

**PETITION FOR ZONING RECLASSIFICATION
AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, W. Taylor Cook & Anne Lee Bowen Cook, of the County of Baltimore and State of Maryland, 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 N.A. zone to an N.A. zone; for the following reasons:

(Not applicable)

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 community building, swimming pool, and/or other structural or land use devoted to civic, social, recreational and educational activities in a D. R. T. zone. 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.

ASSOCIATED JEWISH CHARITIES OF BALTIMORE
Contract purchaser
319 West Monument Street
Baltimore, Maryland 21201
Baltimore, Maryland 21208
President's Attorney
W. Taylor Cook
Anne Lee Bowen Cook
Owner
Address: Mount Wilson Lane
Baltimore, Maryland 21208

ORDERED BY The Zoning Commissioner of Baltimore County, this 23rd day of August, 1972. That the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of October, 1972, at 10:00 o'clock.

W. Taylor Cook
Zoning Commissioner of Baltimore County.

(over) MICROFILMED

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IN THE
COUNTY BOARD OF APPEALS
CASE NO. 73-81-X
W. TAYLOR COOK

MEMORANDUM OF LAW

FACTS

This is an appeal from the amended order of the Deputy Zoning Commissioner of Baltimore County, which denied the petition for a special exception for a community center previously filed in this proceeding "with prejudice", notwithstanding the fact that the matter was dismissed by the petitioners at the end of the hearings thereon, but before any ruling as to the merits had been made by the Deputy Zoning Commissioner. The property consists of approximately 85 acres of land north of Mount Wilson Lane bordering on Gwynns Falls and the Western Maryland Railroad right-of-way. The property runs between Mount Wilson Lane and McDonough Lane and consists of woodland and agricultural land on which is located the residence of Mr. and Mrs. W. Taylor Cook, the owners of the property. The property immediately to the east of the subject property is the site of the Her Israel Rabbinical College, while to the west of the property is the Mount Wilson Sanitarium. This tract, as is

all the surrounding property, is zoned DR-1.

In 1972, Mr. and Mrs. W. Taylor Cook entered into a contract for the sale of the property with the Associated Jewish Charities which contract was subject to the obtaining of a special exception for a community center. Under the terms of the contract, the AJC was responsible for undertaking to obtain this special exception. When, under the controlling time provisions in the contract, the special exception had not been obtained, it was determined by the AJC that the contract would be terminated, as provided by the contract, and, accordingly, the AJC dismissed the petition for the special exception. Although the attorneys for the AJC submitted an order of dismissal showing the dismissal to be "without prejudice", the Deputy Zoning Commissioner nevertheless issued his order in the form previously referred to.

Effective July 1, 1972, the Zoning Commissioner of Baltimore County adopted a new regulation relating to dismissals of zoning petitions which provided, inter alia, that any petition must be withdrawn 10 business days prior to any hearing if it was to be dismissed without prejudice, otherwise the case would be dismissed with prejudice and could not, thus, be resubmitted for a hearing for 18 months from the date of such order of dismissal.

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ARGUMENT

1. The Zoning Commissioner has no statutory power to adopt a regulation adversely affecting substantive rights of property holders, absent specific authority in the controlling zoning statute.

In view of the fact that Baltimore County Zoning Commissioner occupies an administrative function, and since the entire area of zoning is in derogation of the common law, it is submitted that a statute granting his power should be construed very narrowly indeed. The authority for passing such a zoning ordinance rests with the Baltimore County Council which has adopted such an ordinance. Section 500.5 of that ordinance recites that special exceptions and variances may be issued "subject to appropriate principles, standards, rules, and safeguards set forth in zoning regulations", while Section 500.7 states that the Commissioner shall have the power "to conduct hearings and pass orders as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations". Nowhere is the Zoning Commissioner given authority to enact regulations which would adversely affect substantive rights of property owners. Consequently, it is submitted that he had no authority whatsoever to adopt the regulation in question, which regulation was obviously relied upon by

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the Deputy Zoning Commissioner in dismissing the proceeding with prejudice.

2. Even if the Zoning Commissioner is found to have had the necessary power to adopt the regulation of July 1, 1972, the application of that regulation by the Deputy Zoning Commissioner constituted an abuse of administrative discretion under the facts of this case.

Reading the regulation adopted July 1, 1972, one notes that it commences with a purpose clause, and it is recited that the reason for the adoption of the regulation is "because of hardships upon participating parties by last minute withdrawal of zoning requests". The regulation continues to state that if a petition is withdrawn after 10 days before the hearing date, then the petition will be dismissed with prejudice, and the case may not be submitted for a hearing for 18 months. It is submitted that no hardship exists or has existed in this case, and it is also important to note that although the Baltimore County zoning ordinance has been in effect since 1945, that it was not until 32 years later that this policy was adopted. It is next noted that the amended order states that the matter was withdrawn and dismissed without taking into consideration the evidence adduced at the hearing. This being the case, it may only be concluded that the reason the petition was dismissed with prejudice was pursuant to the rule which, in turn, was based on "hardship". Absent

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the element of hardship, therefore, it is submitted that the action of the Deputy Zoning Commissioner was an abuse of discretion, in that the rights of the owner of the property were adversely affected for no reason at all.

It would appear that Mr. and Mrs. Cook's case falls within the ruling of Town of Somerset v. Montgomery County Board of Appeals, 285 Md. 52 (1966), where, at page 65 the Court of Appeals agreed that the application for a special exception was an adversary proceeding. The court stated at page 61 "where there is compliance with the substance of the requirements of statutes or rules and other parties have not been prejudiced, technical irregularities cannot be made the basis for depriving persons from an opportunity to assert their legal rights". In that particular case, the technical irregularity was the failure of the appellants to contend they were aggrieved persons. It is pointed out that there are no technical irregularities evident in the present appeal, thus there is even more reason to make sure that the legal rights of Mr. and Mrs. Cook should not be interfered with.

