

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Helen R. Stulman, John L. Strickland and Mary Strickland
I, or we, Leonard Stulman and Leonard Stulman, legal owner, of the property situate in Baltimore County and which is described in the description on plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of this herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an B-R or DB-16 zone to an

B-L zone, for the following reasons:

Error in original zoning.

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 re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address

W. Lee Harrison, Petitioner's Attorney

Protestant's Attorney

Address: 306 W. Joppa Road
Towson, Maryland 21204 (823-1200)

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of August, 1977, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of September, 1977, at 11:00 o'clock

Eric Di Nenna
Zoning Commissioner of Baltimore County.

(over)

September 15, 1977

W. Lee Harrison, Esquire
Suite 501, Equitable Building
401 Washington Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NE/corner of Charles Street Avenue
and Kenilworth Drive - 9th
Election District
John L. Strickland, et al -
Petitioners
NO. 72-58-R (Item No. 3)

Dear Mr. Harrison:

I have this date passed my Order in the above referenced matter. A copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/srl

Attachment

cc: Francis N. Iglehart, Jr., Esquire
603 Alex. Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

James H. Cook, Esquire
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR RECLASSIFICATION
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Pursuant to the Order Nunc Pro Tunc of the Circuit Court for Baltimore County, dated August 16, 1977, a Special Exception for office buildings and a use permit for parking is hereby GRANTED, for a period of five years from July 19, 1974.

Eric Di Nenna
Zoning Commissioner of
Baltimore County

Date: September 15, 1977

ORDER RECEIVED FOR FILING

DATE September 15, 1977

W. Lee Harrison, Esquire

February 18, 1972

W. Lee Harrison, Esquire
306 West Joppa Road
Towson, Maryland 21204

RE: Petition for Reclassification
NE/corner of Charles Street
Avenue and Kenilworth Drive -
9th District
John L. Strickland, et al -
Petitioners
NO. 72-58-R (Item No. 3)

Dear Mr. Harrison:

I have this date passed my Order in the above captioned matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/srl

Attachment

cc: Francis N. Iglehart, Jr., Esquire
603 Alex Brown & Sons Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

PETITION FOR RECLASSIFICATION
IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
Misc. No. 5205

ORDER NUNC PRO TUNC

It is ORDERED by the Circuit Court for Baltimore County this 16th day of August, 1977, Nunc Pro Tunc to July 19, 1974, that the decision and Order of the County Board of Appeals of Baltimore County, dated January 3, 1974, be, and the name hereby is, affirmed in part and modified in part, in that, the denial of the requested reclassification to a Business Local (B.L.) zone is hereby affirmed; and a Special Exception and/or use permit is hereby granted for a period of five (5) years from the date hereof for the construction on said property of office buildings containing a maximum of 200,000 square feet of floor space on the combined 9.2 acres, together with off-street parking of not less than 500 parking spaces to support the same, of which not more than 60,000 square feet of office space will be constructed on the 3.5442 acres parcel owned by Leonard Stulman and Helen R. Stulman, his wife, and not more than 140,000 square feet of office space shall be constructed on the 5.6558 acres parcel owned by John L. Strickland, said Special Exception and/or use permit being limited to substantial compliance with a plat prepared by MCA Engineering Corporation dated May 29, 1974 and revised on June 18, 1974 and filed herewith; except that the entrance shown thereon shall be as close as legally permissible to a point 300 feet east of Charles Street subject however to approval of Baltimore County, Maryland and the State Highway Administration; and the Zoning

WEL: PRO AND LIVEN
BALTIMORE, MD 21202

Commissioner of Baltimore County is hereby directed and Ordered to issue his Order Nunc Pro Tunc in accordance herewith.

H. K. [Signature]
Judge

FROM THE OFFICE OF
GEORGE WYLLIOW STEWARTS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MD. 21204

Description to Accompany Zoning Petition
Reclassification from DR 16 (R.A.) to B-L
Northeast Corner of Kenilworth and Charles Street

April 13, 1971

Beginning for the same at the intersection formed by the north side of Kenilworth Drive 80 feet wide and the east side of Charles Street Avenue and running thence binding on the north side of said Kenilworth Drive North 86° 03' 20" East 520.92 feet to the westernmost outline of a plat or Orchard Hills dated August 1956 and filed among the plat records of Baltimore County in Plat Book G.L.B. 23 Folio 71, thence northerly and binding on the said westernmost outline of Orchard Hills the five following courses, viz: first North 14° 08' 40" East 169.07 feet, second South 74° 03' 49" East 42.19 feet, third North 39° 45' 03" East 399.42 feet, fourth South 60° 33' 20" East 26.32 feet, and fifth North 68° 43' 03" East 237.15 feet to intersect the south side of the right of way line of the Baltimore County Beltway, running thence binding along the said right of way line as shown on State Roads Commission Right of Way Plat Nos. 10594 and 10607 the seven following courses, viz: first North 68° 15' 40" West 23.67 feet, second North 78° 12' 20" West 364.00 feet, third South 76° 49' 30" West 198.49 feet, fourth South 83° 39' 00" West 318.97 feet, fifth binding on the southeast and east side of Charles Street Avenue as shown on the aforementioned State Roads Commission Plat #10607 South 58° 47' 11" West 147.19 feet, sixth South 17° 54' 32" West 436.65 feet, and seventh South 38° 09' 20" East 81.25 feet to the place of beginning.

Containing 9.2 acres of land more or less.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Ian J. Forrest
SUBJECT: Item 3

3. Property Owner: Leonard Stulman, et al
Location: S/E Cor. Charles St. & the Beltway
Present Zoning: D.R. 16
Proposed Zoning: Reclass. to B.L.
District: 9th Sector: Central
No. Acres: 9.2

Public water and sewer are available to the site.

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.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJF/ca

RE: PETITION FOR RECLASSIFICATION
NE/corner of Charles Street
Avenue and Kenilworth Drive
9th District
John L. Strickland, et al
Petitioners
NO. 72-58-R (Item No. 3)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners seek a Reclassification from a D.R.16 Zone to a B.L. Zone for a parcel of property located on the north-east corner of Charles Street Avenue and Kenilworth Drive, in the Ninth District of Baltimore County, containing 0.2 acres of land.

Evidence on behalf of the Petitioners indicated that they desired to construct a five (5) story office building and further proposed the useage of the first floor as a bank and possible small satellite stores. The property located between the Baltimore Beltway and Kenilworth Avenue ranges from twenty (20) feet to thirty-six (36) feet below Charles Street Avenue grade level. Testimony also indicated that construction of a new interchange at the Harrisburg Expressway and Charles Street Avenue with the Baltimore Beltway would take place very shortly.

Furthermore, it was argued by counsel for the Petitioners that this property could not be developed as proposed without a B.L. Zone. The fact is, that in order for this building to be constructed with commercial or quasi-commercial, i.e., a bank, to be located on the first floor, the present classification would not suffice.

It might be noted that an office building could be constructed on the subject property if it enjoyed a Special Exception for offices and an office building but no commercial or quasi-commercial uses, i.e., a bank, could be utilized.

This property was the subject of a Petition and various appeals from the decision of the Zoning Commissioner for Baltimore County. The Zoning Commissioner, on September 9, 1969, granted a Reclassification from a R.6 Zone to a B.L. Zone. Subsequent thereto, after timely appeals having been filed and heard,

the Baltimore County Board of Appeals reversed the decision of the Zoning Commissioner, and the Circuit Court for Baltimore County reversed the decision of the Baltimore County Board of Appeals. In the Memorandum Opinion, the Honorable H. Kemp MacDaniel stated:

"The Court concurs with the findings of the Board that the construction of Charles Street Avenue thirty-six (36) feet above the grade of the subject property had a resultant detrimental effect on subject property, under the R-6 zone. The Court, however, does not agree with the opinion of the Board of Zoning Appeals that the mere fact that the alignment of Charles Street Avenue was not known could not result in error in original zoning. This is an erroneous conclusion by the Board as everywhere it is admitted that the property should never have originally been zoned R-6 under the conditions that exist as a result of where Charles Street Avenue was finally located in reference to its grades and elevations. Obviously, if the County Commissioners knew that Charles Street Avenue would be thirty-six (36) feet above subject property, leaving it in a hole contiguous to the Beltway, it was erroneous to place it in an R-6 category. If they did not know of the resultant detrimental effects on the property, then there have been subsequent changes because of the construction which render the original zoning incorrect. In either case, the property owner is entitled to relief by way of reclassification because to permanently penalize them with improper zoning amounts to confiscation."

