

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Howard M. Becker, Thelma E. Morris, Kemper C. Morris, Melvin E. Becker,
I, or we, ELIZABETH L. BECKER, DONALD BECKER, CAROLYN L. BECKER, of the property situated in Baltimore (see 2nd
County and which is described in the description and plat attached hereto and made a part hereof, sheet)
herby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an D.R. 10.5 zone to an

- R.L. (Business Localities), for the following reasons:
- 1.) In classifying the subject property D.R. 10.5, the Council committed errors as set out on the attached exhibit, which is incorporated by reference hereto; and
 - 2.) Substantial changes have occurred in the neighborhood so as to alter its character since the property was so classified by the Council, as set out on the attached exhibit, which is incorporated by reference hereto.

Petition for Variance from Section 232.3 - To permit a rear yard of
15 feet instead of the required 20 feet.
see attached description
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County, to use the herein described property, for N.A.

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

THE HAUSWALD BAKERY
By Howard M. Becker
Contract purchase
Address: 134 S. Oriole Avenue, Baltimore, Md. 21224
By Thelma E. Morris
Address: 134 S. Oriole Avenue, Baltimore, Md. 21224
By William C. Rogers, Jr., Esquire
Address: 134 S. Oriole Avenue, Baltimore, Md. 21224
By James D. Nolan / Petitioner's Attorney
Address: 134 S. Oriole Avenue, Baltimore, Md. 21224

Ordered By The Zoning Commissioner of Baltimore County, this 15th day
of October, 1977, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be held before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 1st day of April, 1978, at 10:30 o'clock

James D. Nolan
Zoning Commissioner of Baltimore County.
(over)

ADDITIONAL SHEET FOR LIST OF SIGNATURES OF

LEGAL OWNERS

Carolyn I. Becker, Henry C. Becker and Norman E. Becker

Kemper C. Morris
Kemper C. Morris
3014 Sumner Road, Balto., Md. 21222
Thelma E. Morris
Thelma E. Morris
Eleanor L. Becker
Melvin E. Becker
Melvin E. Becker
7910 Bishwood Rd., Balto., Md. 21222
Donald Becker
Donald Becker
7910 Bishwood Rd., Balto., Md. 21222
Carolyn I. Becker
Carolyn I. Becker
7766 Gough St., Baltimore, Md.
Henry C. Becker
Henry C. Becker
2559 Liberty Parkway, Balto., Md. 21222
Norman E. Becker
Norman E. Becker
7821 Collingham Drive
Baltimore, Md. 21222

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT PROPERTY DR 10.5

The Petitioners state that the Baltimore County Council committed
at the very least, the following errors in classifying the subject property
DR 10.5.

- 1.) That there is a need for additional commercial zoning along
Old Northpoint Road, and the subject property is admirably suited for such
use, and it was error for the County Council to fail to recognize the com-
mercial potentials of the property.
- 2.) That the subject property, because of its location, is far
better suited for commercial use than for residential use, and it was error
for the Council to place the property in a residential zone.
- 3.) For such other and further errors as shall be disclosed in
the preparation of this case, which errors shall be brought out at the time
of the hearing hereon.

CHANGES IN THE NEIGHBORHOOD

- 1.) That the area's needs for additional commercial and neighbor-
hood shopping facilities has greatly increased since the time the property
was last classified by the Council.
- 2.) Such other and further changes as shall be disclosed by a
minute study of this area, which changes shall be brought out at the time
of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for the Petitioners

JDN:mk

PETITION FOR RECLASSIFICATION AND VARIANCE

15th REVENUE

LOCATION: From R.L. 10.5 to R.L. Zone.
Petition for Variance for a Rear Yard.
DATE & TIME: Southwest side of North Point Road 267 feet Northwest
of Wallace Road.
HEARING: MONDAY, APRIL 1, 1978 at 10:30 A.M.
PLACE HEARING: Room 106, County Office Building, 111 V. Chesapeake
Avenue, Towson, Maryland.
**THE ZONING COMMISSIONER OF BALTIMORE COUNTY, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing**
Proposed Change: R.L. 10.5
Proposed Change: R.L.
Petition for Variance from the Zoning Regulations
of Baltimore County to permit a rear yard of 15 feet
instead of the required 20 feet.

The Zoning Regulation to be amended as follows:
Section 232.3 - Rear Yard - 20 feet.
All that parcel of land in the Twelfth Market of Baltimore County

Being the property of Howard M. Becker, et al, as shown on plat plan filed with the
Zoning Department.

Hearing Date: Monday, April 1, 1978 at 10:30 A.M.
Public Hearing Room 106, County Office Building, 111 V. Chesapeake Avenue, Towson, Md.

IN WITNESS
OF MY HAND
AND SEAL
OF BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION
from D.R. 10.5 Zone to R.L. Zone
PETITION FOR VARIANCE from
Section 232.3 of the Baltimore County
Zoning Regulations SW/S of North
Point Road 267 feet NW of Wallace
Road, 12th District
Howard M. Becker, et al
Petitioners
Case No. 74-223-RA
Alice Jeanette Solley, et al
Protestants-Appellants

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 149
File No. 5796

ORDER OF COURT

The Petition of Alice Jeanette Solley, et al, Appellants herein, and
the Answer of the Appellees thereto having been filed, and counsel having been
heard with regard thereto, It is, this 2nd day of March, 1978, by the Circuit
Court for Baltimore County,

ORDERED, that pursuant to provisions of Maryland Rule 812, this proceeding
be and it is hereby remanded to the County Board of Appeals for the limited purpose
of considering the written opinion of the Zoning Commissioner of Baltimore County,
issued under date of August 18, 1975, identified as "Petitioners' Exhibit No. 1" in
Appellants' Petition, and such proper testimony as the parties hereto might prefer
to the County Board of Appeals on that issue, in order that the said County Board
of Appeals might reaffirm, modify, or reverse, as the case may be, its Opinion
and Order of October 30, 1975, upon the record before it as so supplemented.

John E. Brown, Jr.
JUDGE

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

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



August 18, 1975

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

RE: Permitted Dwelling Units
S/W of North Point Road, 267' NW of
Wallace Road - 12th Election District
Case No. 74-223-RA

Lee M. Nolan:

This letter is in reply to your letter of May 29, 1975, in which you
request an opinion as to the above referenced matter.

Mr. Dyer and I have reviewed the Baltimore County Zoning Regulations
as they pertain to your client's property and have arrived at the conclusion
that six dwelling units may be constructed on this site.

As per Section 1B01.1B(1a), this property lies entirely within a
residential transition area created by existing group house dwellings
immediately to the east of the site. Uses permitted within this transition
area, as determined from the charts of Section 1B01.1B(1b) and hence
1B01.1B(1.2.2), consist of Group IV uses; that is, all those types of
dwellings prescribed in Item 1 of Paragraph A of Section 1B01.1. In other
words, any housing type is permitted.

