

71-54-R #4 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Truman Crabill
Contract purchaser
Address: 2601 N. Rolling Road 21207
Legal Owner
Address: 2601 N. Rolling Road 21207
Protestant's Attorney
Address: 208 W. Pennsylvania Avenue 21204
Deputy Zoning Commissioner of Baltimore County, this... 15th... day of... September... 1978, that the subject matter of this petition, as 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... 6th... day of... September... 1978, at 10:00 o'clock
A.M.

George J. McNamee
Deputy Zoning Commissioner of Baltimore County
(over)

MICROFILMED

71-54-R #4 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

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Address: 208 W. Pennsylvania Avenue 21204
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George J. McNamee
Deputy Zoning Commissioner of Baltimore County
(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Truman Crabill
Contract purchaser
Address: 2601 N. Rolling Road 21207
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Deputy Zoning Commissioner of Baltimore County, this... 6th... day of... September... 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation 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... 6th... day of... September... 1978, at 10:00 o'clock
A.M.

George J. McNamee
Deputy Zoning Commissioner of Baltimore County
(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONERS
E/S of Rolling Rd., 2600' N of
Dogwood Rd., 2nd District : OF BALTIMORE COUNTY
TRUMAN CRABILL, Petitioner : Case No. 79-54-R

ORDER TO ENTER APPEARANCE

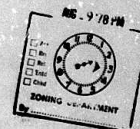
Me, Commissioner:

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

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

I HEREBY CERTIFY that on this 9th day of August, 1978, a copy of the foregoing Order was mailed to Robert A. DiCicco, Esquire, 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

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



Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(707) 885-7000
Paul H. Reinecke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: V. Corradini, Chairman
Zoning Advisory Committee
Re: Property Owner: Truman Crabill
Location: E/E Rolling Rd. 2600' N. Dogwood Rd.
Item No. 4 Zoning Agenda Cycle III

- Comments:
- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below set forth with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.
- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
 - () 2. A second means of vehicle access is required for the site.
 - () 3. The vehicle load and condition shown at exceeds the maximum allowed by the Fire Department.
 - () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
 - (x) 5. The buildings and structures existing on proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
 - () 6. Site plans are approved as drawn.
 - () 7. The Fire Prevention Bureau has no comments, at this time.
- REVIEWED: Paul H. Reinecke Noted and Approved: George J. McNamee
Special Inspection Division Fire Prevention Bureau

MICROFILMED

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
DONALD E. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

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

Dear Mr. DiMenna:
Comments on Item #4, Zoning Advisory Committee Meeting for Cycle III, are as follows:

Property Owner: Truman Crabill
Location: E/E Rolling Rd. 2600' N Dogwood Rd.
Existing Zoning: D.B. 5.5
Proposed Zoning: D.B. 16
Acreage: 13.7
District: 2nd

Metropolitan water is available. A revised plan must be submitted showing the location of sanitary sewer.
Prior to approval of a public pool on this site, complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

Very truly yours,
Thomas H. Devlin
THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD/RS/rlh
cc: George Rummel

MICROFILMED

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
JAMES E. STEVENS
WELSH

April 6, 1978

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Re: Mr. DiMenna
Comments on Item #4, Zoning Advisory Committee Meeting, are as follows:
Cycle
Property Owner: Apartments
Location: Rolling Road and Hiday's Lane
Existing Zoning: D.B. 16
Proposed Zoning: D.B. 16

Address:
District:

The items checked below are applicable:

- X 1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1978 Edition and the 1971 Supplement, State of Maryland Code for the Building and Code and other applicable codes.
- X 2. A building permit shall be required before construction can begin.
- X 3. Additional Violations permit to be required.
- X 4. Building shall be upgraded to new use - requires additional permit.
- X 5. Three sets of construction drawings will be required to file an application for a building permit.
- X 6. 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.
- X 7. Wood frame walls are not permitted within 3' of a property line. Current Building Department if violation is between 3' and 6' of property line.
- X 8. Unexcused outdoor storage on/inside of the Baltimore County Building Code. See Section .
- X 9. No comment.
- X 10. Comment: Show handicapped parking, signs, curb cuts, and building setbacks.

MICROFILMED

Very truly yours,
Charles E. Devlin
Charles E. Devlin
Planning Section Chief

cc: m.j.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

MICROFILMED

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

the above Reclassification should be had; and it further appearing that by reason of...

a Special Exception for a... should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 197... that the herein described property or area should be and the same is hereby reclassified, from a... zone to a... zone and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to prove error in the original zoning map, the Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone should NOT BE HAD.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 1978, that the Petition for the aforementioned Reclassification be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE 4/24/78

BY [Signature]

Deputy Zoning Commissioner of Baltimore County

MICROFILMED

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

the above Reclassification should be had; and it further appearing that by reason of...

a Special Exception for a... should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 197... that the herein described property or area should be and the same is hereby reclassified, from a... zone to a... zone and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to prove error in the original zoning map, the Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone should NOT BE HAD.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 1978, that the Petition for the aforementioned Reclassification be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

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

the above Reclassification should be had; and it further appearing that by reason of...

a Special Exception for a... should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 197... that the herein described property or area should be and the same is hereby reclassified, from a... zone to a... zone and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to prove error in the original zoning map, the Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone should NOT BE HAD.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 1978, that the Petition for the aforementioned Reclassification be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 24, 1978

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

Z.A.C. Meeting of: Cycle III

RE: Item No: 4
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N Dogwood Road
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16

District: 2nd
No. Acres: 13.7

Dear Mr. DiNanno:
See sheet #2.

Very truly yours,

W. Nick Petrovich
Field Representative

JOHN H. WILLIAMS, JR., PRESIDENT
E. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCOUS M. HAYDEN

THOMAS H. BOWEN
WILLIAM P. CHURCH
ROBERT B. HAYDEN

ALVIN LORICK
WILLIAM S. SMITH, JR.
RICHARD W. TRACEY, L.V.M.

ROBERT T. DUBEL, SUPERINTENDENT

baltimore county
department of public engineering
TOWSON, MARYLAND 21204
301-684-2000
STEPHEN E. COLLINS
DIRECTOR

April 13, 1978

Mr. S. Eric DiNanno
Zoning Commissioner
First Floor, County Office Building
Towson, Maryland 21204

Re: Item #4 - ZAC - Cycle 3 - April, 1978
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N Dogwood Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7
District: 2nd

Dear Mr. DiNanno:

The subject petition is requesting a change from D.R. 5.5 to D.R. 16 of 13.7 acres.

This should increase the trip density from 685 trips to 1640 trips per day. This increase trip density cannot be accommodated on the existing or proposed road system as the land continues to develop in this area as soon.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRM/baa

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
301-684-2011
LUTHER H. GRAFF
DIRECTOR

April 21, 1978

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

Dear Mr. DiNanno:

Comments on Item #4, Cycle Zoning III, April 1978 are as follows:

Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N Dogwood Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7
District: 2nd

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.

If the petition is granted, the developer must comply with applicable Subdivision Regulations.

Very truly yours,

John T. Winkley
Planner III
Current Planning and Development

COMMENTS

School Situations:	School	Sept. Enrollment	Capacity	Over/Under
Featherbed Lane Elementary		471	515	-44
Johnnycake Junior		1209	1240	-31
Woodlawn Senior		2050	2050	-

Projections:	School	Sept. 1978	S. W. 1979
Featherbed Lane Elementary		464	450
Johnnycake Junior		1180	1027
Woodlawn Senior		2080	2042

Budgeted Construction:	School	Status	Capacity	Estimated To Open
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NONE

Programmed Construction: (Subject to availability of funds)

School	Capacity	Year Programmed	Estimated To Open
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NONE

Possible Student Field:	Elementary	Junior High	Senior High
Present Zoning:	25	16	16
Proposed Zoning:	38	14	11

MICROFILMED

Item #4 (Cycle III April-October 1978)
Property Owner: Truman Crabill
Page 2
April 11, 1978

Storm Drainage (Cont'd)

Drainage and utility easements will be required through this site.

The submitted plan indicates that this site is within the Dead Run-Owynns Falls Drainage Area; however, approximately one-third of the property is in the Ben's Lattapoo River Watershed.

Water and Sanitary Sewer

There is a public 16-inch water main in Rolling Road. The submitted plan does not indicate the proposed method of providing public sanitary sewerage to this site, which will require offsite rights-of-way.

Public sanitary sewerage exists in Hiltz Creek Drive, a private road, approximately 150 feet west of Rolling Road, and in Rolling Road approximately 190 feet north of this site (constructed in conjunction with the development "Section 1 Kingswood Common").

Public sanitary sewerage exists in Lord Baltimore Drive, approximately 1,000 feet east of this site and in Dogwood Road, approximately 2,000 feet south of this site; this sewerage is tributary to the Dead Run-Owynns Falls Sanitary Sewer system.

Very truly yours,

William H. Dwyer, P.E.
Chief, Bureau of Engineering

END:EAH:PW:iss

cc: J. Tranner
J. Somers

1-WE Pay Sheet
11 x 13 PW 27 x 28 Pos. Sheets
38 3 C Topo
87 Tax Map

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THOMSON M. McQUEEN, P.E.
DIRECTOR

April 18, 1978

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

Re: Item #4 (Cycle III April-October 1978)
Property Owner: Truman Crabill
278 Rolling Rd. 2000' W. Coopers Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7 Division: 2nd

Dear Mr. DiNenna:

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

Highways:

Rolling Road, an existing County road, is proposed to be further improved as a 50-foot closed section roadway on a 70-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

If the onsite proposed roadway is to extend beyond this site, it must be constructed as indicated, to County Standards, as a public road.

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

Sediment Control:

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

Storm Drainage:

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

MICROFILMED

Robert A. DiCicco, Esquire
Page 2
Item Number 4
May 1, 1978

Since the submitted site plan indicates a proposal, it is impossible to make detailed comments at this time. However, if this petition is granted and as I am sure you are aware, all applicable county subdivision regulations must be satisfied.

Particular attention should be afforded the comments of the Department of Public Works concerning the proposed onsite roadway, the provisions for accommodating storm water or drainage and the method of providing public sanitary sewer for this site.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to June 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 September 1, 1978 and October 15, 1978 will be forwarded to you well in advance.

Very truly yours,

William W. Schrott
William W. Schrott
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Maryland 21204

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

who

Nicholas S. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

May 1, 1978

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

Cycle III
Reclassification Petition
Item Number 4
Petitioner - Truman Crabill

Dear Mr. DiCicco:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plan 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.

Improved with a dwelling and assorted barn buildings, this D.R. 5.5 zoned property contains 13.7 acres and is located on the east side of Rolling Road opposite Elthergreen Drive in the 2nd Election District. Adjacent properties to the north, south and east are similarly zoned and are improved with individual dwellings and farm operations. Located between the residential zoning to the north is vacant land, zoned M.L., while a townhouse development, zoned D.R. 16, exists immediately opposite the subject property on the west side of Rolling Road. This latter property was the subject of a previous zoning hearing (Case #66-106-R) in which a Reclassification was granted.

MICROFILMED

WESTERN ALLIANCE OF CONCERNED COMMUNITIES

RESOLUTION

At its last regular meeting, held on June 13, 1978, the following resolutions were adopted by the Western Alliance of Concerned Communities:

1. The Western Alliance of Concerned Communities opposes the request by Beltway Properties for reclassification from M.R. and D.R. 16 to RM of certain property located at and near the southeast corner of Security Boulevard and Rolling Road. (Item No. 3 on the current cycle)
2. The Western Alliance of Concerned Communities opposes the request by Truman Crabill for reclassification from D.R. 5.5 to D.R. 16 of certain property on the east side of Rolling Road between Dogwood Road and Windsor Mill Road. (Item No. 4 on the current cycle)
3. Leland S. Van Koten, or any other member of the Board of Directors, is authorized to appear at any hearing before the Zoning Commissioner, Deputy Zoning Commissioner, or Board of Appeals and testify in opposition to the above requested reclassifications.

ATTN:

Catherine Appel
Catherine Appel,
Secretary

Leland S. Van Koten
Leland S. Van Koten,
President

AFFIDAVIT

Leland S. Van Koten is the President of the Western Alliance of Concerned Communities and a member of the Board of Directors thereof.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct.

Catherine Appel
Catherine Appel,
Secretary,
Western Alliance of Concerned Communities

Leland S. Van Koten
Leland S. Van Koten,
President,
Western Alliance of Concerned Communities

August 30, 1978

Re: Zoning Reclassification
Petitions: Cycle III
Case # 7954 Crabill Property
(2nd-2nd)

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County, Maryland

Mr. DiNenna:

The subject property owner has requested a reclassification from D.R. 5.5 to D.R. 16.

We believe that D.R. 5.5 zoning is appropriate here and that the zoning map is correct. We are in complete agreement with the planning board's opinion stating that "D.R. 16 would not be in character with the existing development of the adjacent properties along this side of Rolling Road, i.e., single family dwellings and farm land." If this petition is granted it will precipitate additional increases in intensity of development in the area.

To further complicate the situation, Rolling Road is unable to handle the current traffic load let alone any additional.

We therefore, request that this petition be denied.

Respectfully yours,

William W. Schrott
William W. Schrott
Acting President
Rolling Road Town Community Assn.
7029 Glen Spring Road
Baltimore Maryland 21207



To Whom it may concern:
I believe that more appropriate circumstances for rolling Rd on the Crabill Property is not necessary. Rolling Rd can not take anymore developments. This is so congested at this time that if we had grading, it could not be kept up. We or police dept. all agree on this. Area is over crowded.
Sincerely yours,
Herbert R. Sauter
2500 Rolling Rd.

THOMSON M. McQUEEN, P.E.
DIRECTOR

April 18, 1978

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

Re: Item #4 (Cycle III April-October 1978)
Property Owner: Truman Crabill
278 Rolling Rd. 2000' W. Coopers Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7 Division: 2nd

Dear Mr. DiNenna:

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

Highways:

Rolling Road, an existing County road, is proposed to be further improved as a 50-foot closed section roadway on a 70-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

If the onsite proposed roadway is to extend beyond this site, it must be constructed as indicated, to County Standards, as a public road.

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

Sediment Control:

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

Storm Drainage:

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

Storm Drainage (Cont'd)

Drainage and utility easements will be required through this site.

The submitted plan indicates that this site is within the Dead Run-Owens Falls Drainage Area; whereas, approximately one-third of the property is in the Run's Run-Potomac River Watershed.

Water and Sanitary Sewer

There is a public 16-inch water main in Rolling Road. The submitted plan does not indicate the proposed method of providing public sanitary sewerage to this site, which will require off-site rights-of-way.

Public sanitary sewerage exists in Hithersgreen Drive, a private road, approximately 150 feet west of Rolling Road, and in Rolling Road approximately 150 feet north of Potomac River (constructed) in conjunction with the development "Section 1 Kingswood Owners".

Public sanitary sewerage exists in Lord Baltimore Drive, approximately 1,000 feet east of this site and in Dogwood Road, approximately 2,000 feet south of this site; this sewerage is tributary to the Dead Run-Owens Falls Sanitary Sewer System.

Very truly yours,

Ellsworth H. Dwyer, P.E.
ELLSWORTH H. DWYER, P.E.
Chief, Bureau of Engineering

END:RHM:FW:SS

CC: J. T. Dwyer
J. H. Dwyer

1-1/2 Key Sheet
11 x 12 1/2 27 x 28 Pos. Sheets
1/2 3 C Topo
87 .xk Map

LESLIE H. GUNY
DIRECTOR

April 21, 1978

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

Dear Mr. DiNenna:

Comments on Item #4, Cycle Zoning III, April 1978 are as follows:

Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N. Dogwood Road
Existing Zoning: D.R.S.5
Proposed Zoning: D.R.16
Acres: 13.7
District: 2nd

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 ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted, the developer must comply with applicable Subdivision Regulations.

Very truly yours,

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

STEPHEN E. COLLINS
DIRECTOR

April 13, 1978

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

Re: Item #4 - ZAC - Cycle 3 - April, 1978
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N. Dogwood Road
Existing Zoning: D.R.S.5
Proposed Zoning: D.R. 16
Acres: 13.7
District: 2nd

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. S.5 to D.R. 16 of 13.7 acres.

This should increase the trip density from 685 trips to 1640 trips per day. This increase trip density cannot be accommodated on the existing or proposed road system as the land continues to develop in this area as zoned.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRH/bas

April 23, 1978

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

Dear Mr. DiNenna:

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

Property Owner	Location
Truman Crabill	E/S Rolling Rd. 2600' N. Dogwood Rd.
Existing Zoning	D.R. S.5
Proposed Zoning	D.R. 16
Acres	13.7
District	2nd

Information notes to be available. A revised plan must be submitted showing the location of sanitary sewers.

Plans to approval of a public pool on this site, complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

Very truly yours,

Thomas H. Smith
Thomas H. Smith, Director
Bureau of Environmental Services

THS/ST:

cc: George Hamel

Paul H. Reinecke
Chief

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Truman Crabill

Location: E/S Rolling Rd. 2600' N. Dogwood Rd.

Item No. 4 Zoning Agenda Cycle III

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.

- (a) 1. Five legends for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle load and condition shown at _____
_____ exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Paul H. Reinecke
Paul H. Reinecke
Special Inspection Division
Charles E. Burdick
Charles E. Burdick
Fire Prevention Bureau

JOHN D. SEIFERT
DIRECTOR

April 6, 1978

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

Dear Mr. DiNenna:

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

Property Owner: Apartments
Location: Rolling Road and Hiday's Lane
Existing Zoning: D.R.S.5
Proposed Zoning: D.R. 16

Acres: 4
District: 2nd

The items checked below are applicable:

- Xa. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building Code and other applicable codes.
- Xb. A building permit shall be required before construction can begin.
- Xc. Additional miscellaneous permits shall be required.
1. Building shall be upgraded to new use - requires alteration permit.
2. 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 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.
- X. Documented setback variance conflicts with the Baltimore County Building Code. See Section 1. No Comment.
- Xz. Comment: Show handlopped parking, signs, curb cuts, and building access.

Very truly yours,

Charles E. Burdick
Charles E. Burdick
Fire Review Chief

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 24, 1978

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

Z.A.C. Meeting of: Cycle III

RE: Item No. 4
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N. Dogwood Road
Present Zoning: D.R. S.5
Proposed Zoning: D.R. 16

District: 2nd
No. Acres: 13.7

Dear Mr. DiNenna:

See sheet #2.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

JOSEPH H. McLEOD, PRESIDENT
T. BRADY WILSON, JR., VICE-PRESIDENT
BARBARA H. WILSON

THOMAS H. DYER
MRS. LOURDAINE F. CHURCH
ROBERT E. DYER, SUPERINTENDENT

ALVIN LORECE
MRS. HILTON H. SMITH, JR.
RICHARD W. TRACY, D.V.M.

CONSENTS

School Situation:

School	Sept. Enrollment	Capacity	Over/Under
Featherbed Lane Elementary	471	515	-44
Johnny Lake Junior	1209	1240	-31
Woodlawn Senior	2054	2050	-

School	Sept. 1978	Sept. 1979
Featherbed Lane Elementary	464	450
Johnny Lake Junior	1180	1027
Woodlawn Senior	2080	2042

Budgeted Construction:

School	Status	Capacity	Estimated To Open
--------	--------	----------	-------------------

NONE

Programmed Construction: (Subject to availability of funds)

School	Capacity	Year Programmed	Estimated To Open
--------	----------	-----------------	-------------------

NONE

Possible Student Field:

	Elementary	Junior High	Senior High
Present Zoning:	25	16	16
Proposed Zoning:	35	14	11

ITEM NO. 4

PROPERTY OWNER: Truman Crabb
LOCATION: E/S of Rolling Road, 2,600' N. of Dogwood Road
ELECTION DISTRICT: 2
GEOGRAPHICAL CATEGORY: 1
RECOMMENDED DATE OF HEARING: Week of September 4, 1978
FUNCTIONAL CATEGORY: None
ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D.R. 5.5
EXISTING ZONING: D.R. 5.5
REQUESTED ZONING: D.R. 16

PLANNING BOARD RECOMMENDATION: Rebuttal to "Zoning (D.R. 5.5)

The subject property, containing a single-family dwelling and farm buildings, is located on the opposite side of Rolling Road from a townhouse apartment development on D.R. 16 zoned land. For the past party, adjacent properties located on the same side of Rolling Road are zoned D.R. 5.5 and are either in farm use or single-family dwellings. One portion of the subject site shows a vacant tract zoned M.L.-L.M. The petitioner is requesting a change from D.R. 5.5 to D.R. 16 zoning, proposing to construct a garden apartment development of 204 dwelling units.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D.R. 5.5. The preparation and processing of this map covered a period of more than two years; the process was widely publicized, and included numerous public hearings by both the Planning Board and County Council. D.R. 16 zoning was not requested nor was the aforementioned zoning proposed for the subject property during the entire process.

The Bureau of Engineering's representative on the Zoning Advisory Committee stated, in part, that the petitioner's plan "does not indicate the proposed method of providing public sanitary sewerage to the site, which will require 'white right-of-way'."

The Department of Traffic Engineering's representative on the Zoning Advisory Committee stated, in part, that presently zoned, development of the subject property would generate approximately 1,640 trips per day; further, he stated that this increase could not be accommodated on the existing or proposed road system in the land continue to develop in this area to road."

The Planning Board believes that D.R. 5.5 zoning is appropriate here, and that the zoning map is correct. It is the opinion of the Board that D.R. 16 would not be in character with the existing development of the subject property and that the granting of this petition could precipitate additional increases in intensity of development in the area.

