

78-275-A 151 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, R. Hugh Andrew, 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 for a Variance from Section 107 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 feet along the easterly boundary line of the within described property.

of the Zoning Regulations of Baltimore County to the Zoning "as of Baltimore County; for the following reasons indicate hardship or practical difficulty)

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.

BELLONA ASSOCIATES
2011 G. Telebert, Partner
Address: 1314 Bellona Avenue
Towson, Maryland, 21204
Legal Owner
Address: 1314 Bellona Avenue
Towson, Maryland, 21204
Address: 409 Washington Ave
Towson, Md. 21204
Protector's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 15th day of January, 1978.

1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out 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 21st day of June, 1978, at 11:00 o'clock.

Eric D. DiNenna
Zoning Commissioner of Baltimore County.
(over)

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

March 13, 1978

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

Re: Item #151 (1977-1978)
Property Owner: R. Hugh Andrew
N/2 of Bellona Avenue, 246.53' W. of Lutherville Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 60' in lieu of the required 75'.
Acres: 0.928 District: 8th

Dear Mr. DiNenna:

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

General:

Comments were supplied for this property, January 17, 1978, in connection with the Zoning Advisory Committee review of Item #150 (1973-1974). Those comments remain valid and applicable, with the following amended water and sanitary sewer comments, and are referred to for your consideration.

Amended Water and Sanitary Sewer Comments:

Public water supply and sanitary sewerage exist in Bellona Avenue and serve this property. Additional fire hydrant protection is required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #151 (1977-1978).

Very truly yours,

Elizabeth M. Dwyer, P.E.
ELIZABETH M. DWYER, P.E.
Chief, Bureau of Engineering

END: EAM: PWS:BS

cc: W. Munchie

Attachment

6-0 Key Sheet
44 & 45 3 Pos. Sheets
NW 11 & 12 A Topo
60 Top Map

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 7, 1978

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

400
Nicholas B. Commodari,
Chairman

MEMBER:
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
County of Baltimore
Health Department
Project Planning
Public Works Department
Board of the County
Zoning Administration
Industrial Development

James H. Cook, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Variance Petition
Item Number 151
Petitioner - R. Hugh Andrew

Dear Mr. Cook:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made 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 suitability of the requested zoning.

Located on the north side of Bellona Avenue approximately 246' west of Lutherville Road in the 8th Election District, this D.R. 16 zoned site is presently improved with a single family dwelling and barn in the rear. Adjacent properties to the east are zoned D.R. 3, 5 and are improved with single family dwellings, while properties to the north and west are improved with apartments and office care-house buildings, respectively.

As you are aware, this property is currently the subject of an active zoning hearing (Case No. 71-172-XA) in which a Special Exception and Variance to allow the proposed office building to be located within one foot of the westerly property line has not yet been adjudicated. This particular request originates because of your insistence on requesting a Variance to allow the proposed building within 60' of the easterly property line, which is also the zoning division line between the existing D.R. 16 zone and the adjacent D.R. 3, 5 zone, in lieu of the required 75' as provided in Section 1802.2C of the Baltimore County Zoning Regulations. It should be noted that this Variance was accepted and is being advertised at your request. It is the interpretation of the Zoning Commissioner that this particular Variance is only required when constructing apartment buildings and

Mr. James H. Cook
Page 2
June 7, 1978

does not apply to proposed office buildings.

A review of the active case on this property indicates that the Variance was advertised as requesting a one foot side setback in lieu of the required 30'. It should be noted that the required side setback in D.R. 16 is 25' and the rear setback is 30'. I point this out to you in the event that you may want the wording changed prior to the finalization of this case.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held on less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

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

NBC:smw

cc: Mr. James S. Spamer & Associates
Engineers & Surveyors
8017 York Road
Towson, Maryland 21204

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
January 17, 1978

Bureau of Engineering
ELIZABETH M. DWYER, P.E. CHIEF

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

Re: Item #150 (1973-1974)
Property Owner: R. Hugh Andrew
N/2 of Bellona Avenue, 246.53' W. of the corner
formed by the intersection of Bellona Avenue and
Lutherville Road
Existing Zoning: D.R. 16
Prop. all buildings: Variance to allow a 1' side yard
setback instead of the required 30' and a Special
Exception for office and office building use
No. of Acres: 0.928 District: 8th

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

Bellona Avenue which also serves as an on-ramp to I-83 (westbound) at this location is a State Project therefore, all improvements, i.e., intersections, entrances and driveway improvements as they affect the road are under the jurisdiction of the Maryland 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.

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

Setback 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.

Storm Drain

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

Item #150 (1973-1974)
Property Owner: R. Hugh Andrew
Page 2
January 17, 1978

Storm Drainage (Cont'd)

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

Water and Sanitary Sewers

Public water supply and sanitary sewerage exist in Bellona Avenue. This property, within the County's Roland Run drainage area, is tributary to the Jones Falls sanitary sewerage system subject to State Health Department imposed waterborne restrictions.

Very truly yours,

Elizabeth M. Dwyer, P.E.
ELIZABETH M. DWYER, P.E.
Chief, Bureau of Engineering

END: EAM: PWS:BS

cc: G. A. Hater

6-0 Key Sheet
44 & 45 NW 3 Pos. Sheets
NW 11 & 12 A Topo
60 Top Map



Maryland Department of Transportation
State Highway Administration

February 15, 1978

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

attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 7, 1978
ITEM: 151
Property Owner: R. Hugh Andrew
Location: N/2 Bellona Ave.
246.53' W. Lutherville Road
Existing zoning: D.R. 16
Proposed Zoning: Variance to permit setback of 60' in lieu of the required 75'.
Acres: 0.928
District: 8th

Dear Mr. DiNenna:

The proposed entrance location does not afford the most desirable stopping sight distance. The sight distance can be increased considerably by locating the entrance near the west property line. Although the entrance width complies with the minimum permitted width of 35', a 10' width would allow easier movements through the entrance. We strongly recommend the greater width.

This section of Bellona Avenue serves as an interchange ramp from Charles Street to the Baltimore Beltway. It is an unusual situation to have direct vehicular access from individual properties to an interchange ramp, however at the time that the Beltway was designed, the properties lining on Bellona Avenue were mostly residential or undeveloped. It was believed that the small amount of traffic generated by these properties would cause no problems. Since the Beltway was built, several businesses have been developed along Bellona Avenue, thereby considerably increasing traffic to and from the properties. Now we are faced with still another conversion from former residential to office use. The Variance that are requested indicate an over development of the site. Considering that Bellona Avenue is an interchange ramp, any additional traffic through the entrances, which are points of conflict, will have an adverse effect on Bellona Avenue.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CLJ:JMD:vd

By: John E. Meyers

March 17, 1978

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 #151, Zoning Advisory Committee Meeting, February 7, 1978, are as follows:

Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave. 246.53' W. Lutherville Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 60' in lieu of the required 75'
Acres: 0.928
District: 8th

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.

All unpaved areas should be landscaped.

Very truly yours,

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

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

March 14, 1978

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

Dear Mr. DiNenna:

The following are comments on Item # 151, Zoning Advisory Committee Meeting of February 7, 1978:

Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave. 246.53' W Lutherville Rd.
Acres: 0.928
District: 8th

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

TBD/SS/eth

SEC 35 118

JOHN D. SEEVERT
DIRECTOR

February 21, 1978

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

Dear Mr. DiNenna:

Comments on Item # 151 Zoning Advisory Committee Meeting, February 7, 1978 are as follows:

Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave. 246.53' W Lutherville Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 60' in lieu of the required 75'.
Acres: 0.928
District: 8th

The items checked below are applicable:

- ☒ 1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ 2. A building permit shall be required.
- ☐ 3. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ 4. 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.
- ☐ 5. 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.
- ☒ 6. No indication of construction type.
- ☒ 7. Requested setback variance may conflict with the Baltimore County Building Code. See Table 5.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rjt

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 8, 1978

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

Z.A.C. Meeting of: February 7, 1978

RE: Item No: 151
Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave. 246.53' W. Lutherville Rd.
Present Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 60' in lieu of the required 75'.

District: 8th
No. Acres: 0.928

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

WSP/lp

JOSEPH H. MCCORMAN, PRESIDENT
T. BARBARA WILLIAMS, JR., VICE-PRESIDENT
MARCOUS B. BOTTS, JR.

THOMAS H. BODDY
MRS. LORNAE F. CHURCH
ROGER R. PATTON

ROBERT V. DUBEL, SUPERINTENDENT

ALVIN LAYTON
MRS. MILDRED M. SMITH, JR.
RICHARD W. TRACY, D.V.M.

STEPHENE COLLINS
DIRECTOR

March 17, 1978

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

Item No. 151 - ZAC - February 7, 1978
Property Owner: R. Hugh Andrew
Location: N/S Bellona Ave. 246.53' W Lutherville Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a side setback of 60' in lieu of the required 75'.

