



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 21, 1979

Dr. Harold H. Fauter
6512 Deerpark Road
Reisterstown, Maryland 21136

RE: Permit No. C-1557-79
8314 Liberty Road -
2nd Election District

Dear Dr. Fauter:

The above referenced property was the subject of a Special Exception for offices (Case No. 75-92-X), which was granted on January 2, 1976 and extended by letter on January 5, 1977, for a period of three years, running through January 2, 1980.

The permit in question is being approved for processing at this time in view of the fact that the Order referred to above is final and that there was no appeal taken to said Order. Also, the letter extending the time period for utilization was granted well in advance of Judge Raine's decision, a copy of which is enclosed. Approval by this office will not, however, guarantee that a challenge will not be made concerning the appropriateness of the extension at some future date.

Please be advised that final approval of your permit will be conditioned upon the above statement and the issuance of a reserve capacity-use certificate.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

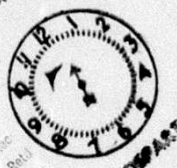
JAMES E. DYER
Zoning Supervisor

JED/sf
Enclosure

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner
Mr. Douglas A. Swam, Zoning Associate III

Case No. 75-92-X ✓

FILE
IN CASE
87538
240
What are your
thoughts? Give me
some idea on
date. WSH
3/13/81



CHESTER COHEN
ATTORNEY AT LAW
1201 FIDELITY BUILDING
210 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
(301) 837-7133

BRANCH OFFICE:
7501 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
(BY APPOINTMENT)

meeting resulted in determination by Z.C. (WEH.)
that spec. Ex. was lost due to failure
to utilize in 2-yr. period
March 12, 1981
Lor JED
(Nethi)

Mr. William Hammond
Zoning Commissioner for Baltimore County
County Office Building
Towson, Md. 21204

deposition of Special Ex. caption
(Case No. 76-92-X)
Re: 8314 Liberty Road
2nd E.D.

Dear Mr. Hammond:

I represent Dr. Harald H. Fauter, who in 1974 bought 8314 Liberty Road. On October 23, 1974, a hearing for Special Exception was held and on January 2, 1975, the Special Exception was approved by Eric DeNenna, then the Zoning Commissioner. On January 5, 1977, the Special Exception was extended to January 2, 1980.

On December 13, 1979, Dr. Fauter was given a Building Permit and at that time he was informed that he must first put in the road and parking lot before he could begin work on the house. He immediately had the fence facing St. James Road removed, at a cost of \$80.00, and the, during 1980, also had the following work done:

1.	4-80	Trees removed for parking lot	\$ 950.00
2.	7-80	Inspection Charges	1,638.56
3.	9-80	Staking of Road	108.29
4.	9-80	Widen Road	7,604.50
5.	10-80	Parking Lot	7,600.00
6.	10-80	Telephone Co. relocating phone wires	596.00
7.	10-80	Gas & Elec. Co. relocating poles & electric lines	1,349.00
Total			\$19,946.35

In addition to the almost \$20,000.00 expended above, Dr. Fauter has also had heavy engineering and architectural fees during that period.

- 1) HE APPEARS TO HAVE COMPLETED A LOT OF COSTLY WORK
- 2) DID HE REQUEST AN EXTENSION OF HIS PERMIT? IF NOT WHY?
- 3) MIKE McMAHON'S LAST LETTER OF ADVICE TO E. BOBBE REGARDING SECT 301 & SUBDIVISION STATUS MAY GIVE US SOME HELP

CHESTER COHEN
ATTORNEY AT LAW
1201 FIDELITY BUILDING
210 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
(301) 837-7133

BRANCH OFFICE:
7501 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
(BY APPOINTMENT)

Mr. William Hammond
Zoning Commissioner for Baltimore County

page -2-

Sometime in February, Dr. Fauter's architect was not allowed to proceed on changes and repairs to the house because "the permit had expired January 3, 1980". Considering that the County approved the parking lot and road widening that cost Dr. Fauter over \$20,000.00, doesn't it seem grossly unfair to stop him now?

