#### PETITION FC. I ZONING RE-CLASS ... TCATION 74-61-RX AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTPMORE COUNTY:

Pinkney Lee Walker, Jr. and I, or we. Elizabeth. M. Malker.....legal owners. of the properly 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 .5.5...

D R 16 some for the following reasons

See Memorandum filed herewith

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimor County, to use the herein described property, for Office Use

Property is to be nosted 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

996 ert R. Bregel

Address 3 Florida Road tofull Towson, Maryland 21204

Mercantile Towson Bldg.
409 Washington Avenue
Towson, Merriand 32204
JOHN GRASON TURNBULL, II
uronks & Turnbull
Petitioner's Attorney

ress Toson, Meryland 2120k 296-2600 Cho & Regular ORDERED By The Zoning Commission

or of Baltimore County, this 13tb required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th

R. JU 13 73 PM

CEIVED FOR FILLING

#6

IN THE MATTER OF RECLASSIFICATION OF 401-403-405-407 West Chesapeake Avenue, Towson, Maryland 21204

- · BEFORE THE ZONING COMMISSIONER OF
- BALTIMORE COUNTY.
- · MARYLAND

. . . . . MEMORANDUM

Now come Pinkney Lee Warker, Jr. and Elizabeth M. Walker, his wife, Petitioners, by John Grason Turnbull, II and Brooks & Turnbull, their attorneys, and for reasons to support the Petitio for Reclassification heretofore filed, says:

- 1. That numerous and significant reclassifications and special exceptions have been granted in the immediate vicinity
- 2. That the need and demand for additional office facilities within the Towson community have greatly increased since the adoption of the Map designating the property as DR 3.5,
- 3. That numerous governmental complexes have been constructed in the immediate vicinity thereby altering the genui conditions surrounding the subject property;
- 4. And for such other and further reasons as may be state at the time of any hearing hereon.

Brooks & Turnbull 305 W. Allegheny Avenue Towson, Maryland 21204 Towson, Maryland 2120-296-2600 Attorneys for Petitioners

JOSEPH D. THOMPSON, P.E.AL. CIVIL ENGINEERS & LAND SURVEYORS 101 SHELL SUILDING - 200 EAST JOPPA TOAD

TOWSON, MARYLAND 21204 · VAlley 3-8820

DESCRIPTION FOR REZONING AND SPECIAL EXCEPTION, 401-407
WEST CHESAPEAKE AVENUE, 9th DISTRICT, BALTIMORE COUNTY,
MARYLAND

BEGINNING for the same at the corner formed by the intersection of the west side of Florida Road, 50 feet wide, and the south side of West Chesapeake Avenue, 60 feet wide, and and binding on the west side of Florida Road . South 13 Degrees 37 Minutes 00 125,00 feet thence leaving the west side of Florida Road and running North 76 Degrees nds West 360,40 feet and North 13 Degrees 37 Minutes 00 Seconds East 125,00 thereon South 76 Degrees 23 Minutes 00 Seconds East 360,40 feet to the place of beginning. CONTAINING 1.034 acres of land, more or less,

3-30-73



June 4, 1974

solution for accessing and Special Exception
SW/corner of West Chesapeake
Areme and Florida Road
th Election District
Pinkney Lee Walker, Jr., et ux Potitioners NO. 74-61-RX (Item No. 16)

I have this date passed my Order in the above referenced ma Copy of said Order is attached.

104 ERIC DI NENNA

rgia Court Maryland 21204

Mrs. John C. Wallace 509 Park Avenue Towson, Maryland 2)294

Towson Times 742 York Road Towson, Maryla

RE: PETITION FOR RECLASSIFICA-TION AND SPECIAL EXCEPTION SW/corner of West Chesapeake Avenue and Florida Road -Pinkney Lee Walker, Jr., et ux NO. 74-61-RX (Item No. 16) ... ... ...

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioners request a Reclassification from a D. R. 5. 5 Zone to a

D. R. 16 Zone and a Special Exception for offices on a parcel of property con taining 1.034 acres of land, more or less, located on the southwest corner of West Chesapeake Avenue and Florida Road, in the Ninth Election District of

Evidence on behalf of the Petitioners indicated that the property is now titled under the name of Calvert R. Bregel, Esquire, and that the intended use of the four (4) structures on the subject property would be for offices. Expert traffic testimony on behalf of the Petitioners indicated that, as a result of his own personal knowledge, without benefit of a detailed study and traffic count, the granting of the subject Petition would not have a detrimental affect upon the

