

#### INTER-OFFICE CORRESPONDENCE

Mrs. Edith T. Eisenhart, Adm. Secretary
TO County Board of Appeals Date Date June 10, 1982 Mr. Jares E. Dyer

SUBJECT. Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert Case No. R-79-10 (R-79-199) - James G. Stratakis, et al

As requested in your inter-office correspondence of May 26, 1982, I am enclosing herewith Xerox copics of the Board's Orders from the referenced files which have been returned by the F.B.I.

JED:nr

Enclosures

cc: Mr. William E. Hammond, Zoning Commissioner Mrs. Jean M. H. Jung, Deputy Zoning Commissioner Case Files

MICROFILMED

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Janies E. Dyer

BICHOFILMED

Date May 26, 1982 TO ..... Office of Planning and Zoning ....

FROM County Board of Appeals

SUBJECT Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh
Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert
Case No. R-79-10 (R-79-199) - James G. Stratakis, et al

In reply to our letter of March 12, 1982, you were kind enough to send us microfilmed copies of the above files for our records. However, inasmuch as these files have now been returned by the F.B.i., we would appreciate it very much if you could send us a Xerox copy of the Board's Order only from each file. Thank you.

Edith T. Eisenhart, Adm. Secretary

MAY 27 '82 AM \_

BALTIMORE COUNTY, MARYLAND March 12, 1982, along with the temporary files, above captioned. enclosed herewith for your records.

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Mrs. Edith T. Eisenhart, Adm. Secretary
TO County Board of Appeals

Mr. James E. Dyer
FROM Zoning Supervisor

PROM Zoning Supervisor

SUBJECT Case No. R-79-10 (R-79-199) - James G. Stratakis, et al Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh

I am in receipt of your inter-office correspondence of March 12, 1982, along with the temporary files, above-captioned.

As requested, a copy of the Board's Order in each case is enclosed herewith for your records.

JED:nr
Enclosures
cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner
Temporary Case Files

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## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond, Zoning Commissioner

TO Office of Planning and Zoning

Date March 12, 1982

PROM County Esard of Appeals

SUBJECT Case No. R-79-10 (R-79-199) - James G. Stratakis, et al Case No. R-79-9-X (R-79-198-X - C. Gordon Gilbert Case No. R-79-8-XA (R-79-197-XA - Wilton A. DeBaugh

The Board's files on the above entitled cases were released to Mr. Dyer on February 14, 1980, and subsequently subpost and by the F.B.I. However, prior to release by your office these files were micrafilmed and, in the meantime, we also set up "temporary files" to receive the additional papers as the cases progressed.

Inasmuch as these cases have been completed, but the ariginal files are still in the custody of the Justice Department, we are closing these temporary files and sending same to you herewith, including the microfilms. However, we would appreciate it if you would send us a copy of the Board's Order in each case for our records. Thank you.

Edith T. Eisenhart, Adm. Secretary

cc: Mr. J. E. Dyer

RE: PETITION FOR RECLASSIFICATION : from D.R. 15 and D.R. 2 to B.L. and D.R. 16, and SPECIAL EXCEPTION for an Office Building N/S of Greenmeadow Road 161.34' E. of York Road, and SE corner of : York and Roundridge Roads, 8th District C. Gordon Gilbert, et ux, Petitioners

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Miscellaneous Docket 12

Folio No. 19 File No. 6969

NOTICE OF DISMISSAL

:::::::

MR. CLFRK:

Please dismiss the appeal of the People's Counsel for Baltimore County in the above-entitled case.

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

Tot Linemener-Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court Liouse Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 27th day of March, 1981, a copy of the above Notice of Dismissal was mailed to John B. Howard, Esquire, and Herbert R. O'Conor, III, Cook, Howard, Downes & Tracy, 210 Allegheny Avenue, Towson, Maryland 21204.

RE: PETITION FOR RECLASSIFICATION \*
from D.R. 16 and D.R. 2 to
B.L. and D.R. 16, and \*
SPECIAL EXCEPTION for an
Office Building
N/S Greenmeadow Road 161.34'
E. of York Road, and SE corner \*
of York and Roundridge Roads
8th District
C. Gordon Gilbert, et ux.

CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 12 Folic No. 19 Case No. 6969

IN THE

Petitioners

NOTICE OF DISMISSAL

MR. CLERK:

Please dismiss the Cross-Appeal noted on behalf of C. Gordon Gilbert and Cordelia P. Gilbert.



HERBERT R. O'CONOR, III Cook, Howard, Downes & Tracy 210 Allegheny Avenue Toureon, Maryland 21204 301-823-4111

I HEREBY CERTIFY that on this /3 day of March, 1981, a copy of the foregoing Notice of Dismissal was mailed to John W. Hessian, III, Fsquire, People's Counsel for Baltimore County, Councy Office Building, Towson, Maryland 21204.

C. GORDON GILBERT N/S Greenmeadow Rd. E. of York Rd. & SW cor. York and Roundridge Roads DR 2 to DR 16 SE - Offices DR 16 to BL Oct. 31, 1979 Board GRANTED BL on Parcel #2
"DENIED DR 16 on Parcel #1 SE - Moot Appealed to C.C. by People's Coursel Hearing set for 3-10-81 ZONED BL & ROOM MED MAP ,Mar. 13, 1981 Notice of Dismissal of Cross-Appeal filed by John B. Howard and Herbert R. O'Conor, III, Attys. for Gilberts Notice of Dismissal filed by Hessian

Dismissed (from Court docket)

#R-79-9-X

8th District

1-148 "

1.489 acres

(#R-79-198 -X)

ORIGINAL FILE RELEASED TO J. DYER 2-14-80

Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) N/S Greenmeadow Rd. 161.34' E York Rd. 2) SW/C York Rd. & Roundridge Rd. Existing Zoning: 1) D.R. 2 2) D.R. 16 Proposed Zoning: 1)D.R. 16 with Special Exception for offices Acres: 1) 1.489 2) 1.148 Pistrict: 8th

#### C. Gordon Gilbert - R-79-9-X

Likewise, in 1976, the topography of the subject York Road from the subject property. property was, or should have been, specifically known to the Council. The Board sens this as significant because the particular topography allows the subject to sit much lowe. than the developed stable residential neighborhood which lies east of the York Road and east of the subject parcel. Considering these elements and the fact that the depth of the subject property at its northern frontage on Roundridge Road is only about 136 feet, and at its southern boundary toward Greenmeadow Drive only approximately 158 feet, D.R. 16 development of this parcel would be extremely difficult if not impossible. In the judgment of this Board, the impact of the Timonium fairgrounds and race track in such very close proximity to the subject property mitigates against the stated policy of the County to stop the further expansion of strip zoning along its arterial highways. The Board could not agree wore with this stated policy of the Planning staff, Planning Board and County Council, however, each and every instance must stand and fall on its own merits and the Board, after personally inspecting the subject property and its environs, finds the application of this good planning policy particularly difficult to impose in the subject instance. One but need to spend a very few minutes in this specific location to find it difficult to conceive of a residential development of any nature on this particular parcel.

Without furtner detailing the testimony and evidence presented to the Board, suffice it to say that this Board is satisfied that the Petitioner has evidence error in this instance and will grant the Petitioner's request to reclassify the 1.148 acres at the southeast corner of Roundridge Road and York Road from the existing D.R. classification to the B.L. classification. An Order in conformity with the above opinion follows hereafter.

### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 31st day of October, 1979, by the County Board of Appeals, ORDERED that the reclassification from D.R. 2 to D.R. 16 petitioned for on the 1.489 acre parcel fronting on Greenmeadow Drive, be and the same is hereby DENIED, and

BEFORE RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to COUNTY BOARD OF APPEALS B.L. and D.R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.34' BALTIMORE COUNTY E. o York Road, and SE corne: of York and Roundridge Roads No. R-79-9-X 8n District C. Gordon Gilbert, et ux (R-79-198-X) **Petitioners** 

#### OPINION

The subject parition is twofold, i.e., a petition to reclassify the southeast corner of York Road and Roundridge Road from an existing D.R. classification to a B. classification (approximately 1.148 acres), and secondly, a petition to reclassify approximately 1.489 acres fronting on Greenmendow Drive, approximately 161 feet east of the York Road, from an existing D.R. 2 classification to a D.R. 16 classification. addition to these two requests, the property owner also seeks a special exception to construct a three story office building on the Greenmeadow Drive site. The subject property is located in the Eighth Election District of Baltimore County, opposite the Timonium State Fairgrounds. The large Timonium Shopping Center is immediately across Greenmeadow Drive from the subject property. Petitioner's Exhibits #1 and #2 are plats of the subject property and detail the requests.

C. Gordon Gilbert, who with his wife has owned the subject site and other contiguous property in the area for more than twenty-five years, described the neighborhood for the Board and explained to the Board why he felt that the County Council erred when they zoned the subject sites in their present classifications. He also stated his reasons as to why the subject sites should be reclassified per his request.

The Baltimore County Traffic Engineer and a Baltimore County staff planner testified in opposition to the granting of the subject petition. Four nearby residents and the co-owner of the medical offices that are located at the northeast corner of the York Road and Greenmeadow Drive also testified and told the Board why they were particularly opposed to the granting of the subject request.

#### C. Gordon Gilbert - R-79-9-X

IT IS FURTHER ORDERED that the special exception for an office building petitioned for on this parcel is now moot and is hereby DISMISSED, and

IT IS FURTHER ORDERED that the reclassification from D.R. 16 to B.L. peritioned for on the 1.148 acre parcel located on the southeast corner of York Road and Roundridge Road, be and the same is hereby GRANTED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A Refter, Fr., Chairman Mulle

If the Petitioner is to be successful in his request, he must first evidence to the Board error on the part of the County Council when they comprehensively reclassified the subject property in October of 1976. This burden is onerous and involves the presentation of sufficient testimony and evidence to the Board for it to conclude that, in fact, the County Council did so err at the time of the adoption of the last comprehensive In addition, the Petitioner must also evidence to the Board that not only is the existing zoning in error, but the petitioned zoning classification as sought in this case for the two portions of the subject property is the correct zoning classification. Board has carefully reviewed the testimony and evidence offered in this case and, in addition, has personally inspected the subject property and its environs.

C. Gordon Gilbert - R-79-9-X

As is mentioned above, the subject petition is actually twofold and the Board will first address itself to the Petitioner's Greenmeadow Drive request to reclassify approximately 1.489 acres from the existing D.R. 2 classification to a D. R. 16 classification, and a request for a special exception for offices for this particular portion of the subject property.

Probably two of the most important considerations in this case are the specific topography of the subject property and the potential traffic impact that any redevelopment of the subject property might have upon the York Road traffic corridor. Considering also the specific location of this relatively large 1.489 acre parcel, approximately 161 feet east of the York Road, the Board sees the overall nature of this parcel of land as medium density residential as opposed to the D.R. 16 zoning classification that is petitioned in this instance. However, it must be kept in mind that it is not the task of this Board to second guess the County Council when it comprehensively zoned the subject property D.R. 2, but to merely examine the testimony and evidence presented by the Petitioner to decide whether or not the County Council erred when they placed the D.R. 2 classification instead of the D.R. 16 classification on the subject property.

After such review, it is the judgment of this Board that the County Council did not err when they failed to zone the subject property D.R. 16. Frankly, the Board

RE: PETITION FOR RECLASSIFICATION IN THE from D.R. 16 and D.R. 2 to B. L. and D. R. 16, and CIRCUIT COURT SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.341 E. of York Road, and SE corner BALTIMORE COUNTY of York and Roundridge Roads 8th District AT LAW C. Gordon Gilbert, et ux Misc. Docket No. 12 Folio No. Zoning File No. R-79-9-X File No.\_\_\_\_ (R-79-198-X) 6767 John W. Hessian, III, Esq. People's Counsel for Baltimore County 

#### CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reitst, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorl:view Drive, Timonium. Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timenium, Maryland, 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, a Lopy of which Notice is attached hereto and prayed that it may be made a part thereof.

> County Board of Appeals of Baltimore County Rm. 219, Court House, Towson, Md. 21204

feels it is fair to call to mind the comment of the Baltimore County staff planner on crossexamination when he personally wondered whether the D.R. 2 classification was, in fact, the best dwelling unit classification for this particular portion of the subject property. Nonetheless, in summary, the Board can find no testimony and evidence to support and carry the Petitioner's burden to evidence not only that the Council erred when placing D.R. 2 on the subject property but failing to classify the subject property D.R. 16. might seem that many experts would agree that perhaps this particular portion of the subject property should be reclassified to a medium density residential use, i.e., D.R. 5.5 or D.R. 10.5. The Board could take it upon itself to recognize error by the Council in zoning the subject property D.R. 2 and, in fact, reclassify the subject property to a D.R. 5.5 or a D.R. 10.5 classification. However, because this petition is presented in the last cycle and the Planning staff, Planning Board and subsequently the County Council are now studying the area in anticipation of adopting a totally new comprehensive zoning map for the entire subject area by October of 1980, it seems that the tenets of good planning and zoning would be best served by leaving the classification of this particular portion of the subject property for the comprehensive map process and the ultimate judgment of the County Council when it will comprehensively reclassify the entire area in October of 1980. Therefore, because the Board can find insufficient testimony and evidence as to error in not reclassifying the subject property D.R. 16, this particular part of the Petitioner's request will be denied. Since the underlying zoning of this particular parcel will not now be D.R. 16, the Petitioner's request for a special exception for offices for this parcel is most and will be dismissed

As to the second part of the Petitioner's request which is for a reclassification of approximately 1.148 acres at the southeast corner of Roundridge Road and York Road from an existing D.R. 16 classification to a B.L. classification, it is the judgment of this Board that the Petitioner has evidenced error by the Council when they zoned the subject property D.R. 16 and not B.L. In 1976, at the time of the adoption of the last comprehensive zoring maps for the subject area, the County Council was aware, or should have been aware, of the impact of the widening of the York Road and of the expansion and modernization plans for the Timonium State Fairgrounds with are immediately across the

C. Gordon Gilbert, et ux Zoning File No. R-79-9-X (R-79-198-X)

> I hereby certify that a copy of the aforagoing Certificate of Notice has been mailed to John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Garney, 30 Greenmeadox Drive,

Timonium, Maryland, 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium,

Maryland 21093, on this 19th day of November, 1979.

County Board of Appeals of Baltimore County

cc: J. Hoswell Sondra Jones File

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COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

(R-79-198-X)

No. R-79-9-X

#### OPINION

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The subject petition is twofold, i.e., a petition to reclassify the southeast corner of York Road and Roundridge Road from an existing D.R. classification to a B.L. classification (approximately 1.148 acres), and secondly, a petition to reclassify approximately 1.489 acres fronting on Greenmeadow Drive, approximately 1/1 feet east of the York Road, from an existing D.R. 2 classification to a D.R. 16 classification. In addition to these two requests, the property owner also seeks a special exception to construct a three story office building on the Greenmeadow Drive site. The subject property is located in the Eighth Election District of Baltimore County, apposite the Timonium State Fairgrounds. The large Timonium Shopping Center is immediately across Greenmeadow Drive from the subject property. Petitioner's Exhibits #1 and #2 are plats of the subject property and detail the requests.

C. Gordon Gilbert, who with his wife has owned the subject site and other configuous property in the area for more than twenty-five years, described the neighborhood for the Board and explained to the Board why he felt that the County Council erred when they zoned the subject sites in their present classifications. He also stated his reasons as to why the subject sites should be reclassified per his request.

The Baltimore County Traffic Engineer and a Baltimore County staff planner testified in opposition to the granting of the subject petition. Four nearby residents and the co-owner of the medical offices that are located at the northeast corner of the York Road and Greenmeadow Drive also testified and told the Board why they were particularly apposed to the granting of the subject request.

C. Gordon Gilbert - R-79-9-X

IT IS FURTHER ORDERED that the special exception for an office building petitioned for on this parcel is now most and is hereby DISMISSED, and

IT IS FURTHER ORDERED that the reclassification from D.R. 16 to B.L. petitioned for on the 1.148 acre parcel located on the southeast corner of York Road and Roundridge Road, be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter Al Reftor, Jr., Chairman

Potrice Millhouse

Mille

C. Gordon Gilbert - R-79-9-X

R-79-9-X

If the Petitioner is to be successful in his request, he must first evidence to the Board error on the part of the County Council when they comprehensively reclassified the subject property in October of 1976. This burden is onerous and involves the presentation of sufficient testimony and evidence to the Board for it to conclude their, in fact, the County Council did so err at the time of the adoption of the last comprehensive use maps. In addition, the Petitioner must also evidence to the Board that not only is the existing zoning in arror, but the petitioned zoning classification as sought in this case for the two portions of the subject property is the correct zoning classification. The Board has carefully reviewed the testimony and evidence offered in this case and, in addition, has personally inspected the subject property and its environs.

As is mentioned above, the subject petition is actually twofold and the Board will first address itself to the Petitioner's Greenmeadow Drive request to reclassify approximately 1.489 acres from the existing D.R. 2 classification to a D. R. 16 classification, and a request for a special exception for offices for this particular portion of the subject property.

Probably two of the most important considerations in this case are the specific topography of the subject property and the potential traffic impact that any redevelopment of the subject property might have upon the York Road traffic corridor. Considering also the specific location of this relatively large 1.489 acre parcel, approximately 161 feet east of the York Road, the Board sees the overall nature of this parcel of land as medium density residential as opposed to the D.R. 16 zoning classification that is petitioned in this instance. However, it must be kept in mind that it is not the task of this Board to second guess the County Council when it comprehensively zoned the subject property D.R. 2, but to merely examine the testimony and evidence presented by the Petitioner to decide whether or not the County Council erred when they placed the D.R. 2 classification instead of the D.R. 16 classification on the subject property.

After such review, it is the judgment of this Board that the County Council did not err when they failed to zone the subject property D.R. 16. Frankly, the Board

OF C. GORDON AND CORDELIA P. GILBERT,
LEGAL OWNERS, FOR RECLASSIFICATION
FROM AN R-16 ZONE TO A BL ZONE OF
PROPERTY CONSISTING OF 1.148 ACRES
LOCATED ON THE EAST SIDE OF YORK ROAD \*
AND FOR RECLASSIFICATION FROM A DR-2
ZONE TO A DR-16 ZONE WITH SPECIAL
EXCEPTION FOR OFFICES, LOCATED ON THE
NORTH SIDE OF GREENMEADOW DRIVE,

TIMONIUM, EIGHTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF THE PETITION

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY

MEMORANDUM OF SUPPORT OF PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION

C. Gordon and Cordelia P. Gilbert own, in fee simple, 5.51 acres, more or less, located in Timonium, Maryland, as more particularly designated in the accompanying documents. The property fronting on York Road, consisting of approximately 1.148 acres of land, and having a depth of approximately 160 feet, is presently zoned DR-16. The balance of the property, consisting of 4.36 acres to the west of the York Road frontage property, between Poundridge Road on the north and Greenmeadow Drive on the south, is presently zoned DR-2.

The subject property slopes from the south to the north and the portion zoned DR-2 is situated on high ground with the Timonium Shopping Center to the south, the Timonium Fair Grounds to the west on the opposite side of York Road, and industrial zoned land to the north, all of which rendered it totally unsuitable for density residential zoning contemplated by the DR-2 Zone.

The Petitioners wish to develop the portion of the property fronting on York Road with a restaurant facility and a 1.489 acre portion of their property fronting on Greenmeadow Drive with an office building, as depicted on the attached plat.

The DR-16 portion of the Petitioners' property fronting on York Road is of insufficient size to permit meaningful residential development, which would be inconsistent with adjacent uses in any event, i.e. medical offices on either side.

C. Gordon Gilbert - R-79-9-X

feels it is fair to call to mind the comment of the Baltimore County staff planner on crossexamination when he personally wondered whether the D.R. 2 classification was, in fact, the best dwelling unit classification for this particular portion of the subject property. Nonetheless, in summary, the Board can find no testimony and evidence to support and carry the Petitioner's burden to evidence not only that the Council erred when placing D.R. 2 on the subject property but failing to classify the subject property D.R. 16. might seem that many experts would agree that perhaps this particular partion of the subject property should be reclassified to a medium density residential use, i.e., D.R. 5.5 or D.R. 10.5. The Board could take it upon itself to recognize error by the Council in zoning the subject property D.R. 2 and, in fact, reclassify the subject property to a D.R. 5.5 or a D.R. 10.5 classification. However, because this petition is presented in the last cycle and the Planning staff, Planning Board and subsequently the County Council are now studying the area in anticipation of adopting a totally new comprehensive zoning map for the entire subject area by October of 1980, it seems that the tenets of good planning and zoning would be best served by leaving the classification of this particular portion of the subject property for the comprehensive map process and the ultimate judgment of the County Council when it will comprehensively reclassify the entire area in October of 1980 Therefore, because the Board can find insufficient testimony and evidence as to error in not reclassifying the subject property D.R. 16, this particular part of the Petitioner's request will be denied. Since the underlying zoning of this particular parcel will not now be D.R. 16, the Petitioner's request for a special exception for offices for this parcel is moot and will be dismissed.

As to the second part of the Petitioner's request which is for a reclassification of approximately 1.148 acres at the southeast corner of Roundridge Road and York Road from an existing D.R. 16 classification to a B.L. classification, it is the judgment of this Board that the Petitioner has evidenced error by the Council when they zoned the subject property D.R. 16 and not B.L. In 1976, at the time of the adoption of the last comprehensive zoning maps for the subject area, the County Council was aware, or should have been aware, of the impact of the widening of the York Road and of the expansion and modernization plans for the Timonium State Fairgrounds, which are immediately across the

Additionally, it has insufficient depth to permit development with an office building. On the other hand, the proposed commercial use would be completely compatible with other commercial uses along the York Road corrider in the immediate vicinity.

The proposed office building use on the 1.148 acre portion of the Petitioners' property fronting on Greenmeadow Drive would be a much more appropriate use than residential development thereof since it lies immediately opposite the Timonium Shopping Center on the south side of Greenmeadow Drive. With tasteful and adequate screening about this parcel of ground it would serve as a transition or buffer zone between the shopping center and residences to the north and east of the subject property.

