

Directly adjacent to the site on the south is an existing two-story frame dwelling and two (2) commercial establishments, presently utilized for radio and television repairs and clothing sales. A large vacant commercial lot exists directly to the north, between the subject property and Lake Avenue.

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

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

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

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

Zoning Commissioner of Baltimore County

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

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

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

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

a Variance... should be granted.

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

Zoning Commissioner of Baltimore County

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

the above Variance should NOT BE GRANTED.

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

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. DIRECTOR
WILLIAM T. MILLER DEPUTY TRAFFIC ENGINEER

April 30, 1974

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

Re: Item 21 - Cycle Zoning 7 - April 1974 through October 1974
Property Owner: John Roche
E/S Falls Road, 175 Feet N of Fairfield Road
B.L.
District 9

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 5.5 to B.L. of .49 acres. This site in itself is of insufficient size to create any major traffic problems.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRW/pk

Maryland Department of Transportation

State Highway Administration

April 22, 1974

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

Attention: Mr. James Byrnes

Re: ITEM 21
Seventh Zoning Cycle, April, 1974
Property Owner: John Roche
Location: E/S Falls Road (Route 25)
175' N. of Fairfield Road
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
No. of Acres: .49
District: 3rd

Dear Sir:

The entrance must be a depressed curb-type with 36" depression transitions.

There must be a minimum of 5' tangent standard curb from the north property line to the beginning of the transition. There should be a minimum of 2' between the drive and the building. The plan should be revised prior to the hearing.

The 1973 Average Daily Traffic Count on this section of Falls Road is ... 7,800 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
by J. E. Meyers

CLJ:EMB

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



J. Austin Deitz
Chief

Towson, Maryland 21204
812-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: John Roche

Location: E/S Falls Road, 175' N of Fairfield Road

Item No. 21 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... EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved: Paul H. Rinder
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

Reviewer: [Signature]
Planning Group
Special Inspection Division

mls
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: John Roche
Location: E/S Falls Rd., 175' N of Fairfield Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
No. of Acres: 0.49
District: 3

Metropolitan water and sewer are available.

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. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/csf

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 21

Property Owner: John Roche
Location: E/S Falls Road, 175' N. of Fairfield Road
Present Zoning: D.R. 5.5
Proposed Zoning: B.L.

Z.A.O. Meeting of: April 2, 1974-Cycle VII

District: 3rd
No. Acres: 0.49

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

WNP/ml

H. EMBLE PARKER, President
EUGENE C. HEBB, Vice-President
MR. ROBERT L. BERRY

MARCUS H. BOTHA, S.
JOSEPH W. HILGREN
ALVIN LORICK

T. HAYARD WILLIAMS, JR.
RICHARD W. FRADY, M.D.
MR. RICHARD E. WICKER, JR.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 20, 1974

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

RE: Petition for Reclassification
John P. Roche, et ux - Petitioners
Item 21-7th Zoning Cycle

Dear Mr. Nolan:

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: E. F. Ruppel, Associate
201 Courtland Avenue
Towson, Maryland 21204

PROTESTANT'S EXHIBIT A

20

Mrs. Phyllis Sachs, President
Mt. Washington Improvement
Association, Incorporated
211 N. Main St., Portland 21209

Page 2Page 3

1-SIGN 75-45-RA

2-Subs 7.5-45-RA

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

2. SIGNS 75-45-R

PETITION MAPPING PROGRESS SHEET

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

No 14746



May 17, 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 #21, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: John Roche
Location: E/S Falls Road, 175' N of Fairfield Road
Existing Zoning: D.R.5.5
Proposed Zoning: B.L.
No. of Acres: 0.49
District: 3rd

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 driveway as shown on the site plan is unacceptable as it does not meet the required standards for a commercial driveway. There is no turn around area provided and insufficient parking and maneuvering area at the rear of the building.

It is suggested that the petitioner contact the owner of the adjacent property to the north and try to provide a driveway in common between the properties.

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 100 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 701 PLANNING 494-3211 ZONING 494-3281

It is further ORDERED that the Variance be and the same is hereby

DENIED.

S. Eric Dinenna
Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 zone to B.L. zone; : COUNTY BOARD OF APPEALS
VARIANCE from Section 232.2b : OF
of the Baltimore County Zoning :
Regulations : BALTIMORE COUNTY
E/S Falls Road 175 feet North of :
Fairfield Avenue : No. 75-45-RA
9th District :
John P. Roche, et ux :
Petitioners :

ORDER OF DISMISSAL

Petition of John P. Roche, et ux for reclassification from D.R. 5.5 zone to B.L. zone, and Variance from Section 232.2b of the Baltimore County Zoning Regulations, on property located on the east side of Falls Road 175 feet north of Fairfield Avenue, in the 9th Election District of Baltimore County.

