

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, contract purchaser and the 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve... the special exception described in the description appended and shown on the plat appended for business parking... in connection with the proposed building site on suitably zoned property contiguous on the south.

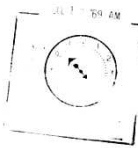
See attached description

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

I, or we, agree to pay expenses of above Special Hearing 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.

6904 Bellona Medical Building... Contract Purchaser... Address: 6904 Bellona Avenue, Towson, Maryland 21286... Petitioner's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 12th day of May, 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 13th day of August, 1969, at 10:00 o'clock A.M.



Zoning Commissioner of Baltimore County

(over)

LULA S. BENSON, PETITIONER THE BELLONA MEDICAL BUILDING CONTRACT PURCHASER

B. CLARENCE CHESNEY, OPAL CHESNEY and JAMES S. HART VS. RE: PETITION FOR SPECIAL HEARING FOR PARKING IN RESIDENTIAL ZONE WEST SIDE OF BELLONA AVENUE 315 FEET SOUTH OF STEVENSON LANE 9th DISTRICT

MEMORANDUM OPINION

On July 17, 1969, the Appellees (Petitioners below) namely, Lula S. Benson, legal owner, and The Bellona Medical Building, contract purchaser, filed a petition with the Zoning Commissioner of Baltimore County for a special hearing seeking a permit to utilize the Benson property, known as 6906 Bellona Avenue for business parking pursuant to the provisions of Section 409.4 of the Zoning Regulations of Baltimore County. The parking was requested for use in connection with the adjoining property known as the Tappan property at 6904 Bellona Avenue. Under date of May 9, 1969, the Deputy Zoning Commissioner of Baltimore County, namely, John G. Rose, Esquire, reclassified the Tappan property from an "R-10" zone to an "R-A" zone and granted "a special exception for doctors offices". The following Order was passed by the Zoning Commissioner from which no appeal was taken:

"Upon hearing on the above petition (1) for reclassification from an 'R-10' Zone to an 'R-A' Zone and (2) for a special exception to use the property described therein for Doctors Offices, at the time of the original zoning the subject property was zoned in error in that the property directly across the street was zoned 'R-A' and the property to the south is institutional and not purely residential. The zoning requested runs back to a right-of-way which runs in the rear of all adjoining properties.

Rec'd 2/24/73 4:45pm

building is in institutional use, although zoned in a residential classification. This Board could not reverse the R.A. zoning classification on the lot to be used for doctors' offices even were it so inclined, and the property next door, which is the subject property of this case, is owned by Mrs. Lula S. Benson, a widow, and is improved only by an old frame structure, which she has contracted to sell to the group of doctors who will construct the medical building, subject to the granting of this application. The balance of the properties on Bellona Avenue north to Stevenson Lane on the west side are occupied by individual houses. However, there is a large tract of R.A. zoning near or on the southeast corner of the intersection."

This Court concludes that the decision of the County Board of Appeals approving the reclassification of May 9, 1969, made by the Deputy Zoning Commissioner is proper. The Court rules that the Tappan property was properly reclassified from an "R-10" zone to an "R-A" zone and that there was granted "a special exception for doctors offices". This reclassification was approved by Council Bill No. 89, effective June 10, 1969. The Court is of the further opinion that it was not necessary for the County Council to include in said Bill an approval of the special exception granted by the Deputy Zoning Commissioner. Said reclassification and special exception have become final and the property in question enjoys the benefits thereof.

Walter M. Jenifer, JUDGE

Dated: June 28, 1972

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver S. Myers Date: July 24, 1969 FROM: Mr. William M. Greenwalt SUBJECT: Item 20 - Zoning Advisory Committee Meeting July 22, 1969

20. Property Owner: Lula S. Benson Location: w/s Bellona Ave., 315' s/c of Stevenson Lane Present zoning: RA Proposed zoning: special hearing for parking per Sec. 409.4 Election District: 9th No. Acres: 160' x 310'

Since public water and sewers are available, no health problems are anticipated.

Water and Sewer Section BUREAU OF ENVIRONMENTAL HEALTH

WDSP

"For the above reasons the reclassification and special exception should be granted.

"It is this 9th day of May, 1969, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition, should be and the same is hereby granted; the first, for reclassification from an "R-10" Zone to an "R-A" Zone, and, second, for a special exception for doctors offices."

On June 10, 1969, the County Council of Baltimore County, Maryland enacted Bill No. 89 which approved the reclassification above mentioned and amended the official Zoning Map to give effect to such reclassification.

The present petition came on for hearing before John G. Rose, Esquire, who had then become the Zoning Commissioner of Baltimore County, and by an Order he denied the petition for a special hearing. The contents of the Order of the Zoning Commissioner are as follows:

"The petitioner requested a petition for a special hearing to approve permit to utilize the property described in the description appended and shown on the plat appended for business parking pursuant to the provisions of Section 409.4 of the Baltimore County Zoning Regulations property on west side of Bellona Avenue 315 feet southeast of Stevenson Lane, in the Ninth District of Baltimore County.

"It was the intent when the subject property was originally zoned and the special exception granted that a use for one or two doctors would be the use made of the property.

