

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Excavation Construction, 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 D.R.2 and D.R.3.5 zone to an D.R.16 zone; for the following reasons:

- In placing the property in a D.R.2 and D.R.3.5 zone, the County Council committed errors as set out in the attached exhibit, which is incorporated by reference herein; and
- Since the property was classified D.R.2 and D.R.3.5 by the County Council, the fundamental character of the area has changed, as set out in the attached exhibit, which is incorporated by reference herein.

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 _____ N.A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expense 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.

Excavation Construction, Inc.
By: *Robert P. Jenkins*
Robert P. Jenkins, Legal Owner
Address: 6611 Kenilworth Avenue
Riverdale, Maryland 20840

James D. Nolan, Petitioner's Attorney
Address: 204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th day of April, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of September, 1973, at 1:00 o'clock

Eric Di Nenna
Zoning Commissioner of Baltimore County

(over)

November 1, 1973

James H. Cook, Esquire
Suite 508, Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NE corner of Brookside Lane and
Bellona Avenue - 8th District
Excavation Construction, Incorporated - Petitioner
NO. 74-65-R (Item No. 15)

Dear Mr. Cook:

Please be advised that an appeal has been filed from the decision rendered by the Zoning Commissioner of Baltimore County in the above captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED:arl

cc: Mrs. Dorothy C. Eichelberger
County North Real Estate
Hunter Mill Road
White Hall, Maryland 21161

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 2 and D.R. 3.5 to : COUNTY BOARD OF APPEALS
D.R. 16 :
NE corner of Brookside Lane : OF
and Bellona Avenue :
8th District : BALTIMORE COUNTY
Excavation Construction, Inc., :
Petitioner : No. 74-65-R

OPINION

This case comes before the Board on an appeal by the Petitioners from an Order of the Zoning Commissioner of Baltimore County, dated September 19, 1973, wherein the petitioned for reclassification from D.R. 2 and D.R. 3.5 to D.R. 16 zone had been denied. The subject property is located on the northeast corner of Brookside Lane and Bellona Avenue, in the Eighth Election District of Baltimore County.

Testimony was produced by an executive officer of the Petitioner along with six expert witnesses, which included an engineer, a traffic engineer, two realtors and appraisers, a planner, and an architect. The architect testified with regard to the plan submitted on behalf of the Petitioner and indicated that the proposed use would be of approximate density of D.R. 10.5. He felt that this would be a good use of the subject property, and that the actual use would be lesser density than that which the petition seeks.

An engineer appearing on behalf of the Petitioner indicated that he felt that there would be adequate sewage to the subject property upon the lifting of the Jones Falls moratorium in 1975. The other utilities were indicated to be adequate and there was no issue taken other than regarding the sewage. However, sewage in this area being of the important nature that it is, it does not appear to this Board that adequate sewage would be available under the proposed use without perhaps the denial to some other property owner. Furthermore, it was not definitely established that the allocations available to Baltimore County, upon the lifting of the moratorium, would be sufficient to meet the requirements to this property if reclassified.

As regards testimony of the traffic engineer that the proposed project would provide for an eighty-five percent increase of the traffic along Bellona Avenue, being that portion of Bellona Avenue fronting along the subject property between Charles Street and

POINTS OF ERROR COMMITTED

BY THE COUNTY COUNCIL IN CLASSIFYING
THE SUBJECT PROPERTY D.R.2 AND D.R.3.5

The Petitioner states that the Baltimore County Council committed at the very least the following errors and very probably additional errors in classifying the subject property D.R.2 and D.R.3.5.

1.) The subject property is wedged between the Baltimore County Beltway, the Pennsylvania Railroad and an existing apartment development, and it was error for the County Council to place the property in any residential zone less than a D.R.16 zone.

2.) That the property enjoys excellent access both to Baltimore City and other parts of Baltimore County by means of Charles Street and the Baltimore County Beltway, which access renders such low density zoning erroneous.

3.) For such other and further errors as shall be disclosed during the course of the preparation of this case, which errors shall be brought out at the time of the hearing hereon.

CHANGES IN THE NEIGHBORHOOD

The Petitioner states that since the property was last classified and considered by the County Council the following changes have occurred in the neighborhood:

1.) That the State Highway Administration has taken a part of the subject property and is in the process of constructing a very large interchange between the Baltimore County Beltway and the York - Harrisburg Expressway which is having and will have a tremendous impact on the subject property and the neighborhood.

Excavation Construction - #74-65-R

Joppa Road. This portion of Bellona Avenue is variously described as 14 to 18 feet wide, with the exception of a portion running from Charles Street several hundred feet west to the entrance to Ruxton Towers apartments, said portion is somewhat wider. Testimony produced by the traffic engineer from Baltimore County, other Protestants, and the Planning Department, indicates to this Board that there is a substantial traffic problem along this road at the present time, and an eighty-five percent increase would be overwhelming. In addition to this, the MTA is now running numerous scheduled bus routes along this stretch of road, which further adds to the traffic congestion and otherwise impedes the free flow of traffic. The conditions existing on Bellona Avenue in the area described are reflected in Protestants' Exhibit B, which shows various photographs of traffic and the narrow road with its curved rises, etc., which is not designed for or capable of handling any substantial amount of traffic.