There is also a parallel under the Maryland Rules of Procedure, Rule 541, which relates to voluntary dismissal of an action. This provides, under sub-paragraph (b) that dismissal may be by court order upon such terms and conditions as the court deems proper, and under sub-

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paragraph (c), "unless otherwise specified in the notice of dismissal, stipulation, or order of court, a dismissal is without prejudice".

As a result of the ruling, the Cooks have never had a chance. They no longer have a sale of the property, and their rights have now been prejudiced to the extent that for 18 months they cannot file a petition for change of zoning. They are thus not in the position in which they started, but are instead, seriously prejudiced. It now appears as if the construction of the Northwest Expressway and the Rapid Transit System is going to have a significant impact on the Cooks' property which will constitute a change of such an enormous impact that the present zoning will no longer be applicable. Notwithstanding this fact, if the Deputy Zoning Commissioner's order of dismissal were to be sustained, Mr. and Mrs. Cook's hands would be tied and they would be unable to sell the property for other than single family residential until after the passage of 18 months, notwithstanding the fact that no one in the neighborhood would be adversely affected by a change of zoning.

Accordingly, it is respectfully requested that the County Board of Appeals amend the order of dismissal in this case to reflect that the dismissal shall be "without prejudice" and, by doing so, thus return Mr. and Mrs.

Cook to the position which they found themselves prior to their entry into a contract of sale with the Associated Jewish Charities.

Respectfully submitted,

W. E. Trimble, Jr.
Attorney for Appellants

WCTJ/rmh

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RE: PETITION FOR SPECIAL EXCEPTION
for Community Building, Swimming Pool
and other structures in D.R. 1 zone
S/S McDonogh Road 5000' SW of
Reisterstown Road
2nd District
W. Taylor Cook, et ux
Petitioners
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-81-X

OPINION

This appeal arises from an Amended Order of the Deputy Zoning Commissioner dated March 13, 1973 which dismissed the petition of Mr. and Mrs. W. Taylor Cook for a special exception for a community building and other structures on a part of his land located on the south side of McDonogh Road southwest of Reisterstown Road, in the 2nd Election District.

The merits of the petition are not at issue as the Petitioners requested the dismissal of same without prejudice. The sole question is whether or not the Deputy Zoning Commissioner's Order of Dismissal should have been with or without prejudice.

The Board requested memorandums of law from each side. One was filed on behalf of Mr. and Mrs. Cook; while due October 15, 1973, the other memorandum was never received.

The memorandum filed on behalf of the Petitioners summarizes the facts; same will not be further detailed. As to the law, the Board is inclined to agree with the argument No. 1 in said memorandum concerning the power of the Zoning Commissioner to promulgate the regulation of July 1, 1972 which dealt with the point of this case, but the Board does not feel that this issue is one to be decided by this Board. As to argument No. 2 in said memorandum, the Board also agrees with same. The Board will adopt the reasoning offered by the Petitioners' memorandum. Same is attached hereto. Please note particularly page 4 and following.

After considering and reflecting on the issue, it is the judgment of this Board that the actions of the Deputy Zoning Commissioner were arbitrary, and as such will be reversed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of January, 1974, by the County Board of Appeals ORDERED, that the Amended

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W. Taylor Cook, et ux - File No. 73-81-X

2.

Order of the Deputy Zoning Commissioner dated March 13, 1973 be and the same is hereby reversed, and the petition for Special Exception for Community Building, Swimming Pool, and other structures in a D.R. 1 zone be and the same is DISMISSED without prejudice.

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

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

Walter A. Miller, Jr., Acting Chairman

W. Giles Parker

Robert L. Gifford

MICROFILMED

RE: PETITION FOR SPECIAL EX-
CEPTION
S/S of McDonogh Road, 5000' SW
of Reisterstown Road - 2nd District
W. Taylor Cook - Petitioner
NO. 73-81-X (Item No. 26-A)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County this 13th day of March, 1973, that the Dismissal Order dated February 23, 1973, passed in this matter should be the same is hereby AMENDED to read as follows:

"The hearing regarding the property which is the subject of this Petition having been duly advertised and posted, the hearing having been held on October 16, 1972, with testimony having been given by both Petitioner and Protestants, the Petitioner-Contract Purchaser having requested that this Petition be withdrawn and dismissed without prejudice, however, pursuant to the rule regarding withdrawals of Petitions promulgated July 1, 1972, and, without considering the testimony given or evidence presented at the aforesaid hearing, it is the opinion of the Deputy Zoning Commissioner, that the Petition should be dismissed with prejudice.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 13th day of March, 1973, that the said Petition be and the same is hereby DISMISSED with prejudice."

James E. Hoff
Deputy Zoning Commissioner of
Baltimore County

MICROFILMED

RE: PETITION FOR SPECIAL EX-
CEPTION
S/S of McDonogh Road, 5000' SW
of Reisterstown Road - 2nd District
W. Taylor Cook - Petitioner
NO. 73-81-X (Item No. 26-A)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner and Contract Purchaser has requested that this Petition be withdrawn and dismissed without prejudice. However, since the property has been duly advertised and posted, and a hearing held on October 16, 1972, with testimony given by both Petitioner and Protestants, it is the opinion of the Deputy Zoning Commissioner that the Petition should be dismissed with prejudice.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of February, 1973, that the said Petition be and the same is hereby DISMISSED with prejudice.

James E. Hoff
Deputy Zoning Commissioner of
Baltimore County

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ORDER RECEIVED FOR FILING

DATE 1/13/74

BY [Signature]

ORDER RECEIVED FOR FILING

DATE 1/13/74

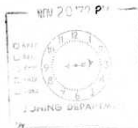
BY [Signature]

PETITION #73-81-X.
South side of McDonogh Road
(formerly Lyons Mill Road)
Petition for special exception
for community buildings,
swimming pool and/or other
structural or land use devoted
to civic, social, recreational
and educational activities.
W. TAYLOR COOK and
ANNE LEE BOWEN COOK
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

ORDER OF DISMISSAL WITHOUT PREJUDICE

Mr. Commissioner:
Please enter the above-entitled Petition "Dismissed Without Prejudice" on behalf of the Petitioners W. Taylor Cook and Anne Lee Bowen Cook and the Contract Purchaser Associated Jewish Charities of Baltimore.



