

17-147-49 454 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Dwight F. Myers and
Rosemary Green, legal owners of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition for a Variance from Section 238.1 (50222) to permit a front setback of
19' instead of the required 25' for a building and a front setback of 15' for an
open porch instead of the required 18-3/4 feet. Section 238.2 to permit side setback
of 27' instead of the required 30' for an existing building.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the
following reasons: (indicate hardship or practical difficulty)

Building is existing.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Dwight F. Myers
Rosemary Green
Legal Owner
Address 11 Contabridge Court
Baltimore, Maryland 21236

Protestant's Attorney
Michael J. Lambros
9900 York Road
Cockeysville, Md. 21030

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day
of November 1978, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 6th day of January, 1979, at 10:15 o'clock
A.M.

[Signature]
Zoning Commissioner of Baltimore County

(over)

Item No. 54 - Myers & Green
Page 2
December 26, 1978

This petition is accepted for filing on the date of the enclosed
filing certificate. Notice of the hearing date and time, which will be
held not less than 30 nor more than 90 days after the date on the
filing certificate, will be forwarded to you in the near future.

Very truly yours,

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

NBC/sf

cc: Sawyer & Law, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

77-147-49 454 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Dwight F. Myers and
Rosemary Green, legal owners of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from as _____ zone to as
_____ zone, for the following reasons:

SECTION 238.1
SECTION 238.2
SECTION 238.3
SECTION 238.4
SECTION 238.5
SECTION 238.6
SECTION 238.7
SECTION 238.8
SECTION 238.9
SECTION 238.10
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SECTION 238.99
SECTION 238.100

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County to use the herein described property, for... CONTRACTOR'S EQUIPMENT STORAGE
YARD in a BB, zone, for use service.

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.

Contract purchaser
Dwight F. Myers
Rosemary Green
Legal Owner
Address 11 Contabridge Court
Baltimore, Maryland 21236

Protestant's Attorney
Michael J. Lambros
9900 York Road
Cockeysville, Md. 21030

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day
of November 1978, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 6th day of January, 1979, at 10:15 o'clock
A.M.

[Signature]
Zoning Commissioner of Baltimore County

(over)

baltimore county
Department of Public Works
TOWSON, MARYLAND 21204
THOMAS M. MOUNING, P.E.
DIRECTOR

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

November 21, 1978

Re: Item #54 (1978-1979)
Property Owner: Dwight F. Myers & Rosemary Green
25 Old Falls Rd., 200' S. Falls Rd.
Existing Zoning: S.M.
Proposed Zoning: Special Exception for a contractors
storage yard.
Acre: 1.0408 District: 9th

Dear Mr. Dillen:

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:

This section of Old Falls Road, an existing public road, which was formerly part of
the State Road system, is proposed to be improved in the future as a 30-foot closed
section roadway on a 50-foot right-of-way.

The status of Railroad Avenue is unknown to this office, and as indicated, appears
to be a portion of the General (Southern Central Railway) right-of-way, 40 feet wide.
It is the responsibility of the Petitioner to ascertain and clarify rights therein. This
road, if improved in the future as a public road, would be as a 30-foot closed section
roadway on a 50-foot right-of-way.

Highway right-of-way widening for Old Falls Road, including any necessary coverlets
elements for slopes will be required in connection with any grading or building permit
application.

The drainage location: 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.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Item #54 (1978-1979)
Property Owner: Dwight F. Myers & Rosemary Green
Page 2
November 21, 1978

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.

Water:

There is a public 16-inch water main in Old Falls Road. This property is served
therefrom by a service connection within the indicated private fee simple strip
of land, approximately 3 feet wide.

Sanitary Sewer:

There is a public 8-inch sanitary sewerage across the frontage (southerly portion)
of this site, as indicated (Drawing 873-0496, File 1). During the course of con-
struction and future operations on this site, protection must be afforded by the
Contractor and/or Petitioner for this existing sanitary sewerage. Any damage
sustained would be the full responsibility of the Petitioner.

Very truly yours,

[Signature]
Charles E. Burdon
Chief, Bureau of Engineering

ENCLOSURES:

cc: J. Somers
S. Ballietri

USE Key Sheet
29 NW 7 Post Sheet
28 S 8 Page
73 Tax Map

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 26, 1978

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

Mr. Michael J. Lambros, Esquire
9900 York Road
Cockeysville, Maryland 21030

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Cockeysville, Maryland 21030

Item No. 54
Petitioners - Dwight F. Myers
and Rosemary Green
Special Exception Petition

Dear Mr. Lambros:

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

Located on the north side of Railroad Avenue, east of Falls
Road in the 9th Election District, the subject property, at the time of
field inspection, was improved with an abandoned dwelling. Surrounding
properties to the east and west of this site are zoned Business, Roadside
(B.R.), and are similarly improved with dwellings, while the Northern
Central Railroad exists directly opposite this site to the south.