"The request for additional parking would deny the adjoining residents the normal enjoyment of their property; one resident has lived adjoining the subject site for 47 years and another resident has lived on his property since 1949.

"Pursuant to the advertisement, posting of property and public hearing and for the above reasons the Special Hearing should not be GRANTED.

"It is this 12th day of August, 1969, by the Zoning Commissioner of Baltimore County, ORDERED that the above Special Hearing be and the same is hereby DENIED."

A timely appeal was taken by the Appellees (Protestants below) to the County Board of Appeals of Baltimore County and by its Order dated May 19,

1970, the application for a use permit for parking on the Benson property was granted. An Order for Appeal and Petition of Appeal was filed by the Appellants on Jan. 12, 1970. The Appellants are Mr. and Mrs. B. Clarence Chesney, who reside at 6910 Bellona Avenue, and Mr. James S. Hart, who resides at 6908 Bellona Avenue, immediately adjacent to the Benson property. It is the contention of the Appellants that the Tappan property does not have a valid special exception for use as a medical building because: (1) Council Bill No. 89, effective June 10, 1969, merely approved the "R-A" use of the property but made no mention of the special exception; (2) that the special exception granted by the Zoning Commissioner on the Tappan property was intended for use for one or two doctors; and (3) that construction for the special exception use was not commenced within the period of two years from the date of the grant thereof under the provisions of Section 502.3 of the Baltimore County Zoning Regulations.

The above contentions were raised by the Appellants before the County Board of Appeals at the hearing held on January 27, 1970, and were found to be without merit. In the opinion of the Board rendered May 19, 1970, it approved the application for a use permit for parking on the Benson property in connection with the use of the Tappan property for medical offices. The Court has been informed that the question of the propriety of the Board's Order as to the use permit is now moot since the contract purchaser has abandoned its use of the Benson property for such purpose. The Appellees express the desire to have a ruling of the Court on the validity of the Order passed by the Deputy Zoning Commissioner of Baltimore County dated May 9, 1969. A portion of the opinion of the County Board of Appeals deals with this question in the following language:

"The Board heard much testimony in connection with these matters, from which it has determined that the subject property adjoins the R.A. property; that both properties face on Bellona Avenue as improved across the street from a large florist's greenhouse and an apartment zone upon which apartments have been constructed; and that the property to the south of the office

B. CLARENCE CHESNEY, OPAL CHESNEY, and JAMES S. HART

Appellants

RE: PETITION FOR SPECIAL HEARING for Parking in Residential Zone west side of Bellona Avenue 315 feet South of Stevenson Lane 9th District

Lula S. Benson Petitioner The Bellona Medical Building Contract Purchaser

Before the County Board of Appeals of Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal in the Circuit Court for Baltimore County on behalf of B. CLARENCE CHESNEY and OPAL CHESNEY, 6910 Bellona Avenue, Baltimore County, Maryland 21212 and JAMES S. HART, 6908 Bellona Avenue, Baltimore County, Maryland 21212, each of whom were parties to the proceedings and present before the Board of Appeals of Baltimore County and of whom are aggrieved by the decision of the Board of Appeals of Baltimore County, dated May 19, 1970 in the above entitled matter. This Appeal is filed pursuant to Chapter 1100, Rule B of the Maryland Rules of Procedure.

ANDREW T. TRIMBLE, JR. 612 Keyser Building Baltimore, Maryland 21202 752-2280

I HEREBY CERTIFY, that on this 12th day of June, 1970, a copy of the foregoing Order for Appeal was mailed to the office of the Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21286.

Andrew T. Trimble

Andrew T. Trimble 430 Jefferson Building Towson, Maryland 21204 823-3512

RE: PETITION FOR SPECIAL HEARING : BEFORE
 for Parking in Residential Zone : COUNTY BOARD OF APPEALS
 West Side of Bellona Avenue 315 : OF
 feet South of Stevenson Lane : BALTIMORE COUNTY
 9th District : No. 70-30-SPH
 Lula S. Benson :
 Petitioner :
 The Bellona Medical Building :
 Contract Purchaser :

OPINION

This case concerns an application for a special hearing for a use permit of a residentially zoned lot for parking space in connection with an office building to be constructed on the adjoining lot, which has been (since 1960) zoned R.A., with a special exception for a medical office building, and has been so used by at least two doctors in a converted dwelling. The owner of the R.A. property desires to build a larger medical office building which will require, under the Zoning Regulations and for practical purposes, more parking spaces than would be available on the present lot.

The original petition for rezoning was approved on May 9, 1960 as a change in the zoning map which was adopted in 1955 (Case #49-49-RXA). This area was originally part of a development known as Woodbrook Highlands, Subdivision No. 2, which is recorded among the Land Records of Baltimore County. It has no pertinency to the present case, but there have been vast changes in the neighborhood since the date of the plat (1876), and also since the date of the adoption of the map in 1955. These changes involve the relocation and improvement of Stevenson Lane and also of Bellona Avenue, which it is not necessary to consider at this time.