James D. Nolan
Attorney for the Petitioners
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800
Wilbert H. Sizota
Wilbert H. Sizota

I HEREBY CERTIFY that on this 17th day of November, 1972, a copy of the foregoing Order of Dismissal Without Prejudice was mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204 and to Calhoun Bond, Esquire, Blaustein Building, Baltimore, Maryland 21201.

James D. Nolan
Attorney for the Petitioners

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-823-0900

Lester Matz
John C. Childs
Associates
Ronald W. Broyles
George W. B. Smith
Robert W. C. Smith
Edmund P. Haire
Norman P. Hermann
Paul Lee
Fred P. Sherman
William P. O'Brien
Paul B. Swenson

DESCRIPTION

84 ACRE PARCEL, SOUTH SIDE OF McDONOGH ROAD, EAST OF WESTERN
MARYLAND RAILWAY, WEST OF REISTERSTOWN ROAD, SECOND ELECTION
DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for Special Exception

Beginning for the same at a point on the south side of McDonogh Road (formerly Lyons Mill Road), as shown on State Roads Commission of Maryland Plat No. 3622, at the distance of 5000 feet, more or less, as measured westerly along the south side of said McDonogh Road from its intersection with the southwest side of Reisterstown Road, said beginning point being in the tenth or S 30° E 6-3/4 perch line of the first parcel of the land described in the deed to Walter Taylor Cook and wife, recorded among the Land Records of Baltimore County in Liber G. L. B. 2847, page 211, running thence binding on the center line of the twenty foot private road mentioned in said deed, and on a part of said tenth line, (1) S 30° E 39 feet, more or less, thence still binding on the center line of said road and on the outlines of said first parcel four courses: (2) S 46° 30' E 429 feet, (3) S 49° 30' E 264 feet, (4) S 47° 30' E 594 feet, and (5) S 58° 45' E 102.3 feet, thence binding on the fifteenth and sixteenth lines of said first parcel two courses: (6) S 52° 45' E 1757.25 feet, and (7) S 22° W 96.94 feet, thence in the center of Mount Wilson Road (referred to in said deed as road leading

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

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MATZ, CHILDS & ASSOCIATES, INC.

2.

to Mount Wilson) three courses: (8) S 70° W 173.25 feet, (9) S 31° W 178.5 feet, and (10) S 26° E 247.5 feet to the beginning of said first parcel, thence binding on a part of the first line thereof and still in the center of said Mount Wilson Road, (11) S 65° 30' W 947.45 feet, thence binding reversely on the third, second and first lines of the land conveyed to William F. Curfman by deed recorded among said Land Records in Liber W. P. C. 640, page 409, three courses: (12) N 41° W 200 feet, (13) S 65° 30' W 100 feet, and (14) S 41° E 200 feet, thence again binding on the center of said Mount Wilson Road, (15) S 65° 30' W 31 feet, more or less, to the end of said first line, thence still binding on the outlines of said first parcel, two courses: (16) N 41° W 200 feet, and (17) S 68° 55' W 139.55 feet, thence in the center of the Western Maryland Railway, as referred to in said first mentioned deed, (18) north-westerly 2400.75 feet, thence still binding on the outlines of said first parcel two courses: (19) N 04° W 217.25 feet, and (20) N 17° W 915.75 feet, thence reversely along the third line of the second parcel conveyed by said first mentioned deed, (21) northerly 40 feet, more or less, and thence binding on the aforementioned south side of McDonogh Road, (22) easterly, 380 feet, more or less, to the place of beginning.

Containing 84 acres of land, more or less.

HGW:impl

J. C. 7209

August 22, 1972

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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 13, 1972

James O. Nolan, Esq.,
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Special Exception Petition
Item 26A
W. Taylor Cook & Anne Lee Bowen Cook - Petitioners

Dear Mr. Nolan:

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 site is located on the north side of the Western Maryland Railroad between McDonough Road on the west and Mt. Wilson Lane on the east, in the 3rd District of Baltimore County. This 26.1 property which contains 74 acres is relatively level and is currently being farmed. The property is bounded on the south by the Western Maryland Railroad and the Mt. Wilson State Hospital, on the north by the Habbington College and residential dwellings that have access via a private road from McDonough Road. The property to the east and west is largely unimproved, however, there are a few dwellings which are not indicated on the submitted site plan. A portion of the Guyton Falls passes along the southeast portion of this property. The property itself is largely unimproved, however, there are at least three existing structures on this site.

In the opinion of this Committee the proposed use is a desirable one and one that would be compatible to this area. Several members of the Committee voiced concern over the amount of traffic that might be generated onto Mt. Wilson Lane. This concern arises from the fact that the intersection of Mt. Wilson Lane and Reisterstown Road is one of the worst intersections in this area. The proposed use is located on a 1/2 mile stretch of McDonough Road. For this reason, this Committee recommends that should this Special Exception be granted that it be restricted to a primary entrance from McDonough Road and the entrance from Mt. Wilson Lane be restricted to an emergency service road.

This petition is accepted for filing, however, a revised site plan must be submitted prior to the hearing that reflects the comments of the Dept. of Traffic Engineering, State Highway

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James O. Nolan, Esq.,
Item 26A
Page 2
September 13, 1972

Administration and Bureau of Engineering. Also, some type of statement should be made that would clarify the types of activities that would be carried out on this site with specific reference to the Social Services Building.