Judge MacDaniel felt that it was erroneous to zone this property in a residential classification due to its topography and relationship to Charles Street Avenue. He also referred to various changes in the area. This Zoning Commissioner cannot consider substantial changes in the character of the neighborhood since the adoption of the Comprehensive Zoning Map, on March 24, 1971. It must be stated that basically the same facts exist today as existed when Judge MacDaniel rendered his opinion, on January 8, 1971.

Testimony further indicated that at the time of the adoption of the present map, it was mentioned that the Baltimore County Council recognized the fact that the property could not be developed as an office building with a bank. However, presently before the Baltimore County Council is a proposed amendment allowing a bank in a D.R.16 Zone by a Special Exception.

- 2 -

This Zoning Commissioner cannot consider proposed legislation but is obligated to enforce and interpret the present Regulations.

Residents of the area, in protest of the subject Petition, indicated that they were opposed to a B.L. Zone at this location. They cited alleged problems of traffic congestion and hazards along Charles Street Avenue and Kenilworth Drive.

In the opinion of the Zoning Commissioner for Baltimore County, the Comprehensive Zoning Map, as adopted on March 24, 1971, was in error in placing this property in a D.R.16 classification. The opinion of Judge MacDaniel cannot be ignored. Basically this property is zoned residential but in its highest density. Judge MacDaniel felt that in determining that the R.6 Zone was in error on the Comprehensive Zoning Map of 1955, he stated, "the property owner is entitled to relief by way of reclassification because to permanently penalize them with improper zoning amounts to confiscation."

Today, the Regulations provide for a "D.R." zone, which is the residential zone. The difference is the density in which dwellings can be developed. Furthermore, the adjoining road network, chiefly comprised of the Harrisburg Expressway, the Baltimore County Beltway, and Charles Street Avenue, would make the property accessible from many locations. It must be assumed that the Baltimore County Council should have or would have knowledge of the immediate construction of the new interchange as aforementioned. The facts have not changed as to the below grade level of the property and other facts set forth in Judge MacDaniel's opinion. In addition thereto, the granting of this Reclassification would not be detrimental to the health, safety, and general welfare of the community.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of February, 1972, that the herein described property or area should be and the same is hereby reclassified from a D.R.16 Zone to a B.L. Zone.

- 3 -

from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

H. Kemp MacDaniel
Zoning Commissioner of
Baltimore County

ORDER REQUIRED FOR FILING

DATE 2/16/72

BY J. H. HARRIS

CLERK OF BALTIMORE COUNTY

- 4 -

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 16, 1971

COUNTY OFFICE BUILDING
1118 Christopher Ave.
Towson, Maryland 21204

OLIVER L. REISS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE HIGHWAY COMMISSION

BUREAU OF

PLANNING

PLANNING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL

DEPARTMENT

Mr. George E. Gavrells
Director
Office of Planning and Zoning
301 Jefferson Building
Towson, Maryland 21204

RE: Item 3 (April - October Cycle 1971)
Property Owner: Leonard Sullivan, et al
Location: 5/8 corner Charles Street and
the Beltway
Present Zoning: D.R. 16
Proposed Zoning: Reclassification to B.L.
District 9th Sector Central
No. Acres: 9.2

Dear Mr. Gavrells:

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

The subject property is presently improved with a dwelling, some offices, old stables, and at one time was used for the Egypt Farm top soil operation which has since moved to the Pulaski Highway. The property is bounded on the north by the Baltimore County Beltway, the west by Charles Street Avenue, the south by Kenilworth Drive, and the east by the Orchard Hills Development with dwellings ten (10) to fifteen (15) years of age in excellent repair. The property to the south and on the south side of Kenilworth Drive is improved with a three story office building and apartment project known as Kenilworth at Charles Street. The access to the subject property is by Kenilworth Drive from Charles Street Avenue. The proposal is for a five (5) story office building.

BUREAU OF ENGINEERING

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.

Highways

Charles Street and the Baltimore Beltway are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Road Commission requirements.

Kenilworth Drive is an existing County Road, which shall ultimately be improved to major collector standards. (See Baltimore County Drawing

Item 3

#70-0732 (5) Highway improvements to this site, including curb and gutter, sidewalks and entrance in accordance with the standards of the Baltimore County Department of Public Works for a 1/2-mile closed road section on an 80-foot right-of-way will be required for any grading or building permit application.

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.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a storm drainage study and facilities will be required in accordance with Baltimore County standards.

Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. 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 recording of any record plat or the issuance of any grading and building permits.

Water

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewer

Public sanitary sewer facilities are available to benefit this property.

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of his on site private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Item 3

PROJECT PLANNING DIVISION:

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

This application should not be considered as the proposed use is permitted in a D.R.16.

STATE ROAD COMMISSION:

The subject plan indicates that there should be no adverse effects to the State Highways with the exception of increased traffic to the Baltimore Beltway - Charles Street Interchange.

DEPARTMENT OF HEALTH:

Public water and sewer are available to the site.

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.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

FIRE PREVENTION BUREAU:

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be spaced at 300' spacings.

The owner shall be required to comply to all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

BOARD OF EDUCATION:

Would result in a loss of approximately nine (9) Elementary pupils, two (2) Junior High pupils, and two (2) Senior High pupils.

DEPARTMENT OF TRAFFIC ENGINEERING:

Item 3 has previously been reviewed as 66-240-R. The comment made at that time is still valid, which is, as D.R.16, the land should generate 1100 trips per day. If zoned, B.L. the site could generate 6300 trips per day.

Item 3

It should also be noted that since the petitioner is requesting a five story office building, an office building 200,000 square feet totally devoted to offices, could generate 1800 trips per day.

Existing volume on Kenilworth Avenue is 2500 vehicles a day. The design volume for Kenilworth Avenue at Charles as it presently exists, is 1300 vehicles a day and failure (Level of Service "D") will occur at 9500 vehicles a day. This section of Kenilworth is proposed for improvements in 1975-76, which should improve the design capacity to 7500 and Level of Service "D" to 15,000. Kenilworth from the end of the existing Kenilworth to West Road is proposed for improvements in the fiscal year 71-72. This should relieve the intersection of Charles and Kenilworth to some extent.

Therefore, based on the above data, with the completion of the Kenilworth project in 71-72, development of the existing tract as D.R. 16 or a 200,000 square foot office building should not create serious capacity problems to Kenilworth. However, should the project be developed for commercial capacity, problems can be expected.

ZONING ADMINISTRATION DIVISION:

It should be noted at this time that the comments by the Department of Traffic Engineering are based on the assumption that Kenilworth Drive is improved through to West Road which would alleviate the congestion which presently exists at the intersection of Kenilworth Drive and Charles Street Avenue. However, if this project is not completed congestion can be expected to continue at the intersection. It should be noted that the proposed five (5) story office building could be built with a Special Exception in a D.R.16 Zone provided it did not exceed the 1' (0) foot height limitation in the existing D.R.16 Zone.

Very truly yours,

Oliver L. Reiss
Oliver L. Reiss
Chairman

G.L.M.

cc: Mr. Edward D. Hardesty
Zoning Commissioner

W. Lee Harrison, Esquire
306 West Appa Road
Towson, Maryland 21204

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 to B.L. : COUNTY BOARD OF APPEALS
NE corner Charles Street Avenue :
and Kenilworth Drive, : OF
9th District - Central Sector :
John L. Strickland, et al, : BALTIMORE COUNTY
Petitioners : No. 72-58-R

OPINION

This case comes before the Board on an appeal by the Protestants from a decision of the Zoning Commissioner, dated February 18, 1972, which granted a requested petition reclassifying the subject property from D.R. 16 to B.L. The subject property, well-known in the zoning annals of Baltimore County as the Egypt Farms property, is located at the northeast corner of Charles Street Avenue and Kenilworth Drive in the Ninth Election District of Baltimore County. The subject tract may be also described as that property located in the southeast quadrant formed by the intersection of Charles Street Avenue and the Baltimore County Beltway.

