

**PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **PETER J. MONGELLI, JOSEPH D. MARIO**, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an not applicable zone to an not applicable zone; for the following reasons:

- That the 1976 zoning maps err, and are mistaken in placing the subject property in a D.R. 5.5 zone, since the property is completely unsuitable for any of the D.R. 5.5 residential uses, and the requested D.R. 16 zoning suitable for office use with a special exception is the least intensive use appropriate for the property.
- That D.R. 5.5 zoning was in 1976 erroneous zoning for the property, and it is erroneous and mistaken now for the reasons set out in the attached Memorandum which is incorporated by reference herein.

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

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

**Dr. Mario Vahos, P.A.**  
2104 Cedar Circle Drive  
Catonsville, Maryland 21228  
Contract purchaser

**James D. Nolan**  
16 Maple Avenue  
Catonsville, Md. 21228  
Address

**James D. Nolan**  
Nolan, Plumbhoff & Williams  
204 W. Pennsylvania Avenue  
Towson, Md. 21204  
Petitioner's Attorney

**Wilson F. Outen**  
204 W. Pennsylvania Avenue  
Towson, Md. 21204  
Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of September, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of September, 1977, at 10:00 o'clock A.M.



Baltimore county office of planning and zoning TOWSON, MARYLAND 21204 (911) 606-2100

**S. ERIC DINENNA**  
ZONING COMMISSIONER

October 28, 1977

**James D. Nolan, Esquire**  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petitions for Reclassification and Special Exception NEJ/corner of Frederick and Overhill Roads - 1st Election District Peter J. Mongelli, et al - Petitioners NO. 78-22-RX (Item No. 2)

Dear Mr. Nolan:

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

Very truly yours,  
**S. ERIC DINENNA**  
Zoning Commissioner

Attachments

cc: W. Lee Thomas, Esquire  
Suite 314, Mercantile-Towson Building  
409 Washington Avenue  
Towson, Maryland 21204

Mr. Eugene L. Shaver  
116 South Hilltop Road  
Catonsville, Maryland 21228

Ms. Barbara Gastinger  
2 Thistle Road  
Catonsville, Maryland 21228

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

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- That D.R. 5.5 zoning was in 1976 erroneous zoning for the property, and it is erroneous and mistaken now for the reasons set out in the attached Memorandum which is incorporated by reference herein.

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

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

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Nolan, Plumbhoff & Williams  
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Petitioner's Attorney

**Wilson F. Outen**  
204 W. Pennsylvania Avenue  
Towson, Md. 21204  
Petitioner's Attorney

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DAFF-McCUNE-WALKER, INC.  
Hampden Plaza  
300 E. Joppa Road  
Suite 201, Towson, Md 21204  
Telephone: 301-296-3333

Land Planning Consultants  
Landscape Architects  
Engineers

DESCRIPTION

0.83 Acre Parcel for Reclassification From D.R. 5.5 To D.R. 16 and for Special Exception for Medical Office Building.

Beginning for the same of the corner formed by the Intersection of the north side of Frederick Road and the east side of Overhill Road and running thence binding on the east side of Overhill Road (1) North 03° 13' 30" West 150.02 feet, thence leaving Overhill Road and running (2) North 86° 45' 25" East 237.67 feet and (3) South 05° 15' 35" East 150.13 feet to the north side of Frederick Road, thence binding thereon (4) South 80° 45' 25" West 243.00 feet to the place of beginning, containing 0.83 acre of land, more or less.

Very truly yours,  
**Wilson F. Outen**  
Wilson F. Outen, Reg. L.S. No. 2493



cc: The Hon. Walter A. Reiter, Jr.  
Chairman, County Board of Appeals

W. Lee Thomas, Esquire  
Mr. Eugene L. Shaver  
Ms. Barbara Gastinger  
John W. Hessian III, Esquire  
People's Counsel

Dr. Mario Vahos, P.A.  
Robert Doyle, A.I.A.  
Ekstrom, Colimore, Doyle  
Mrs. Betty A. Gibbons  
Wilson F. Outen  
Daff-McCune-Walker

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 78-22-RX

ORDER OF DISMISSAL

Petition of Peter J. Mongelli, et al, for reclassification from D.R. 5.5 to D.R. 16 and special exception for Offices and Office Building on property located on the northeast corner of Frederick and Overhill Roads, in the First Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed December 4, 1978 (a copy of which order is attached hereto and made a part hereof) from the attorney representing the Petitioners-Appellants in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners requests that the appeal be filed on behalf of said Petitioners be dismissed and withdrawn as of December 4, 1978.

IT IS HEREBY ORDERED this 5th day of December, 1978, that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

**Wilson A. Reiter, Chairman**  
**Robert L. Gilford**  
Herbert A. Davis

NOVEMBER 16, 1977

NOVEMBER 16, 1977

The Honorable S. Eric Dinenna  
Zoning Commissioner for Baltimore County  
County Office Building  
Towson, Maryland 21204

RE: Petitions for Reclassification and Special Exception, Northeast Corner of Frederick and Overhill Roads - 1st Election District. Peter J. Mongelli, et al, Petitioners. No. 78-22-RX (Item No. 2)

Dear Commissioner Dinenna:

Please enter an appeal in the above entitled matter from each and every part of your Order of October 28, 1977 which denied the requested reclassification and special exception. Our check in the amount of \$75.00 is enclosed to cover the cost of this appeal.

Thanking you and your Staff for your attention to this important matter, I am

Respectfully,  
**James D. Nolan**  
James D. Nolan

Enclosure  
cc: The Hon. Walter A. Reiter, Jr.  
Chairman, County Board of Appeals

W. Lee Thomas, Esquire  
Mr. Eugene L. Shaver  
Ms. Barbara Gastinger  
John W. Hessian III, Esquire  
People's Counsel

Dr. Mario Vahos, P.A.  
Robert Doyle, A.I.A.  
Ekstrom, Colimore, Doyle  
Mrs. Betty A. Gibbons  
Wilson F. Outen  
Daff-McCune-Walker

CASE NO. 78-22-RX  
BEFORE THE  
BALTIMORE COUNTY  
BOARD OF APPEALS  
for Reclassification from  
D.R. 5.5 to D.R. 16 for  
Special Exception for Offices  
and Office Building  
NE corner Frederick and  
Overhill Roads, 1st District

ORDER OF DISMISSAL WITHOUT PREJUDICE

MR. CHAIRMAN:  
Please dismiss the pending appeal in this matter from the Zoning Commissioner's Opinion and Order of October 28, 1977, and enter the matter "DISMISSED WITHOUT PREJUDICE."

**James D. Nolan**  
James D. Nolan  
Nolan, Plumbhoff & Williams  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204  
823-7800

Attorneys for Petitioners

I HEREBY CERTIFY that on this 4th day of December, 1978, a copy of the foregoing Order of Dismissal without Prejudice was mailed, postage prepaid, to W. LEE THOMAS, ESQUIRE, Counsel for the Protestants, 409 Washington Avenue, Suite 114, Towson, Maryland, 21204 and to JOHN W. HESSIAN, III, ESQUIRE, People's Counsel, County Office Building, Towson, Maryland 21201, and to EUGENE L. SHAVER, Protestant, 116 S. Hilltop Road, Baltimore, Maryland 21228, and to MS. BARBARA GASTINGER, Protestant, Two Thistle Road, Catonsville, Maryland 21228.

**James D. Nolan**  
James D. Nolan

NOV 16 1978  
BALTIMORE COUNTY BOARD OF APPEALS  
NOV 16 1978

December 5, 1978

**James D. Nolan, Esquire**  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Case No. 78-22-RX  
Peter J. Mongelli, et al

Dear Mr. Nolan:

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

Very truly yours,  
**Edith T. Eleshart, Adm. Secretary**

End.

W. Lee Thomas, Esquire  
Mr. Eugene L. Shaver  
Ms. Barbara Gastinger  
Mr. Peter J. Mongelli  
Dr. Mario Vahos  
Mr. J. E. Dyer  
Mr. S. E. Dinenna  
Mr. L. H. Groat  
Mr. J. Harwell  
Board of Education  
John W. Hessian, III, Esquire

**MEMORANDUM IN SUPPORT OF REQUEST FOR RECLASSIFICATION OF PROPERTY AT THE NORTHEAST CORNER OF FREDERICK ROAD AND OVERHILL ROAD ADJACENT TO THE MONTROSE MANOR APARTMENTS FROM D.R. 5.5 TO D.R. 16 COUPLED WITH SPECIAL EXCEPTION FOR PROFESSIONAL OFFICE BUILDING**

**Some of the Erroneous Aspects of D.R. 5.5 Zoning:**

The Petitioners state that the 1976 zoning maps erroneously and mistakenly placed the subject property in a D.R. 5.5 category, rather than properly classifying the subject property in a D.R. 16 category comparable to the property adjoining it to the north, and the Petitioners' reason for this assertion of mistake and error is as hereinafter set out.

1. The subject property is completely unimproved, and has never, in over one hundred years or more, been utilized for residential purposes, and in fact the property is adjoined to the north by a D.R. 16 zone, fully developed as the Montrose Manor Apartments, while directly across the apartment service drive there is a small convenience food store which has existed at this location since the 19th Century, while opposite the property on the south side of Frederick Road there is a veterinarian's office and home, and in fact this entire north side of Frederick Road from Overhill Road on the west to the Hillcrest Elementary School on the east is used either for commercial purposes, including a convenience food store and a restaurant, or for office purposes, including the offices of a real estate firm, an attorney's office and an accountant's office, and it was and is erroneous to place the subject property and these remaining properties on the north side of Frederick Road in a D.R. 5.5 zone.