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,

John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman
Zoning Advisory Committee

JJD:JD

Enclosure

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Division of Engineering
ELLSWORTH H. DIVER, P.E. CHIEF

September 26, 1972

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

Re: Item #1A (1972-1973)
Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
S/S of McDonough Rd., E. of Western Md. R.R., W. of Reisterstown Rd.
Present Zoning: D.R. 1
Proposed Zoning: Special Exception for community building, swimming pool and/or other structural or land use devoted to civic, social, recreational and educational activities in a D.R. 1 zone
District: 2nd No. Acres: 26 acres

Dear Mr. DiNenna:

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

Highways:

Mt. Wilson Lane and McDonough Road in this vicinity are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Highway Administration requirements.

It is our understanding that the alignment of the proposed Northwest Expressway, a State Highway Administration project, is being considered to traverse this site. However, in event the Expressway is not to be so located, consideration must be given to a public road through this property, east of the Western Maryland Railroad, from McDonough Road to Mt. Wilson Lane.

The status of the right-of-way along the northern boundary of this tract from McDonough Road is unknown. It is the responsibility of the Petitioner to ascertain and clarify rights therein. The development of this site must not be detrimental to others who may have interests or rights therein.

Sediment Control:

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

Plan #1A (1972-1973)
Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
Page 2
September 25, 1972

Sediment Control: (Cont'd)

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

Storm Drains:

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

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Petitioner's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the dealing in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibility of the Petitioner.

Drainage and utility easements will be required in the future through this property to serve offsite properties. Similar easements will also be required along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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 can be made available to serve this property by construction of a water main extension from the existing 8-inch water main in Mt. Wilson Lane. (See Drawing #67-0325, File 3)

Sanitary Sewer:

Public sanitary sewerage is available to serve this property. (See Drawings #67-0326 and 0327, File 3)

Very truly yours,

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

END:RMP:RMS

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

ROBERT J. CLYBURN, P.E.
DIRECTOR

WM. T. MELSER
SENIOR TRAFFIC ENGINEER

September 18, 1972

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

Re: Item #1A - ZAC - August 29, 1972
Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
McDonough Road E. of Western Md. R.R., west of Reisterstown Rd.
Special exception for community building, swimming pool and/or other structural or land use devoted to civic, social, recreational and educational activities in a D.R. 1 zone - District 3

Dear Mr. DiNenna:

No major increase in trip generation is expected from the requested special exception. The driveway to the site on McDonough Road does not meet County Standards and should this request be granted, the driveway must be revised to meet County Standards.

It must also be pointed out that Mt. Wilson Lane and Reisterstown Road both have traffic problems, that is, the roadway on Mt. Wilson Lane is very narrow and Reisterstown Road has serious capacity problems and a high accident rate at Mt. Wilson Lane. It is suggested that all major access to this site be from McDonough Road.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

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Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
David H. Fisher
Administrator

August 31, 1972

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

ITEM #1
Re: L.A.C. Meeting 8/29/72
Owner: W. Taylor Cook & Anne Lee Bowen Cook
S/S McDonough Rd. (Route 37)
E. of Western Maryland R.R.
West of Reisterstown Road
Present Zoning: D.R. 1
Proposed Zoning: Spec. Except. for community Bldg.
District 2
No. Acres: 26

Dear Sir:

The subject plan does not clearly indicate proposed traffic flow from McDonough Road. It appears that right turn, in only movements are proposed but the plan is not clear.

The proposed entrance from Mt. Wilson Road is not at the best location for stopping sight distance. It should be located approximately 200' farther to the west.

The frontages of both roads must be improved with deceleration and acceleration lanes, a minimum of 100' in length with suitable tapers. The lanes are to be curbed with concrete. The roadside face of curbs is to be 24" from and parallel to the centerline of the roads. The entrances will be subject to approval and permit from the State Highway Administration.

The site could be seriously affected by a preliminary alignment of the proposed Northwest Expressway. One of the alignments being considered would pass through the proposed athletic fields and day camp area. It will be several months before more definite information is available.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
John E. Mayers
John E. Mayers
Asst. Development Engineer



SEP 1 1972 AM

CLJ:EMH

By

ZONING DEPARTMENT

By

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH

JEFFERSON BUILDING TOWSON, MARYLAND 21204

August 31, 1972

DONALD J. ROOP, M.D., M.P.H.
SENIOR STATE AND COUNTY HEALTH OFFICER

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

Dear Mr. DiNenna:

Comments on Item #1, Zoning Advisory Committee Meeting, August 29, 1972, are as follows:

Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
Location: S/S of McDonough Rd., E. of Western Md. R.R., West of Reisterstown Road

Present Zoning: D.R. 1
Proposed Zoning: Special Exception for community building, swimming pool and/or other structural or land use devoted to civic, social, recreational and educational activities in a D.R. 1 zone.
District: 2
No. Acres: 26

According to plot plan, metropolitan water and sewer are available to the site.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas H. Reilly
THOMAS H. REILLY, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:ang

cc: L.A. Schuppert

Jude

Law Offices of
NOLAN, TRIMBLE & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

April 2, 1973

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

Re: Petition for Special Exception
S/S of McDonough Road, 5000' SW
of Reisterstown Road - 2nd District
W. Taylor Cook, et ux - Petitioners
No. 73-81-X (Item No. 26-A)

Dear Commissioner DiNenna:

Please be advised that the appeal which has been taken in this matter is on behalf of the Legal Owners, Mr. and Mrs. W. Taylor Cook only, and not on behalf of my clients, the Contract Purchasers, Associated Jewish Charities and The Jewish Community Center, whose contractual interest has terminated under the contract terms.

As you know, this letter is being written at your office's request to clarify the status of this appeal. If there is anything further needed from this office please advise me, and it will be furnished promptly.

