69-140-RX

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

64-140-R

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ernest J. Hesse & Audrey L. Hesse, 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-10 zone to an R-A zone; for the following reasons:

1. Said property was erroneously classified R-10 at the time of the adoption of the Western Area Zoning Map, and
2. Major changes in zoning, land use, and the character of the community have occurred since the adoption of said Zoning Map.

MAP 2-B WESTERN AREA SW-1-H RA

ERNEST J. HESSE #69-140-RX N/S of Powers Lane 1360' W of Nuwood Drive 1st

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 the structure designated "office building" on the northeast corner of an office building and office uses

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.

Ernest J. Hesse
Audrey L. Hesse — Legal Owners
Contract purchaser
Address 6100 Baltimore National Pike, Baltimore, Maryland 21228

John H. Hessey, IV
Fred Waldrop, Petitioner's Attorneys
Protestant's Attorney
Address Masonic Building, Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of December, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of January, 1969, at 1:00 o'clock P. M.

Zoning Commissioner of Baltimore County.

(over)

1:00 P 1/6/69 3 Signs

RE: PETITION FOR RECLASSIFICATION from an R-10 zone to an R-A zone, and SPECIAL EXCEPTION for an Office Building N/S Powers Lane 1360' W. of Nuwood Drive, 1st District
Ernest J. Hesse, Petitioner
Zoning File #69-140-RX
Charles C. Murphy, Jr., et al Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 9
Folio No. 48
File No. 4541

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, & c.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION from an R-10 zone to an R-A zone and SPECIAL EXCEPTION for an Office Building N/S Powers Lane 1360' W. of Nuwood Drive, 1st District
Ernest J. Hesse, Petitioner
Zoning File #69-140-RX
Charles C. Murphy, Jr., et al Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Misc. Docket No. 9
Folio No. 48
File No. 4541

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William S. Baldwin, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 69-140-RX

Oct.	8, 1968	Comments of Fire Bureau - filed
"	17	Comments of Zoning Advisory Committee - filed
Dec.	5	Petition of Ernest J. and Audrey L. Hesse for reclassification from an R-10 zone to an R-A zone, and special exception for an office building, on property located on the north side of Powers Lane, 1360 feet west of Nuwood Drive, 1st District - filed
"	5	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for January 6, 1969 at 1:00 p.m.
"	27	Comments of Director of Planning - filed
"	27	Certificate of Posting of property - filed
"	31	Certificate of Publication in newspaper - filed
Jan.	6, 1969	At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia
Mar.	14	Order of Deputy Zoning Commissioner denying reclassification and special exception
"	28	Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

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9/48/4541 2.

Feb.	24, 1970	Hearing on appeal before County Board of Appeals
Mar.	31	" " " " " "
Apr.	7	" " " " " " - case held sub curia
Aug.	5	Order of County Board of Appeals granting reclassification ". . . for that portion of the property along a line running parallel to the south property line for a distance of 300 feet north of the south property line. The parcel on which the reclassification is granted approximates four acres in size. . . ." - and denying reclassification on the balance of the property; also denying special exception
Sept.	3	Order for Appeal filed in the Circuit Court for Baltimore County by Kenneth D. Short, Esq., attorney for Charles C. Murphy, Jr., et al, protestants
"	3	Petition to Accompany Order for Appeal filed in the Circuit Court
"	4	Certificate of Notice sent to all interested parties
Nov.	24	Transcript of testimony filed - 2 volumes

Petitioner's Exhibit No. 1	-	Plat of subject property by L. A. Podolak - 9/13/69
" " " 2	-	Plat of Section E of Westerlee
" " " 3	-	Plat of Section D of Westerlee
" " " 4	-	Plat of Section C of Westerlee
" " " 5	-	Plat of subject property by L. A. Podolak - 9/13/69 - in color
" " " 6	-	List of zoning changes testified to by Mr. Klaus
" " " 7	-	200' scale Official Maps - Photogrammetrics - SW-1-G, SW-2-G, SW-1-H
" " " 8	-	Plat of subject property marked with utilities - proposed and existing
" " " 9	-	Map #680357 - profile of sewer
Protestants' Exhibit A	-	List of protestants in hearing room, 2/24/70
" " B	-	Zoning File #67-76-R, Dilli property
" " C	-	Plat of subject property from SRC showing location of Metro Blvd.
" " D	-	Plat showing Metro Blvd. in relation subject property
" " E	-	Tax Map #94
" " F	-	Photos #1 to #45 - by C. C. Murphy 2/21/70 (#37, #38 and #39 missing after hearing of 3/31/70)

XXXXXXXXXX
494-3180

August 5, 1970

Fred E. Waldrop, Esq.
Loyola Federal Building
Towson, Maryland 21204

Re: Zoning File #69-140-RX
Ernest J. Hesse

Dear Mr. Waldrop:

Enclosed herewith is a copy of the Opinion and Order passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: John H. Hessey, IV, Esq.
Kenneth D. Short, Esq.
Mr. Alfred W. Dill
Mr. John E. Meyers
Mr. Edw. D. Hardesty
Mr. Geo. E. Gavrelis
Board of Education

9/48/4541 3.

Protestants' Exhibit G	-	Plat - Evans, Hagen - 12/12/66, Rev. 3/21/66, from Koltenbach
" " H	-	List of Protestants

Oct.	2, 1970	Petition for Extension of Time to File Transcript to December 1, 1970 (60 days) and Order of Court granting same - filed
Nov.	25	Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: John H. Hessey, IV, Esq.
Fred E. Waldrop, Esq.
Kenneth D. Short, Esq.
Zoning

STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRESTON STREET
BALTIMORE MD 21201

May 9, 1969

Mr. William S. Baldwin, Chairman,
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Baltimore County Metropolitan Blvd.
ERNEST J. HESSE, north side of Powers Lane, 1360' West of Nuwood Drive
File No. 69-140-RX

Dear Mr. Baldwin:

We have received a questionnaire regarding the appeal of the subject case. There would be no purpose in completing the form since the only testimony that will be given by the State Roads Commission will be by myself, an Assistant Development Engineer for the Commission.

Our purpose in appearing at the hearing would be to state the Commission's position in the matter and endeavor to answer any questions that might be asked regarding the Commission's highway improvement proposals that would affect the subject site.

Subsequent to our correspondence of December 27, 1968 to Mr. John G. Rose, regarding the Zoning Petition, The State Roads Commission's position regarding the proposed Metropolitan Boulevard has changed. At that time the Commission was not committed to constructing the highway; however, the project has recently been placed in the construction program with construction of the subject section scheduled for fiscal year 1974.

The plans for the proposed highway improvement have been restudied and as a result, the effects to the site have been vastly minimized; however, the plans still preclude direct access from the site to Powers Lane.

We have requested additional copies of the site plan which will be marked to show the effects to the site. Marked copies will be made available to you and to the petitioner.

We trust that the information contained herein is sufficient for your present needs.

Very truly yours,
Charles Lee, Chief
Development Engineering Section
by: John E. Meyers
Asst. Development Engineer

CL:JEM:bk

cc: Mr. John G. Rose
Mr. E. Camponeschi

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman, Zoning Advisory Committee
Date: October 8, 1968
FROM: Captain Charles F. Morris, Sr., Fire Bureau

SUBJECT: Property Owner - Ernest J. Hesse
Location: N/S Powers Lane at intersection of Proposed Westside Blvd.
District: 1st
Present Zoning: R-10
Proposed Zoning: RA & S.E. for office.
Acres: 22.1071

1. Approved type fire hydrants and water mains shall be required, and shall be installed in accordance to the Baltimore County Standards Design Manual, 1964 edition.
2. This site shall be required to have two ways of access, so as to allow emergency vehicles to get in for the safety of the tenants.

Charles F. Morris, Sr. Captain

cc: Mr. Martin J. Hanna, Fire Protection Engineer

MAR 27 1973

CHARLES C. MURPHY, JR., et al	•	IN THE
Plaintiffs	•	CIRCUIT COURT
vs.	•	FOR
WILLIAM S. BALDWIN, WALTER A. REITER, JR. and JOHN A. MILLER Constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	•	BALTIMORE COUNTY
	•	AT LAW
	•	Misc. Docket No. 9 Folio 48 File no. 4541
Defendants	•	

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Petitioners, being the Plaintiffs and eleven (11) in number, by Bounds, Schoeler & Short and Kenneth D. Short, their attorneys, say:

1. That they have heretofore filed an Order for Appeal and a Petition for Appeal in the above entitled case in compliance with Chapter 1100, subtitle B of the Maryland Rules of Procedure.

2. That they have ordered a transcript of the testimony from Mr. Leonard Parkins, Court Reporter, in compliance with Rule B7 of the Maryland Rules of Procedure.

