

THE WESTCHESTER IMPROVEMENT ASSOCIATION, INC. • THE ZONING COMMISSIONER

VS. • OF
WALTER S. STEFANOWICZ & SONS INC. • BALTIMORE COUNTY
18054 York Road
Cockeysville, Maryland 21030

PETITION FOR HEARING

Now comes The Westchester Improvement Association, Inc. by its attorneys James E. Crawford and Patrick Cullen, and represents unto this Honorable Commission:

1. That the Petitioner, The Westchester Improvement Association, Inc., is a home association having members who own or reside on property lying wholly or partially within three hundred (300) feet of the lot of ground generally known as Westchester and situated in Catonsville, Baltimore County, Maryland and are eligible to file a demand for a Hearing under Bill No. 100 1B01.3 A7a thru d,

2. That the developer, Walter S. Stefanowicz & Sons, Inc., filed a development plat on or about November 22, 1966 with the Baltimore County office of Planning and Zoning,

3. That said development plat designated and showed streets, structures, distances and other matters pertinent to the development of a lot of ground generally known as Westchester and situated in Catonsville, Baltimore County, Maryland,

4. That said plat was given initial approval by the Zoning Commissioner, Director of Planning, and the Planning Commission of Baltimore County,

5. That subsequent thereto, on May 28, 1971, said developer filed an amended development plan in the form of a plat for the same lot of

ground designating and showing different streets, structures, distances and other information pertinent to the development of said lot.

WHEREFORE, Your Petitioner prays:

(a) That a Hearing be granted by this Honorable Commission pursuant to Bill No. 100 1B01.3 titled "Plats and Plans", subsection A7a thru d and sections 502 and 504;

(b) That said developer be required to amend said development plat pursuant to Bill No. 100 1B01.3, subsection A7b and follow specifically the requirements set forth in section 502 titled "Special Exceptions";

(c) Such other and further relief as the nature of this Petition may require.

James E. Crawford
The Westchester Improvement Assn, Inc.
President
400 Equitable Building
Baltimore, Maryland 21202
837-2072

I HEREBY CERTIFY that on this 10th day of December, 1971, a copy of the foregoing Petition was mailed to Walter S. Stefanowicz and Sons, Inc., 18054 York Road, Cockeysville, Maryland 21030.

- 2 -

THE WESTCHESTER IMPROVEMENT ASSOCIATION, INC.

Appellant

v.

WALTER STEFANOWICZ & SONS, INC.

Appellee

IN THE

COURT OF SPECIAL APPEALS

OF MARYLAND

No. 508

September Term, 1974

ORDER

It appearing that appellant is in default of Maryland Rule 1930, the brief due October 30, 1974, not being filed, it is this 11th day of November, 1974, by the Court of Special Appeals

of Maryland, upon its own motion, pursuant to Maryland Rule 1035

b (5), ORDERED, that the captioned appeal be, and it is hereby, dismissed.

CHIEF JUDGE

JUDGE

JUDGE

Rec'd 9/15
4:30pm

RE: PETITION FOR SPECIAL HEARING pursuant to Bill No. 100 1B01.3, Subsection A7a through d, and Sections 502 and 504 (Development Plat) W/S Westchester Ave. 100, North of Rockwell Avenue (as District)

The Westchester Improvement Association, Inc.
Petitioners-Appellants

Zoning File No: 72-151-SF

ORDER FOR APPEAL

MR. CLERK:

Enter an Appeal to the Court of Special Appeals on behalf of The Westchester Improvement Association, Inc..

I HEREBY CERTIFY, that on this 29th day of July, 1974, a copy of the foregoing was mailed to the Circuit Court of Baltimore County, Misc. Docket No. 7, Folio 154, file 5150, and to Robert Rosand, 807 Eastern Avenue, Baltimore, Maryland 21202.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
W. Fornoff, A. Kallenbach, E. Diver, J. Reier,
G. Diaz, G. Mueller, E. Priestner, B. Alderman,
TO: C. G. Vretha, Jr. DiNenna
FROM: Morton Klasing
SUBJECT: The Stefanowicz Corp.
Date: April 6, 1972
ZONING DEPARTMENT

Quite frankly, Mr. Anderson is getting sick and tired of continually receiving complaints on matters related to developments already constructed or in the process of being constructed by The Stefanowicz Corp. So that we may resolve ALL outstanding complaints and problems, and at the same time make determinations to prevent future problems, please furnish me a list of identifiable reference to any open complaints or problems concerning the Stefanowicz Corp. in which your office is involved or about which you are otherwise aware.

Your immediate attention to this matter is requested.

RESENT HANDLED OUT AT THE HAND 1972 meeting of COMBINED CIVIC ASSOC. OF BALTIMORE - CCABC -

In an attempt to get more people familiar with Bill 100, I have prepared the following summary of points that I consider fairly important. While I do not guarantee that it is 100% accurate, it is at least a starting point. I would like to follow this up with a meeting with the Baltimore County Planning Staff and both Mr. George Cavallaro and Mr. Dan Grant have agreed to work with us. I would suggest that we have an educational session followed by a discussion of changes we would like made in the zoning regulations. I welcome your comments and suggestions in this regard.

Under the old zoning regulations, the size of each lot was specifically designated by the zoning classification under the new density zoning, only the total number of units are counted and they may be clustered or spaced anywhere. Also, under the new regulations, townhouses or garden apts. MAY BE BUILT UNDER ANY RESIDENTIAL ZONING CLASSIFICATION. In D, R 1, 2, 3, 5, 9 and 10, the density is determined by the number of DWELLING UNITS. Under D, R 16, the density is determined by the number of bedrooms. THE IMPORTANT: A BEDROOM IS NOT A BEDROOM IF IT IS LESS THAN 100 SQ. FT. The density units under D, R 16 (and PUD) are counted as follows:

An efficiency apt. is	1/2 unit	=	32 per acre
A 1 Bedroom apt. is	3/4 unit	=	21 " "
A 2 Bedroom apt. is	1 unit	=	16 " "
A 3 Bedroom apt. is	1 1/2 unit	=	10 2/3 per acre
(or townhouse)			

Using the 100 sq. ft. requirement for a bedroom to count in the density unit, it would therefore be possible for a developer to build a 3 bedroom apt. per acre if his 2nd and 3rd bedroom were less than 100 sq. ft. (8 x 12 or 9 x 11, etc.), but if all three bedrooms counted he would only be able to build 1.10 2/3 3 bedroom apts. in this same acre. PLEASE DISCUSS THIS POINT WITH YOUR COMMUNITY ASSOCIATIONS AND URGE THEM TO WRITE TO THE COUNTY COUNCIL TO CHANGE THIS REGULATION.

In the Planning Staff's original draft of the legislation that became Bill 100, when there was a residential zone next to one of lower density, there was a Residential Transition Area of 400 feet from existing dwellings or 500 feet from a vacant lot of 2 acres or less. This Residential Transition Area applied in all Residential Density Zones and the idea was to make building within this transition area compatible with existing development nearby. Somewhere along the way this Residential Transition Area was reduced to 300 feet next to dwelling and 250 feet from vacant lot lines and IT WAS REMOVED ENTIRELY FROM THE D, R 16 ZONE. I STRONGLY URGE YOU TO DISCUSS THIS WITH YOUR COMMUNITY GROUPS AND ASK THE COUNTY COUNCIL MEN TO RETURN THE TRANSITION AREA TO D, R 16 ZONES.