Sincerely yours,

James D. Nolan

JDN:en

cc: William C. Trimble, Esquire
Maryland National Bank Building
Baltimore, Maryland 21202
Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

James H. Cook, Esquire
Mercantile-Towson Building
409 "Shinn" Avenue
Towson, Maryland 21204
Calhoun Pond, Esquire
Blaustein Building
Baltimore, Maryland 21201

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enormous increase in traffic and in further development of the property surrounding us. Such development would most likely be of a commercial nature.

Help us retain the rural atmosphere of the area that we have enjoyed and worked hard to conserve.

Sincerely yours,
Elizabeth Haynes
James Haynes

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Division of Engineering
ELIZABETH H. GIVENS, P. E. CHIEF

September 26, 1972

Mr. S. Eric Dinenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #11A (1972-2973)
Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
S/S of McDonough Rd., E. of Western Md. R.R., W. of
Reisterstown Rd.
Present Zoning: D.R. 1
Proposed Zoning: Special Exception for community
building, swimming pool and/or other structural
or land use devoted to civic, social, recreational
and educational activities in a D.R. 1 zone
District: 2nd No. Acres: 84 acres

Dear Mr. Dinenna:

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

Highways:

W. Wilson Lane and McDonough Road in this vicinity are State Roads; therefore, all improvements, intersections and entrances on these roads will be subject to State Highway Administration requirements.

It is our understanding that the alignment of the proposed Northwest Expressway, a State Highway Administration project, is being considered to traverse this site. However, in event the Expressway is not to be so located, such action may be taken as to the site in this property, east of the Western Maryland Railway, as a school bus to the Wilson Lane.

The status of the right-of-way along the northern boundary of this tract for McDonough Road is uncertain. It is the responsibility of the Petitioner to ascertain and clarify rights therein. The development of this site must not be detrimental to others who may have interests or rights therein.

Sediment Control:

Development of this property through stripping, 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 stripping of top soil.

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Item #11A (1972-2973)
Property Owner: W. Taylor Cook & Anne Lee Bowen Cook
S/S of McDonough Rd., E. of Western Md. R.R., W. of
Reisterstown Rd.
Page 2
September 26, 1972

Sediment Control: (Cont'd)

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

Storm Drains:

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

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Petitioner's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the deeding in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Petitioner.

Drainage and utility easements will be required in the future through this property to serve offsite properties. Similar easements will also be required along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, including the possibility of flooding, erosion, or other damage to adjacent properties, would be the full responsibility of the Petitioner.

Utilities:

Public water supply should be made available to serve this property in connection with a water supply reservation on the existing Wilson water main in Mt. Wilson Lane. (See Drawing #57-0325, File 1)

Sanitary Sewers:

Public sanitary sewerage is available to serve this property. (See Drawings #57-0325 and 0327, File 1)

Very truly yours,
Elizabeth H. Givens, P.E.
Chief, Bureau of Engineering

END:ZAM:PD:ess

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Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
David M. Fisher
Administrator

August 31, 1972

Mr. S. Eric Dinenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ITEM #11
Re: L.A.C. Meeting 8/29/72
Owner: W. Taylor Cook & Anne Lee Bowen Cook
S/S McDonough Rd. (Route 37)
E. of Western Maryland R.R.
West of Reisterstown Road
Present Zoning: D.R. 1
Proposed Zoning: Special Exception for community
Bldg.
District: 2
No. Acres: 84

Dear Sir:

The subject plan does not clearly indicate proposed traffic flow from McDonough Road. It appears that right turn, in only movements are proposed but the plan is not clear.

The proposed entrance from W. Wilson Road is not at the best location for stopping sight distance. It should be located approximately 200' farther to the west.

The frontages of both roads must be improved with deceleration and acceleration lanes, a minimum of 100' in length with suitable tapers. The lanes are to be curved with concrete. The roadside face of curb is to be 5' from and parallel to the centerline of the roads. The entrances will be subject to approval and permit from the State Highway Administration.

The site could be seriously affected by a preliminary alignment of the proposed Northwest Expressway. The alignment being considered would pass through the proposed athletic field and day camp area. It will be several months before more definite information is available.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

by: John E. Meyers
Asst. Development Engineer

CLJ:EMB

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

August 31, 1972

DONALD A. ROOP, MD, MPH
BARRY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric Dinenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Dinenna:

Comments on Item #11, Zoning Advisory Committee Meeting, August 29, 1972, are as follows:

Property Owner: W. Taylor Cook and Anne Lee Bowen Cook
Location: S/S of McDonough Rd., E. of Western Md. R.R., West of Reisterstown Rd.

Present Zoning: D.R. 1
Proposed Zoning: Special Exception for community building, swimming pool and/or other structural or land use devoted to civic, social, recreational and educational activities in a D.R. 1 zone.
District: 2
No. Acres: 84

According to plot plan, Metropolitan water and sewer are overlain on the site.

Pool Service Comments: If a pool service facility is proposed, complete plans and specifications must be submitted to the Division of Health Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas H. Davis

Thomas H. Davis, Director
BUREAU OF ENVIRONMENTAL SERVICES

TSB:mas

cc: L.A. Schuppert

ORIGINAL

OFFICE OF

THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 Oct. 2, 1972

TO CERTIFY, that the annexed advertisement of S. Eric Dinenna, Zoning Commissioner of Baltimore County

was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 2nd day of Oct., 1972 that is to say, the same was inserted in the issue of Sept. 28, 1972.

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STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 28, 1972.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time, before the 16th day of October, 1972, the first publication appearing on the 28th day of September 1972.

THE JEFFERSONIAN
L. L. Lamb, Jr., Manager

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2 Date of Posting: Oct 1, 1972

Posted for: SPECIAL EXCEPTION

Petitioner: W. Taylor Cook

Location of property: S/S of McDonough Rd. 5000 ft. S.W. of

Reisterstown Rd.

