

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
I, or we, VERNON L. BUSH and IDELLA D. BUSH, legal owner(s) 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R.3.5 zone to an B.R.(Business-Roadside) zone, for the following reasons:

1. In classifying the property D.R.3.5, the County Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and
2. Since the property was last classified by the County Council, the neighborhood has changed substantially in character, as set out on the attached exhibit which is incorporated by reference herein.

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: Not applicable

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification 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: Vernon L. Bush
Address: Idella D. Bush, Legal Owner
Address 418 Oella Avenue
Baltimore County, Md. 21043
Protestant's Attorney: James D. Nolan
James D. Nolan, Plaintiff's Attorney
204 W. Pennsylvania Avenue
Towson, Md. 21204 (823-7800)

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 3rd day of March, 1975, at 10:00 o'clock.

James D. Nolan
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
I, or we, VERNON L. BUSH and IDELLA D. BUSH, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit side yards or distance between an existing house and a proposed roller rink of ten (10) feet in lieu of the required sixty (60) feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. That the house involved is existing, and cannot be practically moved, while the proposed location of the rink building is appropriate from a planning point of view, and hence, without the requested variance the Petitioners will sustain practical difficulty and unreasonable hardship.
2. That the requested variance is in accordance with the letter and spirit of the Regulations, and would in no way be harmful to the health, safety and welfare of the area involved.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Vernon L. Bush
Address: Idella D. Bush, Legal Owner
Address 418 Oella Avenue
Balto., Md. 21043
Protestant's Attorney: James D. Nolan
James D. Nolan, Plaintiff's Attorney
204 W. Pennsylvania Avenue
Towson, Md. 21204 (823-7800)

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 3rd day of March, 1975, at 10:00 o'clock.

James D. Nolan
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

James D. Nolan, Esq.
204 W. Pennsylvania Avenue
Towson, Md. 21204

Item - 8th Zoning Cycle

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 25th day of October, 1974.

James D. Nolan
S. ERIC DINENNO,
Zoning Commissioner

Petitioner Vernon L. and Idella D. Bush

Petitioner's Attorney James D. Nolan
204 W. Joppa Rd.
Rm. 101, Shell Building
Towson, Md. 21204

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1974

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

RE: Reclassification and Special
Exception Petition
Item 1 - 8th Zoning Cycle
Vernon L. and Idella D. Bush -
Petitioners

Dear Mr. Nolan:

The Zoning Plans 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 northeast corner of Frederick and Oella Avenues, in the First Election District of Baltimore County. It is presently unimproved with the exception of a produce stand existing at the intersection. Properties existing to the west opposite Oella Avenue and to the south along Frederick Road are presently unimproved.

The petitioner is requesting a Reclassification from the existing DR 3.5 zone to a Business Roadside zone and proposes to construct a 21,600 square foot roller skating rink. Vehicular access is indicated from Oella Avenue, with off street parking provided for 216 vehicles.

The site plans as submitted do not clearly

James D. Nolan, Esq.
Re: Item 1 - 8th Zoning Cycle
October 25, 1974

Page 2

scale and must be revised prior to the hearing date.

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 December 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 hearing. Notice of the hearing date and time, which will be between March 1, 1975 and April 15, 1975, will be forwarded to you well in advance of the date and time.

Very truly yours,

James B. Byrnes, III
Chairman,
Zoning Plans Advisory Committee

JBB:JD

Enclosure

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

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

RTI-7510

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Vernon L. & Idella D. Bush

Location: NE/C of Frederick Rd. & Oella Ave.

Item No. 1 Zoning Agenda Cycle #8 - October 1, 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 100 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 _____

() 4. EXCEEDS the maximum allowed by the Fire Department.

() 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations. 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.

Reviewed: H. J. Kelly Noted and Approved: Paul H. Rourke
Planning Division Deputy Chief
Special Inspection Division Fire Prevention Bureau



Maryland Department of Transportation

State Highway Administration

Harry R. Hughes
Chairman,
Bernard M. Evans
Assistant

October 4, 1974

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

Re: 8th Zoning Cycle,
October, 1974
Property Owner: Vernon L. & Idella D. Bush
Location: NE/C of Frederick Road (Route 144)
Existing Zoning: DR 3.5
Proposed Zoning: RM
No. of Acres: 3.08
District: 1st

Dear Sir:

The subject plan indicates no access from Frederick Road, therefore, we have no comment regarding access.

There is an 80' right of way (40' from center) proposed for Frederick Road. The plan must be revised accordingly.

The 1973 average daily traffic count for this section of Frederick Road is ... 9,700 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CLJ:JHB

Sgt. John E. Meyers

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 a zone to a 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 a zone; and/or the Special Exception for a 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



Maryland Department of Transportation
State Highway Administration

Harry H. Hughes
Secretary
Bernard M. Evans
Administrator

October 29, 1974

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

Re: Baltimore County
8th Zoning Cycle
Property Owner: Vernon L. & Idella D. Bush
Idella D. Bush
Frederick Road (Route 144) at
Della Ave.
1st District - Revised Plan

Att: Mr. James B. Byrnes III

Dear Sirs:

The subject revised plan (no revision date) does not indicate the proposed right of way for Frederick Road, as indicated in our comments of October 4, 1974.

The plan should be revised prior to the hearing.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
by: J. E. Meyers

CLJEM:bk

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

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

Bureau of Engineering
ELLIENWORTH H. DIVER, P. E. CHIEF

October 26, 1974

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

Re: Item #1 (Cycle VIII - October 1974 - April 1975)
Property Owner: Vernon L. & Idella D. Bush
1/2 acre of Frederick Rd. and Della Ave.
Existing Zoning: B.R. 3.5
Proposed Zoning: B.R.
No. of Acres: 3.08 District: 1st

Dear Mr. DiNenna:

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

Highways:

The proposed Metropolitan Boulevard which will go through this area and Frederick Road are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads 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.

Della Avenue is an existing road which shall ultimately be improved as a 40-foot curb and gutter street on a 60-foot right-of-way.

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 responsibility of the Petitioner.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Sediment Control:

Development of this property through stripping, grading and stabilization would 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.

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 9, 1974

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

Z.A.C. Meeting of: October 1, 1974 (Cycle #8)

Re: Item 1

Property Owner: Vernon L. & Idella D. Bush
Location: NE/C of Frederick Road & Della Avenue
Present Zoning: D.R. 3.5
Proposed Zoning: B.R.

District: 1st
No. Acres: 3.08

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative.

WNP/m

H. EMILIE PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. KERNY

MARCUS M. BOTSARIS
JOSEPH N. MUGGERMAN
ALVIN LORICK
JOSHUA W. WHEELER, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD N. TRACEY, V.M.D.
MRS. RICHARD K. HUETTEL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 17, 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 Item 1, Zoning Reclassification, Cycle #8, are as follows:

Property Owner: Vernon L. & Idella D. Bush
Location: NE/C of Frederick Rd. & Della Ave.
Existing Zoning: DR 3.5
Proposed Zoning: BR
No. of Acres: 3.08
District: 1st

Metropolitan water must be extended to site; complete soil evaluation needed.

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 Protection Comments: If a food service facility is proposed, 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/mcg

CC--W.L. Phillips
L.A. Schuppert

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELZER
DEPUTY TRAFFIC ENGINEER

October 28, 1974

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

Re: Item 1-Cycle Zoning 8- October 1974- April 1975
Property Owner: Vernon L. & Idella D. Bush
NE corner of Frederick & Della Avenues
B.R.
District 1

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 3.5 to B.R. This should increase the trip density from 100 to 1500 trips per day. Della Avenue presently exists at the narrow sub-standard street and is not conducive to commercial traffic.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRM/mrg

Item #1 (Cycle VIII - October 1974 - April 1975)
Property Owner: Vernon L. & Idella D. Bush
Page 2
October 26, 1974

Water:

Public water exists in Frederick Road at Hillside Road, approximately 1300 feet to the east of the site.

Sanitary Sewer:

Public sanitary sewer is not available to serve this site. The private disposal system is subject to the Health Department approval.

Very truly yours,

ELLIENWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:ESW:HW:SS

11-28 Key Sheet
12 5th 30 Top. Sheet
SW 3 11 Topo
100 Tax Map



October 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 #1, Zoning Cycle VIII, October 1974, are as follows:

Property Owners: Vernon L. and Idella D. Bush
Location: NE/c of Frederick Road and Oella Avenue
Existing Zoning: D.R.3.5
Proposed Zoning: B.M.
No. of Acres: 3.08
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 site plan must be revised to show light standards limited to 8 feet in height. The site plan indicates a road on the south side of Frederick Road, at the present time there is no road on the south side of Frederick Road and it is not known at this time whether or not this would be the location for access to that property.

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 486-3811 ZONING 486-3881

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 3.5 to B.R., and :
VARIANCE from Section 238.2 : COUNTY BOARD OF APPEALS
of the Baltimore County :
Zoning Regulations : OF
NE corner of Frederick Road : BALTIMORE COUNTY
and Oella Avenue :
1st District : No. 75-186-RA
Vernon L. Bush, et ux :
Petitioners :

ORDER OF DISMISSAL

Petition of Vernon L. Bush, et ux, for reclassification from D.R. 3.5 to B.R., and variance from Section 238.2 of the Baltimore County Zoning Regulations on property located on the northeast corner of Frederick Road and Oella Avenue, in the First 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 21st 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

Walter A. Ketter, Jr.
Walter A. Ketter, Jr., Chairman

Robert L. Gilland
Robert L. Gilland

Herbert A. Davis
Herbert A. Davis

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of October, 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. 3.5 Zone, and, by necessity, the Variances are hereby DENIED.

