

Chris Kueh
K. O'Connell

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 to B.R. :
SW/5 of Louisa Avenue 200' : COUNTY BOARD OF APPEALS
SE of Belair Road :
11th District : OF
Robert D. Yingling : BALTIMORE COUNTY
Petitioner :
No. 78-178-R

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the requested reclassification. The case was heard de novo in its entirety on May 22, 1979.

The following brief statement of facts in this case was collected from testimony presented by five expert witnesses and accompanying exhibits. The subject property is located on the southeast side of Belair Road and southwest, more or less, of Louisa Avenue, in the Eleventh Election District of Baltimore County. The subject property contains 6.12+ acres, of which 1.85 acre is zoned D.R. 16 and the remainder zoned B.R. The 1.85 acre portion is the subject of this reclassification request. At present a portion of the B.R. area is used for home swimming pool sales, and the storage of recreation type vehicles, and the requested additional B.R. area is desired so this storage use can be expanded.

This property is somewhat unique in several ways. An examination of a plat entered as Petitioner's Exhibit #1 shows most of these. It should be noted that there is absolutely no fee simple access to any portion of this property. The Belair Road access as presently used is by permission from the Baltimore Gas and Electric Co. through their overhead transmission line right-of-way. Obviously, this can never be fee simple access. Louisa Avenue is a twenty foot wide private road and serves several single family residences only. So, in essence, Mr. Yingling derives the use of his property solely through the arrangement with the Baltimore Gas and Electric Co. In addition, a sanitary sewer line tranverses the property in a north-south direction and restricts its use of this right-of-way. The demarcation line between D.R. zoning and B.R. zoning comes up the center of Louisa Avenue to the property line, turns thirty feet, plus or minus, south and continues on in its original direction. This produces a twenty foot, plus or minus, strip of D.R. along

Robert D. Yingling - #78-178-R

2.

Louisa Avenue and the balance of the 1.85 acre in a parcel separate from the B.R. zoning of the greater portion. Testimony from Baltimore County experts indicated that in its present state, with no fee simple access, no residential building permits of any kind could be issued.

After reviewing all of the testimony and all of the exhibits, the Board is of the opinion that, in fact, error does exist in the zoning maps as presently drawn regarding this property. The Board realizes that for the zoning lines to follow the property lines throughout the County is virtually impossible but when a situation, as previously described, is brought to their attention, consideration of the relocation of the line as regards this property should have been granted. We are not dealing with an isolated parcel of B.R. in a residential area, but are dealing with the adjoining zoning line of B.R. and D.R. The 1.85 acre, as presently zoned, has no practical use to the owner as it presently stands. The contention by Baltimore County that all the abutting D.R. property may some day be developed and provide fee simple access to this 1.85 acre portion seems somewhat remote and far-fetched. Even if all this D.R. area was one day developed it would still have to abut the B.R. zoning, and this 1.85 acre parcel would not be likely to be a factor in this development. The suggested use, if B.R. was granted, is a low level trip generator at limited times, and would not seem to badly complicate any existing traffic problems. For all of these stated considerations, the Board will restate its opinion that the D.R. zoning of this parcel is, in fact, in error and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of June, 1979, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 3, 1978, is hereby REVERSED, and that the reclassification petitioned for, be and the same is hereby GRANTED.

Robert D. Yingling - #78-178-R

3.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett

Patricia Millhouser

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 to B.R.
SW/5 of Louisa Avenue 200'
SE of Belair Road
11th District

Robert D. Yingling, Petitioner
Zoning Case No. 78-178-R

V.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Miscellaneous Case 6872

MEMORANDUM OPINION

Petitioner (Robert D. Yingling) owns 6.12+ acres of land located on the southeast side of Belair Road and southwest of Louisa Avenue in the Eleventh Election District of Baltimore County. Approximately 1.85 acres of this land is zoned D.R. 16. The remainder of the land is zoned B.R. Petitioner, alleging that the County Council of Baltimore County (County Council) committed error when classifying the 1.85 acre portion D.R. 16 in November of 1976, petitioned the County Board of Appeals of Baltimore County (Board) to have that portion reclassified B.R. On June 13, 1979, the Board, after a hearing on the matter, ordered the reclassification petitioned for, be granted. It was the opinion of the Board that the County Council had erred in zoning the 1.85 acres D.R. 16. The People's Counsel for Baltimore County, however, alleging that the County Council, in designating the subject property D.R. 16 on the comprehensive map, acted reasonably and consistently with the public safety, health and welfare, has appealed. It is the position of the People's Counsel that the action of the Board in granting the reclassification was arbitrary, capricious, and without lawful authority.

The issue that the Court must decide then is whether the action of the Board in granting the reclassification was arbitrary, capricious, and without lawful authority.

In addressing this issue, the Court must be mindful of the applicable standard of review. In *Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383 (1979) at 395, the Court of Appeals wrote:

"...the scope of judicial review of decisions by administrative agencies is narrow, recognizing that board members have expertise in a particular area and ordinarily should be free to exercise their discretion as such. *Finnay v. Helle*, 241 Md. 224, 216 A. 2d 530 (1966). Accordingly, this Court adheres to the proposition that a reviewing court will not substitute its judgment for that of an administrative board where the issue is fairly debatable and the record contains substantial evidence supporting the administrative decision."

In *Eger v. Stone*, 253 Md. 533 (1969) at 542, the Court defined the term "fairly debatable" to mean: "...that its [the issue] determination involved testimony from which a reasonable man could come to different conclusions..."

In *Sidney v. Lloyd*, 44 Md. App. 633 (1980) at 637, the Court of Special Appeals noted:

"The 'fairly debatable' test is analogous to the 'clearly erroneous' standard commonly applied under Md. Rules 886 and 1086. A court must consider all of the evidence before the zoning authority; the decision is 'fairly debatable' if it is supported by substantial evidence on the record taken as a whole."

In this matter, the petitioner had the burden of proving that the County Council had erred in designating the subject property D.R. 16 on the comprehensive map. Moreover, because of the strong presumption of the correctness of original zoning and comprehensive rezoning, the burden was a heavy one. As stated by the Court in *Stratkovs v. Benuchamp*, 268 Md. 643 (1973) at 652:

"While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning."

Thus, in order for the Court to find that the Board was not acting arbitrarily, it must first determine whether the petitioner presented strong enough evidence of error to make the issue of mistake in comprehensive zoning "fairly debatable." *Howard County v. Dorsey*, 45 Md. App. 692 (1980). As stated by the Court of Special Appeals in *Boyce v. Sembly*, 25 Md. App. 43, (1974) at 50:

"... 'strong evidence' of error is required to make the issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of the Board in granting a reclassification is arbitrary and capricious."

The Court in *Boyce*, supra, at 51, went on to say:

"Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension. [Cites omitted]. Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect."

It is the opinion of this Court that the petitioner has presented strong enough evidence of error to make the issue of mistake in comprehensive zoning "fairly debatable," and for this reason holds that the action of the Board in granting the reclassification was not arbitrary, capricious, and without lawful authority.

The evidence presented by the petitioner establishing error is as follows:

The Planning Division Office of Planning and Zoning requires for residential development fee simple access to a public road. Petitioner's property is without such access. Therefore, the Division would not approve the 1.85 acres of land for residential development. A fee simple access to a public road, however, is not required if such land is used for commercial

purposes. Petitioner has an easement which allows him access to Belair Road for his commercial swimming pool operation. Moreover, he would be permitted to use this easement if the reclassification petitioned for was granted.

