

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Columbian Club of
Reisterstown, Inc., legal owner, 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-20 zone to an R-20-X zone, for the following reasons:

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 a Community Building.

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.

Columbian Club of Reisterstown, Inc.

By William J. Casgrove, President

Legal Owner

Address: 142 Chestnut Hill Lane, West
Reisterstown, Maryland 21136

Contract party: Walter J. Ballesteros
Petitioner's Attorney

Address: 26 Main Street
Reisterstown, Maryland 21136

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of April, 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 18th day of May, 1969, at 11:00 clock.

Zoning Commissioner of Baltimore County.

(over)

OPINION

This case comes before the Board on an appeal by the Protestants from a decision of the Deputy Zoning Commissioner granting the requested petition for a special exception for a community building in an existing R-20 zone.

The subject property is located on the southeast side of Nicodemus Road 236.5 feet east of Cherry Hill Road, in the 4th Election District of Baltimore County. A plat accepted in evidence as Petitioner's Exhibit No. 3 indicates that the subject property is comprised of 1.77 acres more or less. The property has been owned by the Petitioner since February 1, 1969. The area is residential in character; the property is not serviced by public sewer or water utilities. In the future, the Petitioner, Columbian Club of Reisterstown, Inc., proposes to build a new home. Now located on the subject property is a garage-type building approximately 40 x 25 feet, which is used for the meetings of the Club. This type of community building is permitted in an R-20 zone by obtaining a special exception according to the Zoning Regulations of Baltimore County.

Mr. William J. Casgrove, who is Vice President of the Columbian Club, explained to the Board that the Columbian Club is a Catholic organization composed of members of the Knights of Columbus. There are ninety members in the Club, average age being approximately thirty years. Approximately twenty-five members attend the meetings on the first or third Wednesdays of the month. Mr. Casgrove stated to the Board that the members intend to clean the property and renovate the building to hold the meetings, and also to clean the parking lot. Mr. Casgrove told the Board that he is on the Board of the Hawthay Community Association, and that he knows of no objections from his community. Mr. Casgrove was asked questions pertaining to Section 502.1 of the

COLUMBIAN CLUB OF REISTERSTOWN, INC.

NO. 69-251-X

SE/S Nicodemus Rd. 236.5' E. Cherry Hill Road

4th District

SE - Community Building

(1.77 acres)

March 8, 1969 Petition filed
June 25 SE GRANTED by D.Z.C.
July 24 Appeal to County Board of Appeals filed by Harold I. Glaser, Esq., Attorney for Protestants, Abbott & Tiralla
Sept. 22, 1970 SE GRANTED by the Board
Oct. 20 Order for Appeal filed in the Circuit Court by Mr. Glaser (#4568)
Nov. 16 Motion to Dismiss Appeal filed in Circuit Court by Walter J. Ballesteros and Lloyd J. Hammond, Attorneys for Petitioners
" 20 Protestants' Answer to Motion to Dismiss filed and Request for Hearing filed (from Court Docket)
Mar. 2, 1971 Motion to Dismiss Appeal granted (from Court Docket)

(6/14/71 - Per telephone conversation with Mr. Ballesteros in which he notified the Board of Appeals that there was no written Order of the Court granting the Motion to Dismiss)

GRANTED

RE: PETITION FOR SPECIAL EXCEPTION
for Community Building
SE/S Nicodemus Road 236.5' E. of Cherry Hill Road
4th District
Columbian Club of Reisterstown, Inc.
Petitioner
File No. 69-251-X
Jerome Tiralla, et al
Protestants-Appellants

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No. 9, July 27

File No. 4568

MOTION TO DISMISS APPEAL

Columbian Club of Reisterstown, Inc., the Petitioner below, by Walter J. Ballesteros and Lloyd J. Hammond, its Attorneys, moves, pursuant to Maryland Rule 25, that the Appeal of Jerome Tiralla, James R. Larkins, Anne H. Holt, Harris Ases, Martha Heefle, Thelma Howard, Jack Abbott and Harold Que from the Opinion and Order of the County Board of Appeals of Baltimore County, dated September 22, 1970, in the above-entitled matter be dismissed. The grounds of the motion are as follows:

1. That the Opinion and Order of the County Board of Appeals of Baltimore County was rendered on September 22, 1970.

2. That the Docket and the Clerk's Notation on the subject file indicate that an Order for Appeal on behalf of Jerome Tiralla, James R. Larkins, Anne H. Holt, Harris Ases, Martha Heefle, Thelma Howard, Jack Abbott and Harold Que was filed on October 21, 1970.

3. That, contrary to the provisions of Maryland Rule 25 (a), no petition setting forth the action appealed from, the error committed by the agency in taking such action, and the relief sought had been filed in the above-entitled matter.

4. That the ten day period for filing such petition has since expired and, accordingly, your Honors state that the subject Appeal be dismissed for want of compliance with Maryland Rule 25.

Walter J. Ballesteros
316 Main Street
Reisterstown, Maryland 21136
833-7188

Lloyd J. Hammond
104 Jefferson Building
Towson, Maryland 21204, 823-6200
Attorneys for Petitioner and Intervener

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 1970, a copy of the foregoing Motion to Dismiss Appeal, together with Memorandum of Points and Authorities, was mailed to Harold I. Glaser, Esquire, 1504 Arlington Federal Building, Baltimore, Maryland 21201, Attorney for Appellants-Protestants, and a copy was also mailed to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Walter J. Ballesteros

MEMORANDUM OF POINTS AND AUTHORITIES

1. Maryland Rule 22 (a)
2. Maryland Rule 25

Columbian Club of Reisterstown, Inc. - No. 69-251-X

2.

Zoning Regulations. His answer was that his Club would have no problem in fully complying with these requirements. In cross-examination Mr. Casgrove stated that the building would not be used to hold dances, only meetings, and further stated that the building would not be rented to any outside groups, but that the building would be used rent free for any civic groups. The parking lot would be 30 spaces instead of the 20 spaces which are required. (The roads in the area are thirty feet wide, with no curbs, gutters or side walks).

Mr. John Erdman, traffic engineer, testified that the traffic generated from the building would have no adverse effect on the capacity of these roads. As a traffic expert, he said he had no problem with Section 502.1. A principal factor, in his judgment, was the fact that practically all of the traffic generated by the Petitioner at this site would be well after the peak hour usage of the surrounding streets.

Mr. Robert Knatz, who is a realtor, testified that the granting of this special exception would not depreciate the surrounding properties.

Seven witnesses testified in objection to granting this petition, as they feared congested roads, (the safety of children walking the roads without sidewalks). The noise and lights are also objectionable to them, as well as the fear of loss of property values.

Before a special exception shall be granted it must appear that the use for which the special exception is requested will comply with the requirements of Section 502.1 of the Zoning Regulations. The Board believes from the testimony presented that the granting of the petition will not result in a use that will be detrimental to the health, safety or general welfare of the locality involved, and that the safeguards recited in Section 502.1 will not be jeopardized.

For these reasons the Board does hereby affirm the Deputy Zoning Commissioner's Order, and hereby grants the requested petition for a special exception for a community building.

Columbian Club of Reisterstown, Inc. - No. 69-251-X

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of September, 1970, by the County Board of Appeals ORDERED, that the Special Exception for a Community Building petitioned for be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 11A, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman
Walter A. Ketter, Jr.
John A. Miller

GLASER, FEINGLASS, KANTOR & WINEGRAD

HAROLD I. GLASER
J. LEONARD FEINGLASS
STANLEY KANTOR
ROBERT W. WINEGRAD

ARLINGTON FEDERAL BUILDING
CHARLES AND LEONARD STREETS
BALTIMORE, MARYLAND 21201

July 24, 1969

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exception
SE/S of Nicodemus Road 236.5' E
of Cherry Hill Road-4th District
Columbian Club of Reisterstown,
Incorporated - Petitioners
NO. 69-251-X (Item No. 247)

Gentlemen:

Please accept this letter as the filing of an appeal in the above entitled cause of action in which June 25, 1969 Mr. Edward D. Hardesty approved a Special Exception on the above property for a community building.