2. That correct zoning for the subject property would be to place it in a D.R. 16 zone similar to the large D.R. 16 zone which has been fully developed with the Montrose Manor Apartments immediately to the north, and indeed, in view of the significant traffic which Frederick Road carries on a night and day basis as

a major arterial, it is improper to zone the frontage in D.R. 5.5 while placing properties to the rear in a D.R. 16 zone.

3. That although the property has been available as a corner property on Frederick Road for many, many years, it has never been developed residentially, and in fact never will be developed residentially for a single family residence. Furthermore, the property is only approximately 150 feet in depth, with an approximate road frontage along Frederick Road of 243 feet, and is thus too small for a church or other institutional use which might be thought to be able to use this property as a matter of right in a D.R. zone. In like manner, the property is too small to utilize on a clustering basis under the present D.R. 5.5 zoning, and is thus for all practical matters, unusable in its present, erroneous and mistaken D.R. 5.5 classification.

4. That the Contract Purchaser's proposal to erect on this property an office for himself and other medical and professional persons is perhaps the best possible solution to this property which is bounded primarily on the north by fully developed apartments, on the east by a service drive serving those apartments, together with the long existent convenience food store, with its southern boundary being heavily travelled Frederick Road; and the proposed professional office building is the ideal compromise to serve as the western anchor of the commercial and office uses along the north side of Frederick Road between Hillcrest Elementary School on the east and Overhill Road on the west.

5. That the requested D.R. 16 zone is a residential zone, and a special exception for office in this residential zone is fair, both to the property owner and to Baltimore County and its citizens, since it allows Baltimore County, through the special exception device to properly monitor the proposed professional office uses.

6. That the proposed professional office building will serve as an appropriate neighbor to the apartments to the north, the commercial and office uses to the east, the veterinary office and animal care facility on the opposite side of Frederick Road to the south, while Overhill Road, the property's western boundary, will serve as an appropriate dividing line to the west.

7. That it was and is erroneous and mistaken for the 1976 zoning maps to fail to recognize the realities of the subject property and its surroundings, and allow it at least some use through D.R. 16 zoning, which, coupled with a special exception, may allow appropriate professional office use on the property.

8. That the 1976 zoning maps were and are mistaken and erroneous in not recognizing that the subject property, due to its surroundings, its lower elevation in relation to the properties opposite it and to the east, as well as the traffic on Frederick Road renders it inappropriate for D.R. 5.5 residential use of any kind.

9. And for such other and further mistakes and errors as shall be disclosed by a continuing investigation as to this tract, which mistakes and errors shall be brought out at the time of the hearing hereon.

Respectfully submitted,

*James D. Nolan*  
James D. Nolan

*Nolan, Plumbhoff & Williams*  
Nolan, Plumbhoff & Williams  
Attorneys for the Petitioners  
204 W. Pennsylvania Avenue  
Towson, Maryland 21284  
823-7800

RE: PETITIONS FOR RECLASSIFICATION: BEFORE THE  
AND SPECIAL EXCEPTION: ZONING COMMISSIONER  
NE/corner of Frederick and Overhill: OF  
Roads - 1st Election District: OF  
Peter J. Mongelli, et al - Petitioners: OF  
NO. 78-22-RX (Item No. 2): BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition for a Re-classification from a D.R. 5.5 Zone to a D.R. 16 Zone and, additionally, a Petition for a Special Exception for an office building and offices. Said property is located on the northeast corner of Frederick and Overhill Roads, in the First Election District of Baltimore County, and contains 0.83 of an acre of land, more or less.

Testimony indicated that Dr. Mario Vahor, a plastic surgeon, and possibly several other physicians, would be using the proposed office building for medical offices. Dr. Vahor would also lease any unused portions of the building to other physicians.

It was alleged that the zoning on the subject property is in error and that the highest and best use of the subject property would be that of D.R. 16, with a Special Exception for offices.

Without reviewing the evidence further in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, error has not been proven by the Petitioners, and the property should not be reclassified. The Comprehensive Zoning Map, as adopted on October 7, 1976, is presumed to be correct, and the burden of proving error is borne by the Petitioners. In the instant case, this burden has not been met. By necessity, the Special Exception should also be denied.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25<sup>th</sup> day of October, 1977, that the Re-classification be and the same is hereby DENIED and the Special Exception for an office building and offices be and the same is hereby DENIED.

*Eric D. Menza*  
Eric D. Menza  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
DATE October 27, 1977  
BY *John R. ...*

July 2, 1977

Baltimore County  
Office of Planning and Zoning  
TOWSON, MARYLAND 21284  
(301) 944-3351

ERIC O'BRIEN  
ZONING COMMISSIONER

James D. Nolan, Esq.  
204 W. Penna. Ave.  
Towson, Md. 21284

RE: Interim Development Control Act (IDCA) Application #77-3-2 Peter Mongelli, et al

Dear Sir:  
Please be advised that your IDCA application for a Special Exception for Office hearing was approved by the Planning Board on July 21, 1977 and you may now file your petitions, plats, and descriptions for said hearing in accordance with the Zoning Commissioner's rules for filing.

In order to assist you, we are enclosing a copy of the Zoning Commissioner's rules for filing and petition forms to be completed by you. Petitions and Plats have been filed with the Zoning Office.

Very truly yours,  
*Eric D. Menza*  
ERIC D. MENZA  
Zoning Commissioner

SED/JED/scw  
Enclosures

PRINCIPAL

ROBERT D. DOYLE

ACADEMIC PREPARATION

MARYLAND INSTITUTE OF FINE ART  
JOHNS HOPKINS UNIVERSITY  
STRUCTURAL ENGINEERING

PROFESSIONAL MEMBERSHIPS

ENGINEERING SOCIETY OF MARYLAND  
FORMER MEMBER  
BALTIMORE CHAPTER CONSTRUCTION SPECIFICATION INSTITUTE - PARTICIPATION IN NATIONAL AWARD TECHNICAL COMMITTEE REPORTS

TEACHING

MARYLAND INSTITUTE OF ART  
INTERIOR DESIGN

PROFESSIONAL EXPERIENCE

AS A PRINCIPAL SINCE 1968, ROBERT DOYLE HAS HAD RESPONSIBILITY FOR COORDINATION OF VARIOUS ARCHITECTURAL ASSIGNMENTS USING NEWLY DEVELOPED GRAPHIC TECHNIQUES.

HE IS CURRENTLY WORKING ON PROJECTS RANGING IN SCOPE FROM RESIDENTIAL RESTORATION TO FIELD APPLICATIONS OF CONSTRUCTION MANAGEMENT. HIS RESEARCH INCLUDES THE DEVELOPMENT OF INTERIOR SYSTEMS, IMPROVEMENT OF FIELD COMMUNICATION THROUGH BETTER DOCUMENTATION AND EXECUTION, AND EXPANDED USE OF NATURAL ENERGY POWERED SYSTEMS.

PRINCIPAL (PAGE 2)

ROBERT D. DOYLE

PROFESSIONAL EXPERIENCE (CONT.)

HIS INTERNSHIP IN ARCHITECTURE IS AS FOLLOWS:  
PROJECT MANAGER AND DESIGNER FOR LAWRENCE A. BENEFFE, JR., ARCHITECT ON THE FOLLOWING PROJECTS: VEGELIN ELEMENTARY SCHOOL, BALTIMORE CITY; MUSHROOM TRANSPORTATION FACILITY, BALTIMORE COUNTY; REISTERSTOWN BRANCH LIBRARY, BALTIMORE COUNTY; TILBURY WOODS APARTMENTS, COLUMBIA, MARYLAND; STATE TRAINING SCHOOL INFIRMARY, BALTIMORE COUNTY.

PROJECT MANAGER AND DRAFTSMAN FOR FISHER, NES, CAMPBELL & PARTNERS ON THE FOLLOWING PROJECTS: RANDALLSTON SENIOR HIGH SCHOOL, RANDALLSTON, MARYLAND; MARRIED STUDENT FACILITY, PRINCETON UNIVERSITY, PRINCETON, NEW JERSEY; HART VALLEY THE HOTEL AND COMMERCIAL COMPLEX, COCKEYSVILLE, MARYLAND; HAMPSHIRE ELEMENTARY SCHOOL AND BELAIR MIDDLE SCHOOL, HARTFORD COUNTY, MARYLAND; THE HOUSE OF THE GOOD SHEPHERD, BALTIMORE COUNTY, MARYLAND; THE PORT AUTHORITY BUILDING (IN COLLABORATION WITH J.H. PEI), BALTIMORE, MARYLAND; UNIVERSITY OF MARYLAND SCHOOL OF ARCHITECTURE, COLLEGE PARK, MARYLAND; BOLLING AIR FORCE BASE DENTAL CLINIC, BOLLING AIR FORCE BASE, MILLER RESIDENCE, BALTIMORE COUNTY, MARYLAND; FEDERAL OFFICE COMPLEX, CHARLES CENTER, BALTIMORE, MARYLAND

PRINCIPAL (PAGE 3)

ROBERT D. DOYLE

PROFESSIONAL EXPERIENCE (CONT.)

