

PETITION FOR ZONING
FOR A SPECIAL EXCEPTION AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, R. HUGH ANDREW, legal owner 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) for a Special Exception and Variance from Section 1802.2B (504-V.B.2) of the Zoning Regulations of Baltimore County so as to permit a one (1) foot sideyard set back instead of the required thirty (30) feet along the western boundary line of the within described property.

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 Office and Office Building Use in a DR-16 Classification. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Billings Association, Philip C. Iglehart Partner
1314 Bellona Avenue - Towson, Md. 21204
R. Hugh Andrew
1314 Bellona Avenue - Towson, Md. 21204
Legal Owner
John A. Pryor
1600 First National Bank Building
Baltimore, Maryland 21202
752-7285
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of January, 1978, 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 106, County Office Building in Towson, Baltimore County, on the 20th day of January, 1978, at 10:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

IDCA APPLICATION FOR
SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, R. Hugh Andrew, LEGAL OWNER OF THE PROPERTY SITUATED IN BALTIMORE COUNTY, THE PROPERTY OUTLINE OF WHICH IS DRAWN TO SCALE, COMPLETE WITH BEARINGS AND DISTANCES ON 500 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION IN A DR-16 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR Office and Office Building Use

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 0.3285 ACRES DEED REF. 34327 1 5327/822

GRADING 80 % OF OVERALL SITE WILL REQUIRE GRADING.

BUILDING SIZE

GROUND FLOOR 95 x 115 AREA 10,925 SQ. FT.

NUMBER OF FLOORS 2 TOTAL HEIGHT 20 FT.

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 0.5

BUILDING USE

GROUND FLOOR offices OTHER FLOORS offices

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 36 OTHER FLOORS 22 TOTAL 58

PIVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 21,000 SQ. FT. OF 0.5 ACRES (PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☒ PUBLIC, TYPE OF SYSTEM existing 12 inch water and meter on site - fire hydrant within 200 ft. of proposed entrance

SEWER: ☒ PUBLIC, TYPE OF SYSTEM existing 8 inch sewer and connection to the site - 20' deep, 12" diameter

UTILITIES SECURITY APPROVAL See attached 2/22/78

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Billings Association
By Philip C. Iglehart Partner
1600 First National Bank Bldg.
Baltimore, Maryland 21202
LESSOR OR CONTRACT PURCHASER
R. Hugh Andrew
1314 Bellona Ave.
Towson, Maryland 21204
825-3481
LEGAL OWNER

THE PLANNING BOARD HAS DETERMINED ON 22-79 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-61.1(f) OF THE BALTIMORE COUNTY CODE, 1968.

DATE 22-79 CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

IDCA FORM NO 2 REVISED 4-15

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

December 6, 1982

Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: R. Hugh Andrew
Case No. 74-172-XA

Gentlemen:

Please withdraw the Petition in this case which is now moot.

Very truly yours,

James H. Cook
James H. Cook

JHC/jm

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

June 3, 1980

Mrs. David R. Millard
1316 Bellona Avenue
Timonium, Md. 21093

Re: Case No. 74-172-XA and
Case No. 78-275-A
R. Hugh Andrew, Petitioner

Dear Mrs. Millard:

Regarding your telephone call inquiring about exhibits entered into evidence in the above entitled cases, enclosed please find copies of the "Answers" which we filed in the Circuit Court wherein the exhibits are listed.

If you do not find the exhibit listed which you were referring to, I would suggest that you write a letter to Mr. Reiter, the Chairman, stating the reference in the transcript you read over the phone to me. We do not have a copy of the transcript in the office and, therefore, we are unable to refer to it.

I hope the enclosed copies are helpful to you.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

(over)

PETITION OF
R. HUGH ANDREW
for Special Exception
for Office and Office
Building, and Variance
from Section 1802.2B
(504-V.B.2) of the
Baltimore County Zoning
Regulations,
North Side of Bellona
Avenue, 246.53 Feet West
of Lutherville Road,
8th District.
First Day Thursday, June 5, 1975, Towson, Md.
Second Day Tuesday Sept 9th
COUNTY OFFICE BUILDING
10:00 A.M.
APPEARANCES:
DAVID D. DOWNES, Esq., and JAMES H. COOK, Esq.,
in behalf of the Petitioner.
DWIGHT C. STONE, Esq., and CHARLES C. W. ATWATER, Esq.,
in behalf of the Protestants.
JOHN W. HESSIAN, Esq., People's Counsel,
in behalf of Baltimore County, Maryland.
REPORTED BY: C. L. Perkins, County Office Building,
Towson, Maryland 21204 - 494-3182

considerably by locating the entrance at the west property line."
I think that statement stands on its face.
I say it meets those requirements. That is their statement. I also heard Mr. Erdman's testimony on that point.
MR. COOK: That is the petitioner's case, your Honor.
MR. REITER: My notes indicate that Mr. Iglehart made reference, on cross-examination by Mr. Hessian, concerning the deed restrictions on the 38 spaces over at Honeywell.
Frankly, the Board feels it would like to have something in evidence concerning that, perhaps the agreement with Honeywell.
In addition, we would like to have your draft of the deed restrictions, which could be submitted within a week or so, and some reference to exactly how the two properties would be tied together by these deed restrictions concerning those parking spaces.
MR. COOK: All right, we will.

MR. REITER: Send a copy to counsel involved.
We will now recess for lunch.
(The Board recessed, and returned.)
2:00 P.M.
HENRY F. LeBRUN, called in behalf of the protestants, having been duly sworn, testified as follows:
DIRECT EXAMINATION BY MR. ATWATER
Q State your name and address, please, sir.
A Henry F. LeBrun, 111 West Susquehanna Avenue, Towson. I am a real estate broker and appraiser.
MR. REITER: Do you have any questions as to Mr. LeBrun's expertise?
MR. COOK: No, sir.
Q (By Mr. Atwater) Mr. LeBrun, are you familiar with the property located north of the Beltway and west of Charles Street, which is the subject of this petition?
A Yes.
Q How long have you been familiar with that area?
A All my life.
Q How long have you been in the real estate

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DIENNA
ZONING COMMISSIONER

June 2, 1978

Valter A. Reiter, Jr., Esquire
Chairman
Baltimore County Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

RE: Petition for Special Exception
and Variance
N/S of Bellona Avenue, 246.53'
W of Lutherville Rd. - 8th District
R. Hugh Andrew - Petitioner
NO. 74-172-XA (Item No. 110)

Dear Mr. Reiter:

As per your Order of November 29, 1977, said matter was processed and enclosed herewith, please find a copy of IDCA application for Special Exception (IDCA NO. 78-1547). The application, signed by Mr. Lerlie R. Gruef, Director of Planning and Secretary to the Baltimore County Planning Board, May 19, 1978, indicating the determination by the Board, May 19, 1978, that the requested Special Exception does conform to the requirements of Subsection 22-61.1(f) of the Baltimore County Code, 1968.

Very truly yours,

Eric Dienna
Eric Dienna
Zoning Commissioner

SDH/soc

cc: David D. Downes, Esquire
109 Washington Avenue
Towson, Maryland 21204

John A. Pryor, Esquire
1600 First National Bank Building
P.O. Box 6
Lutherville, Maryland 21093

John W. Hessian, III, Esquire
People's Counsel

Mr. & Mrs. David R. Millard
1316 Bellona Avenue
Timonium, Maryland 21093

Mr. J. Michael Naughton, President
Lutherville Community Association
P.O. Box 6
Lutherville, Maryland 21093

5/6/80

Mrs. Eisenhart:

Enclosed you will find a copy of the request by Mr. Reiter that I was referring to - I do not see it listed in the Exhibits. If your office could assist us we would appreciate it very much. As Mr. Reiter knows there is not sufficient parking on site (even some of which is planned as in jeopardy), therefore it is important for us to be aware of parking plans for that size building. Thank you very much for your patience and assistance.

Sincerely,
Jane Millard

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENHA
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner

John A. Fryer, Esq.
1600 First National Bank Building
Baltimore, Md. 21202

Feb. 14, 1974

Re: Petition for Special Exception and Variance for R. Hugh Andrew #74-172-XA

Dear Sir:

This is to advise you that \$63.65 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 121, County Office Building, before the hearing.

Very truly yours,
S. ERIC DINENHA
ZONING COMMISSIONER

SSD/ba

311 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

January 25, 1974

John A. Fryer, Esq.
1600 First National Bank Building
Baltimore, Md. 21202

NOTICE OF HEARING

Re: Petition for Special Exception and Variance for R. Hugh Andrew #74-172-XA

TIME: 10:15 A.M.

DATE: Wednesday, February 20, 1974

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 311 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND

Very truly yours,
S. ERIC DINENHA
ZONING COMMISSIONER OF BALTIMORE COUNTY

JAMES S. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
8001 YORK ROAD - PICOCA, MD. 21094

by M.O.L.
DATE: 11-26-73

Zoning Description No. 1314 Bellona Avenue

SHEET 1 OF 1

Beginning for the same at a point on the north-west side of Bellona Avenue where it is intersected by the westmost side of an eighteen foot right of way distant 246.53 feet westerly from the corner formed by the intersection of said northmost side of Bellona Avenue with the westmost side of Lutherville Road as shown on the plat of "Bellona Court" and recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 23, folio 11 and running thence with the courses herein referred to the northward of the Baltimore County Coordinate System, (1) binding on the northmost side of Bellona Avenue, North 89° 31' 30" East 159.07 feet, (2) leaving Bellona Avenue, North 89° 07' 30" East 107.07 feet, (3) South 71° 19' 00" East 195.14 feet to the westmost side of said eighteen foot right of way, thence, (4) South 19° 15' 00" West 365.09 feet and (5) South 99° 32' 00" West 55.13 feet to the place of beginning.

Containing 0.988 acres of land more or less.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 7, 1982

James H. Cook, Esquire
210 Allegheny Avenue
Towson, Md. 21204

Re: Case No. 74-172-XA and Case No. 73-275-A
R. Hugh Andrew, Petitioner

Dear Mr. Cook:

During my review of files of pending cases, I noted that no action has been taken on the outstanding issues in either of these cases since May 6, 1980. I would greatly appreciate your assistance and advice concerning the necessity for any further action.

In checking the 1980 Comprehensive Zoning Map, I note that the property was apparently classified "R-O" and I am aware that the County Council has recently passed new legislation having to do with transition zones which contains new requirements for setbacks and activities permitted in the open areas between properties and buildings. It may be that the use of Petitioner's property that is the issue in these proceedings is now governed by both the "R-O" legislation and the new transition zone legislation. If this is so, these proceedings might be moot and should accordingly be dismissed without further action.

Please review your file and let me have your thoughts with regard to the necessity for any further proceedings. I would call to your attention the fact that all of the Board members who sat at the various hearings in the past are no longer with the Board and if further proceedings are necessary, we would probably have to start over again with a new Board.

Either way, I would very much like to get some action on these cases and would welcome your assistance and prompt response.

Very truly yours,
William T. Hackett, Chairman

cc: David D. Downs, Esquire
Mr. and Mrs. David R. Millard
Mr. Ralph Welch
Mrs. Mary Ginn
John W. Heslin, III, Esquire
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Garber
Mr. J. G. Howell

August 27, 1979

BILLED TO: James H. Cook, Esq. and David D. Downs, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Case of certified copies of documents filed in Case No. 74-172-XA and Case No. 73-275-A, R. Hugh Andrew \$23.00

140 Bellona Avenue 246.53' W. of Lutherville Road 8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

Dwight C. Stone, Esq. and Charles C. W. Atwater, Esq.
Suite 1211, Grosz Building
Charles and Baltimore Streets
Baltimore, Maryland 21202

Re: CASE NO. 74-172-XA
CASE NO. 73-275-A

Gentlemen:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,
Jane Millard
County Board of Appeals

Encl.
cc: James H. Cook, Esq.
David D. Downs, Esq.
Mr. and Mrs. David R. Millard
Mr. Ralph Welch
John W. Heslin, III, Esq.

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

James H. Cook, Esq. and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Gentlemen:

RE: CASE NO. 74-172-XA
CASE NO. 78-275-A

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen
County Board of Appeals

Encls.

August 30, 1979

BILLED TO: People's Counsel for Baltimore County
County Office Building
Towson, Md. 21204

Cost of certified copies of documents
filed in Case No. 74-172-XA and
Case No. 78-275-A \$23.00

R. Hugh Andrew, Petitioner
N/S Bellona Avenue 246.53'
W. of Lutherville Road
8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

9/3/79. Sent to PC for their request - in case of Showdown

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

Dwight C. Stone, Esq. and
Charles C. W. Atwater, Esq.
Suite 1211 Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202

Gentlemen:

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A, R. Hugh Andrew

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

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Very truly yours,

June Holmen
June Holmen
County Board of Appeals

Encls.

cc: Mr. & Mrs. David R. Millard

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

James H. Cook, Esq. and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Gentlemen:

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A,
R. Hugh Andrew

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Very truly yours,

June Holmen
June Holmen
County Board of Appeals

Encl.

cc: Charles C. W. Atwater, Esq.
Dwight C. Stone, Esq.
Mr. & Mrs. David R. Millard
Mr. Ralph Walsh

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

James H. Cook, Esq. and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Gentlemen:

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A, R. Hugh Andrew

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen
County Board of Appeals

Encl.

cc: Mr. John W. Hession, III, Esq., People's Counsel
Mr. Ralph Walsh

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

John W. Hession, III, Esq.
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Hession:

RE: CASE NO. 74-172-XA
CASE NO. 78-275-A,
R. Hugh Andrew

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen
County Board of Appeals

Encls.

July 25, 1979

James H. Cook, Esq.
210 Allegheny Avenue
Towson, Md. 21204

RE: File No. 74-172-XA - R. Hugh Andrew
" " 78-275-A - R. Hugh Andrew

Dear Mr. Cook:

Enclosed herewith is a copy of the Opinion and Order

passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Muriel E. Buddemeier

Encl.

cc: David D. Downes, Esq.
Charles C. W. Atwater, Esq.
Dwight C. Stone, Esq.
Mr. Hugh Andrew
John A. Pryor, Esq.
Mr. & Mrs. David R. Millard
Mr. Ralph Walsh
John W. Hession, Esq.
Mr. William Hammond
Mr. John Seyffert
Mr. James E. Dyer
Mr. J. Howell

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
408 WASHINGTON AVENUE
P. O. BOX 9817
TOWSON, MARYLAND 21204

May 26, 1978

Mr. Walter A. Reiter, Jr.
Chairman
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
and Variance
N/S of Bellona Avenue
246.53 feet west of Lutherville
Road, Eighth District
R. Hugh Andrew, Petitioner
Case No. 74-172-XA
IDCA No. 78-15X
Our File 4950

Dear Mr. Reiter:

The above IDC application was approved by the Planning Board at their May 18, 1978 meeting, and is to be remanded back to the County Board of Appeals.

On behalf of the Petitioner, we respectfully request that this matter be set in for a hearing before the County Board of Appeals at your earliest convenience. We anticipate this hearing will take approximately two days.

Thank you.

Very truly yours,

Maxine V. Hoen
Maxine V. Hoen,
Legal Assistant to
John B. Howard

MVH/dlb

*Rec'd 5-31-78
12:30 PM*

November 29, 1977

Dwight C. Stone, Esquire
Charles C. W. Atwater, Esquire
Suite 1211, Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202

Re: Case No. 74-172-XA - 10/18/5873
R. Hugh Andrew, Petitioner

Dear Messrs. Stone and Atwater:

Enclosed herewith is a copy of the Motion and Order to Remand passed today by the County Board of Appeals in the above captioned case.

Very truly yours,

Edith T. Elenhart, Adm. Secretary

Encl.

cc: Mr. and Mrs. David R. Millard
James H. Cook, Esquire
David D. Downes, Esquire
John A. Pryor, Esquire
Mr. Ralph Walsh
John W. Heslian, III, Esquire
Mr. S. E. DiNenna
Mr. J. E. Dyer
Mr. L. Graef
Mr. J. Howell
Judge Frank E. Cicone
Board of Education

2/22/77 - Notif d of appeal hearing scheduled for THURSDAY, APRIL 21, 1977 at 10 am

James H. Cook, Esq.
David D. Downes, Esq.
John A. Pryor, Esq.
Dwight C. Stone, Esq.
Mr. and Mrs. D.R. Millard
Mr. J. M. Naughton, Pres.
Lutherville Comm. Assn.

Counsel for Petitioner
H H H
H H H
H H H
Protestants
Req. Notification

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
400 WASHINGTON AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES
JAMES H. COOK
JOHN R. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III

March 30, 1977

Walter A. Reiter, Esq.
Chairman, County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition for Special Exception
for Variance Office Building -
R. Hugh Andrew -
File 74-172-XA

Dear Mr. Reiter:

Since writing to you on March 21st, I have talked to Dwight Stone, who cannot agree to stipulate to the production of the letters to which I referred in lieu of formal testimony on April 21st; therefore, I have issued a subpoena for Mr. DiNenna to appear before the Board on April 21st at 10:00 A.M. to be examined with respect to his interpretation of the Zoning Regulations as modified by the Comprehensive Manual Development Policy.

With kind regards,

Very truly yours,

James H. Cook

JHC:rm
c.c.: Dwight C. Stone, Esq.
Charles C. W. Atwater, Esq.

3/24/77 - Called J. Cook, per WAR instructions, and relayed message that the Board had no objection to handling this matter as outlined in the letter if counsel for Protestants agreed. Requested Mr. Cook to get this agreement and then draw up an Order in accordance with referring the case back to Judge Cicone and the Board will sign it. In the meantime, the Board is keeping the case on the docket for 4/21. Mr. Cook said he would take care of same and get back to us later.

EDC

Rec'd 3/31/77
10:15 AM

Informal call on 4-5-77

Rec'd 4-20-77
12:15 PM
Hand delivered

Lutherville, Maryland
April 12, 1977

County Board of Appeals
Room #219, Court House
Towson, Maryland 21204

RE: R. Hugh Andrew
File No. 74-172-XA

Gentlemen:

In reference to the April 21, 1977 review hearing on the captioned case, The Lutherville Community Association by action at the March 1, 1977 monthly meeting expressed their support of the Millards' in retaining the residential quality and zoning of their property. We hope this letter will exert the same force and influence as our first letter in this case.

As you well know, the zoning on the Millards' was changed from Dr-16 to Dr-3.5 by action of the County Council adopting the revised zoning maps in October, 1976. With this change in mind, we respectfully suggest that due consideration should be given to the residential nature of the Millards' property, which abuts the Andrew's property. Also, we hope a review of the exception and variances previously granted will be considered with the prospect of revising the exception and reverting the variances as set forth in the Zoning Code.

Lately, the desires and rights of individuals and groups have been fairing better against commercial development and we trust your good judgment to continue this trend.

Respectfully yours,

Ralph R. Walsh
Ralph Walsh, President
Lutherville Community Association

RM/en

Copies To:

Mr. & Mrs. D. R. Millard
1315 Bellona Ave.
Lutherville, Md. 21093

Dwight C. Stone, Esq.
Suite 1211 Grace Building
Charles and Baltimore Sts.
Baltimore, Md. 21202

Philip C. Ingelsart, Vice Pres.
W. C. Pindard & Co., Inc.
1600 First National Bank Building
Baltimore, Md. 21202

John W. Heslian, III, Esq.
Alex Brown & Sons Building
Towson, Maryland 21204

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
400 WASHINGTON AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES
JAMES H. COOK
JOHN R. HOWARD
DAVID D. DOWNES
DANIEL O. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III

March 21, 1977

Walter A. Reiter, Esq.
Chairman, County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition for Special Exception
for Variance Office Building -
R. Hugh Andrew -
File 74-172-XA

Dear Mr. Reiter:

I am writing to you pertaining to the remand hearing in the above matter which is scheduled for April 21st.