Residents of the area, in protest of the subject Patition, indicated that they were opposed to the Petition, based on the increase of traffic in the Towson area, the lack of parking, and, generally, the quick growth of offices in the west Towson area. It was also indicated that there are many homes in the west Towson area, presently classified D. R. 16, to be made available for office

Without reviewing the evidence further in detail but based on all the evie presented at the hearing, in the judgment of the Zoning Commissioner the D. R. 5. 5 classification of the subject property is not in error. The subject

property is surrounded on all sides by residential (D. R. 5. 5 zoning) or institutional uses. The Southland Hills Community lies immediately south and adjacent to the subject property, and the granting of this request would be an infringement upon the Southland Hills Community and its zoning classification The granting of this Reclassification and Special Exception would constitute "spot zoning"

The Comprehensive Zoning Map, as adopted on March 24, 1971, is presumed to be correct, and the burden of proving error and or substantial changes in the character of the neighborhood is borne by the Petitioners. In the instant case, this burden has not been met

As the prerequisites of Section 502. I have not been met, the Special Exception for offices should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of June, 1974, that the Reclassification be and the same is hereby DENIED and that the subject property be and the same is hereby continued as and to remain a D. R. 5. 5 Zone and the Special Exception for offices be and the same is hereby DENIED.

-2.

BROOKS & TURNBULL

WILLIAM N. WHITE

June 11, 1974

S. Eric DiNenna, Zoning County Office Building 111 W. Chesapeak: Avenue Towson, Maryland 2120

> Re: Fetition for Reclassification and Special Exception SW/corner of West Chesapoake Avenue and Florida Road SW/corner of West Chesapeake Av 9th Election District Pinkney Lee Walker, Jr., et az Betitiones No. 74-61-RX (Item No. 16)

Flease enter an Appeal from your Order and Decision dated June 4, 1974 in reference to the above captioned property. I have enclosed hereadth my check in the amount of \$70.00 representing the cost of filing said Appeal.

Should you have any questions as concerning the above or enclosed, please do not heattate to content me

Sincerely yours. BROOKS & TURNBULL, BY:



RE. PETITION FOR RECLASSIFICATION from D.R. 5.5 to D.R. 16, and SPECIAL EXCEPTION fc. Office Use SW corner Chesapeacke Avenue and Florida Road 9th District Pinkery Lee Walker, Jr., et ux, Petitioners Calvert R. Bregel, 

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Deputy Zoning Commissioner which denied a requested reclassification from D.R. 5.5 to D.R. 16, and likewise denied a special exception for office use. The subject property is located at the southwest corner of Chesapeake Avenue and Floriaa Ros in the west Towson area of the Ninth Election District. The subject property contains stely 1,034 acres and is now improved by four rather substantial dwellings. These are numbered as 401 through 407 West Chesapeake Avenue. These four properties are now owned in a limited partnership arrangement with the general partner being the Towson lawyer, Calvert R. Bregel, Esquire. If the requested zoning be granted, the limited partnership plans to convert these four residences to offices and plans no changes to the exterior of these structures.

A review of the official comprehensive zoning map, adopted in March of 1971, indicates that the subject property is zoned D.R. 5.5 as are all of the properties immediately surrounding the subject property. Since this appeal is a request for a County Council erred in March of 1971 whe: they adopted the underlying zoning for the subje roperty, and/or there has been sufficient change in the character of the neighbor hood to warrant the requested reclassification. The existing zoning is presumed to be correct and the Petitioner must carry forward the burden of overcoming this strong prein pursuit of same, the Petitioner presented to the Board expert testimony from a real estate consultant, a traffic expert and a registered land surveyor

The Petitioners basically told the Board in detail of the growth and development of the Towson business area. Mr. Horn, the real estate expert, detailed

CEIVED FOR FR.

Z Z

Pinkney Lee Walker, Jr. = #74-61-RX

a series of special exceptions that have been granted in the Towson area. mentioned that the somewhat irregular alignment of the D.R. 5.5 zoning as me encircles the subject property, seemed to him to be evidence of error on the part of the Council when they adopted this portion of the comprehensive zoning map in March of 1971. County Court House was cited as evidence of the continuing growth of the governmental center in the Towson area. Also, the physical completion of the widening of Bosley Avenue was discussed, as was the large number of older residences that have been converted to office use in the locations near the governmental center.

On cross-examination, Mr. Horn stated that the special exceptions were not considered by him to be changes in zoning as they were, in fact, not reclassifications but special exceptions; however, Mr. Horn stated that these were cited as evidence of growth. The only change cited by Mr. Horn was the Baldwin case, #72-201-RX, which at this time is not a final order, and can be distinguished from the subject property by its location immediately adjoining the Y.M.C.A. property and its location directly within the corridor existing between the new County Court House and said Y.M.C.A.