Location of Sign: S/S of McDonough Rd. 5000 ft. S.W. of

Reisterstown Rd. at the intersection

Remarks: Posted by: Charles H. Davis

Signature: Date of return: Oct 9, 1972

PETITION MAPPING PROGRESS SHEET											
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 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, BA, CC, CA											
Reviewed by: <i>JCB</i>			Revised Plans:				Change in outline or description		Yes		
Previous case:									No		

75-81-X 73-81-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *2nd* Date of Posting: *MARCH 30, 1973*

Posted for: *APPEAL*

Petitioner: *W. Taylor Cook*

Location of property: *S/S of McDonogh Rd. 5000' SW of Reisterstown Rd.*

Location of Signs: *(1) S/S of McDonogh Rd. 5000' SW of Reisterstown Rd. (2) S/S of McDonogh Rd. 5000' SW of Reisterstown Rd.*

Remarks: *See above for details of appeal.*

Posted by: *Eric D. Moran* Date of return: *APRIL 3, 1973*

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Item 26A

James B. Moran, Esq.,
204 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 29th day of August 1972.

E. D. Moran
Eric D. Moran,
Zoning Commissioner

Petitioner: W. Taylor Cook & Anne Lee Roman Cook

Petitioner's Attorney: James B. Moran Reviewed by: *J. D. Moran*
Baltimore Advisory Committee

MICROFILMED

BALTIMORE COUNTY, MARYLAND No. 11104

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE July 12, 1973 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

William C. Trimble, Jr., Esquire
Cost of Posting Property of W. Taylor Cook, et ux, for
an Appeal Hearing
S/S of McDonogh Road, 5000' SW of Reisterstown Road
2nd District
Case No. 73-81-X

MICROFILMED

BALTIMORE COUNTY, MARYLAND No. 8219

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE March 22, 1973 ACCOUNT 01-662

AMOUNT \$70.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

William C. Trimble, Jr., Esquire
Cost of Appeal on Case No. 73-81-X
S/S of McDonogh Road, 5000' SW of Reisterstown
Road - 2nd District
W. Taylor Cook, et ux - Petitioners

MICROFILMED

BALTIMORE COUNTY, MARYLAND No. 5028

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Sept. 25, 1972 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Messrs. Moran, Plumbhoff & Williams
204 W. Penna. Ave.
Towson, Md. 21204
Petition/Special Exception for W. Taylor Cook
#73-81-X

MICROFILMED

BALTIMORE COUNTY, MARYLAND No. 5096

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Oct. 17, 1972 ACCOUNT 01-662

AMOUNT \$33.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

James D. Moran, Esq.
204 W. Penna. Ave.
Towson, Md. 21204
Advertising and posting of property for
W. Taylor Cook - #73-81-X

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VICINITY MAP

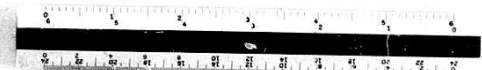
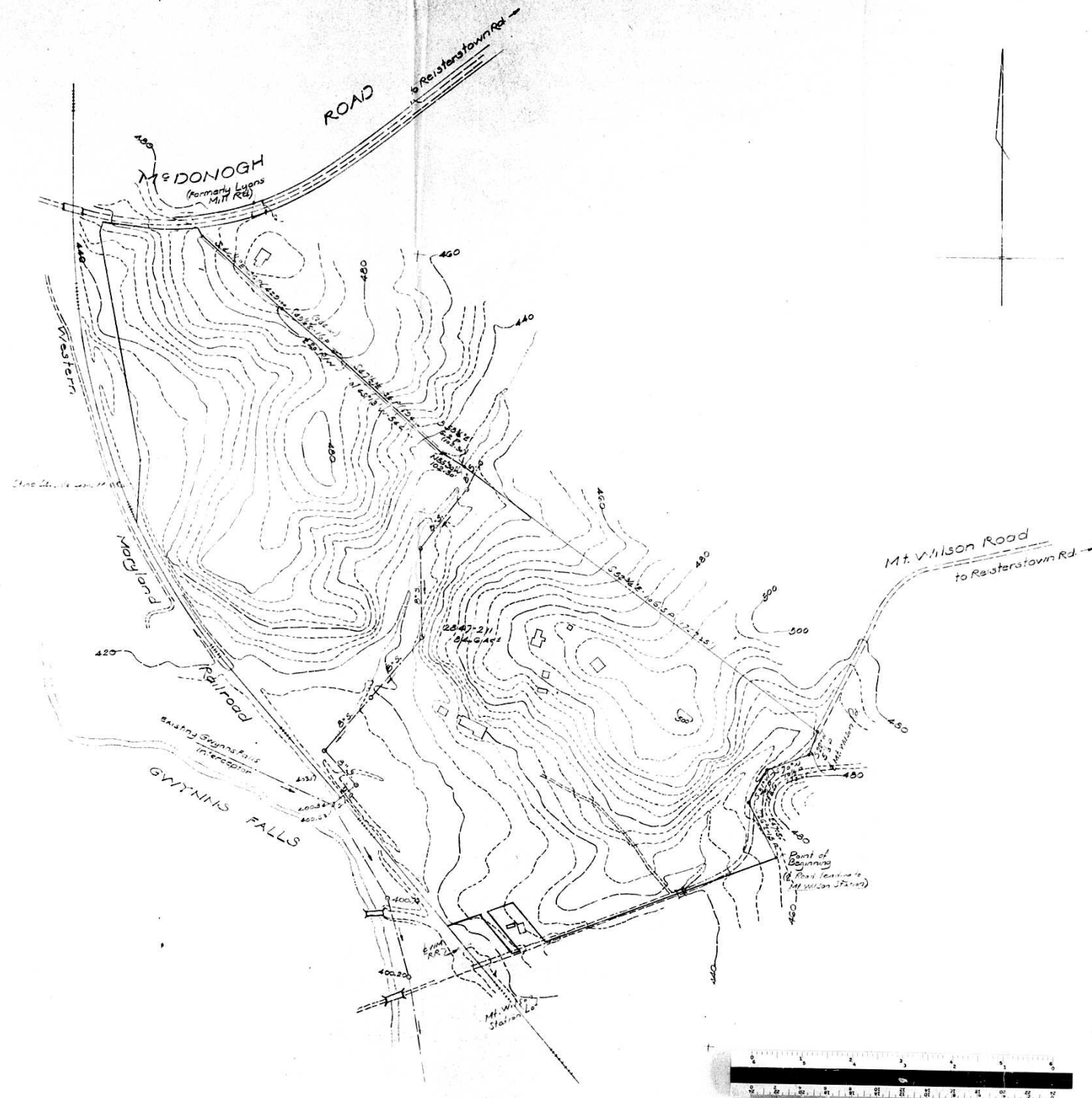