The testimony from the realtors and appraisers, and more specifically from the land planner on behalf of the Petitioner, indicates that there was either error by the County Council in placing the present designation on the subject property, or that there has been substantial change in the character of the neighborhood. The Board does not agree. In support of these contentions, the witnesses on behalf of the Petitioner, have alleged the fact that the property had been zoned for apartments prior to the adoption of the maps, and that the action by the County Council amounted to a downgrading of the density. Also, they stated that such items as the completion of Kenilworth Avenue through from Bosley Avenue to Charles Street, and the completion of the Beltway ramp from I-83 into Charles Street, as reasons either for error and/or substantial change in the character of the neighborhood. However, there was testimony both from the Planning staff and from the Secretary to the County Council that the subject property in question was inspected by the Council. The prior classification, the completion of Kenilworth Avenue and the Beltway ramp, were well known to the Council prior to their action. Furthermore, this petition was a live issue at the time of the adoption of the maps by the County Council prior to March 24, 1971.

There was additional evidence presented by the Protestants that one of the

2.) That access to the Baltimore County Beltway, as well as the Harrisburg Expressway, is in the process of being greatly improved, and these improvements have occurred since the Council acted upon the property.

3.) For such other and further changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for the Petitioner

Excavation Construction - #74-65-R

alleged changes; namely, the construction of the ramp from I-83 to Charles Street, has been beneficial to them and has actually added to the enjoyment of their property in that the view of the Beltway traffic and paving is shielded from their vision (as testified a property owner adjoining the subject property), and also that the ramp itself acts as a buffer and has greatly diminished the noise of the traffic from the Beltway.

Furthermore, there was some allegation on behalf of the Petitioner that he has been denied reasonable use of his property. The Board does not find this to be so in that the property adjoining the subject property is zoned in a similar manner, and further, that the Petitioner is entitled to build apartments if he so desires, under Bill #100, within the present zoning classification, and that there is no problem with transition zones.

As has been stated many times, in order to seek the reclassification the Petitioner must show error on the part of the County Council or a substantial change in the character of the neighborhood. The burden of showing error is an onerous one, and the Board feels that said burden has not been met in this case and further feels that there have been no substantial changes in the character of the neighborhood but merely improvements to the existing roadway system, which were well known to the County Council prior to the adoption of the present zoning maps on March 24, 1971 and, therefore, the petition for reclassification will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of January, 1975, by the County Board of Appeals ORDERED, that the reclassification petitioned for, be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Miller, Jr.
Walter A. Miller, Jr., Chairman
John A. Miller
John A. Miller
Robert L. Gifford
Robert L. Gifford

September 19, 1973

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NE corner of Brookside Lane
and Bellona Avenue - 8th District
Excavation Construction, Inc. -
Petitioner
NO. 74-65-R (Item No. 15)

Dear Mr. Nolan:

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

Very truly yours,
S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

SEDge
Attachments

cc: James H. Cook, Esquire
409 Washington Avenue
Towson, Maryland 21204

Mrs. Dorothy C. Eichelberger
County North Real Estate
Hunter Mill Road
White Hall, Maryland 21161

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1973, that the herein described property or area should be and the same is hereby reclassified; from zone to zone and/or a Special Exception for should be had the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original zoning map or substantial changes in the character of the neighborhood and the health, safety, and general welfare of the community being adversely affected

the above re-classification should NOT BE HAD, and the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of September, 1973, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain in D.R. 2 and D.R. 3.5 zones.

Zoning Commissioner of Baltimore County

OFFICE OF DONALD B. RATCLIFFE, A.I.A. ARCHITECTS
34 West 25th Street, Baltimore, Maryland

DONALD B. RATCLIFFE
Born: January 19, 1926
Native: Baltimore, Maryland

Education:

High School 4 years - Calvert Hall College, Graduated 1944
College: 2 years - Mt. St. Mary's College - Navy ROTC.
4 years - University of Pennsylvania, BAA 1949.
2 years - Graduate courses Stevens Institute of Technology 1950.

Professional Training:

1949 - 1950 U.S. Steel Corporation, New York Sales Engineer.
1950 - 1954 L. A. Menefee, Architect Baltimore, Maryland
1954 - Present Private Practice Present Firm Started 1954

Professional Qualifications:

The American Institute of Architects
Registered Architect in the State of Pennsylvania
Professional registration in the State of Virginia
Maryland State Registration

Board of Directors of the Merchants Club
Board of Directors of the Clifton Savings Bank
Executive Committee of the Catholic Charities
Executive Committee of the National Conference of Christians & Jews
Board of Directors of Villa Julie College

FIRM:

Registered Architects:

Donald B. Ratcliffe - Qualifications above.
Gwen D. McDade - Maryland, Pennsylvania and Virgin Islands
BA Carnegie Institute 1952
70 years experience in all major design works including commercial, institutional and hospital work

Page - 1

Project Captains:

David L. Kehne
University of Maryland

William W. Kuehny
Baltimore Institute

Allen Hitchcock
BA University of Md.
Masters University of Wash.