It is therefore recommended that the existing zoning, D.R. 5.5, be retained.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

cc: Nicholas B. Commodari
Chairman

MEMORANDUM

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Project Planning

Health Department

Building Department

Board of Education

Zoning Administration

Industrial Development

May 1, 1978

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

RE: Cycle III
Reclassification Petition
Item Number 4
Petitioner - Truman Crabb

Dear Mr. DiCicco:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Improved with a dwelling and assorted barn buildings, this D.R. 5.5 zoned property contains 13.7 acres and is located on the east side of Rolling Road opposite Hithersgreen Drive in the 2nd Election District. Adjacent properties to the north, south and east are similarly zoned and are improved with individual dwellings and farm operations. Located between the residential zoning to the north is vacant land, zoned M.L., while a townhouse development, zoned D.R. 16, exists immediately opposite the subject property on the west side of Rolling Road. This latter property was the subject of a previous zoning hearing (Case #66-106-R) in which a reclassification was granted.

Robert A. DiCicco, Esquire
Page 2
Item Number 4
May 1, 1978

Since the submitted site plan indicates a proposal, it is impossible to make detailed comments at this time. However, if this petition is granted and as I am sure you are aware, all applicable county subdivision regulations must be satisfied.

Particular attention should be afforded the comments of the Department of Public Works concerning the proposed onsite roadway, the provisions for accommodating storm water or drainage and the method of providing public sanitary sewer for this site.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this committee, shall be submitted to this office prior to June 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 September 1, 1978 and October 15, 1978 will be forwarded to you well in advance.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Maryland 21204

Paul Lee P.E.
Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Maryland 21204 821-5941

DESCRIPTION

13.7 ACRES PARCEL, MORE OR LESS

EAST SIDE OF ROLLING ROAD

NORTH ("DOGWOOD ROAD")

FIRST ELECTION DISTRICT

NORTHERN COUNTY, MARYLAND

This Description is for Reclassification of Property from a "DR 5.5" to a "DR-16" Zone.

Beginning from the same at the intersection of the center line of Rolling Road at a point 220 feet, more or less, north of the south line of property recorded among the Land Records of Baltimore County in Liber 5186-315, said point of beginning being northerly 3600 feet, more or less, along the center line of Rolling Road from its intersection with the center line of Dogwood Road, thence leaving said center line of Dogwood Road the two following courses and distances (1) S 74 degrees E 253 feet, more or less, and (2) S 16 degrees W 195 feet, more or less, to intersect the south line of property recorded among the land records of Baltimore County in Liber 5186-315, thence binding on the south property line of the aforementioned deed (1) S 81 degrees 15 minutes E 900 feet, more or less, thence binding on the three following courses and distances (4) N 04 degrees 30 minutes V 12.7 feet, more or less, (5) N 05 degrees 10 minutes V 73.7 feet, more or less and (6) N 02 degrees 45 minutes V 372.4 feet, more or less, to intersect the south side of a private road 12 feet wide, known as Hidey's Lane,

Engineers - Surveyors - Site Planners

OFFICE COPY

-2-

thence binding on the south side of said private road westerly N 58 degrees 10 minutes W 795 feet, more or less, to a point located on the south side of the private road, then leaving said private road the two following courses and distances (7) S 20 degrees 30 minutes W 185 feet, more or less, and (8) N 69 degrees 32 minutes W 235 feet, more or less, to or near the center line of Rolling Road, said center line of Rolling Road also being the D.R. 16 zone line, as shown on Baltimore County Zoning Map NW 30, thence binding on said zone line and on the center line of Rolling Road southerly 420 feet, more or less, to the place of beginning.

Containing 13.7 Acres of land, more or less.

PL11

March 29, 1978



494-3180

County Board of Appeals

Room 218, Court House

Towson, Maryland 21204

October 16, 1978

Robert A. DiCicco, Esq.
208 W. Pennsylvania Ave.
Towson, Md. 21204

Re: File #77-54-R
Truman Crabb

Dear Mr. DiCicco:

1. Number of witnesses you anticipate calling 5
2. How many of these witnesses will be "expert witnesses"? 2
3. Fields to be covered by experts you intend to call - please check:

Land Planner /
Real Estate /
Engineer /
Traffic /
Other /

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

Four (4) hours

Attorney for Professionals ()

Attorney for Petitioners ()

Rec'd 10/18/78
11:15 AM

LIV OFFICES

ASKEW, WILSON & DICICCO

208 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

TELEPHONE
AREA CODE 301
821-5940

December 18, 1978

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

RE: Truman Crabb
Case No. 79-11-R
Reclassification from D.R. 5.5 to D.R. 16 Zone
E/S Rolling Road, 1600' N. of Dogwood Road

Attention: Muriel E. Buddemeier

Dear Mrs. Buddemeier:

Please be advised that I must request a postponement of the above captioned matter, which is set for March 1, 1979, at 9:30 A.M., as I will be out of the country. Thanking you in advance for your cooperation, I remain

Very truly yours,

Robert A. DiCicco

RAD:bic

Rec'd 12-20-78
9:30 AM

494-3180

County Board of Appeals

Room 218, Court House

Towson, Maryland 21204

January 10, 1979

Robert A. DiCicco, Esq.
208 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Reclassification Petition
Case #77-54-R Truman Crabb

Dear Mr. DiCicco:

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

Your prompt reply is necessary.

Very truly yours,

Walter A. Keller, Jr.
Walter A. Keller, Jr., Chairman

WARE

Enclosure: Bill 122-78

cc: Mr. Truman Crabb

James D. Nolan, Esq.
Mr. Leland S. Van Koten
John W. Hession, III, Esq.
Mr. S. E. DiNenna
Mr. George Marlinck
Mr. James E. Dyer
Mr. Leslie Groef
Mr. Gary Burt
Board of Education
Mrs. Carol Berush

Paul Lee P.E.

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

April 9, 1979

NOTICE OF ASSIGNMENT

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

CASE NO. 79-54-R

TRUMAN GRABILL

For Reclassification: from D.R. 5.5 to D.R. 16

E/S Rolling Rd. 2600' N. of Dogwood Rd.

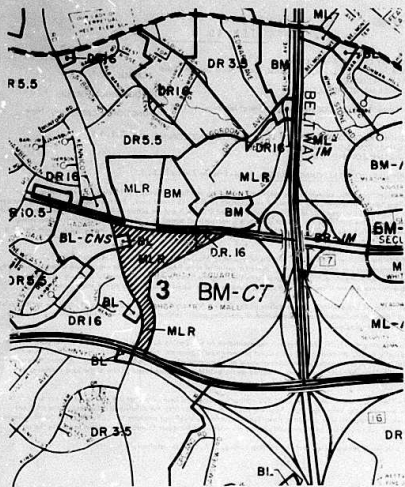
2nd District

9/21/78 - D.Z.C. DENIED PETITION

ASSIGNED FOR:**THURSDAY, JULY 12, 1979 at 10 a.m.**

cc: Robert A. DiCicco, Esq. Counsel for Petitioner
Mr. Truman Grabill Petitioner
James D. Nolan, Esq. Counsel for Protestor
Mr. Leland S. VanKoten, President Protestor
Western Alliance of Concerned Communities
John W. Hessian, III, Esq. People's Counsel
Mr. J. E. Dyer
Mr. S. E. DiNenna
Mr. L. H. Graef
Board of Education
Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary



LOCATION OF PROPERTY UNDER PETITION
BASE MAP 2B
SCALE 1" = 1000'

Board of Appeals
Towson, Maryland 21204
July 17, 1979.

Gentlemen,

I am writing to you in behalf of:

Mrs. Rita Reaver
2517 N. Rolling Rd.
Baltimore, Md. 21207

Mrs. Dorothy Kicos
2516 N. Rolling Rd.
Baltimore, Md. 21207

and myself.

Mrs. Dorothy Newberger
2617 N. Rolling Rd.
Baltimore, Md. 21207

To inform you that we were not notified either by public posting, phone or letter in reference

to the appeal date in regard to the case of Truman/Grabill. Our names and addresses were given to Mr. Martinick. After talking with Mr. Jack Haskin we felt we should let you know of this situation. Consideration on our behalf as protestants we hope will be made.

Thank you,
Dorothy Newberger

RECEIVED
COUNTY BOARD
JUL 23 1979
JUL 23 1979
JUL 23 1979

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

July 25, 1979

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

RE: Case No. 79-54-R
Truman Grabill, Petitioner

Dear Mr. DiCicco:

You will recall that during the hearing held on Thursday, July 12, 1979, the question arose as to the notification given certain Protestants that the hearing was in fact being held before the Board and the ruling was made that those Protestants were represented by various counsel and/or community association officials to whom proper notice of the scheduling of the hearing had been given, and it was upon this ruling that the record was closed at the end of the hearing. Thereafter, a letter was sent to the Board by Mrs. Dorothy Newberger, on behalf of herself, Mrs. Rita Reaver, and Mrs. Dorothy Kicos, alleging that they had participated as Protestants in the hearing below but had not received notice of the proceeding before the Board in order that they might participate. A photostatic copy of that letter is attached. The Board considered said letter to be in essence a form of motion to reopen the hearing.

An independent review of the circumstances surrounding the involvement of these three ladies in this case, including a review of the tape recording of the hearing before the Deputy Zoning Commissioner below, appears to sustain their contention that they did in fact appear as Protestants below, and did in fact directly inform the Deputy Zoning Commissioner that they were not represented by anyone else.

This Board has and must exercise the general control over its proceedings in accord with the fundamental concept of fairness. Although the inadvertence which resulted in the names of these Protestants not being forwarded to the Board, and thus not having been placed on the notification list, occurred elsewhere, the Board has an obligation to correct deficiencies to the extent of its ability, no matter where they occurred in the chain of the zoning procedure.

Accordingly, upon the motion made by Mrs. Newberger, and upon its ascertainment of the validity of the factual claim upon which said motion is made, the Board has determined that the record in this case shall be reopened for the restricted purpose of receiving the testimony of Mrs. Newberger, Mrs. Reaver, and Mrs. Kicos and such rebuttal testimony as their appearance might reasonably require from the Petitioner.

Robert A. DiCicco, Esquire

July 25, 1979

Each of the recipients of this letter will find attached a formal notice of the date and time for the taking of such testimony.

Very truly yours,

William T. Hackett
William T. Hackett
Acting Chairman

Enclosures

cc: Mrs. Dorothy Newberger
2617 N. Rolling Road
Baltimore, Maryland 21207
Mrs. Rita Reaver
2517 N. Rolling Road
Baltimore, Maryland 21207
Mrs. Dorothy Kicos
2516 N. Rolling Road
Baltimore, Maryland 21207

Mr. Leland S. VanKoten, President
Western Alliance of Concerned Communities
18 Topview Court
Baltimore, Maryland 21207

Peter Max Zimmerman, Esquire
Deputy People's Counsel

ASKEW, WILSON & DICICCO, P.A.

JOHN L. ASKEW
NANCY WILSON
ROBERT A. DICICCO
208 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

TELEPHONE 8
AREA CODE 410
803-5640

September 5, 1979

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204

Re: Case No. 79-54-R
Truman GRABILL

Gentlemen:

Enclosed herewith please find Petitioner's Memorandum of Law for filing in the above-captioned matter along with three copies for Board members' convenience.

I am forwarding a copy of the Memorandum to the People's Zoning Council and it is my understanding that the Board will allow one week for the filing of a reply memorandum, if any, before ruling on this case.

Very truly yours,

Robert A. DiCicco

dh

Enclosures

cc to: John W. Hessian, III, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RECEIVED
BALTIMORE COUNTY
SEP 7 10 07 AM '79
COUNTY BOARD
OFFICE

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

July 25, 1979

NOTICE OF ASSIGNMENT**(CONTINUED HEARING)**

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

CASE NO. 79-54-R

TRUMAN GRABILL

Rec. from D.R. 5.5 zone to D.R. 16 zone

E/S Rolling Rd. 2600' N. of Dogwood Rd.

2nd District

5/21/78 - D.Z.C. Denied Rec.

ASSIGNED FOR:**TUESDAY, AUGUST 21, 1979 at 9:00 a.m.**

cc: Robert A. DiCicco, Esq. Counsel for Petitioner
Mr. Truman Grabill Petitioner
James D. Nolan, Esq. Counsel for Protestor
Mr. Leland S. VanKoten, President Protestor
John W. Hessian, III, Esq. People's Counsel
Mrs. Rita Reaver Request Notification
Mrs. Dorothy Kicos
Mrs. Dorothy Newberger
Peter Max Zimmerman, Esq. Deputy People's Counsel
Mr. William Hammond
Mr. James Dyer
Mr. John Seyffert
Board of Education
Mrs. Carol Beresh

Harold E. Ludenbauer
County Board of Appeals

12-14-78 - Notified of appeal hearing scheduled for THURSDAY, MARCH 1, 1979 at 9:30 a.m.
Robert A. DiCicco, Esq.
Mr. Grubill
James D. Nolan, Esq.
Mr. Leland S. Van Koten, Pres.
John W. Heslon, III, Esq.
Mr. James Dyer
Counsel for Petitioner (Suits L72 & B72)
Petitioner
Counsel for Protestor
Protestor
People's Counsel
Notified
*Discontinue suit by P
- Mr. Grubill by not
of this country*
*12-10-79 Postponed
DUE TO BILL 122-7Y*

12/21/78 - Above notified of POSTPONEMENT and REASSIGNMENT for THURS. MARCH 27, 1979 at 9:30

4/9/79 - Above notified of appeal hearing scheduled for THURSDAY, JULY 12, 1979 at 10 a.m.

7/25/79 - Above, plus Mrs. Rita Reaver, Mrs. Dorothy Kloss and Mrs. Dorothy Newberger notified of additional hearing on TUESDAY, AUGUST 21, 1979 at 9 a.m.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
November 6, 1979

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

RE: TRUMAN GRUBILL
Case No. 79-54-R (Item No. 4)

Dear Mr. DiCicco:

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

Very truly yours,

John Holmes
John Holmes, Secretary

Encl.

cc: Truman Grubill
James D. Nolan, Esq.
Mr. Leland S. Van Koten
John W. Heslon, III, Esq.
James E. Dyer
Mrs. Rita Reaver
Mrs. Dorothy Kloss
Mrs. Dorothy Newberger
G. Howell
E. Neward

494-3180

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

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

Re: Truman Grubill
Case No. 79-54-R

Dear Mr. Heslon:

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

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

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

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

Very truly yours,

John Holmes
John Holmes, Secretary

Encls.

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

Robert A. DiCicco, Esq.
208 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Truman Grubill
Case No. 79-54-R

Dear Mr. DiCicco:

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,

John Holmes
John Holmes, Secretary

Encl.

cc: Truman Grubill
James D. Nolan, Esq.
Mr. Leland S. Van Koten
Mrs. Rita Reaver
Mrs. Dorothy Kloss
Mrs. Dorothy Newberger

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 7, 1979

Robert A. DiCicco, Esq.
208 W. Pennsylvania Ave.
Towson, Maryland 21204

Dear Mr. DiCicco:

Re: Truman Grubill
Case No. 79-54-R

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,

John Holmes
John Holmes, Secretary

Encl.

cc: Truman Grubill
James D. Nolan, Esq.
John W. Heslon, III, Esq.
Mrs. Rita Reaver
Mrs. Dorothy Kloss
Mrs. Dorothy Newberger

December 7, 1979

BILLED TO: Leland S. VanKoten, Esq.
Sixth Fl., Sun Life Building
Baltimore, Maryland 21201

Cost of certified documents filed
in Case No. 79-54-R \$28.00

Truman Grubill
E/S of Rolling Road, 2600' N of
Depot Road
2nd District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland
REMIT TO: County Board of Appeals
Rm. 219, Court House
Towson, Md. 21204

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 7, 1979

Leland S. VanKoten, Esq.
Sixth Floor, Sun Life Bldg.
Baltimore, Maryland 21201

Re: Case No. 79-54-R
Truman Grubill

Dear Mr. VanKoten:

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

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

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

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

Very truly yours,

John Holmes
John Holmes, Secretary

Encls.

Truman Grubill
Case No. 79-54-R
Petition for Reclassification
E/S of Rolling Rd., 2600' N of
Depot Road
2nd District

May 1, 1978	Petition for reclassification
May 1	Order of ZC directing advertisement and routing of property
Sept. 6	Hearing held at 10 a.m. on petition, by Zoning Commissioner
Sept. 21	Order of DZC denying petition
Oct. 3	Order of Appeal to County Bd. of Appeals from Order of DZC
Aug. 21, 1979	Hearing on appeal before C.B. of A.
Nov. 6	Order of C.B. of A. granting the requested reclassification
Nov. 13	Order for Appeal filed in Circuit Court for S.C. by People's Counsel (6/79)
Nov. 21	Petition for accompanying Order for Appeal filed in Circuit Ct.
Dec. 5	Petition for extension of time to file transcript extended until 1/21/80
Dec. 6	Order for Appeal filed in Circuit Ct. by Protestors (6/79)
Dec. 7	Certificate of Notice sent to all interested parties
	Petition to accompany Order for Appeal
Jan. 11, 1980	Transcript of testimony filed -
" "	Record of proceedings filed in Cir. Ct. for Balto. County.
Jan. 11	Board AFFIRMED - Judge Buchanan
Aug. 7	Order for Appeal filed in the Court of Special Appeals by P.C.
Nov. 17	Dismissed on Motion of P.C. - Most due to maps
" 19	Monitors filed

PETITION FOR RECLASSIFICATION

ZONING: From D.R.5.5 to D.F.16
LOCATION: East side of Rolling Road, 2600 feet North of Dogwood Road
DATE & TIME: Wednesday, September 6, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning/Deputy Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R.5.5
Proposed Zoning: D.F.16

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

Being the property of Truman Grabill, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, September 6, 1978 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENIA, ZONING COMMISSIONER
AND
GEORGE J. MARTINAK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3261

S. ERIC DINENIA
ZONING COMMISSIONER

October 6, 1978

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Rolling Road, 2600' N of Dogwood Road
2nd Election District
Truman Grabill - Petitioner
No. 79-54-R (Item No. 1.)

Dear Mr. Nolan:

Please be advised that an appeal has been filed by Robert A. DiGicco, Esquire, in behalf of Truman Grabill, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

George J. Martinak
S. ERIC DINENIA
Deputy Zoning Commissioner

SD/no

cc: Mr. Leland S. Van Koten, President
Western Alliance of Concerned Communities
13 Topview Court
Baltimore, Maryland 21207

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

MICROFILMED

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

NOTICE OF HEARING

RE: Petition for Reclassification, E/S of Rolling Rd., 2600' N of Dogwood Rd. - 2nd Election District
Truman Grabill - Petitioner, Case No. 79-54-R

TIME: 10:00 A.M.

DATE: Wednesday, September 6, 1978

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

TOWSON, MARYLAND

George J. Martinak
Deputy ZONING COMMISSIONER OF
BALTIMORE COUNTY

MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3261
R. DINENIA
COMMISSIONER

August 31, 1978

Robert A. DiGicco, Esquire
208 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Rolling Rd., 2600' N of Dogwood Rd.
2nd Election District
Truman Grabill - Petitioner
No. 79-54-R

Dear Sir:

This is to advise you that \$243.98 is due for advertising and posting of the above property.

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

Very truly yours,

George J. Martinak
S. ERIC DINENIA
Zoning Commissioner

SD/no

MICROFILMED

494-3180

79-91

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 10, 1979



Robert A. DiGicco, Esq.
208 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Reclassification Petitions
Case #79-54-R Truman Grabill

Dear Mr. DiGicco:

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

Your prompt reply is necessary.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

WARR
Enclosure: Bill 122-78
cc: Mr. Truman Grabill
James D. Nolan, Esq.
Mr. Leland S. Van Koten
John W. Heslian, III, Esq.
Mr. S. E. DINENIA
Mr. George Martinak
Mr. James E. Dyer
Mr. Leslie Grew
Mr. Gary Burt
Board of Education
Mrs. Carol Beresh

MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3261

S. ERIC DINENIA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

Robert A. DiGicco, Esquire
208 West Pennsylvania Avenue
Towson, Maryland 21204

September 21, 1978

RE: Petition for Reclassification
E/S of Rolling Road, 2600' N
of Dogwood Road -
2nd Election District
Truman Grabill - Petitioner
NO. 79-54-R (Item No. 4)

Dear Mr. DiGicco:

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

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mr

Attachments

cc: Mr. Leland S. Van Koten, President
Western Alliance of Concerned Communities
13 Topview Court
Baltimore, Maryland 21207

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

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

MICROFILMED

Paul Lee, P.E.

Paul Lee Engineering, Inc.