3. That they have been advised by Mr. Leonard Parkins that the transcript cannot be prepared in time to comply with Rule B7 due to the considerable number of other appeals that have been filed and that it will take an additional period of approximately sixty (60) days to prepare said transcript.

WHEREFORE, YOUR PETITIONER PRAYS:

That this Honorable Court pass an Order extending the time for filing of the transcript of testimony for a period of sixty (60) days from the date hereof.

BOUNDS, SCHOELER & SHORT

Kenneth D. Short
Attorney for Petitioners
6630 Baltimore National Pike
Catonsville, Maryland 21228
Telephone: 744-8200

Rec'd 10/1/70
9:30 am

ORDER

It is this 2nd day of October, 1970, by the Circuit Court for Baltimore County, ORDERED, that the time for filing of the transcript of testimony be and the same is hereby extended for a period of sixty (60) days from the date hereof.

/s/ Walter R. Haile
Judge

I HEREBY CERTIFY that on this 2nd day of October 1970, a copy of the aforegoing Petition for Extension of Time to File Transcript and Order was sent to John H. Hessey, IV, Esquire, 1311 Fidelity Building, Baltimore, Maryland, 21201, and Fred E. Waldrop, Esquire, Loyola Federal Building, Towson, Maryland, 21204, Attorneys for the Petitioners, and to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland, 21204.

Kenneth D. Short

CHARLES C. MURPHY, JR. and MARY M. MURPHY, his wife 2125 Cedar Circle Drive Baltimore, Maryland 21228	•	IN THE
SAL COMMARATA and BEVERLY COMMARATA, his wife 2129 Cedar Circle Drive Baltimore, Maryland 21228	•	CIRCUIT COURT
RICHARD A. METZ and SUSANNE K. METZ, his wife 2120 Cedar Circle Drive Baltimore, Maryland 21228		
DOMINIC PIRACCI, JR. and CONSTANCE PIRACCI, his wife 2131 Cedar Circle Drive Baltimore, Maryland 21228	•	FOR
DANIEL V. DORE, JR. and MARIAN DORE, his wife 2121 Cedar Circle Drive Baltimore, Maryland 21228	•	BALTIMORE COUNTY
DOLE P. BAKER and RUTH W. BAKER, his wife 2122 Cedar Circle Drive Baltimore, Maryland 21228		
NORMAN J. BRUDER and MARY LOU BRUDER, his wife 2135 Cedar Circle Drive Baltimore, Maryland 21228	•	AT LAW
JOSE R. ARIZAGA and CONSTANCE J. ARIZAGA, his wife 2137 Cedar Circle Drive Baltimore, Maryland 21228	•	CASE NO.
WILLARD R. PARSON and MARIAM S. PARSON, his wife 2116 Cedar Circle Drive Baltimore, Maryland 21228		
SAMUEL P. SCALIA and ETHEL SCALIA, his wife 2111 Cedar Circle Drive Baltimore, Maryland 21228	•	MISC. DOCKET NO.
	•	FOLIO

Rec'd by mail
9/3/70 - 3:25 pm

JOSEPH MUCHA and MARTHA A. MUCHA, his wife 2113 Cedar Circle Drive Baltimore, Maryland 21228	•	
vs. Plaintiffs		
vs.	•	
WILLIAM S. BALDWIN WALTER A. REITER, JR. and JOHN A. MILLER Constituting the County Board of Appeals of Baltimore County		
Defendants		

PETITION FOR APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of the herein listed eleven (11) Property owners by Bounds, Schoeler & Short and Kenneth D. Short, their attorneys, filed pursuant to the provisions of Chapter 1100, subtitle B of the Maryland Rules of Procedure, respectfully represents unto Your Honor:

1. That this Appeal is from that portion of the Opinion and Order of the County Board of Appeals of Baltimore County, dated August 5, 1970 in Case No. 69-140RX granting the reclassification from an R-10 zone to an R-A for that portion of the property along a line running parallel to the south property line for a distance of three hundred (300) feet north of the south property line, said parcel approximating four (4) acres in size being identified in said Opinion and Order on a plat which is a copy of petitioner's exhibit #5, said land being located on the north side of Powers Lane in the First Election District of Baltimore County.

2. That the error committed by the County Board of Appeals of Baltimore County is error of law and fact in granting the reclassification in that:

(a) The Order of the Board was arbitrary, illegal and capricious;

(b) The Order of the Board is contrary to the evidence and weight of the evidence;

(c) There has not been sufficient change in the character of the neighborhood to justify the reclassification;

(d) The testimony offered on behalf of the Petitioners and Protestants demonstrates that the granting of said reclassification would create a serious and dangerous traffic situation within the immediate area of the subject property.

(e) The Board of Appeals refused to permit an expert called by the Protestants to testify.

(f) The Board of Appeals arbitrarily and capriciously applied an improper test as to the use of the subject property.

(g) That the Petitioners failed to prove an error in the zoning map.

(h) The granting of the reclassification is not in accordance with a comprehensive plan and design involving the area and disregards the health, safety and welfare of the community and the individual interest of nearby land and property owners.

(i) The Board of Appeals committed such other and further errors as will be presented at any hearing hereon.

3. That your Petitioners were parties to the proceeding before the County Board of Appeals of Baltimore County, are property owners who adjoin, confront or are nearby and in the immediate neighborhood of the subject property, taxpayers and constitute parties aggrieved by the said Order the County Board of Appeals of Baltimore County.

Wherefore, your Petitioners pray that this Honorable Court pass an Order reversing that part of the Order of the County Board of Appeals dated August 5, 1970, which granted in part, the requested reclassification.

AND, AS IN DUTY BOUND, ETC.

BOUNDS, SCHOELER & SHORT

Kenneth D. Short
6630 Baltimore National Pike
Baltimore, Maryland 21228
Phone: 744-8200
Attorneys for Petitioners

I HEREBY CERTIFY that a copy of the aforegoing Petition for Appeal was mailed by me, this 3rd day of September, 1970, to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland, 21204.

Kenneth D. Short
Attorney for Petitioners

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
VA. 5-3000

George E. Gavrelis
Director

John G. Rose
Zoning Commissioner

October 17, 1968

John H. Hessey, IV, Esquire
Masonic Building
Towson, Maryland 21204

SUBJECT: Item 79
Type of Hearing: Reclassification from R-10 to RA, and Special Exception for Office Building
Location: North Side of Powers Lane at intersection of prop. Westside Blvd.
District: 1st
Committee Meeting of October 8th, 1968
Petitioner: Ernest J. Haste, et ux

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

This property consists of 20.6 acres. It is located on the north side of Powers Lane; the south side of Pleasant Valley Drive, and the west of future Metropolitan Blvd. (Westside Blvd.).

The petitioner plans to construct 255 apartment units, plus one office building, with a floor area of 18,600 sq. ft. He proposes to provide 307 parking spaces for the apartments, plus 52 spaces for the office building.

There will be no future access from Powers Lane since this road will be cut off by the proposed Metropolitan Blvd. The only access to the subject site will be from Pleasant Valley Drive, which is a proposed road with tentative approval only. This road will be built only after sewer becomes available to the southwest quadrant of the Woodbridge Valley subdivision. It is impossible to determine when this section will be built. Until such time as two permanent access points that can be approved by the County are provided for the tenants and emergency fire and ambulance equipment, the subject property cannot be developed.

Since the Woodbridge Valley Elementary School is planned to be built in this area in 1970 or 1971, there are no foreseeable problems insofar as school children are concerned.

John H. Hessey, IV, Esquire
Masonic Building
Towson, Maryland 21204
Item 79

October 17, 1968

There is an existing 8" water line at Cedar Circle Drive; however, extension from this line as shown on the plan will not be permitted, as Baltimore City requires that all main extensions be installed in the single rights-of-way sufficient to construct a public road. There is also an existing 30" water line in Baltimore National Pike. Public sanitary sewer must be extended from the 8" sewer line at Baltimore National Pike. Powers Lane is to be developed as a minimum 40 ft. road on a 60 ft. right-of-way as is Pleasant Valley Drive. Westside Blvd. (Metropolitan Blvd.) is currently under study by the State Roads Commission and in all probability will be developed as shown on the plan.

The plan should also be revised to indicate bearings and distances for the Special Exception for the office structure.

The plan does not recognize the local open space requirements of the subdivision regulations.

The above items must be complied with prior to a hearing date being assigned.