Draftsmen:

Stanley Ryder
BA University of Md.

Jamie Fishman
BA University of Md.
Harshad Patel
University of Calcutta

Donald Cassell
Catonsville Community College
Experience in site development work. Handles topographical work and site layout.

Consultants:

Michael M. Richards
University of Michigan
Registered Landscape Architect

20 years experience as project architect for major industrial projects. Handles project development through working drawings and field inspection stages. Technical background. Experience with present firm 6 years.

Handles project through design development stages, working drawings and administers to completion. Experience with present firm 12 years.

Architectural design and job captain. Ability ranges from presentation drawings through working drawings, including field supervision. Experience with present firm approximately 1 year.

3 years summer experience. 1 year field experience working drawings.

3 years summer experience. 1 year field experience working drawings.

4 years experience working drawings.

5 years experience with firm in site development plans and landscape layout and design.

Participating Engineering Firms:

J. L. Faisant & Associates - Structural
Baltimore, Maryland
Saxe, Van Benschelaer - Structural
Baltimore, Maryland
Egli & Gompf - Mechanical
Baltimore, Maryland
Henry Adams, Inc. - Mechanical
Baltimore, Maryland

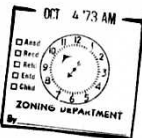
Major Works in Private Practice:

Westinghouse Electric Corporation, Baltimore, Maryland Administration Building, 1960 \$2,000,000.00
Martin Corporate Headquarters, Baltimore, Maryland \$1,600,000.00
Doner Office Building, Baltimore, Maryland \$1,000,000.00
Honeywell, Baltimore, Maryland \$350,000.00
Service Bureau Office Building Baltimore, Maryland \$350,000.00
Shaw Walker Office Building \$500,000.00
Univac Office Building \$500,000.00
Ford Motor Company Dealership Facilities \$2,300,000.00
U.S.F.G. Building, Orange, N.J. \$750,000.00



BALTIMORE COUNTY, MARYLAND
EXECUTIVE OFFICE
TOWSON, MARYLAND 21204

October 2, 1973



Mr. R. M. Somers
8428 Charles Valley Court
Towson, Maryland 21204

Dear Mr. Somers:

This office is in receipt of a copy of your letter of September 24 to Mr. Joseph Nolan, Department of Permits and Licenses. Ordinarily, we do not directly reply to copies of letters to other addressees, but in this instance, since you had previously made a telephone inquiry to this office, we felt it in order to intercede on your and your neighbors behalf.

In accordance with Mr. Anderson's instructions, I conducted a meeting with Mr. Joseph Nolan, Mr. Gordon Addicks and Mr. Jack Berger of the Buildings Engineer's Office during which we discussed the matter of your complaint. Generally, everyone was in agreement that the existing problems and violations at the property formerly known as the Sobeloff property and now owned by Excavation Contractors, Inc. should be corrected. I am pleased to advise you that Excavation Contractors, Inc. have already been given a 60-day period in which to correct the existing violations. As of this writing, it is my understanding that they have approximately 26 days left of the original 60 days.

We cannot, of course, at this time, predetermine the extent of Excavation Contractors, Inc.'s intentions to fully comply with the county's orders. We do, however, share your concern in this matter and hope that they will in fact comply fully within the designated time limit.

I can assure you that the Buildings Engineer's Office is keeping a close watch on this matter and will take every legal action available if any violations to county ordinances exist at the end of the 60-day time period.

We appreciate your interest in this matter and remain available to further advise and assist you in this or any other county matter within our authority.

Sincerely,

Morton Klasmier
Administrative Assistant
to County Executive

K/m

cc: Mr. Dietz
Mr. Hoppert
Mr. Nolan
Mr. Addicks
Mr. Berger
Mr. DiNenna
Senator Flannery
Mr. Sidney Silber

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
10200 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301/823-0900

Letter Matz
John C. Childs
Associates
Ronald W. Brynes
George W. Busby
Robert W. Cressen
Leonard M. Glass
Edmund F. Heile
Norman F. Herrmann
Paul Lee
Fred F. Mirmiran
Wilson F. Cullen
Paul S. Smeton

DESCRIPTION

31.55 ACRE PARCEL, MORE OR LESS, LAND OF EXCAVATION CONSTRUCTION, INC., NORTH SIDE OF BELLONA AVENUE, WEST OF CHARLES STREET AVENUE, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for DR 16 Zoning