The application was brought under the requirements of Section 409.4 of the Baltimore County Zoning Regulations and must be used in accordance with the provisions and restrictions appearing therein. Section 409.4 reads as follows:

"Business or Industrial Parking in Residence Zones - Upon application the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in lieu of the provisions of Section 409.2(c): (Revised by Resolution, November 21, 1956)

- "a. The land so used must adjoin or be across an alley or street from the business or industry involved.
- "b. Only passenger vehicles, excluding buses, may use the parking area.
- "c. No loading, service, or any use other than parking shall be permitted.
- "d. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required.
- "e. Screening by a wall, fence, planting and/or otherwise, shall be required as deemed advisable by the Office of Planning.
- "f. A paved surface, properly drained, shall be required.
- "g. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- "h. Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required."

The Board heard much testimony in connection with these matters, from which it has determined that the subject property adjoins the R.A. property; that both properties face on Bellona Avenue as improved across the street from a large florist's greenhouse and an apartment zone upon which apartments have been constructed; and that the property to the south of the office building is in institutional use although zoned in a residential classification. This Board could not reverse the R.A. zoning classification on the lot to be used for doctors' offices even were it so inclined, and the property next door, which is the subject property of this case, is owned by Mrs. Lula S. Benson, a widow, and is improved only by an old frame structure, which she has contracted to sell to the group of doctors who will construct the medical building, subject to the granting of this application. The balance of the properties on Bellona Avenue north to Stevenson Lane on the west side are occupied by individual homes. However, there is a large tract of R.A. zoning near or on the southeast corner of the intersection.

The planning and zoning authorities of Baltimore County have expressed no opposition to the proposed use. To the rear and northward of the proposed property is a large area owned by a church and used as parking space for the church, which property

abuts the rear of the residential lots on the west side of Bellona Avenue.

Testimony was received from Mr. Cyrus Horine, a realtor and planning consultant; from Dr. Joseph Hooper, a general surgeon, one of the potential owners of the medical building; and from Mr. Raymond C. Seckel, of Richmond, Virginia, an expert witness, who is employed by the American Medical Building Guild, architects, engineers and builders who construct medical office buildings all over the country and who testified that this particular location meets all the criteria as to economic feasibility and need in the community, and that the proposed plan meets all of the proposed zoning requirements, such as setbacks, etc., but that it would be absolutely necessary to have adequate parking to have satisfactory operation. He has investigated this area and knows of no other location having all the advantages of this one with respect to convenience of access to at least three hospitals, and the convenience of patients; and he expressed the opinion that the present allowed use under the Zoning Regulations would be absolutely economically unfeasible without the applied for parking space. There was much more testimony which need not be summarized in this Opinion.

A large number of residents of the general area appeared in opposition to this application, and three of them took the witness stand. The thrust of their objection seems to be that the proposed use might congest traffic and cause excess parking on Bellona Avenue, and that the granting of this petition in some manner might lead to commercialization of this block, both of which contentions the Board finds are completely untenable, and in our opinion the granting of this application would reduce any hazards caused by parking on Bellona Avenue. Since this is not an application for rezoning but only for a special permit, it could have no effect whatever on any future case as a change in the character of the neighborhood sufficient to warrant rezoning of anything in this immediate area, and specifically in this block of Bellona Avenue.

It is to be noted that one of the witnesses who testified was Mr. Francis Weiskittel, who owns a large tract of property zoned R.A. on the southeast corner of Bellona Avenue and Stevenson Lane.

The two other witnesses testified that they did not wish to have their view

impaired by a parking lot and that they preferred to look at the old house presently on the Benson property. However, both of these witnesses conceded that they had a clear view of the church parking lot, which is much larger than the area involved in this petition.

The Board finds that this application meets all of the requirements of Section 409.4 of the Zoning Regulations cited above and any use of this said property must be strictly in accordance with such provisions. The application for the use permit will therefore be granted.

ORDER:

For the reasons set forth in the foregoing Opinion, it is this 19th day of May, 1969, by the County Board of Appeals ORDERED, that the application for use permit for parking petitioned for be and the same is hereby granted under the requirements of Section 409.4 of the Baltimore County Zoning Regulations, and must be used in accordance with the provisions and restrictions appearing therein.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

John A. Stowik
 John A. Stowik, Acting Chairman
W. Giles Parker
 W. Giles Parker
Walter A. Reiter, Jr.
 Walter A. Reiter, Jr.

Re: Petition for Special Hearing : Before
 For Off-Street Parking in a : Zoning Commissioner
 Residential Zone - : of
 W/S Bellona Ave., 315' S. : Baltimore County
 Stevenson Lane - 9th Dist., : No. 70-30-SPH
 Lula S. Benson, Petitioner :

.....:Z

The petitioner requested a petition for a special hearing to approve permit to utilize the property described in the description appended and shown on the plat appended for business parking pursuant to the provisions of Section 409.1 of the Baltimore County Zoning Regulations property on west side of Bellona Avenue 315 feet southeast of Stevenson Lane, in the Ninth District of Baltimore County.

It was the intent when the subject property was originally zoned and the special exception granted that a use for one or two doctors would be the use made of the property.

The request for additional parking would deny the adjoining residents the normal enjoyment of their property; one resident has lived adjoining the subject site for 47 years and another resident has lived on his property since 1949.

Pursuant to the advertisement, posting of property and public hearing and for the above reasons the Special Hearing should not be GRANTED.