Because of your clients' proposal to convert this dwelling to
office use and provide parking for their trucks, operated in conjunction
with the tree service business, this Special Exception is required.
In addition, Variances to permit the conversion of the dwelling are
also included. In keeping with this, revised site plans, reflecting the
existing 15' front setback of the open porch, must be submitted prior
to the scheduled hearing, as well as the correct zoning of this property
and all comments from the Department of Traffic Engineering and the
Office of Current Planning and Development.

baltimore county
Department of Public Works
TOWSON, MARYLAND 21204
THOMAS M. MOUNING, P.E.
DIRECTOR

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

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

September 22, 1978

Mr. S. Eric Dillen, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Dear Mr. Dillen:
Comments on Item # 54 Zoning Advisory Committee Meeting, September 5, 1978
are as follows:
Property Owner: Dwight F. Myers & Rosemary Green
Location: 25 Old Falls Rd., 200' S. Falls Rd.
Existing Zoning: S.M.
Proposed Zoning: Special Exception for a contractors storage yard.

Area: 1.0408
District: 9th

The items checked below are applicable:

- X 1. Item shall conform to Baltimore County Building Code (B.C.C.), 1970 Edition and the 1975 Supplement, State of Maryland Code for the Manufacture and use of other applicable codes.
- X 2. A building permit shall be required before construction can begin.
- X 3. Additional permits shall be required.
- X 4. Building shall be upgraded to new use - require alteration permit.
- X 5. Some sets of construction drawings will be required to file an application for a building permit.
- X 6. Some sets of construction drawings with a registered Maryland architect or Engineer, original and may be required to file an application for a building permit.
- X 7. 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 8. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- X 9. No Comment.
- X 10. Comment:

[Signature]
Charles E. Burdon
Plans Review Chief

C80172

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit front and side yard setbacks of 19 feet and 27 feet in lieu of the required 25 feet and 30 feet, respectively, for an existing building, and a front yard setback of 15 feet in lieu of the required 18 3/4 feet, for an open porch, be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE March 15, 1979

BY Joelle K. Fawcett

baltimore county
department of health
TOWSON, MARYLAND 21204

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

October 5, 1978

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

Dear Mr. DiNenna:

Comments on Item #54, Zoning Advisory Committee Meeting, September 5, 1978, are as follows:

Property Owner: Dwight F. Myers & Rosemary Green
Location: 1/5 Old Falls Rd. 200' S. Falls Rd.
Existing Zoning: B.R.
Proposed Zoning: Special Exception for a contractors storage yard.
Acre: 1.0408
District: 9th

The existing wall on the property must be properly backfilled. Prior to the approval of any building permit or change of occupancy permit, the structure must hook up to the existing sewer main. At that time, the existing septic system shall be pumped out and backfilled with clean earth.

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

Prior to new installation/s of fuel burning equipment the owner should contact the Division of Air Pollution Control, 104-3175, to obtain requirements for such installation/s before work begins.

Very truly yours,

Thomas H. Devlin, Director
Bureau of Environmental Services

THD/DE/rh

cc: W. W. Phillips

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the herein

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to meet the requirements of Section 592.1.1 of the Baltimore County Zoning Regulations, the Special Exception for a contractor's equipment storage yard (free service) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, that the herein Petition for Special Exception for a contractor's equipment storage yard (free service) be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING
DATE March 15, 1979
BY Joelle K. Fawcett

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-2950

STEPHEN S. COLLINS
DIRECTOR

October 20, 1978

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

Item No. 54 - ZAC - Meeting of September 5, 1978
Property Owner: Dwight F. Myers & Rosemary Green
Location: 1/5 Old Falls Rd. 200' S. Falls Rd.
Existing Zoning: B.R.
Proposed Zoning: Special Exception for a contractors storage yard.
Acre: 1.0408
District: 9th

Dear Mr. DiNenna:

This plan must be redesigned to provide for the following:

- (1) Turnaround area must be provided on site for trucks.
- (2) The driveway must be at least 24' wide.
- (3) The entrance must be 35' wide with 30' radius.

Old Falls Road and Railroad Avenue were never intended for use by large trucks and problems can be anticipated with their use. We would recommend that the owner or his engineer get in touch with the staff designed to work out the problems with this site.

Very truly yours,

Michael E. Flanigan
Engineer Associate II

MSD/pjs

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-2111

LESLIE H. GRAY
DIRECTOR

October 24, 1978

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

Dear Mr. DiNenna:

Comments on Item #54, Zoning Advisory Committee Meeting, September 5, 1978, are as follows:

Property Owner: Dwight F. Myers and Rosemary Green
Location: 1/5 Old Falls Road 200' S. Falls Road
Existing Zoning: B.R.
Proposed Zoning: Special Exception for a contractors storage yard
Acre: 1.0408
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 assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This office concurs with the comments of the Department of Traffic Engineering.

Additional screening will be required around the parking area.

Wheel stops must be provided around the paved area to keep vehicles off of the grass areas.

Very truly yours,

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

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 31, 1978

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

Z.A.C. Meeting of: September 5, 1978

RE: Item No. 54
Property Owner: Dwight F. Myers & Rosemary Green
Location: 1/5 Old Falls Rd. 200' S. Falls Rd.
Present Zoning: B.R.
Proposed Zoning: Special Exception for a contractors storage yard.

