

July 12, 1976

Bradley T. Mettee, Jr., Esquire
38 Bloomsbury Avenue
Baltimore, Maryland 21228

RE: Extension of Original Petition for
Special Exception
N/S of Woodlawn Drive (Clark Avenue),
545' NE of Windsor Mill Road -
2nd Election District
Harold Tschudi, et al - Petitioners
NO. 72-84-R (Item No. 39)

Dear Mr. Mettee:

I have this date passed my Extension Order in the above captioned matter
in accordance with the attached.

Very truly yours,

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

SED/mc

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

RE: EXTENSION OF ORIGINAL PETITION : BEFORE THE
FOR SPECIAL EXCEPTION : ZONING COMMISSIONER
N/S of Woodlawn Drive (Clark Avenue), :
545' NE of Windsor Mill Road :
2nd Election District : OF
Harold Tschudi, et al - Petitioners :
NO. 72-84-R (Item No. 39) : BALTIMORE COUNTY

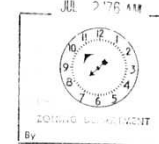
EXTENSION ORDER

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this
12th day of July, 1976, that the Special Exception for an Office Building
is hereby extended, in accordance with Section 502.3 of the Baltimore County
Zoning Regulations, to a date 12 months after certification is obtained from
the Department of Public Works, indicating that the sewer moratorium has
been lifted and that such facilities are now available and adequate to the public.

S. Eric DiNenna
Zoning Commissioner of
Baltimore County

BRADLEY T. J. METTEE, JR.
ATTORNEY AT LAW
38 BLOOMSBURY AVENUE
BALTIMORE, MARYLAND 21228
301/766-0762

July 1, 1976



Honorable S. Eric DiNenna
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna

RE: 2120 Woodlawn Drive adjoining
Woodlawn Cemetery
Special Exception for office building

An extension is requested for the use of the special
exception granted to the above referred to property, the tract
of 1.4 acres in the name of Tschudi/Mettee and as to which, the
property was zoned DR 16 with a Special Exception to permit the
construction of an office building by decision of Judge H. Kemp
MacDaniel on February 22, 1974.

This extension is requested for a period of 12 months
beyond the time of the lifting of the sewer moratorium which is
presently in effect in the area including this property.

The above property is a small part of Item 2-73 of the
Revised Zoning Map for Baltimore County and as to which property,
there is a recommendation that it be rezoned from DR 16 with the
office building exception to DR 1.5.

It is believed that that proposed rezoning would be
completely inconsistent with the statements found at the bottom of
page 6 and top of page 7 of the Final Report of the Baltimore
County Planning Board which was sent to Chairman O'Rourke by Mr.
Fromm with a letter dated April 1, 1976, and which states that the
Planning Board has in many locations, recommended that property
owners on heavily traveled arterials be granted the DR 16 zoning
with a special exception for office use.

As you are aware, Woodlawn Drive bisects the Social
Security operations at Security Boulevard and Woodlawn Drive,
and is a heavily traveled arterial, and accordingly, would meet

Page 2

To: Honorable S. Eric DiNenna

July 1, 1976

the test which the Planning Board prescribes for DR 16 zoning with
office building exception.

Very truly yours,

Bradley T. Mettee, Jr.
Bradley T. Mettee, Jr.

/bjh

ORDER RECEIVED FOR FILING

FILE
July 12, 1976
BY *Eric DiNenna*

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Harold Tachudi and Bradley T. J. Mettee, Jr., legal owners of the property situated 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-5 to R-16 and (2) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-5 to R-16 with a Special Exception or R-16 with a Special Exception for the following reasons:

Error in original zoning

See attached description

and (3) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for...office and office building.

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.

Contract purchase

Address: 704 Baltimore-Annapolis Hwy. N.E. Glen Burnie, Maryland 21061

W. Lee Harrison, Esquire
306 West Joppa Road
Towson, Maryland 21204 (823-1200)

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of August 1972, 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 27th day of September, 1972, at 11:00 o'clock.

11:00 A
9/27/72
14249

(over)

MCA

MATE, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 501-823-0800

DESCRIPTION

1.4 ACRE PARCEL, NORTH SIDE OF CLARKE AVENUE, NORTHEAST OF WINDSOR MILL ROAD, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for DR 16 Zoning (R-A) With Special Exception for Office Use

Beginning for the same at a point on the north side of Clarke Avenue, as laid out 70 feet wide, located 545 feet, more or less, northeasterly from the northeast side of Windsor Mill Road, said point being on the southwest outline of the sixth parcel conveyed by the Woodlawn Cemetery Company of Baltimore County to Harold Tachudi and others by deed dated December 31, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3425, page 549, running thence and binding on the southwest, northwest and northeast outlines of said sixth parcel (1) N 48° 36' 50" W 300 feet, more or less, (2) N 40° 53' 10" E 184 feet, more or less, and (3) S 44° 39' 58" E 430 feet, more or less, to the north side of Clarke Avenue, thence binding thereon westerly by a curve to the left with a radius of 735.00 feet for a distance of 200.00 feet, more or less, to the place of beginning.