This case was remanded to the Board, with the consent of both counsel, for the purpose of receiving additional testimony if necessary and for reconsideration of the within case in the light of the adoption of a new Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County.

At the time this case was last before your Board the property of the Protestants, immediately to the east of the subject property, was classified in a D.R.16 zone; but before the appeal came on for hearing before Judge Cicone, the Baltimore County Council, at the request of the specific Protestants to the east, reclassified Protestants' property from a D.R.16 zone to a B.R.3.5 zone.

Our reading of the zoning regulations indicated that we then would need a variance from Section 307 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 foot along the easterly boundary line adjoining the property of the Protestants; and this was the primary reason for the remand, so that we could file an appropriate additional petition with the Zoning Commissioner for such variance, move it along to your Board, consolidate the two cases and take such additional testimony as is necessary, for the proposed development of the Petitioner has not changed one bit, only the zoning classification on the adjoining property to the east has changed.

Walter A. Reiter, Esq. -2- March 21, 1977

I accordingly prepared a petition for zoning variance together with supporting plat and description, but on submission of this new petition for filing with the Zoning Commissioner was advised by a member of the staff that we didn't need a variance. Accordingly, the Zoning Commissioner was asked for clarification of this matter as per the enclosed letter of February 14th, and I am attaching hereto Mr. DiNenna's letter of February 22nd setting forth the clarifying language.

Accordingly, I would appreciate it if the Board and counsel would stipulate to the production of these two letters in lieu of formal testimony at the hearing on April 21st, after which we would ask that the matter be re-referred to Judge Cicone with appropriate order so that he could hear it on appeal.

Very truly yours,

James H. Cook

JHC:rm
Enc.
c.c.: Charles C. W. Atwater, Esq.
Dwight C. Stone, Esq.
Attorneys for Protestants

baltimore county
Office of planning and zoning
TOWSON, MARYLAND 21204
(301) 484-3351

S. ERIC DINENNA
ZONING COMMISSIONER

February 22, 1977

James H. Cook, Esquire
409 Washington Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Interpretation of Zoning
Regulation 1802.2.C, as
it pertains to Office
Buildings

Dear Mr. Cook:

Reference is made to your letter of February 14, 1977, in which you request clarification of the above referenced Zoning Regulation as it pertains to the Andrew property, situated at 1413 Bellona Avenue.

The above Regulation applies to setbacks of apartment buildings constructed in D.R.16 Zones. Setbacks for other principal buildings, including office buildings, are established under the authority of Section 504 and are set forth in the Comprehensive Manual Development Policy, Section V.B.2 "Setback Standards for Principal Building Permitted in any D.R. Zone Other Than for Residential Use". The applicable setbacks under this section for a D.R.16 Zone are: front yard-30', side yard-25', and rear yard-30'.

The Variance to permit a 1' rear yard along the western boundary line of this property was necessary since the front of this particular building was proposed to be oriented towards the east property line, necessitating a 30' rear yard Variance instead of what would appear to be a 25' side yard Variance.

James H. Cook, Esquire
Page 2
February 22, 1977

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED:JED:tk

cc: Mr. George J. Martinak
Deputy Zoning Commissioner

Mr. James E. Dyer
Zoning Supervisor

Rec'd 3-22-77
3:20 PM

Mr. David R. Millard, Sr.
1316 Bellona Avenue
Lutherville, Maryland 21093

March 6, 1975

Mr. Walter Reiter
Clerk of the Appeals Board
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Zoning File #74-172-XA

Dear Mr. Reiter:

In compliance with your letter dated February 28, 1975,
I am contacting your office.

As yet, I have not retained counsel to represent me. It
was not brought to my attention until February 19, 1975 that
Mrs. Anne Kramer, because of her new position with the County,
could not appear in my behalf.

I have not as yet received the pertinent material concern-
ing my case from her office. I am anticipating its arrival very
soon. I am also awaiting a decision from the Lutherville Association
regarding their position in this case. Mrs. Kramer was
primarily the attorney for the Association - thus my initial con-
tact with her. The "Mr. Naughton" mentioned in your Hearing Notice
as a principal to be notified of the status of the case is the
President of the Lutherville Association. I have been in contact
with him and am awaiting his advice.

The outcome of this case, I feel, is crucial to me and of the
utmost importance to the welfare of the general public. I am also
aware of the difficulty in finding an attorney to represent the in-
dividual resident and community as opposed to the commercial developer.

As I am in the oil business all of the above facts, over which
I had no control, come to me at an impossible time. I am still in
the height of the heating season and my mind and time are completely

Mr. Walter Reiter
Page 2
March 6, 1975
RE: Zoning File #74-172-XA

consumed with attending to my responsibilities.

In arriving at your decision about setting the date of this
hearing I sincerely hope that you will carefully consider the
above information. I am as anxious as everyone involved to re-
solve this issue but because of the unforeseen developments I find
myself in a very awkward position. I literally have to start at
the beginning with someone completely unfamiliar with the facts
before I can properly appear before the Appeal Board.

I hope that you will find the information provided sufficient
to enable you to make your decision. As soon as I retain counsel
I will have him contact your office.

Sincerely yours,
David R. Millard, Sr.

David R. Millard, Sr.

DPM:amp

494-3180

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
Room 301

March 12, 1975

NOTICE OF POSTPONEMENT

Case No. 74-172-XA R. HUGH ANDREW
N/W Bellona Avenue 246.53' W. of Lutherville Rd.
8th District

The above case, scheduled for TUESDAY, APRIL 15, 1975 at 10 a.m., HAS BEEN
POSTPONED by the Board at the request of Protestants (obtaining new counsel).

cc: David D. Downes, Esq. Counsel for Petitioner
John A. Pryor, Esq. " " "
Mr. and Mrs. David R. Millard Protestants
Mr. J. Michael Naughton, Pres. Req. Notification
Lutherville Community Assn.
John W. Hessian, III, Esq.
Board of Education
Mr. S. E. DiNenna
Mr. W. D. Fromm
Mr. James Dyer
Mr. H. B. Staab
Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

NO OTHER NOTICE WILL BE SENT

494-3180

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
Room 301

March 26, 1975

NOTICE OF ASSIGNMENT

Case No. 74-172-XA R. HUGH ANDREW
for Special Exception for Office and Office Building
" Variance from Sec. 1802.28 (504-V.B.2)
N/S Bellona Ave. 246.53' W. of Lutherville Rd.
8th District
3/4/74 - D.Z.C. Granted Petition
THURSDAY, JUNE 5, 1975 at 10 a.m.

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

cc: David D. Downes, Esq. Counsel for Petitioner
John A. Pryor, Esq. " " "
James H. Cook, Esq. " " "
Mr. and Mrs. David R. Millard Protestants
Mr. J. Michael Naughton, President Req. Notification
Lutherville Community Assn.
John W. Hessian, III, Esq.
Mr. S. E. DiNenna
Mr. James Dyer
Mr. W. D. Fromm
Mr. H. B. Staab
Mr. C. L. Perkins
Board of Education
Dwight C. Stone, Esq.
Charles C.W. Atwater, Esq.

Counsel for Protestants (Ent. 5/8/75)
Muriel E. Buddemeier
County Board of Appeals

NO OTHER NOTICE WILL BE SENT

LAW OFFICES
COOK, MURRAY, HOWARD & TRACY
MERCANTILE TOWSON BUILDING
408 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

TELEPHONE 823-4111
AREA CODE 301

March 26, 1975

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 74-172-XA
R. Hugh Andrew
Our File 4950

Gentlemen:

This will confirm my conversation with your office
of the 24th in which I advised that I would like for you to
enter my appearance as counsel for the Petitioner.

With kind regards,

Very truly yours,

James H. Cook
James H. Cook

JHC:rm

LAW OFFICES
MYLANDER, ATWATER, CARNEY & STONE
SUITE 100 GRACE BUILDING
CHARLES AND BALTIMORE STREETS
BALTIMORE, MARYLAND 21202

WALTER C. MYLANDER, JR. (DMD 1946)
CHARLES C. W. ATWATER, JR.
DAVID A. CARNEY
EMERSON C. STONE

SUITE 616 AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21046
301/751-1000
DAVID A. CARNEY

May 7, 1975

Ms. Muriel E. Buddemeier
County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 74-172-XA
R. Hugh Andrew
for Special Exception for Office and
Office Building Variance from Sec. 1802.28
(504-V.B.2)
N/S Bellona Ave. 246.53' W. of Lutherville Rd.
8th District
3/4/74 - D.Z.C. Granted Petition

Dear Ms. Buddemeier:

Please enter my appearance along with that of my partner,
Charles C. W. Atwater, as counsel for the protestants in this
case.

Very truly yours,

Dwight C. Stone
Dwight C. Stone

DCS:pkb

cc: Mr. and Mrs. David R. Millard
David D. Downes, Esq. re
John A. Pryor, Esquire
James H. Cook, Esquire
Mr. J. Michael Naughton, President
Lutherville Community Assn.
John W. Hessian, 3rd, Esquire
Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. William D. Fromm
Mr. Hunry Staab
Mr. C. Leonard Perkins
Board of Education

LAW OFFICES
MYLANDER, ATWATER, CARNEY & STONE
SUITE 100 GRACE BUILDING
CHARLES AND BALTIMORE STREETS
BALTIMORE, MARYLAND 21202

WALTER C. MYLANDER, JR. (DMD 1946)
CHARLES C. W. ATWATER, JR.
DAVID A. CARNEY
EMERSON C. STONE

SUITE 616 AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21046
301/751-1000
DAVID A. CARNEY

June 2, 1975

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

Re: Case No. 74-172-XA
R. Hugh Andrew
For Special Exception for Office and
Office Building Variance from Sec. 1802.28
(504-V.B.2)
N/S Bellona Ave. 246.53' W. of Lutherville Rd.
8th District
3/4/74 - D.Z.C. Granted Petition

Dear Mr. DiNenna:

Please issue a subpoena duces tecum to the Custodian
of Records for Baltimore County to appear, testify and produce
all records concerning traffic accidents occurring at the
intersection of Bellona Avenue, The Beltway and Charles
Street during the years 1972 through the present at a zoning (Board of Appeals)
hearing to be held at the County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland in Room 301, on Thursday,
June 5, 1975 at 10:00 a.m.

Dept. of Traffic Engineering
Jefferson Building (Room 245)
Towson, Md. 21204

Very truly yours,
Dwight C. Stone
Dwight C. Stone

DCS:pkb

Rec'd. 6/2/75
3:05 a.m. Mr. Sheriff:

Please issue summons in accordance with the above.

Edith T. Eichenhart
Edith T. Eichenhart, Adm. Secretary
County Board of Appeals of Baltimore County

February 28, 1975

Mr. David R. Millard
1316 Bellona Avenue
Lutherville, Md. 21093

Re: Zoning File No. 74-172-XA
R. Hugh Andrew, Petitioner

Dear Mr. Millard:

We acknowledge receipt of your request for postponement
of the above entitled case which is scheduled for hearing on Tuesday,
April 15, 1975.

This request for postponement will be taken under advisement.
Please have your new counsel contact the Board within seven
days from the date of this letter.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

WAR:ste

Rec'd 3/27/75
1:25pm

THE CHESAPEAKE OIL COMPANY, Inc.

Phone: CENTER 3-3100

2113 W. LAFAYETTE AVE.
BALTIMORE, MD. 21217

February 26, 1975

Mr. Walter A. Reiter
Clerk of the Appeals Board
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear sir,

I respectfully request a postponement of case #74-172-XA for the reason that our attorney, Mrs. Anne K. Kramer, has withdrawn from the case and we have not had sufficient time to retain counsel.

We are in the process of obtaining counsel and, needless to say, he or she will need sufficient time to review the entire matter.

Sincerely yours,
David R. Millard

David R. Millard
1316 Bellona Avenue
Lutherville, Maryland
21093

Rec'd 2/27/75
9:35 AM

ANNE KAY KRAMER
ATTORNEY AT LAW
WILTONWOOD ROAD
STEVENSON, MARYLAND 21153
482-3743

February 22, 1975

re: Case No. 74-172-XA
Hugh Andrews, Petitioner

To The Clerk:

Please strike my appearance in the above entitled case on behalf of Protestants David R. Millard, et al.

Sincerely,
Anne Kay Kramer
Anne Kay Kramer

AKK/nk
cc: David R. Millard
James M. Naughton, Jr.

Rec'd 2-26-75
9:15 AM

494-3180

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
Room 301

February 13, 1975

NOTICE OF ASSIGNMENT

Case No. 74-172-XA

R. HUGH ANDREW

for Special Exception for Office and Office Bldg.
" Variance from Sec. 1802.28 (504-V.B.2)

N/5 Bellona Ave. 245.53' W. of Lutherville Rd.

8th District

3/4/74 - D.Z.C. Granted Petition, subject to restrictions

ASSIGNED FOR:

TUESDAY, APRIL 15, 1975 at 10 a.m.

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

cc: David D. Downes, Esq.

Counsel for Petitioner

John A. Pryor, Esq.

" " "

~~Mrs. Anne K. Kramer~~ - out of state

" " Protestants

Mr. and Mrs. David R. Millard

Protestants

Mr. J. M. Naughton

Reg. Notification

Mr. S. E. DiNenna

Mr. W. D. Fromm

Mr. James Dyer

John W. Hession, III, Esq.

Mr. H. B. Stoad

Board of Education

Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

NO OTHER NOTICE WILL BE SENT

ANNE KAY KRAMER
ATTORNEY AT LAW
STEVENSON, MARYLAND 21153
482-3743

May 28, 1974

To The Clerk:

re: Case No. 74-172-XA
Hugh Andrews, Petitioner

Please enter my appearance in the above entitled case on behalf of Protestants David R. Millard, et al.

Sincerely,

Anne Kay Kramer
Anne Kay Kramer

AKK/d

cc: David D. Downes
John A. Pryor

Rec'd 5-28-74
9:20 AM

Frederick J. Massauer, President

David R. Millard, Vice President

THE CHESAPEAKE OIL COMPANY, Inc.

Phone: CENTER 3-3100

2113 W. LAFAYETTE AVE.
BALTIMORE, MD. 21217

April 25, 1974

Mr. and Mrs. David R. Millard
1816 Bellona Avenue
Timonium, Maryland 21093

Re: R. Hugh Andrew - File No. 74-172-XA

Dear Mr. and Mrs. Millard:

- Number of witnesses participating calling five
- How many of these witnesses will be "expert witnesses"? three
- Fields to be covered by experts you intend to call - please check:
Land Planner ☒
Real Estate ☒
Engineer ☐
Traffic ☒
Other ☐
- Total time required (in hours) for presentation of your side of the case
eight

Anne Kay Kramer

Attorney for Protestants (X)

Attorney for Petitioners ()

Rec'd 6-17-74
9:30 AM

March 29, 1974

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

Re: Item #110 74-172-XA
Petitioner R. Hugh Andrew
North side Bellona Avenue
246.53' E. West of Lutherville Road

Dear Mr. Dinenna,

Please enter an appeal by David and Jane R. Millard, protestants from your order passed in this matter on March 4, 1974.

Very truly yours,
David R. Millard
David R. Millard
Jane R. Millard

Enclosed: Check for \$70.00 for the appeal filing costs.



April 4, 1974

David D. Downes, Esquire
212 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
N/5 of Bellona Avenue, 246.53' W of Lutherville Road - 8th District
R. Hugh Andrew - Petitioner
NO. 74-172-XA (Item No. 110)

Dear Mr. Downes:

Please be advised that an appeal has been filed by David R. and Jane R. Millard, Protestants, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced 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 DINENNA
Zoning Commissioner

SED/arl

cc: John A. Pryor, Esquire
1600 First National Bank Building
Light and Redwood Streets
Baltimore, Maryland 21202

Mr. J. Michael Naughton
President
Lutherville Community Assoc.
P.O. Box 6
Lutherville, Maryland 21093

March 4, 1974

David D. Downes, Esquire
212 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
N/5 of Bellona Avenue, 246.53' W of Lutherville Road - 8th District
R. Hugh Andrew - Petitioner
NO. 74-172-XA (Item No. 110)

Dear Mr. Downes:

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/me

Attachments

cc: John A. Pryor, Esquire
1600 First National Bank Building
Baltimore, Maryland 21202

Mr. David Millard
1316 Bellona Avenue
Timonium, Maryland 21093

Mr. J. Michael Naughton
President
Lutherville Community Assoc.
P.O. Box 6
Lutherville, Maryland
21093

January 30, 1974

John A. Pryor, Esq.,
1600 First National Bank Building
Baltimore, Maryland 21202

RE: Special Exception Petition
Item 110
R. Hugh Andrew - Petitioner

Dear Mr. Pryor:

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 north side of Bellona Avenue, 246 feet west of Lutherville Road and Charles Street Avenue, in the 8th District of Baltimore County. This property is currently improved with an existing one-story frame ranch house and a detached barn like structure at the rear of the property. The properties to the east are currently improved with single family dwellings and are zoned D.R. 3.5. The property to the north is zoned D.R. 16 and is improved with the Cardiff at Charles Apartments. The property immediately to the west is zoned Business Roadside and is improved with office buildings that front on Bellona Avenue and also face the Beltway.

John A. Pryor, Esq.,
Re: Item 110
Page 2
January 30, 1974

The petitioner proposes to develop this property with a two-story office building containing a total of 11,850 square feet, and he is requesting a Variance for a one (1) foot side yard on the western side of the property. The existing dwelling and barn are proposed to be removed from the site.

The petitioner is advised to pay particular attention to the comments of the Bureau of Engineering, Department of Transportation, and the Health Department.

Since this property is located within the Jones Falls Drainage Basin, I am requesting that the petitioner indicate estimated maximum day average and peak hour water use, as well as the appropriate sewer conversion factors.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

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

JJDjr:JD

Enclosure

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

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

Bureau of Engineering
KILLWORTH & JIVER, R. E. COPE

January 17, 1974

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

Re: Item #110 (1973-1974)
Property Owner: R. Hugh Andrew
N/S of Bellona Avenue, 246.53' W. of the corner
formed by the intersection of Bellona Avenue and
Lutherville Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to allow a 1' side yard
setback instead of the required 30' and a Special
Exception for office and office building use
No. of Acres: 0.928 District: 8th

Dear Mr. DiNenna:

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

Highways:

Bellona Avenue which also serves as an entrance to I-66 (westbound) at this location is a State Road; therefore, all improvements, alterations, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

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

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.

Storm Drain:

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

Item #110 (1973-1974)
Property Owner: R. Hugh Andrew
Page 2
January 17, 1974

Storm Drain: (Cont'd)

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. Corrosion of any member which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Bellona Avenue. This property, within the Morley's - Noland Run Drainage area, is tributary to the Jones Falls sanitary sewerage system subject to State Health Department imposed moratorium restrictions.