Minimum area standards for the development of this property are
set forth in Section 1B02.3, Paragraph A and C. In light of the fact that
the former paragraph specifies that certain small lots or tracts must
conform to area standards as required by Paragraph "C", and that the
subject property is less than two acres in size and, therefore, would be
included by definition under Item 4 of Paragraph A, the minimum lot size,
as discovered within the chart of Paragraph C(1), is 3,000 square feet.
A minimum lot width of 20 feet is also required.

Based on these figures, as many as six lots or dwelling units would
be permitted. The fact that six lots represents a density greater than 10.5

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

James D. Nolan, Esquire
August 18, 1975
Page 2

units per acre is clarified or justified by the wording of Section 1B02.3A,
i.e., "In D.R. Zones contrary provisions of this article notwithstanding
the provisions of or pursuant to this subsection (Special Regulations for
Certain Existing Development or Subdivisions and for Small Lots or Tracts
in D. R. Zones) shall apply to the use occupancy and development of the
alterations or expansion of structures upon and administrative procedures
with respect to". In other words, the intent of this Special Regulations
section is to provide greater freedom of development including increases in
density that are controlled or governed by minimum lot areas per dwelling
unit as set forth in the aforementioned chart 1B02.3.C.1.

In this particular instance, Group IV uses would permit an apartment
building within which the number of dwelling units would be based on 3,000
square feet per unit with front, side and rear setbacks of 10, 10, and 50
feet, respectively.

If you have any questions regarding this matter, please do not hesitate
to contact this office.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

SED/ETH/mc

cc: Mr. Franklin T. Hogans, Jr.
Zoning Technician

Mr. James E. Dyer
Deputy Zoning Commissioner

SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
833-3635

ROBERT C. SPELLMAN, P.L.C.
JOSEPH L. LARSON
LOUIS J. PARECEK, P.E.

DESCRIPTION FOR PERMITTING, NORTH POINT ROAD NEAR WALLACE ROAD, TWELFTH
DISTRICT, BALTIMORE COUNTY, MD.

Beginning for the same at a point on the Southwest side of North Point Road,
55 feet wide, at the distance of 267 feet, more or less, measured Northwest
from the centerline of Wallace Road, 66 feet wide, said point being at the Northwest
corner of the Wallford Section of Charlesmont as shown on a Plat of said Sub-
division, said Plat being recorded among the Plat Records of Baltimore County in Plat
Book 68R No. 23, folio 130 and running thence and binding on the Southwest side of
North Point Road North 68 Degrees 36 Minutes West 92.45 feet to the Southeast line of
that tract of land called "The Battle Acre", thence leaving the Southwest side of
North Point Road and binding on the Southeast side of "The Battle Acre" South 21 De-
grees 26 Minutes West 208.97 feet to the outline of the Plat of Charlesmont herein
referred to, thence binding on said outline South 68 Degrees 11 Minutes East 92.45
feet and North 21 Degrees 26 Minutes East 207.60 feet to the place of beginning.

Containing 0.44 acres of land, more or less.

9-28-75.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN - LAND SURVEYING
LAND PLANNING - SUBDIVISION LAYOUT - FEASIBILITY STUDIES - ESTIMATING
GRADING STUDIES - LOCATION SURVEYS - TECHNICAL CONSULTATION

APR 11 1978

-3-

3. Because of an element of confusion which your Petitioners are unable to explain, it did not become known to either the Board or to your Petitioners that the Zoning Commissioner for Baltimore County had under date of August 18, 1975 issued a written opinion concerning the number of residential units which might be placed on the property and which, your Petitioners respectfully suggest, has an impact upon the accuracy of the testimony concerning the issue upon which the Board apparently based its decision a photostatic copy of the Zoning Commissioner's letter of August 18, 1975 marked "Petitioners' Exhibit 1" is attached hereto and respectfully prayed to be taken as a part hereof as if fully incorporated herein.

4. That your Petitioners believe, and therefore aver, that the Zoning Commissioner's opinion, Exhibit No. 1, as aforesaid, was intended to be and should be a part of the record developed by the County Board of Appeals in this case, and that the County Board of Appeals should have had the opportunity to consider said opinion as part of the evidence before it at the time of the preparation of its Opinion and issuance of its Order.

WHEREFORE, Your Petitioners respectfully pray that this Honorable Court pursuant to the provisions of Maryland Rule 812 remand this proceeding to the County Board of Appeals for further proceedings so that the opinion of the Zoning Commissioner herein above mentioned might be formally offered in evidence and the said County Board of Appeals might have the opportunity to reaffirm, modify, or reverse, as the case may be, its Opinion and Order of October 30, 1975, upon the record before it as so supplemented.

AND AS IN DUTY BOUND, etc.

Raymond J. Connolly
Raymond J. Connolly
608 Eastern Avenue
Baltimore, Maryland 21221
657-7670
Attorney for Protestants

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from D.R. 10.5 Zone to B.L. Zone
PETITION FOR VARIANCE from : FOR BALTIMORE COUNTY
Section 232.3 of the Baltimore County
Zoning Regulations SW/S of North
Point Road 267 feet NW of Wallace Road,
12th District AT LAW
Misc. Docket No. 10
Howard M. Becker, et al : Folio No. 149
Petitioners : File No. 5796
Case No. 74-223-RA :
Alice Jeannette Salley, et al :
Protestants-Appellants :

ORDER OF COURT

Upon the foregoing Petition of Alice Jeannette Salley, et al, Protestants, it is this 23rd day of February, 1976, by the Circuit Court for Baltimore County, At Law,

ORDERED that the Appellees herein show cause, if any they have, on or before the 25th day of February, 1976, why the relief prayed in the foregoing Petition should not be granted, provided that a copy of said Petition and of this Order be served upon counsel for said Appellees on or before the 1st day of February, 1976 pursuant to Maryland Rule 306c1.

JUDGE

I HEREBY CERTIFY that on this 23rd day of February, 1976 a copy of the foregoing Petition and of the Order attached was mailed to James D. Nolan, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Newton A. Williams, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204, John W. Hession, Esquire, 111, People's Counsel, Basement, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Raymond J. Connolly
Raymond J. Connolly

PETITIONERS' EXHIBIT 1 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER



August 18, 1975

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

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

RE: Permitted Dwelling Units
SW/S North Point Road, 267' NW of
Wallace Road - 12th Election District
Case No. 74-223-RA

Dear Mr. Nolan:

This letter is in reply to your letter of May 29, 1975, in which you request an opinion as to the above-referenced matter.

Mr. Dyer and I have reviewed the Baltimore County Zoning Regulations as they pertain to your client's property and have arrived at the conclusion that six dwelling units may be constructed on this site.

As per Section 1B01.1B(1a), this property lies entirely within a residential transition area created by existing group house dwellings immediately to the east of the site. Uses permitted within this transition area, as determined from the charts of Section 1B01.1B(1b) and hence 1B01.1B(1a.2), consist of Group IV uses; that is, all those types of dwellings prescribed in Item 1 of Paragraph A of Section 1B01.1. In other words, any housing type is permitted.