Containing 1.4 acres of land, more or less.

RLS:mp

J.O. #70027

April 12, 1971

Water Supply • Sewerage • Drainage • Highways • Structures • Development • Regional Planning

PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16 and
Special Exception for Offices
and Office Building
N/5 Woodlawn Dr. (Clark Avenue)
545' NE Windsor Mill Road
2nd District - NE Sector
Harold Tachudi and
Bradley T.J. Mettee, Jr.
Petitioners - No. 72-84-RX

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

MISCELLANEOUS DOCKET: 9
FOLIO: 340
CASE: 5125

Zoning File No. 72-84-RX

MEMORANDUM OPINION

This is an appeal by the owners of a 1.4 acre parcel of land located on the north side of Woodlawn Drive (Clark Avenue) approximately 545 feet northeast of Windsor Mill Road in the Second Election District of Baltimore County, from an Order of the County Board of Appeals of Baltimore County, dated August 27, 1973, which denied the requested reclassification of the property from a D.R. 5.5 to a D.R. 16 zone and the issuance of a special exception thereon to permit the construction of an office building.

In its opinion, the Board stated "The Board believes that the subject petition has merit but that any rezoning of the subject must be accomplished in a comprehensive manner along with adjacent properties. To single out this one small parcel and rezone it to D.R. 16 with a special exception, without any semblance of similar type of use with contiguous properties would be, in our opinion, illegal spot zoning." Solely for these reasons the Board denied the Petition.

In turning to the record in this case to determine whether or not the evidence supports the Board's finding and whether or not it properly interpreted the law pertaining

to apply for a correction of the error. There is no necessity or requirement for them to await some future comprehensive rezoning nor to join with other owners to obtain relief. Indeed, it has repeatedly been held that an ordinance which does not provide a procedure for piecemeal correction of errors or mistakes is unconstitutional. Secondly, with the adoption of the Comprehensive Maps on March 24, 1971, Bill 100 became effective (having previously been enacted by the Baltimore County Council on September 6, 1970 to be effective when new Zoning Maps were adopted), whereby entire new residential concepts were established. The new zones which were created by Bill 100 and which became effective March 24, 1971, included D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, D.R. 10.5 and D.R. 16. The D.R. simply stands for Density-Residential. Any type of residence, including apartments, may legally be constructed in any of the D.R. zones so long as the allowable density is not exceeded. Consequently, the land on the north side of Woodlawn Drive including the subject property is already zoned for apartment construction, the only exceptions being, of course, the Woodlawn Cemetery and the Gwynn Oak Amusement Park. Therefore, the character of this area is an amusement park, a cemetery and a mixture of densities ranging from five and one-half residential units to the acre to sixteen units to the acre, all of which may include apartments, townhouses, etc. It is indeed difficult to conceive as to how a simple change in density could, under such circumstances, constitute "illegal spot zoning" as determined by the Board and testified to by the sole protestant.

Moreover, it is also difficult to see how an increase in residence density could lead to the commercialization of

thereto, it is sufficient to say that the record clearly demonstrates that the side of Woodlawn Drive on which the subject property is located is zoned for a number of purposes and uses which negates the Board's conclusion that the reclassification to a D.R. 16 zone would constitute illegal or invidious spot zoning. There was testimony that the Planning Board had recommended the subject property be placed in a D.R. 16 classification prior to the adoption of the Comprehensive Zoning Maps by the Baltimore County Council on March 24, 1971. There was testimony that because of its size, shape and topography, it was impractical and, in fact, not a physical possibility to develop the parcel either in cottages or semi-detached homes. There was testimony that the property legally could be developed into apartments under the existing D.R. 5.5 zoning, although, it was impractical even for that purpose because of the small size. (T. 18, 19)

Going northeasterly from the intersection of Woodlawn Drive and Windsor Mill Road is a large lot of ground occupied by an old house which was the subject matter of a prior zoning petition requesting that the property be reclassified to a Business-Local zone. This property (now zoned D.R. 5.5) is known as the Pierpont property and the case was reported in 252 Md. 554 as Wells v. Pierpont. The rear yard of this property is immediately contiguous to one of the side property lines of the subject parcel. The next 260 feet, more or less, is the subject property which has a running depth on the east property line of approximately 300 feet, and about 430 feet on the west side line. The west property line is immediately contiguous to a large mausoleum

- 2 -

that side of Woodlawn Drive. As a result, the Court is of the opinion the Board erred in interpreting the law and must be reversed as to its denial of the requested reclassification.

