TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(Den 1030) I, or we.Thomas R. Stuebler at uxlegal owner a of the property situate in Ba County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, purs to the Zoning Law of Baltimore County, from an DR 5.5

1. That there was an error or errors in the comprehensive oning map as adopted by the County Council.
2. That the character of the neighborhood has changed sim orbood has changed since

the adoption of the map. 3. That the character of the neighborhood will be further

3. That the character of ingleside Avenue.
4. That there exists a need for the use of the property completed by the Petitioners and the fulfillment of that need is the public interest.

Cause to use the herein described property, for a catering facility

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above re-cl. sting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning ons and restrictions of Raltimore County adopted pursuant to the Zoning Law for Ba

Address 3120 Erdman Avenue

Frederick Rd.

r of Baitimore County, this 39th ___, 1974__, that the subject matter of this netition be advertised, as of April uired by the Zoning Law of Baltimore County, in two newspapers of general circu out Baltimore County, that property be posted, and that the publi ic hearing be had before the Zoning of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of September ... 1974 at 2100 o'clock County, on the 6th

P. M

RECI

ORDER

APR 30 '74 AM

annette K. Stuchler

Baltimore, Maryland 21213

Thomas E. Stuehler, et ux - No. 75-39-R

".... It should also be noted that the commercial zoning here would not be in accordance with the sed Southwest Area Master Plan, nor with the proposed Southwest Area Master France, non-molicies of the Baltimore County 1960 Guide Plan

The Board will attempt no further detail of the testimony and evidence presented; suffice it to say, this Board has reviewed same. As has been mentioned many times by this Board, the Petitioner carries the onerous burden of evidencing error in original zoning and/or sufficient change in the character of the neighborhood since the adoption of the existing Comprehensive Zoning Maps (March 1971). In the subject case the Petitioner has admitted that there is not sufficient evidence of change in the area to warrant the requested reclassification. Hence, the sole issue before the Board is whether or not the County Council, in March of 1971, erred when they failed to zone the subject property B.M. There is a strong presumption of correctness in original zoning. The Petitioner's argument is that not only did the Council err when they failed to zone the subject property B.M., but that this error spread in toto to the entire triangle bounded by the Beltway, U.S. Route 40 and Ingleside Avenue

It is the judgment of the Board that the Petitioner has failed to meet his burden of proof and the Board is not impressed by the Petitioner's argument that the Counci did so err. The Board has studied the zoning of this above described triangle and frankly can find no reason why the Council should have zoned this entire triangle to a commercial zoning classification. On the contrary, it seems that the Council, in March of 1971, exercised good tenets of land planning when they limited the zoning to the south side of U.S. Route 40 and reserved the remaining portions of this triangle for residential use Same seems consistent with the other land use classifications along both the north and south sides of U.S. Route 50. It has long been held by legislative bodies, this Board and the courts that there is no compelling reason nor compulsion to zone all land bounding along the Beltway right-of-way to commercial and/or high density residential use. Evidence of attractive law density residential development along the Beltway right-of-way RE PETITION FOR RECLASSIFICATION

Case No. 75-39-9 Gorald F. Klaby et al . IN THE CIRCUIT COURT

CBA

FOR BALTIMORE COUNT . AT LAN

. Miss. Dodlet No. 10

. Felle Ne. 190 1 File No. 5994

.......

CROER

This case having some on for hearing, and the Court having been advise of for the Appelloss that the County Council for Bultimore County on Octob-8, 1976, exected Still No. 109-76, which educts a new Commissative Zentra Mon for the First Councilments District of Buildmare County, in which the property has involved is situate, and which sold entinence is now effective, and the Court beliof the coluber that the edgetten of sold new Comprehensive Zening Map for the First Councilmente District of Bultimero County renders this reclassification sening ding most, a precise with which council for Azwellente agree;, it is for thi 215 day of January, 1977, by the Circuit Court for Bultimore County,

ORDERED that the appeal herotofore filed by Thomas E. Stuckler, et us, from the Order of the County Board of Assents to this course he and it is hereby DISMISSED, with costs to the Assollants

13/4. Kimp Mac Daniel

I HERENY CERTIFY that copies of the ofcregoing Order of Court were scalled to C. Vieter McForland, Sendon, 920 Feminalsk Road, Cotsonallia, Maryland 21228 William S. Boldwin, Esquire, 24 W. Pennsylvania Avenue, Touren, Maryland 21204 and Harry S. Swartzwelder, Jr., Esquire, 210 E. Radwead Street, Baitle 21202, this 24th day of January, 1977.

Reid 1-25-77 HAM

30

John W. Handen, III

Thomas E. Stuehler, et ux - No. 75-39-R

The traffic testimony presented as to Ingleside Avenue would seem to lend no real support to the Petitioner's argument of error. In fact, the conditions of such traffic would in itself probably be sufficient reason for the Council to limit the commercial zoning to within some short distance south of U.S. Route 40. The location of the historically significant church and graveyard which lies between the subject property and the south side of U.S. Route 40 was not particularly mentioned or emphasized by either side in this case, but in the mind of the Board would present at least one more consideration before one might say that the Council erred, when, in fact, they did not zone this entire triangle for commercial use.

In conclusion, the Board does not garee with the Peritioner's argument as to original error by the County Council in the subject instance, and therefore will deny this petition

ORDER

For the reasons set forth in the aforegoing Opinion, the Board affirms the Order of the Zoning Commissioner of Baltimore County dated October 22, 1974, and it is this 3rd day of March, 1976, by the County Board of Appeals of Baltimore County ORDERED, that the B.M. classification petitioned for be and the same is hereby DENIED

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

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.M. zone W/S of Ingleside Avenue 438 feet South of Calverton Str

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY Thomas E. Stuehler, et ux Petitioners No. 75-39-R

1 1 1 1 1

OPINION

This case comes before the Board on an appeal by the Petitioner from the Zoning Commissioner denying the requested reclassification. The subject property is a vacant unimproved parcel of approximately 8.2 acres located on the west side of Ingleside Avenue approximately 438 feet south of Calverton Street, in the First Election District of Baltimore County. This parcel is at the apex of a triangle formed by the Baltimore Beltway, U.S. Route 40 and Ingleside Avenue. The property is presently zoned D.R. 5.5 and the Petitioner seeks a reclassification of same to a B.M. zoning fo the construction of a caterina facility.

