

78-39-RXA #20 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE BOARD OF APPEALS OF BALTIMORE COUNTY:

I, or we, Kayhouse Realty, Inc., legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2B.5.5 to permit a side setback of 14' in lieu of the required 25'.

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

Before building would have to be relocated in order to allow assistance under proposed zoning, and for other reasons to be presented at hearing.

This Petition is submitted in conjunction with Petition for Reclassification and Special Exception, Item 2 of first cycle.

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:
Kayhouse Realty, Inc.
Address: 1312 Macfarland Road
Baltimore, Maryland 21234

Petitioner's Attorney:
Robert A. DiCicco
Address: 308 W. Pennsylvania Avenue
Towson, Maryland 21204

ORDERED BY THE Zoning Commissioner of Baltimore County, this 23rd 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 held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 15th day of September, 1977, at 10:00 o'clock.

Robert A. DiCicco
Zoning Commissioner of Baltimore County.

78-39-RXA #20 **PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE BOARD OF APPEALS OF BALTIMORE COUNTY:

I, or we, Kayhouse Realty, Inc., 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 reclassified, pursuant to the Zoning Law of Baltimore County, from D.R. 5.5 to D.R. 16, and (2) for the following reason:

(See attached brief)

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 an office building.

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

I, or we, agree to pay expenses of above reclassification 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:
Kayhouse Realty, Inc.
Address: 1312 Macfarland Road
Baltimore, Maryland 21234

Petitioner's Attorney:
Robert A. DiCicco
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Towson, Maryland 21204

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Robert A. DiCicco
Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16,
SPECIAL EXCEPTION for Office
and Office Building, and
VARIANCE from Section 1802.2.B
(V.B.2) of the Baltimore
County Zoning Regulations
NW corner of Taylor Avenue
and Westmoreland Avenue
9th District
Kayhouse Realty, Inc.
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-39-RXA

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Deputy Zoning Commissioner, dated September 30, 1977, where the requested reclassification from D.R. 5.5 to D.R. 16, with a special exception for Office and Office Building and a variance from Section 1802.2.B (V.B.2) to permit a side yard setback of 14 feet instead of the required 25 feet was denied. The subject property is located on the northwest corner of Taylor Avenue and Westmoreland Avenue, in the Ninth Election District of Baltimore County, and extends to the right-of-way of Perring Parkway.

The subject property houses a building constructed as a single family residence and it is the Petitioner's proposal to use the existing structure to house its operation as a real estate brokerage office. The President of Kayhouse Realty testified as to the merits of the subject proposal as did Frederick Klaus, a qualified appraiser and realtor. Further testimony from an engineer outlined the proposed use and indicated compliance with Section 502.1 for the granting of the special exception, as well as the necessity for the variance in order to retain the existing building. There was no allegation of change in the character of the neighborhood since the adoption of the zoning maps in 1976 giving the subject property its present zoning classification of D.R. 5.5, nor was there any substantial evidence or testimony as to error by the Council in placing the existing zoning classification upon the subject property other than the unsupported statement that the subject property cannot be used as a residence.

On the Petitioner's side of the case, James Maxwell, from the Baltimore County Planning Department, indicates that the existing zone is appropriate for the subject

Kayhouse Realty, Inc. - 78-39-RXA

property. Several long time area residents appeared in opposition to this matter and they testified that they did not want the commercial intrusion of an office building or office use into their residential area, and the general fear that their property values would be adversely affected.

Without reviewing the evidence further in detail, but based upon all of the evidence presented, it is the opinion of this Board that the requested reclassification should not be granted. As indicated above, there was no evidence of any substantial change in the character of the neighborhood since the adoption of the comprehensive zoning maps in October of 1976 which would compel the reclassification of this property. Furthermore, if error is to be used as a basis for reclassification that burden is upon the Petitioner and it is an onerous one. We feel that the Petitioner has not met the burden of proving error in this case and that the reclassification petition should be denied. That portion of the petition requesting a special exception and variances would, of course, become moot by the denial of the reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of February, 1979, by the County Board of Appeals, ORDERED that the reclassification, special exception and variance petitioned for, be and the same are hereby DENIED, and the Order of the Deputy Zoning Commissioner of September 30, 1977 is hereby affirmed.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert A. DiCicco
President
Robert L. Gilliam
John A. Miller

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 386-2281

September 30, 1977

Robert A. DiCicco, Esquire
308 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification,
Special Exception, and Variance
NW corner of Taylor and West-
moreland Avenues - 9th Election
District
Kayhouse Realty, Inc. - Petitioner
NO. 78-39-RXA (Item No. 20)

Dear Mr. DiCicco:

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

Very truly yours,

George H. Martinak
Deputy Zoning Commissioner

GJM/me

Attachments

cc: Mr. Kenneth Pitts
1914 Westmoreland Avenue
Baltimore, Maryland 21234

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

E. F. RAFFEL & ASSOCIATES
Engineer, Planner and Land Surveyor
301 COURTLAND AVENUE
TOWSON, MARYLAND 21204

March 21, 1977

DESCRIPTION TO ACCOMPANY PETITION
FOR RECLASSIFICATION FROM DR5.5 TO DR16 ZONE
WITH SPECIAL EXCEPTION FOR OFFICES

Beginning for the same at a point formed by the north side of Taylor Avenue and the west side of Westmoreland Avenue as shown on the State Roads Commission of Maryland Plat No. 25135 running thence and binding on the west side of Westmoreland Avenue the four following courses and distances: 1) N79°54'11"E 15.29'; 2) N34°55'15"E 87.00'; 3) S5°04'25"E 4.86'; 4) N34°51'30"E 18.26' to the division line between Lots 95 and 96 as shown on the Plat of Westmoreland Fruit Farm and recorded among the Land Records of Baltimore County in Liber WC7, fol. 32 thence leaving the west side of Westmoreland Avenue and binding on the division line between Lots 95 and 96 as shown on the aforesaid plat and continuing the same course N56°28'30"W 267.98' to intersect the east right of way line of Peach Avenue running thence and binding on the said right of way line S4°24'30"W 31.95' to intersect the right of way line of Perring Parkway running thence and binding there on the three following courses and distances: 1) S22°26'27"E 140.14'; 2) S 58°02'06"W 60.82'; 3) S55°03'03"E 76.66' to the place of beginning.

Containing 0.51 Acres of Land more or less.
Being the remainder of Lot 104 through 96 inclusive as shown on the Plat of Westmoreland Fruit Farm Liber WC7, folio 102.



E. F. Raffel
Registered Professional Engineer and Surveyor
No. 2245

February 20, 1979

Robert A. DiCicco, Esquire
308 W. Pennsylvania Avenue
Towson, Md. 21204

Re: Case No. 78-39-RXA
Petitioner: Kayhouse Realty, Inc.

Dear Mr. DiCicco:

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

Very truly yours,

John A. Miller, John A. Miller

cc:

cc: Kayhouse Realty, Inc.
Mr. Kenneth Pitts
John W. Hession, III, Esquire
Mr. C. Michael Lange
Mr. John P. Potts
Mr. J. A. P. P.
Mr. S. G. P.
Mr. G. J. P.
Mr. L. W. P.
Mr. J. P.
Board of Education

APR 16 1980

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

the above Variance should be had; and it further appearing that by reason of:

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1977, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show practical difficulty or unreasonable hardship,

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of September, 1977, that the above Variance be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE September 30, 1977

BY Paula R. Loney, Clerk

And for such other and further changes as will be disclosed by a minute study of the area and as will be more fully developed at the time of the hearing of this Petition.

Respectfully submitted,

Robert A. DiCicco
Zoning Commissioner
Askew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-5400

-3-

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

the above Reclamation should be had; and it further appearing that by reason of:

a Special Exception for a should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1977, that the herein described property or area should be and the same is hereby reclassified; from a zone to a zone, and/or a Special Exception for a should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original zoning map and failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations,

the above re-classification should NOT BE HAD and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of September, 1977, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a D.R.5.5 zone and/or the Special Exception for an office building be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE September 30, 1977

BY Paula R. Loney, Clerk

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: PETITION FOR ZONING RECLASSIFICATION, SPECIAL EXCEPTION, and VARIANCE NW/ CORNER OF TAYLOR AND WESTMORELAND AVENUES - 9TH ELECTION DISTRICT KAYHOUSE REALTY, INC. - PETITIONER NO. 78-39-RKA (Item No. 20) BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

APPEAL

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

Mr. Commissioner:

Please note an appeal by Petitioner, Kayhouse Realty, Inc., 8503 Harford Road, Baltimore, Maryland 21234, to the Baltimore County Board of Appeals from an Order passed by Deputy Zoning Commissioner on September 30, 1977 in the above referenced Petition.



