 (1969). The Daily Record, May 26, 1969, wherein the Court, in an opinion by Judge Slagley said:

"We have often repeated the principles here applicable: Courts have no power to rezone and may not substitute their judgment for that of the expertise of the zoning authority. Kirkman vs. Montgomery County Council, 251 Md. 273, 247 A.2d 255 (1968); Bosley vs. Hospital for Consumptives, 246 Md. 197, 227 A.2d 746 (1967); Board of County Comm'rs for Prince George's County vs. Farr, 242 Md. 315, 218 A.2d 923 (1966). It has long been settled that the zoning authority's determination is correct if there were such legally sufficient evidence as would make the question fairly debatable. Ark Redi-Mix Concrete Corp. vs. Smith, 251 Md. 1, 246 A.2d 220 (1968); Mavor and City Council of Greenbelt vs. Bd. of County Comm'rs for Prince George's County, 247 Md. 670, 234 A.2d 140 (1967); Agneslane, Inc. vs. Lucas, 247 Md. 612, 233 A.2d 757 (1967). Further, the one who attacks the determination made by the authority must show that it was arbitrary, unreasonable or capricious. Kirkman vs. Montgomery County Council, supra; Agneslane, Inc. vs. Lucas, supra; Bosley vs. Hospital for Consumptives, supra; Mavor & City Council of Balto. vs. Sapero, 230 Md. 251, 186 A.2d 884 (1962). The appellant's proof falls short of establishing that the Board abused the discretion vested in it by law."

From reading the transcript of the record and being mindful of this often repeated principle of law, it is this Court's opinion that the questions before the Board were "fairly debatable" issues and that the determinations of the Board were supported by sufficient evidence. Further, this Court has no authority to substitute its judgment for that of the zoning authority but can merely review the record to determine whether or not the issues were, as quoted before, "fairly debatable."

The Appellants have the burden of proving to this Court that the action of the Board was arbitrary, unreasonable or capricious, and in review of all the evidence in this case, it is this Court's opinion that their proof falls short of establishing that the Board abused the discretion vested in

it by law.

For the reasons above stated, the opinion of the County Board of Appeals of Baltimore County, is hereby affirmed this 29th day of July, 1970, and the appeal by the Protestants is hereby DENIED.

H. Kemp MacDaniel
H. KEMP MACDANIEL
JUDGE

H.K.MacDmo
Copy to:
George D. Edwards, Esq.
M. Michael Haslan, Esq.
County Board of Appeals for Baltimore County
Frederick W. Invernizzi, Director, Adm. Office of Courts
Eugene Creed, Administrator

10-15-70

JUNE JEWELL
201 Maple Avenue
Baltimore, Maryland 21222

LUCY MESSINA
206 Maple Avenue
Baltimore, Maryland 21222

LUTHER J. BELL
233 Detroit Avenue
Baltimore, Maryland 21222

MARY CANELLI
214 Maple Avenue
Baltimore, Maryland 21222

THE ST. HELENA IMPROVEMENT ASSOCIATION, INC.
a body corporate
201 Maple Avenue
Baltimore, Maryland 21222

VS.

THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
County Office Building
Towson, Maryland 21204

ORDER TO ENTER JUDICIAL

Mr. Clerk:

Pursuant to Chapter 1100, Rules A through B12 of the Maryland Rules of Practice and Procedure, please enter an Appeal to the Circuit Court of Baltimore County on behalf of June Jewell, Lucy Messina, Luther J. Bell, Mary Canelli and The St. Helena Improvement Association, Inc., all residents and taxpayers of Baltimore County, State of Maryland, who live adjacent to and in close proximity to the property located North Side of Maple Avenue, 150 feet West of Willow Spring Road from the decision of the County Board of Appeals dated the 14th day of January, 1970 in the case Petition for Reclassification, Zoning File No. 69-104-RXA on the grounds that the said decision of the Board is arbitrary and capricious and not based on the facts and the evidence presented before the said Board.

M. Michael Maslan
Attorney for Appellants
2127 Dundalk Avenue
Baltimore, Maryland 21222
222-2700

I HEREBY CERTIFY that on this 12th day of February, 1970, a copy of the foregoing Order to Enter Appeal was mailed to George D. Edwards, Esq., 6903 Dunmarway, Baltimore, Maryland 21222, attorney for Alexander Falbo.