A brief history of the zoning processes applicable to the subject property is interesting. Over the past four years the subject property has continually been the subject of a zoning petition. On September 8th, 1969, by Order of the Zoning Commissioner, the subject property was reclassified from R-6 to B.L. This decision was appealed by the Protestants to the County Board of Appeals. By an Order dated July 31, 1970, the County Board of Appeals reversed the Zoning Commissioner's decision, thereby denying the B.L. classification and the land thence reverted to an R-6. This decision was appealed by the Petitioners to the Circuit Court. By an Order of Judge MacDaniel, dated January 8th, 1971, the decision of the County Board of Appeals was reversed and the Order of the Zoning Commissioner was affirmed. Hence, by Judge MacDaniel's Order, the subject property was reclassified from R-6 to B.L. As is well-known, the County Council was, during this period of time, preparing to adopt a new set of zoning regulations and zoning maps for the entire County. The last public hearing concerning the subject property before the County Council was held on March 10, 1971, and on March 24, 1971, the Baltimore County Council did in fact adopt a new set of zoning maps for the entire County. On this newly adopted set of zoning maps, the subject property was classified

John L. Strickland, et al - #72-58-R

2.

by the Baltimore County Council in a D.R. 16 classification. A few short months later a new petition was filed by the owners of the subject property requesting that this D.R. classification, so imposed by the new maps, be changed to B.L. By an Order of the Zoning Commissioner on August 3, 1971, a hearing on September 16, 1971 was set. As a result of this hearing, the Zoning Commissioner, by an Order dated February 2, 1972, overturned the decision of the County Council on the new maps and reclassified the subject property from D.R. 16 to B.L. It is from this Order that the case now before the County Board of Appeals arises. After a series of postponements granted by this Board to the attorneys for both the Petitioners and the Protestants, the case was finally initiated before this Board in a hearing in January of 1973. Two other days were required to conclude this case before this Board, with its last hearing date being May 2, 1973.

The file in the subject case, in evidence before this Board, is replete with descriptions of the neighborhood surrounding the subject property. Also in evidence before this Board is a transcript of its last hearing of the subject case (#69-249-R). A partial transcript of the County Council's final public hearing pertaining to the subject property is also in evidence. This Board will not attempt to encumber this Opinion with complete details of this description, but suffice it to say that much evidence and testimony concerning same has been presented to this Board. Some summary of this testimony and evidence will be provided hereafter.

Petitioners' Exhibit #2, which is a plat of the subject property, indicates that the Petitioners propose to erect a five story office building, containing approximately 200,000 square feet, upon the subject property if this petition be granted. The subject property contains approximately 9.2 acres and is composed of two separate ownerships. The first witness for the Petitioners, Craig M. Lusi of Chevy Chase, Maryland, testified that he was the contract purchaser of a portion of the subject property along with Joseph Martin and Peter Preston. The subject property, as stated above, is in two ownerships; approximately 3.42 acres is owned by Leonard Stulman and approximately 5.795 acres is owned by John L. Strickland, subject to the contract of Mr. Lusi, et al. Mr. Lusi testified that it was their hope to develop the property together with the five story building, although the plan submitted as Petitioners' Exhibit #2 was not a final plan and that the

John L. Strickland, et al - #72-58-R

3.

building could possibly evolve as a six story structure. The thinking of the Petitioners at this time is for the 200,000 square foot office building including a restaurant, a bank, a beauty shop and other commercial establishments. On cross-examination Mr. Lusi stated that the height of the building might change; that the plot was subject to change, and that no real decision on percentage of retail space has been made, although the current thinking was about twenty percent commercial space. The cross-examination also revealed that there was at this time no contract with Mr. Stulman and that as a practical measure the subject property, if rezoned B.L., could end up being developed as two separate B.L. pieces of land.

Frederick P. Klaus, a real estate expert; John Hocheder, Jr., a registered professional engineer and land surveyor; Bernard Willemain, a land planner and private zoning consultant, and Dr. W. W. Ewell, a traffic expert, testified for the Petitioners and presented to this Board various testimony and evidence concerning their reasons why, in their opinions, the subject property was erroneously zoned by the County Council, and that the proper classification for the subject property is B.L.

The Protestants countered with a trio of experts and four residents of the immediate area. The expert witnesses for the Protestants were Hugh Gelston, a well recognized real estate and zoning expert who has testified before this Board many times; Norman E. Gerber, a land planner and section chief for the Baltimore County Office of Planning and Zoning, and Eugene J. Clifford, Director, Department of Traffic Engineering of Baltimore County. Basically these experts were not adamantly opposed to the specific proposal as set out on Petitioners' Exhibit #2. It was recognized, however, that neither the Zoning Commissioner nor this Board can conditionally zone land; i.e., the Baltimore County Zoning Regulations do not permit an order of reclassification restricting the Petitioners to this one plan. Considering the above, the Protestants' witnesses agreed that the requested B.L. of 9.2 acres was too much for this location. Mr. Gelston suggested an office building and/or an apartment complex, and if the regulations would permit said construction could be well served by a bank and/or a restaurant. His major point was that 9.2 acres of B.L. is excessive, and that the County Council committed no

John L. Strickland, et al - #72-58-R

4.

error in zoning these parcels. He did not think that the development of the subject property within the existing D.R. 16 as garden apartments would be practical, but that a special exception for the office building would solve that problem.

Mr. Clifford, the County's Director of Traffic Engineering, expressed concern with the surrounding road capacities if the entire tract were zoned B.L. He noted that the myriad of uses for 9.2 acres of B.L. was tremendous and so was the potential traffic generation of said uses. It was his opinion that this factor could be a reason not to zone the entire 9.2 acres to B.L.

The questions to be resolved by this Board are: (1) Whether or not the County Council erred on March 24, 1971, when the existing zoning was adopted, or (2) has there been substantial change in the character of the neighborhood since the adoption of said map? Mr. Klaus cited the physical opening of Kenilworth Avenue through to Bosley Avenue, and the construction of the new Charles Street - I-83 - Beltway interchange. He acknowledged that the County Council was well aware of these projects but that their actual completion was significant. The Board does not agree and does not recognize these openings as changes of substantial significance.

Without further reviewing and detailing the testimony and evidence presented, it is our judgment that the Petitioners have not produced sufficient evidence of change or error. The Board is more impressed with the evidence offered by the Protestants. The Board agrees that 9.2 acres of B.L. zoning could have substantial impact on surrounding properties, and that any of the several reasons cited by the Protestants' witnesses could have been the motivating reason for the County Council's action, and certainly could not be called error or action of an arbitrary and/or capricious nature. This is true particularly as it relates to the many possibilities in developing 9.2 acres of B.L. Likewise, after carefully reviewing the testimony and evidence presented, the Board finds no substantial change in the character of the neighborhood.

John L. Strickland, et al - #72-58-R

5.

In conclusion, this Board will reverse the findings of the Zoning Commissioner and deny this petition. Frankly, if the Board could have conditioned its Order in this case it might have decided otherwise but, as previously cited, the Board cannot so act. The Board has under consideration 9.2 acres of land to be zoned B.L. and its unrestricted potential uses under that classification, and will not substitute its judgment for that of the County Council. There is a good possibility the County Council, in classifying this property, used the same basic rationale as has been described above. Such is not error in this instance.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of Jan. 1974, by the County Board of Appeals ORDERED, that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Acting Chairman

John A. Miller

Robert L. Gilland



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

April 28, 1971

Mr. Edward D. Hardesty
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Dear Mr. Hardesty:

The subject plan indicates that there should be no adverse effects to the State Highways with the exception of increased traffic to the Baltimore Beltway - Charles Street Interchange.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
John E. Meyers, Jr.
Asst. Development Engineer

CLJ:JMB

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
FROM: Oliver L. Myers
C. Richard Moore

Date: May 11, 1971

SUBJECT: Item 3 - Cycle Zoning
Property Owner: Leonard Stulman, et al
SE corner Charles Street and the Beltway
Reclassification to B.L.

Item 3 has previously been reviewed as 69-249-R. The comment made at that time is still valid, which is, as DR 16, the land should generate 1100 trips per day. If zoned, B.L. the site could generate 5300 trips per day.

It should also be noted that since the petitioner is requesting a five story office building, an office building 200,000 square feet totally devoted to offices, could generate 1800 trips per day.

Existing volume on Kenilworth Avenue is 2500 vehicles a day. The design volume for Kenilworth Avenue at Charles as it presently exists, is 4300 vehicles a day and failure (Level of Service 'E') will occur at 9500 vehicles a day. This section of Kenilworth is proposed for improvements in 1975-76, which should improve the design capacity to 7500 and Level of Service 'E' to 15,800. Kenilworth from the end of the existing Kenilworth to West Road is proposed for improvements in the fiscal year 71-72. This should relieve the intersection of Charles and Kenilworth to some extent.

Therefore, based on the above data, with the completion of the Kenilworth project in 71-72, development of the existing tract as DR 16 or a 200,000 square foot office building should not create serious capacity problems to Kenilworth. However, should the project be developed for commercial capacity, problems can be expected.