I HEREBY CERTIFY that on this 25 day of October, 1977, a copy of the foregoing Appeal was mailed to Kenneth Pitts, 7914 Westmoreland Avenue, Baltimore, Maryland 21234, and John W. Hession, III, Esquire, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco

IN RE: PETITION OF KAYHOUSE REALTY, INC.
Northwest Corner Taylor and
Westmoreland Avenues
For Re-Classification and
Special Exception

MEMORANDUM IN SUPPORT OF PETITION

Your Petitioner through its attorney, Robert A. DiCicco and Askew, Wilson & DiCicco, respectfully submits the following Memorandum in support of its claim that the zoning requested should be granted because of an error in the zoning maps and the change in the neighborhood:

1. In support of its argument that there was an error in the original zoning maps, Petitioner contends that the present zoning of the tract, D.R.5.5, which permits only single-family residential dwellings, is completely inconsistent with the character of the neighborhood and that a portion of the tract is directly on Perring Parkway, a four-lane semi-limited access road which with such a tremendous quantity of traffic that the noise level and pollution levels alone render the site unusable as a single-family residential dwelling. In addition, the reasonable prognosis at the time of the adoption of the zoning maps would indicate further increase in traffic on Taylor Avenue as well as rapid development along Perring Parkway north and south of the subject tract into commercial and strip commercial uses.

For these reasons the Petitioner submits that the present zoning is confiscatory in that the premises cannot be used for residential purposes without a prohibitive expenditure of money and that the only reason for allowing the classification to D.R.5.5 was to protect the residents of those living on the north and west of the tract from the noise and congestion of Perring Parkway. Kracke vs. Weinberg 197 Md.339 (1951).

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

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
KAYHOUSE REALTY, INC., Petitioner : Case No. 78-39-RK (Item 20)

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

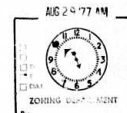
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

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

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

I HEREBY CERTIFY that on this 24th day of August, 1977, a copy of the foregoing Order was mailed to Robert A. DiCicco, Esquire, 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III



2. In support of Petitioner's claim that there has been a change in the character of the neighborhood, Petitioner submits that:

(a) There has been a tremendous increase in the volume of traffic and the congestion at the intersection of Perring Parkway and Taylor Avenue next to the adjacent tract;

(b) The road pattern in the immediate vicinity has been improved contributing to the increase in volume and traffic congestion;

(c) There have been numerous zoning changes in the surrounding area;

(d) There has been an increase in the issuance of building permits and new residential subdivisions in the area;

(e) There has likewise been an increase in population concentration and growth in the area;

(f) There is a need for office land in this immediate area and the availability of unused rezonable land is virtually nil;

(g) There has been a change in the use and trend of the surrounding area;

(h) The re-zoning of the property for offices will be beneficial and non-detrimental to the surrounding property and community;

(i) The re-zoning of the tract to permit office use would be compatible with predicted plans of the county in that it would be an appropriate transition area from Perring Parkway and the commercial developments thereon and the residential area to the north and west of the subject tract;

(j) The appropriate use and value for the tract is for offices and the possibility of development under the existing zoning is nil;

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Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 984-5271

June 20, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. DiNenna:

Under the provisions of Subsection 22-15.1(f), Baltimore County Code 1968 as amended, the Planning Board has determined that the following applications for special exceptions conform to the provisions of Subsection 22-15.1(e), Baltimore County Code 1968, as amended: 77-4-X; 77-7-X; 77-9-X; 77-13-X and 77-18-X.

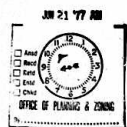
The Planning Board has determined that application 77-1-X for a special exception would conform to the provisions of Subsection 22-15.1(e) Baltimore County Code 1968, as amended, if the condition indicated by the Department of Public Works is adhered to.

These decisions by the Baltimore County Planning Board authorize your office to proceed to process these applications pursuant to the procedures authorized by the County Code.

Very truly yours,

Thomas E. Parker
Thomas E. Parker, Secretary
Baltimore County Planning Board

REG-21:dne



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

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

APR 16 1980

RECEIVED BALTIMORE COUNTY APR 28 1977 OFFICE OF PLANNING AND ZONING BALTIMORE COUNTY COMMISSIONER OF BALTIMORE COUNTY

IDA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

FOR THE: **REDAK, INC.** OWNER OF THE PROPERTY BEING IN BALTIMORE COUNTY, THE PROPERTY OUTLINE OF WHICH IS SHOWN TO BE COMPLETE WITH RESPECT TO THE 100 FT. BOUNDARY, WHICH ARE ATTACHED HEREIN, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL PERMIT.

IN A P. 15. ONE TO USE THE HEREIN DESCRIBED PROPERTY FOR: **OFFICE BLDG.**

THE PROPERTY IS EXPECTED TO BE APPROVED AS FOLLOWS:

GROSS SITE AREA	58,422 SQ. FT.	DEED REF.	
PLAZING	10	% OF OVERALL SITE WILL BE PLAZED.	
BUILDING SIZE	30	30	AREA 900 SQ. FT.
GROUND FLOOR	30	30	AREA 900 SQ. FT.
NUMBER OF FLOORS		TOTAL HEIGHT	
FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA			.07
BUILDING USE	OFFICE	OTHER FLOORS	OFFICE
REQUIRED NUMBER OF PARKING SPACES	GROUND FLOOR	2	TOTAL 5
PAVING			1200 SQ. FT.
AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES			(PAVING AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 200)
UTILITIES	WATER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM		
SEWER: ☐ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM			
UTILITIES SECURITY APPROVAL	BUREAU OF LAND DEVELOPMENT		

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

APPLICANT: **REDAK, INC.** LEGAL OWNER: **REDAK, INC.**

LEASE OR CONTRACT PROVISIONS: **REDAK, INC.**

THE PLANNING BOARD HAS DETERMINED ON **4/14/77** THAT THE PROPOSED DEVELOPMENT DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-15(P) OF THE BALTIMORE COUNTY CODE, 1966.

DATE: **4/14/77** CHAIRMAN: **REDAK, INC.** COUNTY PLANNING BOARD

Baltimore County, Maryland
PEOPLE'S COUNCIL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
TEL. 484-2188

JOHN W. HESSELMAN, III
People's Council
PETER MAX ZIMMERMAN
County People's Council

June 29, 1978

County Board of Appeals
Rm. 219, Court House
Towson, Maryland 21204

RE: KAYHOUSE REALTY
Case No. 78-39-R24A

Dear Messrs. Reiter, Gilland and Miller:

In the course of the hearing on June 22, 1978, and the discussion as to the application of the subject to administrative hearings, the question was raised by the Board as to the effect. If any, of the occurrence of the 1974 comprehensive rezoning. It is indicated that no action was taken with reference to the subject property in said comprehensive rezoning, although the property was an issue.

The leading case with reference to administrative rezoning pertaining to zoning reclassification petitions is *Woodman Area Citizens Association, Inc., et al., v. Board of County Commissioners for Prince George's County*, et al., 241 Md. 187, 216 A.2d 149 (1965). There, under factual circumstances similar to the present case, involving the third request for change from single family detached homes to garden type apartments, the Court held there was not shown clearly such a change in circumstances as would warrant reconsideration of earlier decisions.

Importantly also, the Court rejected the argument that a significant change in the law was effected since the last prior denial because the definition of the R-18 (apartment) zone was changed to authorize a lesser apartment density. The Court found the change a difference not in kind and not legally significant in degree. In the present case, there has been no change in definition of the zone, nor any change in the zoning in the area since 1975, the date of the last similar denial. The comprehensive rezoning, therefore, had no effect on this neighborhood or the circumstances affecting it.

