

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOHN P. ROCHE and LINDA C. ROCHE, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from as of D.R. 16 and D.R. 5.5 to as of B.L. 16 for the following reasons:

1. That the 1976 zoning maps erroneously and mistakenly divided the Roche property into three zones (B.L., D.R. 16 and D.R. 5.5), in such a manner as to make none of the three zones practical and usable for modern commercial activity with adequate on-site parking; and the 1976 zoning maps should have placed the entire Roche property, or at least the great majority of it in a B.L. zone, as set out more fully on the attached Memorandum which is incorporated by reference herein.

2. That the erroneous division into three zones of little utility fails to recognize the changes in this vicinity of Falls Road as set out in the attached Memorandum.

See attached description

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

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

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

Contract purchaser
JOHN P. ROCHE
LINDA C. ROCHE Legal Owners
Address: 6009 Altamont Place
Baltimore County, Md. 21210
Protestant's Attorney
JOHN P. ROCHE
NOLAN, PLUMBORF & WILLIAMS
204 West Pennsylvania Avenue
Towson, Maryland 21204
821-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 29th 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 11th day of September, 1977, at 10:00 o'clock A.M.

Eric DiNenna
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOHN P. ROCHE and LINDA C. ROCHE, 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 for a Variance from Section 232.3 to permit a rear yard of zero (0) feet in lieu of the required twenty (20) feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. That the requested variance will allow the construction of the proposed retail and office building in a most attractive manner, set into the existing hill, and there will be no rear entrances or loading areas and the back of the building will be finished in an attractive manner similar to the stores in Burton.

2. That the requested variance is in harmony with the spirit and intent of the Regulations, and the building will be set back further from Stanton Avenue than the existing, obsolescent homes being replaced.

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

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

Contract purchaser
JOHN P. ROCHE
LINDA C. ROCHE Legal Owners
Address: 6009 Altamont Place
Baltimore County, Md. 21210
Protestant's Attorney
JOHN P. ROCHE
NOLAN, PLUMBORF & WILLIAMS
204 West Pennsylvania Avenue
Towson, Maryland 21204
821-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of April, 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 11th day of September, 1977, at 10:00 o'clock A.M.

Eric DiNenna
Zoning Commissioner of Baltimore County

MEMORANDUM IN SUPPORT OF REQUEST FOR RECLASSIFICATION OF PROPERTY ON THE EAST SIDE OF FALLS ROAD SOUTH OF LAKE AVENUE FROM D.R. 5.5 AND D.R. 16 TO B.L.

Some of the Erroneous Aspects of D.R. 5.5 and D.R. 16 Zoning

The Petitioners state that the 1976 zoning maps contain at least the following errors, and in all probability additional errors, in erroneously and mistakenly dividing the Roche property into three essentially unusable zones, namely B.L., D.R. 5.5 and D.R. 16, as follows:

1. While the 1976 zoning maps have finally recognized in part the commercial aspects of the east side of Falls Road south of Lake Avenue, in classifying the Roche property the 1976 maps placed only a portion of the property in a B.L. zone, and did not place a sufficient quantity of the property in a B.L. zone so as to be usable for modern commercial uses.

2. That the 1976 maps placed the entire west side of Falls Road from the Baltimore City Line on the south to the Jones Falls Bridge on the north in a variety of commercial zones, including B.L., B.M.-C.N.S., B.M., etc., but for some reason failed to place the entire Roche property on the east side of Falls Road south of Lake Avenue in a commercial zone, and furthermore, that portion of the Roche property which was accorded commercial zoning, namely B.L., was given far too shallow a B.L. treatment.

3. That the correct classification for the entire Roche property would be to place it in a B.L. zone as requested, and in fact there are two long existent nonconforming commercial uses on the Roche property which were placed in a D.R. 16 zone, which could have, and should have been accorded commercial recognition

on the 1976 maps as herein requested.

4. That it was and is erroneous to divide the Roche property into three classifications, namely B.L., D.R. 5.5 and D.R. 16, in such a manner that none of these zones is really properly usable.

5. That the depth of the D.R. 16 zoning accorded along the east side of Falls Road shows a more appropriate depth which should have been accorded the B.L. zoning immediately to the north, and in fact, in order to allow modern commercial uses to be built on these properties, a sufficient depth of B.L. from the center line of Falls Road should have and could have been included.

6. That the 1976 zoning maps are erroneous and mistaken in not recognizing the changed commercial character of both sides of Falls Road, particularly in the area between Lake Avenue on the north and the Baltimore City Line on the south, and the maps should have recognized this increasing commercial orientation and placed usable B.L. zoning on the Roche property.

7. And for such other and further errors and mistakes in the 1976 zoning classification of the Roche property as shall be disclosed by a minute study of this area, which errors and mistakes shall be brought out at the time of the hearing herein.