PLANNED UNIT DEVELOPMENT: These developments may be authorized by getting a special exception from the Zoning Commissioner within the "urban rural" designation line and by securing a special permit from the County Council outside this line. There are 3 types: Neighborhood Community and Town PUD. Since the regulations are different for each, I will continue my comments (due to space limitations) to the neighborhood PUD but I believe that they are similar to the others.

NEIGHBORHOOD: 1,000 to 3,000 families usually including an elementary school and neighborhood shopping center

COMMUNITY: 3 to 5 Neighborhoods usually including a Junior High School and a central concentration of facilities and stores.

TOWN: 3 to 5 Communities with commercial uses (usually Department Stores) PLUS INDUSTRIAL USES

x See Landmark Study (see p. 2)

In PUD, they use density units (see other side) and the following table lists the number of density units allowed under each D, R Zone in a Neighborhood PUD:

D, R Zone	Density Units Allowed in Neighborhood PUD
1	1 1/2 units per acre
2, 5	3 " "
5, 9	8 " "
10, 5	16 " "
16	20 " "
R A, E, 1	40 " "
R A, E, 2	80 " "

The minimum acreage required for the Neighborhood PUD is 250 acres or an AREA SUFFICIENT TO ACCOMMODATE AT LEAST 2,000 DENSITY UNITS. As you can see from the above table there is a density bonus under D, R 16, and I am under the impression that 100 acres of ground zoned D, R 16 could be considered for a PUD since the density bonus would allow 2,000 density units. I also have found no specific regulations that would prevent a group of speculators from buying small parcels of ground and combining them to qualify for PUD as long as they are connected in some manner. WHILE THIS IS JUST SPECULATION ON MY PART, I'm afraid that there is the possibility of excess ground being purchased from the road right-of-ways and used to connect several parcels to make up the required acreage for a planned unit development. (see note)

Retail shops and services are allowed under the neighborhood PUD without any additional zoning change (other than the special exception for PUD). There is a bonus of 20 square feet of commercial uses per density unit without reducing the total number of density units allowed. Further, the maximum height of a building under D, R 10, 5 is 40 feet and in D, R 16 it is 60 feet. Under PUD the maximum height is established by taking a 20 degree angle upwards from all boundaries and a building may be constructed up to this line with a maximum limit of 120 feet.

NOTE: I personally believe that the Planning Staff has put in a great deal of time and effort to make Baltimore County a better place to live in and their intention has been to help rather than hurt the residents. Further the idea of a planned unit development is excellent in my opinion as long as it is a separate area like Columbia has sufficient access roads, water sewer facilities, builds its own school, etc. etc. etc. There are very rigid requirements about presenting all plans for approval before a permit is granted. However, I am afraid there are some loopholes in the existing regulations and I think we should examine these regulations carefully and discuss this with the Planning Staff and Baltimore County Councilmen.

If you would be interested in attending an educational session on Bill 100 in joining the Zoning Committee of the Combined Civic Assoc. of Baltimore County, or in discussing zoning regulations with the Planning Staff please contact either of the following:

Mrs. Leonard Stromberg
5616 Friendship Road
Belt, Md. 21227
Phone: 242-8553

Mrs. Roy Madure
1803 Clark Blvd
Belt, Md. 21227
Phone: 242-4312

837-8078

JAMES E. CRAWFORD

ATTORNEY AT LAW
400 EQUITABLE BUILDING
CRAWFORD AND PETERSON BUILDING
BALTIMORE, MARYLAND 21202

November 29, 1971

S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Baltimore, Maryland 21204

Re: The Westchester Improvement Association, Incorporated vs. Walter S. Stefanowicz & Sons, Incorporated.

Dear Mr. DiNenna:

Please note an appeal to the Baltimore County Board of Zoning Appeals concerning your decision of November 9, 1971.

Please find enclosed copy of your decision plus a check in the amount of \$35.00 to cover the cost of this appeal.

Thank you for your cooperation in this matter.

Very Truly Yours,

James E. Crawford

JEC/Kd
Enclosures:

cc: Patrick Cullen, Esq.
504 Maryland Trust Building

JUN 24 1975

RE: PETITION FOR SPECIAL HEARING pursuant to Bill No. 100 1801.3, Subsection A7a through d, and Sections 502 and 504 (Development Plan) N/S Westchester Ave. 1000' North of Rockwell Ave. 1st District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

The Westchester Improvement Association, Inc. Petitioners - Appellants

Misc. Docket No. 9

Folio No. 354

File No. 5154

Zoning File No. 72-151-SPH

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY, AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk

Please file, &c.

Muriel E. Buddenaker
County Board of Appeals of Baltimore County

cc: James E. Crawford, Esq.
Patrick Cullen, Esq.
Robert J. Romadka, Esq.
R. Bruce Alderman, Esq.
Harry C. Davidson, Esq.
Mrs. B. Anderson, Zoning

RE: PETITION FOR SPECIAL HEARING pursuant to Bill No. 100 1801.3, Subsection A7a through d, and Sections 502 and 504 (Development Plan) N/S Westchester Ave. 1000' North of Rockwell Ave. 1st District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

The Westchester Improvement Association, Inc. Petitioners - Appellants

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Folio No. 354

File No. 5154

Zoning File No. 72-151-SPH

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, W. Giles Porter and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 72-151-SPH

Nov. 4, 1971 Letter to Mr. S. E. DiNenna, Zoning Commissioner, from Patrick G. Cullen, Esq., attorney for Petitioner, with attached Petition requesting hearing re development plan amendment

" 9 Letter to Mr. Cullen from Mr. DiNenna stating he has no authority to grant requested hearing under Bill No. 100, Sec. 1801.3 A7a thru d that was approved by the Planning Board on November 22, 1966 was not a development plan, etc.; that "Walter S. Stefanowicz & Sons, Inc. submitted a development plan to this office on September 17, 1971 and was approved by me on September 20, 1971. This was the first and only development plan for the site presently under construction. Therefore, I cannot hold a hearing as you request because this development plan has not been amended, nor requested to be amended."

" 30 Order of Appeal to County Board of Appeals filed by James E. Crawford, Esq.

Mar. 9, 1972 Hearing held before County Board of Appeals -

" 9 Opinion of County Board of Appeals remanding the case to Zoning Commissioner for a hearing on the factual issues involved.

June 21 Letter to Mr. DiNenna from Mr. James Crawford amending Petition previously filed

July 6 Certificate of Publication in newspaper - filed

The Westchester Improvement Assn., Inc. - No. 72-151-SPH

was correct in the decision appealed from, and that the presently existing development plan as filed and approved during the year 1971, after the adoption of the presently existing zoning maps and after the adoption of Bill No. 100, is a valid development plan under said Bill No. 100 and cannot be considered as an amendment of a previously existing "development plan". As the Zoning Commissioner has aptly pointed out, there is no provision for a "development plan" in the Baltimore County Zoning Regulations prior to April 1, 1971.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of October, 1973, by the County Board of Appeals ORDERED, that the Order of the Zoning Commissioner of Baltimore County, dated November 30, 1972, be affirmed, and the petition be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 110C, subtitle B of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Giles Porter

Walter A. Reiter, Jr.

The Westchester Improvement Assn., Inc. - No. 72-151-SPH

2.