- LEGEND**
- GRADE SEPARATION
 - INTERCHANGE
 - △ RAPID TRANSIT STATION AND ALTERNATES

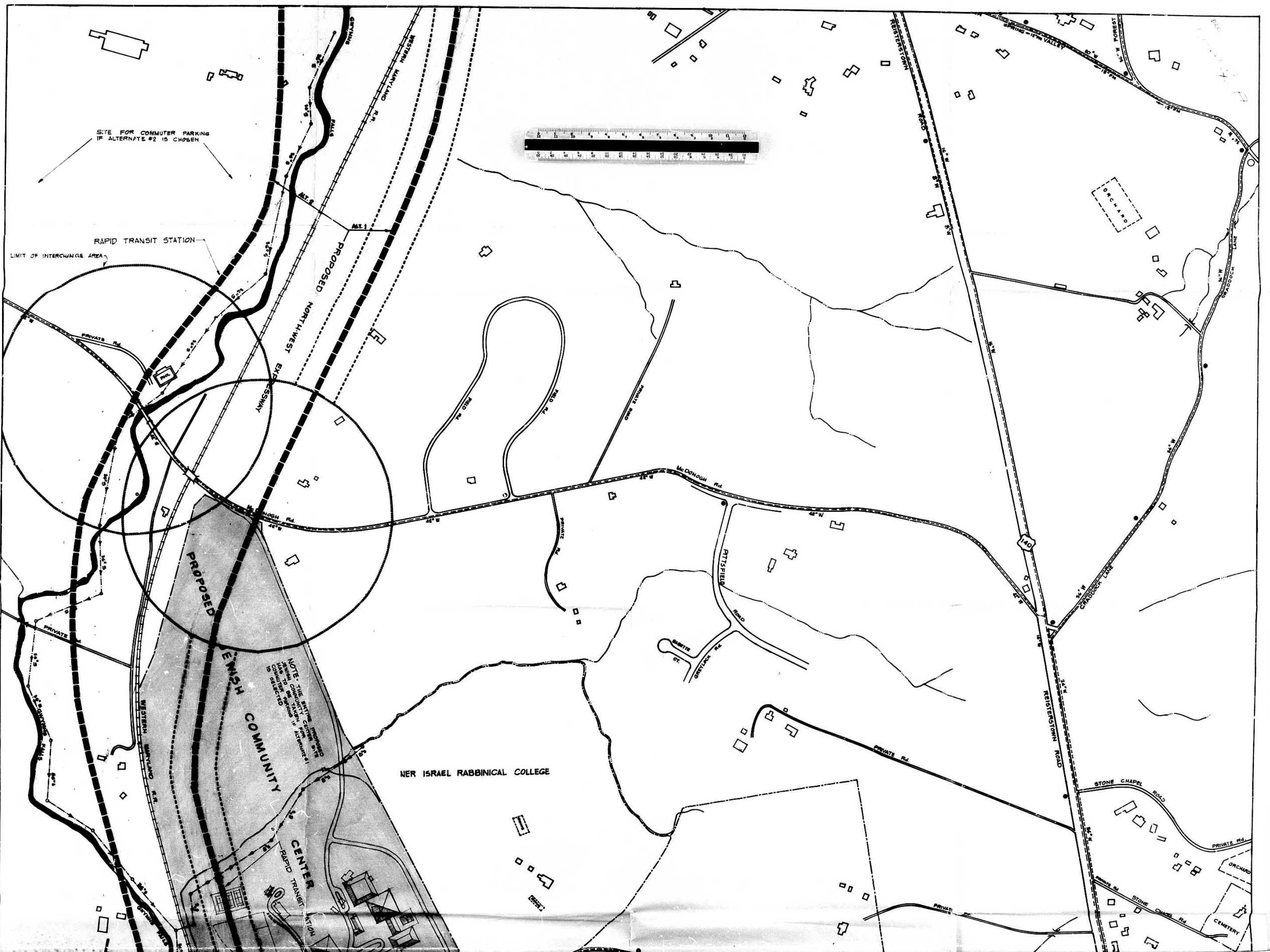
STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
NORTHWEST EXPRESSWAY
BALTIMORE CITY LINE TO REISTERSTOWN
LOCATION MAP

DATE JANUARY 6, 1972 / WNG NO. NWX-4
HUMMEL, SLEEPER & BARK
BALTIMORE, MARYLAND

BE #2



Matz, Childs & Associates
 1020 Cromwell Bridge Road
 Towson Md. 21204



NER'S EXHIBIT No 1



PLAT TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION

FOR PROPERTY VICINITY
1417 WILSON LANE / WESTERN MARYLAND R.R.
Election District #13 Baltimore Co., Md.
Aug. 21, 1972
Rev. Aug. 25, 1972
Pet. Oct. 11, 1972
Scale: 1" = 100'

