

69-164RX MAP #1 SEC. 2-A SW-3-G RA-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, LAWRENCE & NORMA JENNINGS, 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 R-A zone; for the following reasons: with special exceptions for medical offices.

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 Medical offices, for A. phusians, as shown on the attached plat with adequate parking facilities. as shown on the attached plat

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.

Robert G. J. Smith
Contract purchaser
Address: 829 W. 60 St.

Robert G. J. Smith
Petitioner's Attorney
Address: 1000 Maryland Trust Bldg.

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of January, 1969, 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 30th day of February, 1969, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

E. F. RAPHEL & ASSOCIATES
Registered Land Surveyors
201 COURTLAND AVENUE
TOWSON 4, MARYLAND
10/4/68

DESCRIPTION TO ACCOMPANY ZONING PETITION
L. W. JENNINGS PROPERTY
1st ELECTION DISTRICT, BALTIMORE COUNTY

BEGINNING for the same at a point formed by the intersection of the southeast side of Frederick Road and the eastern side of Balfred Road at the beginning of the 5th or last line of the first parcel of land which by deed dated March 22, 1951 and recorded among the Land Records of Baltimore County in Liber GLB 1944, folio 316, was granted by Eleanor W. Shaw, divorced, to Lawrence W. Jennings, running thence and binding on the southeast side of Frederick Road and on the last line of the first parcel and continuing reversely on part of the first line of the second parcel N69°35'E 225.00' thence leaving the southeast side of Frederick Road and running for lines of division the two following courses and distances: 1) N20°25'04"E 127.72'; 2) S69°35'02"W 268.73' to the east side of Balfred Avenue and to intersect the 4th line of the first parcel in aforesaid deed, running thence and binding on the east side of Balfred Avenue and on part of the 4th line in aforesaid deed N1°31'00"W 135.00'.

CONTAINING 0.724 Acres of land more or less.

BEING part of the land which by deed dated March 22, 1951 and recorded among the Land Records of Baltimore County in Liber GLB 1944, folio 316, was granted by Eleanor W. Shaw, divorced, to Lawrence W. Jennings.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 30, 1969

FROM: George E. Gavrelis, Director of Planning

SUBJECT: Petition #69-164-RX. Reclassification from R-6 to R-A. Special Exception for Offices and Office Building. Southeast corner of Frederick and Balfred Roads. Lawrence W. Jennings, Petitioner.

1st District

HEARING: Tuesday, February 11, 1969 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R-A, zoning together with Special Exception for offices. In light of commercial potentials on the opposite side of Frederick Road and classification of the commercial area as a Neighborhood Shopping District, the Planning staff feels that conversion of the existing structure for medical offices by means of apartment zoning is appropriate. If granted, the granting should be conditioned upon compliance with an approved site plan at a level of intensity limited to that area shown by the petitioner for parking and conversion only of the present structure for offices.

Re: Petition for Reclassification
from R-6 Zone to R-A Zone
Special Exception for Offices
and Office Building - S/E Cor.
Frederick Road and Balfred
Roads, 1st District
Lawrence & Norma B. Jennings,
Petitioners
Baltimore County
No. 69-164-RX

Petitioners are requesting a reclassification of property at the southeast corner of Frederick and Balfred Roads, in the First District of Baltimore County, from an R-6 Zone to an R-A Zone. It is further petitioned that a special exception for Medical Offices for four physicians be granted.

The proposed use would be located on an 0.724 acre site cut out of a tract of three acres, more or less.

The Office of Planning and Zoning made the following comment:

"The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R-A zoning together with Special Exception for Offices. In light of commercial potentials on the opposite side of Frederick Road and classification of the commercial area as a Neighborhood Shopping District, the Planning staff feels that conversion of the existing structure for medical offices by means of apartment zoning is inappropriate. If granted, the granting should be conditioned upon compliance with an approved site plan at a level of intensity limited to that area shown by the petitioner for parking and conversion only of the present structure for offices."

This general area was considered in Helfrich v. Mongelli, et al, and the Court had the following to say at 248 Md page 505:

Appellees' witness, Mr. Gavrelis, replying to a question concerning change in the neighborhood stated:
My recollection, without referring to a map *** is that all development has occurred within the constraints imposed by the zoning map, and that several attempts to change the zoning have not been successful."

