

10-18-74 #31 #75-37-RXA 15-37-RXA (Item No. 31) PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Bernard Porter, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-16 zone to an DR-16 zone; for the following reasons:

To obtain zoning which will allow special exception for offices

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 offices

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.

Bernard Porter Contract purchaser
Address: 213 Garden Ridge Road
Baltimore, Md. 21228
Cecil T. Shivers Petitioner's Attorney
Address: 9063 Dunlop Road
Baltimore, Md. 21228
Bernard Porter Legal Owner
Address: 570 Edmondson Avenue
Baltimore, Md. 21228
Cecil T. Shivers Protestants Attorney
Address: 9063 Dunlop Road
Baltimore, Md. 21228

On this 2nd day of July, 1974, the Zoning Commissioner of Baltimore County, this 2nd day of July, 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 6th day of September, 1974, at 11:00 o'clock A.M.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Baltimore County Board of Appeals
TO: Mr. S. Eric D. Nenna
Zoning Commissioner
FROM: Case No. 75-37-RXA (Item No. 31)
N/S of Edmondson Avenue, 2121 NE of
SUNJECT: Delsay Avenue - 1st Election District
Bernard Porter - Petitioner

Attached herewith please find a plat of the subject property approved by the Office of Planning and Zoning. This plat was required prior to rendering a decision in this matter. Inadvertently, it was not forwarded to you in the transmittal of this appeal.

S. ERIC D. NENNA
Zoning Commissioner

SED/erl

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Bernard Porter, 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 2.2B (504) VME to allow a 4 and 5 foot sideyard instead of the required 25 foot.

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

This property was severed by the Baltimore County Beltway and the maximum width is approximately 50 feet. To utilize the property for any building purposes would require this variance

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.

Bernard Porter Contract purchaser
Address: 213 Garden Ridge Road
Baltimore, Md. 21228
Cecil T. Shivers Petitioner's Attorney
Address: 9063 Dunlop Road
Baltimore, Md. 21228
Bernard Porter Legal Owner
Address: 570 Edmondson Avenue
Baltimore, Md. 21228
Cecil T. Shivers Protestants Attorney
Address: 9063 Dunlop Road
Baltimore, Md. 21228

On this 2nd day of July, 1974, the Zoning Commissioner of Baltimore County, this 2nd day of July, 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 6th day of September, 1974, at 11:00 o'clock A.M.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 30, 1974

XXXXXXXXXXXX

Cecil T. Shivers, Esq.
9063 Dunlop Road
Ellicott City, Maryland 21043

RE: Reclassification and Special
Exception Petition
Item 31 - 7th Cycle
Bernard Porter - Petitioner

Dear Mr. Shivers:

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 of the property. The following comments are a result of this review and inspection.

The subject property is located on the northwest side of Edmondson Avenue, approximately 212 feet northeast of Delray Avenue, in the First Election District of Baltimore County. The lot, presently unimproved, barely meets minimum standards for residential development.

Various single family, one and two story brick residences exist to the southwest of the site and to the southeast of the site across Edmondson Avenue. An off ramp of the Baltimore County Beltway directly abuts the property to the northeast.

The petitioner is requesting a Reclassification to Density Residential (D.R.16) and a Special

Letter of
LOUIS J. WEINKAM

AREA CODE 301
TELEPHONE 280-2440

LOUISIANA FEDERAL BUILDING
SUITE 207
22 WEST FRANKLIN AVENUE
TOWSON, MARYLAND 21204

January 16, 1975

Mr. Eric D. Nenna
Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

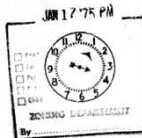
RE: Petition of Bernard Porter
#75-37-RXA - Item No. 31

Dear Sir:

Please enter an appeal from the granting of the reclassification of the aforesaid property from DR. 16 to D.R. 16 and the granting of a variance on behalf of the following proponents:

Gerard Kloby
Anthony Pung
Louis J. Weinkam

I am enclosing my check for \$70.00.



LJW:jf
cc: Cecil T. Shivers, Esq.