Minimum area standards for the development of this property are set forth in Section 1B02.3, Paragraph A and C. In light of the fact that the former paragraph specifies that certain small lots or tracts must conform to area standards as required by Paragraph "C", and that the subject property is less than two acres in size and, therefore, would be included by definition under Item 4 of Paragraph A, the minimum lot size, as discovered within the chart of Paragraph C(1), is 3,000 square feet. A minimum lot width of 20 feet is also required.

Based on these figures, as many as six lots or dwelling units would

Howard M. Becker, et al - No. 74-223-RA

2.

than two residential units. The question as to the number of residential units permitted on this property is still unclear in this Board's mind as a result of the inconsistent testimony from the Planning Department.

Following the hearing of this case, the Petitioner's attorney requested that he be entitled to keep his case open for the purpose of rebuttal, if necessary, following the response to an answer by the Zoning Commissioner to a direct inquiry as to the question presented herein, which by letter dated May 29, 1975 was sent to this file with copies to all interested parties. To this date the Board has received no response, and the attorney for the Petitioners has stated that if there is to be no response, then he will close his case, and for this reason an Order is being written at this time.

Additional evidence indicated that because of the size and shape of the subject property, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and/or unreasonable hardship with reference to the required setback, and therefore a variance should be granted from Section 232.3.

Although most of the opposition from the Protestants recited presently existing traffic problems with accompanying high density of traffic on North Point Road and its attendant noise and dirt, Mr. C. Richard Moore, of the Baltimore County Traffic Engineering Department, indicated that the use requested herein cannot create any traffic problems.

Another complaint was to the effect of encroachment of commercial zoning. However, it is to be noted that with the exception of the subject property, North Point Road appears to be fully developed at this time, and consequently encroachment does not seem to be a real danger or problem.

Therefore, without reviewing the evidence further, but based upon all of the evidence presented, it is the opinion of this Board that the designation of D.R. 10.5 on the subject property was in error, and that the requested petition should be granted, along with the Variance from Section 232.3 of the Baltimore County Zoning Regulations.

James D. Nolan, Esquire
August 18, 1975
Page 2

units per acre is clarified or justified by the wording of Section 1B02.3A, i.e., "In D.R. Zones contrary provisions of this article notwithstanding the provisions of or pursuant to this subsection (Special Regulations for Certain Existing Development or Subdivisions and for Small Lots or Tracts in D.R. Zones) shall apply to the use occupancy and development of the alterations or expansion of structures upon and administrative procedures with respect to:". In other words, the intent of this Special Regulation section is to provide greater freedom of development including increases in density that are controlled or governed by minimum lot areas per dwelling unit as set forth in the aforementioned chart 1B02.3.C.1.

In this particular instance, Group IV uses would permit an apartment building within which the number of dwelling units would be based on 3,000 square feet per unit with front, side and rear setbacks of 10, 16, and 50 feet, respectively.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

S. ERIC DIENERNA
S. ERIC DIENERNA
Zoning Commissioner

SEED/ETH/mc

cc: Mr. Franklin T. Hoggans, Jr.
Zoning Technician

Mr. James E. Dyer
Deputy Zoning Commissioner

HOWARD M. BECKER, ET AL

NO. 74-223-RA

SW/S North Point Road 267' NW Wallace Rd.

12th District

DR 10.5 to BL

0.44 acres

Variance (rear yard)

Oct. 15, 1973	Petition filed
Sept. 17, 1974	Petition GRANTED by Z.C.
Oct. 4	Order for Appeal to C. B. of A.
" 30, 1975	Petition GRANTED by the Board
Nov. 26	Order for Appeal filed in the Circuit Court (#5796)
Dec. 29	Record of proceedings filed in the Circuit Court
Mar. 3, 1976	Turnbull, J., Remanded to Board "for the limited purpose of considering the written opinion of the Z.C. of B. Co. issued under date of August 18, 1975, identified as "Pet. Ex. No. 1" in Appellants' Petition. . . ."
" 5	Board (G.P.H.) Affirmed its Order of Oct. 30, 1975
Apr. 12	Order for Appeal filed in the Circuit Court (5892) by Mr. Connolly
" 2	Petition to Accompany Order for Appeal filed
" 7	Certificate of Notice sent
May 4	Record of proceedings filed in the Circuit Court
Jan. 5, 1978	Dismissed by Court for want of prosecution (Md. Rule 530)

Raymond J. Connolly
5796
500
Case 10000
James D. Nolan
RE: PETITION FOR RECLASSIFICATION
from D.R. 10.5 zone to B.L.
VARIANCE from Section 232.3 of
the Baltimore County Zoning
Regulations SW/S of North
Point Road 267 feet NW of Wallace
Road, 12th District
HOWARD M. BECKER, et al
Contract Purchaser
MRS. ALICE JEANNETTE SALLEY
MRS. THOMAS STOFFA
MRS. EDNA STICKLE
Protestants
(1) Nov. 29, 1975 - Protestants' Notice of Appeal filed with the County Board of Appeals and the Planning Department.
(2) Dec. 1, 1975 - Certificate of Notice to Protestants.
(3) Dec. 8, 1975 - Protestants' Petition on Appeal filed.
(4) Dec. 18, 1975 - App. of James J. Connolly, Esquire, Attorney for the Board of Appeals and Appellants filed.
(5) Dec. 29, 1975 - Answer and Transcripts of Record from the County Board of Appeals filed.
(6) Feb. 3, 1976 - Protestants' Petition on Appeal filed.
(7) Feb. 26, 1976 - Protestants' Answer filed.
(8) Mar. 1, 1976 - Honorable John Graham remanded hearing held. Order to be signed.

(over)

DOCKET BOOK NO. 10
FILE NO. 149
EXH. 10
MISCELLANEOUS

RECEIVED
BALTIMORE COUNTY
CLERK OF THE COURT
MAY 1976



LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

November 18, 1977

Elmer H. Kahline, Jr.
Clerk, Circuit Court
for Baltimore County
Court House
Towson, Maryland 21204

Re: Becker et al. v. Sally et al.
Administrative Appeal Docket 10,
Folio 197, Case No. 5892.

Dear Mr. Clerk:

We have just received a Notice of Contem-
pted Dismissal in the above entitled matter.

Although we are not appellants, we have
no objection to the dismissal of this appeal
since the situation was superseded by the 1976
comprehensive zoning map. However, the final
decision is up to Mr. Cannoles, attorney for
the protestants and appellants.