County Board of Appeals
June 29, 1978

We believe that a careful reading of the Woodman case, attached hereto, should cause the Board to avoid any reconsideration of the merits of this petition to sustain the policy of no judicial and prevent repetitive litigation.

Very truly yours,
Peter Max Zimmerman
Peter Max Zimmerman
County People's Council

John W. Hesseleman, III
People's Council

Enclosure
cc: Robert A. DiCicco, Esquire

IDA FORM NO. 2 REVISED 4-74

1. **Zoning Change**
The proposed change from R-18 to R-18A is a change in the zoning classification of the property. The property is currently zoned R-18, which is a single family detached home zone. The proposed change to R-18A is a change to a garden type apartment zone. This change is being requested because the property is currently being used for garden type apartments and the current zoning does not allow for this use.

2. **Justification**
The justification for the proposed change is that the property is currently being used for garden type apartments and the current zoning does not allow for this use. The proposed change to R-18A is a change to a garden type apartment zone, which would allow for this use. The property is currently being used for garden type apartments and the current zoning does not allow for this use.

3. **Impact**
The impact of the proposed change is that it would allow for the use of the property for garden type apartments. This would be a change in the use of the property and would have an impact on the surrounding area. The proposed change to R-18A is a change to a garden type apartment zone, which would allow for this use. The property is currently being used for garden type apartments and the current zoning does not allow for this use.

4. **Conclusion**
The conclusion is that the proposed change from R-18 to R-18A is a change in the zoning classification of the property. The property is currently zoned R-18, which is a single family detached home zone. The proposed change to R-18A is a change to a garden type apartment zone. This change is being requested because the property is currently being used for garden type apartments and the current zoning does not allow for this use.

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The Court repeatedly told the County that it was not to be a "superior court" in its review of the Board's decision. It was to be a "reviewing court" only. The Board's decision was to be upheld unless it was "arbitrary, capricious, or manifestly unjust." The Court found that the Board's decision was not arbitrary, capricious, or manifestly unjust. It was a reasonable decision based on the facts and circumstances of the case.

The Board's decision was based on the facts and circumstances of the case. It was a reasonable decision. The Court found that the Board's decision was not arbitrary, capricious, or manifestly unjust. It was a reasonable decision based on the facts and circumstances of the case.

The Board's decision was based on the facts and circumstances of the case. It was a reasonable decision. The Court found that the Board's decision was not arbitrary, capricious, or manifestly unjust. It was a reasonable decision based on the facts and circumstances of the case.

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MEMO 577

I am writing to request notification of the building for the re-signing of the Northwest corner of Taylor & Peering Parkway. Owned by Raytheon Realty. Classification to be changed for accommodations for office building. This is a strictly residential neighborhood. Thank you.

Mrs. Victor Panisko
7809 Westmoreland Ave
Baltimore, Md. 21234
(adjoning property)
owner

the artificio

100 N. PATAPUSCO AVE
BALTIMORE, MD. 21206

11-7077

DEAR SIR:

PLEASE ADVISE ME BY MAIL AS TO THE TIME & PLACE OF THE APPEAL HEARING FOR RE-SIGNING BY THE KAYHUSO REALTY CO. CASE # 78-39-RXA FOR PROPERTY AT THE CORNER OF TAYLOR AVE & WESTMORELAND AVE. COUNTY OF BALTIMORE.

THE POSTED NOTICE ON THE PROPERTY DOES NOT STATE THE TIME & PLACE.

Very Respectfully Yours

C. MICHAEL LONGO
7814 WESTMORELAND AVE
BALTIMORE, MARYLAND, 21234

Rec'd 11/17/77
10:30AM

The Board's decision was based on the facts and circumstances of the case. It was a reasonable decision. The Court found that the Board's decision was not arbitrary, capricious, or manifestly unjust. It was a reasonable decision based on the facts and circumstances of the case.

The Board's decision was based on the facts and circumstances of the case. It was a reasonable decision. The Court found that the Board's decision was not arbitrary, capricious, or manifestly unjust. It was a reasonable decision based on the facts and circumstances of the case.

SEP 8 1977
Mrs. Victor

There was a hearing held in
Sgt. on the property and when
I called the zoning office last
week I was told the application
had been denied. There is now a
new sign on the property
announcing a public hearing.
Can you send me any information
on this case so that I can let the
residents know that the
whats' up? Thank you.

Mrs. Victor Panich
7808 Westmoreland Ave
Baltimore - 21234

Property in reference -

W. E. corner of Perry Parkway &
Taylor Ave.

Owner - Kayhouse Realty
Case No. 78-39-RXA

Rec'd 9/11/77
9:31 AM

Thank you

78-39-RX



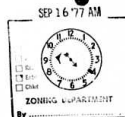
Mr. Guy
Shaw, Jr.
Dear Sir:

Thank you for talking to me concerning
the zoning notice at Taylor Ave. Perry Pkwy.

1. Our little community, with the help of
your zoning board, has been left frustrated
as for the top you will help us keep it
this way.

2. For an entrance to an office building &
to be in Westmoreland would greatly increase
the danger of these accidents.

3. This is a fair stop for the school children.
There isn't any pavement or side walk here.



Mr. DiMenna
Baltimore County Zoning Commissioner
County Office Building
208 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 78-39 RXA
Petition for Reclassification
and Variance

Dear Mr. DiMenna:

As residents and property owners in Baltimore County
we oppose the reclassification of the property located at the
NW corner of Taylor and Westmoreland Avenues, 9th District, from
D.R. 5.5 to D.R. 16, for the purpose of an office and office
building.

The facts presented to the Commissioner in 1972 regard-
ing this property still exist. There is no access to this property
on Taylor Avenue because of the cut-off from Taylor Avenue on
Perry Parkway. The erection of an office building would
further add to the heavy traffic load, as revealed in a study made
at the time of the previous application for reclassification.
Off-street parking would have to be provided. Also, there are no
sidewalks on Westmoreland Avenue.

According to the Comprehensive Zoning Map adopted in
March 1971, this area was classified as D.R. 5.5, and we do not
see any need for reclassification now.

Therefore, we urge you to deny this Petition for
Reclassification and Variance.

The names of concerned residents and property owners
appearing this petition are attached.

Respectfully submitted,

We are opposed to the Reclassification of the property located at the
NW corner of Taylor and Westmoreland Avenues, 9th District, from
D.R. 5.5 to D.R. 16, for the purpose of an office and office
building.

Irene Cardigan
2003 Taylor Ave.
Baltimore, Md. 21234

Charles F. Beck
2005 Taylor Ave.
Baltimore, Md. 21234

James H. Becker
2005 Taylor Ave.
Baltimore, Md. 21234

Mr. & Mrs. Ann Schindler
2008 Taylor Ave.
Baltimore, Md. 21234

Mr. & Mrs. John W. Bayland
2006 Taylor Ave.
Baltimore, Md. 21234

Mr. & Mrs. Edmund Sulzberger
2004 Taylor Ave.
Baltimore, Md. 21234

Capt. & Mrs. Charles A. Scarpella
2002 Taylor Ave.
Baltimore, Md. 21234

Mr. & Mrs. Michael Snares
7808 Westmoreland Ave.
Baltimore, Md. 21234

Mr. & Mrs. William J. Gabel
7807 Westmoreland Ave.
Baltimore, Md. 21234

Mr. & Mrs. Victor Panich
7808 Westmoreland Ave.
Baltimore, Md. 21234

Mr. & Mrs. F. D. Smith
7813 Westmoreland Ave.
Baltimore, Md. 21234

Mr. & Mrs. F. D. Smith
7813 Westmoreland Ave.
Baltimore, Md. 21234

September 13, 1977

Richard A. Snellinger
2001 Taylor Avenue
Baltimore, MD 21234

Mr. DiMenna
Baltimore County Zoning Commissioner
County Office Building
208 W. Pennsylvania Avenue
Baltimore, MD 21204

Re: Case No. 78-39 RXA

Dear Mr. DiMenna:

Please accept this letter as my family's means of voicing their objection
to the proposed reclassification of the property located at 1923 Taylor
Avenue from D.R. 5.5 to D.R. 16. Unfortunately I will be out of town on a
previously scheduled business trip on September 19, 1977.

