

72-07-X  
 RE: EXTENSION OF SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
 NW/corner of Arbutus Avenue and Frederick Road - 1st Election District : OF  
 Frederick E. Phillips, et ux - Petitioners : BALTIMORE COUNTY  
 NO. 72-107-X (Item No. 18)

EXTENSION ORDER

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29<sup>th</sup> day of September, 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 18 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

 **Baltimore County**  
 Office of Planning and Zoning  
 TOWSON, MARYLAND 21284  
 (301) 494-3351  
**S. ERIC DINENNA**  
 ZONING COMMISSIONER

September 29, 1976

Mrs. Frederick E. Phillips  
 10317 Wilde Lake Terrace  
 Columbia, Maryland 21044

RE: Special Exception  
 Case No. 72-107-X  
 NW/corner of Arbutus and  
 Frederick Avenues - 1st  
 Election District

Dear Mrs. Phillips:

I am in receipt of your letter of August 24, 1976, in which you request an extension to the Special Exception currently existing on the above referenced property due to the unavailability of public sewer.

Please be advised that a review of the file indicates that this Special Exception was granted on November 16, 1971, and extended through November 16, 1976. Section 502.3 of the Baltimore County Zoning Regulations states that, if there is an unavailability of public sewer or water facilities, a Special Exception can be further extended to a date 18 months after such facilities become adequate and available as evidenced by the ability to obtain a public works agreement.

Through conversation with Mr. John Sommers, Department of Public Works, it was indicated that "temporary public sewer" would be provided to any prospective developer in this area within one month, provided construction begins within six months therefrom. It is my interpretation that this would not satisfy the requirement of the aforementioned Section.

Mrs. Frederick E. Phillips  
 Page 2  
 September 29, 1976

In light of these facts and coupled with Section 502.3, the Special Exception, currently existing on this property, is hereby extended to a date 18 months after "permanent public sewer" is made available.

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

*S. Eric DiNenna*  
 S. ERIC DINENNA  
 Zoning Commissioner

SED/NBC/scw

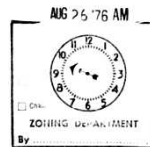
cc: Mr. Thornton M. Mouring, Director  
 Department of Public Works

Mr. George J. Martinak  
 Deputy Zoning Commissioner

Mr. James E. Dyer  
 Zoning Supervisor

Mr. Nicholas B. Commodari  
 Planning & Zoning Associate III

Case No. 72-107-X



10317 Wilde Lake Terrace  
 Columbia, Md. 21044

August 24, 1976

Re: Request for extension of  
 Zoning  
 NW/corner of Arbutus Avenue  
 and Frederick Road  
 1st Election District  
 Special Exception Case 72-107-X

Dear Mr. DiNenna:

With reference to my phone call of yesterday requesting the procedure for extension of zoning, I am writing to request that the Special Exception for the above property be extended. My husband passed away before he could realize the fruition of his plans to build a medical center on this property. I recently learned that there has been a sewer moratorium and would like to extend the zoning for another three years or until the moratorium has been lifted. Thank you.

Sincerely,

*Mercedes J. Phillips*

Mercedes J. Phillips  
 (Mrs. Frederick E. Phillips)

cc: Mr. George J. Martinak, Dep. Zoning Comm.  
 Mr. James E. Dyer, Zoning Supervisor  
 Mr. Nicholas B. Commodari, Zoning Assoc. III

*Holly Phillips  
 When the order?  
 NC  
 Check and call  
 Martinak*

ORDER RECEIVED FOR FILING

DATE Sept 29, 1976  
 BY S. Eric DiNenna  
 ADMINISTRATIVE ASSISTANT



**PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
 Frederick E. Phillips and Mercedes J. Phillips, 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 re-classified pursuant to the Zoning Law of Baltimore County, from an \_\_\_\_\_ zone to an \_\_\_\_\_ zone for the following reasons:

REFER TO 66-87RX Time ran out on Special Exception for medical office building 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 Medical Office Building

Property is to be posted and advertised as prescribed by Zoning Regulations. We, the undersigned, 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.

