

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, VIRGINIA MORRISON, 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) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an Residential (R.R.5.5) zone to an Business Roadside (B.R.5.5) zone, for the following reasons:

- That there was an error in the original zoning.
- That there has been a change in the neighborhood since the adoption of the Zoning Map in 1971.
- That the property had been zoned Business Roadside prior to the adoption of the Official Zoning Map (4A-May 1, 1956), and on April 23, 1965, Edward D. Hardesty, Deputy Zoning Commissioner, granted a use permit for off-street parking as well as front, side, and rear side variances for the Business Roadside portion (Case No. 65-227-ASPH), but, when the new Zoning Map was adopted in 1971, the property was downshifted without notice to the property owner or any mention at the public hearing thereon.

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

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.

Contract Purchaser
John Bowie
Address 22 W. Penna. Ave., Towson, Md. 21204
Legal Owner
Virginia Morrison
Address 33 Portship Road
Dundalk, Maryland 21222
Protestant's Attorney
Johnson Bowie - Petitioner's Attorney
Address 22 W. Penna. Ave., Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of February, 1974, 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 29th day of March, 1974, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, VIRGINIA MORRISON, 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 for a Variance from Section 238.1 Front yard - 20 feet instead of required 25 feet (no variance from center line of street), and Section 239.2 Side yard - 12 feet instead of required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

It is impossible to put any building of practical size on the property without a variance from the regular setbacks and to meet parking needs.

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser
John Bowie
Address 22 W. Penna. Ave., Towson, Md. 21204
Legal Owner
Virginia Morrison
Address 33 Portship Road
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Protestant's Attorney
Johnson Bowie - Petitioner's Attorney
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(over)

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, VIRGINIA MORRISON, 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Parking in a B.R. 5.5 Zone subject to a proposed B.R. Zone for public parking.

The land so used will comply with Section 409.4 of the Zoning Regulations as per the attached copy.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser
John Bowie
Address 22 W. Penna. Ave., Towson, Md. 21204
Legal Owner
Virginia Morrison
Address 33 Portship Road
Dundalk, Maryland 21222
Protestant's Attorney
Johnson Bowie - Petitioner's Attorney
Address 22 W. Penna. Ave., Towson, Md. 21204

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Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Johnson Bowie, Esq.
23 W. Pennsylvania Avenue
Towson, Maryland 21204

Item 1
6th Zoning Cycle

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 15th day of October, 1973

John Bowie
Zoning Commissioner

Petitioner Virginia Morrison
Petitioner's Attorney Johnson Bowie
Reviewed by George William Stephens, Jr.
303 Allegheny Avenue, Towson, Md. 21204

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

CHIEF OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
JOHN L. PHILLIPS, JR.
CHIEF
MEMBER
SARAH J. GORDON
DEPUTY CHIEF
DEPUTY CHIEF
STATE BOARD CHAIRMAN
TOWSON
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
DEPT. OF EDUCATION
ZONING ADMINISTRATION
NATURAL DEVELOPMENT

Johnson Bowie, Esq.
22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
6th Zoning Cycle
Item 1
Virginia Morrison - Petitioner

Dear Mr. Bowie:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

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

The subject property is located on the northeast corner of Merritt (Delvale) Avenue and Midland Avenue, in the 12th District in Baltimore County. This property is currently improved with an existing residence which is maintained in good condition, as are the other homes on Midland Avenue. The properties to the east are improved commercially as are the properties on the southeast and southwest corner of Merritt Avenue and Sollers Point Road.

This property was the subject of an earlier petition (Case 65-227-ASPH) for variances and a Special Hearing for off street parking. The property, prior to the adoption of the current zoning maps, was B.R. The petition at hand is requesting the same status it enjoyed prior to the

Johnson Bowie, Esq.
6th Zoning Cycle - Item 1

adoption of the 1971 Comprehensive Zoning Maps.

Revised site plans that completely reflect the requirements of the enclosed check list must be submitted by December 17, 1973.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Monday, December 17, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1974 and April 15, 1974 will be forwarded to you well in advance of the date and time.

Very truly yours,

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

JJDjr:JJD
cc: George William Stephens, Jr.
& Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204

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

Review of Engineering
ELSWORTH H. DIVER, P. E. CHIEF

October 12, 1973

Mr. F. Eric Dillman
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #1 (October 1973) - 111 1974 - Cycle VI)
Property Owner: Virginia Morrison
5/2 of Midland Ave., E. of Delvale Ave.
Setback: 12 ft. 5 ft.
Proposed: 12 ft. 5 ft.
No. of Acres: 0.201 Ac. District: 12th

Dear Mr. Dillman:

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

Highways

Delvale Avenue is an improved road as shown on Drawing #62-1587-E.
Midland Avenue requires improvement as a 30-foot curb and gutter cross-section on a 50-foot right-of-way.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards (Detail R-20) which places the back edge of the sidewalk 2 feet off the property line.

Storm Drainage

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control

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

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

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

a Special Exception for a..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 197..., that the herein described property or area should be and the same is hereby reclassified, from a..... zone to a..... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of....., 197..., that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a..... zone; and/or the Special Exception for..... be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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

th. above Variance should be had; and it further appearing that by reason of.....

a Variance..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 197..., that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of....., 197..., that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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

the above Special Hearing for..... by reason of.....

.....should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 196..., that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of....., 196..., that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Item #1 (October 1973-April 1974 - Cycle VI)
Property Owner: Virginia Morrison
Page 2
October 12, 1973

Water:

Public water is available to serve the proposed use through an existing water meter connection, provided that the present metered connection is adequate. Additional water service, if required, may be obtained by application to the Department of Permits and Licenses.

An additional fire hydrant may be required for fire suppression on the public system.

