

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

821117

Mrs. Edith T. Eisenhart, Adm. Secretary  
 TO County Board of Appeals Date June 10, 1982  
 Mr. James E. Dyer  
 FROM Zoning Supervisor  
 SUBJECT Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh  
 Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert  
 Case No. R-79-10 (R-79-199) - James G. Stratakis, et al

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

JED:nr

Enclosures

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

MICROFILMED

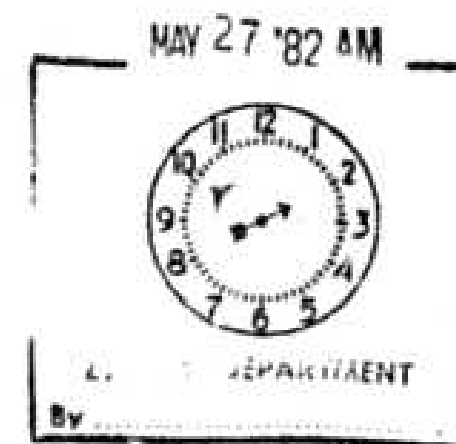
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. James E. Dyer  
 TO Office of Planning and Zoning Date May 26, 1982  
 FROM County Board of Appeals  
 SUBJECT Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh  
 Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert  
 Case No. R-79-10 (R-79-199) - James G. Stratakis, et al

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

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



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mrs. Edith T. Eisenhart, Adm. Secretary  
TO County Board of Appeals Date March 23, 1982  
Mr. James E. Dyer  
FROM Zoning Supervisor

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

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

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

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

*Hand Delivered 3-22-82*  
*NEH-GHD*

*3-16-82*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond, Zoning Commissioner  
TO Office of Planning and Zoning Date March 12, 1982

FROM County Board of Appeals

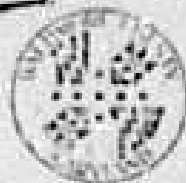
SUBJECT Case No. R-79-10 (R-79-199) - James G. Stratakis, et al  
Case No. R-79-9-X (R-79-198-X) - C. Gordon Gilbert  
Case No. R-79-8-XA (R-79-197-XA) - Wilton A. DeBaugh

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

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

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

cc: Mr. J. E. Dyer



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

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

June 15, 1981

Mr. Bernard Kirsh  
Kirsh Tailors, Inc.  
1540 York Road  
Lutherville, Maryland 21093

RE: Proposed Dry Cleaning Plant/Store  
SW/corner of Melancton and  
Bellona Avenues -  
8th Election District

Dear Mr. Kirsh:

Please be advised that the site plan for the proposed construction of the above-referenced building has been under review by this office for some time. As you are aware, there were questions regarding whether or not the plan, as presently proposed, could be approved since it differs considerably from the site plan filed with your petition requests for reclassification, special exception, and variances (Case No. R-79-8-XA).

I met with Mr. William T. Hackett, Chairman of the County Board of Appeals, who presided at your hearing, and reviewed his notes, the hearing transcript, and the exhibits. We determined that the original site plan was revised during the course of the hearing and marked Petitioners' Exhibit 4. The revised plan indicated the property size, existing and proposed setback requirements, and square footage for the first and second floors of the proposed two-story building. Therefore, in the approval of your building permit application, the building shape and parking layout are not subject to our review.

It should be noted, however, that the building size will be controlled by the floor areas noted on the revised plan and that the entrance locations are restricted to those shown on the plan. While one of the entrances may be omitted, none may be relocated as presently

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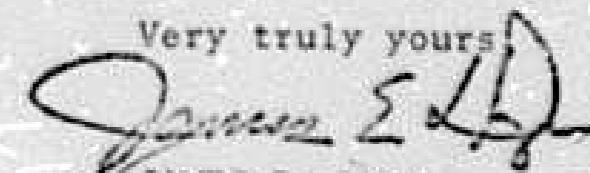
(Also See 79-197-XA)

Mr. Bernard Kirsh  
Page 2  
June 15, 1981

It also should be noted that the Board's Order, dated November 6, 1979, restricts office use to that accessory to the dry cleaning plant/store.

If you need any further assistance, please do not hesitate to contact this office.

Very truly yours

  
JAMES E. DYER  
Zoning Supervisor

JED:nr

cc: Paul Lee Engineering, Inc.  
304 West Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Alan Glass  
Architect  
3417 Farnstead Drive  
Westminster, Maryland 21157

Mr. William T. Hackett  
Chairman, County Board of Appeals

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

Mr. William E. Hammond  
Zoning Commissioner

Mrs. Jean M. H. Jung  
Deputy Zoning Commissioner

Mr. Nicholas B. Commodari  
Chief, Development Control

bcc: Mr. Frederick P. Klaus

MICROFILMED

RE: PETITION FOR RECLASSIFICATION : IN THE  
from D.R. 16 to B.L. zone : CIRCUIT COURT  
PETITION FOR SPECIAL EXCEPTION : FOR  
for a Dry Cleaning Plant :  
PETITION FOR VARIANCES : BALTIMORE COUNTY  
SW corner Bellona Avenue and :  
Melancton Avenue, 8th District :  
Wilton A. DeBaugh, et ux : AT LAW  
Petitioners : Misc. Docket No. 12  
Zoning File No. R-79-8-XA : Folio No. 40  
: File No. 6990

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrier, and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, George T. Canaras, Esq., 1700 Charmuth Road, Lutherville, Maryland 21093, Counsel for the Petitioners, Wilton A. DeBaugh, et ux, 506 Hampton Lane, Towson, Maryland 21204, Petitioners, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Carolyn M. Jordan, 115 Melancton Avenue, Lutherville, Maryland 21093, Mr. James D. Smit, 1523 Norman Avenue, Lutherville, Maryland 21093, Mr. Clarence Wroblowski, 1214 Clearfield, Lutherville, Maryland 21093, Mr. Wendel E. Lovell, 109 Melancton Avenue, Lutherville, Maryland 21093, Mr. Gordon Saunders, 1513 Norman Avenue, Lutherville, Maryland 21093, McIntyre P. Bowie, 1508 Bellona Avenue, Lutherville, Maryland 21093, Drusilla P. Jones, 202 W. Seminary Avenue, Lutherville, Maryland 21093, Paul P. Ragonese, 1617 Pinner Road, Lutherville, Maryland 21093, and Mrs. Edward Frazier, 1506 Bellona Avenue, Lutherville, Maryland 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen  
June Holmen, County Bd. of Appeals  
Court House, Towson, Maryland 21204

Wilton A. DeBaugh, et ux  
Zoning File No. R-79-8-XA

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to George T. Canaras, Esq., 1700 Charmuth Road, Lutherville, Maryland 21093, Counsel for the Petitioners, Wilton A. DeBaugh, et ux, 506 Hampton Lane, Towson, Maryland 21204, Petitioners, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Carolyn M. Jordan, 115 Melancton Avenue, Lutherville, Maryland 21093, Mr. James D. Smit, 1523 Norman Avenue, Lutherville, Maryland 21093, Mr. Clarence Wroblowski, 1214 Clearfield, Lutherville, Maryland 21093, Mr. Wendel E. Lovell, 109 Melancton Avenue, Lutherville, Maryland 21093, Mr. Gordon Saunders, 1513 Norman Avenue, Lutherville, Maryland 21093, McIntyre P. Bowie, 1508 Bellona Avenue, Lutherville, Maryland 21093, Drusilla P. Jones, 202 W. Seminary Avenue, Lutherville, Maryland 21093, Paul P. Ragonese, 1617 Pinner Road, Lutherville, Maryland 21093, and Mrs. Edward Frazier, 1506 Bellona Avenue, Lutherville, Maryland 21093, on this 7th day of December, 1979.