*Frederick E. Phillips*  
*Mercedes J. Phillips*  
 Contract purchase  
 Address: 5077 Shippard Lane, Ellicott City, Md. 21043  
 Town of Mt. Airy

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1971, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1971, at \_\_\_\_\_ o'clock.

ORDER RECEIVED FOR FILING

472-07-X



**DESCRIPTION**

**0.51 ACRE PARCEL**  
**NORTHWEST CORNER FREDERICK ROAD & ARBUSUS AVENUE**  
**FIRST ELECTION DISTRICT**  
**BALTIMORE COUNTY, MARYLAND**

This Description is for Special Exception for Office Use

Beginning for the same at the corner formed by the intersection of the north side of Frederick Road and the west side of Arbutus Avenue, running thence and binding on the north side of Frederick Road as laid out 66 feet wide, S 61° 00' W 148.08 feet, more or less, thence N 12° 13' 00" W 147 feet, more or less, to intersect the existing R-A (DR-16) Zoning Line, thence binding on said line, parallel to and 180 feet north of the center line of Frederick Road N 81° 00' E 156.1 feet, more or less to intersect the west side of Arbutus Avenue, thence running and binding on the west side of Arbutus Avenue as laid out 40 feet wide, S 0° 00' E 147 feet more or less to the place of beginning.

Containing 0.51 acres of land, more or less.

RLSimpl J. O. #71032 June 2, 1971



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Edward Hardesty Date: September 1, 1970  
 ATTN: Oliver L. Myers

FROM: ELLENORH E. MYERS, P.E.  
 SUBJECT: Item 28 (1970-1971)  
 Property Owner: Frederick E. & Mercedes J. Phillips  
 NW cor. int. of Frederick and Arbutus Avenues  
 Present Zoning: R-6  
 Proposed Zoning: R-10 and RA with Special Exception  
 District: 1st  
 No. Acres: 0.790

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**  
 Frederick Road (P.A. 344) is a State Road; therefore, all improvements, intersections and encroachments on this road will be subject to State Roads Commission requirements.

Arbutus Avenue, an existing public road, is proposed to be improved with a 20-foot closed section within a 50-foot right-of-way. Highway improvements, including highway right-of-way widening will be required in connection with any subsequent grading or building permit application. The right-of-way, required along the east side of this property, will vary in width from 10 feet at Frederick Road to 5 feet at the northeast corner of this site, including a fillet area at the intersection with Frederick Road.

The entrance locations are subject to approval by the department of Traffic Engineering.

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

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

**Storm Drainage**  
 Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item 28 (1970-1971)  
 Property Owner: Frederick E. & Mercedes J. Phillips  
 Page 2  
 September 1, 1970

**Storm Drainage (Cont'd)**

Frederick Road (P.A. 344) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

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

Construction drawings are required for off-site drainage facilities and any onsite facilities serving off-site areas. The plans are to be designed in accordance with Baltimore County Standards and Specifications, and the drawings submitted for review and approval by the Baltimore County Bureau of Engineering. Construction is to be accomplished under a County contract and inspection.

**Water**  
 Public water supply is available to serve this property.  
**Sanitary Sewer**  
 Public sanitary sewerage is available to serve this property.

*Ellenorh E. Myers*  
 ELLENORH E. MYERS, P.E.  
 Chief, Bureau of Engineering

END TRANSMITTALS  
 7-NE Key Sheet  
 9 SW 21 Position Sheet  
 51 SF Topo  
 101 Topo

**BALTIMORE COUNTY ZONING ADVISORY COMMITTEE**

August 9, 1971

Ernest C. Trimble, Esq.,  
 504 Jefferson Building,  
 Towson, Maryland 21284

RE: Type of Hearing: Special Exception for Medical Office Building Location: NW/Cor. of Frederick Road & Arbutus Avenue Petitioners: Frederick E. & Mercedes J. Phillips Committee Meeting of July 20, 1971 1st District Item 18

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

The subject property is presently an unimproved tract of land, with the property to the rear of the north improved with stone and frame dwellings. The property to the west is improved with a dwelling. The property to the east is vacant land bordered by the Baltimore Beltway ramp. The property to the south is improved with a funeral home. Frederick Road in this location is improved with partial concrete curb and gutters; however, Arbutus Avenue is not.

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.