C. Richard Moore
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING

OF APRIL 27 & 28 (CYCLE ZONING)

Petitioner: Leonard Stulman, et al
Location: SE corner Charles St. & Beltway
District: 9
Present Zoning: DR 16
Proposed Zoning: B.L. for 5 story office building
No. of Acres: 9.2

Comments: Would result in a loss of approx. 9 elementary schools, 2 J.H. schools, & 2 S.H. schools

PETITION FOR RECLASSIFICATION * BEFORE THE
FROM DR16 to BL * COUNTY BOARD OF APPEALS
JOHN L. STRICKLAND, et al * OF BALTIMORE COUNTY
Petitioners * NO. 72-58-R

ANSWER TO PETITION FOR AMENDED ORDER

Now come the Protestants in the above entitled matter by Richard C. Murray, their attorney and for answer to the Petition for Amended Order herein filed say:

1. They admit the allegations of paragraph 1 of said Petition.

2. They admit the allegations of paragraph 2 thereof are generally correct but further answering state that the Petitioners' plans were vague and indefinite as to height, building dimensions and similar matters.

3. Answering paragraph 3 thereof they deny the same. As an example, there was introduced as Petition's Exhibit #4 the record involving this property in Case No. 69-249-R wherein Mr. Hugh Gelston, the Protestants' expert realtor, stated: "...I think in this location maybe apartments would be more feasible than an office building." (page 282)

4. Answering paragraph 4 they deny the same and further state that the conditions of Sec. 502.1 of the zoning regulations were not in issue during the hearings in this matter and as a result, your Protestants have never been afforded the opportunity to present evidence of their own or cross-examine the Petitioners and their witnesses with respect to said conditions.

5. Answering paragraph 5 it admits that said quotations were contained in this Board's opinion.

6. Answering paragraph 6 they say that they do not admit that the parcels are susceptible of being developed separate tracts under the DR16 classification since the Petitioners put on no testimony to that effect and here is further testimony that

access to the property owned by Mr. and Mrs. Stulman can only be had through the property owned by Mr. Strickland. They deny that this Board has the authority now to grant two separate special exceptions and submit that the case of Cassidy vs. Baltimore County Board of Appeals, 218 Md. 418 is not authority therefor. In Cassidy, the Zoning Commissioner himself had granted a special exception so that the Protestants on appeal to the County Board of Appeals were fully aware that the standards for special exceptions would be a line of issue before the Board. Moreover and equally significant is the fact that the identical use was proposed at both stages of the hearings. In the instant proceeding, however, the proposal has drastically changed from a single use to what are now ill-defined separate uses.

7. Answering paragraph 7 they state that the case of Del Maso vs. County Commissioners, 182 Md. 200 is not factually similar. In that instance, the Board of County Commissioners on its own motion ordered a re-hearing. It did not grant the applicant something that had previously been denied but simply provided for another re-hearing and in point of fact, thereafter denied what it had previously granted. The underlying reason in the case where the procedure was the fact that various residents had requested the Board to give notice of applications involving the property which was not done. In Malasky vs. Montgomery County, 258 Md. 612, the Montgomery County Code expressly authorizes its District Council to reconsider any decision within 30 days on its own motion. Such is not true of the Baltimore County Code or the Baltimore County Zoning Regulations.

8. Answering paragraph 8 they deny that the record is uncontradicted that the use of the property for offices would not be detrimental to surrounding properties or is the most practical use of the property in question and would not create any undue congestion

in the streets or traffic hazards or would not violate the requirements of Sec. 502.1. This is for the simple reason that the requirements of Sec. 502.1 were not in issue before the Board and in addition, the Petitioners are now proposing separate uses on the parcels involved as contrasted with their presentation of a single use.

9. Further answering they state that even assuming that the Board has power to grant a special exception at this late date, the same should not be done since the Protestants have been afforded no opportunity to consider the effect of two separate uses and have no knowledge of the proposed set backs of the structures, the parking arrangements and layout, means of access to the properties, proposed building dimensions or the like. The Rules of Practice and Procedure of the Zoning Commissioner, Appendix 1 to the Baltimore County Zoning Regulations, require that each Petition has to be accompanied by a plan which shows, among other things, use, dimensions and location of all proposed buildings, proposed width and type of paving, existing and proposed topography, etc. The simple fact of the matter is that the Petitioners have never presented any such plans for two separate uses so that both your Protestants as well as the Office of Planning and Zoning have not had any opportunity to review and consider the effect of such plans.

10. Further answering they state that the Petitioners and their expert witnesses have consistently stated under oath that office uses are not economically feasible on the subject property without commercial facilities. Either the sworn testimony of the Petitioners and their experts was not true or the Petitioners are now proposing uses that may become economic failures with a result in adverse effect on the neighborhood and/or future demands and pressures for other zoning relief.

WHEREFORE, having fully answered said Petition your Protestants pray that the same be denied.

Richard C. Murray
Cock, Mudd, Murray & Howard
409 Washington Avenue
Towson, Maryland 21204
Phone: 823-4111
Attorney for Protestants

I HEREBY CERTIFY that on this 30th day of June, 1974, a copy of the foregoing Answer was mailed to W. Lee Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorney for Petitioners.

Richard C. Murray

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardery
TO: Zoning Commissioner Date: May 10, 1971
FROM: Project Planning Division
SUBJECT: Zoning Advisory Agenda Item #3

April 27, 1971
Leonard Stulman, et al
8/8 Cor. Charles St. and the
Beltway

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

This application should not be considered as the proposed use is permitted in a R.R.-16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardery Date: May 6, 1971
ATTN: Oliver L. Myers
FROM: Ellsworth N. Diver, P.E.
SUBJECT: Item #3 (April - October Cycle 1971)
Property Owner: Leonard Stulman, et al
Location: S/E corner Charles Street and the Beltway
Present Zoning: D.R. 15
Proposed Zoning: Feeless, to R.L.
District: 903 Sector: Central
No. Acres: 9.2

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.

Highways:

Charles Street and the Baltimore Beltway are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Roads Commission requirements.

Kentworth Drive is an existing County Road, which shall ultimately be improved to major collector standards. (See Baltimore County Drawing #C-0732 (5)) Highway improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 48-foot closed road section on an 80-foot right-of-way will be required for any grading or building permit application.

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.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a storm drainage study and facilities will be required in accordance with Baltimore County standards.

Sediment Control:

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

Item #3 (April - October Cycle 1971)
Property Owner: Leonard Stulman, et al
Page 2
May 6, 1971

Sediment Control (Cont'd)

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

Water:

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Code. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewer:

Public sanitary sewer facilities are available to benefit this property.

Improvements to the public system may be required for adequate service.

The Petitioner is entirely responsible for the construction of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:RAN:RMD:as

Rev Sheet: 0-SE
Position Sheet: 43 NW 3
Topic: NW 11 A
Tax Map: 69

TO: Mr. Edward D. Hardery, Zoning Commissioner DATE: 5/5/71
ATTN: Mr. Myers

FROM: Planning Division
Fire Prevention Bureau
SUBJECT: Property Owner:
Leonard Stulman, et al

Location: S/E corner Charles Street and the Beltway

Item #3 Zoning Agenda

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be spaced at 300 ft. spacings.

The owner shall be required to comply to all applicable requirements of the 191 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Respectfully submitted:

H. Thomas Kelly
Planning Division
Fire Prevention Bureau

PETITION FOR RECLASSIFICATION
NE/ Corner of Charles Street
Avenue and Kenilworth Drive
9th District
John L. Strickland, et al
Petitioners
No. 72-58-R (Item No. 3)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER FOR APPEAL

Please enter an appeal in the above entitled matter to
the County Board of Appeals on behalf of the following:

Edna Lomax
1105 Kenilworth Drive
Towson, Maryland 21204

Keith L. Poole
1040 Donnington Circle
Towson, Maryland 21204

Peter Stewart
1045 Marleigh Circle
Towson, Maryland 21204

and

Riderwood Hills Community Association, Inc.
c/o John T. Feeney
1012 Kenilworth Drive
Towson, Maryland 21204



Richard C. Murray

Cook, Mudd, Murray & Howard
409 Washington Avenue
Towson, Maryland 21204
Phone 823-4111
Attorney for Appellants.

I HEREBY CERTIFY, that on this 14 day of March, 1972, a
copy of the foregoing Order for Appeal was mailed to W. Lee
Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204.

