

77-167-78 #103 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, D-F-J JOINT VENTURE, legal owner...of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 180A.23 (7B-7) to permit side setbacks of 11' and 10' instead of the required 25'.

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

The building is in existence and has been for an extended period of time. There would be no detriment to the surrounding properties. Variance is necessary to allow applicant a permitted use and non-formance would be extremely burdensome, if not practically impossible.

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.

218 BOSLEY AVENUE ASSOCIATES
871-1111 Partner
Contract purchase
610 Bosley Avenue
Towson, Maryland 21204
Malcolm F. Spicer, Jr.
Petitioner's Attorney

D-F-J JOINT VENTURE
BY Malcolm F. Spicer, Jr. Partner
Legal Owner
Address: 310 West Chesapeake Avenue
Towson, Maryland 21204
Petitioner's Attorney

(over)

77-167-78 #103 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, D-F-J Joint Venture, legal owner...of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone for the following reasons:

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

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

218 BOSLEY AVENUE ASSOCIATES
871-1111 Partner
Contract purchase
610 Bosley Avenue
Towson, Maryland 21204
Malcolm F. Spicer, Jr.
Petitioner's Attorney

D-F-J JOINT VENTURE
BY Malcolm F. Spicer, Jr. Partner
Legal Owner
Address: 310 West Chesapeake Ave.
Towson, Maryland 21204
Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of December, 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 11th day of February, 1979, at 10:15 o'clock A.M.

(over)

Item #103 (1978-1979)
Property Owner: D-F-J Joint Venture (Lot 15)
Page 2
January 11, 1979

Storm Drainage (Cont'd.)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage 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 and Sanitary Sewers:

There is a public 6-inch water main and 8-inch sanitary sewerage in Bosley Avenue. There is a fire hydrant located at Colonial Court.

Very truly yours,

William H. Davis, Jr.
Chief, Bureau of Engineering

END: EAM:FWL:RS

cc: J. Tresser
J. Gomez
M. Marshall
P-W Key Sheet
37 RE 2 Pos. Sheet
RE 10 A Topo
79 and 708 Tax Maps

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MAURING, P.E.
DIRECTOR
January 11, 1979

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

Re: Item #103 (1978-1979)
Property Owner: D-F-J Joint Venture (Lot 15)
W/S Bosley Avenue 168' N. Colonial Cr.
Existing Zoning: DR 16
Proposed Zoning: Special Exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10' and 11' in lieu of the required 25'.
Acres: 0.1990 District: 9th

Dear Mr. DiNenna:

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

General:

Comments were supplied for this property for IDCA Project 78-71X.

Highways:

Bosley Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway rights-of-way widenings will be required in connection with any grading or building permit applications.

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

Sediment Control:

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

Storm Drainage:

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

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 1, 1979

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

Chairman
Nicholas B. Commodari

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

Malcolm F. Spicer, Jr., Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 103
Petitioner - D-F-J Joint Venture
Special Exception & Variance
Petition

Dear Mr. Spicer:

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

Because of your client's proposal to convert the existing dwelling to offices, as well as the one located at 218 Bosley Avenue, this Special Exception is required. The Variance is included in order to legalize the existing side setbacks.

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
Chairman
Zoning Plans Advisory Committee

NBC/sf

cc: Development Design Group, Ltd.
216 Washington Avenue
Towson, Maryland 21204

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-3211

LESLIE H. GRAFF
DIRECTOR

January 2, 1979

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 #103, Zoning Advisory Committee Meeting, November 7, 1978, are as follows:

Property Owner: D-F-J Joint Venture (Lot 15)
Location: W/S Bosley Avenue 168' N. Colonial Court
Existing Zoning: D.R.16
Proposed Zoning: Special Exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10' and 11' in lieu of the required 25'.
Acres: 0.1990
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 plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner II
Current Planning and Development

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 484-3600

STEPHEN E. COLLINS
DIRECTOR

December 19, 1978

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

Item No. 103 - SAC - Meeting November 7, 1978
Property Owner: D-F-J Joint Venture (Lot 15)
Location: W/S Bosley Ave. 168' N. Colonial Cr.
Existing Zoning: D.R. 16
Proposed Zoning: Special exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10' and 11' in lieu of the required 25'.
Acres: 0.1990
District: 9th

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested special exception for offices.

Very truly yours,

Michael S. Flinnigan
Michael S. Flinnigan
Engineer Associate II

MSF/bza

November 16, 1978

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

Dear Mr. DiNenna:

Comments on Item # 103 Zoning Advisory Committee Meeting, November 7, 1978 are as follows:

Property Owner: D F J Joint Venture (Lot 15)
Location: W/S Bosley Ave. 168' N Colonial Ct.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10', and 11' in lieu of the required 25'.

Area: 0.1990
District: 9th

The items checked below are applicable:

1. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and use and other applicable codes.
2. A building permit shall be required before construction can begin.
3. Additional _____ permits shall be required.
4. Building shall be upgraded to new use - requires all previous permits.
5. Three sets of construction drawings will be required to file an application for a building permit.
6. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
7. Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3' and 4' of property line. One hour fire rated wall is required.
8. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
9. No Comment.
10. Comments: Plot indicates a 5'-0" side setback cover sheet indicates 13'- and 15' setbacks. Show handicapped parking - building access, etc.

Very truly yours,

Charles E. Berman
Charles E. Berman
Plans Review Chief

CEB/jg

Paul H. Reinecke
Chief

November 13, 1978

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: D F J Joint Venture (Lot 15)

Location: W/S Bosley Ave. 168' N Colonial Ct.

Item No. 103 Zoning Agenda Meeting of 11/7/78

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 _____ within the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Charles E. Berman*
Special Inspection Division

Noted and Approved: *George M. Warratt*
Fire Prevention Bureau

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

December 7, 1978

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

Dear Mr. DiNenna:

Comments on Item #103, Zoning Advisory Committee Meeting of November 7, 1978, are as follows:

Property Owner: D F J Joint Venture (Lot 15)
Location: W/S Bosley Ave. 168' N Colonial Ct.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10' and 11' in lieu of the required 25'.

Area: 0.1990
District: 9th

Metropolitan water and sewer exist.

Very truly yours,

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

TED/JP/CLH

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: November 3, 1978

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

RE: Item No. 103

Property Owner: D F J Joint Venture (Lot 15)
Location: W/S Bosley Ave. 168' N Colonial Ct.
Present Zoning: D.R. 16
Proposed Zoning: Special Exception for offices (IDCA 78-71-X) and Variance to permit side setbacks of 10' and 11' in lieu of the required 25'.