Very truly yours,

William N. Dier
WILLIAM N. DIER, P.E.
Chief, Bureau of Engineering

END/ENR/PDR/EN

cc: G. A. Reier

3-22 Very Sheet
11.4 1/4" x 5 1/2" Top. Sheets
NW 11 & 12 A Top.
60 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

January 28, 1974

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

Re: Item 110 - ZAC - December 18, 1973

Property Owner: R. Hugh Andrew
N/S of Bellona Avenue, 246.53 feet W of the corner formed by the intersection of Bellona Avenue and Lutherville Road
Variance to allow a one foot side yard setback instead of the required 30 feet and a special exception for office and office building use.
District 8

Dear Mr. DiNenna:

The subject petition is a special exception for an office building and a variance to the side yard setback. As presently zoned, this site can be expected to generate 110 trips per day. The proposed office can be expected to generate 325 trips per day. The subject petition is not expected to have a major effect on traffic in this area, but it can be expected to add to the existing congestion at the intersection of Bellona Avenue and Charles Street.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSP/pk



Maryland Department of Transportation

State Highway Administration

December 21, 1973

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

Att: Mr. John J. Dillon

Rel: Zoning Advisory Committee
Meeting Dec. 17, 1973
Locations: N/S Bellona Ave. (Balto. Bltwy)
Owners: R. Hugh Andrew
Existing Zoning: D.R. 16
Proposed Zoning: Variance to allow a one (1) foot side yard setback instead of a required 30 ft. and spec. except. for Office & Office Bldg. use.
No. of Acres: 0.928
Districts: 8th
Item 110

Dear Mr. DiNenna:

An inspection at the subject site revealed that the proposed entrance location meets minimum stopping sight distance; however, the distance could be increased considerably by locating the entrance at the west property line.

The proposed entrance must have a minimum width of 25 ft. and not 24 ft. as indicated on the plan. The entire frontage of Bellona Ave. must be improved with curb and gutter. The roadside face of curb is to be 24' from and parallel to the centerline of Bellona Ave. A concrete curb must be constructed at some point between the parking lot and the Right of Way line.

The plan should be revised prior to the hearing.

The entrance will be subject to approval and permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

by: John E. Meyers

CLJ/ENB

Baltimore County Fire Department



Towson, Maryland 21204

822-730

J Austin Deitz
Chief

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: R. Hugh Andrew

Location: N/S of Bellona Avenue, 246.53 ft. W of the corner formed by the intersection of Bellona Ave. & Lutherville Rd.
Item No. 110 Zoning Agenda December 18, 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 _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. 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: *H. J. Kelly*

Planning Group
Special Inspection Division

Noted and

Approved: *David J. Pinski*
Deputy Chief
Fire Prevention Bureau

mis
4/16/73

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

January 21, 1974

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 Item 110, Zoning Advisory Committee Meeting January 15, 1974, are as follows:

Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave., 246.53' W of Lutherville Rd.
Present Zoning: D.R. 16
Proposed Zoning: Variance to allow a 1' side yard setback instead of req'd 30' & Special Exception for office and office building use
No. Acres: 0.928
District: 8

Metropolitan water and sewer are available.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1974; therefore approval may be withheld for these connections.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnp

cc: W.L. Phillips

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 10, 1973

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

Re: Item 110
Property Owner: R. Hugh Andrew
Location: N/S of Bellona Ave, 246.53 ft. W. of the corner formed by the intersection of Bellona Ave & Lutherville Rd.
Present Zoning: D.R. 16
Proposed Zoning: Variance to allow one (1) foot side yard setback instead of the required thirty (30) ft. and a Special Exception for Office & Office Building use.

Z.A.C. Meeting of: December 18, 1973

District: 8th
No. Acres: 0.928

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/ml

W. CHARLIE RYAN, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BERRY

MARCUS M. BERTSBERG
JOSEPH N. MCGOWAN
ALVIN LOPEZ
JOSHUA W. WHEELER, SECRETARY

dated 3-4-74

PHILIP C. IGLEHART
GREEN SPRING AVENUE AND VALLEY ROAD
LUTHERVILLE, MARYLAND 21093

March 8, 1974

Mr. James E. Dyer
Baltimore County
Deputy Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Reference: Petitions for Special Exception and Variance
N/S Bellona Avenue
246.53 W of Lutherville Road
8th District
R. Hugh Andrew - Petitioner
No. 74-172-XA (Item No. 110)

Dear Mr. Dyer:

Bellona Associates, the Lessee of the above referenced property has reviewed your decision together with the accompanying restrictions in the above matter and while we have certain reservations as to Number 1 and 3 of the restrictions we understand and fully intend to provide all reasonable protection to the adjacent residential property.

Regarding restriction Number 1 we will install signs to indicate the restrictive hours of parking in this space and indicate that said restrictions are imposed by order of your office.

Restriction Number 3 we are attempting to explore methods that will reduce or minimize the problems that you are attempting to forestall however please be assured that we will respond promptly and responsibly when notified that the Baltimore County Police Department conduct routine inspections during non-business hours in this area and we will attempt to supplement the police efforts.

Again we like to repeat that in granting this special exception and variance you incorporated certain protections to adjacent land owner which we feel are in the best interest of Baltimore County and we will attempt to comply in every respect.

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



February 11, 1974

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 #110, Zoning Advisory Committee Meeting, December 15, 1973, are as follows:

Property Owner: R. Hugh Andrew
Location: N/S of Bellona Avenue, 246.53 feet W of the corner formed by the intersection of Bellona Avenue and Lutherville Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to allow a one (1) foot side yard setback instead of the required thirty (30) feet and a special exception for office and office building use.

No. of Acres: 0.928
District: 8th

The site plan as submitted appears to be functional; however, if there is to be any exterior lighting, the lighting must be in accordance with Section 409 of the Zoning Regulations and a maximum of 8 feet in height.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 474-3811 ZONING 474-3381

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 14, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #74-172-XA. North side of Bellona Avenue 246.53 feet West of Lutherville Road
Petition for Special Exception for Office and Office Building
Petition for Variance for Side Yard.
Petitioner - R. Hugh Andrew

8th District

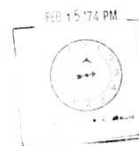
HEARING: Wednesday, February 20, 1974 (10:45 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

If the proofs of Section 502.1 are met any development on this site must be conditioned to conform with a site plan which has complete approval of all concerned state as well as county agencies. Screening should also be provided on the northern and western boundaries of this property.

William D. Fromm
William D. Fromm, Director of Planning

WDF:NEG:rw



DOWNES & DEITE
ATTORNEYS AT LAW
818 WASHINGTON AVENUE
TOWSON, MD.
21204

February 21, 1974

Mr. James E. Dyer
Deputy Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: 74-172-XA
R. Hugh Andrew et al

Dear Mr. Dyer:

In accordance with the understanding of all parties present at the hearing on the above captioned matter held on February 20th I am enclosing the original statement prepared by Mr. David Millard and read by him at the time of the hearing.

You will note that I am forwarding copies of this letter together with copies of the statement to the interested parties appearing at the hearing.

Very truly yours,

David D. Downes

David D. Downes

DDD:dd
#19878

c: Mr. David Millard
1316 Bellona Avenue 21093

Mr. R. Hugh Andrew
1314 Bellona Avenue 21093

John A. Pryor, Esq.
Light and Redwood Streets 21202

Mr. James E. Spamer
6017 York Road 21204



Honeywell

D.Z.C. #8

December 12, 1973

Beltway Investors
1600 First National Bank Building
Baltimore, Maryland 21202

Attention: Mr. Philip C. Iglehart

Gentlemen:

As per your request, I have reviewed the attached plat and we are agreeable to the relocation of our parking spaces to the area as shown outlined in red on plat attached hereto, with the following provisions:

- (1) It is our understanding that our present parking area shown outlined in blue on attached plat will be the area reserved for parking to accommodate your proposed building to the east of our existing building.
- (2) That sufficient area will be allotted for trucks to enter and exit from the parking area without difficulty, or obstacle.

If the proposed zoning you have requested is approved and prior to implementing this plan we will require an amendment to our lease agreement showing the new parking layout said amendment should be executed by all interested parties.

Sincerely,
E. R. Mattendorf
E. R. Mattendorf
Branch Field Support Manager

ERM/acc

enc1.



D.Z.C. #9

December 7, 1973

Mr. Walter D. Pinkard
Mr. Philip C. Iglehart
T/A Beltway Investors
1600 First National Bank Building
Baltimore, Maryland 21202

Attention: Mr. Philip C. Iglehart

Dear Phil:

You have submitted for my approval a plan indicating your intent to utilize a certain area in the rear of the Honeywell Building to be used for parking spaces in connection with a new building you propose to construct on the site immediately adjacent to the eastern property line currently leased by me to another partnership in which you and Walter D. Pinkard are principals. You have specifically requested that I grant an easement to your present partnership for this purpose.

I will be agreeable to granting the requested easement providing:

- A. That all costs, engineering, legal and recording will be at your expense.
- B. That Beltway Investors joins in the requested easement.
- C. That the easement will be subject to all the terms, covenants and conditions of the lease agreement presently in existence.

Very truly yours,

C. Clyde Andrew
C. Clyde Andrew
Discead
Wife

GCA/btd

B2C. #9

BELTWAY INVESTORS
1600 First National Bank Building
Baltimore, Maryland 21202

February 19, 1974

Bellona Associates
1600 First National Bank Building
Baltimore, Maryland 21202

Dear Phil:

As managing partner of Beltway Investors we will join with C. Clyde Andrew in the granting of an easement to the partnership known as Bellona Associates for the purpose of parking in the rear of the Minneapolis Honeywell Building.

Very truly yours,

BELTWAY INVESTORS

Walter D. Pinkard
Walter D. Pinkard
Managing Partner

WDP:pl

Lutherville Community Association

P.O. Box 6
Lutherville, Maryland 21093

January 25, 1974

Mr. Philip Iglehart
Pinkard & Company
1600 First National Bank Building
Light & Redwood Streets
Baltimore, Maryland 21202

Dear Mr. Iglehart:

The Lutherville Community Association appreciates your consideration in having allowed us to review your plans for the property located at Charles Street Avenue and the Baltimore Beltway.

Accordingly, the officers and board of directors of the Lutherville Community Association unanimously agree that the intended development of a low-rise office building on that parcel is consistent with development adjacent to it.

Therefore, this letter serves as notice that the Lutherville Community Association has no objection to the construction of an office building at 1314 Bellona Avenue.

Thank you for advising us of your plans.

Sincerely,

J. Michael Naughton
J. Michael Naughton
President

JMN:ew

2.

R. Hugh Andrew - File No. 74-172-XA

Nov. 23, 1977 Motion to Remand case to the Zoning Commissioner of Baltimore County and referral thereafter to the Planning Board of Baltimore County so that said application might be processed under the "Interim Development Control Act" inasmuch as this petition involves an application for a special exception for office use, filed by the attorney for the Petitioner.

Nov. 29 Order to Remand case to the Zoning Commissioner of Baltimore County passed by the County Board of Appeals.

May 19, 1978 IDCA application for a special exception for office and office building use approved by the Baltimore County Planning Board (#78-15-X)

June 5 IDCA approval forwarded to the County Board of Appeals by the Zoning Commissioner

Sept. 14 Hearing held before the County Board of Appeals - combined with case #78-275-A - case held sub curia

July 25, 1979 Combined Order of the County Board of Appeals finding that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the Comprehensive Zoning Maps in 1976, as applicable in case #74-172-XA, and Dismissing petition for a variance on the eastern property line in case #78-275-A.

Aug. 22 Order for Appeal filed in Circuit Court for Baltimore County by Dwight C. Stone, Esq. and Charles C. W. Ahwater, Esq., on behalf of Protestants-Appellants (David Millard and Jane Millard).

Aug. 22 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County (David Millard and Jane Millard).

Aug. 23 Order for Appeal filed in the Circuit Court by People's Counsel for Baltimore County

Aug. 23 Petition to accompany Order for Appeal filed in the Circuit Court by People's Counsel

Aug. 24 Order for Appeal filed in the Circuit Court by James H. Cook, Esq., Attorney for Petitioner

Aug. 27 Certificate of Notice sent to all interested parties (David Millard and Jane Millard).

Aug. 27 Certificate of Notice sent to all interested parties (People's Counsel).

Aug. 27 Certificate of Notice sent to all interested parties (R. Hugh Andrew, Petitioner).

Aug. 30 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County by Attorney for Petitioner

Sept. 13 Transcript of testimony filed

3.

R. Hugh Andrew - File No. 74-172-XA

Petitioner's Exhibit No. 1 - Letter from Ralph Welch, President Lutherville Community Association, to the Baltimore County Board of Appeals (combined with case #78-275-A)

Sept. 21 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

John Holman
John Holman
County Board of Appeals of Baltimore County

cc: Cook and Downes, Esqs.
Stone and Ahwater, Esq.
People's Counsel

IN THE MATTER OF THE APPLICATION OF R. HUGH ANDREW FOR SPECIAL EXCEPTION for an Office Building, and VARIANCE from Section 1802.28 (504-V.8.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53' W. of Lutherville Road 8th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. 74-172-XA

ORDER OF DISMISSAL

Petition of R. Hugh Andrew for special exception for an office building and variance from Section 1802.28 (504-V.8.2) of the Baltimore County Zoning Regulations on property located on the north side of Bellona Avenue 246.53 feet west of Lutherville Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of petition filed December 7, 1982 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioners in the above entitled matter; and

WHEREAS, the said attorney for the said Petitioners requests that the petition filed on behalf of said Petitioners be withdrawn as of December 7, 1982,

IT IS HEREBY ORDERED this 7th day of December, 1982, that said petition be and the same is withdrawn and dismissed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William S. Evans
William S. Evans

Kath S. Fries
Kath S. Fries

RE: PETITION FOR VARIANCE from Section 307 of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246' W. of Lutherville Road 8th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

FOR AT LAW

R. Hugh Andrew, Petitioner-Appellant

Zoning File No. 78-275-A

David Millard and Jane Millard Protestants-Appellants

People's Counsel for Baltimore County Appellant

Misc. Docket No. 11

Folio No. 345

File No. 6895

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 78-275-A

May 19, 1978 Petition of R. Hugh Andrew for a Variance from Section 307 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 feet along the easterly boundary line of property located on the North side of Bellona Avenue, 246 feet West of Lutherville Road, 8th District, filed

May 19 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 21, 1978 at 11 a.m.

June 1 Certificate of Publication in newspaper - filed

June 3 Certificate of Posting of property - filed

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.8.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53' W. of Lutherville Road 8th District

ON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY

FOR AT LAW

R. Hugh Andrew, Petitioner-Appellant

Zoning File No. 74-172-XA

David Millard and Jane Millard Protestants-Appellants

People's Counsel for Baltimore County Appellant

Misc. Docket No. 10/11

Folio No. 188/345

File No. 5823/6895

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order to Remand and the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 74-172-XA

Dec. 10, 1976 Order to Remand by Judge Frank E. Cicone: "... for the purpose of receiving additional testimony, if necessary, for the reconsideration of the within case in the light of the adoption of a new Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County."

Apr. 21, 1977 Remand Hearing held before the County Board of Appeals. Case continued to allow the property owner to determine whether or not an east side yard variance is required. If same is required, this new variance case will be consolidated with the remand case.

R. Hugh Andrew - File No. 78-275-A

June 7, 1978 Comments of Baltimore County Zoning Plans Advisory Committee

June 21 At 11 a.m. Hearing held on Petition by Deputy Zoning Commissioner.

July 10 Order of Deputy Zoning Commissioner denying Petition.

July 13 Order of Appeal to the County Board of Appeals from the Order of the Deputy Zoning Commissioner.

Sept. 14 Hearing on Appeal before County Board of Appeals

July 25, 1979 Order of County Board of Appeals dismissing the Petition for a Variance on the eastern property line

Aug. 22 Order for Appeal filed in Circuit Court for Baltimore County by Dwight C. Stone, Esq. and Charles C. W. Ahwater, Esq., on behalf of Protestants-Appellants (David Millard and Jane Millard).

Aug. 22 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County (David Millard and Jane Millard).

Aug. 23 Order for Appeal filed in the Circuit Court by People's Counsel for Baltimore County

Aug. 23 Petition to accompany Order for Appeal filed in the Circuit Court by People's Counsel

Aug. 24 Order for Appeal filed in the Circuit Court by James H. Cook, Esq., Attorney for Petitioner

Aug. 27 Certificate of Notice sent to all interested parties (David Millard and Jane Millard).

Aug. 27 Certificate of Notice sent to all interested parties (People's Counsel).

Aug. 27 Certificate of Notice sent to all interested parties (R. Hugh Andrew, Petitioner).

Aug. 30 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County by Attorney for Petitioner

Sept. 13 Transcript of testimony filed

Petitioner's Exhibit No. 1 - Letter from Ralph Welch, President Lutherville Community Association, to the Baltimore County Board of Appeals

Sept. 21 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would

scribed in the bylaws of the Planning Board.
[Bill No. 100, 1970.]

A reading of sec. 504.1 indicates that the Planning Board may act pursuant to the section if the action of the Planning Board is not inconsistent with the Baltimore County Zoning Regulations and if the actions further the purposes of the regulations.

Section 1802.2C of the Baltimore County Zoning Regulations reads as follows:

In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 and which is not within the same development tract.
[Bill No. 100, 1979.]

It becomes apparent that sec. 1802.2C of the Baltimore County Zoning Regulations and V.B.2 of the Comprehensive Manual of Development Policies passed pursuant to sec. 504 of the Baltimore County Zoning Regulations are in conflict. The Baltimore County Planning Board cannot formulate regulations which are inconsistent with existing Baltimore County Zoning Regulations under authority delegated in section 504. Any conflict between an existing regulation and a regulation formulated by the Planning Board pursuant to sec. 504 must be resolved in favor of existing zoning regulations. Sec. 1802.2C requires that no building in a D.R. 16 zone be constructed within 75 feet of land which is zoned D.R. 3.5. Under this regulation a variance is required.

The argument that section V.B.2 applies to buildings other than dwellings cannot prevail because section 1802.2 applies to not only dwellings but to special exceptions granted in the D.R. zones as well. The language of 1802.2C does not provide for any exceptions but states "In a D.R. 16 zone, no building shall be constructed...."

The court rules that sec. 1802.2C of the Baltimore County Zoning Regulations takes precedence over V.B.2 of the Comprehensive Manual of Development Policies and a variance is,

therefore, required.

This appeal also involves issues regarding the special exception and the variance granted on the west side of the property. In view of the court's ruling which requires a variance on the east side of the property the court will not deal with these issues in this appeal. The case is remanded to the County Board of Appeals of Baltimore County for a hearing to be conducted regarding a variance on the east side of the property.

Edward A. DeWaters, Jr.
Edward A. DeWaters, Jr.
Judge

1/11/80
Date

EAD/vc
cc: David D. Downes Esq.
James H. Cook, Esq.
Charles C.W. Atwater, Esq.
Dwight C. Stone, Esq.
John W. Hession, III, Esq.

RECEIVED
BALTIMORE COUNTY
JAN 15 12 12 PM '80
COUNTY BOARD
OF APPEALS
BY: _____

-2-

2.

Andrew - 10/188/5873 and 11/345/6895

Millard, 1316 Bellona Avenue, Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esquire and David D. Downes, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorneys for the Petitioner-Appellant, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue, Timonium, Maryland 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland 21093, on this 9th day of August, 1979.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.2B (504-V.B.2) from Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53' West of Lutherville Road 8th District

R. Hugh Andrew
Petitioner

Zoning File No: 74-172-XA

David Millard and Jane Millard
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE
COUNTY
AT LAW

RE: PETITION FOR VARIANCE from section 307 of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246' West of Lutherville Road 8th District

Zoning File No: 78-275-A

Before the County Board of Appeals

No:

NOTICE OF APPEAL

MR. CLERK:

Please enter an Appeal from the Decision of the Board dated July 25, 1979 to the Circuit Court of Baltimore County.