Sanitary Sewers

Public sanitary sewer service is available to the subject property.

Very truly yours,

Samuel S. Davis
Chief, Bureau of Engineering

ENCLOSURES

1-10 Key Sheet
11-15 25 Feet Sheet
16-17 25 Feet Sheet
18-19 25 Feet Sheet
20-21 25 Feet Sheet

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Director
WM. T. MALLER Deputy Traffic Engineer

October 25, 1973

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

Re: Item #1 - October 1973 to April 1974 - Cycle Zoning VI
Property Owner: Virginia Morrison
Northwest corner of Midland and Delvalle Avenues
Petition for Special Hearing for off-street parking in a residential zone
District 12

Dear Mr. DiNenna:

The subject petition should not increase the trip density appreciably because it is only .2 acres. The plan does not adequately show islands which exist in the intersection of Sollers Point Road and Delvalle Avenue. Midland Avenue is presently two-way and it is recommended that all access be via Midland Avenue.

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

CRH/pk

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
925-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Virginia Morrison

Location: E/S of Midland Ave., N. of Delvalle Avenue

Item No. / Zoning Agenda Tuesday, October 2, 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.....

EXCERPT: 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", 1973 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *St. Thomas Kelly* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 19, 1973

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

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

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, October 2, 1973, are as follows:

Property Owner: Virginia Morrison
Location: E/S Midland Ave., N of Delvalle Ave.
Present Zoning: D.R. 5.3
Proposed Zoning: B.R.
No. Acres: 0.201
District: 12

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

Very truly yours,

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

HVB:mde

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



October 29, 1973

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

Dear Mr. DiNenna:

Comments on Item #1, VI Zoning Cycle, October 1973, to April 1974, are as follows:

Property Owner: Virginia Morrison
Location: E/S of Midland Avenue, N. of Delvalle Avenue
Existing Zoning: D.R. 5.3
Proposed Zoning: B.R.
No. of Acres: 0.201 acres
District 12

The site plan must be revised to eliminate the driveway into Merritt Avenue. Also, the site plan must show the existing zone line, uses, and road channelization.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & 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 444-2811 ZONING 444-2821

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 18, 1973

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

Re: Item
Property: Virginia Morrison
Location: E/S of Midland Ave. N. of Delvale Ave
Present Zoning: D.R. 5.5
Proposed Zoning: B.R.

Z.A.C. Meeting of: *Cycle 6*

District: 12th
No. Across: U-201

Dear Mr. DiMenna:

The area as currently zoned could yield elementary pupils while a reclassification to B.R. would not yield any pupils.

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

WNP/nl

H. EMULIE FARMS, President
EUGENE D. HESS, Vice President
HMS. ROBERT L. BERNY

MARCUS W. MONTGOMERY
JOSEPH W. MONTGOMERY
ALVIN LUBICK
JOSHUA W. MONTGOMERY, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD W. TANCY, V.M.D.
MRS. RICHARD C. GUNDEL

Virginia Morrison - #74-220-RASPH

2.

coupled with a special exception request for office use, such variances as might be deemed necessary and a special hearing of off-street parking in a residential zone. Also, this Board would request that the Zoning Commissioner take such additional testimony and receive such additional evidence as he may deem appropriate.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 3rd day of July, 1975, by the County Board of Appeals, ORDERED that this case be, and is hereby REMANDED to the Zoning Commissioner of Baltimore County for the appropriate actions and procedures as suggested above.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman

John A. Miller

William T. Hackitt

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.R., : COUNTY BOARD OF APPEALS
VARIANCE from Sections 238.1 : OF
and 238.2 of the Baltimore :
County Zoning Regulations, and :
SPECIAL HEARING for off-street : BALTIMORE COUNTY
parking in a residential zone :
NE corner of Midland and :
Delvale Avenues : No. 74-220-RASPH
12th District :
Virginia Morrison, Petitioner :

ORDER OF DISMISSAL

Petition of Virginia Morrison for reclassification from D.R. 5.5 to B.R., variance from Sections 238.1 and 238.2 of the Baltimore County Zoning Regulations, and special hearing to permit off-street parking in a residential zone on property located on the northeast corner of Midland and Delvale Avenues, in the Twelfth Election District of Baltimore County.

WHEREAS, the Board of Appeals notified all parties of record in the above entitled matter that this Board considers said case to be moot (copy of said letter is attached hereto).

THEREFORE, this Board, on its own Motion, will dismiss the within named appeal.

IT IS HEREBY ORDERED, this 21st day of January, 1977, that said petition be and the same is declared moot and the petition DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman

Robert L. Gilland

Herbert A. Davis

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

December 21, 1976

Christian M. Kohl, Esquire
22 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 74-220-RASPH
Virginia Morrison

Dear Mr. Kohl:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is considered moot. This decision is based on an opinion of the Baltimore County Solicitor's office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i.e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours,

Walter A. Keller, Jr., Chairman

cc: Randolph N. Blair, Esquire
Mr. Wm. C. Richmond
John W. Hession, III, Esquire

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.R., : COUNTY BOARD OF APPEALS
VARIANCE from Sections 238.1 : OF
and 238.2, and SPECIAL HEARING :
for Off-Street Parking in a : BALTIMORE COUNTY
residential zone :
NE corner Midland and :
Delvale Avenues : No. 74-220-RASPH
12th District :
Virginia Morrison, Petitioner :

OPINION

This case comes before the Board on an appeal by the Protestants from a decision of the Zoning Commissioner which granted D.R. 16 zoning with a special exception for offices for certain lands in the Twelfth Election District, specifically located at the northeast corner of Midland and Delvale Avenues.

The original petition in this instance was from the existing D.R. 5.5 classification to B.R. Included in the original petition were requests for a front yard and side yard variances, and a request for a special hearing for the granting of an off-street parking permit in a residential zone.