Turning to the special exception, the record is uncontradicted that the proposal of the Petitioners would not violate any of the requirements of Section 502.1 of the Baltimore County Zoning Regulations. (T. 23-25) Since a special exception use is *prima facie* correct in a zone which authorizes its use, the case at bar is controlled by Montgomery County v. Norlands Club, Inc., 202 Md. 279, and Quarles v. Cannon, 204 Md. 397. See also Turner, et al v. Hammond, et al, Daily Record, February 2, 1974.

For the above reasons, it is ORDERED this 22 day of February, 1974, by the Circuit Court for Baltimore County that the Order of the County Board of Appeals of Baltimore County, dated August 27, 1973, which denied the requested reclassification of the subject property from a D.R. 5.5 to a D.R. 16 zone, and the issuance of a special exception thereon to permit the construction of an office building, is hereby REVERSED.

H. Kemp MacDaniel
H. KEMP MACDANIEL
JUDGE

Copy to:
W. Lee Harrison, Esq.
Larry L. Lockhart, Esq.
James F. Miller, Esq.
County Board of Appeals
William H. Adkins, Director, Adm. Office of the Courts
Eugene Creed, Administrator

in the Woodlawn Cemetery. Beyond the cemetery property, and immediately contiguous to it is a large apartment development in the D.R. 16 zone, this development being about 600 feet northeasterly from the subject property. Beyond the D.R. 16 apartment development is the Gwynn Oak Amusement Park in a commercial classification. (T. 28)

There was ample evidence to clearly demonstrate error on the part of the Council in placing the subject property in a D.R. 5.5 zone, although the Court recognizes that the Board is not compelled to rezone even when confronted with uncontradicted testimony if it does not misinterpret or misapprehend the law applicable to such situations. Only one witness testified in opposition to the reclassification and special exception. Mr. Edward Jenkins, whose home backs up to the subject parcel of land at an elevation considerably higher than subject property, testified he felt his property would be deteriorated by the reclassification of subject parcel because "this would be the beginning of a foot in the door, as you might say, to commercialization." He stated he objected to apartments per se on the property because "I think the area is saturated with apartments" but did not object as much to an office building. He further added "I think it is spot zoning." No other evidence appears to negate the clear evidence of error presented by the Petitioners.

It seems clear that the Board misinterpreted and misconstrued the applicable law in this case rejecting the Petition for the reasons which it gave. Firstly, if it found the Petition had merit in the contention that the D.R. 5.5 was erroneous, the owners have an unqualified right

- 3 -

February 8, 1972

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

RE: Petition for Reclassification and Special Exception
N/5 of Woodlawn Drive, (Clark Avenue) 545' NE of Windsor Mill Road - 2nd District
Harold Tachudi, et al - Petitioners
NO. 72-84-R (Item No. 39)

Dear Mr. Harrison:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
JAMES F. DYER
Deputy Zoning Commissioner

JED:mcc

Enclosure

cc: Larry L. Lockhart, Esquire
6660 Security Boulevard
Baltimore, Maryland 21207

James F. Miller, Esquire
Room 503
166 St. Paul Street
Baltimore, Maryland 21202

JUN 13 1974

RE: PETITION FOR RECLASSIFICATION :
from D.R. 5.5 to D.P. 16, and
SPECIAL EXCEPTION for :
OFFICES and Office Building :
N/S Woodlawn Drive, (Clark Ave.) :
SAS NE Windsor Mill Road :
2nd District - NW Sector :
Harold Tschudi and :
Bradley T. J. Mettee, Jr. :
Petitioners :
BALTIMORE COUNTY :
No. 72-84-RX

OPINION

This case comes before the Board on an appeal by the Petitioners from an Order of the Deputy Zoning Commissioner, dated February 8, 1972, denying the requested petition.

The Petitioners seek a reclassification from D.R. 5.5 zone (Density Residential, 5.5 dwelling units per acre) to D.R. 16 (Density Residential, 16 dwelling units per acre), and a special exception for Offices and Office Building. The property is located on the north side of Woodlawn Drive (Clark Avenue) 545 feet northeast of Windsor Mill Road, in the community of Woodlawn, Second Election District, Baltimore County, Maryland.

The property enjoys approximately 200 feet, more or less, on Woodlawn Drive, a running depth on the east property line of approximately 300 feet, more or less, and 430 feet, more or less, on the western property line, (see Plot, Petitioners' Exhibit #1). The subject property is improved by a two and one-half story frame dwelling, approximately fifty years in age, (see Petitioners' Exhibit #2-B, photo of dwelling).

If successful in their petition, the Petitioners plan to raze the dwelling and construct a modern two-story office building, approximately 18,400 square feet of floor area, and provide 72 on-site paved parking spaces instead of the required 50 parking spaces.

