



PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Victor Frenkil, 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 petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the issuance of a permit to allow the use of land zoned D.R. 5.5 for business or industrial parking benefiting adjoining land zoned B.M. (Business Major) pursuant to the terms of Section 409.4 of the Zoning Regulations of Baltimore County.

See attached description

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

Contract Purchaser: Victor Frenkil, Legal Owner
Address: Navlander Apartments
Baltimore, Maryland 21218
Petitioner's Attorney: John W. Hossain, III
Address: 3000 First Maryland Building
Baltimore, Maryland 21201
Protestant's Attorney: John W. Hossain, III
Address: 3000 First Maryland Building
Baltimore, Maryland 21201
ORDERED BY the Zoning Commissioner of Baltimore County, this 28th day of June, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of June, 1977, at 10:00 o'clock P.M.

John W. Hossain, III
Zoning Commissioner of Baltimore County

(over)



100P
6/27/77

Mark Pollak, Esquire
3000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Hearing
W/S of Old Annapolis Road, 160' N of
Arbutus Avenue - 13th Election District
Victor Frenkil - Petitioner
NO. 77-255-SPH (Item No. 221)

Dear Mr. Pollak:

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

Very truly yours,

George J. Blumstein
GEORGE J. BLUMSTEIN
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mrs. Dolores O'Connell
3019 Michigan Avenue
Baltimore, Maryland 21227
John W. Hossain, III, Esquire
People's Counsel

attention to the rationale for the 1976 rezoning, which was interpreted as a buffer strip provided by the subject tract.
Without reviewing the evidence (either in detail, but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Special Hearing for off-street parking in a D.R. Zone is not appropriate in the instant case. The Petitioner's contention that the development of this land in accordance with D.R. 5.5 uses represents economic infeasibility is of insufficient weight to overcome the presumption of zoning correctness in this situation, and the denial does not rule out reasonable use of the property.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of June, 1977, that the Special Hearing for off-street parking in a D.R. Zone should be and the same is hereby DENIED.

John W. Hossain, III
Deputy Zoning Commissioner of Baltimore County

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, Victor Frenkil, legal owner of the property situated in Baltimore County, the property outline of which is shown on plat attached with this application, hereby petition for a Special Exception and or Special Permit to use the above described property as a business or industrial parking for an adjacent shopping center / office park on land zoned non-residential-medium-density and industrial-medium-density.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

3.44 acres
DEED REF: 272A/544, Parcel 94, Map 120, 1950, Total
acreage is 34.50
% of overall site will remain vacant
(1) 7.1 acres, Balto.
City, formerly
owned, (2) 12.34 acres
Balto. County, owned by
commercial & industrial,
(3) 3.44 acres, Balto.
County, zoned D.R. 5.5, sub-
ject of the request.

REQUIRED NUMBER OF PARKING SPACES: 364 spaces
GROUND FLOOR: OTHER FLOORS: TOTAL

AREA OF SITE TO BE FENCED TO ACCOMMODATE REQUIRED PARKING SPACES: 3.44 acres + or -
(FENCED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 260.)

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.

APPLICANT, LEGAL OR CONTRACT PURCHASER

Victor Frenkil
Navlander Apartments
Baltimore, Maryland 21218

THE PLANNING BOARD HAS DETERMINED ON 12-21-78 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF PARAGRAPH 20-21.1 OF THE BALTIMORE COUNTY CODE.

Mark Pollak and
Heckman A. Williams
c/o Nolan, Plunkhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800
Attorneys for the Applicant

IDCA FORM NO. 3 REVISED 8-18-77



RE: PETITION FOR SPECIAL HEARING : BEFORE THE
W/S of Old Annapolis Road, 160' N of : DEPUTY ZONING
Arbutus Avenue - 13th Election District : COMMISSIONER
Victor Frenkil - Petitioner :
NO. 77-255-SPH (Item No. 221) :
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition requesting a Special Hearing to allow the use of land zoned D.R. 5.5 for business or industrial parking benefiting adjoining land zoned B.M. (Business, Major) pursuant to the terms of Section 409.4 of the Baltimore County Zoning Regulations.

Testimony on behalf of the Petitioner indicated that the subject 3.44 acre parcel comprises a strip 150 feet long, more or less, with a depth of 800 feet. This site was zoned B.M. prior to the adoption of the 1976 Comprehensive Zoning Map, when it was rezoned to D.R. 5.5. The total tract was described as a tract of 25.34 acres to be known as "Patapago Village Plaza", a neighborhood shopping center.

Further testimony for the Petitioner indicated that he proposes to utilize the 3.44 acre tract for 190 parking spaces, and that an earthen berm, four feet high, and landscaping would be constructed between the buildings and nearby homes. Counsel for the Petitioner submitted that residential development of the property would be too costly.

Nearby residents, in protest, indicated their concern about the impact of additional traffic which might be generated on Annapolis Road and their belief in the desirability of additional individual homes in the area. The existence of shopping facilities in the vicinity was pointed out: being adequate for the area. A spokesman for the Laxdowne Improvement Association called

PETITION FOR SPECIAL HEARING 13th ELECTION DISTRICT

RE: Petition for Special Hearing for Off-Street Parking in a residential area.
LOCATION: West side of Old Annapolis Road 160 North East of Arbutus Avenue.
DATE & TIME: MONDAY, JUNE 20, 1977 at 1:00 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 N. 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.

Petition for Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve off-street parking on a residential tract.

All that parcel of land in the 13th Election District of Baltimore County

Being the property of Victor Frenkil, as shown on plat plan filed with the Zoning Department.
Held before Monday, June 20, 1977 at 1:00 P.M.
Public Hearing Room 106, County Office Building, 111 N. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. NEW EDITION
DEPUTY COMMISSIONER OF
BALTIMORE COUNTY

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts:

the above Special Hearing for by reason of

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of , 196, that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

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

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of , 196, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S of Old Annapolis Rd., 160' N of : OF BALTIMORE COUNTY
Arbutus Ave., 13th District :
VICTOR FRENKIL, Petitioner : Case No. 77-255-5PH

AMENDED

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

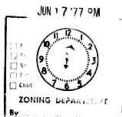
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

Charles E. Kuntz, Jr.
Charles E. Kuntz, 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 17th day of June, 1977, a copy of the foregoing Order was mailed to Mark Pollok, Esquire, 2000 First Maryland Building, 25 South Charles Street, Baltimore, Maryland 21201, Attorney for Petitioner; and Victor Frenkil, Marylander Apartments, 3501 St. Paul Street, Baltimore, Maryland 21218, Petitioner.

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



MCA
MCA ENGINEERING CORPORATION
CONSULTING
ENGINEERS
1002 Cromwell Bridge Road, Baltimore, Maryland 21204 - Tel. (301) 823-0900
Cable address - MCAENGR

DESCRIPTION

3.44 ACRE PARCEL
160 FEET NORTH OF ARBUTUS AVENUE
150 FEET WEST OF OLD ANNAPOLIS ROAD
BALTIMORE COUNTY, MARYLAND

This Description is for Parking Permit
In A Residential Zone

Beginning for the same at a point on the division line between the areas zoned "BM" and "DR 5.5", as shown on the Baltimore County Zoning Map, at the distance of 169 feet, as measured westerly along the south side of said area zoned "BM" from a point on the west side of Old Annapolis Road, 40 feet wide, said last mentioned point being distant 320 feet, more or less, as measured northerly along said west side of Old Annapolis Road, from the north side of Arbutus Avenue, running thence binding on said zoning line, (1) S 85° 23' 30" W 1158.85 feet,

A Division of Walter Kidde & Company, Inc.

Baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(410) 494-2181
S. ERIC DOWNS
ZONING COMMISSIONER

Mark Pollok, Esq.
2000 First Maryland Building
25 South Charles Street
Baltimore, Md. 21201

Re: Petition for Special Hearing for Victor Frenkil
77-255-5PH

Dear Sirs:

This is to advise you that \$55.75 is due for advertising and posting of the above property.
Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson Room 121, County Office Building, before the hearing.

Yours very truly,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE June 30, 1977 ACCOUNT 01-562
AMOUNT \$55.75
RECEIVED Reserve, Piper and Hartney 2000 P
FROM 85 St. Charles St.
FOR Baltimore, Md. 21201
Advertising and posting of property
77-255-5PH

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE July 13, 1977 ACCOUNT 01-562
AMOUNT \$ 45.00
RECEIVED Mark Pollok, Esq. 85 St. Charles St., Balto., Md.
FROM 21201
FOR Cost of Appeal for Victor Frenkil
77-255-5PH
JUL 4 6 1977 4500 MCC

thence binding on the outlines of the land owned by Victor Frenkil, five courses: (2) S 69° 20' 00" E 190.00 feet, (3) by a curve to the left with a radius of 205.00 feet, the distance of 56.00 feet, (4) N 85° 32' 30" E 384.97 feet, (5) N 85° 57' 20" E 609.41 feet, and (6) N 04° 02' 40" W 150.00 feet to the place of beginning.

Containing 3.44 acres of land.

RWB:ml J.O. 1-58187 2/23/77
W.O. 16368-X



OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 June 10 1977

Petition for Sp. Exception-13th Dist.
THIS IS TO CERTIFY, that the annexed advertisement of 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 1 successive weeks before the 20 day of June, 1977, that is to say, the same was inserted in the issues of

June 2, 1977
STROMBERG PUBLICATIONS, INC.
BY [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting June 4, 1977
Posted for PETITION FOR SPECIAL HEARING
Petitioner: VICTOR FRENKIL
Location of property: W/S of Old Annapolis Rd. 160' N. of Arbutus Ave.
Location of Sign: N/S of Arbutus Ave. 450' +/- E of CENTURY AVE.
Remarks: Thomas G. Beland
Posted by Thomas G. Beland Date of return: June 10, 1977

MCA
MCA ENGINEERING CORPORATION

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S of Old Annapolis Rd., 160' N of : OF BALTIMORE COUNTY
Arbutus Ave., 13th District :
VICTOR FRENKIL, Petitioner : Case No. 77-255-5PH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

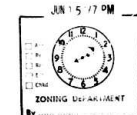
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

Charles E. Kuntz, Jr.
Charles E. Kuntz, 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 15th day of June, 1977, a copy of the foregoing Order was mailed to Mark Pollok, Esquire, 2000 First Maryland Building, 25 South Charles Street, Baltimore, Maryland 21201, Attorney for Petitioner.

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

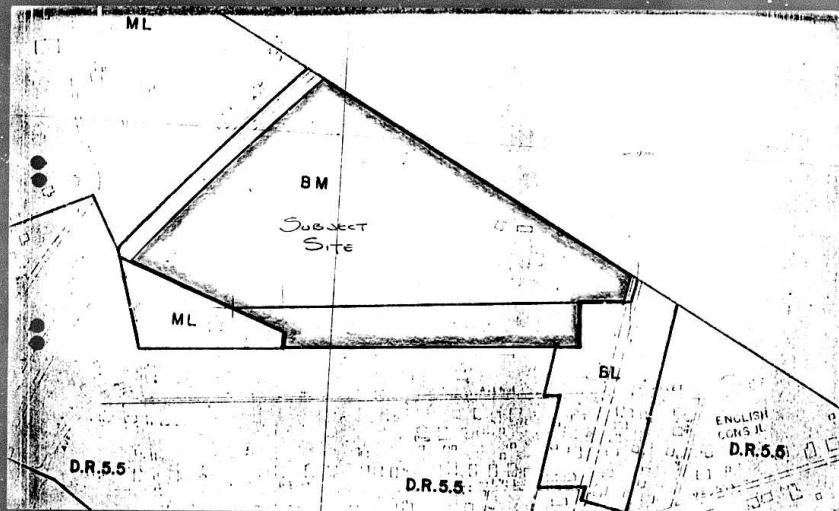


CERTIFICATE OF PUBLICATION

TOWSON, MD. June 2, 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. once a week for one time successive weeks before the 20th day of June, 1977, the time publication appearing on the 2nd day of June, 1977.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$



Not. Public, May
5000 First Maryland Building
15 to Queen Street
Baltimore, Md. 21201

NOTICE OF HEARING

Re: Petition for Special Hearing for Victor Frankel
#77-055-001

TIME: 1:00 P.M.

DATE: Monday, June 20, 1977

PLACE: ROOM 105 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

BALTIMORE, MARYLAND

BALTIMORE COUNTY, MARYLAND

OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: March 31, 1977 ACCOUNT: 01-669

AMOUNT: \$ 25.00 (cash)

RECEIVED FROM: Robert Simpson

FOR: Petition for Special Hearing

1417 Colmar Gardens Drive
Baltimore, Maryland 21211

DATE: 3-31-77

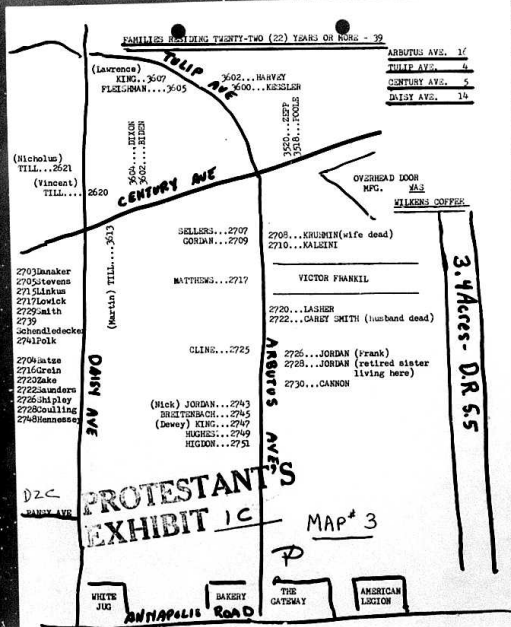
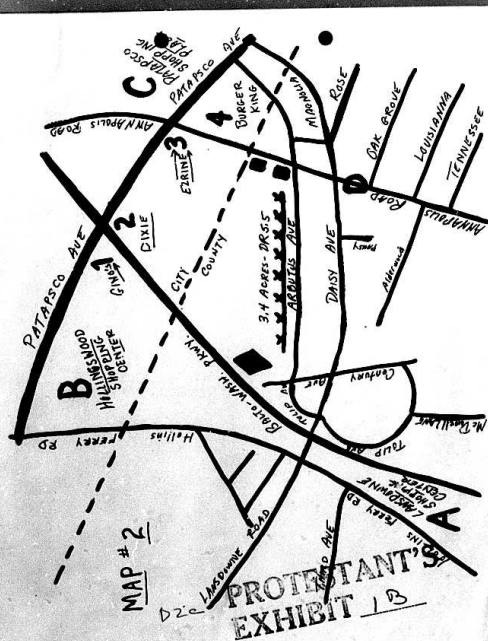
VALIDATION OR SIGNATURE OF CASHIER

COMMISSIONER OF
THE COURT

Alvin H. Hunsicker



PROTESTANT'S
EXHIBIT 1A MAP #1



ANNAPOLIS ROAD
(Anne Arundel County to Baltimore City line)
BUSINESS - LOCAL

1. American Legion Post #195
2. Gateway
3. Bob's Automotive
4. 141 Chap's Bakery
5. Frank's Barber Shop
6. Prelatus Dry Cleaners
7. Rebel's White Jug
8. Scott Tool & Instrument Co.
9. Parkanna Medical Center
10. Levy's Pharmacy
11. Irvine Pharmacy
12. Gladdings Distributors
13. A.A. Ambulance Inc.
14. Dress & Casual Shop
15. Fort Contractors
16. Control House
17. Kure's Liquors
18. Baltimore-American Savings & Loan
19. Will's Barber Shop
20. Fireside Inn
21. Highland Inn
22. House 21 - Mold, Florist, Inc.
23. Pop Shop, Drive In
24. Dave's Automotive
25. Pottee's Groceries
26. Stephanie's Beauty Salon
27. Style Kraft, Upholstering
28. Carpet Castle
29. Residential Mortgage, Inc.
30. Sandpile Ceramics
31. Seven-Eleven 7-11
32. Lucky's
33. Harold's
34. The Pub
35. Hide-Away
36. Ray's Groceries
37. Three Bears Carry Out
38. Countess Beauty Salon
39. House of Style Barber Shop
40. Baltimore Sports Laundry

PROTESTANT'S
EXHIBIT 1B

HOLLINGSWOOD SHOPPING CENTER
(Hollins Ferry and Patapsco Avenue)

1. Fentry Pride
2. Chinese Carry Out
3. Stick's Jewelry
4. Barber Shop
5. Wash & Dry Center
6. Adolph Beauty Salon
7. Clothes Bin
8. Head's Drug Store
9. Hollingswood Shoe Store
10. Shoe Repair
11. Auto Plaza
12. Pizza Shack
13. Household Finance
14. Citizen's Bank
15. Saw-A-Lot
16. Western Auto
17. Gino's
18. Rumble Steak House
19. Shell Station
20. Silver's Bakery
21. H & B Block Income Service

Also on Patapsco Avenue within two blocks:
Seven-Eleven 7-11
Salvation Army Salesroom
Electrical Union Hall
Martin's Cheapeake Room (caterer & restaurant)

PROTESTANT'S EXHIBIT 1B

PROTESTANT'S EXHIBIT 13

1. Taken from Gino's parking lot showing the Baltimore-Washington Parkway and State Manufacturing. Note from map the distance between Annapolis Road and the Parkway.
 2. Taken from the edge of Gino's parking lot and the beginning of Frankl's property on Patapoco Avenue. The fenced area is the parking lot for Gino's. The red circle indicates "Gino's" sign. (Note: the distance between the State property...the Parkway...then Gino's)
 3. Taken from the same spot as picture #2 but looking toward Annapolis Road. This picture shows the total Frankl property that abuts Patapoco Ave. The two red circles show the Burger-King sign and the traffic signal, both on the very corner of Annapolis Rd. and Patapoco Avenue.
 4. Shows my car that is parked on the very edge of Gino's parking lot. Compare this picture with #3 to illustrate the location of Frankl's property to the intersection.
 5. This is the other side of Gino's parking lot facing Annapolis Rd. The one red arrow points to a trailer parked on Frankl's property. The other arrow and circle points to the Burger-King sign directly across Annapolis Rd.
 6. Taken from the parking lot of "Burger-King" looking directly across Annapolis Road to the trailer parked on Frankl's property.
 7. Shows again the entrance to both the Burger-King and Frankl's property directly across from the other. (Note: the buildings behind the Burger-King sign. Burger-Outman's Warehouse plus others)
- COMMENTS: These pictures illustrate a genuine traffic problem if only one additional store was built at this location. Access from Patapoco Avenue is limited because of the traffic signal at the intersection. Access from Annapolis Road will also be difficult because of the traffic already a hazard on Annapolis Road. There are also large trucking companies located on Annapolis Road between Anne Arundel County and Westport in the City. Annapolis Road serves as a major thru-way north and south and Patapoco Avenue east and west. Annapolis Road from Arbutus Avenue to the Anne Arundel County line is a two-lane unimproved road with no sidewalks, curb or gutters. No plans for improvements by the State Road Dept. Two elementary schools are on Annapolis Road and with the Highland Village Apartments (1192 units) traffic is already a problem in the community.
8. This shows some of the homes along Arbutus Avenue. The streets are typical, narrow, unpaved, without sidewalks, no curb and gutters. However the house are well kept, lawns are cared for and many a garden is planted.
 9. This is Arbutus Avenue looking in the opposite direction. The green wooded area is also Victor Frankl's property. This property is located between two homes where both families have resided for over twenty-five years. The Frankl property on Arbutus Ave. also abuts the 3 1/2 acres, now petitioned by Frankl for "off-street" parking in a residential zone. IF THIS REQUEST IS GRANTED IT WILL SET A PRECEDENT and set a pattern that could allow "off-street" parking on this property.
 10. This illustrates the kind of neighbor Frankl has been in the past. This building was burned out when the lumber yard was still there. This combined with the trash, high weeds, tractor trailers over the past years does not make him the kind of tenant you want directly at your back door. (NOTE: ALTHOUGH THE LUMBER YARD WAS IN OPERATION THE ACTIVITY WAS CENTRALIZED MOSTLY IN THE CITY PORTION. THERE HAS NEVER BEEN ANYTHING BUT A WOODS AREA BEHIND THE HOUSES ON ARBUTUS AVENUE.)