Gerard Kloby
Anthony Pung
Louis J. Weinkam
Very truly yours,
Louis J. Weinkam
LOUIS J. WEINKAM

December 20, 1974

Mr. Bernard Porter
570 Edmondson Avenue
Baltimore, Maryland 21228

RE: Petition for Reclassification,
Special Exception, and Variance
N/S of Edmondson Avenue, 2121
NE of Delray Avenue - 1st Elec-
tion District
Bernard Porter - Petitioner
NO. 75-37-RXA (Item No. 31)

Dear Mr. Porter:

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

Very truly yours,

S. ERIC D. NENNA
Zoning Commissioner

SED/scw

Attachments

cc: Mr. G. Kloby
Zoning Chairman
Ingleside Improvement Association
634 Longview Drive
Baltimore, Maryland 21228

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELZER
DEPUTY TRAFFIC ENGINEER

April 29, 1974

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

Re: Item 31 - Cycle Zoning 7 - April 1974 through October 1974
Property Owner: Bernard Porter
N/S Edmondson Avenue, 2121 E of Delray Avenue
D.R. 16 and special exception for offices, and variances from
Section 1802.28 (504.V.B.2) setbacks
District 1

Dear Mr. D. Nenna:

The subject petition in itself is of insufficient size to create traffic problems. However, the design as shown requires backing into Edmondson Avenue which will create a traffic problem.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM/pl

Cecil T. Shivers, Esq.
Item 31 - 7th Cycle
April 30, 1974

Page 2

Exception for offices. He proposes to erect a one-story, 1100 square foot, office building with off street parking provided for 4 vehicles.

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, June 3, 1974, in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1974, and October 15, 1974, will be forwarded to you well in advance of the date and time.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shel Building
200 E. Joppa Road 21204

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map and the health, safety, and general welfare of the community not being adversely affected.

the above reclassification should be had, and it further appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met.

a Special Exception for offices should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of December, 1974, that the herein described property or area should be and the same hereby reclassified from a D.R. 5.5 Zone to a D.R. 16 Zone, and a Special Exception for offices 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 State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

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 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 1974, that the above reclassification 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 that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and reasonable hardship upon the Petitioner.

the above Variance should be had, and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit side yards of four (4) feet and five (5) feet in lieu of the required twenty-five (25) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of December, 1974, that the herein Petition for a Variance to permit side yards of four (4) feet and five (5) feet in lieu of the required twenty-five (25) 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 State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

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 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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

Branch of Engineering
ELIZABETH H. DYER, P.E. CHIEF

April 29, 1974

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

Re: Item #31 (Cycle VII - April to October 1974)
Property Owner: Bernard Porter
N/S Edmondson Ave., 212' E. of DeRay Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, Special Exception for offices,
and Variances from Section 1802.20 (504-V.B.2) setbacks
No. of Acres: 0.153 District: 1st

Dear Mr. DiNenna:

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

Highways:

Access to this site is from Edmondson Avenue which is fully improved with ultimate improvements along the frontage of this site.

Storm Drains:

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

Sediment Control:

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

Water:

There is an existing 12-inch public water main in Edmondson Avenue along the frontage of this site with an existing service connection to the property.

Item #31 (Cycle VII - April to October 1974)
Property Owner: Bernard Porter
Page 2
April 29, 1974

Sanitary Sewer:

There is an existing 8-inch public sanitary in Edmondson Avenue along the frontage of this site, with an existing service connection to the property. This site is in the Owings Falls drainage area. The State Health Department has imposed a moratorium in this area restricting additional service connections.

Very truly yours,

Elizabeth H. Dyer, P.E.
Chief, Bureau of Engineering

END:RAM:CLW:as

EW 2 X Topo

Maryland Department of Transportation
State Highway Administration

April 25, 1974

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

Att: Mr. James Byrnes

Re: ITEM 31
Seventh Zoning Cycle, April, 1974
Property Owner: Bernard Porter
Location: N/S Edmondson Ave.,
212' E. of DeRay Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16,
Special Exception for offices and
variances from Section 1802.20
(504-V.B.2) setbacks
No. of Acres: 0.153
District: 1st
Adjacent to BALTIMORE BELTWAY Ramp

Dear Sir:

The commercial use of the subject site could cause traffic problems due to the close proximity to the Baltimore Beltway ramp.

No particular problems are anticipated if the site remains residential; however, any appreciable increase in traffic generation would cause a conflict with traffic moving southbound on the Beltway, desiring to go westbound on Edmondson Ave.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:bk

Baltimore County Fire Department

J. Austin Deliz
Chief



Towson, Maryland 21204

875-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Bernard Porter

Location: N/S Edmondson Avenue, 212' E of DeRay Avenue

Item No. 31 Zoning Agenda April 2, 1974

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

- (X) 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations. (Provide fire protection requirements to separate garage and 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.

Reviewed: *John H. Boyle*
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Reincke*
Deputy Chief
Fire Prevention Bureau

mis
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1974

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

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

Dear Mr. DiNenna:

Comments on the following item, Zoning Advisory Committee Meeting April 2, 1974, are as follows:

Property Owner: Bernard Porter
Location: N/S Edmondson Ave., 212' E of DeRay Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, Special Exception for offices,
and Variances from Section 1802.20
(504-V.B.2) setbacks

No. of Acres: 0.153
District: 1

Metropolitan water and sewer are available, therefore, no health hazards are anticipated.