For the reasons above cited, it is respectfully requested that portion of the subject property fronting on York Road be reclassified from DR-16 to BL and the 1.489 acre portion of the subject property be reclassified from DR-2 to DR-16 with special exception for offices. The property owners are willing to enter into such easements and restrictions subject to grant of the zoning to provide all necessary insurances that the property would be developed as proposed.

John B. Howard
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204
823-4111

Respectfully submitted,

C. Gordon Gilbert - R-79-9-X

York Road from the subject property. Likewise, in 1976, the topography of the subject property was, or should have been, specifically known to the Council. The Board sees this as significant because the particular topography allows the subject to sit much lower than the developed stable residential neighborhood which lies east of the York Road and east of the subject parcel. Considering there elements and the fact that the depth of the subject property at its northern frontage on Roundridge Road is only about 136 feet, and at its southern boundary toward Greenmeadow Drive only approximately 158 feet, D.R. 16 development of this parcel would be extremely difficult if not impossible. In the judgment of this Board, the impact of the Timonium fairgrounds and race track in such very close proximity to the subject property mitigates against the stated policy of the County to stop the further expansion of strip zoning along its arterial highways. The Board could not agree more with this stated policy of the Planning staff, Planning Board and County Council, however, each and every instance must stand and fall on its own merits and the Roard, after personally inspecting the subject property and its environs, finds the application of this good planning policy particularly difficult to impose in the subject instance. One but need to spend a very few minutes in this specific location to find it difficult to conceive of a residential development of any nature on this particular parcel.

Without further detailing the testimony and evidence presented to the Board, suffice it to say that this Board is satisfied that the Petitioner has evidence error in this instance and will grant the Petitioner's request to reclassify the 1.148 acres at the southeast corner of Roundridge Road and York Road from the existing D.R. classification to the B.L. classification. An Order in conformity with the above opinion follows hereafter.

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 31st day of October, 1979, by the County Board of Appeals, ORDERED that the raclassification from D.R. 2 to D.R. 16 petitioned for on the 1.489 acre parcel fronting on Greenmeadow Drive, be and the same is hereby DENIED, and

John Howard, Esquire 210 Allegheny Avenue P.O. Box 5517 Towern, Maryland 21204

# COUNTY BOARD OF APPRALS

RE: Petition for Reclassification, 1) N/S Greenmeadow Rd. 161 34' E of York Rd. and 2) SW/corner of York Rd. & Roundridge Rd. - 8th District, C. Gordon Cilbert, et ux Case No. R-79-9-X

TDE: 10:00 A.M.

MTE: Tuesday, July 10, 1979

PLACE: ROOM 218, COURTHOUSE, TOWSON, MARYLAND

CHAITEN Q. CECTES OF APPEALS

C. Gordon Gilbert, et ux

Petitioners

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. R-79-9-X (R-79-198-X)

#### OPINION

The subject petition is twofold, i.e., a petition i reclassify the southeast curner of York Road and Roundridge Road from an existing D.R. classification to a B.L. classification (approximately 1.148 acres), and secondly, a petition to reclassify approximately 1.489 acres fronting on Greenmeadow Drive, approximately 161 feet east of the York Road, from an existing D.R. 2 classification to a D.R. 16 classification, addition to these two requests, the property owner also seeks a special exception to construct a three story office building on the Greenmeadow Drive site. property is located in the Eighth Election District of Baltimore County, opposite the The large Timonium Shopping Center is immediately Timonium State Fairgrounds. Petitioner's Exhibits 11 and 12 across Greenmeadow Drive from the subject property. are plats of the subject property and detail the requests.

C. Gordon Gilbert, who with his wife has owned the subject site and other contiguous property in the area for more than twenty-five years, described the neighborhood for the Board and explained to the Board why he felt that the County Council erred when they zoned the subject sites in their present classifications. He also stated his reasons as to why the subject sites should be reclassified per his request.

The Baltimore County Traffic Engineer and a Baltimore County staff planner testified in opposition to the granting of the subject petition. Four nearby resident and the co-owner of the medical offices that are located at the northeast corner of the York Road and Green seadow Drive also testified and told the Board why they were particularly opposed to the granting of the subject request.

C. Gordon Gilbert - R-79-9-X

IT IS FURTHER ORDERED that the special exception for an office building petitioned for on this parcel is now most and is hereby DISMISSED, and

IT IS FURTHER ORDERED that the reclassification from D.R. 16 to B.L. petitioned for on the 1,148 acre parcel located on the southeast corner of York Road and Roundridge Road, be and the same is hereby GRANTED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter Al Renter, Jr., Chairman

#### C. Gordon Gilbert - R-79-9-X

If the Petitioner is to be successful in his request, he must first evidence to the Board error on the part of the County Council when they comprehensively reclassified the subject property in October of 1976. This Lurden is onerous and involves the presentation of sufficient testimony and evidence to the Board for it to conclude that, in fact, the County Council did so err at the time of the adoption of the last comprehensive In addition, the Petitioner must also evidence to the Board that not only is the existing zoning in error, but the petitioned zoning classification as sought in this case for the two portions of the subject property is the correct zoning classification. Board has carefully reviewed the testimony and evidence offered in this case and, in addition, has personally inspected the subject property and its environs.

As is mentioned above, the subject petition is actually twofold and the Board will first address itself to the Petitioner's Greenmeadow Drive request to reclassify approximately 1.489 acres from the existing D.R. 2 classification to a D. R. 16 classification, and a request for a special exception for offices for this particular portion of the subject property

Probably two of the most important considerations in this case are the specific topography of the subject property and the potential traffic impact that any redevelopment of the subject property might have upon the York Road traffic corridor Considering also the specific location of this relatively large 1,489 acre parcel approximately 161 feet east of the York Road, the Board sees the overall nature of this parcel of land as medium density residential as opposed to the D.R. 16 zoning classification that is petitioned in this instance. However, it must be kept in mind that it is not the task of this Board to second guess the County Council when it comprehensively zoned the subject property D.R. 2, but to merely examine the testimony and evidence presented by the Petitioner to decide whether or not the County Council erred when they placed the D.R. 2 classification instead of the D.R. 16 classification on the subject property.

After such review, it is the judgment of this Board that the County Council did not err when they failed to zone the subject property D.R. 16. Frankly, the Board

C. Gordon Gilbert - R-79-9-X

feels it is fair to call to mind the comment of the Baltimore County staff planner on crossexamination when he personally wondered whether the D.R. 2 classification was, in fact the best dwelling unit classification for this particular portion of the subject property Nonetheless, in summary, the Board can find no testimony and evidence to support and carry the Petitioner's burden to evidence not only that the Council erred when placing D.R. 2 on the subject property but failing to classify the subject property D.R. 16. might seem that many experts would agree that perhaps this particular portion of the subject property should be reclassified to a medium density residential use, i.e., D.R. 5.5 or D.R. 10.5. The Board could trik: it upon itself to recognize error by the Council in zoning the subject property D.R. 2 and, in fact, reclassify the subject property to a D.R. However, because this petition is presented in the 5.5 or a D.R. 10.5 classification. last cycle and the Flanning staff, Planning Board and subsequently the County Council are now studying the area in auticipation of adopting a totally new comprehensive zoning map for the entire subject area by October of 1980, it seems that the tenets of good planning and zoning would be best served by leaving the classification of this particular portion of the subject property for the comprehensive map process and the ultimate judgment of the County Council when it will comprehensively reclassify the entire area in October of 1980. Therefore, because the Board can find insufficient testimony and evidence as to error in not reclassifying the subject property D.R. 16, this particular part of the Petitioner's request will be denied. Since the underlying zoning of this particular parcel will not now be D.R. 16, the Petitioner's request for a special exception for offices for this parcel is moot and will be dismissed

As to the second part of the Petitioner's request which is for a reclassification of approximately 1.148 acres at the southeast corner of Roundridge Road and York Road from an existing D.R. 16 classification to a B.I. classification, it is the judgment of this Board that the Petitioner has evidenced error by the Council when they zoned the subject property D.R. 16 and not B.L. In 1976, at the time of the adoption of the last comprehensive zoning maps for the subject area, the County Council was aware, or should have been aware, of the impact of the widening of the York Road and of the expansion and modernization plans for the Timonium State Fairgrounds, which are immediately across the

C. Gordon Gilbert - R-79-9-X

Likewise, in 1976, the topography of the subject Yark Road from the subject property. property was, or should have been, specifically known to the Council. The Board sees this as significant because the particular topography allows the subject to sit much lower than the developed stable residential neighborhood which lies east of the York Road and east of the subject parcel. Considering these elements and the fact that the depth of the subject property at its northern frontage on Roundridge Road is only about 136 feet, and at its southern boundary toward Greenmeadow Drive only approximately 158 feet, D.R. 16 development of this parcel would be extremely difficult if not impossible. In the judgment of this Board, the impact of the Timonium fairgrounds and race track in such very close proximity to the subject property mitigates against the stated policy of the County to stop the further expansion of strip zoning along its arterial highways. not agree more with this stated policy of the Planning staff, Planning Board and County Council, however, each and every instance must stand and fall on its own merits and the Board, after personally inspecting the subject property and its environs, finds the application of this good planning policy particularly difficult to impose in the subject instance. One but need to spend a very few minutes in this specific location to find it difficult to conceive of a residential development of any nature on this particular parcel.

Without further detailing the testimony and evidence presented to the Board, suffice it to say that this Board is satisfied that the Petitioner has evidence error in this instance and will grant the Petitioner's request to reclassify the 1.148 acros at the southeast corner of Roundridge Road and York Road from the existing D.R. classification to the B.L. classification. An Order in conformity with the above opinion follows hereafter

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 31st do of October, 1979, by the County Board of Appeals, ORDERED that the reclassification from D.R. 2 to D.R. 16 petitioned for on the 1.489 acre parcel fronting on Greenmondow Drive, be and the same is hereby DENIED, and

BALTIMORE COUNT TOWSON, MARYLAND 21204 494-3353 OFFICE OF PLANNING & ZONING

WILLIAM E HAMMOND ZONING COMMISSIONER

June 29, 1979

John Howard, Esquire 210 Allegheny Avenue P.O. Box 5517 Towson, Maryland 2120

REs Petition for Reclassification, 1) N/S Greenmendow Road, 161 34' E of Yort Road and 2) SW/corner of York Road & Roundridge Road - 8th District C. Gordon Gilbert, et ux, XCase No. B-79-9-X

Ter: Sir:

This is to advise you that \$278.34 is due for advertising and posting of the above property.

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

Very truly yours,

William B. Hammond Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesspeake Ave. Towson, Maryland 21204

HEMBERS

Micholas B. Compoderi Chairman

TO STATE OF

Bureau of Engineering Department of Traffic Engineering State Poade Commission Bureau of Fire Prevention Health Department Project Planning Building Department

Board of Education

Ioning Administratio

Industrial Development

RE: Item No. 8 Petitioner - Gilbert

Reclassification and Special

Exception Petition

December 18, 1978

Dear Mr. Howard:

John B. Howard, Esquire

Towson, Maryland 21204

210 Allegheny Avenue

Please be advised that the acceptance certificate for the above petition, dated January 30, 1975, was incorrect. Enclosed is verification that the correct date of acceptance was December 14, 1978. This should replace the previous certificate.

Very truly yours,

Musto B Somother NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC/sf enclosure

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

PHUP K CROSS JOHN 7. ETESL WILLIAM G. ULDREN

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

823-4470

PAGE IL DOLLDIGENO

September 29, 1978 York Road Parcel Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York Road, said point being distant South 18 degrees 29 minutes 26 seconds East 50 feet from the center line of Roundridge Road and thence running and binding on the east side of York Road, the two following courses and distances viz: South 18 degrees 29 minutes 26 seconds East 96.72 feet and South 18 degrees 47 minutes 06 seconds East 200 feet, thence leaving said York Road and binding on the outline of the land of the petitioners herein, North 71 degrees 12 minutes 54 seconds East 158,22 feet, thence binding on the line between Zone DR 16 and Zone DR 2, North 18 degrees 28 minutes 26 seconds west 299,90 feet to the south side of the aforesaid Roundridge Road and thence binding on the south and southeast side of said Roundridge Road, the two following lines viz: Westerly by a line curving toward the left having a radius of 440.28 feet for a distance of 136.50 feet (the chord of said arc bearing South 80 dagrees 23 minutes 29 seconds West 135.96 feet) and southwesterly by a line curving toward the left having a radius of 25 feet for a distance of 39.27 feet (the chord of said are bearing South 26 degrees 30 minutes 34 seconds West 35.36 feet; to the place of

Containing 1.148 Acres of land more or less.

Esing part of the property of the petitioners herein as shown on a plat filed in the Baltimore County Office of the Zoning Counts-



WEE/sj

FEB 15 1980

RE: PETITION FOR RECLASSIFICATION from D. R. 16 and D. R. 2 to B. L. and D.R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.341 E. of York Rd., and St corner of York and Roundrioge Roads 8th District

C. Gordon Gilbert, et ux, Petitioners -Appellants

Zoning File No. R-79-9-X (R-79-198-X)

CIRCUIT COURT FOR BALFINORE COUNTY Misc. Docket No. 12 Folio No. File No. 6989

IN THE

#### CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, John B. Howard, Esq. 210 Allegheny Avenue, Towton, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21095, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland 21093, Mr. and Mrs. George Gorney, 29 Greenmeadow Drive, Timonium, Maryland 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

> County Board of Appeals of Baltimore County Rm. 219, Court House, Towson, Md. 21204

> > AT LAW

IN THE CIRCUIT COURT RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to FOR BALTIMORE COUNTY B. L. and D. R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.341 Misc. Docket No. 12 E. of York Rd., and SE comer of York and Roundridge Roads 8th District C. Gordon Gilbert, et ux, Petitioners

Zoning File No. R-79-9-X

1111111

#### PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from that portion of the Order of the County Board of Appeals of Baltimore County, under date of October 31, 1979, granting the reclassification from D.R. 16 to B.L. petitioned for on the 1,148 acre parcel located on the southeast corner of York Road and Roundridge Road, in the 8th. Election District of Baltimore County, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the present zoning on the parcel which is the subject of this appeal is an erroneous classification and therefore their Order passed herein is illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Order of the Sound of Appeals of Baltimore County under date of October 31, 1979 be reversed, and the action of the County Council of Baltimore County in zoning the subject property D.R. 16 be affirmed and reinstated.

People's Counsel for Baltimore County

C. Gordon Gilbert, et ux Zoning File No. R-79-9-X (R-79-198-以)

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gardon Gilbert, et ux, I Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hassian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, on this 4th day of December, 1979.

County Board of Appeals of Baltimore County

cas James Homeril (2) Sondro Jones (1)

> Peter Max Zimmerman Deputy People's Counsel

County Office Bui Jing Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 21 day of November, 1979, a copy or the aforegoing 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, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioners.

-2-

RE: PETITION FOR RECLASSIFICATION from D. R. 16 and D. R. 2 to B. L. and D. R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161,34 E. of York Rd., and SE corner of York and Roundridge Roads 8th District

> C. Gordon Gilbert, et ux, Patitioners -Appellants Zoning File No. R-79-9-X (R-79-198-X)

FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 12 Folio No. File No.

IN THE

CIRCUIT COURT

#### CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Proceduce, Walter A. Reiter, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, John B. Howard, Esq. 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. Joh. Kenny, 2210 Westridge Road, Timonium, Maryland 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, a copy of which Notice is attached hareto and proyed that it may be made a part thereof.

> County Board of Appeals of Baltimore County Rm. 219, Court House, Towson, Md. 21204

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to B.L. and D.R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.34' E. of York Road, and SE corner of York and Roundridge Roads 8th District C. Gordon Gilbert, et ux Petitioners

IN THE CIRCUIT COUPT FOR BALTIMORL COUNTY AT LAW

Misc. Docket No. 12 Folio No. 19 Case No. 6969

#### ORDER FOR APPEAL

MR. CLERK:

Please note an appeal on behalf of C. Gordon Gilbert and Cordelia P. Gilbert to the Circuit Court for Baltimore County from that portion of the Order of the County Board of Appeals for Baltimore County, dated October 31, 1979, which denied a Petition to reclassify an approximate 1.489 acre parcel fronting on Greenmeadow Drive, approximately 161 feet east of York Road, from a D.R. 2 classification to a D.R. 16 classification and that portion of the Order which dismissed the Special Exception for an office building for the same parcel as herein described.

HERBERT R. O'CONOR, III

Cook, Howard, Lownes & Tracy 210 Allegheny Avenue Towson, Maryland 21204 823-4111 Attorneys for Cross Appellants C. Gordon Gilbert, et ux Zoning rile No. R-79-9-X (R-79-198-X)

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to John B. Howard, Esq., 210 All-glieny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, I Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Mr.:yland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yerkview Drive Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, on this 4th day of December, 1979.

County Board of Appeals of Baltimore County

oce Joines Honwell (2) Sunara Jones (1) Mie (2)

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to B.L. and D.R. 15, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161.34' E. of York Road, and SE corner of York and Roundridge Roads 8th District C. Gordon Gilbert, et ux Petitioners

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 12 Folio No. 19 Case No. 6969

#### CERTIFICATE OF COMPLIANCE

Now come C. Gordon Gilbert and Cordelia P. Gilbert, Appellants, by John B. Howard and Herbert R. O'Conor, IIT, their attorneys. pursuant to Maryland Rule B2C and certify that they have, prior to the filing of the Order for Appeal, had a copy thereof personally served on the Administrative Secretary of the County Board of Appeals for Baltimore County, Room 219, Court House, Towson, Maryland 21204, and the undersigned further certifies that he has mailed a copy of the Order for Appeal to John W. Hessian, III, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, County Office Building, Towson, Maryland 21204.

> Healet R. O Conorth HERBERT R. O'CONOR, III Cook, Howard Downes & Tracy 210 Allegheny Avenue Towson, Maryland 21204 823-4111 Attorney for Cross Appellants

BEFORE COUNTY COARD OF APPEALS

**BALTIMORE COUNTY** 

(R-79-198-X)

No. R-79-9-X

# 

#### OPINION

The subject petition is twofold, i.e., a petition to aclossify the southeast corner of York Road and Roundridge Road from an existing D.R. classification to a B.L. classification (approximately 1.148 acres), and secondly, a petition to reclassify approximately 1.489 acres fronting on Greenmeadow Drive, approximately 161 feet east of the York Road, from an existing D.R. 2 classification to a D.R. 16 classification. addition to these two requests, the property owner also seeks a special exception to construct a three story office building on the Greenmeadow Drive site. property is located in the Eighth Election District of Baltimore County, opposite the The large Timonium Shopping Center is immediately Timonium State Fairgrounds. across Greenmeadow Drive from the subject property. Petitioner's Exhibits #1 and #2 are plats of the subject property and detail the requests.

C. Gordon Gilbert, who with his wife has owned the subject site and other contiguous property in the area for more than twenty-five years, described the neighborhood for the Board and explained to the Board why he felt that the County Council erred when they zoned the subject sites in their present classifications. He also stated his reasons as to why the subject sites should be reclassified per his request

The Baltimore County Traffic Engineer and a Baltimore County staff planner testified in opposition to the granting of the subject petition. Four nearby residents and the co-owner of the ms dical offices that are located at the northeast corner of the York Road and Greenmeadow Drive also testified and told the Board with they were particularly opposed to the granting of the subject request.

C. Gordon Gilbert - R-79-9-X

IT IS FURTHER ORDERED that the special exception for an office building petitioned for on this parcel is now moot and is hereby DISMISSED, and

IT IS FURTHER ORDERED that the reclassification from D.R. 15 to B.L. petitioned for on the 1.148 acre parcel located on the southeast corner of York Road and Roundridge Road, be and the same is hereby GRANTED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Waiter Al/Refter, Jr., Chairman

RECEIVED

ILTIMORE COUNTY

W 13 2 45 PH '79

COUNTY BOARD

OF ARPEALS

John W. Hessian, III

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

I HEREBY CERTIFY that on this 13th day of November, 1979, a copy of ine foregoing Order was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to John B. Howard, Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitione.

C. Gordon Gilbert - R-79-9-X

If the Petit oner is to be successful in his request, he must first evidence to the Board error on the part of the County Council when they comprehensively reclassified the subject property in October of 1976. This burden is onerous and involves the presentation of sufficient testimony and evidence to the Board for it to conclude that, fact, the County Council did so err at the time of the adoption of the last comprehensive use maps. In addition, the Petitioner must also evidence to the Board that not only is the existing zoning in error, but the petitioned zoning classification as scught in this case for the two portions of the subject property is the correct zoning classification. Board has carefully reviewed the testimony and evidence offered in this case and, in addition, has personally inspected the "ubject property and its environs.

As is mentioned above, the subject petition is actually twofold and the Board will first address itself to the Petitioner's Greenmeadow Drive request to reclassify approximately 1.489 acres from the existing D.R. 2 classification to a D.R. 16 classification, and a request for a special exception for officer for this particular portion of the

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After such review, it is the judgment of this Board that the County Council did not err when they failed to zone the subject property D.R. 16. Frankly, the Board

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT from D.R. 16 and D.R. 2 to

B.L. and D.R. 16, and FOR BALTIMORE COUNTY SPECIAL EXCEPTION for an Crice Building AT LAW N/S Greenmeadow Road 161.34' E. of York Road, and SE corner Misc . Docket No. 12 of York and Roundridge Roads

8m District Folio No. 19 C. Gordon Gilbert, et ux File No. 6969

ORDER FOR APPEAL

:::::::

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from that portion of the Order of the County Board of Appeals for Baltimore County, under date of October 31, 1979, granting the reclassification from D.R. 16 to B.L. petitioned for on the 1.148 acre parcel located on the southeast corner of York Road and Roundridge Road, in the 8th Election District of Baltimore County.