M. Michael Maslan

Service of a copy of the within Appeal acknowledged this 13th day of February, 1970 by the County Board of Appeals of Baltimore County.

Edith P. Eisenhart

RE: PETITION FOR RECLASSIFICATION
from R-6 zone to B.L. zone;
SPECIAL EXCEPTION for
Service Garage, on d
VARIANCES from Sections 232.1 and
232.2 of the Baltimore County Zoning
Regulations
North Side of Maple Avenue 150 feet
West of Willow Spring Road
12th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-104-RXA

Alexander Falbo, et ux
Petitioners

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Deputy Zoning Commissioner denying the petition.

The subject property is located on the North Side of Maple Avenue 150 feet West of Willow Spring Road, in the 17th Election District of Baltimore County. The property is roughly rectangular in shape, having an overall size of 153.6 feet fronting on Maple Avenue by approximately 91 feet deep, comprising 0.340 acres, as shown on Plat, Exhibit #1, entered in evidence. The property is improved by two masonry buildings connected by a common wall. The west building is used as an auto service garage, and the east building is used as a food market. The remainder of the property is vacant unpaved land which is used for storing and parking of vehicles in connection with the two businesses mentioned. The property is zoned B.L. (Business Local), with the exception of a sliver of land measuring 3 feet 6 inches wide by 91 feet deep along the west boundary of the property. The Petitioner requests that this sliver be rezoned from its present R-6 classification to a B.L. classification in conformity with the rest of the property. The west building straddles both of the existing zones along this sliver of land. There was testimony that the original zoning map, adopted May 1, 1956, is in error through not placing this sliver in a B.L. category due to a mistake in the metes and bounds description of the property. The Protestants, through their attorney, agree that this is an error. The Board too is convinced that the original map is in error and the sliver should be granted a B.L. classification.

Alexander Falbo - No. 69-104-RXA

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The present buildings were constructed in the 1950s with their present setbacks, but the current County Regulations now call for greater setbacks. The Petitioner therefore is requesting a variance under Section 232.1 of the Zoning Regulations from the required 10 foot front yard setback to the existing 8 foot front yard setback, and a variance under Section 232.2 from a required 12 foot setback against an R-6 zone to a 1 foot setback. He claims it would result in practical difficulty and unreasonable hardship to raise part of his buildings to comply with the present Code. The Board agrees.

The major protest in this case is over the Petitioner's request for a special exception on 0.252 acres of his property, as indicated on Plat, Petitioner's Exhibit No. 1. Alexander Falbo, the Petitioner, owns the entire property. He operates the Food Market (east building), is seventy-three years old, and wishes to retire. His son, Joseph, owns and operates the garage business (west building) on his father's property. It is their wish to obtain a special exception so that the food market could be eliminated and the building be converted as an expansion of the service garage business, thereby having one business on the entire property. The Protestants object to the expansion of the garage business.

Without going into a lengthy discussion of each Protestants' testimony, they in general seemed to complain that Mr. Joseph Falbo has not been a good neighbor in the conduct of his garage business. They said that as a result of his working on autos that he allows drained oil, grease and anti-freeze to run down the street gutter past their houses; that he works on or inspects cars in the street; that he blocks the walkway with vehicles at his entrance ramp, and that he test drives cars on their one block long street. His operation was described as noisy and conducted far into the night.

Section 502.1 of the Zoning Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets, or alleys therein;

Alexander Falbo - No. 69-104-RXA

- 3 -

- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

To further his case, the Petitioner produced testimony to the effect that the requirements of Section 502.1 will be satisfied, and that there is a definite need in the community for automobile engine repair service such as Mr. Falbo performs.

Persuasive to the Board was the testimony of Mr. George Gavrellis, Baltimore County Director of Planning, who was called by the Protestants and testified that he was impressed because there is a service garage now at the site, but that the Petitioner must satisfy the requirements of Section 502.1. He also stated that the rezoning of the aforementioned sliver of land seemed to be a minor legitimate boundary adjustment.

The Board is well aware that many zoning battles and indeed much of the criticism regarding zoning reclassifications stems from the fact that the petitioner often does not perform according to the high standards he proposes in his testimony. Once the zoning is obtained, he often substitutes minimum requirements that are allowed by the Code and does not perform as originally stated. Unfortunately, the Board has no control of this in reclassification cases, but fortunately we do have such control in granting special exceptions under Section 502.2, whereby we may impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. Section 503 states that any violation of such orders shall be a misdemeanor punishable by fine or imprisonment.

