

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE HONORABLE COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Benjamin F. Cherry, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-16 zone to a D.R. 5.5 zone, for the following reason: Error and mistake on zoning map

See attached description

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

Benjamin F. Cherry
Contract purchaser
2802 E. Joppa Road
Baltimore, Md. 21234
Petitioner's Attorney
Protestant's Attorney

FORWARDED BY THE Zoning Commissioner of Baltimore County, this 29th day of August, 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 104, County Office Building in Towson, Baltimore County, on the 16th day of September, 1977, at 3:00 o'clock P. M.



(over)

1000
9/16/77

RE: PETITIONS FOR RECLASSIFICATION AND SPECIAL EXCEPTION SE/corner of Joppa Road and Joppa Terrace - 9th Election District Benjamin F. Cherry - Petitioner NO. 78-38-RX (Item No. 19)

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition for a Reclassification 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. The subject property is located on the southeast corner of Joppa Road and Joppa Terrace, in the Ninth Election District of Baltimore County, and contains 0.93 of an acre of land, more or less.

Testimony on behalf of the Petitioner indicated that the property is to be improved with an office building which will be utilized by professionals.

Expert engineering testimony, on behalf of the Petitioner, indicated that, numerically, the lot and its D.R. 5.5 zoning would entitle the Petitioner to approximately five dwelling units. As is noted on the plan submitted with the Petition and from the engineering testimony, the configuration and shape of the property would, in fact, prohibit the construction of five dwelling units but would possibly permit the construction of only two dwelling units.

Testimony by Mr. Bernard M. Willemain, a qualified planner, indicated that he considered the neighborhood to be defined by the Beltway to the south, Harford Road to the east, Proctor Lane to the north, and Old Harford Road to the west. Most of the land in this area is presently developed, and this is one of the few remaining tracts of land available for any type of development. The subject property is a residue parcel of land from past development in the area. It was his testimony that, because of traffic along Joppa Road, it is not conducive to residential development.

It was further testified that the traffic capacity of Joppa Road in this locality is approximately 30,000 cars per day and that, at the present time,

Joppa Road, at this locality, is not at capacity and actually is well below same. The Department of Traffic Engineering indicated that the subject property may generate approximately 500 cars, over a 24 hour period.

Mr. Willemain indicated that there is no reasonable use of the property in its present D.R. 5.5 classification, in that the lot configuration would permit only two dwelling units instead of the five dwelling units allowed by the density. He further testified that the subject property would, in fact, be a good transition area between the residential properties to the rear and the subject Joppa Road.

Several residents of the area, in protest to the subject Petition, indicated that they were fearful of a water run-off problem and of the domino effect that would result if this property were reclassified, namely, all the other properties being rezoned.

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, the subject property, as presently classified, is in error.

This remaining parcel of land along Joppa Road, which is presently vacant, is a residue from past developments and cannot be economically developed in its present classification. Even though, numerically, five homes would be permitted by density, the configuration and shape of the land would make it prohibitive to develop more than two homes. This stretch of Joppa Road is travelled frequently and is, in fact, not conducive to residential development and, as testified to by some of the Protestants at the hearing, it is not enjoyable to live along Joppa Road with its traffic and traffic problems.

There was testimony indicating that the capacity of Joppa Road at this location is approximately 30,000 cars over a 24 hour period, that being below capacity at this time. From the indication of the Department of Traffic Engineering, approximately 500 additional cars might emanate from the subject property if reclassified. This leads the Zoning Commissioner to the

- 2 -

conclusion that the Reclassification of the subject property to a D.R. 16 Zone and the accompanying Special Exception for offices would be detrimental to the health, safety, and general welfare of the community. It would not congest this portion of Joppa Road, nor the surrounding streets.

The status of this property as a residual piece of land from former developments in the area might lead the Zoning Commissioner to the conclusion that, ultimately, it could possibly be rezoned to a commercial classification, establishing commercial uses other than offices, which are permitted with a Special Exception in a D.R. 16 Zone. It is anticipated that Joppa Road, at this location, will be widened and improved and that, in view of this, the possibility of a Reclassification and/or comprehensive zoning of the property to commercial could occur at a future point in time. In the opinion of the Zoning Commissioner, the proposed use would have a less detrimental effect upon the residents than such a potential commercial usage.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of November, 1977, that the property be and the same is hereby reclassified from a D.R. 5.5 Zone to a D.R. 16 Zone and the Special Exception for an office building and offices should be and the same is GRANTED, from and after the date of this Order, subject to no ingress and egress onto Joppa Terrace, the sole ingress and egress to be from Joppa Road, and the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Benjamin F. Cherry
Zoning Commissioner of Baltimore County

- 3 -

ORDER RECEIVED FOR FILING

DATE: November 29, 1977

BY: John P. Cherry et al.

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BY: John P. Cherry et al.



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 414-2351

S. ERIC DENNEN
ZONING COMMISSIONER

November 29, 1977

Mr. Benjamin F. Cherry
2802 East Joppa Road
Baltimore, Maryland 21234

RE: Petitions for Reclassification and Special Exception SE/corner of Joppa Road and Joppa Terrace - 9th Election District Benjamin F. Cherry - Petitioner NO. 78-38-RX (Item No. 19)

Dear Mr. Cherry:

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

Very truly yours,

S. ERIC DENNEN
Zoning Commissioner

SED/sf

Attachments

cc: William White, Esquire
15 Ruview Court
Towson, Maryland 21204

Mr. Tina Nemphos
Cub Hill Civic Association
9403 Flagstone Drive
Baltimore, Maryland 21234

Mr. William B. Girkin
2701 Second Avenue
Baltimore, Maryland 21234

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

Mr. Paul J. Zilkha
Carney View Civic Association
9527 - 12th Avenue
Baltimore, Maryland 21234



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 414-2351

S. ERIC DENNEN
ZONING COMMISSIONER

December 14, 1977

Mr. Benjamin F. Cherry
2802 East Joppa Road
Baltimore, Maryland 21234

RE: Petitions for Reclassification and Special Exception SE/corner of Joppa Road and Joppa Terrace - 9th Election District Benjamin F. Cherry - Petitioner NO. 78-38-RX (Item No. 19)

Dear Mr. Cherry:

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

Very truly yours,

S. ERIC DENNEN
Zoning Commissioner

SED/mc

Attachments

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15 Ruview Court
Towson, Maryland 21204

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Cub Hill Civic Association
9403 Flagstone Drive
Baltimore, Maryland 21234

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2701 Second Avenue
Baltimore, Maryland 21234

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

Mr. Paul J. Zilkha
Carney View Civic Association
9527 - 12th Avenue
Baltimore, Maryland 21234

GERHOLD, CROSS & EITZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
822-4470

March 29, 1977

Zoning Description

All that piece or parcel of land situated, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows: <p>

Beginning for the same at the intersection of the westernmost side of Joppa Road (40 feet wide) and the centerline of Joppa Terrace (formerly known as Old Joppa Road) and running thence and ending in the center of Joppa Terrace, the four following courses and distances: viz: South 20 degrees 25 minutes East 214 9/10 feet, southeasterly by a curve to the left having a radius of 321.70 feet for a distance of 97.25 feet (the chord of said arc bearing South 29 degrees 04 minutes 16.75 feet and southeasterly by a line curving toward the left having a radius of 1114.2 feet for a distance of 57.76 feet (the chord of said arc bearing South 11 degrees 19 minutes East 57.74 feet), thence leaving the center of Joppa Terrace and binding on the easternmost side of the herein petitioner, North 3 degrees 16 minutes East 197.96 feet to the westernmost side of Joppa Road (40 feet wide) and thence running and binding on the westernmost side of Joppa Road, North 46 degrees 13 minutes East 381.84 feet to the place of beginning, Containing 0.93 of an acre of land more or less.

Being the property of the petitioners herein as described in a deed dated June 14, 1976 and recorded among the Land Records of Baltimore County in Liber D.H.C. No. 5443 folio 957 which was conveyed by Herman J. Hesalan and wife to Benjamin F. Cherry and shown on a plat accompanying this petition and filed in the office of the zoning commissioner.



September 21, 1978

John W. Hesalan, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21204

Re: Case No. 78-38-RX
Benjamin F. Cherry

Dear Mr. Hesalan:

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

Very truly yours,

EDITH T. ELLIOTT, Adm. Secretary

Encl.

cc: Mr. Benjamin F. Cherry
William Hesalan, Esquire
Mr. William B. Girkin
Mr. Paul J. Zilkha
Mr. Tina Nemphos
Mr. Marvin L. MacDonald
Miss Deborah L. Robinson
Mr. J. E. Dyer
Mr. S. S. DiPietro
Mr. L. M. Goff
Mr. J. Hunsell
Board of Education

APR 16 1980

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to D.R. 16, and : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR OFFICES : OF
and office building : BALTIMORE COUNTY
SE corner Joppa Road and :
Joppa Terrace :
9th District :
Benjamin F. Cherry :
Petitioner : No. 78-38-RX

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner granting a request for reclassification from D.R. 5.5 to a D.R. 16 zone, and a special exception for offices and office building. The subject property is located on the southeast corner of Joppa Road and Joppa Terrace, in the Ninth Election District, and comprises slightly less than one acre of ground.

The Petitioner testified as well as an engineer and a land planner in support of his proposal to construct an office building on the subject site. While we agree with the land planner that the subject proposal would be less intrusive and less offensive to the surrounding neighbors than would a commercial use, we do not concur with his determination that the present classification of D.R. 5.5 is confiscatory and, therefore, a showing of error by the County Council.

Several neighboring witnesses testified that they are personally opposed to the proposal, and gave as a primary reason the problems they anticipate being caused by the increase of traffic.

