71-10R

DOLLENBERG BROTHERS

FRED H. DOLLENBERG PAUL G. DOLLENBERG CARL L. GERHOLD JOHN F. ETZEL PHILIP K. CROSS HARRY W. KRAHN

Registered Professional Engineers & Land Surveyors
709 WASHINGTON AVENUE AT YORK ROAD
TOWSON, MD. 21204

April 24, 1970

Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Bellona Avenue at the distance of 75.02 feet easterly measured along the southermost side of Bellona Avenue from the east side of Norman Avenue and running thence and binding on the southermost side of Bellona Avenue the two following courses and distances viz: North 73 degrees 24 minutes East 20.04 feet and North 41 degrees 15 minutes East 58.79 feet, thence leaving said avenue and running the five following courses and distances viz: South 41 degrees 00 minutes East 116.32 feet, North 72 degrees 00 minutes East 9 feet, South 18 degrees 00 r ates East 125 feet, South 72 degrees 00 minutes West 125 feet and North 18 degrees 00 minutes west 202.5 feet to the place of beginning.

Containing 0.56 of an Acre of land more or less.

Being lots Nos. 99, 100, 101 and 102 as laid out on the plat of Lutherville Heights which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 7 folio 68.

Being the property of the petitioners herein as shown on a plat filed in the office of the Zoning Commissioner.



SMALKIN & HESSIAN

ATTORNEYS AT LAW

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

VALLEY 3-8440

February 9, 1971

BALTIMORE OFFICE
ROLLINS, SMALKIN,
WESTON & ANDREW
629 TITLE BUILDING
BALTIMORE 2, MD

SARATOGA 7-2443

Mr. John A. Slowick, Chairman County Board of Appeals County Office Building Towson, Maryland 21204

Re: Item No. 71-10-R
The Laurie Corporation

Dear Mr. Slowick:

Mr. Nolan has very kindly sent to me a copy of the plat prepared by Mr. Kroli of the Zoning Department after the record was closed in The Laurie Corporation matter.

You will recall that we apparently have a conflict between two registered surveyors, one of whose work would indicate that the property of The Laurie Corporation does not abut any B-L zoned property, while the second, Mr. Gerhold, testified that in order to show that petitioner's property does abut the B-L zoned property it is necessary to ascribe error to the first registered surveyor. That is the status of the record as closed at the hearing.

The official maps of the Zoning Department (Petitioner's Exhibit No. 6) accept the work of the first registered surveyor. Now after the record of the hearing before you was closed, Mr. Kroll has apparently re-platted the tracts according to the second surveyor's work, ignoring the first surveyor, and there has been submitted to you apparently for inclusion in the record Mr. Kroll's latest product. I would suggest that the proffering of evidence after the record is closed is not inherently incorrect and in many instances serves the ends of justice; however, acceptance as a part of the record in this case Mr. Kroll's latest work without explanation on the record so that an Appellate Court might have the opportunity to review the soundness of his arbitrage between two registered surveyors and so that I might have the opportunity to discuss the methods and means employed by him to arrive at his

2 - Mr. Slowick

decision, again on the record, would be procedural error, harmful to the protestant's case, and should not be undertaken.

I have absolutely no objection to the Board reopening the record at a date to be selected for the purpose of producing Mr. Kroll as a petitioner's witness with the sole reservation that since apparently Mr. Kroll's testimony would materially change the status of the record, I be permitted to produce in rebuttal thereto the first registered surveyor so that he might be given the opportinity to return from Coventry.

Failing the employment of the correct procedure, I ask that you return all copies of Mr. Kroll's work given the Board and that it not appear as a part of the record in this case.

Very truly yours,

JWH:VL

cc: James D. Nolan, Esquire

Rich 2:10 AM

0 5 1000 CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY

District 8.7# Date of Posting 200.30 -1970 Posted for APPEAA Petitioner: THE LAURIE CORPORATION SPINO J. AND SISELLA MASCHAS SK BELLONA AVE. 75-02 FT. FOF DORMONE SIS OF BELLONA AUE. 85 FT.+- E OF NORMOAVE Date of return: DEC. 4- 1970

C

71-10-12

Gordon A. Saunders and Rosalis R. Saunders, his wife, 1513 Norman Avenue ille, Maryland, James Swert, 1521 Norman Avenue, Lutherville, Maryland and Robert E. Moore and Anna Moore, his wife, 1524 Norman Avenue, Lutherville, Maryland, from the decision of the County Board of Appeals of Baltimore County in the above entitled matter passed on March 23, 1971.

