

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

George F. Strutt and Joan B. Strutt, and
W. Giles Parker, Esq., and Marion M. Parker,
I, or we, legal owners of the property situate in Baltimore
County, and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an _____ zone to an _____
RA zone, for the following reasons:

There was a mistake in the original zoning and/or the character
of the neighborhood has changed to such an extent that the reclassification
requested is proper.

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 _____

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

I, or we, agree to pay expenses of above reclassification 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.

See attached 11-A

Contract purchaser _____ Address _____ Legal Owner _____

James D. Nolan, Petitioner's Attorney
Nolan, Plunhoff & Williams
Address 201 W. Pennsylvania Ave.,
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day
of _____, 1970, that the subject matter of the petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be held before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the _____ day of _____, 1970, at 3:00 o'clock

Edward R. Hendry
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: August 28, 1970
FROM: Mr. George E. Gavrellis, Director of Planning
SUBJECT: Petition #71-70-R, South side of Seminary Avenue 299 feet west of Francke Avenue
Petition for Reclassification from R-10 to R.A. Zone.
George F. Strutt, et al - Petitioners

BH. District

HEARING: Thursday, August 27, 1970 (3:50 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition
for reclassification from R-10 to R.A. zoning. It notes that the subject property
was dealt with by the Planning Board on one of the issues raised in connection with
its public hearing, on new maps which would completely rezone this area.
The Planning Board rejected the request for R.A. zoning here on the basis that:

1. The density pattern for this area was firmly established and any increase in
development potentials which were different from those established by the present
R-10 or R.R. 3.5 zoning would not be in harmony or compatible with those of
the adjoining residential areas.

2. Enhanced accessibility to the subject property by means of some extension of
Charles Street is not possible under current State or County programs for a period
of at least 15 years. Neither have priorities been established for widening
or reconstruction of Seminary Avenue until a period 15-20 years hence. Therefore,
the property presently will have to rely on an antiquated and inadequate local
street pattern which seems not capable of responding to yet increased traffic
generation from within the Lutherville community.

3. The creation of an R-10 buffer along the south side of Lincoln Avenue and the
preservation of trees there does satisfactorily protect the subject property from
any adverse or consequential impact from apartment zoning just to the south of
Lincoln Avenue.

CEG:msh

GEORGE F. STRUTT - W. GILES PARKER #71-70-R
5/5 Seminary Ave. 299' W. of Francke Ave. 8th District
R-10 to R.A. 8.54 acres

July 14, 1970 Petition filed
Oct. 27 Reclassification DENIED by D.Z.C. (DIN+no)
" 29 Order of Appeal to C.B. of A.
Mar. 19, 1971 Reclassification GRANTED by C.B. of A. (Slowik, Reiter, Miller)
Apr. 16 Order for Appeal filed in Circuit Court by John W. Heslon, III, Esq.
for Dole B. Wright, et al, Protestants
Sept. 15 Dismissed (on legal point) Judge Proctor

GRANTED

PROPERTY OF W. GILES PARKER AND WIFE EIGHTH ELECTION DISTRICT OF BALTIMORE COUNTY

I. DESCRIPTION OF PROPERTY

This property is located on the south side of Seminary Avenue just west of Francke Avenue, comprising some 4.86 acres in the Eighth Election District of Baltimore County. The property is presently improved by a large, older residence in which the Parkers reside, and a smaller tenant house. A winding driveway describes an irregular course through the property serving these two residences. Property to the southwest is zoned RA, and is the site of the very fine Cardiff Charles Apartments. In addition to the La Paix Day Nursery, the property directly across Seminary Avenue to the north is the very large College Manor Nursing Home. On the properties just to the west of this property, Charles Street will in the near future be extended from its present terminus at Bellona Avenue to, upon completion, follow the general course of the railroad tracks to connect to Ridgely Road at the Yorkridge Shopping Center. Just slightly further to the southwest lies a BR zone in which very fine industrial headquarters and sales offices have been erected facing on the north side of the Beltway. Further to the west along Front Avenue is located the Lutherville Supply and Equipment Company, for which Mr. Bauts is requesting BR status.

II. PRESENT ZONING

The property is presently zoned R-10, but as previously noted, it is in fact utilized on an acreage basis.

III. REQUESTED ZONING

In the light of the evolving character of this neighborhood, as well as its present fairly intensive institutional character, the property owners believe that the property is best suited for use as a fine, garden

FROM THE OFFICE
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. #71-70-R
ENGINEERS
P.O. BOX 6828, TOWSON, MD. 21204 MAP
14W-12A

Description to Accompany Zoning Petition
Reclassification from R-10 to R.A.
South Side Seminary Avenue West of Francke Avenue
April 3, 1970

Beginning for the same on the south side of Seminary Avenue 60 feet wide at a point distant 299 feet more or less measured westerly from the center-line of Francke Avenue and running thence (1) South 14° 17' 00" West 491.37 feet to the northeast corner of a "Plat of Lincoln" dated February 29, 1952 and recorded among the Land Records of Baltimore County in Plat Book G.L.B. 17, folio 25, thence binding on the north and west sides of said plat the four following courses viz: (2) North 67° 58' 30" West 207.67 feet (3) North 19° 20' 00" East 27.50 feet (4) North 65° 33' 10" West 227.17 feet and (5) South 24° 52' 00" West 185.04 feet to the north side of Lincoln Avenue (ultimately 50 feet wide) thence binding on the north side of said Lincoln Avenue (6) North 71° 39' 30" West 304.77 feet thence leaving the north side of said Lincoln Avenue and running (7) North 24° 52' 00" East 628.88 feet to the south side of above mentioned Seminary Avenue, thence binding on the south side of said Seminary Avenue (8) South 71° 39' 30" East 653.75 feet to the place of beginning.

