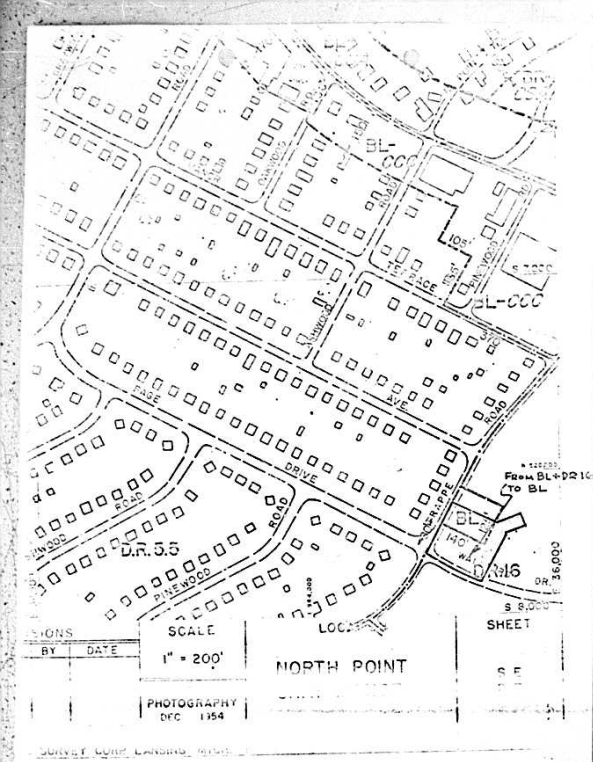




COUNCILMEN

First District
FRANCIS X. BOSSLE
Second District
GARY HUGGLES
Third District
G. WALTER TYRIS, JR.
Fourth District
WESTER C. DOVE
Fifth District
HARRY J. BARTENFELDER
Sixth District
FRANCIS C. BARRETT
Seventh District
WALLACE A. WILLIAMS

Secretary
HERBERT E. HOHENBERGER

County Council of Baltimore County County Office Building, Towson, Maryland 21204

May 10, 1973

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

Dear Mr. DiNenna:

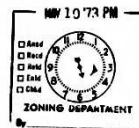
Attached herewith please find copy of Planning Board Resolution concerning the petition of Monumental Properties, Inc., to change the zoning classification of the Corporation's tract on the northeast corner of Wallford Drive and Trappe Road from D.R. 16 to B.L., which the County Council passed at their meeting on Monday, May 7, 1973.

Sincerely yours,

Herbert E. Hohenberger
Herbert E. Hohenberger
Secretary

HEH:bl

CC: Mr. William D. Fromm



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNCIL OFFICE
March 27, 1973

The Honorable Harry J. Bartenfelder
Chairman, Baltimore County Council
Towson, Maryland 21204

Dear Sir:

At its regular meeting on Thursday, March 22, 1973, the Baltimore County Planning Board, under the provisions of Subsection 22-22 (i) of the Baltimore County Code 1968, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest on the petition of Monumental Properties, Incorporated, to change the zoning classification of the Corporation's tract on the northeast corner of Wallford Drive and Trappe Road from D.R. 16 to B.L.

After reviewing the petitioner's letter and a copy of the zoning map, the Planning Board concluded that a drafting error had apparently been made at the time the zoning boundary lines were drawn. The Board agreed that it had not intended to change the zoning classification of this tract of land when the Board forwarded its recommended zoning maps to the County Council.

Copies of the petition and of the letter addressed to the Chairman of the Planning Board are attached. I will provide additional information upon your request. Notification to the Zoning Commissioner of the Council's action on this matter is necessary so that timely action can be taken by him in accordance therewith.

Sincerely,
William D. Fromm
William D. Fromm
Secretary
Baltimore County Planning Board

cc: The Honorable Francis X. Bossle
The Honorable Gary Huggles
The Honorable G. Walter Tyris, Jr.
The Honorable Webster C. Dove
The Honorable Francis C. Barrett
The Honorable Wallace A. Williams
Mr. Herbert E. Hohenberger
Mr. S. Eric DiNenna

Attachments

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Town & Country - Charlesmont Division
I, or we, of MONUMENTAL PROPERTIES, INC., 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 DR 16 zone to an BL zone, for the following reasons:

See Attached Brief

and the Special Exception, under the existing zoning law, was a zoning exception not in Baltimore County, and the Special Exception, under the existing zoning law, was a zoning exception not in Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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.