William D. Fromm
Zoning Commissioner of
Baltimore County

Mr. Howard Colshor, a civil engineer, testified that he felt that the use of the roller rink and the traffic emanating therefrom would not coincide with normal peak hour traffic. He further testified that, as the normal use of the roller rink is during off-peak hours, the proposed use would not overcongest the roads.

Mr. Hugh Gelston, a qualified real estate expert, described the area and indicated that he felt that the present classification of D.R. 3.5 was in error. As there are many business uses along Frederick Road, which are nonconforming uses located in residential zones, he felt that the subject property should be commercial. He indicated that there would be no adverse affect upon any of the properties surrounding the subject property.

Residents of the area, in protest to the subject Petition, indicated that they were fearful that the granting of the Reclassification would constitute spot zoning. They felt that there was no evidence presented by the Petitioner to indicate substantial change in the character of the neighborhood and/or that the present classification of the property is in error.

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 requested Reclassification should not be granted.

The burden of proving that there has been substantial changes in the character of the neighborhood and/or that the Comprehensive Zoning Map, as adopted on March 24, 1971, is in error in classifying this property D.R. 3.5, is borne by the Petitioners. In the instant case, this burden has not been met.

The subject request is not to reclassify the subject property "Roller Rink", but to reclassify it B.R. Many uses are permitted as a matter of right in the B.R. Zone, which would have an absolute detrimental effect upon the area. The Petitioners' request is an admirable one, but cannot be legally justified.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 20, 1976

James D. Nolan, Esquire
24 W. Pennsylvania Avenue
Towson, Md. 21204

Re: Case No. 75-186-RA
Vernon L. Bush, et ux

Dear Mr. Nolan:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is considered moot. This decision is based on an opinion of the Baltimore County Solicitor's office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i.e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours,

Walter A. Ketter, Jr.
Walter A. Ketter, Jr., Chairman

cc: Mr. and Mrs. Vernon L. Bush
Thomas A. Henning, Esquire
Mr. P. I. Lemmon
Mr. Eugene L. Shover
Mr. Joseph L. Cohan
Mr. Campbell V. Helfrich
Mr. Ralph L. Lofon, Sr.
John W. Hession, III, Esquire

ERRONEOUS ASPECTS OF D.R. 3.5 ZONING
OF THE SUBJECT PROPERTY

The Petitioners state that the County Council committed at least the following errors, and very probably additional errors in classifying the subject property D.R.3.5:

1. That the subject property is not suited to D.R.3.5 usage due to its topography, its relation to Oella Avenue and Frederick Road, and its relationship to the commercial areas a short distance to the East.
2. That the subject property's longstanding history of commercial usage is indicated by the two large outdoor advertising signs which have stood for many years on this corner property.
3. That the subject property is very well suited to serve the commercial needs of the Western part of the County and the Oella area, and this suitability to serve commercial needs should have been recognized by the County Council.
4. That the subject property lies below the properties to the West, and is well shielded by natural terrain and cover features from properties to the North and East and, hence, is very suitable for commercial development with little or no impingement on the area.
5. For such other and further errors as shall be disclosed by a minute study of the property, which shall be brought out at the time of the hearing hereon.

CHANGES IN THE AREA

The Petitioners state that the following changes have occurred in the area since the property was last zoned by the County Council:

1. That Metropolitan Boulevard, Maryland 46, has been dropped by the Maryland State Highway Administration from the five-year Capital Improvement Program, thereby re-emphasizing the key area importance of Frederick Road and Oella Avenue, at which intersection the subject property is located.

RE: PETITION FOR RECLASSIFICATION AND VARIANCES : BEFORE THE
NE/corner of Frederick and : ZONING COMMISSIONER
Oella Avenues - 1st Election :
District : OF
Vernon L. Bush, et ux :
Petitioners : BALTIMORE COUNTY
NO. 75-186-RA (Item No. 1) :

This matter comes before the Zoning Commissioner as a result of a Petition filed by Vernon L. and Idella D. Bush, for a Reclassification from a D.R. 3.5 Zone to a B.R. Zone and Variances to permit side yard setbacks or a distance between an existing house and a proposed roller rink of 10 feet in lieu of the required 60 feet. The subject property is located on the northeast corner of Frederick and Oella Avenues, in the First Election District of Baltimore County, and contains 3.08 acres of land, more or less.

Testimony by Mr. Bush indicated that he has been the operator of the roller rink at Oella and Westchester Avenues for the past 26 years. As the present location is not sufficient for the proposed use, Mr. Bush is now in need of a newer and larger facility. He indicated that there was a need for a roller rink in the area and that the subject location would be ideal. Mr. Bush further stated that it is his desire to sponsor competitive type skating events.

Lt. James Dinklemann, Baltimore County Police Department, testified that he has been stationed in this area for approximately 15 years and is not aware of any departmental problems having occurred at the present facility.

Mr. Henry A. Bonnett, area superintendent, Department of Recreation and Parks of Baltimore County, testified that Mr. Bush operates a fine establishment and is also of the opinion that a larger and more modern roller rink is needed in the area.

2. That commercial needs in the area have increased since March 24, 1971, thereby rendering even more correct and more necessary additional commercial zoning in this area.

3. That there have been monumental changes in the building, construction, real estate and financial circles since March 1971, including but not only, vastly increased construction costs of residential housing, virtual unavailability of mortgage funds and construction monies, prohibitive interest rates both for short term and long term financing, and other economic and social factors which have completely modified the development and real estate fields in the past several years.

4. And such other area changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
and

Nolan, Plunhoff and Williams
Attorneys for Petitioners

September 30, 1974

DESCRIPTION TO ACCOMPANY ZONING RECLASSIFICATION N. E. CORNER
OELLA AVENUE AND FREDERICK ROAD:

Beginning for the same at a point the two following
courses and distances from the centerline intersection of
Frederick Road (60 feet wide) and Oella Avenue (40 feet wide)
(1) North 0° 25' 41" West 26 feet more or less (2)
North 8° 34' 19" East 20 feet thence along the east side of
Oella Avenue the two following courses and distances viz: (1)
North 0° 25' 41" West 377.05 feet (2) North 1° 00' East 60.1 feet
thence leaving the said east side of said Avenue the six following
courses and distances viz: (1) South 7° 49' East 417.56 feet
(2) South 0° 54' West 122.00 feet (3) South 8° 45' 13" East 10.40 feet
(4) South 5° 47' 47" West 140.0 feet (5) South 3° 23' 24" West
140.00 feet (6) South 2° 20' 17" East 135.00 feet to the north
side of Frederick Road thence along the said north side of said
Road North 8° 45' 13" West 240.00 feet to the place of beginning.
Containing 3.08 Acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
AND VARIANCES : ZONING COMMISSIONER
NE/corner of Frederick and
Oella Avenues - 1st Election
District : OF
Vernon L. Bush, et ux -
Petitioners : BALTIMORE COUNTY
NO. 75-186-RA Item No. 1)

ORDER FOR APPEAL

MR. COMMISSIONER:

Please enter an appeal in this matter on behalf of the
Petitioners, Vernon L. Bush and Idella Bush to the County Board
of Appeals for Baltimore County from your Opinion and Order of
October 31, 1975, and each and every part thereof, in the above
entitled proceedings, wherein and whereby the requested B.L.
reclassification was denied.



James D. Nolan

Nolan, Plumhoff & Williams
Attorneys for the Petitioners
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 28th day of November, 1975,
a copy of the foregoing ORDER FOR APPEAL was mailed, postage pre-
paid, to the following:

Thomas A. Henning, Esquire
Suite 605, Alex Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. Ralph L. LaFon, Sr.
19 Oella Avenue
Catonsville, Maryland 21228

Mr. P. T. Lemmon
1029 St. Paul Street
Baltimore, Maryland 21202

John W. Hessian III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21202

Mr. Eugene L. Shaver
116 South Hilltop Road
Catonsville, Maryland 21228

Mr. Campbell V. Helfrich
18a. Frederick Road
Catonsville, Maryland 21228

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.

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

October 31, 1975

RE: Petition for Reclassification
and Variances
NE/corner of Frederick and
Oella Avenues - 1st Election
District
Vernon L. Bush, et ux -
Petitioners
NO. 75-186-RA (Item No. 1)

Dear Mr. Nolan:

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

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

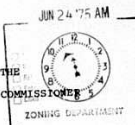
SED/scw

Attachments

cc: Thomas A. Henning, Esquire
Suite 605, Alex Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

Mr. P. T. Lemmon
1029 St. Paul Street
Baltimore, Maryland 21202

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
AND VARIANCES : ZONING COMMISSIONER
FREDERICK ROAD AND OELLA
AVENUE - 1st Election
Vernon L. and IDELLA D. BUSH, : OF
Petitioners. : BALTIMORE COUNTY
75-186-RA :
2 Item 1 :



MEMORANDUM IN SUPPORT OF
PETITIONERS' CASE

The Petitioners, Vernon L. Bush and Idella D. Bush, his
wife, by James D. Nolan, Newton A. Williams, and Nolan, Plumhoff
and Williams, their attorneys, offer this Memorandum for the con-
sideration of the Zoning Commissioner in the above entitled mat-
ter.