PATAPOCO SHOPPING PLAZA (Annapolis Road & Patapoco Avenue)

1. A & P Store
2. A & P District Offices
3. 1st. National Bank
4. Day Fair
5. Radio Shack
6. J & W Beauty Shop
7. Jewelry Store
8. Math & Dry Center
9. Plaza & Juice Carry Out
10. High's
11. Rice's
12. Linor's Store (Package Goods)
13. Provident Savings Bank

(Adjacent Corners)

- Tesco-U Mail It
- Simon's Arcade
- Hess Service Station
- "Burger King"
- Burger-Outman's Warehouse - several other industrial bldgs.
- Karine Tires and State Auto Inspection Station

PROTESTANT'S
EXHIBIT 13

Page two - September 29, 1978 - Messrs. Dyer and Potter

by the Planning Board prior to the November 21 Board of Appeals date assigned.

Thanking you for your attention to this matter, I am

Sincerely yours,

Newton A. Williams

Newton A. Williams

NAM/bl

cc: Mr. Fred W. Ringger, Jr.

Bureau of Engineering

Department of Public Works

County Office Building

Towson, Md. 21204

C. Richard Moore, Asst. Traffic Engineer

Department of Traffic Engineering

Courts Building

Towson, Md. 21204

Mark Pollak, Esquire

Piper & Marbury

2000 First Maryland Building

25 South Charles Street

Baltimore, Md. 21201

Mr. Martin N. Goldsmith

Victor Development Co., Inc.

4417 Colmar Gardens Drive

Baltimore, Md. 21211

Paul Lee, P.E.

Paul Lee Engineering, Inc.

206 Washington Avenue

Towson, Md. 21204

Mark Pollak, Esquire
2000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

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

Your Petition has been received and accepted for filing
this 20th day of June, 1978.

E. Eric DiNenno
Zoning Commissioner

Petitioner: Victor Frankl

Petitioner's Attorney: Mark Pollak, Esquire

cc: MCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Reviewed by: *Mark Pollak*
Nicholas B. Commodari,
Planning & Zoning
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 15, 1977

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Nicholas B. Commodari
Commodari
FRANKLIN & BARNES ASSOCIATES

Chairman

MEMBERS

BUREAU OF

ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF

FIRE PREVENTION

HEALTH DEPARTMENT

BOARD OF EDUCATION

PROJECT PLANNING

BUILDING DEPARTMENT

ZONING ADMINISTRATION

TELETYPE UNIT

Mark Pollak, Esquire
2000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

RE: Special Hearing
Item No. 221
Petitioner - Victor Frankl

Dear Mr. Pollak:

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 Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property, zoned D.R. 5.5 and part of an overall tract of land traversed by the Baltimore County/City Line, is located north of Arbutus Avenue approximately 169 feet west of Old Annapolis Road in the 13th Election District. Adjacent properties to the south are also zoned residential and are improved with single family dwellings, while property to the east and immediately contiguous to the subject site is improved with an American Legion Hall.

This Special Hearing is necessitated by your client's proposal to provide accessory parking for the proposed shopping center/office park to be developed on the over-all tract.

James E. Dyer, Zoning Supervisor and Ray C. Potter, Jr., Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Re: IDCA Filing Covering the Frankl Parcel on the West Side of Old Annapolis Road, 160 Feet North of Arbutus Avenue, 13th District. Pending Use for Parking Permit Case No. 77-255-SPH.

Dear Mr. Dyer and Mr. Potter:

Confirming my telephone conversation with Mr. Dyer of September 28, we are pleased to see that the Zoning Commissioner's Office and the Office of Planning and Zoning have accepted this IDCA Petition covering an existing pending use permit for parking case which has been going on since well prior to the day of the Interim Development Control Act.

The matter was appealed from the Decision of the Deputy Zoning Commissioner on June 30, 1977, and has several times been set for hearing by the County Board of Appeals.

The present Board hearing date assigned is Tuesday, November 21, 1978 at 10:00 a.m. and thus we are hopeful that the Planning Board can consider this matter not later than Thursday, November 16, 1978, if the November 21 Board date is to be maintained.

Of course, since all that is involved is a parking area, there will be absolutely no increased load on water and sewer if this use permit for parking is granted and there will be very little impact on traffic or storm drain.

Immediately upon receipt of the necessary petitions from our clients, this IDCA petition matter was filed, and we will be most appreciative if the matter can be considered

Mark Pollak, Esquire
Page 2
Item No. 221
June 15, 1977

Particular attention should be afforded the comments of the Office of Project and Development Planning as well as those of the State Highway Administration.

Because it was an oversight on my part, I would like to apologize for the delay in receiving these comments and also for any inconvenience it may have caused those involved with this request.

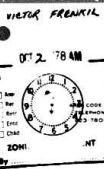
This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

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

NDG:rf

cc: MCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 14, 1977
 FROM: Roman S. Geyer, Acting Director of Planning
 SUBJECT: Petition #77-255-DPH. Petition for Special Hearing for Off-Street Parking in a residential zone.
 West side of Old Annapolis Road 160 feet North of Arbutus Avenue
 Petitioner - Victor Frankel
 13th District

HEARING: Monday, June 20, 1977 (11:00 P.M.)

A landscaping plan was submitted by the petitioner for the easternmost portion of the subject parcel only; the landscaping plan should include the entire D.R. 5.5 zoned parcel of land. Further, if this request is granted, conformance to an acceptable landscaping plan should be a condition specified in the order.

Roman S. Geyer
 Roman S. Geyer
 Acting Director of Planning

NRJ:JGB:rw

Baltimore County
 Office of Planning and Zoning
 TOWSON, MARYLAND 21204
 (301) 486-3281

S. ERIC DINENNA
 ZONING COMMISSIONER

Mrs. Balores O'Connell
 3010 Michigan Avenue
 Baltimore, Maryland 21227

Re: Petition for Special Hearing for Victor Frankel
 W/S of Old Annapolis Road 160 feet N of Arbutus Ave.
 77-255-DPH
 Item #221

Dear Mrs. O'Connell:

Please be advised that an appeal has been filed by Mark Pollak, Esquire, on behalf of the Petitioner, Victor Frankel, 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.

SDW/b
 cc: Mark Pollak, Esq.
 2000 First Maryland Building
 25 South Charles Street
 Baltimore, Md. 21201

John W. Brown, Jr., Esq.
 People's Counsel

S. Eric DiNenna
 S. ERIC DINENNA
 ZONING COMMISSIONER

June 14, 1977

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

May 9, 1977

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

Re: Item #221 (1976-1977)
 Property Owner: Victor Frankel
 169' W. Old Annapolis Rd. 320' N. Arbutus Ave.
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off-street parking in a residential zone.
 Acres: 3.44 District: 13th

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:

The Baltimore County Bureau of Engineering provided comments March 9, 1977 to the Bureau of Public Services in connection with the preliminary plan entitled "Petapoco Village Plaza", dated July 12, 1976 and revised January 21, 1977.

Those comments are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #221 (1976-1977).

Very truly yours,

Donald M. Tucker, P.E.
 DONALD M. TUCKER, P.E.
 Acting Chief, Bureau of Engineering

DMT:RAM:FW:BS

cc: R. Morton

P. Koch

G-SE Key Sheet

16 x 19 SW 5 & 6 Pos. Sheets

SW 5 1 Topo

1/3 Tax Map

Maryland Department of Transportation
 State Highway Administration

Mary H. Hughes
 Secretary
 Raymond M. Evans
 Chief Clerk

April 18, 1977

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Bldg.
 Towson, Md. 21204
 Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, April 12, 1977
 Item: 221
 Property Owner: Victor Frankel
 Location: 169' W Old Annapolis Rd.
 (Sec. 648) 320' N. Arbutus Ave.

Existing Zoning: D.R. 5.5
 Proposed Zoning: Special hearing to permit off street parking in a residential zone.

Acres: 3.44
 District: 13th

Dear Mr. DiNenna:

The proposed entrance from the State Highway Administration section of Old Annapolis Rd., is in an area of critical stopping sight distance. The sight distance is far less than desirable. Considering this and the fact that three other entrances are proposed, it is our opinion that the said entrance is not needed and should be eliminated from the plan.

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

CLJEN:dj

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

May 20, 1977

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

Dear Mr. DiNenna:

Comments on Item 221, Zoning Advisory Committee Meeting, April 12, 1977, are as follows:

Property Owner: Victor Frankel
 Location: 169' W Old Annapolis Road 320' N. Arbutus Avenue
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off street parking in a residential zone
 Acres: 3.44
 District: 13th

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 subject property has been reviewed as a preliminary subdivision; therefore the comments at this time will be directed to the area for parking in a residential zone only.

All lighting in the residential area should be limited to 8 feet in height and directed away from adjacent residential areas.

The "Landscape Plan" as submitted does not include the total area of the parking in a residential zone petition; therefore, a landscape plan must be submitted showing the entire area. The revised plan must clearly show the type of dense screen planting.

Very truly yours,

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

Baltimore County
 Department of Public Engineering
 TOWSON, MARYLAND 21204
 (301) 484-3550

STEPHEN E. COLLINS
 DIRECTOR

May 19, 1977

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

Re: 221 - ZAC - April 12, 1977
 Property Owner: Victor Frankel
 Location: 169' W Old Annapolis Rd. 320' N. Arbutus Ave.
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off street parking in a residential zone.
 Acres: 3.44
 District: 13th

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested parking in a residential zone.

Sincerely,

Michael S. Flanigan
 Michael S. Flanigan
 Associate Traffic Engineer

NSF/31E

Baltimore County
 Department of Health
 TOWSON, MARYLAND 21204

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

April 14, 1977

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

Dear Mr. DiNenna:

Comments on Item #221, Zoning Advisory Committee Meeting, April 12, 1977, are as follows:

Property Owner: Victor Frankel
 Location: 169' W Old Annapolis Rd. 320' N. Arbutus Ave.
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off street parking in a residential zone.
 Acres: 3.44
 District: 13th

If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval prior to construction.

The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution Control, Baltimore County Department of Health.

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

Very truly yours,

Thomas R. Davis
 Thomas R. Davis, Director
 BUREAU OF ENVIRONMENTAL SERVICES

KS:mah

cc: Mr. Leo A. Schuppert
 Mr. William L. Phillips

Baltimore County
 Department of Health
 TOWSON, MARYLAND 21204
 (301) 425-7310

Paul H. Reincke
 CHIEF

Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204
 Attention: Nicholas B. Commodari, Chairman
 Zoning Advisory Committee

Re: Property Owner: Victor Frankel

Location: 169' W Old Annapolis Rd. 320' N. Arbutus Ave.

Item No. 221

Zoning Agenda April 12, 1977

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "R" 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 _____
- (4) The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (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.

Paul H. Reincke
 Paul H. Reincke
 Planning Group
 Special Inspection Division

Thomas R. Davis
 Thomas R. Davis
 Director
 Fire Prevention Bureau

Baltimore County
 Department of Permits and Licenses
 Towson, Maryland 21204
 (301) 484-3815
 JOHN D. SEYFERT
 DIRECTOR
 April 13, 1977
 Mr. S. Eric DiNenna, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204
 Dear Mr. DiNenna:
 Consents on Item # 221 Zoning Advisory Committee Meeting, April 12, 1977
 are as follows:
 Property Owner: Victor Frenkil
 Location: 169 W. Old Annapolis Road - 320' N. Arbutus Ave.
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off street parking in a residential zone.
 Acres: 3.44
 District: 13th
 The items checked below are applicable:
☐ A. Structure shall conform to Baltimore County Building Code (B.O.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,
Mark E. Latham C.B.
 Charles E. Burham
 Plans Review Chief
 (301) 484-3815

BOARD OF EDUCATION
 OF BALTIMORE COUNTY
 TOWSON, MARYLAND 21204
 Date: April 12, 1977
 Mr. S. Eric DiNenna
 Zoning Commissioner
 Baltimore County Office Building
 Towson, Maryland 21204
 Z.A.C. Meeting of: April 12, 1977
 RE: Item No. 221
 Property Owner: Victor Frenkil
 Location: 169 W. Old Annapolis Rd. 320' N. Arbutus Ave.
 Present Zoning: D.R. 5.5
 Proposed Zoning: Special Hearing to permit off street parking in a residential zone.
 District: 13th
 No. Acres: 3.44
 Dear Mr. DiNenna:
 No hearing on student population.
 Very truly yours,
W. Nick Petrovich
 W. Nick Petrovich,
 Field Representative
 Joseph H. McGowan, President
 T. BARBARA HILLMAN, JR., Vice-President
 MARCUS W. BUSTARD
 THOMAS H. BRYAN
 WEN. LORRINE F. CHAPMAN
 ROGER W. HARRISON
 ALVIN LORRELL
 WEL. WILTON W. LUTHE, JR.
 ROBERT W. LUTHE, JR.
 ROBERT W. SUELL, Superintendent

Baltimore County
 Office of Planning and Zoning
 Towson, Maryland 21204
 (301) 484-3815
 S. ERIC DINENNA
 ZONING COMMISSIONER
 December 27, 1978
 Walter A. Reiter, Jr., Esquire
 Chairman, Baltimore County
 Board of Appeals
 Room 219, Courthouse
 Towson, Maryland 21204
 RE: Petition for Special Hearing
 W/S of Old Annapolis Road, 160' N of
 Arbutus Avenue - 13th Election District
 Victor Frenkil - Petitioner
 T.S. 77-255-SPH (Item #221)
 Dear Mr. Reiter:
 Enclosed herewith please find a copy of IDA application for Special Hearing (1204 W. 75-44-22). The application, signed by Mr. Leslie E. Grief, Director of Planning and Secretary to the Baltimore County Planning Board, December 26, 1978, indicates the determination by the Board, December 21, 1978, that the requested Special Hearing does conform to the requirements of Subsection 22-15.1 (P) of the Baltimore County Code, 1965.
 Very truly yours,
Mark E. Latham
 Mark E. Latham
 Zoning Commissioner
 Enclosure
 cc: Mark Pollak, Esquire
 2000 First Maryland Building
 25 South Charles Street
 Baltimore, Maryland 21201
 Newton A. Williams, Esquire
 201 W. Pennsylvania Avenue
 Towson, Maryland 21204
 Mrs. Dolores O'Connell
 3019 Michigan Avenue
 Baltimore, Maryland 21227
 John W. Hessian, III, Esquire
 People's Counsel

SPH - off-street parking in residential zone
 (Sec. 409.4) (3.44 acres)
 CASE NO. 77-255-SPH (Item #221)
 July 11, 1977
 W/S of Old Annapolis Road 160 ft.
 N of Arbutus Ave.
 13th Election District
 Victor Frenkil - Petitioner
 - Baltimore Village Plaza Shopping Center -
 4/12/77 Copy of Petition
 Copy of Description of property
 6/1/77 Copy of Certificate of Publication (Arbutus Time)
 6/9/77 Copy of Certificate of Publication (The Jeffersonian)
 6/9/77 Copy of Certificate of Posting
 6/14/77 Copy of Comments from Planning
 6/15/77 Copy of Order to Enter Appearance John W. Hessian, 3rd People's Counsel
 6/15/77 Copy of Zoning Advisory Committee Comments
 6/30/77 Copy of Deputy Zoning Commissioner's Order - DENIED
 7/13/77 Copy of Letter of Appeal, Mark Pollak, Esq., Counsel for Petitioner
 Copy of Plat
 D.C. Protestants' Ex. 1-A, 1-B, 1-C - MAPS
 Protestants' Exhibit - Pictures - A thru J
 Protestants' Exhibit K - Annapolis Road
 Protestants' Exhibit L - Hollingswood Shopping Center
 Protestants' Exhibit M - Explanation of Pictures
 Protestants' Exhibit N - Landscape Shopping Plaza
 Protestants' Exhibit O - Landscape Shopping Center
 Petitioner's Exhibit #1 - Map
 Petitioner's Exhibit #2 - Plan of Patapago Village Plaza
 Petitioner's Exhibit #3 - Landscape Plan/Patapago Village Plaza
 Counsel for Petitioner
 2 Signs
 Mark Pollak, Esq.
 2000 First Maryland Building
 25 South Charles Street
 Baltimore, Md. 21201
 Mrs. Dolores O'Connell
 3019 Michigan Avenue
 Baltimore, Md. 21227
 John W. Hessian, 3rd
 James K. Byer
 Protest
 People's Counsel
 Request Notification
 SAUL D. DAVIDSON
 2317 SHEPPARD CT. (49) TOWSON, MARYLAND

VICTOR FRENKIL
 No. 77-255-SPH
 W/S Old Annapolis Rd., 160' N
 of Arbutus Avenue
 13th District
 SPH-Off-street parking in a residential zone
 April 12, 1977 Petition filed
 June 30 D.Z.C. DENYING petition
 July 13 Order of Appeal to County Bd. of Appeals
 Aug. 13 1979 Hearing held before H.S. Board
 Dec. 20 Order of the Board REVERSING the D.Z.C.'s Order of June 30, 1977 and requested Petition be GRANTED
 Jan. 9, 1980 Order for Appeal filed in Circuit Ct. by People's Counsel
 Jan. 31 Time for filing extended to Feb. 17, 1980
 Feb. 13 Record of proceedings filed in the Circuit Court
 6 Apr. 29, 1981 Board REVERSED - Judge Walter R. Halle
 May 11 Judge Halle ORDERED, that the Statement of Court and Order herein of April 28, 1981 be and it is hereby vacated and rescinded, subject to the further order of this court. (Signed by Judge Walter R. Halle)
 AWAITING COUNTY COUNCIL ACTION ON JUNE 16, 1981
 Council passed Bill #124-81 TRANSITION ZONES
 EFFECTIVE 7-25-81
 Sept. 24, 1985 Letter from Newton A. Williams, Esq. advising that he had filed a Joint Petition for Restoration of Statement of Court to remove the temporary vacating Order of Court herein, and to restore the Court's Statement of Court and Order of April 28, 1981, which had reversed the Order of the County Board of Appeals, because the subject property has been sold and developed independent of the use permit for parking granted and, therefore, these proceedings are moot.
 61 Aug. 29, 1986 Order for Restoration of Statement of Court and Order of Dismissal signed by Judge Edward A. Delaters.

