

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from D.R. 2 to D.R. 16 : COUNTY BOARD OF APPEALS
 N/S Joppa Road 340' :
 W. of Chestnut Avenue :
 9th District : OF
 Institute of Mission Helpers of : BALTIMORE COUNTY
 Baltimore City, Petitioners :
 Baker Land Co., :
 Contract Purchaser : No. 79-62-R

ORDER OF DISMISSAL

Petition of the Institute of Mission Helpers of Baltimore City for reclassification from D.R. 2 to D.R. 16 on property located on the north side of Joppa Road 340 feet west of Chestnut Avenue, in the Ninth Election District of Baltimore County.

WHEREAS, the Baltimore County Council adopted new comprehensive zoning maps for the entire County on October 14, 1980.

WHEREAS, said zoning maps became effective on December 11, 1980, with the signature of the County Executive.

It is the judgment of this Board that all reclassification cases pending at the time of the adoption of new comprehensive rezoning maps shall be considered moot. Therefore, this appeal shall be dismissed. An Order to this effect follows hereafter.

ORDER

For the reasons set forth above, it is this 10th day of February, 1981, by the County Board of Appeals, ORDERED that this case be and the same is hereby DISMISSED.

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

John V. Murphy
 John V. Murphy
 Patricia E. Millhouser
 Patricia Millhouser

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
 N/S of Joppa Rd., 340' :
 W of Chestnut Ave., 9th District : OF BALTIMORE COUNTY
 INSTITUTE OF MISSION HELPERS :
 OF BALTIMORE CITY, Petitioner : Case No. 79-62-R

ORDER FOR APPEAL

Mr. Commissioner:

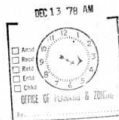
Please note on appeal from the decision of the Zoning Commissioner in the above-entitled matter, under date of November 17, 1978, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
 Deputy People's Counsel

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

I HEREBY CERTIFY that on this 13th day of December, 1978, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Contract Purchaser; and H. Anthony Mueller, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

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



494-3190

COUNTY BOARD OF APPEALS
 Room 219 Court House
 Towson, Md. 21204

August 13, 1979

Hearing Room 218

NOTICE OF POSTPONEMENT

CASE NO. 79-62-R

INSTITUTE OF MISSION HELPERS
 OF BALTIMORE CITY
 (Baker Land Company, Contract Purchaser)
 for Reclassification from DR 2 to DR 16
 N/S of Joppa Rd., 340' W of Chestnut Ave.
 9th District

The above case, scheduled for hearing on August 21, 1979, at 10:00 a.m., HAS BEEN POSTPONED by the Board by agreement of counsel.

cc: H. Anthony Mueller, Esq. Attorney for Petitioner
 Institute of Mission Helpers of Baltimore City
 Petitioner
 James D. Nolan, Esq. Attorney for Contract Purchaser
 Baker Land Company
 Contract Purchaser
 John W. Hession, III, Esq. People's Counsel
 Mrs. Vera Lee Kinnear
 Mr. William Hammond, Zoning
 Mr. J. Dyer, Zoning
 Mr. John Zeyfert, Planning
 Board of Education
 Mrs. Carol Beresh

James D. Nolan
 County Board of Appeals

494-3180

County Board of Appeals
 Room 218, Court House
 Towson, Maryland 21204
 May 3, 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. 79-62-R

INSTITUTE OF MISSION HELPERS
 OF BALTIMORE CITY
 (Baker Land Company, Contract Purchaser)
 for Reclassification from DR 2 to DR 16
 N/S of Joppa Rd., 340' W of Chestnut Ave.
 9th District

ASSIGNED FOR:

TUESDAY, AUGUST 21, 1979 at 10:00 a.m.

cc: H. Anthony Mueller, Esq. Attorney for Petitioner
 Institute of Mission Helpers of Baltimore City
 Petitioner
 James D. Nolan, Esq. Attorney for Contract Purchaser
 Baker Land Company
 Contract Purchaser
 John W. Hession, III, Esq. People's Counsel
 Mrs. Vera Lee Kinnear
 Mr. E. DiNanno, Zoning
 Mr. J. Dyer, Zoning
 Mr. L. Graef, Planning
 Board of Education
 Mrs. Carol Beresh

Meto J. Painter
 County Board of Appeals

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from D.R. 2 to D.R. 16 : COUNTY BOARD OF APPEALS
 N/S Joppa Road 340' :
 W. of Chestnut Avenue :
 9th District : OF
 Institute of Mission Helpers of : BALTIMORE COUNTY
 Baltimore City, Petitioners :
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ORDER

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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

