

February 2, 1978

Mr. Frank D. Scarfield
6610 Holabird Avenue
Baltimore, Maryland 21224

RE: Extension of Special Exception
E/S of Kenwood Avenue, 100' S
of Hazelwood Avenue - 14th
Election District
Frank D. Scarfield - Petitioner
NO. 75-260-XSPH (Item No. 175)

Dear Mr. Scarfield:

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

Very truly yours,

/s/
S. ERIC DI NENNA
Zoning Commissioner

SED/arl

Attachment

RE: EXTENSION OF SPECIAL EXCEP- ; BEFORE THE
TION ;
E/S of Kenwood Avenue, 100' S of ; ZONING COMMISSIONER
Hazelwood Avenue - 14th Election ;
District ; OF
Frank D. Scarfield - Petitioner ;
NO. 75-260-XSPH (Item No. 175) ; BALTIMORE COUNTY

*** **

*** **

EXTENSION ORDER

It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of February, 1978, that the Special Exception for an office building and offices, granted February 3, 1976, 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 February 3, 1978, and ending February 3, 1981.

[Signature]
Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank D. Scarfield, 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and grant a use permit for the use of land in a residential zone for parking areas for business or industrial parking purposes to Section 409.4 of the Zoning Regulations of Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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 Frank D. Scarfield Legal Owner
Address 6610 Holabird Avenue
Baltimore, Maryland 21224
Petitioner's Attorney Thomas L. Hennessey
Address _____

ORDERED By the Zoning Commissioner of Baltimore County, this 11th day of April, 1975, 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 11th day of May, 1975 at 10:30 o'clock A.M.

John W. Hession, III
Zoning Commissioner of Baltimore County

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we Frank Scarfield, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from _____ zone to an _____ zone, for the following reason:

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 and office building

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

Contract purchaser Frank Scarfield Legal Owner
Address 6610 Holabird Avenue
Baltimore, Maryland 21224
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of April, 1975, 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 11th day of May, 1975 at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we Frank Scarfield, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from _____ zone to an _____ zone, for the following reason:

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 and office building

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

Contract purchaser Frank Scarfield Legal Owner
Address 6610 Holabird Avenue
Baltimore, Maryland 21224
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of April, 1975, 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 11th day of May, 1975 at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
PETITION FOR SPECIAL EXCEPTION FOR OFFICES AND OFFICE BUILDING, PETITION FOR SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE.
East side of Kenwood Avenue 100 feet, more or less, South of Hazelwood Avenue. 14th District.
FRANK D. SCARFIELD
Case No. 75-260-KSPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 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.



John W. Hession, III
People's Counsel

Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-3212

I HEREBY CERTIFY That a copy of the foregoing Order was mailed this 7th day of May, 1975 to Frank D. Scarfield, 6610 Holabird Avenue, Baltimore, Maryland 21224, Legal Owner.

John W. Hession, III

I will not attend. JWH.

February 3, 1975

Mr. Frank D. Scarfield
6610 Holabird Avenue
Baltimore, Maryland 21224

RE: Petitions for Special Exception and Special Hearing
E/S of Kenwood Avenue, 100' S of Hazelwood Avenue - 14th Election District
Frank D. Scarfield - Petitioner
NO. 75-260-KSPH (Item No. 175)

Dear Mr. Scarfield:

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/acw

Attachments

cc: Mr. Joseph Wolke
6307 Magdolena Road
Baltimore, Maryland 21237

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

ZONING DESCRIPTION OFFICE BUILDING IN A DB-16 ZONE

BEGINNING for the same on the easternmost side of Kenwood Avenue at a point distant 100 feet more or less measured in a southerly direction from the center of Hazelwood Avenue said point of beginning being at the northwest corner of Parcel D as shown on the Plat of Giftedwood Gardens in Plat Book 32-87, thence binding on the easternmost side of said Kenwood Avenue and the outline of said Parcel D the three following courses and distances south 7 degrees 51 minutes 45 seconds west 50.00 feet, south 1 degree 44 minutes 24 seconds west 143.89 feet and south 1 degree 44 minutes 24 seconds west 73.16 feet, thence leaving said Kenwood Avenue and binding on the southernmost side of Parcel D the three following courses and distances north 80 degrees 36 minutes 43 seconds east 10.00 feet, northerly by a line curving to the east with a radius of 75 feet for a distance of 35.88 feet and north 79 degrees 09 minutes 43 seconds east 103.27 feet to the division line between 18-16 and 18-5.5 zoning, thence binding on said division line the two following courses and distances north 7 degrees 46 minutes 27 seconds east 159.16 feet and north 7 degrees 51 minutes 45 seconds east 45.75 feet to the northwestern outline of said Parcel D, thence binding on said outline north 83 degrees 19 minutes 15 seconds west 110.00 feet to the place of beginning.

