

RE: PETITION FOR VARIANCE
from Sections 238.1 and 238.2
of the Baltimore County
Zoning Regulations
N/S Pulaski Highway 575
N/E of Batavia Farm Road
15th District

FRANK J. FRALLICCIARDI
8220-22 Pulaski Highway
Baltimore, Maryland 21237

and

ROBERT MINNIX
8226 Pulaski Highway
Baltimore, Maryland 21237

Appellants

VS.

PAUL RAGONESE
York-Towson, Inc.
115 South Haven Street
Baltimore, Maryland 21224

Appellee

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal, pursuant to Maryland Rule B2, on behalf of Protestants, Frank J. Frallicciardi and Robert Minnix, from the Order of the Board of Appeals of Baltimore County of October 26, 1977, No. 77-204-A.

Robert A. DiCicco
Askew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
821-5400
Attorney for Appellants



LAW OFFICES
ASKEW, WILSON
& DICICCO
TOWSON, MD. 21204

I HEREBY CERTIFY that on this 21st day of November 1977, prior to the filing hereof, a copy of the foregoing Order for Appeal was mailed to J. Carroll Holzer, Esquire, County Solicitor, Office of Law, County Office Building, Towson, Maryland 21204, S. Eric DiNenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, Paul Ragonese, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland 21224, John W. Hession, III, Esquire, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, in compliance with Maryland Rule 306(c) and Maryland Rule B2(c).

Robert A. DiCicco

RE: PETITION FOR VARIANCE
from Sections 238.1 and 238.2
of the Baltimore County
Zoning Regulations
N/S Pulaski Highway 575' NE
of Batavia Farm Road
15th District

York-Towson, Inc.
Petitioner

Zoning File No. 77-204-A

Frank J. Frallicciardi and
Robert Minnix
Protestants - Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

AT LAW

Misc. Docket No. 10

Folio No. 458

File No. 6413

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., John A. Miller and William T. Hockett, 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, Nathan Patz, Esq., 10 Light Street, Baltimore, Maryland, 21202, attorney for the Petitioner; Mr. Paul P. Ragonese, Vice-President, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland, 21224, Petitioner; Robert A. DiCicco, Esq., 208 West Pennsylvania Avenue, Towson, Maryland, 21204, attorney for the Protestants-Appellants; Mr. Frank J. Frallicciardi, 8220-22 Pulaski Highway, Baltimore, Maryland, 21237, and Mr. Robert Minnix, 8226 Pulaski Highway, Baltimore, Maryland, 21237, Protestants-Appellants; and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County
Room 219 Court House, Towson, Md. 21204

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Nathan Patz, Esq., 10 Light Street, Baltimore, Maryland, 21202, attorney for the Petitioner; Mr. Paul P. Ragonese, Vice-President, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland, 21224; Robert A. DiCicco, Esq., 208

York-Towson, Inc. No. 77-204-A (6413)

W. Pennsylvania Avenue, Towson, Maryland, 21204, attorney for the Protestants; Frank J. Frallicciardi, 8220-22 Pulaski Highway, Baltimore, Maryland, 21237, and Robert Minnix, 8226 Pulaski Highway, Baltimore, Maryland, 21237, Protestants-Appellants; and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, on this 13th day of December, 1977.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Eric DiNenna, Zoning Commissioner Date: March 21, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition 77-204-A, Petition for Variance for Front and Side Yard Setbacks, N/S Pulaski Highway, 575 feet Northeast of Batavia Farm Road, Petitioner - York-Towson, Inc., 15th District

HEARING: Tuesday, April 12, 1977 (10:15 A.M.)

There are no comprehensive factors requiring comment on this petition. However, perhaps consideration could be given to moving the building to the rear of the lot, thereby avoiding the problem created by the proposed 15 foot-wide driveway to the rear parking area.