Prior to the taking of any testimony or evidence in this case before the Board, a Motion was made by the People's Counsel, John W. Hession, III. This Motion specifically involved a questioning of the Zoning Commissioner's authority to grant a D.R. 16 classification and a special exception in lieu of the originally requested B.R. classification without readvertising and following the notice procedures of our regulations. It being the underlying thinking of the People's Counsel that the regulations would require readvertising in order to adequately advise interested parties of the action and use sought by the Petitioner. In the mind of the People's Counsel, an amendment which so basically changed the underlying request; i.e., from a business request to a residential request, could not be accomplished, in accordance with our regulations, without adequate notice and advertisement. The People's Counsel cited the various sections of the Baltimore County Code which he felt relevant to the issues at hand.

After reviewing same and the arguments of counsel as presented, the Board concurs with the basic thinking of the People's Counsel, and will grant his Motion to remand this case to the Zoning Commissioner. This Board requests that the Zoning Commissioner accept an amended petition on the subject property; i.e., a petition for D.R. 16 zoning,

Evidence on behalf of the Petitioner indicated that the property was purchased on July 2, 1965, and, at that time, the zoning classification on Parcel 1 was B.R. In May, 1971, a permit was requested, by the Petitioner, for the construction of an office building; and it was discovered that the property had been reclassified from the B.R. Zone, it had enjoyed, to a D.R. 5.5 Zone, through the adoption of the Comprehensive Zoning Map, on March 24, 1971. The Petitioner and witnesses feel that this was error. Notification was not given to the property owner of the possibility of the Reclassification (downshift) by the Baltimore County Council, prior to the adoption of the Comprehensive Zoning Map.

Commercial uses on B.L. and E.R. - C.N.S. zoned land exist to the east, southeast, and southwest of the subject property. The remaining properties are zoned D.R. 5.5 and are developed residentially. The subject property is essentially located at the "Y" intersection of Merritt Avenue, Sollers Point Road, and Delvale Avenue, with Midland Avenue intersecting with said "Y" intersection.

Residents of the area, in protest of the subject Petition, indicated, through Protestants' Exhibit A, that the subject property was at issue before the Baltimore County Council prior to the adoption of the Comprehensive Zoning Map. This Exhibit indicates that Parcel 1 was classified B.R. with a C.N.S. District; the Planning Board recommended the same zoning to the Council; and a request, filed by the Dundalk Farms Improvement Association to the Council, stated that they wished Parcel 1 to be zoned D.R. 5.5. Proposed Baltimore County Council Resolutions indicated that the Council, prior to the adoption of the Map, would either zone Parcel 1 D.R. 5.5 or B.R. - C.N.S.

It was indicated by Mrs. Jean Jung, a resident of the area in protest of the subject Petition, that she, along with the Dundalk Farms Improvement

Association, requested the downshift, and testified at the public hearing before the Council to downshift the property and requested several other downshifts in the area. It was further indicated that, at the next adoption of the Comprehensive Zoning Map, the Association and its representatives will continue to request the Council to downshift the presently zoned commercial properties that have not yet been developed.

Also, testimony, on behalf of the Petitioner, indicated that there would be practical difficulty and unreasonable hardship if the Baltimore County Zoning Regulation were strictly enforced with reference to present setbacks of the existing structure on Parcel 1. The size of the land and its adjoining, intersecting streets indicated hardship and practical difficulty.

Further testimony surrounded the use of Parcel 2, which remained zoned D.R. 5.5. It was testified that a use permit for parking in a residential zone, to the rear of Parcel 1, would be necessary in order to make development of the subject property economically feasible.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, Parcel 1, as presently classified, is in error. The subject tract is surrounded on three sides by commercially used property and is not feasible for residential use or development.

The Petitioner's request for a B.R. Zone, developed with an office building on Parcel 1, can be achieved in a D.R. 16 Zone, with a Special Exception for offices.

Practical difficulty and unreasonable hardship have been shown and the Variances, on Parcel 1, should be granted. As the prerequisites of Section 409.4 have been complied with, the Special Hearing for off-street parking in a residential zone, Parcel 2, should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1974, that Parcel 1 should be and the same is hereby reclassified from a D.R. 5.5 Zone to a D.R. 16 Zone; a Special Exception for offices should be and the same is GRANTED; and Variances, from Section 238.1, to permit a front yard setback of 20 feet in lieu of the required 25 feet and, from Section 238.2, to permit a side yard setback of 17 feet in lieu of the required 30 feet should be and the same is GRANTED; and the Special Hearing for off-street parking in a residential zone, on Parcel 2, should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

It is further ORDERED that the Reclassification from a D.R. 5.5 Zone to a B.R. Zone, on Parcel 1, be and the same is hereby DENIED.

[Signature]
Zoning Commissioner of
Baltimore County

Parcel 2
FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, L.L.C.
500 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204
Description to Accompany Petition
for Zoning Variances in Zone
Reclassification, DR 6.5
December 11, 1964
Beginning for the same at the intersection of the
east side of Midland Avenue 45 feet wide, and the north side
of Delvale Avenue, and running thence binding on said east
side of Midland Avenue North 34° 40' East 73 feet more or less,
thence for lines of division the two following courses and
distances viz: first South 86° 30' East 103 feet more or less,
and second South 34° 40' West 124 feet more or less to inter-
sect the said north side of Delvale Avenue, thence binding on
said north side of Delvale Avenue, westerly along a curve to
the right with a radius of 360.00 feet, for a distance of 92
feet more or less to the place of beginning.
Containing 0.201 acres of land more or less.