Dwight C. Stone
Dwight C. Stone

Charles C.W. Atwater
Charles C.W. Atwater
MYLANDER, ATWATER & STONE
1112 W.R. Grace Building
Baltimore, Maryland 21202
752-6254
Attorneys for Millard

RECEIVED
BALTIMORE COUNTY
AUG 22 8 22 AM '79
COUNTY BOARD
OF APPEALS
BY: _____

cc: of June
Atwater
Stoner

R. HUGH ANDREW
N/S of Bellona Ave. 246.53' W. of Lutherville Rd.
8th District
SE - Office and Office Building
Variance - Section 1802.2B (504-V.B.2) (side yard setback)

No. 74-172-XA
8th District
0.928 Acres

Jan. 15, 1974 Petition filed
Mar. 4 D.Z.C. (Dyer) GRANTED petition, subject to restrictions.
Apr. 1 Order of Appeal to C.C. of A.
June 5, 1975 Hearing before C.B. of A. (Reiter, Gilland, Miller)
Feb. 19, 1976 Board GRANTED SE for office and office building variance for 1 ft. side yard setback along west side, subj. to restr.
Mar. 12 Order of Appeal filed in the C.C. by Dwight C. Stone, Esq., Attorney for Protestants, (File #5873) David R. and Jane Millard
May 4 Record of proceedings filed in Circuit Court
Dec. 10 Judge Frank E. Ciccone ORDERED "that the within case be remanded to the County Board of Appeals for Baltimore County for the purpose of receiving additional testimony, if necessary, and for consideration of the within case in the light of the adoption of a new Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County."
Apr. 21, 1977 Remand Hearing held by the Board - case continued - see note in file for reasons per W.A. Reiter
Nov. 23 Motion to Remand case to Z. C. due to IDCA filed by Mr. Cook for Petitioners
" 29 Order of Remand passed by the Board (R.H.D.)
May 18, 1978 I.D.C.A. approved (#78-15-X)
Sept. 14 Hearing on remand held and combined with case #78-275-A by the Board (R.G.M.)
July 25, 1979 Order of the Board in both cases: "the Board finds no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning maps in 1976, as applicable to case No. 74-172-XA, and it is FURTHER ORDERED that the C.B. of A. will affirm the Order of the D.Z.C., dated July 10, 1978, in case No. 78-275-A, and hereby Dismiss the petition for variance on the eastern property line."
Aug. 22 Order for Appeal filed in the C.C. by Stone & Atwater for Millards (File #6895)
" 23 " " " " People's Counsel
" 24 " " " " J. Cook on behalf of Petitioner
Sept. 21 Record of proceedings filed in the Circuit Court
Jan. 11, 1980 Judge DeWaters Order: "This appeal also involves issues regarding the special exception and the variance granted on the west side of the property. In view of the court's ruling which requires a variance on the east side of the property the court will not deal with these issues in this appeal. The case is remanded to the County Board of Appeals of Baltimore County for a hearing to be conducted regarding a variance on the east side of the property."
Mar. 12 Hearing held before the Board (R.M.) - Case continued on 5/6

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.2B (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53' W. of Lutherville Road 8th District

R. Hugh Andrew, Petitioner-Appellant

Zoning File No. 74-172-XA

David Millard and Jane Millard
Protestants-Appellants

People's Counsel for Baltimore County
Appellant

ON REMAND
FROM THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10/11
Folio No. 188/345
File No. 5873/6895

RE: PETITION FOR VARIANCE from Section 307 of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246' W. of Lutherville Road 8th District

R. Hugh Andrew, Petitioner-Appellant

Zoning File No. 78-275-A

People's Counsel for Baltimore County
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 345
File No. 6895

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2 (d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, James H. Cook, Esquire and David D. Downes, Esquire, 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner-Appellant, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane

certainly be allowed the 75 foot set-back mandated by the zoning law and the quiet enjoyment of their residential property.

4. The State Highway Administration and Department of Traffic Engineering made comments with regard to the traffic situation which would result if the Petitioners were allowed to proceed as they propose. Those comments were set forth in the Opinion of the Deputy Zoning Commissioner of Baltimore County, James Dyer, dated March 4, 1974. Mr. Dyer's comments were to the effect that the subject petition "can be expected to add to the existing congestion at the intersection of Bellona Avenue and Charles Street". The added congestion is another reason why the Petitioner's proposed use of the property should be denied.

5. Various memoranda have been filed by the Protestants-Appellants setting forth additional different reasons why the Petitioner's proposed use of their property should be denied, and the facts set forth therein are incorporated herein by reference.

WHEREFORE the Appellants pray that the decision of the Board be reversed and that a variance be found to be required, but denied.

Dwight C. Stone
DWIGHT C. STONE

Charles C.W. Atwater
CHARLES C.W. ATWATER

MYLANDER, ATWATER & STONE
1112 W.R. Grace Building
Baltimore, Maryland 21202
752-6254
Attorneys for Millards

-2-

I HEREBY CERTIFY that on this _____ day of August, 1979 a copy of the foregoing Notice of Appeal and Petition was mailed to James H. Cook, Esquire at 409 Washington Avenue, Towson, 21204; David D. Downes, Esquire at 212 Washington Avenue, Towson, 21204; John A. Pryor, Esquire at 1227 Walters Avenue, Towson, 21204; and John W. Hession, III, Esquire at 102 West Pennsylvania Avenue, Towson, 21204.

Dwight C. Stone
DWIGHT C. STONE

I HEREBY CERTIFY that on this 22 day of August, 1979 prior to the filing of the foregoing Notice of Appeal and Petition, we have served two copies of same on the County Board of Appeals, Room 219 Court House, Towson, Maryland 21204.

Dwight C. Stone
DWIGHT C. STONE

-3-

Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holman
June Holman
County Board of Appeals of Baltimore County
Towson, Maryland 21204

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, and David D. Downes, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue, Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, on this 29th day of August, 1979.

June Holman
June Holman
County Board of Appeals of Baltimore County

cc: J. Jones
J. Howell
J. Guter

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for Office and Office Building, and :
VARIANCE from Section 1802.28 :
(504-V.B.2) from Baltimore County :
Zoning Regulations : CIRCUIT COURT
N/S of Bellona Ave. 246.53' West :
of Lutherville and :
8th District :
: FOR
R. Hugh Andrew :
Petitioner :
Zoning File No. 74-172-XA : BALTIMORE COUNTY
David Millard and Jane Millard :
Protestants - Appellants :
: AT LAW

RE: PETITION FOR VARIANCE :
from Section 307 of the Baltimore :
County Zoning Regulations : Misc. Docket No. 11
N/S of Bellona Ave. 246' West :
of Lutherville Road :
8th District :
: Folio No. 444-345
R. Hugh Andrew :
Petitioner - Appellant :
Zoning File No. 78-275-A :
Before the County Board of Appeals : File No. 4896-6895

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from the Opinion and Order of the Baltimore County Board of Appeals under date of July 25, 1979, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That the decision of the County Board of Appeals in this matter is in error for the reason that the Board has misconstrued the Zoning Regulations of Baltimore County as they apply to the property which is the subject of this proceeding, specifically:

A. That said County Board of Appeals appears to construe said regulations as requiring only a thirty foot setback for a building in a D.R. 16 zone abutting any other D.R. zone, in this case, a D.R. 3.5 zone.

B. In so doing, the Board ignored the requirement contained within Section

RE: PETITION FOR SPECIAL EXCEPTION * IN THE
for Office and Office Building, and *
VARIANCE from Section 1802.28 *
(504-V.B.2) from Baltimore County *
Zoning Regulations * CIRCUIT COURT
N/S of Bellona Avenue *
246.54' West of Lutherville *
Road 8th District * BALTIMORE COUNTY
: AT LAW
R. Hugh Andrew *
Petitioner * No:
Zoning File No: 74-172-XA *
David Millard and Jane Millard *
Protestants-Appellants *

RE: PETITION FOR VARIANCE *
from Section 307 of the Baltimore *
County Zoning Regulations *
N/S of Bellona Avenue 246' West *
of Lutherville Road 8th District *
Zoning File No: 78-275-A *
Before the County Board of Appeals *

NOTICE OF APPEAL

Mr. Clerk:

Please enter an appeal to the Circuit Court of Baltimore County from the decision of the Board dated July 25, 1979.

James H. Cook
James H. Cook
210 Allegheny Avenue
Towson, Maryland 21204
Phone: 823-6111
Attorney for Petitioner

I HEREBY CERTIFY that on this 24th day of August, 1979, prior to the filing of the foregoing Notice of Appeal, two copies of same has been served on the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204.

RECEIVED
BALTIMORE COUNTY
CLERK OF COURT
AUG 29 11 00 AM '79

James H. Cook
James H. Cook

1802.2C of said regulations, mandating a seventy-five foot setback for the building line in this case, which said section reads as follows:

"In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.P. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 and which is not within the same development tract. [Bill No. 100, 1970.]"

C. That the wording of said Section 1802.2C clearly mandates the conclusion that the Board's holding that a thirty foot setback is the appropriate distance in the instant case is erroneous.

WHEREFORE, your Petitioner respectfully prays that the Order of the County Board of Appeals of Baltimore County dated July 25, 1979, be reversed, and that the proceeding be remanded to the said County Board of Appeals with instructions to consider the petition herein under the provisions of said Section 1802.2C of the Baltimore County Zoning Regulations.

AND AS IN DUTY BOUND, etc.,

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County

RECEIVED
BALTIMORE COUNTY
CLERK OF COURT
AUG 22 3 21 PM '79

I HEREBY CERTIFY that on this 25th day of August, 1979, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy mailed to James H. Cook, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204; Charles C. W. Atwater, Esquire, and Dwight C. Stone, Esquire, Mylander, Atwater & Stone, 1112 W. R. Grace Building, Baltimore, Maryland 21202.

John W. Hession, III
John W. Hession, III

I HEREBY CERTIFY that on this 24th day of August, 1979 a copy of the foregoing Notice of Appeal was mailed to Dwight C. Stone, Esq. and Charles C.W. Atwater, Esq., 1112 W.R. Grace Building, Baltimore, Maryland 21202, attorneys for Millard; and to John W. Hession, III, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

James H. Cook
James H. Cook

RE: PETITION FOR SPECIAL EXCEPTION * IN THE
for Office and Office Building, and *
VARIANCE from Section 1802.28 *
(504-V.B.2) from Baltimore County *
Zoning Regulations * CIRCUIT COURT
N/S of Bellona Avenue *
246.53' West of Lutherville *
Road 8th District *
: FOR
R. Hugh Andrew *
Petitioner * BALTIMORE COUNTY
Zoning File No: 74-172-XA *
: AT LAW

RE: PETITION FOR VARIANCE *
from Section 307 of the Baltimore *
County Zoning Regulations * Misc. Docket No. 11
N/S of Bellona Avenue 246' West *
of Lutherville Road 8th District * Folio No. 345
: File No. 6895
R. Hugh Andrew *
Petitioner *
Zoning File No: 78-275-A *
David Millard and Jane Millard *
Protestants-Appellants *

-00-

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Esq., Robert L. Gilland, Esq. and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, James H. Cook, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, and David D. Downes, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue,

RE: PETITION FOR SPECIAL EXCEPTION : ON REMAND
for Office and Office Building, and :
VARIANCE from Section 1802.28 :
(504-V.B.2) from Baltimore County : FROM THE
Zoning Regulations : CIRCUIT COURT
N/S of Bellona Ave. 246.53' West :
of Lutherville Road :
8th District : FOR
: BALTIMORE COUNTY
S. Hugh Andrew :
Petitioner : AT LAW
Zoning File No. 74-172-XA : Misc. Docket No. 10
David Millard and Jane Millard : Folio No. 188
Protestants - Appellants : File No. 5873

RE: PETITION FOR VARIANCE : BEFORE
from Section 307 of the Baltimore :
County Zoning Regulations : COUNTY BOARD OF APPEALS
N/S of Bellona Ave. 246' West :
of Lutherville Road : OF
8th District : BALTIMORE COUNTY
R. Hugh Andrew :
Petitioner - Appellant : No. 78-275-A

OPINION

Case No. 74-172-XA had previously been heard and decided by this Board on February 19, 1976, wherein the Board granted a special exception for office and office building, and also granted a variance to permit a 1 foot side yard setback along the west side of the subject property, subject to certain restrictions. This Order was appealed to the Circuit Court for Baltimore County, and by Order of Judge Frank E. Ciccone, on December 10, 1976, said case was remanded to the County Board of Appeals "for the purpose of receiving additional testimony, if necessary, and for reconsideration of the within case in the light of the adoption of a new comprehensive zoning map for the Third Councilmanic District of Baltimore County." This case was scheduled before this Board on April 21, 1977 when a remand hearing was heard, and the case was continued at that time.

Subsequently another case, No. 78-275-A, was filed by the Petitioner which sought a variance from the setback requirements for the eastern portion of his property.

The question which is germane to both of these cases is, does the Petitioner now need a variance for the specific requirements from his easternmost property line as a result of the property owner's east of his property, petitioning for and obtaining successfully a downshift in the zoning classification of his property to D.R. 3.5, as adopted in the 1976 comprehensive zoning maps from his prior zoning classification of D.R. 16. Case No. 78-275-A, as aforesaid, was filed by the Petitioner to seek a setback variance along the eastern property line should such a variance be required as a result of the change in the downshift of zoning classification for the property to the east of the subject property. In that case the report from the Zoning Plans Advisory Committee, signed by Nicholas B. Commodari, dated June 7, 1978, is dispositive of this question, stating that a variance would not be necessary for the proposal as outlined in the petition in case No. 74-172-XA. Consequently an order was issued on July 10, 1978 by the then Deputy Zoning Commissioner denying the requested variance on the basis that a variance is not required.

Finally, on September 14, 1978 a hearing was once again scheduled before this Board consolidating the two cases and their respective issues as indicated above. No additional testimony was presented at this time, and the cases were considered on the basis of previous evidence and testimony.

The Board agrees with the report from the Zoning Plans Advisory Committee and the decision of the Deputy Zoning Commissioner that there is no requirement under the present proposal for the Petitioner to seek a variance from the side yard setback requirements from his eastern property line. Similarly, the resulting reclassification which occurred from the adoption of the comprehensive zoning maps for Baltimore County would not affect the prior decision of this Board in case No. 74-172-XA, in that a variance would not be required concerning the eastern property line of the Petitioner's property. This is further enhanced by a letter dated February 22, 1977 from the then Zoning Commissioner, S. Eric DiNenna, concerning this particular issue, said letter being contained in file No. 74-172-XA.

There is perhaps one other item that should be addressed by this Board, as there may be some confusion or inconsistency between the aforesaid report from Mr. Commodari and the correspondence from the Zoning Commissioner, dated February 22, 1977

Montgomery County vs. Merlands Club, Inc., 1953, 96 A2d 261, 202 Md 279. A variance, on the other hand, is authorized under the terms of a zoning ordinance where literal enforcement of its terms would result in unnecessary hardship. Montgomery County vs. Merlands, supra.

The criterion for determining unnecessary hardship as a ground for granting a zoning variance is whether the applicable zoning restriction, when applied to the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of property ownership. The plight of the owner of real property seeking a variance from the requirements of its zoning ordinance must be due to unique circumstances and not to general conditions in the neighborhood. Mere financial hardship is not sufficient and the fact that an exception or a variance will make reality more profitable is not sufficient ground to justify the exception or variance. Marino vs. City of Baltimore, supra.

The case of Heath vs. Mayor and City Council of Baltimore, 190 Md 478, dealt with an application for a special exception to permit the building of a garage in a rear yard of an apartment house in a residential district. The building in the rear of which the garage was proposed already had three garages for automobiles in it, and the fourth garage was proposed to allow tenants additional parking. The court said, on p. 483, "The Board of Zoning Appeals in considering an application for an exception to the general rule should carefully analyze the evidence before it to determine if the need for the exception is of such urgency that injustice will result if the exception rule is not applied. If, by applying the general rule, a reasonable use of land results, the exception to the rule should not apply. The need to justify an exception must be real and substantial. If an exception to the general rule is permitted for reasons that are

referred to above. This has to do with the 1 foot variance granted for the western portion of the Petitioner's property. In one instance it was indicated by Mr. Commodari that the required side yard setback would have been 25 feet rather than the 30 feet petitioned for. Mr. DiNenna indicated a 30 foot setback was required because the building was oriented to the east, and consequently the western portion would have been the "rear yard" of the subject property, requiring a 30 foot setback. The Board feels that even though the property may have been oriented to the east, the frontage was on Bellona Avenue, which would have been to the south, making the northern property line to the rear yard. Consequently the required setback would have been 25 feet rather than the 30 feet petitioned for. However, since the petition was from the more restrictive requirement and was granted, we do not feel that it would have any effect or bearing on the case in question. Therefore, the Board will pass an order in conformity with the aforesaid Opinion, finding that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning maps in 1976, as applicable to case No. 74-172-XA; and further, the Board will affirm the Order of the Deputy Zoning Commissioner, dated July 10, 1978, in case No. 78-275-A, dismissing the petition for a variance on the eastern property line for the same reason, i.e. that a variance is not necessary.

ORDER

For the reasons set forth in the aforesaid Opinion, it is this 25th day of July, 1979, by the County Board of Appeals ORDERED, that in conformity with the aforesaid Opinion, the Board finds that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning maps in 1976, as applicable to case No. 74-172-XA; and it is

not urgent and substantial but for mere convenience in any provision of the ordinance for an exception might cease to be such and in practice become the rule. A broad interpretation of an exception could lead to an unequal administration of the ordinance and result in discrimination. For these reasons the provision of the ordinance for an exception to the general rule should be strictly construed. The court in Heath denied the application for a special exception.

In the case at bar, there already exists a relatively new building on the property in question which is proposed to be demolished and replaced with a building of such size it would require two variances from the bulk regulations, simply for the convenience of its owner so that he can make better financial use of his property. The Millard's on the other hand, are zoned D.R. 3.5 and should certainly be allowed the 75 foot setback mandated by the Zoning Law and the quiet enjoyment of their residential property.

The case of Gleason vs. Keswick Improvement Association, 197 Md 46 involved an application for a special exception to permit the building of a store upon residentially zoned property. The paragraph of the ordinance allowing the special exception was as follows: "Within one hundred feet of a boundary line between two districts, any use permitted in that one of such districts which has the lower classification provided such one hundred foot measurement not extend across the street". The Court said, at p. 50: "It may be noted that a special exception will never be granted to gratify a convenience, and not only must the necessity be urgent but the facts in a given case must be so extraordinary as to persuade us to withdraw the case from application of the accepted rule. We have also held that paragraph 12 of the ordinance (that which permitted the exception (ed.)) is to be strictly construed. The burden of proof is upon the applicant and it must

FURTHER ORDERED, that the County Board of Appeals will affirm the Order of the Deputy Zoning Commissioner, dated July 10, 1978, in case No. 78-275-A, and hereby Dismiss the petition for a variance on the eastern property line.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman
Robert L. Millard
John A. Miller

BALTIMORE COUNTY BOARD OF APPEALS

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building
and VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore
County Zoning Regulations
N/5 of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District

R. Hugh Andrew, Petitioner
File No: 74-172-XA and 78-275-A(4)
David Millard and Jane Millard, Protestants-Appellants

* * * * *

MEMORANDUM ON BEHALF OF DAVID MILLARD AND JANE MILLARD, PROTESTANTS

The granting of Petitioner's Request for Variance would be in direct contravention of a mandatory provision of the Baltimore County Zoning Regulations, specifically Zoning Regulation 1802.2C which provides that in a D.R. zone "no building shall be constructed" within seventy-five (75) feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, D.R. 10.5 and which is not within the same development tract. (emphasis added.)