This Boar has carefully reviewed the testimony and evidence presented in this case and, frankly, it is our judgment that some is not sufficient to overcome the presumption of correctness in original zoning, nor are the changes described the sort of same that might be adjudged to be of a substantial nature that would warrant the granting of the requested reclassification. In the mind of this Board, there is no evidence of error on the part of the Council nor has there been sufficient evidence of change. The requested reclassification to D.R. 16 is, of course, a prerequisite to the granting of the special exception. Hence, since the Board, for the reasons stated above, will issue an Orde denving said reclassification, the special exception must also be denied.

Pinkney Lee Walker, Jr. - #74-61-RX

of the Maryland Rules of Procedure

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

3.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 11th day of July, 1975, by the County Board of Appeals, ORDERED that the reclassification and special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 to B-12

Note: A two-man Board heard this case

RS: PEXITON FOR REGLASSIFICATION from D. R. 5,5 to D. R. 16, and SZEGIAL EXCEPTION for Office the period of the period of the period and Florida Road 9th District Finitery Lee Welker, Jr., et ux Notationers Despuis IN THE FOR BALTIMORE COUNTY

> \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Decision and Order of the County Board of Appeals for Baltimore County denying the requested Reclassification and Special Exception, dated July 11, 1975 on behalf of Pinkney Lee Walker, Jr., et ux, and Calvert R. Bregel.

21204

I HEREBY CERTIFY that on this & day of August, 1975, a copy of the aforegoing Order for Appeal was mailed to the County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 and to John W. Hession, III. Esquire, Alex Brown & Sons Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, attorney for

RE: PETITION FOR RECLASSIFICATION from D. R. 5.5 to D. R. 16, SPECIAL EXCEPTION for Office Use SW corner Cha-CIRCUIT COURT for Office Use SW corner Chesapeake Avenue and Florida Road 9th District Pinkney Lee Walker, Jr., et ux Petitioners Calvert R. Bregel, Contract Purchaser No. 74-61-RX FOR SALTIMORE COUNTRY

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

PETITION TO ACCOMPANY ORDER FOR APPEAL

Petitioners, Pinkney Lee Walker, Jr., at ux, and Calvert R. Bregel, contract purchaser, agrieved partied, by Charles E. Brooks and Brooks & Turnbull, their attorneys, respectfully represent unto your honor as follows:

- 1. That the petitioners hereto are agrieved parties whose interests are and will be adversely affected by the Decision and Order of the Board of Appeals of Baltimore County dated July 11, 1975 by which Decision and Order the Board did deny the petitioners request for reclassification and special exception.
- 2. That the Decision and Order of the Board of Appeals of Baltimore County was and is illegal and improper in that the Board did commit the following errors:
- (a) That the Boards decision was arbitrary, discriminatory, and capricious in that there was substantial evidence before the Board of a change in the character of the neighborhood and/or error in adopting the maps of March, 1971.
- (b) The County Council of Baltimore County committed error in the adoption of the maps of March, 1971 when they failed to foresee the increased need and demand for additional office facilities within the Towson Community.
- (c) That the Board erred in failing to consider the numerous governmental complexes within the immediate vicinity

which created a substantial change in the neighborhood.

(d) AND for such other and further reasons as may he presented at the time of any hearing hereon.

WHEREFORE, Appellants ask this Honorable Court to reverse the Decision and Order of the County Board of Appeals.

21204

I HEREBY CERTIFY that on this grade day of August, 1975, a copy of the aforegoing Petition to Accompany Order for Appeal was mailed to the County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 2120% and to John W. Hession, III, Esquire, Alex Brown & Sons Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, attorney for

> CHARLES E. BROOKS CAARLES E. BROOKS Brooks & Turnbull 610 Bosley Avenue Torson, Maryland Phone: 296-2600 Attorneys for

PETLYION FOR RECLASSIFICATION from D. R. 5.5 to D. R. 16, and SPECIAL EXCEPTION for Office Use Sk corner Chesapeake Avenue six district Finney Lee Walker, Jr., et ux Petitioners Clayer R. Bregel Contract Huschaler 30. 78-03-18 TH THE CIRCUIT COURT FOR BALTIMOFE COUNTY Docket: 10 Folio: 91 Case No. 5679 . . . . . . . . . .