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/cs

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 16, 1974

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

Re: Item 31
Property Owner: Bernard Porter
Location: N/S Edmondson Avenue, 212' E. of DeRay Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, Special Exception for offices and Variances
from Section 1802.20 (504-V.B.2) setbacks

District: 1st
No. Acres: 0.153

Dear Mr. DiNenna:

Acresage too small to have an effect on student population.

WNP/ml

Very truly yours,
W. Nick Petrovich
Field Representative

H. ENGLE PARKS, PRESIDENT
LUDWIG B. HEDIG, CHAIRMAN
MRS. ROBERT L. DENLEY

ANDREW M. HUTCHINS
JOSEPH N. MULLIGAN
ALVIN MULLIGAN
JOSHUA R. WHEELER, SECRETARY

F. GARYN GILLILAND, JR.
RICHARD N. TUCKER, JR.
WILLIAM W. WHEELER, JR.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 22, 1974

Cecil T. Shivers, Esq.
9063 Dunloggin Road
Ellicott City, Maryland 21043

RE: Reclassification and Special
Exemption Petition
Item 31 - 7th Cycle
Bernard Porter - Petitioner

Dear Mr. Shivers:

This office is in receipt of revised plans and/or descriptions which reflect the required changes of the participating agency(s) of the Zoning Advisory Committee.

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

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May 22, 1974

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

Dear Mr. Dinenna:

Comments on Item #31, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: Bernard Porter
Location: N/S Edmondson Avenue, 212' E of Debray Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 Special Exception for offices, and Variances from Section 1302.2B (504-V.B.2) setbacks
No. of Acres: 0.153
District: 1st

This Office has reviewed the subject petition and affords the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The parking as proposed will create traffic problems because can will have to back into Edmondson Avenue, creating a traffic hazard.

Very truly yours,

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3311 ZONING 484-3311

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 22, 1974

Cecil T. Shivers, Esq.
9063 Dunloggin Road
Ellicott City, Maryland 21043

RE: Reclassification and Special
Exemption Petition
Item 31 - 7th Cycle
Bernard Porter - Petitioner

Dear Mr. Shivers:

This office is in receipt of revised plans and/or descriptions which reflect the required changes of the participating agency(s) of the Zoning Advisory Committee.

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

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 1, 1974

Cecil T. Shivers, Esq.
9063 Dunloggin Road
Ellicott City, Maryland 21043

RE: Item No. 31 - 7th Cycle
Reclassification Cycle VII
Bernard Porter - Petitioner

Dear Mr. Shivers:

The above referenced Reclassification request additionally included a request(s) for Special Exception(s) and/or Variance(s).

Section 500.2b of the Baltimore County Zoning Regulations requires that a hearing be scheduled on these types of requests no sooner than thirty (30) and no later than ninety (90) days after its approval for filing by this Committee. The enclosed blue slip indicates the date of approval and is to advise you that the additional request(s) will be considered at the same time as the Reclassification request.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 1, 1974

Cecil T. Shivers, Esq.
9063 Dunloggin Road
Ellicott City, Maryland 21043

RE: Item No. 31 - 7th Cycle
Reclassification Cycle VII
Bernard Porter - Petitioner

Dear Mr. Shivers:

The above referenced Reclassification request additionally included a request(s) for Special Exception(s) and/or Variance(s).

Section 500.2b of the Baltimore County Zoning Regulations requires that a hearing be scheduled on these types of requests no sooner than thirty (30) and no later than ninety (90) days after its approval for filing by this Committee. The enclosed blue slip indicates the date of approval and is to advise you that the additional request(s) will be considered at the same time as the Reclassification request.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE 828-8000

March 22, 1974

DEL AIR
L. GERALD WULF
Landscape Architect
PHONE 633-0882

Beginning for the same at a point distant the two following courses and distances from the intersection formed by the centerline of Debray Avenue with Edmondson Avenue, viz:
(1) northeasterly 212 feet (2) perpendicular to the said centerline of Edmondson Avenue northeasterly 25 feet thence North 20° 02' 30" West 162.75 feet thence North 69° 57' 30" East 28.33 feet thence South 29° 59' 23" East 155.36 feet to the northwesterly side of Edmondson Avenue thence binding on the said northwesterly side of Edmondson Avenue South 60° 37' 33" West 55.91 feet.