Now it seems to the Board that in the instant case the Petitioner and the community can be served best by granting the Special Exception requested, subject to certain restrictions that will overcome past and existing evils, and prevent future ones.

Alexander Falbo - No. 69-104-RXA

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For the reasons and from the testimony presented, the Board finds that the Petitioner has satisfied the requirements of Section 502.1, has shown error in original zoning regarding the sliver of land, and that denying the variances requested would result, as a fact, in practical difficulty and unreasonable hardship for the owner. Therefore, the Board does hereby grant the requested petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of January, 1970, by the County Board of Appeals ORDERED, that the reclassification, special exception and variances petitioned for be and the same are hereby GRANTED, subject to the following restrictions on the special exception:

- The unimproved portion of the property shall be covered with a dustless type material;
- There shall be no additional external lighting of the property;
- The perimeter of the unimproved portion of the property shall be completely fenced with wood basket weave type fencing, solid masonry, or dense evergreen hedging, or combinations thereof, at least 4 feet high and not exceeding 6 feet high, said fencing to be attractive, durable and kept in good condition for reasonable screening of the lot interior from offsite view;
- All junk, trash, parts, debris, loose tires and accessories retained on the site shall be kept within enclosed buildings. There shall be no outdoor accumulation, stocking or display of same;
- Glare and illumination from all welding operations shall be shielded from offsite view;
- A site plan indicating compliance with the above restrictions shall be submitted by the Petitioner to the Baltimore

Alexander Falbo - No. 69-104-RXA

- 5 -

County Department of Planning for approval,

- Vehicles shall not be serviced on Maple Avenue;
- No garage work shall be performed on the premises later than 9 P.M. daily, and there shall be no Sunday work there;
- No pneumatic impact wrenches shall be used at the premises after 7 P.M.;
- The sidewalk fronting the property must be kept unobstructed at all times;
- No body or fender work is to be performed at the premises;
- This Special Exception must be utilized within two (2) years of the date that this Order becomes final, or it then is null and void;
- The Petitioner, in accordance with Section 502.2 of the Zoning Regulations, at his expense, shall have a legal agreement drawn and recorded among the Land Records of Baltimore County, showing the approved site plan and reciting the above restrictions, which shall run with the land.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowik

GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL REGISTERED
#108 DUNMARWAY
BALTIMORE, MARYLAND 21222
ALDREME 5-0000

January 31, 1969

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Alexander Falbo, et ux
Case No. 69-104-RXA

Gentlemen:

The above captioned Appeal is from the decision of the Zoning Commissioners on the reclassification, Special Exceptions and Variances all of which were denied.

Please use this letter as your authorization to withdraw the Petition for Reclassification and the Appeal will be on the Special Exceptions and Variances only.

Very truly yours,

George D. Edwards

George D. Edwards

GEW/ean
cc: M. Michael Maslan, Esquire
2127 Dundalk Avenue, #21222

10-15-70

EDWARD D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
1100 DUNDALK AVENUE
BALTIMORE, MARYLAND 21222
APPROVE 5-6-66

December 25, 1968

Edward D. Edwards
Deputy Zoning Commissioner
County Office Building
11 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
Alexander Falbo - Petitioner
No. 69-104-RX

Dear Mr. Edwards:

Please enter an appeal to the County Board of Appeals from your Order dated December 20, 1968, in the above captioned matter.

I am enclosing herewith my check in the amount of \$75.00 representing the costs of appeal.

Thank you for your cooperation.