This would indicate that there have been only such changes in the subject area as were anticipated by those who enacted the comprehensive plan. See County Council vs. Gendelman, 227 Md. 491, 177 A2d 687 (1962); Serio vs. City of Baltimore, 208 Md. 545, 119 A 2d (1956).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William E. Fornoff
TO: Administrative Officer Date: April 24, 1970
Mr. Edward D. Hardesty
FROM: Zoning Commissioner
Interpretation of Section 500.12 of the
SUBJECT: Baltimore County Zoning Regulations

The Zoning Commissioner respectfully requests an opinion from the Office of Law on an interpretation of Section 500.12 of the Baltimore County Zoning Regulations.

On February 19, 1969, the late John G. Rose denied a Petition seeking a Reclassification of a 0.724 acre site from an R-6 zone to a RA zone and a Special Exception for an office building.

The property owner now desires to file a Petition seeking a Special Exception to use a larger tract (of which the 0.724 acre is a part) for a fraternal organization. Of course, the eighteen months limitation in Section 500.12 has not yet elapsed.

Since the proposed Special Exception differs from the original request and since we are dealing with a greater overall acreage, would it be in order for this office to accept a new Petition to use the property for a fraternal organization meeting place and process it for a hearing.

Edward D. Hardesty
EDWARD D. HARDESTY
Zoning Commissioner

EDH/srl

cc: R. Bruce Alderman, Esquire
County Solicitor

We are of the opinion that the record in this case is so lacking in evidence in change affecting the character of the neighborhood as to render the question not "fairly debatable" and that the lower court was in error in affirming the decision of the Board granting reclassification."

In the present matter testimony was lacking concerning any change in the area or any error in the map.

Mention was made of the large commercial area across Frederick Road zoned commercial in 1945. In this connection attention is called to Stockdale vs. Barnard, 239 Md Page 548:

"The record shows that the subject property lies on York Road almost midway between Seminary Avenue on the south and Bellona Avenue on the north. On the opposite side of the R-6 there have been some zoning applications granted for R-A classification. However, on the east side of York Road there have been no changes in the immediate neighborhood with the exception mentioned above at the corner of Thornhill Road. Judge Menchine in his colorful opinion Levy v. Seven Slade, Inc., supra, and concluded that the Board had no reasonable basis in fact to support the denial, and reversed the Board, thus allowing the applicants' petition for relief. He based his decision on the fact that several zoning changes had been granted in the area. But, an examination of the record shows that all except one of these changes in the immediate neighborhood were on the opposite, west side of York Road from applicants' property. We have held in past cases that a street or road may be a natural boundary line between two zones. Sapero v. M. & C. C., 235 Md. 1, 200A, 2d 74. In Shadynook Imp. Assn. v. Molloy, 232 Md. 265, 192 A 2d 502, we held that the existence of apartment uses on one side of the street does not alter the use of the land on the opposite side, and therefore the street is an appropriate line of demarcation. Here, there was evidence before the Commissioner and the Board from which they reasonably could and did reach their conclusions. We therefore think that the question before them was at least fairly debatable and that the trial court actually substituted its judgment for that of the Commissioner and the Board, and that in so doing, it exceeded the proper exercise of its powers.

Having reached this result we need not consider appellants' final argument that there was no evidence to justify appellees' request for a variance or special exception.

For the reasons set forth above, the order of the Circuit Court must be reversed with directions to reinstate the order of the Board denying the reclassification, special exception and variance."

For the above reasons the reclassification should NOT BE HAD. The reclassification being denied it is unnecessary to consider the special exception for offices.

It is this 17th day of February, 1969, by the Zoning Commissioner of Baltimore County ORDERED that above reclassification should be and the same is hereby DENIED and the above described property or area is hereby continued as and to remain an R-6 Zone and the special exception for Offices, be and the same is hereby DENIED.

John C. Rose
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

DATE: 2/19/69

BY: John C. Rose

ADMINISTRATIVE ASSISTANT



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

January 2, 1969

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

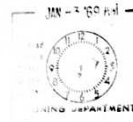
Dear Mr. Rose:

This office has reviewed the subject revised plan and it was revealed that the plan does not fully reflect our comments that were made at the time of the Zoning Advisory Committee Meeting.