J. Howell, of the Baltimore County Office of Planning, also appeared and offered that his department recommends that the existing zoning be retained. He further testified that it was his opinion that more than one residence could be developed on the subject property. This allegation, of course, supports the Board's finding that there is no confiscation. It is our opinion that confiscation occurs when there can be no reasonable use of the property in question, and not when it is precluded from being developed to optimum density.

Consequently, the burden upon the Petitioner of proving error is an onerous one and we feel that such burden has not been met in the instant case. Therefore, the

Benjamin F. Cherry - #78-38-RX

2.

requested reclassification will be denied, and the question of a special exception becomes moot.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 21st day of September, 1978, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated November 29, 1977, is hereby reversed, and that the reclassification and special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Kiefer, Jr., Chairman

Robert L. Gifford

Herbert A. Davis

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL EXCEPTION :
SE corner of Joppa Rd. & Joppa Terrace, : OF BALTIMORE COUNTY
9th District :
Benjamin F. Cherry, Petitioner : Case No. 78-38-RX

AMENDED ORDER FOR APPEAL

Mr. Commissioner:

Please note an amended appeal from your decisions in the above-entitled matter, under date of November 29, 1977, and December 14, 1977, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.



John W. Heston, III
People's Counsel

Charles E. Kontz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of December, 1977, a copy of the foregoing Amended Order was mailed to William White, Esquire, 15 Runview Court, Towson, Maryland 21204, Attorney for Petitioner; Mr. William B. Glickin, 2701 Second Avenue, Baltimore, Maryland 21234, Protestants; Mr. Paul J. Zilka, Carney View Civic Association, 9527 Twelfth Avenue, Baltimore, Maryland 21234; and Ms. Tina Nemphos, Cub Hill Civic Association, 9403 Flagstone Drive, Baltimore, Maryland 21234, MD.

John W. Heston, III

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL EXCEPTION :
SE corner of Joppa Rd. & Joppa Terrace, : OF BALTIMORE COUNTY
9th District :
Benjamin F. Cherry, Petitioner : Case No. 78-38-RX

ORDER FOR APPEAL

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Please note an appeal from your decision in the above-entitled matter, under date of November 29, 1977, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Heston, III
People's Counsel

Charles E. Kontz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

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John W. Heston, III

2605 East Joppa Road
Baltimore, Maryland 21234
September 26, 1977

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

Dear Mr. DiHenna:

On Thursday, September 22, 1977, we had a neighborhood meeting concerning the rezoning of Mr. Cherry's property on Joppa Road and Joppa Terrace. Twenty-two families in the immediate area were present to discuss the public hearing of September 16. A decision was reached to voice our protest of the proposed office building on this site.

Our reasons for this are:

- 1) A major concern is that Mr. Cherry did not submit plans, drawings, artist conceptions, etc., for the proposed building. What exactly are we as a neighborhood to agree on or ask restrictions for?
- 2) We have an established, stable neighborhood and we want it to remain this way. DR 16, while listed as residential with a special exception, is still a commercial zoning as far as we are concerned, for it will not be a residence, but the place of business for doctors, lawyers, and insurance agents.
- 3) The proposed site is not large enough once all the road requirements are met for both Joppa Road and Joppa Terrace. The 9 of an acre is in a triangle shape. Ample parking is a major issue.
- 4) The transition from a residential neighborhood to commercial will hang our property in "limbo" for resale value.
- 5) The argument presented at the hearing concerning the widening of Joppa Road is still only plans on paper, and until the actual widening begins—perhaps 1982—we would have to live with a big "bottle neck."

Mr. DiHenna, as you are about to reach a decision on this zoning issue, we hope you will take into consideration the points we have listed.

Thank you for your time.

Sincerely yours,
Carol McDonald
Acting President,
Carney View Civic Association

CM/sk

cc: Mr. Paul Zilka
Mr. John DiHenna



GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

March 29, 1977

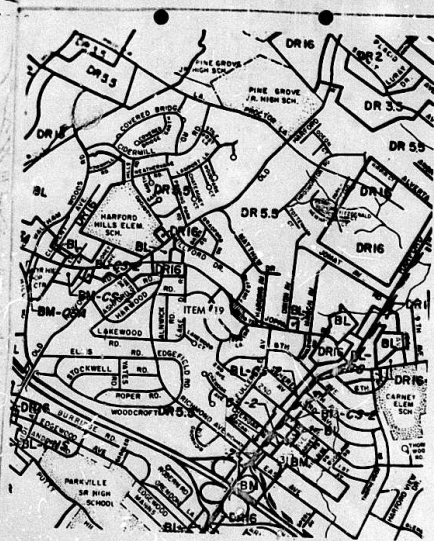
Brief to accompany Petition of Zoning Re-classification from DR 5.5 to DR 16 and Special Exception for Offices in a DR 16 Zone.

To the Zoning Commissioner of Baltimore County:

The property in question is presently zoned DR 5.5 and contains a net area of 0.55 of an acre more or less. This parcel is not feasible for home sites. It would be more suitable for the proposed office zoning in this petition. The widening and improvements to Joppa Road have changed the characteristics of Joppa Road to a more commercial area and is not an ideal highway for residential lots; for this reason I feel that the existing zoning is in error.

Signed Benjamin F. Cherry

ITEM NO. 19
PROPERTY OWNER: Benjamin F. Cherry
LOCATION: SE corner of Joppa Road and Joppa Terrace
ELECTION DISTRICT: 9
COUNCILMANIC DISTRICT: 6
RECOMMENDED DATE OF HEARING: Week of September 12, 1977
ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D.R. 5.5
EXISTING ZONING: D.R. 5.5
REQUESTED ZONING: D.R. 16
PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 5.5)
This 0.55-acre property is located on the southeast corner of Joppa Road and Joppa Terrace. The entire surrounding area consists of single-family dwellings on D.R. 5.5 zoned land. The Petitioner is requesting a change from D.R. 5.5 to D.R. 16 zoning, proposing to construct an office building.
Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D.R. 5.5. The preparation and adoption of this map covered a period of more than 2 years. The process was widely publicized and included numerous public hearings by both the Planning Board and County Council. D.R. 16 zoning was not requested nor was the aforementioned zoning proposed for the subject property during the entire process. With the adoption of this map, the County Council reaffirmed D.R. 5.5 zoning.
The 1976 Baltimore County Comprehensive Plan, adopted by the Planning Board on October 12, 1975, delineates this area as one of "medium residential density". D.R. 16 zoning exceeds the range of densities defined as "medium". Further, it is the opinion of the Planning Board that the granting of D.R. 16 zoning for this property would be "out of context". The proposed office use would be totally out of character with the surrounding area.
The Planning Board believes that D.R. 5.5 zoning is appropriate here and that the zoning map is correct. Office use should be in or adjacent to commercial centers, not along and along arterial to areas where the residential character, both in terms of zoning and land use, have been preserved.
It is therefore recommended that the existing zoning, D.R. 5.5, be retained.



LOCATION OF PROPERTY UNDER PETITION
BASE MAP 3C AND 4C
SCALE 1" = 1000'

6659

Re: PETITION FOR RECLASSIFICATION, from D.R. 5.5 to D.R. 16, and SPECIAL EXCEPTION for offices and office building, SE corner Joppa Road and Joppa Terrace 9th District

E

WALTER A. REITZ, JR.
ROBERT L. GILLARD
HENDRICK A. DAVIS, constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
BENJAMIN F. CHERRY
Petitioner

People's Counsel for Baltimore County
Carol S. McDonald
Paul J. Zilka

W. Hession, III
Max Zimmerman

AMOUNT DUE
1st's Atty \$5.00
Clerk \$0.00
Sheriff \$0.00
Paid \$5.00
Receipt No. 2211

ADDITIONAL COSTS
Clerk \$0.00
Sheriff \$0.00
Deft's Atty \$0.00
Paid \$0.00
Receipt No. \$0.00
Record \$0.00

October 23, 1978 Petitioner's Appeal from the decision and Order of the County Board of Appeals.

October 24, 1978 Certificate of Notice filed.

November 2, 1978 Petitioner's Petition on Appeal filed.

November 8, 1978 - County Board of Appeals of Baltimore County Answer to Order for Appeal and Transcript of Record filed.

November 22, 1978 App. of John W. Hession, III & Peter Max Zimmerman for the People's Counsel.

November 29, 1978 Petitioner's Memorandum filed.

September 24, 1979 Hon. Austin W. Briandine Hearing and Appeal from County Board of Appeals (arguments) held sub-cura.

October 15, 1979 Opinion and Order of Court that Order of County Board of Appeals is Affirmed.

10/15/79

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original as presented to the Clerk of the Circuit Court for Baltimore County on October 11, 1979.

16th day of October, 1979

Edwin H. Hession, Jr.
Clerk of the Circuit Court for Baltimore County

BALTIMORE COUNTY, MARYLAND

SUBDIVISION DESIGN COMMENTS

DATE: June 13, 1977

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

PROJECT NAME: Cherry Property	IDCA PLAN: 77-121
PROJECT NUMBER: IDCA No. 77-121	PRELIMINARY PLAN: X
LOCATION: Joppa Road	DEVELOPMENT PLAN: X
DISTRICT: 906	FINAL PLAN: X

This application for Special Exception (No. 77-121) was received by the Development Design and Approval Section on May 12, 1977 and is submitted as follows:

FROM: (Whitesearch Run - Bird River Drainage Area)

This project relates to the Whitesearch Run tributary to Bird River. There is a record of properties below (flooded at Pulaski Highway and Bowers Road) therefore, this project must be denied. A storm water management facility may be provided on this site which will store the increased 100-year runoff caused by development as proposed. This facility would insure no impact on the 100-year flood level downstream and allow approval of the proposal.