CONTAINING 0.678 acres of land more or less.

January 2, 1975

ZONING DESCRIPTION OFF PERMIT FOR PARKING IN A DB-5.5 ZONE

BEGINNING for the same the two following courses and distances from the point formed by the intersection of the easternmost side of Kenwood Avenue with the center line of Hazelwood Avenue 100 feet southerly measured along the easternmost side of said Kenwood Avenue and south 83 degrees 19 minutes 15 seconds east 130.1 feet binding on the northernmost outline of Parcel D as shown on the Plat of Giftedwood Gardens in Plat Book 32-87 to the division line between 18-16 and 18-5.5 zoning, thence binding on said zoning division line the two following courses and distances south 7 degrees 51 minutes 45 seconds west 45.75 feet and south 1 degree 44 minutes 24 seconds west 159.16 feet to the southernmost outline of said Parcel D, thence binding on the southernmost and easternmost outlines of said Parcel D the two following courses and distances north 79 degrees 09 minutes 43 seconds east 2.48 feet and north 7 degrees 27 minutes 17 seconds west 8.51 feet, thence binding on the outline of said Parcel D the two following courses and distances north 19 degrees 51 minutes 45 seconds east 133.03 feet, north 70 degrees 08 minutes 15 seconds west 43.00 feet and south 6 degrees 20 minutes 5 seconds west 16.00 feet, thence binding on the northernmost outline of said Parcel D north 83 degrees 19 minutes 15 seconds west 4.50 feet to the place of beginning.

CONTAINING 0.187 acres of land more or less.

January 2, 1975

RE: PETITIONS FOR SPECIAL EXCEP-
TION AND SPECIAL HEARING
E/8 of Kenwood Avenue, 100' S of
Hawthorne Avenue - 14th Election
District
Frank D. Scarfield - Petitioner
NO. 75-260-XSP1 (Item No. 175)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of Petitions filed by Frank D. Scarfield for a Special Exception for an office building and offices on a parcel of property containing 0.478 of an acre of land, herein known as Parcel "B" and, additionally, a Special Hearing for a use permit for off-street parking in a residential zone on a parcel of property containing 0.193 of an acre of land, herein known as Parcel "A".

Let it be noted that although People's Counsel entered his appearance, he did not attend the hearing.

Evidence on behalf of the Petitioner indicated that Mr. Scarfield, a builder and developer, proposes to construct a five story office building on the subject property. Mr. Scarfield did, at one time, have a Special Exception for an office building on the subject property; but due to the Baltimore County Department of Public Works holding back development because of easements, etc., the developer was unable to construct the office building. Accordingly, the Petitioner lost the right to the Special Exception inasmuch as it was not constructed within two years from the date of the final Order granting same, or within the maximum extension period of five years, pursuant to Section 502.3 of the Baltimore County Zoning Regulations.

Testimony indicated that the proposed use meets the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations, i.e., would not be detrimental to the health, safety, or general welfare of the community, would not overcongest the roads, etc. The subject property is zoned D, R, 16 and, as

the file is void of any recommendations from the Director of Planning as to the comprehensive analysis of the subject property, it must be assumed that the property was placed in said classification in anticipation of the proposed use, since it cannot be physically developed as a residential use in a D, R, 16 density.

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 Zoning Regulations have been met and, therefore, the Special Exception for an office building and offices on Parcel "B" should be granted. Furthermore, as the Petitioner's plans meet the prerequisites of Section 409.4, a use permit for off-street parking in a residential zone on Parcel "A" should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of February, 1976, that the Special Exception for an office building and offices on Parcel "B" should be and the same is hereby GRANTED, and, further, a use permit for off-street parking in a residential zone on Parcel "A" should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. The maximum height of said building shall be four stories or 45 feet.
2. An eight foot high stockade fence must be provided along all the boundary lines of the subject property which adjoin a residence or residential zone.
3. The maximum height of all lighting for the parking lot must not exceed eight feet.
4. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

-2-

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 15, 1975, 19.75

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time, successive weeks before the 19th day of June, 1975, the 19th publication appearing on the 15th day of June, 1975.

