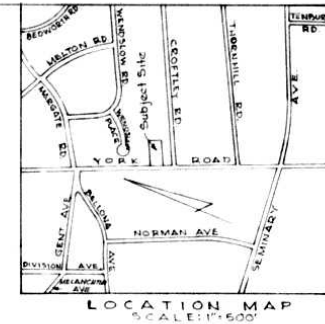
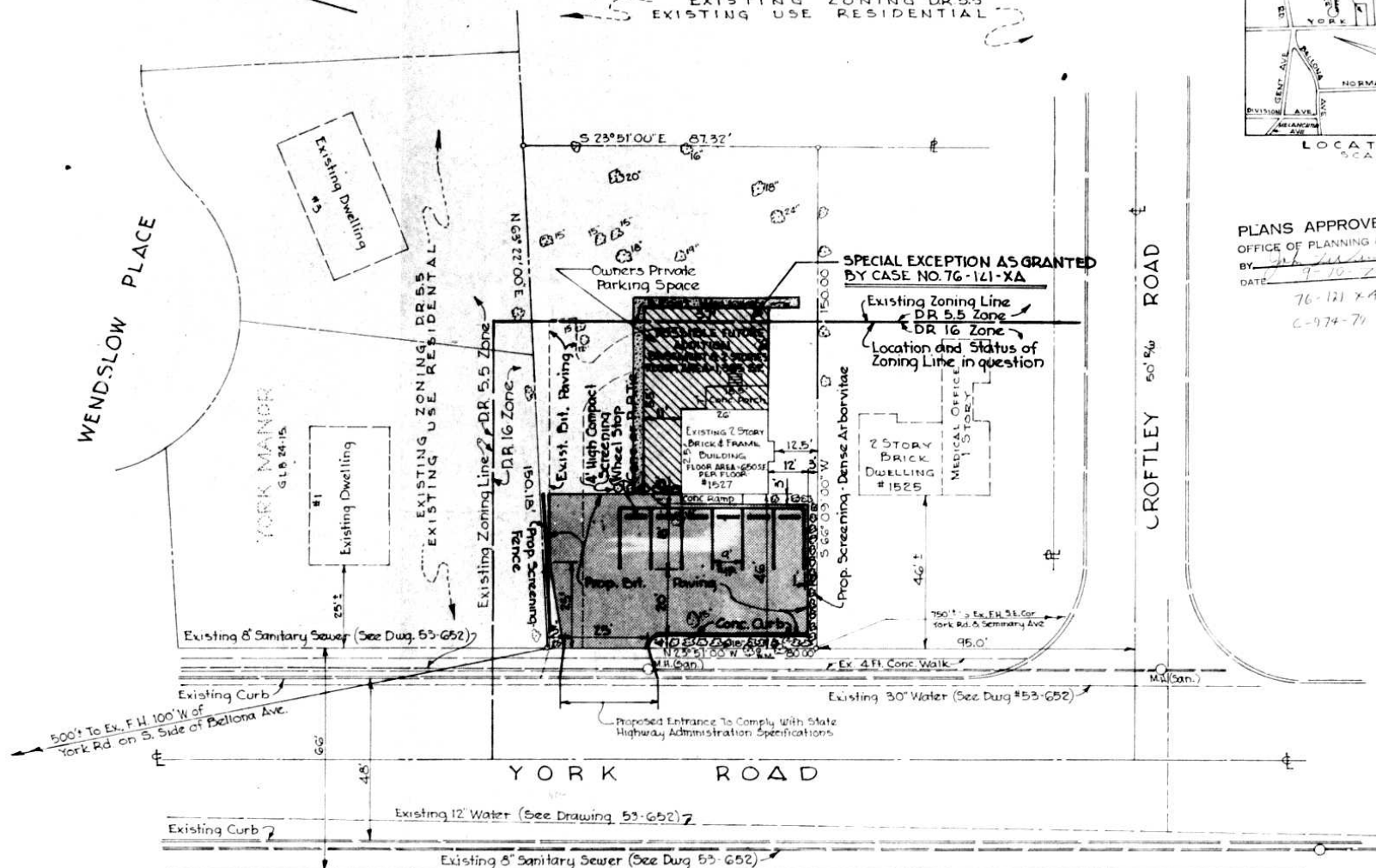


BRIDLEWOOD
G.L.B. 20-87

EXISTING ZONING DR 5.5
EXISTING USE RESIDENTIAL



PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *[Signature]*
DATE: 7-10-79
76-121-X-A
C-974-71



PARKING TABULATION

EXISTING BUILDING ONLY
FIRST FLOOR PARKING REQUIRED @ 650 SQ. FT. = 3 SPACES
SECOND FLOOR PARKING REQUIRED @ 650 SQ. FT. = 2 SPACES
TOTAL PARKING REQUIRED = 5 SPACES
TOTAL PARKING PROPOSED = 6 SPACES

GENERAL NOTES

1. Special Exception and Variance granted Case No. 76-121-XA.
2. Area of Property = 0.288 Acres.
3. Present Zoning DR 16 Present use Residential (Vacant).
4. Any Lighting shall be so erected as not to direct Rays into Residential Areas.
6. Proposed use: Offices and School (Second Floor).

PLAT FOR APPROVAL FOR
OFFICES & SCHOOL IN EXISTING
DR 16 ZONE WITH SPECIAL
EXCEPTION AND VARIANCE

#1527 YORK ROAD

BALTA, Co. Md.
SCALE: 1"=20'

ELECT. DIST. No. 8
AUGUST 1979

Joseph A. Gabel
P.E. 6062 C.E.



PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald J. & Sara J. Gilmore, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from NO. 76-121-XA to NO. 76-121-XA for the following reasons:

See attached description

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

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, 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 Richard C. Murray Legal Owner Donald J. & Sara J. Gilmore
Address 179 East Main Street Address 179 East Main Street
Westminster, Maryland 21157
Petitioner's Attorney Richard C. Murray Protestant's Attorney Richard C. Murray
Address 409 Washington Avenue Address 409 Washington Avenue
Towson, Maryland 21204 Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 197 5, 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 26th day of November, 197 5, at 10:00 o'clock A. M.

Richard C. Murray
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, Donald J. & Sara J. Gilmore, 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 Variance from Section 1B02.2B (504V.B.2) to permit a side yard of 12.5 feet more or less in lieu of the required 25 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
The zoning of this property as D.R.16 recognized is potential for office use. There would be practical difficulty or unnecessary hardship in utilizing the existing structure or any addition thereto without recognizing the existing, established setback of 12.5 feet which has existed for many years.

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 Richard C. Murray Legal Owner Donald J. & Sara J. Gilmore
Address 179 East Main Street Address 179 East Main Street
Westminster, Maryland 21157
Petitioner's Attorney Richard C. Murray Protestant's Attorney Richard C. Murray
Address 409 Washington Avenue Address 409 Washington Avenue
Towson, Maryland 21204 Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 197 5, 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 26th day of November, 197 5, at 10:00 o'clock A. M.

Richard C. Murray
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR SPECIAL EXCEPTION and : BEFORE THE ZONING COMMISSIONER

PETITION FOR VARIANCE :
East side of York Road 95 feet North of : OF BALTIMORE COUNTY
Croftley Road, 8th District :

DONALD J. GILMORE, Petitioner : Case No. 76-121-XA

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.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.,
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 21st day of November, 1975, a copy of the foregoing Order was mailed to Richard C. Murray, Esquire, 409 Washington Avenue, Baltimore, Maryland 21204, Attorney for Petitioner.



COURT OF SPECIAL APPEALS OF MARYLAND — ANNAPOLIS, MD. 21404

October 18, 1978

Alan L. Wink, Esquire
5910 Northwood Drive
Baltimore, Maryland 21212

Re: George Martin et al v. Donald J. Gilmore et ux
No. 736, September Term, 1978

Dear Mr. Wink:

Please find enclosed a copy of this Court's mandate, issued today, dismissing the above-captioned case pursuant to the dismissal of appeal filed by your office. The record on appeal is being returned forthwith to the Clerk of the Circuit Court for Baltimore County.

Yours very truly,

Howard E. Friedman,
Clerk

HEF:ab
Enclosure
cc: Mr. Elmer H. Kahline, Jr., Clerk
Circuit Court for Baltimore County
W. Lee Harrison, Esquire (w/encl.)
Richard C. Murray, Esquire (w/encl.)
John W. Hession, III, Esquire (w/encl.)

MANDATE

Court of Special Appeals of Maryland

No. 736, September Term, 1978

George Martin et al

v.

Donald J. Gilmore et ux

October 17, 1978 - Dismissal of Appeal
filed by counsel for appellant.

October 18, 1978 - Appeal dismissed.

October 18, 1978 - Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for Baltimore County

Record \$25.00
Stenographer's Costs None

In Court of Special Appeals:

Filing Record on Appeal \$30.00
Printing Brief for Appellant N
Reply Brief O
Portion of Record Extract - Appellant N
Printing Brief for Cross-Appellee E

Printing Brief for Appellee N
Portion of Record Extract - Appellee O
Printing Brief for Cross-Appellant E

STATE OF MARYLAND, Sd:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this eighteenth day of October A.D. 1978

Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCE :
E/S of York Road, 95' N of Croftley : DEPUTY ZONING
Road - 8th Election District : COMMISSIONER
Donald J. Gilmore, et ux - Petitioners :
NO. 76-121-XA (Item No. 77) : OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition filed by Donald J. and Sara J. Gilmore for a Special Exception for offices, and a Variance to permit a 12.5 foot side yard setback in lieu of the required 25 feet.

Evidence on behalf of the Petitioners indicated that the side yard distance of 12.5 feet is now in existence. The premise is presently occupied for residential use by a family member, but the Petitioners do no consider it to be generally rentable for said use. Adequate off street parking exists and would continue to be available under the proposed expansion of the building.

Residents of the area, in protest, indicated that the granting of the Special Exception would be detrimental to their health, safety and general welfare in that the subject property, as proposed to be enlarged and utilized for offices, would generate a significant increase in traffic in its vicinity.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the Variance request for a 12.5 foot side yard setback in lieu of the required 25 feet should be granted.