June Holmen  
June Holmen  
County Board of Appeals of Baltimore County

cc: J. Hessian (3)  
Kirsh Tailors (1)  
Smit (2)

RE: PETITION FOR RECLASSIFICATION : IN THE  
from D.R. 16 to B.L. zone : CIRCUIT COURT  
PETITION FOR SPECIAL EXCEPTION : FOR  
for a Dry Cleaning Plant :  
PETITION FOR VARIANCES : BALTIMORE COUNTY  
SW corner Bellona Avenue and :  
Melancton Avenue, 8th District :  
Wilton A. DeBaugh, et ux : AT LAW  
Petitioners : Misc. Docket No. 12  
Zoning File No. R-79-8-XA : Folio No. 40  
: File No. 6990

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrier, and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, George T. Canaras, Esq., 1700 Charmuth Road, Lutherville, Maryland 21093, Counsel for the Petitioners, Wilton A. DeBaugh, et ux, 506 Hampton Lane, Towson, Maryland 21204, Petitioners, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Carolyn M. Jordan, 115 Melancton Avenue, Lutherville, Maryland 21093, Mr. James D. Smit, 1523 Norman Avenue, Lutherville, Maryland 21093, Mr. Clarence Wroblowski, 1214 Clearfield, Lutherville, Maryland 21093, Mr. Wendel E. Lovell, 109 Melancton Avenue, Lutherville, Maryland 21093, Mr. Gordon Saunders, 1513 Norman Avenue, Lutherville, Maryland 21093, McIntyre P. Bowie, 1508 Bellona Avenue, Lutherville, Maryland 21093, Drusilla P. Jones, 202 W. Seminary Avenue, Lutherville, Maryland 21093, Paul P. Ragonese, 1617 Pinner Road, Lutherville, Maryland 21093, and Mrs. Edward Frazier, 1506 Bellona Avenue, Lutherville, Maryland 21093, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen  
June Holmen, County Bd. of Appeals  
Court House, Towson, Maryland 21204

Wilton A. DeBaugh, et ux  
Zoning File No. R-79-8-XA

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to George T. Canaras, Esq., 1700 Charmuth Road, Lutherville, Maryland 21093, Counsel for the Petitioners, Wilton A. DeBaugh, et ux, 506 Hampton Lane, Towson, Maryland 21204, Petitioners, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser, John W. Hessian, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204, Mrs. Carolyn M. Jordan, 115 Melancton Avenue, Lutherville, Maryland 21093, Mr. James D. Smit, 1523 Norman Avenue, Lutherville, Maryland 21093, Mr. Clarence Wroblowski, 1214 Clearfield, Lutherville, Maryland 21093, Mr. Wendel E. Lovell, 109 Melancton Avenue, Lutherville, Maryland 21093, Mr. Gordon Saunders, 1513 Norman Avenue, Lutherville, Maryland 21093, McIntyre P. Bowie, 1508 Bellona Avenue, Lutherville, Maryland 21093, Drusilla P. Jones, 202 W. Seminary Avenue, Lutherville, Maryland 21093, Paul P. Ragonese, 1617 Pinner Road, Lutherville, Maryland 21093, and Mrs. Edward Frazier, 1506 Bellona Avenue, Lutherville, Maryland 21093, on this 7th day of December, 1979.

June Holmen  
June Holmen  
County Board of Appeals of Baltimore County

cc: J. Hessian (3)  
Kirsh Tailors (1)  
Smit (2)

494-1180

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

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

Dear Mr. Hessian: Re: Wilton A. DeBaugh, et ux  
Case No. R-79-8-XA

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

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

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

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

Very truly yours,

June Holmen, Secretary

Encls.

474-3180

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

George T. Canaras, Esq.  
1700 Charmuth Rd.  
Lutherville, Md. 21093

Dear Mr. Canaras:

Re: Case No. R-79-8-XA  
Wilton A. DeBaugh, et ux

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,

June Holmen, Secretary

Encl.

cc: Wilton A. DeBaugh, et ux  
Kirsh Tailors, Inc.  
Mrs. Carolyn M. Jordan  
Mr. James D. Smit  
Mr. Clarence Wroblowski  
Mr. Wendel E. Lovell  
Mr. Gordon Saunders  
McIntyre P. Bowie  
Drusilla P. Jones  
Paul P. Ragonese  
Mrs. Edward Frazier

494-3180

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

George T. Canaras, Esq.  
1700 Charmuth Road  
Lutherville, Maryland 21093

Dear Mr. Canaras:

RE: WILTON A. DE BAUGH, et ux  
Case No. R-79-8-XA

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,

June Holmen, Secretary

Encl.

cc: Kirsh Tailors, Inc.  
Wilton A. DeBaugh, et ux  
John W. Hessian, III, Esq.  
Mrs. Carolyn M. Jordan  
James D. Smit  
Clarence Wroblowski  
Wendel E. Lovell  
Gordon Saunders  
McIntyre P. Bowie  
Drusilla P. Jones  
Paul P. Ragonese  
Mrs. Edward Frazier  
Mr. J. Dyer

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204  
May 11, 1979

NOTICE OF POSTPONEMENT and REASSIGNMENT

CASE NO. R-79-8-XA WILTON A. DEBAUGH, ET UX  
SW corner Bellona Avenue and  
Melancton Avenue  
8th District

for reclassification from D.R. 16 to B.L.  
" SE - Dry Cleaning Plant  
" variance from Section 232.2 (b) to permit  
a side yard setback of 5' instead of the  
required 25', and Section 409.2 (b) 5 to  
permit a total of 9 off-street parking  
spaces instead of the required 15

Scheduled for hearing on Tuesday, July 3, 1979 at 10 a.m. has been POSTPONED and

REASSIGNED FOR: WEDNESDAY, AUGUST 1, 1979 at 10 a.m.

cc: Mr. J. E. Dyer Zoning  
Mrs. Mary Campagna "  
George T. Canaras, Esq. Counsel for Petitioners  
Kirsh Tailors, Inc. Contract Purchaser  
Wilton A. DeBaugh, et ux Petitioners  
John W. Hessian, III, Esq. People's Counsel  
Mrs. Carol Beresh

Edith T. Eisenhart, Adm. Secretary

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT  
 FROM D. R. 16 to B. L. Zone :  
 PETITION FOR SPECIAL EXCEPTION : FOR BALTIMORE COUNTY  
 for a Dry Cleaning Plant :  
 PETITION FOR VARIANCES : AT LAW  
 SW corner Bellona Avenue and : Misc. Docket No. 12  
 Melancton Avenue, 8th District :  
 Wilton A. DeBaugh, et ux, Petitioners : Folio No. 40  
 Zoning Case No. R-79-8-XA : File No. 6990

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 5<sup>th</sup> day of December, 1979, that the time for filing in Court the transcript of proceeding before the Board of Appeals is hereby extended until February 1, 1980, 60 days after the first Petition on Appeal was filed.

*Wm R. Kahlmeier*  
 JUDGE

True Copy Test  
 ELMER H. KAHLMEIER, JR., Clerk  
 Deputy Clerk

RECEIVED  
 BALTIMORE COUNTY  
 Dec 5 3 21 PM '79  
 COUNTY BOARD  
 OF APPEALS  
 BY:

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT  
 from D. R. 16 to B. L. Zone :  
 PETITION FOR SPECIAL EXCEPTION : FOR BALTIMORE COUNTY  
 for a Dry Cleaning Plant :  
 PETITION FOR VARIANCES : AT LAW  
 SW corner Bellona Avenue and : Misc. Docket No. 12  
 Melancton Avenue, 8th District :  
 Wilton A. DeBaugh, et ux, Petitioners : Folio No. 40  
 Zoning Case No. R-79-8-XA : File No. 6990

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

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

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

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until February 1, 1980, 60 days after the first Petition on Appeal was filed.

*John W. Hession, III*  
 John W. Hession, III  
 People's Counsel

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

I HEREBY CERTIFY that on this 5<sup>th</sup> day of December, 1979, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to George T. Canaras, Esquire, 1700 Charmuth Road, Lutherville, Maryland 21093, Attorney for Petitioners; and Bernard Kirsh, President, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser.

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

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT  
 from D. R. 16 to B. L. Zone :  
 PETITION FOR SPECIAL EXCEPTION : FOR BALTIMORE COUNTY  
 for a Dry Cleaning Plant :  
 PETITION FOR VARIANCES : AT LAW  
 SW corner Bellona Avenue and : Misc. Docket No. 12  
 Melancton Avenue, 8th District :  
 Wilton A. DeBaugh, et ux, Petitioners : Folio No. 40  
 Zoning Case No. R-79-8-XA : File No. 6990

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 for Baltimore County under date of November 6, 1979, granting the petition for reclassification from D. R. 16 to B. L. zoning, a Special Exception for a dry cleaning plant, and variances in the above-entitled case.

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

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

RECEIVED  
 BALTIMORE COUNTY  
 Dec 4 2 35 PM '79  
 COUNTY BOARD  
 OF APPEALS  
 BY:

I HEREBY CERTIFY that on this 6<sup>th</sup> day of December, 1979, a copy of the foregoing Order for Appeal was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 and a copy thereof was mailed to George T. Canaras, Esquire, 1700 Charmuth Road, Lutherville, Maryland 21093, Attorney for Petitioners; and Bernard Kirsh, President, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser.