LAW OFFICES
 NOLAN, FLINCHOFF & WILLIAMS
 CHARTEERS
 204 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204
 (301) 823-7800
 August 1, 1984
 Mr. William T. Hackett, Chairman
 Board of Appeals
 Court House
 Towson, Maryland 21204
 Re: Dismissal in the Frenkil use permit
 for parking case, Case No. 77-255SPH
 Dear Chairman Hackett:
 As I was recently reminded by Mrs. Eisenhart, there is still an open matter pending on this Frenkil case.
 This matter has long since been changed by intervening revisions to the Zoning Regulations regarding use permits for parking in residential zones, and it is no longer a viable case.
 Accordingly, it will be greatly appreciated if the Board will dismiss this pending matter.
 Sincerely,
 Newton A. Williams
 Newton A. Williams
 NAW:ylm
 cc: Mark Pollak, Esquire
 9/3/84 - As representative said 14 Wm. - dismissed this letter -
 As will dismiss in Court Court

LAW OFFICES
 NOLAN, FLINCHOFF & WILLIAMS
 CHARTEERS
 204 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204
 (301) 823-7800
 September 24, 1985
 Mr. Leonard Frenkil
 Mr. Victor Frenkil
 B.C. I. Contractors
 711 South Central Avenue
 Baltimore, Maryland 21202
 Re: Proposed Joint Petition
 for Restoration of Statement
 of Court and Order of Dismissal
 Gentlemen:
 As you will recall, several years ago we represented you with reference to property located in the Baltimore Highlands area at the Baltimore City line with regard to obtaining a use permit for parking in a residential zone.
 It is our understanding that you no longer own the property as set out in said petition, and that it has been fully developed independent of this use permit for parking which was not involved in any way.
 Accordingly, these proceedings are no longer of any value to you, and they are being held open on the dockets of the Court and the Board of Appeals, and the Board is anxious to clear its docket.
 Will you please let us know if you have any objection to the following enclosed Joint Petition for Restoration of Statement of Court and Order of Dismissal for the reasons outlined herein.
 Looking forward to hearing from you with regard to closing out this matter, I am with best regards to all concerned.
 Sincerely,
 Newton A. Williams
 NAW:ylm
 cc: Baltimore County Board of Appeals
 Baltimore County People's Counsel
 Mark Pollak, Esquire

PEOPLE'S COUNSEL FOR
 BALTIMORE COUNTY
 Appellant
 VS.
 VICTOR FRENKIL
 Appellee
 IN THE
 CIRCUIT COURT
 FOR
 BALTIMORE COUNTY
 Misc. Case No. 7013
 Misc. Law Docket 12, Folio 63
 JOINT PETITION FOR RESTORATION OF
 STATEMENT OF COURT AND ORDER OF DISMISSAL
 Victor Frenkil, Appellee, by Mark Pollak and Piper and Marbury and Newton A. Williams and Nolan, Flinchoff and Williams, Chartered, his attorneys, and Phyllis Friedman, People's Counsel and Peter C. Zimmerman, Deputy People's Counsel, jointly petition this Honorable Court to remove the temporary vacating Order of Court herein, and to restore the Court's (Judge Halle's) Statement of Court and Order of April 28, 1981, herein, which Statement and Order of Court reversed the Order of the County Board of Appeals dated April 28, 1981 herein. The grounds of this joint petition are as follows:
 1. That the subject property involved in this matter has been sold, and is no longer in the ownership of Mr. Frenkil.
 2. That the subject property which is involved in this matter has been developed independent of the use permit for parking granted in the above matter.
 3. That insofar as the subject property is concerned,

these proceedings are now moot, and there is no longer a need to adjudicate the matter further.

4. That the appellant Victor Frenkil further says that the foregoing appeal can now be dismissed.

MARK POLLAK

TYPER AND HARBURY
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Newton A. Williams
NEWTON A. WILLIAMS

Nolan Plumbhoff Williams
NOLAN PLUMBHOFF WILLIAMS,
CHARTERED
204 W. Pennsylvania Avenue
Towson, Maryland 21204
494-7800

PHYLIS FRIEDMAN, People's Counsel

PETER C. ZIMMERMAN
Deputy People's Counsel
Court House
Towson, Maryland 21204
494-3188

-2-

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY:

Appellant	:	THE CIRCUIT COURT
VS.	:	FOR
VICTOR FRENKIL	:	BALTIMORE COUNTY
Appellee	:	CASE NO. 7013
	:	Law Docket 12, Folio 63

STATEMENT OF COURT

The County Board of Appeals granted Victor Frenkil's petition for approval of off-street parking on a parcel containing 3.44 acres in a residential zone. On appeal to this Court, the People's Counsel questions the legality of off-street parking in a "residential transition area".

This Court decided that off-street parking in a residential transition area is not in accordance with the zoning law. People's Counsel for Baltimore County v. Joseph L. Radebaugh, et al., Misc. Law Case 6762, Docket 11, Folio 212, decided November 2, 1979. No change in the regulations has occurred since that decision was entered after six months deliberation by Judge Frank E. Cicone. Applying the same rule of law to this case, the decision of the County Board of Appeals should be reversed.

ORDER

Whereupon it is by the Circuit Court for Baltimore County, on this 28th day of April, 1981,

ORDERED that the Order of the County Board of Appeals of Baltimore County under date of December 20, 1979, in Zoning Case 877-255-SPH, be and the same hereby is reversed.

Walter R. Hartz
WALTER R. HARTZ, JUDGE

Copies sent to:

John W. Hession, III, Esquire
Mark Pollak, Esquire
J. Earle Plumbhoff, Esquire
County Board of Appeals
Eugene Creed, Esquire

8/29/81 - This Order entered & case dismissed - Judge R. Hartz.

JAN 7 1981

CLERK'S OFFICE

RE: PETITION FOR SPECIAL HEARING :
W/S Old Annapolis Road, 160' N. :
of Arbutus Avenue :
13th District :
Victor Frenkil, :
Petitioner :
: BALTIMORE COUNTY
: No. 77-255-SPH (Item #221)

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner denying the requested use for parking of a 3.4 acre parcel of land zoned D.R. 5.5 contained within a large tract of 25+ acres zoned B.M. Petitioner proposes to erect a shopping center and office building complex on this tract and the special hearing held on August 23, 1979, addresses only the requested use for parking on the 3.4 acre portion of the entire 25+ acre site.

After consideration of the testimony and exhibits presented at this hearing, the following facts evolved. The balance of the 25+ acre tract except for the 3.4 acre parcel is properly zoned for the proposed use. In effect, all the petitioner has to do with this portion is apply for the necessary permits and commence construction. The 3.4 acre parcel zoned D.R. 5.5 is a rather long thin parcel abutting the rear property lines of the residences along Arbutus Avenue. This parcel has no access to any public street or thoroughfare as it presently exists. This 3.4 acre parcel at present is totally undeveloped.

At first consideration, the proposed use for this parcel, in conjunction with the entire proposal, seems a logical and reasonable use of the parcel in question. However, section 1801.8 of the Baltimore County Zoning Regulations establishes a transition zone of 300' from the nearest residence in which only other residences may be erected in a D.R. 5.5 zoning classification. This transition zone use has been recently upheld by the Circuit Court in the case of Radebaugh vs. Baltimore County Board of Appeals No. 6762. Testimony from expert engineers indicated that as a matter of fact some homes could be

Victor Frenkil
Case No. 77-255-SPH (Item #221)

erected on this parcel. However, because of the configuration of the parcel and the fact that it has no apparent access to any public street, this use is rendered somewhat impractical. In addition, some consideration should be given to the fact that any residences erected on this narrow parcel would directly abut the B.M. zoning of the larger parcel and this certainly could not be considered an ideal situation. Under Section 307 of the Baltimore County Zoning Regulations, the Board is empowered to grant variances from off-street parking regulations where compliance would result in practical difficulty or unreasonable hardship. Section 409.4 authorizes the issuance of a permit for the use of land in a residential zone for parking areas subject to requirements a thru h under this section. Petitioner's proposal is to erect a 4' high berm with a dense planting atop this berm to screen the parking area seems to provide a proper buffer between the existing residences and the commercial use proposed on the major area. It should also be noted that the nearest residence is 125' from the property line and the autos using the parking area would be some further distance away behind this berm buffer. Under the provisions provided in Section 307 of the Baltimore County Zoning Regulations, the Board is of the opinion that to attempt to develop this parcel residentially, does indeed pose practical difficulty. All provisions of Section 409.4, a thru h, are clearly complied with in petitioner's proposal, and considering these two sections together, the Board is of the opinion that the requested use meets necessary Baltimore County Zoning Regulations and should be granted and will order the Deputy Zoning Commissioner's Order reversed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day of December, 1979, by the County Board of Appeals, ORDERED that the Deputy Zoning Commissioner's Order of June 30, 1977, be REVERSED and the requested Petition be granted and all requirements of Section 409.4 must be complied with.

Victor Frenkil
Case No. 77-255-SPH (Item #221)

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

William T. Hackett
William T. Hackett, Acting Chairman
LeRoy B. Spurrier
LeRoy B. Spurrier
Patricia Millhouser
Patricia Millhouser

RE: PETITION FOR SPECIAL HEARING	:	IN THE
W/S Old Annapolis Road, 160' N	:	CIRCUIT COURT
of Arbutus Avenue	:	
13th District	:	FOR
Victor Frenkil,	:	BALTIMORE COUNTY
Petitioner	:	
File No. 77-255-SPH	:	AT LAW
John W. Hession, III, Esq.	:	Misc. Docket No. 12
People's Counsel	:	Folio No. 63
Appellant	:	File No. 7013

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Millhouser, and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Mark Pollak, Esq., 2000 First Maryland Bldg., 25 S. Charles Street, Baltimore, Maryland 21201, Counsel for Petitioner; Newton A. Williams, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Co-counsel for Petitioner; Mrs. Dolores O'Connell, 3019 Michigan Avenue, Baltimore, Maryland 21227, Protestor; John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Saul D. Davidson, 2217 Shefflin Court, Baltimore, Maryland 21209, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

John Holman
John Holman
County Board of Appeals of Baltimore County
Rm. 219-Court House, Towson, Maryland 21204
Telephone 494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 11, 1980

Mark Pollak, Esq.
2000 First Maryland Bldg.
25 S. Charles St.
Baltimore, Md. 21201

Dear Mr. Pollak:

Re: Case No. 77-255-SPH
Victor Frenkil

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

John Holman
John Holman, Secretary

Encl.

cc: Newton A. Williams, Esq.
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
Mr. William Hammond
Mr. J. E. Dyer
Mr. John D. Seyffert

Victor Frenkil
Case No. 77-255-SPH

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Mark Pollak, Esq., 2000 First Maryland Bldg., 25 S. Charles Street, Baltimore, Maryland 21201, Counsel for Petitioner; Newton A. Williams, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Co-counsel for Petitioner; Mrs. Dolores O'Connell, 3019 Michigan Avenue, Baltimore, Maryland 21227, Protestants; John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Saul D. Davidson, 2217 Shefflin Court, Baltimore, Maryland 21209, on this 17th day of January, 1980.

John W. Hession, III
County Board of Appeals of Baltimore County

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : IN THE
Appellant : CIRCUIT COURT
vs. : FOR
VICTOR FRENKIL : BALTIMORE COUNTY
Appellee : Misc. Case No. 7013
Misc. Law Docket 12, Folio 63

ORDER FOR RESTORATION OF
STATEMENT OF COURT AND ORDER OF DISMISSAL

UPON the foregoing Joint Petition For Restoration of Statement Of Court And Order of Dismissal, it is this ____ day of _____, 1985, by the Circuit Court for Baltimore County,

ORDERED that the Statement of Court and Order of April 28, 1981, is hereby restored, and that the appeal of the appellant Victor Frenkil is hereby dismissed, with costs to the appellant.

Judge

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
A WILLIAMS, CHARTERED

RE: PETITION FOR SPECIAL HEARING
W/S of Old Annapolis Road, 160' N of
Arbutus Avenue, 13th District
VICTOR FRENKIL, Petitioner
No. 77-255-SPH
(Item No. 221)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

REQUEST FOR ENTERING
APPEAL

Dear Mr. DiHenna:

Please enter an appeal from the Decision of the Deputy Zoning Commissioner in the above referenced case to the County Board of Appeals, on behalf of the Petitioner, Victor Frenkil, Marylander Apartments, Baltimore, Maryland 21218.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 1977, a copy of the foregoing Request for Entering Appeal was mailed, postage prepaid, to John W. Hession, III, People's Counsel and Charles E. Kountz, Jr., Deputy People's Counsel, County Office Building, Towson, Maryland 21204, and to Mrs. Dolores O'Connell, 3019 Michigan Avenue, Baltimore, Maryland 21227.

Mark Pollak
Mark Pollak

Baltimore County Zoning Regulations concerning residential transition areas, including the allowance of various uses, whether as a matter of right, by special exception or by use permit for parking in residential transition areas.

4. That the County Council and its special legislative counsel, Thomas Peddicord, Esquire, are presently at work on remedial legislation, including a validation or "grandfather" clause for all uses as a matter of right, by special exception and by use permit for parking, as in the present case at bar, granted between the passage of Bill 160 in 1970 and any new legislation to be passed.

5. Accordingly, since this Court has decided the instant case based upon a residential transition area bar, and that such bar, if it does exist, will likely be subsequently removed as a part of remedial legislation, Mr. Frenkil, the Appellee, respectfully asks that this Honorable Court temporarily strike the Order of April 28, 1981, in this matter, pending such Council action.

6. That the temporary striking of the Court's Order will not have any adverse effect upon any party hereto, and in fact will save time and expense for the Court, for the Court Reporter, for the Court of Special Appeals and for the People's Counsel and his Staff, since this residential transition area bar will likely be removed by validating legislation, and this case will be there by rendered moot.

7. That the People's Counsel's Office is agreeable to this Court's temporary striking of its Order of April 28, 1981, herein, and has indicated such consent by signature of this motion.

8. That counsel herein will keep the Court advised as to the status of the remedial Council legislation.

Mark Pollak
MARK POLLAK

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
825-7000

May 14, 1981

John W. Hession, III, Esquire,
People's Counsel and
Peter Max Zimmerman, Esquire,
Deputy People's Counsel
Baltimore County Office Building
Towson, Maryland 21204

Re: People's Counsel v. Frenkil
Circuit Court for Baltimore County,
Case No. 7013, Law Docket 12, Folio 63,
Temporary Order Vacating Order of Court
Dated April 28, 1981.

Dear Mr. Hession and Mr. Zimmerman:

We are pleased to be able to tell everyone concerned with this matter that on May 11, 1981, Judge Hille signed the enclosed Appellee's Motion For Temporarily Vacating the Order of Court Pending Legislative Action by the Baltimore County Council, and a true text copy for all concerned is enclosed, as you requested.

You will note that the only change made by Judge Hille was to add the phrase "subject to the further Order of this Court".

With regard to the transitional zone Bill, Bill 74-81, introduced before the Council on May 4th, Council Chairman Wickernell and Special Legislative Counsel, Thomas Peddicord, Esquire have indicated that the Bill, with certain housekeeping and possibly substantive amendments will be reintroduced on May 18, this coming Monday. The Bill will be worked on at the Council's regular work session on the following Tuesday, May 26, and further Council action is expected in June, either June 1st or June 15th. We will continue to keep your office informed in this matter, of course. With best regards, I am

Sincerely,
Newton A. Williams
Newton A. Williams

NAW/hl
cc: Mark Pollak, Esq. (Enc.)

Mr. Leonard Frenkil

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, : IN THE
Appellant : CIRCUIT COURT
vs. : FOR
VICTOR FRENKIL, : BALTIMORE COUNTY
Appellee : Case No. 7013
Law Docket 12, Folio 63

ORDER

Upon the foregoing Appellee's Motion For Temporarily Vacating Order Of Court Pending Legislative Action by The Baltimore County Council and pursuant to Maryland Rule of Procedure 625, it is this 14th day of May, 1981, by the Circuit Court for Baltimore County

ORDERED, that the Statement of Court and Order herein of April 28, 1981 be and it is hereby vacated and rescinded, subject to the facts of this case.

JUDGE

Walter A. Wain

True Copy For
ELMER H. KAYLOR, JR., Clerk
By *Ernest Hill*
Assistant Clerk

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM A. HESSIAN, JR.
THOMAS H. PEDDICORD, JR.
WILLIAM A. ENGLEHART, JR.
ROBERT C. HANLEY, JR.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

TELEPHONE
101-823-1800

May 25, 1983

The Honorable Walter R. Haile
Judge, Circuit Court for
Baltimore County
Courts Building
Towson, Maryland 21204

Re: Requested Reinstatement of Statement of Court and
Order of April 28, 1981, in People's Counsel For
Baltimore County vs. Victor Frenkil, Misc. Case
No. 7013, Misc. Docket 12, Folio 63

Dear Judge Haile:

As Your Honor will recall, you decided the above-entitled matter
by your Statement of Court and Order dated April 28, 1981, a copy of which
is enclosed to aid you.

Pending legislative action during the spring and summer of 1981,
Your Honor very kindly signed a temporary Order dated May 11, 1981, a copy
of which is enclosed, temporarily vacating the earlier Statement and Order
pursuant to Maryland Rule 625.

Regrettably, since Your Honor's action, the County Council has
twice legislated in the area of residential transition zones, namely by
Bill 124-81 enacted July 6, 1981, and then again in Bill 109-82 enacted
June 21, 1982.

The net result of these two bills is that they render the Opinion
and Order of the County Board of Appeals in Case No. 77-259-SM dated
December 20, 1979, moot, and they also render Your Honor's decision of
April 28, 1981, applicable only to the former Baltimore County Zoning
Regulations, and not to the present state of the law.

Hence, we would respectfully request that the Court vacate its
temporary Order and reinstate the Statement of Court and Order dated April 28,
1981.

By a carbon copy of this letter directed to all other counsel, we
are informing them of this proposed reinstatement.

The Honorable Walter R. Haile
Judge, Circuit Court
Baltimore County
May 25, 1983
Page Two

This action will allow Your Honor to clear this file up once and
for all, and we appreciate the Court's attention to this request.

Respectfully,

Newton A. Williams

NW:wp

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

Mark Pollak, Esquire

Baltimore County Board of Appeals

Mr. R. Stuart Amiger

Mr. Leonard Frenkil

PEOPLES' COUNSEL FOR
BALTIMORE COUNTY

Appellant

vs.

VICTOR FRENKIL

Appellee

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Case No. 7013

Law Docket 12, Folio 63

ORDER

UPON THE foregoing request by counsel for the Appellee, it is,
this day of May, 1983, by the Circuit Court for

Baltimore County

ORDERED, that the Order herein of May 11, 1981, be and it is hereby
vacated and rescinded; and it is further

ORDERED, that the Statement of Court and Order herein of April 28,
1981 be and it is hereby affirmed.

Walter R. Haile, Judge

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
CHARTERED
TOWSON, MD

Mr. Haile:

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM A. HESSIAN, JR.
THOMAS H. PEDDICORD, JR.
WILLIAM A. ENGLEHART, JR.
ROBERT C. HANLEY, JR.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 410
TELEPHONE
823-1800

May 14, 1981



John W. Hessian, III, Esquire,
People's Counsel and
Peter Max Zimmerman, Esquire,
Deputy People's Counsel
Baltimore County Office Building
Towson, Maryland 21204

Re: People's Counsel v. Frenkil
Circuit Court for Baltimore County,
Case No. 7013, Law Docket 12, Folio 63,
Temporary Order Vacating Order of Court
Dated April 28, 1981.

Dear Mr. Hessian and Mr. Zimmerman:

We are pleased to be able to tell everyone concerned
with this matter that on May 11, 1981, Judge Haile signed
the enclosed Appellee's Motion For Temporarily Vacating
Order Of Court Pending Legislative Action by the Baltimore
County Council, and a true "not copy for all concerned is
enclosed, as you requested.

You will note that the only change made by Judge Haile
was to add the phrase "subject to the further Order of
this Court".

With regard to the transitional zone Bill, Bill
74-81, introduced before the Council on May 4th, Council
Chairman Hickensell and Special Legislative Counsel, Thomas
Peddicord, Esquire have indicated that the Bill, with cer-
tain housekeeping and possibly substantive amendments will
be reintroduced on May 18, this coming Monday. The Bill
will be worked on at the Council's regular work session on
the following Tuesday, May 26, and further Council action
is expected in June, either June 1st or June 15th. We will
continue to keep your office informed in this matter, of
course. With best regards, I am

Sincerely,

Newton A. Williams

NW:hl

cc: Mark Pollak, Esq. (Enc.)