The radius return into Balfred Ave. must have a 30' radius. The plan does not indicate a dimension for the radius but it scales much less than 30'. The entrance detail does not conform with State Roads Commission policy. The roadside curbing must return into the entrance on a radius of not less than 10'.

The plan should be revised prior to a hearing date being assigned.

Very truly yours,
Charles Lee, Chief
Development Engineering
Section
John C. Rose, Jr.
Asst. Development Engineer



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 4, 1969

COUNTY OFFICE BUILDING
11 W. Chesapeake Ave.
TOWSON, MARYLAND 21204JAMES E. DYER
Chairman

MEMBERS

BURL ALLEN
TOWSONBURL ALLEN
TOWSON

STATE BOARD OF PLANNING

HEALTH DEPARTMENT

PLANNING DEPARTMENT

PLANNING DEPARTMENT

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Ronald L. Maher, Esq.,
1000 Maryland Trust Bldg.,
Baltimore, Maryland 21202RE: Type of Hearings: Reclassification from
an R-6 zone to an R-4 zone, and Special
Exception for medical offices
Location: SW/Cor. Frederick Rd. & Balfred Rd.
District: 1st
Petitioner: Lawrence Jennings, et ux
Committee Meeting of Oct. 22, 1968
Item 97

Dear Sirs:

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.The subject property consists of 0.7 of an acre and
is part of an overall tract which consists of 3.5 of an acre.
This property is improved with a large one-story building
which is apparently used for apartments at the present time.
There are also two smaller buildings which are presently
used as dwellings - one of these dwellings being located
on the subject tract and one located just north of the
subject tract on the 3.5 acre portion. It appears that
the larger building could easily be converted to office
use. However, extensive grading will be required for the
parking area which is located to the east of this building.Public Services: A water line does not exist in
Frederick Road as shown on the plan. A 12" water line does
extend westerly in Frederick Road from Monmouth Drive
for approximately 120'. A water line also exists in Balfred
Avenue as shown on the plan. Sanitary sewer exists in
Frederick Road as is indicated on the plan. Balfred
Avenue is proposed to be developed as a minimum 30 ft.
road on a 50 ft. right-of-way.Site Plans: The entire frontage of the property
along Frederick Road must be curbed with 8 x 22" concrete
curb. The roadside face of curb is to be 24 ft. from and
parallel to the center line of Frederick Road. The curbRonald L. Maher, Esq.,
1000 Maryland Trust Bldg.,
Baltimore, Maryland
Re: Lawrence Jennings, et ux

November 4, 1968

must return into Balfred Avenue on a 30 ft. radius. Either the
right-of-way line or the parking setback line fronting on the
parking lot must also be curbed. A 30 ft. entrance would be
more than adequate to serve this parking area. The plan must be
revised to indicate these items prior to a hearing date being
assigned.The entrance will be subject to State Roads Commission
approval and permit.The building or buildings on this site may be subject to
registration and compliance with the Maryland State Health Air
Pollution Control Regulations. Additional information may be
obtained from the Division of Air Pollution, Baltimore County
Department of Health.If you have any questions concerning this matter, please
do not hesitate to contact the writer.

Sincerely yours,

JAMES E. DYER, Chairman

JED:JD

Enc.

Board of Zoning of Baltimore County

ROBERT M. ROSE
Towson, Maryland 21204

FROM: Nick Petrovich

DATE: October 23, 1968

TO: Jim Dyer

RE: Zoning Advisory Committee Meeting of October 22, 1968

Item 97 of Z.A.C. Mtg. of October 22, 1968. Since the amount of
acreage is but .7 acres the effect of a zoning change on the school
serving this area is nil.The rest of the items on the agenda would have no bearing on
the increase in student population at all.OCT 24 1968
ZONING DEPARTMENTRonald L. Maher, Esq.,
1000 Maryland Trust Bldg.,
Baltimore, Maryland 21202

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

On day of January, 1969.

JOHN G. ROSE,
Zoning Commissioner

Petitioner: Ronald L. Maher, Esq.