206 Washington Avenue Towson, Maryland 21204 821-5941

DESCRIPTION

13.7 ACRES PARCEL, MORE OR LESS

EAST SIDE OF ROLLING ROAD

NORTH OF DOGWOOD ROAD

FIRST ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

This Description is for Reclassification of Property
From a "R-1" to a "R-1A" Zone

Beginning for the same at the intersection of the center line of Rolling Road at a point 220 feet, more or less, north of the south line of property recorded among the Land Records of Baltimore County in Liber 5186-315, said point of beginning being northerly 2600 feet, more or less, along the center line of Rolling Road from its intersection with the center line of Dogwood Road, thence leaving said center line of Dogwood Road the two following courses and distances (1) S 74 degrees E 255 feet, more or less, and (2) S 16 degrees W 195 feet, more or less, to intersect the south line of property recorded among the Land Records of Baltimore County in Liber 5186-315, thence bearing on the south property line of the aforementioned deed (3) S 81 degrees 15 minutes E 900 feet, more or less, thence binding on the three following courses and distances: (4) N 04 degrees 50 minutes W 12.7 feet, more or less, (5) N 05 degrees 10 minutes W 73.7 feet, more or less and (6) N 02 degrees 45 minutes E 372.9 feet, more or less, to intersect the south side of a private road 12 feet wide, known as Hazy's Lane,

Engineers - Surveyors - Site Planners

MICROFILMED

-2-

thence binding on the south side of said private road westerly N 38 degrees 10 minutes W 795 feet, more or less, to a point located on the south side of the private road, then leaving said private road the two following courses and distances (7) S 27 degrees 38 minutes W 153 feet, more or less, and (8) S 66 degrees 23 minutes W 235 feet, more or less, to or near the center line of Rolling Road, said center line of Rolling Road also being the E-16 zone line, as shown on Baltimore County Zoning Map NW 36, thence binding on said zone line and on the center line of Rolling Road southerly 420 feet, more or less, to the place of beginning.

Containing 13.7 Acres of land, more or less.

PL:tl

March 29, 1978



MICROFILMED

Paul Lee, P.E.

RE: PETITION FOR RECLASSIFICATION
E/S OF ROLLING ROAD, 2600' N OF
DAGWOOD ROAD
2ND ELECTION DISTRICT
TRUMAN GRABILL-PETITIONER
NO. 79-54-R (ITEM NO. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

Please enter an Appeal to the Board of Appeals from the Order of the Deputy Zoning Commissioner in the above captioned case, dated September 21, 1978, on behalf of Truman Grabill, Petitioner, 2601 N. Rolling Road, Baltimore, Maryland 21207, by his attorneys, Robert A. DiCicco, Askew, Wilson & DiCicco.

Filed herewith is a Petition of Appeal specifying the grounds for appeal, pursuant to Maryland Annotated Code, Article 66B, Section 4-07(e).

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

I HEREBY CERTIFY that on this 3rd day of October 1978, a copy of the within Notice of Appeal was mailed to Mr. Leland S. VanKoten, President, Western Alliance of Concerned Communities, 13 Topview Court, Baltimore, Maryland 21207, and to John W. Hession, III, Esquire and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco



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

MICROFILMED

IN RE: PETITION OF TRUMAN GRABILL
ROLLING ROAD & HIDEY'S LANE
FOR RE-CLASSIFICATION AND
SPECIAL EXCEPTION

MEMORANDUM IN SUPPORT OF PETITION

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

1. In support of his argument that there was an error in the original zoning maps, Petitioner contends that the present zoning of the tract, DR 5.5, which permits only single family residential dwellings, is completely inconsistent with the character of the neighborhood in that the property immediately opposite is zoned DR 16 and is presently occupied by several hundred townhouse buildings. Furthermore, the tract is adjacent to the large Security Industrial Park which is more conducive to a multi-family dwelling unit.

2. In support of the Petitioner's claim that there has been a change in the character of the neighborhood, the Petitioner submits that: (a) That there has been a tremendous increase in the volume of traffic at Rolling Road, at the location of the Petitioner's tract; (b) That there have been numerous zoning changes in the surrounding area; (c) That there has been a substantial increase in building permits and multi-family dwelling units in the area; (d) There is an increase in the population concentration and growth in the area; (e) There has been a change in the use and trend of the surrounding area; (f) The re-zoning of the property for multi-family dwellings will be beneficial and non-detrimental to the surrounding property of the community; (g) That the re-zoning of the tract to permit the use requested will be compatible with the predicted plans of the county

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

MICROFILMED

in that it would be an appropriate transition area from the industrial use on the one side and the multi-family use on the other; (g) That the appropriate use and value of the tract is for multi-family dwellings and the possibility for development under the single family residence is prohibited.

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

Respectfully submitted,

Robert A. DiCicco

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

2-

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ASKEW, WILSON
& DICICCO
TOWSON, MD. 21204

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of the subject property from DR 5.5 to DR 16.

Respectfully submitted,

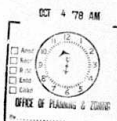
Robert A. DiCicco

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

I HEREBY CERTIFY that on this 3rd day of October 1978, a copy of the within Petition to Appeal was mailed to Mr. Leland S. VanKoten, President, Western Alliance of Concerned Communities, 13 Topview Court, Baltimore, Maryland 21207, and to John W. Hession, III, Esquire and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco

2-



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

MICROFILMED

RE: PETITION FOR RECLASSIFICATION
E/S OF ROLLING ROAD, 2600' N OF
DAGWOOD ROAD
2ND ELECTION DISTRICT
TRUMAN GRABILL-PETITIONER
NO. 79-54-R (ITEM NO. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

Truman Grabill, Appellant, by Robert A. DiCicco, Askew, Wilson & DiCicco petitions for review of the action of the Deputy Zoning Commissioner on the following grounds:

1. This is an Appeal from the Order of the Deputy Zoning Commissioner of September 21, 1978, denying the Petitioner a Reclassification of approximately 13.7 acres located at E/S Rolling Road, 2600' N Dagwood Road from a DR 5.5 zone to a DR 16 zone.

2. Petitioner requests the reclassification proposing to construct a garden apartment development of 204 dwelling units on the subject property.

3. The Deputy Zoning Commissioner erred in denying the Reclassification for the following reasons:

A. Petitioner has presented evidence that the zoning map is in error in that the present zoning of the tract, DR 5.5, is inconsistent with the character of the neighborhood, wherein the property immediately opposite is zoned DR 16 and is presently occupied by several hundred townhouse buildings.

B. Petitioner has presented evidence that there has been a change in the character of the neighborhood since the adoption of the zoning maps, specifically increases in the volume of traffic, in building permits and in population. Furthermore, there have been numerous zoning changes in the surrounding areas and changes in the use and trend of the surrounding areas.

WHEREFORE, Appellant requests the Board of Appeals to:

- Reverse the Order of the Deputy Zoning Commissioner.
- To grant to Appellant the requested reclassification of the

Case No. 79-54-R (Item No. 4)

Truman Grabill

E/S Rolling Rd., 2600' N of Dagwood Rd.
2nd Election District

- Copy of Petition and Order Denied by the D.C. September 21, 1978
- Copy of Description of Property
- Copy of Certificate of Posting
- Copy of Certificates of Publication
- Copy of Zoning Advisory Committee Comments
- Copy of Comments from the Director of Planning
- Planning Board Comments
- Copy of Order to Enter Appearance, John W. Hession, III
- Copy of Order - Zoning/Deputy Zoning Commissioner
- Copy of Plat of Property
- 200' Scale Location Plan
- 1000' Scale Location Plan
- Memorandum in Support of Petition
- Letter(s) from Protestants
- Letter(s) from Petitioner(s)
- Protestants' Exhibits to
- Petitioners' Exhibits to
- Letter of Appeal

Robert A. DiCicco, Esq.
208 West Pennsylvania Avenue
Towson, Maryland 21204

Counsel for Petitioner

Truman Grabill
2601 N. Rolling Road
Baltimore, Maryland 21207

Petitioner

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Counsel for Protestants

Mr. Leland S. VanKoten, President
Western Alliance of Concerned Communities
13 Topview Court
Baltimore, Maryland 21207

Protestant

John W. Hession, III, Esquire
James B. Byer

People's Counsel
Request Notification

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dagwood Road
2nd District
Truman Grabill, Petitioner
Zoning File No. 79-54-R
John W. Hession, III, Esq.,
People's Counsel for Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hockett, LeRoy B. Spurrier and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 6th Floor, Sun Life Building, Baltimore, Maryland 21201, Protestant, John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicos, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

John Holman, Secretary
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

MICROFILMED

Truman Grabill, Petitioner
Zoning File No. 79-54-R

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland, 21204, Counsel for the Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 6th Floor, Sun Life Building, Baltimore, Maryland 21201, Protestant, John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicos, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 10th day of November, 1979.

John Holman, Secretary
County Board of Appeals of Baltimore County

cc: J. Russell
John Holman
File

MICROFILMED

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

MICROFILMED

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, Lefroy B. Sparrier and Patricia Millhouse, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for the Petitioner, Truman Grabill, 2401 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Protestants, Leland S. Van Koten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Heslan, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

John Holman
John Holman, Secretary
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

MICROFILMED

Truman Grabill, Petitioner
Zoning File No. 79-54-R

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Petitioner, Truman Grabill, 2401 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Protestants, Leland S. Van Koten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Heslan, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 7th day of December, 1979.

cc: J. Howell (2)
J. Jones (1)
File (3)

John Holman
John Holman, Secretary
County Board of Appeals of Baltimore County

MICROFILMED

PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road,
2nd Election District

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Miscellaneous Docket 12
Folio 20
Case No. 6970

OPINION

This case is an appeal from a decision by the County Board of Appeals granting reclassification of a 13.7 acre parcel of land owned by Truman Grabill from R.R. 5.5 to D.R. 16. Counsel having been heard and the record before the Zoning Commission having been reviewed, the court finds that the decision before the Board was based on fairly debatable evidence, and that their action was not illegal, arbitrary or discretionary. Therefore, the court upholds the Opinion and Order of the County Board of Appeals for Baltimore County.

July 11, 1980

William R. Buchanan, Sr.
William R. Buchanan, Sr.
JUDGE

RECEIVED
BALTIMORE COUNTY
JUL 11 1980
COURT CLERK
OF APPEALS

RECEIVED
BALTIMORE COUNTY
JUL 11 1980
COURT CLERK
OF APPEALS

FILED JUL 11 1980

RECEIVED
BALTIMORE COUNTY
JUL 11 1980
COURT CLERK
OF APPEALS

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16 Zone
E/S Rolling Rd. 2600'
N of Dogwood Rd., 2nd District

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

HEARING MEMORANDUM

The People's Counsel for Baltimore County, Appellant, in support of its Petition for Appeal, submits the attached memorandum, previously presented to the Baltimore County Board of Appeals.

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

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

I HEREBY CERTIFY that on this 1st day of February, 1980, a copy of the foregoing Hearing Memorandum was mailed to Robert A. DiCicco, Esquire, 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner/Appellee.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION
from D.R. 5.5 to D.R. 16 Zone
E/S Rolling Rd. 2600'
N of Dogwood Rd., 2nd District

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Case No. 79-54-R

MEMORANDUM OF PEOPLE'S COUNSEL

The subject 13.7 acre tract, presently in use for dwelling and farm purposes, lies in a quadrant of approximately 100 acres zoned D.R. 5.5, in the area east of Rolling Road and north of Dogwood Road in western Baltimore County. The tract itself is in the northeastern portion of this quadrant, fronting on Rolling Road.

The area zoned D.R. 5.5 to the south is presently vacant, but evidence showed subdivision plans in process on the "Willingford" development comprising 226.6 units, of which 31 are single family lots and 175 are townhouses, on 41.2 acres located near Rolling Road and Dogwood Road. Separately, official County records indicated another subdivision in process in the neighborhood, "Hanna Woods," involving twelve single family homes in D.R. 5.5 zoning on 3.03 acres located on Dogwood Road.

An important consideration relating to the area zoned D.R. 5.5 is that the nearest sewer line runs along Dogwood Road, at a distance of approximately 2100 feet from the site. This means that development logically would occur sequentially, the area just north of Dogwood Road being developed initially, followed by the area still further north, with the subject tract's development to follow, connecting to the sewer lines constructed under the adjacent tracts. It is noteworthy that the record showed the first steps of this sequential development already to be in process. West of Rolling Road and north of Dogwood Road lies a residential area zoned D.R. 16, including the Kingswood Common Apartments. To the east of the subject area zoned D.R. 5.5, and looking irregularly around to the north, lies a portion of the Security Industrial Park, an industrial and office development located on land zoned M.L.-L.M.

Areas further to the north and south include a mix of townhouse, apartment, and single family development on land zoned residential. The area to the south, as one moves down Rolling Road to Security Boulevard, is marked by Security Square Mall, a regional shopping center on the south side of Security Boulevard.

The record indicated substantial traffic congestion on Rolling Road moving from the subject tract south to Security Boulevard, the standard route, with intersections at or about capacity at Dogwood and Rolling Roads, and Security Boulevard and Rolling Road among others. To the north, by alternative route, the intersections at Windsor Mill and Rolling Roads and Liberty and Rolling Roads also have already indicated problems.

The evidence also indicated the existence of some rock underlying some of the previously developed residential properties in the area, but no soil or geology tests had been conducted to evaluate site conditions underlying the subject tract.

II.

Turning to the important applicable zoning principles, "...perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning." Otherwise stated, "...strong evidence of error is required to make the issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of the Board in granting a reclassification is arbitrary and capricious." *Boyce v. Senby*, 25 Md. App. 43, 334 A.2d 137 (1975).

Moreover, as the issue of confiscation is often interrelated with mistake, it need not be stated that,

"Applicant must show that he has been deprived of all reasonable use of his property and that it cannot be used for any of the permitted uses in the existing zone." *Streichs v. Baucom*, 268 Md. 643, 304 A.2d 344 (1973).

In the present case, the applicant quite simply failed to meet the burden to present evidence that the Comprehensive Map ignored specific facts material to the zoning, failed to take undisputed facts into consideration, or caused a deprivation of all reasonable use of the property.

The applicant's claim, primarily through the testimony of Paul Lee, that the property can profitably be developed to the maximum number of units (75) permitted in D.R. 5.5 zoning parallels the claims of error and confiscation rejected by the courts in *Boyce* and *Streichs*, both Baltimore County cases. In light of uncontradicted evidence of other D.R. 5.5 developments in process in the same neighborhood, including one engineered by Mr. Lee himself, the very credibility of the applicant's claim is reduced to ruins.

Further analysis, moreover, shows the "strawman" nature of Lee's evidence. His analysis was limited to a particular kind of townhouse-single family development. Thus, he did not consider the feasibility of garden apartments in the portion of the subject tract zoned D.R. 5.5 not affected by transition zone regulations." The Lee study further failed to consider the development of the subject property in sequence, subsequent to or in connection with the development of other properties zoned D.R. 5.5 to the south, with attendant reduction of sewer costs. Rather, Lee appeared to assume that the distance of the subject property from the sewer line, with attendant risks, difficulties, and costs of easement acquisition for sewer connection through adjoining properties, was the basis for permitting higher density development. Finally, Lee assumed that the provision of a particular zoning classification is meant as a guarantee of maximum immediate development to the fullest density allowed. Such is not the law. See also *Board of County Commissioners v. Coster*, Md., 401 A.2d 666 (1979).

As to traffic, there was simply no evidence presented by the applicant to contradict the evidence of severe traffic congestion in the area, particularly along Rolling Road.

* Baltimore County Zoning Regulation 1801.18, regarding residential transition areas, does not permit multiple family dwellings within 300 feet of dwellings on adjacent properties in designated residential zones, including D.R. 5.5.

This evidence included expert testimony by Michael Flanigan, Assistant Traffic Engineer, regarding level of service at various intersections in the area, as well as testimony of neighboring property owners. Indeed, the applicant's sole thrust was the possible lengthening of Lord Baltimore Drive, in connection with further development of Security Industrial Park, to provide a different access to Security Boulevard. This thrust, however, was ill targeted, both because of the speculative nature of the timing of any future construction of Lord Baltimore Drive and the obvious consideration that such a route to Security Boulevard would be longer, more indirect, circuitous, and therefore an inappropriate choice for residents seeking access to Security Boulevard.

The applicant's next thrust in challenging the comprehensive zoning, primarily through the testimony of Frederick Klaus, was the need for apartments to serve future expansion of Security Industrial Park. Leaving aside the point that such future development may be taken into consideration in the 1980 comprehensive zoning process, already under way, we note the evidence showing a mix of D.R. 5.5 and D.R. 16 zoning in the area, some developed but some still available for future construction.

The testimony of James Howell, County Planner, in this context, is compelling. Howell concluded that the zoning of the subject property was appropriate, that substantial D.R. 16 zoning was already provided in the area, that the mix of various levels of residential zoning, along with the industrial, constituted a reasonable approach, and that the critical traffic situation, as indicated by expert staff of the Department of Traffic Engineering, required his office to recommend against piecemeal reclassification.

The applicant finally seeks to turn to his advantage the absence of the subject property as an issue in the 1976 comprehensive zoning as purported evidence of the Council's ignorance. The legitimacy of this concept is meted out only by its misdirection. The presumption, of course, in the absence of strong evidence to the contrary, is that

The Council is completely familiar with the area and its characteristics material to zoning. There was no specific evidence offered to rebut this presumption. In fact, one of the Protestants testified that the County Council did, in fact, visit the area as a group during the 1976 Comprehensive Map process and recalled that the bus in which the Council was traveling used her driveway to turn around. The neighborhood of Security Boulevard and Rolling Road, featuring as it does diversified residential development, the Security Industrial Park and the Security Square Mall, and well known traffic problems, can hardly be thought to have escaped the Council's knowledge and understanding.

CONCLUSION

To paraphrase the language of Judge Rie Davidson in *Boyes*, we can but conclude that: when all is said and done, the record is devoid of any probative evidence to show that the County Council failed to take into account any facts or circumstances then existing relevant to the subject property and its environs so that its initial assumptions and premises in determining the appropriate classification for the subject property were erroneous. The record is similarly devoid of any probative evidence to indicate confiscation.

Therefore, "[U]nder all of the circumstances in this case the presumption of validity accorded to the comprehensive zoning was not overcome and the question of 'error' or 'mistake' in the comprehensive zoning of the subject property was not 'fairly debatable,'" and this Petition for reclassification should be denied.

Respectfully submitted,

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

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

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
E/S of Rolling Road, 2600' N of : FOR BALTIMORE COUNTY
Dogwood Road :
2nd Election District : AT LAW
Truman Grabill, Petitioner : Misc. Docket No. 12
Zoning Case No. 79-54-R : Folio No. 20
File No. 6970

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., William T. Hackett, and Patricia Millhouser, 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. 79-54-R

May 1, 1979 Petition of Truman Grabill for reclassification from DR 5.5 to D.F., 1A zone on property located on the east side of Rolling Road, 2600' North of Dogwood Road, 2nd District, filed
May 1 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 6, 1979, at 10 a.m.
May 1 Comments of Baltimore County Zoning Advisory Committee filed
Aug. 17 Certificate of Publication in newspaper - filed
Aug. 20 Certificate of Posting of property - filed
Sept. 6 At 10:00 a.m. hearing held on petition by Zoning Commissioner
Sept. 21 Order of Deputy Zoning Commissioner denying petition

Truman Grabill - File No. 79-54-R

2.

October 3, 1978 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
August 21, 1979 Hearing on appeal before County Board of Appeals
Nov. 6 Order of County Board of Appeals granting the requested reclassification
Nov. 13 Order for Appeal filed in Circuit Court for Baltimore County by People's Counsel
Nov. 19 Certificate of Notice sent to all interested parties
Nov. 21 Petition to accompany Order for Appeal filed in Circuit Court for Baltimore County
Dec. 5 Petition for extension of time to file transcript extended until 1/21/80.
Dec. 6 Order for Appeal filed in Circuit Court by Counsel for Protestants
Dec. 7 Certificate of Notice sent to all interested parties
Petition to accompany Order for Appeal
Jan. 11, 1980 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Photogrammetric Map

" " " 2 - Aerial Map
" " " 2A thru 2U - Photographs
" " " 3 - Brochure from Maryland Properties
" " " 4 to 6 - Photographs
" " " 7 - Map showing transition zones
" " " 8 - Development Cost Estimate
" " " 9 - Plat
" " " 10 - Multiple Listing Sheets
" " " 11 - Candlewood Brochure

Protestant's Exhibit No. 1 - Resolution - Western Alliance of Concerned Communities

" " " 2 - Affidavit from Susan Haynie

People's Counsel Exhibit No. 1A-1H - Photos

" " " 2 - Document titled Item 4
" " " 3 - Wallingford Plat
" " " 4 - Hanna Woods Plat
" " " 5 - 1976 Comprehensive Zoning Map

Truman Grabill - File No. 79-54-R

3.

Jan. 11, 1980 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

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

cc: Robert A. DICicco, Esq.
James E. Heslon, Esq.
John W. Heslon, III, Esq.
JfB

PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
E/S of Rolling Road, 2600' N of : FOR BALTIMORE COUNTY
Dogwood Road :
2nd Election District : AT LAW
Truman Grabill, Petitioner : Misc. Docket No. 12
Zoning Case No. 79-54-R : Folio No. 20
File No. 6970

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 5th day of December, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until January 21, 1980.

JUDGE

True Copy Test

ELMER W. HESLON, JR., CLERK
County Clerk

RE: PETITION FOR RECLASSIFICATION : IN THE
E/S of Rolling Road, 2,600 FEET NORTH : CIRCUIT COURT
of DOGWOOD ROAD, SECOND DISTRICT : FOR BALTIMORE COUNTY
TRUMAN GRABILL, PETITIONER : AT LAW
ZONING FILE 79-54-R : Misc. Docket No. 12
BEFORE THE COUNTY BOARD OF APPEALS : Folio No. 20
OF BALTIMORE COUNTY : File No. 6970

ORDER FOR APPEAL BY PROTESTANTS

MR. CLERK:

Please enter an appeal on behalf of Western Alliance of Concerned Communities, Leland S. van Koten, Rita Weaver, Dorothy Kias, and Dorothy Newberger, Protestants, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on November 6, 1979.