DRAFTSMAN AND FIELD REPRESENTATIVE FOR CHRISTIE, NILES & ANDREWS, ARCHITECTS ON THE FOLLOWING PROJECTS: GREATER BALTIMORE MEDICAL CENTER, TOWSON, MARYLAND; A JOINT VENTURE OF R.T.K.L. - C.N.A. MASTER PLAN FOR GREATER TOWSON; GREATER BALTIMORE MEDICAL CENTER STAFF HOUSING.

DESIGNER AND DRAFTSMAN FOR CHRISTIE, NILES & ANDREWS, ARCHITECTS FOR THE FOLLOWING PROJECTS: ALEXANDER BROWN & SONS OFFICE BUILDING, TOWSON, MARYLAND; BALTIMORE LIFE INSURANCE CO. OFFICE BUILDING, BALTIMORE, MARYLAND.

DRAFTSMAN FOR CHRISTIE, NILES & ANDREWS, ARCHITECTS ON THE DOMITORY COMPLEX FOR GOUCHER COLLEGE, TOWSON, MARYLAND (IN COLLABORATION WITH PIETRO BELLUSCHI)

DRAFTSMAN FOR THE OFFICE OF JAMES R. EDMUNDS, JR. ON THE FOLLOWING PROJECTS: PERRY POINT NAVAL HOSPITAL, PERRY POINT, MARYLAND; THE CHILDREN'S MEDICAL CENTER AND WILMER EYE CLINIC AND LABORATORY AT JOHNS HOPKINS HOSPITAL, BALTIMORE, MARYLAND; THE KENNEDY REHABILITATION INSTITUTE, BALTIMORE, MARYLAND; THE CEP TELEPHONE CORP. COMPUTER CENTRAL AND OFFICE COMPLEX, COCKEYSVILLE, MARYLAND.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER  
 and  
 PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
 NE corner of Frederick & Overhill Rds.,  
 1st District

PETER J. MONGELLI, et al, Petitioners : Case No. 78-22-RX

ORDER TO ENTER APPEARANCE

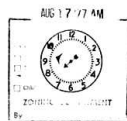
Mr. Commissioner:  
 Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary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

*Charles E. Kuntz, Jr.*  
 Charles E. Kuntz, Jr.  
 Deputy People's Counsel

*John W. Heslon, III*  
 John W. Heslon, III  
 People's Counsel  
 County Office Building  
 Towson, Maryland 21204  
 474-2188

I HEREBY CERTIFY that on this 16th day of August, 1977, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

*John W. Heslon, III*  
 John W. Heslon, III



RECEIVED BALTIMORE COUNTY  
 AUG 29 1977  
 OFFICE OF PLANNING AND ZONING COMMISSIONER OF BALTIMORE COUNTY

**IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT**

OF Mr. Peter Mongelli, LEGAL OWNER OF THE PROPERTY SITUED IN BALTIMORE COUNTY, THE PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH BEARINGS AND DISTANCES ON 200 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL PERMIT IN A D.U.R. 16 ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR OFFICE BUILDING.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 83,802 SQ. FEET DEED REF. \_\_\_\_\_  
 GRADING \_\_\_\_\_ % OF OVERALL SITE WILL REQUIRE GRADING.  
 BUILDING SIZE  
 GROUND FLOOR 60 X 68 AREA 4080  
 NUMBER OF FLOORS 2 TOTAL HEIGHT \_\_\_\_\_  
 FLOOR AREA INTO A TOTAL FLOOR AREA DIVIDED BY SITE AREA 31  
 BUILDING USE  
 GROUND FLOOR OFFICE OTHER FLOORS OFFICE  
 REQUIRED NUMBER OF PARKING SPACES  
 GROUND FLOOR 12 OTHER FLOORS 5 TOTAL 17  
 DRIVEWAY  
 AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 7200 SQ. FT.  
 (PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)  
 UTILITIES  
 WATER:  PUBLIC  PRIVATE, TYPE OF SYSTEM \_\_\_\_\_  
 SEWER:  PUBLIC  PRIVATE, TYPE OF SYSTEM \_\_\_\_\_  
 UTILITIES SECURITY APPROVAL \_\_\_\_\_ BUREAU OF LAND DEVELOPMENT

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

APPLICANT \_\_\_\_\_ LEGAL OWNER \_\_\_\_\_  
 LESSOR OR CONTRACT PURCHASER \_\_\_\_\_

THE PLANNING BOARD HAS DETERMINED ON 7/24/77 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-81.01 OF THE BALTIMORE COUNTY CODE, 1986. Conditionally

7/24/77 Arnold  
 DATE CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

IDCA FORM NO. 2 REVISED 4-15

CHALG. ZIEGLER, V.M.D.  
 131 FREDERICK ROAD  
 CATONSVILLE, MD. 21049

June 11, 1977

Mr. John D. Murphy  
 754 Frederick Road  
 Catonsville, Maryland

Dear Mr. Murphy:

To confirm my telephone conversation with Mr. Bean of your office in regard to the property on the N. E. corner of Frederick and Overhill Roads which is to be reviewed by the Planning Board for a change of zoning to permit construction of a General Office Building, I wish to enlist your support in retaining this area in its present residential standing.

Thank you kindly for your consideration.

Sincerely,  
*Charles C. Ziegler*  
 Charles C. Ziegler

CGZ/b

John V. Murphy  
 Chairman

JVM/ e h  
 CC: R. Hickernell  
 Franklin Padgett  
 Arnold Fleischman  
 Eric DiNenna

JUN 24 77 PM

ZONING DEPARTMENT

BALTIMORE COUNTY, MARYLAND

DESIGNATION REVIEW COMMENTS DATE: June 13, 1977

BY: Donald W. Tucker, P.E.  
 Acting Chief, Bureau of Engineering

PROJECT NAME: Mongelli Property  
 PROJECT NUMBER: IDCA NO. 77-RX  
 LOCATION: Frederick Road  
 DISTRICT: 101

IDCA PLAN \_\_\_\_\_  
 PRELIMINARY PLAN \_\_\_\_\_  
 TENTATIVE PLAN \_\_\_\_\_  
 DEVELOPMENT PLAN \_\_\_\_\_  
 FINAL PLAN \_\_\_\_\_

This application for Special Exception (No. 77-RX) was received by the Design and Approval Section on May 12, 1977, and we comment as follows:

**STORM DRAINS (Patapsco River Watershed)**

A large open ditch runs across the northern end of this site. In order to develop the property, the developer must either establish a 100-year flood plain or pipe the drainage across the site.

The Patapsco River has inadequacies at various points along its water courses.

The Corps of Engineers Flood Problem Identification Report available in the Bureau of Engineering indicates that several commercial sites along the Patapsco River plus some homes in Baltimore City have experienced flooding in the past.

As County funds are currently budgeted for work in the Patapsco River.

Since there are problems downstream, approval of this site is not recommended. However, if the developer wishes to install 100-year storm water management facilities with a controlled release rate so that the storm water discharge after development is no greater than that before development, or if he chooses to pipe the stream from Overhill Road to Sutton Avenue, the development may be approved.

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

RECEIVED BALTIMORE COUNTY  
 JUN 13 1977  
 OFFICE OF PLANNING AND ZONING

COUNTY COUNCIL OF BALTIMORE COUNTY  
 COURT HOUSE, TOWSON, MARYLAND 21204  
 June 23, 1977

Thank you for your letter expressing your concern about the proposed change of zoning at the north-east corner of Frederick and Overhill Roads.

This matter comes before the Planning Board on July 21st and I have taken the liberty of sending your letter to Mr. Arnold Fleischman, the Chairman of the Board, and also to Ronald Hickernell and Franklin Padgett, members of the Board, residing in Catonsville.

In the attached letter I have also expressed to the Planning Board my interest in preserving the low density residential character of this portion of Frederick Road. Although the County Council and I, as a member, were formally involved with the zoning during the four year cycle, this process concluded last fall. Between Council reviews of the zoning, the Planning Board and Zoning Commission have authority over the zoning maps as in this case.

On July 21st the Planning Board will be reviewing the petition with which you are concerned under two separate agenda items. One will be the adequacy of public facilities such as roads, sewers, water and storm drains in serving the proposed facility as is required under our Interim legislation to implement an adequate facilities ordinance for Baltimore County. The other issue will be the appropriateness of the requested zoning change.

In determining the former issue the Planning Board will simply decide whether to grant the petitioner permission to file a plan which would then have to be reviewed in further detail. In the latter, the Planning Board will be making its recommendation to the Zoning Commission as to the requested zoning change.

MICROFILM ONE COPY ONLY

Mr. John D. Murphy  
 754 Frederick Road  
 Catonsville, MD 21228

Dear Mr. Murphy:

We understand that the property on the north-east corner of Frederick and Overhill Roads is to be reviewed by the Planning Board for a change of zoning to permit the construction of an office building on this property.

We sincerely trust that the community will have your support and leadership in helping to retain this area in its present residential status.

Cordially,  
*John D. Murphy*  
 John D. Murphy  
 Chairman

Page 2  
 Change of Zoning  
 N/E Frederick & Overhill Rds.  
 June 23, 1977

In determining the former issue the Planning Board will simply decide whether to grant the petitioner permission to file a plan which would then have to be reviewed in further detail. In the latter, the Planning Board will be making its recommendation to the Zoning Commission as to the requested zoning change.

