

77-143-XA #105 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ALICE M. SINCLAIR, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petitions (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ to an _____

and 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 _____.

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

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

307 WEST ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
John Graham Turner, III, Esq.
Address: 610 Bosley Avenue
Towson, Maryland 21204
Charles E. Brooks
Address: 610 Bosley Avenue
Towson, Maryland 21204
Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1976, 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 _____ day of _____, 1977, at 1:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

77-143-XA #105 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ALICE M. SINCLAIR, by _____, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petitions for a Variance from Section 1102.2B (V.3.2) to permit side setbacks of 7' and 15' in lieu of the required 25' and a front setback of 25' in lieu of the required 30'.

Failure to grant variances would deny Petitioner all reasonable use of the existing structure, thereby causing extreme hardship and practical difficulty.

See attached description

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

107 WEST ALLEGHENY AVENUE ASSOCIATES
John Graham Turner, III, Esq.
Address: 610 Bosley Avenue
Towson, MD 21204
Charles E. Brooks
Address: 610 Bosley Avenue
Towson, MD 21204
Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day of _____, 1976, 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 _____ day of _____, 1977, at 1:00 o'clock.

(over)

RECEIVED JUN 20 1977 PLANNING & ZONING **IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ALICE M. SINCLAIR, legal owner of the property situated in Baltimore County the property outline of which is shown on sketch, or sketch with dimensions and bearings on 1/4" = 1' scale with north arrow and other data, hereby petitions to file this application.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GRADE SITE AREA: 5.472 ACRES DEED REF: MCD 542/13
GRADE: 37% OF OVERALL SITE SHALL REQUIRE GRADING
BUILDING SIZE
ON-LAND PLANT AREA: 25' x 100' AREA: 2500
NUMBER OF FLOORS: 2 TOTAL HEIGHT: 15'
FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 2.5
BUILDING USE
GROUND FLOOR: OFFICES OTHER FLOORS: OFFICES
REQUIRED NUMBER OF PARKING SPACES
GROUND FLOOR: 2 OTHER FLOORS: 2 TOTAL: 4
PARKING
AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES: 2500
(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 300)

UTILITIES
WATER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____
SEWER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____
UTILITIES SECURITY APPROVAL: _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALICE M. SINCLAIR
610 Bosley Avenue
Towson, Maryland 21204
Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204

THE PLANNING BOARD HAS DETERMINED ON _____ THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SECTION 22-18 (P) OF THE BALTIMORE COUNTY CODE OF 1966.
SIGNED: _____
DATE: _____ CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

IDCA FORM NO. 2 REVISED 8-12-77

RE: PETITION FOR VARIANCE and PETITION FOR SPECIAL EXCEPTION
S/S of Allegheny Ave, 60' E of Central Ave., 9th District
ALICE M. SINCLAIR, Petitioner
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 77-143-XA

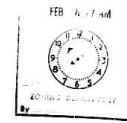
ORDER TO ENTER APPEARANCE

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 date which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204
John W. Heslian, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of February, 1977, a copy of the foregoing Order was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Heslian, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CO' DEUCE

TO: S. Eric Dinwiddie, Zoning Commission. Date: February 1, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition 77-143-XA. Petition for Special Exception for Offices. Petition for Variance for Front and Side Yards. South side of Allegheny Avenue 60 feet East of Central Avenue. Petitioner - Alice M. Sinclair

HEARING: Monday, February 7, 1977 (1:00 P.M.)

9th District

The proposed conversion to office use here is appropriate and in accordance with the Towson Policy Plan.

Norman E. Gerber
Acting Director of Planning

NEG:JCH:rw

August 9, 1977

John W. Heslian, III, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204

Re: File No. 77-143-XA
Alice M. Sinclair
607 W. Allegheny Ave. Associates, s.p.)

Dear Mr. Heslian:

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

Very truly yours,

Muriel E. Hollander

End.

cc: Charles E. Brooks, Esq.
Charles O. Mount, Esq.
Mr. Charles C. Kross
Mrs. Mary Glen
Mrs. Katherine Turner
Mr. S. E. Dinwiddie
Mr. George Martinek
Mr. James E. Dyer
Mr. Leslie Grant
Mr. James Howell
Board of Education

May 2, 1979

John W. Heslian, III, Esq.
People's Counsel
County Office Building
Towson, Md. 21204

Re: Case No. 77-143-XA
Alice M. Sinclair

Dear Mr. Heslian:

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. Elsenhans, Adm. Secretary

End.

cc: Charles E. Brooks, Esquire
Mr. Charles C. Kross
Charles O. Mount, Esquire
Mrs. Mary Glen
Mrs. Katherine Turner
Mr. J.E. Dyer
Mr. S. E. Dinwiddie
Mr. J. Howell
Mr. L. H. Grant
Board of Education



March 7, 1977

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Variances and Special Exception
S/S of Allegheny Avenue, 60' E of Central Avenue - 9th Election District
Alice M. Sinclair - Petitioner
NO. 77-143-XA (Bian No. 105)

Dear Mr. Brooks:

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

Very truly yours,

George J. Martinek
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. & Mrs. Glenn
606 Horncroft Road
Towson, Maryland 21204
John W. Heslian, III, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE 10/20/78
BY [Signature]

Permit to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 902.1 of the Baltimore County Zoning Regulations having been met.