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

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

May 11, 1979

NOTICE OF POSTPONEMENT and REASSIGNMENT

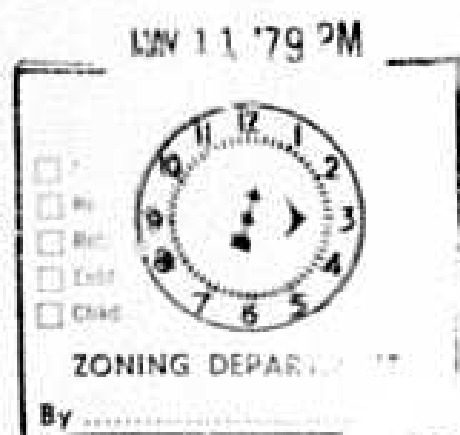
CASE NO. R-79-3-XA WILTON A. DeBAUGH, ET UX  
 SW corner Bellona Avenue and  
 Melancton Avenue  
 8th District

for reclassification from D.R. 16 to B.L.  
 " SE - Dry Cleaning Plant  
 " variance from Section 232.2 (b) to permit  
 a side yard setback of 5' instead of the  
 required 25', and Section 409.2 (b) 5 to  
 permit a total of 9 off-street parking  
 spaces instead of the required 15

Scheduled for hearing on Tuesday, July 3, 1979 at 10 a.m. has been POSTPONED and

REASSIGNED FOR: WEDNESDAY, AUGUST 1, 1979 at 10 a.m.

cc: Mr. J. E. Dyer Zoning  
 Mrs. Mary Campagna "  
 George T. Canaras, Esq. Counsel for Petitioners  
 Kirsh Tailors, Inc. Contract Purchaser  
 Wilton A. DeBaugh, et ux Petitioners  
 John W. Hession, III, Esq. People's Counsel  
 Mrs. Carol Beresh



Edith T. Eisenhart, Adm. Secretary

April 9, 1979

R-79-8-XA WILTON A. and M. B. DeBAUGH  
 SW cor. Bellona Ave. and Melancton Ave.  
 8th District  
 Reclassification from DR 16 to BL zone  
 Special Exception - Dry Cleaning Plant  
 Variance - Side Yard Setback

ASSIGNED FOR: TUESDAY, JULY 3, 1979 at 10 a.m.

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

April 9, 1979 (May 7, 1979)

CASE NO. R-79-8-XA WILTON A. DeBAUGH, ET UX  
 SW corner Bellona Avenue and  
 Melancton Avenue  
 8th District

for reclassification from D.R. 16 to B.L.  
 for SE - Dry Cleaning Plant  
 for variance from Section 232.2 (b) to permit  
 a side yard setback of 5' instead of the  
 required 25', and Section 409.2 (b) 5 to  
 permit a total of 9 off-street parking  
 spaces instead of the required 15

ASSIGNED FOR: TUESDAY, JULY 3, 1979 at 10 a.m.

cc: Mr. J. Dyer, Zoning  
 George T. Canaras, Esq. Counsel for Petitioners  
 Kirsh Tailors, Inc. Contract Purchaser  
 Wilton A. DeBaugh, et ux Petitioners  
 John W. Hession, III, Esq. People's Counsel  
 Mrs. Carol Beresh

PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE  
 8th District

ZONING: Petition for Reclassification from D.R.16 to B.L. with a Special Exception for a dry cleaning plant and a Variance for side yard setback and parking  
 LOCATION: Southwest corner of Bellona Avenue and Melancton Avenue  
 DATE & TIME: Wednesday, August 1, 1979 at 10:00 A.M.  
 PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

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

Present Zoning: D.R.16  
 Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit a side yard setback of 5 feet in lieu of the required 25 feet and 9 parking spaces in lieu of the required 15 spaces

The Zoning Regulation to be excepted as follows:

Section 232.2(b) - side yard setback  
 Section 409.2(b)5 - off-street parking

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

Being the property of Wilton A. & Margarette B. DeBaugh, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, August 1, 1979 at 10:00 A.M.  
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF  
 WALTER A. BEITER, JR., CHAIRMAN  
 COUNTY BOARD OF APPEALS OF  
 BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT  
 from D.R. 16 to S.L. Zone  
 PETITION FOR SPECIAL EXCEPTION : FOR BALTIMORE COUNTY  
 for a Dry Cleaning Plant : AT LAW  
 PETITION FOR VARIANCES :  
 SW corner Bellona Avenue and Melancton Avenue, 8th District : Misc. Docket No. 12  
 Wilton A. DeBaugh, et ux, Petitioners : Folio No. 40  
 Zoning Case No. R-79-8-XA : File No. 6990

PETITION ON APPEAL

The People's Council for Baltimore County, Protestant below and Appellant herein, having heretofore filed an Order for Appeal from the Order of the County Board of Appeals of Baltimore County, under date of November 6, 1979, granting the petition for reclassification from D.R. 16 to S.L. zoning for the 0.32 acre parcel located on the southwest corner of Bellona and Melancton Avenues, in the 8th District of Baltimore County, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

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

That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the Special Exception for a dry cleaning plant and parking variances incidental thereto would adversely affect the public safety, health, and welfare and therefore their Order passed herein is further illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Order of the Board of Appeals of Baltimore County under date of November 6, 1979 be reversed, and the action of the County Council

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

3.

Section 416 of the Baltimore County Zoning Regulations defines the use as requiring a Special Exception. The proposal is to raze all existing structures and erect a dry cleaning plant containing 2,100± square feet on the first floor and 3,100± square feet on the second floor for office use connected with the dry cleaning business only. Bearing in mind the present condition of the site, the impractical aspect of its development under its present zoning, the configuration of the site and the adjacent property uses, this proposed use seems to be an appropriate use. Testimony from neighbors in opposition to this granting, as to increasing the traffic problems, was considerably negated by the traffic engineer from Baltimore County. He testified that if the entire .29 acres was developed to its maximum potential, the traffic increase would only be three-tenths (.3) of one percent. There were no figures presented as to the traffic increase from the proposed use, but it is the opinion of this Board that the proposed use will surely be less than the maximum use and therefore no major problem to the neighborhood. The Board also finds that if reasonable restrictions are imposed, the Special Exception use will satisfy all the requirements of the Baltimore County Zoning Regulations, Section 502.1 and will order the Special Exception granted subject to these restrictions. The variances requested are necessary for this use. The denial of same would create a practical difficulty in the use of this property. The variances will be granted.

ORDER

For reasons stated in the foregoing Opinion, it is this 6th day of November, 1979, by the County Board of Appeals, ORDERED that:

1. The requested reclassification from DR 16 to BL be granted
2. The requested variance from Section 232.2(b) to permit a side yard set-back of 5 feet instead of the required 25 feet be granted
3. The requested variance from Section 409.2(b)5 to permit a total of nine (9) off-street parking spaces instead of the required 15 be granted
4. The requested Special Exception for a dry cleaning plant be granted subject to the following restrictions:

of Baltimore County in zoning the subject property D.R. 16 be affirmed and reinstated.

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 4th day of December, 1979, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, and a copy thereof was mailed to George T. Canaras, Esquire, 1700 Charmuth Road, Lutherville, Maryland 21093, Attorney for Petitioners; and Bernard Gish, President, Kish Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser.

John W. Hession, III

RECEIVED  
 BALTIMORE COUNTY  
 Dec 12 3:30 PM '79  
 COUNTY BOARD  
 OF APPEALS  
 BY: \_\_\_\_\_

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

4.

- (a) The Petitioner must comply with such requirements for the operation of this dry cleaning plant as may be required by the Bureau of Environmental Services. The site and off-street parking plans must meet the Baltimore County Zoning Regulation requirements.
- (b) That a barricade be provided along the western property line abutting the DR 16 zoning. This barricade to be either a privacy type fence or a dense compact planting of evergreens at least four (4) feet high.
- (c) That the proposed office area be used only as requested by Petitioner for his company's business and that no rental or leasing of any office area be permitted on this site.

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

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

William T. Hackett  
 William T. Hackett  
 LeRoy B. Spurrier  
 John A. Miller

RE: PETITION FOR RECLASSIFICATION : BEFORE  
 AND VARIANCE : COUNTY BOARD OF APPEALS  
 SW corner Bellona Avenue and Melancton Avenue : OF  
 8th District : BALTIMORE COUNTY  
 Wilton A. DeBaugh, et ux, :  
 Petitioner : No. R-79-8-XA

OPINION

This case comes before this Board on a request for a reclassification of a small parcel of land from its present DR 16 classification to a proposed BL classification with a Special Exception for a Dry Cleaning Plant and the Variances to implement this use. Testimony in favor of this proposal was received from Mr. Paul Lee, a professional engineer, Mr. Frederick Klaus, a real estate expert and Mr. Bernard Kirsch, contract purchaser of the property. Testimony against granting the petition was received from eight (8) neighbors and Mr. Stephen Weber, a Baltimore County Traffic Engineer. Other neighbors in attendance at this hearing were also opposed.