Mr. Leonard Frenkil

awaiting County Council action by June 15-1981
Bill # 124-81 passed. Effective 7/6/81

PEOPLES' COUNSEL FOR
BALTIMORE COUNTY,

Appellant

vs.

VICTOR FRENKIL,

Appellee

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 7013
Law Docket 12, Folio 63

APPELLEE'S MOTION FOR TEMPORARILY VACATING
ORDER OF COURT PENDING LEGISLATIVE ACTION
BY THE BALTIMORE COUNTY COUNCIL

VICTOR FRENKIL, Appellee, by Mark Pollak and Piper and
Marbury and Newton A. Williams and Nolan, Plumhoff and Williams,
Chartered, his attorneys, respectfully moves pursuant to Mary-
land Rule 625 (regarding the revisory power of the Court over
its judgments) for a temporary vacating by the Court of the
Court's Statement of Court and Order of April 28, 1981, reversing
the Order of the County Board of Appeals of December 20, 1979,
in the above entitled matter, pending Baltimore County Council
remedial legislation. The grounds of the motion are as follows:

1. The decision and Order of this Court of April 28,
1981, relies upon the Hadebaugh case (People's Counsel for Balti-
more County v. Joseph L. Hadebaugh, et al., Misc. Law Case 6762,
Misc. Docket 11, folio 112) to the effect that use permits for
parking are not permitted in residential transition areas under
the present Baltimore County Zoning Regulations.

2. That all parties to the case, including the People's
Counsel, agreed at the hearing before the Court that the Board's
Opinion and Order of December 20, 1979, is "fairly debatable" on
the merits, and that the only impediment is the residential
transitional area problem.

3. That on March 31, 1981, the Baltimore County Council
held a public hearing concerning proposed revisions to the

Baltimore County Zoning Regulations concerning residential transi-
tion areas, including the allowance of various uses, whether as a
matter of right, by special exception or by use permit for park-
ing in residential transition areas.

4. That the County Council and its special legislative
counsel, Thomas Peddicord, Esquire, are presently at work on
remedial legislation, including a validation or "grandfather"
clause for all uses as a matter of right, by special exception
and by use permit for parking, as in the present case at bar,
granted between the passage of Bill 100 in 1970 and any new
legislation to be passed.

5. Accordingly, since this Court has decided the instant
case based upon a residential transition area bar, and that such
bar, if it does exist, will likely be subsequently removed as a
part of remedial legislation, Mr. Frenkil, the Appellee, respect-
fully asks that this Honorable Court temporarily strike the Order
of April 28, 1981, in this matter, pending such Council action.

6. That the temporary striking of the Court's Order will
not have any adverse effect upon any party hereto, and in fact
will save time and expense for the Court, for the Court Reporter,
for the Court of Special Appeals and for the People's Counsel and
his Staff, since this residential transition area bar will likely
be removed by validating legislation, and this case will be there-
by rendered moot.

7. That the People's Counsel's Office is agreeable to
this Court's temporary striking of its Order of April 28, 1981,
herein, and has indicated such consent by signature of this
motion.

8. That counsel herein will keep the Court advised as
to the status of the remedial Council legislation.

Mark Pollak
MARK POLLAK

Piper & Marbury
Piper and Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Newton A. Williams
Newton A. Williams

Nolan, Plumhoff & Williams
Nolan, Plumhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

CONSENT TO TEMPORARY ORDER
TO STRIKE COURT'S ORDER OF APRIL 28, 1981

The People's Counsel have reviewed this Motion, and have
no objection to the Court's temporarily striking its Order of
April 28, 1981, herein, and hereby express their assent hereto.

PEOPLES' COUNSEL FOR
BALTIMORE COUNTY

PEOPLES' COUNSEL FOR
BALTIMORE COUNTY,

Appellant

vs.

VICTOR FRENKIL,

Appellee

ORDER

Upon the foregoing Appellee's Motion For Temporarily
Vacating Order Of Court Pending Legislative Action By The Balti-
more County Council and pursuant to Maryland Rule of Procedure 625
it is this 14th day of May, 1981, by the Circuit Court for
Baltimore County

ORDERED, that the Statement of Court and Order herein of
April 28, 1981 be and it is hereby vacated and rescinded, *subject to the further order of this court.*

Walter R. Haile
JUDGE

True Copy Test
ELMER H. KAHLNE, JR., CLERK
By: *Elmer H. Kahlne, Jr.*
Assistant Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING
W/S Old Annapolis Road, 160' N
of Arbutus Avenue
13th District

John W. Hession, III
Peter Max Zimmerman
County Office Bldg. (4)
424-2180

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

VICTOR FRENKIL, Petitioner

E

Mark Pollak
36 S. Charles St.
Bldg. 1d, 21201
Jesse M. Delaney
204 V. Penna Ave.
Baltimore, Md. 21204
833-7700
J. Earle Plimhoff
Nolan, Plimhoff & Williams

COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY

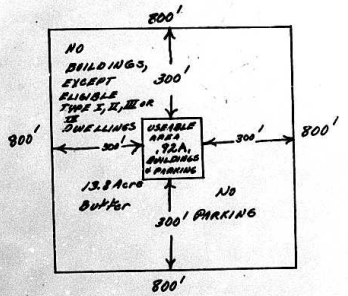
NEWTON A. WILLIAMS

MRS. DOLORES O'CONNELL

MR. SAUL D. DAVIDSON

DATE	CLERK'S MEMORANDUM	NO.
1/11/80	Order for Appeal from decision of County Board of Appeals for Balto. Co. Rd. 1	1
1/11/80	Petition for Appeal Rd.	2
1/11/80	Certificate of Notice by County Board of Appeals of Baltimore County Rd.	3
1/18/80	Pliff's Petition for Extension of Time to File Transcript of Proceedings and Order of Court that the time for filing is Court the Transcript of proceedings before the Board of Appeals is hereby extended until Feb. 17, 1980 Rd. (PSP)	4
2/5/80	Petitioner & Appellee (VICTOR FRENKIL) Answer to Petition on Appeal Rd.	5
2/13/80	Certified copies of PREC 201-80 before the County Commissioner and Board of Appeals of Baltimore and Transcript of Records	6
10/3/80	Memorandum of Law on Behalf of VICTOR FRENKIL, Appellee and Petitioner Rd.	7
10/3/80	Memorandum on behalf of VICTOR FRENKIL, Appellee and Petitioner Rd.	8

TRANSITIONAL ZONES
CHURCHES, PRIVATE SCHOOLS, COMMUNITY
BUILDINGS, FRATERNAL GROUPS, CHARITABLE
GROUPS, HOSPITALS, VOLUNTEER FIRE DEPARTMENTS,
UTILITIES, ETC.
IN BALTIMORE COUNTY
TO SECURE A USABLE ONE (1) ACRE PARCEL,
SUCH GROUPS MUST ACQUIRE 14.7 ACRES



1" = 200'

DATE	CLERK'S MEMORANDUM	NO.
2/3/81	Notice to withdraw the appearance of James D. Nolan & enter the appearance of J. Earle Plimhoff for the Petitioner Victor Frenkil Rd.	9
3/12/81	Hon. Walter R. Haile, Judge of the Circuit Court for Baltimore County, Court Building, Towson, Maryland 21204	10
3/18/81	Re: People's Counsel and Frenkil vs. County Board of Appeals, No. 77-255-SPH (Item #221), Misc. 7013/12/16/3	11
4/29/81	Statement of Court that the Order of County Board of Appeals of Baltimore County under date of December 20, 1979, in Zoning Case #77-255SPH, be and the same hereby is REVERSED, Rd. (NRH)	11

RE: People's Counsel for Baltimore County v. Frenkil, et al.
HEARING DATE: Thursday, March 12, 1981 at 9:30 A.M.
ON THE FOLLOWING: "Special" (1/2 Acre)
UPON READING OF THIS NOTICE: Counsel shall contact each other immediately to confirm whether Claims of non meeting orders will constitute reason for postponement.
POSTPONEMENT: If the above date is not convenient, a request for a postponement MUST BE MADE IN WRITING to the Clerk of the Circuit Court for Baltimore County. If the postponement is granted, a new date will be assigned and a new notice will be sent by the Assignment Office. If the request is not granted, counsel will be contacted by the Assignment Office.
POSTPONEMENT WITHIN 10 DAYS OF TRIAL: ALL REQUESTS FOR POSTPONEMENTS WITHIN 10 DAYS BEFORE TRIAL MUST BE MADE TO THE DIRECTOR OF THE ASSIGNMENT OFFICE, 2ND FLOOR.
ATTORNEYS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.

Law Offices of
NOLAN, PLIMHOFF & WILLIAMS, P.A.
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

J. EARLE PLIMHOFF
NOLAN, PLIMHOFF & WILLIAMS, P.A.
WILLIAM A. WILLIAMS
WILLIAM A. WILLIAMS
WILLIAM A. WILLIAMS
WILLIAM A. WILLIAMS
WILLIAM A. WILLIAMS
WILLIAM A. WILLIAMS

March 13, 1981



The Hon. Walter R. Haile
Judge of the Circuit Court
for Baltimore County
County Building
Towson, Maryland 21204

Re: People's Counsel and Frenkil vs. County
Board of Appeals
No. 77-255-SPH (Item #221), Misc. 7013/12/16/3

Dear Judge Haile:

Mr. Pollak and I appreciate having had the opportunity of arguing this important transitional zone issue fully before Your Honor on March 12.

Since Mr. Hession the People's Counsel has conceded on the record that the matter before the Board was fairly debatable, there is no need for the Court to concern itself with the shorter of the two Memoranda filed on behalf of Mr. Frenkil in October of 1980.

As we told Your Honor, we have no wish (unless the Court would wish us to do so) to file further supplemental memoranda, but we would respectfully ask Your Honor, with Mr. Hession's concurrence, to include the enclosed transitional zone exhibit as a part of the Memoranda and official record in the case. This transitional zone exhibit is substantially that which was utilized at a major scale in the courtroom and is self explanatory when considered against the background of this case.

Thanking the Court for its attention to this matter and ready to supply the Court with any additional information, I am, for both my co-counsel, myself and our firm,

Respectfully,

Newton A. Williams
Newton A. Williams

RECEIVED BALTIMORE COUNTY CIRCUIT COURT MAR 16 1981

RE: PETITION FOR SPECIAL HEARING : IN THE
W/S Old Annapolis Road, 160' N : CIRCUIT COURT
of Arbutus Avenue, 13th District :
Victor Frenkil, Petitioner : FOR
Zoning Case No. 77-255-SPH : BALTIMORE COUNTY
: AT LAW
: Misc. No. 7013
: Misc. Docket 12, Folio 63



MEMORANDUM OF LAW
ON BEHALF OF VICTOR FRENKIL,
APPELLEE AND PETITIONER

Victor Frenkil, Appellee and Petitioner, by Mark Pollak and Piper and Marbury and James D. Nolan and Nolan, Plimhoff and Williams, his attorneys, hereby respectfully submits for the Court's consideration this Memorandum of Law.

STATEMENT OF THE CASE

Both a related case (the "Radebaugh Case", Circuit Court for Baltimore County, Misc. No. 6762, Misc. Docket 11, folio 212) and Petitioner's case (the "Frenkil Case") involve applications by Baltimore County property owners for use permits for parking in a residential zone pursuant to Section 409.4 of the Baltimore County Zoning Regulations.

The Radebaugh request was granted by the Board of Appeals in its Opinion and Order of January 31, 1979, was appealed to this Court by the Radebaughs, and was subsequently denied by Judge Ciccone in his Opinion and Order of November 2, 1979. It has since been appealed to the Court of Special Appeals, but a joint Motion to Stay has been filed by counsel for the Radebaughs and the Special People's Counsel, Gary C. Duvall, Esquire.

The Frenkil petition was heard by the Board of Appeals on August 23, 1979 and the use permit was granted by the Board's Opinion and Order of December 20, 1979, from which the People's Counsel,

cc: John W. Hession, III, Esquire
People's Counsel
and
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Baltimore County Office Building

Mark Pollak, Esquire
Piper and Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

Mr. Leonard Frenkil
Victor Development Company
11th Floor, The Belvedere
1 East Chase Street
Baltimore, Maryland 21202

Richard L. Smith, P.E.
Kiddo Consultants
1020 Cromwell Bridge Road
Towson, Maryland 21204

Messrs. Hession and Zimmerman have taken this appeal. The issue of the legality of use permits for parking in so-called "transitional areas" in Baltimore County D.R. zones is the sole issue raised by the People's Counsel in the Frenkil Case, which issue and other issues were resolved in favor of the Petitioner Mr. Frenkil by the Board. In the Frenkil Case it was stipulated that the 3.44-acre parcel at issue is in a "residential transition area."

STATEMENT OF FACTS

Although the facts are not in dispute in the Frenkil Case, it is nevertheless helpful to briefly sketch them for background reference in considering the legal issues and arguments involved.

For a number of years Mr. Frenkil has owned a 25.34-acre site on the southwest corner of Annapolis Road and Patapsco Avenue which lies partly in Baltimore County and partly in Baltimore City. The Baltimore City portion consists of 17.1 acres zoned B-3-J, roughly comparable to the intermediate Baltimore County commercial zone of B.M. The remaining Baltimore County portion comprises 18.24 acres, which is primarily zoned B.M., with 3.44 acres in a D.R. 5.5 zone and a fractional part of an acre in an M.L. zone. The only part of the entire tract involved in this use permit for parking case is the 3.44 acres on the south side of the tract.

The 3.44 acres, hereinafter called "the use permit area", is approximately one hundred forty (140) feet in width on a north/south axis and approximately nine hundred ninety-four (994) feet in length on an east/west axis. See Plat, Petitioner's Exhibit 1. This part of the property adjoins the rear of certain developed and undeveloped lots along the north side of Arbutus Avenue, a block long D.R. 5.5 residential street on the west side of Old Annapolis Road. Certain of the Arbutus Avenue residents appeared and testified before the Board in opposition

to the requested use permit for parking.

The property owner proposes to develop the City and County owned portions of the property as an intermediate sized neighborhood shopping center, including a junior department store, a food market, a drug store and related retail and service shops all as Phase I of the project, essentially along the extensive Old Annapolis Road part of the property. Phase II of the project involves the development of office buildings on the more westerly part of the Baltimore County portion.

Pursuant to the Section 409.4 notes 1. to 6. on the Site Plan, Petitioner's Exhibit 1, the 3.44 acre would be used for automobile parking only by patrons and employees on the site, and it is to be screened and insulated by a four (4) foot berm with screen planting on top along the entire southern boundary of the property bordering the improved and unimproved lots along the north side of Arbutus Avenue. The Board commented on these elaborate screening devices, and, in fact, they represent the most extensive and expensive screening and buffering measures of any use permit case in which counsel for the Petitioner have ever been involved. These measures are incorporated as a part of the Board's Order of December 20, 1979.

No adverse comment of any sort or objection on a factual basis to these screening measures is contained in the People's Counsel's Petition on Appeal. Rather, the sole objection in this case on the part of the People's Counsel is the legality of such use permits for parking in a transitional zone. For the reasons set out hereinafter the Petitioner and all his counsel are positive that such uses are permitted in D.R. transitional zones, and, hence, the Board's Opinion and Order of December 20, 1977, should be sustained by the Court.

-3-

QUESTION PRESENTED

Is a use permit for parking in a residential zone obtained pursuant to Section 409.4 of the Baltimore County Zoning Regulations, a permitted use in "residential transition areas" in D.R. zones, which transition areas are created by Section 1801.1.B.1, hereinafter called the "Section", of the Zoning Regulations?

ARGUMENT

Both the D.R. (Density Residential) zones and the "transitional areas" in such D.R. zones have a common origin: Bill No. 100, enacted in 1970, which authorized substitution of the D.R. zones for the older 1955-based "R" zones on the 1971 comprehensive zoning maps.

As the Court will recall, the older "R" zones dictated both the density as well as the housing type for each zoning district, i.e., in the old R-6 zone, for example, in addition to individual homes, Section 209.2 of the 1969 Baltimore County Zoning Regulations (which basically represented a refinement of the 1955 Regulations) permitted two-family dwellings, as defined in Section 101. However, Bill 100, adopted by the Council in 1970, introduced the concept of clustered development of different housing types in all the D.R. zones, subject however to certain buffer area requirements designed to insure an appropriate transition between new homes to be constructed in the D.R. zones and existing residential communities.

Even a quick glance at the Section, and the two tables incorporated therein, reveals that it is addressed solely to housing types and their spatial relation to other existing housing types. This Subsection does not address itself to other non-residential, institutional or utility uses at all, nor does it cover special exceptions in D.R. zones or use permits for parking in residential

-4-

zones. The absence of intent to exclude non-residential uses is highlighted by Section 1801.1.C. That Section deals with uses permitted by special exception in D.R. zones and it specifically provides: "The following uses, only, are permitted by special exception in all D.R. zones." (Emphasis supplied). There is no exclusion of transitional areas.

Similarly, Section 409.4 of the Zoning Regulations provides an unlimited right to such permits in residential zones:

"Upon application the Zoning Commissioner may issue a use permit for the use of land in a residential zone for parking areas to meet the requirements of the foregoing schedule, subject to the following conditions."

From 1971 to 1978, the Zoning Commissioner, the Office of Planning and Zoning, the Board of Appeals and all other Baltimore County agencies concerned, interpreted the transition area rules as simply specifying the relationships of different housing types and not in any way as a limitation on the placement of either special exceptions or use permits for parking. Gradually in 1978 and 1979, the Zoning Commissioner and his staff took a more restrictive, and highly inconsistent view of the interpretation of these rules, a view which we believe does not have a lawful basis in the Regulations. This change in interpretation took place despite the absence of any change by the County Council in the applicable law that would suggest that the early position was incorrect.

In fact, from 1971 to 1978/79, numerous special exceptions and use permits for parking were granted, with the majority being in whole or in part in residential transition areas of D.R. zones. Furthermore, numerous other non-residential uses such as churches, schools, utilities and other uses permitted as a matter of right in all D.R. zones were built and are being used in numerous D.R. zones within transition areas. To ignore this experience would create both chaos and mistrust. However, there is a strong precedent

-5-

outside the actual experience, to suggest that the "new" policy adopted by the Zoning Commissioner and the Office of Planning and Zoning is neither correct in law nor good planning.

Section 1801.1.B.1 of the Zoning Regulations defines the residential transition areas and notes the restriction on types of residential uses only. It does not address non-residential, institutional or utility uses at all. Logically, this is consistent with the framework established in Bill 100 for replacing traditional setback requirements in all residential zones with a system which allows, as a matter of right, clustering of units throughout a parcel. However, clustering can create problems.

For example, a 50-acre parcel zoned D.R. 1 can be developed, absent protection, to create 50 apartment units immediately adjacent to an existing house. It is to avoid such awkward results in areas which face or connect with older patterns of development that transition controls were deemed to be necessary. As a result, it is only in residential transition areas that minimum setbacks, yards and widths are maintained, as protection for the existing older housing units of whatever type from incompatible neighboring new housing of different types.

However, such protections are unnecessary where there are other forms of control available to public agencies, such as the controls left to the Zoning Commissioner or the Board of Appeals in reviewing and granting special exceptions or special parking permits controlled by §409.4. In each such instance, there is no need for explicit setback requirements since conditions can be imposed on the grant of the permit or exception.

The current interpretation by the County can only be justified if there is found an express intent in Bill 100 -

(a) to eliminate all non-residential uses and special exceptions on small lots and tracts; and

-6-

(b) to eliminate all institutional and utility uses on small lots and tracts.

Moreover, there must be an explicit finding that dwellings are incompatible with any other use, unless protected by 300-foot buffers, aside from the unreasonableness of such a result.