Very truly yours,

JAMES E. DYER, Chairman

JED:JD

cc: Fred Waldrop, Esquire

MAR 27 1973

RE: PETITION FOR RECLASSIFICATION from an R-10 zone to an R-A zone, and SPECIAL EXCEPTION for an Office Building N/S Powers Lane 1360' W. of Nuwood Drive, 1st District Ernest J. Hesse, Petitioner : BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 69-140-RX

: :

OPINION

The petitioner in this case requests reclassification of an 18.15 acre tract of land (15.15 acres net) from its present R-10 classification to an R-A classification. In addition, he requests a special exception to permit the construction of an office building on an approximate one acre tract included in the overall parcel, at the north end of the subject tract where it adjoins the proposed Pleasant Valley Drive. The property is unimproved and lies on the north side of Powers Lane, approximately 1360 feet west of Nuwood Drive in the First Election District of Baltimore County.

The zoning and land uses surrounding the property are as follows: To the east the land is zoned R-10 and is developed with a high-class residential development known as "Westerlee". This development was built by the petitioner in the subject case. Slightly to the east of the subject property, some 500 feet, is a five acre parcel of R-A zoning, which is the property of the petitioner and is now being developed with garden apartments known as the "Westerlee Apartments". The property to the north and west of the subject tract is zoned R-10 and is relatively unimproved. The property to the south, immediately across Powers Lane, is zoned B.R. (Business Roadside), and there is presently under construction a Toyota Automobile Agency and a Volkswagen Automobile Agency.

The petitioner in this case who, as mentioned above, is the developer of Westerlee testified that he felt the subject property should be reclassified because of the Business Roadside zoning that has been imposed on the property immediately south of Powers Lane across from the subject property, and that due to the rough terrain the subject tract cannot be sewered by gravity.

A well qualified expert witness in the field of traffic engineering, W. W. Ewell, testified at length as to the impact of additional traffic that might be generated by

the apartments and its effect on the roads in the immediate vicinity. Without going into detail as to his testimony, it was his opinion that the 243 apartment units as proposed and a 14,000 square foot office building would not create congestion in the streets, nor put undue traffic on the residential streets in the Westerlee development, as it was his opinion that the majority of traffic entering and exiting from the proposed apartment complex would travel easterly along Powers Lane and Dlong Road, and then south along Nuwood Drive to Route 40. This was substantiated by another traffic expert, Joseph D. Thompson, who concurred with Mr. Ewell's opinion.

An expert realtor, testifying on behalf of the petitioner, cited eleven zoning cases which he felt had an impact on the subject property. Case #67-76-R, the Dilli property, the reclassification from R-10 to R-A of a five acre parcel of ground within several hundred feet of the subject property, and now being developed as the Westerlee Apartments. Case #68-89-R, a reclassification from R-10 to B.R. of a five acre tract granted by the Zoning Commissioner in 1967. This property is directly across Powers Lane, opposite the subject property. In addition, Case #66-4-R, the property of Forty West Motors, Inc., a reclassification from R-10 to B.R. granted by the Zoning Commissioner in 1965, which is again across Powers Lane from the subject property. He also testified to numerous other zoning reclassifications in the immediate area which are somewhat farther removed from the subject property (See petitioner's exhibit #6). In his opinion, the construction of apartments along the north side of Powers Lane here would create an excellent buffer or transitional use between the commercial uses along Route 40 and immediately south of Powers Lane, and the individual residences to the north and east of the property. He further testified that the major impact on the property was caused by the rezoning to B.R. of the property along the south side of Powers Lane.

The map, when originally adopted by the County Council in November of 1962, left a strip of R-10 zoning along the south side of Powers Lane, to the rear of the businesses on the north side of the Baltimore National Pike. This strip of residential land was subsequently reclassified to commercial, thus extending the commercial uses along Baltimore National Pike to Powers Lane to within some 25 to 30 feet of the subject property.

The petitioner also produced a qualified consulting engineer who testified that all utilities are available to the property and adequate to service the proposed apartment-office project.

John E. Meyers, Assistant Development Engineer for the State Roads Commission introduced protestants' exhibit "C", a plat showing the proposed right-of-way taking for the Metropolitan Boulevard through the subject property. He further testified that the Metropolitan Boulevard is in the Twenty Year Highway Needs Study, but construction has not yet been programmed and acquisition of right-of-ways is not scheduled to begin until 1974. He felt that the alignment of the Metropolitan Boulevard here is fairly firm, however, it should be noted that as recently as eighteen months ago there was an entirely different alignment proposed for the Metropolitan Boulevard when it had been a County project, and that the alignment was changed drastically when the State Roads Commission took over the project.

Eugene Clifford, Traffic Engineer for Baltimore County, testifying at the request of the protestants, stated that the roads in the immediate area were designed for single family housing and not for high density uses. He also testified at some length as to the proposed construction of roads in the immediate area.

Considering Mr. Clifford's testimony, and that of the other traffic witnesses testifying on behalf of the petitioner, the Board finds as a fact that the granting of a small portion of the requested reclassification will not cause undue hazard or traffic congestion in the neighborhood. The protestants were all residents of the nearby Westerlee development, and generally felt that the construction of apartments here would depreciate their homes and increase the traffic using the residential streets in the Westerlee development. With regard to their fears about traffic, the Board is convinced by the testimony of Albert B. Kaltenbach, Director of Public Works of Baltimore County, subpoenaed by the protestants, that with the reconstruction and road improvements expected in the neighborhood within the next year, traffic will not be a serious problem.

The Director of Planning, George E. Gavrelis, testified that he was opposed to the granting of the reclassification although at the time his original comments were made, in January of 1969, he relied on a plat showing the proposed route of the Metropolitan

Boulevard along the south side of the subject property. He did agree that there have been changes to commercial zoning along the Baltimore National Pike and extensions of commercial zoning in depth, thus bringing the commercial zoning to Powers Lane immediately across from the subject property, but he did not feel that the subject property should be reclassified to an R-A zone to serve a transitional function here between the commercial zoning south of Powers Lane and the cottage zoning to the north of Powers Lane. He did agree, however, that the subject property is the only part of the Westerlee section that is opposite commercial zoning, and did agree that the commercial zoning has had some adverse effect on the R-10 properties north of Powers Lane, but felt that this adverse effect could be minimized by proper site planning.

Campbell V. Helfrich, an expert realtor testifying on behalf of the protestants, stated that in his opinion the additional traffic generated by the apartments would devalue surrounding residential properties, and that the property could be developed and sold with R-10 houses, although he did feel that the price that could be obtained for houses immediately across from the commercial zoning would not be nearly as high as the price that could be obtained for houses farther removed from the commercial uses. He stated that he would not be opposed to a single tier of apartments, perhaps two to three hundred feet in depth, north from Powers Lane, but that to zone the entire tract would be improper. He also agreed that the extension of the commercial zoning northerly from Route 40 to Powers Lane has had an impact on the land north of Powers Lane, and that the "highest and best use" of the portion of the property three hundred feet in depth northerly from Powers Lane would be R-A. He felt that if the strip of R-10 zoning south of Powers Lane, to the rear of the commercial on the Baltimore National Pike, were still in existence as originally placed on the zoning map in 1962, then the highest and best use for the frontage would be R-10.

From all the testimony, it appears to the Board that the petitioner is entitled to some relief on the southern portion of the property, and that in fact the reclassification of the southern portion of the property for a depth of three hundred feet north of Powers Lane would serve as a valuable transitional function between the heavy commercial uses to the south and the cottages to the north. However, the Board does feel that it would be

improper to zone the entire tract in the depth requested by the petitioner, therefore, the Board will grant the reclassification from R-10 to R-A for that portion of the property along a line running parallel to the south property line for a distance of three hundred feet north of the south property line. The parcel on which the reclassification is granted approximates four acres in size. The portion of the property that is reclassified is shown on a plat which is a copy of petitioner's exhibit #5, which is attached hereto and incorporated herein, and made a part of this Opinion. Since the Board is denying the reclassification on that portion of the property for which a special exception is requested for an office building, it is not necessary to decide this.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 5th day of August, 1970, by the County Board of Appeals, ORDERED that the reclassification from an R-10 zone to an R-A zone petitioned for, be and the same is hereby GRANTED for that portion of the property along a line running parallel to the south property line for a distance of three hundred (300) feet north of the south property line. The parcel on which the reclassification is granted approximates four (4) acres in size. The portion of the property that is reclassified is shown on a plat which is a copy of petitioner's exhibit #5, which is attached hereto and incorporated herein, and made a part of this Order; and

FURTHER ORDERS that the petitioner shall furnish a legal description showing the parcel reclassified for a depth of three hundred (300) feet northerly from the south property line of the subject property; and

FURTHER ORDERS that the reclassification petitioned for on the balance of the subject property, and the special exception petitioned for, be and the same are hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin

Walter A. Reiter, Jr.