Containing 0.153 Acres of land more or less.

Malcolm R. Hudkins
Malcolm R. Hudkins
Registered Surveyor #5095

RE: Petition of Bernard Porter (Contract Purchaser Larry E. Porter) for Reclassification from D.R. 5.5 to D.R. 16; Special Exception for Offices; and Variances from Section 1302.2B (504) V.B.2 of the Baltimore County Zoning Regulations, N/S of Edmondson Avenue 212' NE of Debray Avenue, 1st District vs. Louis J. Weinkam, et al.

: IN THE CIRCUIT COURT
: FOR BALTIMORE COUNTY
: AT LAW
: Miscellaneous Case No. 5928
: Folio No. 215
: Docket No. 10

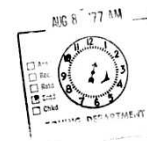
ORDER

This case having come on for hearing July 6, 1977, and the Court having determined that the County Council for Baltimore County enacted Bill No. 108-76 which Bill adopts a Comprehensive Zoning Map for the First Councilmanic District of Baltimore County, in which District the property here involved is situate, and which said Bill duly became effective on 29 October 1976, and the Court being of the opinion that the adoption of said Comprehensive Zoning Map for the First Councilmanic District of Baltimore County renders the above entitled reclassification zoning proceeding moot, it is, this 2nd day of August 1977, by the Circuit Court for Baltimore County,

ORDERED that the appeal heretofore filed by Bernard Porter, et al, from the Order of the County Board of Appeals in this cause be and the same is hereby DISMISSED without prejudice to future litigation, with costs to the Appellants.

Walter R. Hale, Judge
Walter R. Hale, Judge

FILED
JUL 27 1977
CLERK



Item 31 - 7th Cycle

Cecil T. Shivers, Esq.
9063 Dunloggin Road
Ellicott City, Maryland 21043

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted

for filing this 2nd day of July 1974.

S. Eric Dinenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner: Bernard Porter

Petitioner's Attorney: Cecil T. Shivers
cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road (21204)

Reviewed by: *James B. Byrnes, III*
Chairman,
Zoning Advisory Committee

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16,
SPECIAL EXCEPTION FOR OFFICES,
and VARIANCE from Section
1802.25 (504) V.B.2 of the
Zoning Regulations of
Baltimore County
N/S Edmondson Avenue 212'
NE of Delray Avenue
1st Election District
Bernard Porter, Petitioner
Larry E. Porter, Contract Purchaser

OPINION

This request for reclassification from D.R. 5.5 to D.R. 16, a special exception for office use and a variance from Section 1802.25 (504) V.B.2 of the Baltimore County Zoning Regulations comes before this Board on an appeal by the Protestants from an Order of the Zoning Commissioner granting the requested change. The property in question is a lot 55 feet wide located on the north side of Edmondson Avenue, 212 feet north of Delray Avenue, abutting the down ramp exit leg of the Baltimore County Beltway at Edmondson Avenue, in the First Election District of Baltimore County.

The Petitioners presented their case first with testimony from the contract purchaser, Mr. Larry Porter. He stated his intention is to build a small office building with a two car garage beneath from which to operate his business, a janitorial service. He stated there would be three office employees in this office, but no other employees as they report directly to the job. He also stated that two other paved parking spaces would be supplied, with room for vehicles to turn around and exit onto Edmondson Avenue in a forward direction. Mr. Porter stated that the property is now a side yard of his father's home, and he has a verbal agreement to purchase some if this special exception is granted.

Mr. Richard Moore, a traffic expert, then testified that he has reviewed the application, is familiar with the site and sees no major problem with ingress or egress at this property since provisions have been allowed for vehicles to turn around before exiting. On cross-examination, however, he admitted that an entrance to this site, which is close to the Beltway ramp, is not desirable.

Mr. Robert Henderson, a real estate expert, 1717 Edmondson Avenue, then testified for the Petitioner. He discussed all the surrounding properties noting commercial uses east of this site on the other side of the Beltway, and west of the site further along Edmondson Avenue. He stated that the topography and size of the lot would make

Bernard Porter - No. 75-37-RXA

It very difficult to build a house on this site. He stated that, in his opinion, a good use for this property would be an office building, but admitted that this use could adversely affect the value of the Petitioner's father's home next-door. This concluded the Petitioner's case.

The Protestants in this case were represented on the stand by three neighborhood residents. All three voiced similar objections to the proposed use of this property. All three use this road every day, and made strong note of the extreme traffic congestion at the intersection of this down ramp and Edmondson Avenue. All three noted many accidents at this intersection in the past, and felt that providing access to this site directly abutting this down ramp exit could only increase these hazards and congestion at this point. All noted that the commercial use in this area has been stabilized for a long time, and felt that the granting of this request would be out of character with the neighborhood and a detriment in itself for all residents.