District: 9th
No. Acres: 0.1990

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

JOSEPH M. MCDONNELL, PRESIDENT
T. MARYLAND MCDONNELL, JR., VICE-PRESIDENT
RALPH W. MCDONNELL

THOMAS H. DEVLIN
MR. LORECEY F. CHURCH
ROBERT W. MCDONNELL

ALVIN LORECEY
MR. WILTON M. SMITH, JR.
HARRISON W. TRACY, DVM

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ON BEHALF OF D F J JOINT VENTURE, LEGAL OWNER OF THE PROPERTY SITUATED IN BALTIMORE COUNTY THE PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH BEARINGS AND DISTANCES ON A 200 FT SCALE MAP, WHICH ARE ATTACHED HERETO, WHEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION AND ZONING VARIANCE TO PERMIT SIDE SETBACKS OF 10' AND 11' IN LIEU OF THE REQUIRED 25'.

EXCEPTION: _____ IN A 200 FT SCALE TO USE THE HEREIN DESCRIBED PROPERTY FOR OFFICES.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 0.20 AC. DEED REF. 2242/340
GRAZING 33% % OF OVERALL SITE WILL REQUIRE GRAZING.

BUILDING SIZE

GROUND FLOOR 24'3" x 22'3" AREA 624.6 sq. ft.

NUMBER OF FLOORS 2 TOTAL HEIGHT 24'

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 0.14

BUILDING USE

GROUND FLOOR OFFICES OTHER FLOORS OFFICES

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 2 OTHER FLOORS 1 TOTAL 3 OR 4

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 0.28 = 2100 sq. ft.

(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____

SEWER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____

UTILITIES SECURITY APPROVAL _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Charles E. Berman
Charles E. Berman
PLANS REVIEW CHIEF

John W. Heslop
John W. Heslop
DEPUTY PEOPLE'S COUNSEL

THE PLANNING BOARD HAS DETERMINED ON 12-21-78 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-81.1 (P) OF THE BALTIMORE COUNTY CODE, 1986.

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

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DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ON BEHALF OF D F J JOINT VENTURE, LEGAL OWNER OF THE PROPERTY SITUATED IN BALTIMORE COUNTY THE PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH BEARINGS AND DISTANCES ON A 200 FT SCALE MAP, WHICH ARE ATTACHED HERETO, WHEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION AND ZONING VARIANCE TO PERMIT SIDE SETBACKS OF 10' AND 11' IN LIEU OF THE REQUIRED 25'.

EXCEPTION: _____ IN A 200 FT SCALE TO USE THE HEREIN DESCRIBED PROPERTY FOR OFFICES.

THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:

GROSS SITE AREA 0.20 AC. DEED REF. 2242/340
GRAZING 33% % OF 0' AIL SITE WILL REQUIRE GRAZING.

BUILDING SIZE

GROUND FLOOR 24'3" x 22'3" AREA 624.6 sq. ft.

NUMBER OF FLOORS 2 TOTAL HEIGHT 24'

FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = 0.14

BUILDING USE

GROUND FLOOR OFFICES OTHER FLOORS OFFICES

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 2 OTHER FLOORS 1 TOTAL 3 OR 4

PAVING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES 0.28 = 2100 sq. ft.

(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 360)

UTILITIES

WATER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____

SEWER: ☒ PUBLIC ☐ PRIVATE, TYPE OF SYSTEM _____

UTILITIES SECURITY APPROVAL _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Charles E. Berman
Charles E. Berman
PLANS REVIEW CHIEF

John W. Heslop
John W. Heslop
DEPUTY PEOPLE'S COUNSEL

THE PLANNING BOARD HAS DETERMINED ON 12-21-78 THAT THE PROPOSED DEVELOPMENT DOES / DOES NOT CONFORM TO THE REQUIREMENTS OF SUBSECTION 22-81.1 (P) OF THE BALTIMORE COUNTY CODE, 1986.

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

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DATE 12-21-78 SIGNED [Signature]

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DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

DATE 12-21-78 SIGNED [Signature]

CHIEF, BALTIMORE COUNTY PLANNING BOARD

627 19 78 AM

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER

PETITION FOR VARIANCE : OF BALTIMORE COUNTY
W/S of Bosley Avenue, 168' N of Colonial Court, 9th District

D-F-J JOINT VENTURE, Petitioner : Case No. 79-169-XA

1111111

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 22nd day of January, 1979, a copy of the foregoing Order was mailed to Malcolm F. Spicer, Jr., Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Heslop
John W. Heslop, III

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
AND VARIANCES : OF BALTIMORE COUNTY
W/S of Bosley Avenue, 168' N of Colonial Court - 9th Election District
D-F-J Joint Venture - Petitioner : Case No. 79-169-XA (Item No. 103)

This matter comes before the Zoning Commissioner as a result of a Petition for Special Exception for an office building and offices and, additionally, a Petition for Variances to permit side yard setbacks of eleven feet and ten feet in lieu of the required twenty-five feet, for property at the above location.

Without reviewing the evidence in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the Special Exception should be granted. Likewise, the prerequisites of Section 307 of the aforementioned Regulations have been met and the Variances should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24 day of April, 1979, that both the Petition for Special Exception for an office building and offices and the Petition for Variances to permit side yard setbacks of eleven feet and ten feet in lieu of the required twenty-five feet should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Compliance with the Stipulation attached hereto and made a part hereof.
2. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.
3. Said Special Exception must be utilized within five years or become null and void.

John W. Heslop
John W. Heslop, III
Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EX-
CEPTION AND VARIANCE, W/S OF
BOSLEY AVENUE, 168' N. OF
COLONIAL COURT, 214 BOSLEY
AVENUE ASSOCIATES, CONTRACT
PURCHASER - PETITIONER
CASE NO. 79-169-XA

BEFORE THE ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

STIPULATION

TO THE HONORABLE, THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

214 BOSLEY AVENUE ASSOCIATES, CONTRACT PURCHASER,
Petitioner, by their attorney, Malcolm F. Spicer, Jr. and Russell
H. Spicer, Sr. and Henry B. Reckord, Protestants, hereby submit
the following stipulation:

1. The Protestants, Russell H. Spicer, Sr. and
Henry B. Reckord, hereby request that the Zoning Commissioner of
Baltimore County grant the requested Petition for Special Excep-
tion and Variances as requested by Petitioner in reference to
that property known as 214 Bosley Avenue on condition that the
Order of the Zoning Commissioner, if the Commissioner grants the
requested Variances and Special Exception, include the following
stipulations:

(a) That the proposed screen planting shown on the
plat which was filed with the Petition for Special Exception be
extended on the south side of the property to the front of the
building known as 214 Bosley Avenue.