Beginning for the same at a point in the center of Bellona Avenue, at the distance of 800 feet, more or less, as measured westerly along said center line of Bellona Avenue from its intersection with the center line of Bellona Lane, said beginning point being at the end of the fourth line of the land conveyed to Wilbur C. Davison and wife by deed recorded among the Land Records of Baltimore County in Liber W.P.C. 577, page 381, running thence binding reversely on the outlines of said land two courses: (1) N 00° 54' 30" W 527.29 feet, and (2) S 88° 53' 30" E 305 feet, more or less, to intersect the existing "DR-16" Zoning Line located 470 feet west of and parallel to Bellona Lane, thence binding on said line, (3) parallel to Bellona Lane and 470 feet west thereof, Northerly 970 feet, more or less, to a point on the south right of way line of the Baltimore Beltway, thence binding on said right of way line seven courses: (4) N 78° 17' 42" W 565 feet, more or less. (5) S 17° 46' 16" W 75.00 feet, (6) N 72° 36' 14" W 94.04 feet, (7) N 17° 01' 16" E 20.00 feet, (8) N 73° 48' 36" W 209.65 feet, (9) N 74° 38' 27" W 193.32 feet, and (10) N 42° 30' 38" W 192.46 feet to a point on the southeast right of way line of the Northern Central Railroad, thence binding on said right of way line, (11) S 48° 41' 35" W 94.28 feet to the beginning of the land conveyed to the County Commissioners of Baltimore County by deed recorded among said Land Records in Liber T.B.S. 1885, page 326, thence binding reversely on the outlines of said last mentioned land two courses: (12) S 41° 18' 25" E 200.00 feet, and (13) S 00° 42' 18" W 334.07 feet to the beginning of the thirteenth line of the land described in the deed to Excavation Construction, Inc., as aforesaid, thence again binding on the outlines of said land, five courses: (14) N 84° 16' 30" E 365.50 feet, (15) S 35° 07' 30" E 97.70 feet, (16) S 87° 32' 30" E 73.60 feet, (17) S 05° 43' 30" E 365.80 feet, and (18) S 84° 16' 30" W 458.31 feet, thence still binding on the outlines of said last mentioned land and on the east side of Brookside Lane, twenty-eight feet wide, (19) S 05° 43' 30" E 568.84 feet to a point in the center of Bellona Avenue herein referred to, and thence by lines in or near the center of said Bellona Avenue three courses: (20) S 83° 41' 30" E 46.20 feet, (21) N 83° 31' 30" E 169.60 feet, and (22) N 87° 28' 30" E 495.50 feet to the place of beginning.

Containing 31.55 acres of land, more or less.

RLS:mlp

J.O. #62042

March 27, 1973



ORDER FOR APPEAL

Mr. Commissioner:

Please enter an appeal on behalf of the corporate Petitioner, Excavation Construction, Inc., to the Baltimore County Board of Appeals from your Order of September 19, 1973, which denied the requested reclassification, and from each and every part of the said Order.

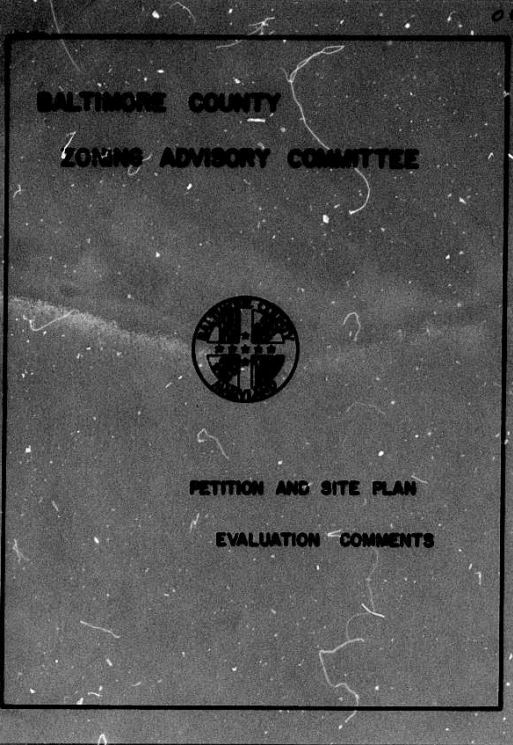
James D. Nolan
James D. Nolan
Attorney for the Petitioner
204 West Pennsylvania Ave.
Towson, Maryland 21204
Telephone: 823-7800

I HEREBY CERTIFY, that on this *5th* day of September, 1973, a copy of the foregoing ORDER FOR APPEAL was mailed to James H. Cook, Esquire and Richard C. Murray, Esquire at 409 Washington Avenue, Towson, Maryland 21204.

James D. Nolan
James D. Nolan



LAW OFFICE
NOLAN, PUNNETT &
WILLIAMS
TOWSON, MD



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE
April 13, 1973

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

James D. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

JOHN J. DILLON, JR.,
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

RE: Petition for Reclassification
Excavation Construction, Inc. -
Petitioner
Fifth Zoning Cycle
Item No. 15

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.