There is no such intent to be found in Bill 100. We believe it is fair to conclude that non-residential uses are not discussed on any chart made a part of the transitional area format simply because -

(c) they were not perceived to be a threat; and

(d) separate provisions of the Zoning Regulations would create unreasonable results if the residential transition areas regulations were read to exclude non-residential uses.

1. A great number of the churches in Baltimore County could not meet these requirements. New houses of worship could only be built on large tracts which could provide for the 300-foot buffer area, and existing churches would become nonconforming uses which could not be rebuilt if they were destroyed to an extent of 75% of their replacement value (See §100).

2. Above-ground power or telephone lines and underground cables, conduits, and sewers, not accessory to the houses in a residential area, could not pass through those areas as that would involve passing through the transition area.

3. Hospitals, already specifically circumscribed by §407, would be further hampered in expanding their facilities or replacing old structures that were 75% destroyed by casualty.

4. Schools, both public and private, would similarly have to be placed on large tracts, and many existing schools could not be expanded or rebuilt.

5. Signs in new developments, otherwise allowable, could not be placed within 300 feet of existing dwellings, although

-7-

there is no apparent reason for this added restriction above the ones already in §413.

6. New dwellings that happened to fall in transition areas could not have wireless antennas, could not be used for otherwise permissible home occupations and could not be used as doctors' or professionals' offices, all for no apparent distinguishing reason.

7. Similar hardships would befall all uses allowable as special exceptions - boarding houses, boardwalks, convalescent homes, community buildings, Community Care Centers which were specifically provided for by Bill 91-74, funeral establishments, private colleges and trade schools, and volunteer fire houses - all of which are useful additions to a community - would have to be built on large tracts. Existing facilities could not expand within 300 feet of a dwelling, nor could they be rebuilt, under §104, if they were 75% destroyed.

The above anomalies follow from a too-restrictive reading of §1801.1.B.1.a.2.b, and an intent to achieve abnormal or unreasonable results should never be presumed in interpreting legislation. This is especially true in the absence of clear language expressing any intent to produce such results.

In fact, the history of the interpretation of the amended zoning regulations and their implementation give further support to our contention that the legislative intent was quite the opposite of this too-restrictive approach. Since 1970, non-residential uses have routinely been allowed in residential transitional areas. During this time, the County Council has never objected to this interpretation, although it has reconsidered other aspects of the "cluster development" scheme. (See, for example, Baltimore County Council Resolution 5-78, February 21, 1979). Courts, when they have interpreted statutes, have always taken this as persuasive evidence that the existing

-8-

interpretation is in conformity with the legislative intent. As the Court said in Jackson Marine Sales, Inc. v. State Dept. of Assessments and Taxation, 32 Md. App. 213, 217 (1976):

"It is sufficient that the agency interpretation existed seven years . . . and during that time no change was forthcoming from the Legislature. . . . The acquiescence by the Legislature is indicative that its intent is being carried out. . . ."

The Court of Appeals, as a standard matter of administrative law, has said that when the Legislature, over a prolonged period, does not see fit to interfere with the construction one of its statutes is given by an administrative body, that "[t]his contemporaneous construction, long continued under such circumstances, has the force of law." Popham v. Conservation Commission, 186 Md. 62, 71 (1945). In addition, the Court has held that such "continued and unvarying construction applied by administrative officials, particularly such construction applied soon after enactment of a statute. . . should not be disregarded except for the strongest and most cogent reasons." Farber's Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md. 44 (1971).

Although these holdings dealt with the weight a court should give past administrative interpretations, surely it is no less important that the administrative body adhere to its own continuing rulings on a piece of legislation unless such practice violates the legislation or if there are "strong and cogent reasons." Here, as we have already shown, the legislation in question is no express prohibition against the validity of the prior interpretation, and it is logical that the earlier interpretation is indeed the correct one, particularly since it was adopted immediately after the passage of Bill 100, continued without objection or eight or so years, and, finally, as it has never been altered by the Council legislatively, as could easily have been done.

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In sum, §1801.1.B.1. dealing with residential transition areas should not be interpreted so as to exclude special exceptions, including special parking permits under §409.4 which do not involve any principal buildings. Such a broadly exclusive interpretation results in hardships and illogical conclusions that cannot be viewed as part of the legislative intent. The best available indication of the legislative intent is the fact that, for eight years, the County Council has had the opportunity to amend the zoning ordinances so as to revise the policy with regard to non-residential uses in transition areas as implemented, yet it allowed the permissive and correct interpretation to stand. In the face of this tacit approval of long-standing policy, we suggest that it is arbitrary to reserve direction without legislative action. This is especially the case with parking areas for which there are already detailed regulations which were repealed neither explicitly nor by implication with passage of Bill 100.

We refer the Court as well to the case of Deen v. Balto. Gas & Electric, 240 Md. 317 (1965), which illustrates the need harmoniously to interpret two potentially conflicting sections of the zoning regulations. In that case, certain protestants objected to the grant of a special exception to BGE to permit above-ground high voltage transmission lines. They argued, in part, that the requirement in Section 243.4 of the Zoning Regulations for a 125-foot buffer between the boundary line of a residential district and any "building or other structure" in the M.L. zone, precluded above ground lines in that buffer area. In order to avoid such an anomalous and illogical result, the Court determined that the reference in §243.4 referred only to manufacturing buildings or structures.

In a like fashion, the restrictions on uses in the residential transition area provisions should be interpreted to mean

-10-

that the limitations are with regard to residential uses only, and do not preclude the presence or grant of accessory uses, special exceptions or special permits within residential transition areas.

The Court's attention is also directed to the case of Coppolino v. County Bd. of Appeals, 23 Md. App. 358 (1974), in which the landowner argued that the rezoning of his property by the 1971 comprehensive maps was confiscatory. Although aware of the landowner's claim that his use of his property was restricted because "much of the subject property falls within a residential transition area," 23 Md. App. at 371, n.8, the Court nonetheless assumed that special exception uses were available to the landowner. 23 Md. App. at 371, n.9 and text.

More compelling evidence is the case of Anderson v. Sewyer, 23 Md. App. 612 (1974), in which a special exception for a funeral home was upheld, despite direct evidence that the property was within a residential transition area. See, for example, the map on page 627 showing adjoining dwelling houses, yet note the acknowledgment at page 615 that all requirements were met by the application.

By direct inference, the granting and subsequent upholding of the special exception for a funeral home in Anderson, supra, immediately next to individual residences in Dundalk, is a vindication of our interpretation of the Regulations concerning residential transition areas. In contrast, the position taken by the Office of Planning and Zoning, if credited with legitimacy, will create chaos as to numerous uses, structures and work done in the County since 1971, and it will require curative and amendment legislation by the County Council to restore the common sense interpretation of the Regulations which prevailed from 1971 to 1978/79. The correct course, based upon the language of the

-11-

Regulations, their history as applied and the result to be achieved, is to limit Section 1801.B. to what the section itself addresses, namely new housing types in relation to existing housing types.

CONCLUSION

For the reasons set out in this Memorandum of Law we respectfully submit that the Court should (i) uphold the interpretation of the Regulations concerning residential transition zones which prevailed from 1971 to 1978, and (ii) affirm the availability of use permits for parking pursuant to Section 409.4 of the Regulations in residential transition areas.

15/
MARK POLLAR

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(301) 539-2530

15/
JAMES D. NOLAN

15/
NOLAN, FLUNHOFF & WILLYANS
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

CERTIFICATION

I hereby certify that on this 3rd day of October, 1980, a copy of the foregoing Memorandum of Law was mailed to: John W. Hessian, III, Esquire, People's Counsel and Peter Max Zimmerman, Esquire, Deputy People's Counsel, County Office Building, Towson, Maryland 21204.

15/

-12-

EXHIBIT A

Hereof clear than 10 feet to any property lines; and does not extend closer to the street on which the lot fronts than the front building line.

c. Automobile-service stations, but only within community garages (see Section 405)

d. Home occupations, as defined in Section 101

e. Office or studio of physicians, dentists, lawyers, architects, engineers, artists, musicians, or similar, if established within the same building as that serving as the professional person's home (the residence) does not occupy more than 25 per cent of the total floor area of such residence; and the professional person does not have two or more other nonresident employees

f. Parking spaces, including accessory garage spaces

g. Offices for the conduct of business incidental to the retail, operation, service, or maintenance of apartment buildings

h. Accessory signs (see Section 413)

B. Dwelling-Type and Other Supplementary Use Restrictions Based on Existing Subdivisions and Development Characteristics. (Bill No. 100, 1970.)

1. Residential Transition Areas and Uses Permitted Therein.

a. Definitions. For the purposes of this article:

1. A residential transition area is any D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 zone or part thereof which lies adjacent to any other residential zone, and which contains within its boundaries a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area.

2. A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein:

[Table on next page.]

2. Thus (see plural noun) in Bill No. 100, 1970.

1801: 2

1801.1.B.1.a.2

Collection Description	Residential Transition Use
Group I use	Accessory detached dwelling; Uses and buildings accessory to the uses and buildings above
Group II use	One-family detached dwelling; Uses and buildings accessory to the uses and buildings above
Group III use	Group housing; Uses and buildings accessory to the uses and buildings above
Group IV use	Group housing; Uses and buildings accessory to the uses and buildings above

b. Restrictions in Residential Transition Areas. In any residential transition area, no use shall be permitted, and only as indicated:

Collection Description	Residential Transition Use
Group I use	Accessory detached dwelling; Uses and buildings accessory to the uses and buildings above
Group II use	One-family detached dwelling; Uses and buildings accessory to the uses and buildings above
Group III use	Group housing; Uses and buildings accessory to the uses and buildings above
Group IV use	Group housing; Uses and buildings accessory to the uses and buildings above

1801: 3

c. The provisions of Sub-subparagraphs a and b of this subparagraph shall not apply to existing developments as described in Subparagraph A.1 of Subsection 1802.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of said subsection.

d. The use and development of land which is classified as D.R. 16 shall not be subject to the provisions of Sub-subparagraphs a and b of this subparagraph if such land was classified as R.A. immediately prior to this article's taking effect (see Section 504). [Bill No. 100, 1970.]

2. Use Regulations in Existing Developments. In existing developments as described in Subparagraph A.1 of Subsection 1802.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Office of Planning and Zoning, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504. [Bill No. 100, 1970.]

3. Use Regulations for Existing Subdivision Tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of Subsection 1802.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulation in effect at the time the tentative approval was granted. [Bill No. 100, 1970.]

C.4 Uses Permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. zones:

1. Boarding or rooming houses
2. Boat yards, including marinas
3. Camps, public or quasi-public, including day camps
4. Conservatories for music or other arts
5. Convalescent homes
6. Community buildings, swimming pools, commercial beaches, golf course, country clubs, or other, similar civic, social, recreational, or educational use
- 6A. Community care center [Bill No. 91-74.]
7. Excavations, controlled (see Section 403)
8. Funeral establishments

3. As set forth in the Baltimore County Planning Board's final report recommending the legislation on which Bill No. 100, 1970 was based, Sub-subparagraphs a and b would have applied to land zoned under any of the D.R. classifications. When the Bill was drafted, however, those sub-subparagraphs were revised so as to be inapplicable to land classified as D.R. 16, and this sub-subparagraph was thus rendered of no effect.

4. All provisions of this paragraph from Bill No. 100, 1970 except as otherwise noted.

5. Thus (singular) in Bill No. 100, 1970.

1801: 4

RE: PETITION FOR SPECIAL
HEARING
W/S OLD ANNAPOLIS ROAD
160' North of Arbutus Avenue
13th District
VICTOR FRENKIL, Petitioner
ZONING CASE NO. 77-255-SPH



MEMORANDUM ON BEHALF OF
VICTOR FRENKIL, APPELLEE
AND PETITIONER

VICTOR FRENKIL, Appellee and Petitioner, by Mark Pollak and
Piper and Marbury and James D. Nolan and Nolan, Plumbhoff and Williams,
his attorneys, hereby respectfully submits for the Court's consideration this
Memorandum addressing the factual issues.

STATEMENT OF THE CASE

Both a related case (the "Radebaugh Case", Circuit Court for
Baltimore County, Misc. No. 6762, Misc. Docket 11, Folio 212) and
Petitioner's Case (the "Frenkil Case") involve applications by Baltimore
County property owners for use permits for parking in a residential zone
pursuant to Section 409.4 of the Baltimore County Zoning Regulations.

The Radebaugh request was granted by the Board of Appeals in its
Opinion and Order of January 31, 1979, was appealed to this Court by the
Radebaughs, and was subsequently denied by Judge Cicame in his Opinion and
Order of November 2, 1979. It has since been appealed to the Court of
Special Appeals, but a Joint Motion to Stay has been filed by counsel for the
Radebaughs and the Special People's Counsel, Gary C. Duval, Esquire.

The Frenkil petition was heard by the Board of Appeals on August 23,
1979 and the use permit was granted by the Board's Opinion and Order of
December 20, 1979 from which the People's Counsel, Messrs. Hessian
and Zimmerman, have taken this appeal.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. No. 7013
Misc. Dkt. 12, Fol. 63

STATEMENT OF FACTS

For a number of years Mr. Frenkil has owned a 25.34 acre site
on the southwest corner of Annapolis Road and Patapsco Avenue which lies
partly in Baltimore County and Partly in Baltimore City. The Baltimore
City portion consists of 17.1 acres zoned B-3-1, roughly comparable to the
intermediate Baltimore County commercial zone of B.M. The remaining
Baltimore County portion comprises 18.24 acres, which is primarily zoned
B.M., with 3.44 acres in a D.R. 5.5 zone and a fractional part of an acre in
an M.L. zone. The only part of the entire tract involved in this use permit
for parking case is the 3.44 acres on the south side of the tract. It was
stipulated that this partial is in a "residential transition area".

The 3.44 acres, hereinafter called "the use permit area", is approxi-
mately one hundred forty (140) feet in width on a north/south axis and approxi-
mately nine hundred ninety-four (994) feet in length on a east/west axis. See
Plat, Petitioner's Exhibit 1. This part of the property adjoins the rear of
certain developed and undeveloped lots along the north side of Arbutus Avenue,
a block long D.R. 5.5 residential street on the west side of Old Annapolis Road.
Certain of the Arbutus Avenue residents appeared and testified before the
Board in opposition to the requested use permit for parking.

The property owner proposes to develop the City and County
portions of the property as an intermediate sized neighborhood shopping center,
including a junior department store, a food market, a drug store and related
retail and service shops all as Phase I of the project, essentially along the
extensive Old Annapolis Road part of the property. Phase II of the project
involves the development of office buildings on the more westerly part of
the Baltimore County portion.

-2-

Pursuant to the Section 409.4 notes 1 to 6 on the Site Plan,

Petitioner's Exhibit 1, the 3.44 acres would be used for automobile parking
only by patrons and employees on the site, and it is to be screened and insula-
ted by a four (4) foot berm with screen planting on top along the entire southern
boundary of the property bordering the improved and unimproved lots along the
north side of Arbutus Avenue. The Board commented on these elaborate screen-
ing devices, and, in fact, they represent the most extensive and expensive
screening and buffering measures of any use permit case in which counsel for
the petitioner have ever been involved. The measures are incorporated as a
part of the Board's Order of December 20, 1979.

For the reasons set out hereinafter, the Board's Opinion and Order of
December 20, 1979, should be sustained by the Court.

QUESTION PRESENTED

Was the Board of Appeals justified in granting Petitioner's
request for parking use permits in a residential transition
zone pursuant to Section 409.4 of the Baltimore County Zon-
ing Regulations?

ARGUMENT

In a zoning appeal case the Court, in its limited function of judicial
review, may not substitute its judgment for that of the Board; and if the evi-
dence supporting the decision of the Board is substantial and renders the
question of its action fairly debatable, the Board must be affirmed. 23 M.L.E.
Zoning and Planning 543. See also Dundalk Holding Co. v. Horn, 266 Md. 280,
283, 292 A.2d 77 (1972); Prince George's County v. Melninger, 264 Md. 148,
152, 285 A.2d 649 (1972); Rohde v. County Board of Appeals, 234 Md. 259, 267,
199 A.2d 1644; Sembly v. County Board of Appeals, 269 Md. 177, 183, 304
A.2d 814 (1973).

-3-

Dundalk Holding Co. v. Horn, supra, involved an appeal from the
granting by the County Board of Appeals for Baltimore County of an applica-
tion for a special exception and off street parking permit in a D.R. 5.5 zone.
The Circuit Court reversed the Board and the Court of Appeals. In turn,
the Circuit Court reversed the Board and the Court of Appeals. In turn,
reversed the Circuit Court. [The property involved is the present Mini-Fluck
Theaters in Pikesville]. After stating the above rule, the Court considered
the Baltimore County Zoning Regulations Sections involved, including
section 409.4, and found that there was substantial evidence to support the
granting of a special permit for off street parking in a residential zone.

24, at 293-94.

It is Petitioner's contention that the decision of the Board granting
the petition was clearly supported by the evidence. The County Board of
Appeals, in its Opinion and Order of December 20, 1979, reversing the Deputy
Zoning Commissioner's Order, and granting the petition, determined first that
although expert engineers had testified that some homes could be built on the
parcel here involved, because of the configuration of the parcel and the fact that
it has no apparent access to any public street, this use is rendered somewhat
impractical. It also indicated that some consideration should be given to the
fact that any residences erected upon this narrow parcel would directly abut
the B.M. zoning of the larger parcel.

The Board further noted that, under §307, it is empowered to grant
variances from off-street parking regulations where compliance would result
in practical difficulty or unreasonable hardship. In addition, §409.4 authorizes
the issuance of a permit for the use of land in a residential zone for parking
areas subject to requirements a - h of the section, all of which have been
complied with in Petitioner-Appellee's proposal.

-4-

Finally, the Board noted that the Appellee's proposal to erect a
four (4) foot berm with a dense planting strip to screen the parking area
provides a proper buffer between the existing residences and the proposed
commercial use, and, further, that the nearest residence is 125 feet from
the property line and the automobiles using the parking area would be some
further distance away behind the berm buffer.

The People's Counsel relies upon the "Radebaugh Case", cited by
the Board of Appeals as upholding the transition zone use. This case, how-
ever, is distinguishable from "Radebaugh". In that that case did not involve
the erection or enlargement of any building for which off-street parking is
required as per the requirements of Baltimore County Zoning Regulation
§409.1. This case, on the other hand, involves required parking spaces con-
tiguous with a proposed shopping center to be erected on land properly zoned
for that purpose, whereas, the Radebaugh's Florist Shop was located entirely
within a D.R. 5.5 zone. That case, therefore, involved an intent to expand
and extend a non-conforming use, while the present case involves a request
under Baltimore County Zoning Regulation 409.4 for business parking in a
residential zone adjoining land properly zoned for business.

CONCLUSION

For all of the foregoing reasons, Petitioner respectfully submits
that the Court should affirm the Order of the County Board of Appeals.

Mark Pollak

Piper and Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201
Telephone: (301) 239-2530

-5-

RECEIVED
BALTIMORE COUNTY
CLERK
JAN 3 2 21 PM '80
COUNTY CLERK
BY: [Signature]

1/3
James D. Nolan
Nolan, Pfirschoff and Williams
204 West Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (301) 823-7800

CERTIFICATION

I HEREBY CERTIFY, that on this 3rd day of October, 1980, a copy of the foregoing Memorandum was mailed to: John W. Hession, III, Esquire, People's Counsel, and Peter Max Zimmerman, Esquire, Deputy People's Counsel, Baltimore County Office Building, Towson, Maryland 21204.