> stewary? People's Counsel for Baltimore County

and will be dismissed.

feels it is fair to call to mind the comment of the Baltimore County staff planner on crossexamination when he personally wondered whether the D.R. 2 classification was, in fact the best dwelling unit classification for this particular portion of the subject property. Nonethelass, in summary, the Board can find no testimony and evidence to support and carry the Petitioner's burden to evidence not only that the Council erred when placing D.R. 2 on the subject property but failing to classify the subject property D.R. 16. might seem that many experts would agree that perhaps this particular portion of the subject property should be reclassified to a medium density residential use, i.e., D.R. 5.5 or The Board could take it upon itself to recognize error by the Council in zoning the subject property D.R. 2 and, in fact, reclassify the subject property to a D.R. 5.5 or a D.R. 10.5 classification. However, Lecouse this petition is presented in the last cycle and the Planning staff, Planning Board and subsequently the County Council are now studying the area in anticipation of adopting a totally new comprehensive zoning map for the entire subject area by October of 1980, it seems that the tenets of good planning and zoning would be best served by leaving the classification of this particular portion of the subject property for the comprehensive map process and the ultimate judgment of the County Council when it will comprehensively reclassify the entire area in October of 1980 Therefore, because the Board can find insufficient testimony and evidence as to error in no reclassifying the subject property D.R. 16, this particular part of the Petitioner's request

As to the second nart of the Petitioner's request which is for a reclassification of approximately 1.143 acres at the southeast corner of Roundridge Road and York Road from an existing D.R. 16 classification to a B.L. classification, it is the judgment of this Board that the Petitioner has evidenced error by the Council when they zoned the subject property D.R. 16 and not B.L. In 1976, at the time of the adoption of the last comprehensive zoning maps for the subject area, the County Council was aware, or should have been aware, of the impact of the widening of the York Road and of the expansion and modernization plans for the Timonium State Fairgrounds, which are immediately across the

will be denied. Since the underlying zoning of this particular parcel will not now be

D.R. 16, the Petitioner's request for a special exception for offices for this parcel is most

IN THE RE: PETITION FOR RECLASSIFICATION from D. R. 16 and D. R. 2 to CIRCUIT COURT B. L. and D. R. 16, and SPECIAL EXCEPTION for an FOR Office Building N/S Greenweadow Road 161.34 BALTIMORE COUNTY E. of York Road, and SE corner of York and Roundridge Roads AT LAW 8th District tisc. Docket No. 12 C. Gordon Gilbert, et ux Petitioners Folio No. Zoning File No. R-79-9-X Fila No. 6969 (R-77-198-X) John W. Hessian, III, Esq. People's Counsel for Baltimore County

#### CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rule of Procedure, Walter A. Reirer, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, John B. Hi ward, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland, 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

> County Coard of Appeals of Bultimore County Rr. 219, Court House, Towson, Md. 21204

C. Gordon Gilbert - R-79-9-X

York Road from the subject property. Likewise, in 1976, the appropriate of the subject property was, or should have been, specifically known to the Council. The Board sees this as significant because the particular topography allows the subject to sit much lower than the developed stable residential neighborhood which lies east of the York Road and east of the bject parcel. Considering these elements and the fact that the depth of the subject property at its northern frontage on Roundridge Road is only about 136 feet, and at its southern boundary toward Greenmeadow Drive only approximately 158 feet, D.R. 16 development of this parcel would be extremely difficult if not impossible. I.. the judgment of this board, the impact of the Timonium fairgrounds and race track in such very close proximity to the subject property mitigates against the stated policy of the County to stop the further expansion of strip zoning along its ar arial highways. The Board could not agree more with this stated policy of the Planning staff, Planning Board and County Council, however, each and every instance must stand and fall on its own merits and the Board, after personally inspecting the subject property and its environs, finds the application of this good planning policy particularly difficult to impose in the subject instance. One but need to spend a very few minutes in this specific location to find it difficult to conceive of a residential development of any nature on this particular parcel.

Without further detailing the testimony and evidence presented to the Board, suffice it to say that this Board is satisfied that the Petitioner has evidence error in this instance and will grant the Petitioner's request to reclassify the 1.148 acres at the southeast corner of Roundridge Road and York Road from the existing D.R. classification to the B.L. classification. An Order in conformity with the above opinion follows hereafter.

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 31st any of October, 1979, by the County Board of Appeals, ORDERED that the reclassification from D.R. 2 to D.R. 16 petit and for on the 1,489 acre parcel fronting on Greenmeadow Drive, be and the same is hereby DENIED, and

C. Gordon Gilbert, et ux Zoning File No. R-79-9-X (R-79-198-X)

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204 Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Garney, 20 Greenmaadow Drive, Timonium, Maryland, 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, on this 19th day of November, 1979.

County Board of Appeals of Baltimore County

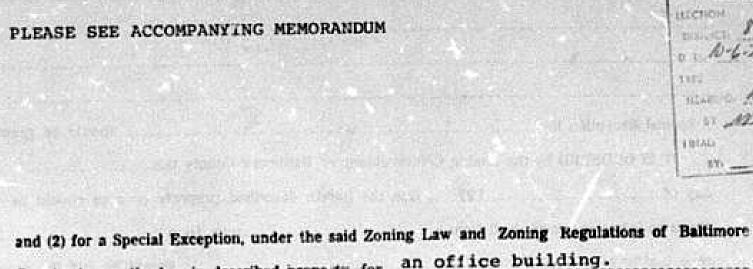
cus a. Homesti

## PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

C. Gordon Gilbert & XXXXX We. Cordelia P. Gilbert legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 and DR-2

BL and DR-16 \_\_\_\_\_rone; for the following reasons:



County, to use the herein described property, for, an office building.

Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this position, 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

C. Gordon Gilbert

Cordelia P. Gilbert Legal Owner

Zoning Commissioner of Baltimore County.

Timonium, Maryland 21093

Protestant's Attorney

Address 1 Roundridge Road

Contract purchaser

210 Allegheny Avenue Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this\_\_\_\_\_da of\_\_\_\_\_\_ 197 \_\_, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_\_\_day of \_\_\_\_\_\_, 197 \_\_\_, at \_\_\_\_\_o'clock

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSO'L MARYLAND 2'204 823-4470

PAUL & DOLLENSENS PRED M. DOLLENSENS

MILE 14-17

September 29, 1978 Gree meadow Drive Parcel Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the north side of Greenmeadow Drive, said point boing distant 161.34 fest measured easterly along the north side of Greenmeadow Drive from the east side of York Road and running thence and binding on the north side of said Greenmeadow Drive, South 85 degrees 21 minutes 21 seconds East 277.06 feet, thence leaving said drive and running the two following courses and distances viz: North 0 degrees 43 minutes 36 seconds West 225.09 feet and South 89 degrees 16 minutes 24 seconds West 339.59 feet and thence binding on the line between zone DR 16 and zone DR 2 and also binding for a part on the outline of the land of the petitioners herein, South 18 degrees 28 minutes 26 seconds East 209.11 feet to the place of beginning.

Containing 1.489 Acres of land more or less.

Being part of the property of the petitioners herein as shown on a plat filed with the Baltimore County Office of the Zoning Commissioner.



IDCA APPLICATION FOR 10CA NO.\_\_\_\_9P SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZORING COMMISSIONER OF BALTIMORE COUNTY

LOR DE C. Gordon Gilbert Et Alens owen or the PETENTY STURED IN SALTMONE Special Exception\_\_\_ NA DRIA\_\_\_\_ ZONE TO USE THE HEREN RESCRIED PROPERTY PER

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS: 1.489 Acres DEED RFF. GLB 2193-146

85 ..... % OF OVERALL SITE WILL REQUIRE GRADING.

26,640 sq.ft.

TILITIES WATER: EPUBLIC | PRIVATE, TYPE OF SYSTEM \_\_\_\_\_\_\_ .......

7. (20)

C.Gordon Gilbert et al No. 1 Round Ridge Road Timonium, Maryland 21093

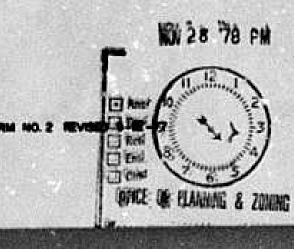
CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of Signs: Property area Q-2 rights posted intent

- corner of property focing york & Roundridge

79-9-X



IN THE MATTER OF THE PETITION OF C. GORDON AND CORDELIA P. GILBERT, LEGAL OWNERS, FOR RECLASSIFICATION PROM AN R-16 ZONE TO A BL ZONE OF CONSISTING OF 1.148 ACRES ZONE TO A DR-16 ZONE WITH SPECIAL EXCEPTION FOR OFFICES, LOCATED ON THE NORTH SIDE OF GREENMEADOW DRIVE, TIMONIUM, EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEFORE THE ZONING COMMISSIONER . FOR BALTIMORE COUNTY

MEMORANDUM OF SUPPORT OF PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION

C. Gordon and Cordelia P. Gilbert own, in fee simple, 5.51 acres, more or less, located in Timonium, Maryland, as more particularly designated in the accompanying documents. The property fronting on York Road, consisting of approximately 1.148 acres of land, and having a depth of approximately 150 feet, is presently zoned DR-16. The balance of the property, consisting of 4.36 acres to the west of the York Road frontage property, be ween Roundridge Road on the north and Greenmeadow Drive on the south, is presently zoned DR-2.

The subject property slopes from the south to the north and the portion zoned DP-2 is situated on high ground with the Timonium Shopping Center to the south, the Timonium Fair Grounds to the west on the opposite side of York Road, and industrial zoned land to the north, all of which rendered it totally unsuitable for density residential zoning contemplated by the DR-2 zone.

The Petitioners wish to develop the portion of the property fronting on York Road with a restaurant facility and a 1.489 acre portion of their property fronting on Greenmeadow Drive with an office building, as depicted on the attached plat.

The DR-16 portion of the Petitioners' property fronting on York Road is of insufficient size to permit meaningful residential development, which would be inconsistent with adjacent uses in any event, i.e. medical offices on either side.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building

Your Petition has been received and accepted for filing

this 14th day of December

Petitioner Cubert

John B. Houard, Ecquire

Towson, Maryland 21204

210 Allegheny Avenue

111 W. Chesapeake Ave.

Towson, Maryland 21204

Petitioner's Attorney John B. House Reviewed by Male D. Commeles

Additionally, it has insufficient depth to permit development with an office building. On the other hand, the proposed commercial use would be completely compatible with other commercial uses along the York Road corrider in the immediate vicinity.

The proposed office building use on the 1.148 acre portion of the Putitioners' property fronting on Greenmeadow Drive would be a much more appropriate use than residential development thereof since it lies immediately opposite the Timonium Shopping Center on the south side of Greenmeadow Drive. With tasteful and adequate screening about this parcel of ground it ould serve as a transition or buffer zone between the shopping center and residences to the north and east of the subject property.

For the reasons above cited, it is respectfully requested that portion of the subject property fronting on York Road be reclassified 'rom DR-16 to BL and the 1.489 acre portion of the subject property be reclassified from DR-2 to DR-16 with special exception for offices. The property owners are willing to enter into such easements and restrictions subject to grant of the zoning to provide all necessary insurances that the property would be developed as proposed.

Respectfully submitted,

John B. Howard Cook, Howard, Downes & Tracy 210 Allegheny Avenue Towson, Maryland 21204 823-4111

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received \* this 29 day of

1976. Filing Fee \$ 57 . \_\_Cash

Zoning Commissioner

Petitioner ( - // // // Submitted by Petitioner's Attorn y // Reviewed by Reviewed by

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

et: Gerbold, Cross & Etsel 412 Delaware Avonue Towers, Maryland 21204

S. EP.IC DINENNA

Zoning Commissioner

Chairman, Zoning Plans **Advisory Committee** 

Cre de Mensea

Vicholas B. Commodari

Other

## PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE 20NING COMMISSIONER OF BALTIMORE COUNTY:

C. Gordon Gilbert & EXECUTE, Va. Cordelia P. Gilbert legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof bereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 and DR-2

AW ANG

BL and DR-16 some: for the following reasons:

PLEASE SEE ACCOMPANYING MEMORANDUM

	Zoning Law and Zoning Regulations of Baltimore
	for an office building.
Property is to be posted and advertised as	
I, or we, agree to pay expenses of above re	-classification and/or Special Exception advertising
	further agree to and are to be bound by the zoning
	y adopted pursuant to the Zoning Law for Baltimore
County.	Ofman Interes
	C/Gordon Gilbert
	Cordelia & Tilbert
Contract purchaser	Cordelia P. Gilbert Legal Owner
Address	Address 1 Roundridge Road
G + 10 + 1	Timonium, Maryland 2109
Jahr 13. Agreen	on the teach release but their the
Petitioner's Attorney	Protesty A's Attorney
Address 210 Allegheny Avenue	

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Paltimore 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\_\_\_\_\_\_day of\_\_\_\_\_\_, 197 \_\_, at \_\_\_\_\_o'clock

County Board of Appeals Room 219, Court House Towson, Maryland 21204 November 19, 1979

John R. Howard, Esq. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Howard:

Re: C. Gordon Gilbert, et ux Case No. R-79-9-X (R-79-198-X)

Zoning Commissioner of Baltimore County.

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 latice.

Very truly yours,

June Holmen, Secretary

Encl.

cc: C. Gordon Gilbert, et ux Ms. Margaret DiNarto Mr. Walter Robertson, III Mr. and Mrs. John Kenny Mr. and Mrs. Geo. Gorney

Mr. Howard J. Smith

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to B.L. and D.R. 16, and SPECIAL EXCEPTION for on Office Building N/S Greenmeadow Road 161.34 E. of York Road, and SE corner

of York and Roundridge Roads 8th District

C. Gordon Gilbert, et ux Petitioners -Appellants Zoning File No. R-79-9-X (R-79 9-X)

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

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

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket No. 12

File No.

TO THE HONORABLE, THE JUDGE OF SAID COURT

And now come Walter A. Reiter, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed agains, 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. R-79-9-X

Sept. 29, 1978 Petition of C. Gordon Gilbert, et ux for reclassification from D.R. 16 and D.R. 2 to a B.L. and D.R. 16 zone, for special exception for an office building on property located on the Nor hiside of Greenmeadow Rd., 161.34' East of York Rd., and Southeast corner of York and Roundridge Roads, 8th District, filed

> Order of Walter A. Reiter, Jr., Chairman, County Board of Appeals, directing advertisement and posting of property - date of hearing set for July 10, 1979, at 10 a.m.

494-3180

79

County Board of Appeals Room 219, Court House Towson, Maryland 21204 November 19, 1979

John W. Hessian, III, Esq. People's Counsel for Baltimore County County Office Bullding Townen, Maryland 21204

Door Mr. Heerlans

Ret C. Gordon Gilbert, et ux Case No. R-79-9-X (8-79-198-X)

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 B-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,

Encls.

C. Gordon Gilbert, et ux Case No. R-79-9-X

October 31, 1978 Comments of Baltimore County Zoning Advisory Committee filed

February 15, 1979 I.D.C.A. approved by Planning Board (\*78-75-X)

June 21 Certificate of Publication in newspaper - filed Certificate of Posting of property - filed

July 10 At 10:00 a.m. hearing held on petition

October 31 Order of County Board of Appeals denying the reclassification from D.R. 2 to D.R. 16 on the 1.489 acre parcel, dismissing the special exception for an office building, and granting the reclassification from D.R. 16 to B.L. on the 1.148 acre parcel.

Order for Appeal filed in Circuit Court for Baltimore County by John W Hessian, III, Esq., People's Counsel for Baltimore County,

Certificate of Notice sent to all interested parties

Petition to -- company Order for Appeal filed in Circuit Court for November 21 Baltimore County

Order for Appeal filed in Circuit Court for Baltimore County by John B. Howard, Esq., and Herbert R. O'Conor, III, Esq., Attorneys for

Certificate of Notice sent to all interested parties

Petition to accompany Order for Appeal filed in Circuit Court for **Baltimore County** 

Transcript of testimony filed -December 12

Petitioner's Exhibit No. 1 - Plat dated 7/6/79

2 - Revised plot dated 12/1/78

" " 3 - Report of Mr. Wes Guckert dated 7/2/79 (Street Traffic Studies)

People's Counsel Exhibit IA - IG - Photos

" " 2 - 3 pages of the report by the Planning 3d. to the County Bd. of Appeals.

" 3 - Letter of request dated 4/25/75 to Office of Planning & enclosures

4A & 4B - Photos of Greenmeadow Dr.

December 12 Record of proceedings filed in the Circuit Court for Baltimore County

No. R-79-9-X

8th District

C. GORDON GILBERT, et ux

N/5 Greenmeadow Rd., 161.34' E of York Rd., and SE corner of York and Roundridge Rds.

Reclass. from DR 16 and DR 2 to BL

SE-for office building

Sept. 29, 1978 Petition filed

July 10, 1979 Hearing held before the Board

on the 1.489 acres Order of C.B. of A. DENYING the reclass, dismissing the Oct. 31

special exception, and GRANTING the reclass, on the 1, 148

Order for appeal filed in C.Ct. by People's Counsel Nov. 13

Nov. 19 Certificate of Notice sent to all interested parties Nov. 21 Petition to accompany Order for appeal filed in C. Ct.

Nov. 29 Order for appeal filed in C.Ct. by John B. Howard, Esq., and Herbert R. O'Conor, Esq., attorneys for cross appellants

Dec. 4 Certificate of Notice sent to interested parties

Petition to accompany Order for appeal filed in C. Ct. Dec. 12

Record of proceedings filed in the Circuit Ct. for Balto. Cty.

C. Gordon Gilbert, et ux Case No. R-79-9-X

> 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,

/ County Board of Appeals of Baltimore County

Cc: John Howard Fry.

Care # R-7599-X C. Gyndon Select (17-79-198.X)

P.C. of 14thum 16- Pholoso P.C. of 12-3 pg's 1915/18 15 of the Report to the & Bd. of spile 4 22 Balls & Plan, Bd. Pet. Egel. D Date 118/79 note Cargo winder count P.C. 9143 - Letter of Request to office of Plany 15 %

(Changed members on exhlitager

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 as of the

Such day of Samery

FRIC DINENNA Zoning Commissioner

Chairman, Zoning Plans

Advisory Committee

Petitioner Gilbert

Petitioner's Attorney John B. Hours Reviewed by Reviewed by Nicholas B. Commodari

John B. Howard, Engatre Towern Maryland 21204

Gerhold, Cross & Etsel 412 Delaware Avenue Townen, Maryland 31206 BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Micholas B. Cornodari

Department of Traffic Engineering Bureau of Fire Prevention Real'h Department

State Roads Commission

Project Planning Building Department Board of Education foning Administration Industrial

October 31, 1978

John B. Howard, Esquire 210 Allegheny Avenue Towson, Maryland 21204

> RE: Item No. 8 Petitioner - Gilbert Reclassification and Special Exception Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are 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.

The subjects of this petition are two parcels of land, currently zoned D. R. 2 and D. R. 16, which are part of a larger tract of land, owned by your clients, consisting of 5 acres bounded by Roundridge Road on the north, York Road to the west, and Greenmeadow Drive to the south. This site is presently improved with a dwelling situated at the crest of this property, which slopes from Roundridge Road towards York Road and Greenmeadow Drive. Surrounding properties consist of residentially zoned land improved with individual dwellings to the north and immediately to the east, while the Timonium fairgrounds, an office use and shopping center exist to the west and south of these parcels, respectively.

Because of your clients' proposal to construct a three-story office building on the D. R. 2 zoned portion and a restaurant on the D. R. 16 zoned portion, this Reclassification/Special Exception hearing

Gilbert Page 2 October 31, 1978

At the time of our discussion with the Committee, the Department of Traffic Engineering indicated that an additional entrance for the proposed restaurant would be required from Roundridge Road. However, the possibility of a use-in-common driveway with the medical office building to the south or an entrance from York Road was discussed as being more compatible with the surrounding uses. If this is not suitable, I suggest that this be addressed in letter form so I can incorporate your response as part of this file.

Because the Committee visualizes that extensive grading will be required for the proposed office building, revised site plans must be submitted reflecting this proposed grading, the method of securing that adequate drainage facilities will be provided and those comments from the Office of Current Planning and Development. In addition, particular attention should be afforded those comments of the Department of Permits and Licenses and Health Department.

This petition will be accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to December 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1979 and April 15, 1979 will be forwarded to you well in advance.

Very truly yours,

NICHOLAS B. COMMODARI

Zoning Plans Advisory Committee

NBC/sf

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

for review by the Zoning Advisory Committee in connection with the subject item.

October 30, 1978

Re: Item #8 Cycle IV (Oct. 1978-April 1979)

The following comments are furnished in regard to the plat submitted to this office

Comments were supplied for an overall larger site, of which this property is a

part, in connection with the Zoning Advisory Committee review for Item 14 of Zoning

Cycle III (April-October 1978). Those comments remain valid and applicable to this

property which comprises Lot 1, Block 2, and part of Parcel "A" of Plat One Part of

Blocks "A" and "B" - Part of Section One Stratford (G.L.B. 19, Polio 29); and Lots

1 and 2, Block "A" of Plat One Part of Block "A" - Fert of Section Two Haverford

2) 5/W cor. York Rd. & Roundridge Rd.

Existing Zoning: 1) D.R. 2 2) D.R. 16

Property Owner: C. Gordon & Cordelia P. Gilbert

offices.

Proposed Zoning: 1) D.R. 16 with Special Exception for

1) N/S Greenmeadow Rd. 161.34' E. York Rd.

2) B.M.

Acres: 1) 1.409 2) 1.148 District: 8th

ELISWORTH N. DIVER, P.E. Chief, Bureau of Engineering

END: EAM: FWR: 65

(G.L.B. 19, Polio 146).

TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.