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 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 northeast corner of Bellona Avenue and Brookside Lane in the Eighth District of Baltimore County. This undeveloped parcel of land, which is zoned D.R. 2 and D.R. 3.5, also backs up to the right-of-way line of the Baltimore County Beltway and the Northern Central Railroad. The total area of this site contains 32.0781 acres of land and is proposed to be developed with garden apartments. The allowable number of units permitted in this area if this land were reclassified D.R. 16, would equal 512 and the Petitioner indicates that he proposes to develop 264 units. His density calculations do not indicate whether these are efficiencies, one (1) bedroom, two (2) bedroom, et cetera. This should be indicated on a revised site plan. Brookside Lane, which intersects Bellona Avenue and runs north, serves five (5) dwellings that are in good to excellent condition. All of these, with the exception of one (1), are on the west side of Brookside Lane. There are other existing residential structures on the north side of Bellona Avenue and there are existing apartments to the east of this property off of Judges Lane. This property has been the subject of

James D. Nolan, Esquire
April 13, 1973
Page Two

some controversy as it was used as a land bank during the construction of the State highway improvements along the Beltway and left a large crater-like void in the side of this attractive hillside area. The Petitioner's plan should indicate topography of the proposed final grade of this land along with the other items that are requested by the Bureau of Engineering.

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.

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

JJD:gc

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

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

April 17, 1973

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

Re: Item #15 (April to October 1973 - Cycle V)
Property Owner: Excavation Construction, Inc.
W/S of Bellona Ave., W. of Charles Street Ave.
Present Zoning: D.R. 2 and D.R. 3.5
Proposed Zoning: Reclass. to D.R. 16
District: 8th No. acres: 31.55 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:

Bellona Avenue is an existing road and shall ultimately be improved as a 60-foot curbed street on a 60-foot right-of-way.

The proposed interior street shall be a public road with 60 feet of paving on a 60-foot right-of-way.

A 50-foot right-of-way for Brookside Lane shall be provided.

Storm Drains:

The Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water to a suitable outfall.

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

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.

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.

Property Owner: Excavation Construction, Inc.
Page 2
April 17, 1973

Sediment Control: (Cont'd)

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

Water:

Water can be made available from the existing main in Bellona Avenue.

Sanitary Sewer:

Sewer can be made available from the existing mains across the north end of the property.

This tract falls within the Jones Falls watershed and at present there is a restriction on construction until 1975.

Very truly yours,
Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:SAN:GD:ss

A3 and M. NW 1/4 Pos. Sheets
NW 1/4 A and 1/4 B Top Sheets
60 and 67 Tax Maps
S-38 Key Sheet

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Wm. T. MELLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

April 26, 1973

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

Re: Item 15 - Cycle Zoning V - April to Oct. 1973
Property Owner: Excavation Construction, Inc.
Bellona Ave. & Brookside Lane
Reclass. to DR 16 - District 8

Dear Mr. DiNenna:

The subject petition is requesting a change from DR 2 and DR 3.5 to DR 16 of 32.55 acres. This should increase the trip density from 900 to 3840 trips per day. This increased trip density may create a problem on Bellona Avenue, since this road exists only as a two lane road. Should this density be desired along Bellona Avenue, the County will be required to look into improvements to Bellona Avenue. At this time, however, there is no money appropriated for any improvements.

Very truly yours,
C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:nc

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
James J. O'Donnell
Engineering Assistant

April 13, 1973

Mr. S. DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

RE: RECLASSIFICATION April 1973
Property Owner: Excavation Construction, Inc.
Location: W/S of Bellona Ave. West of Charles St. ave.
Present Zoning: D.R. 2 & D.R. 3.5
Proposed Zoning: reclass to D.R. 16
District: 8
No. acres: 31.55 acres
Baltimore Beltway

Dear Mr. DiNenna:

The proposed development should have no appreciable adverse affect on the State Highway.

Very truly yours,
Charles Lee, Chief
Development Engineering Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
827-7310

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

Attention: Mr. ~~Quisenberry~~ Myers, Chairman
Zoning Advisory Committee

Re: Property Owner: Excavation Construction, Inc.

Location: N/S of Bellona Avenue, W. of Charles St. Avenue

Item No. Reclassification Zoning Agenda Tuesday, 4/10/73
15

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 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.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/25/72

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May, 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 #15, V Zoning Cycle, April to October 1973, are as follows:

Property Owner: Excavation Construction Inc.
Location: NEC of Bellona Avenue and Brookside Lane
Present Zoning: D.R. 2 and D.R. 3.5
Proposed Zoning: Reclassification to D.R. 16
District: 8
No. Acres: 31.55

The site plan should be revised to show complete density calculations, existing and proposed topography.

This office will reserve any further comment on interior site design, until such time as the plan is submitted to the Joint Subdivision Planning Committee.

