PETITION FOR ZONING RE-CLASSIFICATION AND/Oh SPECIAL EXCEPTION 72-213-1

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TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we...MARX E. Q'MARA....legal owner.. of the property situate in Baltimore unity and which is described in the describtion and with the control 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 ... D. R. 5, 5 (R-6) zone to an ...D. R. 16 (RA)zone; for the following easons:

In classifying the property D. R. 5, 5 (R-6) the Council committed errors as set out on the attached exhibit, which is incorporated by reference herein (as to the R. A. alternative classification request, numerous changes have totally altered the character of this neighborhood since the property was last erroneously classified R-6 by the County Council or the County Commissioners).

See attached description

Mary & O'Mara

MARY E. O'MARA Legal Owner

103 Sudbrook Lane

Baltimore County, Md. 21268

and (2) for a Special Exceptica, under the said Zoning Law and Zoning Regulations of Balubidee
County, to use the herein described property, for...office.and.professional office uses

Property is to be posted and advertised as prescribed by Zoning Regulations. Property is to be posted and advertised as prescribes by assume negative for the property is to be posted and advertising. ing, etc., upon filing of this petition, and further agree to and are to be bound by the zoning ons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

BARRY S/LEVER, D.D.S. Contract purchaser

7420 Prince George's Rd.

JAMES D. NOLAN

20th

..., 197 .2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughnote County, that property be posted, and that the public hearing oe had before the Zoning ner of Baltimore County in Room 106, County Office Building in Towson, Baltimo _day of March

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE

JUBJECT TRACT D.R. 5.5

The Petilioners state that the County Council committed at least the following errors in classifying the subject parcel D.R.5.5:

- 1. The parcel is presently improved by a large, old home which, because of changes in the area, is no longer suitable for use as a residence, and it was error for the Council to seek to continue the resident al status of this property and nearby properties, since such residential use is not in character with the developing professional, office and commercial uses which have sprung up in the area in recent years.
- 2. The property cannot be economically or practically used for residential purposes any longer, and the Council ought to have considered this, and, at the very least, the Council should have placed this and other area parcels in a D.R.16 zone permitting as to the subject tract either garden apartments, or more appropriately, with a special exception as requested merein, permitting professional office use of this outmoded home.
- 3. That the area utilities are completely adequate for apartment use or for professional office use with the special exceptic as requested, and it was error for the Council to fail to recognize
- 4. That the subject tract and surrounding properties can only deteriorate, devalue and debase the neighborhood if rented as interim uses for residential purposes; whereas as D.F.16 with special exceptions for office and professional uses, the subject tract and area will both be upgraded, and it was and is error for the Council to have failed to so act to stabilize the area.

5. That the Council's error in placing this subject tract in a D.R.5.5 zone 's readily understood when viewed against the background under which the Council labored during 1970-1971; including, but not only, a hostile press, an emotional and misinformed public, improper pressures, including even physical threats, from every quarter, not to mention the magnitude of the task versus the time and resources available to the Council.

- 6. That the Council, in addition to its other handicaps, did not have the benefit of an adequate, adopted Master Plan as required by Section 22.12 et. seq. of the Baltimore County Code (1968 Edition); and, thus, the Council was like a ship without a rudder trying to navigate in a typhocn.
- 7. That the Council hearing of March 24, 1971, was not a proper, legally conducted legislative hearing, and this subject property and many other properties were not adequately or properly considered at that meeting, constituting further error by the Council.
- R. For such other and further reasons as may be disclosed upon minute study throughout this case, and further error by the Council is hereby assigned and will be noted when and as found.

Respectfully submitted,

James O. Nolan Attorney for Property Owner

MCA DOD

DESCRIPTION

0. 325 ACE FARCEL, SOUTHEAST SIDE OF SUDBROOK LANE, 644 FEET SOUTHWEST OF REISTERSTOWN ROAD,

This Description is for Special Exception for Office Use

Beginning for the same at a point on the southeast side of Sudbrook Lane, 60 feet wide, at the distance of 644 feet southwesterly from the southwest corner of Sudbrook Lane and Reisterstown Road, said point also being at the beginning of the land described in the deed from The Realty Company to William F. O'Mara and wife and recorded among the Land Records of Baltimore County in Liber R.J.S. 1367 page 98, running thence binding on the southeast side of said Sudbrook Lane. (1) S 61° 381 W 66 feet to the northeast outline of the land conveyed to Frank W. Plogman and wife as recorded among said Land Records in Liber R.R.G. 4106 page 594, thence binding on said northeast outline, (2) S 28° 10' E 214.94 feet to a point on the third line of said land conveyed to William F. O'Mara and wife, thence binding on a part of the third line and on the fourth line thereof, two courses: (3) N 61° 35' E 66 feet, more or less, and '4) N 28° 10' W 214.83 feet to the place of beginning.