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

ENR: EAM: CLM: es

RECEIVED
BALTIMORE COUNTY
JUN 15 1977
OFFICE OF PLANNING
AND ZONING

PETITION FOR RECLASSIFICATION from D.R. 5.5 to D.R. 16, and SPECIAL EXCEPTION for offices and office building, SE corner Joppa Road and Joppa Terrace 9th District

BENJAMIN F. CHERRY
Petitioner

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Case No. 6659

OPTION AND ORDER

The Petition of Benjamin F. Cherry for a Reclassification from a D.R. 5.5 to a D.R. 16 Zone and for a Special Exception for offices and office building was denied by the County Board of Appeals on September 21, 1978. The property involved is located on the southeast corner of Joppa Road and Joppa Terrace in the 9th Election District, consisting of nine-tenths of an acre.

Appellant contends inter alia that the present zoning is confiscatory in that it is prohibitive of constructing more than one dwelling unit, that financing can not be obtained and the proposed use is a proper buffer between the residential area and Joppa Road. Appellant produced evidence of these contentions.

On the other hand, there was substantial evidence before the Board which is supportive of the Board's denial. Two residences would be placed on the lot which makes possible a reasonable use under the present zoning, according to testimony produced by the People's Counsel. In 1976 the comprehensive zoning process resulted in the retention of the existing zoning by the County Council for Baltimore County.

In other respects there was ample testimony before the Board with supporting facts. Only where there is no room for

CARNEY CIVIC IMPROVEMENT ASSOCIATION, INC.
NOVEMBER 1, 1977

Minutes of Meeting:

Election meeting was called to order at 7:40 P.M. The nominations for each office presented at the October meeting were read. As no additional nominations were offered, the voting was completed. All officers were elected by a unanimous vote for the 1978 term and empowered to conduct any and all business as voted on by the Association's members.

OFFICERS

Paul Zilka.....President
Charles Morgan.....Vice President
John Herz.....Treasurer
Elizabeth Zilka.....Secretary

Tom Polk.....Member, Board of Directors
C.W. Fredlund.....Member, Board of Directors
Steve Nichols.....Member, Board of Directors

The Association's boundaries include 521 homes as follows:

North.....Summit Avenue
East.....Summit and Haplett
South.....Joppa Road
West.....Harford Road

Since no new business was presented, Mr. Polk motioned that the meeting be adjourned. Mr. Herz seconded that motion and the meeting was adjourned.

Paul Zilka
Charles Morgan
John Herz
Elizabeth Zilka

reasonable debate may this court disturb the decision of the County Board of Appeals.

It is, therefore, this 10th day of October, 1979, by the Circuit Court for Baltimore County, ORDERED, that the order of the County Board of Appeals of Baltimore County denying the Reclassification is affirmed.

Austin W. Briandine
JUDGE

AMBI:di

cc: William N. White, Esquire
J. Carroll Holzer, Esquire
John W. Hession, III, Esquire

RE: PETITIONS FOR RECLASSIFICATION AND SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE corner of Joppa Road and Joppa Terrace - 9th Election District : OF
Benjamin F. Cherry - Petitioner : OF
NO. 78-38-RX (Item No. 19) : BALTIMORE COUNTY

AMENDED ORDER
NUNC PRO TUNC

It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of December, 1977, that the Order, dated November 29, 1977, passed in this matter, should be and the same is hereby AMENDED, "Nunc Pro Tunc," on Page 3, Line 2, to read as follows:

"... Special Exception for offices would not be detrimental"

John W. Hession, III
Zoning Commissioner of Baltimore County

RECEIVED BALTIMORE COUNTY

APR 28 1977

OFFICE OF PLANNING AND ZONING

IDA APPLICATION FOR EXCEPTION AND OR SPECIAL PERMIT

ON THE PETITION OF BENJAMIN F. CHERRY, Petitioner, for a Special Exception for offices and office building, SE corner of Joppa Road and Joppa Terrace, 9th District, Baltimore County, Maryland, to use the herein described property for the purposes stated in the petition.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA: .98 DEED REF. 100-100-100

BUILDING SIZE: 10,000 SQ. FT.

NUMBER OF FLOORS: 2 TOTAL HEIGHT: 20 FT.

FLOOR AREA RATIO: TOTAL FLOOR AREA DIVIDED BY SITE AREA = 1.02

UTILITIES: WATER: PUBLIC, SEWER: PUBLIC, GAS: PUBLIC, ELECTRIC: PUBLIC

UTILITIES SECURITY APPROVAL: []

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

APPLICANT: Benjamin F. Cherry

LEGAL COUNSEL: John W. Hession, III

LEASE OR CONTRACT PURCHASER: []

THE PLANNING BOARD HAS DETERMINED ON 5/14/1977 THAT THE PROPOSED DEVELOPMENT DOES COMPLY WITH THE REQUIREMENTS OF SUBSECTION 22-211 OF THE BALTIMORE COUNTY CODE, AND IS CONDITIONALLY APPROVED.

DATE: 5/14/1977

CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE corner of Joppa Rd. and Joppa Terrace, 9th District : OF BALTIMORE COUNTY

Benjamin F. Cherry, Petitioner : Case No. 78-38-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.
John W. Hession, III
Charles E. Kuntz, Jr.
Deputy People's Counsel

I HEREBY CERTIFY that on this 22nd day of August, 1977, a copy of the foregoing Order was mailed to Mr. Benjamin F. Cherry, 2802 E. Joppa Road, Baltimore, Maryland 21234, Petitioner.

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

ORDER RECEIVED FOR FILING

FILED
JUN 14 1977
BY: []

RE: PETITION FOR RECLASSIFICATION from D. R. 5.5 to D. R. 16 zone
SPECIAL EXCEPTION for Offices and Office Building
SE corner Joppa Road and Joppa Terr., 9th District
Benjamin F. Cherry
Petitioner-Appellant
File No.: 75-38-RX

• BEFORE THE
• COUNTY BOARD
• OF APPEALS OF
• BALTIMORE COUNTY
• Case, Docket No. 11
• Folio No. 109
• File No. 6859

MEMORANDUM

Benjamin F. Cherry, Petitioner-Appellant, by William N. White, his attorney, respectfully represents unto this Honorable Court as follows:

1. Your Petitioner is the owner of 0.93 acre of property located on the Southeast corner of Joppa Road and Joppa Terrace, 9th Election District, Baltimore County, Maryland and filed a Petition for Reclassification subsequent to the adoption of the 1976 Comprehensive Zoning Map with existing zoning of D. R. 5.5 and requested D. R. 16 zoning with Special Exception for the construction of an office building.
2. The Zoning Commissioner of Baltimore County granted the reclassification of D. R. 5.5 to a D. R. 16 zone with the Special Exception for an office building and offices as a result of a hearing on the 29th day of November, 1977. It was further held that the Special Exception for offices would not be detrimental.
3. The Zoning Commissioner determined that the particular property in question would not permit the construction of five dwelling units. The said property was a residue parcel of land from past development which

remained undeveloped and one of the few tracts of land available for development in the area. Although there was considerable amount of traffic on Joppa Road there was testimony that traffic had not reached its capacity and it is particularly noteworthy that some of the Protestants at the hearing state that it was not enjoyable to live along Joppa Road in the area because of the traffic and related traffic problems. Testimony was accepted that no reasonable use of the property existed with the present D. R. 5.5 classification and a D. R. 16 would maintain a residential classification as opposed to commercial and thereby permit a good transitional area between the residential properties to the rear and Joppa Road. Further testimony was accepted as to the widening and improving of Joppa Road with a trend towards commercial use which could include commercial classification.

Testimony was submitted that the subject property could not be economically developed in its present classification. Therefore, the Zoning Commissioner determined that the present classification was in error.

4. People's Counsel filed an appeal to the County Board of Appeals and the case was heard on the 25th day of April, 1978.

5. Testimony was submitted by the Petitioner which amounted to substantially the testimony submitted to the Zoning Commissioner. Further and specific testimony as set forth in the transcript of the hearing before the County Board of Appeals will hereafter follow.

6. Mr. Richard L. Smith, Project Manager and Associate of the engineering firm, Kiddie Consultants, Inc., testified on behalf of the Petitioner and determined that the 1976 traffic count on Joppa Road between Harford Road and Old Harford Road amounted to 13,500 trips per day which

was not suitable for D. R. 5.5 with residential homes. (T 13-4). Mr. Smith further testified as to the unsuitability of residential development as to the subject property as follows:

"Well, when you consider the property being 0.93 acres, you are allowed, by zoning, present zoning requirements, to have 5 units on the property.

But then, you have the widening for Joppa Road, which will roughly go from a 48 foot right-of-way to a 75 foot right-of-way, 50 foot parking, curve and gutter, then you would have the widening of Joppa Terrace, which will eventually be improved with curve and gutter, 30 foot wide, within a 50 foot right-of-way.

Then, since we have the 1971 Zoning Amendments, and the Comprehensive Development Manual that we must conform to, the subject property is what is known as a transition area and, in that transition area we can only develop those uses that are surrounding the subject property. In this case it would be single family residential.

Take into consideration the setback requirements in a D. R. 5.5 zone, in a transitional area, you could basically get, with the configuration of the property that is left, and the widening of the two streets, two units, and both of those units would have, depending on where you want them: to front the building, but in either case, the back yard would be fronting on to a public street, so the property, in my opinion, is not suitable for residential development." (T 13-8 through 14-0)

7. Mr. Bernard Willemain, an expert in the field of land planning and so recognized by the County Board of Appeals, testified on behalf of the Petitioner that Joppa Road adjacent to the subject property was wide enough to permit left turns without impeding traffic (T 23-1), and that Joppa Road was capable of carrying twice the traffic it is presently carrying. (T 23-6).

