

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Charlotte I. Whiteley, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons: A variance of Sections 1801a2 and 1802a2 to allow for a front, rear and side yard of zero feet and to establish a permissible height not to exceed one hundred eighty-six (186) feet as established from the elevation of Baltimore Avenue

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 SALES/RENT OFFICE USE IN ACCORDANCE WITH SECTION 1802.1

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.

Thomas G. Hensley Contract purchaser
Address: One Charles Center, Baltimore, Maryland 21201

Charlotte I. Whiteley Legal Owner
Address: 415 Alabama Road, Towson, Maryland 21284

James F. Offutt, Jr. Protestor's Attorney
Address: 107 Jefferson Building, Towson, Md. 21284

ORDERED By the Zoning Commissioner of Baltimore County, this 24th day of September, 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 27th day of November, 1971, at 10:00 o'clock A.M.

Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: December 3, 1971

FROM: George E. Gavellis, Director of Planning

SUBJECT: Petition 72-125 XA, Petition for Special Exception for Offices
Petition for front, rear and side yards & height variances
Charlotte I. Whiteley, Petitioner

9th District

I am sending this memo to expand on verbal comments made by Mr. Cerber at the public hearing held on November 27, 1971.

This property was recommended to be zoned R.A.E. 2 by the Planning Board on its Proposed Zoning Maps which they adopted on November 24, 1970. The County Council, after additional public hearings and review, applied D.R. 16 zoning to this property and the immediately adjacent areas.

The property in question lies within the boundaries of "Towson Town Center" as identified by map approved by the Baltimore County Planning Board making it eligible for granting of R.A.E. 1, R.A.E. 2, and/or C.T. Districts over a commercial zone, if requested and determined to be appropriate by the Zoning Commissioner or the Deputy Zoning Commissioner after public hearing.

The Planning staff and Board unquestionably had high-rise offices and/or apartments in mind for this property as a desirable land use when preparing the recommended zoning maps; however, this request appears to exceed intensities originally anticipated, i.e.,

- The maximum F.A.R. allowed in R.A.E. 2 is 4.0 and this request represents a F.A.R. of almost 4.0.
- The height of the proposed building is appropriate in E.M.C.T.

It is clear that this building is far more intensive than the normal anticipated intensities in D.R. 16 and has the character of development of R.A.E. 2 or Commercial C.T. nature.

Existing height limitations for "Other Principal Uses" in D.R. 16 zones are not easily identified. There is a series of proposed amendments to the zoning code awaiting County Council action which would, among other things, establish height limitation for non-residential uses in the D.R. 16 zone. In any event, 186 feet is clearly much higher than heights normally expected in D.R. 16 development and is more consistent with heights allowed in the R.A.E. 2 or Commercial C.T. classifications.

In summary:

1. The Planning Board recommended R.A.E. 2 zoning classification for this property to the County Council. The County Council applied D.R. 16.
2. The Planning Board and staff had high-rise offices and/or apartments in mind when the original recommendations were made.
3. The proposed project's character is far more like uses allowed in R.A.E. 2 or Commercial C.T. zones than D.R. 16.
4. Height regulations applying to this use are not easily identifiable.

We believe that a petition for R.A.E. 2 would more clearly identify the issues to everyone concerned and provide a better framework for evaluating the proposal. We further believe that the subject petition seeks to secure by variance a set of development potentials for the property which about the spirit and intent of the Zoning Regulations as they apply to the D.R. 16 zone.

GEG:msh

JEG

September 24, 1971

James F. Offutt, Jr., Esq.,
107 Jefferson Building
Towson, Maryland 21284

Re: Type of Hearings, Variances and Special Exception
Location: W/S Baltimore Ave., 150' S. of Allegheny
Petitioner: Charlotte I. Whiteley
Committee Meeting: July 20, 1971
Item 15

Dear Sir:

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

The subject property is located on the west side of Baltimore Avenue approximately 150 feet south of Allegheny Avenue. It is currently improved with a 2 1/2 story frame dwelling that is in fair condition. There is a church directly across the street from the subject property and curb and gutter exists at this location.