IS ORDERED by the Zoning Commissioner of Baltimore County that a Special Exception for a _____ office _____ should be granted.

March 1977 that a Special Exception for offices should be and the same is GRANTED, from and after the date of this Order, provided the petition enclosure retain the residential appearance of the building, the laws be maintained between the enclosed porch and the existing concrete walk, and approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

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

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1977, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to remain _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 10/20/78
BY [Signature]

Permit to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be and it further appearing that by reason of the existence of the Variance requested not adversely affecting the health, safety and general welfare of the community. Variances to permit side yard setbacks of 7 feet and 15 feet instead of the required 25 feet, and a front yard setback of 25 feet instead of the required 30 feet should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County that _____ day of _____, 1977, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, provided the porch enclosure retain the residential appearance of the building, the laws be maintained between the enclosed porch and the existing concrete walk, and approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, ALICE M. SINCLAIR, of Baltimore County, Maryland, hereby appoint C. ARTHUR EBY, JR. and CHARLES C. KRAUS jointly, and each of them severally, my true and lawful attorney and attorneys, and in the case of the absence of either of them, or the refusal or inability of either of them to act as my attorneys by virtue hereof, then either may act alone with full power and authority to do and perform all and every act and thing whatsoever is requisite to be done as hereinafter prescribed:

1. To bargain, sell, grant, and convey (or assign) to any person or persons, their personal representatives, heirs and assigns, or to any body corporate, its successors and assigns, any and all real and leasehold property that I may own or have any interest in; and I hereby also empower my said attorney-in-fact to execute, sign, seal and deliver any instruments that may be required to effectuate the premises, including the power to execute any contracts of sale for any such property.
2. To ask, demand, sue for, recover, and receive all sums of money, debts, goods, wares, merchandise, chattels, effects, and things whatsoever nature or description which are now or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways, or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges for the same respectively as he shall think fit or be advised.
3. To settle any account or reckoning whatsoever wherein I now am or at any time hereafter shall be in anywise interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

4. To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security of my virtue of any mortgage and on receipt of the full amount: secured thereby to execute a good sufficient release or other discharge of such mortgage by deed or otherwise.

5. To deposit any moneys which may come to his hands as such attorney with any bank or banker in my name, and any of such money or any money to which I am entitled which now is or shall be so deposited to withdraw.

6. In general to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs, or to concur with persons jointly interested with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described, as fully and effectually to all intents and purposes as I could do in my own proper person if personally present.

7. And I do hereby ratify and confirm, and promise at all times to ratify and confirm all and whatsoever my attorney shall lawfully do or cause to be done in and about the premises by virtue of these presents; and this power shall not be affected by my disability, or uncertainty as to whether I am dead or alive.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal this 13th day of July, 1976.

WITNESS:

[Signature] ALICE M. SINCLAIR (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 13th day of July, 1976, before me, the undersigned, a Notary Public for the State of Maryland, in and for Baltimore County aforesaid, personally appeared ALICE M. SINCLAIR, and she acknowledged the foregoing Power of Attorney to be her act.

AS WITNESS my hand and Notarial Seal.



[Signature] Notary Public



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 386-2222

S. ERIC CHESNIA
ZONING COMMISSIONER

October 2, 1978

Walter A. Reiter, Jr., Esquire
Chairman,
Baltimore County Board of Appeals
Courthouse, Room 219
Towson, Maryland 21204

RE: Petition for Variances and Special Exception
8/5 of Allegheny Avenue, 60' E of Central Avenue
9th Election District
Alice M. Sinclair - Petitioner
No. 77-143-XA (Item No. 105) IDCA No. 78-40-X

Dear Mr. Reiter:

As per your Order of August 9, 1977, said matter was processed and enclosed herewith, please find a copy of IDCA application for Special Exception (IDCA No. 78-40-X). The application, signed by Mr. Leslie E. Graw, Director of Planning and Secretary to the Baltimore County Planning Board, September 21, 1978, indicating the determination by the Board, September 21, 1978, that the requested Special Exception does conform to the requirements of Subsection 20-1-1 (7) of the Baltimore County Code, 1968.