July 8, 1972 Certificate of Posting of property - filed

" 24 At 1:00 p.m. hearing held on petition by Zoning Commissioner - case held sub curie

Nov. 30 Order of Zoning Commissioner that the petition filed by Westchester Improvement Association, Inc. be dismissed, and the said development plan remain in effect

Dec. 29 Order of Appeal to C.B. of A. filed by James E. Crawford, Esq., attorney for Westchester Association

May 22, 1973 Second hearing before the County Board of Appeals

" 22 Stipulations filed

Oct. 12 Order of County Board of Appeals affirming Zoning Commissioner, denying petition

Nov. 9 Order of Appeal filed in Circuit Court for Baltimore County by James E. Crawford, Esq., attorney for Petitioner

" 9 Petition to accompany Order of Appeal filed in Circuit Court for Baltimore County

" 12 Certificate of Notice sent to all interested parties

Dec. 10 Motion for Extension of Time of forty-five days for filing transcript (No transcript needed inasmuch as stipulations were filed)

Jan. 23, 1974 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps of the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddenaker
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL HEARING pursuant to Bill No. 100 1801.3, Subsection A7a through d, and Sections 502 and 504 (Development Plan) N/S Westchester Ave. 1000' North of Rockwell Ave. 1st District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

The Westchester Improvement Association, Inc. Petitioners - Appellants

Misc. Docket No. 9

Folio No. 354

File No. 5154

Zoning File No. 72-151-SPH

ORDER

The above entitled case having come on for hearing on the Appellants' Petition for Appeal from the Order of the County Board of Appeals of Baltimore County on Friday, April 26, 1974 and Monday, May 20, 1974 before the Honorable H. Kemp MacDaniel, the parties' respective attorneys having presented argument and the stipulations that were entered into between counsel for both parties having been read and made a part of said hearing, the Court finds that the Zoning Board of Appeals was correct in its decision and that the presently existing development plan as filed and approved on August 30, 1971 after the adoption of the presently existing zoning maps and the adoption of Bill No. 100, is a valid development plan under said Bill No. 100 and cannot be considered as an amendment of a previously existing tentative plan that had been filed with Baltimore County in 1966. The Court further agrees with the Zoning Commissioner's ruling in denying said petition, that there is no provision for a "development plan" in the Baltimore County Zoning Regulations prior to April 1, 1971. For the reasons set forth in the foregoing opinion, it is this 26 day of June, 1974, by the Circuit Court for Baltimore County

ORDERED, that the Order of the County Board of Appeals of Baltimore County dated October 12, 1973 be affirmed and the Petition for Appeal be and the same is hereby denied.

COPY TO:
James E. Crawford, Esq.
Patrick Cullen, Esq.
Robert J. Romadka, Esq.
County Board of Appeals
Richard Byrd, Asst. County Solicitor

Robert J. Romadka
Attorney at Law
Room 717-74
11-15PM

RE: PETITION FOR SPECIAL HEARING pursuant to Bill No. 100 1801.3, Subsection A7a through d, and Sections 502 and 504 (Development Plan) N/S Westchester Avenue 1000' North of Rockwell Avenue 1st District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

The Westchester Improvement Association, Inc. Petitioners

OPINION

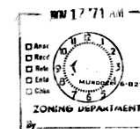
This case began by the filing of a petition for a special hearing under Bill No. 100, 1801.3, Subsection A7a through d, by the Westchester Improvement Association, Inc., a body corporate, in November, 1971. In response to the filing of this petition a letter was written to counsel for the Petitioners by Mr. S. Eric DiNenna, Zoning Commissioner of Baltimore County, refusing to conduct a hearing on the petition, citing as authority therefor that he had no power to grant the requested hearing under Bill No. 100 under the sections cited above. This letter was treated by the Petitioners as a ruling, and an appeal was taken to this Board, and after a short hearing it was determined that without deciding on the merits of the matter, the Zoning Commissioner should have conducted a hearing; and on the 9th day of March, 1972 the County Board of Appeals remanded the case to the Zoning Commissioner "for a hearing on the factual issues involved, without prejudice to the rights of any of the parties involving their rights to further procedures under the proper zoning laws and regulations of Baltimore County". Following this Remand, the Zoning Commissioner did conduct a hearing on the petition, and on November 30, 1972 made certain factual findings under which he ordered that the petition be "dismissed". It is from this Order that the proper appeal has been taken.

Upon coming before the Board of Appeals only counsel for the parties appeared, and all essential facts were stipulated in accordance with dictated stipulations approved by both counsel, and with factual additions added by a member of the Board. copy of which is attached hereto and is to be taken as a part of this Opinion.

The Board finds no reason to disagree with any of the stipulations of fact, and accepts the said stipulations as its own findings of fact in this case.

Upon this statement of facts, the Board finds that the Zoning Commissioner

ROBERT J. ROMADKA
ATTORNEY AT LAW
808 EASTERN BOULEVARD
Baltimore, Maryland 21204
November 16, 1971



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

Re: The Westchester Improvement Assn., Inc. vs. Walter S. Stefanowicz & Sons, Inc.

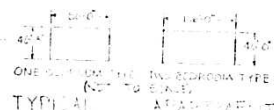
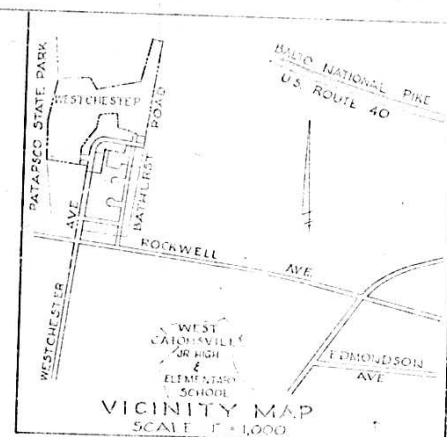
Dear Mr. DiNenna:

Per our telephone conversation of last week concerning the above captioned case, I would appreciate your noting my name as attorney of record for Walter S. Stefanowicz & Sons, Inc. I would also appreciate your sending to me a copy of the letter you had forwarded to Patrick Cullen, attorney for the protestants.

Very truly yours,

Robert J. Romadka

RJR/dsl
cc: Walter S. Stefanowicz & Sons, Inc.



JUN 24 1975

IN THE MATTER OF
THE PETITION OF

THE WESTCHESTER IMPROVEMENT
ASSOCIATION, INC.
Re: Hearing pursuant to Bill #100 -
1801.3, Subsection A7a thru d,
and Sections 502 and 504
(development plan)

1st Election District

B. OF THE COUNTY
BOARD OF APPEALS
OF BALTIMORE COUNTY

MR. SLOWIK, Chairman
MESSRS. REITER and PARKER

Tuesday, May 22, 1973, Towson, Maryland
HEARING ROOM COUNTY OFFICE BUILDING
10:00 A.M.

APPEARANCES:

JAMES E. CRAWFORD, ESQ., Counsel for Petitioners (Complainants)
ROBERT J. ROMADKA, ESQ., Counsel for Defendant

STIPULATIONS

MR. ROMADKA: I would like to stipulate there was a tentative
plan of Westchester filed with Baltimore County in 1966.