The Petitioner told the Board that he is currently the owner and operator of two catering establishments in Baltimore City and desires to construct a modern catering facility on the subject property. Mr. Stuehler detailed for the Board the type of operation planned, including the time of operation and the anticipated attendance at various types of affairs to be held at such a catering establishment

A series of expert witnesses testified on behalf of the Petitioner. The Petitioner's argument settled upon alleged error in the comprehensive zoning maps as adopted by the County Council in March of 1971. There was no evidence nor group that there had been sufficient change in the character of the neighborhood since the adoption of said use maps to warrant a reclassification based upon change in the great

The testimony of James Spamer, a registered professional engineer, was that the water and sewer potential hookups at the subject property ware adequate to handle the planned facility. Mr. Spamer also detailed the storm water runoff from the subject property and told the Board that no specific details for this storm water control

BRIEF OF THOMAS E. STUEHLER

FOR 7th ZONING CYCLE

RECLASSIFICATION FROM DR 5.5 TO BM

LOCATION OF THE PROPERTY

The property is located in the Catonsville Area of the First Election District of Baltimore County, Maryland on the East sile of the Baltimore County Beltway (Interstate 695) and the Westerly side of Ingleside Avenue, abutting the old Salem Luthera: Church and Cemetery

UTILITIES

Included avenue in front of the subject property is a two lame road leading northerly from the Catonsville business section to Route 40 and then to Forest Park Avenue. Ingleside Avenue in this area links Route 40 and Edmondson Avenue. Certain sections have already been widened to 4-lane traffic, although the immediate area is still 2 lanes. This part of Ingleside Avenue is to be widened in 1976 (fiscal).

A sanitary sewer line has been granted to Baltimore County through the subject property near the Beltway in early March, 1974 (RW-70-299-2)

There is an existing 12-inch water line in the bed of Ingleside Avenue and also an 8-inch Metropolitan sewer line in the bed of Ingleside Avenue

All normal Baltimore County services such as Fire, Police, Schools and Refuse Collection are available to the property

-1-

Thomas F. Stuehler, et ux - No. 75-39-R

had been developed at this time, although if the petition was successful, any developmen upon the subject site wou'd be subject to the storm water management regulations as adopted

The principal witnesses that testified as to error in the original zoning were Carl Heinmuller, Jr., a recognized real estate expert, Frederick P. Klaus, likewise a real estate expert, and Bernard Willemain, a land planne

In generally summarizing the testimony of these three witnesses, let it be said that it was their judgment that the Council did, in fact, err in March of 1971 when they failed to zone the subject property and all of the balance of the triangle made up by Route 40, Ingleside Avenue and the Beltway to a B.M. classification. It was felt by these witnesses that there would be no particular adverse effect upon the residential properties across Ingleside Avenue from the subject property if this entire area would be zoned to B.M. In cross examination it was noted that the subject property was about 1200 feet south of the existing commercial along the south side of Route 40, and if the subject property were to be zoned by this Board to B.M., that it would, in fact, be entirely surrounded by D.R. 5.5 land, It was also noted that the deepest commercial zoning along the south side of Route 40 from the City line to the Beltway was no deepe then 600 feet

As to the prese tation to the Board by the Protestants, several neighborhood witnesses testified in opposition to the granting of this petition, as did C. Richard Moore, a County traffic engineer, and James Hoswell, a Baltimore County land planne Mr. Howell called particular attention to the Planning Staff and Planning Board comments submitted in the subject case. In part, these comments are as follows:

"The planning board believes that the gransing of commercial zoning here would constitute 'spot zoning' in that such zoning would establish land se notentials which are not in harmony with those of the surrounding residential properties All of

".... It is the opinion of the planning board that the present zoning of the subject property, D.R. 5.5, is appropriate, and that ample commercial apportunities have been provided in the area, and that the zoning map is correct."

NE IGHBORHOOD

This section of North Catonsville is composed of man varying and conflicting uses. Primarily residential, with de tached cottages of varying ages and vintages, for the most part well-kept and well maintained. They are interspersed, however with numerous small commercial uses, presumably enjoying a nonconforming status to their zoning. For example, the area immediately North of Edmondson Avenue at Ingleside Avenue is strictly commercial, with several service stations and a large tavern and other commercial useages along Old Edmondson Avenue

About one-half block to the North, on the West side is a typical country store. About a block North, on the East side is a new apartment project known as "Caton House Apartments". Continuing to the North where the Baltimore Beltway now is con structed, was a large country-type store. Continuing to the North and opposite the subject, is the home and offices of a large contractor. Again continuing North on the subject side the property is abutted by the old cemetery of the Old Salem Lutheran Church. Opposite this is a very large florist establishment, operated by the Wilhide Family. Continuing North after several nomes, is a large used car lot and a Howard Johnson's Motor Lodge at the corner of Ingleside Avenue and U. S. Poute 40 Opposite this, on the Southeast corner of Ingleside Avenue and U. S. Route 40 are many and varied commercial installations.

The ceneral zoning of the area between the commercial portion at the corner of Ingleside Avenue and U. S. Route 40

Pursuant to the advertisement, posting of property, and public hearing on the above petition and
appearing that by reason of
2.2.40
AU
1. That there was on excut or errors in the concretely
a been no see becaucington, and be about the one than
the en caraco the Westerness
e above Reclassification should be had; and it further appearing that by reason of
The state of the second will be a warrant book of the second seco
composition to the constitutions and the fraidalline of the times a
Special Exception for ashould be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this
ay of, 197, that the herein described property or area should be and
ne same is hereby reclassified; from azone to a
one, and/or a Special Exception for ashould be and the same is
ranted, from and after the date of this order.
ranted, from and after the taste of this order.
Zoning Commissioner of Balti.nore County
to and the Areas and the Control of
Pursuant to the advertisement, posting of property and public hearing on the above Petition
nd it appearing that by reason of failure to show error in the original zoning map or
substantial changes in the character of the neighborhood,
z munikun fartortanna
-
A-1/25/33 2: 3: 3: 3: 3:
REF 226-13 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
he above Pe-classification should NOT BE HAD, and meximum specials. Exception is should NOT BE HAD.
Parisonery .
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this. 22 -1day
1974 at the bar and a state of the state of
October
ENIED and that the above described property or area be and the same is hereby continued as and
remain aD. R. 5. 5
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
The state of the s
Pow

South, is denoted under the Zoning Map as being zoned DR5.5, as

Previously, the land was zoned R-6. (See commentary under "Potential Use".) Several years ago, a Special Permit was the present owner by the zoning authorities of Baltimore County for the erection and operation of a funeral home on

PRESENT ZONING

FORMER ZONING

A special exception for a funeral home unused and expired.