John A. Miller

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION N/S of Powers Lane, 1360' W of Nuwood Drive - 1st District Ernest J. Hesse, et ux - Petitioner NO. 69-140-RX : BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

::: ::: :::

The Petitioners request a Reclassification of their property, consisting of approximately twenty-two acres of ground, from a R-10 zone to a RA zone. A Special Exception for the construction of an office building on the northern most end of the tract, consisting of one acre, is also requested. Plans call for the construction of two hundred and forty-three apartment units with three hundred and twenty-five off-street parking spaces to be provided and the construction of a modern office building with a proposed floor area of fourteen thousand, four hundred square feet with parking facilities for fifty-two vehicles.

Evidence as to zoning changes in the overall area as well as development costs of the subject property was introduced. However, without getting into the question of error or substantial changes in the character of the neighborhood, this Petition must be treated as being premature.

It is obvious from reviewing the exhibits and a personal inspection of the property (at the request of all interested parties) that there exists a serious problem of traffic ingress and egress. Although the Petitioner stressed the imminent construction of Westside Boulevard, a proposed major artery which is to border the subject property on the east, the Office of Planning in its Advisory Comments states that the proposed road is not contained in any approved program at the State or County level for construction. Therefore, the construction and completion of the proposed Westside Boulevard at this time is a matter of mere conjecture.

In the absence of the aforementioned proposed major artery, the only other means of ingress and egress would be by way of Powers Lane, which presently measures not much more than ten feet in width. This would mean that if the proposed apartments and office building were to be granted, all traffic would proceed down Powers Lane to either Rolling Road, a considerable distance, or to Nuwood Road (approximately 1,350 feet east of the proposed development), which is nothing more than a dirt road leading from Powers Lane to the Baltimore National Pike.

Bearing in mind that all zoning must bear a reasonable relationship to the public health, safety and general welfare of the neighborhood, the Deputy Zoning Commissioner has no alternative other than to deny this Petition.

For the aforegoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14 day of March, 1969, that the above Reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a R-10 zone; and the Special Exception for an office building be and the same is hereby DENIED.

Edward D. Hardesty
Deputy Zoning Commissioner of
Baltimore County

BY J.C. Harris Clk 3/14/69

DEC 30 '68 AM
ZONING DEPARTMENT

STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRESTON STREET
BALTIMORE, MD. 21201

COMMISSION MEMBERS: JEROME B. WOLFF, Chairman of Commission and Director of Highways; B. WALTER BOGLEY, JR.; HARLEY P. BRINSFIELD; LESLIE H. EVANS; JOHN J. McMULLEN; WILLIAM B. OWINGS; FRANK THORP

DAVID H. FISHER, Deputy Director and Chief Engineer; WALTER C. WOODFORD, JR., Program Coordinator; Deputy Chief Engineers: WALTER J. ADDISON, Planning & Safety; CONDIT A. GOLDSEICH, Development Engineering; LISLE E. McCARL, Operations

December 27, 1968

Mr. John G. Rose, Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification and Special Exception
No. 69-140-R--Property of Ernest J. Hesse and Audrey L. Hesse
North side of Powers Lane, 1360 ft. west of Nuwood Drive
Metropolitan Blvd.

Dear Mr. Rose:

The State Roads Commission has recently completed a study which revealed that the subject property would be seriously affected should the Commission construct the proposed highway improvement.

At the present time the State Roads Commission's interest in this section of the Metropolitan Blvd. is planning only. The Commission is not committed to constructing the highway; however, the project is in the twenty-year needs study and it is possible that the Commission could construct the highway.

Enclosed is a copy of the plot plan. Indicated thereon is the approximate effects of the highway improvements to the property.

We would appreciate your consideration of the State Roads Commission's position in this matter.

Thank you for your cooperation.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

John E. Meyers
by: John E. Meyers
Asst. Development Engineer

CL:JEM:bk

cc: Mr. Eugene Camponeschi
Mr. John Fentz

MAR 27 1973

EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS
4200 ELSROAD AVENUE / BALTIMORE, MD. 21214 (301) 426-2144

October 4 1968.

1.00 ACRE PARCEL TO BE REZONED FROM R-10 TO R-A
WITH SPECIAL EXCEPTION FOR OFFICES

BEGINNING for the same at a point on the South 70 degrees 41 minutes East 434.52 foot northern boundary line of Section "F" Westerlee, said point being situate, referring all courses of th is description to the ture meridian as established by the Baltimore County Metropolitan District, South 70 degrees 41 minutes East 188.0 feet measured along said northern boundary line from the northwest end thereof, thence leaving said place of beginning and running along said northern boundary line South 70 degrees 41 minutes East 38.0 feet to the west right-of-way line of Future Westside Boulevard (150 feet wide), thence binding along said west right-of-way line of the Future Westside Boulevard South 12 degrees 25 minutes East 229.0 feet, thence leaving said right-of-way line of Future Westside Boulevard and running the 4 following courses and distances, viz: South 77 degrees 35 minutes West 145.0 feet, thence Northwesterly 43.0 feet, thence Northeasterly 176.0 feet, thence Northwesterly 45.0 feet, more or less, to a point on the south right-of-way line of Future Pleasant Valley Drive (70 feet wide), thence binding on said south right-of-way line of Future Pleasant Valley Drive Southeasterly 115.0 feet, more or less, to the place of beginning.

Containing 1.00 acres of land more or less.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

STATE OF MARYLAND — J. Carroll Hagan — LAND SURVEYOR

EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS
4200 ELSROAD AVENUE / BALTIMORE, MD. 21214 (301) 426-2144

September 20 1968.

DESCRIPTION OF SECTION F WESTERLEE FOR ZONING
RECLASSIFICATION FROM RESIDENTIAL R-10 TO RESIDENTIAL R-A

BEGINNING for the same in the center line of Powers Lane 1360 feet, more or ess, measured westerly along said center line of Powers Lane from its intersection with the center line of Nuwood Drive, thence leaving said place of beginning and running and binding on the center line of said Powers Lane, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, the 4 following courses and distances, viz: North 67 degrees 10 minutes 00 seconds West 241.42 feet, thence North 57 degrees 33 minutes 00 seconds West 336.12 feet and thence North 62 degrees 23 minutes 01 seconds West 416.37 feet and thence North 55 degrees 53 minutes 10 seconds West 51.41 feet, thence leaving the center line of Powers Lane North 14 degrees 36 minutes 06 seconds East 498.24 feet, thence North 70 degrees 43 minutes 40 seconds West 60.62 feet, thence North 18 degrees 49 minutes 00 seconds East 697.77 feet, thence South 70 degrees 41 minutes 00 seconds East 434.52 feet, thence South 12 degrees 25 minutes 00 seconds East 819.51 feet, thence South 70 degrees 43 minutes 40 seconds East 116.91 feet, thence South 20 degrees 13 minutes 08 seconds West 637.64 feet to the place of beginning.

Containing 22.1071 acres of land, more or less.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

STATE OF MARYLAND — J. Carroll Hagan — LAND SURVEYOR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date December 27, 1968

FROM George E. Gavrelis, Director of Planning

SUBJECT Petition #69-140-RX. Reclassification from R-10 to R.A. Zone Special Exception for Offices and Office Building. North side of Powers Lane 1360 feet west of Nuwood Drive. Ernest J. Hesse, Petitioner.

1st District

HEARING: Monday, January 6, 1969 (1:00 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 an office building. It has the following advisory comments to make with respect to pertinent planning factors:

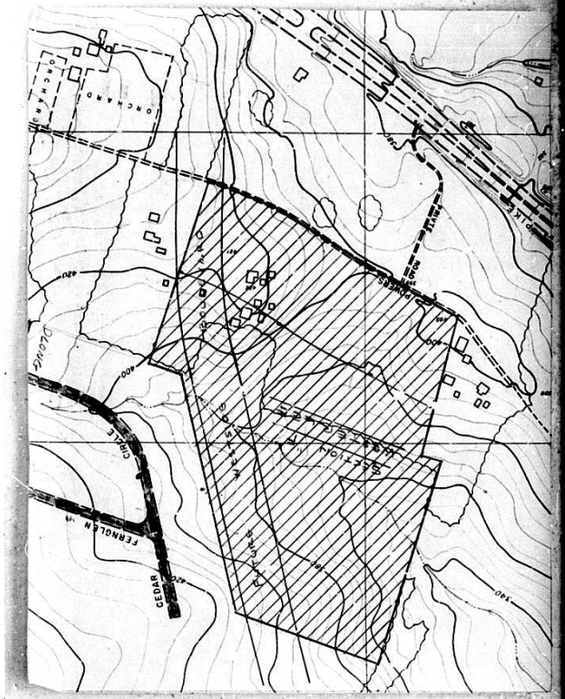
1. R-10 zoning was created for the subject tract as a valid recognition of the fact that this parcel along with other portions of the Westerlee development could be sewered. We believe that such zoning is correct and that no changes have occurred which would justify yet additional apartment zoning here.