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

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

IT IS HEREBY ORDERED, this 24th day of January, 1977, that said petition be and the same is declared moot and the petition dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland
Robert L. Gilland
Chairman

Herbert A. Davis
Herbert A. Davis

POINTS OF ERROR COMMITTED
BY THE COUNTY COUNCIL
IN CLASSIFYING THE SUBJECT PROPERTY D.R.5.5

That the County Council committed at the very least the following errors, and very probably additional errors in classifying the subject property D.R.5.5:

1. That this area, particularly the frontage along Falls Road, is no longer suited for residential use, but it is ideally located to serve area commercial needs by appropriate commercial zoning such as the requested B.L. zoning, and it was error for the Council to place the property in a residential zone.
2. That it is impossible to economically build new D.R.5.5 housing on this property due to topography problems, problems caused by the traffic on Falls Road and the cost of razing the existing improvements, which improvements are beyond economic refurbishing for residential use, and it was error for the Council to place the property in a residential zone in view of these facts.
3. For such other and further errors as may be disclosed by a minute study of the property, which errors will be brought out at the time of the hearing hereon.

CHANGES IN THE AREA

That since the property was last zoned by the County Council the following changes have occurred in the area:

1. Traffic has considerably increased on Falls Road.
2. The need for commercially zoned land in the area has increased since the Council last considered the property, and the subject property is ideally suited to serve this need.
3. That a parcel of ground directly across Falls Road at the northwest corner of Falls Road and Fairfield Avenue was reclassified to B.L. in Case No. 74-58-RA on October 24, 1973.
4. For such other and further changes as may be disclosed by a minute study of this area which shall be brought out at the time of the hearing hereon.

Respectfully submitted,

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

RE: PETITIONS FOR RECLASSIFICATION AND VARIANCE : BEFORE THE
E/S of Falls Road, 175' N of : ZONING COMMISSIONER
Fairfield Avenue - 9th Election : OF
District : BALTIMORE COUNTY
John P. Roche, et ux - Petitioners :
NO. 75-45-RA (Item No. 21) :

This matter comes before the Zoning Commissioner as a result of a Petition filed by John P. Roche, et ux, for a Reclassification from a D.R. 5.5 Zone to a B.L. Zone and a Variance to permit a side yard setback of zero feet in lieu of the required 12 feet. The subject property is located on the east side of Falls Road, 175 feet north of Fairfield Avenue, in the Ninth Election District of Baltimore County, and contains 0.31 of an acre of land, more or less.

Testimony on behalf of the Petitioner indicated that he is the owner of the subject property as well as many other properties in the general vicinity. He intends to utilize four of the six dwellings now on the property as specialty shops. Parking would be provided on the rear portion of the subject property. The vicinity of the subject property was adequately described by several witnesses for the Petitioner. It was cited that there has been a recent change directly across Falls Road from the subject property, under Case No. 74-58-RA. This seems to be the only change in the general vicinity and said property has not yet been developed.

Testimony, as to error in the present classification, indicated that the highest and best use of the subject property is a B.L. Zone and that there are several commercial properties directly across the street and to the north of the subject property.

Several residents of the area, in protest of the subject Petition, indicated that they were fearful of additional traffic along Falls Road and that they were not aware of any plans to widen Falls Road in this vicinity.

E. F. RAPHEL & ASSOCIATES
Region 1 Professional Land Surveyors
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

March 29, 1974

RESIDENCE: 771-4832

DESCRIPTION TO ACCOMPANY PETITION
FOR RECLASSIFICATION FROM D.R.5.5 TO B.L. ZONE
PART C PROPERTY OF JOHN P. ROCHE

Beginning for the same at a point in the center line of Falls Road, 50' wide, at the distance of 179', more or less, measured northerly on the center of Falls Road, from the intersection of the center of Falls Road and the center of Fairfield Avenue, said point being at the beginning of the land which by deed dated August 21, 1913 and recorded among the Land Records of Baltimore County in Liber WPC415, folio 557, was conveyed by William P. Roche to John P. Roche et al, thence leaving Falls Road and binding on a part of the 1st line in the aforesaid deed, N60°30'E 132.00', thence leaving said line and running for a line of division S8°00'E 103.00' to intersect the 3rd line of the aforesaid deed at the distance of 73.58' from the beginning of said 3rd line, running thence and binding on a part of said 3rd line, S80°30'W 132.00' to the center of Falls Road, running thence and binding on the center of Falls Road and binding on the 4th line of the aforesaid deed, N8°00'W 103.00' to the place of beginning.