......

ORDER FOR APPEAL FROM COUR BOARD OF APPEALS OF BALTIMORE

RE: PETITION FOR RECLASSIFICATION :

The Laurie Corporation Petitioner

No. 71-10-R

Spiro J. and Gisela Maschice

from R-6 zone to B.L. zone S/S Bellona Avenue 75.02 feet : East of Norman Avenue 8th District :

John W. Hessie, III

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

I HERESY CERTIFY, That a copy of this order was served by personal delivery upon the Secretary of the County Board of Appeals of Baltimore County pursuant to applicable provisions of the Maryland Rules , this April, 1971.

John W. Hessian, III

Appealed 4/20/71

RE: PETITION FOR RECLASSIFICATION IN THE from R-5 zone to B.L. z no S/S Bellons Avenue 75.02° E. of Norman Avenue CIRCUIT COURT FOR The Laurie Corporation BALTIMORE COUNTY Spire J. and Giselu Mesch Centract Purchasers Zaning File No. 71-10-R AT LAW Gordon A. Sounders, et el Protestants-Appellants 106 4658

CERTIFICATE OF NOTICE

nt to the provisions of Rule 1101-R (4) of the Maryland Rules of Proce John &. Slowik, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filling of the Appeal to ve of every party to the proceeding before it; namely, James D. Nolan, Esquire, 204 West Pennsylvanic Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and John W. Hessian, III. Esquire, 102 West Pennsylvania Avenue, Townson Maryland 21204. Atterney for the Protestants, a copy of which notice is attached hereto and proyed that It may be made a part thereof.

> Edith T. Elsenhort, Administrative Secretary County Board of Appeals of Baltimore County Office Building, Towers, Md. 212

enth

I hereby certify that a copy of the aforegoing Cert mailed to James D. Noles, Esquire, 204 West Pennsylvania Avenue, Towson. Maryland 21204, Attorney for the Petitioner, and John W. Hessivin, III, Esquire, 102 West Pennsylvenia Avenue, Towers, Maryland 21204, Atterney for the Protestants, on this 22nd day of April, 1971.

cc: Zoning

RE: PETITION FOR RECLASSIFICATION REFORE from R-6 zone to B.L. zone S/S Bellona Avenue 75.02 feet COUNTY BOARD OF APPEALS et of Norman Avenue OF EALTIMORE COUNTY The Laurie Corporatio Petitioner Spiro J. and Gisela Maschas Contrac? Purchasers No. 71-10-8

OPINION

This case comes before the Poard on an appeal by the Petitioner from an Order of the Zoning Commissioner which denied the Petitioner's request for a reclassification from R-u to B.L. The subject property is lot on the south side of Bellona Avenue approximately seventy-five feet east of Norman Avenue and just west of the York Road, in the 8th Election District of Baltimore County. The property contains approximately .56 acres, with a frontage of approximately 78 feet on Bellona Avenue. The west lat line is approximately 202.5 feet deep; the eastern line is irregular and approximately 240 feet deep. The rear lot line is 125 feet in length. The property may be identified a 1625 Ballone Avenue The property is improved by a one and one-half story frame building, which apparently has been used off and on as a church since 1959. The first floor is finished as one big room, with a powder room.

Fraperty to the west side of this subject property is zoned R-6, and in residential use, which is basically criented to Norman Avenue and nut the heavily traveled Bellona Avenue. North from the subject, across Bellona Avenue, are old properties which face the next street to the north and apparently have not been well maintained. Petitioner's Exhibit No.3-N portrays this fact, as well as the chicken yard which is immediately across the street from the subject property. Property to the east side of the subject is runed R.A., with a special exception for offices and B.L., and is so now used. The commercial uses and the influence on the character of the subject property may be examined in detail on Petitioner's Exhibit Nos.3-H, 3-K and 3-5.

If successful, the Petitioner in the case proposed to use the existing building as a beauty shop. It is his proposal to remodel the present structure, with the only ex terior use being that of painting and renovation to emphasize a colonial exterior design

The Laurie Corporation - No. 71-10-R

The Petitioner is a contract purchaser who has corrates a successf 1 beauty shop since 1953 in Baltimore City and now dusires to follow her customers into this area of Baltimore County.