2. In fact, the location of the subject property is such that it now has no accessibility features which might justify apartment zoning here. Neither does the tract provide transition from the commercial usages on Baltimore National Pike. Any dependents on improved accessibility by means of the proposed dual highway along the eastern boundary of the tract is absolutely premature. Although pinned as to location, this highway is not contained in any approved program at the State or County for construction.

3. Reference is made to the comments of the Zoning Advisory Committee with respect to aspects of poor initial accessibility and uncertain timing of road improvement which might correct the situation.

GEG:bms

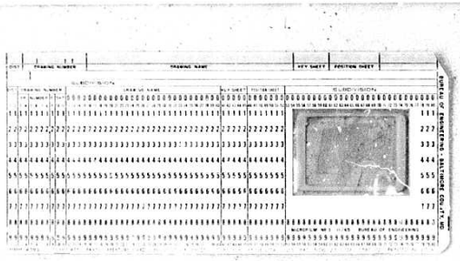
DEC 27 1968 PM — ZONING DEPARTMENT



County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

3180

Petition #69-140-RX
Ernest Jesse
Not attached to Order



NAME	ADDRESS	CITY	STATE	ZIP	PHONE NUMBER	LICENSE NO.
Attorney Phillip S. Carter 69-140-RX - Hesse						

PERMIT NUMBER	CONTROL NUMBER
INSPECTION DATE	INSPECTOR
1ST	
2ND	
3RD	
4TH	

BALTIMORE COUNTY, OFFICE OF THE BUILDING ENGINEER BALTIMORE CITY OFC BLDG. TOWSON, MD 21204

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
1st DISTRICT
ZONING: From R-10 to R.A.
Special Exception
Petition for Special Exception for Offices and Office Building.
LOCATION: North side of Powers Lane 1360 feet west of Nuwood Drive.
DATE & TIME: MONDAY, JANUARY 6, 1969 at 1:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Present Zoning: R-10
Proposed Zoning: R.A.
Petition for Special Exception for Offices and Office Building.
All that parcel of land in the First District of Baltimore County
RECLASSIFICATION FROM RESIDENTIAL R-10 TO RESIDENTIAL R-A
BEGINNING for the same in the center line of Powers Lane 1360 feet, more or less, measured westerly along said center line of Powers Lane from its intersection with the center line of Nuwood Drive, thence leaving said place of beginning and running and binding on the center line of said Powers Lane, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, the 4 following courses and distances, viz: North 67 degrees 10 minutes 00 seconds West 241.42 feet, thence North 57 degrees 33 minutes 00 seconds West 336.12 feet and thence North 62 degrees 23 minutes 01 seconds West 416.37 feet and thence North 55 degrees 53 minutes 10 seconds West 51.41 feet, thence leaving the center line of Powers Lane North 14 degrees 36 minutes 06 seconds East 498.24 feet, thence North 70 degrees 43 minutes 40 seconds West 60.62 feet, thence North 18 degrees 49 minutes 00 seconds East 697.77 feet, thence South 70 degrees 41 minutes 00 seconds East 434.52 feet, thence South 12 degrees 25 minutes 00 seconds East 819.51 feet, thence South 70 degrees 43 minutes 40 seconds East 116.91 feet, thence South 20 degrees 13 minutes 08 seconds West 637.64 feet to the place of beginning.
Containing 22.1071 acres of land, more or less
WITH SPECIAL EXCEPTION FOR OFFICE
BEGINNING for the same at a point on the South 70 degrees 41 minutes East 434.52 feet northern boundary line of Section "F" Westerlee, said point being situate, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, South 70 degrees 41 minutes East 188.0 feet measured along said northern boundary line from the northwest end thereof, thence leaving said place of beginning and running along said northern boundary line South 70 degrees 41 minutes East 38.0 feet to the west right-of-way line of Future Westside Boulevard (150 feet wide), thence binding along said west right-of-way line of the Future Westside Boulevard South 12 degrees 25 minutes East 229.0 feet, thence leaving said right-of-way line of Future Westside Boulevard and running the 4 following courses and distances, viz: South 77 degrees 35 minutes West 145.0 feet, thence Northwesterly 43.0 feet, thence Northeasterly 176.0 feet, thence Northwesterly 45.0 feet, more or less, to a point on the south right-of-way line of Future Pleasant Valley Drive (70 feet wide), thence binding on said south right-of-way line of Future Pleasant Valley Drive Southeasterly 115.0 feet, more or less, to the place of beginning.
Containing 1.00 acre of land more or less.
Being the property of Ernest J. Hesse and Audrey L. Hesse, as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, January 6, 1969 at 1:00 P.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
Dec. 19, 1968

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., December 31, 19 68

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one successive weeks before the 6th day of January 19 69, the first publication appearing on the 19th day of December 19 68

THE TIMES,
John M. Harman, Manager.

Cost of Advertisement, $ 37.50
paid 1 on No. 5 592

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
1st DISTRICT
ZONING: From R-10 to R.A. Zone.
Pe tition for Special Exception for Offices and Office Building.
LOCATION: 25 feet north side of Powers Lane 1360 feet West of Nuwood Drive.
DATE & TIME: Monday, January 6, 1969 at 1:00 P.M.
PUBLIC HEARING: Room 108, County Of ice Building, 111 W. Chesapeak Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Present Zoning: R-10
Proposed Zoning: R.A.
Petition for Special Exception for Offices and Office Building.
A.) that parcel of land in the First District of Baltimore County
RECLASSIFICATION FROM RESIDENTIAL R-10 TO RESIDENTIAL R-A
Beginning for the same in the center line of Powers Lane 1360 feet, more or less, measured westerly along said center line of Powers Lane from its intersection with the center line of Nuwood Drive, thence leaving said place of beginning and running and binding on the center line of said Powers Lane, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, the 4 following courses and distances, viz: North 67 degrees 10 minutes 00 seconds West 241.42 feet, thence North 57 degrees 33 minutes 00 seconds West 336.12 feet and thence North 62 degrees 23 minutes 01 seconds West 416.37 feet and thence North 55 degrees 53 minutes 10 seconds West 51.41 feet, thence leaving the center line of Powers Lane North 14 degrees 36 minutes 06 seconds East 498.24 feet, thence North 70 degrees 43 minutes 40 seconds West 60.62 feet, thence North 18 degrees 49 minutes 00 seconds East 697.77 feet, thence South 70 degrees 41 minutes 00 seconds East 434.52 feet, thence South 12 degrees 25 minutes 00 seconds East 819.51 feet, thence South 70 degrees 43 minutes 40 seconds East 116.91 feet, thence South 20 degrees 13 minutes 08 seconds West 637.64 feet to the place of beginning.
Containing 22.1071 acres of land, more or less
WITH SPECIAL EXCEPTION FOR OFFICE
Beginning for the same at a point on the South 70 degrees 41 minutes East 434.52 feet northern boundary line of Section "F" Westerlee, said point being situate, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, South 70 degrees 41 minutes East 188.0 feet measured along said northern boundary line from the northwest end thereof, thence leaving said place of beginning and running along said northern boundary line South 70 degrees 41 minutes East 38.0 feet to the west right-of-way line of Future Westside Boulevard (150 feet wide), thence binding along said west right-of-way line of the Future Westside Boulevard South 12 degrees 25 minutes East 229.0 feet, thence leaving said right-of-way line of Future Westside Boulevard and running the 4 following courses and distances, viz: South 77 degrees 35 minutes West 145.0 feet, thence Northwesterly 43.0 feet, thence Northeasterly 176.0 feet, thence Northwesterly 45.0 feet, more or less, to a point on the south right-of-way line of Future Pleasant Valley Drive (70 feet wide), thence binding on said south right-of-way line of Future Pleasant Valley Drive Southeasterly 115.0 feet, more or less, to the place of beginning.
Containing 1.00 acre of land more or less.
Being the property of Ernest J. Hesse and Audrey L. Hesse, as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, January 6, 1969 at 1:00 P.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
BY ORDER OF
JOHN G. ROSE
Zoning Commissioner of
Baltimore County.
Dec. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 19, 1968, 19

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 successive weeks before the 6th day of January, 19 69, the first publication appearing on the 19th day of December 19 68.

THE JEFFERSONIAN,
D. Frank Struppe, Manager.