Leland S. van Koten
Leland S. van Koten
Sixth Floor
Sun Life Building
Baltimore, Maryland 21201
Telephone: 539-5541
Attorney for Protestants

I HEREBY CERTIFY that on this 6th day of December, 1979, a copy of the foregoing Order for Appeal by Protestants was hand delivered to the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204.

Leland S. van Koten
Leland S. van Koten

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
E/S of Rolling Road, 2600' N of : FOR BALTIMORE COUNTY
Dogwood Road :
2nd Election District : AT LAW
Truman Grabill, Petitioner : Misc. Docket No. 12
Zoning Case No. 79-54-R : Folio No. 20
File No. 6970

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

People's Counsel for Baltimore County, Appellant herein, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

Carol Ann Beresh, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, has advised Appellant that because of a backlog of cases, she will need a thirty-day extension of time to prepare the transcript of proceedings.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until January 21, 1980, 60 days after the first Petition an Appeal was filed.

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

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

I HEREBY CERTIFY that on this 5th day of December, 1979, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings 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 Robert A. DICicco, Esquire, 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

Peter Max Zimmerman
Deputy People's Counsel

RECEIVED
BALTIMORE COUNTY
Dec 5 3 31 PM '79
COUNTY BOARD
OF APPEALS
BY:

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd Election District
Truman Grabill, Petitioner
Zoning Case No. 79-54-R
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from the decision of the Baltimore County Board of Appeals under date of November 6, 1979, granting zoning reclassification from D.R. 5.5 to D.L. 16, in compliance with Maryland Rule 8-2(a), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. The granting of said reclassification was arbitrary, capricious, and without lawful authority because the record reflected no compelling evidence that the County Council, in designating the subject property D.R. 5.5, on the comprehensive map, acted reasonably and consistently with the public safety, health and welfare.
2. The record failed to reflect any error in the comprehensive zoning map. More particularly, the evidence indicated that D.R. 5.5 zoning was in character with the neighborhood and that reasonable property uses were left to the property owner.
3. The 13.7 acre tract under consideration is part of a quadrant of approximately 100 acres zoned D.R. 5.5 in the area east of Rolling Road and north of Dogwood Road in western Baltimore County. The tract fronts on Rolling Road, in the northwest portion of this quadrant. Areas to the north, south, and west include a mix of townhouse, apartment, and single family development on land zoned residential. To the east lies a portion of the Security Industrial Park.
4. The Board of Appeals erred by substituting its judgment that "the erection of garden type apartments would provide the ideal buffer between privately owned homes and the industrial park," thus usurping the legislative function of the County Council to draw zoning lines.

RECEIVED
BALTIMORE COUNTY
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COUNTY CLERK
BY: [Signature]

5. The Board of Appeals further erred by disregarding uncontradicted testimony that the proposed zoning would cause undue aggravation of traffic congestion in the area.
 6. The Board of Appeals further erred in disregarding expert testimony that substantial D.R. 16 zoning was already provided in this area and that the mix of various levels of residential zoning along with industrial, constituted a reasonable approach.
 7. The Board of Appeals further erred in failing to give consideration to evidence of development in progress on nearby property zoned D.R. 5.5, on indicating the suitability of such zoning.
 8. The law guarantees to each property owner that he shall have a reasonable use of his property, and that requirement has been satisfied by the comprehensive zoning map in this case.
- WHEREFORE, Appellant prays that the Order of the Board of Appeals of Baltimore County under date of November 6, 1979 be reversed, and the action of the County Council in zoning the subject property D.R. 5.5 be affirmed and reinstated.

[Signature]
John W. Heslin, III
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 20th day of November, 1979, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, 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 Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

[Signature]
Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd Election District
Truman Grabill, Petitioner
Zoning File No. 79-54-R
John W. Heslin, III, Esq.,
People's Counsel for Baltimore County
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(a) of the Maryland Rules of Procedure, William T. Hackett, Lelloy B. Spurrier and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 4th Floor, Sun Life Building, Baltimore, Maryland 21201, Protestants, John W. Heslin, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kieas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

[Signature]
John Holman, Secretary
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

Truman Grabill, Petitioner
Zoning File No. 79-54-R

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland, 21204, Counsel for the Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 4th Floor, Sun Life Building, Baltimore, Maryland 21201, Protestants, John W. Heslin, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kieas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 19th day of November, 1979.

[Signature]
John Holman, Secretary
County Board of Appeals of Baltimore County

cc: J. Heslin
Gordon Jones
JPH

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd District
Truman Grabill, Petitioner
Zoning Case No. 79-54-R
Western Alliance of Concerned
Communities, Protestants-Appellants
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 30
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(a) of the Maryland Rules of Procedure, William T. Hackett, Lelloy B. Spurrier and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Protestants, Leland S. VanKoten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Heslin, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kieas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

[Signature]
John Holman, Secretary
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd Election District
Truman Grabill, Petitioner
Zoning Case No. 79-54-R
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals for Baltimore County under date of November 6, 1979, granting reclassification from D.R. 5.5 to D.L. 16 on a 13.7 acre parcel of land in the above-entitled case.

[Signature]
John W. Heslin, III
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 13th day of November, 1979, a copy of the foregoing Order for Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, 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 Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

[Signature]
John W. Heslin, III

Truman Grabill, Petitioner
Zoning File No. 79-54-R

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Petitioner, Truman Grabill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Protestants, Leland S. VanKoten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Heslin, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kieas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 7th day of December, 1979.

[Signature]
John Holman, Secretary
County Board of Appeals of Baltimore County

cc: J. Heslin (2)
J. Jones (1)
JPH (2)

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd Election District
Truman Grabill,
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-54-R

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner denying a request for a change of zoning from DR 5.5 to DR 16 on a 13.7 acre parcel of land in the second election district of Baltimore County. The subject property is located on the east side of Rolling Road and directly abuts Security Industrial Park to the north and lies wholly within a rather large parcel of land zoned DR 5.5.

There was presented to the Board, lengthy testimony and many exhibits by both expert witnesses and local residents in favor of granting the proposed reclassification and opposed to the reclassification. There were also memoranda submitted by the petitioner's counsel and the People's Counsel of Baltimore County. In this Opinion, the Board will not attempt to recap all this testimony but will let the record speak for itself. The only question to be decided here is whether or not this particular parcel is now properly zoned or whether the Baltimore County Council acted on the Comprehensive Map of 1976 in retaining its present DR 5.5 zoning. The Board is well aware that in reclassification hearings before it, that it is privy to much greater detail on all the circumstances and issues involved in the request on one particular parcel than would normally be afforded the County Council in its considerations during the Comprehensive Map process and weighs this fact carefully in its opinion.

Several facts were introduced into evidence at this hearing that were not in effect at the time of the Comprehensive Map in 1976. There are now underway, two developments in this DR 5.5 zoned parcel. One known as "Vallingsford" contains 38.3

acres to be developed into 156 "townhouse" units and 11 single "family" units, and another known as the Hanna Woods property containing 3½ acres developed into 12 single family units. Both of these developments have access to the sewer line on Dogwood Road, while the subject site does not. As noted in Mr. Zimmerman's memorandum, normal sequential development should continue thru this large DR 5.5 parcel toward the industrial park. It would appear to this Board that to grant the requested DR 16 zoning on the subject parcel for the erection of garden type apartments would provide the ideal buffer between privately owned homes and an industrial park. While an industrial park could be a fine neighbor to privately owned residences, the permittee uses in an industrial park do not guarantee this. In many cases this type of zoning is the recommended transition from an ML zone to a lesser density residential type zoning. Garden apartments would not be out of character in this area, since there is a large townhouse development directly across Rolling Road from this parcel and others in the general area.

There was much testimony presented on traffic conditions in the area. There was much discussion of alternate access routes to this area recently opened and much discussion of proposed road improvements in this area. Traffic problems in today's society seem to be universal but to grant this request on this parcel does not seem to be catastrophic to existing traffic problems but may in fact hasten their alleviation.

After consideration of all the testimony and all the exhibits offered, it is the opinion of this Board that the DR 5.5 zoning on the subject parcel is in fact in error and will so order its reclassification into the requested DR 16 classification.

O R D E R

For reasons set forth in the foregoing Opinion, it is this 24th day of November, 1979, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated September 21, 1978, be and the same is hereby reversed and that the requested reclassification be GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

Lefoy B. Spurrer
Lefoy B. Spurrer

Patricia Millhouser
Patricia Millhouser

In the present case, the applicant quite simply failed to meet the burden to present evidence that the Comprehensive Map ignored specific facts material to the zoning, failed to take undisputed facts into consideration, or caused a deprivation of all reasonable use of the property.

The applicant's claim, primarily through the testimony of Paul Lee, that the property cannot profitably be developed to the maximum number of units (75) permitted in D.R. 5.5 zoning parallels the claims of error and confiscation rejected by the courts in *Boyce* and *Stratky*, both Baltimore County cases. In light of uncontradicted evidence of other D.R. 5.5 developments in process in the same neighborhood, including one engineered by Mr. Lee himself, the very credibility of the applicant's claim is reduced to naught.

Further analysis, moreover, shows the "strawman" nature of Lee's evidence. His analysis was limited to a particular kind of townhouse-single family development. Thus, he did not consider the feasibility of garden apartments in the portion of the subject tract zoned D.R. 5.5 not affected by transition zone regulations.* The Lee study further failed to consider the development of the subject property in sequence, subsequent to or in connection with the development of other properties zoned D.R. 5.5 to the south, with attendant reduction of sewer costs. Rather, Lee appeared to assume that the distance of the subject property from the sewer line, with attendant risks, difficulties, and costs of easement acquisition for sewer connection through adjoining properties, was the basis for permitting higher density development. Finally, Lee assumed that the provision of a particular zoning classification is meant as a guarantee of maximum immediate development to the fullest density allowed. Such is not the law. See also *Board of County Commissioners v. Gaster*, Md., 401 A.2d 666 (1979).

As to traffic, there was simply no evidence presented by the applicant to contradict the evidence of severe traffic congestion in the area, particularly along Rolling Road.

* Baltimore County Zoning Regulation 1801.18, regarding residential transition areas, does not permit multiple family dwellings within 300 feet of dwellings on adjacent properties in designated residential zones, including D.R. 5.5.

This evidence included expert testimony by Michael Flanigan, Assistant Traffic Engineer, regarding level of service at various intersections in the area, as well as testimony of neighboring property owners. Indeed, the applicant's sole thrust was the possible lengthening of Lord Baltimore Drive, in connection with further development of Security Industrial Park, to provide a different access to Security Boulevard. This thrust, however, was ill targeted, both because of the speculative nature of the timing of any future construction of Lord Baltimore Drive and the obvious consideration that such a route to Security Boulevard would be longer, more indirect, circuitous, and therefore an inappropriate choice for residents seeking access to Security Boulevard.

The applicant's next thrust in challenging the comprehensive zoning, primarily through the testimony of Frederick Klaus, was the need for apartments to serve future expansion of Security Industrial Park. Leaving aside the point that such future development may be taken into consideration in the 1980 comprehensive zoning process, already under way, we note the evidence showing a mix of D.R. 5.5 and D.R. 16 zoning in the area, some developed but some still available for future construction.

The testimony of James Howell, County Planner, in this context, is compelling. Howell concluded that the zoning of the subject property was appropriate, that substantial D.R. 16 zoning was already provided in the area, that the mix of various levels of residential zoning, along with the industrial, constituted a reasonable approach, and that the critical traffic situation, as indicated by expert staff of the Department of Traffic Engineering, required his office to recommend against piecemeal reclassification.

The applicant finally seeks to turn to his advantage the absence of the subject property as an issue in the 1976 comprehensive zoning as purported evidence of the Council's ignorance. The ingenuity of this concept is matched only by its misdirection. The presumption, of course, in the absence of strong evidence to the contrary, is that

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 TO D.R. 16 ZONE : OF BALTIMORE COUNTY
E/S ROLLING RD. 2600' N. :
N of Dogwood Rd., 2nd District : Case No. 79-54-R
TRUMAN GRABILL, Petitioner

MEMORANDUM OF PEOPLE'S COUNSEL

I.

The subject 13.7 acre tract, presently in use for dwelling and farm purposes, lies in a quadrant of approximately 100 acres zoned D.R. 5.5, in the area east of Rolling Road and north of Dogwood Road in western Baltimore County. The tract itself is in the northwestern portion of this quadrant, fronting on Rolling Road.

The area zoned D.R. 5.5 to the south is presently vacant, but evidence showed subdivision plans in process on the "Wallingford" development comprising 226.6 units, of which 31 are single family lots and 175 are townhouses, on 41.2 acres located near Rolling Road and Dogwood Road. Separately, official County records indicated another subdivision in process in the neighborhood, "Hanna Woods," involving twelve single family homes in D.R. 5.5 zoning on 3.03 acres located on Dogwood Road.

An important consideration relating to the area zoned D.R. 5.5 is that the nearest sewer line runs along Dogwood Road, at a distance of approximately 2100 feet from the site. This means that development logically will occur sequentially, the area just north of Dogwood Road being developed initially, followed by the area still further north, with the subject tract's development to follow, connecting to the sewer lines constructed under the adjacent tract. It is noteworthy that the record showed the first stage of this sequential development already to be in process. West of Rolling Road and north of Dogwood Road lies a substantial area zoned D.R. 16, including the Kingwood Common Apartments. To the east of the quadrant zoned D.R. 5.5, and hooking irregularly around to the north, lies a portion of the Security Industrial Park, an industrial and office development located on land zoned ML-1-M.

the Council is completely familiar with the area and its characteristics material to zoning. There was no specific evidence offered to rebut this presumption. In fact, one of the Protestants testified that the County Council did, in fact, visit the area as a group during the 1976 Comprehensive Map process and recalled that the bus in which the Council was traveling used her driveway to turn around. The neighborhood of Security Boulevard and Rolling Road, featuring as it does diversified residential development, the Security Industrial Park and the Security Square Mall, and well known traffic problems, can hardly be thought to have escaped the Council's knowledge and understanding.

CONCLUSION

To paraphrase the language of Judge Rix Davidson in *Boyce*, we can but conclude that when all is said and done, the record is devoid of any probative evidence to show that the County Council failed to take into account any facts or circumstances then existing relevant to the subject property and its environs so that its initial assumptions and premises in determining the appropriate classification for the subject property were erroneous. The record is similarly devoid of any probative evidence to indicate confiscation.

Therefore, "[U]nder all of the circumstances in this case the presumption of validity accorded to the comprehensive zoning was not overcome and the question of 'error' or 'mistake' in the comprehensive zoning of the subject property was not 'fairly debatable,'" and this Petition for reclassification should be denied.

Respectfully submitted,

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

Peter Mix Zimmerman
Peter Mix Zimmerman
Deputy People's Counsel
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Towson, Maryland 21204
494-1188

Areas further to the north and south include a mix of townhouse, apartment, and single family development on land zoned residential. The area to the south, as one moves down Rolling Road to Security Boulevard, is marked by Security Square Mall, a regional shopping center on the south side of Security Boulevard.

The record indicated substantial traffic congestion on Rolling Road moving from the subject tract south to Security Boulevard, the standard route, with intersections at or about capacity at Dogwood and Rolling Roads, and Security Boulevard and Rolling Road among others. To the north, by alternative route, the intersections at Windsor Mill and Rolling Roads and Liberty and Rolling Roads also have already indicated problems.

The evidence also indicated the existence of some rock underlying some of the previously developed residential properties in the area, but no soil or geology tests had been conducted to evaluate site conditions underlying the subject tract.

II.

Turning to the important applicable zoning principles, "...perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning." Otherwise stated, "...strong evidence of error is required to make the issue of mistake in comprehensive zoning fairly debatable and unless such strong evidence is presented by the applicant, the action of the Board in granting a reclassification is arbitrary and capricious." *Boyce v. Semby*, 23 Md. App. 43, 334 A.2d 137 (1975).

Moreover, as the issue of confiscation is often interrelated with mistake, it need be stated that,

"Applicant must show that he has been deprived of all reasonable use of his property and that it cannot be used for any of the permitted uses in the existing zone." *Stratky v. Beauchamp*, 268 Md. 643, 304 A.2d 244 (1973).

RE: TRUMAN GRABILL : BEFORE THE
FOR RECLASSIFICATION FROM : ZONING COMMISSIONER
D.R. 5.5 TO D.R. 16 ZONE :
E/S ROLLING RD. 2600' N. : OF BALTIMORE COUNTY
OF DOGWOOD ROAD :
2ND DISTRICT :
CASE NO. 79-54-R :

PETITIONER'S MEMORANDUM OF LAW

STATEMENT OF CASE

This is an appeal from the September 21, 1978 decision of the Deputy Zoning Commissioner of Baltimore County, Joseph Martinak denying the Petitioner's request for change of zoning from D.R. 5.5 to D.R. 16, for a 13.7 acre tract in the Second Election District of Baltimore County, located adjacent to a nearly fully developed 280 acre industrial park and directly opposite from a substantially completed 500 to 700 unit apartment complex in a D.R. 16 zone.

Questions Presented

I. Whether the County Council Committed Error in the Adoption of the 1976 Comprehensive Zoning Map When It Classified the Petitioner's Property D.R. 5.5 Instead of D.R. 16.

II. Whether the County Council's Action in Zoning Petitioner's Property D.R. 5.5 was Confiscatory.

Statement of Facts

The Petitioner's first witness, Mr. Paul Lee, whom the Board recognized as an eminently qualified engineering expert with considerable expertise in land planning, testified that for the past 30 years he has practiced his profession in Baltimore County and in particular in the neighborhood of the Petitioner's property. Mr. Lee outlined the neighborhood of the property as bounded on the east by Interstate 695; the north by Windsor Mill Road; the west by the western boundary of the Heraldry Square Apartment complex and the south by the Security Mall Shopping Center.

Using Exhibit 2, an aerial photograph of the site and its environs, Mr. Lee described the neighborhood in greater depth.

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To the north and east of the site, photograph exhibits 2m, 2n, 2o, 2p, 2q, 2r & 2u, keyed to the aerial photo, illustrated the intensity of development in the 280 acre Security Industrial Park, particularly Rutherford Plaza, a 90,000 sq. foot office building and numerous other industrial tenants. On the south, using Exhibits 2a through f the Board's attention was called to the extensive development taking place on the north side of Security Boulevard, formerly a farm, but recently zoned MLR/BM, to wit: a 100,000 square foot office building, the Ramada Inn, a Ford Motor Company automobile franchise, and other large warehousing facilities, all of which are bounded on the north (just south of subject property) by the extensive apartment subdivision known as Quail Meadows. Using photographs 2G, 2H, 2J, 2K, 2S and Exhibits 4, 5 and 6, he showed the extensive apartment development on the west side of Rolling Road directly opposite the subject property consisting of Heraldry Square a proposed public school site and the commercial ceramic school owned by the Protestant, Mrs. Kichas.

According to Mr. Lee the property was serviced by or had available to it, adequate utilities, roads, public transportation, schools and other public services to allow development of the site under the proposed zoning. With respect to the question of traffic on Rolling Road, he pointed out that if the property was developed for the proposed zone, persons using Rolling Road to travel to the Beltway (the predominate traffic pattern) would only use 1,000 feet of it, by traveling north to Windsor Boulevard and then proceeding to the Baltimore County Beltway via the industrial park and Belmont Avenue; or proceeding approximately 600 yards south to Dogwood Road where they could turn left and proceed to the Beltway through the industrial Park.

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of construction (which was estimated between \$20,000 and \$30,000) plus the cost of the land; plus marketing costs involved, i.e. commissions and advertising; and a reasonable profit. Based upon the selling price of townhouses immediately across the street, Exhibit No. 10 (showing sales prices in the range of \$32,000) the cost of lot development and construction alone, without even adding the cost of the land, would be higher than the market price of such homes and would thereby prohibit development for D.R. 5.5 residential. Mr. Lee explained that because of the high development costs, the property could not be developed for residential use for a density of less than 16 units (lots) per acre (D.R. 16), since under such development, the development costs would be spread over more lots or units. By way of illustration, he prepared Exhibit No. 9 showing a lot price typical for D.R. 16 use of the property showing 212 lots or units for a per lot development cost of about only \$3,000.00.

In support of Mr. Lee's testimony, Mr. Neal Meyerhoff, testified representing the contract purchaser, Cranbrook Associates, an offshoot of the Meyerhoff Building Company. According to Mr. Meyerhoff, his company has been in business, constructing and developing residential housing since 1946. Based upon his knowledge of construction and the market in the area, he confirmed that the property could not be developed for residential use under the D.R. 5.5 zone. The major factor in his judgment was the high cost of development which was attributed to the current zoning and development regulations, building costs and the cost of providing utilities to the site. Based upon his experience and knowledge of the market, he said that it was not possible to build on this site, a D.R. 5.5 residential unit with a \$30,000 to \$40,000 selling price without incurring a substantial loss. He indicated that the plan suggested by Mr. Lee in Exhibit 9 would be the type of development his company

could construct. Based on his analysis of the area, there was a

He indicated, however, that a major factor in the traffic problem was the intersection of Liberty Road and Rolling, Windsor Mill and Rolling on the North, and Rolling and Dogwood Roads on the south. He testified that a federally funded program called T.O.P.I.C. had been in use by Baltimore County for the purpose of upgrading these particular intersections and that construction could begin at almost any time. He further indicated that it was reasonably predictable, that the County would require that road access be made from Rolling Road, through the property East to Lord Baltimore Boulevard. This would further reduce the use of Rolling Road for trips north, south and east, the most frequently used traffic pattern, because residents of the site would most probably avoid Rolling Road and go through the industrial park. Mr. Lee was emphatic, however, that the County had no current or reasonably foreseeable intention to make any improvements whatsoever to widen Rolling Road to ease the traffic problems, but that the only way Rolling Road would be improved, would be by development.¹

Mr. Lee was asked his opinion as to whether the subject site was properly zoned D.R. 5.5. He testified that in his opinion D.R. 5.5 was an improper zone for the subject property because present zoning regulations, the topography and development costs rendered the land impractical for residential development of anything less than a D.R. 16 residential use. He pointed out that although other uses were permitted in the D.R. 5.5 zone such as farms, churches, hospitals, schools, boat yards, grave yards, etc.