Ultimately, the Zoning Commissioner will hold a hearing in September or October on the issue of the zoning change and also the special exception the petitioner requires to construct offices.

Please feel free to attend the hearing of the Planning Board on July 21st, and the Zoning Commissioner when scheduled. For further information on the Planning Board's process you may wish to call Ronald Hickernell at 788-9262 or Franklin Padgett at 747-9480.

Yours truly,  
 John V. Murphy  
 Chairman

JVM/ e h  
 CC: R. Hickernell  
 Franklin Padgett  
 Arnold Fleischman  
 Eric DiNenna

CHALG. ZIEGLER, V.M.D.  
 131 FREDERICK ROAD  
 CATONSVILLE, MD. 21049

June 11, 1977

Mr. John D. Murphy  
 754 Frederick Road  
 Catonsville, Maryland

Dear Mr. Murphy:

To confirm my telephone conversation with Mr. Bean of your office in regard to the property on the N. E. corner of Frederick and Overhill Roads which is to be reviewed by the Planning Board for a change of zoning to permit construction of a General Office Building, I wish to enlist your support in retaining this area in its present residential standing.

Thank you kindly for your consideration.

Sincerely,  
*Charles C. Ziegler*  
 Charles C. Ziegler

CGZ/b

John V. Murphy  
 Chairman

JVM/ e h  
 CC: R. Hickernell  
 F. Padgett  
 Eric DiNenna  
 all correspondents

JUN 24 77 PM

ZONING DEPARTMENT

MICROFILM ONE COPY ONLY

Mr. John D. Murphy  
 754 Frederick Road  
 Catonsville, MD 21228

Dear Mr. Murphy:

We understand that the property on the north-east corner of Frederick and Overhill Roads is to be reviewed by the Planning Board for a change of zoning to permit the construction of an office building on this property.

We sincerely trust that the community will have your support and leadership in helping to retain this area in its present residential status.

Cordially,  
*John D. Murphy*  
 John D. Murphy  
 Chairman

1966-1977

EDUCATION

Baltimore Polytechnic Institute  
Gilmor Country School  
Johns Hopkins University

PROFESSIONAL TRAINING

American Institute of Real Estate Appraisers Courses  
Industrial Real Estate Seminars in Society of  
Industrial Realtors  
Various courses and seminars in Commercial Real Estate,  
Investment Properties, and Exchanging

PROFESSIONAL ORGANIZATIONS

Society of Industrial Realtors - National Chairman of  
the Appraisal Committee - 1968-1969 & 1974-1975 -  
Board of Directors 1973-1975  
National Institute of Real Estate Brokers - Commercial  
and Investment Division  
Maryland Association of Real Estate Boards - Board of  
Directors 1966-1968  
Greater Baltimore Board of Realtors - President 1970-1971  
Realtor of Year - State of Maryland 1968  
Graduate Realtors Institute - Faculty Instructor on  
Industrial Real Estate  
Commission on Governmental Efficiency & Economy 1976-1978

FORMAL TESTIMONY

Maryland State Tax Court  
Baltimore City Council & Agencies  
Baltimore County Zoning Appeals Board  
Baltimore County - Circuit Court of  
Harford County Commissioners and Boards  
Howard County Commissioners and Boards  
Anne Arundel County Zoning Appeals Board  
Harford County - Circuit Court of  
Baltimore City - Superior Court of

Flavor of the neighborhood instead of allowing the commercial  
interests of a single person to adversely affect the lives of  
so many area residents.

In conclusion, we feel the requested change is unre-  
asonable and we hope the change will be denied at your  
September 7th meeting.

Sincerely,

*Robert E. Hedden*

M/H Robert E Hedden  
1701 Frederick Road

SEP 2 7 77 AM



RESUME

PERSONAL:

Wilson F. Outen  
1704 Goodview Road  
Baltimore, Maryland 21234

EDUCATION:

Bachelor of Science in Civil Engineering  
from Johns Hopkins University (1953)

PROFESSIONAL REGISTRATION:

Registered Land Surveyor, State of Maryland  
Registration Number 2493

Registered Professional Engineer, State of Maryland  
Registration Number 4500

PROFESSIONAL AFFILIATIONS:

Member, National Society of Professional Engineers  
Member, American Congress on Surveying & Mapping

EMPLOYMENT HISTORY:

June 1972 to Present  
Company - Duff-McCune-Halper, Inc.  
Position - Vice President  
July 1967 to June 1972  
Company - Matz Childs & Associates  
Position - Associate  
November 1956 to July 1967  
Company - Robert & Harry Meyerhoff Building Company  
Position - Chief, Engineering Department

June 1953 to June 1956  
Company - Purden & Jetchke  
Position - Engineer

WORK EXPERIENCE:

Mr. Outen has had extensive experience of more than  
20 years in the field of land development. He has dealt  
with all phases of site development work including surveys,  
planning, rezoning, road and utility design and construction  
for numerous housing developments, shopping centers, office  
buildings, recreational projects, etc. He has prepared  
numerous zoning exhibits for reclassifications and special  
permits and has testified before the Board of Appeals.

John G. Kaufman  
4 N. Rolling Road  
Baltimore, Maryland 21228  
September 6, 1977

Mr. Eric DiNenna  
111 West Chesapeake Avenue  
Townson, Maryland 21204

Dear Mr. DiNenna:

The undersigned are the owners of the property at the  
northwest corner of Frederick Road and North Rolling Road.

You have a petition before you at this time for the  
rezoning of the unimproved lot at the northeast corner of Frederick Road and  
Overhill Road, about three blocks distant from DR 5.5 to DR  
16, with special permission to use the property for office purposes. We are  
very much opposed to any change in the zoning along Frederick Road in the  
Catonville area, which is outside of the present commercial zones. In the  
area within which the petitioner's property is located, only a few non-con-  
forming uses are in effect. All of the uses are for residential purposes.  
Perhaps fifty percent of the non-conforming uses since zoning became effective  
have been abandoned and the properties have reverted to residential  
use.

As you are unquestionably aware, rezoning was re-  
quested for this property approximately five or six years ago, and the  
Court of Appeals ruled there had not been any changes in the residential  
area along Frederick Road, and request for the zoning was denied.

In view of the precedents in this case, it is our  
hope you will deny a request for change at this time.

Very truly yours,

*John G. Kaufman*  
*Emma L. Kaufman*



August 31, 1977

Mr. Eric DiNenna  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Townson, Maryland 21204

Re: September 7th Meeting  
Item no. 2  
Southwestern Sector  
J.W. Lerner  
Frederick and Overhill Road

Dear Mr. DiNenna:

We want to take this opportunity to go on record as  
opposing the rezoning of the referenced property. The  
requested change from residential (DR 5.5) to zoning which  
will allow construction of an office building (DR 16 with the  
special exception requested) will significantly change the  
established character of our neighborhood.

We have lived immediately across Frederick Road from the  
referenced property for only two years but have spent con-  
siderable time, effort and money on improving the condition  
of our house. Our plans were to make this our home; however,  
the construction of an office building across the street  
would definitely change those plans.

The requested zoning change appears totally unfair and  
inappropriate and also inconsistent with the new zoning maps.  
(We understand the status of this specific property was  
reviewed at the time the new maps were developed). We hope  
that the Zoning Board gives consideration to our interest  
in preserving and improving the family and residential

September 6, 1977

116 South Hilltop Road  
Catonville, Maryland 21228

Eric DiNenna  
Zoning Commissioner, Baltimore County  
County Office Building  
Townson, Maryland 21204

Re: Hearing #78-22-RX Item #2, Peter Mongelli, September 7, 1977

Dear Mr. DiNenna:

The concerned residents of the communities known as Rollingswoods  
I, II, and III, Keeler Hill, Woodlawn, and the contiguous areas  
are unequivocally opposed to increasing the zoning density of the  
reference property from D.R.5.5 to D.R.16 with a special exception  
for offices and an office building.

Any structure other than a residential home on this property would  
be completely out of character in this neighborhood of single  
dwelling homes along Frederick Road. Spot zoning here would start  
the commercialization of our neighborhood.

Some of our neighbors live directly on Frederick Road less than  
one half mile West from the site of this proposed office building.  
The rest are within three quarters of a mile. Therefore we are  
vitaly concerned with what happens on Frederick Road from the  
Post Office West to Elliott City.

There have been many zoning cases over the years in this corridor  
with every case for increased density on Frederick Road being  
defeated. On the 1976 Comprehensive Zoning Map there are three  
properties which were actually decreased in intensity.

Item 1-28 L.Sapers E/S Hilltop Rd. 200' S of Frederick Rd.  
9.84 acres reduced from M.R. to D.R.5.5 .

Item 1-31 J.Panner S/S Frederick Rd. E/S Thistle Rd.  
6.75 acres reduced from D.R.16 to D.R.5.5 .

Item 1-32 P.T.Lemon N/S Frederick Rd. E of Thistle Rd.  
7.95 acres reduced from D.R.16 to D.R.5.5/5.5/16.

All three are less than 0.6 miles from the Hullen property.

In addition, eight cases for increased zoning were not approved.  
There were six non-conforming usages along Frederick Road. This  
is down to three.

- 1. Snyder's West restaurant - in existence as the Highway  
Inn since before World War II.
- 2. Candlelight Inn restaurant started prior to World War II.
- 3. Koh's Corners grocery store in existence since 1888.