The first issue to be addressed in this Opinion will be the requested reclassification from DR 16 to the proposed BL classification. All exhibits and testimony presented during the two days of hearing received careful consideration. In addition, an on-site inspection of the subject site was made. The following conclusions were reached. The subject property contains .32 acres, but only .29 acres can be considered usable, since 17 feet along the Bellona Avenue side must be reserved for a proposed widening of this road. The property is triangularly shaped, lying between Bellona Avenue and Melancton Avenue at their intersection. This intersection is slightly west of York Road, and therefore the property cannot be considered as abutting York Road. To the north, there is a White Coffee Pot Jr. Restaurant, zoned BR-CNS. This BR-CNS zoning line abuts the major portion of the subject site on the north. The remaining abutting land on this side is zoned DR 16. To the south, a small shopping center, zoned BR-CNS abuts the entire subject property line. To the west, the present DR 16 zoning continues. This in effect creates a peninsula of DR 16 zoning projecting into existing business zoning but not quite reaching the York Road proper. An examination of the Baltimore County Zoning maps confirms this zoning classification.

Paul Lee, P.E.

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

DESCRIPTION

0.32 ACRE PARCEL, MORE OR LESS, KNOWN AS NOS. 103 and 107 MELANCTON AVENUE, ELECTION DISTRICT NO. 8, BALTIMORE COUNTY, MARYLAND.

This Description is for B-L Zoning, Parking Variance and Side Yard Variance

Beginning for the same on the south side of Melancton Avenue with the intersection of the center line of Bellona Avenue, thence along the south side of Melancton Avenue, 193 feet, more or less, to a point, said point being on the property line of No. 105 and No. 107 Melancton Avenue, thence binding on said line S 14 degrees 45 minutes E 115 feet, more or less, to the center line of Bellona Avenue, thence binding on said center line N 40 degrees E 224 feet, more or less, to the place of beginning.

Containing 0.32 of an acre of land, more or less.



Engineer - Surveyor - Site Planner 9/28/78

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

2.

From the Lutherville Elementary School south along the west side of York Road to Westbury Road for a depth of several hundred feet in from York Road, all properties are zoned BL or BM except this small peninsula. This does not seem, in this Board's opinion, to be consistent with good zoning procedures to limit this parcel's uses to those allowed in a DR 16 classification when it is virtually encompassed by business classifications. Our on-site inspection confirmed this. The site is presently occupied by two buildings, one of which is literally falling down and the other in dire need of extensive renovation. Testimony from two expert witnesses, Mr. Paul Lee and Mr. Frederick Klaus, indicated that because of the size of the parcel and its triangular configuration, it would be highly impractical, if not impossible, to develop this parcel residentially, and except for its possible development as an office site (permitted by Special Exception) could feasibly see no other use for the site except some small commercial use as proposed. The Board is in agreement with this evaluation and finds that this DR 16 classification is in error and that in conformity with the zoning along this portion of York Road, this parcel should also enjoy some practical business use potential. It should also be noted that this property was not an issue on the 1976 comprehensive zoning maps and therefore was in all probability not specifically considered by the Council in its mapping process. In view of the foregoing, specifically noting the subject sites configuration and the adjacent zoning classifications, the Board is of the opinion that the DR 16 zoning is in fact in error.

Having thus decided that the requested BL zoning be granted, the Board will now address the requested Special Exception and Variances. The Variances needed and the Special Exception are inextricably tied together and one cannot be considered without the other. The requested Special Exception is for a dry cleaning plant. It should perhaps be noted at this point that a Special Exception is not needed in a BL zone for a dry cleaning establishment, but the proposal is to use this location for some dry cleaning processing from goods received at another establishment owned by Mr. Kirsch.

George T. Canaras, Esq.  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

NOTICE OF HEARING BEFORE THE  
 COUNTY BOARD OF APPEALS

RE: Petition for Reclassification and Special Exception and Variance  
 SW/C Bellona Avenue and Melancton Avenue, Wilton A. & Margarette B.  
 DeBaugh - Case #R-79-8-XA

TIME: 10:00 A.M.

DATE: Wednesday, August 1, 1979

PLACE: ROOM 218, COURTHOUSE, TOWSON, MARYLAND

Wilton A. DeBaugh, et ux  
 CHAIRMAN, COUNTY BOARD OF APPEALS

RE: PETITION FOR RECLASSIFICATION AND VARIANCE : BEFORE  
 SW corner Bellona Avenue and Melancton Avenue 8th District : COUNTY BOARD OF APPEALS  
 : OF  
 Wilton A. DeBaugh, et ux, : BALTIMORE COUNTY  
 Petitioner : No. R-79-8-XA

**OPINION**

This case comes before this Board on a request for a reclassification of a small parcel of land from its present DR 16 classification to a proposed BL classification with a Special Exception for a Dry Cleaning Plant and the Variances to implement this use. Testimony in favor of this proposal was received from Mr. Paul Lee, a professional engineer, Mr. Frederick Klaus, a real estate expert and Mr. Bernard Kirsch, contract purchaser of the property. Testimony against granting the petition was received from eight (8) neighbors and Mr. Stephen Weber, a Baltimore County Traffic Engineer. Other neighbors in attendance at this hearing were also opposed.

The first issue to be addressed in this Opinion will be the requested reclassification from DR 16 to the proposed DL classification. All exhibits and testimony presented during the two days of hearing received careful consideration. In addition, an on-site inspection of the subject site was made. The following conclusions were reached. The subject property contains .32 acres, but only .29 acres can be considered usable, since 17 feet along the Bellona Avenue side must be reserved for a proposed widening of this road. The property is triangularly shaped, lying between Bellona Avenue and Melancton Avenue at their intersection. This intersection is slightly west of York Road, and therefore the property cannot be considered as abutting York Road. To the north, there is a White Coffee Pot Jr. Restaurant, zoned BR-CNS. This BR-CNS zoning line abuts the major portion of the subject site on the north. The remaining abutting land on this side is zoned DR 16. To the south, a small shopping center, zoned BR-CNS abuts the entire subject property line. To the west, the present DR 16 zoning continues. This effect creates a peninsula of DR 16 zoning projecting into existing business zoning but not quite reaching the York Road proper. An examination of the Baltimore County Zoning maps confirms this zoning classification.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA 2.

From the Lutherville Elementary School south along the west side of York Road to Westbury Road for a depth of several hundred feet in from York Road, all properties are zoned BL or BM except this small peninsula. This does not seem, in this Board's opinion, to be consistent with good zoning procedures to limit this parcel's uses to those allowed in a DR 16 classification when it is virtually encompassed by business classifications. Our on-site inspection confirmed this. The site is presently occupied by two buildings, one of which is literally falling down and the other in dire need of extensive renovation. Testimony from two expert witnesses, Mr. Paul Lee and Mr. Frederick Klaus, indicated that because of the size of the parcel and its triangular configuration, it would be highly impractical, if not impossible, to develop this parcel residentially, and except for its possible development as an office site (permitted by Special Exception) could feasibly see no other use for the site except some small commercial use as proposed. The Board is in agreement with this evaluation and finds that this DR 16 classification is in error and that in conformity with the zoning along this portion of York Road, this parcel should also enjoy some practical business use potential. It should also be noted that this property was not an issue on the 1976 comprehensive zoning maps and therefore was in all probability not specifically considered by the Council in its mapping process. In view of the foregoing, specifically noting the subject sites configuration and the adjacent zoning classifications, the Board is of the opinion that the DR 16 zoning is in fact in error.

Having thus decided that the requested BL zoning be granted, the Board will now address the requested Special Exception and Variances. The Variances needed and the Special Exception are inextricably tied together and one cannot be considered without the other. The requested Special Exception is for a dry cleaning plant. It should perhaps be noted at this point that a Special Exception is not needed in a BL zone for a dry cleaning establishment, but the proposal is to use this location for some dry cleaning processing from goods received at another establishment owned by Mr. Kirsch.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA 3.