PROPERTY OF VIRGINIA MORRISON
PETITION FOR A SPECIAL HEARING

BEGINNING for the same at a point on the east side of Midland Avenue
North 34 Degrees 40 Minutes East 73 feet, more or less, from its intersection
with Delvale Avenue, and running thence binding on said east side of Midland
Avenue North 34 Degrees 40 Minutes East 112 feet, more or less, to the end
of the lot line, thence running South 55 Degrees 20 Minutes East 87.65 feet,
thence South 34 Degrees 40 Minutes West 59 feet, more or less, thence for a
line of division North 86 Degrees 30 Minutes West 103 feet, more or less, to
the place of beginning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Walter A. Reiter, Jr., Chairman
TO: Baltimore County Board of Appeals
Mr. S. Eric DiNenna
FROM: Zoning Commissioner
SUBJECT: Petition for Reclassification, Variances,
and Special Hearing
NE/corner of Midland and Delvale Avenues -
12th Election District
Virginia Morrison - Petitioner
NO. 74-220-RASPH (Item No. 1)

I am in receipt of the Board's Order, dated July 3, 1974, and feel
that it is not necessary for this office to readvertise this Petition or for the
Petitioner to file an amended Petition; and, further, that said case falls di-
rectly within the case of Edward G. Cassidy, et al. vs. County Board of Ap-
peals of Baltimore County and Baltimore Gas and Electric Company, Daily
Record, January 23, 1959.

[Signature]
S. ERIC DINENNA
Zoning Commissioner

SED/scw
cc: Mr. James E. Dyer
Deputy Zoning Commissioner

sent Copy To:
Raymond Williams
July 19, 1974
B.A.

RE: PETITION FOR RECLASSIFICATION,
VARIANCES AND SPECIAL HEARING
NE/corner of Midland and Delvale
Avenues - 12th Election District
Virginia Morrison - Petitioner
No. 74-220 - RASPH (Item No. 1)
BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

NOTICE OF APPEAL

Please enter an Appeal to the Board of Appeals
for Baltimore County in the above-entitled case on behalf
of the Protestants, Lou Anderson and Jean Jung, et al.

[Signature]
Randolph N. Blair
Attorney for Protestants

I hereby certify that on this 21st day of August,
1974, a copy of the foregoing Notice of Appeal was sent
to Johnson Bowie, Attorney for Petitioner, 22 W. Pennsylvania
Avenue, Towson, Maryland 21204.

[Signature]
Randolph N. Blair



July 25, 1974

Johnson Bowie, Esquire
22 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification,
Variances, and Special Hearing
NE/corner of Midland and Delvale
Avenues - 12th Election District
Virginia Morrison - Petitioner
NO. 74-220-RASPH (Item No. 1)

Dear Mr. Bowie:

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

Very truly yours,

[Signature]
S. ERIC DINENNA
Zoning Commissioner

SED/scw

Attachments

cc: Randolph Blair, Esquire
5 Center Place
Dundalk, Maryland 21222

[Signature]
Randolph N. Blair

ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
5 CENTER PLACE
DUNDALK, MARYLAND 21222

March 19, 1974

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

ATTENTION: Mrs. Anderson

Re: Petition for Re-Zoning by
Virginia Morrison
E/S Midland Avenue N of Delvale
Avenue

Dear Mrs. Anderson:

Please enter my appearance on behalf of the
Protestants in the above entitled case.

Very truly yours,

[Signature]
Randolph N. Blair

RNB/bab

cc: Johnson Bowie, Esquire



EASTERN SECTOR SUMMARY											
ISSUE NO.	APPLICANT	SPONSOR, OWNER OR ORGANIZATION	LOCATION OF PROPERTY	EXISTING ZONE	PROPOSED ZONE	REQUESTED TO ZONE	PROPOSED COUNCIL ACTION	PROPOSED COUNTY ACTION	COMMENTS	PAGE	
E-1 1981 C.C.121	PETER B. GRIFFIN FOR WILLIAM KARL		NE CORNER OF MIDLAND & DELVALE AVENUES	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-2 1982 P.R.4	WILLIAM EVANS FOR NED REAT SHEERMAN		E.E. CORNER WILLOW AVENUE & SOUTH POINT ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-3 1983 P.R.3	MRS. NANCY BRYANT FOR CONFERENCES CITIZENS OF DUNDALK		NORTH POINT RD. NW OF DELMAR AVENUE	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-4 1984	MRS. ANNE TUCKER FOR TUCKER TRACTOR PROC. ASSN.		W/S R.O. BALDWIN OPPOSITE TURNER STATION	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-5 1986 P.R.7	MRS. HELEN PHILLIPS FOR DUNDALK VETERAN HOSPITAL		S/S DUNDALK AVENUE	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-6 1987	CONRAD WARRING FOR CONRAD LANDS		N/E CORNER MID- LAND RD. & WILLOW POINT ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-7 1988 P.R.8	CONRAD WARRING FOR CONRAD DAIRY FARM (IM- PROVEMENT ASSN.)		S/S ROLLER POINT WOOD ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-8 1989	CONRAD WARRING FOR CONRAD DAIRY FARM (IM- PROVEMENT ASSN.)		S/S ROLLER POINT WOOD ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-9 1989	HOWARD C. ZEPF FOR BALTIMORE AND OHIO R.R. COMPANY		S/S PENNSYLVANIA EXPOSURE & OF MIDWINTER BLVD.	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-10 1912	JR. FRANCIS H. ENERGOL FOR GREATER DEAN CREAK ASSN.		WIRE AVENUE & MERITT BLVD.	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-11 1913 C.C.194	LEE N. NOSHER FOR MRS. FRAN- CES C. STENDEL		N/E CORNER OF MIDWINTER BLVD. & PROP. VESTFIELD ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			
E-12 1914 C.C.196	WILLIAM E. ROSECRANCE FOR LEICHT & ANN STRONG & OTHERS		N/S OF GERMAN HILL ROAD E. OF PULASKI ROAD	DR 16 P.L. C.N.S.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.	DR 16 P.L. C.C.C.			