Sincerely,

*Eugene L. Shaver*  
Eugene L. Shaver,  
Sponsor

Many of us have lived here over 16 years during which time there  
has been little change in the area. The several businesses on  
Frederick Road such as the Snyder's West restaurant, Candlelight Inn,  
Mill's gas station, etc. have been there long before the formal  
zoning procedures which exist today. Three out of six remain in  
non-conforming status. One of these - Koh's Corners grocery store -  
has been there since 1888 as mentioned above.

It is clear that we live in a stable neighborhood that has seen  
no increased zoning on Frederick Road. The integrity of the map  
has been proven many times over the years.

We concur with the Planning Board's recommendation that the  
existing D.R.5.5 be retained.

We would appreciate your assistance in helping us keep our  
neighborhood residential.

CHAR. G. ZIEGLER, M. D.  
107 FREEDOM ROAD  
CATONVILLE, MD. 21228

August 13, 1977

Mr. Eric DiNenna  
111 W. Chesapeake Avenue  
Townson, Maryland

Dear Mr. DiNenna:

Please give favorable consideration  
to retain the present zoning DR 5.5, on the Mongelli, et al  
property at Frederick and Overhill Roads.

The property to which I refer is Item  
No. 2 in the Southwestern Sector.

Thank you for your kind attention.

Sincerely,

*Charles G. Ziegler*  
Charles G. Ziegler

COZ/b

AUG 16 7 77 AM



FIRST CHURCH OF CHRIST, SCIENTIST

1717 Frederick Road, Catonsville, Maryland 21228

September 2, 1977

Mr. Eric DiNenna, Zoning Commissioner, 111 West Chesapeake Avenue, Towson, Maryland 21204

Re: Item No. 2, Southwestern Sector, NE Corner Frederick and Overhill Road

Dear Mr. DiNenna:

We are opposed to the rezoning of the above mentioned property from DR 5.5 to DR 16 with a special permit to use the property for an office building.

This section of Frederick Road has retained its residential zoning and the majority of the nonconforming properties have been upgraded to a residentially zoned classification.

We feel that apartments and offices would be inappropriate here.

We wish to take this opportunity to thank you for your kind consideration.

Sincerely yours,

BOARD OF TRUSTEES

Vera H. Campbell, Vera H. Campbell (Mrs.), Clerk



Mr. Eric DiNenna, Zoning Commissioner, 111 W. Chesapeake Avenue, Towson, Maryland 21204

Re: Item No. 2, Southwestern Sector, N.E. Corner, Frederick & Overhill Road

Dear Mr. DiNenna:

Please note our opposition to the proposed rezoning of the above property from DR 5.5 to DR 16 with special permission for office building use.

This section of Frederick Road is well away from the more commercial areas of Catonsville and has retained its residential character and zoning. The majority of nonconforming properties have been upgraded to a residentially zoned classification. Apartments and offices would be inappropriate here.

Very truly yours,

Margaret Lee Quinn, Margaret Lee Quinn

Page 2, September 5, 1977, Mr. Eric DiNenna

COMPAC strongly supports the stated policy of the Planning Board and County Council against strip zoning. The zoning maps on Frederick Road in West Catonsville are a specific example of the implementation of that conscious, deliberate policy.

We also point out that non-conforming uses of land cannot be used as a justification for a zoning change. Furthermore, the value of a tract of land may be divided into two parts. One is the intrinsic value of the land. The other is a speculative value based on the possibility that the intrinsic value of the land will be increased by administrative, legislative, judicial, or other actions and circumstances.

In summary, COMPAC firmly believes that the present zoning on this tract of land is correct, that it was arrived at after full public discussion, that it reflects reasonable and proper zoning policies.

Sincerely yours,

William F. Stephens, Jr., Ph.D., Vice-President

WFS/rs



COMPAC, Community Planning Association of Catonsville, Inc., 4 Hilltop Place, Catonsville, Maryland 21228

September 5, 1977

Mr. Eric DiNenna, Zoning Commissioner, Baltimore County, 111 West Chesapeake Avenue, Towson, Maryland 21204

Re: #78-22-RX, Item #2, Petition for Reclassification from D.R. 5.5 to D.R. 16, Petition for Special Exception for Offices and Office Building, Northeast Corner of Frederick and Overhill Roads, First District - First Councilmanic District

Dear Mr. DiNenna:

COMPAC, the Community Planning Association of Catonsville, strongly opposes this petition. The present zoning on this tract of land was arrived at after full consideration of all relevant facts. The planning staff, Planning Board, and County Council considered present and future uses of this land, present and future values of this land, and the public health and welfare in arriving at the present zoning.

Mr. Eric DiNenna, Zoning Commissioners Office, 111 West Chesapeake Avenue, Towson, Maryland 21204

Dear Mr. DiNenna: We are writing to express our concern over the current request to re-zone the parcel of land referred to as:

Item #2 Southeast Sector, Known as Mougill Property on Overhill and Frederick Road

Our concern can best be described as follows:

- 1. The property was not properly posted to allow thirty days notice prior to hearing.
2. The planning board of this county has already determined that a re-zoning of this property for commercial use would not be in the best interest of the community.
3. We have been residents of the State of Maryland since June 23, 1977. Upon moving to Baltimore from Dallas it was our desire to locate in an established neighborhood that was typical of the tradition and heritage that is so much a part of Maryland's history.

Mr. Eric DiNenna, Zoning Commissioner, 111 W. Chesapeake Ave., Towson, Md., 21204

Re: Item No. 2, Southwestern Sector, N.E. Corner, Frederick and Overhill Rd.

August 25, 1977

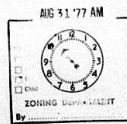
Dear Mr. DiNenna:

We are greatly opposed to rezoning the above mentioned property from DR 5.5 to DR 16 with a special permission to use the property for an office building.

This section of Frederick Road has retained its residential zoning and the majority of the non conforming properties have been upgraded to a residentially zoned classification.

We feel that apartments and offices would be inappropriate here.

We wish to take this opportunity to thank you for your kind consideration.



Cordially, Jane K. Meredith, (Mrs. Theo. H.), 13 A Annie Ave, Catonsville, MD 21228

one of my greatest arguments to this is of the fact that the homes along this part of Annie Rd, as well as the new ones, are being improved and their construction is low in cost. The owners are being treated as the present time. This is a residential neighborhood not an area for office or apartments.

And if you allow that few intact neighborhoods there are left to be filled with medical complexes, 7-11's and self-service gas stations, you not only diminish the attractiveness of an old community as it is Catonsville but you continue the kind of uncontrolled growth that will make Baltimore a totally undesirable place to live.

For these reasons we respectfully request that you find re-zoning the property in question inappropriate at this time.

Respectfully,

Carey J. Jackson, 1703 Frederick Road, Catonsville, Maryland 21228

CJJ/rs:

The traffic problem will definitely greatly increase the safety aspects

Cordially, Elizabeth R. Dixon (Mrs. James H.)



Mr. Eric DiNenna  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson, Md. 21204



re: Item No. 2  
Southwestern Sector  
N.E. Corner,  
Frederick and Overhill Rd.

August 25, 1977

Dear Mr. DiNenna:

We are greatly opposed to rezoning the above mentioned property from DR 5.5 to DR 16 with a special permission to use the property for an office building.

This section of Frederick Road has retained its residential zoning and the majority of the non conforming properties have been upgraded to a residentially zoned classification.

We feel that apartments and offices would be inappropriate here.

We wish to take this opportunity to thank you for your kind consideration.

Cordially,

*Thos. B. McHenry*  
1709 Rollingwood Rd.

21228

*I have lived in the vicinity of Frederick, Hills, Rollingwood all my life. She should pay this added competition!!*

MICROFILM ONE COPY ONLY

Mr. Eric DiNenna  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson, Md. 21204



re: Item No. 2  
Southwestern Sector  
N.E. Corner,  
Frederick and Overhill Rd.

August 25, 1977

Dear Mr. DiNenna:

We are greatly opposed to rezoning the above mentioned property from DR 5.5 to DR 16 with a special permission to use the property for an office building.

This section of Frederick Road has retained its residential zoning and the majority of the non conforming properties have been upgraded to a residentially zoned classification.

We feel that apartments and offices would be inappropriate here.

We wish to take this opportunity to thank you for your kind consideration.

Cordially,

*Henry H. Helfrich*

MR. E. DI NENNA  
Zoning Commissioner  
Towson, Md. 21204

PETITION AND SITE PLAN

EVALUATION COMMENTS

BAaltimore County Office of Planning & Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing  
this 29th day of August 1977.

*Eric DiNenna*  
Eric DiNenna  
Zoning Commissioner

Petitioner: *Peter Mongelli*  
Petitioner's Attorney: *Richard A. Comodari*  
Reviewed by: *John E. Meyers*  
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 2, 1977

James D. Nolan, Esquire  
Newton Williams, Esquire  
204 W. Pennsylvania Ave.  
Towson, Maryland 21204

RE: Reclassification and  
Special Exception  
Item No. 2 - 1st Cycle  
Petitioner - Peter Mongelli

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

This currently vacant wooded site, zoned D.R. 5.5, is located on the north side of Frederick Road between Montrose and Overhill Roads in the 1st Election District. Adjacent properties are improved with a combination store/dwelling to the east, the Montrose Manor Apartments and individual dwellings to the north, vacant land to the west and individual dwellings to the south across Frederick Road.