Pinkney Lee Walker, Jr., et ux and Calvert R. Bregel, Appellants by Charles E. Brooks and Brooks & Turnbull moves, pursuant to Maryland Rule B7 that the time for the transmittal of the record in this action be extended up to and including November 7, 1975. It is respectfully represented unto this Honorable Court as follows:

- 1. That the Appellants promptly requested a transcript of the testimony after the taking of this Appenl and directed the Board of Appeals to take up the record on the Appeal.
- 2. That the stenographer was requested to prepare the transcript but is presently on vacation and will not return until September of this year. Letter of 5/20/75 attached
- 3. That the Board of Appeals was contacted and they advised that the stenographer has a heavy caseload and indicated a maximum extens of time would be needed.

WHEREFORF, the Appellants pray that an extension of sixty (60) days be granted from September 7, 1975 to Hovember 7,

CHARLES E. BROOKS Brooks & Turnbull 610 Bosley Avenue Towson, Maryland 21204 296-2500 Attorneys for the Appellants CERTIFICATION OF MAILING

I HEREBY CERTIFY, That on this 2/ day of A 1975, a copy of the aforegoing Motion to Extend Time for Trasmitting Record and Order were mailed to the County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 and to John W. Hession, III, Esquire, Alex Brown & Sons Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204

> CHARLES E. BROOKS Brooks & Turnbull 610 Bosley Avenue Towson, Maryland 21204 296-2600

UPON	the	aforegoing	Motion,	1t 1s t	.is		day of
		, 1975	, by the	Circuit	Court	for	Baltimore

ORDERED, that the time for the transmittal of the record of this action to this Court for an extension up to and including

JUDGE

: IN THE CIRCUIT COURT : FOR BALTIMORE COUNTY

. AT LAW

Pinkney Lee Walker, Jr., et ux, : Misc. Docket No. 10 Petitioners-Appellants
Calvert R. Bregel, Contract Purch
Case No. 74-61-RX : Folio No. : File No. 5679

Mary Anita Fitzsimmons, et al, Protestants-Appellees

......

## MOTION TO DISMISS

The motion of the People's Counsel for Baltimore County to dismiss the appeal heretofore filed in this cause respetfully shows:

1. That by its Order dated July 11, 1975, the County Board of Appeals denied the zoning reclassification sought by the Petitioners herein and thereafter, on August 8, 1975, Petitioners filed their appeal to this Honorable Court from that decision of said Board, which said appeal is presently pending before this Honorable

2. That on October 8, 1976, the County Council for Baltimore County enacted Bill No. 111-76, which adopted a new Comprehensive Zoning Map for the Fourth Councilmanic District of Baltimore County, in which the property here involved is situate, and said ordinance has now become effective.

3. That the adoption of said Comprehensive Zoning Map in October, 1976, as aforesaid, renders this proceeding moot.

WHEREFORE, it is respectfully moved that this Honorable Court by its Order dismiss the appeal herein pending, with costs to the Appellants.

AND AS IN DUTY BOUND, ETC.

Quemos John W. Hessian, III
Pey 1's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

ELA 1/14/27

Building, Towson, Maryland, 21204; Mary Anita Fitzsimmons, 409 Chesapeake Avenue, Towson, Maryland 21204; Joseph F. Davis, 305 Alabama Road, Towson, Maryland 21204 and Richard A. Kronen, 4 Dixie Drive, Towson, Maryland 21204.

.

I HEREBY CERTIFY that on this \_\_\_\_\_ day of January, 1977, a copy of said Motion, and the proposed Order therein was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Attorney for the Appel lants; Mary Anito 409 Chesapeake Avenue, Towson, Maryland 21204; Joseph F. Davis, ma Road, Towson, Maryland 21204' and Richard A. Kronen, 4 Dixie Drive, Towson, Maryland 21204, Protestants-Appellee



# Baltimore County, Maryland

CHARLES E. KOUNTZ. JR

The Honorable Edward A. DeW Circuit Court for Baltimore County

> RE: Misc. #5679 PINKNEY LEE WALKER, IR., et ux

TEL 494-2314 2188

Dear Judge DeWaters

In accordance with your direction, I have prepared and I am enclosing a Motion to Dismiss the appeal pending in this matter, together with a proposed Order

A copy of this letter, accompanied by copies of said Motion and proposed Order, is being simultaneously mailed to Mr. Brooks and to the individual Appellees.

JWH:sh

Honorable Court deny the Motion to Dismiss. AND, AS IN DUTY BOUND, ETC.