It is the Petitioners' contention that the County Council erred in placing the subject property in a D.R. 5.5 zone when it adopted the Official Comprehensive Zoning Map 2-8 on March 24, 1971, (see zoning map, Petitioners' Exhibit #2). The Petitioners further contend that the requested special exception for an office building should be granted, as such use will satisfy the prerequisite requirements of Section 502.1 of the Baltimore County Zoning Regulations.

Tschudi and Mettee - #72-84-RX

2.

Section 502.1 of the Zoning Regulations states:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- Be detrimental to the health, safety, or general welfare of the locality involved;
- Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other dangers;
- Tend to overcrowd land and cause undue concentration of population;
- Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- Interfere with adequate light and air."

To support the claim of "error," the Petitioners put on testimony that the County Council did err in zoning the subject property D.R. 5.5 because of the small size of the subject property (1.4 acres), the topography of the subject tract has a severe differential of 35 feet in elevation, the property is contiguous to the Woodlawn Cemetery and Mausoleum, and is not suitable for residential use. The Petitioners further testified that the recommendation of the Planning Board to the County Council, preceding the adoption of the zoning map, was to grant D.R. 16.

Testimony in opposition to granting the petition came from a Mr. Edward Jenkins of 2215 Maple Hill Court, whose property is adjacent on the rear property line on the eastern side of the subject tract. The thrust of his opposition was that it would be spot zoning, that granting the petition would lead to further commercialization along Woodlawn Drive and Windsor Mill Road, and that his property value would be adversely affected.

The burden of proof in overcoming the presumption of correctness in comprehensive rezoning, of showing that the County Council erred in such rezoning, and that in granting the special exception the prerequisite requirements of Section 502.1 would be satisfied, is on the Petitioners.

The Board believes that the subject petition has merit, but that any rezoning of the subject must be accomplished in a comprehensive manner along with adjacent properties. To single out this one small parcel and rezone it to D.R. 16 with a special exception, without any semblance of similar type of use with contiguous properties, would

Tschudi and Mettee - #72-84-RX

3.

It is, in our opinion, illegal spot zoning. Therefore, the requested petition is hereby denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of August, 1973, by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same are hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Chairman

John A. Miller

Robert L. Gilland

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION :
N/S of Woodlawn Drive, (Clark Avenue) 545' NE of Windsor Mill Road - 2nd District :
Harold Tschudi, et al - Petitioners :
NO. 72-84-R (Item No. 39) :
BALTIMORE COUNTY :
BEFORE THE :
DEPUTY ZONING :
COMMISSIONER :
OF :

This is a Petition for Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone and a Special Exception for an Office Building.

The site contains 1.4 acres and is bounded on the northeast by Woodlawn Cemetery, in the rear by existing residential cottages, and on the southwest by a residentially zoned unimproved tract. The property on the opposite side of Woodlawn Drive is publicly owned school property and is improved with a recreational area.

An engineering expert, testifying on behalf of the Petitioner, indicated that water and sewer was available to the site. He described the topography as rising in grade from road level in front to a height of twenty-five (25') feet in the rear. He also described the proposed improvements as a two (2) story office building with an adjoining parking area.

Mr. Bradley C. J. Mettee, who testified as a co-owner, established the fact that the subject site was, at one time, part of the original cemetery tract and was improved with a caretaker's house and a storage shed. He also stated that the main body of the cemetery, containing two hundred (200) acres, was sold in 1965, and the subject parcel was withheld because it had always been in a separate parcel.

A real estate expert, testifying on behalf of the Petitioners, stated that in his opinion, the Baltimore County Council had erred in placing D.R. 5.5 zoning on this property. He based the error on the fact that the Council had not followed the Planning Board's original recommendation of D.R. 16 when they adopted the Comprehensive Zoning Map on March 24, 1971.

ORDER RECEIVED FOR FILING
DATE: 2/9/72
BY: J. C. Harrison, Jr.

He also felt that the Council erred in not considering the fact that the adjoining cemetery would be a detriment for a development of D.R. 5.5 cottages, and that a buffer zone of D.R. 16 should have been provided between the cemetery and other residential zones and uses in the area.

Mrs. Margaret Trail, Management Officer for the Woodlawn Cemetery, testified in behalf of the Woodlawn Cemetery Board. She objected to the proposed zoning because it was felt that an office building and an accompanying parking area would not be in keeping with the surroundings and would have a detrimental effect on the cemetery.

Several long time residents of the area were present and testified in protest of the reclassification. Their objections were based on the fact that they felt that a reclassification of the property would constitute a spot zone, and as such, would devalue their homes and lead to changes in traffic and other conditions that could create major problems in the area. Those residents living in the immediate vicinity of the proposed structure felt that the values of their homes, in particular, would be depreciated.

After reviewing the above testimony, it is the opinion of the Deputy Zoning Commissioner that the Petitioners failed to show that the legislative action taken by the Baltimore County Council was in error.