Contract purchaser
Address: *William S. Baldwin*
William S. Baldwin
Petitioner's Attorney
Address: 24 West Pennsylvania Avenue
Baltimore, Maryland 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 10 day of March, 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 101, County Office Building in Towson, Baltimore County, Maryland, on March 28, 1973, at 10:00 A.M.

BRIEF OF TOWN AND COUNTRY - CHARLESMONT DIVISION OF MONUMENTAL PROPERTIES, INC. IN SUPPORT OF ITS REQUEST FOR RE-CLASSIFICATION

1. That substantial changes have occurred in the neighborhood since the adoption of the presently existing zoning map in 1971.
2. That through a drafting error on the part of the planning staff, the property in question was erroneously zoned DR 16.
3. That by Petition No. 69-278-R, dated June 26th, 1969, the Zoning Commissioner for Baltimore County classified the subject property as BL and the County Council in adopting its map, believes that it was affirming the existing zoning on which a beauty shop was already in existence, when the maps were adopted in March, 1971. However, because of the drafting error, heretofore mentioned, the BL zoning on the subject property that the County Council thought it was affirming, was moved approximately 90 feet in a northeasterly direction away from the corner of Wallford Drive and Trappe Road thereby making the existing building on the property which was devoted to commercial use at the time of the adoption of the map, a nonconforming use or an illegal use in the zone placed on the land by the County Council and that the Petitioner discovered this error and discovered the fact that the BL zoning line runs through a portion of the building that has been constructed and has been occupied and used for commercial purposes since the date of the Zoning Commissioner's decision in June, 1969, and that the Petitioner has filed for a change of occupant's permit to use the building in accordance with what was believed to be commercial zoning and found that the planning staff and/or the

County Council, that the BL zoning on the property had been inadvertently shifted to a different location on the official zoning map which was adopted by the County Council in March, 1971.

4. And for such other reasons that may be assigned at the time of the hearing hereon.

Respectfully submitted,

William S. Baldwin
William S. Baldwin
Attorney for Town and Country -
Charlesmont Division of Monumental
Properties, Inc.

WILLIAM S. BALDWIN
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
BALTIMORE, MARYLAND 21204
VOLUME 3-0000

March 1, 1973

Mr. Charles Hayman
Planning Board
301 Jefferson Building
Towson, Maryland 21204

RE: TOWN & COUNTRY - CHARLESMONT DIVISION
OF MONUMENTAL PROPERTIES, INC.
Petition for Re-Classification from
DR 16 to BL, Northeast corner of Wallford
Drive and Trappe Road, 12th Election
District - Baltimore County, MD.

Dear Mr. Hayman:

Enclosed herewith is Petition for Re-classification to correct an error made by the Planning Staff and/or the County Council in adopting the existing zoning map for the 12th Election District of Baltimore County in March, 1971. The subject property was re-classified to business local by the zoning Commissioner in June, 1969 (case no. 69-278-R). When the existing map was adopted for District 12, the zoning was placed on the map and the County Council apparently thought it was affirming the existing zoning. However, through a drafting error, the BL portion of the Land was moved some 90 feet to the northeast along Trappe Road thereby making the zoning line go right through the middle of the building that was being used for commercial purposes.

This error was not discovered until approximately a month or so ago, when the former tenant vacated the premises and the owner filed for change of occupancy permit for the new tenant at which time the Petitioner was advised by the County that the permit could not be granted since part of the property is zoned residential. I enclose herewith a copy of the letter dated February 7th from George A. Priar to the Petitioner. I believe Mr. Priar's letter is in error in one respect and that is in part when he refers to part of the property as being presently zoned residential DR 16. Upon examination of the plans, the property was BL and is now zoned residential DR 16, as the originally the building in question was a community building for the Charlesmont Apartment complex.

It would seem to me to be an unreasonable hardship upon this Petitioner to require him to build and maintain a house in a residential zone when he could not get a hearing on the petition until the