This property was the subject of a previous zoning hearing, Case 165-265-N, in which a Reclassification and Special Exception for office use were denied. As stated in the comments of the State Highway Administration, an 80' right-of-way is proposed for Frederick Road. This must be indicated on the submitted plan and if this does not alter the location of the proposed building, Variance forms to permit a front setback of 23 feet in lieu of the

James D. Nolan, Esquire  
Newton A. Williams, Esquire  
Page 2  
Item No. 2  
May 2, 1977

required 30 feet must be included with this request.

In addition to the above and as provided in Section 22-15.1(e) of Bill 12-77, The Interim Development Control Act, any application for special exception in residential zones must first be approved by the Planning Board before it can be processed by this office. This letter will officially notify you that your petition is being referred to the Planning Board for their review in accordance with the aforementioned bill.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to May 27, 1977 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1977 and October 15, 1977 will be forwarded to you well in advance.

Very truly yours,

*Nicholas B. Comodari*

NICHOLAS B. COMODARI,  
Acting Chairman  
Zoning Plans Advisory Committee

NDC:rf

cc: Daft - McCune - Walker, Inc.  
300 East Joppa Road  
Baltimore, Maryland 21204

Baltimore County  
Department of Public Works  
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.  
DIRECTOR

April 28, 1977

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

Re: Item #2 (Cycle I April-October 1977)  
Property Owner: Peter Mongelli  
W/E cor. of Frederick and Overhill Rds.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: D.R. 16, with Special Exception for office and office building.  
District: 1st No. of Acres: 0.63

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 comments supplied in connection with the Zoning Advisory Committee review of this property for Item #325 (1969-1970) remain valid and applicable and are referred to for your consideration.

This office has no further comment in regard to the plat submitted for Zoning Advisory Committee review in connection with this Item #2 of Cycle I (April-October 1977).

Very truly yours,  
*Dorothy W. Tucker*  
DONALD W. TUCKER, P.E.  
Acting Chief  
Bureau of Engineering

DWT:RAM/PWR:SS  
300 East Joppa Road  
11 SW 30 Post Sheet  
SW 30 Topo  
100 Tax Map

Maryland Department of Transportation  
State Highway Administration

April 18, 1977

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

Attention: Mr. N. Comodari

Re: Z.A.C. Meeting  
Zoning Cycle I, April 1977  
ITEM: #2  
Property Owner: Peter Mongelli  
Location: NE/Cor. of Frederick Rd. (Route 144) and Overhill Rd.  
Present Zoning: D.R. 5.5  
Proposed Zoning: D.R. 16, with Special Exception for Offices & Office Bldg.  
District: 1st  
No. Acres: 0.83

Dear Mr. DiNenna:

There is an 80' right of way proposed for Frederick Road (40' from center) that must be indicated on the plan. Since no direct access is proposed from Frederick Road, there will be no further requirements by the State Highway Administration.

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

CLJEM:vrđ

April 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 #2, Zoning Cycle I, April 1977, are as follows:

Property Owner: Peter Mongelli  
Location: NE/cor of Frederick and Overhill Roads  
Present Zoning: D.R. 5-5  
Proposed Zoning: D.R. 16 with Special Exception for offices and office building  
District: 1st  
No. Acres: 0.83

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 to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

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

STEPHEN E. COLLINS  
DIRECTOR

April 18, 1977

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

Re: Cycle Zoning Item No. 2 - ZAC - April 1977  
Property Owner: Peter Mongelli  
Location: NE/cor. of Frederick and Overhill Rds.  
Present Zoning: D.R. 5-5  
Proposed Zoning: D.R. 16, with Special Exception for Offices and Office Bldg.  
District: 1st  
No. Acres: 0.83

Dear Mr. DiNenna:

As presently zoned this site will generate approximately 45 trips per day. The proposed DR 16 zoning with a special exception for a medical office building will generate approximately 260 trips per day.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate

MSZ/130

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

April 18, 1977

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

Dear Mr. DiNenna:

Comments on Item #2, Zoning Cycle I Meeting, April 5, 1977, are as follows:

Property Owner: Peter Mongelli  
Location: NE/cor. of Frederick and Overhill Rds.  
Present Zoning: D.R. 5-5  
Proposed Zoning: D.R. 16, with Special Exception for Offices and Office Building  
District: 1st  
Acres: 0.63

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

Very truly yours,

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

KS:msh

Paul H. Reineck  
CHIEF

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

Attention: Mr. Nicholas K. Comodari, Chairman  
Zoning Advisory Committee

Re: Property Owner: Peter Mongelli

Location: NE/cor. of Frederick and Overhill Rds.

Item No. 2

Zoning Agenda Zoning Cycle I

Comments:

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

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 10, "Life Safety Code", 1970 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED:

*Paul H. Reineck* Noted and Approved  
*Nicholas K. Comodari* Noted and Approved  
Paul H. Reineck, Chief  
Nicholas K. Comodari, Chairman  
Special Inspection Division  
Baltimore County Fire Prevention Bureau

JOHN D. SEYFERT  
DIRECTOR

April 18, 1977

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

Zoning Cycle I

Dear Mr. DiNenna:

Comments on Item # 2 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Peter Mongelli  
Location: NE/cor. of Frederick and Overhill Roads  
Present Zoning: D.R. 5-5  
Proposed Zoning: D.R. 16, with Special Exception for offices and office buildings.  
District: 1st  
No. Acres: 0.83

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.O.C.) 1970 Edition 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. Santorum* CEB

Charles B. Burman  
Plans Review Chief  
(CEB:rt)

BOARD OF EDUCATION  
OF BALTIMORE COUNTY

TOWSON, MD 21204

Date: April 7, 1977

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

Z.A.C. Meeting of: Zoning Cycle I

RE: Item No: 2  
Property Owner: Peter Mongelli  
Location: NE/cor. of Frederick and Overhill Roads  
Present Zoning: D.R. 5-5  
Proposed Zoning: D.R. 16, with Special Exception for Offices and Office Bldg.

District: 1st  
No. Acres: 0.53

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,

*W. Nick Petrovich*  
W. Nick Petrovich,  
Field Representative

BNP/tp

JOSEPH H. MCGOWAN, PRESIDENT  
W. HAROLD WILLIAMS, JR., VICE-PRESIDENT  
MARCUS M. HOGAN, CLERK

THOMAS R. BRYAN  
RALPH LORANGE, F. CHURCH  
ROBERT B. HAYDEN  
ROBERT V. DUBEL, SUPERINTENDENT

ALVIN LORICK  
MRS. MILTON R. SMITH, JR.  
RICHARD W. TRACY, D.V.M.

451 MA 5ST ATLANTIC REPORTER'S OFFICE

218 MA 400  
W. BELFRICH V. MONGELLI et al.  
Peter A. MONGELLI et al.  
No. 36  
Court of Appeals of Maryland  
Jan. 18, 1968.

Lawson petitioned for reclassification of property. The Board of Appeals granted the application and the pro-ctor appealed. The Court of Appeals of Baltimore County, W. Albert Miesner, J. affirmed, and the proctors appealed. The Court of Appeals, En banc, held that the widening of a road to within 200 feet of subject property, permissive installation of existing manufacturing use close to tract, development of university and college in general area of tract, and construction of elementary school constituting permissive use within two blocks of subject property, did not justify change in classification of landowner's tract from one- and two-family residential to apartments residential.

Order reversed.  
1. Evidence was insufficient to establish there was a mistake in original zoning of tract of land where similar classification was applied to extensive frontage on both sides of road and where classification included a number of non-conforming uses.  
2. Zoning Ordinance was insufficient to establish a mistake in original zoning of land where similar classification was applied to extensive frontage on both sides of road and where classification included a number of non-conforming uses.  
3. Zoning Ordinance was insufficient to establish a mistake in original zoning of land where similar classification was applied to extensive frontage on both sides of road and where classification included a number of non-conforming uses.

W. Lee Thomas, Jr., Thos. & McGee, Inc., appellants.  
A. Owen Henson, appellee.  
W. Lee Thomas, Jr., Thos. & McGee, Inc., appellants.  
W. Lee Thomas, Jr., Thos. & McGee, Inc., appellants.  
FINAN, Judge.  
The subject property consists of two lots of 1.25 acres and 1.25 acres of land on the north side of Overhill Road, in the City of Baltimore. In 1957 the property was purchased by the appellant with a large tract of land. Subsequent to the purchase...

4. Zoning Ordinance

If zoning body evidence of change to make question of in-law/second floor of the zoning varied.

5. Zoning Ordinance

Widening of a 200 feet subject installation of use close to tract, development of university and college in general area of tract, and college in general area of tract, and construction of elementary school constituting permissive use within two blocks of subject property, did not justify change in classification of family residential to family residential on basis of change of school.

6. Zoning Ordinance

The mere widening of a road to within 200 feet of subject property, permissive installation of existing manufacturing use close to tract, development of university and college in general area of tract, and construction of elementary school constituting permissive use within two blocks of subject property, did not justify change in classification of family residential to family residential on basis of change of school.

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RECORD

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The following text discusses zoning regulations, including references to the Baltimore City and County Zoning Ordinance and various court decisions.

This section contains a detailed legal analysis of zoning cases, mentioning specific parcels and zoning classifications.

