

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THOMAS E. STUEHLER, et al., 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 5.5 zone to an RM zone; for the following reasons:

1. That there was an error or errors in the comprehensive zoning map as adopted by the County Council.
2. That the character of the neighborhood has changed since the adoption of the map.
3. That the character of the neighborhood will be further changed by the widening of Ingleside Avenue.
4. That there exists a need for the use of the property contemplated by the Petitioners and the fulfillment of that need is in the public interest.

See attached description

and request that the property be reclassified from DR 5.5 to RM

County 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 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.

Contract purchaser Thomas E. Stuehler
Address 3120 Erdman Avenue
Baltimore, Maryland 21213

Special Agent C. Victor McFarland
Address 920 Frederick Road
Baltimore, Maryland 21220

ORDERED By the Zoning Commissioner of Baltimore County, this 30th day of April, 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 2:00 o'clock P.M.



(over)

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

3.

"... It should also be noted that the commercial zoning here would not be in accordance with the proposed Southwest Area Master Plan, nor with the policies of the Baltimore County 1980 Guide Plan. It is therefore recommended that the existing D.R. 5.5 be retained."

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 Council 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 low density residential development along the Beltway right-of-way is present.

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to B.M.
W/S of Ingleside Avenue 438'
S of Calverton Street, 1st District

Thomas E. Stuehler, et al
Petitioners-Appellants

Case No. 75-39-R

Gerald F. Kibby et al
Protestants-Appellees

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 195
File No. 5994

ORDER

This case having come on for hearing, and the Court having been advised by counsel for the Appellants that the County Council for Baltimore County on October 8, 1976, enacted Bill No. 108-76, which adopts a new Comprehensive Zoning Map for the First Councilmanic District of Baltimore County, in which the property here involved is situate, and which said ordinance is now effective, and the Court being of the opinion that the adoption of said new Comprehensive Zoning Map for the First Councilmanic District of Baltimore County renders this reclassification zoning proceeding moot, a decree with which counsel for Appellants agree, it is for this reason, this 21st day of January, 1977, by the Circuit Court for Baltimore County, ORDERED that the appeal heretofore filed by Thomas E. Stuehler, et al, from the Order of the County Board of Appeals in this case be and it is hereby DISMISSED, with costs to the Appellants.

JUDGE

I HEREBY CERTIFY that copies of the foregoing Order of Court were mailed to C. Victor McFarland, Esquire, 920 Frederick Road, Catonsville, Maryland 21220; William S. Bullock, Esquire, 24 W. Pennsylvania Avenue, Towson, Maryland 21204; and Harry S. Swartzwelder, Jr., Esquire, 210 E. Redwood Street, Baltimore, Maryland 21202, this 24th day of January, 1977.

Rec'd 1-25-77
11 AM

John W. Hadden, III

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

4.

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 agree with the Petitioner'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 foregoing 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

Walter A. Keller, Jr., Chairman

W. Giller Parker

Robert L. Gilland

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to B.M. zone
W/S of Ingleside Avenue 438 feet
South of Calverton Street
1st District
Thomas E. Stuehler, et al
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 75-39-R

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 for the construction of a catering 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 argument 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 area.

The testimony of James Spamer, a registered professional engineer, was that the water and sewer potential hookups at the subject property were 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

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

2.

had been developed at this time, although if the petition was successful, any development upon the subject site would be subject to the storm water management regulations as adopted by the County.

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

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 1205 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 deeper than 600 feet.

As to the presentation 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 Howell, a Baltimore County land planner. 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 granting of commercial zoning here would constitute 'spot zoning' in that such zoning would establish land use potentials which are not in harmony with those of the surrounding residential properties. All of the surrounding properties are zoned D.R. 5.5 and the medium density single family housing characteristic of the immediate area has been firmly established."

"... 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 opportunities have been provided in the area, and that the zoning map is correct."