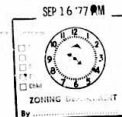
As I am sure you are aware, this is not the first zoning hearing pertaining
to the above listed property. The traffic at the intersections of Taylor
Avenue, Westmoreland Avenue and Perry Parkway is still heavy and con-
tinues to be a very dangerous intersection. Within the past two weeks
there has been three traffic accidents. Fortunately for those involved,
they were not of a serious nature, but still this should indicate an already
overcrowded condition within our neighborhood.

Mr. DiMenna, I sincerely believe that a reclassification of this property
to permit the adaptation or creation of an office building would be a
detrimnet to the intersection by creating additional traffic problems.

Please excuse my absence at the hearing, however, I am confident you will
understand my deepest concern and reject this latest reclassification
attempt.

Very truly yours,

Richard A. Snellinger
Richard A. Snellinger
MCS



SEP 20 1977
LAW OFFICES
ASKEW, WILSON & DICICCO
208 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE
AREA CODE 301
823-5400

Mr. Joseph Martinak
Deputy Zoning Commissioner
Office of Planning and Zoning
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No. 78-39-RXA, Item 20; 77-13-X
Kayhouse Realty, Inc.
Our File 74-035

Dear Mr. Martinak:

With respect to the representations made by my clients
at the hearing on September 19, 1977 in connection with
application for DR16 zone with special exception for offices,
I repeat that my client stands ready to provide any such
additional parking spaces as may be designated by the commissioner;
to locate the parking lot on any other site designated by the
commissioner; to install such other curbs and sidewalks as are
necessary for pedestrian traffic; to agree that the exterior of
the building shall remain white in color and shall not be
done in a manner not to shine on adjoining properties; that
all signs advertising the premises for offices shall be done in
a tasteful manner, in accordance with any regulations established
by the commissioner; and that the use of the premises for real
estate offices shall be confined to the existing building.

Please take this letter as a further commitment on behalf of
Kayhouse Realty, Inc., if allowed to occupy the premises for
offices, that it will agree to such other and further conditions
as will be necessary to preserve the integrity of the neighborhood
and be consistent with a good neighbor policy.

Very truly yours,

Robert A. Dicicco

RAD:w
CC: Kayhouse Realty, Inc.



Mr. DiMenna
Zoning Commissioner
208 W PENNA AVE
TOWSON, MD. 21204

Dear Mr. DiMenna:

I am writing to voice
my protest against Case # 78-39 RXA, specifically
a re-zoning request by certain who have been
trying over a period of years to have a piece
of property, located on the NW corner of
Westmoreland & Taylor Aves. in Baltimore County
changed from Residential to Commercial. This request
has been denied in the past because of property
owners nearby protesting this action. I have turned
to many of these same neighbors and all are
against. We are all working people here who
mostly cannot afford to lose time from work.
In the past I have testified at former hearings
which should be a matter of record.
This spot zoning will have a bad effect on the
neighborhood. Here's hoping that you will
keep things the way they are.

Sincerely
Capt. Charles A. Scarpella



SEP 20 1977
8205 Highpoint Rd.
Baltimore, Md 21234
Sept. 8, 1977

Dear Sir:
I am writing to register a protest to the proposed
change in zoning at the corner of Westmoreland & Taylor
Avenues from Residential to Commercial. I have lived at
this address for almost 25 years & have appreciated the fact
that there is very little commercial business in this area, and
of course, desire that this area remains residential as much
as possible.

Thank you for your consideration.

Sincerely
Floyd D. Chencoweth

these fine children have to be almost
in the street. Coming out from school and you
have to make a sharp right turn. The corner property
which would endanger the lives of any one coming
for a turn, particularly about into the street, very dangerous.
4. Since the Apartment have been built, and
Westmoreland made a thru street, the traffic has
greatly increased. Also many people use this street
to get on Sandy Hill, instead of continuing on
Perryway Parkway.

I shall try to attend the meeting on the 15th,
if I can't make it, please use this note as a
proof against resigning the corner property. It
would only be an opening wedge to begin commercial
zoning on Sandy Hill, which we do not want to
happen.

Thank you and Mr. DiNenna for fast help,
and trust our President & Group will explain
themselves.
My Best Regards



1973 Taylor Avenue
Baltimore, Maryland 21231
September 13, 1977

Mr. DiNenna
Baltimore County Zoning Commissioner
County Office Building
208 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 78-39-RXA

Dear Mr. DiNenna:

Since I am unable to appear at the hearing on the above-
captioned case, scheduled on September 13, 1977, because of my
professional schedule with patients, this letter is submitted for
your consideration.

The facts as presented to the Commissioner in 1972
still exist; that is, heavy traffic at the intersections of West-
moreland Avenue, Taylor Avenue and Perring Parkway. Also, there is
no access to the property on to Taylor Avenue because of the cutoff
from Taylor Avenue on to Perring Parkway.

The erection of an office and office building would
further add to the traffic load already existing. Furthermore, off-
street parking would have to be provided. Also, there are no side-
walks on Westmoreland Avenue.

According to the Comprehensive Zoning Map adopted in
March 1971, this property was classified as D.B. 5.5. Even though
a realty company has since purchased this property, I do not find
any need to reclassify same. There is a dwelling already situated
at 1915 Taylor Avenue.

Therefore, I urge you to consider and deny the Reclassifi-
cation of the above-captioned property from D.B. 5.5 to D.B. 16.

Respectfully submitted,
Mary F. McDaniel
Mary F. McDaniel

Attorney for Appellant

KAYHOUSE REALTY

PETITION FOR RECLASSIFICATION * IN THE
from D.B. 5.5 to D.B. 16, * CIRCUIT COURT
SPECIAL EXCEPTION for * FOR BALTIMORE COUNTY
Offices and Office Building,
and VARIANCE from Section
1802.2.B (V.B.2) of the
Baltimore County Zoning
Regulations NW corner of
Taylor Avenue and
Westmoreland Avenue
9th District; Before County
Board of Appeals of Baltimore
County; No. 78-39-RXA;
KAYHOUSE REALTY, INC.,
Appellant

PETITION OF APPEAL

Kayhouse Realty, Inc., Appellant, by Robert A.
DiCicco, Askew, Wilson & DiCicco, its attorneys, submits
this Petition of Appeal pursuant to Maryland Rule 82e,
and states:

1. This is an appeal from the February 13,
1979 Opinion and Order of the Baltimore County Board of
Appeals, No. 78-39-RXA, affirming an Order of the Deputy
Zoning Commissioner, dated September 30, 1977, which denied
to Petitioner-Appellant a zoning reclassification, special
exception and variance.

2. Petitioner had requested a reclassification
from D.B. 5.5 to D.B. 16, with a special exception for
Offices and a variance to permit a side yard setback
of 14 feet instead of the required 25 feet.

3. The subject property is located on the
northwest corner of Taylor Avenue and Westmoreland Avenue,
in the Ninth Election District of Baltimore County, and
extends to the right-of-way of Perring Parkway. The subject

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

Rec'd 3-14-77
2:10 PM

APPEAL		ADVANCE COSTS	
CASE No. 6778	PETITION FOR RECLASSIFICATION	Plaintiff's Atty. \$5.00	
Robert A. DiCicco	from D.B. 5.5 to D.B. 16,	Clerk \$50.00	
Askew, Wilson & DiCicco	SPECIAL EXCEPTION for	Sherriff	
	Offices and Office Building,	And. De. & De. Per. & De.	
	and VARIANCE from Section	Receipt No.	
	1802.2.B (V.B.2) of the		
	Baltimore County Zoning	ADDITIONAL COSTS	
	Regulations NW corner of	Clerk	
	Taylor Avenue and	Sherriff	
	Westmoreland Avenue	Deft's Atty.	
	9th District; Before County	Paid	
	Board of Appeals of Baltimore	Receipt No.	
	County; No. 78-39-RXA;	Record	
	KAYHOUSE REALTY, INC.,		
	Appellant		
JOHN W. HESSIAN III Peter Max Zimmerman		BOARD OF APPEALS OF BALTIMORE COUNTY	

- March 14, 1979 - Order for Appeal from the Decision of the Board of Appeals of Baltimore County.
- March 14, 1979 - Petition for Appeal.
- Mar. 21, 1979 Certificate of Notice.
- Mar. 27, 1979 Amended Petition.
- Apr. 9, 1979 - App. of John W. Hessian, III and Peter Max Zimmerman for Appellee and Same Day Answer to Petition of Appeal and Amended Petition of Appeal.
- Apr. 17, 1979 Appellant's Petition for Extension of Time to File Transcript and Order of Court granting same.
- May 23, 1979 - Certified Copies of Proceedings Before the Zoning Commissioner and Board of Appeals of Baltimore County.
- Oct. 26, 1979 Hon. John T. Babin, Jr. Hearing had. Order of Board of Appeals affirmed for reasons stated in Board's opinion.