Richard C. Murray

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
from D.R. 16 to B.L.
NE corner Charles Street Avenue
and Kenilworth Drive
9th District - Central Sector
OF
John L. Strickland, et al
Petitioners
BALTIMORE COUNTY
No. 72-58-R

PETITION FOR AMENDED ORDER

The Petition of John L. Strickland, Leonard Stulman and Helen R.
Stulman respectfully represents as follows:

1. That the Petition for Reclassification in question, although jointly
filed by the herein Petitioners, encompassed two contiguous parcels of land
in separate ownerships, one comprising 5.795 acres and owned by Mr. John
L. Strickland (Mrs. Strickland having died during the pendency of the
application), and the other comprising 3.42 acres and owned by Leonard
Stulman and Helen R. Stulman, his wife.
2. That the Petitioners had jointly proposed the construction of an
office building consisting of 200,000 square feet of floor space and a pro-
jected height of either five or six stories, together with various proposals
for commercial establishments which would occupy about 20% of the total floor
space.
3. The Protestants and their expert witnesses conceded that the
development of the subject property within the D.R. 16 zone was impractical
but contended that a special exception for offices would solve that problem.
4. The record clearly substantiates that the conditions of Section 502.1
of the Baltimore County Zoning Regulations would be fully met if 200,000
square feet of offices were constructed on the properties with or without
commercial uses, although there was testimony which expressed concern
with the surrounding road capacities if the entire tracts were zoned B.L.
5. It was also pointed out by the Board in its Opinion that "As a

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practical measure the subject property, if rezoned B.L., could end up
being developed as two separate pieces of land," and stated: "Frankly, if
the Board could have conditioned its order in this case it might have
decided otherwise but, as previously cited, the Board cannot so act."

6. That the two parcels of land are also susceptible of being developed
as separate tracts under the D.R. 16 classification and it is and was within
the power of the Board to have granted a special exception to the 3.42 acres
of land owned by Leonard Stulman and Helen R. Stulman, his wife, for a
40,000 square foot office building; not to exceed three stories in height and
a special exception to the 5.795 acres owned by John L. Strickland for
140,000 square feet of office space in a building not to exceed four stories in
height, together with the right to use both properties for the necessary off
street parking in connection with each of said office buildings, all subject to
approval of appropriate site plans by the Baltimore County Department of
Planning and other municipal agencies. This authority was clearly set forth
in *Cassidy, et al v. Baltimore County Board of Appeals*, 218 Md. 418,
wherein the hearing before the County Board of Appeals was upon a Petition
for Reclassification of property from an R-6 zone to a M-11 (Heavy
Manufacturing) zone. In that case, a copy of which Opinion (as well as copies
of the Opinions in other cases cited herein) is attached hereto for the
convenience of the Board, the Board of Appeals granted a special exception
for the construction of a steam electric generating station and related
facilities, but refused to grant the requested reclassification. In the case
at bar, all interested persons were well aware that the proposal of the
applicants over the past four years (including a prior Petition which was
litigated up to and through the Circuit Court for Baltimore County as pointed
out by the Board in its Opinion of January 3, 1974) was to erect 200,000
square feet of office space on the combined properties. The real bone of

contention was whether or not the properties should be reclassified to a
B.L. zone so as to permit the inclusion of approximately 40,000 square feet
of commercial uses.

In regard to a similar situation, the Court of Appeals ruled in the
Cassidy case (p. 425) "We think the notice in this case was, at least, a
substantial compliance with the requirements of all of the Zoning Regulations
* * *. We can see no logical reason for, or salutary purpose to be served by,
holding that upon a hearing of a petition for a reclassification of property,
after proper notice, the Commissioner is limited to either a granting or
denial of the reclassification. The notice in this case notified the public
that the petitioner was seeking a reclassification of its property to the lowest,
i.e., the least restricted, category of zoning in Baltimore County. This
certainly apprised the public clearly of the character of the action proposed
and enough of the basis upon which it rested to enable them to intelligently
prepare for the hearing." Anyone who attended the hearing prepared to
defeat the above request would likewise have been prepared to defeat the
grant of a special exception, as pointed out by Judge Raine and the Board."

7. In *Dal Maso v. County Commissioners*, 182 Md. 260, the Dal
Masos applied to the Maryland National Capital Park and Planning
Commission for the rezoning of their property at Riverdale in Prince
George's County from a residential to a commercial zone. A public hearing
was held before the Board of County Commissioners of Prince George's
County, acting as a district council, and the petitioners' property was
granted the reclassification on July 7, 1942. A week later, July 14, 1942,
the district council rescinded its order of July 7, and gave notice of a
rehearing to be held on August 18, 1942. Prior to the hearing date, the
Dal Masos filed a Petition for a Writ of Mandamus to compel the district
council "reinstate and abide by its order of July 7, 1942, which approved
the rezoning of the tract of land".

It was held by the Maryland Court of Appeals (at page 206) that
administrative agencies are an arm of the legislature and as such, their
activities are legislative within the limits of the delegation of power
conferred. The Court then stated as follows:

"The Legislature can amend, qualify, or repeal any of its laws,
affecting all persons and property which have not acquired rights
vested under existing law; all of the courts agree on this. It has
been frequently held that this rule also applies to boards and
agencies to which legislative power has been delegated and that
they may undo, consider and reconsider their action upon
measures before them."

The Court went on to state at page 207:

"There is no pretense here that there has been any change
in the status of the appellants or their property in the week
intervening between the order of July 7th and its rescission
on July 14th. In the *McKinney* case, 174 Md. 566, it was
said: "The power to reopen should not be interpreted with
too much refinement nor should it be hedged about with
technicalities if, in the meantime, no rights have arisen
which would be injured."

Another case more recently decided by the Court of Appeals is
Malasky, et al v. Montgomery County Council, 258 Md. 612. This case
specifically held at pages 622-623 of the Opinion that the county council
could, on its own motion, and without assigning "good cause", proceed
within thirty days after the prior action of the council to reconsider the
granting of three zoning applications. Although in this case there was a
specific Montgomery County Code provision authorizing reconsideration by the
council on its own motion within thirty days after its decision on any zoning
application, the case is still pertinent and applicable as an indication of
the Appellate Court's view of the revision of decisions by administrative
bodies within the thirty day period. In Baltimore County there is neither
specific code authorization for the Board to reconsider on its own motion,
nor is there any specific prohibition precluding the Board from so doing.
Consequently, there appears to be no question but that upon petition of an

applicant the Board may, within thirty days of its original decision,
reconsider and amend said order to correct any injustice, illegality or
error.

8. The herein petitioners do not request that the Board reverse its
decision of January 3, 1974, denying the reclassification of the property
from a D.R. 16 zone to a B.L. zone. However, they do specifically
request the Board to amend its Order of January 3, 1974 and grant a
special exception to Leonard Stulman and Helen R. Stulman for a 40,000
square foot office building, not exceeding three stories in height, together
with the right to construct off street parking facilities to adequately
service the same, subject to the approval of the site plan by the Baltimore
County Department of Planning and other necessary County agencies; and
to grant a special exception to John L. Strickland to construct a 140,000
square foot office building, not to exceed four stories in height, together
with the right to construct necessary off street parking facilities to
adequately service the same, subject to the approval of the site plan by
the Baltimore County Department of Planning and other necessary County
agencies. This is precisely how the Board can condition its order in this
case (which it erroneously stated it could not do), and it is respectfully
submitted that the legal authority for the Board so doing has been very
clearly set forth.

Moreover, this record is uncontradicted that the use of the property
for offices would not be detrimental to surrounding properties, is the most
practical use of the property in question, would not create any undue
congestion in the streets or traffic hazards and, in fact, would not violate
any of the requirements of Section 502.1. To the contrary, this case is
highly unusual in that the use of the property for offices was urged upon
the Board by the protesting neighbors and their experts at hearings on
two separate petitions. Consequently, the acceptance by the applicants
of the desires and urgings of their neighbors would appear to be conclusive

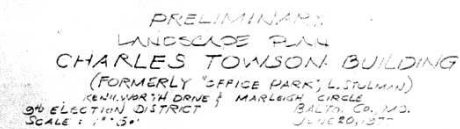
that the requested special exceptions should be granted. This could be
accomplished by a simple amendment to the Order by the County Board of
Appeals of Baltimore County, dated January 3, 1974, to include the
granting of these special exceptions.

Respectfully submitted,
W. Lee Harrison
Attorney for Applicants

I hereby certify that on this 16th day of January, 1974, copy of the foregoing
Petition for Amended Order was sent to Richard C. Murray, Esq.,
Mercantile-Towson Building, Towson, Maryland 21204, and a copy of
said Petition was hand delivered to the County Board of Appeals, County
Office Building, Towson, Maryland 21204.