However, the granting of the Special Exception for offices would tend to create additional traffic congestion on the subject heavily-traveled area. Before a Special Exception is granted, it must appear that the proposed usage will not be detrimental to the health, safety, or general welfare of the locality

involved or tend to create congestion on the roads, streets, or alleys therein. In the opinion of the Deputy Zoning Commissioner, the Special Exception requested does not meet the prerequisites of Section 502.1 and should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of December, 1975, that the Variance to permit a 12.5 foot side yard setback in lieu of the required 25 feet is hereby GRANTED, subject to the approval of a site plan by the State Highway Administration, Department of Public Works and the Office of Planning and Zoning.

It is further ORDERED that the request for a Special Exception to permit offices should be and the same is hereby DENIED.

Samuel J. Marshall
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCE :
E/S of York Road, 95' N of Croftley : DEPUTY ZONING
Road - 8th Election District : COMMISSIONER
Donald J. Gilmore, et ux - Petitioners :
NO. 76-121-XA (Item No. 77) : OF
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of December, 1975, that the Order dated December 1, 1975, passed in this matter, should be and the same is hereby Amended by reason of the fact that the subject Variance was granted in error under Baltimore County Zoning Regulation Section 1B02.3.B (504V.B.2), and that said amendment be effected by deleting Paragraph 4, on Page 1, and substituting therefore the following:

"Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the Variance request should be dismissed."

It is further ORDERED that the subject Order be Amended on Page 2, Paragraph 1, to read as follows:

"Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of December 1975, that the Variance to permit a 12.5 foot side yard setback in lieu of the required 25 feet is hereby DISMISSED without prejudice."

Samuel J. Marshall
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION :
for Offices, and :
VARIANCE from Section 1802.2B :
(504V.B.2) of the Baltimore :
County Zoning Regulations :
E/S York Road, 95' :
N. of Croftley Road :
8th District :
Donald J. Gilmore, et ux :
Petitioners :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 76-121-XA

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Deputy Zoning Commissioner concerning a requested special exception and variance. The subject property is located on the east side of the York Road approximately ninety-five (95) feet north of Croftley Road, in the Eighth Election District of Baltimore County. The specific address of the property is 1527 York Road.

The subject property is owned by Donald J. Gilmore and wife. Mr. Gilmore is a member of the Maryland Bar, who formerly resided on the subject property and practiced in Baltimore County. Since 1968 Mr. Gilmore has resided in the Westminster area and generally his law practice is now in the Westminster area.

The subject property is now improved by a two story brick and frame dwelling approximately twenty-five years old. According to the Petitioner, the subject lot consists of approximately .288 acres, with a frontage along the east side of York Road of approximately eighty (80) feet.

There was raised an issue as to the actual ownership of a portion of the subject lot. At the time of the hearing the Board ruled that its forum was not the place for the resolution of the ownership arguments. Counsel for the Protestants alleges that Mr. Gilmore owns only fifty-five feet of frontage along the east side of the York Road at this site, while Mr. Gilmore claims legal ownership of eighty feet. The Board does not have the statutory authority to resolve this issue, and hence will assume that the land alleged to be owned by Mr. Gilmore is in fact the extent of his legal holdings at the subject site. The decision in this special exception and variance petition will be based upon the lot size as claimed by the Petitioner.

Donald J. Gilmore, et ux - #76-121-XA

5.

The last witness for the Protestants was Stoney E. Fraley of 1703 Haddington Garth. Mr. Fraley acknowledged that he was an owner in residence, living approximately one quarter mile away from the subject property and a member of the protesting York Manor Improvement Association. However, he was anxious to express his opinions as a professional urban planner. Mr. Fraley is a qualified planner with a Bachelor's and Master's degree in his field, and from 1966 to 1974 served Baltimore County as a planner, and continues his work in this field as a regional planner for the Maryland Department of State Planning. Mr. Fraley went on at some length describing to the Board why this petition should not be granted and, in fact, why the subject property should not be zoned D.R. 16 at all. Cross-examination of this witness proved quite interesting as it seems that in 1970 and 1971, prior to the adoption of the D.R. 16 zoning for the subject property, it was this same Mr. Fraley, while working as a Baltimore County planner, who recommended to the Baltimore County Planning Board, and subsequently to the Baltimore County Council, that the subject property, in fact, be zoned D.R. 16. Following the advice of this same expert the Council did zone the subject property D.R. 16, and the property is today, in fact, so classified. While noting in passing this witness' possible personal interest in this case, the Board is impressed that an expert witness can reflect upon subsequent events and thence change his judgment.

Without further summarizing the testimony and evidence offered in this case, but after careful consideration and reflection upon same, the Board will grant the requested special exception, subject to a series of restrictions. In summary, it is the judgment of this Board that the Petitioner has carried the burden of satisfying the Board that the special exception may be granted while fulfilling all of the requirements of Section 502.1 of the Baltimore County Zoning Regulations. The restrictions to accompany the granting of the special exception will be found in the Order that follows.

ORDER

For the reasons set forth in the foregoing Opinion, it is the judgment of this Board that the Petitioner has evidenced practical difficulty and unreasonable hardship

Donald J. Gilmore, et ux - #76-121-XA

2.

If successful in this petition, this property owner proposes an addition to the subject property and conversion of these entire improvements to business offices. All of the subject property is now zoned D.R. 16, and the extent of the petition before this Board is limited to the request for a special exception for offices and a side yard variance. Petitioner's Exhibit No. 1, a plat of the subject property, details the proposals described above. As to the variance issue, if the Petitioner is to be successful, he must prove to this Board that the denial of the variance would represent a practical difficulty and/or unreasonable hardship upon this property owner.

The variance sought is a side yard setback variance along the east side of the subject property. The existing improvements being of some vintage was constructed when the minimum side yard setback of twelve and a half feet was acceptable. Now the existing County zoning regulations require, in the subject instance, a side yard setback of twenty-five feet. The Petitioner seeks approval of a side yard variance from the required twenty-five feet to the existing 12.5 feet. The variance would also be required for the addition proposed to be constructed to the rear of the existing dwelling. The property immediately to the east of this subject lot is improved by a two story brick dwelling and an approved one story medical office structure. The two story brick dwelling is of comparable age to that of the subject property, and is also built but twelve and one half feet from the subject lot line.

After carefully reviewing the testimony and evidence offered in this case concerning the variance, it is the judgment of this Board that the Petitioner has evidenced practical difficulty and unreasonable hardship concerning this requested side yard variance. In the judgment of this Board, the requested variance can be granted without violating the spirit and intent of the existing zoning regulations. The requested variance can be compatible with the existing regulations and granted within strict harmony of said regulations. The Board will affirm the Deputy Zoning Commissioner and grant the requested variance.

As to the requested special exception, it must be evident to this Board that there is full and complete compliance with Section 502.1 of the

Donald J. Gilmore, et ux - #76-121-XA

6.

concerning the requested variance, and it is therefore, this 17th day of September, 1976, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby GRANTED; and it is

FURTHER ORDERED, that the special exception petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. The proposed addition to the existing improvement to the subject property shall be limited to a basement and one story structure.
2. The total amount of square feet to be utilized for offices at the subject property shall not exceed 2050 square feet.
3. There shall be provided at least fifteen (15) designated off-street parking spaces on this lot.
4. All proposed paving shall be bituminous, with bituminous or concrete curbing.
5. All lighting shall be so erected so as not to direct light rays into the existing residential areas.
6. With the exception of the frontage along the York Road, all of the screening as proposed on Petitioner's Exhibit No. 1 shall be provided. This restriction shall include both the installation of the proposed wood stockade type fence, with a minimum height of six (6) feet, and the installation where designated of the proposed dense aboretive plantings, with an initial minimum height of four (4) feet as noted on Petitioner's Exhibit No. 1.
7. The control of all storm water runoff from the subject property shall be in strict compliance with the Baltimore County storm water control regulations. Any violation of this restriction shall be cause for the Zoning Commissioner to review the granting of this special exception.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gifford

John A. Miller

Donald J. Gilmore, et ux - #76-121-XA

3.

Baltimore County Zoning Regulations. Section 502.1 is as follows:

"502.1 - Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

- a. Be detrimental to the health, safety, or general welfare of the locality involved;
- b. Tend to create congestion in roads, streets or alleys therein;
- c. Create a potential hazard from fire, panic or other dangers;
- d. Tend to overcrowd land and cause undue concentration of population;
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
- f. Interfere with adequate light and air."

The principal witnesses for the Petitioner were three experts; i.e., John Hacheder, Jr., a registered professional engineer and land surveyor associated with the firm of G. W. Stephens, Jr. and Associates, Inc.; Frederick Klaus, a recognized real estate expert and land use consultant; and John Erdman, a traffic engineer.

Mr. Hacheder detailed for the Board the Petitioner's proposal, and stated that the existing sewer and water facilities were more than adequate to handle the Petitioner's request.

Mr. Klaus described for the Board the neighborhood affected in the subject instance. Mr. Klaus noted the existing D.R. 16 zoning for the subject property and the impracticalities of using same for apartment construction. Mr. Klaus pointed out to the Board the many special exceptions granted along the York Road and other major arterial highways throughout Baltimore County in D.R. 16 zones along such heavily traveled thoroughfares. It was Mr. Klaus' opinion that the utilization of this subject property for business offices was in conformity with the existing land uses now along the York Road. In the mind of this witness, if the subject property were used for four apartments, as would now be allowed within the regulations, more harm would be done to the Comprehensive Plan for this area than if the subject property were used as proposed in this petition. Mr. Klaus felt that the proposed subject use was totally compatible with the surrounding land uses and

Donald J. Gilmore, et ux - #76-121-XA

4.

would adversely affect them in no way whatsoever. He also felt that there would be good market reception for these business offices at this location.

John Erdman, traffic engineer, detailed for the Board the effect of the subject petition upon the existing traffic along the York Road, and compared same to how the property might be developed if the special exception be denied. While recognizing the existing problems that do now aggravate users of the York Road, it was his conclusion that the development of the subject property one way or the other really had no significant impact upon the York Road traffic. This judgment was brought about because of the small size of the subject proposal.