NEIGHBORHOOD

This section of North Catonsville is composed of many varying and conflicting uses. Primarily residential, with detached cottages of varying ages and vintage, for the most part well-kept and well maintained. They are interspersed, however, with numerous small commercial uses, presumably enjoying a non-conforming 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 uses 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 constructed, 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 homes, is a large used car lot and a Howard Johnson's Motor Lodge at the corner of Ingleside Avenue and U. S. Route 40. Opposite this, on the Southeast corner of Ingleside Avenue and U. S. Route 40 are many and varied commercial installations.

ZONING

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

By Ruth Morgan

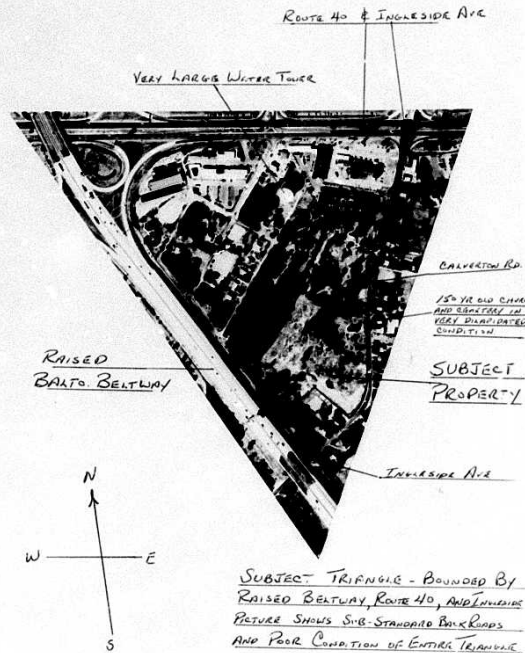
1-SIGN 75-39-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: AUGUST 24 1974
Posted for: PETITION FOR RECLASSIFICATION
Petitioner: THOMAS E. STUEHLER
Location of property: W/S OF INGLESIDE AVE. 438' S. OF CALVERTON ST.
Location of Sign: W/S OF INGLESIDE AVE. 475' +/- S OF CALVERTON ST.
Remarks: _____
Posted by: Thomas E. Bohner Date of return: AUGUST 30 1974

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: AUG. 15 1974
Posted for: PETITION FOR RECLASSIFICATION
Petitioner: THOMAS E. STUEHLER
Location of property: W/S OF INGLESIDE AVE. 438' S. OF CALVERTON ST.
Location of Sign: W/S OF INGLESIDE AVE. 475' +/- S OF CALVERTON
Remarks: _____
Posted by: Thomas E. Bohner Date of return: AUG. 16 1974



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 30, 1974

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

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

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 appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the west side of Ingleside Avenue, approximately 435 feet south of Calverton Avenue, in the First Election District of Baltimore County and is presently unimproved.

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

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

C. Victor McFarland, Esquire
Page 2
April 30, 1974

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 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, Chairman
Zoning Advisory Committee

JBJ: III/sw

Enclosure

cc: R.D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Maryland 21214

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

April 29, 1974

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

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

Re: Item #30 (Cycle VII - April to October 1974)
Property Owner: Thomas E. Stuehler
W/S Ingleside Ave., 438' S. of Calverton Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: B.M.
No. of Acres: 8.198 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:

Ingleside Avenue will ultimately be improved with a 44-foot combination curb and gutter bituminous concrete cross-section on a 54-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.

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.

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

Water and Sanitary Sewers:

Public water and sewer exists to serve this site.

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

Very truly yours,

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

END:RAM:IND:iss

SW F 1 and 2 Topo

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE I. CLIFFORD, P.E. CHIEF
Wm. T. MELSER DEPUTY TRAFFIC ENGINEER

April 30, 1974

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

Re: Item 30 - Cycle Zoning 7 - April 1974 through October 1974
Property Owner: Thomas E. Stuehler
W/S Ingleside Avenue, 438 feet S of Calverton Avenue
B.M.
District 1

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 5.5 to B.L. This should increase the trip density from 400 to 4,000 trips per day. This site can only aggravate 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 truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

cmv/pk

Baltimore County Fire Department

J. Austin Deitz
Chief

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 Committee

Re: Property Owner: Thomas E. Stuehler

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

Item No. 30

Zoning Agenda

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Minimum size main to be 8".
- (X) 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.
- (X) 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 6. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1973 Edition prior to occupancy.
- () 7. The plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John M. Boush*
Planning Group
Special Inspection Division

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

mls
4/16/73

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: Thomas E. Stuehler
Location: W/S Ingleside Ave., 438' S of Calverton Ave.
Existing Zoning: D.R.5.5
Proposed Zoning: B.M.
No. of Acres: 8.198
District: 1

Metropolitan water and sewer are available to this site.