BALTIMORE COUNTY COUNCIL LOS OF ISSUES AND RECOGNITIONS											
EASTERN SECTOR SUMMARY											
ISSUE NO.	SPONSOR, OWNER OR ORIGINATOR	LOCATION OF PROPERTY	MAP	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS
E-14 1914	M. AUGUST KOCH, JR.	S/5 GERMAN HILL ROAD ADJACENT TO HOLST BOWMAN CEMETERY - 1/2 Acre	4A	SE	R-6	DR-5.5	DR-14 B.L.	1914	SE	R-6	DR-5.5
E-15 1915	PETER G. ANGELO FOR CHARLES A. DIFFENDAL	S/5 CHADWANT EASTERN AVE. OFF TOP BACK RIVER BRIDGE - 1/2 Acre	4B	NE	VL	M.L.	DR-14 B.L.	1915	NE	VL	M.L.
E-16 1916	MR. ROBERT J. ROMADIA FOR STANTON TRADING CO., INC.	S/5 EASTERN AVE. 100' x W. MACE AVE.	4B	NE	VL	M.L.	DR-14 B.L.	1916	NE	VL	M.L.
E-17 1917	NORMAN W. LAURENCE FOR BARBARA LAURENCE	S/5 EASTERN AVE. 100' x W. MACE AVE.	4B	NE	VL	M.L.	DR-14 B.L.	1917	NE	VL	M.L.
E-18 1918	MR. ROBERT J. ROMADIA	S/5 BACK RIVER NECK ROAD S. OF RAY AVENUE	4A	SE	M.L.	RDP	DR-14 B.L.	1918	SE	M.L.	RDP
E-19 1919	C. MAURICE WIDEMAYER	N/5 OF SUE CREEK OFF TURKEY POINT ROAD - 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1919	NE	R-6	DR-14
E-20 1920	NATHAN PATZ FOR HILLCOCK INVESTMENT CO.	S/5 BACK RIVER NECK ROAD S. OF RAY AVENUE	4B	NE	R-6	DR-14	DR-14 B.L.	1920	NE	R-6	DR-14
E-21 1921	CHARLES J. DEKORF FOR TACT REALTY, INCORPORATED	N/5 CORNER MARLYN AVE. & WALNUT DRIVE RD. 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1921	NE	R-6	DR-14
E-22 1922	MICHAEL KENNEDY FOR KENNEL ELDON TRONICK CO.	S/5 MARLYN AVE. S. OF HENRIETTA AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1922	NE	R-6	DR-14
E-23 1923	ANTHONY C. BENTON	S/5 QUADRANT OF EASTERN AVENUE & PELICER AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1923	NE	R-6	DR-14
E-24 1924	MARCUS M. NOTARIS	S/5 STEMMERS RD. ROAD 1/2 S. OF DOOLITTLE RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1924	NE	R-6	DR-14
E-25 1925	MR. ROBERT J. ROMADIA FOR TRAILER VILAGE CORPORATION	N/5 OF COMPASS DRIVE W/5 MARLYN AVE. 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1925	NE	R-6	DR-14
E-26 1926	MR. JOSEPH ALKAREF FOR CHESAPEAKE PARK, INC.	S/5 EASTERN AVE. AT WILSON ST. RD. 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1926	NE	R-6	DR-14

BALTIMORE COUNTY COUNCIL LOS OF ISSUES AND RECOGNITIONS											
EASTERN SECTOR SUMMARY											
ISSUE NO.	SPONSOR, OWNER OR ORIGINATOR	LOCATION OF PROPERTY	MAP	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS
E-26 1926	MR. ROBERT J. ROMADIA FOR SAGE C. STEVEN	N/5 STEVEN RD. S. OF EASTERN AVENUE - 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1926	NE	R-6	DR-14
E-27 1927	W. LEE HARRISON FOR DANAN HOLDING CORP.	S/5 END OF OLD SPRING RD. ON E/S OF MIDDLE RIVER LOOP RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1927	NE	R-6	DR-14
E-28 1928	MR. ROBERT J. ROMADIA FOR CALVIN CRIST - BUT ESTATE	NE CORNER HOLLYWOOD & CARROLL ISLAND RD. - 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1928	NE	R-6	DR-14
E-29 1929	THOMAS HENRIETTA BROWN	CARROLL ISLAND AND SCHMIDT RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1929	NE	R-6	DR-14
E-30 1930	GEORGE CARROLL CORRELLA	S/5 EASTERN AVE. S. OF BOWLEY'S QUARTERS RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1930	NE	R-6	DR-14
E-31 1931	MR. HENRIETTA BROWN	W/5 BOWLEY'S QUARTERS RD. S. OF EASTERN AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1931	NE	R-6	DR-14
E-32 1932	DOUGLAS WRIGHT FOR 150 DIST. PROGRESSIVE IMPV. ASSN.	N/5 EASTERN AVE. S. OF EARLE RD. & PROGRESSIVE IMPV. ASSN.	4B	NE	R-6	DR-14	DR-14 B.L.	1932	NE	R-6	DR-14
E-33 1933	JERRY BYRDGE	S/5 EASTERN AVE. 100' x E. OF BENEDICT RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1933	NE	R-6	DR-14
E-34 1934	MR. ROBERT J. ROMADIA	N/5 EASTERN AVE. 100' x E. OF BENEDICT RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1934	NE	R-6	DR-14
E-35 1935	EDWARD F. BONGERD FOR MR. C. CHAPPELL - MR. RODOLFO	BENEDICT RD. S. OF WAMPLE RD. 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1935	NE	R-6	DR-14
E-36 1936	MR. HENRIETTA BROWN	W/5 EARLE RD. AT NEW BENEDICT RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1936	NE	R-6	DR-14
E-37 1937	MR. STANLEY HOLMES FOR ROBERT L. BROWN	N/5 OF LELAND AVE. S. OF 300' - QUARTER AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1937	NE	R-6	DR-14
E-38 1938	MR. ROBERT J. ROMADIA FOR ANDREW W. SMITH	S/5 WAMPLE RD. N. OF DOBSON TOR AVE. - 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1938	NE	R-6	DR-14
E-39 1939	DANIEL HERRIS	N/5 WINDLASS RD. S. OF MIDDLE RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1939	NE	R-6	DR-14