Each of the three expert witnesses reviewed the appropriate and appurtenant sections of 502.1 as same affected the subject property within the scope of the expertise of the respective expert witness. It was the collective opinion of these three experts that the special exception could be granted while fully satisfying all the provisions of Section 502.1.

A series of Protestants appeared and testified in this instance, including David Sharretts of 22 Margate Road, and the President of the York Manor Improvement Association, and Mrs. Jo Herman of 21 Thornhill Road, the President of the Bridlewood Improvement Association. Mr. Sharretts expressed concern about the domino effect of the granting of this special exception, and he felt that if this were granted that similar zoning might spread into his subdivision. The witness did proclaim that he was aware that this was a request for a special exception and not a reclassification, and that he did know the legal difference and significance of these two types of zoning petitions.

Mrs. Herman cited the severe traffic hazards that now exist when entering and leaving the York Road, and she also mentioned the dangerous conditions for the children walking to and from the Lutherville Elementary School and the Ridgely Junior High School. Mrs. Herman and another neighborhood witness were concerned about the control of storm water runoff following the development and paving of much of the subject property. The testimony indicated that there now exists some storm water runoff problems throughout the communities easterly of the subject property.

RE: PETITION FOR SPECIAL EXCEPTION :
for Offices, and :
VARIANCE from Section 1802.2B :
(504V.B.2) of the Baltimore :
County Zoning Regulations :
E/S York Road 95' :
N. of Croftley Road :
8th District :
Donald J. Gilmore, et ux :
Petitioners :

BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 76-121-XA

AMENDED ORDER

The Petitioner's counsel has called to the attention of this Board an error in its prior Order of this case, dated September 17, 1976.

It was the intention of this Board to limit the office area at the subject property to 4,070 square feet. To correct this error, and to further clarify our prior Order, the Board shall this day pass the following Amended Order:

For the reasons set forth above, it is this 28th day of September, 1976, by the County Board of Appeals ORDERED, that restrictions Nos. 1 and 2 of our prior Order dated September 17, 1976, are amended as follows:

1. The proposed rear addition to the existing improvement at the subject property shall be limited to a basement and one story structure. The proposed side yard addition shall be limited to a two story structure, the height of which shall not exceed the height of the existing two story brick and frame building.

2. The total amount of square feet to be utilized for offices at the subject property shall not exceed 4,070 square feet. This area encompasses approximately 650 square feet per floor in the existing two story brick and frame building; approximately 275 feet per floor on the two floors of the proposed side addition to the existing improvement; and approximately 1,110 square feet each for the basement and first floor of the proposed rear addition to the subject property.

Donald J. Gilmore, et ux - No. 76-121-XA

2.

3. Restrictions Nos. 3 through 7 in our prior Order, dated September 17, 1976, shall remain in full force and effect as previously promulgated.

Any appeal from this decision must be in accordance with Rules 8-1 through 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gifford

DONALD J. GILMORE, ET UX
for Special Exception for offices
"Variance from Sec. 1B02.2B(504V.B.2)-
side yard
E/S of York Road 95' N. of Croftley Road
8th District

IN THE COUNTY BOARD
OF APPEALS
Case No. 76-121-XA

SUMMONS DUCES TECUM

Please issue a summons duces tecum for the following person to be and appear before the Baltimore County Board of Appeals on Thursday July 22, 1976 at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland to testify for protestants in the above entitled case:

John J. McGrath
Records Supervisor
Assessments Office
Courthouse
Towson, Maryland 21204

and bring with him all records showing property assessed to Donald J. Gilmore and Sara Jane Gilmore, his wife, in Baltimore County, Maryland and particularly in the 8th District, namely Assessment Record of 8th District - 16-00-002847.

SUMMONED
1976
19
19
19

Ferdinand Fiastro
Attorney for Protestants
3 E. Lexington Street
Baltimore, Maryland 21202
727-6667

Rec'd. 7/16/76
10:00 a.m.

Mr. Sheriff:

Please issue summons in accordance with the above.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

PETITION FOR SPECIAL EXCEPTION
for Offices, and
VARIANCE from Section 1B02.2B
(504V.B.2) of the Baltimore
County Zoning Regulations
E/S York Road 95'
N. of Croftley Road
8th District - 76-121-XA
Donald J. Gilmore, et ux
Appellants

IN THE
CIRCUIT COURT
OF
BALTIMORE
COUNTY
George Martin,
Elizabeth Martin, his wife,
JO HERRMANN
DR. RAYMOND W. HERRMANN,
her husband
DAVID B. SHARRETT
BARBARA SHARRETT, his wife,
BRIDLEWOOD COMMUNITY ASSOCIATION, INC.
YORK MANOR IMPROVEMENT ASSOCIATION, INC.
Appellants

ORDER TO ENTER APPEAL

Mr. Clerk:

Please enter an appeal from the decision of the County Board of Appeals of Baltimore County dated September 17, 1976 as amended on September 28, 1976 granting the request for Variance and Special Exception. This Appeal is noted on behalf of George Martin and Elizabeth Martin whose property is immediately adjacent to the side of the Appellants' property and Jo Herrmann and Dr. Raymond W. Herrmann, David B. Sharrette and Barbara Sharrette, Bridlewood Community Association, Inc. and York Manor Improvement Association, Inc.

FERDINAND FIASTRO,
Attorney for Appellants
3 E. Lexington Street, 21202
727-6667

I HEREBY CERTIFY that on the 15th day of October, 1976, a copy of the foregoing Appeal was mailed to the County Board of Appeals for Baltimore County, Court House, Towson, Maryland, 21204, and to Richard C. Murray, Esq., 409 Washington Avenue, Towson, Maryland, 21204, Attorney for the Appellants.

FERDINAND FIASTRO

Rec'd. 10-18-76
3:30 PM

PETITION FOR SPECIAL EXCEPTION
for Offices, and
VARIANCE from Section 1B02.2B
(504V.B.2) of the Baltimore
County Zoning Regulations
E/S York Road 95'
N. of Croftley Road
8th District - 76-121-XA
Donald J. Gilmore, et ux
Appellants

IN THE
CIRCUIT COURT
OF
BALTIMORE
COUNTY
George Martin
Elizabeth Martin, his wife
JO HERRMANN
DR. RAYMOND W. HERRMANN,
her husband
DAVID B. SHARRETT
BARBARA SHARRETT, his wife,
BRIDLEWOOD COMMUNITY ASSOCIATION, INC.
YORK MANOR IMPROVEMENT ASSOCIATION, INC.
Appellants

PETITION IN SUPPORT OF APPEAL

The Appellants, George Martin and Elizabeth Martin, his wife, Jo Herrmann and Dr. Raymond W. Herrmann, her husband, David B. Sharrette, his wife, and Bridlewood Community Association, Inc. and York Manor Improvement Association, Inc. by Ferdinand Fiastro, their attorney, appeal from the decision of the County Board of Appeals dated September 17, 1976 as amended on September 28, 1976 and in support of said Appeal says:

1. That the Appellants, George Martin and Elizabeth Martin, are adjacent property owners and are aggrieved persons within the context of Article 66B, Section 4.08 of the Annotated Code of Maryland.
2. That the Appellants, Jo Herrmann and Dr. Raymond W. Herrmann, David B. Sharrette and Barbara Sharrette, his wife, are tax payers of Baltimore County in the immediate vicinity of the Appellants' property within the context of Article 66B, Section 4.08 of the Annotated Code of Maryland.
3. That the Appellants, Bridlewood Community Association, Inc. and York Manor Improvement Association, Inc. are both composed of members who are tax payers

Rec'd. 10-29-76
9:30 AM

of Baltimore County and live within close proximity of the subject property.

4. This Appeal is from the action of Walter A. Reiter, Jr., Chairman, Robert L. Gillian and John A. Miller, sitting as the County Board of Appeals of Baltimore County in granting the Variance and Special Exception for office use to the Appellants, Donald J. Gilmore and wife, situated at 1527 York Road.

5. That the Board erred in granting the Variance for the reason that the Appellants failed to meet the burden of proving practical difficulty or unreasonable hardship a necessary burden to be met by them.

6. That the County Board of Appeals erred in granting the Variance for the reason that the Appellants never appealed the Dismissal of said Variance by the Deputy Zoning Commissioner dated December 29, 1975.

7. That the County Board of Appeals erred in granting the Special Exception for the reason that the Appellants are not the legal owners of the full 80 foot front lot at 1527 York Road as they professed to be, but only 55 feet.

8. That the totality of the evidence and all Exhibits before the Board required that it should not have granted the Special Exception since it would be detrimental to the health, safety and general welfare of the community under Section 502.1 of the Baltimore County Zoning Regulations.

9. That the action of the County Board of Appeals in granting the Variance and the Special Exception was arbitrary, capricious and not supported by any substantial evidence.

10. That the Appellants will show further and other substantial reasons for reversal of the Board's decision at the Hearing of this Cause.

WHEREFORE, the Appellants respectfully request:

- (1) That this Honorable Court reverse the decision of the County Board in granting the Variance and Special Exception in the subject case, and,
- (2) To grant the Appellants such other and further relief as may be requisite.

Ferdinand Fiastro,
Attorney for Appellants
3 E. Lexington St., 21202
727-6667

RE: PETITION FOR SPECIAL EXCEPTION
for Offices, and
VARIANCE from Section 1B02.2B
(504V.B.2) of the Baltimore
County Zoning Regulations
E/S York Road 95'
N. of Croftley Road
8th District
Donald J. Gilmore, et ux
Petitioners
Case No. 76-121-XA
George Martin, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 270
File No. 6038

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure; Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Richard C. Murray, Esquire, Mercantile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioners, and Mr. and Mrs. Donald J. Gilmore, 179 East Main Street, Westminster, Maryland 21157, Petitioners, and Ferdinand Fiastro, Esquire, 3 East Lexington Street, Baltimore, Maryland 21202, Attorney for the Protestants, and Mr. David B. Sharrette, 22 Margate Road, Lutherville, Maryland 21093 and Mrs. Jo Herman, 21 Thornhill Road, Lutherville, Maryland 21093, Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Richard C. Murray, Esquire, Mercantile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Petitioners, and Mr. and Mrs. Donald

Donald J. Gilmore, et ux - 76-121-XA

2.