District: 9th
No. Acres: 1.0408

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

WUP/bp

JOSEPH H. MCGOWAN, President
T. BARBARA WALKER, JR., Vice President
MARCOUS H. BOSTRANS

THOMAS H. BOYER
MRS. LORNAE F. CHURCH
ROBERT H. HAYDEN
ROBERT T. BUREL, Superintendent

ALVIN LORECK
MRS. MILTON B. SMITH, JR.
RICHARD J. TRACY, D.V.

baltimore county
the department
TOWSON, MARYLAND 21204
(301) 825-7216

Paul H. Reinecke
CHIEF

October 23, 1978

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

Attention: Mr. Commissioner, Chairman
Zoning Advisory Committee

Re: Property Owner: Dwight F. Myers & Rosemary Green

Location: 1/5 Old Falls Rd. 200' S. Falls Rd.

Item No. 54

Zoning Agenda Meeting of 09/05/78

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.

- (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 _____ 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.
- (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.

REVIEWER: John L. Wimbley, Jr.
Planning Group
Special Inspection Division

Noted and Approved: George W. Hagmann
Fire Prevention Bureau

RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
1/5 Old Falls Rd., 200'
S of Falls Rd., 9th District
OF BALTIMORE COUNTY

DWIGHT F. MYERS, et al, Petitioners : Case No. 79-147-XA

111111

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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

John W. Hession, III
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 15th day of December, 1978, a copy of the foregoing Order was mailed to Michael J. Lambros, Esquire, 9900 York Road, Cockeysville, Maryland 21030, Attorney for Petitioners.

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

5/1/81 - Per telephone conversation with Clerk's office, this case is considered closed per Order of Dismissal filed, however, has not been stamped "dismissed" on the docket as the costs have not been paid.

RE: PETITION FOR SPECIAL EXCEPTION
for Contractor's Equipment Storage Yard
PETITION FOR VARIANCES
for Front and Side Yard Setbacks
from Sec. 238.1 (301.1) & 238.2
E/S of Old Falls Road, 200' S of Falls
Road - 9th District
Dwight F. Myers, et al,
Petitioner-Appellant
File No. 79-147-XA
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Fall No. 96
File No. 7046

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., LeRoy B. Spurrier, and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Charles E. Brooks, Esquire, 610 Bailey Avenue, Towson, Maryland 21204, Counsel for Petitioners; Dwight F. Myers, et al, 1 Railroad Avenue, Baltimore, Maryland 21209, Petitioners; Dr. Edward Davens, 6141 Barrall Road, Baltimore, Maryland 21209, Protestants; and John W. Hession, III, Esquire, People's Counsel for Baltimore County, County Office Building, Towson, Maryland, 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

John Holmen
John Holmen
County Board of Appeals of Baltimore County
Room 219, Court House, Towson, Md. 21204
Telephone: 494-3180

Dwight F. Myers, et al
No. 79-147-XA

The Board agrees with the Petitioner that there are other uses allowed as a matter of right in the B.R. zoning classification which would be as detrimental or perhaps more detrimental to the overall neighborhood than the specific use proposed in this instance. However, it is not the duty nor obligation of the Board to weigh this fact against the specifics of the Special Exception sought in this instance. If the burden to satisfy the factors set out in Section 502.1 is not met in this specific instance, the Special Exception shall not be granted. The Petitioner, because of the potential traffic hazards, fails to fulfill this burden of proof. Denial of the Special Exception in this instance is no way confiscatory, as the underlying zoning of the subject property is now B.R. and as cited by the Petitioner, there are many business and commercial type uses allowed as a matter of right in the B.R. classification. For the reasons set out above, the Petitioner for the Special Exception will be denied. Because the requested variances would be necessitated if the petition for the Special Exception had been granted, these issues are now moot and will be denied for this reason.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd day of January, 1980, by the County Board of Appeals, ORDERED that the Special Exception and Variances petitioned for be and the same is hereby DENIED.

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

Walter A. Reiter, Jr., Chairman

LeRoy B. Spurrier
LeRoy B. Spurrier

John A. Miller
John A. Miller

Dwight F. Myers, et al
Case No. 79-147-XA

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Charles E. Brooks, Esq., 610 Bailey Avenue, Towson, Maryland 21204, Counsel for Petitioners; Dwight F. Myers, et al, 1 Railroad Avenue, Baltimore, Maryland 21209, Petitioners; Dr. Edward Davens, 6141 Barrall Road, Baltimore, Maryland 21209, Protestants; and John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland, 21204, on this 19th day of February, 1980.

John Holmen
John Holmen
County Board of Appeals of Baltimore County

February 19, 1980

BILLED TO: Charles E. Brooks, Esq.
610 Bailey Ave.
Towson, Md. 21204

Cost of certified documents filed
in Case No. 79-147-XA \$ 2.00

Dwight F. Myers, et al
E/S of Old Falls Rd., 200' S of Falls Rd.
9th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

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

RECEIVED
BALTIMORE COUNTY
FEB 22 1980
CITY OF BALTIMORE

RE: PETITION FOR SPECIAL EXCEPTION
for Contractor's Equipment Storage Yard
PETITION FOR VARIANCES
for Front and Side Yard Setbacks
from Sec. 238.1 (301.1) & 238.2
E/S of Old Falls Road, 200' S of Falls
Road - 9th District
Dwight F. Myers, et al,
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-147-XA

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner dated March 15, 1979, denying the Special Exception for a contractor's equipment storage yard and the variance from Sec. 238.1 (301.1) and 238.2 (front and side yard setbacks).

The subject property contains slightly in excess of 1+ acre and presently enjoys B.R. zoning; same is situated on the east side of Old Falls Road, 200' south of Falls Road in the 9th Election District of Baltimore County.