The Petitioner argued both change and original error, and cited thirty-two zoning reclassifications in support of same (see Petitioner's Exhibit No. ...), as well as the traffic conditions on Bullona Avenue at the subject site in 1955, when the map was adopted, The Protestants argued that to grant this petition would necessarily establish a naracter on Bellona Avenue, and would adversely affect the existing residential development in the area between the subject property and the Fire House, which lies further west of the subject on the same side of Baliana Avenue

The Board was impressed by the testimony of the Contract Purcha s, Mr. and Mrs. Maschas, and their plans for this site. It would seem clear from the evidence and testimony presented in this case that one would be hard pressed to deny that the area along York Road near Relland Avenue has changed and changed drastically since the adoption of the map in 1955. The question is how much and how far has this change affected the , sperty immediately vicinal to same .

While not detailing the testimony and evidence presented in this case, it is the pointing of this Board that the character of the area has changed substantially enough to destroy the residential possibilities for the subject site. It would now seem totally ly adjoining this site and its rocation directly on the heavily traveled through street (Bellona Avenue), just a short distance from the commercial York Road intersection, have made the use of this site as a home extremely unlikely. The proposal by Mr. and Mrs. Maschas which will use the existing building and improve its exterior appearance, will not detrimentally affect the residential properties west of the property, and in fact will buffer these residences from the intensive commercial uses on York Road.

Thus, it is the judgment of this Board that the testimony and evidence has preven a substantial change in the character of the neighborhood to warrant the reclassificaThe Laurie Corporation - No. 71-10-R

ORDER

For the reasons set forth in the "pregoing Opinion, it is this 23rd day of March, 1971, by the County board of Appeals O RDERED, that the reclassification from R-6 zone to B.L. zone petitioned for, be and the same is hereby GRANTED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

70118 1/4c 11/19/70

3.

PETITION FOR RECLASSIFICATION S/S OF BELLONA AVENUE, 75.02 feet East of Norman Avenue 8TH DISTRICT, THE LAURIE CORP. No. 71-10-R (Item 316)

BALTIMORE COUNTY No. 71-10-R

a (Item No. 316)

PEFORE THE

ZONING COMMISSIONER

ORDER FOR APPEAL

MR. ZONING COMMISSIONER

Please enter an Appeal to the County Board of Appeals from your Order of October 20, 1970, and each and every part thereof, denying the requested reclassification on behalf of the corpo ate Petitioner herein, The Laurie Corporation, a party thereby aggrieved,



Nolan, Plumhoff and Williams 204 West Pennsylvania Avenue Towson, Maryland 21204 Telephone: 823-7800 Attorney for Petitioner

I HEREBY CERTIFY that on this 17th day of Movember 1970, a copy of Le aforegoing Order for Appeal was mailed to John W. Hessian, III, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland, 21204, attorney for protestants.

> James D. Nolan Attorney for Petitioner

SEP 25 1972

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we,....The Laurie Corp. legal owner... of the property situate in Baltimore map County and which is described in the description and plat attached hereto and made a part hereof. # 9 County and which is described in the description and pair assessment where the reclassified, pursuant thereby petition (i) that the zoning status of the herein described property be re-classified, pursuant $\mathcal{L}(2)$. to the Zoning Law of Baltimore County, from an R-6 NW-12-A ... rone; for the following reasons

There was a mistake or error in the original zoning and/or the character of the neighborhood has changed to such an extent as to render the requested reclassification proper,

and 2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore N. A.

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

For we, agree to pay expenses of above re-classification and/or Special Exception advertising. pooling, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore C unty adopted pursuant to the Zoning Law for Baltimore

Spiro J. Masenae

Gisch Maschas

Contract purchaser s

by Letter B. Crictack
Crice of the Legal Owner
Address. 407 W. Pennsylvania Avc.
Towson, Maryland 21204 Address 808 Eton Road, Towson, Md. 21204

James D. Nolan Petitioner's Attorney Nolan, Plumhoff and Williams
Address 204 W. Pennsylvania Avenue

....

STREET OF FLANISHE & LOREST

CLICER L MYL

SUBJECT OF

BUREAU F

ERDIFFT PLASS

BOARD OF ROSEATS

PARTE DESCRIPTION OF THE PARTE OF THE PARTE

Towsed 01204 Towsor, Maryland 21204 ORDERED By The Zoning Commissioner c. Baltimore County, this. 15th

required by the Zoning Law of Baltimore County, in 'wo newspape,'s of general circulation through out 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 22nd day of July

In Towson, Baltimore
1970 at 11:00 clock

Thereof D. Lyandes to,

John Comment

71-10

THE LAURIE CORPORATION

Protestant's Attorney

102 W. Pennsylvania Ave

0118 1/4c 4/27/70

0

75.02' E of 8th

PL

PROPERTY OF THE LAURIE CORPORATION

8th ELECTION DISTRICT OF BALTIMORE COUNTY

I. DESCRIPTION OF PROPERTY

Inis property consists of 0,56 acres located on the south side of Beilona Avenue, just east of Norman Avenue, the improvements thereon being known as 1625 Bellona Avenue.