Respectfully submitted,

James D. Nolan

Nolan, Plumborff & Williams

204 West Pennsylvania Avenue

Towson, Maryland 21204

821-7800

Attorneys for the Petitioners

-2-

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 201 COWLEY AVENUE TOWSON, MARYLAND 21204

March 30, 1977

OFFICE 883-3008

DESCRIPTION TO ACCOMPANY ZONING PETITION
PROPERTY OF JOHN P. ROCHE

RECORDING 771451

Beginning for the same at a point in the center of Falls Road, 50' wide, at the distance of 175', more or less, measured northerly on the center of Falls Road, from the intersection formed by the center of Falls Road and the center of Fairfield Avenue, said point being at the beginning of the land which by deed dated August 21, 1913 and recorded among the Land Records of Baltimore County in Liber MC 415, Folio 557, was conveyed by William P. Roche to John P. Roche et al, thence leaving Falls Road and binding on a part of the 1st line in the aforesaid deed, N 80°30' E 188.58' thence leaving said line and running parallel to and 25' westerly from the center of an existing 16' alley, S 8°00' E 207.90', running thence S 80°30' W 188.58' to the center of Falls Road, running thence and binding thereon N 8°00' W 207.90' to the place of beginning. Containing 0.90 Acres of land more or less. Saving and excepting all that portion heretofore zoned B.L. Being part of the property of John P. Roche and wife.



E. F. Raphael
E. F. Raphael
Registered Professional Land Surveyor
No. 2246

November 30, 1978

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

Re: Case No. 78-32-04
John P. & Linda C. Roche

Dear Mr. Heslan:

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

Very truly yours,

Edith T. Elsom, Adm. Secy.

End.

cc: James D. Nolan, Esquire
Donald D. Fair, Esquire
Mr. J. G. Dyer
Mr. S. E. Dittman
Mr. G. J. Martinak
Mr. L. H. Goss
Mr. J. Howell
Board of Education

September 23, 1977

RE: Petition for Reclassification and Variance
E/S of Falls Road, 175' N of Fairfield Road - 9th Election District
John P. Roche, et al - Petitioners
NO. 78-32-RA (Item No. 12)

Dear Mr. Nolan:

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

Very truly yours,

George J. Martinak
George J. Martinak
Deputy Zoning Commissioner

GJM/nic

Attachments

cc: Donald D. Fair, Esquire
228 Tower Building
Baltimore, Maryland 21202

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

LAW OFFICES OF
NOLAN, PLUMBORFF & WILLIAMS
204 West Pennsylvania Avenue
TOWSON, MARYLAND 21204

June 10, 1977

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

Re: Reclassification and Variance Case Involving the Roche Property on the East Side of Falls Road. Item No. 12 - First Cycle.

Dear Commissioner DiNenna:

We are enclosing herewith an original and two copies of a Petition adding a rear yard variance request to the reclassification already filed.

Apparently a possible need for this variance was noted during Zoning Advisory Committee review, and hence the plats have been appropriately revised to reflect it and the Petition itself is being filed herewith.

In reviewing Section 232.3, it should be noted that the Section states that a 20-foot rear yard is required for commercial buildings only "where the rear lot line abuts a lot in a residential zone", and, of course, in this case the rear lot line abuts Stanton Avenue, but out of an abundance of precaution we are asking for the variance. It will be greatly appreciated if your Staff will add this to our request and so advertise and post the property for the hearing in the Fall.

Thanking you and your Staff for your attention to this variance request, I am,

Respectfully,

Newton A. Williams
Newton A. Williams

NAN/hl

Enclosures

cc: The Hon. George J. Martinak
Deputy Zoning Commissioner

Mr. Nicholas Commodari
Zoning Advisory Committee Chairman

Mrs. Beatrice Anderson
Office of Planning & Zoning

MAR 01 1979

March 1979
S M T W T F S
1 2 3 4 5 6 7 8 9 10 11 12
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

RE: PETITIONS FOR RECLASSIFICATION AND VARIANCE : BEFORE THE DEPUTY ZONING COMMISSIONER
E/S Falls Road, 175' N of Fairfield Road - 9th Election District : COMMISSIONER
John P. Roche, et ux - Petitioners : OF
NO. 78-32-RA (Item No. 12) : BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Reclassification from a D.R. 16 Zone and a D.R. 5.5 Zone to a B.L. Zone, and a Variance to permit a rear yard setback of zero feet instead of the required 20 feet. The subject property contains 0.64 acres, more or less, is located on the east side of Falls Road, 175 feet north of Fairfield Road, in the Ninth Election District of Baltimore County. This property is part of a parcel totalling 0.90 acres. The Petitioners propose to construct a two story 157' by 40' building, containing stores and offices, on the site.

Testimony indicated that the site contains rather high density improvements, having six row houses, four individual houses, and two commercial enterprises, i.e., a clothing store and a television repair shop. The latter two enjoy nonconforming uses. All of this is blanketed under three zoning classifications: D.R. 16, D.R. 5.5, and B.L. The Business, Local (B.L.) Zone cuts through the row houses.

A five acre tract, adjacent to the subject property and on the west side of Falls Road, is zoned B.M. and figured prominently in the testimony at the hearing. Mr. Hugh Gelston, a real estate broker and appraiser, testified that that parcel cannot be used commercially in its existing condition because of improper landfilling, the existence of an interceptor (sewer) pipe below the grade level, which would be endangered by buildings, and the location of part of the tract in the 100 year floodplain.