Petitioner's Attorney: Lawrence Jennings, et ux reviewed by
Chairman of Advisory Committee

INVOICE No. 60828

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

DATE: Feb. 7, 1969

To: Messrs. Campbell, Alexander and Maher
1000 Maryland Trust Building
Baltimore, Md. 21202

REMARKS: Advertising and posting of property for Lawrence M. Jennings
69-164-RX

QUANTITY	UNIT PRICE	TOTAL AMOUNT
1	68.00	68.00

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

INVOICE No. 60792

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

DATE: Jan. 21, 1969

To: Messrs. Campbell, Alexander and Maher
1000 Maryland Trust Building
Baltimore, Md. 21202

REMARKS: Petition for Reclassification and Special Exception for Lawrence Jennings
69-164-RX

QUANTITY	UNIT PRICE	TOTAL AMOUNT
1	28.00	28.00

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

4 Signs 69-164-RX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st

Posted for: Special Exception & Reclassification

Petitioner: L. M. Jennings

Location of property: SE/Cor. Frederick & Balfred Rds.

Location of Signs: @ 40' E of Balfred Rd. on S. of Fred Rd.
@ 40' S of Fred Rd. on E. of Balfred Rd.

Remarks: 1-23-69

Posted by: J. Dyer

Date of return: 1-23-69

PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION

ZONING: From R-6 to R-4.

Petitioner for Special Exception for Office and Office Building.

LOCATION: Southwest corner of Frederick Road and Balfred Road.

Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

February 11, 1969 at 11:00 A.M.

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above described property.

Proposed Zoning: R-4.

Notice of Special Exception for Office and Office Building.

All that parcel of land in the First District of Baltimore County, known as the southeast corner of the intersection of the southeast side of Frederick Road and the east side of Balfred Road, and containing approximately 0.7 acres of land, which is now zoned R-6, and is shown on the map of Baltimore County in Liber 618, folio 316, was granted by the Board of Zoning Appeals of Baltimore County on March 22, 1963, and is now zoned R-4.

Notice of Special Exception for Office and Office Building.

All that parcel of land in the First District of Baltimore County, known as the southeast corner of the intersection of the southeast side of Frederick Road and the east side of Balfred Road, and containing approximately 0.7 acres of land, which is now zoned R-6, and is shown on the map of Baltimore County in Liber 618, folio 316, was granted by the Board of Zoning Appeals of Baltimore County on March 22, 1963, and is now zoned R-4.

Notice of Special Exception for Office and Office Building.

All that parcel of land in the First District of Baltimore County, known as the southeast corner of the intersection of the southeast side of Frederick Road and the east side of Balfred Road, and containing approximately 0.7 acres of land, which is now zoned R-6, and is shown on the map of Baltimore County in Liber 618, folio 316, was granted by the Board of Zoning Appeals of Baltimore County on March 22, 1963, and is now zoned R-4.

CERTIFICATE OF PUBLICATION

TOWSON, MD. JAN 23 1969

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... consecutive weeks before the... 11th... day of... February... 1969, the first publication appearing on the... 23rd... day of... January... 1969.

THE JEFFERSONIAN
J. Dyer, Manager

Cost of Advertisement, \$.....