Norman E. Gerber
Acting Director of Planning

WJD:JDR:rw

April 19, 1977

Mr. Paul Ragonese
York-Towson, Inc.
115 South Haven Street
Baltimore, Maryland 21224

RE: Petition for Variance
N/S of Pulaski Highway, 575' NE of
Batavia Farm Road - 15th Election
District
York-Towson, Inc. - Petitioner
MD. 77-204-A (Item No. 177)

Dear Mr. Ragonese:

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

OJM/mc
Attachments

cc: Mr. Frank J. Frallicciardi
8220-22 Pulaski Highway
Baltimore, Maryland 21237

Mr. Robert Minnix
8226 Pulaski Highway
Baltimore, Maryland 21237

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

RE: PETITION FOR VARIANCE
N/S of Pulaski Hwy, 575' NE of
Batavia Farm Rd., 15th District

YORK-TOWSON, INC., Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 77-204-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

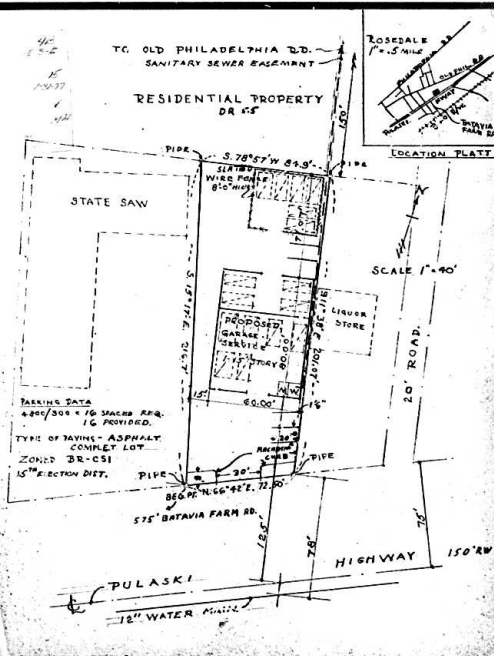
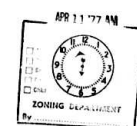
Pursuant to the authority, contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therewith, and of the passage of any preliminary or final Order in connection therewith.

John W. Hession, III
Charles E. Kauntz, Jr.
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 7th day of April, 1977, a copy of the foregoing Order was mailed to Mr. Paul P. Ragonese, Vice President, York-Towson, Inc., 115 S. Haven St., Baltimore, MD 21224, Petitioner.

John W. Hession, III
John W. Hession, III



MAR 01 1979

RE: PETITION FOR VARIANCE from Sections 238.1 and 238.2 OF THE Baltimore County Zoning Regulations N/S Pulaski Highway 575 N/S of Batavia Farm Road 15th District

FRANK J. FRALLICCIARDI 8220-22 Pulaski Highway Baltimore, Maryland 21237

and

ROBERT MINNIX 8226 Pulaski Highway Baltimore, Maryland 21237

Appellants

vs.

PAUL RAGONESE York-Towson, Inc. 115 South Haven Street Baltimore, Maryland 21224

Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY BEFORE THE COUNTY BOARD OF APPEALS

NO. 77-204-A

Misc. 10 Folio 458 No. 6413

MOTION FOR EXTENSION OF TIME TO FILE RECORD

The Appellants, Frank J. Frallicciardi and Robert Minnix, by Robert A. DiCicco, Arkew, Wilson and DiCicco, move, pursuant to Maryland Rule B7(b), for an extension of time to file the Record of the proceedings before the Board of Appeals, and state:

1. The Petition for Appeal was timely filed on December 6, 1977.
2. At the present date, the transcript of testimony is not yet completed for filing.
3. The Court Reporter has advised Appellants that due to a backlog of work, an additional thirty (30) days will be necessary to prepare a transcript.

WHEREFORE, the Appellants respectfully request this Honorable Court to extend the time for the filing of the Record

until February 4, 1978, which date is thirty (30) days after the original due date.

Robert A. DiCicco
Arkew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-3400
Attorneys for Appellants

I HEREBY CERTIFY that on this 14 day of December, 1977, a copy of the foregoing Motion For Extension of Time To File Record was mailed to S. Eric DiMenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and to Nathan Patz, Esquire, Twenty First Floor, Maryland National Bank Building, Baltimore, Maryland 21202.

Robert A. DiCicco

-2-

LAW OFFICES
ARKEW, WILSON
& DICICCO
TOWSON, MD. 21204

RE: PETITION FOR VARIANCE from Section 238.1 and 238.2 of the Baltimore County Zoning Regulations N/S Pulaski Highway 575 N/S of Batavia Farm Road 15th District

FRANK J. FRALLICCIARDI 8220-22 Pulaski Highway Baltimore, Maryland 21237

and

ROBERT MINNIX 8226 Pulaski Highway Baltimore, Maryland 21237

Appellants

vs.