8. The Planning Board recommendation (Item no. 19) stated in part, that the proposed office use would be "totally out of character with the surrounding area." This statement is not substantially supported by the facts. The County Board of Appeals even concedes that the subject proposal would be "less intrusive and less offensive to the surrounding neighborhood than would a commercial use," (as set forth in the second paragraph of its opinion). Even further Mr. Willemain stated:

"The Harford Road-Joppa Road intersection, which has already been described by Mr. Smith, in the improvements thereon, posed a complex of commercial uses, both roadside uses and the shopping centers that are now established. . . the improvements that have been made on that, and the extensive work in the Perring Parkway, has changed the development pattern in the area, and also made the vacant land left in the Joppa Road more desirable and accessible for commercial use or office uses, that plus the increase in population, which was composed mostly from the apartment projects that lie south of this neighborhood, and just east and west of this neighborhood, vacant land is scarce.

The subject property happened to be almost unique in that regard. It was left as a parcel when Joppa Road was straightened out some years ago, and left." (T 23-21 through T 23-24)

"It is my opinion that this is a residential property that could be used suitably for office use, without, of course, requiring a business zone, that would otherwise be needed to provide a reasonable use.

I think the site plan, Exhibit No. 1, for the Petitioner, demonstrates that it is practical to put a small two story office building on this site, still retaining and providing for the amenities that are built into the regulations, and still provide a practical parking lot for a small office use.

I do not see this as a traffic generator of any significance and, if you relate the size of the building to it, should on the Exhibit, to the actual sizes of the homes in the

area, you will see that the office building proposed is very typical of the size and bulk of the nearby two story homes on the adjoining lot, in fact, they are two story homes." (T 25-7 through T 26-1).

9. Mr. Willemain further testified that a residential construction could not reasonably be expected on this site and stated as follows:

"Of course, in considering the zoning of the present property, in relation to the site plan, as Mr. Smith did, I can to the same conclusion, it will only be physically possible to build two units on this .93 acres, and when you consider the traffic, the exposure of yards, the lack of privacy in this particular site, and the comparative age of the other homes, which in my opinion it is not reasonable to expect any residential construction on this site, and in short of going to business use in a business zone, that the office building requested by Mr. Cherry is the only reasonable use for the subject property, within the residential range." (T 29-11 through 21).

Mr. Willemain further stated that lending institutions would not consider a residential loan on this site (T 31-9), and, "I think it would not be feasible for anyone with the support, or without the support of a lending institution, to build houses here and resell them economically." (T 45-8). Mr. Willemain also stated that the D. R. 5.5 would be confiscatory in that it would not provide a reasonable use of the property. (T 32-9). He also stated that the proposed use would not be detrimental to the neighborhood and even stated that it would be "entirely compatible." (T 35-1).

10. Although the burden is upon the Petitioner to show mistake in classification, a mistake may be based upon inadequate planning for future uses. Trustees of McDonough vs. Baltimore County, 221 Md. 550 (1960). Mr. Willemain responded to the following question:

Q.

"At the time of the comprehensive map, would you say that it was reasonably probable of fruition in the foreseeable future that a commercial use would be applied or petitioned for this particular parcel?"

A.

"I think that, while this is speculative, that the County had an additional burden to examine all vacant properties when they come in for re-zoning. It is easier to recognize the status of improved property. In this particular case, it is a small parcel of land, that fronts on a road almost entirely, except for this area, zoned already for business uses.

This would be a typical frontage site for a small business use.

If it were examined that way, it could logically be put in a commercial zone classification for those reasons." (T 35-7 through 21).

11. There was further testimony supporting the requirements of Baltimore County Zoning Regulations Section 502.1, which pertain to the health, safety and general welfare of the public and related factors. (T 35-9).

12. The decision of the County Board of Appeals must be supported by sufficient facts. Crowther, Inc. vs. Johnson, 225 Md. 379, 107 A2d 788 (1961). There must also be, "substantial evidence to justify its findings and decision." Erdman vs. Board of Zoning Appeals of Baltimore County, 212 Md. 288, 129 A2d 124 (1957). Whether or not the Board was arbitrary is determined from the facts upon which it based its conclusion. Price vs. Cohen, 213 Md. 457, 132 A2d 125 (1975).

13. The Board appears to base its opinion in part upon the testimony of increased traffic but this is not disputed by the Petitioner.

As a matter of fact the increased traffic interferes with the residential use of the property and justifies an office use. There was no testimony that the office use with its limited traffic would interfere with the traffic on Joppa Road and there was specific testimony that the total capacity of traffic had not been reached as it presently exists. This is without consideration of the proposed widening and improvement of the Joppa Road area adjacent to the subject property.

14. Although the Board found that more than one residential dwelling could be constructed on the particular parcel the specific testimony was that two dwellings as opposed to five dwellings could be constructed physically. The Petitioner further demonstrated that a residential use could not be economically permitted on a reasonable basis and it is quite apparent that the reason this property has not been improved for many years is because the location is not conducive to a residential dwelling. A property owner cannot be deprived of a reasonable use of his property. Serio vs. Mayor and City Council of Baltimore, 208 Md. 645, 129 A2d 387 (1956). The Petitioner is not only being denied the most suitable use for his property but is being denied any practical use at all. Kracke vs. Weinberg, 197 Md. 315 (1951). Further, the denial of the reasonable use of the property is confiscatory. Dill vs. Jolar Corporation, 242 Md. 36 (1956). Even further, the increased population, increased commercial uses in the neighborhood as defined, the widening and improvement of Joppa Road adjacent to the subject property, and the obvious unsuitability of this particular parcel for residential use as opposed to office use would justify reclassification to a D. R. 16 based on projects

that were "reasonably probable of fruition in the foreseeable future." Jolar Corporation vs. Equiforce Forge Community Association, Inc., 236 Md. 106 (1964).

15. In the case of Rohde vs. County Board of Appeals for Baltimore County, 234 Md. 230 (1964), the fact that some possible use might exist under a present classification would not be a bar to reclassification on the basis of mistake. If there is evidence that there was a lack of anticipated use considering a present trend with an increased demand for a particular use and a particular use would provide a transitional area then there is sufficient justification for a reclassification.

16. In conclusion, your Petitioner has established the need for reclassification from a D. R. 5.5 to a D. R. 16 with a Special Exception for offices and office building and the evidence produced before the County Board of Appeals does not justify the reversal of the Zoning Commissioner, who granted the requested zoning.

15/
William N. White
400 Equitable Towson Building
Towson, Maryland 21204
Attorney for the Petitioner

I HEREBY CERTIFY that on this 15th day of November, 1978, a copy of the foregoing Memorandum was mailed to the County Board of Appeals, Room 218, Court House, Towson, Maryland 21204 and to John W. Hession, III, Esquire, People's Counsel, County Office Building, Towson, Maryland 21204.

15/
William N. White

RE: PETITION FOR RECLASSIFICATION
from D. R. 5.5 to D. R. 16 and
SPECIAL EXCEPTION for Offices
and Office Building
SE corner Joppa Rd. and Joppa Terr.
9th District
Benjamin F. Cherry
Petitioner-Appellant
File No. 78-38-RX

BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
Misc. Docket No. 11
Folio No. 109
P. A. 8850

PETITION ON APPEAL

Benjamin F. Cherry, Petitioner-Appellant, by William N. White, his attorney, respectfully represents:

1. That your Petitioner is the owner of 0.93 acre of property located on the southeast corner of Joppa Road and Joppa Terrace, 9th Election District, Baltimore County, Maryland and filed a Petition for Reclassification subsequent to the adoption of the 1978 comprehensive zoning map with existing zoning of D. R. 5.5 and requested D. R. 16 zoning with Special Exception for the construction of an office building;

2. That a hearing was held before the Zoning Commissioner of Baltimore County and it was thereafter ordered on the 25th day of November, 1977 that the said property be reclassified from a D. R. 5.5 zone to a D. R. 16 zone and the special exception for an office building and offices would be granted, inter alia, and by Amended Order on the 19th day of December, 1977 it was further ruled that the special exception for offices would not be detrimental;

Re: PETITION FOR RECLASSIFICATION
from D. R. 5.5 to D. R. 16, and
SPECIAL EXCEPTION for offices
and office building
SE corner Joppa Road and
Joppa Terrace
9th District
Benjamin F. Cherry
Petitioner:

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78-38-RX
6654

ORDER FOR APPEAL

Mr. Clerk:

Please note an Appeal to the Circuit Court for Baltimore County from the Decision and Order of the County Board of Appeals of Baltimore County denying the requested Reclassification, inter alia, dated the 21st day of September, 1978, on behalf of Benjamin F. Cherry, Petitioner.

William N. White
800 Equitable Towson Building
Towson, Maryland 21204
931-8850
Attorney for the Petitioner

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, that a copy of the Order for Appeal and Certificate of Compliance, all on the Circuit Court for Baltimore County, from the Order and Decision of the County Board of Appeals of Baltimore County, dated the 21st day of September, 1978, in the above captioned matter, was delivered to the said Board prior to the filing of this Order as shown below.