Containing 0. 325 of an acre of land.

RWB:mpl

J. O. #71143

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

Mr. George E. Gavrelis, Director Office of Planning & Zoning Room 301, Jei'erson Building Towson, Maryland 21204

MEMBERS

BUREAU OF ENGINEERING

TRANTIC ENGINEERD

PROTECT PLANNING BOARD OF EDUCATION

INDUSTRIAL DEVELOPMENT

STATE BOARD OF BUREAU OF FIRE PREVENTION RE: Property Owner: Mary E. O'Mara Location: S/E/S Sudbrook Lane, 644' S/W of Reisterstown Ed. Present Zoning: D.R. 5.5 Proposed Zoning: Reclass, to D.R. 16 and Spec. Ex. for offices and Spec. Ex. for offices
3rd District Sector: Northwestern
No. Acres: 0.325
Item No. 43

November 8, 1971

The following comments were compiled after a field investigation and in in-affice review which will provide the Planning Board and/or the petition with pertinent information of possible development problems.

The subject site is located on the south side of Sudbrook Lane, just west of Resistentown Road. It is currently improved with a two-story frame dwelling and lies adjacent to similar type dwellings on either side. The property to the north is improved with an elementary school.

The plat as submitted does not indicate all adjacent buildings on either side of the subject site. In all other respects it does appear to meet the Zoning Commissionar's rules of procedure.

Very truly yours,

Olive I. Myse OLIVER L. MYERS, Chairman

JJDJr .:msl

BALT ORE COUNTY, MARYLA >

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiMenna

Date October 33, 1971

FROM Ellsworth M. Diver, E.E.

SUBJECT Item #13 (Cycle October 1971 - April 1972) Property Coner: Mary M. O'Mara Losation: \$258 Subrook Lene, \$ML: 5/N of Reistoratown Rd. Prosent Zoning: D.N. 5.5 Proposed Zoning: Reclass. to D.R. 16 and Spec. Ex. for offices Matrict: 3rd Sector: Northwestern No. Aeres: 0.255

The following comments are furnished in regard to the plat submitted to this office for review by the Zoniag Advisory Committee in connection with the subject item.

Suabrook Lane, an existing County road, 's proposed to be improved as a SO-foot classed-type realmay cross-sentil. Athin a 70-foot right-of-way sightsy improvements, including any nonceasary Mishway right-of-way widening and revertible alone assessmin will be required in connection wil. any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

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

Storm Drains:

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

The Petitioner must provide necessary drainage facilities (Lemovary or permanent) to prevent arcaiding any missiones or desagas to adjacent proporties, openedally by the demonstration of surface waters. Correction of any problem which say wrall, due to improor grading or improor as any problem which say wrall, due to improor grading or improor the petitions of any problem of the proportion of the proporti

Property Owner: Fage 2 Stober 28, 1971

Water and Senitary Sewer:

Poth public water supply and similary sewerage are available and serving this property.

Franks. Diver

END. FIM. P.D. et

P-SE Key Jheet 28 NW 21 Position Sheet NW 7 F Topo 78 Tax Map

BAL. MORE COUNTY, MARYLA. .. DEPARTMENT OF TRAFFIC ENGINEES
.EFFERSON BUILDING
TOWSON, MARYLAND 21204
NTER-OXFICE CORRESPONDE

C. Richard Hoore

Novembar 4, 1971

SUBJECT: Item 43 - Cycle Zoning II Property Owner: Mary F. O'Mara Sudbrook Lane SW of Reisterstown Road Reclass. to DR 15 & spec. exception for offices

Due to the size of the subject site, no major increase in trip y is expected.

CRM:nr

DEC 27 1972

BEFORE THE ZONING COMMISSIONER

OF

BALTIMORE COUNTY

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AMENDED ORDER

It is hereby CRDERED by the Zoning Commissioner of Baltimore County, this 10 day of November, 1972, that the Order, dated October 19, 1972, passed in this matter, should be and the same is hereby AMENDED by deleting Sub-paragraph 1, on Page 3 thereof, and substituting therefor this amended Subparagraph 1, to read as follows:

> The present structure be used for of-fices in that said structure can only rices in that said structure can only be expanded by the construction of an addition on the rear portion of the existing structure.