I HEREBY CERTIFY that the foregoing is a true copy
taken from the LAW records of the Circuit Court
as recorded in Liber FHE, P. No. 11, Folio 225.
Signed and seal affixed this

29th day of October 1979

Elmer D. White, Jr.
Clerk of the Circuit Court for
Baltimore County

property houses a building constructed as a single family
residence and it is the Petitioner's proposal to use the
existing structure to house its operation as a real estate
brokerage office.

4. The decision of the Baltimore County Board
of Appeals is erroneous for that it is unsupported by
competent, material and substantial evidence in view of
the entire record as submitted.

WHEREFORE, Appellant prays that:

a. The decision denying the zoning reclassification,
special exception and variance be reversed.

b. The Appellant be granted such other and
further relief as the nature of their cause may require.

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

I HEREBY CERTIFY that prior to the filing of
this Petition, a copy hereof was served on S. E. DiNenna,
Zoning Commissioner, County Office Building, Towson, Maryland
21204, and Walter A. Reiter, Jr., Chairman of the County
Board of Appeals, Room 219, Court House, Towson, Maryland
21204.

Robert A. DiCicco

-2-

PETITION FOR RECLASSIFICATION * IN THE
from D.B. 5.5 to D.B. 16, * CIRCUIT COURT
SPECIAL EXCEPTION for * FOR BALTIMORE COUNTY
Offices and Office Building,
and VARIANCE from Section
1802.2.B (V.B.2) of the
Baltimore County Zoning
Regulations NW corner of
Taylor Avenue and
Westmoreland Avenue
9th District; Before County
Board of Appeals of Baltimore
County; No. 78-39-RXA;
KAYHOUSE REALTY, INC.,
Appellant

AMENDED PETITION OF APPEAL

Kayhouse Realty, Inc., Appellant, by Robert A. DiCicco,
Askew, Wilson & DiCicco, its attorneys, repeats and realleges
all of the facts and matters set forth in its Petition of
Appeal, March 14, 1979, and in addition thereto states:

1. That substantial rights of the Petitioners
have been prejudiced because the findings and decision of the
Board of Appeals of Baltimore County in this case are
in violation of constitutional provisions, including the
Fifth and Fourteenth Amendments to the Constitution and Article
23 of the Maryland Declaration of Rights.

2. That through its findings and decision the
Board of Appeals of Baltimore County has deprived the Appellant
of its property without due process of law.

3. That the findings and decision of the Board
of Appeals of Baltimore County is arbitrary and capricious.

WHEREFORE, Appellant prays that:

a. The decision denying the zoning reclassification,
special exception and variance be reversed.

b. The Appellant be granted such other and further
relief as the nature of their cause may require.

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

I HEREBY CERTIFY that on this 23rd day of March,
1979, a copy of the foregoing was mailed to Mr. S. E. DiNenna,
Zoning Commissioner, County Office Building, Towson, Maryland
21204, and Walter A. Reiter, Jr., Chairman of the County
Board of Appeals, Room 219, Court House, Towson, Maryland
21204.

Robert A. DiCicco

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

-2-

PETITION FOR RECLASSIFICATION * IN THE
from D.B. 5.5 to D.B. 16, * CIRCUIT COURT
SPECIAL EXCEPTION for * FOR BALTIMORE COUNTY
Offices and Office Building,
and VARIANCE from Section
1802.2.B (V.B.2) of the
Baltimore County Zoning
Regulations NW corner of
Taylor Avenue and
Westmoreland Avenue
9th District; Before County
Board of Appeals of Baltimore
County; No. 78-39-RXA;
KAYHOUSE REALTY, INC.,
Appellant

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal on behalf of Kayhouse
Realty, Inc., Petitioner, from the Order of the Board
of Appeals of Baltimore County, passed in the above case
on February 13, 1979.

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

I hereby certify that prior to the filing of
this Order for Appeal, a copy hereof was served on
S. E. DiNenna, Zoning Commissioner, County Office Building,
Towson, Maryland 21204, and Walter A. Reiter, Jr., Chairman
of the County Board of Appeals, Room 219, Court House,
Towson, Maryland 21204.

Robert A. DiCicco

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

Rec'd 3-14-77
2:10 PM

APR 16 1980

Rec'd 3-22-77
11 AM

PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from D.R. 5.5 to D.R. 16, *
SPECIAL EXCEPTION for Offices * FOR BALTIMORE COUNTY
and Office Building, and *
VARIANCE from Section 1802.2.B (V.B.2) of the *
Baltimore County Zoning Regulations *
NW corner of Taylor Avenue *
and Westmoreland Avenue *
9th District *
KAYHOUSE REALTY, INC. *
Petitioner-Appellant *
Zoning Case No. 78-39-RXA *

PETITION FOR EXTENSION OF TIME
TO FILE TRANSCRIPT

KAYHOUSE REALTY, Inc., Appellant, by Robert A. DiCicco, Askew, Wilson & DiCicco, its attorneys, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

1. That Appellant has been notified by Greene Reporting Agency that, because of the length of the testimony, it would be unable to prepare the transcript prior to the filing deadline of April 16, 1979.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until June 12, 1979, 90 days after the first Petition of Appeal was filed.

Robert A. DiCicco
Askew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-5400
Attorney for Appellant

Kayhouse Realty, Inc. - 11/228/6778

flick, 8503 Harford Road, Baltimore, Maryland 21234, Petitioner, and Mr. Kenneth Pitts, 7914 Westmoreland Avenue, Baltimore, Maryland 21234, Protestant, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. C. Michael Longo, 7814 Westmoreland Avenue, Baltimore, Maryland 21234 and Mrs. Victor Panicho, 7806 Westmoreland Avenue, Baltimore, Maryland 21234, Requested Notification, on this 21st day of March, 1979.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Zoning - Mary Campagne
Planning - J. Howell

I HEREBY CERTIFY that on this 11th day of April, 1979 a copy of the foregoing was mailed to John W. Hession, III, Esquire, People's Counsel and Peter Max Zimmerman, Esquire, Deputy People's Counsel, County Office Building, Towson, Maryland 21204; County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and S. E. DiMenna, Soniny Comm. aloner, County Office Building, Towson, Maryland 21204.

Robert A. DiCicco

Askew, Wilson & DiCicco
Towson, Md. 21204

RE: PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from D.R. 5.5 to D.R. 16, *
SPECIAL EXCEPTION for Offices * FOR BALTIMORE COUNTY
and Office Building, and *
VARIANCE from Section 1802.2.B (V.B.2) of the Baltimore *
County Zoning Regulations *
NW corner of Taylor Avenue *
and Westmoreland Avenue *
9th District *
Kayhouse Realty, Inc. *
Petitioner-Appellant *
Zoning Case No. 78-39-RXA *

ANSWER TO PETITION OF APPEAL AND AMENDED PETITION
OF APPEAL

John W. Hession, III, People's Counsel for Baltimore County, Appellee, answers the Petition of Appeal and Amended Petition of Appeal in the above case, as follows:

- Appellee admits the allegations of Paragraph One through Three of the Petition of Appeal.
- Appellee denies the allegations of Paragraph Four of the Petition of Appeal and Paragraphs One through Three of the Amended Petition of Appeal.
- In further answering, Appellee submits that the Petition of Appeal fails specifically to state grounds upon which relief can be granted.
- Appellee further submits that the Amended Petition of Appeal is vague, conclusory and insufficient on its face.
- There was substantial evidence upon which the Board could conclude that the Appellant had failed to meet the burden of proof prerequisite in a reclassification case, that the property could reasonably be used in its existing classification of D.R. 5.5, and that said existing zoning was not inappropriate or in error.
- There was further substantial evidence that the Board of Appeals had earlier denied an identical petition for reclassification, by Order dated August 14, 1975 (Case No. 75-57-RX), and that no change of circumstances had since occurred which would

PETITION FOR RECLASSIFICATION * IN THE
from D.R. 5.5 to D.R. 16, *
SPECIAL EXCEPTION for Offices * CIRCUIT COURT FOR
and Office Building, and * BALTIMORE COUNTY
VARIANCE from Section 1802.2.B (V.B.2) of the *
Baltimore County Zoning Regulations *
NW corner of Taylor Avenue *
and Westmoreland Avenue *
9th District *
KAYHOUSE REALTY, INC. *
Petitioner-Appellant *
Zoning Case No. 78-39-RXA *

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript it is hereby ORDERED this day of 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until June 12, 1979.