ORIGINAL

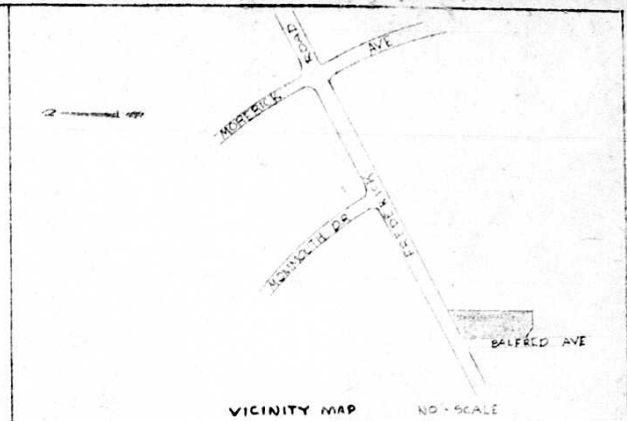
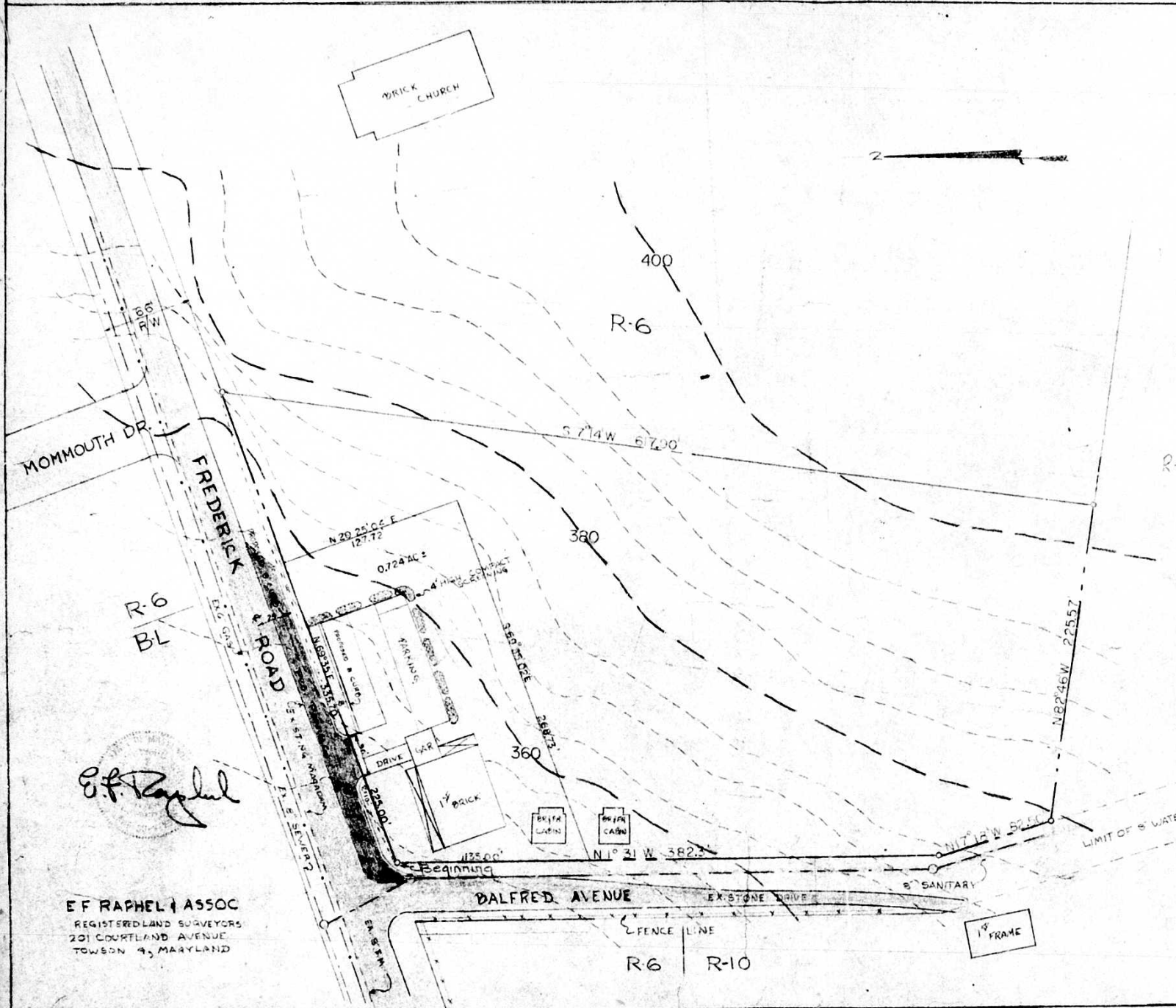
OFFICE OF THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 January 27, 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One WEEKS before the 27th of Jan., 1969 that is to say, the same was inserted in the issue of January 23, 1969.

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan



GENERAL NOTES:
 AREA OF PROPERTY - 3.46 AC.
 EXISTING USE - RESIDENCE
 PROPOSED USE - MEDICAL OFFICE
 EXISTING ZONING - R-6
 PROPOSED ZONING - R-A (SPECIAL MEDICAL OFFICE)
 FLOOR AREA - 2,700 sq. ft.

PARKING NOTES:
 SPACES REQUIRED - 9
 SPACES PROVIDED - 20

**PLAT TO ACCOMPANY ZONING PETITION
 JENNINGS PROPERTY**

ELECTION DIST. I - BALTIMORE CO. MD.
 SCALE 1"=50' DATE SEPT. 11, 1968
 REV. 304 8-1968

E F RAPHEL & ASSOC
 REGISTERED LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON 4, MARYLAND

E. F. Raphael