Mr. S. Fric DiNenna

Dear Mr. DiNenna:

Zoning Camissioner

County Office Building

Towson, Maryland 21204

cc: J. Somers W. Munchel J. Wimbley

5-NZ Key Sheet 54 6 55 NW 3 Pos. Sheets NW 14 A Topo 60 Tax Map

Maryland Department of Transportation

M. S. Ceffrider

Hermanii K. Internanti Survitory

uctober 16, 1978

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

State Highway Administration

Attention: Mr. N. Commodari

Location: 1) N/S Greenmeadow Road, 161.34' E York Road 2) SW/C York Road (Rte. 45) & Roundridge Road Existing Zoning: 1) D.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 with Special Exception for offices

Re: Zoning Cycle IV, October 1978

Property Owner: C. Gordon & Cordelia

P. Gilbert

Acres: 2) 1.489 District: 8th

Dear Mr. DiNenna:

No access is proposed from York Road. The development as planned should cause no particular problems on York Road.

Very truly yours,

CL:JEM:dj Charles Lee, Chief Bureau of Engineering Access Permits

By: John E. Meyers

My telephone number is (301) 383-4320

P.C. Box 717 / 300 West Presion Street Baltimore, Maryland 21203

baltimore county

office of planning and zoning TOWSON, MARYLAND 21204

LESLIE I. GRAEF

October 31, 1978

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

Dear Mr. DiNenna:

Comments on Item \*8 , Zoning Cycle IV, October, 1978, are as follows:

Property Owner: C. Gordon and Cordelia P. Gilbert Location: 1. N/S Greenmeadow Road 161.34' E. York Road 2. SW/C York Road and Roundridge Road Existing Zoning: 1. D.R.2 2. D.R.16 Proposed Zoning: 1. D.R. 16 with Special Exception for offices 2. E.M. Acres: 1. 1.489 2. 1.148 District: 8ti.

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

The proposed grades should be shown on the site plan.

Landscaping should be shown on the site plan.

There should be a second means of egress and ingress to the property.

If the petition is granted the Subdivision Requirements must be complied with.

Very truly yours,

John Zer Lubby

John L. Wimbley Current Planning and Development Uctober 17, 1978

Mr. S. Bris DiSeana, Soning Commissioner Office of Pleaning and Louing County Office Building Powson, Maryland 21201

Dear Er, Dillionnes

Comments on Item #8, Soming Livinory Coumities Heeting for Cyul: IV, are as follows:

C. Cordon & Cordolis F. Cilbert

1. F/S Greenmocdow Rd. 161.36' S York Rd.

2. SS/C York Rd. & Roundwidge Rd.

1. D.R. 2 2. D.R. 16 D.R. 16 with Special Exception for offices 1.489

Netropolitan water and sever are available to both sites. The existing dwelling on the remaining parcel of land is precently served by well and septic system. The existing septic system is overflowing at a point that is located on the site of the proposed 3 stay office builting. Therefore, the owner of the dwelling will be required to connect to publis sever.

Prior to new installation/s of Suel burning equipment, the owner should control the Division of Air Pollution Control, 194-3775, to obtain requirements for such installation/c before we k begins.

A Permit to Construct from the Division of Air Pollution Control is required for any charbroller operation which has a total cooking surface area of five (5) square feet or more.

The marketon own to should be newfored with a doubless boundless

Fig. S. Brio Dillemma

Cotabor 37, 1978

rervice facility is proposed, complete plans and corteent of Health, for review and approved major to

Year truly yours,

Thomas F. Devlin, Disector BURRAU OF MITTHOMOSTAL SERVICES

THO/SUP/CHA

oos V. L. Phillips

J. J. Dietar

FEB 15 1980

DIRECTOR

October 16, 1978

ZAC . Meeting for Cycle IV

C. Gordon & Cordelia P. Gilbert

1) N/S Greenmeadow Rd. 161.34' E York Rd.

2) 1.149

Mr. S. Eric LiNenna Zoning Commissioner County Office Building Towkon, Maryland 21204

Property Owner: Location:

2) SW/C York Road & Boundridge Rd. 1) D.P. 2 2) D.R. 16 Existing Zoning: 1) D.R. 16 with Special Exception for offices Proposed Zoning:

Peres: District:

Dear Mr. DiNenna:

As presently zoned, this site can be expected to generate approximately 200 trips per day; the proposed zoning can be expected to generate 1200 trips per day. This increase will compound the existing traffic problems along York Road.

1) 1.489

An entrance to the proposed restaurant must be provided on Roundridge Road.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building

Your Petition has been received and accepted for filing

Petitioner's Attorney John B. Houard Reviewed by

this 16th day of December

John B. Howard, Englise

210 Allegheny Avenue Towen, Maryland 21204

111 W. Chesapeake Ave.

Towson, Maryland 21204

Zoning Commissioner

ce: Gerbold Cross & Etsel

432 Delaware Avenue

Towers, Maryland 31204

Chairman Zoning Plans

**Advisory Committee** 

Very truly yours,

Michael S. Flanigan Engineer Associate II

battimore county the department TOWSON MARYLAND 21204

Paul H. Reincke

October 16, 1978

Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 2120,

Attention: N. Commodori, Chairman Zoning Adivsory Committee

Re: Property Owner: C. Gordon & Cordelia P. Gilbert

Location: 1) N/S Greenmendow Rd. 161.34' E York Rd. 2) SW/C York Rd. & Roundridge Rd. Zoning Agenda Cycle IV Itom No.

Gentlemen:

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

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals cr \_\_\_\_\_feet along an approved road in accordance with Baltimore County Standards es published by the Department of Public Works. At. 300' on Greenmendow Drive at driveway entrance to proposed office building.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition sicon at EXCEPDS the maximum allowed by the Fire Department.

(x) 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 Pro-tection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. Standpipe required in office

building. ( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

HEVIEWER Capt Josep Wile 10-17-78 Approved: Leonge M Wegands

Fire Prevention Bureau

Latimore county department of permits and licenses

Mr. S. Eric DiNenna, Zoning Cummissioner Office of Planning and Zoning County Office Building Toweon, Maryland 21204

Dear Mr. DiMennas

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

Gordon & Cordelia P. Gilbert MS Greenmeadow Rd - 161.34' E York Rd 2)EWC York Rd & Roundridge Rd D.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 16 with Special Exception for offices

October 5, 1978

Districts

2) 1.148

The items checked below are applicables

I A. Structure shall conform to Baltimore County Building Code (B.O.C.A.)
1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

X P. A building permit shall be required before construction can begin. XC. Additional miscellaneous permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

I. 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 perm't.

G. Wood frame walls are not permitted within 3'0" of a property lime. Contact Duilding Department if distance is between 3'0" and 6'0"

H. Requested setback variance conflicts with the Baltimore County Building Cude. Fee Section \_\_\_\_\_\_\_

XJ. Comment: Site plan flows not comply with State Handicapped Code - Handicapped Code will require elevator in the 3 story structure, along with other code items which will be required in both structures.

PETITION FOR ZONING RE-CLASSIFICATION

MXXXXXVe. Cordelia P. Gilbert legal owners, of the property situate in Baltimore

County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant

to the Zoning Law of Baltimore County, from an DR-16 and DR-2 .... z se to an

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore

County, to use the herein described property, for an office building.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising. posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning

C. Gorden Gilbert

Cordelia P. GilbertLegal Gwner

Timonium, Maryland 21093

Protestant's Attorney

Address 1 Roundridge Road

regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

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

AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

C. Gordon Gilbert &

BM and DR-16 zone; for the following reasons:

PLEASE SEE ACCOMPANYING MEMORANDUM

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MAKYLAND - 21204

Date: October 24, 1978

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

Z.A.C. Meeting of: Cycle IV

Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) N/S Greenmeadow Rd. 161.34' E York Rd. 2) SW/C York Rd. & Round-Present Zoning: 1) D.P. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 with Special Exception for offices

District: 8th No. Acres: 1) 1.489 2) 1.148

Dear Mr. DiNenna

No adverse effect on student population.

Very truly your ,

W. Nick Petrovich, Field Representative

JOSEPH N. MCGOWAN, PRESIDENT MARCUS M. BOTSACIS

beginning.

ALVIN LORECK THOMAS H. B. IVER MRS. MILTON R. SMITH, JA. MRS. LORRAINE F. CHRCLE ROGER B. HAYDEN RICHARD W. TRACEY, D.V.M.

----JOHN P. ETEEL WILLIAM & MUNICH

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

September 29, 1978

York Road Parcel

821 4470

Zoning Description

All that piece or parcel of land situate, ly the Eighth Election District of Baltimore County, being in of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York .Road, said point being distant South 18 degrees 29 minutes 26 seconds East 50 feet from the center line of Roundridge Road and thence running and binding on the east side of York Road, the two following courses and distances viz: South 18 degrees 29 minutes 26 seconds Sast 96.72 feet and South 18 degrees 47 minutes 06 seconds East 200 feet, thence leaving said York Road and binding on the outline of the land of the petitioners herein. North 71 degrees 12 min tes 54 seconds East 158.22 feet, thence binding on the line between Zone DR 16 and Zone DR 2, North 28 degrees 28 minutes 26 seconds West 299.90 feet to the south side of the aforesaid Roundridge Road and thence binding on the south and scutheast side of said Roundridge Road, the two following lines viz: Westerly by a line curving toward the left having a radius of 440.28 feet for a distance of 136.50 feet (the chord of said are bearing South 80 degrees 23 minutes 29 seconds West 135.96 feet) and southwesterly by a line curving toward the left having a radius of 25 feet for a distance of 39.27 feet (the chord of said are bearing South 26 degrees 30 minutes 34 seconds West 35,36 feet) to the place of

Containing 1.148 Acres of land more or less.

Peing part of the property of the petitioners herein as shown on a plat filed in the Baltimore County Office of the Zoning Commissioner.



AGRECO TOTE DIRECTOR

#### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

December 18, 1978

MERLEAS Bureau of

Chairman

Engineering Department of Traffic Engineering

Fire Preventies Health Department Protect Planning

210 Allegheny Avenue

State Roads Commission Sureau of

Soning Administration Industrial

John B. Howard, Esquire Towson, Maryland 21204

> RE: Item No. 8 Petitioner - Gilbert Reclassification and Special Exception Petition

Dear Mr. Howard:

Please be advised that the acceptance certificate for the above petition, dated January 30, 1979, was incorrect. Enclosed is verification that the correct date of acceptance was December 14, 1978. This should replace the previous certificate.

Very truly yours,

NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC/sf

enclosure

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

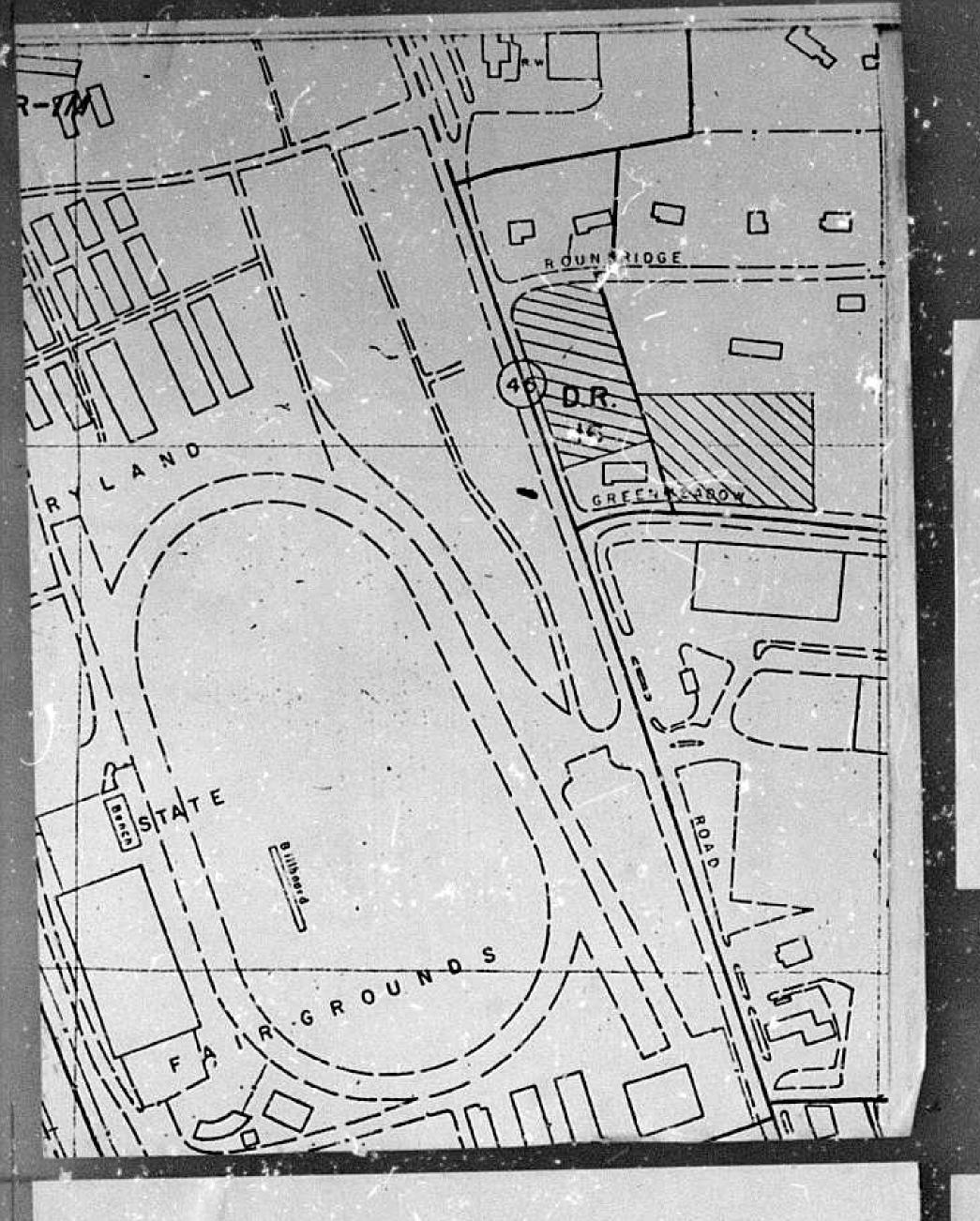
Contract purchaser

County.

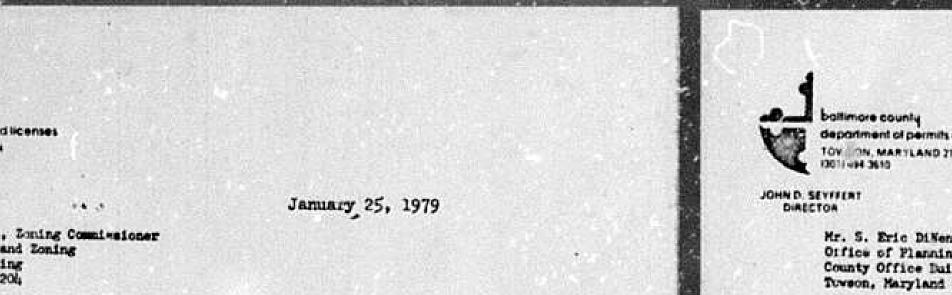
Address 210 Allegheny Avenue Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baldmore County, this REFIGE CORY ......day 

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning



PETITION MAPPING PROGRESS SHEET Wall Map Original Duplicate Traing 200 Sheet date by date by cate by date by date by Descriptions checked and outline plotted on map Petition number added to outline Denied Granted by ZC, BA, CC, CA Revised Plans: Reviewed by: Change in outline or description \_\_\_\_Yes 33125 Previous case: 72-164A



The items checked below are applicable:

XA. Structure shall conform to Baltimore County Puilding Code (B.C.C.A.)
1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.

January 25, 1979

Building permits shal' be required before construction can begin.

2) 1.148

Property Owner: C. Gordon & Cordelia P. Gilbert
Lecation: 1) NS Greenmeadow Road - 161.34' E York Rd 2)SWC York Rd & Roundridge Rd

Permits shall be required. D. Building shall be upgraded to new use - requires siteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

XP. 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.

Comments on Item # 8 Zoning Advisory Committee Meeting, CYCLE IV

Existing Zoning: 1) D.R. 2 2) D.R. 16
Proposed Zoning: 1) D.R. 16 16 with special exception for offices

G. 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.

H. Requested setback variance conflicts with the Beltimore County

Building Gode. See Section \_\_\_\_\_\_

department of permits and licenses TOWSON, MARYLAND 21704

Office of Planning and Zoning

County Office Build's

Towsen, Maryland 21750

Dear Mr. DiNonna

are as follows:

Mr. S. Bric DiNenna, Zoning Commissioner

2) B.M.

Plans still do not indicate compliance to the State Handicapped Code, parking, parking signs, curb cuts, side wall ramps, building access etc., also the inturior of the buildings will be required to comply as well.

Charles E. Burnham

both nor nounty department in permits and licenses
Towson MARYLAND 21264
GC11414-3610 JOHN O. SEYFFERT Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towers, Maryland 2120b Dear Mr. DiMennas Comments on Item # 8 Zoning Advisory Committee Meeting. CYCLE IV are es follows: Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) NS Greenmeadow Road - 161.34 E York Rd 2)SWC York Rd & Roundridge Rd Existing Zoning: 1) D.R. 2 2) D.R. 16
Proposed Zoning: 1) D.R. 16 16 with special exception for offices 1) 1.489 2) 1.148 The items checked below are applicable: XA. Structure shall conform to Baltimore County Building Code (B.O.C.A.)
1970 Edition and the 1971 Supplement, State of Manyland Code for the
Handicapped and aged and other applicable codes.
Building permits shall be required before construction can begin. C. Additional \_\_\_\_\_Permits shall be required. D. Building shall be upgraded to new use - requires alteration permit. E. Three sets of construction drawings will be required to file an applicat; on for a building permit. XP. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to flie an application for a building permit. G. Wood frame wal! 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. H. Requested setback variance conflicts with the Baltimore County Building Code, See Section \_\_\_\_\_\_ XJ. Comment: Plans still do not indicate compliance to the State Handicapped Code, parking, parking signs, curb cuts, side wall ramps, building access etc., also the interior of the buildings will be required to comply as well.

department of permits and licenses
TOV INN, MARYLAND 21264
13011-94-3610 January 25, 1979 Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Dear Mr. DiNannas Comments on Item # 8 Zoning Advisory Committee Meeting, CYCLE IV are as follows: Property Owner: C. Gordon & Cordelia P. Gilbert
location: 1) NS Greenmeadow Road - 161.34' E York Rd 2)SWC York Rd & Roundridge Rd Existing Coming 1) D.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 16 with special exception for offices 2) 1.148 The 1tems checked below are applicable: XA. Structure shall confoin to Baltimore County Pullaing Code (8.0.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Randicapped and aged and other applicable codes. Building purmits shall be required before construction can begin. C. Additional \_\_\_\_\_Permits shall be required. D. Building shall be : pgraded to new use - requires alteration penalt E. Three sets of construction draings will be required to file an application for a building permit. XF. 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. G. bood frace 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. H. Requested setback variance conflicts with the Baltimore County Building Code, See Section \_\_\_\_\_\_ I. No Comment. XJ. Comest: Plans still do not Indicate compliance to the State Handicapped

Code, parking, parking signs, curb cuts, side wall ramps, building access

etc., also the interior of the buildings will be required to comply

TOWSON, MARYLAND 21264 JOHN D. SEYSFERT January 25, 1979 Mr. S. Bric DiFenra, Zoning Commissioner Office of Planning and Zoning County Office Building Toyson, Maryland 2120 Comments on Item # 8 Zoning Advisory Committee Menting. CYCLE IV Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) NS Greenmeadow Hoad - 161.3h; E York Rd 2)SWC York Rd & Roundridge Rd 2) D.R. 16 Proposed Ecaing: 1) D.R. 16 16 with special exception for offices 2) B.M. 1) 1.489 2) 1.148 The items checked helps are applicable: XA. Structure shall conform to Baltimore County Building Gode (B.O.C.A.)
1970 Edition and the 1971 Supplement, State of Maryland Code for the
Handicapped and aged and other applicable codes.
Building permits small be required before construction can begin-C. Additional \_\_\_\_\_Permits shall be required P. Building shall be upgraded to new use - requires acturation permit. E. Three sets of construction drawings will be required to file an application for a building permit. XF. 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. G. Wood "rame 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. M. Requested setback variance conflicts with the Beltisore County Building Code. See Section I. No Comment. XJ. Color s: Plans still do not indicate compliance to the State Handicapped Code, parking parking signs, curb outs, side wall ramps, building access etu., also the interior of the buildings will be required to comply

Dear Mr. Di Nannas Comments on Item # 8 Zoning Levisory Committee Meeting, CYCLE IV Property Owner: C. Cordon & Cordelia P. Gilbert Location: 1) NS Greenmendow Road - 161.34 E York Rd 2)SWC York Rd & Roundridge Rd Existing Zoning: 1) D.R. 2 2) D.R. 16 Proposal Zoning: 1) D.R. 16 16 with special exception for offices 2) B.M. 2) 1.148 The items checked below are applicables

January 25, 1979

XA. Structure shall conform to Bultimore County Building Code (8.C.C.).)
1970 Edition and the 1971 Supplement, State of Maryland Code for the Burdicapped and aged and other applicable codes. Building permits shall be required before construction can begin.

C. Additional \_\_\_\_\_Permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

I, Three sets of construction drawings will be required to file an application for a building percit.

XF. 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.

G. 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.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_

I. No Comment.

XJ. Comment: Plans still do not indicate compliance to the State Handicapped Code, parking, parking signs, curb cuts, side well ramps, building access etc., also the interior of the buildings will be required to comply

Charles E. Burnham Plans Beview Chief

January 25, 1979

department of permits and licenses TOWSON, MARYLAND 21204

JOHN D. SEYFFERT

department of permits and licenses 10WEGY, MARYLAND 21204 13011494 3610

Mr. S. Eric DiMenna, Zoning Commissioner

Office of Planning and Zoming County Office Building

Towson, Maryland 21204

JOHN D. SEYFFERT

Mr. S. Eric DiMenna, Zoning Commissioner Office of Planning and Zoning County Office Building

Towern, Maryland 2120 Dear Mr. DiNennas

Comments on Item # 8 Zoning Africary Committee Meeting. CYCLE IV are as follows:

Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) NS Greenmeadow Road - 161.34' E York Rd 2)SWC York Rd & Roundridge Rd Proposed Zoning: 1) D.R. 2 2) D.R. 16
Proposed Zoning: 1) D.R. 16 16 with special exception for offices

2) 1.148 Districts

The items thecked below are applicables

X1. Etructure shall conform to Baltimore County Building Code (B.O.C.A.)
1970 Edition and the '971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes. Building permits

shall be required before construction can begin.