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.

General:

Public utilities exist in the public streets and alleys adjoining this property. The petitioner is cautioned that no structure, including footings, will be permitted to encroach upon the public rights-of-way or easements. Extreme caution must be exercised in any excavation adjacent to the perimeter of this property so that adequate lateral support is provided for the existing public utilities, some of which are relatively in close proximity to the proposed structure and at shallow depths. The subject plan should be revised to indicate all proposed and existing utilities adjacent to or within the subject property.

The structural design of the foundation walls must also provide the lateral support required for the public streets and alleys due to increased pavement widths and/or normal loading to be anticipated during construction.

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3. This petition is asking for Special Exception for elevator office building and variances. The Contract Purchaser of this property is the owner of the aforementioned petition.

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.

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Restriction or use of the existing streets and alleys adjacent to this property, for the convenience of the contractors engaged in the development of the site, is subject to the approval and permits required by the Bureau of Highways and other governmental agencies having jurisdiction.

Highways:

Allegheny and Baltimore Avenues are existing County streets, improved as 36-foot closed type highway cross sections on 80 foot and 60 foot rights of way, respectively.

Allegheny Avenue is proposed to be further improved as a 48 foot closed type highway cross section within the existing 80 foot right of way. Baltimore Avenue is proposed to be further improved as a 44 foot closed type highway cross section on a 76 foot right of way. In conjunction with the proposed highway improvements, 16 foot wide sidewalks will be required.

The existing 20 foot wide alley, to satisfactorily accommodate vehicular movements anticipated to be generated by the proposed development of this area, must be reconstructed in accordance with Baltimore County Standards to provide a pavement width as required by the Office of Planning and Zoning, and the Department of Traffic Engineering. Off site slope easements apparently will be required to accomplish reconstruction of the alley.

Therefore, highway right of way widening and construction, including alley improvements will be required in connection with any grading or building permit application. The petitioner is advised to contact the Chief of the Street, Road and Bridge Design Group of the Baltimore County Bureau of Engineering in regard to the design requirements for the street and alley improvements.

All entrances, to or from all public streets and alleys, are subject to the approval and requirements of the Office of Planning and Zoning and the Department of Traffic Engineering.

Sediment Control:

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

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Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plans. A drainage study and storm drainage facilities will be required prior to approval of any grading or building permit for the proposed development of this property.

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.

Water:

Public water supply is available to serve this property. There are 12 inch and 16 inch water mains in Allegheny and Baltimore Avenues, respectively. Subject to approval by the Baltimore City Bureau of Engineering, Water Division, water service connections may be taken from the existing 16 inch water main in Baltimore Avenue. Supplementary pumping will be required with any multi-story structure to provide adequate water pressure to the upper floors. Fire protection requirements, including additional public fire hydrants, will be determined by the Fire Bureau.

Prior to approval of any grading or building permits, the petitioner's engineer will be required to furnish this office with complete data in regard to water demands, including fire protection requirements, so that the adequacy of the existing water supply system can be determined.

Sanitary Sewers:

Public sanitary sewerage is available to serve this property. Public sanitary sewers exist in Allegheny Avenue and the public alleys adjacent to this property.

Three sewers are part of the old Towson sewerage system. The most reliable information in regard to location and elevation is found on the Baltimore County Bureau of Engineering Position Sheets 39 and 39 R.E. 2. However, the petitioner's engineer is responsible for determining, to his own satisfaction, the location and elevations of the elevations of the existing sewers.

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The submitted plan does not indicate anticipated sewage flows. A sanitary sewerage study will be required prior to approval of any grading or building permits to determine the adequacy of the existing sewerage system to accommodate sewage flows anticipated from the proposed development of this property. The proposed development of this site is also subject to the approval of the Maryland State Department of Health.

HEALTH DEPARTMENT:

Public water and sewer is 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.

TRAFFIC ENGINEERING:

Some difficulty can be expected with the alley to the rear of the building since this is the major access to the office building. The intersection of the alley and Allegheny Avenue shows a 36 foot section straddling the existing center line. This is not adequate since the demand will be for two lanes out and one lane in. Also, vehicles exiting and entering the building will cross into the opposing lane when making turns.