¹The People's Council traffic witness, Richard Flannigan, confirmed this testimony in every respect.

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substantial need for apartments in close proximity to the developing industrial park and the Social Security Complex. In his opinion, it was an error for the County Council to not consider these factors when it established D.R. 5.5 for this site.

Mr. Frederick B. Klaus, whose qualification as an expert realtor and appraiser was admitted, testified concerning the scope of the neighborhood and a general review of the zoning changes and physical changes therein. He testified that the County Council committed an error in not zoning the subject site D.R. 16 when it passed the last zoning map. Numbered among his reasons were:

(a) the particular site was never listed as an issue before the County Council and therefore was never actually considered by that body;

(b) The County Council failed to consider the rapid development of the Security Industrial Park and the great need for apartment housing in close proximity to persons who would work in the Park;

(c) the Council failed to consider that Lord Baltimore Drive would be completed in such time as to facilitate the rapid movement of traffic through that Park to the Security Interchange of I-695;

(d) that the property cannot practically be developed for D.R. 5.5 residential because of the high development costs explained by Mr. Lee;

(e) that the property could not be used as a farm any longer for the reasons stated by Mr. Grabill.

He further pointed out that although other uses were permitted under DR zones as set forth in the Baltimore County Zoning Regulations, Section 1 BO 1.1 A-C, that it was not possible for this site to be used for those purposes. In his opinion the only

reasonable use was high density residential D.R. 16 and that the

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under the provisions of section 1 BO 1.1 A-C, B.C. Z.R., such uses were not possible on this particular site.²

The basis of his opinion was a study he had made, Exhibit 7, to determine and illustrate the maximum number of residential dwelling units that could be constructed under the current zone. He explained that this maximum number was theoretical, because various County agencies, would have to review such plans and would probably make modifications that would reduce this maximum number. However, if it could be shown, at least on a theoretical basis, that development under the current zone would be even remotely practical, it would tend to establish that the County Council did not commit an error in zoning the land D.R. 5.5.

In reviewing this plan, Mr. Lee stated that the northwest and the southwest corners of the property must be designed for single family dwellings because of the proximity of neighboring dwellings on the northwest and southwest corners. Under the current zoning regulations, only single family dwelling units could be constructed within a 100 foot "transition zone" so that in an arc of 300 feet from the nearest corner of each neighboring dwelling the theoretical maximum number of possible units of this was 30. The balance of the property he designed for 45 units of the townhouse type a total of 75 units, at the maximum, that could be theoretically constructed under D.R. 16.

²The petitioner Truman Grabill, a farmer, testified that his family had owned the property for over 30 years and had used the land for farming. He said that farming was no longer possible on the site because of the lack of available farm labor; the increased distance from farm markets which have moved; the small size of the acreage; and the loss of other farmland in the vicinity caused by development and urban sprawl. Furthermore the site was no longer suitable as a single family residence because the high density residential development and the industrial park.

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County Council erred when it failed to consider all of the above in adopting the current zoning map.

Mr. Bernard Willemain whose qualifications as a land planner zoning expert, are not only learned, but stipulated by protestants and proponents, also agreed that the County Council committed an error by zoning this property D.R. 5.5.

He pointed out that the subject site was an island of single-family residential-zoned land, sandwiched between extensive industrial use to the north and east and high density apartment use to the west. The effect of the present zoning on the subject site was to make it a buffer zone between high density residential and industrial--erroneously poor planning and land use! He further stated it was error for the matter not to have been an issue before the County Council. The Council also erred in failing to consider the rapidly expanding employment market provided by the Social Security Complex, the new industrial development at Security and Rolling Road (Exhibits A-C), and the expansion of Social Security Complex and the need for nearby high density residential land use to supply shelter for people working in these employment centers. Furthermore, Willemain concurred in the opinions of Klaus, Lee and Meyerhoff that perhaps the Council's most grievous error was its failure to consider the extraordinarily high development cost ratio for D.R. 5.5 residential development on this site. It was apparent that had the Council had the benefit of the cost analysis prepared by Mr. Lee, it would have concluded that no future D.R. 5.5 residential development of this site could take place without the developer incurring substantial, if not crippling, losses. In the opinion of both experts, Klaus and Willemain, the action of the County Council in zoning the property D.R. 5.5 was an act of confiscation and, thereby, another error.

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TOWSON, MD. 21204

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Using this theoretical maximum, he prepared an estimate of development costs, Exhibit No. 8, wherein he projected an overall development cost for the entire site of \$601,650.00 for paving, water, storm drain, sanitary sewer, clearing, grading, sedimentation and storm water management. The average per lot price was \$8,022.00. Mr. Lee pointed out, however, that this was a bare minimum per lot figure, which would probably go up for the following reasons:

- based upon his previous experience with the adjacent Security Industrial Park, excavation at that site indicated high amount of underground rock. It was reasonably anticipated that the subject site would have the same problems with rock and accordingly, the cost of excavation for sanitary sewer, storm drains as well as clearing and grading for roads would rise;
- that the cost of sedimentation control and storm water management was a minimum predicted cost, which would probably be higher, inasmuch as this was a new program for which it was difficult to obtain anything more than a minimum estimate.
- that it would be the developer's responsibility to pay for the acquisition of rights of way over the property of others through which the sanitary and storm drains servicing the property must be installed. The estimate of \$4.00 per linear foot was a minimum estimate and in all probability the acquisition costs would be higher.

In order to arrive at an appropriate selling price for

residential dwellings the developer would have to add the per lot development costs (\$8,022.00 per unit) plus the cost

The Protestants' only expert witness, James C. Hoswell, from the Baltimore County Planning Staff, conceded that it was not good planning to place medium density residential such as D.R. 5.5 in between high density residential, D.R. 16, and industrial zones. He claimed that although this was not the best zoning, it was not erroneous.

It is significant, however, that no witness for the Protestants rebutted the Petitioner's proof that this particular site could not be used for D.R. 5.5 residential development because of the high cost of its development. No witness for the Protestants rebutted the Petitioner's evidence that the subject site was not suitable for any other D.R. 5.5 use under the Baltimore County Zoning Regulations. It is also significant that the only testimony presented by the Protestants concerning rebuttal of the Petitioner's evidence of error, were the bald statements by various Protestant witnesses that "there was no error".

ARGUMENT

I

THE COUNTY COUNCIL COMMITTED ERROR WHEN IT ZONED THE SUBJECT PROPERTY DR-5.5 INSTEAD OF D.R. 16.

In the landmark case of *Wakefield v. Kraft*, 202 Md. 136 (1953), the Court of Appeals announced the legal test to be applied in re-zoning cases that

"... in order to justify a change in

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zoning, it must appear, therefore, that either there was a mistake in the original zoning or that the character of the neighborhood was changed to an extent which justified the amendatory action."

In Johar Corporation v. Rodgers Forge Community Association, 236 Md. 106, 202 A.2d 612 (1964). The Court of Appeals upheld the Board's decision to rezone six acres on Stevenson Lane 1000 feet west of York Road which was bounded on north by 400 acre tract of extensive hospital development (Sheppard-Pratt & Greater Baltimore Medical Center) on west by extensive row-home development of Rodgers Forge; on east by sharp slope to stream beyond which was older residential subdivision of Yorktown; on south by Stevenson Lane and more Rodgers Forge; from R-6 (individual houses) to RA-Apartment zone because of change in the neighborhood and mistake in the original zoning. In support of reclassification, the Court approved the proponents' expert land planner's testimony; that the council erred in failing to consider need for

The Board has refused to allow testimony in this case concerning change in the neighborhood (there have been substantial changes) because of the provisions of Bill No. 12-77, the Interim Development Control Act (hereinafter referred to as I.D.C.A.) and of Bill No. 58-79, the Plan in Progress Act (hereinafter referred to as P.I.P.A. Baltimore County Code), which eliminated "substantial change in the neighborhood" as a basis for the zoning reclassification of property in Baltimore County since April 16, 1977. At hearing in this matter Petitioner has offered that said Acts are unconstitutional because they divest the judicial branch of its inherent power to review actions of administrative boards, Article IV of Constitution of Maryland and are in violation of Article XI-A Sec. 3 of the Constitution because the Maryland legislature is without power to grant counties a charter to enact such acts; because such acts are in violation of the Express Power Act, Article 25 Sec. 5, Annotated Code of Maryland, which does not grant such power to Baltimore County; and because the Petitioner has been denied legal protection of the law under Amendment 14, U.S. Constitution and Article 21 of the Declaration of Rights of Maryland, in that Baltimore County citizens are irrationally discriminated against in the application of the "change or mistake rule" of the Court of Appeals. In light of the Board's ruling no evidence regarding change was introduced.

additional apartments in the area; in failing to consider impact of development of Sheppard-Pratt Hospital complex; that in view of the topography, reasonable economic use of the property was denied by R-6 zone, which testimony support a finding of error.

In Board v. Oak Hill Farms, Inc., 232 Md. 274, 192 A.2d 761 (1965), involving request to rezone 21 acre zoned medium density to high density apartment zone, the site was bounded on north and east by general commercially developed, the south by medium density residential, and the west by land zoned high density; the Court reversed a denial of rezoning because evidence showed there was error: in failing to consider the need for apartments generated by the adjacent land used for commercial; in failing to consider that topography of land made it impractical if not impossible of developing the land at the current zone. The Court also pointed out that the Protestants' "rationalizations" failed to rebut factual testimony presented by Petitioner.

In Overton v. Board, 225 Md. 212, 170 A.2d 172 (1961) where subject site of 40 acres was bounded by property zoned detached residential on east; commercial on south; rural residential on north and west, and the zoning request was to low density from rural residential, the Court found that there had been error in the original zoning because evidence showed that topography and drainage made land unsuitable for use as detached dwellings but that low density residential was the best feasible use.

In Dill v. Johar Corporation, 242 Md. 16, 217 A.2d 564, the Court affirmed a reclassification of a 5 acre tract from residential to business based upon error, where evidence showed: that the land on the north, south, and east of property was zoned commercial; that an expert land planner established that council erred in not recognizing incompatibility of the current zone with surrounding land use; that the land was

unsuitable for residential or office use.

Likewise, in the case at bar, the subject property is flanked by intensive and substantial high density residential development directly across the street (Exhibit 2) and a major 280 acre industrial office complex behind it. Recognized expert land planner, realtors, and engineers have established that there was error in the original zoning because:

A. The Council failed to consider the impact of The Security Square Mall, one of Baltimore County's largest regional shopping centers, the new industrial and business major development at Kalb property and The Security Industrial Park as creating a need for more apartment land.

B. The Council failed to consider that the developing road pattern through the industrial park would relieve Rolling Road traffic and that the subject site offered a connecting route for same.

C. The Council did not consider that this site, because of high development costs, could not be used for current zone.

D. The Council failed to consider the future impact of the Security Complex at Woodlawn, one of the largest single employers in the area, which is currently expanding to include a third office building thereby generating need for more apartment housing.

E. The Council failed to consider that plans for the improvement of the intersection and adjacent roads at Rolling Road and Dogwood Road, Rolling Road and Windsor Mill Road and Rolling Road at Liberty Road have been approved by the County under the Federally-funded T.O.P.I.C. program and construction is slated to begin in 1980.

In contrast to the factual evidence of the Petitioner is the "rationalizations" of the Protestants here, as in the Oak Hill case, that they did not want apartments because road congestion would increase. The rationalizations were completely rebutted by the factual evidence presented by the Petitioners, namely: that the public utilities were adequate, that no problem of school crowding would be encountered; that traffic congestion would be reduced by improvement of the intersections of Rolling Road at Windsor Mill, Liberty and Dogwood Roads.

Applying the test set forth in Wakefield and against the factually congruity of the Oak Hill, Overton, Rodgers Forge and Dill cases it is clear that the Petitioner has presented sufficient evidence to overcome the presumption of validity in the original zoning and has established that the Council committed error in failing to zone this site DR 16.

II

THE ZONING OF THIS SITE DR 5.5 IS CONFISCATORY

The legal principles applicable to the taking of private property without payment of just compensation by zoning action have been set out by the Court of Appeals in Mayor v. Borinsky, 239 Md. 611, 622; 212 A.2d 508, 514 (1965):

"The legal principles whose application determines whether or not the restrictions imposed by the zoning action on the property involved are an unconstitutional taking are well established. If the owner affirmatively demonstrates that the legislative or administrative determination deprives him of all beneficial use of the property, the action will be held unconstitutional. But the restrictions imposed must be such that the property cannot be used for any reasonable purpose. It is not enough for the property owners to show that the zoning action results in substantial loss or hardship."

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In Baltimore v. Cobb, 204 Md. 523, 162 A.2d 447 where property had been zoned residential but evidence established that the tract was adaptable only for commercial or industrial purposes, zoning was arbitrary and unreasonable and deprived owner of property without due process of law. Cf. Dill v. Johar Co. supra.

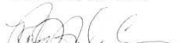
In this case Mr. Paul Lee, an acknowledged engineering and zoning expert gave uncontroverted testimony that because of the current zoning regulations and development rules the site could only produce as a theoretical maximum 75 units or lots and that the cost of land development for them was \$601,650.30 or \$8,022.00 per lot; and when the cost of building along was added, it was clear that such a development would be a loss situation. More importantly, however, he allowed as how the development costs would probably be higher because of rocky terrain and additional costs for sewer easements. Based on the current market for townhouses in the area, approximately \$33,000.00, all of the witnesses concluded, based on strong and substantial facts, that the property could not reasonably be developed at DR 5.5.

Not only was there uncontroverted evidence that the property could not be developed for residential use under DR 5.5 but there was uncontroverted testimony from experts that ancillary uses such as farming, funeral homes, etc. whether permitted by right or specific exception could not reasonably be made at this site. Cf., Coppolino v. Board, 23 Md.App. 358, 328 A.2d 55 (1974).

In light of this overwhelming testimony establishing the confiscatory nature of the zoning, based upon strong

factual basis and evidence, to which not even a scintilla of testimony was offered in rebuttal, it is clear that the Petitioner established that the property cannot be used for any reasonable purpose and therefore the zoning of DR 5.5 must be regarded as confiscatory.

Respectfully submitted,


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823-5490

494-3180

County Board of Appeals

Room 218 Court House
TOWSON, MARYLAND 21204

December 21, 1978

NOTICE OF POSTPONEMENT and REASSIGNMENT

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

CASE NO. 79-54-R

TRUMAN GRABILL

for Reclassification from D.R. 5.5 to D.R. 16 zone

E/S Rolling Rd. 2600' N. of Dogwood Road

2nd District

9/21/78 - D.Z.C. Denied Rec.

The above case, scheduled for Thursday, March 1, 1979 at 9:30 a.m., HAS BEEN POSTPONED by the Board at the request of counsel for the Petitioner (out of country), and

REASSIGNED FOR: THURSDAY, MARCH 22, 1979 at 9:30 a.m.

cc: Robert A. DiCicco, Esq.

Counsel for Petitioner

Mr. Truman Grabill

Petitioner

James D. Nolan, Esq.

Counsel for Protestants

Mr. LeLand S. Van Koten, President
Western Alliance of Concerned Communities

Protestant

John W. Heslian, III, Esq.

People's Counsel

Mr. S. E. DiNenna

Mr. George Martinak

Mr. James Dyer

Mr. Leslie Grief

Mr. Gary Burt

Board of Education

Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

494-3180

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204

December 14, 1978

NOTICE OF ASSIGNMENT

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

CASE NO. 79-54-R

TRUMAN GRABILL

for Reclassification from D.R. 5.5 to D.R. 16 zone

E/S Rolling Rd. 2600' N. of Dogwood Road

2nd District

9/21/78 - D.Z.C. Denied Rec.

ASSIGNED FOR: THURSDAY, MARCH 1, 1979 at 9:30 a.m.

cc: Robert A. DiCicco, Esq.

Counsel for Petitioner

Mr. Truman Grabill

Petitioner

James D. Nolan, Esq.

Counsel for Protestants

Mr. LeLand S. Van Koten, President
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Mr. James Dyer

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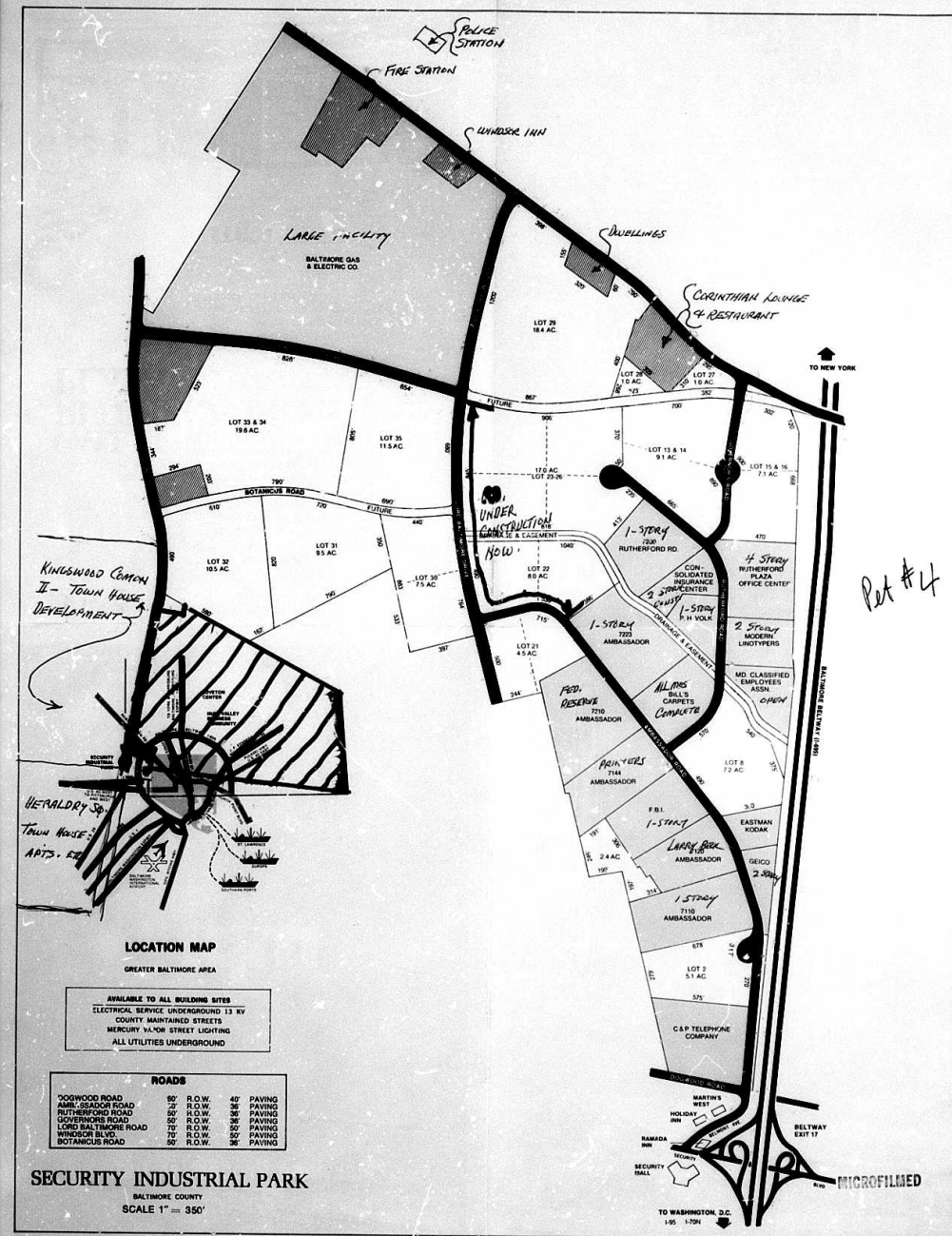
Board of Education

Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

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-15-



RE: PETITION FOR RECLASSIFICATION 1 BEFORE THE
E/S OF HOLLING ROAD, 2600' N OF 2 ZONING COMMISSIONER
DORWOOD ROAD
2ND ELECTION DISTRICT
TOWNSHIP GRABILL-PETITIONER
NO. 79-54-R (ITEM NO. 4) 1 OF BALTIMORE COUNTY

PETITION OF APITAL

Truman Grubbi, Appellant, by Robert A. DiCicco, Askew, Wilson & DiCicco
petitions for review of the action of the Deputy Zoning Commissioner on the following
grounds:

1. This is an Appeal from the Order of the Deputy Zoning Commissioner of September 21, 1978, denying the Petitioner a Reclassification of approximately 13.7 acres located at E/S Rolling Road, 2600' N D-wood Road from a DR 5.5 acre to a DR 16 zone.
2. The Petitioner requests the reclassification proposing to construct a garden apartment development of 204 dwelling units on the subject property.
3. The Deputy Zoning Commissioner erred in denying the Reclassification for the following reasons:
- A. Petitioner has presented evidence that the zoning map is in error: in that the present zoning of the tract, DR 5.5, is inconsistent with the character of the neighborhood, wherein the property immediately opposite is zoned DR16 and is presently occupied by several hundred townhouse buildings.
- B. Petitioner has presented evidence that there has been a change in the character of the neighborhood since the adoption of the zoning map, specifically increases in the volume of traffic, in building permits and in population. Furthermore, there have been numerous zoning changes in the surrounding areas and changes in the use and trend of the surrounding areas.