Mr. James Haswell, of the Baltimore County Planning Department, was the final witness in this hearing. He stated that, in his opinion, this request should not be granted. He stated that he has discussed this with the planning staff and the Planning Board, and they concur. This property is much too close to the ramp exit for a good use of this property. He stated that the whole immediate area is single family homes, and to allow this use would definitely be spot zoning. He stated that an office use here would be completely out of character with the neighbors. He reiterated the Planning Board's opinion that offices should be located in centers and other business areas, and should not be installed in strictly residential areas. He also stated that he had searched the land records and made note of the fact that Mr. Porter purchased this lot through a tax sale in 1971 for a purchase price of \$158.68. This concluded Mr. Haswell's testimony.

After reviewing the foregoing testimony in this case, the Board has reached their decision. No testimony presented indicated any change in the neighborhood to warrant the granting of this special exception and/or variance. No testimony presented indicated any error in the original zoning maps. Testimony presented indicates a congested and hazardous condition already existing at this site because of the intersection of the ramp and

Bernard Porter - No. 75-37-RXA

Edmondson Avenue. The Board feels that the granting of this special exception would indeed constitute spot zoning in an area where it is clearly not needed. The Board would also note that at no time during this hearing were the conditions for granting a special exception necessary in Section 502.1 mentioned or justified.

For the foregoing stated reasons, the Board can see no error in the original zoning permitted, and does feel that Section 502.1 requirements with regard to the special exception have not been met and, therefore, the question of a variance becomes moot. The Board feels that the Zoning Commissioner's ruling must be reversed and this petition denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of April, 1976, by the County Board of Appeals, ORDERED that the reclassification, special exception and variance petitioned for, be and the same are hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

John A. Miller

William T. Hackett

CERTIFICATE OF PUBLICATION

TOWSON, MD., AUGUST 22, 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., once in each week, on the 19th, 26th, and 3rd days of August, 1974, the first publication appearing on the 19th day of August, 1974.

THE JEFFERSONIAN,
S. Leank Shuster,
Manager.
Cost of Advertisement, \$26.00

THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 Sept. 23 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week, on the 23rd day of Sept. 1974, that is to say, the same was inserted in the issue of Sept. 19 - 1974.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Petitioners For a Reclassification, Special Exception & Variance
Petitioner: BERNARD PORTER
Location of property: N/S of Edmondson Ave. 212' NE of Delray Ave.
Location of Signs: N/S of Edmondson Ave. 230' +/- NE of Delray Ave.
Remarks:
Posted by: Thomas E. Boland
Date of return: August 30, 1974

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Petitioners For a Reclassification, Special Exception & Variance
Petitioner: BERNARD PORTER
Location of property: N/S of Edmondson Ave. 212' NE of Delray Ave.
Location of Signs: N/S of Edmondson Ave. 230' +/- NE of Delray Ave.
Remarks:
Posted by: Thomas E. Boland
Date of return: August 30, 1974

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received + this 1st day of April 1976 Item #

S. Eric DiNenna
Zoning Commissioner

Petitioner: PORTER Submitted by: Hudkins
Petitioner's Attorney: [Signature] Reviewed by: [Signature]

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

BALTIMORE COUNTY, MARYLAND No. 16938
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: Oct. 10, 1974 ACCOUNT: 01-662

AMOUNT: \$144.20

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

Allegany Cleaning & Supply, Inc.
233 Gordon Ridge Rd.
Baltimore, Md. 21206
Advertising and posting of property for Bernard Porter - 75-37-RXA 14420

BALTIMORE COUNTY, MARYLAND No. 17450
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: January 21, 1975 ACCOUNT: 01-662

AMOUNT: \$70.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

Louis J. Weinkam, Esquire
Cost of Filing of an Appeal on Case No. 75-37-RXA (Item No. 31)
N/S of Edmondson Avenue, 212' NE of Delray Avenue - 1st Election District
Bernard Porter - Petitioner

Item 31 - 7th Cycle

Joel T. Shivers, Esq.
9463 Dunlap Road
Baltimore City, Maryland 21043

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing this day of August 1974.