Containing 8.54 acres of land more or less.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: NOV 30-1970
Posted for: APPEAL
Petitioner: GEORGE F. STRUTT, W. GILES PARKER
Location of property: 5/5 SEMINARY AVE. 299 FT. W. OF FRANCKE AVE.
Location of signs: 5/5 SEMINARY AVE. 350 FT. W. OF FRANCKE AVE.
Remarks: Charles M. Neal
Posted by: Charles M. Neal Date of return: DEC 4-1970

type apartments, and with such development in mind, they respectfully request RA classification of the subject tract.

IV. BASIS FOR REQUESTED ZONING

As can be seen from the plat enclosed herewith, and as one can see merely by driving along Bellona Avenue and thence west on Seminary Avenue, this property has changed more in the last decade than it has in the twenty-five years from 1935 to 1960. The property owners feel that the 1970's will see even a greater change still than the preceding decade. Upon reflection this will be seen to be true, since the opening of Charles Street Avenue to the west will completely alter the character of the properties along both sides, including the subject property. The subject property which has very good access at present by way of Seminary Avenue and Bellona Avenue to the Beltway will have excellent access to the Beltway-Harrisburg Expressway.

If the subject property and the neighboring properties to the west to be intersected by the extension of Charles Street Avenue are classified RA, they will serve a continually increasing demand for apartment units and, indeed, a need which exists in the Lutherville Community and which at present is not adequate: ...et.

A survey of the enclosed plat clearly indicates that the property and its neighbors to the west at present form an island of R-10, surrounded by institutional, commercial and apartment uses. The property owners respectfully submit this property and those immediately to the west meet all the criteria for RA classification (both public water and public sewer, gas and electric being available in the area), and if so classified, will serve as an excellent transitional use between the Beltway and the commercial to the south and the residential areas some distance to the north.

For these and other reasons, the property owners respectfully request classification of the subject tract as RA. Furthermore, the property owners would welcome and opportunity to meet with the Planning Board and the Planning staff regarding appropriate zoning of this tract.

James D. Nolan
Attorney for Property Owners

RE: PETITION FOR RECLASSIFICATION :
From R-10 zone to R.A. zone
South side of Seminary Avenue 229 :
feet West of Francke Avenue :
8th District :
George F. Strutt and :
W. Giles Parker :
Petitioners :
File No. 71-70-R :
IN THE CIRCUIT COURT :
FOR BALTIMORE COUNTY :

ORDER FOR APPEAL FROM COUNTY
BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

PLEASE note an appeal to this Court on behalf of the protestants.
Dale B. Wright and Joan L. Wright, 327 West Seminary Avenue, Lutherville, Mary-
land, and Michael F. Pierce and Dianne Pierce, 325 West Seminary Avenue,
Lutherville, Maryland, from the decision of the County Board of Appeals of
Baltimore County in the above entitled matter passed on March 19, 1971.

John W. Hession, III
Attorney for Protestants

I HEREBY 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 16th day of
April, 1971.

John W. Hession, III

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-10 zone to R.A. zone :
South Side of Seminary Avenue 229 : COUNTY BOARD OF APPEALS
feet West of Francke Avenue :
8th District : OF
George F. Strutt and : BALTIMORE COUNTY
W. Giles Parker :
Petitioners : File No. 71-70-R

OPINION

This case comes before the Board on appeal by the Petitioners to re-classify
the subject property from Residential, R-10 to Residential, R.A. zoning.

The property is located in Lutherville, several blocks north of the Baltimore
County Beltway, U.S. Rt. #695, and is midway between York Road on the east and the
Baltimore-Harrisburg Expressway, U.S. Rt. #83 on the west, being approximately one-half
mile from either road. More specifically, the property is on the south side of Seminary
Avenue 299 feet west of Francke Avenue, in the 8th Election District of Baltimore County.

The property has a front width, on the south side of Seminary Avenue, of
approximately 654 feet. The west 305 feet of this width extends southerly 629 feet to
Lincoln Avenue, on which it also bounds for a distance of 305 feet. The remaining east
side of the tract fronts 349 feet wide on the south side of Seminary Avenue and fans out to
a width of 435 feet in a southerly direction to within 120 feet short of Lincoln Avenue.
The parcel extending to Lincoln Avenue had previously been sold off by Petitioner Parker
and subsequently was subdivided into six lots, now improved with six dwellings. The
west portion of the tract, owned by Petitioner Strutt since 1968, comprises 4.4 acres. The
east portion, owned by Petitioner Parker since 1936, comprises 4.78 acres, for a gross
total area of 9.18 acres. There is a large old frame house on the Strutt tract that is
fire damaged and vandalized beyond economic rehabilitation, which will be razed. The
Parker tract is improved by a small frame tenant-occupied house and a very large one
hundred year old frame house, having five bedrooms on the second floor. There was
testimony that the house is rapidly depreciating and too expensive to maintain. It has
been occupied by Mr. and Mrs. Parker and Mr. Parker's father since 1934. These two
dwellings would also be demolished if the petition is granted.

George F. Strutt and W. Giles Parker - No. 71-70-R

2.

Immediately surrounding the subject is R-10 zoning. Two of the protestants
live contiguous to the west of 325 and 327 Seminary Avenue in an R-10 zone. The house
at 325 Seminary Avenue is in the path of a proposed alignment for Charles Street
Extended, and #327 would be divorced from the subject by this intervening alignment. The
property to the north, directly across Seminary Avenue from the subject, while in an R-10
zone, has a Special Exception zoning for use as a nursing home. It is a very large commercial
activity and is known as College Manor. It formerly was the Maryland College for Women.
(See photos, Petitioners' Exhibits Nos. 6-I and 6-J). A larger geographical area around the
subject embraces mixed uses and mixed zoning. (See Petitioners' Exhibit No. 5 and as
further described in this Opinion wherein Petitioners claim "change"). If successful in
their petition, the Petitioners plan to construct 130 garden type apartments.