Very truly yours,
[Signature]
S. ERIC CHESNIA
Zoning Commissioner

- cc: Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204
- Charles O. Mount, Esquire
503 Orson Drive
Towson, Maryland 21204
- John W. Heslian, III, Esquire
People's Counsel
- Mrs. Mary Glim
606 Homestead Road
Towson, Maryland 21204
- Mrs. Katherine Turner
President
Southland Hills Improvement Assoc. Inc.
618 West Chesapeake Avenue
Towson, Maryland 21204

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

October 20, 1978

Mrs. Mariel Buddemeier
County Board of Appeals
Towson, Maryland 21204

RE: Petition for Variances and Special Exception
8/5 of Allegheny Avenue, 60' E of Central Avenue
9th Election District
Alice M. Sinclair - Petitioner
No. 77-143-XA (Item No. 105) IDCA No. 78-40-X

Dear Mrs. Buddemeier:

This letter is sent to you for the purpose of confirming our telephone conversation of this date in reference to the above-captioned matter. As we discussed, this is a Petition for Variances and Special Exception for the home located on Allegheny Avenue immediately adjacent to Russell J. White, Esquire and the Engineering Offices of George William Stevens.

I am certain that your records will reflect that the Zoning Commissioner of Baltimore County affirmatively filed on behalf of the protestants on the Petition for Variances and Special Exception. At the time of the hearing before the Board of Appeals, this matter was remanded pursuant to the provisions of the Interim Development Control Act which require very limited testimony on behalf of the Petitioners and from the Zoning Commissioner's Office to your office. The nature of the case is such that it will require very limited testimony on behalf of the Petitioners and can be consummated within a period of two hours. I might note for you that the original Zoning Commissioner's Order granting the request is dated the 7th day of March, 1977, some 18 months ago. My clients are the contract purchasers and, of course, the property owner is most anxious to have this matter resolved.

Page Two
Mrs. Mariel Buddemeier
October 20, 1978

Any steps which might be taken in order to expedite the granting of a Hearing in reference to the above will be greatly appreciated.

Sincerely yours,
[Signature]
Charles E. Brooks

CEB/blr

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION OF BALTIMORE COUNTY, INC.

TOWSON, MARYLAND 21204

To: Mr. George Martinak, Deputy Zoning Commissioner
County Office Building, Towson, Md. 21204

Re: Petition for Special Exception for Offices,
Petition for Variance with Respect Thereto,
Case No. 77-143-XA Item No. 105
Alice M. Sinclair
South Side of Allegheny Avenue, East of Central Avenue
(Ninth District, Fourth Councilmanic District)

Dear Sir:

A point which may not have been made or properly underscored at the hearing held in connection with the above case heard on Monday, February 7, 1977, is that the petitioner's proposed use for the subject property will involve a destruction of the natural run-off without a guarantee if adequate replacement run-off facilities. The proposed macadam parking area could cause flooding of the neighboring non-commercial property just as the petitioner's existing macadam parking located nearby (610 Bosley Ave.) has in the past caused flooding of its adjacent residential-use property. This should be taken into account in your consideration of the petitioner's application for a special exception and variance for the use of the subject property.

Very truly yours,
[Signature]
Mrs. Katherine Turner, President
Southland Hills Inc. Ass'n, Inc.
618 W. Chesapeake Av.
Towson, Md. 21204

cc: Mr. Charles Brooks
610 Bosley Ave.

RE: PETITION FOR VARIANCE and PETITION FOR SPECIAL EXCEPTION 5/8 of Allegheny Avenue, 60' E of Central Avenue, 9th District ALICE M. SINCLAIR, PETITIONER

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 77-143-XA

MOTION

TO THE HONORABLE, THE COUNTY BOARD OF APPEALS:

Now comes CHARLES C. KRAUS, by Charles E. Brooks, his attorney, and respectfully represents:

1. That the above-captioned proceeding is presently pending before the County Board of Appeals and is a special exception to permit an office use on a property which is presently zoned DR-16 on the 1976 Comprehensive Zoning Maps duly adopted by the County Council for Baltimore County.

2. That in view of the decision recently promulgated by the County Board of Appeals in a case entitled "Petition for Special Exception, Nicholas B. Mangione, et ux," No. 76-158-X, it is respectfully requested that this Board, by its Order, remand these proceedings to the Zoning Commissioner of Baltimore County for processing in accordance with the terms and provisions of the Interim Development Control Act of Baltimore County, Maryland.

WHEREFORE, your Petitioner respectfully moves that the County Board of Appeals, by its Order, cause these proceedings to be remanded to the Zoning Commissioner of Baltimore County and referral thereafter to the Planning Board of Baltimore County so that said Application might be processed under the Interim Development Control Act.

AND, AS IN DUTY BOUND, ETC.