This appeal is a protest against such decision and the appellants request to hearing on such appeal.

Enclosed, additionally, find my check in the amount of \$75.00 including \$70.00 costs and \$5.00 posting fee.

Very truly yours,

Harold I. Glaser
Attorney for Mr. Jack J. Abbott
Cherry Hill Road
Reisterstown, Maryland 21136
and Mr. Jerome J. Tiralla
Reisterstown, Maryland 21136
Appellants

HIG/bjg

enc.

JUL 09 1971

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations...

the above reclassification should be had, and it further appearing that by reason of...

a Special Exception for a Community Building should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25 day of June, 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 zone, and/or the Special Exception for...

and the same is hereby DENIED. DEPUTY Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 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 zone, and/or the Special Exception for...

Zoning Commissioner of Baltimore County

DESCRIPTION FOR ZONING VARIANCE, NICODEMUS ROAD, EAST OF CHERRY HILL ROAD, 4TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Nicodemus Road at the distance of 236.5 feet, more or less, southeasterly from the center of Cherry Hill Road and running thence in the center of Nicodemus Road South 60 Degrees 11 Minutes East 191.1 feet, and thence leaving the center of Nicodemus Road and running South 42 Degrees 44 Minutes West 476.70 feet, North 59 Degrees 05 Minutes West 96 feet, and North 31 Degrees 25 Minutes East 463.70 feet to the place of beginning.

CONTAINING 1.77 acres of land, more or less.



3.6.69

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 9, 1969

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #69-251-X, Special Exception for a Community Building, Southeast side of Nicodemus Road 236.5 feet east of Cherry Hill Road, Columbia Club of Reisterstown, Inc., Petitioners.

4th District

HEARING: Monday, May 19, 1969 (11:00 A.M.)

If granted, the granting should be conditioned upon approval of final site development plans by the appropriate County agencies including the Health Department.

GEG:jms

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 April, 1969.

Petitioner: Columbia Club of Reisterstown, Inc.

Petitioner's Attorney: Walter J. Ballesteros, Esq.

Reviewed by: [Signature]

Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 5-1-69

Posted for: Special Exception

Petitioner: Columbia Club

Location of property: SE 1/4 of Nicodemus Rd. 236.5' E of Cherry Hill Rd

Location of Signs: 280' E of Cherry Hill Rd on SE 1/4 of Nicodemus Rd

Remarks: [Signature]

Posted by: [Signature]

Date of return: 5-8-69

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 23, 1969

Walter J. Ballesteros, Esq.,
26 Main Street
Reisterstown, Maryland 21136

RE: Type of Hearing: Special
Exception for a Community Building
Location: SW 1/4 Nicodemus Rd.,
236.5' of center line of Cherry
Hill Rd.
4th District
Petitioner: Columbia Club of
Reisterstown, Inc.
Committee Meeting of April 8, 1969
Item 247

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 at the present time is improved with a masonry garage which appeared to be used as a service garage. The properties surrounding the subject site are improved dwellings in the 10 to 30 year bracket in good repair. Nicodemus Road at this location is not improved as far as curb and gutter are concerned.

BUREAU OF ENGINEERING:

Highways:

Access to this site shall be from Nicodemus Road, an existing road which shall ultimately be improved with a 30 ft. combination curb and gutter and macadam paving cross-section on a 50 ft. right-of-way.

Storm Drains:

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

Walter J. Ballesteros, Esq.,
26 Main Street
Reisterstown, Maryland 21136
Item 247

April 23, 1969

Sediment Control:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Sewers:

Public sewers are not available to serve this property; therefore, a private sewage disposal system must be provided in accordance with Department of Health regulations and requirements.