BALTIMORE COUNTY COUNCIL LOS OF ISSUES AND RECOGNITIONS											
EASTERN SECTOR SUMMARY											
ISSUE NO.	SPONSOR, OWNER OR ORIGINATOR	LOCATION OF PROPERTY	MAP	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS	DATE	EXISTING ZONING	PROPOSED ZONING	COMMENTS
E-40 1940	JAMES H. HOLLIS FOR HOLLIS MANAGEMENT CORP.	W/5 WAMPLE RD. 400' OFF OLD RIVER RD. - 1/2 Acre	4B	NE	R-6	DR-14	DR-14 B.L.	1940	NE	R-6	DR-14
E-41 1941	MORRIS PARK COMPANY	W/5 MIDDLE RIVER RD. S. OF WINDLASS ROAD	4B	NE	R-6	DR-14	DR-14 B.L.	1941	NE	R-6	DR-14
E-42 1942	M. J. CRADDOCK	NW CORNER EARLE RD. & MIDDLE RIVER	4B	NE	R-6	DR-14	DR-14 B.L.	1942	NE	R-6	DR-14
E-43 1943	MELBA M. PARROTT	E/5 BACK RIVER NECK RD. S. OF HOLLY HICK RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1943	NE	R-6	DR-14
E-44 1944	JAMES E. MCDONNELL FOR BARRY LAUNDY COMPANY	S/5 OF DORSET AVE. E. OF DOLBY STREET	4B	NE	R-6	DR-14	DR-14 B.L.	1944	NE	R-6	DR-14
E-45 1945	ALBERT HENSHAW	SW CORNER LAMARWOOD RD. & FARMER AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1945	NE	R-6	DR-14
E-46 1946	COUNTY COUNCIL	SW/5 REVERDE DR. FROM DELAWARE AVE. TO CORNER POINT PARK	4B	NE	R-6	DR-14	DR-14 B.L.	1946	NE	R-6	DR-14
E-47 1947	COUNTY COUNCIL	N/5 REVERDE DR. S. OF MARGARET AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1947	NE	R-6	DR-14
E-48 1948	COUNTY COUNCIL	S/5 W/5 MARLYN AVE. S. OF WOODLAWN AVENUE	4B	NE	R-6	DR-14	DR-14 B.L.	1948	NE	R-6	DR-14
E-49 1949	COUNTY COUNCIL	W/5 BACK RIVER NECK RD. S. OF HYDE PARK RD.	4B	NE	R-6	DR-14	DR-14 B.L.	1949	NE	R-6	DR-14
E-50 1950	MR. JAMES H. HOLLIS FOR CARL GONZALEZ	SW/5 REVERDE DR. S. OF MARGARET AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1950	NE	R-6	DR-14
E-51 1951	COUNTY COUNCIL	NE/5 STEMMERS RD. S. OF EASTERN AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1951	NE	R-6	DR-14
E-52 1952	COUNTY COUNCIL	S/5 OF EISEN AVE. W. OF MARLYN AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1952	NE	R-6	DR-14
E-53 1953	COUNTY COUNCIL	W/5 OF EISEN AVE. S. OF EISEN AVE.	4B	NE	R-6	DR-14	DR-14 B.L.	1953	NE	R-6	DR-14
E-54 1954	COUNTY COUNCIL	W/5 BOWLEY'S QUARTERS RD. AT EDWARDS LANE	4B	NE	R-6	DR-14	DR-14 B.L.	1954	NE	R-6	DR-14
E-55 1955	COUNTY COUNCIL	N/5 CARROLL ISLAND RD. S. OF BOWLEY'S QUARTERS ROAD	4B	NE	R-6	DR-14	DR-14 B.L.	1955	NE	R-6	DR-14

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

38 M. Dundalk Ave.
Dundalk, Md. 21222

March 9 1974

THIS IS TO CERTIFY that the annexed advertisement of S. ERIC DINENNA ZONING COMMISSIONER OF BALTIMORE COUNTY in Mat ter of Special Hearing - V. Morrison was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, on **March 8th** day of **March**, 1974; that is to say, the same was inserted in the issue of **March 7, 1974**

Kimbel Publication, Inc.
Publisher.