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.

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

Very truly yours,

Thomas H. Devin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/cap

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, 1974-Cycle VII

Re: Item 30
Property Owner: Thomas E. Stuehler
Location: W/S Ingleside Ave., 438' S. of Calverton Ave.
Present Zoning: D.R. 5-5
Proposed Zoning: B.M.

District: 1st
No. Acres: 8.198

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.

WHP/ml

Very truly yours,
Y. Nick Petrovich
Field Representative

H. ENGLIE PARKS, President
EDWARD E. HESS, Vice-President
MR. ROBERT L. BERRY

MARCUS M. BOTTSWORTH
JOSEPH N. WOODWARD
ALVIN LOBECK
JOSHUA R. WHEELER, Superintendent

F. NATANIEL WILLIAMS, Jr.
EDWARD W. TOLSON, Jr.
MR. WILLIAM C. BULLOCK

BALTIMORE COUNTY ZONING COMMISSION

May 22, 1974

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

JAMES B. BYRNES, III

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

Dear Mr. McFarland:

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
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

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

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May 21, 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 #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
District: 1st

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 bearing on this petition.

The proposed right of way and paving 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 vehicular traffic; there, 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 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 201 PLANNING 424-3211 ZONING 424-3231

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

No. 16948

DATE Oct. 15, 1974 ACCOUNT 01-662

AMOUNT \$118.70

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Fountain Bleu
3120 Reisterstown Ave.
Baltimore, Md. 21213
Advertising and posting of property for Thomas E. Stuehler
949-15 14870

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

No. 17460

DATE January 27, 1975 ACCOUNT 01-662

AMOUNT \$5.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

C. Victor McFarland, Esquire
Cost of Posting Property of Thomas E. Stuehler, et ux,
for an Appeal Hearing
W/S of Ingleside Avenue, 438' S of Calverton Street - 1st
Election District # 27
Case No. 75-39-R (Item No. 30) 5.00

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>ETH</u>	Revised Plans:				Change in outline or description					
Previous case: <u>6</u>	Map #				Yes No					

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 1974

Petitioner: Stuehler, et ux Submitted by McFarland
Petitioner's Attorney: McFarland Reviewed by ETH

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

October 22, 1974

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

RE: 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,

S. ERIC DINENNA
Zoning Commissioner

SED/scw

Attachments

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

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: Nov. 9, 1974

Posted for: APPEAL

Petitioner: Thomas E. Stuehler, et ux

Location of property: W/S of Ingleside Ave., 438' S. of

CALVERTON ST.

Location of Sign: W/S of Ingleside Ave., 475' S. of

CALVERTON ST.

Remarks: Thomas E. Stuehler Date of return: Nov. 15, 1974

Posted by: Signature

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

No. 14762

DATE April 24, 1974 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Messrs. Truett and McFarland
922 Frederick Road
Catonsville, Md. 21228
Petition for Reclassification for Thomas E. Stuehler
4949-15 5000

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

15355

DATE 5/1/75 ACCOUNT 01-712

C. Victor McFarland, Esq.
920 Frederick Road

AMOUNT \$25.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Cost of certified copies in Case No. 75-39-R - Thomas Stuehler

28349600 10 25.00

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

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

Apr. 30, 1974	Petition of Thomas E. Stuehler and Jeannette K. Stuehler for reclassification 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

ORDER OF COURT

IT IS ORDERED this 3rd day of May, 1976, that the
Petition for Extension of Time be and it is hereby granted to
July 1, 1976.