J. Gilmore, 179 East Main Street, Westminster, Maryland 21157, Petitioners, and Ferdinand Fiastro, Esquire, 3 East Lexington Street, Baltimore, Maryland 21202, Attorney for the Protestants, and Mr. David B. Sharrette, 22 Margate Road, Lutherville, Maryland 21093 and Mrs. Jo Herman, 21 Thornhill Road, Lutherville, Maryland 21093, Protestants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel, on this 26th day of October, 1976.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION
for Offices, and
VARIANCE from Section 1B02.2B
(504V.B.2) of the Baltimore
County Zoning Regulations
E/S York Road 95'
N. of Croftley Road
8th District
Donald J. Gilmore, et ux
Petitioners
Case No. 76-121-XA
George Martin, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 270
File No. 6038

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeals directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of Planning and Zoning of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 76-121-XA
Oct. 14, 1975 Petition of Donald J. Gilmore, et ux, for special exception for offices and for a variance from Section 1B02.2B (504V.B.2) to permit a side yard of 12.5 feet more or less in lieu of the required 25 feet on property located on the east side of York Road, 95 feet north of Croftley Road, 8th District - filed
" 14 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for November 25, 1975 at 10:00 a.m.
Nov. 7 Certificate of Publication in newspaper - filed
" 13 Comments of the Baltimore County Zoning Plans Advisory Committee - filed
" 13 Certificate of Posting of property - filed
" 21 Comments of the Director of Planning - filed
" 26 At 10:00 a.m., hearing held on petition by Deputy Zoning Commissioner - case held sub curia

Dec. 1, 1975 Order of the Deputy Zoning Commissioner granting the variance and denying the special exception

" 24 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner filed by attorney for the petitioners

" 29 Amended Order of the Deputy Zoning Commissioner denying the variance

" 30 Order of Appeal to County Board of Appeals from the Order of the Deputy Zoning Commissioner filed by attorney for the petitioners

July 22, 1976 Hearing on appeal before the County Board of Appeals - case held sub curia

Sept. 17 Order of the County Board of Appeals granting the variance and special exception, subject to restrictions

" 28 Amended Order of the County Board of Appeals amending restrictions #1 and #2 of the previous Order of September 17, 1976

Oct. 15 Order for Appeal filed in the Circuit Court for Baltimore County by the attorney for the petitioners

" 25 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 26 Certificate of Notice sent to all interested parties

Nov. 12 Transcript of testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Plot of subject property, Revised 11/26/75

Protestants' Exhibit A - 1. Deed to subject property
2. Mortgage of subject property

" " B - Ground rent lease to subject property (identification only)

" " C - Ground rent lease containing restrictions (identification only)

" " D - 1. York Manor Improvement Assoc. - Board of Directors' Meeting 3/9/76
2. York Manor Improvement Assoc. - Annual Meeting of 3/2/76
3. Association Map
4. Association Map
5. York Manor Improvement Assoc. Affidavit

" " E - 1. Bridlewood Community Assoc. - "Status Quo" July, 1976
2. Constitution and By-Laws of Bridlewood Community Assoc.
3. Affidavit of Bridlewood Community Association

cc: Richard C. Murray, Esquire
Ferdinand Fiastro, Esquire
John W. Hession, III, Esquire

Nov. 12, 1976 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

PETITION FOR SPECIAL EXCEPTION, : THE CIRCUIT COURT
etc. :
DONALD J. GILMORE, et ux : FOR
: BALTIMORE COUNTY
vs. : MISC. NO. 6038
GEORGE MARTIN, et al : Law Docket 10, Folio 270

ORDER FOR APPEAL

Mr. Clerk:

Enter an Appeal to the Court of Special Appeals on behalf of the PETITIONERS, George Martin, et al, from the Judgment entered in this action on June 26th, 1978.

Alan L. Wink, Esq.
5810 Northwood Dr.
Baltimore, Md. 21212
301-532-8537
301-396-3948

I hereby certify that on the 20th day of July, 1978, a copy of the foregoing Order for Appeal was mailed postage prepaid to W. Lee Harrison, Esq., 401 Washington Avenue, Towson, Maryland 21204 and John W. Hession, III, Esq., 102 S. Pennsylvania Avenue, Towson, Maryland, 21204.

Alan L. Wink, Esq.
Alan L. Wink, Esq.

PETITION FOR SPECIAL EXCEPTION, : THE CIRCUIT COURT
etc. :
DONALD J. GILMORE, et ux : FOR
: BALTIMORE COUNTY
vs. : MISC. NO. 6038
GEORGE MARTIN, et al : Law Docket 10, Folio 270

STATEMENT AND ORDER OF COURT

Oral arguments on these Protestants' appeal from a decision of the County Board of Appeals, in a zoning case, were heard March 29, 1978. Briefs filed by the Appellants and Appellees have been read and considered. The pleadings have also been read and considered.

Donald J. Gilmore and wife petitioned for a variance and special exception for 1527 York Road, in the Eighth Election District of Baltimore County.

The Deputy Zoning Commissioner decided on December 1, 1975 to grant the variance, but to deny the special exception.

Both parties, feeling aggrieved, appealed to the County Board of Appeals, for a hearing de novo.

The hearing de novo resulted in an order by the Board of Appeals granting both the variance and the special exception.

The Protestants appealed to this Court, seeking not a hearing de novo, but a reversal based on the record.

A Court's function is merely to decide whether the Board's action was arbitrary, capricious, discriminatory or illegal. If the questions before the Board were fairly debatable, its actions must be affirmed. In reviewing the Board's actions, the Court's function is restricted, and the scope of the review is narrow. *Relson v. Montgomery County*, 214 Md. 587; *Quinn v. Tolin*, 217 Md. 641.

The transcript of the hearing before the Board contains substantial evidence supporting the property owners' petition for both variance and special exception. The granting of the petition was rendered debatable by the testimony of the witnesses for the Protestants.

January 8, 1976

John W. Hession, III, Esquire
People's Counsel
Basement, County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
E/S of York Road, 95' N of Croftley Road - 8th Election District
Donald J. Gilmore, et ux - Petitioners
NO. 76-121-XA (Item No. 77)

Dear Mr. Hession:

Please be advised that appeals have been filed by both John B. Howard, Esquire, acting on behalf of Mr. Donald J. and Mrs. Sara J. Gilmore, Petitioners, and Ferdinand Fiastro, Esquire, acting on his own behalf and on behalf of Mr. David B. Sharretts and Mrs. Jo Herman, Protestants, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/erl

cc: John B. Howard, Esquire
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

Ferdinand Fiastro, Esquire
1 East Lexington Street
Baltimore, Maryland 21202

The decision of the Board of Appeals, on the basis of their findings and the reasons stated in their memorandum accompanying their order, should be affirmed, as to both the variance and the special exception.

The Protestants raised a technical objection to the Deputy Zoning Commissioner's refusal to decide a question of title to a small portion of the property. The Board correctly decided that the Commissioner lacked jurisdiction to decide the question of title to that part of the lot which was under a cloud. The cloud has since been cleared, anyway.

The Board also correctly ignored the Zoning Commissioner's belated attempt to rewrite those portions of his order which related to the variance, after his order had been appealed for a de novo hearing before the Board of Appeals. Accordingly, the Protestants' argument that the Board lacked jurisdiction to hear the variance issue de novo is overruled. Actually, the Commissioner lacked jurisdiction to change his order, sua sponte, after it was appealed.

WHEREFORE, it is this 26th day of June, 1978, by the Circuit Court for Baltimore County,

ORDERED that the decision of the County Board of Appeals, dated September 17, 1976, as amended on September 28, 1976, be and it hereby is affirmed.

Walter R. Haile, Judge
WALTER R. HAILE, JUDGE

Copies sent to:

W. Lee Harrison, Esquire
Ferdinand Fiastro, Esquire
John W. Hession, III, Esquire
Mr. Eugene Creed

FERDINAND FIASTRO
ATTORNEY AT LAW
43 CENTRAL SAVINGS BANK BUILDING
3 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202

AREA CODE 410
TELEPHONE 727-6567

County Board of Appeals
August 12, 1978
County Office Building

Re: Petition for Special Exception and Variance
E/S of York Road, 95' N of Croftley Road - 8th Election District
Donald J. Gilmore, et ux - Petitioners
NO. 76-121-XA (Item No. 77)

Dear Mr. Hession:

I feel duty bound to inform you of the fact that the County Board of Appeals has decided to grant the variance and special exception.

A copy of the Board's decision is being furnished to you by separate mail. The Board's decision is based on the fact that the property is zoned R-1 and the proposed use is a single-family dwelling. The Board found that the proposed use is a use which is permitted in the R-1 zone and that the property is suitable for such use.

Further, the Board found that the proposed use is a use which is not a use which is prohibited in the R-1 zone and that the property is suitable for such use.

The Board's decision is being furnished to you by separate mail.