The Special Exception requested is for the storage of contractor's equipment pertaining to a tree trimming service. Testimony by the Petitioner was presented to the Board about the type of equipment to be stored. They include six trucks of approximately 2-1/2 tons, a pick-up truck and parking for the employees.

The Variances requested are for the front yard setback of 19 ft. instead of the required 35 ft. for a building and a front yard setback of 15 ft. for an open porch instead of the required 18-3/4 ft. The side yard setback requested is for 27 ft. instead of the required 30 ft. The requested variances are for older existing buildings only.

Testimony presented to the Board by the Petitioner, Mr. Dwight F. Myers, indicated that presently located on the subject property is an old two story dwelling which is proposed to be used as an office only on the first floor. There will be a total of ten (10) employees of which only two will be on the site during the working day; the others will be on the trucks doing the various assignments in the field. The hours of operation are to be from 8:00 a.m. to 4:30 p.m., 5 days per week.

RE: PETITION FOR SPECIAL EXCEPTION
for Contractor's Equipment
Storage Yard
PETITION FOR VARIANCES
for Front and Side Yard
Setbacks from Sec. 238.1
(301.1) & 238.2 E/S of
Old Falls Road, 200' S of
Falls Road - 9th District
DWIGHT F. MYERS, et al
Petitioner
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
MISCELLANEOUS

PETITION TO ACCOMPANY ORDER FOR APPEAL

Now comes the Appellant, DWIGHT F. MYERS, et al, by their attorneys, Charles E. Brooks and the Law Offices of Charles E. Brooks, and respectfully represents unto your Honor as follows:
1. That your Petitioner herein are aggrieved persons whose interests are and will be adversely affected by the Opinion and Order of the County Board of Appeals of Baltimore County dated January 23, 1980 wherein the Board of Appeals denied the Petition for Special Exception and the attendant Petition for Variances because the Board believed that an additional traffic safety burden would be introduced to the general area.

2. That the Decision and Order of the Board of Appeals of Baltimore County dated January 23, 1980 was arbitrary and capricious in that the Board denied the Petition for Special Exception by merely stating that "the subject property is not a good location for the specific use sought by this Special Exception". The Board pointed out that it agreed with the Petitioner that "there are other uses allowed as a matter of right in the B.R. zoning classification which would be perhaps more detrimental to the overall neighborhood than the specific use proposed in this instance".

3. That the Decision and Order of the Board of Appeals of Baltimore County is contrary to the evidence and against the weight of the evidence in this case.

LAW OFFICES
OF CHARLES E. BROOKS
610 BAILEY AVENUE
TOWSON, MD. 21204
410-2690

RECEIVED
BALTIMORE COUNTY
FEB 22 1980
CITY OF BALTIMORE

Dwight F. Myers, et al
No. 79-147-XA

Four nearby property owners testified in opposition to the granting of this petition. The Board also heard testimony from C. Richard Moore, an assistant traffic engineer for Baltimore County, and James Howell, a planner for the Baltimore County Office of Planning. The most important factor cited as a reason for opposition to the requested Special Exception was the ingress and egress to and from Falls Road from the subject area as well as from the subject property itself.

If the Petitioner is to be successful as to the requested Special Exception, he must evidence to the Board that all of the provisions of Section 502.1 can be met when considering the specific proposed use requested by the Special Exception. In the subject instance, it is the judgment of this Board that the Petitioner has failed to meet this burden. The testimony of Mr. Moore and Mr. Howell and a review of the comments from the Department of Traffic and the Office of Planning clearly sets out a potential traffic hazard if the Special Exception for the proposed use in this instance should be granted by this Board. For this reason, it is the judgment of the Board that the Petitioner has failed to evidence that the requested specific use could be granted by the Special Exception and satisfy the provision of Section 502.1 as same pertains to traffic. The proposed use must not be detrimental to the "safety" of the general neighborhood nor may such use be detrimental to the ingress and egress from the specific neighborhood. After carefully reviewing all the testimony and evidence offered to this Board, the Board is not satisfied with the Petitioner's case concerning the specific use planned for the subject property if the Special Exception would be granted. There is no question that the use of trucks towing small equipment in and out of this older neighborhood from the Falls Road at the end of the Falls Road Bridge would cause an added traffic safety burden to the general area. Simply stated, the subject property is not a good location for the specific use sought by this Special Exception. By definition, a request for a Special Exception in any given zoning classification must satisfy the provisions of Section 502.1 by specifically stating how the particular proposed use for the subject property would not be detrimental to the elements in this Section 502.1.

4. That the Decision of the Board of Appeals was arbitrary and capricious in that there is no evidence to support the determination that "the use of trucks towing small equipment in and out of the older neighborhood from the Falls Road at the end of the Falls Road Bridge would cause an added traffic safety burden to the area".

5. That Petitioner prays this Honorable Court reverse the Order of the County Board of Appeals of January 23, 1980, and grant the Petition for Special Exception and Petition for variances herein requested.

6. And for such other and further reasons as may be assigned at the time of any Hearing herein.

Charles E. Brooks
CHARLES E. BROOKS
Law Offices of Charles E. Brooks
610 Bailey Avenue
Towson, Maryland 21204
(301) 296-2690
Attorneys for Petitioner

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of February, 1980, a copy of the foregoing Petition to Accompany Order for Appeal was mailed, first class postage prepaid, to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204.