As counsel for the protestants points out, and as the
Zoning Commissioner is well aware, a petitioner requesting a
change in zoning bears a heavy burden under Maryland zoning law
to prove either (a) that there was error in the original zoning,
and/or (b) that there has been a fundamental change in the char-
acter of the neighborhood since the original comprehensive zoning
was imposed. There is no question whatsoever that those princi-
ples are applicable in this case, and it would serve little useful
purpose to cite any of the many cases which have so held. The
Petitioners submit to the Zoning Commissioner that they have suc-
cessfully borne their burden, and that the placement of the sub-
ject property in a D.R.3.5 zone by the 1971 zoning maps was and is
clearly erroneous, and that this corner, the northeast corner of
Frederick Road and Oella Avenue, is not now suited for residen-
tial use, and has for many years been utilized for commercial
purposes.

It is the thrust of the Petitioners' case that the entire
north side of Frederick Road from the Rollingwood development on
the east to at least Oella Avenue on the west, is of a commercial
nature and should be zoned entirely commercial. A glance at the

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1000 scale zoning map, 2-A, reveals that the north side of Freder-
ick Road opposite Thistle Road and immediately to the west of one
of the sections of Rollingwood is now, and has been for many years
zoned B.L.-C.N.S., and this property is owned by Mr. P. T. Lemmon.
Immediately to the west of the Lemmon property on the north side
of Frederick Road are properties zoned D.R.16, but actually used
for commercial and industrial purposes. Immediately to the west
of that zone, again on the north side of Frederick Road, is a
property zoned B.L. which at various times has been a restaurant,
a seafood outlet, and is now being utilized for the sale of lino-
leum products. Immediately to the east of the subject property
on the north side of Frederick Road is a property zoned residen-
tial but being used for a lawnmower repair shop and sales facility.

On the south side of Frederick Road immediately to the
west of Thistle Road, is a restaurant and tavern known as
"Dimitri's", the old Eight-Mile House, and immediately to the west
of this tavern is a body shop which was formerly a filling sta-
tion and fuel oil sales company. On the south side of Frederick
Road opposite the subject property is a large tract owned by
Mrs. Whiting, one of the protestants in this case.

The various commercial uses just mentioned are very gra-
phically shown in the photographs offered by the Petitioners,
with photographs G through I being the site of the West Caton
Shopping Plaza, the Lemmon property as yet undeveloped. Petition-
ers' Exhibit J is a photograph of the repair shop on the north
side of Frederick Road opposite Thistle Road, as is Petitioners'
Exhibit K. Petitioners' Exhibits L through N are photographs of
the tavern and restaurant facility on the south side of Frederick
Road west of Thistle Road, and Petitioners' Exhibit O is a picture
of the body shop next to the tavern. Petitioners' Exhibits P and
Q are pictures of the tile shop on the north side of Frederick
Road west of Hillside Avenue, and Petitioners' Exhibit R and
Exhibit S are pictures of the lawnmower shop adjacent to the

subject property. The subject property is shown in Petitioners'
Exhibit T. Petitioners' Exhibits U through W are pictures of the
Elks Lodge on the north side of Frederick Road approximately one-
half mile west of the subject property, while Petitioners' Exhi-
bits X through Z are pictures of various homes, in the vicinity of
the Elks Lodge, and the ceramic store on the south side of Freder-
ick Road a half mile or more to the west of the subject property.

The basic point and thrust of Petitioners' case is that
the north side of Frederick Road from Oella Avenue to the Lemmon
property on the east possesses a commercial nature and was not in
1971 and is not now suitable for development at a density of
D.R.3.5 for individual homes, apartments, or any other like resi-
dential use.

As the Commissioner will recall, Petitioners presented
a very thorough and complete case consisting of Mr. Bush's own
testimony, the testimony of Mr. Mal Hudkins, well known Baltimore
County engineer, the testimony of Mr. Hugh E. Gelston, a well
known Baltimore County real estate expert and appraiser, and fin-
ally, the testimony of Mr. Howard Kolscher of Mr. Hudkins' office,
an acknowledged expert in the field of traffic engineering. Also
appearing in addition to these expert witnesses were numerous
community residents, community leaders, and interested persons,
who wished to see the fine work which the present Vernon's Roller
Rink performs at Oella Avenue, continued at this new location,
which is a more adequate size to accommodate the proposed opera-
tion.

Mr. Bush's Testimony

The first witness to testify during the Petitioners'
case was Mr. Vernon L. Bush, one of the Petitioners in this case
and the owner and operator of Vernon's Roller Rink presently lo-
cated in Oella at the intersection of Oella Avenue and Westchester
Avenue, approximately 3500 feet north of the subject property.

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James D. Nolan, Esquire
Page 2
October 31, 1975

cc: Mr. Eugene L. Shaver
116 South Hilltop Road
Catonsville, Maryland 21228

Mr. Joseph L. Carhan
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Catonsville, Maryland 21228

Mr. Campbell V. Helfrich
1816 Frederick Road
Catonsville, Maryland 21228

Mr. Ralph L. LaFon, Sr.
19 Oella Avenue
Catonsville, Maryland 21228

John W. Hessian, III, Esquire
People's Counsel

Mr. Bush outlined that his present property in Oella contains only
about 1.5 acres versus the 3.08 acres offered by the subject prop-
erty, and that despite repeated expansions and renovations the
present site is just too small for an adequate roller rink opera-
tion. The witness also testified that the present building is out-
dated and that he cannot promote it for competition and lesson pur-
poses.

Furthermore, in 1958, the Professional Roller Rink Asso-
ciation changed the floor size requirement, and Mr. Bush lost his
accreditation with this group. Due to all of the drawbacks of the
present location, Mr. Bush has agreed to sell the present location
to Mr. Tydings of the Thermalink Organization, a neighboring user
at the present location.

As to the present and proposed operation, the bulk of
the week would be taken up with private parties, while there would
be three public skating sessions per week offered at the new loca-
tion versus two public skating sessions per week offered at the
present location. The three public sessions would be Friday night
from 8:00 p.m. to 11:00 p.m., Saturday night from 8:00 p.m. to
11:00 p.m., and Sunday from 1:30 p.m. to 4:30 p.m., with other
days and nights of the week being reserved for private skating
parties. Mr. Bush also testified that large number of the private
parties come in one or more busses, and that the private parties
generally involve mostly bus transportation with few private auto-
mobiles being used.

Mr. Bush then went on to describe how the subject prop-
erty has been used for a number of years for a fruit stand during
the mer months of the year, and that the subject property has
been for many, many years the site of two large billboards owned
and operated by the Donnelly organization. Mr. Bush stated that
the billboards had been on the property for at least fifty years
since he can remember them since he was a boy.

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The new building proposed for the subject site would be 110 feet in width by 240 feet in length and would accommodate a regulation size skating rink, locker room areas, and lounge areas. This skating rink would be a definite improvement over the present rink, and would accommodate the average private group renting the rink which runs between 100 and 200 skaters. In addition to private groups which come from all over the metropolitan area, Mr. Bush stated and it was borne out by numerous parties who appeared, that roller skating is the most popular recreation for children and young adults in the Oella area, and that there is little or no other forms of recreation available to the community. Furthermore, Mr. Bush stated that his rink fills a very definite community need in the western part of Baltimore County since the nearest rink to the south is in Glen Burnie in Anne Arundel County, and the nearest rink to the north is at Painter's Mill in the Reisterstown-Owings Mills area.

Mr. Bush stated that he will personally supervise the new operation as he has always supervised the old one, and that in addition to him and his wife there would be approximately ten other employees involved in the operation. The existing house, located in the northeast area of the tract, would be retained, and would insure that someone would be on the premises twenty-four hours a day to maintain proper security and make sure that the property is kept in proper and safe condition.

Mr. Bush stated that he has never had any offer to purchase the subject property for residential purposes in the ten to fifteen years that he has owned it, but that he had numerous inquiries for commercial purposes, including inquiries from oil companies. He further stated that he had an excellent offer to buy it for a commercial purpose in its present residentially zoned status. The sale of his present rink is not contingent upon obtaining rezoning, and unless a site is found after the present season Mr. Bush will be forced to close his doors, a very definite

-5-

he characterized as a "very fine operation, filling a definite recreational need in the community". Mr. Bonnet went on to testify that he believes that community recreational needs can and should be met by public and private recreational facilities and that there was a considerable amount of interest in Baltimore County in skating, evidenced by participation in Baltimore County programs with 49 skating centers and 6200 registered skaters. Among other points covered on cross examination was the fact that while the use of school recreational rooms for skating is allowed, that a school recreational room just cannot fill the need for the type of skating offered by a full size, professional rink.

The Proposed Rink and Its Effect on Area Traffic

The next witness to testify on behalf of the Petitioners was Mr. Howard Kolscher, an expert traffic engineer associated with the Hudkins engineering firm. Prior to joining Mr. Hudkins, Mr. Kolscher indicated that he had served as a regional planner with the Highway Administration and was very familiar with their standards and requirements.

As in any zoning case, one of the primary areas of concern is the effect of the proposed use on area traffic. Mr. Kolscher first noted that the figure of 1500 trips per day quoted in the Planning Board Comments was based upon a general figure of 500 trips per day per acre of B.R. use, and was not a particularized figure based upon a study of skating rink operations in particular. Mr. Kolscher stated that in order to prepare himself for this case he had studied a public skating rink and thus could offer more definitive testimony as to the traffic to be expected.