C. Additional \_\_\_\_\_\_Permits shall be required.

D. Ruilding shall be upgraded to now use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

XV. 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.

G. 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.

H. Requested setback variance conflicts with the Baltimore County

Building Gode. See Section

I. No Commant.

XJ. Comment: Plans still do not indicate compliance to the State Handicapped Code, parking parking signs, curb cuts, side wall remps, building access etc., also the interior of the buildings will be required to comply as well.

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

October 17, 1978

Mr. B. Rric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Duar Mr. DiNenna:

Comments on Item #8, Zoning Advisory Committee Meeting for Cycle IV, are as follown:

Property Owner:

Tistriot:

C. Gordon & Cordelia P. Gilbert 1. W/S Greenmeadow Rd. 161.34' E York Rd. 2. SW/C York Rd. & floundridge Rd. Existing Zoning 1. D.R. 2 2. D.R. 16

Proposed Zoning: 1. D.R. 16 with Special Exception for offices Acres:

2. B.M. 1. 1.489 2. 1.148

Metropolitan water and sewer are available to both sites. The existing dwelling on the remaining parcel of land is presently served by well and septic system. The existing septic system is overflowing at a point that is located on the site of the proposed 3 story office building. Therefore, the owner of the dwelling will be required to comect to public newer.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air P:llution Control, 494-3775, to obtain requirements for such installation/s before work tegins,

A Permit to Construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

The parking area/s should be surfaced with a dustless, bonding material.

Mr. S. Bric DiNenna

October 17, 1978

If a food service facility is proposed, complete plans and specifications sust be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,

BURRAU OF ENVIRONMENTAL SERVICES

THD/RJP/fth

oc: W. L. Phillips

J. J. Dieter

TOWSON, MARYLAND 21204

STEPHEN E. COLLINS

October 16, 1978

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

Item No. 8 Property Owner:

> 1) M/S Greenmandow Rd. 161. 4' E Cork Rd. Location: 2) SW/C York Road & Roundriuge Rd. 1) D.R. 2 2) D.R. 16 Existing Zoning: 1) D.R. 16 with Special Exception for offices Proposed Zoning:

ZAC - Meeting for Cycle IV

C. Gordon & Cordelia P. Gilbert

2) B.M. Dis rict

1) 1.489 2) 1.148

Dear Mr. DiNenna:

As presently zoned, this site can be expected to generate approximately 200 trips per day; the proposed zoning can be expected to generate 1200 trips per day. This increase will compound the existing traffic problems along York Road.

An entrance to the proposed restaurant must be provided on Roundridge Road.

Very truly yours,

Michael 5. Flanigan Engineer Associate II

MSF/hms



Paul H. Reincke

October 16, 1978

Office of Planning and Zoning Raltimore County Office Building Towson, Maryland 21204 Attention: N. Commodari, Chairsan

Re: Property Owner: C. Gordon & Cordelia P. Cilbert

Zoning Adiveory Committee

Location: 1) N/S Greenmeadow Rd. 161.34' E York Rd. 2) FW/C York Rd. & Roundridge Rd. Zoning Agenda Cycle IV Item No.

#### Centlemen:

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

- (x) 1. Fire hydrasts 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 sublished by the Department of Public Works. At. 300' on Greenmeadow Drive at driveway entrance to proposed office building.
- ( ) 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.

- (x) 4. The site shall be made to comply with all applicable parts of the Fire Provention 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", 1976 Edition prior to occupancy. Standpire required in office
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

Special Inspection Division

Fire Frevention Bureau

department of permits and licenses TOWSON, MARYLAND 21264 JOHN D. SEYFFERT

October 5, 1978

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21206

Loning Advisory Committee Meeting, CYCLE IV

Property Owner: C. Gordon & Cordelia P. Gilbert
Location:
1) MS Greenmeadow Rd - 161.34 E York Rd 2)SWC York Rd & Roundridge Rd
Existing Zoning: 1) D.R. 2
2) D.R. 16
Proposed Zoning: 1) D.R. 16 16 with Special Exception for offices

- X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional miscellaneous perits shall be required.
- D. Building shall be upgraded to new use requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building vermit. XF. 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.
- G. Worl 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.
- H. Requested settack variance conflicts with the Baltimore County Building Code. See Section
- I. No Comment.
- XJ. Comment: Site plan Boes not comply with State Hand capped Code Handicapped Code will require elevator in the 3 story structure, along with other code items which will be required in both structures.

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 24, 1978

Mr. S. Er'c DiNenna Zoning Commissioner Baltimore County Office Building Towson, Maryland 21204

Z.A.C. Meeting of: Cycle TV

RE: I em No: Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) N/S Greenmeadow Rd. 161.34' E York Rd. 2) SW/C York Rd. 4 Round-Present Zoning: 1) D.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 with Special Exception for offices 2) B,M,

District: 8th No. Acres: 1) 1.489 2) 1.148

Dear Mr. DiNenna:

No adverse effect on student population.

W. Nick Petrovich, Field Representative

Very truly yours,

T. BAVARD WILLIAMS JR., VITE-PRESIDEN MARCUS M. EDTRARIS

THOMAS H. BOYER MRS. LORRAINE F. CHIRCITE

HOBERT Y. DUBEL SUPERINTENDENT

ALVIN LORECK MRS. MILTON R. SMITH. JR. RICHARD W. TRACEY, D.V.M.

PETITION MAPPING PROGRESS SHEET Wall Map Original Duplicate FUNCTION date by date by date by date by Descriptions checked and outline plotted on map Petition number added to outline Denied Granted by ZC, BA, CC, CA Revised Plans: Reviewed by: Change in outline or description\_\_\_ Yes Previous case: 3312 5 Map # NW14-19

Mr. Laudeman, of the Office of Finance, called regarding case #R-79-9-X, Gordon Gilbert, assigned for hearing on July 10th. He says that the Improvement Assn. just heard that this hearing is to take place on July 10th and that they are upset about it as it is a very bad time for them to prepare their case and have witnesses due to vacations and would like to have the case postponed. I explained to him about your policy re postponements and also that this is a cycle case which normally would have been heard in April but which time had to be extended by the County Council due to the change of the Board, and that I wasn't sure if there was a time limit in which these cases had to be heard. He would like to have it rescheduled in Sept. and I advised him that of today we are scheduled through the end of Sept., whereby he said Oct. would be OK. I told him that

CARL L GERMOLD PARLY E, CHOOS JOHN F. ETZEL

WILLIAM G. ULRICK: PORDON Y, LAMODON

# GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204

PAUL & DOLLENBERD

823-4470

September 29, 1978

Greenmeadow Drive Parcel Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the north side of Greenmeadow Drive, said point being distant 161.34 feet measured easterly along the north side of Greenmeadow Drive from the east side
of York Road and running thence and binding on the north side of
said Greenmeadow Drive, South 85 degrees 21 minutes 21 seconds
East 277.06 feet, thence leaving said drive and running the two
following courses and distances viz: North 0 degrees 43 minutes 36
seconds west 225.09 feet and South 89 degrees 16 minutes 24 seconds
West 339.59 feet and thence binding on the line between zone
DR 16 and zone DR 2 and also binding for a part on the outline
of the land of the petitioners herein, South 18 degrees 26 minutes
26 seconds East 209.11 feet to the place of beginning.

Containing 1.489 Acres of land more or less.

Being part of the property of the petitioners herein as shown on a plat filed with the Baltimore County Office of the Zoning Commissioner.



RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 2 to
B.L. and D.R. 16, and
SPECIAL EXCEPTION for an
Office Building
N/S Greenmeadow Road 161.34'
E. of York Road, and SE corner
of York and Roundridge Roads
8th District

C. Gordon Gilbert, et ux Petitioners -Appellants Zoning File No. R-79-9-X (R-79-198-X)

(R-79-198-X)

John W. Hessian, III, Esq.

People's Counsel for Baltimore County,

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

IN THE

FOR

BALTIMORE COUNTY

AT LAW

Misc. Dorbat No. 12

CIRCUIT

COURT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

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

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

#### No. R-79-9-X

Sept. 29, 1978

Petition of C. Gordon Gilbert, et ux for reclassification from D.R. 16 and D.R. 2 to a B.L. and D.R. 16 zone, for special exception for an office building, on property located on the North side of Greenmeadow Rd., 161.3- East of York Rd., and Southeast corner of York and Roundridge Roads, 8th District, filed

Order of Walter A. Reiter, Jr., Chairman, County Board of Appeals, directing advertisement and posting of property - date of hearing set for July 10, 197., at 10 a.m.

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. \*
2 to B.L. and D.R. 16, and \*
SPECIAL EXCEPTION for an
Office Building N/S Greenmeadow Road 161.34' E. of
York Road, and SE corner of \*
York and Roundridge Roads \*
8th District
C. Gordon Gilbert, et ux., \*
Petitioners

\* IN THE CIRCUIT COURT

\* FOR BALTIMORE COUNTY

\* AT LAW

\*

\* Misc. Docket No. 12 \* Folio No. 19 \* Case No. 6969

# ANSWER TO PETITION OF PEOPLES' COUNSEL FOR BALTIMORE COUNTY

Now come C. Gordon Gilbert and Cordelia P. Gilbert,

Appellees and Cross-Appellants, by John B. Howard, Herbert R.

O'Conor, III, and Thomas W. Early, their attorneys, pursuant to

Maryland Rule B9, in answer to the Petition On Appeal of the

Peoples' Counsel for Baltimore County and says the following:

- 1. The ellegations of People's Counsel for Baltimore County, that the County Board of Appeals did not have legally sufficient evidence on which to base its conclusion that the present zoning of a 1.148 acre parcel located at the southeast corner of York and Round Ridge Roads is erroneous and that the Order of the County Board of Appeals is illegal, is DENICO.
- 2. The subject Order is a correct exercise of the authority of the County Board of Appeals in that the Board had received strong and compelling evidence of mistake on the Comprehensive Zone Map; such evidence consisted of, but was not limited to, the fact that the County Council was or should have been aware of the impact of the widening of York Road and of the expression and modernization plan. for Timonium State Fair Grounds, immediately across York Road from the subject property, and the topography of this property.
- 3. The Peoples' Counsel is not a party aggrieved by the decision of the County Board of Appeals and, therefore, he has no standing to assert this Appeal.

C. Gordon Gilbert, et ux Case No. R-79-9-X

October 31, 1978 Comments of Baltimore County Zoning Advisory Committee filed

February 15, 1979 I.D.C.A. approved by Planning Board (#78-75-X)

June 21 Certificate of Publication in newspaper - filed

June 23 Certificate of Posting of property - filed

July 10 At 10:00 a.m. hearing held on petition

October 31
Order of County Board of Appeals denying the reclassification from D.R. 2 to D.R. 16 on the 1.489 acre parcel, dismissing the special exception for un office building, and granting the reclassification from

D.R. 16 to B.L. on the 1.148 acre parcel.

November 13 Order for Appeal filed in Circuit Court for Baltimore County by John W Hessian, III, Esq., People's Counsel for Baltimore County,

November 19 Certificate of Notice sent to all interested parties

November 21 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County

Order for Appeal filed in Circuit Court for Baltimore County by John B.
Howard, Esq., and Herbert R. O'Conor, III, Esq., Attorneys for

Cross Appellants

December 4 Certificate of Notice sent to all interested parties

Petition to accompany Order for Appeal filed in Circuit Court for

Petition to accompany Order for Appeal filed in Circuit Court for Baltimora County

December 12 Transcript of testimony filed -

Petitioner's Exhibi No. 1 - Plat dated 7/6/79

\* 2 - Revised plat dated 12/i/78

" " 3 - Report of Mr. Wes Guckert dated 7/2/79
(Street Traffic Studies)

People's Counsel Exhibit 1A - 1G - Photos

2 - 3 pages of the report by the Planning Bd.
 to the County Bd. of Appeals.

" 3 - Letter of request dated 4/25/75 to Office of Planning & enclosures

" " 4A & 4B - Photos of Greenmeadow Dr.

December 12 Record of proceedings filed in the Circuit Court for Baltimore County

4. The enactment of the provision of Section 524.1 (b) (3)

A, which authorize the People's Counsel to note an Appeal from the County Board of Appeals, was an ultra vires act by Baltimore County.

5. Section 524.1 (b) is void as it is in derogation of rights to due process of law and equal protection as preserved by the Fourteenth Amendment to the United States Constitution and the Declaration of Rights of the Constitution of Maryland.

6. Section 524.1 (b) (3)A is void because it establishes no standards or criteria for the exercise of the discretion of the Peoples' Counsel and, therefore, there are no restraints upon arbitrary, unreasonable and capricious conduct.

7. The Peoples' Counsel is required by Section 524 (b) to represent the interests of the public in general and, where there has been no showing of injury to the interests of the public, as here, the People's Counsel is without authority and standing to pursue an Appeal.

WHEREFORE, C. Gordon Gilbert and Cordelia P. Gilbert,
Appellees and Cross-Appellants, pray this Honorable Court to
pass an Order dismissing the Order of Appeal as noted by the
Peoples' Counsel for Baltimore County.

JOHN B. HOWARD

HERBERT R. O'CONOR, III

THOMAS W. EARLY
210 Allegheny Avenue
Towson, Maryland 21204
823-4111
Attorney for Petitioners

C. Gordon Gilbert, et ux Case No. R-79-9-X

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,

June Holmen
County Board of Appeals of Baltimore County

I HEREBY CERTIFY that on this 2 day of December, 1979, a copy of the foregoing Answer was delivered, prior to the filing of same, to John W. Hessian, III, Esquire, Peoples' Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, and to the Administrative Secretary of the County Board of Appeals for Baltimore County, Room 219, Court House, Towson, Maryland 21204.

HERBERT R. O'CONOR, III

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 4, 1979

John B. Howard, Esq. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Howard:

Re: C. Gordon Gilbert, et ux Care No. R-79-9-X

In accordance with Rule B-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 B-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,

June Holmen, Secretary

Encls.

December 4, 1979

BILLED TO:

John B. Howard, Esq. 210 Allegheny Ave. Towson, Md. 21201

C. Gordon Gilbert, et ux
N/S Greenmeadow Road, 161.34\*
E. of York Road, and SE corner
of York and Roundriage Roads
8th District

MAKE CHEC'. S PAYABLE TO:

Baltimore County, Maryland

REMIT TO:

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

DEC 21 3 LE PH '79

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OF APPEALS

OF APPEALS

FEB 1 5 1980

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 12 Folio Fo. 19 Case No. 6969

#### ORDER FOR APPEAL

MR. CLERK:

Please note an app al on behalf of C. Gordon Gilbert and Cordelia F. Gilbert to the Circuit Court for Baltimore County from that portion of the Order of the County Board of Appeals for Baltimore County, dated October 31, 1975, which denied a Petition to reclassify an approximate 1.489 ac e parcel fronting on Greenmeadow Drive, approximately 161 feet east of York Road, from a D.R. 2 classification to a D.R. 16 classification and that portion of the Order which dismissed the Special Exception for an office building for the same parcel as herein described.

HEPFERT R. O'CONOR III

12/5/79 - Received a phone call from Mary Campagna of the Zoning Office saying she was returning this copy as Mr. Hammond refused to certify it saying that it was an appeal from the Board and, therefore, did not need his certification. I advited the Zoning Office that this had been the procedure for as long as I have worked here (since 1962). I took the matter up with Mr. Reiter and he said not to include this unsigned Appeal when we sent the case to court, and it they requested it, forward same to them at that time. Also, ir the future do not include copies of the Order for Appeal to the Circuit Court

Zoning Commissioner of Baltimore County

in the certified documents in court cases. If the court ques-

tions this, we will take the matter up at that time.

loward, Downes & Tracy cheny Avenue Maryland 21204 eys for Cross Appellants

BALTIMORE COUP
NOW 29 1 33 PM 7
COUNTY STATES

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 December 4, 1979

John W. Hessian, III, Esq. People's Counsel for Baltimore County County Office Bldg. Towson, Md. 21204

Dear Mr. Hessian:

Re: C. Gordon Gilbert, et ux Case No. R-79-9-X

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,

Lune Holmen June Holmen, Secretary

cc: C. Gordon Gilbert, et ux Ms. Margaret Dil'a.to Mr. Walter Robert on, III Mr. and Mrs. Jo'in Kenny Mr. and Mrs. Gao. Gorney Mr. Howard J. smith

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to B.L. and D.R. 16, and SPECIAL EXCEPTION for an Office Building N'S Greens adow Road 161.34' E. of York Road, and SE corner of York and Roundridge Roads 8th District C. Gordon Gilbert, et ux Petitioners

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 12

Folio No. 19

Case No. 6969

CERTIFICATE OF COMPLIANCE

Now come C. Gordon Gilbert and Cordelia P. Gilbert, Appellants, by John E. Howard and Herbert R. O'Conor, III, heir attorneys, pursuant to Maryland Rule B2C and certify that they have, prior to the filing of the Order for Appeal, had a copy thereof personally served on the Administrative Secretary of the County Board of Appeals for Baltimore County, Room 219, Court House, Towson, Maryland 21264, and the undersigned further certifies that he has mailed a copy of the Order for Appeal to John W. Hessian, III, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, County Office Building, Towson, Maryland 21204.

> Habet R. O Constitute HE'BERT R. O'CONOR, III Cook, Howard Downes & Tracy 210 Allegheny Avenue Towson, Maryland 21204 Attorney for Cross Appellants



494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 October 31, 1979

John B. Howard, Esquire 210 Allegheny Avenue Towson, Md. 21204

> Re: Case No. R-79-9-X (R-79-198-X) C. Gordon Gilbert, et ux

Dear Mr. Howard

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

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: C. Gordon Gilbert, et ux - John W. Hessian, III, Esquire Mr. J. E. Dyer Mr. W. E. Hammond Mr. J. D. Seyffert Mr. J. G. Hoswell Ms. Margaret DiNarto Mr. Walter Robertson, III Mr. and Mrs. John Kenny Mr. and Mrs. Geo. Gorney Mr. Howard J. Smith Board of Education

RE: PETITION FOR RECLASSIFICATION from D.R. 16 and D.R. 2 to B. L. and D. R. 16, and SPECIAL EXCEPTION for an Office Building N/S Greenmeadow Road 161,341 E of York Road, and SE comer of York and Roundridge Roads 8th District

> Petitioners-Appellants Zoning File No. R-79-9-X (R-79-198-X)

C. Gordon Gilbert, et ux

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

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misu. Docket No. 12

File No. 6969

ANSWER TO PETITION ON CROSS-APPEAL

\*\*\*\*\*\*\*\*

The People's Counsel for Baltimore County, Protestant be low and Appellant herein, answers the Petition on Cross-Appeal, viz:

1. The cross-Appellant herein admits the allegations made and contained in the first paragraph of said Petition.

2. Further answering said Petition, the cross-Appellant denies the allegations made and contained in the second, third, fourth, and fifth paragraphs of said Petition.

3. Further answering said Petition, the cross-Appellant herein states that the decision of the Board pertinent to the cross-appeal was proper and justified by the evidence before it.

County Board of Apprels

Room 219, Court House Towien, Maryland 21204

April 9, 1979 (May 7, 1979)

8th District

" SE - Offices, and

C. GORDON GILBERT, ET UX

N/S Greenmeadow Road E. of York Road and

SW corner of York Road and Roundridge Road

for reclassification from D.R. 2 to D.R. 16

for reclassification from D.R. 16 to B.L.

TUESDAY, JULY 10, 1979 at 10 a.m.

Counsel for Petitioners

**Putitioners** 

People's Counsel

AND AS IN DUTY BOUND, etc.,

494-3180

CASE NO. 8-79-4-X

ASSIGNED FOR:

cc: Mr. J. Dyer, Zoning

Mrs. Carol Beresti

John B. Howard, Esquire

C. Gordon Gilbert, et ux

John W. Hessian, III, Esq.

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

Teler May Zerumenon Peter Max Zimmerman Deputy Puople's Counsel County Office Building Towson, Maryland 21204 494-2188

PETITION POR RECLASSIFICATION

8th District

Petition for Reclassification from D.R.2 and D.R.16 to D.R.16 with ZONTEC: Special Exception for offices and B.L.

-2-

aforegoing Answer to Petition on Cross-Appeal was served on the Administrative

Secretary of the Baltimore County Board of Appeals, Room 219, Court House,

and Herbert R. O'Conor, III, Esquire, Cook, Howard, Downes & Tracy, 210

Allegheny Avenue, Towson, Maryland 21204, Attorneys for Appellees and

Cross-Appellants.

Towson, Maryland 21204; and a copy was mailed to John B. Howard, Esquire,

I HEREBY CERTIFY that on this 4th day of January, 1980, a copy of the

John W. Hessian, III

LOCATION:

1) North side of Greenseadow Road, 161.34 feet East of York Road 2) Southwest corner of York Road and Roundridge Road

Toesday, July 10, 1979 at 10:00 A.M. DATE & TIME: PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearings

Prepart Zoning: 1) D.R.2 and 2) D.R.16
Proposed Zoning: 1) D.R.16 with Special Exception for offices and

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

Being the property of C. Gordon & Cordelia P. Uilbert, as shown on plat plan filed with the Zoning Department

Bearing Date: Tuesday, July 10, 1979 at 10:00 A.M. Public Hearing: Room 218, Courthouse, Towson, Maryland

> BY ORDER OF WALTER A. REITER, JR., CHADMAN COUNTY BOARD OF APPEALS OF RALTIMORE COUPTY

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

C. Gordon Gilbert & MXMXXWe. Cordeli. P. Gilbert legal owners. of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, tion (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 and DR-2.