The County Council erred in the map passed March 24, 1971 as follows:

- 1. Failing to provide for a uniform and logical zoning for the users on Route 140 and Southerly along Ingleside Avenue, including this property.
- 2. Pailing to consider that the property on the West side of Ingleside Avenue has different characteristics and neighborhood than the property on the East side.
- 3. Failing to consider the effect of the widening of Ingleside Evenue on the properties on the West side of Ingleside

4. Failing to understand the true character of the

CHANGE IN THE NEIGHBORHOOD

- 1. The upgrading of the commercial users on Ingleside Avenue at Route 40 and Edmondson Avenue.
- the area by causing houses to be within 10' of the road houses and businesses to be moved or torn down
- 3. The effect on the neighborhood of changes made since the adoption of the map.

A catering facility is needed in the Catonsville Area that can be seen from the Baltimore County Beltway with access. almost immediate to a major highway (Route 40). The subject property also has access to the Beltway via Edmondson Avenue.

Respectfully submitted

C. Victor McFarland, Attorney for Petitioners 920 Frederick Road Baltimore, Maryland 21228 744-0931

B. D. LYNCH CO., INC. 4907 HARFORD ROAD BALTIMORE, MD. 21214

DESCRIPTION

Beginning for the same at a point or the Westerly side of Inglenide Avenue a distance of 438 feet from the intermention of the centerline of Calvetton Struct and the Westernmont side of Inglands Avenue and running thomes and binding on the Westernmont side of Inglands Avenue and running thomes and binding on the Westernmont side of Inglands Avenue and running Homes and the Westernmont side of Inglands are side of said inglands indeed side shows by a curry to the Right with the least olde of said inglands indeed side on by a curry to the Right with the least olde of said inglands indeed by a for 5273.65 feet themse will along the 30.27 feet and any are length of 273.65 feet themse will along the 30.27 feet and any are length of 200 accords West 21.77 feet benefit and running North 62 degrees 00 minutes 30 accords West 21.65 feet to the Northermont right-of-way line of any and a second west 21.65 feet to the Northermont right-of-way line of 12.65 feet to the Northermont right-of-way line of 12.65 feet to the Northermont right-of-way line of 12.65 feet to the Northermont right-of-way line of 200 accords West 21.61 feet to the Rant side of Frances 47 minutes 30 accords west 21.61 feet to the Rant side of Frances 12.65 to 12.65 feet to the Northermont right-of-way line and running the fact themse leaves of the two following courses and distances, North 11 degrees 42 minutes 30 accords Rant 12.65 feet, and North 11 degrees 17 minutes 30 accords was 12.65 feet, and North 12 degrees 22 minutes 30 accords Rant 25.64 feet to the place of the places 17 minutes 30 accords Rant 25.64 feet to the places of beginning.

Containing 8.198 acres of land more or less.

DESCRIPTION

OFFIC OF

CATONSVILLE LINE S

S. Srie Binerna, So ing Commissioner for paltimore County

STROMBERG PUBLICATIONS, Inc.

B. Ruth Morgan

OFFICE OF CATONSVILLE I IM IES

CATONSVILLE, MD. 21228 Sept. 16,

THIS IS TO CERTIFY, that the annexed advertisemen 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

the same was inserted in the issue of Sept. 12, 1974.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

CERTIFICATE OF PUBLICATION

75.39-R

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 coch day ofQqtober......, 19. 73, the first publication appearing on the ____l2tb__day of ____September____ 19.74

THE JEFFERSONIAN,

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper printed appearing on the 22nd day of August

THE JEFFERSONIAN,

CATONSVILLE, MD. 21228 august 17, 19 74

CERTIFICATE OF POSTIO NT OF BALTS

ot Date of Paris August 24 1974 PetitiON FOR BOCKASSIFICATION THOMAS E. STURHLER Location of property: W/S OF INGLESING AVE. 438' S OF CALVERTON ST. W/S OF INGLESIDE AVE. 475 Tay- S OF CALVERTON ST. Posted by Flioura E. Boland Date of return: AuGUST 30, 1974

1-5,6N

75-39-R

CHRISTICATE OF POSTW

Date of Posting AuG. 15 1974 Posted for Petition FOR Rechassification Petitioner: THOMAS E. STEUHKER Location of property: W/S OF THELESIDE AVE. 438 S OF CALVERTON ST. W/S of TAGLESIDE Ave. 475 tal- Sof CALVERTON

Posted by Llumes L. Boland Date of return: Au 6 . 16 /974

ROUTE 40 & INCLESIOR AVE VERY LARGE WITTER TOURS CALVERTON RD. 150 YR OLD CHYKL AMP CANATERY IN VERY DIAMPIPATED CONDITION RAISED SUBJECT BALTO BELTWAY PROPERTY NULLSIPE AVE

SUBJECT TRIFNGLE - BOUNDED BY

RAISED BELTURY ROUTE 40, AND INNESSES

PLETURE SHOWS SIB-STANDARD BACKROADS

AND POOR CONDITION OF ENTIRE TRANSME

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

C. Victor McFarland, Esquire 926 Frederick Road Baltimore, Maryland 21228

> RE: Petition for Reclassification Thomas E. Stuchler, et ux Petitioners Item No. 30 Seventh Zoning Cycle

ACR

Dear Mr. McFarland:

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 approprinteness 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 west side of Ingle-side Aveaue, approxin stely 438 feet south of Calverton Avenue, in the First Election District of Baltimore County and is presently

Residential uses exist along both sides of Ingleside Avenue and a one-story stone church structure abuts the property to the north. The the west and rear of the site is unimproved land

The Petitioners are requesting a Reclassification to Business, Major (B. M.) and proposes to creat a one-story masonry building of 17, 500 square feet for use as a catering facility. Offstreet parking is proposed for 460 vehicles.