It is this 12th day of August, 1969, by the Zoning Commissioner of Baltimore County, ORDERED that the above Special Hearing be and the same is hereby DENIED.

John A. Stowik
 Zoning Commissioner of
 Baltimore County

GEG:bms

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 1, 1969
 FROM: Mr. George E. Gavelis, Director of Planning
 SUBJECT: Petition #70-30-SPH. Special Hearing to permit off-street parking in a residential zone. West side of Bellona Avenue 315 feet south of Stevenson Lane. Lula S. Benson, Petitioner.

9th District

HEARING: Tuesday, August 12, 1969 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for off-street parking in a residence zone.

The Planning staff is satisfied with the general arrangement of parking and circulation as is shown on the petitioner's site plan. The easterly exit on Bellona Avenue should be revised to intersect Bellona Avenue at right angles. No specifics are given on the application with respect to the nature of the plant material to be used for screening the parking area. No screening is provided for the parking as it adjoins the Bellona Avenue frontage. The hours of operation are unknown. We, therefore, are not prepared to approve the plan at this time. We believe that the deficiencies noted can be corrected.

BUREAU OF ENGINEERING
 Zoning Plat - Comment

20. Property Owner: Lula S. Benson
 (1969-1970) Location: W/S Bellona Ave., 315' S/S of Stevenson Lane
 District: 9th
 Present Zoning: R1
 Proposed Zoning: Special Hearing for parking lot
 No. 70-30-SPH
 No. 70-30-SPH

Remarks:

Bellona Avenue is an existing County road which has recently been improved as a 40-foot closed section with flexible type pavement on a 50-foot right-of-way is no further improvements are required at this time.

The 20-foot avenue along the rear of this property is not considered to be available as access to the subject site.

Storm Drainage:

No provisions for accommodating storm water or drainage have been indicated on the subject plans; however, storm drainage facilities will be required in connection with any subsequent building permit application.

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damage 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.

Sediment Control:

Development of this property through stripping, grading, and stabilization could result in a sediment pollution problem, causing 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.

Sanitary Sewer:

Public sanitary sewerage is available to serve this property.

Water:

Public water supply is available to serve this property.

Other:

30' S.W. Key Sheet
 30' N.W. 2 Position Sheet
 N.W. 8 1/2 200' Scale Topo

Robert C. Morris, Reg. Surveyor
 Old Court Road, Baltimore 21207

June 25, 1969

Description for a lot known as No. 6906 Bellona Ave., Ninth District, Balto. Co., Md.

Beginning for the same at a iron pin set on the Southwest edge of the right of way of Bellona Ave., as now laid out and shown on a Right of Way Plat No. 53-073-1 of the Baltimore County Bureau of Land Acquisition, said pin being 315 feet measured Easterly along the Southwest side of Bellona Ave. from the point of intersection of the Southwest side of Bellona Ave. and the Northeast side of Stevenson Lane, thence running along and binding on the Southwest side of Bellona Ave. on a curve having a radius of 1975 ft. in a Westerly direction for a distance of 146.78 ft.; thence running South 57 degrees 24 minutes West 302.16 ft. to the Northeast side of a 20 foot avenue; thence running along said avenue North 41 degrees 12 minutes West 83.09 ft.; thence running North 45 degrees 51 minutes East 310.78 ft. to the point of beginning.

Containing 0.81 of an acre more or less and being all of the land now owned by Lula S. Benson and known as No. 6906 Bellona Ave.

Robert C. Morris
 Robert C. Morris, Reg. Surveyor No. 59

ORDER RECEIVED FOR TITLING
 DATE 8/12/69
 BY J.C. Stowik, Zoning Commissioner

RE: PETITION FOR SPECIAL HEARING IN THE
for Parking in a Residential Zone : CIRCUIT COURT
W/S of Bellona Avenue 315' :
S. of Stevenson Lane : FOR
9th District : BALTIMORE COUNTY
Lula S. Benson, Petitioner :
The Bellona Medical Building, :
Contract Purchaser : AT LAW
Zoning File No. 70-30-SPH :
B. Clarence Chesney, et al : Misc. Docket No. 9
Protestants-Appellants : Folio No. 14
File No. 4473

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. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Ernest C. Trimble, Esq.
John W. Heslon, Esq.
Zoning

RE: PETITION FOR SPECIAL HEARING IN THE
for Parking in a Residential Zone : CIRCUIT COURT
W/S of Bellona Avenue 315' :
S. of Stevenson Lane : FOR
9th District : BALTIMORE COUNTY
Lula S. Benson, Petitioner :
The Bellona Medical Building, :
Contract Purchaser : AT LAW
Zoning File No. 70-30-SPH :
B. Clarence Chesney, et al : Misc. Docket No. 9
Protestants-Appellants : Folio No. 14
File No. 4473