BE and DR-16 rone: for the following reasons:

PLEASE SEE ACCOMPANYING MEMORANUUM

NW MAR 0 110% HEAR OF RE

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I. or we, agree to pay expenses of above re-classification and/or Special Exception advertising. 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

Cordelia P. Gilbert Legal Owner Contract purchaser

Address 1 Roundridge Road

Timonium, Maryland 21093 Petitioner's Attorney Protestant's Attorney

Address 210 Allegheny Avenue Towson, Maryland 21204 ORDERED By The Zoning Commissioner of Baltimore County, this.....day

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_\_day of \_\_\_\_\_\_, 197 \_\_, at \_\_\_\_\_o'clock

Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION PETITION FOR SPECIAL EXCEPTION 1) N/S Greenmeadow Rd. 161,34' E York Rd., 8th District; and 2) SW/C York Rd. & Roundridge Rd.,

OF BALTIMORE COUNTY 8th District

C. GORDON GILBERT, at ux,

: Case No. R-79-9-X (Item 8)

BEFORE THE COUNTY BOARD OF APPEALS

1111111

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

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

Beter Max Benemuna Peter I Aox Zimmerman Deputy People's Counsel

into degeneral John W. Hessian, III People's Counsel for Baltimore County County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 12th day of June, 1979, a copy of the aforegoing Order was mailed to John B. Howard, E quire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hessian, !!!

**E** 

LAW CFFICES

TOWSON, MARYLAND 21204

FIRST NATIONAL BANK OF MARY LAND

Cook, Howard, Downes & Tracy
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVE. P.O. BOX 5517

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received \* this 29 day of 5.5+ 1976. Piling Fee \$ 57 . Received \_Check

> \_\_\_Cash Si Eric DiNenna,

Zoning Commissioner

Petitioner // / //// Submitted by Petitioner's Attorney / / P. And Reviewed by The

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

EARL L. GERHOLD PHILIP E. CROSS JOHN F. ETZEL WILLIAM G. ULRICH

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

PAUL O. DOLLENBERG PRED M. DOLLENBERG

823-4470 September 29, 1976 York Road Parcel Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York Road, said point being distant South 18 degrees 29 minutes 26 seconds East 50 feet from the center line of Roundridge Road and thence running and binding on the east side of York Road, the two following courses and distances viz: South 18 degrees 29 minutes 26 seconds East 96.72 feet and South 18 degrees 47 minutes 06 seconds East 200 feet, thence leaving said York Road and binding on the outline of the land of the petitioners herein, North 71 degrees 12 minutes 54 seconds East 158.22 feet, thence binding on the line between Zone DR 16 and Zone DR 2, North 18 degrees 28 minutes 26 seconds West 299.90 feet to the south side of the aforesaid Roundridge Road and thence binding on the south and southeast side of said Roundridge Road, the two following lines viz: Westerly by a line curving toward the left having a radius of 440.28 feet for a distance of 136.50 feet (the chord of said are bearing South 80 degrees 23 minutes 29 seconds West 135.96 feet) and southwesterly by a line curving toward the left having a radius of 25 feet for a distance of 39.27 feet (the chord of said arc bearing South 26 degrees 30 minutes 34 seconds West 35.36 feet) to the place of

Containing 1.148 Acres of land more or less.

Being part of the property of the petitioners herein as shown on a plat filed in the Baltimore County Office of the Zoning Commis-



RE: PETITION FOR RECLASSIFICATION IN THE from D.R. 16 and D.R. 2 to B. L. and D. R. 16, and CIRCUIT COURT SPECIAL EXCEPTION for an Office Building FOR N/S Greenmeadow Road 161.34' E. of York Road, and SE comes BALTIMORE COUNTY of York and Roundridge Roads 8th District AT LAW C. Gordon Gilbert, et ux Misa. Docket No. 12 Folio No. Zoning File No. R-79-9-X

People's Counsel for Baltimore County 

(R-79-198-X)

John W. Hessian, III, Esq.

CERTIFICATE OF NOTICE

File No.

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., John A. Miller and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Maryland 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margaret DiNarto, 2215 Dalewood Road Timonium, Maryland 21093, Mr. Walter Robertson, III, 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland, 21093 and Mr. Howard J. anith, 11 Roundridge Road, Timonium, Maryland 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

> County Board of Appeals of Baltimore County Rm. 219, Court House, Towson, Md. 21204

CARL L GERMOLD PHILIP K. CROSS JOHN F. STEEL WILLIAM G. ULRICH

GORDON T. LANGDON

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

PAUL OL DOLLENBERG PRET M. DO LENGTHS

823-4470

September 29, 1978 Greenmeadow Drive Parcel Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the north side of Greenmeadow Drive, said point being distant 161.34 feet measured easterly along the north side of Greenmeadow Drive from the east side of York Hoad and running thence and binding on the north side of said Greenmeedow Drive, South 85 degrees 21 minutes 21 seconds East 277.06 feet, thence leaving said drive and running the two following courses and distances viz: North 0 degrees 43 minutes 36 seconds West 225.09 feet and South 89 degrees 16 minutes 24 seconds West 339.59 feet and thence binding on the line between some DR 16 and zone DR 2 and also binding for a parc on the outline of the land of the petitioners herein, South 18 degrees 28 minutes 26 seconds East 209.11 feet to the place of beginning.

Containing 1.489 Acres of land more or less.

Being part of the property of the petitioners berein as shown on a plat filed with the Baltimore County Office of the Zoning

C. Gordon Gilbert, at ux Zuning File No. R-79-9-X (R-79-198-X)

I hereby certify that a copy of the aforegoing Certificate of Natice has been mailed to John B. Howard, Esq., 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for the Petitioners, C. Gordon Gilbert, et ux, 1 Roundridge Road, Timonium, Mc dand 21093, Petitioners, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Ms. Margarer DiPlanto, 2215 Dalewood Road, Timonium, Maryland 21093, Mr. Walter Robertson, III. 9 Yorkview Drive, Timonium, Maryland 21093, Mr. and Mrs. John Kenny, 2210 Westridge Road, Timonium, Maryland, 21093, Mr. and Mrs. George Gorney, 20 Greenmeadow Drive, Timonium, Maryland, 21093 and Mr. Howard J. Smith, 11 Roundridge Road, Timonium, Maryland 21093, on this 19th day of November, 1979.

County Board of Appeals of Baltimore County

April 9, 1979

CASE NO. R-79-9-X

N/S Greenmondow Rd. E. York Rd. SW ear. York and Roundridge Rds.

C. GORDON GILBERT, ET UK

8th District

Residention from D.R. 2 and D.R. 16 to D.R. 16 and B.L. zones

SE - Offices

ASSIGNED FOR:

TUESDAY, JULY 10, 1979 et 10 c.m.

10CA NO. 78-25x

#### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120 000

Nicholas D. Commoderi Chairman

Chie

STRE & FLANS & HOUSE

Bureau of Engineering Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention **Health** Department Project Planning Suilding Departmen Board of Education Zoning Administratio Industriel. Development.

John B. Howarl, Esquire 210 Alleghery Avenue Towson, Maryland 21204

> RE: Item No. 8 Petitioner - Gilbert Reclassification and Special Exception Petition

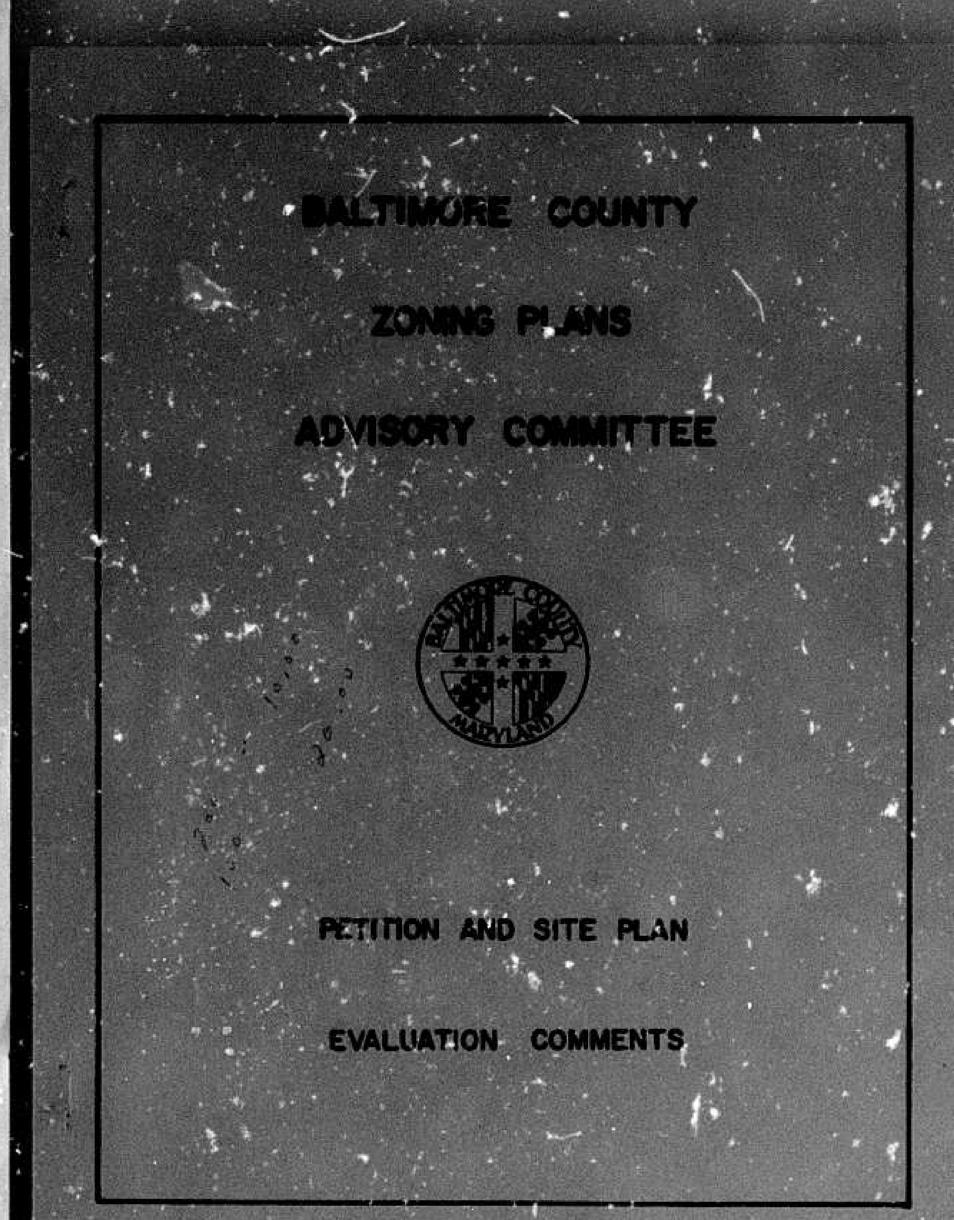
October 31, 1978

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, out to assure that all parties are made aware of plans or problems with egard 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.

The subjects of this petition are two parcels of land, currently zoned D. R. 2 and D. R. 16, which are part of a larger tract of land, owned by your clients, consisting of 5 acres boun led by Roundridge Road on the north, York Road to the west, and Greenmeadow Drive to the south. This site is presently improved with a dwelling situated at the crest of this property, which slopes from Roundridge Road towards York Road and Greenmeadow Drive. Surrounding properties consist of residentially zoned land improved with individual dwellings to the north and immediately to the east, while the Timonium fail grounds, an office use and shopping center exist to the west and south of these parcels, respectively.

Because of your clients' proposal to construct a three-story office building on the D. R. 2 zoned portion and a restaurant on the D. R. 16 zoned portion, this Reclassification/Special Exception hearing is required.



Gilbert Page 2 October 31, 1978

At the time of our discussion with the Committee, the Department of Traffic Engineering indicated that an additional entrance for the proposed restaurant would be required from Roundridge Road. However, the possibility of a use-in-common driveway with the medical office building to the south or an entrance from York Road was discussed as being more compatible with the surrounding uses. If this is not suitable, I suggest that this be addressed in letter form so I can incorporate your response as part of this file.

Because the Committee visualizes that extensive grading will be required for the proposed office building, revised site plans must be submitted reflecting this proposed grading, the method of securing that adequate drainage facilities will be provided and those comments from the Office of Current Planning and Development. In addition, particular attention should be afforded those comments of the Department of Permits and Licenses and Health Department.

This petition will be accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to December 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1979 and April 15, 1979 will be forwarded to you well in advance.

Very truly yours,

NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC/sf

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



John B. Howard, Esquire

Towson, Maryland 21204

ce: Gerhold, Cross & Etzel 412 Delaware Avenue

Towson, Maryland 21204

210 Alleghery Avenue

Hermann K. Internann Secretary M. S. Caltrider Administrator

October 16, 1978

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Ave.

Petitioner's Attorney John B. Howard Reviewed

Towson, Maryland 21204

Your Petition has been received and accepted for filing as of the

S. ERIC DINENNA

Zoning Commissioner

Nicholas B. Commodari

Chairman, Zoning Plans

Advisory Committee

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

Attention: Mr. N. Commodari

Property Owner: C. Gordon & Cordelia P. Gilbert Location: 1) N/S Greenmeadow Road, 161 34' E York Road 2) SW/C York Road (Rte. 45)

& Roundridge Road Existing Zoning: 1) D.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 with

Re: Zoning Cycle IV, October 1978

Special Exception for offices 2) B.M.

Acres: 1) 1.489 2) 1.148 District: 8th

Dear Mr. DiNenna:

No access is proposed from York Road. The development as planned should cause no particular problems on York Road.

CL: JEM: dj

Charles Lee, Chief Bureau of Engineering Access Permits By: John E. Meyers

Very truly yours,

My telephone number is (301) 383-4320.

P.O. Box 717 / 300 West Preston Street, Raltimore, Maryland 21203



THORNTON M. MOURING, P.E.

October 30, 1978

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

> Re: Item #8 Cycle IV (Oct. 1978-April 1979) Property Owner: C. Gordon & Cordelia P. Gilbert 1) N/S Greenmeadow Rd. 161.34' E. York Rd. 2) S/W cor. York Rd. & Roundridge Rd. Existing Zoning: 1) P.R. 2 2) D.R. 16 Proposed Zoning: 1) D.R. 16 with Special Exception for offices.

Acres: 1) 1.489 2) 1.148 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.

Comments were supplied for an overall larger site, of which this property is a part, in connection with the Zoning Advisory Committee review for Item 14 of Zoning Cycle III (April-October 1978). Those comments remain valid and applicable to this property which comprises Lot 1, Block A, and part of Farcel "A" of Plat One Part of Blocks "A" and "B" - Part of Section One Stratford (G.L.B. 19, Polic 29), and Lots 1 and 2, Block "A" of Ple: One Part of Block "A" - Part of Section Two Haverford (G.L.B. 19, Polio 146).

Very truly yours,

ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering

END: EAM: FWR: SS

cc: J. Somers W. Munchel J. Wimbley

S-NE Key Sheet 54 & 55 NW 3 Pos. Sheets NW 14 A Topo 60 Tax Map

office of planning and zoning TOWSON, MARYLAND 21204

LF"LIE H. GRAEF

October 31, 1978

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

Dear Mr. DiNenna:

Comments on Item #8 , Zoning Cycle IV, October, 1973, are as follows:

Property Owner: C. Gordon and Cordelia P. Gilbert Location: 1. N/S Greenmeadow Road 161.34' E. York Road 2. SW/C York Road and Roundridge Road Existing Zoning: 1. D.R.2 2. D.R.16 Proposed Zoning: 1. D.R. +6 with Special Exception for offices 2. B.IA. Acres: 1. 1.489 2. 1.148 District: 8th

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

The proposed grades should be shown on the site plan.

Landscaping should be shown on the site plan.

There should be a second means of egress and ingress to the property.

If the petition is granted the Subdivision Requirements must be complied with.

Very truly yours,

John L. Wimbley Plonner III

Current Planning and Development

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RECLASSIFICATION AND DISTRICT

CNING: Petition for Reclassifica-tion from D.R.5 and D.R.16 to D.R.18 with Special E ception for

cost and South 18 degrees 67 minutes 62 seconds East 200 feet, thence leaving said York Road and hinding on the outline of the land of the petitioners herein. North 71 degrees 12 minutes 54 seconds Rast 158.22 feet, thence binding on the line between Eone DR 16 and Zown DR 2. North 18 degrees 28 minutes 26 seconds West 299.50 feet to the south side of the aforesaid Roundrings Road and thence binding on the south and southeast side of seld Roundridge Road, the two following lines viz: Westerly by a line curving toward the left having a radius of 440.28 feet for a distance of 106.50 feet (the chord of said are bearing South 80 degrees 22 minutes 29 seconds West 18.56 feet; and southwesterly by a line curving toward the left having a radius of 55 feet for a distance of 29.77 feet (the chord of said are bearing South 80 degrees 22 minutes 29 seconds West 18.56 feet; and southwesterly by a line curving toward the left having a radius of 25 feet for a distance of 29.77 feet (the chord of said are bearing South 25 degrees 30 minutes 34 seconds West 25.36 feet) to the place of beginning. Containing 7 148 Acres of land, more or less.

Being part of the property of the petitioners here's a shown on a plat filed in the 1s immore County Office of the Zeeing Commissioner.

Greenmeadow Drive Percel.

Zoning Description

All that piece or parest of land situate, lying and being in the Eighth Electior District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the north side of Greenmeadow Drive, said point being distant in 3s feet the saured eastery arong the north side of Greenmeadow Drive, said point being distant in 3s feet the saured eastery arong the north side of Greenmeadow Drive, South 85 degrees 21 minutes 21 seconds East 277.05 feet, there's leaving said drive and running the two following courses and distributes wind. North 85 degrees 21 minutes 21 seconds East 277.05 feet, there's leaving said drive and running the two following courses and distributes wind. North 85 degrees 22 minutes 22 seconds West 279.35 feet and thence binding on the line netween sone DR 23 and Zone DR 2 and also binding for a part on the cutline of the land of the petitioners birdin, fouth 13 degrees 28 minutes 26 seconds East 279.11 feet to the place of land, fouth 13 degrees 28 minutes 26 seconds East 279.11 feet to the place of land.

beginning. Containing 1.495 Acres of land,

Being part of the property of the petitioners herein as shown on a plat Cled with the Baltmore County Office of the Zoning Cumril.

Being the property of C. Gordon & Co-della I Gilbert, as shown on plat plan filed with the Eoning De-

Parine Data: Tuesday, July 10, 1979 at 10,00 A.M.
P hile Henring Room 2", Courthouse, Townen, Md. 21204.

WALTER A. REITER, JR.,

County Board of Appeals of Baltimore County

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN a weekly newspaper printed and published in Towson, Baltimore County, Md., oncecinxsache one time successive week before the 10th day of \_\_\_\_\_\_ July \_\_\_\_\_, 19\_79, the first publication appearing on the 21st day of June Cost of Advertisement, \$ ...

BICATION
DISTRICT
DIS LOCATION I) North add of All the percel of land in the Figner Council of Batterion Co., his your Road Parcel Zoning Gracescon All that piece or his out of hand situate lying and billing in the Eighth Election District of Barti Figure 200 point by / distant South 18 degrade 25 / outes 26 seconds East 50 feet for it die cen-ter one of Roses, ridge level and mence running and binding on the tolorwing courses and Sistances or South 18 degrees 29 minutes 26 seconds, East 34.72 feet and ing sled York Road and binding a the sustain at the tend of the per-Spress herein, North 71 degree 12 minutes 54 septimbs East 116 2 feet, the pe binding on the time behaves Zone DA 16 and Zone DA 2 forth 18 degrees 28 minutes 26 seconds West 251.90 feet to the south side of the attressed Pound ridge Road and there's totaling on the south and southeast side of said Roundringe Road, the two to-towing times via: Westerly by a line surving suspent the left having a radius of 440 25 heat for a distance of 136.50 Metalthe chard of said at principles of the child of the control of the contr menutes 24 seconds West 35 36 Net) to the place of beginning Contaming 1.148 Acres of land Being part of the property of the partitioners herein as shown on a past fixed in the Buildings County Office of the Zi "No Com-Orange Description
As that piece or parcel of land situate lying a 1 being in the Aight Election District of Bart-more County Stote of Maryland and decimined as totales to est.

Beginning for the same at a point on the north side of Greenmeadow Drive, and point being distant 161.34 feet measured east-ery clong the north side of Green-meadow Drive from the east side of "ork road and running mores and whiting on the north side of said Greenmendow Drive South 85 degrees 21 minutes 21 seconds East 277.06 feet, thence leaving and drive and running the free bu-townly courses and datase. I viz-rount. I degrees 43 minutes 36 seconds. West 225.09 feet and South 68 degrees 16 minutes 24 seconds. West 238.26 feet and trance I nding on the line between ples binding for a part on the but-live of the land of the petrologs from South 18 Japanes 28 mounts 26 seconds East 208 to feet to the place of Feguring Containing 1.889 / gree of land more or less Being pers if the in erty of the participants herein as second on a slot fine art the Eastman County Office of the Zaning Con-Reng the property of C. Gordon 5 Contains P. Gitter, as shown in put plan field with the Zoning De-Meating Date Tunality, July 10 1979 at 1000 A.M. Public Hearing, Roam 218. Courthouse Townon Maryland BY GROER OF WALTER A REITTR AS CHARRMAN COUNTY DARD

19 79 TOWSON, MD. 21204 June 21 THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - C. Gordon P. Gilbert, et ux was inserted in the following: Towson Times ☐ Catonsville Times ☐ Dundalk Times ☐ Arbutus Times ☐ Essex Times ☐ Community Times ☐ Suburban Times East ☐ Suburban Times West weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 22nd day of June 1979, that is to say, the same was inserted in the issues of June 21. 1979.