Subsequent thereto, a portion of Westchester was developed by the
previous owners securing approved record plats of those portions of Westchester that
were to be developed at that time;

That subsequent thereto, Stefanowicz and Sons purchased the remaining
undeveloped portion of Westchester as shown on the original tentative plan and that
they developed like portions of Westchester after securing approved record plats;

That prior to the adoption of Bill 100, the zoning map of March 24,
1971, Stefanowicz and Sons submitted to the County, sometime in the early part of
1970, a schematic preliminary plan or what ultimately was approved on August 30, 1971
as a developer's plan;

REPORTED BY: C. Leonard Perkins, County Office Building
Towson, Maryland 21204 - 494-3182

Therefore, IT IS ORDERED by the Zoning Commissioner of
Baltimore County, this 22nd day of November, 1972, that the Petition
filed by the Westchester Improvement Association, Incorporated, be
DISMISSED and the said development plan remain in effect.

[Signature]
Zoning Commissioner of
Baltimore County

That having filed this preliminary plan in the early part of 1970 or
the summer of 1970, Baltimore County did approve, unofficially, since Bill 100
and the zoning maps were not adopted, a general development plan, and allowed
a portion of that development plan to go to a record plat, which record plat is
identified in Plat Book OTG 34, Folio 73 and adopted September 22, 1970;

That after the adoption of Bill 100 and the zoning maps on March 24,
1971, the development plan, as originally submitted to the County in the summer of
1970, was then approved by the Office of Planning and Zoning on August 30, 1971;

That subsequent thereto another portion of said development plan went
to a record plat, as identified in Plat Book OTG 35, Folio 132, and approved
August 15, 1972, recorded;

That the balance of said property of said development plan has not
been recorded as of this date.

MR. CRAWFORD: The only change that I would have, of course,
would be that this was approved by the County at the time of submission. When I
say this I am talking about the development plan that was approved by the County
prior to the submission of the record plat, which is identified as 34, Folio 73.

MR. SLOWIK: So all of the facts are stipulated?

MR. CRAWFORD: Except for that.

(The following is not stipulated to but made as a "offer")

MR. ROMADKA: I prefer that title to any of the lots as shown
on the record plat OTG 34, Folio 73, did not pass to any of those individuals, third
parties, until after the approval of the development plan on August 30, 1971.

MR. PARKER: In the interest of clarity I think these dates
should be put in the stipulation.

Bill 100 was passed on the 3rd day of August, approved and enacted
to take effect September 19, 1970. Bill 100 further provides that any new zoning

RE: THE WESTCHESTER IMPROVEMENT : BEFORE
ASSOCIATION, INC. : COUNTY BOARD OF APPEALS
VS. :
WALTER S. STEFANOWICZ & : OF
SONS, INC. : BALTIMORE COUNTY
18054 York Road :
Cockeysville, Md. 21030 : No. 72-151-SPH

OPINION

This case involves a hearing under certain provisions of Bill 100
in connection with the filing and/or amendments of a development plan in the subdivision of
Westchester, in the First District of Baltimore County.

Under date of November 9, 1971, the Zoning Commissioner returned the
petition to the petitioner's counsel and refused to conduct a hearing on the issues purportedly
raised by the petitioner. From this decision an appeal was taken to the Board of Appeals
by the petitioner.

The Board had a hearing on March 9, 1972, at which time the petitioner was
represented by counsel; counsel appeared representing the developer, and counsel from
the County Solicitor's office was in attendance representing Baltimore County.

After hearing arguments of counsel, the Board has determined there are
issues of facts involved in this case which they cannot consider at this time. The Board
further finds that the action of the Zoning Commissioner in refusing to accept the petition
or conduct a hearing was arbitrary, capricious and illegal and the case is, therefore,
remanded to the Zoning Commissioner for the conduct of a proper hearing at which evidence
may be presented on the facts involving the issues which may be raised pertinent to the
provisions of Bill 100.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day
of March, 1972, by the County Board of Appeals, ORDERED that the above entitled
case is hereby REMANDED to the Zoning Commissioner for a hearing on the factual issues

classifications or other changes should not be promulgated but should be effected
only upon the adoption by the County Council of any new zoning maps on or before
March 31, 1971.

The new zoning maps were adopted by the County Council on
March 24, 1971.

The plat of the area around Westchester, which was filed in OTG 34,
Folio 73, was recorded October 30, 1970.

The development plan, as required by Bill 100, shows that it was
drafted on May 28, 1971, revised June 30, 1971, revised again August 9, 1971,
and finally approved by the various County authorities necessary for its approval
August 25, August 26 and August 30, 1971. The plat referred to is that one
recorded in OTG 35, Folio 132, for a second portion of the area to be developed
as individual lots and was filed for record on August 15, 1972.

MR. CRAWFORD: I would like to submit a Memorandum.

MR. ROMADKA: May I have an opportunity to answer?

MR. SLOWIK: Yes, fifteen days after he files.
Also, we will give Mr. Crawford fifteen days
to file.

The Westchester Improvement Assn., Inc. - #72-151-SPH

involved, without prejudice to the rights of any of the parties involving their rights to
further procedures under the proper zoning laws and regulations of Baltimore County.

Any appeal from this decision must be in accordance with Chapter 1100,
subtitle 5 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
John A. Slowik, Chairman

[Signature]
W. Giles Parker

[Signature]
Walter A. Reiter, Jr.

RE: PETITION FOR SPECIAL
HEARING
Beginning 1,000' N of Rockwell
Avenue, on Westchester Avenue
1st District
Westchester Improvement
Association - Petitioner
NO. 72-151-SPH

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner requests a Special Hearing for an interpretation of
the Baltimore County Zoning Regulations as to whether or not the develop-
ment plan as submitted by Walter S. Stefanowicz and Sons, Incorporated, for
the subdivision of Westchester has been amended and whether or not said
development plan is in effect.

After having heard the testimony, it is the opinion of the Zoning
Commissioner that the Petitioner has a right to be heard under Bill No. 100
as provided for in Section 1101.1.

Testimony submitted indicated that a tentative plat of the entire
development of Westchester was filed in Baltimore County in 1966 and that
portions of said plat have been recorded on a record plat and so developed.
That portion not developed, which is now remaining and as shown on said
tentative plat, was re-designed as provided for under Bill No. 100, which
became effective April 1, 1971. In accordance therewith, a development
plan was filed and approved by Baltimore County on September 20, 1971.

It must be noted at this time that there was no such provision for
a development plan in the Baltimore County Zoning Regulations prior to
April 1, 1971.

The Petitioner claims that there has been a change on the develop-
ment plan and as a result, they are entitled to a hearing. It must also be
stated that no development plan was submitted prior to this hearing and there-
fore the provisions of Bill No. 100 would be applicable, thereto.

JAMES E. CRAWFORD
ATTORNEY AT LAW
400 EIGHTH AVENUE
BALTIMORE, MARYLAND 21202

June 21, 1972

OFFICE
837-8074

RECEIVED
JUN 21 1972

Mr. Eric Direnna
Zoning Commissioner of
Baltimore County
Office of Zoning
County Office Building
Towson, Maryland 21204

Re: Westchester Home Assoc., Inc.
v.
Walter Stefanowicz & Sons, Inc.

Dear Mr. Direnna:

Please accept this letter as an amendment to the Petition
previously filed in the above captioned case. Please add
as parties Plaintiffs James and Bettie Sickle, Thomas
Hackett and James E. Crawford.

Allegations made by these Plaintiffs are those allegations
alleged in the Petition previously filed and additional allega-
tions represented unto this honorable commission at the time
of the hearing.