BOARD OF EDUCATION:

No bearing on student population.

ZONING ADMINISTRATION DIVISION:

This petition is accepted for filing. However, after meeting with the petitioner's attorney and architect, and after receiving revised plans which we had hoped would clarify what the petitioner's intentions might be, we have come to the following conclusions:

1. The Committee is of the opinion that we cannot fully and accurately comment on the entire parcel until actual "line of development" maps, however, were the Zoning Commissioner to consider the effect of the Special Exception and variances already granted and those now being requested.
2. The Zoning Commissioner entertained a petition for Special Exception and an elevator office building on the two adjacent properties earlier this year under case #71-251-25.

ORDER RECEIVED FOR FILING DATE 10/11/71

Pursuant to the advertisement, posting of property, and public hearing on the above petition, and is appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met, a Special Exception for an Office Building in accordance with Section 1802.1 should be granted; it further appearing that by reason of the following findings of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be had, and it further appearing that by reason of the granting of the Variances requested not adversely affect the health, safety, and general welfare of the community, Variances to permit a front yard of zero (0) feet instead of the required twenty-five feet; to permit a side yard of zero (0) feet instead of the required thirty (30) feet; to permit a rear yard of zero (0) feet instead of the required thirty (30) feet; a Variance from Section 504 of the Baltimore County Zoning Regulations and Section VI.B.2 of the Comprehensive Manual of Development Policy to permit a height not to exceed one hundred and eighty-six (186) feet instead of the required thirty (30) feet; and to permit thirty-eight (38) feet from the centerline of the street instead of the required fifty (50) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of February, 1971, that the above re-classification 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 [unclear] and/or the Special Exception for [unclear] and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

DOLLENBERG BROTHERS Registered Professional Engineers of Law, Surveyors 700 WASHINGTON AVENUE AT YORK ROAD TOWSON 4, MD. June 15, 1971 Zoning Description All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit: Beginning for the same at a point on the west side of Baltimore Avenue (about South 13 degrees 24 minutes West 110 feet measured along the west side of Baltimore Avenue from the corner formed by the intersection of the west side of Baltimore Avenue with the south side of Alleghany Avenue and running thence and binding on the west side of Baltimore Avenue, South 13 degrees 24 minutes West 50.75 feet, thence leaving said Avenue and running North 77 degrees 21 minutes West 176 feet to the east side of a 20 foot alley, thence binding on the east side of said 20 foot alley, North 13 degrees 24 minutes East 50.75 feet and thence leaving said alley and running South 77 degrees 21 minutes East 176 feet to the place of beginning. Containing .721 of an Acre of land more or less. Being the land of the petitioners herein as shown on a plat filed in the office of the Baltimore County Zoning Commission.



PETITION MAPPING PROGRESS SHEET

FUNCTION	Walk Map		Original		Duplicate		Tracing		SOD Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by: ZC, SA, CC, CA										
Reviewed by: [Signature]			Revised Plans: Change in outline or description	Yes	No					
Previous case:			Map #							

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Nov. 5-71

Posted for: VARIANCE & SPECIAL EXCEPTION

Petitioner: CHARLOTTE WHITLEY

Location of property: W/S BALTIMORE AVE. 1107 S. OF ALLEGANY AVE.

Location of Signs: 14 P. W/S BALTIMORE AVE. 125 FT. S. OF ALLEGANY AVE.

Remarks:

Posted by: [Signature] Date of return: Nov. 19, 1971

OFFICE OF THE TOWSON TIMES

TOWSON, MD. 21284 November 8 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dineema, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for [unclear] weeks before the 8 day of November 1971 that is to say, the same was inserted in the issue of November 4, 1971.

By: [Signature]

STROMBERG PUBLICATIONS, Inc.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 4, 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. [unclear] before the 22nd day of November, 1971, the [unclear] publication appearing on the [unclear] day of November 1971.