1/5

-6-

RE: PETITION FOR SPECIAL HEARING : IN THE
W/S Old Annapolis Road, 160' N : CIRCUIT COURT
of Arbutus Avenue : FOR
13th District :
Victor Frenkil, : BALTIMORE COUNTY
Petitioner : AT LAW
File No. 77-255-SPH :
John W. Hession, III, Esq. : Misc. Docket No. 12
People's Counsel : Folio No. 63
Appellant : File No. 7013

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 William T. Hackett, Patricia Millhouser and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal 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 the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 77-255-SPH

April 12, 1977 Petition of Victor Frenkil for special hearing for the issuance of a permit to allow the use of land zoned D.R. 5.5 for business or industrial parking benefiting adjoining land zoned B.M. (Business Major) pursuant to the terms of Section 409.4 of the Zoning Regulations of Baltimore County, on property located on the West side of Old Annapolis Road, 160' North of Arbutus Avenue, 13th District - filed

* 12 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 20, 1977, at 1:00 p.m.

June 2 Certificate of Publication in newspaper - filed

Victor Frenkil
File No. 77-255-SPH

2.

June 4, 1977 Certificate of Posting of property - filed
June 14 Comments of Baltimore County Director of Planning - filed
June 15 Comments of Baltimore County Zoning Plans Advisory Committee - filed
June 20 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner
June 30 Order of Deputy Zoning Commissioner denying Special Hearing for off-street parking in a D.R. zone
July 13 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
August 23, 1979 Hearing on appeal before County Board of Appeals
December 20 Order of County Board of Appeals REVERSING the Deputy Zoning Commissioner's Order of June 30, 1977, and the requested Petition be granted and all requirements of Section 409.4 must be complied with.
January 9, 1980 Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County
" 9 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County
" 11 Certificate of Notice sent to all interested parties
" 31 Petition for Extension of Time to file transcript to February 17, 1980.
February 12 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Plot (revised) showing property in question July 7, 1979.
" " " 2 - Landscape Plan by Paul J. Marks.
" " " 3 - Plot showing Patapoco Village Shopping Plaza
People's Counsel Exhibit No. 1 - 1A thru 1I, Photos of subject site and surrounding area
" " " 2 - 1J, Photo portraying Arbutus Ave. and Mrs. Cline's home
February 13 Record of proceedings filed in the Circuit Court for Baltimore County

Victor Frenkil
File No. 77-255-SPH

3.

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceedings, 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,

[Signature]
Anne Holman
County Board of Appeals of Baltimore County

John W. Hession, III, Esq.
Deputy People's Counsel
Towson, Maryland 21204
494-2188

RE: PETITION FOR SPECIAL HEARING
W/S Old Annapolis Road, 160' N
of Arbutus Avenue, 13th District
Victor Frenkil, Petitioner
Zoning Case No. 77-255-SPH

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 63
File No. 7013

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

The People's Counsel for Baltimore County, Appellant herein, petitions this Court pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this petition states:

Carol Ann Berish, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, has advised Appellant that because of a backlog of cases, she will need a thirty-day extension of time to prepare the transcript of proceedings.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until March 7, 1980, 60 days after the first Petition on Appeal was filed.

BALTIMORE COUNTY
CLERK
JAN 10 1 54 PM '80
BY: [Signature]

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

- 2 -

I HEREBY CERTIFY that on this 1st day of January, 1980, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, pursuant to the presumption of the original to the Clerk of the Circuit Court for Baltimore County and that a copy thereof was mailed to Mark Pollak, Esquire, 2000 First Maryland Building, 25 S. Charles Street, Baltimore, Maryland 21201, and Newton A. Williams, Esquire, Nolan, Pfirschoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioner.

John W. Hession, III

RE: PETITION FOR SPECIAL HEARING
W/S Old Annapolis Road, 160' N
of Annapolis Avenue, 13th District
Victor Frankel, Petitioner
Zoning Case No. 77-255-SFH
File No. 7013

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW

Misc. Docket No. 12
Folio No. 63
File No. 7013

ORDER

Upon the accompanying Petition for Extension of Time to File Transcript of Proceedings, It is hereby ORDERED that the transcript of proceedings before the Board of Appeals is hereby extended until March 1, 1980.

Judge

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
January 11, 1980

John W. Heslans, III, Esq.
People's Counsel for Baltimore County
County Office Bldg.
Towson, Md. 21204

Dear Mr. Heslans:

Re: Case No. 77-255-SFH
Victor Frankel

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

Jane Holman, Secretary

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
January 11, 1980

Mark Pollak, Esq.
2000 First Maryland Bldg.
25 S. Charles St.
Baltimore, Md. 21201

Dear Mr. Pollak:

Re: Case No. 77-255-SFH
Victor Frankel

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jane Holman, Secretary

Encl.

cc: Newton A. Williams, Esq.
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
Mr. William Hammond
Mr. J. E. Dyer
Mr. John D. Seyffert

BALTIMORE COUNTY ZONING REGULATIONS
AS AMENDED THROUGH OCTOBER 30, 1979
1075 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND

Section 1801—REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.
[Bill No. 100, 1970.]

1801.1—General Use Regulations in D.P. Zones. [Bill No. 100, 1970.]

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed:

1. Dwellings, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-end-back-attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings.
2. Trailers (see Section 415).
3. Churches, other buildings for religious worship, or other religious institutions.
4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformer or transformer banks.
5. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems; all underground.
6. Excavations, uncontrolled (as defined in Section 101).
7. Forms or limited-coverage wholesale flower farm (see Section 404).
8. Garages, community.
9. Hospitals (see Section 407).
10. Local open space tracts or other common amenity open space.
11. Research institutes, provided that no such use permitted hereunder (as of right) shall be established on any site less than 15 acres in area, and that any such use shall be established in accordance with the provisions of Subsection 410.2.
12. Schools, except business or trade schools or such schools as are permitted by special exception (see Paragraph C, below), but including schools for agricultural training.
13. Signs, non-accessory, to the extent permitted under Section 413.
14. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

a. Accessory radio or television receiving antennas

b. Wireless transmitting and receiving structures, provided that any such structure is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure

1. All provisions of this paragraph from Bill No. 100, 1970.

1801: 1

1801.1.A.14.b

thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line

- a. Automotive-service stations, but only within community garages (see Section 405)
- d. Home occupations, as defined in Section 101
- e. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees
- f. Parking spaces, including accessory garage spaces
- g. Offices for the conduct of business incidental to the rental, operation, service, or maintenance of apartment buildings
- h. Accessory signs (see Section 413)

B. Dwelling-Type and Other Supplementary Use Restrictions Based on Existing Subdivisions and Development Characteristics. [Bill No. 100, 1970.]

1. Residential Transition Areas and Uses Permitted Therein.

a. Definitions. For the purposes of this article:

1. A residential transition area is any D.R. 1, D.R. 2, D.R. 3.5, D.R. 5-5, or D.R. 10-5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building; or (b) within 225 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area.
2. A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein

[Table on next page.]

2. Thus (as plural noun) in Bill No. 100, 1970.

1801: 2

1801.1.B.1.a,2

Collective Designation	Residential Transition Uses
Group I uses	One-family detached dwellings Local open space tracts or other common amenity open space Uses and buildings accessory to the uses listed above
Group II uses	One-family detached dwellings Uses and buildings accessory to the uses listed above
Group III uses	Group houses Group-house apartment Uses and buildings accessory to the uses listed above
Group IV uses	Dwellings, as set forth in Item 11 of Paragraph A Local open space tracts or other common amenity open space Uses and buildings accessory to the uses listed above

b. Restrictions in Residential Transition Areas. In any residential transition area situated as described in the following table, only residential transition uses shall be permitted, and only as indicated:

Use	Restrictions	Permitted
Any point	Any point	Group I uses
D.R. 1	Any point	Group I uses
D.R. 2	Any point	Group I uses
D.R. 3.5	Any point	Group I uses
D.R. 5-5	Any point	Group I uses
D.R. 10-5	Any point	Group I uses

1801.1.B.1.c

- c. The provisions of Sub-paragraphs a and b of this sub-paragraph shall not apply to existing developments as described in Sub-paragraph A.1 of Subsection 1802.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of said subsection.
- d. The use and development of land which is classified as D.R. 16 shall not be subject to the provisions of Sub-paragraphs a and b of this sub-paragraph if such land was classified as R.A. immediately prior to this article's taking effect (see Section 504). [Bill No. 100, 1970.]

2. Use Regulations in Existing Developments. In existing developments as described in Subparagraph A.1 of Subsection 1802.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Office of Planning and Zoning, except as may otherwise be permitted under provision adopted pursuant to the authority of Section 504. [Bill No. 100, 1970.]
3. Use Regulations for Existing Subdivision Tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of Subsection 1802.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted. [Bill No. 100, 1970.]

C. Uses Permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. Zones:

1. Boarding or rooming houses
 2. Boat yards, including marinas
 3. Camps, public or quasi-public, including day camps
 4. Conservatories for music or other arts
 5. Convalescent homes
 6. Community buildings, swimming pools, commercial beaches, golf course, country clubs, or other, similar civic, social, recreational, or educational uses
 - 6A. Community care center [Bill No. 91-74.]
 7. Excavations, controlled (see Section 403)
 8. Funeral establishments
3. As set forth in the Baltimore County Planning Board's final report recommending the legislation on which Bill No. 100, 1970 was based, Sub-paragraphs a and b would have applied to land zoned under any of the D.R. classifications. When the Bill was drafted, however, those sub-paragraphs were revised so as to be inapplicable to land classified as D.R. 16, and this sub-paragraph was thus removed of no effect.
4. All provisions of this paragraph from Bill No. 100, 1970 except as otherwise noted.
5. Thus (singular) in Bill No. 100, 1970.

1801: 4

RE: PETITION FOR SPECIAL HEARING :
W/S Old Annapolis Road, 160' N. :
of Arbutus Avenue :
13th District :
Victor Frankil, :
Petitioner :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 77-255-SPH (Item #221)

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner denying the requested use for parking of a 3.4 acre parcel of land zoned D.R. 5.5 contained within a larger tract of 25+ acres zoned B.M. Petitioner proposes to erect a shopping center and office building complex on this tract and the special hearing held on August 23, 1979, addresses only the requested use for parking on the 3.4 acre portion of the entire 25+ acre site.

After consideration of the testimony and exhibits presented at this hearing, the following facts evolved. The balance of the 25+ acre tract except for the 3.4 acre parcel is properly zoned for the proposed use. In effect, all the petitioner has to do with this portion is apply for the necessary permits and commence construction. The 3.4 acre parcel zoned D.R. 5.5 is a rather long thin parcel abutting the rear property lines of the residences along Arbutus Avenue. This parcel has no access to any public street or thoroughfare as it presently exists. This 3.4 acre parcel at present is totally undeveloped.

At first consideration, the proposed use for this parcel, in conjunction with the entire proposal, seems a logical and reasonable use of the parcel in question.

However, section 1801.8 of the Baltimore County Zoning Regulations establishes a transition zone of 300' from the nearest residence in which only other residences may be erected in a D.R. 5.5 zoning classification. This transition zone use has been recently upheld by the Circuit Court in the case of Radebaugh vs. Baltimore County Board of Appeals No. 6762. Testimony from expert engineers indicated that as a matter of fact some homes could be

Victor Frankil
Case No. 77-255-SPH (Item #221)

erected on this parcel. However, because of the configuration of the parcel and the fact that it has no apparent access to any public street, this use is rendered somewhat impractical. In addition, some consideration should be given to the fact that any residences erected on this narrow parcel would directly abut the B.M. zoning of the larger parcel and this certainly could not be considered an ideal situation. Under Section 307 of the Baltimore County Zoning Regulations, the Board is empowered to grant variances from off-street parking regulations where compliance would result in practical difficulty or unreasonable hardship. Section 409.4 authorizes the issuance of a permit for the use of land in a residential zone for parking areas subject to requirements a thru h under this section. Petitioner's proposal is to erect a 4' high berm with a dense planting atop this berm to screen the parking area seems to provide a proper buffer between the existing residences and the commercial use proposed on the major area. It should also be noted that the nearest residence is 125' from the property line and the autos using the parking area would be some further distance away behind this berm buffer. Under the provisions provided in Section 307 of the Baltimore County Zoning Regulations, the Board is of the opinion that to attempt to develop this parcel residentially, does indeed pose practical difficulty. All provisions of Section 409.4, a thru h, are clearly complied with in petitioner's proposal, and considering these two sections together, the Board is of the opinion that the requested use meets necessary Baltimore County Zoning Regulations and should be granted and will order the Deputy Zoning Commissioner's Order reversed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day of December, 1979, by the County Board of Appeals, ORDERED that the Deputy Zoning Commissioner's Order of June 30, 1977, be REVERSED and the requested Petition be granted and all requirements of Section 409.4 must be complied with.

Victor Frankil
Case No. 77-255-SPH (Item #221)

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Robert B. Spitzer
Robert B. Spitzer

Patricia Millhouser
Patricia Millhouser

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
REL. PETITION FOR SPECIAL HEARING
N/S OF BURKE AVENUE, 78' E. OF
CENTER AVENUE
9TH DISTRICT
JOSEPH L. RADEBAUGH
CARROLL M. RADEBAUGH et al
Petitioners
vs.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MEMORANDUM OPINION AND ORDER

This case involves an appeal to the Circuit Court for Baltimore County on behalf of People's Counsel for Baltimore County, from the Order of the County Board of Appeals (hereinafter referred to as the Board), dated January 31, 1979, which granted the Petitioners' request for offstreet parking in a residential zone by way of a special hearing. Prior to that proceeding, an Order of the Deputy Zoning Commissioner, dated May 11, 1978, also granted the requested offstreet parking in a residential zone.

The Petitioners, Carroll M. Radebaugh et al and their families own the subject property which is part of an entire block being formed by Burke Avenue, Center Avenue, Linden Terrace and Augurth Avenue. Within this block, the Radebaughs have been operating a florist business located at 120 Burke Avenue, which has operated continuously since 1924. The entire block is zoned DR 5.5 with the florist operation being a valid non-conforming use, and in addition, within the block, there are four separate residences occupied and owned by the Radebaugh family. In other words, the Radebaughs own the entire block except for a dwelling located within the block on the

NOV 6 1979 REC'D

northeast corner of Burke Avenue and Center Avenue, which is owned by Dr. Constant Georges, who is the sole proprietor.
The Towson Manor Improvement Association, Inc., through its Board of Directors, passed a resolution favoring the granting of the petition. About two hundred and ten persons who reside in the area (majority are members of the Towson Manor Improvement Association, Inc.) signed petitions stating that they were not opposed to the request made by the Radebaughs.
That the Board gave great weight and consideration to the support exhibited by the community in favor of the Radebaughs is evident by the following language which appears in the Board's decision:

"The Board is impressed with the fact that this commercial operation in a residential zone is a new use for the area and that the Radebaughs are obviously good neighbors, and have operated their business over the years in such a fashion as to cause no more than a negligible disturbance to the neighborhood community rather than opposition for this proposal."

This case was not argued before this Court, but was submitted on the record compiled before the Board, along with memoranda submitted by both the Petitioner's counsel and People's Counsel. Attorney for the Petitioner, like the members of the Board, was also greatly impressed by the support the Petitioner received from the area residents. This fact is indicated from the following statement in his memorandum:

"The need for the proposed lot was supported by the testimony of a number of area residents and unanimously endorsed by the Towson Manor Improvement Association. Dr. Constant Georges appeared in opposition to the petition approval."

It has been said that an umpire at the plate is worth five thousand of the statistics. In this case, the Court is of the opinion that Dr. Georges is the umpire at the plate.

-3-

The People's Counsel for Baltimore County as well as the Petitioner's attorney raise numerous issues and direct the Court's attention to various sections of the Baltimore County Zoning Regulations. However, this Court, in reviewing the zoning regulations and the testimony of James E. Dyer of the Office of Zoning and Planning, finds that it need not concern itself with all of the issues raised by counsel. This Court is convinced and persuaded that those sections of the Zoning Regulations cited by Mr. Dyer clearly control the petition before this Court. The property in question, zoned DR 5.5, is in a transition zone as it is adjacent to an existing one family detached dwelling located on the southwest corner of Burke Avenue and Center Avenue and owned by Dr. Constant Georges, the lone petitioner. The transition area came into being at the same time as density zoning which was in the year 1976-1971. Density zoning parallels for the first time a clustering of various types of housing units in all DR zones. For example, in a DR 5.5, if one wished to construct apartments, he could do so provided he maintains the density. In this type of situation, to protect adjoining property owners, the residential transition area was established within which only houses similar to those existing on adjoining land could be constructed. In other words, a transition zone is an area that lies within 300' of a dwelling in a DR zone. The houses within that area (300') are restricted to houses similar to those of the adjoining property. In this particular case, it is restricted to a dwelling house.

The residential transition zone is defined in Baltimore County Zoning Regulations, Section 1801.8 which reads as follows:

B. Dwelling - Type and Other Use Restrictions Based On Existing Subdivisions and Development Characteristics (Bill No. 100, 1970)

1. Residential Transition Areas and Uses Permitted Therein.
 - a. Definitions. For the purposes of this article:
 1. A residential transition area in any D.R.1, D.R.2, D.R.3.5, D.R.5.5, D.R.10.5 zone or part thereof which lies 100 within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area. (Emphasis added)

Counsel for the Petitioners concede that the subject property is in a transition area as defined above (Bill No. 100, 1970), but argue that they are not subject to the transition area regulations because their property is specifically exempted under the provisions of Subsection 1902.3 of the Baltimore County Zoning Regulations. A careful reading of the Baltimore County Zoning Regulations refutes the contention advanced by the Petitioners. The property is clearly subject to the transition area regulations set forth in Section 1901.8.

In addition, the Petitioners argue that approximately eight years after the adoption of 19, the Zoning Office did not realize and through error of interpretation did not strictly adhere to the transition area requirements. The Petitioners rationalize that since this case was filed in January, 1978, they should have been afforded the same interpretation and/or policy. This Court is duty bound to follow the law and cannot follow any misinterpretations and/or policies contrary to the law. The transition area created by Article 19 was

designed and intended specifically to protect and in fact does protect property owners such as Dr. Georges whose testimony weighs far greater than the 5000 umpires in the stand. Without this protection, Dr. Georges would have immediately adjacent to his home a parking lot with all its confusion, noises, exhaust fumes and litter.

The Court is aware that in a zoning appeal case such as the case at bar, in its limited function of judicial review, it may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substantial and renders the question of its action fairly debatable, the Board must be affirmed. However, the Court is of the opinion that the action of the Board in this case was clearly erroneous as to the law and facts, and was arbitrary, capricious and illegal and must be reversed.

For the reasons stated, and in conformity with the foregoing opinion, it is this 27th day of November, 1979, by the Circuit Court for Baltimore County, ORDERED, that the Order of the County Board of Appeals of Baltimore County, dated January 31, 1979, be and the same is hereby

REVULSED.

Judge Frank M. Ciccone

RE: PETITION FOR SPECIAL HEARING : IN THE CIRCUIT COURT
W/S Old Annapolis Road, 160' N : FOR BALTIMORE COUNTY
Arbutus Avenue, 13th District :
Victor Frenkl, Petitioner : AT LAW
Zoning Case No. 77-255-SPH : Misc. Docket No. 12
Folio No. 62
File No. 7813

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals for Baltimore County under date of December 20, 1979, granting the petition for a special hearing to permit off-street parking in a residential zone, in the above-entitled case.

John W. Hession, III
People's Counsel for Baltimore County

Fete: Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of January, 1980, a copy of the foregoing Order for Appeal was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204; and a copy thereof was mailed to Mark Pollak, Esquire, 2000 First Maryland Building, 25 S. Charles Street, Baltimore, Maryland 21201, and Newton A. Williams, Esquire, Nolan, Plunhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioner; and Mrs. Dolores O'Connell, 3019 Michigan Avenue, Baltimore, Maryland 21227, Protestant.