Very truly yours,
George D. Edwards

cc: Mr. Michael Gorman, Esq.
2137 Dundalk Ave., #21222
Alexander Falbo
30 W. 4th Ave., #21222

ZONING DESCRIPTION
SPECIAL EXCEPTION FOR
GARAGE SERVICE IN A R-4 ZONE

BEING for the same at the point formed by the intersection of the north side of Maple Avenue (40 feet wide) with the west side of Willow Spring Road (40 feet wide) said point being at the beginning of the first line of that tract of land which by deed dated November 16, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1903 folio 377 etc was conveyed by Theodore R. Brown and wife to Alexander M. Falbo and wife thence binding on the north side of said Maple Avenue and on said first line of said deed south 85 degrees 44 minutes west 153.50 feet to the end of said line, thence binding on the second line of said deed north 4 degrees 16 minutes west 91.00 feet to the end of said line, thence binding on a part of the third line of said deed north 85 degrees 44 minutes east 66.30 feet, thence running for lines of division the two following courses and distances south 4 degrees 47 minutes 36 seconds west 29.20 feet and south 85 degrees 12 minutes 24 seconds east 103.50 feet to the west side of said Willow Spring Road, thence binding on the west side of said road and on a part of the last line of said deed south 8 degrees 24 minutes west 47.00 feet to the place of beginning.

CONTAINING 0.252 acres of land more or less.

BEING part of that tract of land which by deed dated November 16, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1903 folio 377 etc was conveyed by Theodore R. Brown and wife to Alexander M. Falbo and wife.

June 28, 1968



ZONING DESCRIPTION
R-4 TO R-1

BEING for the same on the north side of Maple Avenue (40 feet wide) at a point distant 150.00 feet south 85 degrees 44 minutes west from the point formed by the intersection of the north side of said Maple Avenue with the west side of Willow Spring Road (40 feet wide) said point of beginning being at the division line between R-4 and R-1 zoning, thence binding on the north side of said Maple Avenue south 85 degrees 44 minutes west 3.60 feet to the end of the first line of that tract of land which by deed dated November 16, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1903 folio 377 etc was conveyed by Theodore R. Brown and wife to Alexander M. Falbo and wife, thence binding on the second line of said deed north 4 degrees 16 minutes west 91.00 feet, thence binding on a part of the third line of said deed north 85 degrees 44 minutes east 3.60 feet to intersect said division line between R-4 and R-1 zoning, thence binding on said division line south 4 degrees 16 minutes east 91.00 feet to the place of beginning.

CONTAINING 327.6 square feet of land more or less.

BEING the westernmost portion of that tract of land which by deed dated November 16, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1903 folio 377 etc was conveyed by Theodore R. Brown and wife to Alexander M. Falbo and wife.

June 23, 1968



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12
Posted for: Hearing, Nov. 7, 1968, 9:00 A.M.
Petitioner: Alexander Falbo
Location of property: N.S. of Maple Ave. 150' W. Willow Spring Rd.
Location of Signs: 3 Posted on Lot facing Willow Spring Rd.
Remarks: Michael H. News
Posted by: Michael H. News
Date of return: Oct. 24, 1968

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12
Posted for: Alexander Falbo
Petitioner: Alexander Falbo
Location of property: N.S. of Maple Ave. 150' W. Willow Spring Rd.
Location of Signs: 3 Posted on Lot facing Willow Spring Rd.
Remarks: Michael H. News
Posted by: Michael H. News
Date of return: Oct. 24, 1968

THE DUNDALK TIMES
DUNDALK, MD. 21222 October 21, 1968

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE DUNDALK TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the date of Oct. 19, 1968 that is to say, the same was inserted in the issue of October 17, 1968.

By: Ruth Morgan
Stromberg Publications, Inc.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

George D. Edwards, Esq.,
6903 Dunderway
Baltimore, Maryland 21222

SUBJECT: Reclassification from R-4 to R-1, Special Exception for a Service Garage and variances to front and side yard, for Alexander Falbo, located N/S Maple Avenue, 150' W. of Willow Spring Road, 12th District (Item 46, August 13, 1968)

Dear Sirs:

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

BUREAU OF ENGINEERING:
Water - Existing 20" water in Willow Spring Road
Sewer - Existing 8" sanitary sewer in Maple Ave.
Adequacy of existing utilities to be determined by developer or his engineer
Road - Maple Ave. is an existing 30' road on a 40' R/W.
Willow Spring Road is to be developed as a minimum 42' road on a 50' R/W.

BUILDING ENGINEER:
This office will review and submit any necessary comments at a later date.

BUREAU OF TRAFFIC ENGINEERING:
On the date of inspection 18 vehicles associated with the service garage were parked on the parking area indicated on the plat. None of these vehicles appeared to be associated with the food store. 1 of the 18 vehicles had no tags and appeared to be junk cars not in running condition. Therefore, it would appear that the two uses on this site are overbuilt and that they cannot handle the parking demand.