W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
823-1200
Attorney for Applicants

1. TOTAL AREA OF PROPERTY: 3.54 AC
2. EXISTING ZONING OF PROPERTY: "DR-1G WITH
3. EXISTING USE OF PROPERTY: FARM USE & VACANT LAND "SPECIAL EXCEPTION" (SEE PETITION
NI 72-53-R)
4. PROPOSED USE OF PROPERTY: PROFESSIONAL OFFICE BUILDING
5. REQUIRED OFF STREET PARKING:
12,000 ÷ (300 - 4000) × 1/300 = 40 SP.
+ 12,000 ÷ 43,000 (20,000 sq ft) × 1/500 = 56 SP.
TOTAL REQUIRED = 136 SP.
TOTAL PARKING SPACES PROPOSED = 208 (55'x18') × 8 (8'x18') = 206 TOTAL
PROPERTY IS WITHIN JUNE FALL DRAINAGE AREA



OWNER & DEVELOPER
Leonard Stulman
1147 Dorington Circle
Towson, Md. 21204



MCA □ ○ ▷
MCA ENGINEERING CORP
1020 PHARMACEUTICAL BRIDGE ROAD
BALTIMORE, MD. 21204

BALTIMORE

COUNTY

BELTWAY

STREET

9.2 ACRES PRESENT ZONING DR 16 (RA)

Present Use: West Portion: Trench Operations

East Portion: Vacant

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313.5 Acres

314.5 Acres

315.5 Acres

316.5 Acres

317.5 Acres

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339.5 Acres

340.5 Acres

341.5 Acres

342.5 Acres

343.5 Acres

344.5 Acres

345.5 Acres

346.5 Acres

347.5 Acres

348.5 Acres

349.5 Acres

350.5 Acres

351.5 Acres

352.5 Acres

BALTIMORE COUNTY

AVENUE

STREET

CHARLES

KENILWORTH

BELLONA AVENUE

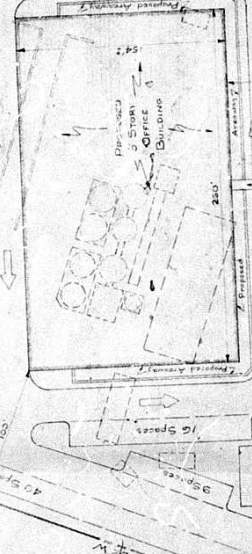
Existing & Water (See Sheet 55-167A-4C)

PRESENT ZONING C-2 (R-60) (Present Use - Vacant)

Existing 20' x 40' x 10' (See Sheet 55-167A-4C)
 Proposed 20' x 40' x 10' (See Sheet 55-167A-4C)
 Proposed 20' x 40' x 10' (See Sheet 55-167A-4C)

PRESENT ZONING DR 16 (R-1) (Present Use - Vacant)

3.2 ACRES - PRESENT ZONING DR 16 (R-1)
 Present Use - Vacant
 East Portion - Vacant



SECTION 71-23-61.8

DONINGTON CIRCLE

ARCHARD

HILLS

DRIVE

GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.
 ENGINEERS
 300 ALLEGHENY AVENUE
 PITTSBURGH, PENNSYLVANIA 15212

June 20, 1967
 5-2-67





Parking: 200 spaces
 Based on 200,000 Square Feet
 For a Five Story Office Building, Parking
 Requirements Referenced To Section 403.2 Of The
 Baltimore County Zoning Regulations.
 Parking: Required First Floor - 1 Space Per 300 Sq. Ft. = 134 Spaces
 Second Floor - 1 Space Per 600 Sq. Ft. = 200 Spaces
 Total Parking Required = 424 Spaces
 Total Proposed Parking = 212 Spaces

App 30
 Nov. 11, 1991
 4/9/91

PLAT TO ACCOMPANY PETITION
 FOR
 REZONING FROM DR16 (RA) TO B.L.
 NE CORNER
 CHARLES STREET AVE. & KENILWORTH DR.

LOCAL DISTRICT
 SCALE: 1" = 50'
 Period: May 2, 1989 - Present
 Elected: Philip A. Enright
 At-Large: Edward E. Enright
 March 18, 1990
 PA 1732
 Page 1 of 1



James O. [Signature]
 10867
 5-2-90

BALTIMORE

COUNTY

AVENUE

STREET

CHARLES

KENILWORTH

BELLONA AVENUE

ENDING 8 WATER (See Sheet 55-157A-4)

PRESENT ZONING D.R. 2 (R-20) (Present Use - Vacant)

PRESENT ZONING D.R. 16 (R-16) (Present Use - Vacant)

ENDING 8 WATER (See Sheet 55-157A-4)
Plat Filed Kenilworth 5
Charles Sect. 20-15-42
Revised 15-01-30 R/W

9.2 ACRES + PRESENT ZONING D.R. 16 (R-16)
Present Use - Vacant
East Portion - Vacant

ORCHARD

HILLS

DONINGTON CIRCLE

DRIVE

SECTION

RESERV



James O. Chisney Jr. 5-2-59

JOHN WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS
307 ILLICHAUGH AVE.
TOWSON 4, MARYLAND

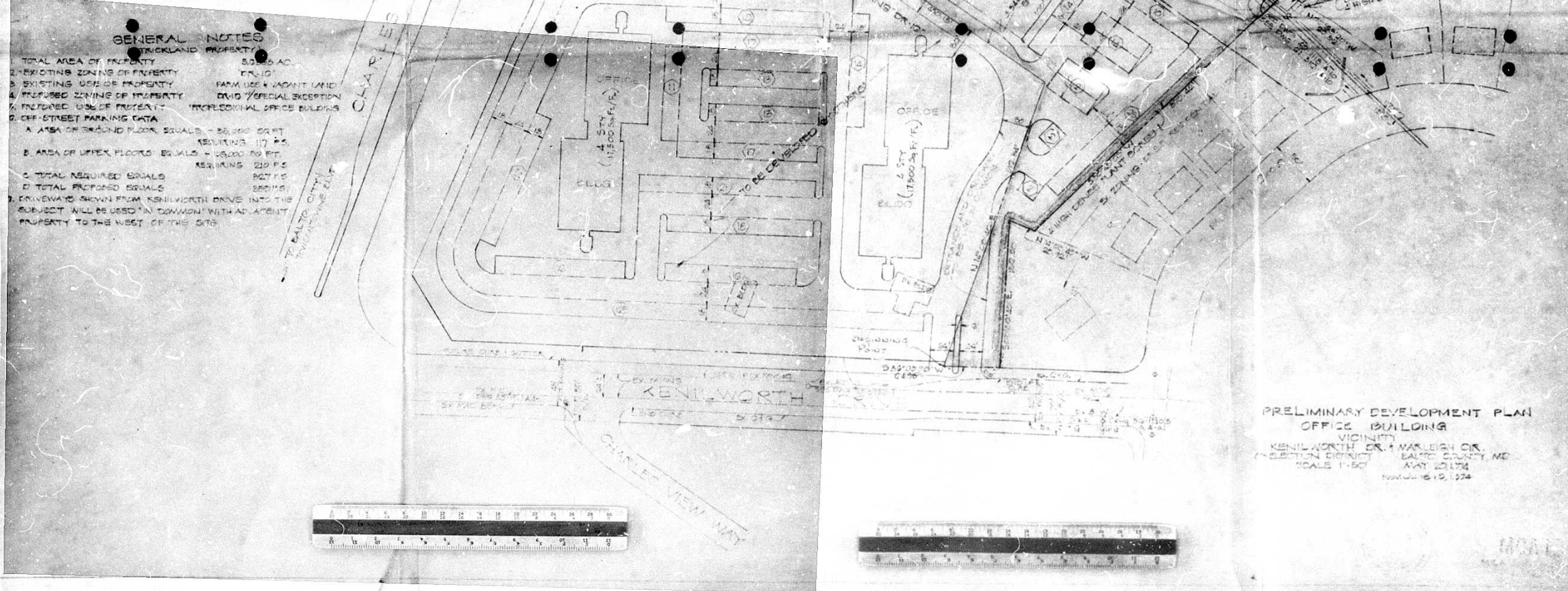
LOCATION PLAN

GENERAL NOTES

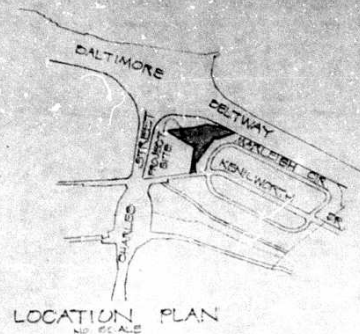
1. TOTAL AREA OF PROPERTY - 3.5 AC ±
2. EXISTING ZONING OF PROPERTY - "DR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "DR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR, EQUALS 20,000 SQ. FT. REQUIRING 67 PS
 - B. AREA OF UPPER FLOORS, EQUALS 20,000 SQ. FT. REQUIRING 60 PS
 - C. TOTAL REQUIRED EQUALS 147 PS
 - D. TOTAL PROPOSED EQUAL 147 PS
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.

GENERAL NOTES

1. TOTAL AREA OF PROPERTY - 3.5 AC ±
2. EXISTING ZONING OF PROPERTY - "DR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "DR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR, EQUALS 20,000 SQ. FT. REQUIRING 67 PS
 - B. AREA OF UPPER FLOORS, EQUALS 20,000 SQ. FT. REQUIRING 60 PS
 - C. TOTAL REQUIRED EQUALS 147 PS
 - D. TOTAL PROPOSED EQUALS 147 PS
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.