Section 416 of the Baltimore County Zoning Regulations defines this use as requiring a Special Exception. The proposal is to raze all existing structures and erect a dry cleaning plant containing 2,100 square feet on the first floor and 3,100 square feet on the second floor for office use connected with the dry cleaning business only. Bearing in mind the present condition of the site, the impractical aspect of its development under its present zoning, the configuration of the site and the adjacent property uses, this proposed use seems to be an appropriate use. Testimony from neighbors in opposition to this granting, as to increasing the traffic problems, was considerably negated by the traffic engineer from Baltimore County. He testified that if the entire .29 acres was developed to its maximum potential, the traffic increase would only be three-tenths (.3) of one percent. There were no figures presented as to the traffic increase from the proposed use, but it is the opinion of this Board that the proposed use will surely be less than the maximum use and therefore no major problem to the neighborhood. The Board also finds that if reasonable restrictions are imposed, the Special Exception use will satisfy all the requirements of the Baltimore County Zoning Regulations, Section 502.1 and will order the Special Exception granted subject to these restrictions. The variances requested are necessary for this use. The denial of same would create a practical difficulty in the use of this property. The variances will be granted.

**ORDER**

For reasons stated in the foregoing Opinion, it is this 6th day of November, 1979, by the County Board of Appeals, ORDERED that:

1. The requested reclassification from DR 16 to BL be granted
2. The requested variance from Section 232.2(b) to permit a side yard set-back of 5 feet instead of the required 25 feet be granted
3. The requested variance from Section 409.2(b)5 to permit a total of nine (9) off-street parking spaces instead of the required 15 be granted
4. The requested Special Exception for a dry cleaning plant be granted subject to the following restrictions:

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA 4.

- (a) The Petitioner must comply with such requirements for the operation of this dry cleaning plant as may be required by the Bureau of Environmental Services. The site and off-street parking plans must meet the Baltimore County Zoning Regulation requirements.
- (b) That a barricade be provided along the western property line abutting the DR 16 zoning. This barricade to be either a privacy type fence or a dense compact planting of evergreens at least four (4) feet high.
- (c) That the proposed office area be used only as requested by Petitioner for his company's business and that no rental or leasing of any office area be permitted on this site.

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

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

*William T. Hackett*  
 William T. Hackett  
*Leroy B. Spurrier*  
 Leroy B. Spurrier  
*John A. Miller*  
 John A. Miller

BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21284  
 404-3353  
 WILLIAM E. HAMMOND  
 ZONING COMMISSIONER

July 24, 1979

George T. Conroy, Esquire  
 1700 Charnuth Road  
 Lutherville, Maryland 21093

RE: SW/Corner Bellona Ave and Melancton Ave - petition for Reclassification, Special Exception and Variance - Wilton A. DeBaugh, et ux - Case No. R-79-8-XA

Dear Sir:  
 This is to advise you that \$64.06 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21284, before the hearing.

Very truly yours,  
*William E. Hammond*  
 William E. Hammond  
 Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE, REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 73546  
 DATE 7-26-79 ACCOUNT 21-642  
 AMOUNT \$64.06  
 RECEIVED *George T. Conroy*  
 FROM *George T. Conroy*  
 FOR *George T. Conroy*  
 5.0000  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21284

Your Petition has been received \* this 24 day of Sept 1979. Filing Fee \$50.00. Received  Check  Cash  Other

*S. Eric DiNenna*  
 S. Eric DiNenna,  
 Zoning Commissioner

Petitioner *Wilton A. DeBaugh et ux* submitted by *Conroy*  
 Petitioner's Attorney *George T. Conroy* Reviewed by *DiNenna*

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

Paul Lee, P.E.

Paul Lee Engineering, Inc.

206 Washington Avenue Towson, Maryland 21286 821-5941

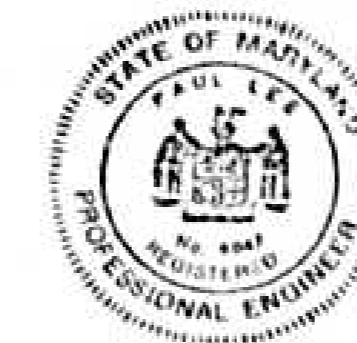
**DESCRIPTION**

0.32 ACRE PARCEL, MORE OR LESS, KNOWN AS NOS. 101 and 105 MELANCTON AVENUE, ELECTION DISTRICT NO. 8, BALTIMORE COUNTY, MARYLAND.

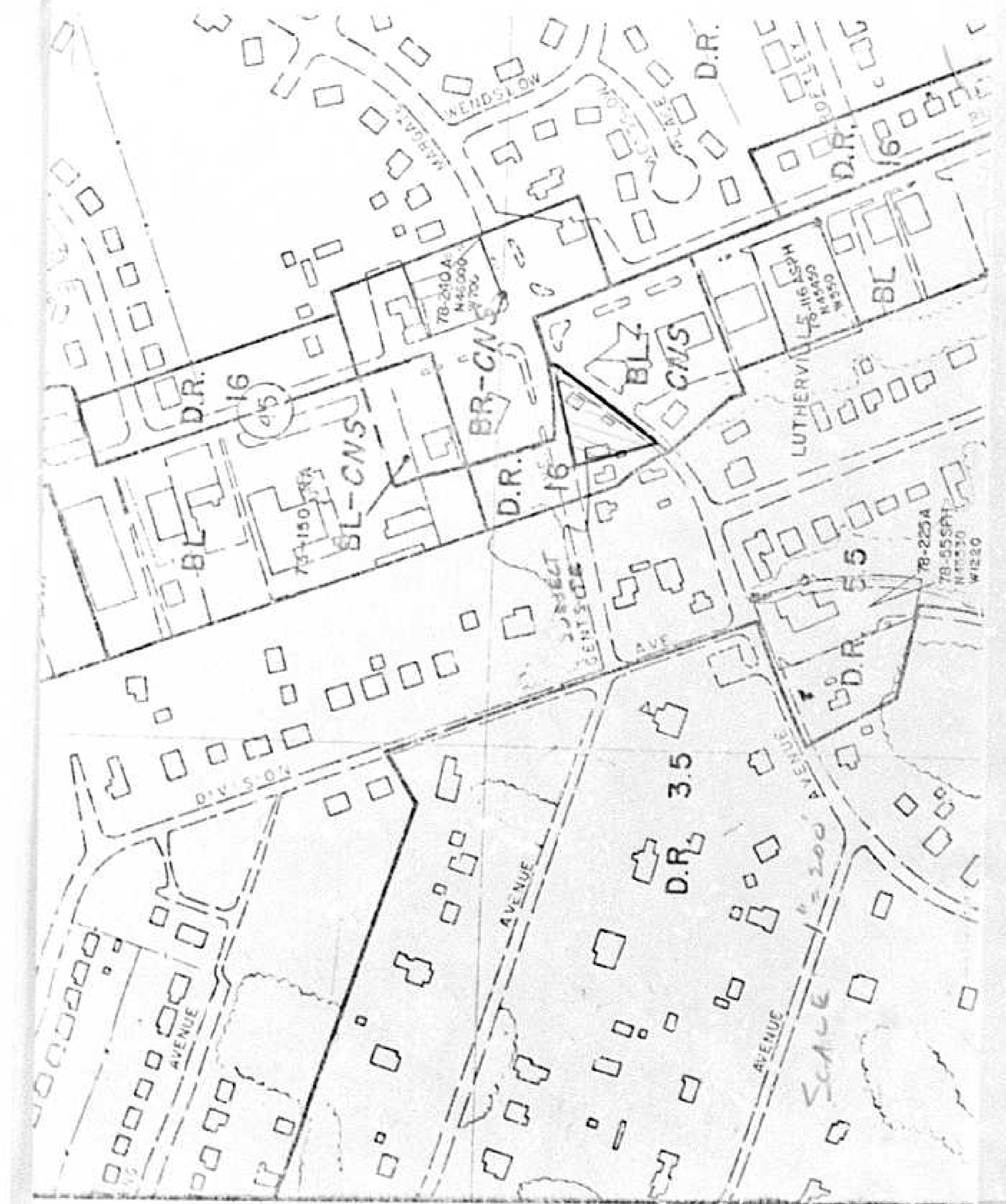
This Description is for Re-Zoning, Parking Variance and Side Yard Variance

Beginning for the same on the south side of Melancton Avenue with the intersection of the center line of Bellona Avenue, thence along the south side of Melancton Avenue, 193 feet, more or less, to a point, said point being on the property line of No. 105 and No. 107 Melancton Avenue, thence binding on said line S 14 degrees 45 minutes E 145 feet, more or less, to the center line of Bellona Avenue, thence binding on said center line N 42 degrees E 225 feet, more or less, to the place of beginning.

Containing 0.32 of an acre of land, more or less.