The claim that the Council erred by not following the Planning Board's recommendation is not valid. The Planning Board's recommendations are just that, recommendations. The Council, after reviewing all facets, must make its own independent decision. The Planning Board's final report to the Zoning Commissioner under Item No. 39 recommended that D.R. 5.5 zoning be retained. The fact that this property borders on a cemetery does not necessarily dictate that it must act as a buffer or transitional use for other residential properties. Cemeteries are permitted in residential zones

zones under certain conditions and restrictions, and as such, can be a very compatible neighbor for cottage type development. The well kept dwellings located to the rear of the subject parcel are typical of the many substantial developments that border cemeteries.

The Petitioners have not met their burden of proving that the Comprehensive Zoning Map, as adopted by the Baltimore County Council, is in error.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 5th day of February, 1972, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a D.R. 5.5 Zone and/or the Special Exception for an Office Building be and the same is hereby DENIED.

Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE: 2/9/72

BY: J. C. Harrison, Jr.

Re: Petition for Reclassification :
R-6 or DR-5.5 to R-A with Special :
Exception or DR-16 with Special Exception :
Clarke Avenue :
Harold Tschudi and Bradley T. J. :
Mettee, Jr., Petitioners :
BALTIMORE COUNTY

MEMORANDUM

Now come Harold Tschudi and Bradley T. J. Mettee, Jr., legal owners of the above captioned property, by W. Lee Harrison, their attorney, and in accordance with Bill 72, Section 22, 22(b) state that the reclassification and special exception requested should be granted and for reasons say:

This request is the subject of a clear cut error committed by the County Council in adopting the new Zoning Map. The normal planning concept was not followed on the subject property. The property is bounded on the northeast by a cemetery, on the west by a residence, on the southwest by vacant residential land, and on the south by Woodlawn Drive, a major arterial street. The only use that this property could be used for is to provide a buffer zone and use between the cemetery, Woodlawn Drive, and the commercial center immediately to the south. Therefore, we request that this error be corrected and the property be classified to its property zone DR-16.

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

APPROPRIATE
G. NEWELL ADAMS

LAW OFFICES
W. LEE HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

APPROPRIATE
G. NEWELL ADAMS

February 29, 1972

S. Eric DiNenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification and Special Exception, N/S of Woodlawn Drive, (Clark Avenue) 545' NE of Windsor Mill Road 2nd District, Harold Tschudi, et al. Petitioners, No. 72-84-R

Dear Mr. DiNenna:

Please note an appeal to the Board of Appeals from the Decision and Order dated February 8, 1972, denying the above request on behalf of the Petitioners.

I enclose herewith check in the amount of \$75.00 to cover the cost of said appeal.

Very truly yours,

W. Lee Harrison



2/enc.

W. Lee Harrison, Esq.
Larry L. Lockhart, Esq.
J. B. Anderson - ~~Planning~~ - Mrs. R. Wernath

May 18, 1971	Zoning Advisory Committee comments - filed
Aug. 17	Petition of Harold Tschudi and Bradley T. J. Matthee for reclassification from D.R. 5.5-30 to D.R. 12 zone, and Special Exception for office and office building, on property located on the north side of Windward Drive (Clark Avenue) 545' northeast of Windsor Hill Road, 2nd District, Northwestern Sector - filed
Sept. 9	Certificate of Publication in newspaper - filed
" 24	Certificate of Posting of property - filed
" 27	At 11:00 a.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia
Feb. 8, 1972	Order of Deputy Zoning Commissioner denying reclassification and special exception
Mar. 3	Order of appeal to County Board of Appeals from: Order of Deputy Zoning Commissioner
Jan. 11, 1973	Hearing on appeal before County Board of Appeals - case held sub curia
Aug. 27	Order of County Board of Appeals denying reclassification and special