STROMBERG PUBLICATIONS, INC.

dication from D.R. 2 and G.R. 16 to G.R. 16 with Special Exception for LOCATION II NOTE SIDE OF Greenmeadow Road, 18174 feut East of York Road 2) Southeest corner of Yers Read and Round-DATE & FIRSE TWENDER ANY 10. 1979 H 10 00 A.M. PUBLIC HEARING: Foom 219. Courthouse, Tomeon, Maryland. The County Roard of Appeals of the Butlimore County Charte

At that precis or parties of land utuals, lying and being it the Eighth Election District of Battone steer ricked are follows to witlow line of Roundridge Road and uir South 16 degrees 29 million 25 secunds East 96.77 feat and South 18 degrees 47 principle 06 seconds East 200 feet themas least

the outline of the lend of the pet-tioners haven, faurth 71 degrees 12 minutes 64 sections feet 156.22 test, manipe binding an the line between Zone DR 16 and Zone DR 2, North 15 dayrees 25 (hintstes 20 seconds West 299.90 foot to the enum aids of the storesaid Floundthe south and southeast tide of said Roundridge Road, the Iwo forfriend friet viz. Westerly by a life curving sowers the left flaving a radius of 440.28 lest for a distance bearing South 60 degrees 21 moutes 29 seconds West 135.00 fest; and acutowesterly by a loss curvil) toward the left having a radius of 25 feet for a distance of 29.27 feet (the church of said arc bearing bowth of degrees 13 minutes 34 Exconds Viero 36 36

Containing 1.148 Acres of land Being part of the property of the pet prers herent as enques on a y ) fixed in the Battmane County Greant Andum Drive Parcel Zoning Description All that place or parcet of land stude, lying and being in the Eighth Electure District of Man-more County. State of Maryland and described as follows to est: Depining for the same at a paint on the north side of Green-meadow lines, said point being erly along the nor it age of Green-modius Drive tru. He east side of York Road and running theres and cording on the horst side of said Green-readon Drive. South 85 degree. 21 mouses 21 seconds East 277.06 IME: Thereing Invelop sard drive and running the two ful-towing courses and distances of funth 0 degrees 43 minutes 36 seconds West 225.06 feet and bright 89 (regrees 16 minutes 24 seconds thest 318.89 feet and thence binding on the line between gare DR 16 and zone DR 2 and area binding for a part on the subnames an empande East 200 to test to the place of beginning Containing 1 Aller Acres of land

Sung part of the pricing of the patitioners herein as shown on a proction with the Businers County Office of the Zoning Com-

Being the property of C. Gordon A Cordona P. Gobert, us where an play play freed with the Zoring De-

Hosming Dam: Tureday, July 10, 1979 at 10:00 A.M.

Public Hearing Room 218 Courrigion 1. No. Maryand 84 ORGEN OF WALER A HEITER, JR.

EMARMAN COUNTY BOARD OF APPEALS OF SALTIMORS COUNTY

TOWSON, MD. 21204

June 21

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - C. Gordon P. Gilbert, et ux

was inserted in the following:

☐ Catonsville Times ☐ Dundalk Times

Towson Times ☐ Arbutus T nes

☐ Essex Times ☐ Suburban Times East

☐ Community Times ☐ Suburban Times West

1975

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 22nd day of \_\_\_\_\_\_\_19.79 , that is to say, the same was inserted in the issues of June 21. 1979.

STROMBERG PUBLICATIONS, INC.

By Esther Burger

you liked to have postponement requests in writing and that he should

or should have someone in the association write stating the reasons for

the request. However, in the meantime, I told him I would relay

Hilbert

13 cc letter

13 in letter

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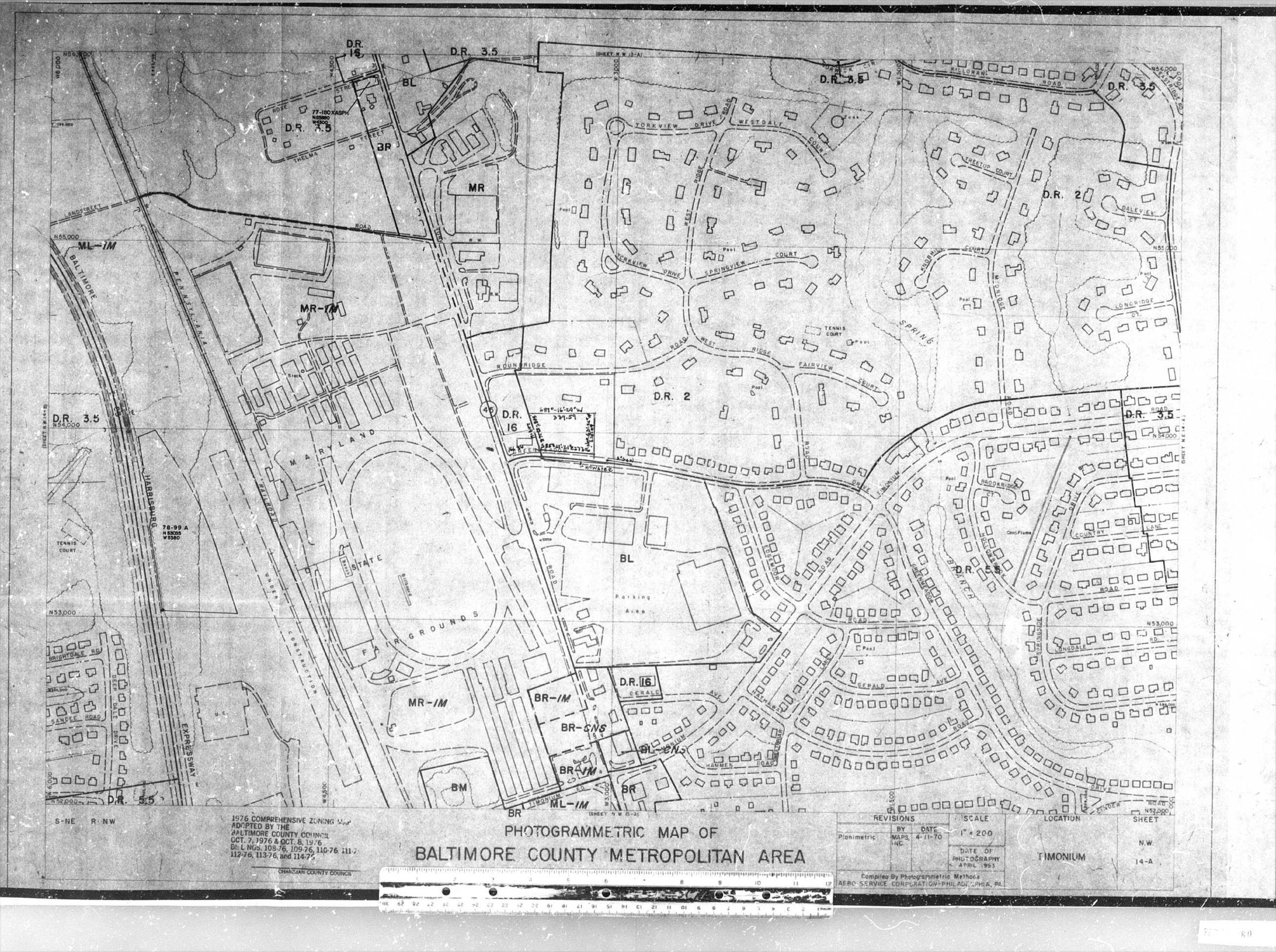
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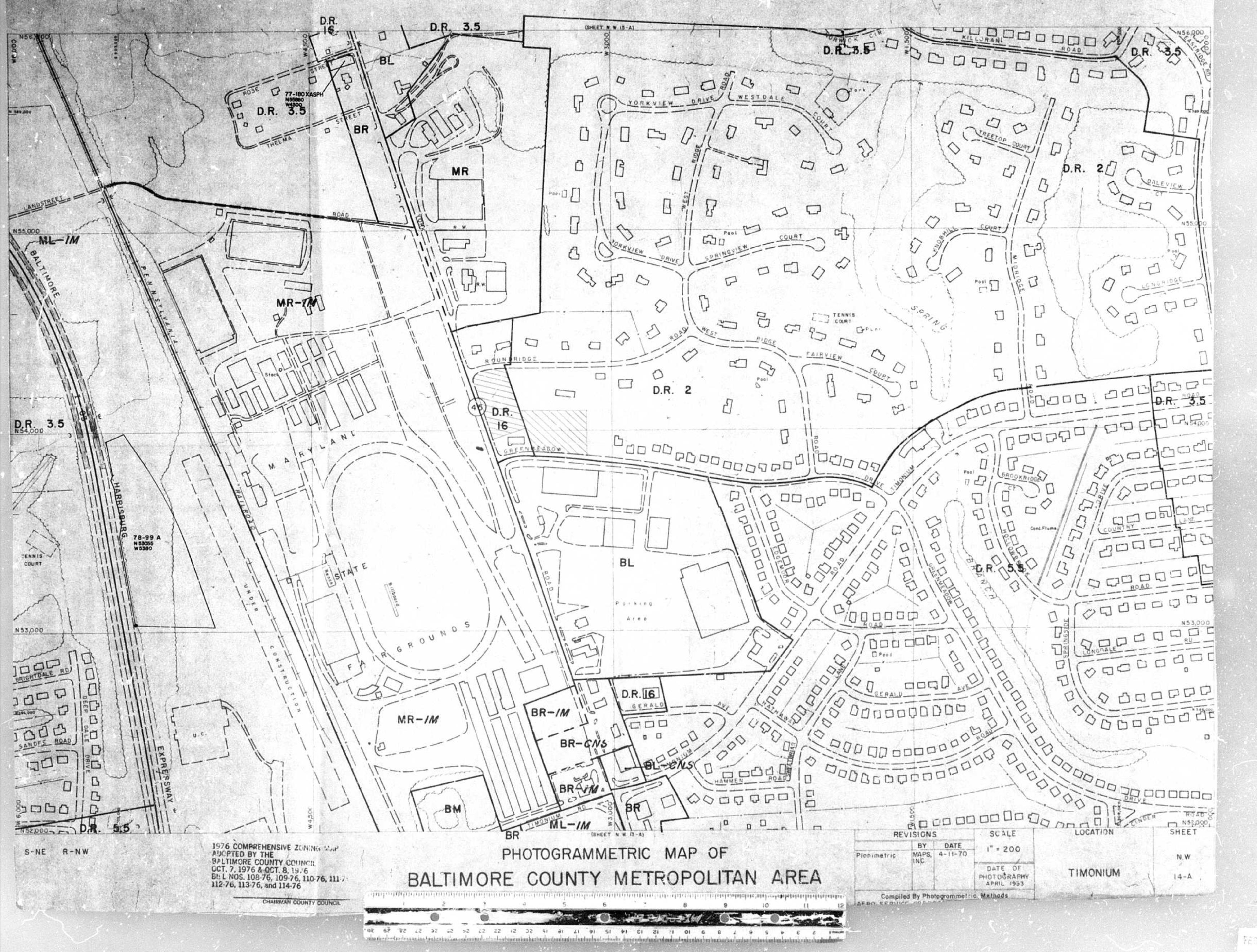
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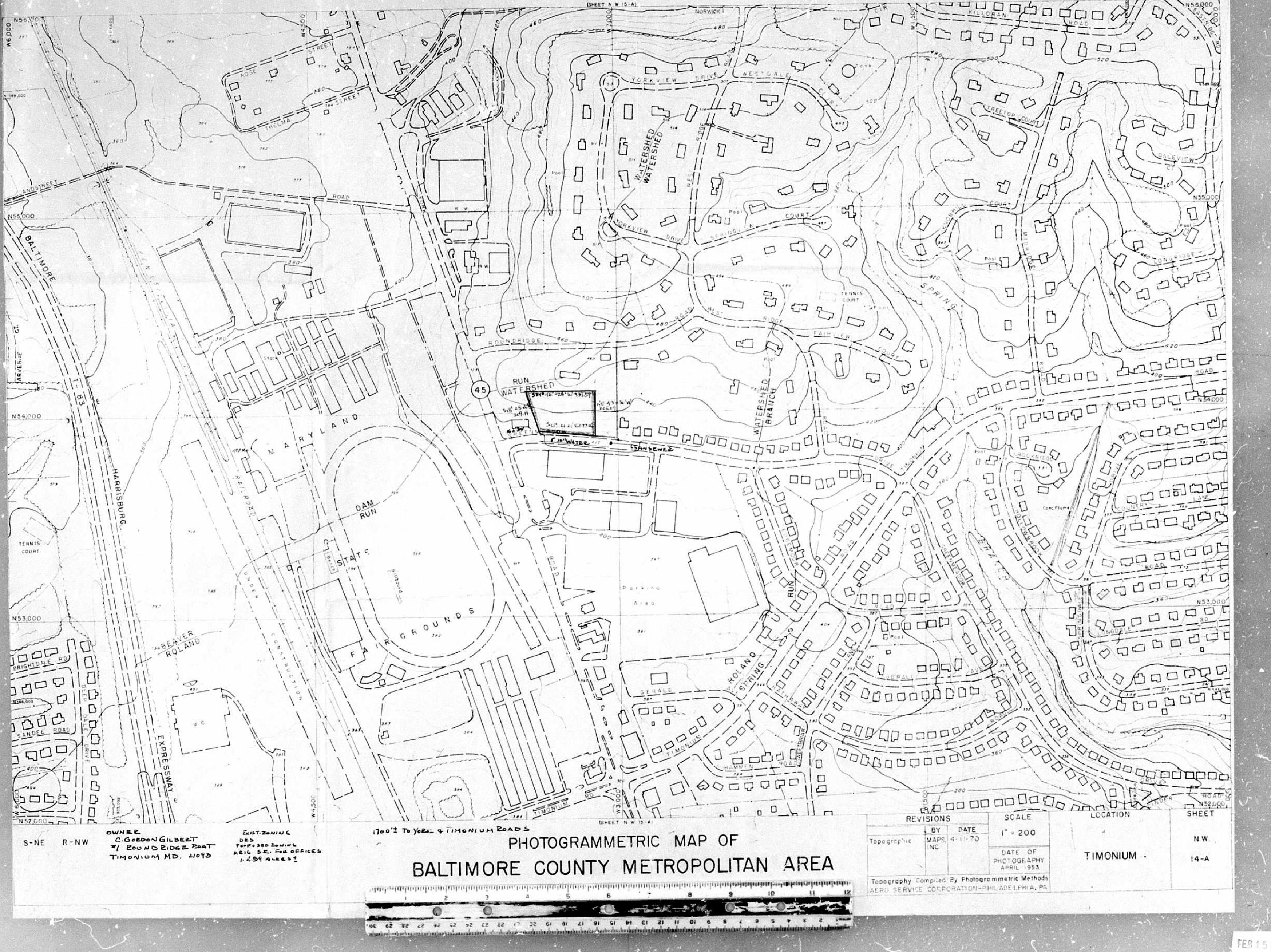
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SYSTEM AS ESTABLISHED ON PLAT ONE, SECTION ONE,
"STRATFORD", PLAT BOOK G.L.B. No. 19 FOLIO 29. TIMONIUM, MD. 21093 GLB NO 2193-146 APPROVED FOR BALTIMORE CO. HEALTH DEPARTMENT STREETS AND OR BOADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF - DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED HIGHWAY DEPARTMENT OF BALTIMORE CO. DEPOTY STATE - CO. HEALTH OFFICER TO BE DEDICATED TO PUBLIC USE: THE FEE APPROVED FOR STREET ALIGNMENT & LOCATION SIMPLE TITLE TO THE BEDS THEREOF IS APPROVED FOR BALTIMORE CO. PLANNING BOARD EXPRESSLY BESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS BOADS ENGINEER BUNVEYOR'S CERTIFICATE: OWNER'S CERTIFICATE: MAY 14, 1979 THE BEQUIREMENTS OF SECTION 59 TO 62, ARTICLE IT OF THE I, CABL L GEBHOLD, A BEGISTEBED PROFESSIONAL LAND SUBVEYOR OF THE STATE OF MABYLAND, DO HEBEBY CERTIFY THAT THE LAND ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERNSOF THE CIRCUIT COURTS) SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF GEBHOLD, CBOSS & ETZEL AS FAR AS THEY BELATE TOTHE MAKING OF THIS PLAT AND THE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW BELATING TO THE BUBDIVISION OF LAND KNOWN AS HOUSE BILL SETTING OF MARKERS HAVE BEEN COMPLIED WITH PROFESSIONAL LAND NO 459, CH. 1016, OF THE ACTS OF 1945 AND SUBSEQUENT SUMVEYORS C.GORDEN GILBERT TIMONIUM MD 21093 OWNER DILLOW HAY 30, 1979 ACTS AMENDATORY THERETO. 412 DELAWARE AVENUE BEQ. PROFESSIONAL LAND SOR EYOR NO 2000 DATE TOWSON, MD 21204 approved by Pl. Brd for final recording - 7/19/79