Engineers - Surveyors - Site Planners 9/28/78



RE: PETITION FOR RECLASSIFICATION AND VARIANCE  
 SW corner Bellona Avenue and Melancton Avenue  
 8th District  
 Wilton A. DeBaugh, et ux, Petitioner  
 BEFORE  
 COUNTY BOARD OF APPEALS  
 OF  
 BALTIMORE COUNTY  
 No. R-79-8-XA

OPINION

This case comes before this Board on a request for a reclassification of a small parcel of land from its present DR 16 classification to a proposed BL classification with a Special Exception for a Dry Cleaning Plant and the Variances to implement this use. Testimony in favor of this proposal was received from M. Paul Lee, a professional engineer, Mr. Frederick Klaus, a real estate expert and Mr. Bernard Kirsch, contract purchaser of the property. Testimony against granting the petition was received from eight (8) neighbors and Mr. Stephen Weber, a Baltimore County Traffic Engineer. Other neighbors in attendance at this hearing were also opposed.

The first issue to be addressed in this Opinion will be the requested reclassification from DR 16 to the proposed BL classification. All exhibits and testimony presented during the two days of hearing received careful consideration. In addition, an on-site inspection of the subject site was made. The following conclusions were reached. The subject property contains .32 acres, but only .27 acres can be considered usable, since 17 feet along the Bellona Avenue side must be reserved for a proposed widening of this road. The property is triangularly shaped, lying between Bellona Avenue and Melancton Avenue at their intersection. This intersection is slightly west of York Road, and therefore the property cannot be considered as abutting York Road. To the north, there is a White Coffee Pot Jr. Restaurant, zoned BR-CNS. This BR-CNS zoning line abuts the major portion of the subject site on the north. The remaining abutting land on this side is zoned DR 16. To the south, a small shopping center, zoned BR-CNS abuts the entire subject property line. To the west, the present DR 16 zoning continues. This in effect creates a peninsula of DR 16 zoning projecting into existing business zoning but not quite reaching the York Road proper. An examination of the Baltimore County Zoning maps confirms this zoning classification.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

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From the Lutherville Elementary School south along the west side of York Road to Westbury Road for a depth of several hundred feet in from York Road, all properties are zoned BL or BM except this small peninsula. This does not seem, in this Board's opinion, to be consistent with good zoning procedures to limit this parcel's uses to those allowed in a DR 16 classification when it is virtually encompassed by business classifications. Our on-site inspection confirmed this. The site is presently occupied by two buildings, one of which is literally falling down and the other in dire need of extensive renovation. Testimony from two expert witnesses, Mr. Paul Lee and Mr. Frederick Klaus, indicated that because of the size of the parcel and its triangular configuration, it would be highly impractical, if not impossible, to develop this parcel residentially, and except for its possible development as an office site (permitted by Special Exception) could feasibly see no other use for the site except some small commercial use as proposed. The Board is in agreement with this evaluation and finds that this DR 16 classification is in error and that in conformity with the zoning along this portion of York Road, this parcel should also enjoy some practical business use potential. It should also be noted that this property was not an issue on the 1976 comprehensive zoning maps and therefore was in all probability not specifically considered by the Council in its mapping process. In view of the foregoing, specifically noting the subject sites configuration and the adjacent zoning classifications, the Board is of the opinion that the DR 16 zoning is in fact in error.

Having thus decided that the requested BL zoning be granted, the Board will now address the requested Special Exception and Variances. The Variances needed and the Special Exception are inextricably tied together and one cannot be considered without the other. The requested Special Exception is for a dry cleaning plant. It should perhaps be noted at this point that a Special Exception is not needed in a BL zone for a dry cleaning establishment, but the proposal is to use this location for some dry cleaning processing from goods received at another establishment owned by Mr. Kirsch.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

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Section 416 of the Baltimore County Zoning Regulations defines this use as requiring a Special Exception. The proposal is to raze all existing structures and erect a dry cleaning plant containing 2,100 square feet on the first floor and 3,100 square feet on the second floor for office use connected with the dry cleaning business only. Bearing in mind the present condition of the site, the impractical aspect of its development under its present zoning, the configuration of the site and the adjacent property uses, this proposed use seems to be an appropriate use. Testimony from neighbors in opposition to this granting, as to increasing the traffic problems, was considerably negated by the traffic engineer from Baltimore County. He testified that if the entire .29 acres was developed to its maximum potential, the traffic increase would only be three-tenths (.3) of one percent. There were no figures presented as to the traffic increase from the proposed use, but it is the opinion of this Board that the proposed use will surely be less than the maximum use and therefore no major problem to the neighborhood. The Board also finds that if reasonable restrictions are imposed, the Special Exception use will satisfy all the requirements of the Baltimore County Zoning Regulations, Section 502.1 and will order the Special Exception granted subject to the restrictions. The variances requested are necessary for this use. The denial of some would create a practical difficulty in the use of this property. The variances will be granted.

ORDER

For reasons stated in the foregoing Opinion, it is this 6th day of November, 1979, by the County Board of Appeals, ORDERED that:

1. The requested reclassification from DR 16 to BL be granted
2. The requested variance from Section 232.2(b) to permit a side yard set-back of 5 feet instead of the required 25 feet be granted
3. The requested variance from Section 409.2(b)5 to permit a total of nine (9) off-street parking spaces instead of the required 15 be granted
4. The requested Special Exception for a dry cleaning plant be granted subject to the following restrictions:

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

4.

- (a) The Petitioner must comply with such requirements for the operation of this dry cleaning plant as may be required by the Bureau of Environmental Services. The site and off-street parking plans must meet the Baltimore County Zoning Regulation requirements.
- (b) That a barricade be provided along the western property line abutting the DR 16 zoning. This barricade to be either a privacy type fence or a dense compact planting of evergreens at least four (4) feet high.
- (c) That the proposed office area be used only as requested by Petitioner for his company's business and that no rental or leasing of any office area be permitted on this site.

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

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

*William T. Hackett*  
 William T. Hackett

*LeRoy S. Spurrier*  
 LeRoy S. Spurrier

*John A. Miller*  
 John A. Miller

#R-79-8-XA - DE BAUGH

Name	Address	Rep Code
Wm. Arthur Jordan	115 Melancton Ave	Lutherville 21093
James D. Smart	1523 Norman Ave	Lutherville
Clarence Wroblewski	1214 Glenfield Ln	21093
Wendell E. Lovell	109 W. Llan-Hin Ave	21043
Gordon Saunders	1513 Norman Ave	21093
McIntyre P. Bowie	1508 Bellona	21093
Muriella P. Jones	202 W. Seminary Ave	21093
PAUL P. RAABESE	1617 PINNAC RD	21093 (LUTHERVILLE)

M. Edward Frazier  
 1506 Bellona Ave.  
 Lutherville, Md. 21093

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

600  
 Nicholas B. Commodari  
 Chairman

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

December 18, 1978

George T. Canaras, Esquire  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

RE: Item No. 7  
 Petitioner - DeBaugh  
 Reclassification/Special  
 Exception/Variance Petitions

Dear Mr. Canaras:

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

Very truly yours,

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

NBC/si

enclosure

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

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing  
 this 14th day of December, 1978.

*Eric DiNenna*  
 S. ERIC DINENNA  
 Zoning Commissioner

Petitioner: DeBaugh  
 Petitioner's Attorney Canaras  
 George T. Canaras, Esquire  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

Reviewed by: *Nicholas B. Commodari*  
 Nicholas B. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

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

R-79-8-XA

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 8TH Date of Posting: July 13, 1979  
 Posted for: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, VARIANCE  
 Petitioner: WILTON A. & MARGARETTE B. DE BAUGH  
 Location of property: SW/COR. BELLONA AVE. AND MELANCTON AVENUE.  
 Location of Signs: SW/COR. BELLONA AVE. & MELANCTON AVE.  
 Remarks:  
 Posted by: *Thomas R. Roland* Signature Date of return: July 20, 1979

3-SIGNS



RE: PETITION FOR RECLASSIFICATION AND VARIANCE  
 SW corner Bellona Avenue and Melancton Avenue  
 8th District

Wilton A. DeBaugh, et ux,  
 Petitioner

BEFORE  
 COUNTY BOARD OF APPEALS  
 OF  
 BALTIMORE COUNTY  
 R-79-199-XA  
 No. R-79-8-XA

OPINION

This case comes before this Board on a request for a reclassification of a small parcel of land from its present DR 16 classification to a proposed BL classification with a Special Exception for a Dry Cleaning Plant and the Variances to implement this use. Testimony in favor of this proposal was received from Mr. Paul Lee, a professional engineer, Mr. Frederick Klaus, a real estate expert and Mr. Bernard Kirsch, contract purchaser of the property. Testimony against granting the petition was received from eight (8) neighbors and Mr. Stephen Weber, a Baltimore County Traffic Engineer. Other neighbors in attendance at this hearing were also opposed.