John V. Murphy
 John V. Murphy
 Patricia E. Millhouser
 Patricia Millhouser

INSTITUTE OF MISSION HELPERS
 OF BALTIMORE CITY
 for Reclassification from
 D.R. 2 to D.R. 16
 N/S of Joppa Road, 340 feet
 west of Chestnut Avenue
 9th District
 Case No. 79-62-R

JOINT PETITION OF PETITIONER,
CONTRACT PURCHASER AND APPELLANTS

INSTITUTE OF MISSION HELPERS OF BALTIMORE CITY, Property Owner and Petitioner, and BAKER LAND COMPANY, Contract Purchaser and Petitioner, by James D. Nolan and Nolan, Plumbhoff and Williams, their attorneys, and JOHN W. HESSIAN, III, PEOPLE'S COUNSEL and PETER MAX ZIMMERMAN, DEPUTY PEOPLE'S COUNSEL, Appellants, hereby offer this Joint Petition for the consideration of the County Board of Appeals.

1. The Institute of Mission Helpers of Baltimore City, hereinafter called "Mission Helpers", Property Owner and Petitioner, and Baker Land Company, Contract Purchaser and Petitioner, hereinafter called "Baker", hereby withdraw that portion of their Petition for Reclassification requesting D.R. 16 zoning for that portion of the subject property binding along the north side of Joppa Road, including the steep slope and of not more than three (3) acres, which area is shown and identified as Section "C" on the attached Preliminary Plan for the "Kenilworth Park Apartments", prepared by Stephens and Associates, originally dated December 31, 1979, and as finally revised February 14, 1980, hereinafter called the "Preliminary Plan", a copy of which is attached hereto and hereby incorporated as a part of this Joint Petition; and Mission Helpers and Baker further hereby withdraw that portion of their Petition for Reclassification requesting D.R. 16 zoning

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from D.R. 2 to D.R. 16 : COUNTY BOARD OF APPEALS
 N/S Joppa Road 340' :
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 Institute of Mission Helpers of : BALTIMORE COUNTY
 Baltimore City, Petitioners :
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 Contract Purchaser : No. 79-62-R

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COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

William T. Hackett
 William T. Hackett

John V. Murphy
 John V. Murphy
 Patricia E. Millhouser
 Patricia Millhouser

for that portion of the subject property in the northwest corner thereof binding along the rear lot lines of four lots along the southeast side of Donington Circle, which area is identified on the attached Preliminary Plan as a "60-Foot Wide Tree Preservation Strip", with both sections thereby being remitted to a D.R. 2 zone.

2. The People's Counsel and Deputy People's Counsel, the only parties appellant herein, based upon the foregoing withdrawal of the request for D.R. 16 zoning on the aforesaid Steep Slope Area and the Tree Preservation Strip hereby withdraw their appeal as to the Order of the Zoning Commissioner herein dated November 17, 1978.

3. The parties hereto hereby mutually agree to request the confirmation of such D.R. 2 zoning for the Steep Slope Area and the Tree Preservation Strip and D.R. 16 zoning for the balance of the tract on the 1980 Comprehensive Zoning Maps in Map Issue 4-6.

James D. Nolan

Nolan, Plumbhoff & Williams
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204
 823-7800

John W. Hession, III
 People's Counsel

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

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 10, 1981

John W. Hession, III, Esquire
People's Counsel for Baltimore County
Court House
Towson, Maryland 21 04Re: Case No. 79-62-R
Institute of Mission Helpers of Baltimore City

Dear Mr. Hession:

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

Very truly yours,

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

Enclosure

cc: H. Anthony Mueller, Esquire
Institute of Mission Helpers
Newton A. Williams, Esquire
Baker Land Co.
Vera Lee Kinnear
Comp. C. D. Long
Burd of Education
Mr. W. E. Hammond
Mr. J. C. Dyer
Mr. N. E. Gerber
Mr. J. Howell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
FROM: John W. Hession, III
People's Counsel for Baltimore County
SUBJECT: Institute of Mission Helpers, Petitioner
Case No. 79-62-R

With regard to the Petitioner's request for a further postponement, our position in every case is that unless we discern the possibility that a postponement will operate against the interest of a Petitioner/party, we do not interpose an opposition to postponement requests. I am unaware of any specific reasons upon which I might oppose the requested postponement.