By *Kimbel Publication, Inc.*

BALTIMORE COUNTY, MARYLAND No. 12790

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE **Nov. 29, 1973** ACCOUNT **01-662**

AMOUNT **\$50.00**

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

V. Herbert Morrison, M.D.
33 Portship Road
Dundalk, Md. 21222
Petition for Reclassification, Special Hearing

BALTIMORE COUNTY, MARYLAND No. 13178

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE **March 29, 1974** ACCOUNT **01-662**

AMOUNT **\$172.46**

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

V. Herbert Morrison, M.D.
33 Portship Road
Dundalk, Md. 21222
Advertising and posting of property #14-220-RASPH

BALTIMORE COUNTY, MARYLAND No. 15147

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE **August 27, 1974** ACCOUNT **01-662**

AMOUNT **\$70.00**

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

Randolph N. Blair, Esquire
Cost of Filing of an Appeal on Case No. 74-270-RASPH NE/corner of Midland and Delvale Avenues - 12th Election District
Virginia Morrison - Petitioner

BALTIMORE COUNTY, MARYLAND No. 15194

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE **September 25, 1974** ACCOUNT **01-662**

AMOUNT **\$10.00**

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

Randolph N. Blair, Esquire
Cost of Posting Property of Virginia Morrison for an Appeal Hearing.
NE/corner of Midland and Delvale Avenues - 12th Election District
Case No. 74-20-RASPH (Item No. 1)

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 7, 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 **March 7** day of **March**, 1974, the said publication appearing on the **7th** day of **March**, 1974.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ **1.00**

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
Descriptions checked and outline plotted on map	date by	date by	date by	date by	date by
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by		Revised Plans:			
Previous case:		Change in outline or description	Yes	No	
		Map #			

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District **124** Date of Posting **8-7-74**

Posted for **Virginia Morrison**

Petitioner **Virginia Morrison**

Location of property **N/E. Cor. of Midland & Delvale Ave.**

Location of Signs **3. Paint on other 3. Paint on other 3. Paint on other**

Remarks **Paint on other 3. Paint on other 3. Paint on other**

Posted by **Paul H. Hays** Date of return **8-14-74**

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District **124** Date of Posting **8-15-74**

Posted for **Virginia Morrison**

Petitioner **Virginia Morrison**

Location of property **N/E. Cor. of Midland & Delvale Ave.**

Location of Signs **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Remarks **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Posted by **Paul H. Hays** Date of return **9/18/74**

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District **124** Date of Posting **8-15-74**

Posted for **Virginia Morrison**

Petitioner **Virginia Morrison**

Location of property **N/E. Cor. of Midland & Delvale Ave.**

Location of Signs **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Remarks **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Posted by **Paul H. Hays** Date of return **9/18/74**

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this **28th** day of **Sept 1974** - WFE: Item # **1**

S. Eric Dinenna
Zoning Commissioner

Petitioner **Virginia Morrison** Submitted by **BOWIE**

Petitioner's Attorney **BOWIE** Reviewed by **BOWIE**

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

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District **124** Date of Posting **8-15-74**

Posted for **Virginia Morrison**

Petitioner **Virginia Morrison**

Location of property **N/E. Cor. of Midland & Delvale Ave.**

Location of Signs **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Remarks **One Sign Paint on Delvale Ave. One Sign Paint on Midland Rd.**

Posted by **Paul H. Hays** Date of return **9/18/74**

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

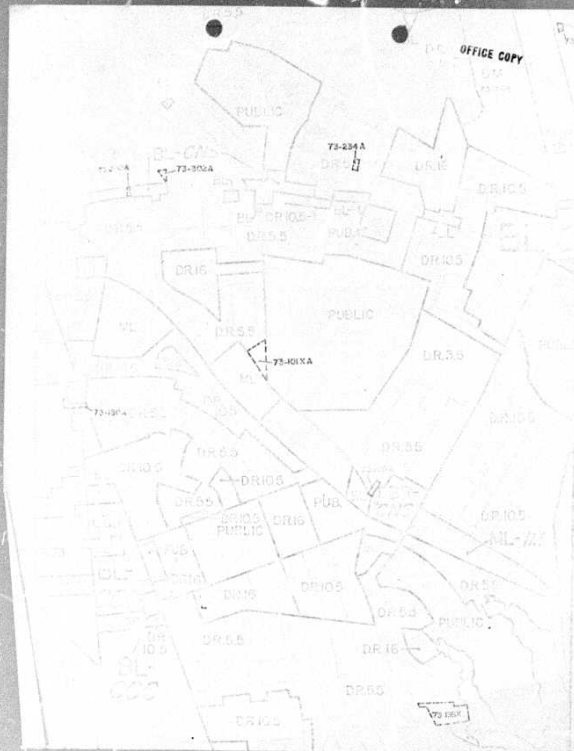
Your Petition has been received * this **28th** day of **Sept 1974** - WFE: Item # **1**

S. Eric Dinenna
Zoning Commissioner

Petitioner **Virginia Morrison** Submitted by **BOWIE**

Petitioner's Attorney **BOWIE** Reviewed by **BOWIE**

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



DAVID G. BEACH, JR.
CHRISTIAN M. KAHL
THOMAS J. MARTIN

Law Offices
BEACH & KAHL
635 North Howard Street
TOWSON, MARYLAND 21204

July 28, 1976

Mr. James E. Dyer
Zoning Supervisor
Office of Planning & Zoning for Baltimore County
County Office Building
Towson, Maryland 21204

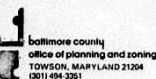
Re: Case No. 74-220-RASP
Virginia Morrison, Petitioner - Northeast Corner
Midland and Belvale Avenues - Dundalk, Maryland
12th Election District

Dear Jim:

By way of confirmation of our recent conversation concerning the above matter, which has been in a sort of limbo for about a year, it is my understanding that Mr. Reiter and the members of the Board of Appeals have reconsidered the position expressed in the Board's Opinion of July 3, 1975, and that they now feel the matter is properly before them for their consideration, and need not be remanded to the Zoning Commissioner for further proceedings.