The first issue to be addressed in this Opinion will be the requested reclassification from DR 16 to the proposed BL classification. All exhibits and testimony presented during the two days of hearing received careful consideration. In addition, an on-site inspection of the subject site was made. The following conclusions were reached. The subject property contains .32 acres, but only .29 acres can be considered usable, since 17 feet along the Bellona Avenue side must be reserved for a proposed widening of this road. The property is triangularly shaped, lying between Bellona Avenue and Melancton Avenue at their intersection. This intersection is slightly west of York Road, and therefore the property cannot be considered as abutting York Road. To the north, there is a White Coffee Pot Jr. Restaurant, zoned BR-CNS. This BR-CNS zoning line abuts the major portion of the subject site on the north. The remaining abutting land on this side is zoned DR 16. To the south, a small shopping center, zoned BR-CNS abuts the entire subject property line. To the west, the present DR 16 zoning continues. This in effect creates a peninsula of DR 16 zoning projecting into existing business zoning but not quite reaching the York Road proper. An examination of the Baltimore County Zoning maps confirms this zoning classification.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

From the Lutherville Elementary School south along the west side of York Road to Westbury Road for a depth of several hundred feet in from York Road, all properties are zoned BL or EM except this small peninsula. This does not seem, in this Board's opinion, to be consistent with good zoning procedures to limit this parcel's uses to those allowed in a DR 16 classification when it is virtually encompassed by business classifications. Our on-site inspection confirmed this. The site is presently occupied by two buildings, one of which is literally falling down and the other in dire need of extensive renovation. Testimony from two expert witnesses, Mr. Paul Lee and Mr. Frederick Klaus, indicated that because of the size of the parcel and its triangular configuration, it would be highly impractical, if not impossible, to develop this parcel residentially, and except for its possible development as an office site (permitted by Special Exception) could feasibly see no other use for the site except some small commercial use as proposed. The Board is in agreement with this evaluation and finds that this DR 16 classification is in error and that in conformity with the zoning along this portion of York Road, this parcel should also enjoy some practical business use potential. It should also be noted that this property was not an issue on the 1976 comprehensive zoning maps and therefore was in all probability not specifically considered by the Council in its mapping process. In view of the foregoing, specifically noting the subject sites configuration and the adjacent zoning classifications, the Board is of the opinion that the DR 16 zoning is in fact in error.

Having thus decided that the requested BL zoning be granted, the Board will now address the requested Special Exception and Variances. The Variances needed and the Special Exception are inextricably tied together and one cannot be considered without the other. The requested Special Exception is for a dry cleaning plant. It should perhaps be noted at this point that a Special Exception is not needed in a BL zone for a dry cleaning establishment, but the proposal is to use this location for some dry cleaning processing from goods received at another establishment owned by Mr. Kirsch.

Wilton A. DeBaugh, et ux  
 No. R-79-8-XA

Section 416 of the Baltimore County Zoning Regulations defines this use as requiring a Special Exception. The proposal is to raze all existing structures and erect a dry cleaning plant containing 2,100 square feet on the first floor and 3,100 square feet on the second floor for office use connected with the dry cleaning business only. Bearing in mind the present condition of the site, the impractical aspect of its development under its present zoning, the configuration of the site and the adjacent property uses, this proposed use seems to be an appropriate use. Testimony from neighbors in opposition to this granting, as to increasing the traffic problems, was considerably negated by the traffic engineer from Baltimore County. He testified that if the entire .29 acres was developed to its maximum potential, the traffic increase would only be three-tenths (.3) of one percent. There were no figures presented as to the traffic increase from the proposed use, but it is the opinion of this Board that the proposed use will surely be less than the maximum use and therefore no major problem to the neighborhood. The Board also finds that if reasonable restrictions are imposed, the Special Exception use will satisfy all the requirements of the Baltimore County Zoning Regulations, Section 502.1 and will order the Special Exception granted subject to these restrictions. The variances requested are necessary for this use. The denial of same would create a practical difficulty in the use of this property. The variances will be granted.

ORDER

For reasons stated in the foregoing Opinion, it is this 6th day of November, 1979, by the County Board of Appeals, ORDERED that:

1. The requested reclassification from DR 16 to BL be granted
2. The requested variance from Section 232.2(b) to permit a side yard set-back of 5 feet instead of the required 25 feet be granted
3. The requested variance from Section 409.2(b)5 to permit a total of nine (9) off-street parking spaces instead of the required 15 be granted
4. The requested Special Exception for a dry cleaning plant be granted subject to the following restrictions:

- (a) The Petitioner must comply with such requirements for the operation of this dry cleaning plant as may be required by the Bureau of Environmental Services. The site and off-street parking plans must meet the Baltimore County Zoning Regulation requirements.
- (b) That a barricade be provided along the western property line abutting the DR 16 zoning. This barricade to be either a privacy type fence or a dense compact planting of evergreens at least four (4) feet high.
- (c) That the proposed office area be used only as requested by Petitioner for his company's business and that no rental or leasing of any office area be permitted on this site.

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

COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

William T. Hockett  
 LaRoy B. Spurrier  
 John A. Miller

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

650  
 Nicholas B. Commodari  
 Chairman

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

December 18, 1978

George T. Canaras, Esquire  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

RE: Item No. 7  
 Petitioner - DeBaugh  
 Reclassification/Special  
 Exception/Variance Petitions

Dear Mr. Canaras:

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

Very truly yours,

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

NBC/sf

enclosure

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

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing  
 this 14th day of December, 1978.

S. ERIC DINENNA  
 Zoning Commissioner

Petitioner DeBaugh  
 Petitioner's Attorney Canaras

Reviewed by Nicholas B. Commodari  
 Nicholas B. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

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

George T. Canaras, Esquire  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing as of the  
 30th day of January, 1979.

S. ERIC DINENNA  
 Zoning Commissioner

Petitioner DeBaugh  
 Petitioner's Attorney George T. Canaras

George T. Canaras, Esquire  
 1700 Charmuth Road  
 Lutherville, Maryland 21093

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

Reviewed by Nicholas B. Commodari  
 Nicholas B. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

BOARD OF EDUCATION  
 OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 24, 1978

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

Z.A.C. Meeting of: Cycle IV

RE: Item No:  
 Property Owner: Wilton A. & Margarette B. DeBaugh  
 Location: SW/C Bellona Ave. & Melancton Ave.  
 Present Zoning: D.R. 16  
 Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.

District: 5th  
 No. Acres: 0.32

Dear Mr. DiNenna,

No adverse effect on student population.