Acres: 0.928
District: 8th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the side setback.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

WSP/hms

IN THE MATTER OF
OF THE APPLICATION OF
R. HUGH ANDREW
FOR VARIANCE FROM
Section 307 of the Baltimore
County Zoning Regulations
N/S of Bellona Ave. 246'
W. of Lutherville Road
8th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-275-A

ORDER OF DISMISSAL

Petition of R. Hugh Andrew for variance from Section 307 of the Baltimore County Zoning Regulations on property located on the north side of Bellona Avenue 246 feet west of Lutherville Road, in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed December 7, 1982 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner/Appellant in the above entitled matter; and

WHEREAS, the said attorney for the said Petitioner/Appellant requests that the appeal filed on behalf of said Petitioner be dismissed as of December 7, 1982,

IT IS HEREBY ORDERED this 7th day of December, 1982, that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Kenn S. Franz
Kenn S. Franz

Paul H. Reincke
CHIEF

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

Attention: R. Comodari, Chairman
Zoning Advisory Committee

Re: Property Owner: R. Hugh Andrew

Location: N/S Bellona Ave. 246.53' W Lutherville Rd.

Item No. 151 Zoning Agenda Meeting of 2/7/78

Relevant:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ 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.

Noted and Approved: *George M. Maggott*
Special Inspection Division Fire Prevention Bureau

R. HUGH ANDREW
Petitioner
DAVID MILLARD and JANE MILLARD
Appellants
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Miscellaneous Law
No. 5873

-000-

PETITION TO STRIKE APPEARANCE

MR. CLERE:

Please strike my appearance as counsel for the Appellants in the above-captioned proceedings.

Dwight C. Evans
DWIGHT C. EVANS
1112 W.R. Grace Building
Baltimore, Maryland 21202
752-6254

Charles C.W. Atwater
CHARLES C.W. ATWATER
1112 W.R. Grace Building
Baltimore, Maryland 21202
752-6254

*Red 2.12.80
see open hearing*

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

And now come Walter A. Reiter, Jr., Robert L. Gilland 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:

May 19, 1978	Petition of R. Hugh Andrew for a Variance from Section 307 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 feet along the easterly boundary line of property located on the North side of Bellona Avenue, 246 feet West of Lutherville Road, 8th District, filed
May 19	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 21, 1978 at 11 a.m.
June 1	Certificate of Publication in newspaper - filed
June 3	Certificate of Posting of property - filed

June 7, 1978	Consents of Baltimore County Zoning Plans Advisory Committee
June 21	At 11 a.m. Hearing held on Petition by Deputy Zoning Commissioner.
July 10	Order of Deputy Zoning Commissioner re-issuing Petition.
July 13	Order of Appeal to the County Board of Appeals from the Order of the Deputy Zoning Commissioner.
Sept. 14	Hearing on Appeal before County Board of Appeals.
July 25, 1979	Order of County Board of Appeals dismissing the Petition for a Variance on the eastern property line
Aug. 22	Order for Appeal filed in Circuit Court for Baltimore County by Dwight C. Stone, Esq. and Charles C. W. Atwater, Esq., on behalf of Protestants-Appellants (David Millard and Jane Millard).
Aug. 72	Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County (David Millard and Jane Millard).
Aug. 23	Order for Appeal filed in the Circuit Court by People's Counsel for Baltimore County
Aug. 23	Petition to accompany Order for Appeal filed in the Circuit Court by People's Counsel
Aug. 24	Order for Appeal filed in the Circuit Court by James H. Cook, Esq., Attorney for Petitioner
Aug. 27	Certificate of Notice sent to all interested parties (David Millard and Jane Millard).
Aug. 27	Certificate of Notice sent to all interested parties (People's Counsel).
Aug. 27	Certificate of Notice sent to all interested parties (R. Hugh Anzures, Petitioner).
Aug. 30	Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County by Attorney for Petitioner
Sept. 13	Transcript of testimony filed
	Petitioner's Exhibit No. 1 - Letter from Ralph Welch, President Lutherville Community Association, to the Baltimore County Board of Appeals
Sept. 21	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 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.

June Holmen
June Holmen
County Board of Appeals of
Baltimore County

cc: Cook & Downes, Esqs.
Stone & Atwater, Esqs.
People's Counsel

This appeal also involves issues regarding the special exception and the variance granted on the west side of the property. In view of the court's ruling which requires a variance on the east side of the property the court will not deal with these issues in this appeal. The case is remanded to the County Board of Appeals of Baltimore County for a hearing to be conducted regarding a variance on the east side of the property.

FAD/vc
cc: David D. Downes Esq.
James H. Cook, Esq.
Charles C.W. Altwater, Esq
Dwight C. Stone, Esq.
John W. Hessman, III, Esq.

O P I N I O N

This appeal from the County Board of Appeals of Baltimore County (hereinafter referred to as the Board) involves a piece of land on Bellona Avenue zoned DR 16. The owner of this land filed for a special exception to construct office buildings and requested a variance. The special exception was granted and the variance on the west side of the property was also granted. The board ruled that it is not necessary to obtain a variance on the east side of the property. The land adjacent to the east side of the property is zoned DR 3.5.

The board's decision is based on the Comprehensive Manual of Development Policies, sec. V.B.2 which was passed to regulate set-back standards for principle building in DR zones for uses other than those which are residential. This section would not require a variance.

The manual was formulated pursuant to section 504 of the Baltimore County Zoning Regulations. Section 504.1 reads as follows:

564.1 - Authorization. The Planning Board may adopt and implement administrative, project-design, or planning policies or procedures which are not inconsistent with these regulations and may further amend or modify any such policy in the preceding sections of these regulations and as set forth below. However, no such policy or procedure, or amendment thereof, may be adopted excepted after a public hearing which has been entered on and appended to the advance tentative agenda for a regular meeting of the Planning Board and thereafter after the Planning Board has adopted its agenda, all of which shall be more particularly pre-

scribed in the bylaws of the Planning Board.
[Bill No. 100, 1970.]

A reading of sec. 504.1 indicates that the Planning Board may act pursuant to the section if the action of the Planning Board is not inconsistent with the Baltimore County Zoning Regulations and if the actions further the purposes of the regulations.

Section 1B02.2C of the Baltimore County Zoning Regulations reads as follows:

In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 and which is not within the same development tract. [Bill No. 100, 1979.]

It becomes apparent that sec. 1802.2C of the Baltimore County Zoning Regulations and V.B.2 of the Comprehensive Manual of Development Policies passed pursuant to sec. 504 of the Baltimore County Zoning Regulations are in conflict. The Baltimore County Planning Board cannot formulate regulations which are inconsistent with existing Baltimore County Zoning Regulations under authority delegated in section 504. Any conflict between an existing regulation and a regulation formulated by the Planning Board pursuant to sec. 504 must be resolved in favor of existing zoning regulations. Sec. 1802.2C requires that no building in a D.R. 16 zone be constructed within 75 feet of land which is zoned D.R. 3.5. Under this regulation a variance is required.

The argument that section V.B.2 applies to buildings other than dwellings cannot prevail because section 1802.2 applies to not only dwellings but to special exceptions granted in the D.R. zones as well. The language of 1802.2C does not provide for any exceptions but states "In a D.R. 16 zone, no building shall be constructed...."

The court rules that sec. 1802.2C of the Baltimore County Zoning Regulations takes precedence over V.B.2 of the Comprehensive Manual of Development Policies and a variance is,

Re: PETITION FOR SPECIAL EXCEPTION for Office and Office Building, and VARIANCE from Section 1802.23 (S&A-V.3.2) of the Baltimore Zoning Ordinance N/S of Bellona Avenue 246.23' W/S of L'Herminette Road 8th District	:	ON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY
R. Hugh Annew, Petitioner	:	AT LAW
Zoning File No. 74-172-IXA	:	Misc. Docket No. 10/11
Dated Millard and Jane Millard Plaintiffs-Appellants	:	Folio No. 188/245
People's Counsel for Baltimore County Appellant	:	File No. 5873/6895

RE: PETITION '08 VARIANCE	1	IN THE
From Section 307 of the		
Baltimore County	1	CIRCUIT COURT
Zoning Regulations		
N.E. of Bellows Ave. vs 248'	1	FOR
W. of Lutherville Road		
8th District	1	BALTIMORE COUNTY
R. Hugh Andrew, Petitioner	1	AT LAW
Zoning File No. 78-275-A	1	Misc. Docket No. <u>11</u>
People's Counsel for Baltimore County	1	Folio No. <u>345</u>
Appellant		
		File No. 6897

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure, Walter A. Rether, Jr., Robert L. Gilliland and John A. Miller, 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 James H. Cook, Esquire and David D. Downes, Esquire, 210 Allandale Avenue, Towson, Maryland 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, 1211 Grace Building, Charles and Eastland Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona

RECEIVED
BALTIMORE COUNTY
JAN 18 12 12 PM '80
COUNTY BOARD
OF APPEALS
BY: _____

Avenue, Timonium, Maryland 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland 21093, 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, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esquire and David D. Downes, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue, Timonium, Maryland 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland 21093, on this 27th day of August, 1979.