Charles E. Brooks
CHARLES E. BROOKS

LAW OFFICES
OF CHARLES E. BROOKS
610 BAILEY AVENUE
TOWSON, MD. 21204
410-2690

RE: PETITION FOR SPECIAL EXCEPTION
for Contractors Equipment
Storage Yard
PETITION FOR VARIANCES
for Front and Side Yard
Setbacks from Sec. 238.1
(301.1) & 238.1 E/S of
Old Falls Road, 200' S of
Falls Road - 9th District
Dwight F. Myers, et al
Petitioner
12/96 / 7046

ORDER FOR APPEAL

Mr. Clerk:

Please note an Appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals of Baltimore County dated January 23, 1980 in the above entitled case on behalf of:

Dwight F. Myers
One Railroad Avenue
Baltimore, Maryland 21209

and

Rosemary Green
One Railroad Avenue
Baltimore, Maryland 21209

all parties herein and aggrieved by the said Decision and Order.

CHARLES E. BROOKS
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorneys for Appellants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was mailed to the County Board of Appeals for Baltimore County, Court House, Towson, Maryland 21204, prior to the filing hereof and that a copy hereof was then mailed on the 15th day of February, 1980, to the Clerk of the Circuit Court, Court House, Towson, Maryland 21204.

CHARLES E. BROOKS

RE: PETITION FOR SPECIAL EXCEPTION : IN THE CIRCUIT COURT
PETITION FOR VARIANCES : FOR BALTIMORE COUNTY
E/S of Old Falls Rd., 200' :
S of Falls Rd., 9th District : AT LAW
Dwight F. Myers, et al, : Misc. Docket No. 12
Petitioner-Appellant : Folio No. 96
Zoning Case No. 79-147-XA : File No. 7046

ANSWER TO PETITION ON APPEAL

Dr. Edward Davens, 6141 Barroll Road, 21209, and the People's Counsel for Baltimore County, Protestants below and Appellees herein, answer the Petition on Appeal heretofore filed by the Appellant, viz:

1. That the Appellees admit the allegations made and contained in the first paragraph of said Petition.
2. That the Appellees deny the allegations made and contained in the second, third, and fourth paragraphs of said Petition and state affirmatively that the decision of the Board herein was proper and justified by the evidence before it and that the decision of the Board should therefore be sustained as being properly and legally made.

AND AS IN DUTY BOUND, etc.,

John W. Hession, 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 13th day of March, 1980, a copy of the foregoing Answer to Petition on Appeal was mailed to Charles E. Brooks, Esq., 610 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

Michael J. Lambore, Esq.
9950 York Road
Cockeysville, Maryland 21030

NOTICE OF HEARING

RE: Petition for Special Exception and Variances, E/S of Old Falls Rd., 200' S of Falls Rd., 9th District, Dwight F. Myers, et al - Petitioners, Case No. 79-147-XA

TIME: 10:15 A.M.

DATE: Monday, January 8, 1979

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

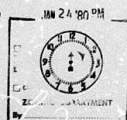
TOWSON, MARYLAND

SENIOR COMMISSIONER OF
BALTIMORE COUNTY

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 23, 1980



Mr. Dwight F. Myers
Ms. Rosemary Green
1 Railroad Avenue
Baltimore, Md. 21209

Re: Dwight F. Myers, et al
Case No. 79-147-XA

Dear Mr. Myers & Ms. Green:

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,

Eric Holmen, Secretary

Encl.

cc: Charles E. Brooks, Esq.
Dr. Edward Davens
John W. Hession, III, Esq.
James E. Dyer
William Hammond
John Seyfert
Board of Education

Baltimore County
Office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-2343

S. ERIC DAVENNA
ZONING COMMISSIONER

April 16, 1979

Dr. Edward Davens
6141 Barroll Road
Baltimore, Maryland 21209

RE: Petitions for Special Exception
and Variances
E/S of Old Falls Road, 200' S
of Falls Road - 9th District
Dwight F. Myers, et al - Petitioners
No. 79-147-XA (Item No. 54)

Dear Dr. Davens:

Please be advised that an appeal has been filed by the Petitioners from the decision rendered by the 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 County Board of Appeals.

Very truly yours,

S. ERIC DAVENNA
Zoning Commissioner

SED/mc

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

Mr. S. Eric Davenna
Zoning Commissioner
Office of Planning & Zoning
Towson, Md. 21204

Dear Sir

RE: Petitions for Special Exception
and Variances
E/S of Old Falls Rd., 200' S
of Falls Rd. - 9th District
Dwight F. Myers, et al -
Petitioners NO 79-147-XA
(Item No. 54)

Please enter an appeal in
the above referenced case in behalf
of

Rosemary Green
Dwight F. Myers
1 Railroad Avenue
Baltimore - Md. 21209



Mr. S. Eric Davenna
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Baltimore, MD 21204

Dear Mr. Davenna:

This letter is to acknowledge our telephone conversation this afternoon.

The Heavy Tree Export Company has been granted permission to occupy the premises at 1 Railroad Avenue for use as office facilities only. We understand that this occupancy is temporary, pending the outcome and approval of our special exception petition and variance which have been applied for.