The Petitioners indicate that they would need a Variance from Section 307 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 yard setback along the easterly boundary line of the property in question. It must be pointed out initially that the request is that for a variance as opposed to an exception. The distinction is that an exception, within the meaning of the zoning ordinance, is a dispensation permissible where the Board of Zoning Appeals or other administrative body finds existing those facts specified in the ordinance as sufficient to warrant a deviation from the general rule. Marino vs. City of Baltimore, 1958, 137 A2d 198, 215 Md 206;

be shown that the hardship affects particular premises and is not common to other property in the neighborhood; the fact that variance would make property more profitable is not a sufficient ground to justify a granting of variance (citations omitted)".

The Court further in the Gleason case, at p. 50, quoting from Rathkopf, on Law of Zoning and Planning, p. 262, said: "Where a person purchases property with the intention to apply to the Board of Appeals for a variance from the restrictions imposed by the ordinance, he cannot contend that such restrictions caused him such particular hardship that entitles him to special privileges which he seeks". (emphasis added) The Court concluded that from the facts disclosed in the case, the appellants bought the property with the view of changing its classifications as to permit them to erect a store on the lot. The court rejected the Petitioner's claim that in view of the property surrounding the lot, it was not fit for residential purposes and it would be a hardship upon them not to grant them an exception to the general rule.

The Court quoted at length from the case of Sugar vs. North Baltimore N.E. Church, 164 Md 487. That case involved an application to extend the divisional line between two use districts. It was there held that the change in location of the divisional line could only be made by an ordinance. At p. 706, the Court in Sugar said the possession of a power to ignore the boundary line between use districts in individual cases and within an interior bounding belt of 100 feet, to grant a use there generally prohibited, would enable the Board, by repetition to reform the entire boundary line and enlarge the prescribed uses in the area of the belt at the request and for the separate benefit of individuals. Such a result is not consonant with the theory of the legislation and clearly the statute which declared that while the regulations for the several districts might differ from one another

the regulations in each district must be uniform for each class or kind of building throughout this district, did not contemplate a change in the division lines between the districts except by the legislative body of the municipality, which was given the power to cure whatever proved to be unjust or unwise by a corrective change or modification in division lines affecting such a major property right as the use and enjoyment of the land.

It may be noted that in a number of the cases cited in this memorandum, there has been little distinction made by the courts in the terms "special exception" and "variance" even though such a distinction has always been recognized. The reason for not making this distinction by the courts in some cases has been explained in the case of Marino vs. The City of Baltimore, supra. That case involved an appeal from the Order of the Baltimore City Court affirming the action of the Board of Municipal and Zoning Appeals denying a permit to construct a one-story store building and adjacent parking area on an unimproved lot of land on the north side of Belvidere Avenue near its intersection with York Road. The property was situated in a residential use district and had been so classified at the time that the Marinos purchased the property. There was conflicting testimony before the Board as to whether the property was suitable for residential use; that to use it for that purpose would have been wasteful, imprudent, economically unsound and impossible to finance; and that the property was best suited for commercial use. There was also conflicting testimony as to the value of the property when used for residential as opposed to commercial use. The Court said at p. 216 "ordinarily, there is a marked distinction in the law of zoning between a variance and exception but there is none in Baltimore City, since an exception apparently overlaps a variance inasmuch as both may be granted where there are 'practical difficulties or unnecessary hardships'". This is the reason why many

cases which arise in Baltimore City, such as this one, discuss exceptions and variances without differentiation. Rather, on p. 216, the Court continued "As a general rule, exceptions are granted sparingly and under exceptional circumstances. To do otherwise would decimate zonal restrictions and eventually destroy all zoning regulations and thus detrimentally affect the marketability of property within zoned areas. On the other hand, the existence of an unnecessary hardship usually justifies the granting of an exception. The criterion for determining unnecessary hardship is whether the applicable zoning restrictions, when applied to the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership. (emphasis added) The Court applied the following tests as to whether the applicants for the variance had met their burden of proof. The Court said, at p. 218 "It was incumbent upon the Petitioners to have shown (i) that if they complied with the ordinance they would not be able to secure a reasonable return from, or make any reasonable use of their property, (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district, and (iii) that the hardship was not the result of the applicant's own actions." The Court continued, "Mere financial hardship or an opportunity to get an increased return from the property is not sufficient reason for granting an exception", citing Easter vs. Mayor and City Council of Baltimore, 195 Md 395. The Court had said that it was obvious that if unnecessary hardship referred to only economic disadvantage, an exception might always have to be granted as a matter of course.

The Court affirmed the denial of the application for the variance then requested.

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RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
PETITION FOR VARIANCE :
N/S of Bellona Ave. 246.53' : OF BALTIMORE COUNTY
W of Lutherville Rd., 8th District :
R. HUGH ANDREW, Petitioner : Case No. 74-172-XA

MOTION

To the Honorable, the County Board of Appeals:

The Motion of R. Hugh Andrew, by James H. Cook, his attorney, respectfully

shows:

1. That this case involves an application for a Special Exception to permit office use on a property which is presently zoned D.R. 16 on the 1976 Comprehensive Zoning Map duly adopted by the County Council for Baltimore County.
2. That, in view of the decision recently promulgated by the County Board of Appeals in a case entitled, "Petition for Special Exception, Nicholas B. Mangione, et ux," No. 74-158-X, your Honor believes, and therefore avers, that the instant case is similarly impacted by the legal operation and effect of the "Interim Development Control Act" and should, as was held in "Mangione," be remanded to the Zoning Commissioner of Baltimore County for processing in accordance with the terms and provisions of said "Interim Development Control Act."

WHEREFORE, said Petitioner respectfully moves that the County Board of Appeals by its appropriate Order cause said case to be remanded to the Zoning Commissioner of Baltimore County and referral thereafter to the Planning Board of Baltimore County so that said application might be processed under the "Interim Development Control Act."

AND AS IN DUTY BOUND, etc.,

James H. Cook, Esquire
Attorney for Petitioner
409 Washington Avenue
Towson, Maryland 21204

The extent of the over-reaching by the applicant in this case is shown when we consider the size of the building which would be permitted under the planning concepts embodied in the Zoning ordinance. The set back requirement on the west would be 30 feet. The set back requirement on the east would be 75 feet. This would permit a building 51 feet wide. If both variances are granted, the building will be increased by 44 feet for a total width of 95 feet. This is an increase of approximately 87% of the permitted size of the building. This results in the loss of the open space intended to be provided by the set back requirements of the zoning ordinance.

CONCLUSION

The law and the facts both indicate that the application for variance on the part of the Petitioners should be denied.

Respectfully submitted:

DWIGHT C. STONE

CHARLES C.W. ATWATER

-7-

I HEREBY CERTIFY that on this 27 day of November, 1977, a copy of the foregoing Motion, and of the proposed Order thereon, was mailed to Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire. Attorneys for Protestants, W. R. Grace Building, Charles & Baltimore Streets, Baltimore, Maryland 21202; Mr. J. Michael Naughton, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland 21093; and John W. Hession, III, People's Counsel, County Office Building, Towson, Maryland 21204.

James H. Cook

THE NEW COURTS BLDG., BALTIMORE COUNTY
REPORT TO: CENTRAL ASSIGNMENT OFFICE, FIRST FLOOR

SUMMON *James H. Cook* Term, 1977.

You are hereby summoned to appear before the ☒ Circuit Court ☐ Equity Court at Towson, Maryland on *Thursday* the *21* day of *April*, 1977, at *10:00* o'clock A.M. to testify for *James H. Cook* in the above named case and to attend said Court daily until duly discharged.

By order of the Court,

Issued..... Charles H. Hickey, Jr., Sheriff of Baltimore County
Be punctual in attendance or you will be attached. Bring this summons with you.

494-31:0

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

May 31, 1978

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #103

CASE NO. 74-172-XA
(74-15-X)

R. HUGH ANDREW (ON REMAND)

for SE - Offices and Office Building
variance from Section 1802.28 (504 V.B.2) to permit 1' side yard setback instead of required 50'

N/S Bellona Ave. 246.53' W. Lutherville Road
8th District

12/10/76 - Remanded to Board by Judge Cicone
11/29/77 - Remanded to Z.C. by the Board
5/18/78 - IDCA approved by Planning Board

ASSIGNED FOR:

cc: James H. Cook, Esquire
David D. Downes, Esquire
John A. Pryor, Esquire
Dwight C. Stone, Esquire
Charles C. W. Atwater, Esquire
Mr. and Mrs. David R. Millard
Mr. Ralph Welsh, President
Lutherville Community Assn.
Mr. S. E. DiNenna
Mr. J. E. Dyer
Mr. L. H. Graef
Mr. Gary Burl
Board of Education
Mr. C. L. Perkins
John W. Hession, III, Esquire

Counsel for Petitioner
" " "
" " "
" " Protestants
" " "
Protestants
Requested Notification

THURSDAY, SEPTEMBER 14, 1978 at 10 a.m.

People's Counsel

Faith T. Eisenhart, Adm. Secretary

PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.28
(504-V.B.2) of the Baltimore County
Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

File No. 74-172-XA

David Millard and Jane Millard
Protestants-Appellants

Mr. Clerk:

Will you kindly issue a subpoena directed to S. Eric DiNenna, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204 to be and appear before the County Board of Appeals, Room 218, Court House, Towson, Maryland 21204, on Thursday, April 21, 1977 at 10:00 A.M. to testify in the above entitled case with respect to the Zoning Regulations and the Comprehensive Manual Development Policy insofar as they pertain to set-backs of other principal buildings, including office buildings, in D.R. 16 zones in Baltimore County.

* IN THE CIRCUIT COURT
* FOR BALTIMORE COUNTY
* AT LAW

* Misc. Docket No. 10
* Folio No. 188
* File No. 5873

MR 31-77 AM



SUBPOENA

CIRCUIT COURT FOR BALTIMORE COUNTY

MR. SHERIFF: Please summons the above witness(es).

Clerk of the Circuit Court for Baltimore County.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
PETITION FOR VARIANCE :
N/S of Bellona Ave. 246.53' : OF BALTIMORE COUNTY
W of Lutherville Rd., 8th District :
R. HUGH ANDREW, Petitioner : Case No. 74-172-XA
ORDER

Upon the foregoing Motion, it is this 29th day of November, 1977, by the County Board of Appeals for Baltimore County,

ORDERED that the Order of the Zoning Commissioner of Baltimore County granting said Petition be and it is hereby neither Affirmed or Reversed, but the entire proceeding is hereby REMANDED to the Zoning Commissioner of Baltimore County for referral to the Baltimore County Planning Board in accordance with Section 22-15.1(f) of the Baltimore County Code, and further proceedings thereon as are required in accordance with law.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett

Herbert A. Davis

CASE #74-172-XA - R. HUGH ANDREWS - Hearing 4/21/77

Case continued. It was the judgment of the Board that the interpretation

by the Zoning Commissioner that the petitioner did not need an east side yard variance was not in such form as to be the subject of a ruling by the Board. The Board felt that under normal conditions, if a property owner were told he did not need a variance he would then file for a building permit and the finding of the Buildings Engineer would be appealable either to this Board by the property owner, or the Circuit Court by any other citizen. If the Board rules as to the Zoning Commissioner's interpretation, it feels as if it is jumping into the middle of the administrative process.

Therefore, the case will be continued for this time to allow the property owner to definitively determine whether or not an east side yard variance is required. If same is required, this new variance case will be consolidated with the remand case.

W.A.R.

MAR 30 1977

Rec'd 11/29/77
12:55 PM

February 22, 1977

NOTICE OF ASSIGNMENT

REMAND HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c). COUNTY COUNCIL BILL #103

CASE NO. 74-172-XA

R. HUGH ANDREW

for SE - Office Building and Variance

N/S Bellona Ave. 246.53' W. Lutherville Road

8th District

12/10/76 - Judge Ciccone REMANDED case to Board

ASSIGNED TO:

THURSDAY, APRIL 21, 1977 at 10 a.m.

cc: James H. Cook, Esquire

Counsel for Petitioner

David D. Downes, Esquire

" " "

John A. Pryor, Esquire

" " "

Dwight C. Stone, Esquire

" " Protestants

Mr. & Mrs. David R. Millard

Protestants

Mr. J. Michael Naughton, Pres.

Requested Notification

Lutherville Community Assn.

Mr. S. E. DiNenna

Mr. N. E. Gerber

Mr. J. E. Dyer

Mr. G. Burl

Board of Education

Mr. C. L. Perkins

John W. Hession, III, Esq.

People's Counsel

Edith T. Eisenhart, Adm. Secretary

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore County
Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District
R. Hugh Andrew
Petitioner.
File No. 74-172-XA
David Millard and Jane Millard
Protestants-Appellants

* IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 188
File No. 5873

ORDER OF COURT

Upon the foregoing Consent to Remand, it is, this 10th day of December, 1976, by the Circuit Court for Baltimore County, ORDERED, that the within case be remanded to the County Board of Appeals for Baltimore County for the purpose of receiving additional testimony, if necessary, and for reconsideration of the within case in the light of the adoption of a new Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County.

J. E. Ciccone
JUDGE

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore County
Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
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8th District
R. Hugh Andrew
Petitioner
File No. 74-172-XA
David Millard and Jane Millard
Protestants-Appellants

* IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 188
File No. 5873

CONSENT TO REMAND

The parties in the above entitled case, through counsel, consent to remand of this case to the County Board of Appeals for the purpose of taking additional testimony, if necessary, and for a reconsideration of the case in the light of the adoption of the new Comprehensive Zoning Map for the Third Councilmanic District of Baltimore County.

Charles C. W. Atwater
Charles C. W. Atwater
Attorney for Appellants

James H. Cook
James H. Cook
Attorney for Appellee

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore County
Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District
R. Hugh Andrew
Petitioner
File No. 74-172-XA
David Millard and Jane Millard
Protestants - Appellants

* IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
At Law
Misc. Docket No. 10
Folio No. 188
File No. 5873

PETITION AND ORDER FOR EXTENSION OF TIME
FOR FILING RECORD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of David Millard and Jane Millard respectfully shows that they have been informed by the Court Reporter that the transcript of the testimony will not be available within the thirty (30) day provision for filing said record.

WHEREFORE, your petitioners pray that this court may by its order extend the time for filing the record for an additional period of thirty (30) days from the date hereof.

Charles C. W. Atwater

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore County
Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District
R. Hugh Andrew
Petitioner
File No. 74-172-XA
David Millard and Jane Millard
Protestants - Appellants

* IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
At Law
Misc. Docket No. 10
Folio No. 188
File No. 5873

ORDER OF COURT

Upon the foregoing Petition it is this 12th day of April, 1976, by the Circuit Court for Baltimore County,

ORDERED, that the time for filing the record be extended for an additional period of thirty (30) days from the date hereof pursuant to Rule 1101(b).

/s/ Fran' E. Ciccone
Judge

Certificate of Service on James H. Cook

RE: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building,
and VARIANCE from Section 1802.2B
(504-V.B.2) of the Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246.53 feet
West of Lutherville Road
8th District
R. Hugh Andrew
Petitioner

* IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
* * * * *
* BEFORE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
* No. 74-172-XA

ANSWER TO PETITION ACCOMPANYING NOTICE OF APPEAL

Now comes R. Hugh Andrew, Petitioner, by David D. Downes and James H. Cook, his attorneys, the Petitioner and Appellee, and for answer to the Petition accompanying notice of appeal filed in the within case says:

1. That he admits the allegations of paragraph 1 of said Petition

2. That he denies that the Appellants are in fact aggravated by the decision of the Board.

3. That he denies that the decision of the Board of Appeals was in error; but says, to the contrary, that the decision of the Board was fully supported by the evidence in the record, and it would have, in fact, have been error for the Board to rule otherwise.

David D. Downes
David D. Downes
212 Washington Avenue
Towson, Maryland 21204

James H. Cook
James H. Cook
409 Washington Avenue
Towson, Maryland 21204
Attorneys for Petitioner

I CERTIFY that copy of the foregoing Answer was mailed this 17th day of March, 1976 to Charles C. W. Atwater, Esq., 1211 W.R. Grace Building, Baltimore, Maryland 21202, and also copy filed with the County Board of Appeals, Court House, Towson, Maryland 21204 this same date.

James H. Cook
James H. Cook

74-172-XA • Ex #10.5
R. Hugh Andrew

- ✓ ① Artist's Rendering - A.R. Hagan
- ✓ ② Elevations by Donald B. Ratcliffe
- ✓ ③ A-D - Photos
A-Sperry Road B-3M - C-Shirley D. Hagan
- ✓ ④ Photo - Aerial of S.P.
- ✓ ⑤ Plot - James Spamer & Assoc.
11-27-73
- ✓ ⑥ Plot - Fanning Properties - Spamer
Updated 2/8/74 (11-27-73)
- ✓ ⑦ Proposed Site Plan - Spamer
- ✓ ⑧ Overlay to E7
- ✓ ⑨ Photo of S.P.
- ✓ ⑩ 3 Page - Traffic Report

✓ ⑪ Photo of Charles St & Bellona - Circa 1960

- ✓ ⑫ A - Agreement - Pinkard & Millard
Nov. 65
- ✓ ⑬ B. 1-21 - Spamer
- ✓ ⑭ C. Log of James - R. Hagan
- ✓ ⑮ D. Letter 5-22-75 from Lutherville Sub. Assoc.

Rec'd 3/19/76
3:10 pm

AGREEMENT

THIS AGREEMENT, Made this ___ day of November, 1985, by and between WALTER D. PINKARD, JR., hereinafter referred to as Party of the First Part and DAVID R. MILLARD and JANE D. MILLARD, his wife, hereinafter referred to as Parties of the Second Part, all of Baltimore County, State of Maryland.

WHEREAS, the said Party of the First Part is the Lessee of a parcel of land on the north side of Bellona Avenue in the 8th Election District of Baltimore County, State of Maryland, which was the subject matter of a Petition for reclassification from an R-10 zone to a B-R zone, said reclassification having been granted by the Board of Appeals of Baltimore County on September 15, 1985, said application being known as Case 84-60-R, and

WHEREAS, the said Parties of the Second Part have filed an appeal from said Order and Decision of the Board of Appeals of Baltimore County to the Circuit Court for Baltimore County; and

WHEREAS, the Parties hereto are mutually desirous of resolving their differences and disposing of the appeal without further litigation.

WITNESSETH that in consideration of the herein premises, the Parties do hereby mutually agree and promise as follows:

1. That the Party of the First Part will pay unto the Parties of the Second Part the sum of Two Thousand Five Hundred (\$2,500.00) Dollars.
2. That the Parties of the Second Part will furnish the Party of the First Part with an Order of Dismissal, dismissing their said appeal to the Circuit Court for Baltimore County, Maryland.
3. That the Parties of the Second Part will not oppose, either directly or indirectly, any use or application for a use permit for parking by the Party of the First Part, his Lessor or his Lessees, for the use of an R-10 zoned parcel of land immediately contiguous on the north of said property which has been reclassified to a B-R zone, it being understood, agreed and promised by the Party of the First Part that the northeasternmost

corner of said parking lot will be excavated so as to be 3' to 10' below the existing grade of the ground immediately contiguous to it on the east and will be excavated to be approximately 4' below the existing grade of the ground at the southeasternmost corner of said parking lot, and in addition thereto, the Party of the First Part will plant a 4' high dense screen hedge along the top of said bank or existing ground level where said parking lot abuts contiguous residentially zoned land.