THE JEFFERSONIAN.
[Signature]
Manager.

Cost of Advertisement, \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 4/24/75
Posted for: Henry Paul Jones, Jr., 19.75 on 4/23/75 P.M.
Petitioner: Frank D. Scarfield
Location of property: E/8 of Kenwood Ave. NW. S. of Hawthorne Ave.
Location of Signs: Signs on East and West Sides of Kenwood Ave. between E/8 and W/8.
Remarks: *[Signature]*
Posted by: Mark H. Hill Date of return: 5/1/75
Signature

Reported this on 5/2/75 Sign Gary.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 24, 1975, 19.75

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week at one time, successive weeks before the 19th day of June, 1975, the 19th publication appearing on the 24th day of April, 1975.

THE JEFFERSONIAN.
[Signature]
Manager.

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: April 17, 1975 ACCOUNT: 01-608

AMOUNT: \$50.00

WHITE CASHIER: Thomas L. Hennessy, Esq.
DISTRIBUTION: 107 W. Penna. Ave., Towson, Md. 21204
YELLOW CUSTOMER: Petitioner for Special Exception and Special Hearing for Frank Scarfield 75-260-XSP1

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: May 11, 1975 ACCOUNT: 01-602

AMOUNT: \$95.90

WHITE CASHIER: Solahard Management Co.
DISTRIBUTION: 6610 Island Ave., Baltimore, Md. 21208
YELLOW CUSTOMER: Advertising and posting of property 75-260-XSP1

CERTIFICATE OF PUBLICATION

ROSEDALE, MD., May 8, 1975, 19.75

THIS IS TO CERTIFY, that the annexed advertisement was published in THE OBSERVER, a weekly newspaper published in Rosedale, Baltimore County, Md., once a week at one time, before the 15th day of May, 1975, the 19th publication appearing on the 15th day of April, 1975.

THE OBSERVER.
[Signature]
Advertising Mgr.

Cost of Advertisement, \$38.40

FUNCTION	With Map		Original		Duplicate		Revised		C.O. Sheet
	Date	By	Date	By	Date	By	Date	By	
Descriptions checked and outline plotted on map									
Outline number added to outline									
Dated									
Granted by ZC, RA, CC, CA									
Reviewed by: JPH									
Previous case:									

Revised: Please Change in outline or description Yes No
Map #

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 10th day of May, 1975 Item #

Petitioner: S. Hill
Submitted by: Hill
Petitioner's Attorney: Hill
Reviewed by: Hill
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION FOR SPECIAL EXCEP-TION AND SPECIAL HEARING
E/8 of Kenwood Avenue, 100' S of Hawthorne Avenue - 14th Election District
Frank D. Scarfield - Petitioner
NO. 75-260-XSP1 (Item No. 175)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of Petitions filed by Frank D. Scarfield for a Special Exception for an office building and offices on a parcel of property containing 0.478 of an acre of land, herein known as Parcel "B" and, additionally, a Special Hearing for a use permit for off-street parking in a residential zone on a parcel of property containing 0.193 of an acre of land, herein known as Parcel "A".

Let it be noted that although People's Counsel entered his appearance, he did not attend the hearing.

Evidence on behalf of the Petitioner indicated that Mr. Scarfield, a builder and developer, proposes to construct a five story office building on the subject property. Mr. Scarfield did, at one time, have a Special Exception for an office building on the subject property; but due to the Baltimore County Department of Public Works holding back development because of easements, etc., the developer was unable to construct the office building. Accordingly, the Petitioner lost the right to the Special Exception inasmuch as it was not constructed within two years from the date of the final Order granting same, or within the maximum extension period of five years, pursuant to Section 502.3 of the Baltimore County Zoning Regulations.

Testimony indicated that the proposed use meets the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations, i.e., would not be detrimental to the health, safety, or general welfare of the community, would not overcongest the roads, etc. The subject property is zoned D, R, 16 and, as