June Holman
June Holman, Administrative Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : ON REMAND
for Office and Office Building, and : FROM THE
VARIANCE from Section 1802.28 : CIRCUIT COURT
(504-V.B.2) of the Baltimore : FOR
County Zoning Regulations : BALTIMORE COUNTY
N/S of Bellona Avenue 246' : AT LAW
W. of Lutherville Road : Misc. Docket No. 10/11
8th District : Folio No. 188/345
R. Hugh Andrew, Petitioner-Appellant : File No. 5873/6895
David Millard and Jane Millard :
Protestants-Appellants :
People's Counsel for Baltimore County :
Appellant :

RE: PETITION FOR VARIANCE : IN THE
from Section 307 of the : CIRCUIT COURT
Baltimore County : FOR
Zoning Regulations : BALTIMORE COUNTY
N/S of Bellona Avenue 246' : AT LAW
W. of Lutherville Road : Misc. Docket No. 11
8th District : Folio No. 345
R. Hugh Andrew, Petitioner-Appellant : File No. 6895
People's Counsel for Baltimore County :
Appellant :

CERTIFICATE OF NOTICE

Mr. Clerks:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Robert L. Gilland and John A. Miller, 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, James H. Cook, Esquire and David D. Downes, Esquire, 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner-Appellant, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane

Millard, 1316 Bellona Avenue, Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland, 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

June Holman
June Holman
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esquire and David D. Downes, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorneys for the Petitioner-Appellant, and Dwight C. Stone, Esquire and Charles C. W. Atwater, Esquire, Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue, Timonium, Maryland 21093, Protestants-Appellants, and John W. Hession, III, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland 21093, on this 27th day of August, 1979.

June Holman
June Holman
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : *
for Office and Office Building, and : * IN THE
VARIANCE from Section 1802.28 : *
(504-V.B.2) of the Baltimore : * CIRCUIT COURT
County Zoning Regulations : *
N/S of Bellona Avenue : *
246.53' West of Lutherville : *
Road 8th District : *
R. Hugh Andrew : *
Petitioner : * BALTIMORE COUNTY
Zoning File No: 74-172-XA : *
AT LAW

RE: PETITION FOR VARIANCE : * Misc. Docket No. 11
from Section 307 of the Baltimore : * Folio No. 345
County Zoning Regulations : * File No. 6895
N/S of Bellona Avenue 246' West : *
of Lutherville Road 8th District : *

R. Hugh Andrew
Petitioner
Zoning File No: 78-273-A
David Millard and Jane Millard
Protestants-Appellants

CERTIFICATE OF NOTICE

Mr. Clerks:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Esq., Robert L. Gilland, Esq. and John A. Miller, 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, James H. Cook, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, and David D. Downes, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue,

R. Hugh Andrew - File No. 74-172-XA

Nov. 23, 1977 Motion to Remand case to the Zoning Commissioner of Baltimore County and refer the matter to the Planning Board of Baltimore County so that said application might be processed under the "Interim Development Control Act" inasmuch as this petition involves an application for a special exception for office use, filed by the attorney for the Petitioner.

Nov. 29 Order to Remand case to the Zoning Commissioner of Baltimore County passed by the County Board of Appeals.

May 19, 1978 IDCA application for a special exception for office and office building use approved by the Baltimore County Planning Board (78-15-X)

June 5 IDCA approval forwarded to the County Board of Appeals by the Zoning Commissioner

Sept. 14 Hearing held before the County Board of Appeals - combined with case 78-273-A - case held sub curia

Jul. 25, 1979 Combined Order of the County Board of Appeals finding that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the Comprehensive Zoning Map in 1976, as applicable in case 74-172-XA, and dismissing petition for a variance on the eastern property line in case 78-273-A.

Aug. 22 Order for Appeal filed in Circuit Court for Baltimore County by Dwight C. Stone, Esq. and Charles C. W. Atwater, Esq., on behalf of Protestants-Appellants (David Millard and Jane Millard).

Aug. 22 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County (David Millard and Jane Millard).

Aug. 23 Order for Appeal filed in the Circuit Court by People's Counsel for Baltimore County

Aug. 23 Petition to accompany Order for Appeal filed in the Circuit Court by People's Counsel

Aug. 24 Order for Appeal filed in the Circuit Court by James H. Cook, Esq., Attorney for Petitioner

Aug. 27 Certificate of Notice sent to all interested parties (David Millard and Jane Millard).

Aug. 27 Certificate of Notice sent to all interested parties (People's Counsel).

Aug. 27 Certificate of Notice sent to all interested parties (R. Hugh Andrew, Petitioner).

Aug. 30 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County by Attorney for Petitioner

Sept. 13 Transcript of testimony filed

Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holman
June Holman
County Board of Appeals of Baltimore County
Towson, Maryland 21204

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to James H. Cook, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, and David D. Downes, Esq., 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioner, and Dwight C. Stone, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, and Charles C. W. Atwater, Esq., Suite 1211 Grace Building, Charles and Baltimore Streets, Baltimore, Maryland, 21202, Attorneys for the Protestants, and David Millard and Jane Millard, 1316 Bellona Avenue, Timonium, Maryland, 21093, Protestants-Appellants, and John W. Hession, III, Esq., County Office Building, Towson, Maryland, 21204, People's Counsel, and Mr. Ralph Welsh, Lutherville Community Association, P. O. Box 6, Lutherville, Maryland, 21093, on this 27th day of August, 1979.

June Holman
June Holman
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : * IN THE
for Office and Office Building, and : *
VARIANCE from Section 1802.28 : * CIRCUIT COURT
(504-V.B.2) of the Baltimore : *
County Zoning Regulations : *
N/S of Bellona Ave. 246.53' West : *
of Lutherville Road : *
8th District : *
R. Hugh Andrew : *
Petitioner : * FOR
Zoning File No. 74-172-XA : * BALTIMORE COUNTY
David Millard and Jane Millard : *
Protestants-Appellants : *

RE: PETITION FOR VARIANCE : * AT LAW
from Section 307 of the Baltimore : *
County Zoning Regulations : *
N/S of Bellona Ave. 246.53' West : *
of Lutherville Road : *
8th District : * Misc. Docket No. 11
R. Hugh Andrew : * Folio No. 345
Petitioner-Appellant : * File No. 6895
Zoning File No. 78-273-A : *
Before the County Board :
of Appeals : *

PETITION ON APPEAL

Now comes R. Hugh Andrew, Petitioner, and files the within Petition on Appeal, in compliance with Maryland Rule 8-2(e), setting forth the grounds upon which this appeal is taken:

1. That the decision of the County Board of Appeals in this matter is in error for the reason that the Board has misconstrued the zoning regulations of Baltimore County as they apply to the property which is the subject of this proceeding.

A. The said County Board of Appeals misconstrued the zoning regulations of Baltimore County, and found that the variance requested was not needed, when a clear interpretation of the regulations would indicate that the variance was needed; and further, that the records before the Board would support the granting of the requested variance.

RE: PETITION FOR SPECIAL EXCEPTION : ON REMAND
for Office and Office Building, and : FROM THE
VARIANCE from Section 1802.28 : CIRCUIT COURT
(504-V.B.2) of the Baltimore : FOR
County Zoning Regulations : BALTIMORE COUNTY
N/S of Bellona Avenue 246.53' : AT LAW
W. of Lutherville Road : Misc. Docket No. 10/11
8th District : Folio No. 188/345
R. Hugh Andrew, Petitioner-Appellant : File No. 5873/6895
David Millard and Jane Millard :
Protestants-Appellants :
People's Counsel for Baltimore County :
Appellant :

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. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order to Remand and 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. 74-172-XA

Dec. 10, 1976 Order to Remand by Judge Frank E. Cicone: "... for the purpose of receiving additional testimony, if necessary, for the reconsideration of the within case in the light of the adoption of a new Comprehensive Zoning Map for the Third Councilman's District of Baltimore County."

Apr. 21, 1977 Remand Hearing held before the County Board of Appeals. Case continued to allow the property owner to determine whether or not an east side yard variance is required. If same is required, this new variance case will be consolidated with the remand case.

Petitioner's Exhibit No. 1 - Letter from Ralph Welch, President Lutherville Community Association, to the Baltimore County Board of Appeals (combined with case 78-275-A)

Sept. 21 (74) 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 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,

James H. Cook
James H. Cook
County Board of Appeals of Baltimore County

cc: Cook and Downes, Esqs.
Stone and Atwater, Esq.
People's Counsel

WHEREFORE, Petitioner prays that the decision of the Board be reversed, that a variance be granted based upon the record in this case.

James H. Cook
James H. Cook
210 Allegheny Avenue
Towson, Maryland 21204
Phone: 823-6111
Attorney for Petitioner

I HEREBY CERTIFY that copy of the foregoing Petition on Appeal was mailed this 24th day of August, 1979 to Charles C. W. Atwater, Esq. and Dwight C. Stone, Esq., 1112 W.R. Grace Building, Baltimore, Maryland 21202; John W. Hessian, III, Esq., and Peter Max Zimmerman, Esq., County Office Building, Towson, Maryland 21204; and served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204.