I would appreciate your meeting with Dr. Fauter and me at your earliest convenience.

Very truly yours,
Chester Cohen
Chester Cohen

CC:ew

c.c. Gary Huddles
Dr. Harald H. Fauter

RE: EXTENSION OF ORIGINAL PETITION FOR SPECIAL EXCEPTION
NE/S of Liberty Road, 340' N
of Rolling Road - 2nd Election
District
Robert S. Yingling, Sr. -
Petitioner
NO. 75-92-X (Item No. 42)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

EXTENSION ORDER

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this
5th day of January, 1977, that the Special Exception for offices be and
the same is hereby extended, in accordance with Section 502.3 of the Baltimore
County Zoning Regulations, for a period of three years, beginning January 2,
1977, and ending January 2, 1980.

[Signature]
Zoning Commissioner of
Baltimore County

Chester Cohen, Esquire
Suite 900, Tower Building
222 East Baltimore Street
Baltimore, Maryland 21202

RE: Extension of Original Petition
for Special Exception
NE/S of Liberty Road, 340' N
of Rolling Road - 2nd Election
District
Robert S. Yingling, Sr. -
Petitioner
NO. 75-92-X (Item No. 42)

Dear Mr. Cohen:

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

Very truly yours,

/s/
S. ERIC DI NENNA
Zoning Commissioner

SED/scw

Attachment

January 5, 1977

CHESTER COHEN
ATTORNEY AT LAW
900 TOWER BUILDING
222 E. BALTIMORE STREET
BALTIMORE, MARYLAND 21202
(301) 837-7133

BRANCH OFFICE
1800 LIBERTY ROAD
BALTIMORE, MARYLAND 21207
(BY APPOINTMENT)

December 27, 1976

Mr. S. Eric DiNenna
Zoning Commissioner of
Baltimore County
County Office Building
111 N. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception,
32 1/2 of Liberty Road--
2nd Election District
Robert S. Yingling, Sr.--
Petitioner:

Dr. Harold H. Fauter, M.D.--
Purchaser;
No. 75-92X (Item No. 42)

Dear Mr. DiNenna:

I represented Dr. Harold H. Fauter when he obtained the
above-referenced Special Exception, your Order of January 2,
1975. As your present order will expire on January 2, 1977,
we request that you grant us a 2-year extension until January
2, 1979.

Thank you for your cooperation.

Very truly yours,

[Signature]
Chester Cohen

CC/hc

cc: Dr. Harold H. Fauter



ORDER RECEIVED FOR FILING

DATE January 5, 1977
BY [Signature]
ADMINISTRATIVE SERVICES

JAN 18 1977

75-92-X Plan No. 2 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Robert S. Yingling, Sr., legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____ offices only.

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.

Robert S. Yingling, Sr.
Harold H. Fauter, M.D.

Contract purchaser
Address 322-A DORR PARK ROAD

Legal Owner
Address 3149 PRUITT ROAD

Reisterstown, Maryland 21136
St. Louis, Florida 33450

Chester Cohen, Petitioner's Attorney
President's Attorney

Address 540 Tower Building
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of September, 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 23rd day of October, 1974, at 11:00 o'clock A.M.

Robert S. Yingling, Sr.
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR SPECIAL EXCEPTION
NE/S of Liberty Road, 340' N of Rolling Road - 2nd Election District
Robert S. Yingling, Sr. - Petitioner
NO. 75-92-X (Item No. 42)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition filed by Robert S. Yingling, Sr., for a Special Exception for offices in a D.R.16 Zone. The property is located on the northeast side of Liberty Road, 340 feet north of Rolling Road, in the Second Election District of Baltimore County, and contains 0.355 of an acre of land, more or less.

Testimony indicated that Dr. Harold H. Fauter wished to establish his medical offices on the subject property and intended to use the present structure, converting the interior to make it suitable for office use.

I refer to the recommendation of Mr. William D. Fromm, Director of Planning, dated October 22, 1974, wherein he stated:

"The subject property is part of a strip of D.R.16 zoning along Liberty Road, adjacent to commercial to the east. The houses along this portion of Liberty Road are suited for conversion to house-office use."