Peter Max Zimmerman

RE: PETITION FOR SPECIAL HEARING : IN THE CIRCUIT COURT
W/S Old Annapolis Road, 160' N : FOR BALTIMORE COUNTY
Arbutus Avenue, 13th District :
Victor Frenkl, Petitioner : AT LAW
Zoning Case No. 77-255-SPH : Misc. Docket No. 12
Folio No. 62
File No. 7813

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, in compliance with Maryland Rule B-2(a), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. The granting of the special hearing for off-street parking in a residential zone violated the Baltimore County Zoning Regulations appertinent to transition uses. Said regulations preclude off-street parking in D.R. 5.5 zones within 300 feet of nearby residences.

2. The Board of Appeals, in its Opinion and Order of December 20, 1979 recognized that the proposed parking would infringe upon the transition area, but determined to grant a variance from the requirements.

3. The transition use regulations (Baltimore County Zoning Regulations Section 1801.18) are clear and unambiguous, and not susceptible to the granting of a variance under Section 307.

4. The Baltimore County Code, Section 22-26 limits the power of the Board of Appeals, in reference to variances, to "area and height regulations." Moreover, in the case of any conflict between Section 22-26 of the Code and Section 307 of the zoning regulations, Section 22-26 controls. See Code Section 22-31.

5. The regulations pertaining to transition zone uses being use regulations, rather than area regulations, the granting of the subject petition for special hearing is impermissible. Attached hereto is the recent decision of the Circuit Court in Radebaugh v. Baltimore County, Misc. No. 6762.

Rec'd 1/20/80
2:53 PM

WHEREFORE, Appellant prays that the Court reverse the Order of the Board of Appeals dated December 20, 1979, and reinstate the Order of the Deputy Zoning Commissioner dated June 30, 1977.

AND AS IN DUTY BOUND, etc.,

John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of January, 1980, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204; and a copy thereof was mailed to Mark Pollak, Esquire, 2000 First Maryland Building, 25 S. Charles Street, Baltimore, Maryland 21201, and Newton A. Williams, Esquire, Nolan, Plunhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioner; and Mrs. Dolores O'Connell, 3019 Michigan Avenue, Baltimore, Maryland 21227, Protestant.

Peter Max Zimmerman

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 20, 1979

Mark Pollak, Esq.
2000 First Maryland Bldg.
25 S. Charles Street
Baltimore, Md. 21201

Re: Case No. 77-255-SPH
Victor Frenkl

Dear Mr. Pollak:

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,

John Holmen, Secretary

Encl.

cc: Newton A. Williams, Esq.
Mrs. Dolores O'Connell
John W. Hession, III, Esq.
Mr. Saul D. Davidson
Mr. William Hammond
Mr. J. E. Dyer
Mr. John D. Seyffert

LAW OFFICE OF
NOLAN, PLUNHOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES D. NOLAN
J. EDWARD PLUNHOFF
NEWTON A. WILLIAMS
JOHN W. HESSON, III
THOMAS L. REYNOLDS
ROBERT L. MONTGOMERY
STEPHEN J. BROWN
WILLIAM F. ENGLISHMAN, JR.

AREA CODE 410
TELEPHONE
823-1800

December 10, 1979

Edith T. Eisenhart, Administrative Secretary
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: Case No. 77-255-SPH - The Frenkl Property on the West Side of Old Annapolis Road, 160 Feet North of Arbutus Avenue.

Dear Edith:

Confirming our conversation of this morning, I would appreciate your help in expediting the Opinion on the above entitled matter, of course, in a nice and proper manner.

Sincerely,

James D. Nolan

JDN/hl

RECEIVED
BALTIMORE COUNTY
DEC 11 11 07 AM '79
COP - 11/15/80
BY - 11/15/80

County Board of Appeals

Room 219 Court House

TOWSON, MARYLAND 21204

April 26, 1979

NOTICE OF POSTPONEMENT and RE-ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO: 77-255-SPH

VICTOR FRENKIL

for SH for off-street parking in a residential zone

W/S Old Annapolis Rd. 160' N. of Arbutus Ave.

13th District

6/30/77 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, May 17, 1979 at 9:30 a.m. has been POSTPONED

at the request of the request of the Protester (health reasons) and is

REASSIGNED FOR: THURSDAY, AUGUST 23, 1979 at 10:00 a.m.

cc: Mark Pollak, Esq.

Counsel for Petitioner

Newton A. Williams, Esq.

" " "

Mrs. Dolores O'Connell

Protestant

John W. Hession, III, Esq.

People's Council

Mr. Saul D. Davidson

Requested Notification

Mr. S. E. DiNanno

Mr. J. E. Dyer

Mr. L. M. Graef

Mrs. Carol Beresh

Pete J. Painter
County Board of Appeals

County Board of Appeals

Room 219 Court House

TOWSON, MARYLAND 21204

NOTICE OF POSTPONEMENT and RE-ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-255-SPH

VICTOR FRENKIL

for SH for off-street parking in a residential zone

W/S Old Annapolis Rd. 160' N. of Arbutus Ave.

13th District

6/30/77 - D.Z.C. DENIED PETITION

Scheduled for hearing on Tuesday, March 6, 1979 at 9:30 a.m. has been POSTPONED

at the request of the attorney for the Petitioner (in court) and has been

REASSIGNED FOR: THURSDAY, MAY 17, 1979 at 9:30 a.m.

cc: Mark Pollak, Esq.

Counsel for Petitioner

Newton A. Williams, Esq.

" " "

Mrs. Dolores O'Connell

Protestant

John W. Hession, III, Esq.

People's Council

Mr. Saul D. Davidson

Requested Notification

Mr. S. E. DiNanno

Mr. G. J. Marinko

Mr. J. E. Dyer

Mr. L. M. Graef

Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary

4/21/78 - Notified of appeal hearing scheduled for TUESDAY, JULY 18, 1978 at 10am

Mark Pollak, Esq.

Counsel for Petitioner (Sent L2 & B72)

Mrs. Dolores O'Connell

Protestant

Mr. Saul Davidson

Req. Notification

John W. Hession, III, Esq.

People's Council

Mr. James Dyer

6/13/78 - Above notified of appeal hearing rescheduled for THURSDAY, OCTOBER 5, 1978 at 10 a.m.

Also, Newton A. Williams, Esq.

8/17/78 - Above notified of postponement and reassignment for TUESDAY, NOVEMBER 21, 1978 at 10 a.m.

1-10-79 - Above notified of appeal hearing scheduled for TUESDAY, MARCH 6, 1979 at 9:30 a.m.

2/9/79 - Above notified of POSTPONEMENT and REASSIGNMENT for THURSDAY, MAY 17, 1979 at 9:30 a.m.

4/26/79 - Above notified of POSTPONEMENT and REASSIGNMENT for THURSDAY, AUGUST 23, 1979 at 10:00 a.m.

4/23/79 - 4:15 pm

Mrs. O'Connell called requesting postponement. Says she did not know case was scheduled, learned about it when she saw Mr. "Sam" taking pictures. She claims she did not receive notice of assignment nor did Mr. Davidson. Assured her notices were sent. She advised that she represents certain "groups" and, therefore, must be present at this hearing, and she is expected to undergo surgery in the near future and will be unable to attend unless the case is scheduled at a later date. I requested that she put this in writing so that our file reflects the groups she represents as according to our file she is a single protestant.

WAK granted postponement and rescheduled it for 8/23/79.

CLERK OFFICE OF

NOLAN, PLUMHOFF & WILLIAMS

204 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

February 8, 1979

The Honorable Walter A. Reiter, Jr.
Chairman, County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Request for Postponement of the Frenkil Use Permit for Parking Case No. 77-255-SPH, Due To Conflict With Co-Counsel's Schedule and Experts' Schedules. Assumed for Tuesday, March 6, 1979 at 9:30 A.M.

Dear Chairman Reiter:

Upon receiving the Board's recent notice of Assignment, we immediately contacted all of the interested parties, as well as our co-counsel Mr. Pollak.

As the record in this matter will show, counsel for the Petitioner is primarily Mr. Pollak and he has just been advised by the County Board of Appeals that he must appear before that Court on March 6 at 9:45 a.m., which makes his appearance in this case impossible.

Mr. Pollak tried the case before the Deputy Zoning Commissioner, and his availability for the Board hearing is vital.

Furthermore, in reviewing the matter, which is quite a complex one, it has just been discovered that the plans and exhibits must be revised in this matter, and again, to do a proper job, and present the Board with correct information, additional preparation time will be required.

Accordingly, we would respectfully request that the Board postpone the matter for the above entitled date and that it not be reset until the mid part of May, due to the necessity of complying with Bill 122-78 as to pending re-classification cases and the necessity of trying an extremely complicated condemnation case which will begin in mid April

4/14 J.J. per WAK

Thank 5/17 - 9:30 a.m.

DOLores JEAN O'CONNELL
3019 MEDIAN AVENUE
BALTIMORE, MARYLAND 21227
(301)789-4735

January 30, 1979

Walter A. Reiter, Jr., Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: Case No. 77-255-SPH Petition for Special Hearing
W/S of Old Annapolis Road, 160' N of Arbutus Avenue
13th District
Victor Frenkil, Petitioner

Dear Mr. Reiter:

May I respectfully request the Board postpone this case to allow the protestants more time that is needed to respond to the IDCA approval (Agenda Item 7.d., IDCA No. 78-04-S.F.) on December 14, 1978.

I learned of the approval from a letter I received, dated December 20, 1978, written to William F. Kirwin, Chairman and Members of the Baltimore Planning Board from Newton A. Williams, Counsel for the Property Owner. In this letter, Mr. Williams gives particular attention to several decisions made at the Planning Board's meeting on October 14th.

Since our community was not represented when the planning board gave their approval, the only information we have is what is in the letter written by Mr. Williams, who states: "It has been found by the Department of Traffic Engineering that it will not change the level of service classifications of the nearest arterial intersection in the area, Old Annapolis Road and Daisy Avenue."

This is only one of the points of this letter that we feel necessary to question before we can prepare for the hearing. We believe the Department of Public Works and the Department of Traffic Engineering have the same obligation to provide the protestants with the reasons they had when they gave their approval of IDCA. Their justification for approval is vital to our case and we should have access to their "thinking."

Page two - Walter A. Reiter - February 8, 1979

and consume the greater part of that month.

Thanking the Board for its consideration of this request, I am

Respectfully,

James D. Nolan
James D. Nolan

JDS/hl

cc: Mr. Leonard Frenkil
Victor Development Co., Inc.
The Belvedere, Charles & Chase Sts.
Baltimore, Md. 21202

Martin N. Goldsmith, Esquire
General Counsel
Victor Development Company, Inc.

Mark Pollak, Esquire
Piner & Farbus
25 South Charles Street
Baltimore, Md. 21201

Paul Lee, P.E.
Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Md. 21204

Paul Marks, A.I.A.
Marks & Choke, Inc.
219 W. Joppa Road
Towson, Md. 21204

John W. Hession III, Esq.
People's Council
County Office Building
Towson, Md. 21204

page two - January 30, 1979

Explanations from the Petitioner regarding the "tining" of the application for IDCA approval should be directed to your Board and also the reason no notice for consideration of the planning board was given to the proponents or to People's Council.

It is necessary to hold several meetings with the residents of Arbutus Avenue and the community in general. I have already scheduled meetings with Representatives of the City concerning the intersection of Patuxent Avenue and Annapolis Road. I have not been in contact with People's Council or the Deputy therefore I have no idea how they are going to proceed with this case. Due to personal circumstances, this has not been done.

The "tining" of the petitioner in making application for IDCA approval was done at a very bad time for me. The December 20th letter indicating the IDCA approval came at a time when my husband was ill. He was scheduled for surgery on the 17th of January. The notice from your office reassigning the date for the hearing also came in December when I was extremely busy because of the holidays. I have a definite commitment to serve as a panel member to discuss effective consumer representation, a two-day workshop sponsored by the Department of Licensing and Regulation, the Department of Health and Mental Hygiene, the Attorney General's Office and the Consumer Council of Maryland. This will be held the first week in March the same week as the scheduled hearing.

Considering this case has been pending before your Board since July, 1977, I honestly do regret that it is necessary to make this request for postponement, incidentally the proponents first such request.

I ask for your kind consideration and will sincerely appreciate your reassignment of this case on some time.

Very truly yours,

Dolores J. O'Connell
Dolores J. O'Connell,
Protestant

Enclosures:

cc: John W. Hession, III, People's Council

IDCA "TINING" - REQUESTS FOR POSTPONEMENTS

MADE BY COUNSEL FOR THE PETITIONER, VICTOR FRENKIL

IDCA 78-04 S.F. REQUEST WAS MADE ON OCTOBER 2, 1978

RECEIVED BY PLANNING AND ZONING - 10/2/78

SCHEDULED ON - 11/30/78 WED - 12/14/78 & 12/21/78

ACTUALLY CONSIDERED BY PLANNING BOARD ON - 12/7/78 & 12/14/78

HEARING WAS SCHEDULED BY THE BOARD OF APPEALS FOR JULY 18, 1978 at 10:00 A.M.

June 12, 1978 - Letter to Board of Appeals from Newton A. Williams, Counsel for the Petitioner stating:

1. Decided to submit for IDCA processing
2. Notice was directed to Richard L. Smith, engineer for the petitioner, asking that he and his staff proceed and promptly file an IDCA application.
3. Noted such processing could not occur before the hearing scheduled and requested postponement.
4. Indicated it would take the planning board until August or September for the IDCA review to be completed.

REASSIGNED FOR OCTOBER 5, 1978 at 10:00 A.M.

August 15, 1978 - Letter to Board of Appeals from Newton A. Williams, Counsel for the Petitioner stating:

1. IDCA processing completed by October 5, 1978 would be impossible.
2. Difficultly assembling the needed IDCA material during the summer - Planning Board does not meet in August - Planning Board entitled to take 30 days for IDCA processing and the zoning Commissioner 10 days making the total of 40 days.
3. Considered doubtful that the matter would be considered by the Planning Board either on September 21 or October 19 and likely to be considered at the November meeting on the 15th.
4. Request postponement until after November 16.

REASSIGNED FOR NOVEMBER 21, 1978 at 10:00 A.M. (on August 17, 1978)

NOTICE OF POSTPONEMENT: NOVEMBER 1, 1978 (AWAITING IDCA APPROVAL)

Letter of August 15th, impossible to complete IDCA processing by October 15th. IDCA request was not filed until October 2, 1978

160 days to process *** Doubtful if considered on September 21 or October 19

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-255-SPH

VICTOR FRENKIL

for Special Hearing for off-street parking in res. zone

W/S of Old Annapolis Rd. 160' N. of Arbutus Ave.

13th District

6/30/77 - D.Z.C. Denied SPH

ASSIGNED FOR:

TUESDAY, MARCH 6, 1979 at 9:30 a.m.

cc: Mark Pollak, Esq.
Counsel for Petitioner
Newton A. Williams, Esq.
Mrs. Dolores O'Connell
John W. Hession, III, Esq.
Mr. Saul D. Davidson
Mr. S. E. DiNanno
Mr. George Martinak
Mr. James E. Dyer
Mr. Leslie Groef
Mrs. Carol Berek

Muriel E. Buddemeier
County Board of Appeals



S. ERIC DINENNA
ZONING COMMISSIONER

December 27, 1978

Walter J. Reiter, Jr., Esquire
Chairman, Baltimore County
Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Petition for Special Hearing
W/S of Old Annapolis Road, 160' N. of
Arbutus Avenue - 13th Election District
Victor Frenkil - Petitioner
No. 77-255-SPH (Item No. 775)

Dear Mr. Reiter:

Enclosed herewith please find a copy of IDCA application for Special Hearing (1904 No. 77-255-SPH). The application, signed by Mr. Leslie H. Groef, Director of Planning and Secretary to the Baltimore County Planning Board, December 26, 1978, indicates the determination by the Board, December 21, 1978, that the requested Special Hearing does conform to the requirements of Subsection 77-1.1 (P) of the Baltimore County Code, 1965.

Very truly yours,

Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

IDCA/no

Re: Item

cc: Mark Pollak, Esquire
2000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

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

Newton A. Williams, Esquire
300 V. Pennsylvania Avenue
Towson, Maryland 21204

Mrs. Dolores O'Connell
3000 Pinchum Avenue
Baltimore, Maryland 21207

County Board of Appeals
ROOM 218 - COURTHOUSE
TOWSON, MARYLAND 21204

August 17, 1978

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-255-SPH

VICTOR FRENKIL

For SPH for off-street parking in a residential zone

W/S Old Annapolis Road 160 feet N. Arbutus Ave.

13th District

6/30/77 - D.Z.C. DENIED PETITION

scheduled for hearing on Thursday, October 5, 1978 at 10 a.m. has been **POSTPONED**
at the request of the attorneys for the Petitioner (awaiting IDCA approval) and has been

REASSIGNED FOR: TUESDAY, NOVEMBER 21, 1978 at 10 a.m.

cc: Mark Pollak, Esquire
Counsel for Petitioner
Newton A. Williams, Esquire
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
John W. Hession, III, Esquire
Mr. S. E. DiNanno
Mr. G. J. Martinak
Mr. J. E. Dyer
Mr. L. H. Groef
Mr. C. L. Perkins

Edith T. Eisenhart, Adm. Secretary

LAW OFFICES OF
NOLAN, PLUMMER & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES E. NOLAN
J. ERIC PLUMMER
NOLAN & WILLIAMS, JR.
NOLAN & WILLIAMS, JR.
NOLAN & WILLIAMS, JR.
NOLAN & WILLIAMS, JR.

November 3, 1978

The Honorable Robert L. Gilland, Esquire
County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 77-255-SPH, The Frenkil Property
On The West Side of Old Annapolis Road,
160 Feet North of Arbutus Avenue
SCHEDULED BOARD HEARING DATE TUESDAY,
NOVEMBER 21, 1978 AT 10:00 A.M.

Dear Mr. Gilland:

Confirming our conference of October 31, as you know this matter has been submitted for IDCA approval, and is identified as IDCA No. 78-44SP.

Mr. Ray Potter of the Planning Staff has informed me, and the Planning Board Law reflects, that this IDCA matter will be considered by the Planning Board and by its Committee at its December meeting.

Unfortunately, although we had earlier requested consideration by the November meeting in order to keep the scheduled board date, the Planning Board has been unable to do so because of the press of its heavy docket.

Accordingly, it is our understanding that in accordance with established board policy, that this matter must be postponed from the scheduled hearing date on November 21, and that it will then be re-set upon approval by the Planning Board.

Of course, as soon as Planning Board approval is received, we will be in touch with you and with the Board's Staff regarding rescheduling this matter. Thanking you and your Staff for your attention in this matter, I am

Respectfully,

Newton A. Williams
Newton A. Williams

NAN/1
cc: See next page

County Board of Appeals
Room 218 Court House
TOWSON, MARYLAND 21204

June 13, 1978

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 77-255-SPH

VICTOR FRENKIL

SPH for off-street parking in residential zone

W/S Old Annapolis Road 160 feet N. Arbutus Ave.