James H. Cook
James H. Cook

RECEIVED
BALTIMORE COUNTY
Aug 31 10 31 AM '79
CLERK OF APPEALS
BY: *[Signature]*

RE: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.2B
(504-V.B.2) from Baltimore County
Zoning Regulations
N/S of Bellona Ave. 246.53' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

Zoning File No. 74-172-XA

David Millard and Jane Millard
Protestants - Appellants

ON REMAND
FROM THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 188
File No. 5873

RE: PETITION FOR VARIANCE
from Section 307 of the Baltimore
County Zoning Regulations
N/S of Bellona Ave. 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner - Appellant

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-275-A

OPINION

Case No. 74-172-XA had previously been heard and decided by this Board on February 19, 1976, wherein the Board granted a special exception for office and office building, and also granted a variance to permit a 1 foot side yard setback along the west side of the subject property, subject to certain restrictions. This Order was appealed to the Circuit Court for Baltimore County, and by Order of Judge Frank E. Ciccone, on December 10, 1976, said case was remanded to the County Board of Appeals "for the purpose of receiving additional testimony, if necessary, and for reconsideration of the within case in the light of the adoption of a new comprehensive zoning map for the Third Councilmanic District of Baltimore County." This case was scheduled before this Board on April 21, 1977 when a remand hearing was heard, and the case was continued at that time.

Subsequently another case, No. 78-275-A, was filed by the Petitioner which sought a variance from the setback requirements for the eastern portion of his property.

The question which is germane to both of these cases is, does the Petitioner now need a variance for the specific requirements from his easternmost property line as a result of the property owner to the west of his property, petitioning for and obtaining successfully a downshift in the zoning classification of his property to D.R. 3.5, as adopted in the 1976 comprehensive zoning maps from its prior zoning classification of D.R. 16. Case No. 78-275-A, as aforesaid, was filed by the Petitioner to seek a setback variance along the eastern property line should such a variance be required as a result of the change in the downshift of zoning classification for the property to the west of the subject property. In that case the report from the Zoning Plans Advisory Committee, signed by Nicholas B. Commodari, dated June 7, 1978, is dispositive of this question, stating that a variance would not be necessary for the proposal as outlined in the petition in case No. 74-172-XA. Consequently an order was issued on July 10, 1978 by the then Deputy Zoning Commissioner denying the requested variance on the basis that a variance is not required.

Finally, on September 14, 1978 a hearing was once again scheduled before this Board consolidating the two cases and their respective issues as indicated above. No additional testimony was presented at this time, and the cases were considered on the basis of previous evidence and testimony.

The Board agrees with the report from the Zoning Plans Advisory Committee and the decision of the Deputy Zoning Commissioner that there is no requirement under the present proposal for the Petitioner to seek a variance from the side yard setback requirements from his eastern property line. Similarly, the resulting reclassification which occurred from the adoption of the comprehensive zoning maps for Baltimore County would not affect the prior decision of this Board in case No. 74-172-XA, in that a variance would not be required concerning the eastern property line of the Petitioner's property. This is further enhanced by a letter dated February 22, 1977 from the then Zoning Commissioner, S. Eric DiNanno, concerning this particular issue, said letter being contained in file No. 74-172-XA.

There is perhaps one other item that should be addressed by this Board, as there may be some confusion or inconsistency between the aforesaid report from Mr. Commodari and the correspondence from the Zoning Commissioner, dated February 22, 1977

referred to above. This has to do with the 1 foot variance granted for the western portion of the Petitioner's property. In one instance it was indicated by Mr. Commodari that the required side yard setback would have been 25 feet rather than the 30 feet petitioned for. Mr. DiNanno indicated a 30 foot setback was required because the building was oriented to the east, and consequently the western portion would have been the "rear yard" of the subject property, requiring a 30 foot setback. The Board feels that even though the property may have been oriented to the east, the frontage was on Bellona Avenue, which would have been to the south, making the northern property line to the rear yard. Consequently the required setback would have been 25 feet rather than the 30 feet petitioned for. However, since the petition was from the more restrictive requirement and was granted, we do not feel that it would have any effect or bearing on the case in question. Therefore, the Board will pass an order in conformity with the foregoing Opinion, finding that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning maps in 1976, as applicable to case No. 74-172-XA; and further, the Board will affirm the Order of the Deputy Zoning Commissioner, dated July 10, 1978, in case No. 78-275-A, dismissing the petition for a variance on the eastern property line for the same reason, i.e. that a variance is not necessary.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 25th day of July, 1979, by the County Board of Appeals ORDERED, that in conformity with the foregoing Opinion, the Board finds that there is no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning maps in 1976, as applicable to case No. 74-172-XA; and it is

FURTHER ORDERED, that the County Board of Appeals will affirm the Order of the Deputy Zoning Commissioner, dated July 10, 1978, in case No. 78-275-A, and hereby dismiss the petition for a variance on the eastern property line.

An 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
[Signature]
Robert L. Sullivan
[Signature]
John A. Miller

RE: PETITION FOR SPECIAL
EXCEPTION for Office and
Office Building, and VARIANCE
from Section 1802.2B
(504-V.B.2) from Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

Zoning File No: 74-172-XA

David Millard and Jane Millard
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE
COUNTY
AT LAW
No:

RE: PETITION FOR VARIANCE
from Section 307 of the Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246' West
of Lutherville Road 8th District

Zoning File No: 78-275-A
Before the County Board of Appeals

AT LAW
No:

NOTICE OF APPEAL

MR. CLERK:
Please enter an Appeal from the Decision of the Board dated July 25, 1979 to the Circuit Court of Baltimore County.

[Signature]
Dwight C. Stone

Charles C.W. Atwater
WILMADDER, ATWATER & STONE
1112 W.R. Grace Building
Baltimore, Maryland 21202
752-6254
Attorneys for Millard

RECEIVED
BALTIMORE COUNTY
Aug 27 8 22 AM '79
CLERK OF APPEALS
BY: *[Signature]*

RE: PETITION FOR SPECIAL
EXCEPTION for Office and
Office Building, and VARIANCE
from Section 1802.2B
(504-V.B.2) from Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

Zoning File No: 74-172-XA

David Millard and Jane Millard
Protestants-Appellants

IN THE
CIRCUIT COURT FOR
BALTIMORE COUNTY
AT LAW
No:

RE: PETITION FOR VARIANCE
from Section 307 of the Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246' West
of Lutherville Road 8th District

Zoning File No: 78-275-A
Before the County Board of Appeals

AT LAW
No:

11/30/1979

NOTICE OF APPEAL

Mr. Clerk:
Please enter an appeal to the Circuit Court of Baltimore County from the decision of the Board dated July 25, 1979.

James H. Cook
James H. Cook
210 Allegheny Avenue
Towson, Maryland 21204
Phone: 823-6111
Attorney for Petitioner

I HEREBY CERTIFY that on this 24th day of August, 1979, prior to the filing of the foregoing Notice of Appeal, two copies of same has been served on the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204.

James H. Cook
James H. Cook

RECEIVED
BALTIMORE COUNTY
Aug 28 11 00 AM '79
CLERK OF APPEALS
BY: *[Signature]*

I HEREBY CERTIFY that on this 24 day of August, 1979 a copy of the foregoing Notice of Appeal was mailed to Dwight C. Stone, Esq. and Charles C.W. Atwater, Esq., 1112 W.R. Grace Building, Baltimore, Maryland 21202, attorneys for Millard; and to John W. Hession, III, Esq., 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

James H. Cook
James H. Cook

RE: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.28
(504-V.B.2) from Baltimore County
Zoning Regulations
N/S of Bellona Ave. 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

Zoning File No. 74-172-XA

David Millard and Jane Millard
Protestants - Appellants

RE: PETITION FOR VARIANCE
from Section 307 of the Baltimore
County Regulations
N/S of Bellona Ave. 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner - Appellant

Zoning File No. 73-275-A
Before the County Board of Appeals

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from the Opinion and Order of the Baltimore County Board of Appeals under date of July 25, 1979, in compliance with Maryland Rule 8-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That the decision of the County Board of Appeals in this matter is in error for the reason that the Board has misconstrued the Zoning Regulations of Baltimore County as they apply to the property which is the subject of this proceeding, specifically:

A. The said County Board of Appeals appears to construe said regulations as requiring only a thirty foot setback for a building in a D.R. 16 zone abutting any other D.R. zone, in this case, a D.R. 3.5 zone.