The subject plan is essentially the same as the plan reviewed in connection with Zoning Item 28 (1970-1971). The comments furnished your office in regard to that item, copy attached, remain valid and applicable to this petition, Item 18 (1971-1972), except that the highway right-of-way widening required along the east side of this property will be five (5) feet in width, and include a fillet area at the NW corner of Arbutus Avenue - Frederick Road intersection.

Ernest C. Trimble, Esq.  
 Item 18  
 August 9, 1971

**STATE HIGHWAY ADMINISTRATION:**  
 A concrete curb must be constructed along either the Right of Way line or along the parking setback line at the west side of the proposed entrance to the subject site.  
 The plan must ultimately be revised.

The entrance will be subject to State Highway Administration approval and permit.

**DEPT. OF TRAFFIC ENGINEERING:**  
 Due to the size of the site, no major traffic problems are anticipated, other than the ones presently existing on Frederick Road, due to the close proximity of the Beltway Interchange.

**BOARD OF EDUCATION:**  
 No bearing on student population.

**BUILDINGS ENGINEER'S OFFICE:**  
 Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations when plans are submitted.

**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

OLN:JD  
 Enc.

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Mr. Oliver Myers Date: August 10, 1971

FROM: Ian J. Forrest

SUBJECT: Item 18 - Zoning Advisory Committee Meeting, July 20, 1971

18. Property Owner: Frederick E. & Mercedes J. Phillips  
 Location: NW/c of Frederick Rd. & Arbutus Avenue  
 Present Zoning: D.R. 16  
 Proposed Zoning: Special Exception for office building  
 District: 1  
 No. Acres: 0.51

Public water and sewer is available to the site.

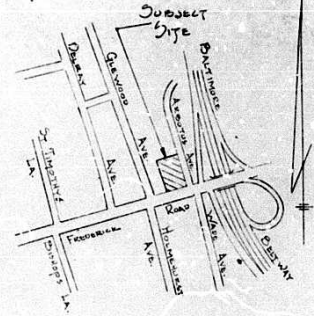
**Air Pollution Comment:** The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

*Ian J. Forrest*  
 Chief  
 Water and Sewer Section  
 BUREAU OF ENVIRONMENTAL HEALTH