S. Eric DiNenna
Zoning Commissioner

Petitioner: Bernard Porter
Petitioner's Attorney: Joel T. Shivers
161 Shell Building, 200 E. Joppa Rd. (21204)
Reviewed by: [Signature]
Chairman, Zoning Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Petitioners For a Reclassification, Special Exception & Variance
Petitioner: BERNARD PORTER
Location of property: N/S of Edmondson Ave. 212' NE of Delray Ave.
Location of Signs: Front 516 Edmondson Ave.
Remarks:
Posted by: Thomas E. Boland
Date of return: Aug. 16, 1974

BALTIMORE COUNTY, MARYLAND No. 15357
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/23/76 ACCOUNT: 01-712

AMOUNT: \$26.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

Cost of certified copies of documents - Case 75-37-RXA
Bernard Porter, Petitioner
26.00



BALTIMORE COUNTY, MARYLAND No. 17470
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: January 29, 1975 ACCOUNT: 01-662

AMOUNT: \$5.00

DISTRIBUTION: WHITE - CASHIER, PINK - AGENCY, YELLOW - CUSTOMER

Cost of Posting Property of Bernard Porter for an Appeal Hearing
N/S of Edmondson Avenue, 212' NE of Delray Avenue - 1st Election District
Case No. 75-37-RXA (Item No. 31)

ORIGINAL
OFFICE OF
THE CATONSVILLE TIMES
CATONSVILLE, MD. 21228 August 19, 1974

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinenna, Zoning Commissioner
for Baltimore County
was inserted in THE CATONSVILLE TIMES, a weekly newspaper pub-
lished in Baltimore County, Maryland, once a week for One
week before the 19th day of Aug. 1974, that is to say,
the same was inserted in the issue of August 14, 1974.

STROMBERG PUBLICATIONS, Inc.

By: *Rich Morgan*

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 19, 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., once a week
for one time, September 19, 1974, the first publication
day of October 1974, the first publication
appearing on the 19th day of September
1974.

THE JEFFERSONIAN
L. Edward Strick
Manager

Cost of Advertisement, \$

BRIEF TO ACCOMPANY APPLICATION FOR ZONING RECLASSIFICATION:

The subject property is located in the northwest
quadrant of the intersection of Edmondson Avenue and the
Baltimore County Beltway. It is presently vacant. The
property was covered by the the Beltway leaving the maximum
width at approximately fifty (50) feet. The site's close
proximity to the Beltway leaves it as an undesirable location
for a residence and a very desirable location for a small
office building. The request is being made to change the
existing zoning from DR 5.5 to DR 16 to permit office use
by special exception.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12K
Posted for: *APPEAL*
Petitioner: *BERNARD PERTE*
Location of property: *N/S. of Edmondson Ave. 212' NE of DelRay Ave.*
Location of Sign: *N/S. of Edmondson Ave. opposite Glenwood Ave.*
Remarks: *See map*
Posted by: *John B. Dikman*
Date of return: *FEB. 7, 1975*