Mr. Kolscher studied both Mr. Bush's present roller rink operation, as well as a larger, public skating rink called Skateland, located at 8101 Pulaski Highway in Baltimore County. Based upon a study of Vernon's Roller Rink as presently located, Mr. Kolscher concluded that on the day in which two public skating sessions

-9-

loss to the Oella community. During the course of cross examination Mr. Bush indicated that he had accommodated numerous groups from the local community, including the Heritage Community Association, the Rollingwood Swim Club, and the Catonsville Twirlettes. He also indicated that he had searched for a site of sufficient area and properly zoned for a long time, but was unable to locate any property of acceptable size and zoning during his extensive search. He also stated that although he had expanded the present rink at least four times during his twenty-six years of ownership that it was becoming more and more inadequate with each passing year.

As for changes along Frederick Road, he pointed to the special exception given to the Knights of Columbus on the south side of Frederick Road just to the east of Balfred Avenue, as well as the Elks Lodge granted a special exception on the north side of Frederick Road approximately one-half mile west of the subject property. Mr. Bush also stated that a former house on the south side of Frederick Road in the section of the road very close to the Patapsco River was now being used as a ceramics store and that the property immediately east of the subject property has been a lawnmower shop and sales operation for some five or six years.

Vernon's Roller Rink and the Baltimore County Police Bureau

The second witness to testify on behalf of Mr. Bush was Lieutenant James Dinkelman of the Wilkens Police Station, the station responsible for supervision of the subject site and the present rink site. Lt. Dinkelman stated that he had spent fifteen of his twenty-one years on the force at Wilkens Station and was very familiar with the Oella Area and Vernon's Roller Rink in particular, having known Mr. Bush for some twenty years.

In all of these years Lt. Dinkelman could not recall one call for any type of disturbance or improper activity inside the

-6-

were held, one in the afternoon and one in the evening, that approximately 300 trips would be generated. Even at the larger Skateland operation on a Saturday in February, when patronage would be expected to be very high, this larger rink generated only 858 trips per day or about 900 versus 1500 trips forecast by the traffic engineer.

As for area roads, Frederick Road was described as a State road having twenty-four feet of paving with eight to ten foot shoulders, while Oella Avenue is a County Road with eighteen feet of paving and narrow shoulders. There is a traffic control device, namely a stop sign, for traffic on Oella Avenue where it terminates at Frederick Road. According to the State Highway Administration, Frederick Road is to be improved as a four-lane urban section at some time in the future, but the definite date for improvement has not been set.

From a traffic engineering standpoint, the witness went on to point out that none of the public sessions mentioned by Mr. Bush would impact either Frederick Road or Oella Avenue at the time these roads are presently carrying their peak traffic. Whereas, on the other hand, ten houses would generate approximately 100 trips per day, which would impact these roads during morning and evening peak hours. Based upon his observation of Mr. Bush's present operation and the Skateland operation, the witness confirmed that the bulk of the group business comes on busses, while during the public sessions four to six patrons come in each car on a typical basis. Based upon his studies, Mr. Kolscher concluded that area roads were more than capable of handling the traffic to be generated by this facility, and that it would be a great deal less than that forecast by the Baltimore County Traffic Engineer.

During the course of cross examination, the witness noted that the Skateland operation on Pulaski Highway provided only 99 parking spaces, versus the 164 parking spaces to be provided

-10-

roller skating rink. He also felt that there is a definite need for recreational opportunities in the area and that Vernon's Roller Rink was and is filling a definite community need in this regard.

In the course of cross examination, Lt. Dinkelman stated that he did not anticipate any problems with the supervision of the parking lot, and that it would not be like a fast food operation or something of that nature, which would attract a crowd that would remain in the automobiles. Furthermore, he stated that Mr. Bush would not tolerate any trouble makers or any loitering on his present premises and would expect him to follow the same policy at the new premises. When questioned about Oella Avenue, the Lieutenant stated that there is little traffic on Oella Avenue and it is used primarily by residents of the area. In this regard, it should be pointed out that in order to reach the present facility either Oella Avenue or Westchester Avenue must be used, and the Frederick Road site is a much better location in this regard. Lt. Dinkelman stated that they had no particular accident problems on Frederick Road in this area.

The Engineering Situation

The next witness to testify on behalf of the Petitioners was Mr. Mal Hudkins of Hudkins Associates, a well known Baltimore County Engineering firm. Mr. Hudkins stated that the property enjoys 240 feet of frontage along Frederick Road and that in the course of the development of this tract, Frederick Road right-of-way will be widened from sixty to eighty feet. Similarly, on Oella Avenue, the right-of-way will be widened to forty feet alongside the subject site. The improvements to Oella Avenue and Frederick Road will include curb, gutter and paving and will be a definite improvement to area roads.

As for utilities, water must be extended to the site from Hillside Avenue, while it is proposed to handle the waste water by

-7-

by this facility. He indicated that one space for each six patrons is required, and thus 107 would be required and 164 provided. Mr. Kolscher also stated that this section of Frederick Road according to State Highway Administration Traffic Volume Maps was carrying something between 8,000 and 9,700 vehicles per day in a satisfactory manner. Petitioners submit that Mr. Kolscher's studies offer ample evidence for the proposition that the subject facility will not impinge unfavorably on area roads, and it should be borne in mind that the present facility is served by much inferior roads and is satisfactorily operating and has been for many years.

Effect of the Proposed Rink on the Area Involved

Unlike the usual case, the Petitioners believe that in this case it can definitely be stated that if this facility is not allowed to continue in the Oella Area, it will have a definitely unfavorable impact on the community. This unfavorable impact was borne out by Mr. Bush's testimony, by Mr. Bonnet's testimony, by Lt. Dinkelman's testimony, as well as by the testimony of other interested area residents, including those area residents who feel strongly enough about Vernon's to make a video tape presentation which was viewed by the Commissioner and by the audience during the first day of hearing.

The lack of a harmful effect upon the community was also brought out in the course of Mr. Gelston's testimony. Mr. Gelston, among other things, reviewed the numerous commercial uses which have already been cited, up and down the north and south sides of Frederick Road in the area from Oella Avenue on the west to Rollingwood on the east. It is significant to note that most of the protestants in this case will be separated from the rink by all of the existing commercial activity, including the linoleum shop, the lawnmower shop, tavern, the body shop, the repair shop and the land owned by Mr. Lemmon and reserved for the West Cat Shopping

-11-

a septic system. As for storm drainage, Mr. Hudkins pointed out that the new storm water management policy instituted by Baltimore County, effective December 1, 1974, would require that the subject property retain flows from a two-year storm in the same manner after development as it does prior to development. Also, a 100-year flood plain would be required to be reserved for the small stream which traverses the property on the east side.

Mr. Hudkins also testified that all Zoning Advisory Committee Comments had been complied with and that the 164 parking spaces provided considerably exceeds the 107 required by the Regulations. As proposed to be developed, large parts of the tract would be landscaped in grass and four-foot high compact plant screening would be planted along the north, east, and south sides of the property.

As for access to the site, no entrance is proposed on Frederick Road, and two entrances are proposed on Oella Avenue, one being 30 feet in width, and the other being 24 feet in width. During the course of cross examination, Mr. Hudkins indicated that he felt the property is suitable for a septic system since the present house is utilizing one, and that any system built must meet State and County Health Department requirements. Furthermore, a septic system would have no detrimental effect on the stream since it would be kept 100 feet from the stream and/or the stream would be piped. Also, Mr. Hudkins indicated that a satisfactory system could be designed to function in those parts of the property which had been filled over the years.

The Proposed Rink and Community Recreational Needs

The next witness to testify during the Petitioners' case was Mr. Henry Bonnet, the Southwest Area Superintendent for the Baltimore County Department of Recreation and Parks. Mr. Bonnet stated that he also lives in the Heritage Community to the north of the tract and was familiar with Mr. Bush's present rink which

-8-

Plaza. While it is true that the proposed rink will be opposite the Whiting property, it should be noted that the Whiting property is already adjoined and has been adjoined for many years, by the tavern and the body shop on the south side of Frederick Road to the west of Thistle Road. Any objective resident of the area will acknowledge the commercial character of Frederick Road from Oella Avenue on the west to Rollingwood on the east, as well as acknowledging the increasingly commercial character of Frederick Road in the vicinity of the Patapsco River to the west.

As was pointed out by Mr. Bush in his testimony, and as was again brought out by Mr. Gelston in his testimony, along Frederick Road from the Baltimore City line on the east westwards to the Ellicott City Bridge there is almost no B.R. zoned land. The only B.R. zoned land is in a very narrow strip along Frederick Road in the vicinity of the Patapsco River, and it is not of sufficient depth to permit the construction of a rink as proposed. Petitioners submit that it was and is error for the Baltimore County Council not to provide B.R. zoned land of any significant depth along Frederick Road in the Catonsville area.

Mr. Gelston went on to testify that in his opinion as an appraiser the proposed roller skating rink would have no adverse effect on area property values, and would be in keeping with the basic character of this area of Frederick Road. This three-acre property on this corner, as noted by Mr. Gelston, relates to Frederick Road, which road has a commercial character in this area, and this tract does not relate to the residential areas to the north. The tract is largely clear of vegetation, and its commercial character and value has been recognized for fifty years by the placement of large billboards on this property, as well as by the continuing commercial interest in this strategic corner.