THE JEFFERSONIAN
S. Frank [unclear] Manager

Cost of Advertisement, \$ [unclear]

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21284

Your Petition has been received and accepted for filing

Date: [unclear] day of September 1971

[Signature] Zoning Commissioner

Petitioner: Charlotte I. Whitley

Petitioner's Attorney: James P. Offutt, Jr. Reviewed by: [Signature] Chairman of Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 1451

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: Dec. 16, 1971 ACCOUNT: 01-642

AMOUNT: \$67.75

DISTRIBUTION: WHITE - CASHIER; YELLOW - CUSTOMER

James P. Offutt, Jr., Esq. Jefferson Building Towson, Md. 21284

Advertising and posting of property for Charlotte I. Whitley #72-125-1A 54 DEC 17 67.75 MDC

BALTIMORE COUNTY, MARYLAND No. 259

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

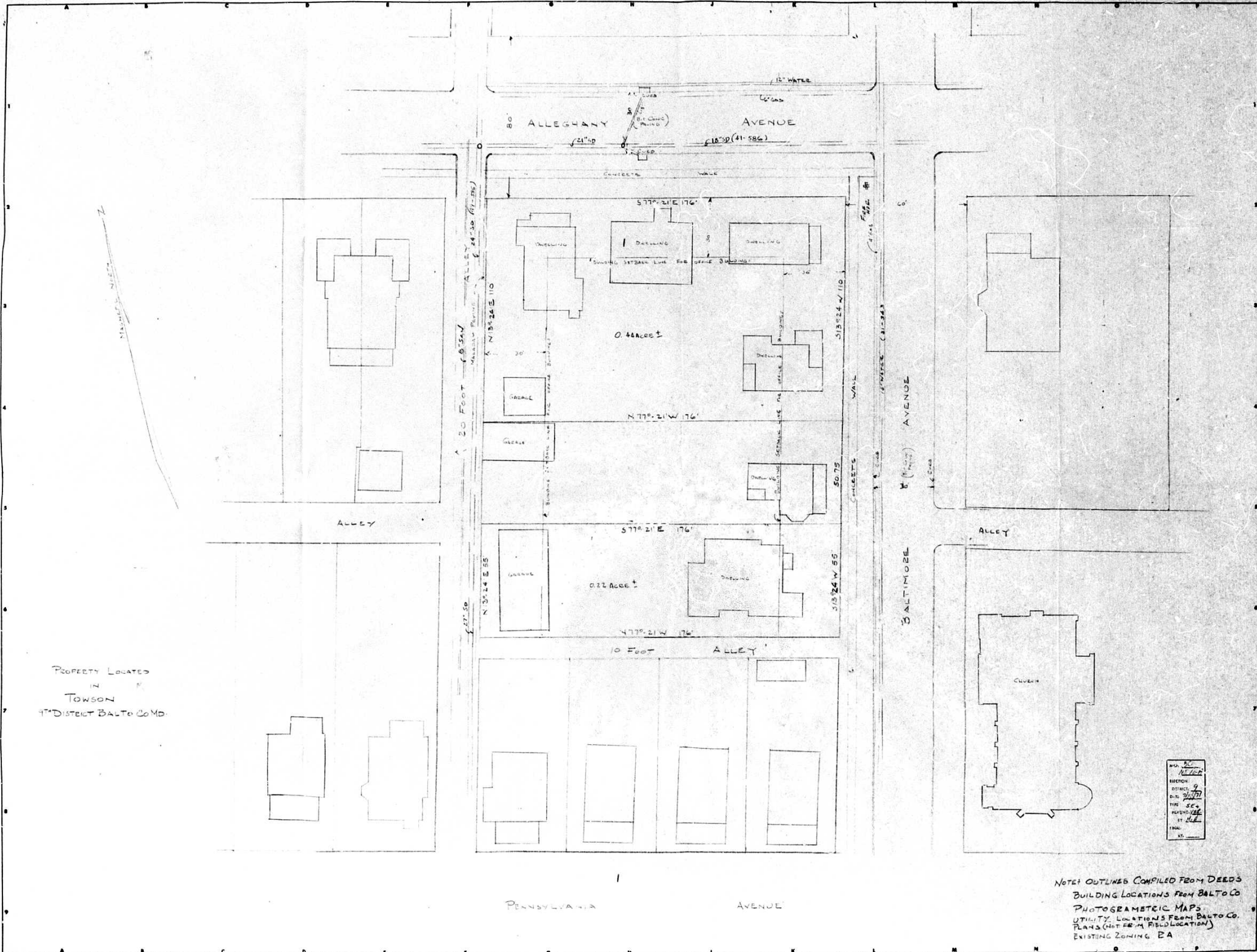
DATE: Nov. 1, 1971 ACCOUNT: 01-642

AMOUNT: \$50.00

DISTRIBUTION: WHITE - CASHIER; YELLOW - CUSTOMER

James P. Offutt, Jr., Esq. Jefferson Building Towson, Md. 21284

Petition for Special Exception and Variance for Charlotte I. Whitley #72-125-1A 5 DEC 1971



PROPERTY LOCATED
IN
TOWSON
9TH DISTRICT BALTO CO MD

MS
SECTION
DATE
BY
SCALE
DRAWN BY
CHECKED BY
DATE

NOTE: OUTLINES COMPILED FROM DEEDS
BUILDING LOCATIONS FROM BALTO CO
PHOTOGRAMETRIC MAPS
UTILITY LOCATIONS FROM BALTO CO
PLANS (NOT FROM FIELD LOCATION)
EXISTING ZONING EA