Mr. Gelston further testified that the Baltimore County Planning Board was remiss in its "Report to the Zoning Commissioner," (dated July 21, 1977) in two respects concerning the subject property:

1. The report erred when it stated that there is an abandoned house on the corner of Falls Road and Lake Avenue.
2. The existence of the aforementioned nonconforming uses on the property was not noted.

Further testimony on behalf of the Petitioners indicated that the part of the property zoned B.L. is insufficient to support a viable commercial use in itself and thus constitutes zoning error, that the existing nonconforming uses should have been placed in B.L. zoning during the course of map changes, that the 1976 maps show error in failing to recognize the commercial change in the character of the area along both sides of Falls Road, and that the proposed widening of Falls Road would destroy the front porches of the six row houses and thereby eliminate them for residential purposes.

Nearby residents, in protest, testified that the area does not need additional commercial establishments, that it constitutes a stabilized residential neighborhood, that Falls Road traffic is already heavy, and that public transportation along Falls Road is inadequate.

Without reviewing the testimony further in detail but based on all the testimony at the hearing, in the opinion of the Deputy Zoning Commissioner, that part of the property classified D.R. 16 and D.R. 5.5 constitutes error.

The testimony of Mr. Gelston is particularly significant, inasmuch as a substantial block of business zoned property nearby (the above mentioned five acre tract) appears to be currently unmarketable for commercial uses, thereby diminishing the possibilities of additional businesses.

The Petitioners' colorful description of the zoning imposed upon his small parcel of property as a "ratty quilt" seems particularly appropriate, and the

prospect of the widening of Falls Road taking out a portion of the six row houses hangs like a sword over the residential future of those buildings.

In addition, the accompanying Petition for a Variance to permit a rear yard setback of zero feet instead of the required 20 feet should also be granted to insure maximum utility of this property.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of September, 1977, that the herein described Petition for a Reclassification from a D.R. 16 and D.R. 5.5 Zone to a B.L. Zone and a Variance from 20 feet to zero feet for a rear yard should be and the same is hereby GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Charles E. Kountz, Jr.
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION AND VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S Falls Rd, 175' N of Fairfield Rd., 9th District :
JOHN P. ROCHE, et ux, : Case No. 78-32-RA
Petitioners :

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter, under date of September 23, 1977, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

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

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

I HEREBY CERTIFY that on this 10th day of October, 1977, a copy of the foregoing Order was mailed to James D. Nolan, Esquire and Newton A. Williams, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioners.

John W. Heslan, III
John W. Heslan, III

37 10 27 PM
BA

RE: PETITION FOR RECLASSIFICATION AND VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 and D.R. 5.5 to B.L., : OF
and VARIANCE from Section 232.3 : BALTIMORE COUNTY
of the Baltimore County :
Zoning Regulations :
E/S Falls Road 175' :
N. of Fairfield Road :
9th District :
John P. Roche and :
Linda C. Roche, Petitioners :
No. 78-32-RA

OPINION

This case comes before the Board on an appeal from a decision of the Deputy Zoning Commissioner which granted the requested reclassification and variance.

A day or two prior to the hearing date, by letter, counsel for the Petitioner advised the Board that the Petitioner-Appellee did not wish to present any testimony or evidence in furtherance of his request for reclassification and variance. In open hearing, counsel for the Petitioner affirmed this wish and, in fact, there was offered to the Board no testimony and evidence.

As petitions come to this Board de novo, the burden is totally and completely on the Petitioner to convince the Board by testimony and evidence that the reclassification and variance should be granted. Since we have no such testimony and evidence the petition must be denied. For these reasons an Order of denial follows hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, It is this 30th day of November, 1978, by the County Board of Appeals, ORDERED that the reclassification and variance petitioned for, be and the same is hereby DENIED.

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
Walter A. Ketter, Jr.
Walter A. Ketter, Jr., Chairman
Herbert A. Davis
Herbert A. Davis

RE: PETITION FOR RECLASSIFICATION AND VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S Falls Rd, 175' N of Fairfield Rd, : OF BALTIMORE COUNTY
4th District :
JOHN P. ROCHE, Petitioner : Case No. 78-32-RA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

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

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

I HEREBY CERTIFY that on this 22nd day of August, 1977, a copy of the foregoing Order was mailed to James D. Nolan, Esquire and Newton A. Williams, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioner.

John W. Heslan, III
John W. Heslan, III

AUG 22 1977 PM
By

Law Offices of
NOLAN, DUNNHEAVY & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

July 11, 1977

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

Re: Petition for Reclassification and Rear Yard Variance for John P. Roche and Wife, East Side of Falls Road, South of Lake Avenue, Cycle No. 1, Item 12. Amended Rear Yard Variance Request 6 Feet in Lieu of Required 20 Feet.

Dear Commissioner DiNenna:

In response to a telephone call on July 7 from Mr. Commodari and Mrs. Anderson, the rear yard variance request and plans in this matter have been revised.

According to our calculations, the rear of the proposed building will be 6 feet from the proposed widening line of Staunton Avenue, and accordingly we are hereby amending our rear yard variance request to allow a rear yard of 6 feet in lieu of the required 20 feet, pursuant to Section 232.3 of the Regulations.

It is our understanding that your Staff will so amend your file, and that the case will be so advertised. Your Staff did request a formal written request in letter form and we trust that this letter will be sufficient. If there is anything else that your Office requires with regard to this Petition, please do not hesitate to contact us.