WILLIAM S. BALDWIN

Mr. Charles Hayman
Page Two
March 1, 1973

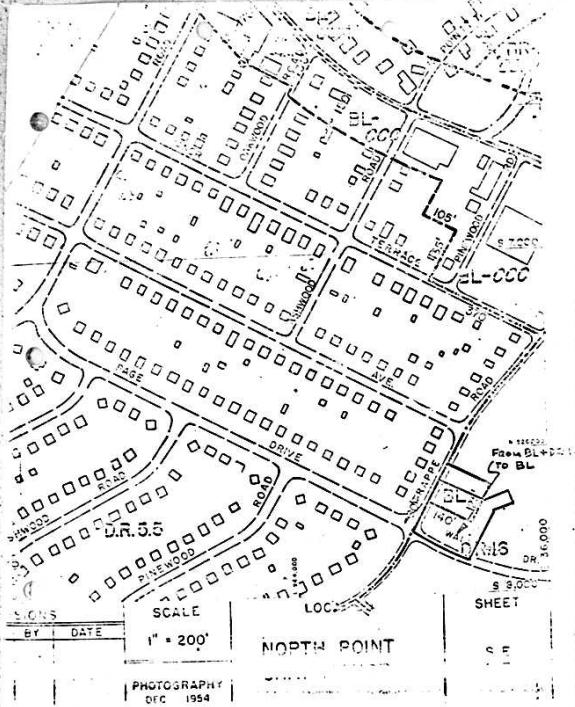
Fall of this year and possibly a decision coming after January of 1974 and to force the Petitioner to allow the property to remain vacant for more than one year because of an error on the part of the County would in effect be depriving him of his right to use the property without a hearing.

For the reasons stated above, I respectfully request that this Petition be treated as an emergency measure and be heard out of the normal cycle process.

Very truly yours,

William S. Baldwin
William S. Baldwin
Attorney for Petitioner

WSB/mjs
Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: May 17, 1973

FROM: Baltimore County Planning Board

SUBJECT: Zoning Reclassification Petition

Property Owner: Town and Country - Charlesmont Division of Monumental Properties, Inc.
Location: N/E corner of Trappe Road and Wallford Drive
Existing Zoning: D.R. 16
Requested Zoning: B.L.
Acreage: 0.521
Election District 12

This petition, identified as Item 39 in Zoning Cycle V, was exempted from the cyclical procedures by the County Council on May 7, 1973.

This property was zoned B.L. by the Zoning Commissioner in 1969 (see Zoning Petition No. 69-278-R); however, a drafting error was apparently made in preparing the comprehensive zoning maps, and, as a result, the County Council adopted D.R. 16 zoning here.

It is therefore recommended that the petitioner's request be granted, thereby restoring the B.L. zoning inadvertently removed during the comprehensive zoning map process.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 27, 1973

COUNTY OFFICE BLDG.
111 E. Charles Street
Towson, Maryland 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE BOARD OF COMMISSIONERS

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

William S. Baldwin, Esq.,
24 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Reclassification Petition
Item 166
Town & Country - Charlesmont - Petitioners

Dear Mr. Baldwin:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director and or Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning.

The subject property is located on the northeast corner of Trappe Road and Wallford Drive, in the 12th District of Baltimore County. This property was the subject of an earlier zoning Reclassification (Case No. 69-278) that was a request from a Residential zone to Business Local, which subsequently was granted. With the adoption of the new zoning map the zoning lines were shifted and took away a portion of commercial zoning that was previously applied to this property. The structure is built, and up until now has housed a heavy shop and barber shop, and is now apparently being converted into a furniture store. It was because of the change of occupancy permit application that this matter was brought to our attention. The property to the rear is improved with the Town & Country apartments. There is a recreational area across the street consisting of tennis courts and a swimming pool, and on the west side there are individual frame and brick dwellings on individual lots. Curb and gutter exists at this location.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date

William S. Baldwin, Esq.
Item 166
March 27, 1973

and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, and will be forwarded to you in the near future.

Very truly yours,
JOHN J. DILLON, JR.
Chairman
Zoning Advisory Committee

JJDjr:JD
(Enclosure)

cc: James S. Spamer & Associates
Engineers & Surveyors
8017 York Road
Towson, Maryland 21204

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

Bureau of Engineering
ELLSWORTH N. DYER, P. E. CHIEF

April 2, 1973

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

Re: Item #166 (1972-1973)
Property Owner: Town and Country - Charlesmont
N/E corner Trappe Road and Wallford Drive
Present Zoning: B.L.
Proposed Zoning: Reclass. from B.L. to D.R. 16
District: 12th No. Acres: 0.521 acre

Dear Mr. DiNenna:

Baltimore County utilities and highway improvements are not involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #166 (1972-1973).

Very truly yours,

Ellsworth N. Dyer
ELLSWORTH N. DYER, P.E.
Chief, Bureau of Engineering

END:EM:PM:SS

8-14 Key Sheet
8 SE 24 Position Sheet
SE 2 F Topo
104 Tax Map

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
-DIRECTOR- DEPUTY TRAFFIC ENGINEER

April 27, 1973

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

Re: Item 39 - Cycle Zoning V - April to Oct. 1973.
Property Owner: Town & Country - Charlesmont
Trappe Rd. & Wallford Drive
Reclass. to BL - Dist. 12

Dear Mr. DiNenna:

The subject petition is requesting a zoning reclassification from DR 16 to BL. Since this site is presently operating as BL, no major increase in traffic generation is expected.