Further text discussing zoning matters, including the role of the Board of Appeals and the Board of Zoning Adjustment.

Continuation of the legal analysis, focusing on the standards for judicial review of zoning decisions.

Final paragraphs of the zoning-related text, concluding the discussion on the subject.

Final paragraphs of the legal analysis, providing a summary of the findings.

Large block of text, likely a continuation of the legal analysis or a separate article, containing numerous references and citations.

Large block of text on the right side of the page, possibly containing case notes or additional legal commentary.

CERTIFICATE OF PUBLICATION form for THE JEFFERSONIAN newspaper, dated August 18, 1977, published in Towson, Maryland.

OFFICE OF THE TIMES NEWSPAPERS form, dated August 19, 1977, published in Towson, Maryland, with a list of advertising rates.

CERTIFICATE OF POSTING form for ZONING DEPARTMENT OF BALTIMORE COUNTY, dated August 20, 1977, regarding a rezoning application.

CERTIFICATE OF POSTING form for ZONING DEPARTMENT OF BALTIMORE COUNTY, dated August 24, 1977, regarding a rezoning application.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE & REVENUE DIVISION MISCELLANEOUS CASH RECEIPT form, dated August 29, 1977, for \$160.00.

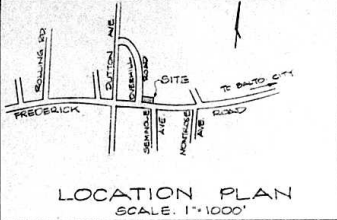
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE & REVENUE DIVISION MISCELLANEOUS CASH RECEIPT form, dated August 29, 1977, for \$75.00.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE & REVENUE DIVISION MISCELLANEOUS CASH RECEIPT form, dated August 31, 1977, for \$500.00.

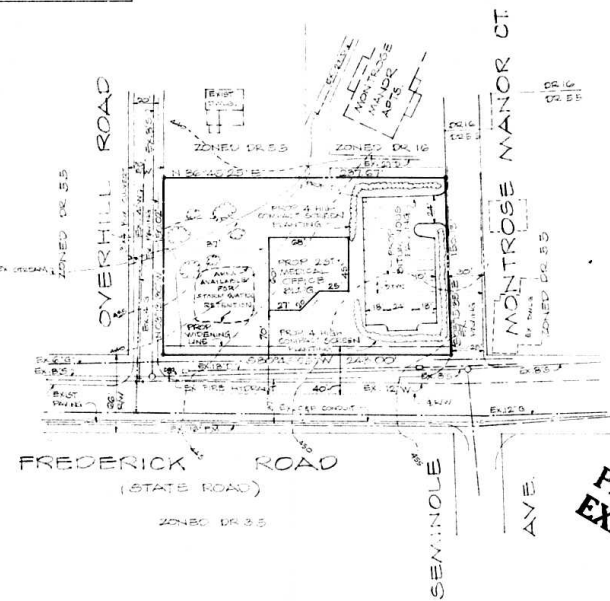
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING form, dated August 31, 1977, regarding a rezoning application.







UTILITY REF DWGS.  
 Sanitary - 20255  
 4" Water, Overhill Road - 24153  
 12" Water, Frederick Rd - 55-1248  
 Storm drain, Apartmentette - 64-554



**PETITIONER'S EXHIBIT #1**  
 71-2248

**SITE DATA**

- 1. Total area of tract 0.83 acres
- 2. Existing zoning of tract DR 5.5
- 3. Proposed zoning of tract DR 16
- 4. Proposed building
- Proposed use Medical Office
- Ground Floor area 2500 sq. ft.
- First floor area 1500 sq. ft.
- Total floor area 3000 sq. ft.
- 5. Number of parking spaces required 16.7 spaces
- 6. Number of parking spaces shown 20 spaces

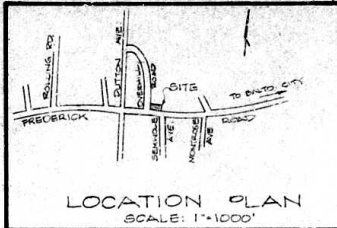
Note: Lighting to be attached to building

**DAFT - McCUNE - WALKER INC.**  
 LAND PLANNING CONSULTANTS  
 LANDSCAPE ARCHITECTS  
 ENGINEERS  
 100 EAST JOPPA ROAD, BALTIMORE, MD 21204  
 TELEPHONE: 301-796-3335  
 1 THE MONTGOMERY CENTER, SUITE 815  
 9800 PENTON STREET, SILVER SPRING, MD 20910  
 TELEPHONE: 301-582-2300

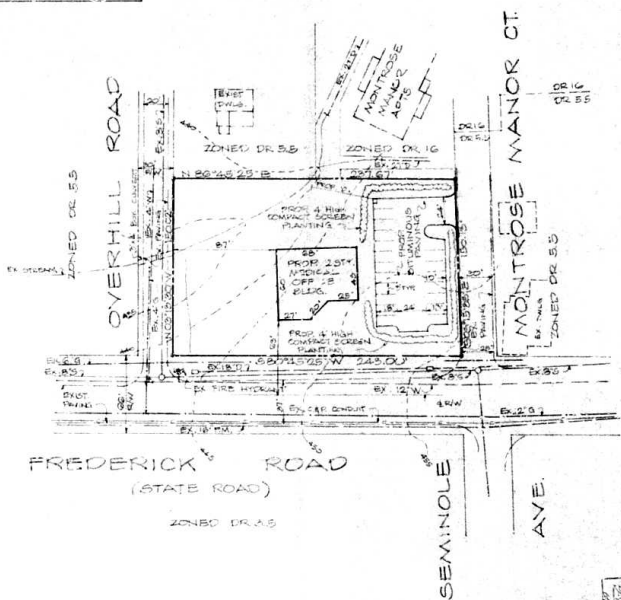
PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM DR 5.5 TO DR 16 AND HEARING FOR SPECIAL EXCEPTION FOR MEDICAL OFFICE BUILDING

ELECTION DISTRICT NO. 1  
 BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50'	
JOB ORDER NO. 87706	
ISSUE DATE 3-31-77	
DATE	REVISIONS
3-28-77	REV. PER Z.A.C. COMMENTS
7-14-77	SEWER WATER EXTENSION WORK APPROVED



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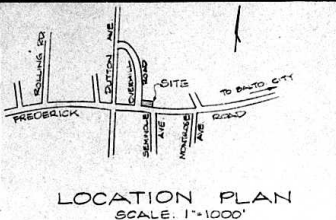
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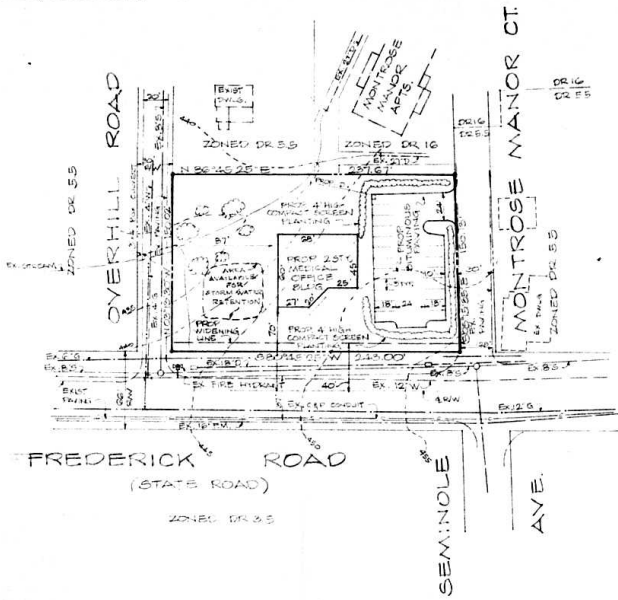
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DATE	REVISIONS



UTILITY REF DWGS.  
 Sanitary - 20258  
 4 Water, Overhill Road - 24-153  
 12 Water, Frederick Rd - 55-1248  
 Storm drain, apartment site - 64-554



**SITE DATA**

- 1. Total area of tract 0.86 acres
- 2. Existing zoning of tract DR 5.5
- 3. Proposed zoning of tract DR 12
- 4. Proposed building (Proposed use) Medical Office
- Ground Floor area 2500 sq ft
- First floor area 1500 sq ft
- Total floor area 5000 sq ft
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Note: Lighting to be attached to building

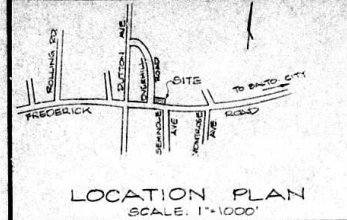
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 ENGINEERS  
 300 EAST POPA ROAD, BALTIMORE, MD 21204  
 TELEPHONE: 301-296-3333  
 THE MONTGOMERY CENTER, SUITE 515  
 800 FENTON STREET, SILVER SPRING, MD 20910  
 TELEPHONE: 301-585-2200