The record also reflects that the Water Bureau will not grant the right to extend water lines onto a property unless the property is zoned in fee simple. As such, petitioner would be unable to obtain a water meter for development of the subject property. Moreover, the use to which petitioner can put his property is further limited by the right of way subdividing his property for a sewer line.

There is also evidence in the record that this area of Belair Road has a number of commercial uses and a number of residences and that commercial development of petitioner's land would not have any detrimental effect on this property. Reclassification of the 1.85 acre portion, therefore, would not result in causing an isolated parcel of B.R. to be located in a residential area.

In sum, the record reflects that the property is of no practical use to the owner as presently zoned.

The evidence presented by the People's Counsel fails to refute the strong evidence of error presented by the Petitioner. Consequently, the issue of mistake in comprehensive zoning in this matter is one that is "fairly debatable." As such, the Court will not substitute its judgment for that of the Board. Order affirmed.

JAMES S. SHEKAS
JUDGE

Dated: 9/17/80

CC: John W. Hession, III
Peter Max Zimmerman
Lewis L. Fleury
County Board of Appeals
Court File

RECEIVED
BALTIMORE 000-977
SEP 18 10 51 AM '80
COUNTY CLERK
BY TELETYPE

PETITION OR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we, Robert D. Yingling, 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 an D.R.16 zone to an RE zone, for the following reasons:

That original zoning of D.R.16 was in error and that there have been substantial changes in the neighborhood of the subject property to justify reclassification.

See attached description

For a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____

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, filing, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser

Address

Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day of October, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of March, 1978, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

MICROFILMED

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

October 31, 1977

Chairman
Nicholas B. Comondari

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

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

Re: Reclassification Petition
Item Number 4 - Cycle II
Petitioner - Robert D. Yingling

Dear Mr. Fleury:

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 at the termination of Louisa Avenue, an unimproved private road which intersects Belair Road in the 11th Election District, this vacant 1.85 acre parcel, zoned D.R. 16, is part of a larger tract and improved with a swimming pool sales operation zoned commercial (B.R.). The properties to the north along Louisa Avenue are also zoned D.R. 16 and are improved with detached dwellings, while vacant wooded land and the Whitmarsh Run exist to the south. The two properties at the intersection of Belair Road and Louisa Avenue were the subjects of a previous zoning hearing (Case #73-66-PDA), in which the property known as #8321 Belair Road was granted the requested B.R. #8321 Belair Road was granted a Special Exception for office use in the existing D.R. 16 classification.

Lewis L. Fleury, Esq.
Page 2
Item No. 4
Oct. 31, 1977

This Reclassification is necessitated by your client's proposal to use this parcel, as well as the area to the rear of the existing operation, for the storage of recreational vehicles. There was some discussion at the time the plan was submitted whether this area should be paved or whether the proposed "stone surface oil treated" area was sufficient. It is the feeling of this office that this area must be paved and the parking layout provided. If there is a question concerning this it should be discussed and a decision rendered at the time of the hearing.

A review of the submitted site plan indicates that a rate is proposed at the termination of Louisa Avenue. It is the opinion of this committee that if the petition is granted, access should be restricted to Belair Road only and prohibited from Louisa Avenue. The site plan should be revised to indicate the limits of the Flood plain of Whitmarsh Run, and the applicable comments of the State Highway Administration and the Office of Project and Development Planning.

Also, in reviewing your brief in support of this request, you indicate that substantial changes have occurred in the neighborhood that would warrant the granting of this petition. It should be noted that during the duration of the Interim Development Control Act, no Reclassification shall be granted unless mistake or drafting or clerical error is shown. This should be taken into consideration and the brief changed accordingly.

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

October 28, 1977

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

Re: Item #4 (Cycle II) October 1977 - April 1978
Property Owner: Robert D. Yingling
S/WE Louisa Ave. 200' S/BE Belair Rd.
Existing Zoning: D.R. 16
Proposed Zoning: B.R.
Acres: 1.85 District: 11th

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:

Access for this site is from Belair Road via a private driveway which traverses the Consolidated Gas and Electric Light and Power Company of Baltimore transmission right-of-way.

Belair Road (U.S. 1) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Louisa Avenue is a private road 20 feet wide, which, if improved as a public road in the future would be as a 30-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes will be required.

Any future entrance locations on Louisa Avenue 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 striping, 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 striping of top soil.

Item #4 (Cycle II) October 1977 - April 1978
Property Owner: Robert D. Yingling
Page 2
October 28, 1977

Storm Drains:

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

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

The Whitmarsh Run 100-year flood plain is within or in close proximity to this site, as shown on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Map 50 and their Flood Insurance Study, May 1977. This 100-year Flood Plain is not indicated on the submitted plan. The Petitioner is cautioned that any grading or filling within this 100-year Flood Plain requires a permit from the Maryland State Department of Natural Resources and the U.S. Corps of Engineers.

Water:

There is a public 12-inch water main in Belair Road.

Sanitary Sewer:

Eight-inch and 24-inch public sanitary sewerage traverse this property. The Petitioner is cautioned that no construction of any structure, including footings, will be permitted within County rights-of-way or utility easements.

Very truly yours,

Edmund M. Dwyer, P.E.
EDMUND M. DWYER, P.E.
Chief, Bureau of Engineering

END:RAM/PWR:as

cc: D. Grise
S. Ballestri
J. Rogers

M-W Key Sheet
31 & 32 NE 22 & 23 Pcs. Sheets
NS & P Topo
73 Map Map



Maryland Department of Transportation
State Highway Administration

Thomas E. Swanson
Secretary
Edward M. Evans
Administrator

October 7, 1977

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

Attention: Mr. N. Comondari

Re: Meeting for Cycle II
Item: 4
Property Owner: Robert D. Yingling
Location: SW/SE Louisa Ave. 200' SE Belair Rd. (Rte. 1)
Existing Zoning: D.R. 16
Proposed Zoning: B.R.
Acres: 1.85
District: 11th

Dear Mr. DiNenna:

The entrance from Belair Road must be channelized with concrete curb and gutter. The curb returns are to have a 12' radius. The curb is to extend to the guard rail to the south and is to extend a minimum of 10' tangent to the north, along the existing edge of paving. The existing pipe under the entrance is to be extended to the north and a standard storm drain inlet is to be constructed at the end of the proposed curb.

The plan indicates that a large portion of the site is to be surfaced and oil treated. Such area is presently in grass. Part has already been graded and is devoid of vegetation.

In order to proceed with his plans, the developer must provide storm water management to accommodate a 100 year frequency storm.

The plan must be revised prior to the hearing.

CL:JEM:dj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Myers
JOHN E. MYERS

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

the above Reclassification 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..... 197..... 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 prove error in the original zoning map,

the above re-classification should NOT BE HAD,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of..... 197..... 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.16..... zone.

ORDER RECEIVED FOR FILING

DATE April 3, 1978
BY [Signature] Deputy Zoning Commissioner of Baltimore County



October 14, 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 #4, Zoning Cycle II, October 1977, are as follows:

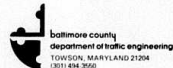
Property Owner: Robert D. Yingling
Location: SW/S Louis Avenue 200' SE Belair Road
Existing Zoning: D.R.16
Proposed Zoning: S.R.
Acres: 1.85
District: 11th

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.

Access to the subject property could be a problem, because of the size and type of vehicles. The site should be landscaped and screened. The interior layout of the storage and parking must be shown on the site plan.