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

LJF/sar

NAME	ADDRESS	APPROXIMATE DISTANCE FROM S. HUBBARD PROPERTY	DATE
LUDWIG F. KUBAS	2201 Maple Hill Ct	60 yds	7/29/77
Mrs. E. Lyban	2201 Maple Hill Ct.	60 yds	7/29/77
Edith	22-2 Maple Hill CT	65 yds	7/10/77
Joseph Liden	2202 Maple Hill Ct	65 yds	7/10/77
Thomas Rayer	6600 Skene Ave	70 yds	9/21/77
Anne L. Rayer Sr.	6600 Skene Ave	70 yds	7/29/77
Mr. & Mrs. Royce Jr.	6600 Kane Rd	70 yds	9-20-77
Dr. Moffet	6603 Kane Rd.	75 yds	9-20-77
W.H. Wickham Jr.	6605 Kane Rd.	85 yds	9/21/77
Mr. & Binnet	3211 Maple Hill Ct	adjacent	9/29/77
Mr. Klummet	3211 Maple Hill Ct.	"	7/29/77
Helen A. Davis	2207 Maple Hill Ct	10 yds	9-20-77
My Ann Davis	2207 Maple Hill Ct	10 yds	9/21/77
Mr. Spicknall	2205 Maple Hill Ct	25 yds	9/22/77
Paul Spicknall	2205 Maple Hill Ct	25 yds	7/29/77
Way C. Nupper	2209 Maple Hill Ct.	10 yds	9/22/77
P. G. Lovett	2206 Maple Hill Ct	30 yds	9/24/77
John A. Cover	2206 Maple Hill Ct	30 yds	9/24/77
James A. Cover	2205 Kane Hill Ct -	30 yds	9/21/77
and Mr. Berger	2210 Maple Hill Ct	20 yds	9/21/77
Robert A. Boyer	2210 Maple Hill Ct.	20 yds	7/29/77

NAME	ADDRESS	APPROXIMATE DISTANCE FROM SUBJECT PROPERTY	DATE
Allen v. Douglas	2203 Maple Hill Court	50 yards	9-23/7
Linda G. Duffer	2203 Maple Hill Court	50 yards	9/23/7
Edward Jackson	2215 Maple Hill Ct.	adj. property	9/23/7
L. Lee Jenkins	2215 Maple Hill Ct.	adj. property	9/23/7
Robert B. Gibson	2204 Maple Hill Ct.	adj. property 30 yds	9/23/7
Frank W. Webb	6508 Windsor Mills	85 yards	9/23/7
Quaranta & Quera-	6508 Windsor Mills	85 yards	9/25/1
Robert P. Kasper	2209 Maple Hill Ct.	18 yards	9/23/7
Keith L. Leitch	6510 Windsor Mills	85 yards	9/23/7
Alan Olsen	2213 Maple Hill Ct.	adj. property	9/23/7

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


C. Richard Moore
Assistant Traffic Engineer

ZONING ADVISORY COMMITTEE MEETING

OF APRIL 27 1971 (CYCLE ZONING)

Petitioner: Tschudi & Mettee, Jr.

Location:

District: 2

Present Zoning: D-5

Proposed Zoning: D-16 with S.E. 2.5 & S.E. 100' 200'

No. of Acres: 1.4

Comments: NO EFFECT ON STUDENT POPULATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardisty Date: May 19, 1971
ATTN: Oliver L. Myers
FROM: Ellsworth H. Diver, P.E.
SUBJECT: Item #39 (April - October Cycle 1971)
Property Owner: Harold Tschudi & Bradley T. J. Mettee, Jr.
Location: N/S Clarke Avenue, NE of Windsor Mill Road
Present Zoning: D-5
Proposed Zoning: D-16 with S.E.
District: 202 Sector: Northwestern
No. Acres: 1.4

The subject property is essentially the same property previously reviewed by the Zoning Advisory Committee, and known as Item No. 353 (1969-1970). The comments furnished by this Office in connection with Item No. 353 remain valid and in effect. We are enclosing herewith a zero copy of those comments which are applicable to the current zoning petition.

Ellsworth H. Diver
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

ENDrAM:MMOtag

cc: File (3)

Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardisty Date: June 12, 1970
ATTN: Oliver L. Myers
FROM: Ellsworth H. Diver, P.E.
SUBJECT: Item 353 (1969-1970)
Property Owner: Harold Tschudi, et al
Location: N/S and S/S of Woodlawn Avenue, Vicinity
Crown Oak Avenue
Present Zoning: D-5
Proposed Zoning: Industrial District to TL and RA and a Special
Description for a Retail Store and Office Building
District: 2nd
No. Acres: 2.56 and 1.4

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

Woodlawn Drive is an existing 18-foot road on a 70-foot right of way which has been completely improved.

Storm Drains

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent property, especially by the concentration of surface waters. Creation of any nuisances which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Sediment Controls

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

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

Sanitary Sewer

Public sanitary sewerage is available to serve this property. There is an existing 10-inch sanitary sewer in Woodlawn Drive, as shown on Drawing #61-1032, A-10.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 8, 1970

W. Lee Harrison, Esq.
366 W. Johns Road
Towson, Maryland 21204

RE: Type of Hearing: Reclassification
from an R-6 zone to an RA zone, and
for Special Exception for Office Use
Location: N/S and S/S of Woodlawn Avenue,
Vicinity Crown Oak Avenue
Petitioner: Harold Tschudi, et al
Committee Meeting of June 2, 1970
2nd District
Item 353

Dear Sirs:

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

The subject property is presently an unimproved tract of land, with the property to the east and northeast improved with a cemetery. The property to the southwest is improved residential property. The property to the northwest is improved with a dwelling. The property to the south and lying on the south side of Woodlawn Drive is school property and an additional piece of property, which is presently under consideration on another zoning case.