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

JWHah

RECEIVED
BALTIMORE COUNTY
DEC 4 2 4 PM '79
COUNTY BOARD
OF APPEALS
BYLAW OFFICES OF
NOLAN, PLIMPTREFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204JAMES D. NOLAN
J. EARLE PLIMPTREFF
NOLAN & WILLIAMS
WILLIAM W. HESSON, JR.
TOWSON, MARYLAND
KEVIN H. HARTERS
TOWSON, MARYLAND
JAMES D. NOLAN
JAMES D. NOLAN

November 27, 1979

Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
Room 219, Court House
Towson, Maryland 21204Re: Requested Postponement of the Mission
Helpers Case in order to Conclude Settlement
Agreement with People's Counsel -
Scheduled Hearing Date, Thursday, December
13, 1979. Case No. 79-62-R.

Dear Chairman Reiter:

As the Board's file will reveal, the only appellant in this matter is Mr. Hession, the People's Counsel.

For some time now discussions have been carried on with Mr. Hession regarding settlement of the matter, based upon a reduction in the number of apartment units to be built, certain protections for the borders, etc.

Both the contract purchaser Mr. Julio and the owner, the Mission Helpers, are anxious to conclude such an arrangement and to conclude the sale.

However, if the matter is started before the Board and any other appellants appear, then it is a certainty that the matter cannot be concluded and the sale effectuated until October 15 of 1980, with the adoption of the new zoning map.

Mr. Mueller has spoken with Mr. Hession on several occasions and Mr. Hession has no objection to the proposed postponement and we have spoken with Mr. Howell and he indicates that he has no objection to the proposed postponement, since both the People's Counsel and the Planning Staff have agreed upon appropriate settlement terms which are to be embodied in the written Agreement.

Finally, as the Board well knows, the County Council has just adopted the so-called Growth Management Ordinance, Bill 178-79 and it was necessary to wait until its adoption.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
FROM: John W. Hession, III
People's Counsel
SUBJECT: Institute of Mission Helpers - Case No. 79-62-R (Item 13, Cycle III)

This will confirm our conversation of this morning wherein I informed you that there were certain contractual and covenant matters that are in the process of review between the parties, but which have been stymied because of vacation schedules, and I further stated that in accordance with the authority given me by Mr. Nolan, he and I jointly suggest that this case be postponed from its presently signed date of August 21, 1979, for at least thirty days. There are no individual Protestors involved and therefore no inconvenience to the public will result should you agree to permit the postponement.

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

JWHah

cc: James D. Nolan, Esquire

RECEIVED
BALTIMORE COUNTY
DEC 9 2 00 PM '79
COUNTY BOARD
OF APPEALS
BY

8/3 - Postponement request granted by HAH

Page two - Chairman Reiter - November 27, 1979

In order to determine the present developability of this property pursuant to the proposed Agreement.

Accordingly, on behalf of the contract purchaser Mr. Julio, as well as the legal owner, the Mission Helpers, and with the concurrence of the People's Counsel and the Office of Planning, we would respectfully request that the Board postpone this matter and not reset it with the expectation that the appeal will be dismissed upon the signing of the outlined Agreement which of course would have the effect of removing any cloud from the D.R. If voting granted by the Zoning Commissioner.

Thanking the Board, the People's Counsel and the Planning Staff for their cooperation in this important matter, and insofar to the requested postponement and subsequent dismissal, I am

Respectfully,

James D. Nolan
James D. Nolan

JDN/btl

cc: Jack W. Hession, III,
People's CounselH. Anthony Mueller, Esquire
Towson, Mueller, McLean & Reid
102 M. Pennsylvania Avenue, Suite 600
Towson, Md. 21204John D. Seyffert, Director
Office of Planning and ZoningFrank H. Fisher, Chief
Community Planning Division
Office of Planning and ZoningJoseph V. Maranto,
Central Area Planner
Office of PlanningJames G. Howell
Office of Planning and ZoningMr. Carl T. Julio
10 Parks Avenue
Cockeysville, Md. 21030Mr. John S. Smith
Stevens & Associates, Inc.
301 M. Allegheny Avenue
Towson, Md. 21204

ROYSTON, MUELLER, MCLEAN & REID

ATTORNEYS AT LAW
SUITE 400
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204AREA CODE 40
A23-1800

February 2, 1979

Mr. Walter A. Reiter, Jr., Chairman
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204Re: Reclassification Petition
#79-62-R Institute of Mission Helpers of
Baltimore City (Baker Land Co., c.p.)

Dear Mr. Reiter:

Thank you for your letter of January 25, 1979 with reference to the above mentioned matter.

In this particular letter, you enclosed Bill 122-78, which you state affects the Petition. I have read the bill, and it is my humble opinion that the bill does not affect our particular Petition in as much as the Petition was filed back in the spring of 1978, and the bill did not take effect until December 1978. However, I do believe that the office of James D. Nolan, who represent the Baker Land Company, the contract purchaser, will supply whatever information is necessary.