Very truly yours,

[Signature]
John L. Wimbley
Planner III
Project and Development Planning



STEPHEN E. COLLINS
DIRECTOR

October 24, 1977

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

Re: Item 4 - ZAC - October 13, 1977
Property Owner: Robert D. Yingling
Location: SW/S Louis Avenue 200' SE Belair Road
Existing Zoning: D.R. 16
Proposed Zoning: S. R.
Acres: 1.85
District: 11th

Dear Mr. DiNenna:

The subject petition is requesting a change from D. R. 16 to S. R. of 1.85 acres. The subject petition is expected to increase the trip density from 230 to 900 trips per day. At the present time, the intersection of Belair Road and Putty Hill Avenue is operating at Level of Service F.

Very truly yours,

[Signature]
C. Richard Moore
Assistant Traffic Engineer

CRN/bza



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

October 14, 1977

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

Dear Mr. DiNenna:

Comments on Item #4, Zoning Advisory Committee Meeting for Cycle II, October 5, 1977, are as follows:

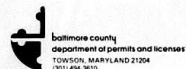
Property Owner: Robert D. Yingling
Location: SW/S Louis Ave. 200' SE Belair Rd.
Existing Zoning: D.R. 16
Proposed Zoning: S.R.
Acres: 1.85
District: 11th

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,

[Signature]
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD/sg/rhc



JOHN D. SEYFERT
DIRECTOR

October 10, 1977

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

Dear Mr. DiNenna:

Comments on Item # 4, Zoning Advisory Committee Meeting, Cycle II are as follows:

Property Owner: Robert D. Yingling
Location: S/W/S Louis Ave. - 200' S/S Belair Road
Existing Zoning: D.R. 16
Proposed Zoning: S.R.

Acres: 1.85
District: 11th

The items checked below are applicable:

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

Very truly yours,

[Signature]
Charles E. Burdham
Plans Review Chief
CBS-173

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 11, 1977

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

Z.A.C. Meeting of: Cycle II

RE: Item No: 4
Property Owner: Robert D. Yingling
Location: SW/S Louis Ave. 200' SE Belair Rd.
Present Zoning: D.R. 16
Proposed Zoning: S.R.

District: 11th
No. Acres: 1.85

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,

[Signature]
W. Nick Petrovich,
Field Representative

MICROFILMED
NRP/lsp

JOSEPH N. MICHIGAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCEL M. BOHRMAN

THOMAS H. DOYER
MRS. LOREANE F. CHURCH
RUSSEL B. HAYDEN

ALVIN LORECK
MRS. MILTON S. SMITH, JR.
RICHARD W. TRACY, D.M.

ROBERT E. DUNEL, REPRESENTATIVE

February 3, 1978

Levis L. Flurry, Rep.
181 Woodbine Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Reclassification for Robert Yingling
P/16-175-B

TIME: 10:00 A.M.

DATE: Thursday, March 2, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHRISTIANE AVENUE,

TOWSON, MARYLAND

[Signature]
ZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

January 10, 1978

Lewis L. Fleury
Attorney at Law
424 Woodbine Avenue
Towson, Maryland 21204
(301) 825-9200

Lewis L. Fleury, Esq.
424 Woodbine Avenue
Towson, Md. 21204

Re: Petition for Reclassification for Robert D. Yingling
Item #1-Cycle #2

Dear Sir:

You are attorney of record in the above captioned case. In order to assist in scheduling your case and allotting sufficient time for its hearing, it is requested that you furnish us, by return mail, the information asked on the questionnaire, listed below:

1. Number of witnesses you anticipate calling 4
2. How many of these witnesses will be "expert witnesses"? 4
3. Fields to be covered by experts you intend to call - please check:
Land Planner XX
Real Estate XX
Engineer XX
Traffic _____
Other _____
4. Total time required (in hours) for presentation of your side of the case 1 and 1/2 hours

Please return the above information by

February 11, 1978

Attorney for Protestants ()

Attorney for Petitioners ()

Lewis L. Fleury

Very truly yours,

[Signature]

S. ERIC DINENNA, Zoning Commissioner

SED:amw

May 9, 1978

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

RE: Robert D. Yingling - Petitioner
Case No. 78-178-R (Item No. 4)

Gentlemen:

Enclosed herewith is my check in the amount of \$5.00 for the additional costs in the above-captioned matter.

Thank you very much for your cooperation in this case.

Very truly yours,

[Signature]

Lewis L. Fleury

LF/plj

enc.

MICROFILMED

April 3, 1978

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
SW/8 of Louisa Avenue, 200' SE of
Belair Road - 11th Election District
Robert D. Yingling - Petitioner
NO. 78-178-R (Item No. 4)

Dear Mr. Fleury:

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

Very truly yours,

[Signature]
GEORGE MARINK
Deputy Zoning Commissioner

GJM/mc

Attachments

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

MICROFILMED

U

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
301 COURTLAND AVENUE
TOWSON, MARYLAND 21204
September 29, 1977

OFFICE: 825-3608

Description to Accompany Petition for Reclassification
ROBERT D. YINGLING PROPERTY
BELAIR ROAD

RESIDENCE: 771-4552

Beginning for the same at a point on the southwest side of Louisa Avenue 200' southeast from its intersection with the southeast side of Belair Road, running thence and binding on the outline of the land of Robert D. Yingling the five following courses and distances: (1) on the southwest side of Louisa Avenue S-40-57-00-E, 250 ft. thence leaving said Avenue (2) N-51-25-00-E, 170.02 ft. (3) S-40-57-00-E, 55.85 ft. (4) S-33-42-00-E, 384.30 ft. and (5) S-69-17-00-W, 170 ft. to intersect the existing zoning line between the B.R. Zone and the D.R.16 Zone thence leaving the outline of Robert D. Yingling and binding on the aforesaid existing zoning line N-39-19-00-W, 636.39 ft. to intersect the outline of the land of Robert D. Yingling running thence and binding on said outline N-51-25-00-E, 20.00 ft. to the place of beginning.

Containing 1.85 acres of land more or less.

Being part of the land of Robert D. Yingling.



MICROFILMED

[Signature]
EUGENE F. RAPHEL
REG. PROF. LAND SURVEYOR
No. 2246

PETITION FOR A RECLASSIFICATION
11th DISTRICT
ZONING: From D.R. 16 to B.R. Zone.
LOCATION: Southwest side of Louisa Avenue 200 feet Southeast of Belair Road.
DATE & TIME: THURSDAY, MARCH 2, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Present Zoning: D.R. 16
Proposed Zoning: B.R.
All that parcel of land in the Eleventh District of Baltimore County

Being the property of Robert D. Yingling, as shown on plat plan filed with the Zoning Department.

Hearings: There, March 2, 1978 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

MICROFILMED

LF/mfj
cc: Mr. E. F. Raphael

Lewis L. Fleury
Attorney at Law
424 Woodbine Avenue
Towson, Maryland 21204
(301) 825-9200
January 31, 1978

Mr. Nicholas B. Commodari, Chairman
Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Reclassification Petition - Item No. 4, Cycle II
Petitioner: Robert D. Yingling

Dear Mr. Commodari:

This letter will confirm our conference on January 13, 1978, during which the following disposition was agreed to, as to your comments of October 31, 1977:

1. As to parking layout and pavement -- not necessary to revise the Plat so long as the matter is covered at the time of the hearing.
2. As to restriction of access to Belair Road -- not necessary to revise the plan; access is subject of Commissioner's decision.
3. Not necessary to show flood plain on the Plat, since, according to Mr. Raphael, information is unavailable.
4. Plat will be amended as to applicable comments from the State Highway Administration and the Office of Project and Development Planning.
5. On the basis that "error" and "mistake" are synonymous, the brief accompanying the Petition will not be amended.
6. Plat will be amended to indicate compact evergreen screening 4 feet high.