(b) The parking area shall be constructed in accord-
ance with Baltimore County requirements and a six inch curb will
be placed around the entire parking lot.

(c) Drainage from the parking lot shall not be divert-
ed onto adjacent properties.

(d) The exterior of the building and the surrounding
property shall be maintained in good condition.

(e) The entire parking area shall be surrounded by
four foot high screen planting.

2. It is agreed that this stipulation shall become a
part of the Order of the Zoning Commissioner for Baltimore County
if said Order grants the requested Special Exception and Vari-
ance, but in the event that any Appeal is taken from the Zoning
Commissioner's Order, whether said Order grants or denies the
requested Special Exception and Variance, then this stipulation
shall be considered null and void and of no further force or
effect.

Malcolm F. Spicer, Jr.
MALCOLM F. SPICER, JR.
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorney for 214 Bosley Avenue
Associates, Contract Purchaser
Petitioner

Russell H. Spicer, Sr.
RUSSELL H. SPICER, SR., Protestants

Henry B. Reckord
HENRY B. RECKORD, Protestants

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCES : ZONING COMMISSIONER
W/S of Bosley Avenue, 168' N of :
Colonial Court - 9th Election District :
D-F-J Joint Venture - Petitioner : OF
NO. 79-169-XA (Item No. 103) : BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a
Petition for Special Exception for an office building and offices, and, addition-
ally, a Petition for Variances to permit side yard setbacks of eleven feet and
ten feet in lieu of the required twenty-five feet, for property at the above
location.

Without reviewing the evidence in detail but based on all of the evidence
presented at the hearing, in the judgment of the Zoning Commissioner, the
prerequisites of Section 502.1 of the Baltimore County Zoning Regulations
have been met and the Special Exception should be granted. Likewise, the
prerequisites of Section 307 of the aforementioned Regulations have been met
and the Variances should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore
County, this 24th day of April, 1979, that both the Petition for Special
Exception for an office building and offices and the Petition for Variances
to permit side yard setbacks of eleven feet and ten feet in lieu of the required
twenty-five feet should be and the same are hereby GRANTED, from and after
the date of this Order, subject to the following restrictions:

1. Compliance with the Stipulation attached
hereto and made a part hereof.
2. Approval of a site plan by the Department
of Public Works and the Office of Planning
and Zoning.
3. Said Special Exception must be utilized
within five years or become null and void.

[Signature]
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EX-
CEPTION AND VARIANCE, W/S OF
BOSLEY AVENUE, 168' N. OF
COLONIAL COURT, 214 BOSLEY
AVENUE ASSOCIATES, CONTRACT
PURCHASER - PETITIONER
CASE NO. 79-169-XA

BEFORE THE ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

STIPULATION

TO THE HONORABLE, THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

214 BOSLEY AVENUE ASSOCIATES, CONTRACT PURCHASER,
Petitioner, by their attorney, Malcolm F. Spicer, Jr. and Russell
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Baltimore County grant the requested Petition for Special Excep-
tion and Variances as requested by Petitioner in reference to
that property known as 214 Bosley Avenue on condition that the
Order of the Zoning Commissioner, if the Commissioner grants the
requested Variances and Special Exception, include the following
stipulations:

(a) That the proposed screen planting shown on the
plat which was filed with the Petition for Special Exception be
extended on the south side of the property to the front of the
building known as 214 Bosley Avenue.

(b) The parking area shall be constructed in accord-
ance with Baltimore County requirements and a six inch curb will
be placed around the entire parking lot.

(c) Drainage from the parking lot shall not be divert-
ed onto adjacent properties.

(d) The exterior of the building and the surrounding
property shall be maintained in good condition.

(e) The entire parking area shall be surrounded by
four foot high screen planting.

494-3180

County Board of Appeals
ROOM 218 - COURTHOUSE
TOWSON, MARYLAND 21204

September 5, 1979

NOTICE OF POSTPONEMENT and REASSIGNMENT

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

CASE NO. 79-168-XA and
CASE NO. 79-169-XA

D-F-J JOINT VENTURE

for special exception for Offices
variance from Section 18002.28(V3-2)
(side yard setbacks)

W/S Bosley Avenue 256' and 168'
N. of Colonial Court

9th District

4/24/79 - Z.C. GRANTED PETITION, subject
to restrictions

Scheduled for Thursday, September 6, 1979 at 9 a.m. has been POSTPONED at the
request of counsel for the Petitioner (will be in U.S. District Court) and is

REASSIGNED FOR:

THURSDAY, OCTOBER 25, 1979 at 10 a.m.

cc: Malcolm F. Spicer, Jr., Esq.
D-F-J Joint Venture
Charles E. Brooks, Esq.

Counsel for Petitioner
Petitioner
Contract Purchaser

Mr. and Mrs. William A. Petr, Jr.
The Rev. and Mrs. Scott Broadbent
Mr. and Mrs. J. Carroll Logue, Sr.

Protestants-Appellants
"

Mr. Henry B. Reckord
Mr. John C. Milner
Mrs. Mary E. Ginn
Mrs. Katherine Turner

Protestant
"

R. Clark Faint, Jr., Esq.

Counsel for Protestants, Southland
Hills Imp. Assn., et al

John W. Hession, III, Esq.

People's Counsel

Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. D. Seyffert
Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
June 20, 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 POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NOS. 79-168-XA and
79-169-XA

D-F-J JOINT VENTURE

FOR SPECIAL EXCEPTION for Offices
VARIANCE - from Sec. 18002.28(V3-2)
side yard setbacks

W/S Bosley Ave. 256' and 168' N. of Colonial Court

9th District

4/24/79 - Z.C. GRANTED PETITION, subject to restrictions

ASSIGNED FOR:

THURSDAY, SEPTEMBER 6, 1979 at 9 a.m.

cc: Malcolm F. Spicer, Jr., Esq.
D-F-J Joint Venture
Charles E. Brooks, Esq.

Counsel for Petitioner
Petitioner
Contract Purchaser

Mr. and Mrs. William A. Petr, Jr.
The Rev. and Mrs. Scott Broadbent
Mr. and Mrs. J. Carroll Logue, Sr.
Mr. Henry B. Reckord
Mr. John C. Milner
Mrs. Mary E. Ginn
Mrs. Katherine Turner

Protestants-Appellants
"

John W. Hession, III, Esq.