PETITION FOR RECLASSIFICATION rom D.R.5.5 to D.R.16, and SPECIAL EXCEPTION for Office Use SW Corner of Chespeake Avenue and Florida Road, 9th District

Pinkney Lee Walker, Jr., et ux, Petitioners-Appellants Calvert R. Bregel, Contract Purchaser Case No. 74-61-RX

Mary Anita Fitzsimmons, et al, Protestants-Appellees

Motion to Dismiss, states as follows:

1. Admitted.

same is a legal conclusion.

ANSWER TO MOTION TO DISMISS

Charles E. Brooks and Brooks & Turnbull, and in answer to the

ments contained in Paragraph 3 of the Motion to Dismiss as the

WHE REFORE, it is respectfully requested that this

Now come the Petitioners-Appellants, by their attorneys,

3. The Appellants can neither admit nor deny the state-

\* IN THE CIRCUIT COURT

\* BALTIMORE COUNTY

\* Misc. Docket No. 10 Folio No. 91 \* File No. 5679

\* AT LAW

I HEREBY CERTIFY, that on this 24 day of January, 1977, a copy of said Answer to Motion to Dismiss was mailed to John W. Hessian, III, People's Counsel for Baltimore County, County Office

FILED JAN 24 1977

ET E

PETITION FOR RECLASSIFICATION from D. R. 5.5 to D.R. 16, and SPECIAL EXCEPTION for Office Use bW corner of Chesapeake Avenue

and Florida Road 9th District Pinkney Lee Walker, Jr., et ex

Petitioners Calvert R. Bregel, Contract Purchaser

Protestants

IN THE CIRCUIT COURT

BALTIMORE COUNTY PEOPLE'S COUNSEL for BALTIMORE COUNTY

MARY ANITA FITZSIMMONS LAW CASE NO. 5679 JOSEPH F. DAVIS RICHARD A. KRONEN

## RULING ON MOTION TO DISMISS

The above case has been submitted to the Court for a ruling on a Motion to Dismiss and Answer thereto.

This is a case where zoning was denied by the County Board of Appeals on July 11, 1975 and appeal was filed to the Circuit Court for Baltimore County on August 8, 1975. The property is located in the Fourth Councilmanic District of Baltimore County. On October 8, 1976. the County Council for Baltimore County adopted a new Comprehensive Zoning Map for that councilmanic district.

It has been held that the adoption of a comprehensive zon ng plan or map while appeal is pending in a zon ng case renders that zoning case moot. From the dates listed above it is obvious that is exactly what has happened in this case. Rockville v. Dustin, 276 Md. 232 held as follows:

> "An appeal in a zoning case should be dismissed as moot where, as here, the coming application has been superseded by a subsequent comprehensive rezoning act of the zoning authorities". See Lake Falls Association v. Board of Zoning Appeals, 209 Md. 561, 121 A. 2nd 809(1956);

EILED FEB 1, 1977,



Banner v. Home Sales Co. D, 201 Md. 425, 94 A. 2nd 264 (1953). See also Maryland Rule 835 a 6; Md. Tobacco Grow v. Md. Tob. Auth., 267 Md.20,296A.lnd578(1972).

The Motion to Dismiss is thereby granted this 174 day of Fell

EAD/vc
dated: 2/16/77
cc: Charles E. Brooks, Esq.
John W. Hessian, III, Esq.
Walter A. Reiter, Jr, Esq.
Robert L. Gilland, Esq.



September 12, 1973

Re: Zoning Case 74-61-RX 401, 403, 405, 407 W. Chesapeake Avenue Request for Reclassification from DRS.5 to DRI6 with Special Exception for Offices

We the undersigned here present at this hearing object to the petitioner's request, since

- 1 It is not in keeping with the residential character
- 2 It will tend to overcrowd the land and congest the roads and streets
- 3 It is not supported by the Planning Board and would constitute "spot" DR16 zoning surrounded by DR5.5
- 4 There has been no "change" to our neighborhood since the comprehensive zoning maps were adopted in March 1971
- 5 Offices belong in the Towson center within the "ring" road in accordance with the 1980 guide plan.

SIGNATURE	ADDRESS
1. Casplyn Hamberton	- 411 Halama Post
2. day on I flath	312 Olah. Ral
3. Bedrack n Sortiam	410 Carolina Rond
4. Buch & Howker Oughe)	509 Jack Sty James
5. Mary Ginn.	606 Howard
6. Chara & Gritter	5 Walang Ct.
7. Nor 1	403 Station
Out a late.	1 - 70

9913

SIGNATURE 305 Alabama Rd. Robertw. Lendson 413 Georgia Court (4) 413 Georgi Ct (4) 409 W. Ches Quale Hoe 405 Carolina Rd. 13. hoto Angell 4. Dixie Daise 15. 708 Maringide Dt. T. Harris 17. 417 Georgia C 18 19. 20.