-12-

The Fundamental Error Of
D.R.3.5 Zoning

The Petitioners acknowledge that theirs is the burden of proving that the imposition of a D.R.3.5 classification in 1971 was and is erroneous, and/or that the fundamental character of the neighborhood has changed since 1971. In like manner the Petitioners acknowledge the basic presumption of the correctness of comprehensive zoning and rezoning enunciated over and over again in the decisions. See for example Quinn v. County Comm'rs of Kent County, 20 Md. App. 413 (1974); Stratakis v. Beauchamp, 268 Md. 643 (1973). However, no presumption of the correctness of original zoning will change the basic commercial nature and orientation of the subject property, and of the north and south sides of Frederick Road in this area. The commercial character of this corner has been recognized for fifty years or more by the billboards, which as Donnelly continually points out as outdoor advertising structures are commercial in nature. The vegetable and fruit stand is evidence of this tract's commercial character. The major arterial status of Frederick Road, which has existed for the entire recorded history of Baltimore County as a county, militates against residential use of this corner. Certainly no knowledgeable developer would build ten individual homes, townhouses or apartments here. Of course, townhouses and apartments are not even an available alternative on those portions of the tract within 300 feet of any individual home or 250 feet of a vacant, D.R. zoned lot of record, two acres or less in area under Section 1801.1 B.1.9.1. of the Baltimore County Zoning Regulations (1975 Ed.).

The protestants say and we acknowledge that this area has not changed substantially in years - the Petitioners agree - it has retained its commercial orientation and uses but there is a definite trend to increased commercial development to keep pace with increased development in the area. Moreover, the change of several former residences to fraternal use, namely the Knights of

Columbus at Frederick Road and Balfred Avenue to the east, and the Elks to the west, are not indicative of a trend to residential usage, but rather of a trend away from residential uses along Frederick Road. The Petitioners submit that the testimony shows not one new individual home has been built on Frederick Road from North Rolling Road west to the Patapsco River since Rollingwood's completion in the early 60's. Further, Rollingwood is east of the present commercial activity and zoning along the north and south sides of Frederick Road centering on Thistle Road. None of the would-be protestants from the Rollingwood community can even see the subject property due to intervening commercial uses and the rolling topography of the area and of Frederick Road.

The protestants contend that to reclassify this corner commercially as requested would be "spot zoning". The Petitioners submit that to place it in any residential category in view of its history, present use, topography and the adjacent and nearby commercial uses is precisely that - namely, erroneous spot zoning, and the classification should be changed as requested to commercial to reflect the factual character of the area. Spot zoning has been defined as the placing of "a small area in a zone different from that of the surrounding area", in Huff v. Board of Zoning Appeals of Baltimore County, 214 Md. 48, 57 (1957). The Petitioners submit that it is just as much spot zoning to place commercially used and oriented property in a residential zone as to do the reverse.

It has also been held that it is proper to serve certain needs of a residential area by commercial zoning for such uses as grocery stores, drug stores, barber shops and even gas stations. See, for instance, Tennink v. Board of Zoning Appeals for Baltimore County, 205 Md. 489 (1954). In Alvey v. Hedin, 243 Md. 334 (1966) at page 342 the Court has said with regard to permissible spot zoning to serve area needs:

"However, the need which must exist to justify spot zoning must be a need for a service

or facility by the residents of the area in which the commercialization is to be allowed and not the more general need of the public."

The Petitioners submit that there is ample evidence in the record of the unique recreational need which Vernon's Roller Rink has been and is now serving in the Oella community, including Mr. Bush's testimony, Lt. Dinkelman's testimony, Mr. Bonnet's testimony, the testimony and the video tape presentation by the Oella young people's group, the testimony of Mr. Richard McCauley, etc. Both the immediate Oella community and the entire western portion of Baltimore County will be benefited by this unique recreational facility. No adequate B.R.-zoned parcel exists in the Oella Avenue-Frederick Road vicinity, and this is a major mistake and omission in the area zoning map. Vernon's Roller Rink must modernize and improve with the times, and the map's lack in this regard, as well as the placing of residential zoning on this commercially-oriented and used tract was and is error.

Conclusion

The Petitioners submit that the Petitioners have amply proved their case, and that the property should be placed in a B.R. zone as requested.

Respectfully submitted,

James D. Nolan
James D. Nolan
Newton A. Williams
Newton A. Williams
Nolan, Plunkhoff and Williams
Nolan, Plunkhoff and Williams
Attorneys for Petitioners
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 28th day of June, 1975, a copy of the foregoing MEMORANDUM IN SUPPORT OF PETITIONERS' CASE was mailed, postage prepaid, to THOMAS A. HENNING, ESQUIRE, Suite 605, Alex. Brown Building, 102 W. Pennsylvania Avenue, 21204 (296-5568) and to JACK W. HESSIAN III, ESQUIRE, People's Counsel, Office of Law, County Office Building, Towson, Maryland 21204.

James D. Nolan
James D. Nolan

-13-

-14-

-15-

-16-

IN RE: PETITION * BEFORE THE
FOR RECLASSIFICATION AND *
VARIANCE N/E CORNER OF *
FREDERICK ROAD AND OELLA AVENUE *
1ST DISTRICT * OF
VERNON L. AND IDELLA D. BUSH, *
PETITIONERS * BALTIMORE COUNTY

75-186-RA
Z Item 1

PROTESTANT'S CLOSING ARGUMENT

An applicant for rezoning must successfully bear a heavy burden of proof before his application can be granted. This is true regardless of whether he is basing his application on a mistake in the original zoning or in the comprehensive zoning or on a substantial change in conditions in the subject neighborhood. Harley v. Aluisi, 259 Md. 275 (1970); Clayman v. Prince George's County, 266 Md. 409 (1971). A zoning reclassification cannot be granted because of a mere change of mind or heart by the zoning authorities, but can be granted only upon a showing of a change in the neighborhood, or of an error in the original zoning.

In Krache v. Weinberg, 197 Md. 339 (1951) the Court of Appeals of Maryland stated what is today the law of Maryland with regard to the acceptance or rejection of an application for rezoning:

"Where property is rezoned, it must appear that either there was some mistake in the original zoning, or that the character of the neighborhood has changed to such an extent that such action ought to be taken." Id., 347

The Petitioners, Mr. & Mrs. Bush, were unable to show either a mistake in the original zoning, or a change in the character of the neighborhood.

If the Petitioners based their request for a zoning reclassification on substantial change rather than a mistake in the original zoning, it would have been necessary for them to establish before the County Commissioners (a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that these changes resulted in a change in the character of the neighborhood; these being the basic facts and conclusions which the County Commissioners must find and express in writing when it grants or denies a zoning reclassification based on the argument of substantial change. Montgomery v. Board of County Commissioners for Prince George's County, 256 Md. 597 (1970).

However, the Petitioners were unable to show any changes in character of the neighborhood, and in fact, Petitioners witness, Hugh H. Gelston, admitted on direct testimony as well on cross examination that there have been no changes in the character of the subject area for many years.

Also supportive of this admission was testimony to the same effect by Campbell V. Helfrich, as well as a finding by Deputy Zoning Commissioner Dyer in the case of George H. Reiblich - Petitioner, #75-41-RX (Item No. 35), (dealing with a reclassification request for land on the S/S of Frederick Road - 310' W. of Hilltop Place - 1st District; same being

within the immediate vicinity of the subject property) that " . . . the area is, and has been, stable for many years with no substantial changes having taken place in the past eighteen years." Id., 2

If the Petitioners based their application for a zoning reclassification on the argument of a mistake in the original zoning, a strong presumption of validity granted to the original zoning must be overcome; (MacDonald v. Board of County Commissioners 238 Md. 549 (1964) and the burden of overcoming this presumption of validity is a heavy one which the Petitioners have failed to meet.

The sentiment of the public residing in the immediate area of the proposed reclassification is clearly in opposition to same as evidenced by the testimony at the hearing of the immediate neighbors of the subject property, as well as the petitions of protest signed by hundreds of area residents.

While it is true that no property owner has a truly vested interest in the continuance of a zoning classification, June Hammond writing for the majority in Wakefield v. Kraft, 202 Md. 136 (1953) at Page 144 said that:

"He (the property owner) is entitled to rely on the rule that a classification made by ordinance will not be changed unless the change is required for the public good and is not made merely to accommodate private interests which are detrimental to the welfare of the other property owners of the same neighborhood."

In addition to the failure of the Petitioners to establish the essential elements for a reclassification, and the community's opposition to such a reclassification, the Planning Board's recommendation was to retain the existing zoning and deny the reclassification since, in their words, to grant same " . . . would constitute 'spot' zoning in that such zoning would establish land use potentials which are not in harmony with those of surrounding properties."

Therefore, in conclusion, it is clear that the Petitioners have failed to meet the heavy burden which must be met by those requesting a zoning reclassification and thus the requested zoning reclassification must be denied.