Thanking you and your Staff for your attention to this amended variance request, I am

Sincerely,

James D. Nolan

JDN/hl
Enclosure
See next page for cc's

Page two

cc: Mr. John P. Roche
6009 Altamont Place 21210
Nicholas P. Commodari, Chairman
Zoning Advisory Committee
County Office Building
Mrs. Bea Anderson
Office of Planning & Zoning
County Office Building
Eugene F. Raphael
E. F. Raphael & Associates
201 Courtland Avenue 21204
All above with enclosure

MAR 01 1979
MAR 01 1979

Law Offices of
NOLAN, PLUNKOFF & WILLIAMS

JAMES D. NOLAN
OF COUNSEL
NORTON A. WILLIAMS
WILLIAM W. HESSIAN, JR.
DONALD W. TUCKER, P.E.
STEPHEN J. NOLAN

November 27, 1978

The Hon. Walter A. Reiter and The Hon. Robert A. Gilland, Esquire
Chairman, County Board of Acting Chairman, County Board of
Appeals, Court House Rm. 219 Appeals, Court House
Towson, Maryland 21204 Towson, Maryland 21204

Re: Case No. 78-32-RA, John P. and Linda C. Roche,
Property on the East Side of Falls Road North
of Fairfield Road. SCHEDULED HEARING DATE
TUESDAY, NOVEMBER 28, 1978.

Dear Chairman Reiter and Chairman Gilland:

Please refer to our earlier letter of November 8, 1978,
regarding this matter. It is our understanding that the
Board is not willing to postpone the case, and accordingly
that it must be disposed of one way or another on Tuesday,
November 28.

Acting upon instructions from our co-counsel, Alan I.
Baron, Esquire, as conveyed to him by Mr. and Mrs. Roche, and
acting upon a number of letters and telephone calls which we
have sent or made to the Roches, we have been instructed not
to offer any evidence or put on any case before the Board on
the 28th.

As the Board knows, this reclassification was granted
by Deputy Zoning Commissioner Martinak's Opinion and Order of
September 23, 1977. Furthermore, as the Board knows, Donald
D. Fair, Esquire, a nearby resident, acting on his own behalf
and on behalf of certain relatives is the only protestant
known to us.

Accordingly, we would respectfully ask that the Board
record and transcript show very clearly that the Petitioner
has instructed his attorneys not to offer any evidence, and
that there was no hearing on the merits. We respectfully sub-
mit that since the Board's hearings are de novo, and that the

Page two - November 27, 1978

burden of proof to sustain the reclassification remains upon
the Petitioner. Thus, while the Board may wish to reverse the
Opinion and Order of the Deputy Zoning Commissioner dated
September 23, 1977, we would once again ask the Board's rever-
sal and dismissal of these proceedings show very clearly that
there was no evidence offered on the merits, that it is not a
decision on the merits case, and that it was based solely upon
the Petitioner's decision not to go forward at this time.

We have explained to the Petitioners that under Section
500.12 of the Zoning Regulations, as recently amended by Bill
No. 25-78, that no new petition for reclassification can be
filed for a period of eighteen months from the time of the dis-
position by the Board of this matter. Notwithstanding such
eighteen month moratorium on a new petition, the Roches have
decided not to go forward in the matter, and we will appreciate
the Board's disposing of this case not on the merits,
but rather on the basis that no evidence was offered.

Thanking the Board for its consideration of this deci-
sion by our clients, and awaiting the Board's decision in
this regard, I am

Respectfully,
James D. Nolan
James D. Nolan

JDN:hl

cc: Alan I. Baron, Esq.
Frank, Bernstein, Conway & Goldman
1309 Mercantile Bank & Trust Building
Baltimore, Md. 21201

Mr. & Mrs. John P. Roche
6009 Altamont Place
Baltimore, Md. 21210

Donald T. Fair, Esq.
228-229 Tower Building
Baltimore, Md. 21202

John W. Hessian, III, Esq., People's Counsel
and
Peter Hax Zimmerman, Esq., Deputy People's Counsel
County Office Building
Towson, Md. 21204

James D. Nolan, Esquire
Newton A. Williams, Esquire
Page 2
Item No. 12
May 2, 1977

dismissed by the Board of Appeals. The request
at this time includes additional property to the
south that was not covered in the previous hear-
ing.

Particular attention should be afforded the
comments of the Office of Project and Development
Planning while revised plans reflecting the comments
of the State Highway Administration concerning the
proposed curb and gutter along the frontage of this
site. In addition the submitted site plan must be
revised to coincide with the written description
that was filed with this office.

This petition for Reclassification is accepted
for filing on the date of the enclosed filing certi-
ficate. 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 Septem-
ber 1, 1977 and October 15, 1977 will be forwarded
to you well in advance.

Very truly yours,

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

NBC:rf

cc: R. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Newton A. Williams, Esquire
James D. Nolan, Esquire
204 W. Pennsylvania Ave.
Towson, Maryland 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 29th day of April, 1976.