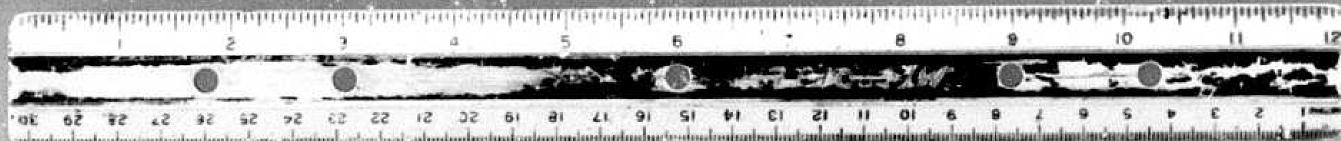


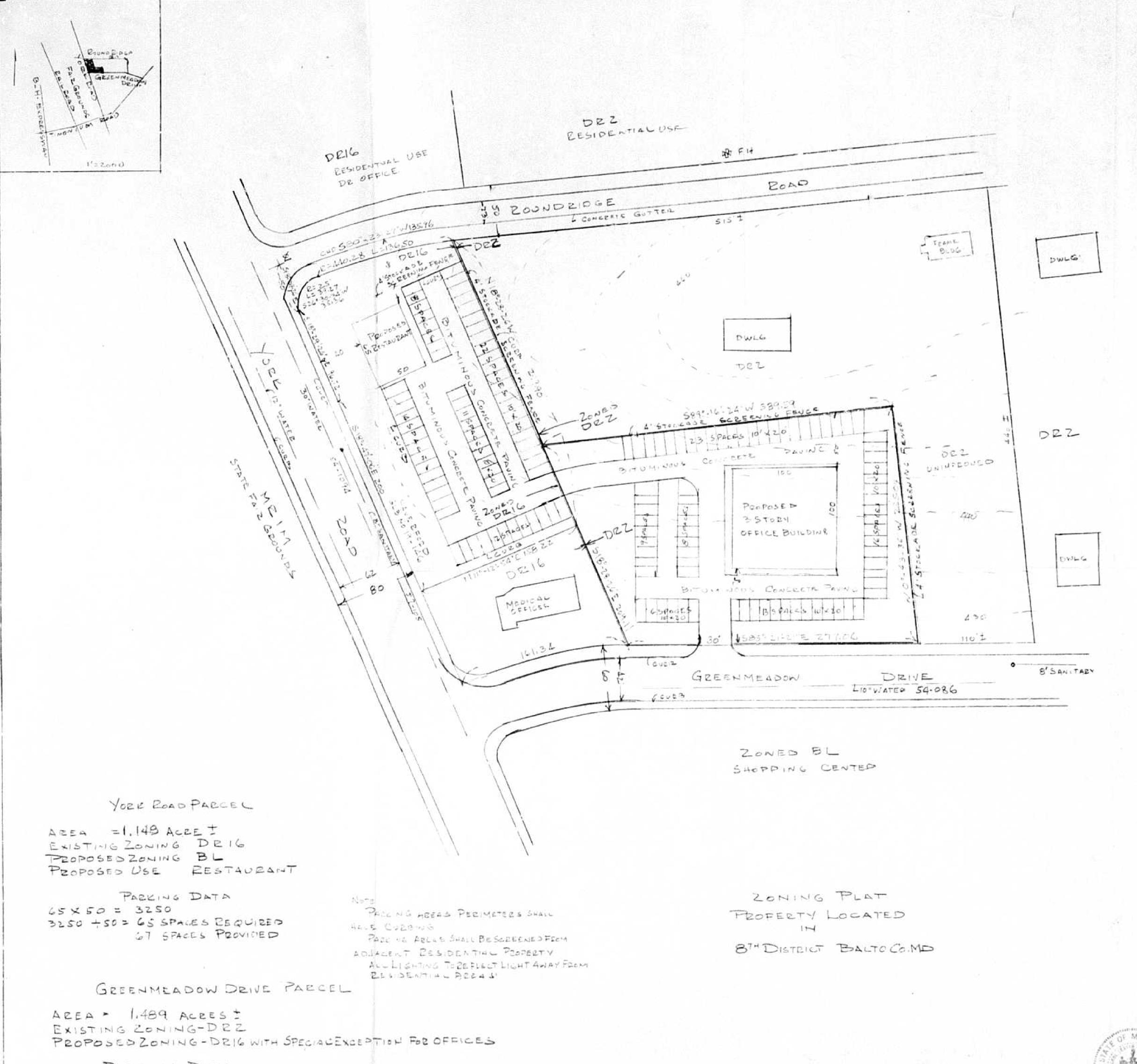
















SCALE + 1'- 50 SEPT 28,1978
GERHOLD CROSS & ETZEL
REGISTERED LAND SURVEYORS
AIZ DELAWARE AVENUE
TOWSON MARYLAND

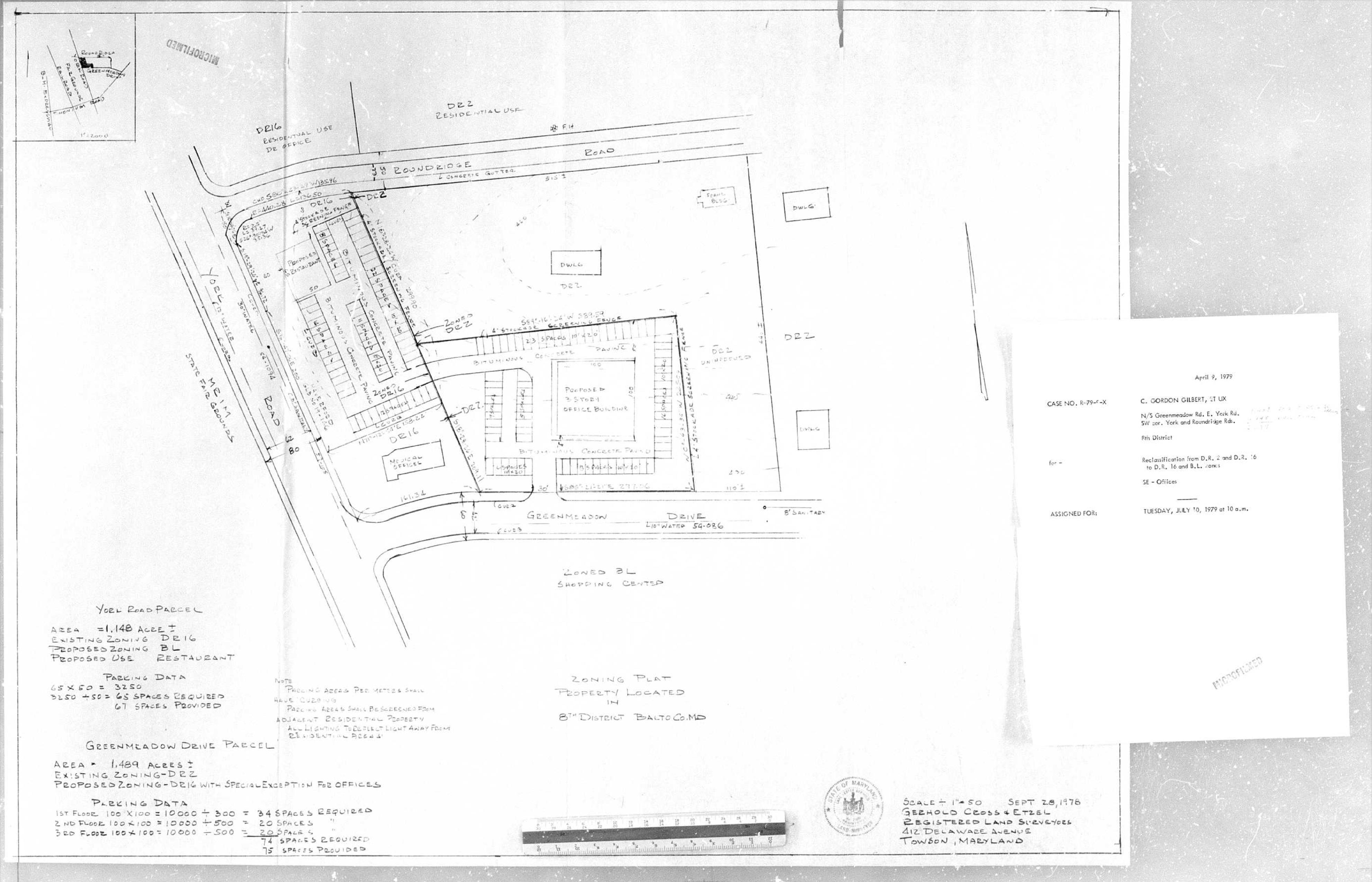
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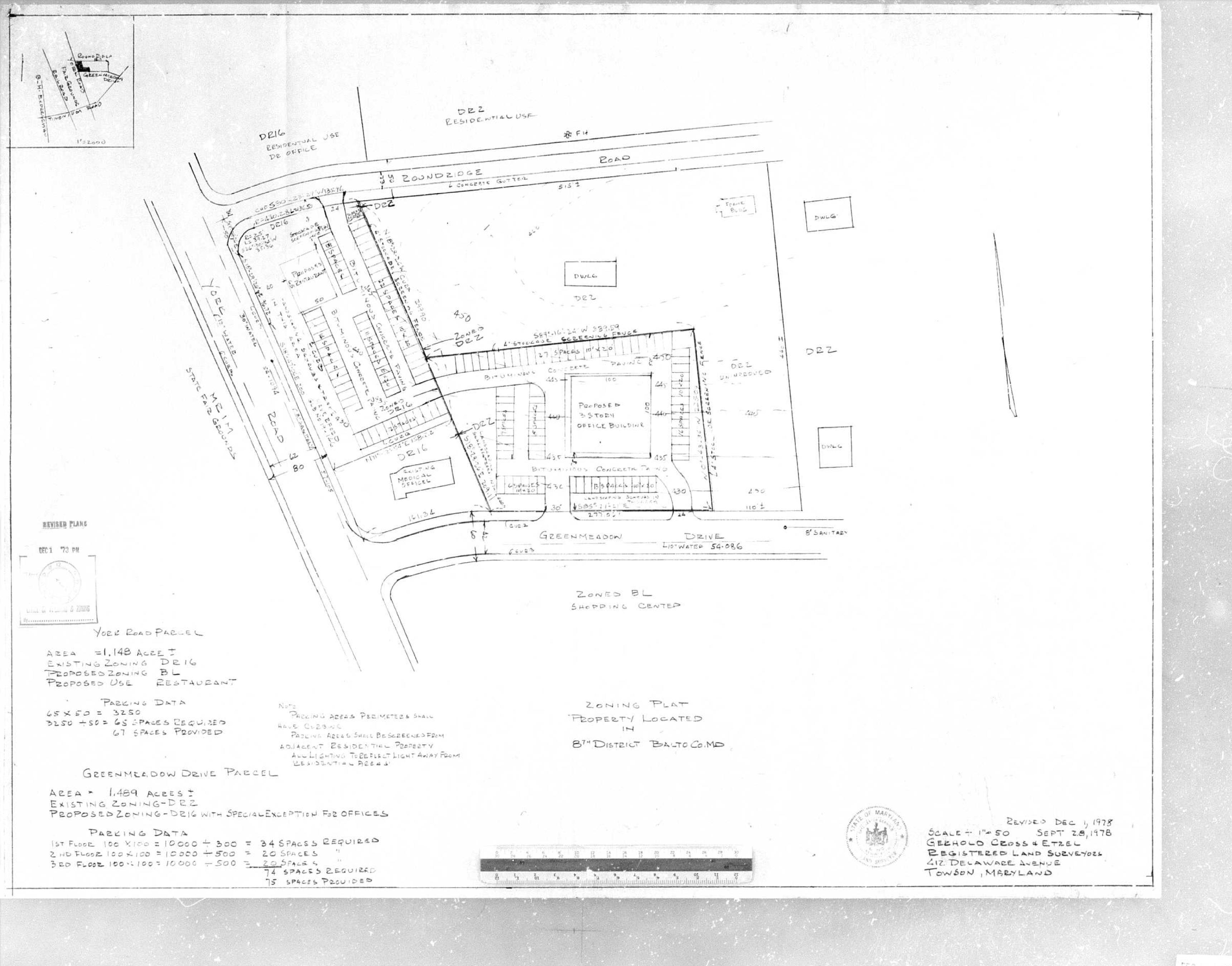
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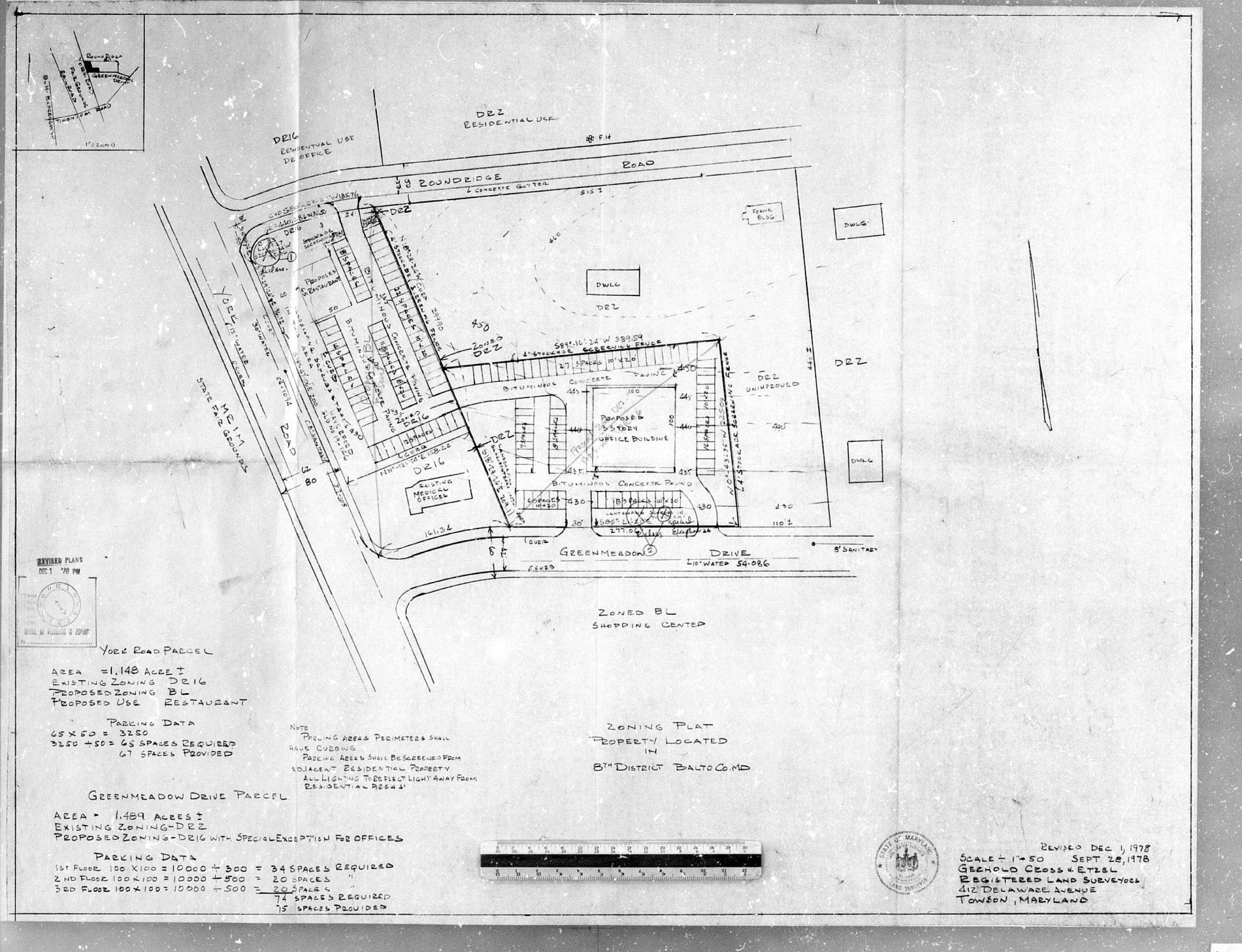
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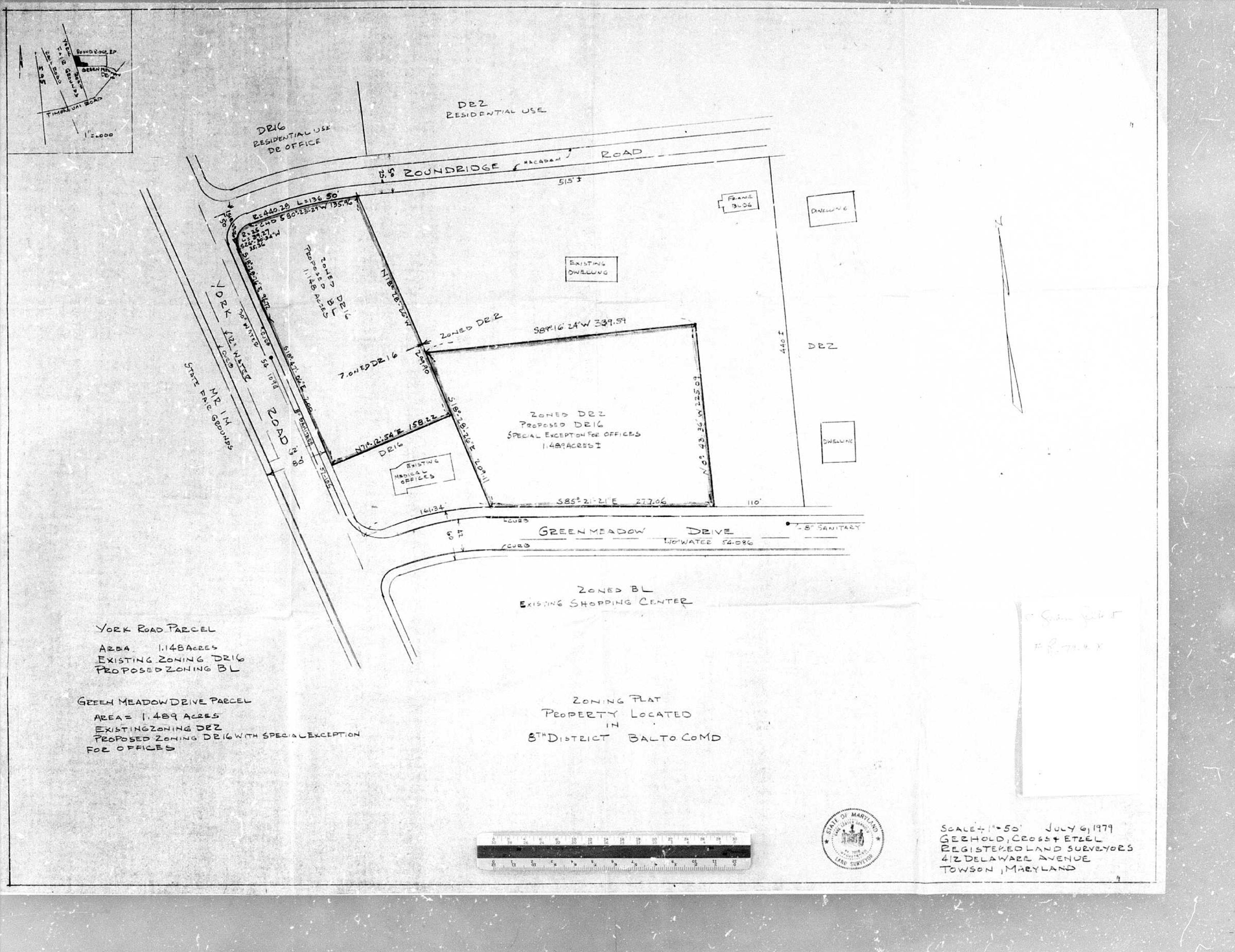
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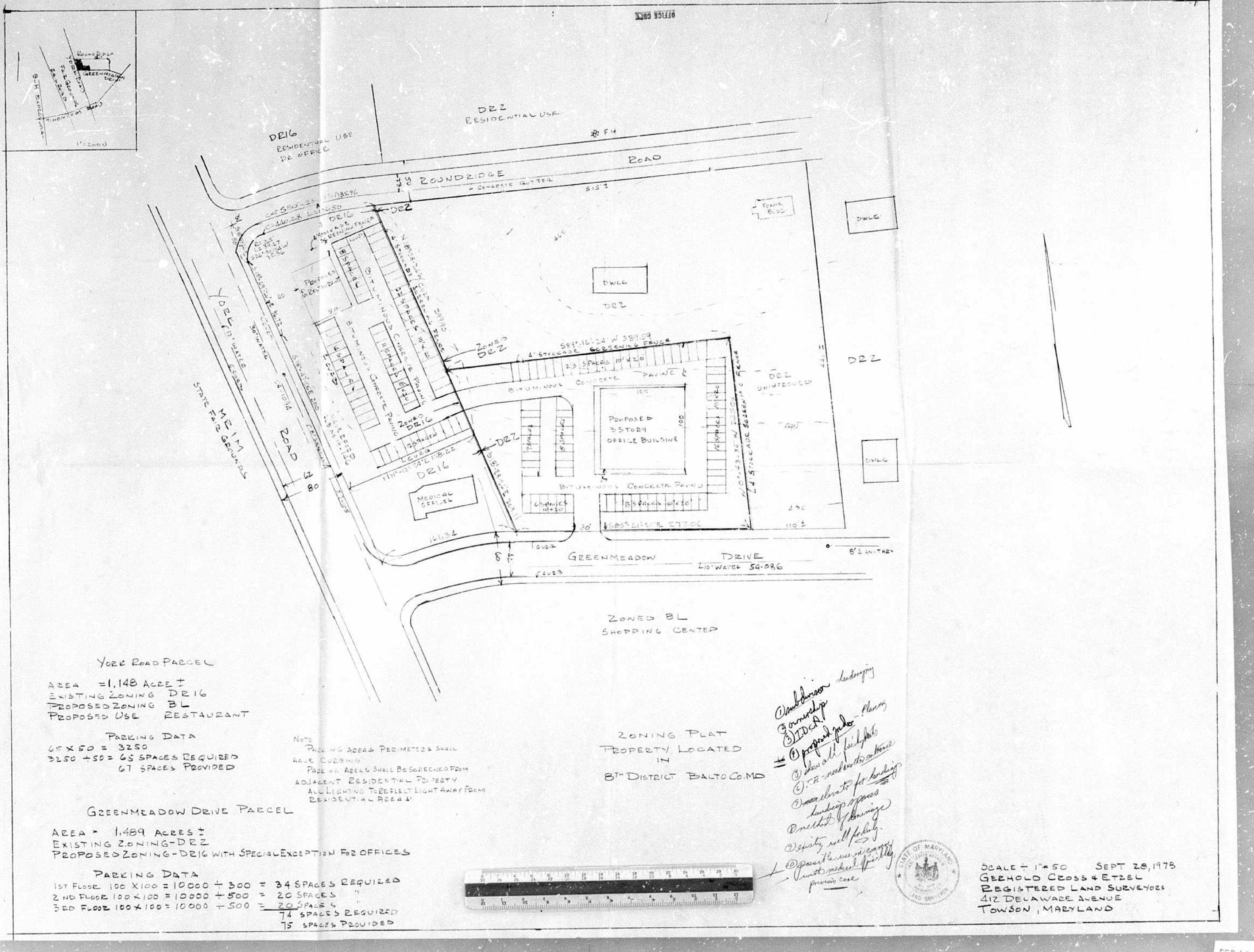


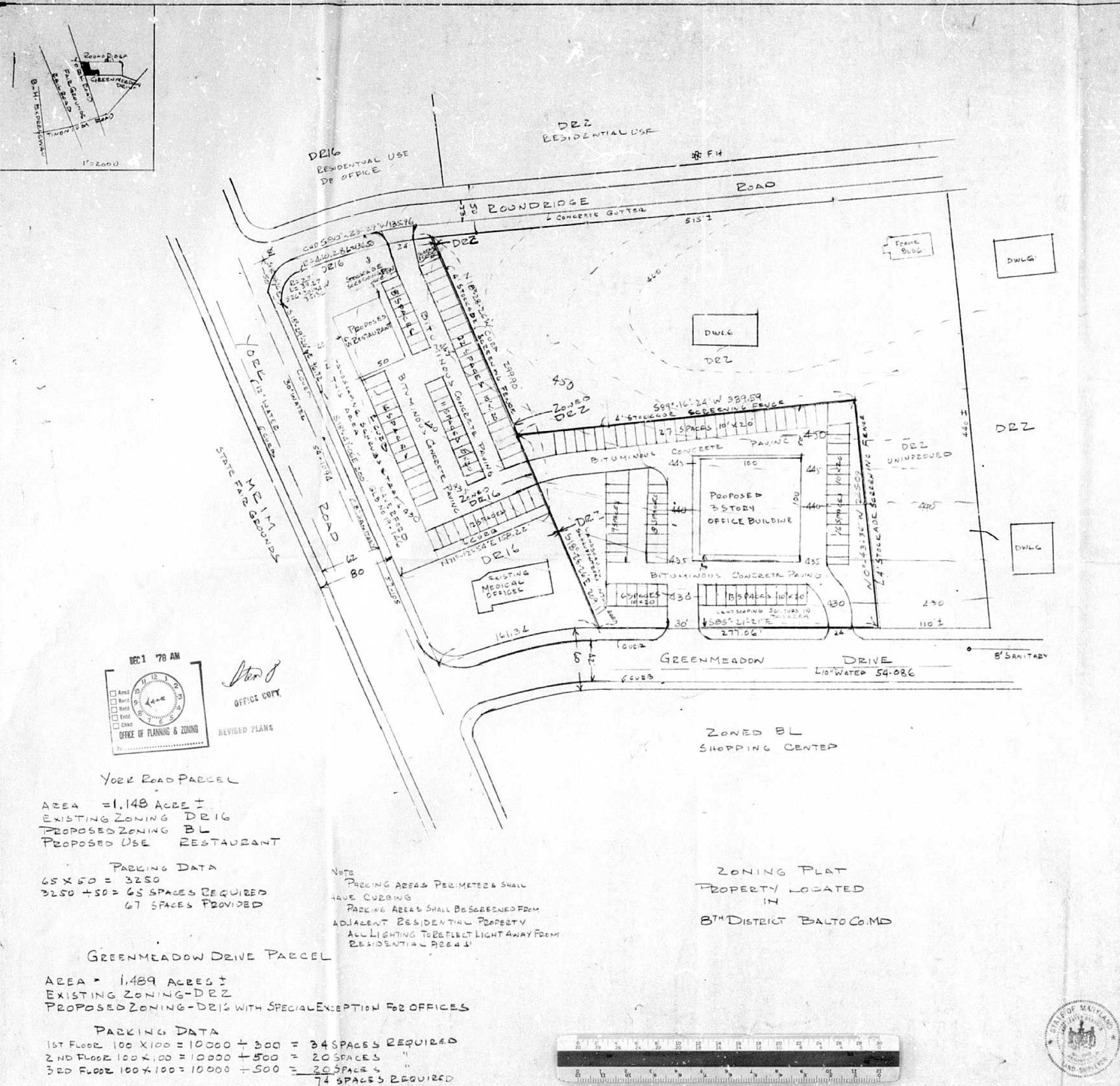
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75 SPACES PROVIDED



REYISED DEC 1, 1978 SCALE + 1"- 50 SEPT 28,1978 GERHOLD CEOSS 4 ETZEL REGISTERED LAND SURVEYORS 412 DELAWARE AVENUE TOWSON, MARYLAND