HEALTH DEPARTMENT:
This operation may be subject to air pollution regulations and registration.

ZONING ADMINISTRATION DIVISION:
It is requested that the petitioner's attorney contact the writer prior to any further processing of this petition. There appears to be some conflict between what the plan indicates and the proposed use of the property - this should be clarified before the hearing date is set.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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 Zoning 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 Division
Bureau of Fire Prevention
State Roads Commission
Board of Education
Industrial Development

Very truly yours,
James E. Dyer, Zoning Supervisor
cc: Caryle Brown-Dur. of Engr.; Elmer C. Hoppert-Building Engr.; Office C. Richard Moore-Dur. of Traffic Engr.; William Greenwell-Health Dept.

TELEPHONE 825-3000 EXT. 987

INVOICE
BALTIMORE COUNTY, MARY AND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 65658
DATE: 2/28/70

TO: Mr. Michael Gorman, Esq.,
2137 Dundalk Avenue,
Baltimore, Maryland 21222

AMOUNT DUE \$9.78

Cost of certified documents - Case No. 69-104-RX
Alexander Falbo, et al
N/S of Maple Ave., 150' W.
of Willow Spring Road
12th District

TOTAL AMOUNT \$9.78

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 25, 1968

FROM: George E. Gavelis, Director of Planning

SUBJECT: Petition #69-104RXA. North side of Maple Avenue 150 feet West of Willow Spring Road. Petition for Reclassification from R-4 to R-1. Zone. Petition for Special Exception for Garage, Service. Petition for Variance to permit a front yard setback of 8 feet instead of the required 10 feet; and to permit a side yard of 1 foot instead of the required 12 feet.
Alexander Falbo - Petitioner

12th District

HEARING: Thursday, November 7, 1968 (11:00 A.M.)

The rezoning requested by the petitioner would appear to have no adverse effect, since, in our view, the change in classification amounts to a minor, legitimate boundary adjustment. We have no comment with respect to the requested variance and special exception, however, although we request that if these are granted the grant be conditioned upon approval of the site plan by this office.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this day of October, 1968.

Petitioner: Alexander Falbo
Petitioner's Attorney: George D. Edwards, Esq.
Director of Planning and Zoning: John G. Rose

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this day of October, 1968.

Petitioner: Alexander Falbo
Petitioner's Attorney: George D. Edwards, Esq.
Director of Planning and Zoning: John G. Rose

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 17, 1968.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County Md., once in each of one time before the 7th day of November, 1968, the first publication appearing on the 12th day of October, 1968.

THE JEFFERSONIAN,
Manager

Cost of Advertisement \$

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THE JEFFERSONIAN,
Manager

Cost of Advertisement \$

TELEPHONE 822-3000 EXT. 387

INVOICE No. 56346

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE DEC. 14, 1968

TO: George S. Edwards, Esq.
6903 Gunpowder
Baltimore, Md. 21222

Zoning Dept. of Balto. Co.

RECEIVED BY: FILED

REPORT TO ACCOUNT NO. 01-622

QUANTITY: 1

DESCRIPTION: Petition for Reclassification, Special Exception & Variance for Alexander Folio #69-104-25A

TOTAL AMOUNT: \$50.00

COPIES: 1

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 822-3000 EXT. 387

INVOICE No. C9779

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE: JAN. 14, 1969

TO: Provident Savings Bank of Baltimore
Money Order #6-383553

Zoning Dept. of Balto. Co.

RECEIVED BY: FILED

REPORT TO ACCOUNT NO. 01-622

QUANTITY: 1

DESCRIPTION: Cost of Appeal - #69-104-25A - Alexander Folio 1 sign

TOTAL AMOUNT: \$75.00

COPIES: 1

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 822-3000 EXT. 387

INVOICE No. 60703

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

DATE: NOV. 19, 1968

TO: George S. Edwards, Esq.
6903 Gunpowder
Baltimore, Md. 21222

Zoning Dept. of Balto. Co.