29th

S. Eric DiMenna
S. Eric DiMenna,
Zoning Commissioner

Petitioner: John P. Roche
Petitioner's Attorney: James D. Nolan
cc: R. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204

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

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 2, 1977

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

RE: Reclassification
Item No. 12 - 1st Cycle
Petitioner - John P. Roche

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 prop-
erty. 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 appropri-
ateness of the requested zoning.

The subject property, partially zoned B.L.
D.R. 16 and D.R. 5.5, is located on the east side of
Falls Road approximately 175' north of Fairfield Avenue
in the 9th Election District. It is currently improved
with four (4) individual dwellings, six (6) row homes
and two (2) commercial establishments utilized for
radio and television repairs and clothing sales.
Surrounding properties to the northeast, east and south
of this site are zoned D.R. 5.5 and 16 and improved
with individual family dwellings, while properties
to the northwest and west are zoned commercial and
consist of vacant land and property improved with
an individual family dwelling.

Part of this site was the subject of a previous
zoning hearing, Case #78-65-RA, in which a reclassification
to commercial zoning and accompanying variance were denied
by the Zoning Commissioner and an appeal eventually

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MURPHY, P.E.
DIRECTOR

April 29, 1977

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

Re: Item #12 (Cycle I April-October 1977)
Property Owner: John P. Roche
E/S of Falls Rd. 175' N. of Fairfield Rd.
Existing Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.
District: 9th No. of Acres: 0.90

Dear Mr. DiMenna:

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

General:

Comments were supplied in connection with the Zoning Advisory Committee review
of this property for Item #12, Cycle VII (April-October 1974). These comments
are referred to for your further consideration.

Highways:

Stanton Avenue, an existing public road, is proposed to be improved in the
future as a 30-foot closed section roadway on a 40-foot right-of-way (minimum).
Highway improvements, including highway right-of-way widening and any necessary
reversible easements for slopes will be required in connection with any grading
or building permit application.

The entrance locations are subject to approval by the Department of Traffic
Engineering.

Storm Drains:

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

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

Item #12 (Cycle I April-October 1977)
Property Owner: John P. Roche
Page 2
April 29, 1977

Water and Sanitary Sewer:

Public water mains and sanitary sewerage which exist in Falls Road, Lake
Avenue and Stanton Avenue serve the present residences.

This property is tributary to the Jones Falls Sanitary Sewer System, subject
to State Health Department regulations.

Very truly yours,

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

DWT:DM:KWR:ss

cc: J. Tranner

0-5E Key Sheet
28 NM 7 Pos. Sheet
NM 7 8 Topo

79 Tax Map

April 19, 1977

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Zoning Cycle 1
April, 1977
Item: 12
Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Present Zoning: D.R. 16 & D.R. 5.5
Proposed Zoning: B.L.
District: 9th
No. Acres: 0.90

Dear Mr. DiNenna:

The plan must indicate proposed curb and gutter along the property frontage. The curb is to be 20' from the existing centerline of highway. The proposed right of way line or parking setback line must also be curbed with concrete.

The plan must be revised prior to the hearing.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

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 12, Zoning Cycle 1, April 1977, are as follows:

Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Present Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.
District: 9th
No. Acres: 0.90

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.

In addition to the landscaped areas four (4) foot high compact screening must be provided where parking areas are adjacent to residential premises. Landscaping should also be provided along the frontage of the property. All exterior lighting should be shown on the site plan.

Very truly yours,

John E. Meyers
John E. Meyers
Planner III
Project and Development Planning

STEPHEN E. COLLINS
DIRECTOR

April 22, 1977

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

Re: Cycle Zoning Item 12 -ZAC- April, 1977
Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Present Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.
District: 9th
No. Acres: 0.90

Dear Mr. DiNenna:

The existing use of this site can be expected to generate approximately 110 trips per day and the proposed B.L. zoning can be expected to generate approximately 450 trips per day.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate

NSP/jlf

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 #12, Zoning Cycle 1 Meeting, April 5, 1977, are as follows:

Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Present Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.
District: 9th
Acres: 0.90

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:mah

Paul H. Reineke
CHIEF

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

Re: Property Owner: John P. Roche

Location: East side of Falls Rd. 175' N. of Fairfield Rd.

Item No. 12 Zoning Agenda Zoning Cycle 1

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: *Charles E. Burnham*
Special Inspection Division
Battalion Chief
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

Dear Mr. DiNenna:

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

Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Existing Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.
Acres: 0.90
District: 9th

The items checked below are applicable:

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

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CER:rrj

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: Zoning Cycle 1

RE: Item No. 12
Property Owner: John P. Roche
Location: East side of Falls Rd. 175' N. of Fairfield Rd.
Present Zoning: D.R. 16 and D.R. 5.5
Proposed Zoning: B.L.