PAUL RAGONESE York-Towson, Inc. 115 South Haven Street Baltimore, Maryland 21224

Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY BEFORE THE COUNTY BOARD OF APPEALS

NO. 77-204-A

PETITION FOR STAY

Frank J. Frallicciardi, and Robert Minnix, Appellants by Robert A. DiCicco, their attorneys, pursuant to Maryland Rule B6, represents unto this Honorable Court:

1. Filed herewith by Appellants is an Order for Appeal from the Order of the Baltimore County Board of Appeals, dated October 26, 1977, No. 77-204-A.
2. Pursuant to said Order, the set-back restrictions on Appellee's property are reduced from 30 feet to 5 feet on the South side and 30 feet to 20 feet on the North side.
3. Appellants have requested the Court to reverse said Order and deny Appellee a Variance from the set-back restrictions.
4. Without a Stay of the Order, Appellee may commence construction

LAW OFFICES
ARKEW, WILSON
& DICICCO
TOWSON, MD. 21204

Rec'd 12/18/77

Hand Carried by Baltimore County Clerk

RE: PETITION FOR VARIANCE from Section 238.1 and 238.2 of the Baltimore County Zoning Regulations N/S Pulaski Highway 575 N/S of Batavia Farm Road 15th District

FRANK J. FRALLICCIARDI 8220-22 Pulaski Highway Baltimore, Maryland 21237

and

ROBERT MINNIX 8226 Pulaski Highway Baltimore, Maryland 21237

Appellants

vs.

PAUL RAGONESE York-Towson, Inc. 115 South Haven Street Baltimore, Maryland 21224

Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY BEFORE THE COUNTY BOARD OF APPEALS

No. 77-204-A



PETITION OF APPEAL

Frank J. Frallicciardi and Robert Minnix, Appellants by Robert A. DiCicco, Arkew, Wilson & DiCicco, their attorneys, submit this Petition of Appeal pursuant to Maryland Rule B2(e) and state:

1. This is an appeal from the October 26, 1977, Opinion and Order of the Baltimore County Board of Appeals, No. 77-204A, reversing the denial of an application for zoning variance and ordering that the following variances be granted:
 - (a) South side property line be reduced from 30 feet to 5 feet.
 - (b) North side property line be reduced from 30 feet to 20 feet.
2. The Petition Appellants are the owners of the lots adjacent to the subject property and are Protestants of record in the proceedings before the Zoning Commissioner and the Board of Appeals relating to the

on the subject property, closer than 30 feet to the property line to the detriment of Appellants and before a final adjudication of the matter by this court.

WHEREFORE, Appellants request this Honorable Court to grant a Stay or such Order until such time as the Court renders a final decision on the aforesaid Appeal.

Robert A. DiCicco
Arkew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-3400

I HEREBY CERTIFY that on this 5 day of December 1977, a copy of the foregoing Petition for Stay was mailed to J. Carroll Holzer, County Solicitor, Office of Law, County Office Building, Towson, Maryland 21204, S. Eric DiMenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, Paul Ragonesse, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland 21224, John W. Hessian, III, Esquire, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco

-2-

LAW OFFICES
ARKEW, WILSON
& DICICCO
TOWSON, MD. 21204

application for variance.

3. The granting of the variance will adversely affect the Appellants' use, enjoyment and value of their adjoining property.

4. The decision of the Baltimore County Board of Appeals is against the weight of competent, material and substantial evidence as submitted in the record and including de novo evidence to be taken in open court.

5. The taking of additional testimony is necessary to the proper disposition of this matter, and should be heard pursuant to Maryland Annotated Code, Article 41, Section 255, on the grounds that Protestants were not represented by an attorney at the hearing before the Board of Appeals and Protestants failed to present all material evidence in support of their position and on their own behalf.

6. A stay of the October 26, 1977 Order of the Baltimore County Board of Appeals must be entered, pending decision of this Court on this Appeal, so as to prevent the Appellees from commencing construction within 30 feet from their property line.