With best regards, I am

Sincerely,

James D. Nolan

JDN/hl
cc: Raymond J. Cannoles, Esquire
628 Eastern Avenue
Baltimore, Md. 21221

Mr. John Hauswald
2822 Edmonville Avenue
Baltimore, Md. 21223

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from D.R. 10.5 Zone to B.L. Zone
PETITION FOR VARIANCE from : FOR BALTIMORE COUNTY
Section 232.3 of the Baltimore County
Zoning Regulations SW/4 of North
Point Road 267 feet NW of Wallace
Road, 12th District : AT LAW
Misc. Docket No. 10
Howard M. Becker, et al : Folio No. 149
Petitioners : File No. 5796
Case No. 74-223-RA
Alice Jeannette Salley, et al
Protestants-Appellants

ORDER OF COURT

The Petition of Alice Jeannette Salley, et al, Appellants herein, and
the Answer of the Appellees thereto having been filed, and counsel having been
heard with regard thereto, it is, this 2nd day of March, 1976, by the Circuit
Court for Baltimore County,

ORDERED, that pursuant to provisions of Maryland Rule B12, this proceeding
be and it is hereby remanded to the County Board of Appeals for the limited purpose
of considering the written opinion of the Zoning Commissioner of Baltimore County,
issued under date of August 18, 1975, identified as "Petitioners' Exhibit No. 1" in
Appellants' Petition, and such proper testimony as the parties hereto might proffer
to the County Board of Appeals on that issue, in order that the said County Board
of Appeals might reaffirm, modify, or reverse, as the case may be, its Opinion
and Order of October 30, 1975, upon the record before it as so supplemented.

JUDGE

RE: PETITION FOR RECLASSIFICATION : ON REMAND FROM THE
from D.R. 10.5 zone to B.L. zone
PETITION FOR VARIANCE from : CIRCUIT COURT
Section 232.3 of the Baltimore
County Zoning Regulations : FOR
SW/4 of North Point Road 267 feet
NW of Wallace Road : BALTIMORE COUNTY
12th District : AT LAW
Howard M. Becker, et al : Misc. Docket No. 10
Petitioners : Folio No. 149
Case No. 74-223-RA : File No. 5796
Alice Jeannette Salley, et al
Protestants - Appellants

OPINION

This case comes before the Board on an Order of Remand from the
Honorable John Grason Turnbull, Judge of the Circuit Court for Baltimore County,
for the limited purpose of taking additional testimony or evidence concerning an
"opinion" by the Zoning Commissioner, dated August 18, 1975.

Counsel appeared, and there was no additional testimony offered.
The aforesaid opinion of the Zoning Commissioner, dated August 18, 1975, in the
form of a letter, signed by S. Eric DiNenna, Zoning Commissioner, was presented
into evidence by the People's Counsel, and is identified as People's Counsel Exhibit
"D".

The Board has reconsidered this case in view of this additional evidence,
and finds no compelling reason to alter its original decision. The Order of this
Board, dated October 30, 1975, will therefore be Affirmed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th
day of March, 1976, by the County Board of Appeals ORDERED, that the
Order of the County Board of Appeals, dated October 30, 1975, be and the same

is hereby AFFIRMED.

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

Robert L. Gilland, Vice Chairman

W. Giles Parker

William T. Hackett

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 10.5 to B.L., and : CIRCUIT COURT
VARIANCE from Section 232.3 : FOR
of the Baltimore County : BALTIMORE COUNTY
Zoning Regulations : AT LAW
SW/4 North Point Road 267 : ON REMAND
NW of Wallace Road : Misc. Docket No. 10
12th District : Folio No. 149 & 197
Howard M. Becker, et al : File No. 5796 & 5892
Petitioners :
Case No. 74-223-RA :
Alice Jeannette Salley, et al
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 Robert L. Gilland, W. Giles Parker and William T. Hackett,
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. 74-223-RA
Mar. 3, 1976 Judge Turnbull remanded case to the Board of Appeals "for the limited
purpose of considering the written opinion of the Zoning Commissioner
of Baltimore County, issued under date of August 18, 1975, identified
as 'Petitioners' Exhibit No. 1' in Appellants' Petition. . . ."
4 Hearing held before the County Board of Appeals
5 Order of County Board of Appeals affirming its Order of October 30,
1975
Apr. 21 Order for Appeal filed in the Circuit Court for Baltimore County
7 Certificate of Notice sent to all interested parties
12 Petition to Accompany Order for Appeal filed in the Circuit Court
for Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Docket No. Folio No.
Case No.
LAW—EQUITY
Plaintiff: BALTIMORE COUNTY
County Zoning Regulations SW/4 of North Point Road 267 feet NW of Wallace Road 12th District
Howard Becker, et al Petitioners
Defendants: ALICE JEANNETTE SALLEY, et al
Protestants-Appellants

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

No proceedings of record in the above-styled action having been taken within a period of
thirty (30) months, Counsel of record or the parties herein are hereby notified, as provided
by Maryland Rule 530, that this proceeding will be "DISMISSED FOR WANT OF PROSECUTION
WITHOUT PREJUDICE" thirty (30) days after service of this notice, (computed according to Sec-
tion C-3 of Rule 306), unless prior to that time a motion for the suspension of the operation of this
rule is filed pursuant to section C of Maryland Rule 530. The motion must show "good cause" for
the delay. Costs thereafter shall be assessed against the plaintiff.

Clerk

Copy of notice mailed to:

Raymond J. Cannoles, Esq.
628 Eastern Ave.
Baltimore, Maryland 21221

Direct all inquiries to:
494-2621

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

Article:
Nov. 3
Please let me know if Judge
Raine wants the 530 rule notice
sent on this case. Thanks
D. McClain

We have no request
for assignment.
11/3

by regular mail, postage prepaid, this day of 1976.

RAINE, C. MISCELLANEOUS
No. 5892 LAW Docket 10 Folio 197

CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION FOR RECLASSIFICATION
from D.R. 10.5 Zone to B.L. Zone
and PETITION FOR VARIANCE from
Section 232.3 of the Baltimore
County Zoning Regulations
SW/4 of North Point Road
267 feet NW of Wallace Road
12th District

HOWARD BECKER, et al
Petitioners
Case No. 74-223-RA

ALICE JEANNETTE SALLEY, et al
Protestants-Appellants

Raymond J. Cannoles
628 Eastern Ave.
687-7878 (21)

DATE	CLERK'S MEMORANDUM	NO.
5/2/76	Protestants-Appellants Order for Appeal from the decision of the County Board of Appeals of Baltimore County rec'd and fd.	1
4/7/76	Certificate of Notice rd.	2
4/13/76	Protestants' (ALICE JEANNETTE SALLEY, THOMAS STOPPA & EDGAR STICKLE) Petition on Appeal rd.	3
5/4/76	Certified Copies of Proceedings before the Zoning Commissioner and Board of Appeals of Baltimore County rec'd and fd.	4
	NOTICE SENT NOV 17 1977	
	"DISMISSED FOR WANT OF PROSECUTION WITHOUT PREJUDICE" MD. RULE 530	

JAN 5 1978

People's Counsel Exhibit 73 - 9/18/74 opinion of the Zoning Commissioner

May 4, 1976 Board of proceedings filed in the Circuit Court for Baltimore County
Also Court file
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

Edith T. Elshenker, Administrative Secretary
County Board of Appeals of Baltimore County

cc: William C. Rogers, Jr., Esq.
James D. Nolan, Esq.
Raymond J. Cannoles, Esq.
John W. Hession, III, Esq.