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Siwik, W. Giles Parker and Walter A. Reiter, Jr., 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. 70-30-SPH
July 17, 1967 Petition of Lula S. Benson and The Bellona Medical Building for a special hearing to determine whether or not the Zoning Commissioner should approve a permit to utilize the property described in the description appended and shown on the plot appended for business parking pursuant to the provisions of Section 409.4 of said Regulations in connection with the proposed building site on suitably zoned property contiguous to the south - filed - said property located on the west side of Bellona Avenue 315 feet south of Stevenson Lane, 9th District
" 17 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 12, 1967 at 10:00 a.m.
" 28 Certificate of Publication in newspaper - filed
" 31 Certificate of Posting of property - filed
Aug. 1 Comments of Director of Planning - filed
" 5 Comments of Baltimore County Zoning Advisory Committee - filed
" 12 At 10:00 a.m. hearing held on petition by Zoning Commissioner
" 12 Order of Zoning Commissioner denying parking permit
Sept. 10 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner
Jan. 27, 1970 Hearing on appeal before the County Board of Appeals
Feb. 25 " " " " " - case held sub curio

to rule on the validity of the special exception existing on property immediately contiguous to the subject property of the application for parking in a residential zone.

B. That the Appellants will request an early assignment for argument on the Petition of Appeal and are desirous of awaiting the decision of this Honorable Court on the legal aspects as hereinbefore mentioned before being required to make a determination as to whether or not they wish to bear the expense of ordering the transcript of testimony and proceeding on an attack of the decision of the County Board of Appeals based on the facts presented at the hearing before said Board.

C. That the Appellants feel that there is a good likelihood that the case can be disposed of on the record, exhibits and documents to be forwarded and filed by the County Board of Appeals.

WHEREFORE, your Appellants pray that the time for filing the transcript of testimony in the above entitled case be extended for a period of ninety (90) days from the filing of the Petition of Appeal.

Ernest C. Trimble

Andrew J. Burns, Jr.

I HEREBY CERTIFY, that on this 10th day of June, 1970, a copy of the foregoing Petition for Extension of Time for Filing Transcript of Testimony was filed to the County Board of Appeals of Baltimore County, County Office Bldg., Towson, Md. 21204.

Ernest C. Trimble

B. CLARENCE CHESNEY, OPAL CHESNEY, and JAMES S. HART
Appellants
vs.
IN THE
RE: PETITION FOR SPECIAL HEARING IN THE
for Parking in Residential Zone : CIRCUIT COURT
West Side of Bellona Avenue 315 :
feet South of Stevenson Lane : FOR
9th District : BALTIMORE COUNTY
Lula S. Benson :
Petitioner :
The Bellona Medical Building :
Contract Purchaser :
Before the County Board of :
Appeals of Baltimore County :

ORDER

Upon the foregoing Petition for extension of time for filing transcript of testimony and for good cause shown, it is this 12th day of June, 1970, by the Circuit Court for Baltimore County

ORDERED that leave be and it is hereby granted for the Appellants to file the transcript of testimony in the above entitled case on or before ninety (90) days accounting from June 12, 1970.

Richard B. Williams
Judge

May 19, 1970 County Board of Appeals ORDERED: " . . . that the application for use permit for parking petitioned for be and the same is hereby granted under the requirements of Section 409.4 of the Baltimore County Zoning Regulations, and must be used in accordance with the provisions and restrictions appearing therein."
June 12 Order for Appeal filed in the Circuit Court for Baltimore County
" 12 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County
" 12 Request for Extension of Time for Filing Transcript of Testimony for ninety (90) days, and Order of the Court granting same, filed
" 17 Certificate of Notice sent to all interested parties
Sept. 9 Transcript of Testimony filed - 1 volume
Petitioners' Exhibit No. 1 - Plot of subject property
" " " 2 - Official Zoning Map 3-C - 11/4/55
" " " 3 - Court copy of Woodbrook Highlands Map
" " " 4-A - Photo - subject property - white house and Tappan home - 2/23/70
" " " 4-B - Photo - from rear lot line - 2/23/70
" " " 4-C - Photo - 2/23/70
" " " 4-D - " "
" " " 4-E - " "
Protestants' Exhibit A - Photostat copies of entire zoning file 149-49-3X
" " B - List of protesters present 1/27/70
" " C - " " " 2/25/70
" " D - Copy of County Council Bill #89, 1960
" " E - Copy of County Council Bill #80 - 3/16/60, Effective 4/10/60
Sept. 9 Record of proceedings filed in the Circuit Court for Baltimore County
Records 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 districts maps, and your Respondents respectfully 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. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

B. CLARENCE CHESNEY, OPAL CHESNEY, and JAMES S. HART
Appellants
RE: PETITION FOR SPECIAL HEARING IN THE
for Parking in Residential Zone : CIRCUIT COURT
West Side of Bellona Avenue 315 :
feet South of Stevenson Lane : FOR
9th District : BALTIMORE COUNTY
Lula S. Benson :
Petitioner :
The Bellona Medical Building :
Contract Purchaser :
Before the County Board of :
Appeals of Baltimore County :

REQUEST FOR EXTENSION OF TIME FOR FILING TRANSCRIPT OF TESTIMONY

The Petition of B. CLARENCE CHESNEY, et al, by Ernest C. Trimble and Andrew J. Burns, Jr., their attorneys, pursuant to Rule 87b of the Maryland Rules of Procedure, respectfully represents:

1. That an Order for Appeal and Petition in Support of the Order for Appeal has been filed in the above entitled case.
2. That the County Board of Appeals of Baltimore County will transmit the Record, exhibits and documents within the time prescribed by law, but your Appellants are desirous of having the time extended for a period of ninety (90) days for the filing of the transcript of testimony in said case, and for reasons say:
A. That as will more fully appear from the Petition of Appeal hereinbefore filed, the Court has been asked

SMALON & HESSIAN
ATTORNEYS AT LAW
100 WEST BOWEN AVENUE
TOWSON, MARYLAND 21286
VALLEY ROAD

September 10, 1969

Mr. John G. Rose, Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing for Off-Street Parking in Residential Zone - 315' S. Stevenson Lane - 9th Dist., Lula S. Benson, Petitioner - No. 70-30-SPH

Dear Mr. Rose:

Please note an appeal on behalf of the Petitioners from your decision of August 12, 1969 wherein you denied the relief sought, and forward all papers in connection with said case to the Board of Appeals of Baltimore County.

Very truly yours,
John W. Heslon, III
Attorney for Petitioners

JWH:vh

Enclosure - check for costs



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner Date: July 30, 1969
FROM: PROJECT PLANNING DIVISION
SUBJECT: Zoning Advisory Agenda Item #20

July 22, 1969
Lula S. Benson
W/S Bellona Ave.
315' S/E of Stevenson Lane

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

RBW:vh

Richard B. Williams
Planner

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 217 S. Calverton Ave. Towson, Maryland 21284

OLIVER L. MYERS Chairman

MEMBERS BUREAU OF ENGINEERING DEPARTMENT OF TRAFFIC ENGINEERING STATE ROADS COMMISSION BUREAU OF FIRE PREVENTION HEALTH DEPARTMENT PROJECT PLANNING BUILDING DEPARTMENT BOARD OF EDUCATION ZONING ADMINISTRATION INDUSTRIAL DEVELOPMENT

J. W. Hessian, Esq., P. O. Box 6892 Towson, Maryland 21204

August 5, 1969

RE: Type of Hearing: Special Hearing for parking per Sec. 409.4 Location: W/2 Bellona Ave., 315 1/2 S/E of Stevenson Lane Petitioner: Lula S. Benson Committee Meeting of July 22, 1969 Item 20 9th District

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 property is currently improved with a 2 1/2 story frame dwelling which is to be removed. The property to the north is currently used as residential. To the rear is the Sisters of Mercy property. The property to the west is currently used as a doctor's office. The property across the street is currently a garden apartment development.

BUREAU OF ENGINEERING:

Highways: Bellona Avenue is an existing County road which has recently been improved as a 40-foot closed section with flexible type pavement on a 50-foot right-of-way, and no further improvements are required at this time.

The 20-foot Avenue along the rear of this property is not considered to be available as access to the subject site.

Storm Drains:

No provisions for accommodating storm water or

J. W. Hessian, Esq., P. O. Box 6892 Towson, Maryland 21204 Item 20 Page 2

August 5, 1969

Storm Drains: (Continued)

drainage have been indicated on the subject plan; however, storm 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.

Sediment Control:

Development of this property through striping, 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 striping 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.

Sanitary Sewers:

Public sanitary sewerage is available to serve this property.

Meters:

Public water supply is available to serve this property.

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 petition indicates the developer wishes to provide more parking than is required for Baltimore County. This office considers this desirable.

FIRE PREVENTION:

Owner shall be required to comply with all Fire Department requirements when construction plans are submitted for approval.

BUILDING ENGINEER'S OFFICE:

Must meet all requirements of the Baltimore County Building Code.

J. W. Hessian, Esq., P.O. Box 6892 Towson, Maryland 21204 Item 20 Page 3

August 5, 1969

HEALTH DEPARTMENT:

Since public water and sewers are available, no health problems are anticipated.

ZONING ADMINISTRATION DIVISION:

There is curb and gutter along Bellona Avenue at this point. The petitioner should be advised that if the existing doctor's office is to be removed, variances may be required for a new building. The petitioner must also submit a revised plot plan providing the information as required under section 409.4 of the Zoning Regulations.

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 of Oliver L. Myers, Chairman

OLM:JD Enc.

INTER-OFFICE CORRESPONDENCE BUREAU OF TRAFFIC ENGINEERING Baltimore County, Maryland Towson, Maryland, 21204

Date: July 23, 1969

TO: Mr. John G. Rose Attn: Oliver L. Myers FROM: C. Richard Hoore

SUBJECT: Item 20 - ZAC - July 22, 1969 Addition Property Owner: Lula S. Benson W/S Bellona Avenue S/E of Stevenson Lane Special Hearing for parking per Sec. 409.4

Review of the subject petition indicates the developer wishes to provide more parking than is required for Baltimore County. This office considers this desirable.

Signature of C. Richard Hoore, Assistant Traffic Engineer

CRH:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 25, 1969 FROM: Inspector John Lilly and Inspector George Abbott Fire Prevention SUBJECT: Property Owner: Lula S. Benson

Item # 20 Zoning Agenda July 22, 1969 Location: W/S Bellona Avenue, 315 feet S/E of Stevenson Lane District: 9

Owner shall be required to comply with all Fire Department requirements when construction plans are submitted for approval.