B. In so doing, the Board ignored the requirement contained within Section

R. HUGH ANDREW
N/S of Bellona Avenue, 246' W.
of Lutherville Road
8th District

Variances from Section 307 (60' side yard setback instead of 75')
(On the easterly boundary line)

May	19, 1978	Petition filed
July	10	Petition DENIED by D.Z.C. (Martin)
"	17	Appealed to C.B. of A. by Mr. Cook for Petitioner
Sept.	14	Hearing held by the Board in conjunction with Remanded case #74-172-XA
July	25, 1979	Order of the Board in both cases: "... the Board finds no necessity for a variance from the eastern property line as a result of the action of the County Council in the adoption of the comprehensive zoning map in 1976, as applicable in case No. 74-172-XA; and it is FURTHER ORDERED that the C.B. of A. will affirm the Order of the D.Z.C., dated July 10, 1978, in case No. 78-275-A, and hereby dismiss the petition for variance on the eastern property line."
Aug.	22	Order for Appeal filed in the C.C. by Stone for Millards (File #6075)
"	23	" " " " " " People's Counsel
"	24	" " " " " " J. Cook for Petitioner
Sept.	21	Record of proceedings filed in the Circuit Court
Jan.	11, 1980	Judge DeWaters Order: "This appeal also involves issues regarding the special exception and the variance granted on the west side of the property. In view of the court's ruling which requires a variance on the east side of the property the court will not deal with these issues in this appeal. The case is remanded to the County Board of Appeals of Baltimore County for a hearing to be conducted regarding a variance on the east side of the property."
Mar.	12	Hearing held before the Board (R.M.) - Case continued on 5/6

I HEREBY CERTIFY that on this 24 day of August, 1979, a copy of the foregoing Order for Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy mailed to James H. Cook, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204; Charles C. W. Atwater, Esquire, and Dwight C. Stone, Esquire, Mylander, Atwater & Stone, 1112 W. R. Grace Building, Baltimore, Maryland 21202.

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

1802.2C of said regulations, mandating a seventy-five foot setback for the building line in this case, which said section reads as follows:

"In a D.R. 16 zone, no building shall be constructed within 75 feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 and which is not within the same development tract. (Bill No. 100, 1970.)"

C. That the wording of said Section 1802.2C clearly mandates the conclusion that the Board's holding that a thirty foot setback is the appropriate distance in the instant case is erroneous.

WHEREFORE, your Petitioner respectfully prays that the Order of the County Board of Appeals of Baltimore County dated July 25, 1979, be reversed, and that the proceeding be remanded to the said County Board of Appeals with instructions to consider the petition herein under the provisions of said Section 1802.2C of the Baltimore County Zoning Regulations.

AND AS IN DUTY BOUND, etc.,

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 24 day of August, 1979, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy mailed to James H. Cook, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204; Charles C. W. Atwater, Esquire, and Dwight C. Stone, Esquire, Mylander, Atwater & Stone, 1112 W. R. Grace Building, Baltimore, Maryland 21202.

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

RE: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building, and
VARIANCE from Section 1802.28
(504-V.B.2) from Baltimore County
Zoning Regulations
N/S of Bellona Ave. 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner

Zoning File No. 74-172-XA

David Millard and Jane Millard
Protestants - Appellants

RE: PETITION FOR VARIANCE
from Section 307 of the Baltimore
County Regulations
N/S of Bellona Ave. 246' West
of Lutherville Road
8th District

R. Hugh Andrew
Petitioner - Appellant

Zoning File No. 78-275-A
Before the County Board of Appeals

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals for Baltimore County under date of July 25, 1979, in the above-entitled cases.

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County

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

certainly be allowed the 75 foot set-back mandated by the zoning law and the quiet enjoyment of their residential property.

4. The State Highway Administration and Department of Traffic Engineering made comments with regard to the traffic situation which would result if the Petitioners were allowed to proceed as they propose. Those comments were set forth in the opinion of the Deputy Zoning Commissioner of Baltimore County, James Dyer, dated March 4, 1974. Mr. Dyer's comments were to the effect that the subject petition "can be expected to add to the existing congestion at the intersection of Bellona Avenue and Charles Street". The added congestion is another reason why the Petitioner's proposed use of the property should be denied.

5. Various memoranda have been filed by the Protestants - Appellants setting forth additional different reasons why the Petitioner's proposed use of their property should be denied, and the facts set forth therein are incorporated herein by reference.

WHEREFORE the Appellants pray that the decision of the Board be reversed and that a variance be found to be required, but denied.

Dwight C. Stone
DWIGHT C. STONE

Charles C.W. Atwater
CHARLES C.W. ATWATER
MYLANDER, ATWATER & STONE
1112 W.R. Grace Building
Baltimore, Maryland 21202
712-6254
Attorneys for Millards

PETITION

Now comes the Appellant, David Millard and Jane Millard, by their attorneys, Dwight C. Stone and Charles C.W. Atwater and represent unto this Honorable Court:

1. That the Appellants were protestants before the Zoning Board of Appeals in this matter.

2. That the Appellants are parties aggrieved by the Decision of the Board.

3. That the Decision of the Board of Appeals was in error in that:

a. The Decision of the Board is arbitrary, capricious and unreasonable and is unsupported by substantial evidence.

b. The Decision of the Board is contrary to the substantial evidence in the case.

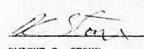
c. The Board found that no variance is required when the applicable law clearly states that such a variance would be required.

d. In the event that a variance would be required, the request for variance should be denied.

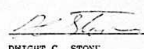
e. That the rezoning of the subject property and the adjacent property to DR-16 which is required for the grant of the permit was illegal, invalid and unconstitutional and amounted to a taking of property without due process of law.

f. There already exists a relatively new building on the property in question which is proposed to be demolished and replaced with a building of such size it would require two variances from the bulk regulations simply for the convenience of its owner so that he can make better financial use of his property. The Millards, on the other hand, are zoned DR 3.5 and should

I HEREBY CERTIFY that on this _____ day of August, 1979 a copy of the foregoing Notice of Appeal and Petition was mailed to James H. Cook, Esquire at 409 Washington Avenue, Towson, 21204; David D. Downes, Esquire at 212 Washington Avenue, Towson, 21204; John A. Pryor, Esquire at 1227 Walters Avenue, Towson, 21204; and John N. Hessian, III, Esquire at 102 West Pennsylvania Avenue, Towson, 21204.


Dwight C. Stone

I HEREBY CERTIFY that on this 22 day of August, 1979 prior to the filing of the foregoing Notice of Appeal and Petition, we have served two copies of same on the County Board of Appeals, Room 219 Court House, Towson, Maryland 21204.


Dwight C. Stone

-3-

BALTIMORE COUNTY BOARD OF APPEALS

Re: PETITION FOR SPECIAL EXCEPTION
for Office and Office Building
and VARIANCE from Section 1802.2B
(504-C.D.2) of the Baltimore
County Zoning Regulations
N/S of Bellona Avenue 246.53 Feet
West of Lutherville Road
8th District

R. Hugh Andrew, Petitioner
File No: 74-172-XA *am. 78-275(A)*
David Millard and Jane Millard, Protestants-Appellants

MEMORANDUM ON BEHALF OF
DAVID MILLARD AND JANE MILLARD, PROTESTANTS

The granting of Petitioner's Request for Variance would be in direct contravention of a mandatory provision of the Baltimore County Zoning Regulations, specifically Zoning Regulation 1802.2C which provides that in a D.R. zone "no building shall be constructed" within seventy-five (75) feet of land which is in any zone classified as D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, D.R. 10.5 and which is not within the same development tract. (emphasis added.)

The Petitioners indicate that they would need a Variance from Section 307 of the Zoning Regulations so as to permit a 60 foot side yard setback instead of the required 75 yard setback along the easterly boundary line of the property in question. It must be pointed out initially that the request is that for a variance as opposed to an exception. The distinction is that an exception, within the meaning of the zoning ordinance, is a dispensation permissible where the Board of Zoning Appeals or other administrative body finds existing those facts specified in the ordinance as sufficient to warrant a deviation from the general rule. Marino vs. City of Baltimore, 1958, 137 A2d 198, 215 Md 206.

the regulations in each district must be uniform for each class or kind of building throughout this district, did not contemplate a change in the division lines between the districts except by the legislative body of the municipality, which was given the power to cure whatever proved to be unjust or unwise by a corrective change or modification in division lines affecting such a major property right as the use and enjoyment of the land.

It may be noted that in a number of the cases cited in this memorandum, there has been little distinction made by the courts in the terms "special exception" and "variance" even though such a distinction has always been recognized. The reason for not making this distinction by the courts in some cases has been explained in the case of Marino vs. The City of Baltimore, supra. That case involved an appeal from the Order of the Baltimore City Court affirming the action of the Board of Municipal and Zoning Appeals denying a permit to construct a one-story store building and adjacent parking area on an unimproved lot of land on the north side of Belvedere Avenue near its intersection with York Road. The property was situated in a residential use district and had been so classified at the time that the Marinos purchased the property. There was conflicting testimony before the Board as to whether the property was suitable for residential use; that to use it for that purpose would have been wasteful, imprudent, economically unsound and impossible to finance; and that the property was best suited for commercial use. There was also conflicting testimony as to the value of the property when used for residential as opposed to commercial use. The Court said at p. 216 "ordinarily, there is a marked distinction in the law of zoning between a variance and exception but there is none in Baltimore City, since an exception apparently overlaps a variance inasmuch as both may be granted where there are 'practical difficulties or unnecessary hardships'". This is the reason why many

-5-

Montgomery County vs. Merlands Club, Inc., 1953, 96 A2d 261, 202 Md 279. A variance, on the other hand, is authorized under the terms of a zoning ordinance where literal enforcement of its terms would result in unnecessary hardship. Montgomery County vs. Merlands, supra.