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 prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met, and a Special Exception for offices should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of January, 1975, that a Special Exception for offices should be and the same is GRANTED, from and after the date of this Order, subject to the following restrictions:

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: August 28, 1974

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

Z.A.C. Meeting of: August 27, 1974

Re: Item 42

Property Owner: Robert S. Yingling, Sr.

Location: SE/C of Liberty Rd. & St. James Rd.

Present Zoning: DR 16

Proposed Zoning: Special Exception for Office.

District: 2nd
No. Acres: 0.355

Dear Mr. DiMenna: No effect on student population

Very truly yours,
W. Rick Howard
Field Representative.

1. That the present structure be utilized only for offices.
2. That a site plan be approved by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Robert S. Yingling, Sr.
Zoning Commissioner of
Baltimore County

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR OFFICE
8314 LIBERTY ROAD

Beginning for the same on the northern most right of way line of Liberty Road at the division line of Lot 6 and Lot 7 as shown on Plat No. 2 of "George's Park" which was recorded among the Plat Records of Baltimore County in Plat Book W.P.C. 5, folio 77, said beginning point being located N58°59'W 340'± from the intersection of the northern most right of way line of Liberty Road and the center line of Rolling Road, thence leaving the right of way line of Liberty Road and running on the division line of Lot 6 and Lot 7 N31°00'00"E 267.00' to the end thereof, running thence on the rear lot line of Lot 6 N58°59'00"W 58', running thence on the division line of Lot 6 and a road 12' wide S31°01'00"W 267' to the northern most right of way of Liberty Road running thence on the right of way line of Liberty Road S58°59'00"E 58' to the place of beginning. Containing 0.355 Acres more or less. Being all of Lot 6 of "George's Park" Plat No. 2 as recorded among the aforesaid Plat Records of Baltimore County.



E. P. Raphael
Reg. Prof. Land Surveyor
No. 2246

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 23, 1974

Chester Cohen, Esq.
540 Tower Building
Baltimore, Maryland 21202

RE: Special Exception Petition
Item 42
Robert S. Yingling, Sr. - Petitioner

Dear Mr. Cohen:

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 at the intersection of the northeast side of Liberty Road and the southeast side of St. James Road, in the 2nd Election District of Baltimore County, and is presently improved with an existing two-story frame dwelling. Similar structures exist adjacent to and opposite the site on Liberty Road.

The petitioner is requesting a Special Exception for office use and proposes to utilize the existing structure for medical offices. Off street parking is proposed for nine vehicles.

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

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

Division of Engineering
ELLSWORTH H. DYER, P.E., CHIEF

September 11, 1974

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

Re: Item #42 (1974-1975)
Property Owner: Robert S. Yingling, Sr.
5/2 corner of Liberty Rd. & St. James Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for office
No. of Acres: 0.355 District: 2nd

Dear Mr. DiMenna:

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:

Liberty Road (Md. 26) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

St. James Road, a County maintained lane, 12 feet wide, east of Liberty Road, is proposed to be improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way. The right-of-way width is to be reduced as necessary adjacent to the subject structure so as to permit a 10-foot sidewalk contiguous to the curb of the 30-foot roadway. Further information may be obtained from the Baltimore County Bureau of Engineering; the plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

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 #42 (1974-1975)
Property Owner: Robert S. Yingling, Sr.
Page 2
September 11, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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.

Water and Sanitary Sewer:

Public water supply exists in Liberty Road and St. James Road. Public sanitary sewerage exists in Liberty Road. This property is tributary to the Owens Falls Sewerage System, subject to State Health Department imposed moratorium restrictions.