C. Victor McFarland . Esquire April 30, 1974

This site was the subject of an earlier request for a This site was the subject of an earlier request for a Special Exception for a funeral home (Case No. 64-16-X) and was granted on January 14, 1964. It was subsequently extended until January 14, 1969 but was never utilized.

This Petition for Reclassification is accepted for filing This Petition for Reclassification is accepted for him on the date of the enclosed filing certificate. However, any revisions or corrections to Petitions, descriptions, or plats, revisions or corrections to Petitions, descriptions, or plats, as may lawe been requested by this Committee, shall be submit-ted to this office prior to Monday, June 1, 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 to comply may result in this Pelition 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 for-warded to you well in advance of the date and time.

Very truly yours.

JAMES B. BYRNES, III, Chairman Zoning Advisory Committee

JBS, III/sw

Enclosur

ec: B.D. Lynch Co., Inc 4907 Harford Road Baltimore, Maryland 21214

Maltimore County, Margland Bepartment Of Fublic Borks COUNTY OFFICE BUILDING

Recess of Engineerin

April 29, 1974

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 2120h

Item #30 (Cycle VII - April to October 1974) Property Owner: Thomas S. Stuehlar V/S Inglessie Are, 1839 S. of Calverton Ave. Existing Zoning: D.R. 5.5 Proposed Zoning: B.M. No. of Acres: 8,198 District: lat

Door Mr. DiNonnas

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:

Ingleside Avenue will ultimately be improved with a bi-foot combination curb and gutter bituminous concrete cruse-section on a Sh-foot right-of-way, with an alignment revision fronting this site. The Petitioner's engineer should verify the final alignment of the road before he begins any design drawings.

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

Development of this property through stripping, grading and stabilisation could result in a sediment pollution problem, demaring private and public holdings downstress of the property. A grading parall is, therefore, necessary for all grading, including the stripping of top soil.

Item #30 (Cycle VII - April to October 1974) Property Owner: Thomas E. Stuehler Page 2 April 29, 1974

Water and Sanitary Sewer:

Public water and sewer exist to serve this sity.

However, a public easement and temporary work area will probably be required adjacent to the southermoot property lines of this site to permit Baltimore County to extend a future public sonitary sewer to the west of the site. In Petitioner will be responsible for the conveyance of this easement and work area to Baltimore County at no cost to Baltimore County at no cost to Baltimore Founty.

Very truly yours,

Sclour 57 Rour ELISWORTH N. DIVER, P.E. Chief, Bureau of Engineering

END: EAM: HWS: ss

SW F 1 and 2 Tono

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 2120



EUGENE 1 CLIFFORD. P.E.

April 30, 1974

Hr. S. Eric DiNenna Zoning Commissioner County Office Building

Re: Item 30 - Cycle Zoning 7 - April 1974 through October 1974 Property Owner: Thomas E, Stuchler W/S ingleside Avenue, 438 feet S of Calverton Avenue District 1

The subject petition is requesting a change from 0.8. 5.5 to 8.L.
This should increase the trip density from 400 to 4,000 trips per day.
This site can only aggrevate the existing capacity problems at Baltimore
National Pike and ingleside Avenue. Although ingleside Avenue is
scheduled for improvement, its improvement was based on existing
Zoning and any increased density can only create congestion on
Ingleside Avenue since it was not contemplated in the design of the
highway.

Very tru1 ours C. Richard Moore Assistant Traffic Engine

CRM/pk

(8) Baltimore County Fire Department

J Austin Deitz



Towson, Maryland 21204 8: 5-7310

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

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Consittee

Re: Property Owner: Thomas E. Stuehler

Location: W/S Ingleside Avenue, 438' S of Calverton Avenue

Item No. 30 Zoning Agenda

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.

(CCC) 1. Fire hydrants for the referenced property are required and shall be located at intervils of the feet along an approved road in accordance with Ballimore County Standards as published by the Department of Public Borks, Mindium sizes at A second seas of whiche access is required for the rite.

3. The vehicle dead-end condition shown at

Ine venicle dead-end condition shown at

MYNERS) the maximum allowed by the Fire Department.
The site shall be nade to comply with all applicable parts
of the Fire Provention Code prior to occupancy or beginning
of operations.
The building: and structures existing or proposed on the
site shall comply with all applicable equirements of the
fational Fire Protection Association bridge and to occupancy.
The Life Safety Code", 1972 Edition Prior to occupancy.
The Pire Prevention Sureau has 300 connents at this time.

Reviewer Logo Am Austral Bottod and Faul H Reache Approved Deputy Chief Deputy Chief Prevention Bareau

mls 4/16/73

April 9, 1974

Mr. S. Eric DiNenua, 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: Thomas E. Stuckler
Location: W/S Inglanded Ave., 438' S of Calverton Ave.
Existing Zoning: D.R.5.5
Proposed Zoning: B.R.
No. of Acres: 8.198
District: 1

Metropolitan water and sewer are available to this site.

Air Pollution Compents: 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.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be substited to the Division of bood Protection, Baltimore County Department of Health, for reviewand approval.

Very truly yours,

Thomas H. Deviin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVR/cas

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 10, 1974

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

Z.A.C. Meeting of: April 2, 197h-Cycle VII

Property Owner: Thomas E. Stuehler WS Ingleside Ave, 438' S. of Calverton Ave. Present Zoning; D.R. 5.5 Proposed Zoning; B.M.

Districts

Dear Mr. DiNenna:

Would only result in a loss of some 13 elementary, 8 junior high and 5 senior high pupils. No adverse effect on student population.