The official zoning map for the area was adopted November 14, 1955
(Petitioners' Exhibit No. 3). To justify the granting of the petition, the Petitioners claim
"error" in original zoning and "change" in the character of the neighborhood since the
adoption of the map. To support these claims, expert witnesses for the Petitioners testified
that the map was in error because it failed to provide any apartment zoning whatsoever in
Ruxton, Lutherville or north of Joppa Road, and need for apartments has not yet been satis-
fied. In fact, many of the large old homes in the neighborhood now have apartments in
them. As to "change", they testified that the area had radically changed from a country
type neighborhood with large old Victorian houses where raising of chickens, vegetable
gardening and orcharding were commonplace, and where there was no public sewer service,
into a bustling area of increased residential density, apartment development, commercial
uses, construction of shopping centers, superhighways and public sewer services. Most
significantly were changes they documented within 700 feet of the subject as follows:

- (1) Case No. 5841 - Seminary and Railroad Avenue, from R-6 to B.L.,
and Special Exception for a service station
- (2) Case No. 3890 - Baltimore Beltway and Charles Street Avenue, from
R-10 to B.R., developed with four offices and warehouses
- (3) Case No. 65-78 - Front Avenue within 150 feet south of subject, from
R-10 to R.A., being Cardiff Charles Apartments, similar to subject propo-
sal and affirmed by Maryland Court of Appeals (239 Md. 163).

George F. Strutt and W. Giles Parker - No. 71-70-R

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Also, there was testimony regarding the intense impact on the area from
commercial development along York Road 2700 feet distant from the subject; the shopping
center at Ridgely and York Road 2500 feet distant, including Stewart's largest department
store; and contiguous to the north of this is the large Timonium Industrial Park. Numerous
other zoning changes and distances from the subject were cited. Among them are Kenilworth
Apartments 2500 feet distant; Ruxton Townes 1500 feet; Charles Gate Apartments 1500 feet;
and the old Lutherville School on Division Avenue, four blocks north, converted to apart-
ments. Construction of the Baltimore Beltway, resulting in a constant roar of traffic noise,
day and night, and lighting of the Beltway, which illuminates the second floor of Mr.
Parker's dwelling, were also cited as changes in the character of the neighborhood since
the adoption of the map.

The plat (Petitioners' Exhibit No. 1) shows a proposed alignment for Charles
Street Avenue to be extended through the subject property. Mr. James Amacost, an
engineer, testified for the Petitioners that his firm is a consultant to both Baltimore County
and to the Maryland State Roads Commission on this proposal, and that the alignment of the
road is fixed on the south of the subject by a dedication of the right of way in the recorded
plat of Cardiff Apartments. The alignment will be correlated through the subject tract.
The right of way will be 80 feet wide. As a side effect the right of way reduces the subject
tract from 9.18 acres gross to 8.54 acres net area.

Mr. Amacost's testimony that sewer and water facilities are available and
adequate for the proposal was undisputed.

Five neighbors and the Baltimore County traffic engineer, summoned by the
Protestants, testified in opposition to the granting of the petition. The main thrust of
their opposition was that traffic conditions on local streets were bad and would worsen if
the petition were granted; that apartments would generate undesirable, irresponsible
neighbors, and that they opposed further change in their neighborhood.

Dr. W. Worthington Ewell, a recognized traffic expert, testified at length
and in great detail regarding traffic capacities of the streets, actual traffic counts, vehicle

George F. Strutt and W. Giles Parker - No. 71-70-R

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turning movements, and to the flow of traffic through the nearby controlling traffic lights.
He prepared traffic chart, Petitioners' Exhibit No. 4. He estimated that the proposed 130
apartment units would generate 65 cars per hour outgoing from the project at two peak
morning hours, and 65 cars per hour return trips during the two peak evening hours. He
stated that he studied the traffic situation very comprehensively and was satisfied that
Seminary Avenue presently has a capability of carrying more traffic than it does now. His
general conclusion was that there would be an inconsequential increase in traffic generated
by the subject and that this could be handled on existing roads. He further noted that
extending Charles Street Avenue northward to Stewart's department store on Ridgely Road
would drastically lessen the volume of traffic on existing streets and through the Bellona
and Seminary Avenue intersection.

The Baltimore County traffic engineer, Mr. Eugene Clifford, testified that
York Road is overcrowded with traffic and any increase will compound the problem. He
was "concerned" that Francke Avenue to the east of the subject and running north and south,
will be used as a bypass road and be subjected to abnormal traffic loads. He stated that
Seminary Avenue at Bellona was rapidly approaching capacity at that intersection. How-
ever, under cross-examination he acknowledged that he has constantly recommended that
Charles Street Avenue be extended northerly. In the past month, prior to his testifying
here, he had requested that this extension be given a priority for construction within the
next five years. He stated that unfortunately construction of new roads follows rather
than precedes traffic demands.

The test of error in original zoning and changes in the character of the
neighborhood since the adoption of the map have been overwhelmingly proven by the
Petitioners through weight of evidence.

The Board is satisfied that granting the petition is proper zoning for this
area between the Cardiff Apartments and College Manor Nursing Home. Also, while it is
not a compelling factor in the Board's decision, there does exist the probability of fruition
for the construction of Charles Street Avenue Extended, in the foreseeable future. Grant-
ing the petition may hasten such construction and thereby further benefit the neighborhood
and general welfare.

George F. Strutt and W. Giles Parker - No. 71-70-R

5.

Therefore, the Board unanimously concurs in granting the petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day
of March, 1971, by the County Board of Appeals ORDERED, that the reclassification
from R-10 to R.A. petitioned for be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

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

69345
1/4c
10/29/70

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
S/S OF SEMINARY AVENUE, 299' W. OF : DEPUTY ZONING COMMIS-
FRANCKE AVENUE - 8th DISTRICT, : OF BALTIMORE COUNTY
GEORGE F. STRUTT, et al. - PETITIONERS : NO. 71-70-R
NO. 71-70-R (ITEM NO. 248) : (ITEM NO. 248)

ORDER FOR APPEAL

Mr. Deputy Zoning Commissioner:

Please enter an Appeal to the County Board of Appeals
from your Order of October 27, 1970, and each and every part thereof,
denying the requested reclassification on behalf of all of the Petitioners
herein, George F. Strutt, et al., parties thereby aggrieved.