Very truly yours,

[Signature]
John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3211 ZONING 484-3381

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1973

DONALD J. ROOP, 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 reclassification, Zoning Advisory Committee Meeting, April 4, 1973, are as follows:

Property Owner: Excavation Construction, Inc.
Location: N/S of Bellona Ave., W of Charles Street Ave.
Present Zoning: D.R. 2 and D.R. 3.5
Proposed Zoning: Reclass to D.R. 16
District: 8
No. Acres: 31.55

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

Very truly yours,

[Signature]
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mms

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 26, 1973

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

Re: Item 15

Property Owner: Excavation Construction, Inc.
Location: N/S of Bellona Avenue, W of Charles Street Avenue
Present Zoning: D.R. 2 and D.R. 3.5
Proposed Zoning: Reclass to D.R. 16

Z.A.C. Meeting of:

District: 8
No. Acres: 31.55 acres

Dear Mr. DiNenna:

SEE ATTACHED SHEET

WNP/ml

Very truly yours,
[Signature]
W. Nick Petrovich
Field Representative

H. ENSLEY PARKER, PRESIDENT
EUGENE C. HEDS, VICE-PRESIDENT
HMS ROBERT L. BERRY

MARCUS M. BUTENAS
JOSEPH N. BUDGEN
ALVIN LOWERY
JOSEPH W. WHEELER, ALTERNATE

T. BAYARD WILLIAMS, JR.
EDWARD W. TRACY, VICE
HMS WILLIAM A. WHEELER

COMMENTS

School Situation:

School	Sept. 30, '72 Enrollment	Capacity	Over/Under
Ruxton Elem.	403	400	+3
Towson J.F.	1078 *	1040	+38
Towson Sr.	1745	1775	-173

*Does not include 9th graders in Loch Raven Sr. High School

Projections:

School	Sept. 19 73	Sept. 19 74	Sept. 19 75	Sept. 19 76	Sept. 19 77
Ruxton Elem.	425	438	451	467	476
Towson J.F.	1175	1113	1070	1050	1040
Towson Sr.	1805	1805	1730	1710	1655

Budgeted Construction:

School	Status	Capacity	Estimated To Open
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None

Programmed Construction: (Subject to availability of funds)

School	Capacity	Year Programmed	Estimated To Open
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None

Possible Student Yield:

Elementary	Junior High	Senior High
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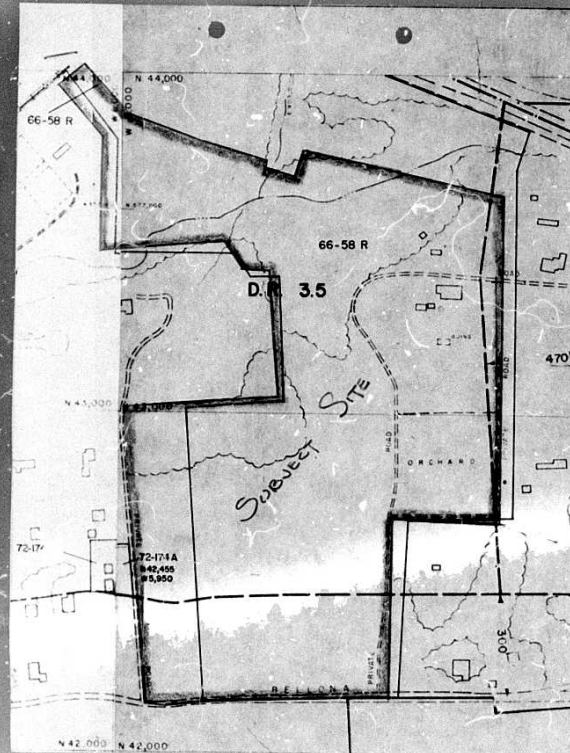
Present Zoning: 82 39 34

Proposed Zoning: From 7 to 145 From 2 to 59 From 1 to 42

From Allowable Units: From 13 to 282 From 4 to 115 From 2 to 83

Comments concerning effect on school housing matters:

Secondary Schools can absorb the effects of an increase in student population since a decline in enrollment is indicated. However, if the maximum number of elementary pupils materialize, based on the erection of all 3 bedroom apartments, plans will have to be made for an addition to the existing elementary school.