Very truly yours,

WNP/ml

V. Nick Petrovich Field Representative

WRE ROBERT L BERNEY

ALVIN LOREUK JOSHOA R WHEELER, SJANS

May 22, 1974

C. Victor McFarland, Enq. 920 Frederick Road Baltimore, Maryland 21228

AMES B.BYRNES, III

RE: Potition for Reclassification Thomas E. Stuehler, et ux -Potitioners Item 30 - 7th Zoning Cycle

Dear Mr. McParland:

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.

BALTIMORY COLUMN TOWNS AS 18022 CONTENT

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,

Comercia By angent JAMES B. BYRNES, III

Chairman, Zoning Advisory Committee

JBB:JD Enclosure

oc: B. D. Lynch Co., Inc. 4907 Harford Road Baltimore, Haryland 21214

No. 16948 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE Oct. 15, 1974 ACCOUNT 01-669 DISTRIBUTION PINK - AGENCY

Pontaine Eleu 3120 Erdman Ave. Baltimore, Ma. 21213 Advertising and posting of property for Thomas E. 148.70 MIC

14762

MALTIMORE COUNTY, MARYLAND OFFICE OF PHANCE - REVENUE DIVIS MISCELLANEOUS CASH RECEIFY April 24, 1974 ACCOUNT 01-662

AMOUNT \$50,00

PINK - AGENCY Messre. Trouts and McParland 922 Frederick Road

Catonsville, Md. 21228
Petition for Reclassiciation for Thomas S.
Stuchler 264 9 0 0 0 24 50 50.00 HSC

15355 BALTIMORE COUNTY, MARYLAND OFFICE OF MANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE 5/12/76

C. Victor McFarland, Esq. 920 Frederick Road Catonsville, Md. 21228 DISTRIBUTION PINK - AGENCY

Cost of certified copies in Case No. 75-39-R - Thomas Stuehler 123 4 9 Kmil 10 25.00 10

17460 BALTIMORE COUNTY, MARYLAND ATE January 27, 1975 ACCOUNT 01-662 AMOUNT -C. Victor McFarland, Esquire
Cost of Posting Property of Thomas E. Stuehler, et ux, for an Appeal Hearing W/S of Salverton Street - 1st Election Districts 4 0 95 July 27 5.0 C asc No. 75-39-R (Rem No. 30)

1-5,6N

75-39-R

CERTIFICATE OF POSTING TMENT OF BALTIMORE COUNTY Toursen, Maryland

Date of Posting Nov. 9, 1974 Posted for: APPEAL Petitioner: THOMAS E. STUEHLER, ET UX Location of property: W/S OF INGLESIBE AVE. 438 S. OF CALVERTON ST. Location of Signar W/S OF INGLESINE AVE. 475 tag - S. OF CALVERTON ST. Posted by Thomas E. Roland Date of return Nov. 15, 1974

PETITION MAPPING PROGRESS SHEET Wall Map Original Duplicate Tracing 200 Sheet FUNCTION Descriptions checked and Petition number added to Denied Granted by ZC, BA, CC, CA Revised Plans: Change in outline or description___Yes Reviewed by: FTH Мар # Previous case:

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

may Mc Familiand Reviewed by FTH

S. ERIC DINENNA



May 21, 1974

0

Mr. S. Eric Di Nenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building

Dear Mr. DiNenna

Comments on Item #30, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: Thomas E. Stuehler Location: W/S Ingleside Avenue, 438' S of Calverton Avenue Existing Zoning: D. R. 5.5 Proposed Zoning: B.M. No. of Acres: 8.198

This office has reviewed the subject petition and offers 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

The proposed right of voy and poving width must be dimensioned on the site plan. The screening proposed for the front of the site must be carefully located so as not to create and obstruction to well-cular traffic; theref, it is suggested that the architect contact this office in reference to the location of the screening along ingleside Avenue.

Lighting must be clearly indicated on the site plan and in conformance with Section 409 of the Zoning Regulations. It is suggested that the lighting be limited to 8 feet in height where it is in close proximity to residential premises.

Very truly yours,

John Lively Planning Specialist II
Project and Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SUITE 301 JEFFERSON BUILDING ILDING 105 WEST CHESAPE KE AVENUE

October 22, 1974

C. Victor McFarland, Liquine 920 Frederick Road more, Maryland 21220

> RE: Petition for Reclassification Petition for Reclassification W/S of Ingleside Avenue, 438' S of Calverton Street - 1st Election District
> Thomas E. Stuehler, et ux Petitioners NO. 75-39-R (Item No. 30)

Dear Mr. McFarland:

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

Very truly yours,

15/ S. ERIC DI NENNA

SED/sew

William S. Baldwin, Esquire 24 West Pennsylvania Avenue Towson, Maryland 21204

Mr. Gerald F. Kioby 634 Longview Drive Catonsville, Maryland 21228

RE:	PETITION FOR RECLASSIFICATION from D.R. 5.5 to B.iv., zone	:	IN THE	
	W/S of Ingleside Avenue 438 feet South of Colverton Street		CIRCUIT	COURT
	1st District	:	FOR	
	Thomas E. Stuehler, et ux Petitioners - Appellants		BALTIMORE	COUNTY
		:	AT LAW	1
	Case No. 75-39-R			
		:	Misc. Docket No	. 10
			Folio No.	198
			File No.	5894

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., W. Gilas Parker and Robert L. Gilland, 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.	75-3	9-R	
Apr.	30,	1974	Petition of Thomas E. Stuehler and Jeannette K. Stuehler for reclassi- fication from D.R. 5.5 zone to B.M. zone, on property located on the west side of Ingleside Avenue 438 feet south of Calverton Street, 1st District – filed
	30		Comments of Baltimore County Zoning Advisory Committee - filed
Aug.	15		Certificate of Posting of property - filed
	19		Certificate of Publication in newspaper – filed
	24		Amended Certificate of Posting filed
Sept	. 6		Hearing scheduled to be held by Zoning Commissioner at 2 p.m.
	12		Hearing before Zoning Commissioner postponed

THOMAS E. STUEHLER et ux	: IN THE
Appellants	: CIRCUIT COURT
vs.	: FOR
WALTER A. REITER, JR., et al	: BALTIMORE COUNTY
COUNTY BOARD OF APPEALS OF	: Case No. 75-39R
BALTIMORE COUNTY, MARYLAND	: Board of Appeals No.
and	
GERALD F. KLOBY et al	
Appellees	

ORDER OF COURT

After having read and considered the aforegoing Petition for Extension of Time for a period of 60 days from May 2, 1976 to July 1, 1976

IT IS ORDERED this 37d day of May , 1976, that the Petition for Extension of Time be and it is hereby granted to July 1, 1976.