James D. Nolan
Nolan, Plumbhoff & Williams
204 West Penna. Avenue
Telephone 823-7600
Towson, Maryland 21204

I hereby certify that on this 29th day of October
1970, a copy of the foregoing Order for Appeal was mailed to John W.
Hession, III, Esquire, 102 W. Penna. Avenue, Towson, Md. 21204; and
to Mr. Paul R. Paxton, 108 Belmore Road, Lutherville-Timonium, Md.
21082.

James D. Nolan

LAW OFFICES
NOLAN, PLUMBHOFF & WILLIAMS
TOWSON, MD

MAY 02 1972

RE: PETITION FOR RECLASSIFICATION :
from R-10 zone to R.A. zone
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8th District :
FOR BALTIMORE COUNTY :
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Attorney for Protestants

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George F. Strutt and W. Giles Parker - No. 71-70-R

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not a compelling factor in the Board's decision, there does exist the probability of fruition
for the construction of Charles Street Avenue Extended, in the foreseeable future. Grant-
ing the petition may hasten such construction and thereby further benefit the neighborhood
and general welfare.

George F. Strutt and W. Giles Parker - No. 71-70-R

5.

Therefore, the Board unanimously concurs in granting the petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day
of March, 1971, by the County Board of Appeals ORDERED, that the reclassification
from R-10 to R.A. petitioned for be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

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

69345
1/4c
10/29/70

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
S/S OF SEMINARY AVENUE, 289' W. OF : DEPUTY ZONING COMM.
FRANCKE AVENUE - 8th DISTRICT, : OF BALTIMORE COUNTY
GEORGE F. STRUTT, et al. - PETITIONERS : NO. 71-70-R
NO. 71-70-R (ITEM NO. 248) : (ITEM NO. 248)

ORDER FOR APPEAL

Mr. Deputy Zoning Commissioner:

Please enter an Appeal to the County Board of Appeals
from your Order of October 27, 1970, and each and every part thereof,
denying the requested reclassification on behalf of all of the Petitioners
herein, George F. Strutt, et al., parties thereby aggrieved.

I hereby certify that on this 29th day of October,
1970, a copy of the foregoing Order for Appeal was mailed to John W.
Hessian, III, Esquire, 102 W. Penna. Avenue, Towson, Md. 21204; and
to Mr. Paul R. Paxton, 108 Belmore Road, Lutherville-Timonium, Md.
21093.



LAW OFFICE
HESIAN, PLOMBHOFF & WILLIAMS
TOWSON, MD.

TELEPHONE 464-2415		INVOICE		No. 75372	
BALTIMORE COUNTY, MARYLAND				DATE 11/1/70	
OFFICE OF FINANCE					
Revenue Division COUNTY HOUSE TOWSON, MARYLAND 21204				FILED	
To: James D. Nolan, Esq., 204 West Pennsylvania Ave., Towson, Md. 21204				Zoning Office, 119 County Office Bldg., Towson, Md. 21204	
CHECK TO ACCOUNT NO. 71-422		RETURN TO: PORTION WITH YOUR REMITTANCE		TOTAL AMOUNT	
QUANTITY		DETACH ALONG PER FOR ACTION AND REPLY THIS PORTION FOR YOUR RECORDS		COST	
Cost of appeal - property of Geo. F. Strutt, et al		\$70.00			
No. 71-70-R		1 sign \$5.00		\$75.00	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

MAY 02 1972

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
S/S of Seminary Avenue, 299' W of : DEPUTY ZONING
Franke Avenue - 8th District : COMMISSIONER
George F. Strutt, et al - Petitioners :
NO. 71-70-R (Item No. 248) : OF
BALTIMORE COUNTY

The Petitioners seek a Reclassification from an R. 10 Zone to an R. A. Zone for a parcel of land containing 8.54 acres, more or less, located on the south side of Seminary Avenue, two hundred and twenty-nine (229) feet west of Franke Avenue, in the Eighth Election District of Baltimore County. Testimony on behalf of the Petitioners indicated that the property would be developed into garden type apartments containing one hundred and thirty-four (134) units. Further, the surrounding road network would not be overburdened by the increased traffic emanating from the subject property when developed. It was admitted that Lincoln Avenue traffic flows to Bellona Avenue which is at the present time approaching its capacity. Several real estate experts testified that there were various changes in the character of the neighborhood naming specifically the Cardiff Hall Apartments on the south side of Lincoln Avenue and a strip of land zoned B. R. along the Bellona Avenue ramp leading to the Baltimore County Beltway.

Counsel for the Petitioners cited the case of Lutherville Association vs. Wingard, 239 MD 164, in support of these changes.

Residents of the area, in protest of the Petition, testified that Seminary Avenue and the adjoining road network is very narrow and heavily traveled, and as a result thereof, any increased traffic would be detrimental to the health, safety and general welfare.

In citing the Lutherville case, it was contended by the Petitioners that the Maryland Court of Appeals reclassified the Wingard property on the south side of Seminary Avenue to an R. A. Zone based on one change from R. 10 to B. R., namely the B. R. tract of land above cited.

"Although there had been only one substantial change--i.e., the correction of a mistake in the comprehensive rezoning--since the adoption of the present land use map, we think the prior reclassification of the nearby tract from a one family residential use to a commercial use, coupled with other facts, such as the topographical features of the land, the proximity of the tract to the intersection of important arterial highways, the suitability of the site for garden apartments and the practicality of the apartments as a buffer between the commercial and low density residential zones, was enough, to warrant the granting of the reclassification of most of the subject property."

Lutherville Association vs. Wingard, 239 MD. 164, at page 167

It might be a fact that the Maryland Court of Appeals, in its decision, cited one substantial change to warrant the Reclassification of the Wingard property under its particular circumstances. It further created a buffer between commercial and low density zones. The Court stated at page 167:

"Where, as here, there was sufficient evidence of change in the character of the neighborhood to raise a debatable issue, we cannot say that the expertise of the zoning authority was not properly applied in granting the reclassification."