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION SE/S of Sudbrook Lane, 644' SW of Reisterstown Road - 3rd District Mary E. O'Mara - Petitioner NO. 72-213-RX (Item No. 43)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioner requests a Reclassification from a D. R. 5. 5 Zore to a D. R. 16 Zone, with an additional request for a Special Exception for professional office use, for a parcel of property located on the southeast side of Sudbrook Lane, six hundred and forty-four (644) feet southwest of Reisterstown Road in the Third District of Baltimore County, containing 0. 325 acres of land,

Evidence on behalf of the Petitioner indicated that the subject property is improved with a structure which is approximately fifty (50) years old and has been used in the past as a home

Dr. Barry Lever, a dentist and the contract-purchaser, intends to use the property for his own dental and professional offices with three (3) other professionals occupying the building. It was further test fied to that the approxi mate hours of operation would be between 8 A. M. and 5 P. M. The subject coperty would be able to provide fourteen (14) spaces for parking purposes.

It was further indicated that directly across Sudbrook Lane is a Targe tract of D. R. 16 zoning and also a cemetery. Sudbrook Lane presently is nately twenty-four (24) feet wide without any paving or gutter. Grading proposed for a seventy (70) foot right-of-way with a fifty (50) foot paying. but there are no monies appropriated in the Baltimore County Budget for this

Mr. Hugh Gelston, real estate broker and appraiser, indicated in his testimony that there are several houses across Sudbrook Lane that have been converted to offices. He also stated that the subject property would be detrimental as a residence because of the comptery located directly across the street. He feels that the Paltimore County Council was in error, at the time

of the adoption of the Comprehensive Zoning Map, on March 24, 1971, in classifying this property a D. R. 7 5 Zone, and that D. R. 16 zoning should have been granted to all those properties along Sudbrook Lane from the subject property to the commercial area on Reisterstown Road

Several residents of the area in protest of the subject Petition testi inadvertently supported the Petitioner's request although in protest, indicated that she had looked at the subject property for purposes of buying same but did not buy it because of the office uses across Sudbrook Lane from the subject

Without reviewing the evidence further in detail but based on all the vidence presented at the hearing, in the judgment of the Zoning Commissione or Baltimore County, the Comprehensive Zoning Map, as adopted, was in error in placing a D, P, 5, 5 Zone on the subject property.

Under Item No. 43 of the Baltimore County Planning Board recomreendations to the Zoning Commissioner, it is stated that "since D. R. 5. 5 zone land contained single family homes abuts both sides and the rear of this property, any consideration given to D. R. 16 noning here ought to be done compre hensively and reclude at least the properties located on either side." It is to the Zoning Commissioner that the Baltimore County Planning Board south side of Sudbrook fane (hould be zoned D. R. 16 from the subject property and including same to Reisterstown Road. In the judgment of the Zoning Commissioner, denying the right to have a D. R. 16 Zone with a Special Exception For offices at this time, would be confiscatory in nature and the Petitioner should not be compelled to wait a matter of four () to five (5) years for the next adoption of the Comprehensive Zoning Map. Secondly, there is much D. R. 16 zoning in the general area and directly across the street, several of

the houses have been converted to offices, and through the testimony of the otesting witness that she would not buy the subject property due to the offices being across the street, it is obvious that the subject property can no longer be used for residential purposes, but ideally for office use. The burden of proving error on the Comprehensive Zoning Map is born by the Petitioner and, in the Zoning Commissioner's judgment, this has been met. Therefore, the Reclassi fication should be had. Furthermore, the prerequisites of Section 502.1 of th Baltimore County Zoning Regulations, having been met, the Special Exception for offices should be granted.

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Therefore, IT iS ORDERED by the Zoning Commissioner of 15 day of October, 1972, that the herein described property should be and the same is hereby reclassified from D. R. S. Zone to a D. P., 16 Zone and a Special Exception for professional officer should e and the same is hereby GRANTED, subject to

- 1. The present structure be used for the offices and that said structure can only be expanded twenty-five (25) per cent of its' first floor square footage.
- 2. A minimum of twelve (12) parking spaces being pro-
- Screening around the parking area in accordance with the Baltimore County Zoning Regulations from adjoining residential properties.
- 4. The hours of operation of said property shall no longer than between 8 A. M. and 6 P. M.
- A site plan being approved by the Bureau of Public Services and the Office of Planning and Zoning.