CHARLES E. BROOKS
610 Bayway Avenue
Towson, Maryland 21204
296-2600

I HEREBY CERTIFY, that on this 9th day of August, 1977, a copy of the foregoing Motion and Order, was mailed to Charles O. Mount, Esquire, 503 Groom Drive, Towson, Maryland 21204, Attorney for Protestant and John W. Hession, III, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

CHARLES E. BROOKS

-2-

RE: PETITION FOR VARIANCE and PETITION FOR SPECIAL EXCEPTION 5/8 of Allegheny Avenue, 60' E of Central Avenue, 9th District ALICE M. SINCLAIR, PETITIONER

BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 77-143-XA

ORDER

UPON the foregoing Motion, it is, this day of 1977, by the Board of Appeals of Baltimore County,

ORDERED: That the Order of the Zoning Commissioner of Baltimore County granting said petition, be and it is hereby neither Affirmed nor Reversed, but the entire proceeding is hereby remanded to the Zoning Commissioner of Baltimore County for referral to the Planning Board of Baltimore County in accordance with Section 22-15.1(f) of the Baltimore County Code, and further proceedings thereon as are required in accordance with the law.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Herbert A. Davis

RE: PETITION FOR VARIANCE and PETITION FOR SPECIAL EXCEPTION 5/8 of Allegheny Ave. 60' E of Central Ave., 9th District ALICE M. SINCLAIR, PETITIONER

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 77-143-XA

MOTION

To the Honorable, the County Board of Appeals:

The Motion of Loren E. Pettiford, by Charles O. Mount, his attorney, respectfully represents:

1. That this case involves an application for a Special Exception to permit office use on a property which is presently zoned D.R. 16 on the 1976 Comprehensive Zoning Map duly adopted by the County Council for Baltimore County.

2. That, in view of the decision recently promulgated by the County Board of Appeals in a case entitled, "Petition for Special Exception, Nicholas B. Mangione, et ux," No. 76-158-X, your Movant believes, and therefore aver, that the instant case is similarly impacted by the legal operation and effect of the "Interim Development Control Act" and should, as was held in "Mangione," be Remanded to the Zoning Commissioner of Baltimore County for processing in accordance with the terms and provisions of said "Interim Development Control Act."

WHEREFORE, said Protestant respectfully moves that the County Board of Appeals by its appropriate Order cause said case to be Remanded to the Zoning Commissioner of Baltimore County and referral thereafter to the Planning Board of Baltimore County so that said application might be processed under the "Interim Development Control Act."

AND AS IN DUTY BOUND, etc.,

Charles O. Mount
Attorney for Protestant
503 Groom Drive
Towson, Maryland 21204
823-5676

Jul 27/77
2:30 pm

I HEREBY CERTIFY that on 27th day of July, 1977, a copy of the foregoing Motion, and of the proposed Order thereon, was mailed to Charles E. Brooks, Esquire, 610 Bayway Avenue, Towson, Maryland 21204, Attorney for Petitioner; and John W. Hession, III, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

Charles O. Mount

RE: PETITION FOR VARIANCE and PETITION FOR SPECIAL EXCEPTION 5/8 of Allegheny Ave., 60' E of Central Ave., 9th District ALICE M. SINCLAIR, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 77-143-XA

ORDER

Upon the foregoing Motion, it is this 9th day of August 1977, by the County Board of Appeals for Baltimore County, ORDERED that the Order of the Zoning Commissioner of Baltimore County granting said Petition be and it is hereby neither Affirmed nor Reversed, but the entire proceeding is hereby REMANDED to the Zoning Commissioner of Baltimore County for referral to the Baltimore County Planning Board in accordance with Section 22-15.1(f) of the Baltimore County Code, and further proceedings thereon as are required in accordance with law.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter R. Rafter, Jr., Chairman

Robert L. Gilland

Herbert A. Davis

PETITION FOR VARIANCES and PETITION FOR SPECIAL EXCEPTION 5/8 of ALLEGHENY AVENUE, 60' E. CENTRAL AVENUE ALICE M. SINCLAIR, PETITIONER 77-143-XA

BEFORE THE COUNTY BOARD OF APPEALS

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 1

TO THE HONORABLE, COUNTY BOARD OF APPEALS: This Stipulation is offered jointly by Alice M. Sinclair, Petitioner, by Charles E. Brooks, Esquire, her attorney and Charles O. Mount, counsel for Loren E. Pettiford, et al, Appellant.

1. That the parties hereto request that the County Board of Appeals grant the herein application for a Special Exception for use of the subject property for offices and a variance requested from Section 1802.28 to permit side setbacks of seven (7) feet and fifteen (15) feet in lieu of the required twenty-five (25) feet and a front setback of twenty-five (25) feet in lieu of the required thirty (30) feet.