JUDGE

a departure from that decision. Indeed, on the record, and given this recent prior decision, it would have been arbitrary, capricious, and clear error of law for the Board to have granted the present petition.

WHEREFORE, the Appellee prays that the Petition of Appeal and Amended Petition of Appeal be dismissed.

John W. Hession, III
People's Counsel

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

I HEREBY CERTIFY that on this 9th day of April, 1979, a copy of the foregoing Answer to Petition of Appeal and Amended Petition of Appeal was left with the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, prior to the filing hereof, and that a copy of the same was mailed to Robert A. DiCicco, Esquire, 208 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner-Appellant.

Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION * IN THE
from D.R. 5.5 to D.R. 16, *
SPECIAL EXCEPTION for Offices * CIRCUIT COURT
and Office Building, and * FOR
VARIANCE from Section 1802.2.B (V.B.2) of the Baltimore *
County Zoning Regulations * BALTIMORE COUNTY
NW corner of Taylor Avenue *
and Westmoreland Avenue *
9th District *
Kayhouse Realty, Inc. *
Petitioner-Appellant *
Zoning File No. 78-39-RXA *
Misc. Docket No. 11
Folio No. 228
File No. 6778

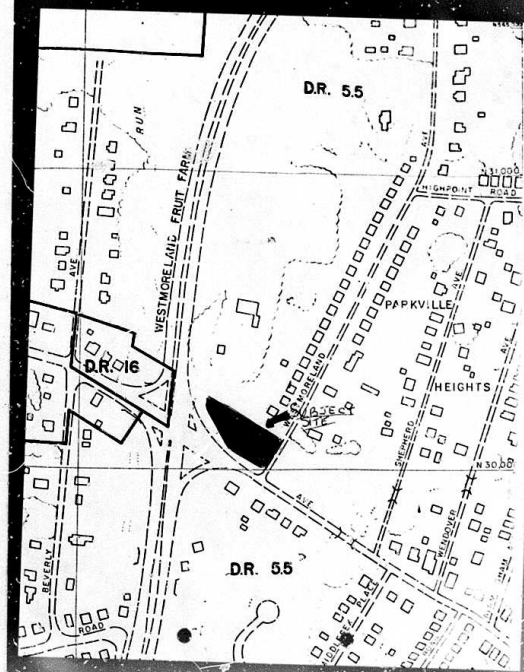
CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilliland and John A. Millar, 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, Robert A. DiCicco, Esquire, 208 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and Kayhouse Realty, Inc., c/o Julia Mae Hausenfluck, 8503 Harford Road, Baltimore, Maryland 21234, Petitioner, and Mr. Kenneth Pitts, 7914 Westmoreland Avenue, Baltimore, Maryland 21234, Protestant, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. C. Michael Longo, 7814 Westmoreland Avenue, Baltimore, Maryland 21234 and Mrs. Victor Panicho, 7806 Westmoreland Avenue, Baltimore, Maryland 21234, Requested Notification, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Court House, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esquire, 208 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for the Petitioner, and Kayhouse Realty, Inc., c/o Julia Mae Hausenfluck, 8503 Harford Road, Baltimore, Maryland 21234, Petitioner, and Mr. Kenneth Pitts, 7914 Westmoreland Avenue, Baltimore, Maryland 21234, Protestant, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. C. Michael Longo, 7814 Westmoreland Avenue, Baltimore, Maryland 21234 and Mrs. Victor Panicho, 7806 Westmoreland Avenue, Baltimore, Maryland 21234, Requested Notification, a copy of which notice is attached hereto and prayed that it may be made a part thereof.



RE: PETITION FOR RECLASSIFICATION IN THE
from D.R. 5.5 to D.R. 16 zone SPECIAL EXCEPTION FOR OFFICES
and Office Building, and VARIANCE from Section 1802.2.B
(V.B.2) of the Baltimore County Zoning Regulations
NW corner of Taylor Avenue and Westmoreland Avenue
9th District
AT LAW
Kayhouse Realty, Inc. Misc. Docket No. 11
Petitioner - Appellant Folio No. 228
Zoning File No. 78-39-RXA File No. 678

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Robert L. Gifford and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 78-39-RXA
Apr. 29, 1977 Petition of Kayhouse Realty, Inc. for reclassification from D.R. 5.5 to D.R. 16 zone, for special exception for office building, and for variance from Sec. 1802.2.b(V.B.2) to permit side setback on property located on the northwest corner of Taylor and Westmoreland Avenues, 9th District, filed
May 2 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 19, 1977 at 10 a.m.
May 2 Comments of Baltimore County Zoning Advisory Committee filed
June 17 I.D.C.A. approved by Planning Board (77-13-X)
Sept. 1 Certificate of Posting of property - filed
1 Certificate of Publication in newspaper - filed

Kayhouse Realty, Inc. - File No. 78-39-RXA (6778) 2.
Sept. 19, 1977 At 10:00 a.m. hearing held on petition by Deputy Zoning Commissioner
30 Order of Deputy Zoning Commissioner denying petition
Oct. 25 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
June 22, 1978 Hearing on appeal before County Board of Appeals - case held sub curia
Feb. 13, 1979 Order of County Board of Appeals denying reclassification, special exception and variance
Mar. 14 Order for Appeal filed in Circuit Court for Baltimore County by Robert A. DiCicco, Esq., on behalf of Petitioner
14 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County
21 Certificate of Notice sent to all interested parties
26 Amended Petition of Appeal filed in Circuit Court by Robert A. DiCicco, Esq.
Apr. 13 Petition for extension of time to file transcript until June 12, 1979
May 21 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Plat of subject property, Raphael & Assoc. 3/21/77
2 - Aerial photo
3 - Official zoning map (1000) - 3-C
4 - Synopsis of traffic counts
People's Counsel Exhibit 1A - E - Photos
2 - Opinion and Order, Board of Appeals, 8/14/75
3 - Photo - Taylor Avenue
4 - Photo - Uhlton Home
May 23 Record of proceedings filed in the Circuit Court for Baltimore County

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

Kayhouse Realty, Inc. - File No. 78-39-RXA (6778) 3.
all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

cc: Robert A. DiCicco, Esq.
John W. Messian, III, Esq.

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas R. Commodari
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

Robert A. DiCicco, Esquire
208 N. Pennsylvania Avenue
Towson, Maryland 21204

May 2, 1977

RE: Reclassification and Special Exception
Item No. 20 - 1st Cycle
Petitioner - Kayhouse Realty

Dear Mr. DiCicco:

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.

Located on the northeast corner of Taylor Avenue and Perring Parkway, this D.R. 5.5 zoned site is currently improved with a two story dwelling, proposed to be converted into offices and garage and shed in the rear. Adjacent properties to the north and east across Westmoreland Avenue are similarly zoned and improved with single family dwellings.

This property was the subject of a previous zoning hearing, Case 72-217-PA, in which a proposal to restore this property to D.R. 16 and construct an eight (8) unit apartment building was denied. A Variance to allow the off-way of Perring Parkway should also be included with this request.