By a copy of this letter to Mr. Raphael, I am requesting that he revise the Plat accordingly, upon which same will be filed.

Thank you very much for your cooperation.

Very truly yours,

[Signature]
Lewis L. Fleury

LF/mfj
cc: Mr. E. F. Raphael

MICROFILMED

February 10, 1978

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item No. 4, Cycle II
Petitioner: Robert D. Yingling
11th Election District

Dear Mr. Fleury:

I have received your letter of January 31, 1978, in which you detail decisions that we arrived at our recent meeting on the above matter.

I would like to clarify my position on items one and three. It is my feeling that the required revisions should be indicated on new site plans, however, you maintain a contrary position. Because of this, I suggested that it be resolved at the time of the hearing, and a letter indicating this be made a part of the zoning file. It was my feeling then and is now that the revisions should be made.

If you have any further questions concerning this matter, please feel free to contact me at 494-3391.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:amw

cc: Mr. E. F. Raphael
201 Courtland Avenue
Baltimore, Maryland 21204

MICROFILMED

494-3180

77-00

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
January 5, 1979



Lewis L. Fleury, Esq.
424 Woodbine Avenue
Towson, Md. 21204

Re: Reclassification Petitions
Case 78-178-R - Robert D. Yingling

Dear Mr. Fleury:

Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearings on reclassification petitions will be held until the petitioners advise the Board as to their intentions within the purview of this act.

Your prompt reply is necessary.

Very truly yours,

[Signature]
Walter A. Reiter, Jr., Chairman

WAR:re
Enclosure: Bill 122-78
cc: John W. Hession, III, Esq.
Mr. S. E. Dinenna
Mr. George Marink
Mr. Leslie Graef
Mr. Gary Burt
Board of Education
Mrs. Carol Beresh

MICROFILMED

PETITION FOR RECLASSIFICATION
SW/5 of Louisa Avenue, 200' SE of
Belair Road - 11th Election District
Robert D. Yingling - Petitioner
NO. 78-178-R (Item No. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

ZONING COMMISSIONER
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
MR. COMMISSIONER:

Please enter an Appeal to the Baltimore County Board of Appeals from the Order of the Deputy Zoning Commissioner of Baltimore County entered on April 3, 1978, denying the reclassification sought in this proceeding, on behalf of Robert D. Yingling, 8313 Belair Road, Baltimore, Maryland 21236.

J. P. K. K...
Lewis L. Fleury
Attorney for Petitioner
424 Woodbine Avenue
Towson, Maryland 21204
Phone: 825-9200



RE: PETITION FOR RECLASSIFICATION :
from D.R. 16 to B.R.
SW/5 of Louisa Avenue 200'
SE of Belair Road
11th District
Robert D. Yingling :
Petitioner :
BALTIMORE COUNTY
No. 78-178-R

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the requested reclassification. The case was heard de novo in its entirety on May 22, 1979.

The following brief statement of facts in this case was collected from testimony presented by five expert witnesses and accompanying exhibits. The subject property is located on the southeast side of Belair Road and southwest, more or less, of Louisa Avenue, in the Eleventh Election District of Baltimore County. The subject property contains 6.12+ acres, of which 1.85 acre is zoned D.R. 16 and the remainder zoned B.R. The 1.85 acre portion is the subject of this reclassification request. At present a portion of the B.R. area is used for home swimming pool sales, and the storage of recreation type vehicles, and the requested additional B.R. area is desired so this storage use can be expanded.

This property is somewhat unique in several ways. An examination of a plat entered as Petitioner's Exhibit #1 shows most of these. It should be noted that there is absolutely no fee simple access to any portion of this property. The Belair Road access as presently used is by permission from the Baltimore Gas and Electric Co. through their overhead transmission line right-of-way. Obviously, this can never be fee simple access. Louisa Avenue is a twenty foot wide private road and serves several single family residences only. So, in essence, Mr. Yingling derives the use of his property solely through the arrangement with the Baltimore Gas and Electric Co. In addition, a sanitary sewer line transverse the property in a north-south direction and restricts its use of this right-of-way. The demarcation line between D.R. zoning and B.R. zoning comes up the center of Louisa Avenue to the property line, turns thirty feet, plus or minus, south and continues on in its original direction. This produces a twenty foot, plus or minus, strip of D.R. along

Case No. 78-178-R (Item No. 4) - Robert D. Yingling
SW/5 of Louisa Avenue, 200' SE of Belair Road
11th Election District

Petition and Order dated April 3, 1978

Description of Property
Memorandum in Support of Reclassification from Lewis L. Fleury, Esquire
200' Scale Location Plan
Plat to Accompany Zoning Petition
Certificates of Publication
Certificate of Posting
Copy of Zoning Advisory Committee Comments
Copy of Letter from Lewis L. Fleury, Esquire to Nicholas B. Commodari dated 1/31/78
Copy of Letter from Nicholas B. Commodari to Lewis L. Fleury, Esquire, dated 2/10/78
Notice of Appeal from Lewis L. Fleury, Esquire dated April 3, 1978
Order to Enter Appearance from Joyn V. Hession, III, Esquire, People's Counsel

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204
People's Counsel
Counsel for Petitioner

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

Robert D. Yingling - #78-178-R

Louisa Avenue and the balance of the 1.85 acre in a parcel separate from the B.R. zoning of the greater portion. Testimony from Baltimore County experts indicated that in its present state, with no fee simple access, no residential building permits of any kind could be issued.

After reviewing all of the testimony and all of the exhibits, the Board is of the opinion that, in fact, error does exist in the zoning maps as presently drawn regarding this property. The Board realizes that for the zoning lines to follow the property lines throughout the County is virtually impossible but when a situation, as previously described, is brought to their attention, consideration of the relocation of the line as regards this property should have been granted. We are not dealing with an isolated parcel of B.R. in a residential area, but are dealing with the adjoining zoning line of B.R. and D.R. The 1.85 acre, as presently zoned, has no practical use to the owner as it presently stands. The contention by Baltimore County that all the abutting D.R. property may some day be developed and provide fee simple access to this 1.85 acre portion seems somewhat remote and far-fetched. Even if all this D.R. area was one day developed it would still have to abut the B.R. zoning, and this 1.85 acre parcel would not be likely to be a factor in this development. The suggested use, if B.R. was granted, is a low level trip generator at limited times, and would not seem to badly complicate any existing traffic problems. For all of these stated considerations, the Board will restate its opinion that the D.R. zoning of this parcel is, in fact, in error and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of June, 1979, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 3, 1978, is hereby REVERSED, and that the reclassification petitioned for, be and the same is hereby GRANTED.

PETITION FOR RECLASSIFICATION
Robert D. Yingling
BEFORE THE ZONING
COMMISSIONER OF
BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

The zoning of the instant property by the County Council to a DR-16 was in error, since the said property is not suitable for apartment construction because of the lack of sufficient access and its location.

Further, that the County Council did not take into consideration the effect on the instant property of the newly constructed Baltimore County sewer running through the property. That, as further basis for the reclassification, the owner submits that there have been substantial changes in the neighborhood of the subject property since its classification as a DR-16.

L. L. Fleury
Lewis L. Fleury
Attorney for Property Owner
424 Woodbine Avenue
Towson, Maryland 21204
825-9200

Robert D. Yingling - #78-178-R

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Walter, Jr.
Walter A. Walter, Jr., Esquire
Chairman

William T. Hockett
William T. Hockett
Vice Chairman

Patricia Millhouser
Patricia Millhouser
Secretary

RE: PETITION FOR RECLASSIFICATION
SW/5 of Louisa Ave. 200' SE of
Belair Rd., 11th District
ROBERT D. YINGLING, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 78-178-R

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
People's Counsel
County Office Building
Towson, Maryland 21204

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

I HEREBY CERTIFY that on this 10th day of February, 1978, a copy of the foregoing Order was mailed to Lewis L. Fleury, Esquire, 424 Woodbine Avenue, Towson, Maryland 21204, Attorney for Petitioner.