Residents of the area, in protest of the subject Petition, indicated that North Point Road, in front of the subject property, has two lanes with parking prohibited. Traffic was of concern to these residents in that it is very heavy on North Point Road.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the request for a B. L. Zone should be granted.

The condition of the present structures necessitate a Reclassification to support the proposed use of the subject property, it being bounded by public land on one side and a medium to high density development on the other. The subject property is the remaining piece of land not developed along this road other than the aforesaid buildings thereon.

Taking all circumstances into consideration, in the opinion of the Zoning Commissioner, the granting of the request would not be detrimental to the health, safety, and general welfare of the community. As indicated on the plat submitted, there is sufficient off-street parking and no problem would occur as a result of the intended use.

Further evidence indicated that, because of the size of the property, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and/or unreasonable hardship, with reference to the requested rear yard setback.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of September, 1974, that the herein described property or area should be and the same is hereby reclassified from a D. R. 10.5 Zone to a B. L. Zone and a Variance, from Section 232.3 of the Baltimore

RE: PETITION FOR RECLASSIFICATION :
from D. R. 10.5 zone to B. L. zone :
VARIANCE from Section 232.3 of :
the Baltimore County Zoning Regulations :
SW/S of North Point Road 267 feet NW :
of Wallace Road :
12th District :
Baltimore County :
Howard M. Becker, et al :
Petitioners :
No. 74-223-RA

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner dated September 17, 1974 granting the requested reclassification from D. R. 10.5 to B. L. zone, with a variance from Section 232.3. The property in question is located on the southwest side of North Point Road 267 feet north-west of Wallace Road, in the 12th Election District of Baltimore County.

The property which is the subject matter of this petition contains approximately .44 acres, and is improved by five residential units contained in one building, which has the appearance of a motel-type construction. The photographs contained in the exhibits, as well as testimony produced at this hearing indicated that five present structures are run-down and in considerable disrepair.

The testimony of John Hauswald, the President of Hauswald Bakery, who is the contract purchaser in this case, indicated that it was their intention to remove the existing structures and construct a modern brick structure to house one of their retail outlets, which they term the "Bread Box". Photographs contained in Petitioner's Exhibit No. 6 show similar stores such as the Petitioner proposes to erect on the subject property.

Mr. Ormsby S. Moore, a qualified real estate expert, testified on behalf of the Petitioner, and indicated that there had been no zoning changes since the adoption of the present zoning map. However, he felt that the classification placed upon the subject property was unrealistic and in error. He further testified that the present improvements contained on the subject could not be rehabilitated and would have to be razed even to use the property as residential.

A professional engineer then testified that as regards a residential use, it would be difficult and economically unfeasible to improve the subject property with more

County Zoning Regulations, to permit a rear yard setback of 15 feet in lieu of the required 20 feet, 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.

W. C. Rogers, Jr.
Zoning Commissioner of
Baltimore County

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of October, 1975, by the County Board of Appeals ORDERED, that the reclassification petitioned for be and the same is hereby GRANTED; and it is

FURTHER ORDERED, that the Variance from Section 232.3 of the Baltimore County Zoning Regulations to permit a rear yard setback of fifteen (15) feet in lieu of the required twenty (20) feet be and the same is hereby GRANTED, subject to approval of a site plan by the Department of Public Works and the office of Planning and Zoning.

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

Robert L. Gifford, Vice Chairman
W. C. Rogers, Jr.
William T. Hockett

RE: PETITION FOR RECLASSIFICATION AND VARIANCE :
SW/S of North Point Road, 267' :
NW of Wallace Road - 12th Election District :
Howard M. Becker, et al - :
Petitioners :
NO. 74-223-RA (Item No. 2) :
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition filed by Howard M. Becker, et al, for a Reclassification from a D. R. 10.5 Zone to a B. L. Zone and a Variance, from Section 232.3 of the Baltimore County Zoning Regulations, to permit a rear yard setback of 15 feet in lieu of the required 20 feet. Said property is located on the southwest side of North Point Road, 267 feet northwest of Wallace Road, in the Twelfth Election District of Baltimore County, and contains 0.44 of an acre of land, more or less.

Evidence presented, on behalf of the Petitioners, by John P. Hauswald, Contract Purchaser and President of Hauswald Bakery, indicated that the subject property is now improved by old motel-type housing, is in a deplorable condition, and that a bakery retail outlet is proposed.

Expert testimony by Ormsby S. Moore, a qualified realtor, indicated that there has been no substantial change in the character of this area, but felt that the property, as presently classified, is in error. The subject property is physically restricted to the development of two dwellings, though mathematically four units could be permitted. The setback requirements would only permit two units and, in the opinion of Mr. Moore, the present zoning classification is confiscatory in nature. The property is bounded on the west by a battle monument, said property being zoned Public Land, and to the east by a Development zoned D. R. 10.5. Mr. Moore indicated that the condition of the present structures, on the subject property, could not be improved, but that said buildings would have to be razed if developed residentially.

ORDER RECEIVED FOR FILING

DATE September 17, 1974

BY John P. Hauswald

LAW OFFICES
WILLIAM J. BLONDELL, JR., CHARTERED
628 EASTERN AVENUE
BALTIMORE, MARYLAND 21221

October 3, 1974

PHONE MU 7-7978

S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Reclassification and Variance
SW/S of North Point Road, 267'
NW of Wallace Road - 12th Election District
Howard M. Becker, et al -
Petitioners
NO. 74-223-RA (Item No. 2)

Dear Mr. DiNenna:

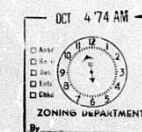
This is to advise you that I represent Edgar F. Stickel and Miss Alice Jeannette Salley.

Enclosed please find check in the amount of Seventy Five (\$75.00) Dollars. Kindly note an appeal to the Board of Appeals from your Order in the above captioned case dated September 17, 1974.

Very truly yours,

Raymond J. Cannoles

RJC:gp
Enclosure



September 17, 1974

William C. Rogers, Jr., Esquire
6 South Calvert Street
Baltimore, Maryland 21202

and

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

RE: Petition for Reclassification and Variance
SW/S of North Point Road, 267'
NW of Wallace Road - 12th Election District
Howard M. Becker, et al -
Petitioners
NO. 74-223-RA (Item No. 2)

Dear Messrs. Rogers and Nolan:

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

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/sw

Attachments
cc: Raymond J. Cannoles, Esquire
628 Eastern Avenue
Baltimore, Maryland 21221

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

- 2 -

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

PROPERTY OWNER
TOWSON, MARYLAND 21204

RECLASSIFICATION
TOWSON, MARYLAND 21204

RECLASSIFICATION
TOWSON, MARYLAND 21204

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RECLASSIFICATION
TOWSON, MARYLAND 21204

William C. Rogers, Jr., Esq.
6 South Calvert Street
Baltimore, Maryland 21202

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

RE: Reclassification Petition
6th Zoning Cycle
Item 2
Howard M. Becker, et al

Gentlemen:

The Zoning Advisory Committee has reviewed the plan 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 southwest side of North Point Road, 267 feet northwest of Wallace Road, in the 12th district of Baltimore County. This property, which is zoned D.R. 10.5, is requesting a Reclassification to a B.L. zone to accommodate a strip of convenience stores.