PRELIMINARY DEVELOPMENT PLAN
OFFICE BUILDING
VICINITY
KENILWORTH DR. & MARLEIGH DR.
BALTO COUNTY, MD
SCALE 1"=50'
NOVEMBER 10, 1974

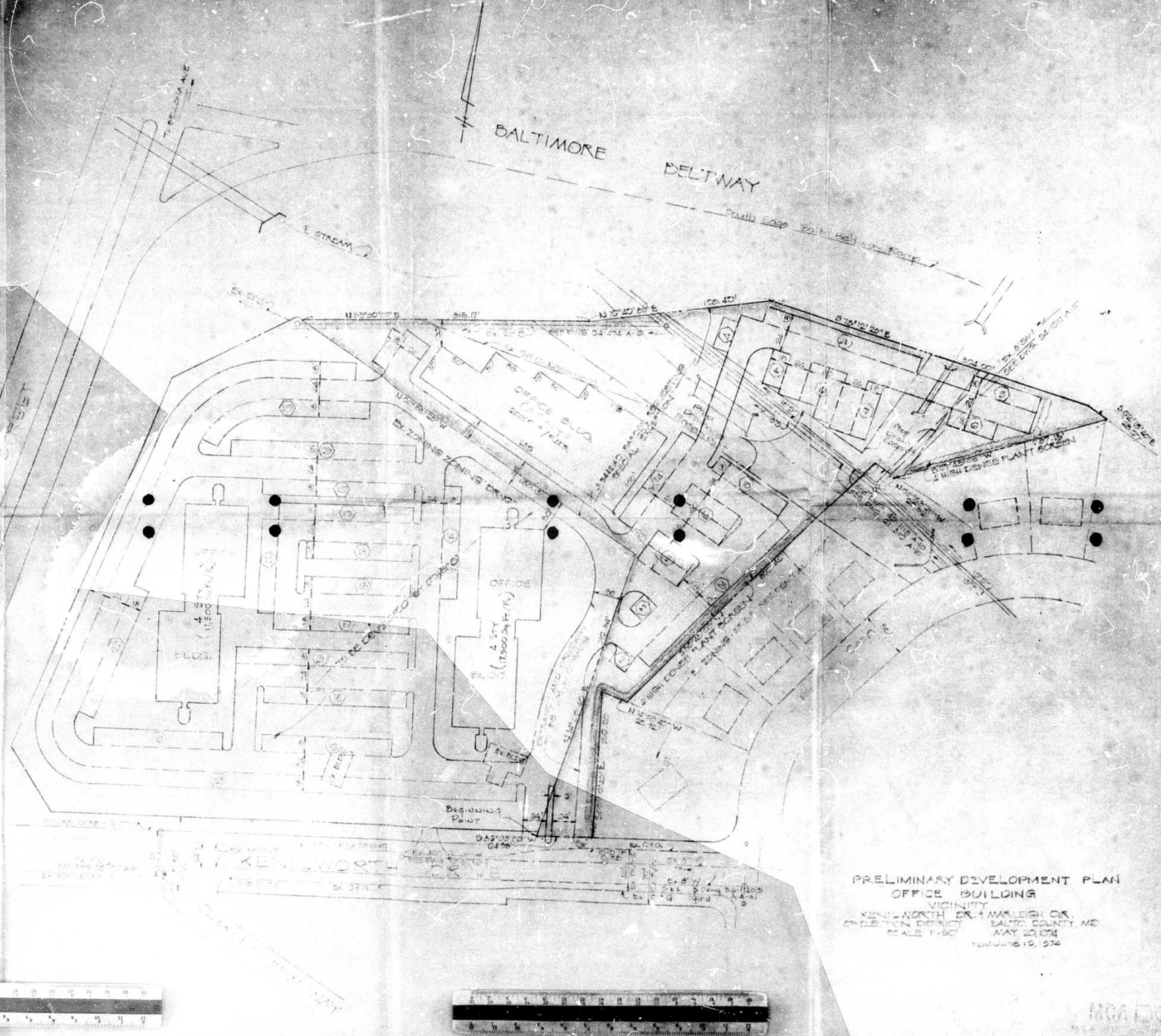


GENERAL NOTES

1. TOTAL AREA OF PROPERTY - 2.5 AC ±
2. EXISTING ZONING OF PROPERTY - "CR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "CR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR, EQUALS 20,000 SQ. FT. REQUIRING 67 PS
 - B. AREA OF UPPER FLOORS, EQUALS 40,000 SQ. FT. REQUIRING 80 PS
 - C. TOTAL REQUIRED EQUALS 147 PS
 - D. TOTAL PROPOSED EQUALS 147 PS
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.

GENERAL NOTES

1. TOTAL AREA OF PROPERTY - 80,000 AC.
2. EXISTING ZONING OF PROPERTY - "CR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "CR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR, EQUALS 20,000 SQ. FT. REQUIRING 67 PS
 - B. AREA OF UPPER FLOORS, EQUALS 40,000 SQ. FT. REQUIRING 80 PS
 - C. TOTAL REQUIRED EQUALS 147 PS
 - D. TOTAL PROPOSED EQUALS 147 PS
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.



PRELIMINARY DEVELOPMENT PLAN
OFFICE BUILDING
VICINITY
KENILWORTH DR. & MARYLAND AVE.
BALTIMORE, MARYLAND
SCALE 1"=50'
JANUARY 12, 1974