The Petitioners cited various other changes in the general area of the subject property but none so closely related as the B. R. zoned property and the Cardiff Hall Apartments.

It is obvious to the Deputy Zoning Commissioner that the Lutherville Association case affirmed a Reclassification of a parcel of land based on one substantial change but, by not over-ruling the expertise of the zoning authorities at that time, established a buffer of apartments between the commercial properties on the Bellona Avenue ramp and the residential properties to the north of Seminary Avenue, namely the subject property of this Petition and other residential properties to the north. It is felt that this creation of a buffer should not be disturbed at this time.

There was testimony concerning the extension of Charles Street Avenue, which would bisect the property, but the exact alignment of this proposed road has not been set nor has any funding been allowed for the

- 2 -

planning and/or construction of Charles Street Avenue; therefore, this Petition is premature.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 27th day of October, 1970 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 an R. 10 Zone.

H. D. M.
Deputy Zoning Commissioner of
Baltimore County

H71-70-R
George F. Strutt
Legal Owner
J. B. Strutt
Legal Owner
Address: 701 Thompson Court
Towson, Maryland 21204

No attached description
W. J. Strutt
Legal Owner
Address: 311 Seminary Avenue
Lutherville, Maryland 21093

July 27th
August 27th
P. 27th August 27th 3:00

- 3 -

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 11, 1970

James D. Nolan, Esq.,
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Reclassification
From an R-10 zone to an R-A zone
Location: SW/4th, Seminary Avenue,
300' W of Franke Avenue
Committee Meeting of April 21, 1970
Petitioners: George F. Strutt, et al
8th District
Item 248

Dear Sir:

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

The subject property is presently improved with two dwellings and several out buildings. The properties to the west and east are improved with dwellings, 20 to 50 years of age, in excellent repair. An additional property to the south is improved with apartments which has a buffer strip between the apartments and Lincoln Avenue. The property to the north is improved with a convalescent home. Seminary Avenue and Lincoln Avenue are not improved with concrete curb and gutter.

BUREAU OF ENGINEERING:

Highways:

Seminary Avenue is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Lincoln Avenue is an existing road which shall ultimately be improved as a 30-foot curbed street on a 50-foot right-of-way. Right-of-way dedication will be required.

Charles Street Avenue will extend through this site as a curbed street on an 80-foot right-of-way and is to be dedicated to the County.

James D. Nolan, Esq.,
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
Item 248

- 2 - June 11, 1970

Storm Drains:

The petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the petitioner.

Seminary Avenue is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

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 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.

Water and Sanitary Sewer:

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

PROJECT PLANNING DIVISION:

This office has reviewed the subject site plan and offers the following comments:

- 1) 4" high compact screen planting must be provided as per Section .09 of the Baltimore County Zoning Regulations
- 2) The layout should be revised to eliminate the front and back parking on the two center buildings.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from R-10 to R-A of 9.18 acres. This proposal should increase the trip density from 320 to 1,100 trips per day. The subject petition is within the York Road corridor, which, at the present time, is at capacity. This increased trip density can be expected only to compound the problem.

James D. Nolan, Esq.,
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
Item 248

- 3 - June 11, 1970

FIRE DEPARTMENT:

This office has no comment on the proposed site. The plans, as shown, are approved.

BOARD OF EDUCATION:

The Lutherville Elementary School with a capacity of 720 and an enrollment of (as of Sept. 17) 720 services this area.

The area as currently zoned could possibly yield 9 students, while a rezoning to apartments could increase the yield to 22 pupils (if garden type) or 69 (if townhouse type) pupils.

BUILDING ENGINEER'S OFFICE:

Petitioner to meet all applicable requirements of Baltimore County Building Code and Regulations when plans are submitted.

HEALTH DEPARTMENT:

Public water and sewers are available.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

STATE ROADS COMMISSION:

There is an 80' right of way proposed for Seminary Avenue (40' from center) that must be indicated on the plan.

The plan indicates existing curb, however, an inspection at the site revealed the existence of a very old type concrete gutter which is not in conformance with current standards and would not be compatible with the traffic that the proposed development would generate. Therefore, new State Roads Commission combination curb and gutter must be constructed along the frontage of the site. The roadside curb must be 20' from and parallel to the center line.

There is poor standing sight distance at the proposed easterly entrance due to an over-vertical curve (hill) to the east. The problem is augmented by a steep grade on Seminary Avenue. Considering the foregoing, it is our opinion that the proposed easterly entrance should be eliminated.

James D. Nolan, Esq.,
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
Item 248

- 4 - June 11, 1970

STATE ROADS COMMISSION: (Continued)

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

Access to Seminary Avenue will be subject to State Roads Commission approval and permit.

ZONING ADMINISTRATION:

This office is withholding a hearing date until such time as revised plans are submitted in accordance with State Roads comments.

Very truly yours,

Oliver L. Myers, Chairman

OLM:JD
Enc.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 10

RESOLUTION NO. 12

71-70-2

Mr. Bartenfelder, Councilman

By the County Council, June 1, 1970

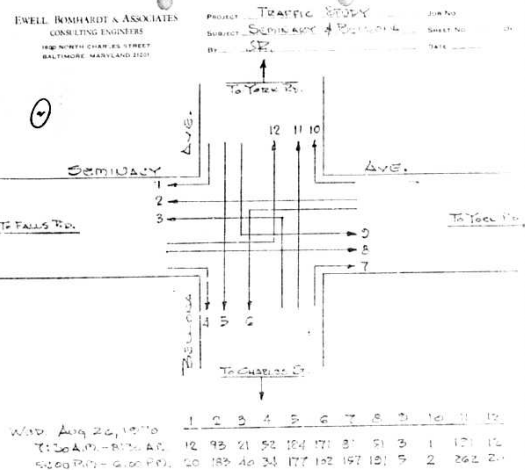
WHEREAS, W. Giles Parker, Esquire, a member of the Baltimore County Board of Appeals, owns jointly with his wife a 4 1/2 acre tract of land improved by a 100 year old frame dwelling in the Lutherville area of Baltimore County.