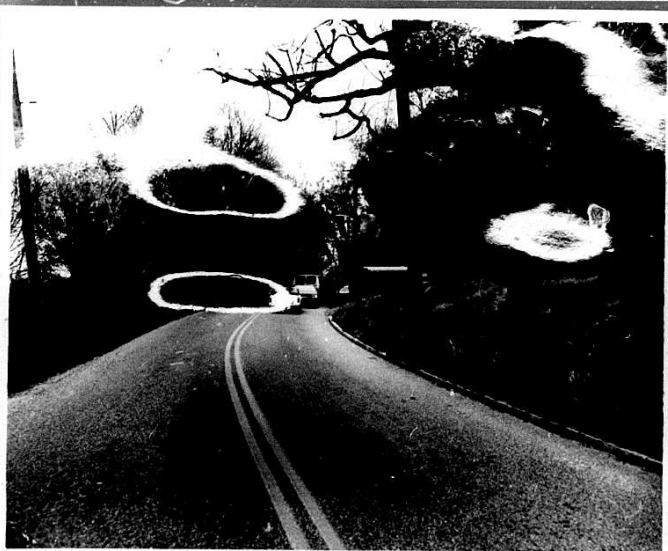
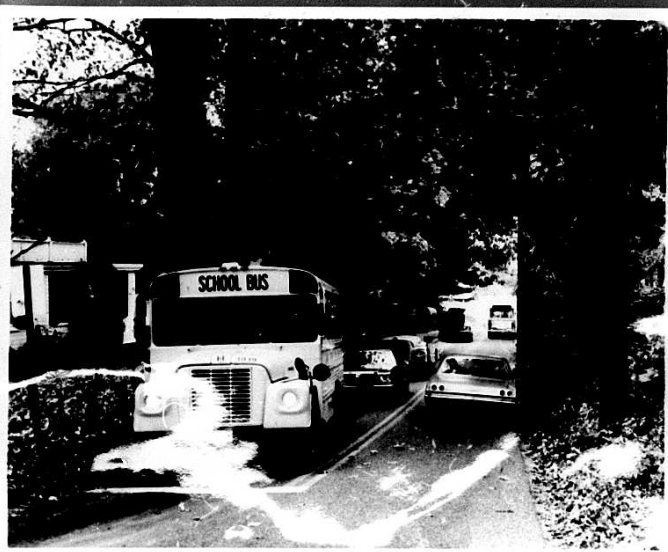
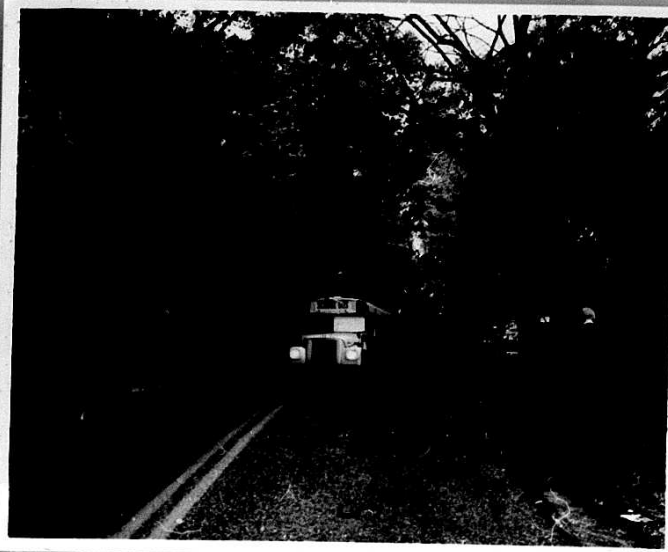
2-SIGNS 74-11-R

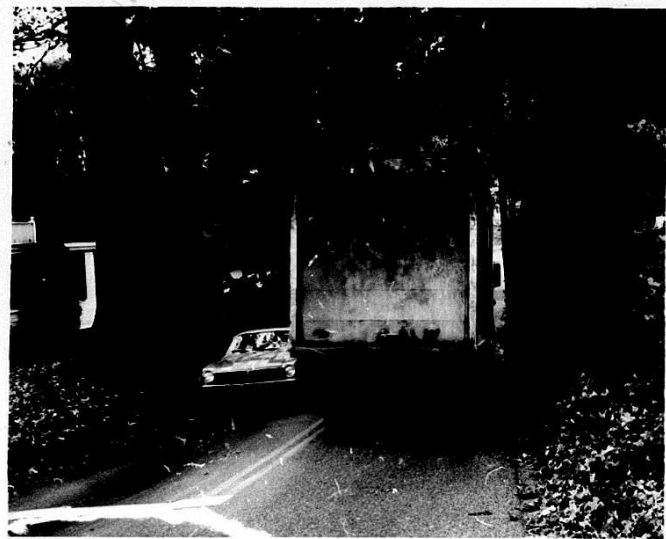
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