District: 9th
No. Acres: 0.90

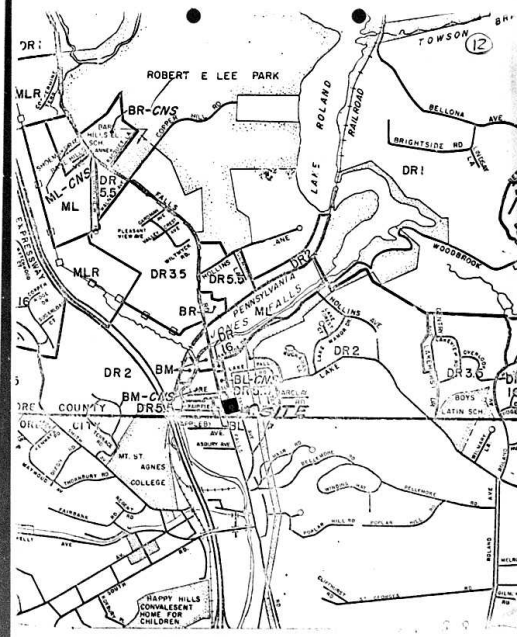
Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

NSP/jlp



Porter's Blotter, Schools



ZONE DRS-5
USE - RESIDENTIAL

STAUNTON

AVE.

16' LANE

AVENUE

ZONE DR-5-C
USE-RESIDENTIAL

B.L. ZONE

BM ZONE

GENERAL DATA

AREA OF PROPERTY	1.00 AC ²
PROPOSED TOTAL BL ZONE	0.90 AC ²
EXISTING ZONE	DR-16, DSS, BL
EXISTING USE	RESIDENTIAL & RETAIL
PROPOSED ZONE	BL
PROPOSED USE	RETAIL & OFFICES

PARKING DATA

AREA OF BUILDING
RETAIL - GROUND FLOOR: 6316
OFFICE - 2ND FLOOR - 7579

PARKING RATIO

GROUND FLOOR $1/200^{\circ}$ = 32
2ND FLOOR $1/500^{\circ}$ = 16
TOTAL SPACES REQ. = 48
TOTAL SPACES SHOWN = 52

NO ENTRANCE TO BUILDING OR
PROPERTY FROM STAUNTON AVE.

NOTE: ALL EXISTING BUILDINGS
TO BE RAZED

VARIANCE REQUESTED FROM SECT 232.3 TO
ALLOW A REAR YARD OF 0.0' INSTEAD OF THE
REQUIRED 20'