Very truly yours,

Ferdinand Fiastro, Esquire

1 East Lexington Street
Baltimore, Maryland 21202

cc: John B. Howard, Esquire
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

Ferdinand Fiastro, Esquire
1 East Lexington Street
Baltimore, Maryland 21202

Very truly yours,

Ferdinand Fiastro, Esquire

1 East Lexington Street
Baltimore, Maryland 21202

Dec. 1, 1975 Order of the Deputy Zoning Commissioner granting the variance and denying the special exception

24 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner filed by attorney for the petitioners

29 Amended Order of the Deputy Zoning Commissioner denying the variance

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Oct. 15 Order for Appeal filed in the Circuit Court for Baltimore County by the attorney for the petitioners

25 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

26 Certificate of Notice sent to all interested parties

Nov. 12 Transcript of testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Plat of subject property, revised 11/24/76

Protestants' Exhibit A - 1. Deed to subject property
2. Mortgage of subject property

B - Ground rent lease to subject property (identification only)

C - Ground rent lease containing restrictions (identification only)

D - 1. York Manor Improvement Assoc. - Board of Directors' Meeting 3/9/76
2. York Manor Improvement Assoc. - Annual Meeting of 3/2/76
3. Association Map
4. Association Map
5. York Manor Improvement Assoc. Affidavit

E - 1. Bridgeland Community Assoc. - "Status Quo" July, 1976
2. Constitution and By-Laws of Bridgeland Community Assoc.
3. Affidavit of Bridgeland Community Association

cc: Richard C. Murray, Esquire
Ferdinand Fiastro, Esquire
John W. Hessian, III, Esquire

Nov. 12, 1976 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board noted no permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectfully suggest that it would be impracticable and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Shumaker, Administrative Secretary
County Board of Appeals of Baltimore County

PETITION FOR SPECIAL EXCEPTION, : THE CIRCUIT COURT
etc. :
DONALD J. GILMORE, et ux : FOR
: BALTIMORE COUNTY
vs. : MISC. NO. 6038
GEORGE MARTIN, et al : Law Docket 10, folio 270

ORDER FOR APPEAL

Mr. Clerk:

Enter an Appeal to the Court of Special Appeals on behalf of the PROTESTANTS, George Martin, et al, from the judgment entered in this action on June 26th, 1978.

Alan L. Wink, Esq.
5810 Northwood Dr.
Baltimore, Md. 21212
301-532-8537
301-396-3944

I hereby certify that on the 20th day of July, 1978, a copy of the foregoing Order for Appeal was mailed postage prepaid to W. Lee Harrison, Esq., 401 Washington Avenue, Towson, Maryland 21204 and John W. Hessian, III, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland, 21204.

Alan L. Wink, Esq.
Alan L. Wink, Esq.

PETITION FOR SPECIAL EXCEPTION, : THE CIRCUIT COURT
etc. :
DONALD J. GILMORE, et ux : FOR
Vs. : BALTIMORE COUNTY
GEORGE MARTIN, et al : MISC. NO. 6038
: Law Docket 10, Folio 270

STATEMENT AND ORDER OF COURT

Oral arguments on these Protestants' appeal from a decision of the County Board of Appeals, in a zoning case, were heard March 29, 1978. Briefs filed by the Appellants and Appellees have been read and considered. The pleadings have also been read and considered.

Donald J. Gilmore and wife petitioned for a variance and special exception for 1527 York Road, in the Eighth Election District of Baltimore County.

The Deputy Zoning Commissioner decided on December 1, 1975 to grant the variance, but to deny the special exception.

Both parties, feeling aggrieved, appealed to the County Board of Appeals, for a hearing de novo.

The hearing de novo resulted in an order by the Board of Appeals granting both the variance and the special exception.

The Protestants appealed to this Court, seeking not a hearing de novo, but a reversal based on the record.

A Court's function is merely to decide whether the Board's action was arbitrary, capricious, discriminatory or illegal. If the questions before the Board were fairly debatable, its actions must be affirmed. In reviewing the Board's actions, the Court's function is restricted, and the scope of the review is narrow. *Reinson v. Montgomery County*, 214 Md. 587; *Quinn v. Tolle*, 217 Md. 643.

The transcript of the hearing before the Board contains substantial evidence supporting the property owners' petition for both variance and special exception. The granting of the petition was rendered debatable by the testimony of the witnesses for the Protestants.

The decision of the Board of Appeals, on the basis of their findings and the reasons stated in their memorandum accompanying their order, should be affirmed, as to both the variance and the special exception.

The Protestants raised a technical objection to the Deputy Zoning Commissioner's refusal to decide a question of title to a small portion of the property. The Board correctly decided that the Commissioner lacked jurisdiction to decide the question of title to that part of the lot which was under a cloud. The cloud has since been cleared, anyway.

The Board also correctly ignored the Zoning Commissioner's belated attempt to rewrite those portions of his order which related to the variance, after his order had been appealed for a de novo hearing before the Board of Appeals. Accordingly, the Protestants' argument that the Board lacked jurisdiction to hear the variance issue de novo is overruled. Actually, the Commissioner lacked jurisdiction to change his order, sua sponte, after it was appealed.

WHEREFORE, it is this 26th day of June, 1978, by the Circuit Court for Baltimore County,

ORDERED that the decision of the County Board of Appeals, dated September 17, 1976, as amended on September 28, 1976, be and it hereby is affirmed.

Walter R. Haile
WALTER R. HAILE, JUDGE

Copies sent to:

W. Lee Harrison, Esquire
Ferdinand Fiastro, Esquire
John W. Hessian, III, Esquire
Mr. Eugene Creed

January 8, 1976

John W. Hessian, III, Esquire
People's Counsel
Basement, County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
E/S of York Road, 95' N of Croftley Road - 8th Election District
Donald J. Gilmore, et ux -
Petitioners
NO. 76-121-XA (Item No. 77)

Dear Mr. Hessian:

Please be advised that appeals have been filed by both John B. Howard, Esquire, acting on behalf of Mr. Donald J. and Mrs. Sara J. Gilmore, Petitioners, and Ferdinand Fiastro, Esquire, acting on his own behalf and on behalf of Mr. David B. Sharretts and Mrs. Jo Herman, Protestants, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/srl

cc: John B. Howard, Esquire
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

Ferdinand Fiastro, Esquire
3 East Lexington Street
Baltimore, Maryland 21202

FERDINAND FIASTRO
ATTORNEY AT LAW
43 CENTRAL SAVINGS BANK BUILDING
3 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202

AREA CODE 301
TELEPHONE 727-4447

August 18, 1976

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

Re: Case No. 76-121-XA
Donald J. Gilmore, et ux
for Special Exception for offices
" Variance from Sec. 1802.2B(504.7.B.2)-
side yard
876 of York Rd. 95' N. of Croftley Rd.
8th District

Gentlemen:

I feel duty bound as an officer of the Court and this Board to bring to the attention of the Board the following information.

As you recall at our Hearing on the above Appeal on July 22, 1976, when the undersigned attempted to adduce from Mr. Gilmore on cross examination on what basis he claimed to own an 80 foot front, the Board sustained objections by petitioner's counsel when we attempted to disprove that Mr. Gilmore and his wife had legal title to an 80 foot lot. He, as you recall, was only able to prove ownership by Deed of 55 feet of the total 80 foot lot.

Further no other testimony was offered by Mr. Gilmore as to how he obtained legal title to the additional 25 feet, other than his testimony of "tacking on", after which the Board would not allow this counsel to pursue this line of questioning.

The Baltimore County Zoning Regulations provides:

"Article 5 - Administration and Enforcement

Section 500.2k, the Petition may be filed with the Zoning Commissioner by the legal owner of the property or by his legally authorized representative."

Further all Petitions filed before the Zoning Commissioner including the Petitions filed in this matter by the Gilmore provide in the beginning thereof:

"I, or we, legal owner -- of the property situate in Baltimore County say,"

Rec'd 8/26/76
9:30 am

County Board of Appeals
August 18, 1976
Page 2

The Baltimore County Zoning Regulations also provide in Section 101 - DEFINITIONS, (on page 101.9 at the top of the page) as follows:

"Lot of record: A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof. (Bill No. 100, 1970)."

Based on the above, it would seem to me that Mr. Gilmore would be required to establish legal ownership of the additional 25 feet either by a deed of record in the Land Records of Baltimore County or a Judicial Plat establishing the ownership thereof.

I would appreciate if the Board would take this under advisement in the matter as a legal memorandum as a part of the record of this case.

Very truly yours,
Ferdinand Fiastro,
Attorney for Protestants

FF/bc

cc: Richard C. Murray, Esquire
409 Washington Avenue
Towson, Maryland 21204

September 17, 1976

Richard C. Murray, Esquire
Marshall-Town Building
409 Washington Avenue
Towson, Md. 21204

Re: Case No. 76-121-XA
Donald J. Gilmore, et ux

Dear Mr. Murray:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elmhurst, Adm. Secretary

Encl.

cc: Mr. and Mrs. Donald J. Gilmore
Ferdinand Fiastro, Esquire
Mr. David B. Sharretts
Mrs. Jo Herman
John W. Hessian, III, Esquire
Mr. S. E. DiNenna
Mr. G. J. Martinak
Mr. N. E. Corbar
Mr. J. Marshall
Board of Education

September 28, 1976

Richard C. Murray, Esq.
Marshall-Town Building
409 Washington Avenue
Towson, Md. 21204

Re: Case No. 76-121-XA
Donald J. Gilmore, et ux

Dear Mr. Murray:

Enclosed herewith is a copy of the Amended Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elmhurst

Encl.

cc: Mr. and Mrs. Donald J. Gilmore
Ferdinand Fiastro, Esq.
Mr. David B. Sharretts
Mrs. Jo Herman
John W. Hessian, III, Esq.
Mr. S. E. DiNenna
Mr. G. J. Martinak
Mr. N. E. Corbar
Mr. J. Marshall
Board of Education

LAW OFFICES
COOK, MURRAY, HOWARD & TRACY
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
December 23, 1975
TELEPHONE 843-4100
AREA CODE 301

S. Eric DiNenna, Esquire
Zoning Commissioner for
Baltimore County
County Office Building
Towson, MD 21204

Re: Petition for Special Exception and
Variance
E/S of York Road, 95' N of Croftley Road -
8th Election District
Donald J. Gilmore, et ux - Petitioners
No. 76-121-XA (Item No. 77)

Dear Mr. DiNenna:

Kindly enter an appeal on behalf of the Petitioners,
Donald J. Gilmore and Sara J. Gilmore, 179 East Main Street,
Westminster, Maryland 21157 to the County Board of Appeals for
Baltimore County from the Order of the Deputy Zoning Commissioner
dated December 1, 1975.

Enclosed please find my check payable to Baltimore County.
Maryland in the amount of \$70. in payment of the costs of appeal.