MICROFILMED

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 13th day of October 1979.

Shirley B. Thomas
Shirley B. Thomas
Zoning Commissioner

Petitioner's Attorney: *John B. Kountz*
Petitioner's Attorney: *John B. Kountz*
Reviewed by: *John B. Kountz*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

E. F. Raghal & Associates
Registered Professional Land Surveyors
281 Courtland Avenue
Towson, Maryland 21204

MICROFILMED

CERTIFICATE OF POSTING
EDWARDS DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

178-178-R

District 114 Date of Posting 2-7-78
Posted for: Henry J. Brown 2nd 1978 & 1979
Petitioner: Robert D. Kling
Location of property: Sp. 1 Side of Lewis St. at
Baltimore Rd.
Location of Sign: 1 sign posted on N. side of Lewis St. at
Baltimore Rd.
Remarks: None
Posted by: Robert D. Kling Date of return: 2-16-78

PETITION MAPPING PROGRESS SHEET						
FUNCTION	Well Map date by	Original date by	Duplicate date by	Tracing date by	200 Sheet date by	
Descriptions checked and outline plotted on map			05-14			
Petition number added to outline						
Denied						
Granted by ZC, BA, CC, CA						
Reviewed by: <u>Robert D. Kling</u>	Revised Plans: Change in outline or description Yes ☐ No ☐					
Previous case: <u>13-68X</u>	Map # <u>4K</u>					

not on subject property - only property

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 9, 1978

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 February 9, 1978, at 10:00 a.m., on February 9, 1978, the first publication appearing on the 9th day of February, 1978.

THE JEFFERSONIAN

Robert D. Kling Manager

Cost of Advertisement, \$ 10.00



TOWSON, MD. 21204 Feb. 9, 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Robert D. Kling was inserted in the following:
Yield Line

- | | |
|--|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ East 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 10 day of Feb., 1978, that is to say, the same was inserted in the issues of Feb. 9, 1978.

STROMBERG PUBLICATIONS, INC.

BY Anna Stromberg

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

No. 57233

DATE Oct. 18, 1977 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Louis L. Flannery, Reg. 141, Woodbine Ave., Towson, Maryland

FOR Petition for Reclassification for Robert Kling

881 61 FEB 18 50.00 MC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 30th day of September 1977 Filing Fee \$ 50.00 Received ☒ Check ☐ Cash ☐ Other

S. Eric Dismore
S. Eric Dismore,
Zoning Commissioner

Petitioner Robert Kling Submitted by Louis Flannery
Petitioner's Attorney Robert Kling Reviewed by Robert Kling

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

MICROFILMED

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

No. 65599

DATE Mar 9, 1978 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM Louis L. Flannery, Reg. 141, Woodbine Ave., Towson, Maryland

FOR Cost of Appeal on Case No. 78-178-R at Baltimore Md.

881 61 FEB 18 75.00 MC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 65622

DATE Mar 10, 1978 ACCOUNT 01-662

AMOUNT \$5.00

RECEIVED FROM Louis L. Flannery, Reg. 141, Woodbine Ave., Towson, Maryland

FOR Cost of Posting for Robert D. Kling Appeal, Case No. 78-178-R

881 61 FEB 18 5.00 MC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 65482

DATE Mar 6, 1978 ACCOUNT 01-662

AMOUNT \$275.25

RECEIVED FROM R. D. Klingling Suburban 833 Baldrill Rd. Baltimore, Md. 21204

FOR Advertising and posting of property - 78-178-R

881 61 FEB 18 275.25 MC

VALIDATION OR SIGNATURE OF CASHIER



PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, or we, Robert D. Yingling, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R.-16 zone to an BR zone; for the following reasons:

That original zoning of DR-16 was in error and that there have been substantial changes in the neighborhood of the subject property to justify reclassification.

See attached description

and for a special exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for:

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, 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 Robert D. Yingling Legal Owner
Address 424 Woodbine Avenue, Towson, Md. 21204
Lewis L. Fleury, Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of March, 1978, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 46-3000
S. ERIC DINENBA
ZONING COMMISSIONER

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
SW 7/8 of Louisa Avenue, 200' SE of
Belair Rd. - 11th Election District
Robert D. Yingling - Petitioner
NO. 78-178-R (Item No. 4)

Dear Mr. Fleury:

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

Very truly yours,

Robert D. Yingling
ROBERT D. YINGLING
Deputy Zoning Commissioner

GJM/mc

Attachments

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

RE: PETITION FOR RECLASSIFICATION
SW 7/8 of Louisa Ave. 200' SE of
Belair Rd., 11th District
ROBERT D. YINGLING, Petitioner
BALTIMORE COUNTY
Case No. 78-178-R

MEMORANDUM IN SUPPORT OF RECLASSIFICATION FROM DR-16 TO BR

Statement of Facts:

The subject property is comprised of approximately 1.85 acres of land being part of a tract owned by the Petitioner of approximately 6.12 acres in size; the remainder of which is classified BR. Said tract lies near the southeast side of Belair Road, with the only direct access limited to a 20-foot private street known as Louisa Avenue, running from Belair Road to the subject property; there is also a restricted access across the BR property of the Petitioner and the Baltimore Gas and Electric Company power line property which lies between the entire tract and the Belair Road. The Louisa Avenue access is of no value to the property and will be abandoned and fenced off.

The Petitioner and his family presently live and operate a land excavation and swimming pool sales and installation business on that part of the whole tract that is zoned BR and intends using the subject property along with the rear portion of the present BR property for the storage of recreational vehicles.

At the hearing on this matter, the Deputy Zoning Commissioner questioned Petitioner and Engineer as to the approximate amount of traffic which would be created by the intended use, but there was no definitive information available at that time. Counsel for the Petitioner advised the Deputy Commissioner of a former operator of such facility known to him named Louis Blanchard and offered to

produce Mr. Blanchard as a witness concerning said matter. Counsel was instructed by Deputy Commissioner to ascertain what Mr. Blanchard's testimony would be and incorporate it in this Memorandum.

Counsel for Petitioner is advised by Mr. Blanchard that he operated a recreational vehicle storage business at 8830 Pulaski Highway for the three (3) years prior to 1973 and from that experience he would testify, if called, that there is virtually no traffic from November 1st to May 1st each year. That on or about May 1st, recreational vehicle use commences and increases in frequency until June 15th. From June 15th to September 15th is the maximum-use period and, during that time, vehicles start leaving the storage area at approximately 6:00 P.M. on Friday and during the next three (3) to four (4) hours, approximately fifty percent (50%) of the vehicles stored will depart. That on Saturday A.M., another ten (10) to fifteen (15) percent of the vehicles stored usually depart and that all vehicles usually return on Sunday P.M. or Monday A.M. That the figures stated above are approximate averages and that, on any given weekend, there could be more or less departures and returns.

The entrance to the subject property which Petitioner intends to use for the proposed storage is situated approximately three hundred (300) feet northeast of Whitmarsh Run and enjoys a slight distance in that direction to the crest of the next hill, approximately a quarter of a mile away. Just beyond the slight distance, there is an automatic signal at Putty Hill Avenue, which interrupts the traffic flow to the north.