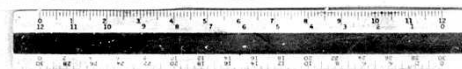
NO.	DATE	REVISION

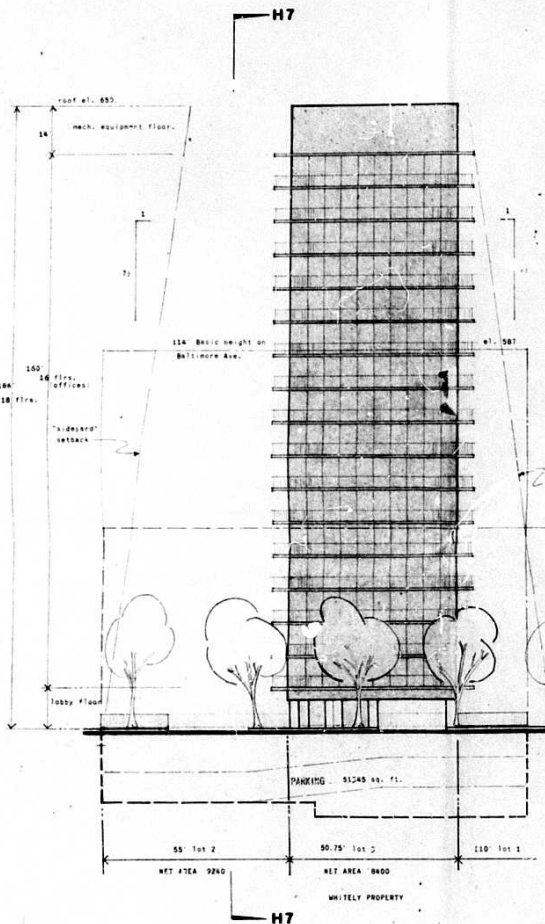
CONSULTANTS

DOLLENBERG BROTHERS
SURVEYORS &
CIVIL ENGINEERS
709 WASHINGTON AVE
TOWSON MD

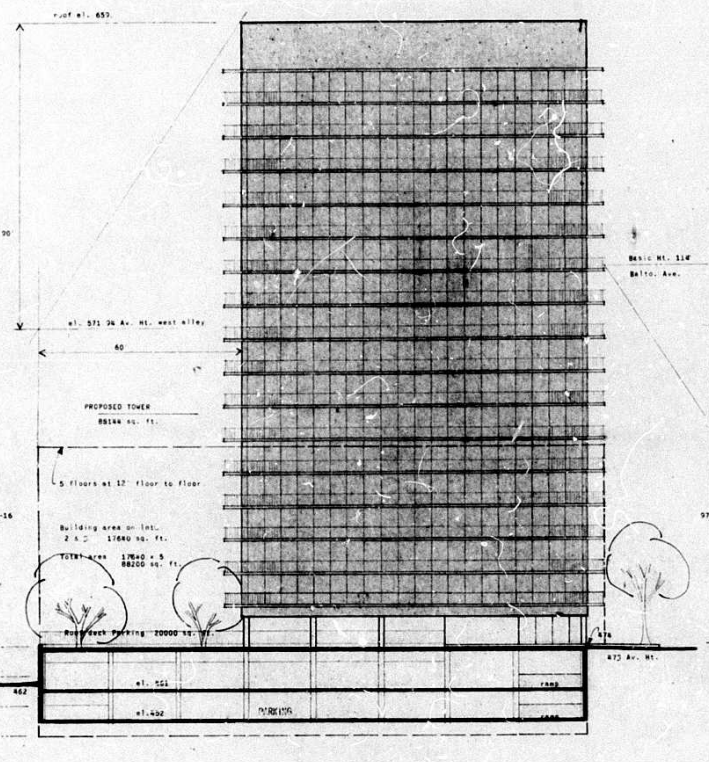


DATE	1/15/70
DATE	12/15/70
DATE	

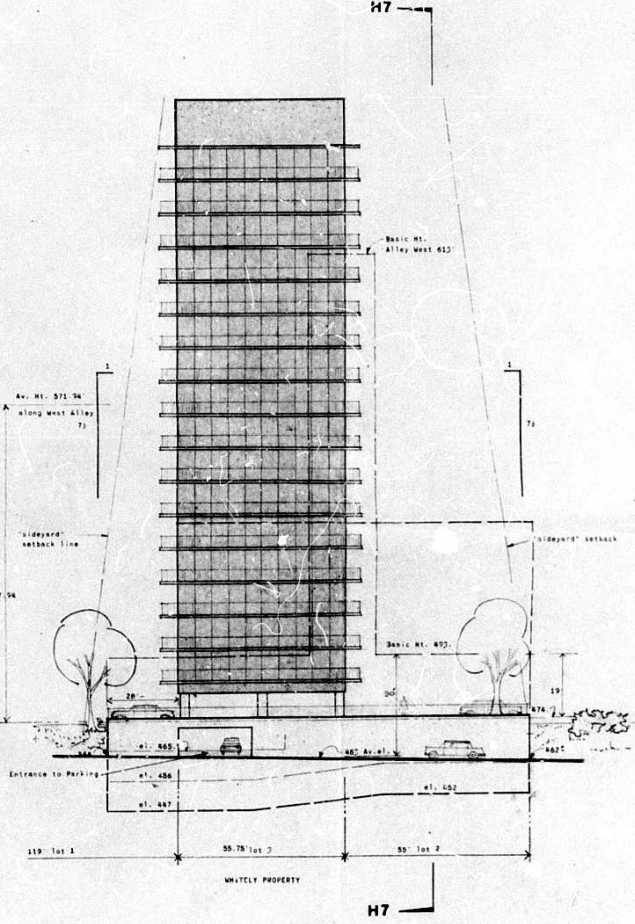




EAST ELEVATION - BALTIMORE AVE.



SOUTH ELEVATION/SECTION H7



WEST ELEVATION



NO.	DATE	BY	REV.
1	01	W.S.	Corrected for

REVISIONS	
FROM	744
PRINCIPAL	W.S.
DESIGNED BY	
DRAWN BY	
APPROVED BY	

CONSULTANTS

Taa
 THE ARCHITECTURAL AFFILIATION
 17001 PENNSYLVANIA AVENUE
 GREENBELT, MARYLAND, 21044
 TELEPHONE 482-1447

WHITELY PROPERTY
 ALLEGHANY & BALTIMORE AVE.
 5TH. ELECTION DISTRICT
 BALTIMORE COUNTY, MD.

EAST ELEVATION
 SOUTH ELEVATION/SECTION
 WEST ELEVATION

FINAL NO.	7017
SCALE	1" = 20' 0"
DATE	7 JUN 71
LAST REV.	27 Oct. 71