Inspector John Lilly

cc: Mr. Hanna

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner Date: July 24, 1969 FROM: Mr. John France SUBJECT: Lula S. Benson W. S. Bellona Ave., 315 1/2 E. Stevenson La. Dist. 9

Must meet all requirements of the Baltimore County Building Code.

Signature of John France, JOHN FRANCE

JP/as

CERTIFICATE OF PUBLICATION

TOWSON, MD., JUL 24 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 time before the 12th day of August, 1969, the first publication appearing on the 23rd day of July, 1969.

THE JEFFERSONIAN

Signature of Editor/Manager

Cost of Advertisement \$.

PETITION FOR SPECIAL HEARING IN DISTRICT ZONING: Petition for Special Hearing for additional parking in a residential zone. LOCATION: West side of Bellona Avenue 315 feet, more or less, south of Stevenson Lane. DATE: A True, Correct, and Valid Petition as of the 23rd day of July, 1969. PUBLIC HEARING: Held at the County Office Building, 311 W. Calverton Avenue, Towson, Maryland, on August 11, 1969, at 10:00 A.M.

PETITION FOR SPECIAL HEARING IN DISTRICT ZONING: Addition for Special Hearing for additional parking in a residential zone. LOCATION: West side of Bellona Avenue 315 feet, more or less, south of Stevenson Lane. DATE: A True, Correct, and Valid Petition as of the 23rd day of July, 1969 at 10:00 A.M.

THE TOWSON TIMES

TOWSON, MD. 21204 July 28, 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) week before the 28th day of July, 1969 that is to say, the same was inserted in the issue of July 24, 1969.

STROMBERG PUBLICATIONS, INC.

Signature of Publisher

TELEPHONE 833-3000 EXT. 387

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

No. 64657
DATE Aug. 12, 1969

BILLED BY

TO: Carol Martin, P.O. Box 652, P. O. Box 652, Towson, Md. 21284
Selling Dept. of Baltimore County

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY	DESCRIPTION	TOTAL AMOUNT
0	Advertising and posting of property for Lela S. Benson 70-30-SPH	\$48.00

REPORT TO ACCOUNT NO. 01-622

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

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

TELEPHONE 833-3000 EXT. 387

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

No. 64620
DATE July 21, 1969

BILLED BY

TO: Marjorie Smith-Hesslein, 500 N. Pennsylvania Pk., Towson, Md. 21284
Selling Dept. of Baltimore County

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY	DESCRIPTION	TOTAL AMOUNT
0	1 Petition for Cost of Hearing 70-30-SPH	\$5.00

REPORT TO ACCOUNT NO. 01-622

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

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

TELEPHONE 833-3000 EXT. 387

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

No. 64706
DATE 9/16/69

BILLED BY

TO: John W. Hession, Esq., P. O. Box 652, Towson, Md. 21204
Office of Hession & Hession, 187 County Office Bldg., Towson, Md. 21284

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY	DESCRIPTION	TOTAL AMOUNT
0	Cost of appeal - property of Lela S. Benson No. 70-30-SPH	\$36.00
1	sign	\$1.20
		\$37.20

REPORT TO ACCOUNT NO. 01-622

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

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

TELEPHONE 833-3000 EXT. 387

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

No. 65667
DATE 6/30/70

BILLED BY

TO: Edward C. Shickel, Esq., Jefferson Building, Towson, Md. 21284
Board of Appeals (Building)

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY	DESCRIPTION	TOTAL AMOUNT
0	Cost of certified documents - Case No. 70-30-SPH	\$11.00

REPORT TO ACCOUNT NO. 01-712

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

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

1518W #70-30-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: SEPT. 26, 1969

Posted for: APPEAL

Petitioner: Lela S. Benson

Location of property: W. 15. BELLEVA AVE. 315 FT. S. OF STEVENSON LANE

Location of Sign: 6906 BELLEVA AVE.

Remarks: Charles H. Neal Date of return: OCT. 3, 1969

1518W #70-30-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: JAN. 10, 1970

Posted for: APPEAL

Petitioner: Lela S. Benson

Location of property: W. 15. BELLEVA AVE. 315 FT. S. OF STEVENSON LANE

Location of Sign: 6906 BELLEVA AVE.