The criterion for determining unnecessary hardship as a ground for granting a zoning variance is whether the applicable zoning restriction, when applied to the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of property ownership. The plight of the owner of real property seeking a variance from the requirements of its zoning ordinance must be due to unique circumstances and not to general conditions in the neighborhood. Mere financial hardship is not sufficient and the fact that an exception or a variance will make realty more profitable is not sufficient ground to justify the exception or variance. Marino vs. City of Baltimore, supra.

The case of Heach vs. Mayor and City Council of Baltimore, 190 Md 478, dealt with an application for a special exception to permit the building of a garage in a rear yard of an apartment house in a residential district. The building in the rear of which the garage was proposed already had three garages for automobiles in it, and the fourth garage was proposed to allow tenants additional parking. The court said, on p. 483, "The Board of Zoning Appeals in considering an application for an exception to the general rule should carefully analyze the evidence before it to determine if the need for the exception is of such urgency that injustice will result if the exception rule is not applied. If, by applying the general rule, a reasonable use of land results, the exception to the rule should not apply. The need to justify an exception must be real and substantial. If an exception to the general rule is permitted for reasons that are

-2-

cases which arise in Baltimore City, such as this one, discuss exceptions and variances without differentiation. Further, on p. 216, the Court continued "As a general rule, exceptions are granted sparingly and under exceptional circumstances. To do otherwise would decimate zonal restrictions and eventually destroy all zoning regulations and thus detrimentally affect the marketability of property within zoned areas. On the other hand, the existence of an unnecessary hardship usually justifies the granting of an exception. The criterion for determining unnecessary hardship is whether the applicable zoning restrictions, when applied to the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership. (emphasis added) The Court applied the following tests as to whether the applicants for the variance had met their burden of proof. The Court said, at p. 218 "It was incumbent upon the Marinos to have shown (i) that if they complied with the ordinance they would not be able to secure a reasonable return from, or make any reasonable use of their property, (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district, and (iii) that the hardship was not the result of the applicant's own actions." The Court continued, "Here financial hardship or an opportunity to get an increased return from the property is not sufficient reason for granting an exception", citing Easter vs. Mayor and City Council of Baltimore, 195 Md 395. The Court had said that it was obvious that if unnecessary hardship referred to only economic disadvantage, an exception might always have to be granted as a matter of course.

The Court affirmed the denial of the application for the variance then requested.

not urgent and substantial but for mere convenience in any provision of the ordinance for an exception might cease to be such and in practice become the rule. A broad interpretation of an exception could lead to an unequal administration of the ordinance and result in discrimination. For these reasons the provision of the ordinance for an exception to the general rule should be strictly construed. The court in Heach denied the application for a special exception.

In the case at bar, there already exists a relatively new building on the property in question which is proposed to be demolished and replaced with a building of such size it would require two variances from the bulk regulations, simply for the convenience of its owner so that he can make better financial use of his property. The Millard's on the other hand, are zoned D.R. 3.5 and should certainly be allowed the 75 foot setback mandated by the Zoning Law and the quiet enjoyment of their residential property.

The case of Gleason vs. Keswick Improvement Association, 197 Md 46 involved an application for a special exception to permit the building of a store upon residentially zoned property. The paragraph of the ordinance allowing the special exception was as follows: "Within one hundred feet of a boundary line between two districts, any use permitted in that one of such districts which has the lower classification provided such one hundred foot measurement not extend across the street". The Court said, at p. 50 "It may be noted that a special exception will never be granted to gratify a convenience, and not only must the necessity be urgent but the facts in a given case must be so extraordinary as to persuade us to withdraw the case from application of the accepted rule. We have also held that paragraph 12 of the ordinance (that which permitted the exception [ed.]) is to be strictly construed. The burden of proof is upon the applicant and it must

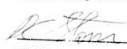
-3-

The extent of the over-reaching by the applicant in this case is shown when we consider the size of the building which would be permitted under the planning concepts embodied in the zoning ordinance. The set back requirement on the west would be 30 feet. The set back requirement on the east would be 75 feet. This would permit a building 51 feet wide. If both variances are granted, the building will be increased by 44 feet for a total width of 95 feet. This is an increase of approximately 87% of the permitted size of the building. This results in the loss of the open space intended to be provided by the set back requirements of the zoning ordinance.

CONCLUSION

The law and the facts both indicate that the application for variance on the part of the Petitioners should be denied.

Respectfully submitted:


Dwight C. Stone


Charles C.W. Atwater

-7-

be shown that the hardship affects particular premises and is not common to other property in the neighborhood; the fact that variance would make property more profitable is not a sufficient ground to justify a granting of variance (citations omitted)".

The Court further in the Gleason case, at p. 50, quoting from Rathkopf, on Law of Zoning and Planning, p. 262, said: "Where a person purchases property with the intention to apply to the Board of Appeals for a variance from the restrictions imposed by the ordinance, he cannot contend that such restrictions caused him such particular hardship that entitles him to special privileges which he seeks". (emphasis added) The Court concluded that from the facts disclosed in the case, the appellants bought the property with the view of changing its classifications as to permit them to erect a store on the lot. The court rejected the Petitioner's claim that in view of the property surrounding the lot, it was not fit for residential purposes and it would be a hardship upon them not to grant them an exception to the general rule.

The Court quoted at length from the case of Sugar vs. North Baltimore M.E. Church, 164 Md 487. That case involved an application to extend the divisional line between two use districts. It was held that the change in location of the divisional line could only be made by an ordinance. At p. 706, the Court in Sugar said the possession of a power to ignore the boundary line between use districts in individual cases and within an interior bounding belt of 100 feet, to grant a use there generally prohibited, would enable the Board, by repetition to reform the entire boundary line and enlarge the prescribed uses in the area of the belt at the request and for the separate benefit of individuals. Such a result is not consonant with the theory of the legislation and clearly the statute which declared that while the regulations for the several districts might differ from one another

-4-

-6-

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S of Bellona Ave., 246' W of
Lutherville Rd., 8th District : OF BALTIMORE COUNTY
R. HUGH ANDREW, Petitioner : Case No. 78-275-A

ORDER TO ENTER APPEARANCE

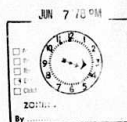
M. Commissioner:

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 listing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2168

I HEREBY CERTIFY that on this 7th day of June, 1978, a copy of the foregoing Order was mailed to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner.



ORIGINAL RECEIVED FOR FILING

DATE *July 12, 1978*
BY *John P. Hession III*

RE: PETITION FOR VARIANCE : BEFORE THE
N/S of Bellona Ave., 246' W of Lutherville Road - 8th : DEPUTY ZONING
Election District : COMMISSIONER
R. Hugh Andrew - Petitioner :
NO. 78-275-A (Item No. 151) : OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Variance to permit a side yard setback of 60 feet in lieu of the required 75 feet, along the east boundary line of the subject property. The Petitioner proposes to construct an office building on this site.

Particular attention is called to the Zoning Plans Advisory Committee comments, wherein the Chairman states his opinion that the requested Variance is required only "when constructing apartment buildings and does not apply to the proposed office buildings" and, further, that the Petition was accepted only at the request of counsel for the Petitioner.

In the judgment of the Deputy Zoning Commissioner, Section 1802.2C of the Baltimore County Zoning Regulations is well-defined and unequivocal, and, therefore, the proposed Variance is not required. Since the sole issue before the Deputy Zoning Commissioner, in the instant case, is the matter of the Variance, objections to the construction of the building, per se, by nearby residents and their counsel, must be considered moot.

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the prerequisites of Section 307 of the Baltimore County Zoning Regulations have not been met and the Variance should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 10th day of June, 1978, that the aforementioned Variance be and the same is hereby DENIED.

Edith T. Eisenhart
Deputy Zoning Commissioner of
Baltimore County

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 7, 1982

James H. Cook, Esquire
210 Allegheny Avenue
Towson, Md. 21204

Re: Case No. 78-275-A
R. Hugh Andrew

Dear Mr. Cook:

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

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: J. Patrick Gill, Esquire
Mr. and Mrs. David R. Millard
Mrs. Mary Ginn
John W. Hession, III, Esquire
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Garber
Mr. J. G. Howell

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

LAW OFFICES
COOKE, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P. O. BOX 1507
TOWSON, MARYLAND 21204

December 6, 1982

Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: R. Hugh Andrew
Case No. 78-275-A

Gentlemen:

Please dismiss the appeal taken in the above case.

Very truly yours,

James H. Cook

JHC/jm

494-3180

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

January 21, 1980

NOTICE OF ASSIGNMENT

(REMAND HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 78-275-A

R. HUGH ANDREW

Re: Variance from Sec. 307 to permit 60' side yard setback instead of required 75'

N/S of Bellona Ave., 246' W of Lutherville Road

8th District

Remand Hearing-Judge Edward DeWaters, Jr. remanded this case to County Board of Appeals on 1/11/80.

WEDNESDAY, MARCH 12, 1980, at 9 a.m.

ASSIGNED FOR:

cc: James H. Cook, Esq.

Delight G. Stone, Esq. OUT

Mr. and Mrs. David R. Millard

John W. Hession, III, Esq.