William N. White

neighborhood but that the present classification would not be confiscatory, that there was testimony of increased traffic with the use of an office building, and that more than one residence could be built on the property;

6. That the County Board of Appeals, in its Opinion, did not make a decision based upon the totality of the evidence and the bases upon which it rests its opinion was not supported by the facts nor was there substantial evidence to justify its findings;

7. That the County Board of Appeals made no determination that the reclassification with special exception was detrimental to the community;

8. That it is undisputed that five dwelling units cannot be constructed on the property, the property has remained vacant and unimproved, and it is a residue parcel from previous development;

9. That it was clearly established that the present classification of the property would be confiscatory in the sense that the property could not reasonably be used and economically developed and not upon the erroneous basis that there was absolutely no use for the property presently;

10. That there was no dispute that the traffic presently is not conducive to residential use and although there would be an increase in traffic with a D. R. 16 zoning there was no supporting facts indicating that this use would exceed the maximum use of the roadways, and that to the contrary it was clearly established that the D. R. 16 use would adversely affect the traffic flow;

11. That inadequate planning and the failure to consider projects that were "reasonably probable of fruition in the foreseeable future" such as the widening and improvement of Joppa Road, the anticipated reclassification

or comprehensive zoning to commercial uses of the properties in the area and in particular the property in question, and that the continuation of the residential category as requested by the Petitioner would provide a buffer or transitional area between Joppa Road and the residential area to the rear of the subject property, would justify the reversal of the County Board of Appeals;

12. That your Petitioner clearly established before the Zoning Commissioner error and/or mistake as to the present zoning and the bases considered by the County Board of Appeals was erroneous;

13. That the decision of the County Board of Appeals, as set forth heretofore and for other reasons hereinafter stated, was arbitrary, capricious, discriminatory, illegal, failed to apply the law to the facts, was based upon facts insufficient to support the decision and to substantially justify, was in violation of due process, unconstitutional, and otherwise erroneous;

WHEREFORE, your Petitioner-Appellant requests that the decision of the County Board of Appeals be reversed with proper costs and that the Petition for Reclassification with Special Exception for offices and office building be allowed.

William N. White
800 Equitable Towson Building
Towson, Maryland 21204
Attorney for the Petitioner-Appellant

Service of a copy of the Order for Appeal and Certificate of Compliance in the above captioned matter is admitted this 23rd day of October, 1978.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

By: *Edith J. Presbost*

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 21st day of Oct. 1978, a copy of the Order for Appeal, was mailed to John W. Hessian, III, Esquire, People's Counsel, County Office Building, Towson, Maryland 21204.

William N. White

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 31st day of March 1977. Filing Fee \$50.00 Received Check Cash Other

S. Eric Dinwiddie
Zoning Commissioner

Petitioner Benjamin F. Cherry Submitted by William N. White
Petitioner's Attorney Reviewed by Date

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Dist. 9th Date of Posting 8-25-77
Posted for: Hearing 21 Sept. 1978 1:00 P.M.
Petitioner: Benjamin F. Cherry
Location of property: 15 1/2 corner of Joppa Rd. & Joppa Terrace
Location of Sign: 2 signs posted on Joppa Rd. 2 signs posted on Joppa Terrace
Remarks:
Posted by: Mark H. New Date of return: 8-26-77

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from D.R. 5.5 to D.R. 16 zone : FOR BALTIMORE COUNTY
SPECIAL EXCEPTION for Offices : AT LAW
and Office Building :
SE corner Joppa Rd. and Joppa Terr. :
9th District :
Benjamin F. Cherry :
Petitioner-Appellant :
File No. 78-38-RX : Misc. Docket No. 11
Folio No. 109
File No. 6659

ANSWER TO PETITION ON APPEAL

The Answer of the People's Counsel for Baltimore County, a party to this proceeding, to the Petition to Accompany Order for Appeal herein, respectfully shows:

1. Insofar as they state fact, as distinguished from opinion, the allegations of Paragraphs 1, 2, 3, 4, and 5 are admitted the conclusions of counsel interwoven therein are, however, denied.

2. The allegations made and contained in Paragraphs 6, 7, 8, 9, 10, 11, 12, and 13 are denied.

3. Further and particularly answering said Petition on Appeal, since the evidence in this case clearly shows that the zoning classification for the tract here involved was directly and fully considered upon the evidence presented on behalf of the Petitioner before the County Council for Baltimore County during the comprehensive zoning process conducted during the year 1976, and upon which the said County Council for Baltimore County made its determination, no action by the County Board of Appeals upon the same evidential base contrary to the decision of the County Council for Baltimore County is legally permissible; therefore, since the Petitioner and Appellant herein failed to adduce before the County Board of Appeals new evidence which established a new basis of facts which developed subsequent to the date of his hearing before and the decision of the County Council of Baltimore

- 2 -

County to support his said petition, a reclassification herein by Order of the County Board of Appeals would have been legally impermissible, and on that basis alone the decision of the County Board of Appeals should be sustained.

4. Further answering said Petition on Appeal, the County Board of Appeals had no evidence before it upon which it could properly find that the present classification of said property is legally improper, Petitioner having failed to meet his burden to demonstrate that there is no reasonable use for his property under its present zoning classification, and the Order of the County Board of Appeals is therefore legally correct and should be sustained.

AND AS IN DUTY BOUND, etc.,

John W. Heslin, III
John W. Heslin, III
People's Counsel

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

The undersigned, individual Protestants and parties of record herein, join in and adopt as and for their own the Answer of the People's Counsel for Baltimore County to the Petition to Accompany Appeal herein.

Carol S. McDonald
Carol S. McDonald
2603 E. Joppa Road
Baltimore, Maryland 21234
661-6699

Paul J. Zilla
Paul J. Zilla
9527 12th Avenue
Baltimore, Maryland 21234
665-4762

- 3 -

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed this 22nd day of November, 1978, to William N. White, Esquire, 800 Equitable Towson Building, Towson, Maryland 21204, Attorney for the Petitioner-Appellant; and to the County Board of Appeals of Baltimore County, 219 Court House, Towson, Maryland 21204.

John W. Heslin, III
John W. Heslin, III

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 5.5 to D.R. 16 zone : CIRCUIT COURT
SPECIAL EXCEPTION for Offices : FOR
and Office Building : BALTIMORE COUNTY
SE corner Joppa Rd. and Joppa Terr. : AT LAW
9th District :
Benjamin F. Cherry :
Petitioner-Appellant :
File No. 78-38-RX : Misc. Docket No. 11
Folio No. 109
File No. 6659

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland, and Herbert A. Davis, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, William N. White, Esq., 800 Equitable-Towson Building, Towson, Maryland, 21204, attorney for the Petitioner; Mr. Benjamin F. Cherry, 2802 E. Joppa Road, Baltimore, Maryland, 21234, Petitioner; John W. Heslin, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel; Mr. William B. Girkin, 2701 Second Court, Baltimore, Maryland, 21234, and Mr. Tina Nemphos, Cub Hill Civic Association, 9403 Flagstone Drive, Baltimore, Maryland, 21234, Protestants; Mr. James E. Dyer, Office of Zoning, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland, 21204, Mr. Paul J. Zilla, President, Carney Improvement Association, 9527 12th Avenue, Baltimore, Maryland, 21234, Mr. Melvin L. McDonald, 2603 E. Joppa Road, Parkville, Maryland, 21234, and Miss Deborah L. Robinson, 221 Sandee Road, Timonium, Maryland, 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County
Rm. 219 Court House, Towson, Md. 21204
Telephone: 494-3180

Benjamin F. Cherry - File No. 78-38-RX (6659)

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to William N. White, Esq., 800 Equitable-Towson Building, Towson, Maryland, 21204, attorney for the Petitioner; Mr. Benjamin F. Cherry, 2802 E. Joppa Road, Baltimore, Maryland, 21234, Petitioner; John W. Heslin, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel; Mr. William B. Girkin, 2701 Second Court, Baltimore, Maryland, 21234 and Mr. Tina Nemphos, Cub Hill Civic Association, 9403 Flagstone Drive, Baltimore, Maryland, 21234, Protestants; Mr. James E. Dyer, Office of Zoning, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, Mr. Paul J. Zilla, President, Carney Improvement Association, 9527 12th Avenue, Baltimore, Maryland, 21234, Mr. Melvin L. McDonald, 2603 E. Joppa Road, Parkville, Maryland, 21234, and Miss Deborah L. Robinson, 221 Sandee Road, Timonium, Maryland, 21093, on this 24th day of October, 1978.

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

cc: White, Esq.
Cherry
Heslin, Esq.
Girkin
Zilla
Nemphos
Dyer
McDonald
Robinson
J. Howell
M. Camacho

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Benjamin F. Cherry
2802 East Joppa Rd.
Baltimore, Md. 21234

Item No. 19

BALTIMORE 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 April 1979

Eric S. DiNenna
Eric S. DiNenna
Zoning Commissioner

Petitioner Benjamin F. Cherry
Petitioner's Attorney
cst: Goshald, Gross & Shad
415 Baltimore Avenue
Towson, Maryland 21204

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



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 19, Zoning Cycle I, April, 1977, are as follows:

Property Owner: Benjamin F. Cherry
Location: SE/Cor of Joppa Road and Joppa Terrace (formerly known as Old Joppa Road)
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
District: 9th
No. Acres: 0.93

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The petitioner and his engineer should contact this office and the Department of Traffic Engineering to clarify vehicular circulation and parking layout of the subject property.

Very truly yours,

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

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
Nicholas B. Commadari
Acting Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

Mr. Benjamin F. Cherry
2802 East Joppa Road
Baltimore, Maryland 21234

May 2, 1977

Re: Reclassification and
Special Exception
Item No. 19 - 1st Cycle
Petitioner - Benjamin Cherry

Dear Mr. Cherry:

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 D.R. 5.5 zoned site is located on the southeast corner of Joppa Road and Joppa Terrace in the 9th Election District. Adjacent properties completely surrounding this site are similarly zoned and improved with single family detached dwellings. This combination hearing is necessitated by your proposal to construct a two story medical office building with underground parking provided on this site. As indicated in the comments of the Office of Project and Development Planning and the Department of Traffic Engineering, the proposed parking layout does not meet County standards, therefore, a meeting should be arranged between your engineer and the representatives of the aforementioned departments, in order to correct this situation. This should be done immediately so that it can be determined whether an additional Variance for parking must be included with this request.