RESPECTFULLY SUBMITTED:

Thomas A. Henning
THOMAS A. HENNING
Attorney for Miss Betty W. Whiting,
Protestant,
Suite 605 Alex Brown Building
102 W. Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 296-5568

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 1975, I caused a copy of the foregoing PROTESTANT'S CLOSING ARGUMENT to be sent by mail, postage prepaid, to James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

Thomas A. Henning
THOMAS A. HENNING

- 2 -

- 3 -

- 4 -

RE: PETITION FOR RECLASSIFICATION AND VARIANCE FROM D.R. 3-5 to R-1, N/E corner of Frederick and Oella Avenues, 1st District

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

VERNON L. BUSH Case No. 75-186-PA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

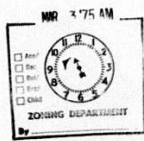
Pursuant to the authority contained in Section 52-1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Knight, Jr.
CHARLES E. KNIGHT, JR.
DEPUTY PEOPLE'S COUNCIL
The County Office Building
Towson, Maryland 21204

John W. Hessian, III
JOHN W. HESSIAN, III

I HEREBY CERTIFY, That a copy of the foregoing Order to Enter Appearance was this 26th day of February, 1975, mailed to James D. Nolan, Esquire, Nolan Plumbhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, attorney for Petitioner.

JOHN W. HESSIAN, III



Out of the several new rinks that have been built in A.A. County during the past 2 years, and have been tried by different Civic and Church organizations because they are closer, these groups have stated, "NO, IT DOES NOT HAVE THE ORGANIZATION AND FAMILY ATMOSPHERE THAT VERNON HAS, AND WE STILL WANT TO SKATE AT VERNON, IN-QUOTE."

ZONING

TO DENY THIS PETITION WOULD NOT ONLY BE A LOSS TO THE COMMUNITY BUT MEANS IT WOULD BE DENYING THOUSANDS OF PEOPLE IN THIS AREA A PLACE TO HAVE HOLLER SKATING IN ITS FINEST FORM. THEREFORE, I BEG YOU GENTLEMEN TO CONSIDER THE IMPACT THAT THIS WOULD HAVE ON THE PERSONS THAT HAVE AND WILL CONTINUE TO SKATE AT VERNON.

230 516.

DENY FOR NOW WHEN LATER ANYTHING WILL GO

WILL CLOSED+ LESS TRAFFIC RT 40

BOUGHT HOUSES FIRED UP AREA

MAINTENANCE FACTOR ON OLD BLDG

PETITIONER'S EXHIBIT

Age	Name	Address
7	Douglas Jarboe	947 Oella Ave.
12	William Seiber	776 Oella Ave.
11	DAVID Blech	939 Oella Ave.
13	Anthony Atkins	746 Oella Ave.
13 1/2	Rahm Marica	414 Oella Ave.
15	Robert Banks	931 Oella Ave.
14	Kim Williams	763 Oella Ave.
13	Burda Campbell	204 Oella Ave.
11	Betty Linder	776 Oella Ave.
12	Beth Armstrong	947 Oella Ave.
13	Nancy Shm	103 N. Side Rd.
14	Kim Ford	943 Oella Ave.
15	Linda Bowers	6360 Euclid Ave.
16	Lori Martin	6332 London Ave.
17	James Linder	718 N. Side Rd.
18	Janne Byrke	6781 N. Side Rd.
13	Wanda Wilkins	764 Oella Ave.
16	Doreen Wilkins	764 Oella Ave.
16	Walter Wilkins	3412 Hopkins Ave.
15	Wanda Beck	105 N. Side Rd.
15	Andy Barrett	3412 Hopkins Ave.
15	Jim Linder	621 N. Side Rd. 21228
19	William Linder	Edmore 21325
18	William Linder	414 Oella, Catonsville, Md.
25	Mary Eble	414 Oella, Catonsville, Md. 21038
30	Brian McCally	5202 N. Side St. 21019
19	Burda Hoss	8518 Frederick Rd. Ellicott City 21043

APPLICATION FOR ZONING CHANGE AND VARIANCE

PROPERTY OWNER: Vernon L. and Idella D. Bush

LOCATION: N/E corner Frederick Road and Oella Avenue

ELECTION DISTRICT: 1

NOTICE OF PROTEST

PROTESTANT'S EXHIBIT #A

We the undersigned, landowners and/or residents in the area of the northeast corner of Frederick Road and Oella Avenue, wish to go on record as being opposed to the zoning change and variance requested for said property by Mr. and Mrs. Vernon L. Bush.

The land in question is currently zoned residential (DR-3.5) and should remain so, as the area immediately surrounding the subject property has been, and still is, residential; and the roads which border said property (Oella Avenue and Frederick Road) are already dangerous to both pedestrians and automotive traffic and would become more dangerous as more people use them to go to and from any commercial establishment located on this property.

Moreover, there are numerous alternative sites for Mr. Bush's proposed roller rink which are already zoned for commercial use and are within a short distance of the proposed site.

In conclusion it is obvious that if this zoning change and variance were granted it would result in an unfavorable "spot zoning" and would burden a normally quiet residential area with a loud and boisterous commercial establishment.

Respectfully submitted,

1	Virginia Cleare	2501 Frederick Rd
2	Caroline M. Linder	2409 Old Frederick Rd
3	Betty Linder	2028 Frederick Rd
4	Robert C. Linder	5202 N. Side Rd.
5	James S. Dole	2527 Frederick Road

PETITIONER'S EXHIBIT

Age	Name	Address
36	Le Pendue	785 Oella Ave. Ellicott City
36	Roy Miller	33 Danna Rd. Ellicott City 21144
63	George Linder	3402 N. Side Rd. Ellicott City
33	Carlone Linder	3129 Edgewood Rd. Ellicott City
38	William A. Linder	215 N. Side Rd. Ellicott City
18	Barbara Martin	6432 London Ave. 21227 Ellicott City
14	Margaret Linder	6432 London Ave. 21227 Ellicott City
14	Stella Collins	110256 Balt. N. Side Rd. Ellicott City
16	Jeff Linder	843 Oella Ave. Ellicott City 21043
15	Tony Linder	2616 N. Side Rd. Ellicott City 21043
14	Tommy Linder	900 Oella Ave. Ellicott City 21043
41	Uddi Linder	519 Oella Ave. Ellicott City 21043
42	Doris Linder	10713 Twin Rivers Rd. Columbia Md.
38	Shirley Linder	931 Oella Ave. Ellicott City Md.
34	Lester Linder	3129 Edgewood Rd. Ellicott City Md. 21043

6	Constance Linder	2501 Frederick Rd
7	James Linder	97 N. Side Rd
8	George Linder	100 N. Side Rd
9	Shirley Linder	3402 N. Side Rd
10	George Linder	Edmore Rd 21043
11	William Linder	2501 N. Side Rd
12	William Linder	2304 Frederick Rd
13	William Linder	"
14	William Linder	"
15	William Linder	2602 Frederick Rd
16	William Linder	2501 Frederick Rd
17	William Linder	2102 N. Side Rd
18	William Linder	2526 Frederick Rd (21043)
19	William Linder	2602 Frederick Rd
20	William Linder	2604 Frederick Rd
21	William Linder	2620
22	William Linder	2626 N. Side Rd
23	William Linder	2626 N. Side Rd
24	William Linder	2626 N. Side Rd
25	William Linder	2626 N. Side Rd

26	William Linder	2501 Frederick Rd
27	William Linder	2733 Frederick Rd
28	William Linder	2733 Frederick Rd
29	William Linder	2733 Frederick Rd
30	William Linder	2733 Frederick Rd
31	William Linder	100 N. Side Rd 21043
32	William Linder	1 Thistle Rd 21043
33	William Linder	1 Thistle Rd 21043
34	William Linder	1 Thistle Rd 21043
35	William Linder	1 Thistle Rd 21043
36	William Linder	1 Thistle Rd 21043
37	William Linder	1 Thistle Rd 21043
38	William Linder	1 Thistle Rd 21043
39	William Linder	1 Thistle Rd 21043
40	William Linder	1 Thistle Rd 21043
41	William Linder	1 Thistle Rd 21043
42	William Linder	1 Thistle Rd 21043
43	William Linder	1 Thistle Rd 21043
44	William Linder	1 Thistle Rd 21043
45	William Linder	1 Thistle Rd 21043
46	William Linder	1 Thistle Rd 21043

Age Name Address

13 Jimmie MCG Day 718 Hallow Rd. Ellicott City, Md. 21043

14 Frances Hughes 709 Hallow Rd. Ellicott City, Md. 21043

14 Pam Conley 2512 Rocklawn Ave. Balt. Md. 21228

13 Mike Gray Rt 6 Box 3 Ellicott Md

14 Billy Carroll Rest. Dr. Ellicott City Md. 21228

13 Diane Hanson Westchester Ave. Balt. Md. 21228

12 Bob Boyer 603 Alvin Ave. Balt. Md. 21228

17 George Boyer 603 Alvin Ave. Balt. Md. 21228

15 Cheryl Antson 445 Olla Ave. Ellicott City Md. 21043

15 Ted Cole 6375 London Ave. Ellicott City 21227

15 Ronnie McConley 718 Hallow Rd. Ellicott City 21043

18 Vicki Maffr 100 Helos Ave. Catonsville, Md. 21228

30 Edward S. McClellan 8209 Ellicott St. Ellicott City, Md. 21043

15 Irene Deickman 100 Maple Ave. Catonsville, Md. 21228

16 Patty Boyer 603 Alvin Ave. Balt. Md. 21228

17 Diane Betz 2114101 Ave. Balt. Md. 21228

16 Kathy Anderson 235 Westchester Ave. Catonsville, Md.

13 Kathy Boyer 603 Alvin Ave. Balt. Md.

12 Angela Affing 766 Olla Ave. Balt. Md. 21043

19 Bob Ernst Whitman 729 Olla Ave. Balt. Md. 21043

15 William Denny 200 Emerson Ave. Balt. Md. 21228

16 John Wenzig 38 Sunkist Ave. Balt. Md. 21228

13 Dawn Wesner 1508 Edmondson Ave. Balt. Md. 21228

46 Nicholas Stolbach 2510 Westchester Ave. 21043

47 Peggy Stolzendorf 2510 Westchester Ave. 21043

17 Mary Olson 171 Rolling Rd. 21228

17 Helen G. 314 Newburg Avenue 21228

65 Henry J. Brown 449 K. Wharton Pl. 21228

66 William H. 171 Rolling Rd. 21228

39 Joanne Jacobson 947 - Olla Ave. 21043

15 Jerry Meyer 2622 Westchester Ave. 21043

41 Frank O'Shanley 331 Olla Ave. 21043

46 Wal. H. H. 107 Olla Ave.

49 107 Olla Ave.