The property is currently improved with a series of shallow single story row houses that appear to be in need of maintenance. There are existing row homes to the north, east and south of the subject property. The property immediately to the west is zoned Public Land and is the site of the North Point Battle Monument which represents

William C. Rogers, Jr., Esq.
6 South Calvert Street
Baltimore, Maryland 21202

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

RE: 6th Zoning Cycle
Item 2
Howard M. Becker, et al

the historic Battle of North Point. Immediately to the west of the park the zoning is B.L. and is improved with various types of commercial stores.

With regard to the park, I am soliciting comments from the Baltimore County Department of Recreation & Parks and also from the State Department of Parks.

Revised site plans will be required that reflect the comments of the State Highway Administration and meet all of designated items on the attached check list. Also, if the proposed stores are to front on the west side of the street a rear yard variance would be required, unless a 20 foot setback can be obtained.

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 plans, 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

- 3 -

William C. Rogers, Jr., Esq.
6 South Calvert Street
Baltimore, Maryland 21202

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

RE: 6th Zoning Cycle
Item 2
Howard M. Becker, et al

advance of the date and time.

Very truly yours,

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

JJDjr.:JD

Enclosure

cc: Spellman, Larson & Associates, Inc.
Suite 303, Investment Bldg.
Towson, Maryland 21204

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

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

October 12, 1973

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

Re: Item #2 (October 1973-April 1974 - Cycle VI)
Property Owner: Howard M. Becker, Thelma E. & Morris,
Melvin E., Eleanor L., Ronald, Marlene & Calvin L. Becker
S.W. of North Point Rd., 267' N.W. from the centerline of
Wallace Rd.
Existing Zoning: D.R. 10.5
Proposed Zoning: B.L.
No. of Acres: 0.44 Acres District: 12th

Dear Mr. DiNenna:

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

General:

The subject site is immediately adjacent to the Battle Acres Monument.

Highways:

North Point Road (Route alt. 20) is a State Road; therefore, all improvements, intersections, widening and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction with 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.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances 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 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.

Item #2 (October 1973-April 1974 - Cycle VI)
Property Owner: Howard M. Becker, Thelma E. & Morris, Melvin E.,
Eleanor L., Ronald, Marlene & Calvin L. Becker
Page 2
October 12, 1973

Water and Sanitary Sewer:

Public water and sanitary sewer exist in North Point Road adjacent to this property.

Very truly yours,

Ellsworth H. Diver
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:HAM/OK:SS

EW-10 Key Sheet
8 ON 25 Pos. Sheet
104 Tax Map
33 G2 Topo

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. Melsner
DEPUTY TRAFFIC ENGINEER

October 24, 1973

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

Re: Item 2 - October 1973 to April 1974 - Cycle Zoning VI
Property Owner: Howard M. Becker, et al
Southwest side of North Point Road, 267 feet northwest of Wallace Road
B.L.
District 12

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 10.5 to B.L. This should increase the trip density from 25 to 250 trips per day. This site is of insufficient size to create any major traffic problems by itself (Old North Point Road).

Very truly yours,

Charles Moore
C. Richard Moore
Assistant Traffic Engineer

CRH/pk



Maryland Department of Transportation

State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Assistant Sec.

October 10, 1973

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

ATTN: Mr. John J. Dillon

RE: Baltimore County
Sixth Zoning Cycle, Oct. 1973
Property Owner: Howard M. Becker,
Thelma E. & Kesper C. Morris,
Melvin E., Eleanor L., Ronald,
Marlene, & Calvin L. Becker
Location: S.W. 1/4 of north Point
road (Rte 20) 267 ft., N.W. from
the centerline of Wallace Road
Existing Zoning: D.R. 10.5
Proposed Zoning: B.L.
No. of Acres: 0.44 Acres
District: 12 th

Dear Mr. DiNenna:

The proposed entrance into the subject site must have a minimum width of 25' and must be a depressed curb type. Any subsequent plan must indicate the entrance revision. The entrance will be subject to approval and permit from the State Highway Administration.

The 1972 average daily traffic count for this section of North Point Road is 9,875 vehicles.

Very truly yours,

CLJ/MAG

Charles Lee, chief
Bureau of Engineering Access Permits
J. Meyers
By: J. Meyers

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

873-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Howard M. Becker, Thelma E. & Kemper C. Morris, Melvin E., Eleanor L., Donald, Marlene, & Calvin L. Becker
Location: S.W./S. of North Point Road, 267 Ft., N.W. from the centerline of Wallace Road

Item No. 2 Zoning Agenda Wednesday, October 3, 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.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. 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: John H. Kelly Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John J. Dillon, Jr.
Planning & Zoning
FROM: Mr. Harry G. Coulter, Jr.
Recreation & Parks

Date: November 15, 1973

SUBJECT: EASTERN SECTOR: CENTRAL SECTOR:
Item 2 - Becker Property
Item 16 - Plitt Property

Item 2. Becker Property - No comment.

Item 16. Plitt Property - We are of the opinion this property is heavily wooded with very steep slopes with a stream at the base. The property could be kept as a wild life and conservation area, however, maintenance would be a serious problem in view of the topography. We should not accept this property as open space land.

Harry G. Coulter, Jr.

cc: Mr. Albert Noyes

HGG/jjt

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 17, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY HEALTH 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 3, 1973, are as follows:

Property Owner: Howard Becker, Thelma & Kemper Morris, Melvin, Eleanor, Donald, Marlene & Calvin Becker
Location: SW/S North Point Rd., 267' from C/L Wallace Rd.
Present Zoning: D.R. 10.5
Proposed Zoning: B.L.
No. Acres: 0.44
District: 12

Metropolitan water and sewer are available.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

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.

Very truly yours,

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

HVB:mms
CC: L.A. Schuppert
W.L. Phillips

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 #2, VI Zoning Cycle, October 1973, to April 1974, are as follows:

Property Owner: Howard M. Becker, Thelma E. & Kemper C. Morris, Melvin E., Eleanor L., Donald, Marlene, & Calvin L. Becker
Location: S/W/S of North Point Road, 267 ft., N/W from the centerline of Wallace Road
Existing Zoning: D.R. 10.5
Proposed Zoning: B.L.
No. of Acres: 0.44 acre
District: 12th

The site plan must be revised to show the loading area, screening along the North and West property lines adjacent to the park area and the residential area across the street.

Very truly yours,

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

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 25, 1973

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

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

Re: Item
Property Owner: Howard M. Becker, Thelma E. & Kemper C. Morris, Melvin E., Eleanor L., Donald, Marlene, & Calvin L. Becker
Location: S.W./S. of North Point Road, 267 ft. N.W. from the centerline of Wallace Road
Present Zoning: D.R. 10.5
Proposed Zoning: B.L.