Very truly yours,

John B. Howard
Attorney for Petitioners

JBH/ac
Enclosure

cc: Ferdinand Fiastro, Esq.
Mr. David Sharretts
Mrs. Jo Herman
John W. Hessian, III, Esq.
Mr. Edward A. Cockey, III
Donald J. Gilmore, Esq.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
For Special Exception for Offices
In an Existing DR 16 Zone with Variance Request.

July 22, 1975

Beginning for the same on the east side of York Road 66.00 feet wide, at
the distance of 95.00 feet measured northerly along the east side of said York
Road from the center line of Croftley Road 50.00 feet wide and running thence
binding on the east side of said York Road North 23° 51' 00" West 80.00 feet
to the southeast outline of a plat of "York Manor" dated May 1957 and recorded
among the Land Records of Baltimore County in Plat Book G.L.B. 24 folio 15,
thence binding on part of said southeast outline North 63° 22' 00" East 150.18
feet to the westernmost corner of a plat of "Bridlewood" dated June 8, 1954
and recorded among the Land Records of Baltimore County in Plat Book G.L.B. 20
folio 87, thence binding on part of the southwest outline of said plat of
Bridlewood South 23° 51' 00" East 87.32 feet, thence South 66° 09' 00" West
parallel with the above mentioned Croftley Road 150.00 feet to the place of
beginning.

Containing 0.288 acres of land more or less.



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DINENNA
ZONING COMMISSIONER

December 1, 1975

Messrs. John B. Howard and
Richard C. Murray
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and
Variance
E/S of York Road, 95' N of Croftley
Road - 8th Election District
Donald J. Gilmore, et ux - Petitioners
NO. 76-121-XA (Item No. 77)

Gentlemen:

I have this date passed my Order in the above captioned matter in
accordance with the attached.

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Ferdinand Fiastro, Esquire
3 East Lexington Street
Baltimore, Maryland 21202

Mr. David Sharretts
22 Margate Road
Lutherville, Maryland 21093

Mrs. Jo Herman
21 Thornhill Road
Lutherville, Maryland 21093

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

Ferdinand Fiastro
Attorney at Law
3 East Lexington Street
Baltimore, Maryland 21202
December 30, 1975



Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
E/S of York Road, 95' N of Croftley Road -
8th Election District
Donald J. Gilmore, et ux - Petitioners
No. 76-121-XA (Item No. 77)

Dear Sir:

On behalf of Mrs. Jo Herman, Mr. David Sharretts,
and myself, protestants to the above captioned Petition,
please enter an appeal to the County Board of Appeals of
the Order of December 1, 1975, granting the variance only.

I enclose check in the amount of \$40.00 to cover cost
thereof. Should there be any more cost, please inform and
I will promptly forward you the same.

I wish however to make the following observations:

- On December 22, 1975, at a meeting arranged by
John B. Howard, Esquire, attorney for the Pe-
titioners in the Deputy Zoning Commissioner's
Office, at which the undersigned, Mr. Donald
Sharretts, Mrs. Jo Herman, Mr. and Mrs. Edward
A. Cockey, III and David Gilmore were present,
it was agreed by all parties that the granting
of the variance was to be reversed and amended
and was to be denied by the Deputy Zoning Commis-
sioner.
- That thereafter on December 23, 1975, John B. Howard,
Esquire, entered an appeal from the Order of Decem-
ber 1, 1975, on behalf of the Petitioners including
presumably to the Order as it was to be amended
denying the variance.

TO: Zoning Commissioner

Page 2
December 30, 1975

We assume that the appeal by the Petitioners was to
the December 1, 1975 Order as it was to be amended, but
in the event, there is any question of its applicability,
we wish to note this appeal as aforesaid.

Very truly yours,

Ferdinand Fiastro

FF:blc
cc: John B. Howard, Esquire
Mr. David Sharretts
Mrs. Jo Herman
John W. Hessian, III, Esquire
Mr. Edward A. Cockey, III



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DINENNA
ZONING COMMISSIONER

December 29, 1975

Messrs. John B. Howard and
Richard C. Murray
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and
Variance
E/S of York Road, 95' N of Croftley
Road - 8th Election District
Donald J. Gilmore, et ux - Petitioners
NO. 76-121-XA (Item No. 77)

Gentlemen:

I have this date passed my Amended Order in the above captioned matter
in accordance with the attached.

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Ferdinand Fiastro, Esquire
3 East Lexington Street
Baltimore, Maryland 21202

Mr. David Sharretts
22 Margate Road
Lutherville, Maryland 21093

Mrs. Jo Herman
21 Thornhill Road
Lutherville, Maryland 21093

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

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
711 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. HOGANS, Jr.
Chairman

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF
FIRE PREVENTION
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE HIGHWAY
ADMINISTRATION
BUREAU OF
ENGINEERING
PROJECT AND
DEVELOPMENT PLANNING
INDUSTRIAL
DEVELOPMENT
COMMISSION
BOARD OF EDUCATION
OFFICE OF THE
BUILDINGS ENGINEER

November 13, 1975

Richard C. Murray, Esq.
409 Washington Avenue
Towson, Maryland 21204

RE: Special Exception Petition
Item 77
Donald J. & Sara J. Gilmore -
Petitioner

Dear Mr. Murray:

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 east side of York Road, 95 feet north of Croftley Road, and is currently improved with a two-story building used as a residence.

The petitioner is requesting a Special Exception to permit said building to be used as offices, with an accessory automobile parking area.

This property abuts along its northern property line single family residences which front on Wendslow Place. Single family residences also exist to the rear of the subject site along Croftley Road. The properties opposite this parcel on the west side of York Road are improved with commercial uses.

Richard C. Murray, Esq.
Re: Item 77
November 13, 1975
Page 2

The petitioner is also requesting a Variance to permit a side yard of 12.5' in lieu of the required 25', and proposes what is shown on the plat to be a possible future addition.

The petitioner should note with particular interest the comments of the State Highway Administration.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. HOGANS, Jr.
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

cc: George William Stephens, Jr.
and Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204

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

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

November 13, 1975

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

Re: Item #77 (1975-1976)
Property Owner: Donald J. & Sara J. Gilmore
E/S of York Rd., 95.00' N. of Croftley Rd.
Existing Zoning: DR 16
Proposed Zoning: Variance from Sec. 1802.2B
(504 VB2) to permit a side yard of 12.5' in
lieu of the required 25' and a Special Exception
for offices.
No. of Acres: 0.288 District: 8th

Dear Mr. DiNenna:

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

General:

Comments were supplied in connection with the Zoning Advisory Committee review of this site for Item #339 (1969-1970). Those comments are referred to for your consideration.

This property is tributary to the Jones Falls sanitary sewer system, subject to State Health Department imposed restrictions.

Additional fire hydrant protection appears to be required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #77 (1975-1976).

Very truly yours,

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

END:EAM:FWR:ess

cc: Mr. Munchel

S-SE Key Sheet
46 NW 1 Pos. Sheet
NW 12 A Topo
61 Tax Map



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

October 23, 1975

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

Dear Mr. DiNenna:

Comments on Item #77, Zoning Advisory Committee Meeting, October 21, 1975, are as follows:

Property Owner: Donald J. & Sara J. Gilmore
Location: E/S of York Rd. 95.00' N of Croftley Rd.
Existing Zoning: DR 16
Proposed Zoning: Variance from Sec. 1802.2B (504 VB2)
to permit a side yard of 12.5' more
or less in lieu of the required 25'
& a Special Exception for offices.

No. of Acres: 0.288
District: 8th

Metropolitan water and sewer existing.

A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973; therefore, approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:dls

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND 21204

Date: October 21, 1975

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

Z.A.C. Meeting of: October 21, 1975

Re: Item 77
Property Owner: Donald J. & Sara J. Gilmore
Location: E/S of York Rd. 95.00' N. of Croftley Road
Present Zoning: D.R. 16
Proposed Zoning: Variance from Section 1802.2B (504 VB2) to permit a side yard of 12.5' more or less in lieu of the required 25' & a Special Exception for offices.

District: 8th
No. Acres: 0.288

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich

W. Nick Petrovich,
Field Representative.

DR. EMILIE PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. BERNER

MARCUS M. BOTSANIS
JOSEPH N. MEDOWAN
ALVIN LORECK
JOSHUA R. WHEELER

J. BAYARD WILLIAMS, JR.
RICHARD W. HADLEY, V.M.C.
MRS. RICHARD W. HADLEY



STEPHEN E. COLLINS
DIRECTOR

November 12, 1975

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

Re: Item 77 - ZAC - October 21, 1975
Property Owner: Donald J. & Sara J. Gilmore
Location: E/S York Road N. of Croftley Road
Existing Zoning: DR 16
Proposed Zoning: Var. from Sec. 1802.2B (504 VB2)
to permit a side yard of 12.5' more or less in lieu of req. 25' & a Special Exception for offices
No. of Acres: 0.288
District: 8th

Dear Mr. DiNenna:

As presently zoned, the site would generate approximately 35 trips per day. The proposed zoning, with the future addition, would generate approximately 85 trips per day.

York Road has capacity problems at this time, and any additional traffic generation is undesirable.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

RSF:ing



WILLIAM D. FROMM
DIRECTOR

November 13, 1975

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 #77, Zoning Advisory Committee Meeting, October 21, 1975, are as follows:

Property Owner: Donald J. & Sara J. Gilmore
Location: E/S of York Road 95.00' N. of Croftley Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance from Sec. 1802.2B(504 VB2) to permit a side yard of 12.5' more or less in lieu of the required 25' and a Special Exception for offices
No. of Acres: 0.288
District: 8th

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 planting and fencing at the front of the property should be kept at a height as not to interfere with vehicular site distance along York Road.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

October 27, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, MD. 21204
ATTN: Franklin Rogers

Re: Z.A.C. meeting: 10-21-75
ITEM: 77
Prop. Owner: Donald J. & Sara J. Gilmore
Location: E/S of York Road
(St. 45) 95.00' N of Croftley Road
Existing Zoning: DR 16
Proposed Zoning: Variance from Sec. 1802, 28 (504/32) to permit a side yard of 12.5' more or less in lieu of the required 25' 5' a Spec. Excep. for offices.
No. of Acres: 0.288
District: 8th

Dear Mr. DiNenna:

The subject plan indicates a proposed entrance beginning at the property line.