People's Counsel

Mr. William E. Hammond
Mr. James E. Dyer
Mr. Leslie Graef
Mrs. Carol Beresh

Muriel E. Budenmeyer
County Board of Appeals

494-3180

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

January 9, 1980

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 POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 79-168-XA and
79-169-XA

D-F-J JOINT VENTURE

for special exception for offices
variance from Section 18002.28(V3-2)
(side yard setbacks)

W/S Bosley Ave. 256' and 168' N. of
Colonial Court

9th District

4/24/79 - Z.C. GRANTED PETITION, subject
to restrictions

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 20, 1980, at 9 a.m.

cc: Malcolm F. Spicer, Jr., Esq.
D-F-J Joint Venture
Charles E. Brooks, Esq.

Counsel for petitioner
Petitioner
Contract Purchaser

Mr. and Mrs. William A. Petr, Jr.
The Rev. and Mrs. Scott Broadbent
Mr. and Mrs. J. C. Logue, Sr.

Protestants-Appellants
"

Mr. Henry B. Reckord
Mr. John C. Milner
Mrs. Mary E. Ginn
Mrs. Katherine Turner

Protestant
"

R. Clark Faint, Jr., Esq.

Counsel for Protestants, Southland
Hills Imp. Assn., et al
People's Counsel

John W. Hession, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. D. Seyffert
Mrs. Carol Beresh

Jane Holmen, Secretary

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

February 6, 1980

NOTICE OF POSTPONEMENT and REASSIGNMENT

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

CASE NO. 79-168-XA and
CASE NO. 79-169-X

D-F-J JOINT VENTURE
D-F-J JOINT VENTURE

for SE - Offices
for variance from Section 18002.2b (VB-2)
(side yard setbacks)

W/S Bailey Avenue 256' and 168' N.
of Colonial Court

9th District

4/24/79 - ZC GRANTED PETITION,
subject to restrictions

Scheduled for hearing on Wednesday, February 20, 1980 at 9 a.m. has been

POSTPONED at the request of Petitioners' Counsel (will be in court), and

REASSIGNED FOR:

WEDNESDAY, APRIL 2, 1980 at 9 a.m.

cc: Malcolm F. Spicer, Jr., Esq.
D-F-J Joint Venture
Charles E. Brooks, Esq.
Jeffrey J. Plam, Esq.
Mr. and Mrs. William A. Petr, Jr.
The Rev. and Mrs. Scott Broadbent
Mr. and Mrs. J. C. Legue, Sr.

Counsel for Petitioner
Contract Purchaser
Counsel for Protestants (Southland Hills Imp.
Protestants-Appellants Assn.)

Mr. Henry B. Reckard
Mr. John C. Miller
Mr. Mary E. Ginn
Mrs. Katherine Turner
Mr. Pat Fitzgerald
R. Clark Feltz, Jr., Esq.

Protestant
Protestant
Protestant

Counsel for Protestants (Southland Hills
Improvement Assn., et al)

People's Counsel

John W. Hession, III, Esq.

Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Howell
Board of Education

RE: PETITION FOR SPECIAL EXCEPTION

PETITION FOR VARIANCE

W/S of Bailey Avenue, 168'
N of Colonial Court
9th District

D-F-J Joint Venture, Petitioner

BEFORE THE

COUNTY BOARD OF

APPEALS

CASE NOS. 79-168-XA
79-169-XA

MEMORANDUM OF LAW IN SUPPORT OF
PETITIONERS

Section 502.1 of the Baltimore County Zoning Regulations states:

Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:
a. Be detrimental to the health, safety, or general welfare of the locality involved;
b. Tend to create congestion in roads, streets or alleys therein;
c. Create a potential hazard from fire, panic or other causes;
d. Tend to overcrowd land and cause undue concentration of population;
e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
f. Interfere with adequate light and air.

The burden of showing facts to justify the issuance of a special exception rests upon the applicant for such an exception. Turner v. Hammer, 276 Md. 41, 310 A.2d 543 (1973). While the applicant does not have the burden of showing affirmatively that his proposed use accords with the general welfare, Id. at 55, 310 A.2d at 551, he must show to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. Id.

Substantial, probative evidence was presented before this Board demonstrating that the issuance of a special exception in this case would contravene Section 502.1a, b, and d. Several residents testified to the detrimental effect such an issuance would have on their residential community, a community contiguous to the lots in question. Mr. Terry Hall, testifying as President of the Southland Hills Improvement Association, stated that the Association was inalterably opposed to the granting of a special exception and cited numerous reasons for that position. Mr. Henry LeRum, testifying as an expert witness, addressed

relate to the same thing or general subject matter and are not inconsistent with each other as in pari materia and should be construed together so that they will harmonize with each other and be consistent with their general object and scope, even though they were passed at different times and contain no reference to each other. M.L.E., Vol. 20 STATUTES Section 113 (1962). The Growth Management Bill is a part of the Zoning Regulations and cannot be ignored when interpreting other zoning regulations.

Secondly, this Board could find that while the Growth Management Bill cannot be ignored, the Bill is not conclusive and should only be given some weight in reaching a determination in this case. Such a position, however, runs contrary to Section 4A02.2 of the Growth Management Bill which states:

In the event that there is any conflict between the provisions of this article and any other provisions of these zoning regulations, the provisions of this Article shall govern.

Clearly, the County Council envisioned that the Growth Management Bill and the essential services standards set forth by that Bill would control in the event of a conflict or ambiguity with any other zoning regulation, including Section 502.1.

It is the Protestants contention that the Growth Management Bill is conclusive with respect to interpreting 502.1b. There is no question but that a congestion problem exists. The granting of a special exception in this case would undermine the letter, as well as the spirit, of the Growth Management Bill and would be injurious to the Master Plan. Conformity to the intent of the County Council requires that the recent traffic congestion in the locality in question be remedied before a special exception is issued.

For the foregoing reasons, the Protestants respectfully request that the approval for a special exception in this case be denied.

the severe traffic problems and economic effects which a special exception would have on the rest of the community.

Aside from the various factual questions raised during this hearing, an additional issue arose as well. The issue was what effect, if any, ought to be given Bill No. 178-79 (hereinafter, the Growth Management Bill) which was enacted by the Baltimore County Council on November 23, 1979, in interpreting Section 502.1(b) of the Baltimore County Zoning Regulations.

The Growth Management Bill's self-stated purpose is:

(To) implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timing of growth and development that is consistent with preservation of the quality of life in existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support new development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources and with the promotion of new growth and development in appropriate areas. Bill 178-79, Section 4A00.1 (Emphasis added.)