The property is presently zoned R-6, residential, but was used as a small church by a denomination which discontinued this use quite same time ago

III. REQUESTED ZONING

The Petitioner, The Laurie Corporation, and the Contract Purchasers, Spiro J. Maschas and Gisela Maschas, respectfully request and submit that the property would be more properly zoned BL in accordan special exception for offices to the west. The proposed use would be for a beauty shop use, remodeling the existing building, and utilizing off-street parking in the rear.

IV. REASONS FOR REQUEST

This neighborhood has undergone great change in recent years and there is virtually no likelihood that the property can be appropriately used in its present R-6 classification. The property classification of BL is consistent with the neighborhing properties to the east and with the

171-10R

As to utilities, there is no problem with sanitary sewer co water mains, both being found in the bed of Bellona Avenue

Furthermore, the property is of sufficient depth for the ement which will be so far set back from Bellona Avenue that the proposed widening strip for the Bellona Avenue right-of-way would be in no way hindered or impeded by this request.

Finally, an appropriate screening would be provided along the western and southern property lines to shield the parking area.

Respectfully submitted.

James D. Nolan Attorney for The Laurie Corporation

#71-1012

The granting of B.L. on the property would:

TO Mr. Edward D. Hardesty, Zoning Commissioner Date. July 17,

HEARING: Wednesday, July 22, 1970 (11:00 a.m.)

SURJECT: Partition #71-10-R. South side of Bellona Avenue 75.02 feet East of Norman Avenue Patition for Reclassification from R-6 to 8.1.

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B.L. zoning and has the following advisory comments to make relative to pertinent pli-nning factors:

The petitioners' property fronts on Bellova Avenue, which is its only means of occess. There are no improvements to Bellova Avenue currently programmed. With the exception and the uses of the corner of Yark Road, the entire Bellova Avenue frontage is residential in zooing character. The subject property is apparated from the activity commercial zoning at the corner of Yark Road by one property which is now zoned 8.A. and has a special exception which allows the property to be used for offices.

The Planning Board has in the past viewed this type of "office um" as a desirable means of transitioning from commercial on the one side to esidential on the other side. The Special Exception device in the R. A. zone can be an excellent means of requiring additional controls which further protect the residential engighers. As highway improvements are made in the area, Bellona Avenue will lose some of its present important.

FROM Mr. George E. Gavrelis, Director of Planning

The Laurie Corporation - Petitioners

BALTIMORE COUNTY, MARYLAND ___ JU 17 70 PM

By-pass an all eady established R.A. office tie-off of the commercial at York Rd.
 Hove an adverse effect on existing residential development in the area.
 Possibly establish a commercial character on Bellona Avenue.

I am, therefore, recommending that the petition for B.L. be denied. The Planning Board will be evaluating the need for any additional expansion of the R.A. affice to include this property.

GEG:msl

TELEPHONE 823-3000 EXT. 387

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 23, 1970

James D. Holan, Esq. 204 W. PennsylvaniaAvenue Towson, Maryland 21204

Type of Hearing: Reclassification from an R6 zone to an B1 zone Loctions 15% Bellona Avenue 90°± E. of Norman Avenue Petitioner: The Laurie Corp., Committee Meeting of May 12, 1970 8th District Item 315

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

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item

Beliona Avenue an existing road shall ultimately be improved as a 40-fost curbed street on a 60-foot right-of-way. Right-of-way dedication will be required.

Storm Drains:

The patitioner must provide necessary drainage facilities The patitioner must provide necessary orange inscrinces (temporary or personnel) to prevent creating any nulsances concentration of surface waters. Correction of any problem which may result, due to immorrary regions or increase installation of drainage facilities, would be the full responsibility of the petitioner.

Oevelopment of this property through stripping, grading and stabilization could resul. in a sediment pollution problem, demaging private and public holdings boomstram of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top boil.

James D. Nolan, Esc. 204 W. Pennsylvania Avenum Towson, Md. 21204 Item 316 Page 2

June 23, 1970

Sediment Control:(Continued)

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

Water and Sanitary Sower.

Public water and sanitary sewer are available to serve this site.