> FANK E. Cicone . Judge CIRCUIT COURT FOR

Thomas E. Stuehler, et ux - No. 75-39-R (\$5894) 2. Sept. 16, 1974 Amended Certificate of Publication filed Hearing held on petition by Zoning Commissione Oct. 3 22 Order of Zoning Commissioner denying reclassification Order of Appeal to County Board of Appeals from Order of Zoning Hearing on appeal before County Boars of Appeals Jan. 15. 1975 Continued Hearing " - case held sub curia Feb. 1976 Order of County Board of Appeals denying reclassification Order for Appeal filed in the Circuit Court for Baltimore County by Apr. 5 C. Victor McFarland, Esq., attorney for Petitioners Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County Certificate of Notice sent to all interested parties Petition to extend time for filing record to July 1, 1976 30 Transcript of testimony filed - 2 volumes Petitioner's Exhibit No 1 - Copy of Deed to subject property " 2 - Plat of Catonsville Heights, Plat Record W.P.C.No. 6. Folio 178 " 3 - Plat of subject property - Harrison Assoc. 3/28/74 " 5 - A-E - Charts of traffic study (storesty Cube xofAx)x Map - Catonsville Heights sanitary " 7 - Photogrammetric map - Catonsville " 8 - B. D. Lynch - Topographical Survey MacNabb property " " 9 - 1000 Scale Zoning Map - 2-B " 10 - 1000 " " 2-A. Catonsville Oct. 1961 " " 11 - 1000 Scale Zoning Use Map, 1945, Dist. #1 " " 12 - 200 Scale Official Zoning Map, Catonsville, Sheet SW-2-F List of neighbors in support (for identifica-tion only) -(not included with exhibits)

THOMAS E. STUEHLER et ux IN THE APPELLANTS CIRCUIT COURT VS. FOR WALTER A. REITER, JR., et al BALTIMORE COUNTY COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY, MARYLAND CASE No. 75 39R Board of Appeal: GERALD F. KLOBY et al

....... OPDER TO DISMISS MOTION PAISING

PRELIMINARY OBJECTION

Dear Mr. Clerk:

Please dismiss the Motion Raising Preliminary Objection heretofore filed by the Appellants in the subject case.

d Victor McFaryand 970 Frederick fload Catonsville, Md. 21228 74' 0931 Attorney for Appellants

i HEREBY CERTIFY that on this 4th day of May, 1976, a copy of the aforegoing Order to Diamiss Motion Raising Frellminary Objection was smalled to John M. Hese'an III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland, 21204, Harry S. Swartzwelder, Jr., Esquire, 210 E. Redwood Street, Baltimore, Maryland 21202, and Edith T. Eisenhart, Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland, 21264.

Thomas E. Stuehler, et ux - No. 75-39-R (#5894)

Prote stants' Exhibit A - E - Photographs

- List of Protestants (Mr. Swartzwelder's clients

G - Item 30 and accompanying map

H - Plat produced by Gerard Kloby

June 28, 1976 Record of proceedings filed in the Circuit Court for Baltimore

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 incompropriate 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 at the hearing on this petition, or whenever directed to do so by this Court.

C. VICTOR MCFARLAND

MAY 4. 1976

Enclosed please find original of Order to Dismiss Motion Raising Prelimisary Objection to be filed in the subject case.

CC: John W. Hessian III, E quire Harry S. Swartzwelder Jr., Esquire Edith T. Eisenhart

Clerk of the Circuit Court for Baltimore County County Courts Eldg. Towson, Maryland 21204

Dear Mr. Clerk:

CVMCF : GA

ATTORNEY AT LAW

920 PREDERICK ROAD

NEVILLE, MARYLAND 21228

(301) 744-0931

RE: THOMAS E. STUEHLER ET UX VS: WALTER A. REITER, JR. ET AL AND GERALD F. K.OBY et al Came No. 75 39R

Very truly yours,

C. VICTOR MCFARLAND

Respectfully submitted,

Music S Coullers County Board of Appeals of Baltimore County

c: C. Victor McFarland, Esquire William S. Baldwin, Esquire Harry S. Swartzwelder, Jr., Esquire John W. Hessian, III, Esquire THOMAS E. STUEHLER et ux Appellants vs.

CIRCUIT COURT FOR

IN THE

0

WALTER A. REITER, JR. et al. constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY, MARYLAND BALTIMORE COUNTY Case No. 75-398 Board of Appeals No. and

GERALD F. KLOBY et al 5894/10/198

Appellees

PETITION FOR EXTENSION OF TIME Rule 1100B7

The Petitioners, Thomas E. Stuehler and Jeanette K. Stuehler, his wife, by their attorney, C. Victor McFarland, request that the time for the transmittal of the record and transcript of testimony be extended for a period of 60 days and for masons therefore says:

1. That the Petitioners' attorney has been advised by the County Board of Appeals reporter, C. Leonard Perkins, that the transcript cannot be completed within the 30 days allowed by Rule B7a, May 2, 1976, and that he needs an additional period of 60 days.

WHEREFORE, the Petitioners pray that they be granted an additional period of 60 days for the transmittal of the record of the Board of Appeals to the Circuit Court for Baltimore County.

C. Victor McParland 920 Frederick Road Catonsville, Maryland 21228 744-0931 Attorney for Appellants

I HEREBY CERTIFY that on this day of April, 1976, a copy of the aforegoing Petition for Extension of Time, Rule 1100B7, as main the Market Hessian, III. Esquire, People's Counsel for Baltimore of Market Hessian, 111. Esquire, People's Counsel for Baltimore, Savitavelourity office Building, Towson, Maryland 21204, Harry S. Swattavelourity office Building, Towson, Maryland 21202 and Edith 7. Edithinistrative Becretary, County Board of Arpeals, County Office Building, Towson, Maryland 21204.