Thank you for your cooperation in this matter.

Very truly yours,
[Signature]
James E. Crawford

JEC: mw



JUN 24 1975

IN THE MATTER OF THE
WESTCHESTER IMPROVEMENT
ASSOCIATION, INC.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* No: 72-151-SPH

MOTION FOR EXTENSION OF TIME

MR. CLERK:

Now comes Westchester Improvement Association, Inc., by James E. Crawford, their attorney, and James E. Crawford, individually, and says:

1. That the Petitioner received a call from C.L. Perkins, the stenographer of the Baltimore County Zoning Board who related that he, because of the press of Appeals is unable to deliver the transcript in the above captioned case by the due date of December 10, 1973.

WHEREFORE, Petitioner prays that an extension of forty-five days be granted so said transcript can be prepared and sent to this Honorable Court.

JAMES E. CRAWFORD
400 Equitable Building
Baltimore, Maryland 21202
Attorney for Petitioner

RE: ORDER OF APPEAL
pursuant to Bill No. 100
1801.3, Subsection A7a through
d, and Sections 502 and 504
(Development Plan)
N/S Westchester Avenue 1000'
North of Rockwell Avenue
1st District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* No. 72-151-SPH

The Westchester Improvement
Association, Inc.
Petitioners

ORDER OF APPEAL

On behalf of the above Petitioner in this matter, please enter an Appeal from the decision of the County Board of Appeals in Baltimore County to the Circuit Court of Baltimore County sitting as a Court of Law.

JAMES E. CRAWFORD

IN THE MATTER OF:
WESTCHESTER IMPROVEMENT ASSOCIATION, INC.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* No: 72-151-SPH

ORDER

It is this 10th day of December, 1973, ORDERED by this Honorable Court that the relief prayed in the foregoing Motion be and the same is hereby granted.

MURIEL E. BUDDENMEIER
JUDGE

RE: The Westchester Improvement
Association, Inc.

I, Secretary to the County Board of Appeals of Baltimore County, on this 9th day of November, 1973, do hereby certify I received a copy of the foregoing Order of Appeal to the Circuit Court of Baltimore County, in the above captioned matter.

MURIEL E. BUDDENMEIER,
Secretary

Appealed 11/9/73

RE: PETITION FOR SPECIAL HEARING
pursuant to Bill No. 100 1801.3,
Subsection A7a through d, and
Sections 502 and 504
(Development Plan)
N/S Westchester Avenue 1000'
North of Rockwell Avenue
1st District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

The Westchester Improvement
Association, Inc.
Petitioners-Appellants

Misc. Docket No. 9
Folio No. 354
File No. 5154

CERTIFICATE OF NOTICE

Mr. Clerk

Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of Procedure, John A. Slowik, W. Giles Parker and Walter A. Baltzer, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, James C. Crawford, Esq., 400 Equitable Building, Baltimore, Maryland, 21202, and Patrick Cullen, Esq., 504 Maryland Trust Building, Baltimore, Maryland, 21202, attorneys for the Petitioners; Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland, 21221, attorney for the Defendant; and R. Bruce Alderman, Esq., Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, Richard D. Byrd, Esq., Assistant County Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, and Harry C. Davison, Esq., Assistant County Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, attorneys for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Telephone - 494-3100

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has

I HEREBY CERTIFY that on this day of , 1973, a copy of the foregoing Order for appeal was mailed to Bruce Alderman.

JAMES E. CRAWFORD

The Westchester Improvement Assn., Inc.

2.

been mailed to James E. Crawford, Esq., 400 Equitable Building, Baltimore, Maryland, 21202, and Patrick Cullen, Esq., 504 Maryland Trust Building, Baltimore, Maryland, 21202, attorneys for the Petitioners (complainants); Robert J. Romadka, Esq., 809 Eastern Boulevard, Baltimore, Maryland, 21221, attorney for the Defendant; and R. Bruce Alderman, Esq., Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, Richard D. Byrd, Esq., Assistant County Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, and Harry C. Davison, Esq., Assistant County Solicitor for Baltimore County, County Office Building, Towson, Maryland, 21204, attorneys for Baltimore County, on this 12th day of November, 1973.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

cc: Crawford, Esq.
Cullen, Esq.
Romadka, Esq.
Alderman, Esq.
Byrd, Esq.
Davison, Esq.
Anderson, Zoning
Verneth, Planning

LEPER AND HUESMAN
1400 BALTIMORE AVENUE
BALTIMORE, MARYLAND 21202

November 4, 1971

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S. Erik Dinenna, Esquire
c/o County Office Building
Towson, Maryland 21204

Dear Mr. Dinenna:

Enclosed please find a Request for Hearing which I would appreciate your filing. As construction is in progress on the lot in question, it would be appreciated if you would give the matter your immediate attention.

Sincerely yours,

Patrick G. Cullen
Patrick G. Cullen

PGC/mgc

Enc

cc: Walter S. Stefanowicz & Sons, Inc.

JUN 24 1975

#72-151-SPH
IN THE MATTER OF
THE PETITION OF
THE WESTCHESTER IMPROVEMENT
ASSOCIATION, INC.
Re: Hearing pursuant to Bill 100
1801.3, Subsection A7a thru d
and Sections 502 and 504
(development plan)
1st Election District

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
MR. SLOWIK, Chairman
MESSRS. REITER and PARKER

MEMORANDUM

The attorney for the Appellant filed a Memorandum in which he states in numbered Paragraph 2 that,

"In the stipulations submitted to this Board, (Page 2, Paragraph 1) Appellees admit that a general development plan for the entire community of Westchester had been previously submitted to the County and its departments for approval."

"That said general development plan was approved by all the County departments required and several portions of said plan were allowed to go to record plat."

The Appellant fails to recite the stipulation correctly in that the stipulation states as follows:

"That there was a tentative plan of Westchester filed with Baltimore County in 1966. Subsequent thereto, a portion of Westchester was developed by the previous owners securing approved record plats of those portions of Westchester that were to be developed at that time."

There is a very real distinction as defined under our zoning regulations concerning a tentative plan and that of a general development plan. Prior to the adoption of Bill 100, there was not required to be filed a general development plan. Since the adoption of Bill 100, it is necessary for a developer to submit and have approved a general development plan prior to his filing his record plat. Likewise, prior to the adoption of Bill 100, there was no

restriction on a developer in amending any tentative plan that may have been filed, and that such amendment could be done without necessity of any hearing before the Zoning authority or any other agency of the County government; that any change to a tentative plan could be done by merely filing an amended tentative plan with the Bureau of Land Development.

That numbered Paragraph 3 of said Memorandum filed by Appellant states,

"Appellees admit pursuant to the stipulations submitted to this Board that portions of the general development plan submitted to the County and approved prior to Bill 100 was in portion reduced to recorded record plats and developed subsequent to the effective date of Bill 100."

"Appellants assert that developer falls within Section 7.B of Bill 100 thereby making it necessary to effect any change in the use of the subject land to a special exception procedure in that said change does effect a lot structure or use within 300 feet from a lot or structure which was sold since the original plan was filed (Section 7.A)."

Your Appellees state that this portion of the Appellant's Memorandum is partially incorrect in that the stipulation states that a general development plan was filed in the summer of 1970 but was not finally approved by the Office of Planning and Zoning until after the adoption of Bill 100 on August 30, 1971. That a portion of said development plan went to a record plat and was approved August 15, 1972. That at no time has the developer in any way changed said general development plan as originally filed in 1970. Therefore, it is not necessary for the Appellees to be required to ask for a special exception or hearing on said general development plan as no changes have been made or contemplated to be made since the filing of said plan in 1970.