Revised plans that satisfy the comments of the Office

Robert A. DiCicco, Esquire
Page 2
Item No. 20
May 2, 1977

of Project and Development Planning as well as an indication of the proposed right-of-way of Westmoreland Avenue must be submitted to this office.

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 areas 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 submitted 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 R. Commodari
Acting Chairman
Zoning Plans Advisory Committee

HBC:rf

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

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MOURING, P.E.
DIRECTOR

May 2, 1977

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

Re: Item #20 (Cycle I April-October 1977)
Property Owner: Kayhouse Realty, Inc.
N/W cor. of Taylor and Westmoreland Avenues
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, with Special Exception for
Offices and Office Building
District: 9th No. of Acres: 0.58

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 #11 Cycle II (October 1974-April 1975) and for Item #1: Cycle VII (April-October 1974). Those comments are referred to for your consideration.

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 construction of concrete sidewalks, curb and gutter, entrance, apron, etc. will be the full responsibility of the Petitioner.

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

Very truly yours,

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

DWT/EAM/PMB:aa
cc: J. Somers
N-W Key Sheet
31 to 12 Pgs. Sheet
NE & C Topo
90 Tax Map

Robert A. DiCicco, Esquire
208 N. Pennsylvania Avenue
Towson, Maryland 21204
Item No. 20

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 1977

S. Eric DiMenna
Zoning Commissioner

Petitioner: Kayhouse Realty
Petitioner's Attorney: Robert A. DiCicco, Esquire
cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204
Reviewed by: Nicholas R. Commodari
Planning & Zoning
Associate III



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-2121

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

Property Owner: Kayhouse Realty, Inc.
Location: NW/Cor. of Taylor and Westmoreland Ave
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, with special exception for offices and office building
District: 9th
No. Acres: 0.58

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 proposed driveway does not meet County standards.

The site plan should clearly indicate the required screening along the North property line.

Very truly yours,

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



baltimore county
department of public engineering
TOWSON, MARYLAND 21204
(301) 494-2650

STEPHEN E. COLLINS
DIRECTOR

April 22, 1977

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

Re: Cycle Zoning Item No. 20 - ZAC - April, 1977
Property Owner: Kayhouse Realty, Inc.
Location: NW/Cor. of Taylor and Westmoreland Aves.
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, with special exception for Offices and Office Building
District: 9th
No. Acres: 0.58

Dear Mr. DiNenna:

No major increase in traffic generation is anticipated by the requested DR 16 with a special exception for an office zone.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF/ljo



baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 625-7210

Paul H. Reiske
CHIEF

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

Attention: Nicholas B. Compadari, Chairman
Zoning Advisory Committee

Re: Property Owner: Kayhouse Realty, Inc.

Location: NW/Cor. of Taylor and Westmoreland Aves.

Item No. 20

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 of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 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.

REVIEWED: *Paul H. Reiske*
Planning Group
Special Inspection Division

APPROVED: *George M. Magness*
Battalion Chief
Fire Prevention Bureau



baltimore county
department of health
TOWSON, MARYLAND 21204

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

April 19, 1977

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

Dear Mr. DiNenna:

Comments on Item #20, Zoning Cycle I Meeting, April 5, 1977, are as follows:

Property Owner: Kayhouse Realty, Inc.
Location: NW/Cor. of Taylor and Westmoreland Aves.
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, with special exception for Offices and Office Building
District: 9th
Acres: 0.58

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

KJ:mah



baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFERT
DIRECTOR

April 18, 1977

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

Zoning Cycle #1

Dear Mr. DiNenna:

Comments on Item # 20 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Kayhouse Realty, Inc.
Location: NW/Cor. of Taylor and Westmoreland Aves.
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16 with special exception for offices and office building

Acres: 0.58
District: 9th

The items checked below are applicable:

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

Very truly yours,

Charles E. Burdham

Charles E. Burdham
Plans Review Chief
CEB: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 I

RE: Item No: 20
Property Owner: Kayhouse Realty, Inc.
Location: NW/Cor. of Taylor and Westmoreland Aves.
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16, with special exception for Offices and Office Bldg.

District: 9th
No. Acres: 0.58

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

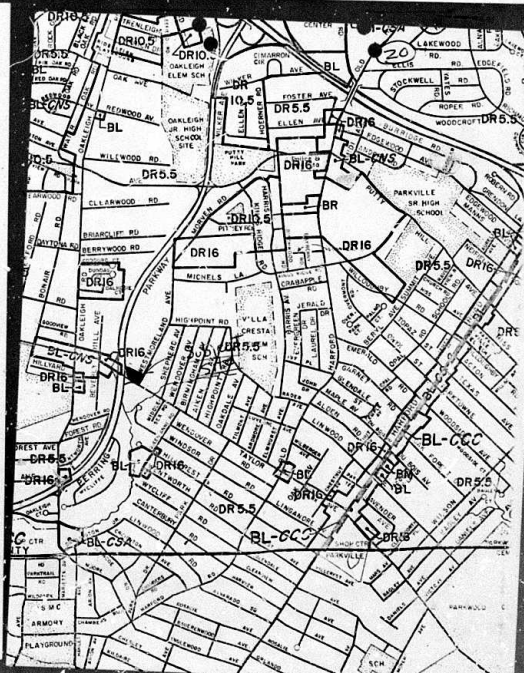
W. Nick Petrovich
W. Nick Petrovich,
Field Representative

MSF/ljo

JOSEPH M. MCCORMAN, PRESIDENT
T. DAYTON WILKINS, JR., VICE-PRESIDENT
MARCUS M. RUTANIS

THOMAS H. MOYER
VIRG. LORRAINE F. CONNORS
ROSEAN B. WATSON
ROBERT Y. DUBEL, SUPERINTENDENT

ALVIN LORECK
DAVE MCELROY & DAUGHTER
WILLIAM W. TRACY, D.V.M.



THE TIMES
NEWSPAPERS

1977 September 1

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Spec. Exception & Variance - Kayhouse Realty, Inc. 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 _____ successive weeks before the 2nd day of September, 1977, that is to say, the same was inserted in the issues of September 1, 1977

STROMBERG PUBLICATIONS, INC.
 BY *Esther Berger*

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 1, 1977.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on _____ day of _____, 1977, the _____ publication appearing on the _____ day of _____, 1977.

L. Leland Strickland
 Manager

Cost of Advertisement \$ _____

CERTIFICATE OF POSTING
 ZONING DEPARTMENT - BALTIMORE COUNTY
 Towson, Maryland

75-89 R x R

District *9th* Date of Posting *11-4-77*

Posted for: *Kayhouse Realty, Inc.*
 Location of property: *N/W cor. of Taylor & Westmoreland Aves.*

Location of Sign: *3 sign posted on E. of Taylor & Westmoreland Aves. on Rte. 100*

Remarks: *Michael H. Kline*
 Posted by: *Michael H. Kline* Date of return: *11-18-77*

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

74-39-R x R

District *9th* Date of Posting *8-1-77*

Posted for: *Kayhouse Realty, Inc.*
 Location of property: *N/W cor. of Taylor & Westmoreland Aves.*

Location of Sign: *3 sign posted on Westmoreland 3 sign posted on Taylor Ave.*

Remarks: *Michael H. Kline*
 Posted by: *Michael H. Kline* Date of return: *8-8-77*

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

No. 15430

DATE *11/16/77* ACCOUNT *01-712*

Robert A. DiCicco, Esq.
 208 W. Pennsylvania Ave. AMOUNT *\$12.00*
 Towson, Md. 21204

Cost of certified documents in Case #75-39-40A
 Kayhouse Realty, Inc.
 NW cor. Taylor and Westmoreland Aves.
 9th District



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this *29th* day of *March* 1977 Item # _____

Eric DiCicco
 Zoning Commissioner

Petitioner *John W. Marshall* Submitted by *Eric DiCicco*
 Petitioner's Attorney *Robert A. DiCicco* Reviewed by *Eric DiCicco*

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

Robert A. DiCicco, Esquire
 208 W. Pennsylvania Avenue
 Towson, Maryland 21204

Item No. 20

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* 1977

Eric DiCicco
 Zoning Commissioner

Petitioner *Kayhouse Realty*
 Petitioner's Attorney *Robert A. DiCicco, Esquire* Reviewed by *Michael B. Commodari*
 cc: *E. F. Raphael & Associates*
 201 Comptrol Ave. #1204
 Towson, Maryland 21204



PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map	Original	Duplicate	Tracing	200 Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, RA, CC, CA					
Reviewed by: <i>7-217 RA</i>					
Previous case: <i>75-57RX</i>					

Revised Plans: Change in outline or description Yes ☐ No ☐
 Map # *11/3/74*

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

No. 51700

DATE *May 3, 1977* ACCOUNT *01-612*

AMOUNT *\$50.00*

RECEIVED *Messrs. Asher, Wilson & DiCicco, 208 W. Penna. Ave., Towson, Md. 21204.*
 FOR *Petition for Reclassification and Special Exception for Kayhouse Realty, Inc.*

50.00 RECEIVED 50.00

VALIDATION OR SIGNATURE OF CASHIER

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

No. 51725

DATE *Oct. 26, 1977* ACCOUNT *01-612*

AMOUNT *\$75.00*

RECEIVED *Messrs. Asher, Wilson & DiCicco, 208 W. Penna. Ave., Towson, Md. 21204.*
 FOR *Cost of Appeal for Kayhouse Realty, Inc.*

75.00 RECEIVED 75.00

VALIDATION OR SIGNATURE OF CASHIER

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

No. 51715

DATE *Sept. 29, 1977* ACCOUNT *01-662*

AMOUNT *\$139.25*

RECEIVED *Kayhouse Realty, Inc. 8501 Harford Rd., Balto., Md. 21236.*
 FOR *Advertising and posting of property #75-39-3X*

139.25 RECEIVED 139.25

VALIDATION OR SIGNATURE OF CASHIER

REVISED PLANS

MAY 31 77 AM



GENERAL DATA

AREA OF PROPERTY - 0.58 AC.
 EXISTING ZONE - DR 5.5
 PROPOSED ZONE - DR 16
 EXISTING USE - RESIDENTIAL
 PROPOSED USE - OFFICES

PARKING DATA

AREA OF BUILDING 1st FL 834 sq.
 2nd FL 834 sq.
 PARKING RATIO 1st FL: 1 SPACE/300 sq.
 2nd FL: 1 SPACE/300 sq.
 REQUIRED 1st FL: 3 SPACES
 2nd FL: 3 SPACES
 PROVIDED 5 SPACES

GENERAL NOTES

NO EXTERIOR ALTERATIONS TO BE
 MADE TO EXISTING BUILDING

VARIANCE REQUESTED TO PERMIT A SIDE YARD
 OF 14' INSTEAD OF THE REQUIRED 25'

PLAT TO ACCOMPANY
ZONING PETITION

PROPERTY OF
 KAYHOUSE REALTY INC.
 9th ELECT. DIST BALTO CO.
 SCALE 1"=50' 3-21-77

AMENDED - MAY 20, 1977 - 30th COMMENTS

128

PETITIONER'S
 EXHIBIT 1

E. F. RAPHEL & ASSOCIATES
 Registered Professional Land Surveyors
 2800 Guilford Avenue
 Towson, Maryland 21204



REVISED PLANS

MAY 31 77 AM



GENERAL DATA

AREA OF PROPERTY - 0.58 AC.
 EXISTING ZONE - DR 5.5
 PROPOSED ZONE - DR 16
 EXISTING USE - RESIDENTIAL
 PROPOSED USE - OFFICES

PARKING DATA

AREA OF BUILDING 1st FL 834 sq.
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 REQUIRED 1st FL: 3 SPACES
 2nd FL: 3 SPACES
 PROVIDED 5 SPACES

GENERAL NOTES

NO EXTERIOR ALTERATIONS TO BE
 MADE TO EXISTING BUILDING

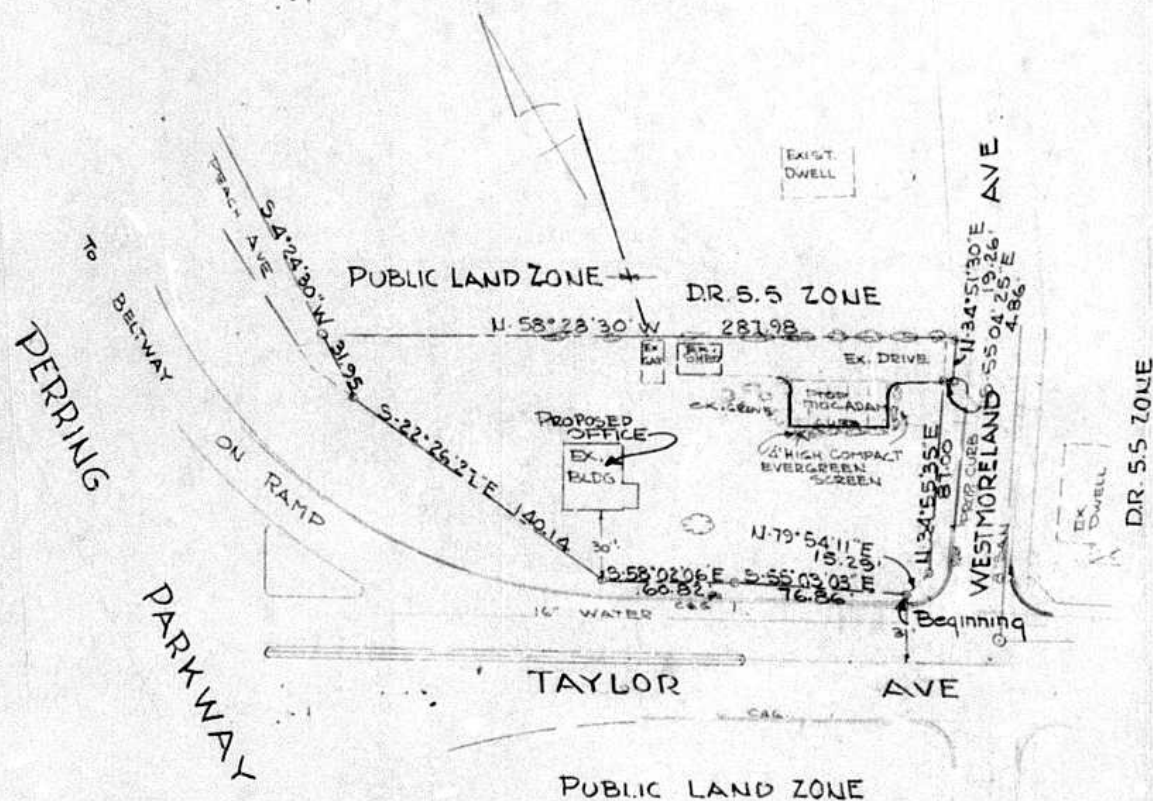
VARIANCE REQUESTED TO PERMIT A SIDE YARD
 OF 14' INSTEAD OF THE REQUIRED 25'

PLAT TO ACCOMPANY
ZONING PETITION

PROPERTY OF
 KAYHOUSE REALTY INC.
 9th ELECT. DIST BALTO CO.
 SCALE 1"=50' 3-21-77

AMENDED - MAY 20, 1977 - 30th COMMENTS

128



GENERAL DATA

AREA OF PROPERTY - 0.58 AC.
 EXISTING ZONE - DR 5.5
 PROPOSED ZONE - DR 16
 WITH SPEX OFFICES
 EXISTING USE - RESIDENTIAL
 PROPOSED USE - OFFICES

PARKING DATA

AREA OF BUILDING 1st FL 834 sq.
 2nd FL 834 sq.
 PARKING RATIO 1st FL: 1 SPACE/3000'
 2nd FL: 1 SPACE/5000'
 REQUIRED 1st FL: 3 SPACES
 2nd FL: 3 SPACES
 PROVIDED 5 SPACES

GENERAL NOTES

NO EXTERIOR ALTERATIONS TO BE
 MADE TO EXISTING BUILDING

PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF
 KAYHOUSE REALTY INC.
 9th ELECT. DIST BALTO. CO.
 SCALE 1"=50' 3-21-77

E. F. RAPHEL & ASSOCIATES
 Registered Professional Land Surveyors
 201 Conland Avenue
 Towson, Maryland 21204