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

Woodlawn Drive is an existing 18-foot road on a 70-foot right of way which has been completely improved.

Storm Drains

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or

W. Lee Harrison, Esq.
Item 353
Page 2

July 8, 1970

Storm Drains (Continued)

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Sediment Controls

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

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Sanitary Sewer

Public sanitary sewerage is available to serve this property. There is an existing 10-inch sanitary sewer in Woodlawn Drive, as shown on Drawing #61-1032, A-10.

Water

Public water can be made available by the construction of a public water main extension in Woodlawn Drive from the existing 12-inch water main in Windsor Mill Road, as shown on Drawing #62-435, A-4-b.

DEPT. OF TRAFFIC ENGINEERING

The subject petition is requesting a change from R6 to RA with special exception for offices of 1.4 acres. As R6, it will generate 70 trips per day. As RA, 170 trips per day. As an office building, 360 trips per day. Due to the size of the property, there should be no major traffic problems. However, should large areas of offices go up in this area, some problems can be anticipated.

BOARD OF EDUCATION

Would not increase student population.

W. Lee Harrison, Esq.
Item 353
Page 3

July 8, 1970

BUILDING ENGINEER'S OFFICE

Petitioner to meet all applicable requirements of Baltimore County Building Code and Regulations. (See multiple occupancies, Section 400.3 and business occupancies, Section 404.)

FIRE DEPARTMENT

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

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards.

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.

ZONING ADMINISTRATION DIVISION

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

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JD
Enc.

Item 353 (1969-1970)
Property Owner: Harold Tschudi, et al
Page 2
June 12, 1970

History

Public water can be made available by the construction of a public water main extension in Woodlawn Drive from the existing 12-inch water main in Windsor Mill Road, as shown on Drawing #62-435, A-4-b.

Ellsworth H. Diver
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

ENDrAM:MMOtag

1-55 Key Sheet
10 IN 21 Position Sheet
HW 11-100

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 8, 1970

W. Lee Harrison, Esq.
366 W. Johns Road
Towson, Maryland 21204

RE: Type of Hearing: Reclassification
from an R-6 zone to an RA zone, and
for Special Exception for Office Use
Location: N/S and S/S of Woodlawn Avenue,
Vicinity Crown Oak Avenue
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Storm Drains

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: MARCH 25, 1970
Posted for: APPEAL
Petitioner: HAROLD TSCHUDI AND BRADLEY T. J. METTEE, JR.
Location of property: N/S WOODLAWN DR. (CRANKAUX J.) S/E ET AL OF WINDSOR MILL ROAD
Location of Sign: N/S WOODLAWN DR. 600 FT. E. N.E. OF WINDSOR MILL ROAD
Remarks: Charles H. Myers
Posted by: Charles H. Myers, Chairman Date of return: MARCH 30, 1970

PETITION FOR RECLASSIFICATION
 OFFICIAL RECORDATION
 BALTIMORE COUNTY, MARYLAND

James P. Harrison, Esq.,
 306 W. Joppa Road
 Towson, Md. 21204

THE ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

Pikesville, Md. September 9, 1971

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each of one time before the 27th day of September, 1971 the first publication appearing on the 9th day of September, 1971.

THE NORTHWEST STAR

David Henderson
 Manager

Cost of Advertisement, \$ 28.18

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 9, 1971

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 September, 1971, the first publication appearing on the 9th day of September, 1971.

THE JEFFERSONIAN

L. Frank Harrison
 Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: SEPT. 11-1971
 Posted for: RECLASSIFICATION & SPECIAL EXEMPTION
 Petitioner: HAROLD T. SCHULI
 Location of property: N/S OF WOODLAWN DR. (CLARK AVE.) 545 FT. N/E OF WINDSOR MILL RD.
 Location of Sign: 1-A: N/S OF WOODLAWN DRIVE 600 FT. E. OF WINDSOR MILL RD. 7-4 N/S OF WOODLAWN DRIVE SECT. 1-E OF WINDSOR MILL RD.
 Remarks: *Charles H. P. P. P.*
 Posted by: *Charles H. P. P. P.* Date of return: SEPT. 24-1971

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
Descriptions checked and outline plotted on map	date by	date by	date by	date by	date by
Petition number added to outline					
Dated					
Granted by ZC, BA, CC, CA					
Reviewed by: <i>DPM</i>	Revised Plans: Change in outline or description Yes No				
Previous case: <i>71-76-R</i>	Map # <i>W-28</i>				

W. Lee Harrison, Esq.,
 306 W. Joppa Road
 Towson, Md. 21204

Item 30
 Reclassification

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 17th day of August, 1971

Harold T. Schuli
 Zoning Commissioner

Petitioners: Harold Tschudi & Bradley T. J. Matton, Jr.