RECEIVED BY: FILED

REPORT TO ACCOUNT NO. 01-622

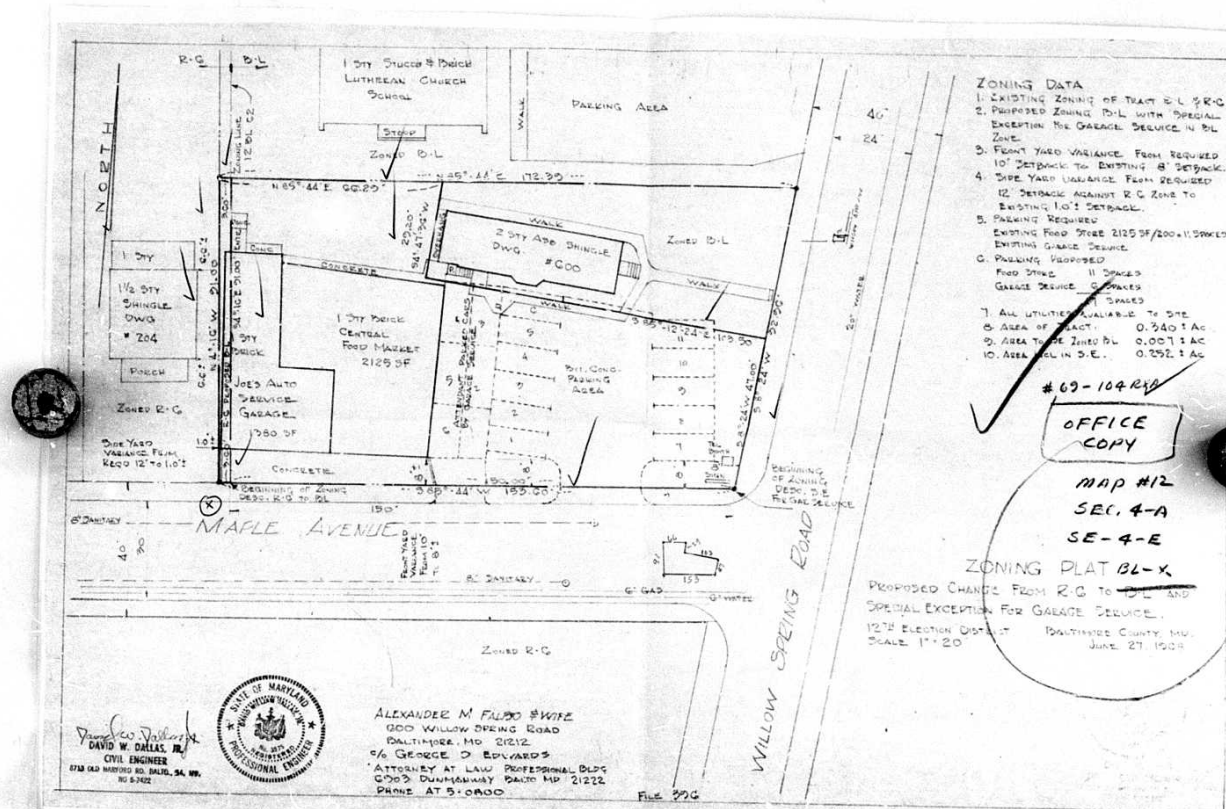
QUANTITY: 1

DESCRIPTION: Advertising and posting of property for Alexander Folio #69-104-25A

TOTAL AMOUNT: \$105.50

COPIES: 1

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204



TELEPHONE 823-3000 EXT. 387

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 56346
DATE Nov. 14, 1969

TO: George D. Edwards, Esq.
6903 Dunhamway
Baltimore, Md. 21222

Routing Dept. of Balto. Co.

REPORT TO ACCOUNT NO. 31-622

QUANTITY

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

Petition for Reclassification, Special Exception & Variance For Alexander Falbo #69-104-22A

6000
50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 387

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 60779
DATE Nov. 14, 1969

TO: Provident Savings Bank of Baltimore
Money Order #6-35353

Routing Dept. of Balto. Co.

REPORT TO ACCOUNT NO. 31-622

QUANTITY

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

Cost of Appraiser - #69-104-22A - Alexander Falbo
1 sign 70.00
5.00

75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 823-3000 EXT. 387

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 60703
DATE Nov. 19, 1969

TO: George D. Edwards, Esq.
6903 Dunhamway
Baltimore, Md. 21222

Routing Dept. of Balto. Co.

REPORT TO ACCOUNT NO. 31-622

QUANTITY

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

Advertising and posting of property for Alexander Falbo #69-104-22A

100.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