50 Mrs. H. Sheffer 2204 Pleasant Dr.

51 Barbara Wellens 2202 Pleasant Dr.

52 Dorothy Wellens " "

53 Raymond Wellens " "

54 Anne M. Mack 2320 Old Frederick Rd.

55 George Z. Mack " "

56 Lena G. Mack " "

57 William S. Mack 2312 Old Frederick Rd.

58 J. Karl Schurz 2212 Old Frederick Rd.

59 Mrs. E. H. Haffney 2206 Pleasant Drive

60 Bruce E. Knieshimer 2208 Pleasant Drive

61 Beverly M. Kinghorn " "

62 Blair A. Kinghorn " "

63 Carl L. Kinghorn " "

64 Diane L. Kinghorn " "

65 Joseph L. Gyp 2410 " "

66 Cecilia M. Gyp " "

71 William M. Kilbourne 1400 Old Frederick Rd.

69 1400 Old Frederick Rd.

70 Elizabeth Brand 2209 Pleasant Dr. 21228

71 Malcolm H. Brand 2209 Pleasant Dr. 21228

72 1400 Old Frederick Rd.

73 1400 Old Frederick Rd.

74 William S. Brand 2326 Old Frederick Rd. 21228

75 1400 Old Frederick Rd.

76 1400 Old Frederick Rd.

77 1400 Old Frederick Rd.

78 1400 Old Frederick Rd.

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118 1400 Old Frederick Rd.

119 1400 Old Frederick Rd.

120 1400 Old Frederick Rd.

121 1400 Old Frederick Rd.

122 1400 Old Frederick Rd.

123 1400 Old Frederick Rd.

124 1400 Old Frederick Rd.

BALTIMORE COUNTY POLICE DEPARTMENT

HEADQUARTERS
400 KENILWORTH DRIVE
TOWSON, MARYLAND 21204

ELLISON W. ENSOR
Chief of Police
494 - 2211

KARL E. ZINKHAN
Deputy Chief
494 - 2211

ELMER F. ADAMS
Chief of Administration
494 - 2211

GORDON C. LEE
Chief of Operations
494 - 2211

INFORMATION
494 - 2211

PUBLIC SERVICE
494 - 2111

EMERGENCY
603 - 6000

Ap-11 21, 1975

Mrs. Armistead B. Leach
2501 Frederick Road
Catonsville, Maryland 21228

Dear Mrs. Leach:

In response to your letter dated April 9, 1975 requesting information on accident statistics at or near the intersections of Old Frederick and Olla Roads and Frederick and Olla Roads for the years 1973, 1974 and 1975 thru February 28 by: total, type accident; personal injury or property damage and total persons injured or killed.

The data enclosed is for those accidents handled by the Baltimore County Police Department only. You may wish to contact the Maryland State Police for any additional statistics on accidents at the intersections in question that were handled by them as this information is not furnished our department on a regular basis.

The information enclosed is self explanatory and we hope will be helpful in the evaluation for your zoning case.

Very truly yours,
Ellison W. Ensor
Chief of Police

20 PROTESTANTS
EXHIBIT # B
enclosure

Old Frederick & Olla Roads		Intersection / Intersection Related			Non-Intersection		
		1973	1974	1975*	1973	1974	1975*
TOTAL		4	1	1	0	2	0
Personal Injury Acc.-P.I.		2	0	1	0	0	0
Property Damage Acc.-P.D.		2	1	0	0	2	0
TOTAL INJURED		3	0	3	0	0	0

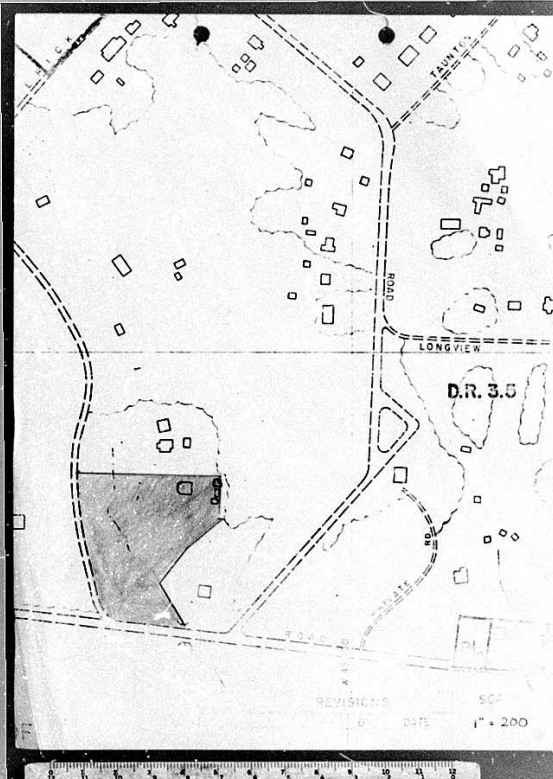
Frederick & Olla Roads		Intersection / Intersection Related			Non-Intersection		
		1973	1974	1975*	1973	1974	1975*
TOTAL		4	9	1	6	7	1
Personal Injury Acc.-P.I.		0	3	1	0	1	0
Property Damage Acc.-P.D.		4	6	0	6	6	1
TOTAL INJURED		0	7	1	0	1	0

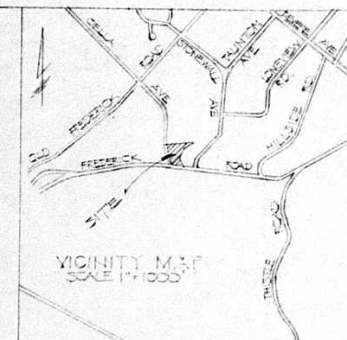
Old Frederick & Olla Roads-Total Intersection & Non-Intersection		Intersection / Intersection Related			Non-Intersection		
		1973	1974	1975*	1973	1974	1975*
TOTAL		8	10	2	6	9	1
Personal Injury Acc.-P.I.		2	3	2	0	1	0
Property Damage Acc.-P.D.		6	7	0	6	8	1
Total Injured		8	10	2	6	9	1

Frederick & Olla Roads-Total Intersection & Non-Intersection		Intersection / Intersection Related			Non-Intersection		
		1973	1974	1975*	1973	1974	1975*
TOTAL		28	28	28	28	28	28
Personal Injury Acc.-P.I.		5	5	5	5	5	5
Property Damage Acc.-P.D.		23	23	23	23	23	23
Total Injured		9	9	9	9	9	9

*January 1, 1975 thru February 28, 1975

Note: There were no fatal accidents at or near the above intersections for 1973, 1974 or 1975 thru February.