As stated, our reasons for occupancy of Railroad Avenue before approval is due to the fact that our zoning attendance at our present location ends October 1, 1978. Also, we had previously filed for a change of occupancy with Baltimore County and were not informed that a variance was necessary until September 21st. Reasons given for having to file a variance was the fact that setbacks of the existing building fell short of zoning requirements.

Thank you for your consideration and attention to this matter.

Sincerely,

John F. Myers
Matrix Manager

HWY/ry
cc: Mr. Nicholas Constantini



November 13, 1978

Michael J. Lambros, Esquire
9900 York Road
Cockeysville, Maryland 21030

RE: Item No. 54
Petitioners - Dwight F. Myers
and Rosemary Green
Special Exception Petition

Dear Mr. Lambros:

As indicated in previous conversation with your surveyor, and after a number of phone calls that I made to your office, the above referenced petition is being withheld the scheduling of a hearing date until such time as Variances for the existing dwelling are requested and referred to revised site plans.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

cc: /nd

cc: Snyder and Law, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

March 15, 1979

Michael J. Lambros, Esquire
9900 York Road
Cockeysville, Maryland 21030

RE: Petition for Special Exception
and Variances
E/S of Old Falls Road, 200' S
of Falls Road - 9th Election
District
Dwight F. Myers, et al -
Petitioners
NO. 79-147-XA (Item No. 54)

Dear Mr. Lambros:

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

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SKDmr

Attachments

cc: Dr. Edward Davens
6141 Barroll Road
Baltimore, Maryland 21209

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

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES

9th District

ZONING: Petition for Special Exception for contractor's equipment storage yard and Variances for front and side yard setbacks

LOCATION: East side of Old Falls Road, 200 feet South of Falls Road

DATE & TIME: Monday, January 8, 1979 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Exception for contractor's equipment storage yard in a B.R. Zone (for tree service) and Variances to permit a front yard setback of 15 feet for an open porch instead of the required 18 3/4 feet and a side yard setback of 27 feet instead of the required 30 feet for an existing building,

The Zoning Regulations to be excepted as follows:

Section 238.1 (301.1) - Front yard setback
Section 238.2 - side yard setback
Section 301.1 - setback for open structure

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

Being the property of Dwight F. Myers and Rosemary Green, as shown on plat plan filed with the Zoning Department

Hearing Held Monday, January 8, 1979 at 10:15 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENNA, ZONING COMMISSIONER
JED
GEORGE J. MARTINAK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Snyder and Law, Inc.

1911 Hanover Pike
Hampstead, Md. 21074
Phone: (301) 230-7744

Description for Special Exception

Beginning for the same on the east side of Old Falls Road approximately 200 feet south of the intersection of Old Falls Road and Falls Road and running thence:

1. N 81° 57' 02" E 31.80 feet, thence;
2. N 70° 28' 32" E 99.50 feet, thence;
3. N 11° 32' 08" W 144.13 feet, thence;
4. N 76° 47' 29" E 56.78 feet, thence;
5. N 8° 47' 08" W 79.74 feet, thence;
6. N 68° 02' 55" E 132.55 feet, thence;
7. S 9° 10' 23" E 232.22 feet, to the north side of Railroad Avenue and with the north side of Railroad Avenue:
8. S 51° 03' 37" W 153.78 feet, thence leaving Railroad Avenue:
9. N 80° 47' 08" W 68.25 feet, thence;
10. S 47° 29' 56" W 57.73 feet, thence;
11. N 11° 32' 08" W 31.97 feet, thence;
12. S 70° 28' 32" W 99.38 feet, thence;
13. S 81° 57' 02" W 31.95 feet to the east side of the said Old Falls Road and along the road:
14. N 10° 31' 58" W 300 feet to the place of beginning

Containing 1.0008 acres of land more or less.
Saying and excepting all that portion of the above property that is zoned D.R. 5.5

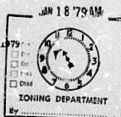


Albert LeRoy Snyder

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

January 16, 1979



Board of Governors

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For Vice President

Karen C. Keady

For Vice President

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Frederic A. Sauer

Ann Carter Sauer

Robert L. Tate

James F. Yarnall, III

Karen K. Cozzani

General Executive

Honorable S. Eric Dinenna - January 16, 1979

I would appreciate it if you would, after considering it, place this letter in the file on this matter so that it may be part of the permanent record.

Very truly yours,

Joseph M. Harbison
President

JHR/jdv

THE LAKE ROLAND PROTECTIVE ASSOCIATION, INC.

BAITIMORE, MARYLAND 21209

January 6, 1979

Mr. S. Eric Dinenna

Zoning Commissioner
Office of Zoning for Baltimore County
County Office Building
Towson, Maryland 21204

re: Petition #79-147-XA, Item
Exception and variances #54
eastside Old Falls Road
200 ft. S of Falls Road
near bridge.

Dear Mr. Dinenna:

On behalf of The Lake Roland Protective Association which is comprised of all of the residents on Hollins Lane, Barroll Road and adjacent area of the southwest shore of Lake Roland, I wish to record strong opposition to the above petition.

We believe that this is a highly inappropriate and highly undesirable intrusion of heavy commercial equipment into an old residential area. Indeed this area has been residential in character for one hundred years or more.