IN WITNESS WHEREOF, the Parties hereto have affixed their hands and seals the day and year first above written.

WITNESS:

 Walter D. Pinkard, Jr. (SEAL)
 Party of the First Part

 David R. Millard (SEAL)
 Jane D. Millard (SEAL)
 Parties of the Second Part

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53 feet West of Lutherville Road 8th District

R. Hugh Andrew
 Petitioner

File No. 74-172-XA

David Millard and Jane Millard
 Protestants - Appellants

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 74-172-XA

Jan. 15, 1974 Petition of R. Hugh Andrew (Bellona Associates, Lessee) for special exception for office and office building, and variance from Sec. 1802.28 (504-V.B.2), on property located on the north side of Bellona Avenue 246.53 feet west of Lutherville Road, 8th District - filed

" 15 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 20, 1974 at 10:45 a.m.

" 30 Comments of Baltimore County Zoning Advisory Committee - filed

" 31 Certificate of Publication in newspaper - filed

Feb. 8 Certificate of Posting of property - filed

" 14 Comments from Director of Planning - filed

" 20 At 10:45 a.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

R. Hugh Andrew - #74-172-XA (15073)

Mar. 4, 1974 Order of Deputy Zoning Commissioner granting special exception and variance, subject to restrictions

Apr. 1 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

June 5, 1975 Hearing on appeal before County Board of Appeals

Sept. 9 Continued Hearing " " " " " - case held sub curia

Feb. 19, 1976 Order of County Board of Appeals granting special exception and variance, subject to restrictions

Mar. 12 Order for Appeal filed in Circuit Court for Baltimore County by attorneys for protestants

" 12 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 15 Certificate of Notice sent to all interested parties

Apr. 13 Petition to extend time for filing record - 30 days

May 4 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Artist's rendering - A. R. Hazard

" " 2 - Elevations by Donald B. Ratcliffe

" " 3 - A - L - Photos (A - Sperry Rand; B - 3-M Co.; C - Shaw-Walker; D - Honeywell)

" " 4 - Photo - Aerial, of subject property

" " 5 - Plot, Jan. 5 Spamer & Associates, 11/2/73

" " 6 - Plot, zoning purposes - James Spamer & Assoc. 11/2/73 (Updated 2/8/74)

" " 7 - Proposed site plan (James Spamer & Assoc.)

" " 8 - Overlay to Exhibit No. 7

" " 9 - Photo of subject property

" " 10 - Traffic Report - (3 pages)

Protestants' Exhibit A - Agreement, Pinkard and Millard (Nov. 1965)

" " B - 1 - 21 - Slides

" " C - Log of Issues, Planning Board

" " D - " " " County Council

" " E - Letter 5/22/73 from Lutherville Improvement Assoc.

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53 feet West of Lutherville Road 8th District

R. Hugh Andrew
 Petitioner

File No. 74-172-XA

David Millard and Jane Millard
 Protestants - Appellants

IN THE
 CIRCUIT COURT
 FOR
 BALTIMORE COUNTY
 AT LAW

Misc. Docket No. 10

Folio No. 188

File No. 5873

CERTIFICATE OF NOTICE

Mr. Clerk

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, James H. Cook, Esq., Mercantile-Townson Building, Towson, Maryland, 21204, David D. Downes, Esq., 212 Washington Avenue, Towson, Maryland, 21204, and John A. Pryor, Esq., 1600 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Petitioner; Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, attorneys for the Protestants-Appellants; and Mr. J. Michael Naughton, President of Lutherville Community Association, P.O. Box 6, Lutherville, Maryland, 21093, a copy of which Notice is attached hereto and prayed that it may be made a part of its record.

Muriel E. Buddemeier
 County Board of Appeals of Baltimore County
 County Office Building, Rm. 219 Court House
 Towson, Maryland 21204
 Telephone - 494-3180

R. Hugh Andrew - No. 74-172-XA

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esq., Mercantile-Townson Building, Towson, Maryland, 21204, David D. Downes, Esq., 212 Washington Avenue, Towson, Maryland, 21204, and John A. Pryor, Esq., 1600 First National Bank Building, Baltimore, Maryland, 21202, attorneys for the Petitioner; Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, attorneys for the Protestants-Appellants; and Mr. J. Michael Naughton, President of Lutherville Community Association, P.O. Box 6, Lutherville, Maryland, 21093, on this 15th day of March, 1976.

Muriel E. Buddemeier
 County Board of Appeals of Baltimore County

cc: J. Hession, III, Esq.
 Mr. J. Hoswell
 Mrs. B. Arterson

R. Hugh Andrew - #74-172-XA (15873)

Protestants' Exhibit F - Photo of Charles St. & Beltway, circa 1962

May 4, 1976 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
 County Board of Appeals of Baltimore County

cc: Dwight C. Stone, Esq.
 Charles C. W. Atwater, Esq.
 James H. Cook, Esq.
 David D. Downes, Esq.
 John A. Pryor, Esq.
 John W. Hession, III, Esq.

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53 feet West of Lutherville Road 8th District

R. Hugh Andrew
 Petitioner

IN THE
 CIRCUIT COURT
 FOR
 BALTIMORE COUNTY
 AT LAW

Misc. Docket No. 10

Folio No. 188

File No. 5873

PETITION

Now come the Appellants, David Millard and Jane Millard, by their attorneys, Charles C. W. Atwater and Dwight C. Stone, and represent unto this Honorable Court:

1. That the Appellants were protestants before the Zoning Board of Appeals in this matter.
 2. That the Appellants are parties aggrieved by the decision of the Board.
 3. That the decision of the Board of Appeals was in error in that:
 - a. The decision of the Board is arbitrary, capricious, unreasonable and is unsupported by substantial evidence.
 - b. The decision of the Board is contrary to the substantial evidence in the case.
 - c. The Board failed to exercise its power to impose restrictions upon the grant of the permit which are necessary for the protection of adjacent residential property.
 - d. That the rezoning of the subject property and the adjacent property to DR-16 which is required for the grant of the permit was illegal, invalid and unconstitutional and amounted to a taking of property without due process of law.
- WHEREFORE, the Appellants pray that the decision of the Board be reversed and that the special exception prayed be denied, OR
 That the appropriate restrictions which are necessary but which were disregarded by the Board be imposed.

Charles C. W. Atwater

Dwight C. Stone
 1211 W. R. Grace Bldg.
 Baltimore, Maryland 21202
 752-6254

Rec'd 3/12/76
 10:54 AM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1-1 day of March, 1976, a copy of the foregoing Notice of Appeal and Petition was mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, David D. Downes, Esquire, 212 Washington Avenue, Towson, Maryland 21204, John A. Pryor, Esquire, 1227 Walters Avenue, Towson, Maryland 21204 and John W. Hessian, III, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Charles C. W. Abwater

I HEREBY CERTIFY that on this 1-1 day of March, 1976, prior to the filing of the foregoing Notice of Appeal and Petition, we have served two copies of same on the County Board of Appeals, Room 219 Court House, Towson, Maryland 21204.

Charles C. W. Abwater

-2-

R. Hugh Andrew - No. 74-172-XA

special exception. Furthermore, it is our opinion that the Petitioner has shown adequate evidence of practical difficulty and unreasonable hardship in order to permit the requested variance. It is therefore the opinion of this Board that the Order of the Deputy Zoning Commissioner of March 4, 1974 was appropriate, and that the requested special exception and variances will hereby be granted. However, in deference to the adjoining property owner to the east of the subject property, we are amending the second restriction in the prior Order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day February, 1976, by the County Board of Appeals ORDERED, that the herein described property or area should be and the same is hereby GRANTED a Special Exception for office and office building; and it is

FURTHER ORDERED, that a Variance from Section 1802.28 (504-V. B.2) to permit a one (1) foot side yard setback along the west side of the herein described parcel instead of the required thirty (30) feet should be and the same is also GRANTED. The granting of said Special Exception and Variance is subject, however, to the following restrictions:

1. The parking spaces immediately adjacent to the easternmost property line, adjoining the residential premises, shall not be used between the hours of 5:30 p.m. and 7:30 a.m. during the week, and shall not be used at all on Saturday and Sunday.

2. Compact screen planting a minimum height of six (6) feet along the eastern and northern border of the subject property which are adjacent to residential uses, said planting to be in a single line of four (4) feet on centers, or in two (2) rows planted six (6) feet apart.

3. The entrance to the parking area shall be secured or otherwise policed during the hours that the office building is not in use.

4. The grounds, parking area, shrubbery, etc. shall be maintained at all times.

5. Site plan shall be approved by the State Highway Administration, Department of Public Works, Health Department,

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53 feet West of Lutherville Road 8th District
R. Hugh Andrew
Petitioner
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
BEFORE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 74-172-XA

NOTICE OF APPEAL

MR. CLERK:

Please enter an appeal from the decision of the Board dated February 19, 1976, to the Circuit Court for Baltimore County.

Charles C. W. Abwater

Dwight C. Stone
1211 W. R. Grace Bldg.
Baltimore, Maryland 21202
752-6254

*Rec'd 3-12-76
10:15 AM*

R. Hugh Andrew - No. 74-172-8XA

Department of Traffic Engineering and the Office of Planning and Zoning.

Any appeal from this decision must be in accordance with Rules 8-1 through 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gifford

John A. Miller

RE: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.28 (504-V.B.2) of the Baltimore County Zoning Regulations N/S of Bellona Avenue 246.53 feet West of Lutherville Road 8th District
R. Hugh Andrew
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 74-172-XA

OPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Deputy Zoning Commissioner dated March 4, 1974 wherein they petitioned for a Special Exception for office and office building, and Variance from Section 1802.28 (504-V.B.2), which granted the request contained in said petition. The subject property is located on the north side of Bellona Avenue 246.53 feet west of Lutherville Road, in the Eighth Election District of Baltimore County.

The subject property consists of .928 acres and enjoys a D.R. 16 zoning classification at the present time. The Petitioner's proposal is for the construction of an office building, with dimensions of ninety-five (95) feet by one hundred fifteen feet (115), which would be permitted if the Special Exception is granted. This property faces on Bellona Avenue, which is more appropriately described as the ramp to the westbound lane of the Baltimore County Beltway from the north terminus of Charles Street. The subject proposal is to be of a low profile type, with no elevators, and is designed to be similar to the existing comparable uses, such as the Minneapolis-Honeywell and Shaw-Walker buildings, which are also on the north side of Bellona Avenue as it approaches the Beltway.

John W. Erdman, a recognized traffic expert, testified that Bellona Avenue presently has a traffic level A, representing extremely light use, and that the proposal by the Petitioner would not have any significant effect upon this roadway's capacity and would not in any way tend to create traffic hazards or congestion. Also Hugh E. Gelston, a recognized real estate expert, and Bernard A. Willemin, a qualified zoning and planning

April 11, 1974

Case No. 74-172-XA (Item No. 110) - R. Hugh Andrew

N/S of Bellona Avenue 246.53 W
Of Lutherville Road 8th District

Petition for Special Exception and Variance

Description of Property

Plat of Subject Property, revised February 8, 1974, with Attached Plat of Office Park Site, dated November 27, 1973

Zoning Advisory Committee Comments, dated January 30, 1974

Comments from William D. Fromm, Director of Planning, dated February 14, 1974

Certificates of Publication

Certificate of Posting (One (1) Sign)

Elevation Floor Plan

Petitioner's Exhibit 1 - Photograph

Petitioner's Exhibit 1A - Plat of Subject Property, revised February 8, 1974

Petitioner's Exhibit 1B - Plat of Office Park Site, dated November 27, 1973

Petitioner's Exhibits 2 through 6 - Photographs

Petitioner's Exhibit 7 - Letter from Mr. G. Clyde Andrew to the Attention of Philip C. Iglehart, dated December 7, 1973

Petitioner's Exhibits 8 and 8B - Letter from E. R. Battendorf, Branch Field Support Manager, Honeywell, to Mr. Philip C. Iglehart, dated December 12, 1973, with Attached Plat Indicating Relocated Parking Areas

Petitioner's Exhibit 9 - Letter from Walter D. Pinkard, Managing Partner, Beltway Investors, to Mr. Philip Iglehart, dated February 19, 1974

Petitioner's Exhibit 10 - Letter from J. Michael Naughton, President, Lutherville Community Association, to Mr. Philip Iglehart, dated January 25, 1974

R. Hugh Andrew - No. 74-172-XA

2.

expert, testified that the proposal would have no effect upon the neighboring property owners, and particularly the abutting property owners. They further indicated that the best use of the subject property was the proposal herein, which would be substantially superior and less detrimental to the immediate neighborhood than the construction of some thirty (30) apartment units which could be built under the present zoning.

The Petitioner then produced James S. Spamer, a well qualified professional engineer, whose office prepared the plats for the subject proposal, designated as Petitioner's Exhibits Nos. 5 through 8. Mr. Spamer produced compelling testimony backing his layout and proposal for the subject property. He indicated that the topography and soil conditions dictated the layout and would require a setback requirement of one (1) foot rather than the required thirty (30) feet along the western property line between the subject proposal and the Minneapolis-Honeywell office building. If the variance were not granted, and the subject property could not be developed as requested, this would increase the excavation costs by some sixty thousand dollars and make the development as proposed economically unfeasible.

Several people appeared in opposition to this case.

Henry LeBrun, a qualified realtor, appeared and testified that he felt that the driveway of the subject proposal should be located along the western property line in order to produce the least interference and objection from Mr. Millard, who is the adjoining property owner on the eastern boundary.

Also appeared Norman Gerber, of the Baltimore County Planning and Zoning office, as well as Mr. Millard and his wife and two other witnesses. Mr. Millard was concerned that the proposal would substantially reduce the value of his property and would cause him problems concerning access and egress from his driveway. He also indicated that his complaints would be less if the entrance were placed on the western side of the subject property.

Without reviewing the evidence further in detail, but based upon all of the evidence presented, it is the opinion of this Board that the requirements of Section 502.1 of the Zoning Code have been satisfied, and the Petitioner should be granted a

Case No. 74-172-XA (Item No. 110)
Page 2
April 11, 1974

Letter from David D. Downes, Esquire, dated February 21, 1974, with Mr. David Millard's Statement Attached

Order of the Deputy Zoning Commissioner, dated March 4, 1974 - GRANTED Subject to Restrictions

Letter from Mr. Philip C. Iglehart, dated March 8, 1974

Letter of Appeal from David R. and Jane R. Millard, Protestants, received April 1, 1974

David D. Downes, Esquire
212 Washington Avenue
Towson, Maryland 21204
Co-counsel for Petitioner

John A. Pryor, Esquire
1600 First National Bank Building
Baltimore, Maryland 21201
Co-counsel for Petitioner

Mr. and Mrs. David R. Millard
1316 Bellona Avenue
Timonium, Maryland 21093
Protestants

Mr. J. Michael Naughton
President
Lutherville Community Assoc.
P.O. Box 6
Lutherville, Maryland 21093
Requests Notification

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCE : DEPUTY ZONING
N/S of Bellona Avenue, 246.53' W of :
Lutherville Road - 8th District :
R. Hugh Andrew - Petitioner : COMMISSIONER
NO. 74-172-XA (Item No. 119) :
OF :
BALTIMORE COUNTY

This Petition represents a request for a Special Exception for offices and an office building, and a side yard Variance to permit a one foot side yard setback along the westernmost property line. The site in question contains .928 acres, is located on the north side of Bellona Avenue, 246 feet west of Lutherville Road, in the Eighth Election District of Baltimore County.

Testimony was presented by the Petitioner, Mr. R. Hugh Andrew a building contractor by trade; Mr. Philip C. Iglehart, a real estate broker and partner in this venture with Mr. Andrew; and Mr. James Spanner, a registered professional engineer who prepared the Petitioner's development plans.

This section of Bellona Avenue, lying between the northern terminus of Charles Street Avenue and the Baltimore Beltway, is a State Road, and also serves as a westbound on-ramp to the Beltway. Many of the properties along this short stretch of Bellona Avenue, have been developed with low profile office buildings with an architectural design and landscaping that is aesthetically pleasing. The buildings do not generate high use intensity and are generally a credit to the area.

The subject parcel, containing approximately one acre, represents the last of the D. R. 16 zoned area with any substantial size to be developed with an office structure. The adjoining property on the east contains approximately one quarter of an acre, is improved with a residential dwelling with frontage exclusively on Bellona Avenue, and constitutes the easternmost terminus of the D. R. 16 zoned area. Other residentially improved quarter acre lots extending further to the east, are oriented to or have frontage on Lutherville

Road. The property to the rear or north of the subject property is improved with a garden apartment complex known as Cardiff at Charles Apartments.

The Petitioner's engineer, who also did the engineering for the Cardiff at Charles Apartments, described the area as having outcrops of rocks that dictated, to some extent, where buildings could be located, and the amount of grading that could feasibly take place. For these reasons, he felt that the subject property could be reasonably developed if placed as close to the western property line as possible. He pointed out that if the one foot setback was granted, that 80 feet, more or less, would still be maintained between the proposed building, and the existing building on the adjoining lot to the west.

He also noted that a 60 foot side yard setback (to be used for a parking area) would also be maintained on the east, adjacent to the existing residential dwelling.

Of the comments submitted by County and State agencies who reviewed the Petitioner's development plans and personally inspected the site, the following are considered pertinent to the requirements of Section 502.1 and the granting of the Special Exception.

State Highway Administration

"An inspection at the subject site revealed that the proposed entrance location meets minimum stopping sight distance; however, the distance could be increased considerably by locating the entrance at the west property line.

The proposed entrance must have a minimum width of 25 ft. not 24 ft. as indicated on the plan. The entire frontage of Bellona Ave. must be improved with curb and gutter. The roadside face of curb is to be 24' from and parallel to the centerline of Bellona Avenue. A concrete curb must be constructed at some point between the parking lot and the Right of Way line."

Department of Traffic Engineering

"The subject petition is a special exception for an office building and a variance to the side yard setback. As presently zoned, this site can be expected to generate 110 trips per day. The proposed office can be expected to generate 325 trips per day. The subject petition is not expected to have a major effect on traffic in this area, but it can be expected to add to the existing congestion at the intersection of Bellona Avenue and Charles Street."

- 2 -

Department of Health

"A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1974; therefore, approval may be withheld for these connections."

The Lutherville Community Association submitted a letter (Petitioner's Exhibit No. 10) indicating that the Officers and Board of Directors unanimously agree that a low-rise office building on the subject property would be consistent with the development adjacent to it, and they had no objection to the construction of an office building thereon.

Mr. David Millard and his wife, who own and reside on the adjoining residential premises, with five of their eight children, appeared in protest to the granting of the Petitioner's request. They felt that the granting of the request would leave their property as the sole buffer between the office building to the west and the residences to the east. They felt that the use in general and, in particular, the parking area adjacent to their property line would adversely affect the enjoyment of their outdoor living area. It was their opinion that the granting of the request would amount to the rewarding of unfair advantage to the Petitioner for private gain while depriving them of their property rights with any compensation.