The Growth Management Bill adopted Basic Service Maps and Regulations and Requirements pertaining thereto which restrict the issuance of building permits and subdivision approval to those instances in which it appears that such basic services as sewage, water and transportation are available to adequately support further growth and development. Specifically, transportation standards and maps are:

(Intended to regulate nonindustrial development where it has been determined that the capacity of arterial and arterial collectors, intersections, is less than the capacity necessary to accommodate traffic both from established use and from uses likely to be built pursuant to this Article. Such development is not intended to be restricted unless there is a substantial probability that an arterial collector intersection situated within the mapped area will, on the date the map becomes effective, be rated at level of service E or F under standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences - National Research Council. Bill No. 178-79, Section 4A02.4D1. (Emphasis added.)

Mr. Richard Moore, Assistant Director of the Traffic Division for Baltimore County, testified that the intersection of Burke and York Roads, the intersection serving the area in which the subject premises lie, had been classified an "F" level-of-service, the lowest standard of service found

CERTIFICATION

I hereby certify that on this 14th day of April, 1980, a copy of the foregoing Memorandum of Law in Support of Protestants was mailed to Charles E. Brooks, Esquire, Attorney for Petitioners, 610 Bailey Avenue, Towson, Md. 21204.

Jeffrey J. Plam
Attorney for Petitioners

in the Highway Capacity Manual. As a result, this area had been given a "T-0" designation, a classification precluding the issuance of a building permit or subdivision approval until such time as the source of the traffic congestion could be remedied.

The issue becomes, therefore, what effect should an area which has been classified a "T-0" zone have on the Board's determination in deciding whether the issuance of a special exception would create traffic congestion in this particular locality. Only three possible answers present themselves. First, the Growth Management Bill should have no effect whatsoever in interpreting Section 502.1(b) of the Zoning Regulations. Secondly, the Bill should be given some, but not conclusive, weight. Finally, that the County Council in enacting this legislation has conclusively determined that a severe traffic congestion problem presently exists in this area.

The Protestants contend that the first answer to the issue would completely ignore the legislative purpose or object of the Bill and would violate the well established doctrine of pari materia, a traditional tool of statutory construction.

Preliminarily, the Growth Management Bill purports to implement the Master Plan which was adopted by Resolution No. 71-79, dated November 19, 1979. The Master Plan contains objectives, policies and standards to "insure orderly growth and development of said population in the County (and) to assure that new development is adequately served by public facilities and services." Bill No. 178-79 (Emphasis added.)

It is well settled that the requirement of conformity, to a comprehensive or master plan applicable to the grant of a special exception as well as to original zoning ordinances. For instance, the denial of a special permit to operate a trailer court was upheld in Crane v. Board of County Comm., 175 Md. 568, 122 A.2d 520 (1963) where the court rejected the contention that the property owner seeking the special permit was entitled to it as a matter of right under the zoning regulations, which permitted a house-trailer park in any business district, but only after obtaining a special permit therefor. The court pointed out that zoning regulations must be made in accordance with

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for offices, and : COUNTY BOARD OF APPEALS
variance from Section 1802.2b :
(VB-2) of the Baltimore County :
Zoning Regulations : OF
W/S Bailey Avenue 256' and 168' : BALTIMORE COUNTY
N. of Colonial Court :
9th District : No. 79-168-XA
D-F-J Joint Venture : and
Petitioner : No. 79-169-XA

AMENDED OPINION AND ORDER

WHEREAS, the Board of Appeals is in receipt of a letter from Norman E. Gerber, Director of Planning for Baltimore County, advising the Board that the properties which are the subject of the above entitled petitions were, in fact, zoned D.R. 5.5 by the County Council on October 14, 1980.

WHEREAS, the Board, by its previous Opinion and Order, was in error in reading the new comprehensive zoning maps and based on said reading issued an Order stating that the properties had been zoned by the Council to an R.O. classification.

WHEREAS, that since the properties are, in fact, zoned D.R. 5.5 and there is no provision in this classification for special exceptions for offices.

THEREFORE, the Board will rescind its previous Order which was issued under an erroneous assumption, and will dismiss these petitions because the issues are moot.

ORDER

For the reasons set forth above, it is this 3rd day of March, 1981, by the County Board of Appeals, ORDERED that the prior Order of the Board, dated February 12, 1981, be and the same is hereby RESCINDED, and as the petitions are moot same are hereby DISMISSED.

RECEIVED
BALTIMORE COUNTY
APR 11 5 34 PM '80
COUNTY BOARD
OF APPEALS
BT

Jeffrey J. Plam
Attorney for Protestants
210 Kensington Parkway
Arlington, Md. 21009
679-0245

the comprehensive or master plan, and that this consideration applied to an application for a special permit to construct and operate a trailer court. Consequently, it was said, the applicant was not entitled to a special permit to operate a trailer court as a matter of right upon a showing of compliance with applicable health and sanitation regulations.

Approving the decision of a city council granting a conditional use permit allowing the excavation of rock, sand, and gravel in an area of some 105 acres, the court in Gheer v. Gregg, 90 Cal.App.2d 348, 203 P.2d 37 (1949) pointed out that the municipal ordinance giving the council the authority to grant a conditional use permit, provided that the permit should be granted, inter alia, upon a finding that the permitted use was in harmony with the various elements of the master plan.

And in Jacobi v. Zoning Board of Adjustment, 413 Pa. 286, 196 A.2d 742 (1964), the grant of a special exception to use property located in a residential zone as a church, parochial elementary school, convent, and rectory was approved against the contention that the grant was not in accordance with the comprehensive plan, although the court indicated in its opinion that the comprehensive plan requirement was applicable to the instant grant.

The Maryland Court of Appeals has also stressed the importance of conformance to a master plan. While not dealing specifically with the issuance of a special exception, the Court in In Cassel v. Baltimore, 195 Md. 348, 73 A.2d 486 (1950) found a zoning amendment not to be invalid as spot zoning when it did not otherwise conflict with the comprehensive plan. The case demonstrates the significance of conformance to a comprehensive zoning plan.

As these cases indicate, the issuance of a special exception must conform to a comprehensive or "Master" plan and the Growth Management Bill is an integral part of that plan, including its present designation of the subject area as a "T-0" traffic deficiency zone.

Further, the Growth Management Bill and Section 502.1 are parts of the same zoning system. Acts in pari materia are to be construed together.

Harrison v. State, 22 Md. 468 (1864). Statutes which

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

Patricia Millauer

William T. Hockett

RE: PETITION FOR SPECIAL EXCEPTION
for offices, and
VARIANCE from Section 1807.28
(V-B-2) of the Baltimore County
Zoning Regulations
W/S Bosley Avenue 256' and 168'
N. of Colonial Court
9th District
D-F-J Joint Venture
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 79-168-XA
and
No. 79-169-XA

OPINION

These cases came before the Board on appeals from the Zoning Commissioner which granted the Petitioner's request for a special exception for offices and for certain variances.