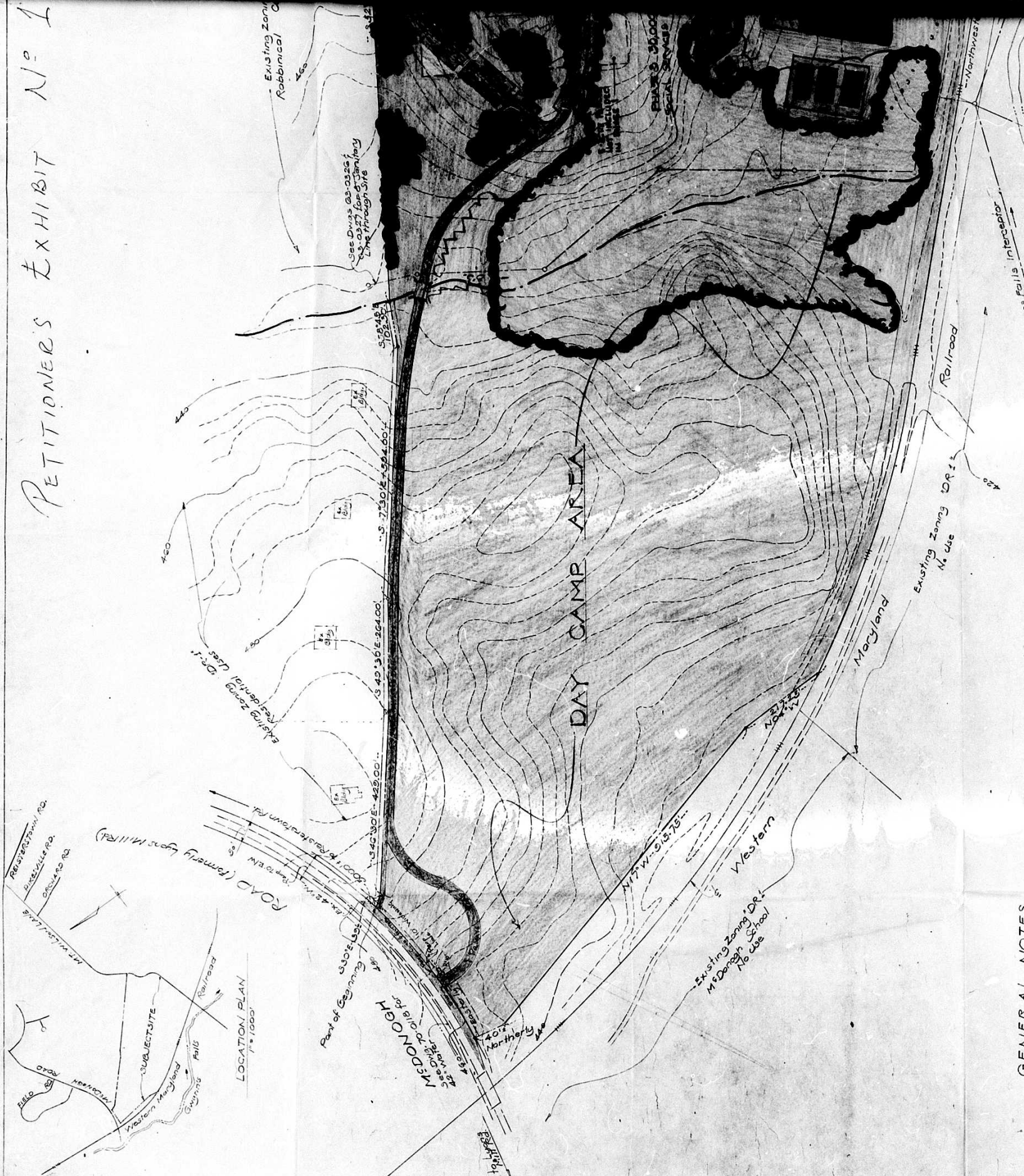
D.E.C. Pet. Exhibit #1
Oct. 16th 1972

MICROFILMED

Matz, Gullis & Associates
1020 Central Bridge Road
Towson, Maryland 21204



PETITIONER'S EXHIBIT No. 1



GENERAL NOTES

1. Area of Property equals 84 Ac.±.
2. Existing zoning of property "DR-1".
3. Existing use of property "Residential Farm, & No Use".
4. Proposed zoning of property "DR-1 with Special Exception".
5. Proposed use of property "Jewish Community Center".
6. Site will be developed in phases:
 - Phase 1 will be 59,000 sq. ft. (portion of Athletic Fields).
 - Phase 2 will be 59,000 sq. ft. (Adult & Day Camp Area, Athletic Fields).
 - Phase 3 will be 59,000 sq. ft. (Social Services Building).
7. Parking required for each phase - 127 spaces, for a total of 384 spaces.
8. Parking proposed for each phase - Phase 1: 127, Phase 2: 127, Phase 3: 127, for a total of 384 spaces.
9. Public Water & Sewer available to the site.





GENERAL NOTES

1. Area of Property equals 34 Ac.±
2. Existing zoning of property "DR-1"
3. Existing use of property "Residential, "Farm" & "No Use."
4. Proposed zoning of property "DR-1 with Special Exception"
5. Proposed use of property "Jewish Community Center"
6. Site will be developed in phases:
 - Phase 1 will be 30,000 sq. ft. Youth Bldg. & Portion of Athletic Fields.
 - Phase 2 will be 30,000 sq. ft. Adult Bldg., Day Camp Area, Athletic Fields.
 - Phase 3 will be 30,000 sq. ft. Social Services Building.
7. Parking req'd. for each phase - 167 spaces for a total of 301 Spa.
8. Parking proposed for each phase - Phase 1: 100, Phase 2: 110, Phase 3: 102, total 312 Spa.
9. Public Water & Sewer available to the Site





PLAT TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
FOR PROPERTY VICINITY
MT. WILSON LANE & WESTERN MARYLAND R.R.
Baltimore Co., Md.
Election District #13
Scale: 1"=100'

REVISED PLANS
7/26



Matt Childs & Associates
1010 Cramwell Bridge Road
Towson, Maryland 21204