Very truly yours,

H. Anthony Mueller
H. Anthony Mueller

HAM/mep

cc James D. Nolan, Esquire

LAW OFFICES OF
NOLAN, PLIMPTREFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

April 2, 1979

James E. Dyer, Zoning Supervisor
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Re: Revised "Blank" Site Plans for Institute
of Mission Helpers Property, Case No. 79-62-R,
and the Volkert Property, Case 79-64-R,
Julio Brothers, Petitioner and/or Contract
Purchaser.

Dear Mr. Dyer:

On behalf of our client Mr. Julio, we are enclosing two revised "Blank" site plans which meet the requirements of Bills 122-78 and 46-79 for the Institute of Mission Helpers of Baltimore City property on Kenilworth Avenue, Case No. 79-62-R and also for the Volkert, et al property on Padonia Road and Broad Avenue, Case No. 79-64-R.

The processing of these revised site plans by your staff and by the Board of Appeals will be greatly appreciated. If you or your staff have any questions regarding these plans which were previously checked with Mr. Commodari prior to filing, please do not hesitate to contact us.

With best regards to all involved, I am

Sincerely,

James D. Nolan
James D. NolanJDN/btl
Enclosures
cc: See next pageRec'd 2-3-79
2:45 PM

FEB 15 1980

SUPPLEMENTAL POINTS OF ERROR AND CHANGE CONCERNING THE MISSION HELPERS, KENILWORTH AVENUE PROPERTY, THIRD ZONING CYCLE, APRIL TO OCTOBER, 1978, CENTRAL SECTOR, PROPERTY NO. 13

The Contract Purchasers, Carl and Edward Jullio, by their corporation, Baker Land Company, a Maryland corporation, by their attorneys James D. Nolan and William Plumb, Williams Law Firm, supplement the grounds of mistake or error in the adoption of the zoning map as to the above entitled property in October of 1976, and they would point out that in addition to the points raised by the Legal Owner, that the following are applicable as well:

ERROREOUS D.R. 2
IMPOSED R. 20
FROM 1955
MAPS

AREA
COMPLETELY
CHANGED SINCE
1955

BELTWAY AND
OPPOSITE
KENILWORTH
MAJOR CHANGES

APARTMENT AND
COMMERCIAL
USES IMPOSED
BY D.R. 2
ZONING

D.R. 2
IGNORES
KENILWORTH
BAZAR, BROOKS
BUICK AND
OFFICE USES

MAP 1978
ZONING DEPARTMENT

1. That the existing D.R. 2 zoning, erroneously first imposed in 1971 and again uncorrectly imposed on the tract in 1976, represents a literal and uncorrected translation of the long outdated R. 20 zoning from the 1955 Comprehensive Zoning Map, at which time this property and the areas surrounding it were completely different.

2. That this area in 1955 was a very lightly populated, suburban area, and at that time the Harrisburg Expressway was only partially completed, and that portion of the Beltway which passes this area a short distance to the north was barely under construction at the time this property was placed in an R. 20 zone on the 1955 zoning maps by the then County Commissioners.

3. That the erroneous D.R. 2 zoning which represents a literal translation of the former R. 20 zoning dating back to 1955 also fails to recognize both the construction of Kenilworth Avenue which bisects the northern boundary of this property, as well as the opening of Kenilworth Avenue between Charles Street extended on the west and the West Road and Bosley Avenue areas on the east in the 1970's, and is therefore even more erroneous.

4. The erroneous, literal translation of D.R. 2 zoning from the former R. 20 zoning completely fails to recognize extensive apartment development from Charles Street on the west to the West Road-Bosley Avenue areas on the east along the south side of Kenilworth Drive, including the Colony Apartments, Towson Woods and the Kenilworth Apartments.

5. That the erroneous D.R. 2 zoning completely fails to recognize the physical construction and utilization of the large business, major zone located just to the northeast of the subject property on the north side of Kenilworth Drive. This zone has long included the very fine Brooks Buick complex, and presently includes both a branch bank and the Kenilworth Bazar shopping facility, the major tenant of which is the Stebbins-Anderson concern. No long time Towson corporate resident. All of these commercial uses are located just to the northeast of the property on the opposite side of Kenilworth Drive.

KENILWORTH
BAZAR AND
STEBBINS-ANDERSON
MAJOR
CHANGES IN THE
AREA
NEW STORM
WATER
FACILITY IN
KENILWORTH
DRIVE

11. For such other and further errors as shall be discovered as a result of a minute examination of the area during the continuation of this zoning case, which errors shall be brought out as the case continues and at the time of the hearing or hearings hereon.