Very truly yours,

Ellsworth H. Dyer
ELLSWORTH H. DYER, P.E.,
Chief, Bureau of Engineering

END:RAM:PM:iss

cc: G. Reiser

P-22 Key Sheet
22 NW 29 Pos. Sheet
NW 6 H Topo
77 Tax Map

MICROFILMED



September 19, 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 #42, Zoning Advisory Committee Meeting, August 27, 1974, are as follows:

Property Owner: Robert S. Yingling, Sr.
Location: SE/c of Liberty Road and St. James Road
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for office
No. of Acres: 0.355
District: 2nd

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 plan must be revised to show the parking at a rate of 1 space for each 300 square feet for medical offices, as required by Section 409.2b(4).

Very truly yours,
John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-7311 ZONING 484-3381

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 30, 1974

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

Dear Mr. DiNenna:

Comments on Item 42, Zoning Advisory Committee Meeting, August 27, 1974, are as follows:

Property Owner: Robert S. Yingling, Sr.
Location: SE/C of Liberty Rd. & St. James Rd.
Existing Zoning: DR 16
Proposed Zoning: Special Exception for Office. (medical)
No. of Acres: 0.355
District: 2nd

Metropolitan water and sewer are available.

Gwynns Falls Moratorium: A moratorium was placed on new sewer connections in the Gwynns Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on May 14, 1974; therefore approval may be withheld for this connection

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

#HVB/ncb



Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

August 22, 1974

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

Attn: Mr. James B. Byrnes, III

Dear Mr. DiNenna:

St. James Road is only 9' in width. It is a deadend road serving several other properties. St. James Road is the only means of access from Liberty Road to the subject site and the other properties on St. James Road, therefore it is essential that the road be widened as much as possible. The widening must be done under permit from the State Highway Administration.

The 1973 average daily traffic count on this section of Liberty Road is 39,200 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers
By: John E. Meyers

CL:JEM:jm

MICROFILMED

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204
DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR
WIL T. MILLER
DEPUTY TRAFFIC ENGINEER

September 26, 1974

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

Re: Item 42 - ZAC - August 27, 1974
Property Owner: Robert S. Yingling, Sr.
Location: SE/C of Liberty Road and St. James Road
Existing Zoning: DR 16
Proposed Zoning: Special Exception for Office.
No. of Acres: 0.355
District: 2nd

Dear Mr. DiNenna:

As presently zoned, this site can be expected to generate approximately 42 trips per day. The proposed zoning would generate approximately 96 trips per day.

Should this special exception be granted St. James Road will have to be improved and the entrance to this site must meet county standards.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Asso.

HSF/lb

MICROFILMED

Chester Cohen, Esq.
Re: Item 42
September 23, 1974

Page 2

not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

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

JBB:JD

Enclosure

cc: M. F. Raphael & Assoc.,
201 Courtland Avenue
Towson, Maryland 21204

January 2, 1975

Chester Cohen, Esquire
540 Tower Building
Baltimore, Maryland 21202

RE: Petition for Special Exception
NE/S of Liberty Road, 340' N
of Rolling Road - 2nd Election
District
Robert S. Yingling, Sr. -
Petitioner
NO. 75-92-X (Item No. 42)

Dear Mr. Cohen:

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

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SED/scw

Attachments

cc: Mr. Alexander E. Popton
8316 Liberty Road
Baltimore, Maryland 21207

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 22, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #75-92-X, Northeast side of Liberty Road 340 feet North of Rolling Road.
Petition for Special Exception for Offices.
Petitioner - Robert S. Yingling

2nd District

HEARING: Wednesday 23, 1974 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

The subject property is part of a strip of D.R. 16 zoning along Liberty Road, adjacent to commercial to the east. The houses along this portion of Liberty Road are suited for conversion to house-office use.

William D. Fromm
William D. Fromm
Director of Planning

WDF:NEG:rw

Chester Cohen, Esq.
540 Tower Building
Baltimore, Maryland 21202

Item 42

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted
for filing this 17th day of September 1974.

MICROFILMED

S. Eric DiNenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner Robert S. Yingling, Sr.

Petitioner's Attorney
M. F. Raphael & Assoc.
201 Courtland Avenue (21204)

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

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: <i>J. P. H.</i>	Revised Plans:				Change in outline or description					
Previous case:	Map #				Yes No					