WHEREFORE, Appellants pray that:

- a. Additional testimony be taken.
- b. A Stay of the Order of the Baltimore County Board of Appeals, October 26, 1977, No. 77-204-A be immediately entered.
- c. The Order of the Baltimore County Board of Appeals No. 77-204-A be reversed and the Appelles be denied a variance from the Zoning Regulations.
- d. The Appellants be granted such other and further relief as the nature of the cause may require.

Robert A. DiCicco
Arkew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-3400

-2-

LAW OFFICES
ARKEW, WILSON
& DICICCO
TOWSON, MD. 21204

MAR 03 1978

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 Mr. Paul P. Ragonese, Vice Pres.
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Your Petition has been received and accepted for filing
 this 10 day of February 1977.

Eric DiNenna
 Zoning Commissioner

Petitioner: *York-Towson, Inc.*
 Petitioner's Attorney: *Nicholas B. Commodari*
 Reviewed by: *Nicholas B. Commodari*
 Associates III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 5, 1977

Mr. Paul P. Ragonese, Vice Pres.
 York-Towson, Inc.
 115 South Haven Street
 Baltimore, Maryland 21224

RE: Variance Petition
 Item #177
 York-Towson, Inc. -
 Petitioner

Dear Mr. Ragonese:

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.

This currently vacant S.R. zoned site is located on the northeast side of Pulaski Highway approximately 575' northeast of Batavia Farms Road in the 15th Election District. Adjacent properties, fronting on Pulaski Highway are similarly zoned and improved with a liquor store to the northeast and an office/warehouse building to the southwest, respectively while properties immediately to the north, zoned residential, and fronting on Old Philadelphia Road, are improved with single family dwellings.

Mr. Paul P. Ragonese
 Item No. 177
 Page 2
 April 5, 1977

This Variance is necessitated by your proposal to construct a service garage building closer to the side property lines within the required 30'. This Variance was advertised based on the submitted site plan in view of the fact that setbacks shown thereon are minimum. However, as indicated in the comments of the Department of Traffic Engineering and the Office of Project and Development Planning the proposed structure may have to be relocated towards the rear of the property in order to permit proper traffic circulation. Particular attention should be afforded the comments of the State Highway Administration concerning the curbing along the frontage of this site.

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,
Nicholas B. Commodari
 NICHOLAS B. COMMODARI
 Acting Chairman, Zoning
 Plans Advisory Committee

NBC:tk

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

March 17, 1977

Re: Item #177 (1976-1977)
 Property Owner: York-Towson, Inc.
 W/S Pulaski Hwy 575' N/E Batavia Farms Rd.
 Existing Zoning: B.R.-C.S.1
 Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.5'.
 Acres: 0.374 District: 15th

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.

Highways
 Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

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

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

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

Item #177 (1976-1977)
 Property Owner: York-Towson, Inc.
 Page 2
 March 17, 1977

Water
 Public water supply exists in Pulaski Highway. Additional fire hydrant protection is required in the vicinity.

Sanitary Sewer
 Public sanitary sewerage exists in Old Philadelphia Road. As indicated on the submitted plan, the petitioner will acquire a private offsite utility easement to effect the proposed sanitary sewer connection for this site.

Very truly yours,
Ellsworth M. Diver, P.E.
 ELLSWORTH M. DIVER, P.E.
 Chief, Bureau of Engineering

END:RAN:PMH:as
 cc: W. Munchel
 1-BW Key Sheet
 10 ME 21 Pos. Sheet
 ME 1 P Togo
 89 Tax Map

Maryland Department of Transportation
 State Highway Administration

February 16, 1977

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Bldg.
 Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 8, 1977
 ITEM: 177
 Property Owner: York-Towson, Inc.
 Location: NW/4 Pulaski Hwy.
 (Route 40) 575' NE Batavia Farms Road
 Existing Zoning: B.R.-C.S.1
 Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.5'.
 Acres: 0.374
 District: 15th

Dear Mr. DiNenna:

The entrance is presently channelized with concrete curb, however, due to resurfacing of the site and an accumulation of debris, much of the curb has disappeared. An 8' face of curb must be exposed or new curb must be constructed. The proposed parking lot barrier curb must consist of concrete and not masonry as indicated on the plan. The plan must indicate existing curb and edge of the traveled way of Pulaski Highway.