FRANK E. CICONE, Judge
CIRCUIT COURT FOR
BALTIMORE COUNTY

THOMAS E. STUEHLER et ux	:	IN THE
APPELLANTS	:	CIRCUIT COURT
VS.	:	FOR
WALTER A. REITER, JR., et al	:	BALTIMORE COUNTY
constituting the	:	CASE No. 75 30R
COUNTY BOARD OF APPEALS OF	:	
BALTIMORE COUNTY, MARYLAND	:	
AND	:	Board of Appeals
GERALD F. KLOBY et al	:	No.

ORDER TO DISMISS MOTION RAISING
PRELIMINARY OBJECTION

Q. Victor McFarland
920 Frederick Road
Catonsville, Md. 21228
74/ 0931
Attorney for Appellants

I HEREBY CERTIFY that on this 4th day of May, 1976, a copy of the foregoing Order to Dismiss Motion Raising Preliminary Objections was mailed to John W. Hesse III, Esquire, People's Counsel, Baltimore County, County Office Building, Towson, Maryland, 21204, Harry S. Swartzwelder, Jr., Esquire, 2120 E. Redwood Street, Baltimore, Maryland 21202, and Edith T. Eizenhart, Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland, 21204.

Rec'd 5-6-76
10:30 AM

cc: C. Victor McFarland, Esquire
William S. Baldwin, Esquire
Harry S. Swartzwelder, Jr., Esquire
John W. Hession, III, Esquire

C. VICTOR MCFARLAND
ATTORNEY AT LAW
920 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
(301) 744-0931

MAY 4, 1976

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

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

Dear Mr. Clerk:

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

Very truly yours,

C. VICTOR McFARLANE

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

C. Victor McFarland
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 aforementioned Petition for Extension of Time, Rule 1100B7, was mailed to John W. Hessian, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Harry S. Swartz, Esquire, County Office Building, Towson, Maryland 21204, Harry S. Swartz, Esquire, Jr., Esquire, 210 E. Redwood Street, Baltimore, Maryland 21202 and Edith T. Eissenhart, Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland 21204.

C. Victor McFarland

Rec'd 5/17/70
3:30 pm

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

November 8, 1974

November 8, 1974

Board of Appeals
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.

ab

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

Rec'd 11/13/74
10 a.m.

FILMED

ORDER OF APPEAL
RULE 101 B 2 (A)

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

C. Victor McFarland

-1-

ORDER OF APPEAL

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.



G. Victor McFarland
Attorney for the Petitioners,
Thomas E. Stuehler, et ux,
Treuth and McFarland
920 Frederick Road
Baltimore, Maryland 21228
744-0931

I HEREBY CERTIFY that a copy of the foregoing Order of Appeal was mailed this 24th day of October, 1974 to Mr. Gerald F. Kloby, 634 Longview Drive, Catonsville, Maryland 21228 and William S. Baldwin, Esquire, 24 W. Pennsylvania Avenue, Towson, Maryland 21204.

C. Victor McFarland

-1-

TELEPHONE
744-0831

October 24, 1974

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

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

Dear Mr. DiNenna:

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 required, please advise.