J. E. Dyer

William Hammond

Mrs. Carol Beresh

Mrs. Mary Ginn

MR. RALPH WELCH

Attorney for Petitioner

" " Protestor

Protestors

People's Counsel

Zoning Office

" "

June Holmen, Secy.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 12, 1980

NOTICE OF ASSIGNMENT
CONTINUED HEARING ON REMAND

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 78-275-A

R. HUGH ANDREW

for variance from Section 307 to permit 60' side yard setback instead of required 75' along the easterly boundary line of the subject property

N/S of Bellona Ave., 246' W. of Lutherville Road

8th District
1/11/80 - Remanded by Judge DeWaters

ASSIGNED FOR:

UESDAY, MAY 6, 1980 at 9 a.m.

cc: James H. Cook, Esquire
Mr. and Mrs. David R. Millard
Mr. Ralph Welch, President
Lutherville Community Assn.
Mrs. Mary Ginn
John W. Hession, III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. Howell

Counsel for Petitioner
Protestors
Requested Notification
People's Counsel
People's Counsel

Edith T. Eisenhart, Adm. Secretary

Frederick J. Hession, President

David B. Miller, Vice President

THE CHESAPEAKE OIL COMPANY, Inc.

Phone: CENTER 3-3100

2113 W. LAFAYETTE AVE.
BALTIMORE, MD. 21217

Walter A. Rutter Jr.
Chairman, County Board of Appeals
Rm 219 Court House
Towson, Maryland 21204
Dear Mr. Rutter,

Please be advised we will appear as Protestors on
March 12, 1980, regarding zoning file # 74-172-XA and
zoning file # 78-275-A, file # 6515

Very Truly Yours
Mr. & Mrs. David R. Millard
1316 Bellona Ave
Lutherville, Maryland 21078

RECEIVED
BALTIMORE COUNTY
MAR 15 2 34 PM '80
COUNTY BOARD OF APPEALS

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P. O. BOX 1857
TOWSON, MARYLAND 21204
843-1111
AREA CODE 301

September 5, 1979

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

Re: Case No. 74-172-XA and
Case No. 78-275-A, R. Hugh Andrew

Gentlemen:
Enclosed is this firm's check in the amount of \$23.00 in payment of certified copies of documents in the above-entitled matter.

I would also like to order a transcript of the hearing in Case No. 78-275-A.

Thank you for your assistance in this matter.

Very truly yours,

James H. Cook

James H. Cook

TH
Enc.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

James H. Cook, Esq., and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

RE: CASE NO. 74-172-XA
CASE NO. 78-275-A

Gentlemen:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

BILLED TO: James H. Cook, Esq., and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Cost of certified copies of documents
filed in Case No. 74-172-XA and
Case No. 78-275-A, R. Hugh Andrew \$23.00

N/S Bellona Avenue 246.53' W. of
Lutherville Road
8th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
SEP 10 1 55 PM '79
CLERK OF DISTRICT
8th DISTRICT

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

John W. Houston, III, Esq.
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

RE: CASE NO. 74-172-XA
CASE NO. 78-275-A,
R. Hugh Andrew

Dear Mr. Houston:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

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Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

Dwight C. Stone, Esq., and
Charles C. W. Alwater, Esq.
Suite 1211, Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202

RE: CASE NO. 74-172-XA
CASE NO. 78-275-A

Gentlemen:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

cc: James H. Cook, Esq.,
David D. Downes, Esq.,
Mr. & Mrs. David R. Millard
Mr. Ralph Walsh
John W. Houston, III, Esq.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

Dwight C. Stone, Esq., and
Charles C. W. Alwater, Esq.
Suite 1211, Grace Building
Charles and Baltimore Streets
Baltimore, Maryland 21202

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A, R. Hugh Andrew

Gentlemen:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

cc: Mr. & Mrs. David R. Millard

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 27, 1979

James H. Cook, Esq., and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A, R. Hugh Andrew

Gentlemen:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

cc: Mr. John W. Houston, III, Esq., People's Counsel
Mr. Ralph Walsh

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

August 27, 1979

James H. Cook, Esq. and
David D. Downes, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

RE: CASE NO. 74-172-XA and
CASE NO. 78-275-A,
R. Hugh Andrew

Gentlemen:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

James H. Cook
James H. Cook
County Board of Appeals

Encl.

cc: Charles C. W. Atwater, Esq.
Dwight C. Stone, Esq.
Mr. & Mrs. David R. Millard
Mr. Ralph Walsh

LAW OFFICES
MYLANDER, ATWATER & STONE
SUITE 102 GRACE BUILDING
CHARLES AND BALTIMORE STREETS
BALTIMORE, MARYLAND 21202

September 20, 1978

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 Court House
Towson, Maryland 21204

Re: Petition for Special Exception
for Office and Office Building
and Variance from Section 1802.2B
of Baltimore County Zoning Regulations.
N/S of Bellona Avenue
246.53 feet West of Lutherville
Road 8th District
No: 74-172-XA and 78-275-A

Dear Sir:

We have previously filed several memoranda in this matter. One memorandum addressed the fact that the comprehensive manual development policy could not change the zoning regulations as set forth in Section 1802.2C.

The apparent basis for the confusion as to whether or not a variance is required is the position taken that Section V.B.2 of the comprehensive manual development policy establishes certain building set-back standards for buildings which are not used for residential purposes. However, we wish to call the Board's attention to Section 1802.2B which reads as follows:

"B. Other Principal Uses. Density, bulk, open space, and parking regulations, standards, or controls for principal uses other than dwellings within zones of different classification shall be governed by provisions adopted pursuant to the authority of Section 504. [Bill No. 100, 1970]" (emphasis supplied)

This clearly states that the manual development policies established pursuant to Section 504 apply to zones of different classifications. By the very language of this section, such regulations issued under 504 could not apply to any of the D.R. zones.

*Rec'd 9-22-78
7:30 AM*

*Asst B.G. to
link the two
10/1/78*

TELEPHONE
701-4111
FAX COPY 30

MR. Walter A. Reiter, Jr.
Chairman, Board of Appeals

-2-

We therefore believe that a variance would be required to permit a side yard set-back adjacent to a D.R. 3.5 zone and we have submitted a memorandum as to why this variance should not be granted.

We further call the Board's attention to the very real question of whether any authority is given to the zoning commissioner to grant a variance of the open space regulations established under 1802.2. Section 307 authorizing the zoning commissioner to grant variances gives this authority only with reference to "variances from height and area regulations, off-street parking regulations, and from sign regulations..." This does not apply to open space regulations under Section 1802.2.

We were not sure at the time of the hearing before the Board that these issues had been concisely presented to the Board, and we thought this letter would be appropriate.

Respectfully submitted:

Charles C.W. Atwater
Charles C.W. Atwater

Dwight C. Stone
Dwight C. Stone

Attorneys for Millard

CCA:gd

cc: James Cook, Esquire
John W. Hession, III
David Millard

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
408 WASHINGTON AVENUE
P. O. BOX 8877
TOWSON, MARYLAND 21204

July 13, 1978

Mr. George J. Martinek
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Case 78-275-A (Item No. 151)
R. Hugh Andrew, Petitioner

Dear Mr. Martinek:

Would you kindly enter an appeal on behalf of R. Hugh Andrew, Petitioner, to the County Board of Appeals of Baltimore County from your decision in the above entitled case dated July 10, 1978.

Very truly yours,

James H. Cook
James H. Cook

JHC:rm

c.c.: Dwight C. Stone, Esq.
John W. Hession, III, Esq.



PLEASE NOTE

We are planning to move our office on or about July 27, 1978 to 210 ALLEGHENY AVENUE located at the corner of Allegheny and Poole Avenues in Towson.

Our phone number will remain the same (301) 823-4111.

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

August 25, 1978

Dwight C. Stone, Esq.
1112 W. R. Grace Building
Baltimore, Md. 21202

Re: File No. 78-275-A
R. Hugh Andrew

Dear Mr. Stone:

- Number of witnesses you anticipate calling *Two*
- How many of these witnesses will be "expert witnesses"? *None*
- Fields to be covered by experts you intend to call - please check:

Land Planner _____
Real Estate _____
Engineer _____
Traffic _____
Other _____

- Total time required (in hours) for presentation of your side of the case

one hour

Dwight C. Stone
Dwight C. Stone
Attorney for Petitioner (X)
Attorney for Petitioner ()

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

September 7, 1978

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c). COUNTY COUNCIL BILL #106

CASE NO. 78-275-A

R. HUGH ANDREW

for variance from Section 307
(side yard setback)

N/S Bellona Avenue, 246' W. Lutherville Rd.