The contract purchasers wish to reserve their right to raise changes in the neighborhood at such time as that ground for zoning reclassification again may become available, and with regard to changes in the neighborhood, the contract purchasers point to the following:

1. The actual construction and utilization of the B.M.-zoned property opposite the subject property to the northeast on the north side of Kenilworth Drive, which is being developed as the Kenilworth Bazar and the new home of Stebbins-Anderson are major physical changes in the area.

2. The construction and installation of a major storm water facility in the bed of Kenilworth Drive which at the present time is just being completed, and in fact was constructed following the adoption of erroneous D.R. 2 zoning on the 1976 Comprehensive Zoning Maps is another major area change.

3. Such other and further changes in the area as shall be disclosed by a continuing scrutiny of the subject property and area as the case continues, which changes shall be brought out from time to time, including but not only at the time of the hearing or hearings hereon.

Respectfully submitted,
NOLAN, PLUMB & WILLIAMS

James D. Nolan
James D. Nolan
Attorneys for Contract Purchasers,
Carl and Edward Jullio, and the
Baker Land Corporation

MAP 1978 AM



JOPPA ROAD
AND RIDGE
LOCAL
ZONING
DIVISION,
NO JOPPA ROAD
ACROSS

6. That the erroneous D.R. 2 zoning completely fails to recognize and completely ignores the fact that due to the steep topography on the southern portion of the property, this property has virtually no relationship to Joppa Road, and the very steep topography is both a natural and an appropriate zoning barrier. In fact, the appropriate zoning barrier would have been and should have been the center line of Joppa Road at this point. The erroneous D.R. 2 zoning fails to recognize that it is almost impossible as a practical and economic matter to provide access to this tract from the north side of Joppa Road, and in fact it should be noted that no access is proposed by either the Legal Owners or the contract purchasers with the proposed apartment development. That is, the area between the north side of Joppa Road and the south side of Kenilworth Drive is in fact a high density residential area with Joppa Road the logical divider at this point between higher density residential densities to the north in the Kenilworth Drive/Beltway area and lower residential densities and institutional uses to the south of the Joppa Road Ridge.

D.R. 2
ZONING
CONSIDERATION,
UNDESIRABLE
AND
WASTEFUL

PRESENT
D.R. 16 BELT
SERVES AS A
TRANSITION,
ECONOMICALLY
SPLIT BY
D.R. 2 WEDGE

7. That due to the very steep topography, the very extensive tree cover, and the surrounding high density residential, commercial and manufacturing zones and uses noted, that this property cannot be, and should not be developed for residential use at a D.R. 2 density, and it is wasteful, unrealistic and erroneous to zone the property.

8. That the present D.R. 2 zoning is erroneous in that the requested D.R. 16 zoning will complete a belt of transitional D.R. 16 zoning along Kenilworth Drive running from the southeast quadrant of the Beltway and Charles Street on the west to the vicinity of the Police Headquarters and the High School and the various offices and buildings constructed in M.L.R. zones to the east. This belt of D.R. 16 serves as a transition between the intense commercial and residential and manufacturing activity along the Beltway and Kenilworth Drive areas to the north and the completely separate low density, residential uses and institutional uses along the Joppa Road ridge and high lands to the south. As presently zoned, this wedge of D.R. 2 zoning which is outdated and which has no relationship to the changed nature of the area, separates and interrupts this belt of transitional D.R. 16 zoning, and it was and is erroneous to so separate it.

EXISTING
UNITS LOST
TO PARK USE
IGNORED

9. That the continuation of the erroneous D.R. 2 zoning on the subject tract fails to recognize and take into account the number of housing units which were lost by the conversion of the property on the opposite side of Kenilworth Drive which is zoned D.R. 5.5 to a small neighborhood park will not and cannot be used to meet the housing needs of the area.

D.R. 2 WEDGES
VITAL URBAN
LAND CLOSE
TO SCHOOLS,
SHOPPING AND
PUBLIC
FACILITIES

10. That the continuation of erroneous and ill-considered D.R. 2 zoning represents a waste of vital, needed urban land served by excellent roads, close to public transportation, close to major shopping facilities, and close to an area which has completely changed from the intervening since this property was zoned R. 20 on the 1955 Comprehensive Zoning Maps by the then County Commissioners.

-2-

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1978

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

Chairman
Nicholas B. Commodari

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

H. Anthony Mueller, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Cycle III
Reclassification Petition
Item Number 13
Petitioner - Institute of
Mission Helpers of Balto. City

Dear Mr. Mueller:

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.