Zoning Com

TO: S. Eric DiNenna, Zoning Commissioner

W. 1 JII VI 1L

DATE: October 27, 1971

FOR

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OROE 34.TE

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ITEM #3

The hydrants shall be located at intervals of feet along

() 3. The dead-end condition shown at exceeds the maximum allowed by the Fire Department.

- () h. The site shall be made to comply with all applicable requirements of the National Pire Protection Association Standard No. 101, "The Life Safety Code ", 1967 Edition, and the Pire Prevention Code prior to occupancy or commencement of operation
- (X) 6. The Fire Department has no comment on the proposed site.

Above comments indicated with a check apply.

FROM: Fire Prevention Bureau Fire Department

SUBJECT: Property Owner: Hary E. O'Mare

S/R/S Sudbrook Lane, 6lul' S/W of Reisterstown Rd.

zoning Agenda: Cycle for October '71

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

() 2- A second means of access is required for the site.

() 5. The owner shell comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

(%) 6. The Fire Department has no comment on the proposed site.

-

zoning Agend.: Cycle for October '71

DATE: October 27, 1971

Note: Above comments indicated with a check apply.

S. Eric DiNenna, Zoning Commissioner

s/R/S Sudbrook Lane, 6hh' 5/1 of Reisterstown Rd.

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

exceeds the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable requirements of the National Fire Protection Association Standard "0.101, " The Life Safety Code ", 1967 Edition, and the Fire Prevention Code prior to occupancy or commencement of operations.

() 5. The owner shall couply with all applicable requirements of the National Fire Protection Association Standard No. 101, " The Life Safety Code ", 1507 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

() 2. A second means of access is required for the site.

The hydrants shall be located at intervals of ____feet along

SUBJECT: Property Comer: Mary E. O'Hare

() 5. The dead-end condition shown at ___

FROM: Fire Prevention Bureau

LOCATION:

ITEM #13

BALT. ORE COUNTY, MARYLA...

INTER-OFFICE CORRESPONDENCE

TO br. Oliver Myers Hoyt V. Bonner

SUBJECT. Item 41 - Zoning Advisory Committee Meeting, October 22, 1971

43. Property Owner: Mary E. O'Naro.
Location: S/E/S Sudbrook Lane, 664'
S/N of Refaterations Foad
Present Zoning: D.K. 5.5
Proposed Zoning: Reclase, to D.R. 16
and Spec. Ex. for offices
District: 3
Sector: Northwestern
No. Acresi: 0.325

Metropolitan water and sewer are available to the site.

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

Hayt U. Barrer Sanitarian II Water and Sewer Section BURELU OF ENVIRONMENT HEA

Date October 27, 1971

HVB/klr

FROM

Incation: 1/Els Subanece Line, 444' slu or Rest Bo

ZONING ADVISORY CONSTITUTE MESTING

Present Zoning: Da 5.5 Proposed Zoning: Date with S.E. (OFFICES)

No. of Acres: 0.335

Comments: ACREAGE TO SMALL TO HAVE AN EFFECT ON STUDENT POPULATION

DATE 37

FOR FILING

BALTIMORE COUNTY BOAT EDUCATION

Patitionar: MICY E. O'MICI

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OF PERSON OF COT 71 - APRIL 72

February 15, 1972

James D. Nelon, Esq. 204 West Pennsylvania Avenua Towson, Maryland 21204

Re: Type of Hearing: Reclass, to D.R. 16 and Sp. Ex. for offices Lecation: SE/S Subbrook Lane, 644' S/W of Relateratown Rd. Relitioner: Mary E. O'Mara 3rd District

Dans Cir.

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

The subject site is located on the south side of Sudareok Lone, just west of Relaterstown Road. It is currently improved with a two-story frame dwelling and lites adjecent to similar type dwellings on eliner side. The property to the north is improved with an elementary school.

BUREAU OF ENGINEERING:

The following comments are familised in regard to the plot submitted to this office for review by the Zaning Advisory Committee in connection will the subject irom.

Highway

Sudvicek Lene, on existing County road, in proposed to be toproved as a 50-foot cloud-type resolvey cross-section within a 70-foot sight-of-way. Highway improvements, including one course highway light-of-way withining and revertible stope occurrent with the resoluted in connection with any grading or building parent options.