2. That the Order of the Deputy Zoning Commissioner, George J. Martinak, of the 7th day of March, 1977 granted both the Special Exception and requested Variance and appeal having been taken therefrom by the Appellants herein. The parties hereto do mutually request:

a. That the County Board of Appeals, by its Order, grant the requested Special Exception and Variance and provide that the granting of the requested Special Exception be subject to the following limitations which the parties hereto request be contained in the Order of the County Board of Appeals:

1. That no structural alterations be made to the exterior of the building located on the subject site other than the enclosure of the front porch.

3. That the exterior of the building on the subject property retain its residential appearance other than the enclosure of the porch and appropriate parking lot and sign.

3. All parking facilities shall be provided in accordance with the rules and regulations of Baltimore County.

4. If the hedge located on the westerly portion of the property be on the property line between 307 and 309 W. Allegheny Avenue, that the same be maintained.

5. That no parking be permitted on the front portion of the building, said front portion of the building being designated by a line running parallel to the rear of the building.

WHEREFORE, the parties hereto pray this Honorable Board by its Order grant the within requested Special Exception and Variance subject to the limitations hereinbefore defined.

Respectfully submitted,

CHARLES E. BROOKS

CHARLES O. MOUNT

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6th day of February, 1979, a copy of the foregoing Stipulation was mailed to John W. Hession, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

CHARLES E. BROOKS

-2-

JUL 31 1979

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

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 31, 1977

Charles E. Brooks, Esq.
610 Bosley Avenue
Towson, Maryland 21204

RE: Variance Petition
Item 105
Alice M. Sinclair - Petitioner

Dear Mr. Brooks:

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 Commission with recommendations as to the appropriateness of the requested zoning.

Located on the south side of Allegheny Avenue, 60 feet east of Central Avenue in Towson, this site is currently improved with a large residence and frame garage in the rear. Adjacent properties to the east and south consist of offices, while a residence and school exist to the west and north of this site, respectively.

This combination Special Exception and Variance is necessitated by your petitioner's proposal to convert the existing dwelling to an office use and construct an accessory parking area to the rear.

This area has been the subject of previous Special Exception requests throughout the years, and as noted in the comments of the Department of Traffic Engineering, the continued use of the alleys for

Charles E. Brooks, Esq.
Re: Item 105
January 31, 1977
Page 2

access to the offices can only cause problems.

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 35, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Comodari
NICHOLAS B. COMODARI,
Acting Chairman, Zoning
Plans Advisory Committee

ENCLOSURE

Enclosure

cc: E. P. Raphael & Assoc.
201 Courtland Avenue
Towson, Md. 21204

THOMAS H. DEVLIN
DIRECTOR

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THOMAS H. DEVLIN, P.E.
DIRECTOR

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

January 13, 1977

Re: Item #105 (1/76-1977)
Property Owner: Alice M. Sinclair
610 Allegheny Ave., 60' E. Central Ave.
Existing Zoning: D-16
Proposed Zoning: Special Exception for offices.
Acres: 0.172 District: 9th

Dear Mr. DiNenna:

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

Highways

Allegheny Avenue, an existing improved County street, is proposed to be further improved as a 48-foot closed section roadway within the existing 80-foot right-of-way. Highway improvements are not required for Allegheny Avenue at this time.

The alleyways in this area are being subjected to more intensive use as a result of the transition in land use. The status of the existing 20-foot alley at the rear of this property is unknown. This alley has a paved width of approximately 13 feet and should be improved in the future as a 20-foot commercial alley on a 22-foot right-of-way. Right-of-way widening, including any necessary reversible easements for slopes will be required to accomplish such reconstruction.

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

Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, dewatering private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains

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

Item #105 (1/76-1977)
Property Owner: Alice M. Sinclair
Page 2
January 13, 1977

Storm Drains (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers

Public water supply and sanitary sewers are serving this property. This property is tributary to the Jones Falls Sanitary Sewerage System. Additional fire hydrant protection is required in the vicinity.

Very truly yours,

William M. Devlin
WILLIAM M. DEVLIN, P.E.
Chief, Bureau of Engineering

END:ENR/PWR:SS

cc: J. Tremmer
C. Sowers
V. Munchel

W-100 Top Sheet
38 x 39 NE 2 Pos. Sheets
PK 10 A Topo
70 x 70K Top Maps

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

December

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

Dear Mr. DiNenna:

Comments on Item 105, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner: Alice M. Sinclair
Location: S/S Allegheny Ave. 60' E Central Ave.
D-16
Existing Zoning: Special Exception for offices
Proposed Zoning: D-16
Acres: 0.172
District: 9th

Comments: Since metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

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

TMD/BJC/rwg

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 29, 1976

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

Z.A.C. Meeting of: November 30, 1976

Re: Item No.: 105
Property Owner: Alice M. Sinclair
Location: S/S Allegheny Avenue 60' East Central Avenue.
Present Zoning: D-16
Proposed Zoning: Special Exception for offices.