WHEREFORE, Appellant requests the Board of Appeals to:

1. Reverse the Order of the Deputy Zoning Commissioner

2. To grant to Appellant the requested reclassification of the

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

RE: PETITION FOR RECLASSIFICATION
E/S OF TOLLING ROAD, 2600' N OF
DOGWOOD ROAD
2ND ELECTION DISTRICT
THOMAS GRABILL-PETITIONER
NO. 73-54-R (ITEM NO. 4)

: BEFORE THE
: ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

Please enter an Appeal to the Board of Appeals from the Order of the Deputy Zoning Commissioner in the above captioned case, dated September 21, 1978, on behalf of Truman Grabill, Petitioner, 2601 N. Polling Road, Baltimore, Maryland 21207, by his attorneys, Robert A. DiCicco, Askew, Wilson & DiCicco.

Filed herewith is a Petition of Appeal specifying the grounds for appeal pursuant to Maryland Annotated Code, Article 66B, Section 4.07(e).

I HEREBY CERTIFY that on this 24th day of October 1978, a copy of the within Notice of Appeal was mailed to Mr. Leland S. VanOrten, President, Western Alliance of Concerned Communities, 13 Towpview Court, Baltimore, Maryland 21207, and to John W. Hession, III, Esquire and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

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

Robert A. DiCicco

007 4 78 AM

LAW OFFICES
J. SKEW, WILSON
& DICICCO
TEL: 212-697-1111

of the subject property from DR 5.5 to DR 16.

Respectfully submitted,

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

I HEREBY CERTIFY that on this 24 day of October 1978, a copy of the within Petition to Appeal was mailed to Mr. Roland S. Varkotien, President, Western Alliance of Concerned Communities, 13 Topview Court, Baltimore, Maryland 21207 and to John W. Hession, III, Esquire and James D. Nolan, Esquire, 294 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. McDerm

3

OCT 4 78 AM

☐ Ann.
☐ Rec.
☐ Del.
☐ End
☐ Chld

OFFICE OF PLANNING & ZONING
 By _____

IN RE: PETITION OF TRUMAN GRABILL
ROLLING ROAD & HIDEY'S LANE
FOR RE-CLASSIFICATION AND
SPECIAL EXCEPTION

MEMORANDUM IN SUPPORT OF PETITION

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

1. In support of his argument that there was an error: in the original zoning maps, Petitioner contends that the present zoning of the tract, DR 5.5, which permits only single family residential dwellings, is completely inconsistent with the character of the neighborhood in that the property immediately opposite is zoned DR 16 and is presently occupied by several hundred townhouse buildings. Furthermore, the tract is adjacent to the large Security Industrial Park which is more conducive to a multi-family dwelling unit.
2. In support of the Petitioner's claim that there has been a change in the character of the neighborhood, the Petitioner submits that: (a) that there has been a tremendous increase in the volume of traffic at Rolling Road, at the location of the Petitioner's tract; (b) that there have been numerous zoning changes in the surrounding area; (c) that there has been a substantial increase in building permits and multi-family dwelling units in the area; (d) There is an increase in the population concentration and growth in the area; (e) There has been a change in the use and trend of the surrounding area; (f) The re-zoning of the property for multi-family dwellings will be beneficial and non-detrimental to the surrounding property of the community; (f) That the re-zoning of the tract to permit the use requested will be compatible with the predicted plans of the community.

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

007 4 78 AM

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 17, 1978.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing at _____ o'clock _____ minutes before the _____ day of _____, 1978, the _____ day of _____, 1978, appearing on the _____ day of _____, 1978.

THE JEFFERSONIAN,

L. Leach Smith
Manager.

Cost of Advertisement, \$ _____

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 2nd Date of Posting August 20, 1978

Posted for: PETITION FOR RECLASSIFICATION

Petitioner: TRUMAN GRABILL

Location of property: E/S of Rolling Rd. 2600' N of Downwood Rd.

Location of Sign: OPPOSITE DEAD END OF HITCHCOCK DRIVE

Remarks: Fluorescent Yellow

Posted by: Fluorescent Yellow

Date of return August 23, 1978

1-SIGN

PETITION MAPPING PROGRESS SHEET

FUNCTION	Visit Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
P-tition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>J</u>	Revised Plans:									
Previous case: <u>None</u>	Change in outline or description Yes _____ No _____									
	Map # <u>HWSC</u>									

Truman Grabill

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing at _____ o'clock _____ minutes before the _____ day of _____, 1978, the _____ day of _____, 1978, appearing on the _____ day of _____, 1978.

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 August 17 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Truman Grabill was inserted in the following:

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

weekly newspapers published in Baltimore, County, Maryland, once a week for _____ one _____ successive weeks before the 18th day of August, 1978, that is to say, the same was inserted in the issues of August 17, 1978

STROMBERG PUBLICATIONS, INC.

BY Etha Bunge

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

No. 73443

DATE August 9, 1978 AMOUNT 01-662

MICROFILMED

AMOUNT \$50.00

RECEIVED FROM John Anker, Requite

FOR Filing Fee for Case No. 79-11-N

37286 9 300000

VALIDATION OR SIGNATURE OF CASHIER

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 August 17 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Truman Grabill was inserted in the following:

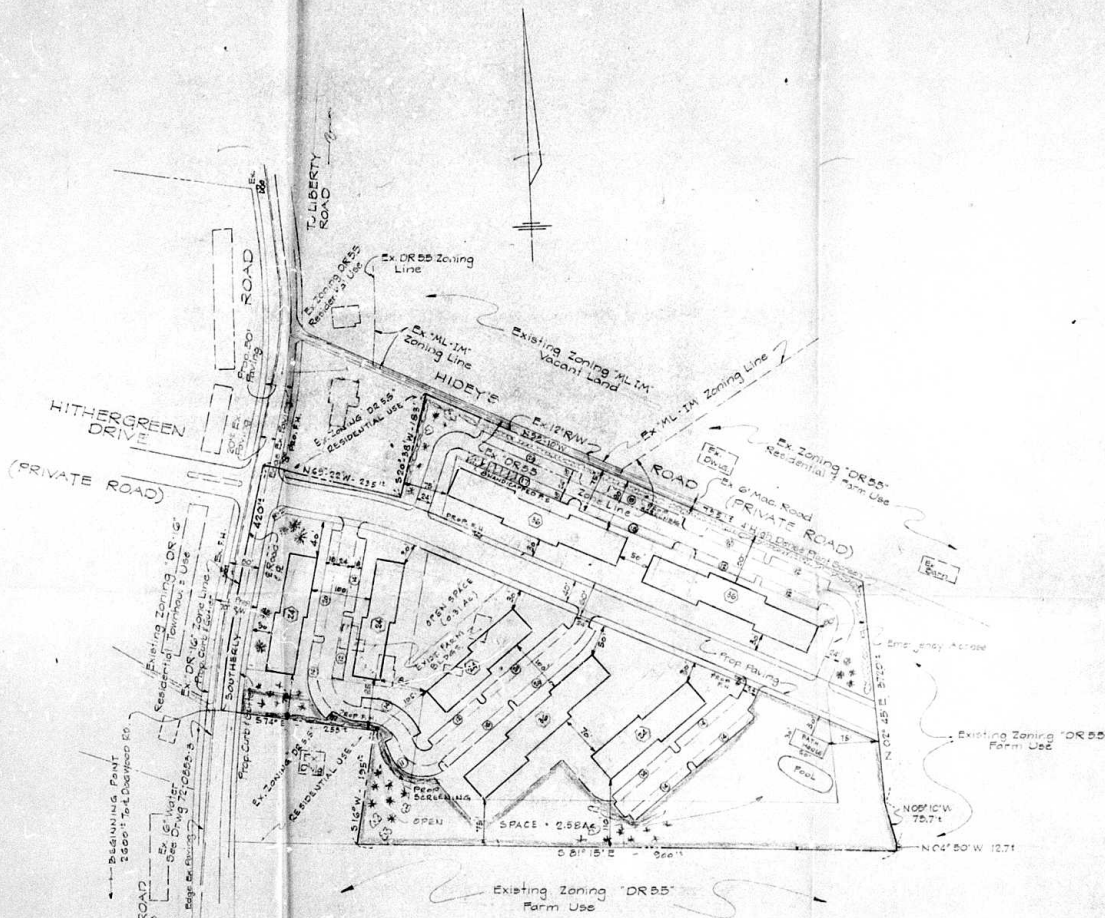
- ☒ Catonsville Times
- ☐ Dundalk Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for _____ one _____ successive weeks before the 18th day of August, 1978, that is to say, the same was inserted in the issues of August 17, 1978

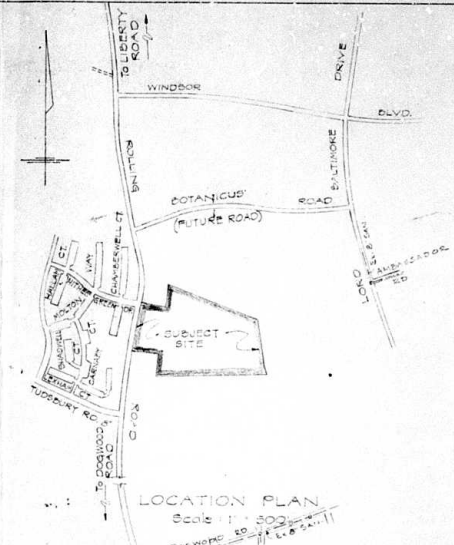
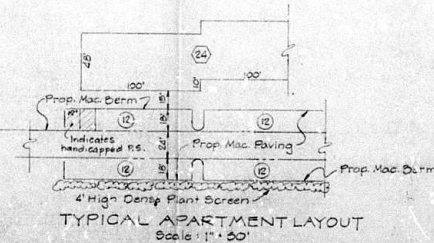
STROMBERG PUBLICATIONS, INC.

BY Etha Bunge





PAUL LEE ENGINEERING, INC.
206 Washington Avenue Towson, Md. 21204



GENERAL NOTES

- Area of Property 5.1318 Acres
- Existing Zoning of Property "DR55"
- Existing Use of Property "Residential Farm Use"
- Proposed Zoning of Property "DR16"
- Proposed Use of Property "Residential Garden Apartments"
- Density Calculations:
 - Gross Area 11.7 Acres
 - Number of Density Units Permitted 216
 - Number of Density Units Proposed 212.5
 - 145-2 Bedroom Apt. Units 145 density units
 - 30-1 Bedroom Apt. Units 30 density units
 - 37-3 Bedroom Apt. Units 37 density units
 - 30-4 Bedroom Apt. Units 30 density units
- Off-street Parking Data:
 - Required Parking 305 Spaces (212.5 x 1.5)
 - Proposed Parking 305 Spaces (212.5 x 1.5) (incl. 88.0 ft. x 10.0 ft. Open Space)
- Open Space:
 - Required Area 2.06 Acres (15% x 13.7 Acres)
 - Proposed Area 2.85 Acres
- Site is Located in Dead Run Orange Area
- Existing Buildings On Site to Be Removed
- OPEN SPACE
- Site Subject to storm water management per Balto. Co. design standards

REVISED PLAN

NOV 3 1978 PM



PLAT TO ACCOMPANY PETITION
FOR

RECLASSIFICATION OF PROPERTY
VICINITY

ROLLING ROAD & HIDEY'S LANE

Election District 2

Scale: 1" = 100'

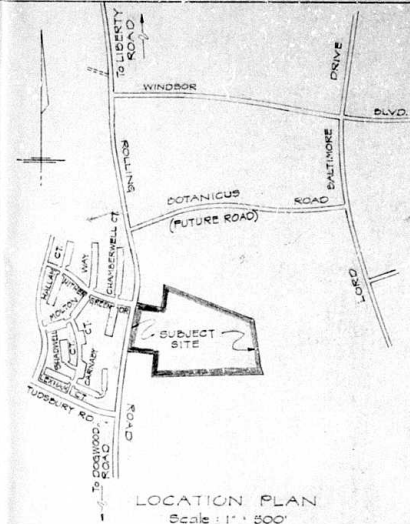
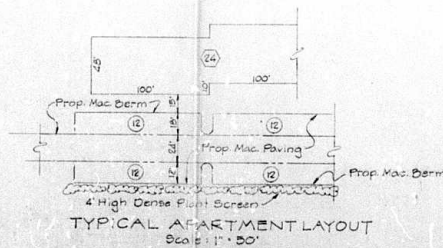
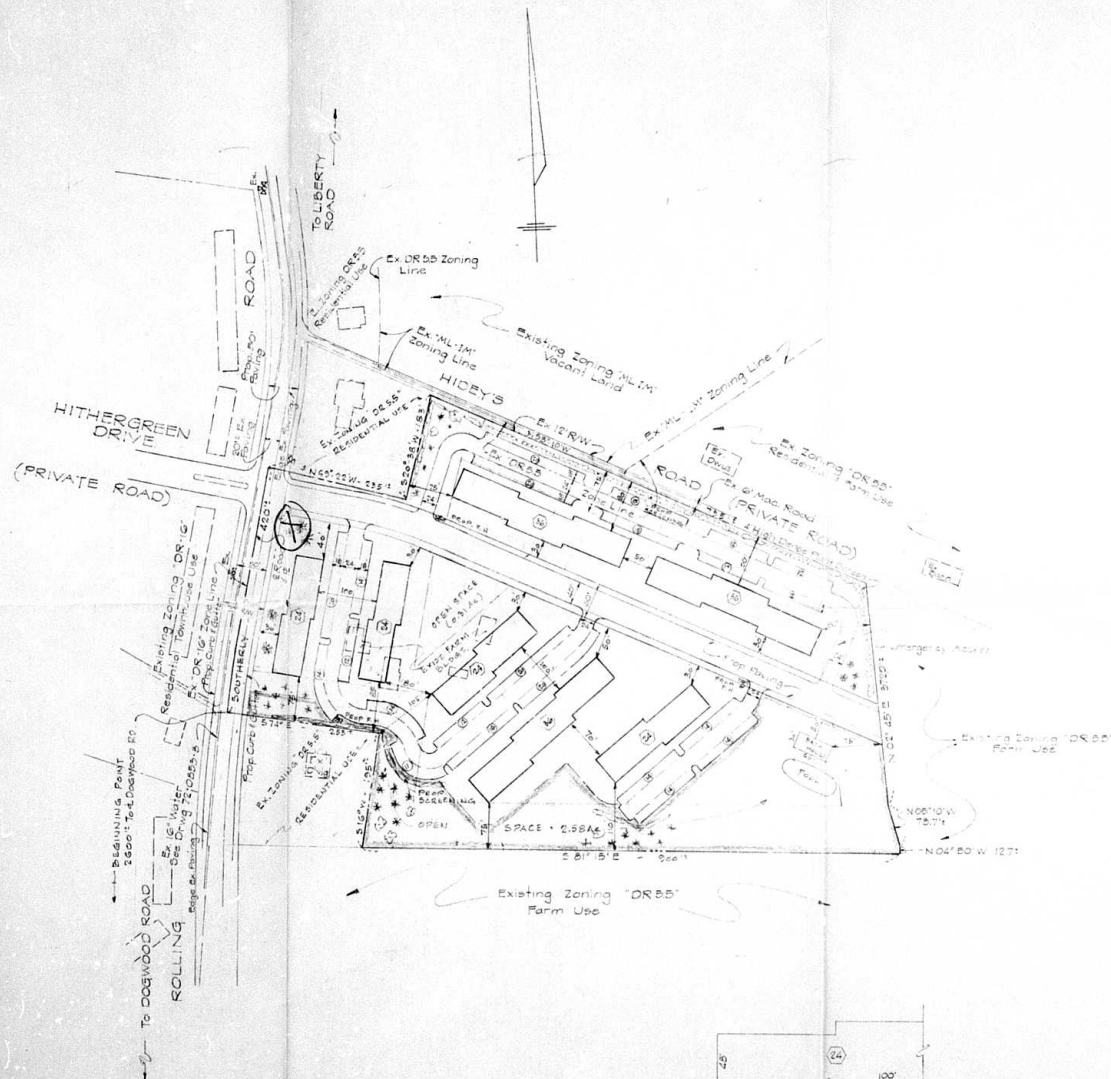
Baltimore Co., Md.

March 29, 1978

Rev. May 2, 1978 Per Z.A.C. Comments

MICROFILMED





GENERAL NOTES

1. Area of Property Equals 13.7 Acres
2. Existing Zoning of Property "DRB5"
3. Existing Use of Property "Residential Farm Use"
4. Proposed Zoning of Property "DR12"
5. Proposed Use of Property "Residential Garden Apartments"
6. Density Calculations:
 - a. Gross Area 13.7 Acres
 - b. Number of Density Units Permitted 216
 - c. Number of Density Units Proposed 212.5
 - i) 142 2 Bedroom Apt Units = 142 density units
 - ii) 30 1 Bedroom Apt Units = 30 density units
 - iii) 31 0 Bedroom Apt Units = 31 density units
 - iv) 294 Apartment Units = 212.5 density units
7. Off-street Parking Data:
 - a. Required Parking 325 Spaces (21.5 x 1.50)
 - b. Proposed Parking 325 Spaces (21 x 1.5)
8. Open Space
 - a. Required Area 2.26 Acres (15% x 13.7 AC)
 - b. Proposed Area 2.85 AC
9. Site is Located in Dead Run Drainage Area
10. Existing Buildings On Site To Be Removed

OPEN SPACE



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
ROLLING ROAD & HIDEY'S LANE

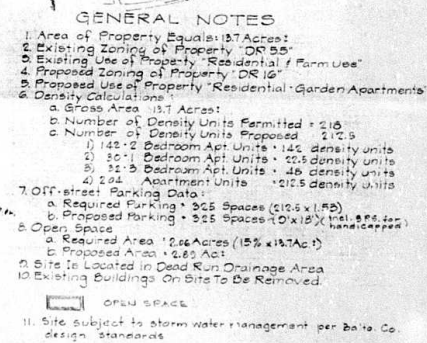
Election District 2 Baltimore Co. Md.
Scale: 1" = 100' March 29, 1978

PAUL LEE ENGINEERING, INC.
206 Washington Avenue Towson Md. 21204



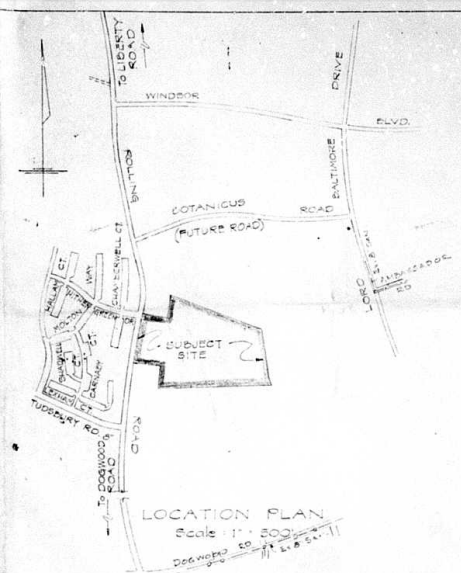
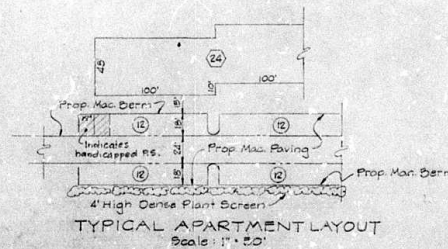
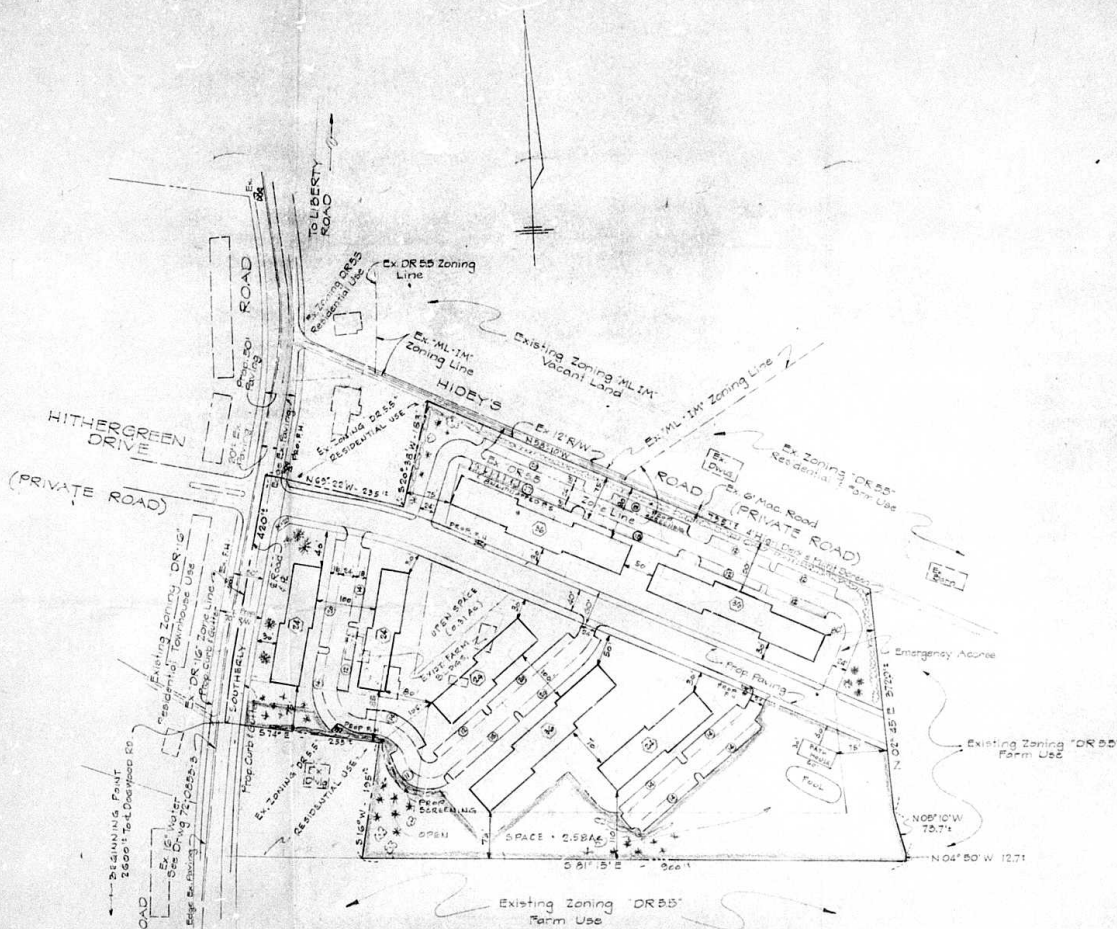
MICROFILMED