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS



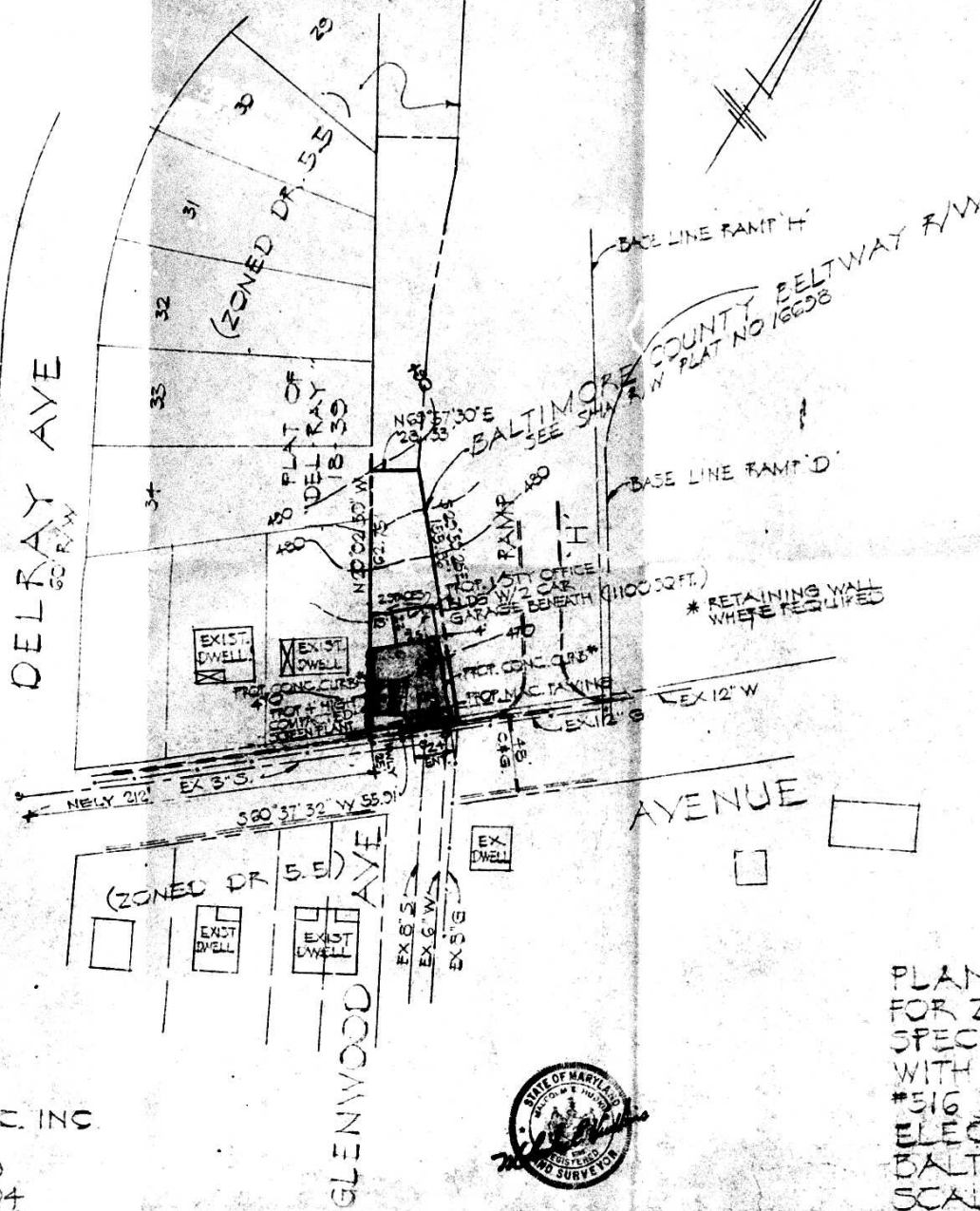
BALTIMORE COUNTY, MARYLAND No. 14763
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: April 24, 1974 ACCOUNT: 01-662
AMOUNT: \$20.00

DISTRIBUTION
WHITE - CARRIER YELLOW - CUSTOMER
Allegany Cleaning & Supply Inc.
936 Kilmridge Ave.
Baltimore, Md. 21229
Petition for Reclassification and Special Exception
for Bernard Perle



VI-CINITY MAP
SCALE 1"=1000'



- NOTES:
1. EXISTING DR 5.5
 2. PROPOSED DR 12
 3. EX. USE - VACANT
 4. PROPOSED - OFFICES
 5. OFF-STREET PARKING
 6. NO. OF SPACES REQ'D - 4 + 100 SQ. FT./300
 7. NO. OF SPACES PROVIDED - 4
 8. EACH SPACE 10' x 20'
 9. LIGHTING TO BE ATTACHED TO BLDG AND DIRECTED DOWNWARD
 10. AREA - 0.153 AC. ±

REQUEST IS BEING MADE TO ALLOW 13 AND 4' SIDE YARDS INSTEAD OF THE REQUIRED 25' AS PER 1802.2B (504) - V.5.2

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *John M. Miley*
DATE: 4-15-74