Containing 0.31 Acres of land more or less.

Being part of the land which by deed dated August 21, 1913 and recorded among the Land Records of Baltimore County in Liber WPC415, folio 557, was conveyed by William P. Roche to John P. Roche et al.



E. F. Raphael
E. F. Raphael
Registered Professional Surveyor
No. 2246

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the subject Petition should not be granted. The Baltimore County Planning Board Recommendations, under Item No. 21, state:

"It is the opinion of the Planning Board that the current zoning is appropriate for this property, that ample commercial opportunities have been proved in the area, and that the zoning map is correct."

The Zoning Commissioner concurs.

Furthermore, the Director of the Baltimore City Planning Department stated:

"Although this rezoning application is relatively insignificant, there are important precedents with which the City must deal.

The first of these concerns is the problem of creeping zoning. One need only look at the various arterials radiating from the City to observe the visual and economic chaos created through piecemeal zoning throughout the region. Much of the excess commercial zoning of the old City Zoning Ordinance was reduced to less intensive classifications through the new Zoning Ordinance. The City has had reasonable success in holding commercial zoning to the boundaries adopted in April, 1971 with the new Zoning Map."

The burden of proving error or substantial changes in the character of the neighborhood is borne by the Petitioner. In the instant case, this burden has not been met. Also, by reason of failure to show practical difficulty or unreasonable hardship, the Variance should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of February, 1975, that the Reclassification be and the same is hereby DENIED and that the subject property be and the same is hereby continued as and to remain a D.R. 5.5 Zone.

-2-

LAW OFFICES
COOK, MURRAY, HOWARD & TRACY
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

April 18, 1975

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: John P. Roche
File No. 75-45-RA

Gentlemen:

Please strike my appearance as one of the attorneys for the protestants in the above.

Sincerely,

Richard C. Murray
Richard C. Murray

RCH/njb

BALTIMORE COUNTY, MARYLAND No. 15166

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Sept. 16 1974 ACCOUNT 01-662

AMOUNT \$150.45

John P. Roche DISTRIBUTION
WHITE - CASHIER
FINK - AGENT
5057 Falls Road
Baltimore, Md. 21203
Advertising and posting of property
#75-45-2A 170222 16 1504506

BALTIMORE COUNTY, MARYLAND No. 17965

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE March 24, 1975 ACCOUNT 01-662

AMOUNT \$70.00

DISTRIBUTION
WHITE - CASHIER
FINK - AGENT
James D. Nolan, Esquire
Cost of Filing of an Appeal on Case No. 75-45-RA (Item No. 21)
E/S of Falls Road, 175' N of Fairfield Avenue - 9th Elec-
tion District 700006
John P. Roche, et ux - Petitioners

BALTIMORE COUNTY, MARYLAND No. 20293

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE May 21, 1975 ACCOUNT 01-662

AMOUNT \$5.00

DISTRIBUTION
WHITE - CASHIER
FINK - AGENT
Newton A. Williams, Esquire
Cost of Posting Property of John P. Roche, et ux, for an
Appeal Hearing
E/S of Falls Road, 175' N of Fairfield Avenue - 9th Elec-
tion District 500006
Case No. 75-45-RA (Item No. 21)

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., on a basis of one time successive weeks before the 11th day of September, 1974, the first publication appearing on the 22nd day of August, 1974.

THE JEFFERSONIAN

John P. Roche
Manager

Cost of Advertisement, \$

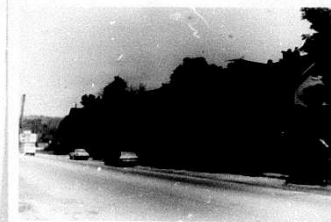
ORIGINAL
OFFICE OF
THE TOWSON TIMES
TOWSON, MD. 21204 August 26, 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric S. Dinenna, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 26th day of August, 1974 that is to say, the same was inserted in the issue of August 23, 1974.

STROMBERG PUBLICATIONS, Inc.