The said entrance is situated four hundred, ninety (490) feet southwest from Dunfield Road where another automatic signal interrupts the traffic flowing in a southerly direction. The slight distance to the northeast from the driveway is in excess of a thousand (1000) feet.

The Petitioner testified that there are numerous vacation vehicles parked in the area of the subject property which are in violation of the present Baltimore County regulations, which indicates a definite need for recreational vehicle storage in the area of the subject property.

Question:

Did the County Council of Baltimore County commit error when classifying the subject property DR-16 in November of 1976?

-2-

E. F. RAPHAEL & ASSOCIATES
Registered Professional Land Surveyors
3011 COUNTRYLARK AVENUE
TOWSON, MARYLAND 21204
September 29, 1977

OFFICE 863-3000

Description to Accompany Petition for Reclassification
ROBERT D. YINGLING PROPERTY
BELAIR ROAD

RESIDENCE 771-4402

Beginning for the same at a point on the southwest side of Louisa Avenue 200' southeasterly from its intersection with the southeast side of Belair Road, running thence and binding on the outline of the land of Robert D. Yingling the five following courses and distances: (1) on the southwest side of Louisa Avenue S-40-57-00-E, 250 ft. thence leaving said Avenue (2) N-51-25-00-E, 170.02 ft. (3) S-40-57-00-E, 55.85 ft. (4) S-33-42-00-E, 384.30 ft. and (5) S-69-17-00-W, 170 ft., to intersect the existing zoning line between the B.R. Zone and the D.R.16 Zone thence leaving the outline of Robert D. Yingling and binding on the aforesaid existing zoning line N-39-19-00-W, 630.39 ft. to intersect the outline of the land of Robert D. Yingling running thence and binding on said outline N-51-25-00-E, 20.00 ft. to the place of beginning.

Containing 1.85 acres of land more or less.

Being part of the land of Robert D. Yingling.



E. F. Raphael
EUGENE F. RAPHAEL
REG. PRO. LAND SURVEYOR
No. 2246

Answer:

Zoning the subject property into DR-16 classification in November of 1976 was in error.

Argument:

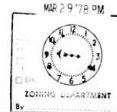
By zoning the subject property DR-16, the Baltimore County Council effectively reduced the useful value of said property to zero, since the existing zoning and planning regulations of Baltimore County prohibit its development into apartments or offices without better access to Belair Road, nor can it be improved by even one dwelling for sale, since it does not have fee access to a public road. This action of the Baltimore County Council is confiscatory as to this property.

The property is ideally suited for the intended use of recreational vehicle storage since there is a strong need for such storage in the area evidenced by the violations and apparent violations of the parking regulations near the subject property. All other land in the area zoned BR is developable for a higher commercial use than that of recreational vehicle storage, removing all such property from the available market for this use.

The subject property has excellent arterial highway access, since it is located on an arterial highway within one mile of the Baltimore Beltway. Traffic which the proposed use would create is minimal at approximately 130 to 150 trips per week in the summer months, which when averaged over a year, results in between 9.26 trips and 10.62 trips per day.

Reclassification of the subject property to BR will have no deleterious effect on the adjacent or surrounding land, since there is an existing trailer park on the land immediately to the south of the subject property which is in full view of the residential property to the north.

We respectfully submit the Petition for Reclassification to BR should be granted based on the error committed by the Baltimore County Council in classifying the subject property DR-16.



Respectfully,

Lewis L. Fleury
Lewis L. Fleury, Attorney for Petitioner
424 Woodbine Avenue
Towson, Maryland 21204
825-9200

PETITION FOR A RECLASSIFICATION

11th DISTRICT

ZONING: From D.R. 16 to B.R. Zone.
LOCATION: Southwest side of Louisa Avenue 200 feet Southeast of Belair Road.
DATE & TIME: THURSDAY, MARCH 2, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing
Present Zoning: D.R. 16
Proposed Zoning: B.R.
All that parcel of land in the Eleventh District of Baltimore County

Being the property of Robert D. Yingling, as shown on plat plan filed with the Zoning Department.

Hearing: Thurs. March 2, 1978 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENBA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

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

the above Reclassification 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 1978 day of April, 1978, 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 prove error in the original zoning map,

the above reclassification should NOT BE HAD,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30 day of April, 1978, that the above reclassification 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.16 zone.

ORDER RECEIVED FOR FILING

DATE April 3, 1978
BY [Signature] Deputy Zoning Commissioner of Baltimore County

Louis L. Fleury
Attorney at Law
424 Woodbine Avenue
Towson, Maryland 21204
(301) 825-9200
January 31, 1978

Mr. Nicholas B. Commodari, Chairman
Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Reclassification Petition - Item No. 4, Cycle II
Petitioner: Robert D. Yingling

Dear Mr. Commodari:

This letter will confirm our conference on January 13, 1978, during which the following disposition was agreed to, as to your comments of October 31, 1977:

1. As to parking layout and pavement -- not necessary to revise the Plat so long as the matter is covered at the time of the hearing.
 2. As to restriction of access to Belair Road -- not necessary to revise the plan; access is subject of Commissioner's decision.
 3. Not necessary to show flood plain on the Plat, since, according to Mr. Raphael, information is unavailable.
 4. Plat will be amended as to applicable comments from the State Highway Administration and the Office of Project and Development Planning.
 5. On the basis that "error" and "mistake" are synonymous, the brief accompanying the Petition will not be amended.
 6. Plat will be amended to indicate compact evergreen screening 4 feet high.
- By a copy of this letter to Mr. Raphael, I am requesting that he revise the Plat accordingly, upon which same will be filed.

Thank you very much for your cooperation.

Very truly yours,

Louis L. Fleury

LLF/nf
cc: Mr. E. F. Raphael

Case No. 78-178-R (Item No. 1) - Robert D. Yingling

84 1/2 of Louis Avenue, 200' SE of Belair Road
11th Election District

Petition and Order dated April 3, 1978

Description of Property

Memorandum in Support of Reclassification from Lewis L. Fleury, Esquire

200' Scale Location Plan

Plat to Accompany Zoning Petition

Certificate of Publication

Certificate of Posting

Copy of Zoning Advisory Committee Comments

Copy of Letter from Lewis L. Fleury, Esquire to Nicholas B. Commodari dated 1/31/78

Copy of Letter from Nicholas B. Commodari to Lewis L. Fleury, Esquire, dated 2/10/78

Notice of Appeal from Lewis L. Fleury, Esquire dated April 3, 1978

Order to Enter Appearance from John W. Hession, III, Esquire, People's Counsel

Louis L. Fleury, Esquire
120 Woodbine Avenue
Towson, Maryland 21204

Counsel for Petitioner

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

February 10, 1978

Louis L. Fleury, Esquire
424 Woodbine Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item No. 4, Cycle II
Petitioner: Robert D. Yingling
11th Election District

Dear Mr. Fleury:

I have received your letter of January 31, 1978, in which you detail decisions that we arrived at our recent meeting on the above matter.

I would like to clarify my position on items one and three. It is my feeling that the required revisions should be indicated on new site plans, however, you maintain a contrary position. Because of this, I suggested that it be resolved at the time of the hearing, and a letter indicating this be made a part of the zoning file. It was my feeling then and is now that the revisions should be made.

If you have any further questions concerning this matter, please feel free to contact me at 494-3391.

Very truly yours,

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

NB:Gsmw

cc: Mr. E. F. Raphael
201 Courtland Avenue
Baltimore, Maryland 21204

1/nf
1/28/77
77-173
1 & 2

PETITION FOR RECLASSIFICATION * BEFORE THE ZONING
Robert D. Yingling * COMMISSIONER OF
* BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

The zoning of the instant property by the County Council to a DR-16 was in error, since the said property is not usable for apartment construction because of the lack of sufficient access and its location.