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION

PROPERTY OF

JOHN P ROCHE

9TH ELECT. DIST BALTO CO MD

SCALE 1"=30' MARCH 28, 1977

AMENDED - MAY 26, 1977. PER ZONING COMMISSION'S

1535

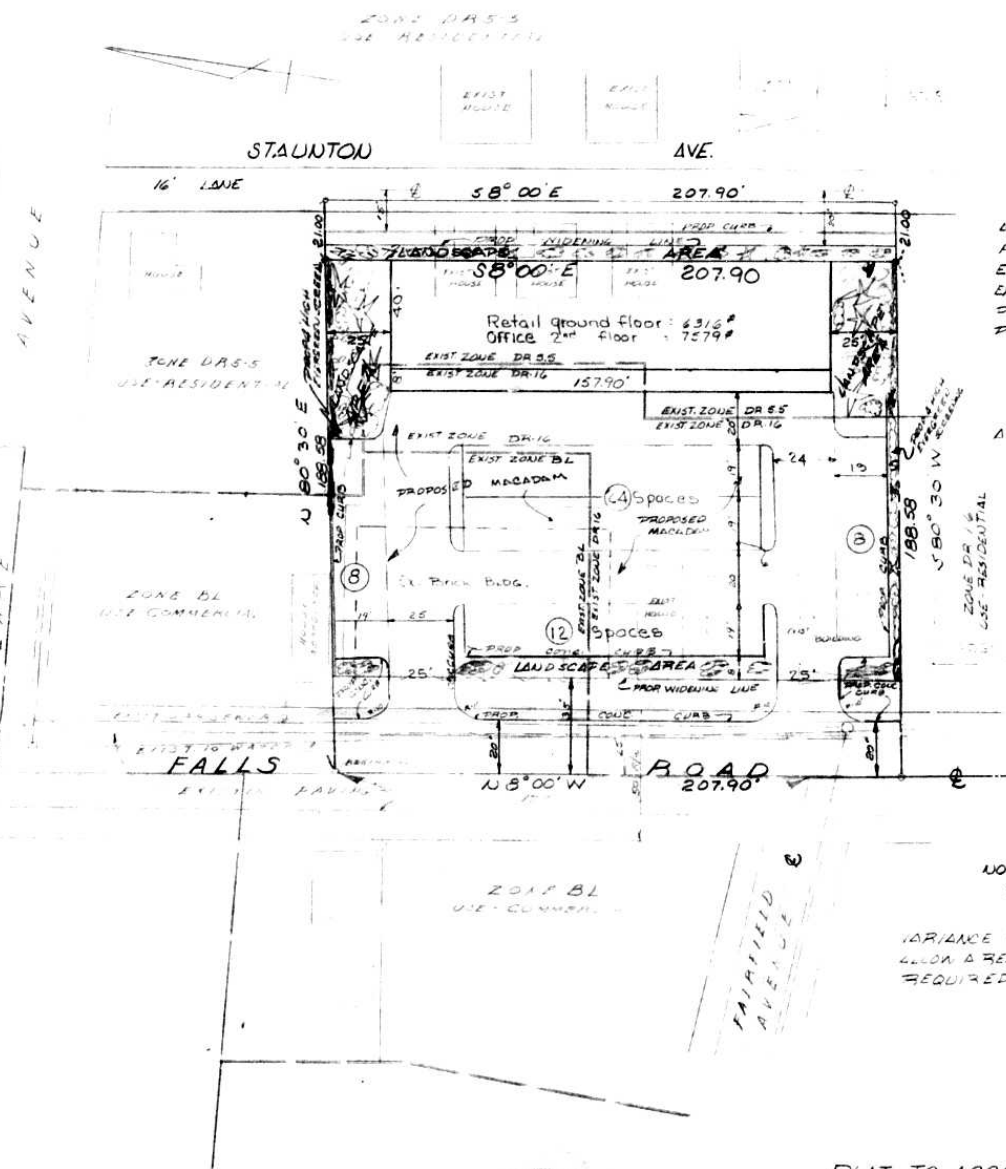
Johu Roche 377-8877

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

EXHIBIT 2

MAR 01 1979

March 197						
S	M	T	W	T	F	S
				1	2	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31



GENERAL DATA

AREA OF PROPERTY 1.00 AC.
 PROPOSED TOTAL BL ZONE 0.90 AC.
 EXISTING ZONE DR16, DR35, BL
 EXISTING USE RESIDENTIAL & RETAIL
 PROPOSED ZONE BL
 PROPOSED USE RETAIL & OFFICES

PARKING DATA

AREA OF BUILDING
 RETAIL - GROUND FLOOR 6316'
 OFFICE - 2ND FLOOR 7579'

PARKING RATIO

GROUND FLOOR 1/200' = 32
 2ND FLOOR 1/500' = 16
 TOTAL SPACES REQ. = 48
 TOTAL SPACES SHOWN = 52

NO ENTRANCE TO BUILDING OR
 PROPERTY FROM STAUNTON AVE.

NOTE: ALL EXISTING BUILDINGS
 TO BE RAZED

VARIANCE REQUESTED FROM SECT 232.3 TO
 ALLOW A REAR YARD OF 0.0' INSTEAD OF THE
 REQUIRED 20'

PLAT TO ACCOMPANY PETITION
 FOR RECLASSIFICATION



PETITIONER'S
 EXHIBIT 1

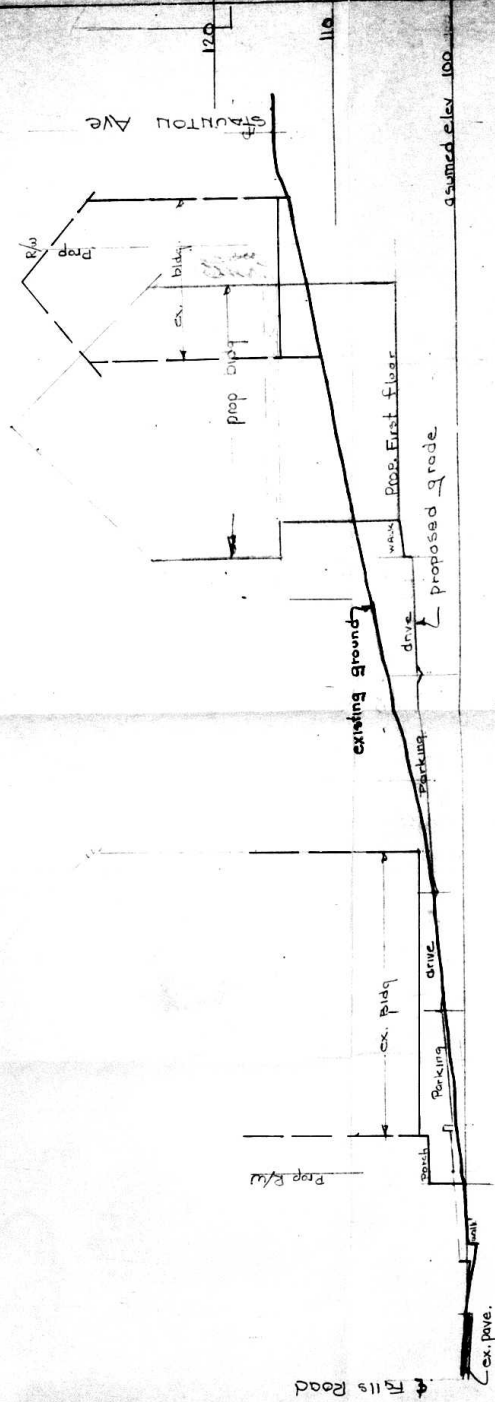
E. F. RAPHEL & ASSOC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204

12c Pet 1

PROPERTY OF
 JOHN P ROCHE

9TH ELEC. DIST BALTO CO MD
 SCALE 1"=30' MARCH 28, 1977

AMENDED - MAY 26, 1977 - PER ZONING ORDINANCES



Section thru SITE
ROCHE PROP.