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

CL:JEM:vrD

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

Baltimore County
 Office of Planning and Zoning
 TOWSON, MARYLAND 21204
 (301) 494-3511

March 8, 1977

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 #177, Zoning Advisory Committee Meeting, February 8, 1977, are as follows:

Property Owner: York-Towson, Inc.
 Location: NW/4 Pulaski Highway 575' NE Batavia Farms Road
 Existing Zoning: B.R.-C.S.1
 Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.5'.
 Acres: 0.374
 District: 15th

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 one 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 building should be moved to the north or decreased in size in order to have a 20 foot side-yard minimum for better traffic circulation.

The parking area in the rear must be screened.

Very truly yours,
John L. Wimbley
 John L. Wimbley
 Planner III
 Project and Development Planning

Baltimore County
 Department of Traffic Engineering
 TOWSON, MARYLAND 21204
 (301) 494-3550

STEPHEN E. COLLINS
 DIRECTOR

March 9, 1977

Mr. Eric S. DiNenna
 Zoning Commissioner
 2nd Floor, Courthouse
 Towson, Maryland 21204

Re: Item 177 - SAC - February 9, 1977
 Property Owner: York-Towson Inc.
 Location: NW/4 Pulaski Hwy. 575' NE Batavia Farms Rd.
 Existing Zoning: B.R.-C.S.1
 Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.5'.
 Acres: 0.374
 District: 15th

Dear Mr. DiNenna:

The requested variance to permit a 0' side setback and front setback of 50' is not expected to cause any traffic problems. The requested 15' side setback does not provide for a 20' commercial driveway.

Very truly yours,
Michael E. Flanagan
 Michael E. Flanagan
 Traffic Engineer Associate

MSF/316

March 8, 1977

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

Dear Mr. DiNenna:

Comments on Item 177, Zoning Advisory Committee Meeting,
February 9, 1977, are as follows:

Property Owner: York-Towson, Inc.
Location: NW/4 Pulaski Hwy. 575' NE
Batavia Farms Rd.
Existing Zoning: R.B.-C.S. 1
Proposed Zoning: Variance to permit side setbacks of 0'
and 15' to 25' in lieu of the required
30' and a front setback of 30' in lieu
of the required average of 72.5'.
Acres: 0.374
District: 13th

If lubrication work and oil changes are performed at
this location, revised plans must be submitted showing method
providing for the elimination of waste oil in accordance with
Water Resources Administration requirements.

Since metropolitan water and sewer are available, no
health hazards are anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TND:RJW:mah

February 10, 1977

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

Dear Mr. DiNenna:

Comments on Item # 177 Zoning Advisory Committee Meeting, February 8, 1977
are as follows:

Property Owner: York-Towson, Inc.
Location: NW/4 Pulaski Highway - 575' N/E Batavia Farms Road
Existing Zoning: R.B. - C.S. 1
Proposed Zoning: Variance to permit side setbacks of 0' and 15' to 25' in lieu
of the required 30' and a front setback of 30' in lieu of the
required average of 72.5'.
Acres: 0.374
District: 13th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.)
1970 Edition and the 1971 Supplement and other applicable codes.
☒ B. A building permit shall be required before construction can begin.
☐ C. Three sets of construction drawings will be required to file an
application for a building permit.
☒ D. Three sets of construction drawings with a registered Maryland
Architect or Engineer's original seal will be required to file an
application for a building permit.
☒ E. 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.
☐ F. No comment.
☐ G. Requested setback variance conflicts with the Baltimore County
Building Code. See Section _____.