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Election District 2 Baltimore Co., Md.
Scale: 1" = 100' March 29, 1978
Rev. May 2, 1978 Per: J. A. C. Comments





GENERAL NOTES

1. Area of Property Equals 18.7 Acres
2. Existing Zoning of Property DR 55
3. Existing Use of Property Residential / Farm Use
4. Proposed Zoning of Property DR 16
5. Proposed Use of Property Residential - Garden Apartments
6. Density Calculations:
 - a. Gross Area 18.7 Acres
 - b. Number of Density Units Permitted 216
 - c. Number of Density Units Proposed 212.5
 - i. 145-2 Bedroom Apt Units 145 density units
 - ii. 50-1 Bedroom Apt Units 50 density units
 - iii. 32-3 Bedroom Apt Units 32 density units
 - iv. 24-4 Apartment Units 24 density units
7. Off-street Parking Data:
 - a. Required Parking 325 Spaces (11.5 x 1.5)
 - b. Proposed Parking 325 Spaces (11.5 x 1.5) (hand-drawn)
8. Open Space
 - a. Required Area 1.26 Acres (15% x 18.7)
 - b. Proposed Area 1.26 Acres
9. Site is Located in Dead Run Drainage Area
10. Existing Buildings On Site to be Removed
11. Site subject to storm water management per Baltimore Co. design standards

REVISED PLANS

REV 3 78 PM

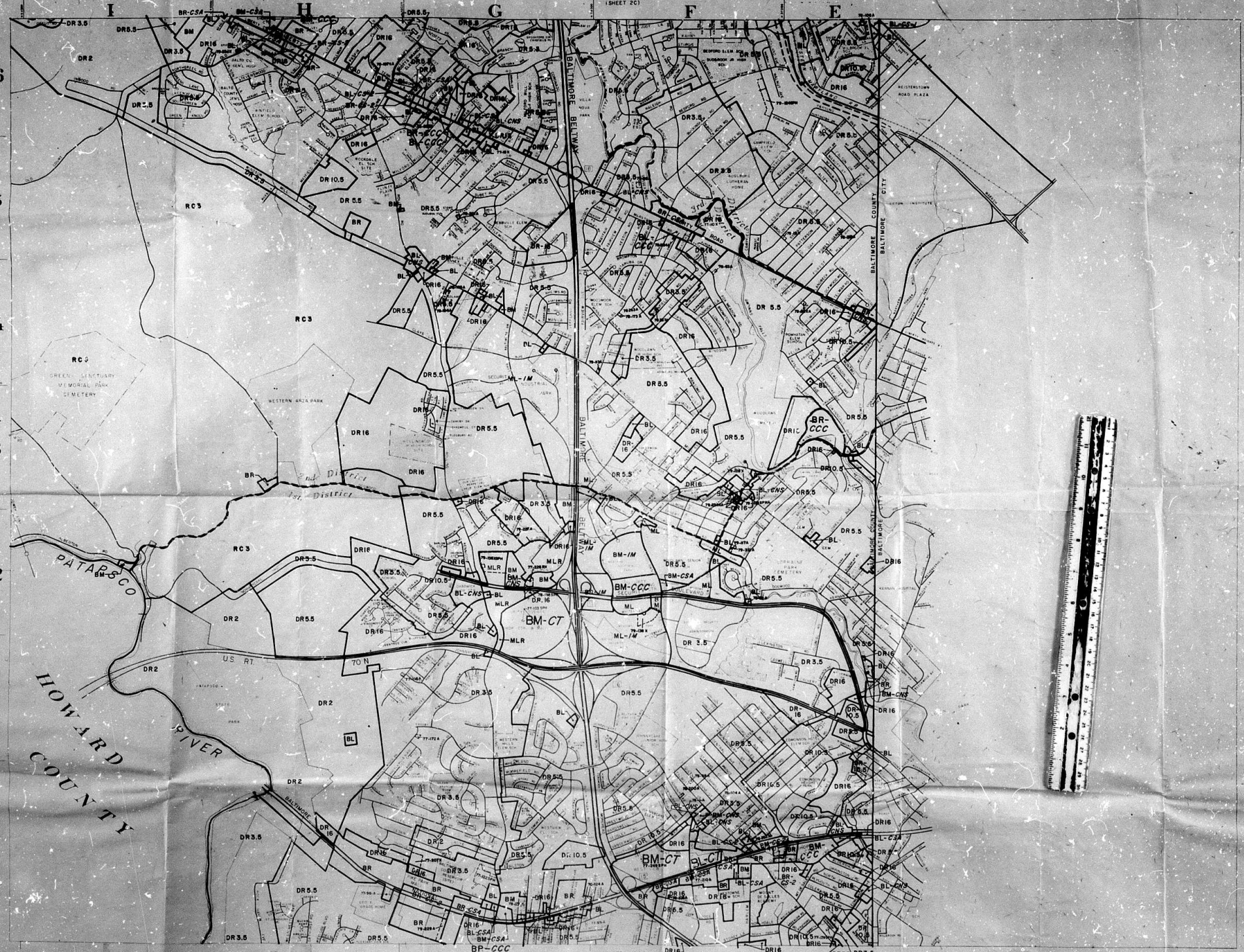


PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
ROLLING ROAD & HIDEY'S LANE

Election District 2 Baltimore Co., Md.
Scale: 1" = 100' March 25, 1978
Rev. May 2, 1978 Per Z & Z Comments

PAUL LEE ENGINEERING, INC.
206 Washington Avenue Towson, Md. 21204





PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Truman Grabill, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from DR 5.5 to DR 16 and (2) for the following reasons:

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

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser
Address: 260 N. Rolling Road 21207
Legal Owner
Address: 260 N. Rolling Road 21207
Petitioner's Attorney
Address: 208 N. Pennsylvania Avenue 21204
Protestant's Attorney
Address: 208 N. Pennsylvania Avenue 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of September, 1978, at 10:00 o'clock A.M.

1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of September, 1978, at 10:00 o'clock A.M.

By George J. Martinak
Deputy Zoning Commissioner of Baltimore County.

(over)
19 20 AM
9/17/78

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-54-R

OPINION

This case comes before this Board on an appeal from a decision of the Deputy Zoning Commissioner denying a request for a change of zoning from DR 5.5 to DR 16 on a 13.7 acre parcel of land in the second election district of Baltimore County. The subject property is located on the east side of Rolling Road and directly abuts Security Industrial Park to the north and lies wholly within a rather large parcel of land zoned DR 5.5.

There was presented to the Board, lengthy testimony and many exhibits by both expert witnesses and local residents in favor of granting the proposed reclassification and opposed to the reclassification. There were also memorandums submitted by the petitioner's counsel and the People's Counsel of Baltimore County. In this Opinion, the Board will not attempt to recap all this testimony but will let the record speak for itself. The only question to be decided here is whether or not this particular parcel is now properly zoned or whether the Baltimore County Council erred on the Comprehensive Maps of 1976 in rezoning its present DR 5.5 zoning. The Board is well aware that in reclassification hearings before it, that it is privy to much greater detail on all the circumstances and issues involved in the request on one particular parcel than would normally be afforded the County Council in its consideration during the Comprehensive Map process and weight this fact carefully in its opinion.

Several facts were introduced into evidence at this hearing that were not in effect at the time of the Comprehensive Maps in 1976. There are now under way, two developments in this DR 5.5 zoned parcel. One known as "Wallingford" contains 38.3

Truman Grabill - No. 79-54-R

2.

acres to be developed into 156 "townhouse" units and 11 single family units, and another known as the Hanna Woods property containing 31 acres developed into 12 single family units. Both of these developments have access to the sewer line on Dogwood Road, while the subject site does not. As noted in Mr. Zimmerman's memorandum, no other sequential development should continue thru this large DR 5.5 parcel toward the industrial park. It would appear to this Board that to grant the requested DR 16 zoning on the subject parcel for the erection of garden type apartments would provide the ideal buffer between privately owned homes and an industrial park. While an industrial park could be a fine neighbor to privately owned residences, the permitted uses in an industrial park do not guarantee this. In many cases this type of zoning is the recommended transition from an ML zone to a lesser density residential type zoning. Garden apartments would not be of character in this area, since there is a large townhouse development directly across Rolling Road from this parcel and others in the general area.

There was much testimony presented on traffic conditions in the area. There was much discussion of alternate access routes to this area recently opened and much discussion of proposed road improvements in this area. Traffic problems in today's society seem to be universal but to grant this request on this parcel does not seem to be catastrophic to existing traffic problems but may in fact hasten their alleviation.

After consideration of all the testimony and all the exhibits offered, it is the opinion of this Board that the DR 5.5 zoning on the subject parcel is in fact in error and will so order its reclassification into the requested DR 16 classification.

Truman Grabill - No. 79-54-R

3.

ORDER

For reasons set forth in the foregoing Opinion, it is this 26th day of November, 1978, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner dated September 21, 1978, be and the same is hereby reversed and that the requested reclassification be 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

William T. Hackett
William T. Hackett, Acting Chairman

Robert J. Zimmerman
Robert J. Zimmerman, Secretary

Patricia Millhouse
Patricia Millhouse

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
201-494-3300
S. ERIC DINENBA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

September 21, 1978

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

RE: Petition for Reclassification
E/S of Rolling Road, 2600' N
of Dogwood Road -
2nd Election District
Truman Grabill - Petitioner
NO. 79-54-R (Item No. 4)

Dear Mr. DiCicco:

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

Very truly yours,

George J. Martinak
George J. Martinak
Deputy Zoning Commissioner

GJM:nir

Attachments

cc: Mr. Leland S. Van Koten, President
Western Alliance of Concerned Communities
13 Popview Court
Baltimore, Maryland 21207

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

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Paul Lee, P.E.

Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Maryland 21204 821-5941

DESCRIPTION

13.7 ACRES PARCEL, W/40' OR LESS

EAST SIDE OF ROLLING ROAD

NORTH OF DOGWOOD ROAD

FIRST ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

This Description is for Reclassification of Property
From a "DR 5.5" to a "DR 16" Zone.

Beginning for the acre at the intersection of the center line of Rolling Road at a point 250 feet, more or less, north of the south line of property recorded among the Land Records of Baltimore County in Liber 5186-115, said point of beginning being northerly 2500 feet, more or less, along the center line of Rolling Road from its intersection with the center line of Dogwood Road, thence leaving said center line of Dogwood Road the two following courses and distances (1) S 74 degrees E 255 feet, more or less, and (2) S 16 degrees W 195 feet, more or less, to intersect the south line of property recorded among the Land Records of Baltimore County in Liber 5186-115; thence binding on the south property line of the aforementioned deed (3) S 81 degrees 15 minutes E 900 feet, more or less, thence binding on the three following courses and distances (4) N 04 degrees 50 minutes W 12.7 feet, more or less, (5) N 05 degrees 10 minutes W 73.7 feet, more or less and (6) N 02 degrees 55 minutes E 372.9 feet, more or less, to intersect the south side of a private road 12 feet wide, known as Hidey's Lane,

Engineers - Surveyors - Site Planners

thence binding on the south side of said private road westerly S 58 degrees 10 minutes W 795 feet, more or less, to a point located on the south side of the private road, then leaving said private road the two following courses and distances (7) S 20 degrees 38 minutes W 103 feet, more or less, and (8) N 60 degrees 22 minutes W 235 feet, more or less, to or near the center line of Rolling Road, said center line of Rolling Road also being the 18-16 zone line, as shown on Baltimore County Zoning Map NW 35, thence binding on said zone line and on the center line of Rolling Road southerly 520 feet, more or less, to the place of beginning.

Containing 13.7 Acres of land, more or less.

PL:1

March 29, 1978



JOHN L. ADAMS
MARGARET A. WILSON
ROBERT A. DICICCO

ASKEW, WILSON & DICICCO

204 WEST PENNSYLVANIA AVE. SUITE 204
TOWSON, MARYLAND 21204

TELEPHONE
AREA CODE 410
821-5940

WILSON & WINTER
MARGARET A. WILSON
MARGARET A. WILSON

March 30, 1978

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

RE: 260 N. Rolling Road
Truman G. Grabill Property

Dear Mr. Dinenna:

With respect to the above captioned matter, enclosed herewith please find petition for zoning re-classification in the above captioned matter along with accompanying memorandums two (2) 1,000 foot scale zoning plates two (2) 200 foot scale zoning plates seven (7) deed descriptions and ten (10) plats in support of the application. I shall be grateful if you will docket these for hearing during the September 1978 zoning re-classification hearings. Also enclosed herewith please find this firm's check in the amount of \$50.00 to cover the initial filing fee.

Very truly yours,

Robert A. DiCicco
Robert A. DiCicco

cc: Mr. Truman S. Grabill

cc: Mr. Truman S. Grabill
Paul Lee

Paul Lee, P.E.

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

the above Reclassification should be had, and it further appearing that by reason of...

a Special Exception for... should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of... 197... that the herein described property or area should be and the same is hereby reclassified, from a... zone to a... zone, and/or a Special Exception for... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to agree on the original zoning map, the Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone should NOT BE HAD.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this... day of... 1978, that the Petition for the aforementioned Reclassification be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE September 29, 1978

BY [Signature] ADMINISTRATIVE ASSISTANT

Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd District
Truman Grubbill, Petitioner
Zoning File No. 79-54-R
John W. Heslian, III, Esq.,
People's Counsel for Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Heckathell, LaRoy B. Spurrier and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Petitioner, Truman Grubbill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 West Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 6th Floor, Sun Life Building, Baltimore, Maryland, 21201, Protestants, John W. Heslian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part hereof.

[Signature]
Jane Holman, Secretary
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

Truman Grubbill, Petitioner
Zoning File No. 79-54-R

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Avenue, Towson, Maryland, 21204, Counsel for the Petitioner, Truman Grubbill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants, Leland S. VanKoten, President, Western Alliance of Concerned Communities, 6th Floor, Sun Life Building, Baltimore, Maryland 21201, Protestants, John W. Heslian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 19th day of November, 1979.

[Signature]
Jane Holman, Secretary
County Board of Appeals of Baltimore County

cc: J. Monell
Leland S. VanKoten
TS

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd District
Truman Grubbill - Petitioner
No. 79-54-R (Item No. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

NOTICE OF APPEAL

Please enter an Appeal to the Board of Appeals from the Order of the Deputy Zoning Commissioner in the above captioned case, dated September 21, 1978, on behalf of Truman Grubbill, Petitioner, 2601 N. Rolling Road, Baltimore, Maryland 21207, by his attorneys, Robert A. DiCicco, Asker, Wilson & DiCicco.

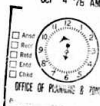
Filed herewith is a Petition of Appeal specifying the grounds for appeal, pursuant to Maryland Annotated Code, Article 66B, Section 4.07(e).

[Signature]
Robert A. DiCicco
Asker, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
623-5400
Attorney for Petitioner

I HEREBY CERTIFY that on this 19th day of October, 1978, a copy of the within Notice of Appeal was mailed to Mr. Leland S. VanKoten, President, Western Alliance of Concerned Communities, 13 Tappan Court, Baltimore, Maryland 21207, and to John W. Heslian, III, Esquire and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco

OCT 4 78 AM



LOW OFFICE
ASKER, WILSON
& DICICCO
TOWSON, MD. 21204

PETITION FOR RECLASSIFICATION

2nd District
ZONING: From D.R. 5.5 to D.R. 16
LOCATION: East side of Rolling Road, 2600 feet North of Dogwood Road
DATE & TIME: Wednesday, September 6, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning/Deputy Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 16

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

Being the property of Truman Grubbill, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, September 6, 1978 at 10:00 A.M.
Public Hearings: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DI MENNA, ZONING COMMISSIONER
AND
DR. BOB J. MARTINEK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(701) 454-3251

ERIC DI MENNA
COMMISSIONER

August 31, 1978

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

RE: Petition for Reclassification
E/S of Rolling Rd., 2600' N of Dogwood Rd.
2nd District
Truman Grubbill - Petitioner
No. 79-54-R

Dear Sir:

This is to advise you that \$250.00 is due for advertising and posting of the above property.

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

Very truly yours,

[Signature]
S. ERIC DI MENNA
Zoning Commissioner

SED/ao

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

NOTICE OF HEARING

RE: Petition for Reclassification, E/S of Rolling Rd., 2600' N of Dogwood Rd. - 2nd District
Truman Grubbill - Petitioner, Case No. 79-54-R

TIME: 10:00 A.M.

DATE: Wednesday, September 6, 1978

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

TOWSON, MARYLAND

[Signature]
Deputy ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 694-3251
S. ERIC DI MENNA
ZONING COMMISSIONER

October 6, 1978

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Rolling Road, 2600' N of Dogwood Road
2nd District
Truman Grubbill - Petitioner
No. 79-54-R (Item No. 4)

Dear Mr. Nolan:

Please be advised that an appeal has been filed by Robert A. DiCicco, Esquire, in behalf of Truman Grubbill, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

[Signature]
S. ERIC DI MENNA
Zoning Commissioner

SED/ao

cc: Mr. Leland S. Van Koten, President
Western Alliance of Concerned Communities
13 Tappan Court
Baltimore, Maryland 21207
John W. Heslian, III, Esquire
People's Counsel

RE: PETITION FOR RECLASSIFICATION
E/S of Rolling Road, 2600' N of
Dogwood Road
2nd District

IN THE
CIRCUIT COURT
"OR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 20
File No. 6970

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(4) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrer and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, Robert A. DiCicco, Esq., 208 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for the Petitioner, Truman Grubill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Protestants, Leland S. Van Koten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

John W. Hession, III
John W. Hession, III
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
494-3180

Truman Grubill, Petitioner
Zoning File No. 79-54-R

2.

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Robert A. DiCicco, Esq., 208 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Petitioner, Truman Grubill, 2601 N. Rolling Road, Baltimore, Maryland 21207, Petitioner, James D. Nolan, Esq., 204 W. Pennsylvania Ave., Towson, Maryland 21204, Counsel for Protestants, Leland S. Van Koten, Esq., Sixth Floor, Sun Life Bldg., Baltimore, Maryland 21201, Counsel for the Protestants-Appellants, John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Bldg., Towson, Maryland 21204, Mrs. Rita Reaver, 2517 N. Rolling Road, Baltimore, Maryland 21207, Mrs. Dorothy Kicas, 2516 N. Rolling Road, Baltimore, Maryland 21207, and Mrs. Dorothy Newberger, 2617 N. Rolling Road, Baltimore, Maryland 21207, on this 7th day of December, 1979.

John W. Hession, III
John W. Hession, III
County Board of Appeals of Baltimore County

cc: J. Hession (2)
J. Nolan (1)
J. Kicas (2)

RE: PETITION FOR RECLASSIFICATION
E/S OF ROLLING ROAD, 2600' N OF
DOGWOOD ROAD
2ND ELECTION DISTRICT
TRUMAN GRUBILL-PETITIONER
NO. 79-54-R (ITEM NO. 4)

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION OF APPEAL

Truman Grubill, Appellant, by Robert A. DiCicco, Askev, Wilson & DiCicco petitions for review of the action of the Deputy Zoning Commissioner on the following grounds:

1. This is an Appeal from the Order of the Deputy Zoning Commissioner of September 21, 1978, denying the Petitioner a Reclassification of approximately 13.7 acres located at E/S Rolling Road, 2600' N Dogwood Road from a DR 5.5 zone to a DR 16 zone.
2. Petitioner requests the reclassification proposed to construct a garden apartment development of 204 dwelling units on the subject property.
3. The Deputy Zoning Commissioner erred in denying the Reclassification for the following reasons:
A. Petitioner has presented evidence that the zoning map is in error in that the present zoning of the tract, DR 5.5, is inconsistent with the character of the neighborhood, wherein the property immediately opposite is zoned DR16 and is presently occupied by several hundred townhouse buildings.
B. Petitioner has presented evidence that there has been a change in the character of the neighborhood since the adoption of the zoning map, specifically increases in the volume of traffic, in building permits and in population. Furthermore, there have been numerous zoning changes in the surrounding areas and changes in the use and trend of the surrounding areas.