13th District

6/30/77 - D.Z.C. DENIED PETITION

scheduled for hearing on Tuesday, July 18, 1978 at 10 a.m. has been **POSTPONED** at
the request of attorneys for the Petitioner (awaiting IDCA approval) and is

REASSIGNED FOR: THURSDAY, OCTOBER 5, 1978 at 10 a.m.

cc: Mark Pollak, Esquire
Counsel for Petitioner
Newton A. Williams, Esquire
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
John W. Hession, III, Esquire
Mr. S. E. DiNanno
Mr. G. J. Martinak
Mr. J. E. Dyer
Mr. L. H. Groef
Mr. C. L. Perkins

cc: Mark Pollak, Esquire
Counsel for Petitioner
Newton A. Williams, Esquire
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
John W. Hession, III, Esquire
Mr. S. E. DiNanno
Mr. G. J. Martinak
Mr. J. E. Dyer
Mr. L. H. Groef
Mr. C. L. Perkins

cc: Mark Pollak, Esquire
Counsel for Petitioner
Newton A. Williams, Esquire
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
John W. Hession, III, Esquire
Mr. S. E. DiNanno
Mr. G. J. Martinak
Mr. J. E. Dyer
Mr. L. H. Groef
Mr. C. L. Perkins

Edith T. Eisenhart, Adm. Secretary

cc: Edith Eisenhart, Administrative Secretary
County Board of Appeals
Court House
Towson, Md. 21204

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Md. 21204

Ray R. Potter
Planning Office
Courts Building
Towson, Md. 21204

Mr. Leonard Frenkil
and
Mr. Martin V. Goldsmith
Victor Development Company, Inc.
4417 Colmar Gardens Drive
Baltimore, Md. 21211
Mark Pollak, Esquire
Piper & Harbury
2000 First Maryland Building
25 S. Charles Street
Baltimore, Md. 21201

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
November 1, 1978

NOTICE OF POSTPONEMENT

CASE NO. 77-255-SPH

VICTOR FRENKIL

W/S Old Annapolis Road 160' N. Arbutus Ave.

13th District

scheduled for hearing on Tuesday, November 21, 1978 at 10 a.m. has been **POSTPONED**
by the Board (awaiting IDCA approval).

cc: Mark Pollak, Esquire
Counsel for Petitioner
Newton A. Williams, Esquire
Mrs. Dolores O'Connell
Mr. Saul D. Davidson
John W. Hession, III, Esquire
Mr. S. E. DiNanno
Mr. G. J. Martinak
Mr. J. E. Dyer
Mr. L. H. Groef
Mr. C. L. Perkins

Edith T. Eisenhart, Adm. Secretary

LAW OFFICES OF
NOLAN, PLUMMER & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES E. NOLAN
J. ERIC PLUMMER
NOLAN & WILLIAMS, JR.
NOLAN & WILLIAMS, JR.
NOLAN & WILLIAMS, JR.

August 15, 1978

The Honorable Walter A. Reiter, Jr.,
Chairman, County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition for Special Hearing, West Side
Old Annapolis Road, 160 Feet North of
Arbutus Avenue, 13th District; Victor
Frenkil, Petitioner; Case No. 77-255-SPH,
Item No. 221.

Dear Chairman Reiter:

The above entitled case is scheduled for hearing by the Board on Thursday, October 5, 1978 at 10:00 a.m.

When this matter was reassigned earlier by the Board, we thought it would be possible to complete the Interim Development Control Act processing by October 5, but unfortunately that will not be the case.

Due to various factors, there has been difficulty in assembling the needed IDCA materials this summer, and of course there will be no Planning Board meeting during the month of August. As the Board knows, the Planning Board is entitled to take 90 days for IDCA processing and the Zoning Commissioner 10 days, a total of 100 days, and thus it is doubtful that the matter will be considered by the Planning Board either on September 21, or October 19, and most likely the matter will be considered by the Board at its November meeting on the 16th.

Accordingly, we would respectfully ask that the Board postpone this case for October 5 and reassign it after November 16, at the Board's convenience. We regret the necessity of this second request, but as you know the IDCA has complicated subdivision and zoning matters for many in Baltimore County.

Edith T. Eisenhart
Adm. Secretary

Thanking the Board for its kind consideration of this request, which is joined in by Mr. Frenkil's primary counsel, Mr. Pollak, I am

Respectfully,

Walter A. Reiter, Jr.
Newton A. Williams

NAN/h1

cc: John W. Hessian, III, Esquire
People's Counsel
County Office Building
Towson, Md. 21204

Peter Max Zimmerman, Esquire
Deputy People's Counsel

Dolores O'Connell
1019 Michigan Avenue
Baltimore, Md. 21227

Paul Lee, P.E.
Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Md. 21204

Mark Pollak, Esquire
Piper & Marbury
2000 First Maryland Building
25 South Charles Street
Baltimore, Md. 21201

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

April 21, 1978

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 77-255-SPH

VICTOR FRENKIL

SPH - for off-street parking in residential zone

W/S of Old Annapolis Rd. 160' N. of Arbutus Ave.

13th District

6/30/77 - D.Z.C. DENIED SPH

ASSIGNED FOR:

TUESDAY, JULY 18, 1978 at 10:00 a.m.

cc: Mark Pollak, Esq.

Counsel for Petitioner

Mrs. Dolores O'Connell

Protestant

John W. Hessian, III, Esq.

People's Counsel

Mr. S. E. DiNunno

Mr. George Morlock

Mr. James Dyer

Mr. Leslie Graef

Mr. C. L. Perkins

Mr. Saul D. Davidson

Req. Notification

Muriel E. Budemeier
County Board of Appeals

LAW OFFICES OF
NOLAN, PLUMHOFF & WILLIAMS
1004 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

JAMES D. NOLAN
EARLE PLUMHOFF
NEWTON A. WILLIAMS
WALTER A. REITER, JR.
THOMAS J. REIDER
STEPHEN C. WILLIAMS
STEPHEN C. NOLAN

June 12, 1978

Walter A. Reiter, Jr., Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: Petition for Special Hearing, West Side Old Annapolis Road, 160 feet North of Arbutus Avenue, 13th District; Victor Frenkil, Petitioner; Case No. 77-255-SPH (Item No. 221).

Dear Chairman Reiter:

It will be greatly appreciated if you and your Staff will note the entry of our appearances together with Mr. Pollak and his firm on behalf of the Petitioner, Mr. Victor Frenkil, in the above entitled matter. Thus, please add James D. Nolan, Newton A. Williams and Nolan, Plumhoff & Williams to the list of attorneys for the Petitioner.

We are informed by Mr. Pollak that the Board has scheduled this matter for Tuesday, July 18, 1978 at 10:00 a.m.

As you know, there is at the present time a conflict of opinion within the Baltimore County government as to whether use permits for carping are covered within the definition of special exception under the Interim Development Control Act. While it is our position that they are not covered, out of an abundance of precaution and to forestall an objection by Mr. Hessian as indicated will be made if an IDCA review is not carried out, it has been decided to submit the matter for IDCA processing. By copy of this letter directed to Richard L. Smith, our engineer, we are asking that he and his Staff proceed and promptly file an IDCA Application.

Accordingly, if it is to be processed through the IDCA, there is no way that such processing can occur by Tuesday, July 18, and more likely it will take until at least the Planning Board meeting in August or September for this IDCA review to be completed.

Accordingly, we would respectfully request that the Board postpone the case for July 18 and continue it until such time as the IDCA review has been completed, at which time, hopefully, a new hearing date can be rescheduled.

Thanking the Board for its noting the entry of our appearances as well as for the postponement of the July 18 hearing, I am

Respectfully,

Walter A. Reiter, Jr.
Newton A. Williams

NAN/h1

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

Peter Max Zimmerman, Esquire
Deputy People's Counsel

Dolores O'Connell
1019 Michigan Avenue
Baltimore, Md. 21227

Richard L. Smith
Fidde Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Md. 21204

SAUL D. DAVIDSON
2217 SHEFFLIN COURT
BALTIMORE, MD. 21209

8/1/77

*Barth Court House / Appeals
Room 219 Court House
Towson Md 21204*

*Re: Case # 77-255-SPH
Victor Frenkil*

I am interested in the above mentioned case concerning off-street parking - a long scheduled long case as proposed by Victor Frenkil at Arbutus Road & Bayview Ave. - Baltimore

Please advise me to the right being or any other particulars of this case

I thank you
W. A. Reiter

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 18, 1977

Mark Pollak, Esq.
2000 First Maryland Bldg.
25 S. Charles Street
Baltimore, Md. 21201

Re: File No. 77-255-SPH
Victor Frenkil

Dear Mr. Pollak:

- Number of witnesses you anticipate calling 5
- How many of these witnesses will be "expert witnesses"? 4
- Fields to be covered by experts you intend to call - please check:
Land Planner ☒
Real Estate ☒
Engineer ☒
Traffic ☒
Other ☐
- Total time required (in hours) for presentation of your side of the case
Two hours

Attorney for Protestants ()

Attorney for Petitioners (✓)

Rec'd 7/21/77

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting July 25, 1977
Posted for APPEAL
Petitioner VICTOR FRENKIL
Location of property W/S of Old Annapolis Rd. 160' N. of Arbutus Ave.
Location of Signs: # 1 W/S Arbutus Ave. 450' E. of County Ave.
2 W/S of Old Annapolis Rd. 300' N. of Arbutus Ave.
Remarks: Shirley E. Retard
Posted by Shirley E. Retard Signature Date of return July 27, 1977



2

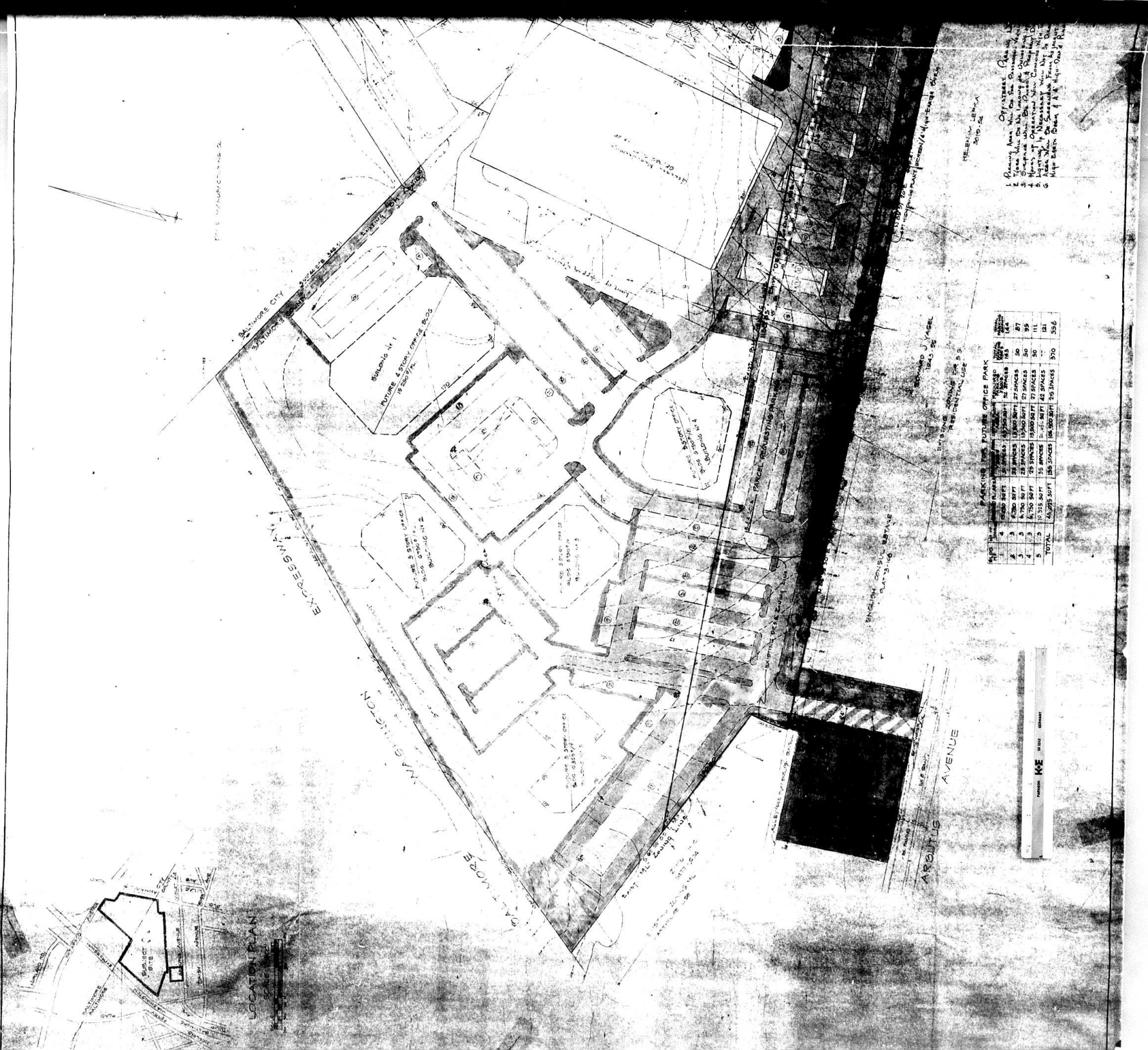
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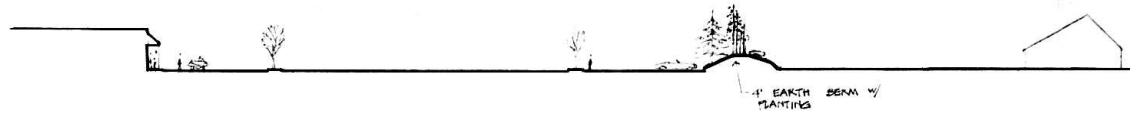
PARKING THE FUTURE OFFICE PARK

Lot No.	Area (sq. ft.)	Approx. No. of Spaces	Notes
1	10,000 sq. ft.	20	Office building
2	10,000 sq. ft.	20	Office building
3	10,000 sq. ft.	20	Office building
4	10,000 sq. ft.	20	Office building
5	10,000 sq. ft.	20	Office building
6	10,000 sq. ft.	20	Office building
7	10,000 sq. ft.	20	Office building
8	10,000 sq. ft.	20	Office building
9	10,000 sq. ft.	20	Office building
10	10,000 sq. ft.	20	Office building
11	10,000 sq. ft.	20	Office building
12	10,000 sq. ft.	20	Office building
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69	10,000 sq. ft.	20	Office building
70	10,000 sq. ft.	20	Office building
71	10,000 sq. ft.	20	Office building
72	10,000 sq. ft.	20	Office building
73	10,000 sq. ft.	20	Office building
74	10,000 sq. ft.	20	Office building
75	10,000 sq. ft.	20	Office building
76	10,000 sq. ft.	20	Office building
77	10,000 sq. ft.	20	Office building
78	10,000 sq. ft.	20	Office building
79	10,000 sq. ft.	20	Office building
80	10,000 sq. ft.	20	Office building
81	10,000 sq. ft.	20	Office building
82	10,000 sq. ft.	20	Office building
83	10,000 sq. ft.	20	Office building
84	10,000 sq. ft.	20	Office building
85	10,000 sq. ft.	20	Office building
86	10,000 sq. ft.	20	Office building
87	10,000 sq. ft.	20	Office building
88	10,000 sq. ft.	20	Office building
89	10,000 sq. ft.	20	Office building
90	10,000 sq. ft.	20	Office building
91	10,000 sq. ft.	20	Office building
92	10,000 sq. ft.	20	Office building
93	10,000 sq. ft.	20	Office building
94	10,000 sq. ft.	20	Office building
95	10,000 sq. ft.	20	Office building
96	10,000 sq. ft.	20	Office building
97	10,000 sq. ft.	20	Office building
98	10,000 sq. ft.	20	Office building
99	10,000 sq. ft.	20	Office building
100	10,000 sq. ft.	20	Office building

- OFFICIALS:**
1. Planning Area: New York City Office Park
 2. Planning Area: New York City Office Park
 3. Planning Area: New York City Office Park
 4. Planning Area: New York City Office Park
 5. Planning Area: New York City Office Park
 6. Planning Area: New York City Office Park

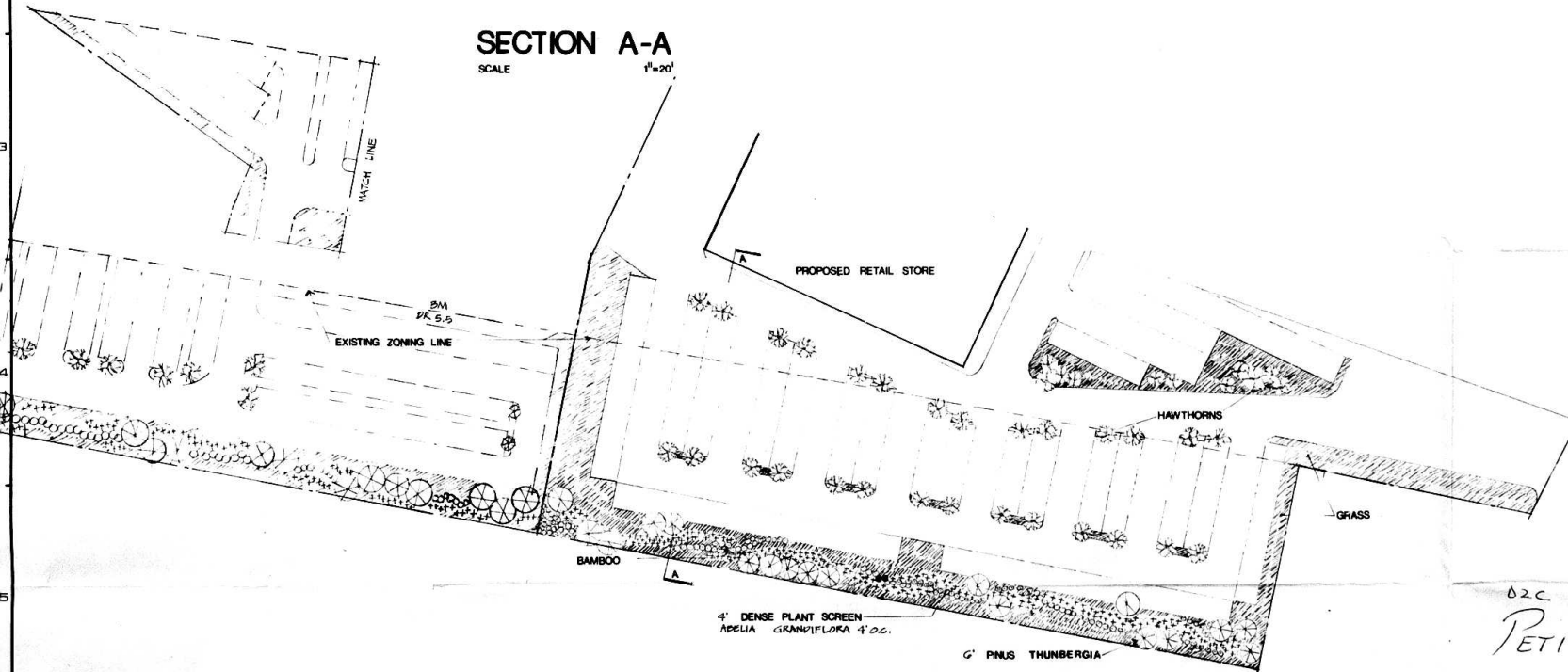
DATE: 10/1/50
 DRAWN BY: H.E.
 CHECKED BY: H.E.

ELEVATION



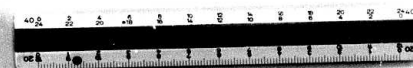
SECTION A-A

SCALE 1"=20'



LANDSCAPE PLAN

SCALE 1"=40'



02C
PETITIONER'S
EXHIBIT #2

marks and cooke, inc.
architects / planners
215 west joppa road
baltimore, maryland 21204
(301) 883-8744



PATAPSCO VILLAGE
PLAZA

sheet title	LANDSCAPE PLAN
job no.	
drawn	
checked	
date	MAY 15, 11
revisions	JUNE 20, 11





**PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA**

G SE
C NE

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	LANSDOWNE	S-W S-B
		DATE OF PHOTOGRAPHY APRIL 1953		

Map made by Photogrammetric Methods
AERO SERVICE CORPORATION - PALMDALE, CALIF.