Petitioner's Attorney: W. Lee Harrison

W. Lee Harrison
 Chairman of
 Advisory Committee

TELEPHONE 406-6412

INVOICE No. 74076

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE

DATE 12/12/73

County Board of Appeals (Zoning)

To: W. Lee Harrison, Esq.,
 306 W. Joppa Road
 Towson, Md. 21204

DEBIT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY 1

COST \$15.00

Copies of certified documents in Case No. 72-04-23
 N/S of Woodlawn Dr. (Clark Ave.) 545' N/E of Windsor Mill Road
 2nd District, Northeastern Sector
 H. Tschudi and Bradley T. J. Matton, Jr.
 Petitioners

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

TELEPHONE 406-6412

INVOICE No. 76672

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE

DATE April 21, 1971

Zoning Dept. of Baltimore County

To: W. Lee Harrison, Esq.,
 306 W. Joppa Road
 Towson, Md. 21204

DEBIT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

QUANTITY 1

COST \$0.00

Petition for Reclassification and Special Exemption for Tschudi and Matton
 Clarke and Windsor

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

BALTIMORE COUNTY, MARYLAND No. 1578

OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE 3/13/72 ACCOUNT 01-662

AMOUNT 75.00

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

No. 72-84 - Appeal costs in matter of property of Harold Tschudi, et al - N/S Woodlawn Drive N/E Windsor Mill Road 2nd District 14
 W. Lee Harrison, Esq. 75.00

BALTIMORE COUNTY, MARYLAND No. 202

OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

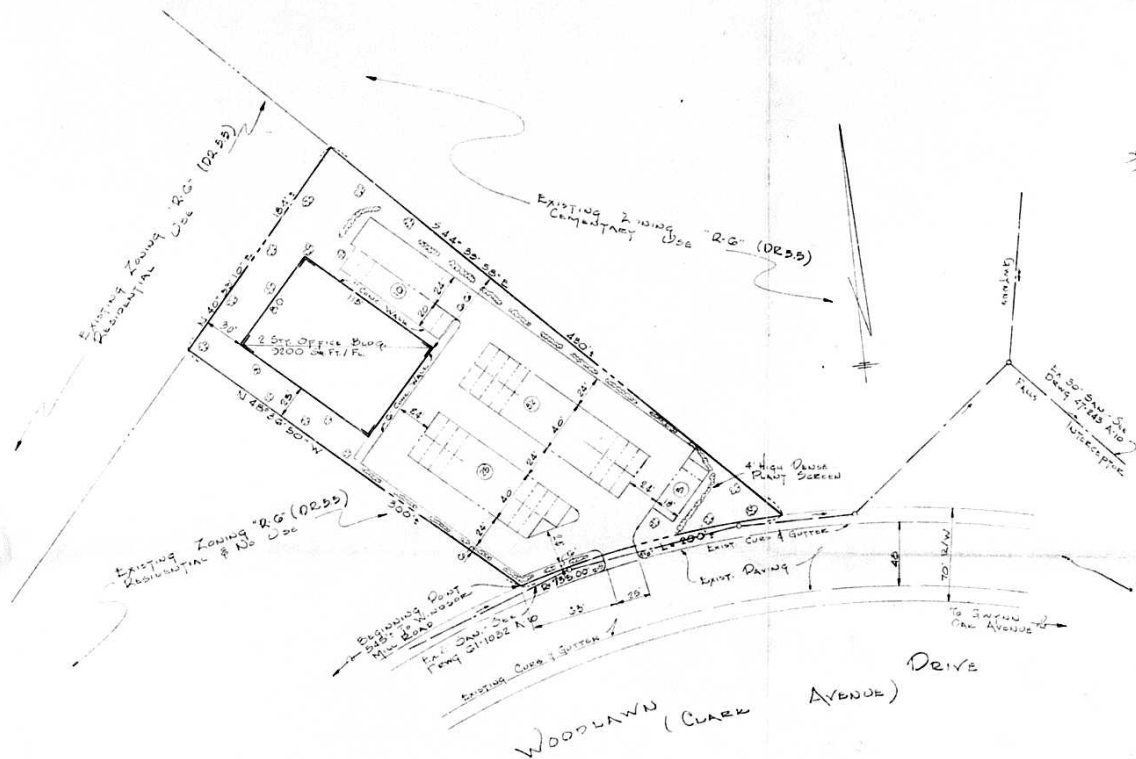
DATE Oct 8, 1971 ACCOUNT 01-662

AMOUNT \$124.68

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

Harold Tschudi & Bradley Matton
 700 Balto-Annapolis Blvd, NE
 Glen Burnie, Md. 21061

Advertising and posting of property #72-84-R
 124.68



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

PLAT TO ACCOMPANY PETITION
FOR