WHEREFORE, Appellant requests the Board of Appeals to:

1. Reverse the Order of the Deputy Zoning Commissioner.
2. To grant to Appellant the requested reclassification of the

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

IN RE: PETITION OF TRUMAN GRUBILL
ROLLING ROAD & HIDEY'S LANE
FOR RE-CLASSIFICATION AND
SPECIAL EXEMPTION

MEMORANDUM IN SUPPORT OF PETITION

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

1. In support of his argument that there was an error in the original zoning maps, Petitioner contends that the present zoning of the tract, DR 5.5, which permits only single family residential dwellings, is completely inconsistent with the character of the neighborhood in that the property immediately opposite is zoned DR 16 and is presently occupied by several hundred townhouse buildings. Furthermore, the tract is adjacent to the large Security Industrial Park which is more conducive to a multi-family dwelling unit.
2. In support of the Petitioner's claim that there has been a change in the character of the neighborhood, the Petitioner submits that: (a) That there has been a tremendous increase in the volume of traffic at Rolling Road at the location of the Petitioner's tract; (b) That there have been numerous zoning changes in the surrounding area; (c) That there has been a substantial increase in building permits and multi-family dwelling units in the area; (d) There is an increase in the population concentration and growth in the area; (e) There has been a change in the use and trend of the surrounding area; (f) The re-zoning of the property for multi-family dwellings will be beneficial and non-detrimental to the surrounding property of the community; (g) That the re-zoning of the tract to permit the use requested will be compatible with the predicted plans of the county

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

of the subject property from DR 5.5 to DR 16.

Respectfully submitted,

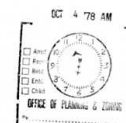
Robert A. DiCicco

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

I HEREBY CERTIFY that on this 7th day of October 1978, a copy of the within Petition to Appeal was mailed to Mr. Leland S. VanKoten, President, Western Alliance of Concerned Communities, 13 Popple Court, Baltimore, Maryland 21207 and to John W. Hession, III, Esquire and James D. Nolan, Esquire, 204 W. Pennsylvania Avenue, Towson, Maryland 21204.

Robert A. DiCicco
Robert A. DiCicco

-2-



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

in that it would be an appropriate transition area from the industrial use on the one side and the multi-family use on the other; (g) That the appropriate use and value of the tract is for multi-family dwellings and the possibility for development under the single family residence is prohibited.

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

Respectfully submitted,

Robert A. DiCicco

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

-2-

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

Case No. 79-54-R (Item No. 4)

Truman Grubill
R/S Rolling Rd., 2600' N of Dogwood Rd.
2nd Election District

- ✓ 1. Copy of Petition and Order Denied by the D.Z.C. September 21, 1978
- ✓ 2. Copy of Description of Property
- ✓ 3. Copy of Certificate of Posting
- ✓ 4. Copy of Certificates of Publication
- ✓ 5. Copy of Zoning Advisory Committee Comments
- ✓ 6. Copy of Comments from the Director of Planning
- ✓ 7. Planning Board Comments
- ✓ 8. Copy of Order to Enter Appearance, John W. Hession, III
- ✓ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ✓ 10. Copy of Plat of Property
- ✓ 11. 200' Scale Location Plan
- ✓ 12. 1000' Scale Location Plan
- ✓ 13. Memorandum in Support of Petition
- ✓ 14. Letter(s) from Protestants(s)
- ✓ 15. Letter(s) from Petitioner(s)
- ✓ 16. Protestants' Exhibits to
- ✓ 17. Petitioner's Exhibits to 2
- ✓ 18. Letter of Appeal

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

Counsel for Petitioner

Truman Grubill
2601 N. Rolling Road
Baltimore, Maryland 21207

Petitioner

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Counsel for Protestants

Mr. Leland S. Van Koten, President
Western Alliance of Concerned Communities
13 Popple Court
Baltimore, Maryland 21207

Protestant

John W. Hession, III, Esquire
James E. Dyer

People's Counsel
Request Notification

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 10, 1979



Robert A. DiCicco, Esq.
208 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Reclassification Petitions
Case 79-54-R Truman Grubill

Dear Mr. DiCicco:

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

Your prompt reply is necessary.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

WAR:re
Enclosure: Bill 122-78
cc: Mr. Truman Grubill
James D. Nolan, Esq.
Mr. Leland S. Van Koten
John W. Hession, III, Esq.
Mr. S. E. Dinneen
Mr. George Morinok
Mr. James E. Dyer
Mr. Leslie Groff
Mr. Gary Burl
Board of Education
Mrs. Carol Seresh

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item # 4

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

This Petition has been received and accepted for filing
this 11th day of May 1978.

Eric S. DiNenna
ERIC S. DINENNA
Zoning Commissioner

Petitioner: Truman Crabill
Petitioner's Attorney: Robert A. DiCicco
Reviewed by: *Nicholas D. Commodari*
NICHOLAS D. COMMODARI
Chairman, Zoning Plans
Advisory Committee

CC: Paul Lee Engineering, Inc.
206 Washington Ave.
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

May 1, 1978

WHO
Nicholas S. Commodari
Chairman

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

FE: Cycle III
Reclassification Petition
Item Number 4
Petitioner - Truman Crabill

Dear Mr. DiCicco:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Improved with a dwelling and assorted barn buildings, this D.R. 5.5 zoned property contains 13.7 acres and is located on the east side of Rolling Road, opposite Hithergreen Drive in the 2nd Election District. Adjacent properties to the north, south and east are similarly zoned and are improved with individual dwellings and farm operations. Located between the residential zoning to the north is vacant land, zoned M.L., while a townhouse subject property on the west side of Rolling Road. This latter property was the subject of a previous zoning hearing (Case #66-106-R) in which a Reclassification was granted.

Robert A. DiCicco, Esquire
Page 2
Item Number 4
May 1, 1978

Since the submitted site plan indicates a proposal, it is impossible to make detailed comments at this time. However, if this petition is granted and as I am sure you are aware, all applicable county subdivision regulations must be satisfied.

Particular attention should be afforded the comments of the Department of Public Works concerning the proposed onsite roadway. The provisions for accommodating storm water or drainage and the method of providing public sanitary sewer for this site.

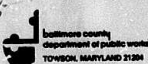
This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to June 1, 1978 in order to allow 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 September 1, 1978 and October 15, 1978 will be forwarded to you well in advance.

Very truly yours,

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

NBC:rf

cc: Paul Lee Engineering, Inc.
206 Washington Avenue
Towson, Maryland 21204



THORNTON M. HOLWING, P.E.
DIRECTOR

April 18, 1978

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

Dear Mr. DiNenna:

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

Highways

Rolling Road, an existing County road, is proposed to be further improved as a 30-foot closed section roadway on a 70-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

If the onsite proposed roadway is to extend beyond this site, it must be constructed as indicated to County Standards, as a public road.

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

Sediment Control

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

Storm Drains

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

Item #4 (Cycle III April-October 1978)
Property Owner: Truman Crabill
Page 2
April 18, 1978

Site's Drains (Cont'd)

Drainage and utility easements will be required through this site.

The submitted plan indicates that this site is within the Dead Run-Dryden Falls Drainage Area; whereas, approximately one-third of the property is in the Run's Run-Petapoco River Watershed.

Water and Sanitary Sewer

There is a public 16-inch water main in Rolling Road. The submitted plan does not indicate the proposed method of providing public sanitary sewerage to this site, which will require offsite rights-of-way.

Public sanitary sewerage exists in Hithergreen Drive, a private road, approximately 150 feet west of Rolling Road, and in Rolling Road approximately 190 feet north of Tudorbury Road (constructed in conjunction with the development "Section 1 Kingswood Common").

Public sanitary sewerage exists in Lord Baltimore Drive, approximately 1,000 feet east of this site and in Dogwood Road, approximately 2,000 feet south of this site; this sewerage is tributary to the Dead Run-Dryden Falls Sanitary Sewer System.

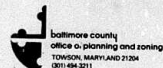
Very truly yours,

Ellsworth M. Diven, P.E.
ELLSWORTH M. DIVEN, P.E.
Chief, Bureau of Engineering

END:EDM:PMH

CC: J. Tremmer
J. Somer

L-16 Key Sheet
11 & 12 NW 27 & 26 Pos. Sheets
NW 3 G Topo
87 T-1 Map



LESLIE H. GRAY
DIRECTOR

April 21, 1978

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

Dear Mr. DiNenna:

Comments on Item # 4, Cycle Zoning III, April 1978 are as follows:

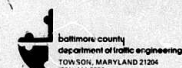
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N. Dogwood Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7
District: 2nd

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.

If the petition is granted, the developer must comply with applicable Subdivision Regulations.

Very truly yours,

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



STEPHENE COLLINS
DIRECTOR

April 13, 1978

Mr. E. Eric DiNenna
Zoning Commissioner
First Floor, County Office Building
Towson, Maryland 21204

Re: Item #4 - ZAC - Cycle 3 - April, 1978
Property Owner: Truman Crabill
Location: E/S Rolling Road 2600' N. Dogwood Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 16
Acres: 13.7
District: 2nd

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 5.5 to D.R. 16 of 13.7 acres.

This should increase the trip density from 683 trips to 1640 trips per day. This increase trip density cannot be accommodated on the existing or proposed road system as the land continues to develop in this area as shown.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM/haa

April 21, 1978

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

Dear Mr. DiNenna:
Comments on Item #4, Zoning Advisory Committee Meeting for Cycle III, are as follows:

Property Owner: Truman Grabill
Location: R/S Rolling Rd. 2600' N Dogwood Rd.
Baiting Zoning: D.M. 5.5
Proposed Zoning: D.M. 16
Acreage: 13.7
District: 2nd

Metropolitan water is available. A revised plan must be submitted showing the location of sanitary sewer.

Prior to approval of a public pool on this site, complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

Very truly yours,

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

TWD/KS/lthp

cc: George Hammel

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Truman Grabill

Location: R/S Rolling Rd. 2600' N Dogwood Rd.

Item No. 4 Zoning Agenda Cycle III

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 of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ exists the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The building and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed by: *[Signature]* Mr. and Mrs. *[Signature]*
Planning Division Special Inspection Division Fire Prevention Bureau

April 6, 1978

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

Re: Mr. DiNenna's Zoning Advisory Committee Meeting.
Comments on Item #4, Zoning Agenda Cycle III, are as follows:

Property Owner: Apartments
Location: Rolling Road and Hiday's Lane
Baiting Zoning: D.M. 5.5
Proposed Zoning: D.M. 16

Area:
District:

The items checked below are applicable:

- VA. Structure shall conform to Baltimore County Building Code (B.C.B.C.), 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and used and other applicable codes.
- VB. A building permit shall be required before construction can begin.
- VC. Additional Miscellaneous Permits shall be required.
- VD. Building shall be upgraded to new use - requires alteration permit.
- VE. Three sets of construction drawings will be required to file an application for a building permit.
- VF. 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.
- VG. Wood frame walls are not permitted within 3'0" of a property line.
- VH. Requested setback variance conflicts with the Baltimore County Building Code, See Section _____.
- VI. No Comment.
- XI. Comments: Show handicapped parking, signs, curb cuts, and building access.

Very truly yours,

Charles E. Humber
Charles E. Humber
Planning Division Chief

CMB:J

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 24, 1978

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

Z.A.C. Meeting of: Cycle III

RE: Item No. 4
Property Owner: Truman Grabill
Location: R/S Rolling Road 2600' N Dogwood Road
Present Zoning: D.M. 5.5
Proposed Zoning: D.M. 16

District: 2nd
No. Acres: 13.7

Dear Mr. DiNenna:

See sheet #2.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
District Representative

NTH:JP

JOSEPH A. MILLER, PRESIDENT
T. ROBERT WILLIAMS, JR., VICE-PRESIDENT
MARCOUS M. BOUTANGE

THOMAS H. BOYER
WILLIAM L. GIBSON, F. CHURCH
ROBERT S. HAYDEN

ALVIN LORBER
WILLIAM H. WILSON, JR.
RICHARD W. TRACY, D.V.M.

COMMENTS

School Situations:

School	Sept. Enrollment	Capacity	Over/Under
Featherbed Lane Elementary	471	515	-44
Johnnycake Junior	1209	1240	-31
Woodlawn Senior	2050	2050	-

Projections:

School	Sept. 1978	Sept. 1979
Featherbed Lane Elementary	464	450
Johnnycake Junior	1180	1027
Woodlawn Senior	2080	2042

Budgeted Construction:

School	Status	Capacity	Estimated To Open
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NONE

Programmed Construction: (Subject to availability of funds)

School	Capacity	Year Programmed	Estimated To Open
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NONE

Possible Student Yields:

	Elementary	Junior High	Senior High
Present Zoning:	25	16	16
Proposed Zoning:	35	14	11

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 20th day of MARCH 1978. Filing Fee \$ 50.00. Received ☒ Check ☐ Cash ☐ Other

[Signature]
S. Eric DiNenna
Zoning Commissioner

Petitioner: Truman Grabill Submitted by: R. DiCicco
Petitioner's Attorney: R. DiCicco Reviewed by: [Signature]

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Index		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>										
Revised Plans: Change in outline or description										
Previous case: <u>NONE</u>										
Map # <u>NW15C</u>										

Truman Grabill

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 17, 1978.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. consecutively at one time consecutively before the 16th day of September, 1978, the 10th publication appearing on the 17th day of August, 1978.

THE JEFFERSONIAN,
[Signature]
MANAGER.

Cost of Advertisement, \$ _____



TOWSON, MD. 21204 August 17 19 78

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Truman Grabill was inserted in the following:

- | | |
|---|--|
| ☒ Catonsville Times | ☐ Towson Times |
| ☐ Dondalk 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 12th day of August, 1978, that is to say, the same was inserted in the issues of August 17, 1978

STROMBERG PUBLICATIONS, INC.

BY *[Signature]*



79-54-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting AUGUST 20, 1978
Posted for: PETITION FOR RECLASSIFICATION
Petitioner: TRUMAN GRABILL
Location of property: E/S OF ROLLING RD. 2600' N OF DOEWOOD RD.
Location of Signs: OPPOSITE DEAD END OF HITHERGREEN DRIVE
Itemized: _____
Posted by: Thomas R. Holand Date of return: AUGUST 23, 1978
Signature

1-SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 73493
DATE September 6, 1978 ACCOUNT 01-662
AMOUNT \$243.96
RECEIVED Robert A. DiCicco, Register
FROM _____
FOR Cost of Advertising and Posting for Case No. 79-54-R
SEP 6 1978 243.96 MS
VALIDATION OR SIGNATURE OF CASHIER

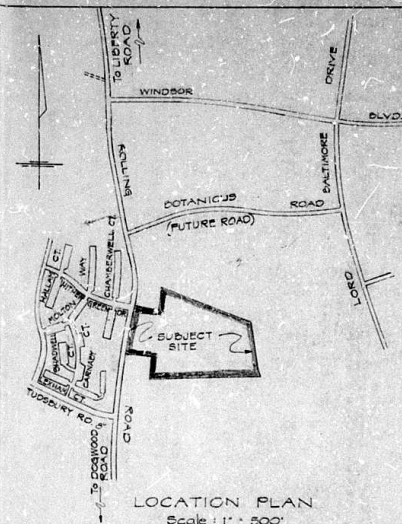
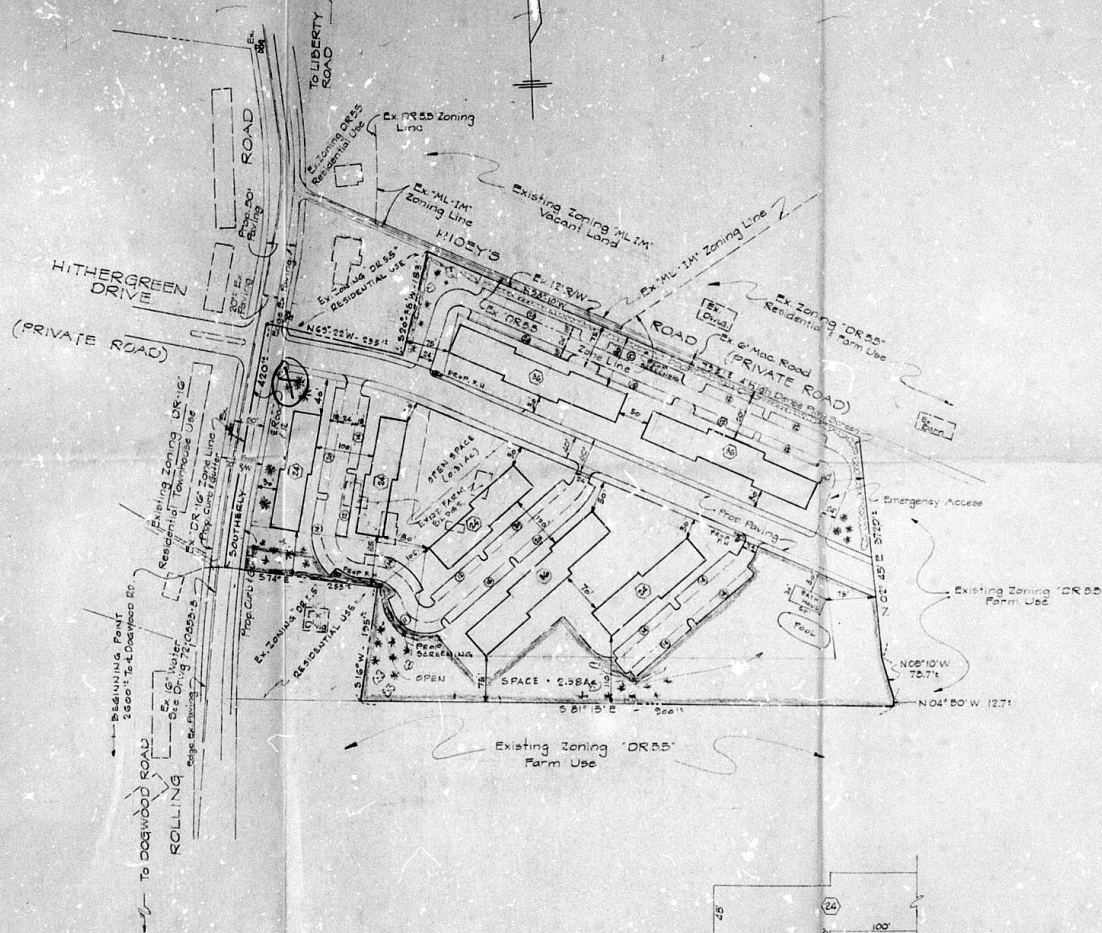
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 76064
DATE October 6, 1978 ACCOUNT 01-662
AMOUNT \$75.00
RECEIVED Askew, Wilson & DiCicco
FROM _____
FOR Cost of Appeal for Case No. 79-54-R, Truman Grabill
OCT 9 1978 75.00 MS
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 73443
DATE August 9, 1978 ACCOUNT 01-662
AMOUNT \$20.00
RECEIVED John Askew, Register
FROM _____
FOR Filing Fee for Case No. 79-54-R
AUG 9 1978 20.00 MS
VALIDATION OR SIGNATURE OF CASHIER

FEB 15 1980

We look for the strict trade as well as the complementary ones. We

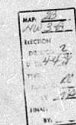




GENERAL NOTES

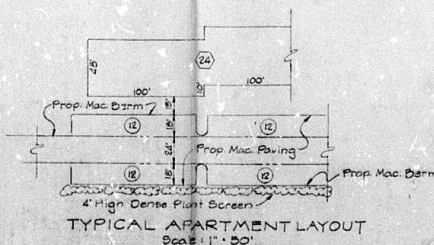
1. Area of Property Equals: 13.7 Acres
2. Existing Zoning of Property "DR-55"
3. Existing Use of Property "Residential - Farm Use"
4. Proposed Zoning of Property "DR-10"
5. Proposed Use of Property "Residential - Garden Apartments"
6. Density Calculations:
 - a. Gross Area: 13.7 Acres
 - b. Number of Density Units Permitted: 210
 - c. Number of Density Units Proposed: 212.5
 - 1) 142-2 Bedroom Apt. Units: 142 density units
 - 2) 30-1 Bedroom Apt. Units: 30 density units
 - 3) 11-0 Bedroom Apt. Units: 11 density units
 - 4) 204 Apartment Units: 212.5 density units
7. Off-street Parking Data:
 - a. Required Parking: 565 Spaces (2.14 x 1.55)
 - b. Proposed Parking: 565 Spaces (2.14 x 1.55)
8. Open Space:
 - a. Required Area: 2.66 Acres (15% x 16.7 Ac.)
 - b. Proposed Area: 2.65 Ac.
9. Site is Located in Dead Run Drainage Area
10. Existing Buildings On Site To Be Removed

OPEN SPACE



PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY VICINITY

ROLLING ROAD & HIDEY'S LANE
Election District 2
Scale: 1" = 100'
Baltimore Co., Md.
March 29, 1978



PAUL LEE ENGINEERING, INC.
206 Washington Avenue Towson Md. 21204