Cost of Advertisement, $

4 Signs — 69-140-RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st — Date of Posting 12-22-68
Posted for: Special Exception & Reclassification
Petitioner: E. J. Hesse
Location of property: N/S of Powers Lane 1360' W. of Nuwood Dr.
Location of Signs: (2) 1360' W of Nuwood Drive on N/S of Powers Lane
(2) At Ex. Treatment Plant 500' of Cedar Circle Drive
Remarks:
Posted by Signature — Date of return: 12-27-68

2 Signs — 69-140-RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st — Date of Posting 4-24-69
Posted for: Appeal
Petitioner: E. J. Hesse
Location of property: N/S of Powers Lane 1360' W of Nuwood Dr.
Location of Signs: (1) 1360' W of Nuwood Drive on N/S of Powers Lane
(2) SW of Cor. of Cedar Circle Dr. & Fenwick Rd. in V of Powers
Remarks:
Posted by Signature — Date of return: 5-1-69

MAR 27 1973

TELEPHONE 823-3000 EXT. 387

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

No. 60741

DATE Dec. 13, 1968

BILLED BY: Zoning Dept. of Balto. Co.

TO: Fred E. Waldrop, Esq.
Masonic Building
Towson, Md. 21204

DEPOSIT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
	Petition for Reclassification & Special Exception for Ernest J. Hesse #69-140-RX	50.00
4		

TOTAL AMOUNT $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. 60802

DATE Jan. 27, 1969

BILLED BY: Zoning Dept. of Balto. Co.

TO: Ernest J. Hesse
6100 Baltimore National Pike
Baltimore, Md. 21228

DEPOSIT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
	Advertising and posting of property #69-140-RX	80.50
4		

TOTAL AMOUNT $80.50

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. 62155

DATE 5/15/69

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.
Towson, Md. 21204

TO: Fred. E. Waldrop, Esq.,
Masonic Building
Towson, Md. 21204

DEPOSIT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
	cost of appeal - Ernest J. Hesse,	$ 70.00
	No. 69-140--RX 2 signs 10.00	$80.00
4		

TOTAL AMOUNT $80.00

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. 57812

DATE 5/19/69

BILLED BY: County Board of Appeals (Zoning)

TO: Kenneth D. Short, Esq.
6630 Baltimore National Pike
Baltimore, Maryland 21228

DEPOSIT TO ACCOUNT NO.

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
	Copies of documents from file - No. 69-140-RX (14 pgs. at $.50 each) Ernest J. Hesse, et al N/S Pawnee Lane 1360' W. of Nuwood Drive 1st District	$7.00
4		

TOTAL AMOUNT $7.00

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. 65672

DATE 9/14/70

BILLED BY: County Board of Appeals (Zoning)

TO: Kenneth D. Short, Esq.
6630 Baltimore National Pike
Baltimore, Maryland 21228

DEPOSIT TO ACCOUNT NO. 01.712

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY		COST
	Cost of certified documents - Case No. 69-140-RX Ernest J. Hesse, et al N/S Pawnee Lane 1360' W. of Nuwood Drive 1st District	$ 16.00
4		

TOTAL AMOUNT $16.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

John W. Hessey, IV, Esq.,
Masonic Building
Towson, Maryland 21204

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

Your Petition has been received and accepted for filing this

9th day of December, 1968.

JOHN G. ROSE,
Zoning Commissioner

Petitioner Ernest J. Hesse, et ux

Petitioner's Attorney John W. Hessey, IV, Esq. Reviewed by

Chairman of
Advisory Committee

LOCATION MAP - Scale 1"=500'

PROPOSED RIGHT OF WAY LINE OF THROUGH HIGHWAY

ZONED R-10

POWERS LANE

ZONED R-10

ZONED R-20

WOODBRIDGE VALLEY DRIVE

CEDAR CIRCLE DRIVE

WILL NOT BE NEEDED BY SRC

RECREATION AREA

POOL

BATH HOUSE

TENNIS COURTS

SOUTHBOUND

NORTHBOUND

EASEMENT

30' SLOPE

Prop. 10' Utility Easement

Prop. 10' Utility Easement

Prop. 8" Sanitary

Prop. Junction Box

Ex. S.D. (to be abandoned)

Future entrance

Prop. Paving to Wood Drive

300'

1360'

S70°-13'-08"W - 637.64'

SECTION "E"
"WESTERLEE"
ZONED R-10

CANTILLA ROAD

Notes:
RA with Special Exception for offices.

TENTATIVE
SUBJECT TO REVISION
DATE 5-13-69
DEVELOPMENT ENGINEERING DIVISION
MD. STATE ROADS COMMISSION
NOT FOR PUBLIC INFORMATION

Chapter 56 of the Acts of 1956, Annotated Code of Maryland, provides that this plat may be used for official purposes only.

This is an Expressway, and no access either vehicular, pedestrian and/or animal will be permitted across the lines designated "Right of Way Line of Through Highway" except by means of such public road connections as the Commission may construct or permit to be constructed.

SECTION F
"WESTERLEE"

1ST ELECTION DISTRICT, BALTO. CO., MD.

FOR

ERNEST J. HESSE & AUDREY L. HESSE (HIS WIFE)

2010 CEDAR CIRCLE DRIVE

BALTIMORE 28, MARYLAND

ZONING INFORMATION

Gross Acreage	20.50
Net Acreage	16.55
No. of Units	245
Gross Density	12.0
Net Density	14.7
No. Parking	425
Size Parking	9'x20'
Election District No.	1
Present Zone	R-10
Proposed Zone	RA & RA with Special Exception for Offices
Floor Area Office Bldg	14,400
Reqd. No. Parking	48
Proposed Parking	52

Duplicate

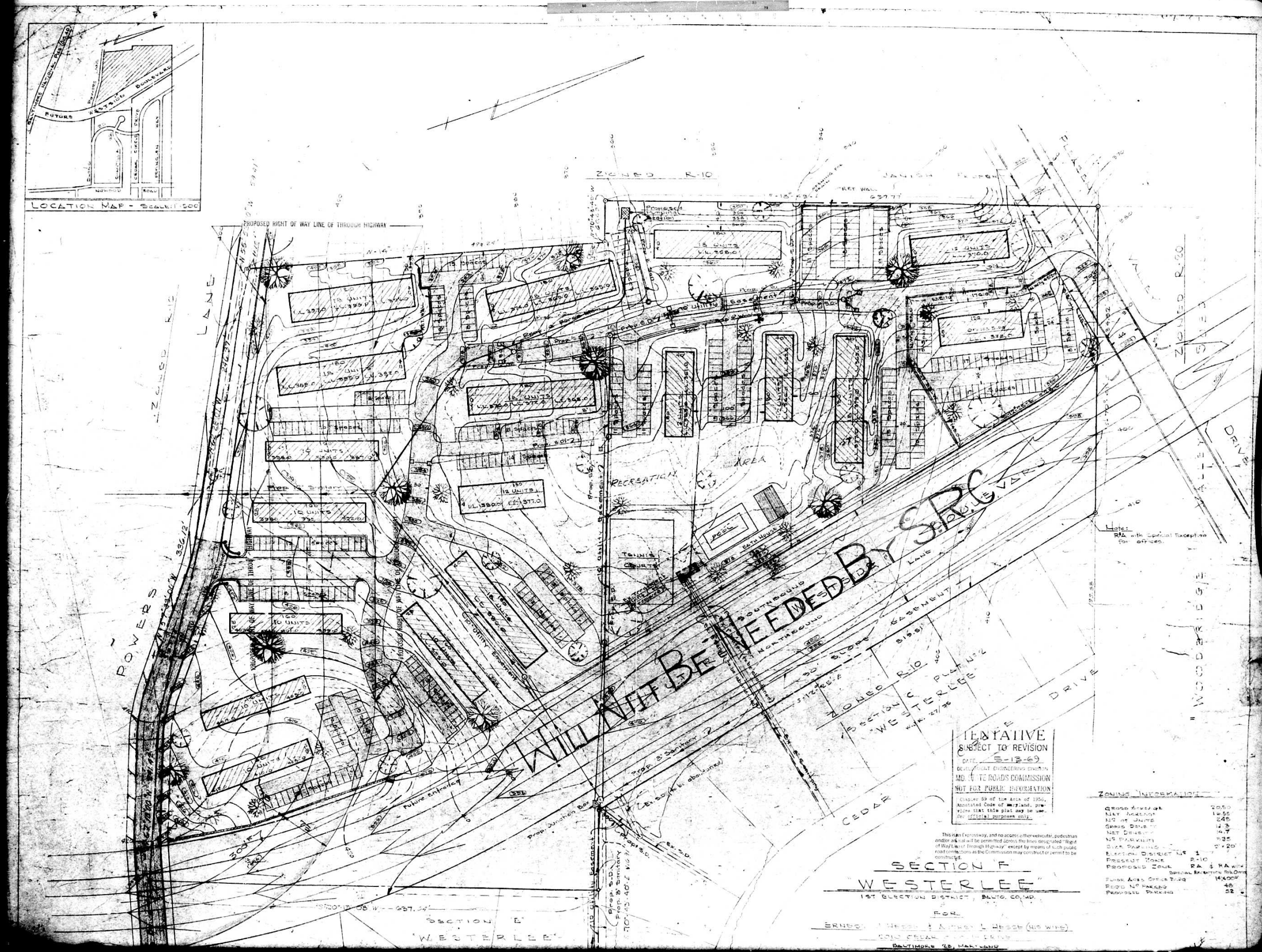
Rev. 11/26/68
Rev. 10/4/68
Rev. 9/10/68
Rev. 8/20/68