The State Highway Administration's standards require a minimum of 5' standards curb from the property line to the entrance.

The plan must be revised accordingly.

Sincerely,

Very truly yours,

Charles L. Chief
Bureau of Engineering
Access Permits
by: John E. Meyers

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

Baltimore County Fire Department

PAUL H. REINCKE
Chief



Towson, Maryland 21204
822-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Donald J. & Sara J. Gilmore

Location: E/S of York Road 95.00' N of Croftley Road

Item No. 77 Zoning Agenda October 21, 1975

Gentlemen:

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead-end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations. 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 by: H. J. Kelly Noted and Approved: James H. Murphy
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 21, 1975
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition #76-121-XA. East side of York Road 95 feet North of Croftley Road
Petition for Special Exception for Offices
Petition for Variance to permit a side yard of 12.5 feet instead of the required 25 feet

Petitioner - Donald J. Gilmore

8th District 3rd Councilmanic District

HEARING: Wednesday, November 26, 1975 (10:00 A.M.)

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

The use of this property for conversion of the existing dwelling unit to office uses is consistent with the policies of the Comprehensive plan and the comprehensive zoning map.

Inasmuch as the side yard set back has been established by an existing building, this office will offer no additional comments on the requested variance.

WDF:NEG:rw

William D. Fromm
Director of Planning



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Item 77
Your Petition has been received and accepted for filing this 24th day of October 1975
Petitioner: Donald J. & Sara J. Gilmore
Petitioner's Attorney: Richard C. Murray, Esq. Reviewed by: Franklin T. Rogers, Jr.
and Associates, Inc. Chairman,
203 Allegheny Avenue Zoning Plans
Towson, Md. 21204 Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 13th day of Oct 1975. Filing Fee \$ 50.00. Received Check
Cash
Other

Petitioner: Donald Gilmore Submitted by: Richard C. Murray, Esq.
Petitioner's Attorney: Richard C. Murray, Esq. Reviewed by: _____
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 6, 1975
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each day of November, 1975, the first publication appearing on the 6th day of November, 1975.

THE JEFFERSONIAN
S. L. Lusk, Jr.
Manager

Cost of Advertisement, \$ _____

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

NO DISTRICT
ZONING: Petition for Special Exception for Offices.
LOCATION: East side of York Road 95 feet North of Croftley Road
DATE & TIME: WEDNESDAY, NOVEMBER 26, 1975 at 10:00 A.M.
PUBLIC HEARING: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for Offices.
The Zoning Regulations of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for Offices.
The Zoning Regulations of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for Offices.

OFFICE OF THE TOWSON TIMES

TOWSON, MD. 21204 Nov. 7, 1975
THIS IS TO CERTIFY, that the annexed advertisement of Petition for Special Exception & Variance - Gilmore was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 26th day of Nov. 1975 that is to say, the same was inserted in the issues of Nov. 7, 1975.

STROMBERG PUBLICATIONS, INC.

By: Patti Smirk

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

DATE: Nov. 12, 1976 ACCOUNT: 91.712
Ferdinand Fiastro, Esq.
3 E. Lexington Street
Baltimore, Md. 21202 AMOUNT: \$29.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Cost of certified documents in Case No. 76-121-XA
E/S of York Rd. 95' N. of Croftley Rd.
8th District
Donald J. Gilmore, et ux, Petitioners

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

DATE: Nov. 26, 1975 ACCOUNT: 01-662
RECEIVED: Donald J. Gilmore, Esq., 311 N. York Rd., Baltimore, Md. 21201
FOR: Advertising and posting of property #76-121-XA

AMOUNT: \$67.75
67.75 REC

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <u>WBC</u>		Revised Plans:			
Previous case: <u>71-11-RYA</u>		Change in outline or description _____ Yes _____ No			
		Map # _____			

CERTIFICATE OF POSTING
BALTIMORE COUNTY, MARYLAND
TOWSON, MARYLAND

District: 8th Date of Posting: 11/6/75
Posted for: Hearing Nov. 26th 1975 @ 10:00 A.M.
Petitioner: Donald J. Gilmore
Location of property: E/S of York Rd. 95' N. of Croftley Rd.
Location of Sign: 2 Sign Board @ 1522 York Rd. on Paul Rd.
Remarks: _____
Posted by: Paul H. New Signature Date of return: 11/13/75

CERTIFICATE OF POSTING
BALTIMORE COUNTY, MARYLAND
TOWSON, MARYLAND

#76-121-XA

District: 8th Date of Posting: 1-15-76
Posted for: _____
Petitioner: Donald J. Gilmore
Location of property: E/S of York Rd. 95' N. of Croftley Rd.
Location of Sign: 1 Sign Board @ 1522 York Rd.
Remarks: _____
Posted by: Paul H. New Signature Date of return: 1-22-76

No. 28228

DATE: December 31, 1975 ACCOUNT: 01-662
AMOUNT: \$175.00
RECEIVED: John B. Howard, Esquire
FOR: Cost of Filing of an Appeal and Posting of Property on Case No. 76-121-XA (Item No. 77)
E/S of York Road, 95' N. of Croftley Road - 8th Election District, 104 at us - Petitioners
Donald J. Gilmore, et ux

No. 28229

DATE: December 31, 1975 ACCOUNT: 01-662
AMOUNT: \$40.00
RECEIVED: Ferdinand Fiastro, Esquire
FOR: Cost of Filing of an Appeal and Posting of Property on Case No. 76-121-XA (Item No. 77)
E/S of York Road, 95' N. of Croftley Road - 8th Election District, 104 at us - Petitioners
Donald J. Gilmore, et ux

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

No. 25969

DATE Nov. 5, 1975 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED
FROM Messrs. Cook, Murray, Howard & Tracy
409 Washington Ave., Towson, Md. 21204
FOR Petition for Special Exception and Variance for
Donald J. Gilmore
#76-121-XA

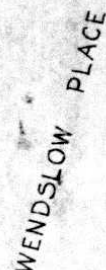
NOV 20 1975 6

50.00

VALIDATION OR SIGNATURE OF CASHIER



- EXISTING ZONING DR55
EXISTING USE RESIDENTIAL



NOV 25 1964

Existing Dwelling

EXISTING ZONING DRESS

Existing Zoning Line DR 5.5 Zone

Existing Zoning Line

DR 5.5 Zone

Proposed Service

EXISTING ZONING DR 15
EXISTING USE RESIDENTIAL AND
MEDICAL OFFICE

Office
Bldg

MEDICAL OFFICE

CROFTLEY ROAD 50' E/W

YORK ROAD

Existing 8" Sanitary Sewer (See Dwg. #53-652)

Existing Curb

Existing 12" Water (See Drawing # 53-652)

Existing 8" Sanitary Sewer (See Dwg. #53-612)

Existing 30" Water (See Dwg. #53-G52)-

DEC 2 '75 AM



REVISÉ PLANI

Pick

P A R K I N G T A B U L A T I O N

EXISTING BUILDING ONLY

FIRST FLOOR PARKING REQUIRED @ 650 Sq.Ft. ÷ 300 = 3 SPACES
SECOND FLOOR PARKING REQUIRED @ 650 Sq.Ft. ÷ 500 = 2 SPACES
TOTAL PARKING REQUIRED = 5 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

TOTAL PARKING PROPOSED #15 SPACES

POSSIBLE FUTURE ADDITION (SHADED) INCLUDING EXISTING BUILDING
BASEMENT (ADDITION ONLY) PARKING REQUIRED @ 1385 Sq Ft ÷ 300 = 5 SPACES

FIRST FLOOR 2035 Sq.Ft. }
SECOND FLOOR 2035 Sq.Ft. } TOTAL 4070 Sq.Ft. ÷ 500 = 9 SPACES

TOTAL PARKING REQUIRED = 14 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

GENERAL NOTES

1. VARIANTE REQUESTED TO SECTION 18.02.20 (504 V.B.2)
IF THE BALTIMORE COUNTY ZONING REGULATIONS
TO PERMIT A SIDE YARD OF 12.5 FEET MORE OR LESS
RATHER THAN THE REQUIRED 25 FEET.
2. AREA OF PROPERTY = 0.285 ACRES.
3. PRESENT ZONING-DR1G, PRESENT USE - RESIDENTIAL (VACANT).
4. THE BASEMENT OF THE EXISTING BUILDING WILL NOT BE USED
FOR OFFICES.
5. SCREENING SHALL BE WOOD STOCKADE TYPE FENCE, MINIMUM
HEIGHT 6 FEET, AND DENSE ARBORVITAE, MINIMUM
HEIGHT 4 FEET WHERE NOTED.
6. PAVING SHALL BE BITUMINOUS WITH BITUMINOUS OR CONCRETE
CURBING WHERE SHOWN.
7. LIGHTING SHALL BE SO ERRECTED AS NOT TO DIRECT RAYS
INTO RESIDENTIAL AREAS.