Located between Kenilworth Avenue and Joppa Road in the 9th Election District, this vacant wooded site is presently zoned D.R. 2 and is part of an overall tract of land, similarly zoned and improved with the Sacred Heart Mission directly opposite this site on the south side of Joppa Road. To the east and southwest of this site are existing apartments, zoned D.R. 16, while individual dwellings, a county park and a partially constructed shopping center exist to the northwest, north and northeast of this site, respectively.

Because of your client's proposal to continue the apartment development in this area, this Reclassification is required. Since the submitted site plan indicates a proposal, it is impossible to make detailed comments at this time. If this petition is granted and as I am sure you are aware, all applicable county subdivision regulations must be satisfied.

H. Anthony Mueller, Esquire
Page 2
Item Number 13
May 1, 1978

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
Chairman
Zoning Plans Advisory Committee

NDC:rf

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

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

April 24, 1978

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

Re: Item #13 (Cycle III April-October 1978)
Property Owner: Institute of Mission Helpers of Baltimore City.
N/S Joppa Rd. 340' W. Chestnut Ave.
Existing Zoning: D.R. 2
Proposed Zoning: D.R. 16
Acres: 12 District: 9th

Dear Mr. DiMenna:

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

Highways:

Kenilworth Drive is a County road, recently constructed as a 40-foot closed section roadway on a 70-foot right-of-way. No further highway improvements are proposed at this time.

The construction and/or reconstruction of concrete sidewalks, curb and gutter, entrances, aprons, etc. will be the full responsibility of the petitioner.

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

Setback Control:

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

Storm Drainage:

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

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

St. Anthony's Hospital, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

Item #13

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 1st day of May, 1978.

S. ERIC DIMENNA
Zoning Commissioner

Petitioner: Institute of Mission Helpers of Baltimore City
Petitioner's Attorney: St. Anthony's Hospital, Esquire

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

FEB 15 1980

Item #13 (Cycle III April-October 1978)
Property Owner: Institute of Mission Helpers of Baltimore City
Page 2
April 24, 1978

Water and Sanitary Sewer:

There is a public 12-inch water main in Kamilworth Drive. There are also public 6 and 12-inch water mains in Joppa Road. Additional fire hydrant protection is required in the vicinity.

There is public 8-inch sanitary sewerage in Kamilworth Drive; there is also a public 6-inch sanitary sewer west of and along the southwest corner of the property (Drawing #70-0553, File 1).

This property is tributary to the Roland Run-Jones Falls (Mt. Washington Flume) Sanitary Sewer System.

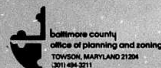
Very truly yours,

Edith M. Diver
EDITH M. DIVER, P.E.
Chief, Bureau of Engineering

END/ENK:WRS

cc: J. Somers
W. Munchel

S-S Key Sheet
41 & 42 NW 1 & 2 Pw. Sheets
NW 11 A Topo
69 Tax Map



LESLIE GRANT
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 #13, Zoning Cycle III, April 1978, are as follows:

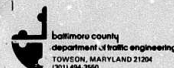
Property Owner: Institute of Mission Helpers of Baltimore City
Location: N/S Joppa Road 340' W. Chestnut Avenue
Existing Zoning: D.R. 2
Proposed Zoning: D.R. 16
Acres: 12
District: 9th

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 all applicable Subdivision Regulations.

Very truly yours,

John L. Wimbley
John L. Wimbley
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 #13 - ZAC - Cycle 3, April, 1978
Property Owner: Institute of Mission Helpers of Baltimore City
Location: N/S Joppa Road 340' W. Chestnut Avenue
Existing Zoning: D.R. 2
Proposed Zoning: D.R. 16
Acres: 12
District: 9th

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 2 to D.R. 16 of 12 acres.

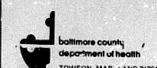
This change should increase the trip density from 240 to 1440 trips per day. This could be expected to compound the problems at the intersections of Charles and Kamilworth and York and West which are presently functioning at E & F ratings.

These ratings also do not incorporate the anticipated traffic volumes which will be generated by the shopping center which is under construction across from this site.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CEN/bza



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

April 24, 1978

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

Dear Mr. DiNenna:

Comments on Item #13, Zoning Advisory Committee Meeting for Cycle III, are as follows:

Property Owner: Institute of Mission Helpers of Baltimore City
Location: N/S Joppa Rd. 340' W Chestnut Ave.
Existing Zoning: D.R. 2
Proposed Zoning: D.R. 16
Acres: 12
District: 9th

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

Very truly yours,

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

THD/ED/Edw



Paul H. Reincke
CHIEF

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

Attention: N. Comodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Institute of Mission Helpers of Baltimore City
Location: N/S Joppa Rd. 340' W Chestnut Ave.