Since the time of these appeals and the hearing before the Board, the County Council has apparently reclassified the subject properties to an R-O classification. After reviewing Bill 13-80, which created the R-O classification, it appears to the Board that the issue in this case is moot. According to Bill 13-80, Section 203.3.A.2 - "Class A office buildings and their accessory uses" are permitted as a matter of right.

Class A office building is defined as follows:

"A principal building that was originally constructed as a 1-family or 2-family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house does not constitute external enlargement."

For the reasons stated above, the appeal will be dismissed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of February, 1981, by the County Board of Appeals, ORDERED that these cases be and the same are hereby DISMISSED.

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

Patricia Millauer

William T. Hockett

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

March 15, 1979

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

Re: Case No. 79-168-XA
216 Bosley Avenue

Case No. 79-169-XA
214 Bosley Avenue

Dear Mr. DiNenna:

As you will undoubtedly recall, a hearing was had in reference to the petitions for special exception and variance in reference to the above-captioned properties, at which time protestants appeared and indicated there were certain areas of concern which they had which they desired the petitioner to address. At this juncture general discussions have occurred which we anticipate will be reduced to an accord which will be submitted to you with the hope that you will include the same in any order that you might promulgate.

I enclose herewith a check in the amount of \$47.81 for Case No. 79-168-XA and a check in the amount of \$58.58 for Case No. 79-169-XA representing the respective advertising and posting costs for the subject properties.

I will, of course, advise you as to the determination, which I hope will occur within the next week.

Sincerely yours,

CHARLES E. BROOKS

CEB:plh

Enclosures



LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

April 5, 1979

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

Re: Case No. 79-168-XA, 216 Bosley Avenue
Case No. 79-169-XA, 214 Bosley Avenue

Dear Mr. DiNenna:

Enclosed herewith please find stipulations which have been agreed upon in each of the cases above.

Trust the enclosed is sufficient for you to make a decision, I am

Sincerely yours,

MALCOLM F. SPICER, JR.

MF:ice

cc: Mr. Russell H. Spicer, Sr.
Mr. Henry B. Beckford



DEVELOPMENT DESIGN GROUP, LTD.

216 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

RICHARD B. WILLIAMS, A.S.P.C.
PRESIDENT
PETER H. WELCH, JR., S.E.

October 26, 1978

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

OFFICE USE IN A D-F-J-16 ZONE

214 BOSLEY AVENUE

Beginning for the same at a point on the westernmost side of Bosley Avenue, 40 feet wide, at a distance of 168 feet measured northerly along the westernmost side of said Bosley Avenue from the centerline of Colonial Court, 40 feet wide, thence binding on the westernmost side of said Bosley Avenue North 11° 44' East 44 feet; thence leaving said Bosley Avenue and binding on the southernmost line of Lot 14 as shown on the plat of Colonial Court and recorded among the Land Records of Baltimore County in Plat Book 8, folio 25, North 78° 16' West 197.14 feet to intersect the westernmost outline of said plat; thence binding thereon South 11° 28' West 44 feet; thence leaving said outline and binding on the northernmost line of lots 20, 19 and 16 as shown on said plat South 78° 16' East 196.96 feet to the place of beginning.

Containing 0.1990 Acres of Land, more or less.

Being Lot No.15 as shown on said plat of Colonial Court



PETITION FOR SPECIAL EXCEPTION AND VARIANCE

9th District

ZONING: Petition for Special Exception for offices and Variance for side yard setbacks

LOCATION: West side of Bosley Avenue, 168 feet North of Colonial Court

DATE & TIME: Monday, February 12, 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 offices and Variance to permit side yard setbacks of 11 feet and 10 feet instead of the required 25 feet

The Zoning Regulation to be excepted as follows:

Section 1807.28 (V-3-2) - side yard setbacks

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

Being the property of D-F-J Joint Venture, as shown on plat plan filed with the Zoning Department

Hearing Date: Monday, February 12, 1979 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DI NENNA, ZONING COMMISSIONER
JPD
GEORGE J. MARTINAK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Malcolm F. Spicer, Jr., Esquire
610 Bosley Ave.
Towson, Md. 21204

NOTICE OF HEARING

RE: Petition for Special Exception and Variance, W/S of Bosley Ave., 168' N of Colonial Court, D-F-J Joint Venture - Petitioner, Case No. 79-168-XA

TIME: 10:15 A.M.

DATE: Monday, February 12, 1979

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

TOWSON, MARYLAND

Eric DiNenna
ZONING COMMISSIONER OF
BALTIMORE COUNTY

February 7, 1979

Michael F. Spiner, Jr., Esquire
419 Bayley Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
1/8 Bayley Ave. 165' N of Colonial Court
D-F-J Joint Venture
Case No. 79-169-XA

Dear Sirs:

This is to advise you that \$25.00 is due for advertising and posting of the above property.

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

Very truly yours,

S. Eric Dinenia
S. ERIC DINENIA
Zoning Commissioner

SDM/aw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric Dinenia, Zoning Commissioner
Date: February 9, 1979
From: Leslie H. Groel, Director
Office of Planning and Zoning
Item # 103
SUBJECT: Petitioner 79-169-XA, Petition for Special Exception for offices and Variances for "A-2" use, 1/8 Bayley Ave. West side of Bayley Avenue, 165 feet North of Colonial Court
Petitioner - D-F-J Joint Venture

9th District

HEARING: Monday, February 12, 1979 (10:15 A.M.)

Office use would be appropriate here. If granted, it is requested that the order be conditioned to require approval of a landscaping plan by the Division of Current Planning and Development. Additionally, provision should be made for future internal circulation to adjacent properties. Finally, it is requested that the special exception be limited to the existing structure.

Leslie H. Groel
Leslie H. Groel, Director
Office of Planning and Zoning

LHG:JGH:aw

MICROFILMED



Hon. Barbara F. Bachur
Baltimore County Council

March 24, 1981

County Board of Appeals

Cases 79-168-XA and 79-169-XA

Replying to your letter of March 20th, attached hereto is a copy of the letter you requested. Also attached is a copy of the final Order of the Board in these cases.

Very truly yours,

William T. Hackett, Acting Chairman

MICROFILMED

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

BARBARA F. BACHUR
COUNTY COUNCILWOMAN, FOURTH DISTRICT

COUNCIL OFFICE 484-3344
484-3146

March 20, 1981

Mr. William T. Hackett, Acting Chairman
Baltimore County Board of Appeals
Old Courthouse
Towson, Maryland 21204

Dear Mr. Hackett:

I have received a copy of Ronald G. Dilonardo's March 4 letter to Mr. Hackett regarding the Board's ruling on Cases 79-168-XA and 79-169-XA, dated February 12.