- 2 -

ROBERT J. ROMADKA
ATTORNEY AT LAW
EQUIL BUILDING
BALTIMORE, MARYLAND
7/23/73
4:25 PM

Therefore, the Appellees ask that this petition be dismissed since the Appellant has failed to show that no section under Bill 100 has been violated by the Appellees.

Respectfully submitted,

Robert J. Romadka
Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
ATTORNEY FOR APPELLEES

I HEREBY CERTIFY this 23rd day of July, 1973, that a copy of the foregoing Memorandum was mailed to James E. Crawford, Esq., 400 Equitable Building, Baltimore, Maryland 21202, Attorney for Appellant, Westchester Improvement Assn., Inc.

Robert J. Romadka
Robert J. Romadka

- 3 -

ROBERT J. ROMADKA
ATTORNEY AT LAW
EQUIL BUILDING
BALTIMORE, MARYLAND

#72-151-SPH
IN THE MATTER OF
THE PETITION OF
THE WESTCHESTER IMPROVEMENT
ASSOCIATION, INC.
Re: Hearing pursuant to Bill
#100- 1801.3, Subsection A7a
thru d, and Sections 502 and
504
(development plan)
1st Election District

LAW MEMORANDUM

1. Was it the intention of the County Council through the passage of Bill 100 to allow a developer once he has begun developing a community containing individual dwelling homes prior to the enactment of Bill 100 to divert from that plan and include apartments in the community plan?

Prior to the enactment of Bill 100 by the County Council the subject land was zoned DR5.5, which restricted usage to individual dwelling homes.

If this developer at that time sought higher usage of said land even though he maintained the same density, he would have had to file for a special exception with the zoning commissioner of Baltimore County.

These restrictions were obviously in existence for the protection of residents both present and prospective, as the County could retain control in the development and planning of residential communities.

The rationale employed in the special exception procedure was that if a developer filed plans with the County and had them approved through various County departments, then underook to build pursuant to said plan, a development of

AUTHORITIES RELIED UPON

1. Section 1801.3
2. Sections 51-8
3. Section 7a 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
4. Section 502
5. Section 504
6. Bill 100

Respectfully submitted,

James E. Crawford
JAMES E. CRAWFORD
400 Equitable Building
Baltimore, Maryland 21202
Attorney for Plaintiffs

individual dwelling homes would have a right to register a complaint if said builder sought to change said plans.

Appellants assert that it was the intention of the County Council through the enactment of Bill 100 to preserve these rights of residents and prospective purchasers (Section 1801.3, Sections 51-8, also Section 7a 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

The Appellants assert that the aforesaid Sections clearly indicate that the County Council intended to preserve the special exception procedure.

That in the instant case, the Appellees have failed to meet their burden of proof under special exception procedure (Section 502).

That no evidence has been offered by the Appellees to justify the Board in sustaining such special exception.

That the Appellees have not offered any expert testimony to justify said requested change nor have they presented any evidence to allow this Board a basis for said change.

2. Does the filing of a General Development plan which was approved by all County agencies prohibit a developer after he has sought property based on the said plan and displayed said plan to said purchasers prior to sale from diverting from said plan even though the entire development plan was not reduced to record plat prior to the enactment of Bill 100 (Section 1801.3, Sections 1-8, also Section 7a 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100).

In the stipulations submitted to this Board (Page 2, paragraph 1) Appellees admit that a general development plan for the entire community of Westchester had been previously submitted to the County and its departments for approval.

That said general development plan was approved by all the

County departments required and several portions of said plan were allowed to go to record plat.

Appellees argue that because the entire development plan herein mentioned was not filed in the form of record plats prior to the enactment of Bill 100 that this now allows said developer to change said general development plan and build apartments.

Appellants strongly rely upon Section 1801.3 cites supra which states to the contrary.

The evidence before this Board shows individual property owners of Westchester Community purchasing said dwellings in said community based upon a general development plan of the entire community prior to the developer filing an amended plan including apartments under Bill 100.

That said purchasers and present owners relied on said general development plan and purchased their dwellings based on said plan.

The mere fact that portions of the general development plan was not reduced to recorded record plats does not prohibit said purchasers and owners from protesting a change since they purchased on a general development plan displayed to them by the developer which was filed and approved by all necessary Baltimore County agencies.

The Appellants assert that if said developer requests such a change he must meet the provided for him in Section 502 for a special exception under Bill 100.

3. If a developer files a final development plan prior to the effective date of Bill 100 (September 1970) and subsequent to said effective date continues to follow said plan

by reducing portions thereof to record plat, does this prohibit said developer from altering said development plan without adhering to a special exception procedure enumerated in Section 502 of Bill 100.

Appellees admit pursuant to the stipulations submitted to this board that portions of the general development plan submitted to the County and approved prior to Bill 100 was in portion reduced to recorded record plats and developed subsequent to the effective date of Bill 100.

Appellants assert that developer falls within Section 7.B of Bill 100 thereby making it necessary to effect any change in the use of the subject land to a special exception procedure in that said change does effect a lot structure or use within 300 feet from a lot or structure which was sold since the original plan was filed (Section 7.A)

Evidence demonstrated that there were properties sold within 300 feet of proposed change thereby subjecting developer to said section.

Respectfully submitted,

James E. Crawford
JAMES E. CRAWFORD
400 Equitable Building
Baltimore, Maryland 21202
Attorney for Plaintiffs

JUN 24 1975

TO: Sediment Control Inspectors
Building Inspectors
Mr. Fowler, Planning
Mr. Dyer, Zoning
Mr. Sener, Engineering
Mr. Fletcher, Health Department
Mr. Reed and Mr. Saboth, Plans Review
Mr. George, Solicitor's Office
Mr. Morton Klammer

April 12, 1972

In the recent past, the Buildings Engineer did see fit to place a hold on the issuance of all permits to the Stefanowicz Company because either at the request of other county agencies involved or because of an inability of the Office of the Buildings Engineer to gain code compliance and or corrections to outstanding complaints. This hold on the issuance of permits is still in effect.

However, we are planning to release this hold on permits with the understanding that all of the outstanding and current complaints or cases maintained by the Office of the Buildings Engineer will be complete within 30 days of the date of release of new building permits.

Attached for your convenience is a list of those complaints which the Buildings Engineer is processing. Only with approval from your agency will we release the permits which we are now holding. We request your prompt reply to either allow release or to continue to hold with your reason for that continuance.

Attached for your review is also the letter of release to the Stefanowicz Company.

George J. Mueller
Buildings Engineer

GJM:ec

Baltimore County, Maryland
OFFICE OF THE BUILDINGS ENGINEER
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BERNARD J. DITZ
DIRECTOR

ROBERT J. ROMADKA
DEPUTY DIRECTOR

Stefanowicz Corporation
10854 York Road
Cockeysville, Maryland 21030

Attn: Mr. Walter Stefanowicz

Dear Sir:

We will this date, with the approval of the county agencies involved, lift the hold on the issuance of building permits to your organization.