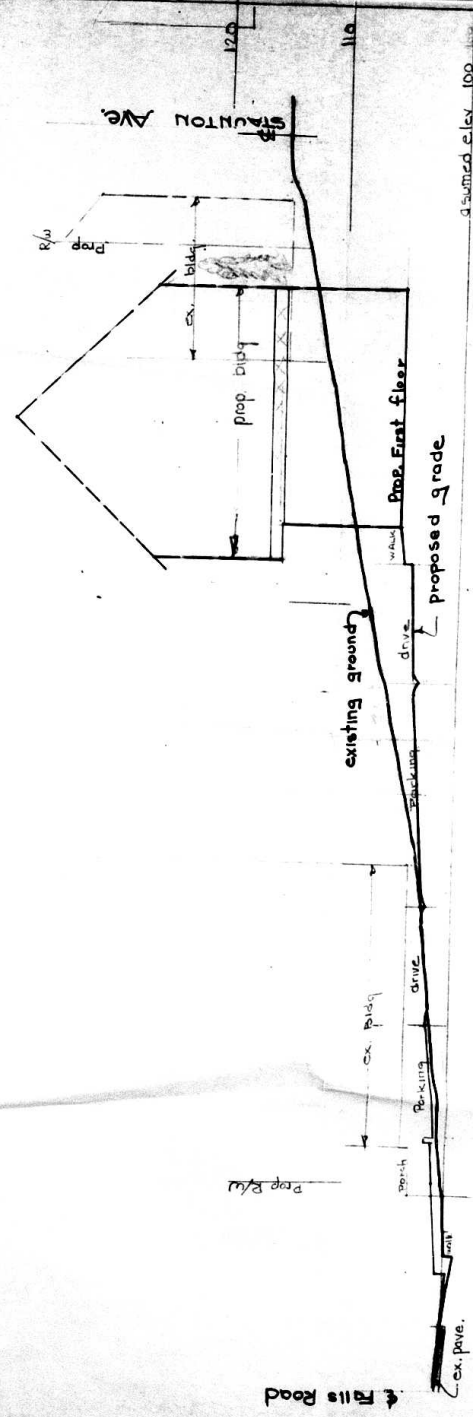
SCALE Horiz 1" = 10'
VERT. 1" = 5'

Cut X 5

Cut X 5

PREPARED BY
EXHIBIT 5

1535
5 3/4



Section thru SITE
ROCHE PROP.

SCALE Horiz 1" = 10'
VERT. 1" = 5'

Cut X 6

PREPARED BY
EXHIBIT 6

1535
5 3/4

ZONE DA-5-S
USE - RESIDENTIAL

16' LANE

STAUNTON

AVE.

GENERAL DATA

AREA OF PROPERTY 1.00 AC.
PROPOSED TOTAL BL. ZONE 0.90 AC.
EXISTING ZONE DA-16, DASS, BL
EXISTING USE RESIDENTIAL & RETAIL
PROPOSED ZONE BL
PROPOSED USE RETAIL & OFFICES

PARKING DATA

AREA OF BUILDING
RETAIL - GROUND FLOOR 6316
OFFICE - 2ND FLOOR 7579
PARKING RATIO
GROUND FLOOR 1/200 = 32
2ND FLOOR 1/500 = 16
TOTAL SPACES REQ. = 48
TOTAL SPACES SHOWN = 52

NO ENTRANCE TO BUILDING OR
PROPERTY FROM STAUNTON AVE.

NOTE: ALL EXISTING BUILDINGS
TO BE RAZED

VARIANCE REQUESTED FROM SECT 232.3 TO
ALLOW A REAR YARD OF 00' INSTEAD OF THE
REQUIRED 20'

MAY 27 11 PM

REVIEW PLANS



PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION

PROPERTY OF
JOHN P ROCHE

9TH ELEC. DIST BALTO CO MD
SCALE 1"=30' MARCH 28, 1977

AMENDED - MAY 26, 1977 - PER ZONING COMMENTS

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



ZONE DRS-5
USE - RESIDENTIAL

LAKE
AVENUE

STAUNTON

AVE.

16' LANE

EXIST.
HOUSE

EXIST.
HOUSE

6511

6519

GENERAL DATA

AREA OF PROPERTY	1.00 AC.
PROPOSED BL AREA	0.90 AC.
EXISTING ZONE	DR-16, DRS-5, BL
EXISTING USE	RESIDENTIAL & RETAIL
PROPOSED ZONE	BL
PROPOSED USE	RETAIL & OFFICES

PARKING DATA

AREA OF BUILDING
RETAIL - GROUND FLOOR - 6316^{sq}
OFFICE - 2ND FLOOR - 7579^{sq}

PARKING RATIO
GROUND FLOOR 1/200^{sq} : 32
2ND FLOOR 1/500^{sq} : 16
TOTAL SPACES REQ. : 48
TOTAL SPACES SHOWN : 52

ZONE BL
USE - COMMERCIAL

EXIST. SANSENCY

EXIST. TO WATER

FALLS

EXISTING PAVING

XX ROAD

N 8° 00' W 175'

ZONE BL
USE - COMMERCIAL

NOTE: ALL EXISTING BUILDINGS
TO BE RAZED

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION

old Plat

PROPERTY OF

JOHN P. ROCHE

9TH ELECT. DIST. BALTO CO MD

SCALE 1"=30' MARCH 28, 1977

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



N. A. W.
7/8/77

AREA OF PROPOSED TOTAL
EXISTING ZONE
EXISTING USE
PROPOSED ZONE
PROPOSED USE

PARKI.

AREA OF BUILD
RETAIL - GR
OFFICE - 2:

PARKING
GROUND F.
2ND FL.
TOTAL
TOTAL