STATE OF MARYLAND REGISTERED PROFESSIONAL LAND SURVEYOR

EVANS, HAGAN & ASSOCIATES
SURVEYING & CIVIL ENGINEERING
8200 ELSRODE AVE. — PHONE 426-2144
BALTIMORE, MARYLAND 21214

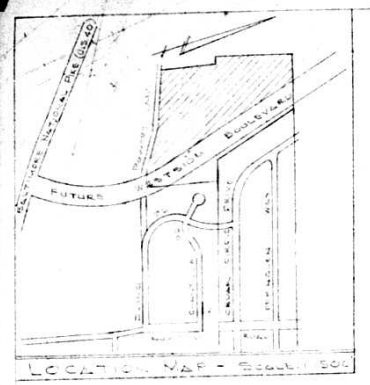
Feb. 20, 1968 SCALE 1"=50'

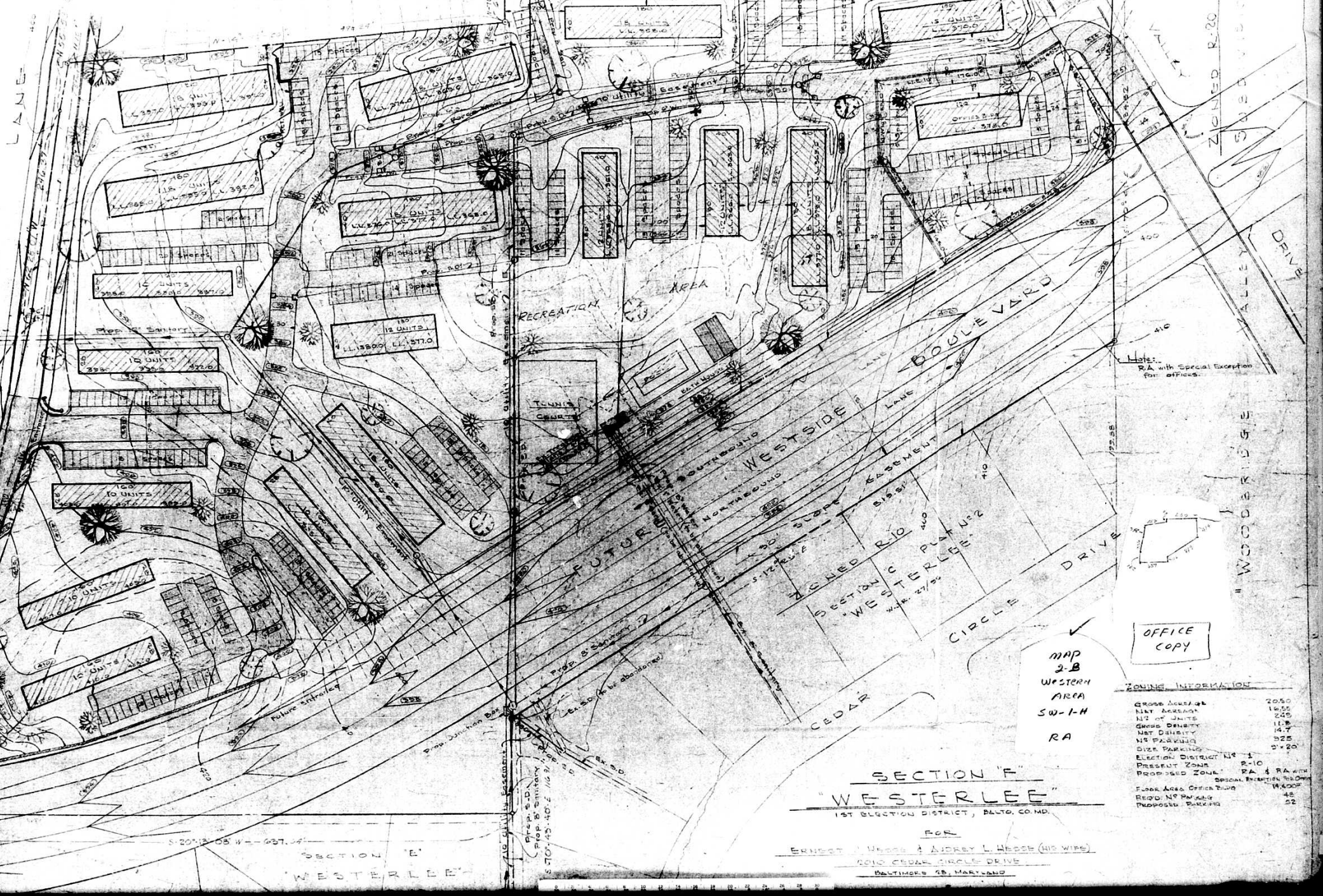
MAR 27 1973


LOCATION MAP - SCALE 1" = 500'
BALTIMORE NATIONAL PIKE (US 40)
FUTURE WESTSIDE BOULEVARD
ZONED R-10
JANISH PROPERTY
PROPOSED RIGHT OF WAY LINE OF THROUGH HIGHWAY
ZONED R-10
ZONED R-10
POWERS LANE
RECREATION AREA
WILL NOT BE NEEDED BY SRC
SOUTHBOUND
NORTHBOUND
30' SLOPE EASEMENT
ZONED R-10
SECTION C PLAT No 2
"WESTERLEE"
W.P. 27/96
CEDAR DRIVE
WOODMERE DRIVE
SECTION E
"WESTERLEE"
Future Entrance
Prop. Junction Box
Prop. S.D.
Prop. S. Sanitary
Ex. S.D. to be abandoned
Notes:
RA with Special Exception for offices.
TENTATIVE
SUBJECT TO REVISION
DATE 5-13-69
DEVELOPMENT ENGINEERING DIVISION
MD. STATE ROADS COMMISSION
NOT FOR PUBLIC INFORMATION
Chapter 59 of the Acts of 1956, Annotated Code of Maryland, provides that this plat may be used for official purposes only.
This is an Expressway, and no access either vehicular, pedestrian and/or animal will be permitted across the lines designated "Right of Way Line of Through Highway" except by means of such public road connections as the Commission may construct or permit to be constructed.
SECTION F
"WESTERLEE"
1ST ELECTION DISTRICT, BALTO. CO., MD.
FOR
ERNEST J. HESSE & ARTHUR L. HESSE (HIS WIFE)
GOLD CEDAR DRIVE
BALTIMORE 28, MARYLAND
ZONING INFORMATION
GROSS AREA 20.50
NET ACREAGE 16.55
No. OF UNITS 249
GROSS DENSITY 12.3
NET DENSITY 14.7
No. PARKING 435
SIZE PARKING 9' x 20'
ELECTION DISTRICT No. 1
PRESENT ZONE R-10
PROPOSED ZONE RA & RA with SPECIAL EXCEPTION FOR OFFICES
TOTAL AREA OFFICE BLDG 14,400 SF
REQD No. PARKING 48
PROPOSED PARKING 52