Attached is a list of the outstanding complaints now being processed by county departments, complaints which were lodged against the Stefanowicz Corporation. Except for causes beyond your control, we will expect every one of these outstanding complaints or violations to be corrected and the cases closed within 30 days of this release, or we must advise you that we will stop all work throughout the county which the company has in progress with its future permits to be issued and no approval for occupancies to be granted.

Very truly yours,

George J. Mueller
Deputy Director & Buildings Engineer

GJM:ec

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Morton Klammer
FROM: George J. Mueller
SUBJECT: Complaints Against Stefanowicz
Date: April 12, 1972

The following is a list of current and outstanding complaints against the Stefanowicz Company from the files of the Buildings Engineer's Office.

1. B-70-314-11 Fed Fox Farms Drainage 5-10-70
2. B-71-225-1 Bathurst Road Drainage 5-21-71
3. B-71-479-3 101 Tragerons Rd. Code Violations 9-10-71
4. B-71-561-8 107 Padonia Rd. Code Violations 9-28-71
5. B-71-590-8 44 Norwick Circle Drainage 10-8-71
6. B-71-591-8 110 Padonia Road Code Violations 10-8-71
7. B-71-687-8 105 Padonia Rd. Drainage and Code Violations 11-1-71
8. B-71-749-8 113 Meadow Court Code Violations 12-16-71
9. B-72-178-8 107 Padonia Road Drainage and Code Violations 4-4-72
10. B-71-662-8 109 Padonia Rd. Code Violations 11-2-71
11. B-71-605-8 42 Norwick Circle
12. B-72-218-8 114 E. Padonia Rd. Incomplete House & Grading 4-11-72

George J. Mueller

GJM:ec

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Morton Klammer
FROM: Oliver L. Myers
SUBJECT: Stefanowicz Corporation
Case No. 72-151-SPH
Date: April 17, 1972

A request for a hearing by the Westchester Improvement Association was submitted to this office on the proposed development plan for Walter Stefanowicz in the subdivision of Westchester. Mr. DiNenna felt that our office could not conduct such a hearing because it was not consistent with the intent of the Zoning Regulations. This decision was subsequently appealed to the Board of Appeals, who remanded it to the Zoning Commission for a hearing on the factual issues involved. We are in the process of scheduling such a hearing.

If you have any further questions, please do not hesitate to contact me.

Oliver L. Myers
Acting Zoning Supervisor

OLM:JD

BEGINNING at the southwest corner of Bathurst Road and Westchester Avenue and thence running the twenty (20) following courses and distances: 1.) by a curve to the left with the radius of 395.15', the length of 100.85', and the chord of N 78° 31' 08" W 100.57'; 2.) S 16° 00' 23" W 78.59'; 3.) S 30° 59' 51" W 61.43'; 4.) N 71° 12' 28" W 18.60'; 5.) N 88° 46' 02" W 52.99'; 6.) by a curve to the left with the radius of 289.15', the length of 231.11, and the chord of N 47° 53' 47.5" W 225.01'; 7.) S 22° 32' 36" W 73.02'; 8.) S 11° 38' 29" W 201.09'; 9.) N 78° 21' 31" W 150.00'; 10.) N 11° 38' 29" E 66.43'; 11.) N 78° 22' 56" W 602.04'; 12.) N 3° 20' 47" E 536.90'; 13.) N 17° 04' 00" E 620.12'; 14.) N 89° 11' 09" E 497.64'; 15.) S 22° 22' 31" E 20.95'; 16.) N 81° 34' 29" E 557.50'; 17.) N 19° 16' 29" E 630.25'; 18.) S 61° 14' 30" E 139.88'; 19.) S 18° 47' 32" W 1388.25'; and 20.) N 71° 12' 28" W 151.08' to the place of beginning.

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21202

August 4, 1972

MURDOCK 6-8274

Hon. S. Eric DiNenna
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Walter S. Stefanowicz & Sons, Inc. - 72-151-SPH

Dear Mr. DiNenna:

As you have requested, I am enclosing herewith photostat copies of Contract of Sale, Memorandum of Settlement, and letter from Donald E. Grempier Realty, Inc. These papers were introduced as Respondent's exhibits pertaining to the hearing you had heard on the Petition of Westchester Improvement Association, Inc. on Tuesday, August 1, 1972.

Very truly yours,

Robert J. Romadka

RJR/dsl
Enc.



November 30, 1972

Robert Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Hearing
Beginning 1,009'N of Rockwell
Avenue, on Westchester Avenue
1st District
Westchester Improvement
Association - Petitioner
NO. 72-151-SPH

Dear Mr. Romadka:

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

Very truly yours,

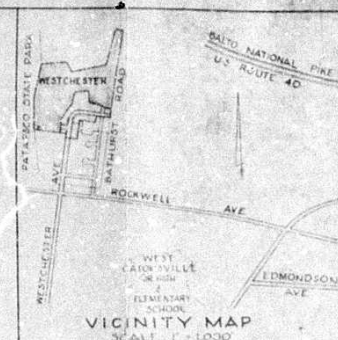
S. ERIC DINENNA
Zoning Commissioner

SED:vic
Attachments
cc: Patrick G. Cullen, Esquire
504 Maryland Trust Building
Calvert & Redwood Streets
Baltimore, Maryland 21202

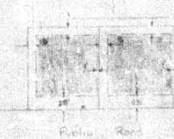
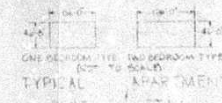
James E. Crawford, Esquire
400 Equitable Building
Calvert & Fayette Streets
Baltimore, Maryland 21202

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 1
Posted for: Romadka
Petitioner: Westchester Improvement Association
Location of property: 1009'N of Rockwell Avenue, on Westchester Avenue
Location of signs: 1009'N of Rockwell Avenue, on Westchester Avenue
Remarks:
Posted by: S. Eric DiNenna
Signature: S. Eric DiNenna
Date of return: 12/1/72



GENERAL NOTES



TYPICAL 100% RETANK RESTRICTIONS
EAST OF A WINDOW WITH WINDOW IN FRONT
AND REAR AND A WINDOW ON ONE SIDE ONLY
REAR WINDOW IN FRONT A WINDOW ON ONE
ADJACENT LT.

PLATS TWO & THREE
SECTION TWO
WESTCHESTER

BALTO CO, MD. ELECT DIST 9
SCALE 1"=100' MAY 28, 1971

OF WILLIAM STEPHENSON
AN ASSOCIATING
UNION

2003 ALL-STATE SURVEY
1998-2002
OWNERS

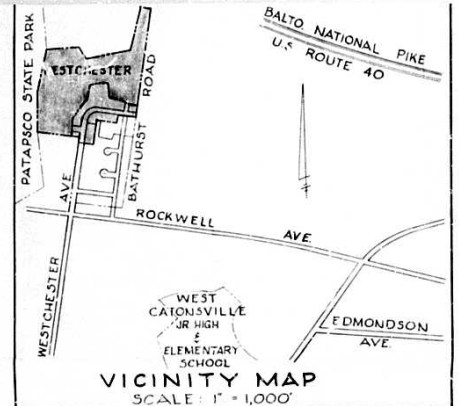
ER S STEFANOWICZ & SONS, I
10854 YORK ROAD
GROHENTHAL, MARYLAND 2073

RECEIVED

95 Goodwin 9/24/2

[Handwritten signature]

PATAPSCO STATE PARK
EX ZONING DR 35



REG. PARKS WILL ACCEPT ALL LOS
ENCLOSED IN RED. REMINDER
OF LOS NOT SO DESIGNATED WILL
BE THE RESPONSIBILITY OF THE
DEVELOPER

DEPARTMENT OF RECREATION & PARKS
Tentatively approved for local open space
AREA & LOCATION INDEX
Date: 8-30-71
Sub-DIRECTOR: J. J. [Signature]

BALTIMORE COUNTY FIRE DEPARTMENT
This Preliminary Plan is Tentatively Approved
ONLY for location, width and turning radii of
"private" streets, roads, drives, alleys and
air-lar means of ingress. This approval will
be VOID if any buildings are shifted or any of
the means of ingress are altered without prior
notice to the Fire Department for additional
approval.