Water:

Public water supply is not available to serve this property; therefore, a private well system must be provided in accordance with Department of Health regulations and requirements.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors requiring comment.

BUREAU OF TRAFFIC ENGINEERING:

Review of the subject plan and site indicate possible sight distance problems. Nicodemus Road in the future, is to be a minor residential street and therefore, traffic of the type which would be generated by this use, would be undesirable.

BUILDING ENGINEER'S OFFICE:

Must meet all Baltimore County Building Code regulations.

FIRE DEPARTMENT:

Owner must comply with all Fire Department requirements when plans are submitted for approval.

BOARD OF EDUCATION:

No effect on student population.

Walter J. Ballesteros, Esq.,
26 Main Street
Reisterstown, Maryland 21136
Item 247

April 23, 1969

HEALTH DEPARTMENT:

The plan should be revised to show all existing utilities including the privy and what is proposed. We must also know the maximum use of buildings and if there will be a food service facility.

Soil tests will be necessary to determine the suitability of the soil for underground sewage disposal and the water supply must be adequate and potable.

ZONING ADMINISTRATION DIVISION:

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

[Signature]
OLIVER L. MYERS, Chairman

OLM:jg
Enc.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 23, 1969

Walter J. Ballesteros, Esq.,
26 Main Street
Reisterstown, Maryland 21136

County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
Tel. 9-2000

GEORGE E. GAVETT
DIRECTOR
JOHN G. FIDDE
ZONING COMMISSIONER

RE: Type of Hearing: Special
Exception for a Community Building
Location: SW 1/4 Nicodemus Rd.,
236.5' of center line of Cherry
Hill Rd.
4th District
Petitioner: Columbia Club of
Reisterstown, Inc.
Committee Meeting of April 8, 1969
Item 247

Dear Sirs:

The enclosed departmental comments have been compiled at the direction of the County Administrative Officer. Their purpose is to make the Zoning Commissioner aware of any development problems or conflicts resulting from the petitioner's proposed development plan.

These comments represent facts and data assembled by qualified County employees and subsequently approved by their department heads. These are materials for consideration by the Zoning Commissioner and can be expected to have a great bearing on his decisions.

Sincerely yours,

[Signature]
JOHN L. DYER,
Zoning Supervisor

JED:jg
Enc.

PETITION FOR SPECIAL EXEMPTION FOR BUILDING EXEMPTION FOR A COMMUNITY BUILDING

APPROVED: By the Planning Commission of Baltimore County, Md. on May 1, 1969, at a public hearing held at the Court House, Towson, Maryland, on May 1, 1969, at 10:00 A.M. The Commission found that the proposed building is a community building and that the proposed exemption is in the public interest.

DATE & TIME: MONDAY, MAY 1, 1969, 10:00 A.M.

COURT OFFICE BUILDING, 111 W. CHERRY STREET, BALTIMORE, MARYLAND.

By: *John G. Rose*

OFFICE OF THE COMMUNITY TIMES RANDALLSTOWN, MD. 21133 May 7 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County, was inserted in THE COMMUNITY TIMES, a weekly newspaper: published in Baltimore County, Maryland, once a week for One week before the 7th day of May 1969, that is to say, the same was inserted in the issue of May 1, 1969.

STROMBERG PUBLICATIONS, Inc.

By: *John G. Rose*

BY ORDER FOR SPECIAL EXEMPTION FOR A COMMUNITY BUILDING

APPROVED: By the Planning Commission of Baltimore County, Md. on May 1, 1969, at a public hearing held at the Court House, Towson, Maryland, on May 1, 1969, at 10:00 A.M. The Commission found that the proposed building is a community building and that the proposed exemption is in the public interest.

DATE & TIME: MONDAY, MAY 1, 1969, 10:00 A.M.