This does appear to me to be the proper course of action. As you know, I represent Mrs. Morrison in association with T. Bayard Williams, Jr., Esq. I have thoroughly examined the Cassidy case, 215 Md. 418, and am inclined to agree with the position taken by Mr. DiNenna that the advertisement of the matter as a petition for reclassification to B.R. would not preclude him from ordering a reclassification to a "lower" zone and awarding appropriate special exception and variances for office use. In Cassidy, the Court says:

"We concede no logical reason for, or salutary purpose to be served by, holding that upon a hearing of a petition for a reclassification of property, after proper notice, the Commissioner is limited to either a granting or denial of the reclassification. The notice in this case notified the public that the petitioner was seeking a reclassification of its property to the lowest, i.e., the least restricted, category of zoning in Baltimore County. This certainly apprised the public 'clearly of the character of the action proposed and enough of the basis upon which it



S. ERIC DINENNA
ZONING COMMISSIONER

Sam W. Mason, Esquire
635 North Howard Street
Baltimore, Maryland 21201

RE: Permit Application No. 51125
C-1013-73
7560 Belair Road
14th Election District

Dear Mr. Mason:

I am in receipt of your letter of June 24, 1976, in which you make inquiry as to the use of the above referenced property. You state that you represent an individual who feels that: (1) the site is not properly zoned for use as a bingo hall; (2) there are insufficient parking setbacks; (3) there has been a change in the hours of operation, and; (4) there are no fire lanes provided.

I am referring a copy of your letter to George Weigand, Battalion Chief, Fire Prevention Bureau of the Baltimore County Fire Department, for his investigation as to the allegation concerning the lack of fire lanes.

With regard to the existing use of the property as a bingo hall, please be advised that the above referenced permit, requesting a change of occupancy from a supermarket to a bingo hall, was approved by this office on August 8, 1973. It was restricted to use by no more than nine hundred (900) persons at one time, exclusive of possibly more restrictive Building Code and/or Fire Department regulations. The seating capacity was based on the prior parking requirement for the supermarket of one hundred and fifty (150) parking spaces. This figure was derived from the specific requirement of one (1) parking space for each two hundred (200) square feet of the total existing thirty thousand (30,000) square foot building.

The parking requirement for a church, auditorium, or other place of assembly, such as the subject use, is one (1) parking space for every six (6) seats. Reversing that equation and using the established one hundred and fifty (150) spaces would permit a maximum of nine hundred (900) persons at any time.

Mr. James E. Dyer

-2-

July 28, 1976

Re: Case No. 74-220-RASP

rested to enable them to 'intelligently prepare for the hearing.' Anyone who attended the hearing prepared to defeat the above request would likewise have been prepared to defeat the grant of a special exception...."

Additional legal reinforcement for Mr. DiNenna's position is found in the case of Storch v. Zoning Board of Howard County, 267 Md. 476.

It certainly appears to us that the appropriate manner of disposition of this case calls for the Board to recall its Opinion of July 3, 1975, and reinstate the matter for hearing and decision on the appeal from the Zoning Commissioner. If the Board feels it necessary to do so, it could order the readvertisement of the matter for hearing at that level. However, in view of all of the delay which has ensued in this case, it seems that justice can only be served by very prompt attention to the matter.

Thank you very much for your usual cooperation and assistance.

With kindest regards, I am,

Sincerely,

CHRISTIAN M. KAHL

CMK/sh

CC: S. Eric DiNenna, Zoning Commissioner
Mr. Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
John W. Hession, III, Esq.
T. Bayard Williams, Jr., Esq.
Mrs. Virginia Morrison

Sam W. Mason

Attorney at Law
635 North Howard Street
Baltimore, Maryland 21201

(301) 530-0700

June 24, 1976

Longing Department for
Baltimore County
Court House
Towson, Maryland 21204

Re: Fullerton Manor Bingo
7560 Belair Road

Gentlemen:

A client of mine has requested that I contact you pertaining to the Fullerton Manor Bingo Parlor. It is his opinion that this establishment does not have proper zoning and that he wishes to draw your attention to the fact that cars park blocking the sidewalk, that there are no fire lanes provided, that there is an improper setback of the parking lot, and that he does not feel that this particular property was zoned for a bingo Parlor.

I am certain that you are aware of the fact that this establishment was once a food market which was primarily a daytime and early evening business, however, the present use of the premises as a bingo Parlor requires them to be in operation until quite late at night, thereby creating a disturbance in an otherwise peaceful residential area.

I would appreciate hearing from you after you have had an opportunity to have looked into this matter.

Very truly yours,

Sam W. Mason
S.W. MASON

SHB/tyc

Sam W. Mason, Esquire
Page 2
July 7, 1976

The inclusion of such a use as permitted as a matter of right under the existing Business, Local (B.L.) Zoning classification, was established by virtue of an Opinion and Order rendered by the Zoning Commissioner in a violation case (68-229-V, April 28, 1972) involving a similar use. I have enclosed a copy for your reference.

A primary stipulation in that interpretation was that such a facility be operated only by non-profit organizations. In the subject instance, the tenant is listed as Chapter No. 8 of the Disabled American Veterans.

Lastly, as such uses have been established, by virtue of the aforementioned Opinion and Order, as not requiring a public hearing for a Special Exception, subsequent to which restrictions as to the use could be placed, this office would not have jurisdiction and could not impose limitations as to the hours of operation. The property owner did, in fact, file a Special Exception request (Case No. 75-8-XA, filed June 14, 1974) for a community building. This was to allow other uses, such as roasts and dances, and would not limit the operations to non-profit organizations. If granted, the possibility existed that restrictions, such as the hours of operation, could have been placed in the Order. However, for an unknown reason, the Petition was requested to be withdrawn and was subsequently dismissed on November 12, 1974.

If you or your client determine that the present seating capacity exceeds nine hundred (900) persons or that there are activities other than bingo and/or operated by other than non-profit organizations, we will be happy to initiate a violation case upon your request.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Zoning Enforcement Section

JBB:tk
Enclosure

cc: George M. Weigand, Battalion Chief
Fire Prevention Bureau

Mr. S. Eric DiNenna
Mr. George J. Martinak
Mr. James E. Dyer
Files