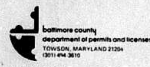
Item No. 13 Zoning Agenda Cycle III

Sanitarians:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ violates 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.
- () 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.
- (x) 7. The Fire Prevention Bureau has no comments, at this time.

SENTINER: *St. J. 1978* Noted and Approved: *Charles E. Stinson*
Planning Group Special Inspection Division Fire Prevention Bureau



JOHN L. WIMBLEY
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 #13, Zoning Advisory Committee Meeting, are as follows:

Property Owner: Towson Woods Apartments
Location: Kamilworth Drive - East of Donington Circle
Existing Zoning: D.R. 2
Proposed Zoning: D.R. 16

Acres: 12.33
District: 9th

The items checked below are applicable:

- X A. Structures shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional Miscellaneous permits shall be required.
- X D. Building shall be upgraded to new use - requires alteration permit.
- X E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original and will be required to file an application for a building permit.
- X 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 H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____
- () I. No Comment.
- X J. Comment: Show handicapped parking, signs, curb cut and building access on plot plan.

Very truly yours,

Charles E. Stinson
Charles E. Stinson
Plans Review Chief

CEN/bza

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. 13
Property Owner: Institute of Mission Helpers of Baltimore City
Location: N/S Joppa Rd. 340' W Chestnut Avenue
Present Zoning: D.R. 2
Proposed Zoning: D.R. 16

District: 9th
No. Acres: 12

Dear Mr. DiNenna:

We anticipate no great impact on the schools in the area.

Very truly yours,

W. Nick Weitzel
W. Nick Weitzel
Field Representative

WNP/tp

JOSEPH W. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
HAROLD W. BAYARD

THOMAS H. BRYAN
MRS. LORRAINE F. CHURCH
ROBERT H. LAYTON

ROBERT T. DUBEL, REPRESENTATIVE

ALVIN LORECK
MRS. WILTON A. SMITH, JR.
RICHARD W. TRACY, D.V.M.



FEB 15 1980

ITEM NO. 13

PROPERTY OWNER: Institute of Mission Helms of Baltimore City
 LOCATION: N/S of Joppa Road, 340' W. of Chestnut Avenue
 ELECTION DISTRICT: 9
 COMMUNIC DISTRICT: 4
 RECOMMENDED DATE OF HEARING: Week of September 18, 1978
 GEOGRAPHICAL GROUP: None
 FUNCTIONAL CATEGORY: None
 ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D-1.2
 EXISTING ZONING: D-1.2
 REQUESTED ZONING: D-1.6
 PLANNING BOARD P-1 COMMENDATION: D-1.3.5

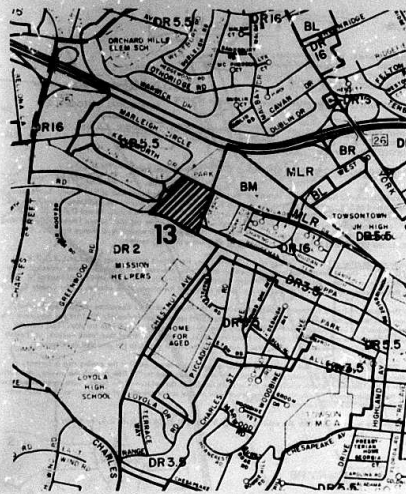
Because of the steep slope along the Joppa Road side of this wooded property, access to development would be from Kentworth Avenue. To the east of the site, are single-family dwellings and garden apartments on D-1.3.5 and D-1.6. 16 zoned lots. To the north, on the opposite side of Kentworth Avenue, is a County park. The petitioner is requesting a change from D-1.2 to D-1.6 zoning, proposing to construct 192 garden apartment type dwelling units.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D-1.2. The zoning of the subject property was not identified as a specific issue during the preparation and processing of this map.

The Department of Traffic Engineering's representative on the Zoning Advisory Committee stated, in part, that, as presently zoned, development of the subject property would generate approximately 240 trips per day. The petitioner's request grants development would generate approximately 1,440 trips per day. This increase would compound existing traffic problems at the intersections of Chestnut Street and Kentworth Avenue (current Level of Service "E") and York and West Roads (current Level of Service "F"). Further, he stated that the aforementioned service levels do not reflect the anticipated traffic volumes that will be generated by the completion of the Kentworth Bypass.

In view of the orientation of the subject property to Kentworth Avenue and the character of development along Kentworth Avenue, the Planning Board believes that some increase in density should be granted. However, in view of the traffic problems in the area and the steep slopes on a portion of the site, the Board is opposed to the granting of D-1.6 zoning.

It is therefore recommended that the petitioner's request be denied; however, the Board would support the granting of D-1.3.5 zoning here.