8th District

7/10/78 - D.Z.C. DENIED PETITION

THURSDAY, SEPTEMBER 14, 1978 at 10 am

ASSIGNED FOR:

cc: James H. Cook, Esq. Counsel for Petitioner
Mr. Hugh Andrew Petitioner
Dwight C. Stone, Esq. Counsel for Protestants
Mr. and Mrs. David R. Millard Protestants
John W. Hession, III, Esquire People's Counsel
Mr. J. E. Dyer
Mr. S. E. DiNanna
Mr. G. J. Martinek
Mr. L. H. Grief
Mr. G. Burl
Board of Education
Mr. C. L. Perkins

Edith T. Elenhart, Adm. Secretary



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 424-3323

S. ERIC DINENNA
ZONING COMMISSIONER

July 10, 1978

Herbert R. O'Connor, III, Esquire
Room 508, Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S of Bellona Avenue, 246'
W of Lutherville Road - 8th
Election District
R. Hugh Andrew - Petitioner
NO. 78-275-A (Item No. 151)

Dear Mr. O'Connor:

I have this date passed my O.D.R. in the above referenced matter, in accordance with the attached.

Very truly yours,

George J. Martinek
George J. Martinek
Deputy Zoning Commissioner

GJM/jhm

Attachments

cc: Dwight C. Stone, Esquire
1112 W. R. Grace Building
Baltimore, Maryland 21202

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

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
408 WASHINGTON AVENUE
P. O. BOX 8877
TOWSON, MARYLAND 21204

January 6, 1978

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

Re: Our File 4950
Petition for Sideyard Variance -
R. Hugh Andrew

Dear Mr. DiNenna:

This office has a petition for special exception and side yard variance filed on behalf of Mr. Andrew on his property on the north side of Bellona Avenue west of Lutherville Road in the Eighth District, under Case No. 74-172-XA, which case has been remanded to your office for referral to the Baltimore County Planning Board in accordance with Section 22-15.1 (f). The aforementioned petition was for a sideyard variance along the western boundary of his property.

Since the adoption of the Land Use Maps in October of 1976, I have heretofore attempted to file another petition for a sideyard variance on the easterly boundary of said property, so as to avoid any controversy as to the right of Mr. Andrew to construct on his property the proposed office building for which the original special exception was filed; however, some members of the Staff have refused to accept this petition.

I am tendering this petition to you herewith, with a check for the filing, and would appreciate a formal acceptance or rejection of this petition by you, in writing, so that appropriate steps may thereafter be taken by this office.

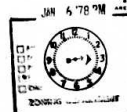
With kind regards,

Very truly yours,

James H. Cook
James H. Cook

JHC:rm

Enc.



*Rec'd 9-5-78
3 PM*

PETITION FOR VARIANCE
8th District

ZONING: Petition for Variance for side yard setback

LOCATION: North side of Bellona Avenue, 246 feet West of Lutherville Road

DATE & TIME: Wednesday, June 21, 1978 at 11:00 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:

Petition for Variance to permit a 60 foot side yard setback instead of the required 75 feet along the easterly boundary line of the property

The Zoning Regulation to be excepted as follows:
Section 1302.2C - Side yard setback.

All that parcel of land in the Eighth District of Baltimore County

Being the property of R. Hugh Andrew, as shown on plat plan filed with the Zoning Department

Hearing Dates: Wednesday, June 21, 1978 at 11:00 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

DWIGHT C. BOWE
ATTORNEY AT LAW

MILNER, ATWATER,
CAREY & BROWN
PLAID 2-2884

ROUTE 1001 W. B. BRUCE BLVD.
BALTIMORE 21204
BALTIMORE, MD. 21204

James H. Cook, Esquire
109 Washington Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Variance, 2/6 of Bellona Avenue, 246' W of Lutherville, R. Hugh Andrew, Case No. 78-275-A

TIME: 11:00 A.M.

DATE: Wednesday, June 21, 1978

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

TOWSON, MARYLAND

S. ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

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

No. 73392

DATE: July 14, 1978 ACCOUNT: 01-662

AMOUNT: \$67.15

RECEIVED FROM: James H. Cook, Esquire, 109 Washington Ave., Towson, Md. 21204, Cash of Advertising and Posting Fee for Case No. 78-275-A

250 92 JUL 17 37.15 PM

JAMES H. COOK & ASSOCIATES
PERSONAL CHARTERS & LAND DEVELOPMENT
8017 YORK ROAD - TOWSON, MD. 21204

cc 14-0-1-1
cc 11-2-1-3

Sending Description to 1314 Bellona Avenue
DIRECT: 3 - 01-3
FILE: 3 - 01-3

Beginning for the same at a point on the northernmost side of an eighteen foot high of the district, 246.53 feet westerly from the corner formed by the intersection of said northernmost side of Bellona Avenue with the westernmost side of Lutherville Road as shown on the plat of "Bellona Court" and recorded among the Land Records of Baltimore County in 1968 Book G.W.D. No. 87, folio 11 and reading thence with the corners herein referred to the northernmost side of Bellona Avenue, thence (1) bearing S 134° 33' East 139.97 feet, (2) bearing S 134° 33' East 139.97 feet to the eastern side of said Allegheny Road North of New Avenue, thence (3) South 72° 14' East 139.97 feet to the eastern side of said Allegheny Road North of New Avenue, thence (4) South 72° 14' East 139.97 feet to the eastern side of said Allegheny Road North of New Avenue, thence (5) South 72° 14' East 139.97 feet to the place of beginning.

Containing 0.268 acres of land more or less.

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

No. 85630

DATE: May 24, 1978 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: James H. Cook, Esquire, 109 Washington Ave., Towson, Md. 21204, Cash of Filing Fee for R. Hugh Andrew, Case No. 78-275-A

250 24 MAY 24 25.00 PM

James H. Cook, Esquire
409 Washington 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 19th day of May 1978

S. ERIC DINENNA
Zoning Commissioner

Petitioner: R. Hugh Andrew
Petitioner's Attorney: J. H. COOK

Reviewed by: Nicholas B. Commeyari
Chairman, Zoning Plans Advisory Committee

cc: Mr. James S. Spomer & Associates
Engineers & Surveyors
8017 York Road
Towson, Maryland 21204

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: AUGUST 23, 1978

Posted for: APPEAL

Petitioner: R. HUGH ANDREW

Location of property: N/S of BELLONA AVE. 246' W. OF LUTHERVILLE RD.

Location of Sign: FRONT 1314 BELLONA AVE.

Remarks: Thomas R. Boland

Posted by: Thomas R. Boland Date of return: AUGUST 31, 1978

1-SIGN

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 434-3551

S. ERIC DINENNA
ZONING COMMISSIONER

June 16, 1978

James H. Cook, Esquire
109 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
2/6 of Bellona Ave. 246' W of Lutherville Rd. - 8th District
R. Hugh Andrew - Petitioner
No. 78-275-A (Case No. 8-1)

Dear Sir:

This is to advise you that \$67.15 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
S. ERIC DINENNA
Zoning Commissioner

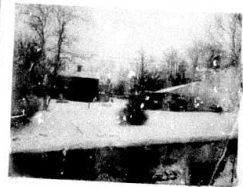
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15442

DATE: Sept. 11, 1977 ACCOUNT: 01-712

AMOUNT: \$23.00

RECEIVED FROM: James H. Cook, Esq. & David D. Downer, Esq. for Case No. 74-172-XA and Case No. 78-275-A, R. Hugh Andrew, Towson, Md. 21204



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: JUNE 3, 1978

Posted for: PETITION FOR VARIANCE

Petitioner: R. HUGH ANDREW

Location of property: N/S of BELLONA AVE. 246' W. OF LUTHERVILLE RD.

Location of Sign: FRONT 1314 BELLONA AVE.

Remarks: Thomas R. Boland

Posted by: Thomas R. Boland Date of return: JUNE 9, 1978

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map					1-20	10/1			
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: [initials]	Revised Plans: Change in outline or description				Yes No				
Previous case: 74-172-VF	Map # 200/1-17								

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric Dinenna
Zoning Commissioner

TO: Lethia H. Groat
Director of Planning

FROM: Lethia H. Groat
Director of Planning

ITEM No. 151

SUBJECT: Petition 78-275-A. Petition for Variance for side yard setback North side of Bellona Avenue, 246 feet West of Lutherville Road Petitioner - R. Hugh Andrew

8th District

HEARING: Wednesday, June 21, 1978 (11:00 A.M.)

In view of the comments of the Chairman of the Zoning Advisory Committee re the Zoning Commissioner's interpretation of the required setback in this instance, no comment will be offered by this office.

Lethia H. Groat
Director of Planning

LHG:JGH

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

No. 73471

DATE: August 21, 1978 ACCOUNT: 01-662

AMOUNT: \$40.00

RECEIVED FROM: R. Hugh Andrew, Towson & Son
Cash of Annual Fee Case No. 78-275-A, R. Hugh Andrew

40.00 PM

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 24 day of June 1978. Filing Fee \$ 25. Received ☒ Check ☐ Cash ☐ Other

S. ERIC DINENNA
Zoning Commissioner

Petitioner: R. Hugh Andrew Submitted by: [initials]

Petitioner's Attorney: James H. Cook Reviewed by: [initials]

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

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 1, 1978

IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. commencing on one time before the 21st day of June 1978, the 19th day of June 1978, the 19th day of June 1978.

THE JEFFERSONIAN
S. Leach, Publisher
Manager

Cost of Advertisement, \$