ADDRESS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

#### BALTIMORE COUNTY ZONING ADVISORY COMMITTEE April 13, 1973

oc

JOHN J. DILLON. JR.

DEPARTMENT OF RAFFIC ENGINEERIN TATE BOADS COMM BUREAU OF

John C. Turnbull, II, Esquire Brooks & Turnbull 305 W. Allegheny Avenue Towson, Maryland 21204

> RE: Petition for Reclassification and Special Exception Pinkney Lee Walker., Jr., et ux -Petitioners Fifth Zoning Cycle Item No. 16

Dear Mr. Turnbull:

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 ar . 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 of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the southwest corner of Florida Road and West Chesapeake Avenue and consists of dwellings 401, 403, 405 and 407 West Chesapeake Avenue. This property, which is currently zoned D.R. 5.5, is requesting a Reclassification to D.R. 16 and a Special Exception for offices. These properties, each of which are improved with individual attractive and well maintained dwellings, are located directly across the street from the Towson Presbyterian Church and the building, which was previously the manse for the Towson Presbyterian Church and, which has recently received a Special Exception for a boarding house, there are other existing dwellings on either side of the subject property and the Presbyterian Home of Maryland is located directly to the rear of the properties. Curb and gutter exist along West Chesapeake Avenue, Highland Avenue and Florida Road in this location. The Petitioner's site plan indicates that the entrance and parking for 401 West Chesapeake Avenue will be via Florida Road. Florida Road, up to this time, has been strictly a residential street however, this is the vicinity of the existing entrance. As long as onstreet parking is controlled in this area and the existing entrance is widened sufficiently to accommodate this type of use, there are no

John G. Turnbull, II, Esquire Page Two

serious problems anticipated from this parking arrangement. The property known as 403 West Chesapeake Avenue is proposed to have a single entrance from Chesapeake Avenue and with parking in the rear. The properties known as 405 and 407 West Chesapeake Avenue propose to use a common entrance between the two, which has been suggested and recommended by this office in other similar requests. In general, the Committee is concerned about the very serious problem of lack of parking spaces in the Towson area and it should be noted that paking required by these Regulations is set at a minimum and should be exceeded whenever possible. Furthermore, I recommend that should the Special Exception and Reclassification be granted, that it be restricted in such a manner as to prohibit any exterior changes to these properties with the exception of maintainence and that before any structure could be removed for the erection of a new building that another hearing be held to determine its appropriateness. Also, that it be restricted to retain as much of the landscaping as currently exists on these properties.

This petition for reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Friday, June 1, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1973 and October 15, 1973, will be forwarded to you well in advance of the date and time.

> John 4 Killows JOHN J. DILLON, JR. Chairman Zoning Advisory Committee

JJD:gc Enclosure

Baltimore County, Maryland Bepartment Of Bublic Works

COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204 April 26, 1973

Bureau of Engineering ELLSWORTH N. DIVER. P. E. CHIEF

> Mr. S. Eric DiNenna Zoning Commissioner County Office Building

> > Re: Item #16 (April to October 1973 - Cycle V) Property Owner: Pinkney Lee, Jr. and Elizabeth Walker S/W cor. of Florida Rd. & West Chesapeake Ave. (h01-h07 Now for, of Morias Rd. & West Chesspeake Ave. (801-167) West Chasspeake Ave.)
> > Fresent Zonine: 18,18.5.5
> > Froposed Zoning: Reclass, to D.R. 16 and Special Exception for offices United 9th No. Acres: 1,0%

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

## Highways:

West Chesapeake Avenue is an existing County road which is proposed to be widened in the future to a bi-foot curbed cross-section on a 72-foot light-of-way.

Future highway improvements will be accomplished within the Capital Improvement Program; however, the dedication of the highway right-of-way and slope easements will be required in connection with any grading or building permit application.

Florida Road, also an existing improved County road, shall be widered in the future to a 30-foot curbed cross-section on the existing 50-foot right-of-way.

The subject plan should be revised to indicate the future right-of-way line and curb and gutter for West Chesapeake Avenue and Plorida Road.

#### Sediment Control:

Development of this property through stripping, grading and stabilisation could result in a mediant pollution problem, cameging private and public holdings d. natroam of the property. A grading permit is, therefore, necessary for all grading, including the stripping of too soil.