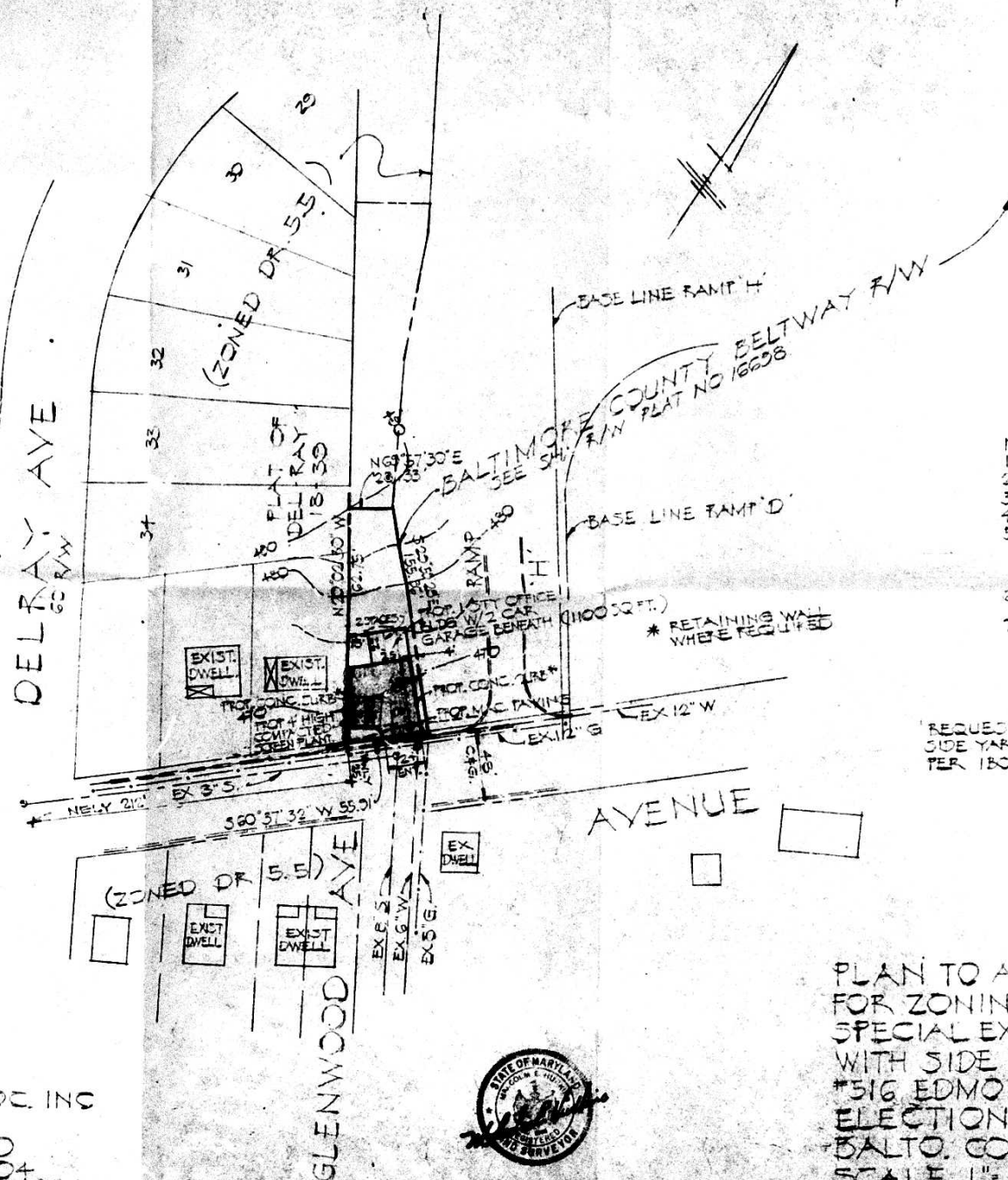
PLAN TO ACCOMPANY APPLICATION
FOR ZONING RECLASSIFICATION AND
SPECIAL EXCEPTION FOR OFFICES
WITH SIDE YARD VARIANCE
*316 EDMONDSON AVENUE
ELECTION DISTRICT NO. 1
BALTO. CO., MD.
SCALE 1"=50'
MARCH 21, 1974 REV. OCT. 14, 1974

PREPARED BY
HUCKINS ASSOC. INC.
101 SHELL BLDG.
200 E. JOFFA ROAD
TOWSON, MD. 21204
301-828-0060





VICINITY MAP
SCALE 1"=1000'



- NOTES:
1. EX. ZONING DR. 5.5
 2. PRO. ZONING DR. 12
 3. EX. USE - VACANT
 4. PRO. USE - OFFICES
 5. OFF-STREET PARKING
NO. OF SPACES REQ'D - 4 1100 SQ. FT./300
NO. OF SPACES PROV'D - 4
EACH SPACE 10' x 20'
 6. LIGHTING TO BE ATTACHED TO BLDG
AND DIRECTED DOWNWARD
 7. AREA 0.153 AC. ±

REQUEST IS BEING MADE TO ALLOW 13' AND 4'
SIDE YARDS INSTEAD OF THE REQUIRED 25' AS
PER 1802.25 (504) - V.B.2

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *John A. Smiley*
DATE 10-15-74

PLAN TO ACCOMPANY APPLICATION
FOR ZONING RECLASSIFICATION AND
SPECIAL EXCEPTION FOR OFFICES
WITH SIDE YARD VARIANCE
*516 EDMONDSON AVENUE
ELECTION DISTRICT NO. 1
BALTO. CO., MD.
SCALE 1"=50'
MARCH 21, 1974 REV. OCT. 14, 1974

MICROFILMED

PREPARED BY
HUDKINS ASSOC. INC
101 SHELL BLDG
200 E. JOFFA ROAD
TOWSON, MD. 21204
301-828-9060