PLAT TO ACCOMPANY ZONING PETITION
FOR

SPECIAL EXCEPTION FOR OFFICES
IN AN EXISTING DR-16 ZONE

WITH

REQUEST FOR SIDEYARD VARIANCE

#1527 YORK ROAD

BALTO. CO., MD.
SCALE: 1" = 20'

ELECT. DIST. N° 8
JULY 22, 1975

REVISED NOVEMBER 24, 1975 To Comply To Zoning Committee
REVISED NOVEMBER 26, 1975

PN 2360



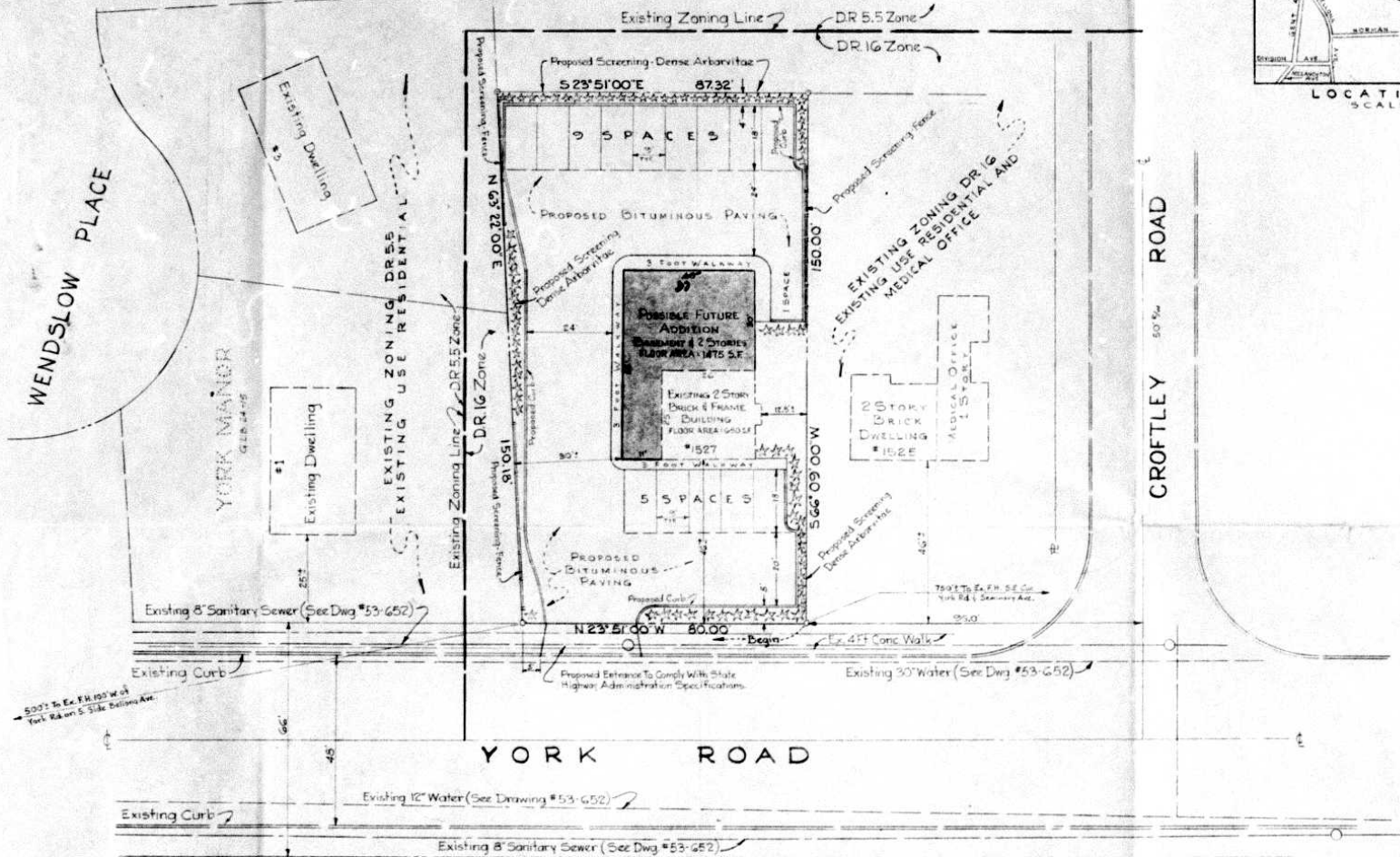
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON 4, MARYLAND

BRIDLEWOOD G.L.B. 10-57

EXISTING ZONING DR 5.5
EXISTING USE RESIDENTIAL



LOCATION MAP
SCALE: 1" = 500'



PARKING TABULATION

EXISTING BUILDING ONLY

FIRST FLOOR PARKING REQUIRED @ 450 Sq Ft = 3 SPACES
SECOND FLOOR PARKING REQUIRED @ 450 Sq Ft = 500 = 2 SPACES
TOTAL PARKING REQUIRED = 5 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

POSSIBLE FUTURE ADDITION (SHADED) INCLUDING EXISTING BUILDING BASEMENT (ADDITION ONLY) PARKING REQUIRED @ 1475 Sq Ft = 300 = 5 SPACES

FIRST FLOOR PARKING REQUIRED @ 2125 Sq Ft = 500 = 5 SPACES
SECOND FLOOR PARKING REQUIRED @ 2125 Sq Ft = 500 = 5 SPACES
TOTAL PARKING REQUIRED = 15 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

GENERAL NOTES

- VARIANCE REQUESTED TO SECTION 18.02.2B (504 V.B.2) OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A SIDE YARD OF 12.5 FEET MORE OR LESS RATHER THAN THE REQUIRED 25 FEET.
- AREA OF PROPERTY = 0.285 ACRES.
- PRESENT ZONING-DR16, PRESENT USE-RESIDENTIAL (VACANT).
- THE BASEMENT OF THE EXISTING BUILDING WILL NOT BE USED FOR OFFICES.
- SCREENING SHALL BE WOOD STOCKADE TYPE FENCE, MINIMUM HEIGHT 6 FEET, AND DENSE ARBORVITAE, MINIMUM HEIGHT 4 FEET WHERE NOTED.
- PAVING SHALL BE BITUMINOUS WITH BITUMINOUS OR CONCRETE CURBING WHERE SHOWN.
- LIGHTING SHALL BE SO ERRECTED AS NOT TO DIRECT RAYS INTO RESIDENTIAL AREAS.

PLAT TO ACCOMPANY ZONING PETITION
FOR
SPECIAL EXCEPTION FOR OFFICES
IN AN EXISTING DR-16 ZONE
WITH
REQUEST FOR SIDEYARD VARIANCE
#1527 YORK ROAD

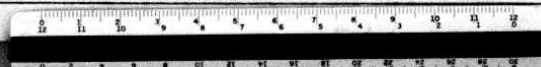
BALTO Co, Md.
SCALE: 1" = 20'

ELECT. DIST. NO 8
JULY 22, 1975

REVISED NOVEMBER 24, 1975 TO COMPLY TO ZONING COMMENTS



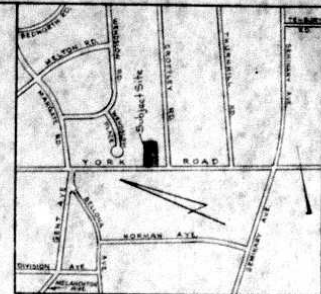
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON, MARYLAND



BRIDLEWOOD

G.L.B. 20-87

EXISTING ZONING DR 5.5
EXISTING USE RESIDENTIAL



LOCATION MAP
SCALE: 1"=500'

old Plat

WENDSLOW PLACE

YORK MANOR
G.L.B. 24-16

Existing Dwelling
#1

EXISTING ZONING DR 5.5
EXISTING USE RESIDENTIAL

Existing Zoning Line DR 5.5 Zone

Existing Zoning Line DR 16 Zone

Proposed Screening Dense Arborvitae
52°51'00"E 67'32"

9 SPACES

PROPOSED BITUMINOUS PAVING

Proposed Screening Dense Arborvitae

3 FOOT WALKWAY

24'

3 FOOT WALKWAY

EXISTING 2 STORY BRICK FRAME BUILDING
FLOOR AREA 1527

5 SPACES

PROPOSED BITUMINOUS PAVING

Proposed Entrance To Comply With State Highway Administration Specifications

PROPOSED 4' CONC. WALK

N 23° 51' 00" W 80.00'

Proposed Entrance To Comply With State Highway Administration Specifications

EXISTING 30" WATER (See Dwg. #53-652)

EXISTING 12" WATER (See Drawing #53-652)

EXISTING 8" SANITARY SEWER (See Dwg. #53-652)

EXISTING CURB

EXISTING CURB

EXISTING CURB

EXISTING CURB

EXISTING CURB

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EXISTING CURB

PARKING TABULATION

EXISTING BUILDING ONLY

FIRST FLOOR PARKING REQUIRED @ 650 Sq. Ft. ± 300 = 3 SPACES
SECOND FLOOR PARKING REQUIRED @ 650 Sq. Ft. ± 500 = 2 SPACES
TOTAL PARKING REQUIRED = 5 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

POSSIBLE FUTURE ADDITION (SHADED) INCLUDING EXISTING BUILDING

BASEMENT (ADDITION ONLY) PARKING REQUIRED @ 1475 Sq. Ft. ± 300 = 5 SPACES
FIRST FLOOR PARKING REQUIRED @ 2125 Sq. Ft. ± 500 = 5 SPACES
SECOND FLOOR PARKING REQUIRED @ 2125 Sq. Ft. ± 500 = 5 SPACES
TOTAL PARKING REQUIRED = 15 SPACES
TOTAL PARKING PROPOSED = 15 SPACES

GENERAL NOTES

- VARIANCE REQUESTED TO SECTION 18.02.2B (504 V.B.2) OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A SIDE YARD OF 12.5 FEET MORE OR LESS RATHER THAN THE REQUIRED 25 FEET.
- AREA OF PROPERTY = 0.265 ACRES ±.
- PRESENT ZONING - DR 16, PRESENT USE - RESIDENTIAL (VACANT).
- THE BASEMENT OF THE EXISTING BUILDING WILL NOT BE USED FOR OFFICES.
- SCREENING SHALL BE WOOD STOCKADE TYPE FENCE, MINIMUM HEIGHT 6 FEET, AND DENSE ARBORVITAE, MINIMUM HEIGHT 4 FEET WHERE NOTED.
- PAVING SHALL BE BITUMINOUS WITH BITUMINOUS OR CONCRETE CURBING WHERE SHOWN.
- LIGHTING SHALL BE SO ERRECTED AS NOT TO DIRECT RAYS INTO RESIDENTIAL AREAS.

PLAT TO ACCOMPANY ZONING PETITION
FOR
SPECIAL EXCEPTION FOR OFFICES
IN AN EXISTING DR-16 ZONE
WITH
REQUEST FOR SIDEYARD VARIANCE
#1527 YORK ROAD

BALTO. Co. MD.
SCALE: 1"=20'

ELECT. DIST. N° 8
JULY 22, 1975



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON 4, MARYLAND