District: 12th
No. Acres: 0.44

Dear Mr. DiNenna:

No effect on student population.

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 404-3811 ZONING 404-3381

H. EMILIE PARKS, President
EUGENE C. HESS, Vice President
DR. ROBERT L. BERNY

MARCUS M. ROTBARTIS
JOSEPH N. MADDAM
ALVIN LORICK
JOSHUA B. WHEELER, Secretary

T. BAYARD W. LAMM, JR.
RICHARD M. TRACEY, V.M.D.
MRS. RICHARD A. HUYERTEL

William C. Rogers, Jr., Esq.
6 South Calvert Street
Baltimore, Md. 21201
James D. Nolan, Esq.
204 W. Pennsylvania Ave.,
Towson, Md. 21204

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

6th Zoning Cycle
Item 2

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Your Petition has been received and accepted for filing

this 15th day of October 1973

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Howard M. Becker, et al.
Petitioner's Attorney: William C. Rogers, Esq.
James D. Nolan, Esq.
Spillman, Larson & Associates, Inc.
Suite 303, Investment Bldg. Towson, Md. 21204
Reviewed by: John L. Wimbley
Chairman
Zoning Advisory Committee

[illegible]

38 N. Dundalk Ave. Dundalk, Md. 21222

Kimbel Publication, Inc.

By Kimberly D. Clarke Publisher.

[illegible]

THE JEFFERSONIAN,
L. Leach Smith
Manager

Cost of Advertisement, \$-----

PETITION MAPPING PROCESS 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: <u>FCH</u>										
Previous case: _____										

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

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th Date of Posting 10/22/24
 Posted for: _____
 Petitioner: Harold M. Braker
 Location of property: 5445 N. 26th St. N.W. of
Wellston Rd.
 Location of Sign: Copy Book kept in front of County Bldg.
267th N.W. of Wellston Rd.
 Remarks: _____
 Posted by: David H. Hise Date of return: 10/22/24
 Signature

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District. 12th
 Attested for: Michael J. Jones Ch. Sec. 1074 10-10-74
 Petitioner: Howard M. Butler
 Location of property: State of North Carol. Rd. 36.71 N.W. of Wellham, Pa.
 Location of Signs: 2 signs Carol. South on Road 7. Petitioner's Rd.
 Remarks:
 Posted by: James H. Jones
 Signature: _____ Date of return: 12-21-73

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

Your Petition * been received * this 15th day of

October 1973. Item # _____


S. Eric DiNenna
Zoning Commissioner

Petitioner Becker et alia Submitted by N/A

Petitioner's Attorney Nolan Reviewed by FTH

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 16930

DATE October 8, 1974 ACCOUNT 01-662

AMOUNT \$75.00

WHITE CASHIER WILLIAM J. BLONDEL, JR., ESQUIRE
YELLOW CUSTOMER COST OF FILING OF AN APPEAL AND POSTING OF PROPERTY ON
CASE NO. 74-223-RL (Item No. 2)
SW/S of North Point Road, 267' NW of Wallace Road,
15th Election District
Howard M. Becker, et al - Petitioners

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 19545

DATE 5/4/76 ACCOUNT 91.712

AMOUNT \$ 3.00

DISTRIBUTION
FIVE - AGENCY

WHITE - CASHIER
Baltimore County, Md.
111 W. Chesapeake Ave.
Towson, Md. 21204
Attn: John W. Hession III, Esq.
People's Council

YELLOW - CUSTOMER
Certified copies in Zoning
File #74-223-8A
Howard M. Becker, et al

300.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF JUVENILE JUSTICE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15341

DATE 12/29/73 ACCOUNT 01712

William J. Mandell, Jr., Esq.
680 Eastern Avenue
Baltimore, Md. 21221

AMOUNT \$20.00

DISTRIBUTION
WHITE - CASHER _____ NEW AGENCY _____ YELLOW - CUSTOMER _____

Cash of certified documents - C# No. 74-223-A
Howard M. Beckley, at al
S/W of North Point Rd. 25th
NW of Wallace Rd.
12th District