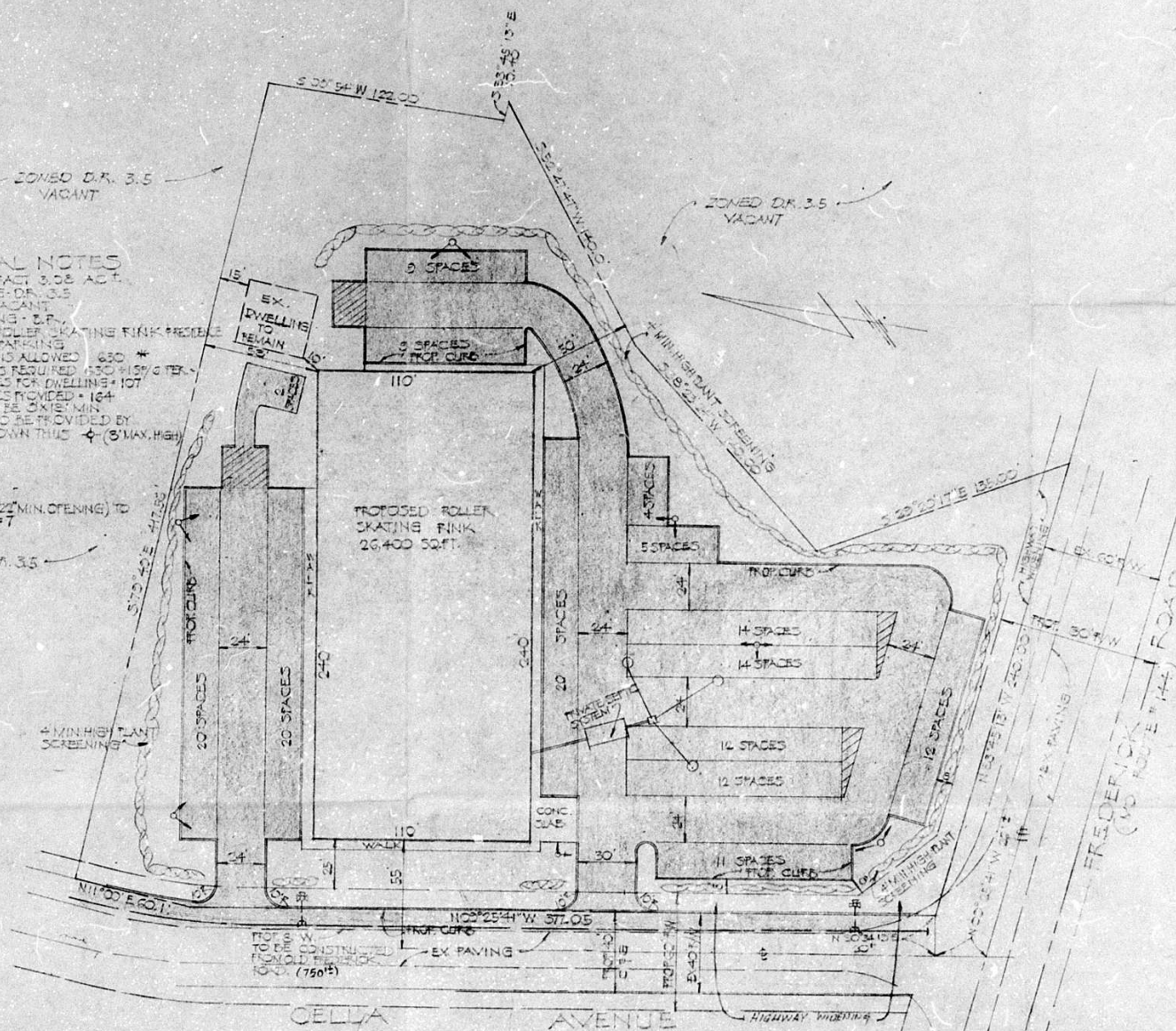


GENERAL NOTES

1. AREA OF TRACT 3.08 AC.
2. EX. ZONING - D.R. 3.5
3. EX. USE - VACANT
4. FROM ZONING - D.R. 3.5
5. PROPOSED ROLLER SKATING RINK PRECISE
6. OFF-STREET PARKING
7. NO. OF PERSONS ALLOWED 630 *
8. NO. OF SPACES REQUIRED 150 + 150 G.T.E.R. = 300
9. 105 + 2 SPACES FOR DWELLING = 107
10. NO. OF SPACES PROVIDED = 184
11. SPACES TO BE 3' X 18' MIN.
12. LIGHTING TO BE PROVIDED BY OWNER, SHOWN THIS (S) MAX. HIGH

* NO. OF SPACES (25' MIN. OPENING) TO BE PROVIDED = 7

ZONED D.R. 3.5
VACANT



PREPARED BY
HUDKINS ASSOCIATES
101 CHIEF BLDG.
200 E. JONAH ROAD
BOWSON, MD 21204
301-828-0060

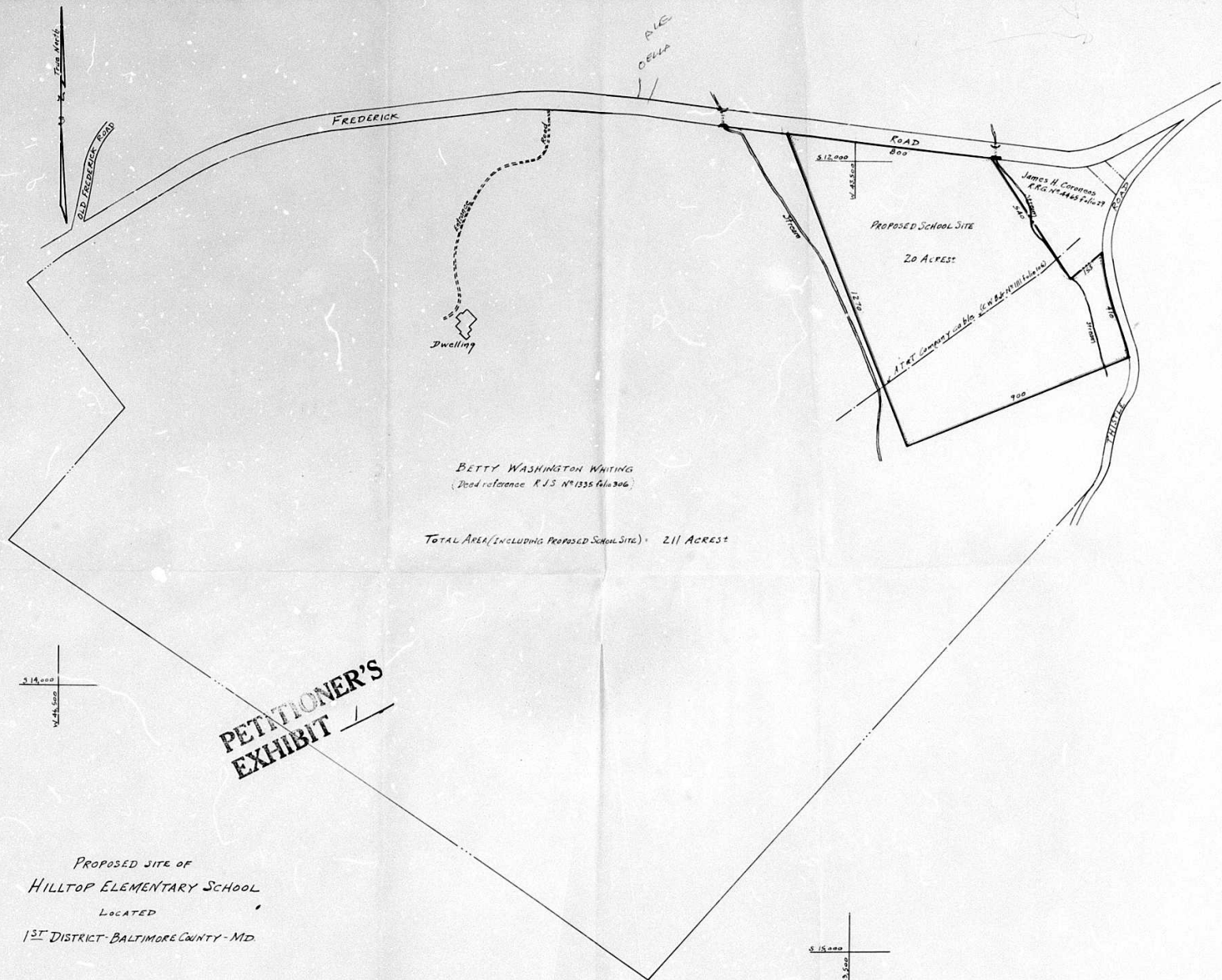
PLAN TO ACCOMPANY APPLICATION
FOR ZONING RECLASSIFICATION VARIANCE
N.E. CORNER CELLA AVE. & FREDERICK ROAD
ELECTION DISTRICT 1
BALTO., CO., MD
SCALE 1" = 30'
SEPT. 30, 1974
REV. NOV. 27, 1974

DEC 3 '74 PM



REVISED PLANS

*Book
Copy 8*

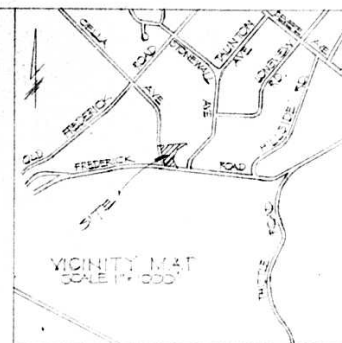


NOTE - Compiled from plats and deeds



SCALE: 1" = 200' Sept 28, 1972
DOLLENBERG BROTHERS
SURVEYORS & CIVIL ENGINEERS
TOWSON, MARYLAND





GENERAL NOTES

1. AREA OF TRACT 3.08 AC ±
2. EX. ZONING - D.R. 3.5
3. EX. USE - VACANT
4. PROP. ZONING - SIM.
5. PROP. USE - FOLLER SKATING RINK
6. PROPOSED PARKING
7. NO. OF PERSONS ALLOWED 630 *
8. NO. OF SPACES REQUIRED 630 * 10% PER 105
9. NO. OF SPACES PROVIDED 216
10. SPACES TO BE EXIST. MIN.
11. LIGHTING TO BE PROVIDED BY OWNER. SHOWN THIS

* NO. OF EXITS (20' MIN. OPENING) TO BE PROVIDED 7

ZONED D.R. 3.5
VACANT

ZONED D.R. 3.5
VACANT

ZONED D.R. 3.5
VACANT

ZONED D.R. 3.5
VACANT

OELLA

AVENUE

ZONED D.R. 3.5

FREDERICK
(MD ROUTE #174) ROAD

PLAN TO ACCOMPANY AFFILIATION
FOR ZONING RECLASSIFICATION
N.E. CORNER OELLA AVE. & FREDERICK ROAD
ELECTION DISTRICT I
BALTO. CO., MD.
SCALE 1"=30'
SEPT. 30, 1974

24
SW 5th
1
200' N
44
10
100' N
100'