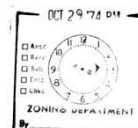
With kind regards,

Very truly yours,

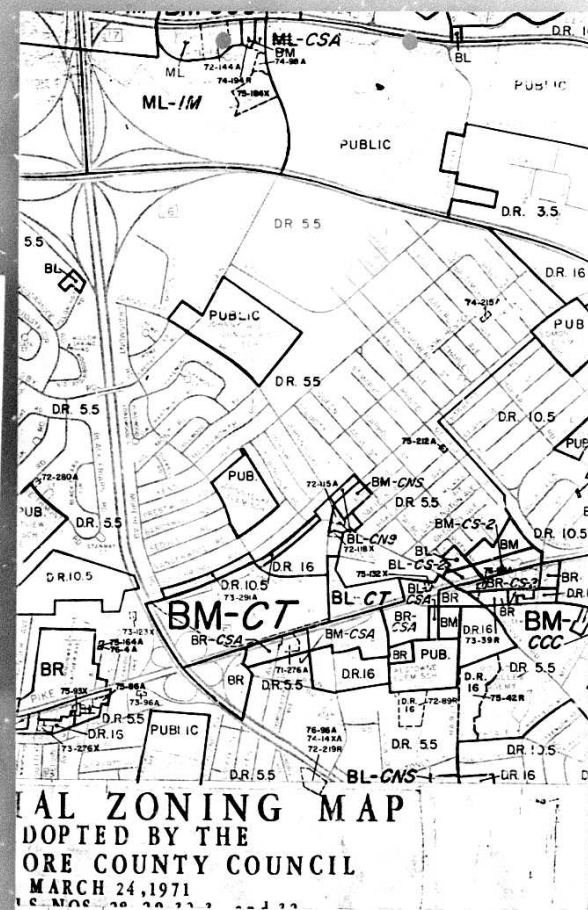
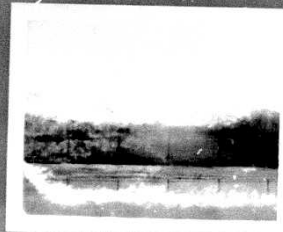
C. Victor McFarland

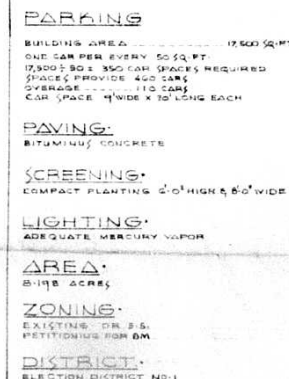
CVMCF:fd

cc: Mr. Gerald F. Kloby
William S. Baldwin, Esquire
Mr. Thomas E. Stuehler



Verified that Mr. Wm. Caldwell & Mr. Gerald Haley were notified of appeal on October 30, 1974 - scw



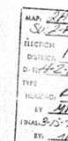


SCALE
ONE INCH EQUALS FIFTY FEET

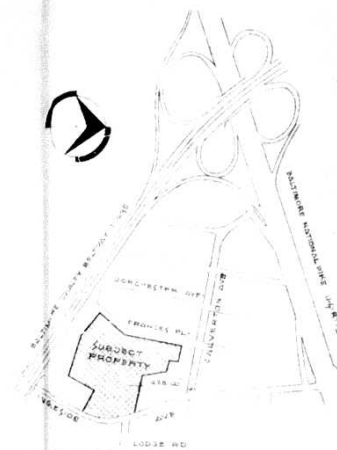
HARRISON ASSOCIATES INC.
ARCHITECTS • ENGINEERS • PLANNERS
25 DUTTON AVE. BALTIMORE, MD. 21228 PH. (301) 764-8300