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief
CEB:rvj

1 PETITION FOR VARIANCE OF ZONING*
2 REGULATION:
3 FRANK J. FRALICCIARDI & * IN THE
4 ROBERT MINNIX * CIRCUIT COURT
5 Appellants * FOR BALTIMORE COUNTY
6 vs. *
7 November 3, 1978
8 YORK-TOWSON, INC., *
9 PAUL RAGONENSE * MISCELLANEOUS LAW NO. 6413
10 Appellee *
11 *****
12 PROCEEDINGS & DECISION
13 THE COURT: All right. This is Case 6413, a petition
14 for variance on property located on the north side of Pulaski
15 Highway, 575 feet northeast of Batavia Farm Road. The appellants
16 in the case, represented by Mr. Robert A. DiCicco, are Mr. Frank
17 Frallicciardi and Mr. Robert Minnix. The original appellee in
18 the case was Paul Ragonense, and I presume it's trading as York-
19 Towson, Inc., who were represented by Mr. Nathan Patz.
20 We have had extensive off-the-record discussion in open
21 court. Mr. DiCicco, could you bring me up to date? It's now
22 20 after 11:00 and Mr. Patz is not present.
23 MR. DICICCO: If it please the Court, at your direction
24 I asked your secretary to call Mr. Patz to determine whether he
25 would be here for the 10:30 new time set for this case. Mr.
Patz advised your office, in my presence, that the property had
been sold and that he advised his clients, the former owners, of
the fact of this hearing, and also advised the new purchasers
that he would not be representing or continuing in their

1 representation. That was what he said over the telephone. And
2 he is not here now, Your Honor.
3 THE COURT: All right. After my discussion with Mr.
4 DiCicco in open court and at the bench it just seems to me that
5 really this case is moot. Because the new property owner,
6 whoever the new property owner is, may not have any intention of
7 building the building that was originally submitted. That the
8 plans would have to be resubmitted anyway. And that it would
9 be appropriate that if the new owner wanted to obtain a variance
10 of any type that he would have to apply to the County Board.
11 I really don't believe that a variance granted in this
12 type of situation, when an appeal has been filed, has any type
13 of vested right. And I really think that the appropriate thing
14 to do, unless counsel would object, really would be to reverse
15 and remand this case to the County Board as being moot. Since
16 the property has been sold to a new owner and the new owner has
17 not indicated, although they have had an opportunity to get
18 involved in this case, if they chose to, that they intended to
19 follow through on the plans they had originally submitted for
20 approval.
21 If it's agreeable I think that would protect the rights of
22 all parties certainly, because it would put the parties back
23 where they were. If the two appellants won in this case today,
24 then certainly the new owner could go back, submit another plan
25 and request some other type of variance. In any event this

1 would not prohibit them from coming in for a 20 foot variance
2 or a 10 foot variance, or any type of variance. But I don't
3 think it would be appropriate to grant the variance as it was
4 set forth.
5 And I think the record should be clear that I have not
6 made any decision on the law or on the facts. This is without
7 prejudice to both sides to go forward.
8 MR. DICICCO: Very well, Your Honor.
9 THE COURT: All right. What I am doing then is re-
10 versing the order of the County Board of Appeals on the basis
11 that the property has been sold and the issues before this
12 Court are moot. Because the new property owner has not indicat-
13 ed who they are or has not made any effort to contact the Court,
14 and to indicate in any way that they intend to go through with
15 the plan as originally submitted to the proper zoning
16 authorities.
17 Accordingly, this 6th day of November, 1978, the
18 Order of the County Board of Appeals is hereby reversed and
19 remanded with costs to be paid by the Appellees.

Harvin J. Land, Judge

BY Patti Smink

Cost of Advertisement, \$.....

BK Dickson
3914 Chesley H.C
Bn Hb Md 21206

Date of return: Mar. - 31 - 22

District: 154 Date of Posting: 3-24-77
 Posted for: Alvin J. Jones 12-19-76 12-15-76
 Position: 1005 - Texas
 Location of property: NB of Central Highway 525 N.E. of
Bethesda, Tenn. Rd.
 Location of Sign: Sign on Road at Central Rd. between Square Store
& State Store
 Remarks:
 Posted by: Paul H. Hays Date of return: 3-24-77

District 154 Date of Posting 5-5-77
 District for York - Towson, Pa.
 Prisoner W/S of Belovide H. Hwy 5351 W. of Baltimore
 Location of Property From Road.
 Location of Sign 1 Sign Located Between Hwy 410 & 4200
Co.
 Remarks
 Posted by Walt H. Neo Date of return 5-12-77

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

No. 42872

DATE January 27, 1977 ACCOUNT 01-562

AMOUNT \$25.00 - cash

RECEIVED FROM R. V. McNamee
FOR Petition for variance
3914 Chesley Ave.
Baltimore, Maryland 21206
88422-47

2500 MC

VALIDATION OR SIGNATURE OF CASHIER