Mr. Benjamin F. Cherry
Page 2
Item No. 19
May 2, 1977

When submitting new plans, incorporating the necessary revisions, the front and sides of the proposed building must be indicated to determine whether proper setbacks are being provided.

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. Commadari
NICHOLAS B. COMMADARI,
Acting Chairman
Zoning Plans Advisory Committee

BNB:cfr

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURNING, P.E.
DIRECTOR

April 29, 1977

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

Re: Item #19 (Cycle I April-October 1977)
Property Owner: Benjamin F. Cherry
S/E cor. of Joppa Rd. & Joppa Terrace (formerly known as Old Joppa Rd.)
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
District: 9th No. of Acres: 0.93

Dear Mr. DiNenna:

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

Highways:

Joppa Road and Joppa Terrace, existing public roads, are proposed to be improved in the future as 50-foot and 30-foot closed section roadways on 70-foot and 50-foot rights-of-way, respectively. Joppa Terrace improvements are proposed to ultimately include standard offset type cut-ditch road termination at its easternmost intersection with Joppa Road.

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

Sediment Control:

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

Storm Drainage:

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

Item #19 (Cycle I April-October 1977)
Property Owner: Benjamin F. Cherry
Page 2
April 29, 1977

Storm Drainage (Cont'd)

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.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Joppa Road and Joppa Terrace. Additional fire hydrant protection is required in the vicinity.

Very truly yours,

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

DWT:EAM,PWR:es

cc: W. Munchel
J. Somers
M-NE Key Sheet
4-17 NE 16 & 17 Pos. Sheets
NE 9 & 10 E & 10D Topo
71 Tax Map

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
001-459-3600

STEPHEN E. COLLINS
DIRECTOR

April 22, 1977

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

Re: Cycle Zoning Item 19 - ZAC- April, 1977
Property Owner: Benjamin F. Cherry
Location: SE/cor. of Joppa Rd. and Joppa Terrace (formerly known as Old Joppa Rd.)
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
District: 9th
No. Acres: 0.93

Dear Mr. DiNenna:

The existing D.R. 5.5 zoning can be expected to generate approximately 50 trips per day and the proposed D.R. 16 zoning with a special exception for a medical office building is expected to generate approximately 500 trips per day.

Parking spaces 10-15 do not meet county standards and can not be used.

Very truly yours,

Michael S. Flinn
Michael S. Flinn
Traffic Engineer Associate

NSP/316

baltimore county
department of health
TOWSON, MARYLAND 21204

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 #19, Zoning Cycle I Meeting,
April 5, 1977, are as follows:

Property Owner:	Benjamin F. Cherry
Location:	SE/cor. of Joppa Rd. and Joppa Terrace (formerly known as Old Joppa Rd.)
Present Zoning:	D.R. 5.5
Proposed Zoning:	D.R. 16
District:	9th
Acres:	0.93

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

Very truly: yours,

Thomas H. Davila
Thomas H. Davila, Director
BUREAU OF ENVIRONMENTAL SERVICES

KS:mah

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 625-7330

Paul H. Reincke
CHIEF

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

Attention: Mr. Nicholas B. Commadari, Chairman
Zoning Advisory Committee

Re: Property Owner: Benjamin F. Cherry

Location: SE/cor. of Joppa Rd. and Joppa Terrace (formerly known as Old Joppa Rd.)

Item No. 19

Zoning Agenda Zoning Cycle I

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 or _____ 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 _____ W002326 the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Paul H. Reincke
Paul H. Reincke, Chief
Planning Group
Special Inspection Division
Noted and Approved:
George M. Haggan
George M. Haggan, Battalion Chief
Fire Prevention Bureau

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 625-3000

JOHN D. SEVIER
DIRECTOR

April 18, 1977

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

Zoning Cycle #1

Dear Mr. DiNenna:

Comments on Item # 19 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Benjamin F. Cherry
Location: SE/cor. of Joppa Rd. and Joppa Terrace (formerly known as Old Joppa Rd.)
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16

Acres: 0.93
District: 9th

The items checked below are applicable:

- (x) A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (x) 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.
- (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. Sarabian
Charles E. Sarabian
Plans Review Chief
CSE:r-j

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 I

RE: Item No: 19
Property Owner: Benjamin F. Cherry
Location: SE cor. of Joppa Rd. and Joppa Terrace (formerly known as Old Joppa Rd)
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16

District: 9th
No. Acres: 0.93

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Rick Petrovich,
Field Representative

WNP/tp

JOSEPH N. MCGOWAN, PRESIDENT
T. BYARD HOLLAND, JR., VICE PRESIDENT
MARCUS M. ROTBARS

THOMAS J. BUYER
MRG. LORRANE F. CHIRIAC
ROGER B. HAYDEN

ROBERT V. DUBEL, SUPERINTENDENT

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

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

No. 51699

DATE: May 3, 1977 ACCOUNT: 01-662

AMOUNT: \$50.00

RECEIVED: Benjamin F. Cherry 2802 E. Joppa Rd., Towson, Md. 21204

FOR: Petition for Reclassification and Special Exception

51 APR 3 5000 HSK

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE CO. INTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15417

DATE: 12/30/78 ACCOUNT: 01-712

AMOUNT: \$26.00

RECEIVED: William N. White, Esq.
401 Washington Ave.
Towson, Md. 21204

FOR: Cost of certified copies in Case #78-38-XX
SE cor. Joppa Rd. & Joppa Terrace
9th District
Benjamin F. Cherry, Petitioner

26.00 HSK

VALIDATION OR SIGNATURE OF CASHIER

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

No. 57274

DATE: Sept. 20, 1977 ACCOUNT: 01-662

AMOUNT: \$181.50

RECEIVED: Highway 2802 E. Joppa Road, Balto., Md. 21204

FOR: Advertising and posting of property for Benjamin F. Cherry #78-38-XX

181.50 HSK

VALIDATION OR SIGNATURE OF CASHIER

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

No. 57377

DATE: Dec. 19, 1977 ACCOUNT: 01-662

AMOUNT: \$50.00

RECEIVED: Balto. Co., Md. Disbursement Account-John W. Rosellier, 3rd, Reg.-Publics-Council

FOR: Cost of Appeal for Benjamin F. Cherry #78-38-XX

50.00 HSK

VALIDATION OR SIGNATURE OF CASHIER

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 August 26 19 77

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION & SPECIAL EXCEPTION BENJAMIN F. CHERRY - S/E Cor. Joppa Road - H-1436 was inserted in the following:

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

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 26th day of August 19 77, that is to say, the same was inserted in the issues of August 25, 1977

STROMBERG PUBLICATIONS, INC.

BY Esther Buge

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 19 77

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on ~~one time~~ before the 26th day of September 19 77, the said publication appearing on the 25th day of August 19 77.

THE JEFFERSONIAN,
L. Leland Smith
Manager.