C. Victor McParland

0

Rec'd Stille 3:30 per.

> HARRY S. SWARTZWELDER, JR. ATTORNEY AT LAW
> 400 TOTMAN BLDG.
> 210 E. REDWOOD STREET
> BALTIMORE, MARYLAND 21202

727-4929

November 8, 1974

Board of Appecls for Baltimore County County Office Building Towson, Maryland 21204

Re: Petition for Reclassification West Side of Ingelside Avenue 438 feet South of Calverton St. 1st Election District Thomas E. Stuehler, Petitioner Case No. 75-39-R

Gentlemen:

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

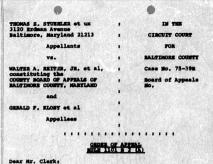
Very truly yours, Harry S. Swartzwelder, Jr.

cc: C. Victor McFarland 920 Frederick Road Baltimore, Maryland 21220

Rec'd 1/13/74 10a.h

Bed 5.6 76

LILBRETT



Please enter an appeal to the Circuit Court for Baltimore County on behalf of the Petitioners, Thomas E. Stuehler and te E. Stuehler, his wife, from the Opinion and Order of mty Borrd of Appeals of Baltimore County, dated March 3, 1976, denying the Petitioner's request for a reclassification from D.R.5.5 to B.M. soning.

7. Flotor McFarland
920 Frederick Road
Catonsville, Maryland 21228
744-0931
Attorney for Appellants

I HEREPY CERTIFY that on this Aday of April, 1976, a copy of the aforegoing Order of Appeal was sailed to the County Board of Appeals of Baltimore County, 11 W. Chesspeake Avenue, Towson, Maryland 21204, John W. Bessien, III, Require, People's Counsel for Baltimore County, County office Building, Towson, Maryland 21204, William S. Baldwin, Require, 24 W. Fennsplvania Avenue, Towson, Maryland 21204 and Barry S. Swartswelder, Jr., Baguire, 210 E. Bedwood Street, Baltimore, Maryland 21204.

C. Victor McFarland

Rec'd 4/5/76 11.45em

PETITION FOR RECLASSIFICATION W/S of INGLESIDE AVENUE, 438' S of CALVERTON STREET - 1st ELECTION DISTRICT THOMAS E. STUEHLER, ET UX, PETITIONERS

. BEFORE THE ZOFTING C MINISSIONER

: Case No. 75-398 (Item No. 30)

................. ORDER OF APPEAL

Dear Mr. DiMenne

Please enter an appeal in the above entitled case on behalf of the Petitioners, Thomas E. Stuehler, et ux., from the Order of the Zoning Commissioner dated October 22, 1974 denying the Petition for Reclassification as therein set forth

- OCT 29 74 PM DAME OF THE PROPERTY OF THE PR ZONING META IMENT

d. Victor McFarjand Attorney for the Petitioners, Thomas E. Stuehler, et ux, Treuth and McFarland 920 Frederick Road Baltimore, Maryland 21228

I HERRBY CERTIFY that a copy of the aforegoing Order of Appeal was mailed this of any of October, 1974 to Mr. Gerald F. Kloby, 634 Longview L-ive, Catonsville, Maryland 21228 and William S. Baldwin, Esquire, 24 W. Pennsylvania Avenue, Towson, Maryland 21204

REUTH AND MCFARLAND J. WILLIAM TREUTH, JE

October 24, 1974

S. Eric DiMenna, Zoning Commissioner Baltimore County Office of Planning and Zening
County Office Building
Towson, Maryland 21204

> Re: Case No. 75-39-R(Item No. 30) Thomas E. Stuehler, et ux.

Dear Mr. DiNenna:

CVMcF: fd

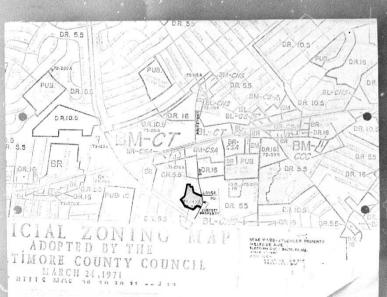
Enclosed is an Order of Appeal to be filed in the subject case and a check in the amount of \$70.00 for advance costs. If any additional costs are re-quired, please advise.

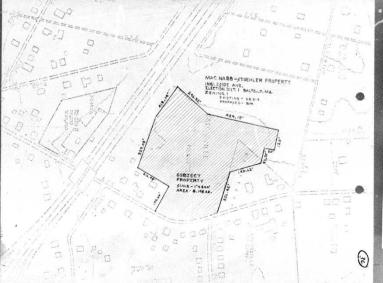
With kind regards.

CC: Mr. Gerald F. Kloby William S. Beldwin, Esquire Mr. Thomas E. Stvehler



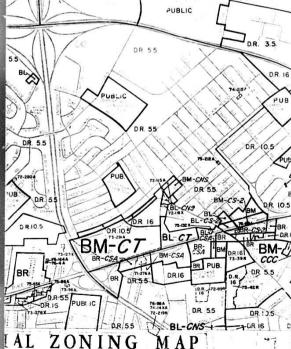
Verified that Mr Word Baldwar & Hr. Gerald Holes notified of special on October 30. 1974 - ocu