Remarks: Charles H. Neal Date of return: JAN. 19, 1970

70-30-SPH

1518W #70-30-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: July 26, 69

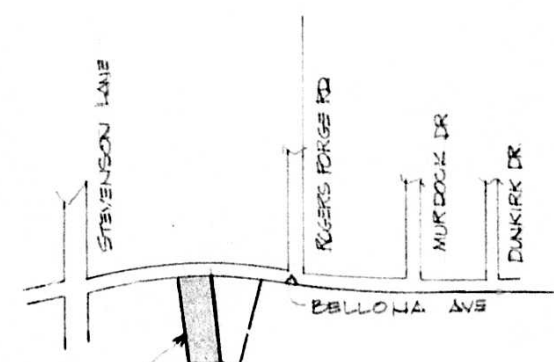
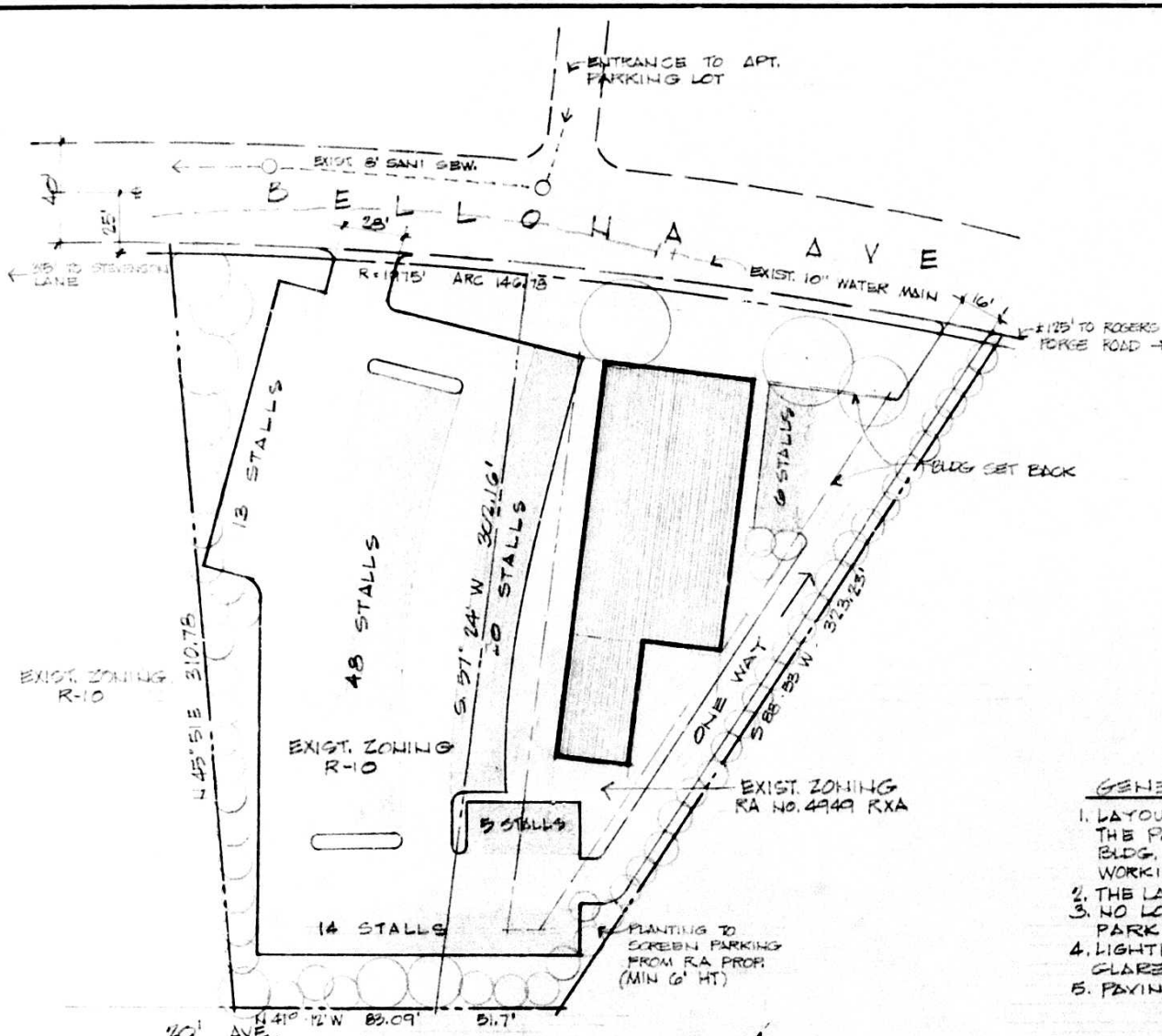
Posted for: Special Hearing

Petitioner: Lela S. Benson

Location of property: W. 15. BELLEVA AVE. 315 FT. S. OF STEVENSON LANE

Location of Sign: 6906 BELLEVA AVE.

Remarks: Charles H. Neal Date of return: July 31, 69



PLAN TO ACCOMPANY PETITION
 FOR CHANGE OF ZONING ON THE
 PROPERTY KNOWN AS NO 6700
 BELONA AVE IN THE 9TH ELECTION DIST.

LOCATION PLAN

GENERAL NOTES

1. LAYOUT OF PARKING IS SHOWN ON THE PLAN. THE PARKING AREA SHALL BE MAINTAINED BY BLDG. SUPER. & SHALL BE USED ONLY DURING WORKING HOURS.
2. THE LAND ADJOINING THE BLDG. SITE ON THE NORTH.
3. NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING WILL BE PERMITTED.
4. LIGHTING SHALL BE DESIGNED TO PRODUCE MIN. GLARE TO SURROUNDING AREAS.
5. PAVING AREA SHALL BE BITUMINOUS CONG. SPEC "B"

PARKING	
TOTAL FLOOR SPACE	= 24,000 S.F.
PARKING PROVIDED	106 STALLS
PARKING REQUIRED	80 STALLS



DWN	WT	PROPOSED BUILDING SITE (1" = 50')	DWG NO
REV		TOWSO-4	DATE 7.
BY		AMERICAN MEDICAL BUILDING GUILD, INC.	▲
JOB NO.		MADISON WISCONSIN	