Further, that the County Council did not take into consideration the effect on the instant property of the newly constructed Baltimore County sewer running through the property. That, as further basis for the reclassification, the owner submits that there have been substantial changes in the neighborhood of the subject property since its classification as a DR-16.

Louis L. Fleury
Attorney for Property Owner
424 Woodbine Avenue
Towson, Maryland 21204
825-9200

494 3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 5, 1979



Louis L. Fleury, Esq.
424 Woodbine Avenue
Towson, Md. 21204

Re: Reclassification Petitions
Case 78-178-R - Robert D. Yingling

Dear Mr. Fleury:

Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearings on reclassification petitions will be held until the petitioners advise the Board as to their intentions within the purview of this act.

Your prompt reply is necessary.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WAR:ce

Enclosure: Bill 122-78

cc: John W. Hession, III, Esq.
Mr. S. E. Dixon
Mr. George Martinak
Mr. Leslie Grief
Mr. Gary Bud
Board of Education
Mrs. Carol Berech

RE: PETITION FOR RECLASSIFICATION
SW/S of Louis Ave., 200' SE of
Belair Rd., 11th District
ROBERT D. YINGLING, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 78-178-R

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

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

I HEREBY CERTIFY that on this 10th day of February, 1978, a copy of the foregoing Order was mailed to Lewis L. Fleury, Esquire, 424 Woodbine Avenue, Towson, Maryland 21204, Attorney for Petitioner.



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DINENBA
ZONING COMMISSIONER

February 27, 1978

Louis L. Fleury, Esq.
424 Woodbine Ave.
Towson, Md. 21204

Re: Petition for Reclassification for Robert D. Yingling
7/78-1/28

Dear Sir:

This is to advise you that \$275.25 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson Room 113 County Office Building, before the hearing.

Yours very truly,

S. ERIC DINENBA
ZONING COMMISSIONER

FEB 10 1978

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 16 to B.R. zone : CIRCUIT COURT
SW/4 of Lot 16 Avenue 200' :
SE of Belair Road : FOR
11th District : BALTIMORE COUNTY
Robert D. Yingling, Petitioner :
File No. 78-178-R : AT LAW
John W. Hession, III : Misc. Docket No. 11
People's Counsel - Appellant :
Peter Max Zimmerman : Folio No. 322
Deputy People's Counsel - Appellant :
File No. 6872

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., William T. Hackett and Patricia Millhauser, 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, Lewis L. Fleury, Esq., 424 Woodbine Avenue, Towson, Maryland, 21204, attorney for the Petitioner, and John W. Hession, III, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County, and Peter Max Zimmerman, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, Deputy People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
Room 219 Court House, Towson, Md. 21204
Telephone - 494-3150

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Lewis L. Fleury, Esq., 424 Woodbine Avenue, Towson, Maryland, 21204, attorney for the Petitioner, and John W. Hession, III, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, People's Counsel for Baltimore County,

Robert D. Yingling - No. 78-p78-R (4872)

2.

and Peter Max Zimmerman, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, Deputy People's Counsel for Baltimore County, Appellants, on this 13th day of July, 1979.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

PETITION FOR RECLASSIFICATION
SW/4 of Lot 16 Avenue, 200' SE of
Belair Road - 11th Election District
Robert D. Yingling - Petitioner
NO. 78-178-R (Item No. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

ZONING COMMISSIONER
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
MR. COMMISSIONER:

Please enter an Appeal to the Baltimore County Board of Appeals from the Order of the Deputy Zoning Commissioner of Baltimore County entered on April 3, 1978, denying the reclassification sought in this proceeding, on behalf of Robert D. Yingling, 8313 Belair Road, Baltimore, Maryland 21236.

Lewis L. Fleury
Attorney for Petitioner
424 Woodbine Avenue
Towson, Maryland 21204
Phone: 825-9200



February 3, 1978

Lewis L. Fleury, Esq.
424 Woodbine Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Reclassification for Robert Yingling
78-178-R

TIME: 10:00 A.M.
DATE: Thursday, March 2, 1978
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3251
S. ERIC DINENBA
ZONING COMMISSIONER

Lewis L. Fleury, Esq.
424 Woodbine Avenue
Towson, Md. 21204

Re: Petition for Reclassification for Robert D. Yingling
Item #1-Cycle #2

Dear Sir:

You are attorney of record in the above captioned case. In order to assist in scheduling your case and allowing sufficient time for its hearing, it is requested that you furnish us, by return mail, the information asked on the questionnaire, listed below:

1. Number of witnesses you anticipate calling 4
2. How many of these witnesses will be "expert witnesses"? 4
3. Fields to be covered by experts you intend to call - please check:
Land Planner ☒
Real Estate ☒
Engineer ☒
Traffic ☐
Other ☐
4. Total time required (in hours) for presentation of your side of the case 1 and 1/2 hours

Please return the above information by

February 11, 1978

Attorney for Protestants ()

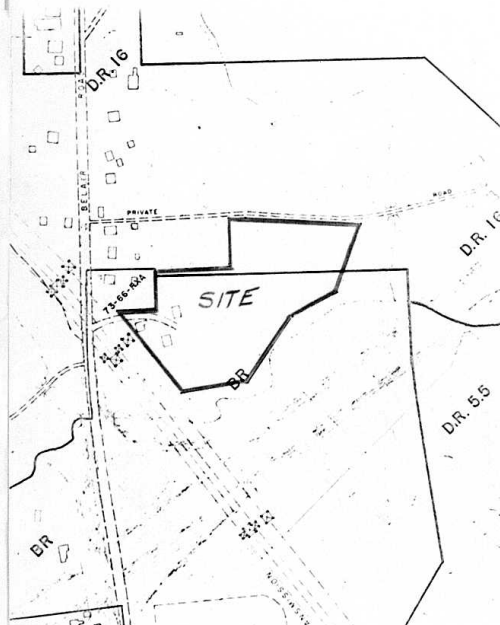
Attorney for Petitioners ()

Lewis L. Fleury

Very truly yours,

S. ERIC DINENBA, Zoning Commissioner

SED:mv



Lewis L. Fleury
Attorney at Law
424 Woodbine Avenue
Towson, Maryland 21204
(301) 825-9200

May 9, 1978

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

RE: Robert D. Yingling - Petitioner
Case No. 78-178-R (Item No. 4)

Gentlemen:

Enclosed herewith is my check in the amount of \$5.00 for the additional costs in the above-captioned matter.

Thank you very much for your cooperation in this case.

Very truly yours,

Lewis L. Fleury

LLF/plj

enc.

FEB 15 1980

ADVISORY COMMITTEE



EVALUATION COMMENTS	
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Development

Located at the termination of Louisiana Avenue, an unimproved private road which intersects Belair Road in the 11th Election District, this vacant 1.85 acre parcel, zoned D.R. 16, is part of a large operation zone comprising both residential and commercial properties. The properties to the north along Louisiana Avenue are also zoned D.R. 16 and are improved with detached dwellings, while vacant wooded and wooded with pasture to the south. The two properties to the west at the intersection of Belair Road and Louisiana Avenue were the subjects of a previous zoning hearing (Case #73-66-RXA), in which the property known as #5321 Belair Road was rezoned from R-1 to R-2. The rezoning and #183 was granted a Special Exception for office use in the existing D.R. 16 classification.