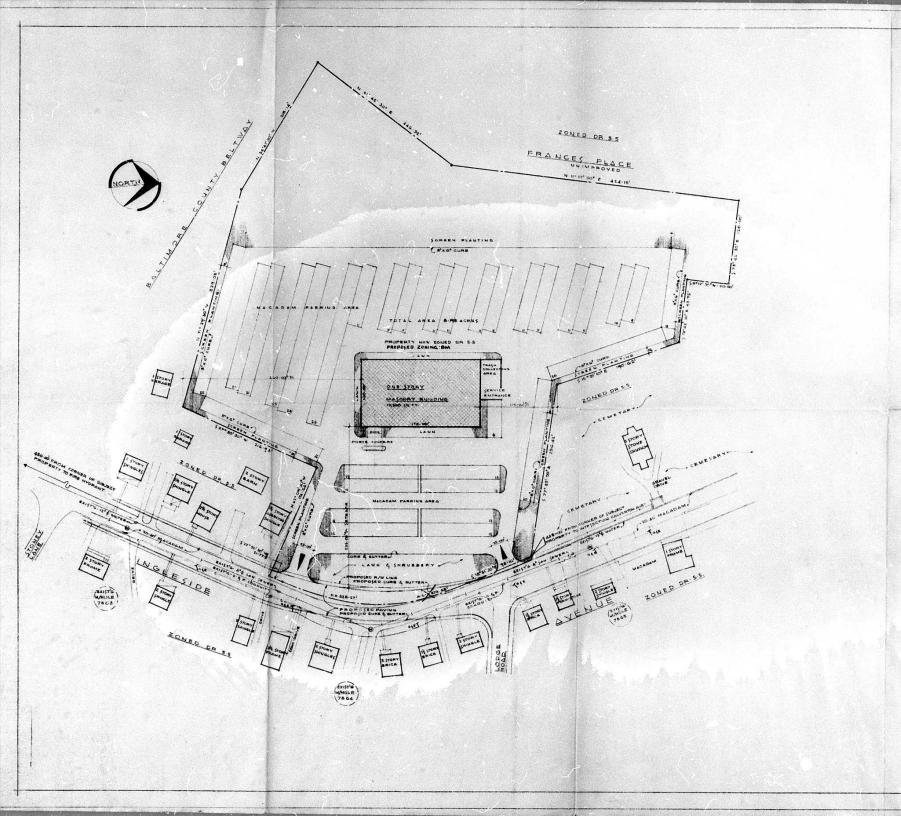
BALTIMORE COUNTY, MARYLAND No. 16984 OFFICE OF FINANCE HEVENUE DIVISION DATE October 30, 1974 ACCOUNT 01-662 \$70.00 DISTRIBUTION C. Victor McFarland, Esquire Cost of Filing of an Appeal on Case No. 75-39-R (Item No. 30) W/S of Ingleside Avenue, 438' S of Calverton Streets 1st Election District
Thomas E. Stuehler, et ux - Petitioners BALTIMORE COUNTY, MARYLAND No. 16930 OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE November 6, 1974 ACCOUNT 01-662 AMOUNT C. Victor McFarland, Esquire ost of Posting Property of Thomas E. Stuehler, et L. for a Appeal Hearing W/S of Calverton Street - 1st Election District Case No. 75-39-8 (Hem No. 30) MH-CSA ML-IM DR 55 PUBLIC

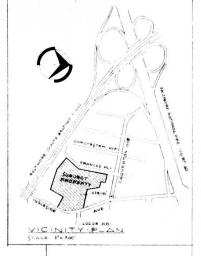


DOPTED BY THE

ORE COUNTY COUNCIL MARCH 24,1971

PUB! IC





PARKING

BUILDING AREA 17,500 SQ ONE GAM PEM BYERY 50 SQ FT. 17,500 F SO I SSO CAM SPACES REQUIRED SPACES PROVIDE 400 CAMS OVERASE - 110 CAMS CAM SPACE - WIDE X TO LONG EACH

PAVING.

SCREENING.

EGMPACT PLANTING & O'HIGH & BO' WIDE

LIGHTING

AREA.

ZONING DR 5.5. PSTITIONING FOR SM

DISTRICT.

SCALE .

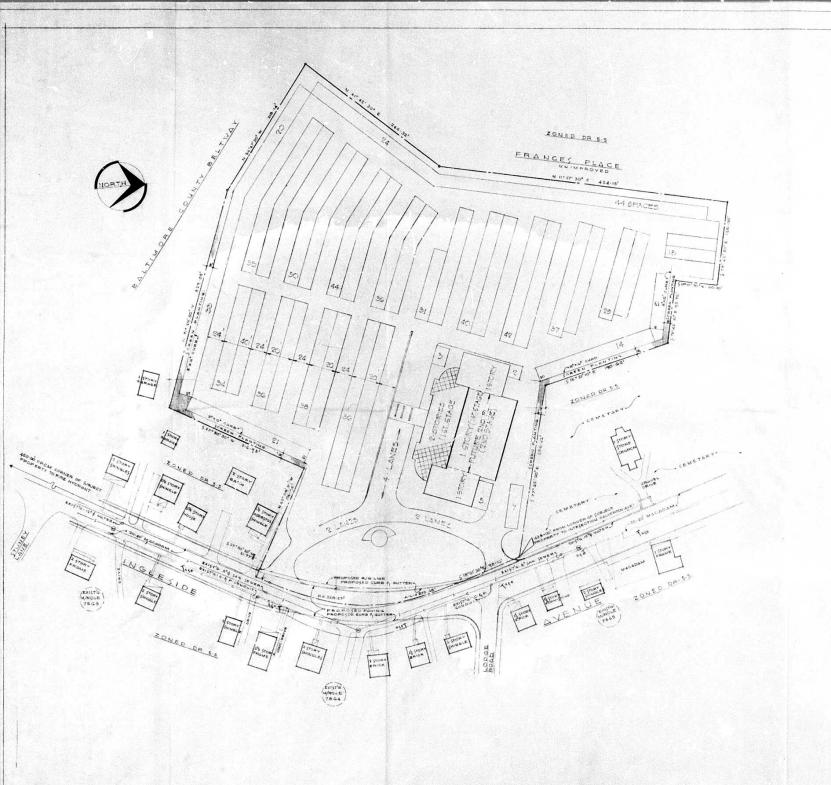


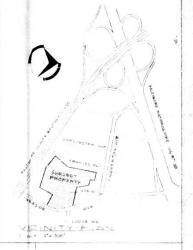


	HARRISC	N	ASSOCI	ATES	INC.
ì	ARCHITECTS 25 DUITON AVE	in	ENGINEERS		LANNERS

PROPOSED CATERING LE FONTAINE D'CA

3-28-74





PAVING:

SCREENING .

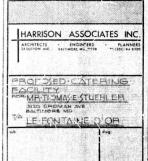
LIGHTING.

AFREA.

ZONING .
EXISTING DE SE PETITIONING POR BEN ZONING

DISTRICT:

SCALE -



| da:e | File | 741.G

ir a So F