Moreover, even a cursory glance at the present Old Falls Road, Railroad Avenue, and the entry and exit for such large equipment to the Falls Road will show that this would create both a traffic nightmare and a hazard.

We fully support the judgment and recommendation of the County Director of Planning and Zoning, Mr. Leslie Graf, in this matter.

We look forward to and expect increased responsiveness of the new county administration to the wishes and rights of residential property owners in these continued attempts to intrude and domesticate the residential character of long established areas such as ours.

Sincerely yours,

Edward Davens
President

cc: Mr. J. Dryden Hall

Mr. Henry Lord

January 4, 1979

Michael J. Lambros, Esquire
9900 York Road
Cockeysville, Md. 21030

RE: Petition for Special Exception and Variances
S/E of Old Falls Rd., 200' S of Falls Rd.
9th District
Dwight F. Myers, et al - Petitioners
No. 79-147-XA

Dear Sir:

This is to advise you that \$54.80 is due for advertising and posting of the above property.

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

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

EDD/nc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
TO: Leslie H. Graef, Director
Office of Planning and Zoning
FROM: SUBJECT: Petition #79-147-XA, Item #54

Date: December 27, 1978

Petitions for Special Exception for contractor's equipment storage yard and
Variances for front and side yard setbacks
East side of Old Falls Road, 200 feet South of Falls Road
Petitioner - Dwight F. Myers and Rosemary Green

9th District

HEARING: Monday, January 8, 1979 (10:15 A.M.)

This office is opposed to the proposed use in view of the residential character
of the immediate area. Further, it is this office's opinion that access to the
site from Falls Road would be inadequate for the movement of contractor's
equipment.

Leslie H. Graef
Leslie H. Graef
Director of Planning and Zoning

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 19, 1980

Charles E. Brooks, Esq.
611 Bayley Ave.
Towson, Md. 21204

Dear Mr. Brooks:

Re: Case No. 79-147-XA
Dwight F. Myers, et al.

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 involve
covering the cost of certified copies of necessary documents.

Very truly yours,

Jane Holman
Jane Holman, Secretary

Encl.

cc: Dwight F. Myers, et al

February 19, 1980

MAILED TO: Charles E. Brooks, Esq.
611 Bayley Ave.
Towson, Md. 21204

Cost of certified documents filed
In Case No. 79-147-XA \$ 23.00

Dwight F. Myers, et al
E/S of Old Falls Rd., 200' S of Falls Rd.
9th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

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

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

Dear Mr. Hamilton:

Re: Case No. 79-147-XA
Dwight F. Myers, et al.

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,

Jane Holman
Jane Holman, Secretary

Encl.

cc: Dr. Edward Dawans

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

January 16, 1979



Honorable S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

East Side of Old Falls Road - Petitions for Special
Exception and Variances for Contractor's Storage Yard -
79-147-XA - Petition #79-147-XA, Item #54

Dear Commissioner DiNenna:

You presided at a hearing on Monday, January 8 at 10:15 a.m.
with respect to the above-referenced matter. The property in
question, 1.0408 acres, is owned by Alice E. Fuller and lies on
Railroad Avenue just north of the Central tracks in the center of
a long-established residential neighborhood within the boundaries
of this association. I understand that neighborhood opposition
was expressed at the hearing to the petitions and that opposition
was forthcoming also from the representatives of the Lake Roland
Protective Association. Because of the shortness of time, it was
not possible for me to express my views on behalf of the Association
prior to or at the hearing.

The purpose of this letter is to indicate our strong opposition
to the front and side setback variances requested, to the
conversion of an existing residence to an "office", to the paving
and concrete parking of large parts of the site and to the extensive
proposed parking for automobiles and heavy equipment for the
Davey Tree Company. It is agreed wholeheartedly with the statements
contained in the letter from the Director of Planning to you with
respect to these petitions, namely that they should be denied
because of the residential character of the immediate area and
because the access to the site for the purposes intended would be
inappropriate. Furthermore, I have reviewed the permitted uses
the uses allowed when 50 feet separate the use from the residential
zone boundary and the uses permitted by special exception in a B.R.
Zone, and I do not believe that the office and equipment storage
operations for a tree service company fall within any of these
authorized categories.

Honorable S. Eric DiNenna - January 16, 1979

I would appreciate it if you would, after considering it,
place this letter in the file on this matter so that it may be
part of the permanent record.

Very truly yours,

Joseph R. Hartman
Joseph R. Hartman,
President

JRH/gh

THE LAKE ROLAND PROTECTIVE ASSOCIATION, INC.

6141 LARROLLE ROAD

BALTIMORE, MARYLAND 21206

January 6, 1979

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

Dear Mr. DiNenna:

On behalf of the Lake Roland Protective Association which
is comprised of all of the residents on Hollins Lane, Carroll Road
and adjacent area of the southwest shore of Lake Roland, I
wish to record strong opposition to the above petition.

We believe that this is a wholly inappropriate and
highly undesirable intrusion of heavy commercial equipment
into an old residential area. Indeed this area has been
residential in character for one hundred years or more.

Moreover, even a cursory glance at the present Old Falls
Road, Railroad Avenue, and the entry and exit for such large
equipment to the Falls Road will show that this would create
both a traffic nightmare and a hazard.

We fully support the judgment and recommendation of the
County Director of Planning and Zoning, Mr. Leslie Graef,
in this matter.