The Petitioner must provide necessary drainage familities (temporary or permanent) to prevent creating any misanose or damages to adjacent properties, especially by the concentration of surface waters. Correction of any projects which may require improper familities of definitions of definitions of the control of the co

-Matem #16 (April to October 1973 - Cycle V) Property Owner: Pinkney Lee, Jr. and Elizabeth Walker Page 2 April 26. 1973

### Water and Sanitary Sewer:

Public water and sani ary sewerage are available to serve these properties.

Very truly yours,

LLSWORTH N. DIVER, P.E. hief, Bureau of Engineering

#### END:EAM:DFM:ss

38 NE 1 Pos. Sheet NE 10 A Topo Sheet

WILLIAM D. FROMM DIRECTOR

S. ERIC DINENNA ZONING COMMISSI



May 17, 1973

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

Dear Mr. Di Nenna

Comments on Item #16, V Zoning Cycle, April to October 1973, are as follows:

Property Owner: Pinkney Lee, Jr. and Elizabeth Walker Location: SWC of Florida Road and West Chesapeake Avenue (401-407 West Chesapeake Ave) Present Zoning: D.R.5.5 Proposed Zoning: Reclassification to D.R.16 and Special Exception for offices District 9

The site plan must be revised to show the future paving and right of way of Chesapeake Avenue.

The revised site plan must also show the required 24 foot minimum commercial driveway entrances.

The revised plan should also indicate the use of the basements of the buildings.

Four foot high compact screening is required along Florida Road where the parking area is accross

John Z Wimblezo John L. Wimbley Planning Specialist II Project Planning Division Office of Planning and Zoning

Very truly yours,

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD. P.E.

April 26, 1973

itr. 5. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item 16 - Cycle Zoning V - April to Oct. 1973 Property Owner: Pinkney Lee, Jr. & Elizabeth Walker Florida Rd. & W. Chesapeake Avenue Reclass. to DR 16 & S.E. for offices - District 9

The subject petition is requesting a change from DR 5,5 to DR 16 of l acre, This tract in itself, is not of sufficient size to create capacity problems. However, should the land surrounding this property continue to be re-zoned for offices, serious capacity problems can be anticipated on the existing road system.

CRM+nc

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

AREA CODE 301 PLANNING 494-3211 ZONING 494-3391



025-7310

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

Attention: Mr. Oliverxixxiyers, Chairman Zoning Advisory Committee

Re: Property Owner: Pinkney Lee, Jr. and Elizabeth Walker

Location: 401-407 West Chesapeake Avenue

Item No. Reclassification Zoning Agenda Tuesday, April 10, 1973

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 Norks.

( ) 2. A second means of vehicle access is required for the site.
( ) 3. The vehicle dead-end condition shown at

EXCEEDS the maximum allowed by the Fire Department.
The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning

of the Fire Prevention Gode prior to occupancy or beginnin of operations.

3. 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.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: ANOCO Maska J. Moted and Approved: Planning/Group Devision Depty Chief Special Inspection Division Pice Prevention Bureau

mls 4/25/72

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

April 9, 1973

DONALD J. ROOP, M.D. M.P.H.

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

Comments on reclassification, Zoning Advisory Committee Meeting, April 4, 1973, are as follows:

Property Owner: Pinkney Lee, Jr. & Elizabeth Walker Location: 401-407 West Chesapeake Ave. Present Zoning: D.R. 5.5 Proposed Zoning: Reclass to D.R. 16 District: 9 No. Acres: 1.034

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

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

HVB:mn@

# BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON MARYLAND - 21204

Date: April 24, 1973

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

Z.A.C. Meeting of:

Property Owner: Pinkney Lee, Jr. and Elizabeth Walker Location: 101 - 107 West Chesapeake Avenue Present Zoning: D.R. 5.5 Proposed Zoning: Reclass to D.R. 16

District: No. Acrest

1.035 ....

Dear Mr. Dillenns .

Offices would have no adverse effect on the student population.

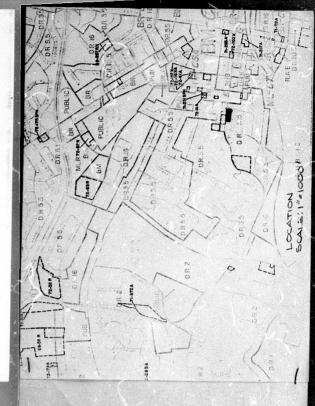
to Wint Feliand

Very truly yours, W. Nick Petrovich Field Representative

L EMBLIE PARKS, SHOWS MRS ROBERT L BERNEY

WNP/ml

JOSEPH N. MUTTIWAY JOSHUA R. WHEELER SURENIE RICHARD W. TRACEY, V.M.D. MRS RICHARD & WINNERS



TOWSON IMES TOWSON, MD. 21204

> THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dinemaa Zoning Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for weeks before the 27 day of August 1971 that is to say, the same was inserted in the issue of August 23, 1973.