District: 9th
No. Acres: 0.172

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

Nick Petrovich
N. Nick Petrovich,
Field Representative.

NNP/ml

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
901125-7310

Paul H. Reiche
CHIEF

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

Attention: Mr. Nicholas B. Comodari
Zoning Advisory Committee

Re: Property Owner: Alice M. Sinclair

Location: S/S Allegheny Ave. 60' E Central Ave.

Item No. 105

Zoning Agency 11/30/76

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with asterisk 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 _____

EXCEEDING the maximum allowed by the Fire Department.

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

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "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: *HJP*
Planning Group
Special Inspection Division

Noted and Approved: *Charles E. Brooks*
Acting Station Chief
Fire Prevention Bureau

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
3371-434-3610

JOHN D. SEEVER
DIRECTOR

January 27, 1977

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

Dear Mr. DiNenna:

Comments on Item # 105 Zoning Advisory Committee Meeting, January 25, 1977 are as follows:

Property Owner: Alice M. Sinclair
Location: S/S Allegheny Ave - 60' E Central Ave.
Existing Zoning: D-16
Proposed Zoning: Special Exception for offices

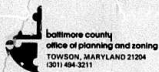
Acres: 0.172
District: 9th

The items checked below are applicable:

- (X) 1. Structure shall conform to Baltimore County Building Code (B.O.C.B.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (X) 2. A building permit shall be required before construction can begin.
- () 3. Three sets of construction drawings will be required to file an application for a building permit.
- () 4. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal may be required to file an application for a building permit.
- () 5. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- () 6. No comment.
- () 7. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Brooks
Charles E. Brooks
Plans Review Chief
OSI/PL



Mr. S. Eric DiNanno, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

December 30, 1976

Dear Mr. DiNanno:

Comments on Item #105, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

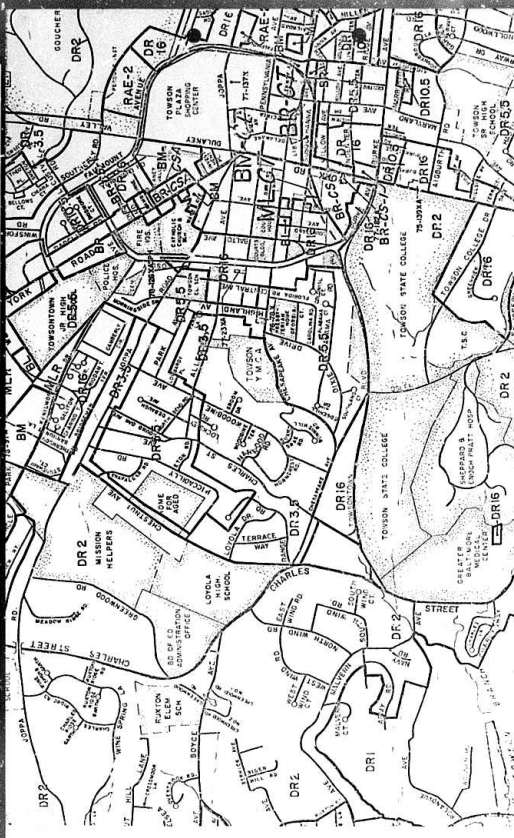
Property Owner: Alice M. Sinclair
Location: 5/5 Allegheny Ave 60' E. Central Ave
Existing Zoning: D.R.16
Proposed Zoning: Special Exception for offices
Acres: 0.172
District: 9th

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.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning



CERTIFICATE OF PUBLICATION

TOWSON, MD., January 20, 1977
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 the 20th day of January, 1977, before the 7th day of February, 1977, the date of publication, appearing on the 20th day of January, 1977.

THE JEFFERSONIAN
Charles R. Smith
Manager

Cost of Advertisement, \$



TOWSON, MD. 21204 Jan. 20, 1977

THIS IS TO CERTIFY that the annexed advertisement of Petition for a Variance-- Alice M. Sinclair was inserted in the following:

- | | |
|--|--|
| ☐ Catonsville Times | ☒ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 7th day of Feb., 1977, that is to say, the same was inserted in the issues of Jan. 20, 1977.

STROMBERG PUBLICATIONS, INC.