PROPOSED CATERING
FACILITY
FOR: MR. THOMAS E. STUEHLER
3120 FROMAN AVE
BALTIMORE MD
T/A LE-FONTAINE D CA

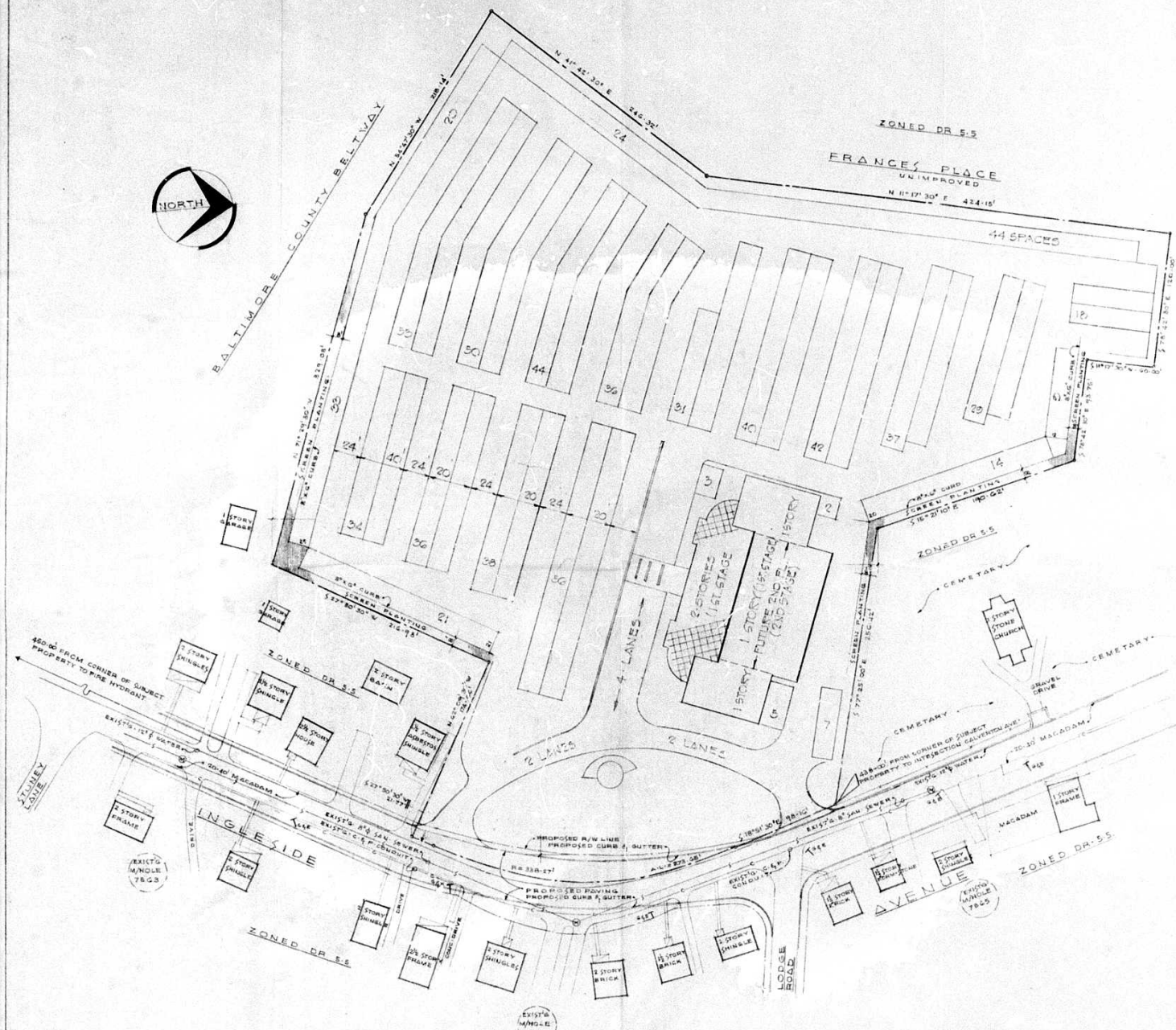
scale	date	file
1" = 50 E	3-28-74	741G



Funell M. Neher



VICINITY MAP
(Scale 1" = 500')



PARKING
EXISTING: 44 SPACES
PROPOSED: 44 SPACES
TOTAL: 88 SPACES
ONE CAR PER SPACE
TOTAL: 88 CARS
PARKING PROVIDED: 88 CARS

PAVING
BITUMINOUS CONCRETE

SCREENING
COMPACT PLANTING 2'0" HIGH X 8'0" WIDE

LIGHTING
ADEQUATE MERCURY VAPOR

AREA
4.116 ACRES

ZONING
EXISTING: DR-5.5
PETITIONING FOR: DR-5.5 ZONING

DISTRICT
ELECTION DISTRICT NO-1

SCALE
ONE INCH EQUALS FIFTY FEET

HARRISON ASSOCIATES INC.		
ARCHITECTS	ENGINEERS	PLANNERS
33 OUTON AVE.	BALTIMORE, MD. 21201	TEL: (301) 44-8300
PROPOSED CATERING FACILITY		
FOR: MR. & MRS. E. STUEHLER		
3120 GROMAN AVE.		
BALTIMORE, MD.		
LE FONTAINE D'OR		
DATE: 1/18/68		
BY: [Signature]		



James M. [Signature]