The entrance locations are subject to approved by the Department of Traffic Engineering and shall be constructed in accordance with Caltimore County Standards.

Sediment Controls

Development of this property through stripping, grading and stabilization could result in a socional polletten problem, domaying private and public helding: downstream of the property. A grading point is, therefore, necessary for all coulding, including the stripping of two citil.

RANDALLSTOWN, MD. 21133 Narch 6 - 1972
THIS IS TO CERTIFY, that the annexed advertisement of

S. Eric Dimenna Zoning Commissioner of Baltimore County

in Baltimore County, Maryland, cace a week for

was inserted in the .ssue of March 2, 1972.

was inserted at THE COMMUNITY TIMES, a weekly newspaper published

week before the 6 day of Narch 1972, that is to say, the same

STROMBERG PUBLICATIONS, Inc.

B, Ruck Morgan

James D. Nolon, Esq. Item 43 Page 2 February 15, 1972

Storm Drains:

Provisions for accommedating storm water or drainage have not been indicated on the submitted plan.

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 workers. Correction of any problem which may result, due to improper gaing or improper installation of darlings facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer

Both public water supply and sanitary sewerage are avilable and serving this property.

DEPT. OF TRAFFIC ENGINEERING:

Due to the size of the subject site, no major increase in trip density is expected.

FIRE PREVENTION BUREAU:

The Fire Department has no comment on the proposed site.

HEALTH DEPARTMENT:

Metropolitan water and sewer are avilable 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, Bultimore County Department of Health.

BOARD OF EDUCATION:

Acreage too small to have an effect on student population

ZONING ADMINISTRATION DIVISION:

The plat as submitted does not indicate all adjacent buildings on either side of the subject site in all other respects it does appear to meet the Zoning Commissioner's rule, of procedure.

This position is recepted for filing on the date of the enclosed filing certificate. Merice of the hearing date and time, which will be held not less than 30, not more than 90, days after the date on the filing certificate, will be forwarded to you in the near future.

CERTIFICATE OF PUBLICATION

Leank Shutan

Cost of Advertisement.

James D. Nolon, Esq. Item 43 Page 3 February 15, 1972

Olivert Hipe of.

Very truly yours,

OLIVER L. MYERS, Chairman

JJD:msh

Enc.

\$ 516NS 72-213- RX
CONTURCATE OF POSTIME 200000 DEPARTMENT OF BALTIMORE COUNTY Towns, Maryland
District. 3 RI District. 3 RI Posted for: DECLASSIFICATION & SPECIAL EXCEPTION
Politicon: NARA F. C. HARA Location of property: SE/S OF SUDERCOK LAWE GUILT SW. OF DELISTRESTOND ROAD.
Location of Sugar D. F. L. C.3. SULTBROCK, MAKE, CA FRANT LANCES.
Remarks: Posted by Collection 11. 11. 11. 11. 11. Date of return: 1 11. 11. 11. 11. 11. 11. 11. 11. 11.

1306

BALTIM DUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION ELLANEOUS CASH PECEIPT

> Heeser. Molan Plumbef and Williams 20k W. Penna. Ave. Townon, Mk. 2120h Petition for Replacification for Mary F. Other

DATE Nov. 19, 1971

Mater E. C'Mont.	
District St. Public	n, Boy Attenday results Arm., Toronto 2120
204 W. Resser	State Ass., Towns 2000

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONE

County Office Suilding 111 V. Cheespeake Avenue Texten, Haryland 21204

Your Patition has been received and accepted for filling

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Patitioners May S. O'Man

Potitioner's Attorney James D. Nalan

Reviewed by More of Marce of Advisory Committee

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PETITION MAPPING PROGRESS SHEET												
FUNCTION	- Wal	Мар				icate		cing	200			
Descriptions checked and outline plotted on map	8010	by	date	by	date	ьу	date	by	date	by		
Petition number added to outline		9								11		
Denied												
Granted by ZC, BA, CC, CA												
Reviewed by: BOI		_			d Pla		or desc	ripti	on			
Previous case:			N	No								

OFFICE O	ORE COUNTY, MARYLAND F FINANCE - REVENUE DIVISION LANEOUS CASH RECEIPT	1595			
DATE	March 20, 1972 Account 0	1-662			
	AMQUNT	\$127.00			
204 W	D. Nolam, Esq. . Penma. Ave. u, Hd. 31204	YELLOW - CUSTOME			
Adver	tising and posting of proper 13-RX 2845 0284 20	1 2 7.00m			