NOLAN, PLUMHON A WILLIAMS TOWERN NO.

The owner shall be required to ment the Fire Department requirements for office occupancies.

BOARD OF EDUCATION:

Would not increase student population.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of dallimore County Building Code and Regulations when plans are submitted - for conversion to Beauty Shop.

ZONING ADMINISTRATION DIVISION:

The petitioner will be required to submit revised plans to this prior to the hearing indicating the proposed highway widening and width as defined in the Bureau of Engineering comments above.

West Fillian

Very truly yours,

OLIVER L. MYERS, Chairman

OLM: JD Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D Hardesty Zoning Commissioner

Date July 9, 1970

FRCM Richard B. Williams
Project Planning Division SURJECT Zoning Advisory Agenda Item 1316

> May 12, 1970 The Laurie Corp. S/S Bellona Ave

The plan has been reviewed and there are no site-planning factors requiring

BALTIMORE COUNTY, MARYLAND Nc. 71348 July 23, 1990 OFFICE OF FINANCE ion of Collection and R.
COURT HOUSE TOWSON, MARYLAND 21204 IMPORTANT, MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 2

BALTIMORE COUNTY OFFICE OF PLANUING & ZONING County Office Building III M. Chesappeake Avenue Tomson, Faryland 21204

11-16-70

•		12	
	osting of preperty, and public hearing on the above petition and		
the above Reclassification should be	had; and it further appearing that by reason of		
a Specia' Exception for a	should be granted.		
	Commissioner of Baltimore County this		
	., that the herein described property or area should be and		
	zone to a		
granted from and after he date of			
Ē			i
77	Zoning Commissioner of Baltimore County		
1 4	posting of property and public hearing on the above petition illure to show error in the original roning map or		
substantial changes in the ch	Aracter of the neighborhood,		1
1			
the above re-classification should NO	T BE HAD, and concludes Specials (Examples exhausts > 100 Pc 200)		
GRANTEN			
IT IS ORDERED by the Zoning C	Commissioner of Baltimore County, this 21 day		
of Csiabez 197 0 1	that the above re-classification be and the same is hereby		
	d property or area be and the same is hereby continued as and		-
	zone; gad or the Special Bacepilon Servexxxxxxx		1
***************************************	sacconsuccacecondental and the same sincheshoch Parity in		1
	Edward W. Hardot		1
PROCESSING	Zoning Commissioner of Baltimore County		la dettoo
BY 960			
DEFICE OF			Thomas
P. ANCONG & ZON MG.			-
			1

	PETITION FOR	BECLAMMICA POTENCY	E4014
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	DATE A TEN) h
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	recorded and Saltimore C W.P.C. No. 1	og the Plat re-	Book Laucie
	Corporation, filed with the Meaning D	Sening Departs Sening Departs sto: Wednesday 1:00 A.M.	et plan ment. , July
	Put de Mass Office Buildin Avenue Tour By L. day (ARD D. HAR	County

CERTIFICATE OF PUBLICATION

L. Leank Streets

Cost of Advertisement, \$...

THE STATE OF THE S

TOWSON IN ES

YORK ROAD 821-7

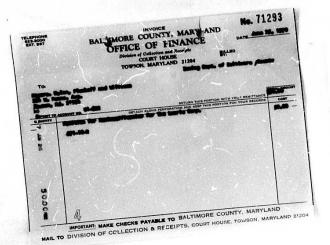
July 6 - 1970

THIS IS TO CERTIFY, that the annexed advertisement of
Ethoard D. Hardesty
Zoning Towardstoner of Baltimore County
was inserted in THE ENCHART THES, a weekly newspaper published
in Baltimore County, Maryland, once a week for

in Baltimore County, Maryland, once a week for one meek/ before the 6th day of July 19 70, that is to say, the same was inserted in the issuek of July 2, 1970.

STROMBERG PUBLICATIONS. Inc.

By Ruth morgan



€ 1 516N

CENTIFICATE OF POSTING

District. 8 III	Date of Penting 4/4 6- 1970
District	FROM R-6 TO B. L.
Posted for: NACHASSIE! GATLER	
Delitioner THE LAURIE GO	RP.
S/c af RA	HENA AVE. 75.02 FT. E OF NORDAN AVE.
Location of property: /.2	//AI2
Location of Signa: 1627 I	EllowA AVF
Location of Signa	
Remarks:	
Posted by Charles M. Men	Date of retorn: J4/y 10 1970
Posted by	# 71-10-R