Very truly yours,

Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRK:nc

Baltimore County Fire Department

J. Austin Dantz
Chief

Towson, Maryland 21204

878-7518

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. ~~Eric DiNenna~~, Chairman
Zoning Advisory Committee

Re: Property Owner: Town and Country - Charlesmont

Location: N/E corner Trappe Road and Wallford Drive

Item No. 166 Zoning Agenda Tuesday, March 13, 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____

- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be _____ to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *John J. Dillon* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

March 14, 1973

DONALD J. ROUP, M.D., M.P.H.
DEPUTY 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 166, Zoning Advisory Committee Meeting March 6, 1973, are as follows:

Property Owner: Town and Country - Charlesmont
Location: N/E corner Trappe Road and Wallford Drive
Present Zoning: B.L.
Proposed Zoning: Reclass from B.L. to D.R. 16
District: 12
No. Acres: 0.521

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mng

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



April 26, 1973

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

Dear Mr. DiNenna:

Comments on Item #166, Zoning Advisory Committee Meeting, March 13, 1973, are as follows:

Property Owner: Town and Country - Charlesmont
Location: N/E corner Trappe Road and Wallford Drive
Present Zoning: B.L.
Proposed Zoning: Reclass from B.L. to D.R.16
District: 12
No. Acres: 0.521 acres

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

Richard B. Williams
Planner II
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 100 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 486-3211 ZONING 486-3361

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 13, 1973

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

Re: Item 166
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

Z.A.C. Meeting of: March 13, 1973

Town and Country - Charlesmont
N/E corner Trappe Road and Wallford Drive
B.L.
Reclass from B.L. to D.R. 16

District: 12
No. Acres: 0.521 acres

Dear Mr. DiNenna:

Acres too small to have an effect on
student population.

Very truly yours,

W. Nick Petrovich
Field Representative

WNP/ml

H. EMBLE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BENEY

MARCUS H. BOTSARIS
JOSEPH N. McDOWAN
ALVIN LOWECK
JOSHUA R. WHEELER, SUPERINTENDENT

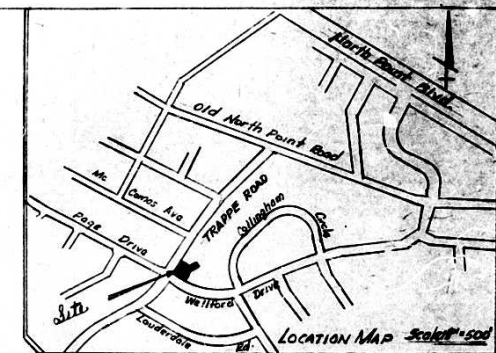
T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MRS. RICHARD K. WUERFEL

CHARLESTON, S.C.

Note: Existing B.L. Zoning
125' x 140'
See Map 1" = 200' SE. 2F

See Also 69-278 R
(6-26-63)

Scale: 1" = 50'



Public Works Data:
8" Sewer & Lower 6" H.C. Existing
8" Water Main & Water Curves - Existing
Roads - All improved

File 5835 RA See 1" = 200' S.E. 2F Map 4A

Zoning Data:
Joint Existing R.A. and Special Exception
for Ref. Building 68-112-X
Area: Land: 16,465[±] Building: 1150[±]
Proposed: B.L.
Use: Grocery Shop, Barber Shop,
Gift & Hobby Shop and for Furniture Store
Area: Land: 22,675[±] Building: 1810[±] (68-112-X)
Parking: Required: 3 spaces
Provided: 10 spaces

Plat for Zoning Purposes Charlottesville Apartment Retail Center

For: Town & Country: Charlottesville, Inc. - 5071 Sun Life Bldg. Center for 2100
12th District Baltimore, County, Maryland
Scale: 1" = 50'
April 10, 1963
Updated: Feb. 22nd, 1973

Map	4A
SECTION	2F
DISTRICT	12
FILE NO.	68-112-X
DATE	4/10/63
BY	J.S.S.

Note: Existing Building 28' x 40' 14" Terrace, 25' x 23'
Existing Approved Special Exception
12/13/67 See 68-112-X

Land Area: 0.3780[±] Ac. = 16,463[±]
Building: 1150[±] sq. ft.
Parking: Required: 3 spaces
Provided: 10 spaces

MICROFILMED



JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
8017 YORK ROAD
TOWSON, MD. 21204