2800

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL SERVICES DIVISION
MISCELLANEOUS CASH RECEIPT

No. 12793

DATE Nov. 29, 1973 ACCOUNT 01-662

AMOUNT \$50.00

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

James D. Holan, Esq.
204 W. Penna. Ave.
Towson, Md. 21204

Petition for Reaffirmation for Howard M. Becker, et al

48033411 48 50000000

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 14702

DATE April 9, 1971 ACCOUNT 01-662

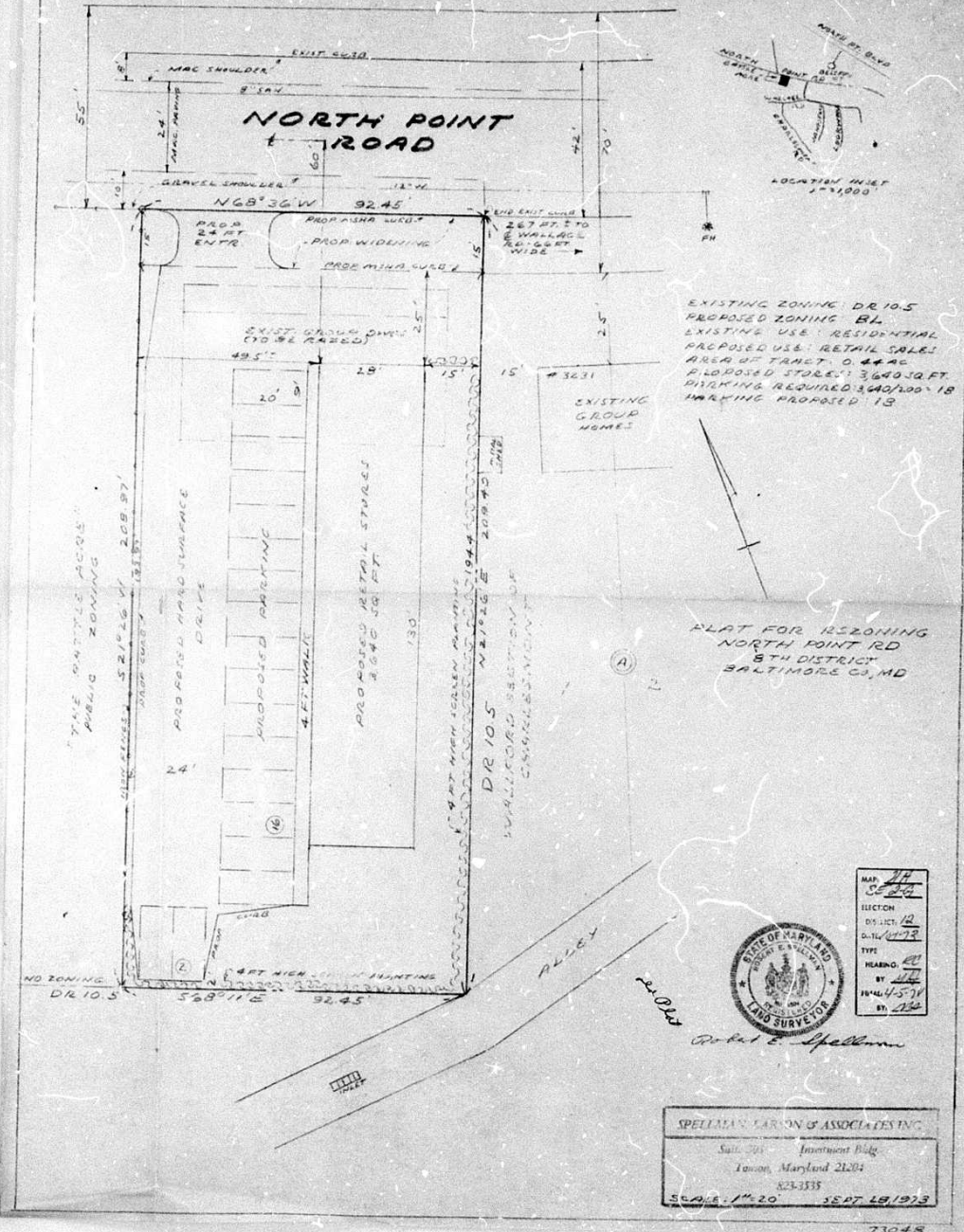
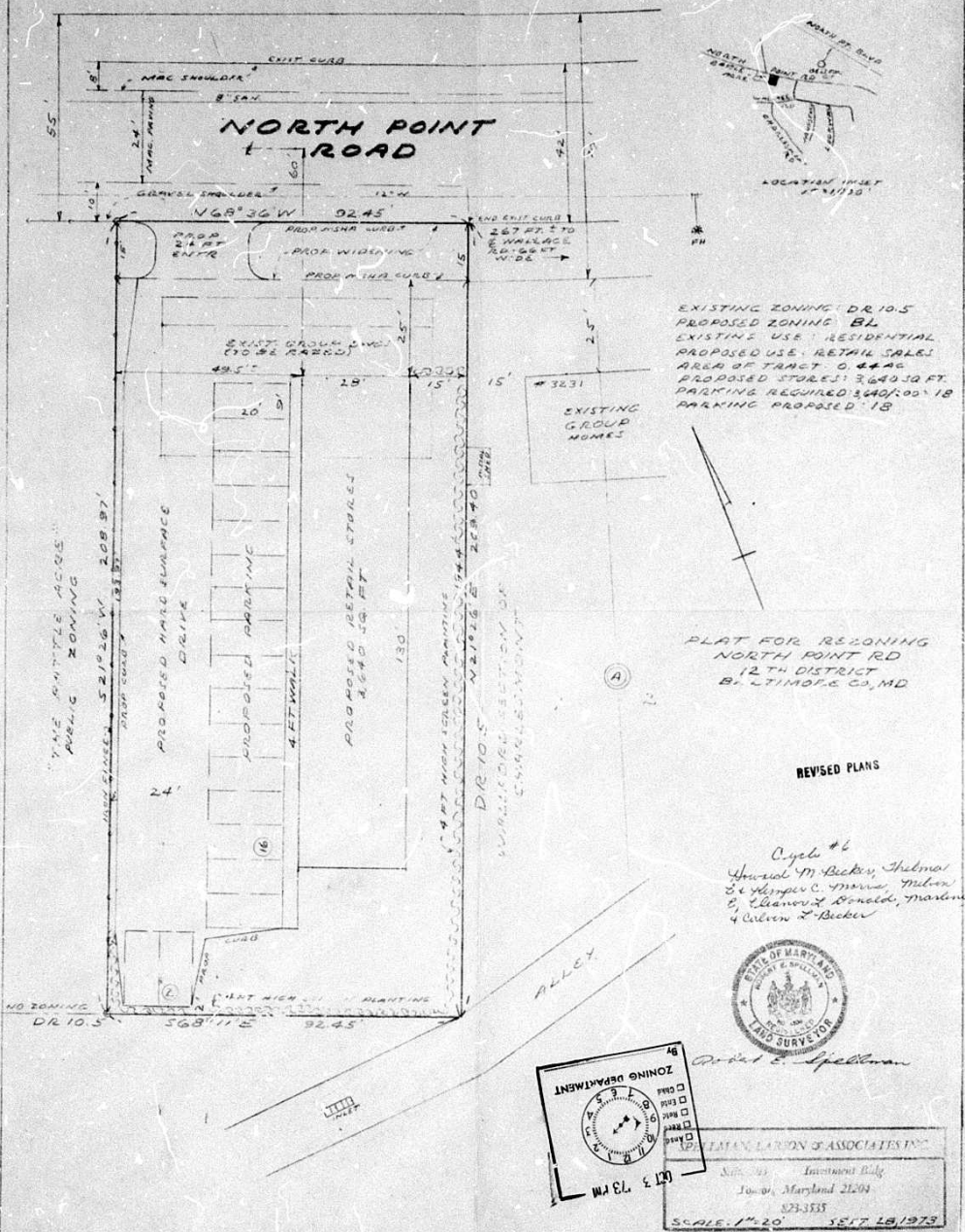
AMOUNT \$130.56

DISTRIBUTION
WHITE CASHIER TOWN AGENCY YELLOW CUSTOMER

James D. Holman, Esq.
204 W. Penna. Ave.
Towson, Md. 21204

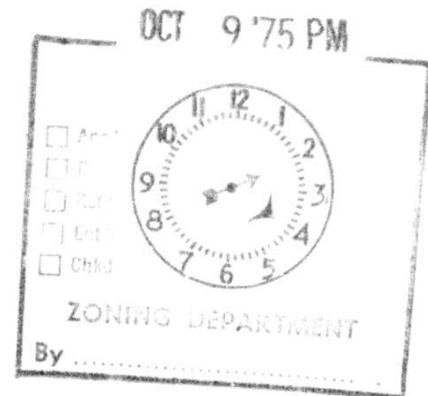
Advertising and posting of property for Howard Weicker
#71-883-8

13056 DEC



October 9, 1975

Mr. Howard M. Becker
9618 Sutherland Road
Silver Spring, Md. 20901



Re: Case No. 74-223-RA
Howard M. Becker, et al

Dear Mr. Becker:

In response to your letter concerning a decision in the above mentioned case, please be advised that the decision is being held sub curia pending additional information.

At the close of the hearing, the attorney for the Petitioner requested the Board to hold this decision pending receipt of certain information from the Baltimore County Office of Planning and Zoning. As per this request, the decision is still being held sub curia as we have received no such additional information as of this date.

A prompt decision will be rendered following the completion of all evidence and testimony. Should your counsel deem to close, he should so advise the Board so that a decision can be rendered.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WAR:e

cc: Mr. S. Eric DiNenna ✓
Newton Williams, Esquire