Also, in reviewing your brief in support of this request, you indicate that substantial changes have occurred in the neighborhood that would warrant the granting of this petition. It should be noted that during the duration of the Interim Development Control Act, no Reclassification shall be granted unless mistake or drafting or clerical error is shown. This should be taken into consideration and the brief changed accordingly.

cc: E. F. Raphael & Associates
Registered Professional Land Surveyors
201 Courtland Avenue
Towson, Maryland 21204

FEB 15 1980

October 14, 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 #4, Zoning Cycle II, October 1977, are as follows:

Property Owner: Robert D. Yingling
Location: SW/S Louis Avenue 200' SE Belair Road
Existing Zoning: D.R. 16
Proposed Zoning: B.R.
Acres: 1.85
District: 11th

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.

Access to the subject property could be a problem, because of the size and type of vehicles. The site should be landscaped and screened. The interior layout of the storage and parking must be shown on the site plan.

Very truly yours,

John L. Wimbley

John L. Wimbley
Planner III
Project and Development Planning

October 24, 1977

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

Re: Item 4 - ZAC - October 13, 1977
Property Owner: Robert D. Yingling
Location: SW/S Louis Avenue 200' SE Belair Road
Existing Zoning: D.R. 16
Proposed Zoning: B.R.
Acres: 1.85
District: 11th

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 16 to B.R. of 1.85 acres. The subject petition is expected to increase the trip density from 230 to 900 trips per day. At the present time, the intersection of Belair Road and Putty Hill Avenue is operating at Level of Service F.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CKN/bza

October 14, 1977

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

Dear Mr. DiNenna:

Comments on Item #4, Zoning Advisory Committee Meeting for Cycle II, October 5, 1977, are as follows:

Property Owner: Robert D. Yingling
Location: SW/S Louis Ave. 200' SE Belair Rd.
Existing Zoning: D.R. 16
Proposed Zoning: B.R.
Acres: 1.85
District: 11th

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,

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

TMD/kb/rth

October 26, 1977

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Robert D. Yingling

Location: SW/S Louis Ave. 200' SE Belair Rd.

Item No. 4 Zoning Agenda Cycle II

Question:

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.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 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 load-and 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: *H. J. Kelly* Noted and Approved: _____
Special Inspection Division Deputy Chief: _____
Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 11, 1977

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

Dear Mr. DiNenna:

Comments on Item #4, Zoning Advisory Committee Meeting, Cycle II are as follows:

Property Owner: Robert D. Yingling
Location: SW/S Louis Ave. - 200' S/S Belair Road
Existing Zoning: D.R. 16
Proposed Zoning: B.R.

Acres: 1.85
District: 11th

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.
- ☐ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☒ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burdhan

Charles E. Burdhan, C.E.
Plan Review Chief
CBT/T

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

Z.A.C. Meeting of: Cycle II

Re: Item No: 4
Property Owner: Robert D. Yingling
Location: SW/S Louis Ave. 200' SE Belair Rd.
Present Zoning: D.R. 16
Proposed Zoning: B.R.

District: 11th
Sq. Acres: 1.85

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,

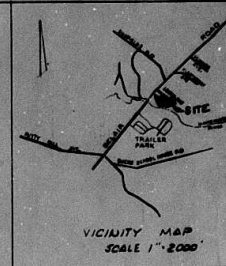
E. Rich Petrovich
E. Rich Petrovich,
Field Representative

WDP/tp

JOSEPH H. MILLER, SECRETARY
TOWSON, MARYLAND 21204
MARILYN M. BURDISH

EDWARD H. BRYAN
TOWSON, MARYLAND 21204
BRYAN H. BRYAN

DAVID L. BRYAN
TOWSON, MARYLAND 21204
BRYAN H. BRYAN



GENERAL NOTES

AREA OF PROPERTY 6.12 AC²
 EXISTING ZONE BR 4 DR 16
 EXISTING USE SWIMMING POOL SALES
 AND SERVICE
 PROPOSED ZONE BR 1.05 AC²
 PROPOSED USE SWIMMING POOL SALES
 & SERVICE & RECREATIONAL
 VEHICLE PARKING

PARKING DATA

OFFICE 1ST FLOOR 983' 1/2" x 4'
 2ND FLOOR 983' 1/2" x 4'
 SHOP 113 EMPLOYEES 9 EMPLOYEES 3
 TOTAL SPACES REQUIRED 9
 TOTAL SPACES PROVIDED 10

EMPLOYEES PARKING SPACE 10' x 20'

EXISTING WATER IN BELAIR ROAD

BELAIR ROAD

LOUISA AVE.

BELAIR AVE.

PROPOSED STONE SURFACE
 OIL TREATED
 STORAGE AREA
 RECREATIONAL

PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF
 R. D. YINGLING
 8343 BELAIR RD.

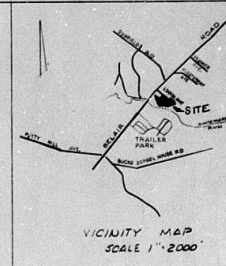
11th ELECT. DIST.
 SCALE 1"=80'

BALTO. CO. MD.
 SEPT. 1977

MICROFILMED



E. F. RAPHAEL & ASSOC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 301 COURTLAND AVENUE
 TOWSON, MARYLAND 21204



AREA OF PROPERTY . 6.12 AC²
EXISTING ZONE BR & DR 16
EXISTING USE SWIMMING POOL SALES
AND SERVICE
PROPOSED ZONE BR 1.85 AC²
PROPOSED USE SWIMMING POOL SALES
& SERVICE & RECREATIONAL
VEHICLE PARKING

OFFICE 1ST FLOOR - 983' 1/300' - 4
2ND FLOOR - 983' 1/500' - 2

SHOP 1/3 EMPLOYEES - 9EMPLOYEES - 3

TOTAL SPACES REQUIRED: 9
TOTAL SPACES PROVIDED: 10

EMPLOYEES PARKING SPACE 10'x20'

EXISTING WATER IN BELAIR ROAD

PLAT TO ACCOMPANY ZONING PETITION

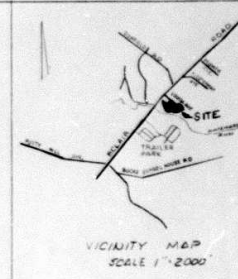
PROPERTY OF
R. D. YINGLING
8313 BELAIR RD.

11TH ELECT. DIST.
SCALE - 1" = 50'

BALTO. CO. MD.
SEPT 26, 1977

MICROFILMED

MAP: 48
NE 12
SECTION
DISTRICT 1
U. S. 15
BY 48
BY 48
TOTAL
BY



GENERAL NOTES

AREA OF PROPERTY 6.12 AC²
 EXISTING ZONE BR & DR 16
 EXISTING USE SWIMMING POOL SALES
 AND SERVICE
 PROPOSED ZONE BR 1.85 AC²
 PROPOSED USE SWIMMING POOL SALES
 & SERVICE & RECREATIONAL
 VEHICLE PARKING

PARKING DATA

OFFICE 1ST FLOOR 993' 1/8" x 4'
 2ND FLOOR 993' 1/8" x 2'
 SHOP 1/3 EMPLOYEES + REARLINES
 TOTAL SPACES REQUIRED 9
 TOTAL SPACES PROVIDED 10

EMPLOYEES PARKING SPACE 10'x20'

EXISTING WATER IN BELAIR ROAD

PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF
 R. D. YINGLING
 8313 BELAIR RD.

11TH ELECT. DIST.
 SCALE 1"=50'

BALTO. CO. MD.
 SEPTEMBER 1977



E. P. RAPHAEL & ASSOC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21204