COURT OFFICE BUILDING, 111 W. CHERRY STREET, BALTIMORE, MARYLAND.

By: *John G. Rose*

CERTIFICATE OF PUBLICATION

TOWSON, MD. MAY 1 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 one times before the 1st day of May 1969, the last publication appearing on the 1st day of May 1969.

THE JEFFERSONIAN
John G. Rose
Manager

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4TH Date of Posting: 8-9-69

Posted for: APPEAL

Petitioner: *Col. William R. R. at Randallstown, Md.*

Location of property: *SE 1/4 of R. 20, 236 E. of Cherry Hill Rd.*

Location of Sign: *300' E. of Cherry Hill Rd. on SE 1/4 of R. 20, 236 E. of Cherry Hill Rd.*

Remarks:

Posted by: *Robert E. Spellman* Date of return: 8-14-69

TELEPHONE: 623-3000 EXT. 387

INVOICE No. 62182

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

DATE: April 28, 1969

FILED

To: *Walter A. Balliet, Esq., 26 W. Main Street, Baltimore, Md. 21136*

Zoning Dept. of Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622	1	Cost of special - property of Columbian Club of Baltimore, Md.	\$25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

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

TELEPHONE: 623-3000 EXT. 387

INVOICE No. 62226

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

DATE: May 15, 1969

FILED

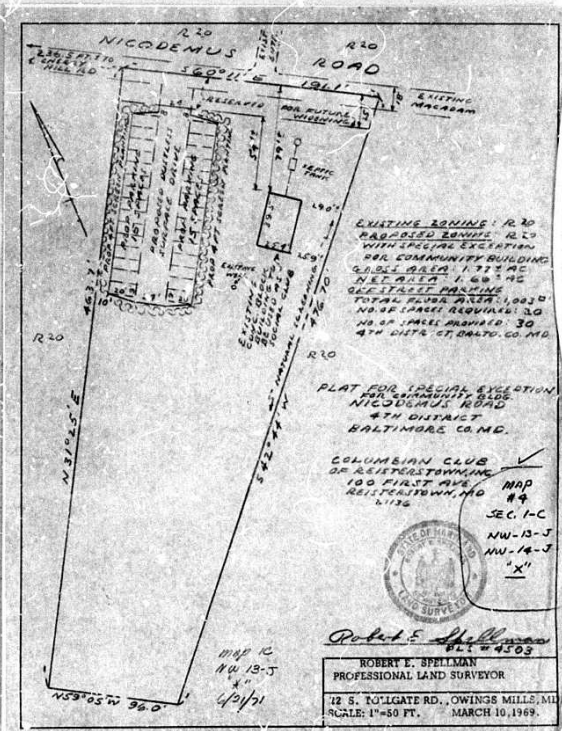
To: *Walter A. Balliet, Esq., 26 W. Main Street, Baltimore, Md. 21136*

Zoning Dept. of Baltimore County

REPORT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622	1	Cost of special - property of Columbian Club of Baltimore, Md.	\$25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

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



TELEPHONE: 623-3000 EXT. 387

INVOICE No. 64640

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

DATE: July 2, 1969

FILED

To: *Harold L. Grier, Esq., 1804 Arlington Federal Bldg., Charles and Lexington Sts., Baltimore, Md. 21205*

Office of Planning & Zoning

100 County Office Bldg., Towson, Md. 21206

REPORT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622	1	Cost of special - property of Columbian Club of Baltimore, Md.	\$25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

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

TELEPHONE: 623-3000 EXT. 387

INVOICE No. 74007

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

DATE: 11/27/70

FILED

To: *Harold L. Grier, Esq., 1804 Arlington Federal Bldg., Charles and Lexington Sts., Baltimore, Md. 21205*

Office of Planning & Zoning

100 County Office Bldg., Towson, Md. 21206

REPORT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622	1	Cost of special - property of Columbian Club of Baltimore, Md.	\$25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

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