WHEREAS, the immediately next door neighbor to Mr. and Mrs. Parker is the owner of an approximate same size tract which is occupied by a valueless frame dwelling.

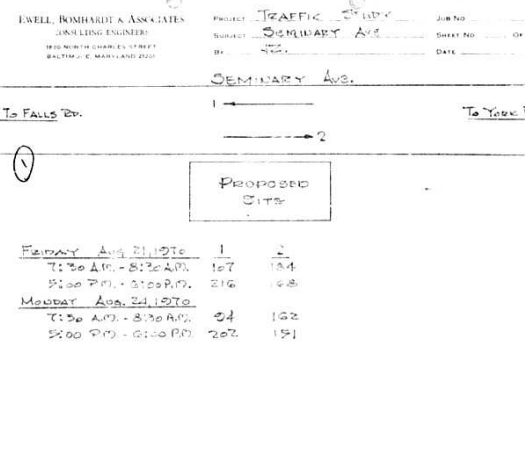
WHEREAS, the owners of these two tracts of land have filed a Petition for Reclassification of said property and have requested the Planning Board to show this property as R. A. on the new prepared zoning map.

WHEREAS, pursuant to Sections 1001 (a) and (b) of the Baltimore County Charter, W. Giles Parker, Esquire, has by this resolution made a full public disclosure of all pertinent facts to the respective members of the County Council of Baltimore County, Maryland.

BE IT RESOLVED, by the County Council of Baltimore County, Maryland that the interest of W. Giles Parker, Esquire in the aforesaid property does not contravene the public welfare pursuant to Baltimore County Charter Sections 1001 (a) and (b).



WED Aug 26, 1970
 12 95 21 52 124 171 31 51 3 1 121 12
 100 185 40 33 177 192 187 121 5 2 266 24



WED Aug 26, 1970
 12 95 21 52 124 171 31 51 3 1 121 12
 100 185 40 33 177 192 187 121 5 2 266 24

INVOICE
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 No. 75405
 DATE 11-19-70

TO: James D. Nolan, Esq.,
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204

FROM: Zoning Office
 119 County Office Bldg.
 Towson, Md. 21204

QUANTITY	DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
1	Cost of posting property of Geo. F. Struth, et al. No. 71-70-R	\$10.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
 COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 No. 73743
 DATE 11-19-70

TO: George F. Struth, et al.
 204 W. Pennsylvania Avenue
 Towson, Md. 21204

FROM: Zoning Dept. of Baltimore County

QUANTITY	DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
1	Position for Reclassification for George F. Struth, et al. #71-70-R	\$8.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
 COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 No. 73813
 DATE 11-27-1970

TO: George F. Struth, et al.
 204 W. Pennsylvania Avenue
 Towson, Md. 21204

FROM: Zoning Dept. of Baltimore County

QUANTITY	DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
1	Advertising and posting of property for George F. Struth, et al. #71-70-R	\$8.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
 COURTHOUSE, TOWSON, MARYLAND 21204

INVOICE
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE
 No. 73743
 DATE 11-27-1970

TO: George F. Struth, et al.
 204 W. Pennsylvania Avenue
 Towson, Md. 21204

FROM: Zoning Dept. of Baltimore County

Position for Reclassification for George F. Struth, et al.
 #71-70-R

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
 COURTHOUSE, TOWSON, MARYLAND 21204

PETITION FOR RECLASSIFICATION
 NO. 71-70-R

LOCATION: From R-1 to R-2, Zone
 1200 W. Pennsylvania Avenue, Towson, Md. 21204

DATE: August 10, 1970

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 6, 1970

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 27th day of August, 1970, the first publication appearing on the 6th day of August, 1970.

THE JEFFERSONIAN
 Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION
 NO. 71-70-R

LOCATION: From R-1 to R-2, Zone
 1200 W. Pennsylvania Avenue, Towson, Md. 21204

DATE: August 10, 1970

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THE JEFFERSONIAN
 Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION
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LOCATION: From R-1 to R-2, Zone
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DATE: August 10, 1970

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THE JEFFERSONIAN
 Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION
 NO. 71-70-R

LOCATION: From R-1 to R-2, Zone
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DATE: August 10, 1970