STROMBERG PUBLICATIONS, Inc.

By Buth Morgan



# CERTIFICATE OF PUBLICATION

TOWSON, MD., ...... August. 23. THIS IS TO CERTIFY, that the appeared advertisement was day of \_\_\_\_\_Sankesher\_\_\_\_\_, 19\_73\_, the first publication appearing on the 23rd day of August 19.73

THE JEFFERSONIAN.

Cost of Advertisement, \$

74-61-RX 4-SIGNE CERTIFICATE OF POSTIMO Date of Posting JUNE 22 1974 Petitioner: PINKNEY LCE WALKER, IR., ET UX

Location of property: SW CORNER CHESAPEAHE AVE, AND FLORIDA Location of Signs: FBONT 401, 403, 405, 407 CHESAPEHLE AVE.

Date of return: JUNE 28, 1974

CERTIFICATE OF POSTING ACTUMO DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland Posted for O PETITION FOR RECLASSIFICATION OPETITION FOR SECHAL EXCEPTION Petitioner PINKVEY L. LUALKOR Location of property: SWICOR. OF CHESHPOAKS AND FLORIDA RA Location of Signs FRONT OF 401, 403, 405, 404 CHCSAPPAKE AND

8-5,605

74-61-RX

Ported by Llowers K. Braland

PETITION	M	APPI	NG	PRO	GRE	SS	SHE	ET		
FUNCTION	wall Map		Original		Duplicate		Tracing		200 Sheet	
FUNCTION	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline		857								3
Denied							-			
Granted by ZC, BA, CC, CA										
Reviewed by:		-		Chang	ed Pla e in ou	tline	or des	cripti	on	

		111	ty Office Buildin W. Chesaneake Ave on, Maryland 2120	nue
		Your Petitio	n has been receive	ed and accepted for filing
this	1300	day of_	April	1973
			S. ERII Zoning	C DI NENNA, Commissioner
Petition	or Pinkney L	se Valker, et u	. : 1	11 10 11
Petition	er's Attorney	John G. Turnb	41. II. Eeq. R	Enairman Zoning Advisory Committe

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
III W. Chesporak: Avenue
Townon, Manjind 21204

Your Petition has been received\* this 30 Th

\* This is not to be interpreted as acceptance of the Petition for assignment of a hearing

BALTIMORE COUNTY, MARYLAND
OFFICE OF FRANCE - REVENUE GROUND
MISCELLAREOUS CASH RECEIPT

DATE May 3, 1973

ACCOUNT 01-662

MINTE CARMICE MINTER ADMINT 850,00

MINTER CARMICE MINTER ADMINT 850,00

MINTER CARMICE MINTER ADMINT 850,00

POSTOR MR. 2200, PARTICLE ADMINISTRATION OF BROLZEN AND ADMINTS ADMINISTRATION OF BROLZEN AND ADMINISTRATION OF BROLZEN AND ADMINISTRATION OF MALEST, 27.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 15062
DATE June 13, 1974 ACCOUNT	01-662
AMOUNT_	\$70.00
Charles E. Brooks, Esquire	YELLOW - CUSTOMEN
Cost of Filing of an Appeal on C SW/corner of West Chesapeake 9th Election District	Avenue and Florida Road
Pinkney Lee Walker, Jr., et ux	- Petitioners
AC 3 8 2 A JUL 14	70.00 msc

BALTIMORE COUN IFFICE OF FINANCE - R MISCELLANEOUS C	EVENUE DIVISION	No. 12405
ATE 9/13/73	ACCOUNT	-01.662
	AMOUNT	\$145.32
WHITE / CASHIER	DISTRIBUT ON PINK - AGENCY	YELLOW - CUSTOMER
	inkney Lee Wall	ker ne & Florida Rd.

BALTIMORE COUNTY OFFICE OF FINANTE - REV MISCELLE VEOUS CA	ENUE DIVISION	No. 15327
DATE 8/22/75	ACCOUNT	01.712
	AMOUNT	\$21.00
Brooks & Turnbull 610 Bosley Avenue Towson, Md. 21204	DISTRIBUTION FINE - AGENCY	Vector - customen Certified documents - Walker-Bragel - Case No. 74-61-RX 2 1.0 C 455





