Cost of Advertisement, \$ 22

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 12-22-77

Posted for: Benjamin F. Cherry

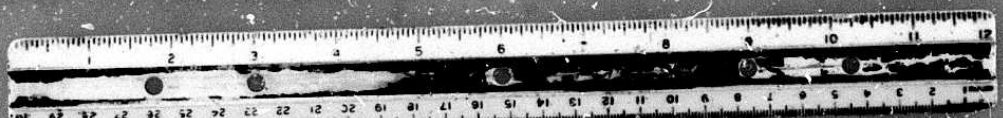
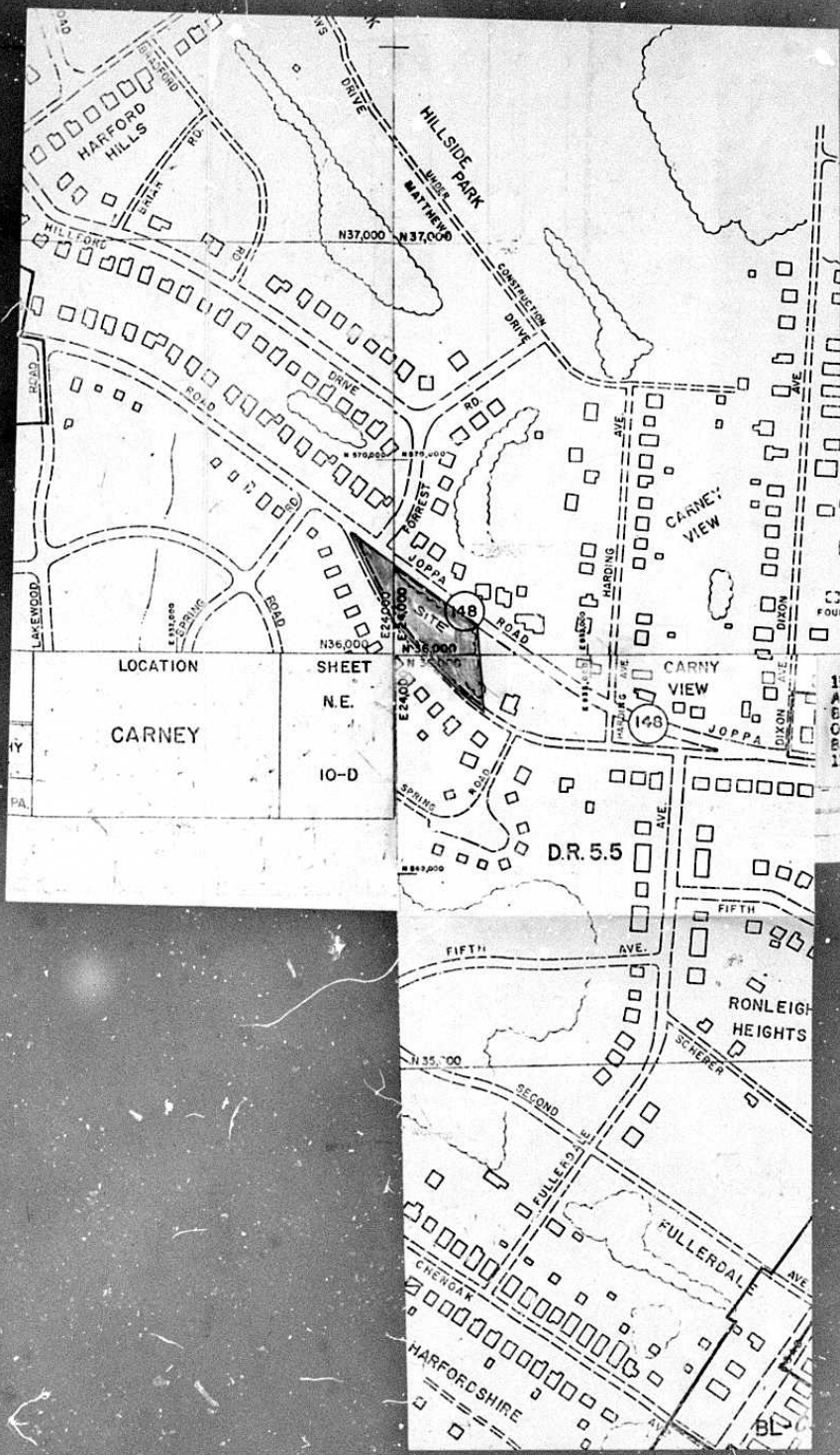
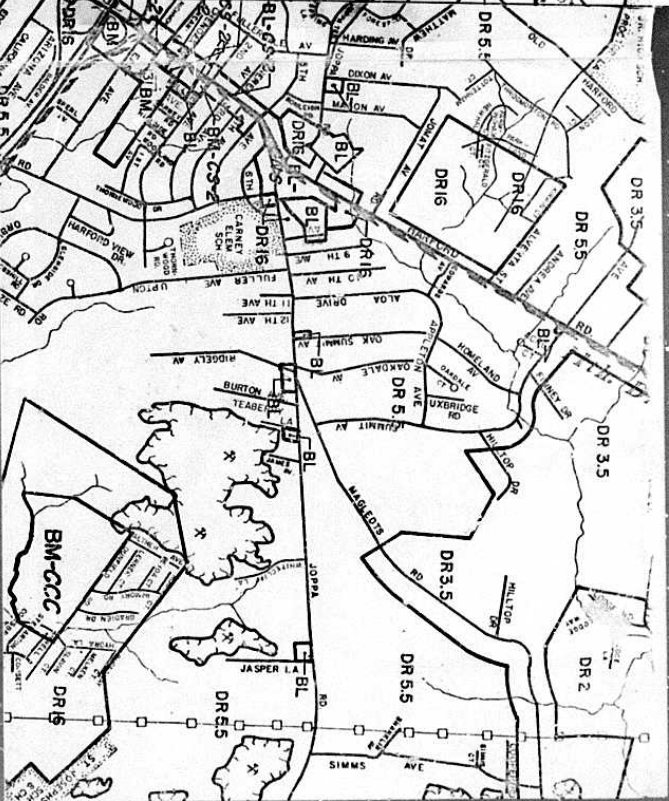
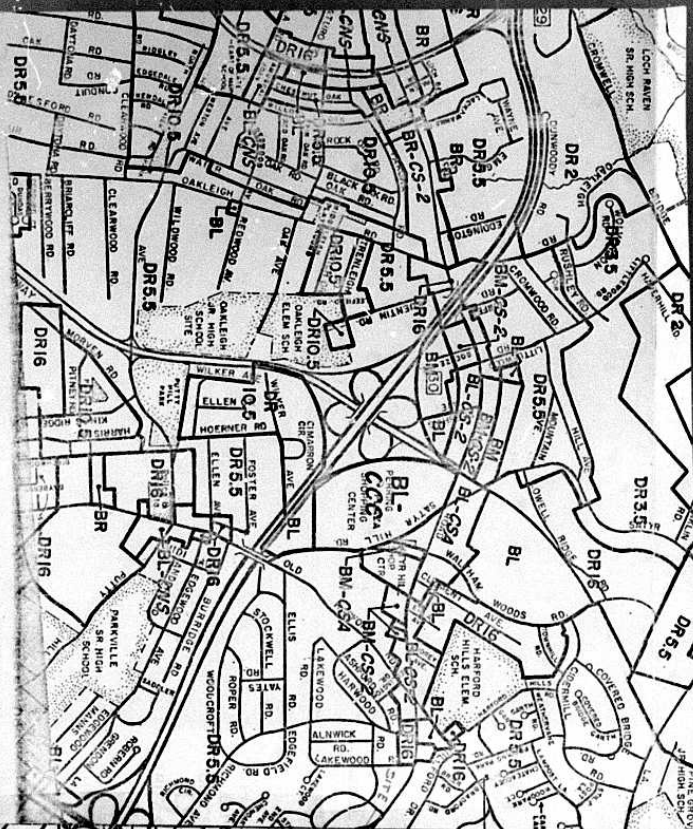
Petitioner: Benjamin F. Cherry

Location of property: SE cor. Joppa Rd. & Joppa Terrace

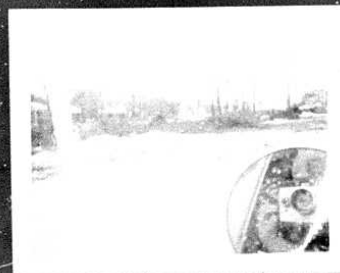
Location of Sign: Large White Sign Joppa Rd. & Joppa Terrace

Remarks: Large White Sign

Posted by: Mark A. Lee Date of return: 12-22-77

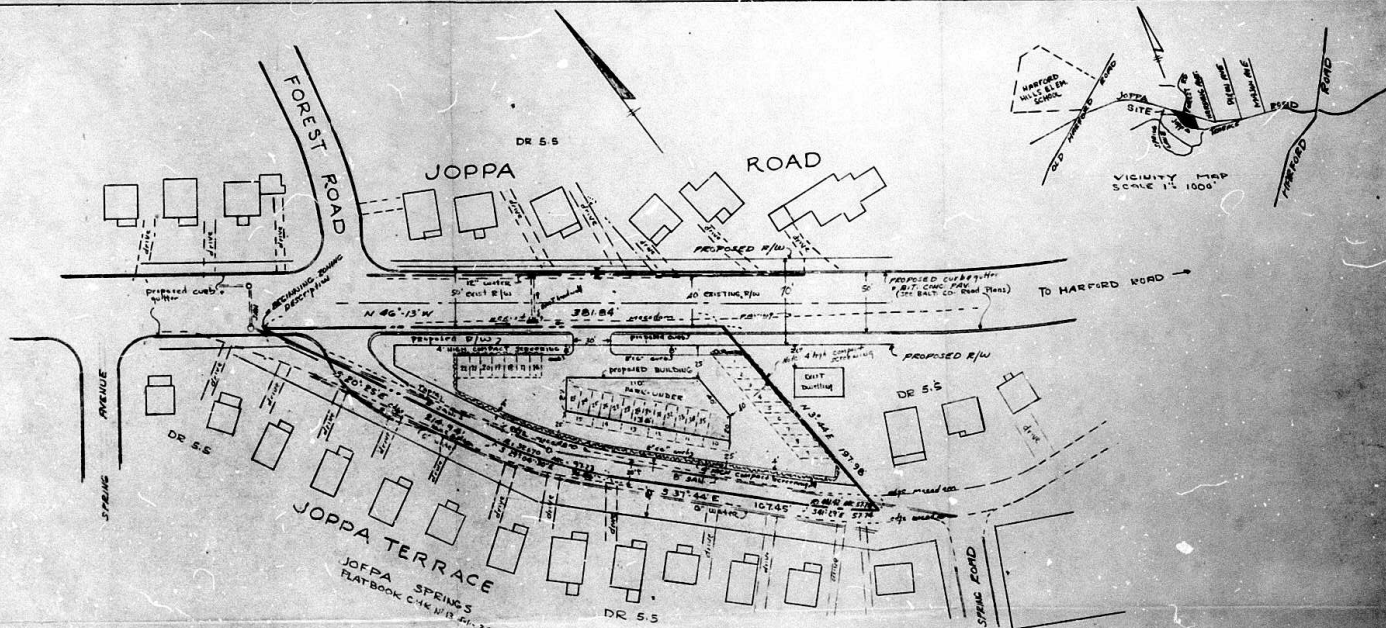






 **baltimore county**
office of planning and zoning
TOWSON, MARYLAND 21204

Pictures



**PLAN TO ACCOMPANY PETITION FOR ZONING RE-CLASSIFICATION
AND SPECIAL EXCEPTION
9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND**