After reviewing the testimony and evidence presented in this case, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has satisfied the requirements of Section 502.1 and that the Special Exception, with certain restrictions, should be granted. The Petitioner has also proven that practical difficulties exist in placing a building on the property and for this reason, the side yard Variance should also be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 4TH day of March 1974, that the herein described property or area should be and the same is hereby GRANTED a Special Exception for offices and office building. It is further ORDERED that a

- 3 -

Variance from Section 1B02.2B (504-V.B.2) to permit a one foot side yard setback along the west side of the herein described parcel; instead of the required 30 feet should be and the same is also GRANTED. The granting of said Special Exception and Variance is subject, however, to the following restrictions:

1. The parking spaces immediately adjacent to the easternmost property line, adjoining the residential premises, shall not be used between the hours of 5:30 P.M. and 7:30 A.M. during the week and shall not be used at all on Saturday and Sunday.
2. Compact screen planting or a fence a minimum of four foot high shall be installed along said parking area that lies adjacent to the residential premises prior to any use of the parking lot.
3. The entrance to the parking area shall be secured or otherwise policed during the hours that the office building is not in use.
4. The grounds, parking area, shrubbery, etc. shall be maintained at all times.
5. Site plan shall be approved by the State Highway Administration, Department of Public Works, Health Department, Department of Traffic Engineering, and the Office of Planning and Zoning.

James E. K...
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 4, 1974
BY *John P. ...*

ORDER RECEIVED FOR FILING
DATE March 4, 1974
BY *John P. ...*

ORDER RECEIVED FOR FILING
DATE March 4, 1974
BY *John P. ...*

ORDER RECEIVED FOR FILING
DATE March 4, 1974
BY *John P. ...*

My name is David Millard; I reside at 1316 Bellona with my wife, Jane Millard and we still have 5 of our 8 children at home.

Our property is immediately adjacent to the applicant's property. We use our property solely for residential purposes; we have an outdoor dining area which we utilize on spring and summer days for family luncheons and suppers as well as for family entertainment. We also have an inground luxurious swimming pool around which our children, their friends, my wife and I and our friends sit to enjoy social gatherings. We are confident that the applicant's proposal to place 58 parking spaces immediately adjacent to our outdoor swimming area and dining area and social gathering area will cause noise and produce fumes in the gathering of drivers which will adversely affect the enjoyment of our premises.

It should be perfectly obvious to any reasonable man that to establish a parking area immediately adjacent to a property such as ours where the use is one in which quietude is an essential element that the ^{congestion} of traffic immediately adjacent thereto does actually deprive us of the use of our property as we have known it for years. That is why I am here today and I will state in my conclusion in a few moments that the Zoning Officials should conclude that the granting of the applicant's request is awarding unfair advantage to the applicant for private gain and deprivation of and the actual taking of our property rights without any compensation.

The continued encroachment of the uses proposed by the applicant upon our residence does cause disharmony and does substantially affect adversely the use of our adjacent property.

the
We feel that applicants' request for a Special Use

Exception will substantially affect adversely the uses of adjacent and neighboring property because: (1) "be detrimental to the health, safety, or general welfare of the locality involved"; (2) "tend to create congestion in roads, streets or alleys therein"; (3) "create a potential hazard from fire. . ."; and (4) "interfere with adequate provisions for. . . water /and/ sewerage. . .", and that said Special Use Exception should not be granted.

Furthermore, we contend the following:

1. That the zoning of said district as DR-16 and the Special Use Exception requested by applicants deprives us of the use of our property and that such deprivation constitutes a taking of our property without just compensation;
2. That the zoning of said district as DR-16 does not promote the public health, safety, and general welfare;
3. That the boundary lines of said district have been drawn capriciously and arbitrarily.

4. That the zoning of said district as DR-16 unlawfully promotes over well known uses of private gain various public loss. In theory, zoning amendments arise out of comprehensive changes in environmental conditions since the adoption of an ordinance. We feel, in this particular instance, however, that the zoning of said district as DR-16 is a clear example of spot zoning - a response to a private need for limited changes in use.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: FEB. 1, 1974
Posted for: W. B. ...
Petitioner: R. HUGH ANDREW
Location of property: N/S of Bellona Ave. 246.53' W. of Lutherville Rd.
Location of Sign: N/S of Bellona Ave. 325' W. of Lutherville Rd.
Remarks: Thomas R. ...
Posted by: Thomas R. ... Date of return: FEB. 8, 1974

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: APRIL 21, 1974
Posted for: APPEAL
Petitioner: R. HUGH ANDREW
Location of property: N/S of Bellona Ave. 246.53' W. of Lutherville Rd.
Location of Sign: N/S of Bellona Ave. 325' W. of Lutherville Rd.
Remarks: Thomas R. ...
Posted by: Thomas R. ... Date of return: APRIL 26, 1974

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
The Board of Commissioners of Baltimore County, Maryland, is hereby notified that the following petitioners have filed a petition for special exception and variance for the following property located in Baltimore County, Maryland, to wit: [Property Description]

CERTIFICATE OF PUBLICATION

TOWSON, MD. JANUARY 31 1974
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 20th day of January, 1974, the 1st day of January, 1974.

THE JEFFERSONIAN
L. Frank Smith
Manager

Cost of Advertisement, \$

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]										
Previous case:										

Revised Plans: Change in outline or description Yes No
Map #

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING Item 110

County Office Building
111 W. Chesapeake Avenue
Baltimore, Md. 21202

Your Petition has been received and accepted for filing

this 18th day of January 1973.

S. ERIC DINENBA
Zoning Commissioner

Petitioner: R. Hugh Andrew
Petitioner's Attorney: John A. Pryor
Reviewed by: [Signature]
Chairman
Zoning Advisory Committee

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
The Board of Commissioners of Baltimore County, Maryland, is hereby notified that the following petitioners have filed a petition for special exception and variance for the following property located in Baltimore County, Maryland, to wit: [Property Description]

OFFICE OF THE TOWSON TIMES
TOWSON, MD 21204 February 4 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dinenna Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 4th day of February 1974 that is to say, the same was inserted in the issue of January 31, 1974.

STROMBERG PUBLICATIONS, Inc.

By: [Signature]

BALTIMORE COUNTY, MARYLAND No. 14703

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE April 9, 1974 ACCOUNT 01-662

AMOUNT \$5.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Mr. David R. Millard
Cost of Posting Property of R. Hugh Andrew for an Appeal Hearing
N/S of Bellona Avenue, 246.53' W of Lutherville Road
8th District
Case No. 74-172-XA

BALTIMORE COUNTY, MARYLAND No. 13191

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE April 3, 1974 ACCOUNT 01-662

AMOUNT \$70.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Mr. & Mrs. David P. Millard
Cost of Filing of an Appeal on Case No. 74-172-XA
N/S of Bellona Avenue, 246.53' W of Lutherville Road - 8th District
R. Hugh Andrew - Petitioner

BALTIMORE COUNTY, MARYLAND No. 15443

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Sept. 18, 1972 ACCOUNT 01-712

AMOUNT \$23.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
People's Counsel,
John W. Hesston, III,
Esq.
Cost of certified or let of documents for Case No. 74-172-XA and Case No. 78-275-A, R. Hugh Andrew

BALTIMORE COUNTY, MARYLAND No. 15351

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3/29/76 ACCOUNT 01-712

AMOUNT \$23.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Dwight C. Stone, Esq. &
Charles C. W. Atwater, Esq.
Suite 1211 Grace Building
Charles and Baltimore Aves.
Baltimore, Md. 21202
Certified documents in Case No. 74-172-XA
R. Hugh Andrew

BALTIMORE COUNTY, MARYLAND No. 13070

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Jan. 25, 1974 ACCOUNT 01-662

AMOUNT \$50.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Bellona Associates
John A. Pryor, Esq.
1600 First National Bank Building
Baltimore, Md. 21202
Petition for Special Exception and Variance for R. Hugh Andrew 74-172-XA

Petitioner's Exhibit 3

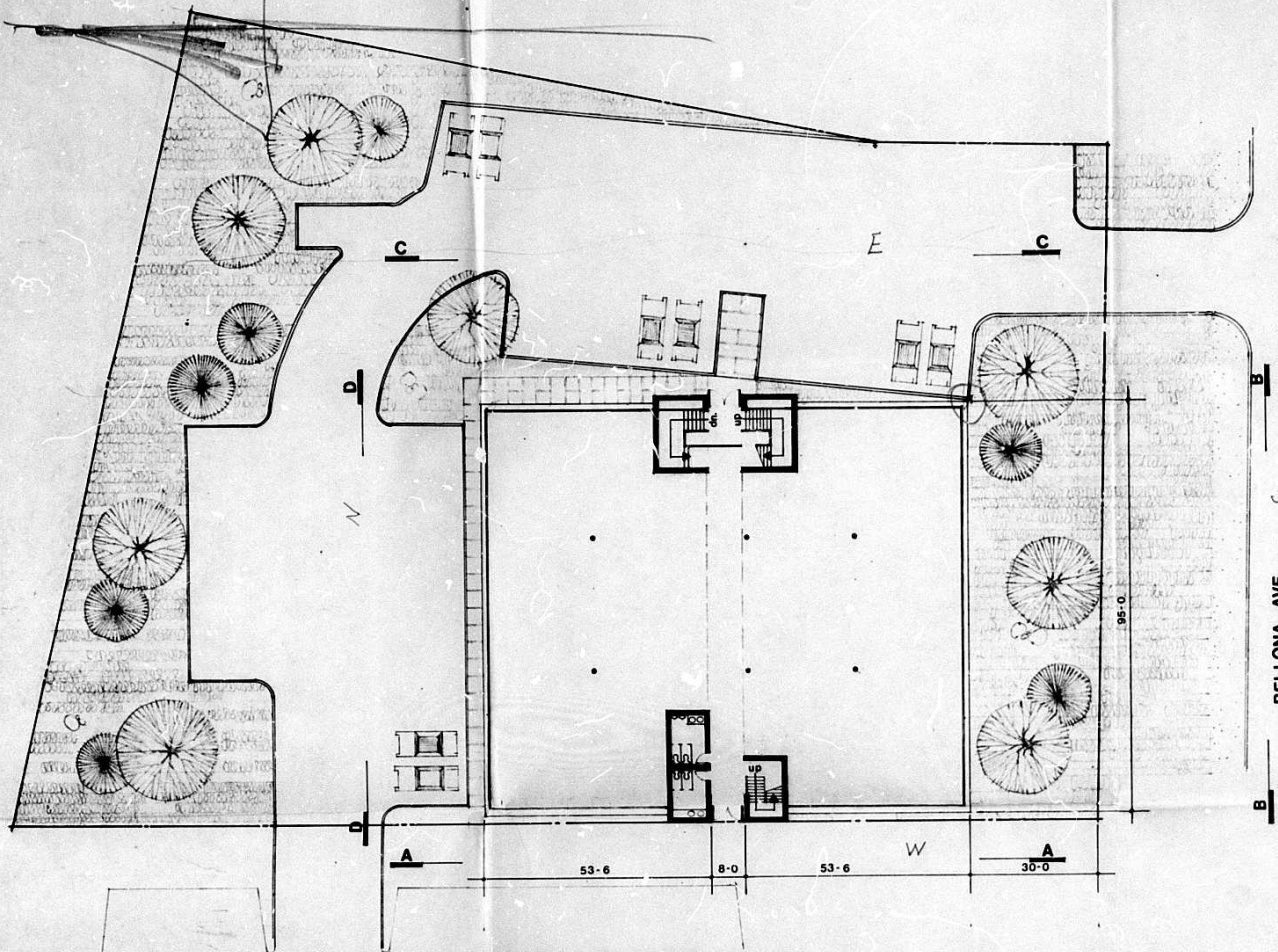


Petitioner's Exhibit 4

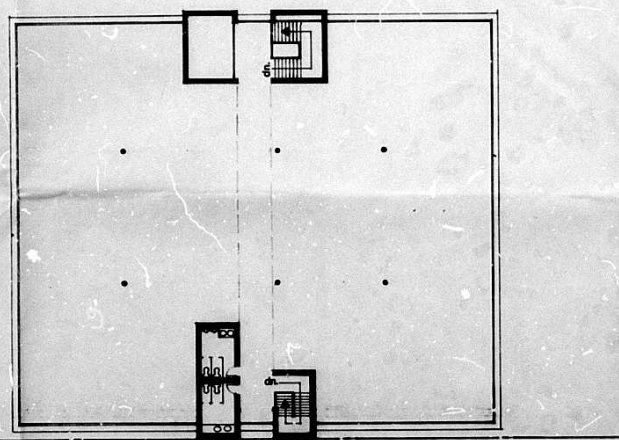


Petitioner's Exhibit 2

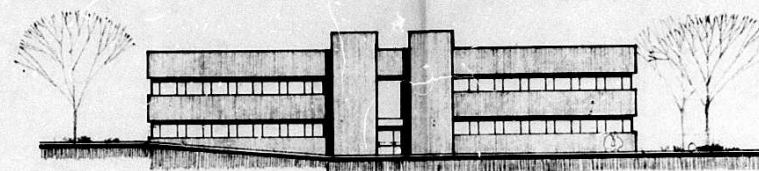




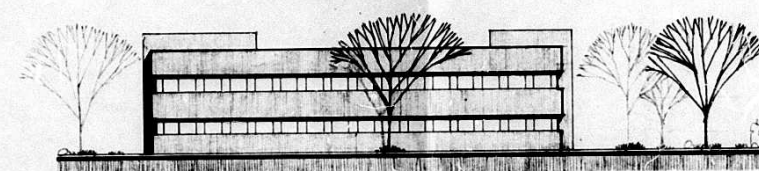
FIRST FLOOR PLAN



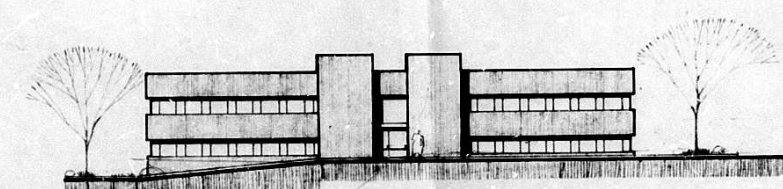
SECOND FLOOR PLAN



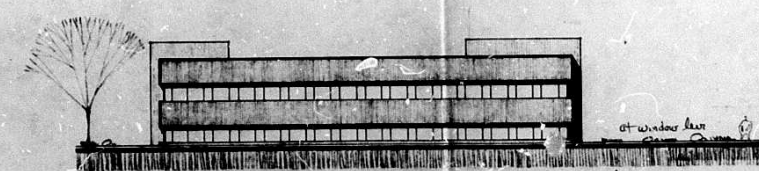
ELEVATION A-A



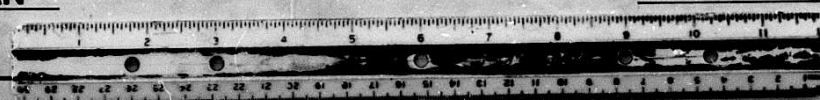
ELEVATION B-B



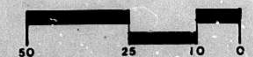
ELEVATION C-C



ELEVATION D-D



NOV. 2, 1973



CHARLES ST. PROFESSIONAL BLDG.

DONALD B. RATCLIFFE
ARCHITECTS
BALTIMORE, MARYLAND

#2

CARDIFF CHARLES APARTMENTS

EXISTING APARTMENT BLDG

EXISTING APARTMENT BLDG

PROP 44 SPACES

LOSE 4 SPACES

PROP 20 SPACES

S 71° 44' 00" E - 195.44'

30 spaces to be assigned to new building by agreement with Honeywell Control Systems

PROP OFFICE BUILDING

EXISTING 1 STORY

EXISTING 2 STORY BLDG

HONEYWELL CONTROL SYSTEMS

LOT AREA 12.03 AC

EXISTING 1 STORY BLDG
LEASED TO
SPERRY-RAND CORP
LOT AREA 10.82 AC

EXISTING 1 STORY BLDG
LEASED TO
THERMO-RAN
SALES, INC
LOT AREA 10.43 AC

EXIST. 1 STY. BLDG
LEASED TO
SHAW BELLONA
LOT AREA 12.03 AC

SERVICE DRIVE

WESTBOUND RAMP TO BALTIMORE BELTWAY

BELLONA AVENUE (Width Varies)

S.H.A Interchange

CHARLES STREET

PLAT FOR ZONING PURPOSES
8TH DISTRICT BALTIMORE CO, MD
SCALE 1" = 50' NOV 27, 1973

PROPOSED ADDITION TO BELLONA AVE
OFFICE PARK

OWNERS: PHILIP CIGLEHART -
WALTER D PINKARD -
BELLONA ASSOCIATES
1600 12TH NATIONAL BANK BLDG -
BALTO 417 21202

ZONED DR 16
LOT AREA - 0.923 AC
PROPOSED OFFICE BLDG IN DR 16 ZONE (VARIANCE)
WITH
SPECIAL EXCEPTION FOR:
SIDE YARD 60'0" INSTEAD OF 75' ON ES (D.R.16)
1.0' INSTEAD OF 30' ON WS (B.R.)

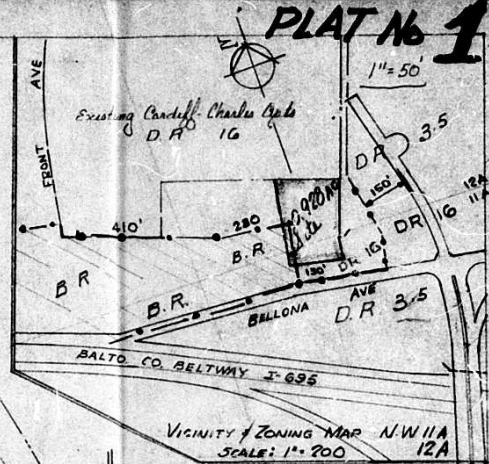
PARKING TABULATION		
<u>SPERRY RAND (ONE STORY)</u>		
Office	1500	14 ft
Warehouse	1000	"
Total	1500	"
		52 Spaces Required
<u>BM (One story)</u>		
Office	800	
Warehouse	1100	
Total	4500	
		15
<u>SHAW-WALKER (ONE STORY)</u>		
Office	500	
Warehouse	0	
Total	500	
		16
<u>HONEYWELL (TWO STORY)</u>		
1ST FL		
Office	600	
Warehouse	0	
Total	600	
		23
2ND FL		
Office	1100	
Warehouse	1800	
Total	1200	
		27
<u>PROPOSED BLDG (TWO STORY)</u>		
1ST FL		
Office	10,926	
		30
2ND FL		
Office	10,926	
		32
Total		193 Spaces Required
Existing	213	spaces
Lost	-4	
New	85	
	294	Spaces Provided



#60



Scale 1"=50'
Existing Candoff at Charles Cpts
D.R. 16



ZONING DATA

Public Works. All Utilities are available (Highways). All Roads are improved. No streams within 50' of property.
Dist. of LOT - 0.92B EXIST ZONED D.R. 16
Existing Structures on lot to be razed
Proposed: Office Building & D.R. 16 zone with special exception for Office Use & Variance to:

Sideyard: Reduction of lot from 30' to 10'
Parking Required: 1st 10,925'± = 36 spaces
2nd 10,925'± = 22 spaces

Provided
See Attached Plat for Office Park
Parking Layout & Breakdowns
Tabulation