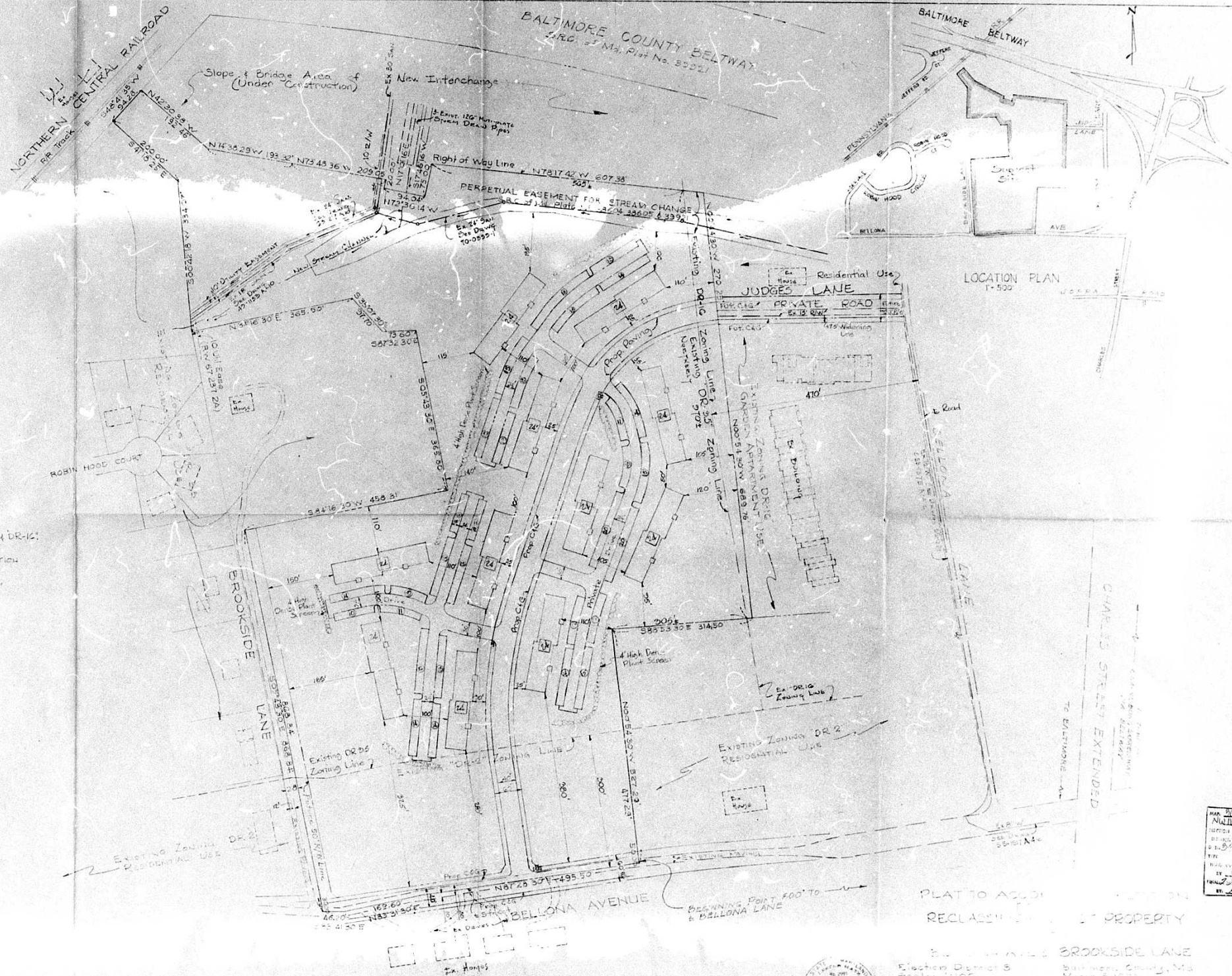
District: 8th
Posted for: APPROVAL
Petitioner: EXCAVATION CONSTRUCTION, INC.
Location of property: NE corner of intersection of Bellona Ave. and Brookside Lane
Location of Signs: East Side of Bellona Ave. 25' from North of Brookside Ave.
Remarks: 1458
Signed by: *[Signature]* Date of return: Nov. 11, 1973

MAR 11 1975

[illegible]







GENERAL NOTES

1. Area of Parcel Equals 32.0781 Acres.
2. Existing Zoning of Parcel DR-2, DR-1G, DR-1G.
3. Proposed Zoning of Parcel DR-2, DR-1G.
4. Area of Property Requesting Reclassification Equals 3.85 Acres.
5. Proposed Zoning of Parcel DR-1G.
6. Proposed Use of Parcel Garden Apartments.
7. Density Calculations:
 - A Number of Units Allowed Equals 518.
 - B Number of Units Proposed Equals 224.
 - C Required Parking = 404 Spaces.
 - D Proposed Parking = 414 Spaces.



PLAT TO ADD
RECLASSIFICATION OF PROPERTY

SECTION 5
Election District 5
Scale: 1"=100'

ed Plot



GENERAL NOTES

1. A. Parcel Easement 32.0781 Acres
2. E. Parcel "DR-3.5" DR 2, 1 DR-10
3. E. Parcel "No Use"
4. A. Property Requesting Reclassification
5. E. Zoning of Parcel "DR-10"
6. E. Use of Parcel Garden Apartments
7. A. Calculations:
8. A. Number of Density Units Allowed Equals 513.25
9. A. Number of Dwelling Units Proposed Equals 349
10. A. 151-1 Bedroom Units x .75 = 113.25 Density Units
11. A. 147-2 Bedroom Units x 1.00 = 147.00 Density Units
12. A. 50-3 Bedroom Units x 1.50 = 75.00 Density Units
13. A. 350 Dwelling Units = 338.25 Density Units
14. A. Proposed Parking = 541 Spaces (158.25 x 1.52)

MAP	DATE
DESIGN	BY
REVISION	DATE
BY	DATE
FINAL	DATE

CHARTERED OFFICE EXTENDED

(See No. 15)

REVISED PLANS

Schleff Property

NO. 3878

ZONING DEPARTMENT

MATZ, CHILDS & ASSOCIATES
1020 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

DATE	BY	DATE	BY
02/27/75	M.E.	02/27/75	C.L.



Revised Aug 23, 1975