I would appreciate a copy of the Board's response to Mr. Dilonardo's inquiry.

Most sincerely,

Barbara F. Bachur
Barbara F. Bachur
Councilwoman, Fourth District

BFB:lbs

MICROFILMED



March 10, 1981

Mr. Ronald G. Dilonardo, President
Southland Hills Improvement Association of Baltimore County, Inc.
350 Dixie Drive
Towson, Maryland 21204

Re: Case No. 79-168-XA and
Case No. 79-169-XA
D-F-J Joint Venture

Dear Mr. Dilonardo:

Thank you for your letter of March 4, 1981 reference the above captioned cases.

This error on our part was called to our attention immediately after the date of our original Order. We have since rescinded the original Order and issued an Amended Order which reflects the proper zoning classification. A copy of this Order is attached.

Thank you again for calling this matter to our attention.

Very truly yours,

Walter A. Katter, Jr.
Walter A. Katter, Jr., Chairman

WAR:aw

Encl.

MICROFILMED

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION
OF BALTIMORE COUNTY, INC.

TOWSON, MARYLAND 21204

March 4, 1981

Mr. Walter A. Katter, Jr.
Chairman
County Board of Appeals
Room 219, Court House
Towson, MD 21204

Dear Mr. Katter:

I have received a copy of your opinion and order on Case 79-168-XA and 79-169-XA. Your ruling is based on an incorrect assumption of the reclassification status of the properties under appeal. The proper reclassification for these properties is R-O,5 not R-O, as stated in your opinion.

On behalf of our association, I request you correct your ruling to reflect the proper zoning classification.

Sincerely,

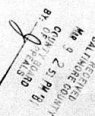
Ronald G. Dilonardo
Ronald G. Dilonardo
President
350 Dixie Drive
21204

Encl.

cc: Honorable Barbara Bachur
Patricia Millhouse
William T. Hackett

See reply by WAR attached

MICROFILMED



RE: PETITION FOR SPECIAL EXCEPTION :
for offices, and :
VARIANCE from Section 1802.28 :
(VB-2) of the Baltimore County :
Zoning Regulations :
W/S Bayley Avenue 256' and 168' :
N. of Colonial Court :
9th District :
D-F-J Joint Venture :
Petitioner :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 79-168-XA :
and :
No. 79-169-XA :

OPINION

These cases came before the Board on appeals from decisions of the Zoning Commissioner which granted the Petitioner's request for a special exception for offices and for certain variances.

Since the time of these appeals and the hearing before the Board, the County Council has apparently reclassified the subject properties to an R-O classification. After reviewing Bill 13-80, which created the R-O classification, it appears to the Board that the issue in this case is moot. According to Bill 13-80, Section 203.2 A.2 -

"Class A office buildings and their accessory uses" are permitted as a matter of right. Class A office building is defined as follows:

"A principal building that was originally constructed as a 1-family or 2-family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house does not constitute external enlargement."

For the reasons stated above, the appeal will be dismissed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of February, 1981, by the County Board of Appeals, ORDERED that these cases be and the same are hereby DISMISSED.

MICROFILMED

D-F-J Joint Venture - 79-168-XA and 79-169-XA

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-17 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Katter, Jr.
Walter A. Katter, Jr., Chairman

Patricia Millhouse
Patricia Millhouse

William T. Hackett
William T. Hackett

MICROFILMED

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 3, 1981

The Rev. and Mrs. Scott Broadbent
202 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 79-168-XA and
Case No. 79-169-XA
D-F-J Joint Venture

Dear Rev. and Mrs. Broadbent:

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

Very truly yours,

Edith I. Elenhart
Edith I. Elenhart
Administrative Secretary

Enc.

cc: Mr. and Mrs. J. Carroll Logue, Jr.,
Melvin F. Spicer, Jr., Esquire
D-F-J Joint Venture
Charles F. Brooks, Esquire
Mr. Henry B. Reckard
Mr. John C. Milner
Mrs. Mary E. Ginn
Mrs. Katherine Turner
R. Clark Felt, Jr., Esquire
Mr. Pat Fitzgerald
Jeffrey J. Plum, Esquire
John W. Hession III, Esquire
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. Howell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Walter A. Reiter, Jr., Chairman
TO: Board of Appeals
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: 79-168XA and 79-169XA

Date: February 19, 1981

Please be advised that the D-F-J Joint Venture properties located on the
west side of Bosley Avenue approximately 175 feet north of Colonial Court
were the subject of the recent County Council Comprehensive Zoning Map
process; namely, Issue No. 4-42. On October 14, 1980, the Baltimore
County Council unanimously passed a motion to amend the Planning Board's
recommendation of RD to RO and DR 5.5 as shown on an enclosed copy of the
official zoning map.

This letter has been precipitated by a Board of Appeals order dated
February 12, 1981, on 79-168XA and 79-169XA; namely, D-F-J Joint Venture,
dismissing this case based on erroneous information that the subject
properties had been reclassified to RD.

Please note that the above properties have, in fact, been reclassified
to DR 5.5.

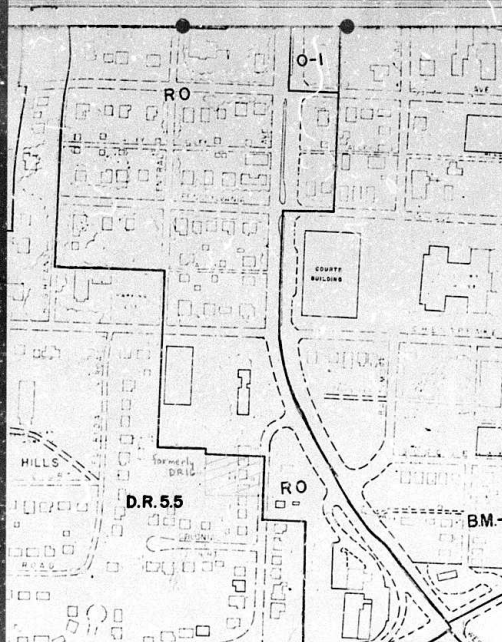
Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

REG:WJ:dw

Enclosure:1

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

RECEIVED
BALTIMORE COUNTY
FEB 11 11 21 AM '81
COUNTY BOARD OF APPEALS



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * COUNTY BOARD OF
W/S of Bosley Avenue, 168' * APPEALS
N of Colonial Court * CASE NOS. 79-168-XA
9th District * 79-169-XA

D-F-J Joint Venture, Petitioner

ORDER FOR SUMMONS

Dear Mr. Clerk:

Please issue a summons to:

Mr. Richard Moore
Room 405
County Courts Building
Towson, Md.

and order him to appear on behalf of the Protestants in the above-
captioned matter on Wednesday, April 2, 1980 at 9 a.m.