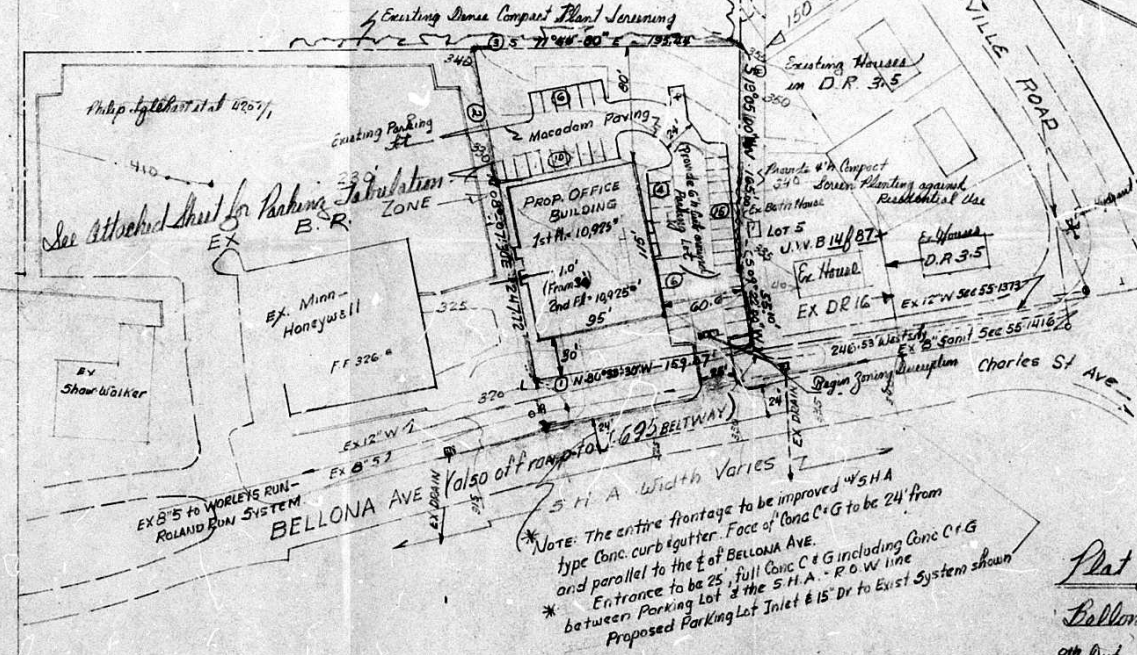
Plat for Zoning Purposes Bellona Avenue Office Park

8th Dist Baltimore County, Maryland
Scale: 1"=50' Date: Nov. 30, 1973

Applicant: Developers: Bellona Associates - 1000 East National Bank Bldg. 3rd Fl.
Owner: Robert Hugh Underwood - 1314 Bellona Ave. 3rd Fl. 21204

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

8th Feb 74 - Updated: See all ZAC Comments thru Jan 30, 1974



*NOTE: The entire frontage to be improved w/SHA type Conc. curb gutter. Face of Conc C/G to be 24' from and parallel to the E of BELLONA AVE.
Entrance to be 25' full Conc C/G including Conc C/G between Parking lot & the S.H.A. - R.O.W. line
Proposed Parking Lot Inlet & 15' Dr to Exist System shown



Scale 1"=50'

Existing Condo at Charles Ave

D.R. 16

Existing Dunes Compact Plant Screening

Philip L. L. 2207

Existing Parking

See Attached Sheet for Parking Subdivision

Ex. Minn-Honeywell

FF 326.0

EX 12' W 1

EX 8' S 1

BELLONA AVE (also off ramp to I-695 BELTWAY)

18' R/W

LUTHERVILLE ROAD

150' DR 3.5

Existing Houses in D.R. 3.5

Friends W. D. Compact

345' Screen Planting against

Ex. Barn House

Residential Use

Lot 5 U.W. B. 14/87

Ex. House

EX DR 16

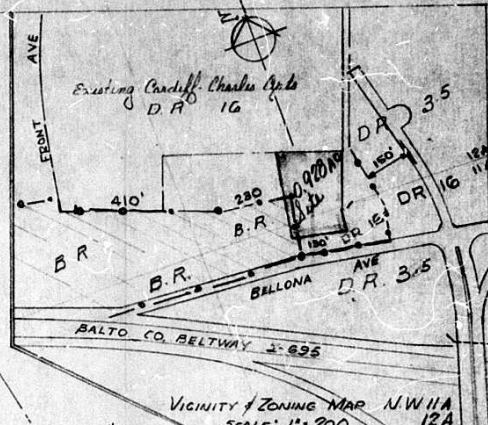
EX 12' W SEC 55-1573

246' E 1/2 Sec 55-1573

Ex. 12' S 1/2 Sec 55-1573

Begin zoning exception

Charles St Ave



VICINITY & ZONING MAP N.W. 1/4 SCALE: 1"=200'

ZONING DATA

Public Works: All Utilities are available (Highways). All Roads are improved. No streams within 50' of property.

Area of LOT = 0.928. EXIST ZONED D.R. 16. Existing structures on lot to be re-used. Proposed: Office Building & D.R. 16. with Special Exception for Office Use & Variance to:

Subsequent: Reduction of lot from 30' to 10'

Parking: Required: 1st 10,925' x 300' = 328 spaces
2nd 10,925' x 500' = 228 spaces

58' x 100' = 5800 sq ft
58' x 200' = 11600 sq ft

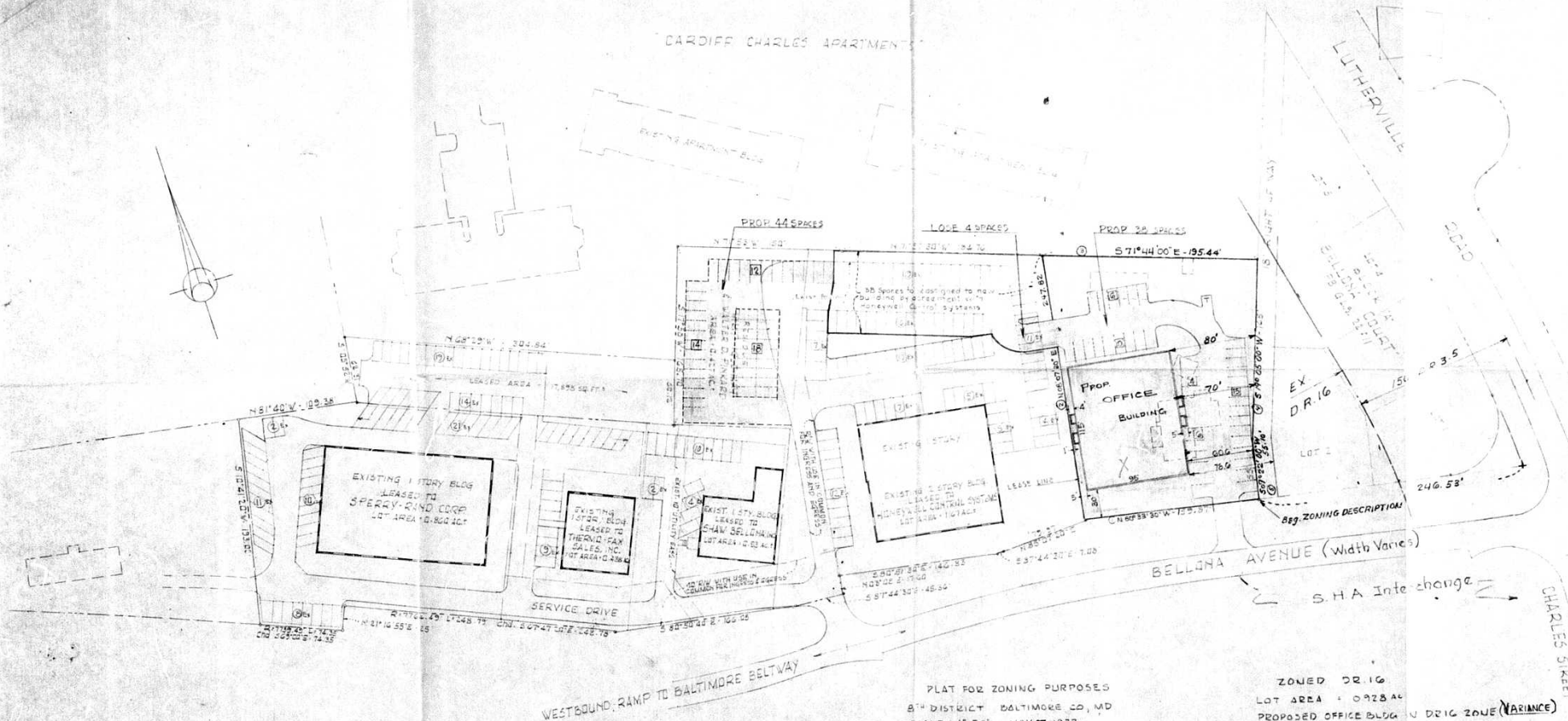
See Attached Sheet for Office Park Parking Layout & Breakdown of Subdivision

Plot for Zoning Purposes
Bellona Avenue Office Park
8th Dist. Baltimore County, Maryland
Scale: 1"=50' Date: Nov 28, 1973

Applicant: Searchlight - Bellona Associates - 1600 East National Bank Bldg 3rd Fl
Owner: Robert Hugh Anderson - 1314 Guilford Ave 3rd Fl 21204

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





PLAT FOR ZONING PURPOSES
8TH DISTRICT BALTIMORE CO, MD
SCALE 1"=50' NOV 27, 1973

PROPOSED ADDITION TO BELLONA AVE
OFFICE PARK

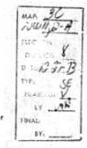
OWNERS: PHILIP C. GLEHART
WALTER D. PINKARD

BELLONA ASSOCIATES
1600 1ST NATIONAL BANK BLDG
BAL - N.Y. 21202

ZONED DR 16
LOT AREA = 0.923 AC
PROPOSED OFFICE BLDG IN DR 16 ZONE (VARIANCE)
WITH
SPECIAL EXCEPTION FOR
SIDE YARD 60.6' INSTEAD OF 75' ON E.S. (DR 16)
1.0' INSTEAD OF 30' ON W.S. (B.R.)

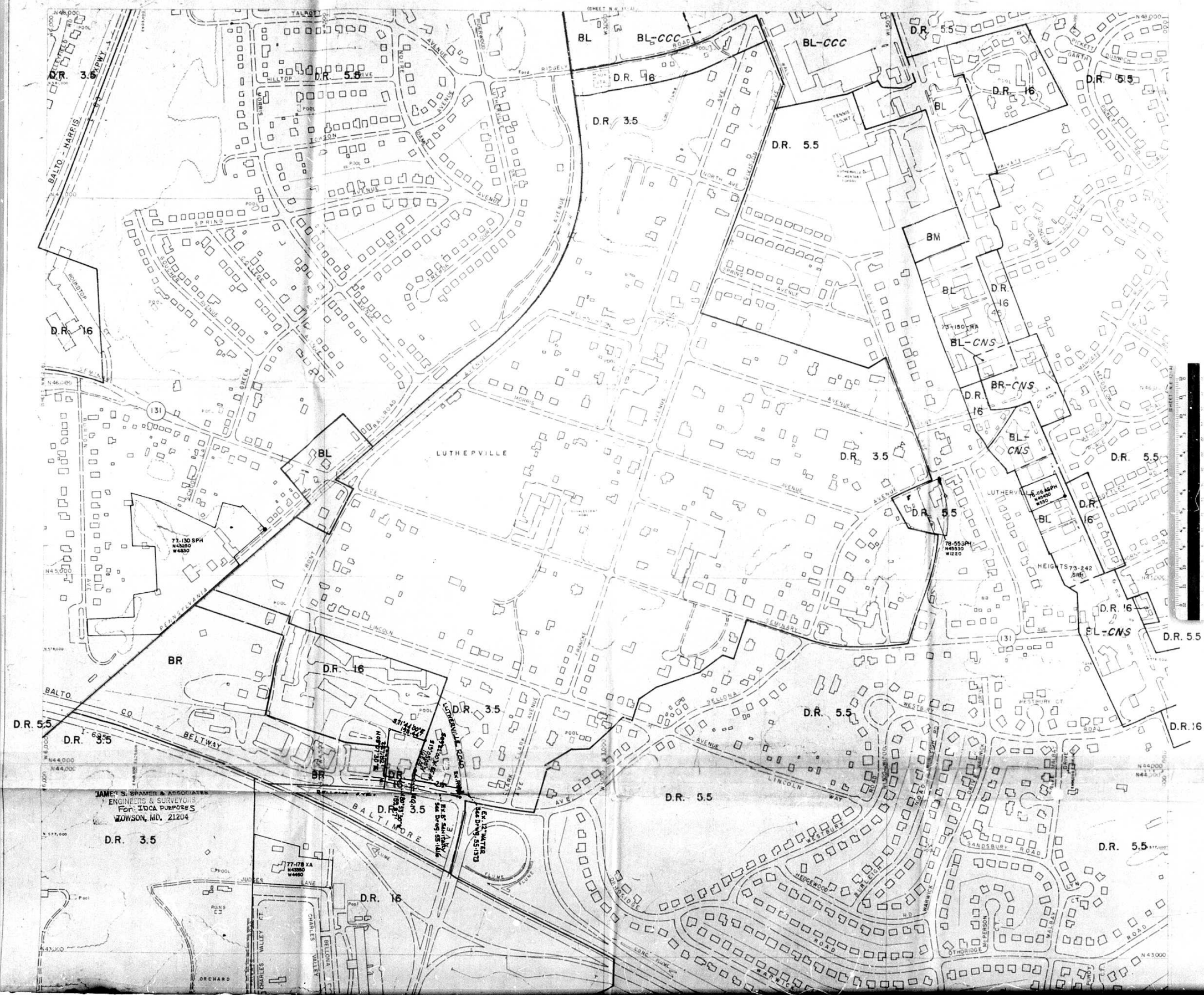
PARKING TABULATION

SPERRY-RAND (ONE STORY)		
Office	15700	54 H
Warehouse	2000	
Total	15700	
3M (ONE STORY)		52 Spaces Required
Office	8300	
Warehouse	1100	
Total	4500	15
SHAW-WALKER (ONE STORY)		
Office	5150	
Warehouse	0	
Total	5150	18
HONEYWELL (TWO STORY)		
Office	1800	
Warehouse	0	
Total	8500	23
PROPOSED BLDG (TWO STORY)		
Office	11400	
Warehouse	1800	
Total	13200	27
TOTAL		
Office	10,936	30
Warehouse	10,925	12
Total	193	Spaces Required
Existing		215 Spaces
Less		4
New		85
Total		294 Spaces Provided



MICROFILMED

JAMES S. SPAMER & ASSOCIATES
ENGINEERS AND SURVEYORS
3017 YORK ROAD
TOWSON, MARYLAND 21204





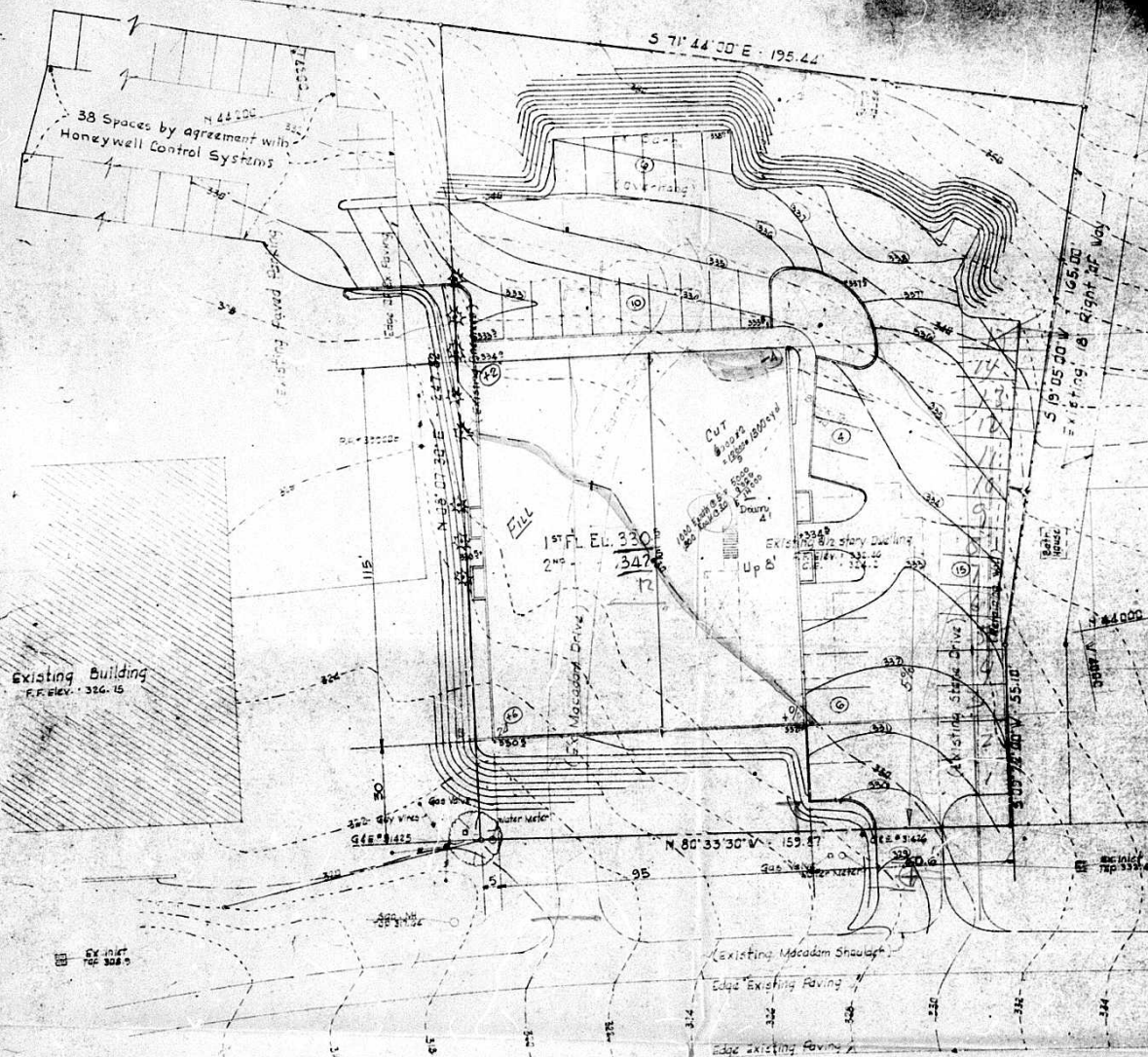
S-SE R-SW
O-NE N-NW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
JULY 7, 1976 & OCT. 8, 1976
C-1 NOS 108-76, 109-76, 110-76, 111-76,
112-76, 113-76, and 114-76

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	TOWSON	N.W. 11-A
Planimetric	MAPS, 4-11-70			
		DATE OF PHOTOGRAPHY APRIL 1953		
Compiled by Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA				



BELLONA AVENUE

PARKING DATA

1ST FL AREA 10925' x 300' = 36
2ND FL " 10925' x 500' = 72
TOTAL SPACES REQUIRED = 50
FURNISHED = 19

PROPOSED SITE PLAN
TO ACCOMPANY APPLICATION FOR
BUILDING PERMIT FOR NEW
OFFICE BUILDING ADDITION
TO EXISTING OFFICE PARK

OWNERS
PHILIP C. GLENN
& WALTER D. PINNEY
AS BELTWAY INVESTORS
1000 1ST NATIONAL BANK
BALTIMORE, MD 21202

DATE

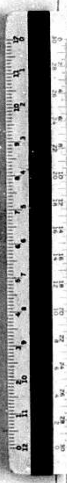


NW-12A
JAMES S. SPAMEN & ASSOCIATES
ENGINEERS
For IDCA Purposes
TOWSON, MD. 21204

NW-11A

NW-12A

NW-11A



NW 11A

44,000
44,000

NW-12-A

NW-11A

S - SE R - SW
Q - NE N - NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
BY	DATE				
Topographic	MAPS 4-11-70		1" = 200'		N.W.
		DATE OF PHOTOGRAPHY		TOWSON	11-A
		APRIL 1953			
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.					