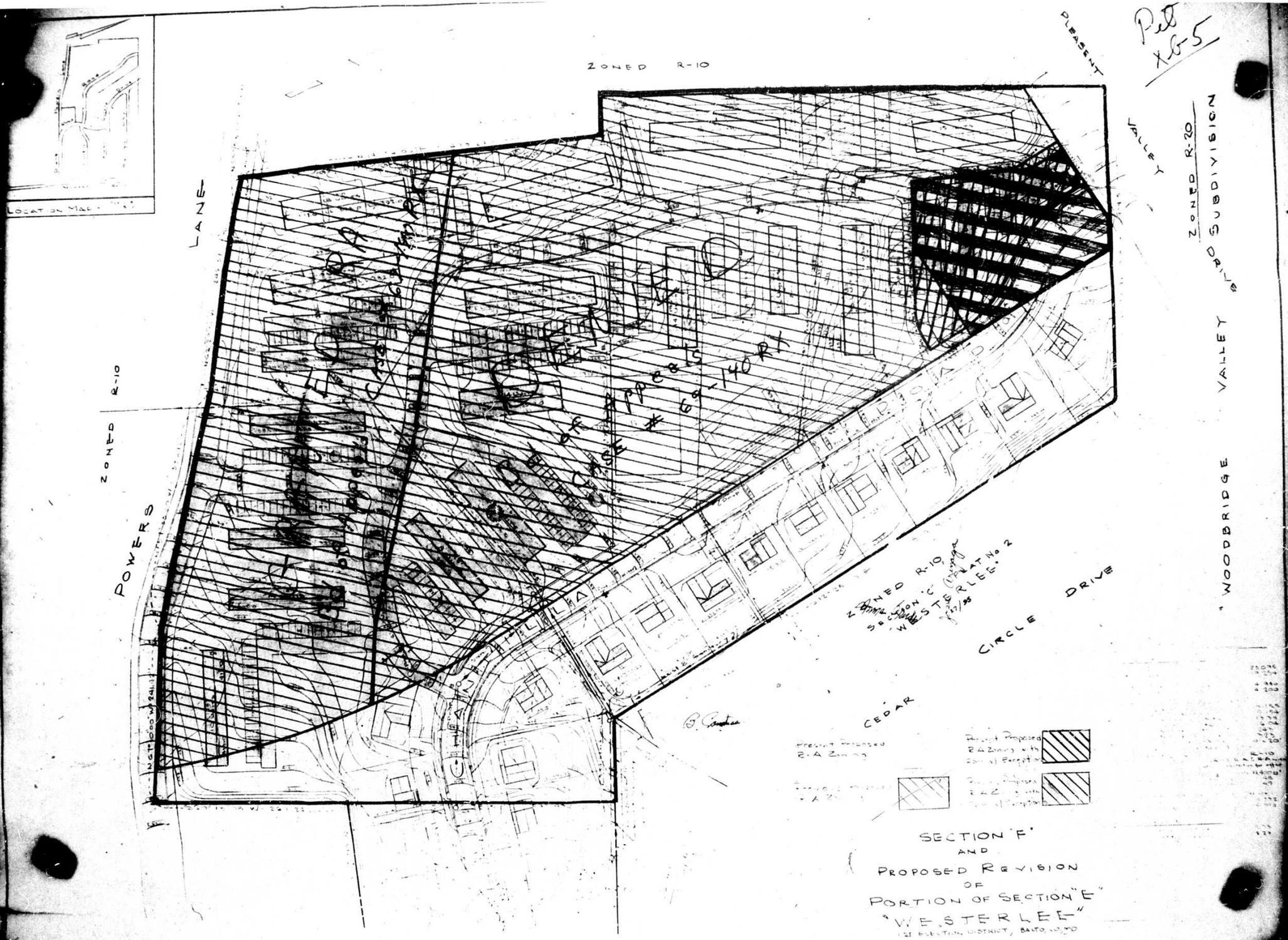
LOCATION MAP - SCALE 1" = 50'
ZONED R-10
ZONED R-20
POWERS LANE
WOODSIDE DRIVE
VALLEY DRIVE
WESTSIDE BOULEVARD
CEDAR CIRCLE DRIVE
CANTILLA ROAD
RECREATION AREA
TENNIS COURTS
POOL
FUTURE SOUTHBOUND
FUTURE NORTHBOUND
SLOPE EASEMENT
Proposed Easement
Prop. 10' Utility Easement
Future entrance
Prop. Junction Box
Ex. S.D. (to be abandoned)
Prop. S.D.
Prop. 8" Sanitary
Ex. Sanitary
Prop. Sanitary
Ex. S.D.
S 20°-13'-08" W - 637.34'
S 70°-45'-40" E 116.91'
N 67°00'00" W 241.42'
SECTION "E"
"WESTERLEE"
ZONED R-10
SECTION "C" PLAT No 2
"WESTERLEE"
W.B. 27/32
Note:
RA with Special Exception for offices.
OFFICE COPY
MAP 2-B WESTERN AREA SW-1-H RA
ZONING INFORMATION
Gross Acreage 20.50
Net Acreage 16.55
No of Units 245
Gross Density 11.8
Net Density 14.7
No Parking 1.25
Size Parking 9'x20'
Election District No 1
Present Zone R-10
Proposed Zone RA & RA with Special Exception Below
Floor Area Office Bldg 14,400
Reqd. No Parking 45
Proposed Parking 52
SECTION "F"
"WESTERLEE"
1ST ELECTION DISTRICT, BALTO. CO. MD.
FOR
ERNEST J. HESSE & AUDREY L. HESSE (HIS WIFE)
2010 CEDAR CIRCLE DRIVE
BALTIMORE 28, MARYLAND
Rev. 11/26/68
Rev. 10/4/68
Rev. 9/12/68
Rev. 8/20/68
STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
LAND SURVEYOR
EVANS, HAGAN & ASSOCIATES
SURVEYING & CIVIL ENGINEERING
8200 ELSRODE AVE. - PHONE 426-2546
BALTIMORE, MARYLAND 21214
8-20-1968
SCALE 1" = 50'

MAR 27 1973


LOCATION MAP - SCALE 1" = 800'
FUTURE
BOULEVARD


ZONED R-10
JANICH PROPERTY
ZONED R-20
ZONED R-10
POWERS LANE
BOULEVARD
CIRCLE DRIVE
CEDAR
WESTSIDE
LANE
EASEMENT
FUTURE
NORTHBOUND
SOUTHBOUND
SECTION "C" PLAT Nº 2
"WESTERLEE"
SECTION "E"
"WESTERLEE"
RECREATION
AREA
TENNIS COURTS
Prop. 8" Sanitary
Prop. Junction Box
Future entrance
Prop. S.D.
Prop. 8" Sanitary
Ex. S.D. (to be abandoned)
Notes:
RA with Special Exception for offices.
OFFICE COPY
MAP 2-B
WESTERN AREA
SW-1-H
RA
ZONING INFORMATION
Gross Acreage 20.50
Net Acreage 16.55
Nº of Units 245
Gross Density 11.9
Net Density 14.8
Nº Parking 325
Size Parking 9'×20'
Election District Nº 1
Present Zone R-10
Proposed Zone RA & RA with Special Exception for Offices
Floor Area Office Bldg 14,600#
Reqd. Nº Parking 48
Proposed Parking 52
SECTION "F"
"WESTERLEE"
1ST ELECTION DISTRICT, BALTO. CO. MD.
FOR
ERNEST J. HESSE & AUDREY L. HESSE (HIS WIFE)
2010 CEDAR CIRCLE DRIVE
BALTIMORE 28, MARYLAND

Pet XG-5



4 AUG 70

Mr Rose

1st

69-140

FEB 10 '69 AM
ZONING DEPARTMENT
By

NORRIS E. HOOK and BERTHA HOOK and ERNEST J. HESSE Appellants	*	IN THE
vs.	*	CIRCUIT COURT
WILLIAM S. BALDWIN, W. GILES PARKER and JOHN A. SLOWIK constituting the County Board of Appeals of Baltimore County	*	FOR
	*	BALTIMORE COUNTY
Appellees		
FRANKLIN M. PADGETT ROGER BRUCK GERARD KLOBY	*	Misc. 8/306/3958
Intervenors	*	

* * * * * * * * * * *

ORDER OF COURT

The above matter having come on for argument, and the Court having heard and considered the arguments of counsel for the Appellants and for the Intervenors, and having read and considered the record and exhibits on file, and in accordance with the Supplemental Opinion of this Court rendered on the 30th day of January, 1969, it is this 1st day of February, 1969, by the Circuit Court for Baltimore County:

ORDERED, that the Order and decision of the County Board of Appeals passed on the 20th day of March, 1968, in the matter of Petition No. 67-140-R be and the same is hereby reversed and the case is hereby remanded to the County Board of Appeals for Baltimore County so that the Petitioners may amend the request for reclassification in accordance with the Petition for Amendment filed by the Petitioners with the Board on January 18, 1968, and the Board is directed to take such additional testimony as the Petitioners and the Protestants may wish to produce on or in opposition to the Amended Petition;

Pet
2-1-69

Park Ave +
Fourth Ave

13

FILED JUL 7 - 1969

AND IT IS FURTHER ORDERED that the County Board of Appeals for Baltimore County reconsider and reach a decision in said case on the basis of the Petition as amended.

JUDGE

I hereby approve the above Order.

C. Victor McFarland
Counsel for Intervenors