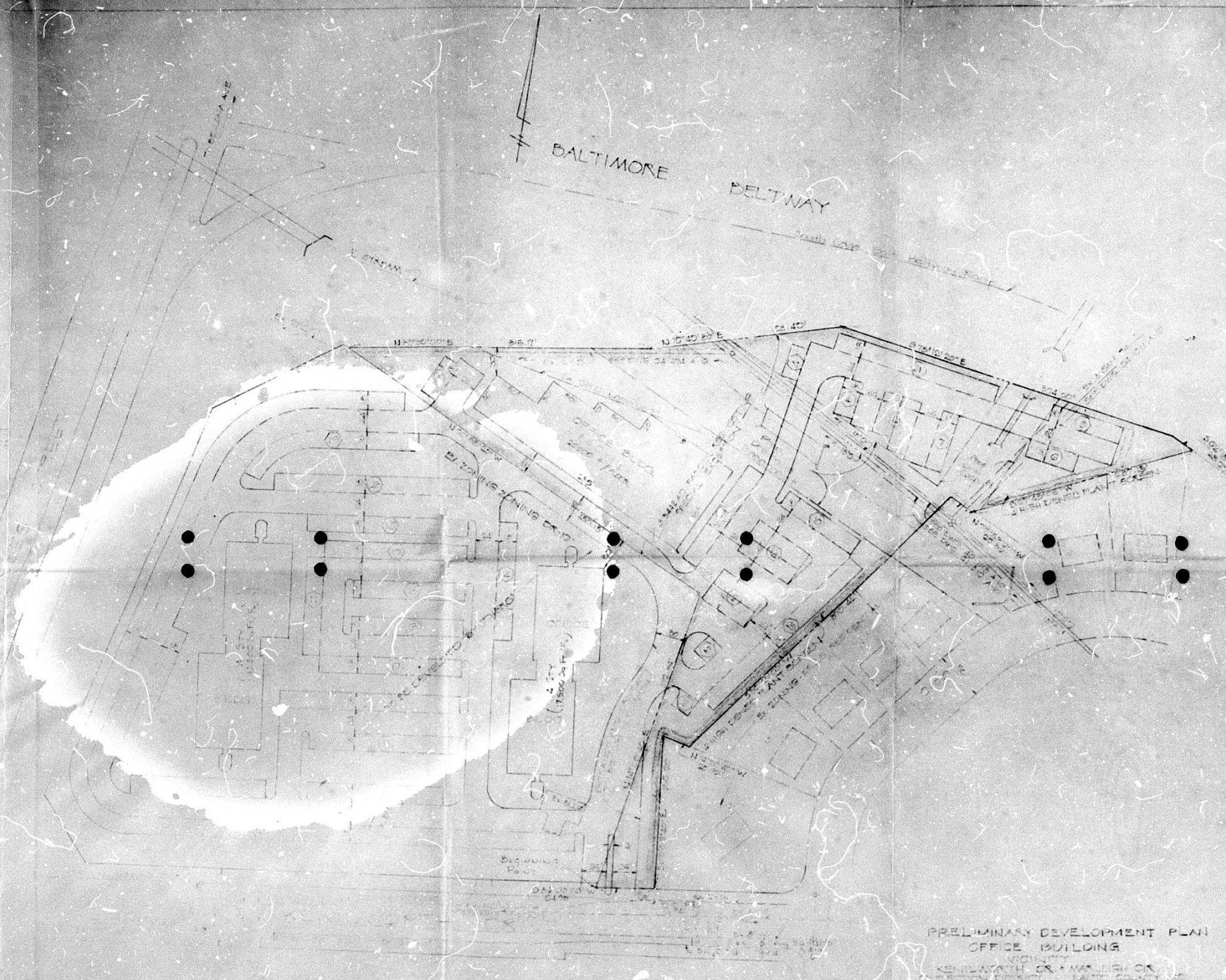


GENERAL NOTES

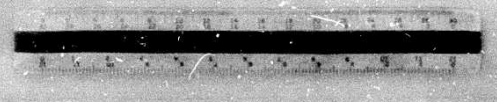
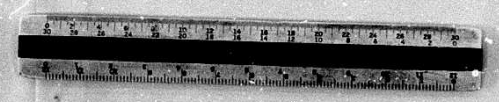
1. TOTAL AREA OF PROPERTY: 2.5 AC.
2. EXISTING ZONING OF PROPERTY: "C-1"
3. EXISTING USE OF PROPERTY: PARK USE VACANT LAND
4. PROPOSED ZONING OF PROPERTY: "C-1" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY: PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GRASSY PLAZA: 20,000 SQ. FT. ASSUMING 57 FT.
 - B. AREA OF OTHER PLAZAS: 20,000 SQ. FT. ASSUMING 57 FT.
 - C. TOTAL REQUIRED GRASS: 40,000 SQ. FT.
 - D. TOTAL PROPOSED GRASS: 40,000 SQ. FT.
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUB-JECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THIS SITE.

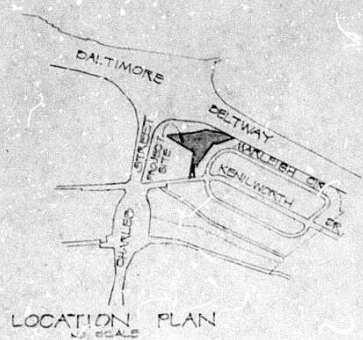
GENERAL NOTES

1. TOTAL AREA OF PROPERTY: 2.5 AC.
2. EXISTING ZONING OF PROPERTY: "C-1"
3. EXISTING USE OF PROPERTY: PARK USE VACANT LAND
4. PROPOSED ZONING OF PROPERTY: "C-1" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY: PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GRASSY PLAZA: 20,000 SQ. FT. ASSUMING 57 FT.
 - B. AREA OF OTHER PLAZAS: 20,000 SQ. FT. ASSUMING 57 FT.
 - C. TOTAL REQUIRED GRASS: 40,000 SQ. FT.
 - D. TOTAL PROPOSED GRASS: 40,000 SQ. FT.
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUB-JECT WILL BE USED IN COMMON WITH ADJACENT PROPERTY TO THE WEST OF THIS SITE.



PRELIMINARY DEVELOPMENT PLAN
OFFICE BUILDING
VICINITY
KENILWORTH, OKLAHOMA
EASTERN DISTRICT, EASTERN COUNTY, OKLAHOMA
SCALE 1"=50'
REVISED 10/1/74



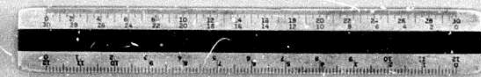
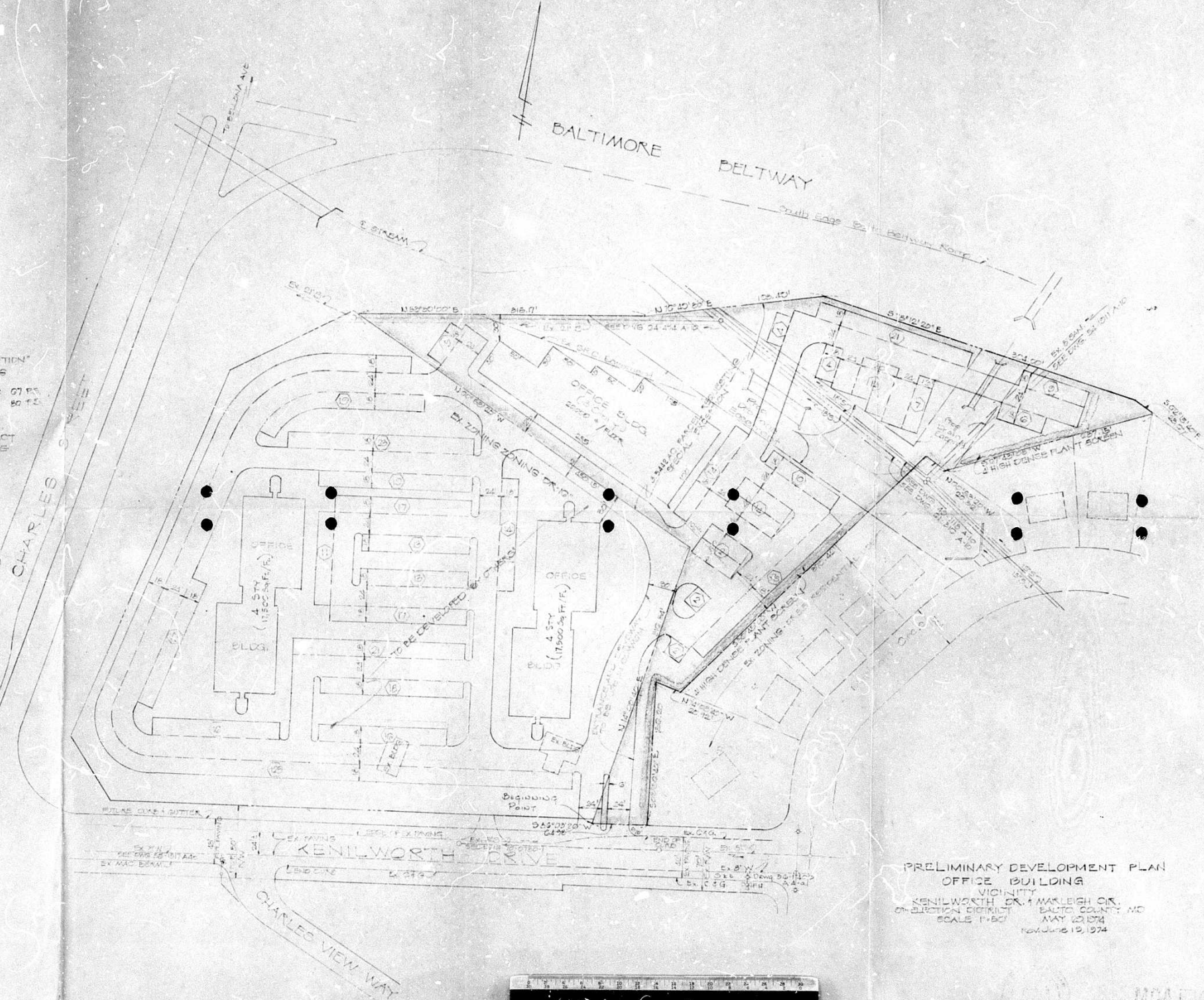


GENERAL NOTES

1. TOTAL AREA OF PROPERTY - 2.5 AC. ±
2. EXISTING ZONING OF PROPERTY - "CR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "CR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR EQUALS 20,000 SQ. FT. REQUIRING 67 P.S.
 - B. AREA OF UPPER FLOORS EQUALS 40,000 SQ. FT. REQUIRING 80 P.S.
 - C. TOTAL REQUIRED EQUALS 147 P.S.
 - D. TOTAL PROVIDED EQUALS 147 P.S.
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED "IN COMMON" WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.

GENERAL NOTES

1. TOTAL AREA OF PROPERTY - 80,000 AC.
2. EXISTING ZONING OF PROPERTY - "CR-10"
3. EXISTING USE OF PROPERTY - FARM USE & VACANT LAND
4. PROPOSED ZONING OF PROPERTY - "CR-10" WITH SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY - PROFESSIONAL OFFICE BUILDING
6. OFF-STREET PARKING DATA:
 - A. AREA OF GROUND FLOOR EQUALS - 50,000 SQ. FT. REQUIRING 117 P.S.
 - B. AREA OF UPPER FLOORS EQUALS - 100,000 SQ. FT. REQUIRING 210 P.S.
 - C. TOTAL REQUIRED EQUALS 327 P.S.
 - D. TOTAL PROVIDED EQUALS 327 P.S.
7. DRIVEWAYS SHOWN FROM KENILWORTH DRIVE INTO THE SUBJECT WILL BE USED "IN COMMON" WITH ADJACENT PROPERTY TO THE WEST OF THE SITE.



MCA LION