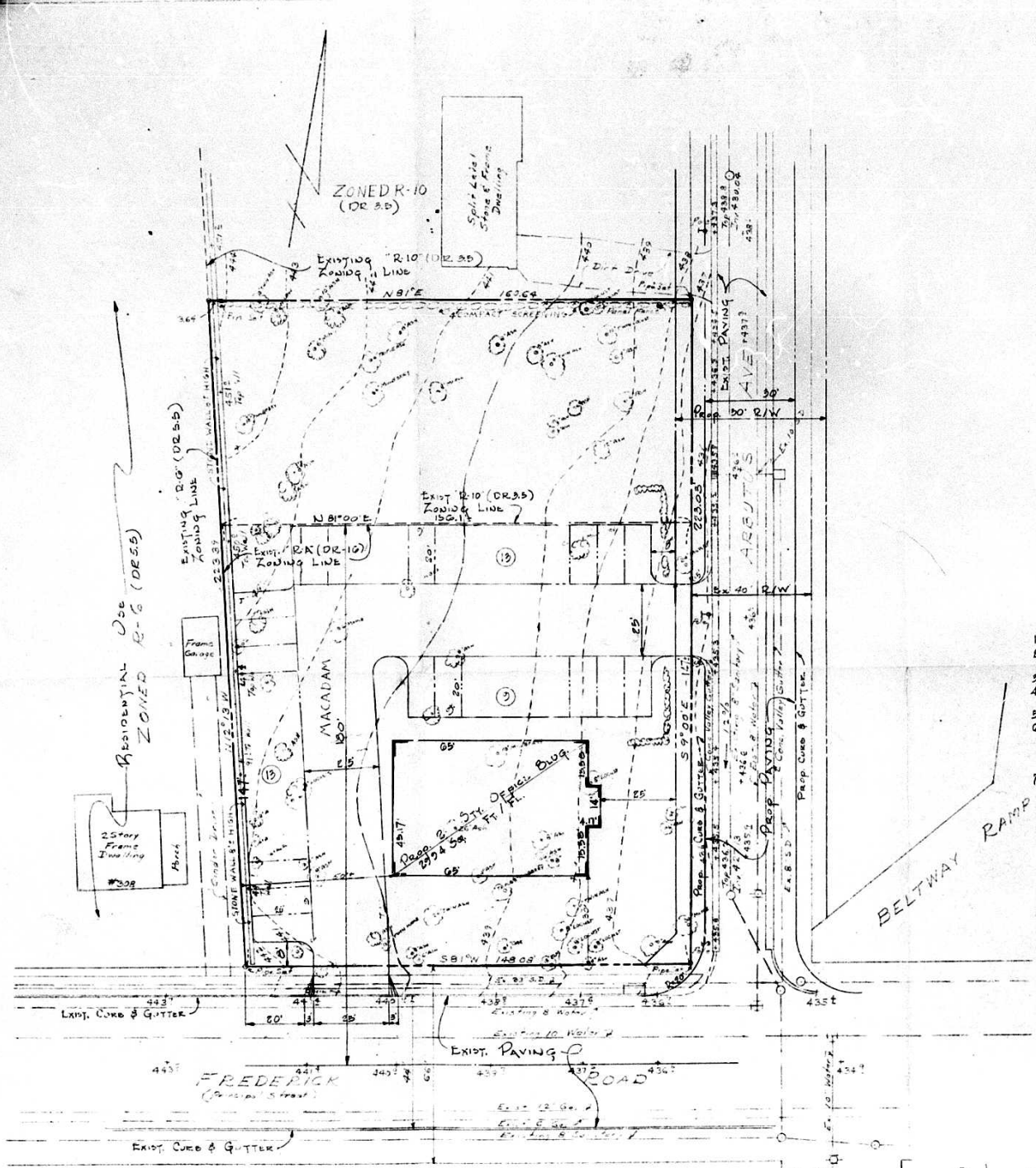
IJF/sam  
 AUG 17 1971

TELEPHONE 494-8818  
**INVOICE**  
**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF FINANCE**  
 No. 84997  
 DATE: Aug 4, 1971  
 RETURN THIS PORTION WITH YOUR CHECK  
 OFFICE OF FINANCE, REVENUE DIVISION  
 COURTHOUSE, TOWSON, MARYLAND 21284





LOCATION PLAN  
SCALE: 1"=500'



### GENERAL NOTES

1. AREA OF PROPERTY EQUALS 0.79 ACRES
2. EXISTING ZONING OF PROPERTY "R-6" (SEE PETITION NO. 643 OF R-6) (DR-10) & "R-10" (DR-9)
3. EXISTING USE OF PROPERTY "NO USE"
4. PROPOSED ZONING OF PROPERTY "R-6" (DR-10) VIA SPECIAL EXCEPTION & "R-10" (DR-9)
5. PROPOSED USE OF PROPERTY "OFFICE USE"
6. OFF-STREET PARKING DATA:
  - A. AREA OF EACH FLOOR EQUALS 2994 SQ. FT.
  - B. REQUIRED SPACES EQUAL 15
  - C. PROPOSED SPACES EQUAL 35
7. AREA OF TRACT REQUESTING SPECIAL EXCEPTION EQUALS 0.51 ACRES

MAP NO.	22
SECTION	1
DATE	1/17/71
TYPE	
PREPARED BY	W.H.P.
BY	W.H.P.
DATE	1/17/71

W.H.P. PRIMER & ASSOCIATES  
21 N. PENNSYLVANIA AVE  
TOWSON, MD 21286

W.H.P. PRIMER & ASSOCIATES  
21 N. PENNSYLVANIA AVE  
TOWSON, MD 21286

MATZ, CHILDS & ASSOCIATES  
1000 CHESTNUT ST. BRIDGE ROAD  
HA. TOWSON, MD 21286  
71032 RLS PL



PLAT TO ACCOMPANY PETITION  
FOR  
SPECIAL EXCEPTION TO PROPERTY  
VICINITY  
FREDERICK RD. & ARBUTUS AVE.  
Elect. Dist. 1  
SCALE: 1"=20'  
D.C. Co., Md.  
MARCH 4, 1971  
Revised: May 23, 1971