We look forward to and expect increased responsiveness
of the new county administration to the wishes and rights of
residential property owners in these continued attempts to
intrude and downgrade the residential character of long
established areas such as ours.

Sincerely yours,

Henry Ford
Henry Ford
President

cc: Mr. J. Dryden Hall
Mr. Henry Ford

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 19, 1980

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

Dear Mr. Hamilton:

Re: Case No. 79-147-XA
Dwight F. Myers, et al.

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,

Jane Holman
Jane Holman, Secretary

Encl.

cc: Dr. Edward Dawans

File

Board of Governors
Joseph R. Hartman
President

Harvey Beth Hay
1st Vice President

Kenn C. Kelly
2nd Vice President

Harriet B. Williams
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Robert M. Barnell
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Henry Lord

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Joe Hagan

Nancy K. Matthews
William M. Buchanan

John H. Orisk
C. William Davis (ex officio)

Joseph E. Powers
Patricia A. Hines

Ann Carter Sussner
Robert L. Tate

James F. Turner, III
Edith K. Gorman

Gloria M. Gorman
Gloria M. Gorman

Mr. S. Eric DiNenna
Zoning Commissioner
Office of Planning & Zoning
Towson, Md. 21204

Dear Sir:

RE: Petitions for Special Exception
& Variances
of Old Falls Rd., 200' S.
of Falls Rd. - 9th District
Dwight F. Myers, et al -
Petition No. 79-147-XA
(Item No. 54)

Please enter an appeal in
the above referenced case in behalf
of
Presman, David
Dwight F. Myers
1 Fulwood Avenue
Baltimore, Md. 21209



OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 Dec. 21, 1978

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE-Dwight Myers & Rosemary
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 one successive weeks before the
22 day of Dec. 1978, that is to say, the same
was inserted in the issues of Dec. 21, 1978.

STROMBERG PUBLICATIONS, INC.
By Laura Y. Pannalunco

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec. 21, 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 21st day of December, 1978, the 21st day of
the month of December, 1978.

THE JEFFERSONIAN
By Laura Y. Pannalunco

Cost of Advertisement, \$

CERTIFICATE OF POSTING
BALTIMORE COUNTY DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District 9th Date of Posting APRIL 29, 1979

Petition for: APPEAL

Petitioner: DWIGHT F. MYERS, ET AL

Location of property: E/S OF OLD FALLS RD. 200' S OF FALLS RD.

Location of Sign: E/S OF OLD FALLS RD. AT FALLS RD.
N/S of Railroad Ave. 195' S - E OF OLD FALLS RD.

Remarks: Sharon R. Roland Date of return: APRIL 30, 1979

2-SIGNS



Work shown with a person in a hard hat and safety vest is that of a safety precaution by the County men as a safety precaution.



Heavy, off-road equipment is necessary to do the proper job of clearing the area.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 21 day of
April 1978 Filing Fee \$ 50.00 Received ☒ Check
☐ Cash
☐ Other

Sharon R. Roland
S. Eric Dillman,
Zoning Commissioner

Petitioner: Dwight Myers & Rosemary submitted by Sharon R. Roland
Petitioner's Attorney: Sharon R. Roland Reviewed by Sharon R. Roland

* 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		D-plate		Tracing		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: <u>Sharon R. Roland</u>										
Change in outline or description										
Previous case: <u>NW4B</u>										
Map # <u>NW4B</u>										

CERTIFICATE OF POSTING
BALTIMORE COUNTY DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District 9th Date of Posting Dec. 23, 1978

Petition for: PETITION FOR SPECIAL EXCEPTIONARY VARIANCES

Petitioner: DWIGHT F. MYERS

Location of property: E/S OF OLD FALLS RD. 200' S OF FALLS RD.

Location of Sign: (Location Sign) E/S OF OLD FALLS RD. AT FALLS RD.
N/S of Railroad Ave. 195' S - E OF OLD FALLS RD.

Remarks: Sharon R. Roland Date of return: Dec. 29, 1978

3-SIGNS

TRUCK
21' 4" 47' 11"

2 TRUCKS ARE
THREE SIGNING
MORE IN ROW
VEHICLE

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC WORKS ENGINEERING
MISCELLANEOUS CASH RECEIPT

No. 76233

DATE: January 10, 1979 ACCOUNT: 81-462

RECEIVED BY: Sharon R. Roland

FROM: Sharon R. Roland

AMOUNT: \$20.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC WORKS ENGINEERING
MISCELLANEOUS CASH RECEIPT

No. 76181

DATE: January 11, 1979 ACCOUNT: 81-462

RECEIVED BY: Sharon R. Roland

FROM: Sharon R. Roland

AMOUNT: \$20.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC WORKS ENGINEERING
MISCELLANEOUS CASH RECEIPT

No. 85056

DATE: March 10, 1979 ACCOUNT: 81-719

RECEIVED BY: Sharon R. Roland

FROM: Sharon R. Roland

AMOUNT: \$20.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF PUBLIC WORKS ENGINEERING
MISCELLANEOUS CASH RECEIPT

No. 78632

DATE: April 16, 1979 ACCOUNT: 81-462

RECEIVED BY: Sharon R. Roland

FROM: Sharon R. Roland

AMOUNT: \$20.00

VALIDATION OR SIGNATURE OF CASHIER