BY *Bob Smith*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Jan 16, 1977
Posted for: APPEAR
Petitioner: Alice M. Sinclair
Location of property: 5/5 of Allegheny Ave. 60' E. of Central Ave.
Location of Sign: Front 307 Allegheny Ave.
Remarks: See above
Posted by: Thomas H. Boland Date of return: APR 22, 1977

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Jan 22, 1977
Posted for: See above
Petitioner: Alice M. Sinclair
Location of property: 5/5 of Allegheny Ave. 60' E. of Central Ave.
Location of Sign: Front 307 Allegheny Ave.
Remarks: See above
Posted by: Thomas H. Boland Date of return: APR 22, 1977

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 16 day of Jan 1977. Filing Fee \$ 50 Received Check Cash Other

S. Eric DiNanno
S. Eric DiNanno,
Zoning Commissioner

Petitioner: Alice M. Sinclair Submitted by: Charles R. Smith
Petitioner's Attorney: Charles R. Smith Reviewed by: DR

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42895
DATE: Feb. 7, 1977 ACCOUNT: 01-662
AMOUNT: \$60.50
RECEIVED FROM: Masses, Brooks & Turnbull
FOR: 610 Rosley Ave., Towson, Md. 21204
Advertising and posting of property for
Alice Sinclair
#71-143-X1
VALIDATION OR SIGNATURE OF CASHIER: 6 500 MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42857
DATE: January 17, 1977 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED FROM: Masses, Brooks & Turnbull
FOR: 610 Rosley Ave., Towson, Md. 21204
Petition for Special Exception and Variance for
Alice Sinclair
#71-143-XA
VALIDATION OR SIGNATURE OF CASHIER: 5 000 MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 46526
DATE: April 6, 1977 ACCOUNT: 01-662
AMOUNT: \$75.00
RECEIVED FROM: West Towson Neighborhood Association, Inc.
FOR: Charles G. Mount, 503 Groom Drive, Towson, Md. 21204
Cost of appeal for Alice Sinclair
#71-143-XA
VALIDATION OR SIGNATURE OF CASHIER: 7 500 MC

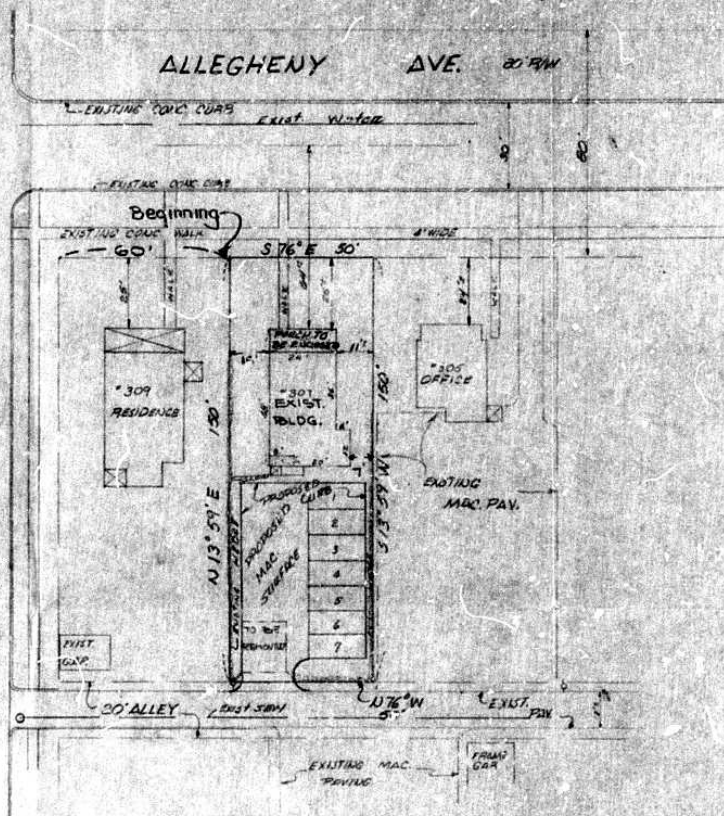
#1763

K. F. RAPHEL & ASSOC
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
BOWEN, MARYLAND 21204

9
12-6-76
S
nd

BOARD OF APPEALS
PETITIONER'S
EXHIBIT 2

CENTRAL AVE

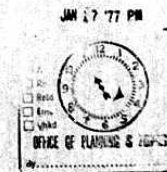


ZONE DR-16
USE OFFICES & RESIDENCE

GENERAL NOTES
AREA OF PROPERTY 0.172 AC.
EXISTING ZONE DR-16
PROPOSED ZONE DR-16 SREX. OFFICES
EXISTING USE RESIDENTIAL
PROPOSED USE OFFICE

PARKING DATA
AREA OF BUILDING
1ST FLOOR 1200' (INCLUDING PORCH)
2ND FLOOR 600'
PARKING RATIO
1ST FLOOR @ 1 SPACE / 300' = 4
2ND FLOOR @ 1 SPACE / 100' = 2
TOTAL REQUIRED = 6
TOTAL PROVIDED = 7

VARIANCE REQUESTED TO PERMIT SIDE SETBACKS
OF 7' 4 1/2" IN LIEU OF THE REQUIRED 25' & A FRONT
SETBACK OF 25' IN LIEU OF THE REQUIRED 30'



PLAT TO ACCOMPANY ZONING PETITION
SPECIAL EXCEPTION FOR OFFICE
#301 ALLEGHENY AVE.