LIST: \$5.00
SUMMONED: 3/27/80
NCH EST: 15
NCH SUIT: 15
COPY LEFT: 4
PLACES: 1
CHIEF CLERK: Mr. Sheriff
Mr. Sheriff

Please serve the above summons.

Edith I. Elenhart
Edith I. Elenhart, Admin. Secretary
County Board of Appeals of Baltimore County

RECEIVED
BALTIMORE COUNTY
MAR 26 9 16 AM '81
COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
FROM: Peter Max Zimmerman
Deputy People's Counsel
SUBJECT: D-F-J Joint Venture - 79-168-XA & 79-169-XA

Date: February 6, 1980

A continued hearing before the Board has been set for the above-entitled
cases on Wednesday, February 20, 1980, at 9 a.m. Both Mr. Hession and I are
scheduled to appear at a Court of Special Appeals hearing in Annapolis at 9 a.m. on
the same date in the A. V. Williams case. We therefore request that the Board
hearing be postponed.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

PMZ:

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * COUNTY BOARD OF
W/S of Bosley Avenue, 168' * APPEALS
N of Colonial Court * CASE NOS. 79-168-XA
9th District * 79-169-XA
D-F-J JOINT VENTURE, PETITIONER *

NOTICE TO ENTER APPEARANCE

Dear Mr. Clerk:

Please enter my appearance on behalf of the Protestants to the
above-captioned matter, Southland Hills Improvement Association of
Baltimore County, Inc., Towson, Maryland 21204.

Jeffrey J. Plum
Jeffrey J. Plum
210 Kensington Parkway
Abingdon, Md. 21009
679-0247

RECEIVED
BALTIMORE COUNTY
MAR 26 9 16 AM '81
COUNTY BOARD OF APPEALS

LAW OFFICES
CHARLES E. BROOKS
AND ROBERT G. GUNN
TOWSON, MARYLAND 21204

August 30, 1979

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

Re: D-F-J Joint Venture
For Special Exception for Offices
and Variance - From Sec. 18006.2B(VB-2)
side yard setbacks
W/S Bosley Avenue 256 and 168' N. of
Colonial Court - 9th District.
Cases No. 79-168-XA and 79-169-XA.
Hearing Date: September 6, 1979 at 9:00 A.M.

Dear Mr. Reiter:

Please be advised that His Honor Judge Young, United
States District Court, State of Maryland, has scheduled a Preliminary
Injunction Hearing for September 6, 1979 at 10:00 A.M. wherein I
represent four (4) Defendants.

A Preliminary Injunction in the Federal District Court
takes precedence over all other proceedings and must be held by
rule of Court within a ten (10) day period of time if a Restraining
Order has been issued. As a result of the above, the scheduling of
the case is wholly beyond my control and I am bound by that Court's
instructions.

On September 6, 1979, the above-captioned properties are
also scheduled for Hearing on Special Exception. I regret that a
continuance of these Hearings must be requested. I am, by copy of
this letter, advising People's Counsel of this request.

I apologize for the late notice, however, it is totally
beyond my control.

Sincerely,
Charles E. Brooks
Charles E. Brooks

cc: John W. Hession, III, Esq.
John W. Hession, III, Esq.

W/99 93 granted by 1000 - 1000 - 1000

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
AND VARIANCES : OF BALTIMORE COUNTY
W/S of Bosley Avenue, 168' N of
Colonial Court - 9th Election
District
D-F-J Joint Venture - Petitioner : Case No. 79-169 XA (Item No.103)

ORDER FOR APPEAL

Mr. Commissioners:

We, the undersigned, wish to appeal the above case
to the County Board of Appeals.

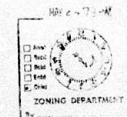
The decision is dated April 24, 1979.

Please forward necessary papers to said Board for
a hearing.

Thank you.

William A. Reiter and *James L. Petr, Jr.*
Mr. and Mrs. William A. Reiter, Jr.
223 Bosley Ave, Towson, Md.
823-8415

Charles F. Brooks and *James Broadbent*
The Rev. Mr. and Mrs. Scott Broadbent
202 Bosley Ave., Towson, Md.
293-3010
James L. Logue
Mr. and Mrs. J. Carroll Logue, Sr.
227 Bosley Ave., Towson, Md.
821-7250



RECEIVED
BALTIMORE COUNTY
FEB 6 8 21 AM '81
COUNTY BOARD OF APPEALS

2 3 8

15-4 NW

S 11° 28' W 44'
S 78° 16' E 197.91'
S 11° 28' W 44'

N 78° 16' W 197.48'
N 11° 44' E 44'
N 78° 16' W 197.14'
N 11° 44' E 44'
S 78° 16' E 196.96'

NOTE:
8" SAN. & 6" WATER
EXIST IN BOBLEY
AVE.

15-4 NW

I.D.C.A. FOR SPECIAL EXCEPTION
 214 & 218 BOOLEY AVE.
 9TH ELEC. DIST., BALTIMORE CO., MD.
 SCALE: 1" = 200' DATE: 10/16/78

OWNER:
 D-F-J JOINT VENTURE
 C/O DEVELOPMENT DESIGN GROUP

APPLICANT:
 214 & 218 BOOLEY AVENUE
 ASSOCIATES
 216 WASHINGTON AVE.
 TOWSON, MD. 21204

DENSITY CALCULATIONS:

	214	218
GROSS ACREAGE	0.2 AC.	0.2 AC.
EXIST. ZONING	DRG 6	DRG 5.5
EXIST. USE	RESIDENTIAL	OFFICE
PROPOSED	OFFICE	OFFICE

SURVEYOR:
 DEVELOPMENT DESIGN GROUP
 216 WASHINGTON AVE.
 TOWSON, MD. 21204 828-0727

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	TOWSON	NE
Topographic MAPS 1-11-70			10-A
DATE OF PHOTOGRAPHY			
APRIL 1953			

Topography Compiled By Photogrammetric Methods
 AERO SERVICE CORPORATION PHILADELPHIA, PA.

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

0-NE N-NW
 S-SE R-SW

NOTE:
 8" DIAM. 46" WATER
 EXIST IN BOOLEY
 AVE.

S11°28'W 44'
 S70°16'E 197.81
 S11°28'W 44'

N70°16'W 197.40

N11°44'E 44'
 N70°16'W 197.14
 N11°44'E 44'

S70°16'E 196.96