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 6, 1970

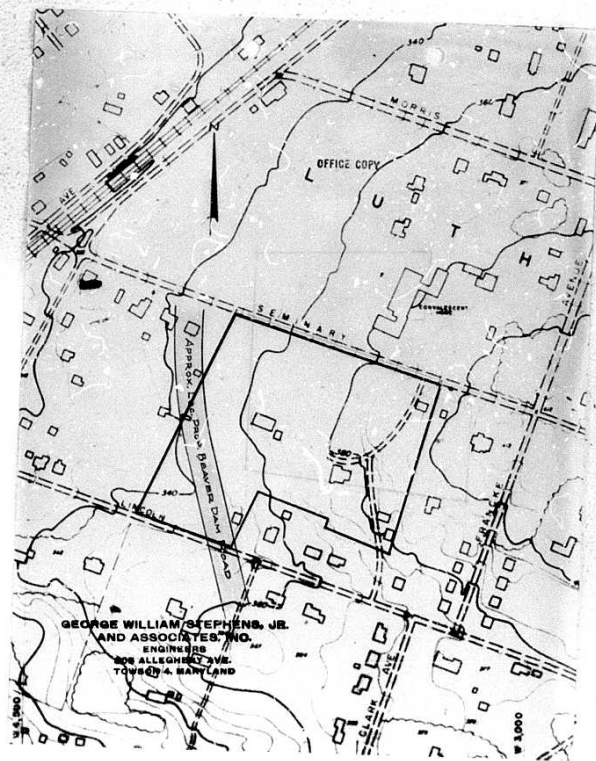
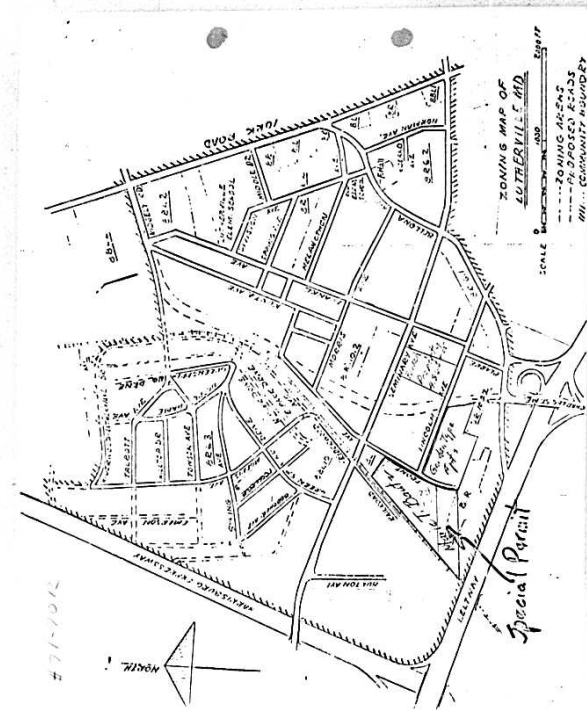
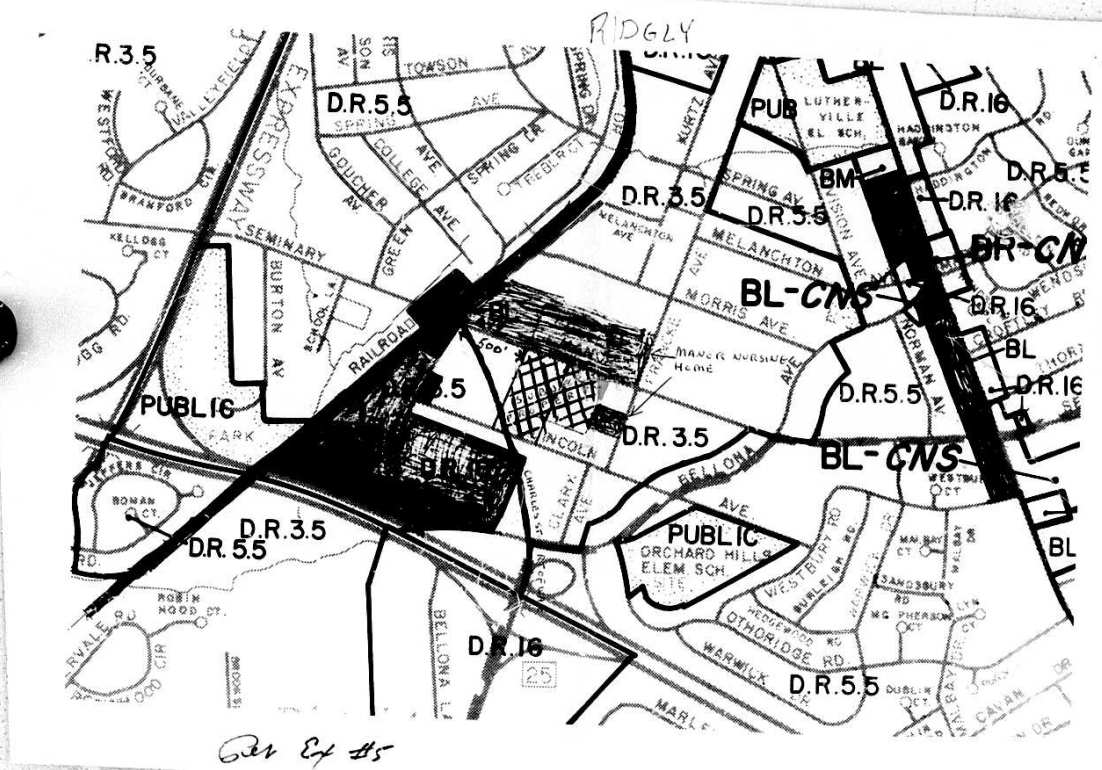
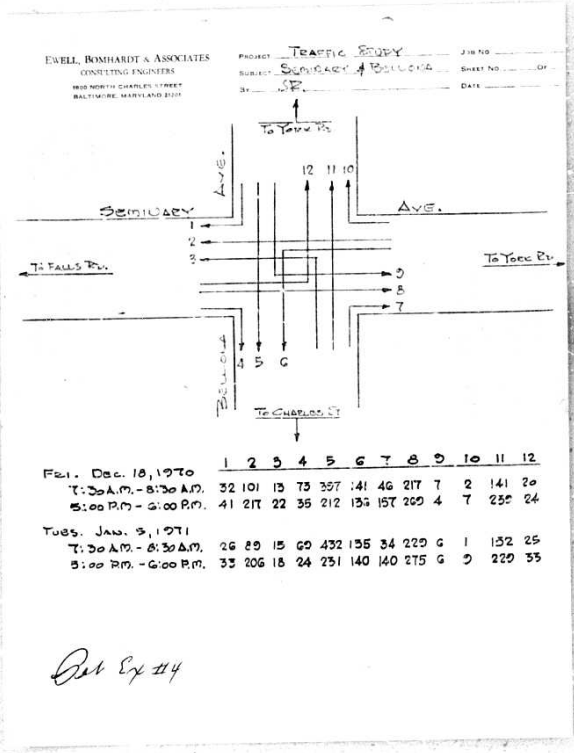
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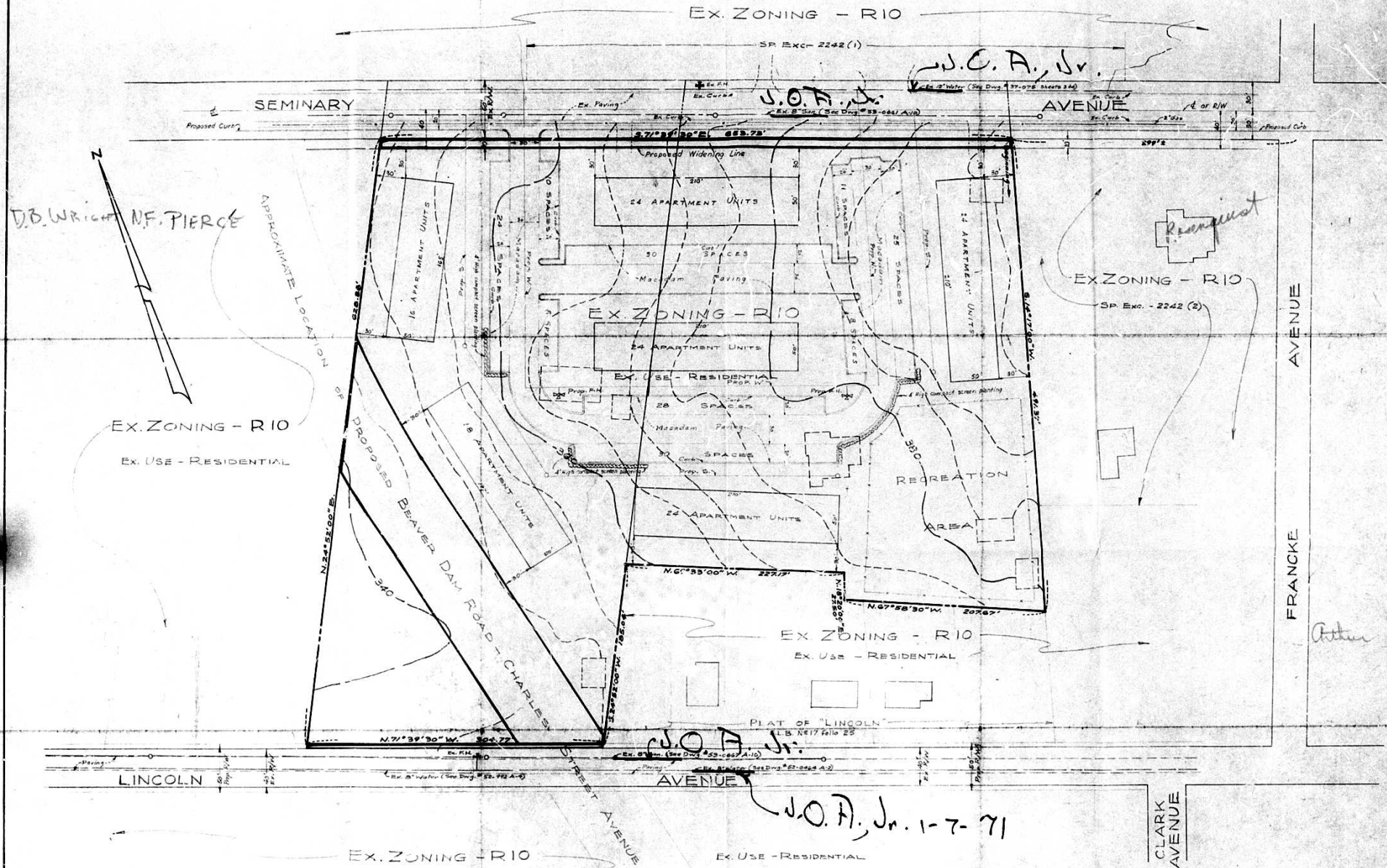
THE JEFFERSONIAN
 Manager