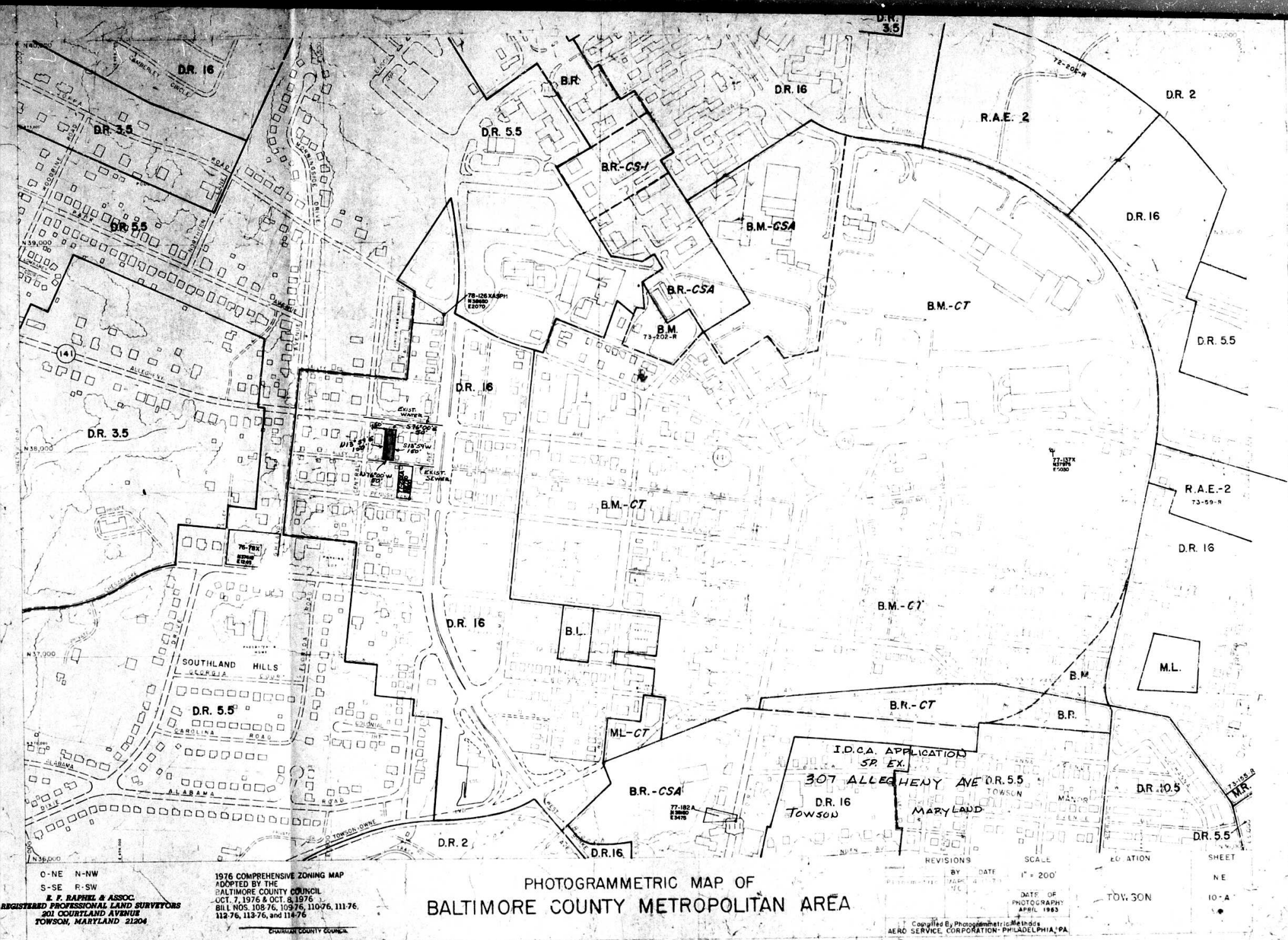
9TH ELECT. DIST.
SCALE 1" = 30'

BALTO. CO. MD.
NOV. 11, 1976

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

REVISED 1/12/77 - VARIANCE REQUEST

#1763





O-NE W-NW
S-SE R-SW

R. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA



IDCA APPLICATION
SP. EX.
307 ALLEGHENY AVE.
TOWSON MD.

REVISIONS
BY DATE
Topographic MAPS 4-11-70
INC.
SCALE
1" = 200'
DATE OF PHOTOGRAPHY
APRIL 1953
Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION PHILADELPHIA, PA.

LOCATION
TOWSON
SHEET
NE
107A