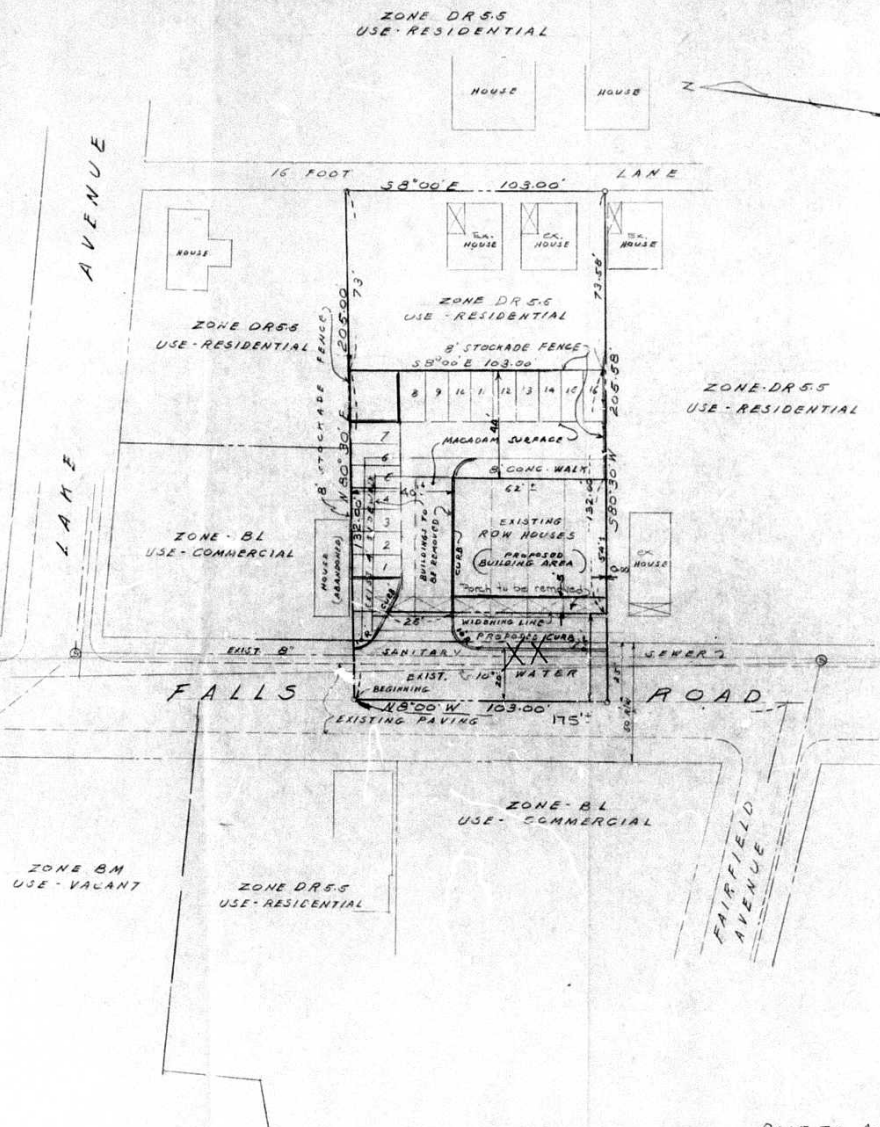
By: *Ruth Morgan*

PETITIONERS' EXHIBIT 2



#1535A

#1535A

GENERAL NOTES

AREA OF PROPERTY - 0.43 AC.
 AREA TO BE REZONED - 0.31 AC.
 EXISTING ZONE - DRSS
 PROPOSED ZONE - BL
 EXISTING USE - RESIDENTIAL
 PROPOSED USE - RETAIL

PARKING DATA

AREA OF BUILDING - 3,350 SQ. FT.
 PARKING RATIO - 1 SPACE/200 SQ. FT.
 TOTAL SPACES REQUIRED - 16
 TOTAL PROVIDED - 16
 (PARKING SPACES 9'x20')

REVISED PLAN



PLAT TO ACCOMPANY ZONING PETITION
 PROPERTY OF

JOHN P ROCHE

9th ELECT. DIST. BALTO. CO. MD.

SCALE 1"=30' MARCH 28, 1974

L. F. KAPNER & ASSOCIATES
 Registered Professional Surveyors
 200 Capital Avenue
 P.O. Box 10000, Baltimore, MD 21204

EST. 1946
 E. F. Roche

MAP NO.	1535A
ELECTION	9
DISTRICT	9
DATE	3/28/74
BY	[Signature]
FOR	[Signature]

#1535A