Cost of Advertisement, \$



These Exhibits maintained in Book Order





EXISTING ZONING R10
 PROPOSED ZONING RA
 GROSS AREA 9.18 ACRES±
 NET AREA 8.54 ACRES±

DESIGNED DENSITY
 GROSS 16 UNITS PER ACRE
 NET 18 UNITS PER ACRE
 TOTAL UNITS PERMITTED 146
 TOTAL UNITS PROPOSED 130

PARKING
 TOTAL SPACES REQUIRED 130
 TOTAL SPACES PROVIDED 174

NOTE: ALL EXISTING BUILDINGS ON TRACT TO BE REMOVED.

PET X 1

PLAT TO ACCOMPANY ZONING PETITION
 RECLASSIFICATION FROM R10 TO RA
 EIGHTH DISTRICT BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=50'
 APRIL 3, 1970

GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.
 ENGINEERS
 303 ALLEGRETT AVE.
 TOWSON 4, MARYLAND



Ex. ZONING - R10

SP EXC- 2242 (1)

SEMINARY

AVENUE

EX ZONING - R10

SP EXC- 2242 (2)

AVENUE

FRANCKE

Ex. ZONING - R10

Ex. USE - RESIDENTIAL

Ex. ZONING - R10

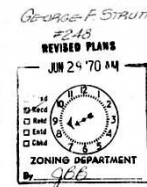
Ex. USE - RESIDENTIAL

EXISTING ZONING R10
PROPOSED ZONING RA
GROSS AREA 9.18 ACRES±
NET AREA 8.54 ACRES±

DESIGNED DENSITY
GROSS 18 UNITS PER ACRE
NET 18 UNITS PER ACRE
TOTAL UNITS PERMITTED 146
TOTAL UNITS PROPOSED 130

PARKING
TOTAL SPACES REQUIRED 130
TOTAL SPACES PROVIDED 174

NOT ALL EXISTING BUILDINGS ON TRACT TO BE REMOVED



PLAT TO ACCOMPANY ZONING PETITION
RECLASSIFICATION FROM R10 TO RA
EIGHTH DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50'
APRIL 3, 1970

SPRINGS WILLIAMS & ASSOCIATES, INC.
ARCHITECTS & ENGINEERS
1100 E. BALTIMORE AVE.
BALTIMORE, MARYLAND 21201

OFFICE COPY

MAP #3
SEC. 2-C
NW-12-A
RA

MICROFILMED

2028