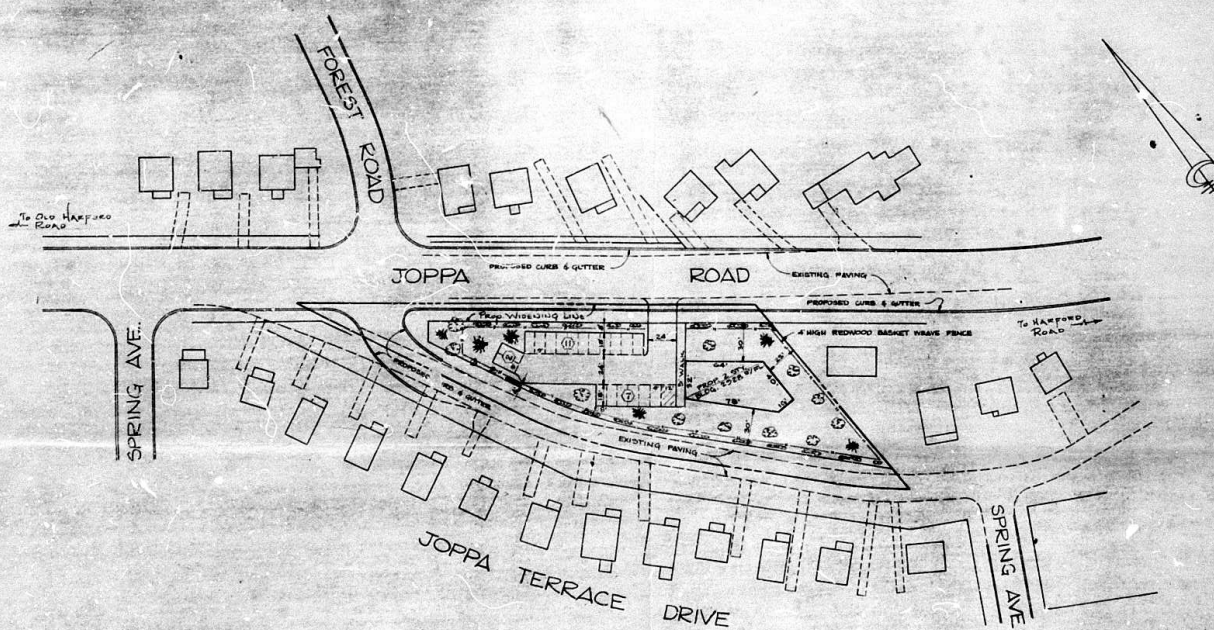
PRESENT ZONING: DR 5.5
 PROPOSED ZONING: DR 1G with SPECIAL EXCEPTION for Medical Office Building
 PRESENT USE: VACANT
 AREA OF PARCEL: 0.93.4 ACRES
 OFF-STREET PARKING DATA:
 PROPOSED TWO STORY MEDICAL OFFICE BUILDING
 FIRST FLOOR AREA: OFFICE: 8000 SQ. FT.
 NO. SPACES REQUIRED: 3000 / 300 = 10 SPACES
 SECOND FLOOR AREA: OFFICE: 8000 SQ. FT.
 NO. SPACES REQUIRED: 3000 / 300 = 10 SPACES
 TOTAL SPACES REQUIRED: 34
 TOTAL SPACES PROVIDED: 35
 PARKING SPACES SIZE: MINIMUM 9' X 20'
 PAVING TYPE: MACADAM OR BITUMINOUS CONCRETE
 LIGHTING: FIXTURES SHALL BE SO ARRANGED
 AS TO REFLECT LIGHT AWAY FROM RESIDENCES
 & PUBLIC ROADS
 A CURB 8" HIGH & 6" HIGH WALL PROVIDED AROUND PARKING LOT

Red Plot



SCALE: 1" = 50' MARCH 27, 1977

GERHOLD, CROSS & ETZEL
 Registered Land Surveyors
 412 Delaware Avenue
 Towson, Maryland 21204



GENERAL NOTES

1. AREA OF PARCEL - 0.93 ACRES ±
2. EXISTING ZONING OF PROPERTY "DR 5.5"
3. EXISTING USE OF PROPERTY "VACANT LAND"
4. PROPOSED ZONING OF PROPERTY "DR 1G WITH SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY "PROFESSIONAL OFFICES"
6. OFF-STREET PARKING DATA:
 - A. AREA OF 1ST FLOOR - 2020 SQ. FT. REQUIRING 2.76 SPACES
 - B. AREA OF 2ND FLOOR - 2020 SQ. FT. REQUIRING 2.76 SPACES
 - C. TOTAL SPACES REQUIRED - 1G
 - D. TOTAL SPACES PROPOSED - 20 (INCLUDES 1 SPACE FOR HANDICAPPED)

**REVISED SITE PLAN
CHERRY PROPERTY**

JOPPA ROAD & JOPPA TERRACE DRIVE
 ELECTION DISTRICT 2 BALTIMORE COUNTY MD.
 SCALE: 1" = 50' APRIL 20, 1978



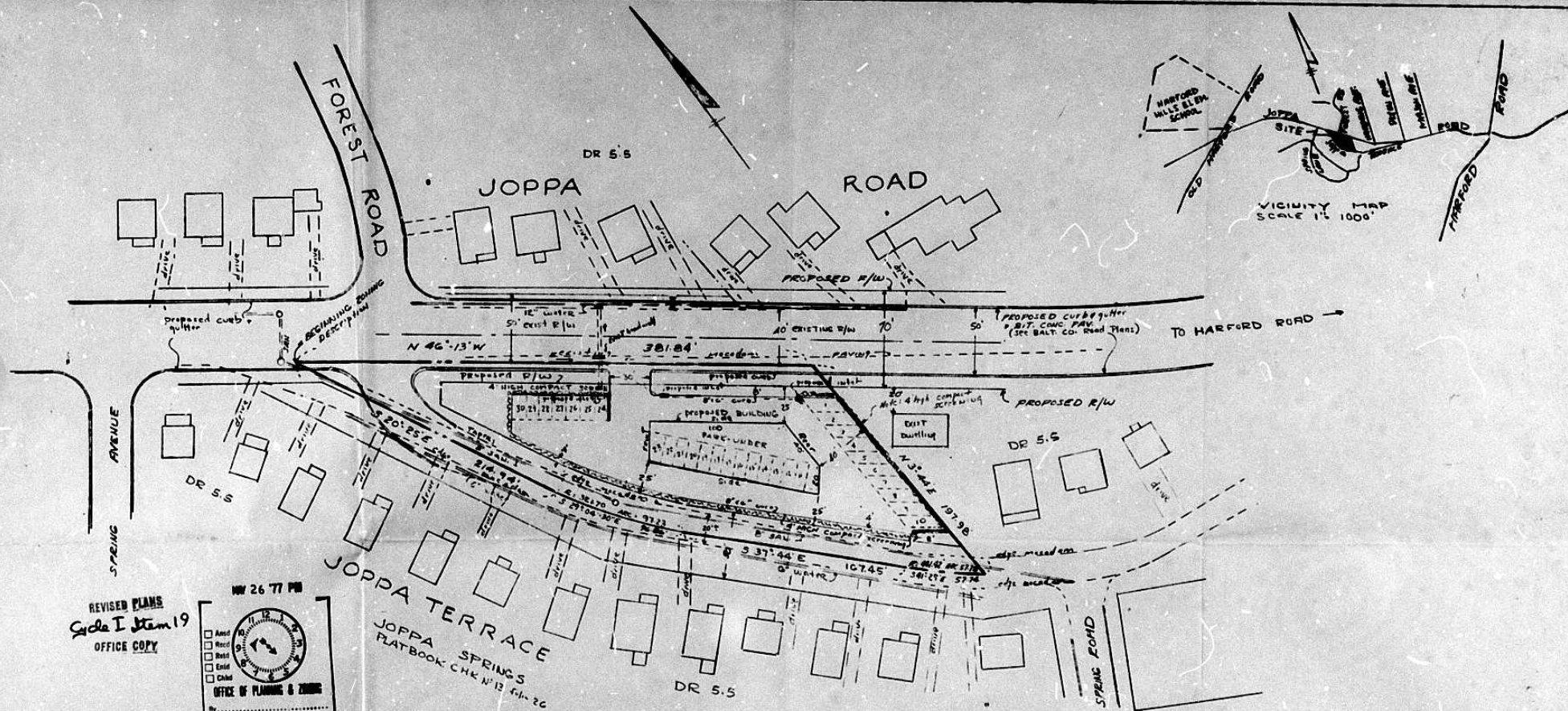
KIDDE
 KIDDE CONSULTANTS, INC.
 1600 CROFTWELL BRIDGE ROAD
 BALTIMORE, MARYLAND 21204

[illegible]

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'		
	DATE OF PHOTOGRAPHY	CARNEY	NE
	APRIL 1913		10 - E
Compiled By Photogrammetric Methods			
AERO SERVICE CORPORATION-Philadelphia, Pa.			



APR 16 1980



PLAN TO ACCOMPANY PETITION FOR ZONING RE-CLASSIFICATION
AND SPECIAL EXCEPTION

9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PRESENT ZONING DR. S.S.

PROPOSED ZONING DR. 1G with SPECIAL EXCEPTION for Medical Office Building

PRESENT USE: VACANT

AREA OF PARCEL: 0.93.4 ACRE ±

OFF-STREET PARKING DATA:

PROPOSED TWO STORY MEDICAL OFFICE BUILDING

FIRST FLOOR AREA OFFICES 4160 sq. ft.

NO. SPACES REQUIRED 4160/300 = 14 spaces

SECOND FLOOR AREA OFFICES 4160 sq. ft.

NO. SPACES REQUIRED 4160/300 = 14 spaces

TOTAL SPACES REQUIRED: 28

TOTAL SPACES PROVIDED: 30

PARKING SPACES SIZE: MINIMUM 9' x 20'

PAVING TYPE: MACADAM OR BITUMINOUS CONCRETE

LIGHTING: FIXTURES shall be so ARRANGED
AS TO REFLECT LIGHT AWAY FROM RESIDENCES
ON PUBLIC ROADS

A CURB 8" wide x 6" high will be provided AROUND PARKING LOT

NOTE: BUILDING WILL BE



SCALE 1" = 50' MARCH 29, 1977

REINHOLD, CROSS & ETZEL

Registered Land Surveyors

412 Delaware Avenue

Towson, Maryland 21204