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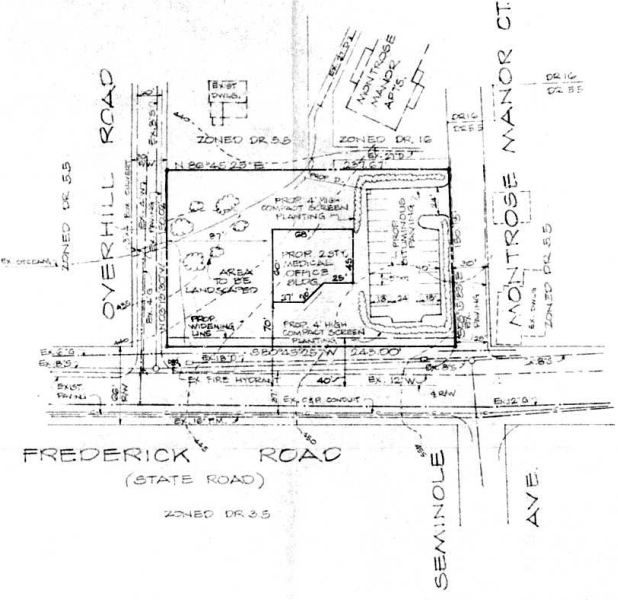
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DATE	REVISIONS
3-28-77	REV. PER ZAC COMMENTS
7-14-77	REV. PER ZAC COMMENTS



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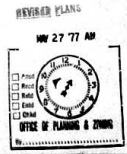
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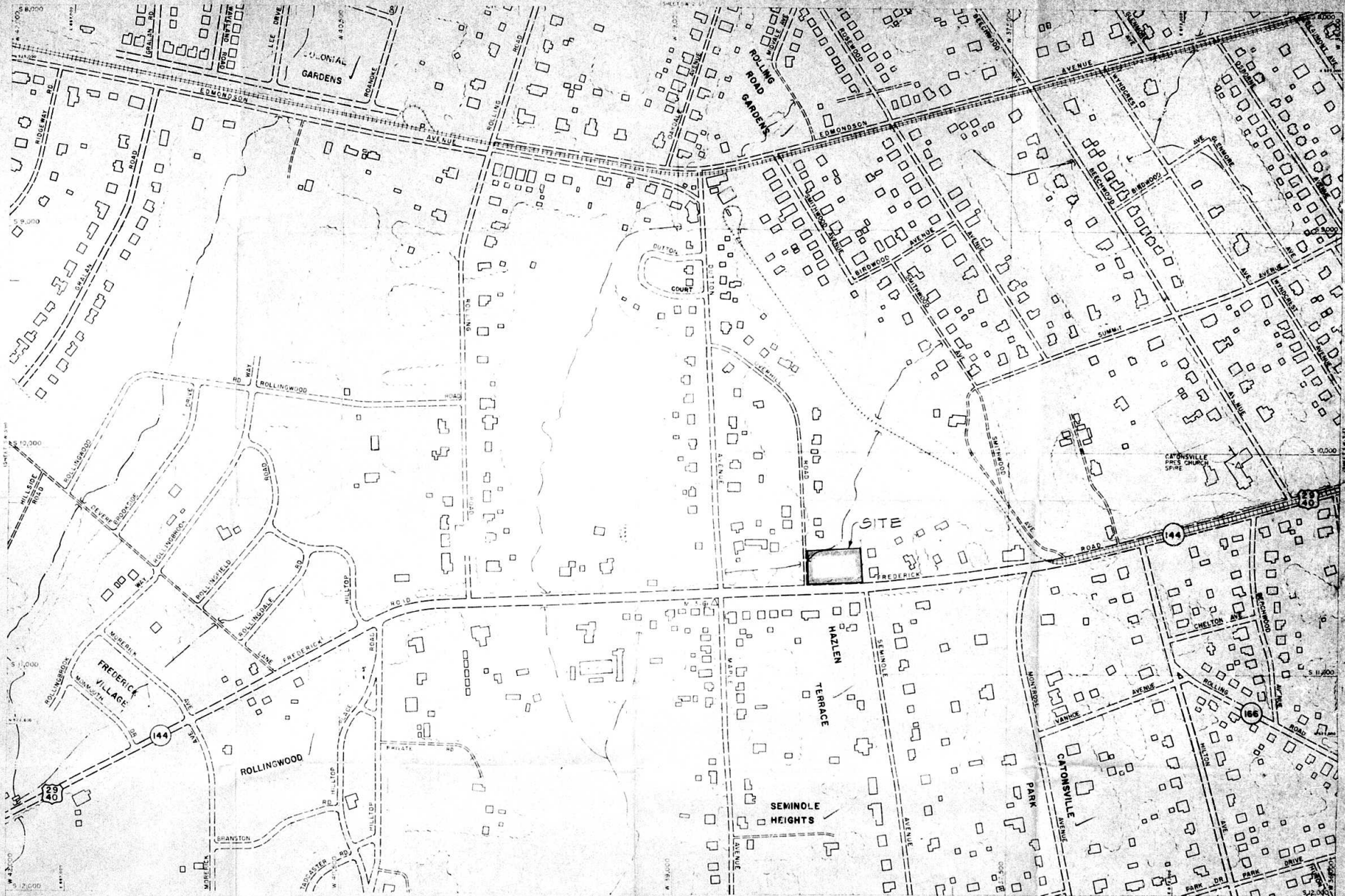
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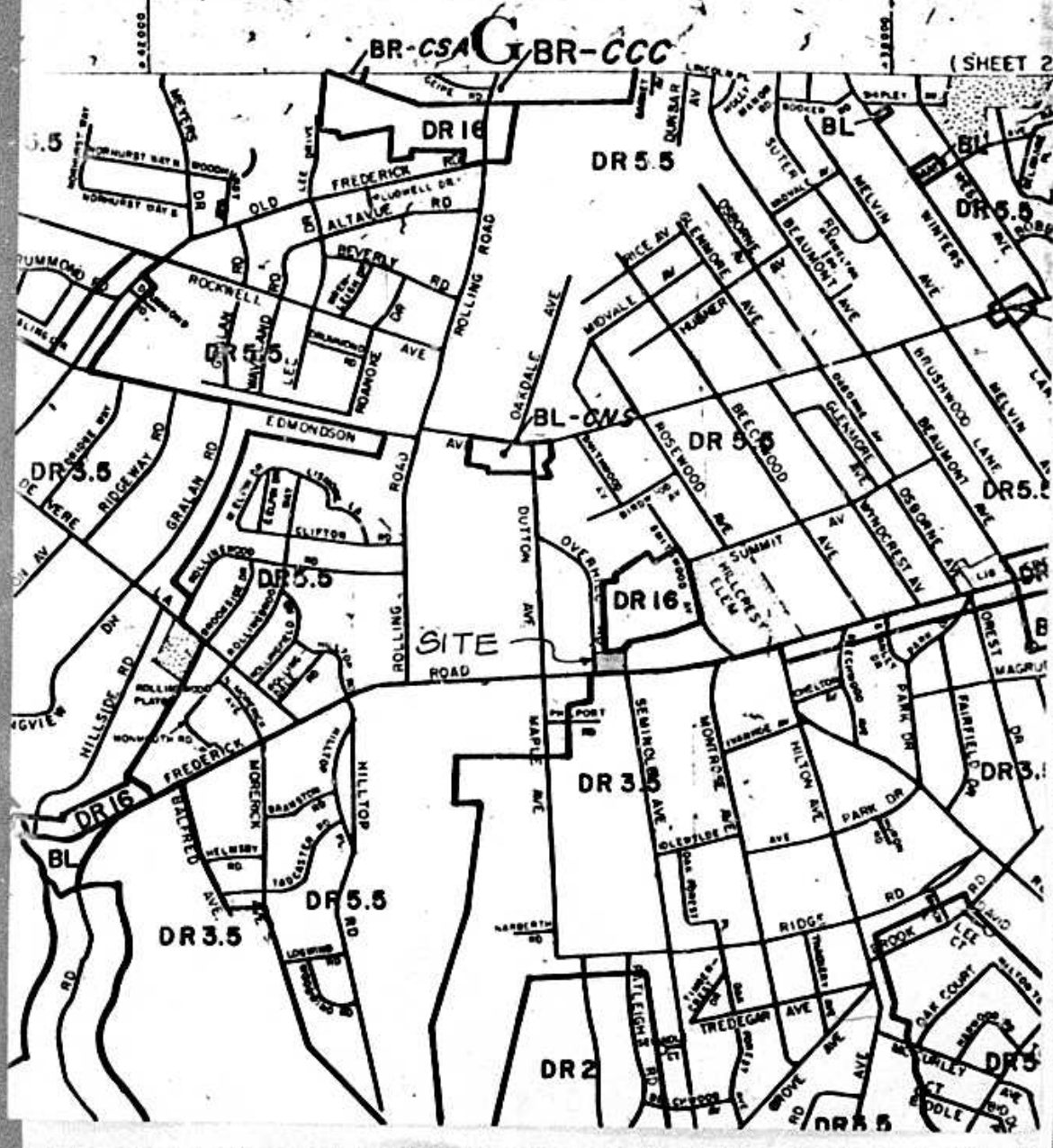
PHOTOGAMMETRIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	CATONSVILLE	SW 3-G
DATE OF PHOTOGRAPHY APRIL, 1953			

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AERO SERVICE CORPORATION-PHILADELPHIA, PA.



H-NE  
H-SE



BR-CSA BR-CCC

(SHEET 2)

SITE

DR 2

DR 3

DR 16

DR 5.5

DR 16

DR 5.5

DR 5.5

DR 3.5

DR 5.5

DR 16

DR 5.5

BL-ONS

DR 9

DR 5.5

DR 3.5

DR 5.5

DR 3