TABULATION

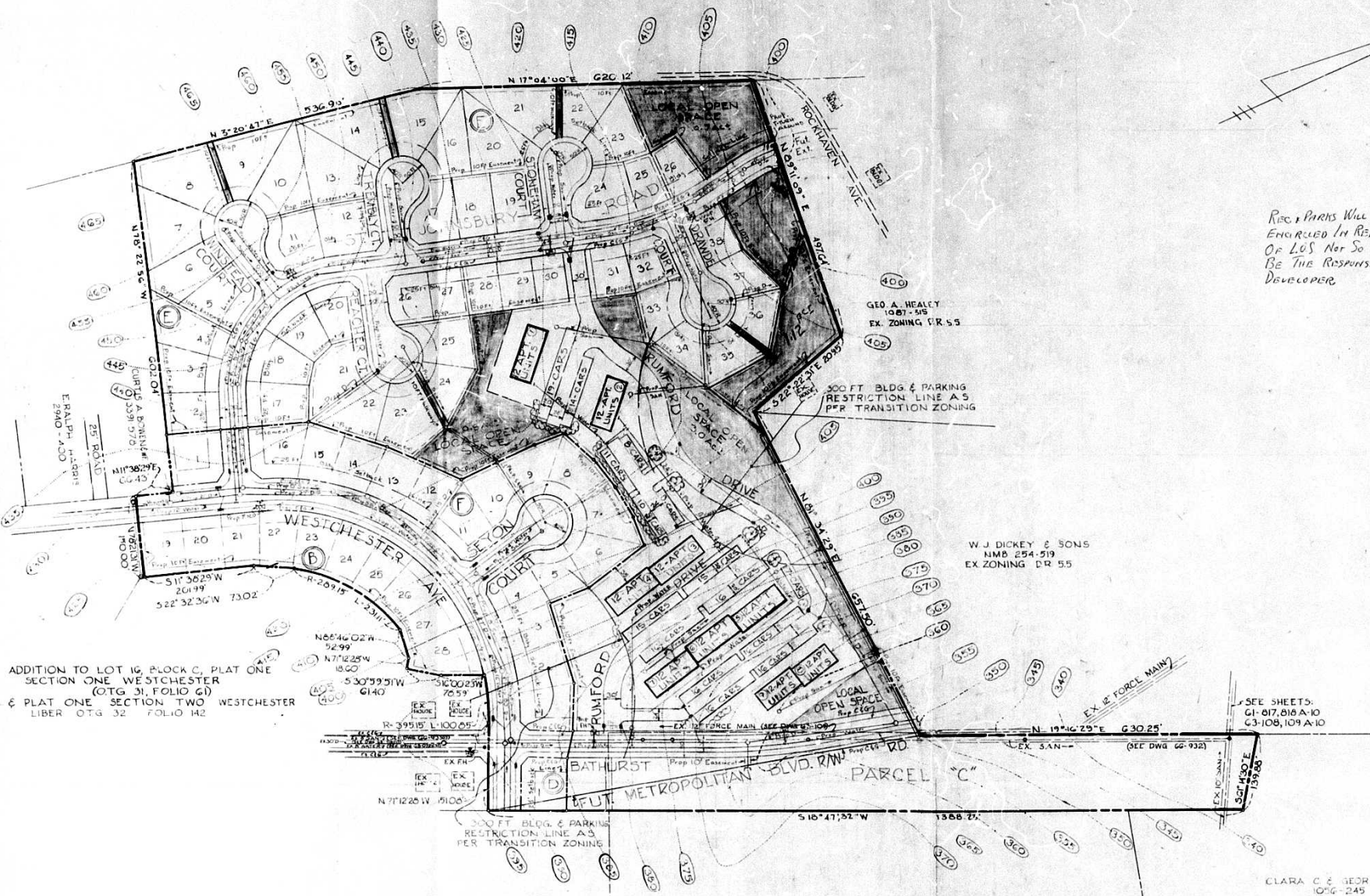
GROSS AREA	33.61 Acs
PERMITTED DENSITY (DR 55 ZONING)	155
TOTAL NO. UNITS ALLOWED	103
TOTAL NO. UNITS PROPOSED	103
TOTAL NO. UNITS (LOTS) PROPOSED	75
TOTAL NO. UNITS (APTS) PROPOSED	108
TOTAL NO. PARKING SPACES PROPOSED	377
EX. ZONING DR-55	
LOCAL OPEN SPACE REQUIRED (6% of 33.61) 202 Acs	
LOCAL OPEN SPACE SHOWN	45 Acs

Baltimore County Department of Health
Reviewed for tentative approval
Date: _____
Approved: _____
Disapproved: _____
Violation: _____
The approval of this plat is predicated
on the availability of public water
and sewers prior to construction of human

DEPUTY STATE & COUNTY
HEALTH OFFICER
[Signature] 8/30/71

Baltimore County
JOINT SUBDIVISION PLANNING COMMITTEE
OF THE OFFICE OF PLANNING AND DEPT. OF PUB. WORKS
Tentatively Reviewed (Date): 8-25-71
Chairman: [Signature]
Member: [Signature]
BALTIMORE COUNTY OFFICE OF PLANNING
Tentatively Approved (Date): 8-25-71
Director: [Signature]
DEPT. OF PUBLIC WORKS
Tentatively Approved for Street Alignment and
Location Only
Location & Size of Water, Sewer & Storm Drain
Facilities, including "flow" plans, subject
to approval of Construction Division.
(Date): 8/25/71
Chief, Bureau of Eng. [Signature]

PRELIMINARY PLAN
PLATS TWO & THREE
SECTION TWO
WESTCHESTER
BALTO CO, MD. ELECT DIST #1
SCALE: 1" = 100' MAY 26, 1971
GEORGE WILLIAM STEPHENSON, JR. REVISED 8-9-71
AND ASSOCIATES, INC.
ENGINEERS
300 ALLEGHENY AVE.
TOWSON, MARYLAND
OWNER
WALTER S. STEFANOWICZ & SONS, INC.
10854 YORK ROAD
COCKEYSVILLE, MARYLAND 21030



ADDITION TO LOT 16, BLOCK C, PLAT ONE
SECTION ONE WESTCHESTER
(OTG 31, FOLIO 61)
& PLAT ONE SECTION TWO WESTCHESTER
LIBER OTG 32 FOLIO 142

JAMES E SPICER
2027-224
EX ZONING DR 55

GEORGE F BRAGG SCHOOL
1947-98
EX ZONING DR 55

W J DICKEY & SONS
NMB 254-519
EX ZONING DR 55

SEE SHEETS:
G1-817,818 A-10
G3-108,109 A-10

Charles E. Fick
REG. NO. 5048
JUNE 1, 1971