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



29

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 31, 1978

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the day of September, 1978, the said publication appearing on the 31st day of August, 1978.

THE JEFFERSONIAN,

S. Leach Shuman
 Manager

Cost of Advertisement, \$

NOTICE: From D-1.2 to D-1.6
 LOCATION: North side of Joppa Road, 340' West of Chestnut Avenue
 DISTRICT: 9
 COMMUNIC DISTRICT: 4
 RECOMMENDED DATE OF HEARING: Week of September 18, 1978
 GEOGRAPHICAL GROUP: None
 FUNCTIONAL CATEGORY: None
 ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D-1.2
 EXISTING ZONING: D-1.2
 REQUESTED ZONING: D-1.6
 PLANNING BOARD P-1 COMMENDATION: D-1.3.5
 Because of the steep slope along the Joppa Road side of this wooded property, access to development would be from Kentworth Avenue. To the east of the site, are single-family dwellings and garden apartments on D-1.3.5 and D-1.6. 16 zoned lots. To the north, on the opposite side of Kentworth Avenue, is a County park. The petitioner is requesting a change from D-1.2 to D-1.6 zoning, proposing to construct 192 garden apartment type dwelling units.
 Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D-1.2. The zoning of the subject property was not identified as a specific issue during the preparation and processing of this map.
 The Department of Traffic Engineering's representative on the Zoning Advisory Committee stated, in part, that, as presently zoned, development of the subject property would generate approximately 240 trips per day. The petitioner's request grants development would generate approximately 1,440 trips per day. This increase would compound existing traffic problems at the intersections of Chestnut Street and Kentworth Avenue (current Level of Service "E") and York and West Roads (current Level of Service "F"). Further, he stated that the aforementioned service levels do not reflect the anticipated traffic volumes that will be generated by the completion of the Kentworth Bypass.
 In view of the orientation of the subject property to Kentworth Avenue and the character of development along Kentworth Avenue, the Planning Board believes that some increase in density should be granted. However, in view of the traffic problems in the area and the steep slopes on a portion of the site, the Board is opposed to the granting of D-1.6 zoning.
 It is therefore recommended that the petitioner's request be denied; however, the Board would support the granting of D-1.3.5 zoning here.



TOWSON, MD. 21204 August 31, 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION, Institute of Mission Helms of Baltimore City was inserted in the following:

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

weekly newspapers published in Baltimore, County, Maryland, once a week for successive weeks before the 31st day of September, 1978, that is to say, the same was inserted in the issues of August 31, 1978

STROMBERG PUBLICATIONS, INC.

By *Esther Singer*

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Point on number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>										
Previous case: <i>NONE</i>										

Revised Plans:
 Change in outline or description: Yes
 Map # *111.9*

Case # 79-62-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *9th* Date of Posting: *Sept. 4, 1978*
 Posted for: *Zoning Department*
 Petitioner: *Institute of Mission Helms of Baltimore City*
 Location of property: *N/S of Joppa Rd. 340' W. of Chestnut Ave.*
 Location of Sign: *2 on Joppa Rd. and 2 on Kentworth Ave.*
 Remarks: *[Signature]*
 Posted by: *[Signature]* Date of return: *4 signs*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this *30th* day of *MARCH* 1978. Filing Fee \$ *50.00* Received ☒ Cash ☐ Other

[Signature]
 S. Eric Blumstein,
 Zoning Commissioner

Petitioner: *INSTITUTE OF MISSION HELMS* Submitted by: *[Signature]*
 Petitioner's Attorney: *H. Mueller* Reviewed by: *[Signature]*
 * This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

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

DATE: February 1, 1979 ACCOUNT: 61-662

AMOUNT: \$10.00

RECEIVED FROM: *John V. Rosell, III, Esquire*
 FOR: *Cost of Posting for Appeal Case No. 79-62-R*

394 42/18 7 1000

VALIDATION OR SIGNATURE OF CASHIER

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

DATE: September 20, 1978 ACCOUNT: 61-662

AMOUNT: \$237.49

RECEIVED FROM: *Arbuthnot A. Williams, Esquire, 201 W. Dr. Ave.*
 FOR: *Cost of Advertising and Posting for Case No. 79-62-R*

3903 22/18 20 23749

VALIDATION OR SIGNATURE OF CASHIER

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

DATE: January 15, 1979 ACCOUNT: 61-662

AMOUNT: \$90.00

RECEIVED FROM: *John V. Rosell, III, Esquire*
 FOR: *Cost of Posting for Appeal Case No. 79-62-R*

3903 22/18 19 8000

VALIDATION OR SIGNATURE OF CASHIER

FEB 15 1980