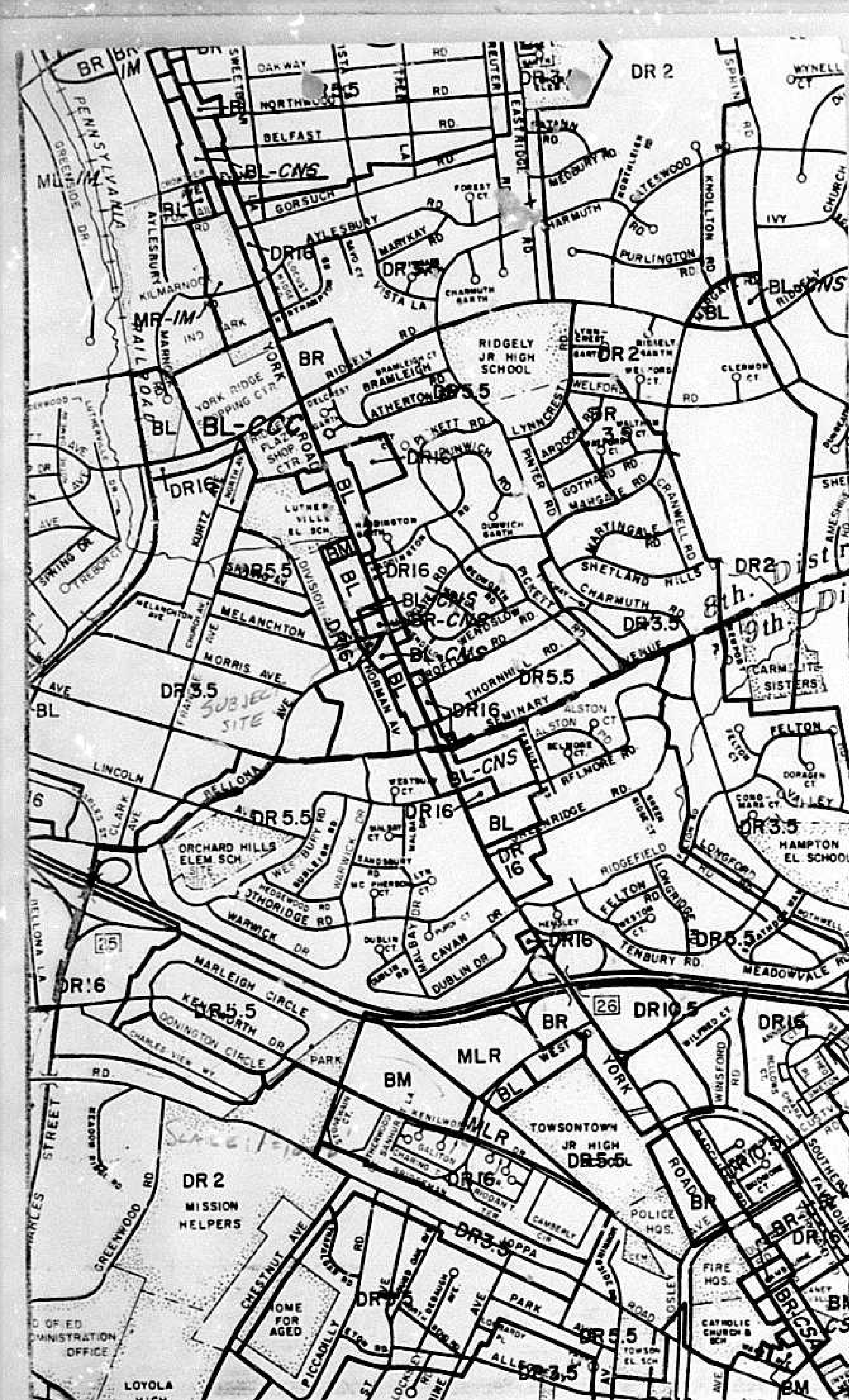
Very truly yours,  
 W. Nick Petrovich,  
 Field Representative

KNP/hp

JOSEPH A. HIGDON, PRESIDENT  
 T. BARBAR WILLIAMS, JR., VICE-PRESIDENT  
 HAROLD W. MURPHY

THOMAS W. BOYER  
 MRS. LORRAINE F. CHIRCO  
 RODGER B. HUSTON

ALVIN LORICK  
 MRS. MILTON B. SMITH, JR.  
 RICHARD W. TRACEY, JR.



RE- PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS  
 PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
 PETITION FOR VARIANCES :  
 SW/C Bellona Ave. & Melancton Ave.  
 8th District  
 WILTON A. DeBAUGH, et ux, : Case No. R-79-8-XA (Item 7)  
 Petitioners

**ORDER TO ENTER APPEARANCE**

To the Honorable, Members of Said Board:

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

Peter Max Zimmerman  
 Peter Max Zimmerman  
 Deputy People's Counsel

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

I HEREBY CERTIFY that on this 13th day of June, 1979, a copy of the foregoing Order was mailed to George T. Canaris, Esquire, 1700 Charmuth Road, Lutherville, Maryland 21093, Attorney for Petitioners; and Mr. Bernard Kirsh, President, Kirsh Tailors, Inc., 1540 York Road, Lutherville, Maryland 21093, Contract Purchaser.

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

RECEIVED  
 BALTIMORE COUNTY  
 JUN 13 10 04 AM '79  
 COUNTY BOARD  
 OF APPEALS  
 BY: \_\_\_\_\_

R  
 #79-8-XA

WILTON A. and M. B. DeBAUGH  
 SW cor. Bellona Ave. and Melancton Ave.  
 8th District  
 Reclassification from DR 16 to BL zone  
 Special Exception - Dry Cleaning Plant  
 Variance - Side Yard Setback

ASSIGNED FOR: TUESDAY, JULY 3, 1979 at 10 a.m.

8/11 8/22 252-9433 5/9/79

Request for postponement from George Canaris, attorney for Petitioner in Cycle IV case #R-79-8-XA, Wilton A. DeBaugh - scheduled for Tues. 7/3/79. Mr. Canaris will be in Europe at his time, will be returning around the 4th. I explained the difficulty of postponing cycle cases and the reason why we had sent out notices on Cycle IV. He appreciated being notified and hoped that the Board could change this date. He will write us a letter to this effect and also tell us other dates in Aug. and Sept. when he will not be available.

ETE

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 83084

DATE August 1, 1979 ACCOUNT #01-662

AMOUNT \$179.31

RECEIVED FROM Kirsh Tailors, Inc. De Baugh

FOR Advertising and Posting for Case #R-79-8-XA

661280 1 17934 MC  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 83083

DATE July 31, 1979 ACCOUNT #01-662

AMOUNT \$61.05

RECEIVED FROM Bernard Kirsh

FOR Advertising and Posting for Case No. R-79-8-XA

873388 1 6105 MC  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 73546

DATE 4-28-79 ACCOUNT 21-662

AMOUNT 50.00

RECEIVED FROM George Canaris

FOR George T. Canaris  
 1700 Charmuth Rd  
 Lutherville, Md 21093

506100 1 5000 MC  
 VALIDATION OR SIGNATURE OF CASHIER

7/27/79 - Per instructions from W.A.R. after his conversation with F. Klaus

Case is to be heard - cannot grant postponement. However, Board will grant a continuance for Fred Klaus' testimony only. Petitioner's, People's Counsel's, and Protestants' case will be heard on 8/1, continuance for F. Klaus only.

Aug 17 still after labor day -

ETE  
 Cont'd on 10/1/79 11 am

**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map					11/2	178				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>DEB</u>	Revised Plans:		Change in outline or description		Yes		No			
Previous case:	Map # <u>11212</u>									

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

Your Petition has been received this 29 day of Sept 1978. Filing Fee \$ 50.00. Received  Check  Cash  Other

Eric DiNenna  
 S. Eric DiNenna  
 Zoning Commissioner

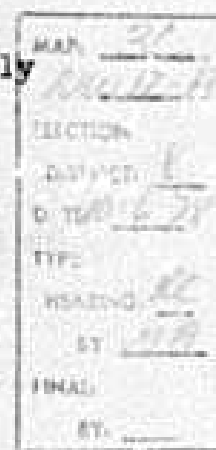
Petitioner Wilton A. DeBaugh Submitted by Canaris  
 Petitioner's Attorney George T. Canaris Reviewed by DEB

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

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Wilton A. DeBaugh, I, or we, Margarette B. DeBaugh, legal owner(s) 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 R-16 zone to an R-1 zone; for the following reasons:

Error in the Zoning map and change in the area. As more particularly set out in the attachment hereto.



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

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: Kirsh Tailors, Inc., 1540 York Road, Lutherville, Md. 21093. Legal Owner: Wilton A. DeBaugh, 506 Hampton Lane, Towson, Md. 21284. Protestant's Attorney: George T. Canaris, 1700 Charnuth Rd., Lutherville, Md. 21093.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of July, 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of July, 1979, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING RE-CLASSIFICATION

Wilton A. DeBaugh, Margarette B. DeBaugh, Nos. 103 & 105 Melancthon Avenue, Election District No. 8, Baltimore County

BRIEF

Petitioners contend that there is error in the Zoning Map in that the subject property should be classified for commercial use.

Over a protracted period of time, the character and nature of use along the York Road corridor has been changing until, at present, the vast majority of use in this general area is now commercial. More particularly, in regard to the subject property, almost of the use within the two blocks fronting on York Road has been zoned for commercial use.

Additionally, the size of the subject property mitigates against its use as a residential area; a more proper and economical use of the property, considering building costs, benefit to the neighborhood and other factors, would be as a commercial zone.

For these and other good reasons as may be set forth at a future date, Petitioners request that the zoning sought be granted.

George T. Canaris, ATTORNEY AT LAW, BALTIMORE, MARYLAND 21093

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Wilton A. DeBaugh, I, or we, Margarette B. DeBaugh, legal owner(s) 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 232.2 (b) to permit a side yard setback of 5' instead of the required 25' (a Variance of 20') and Section 409.2 (b)(5) of the Zoning Code to permit a total of 9 off-street parking spaces instead of the required 15 (a Variance of 6 Spaces)

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

hardship and practical difficulty are imposed by the nature of the subject property in that the configuration of the property does not allow it to be developed with the required setbacks. Further, a strip, approximately 17' wide by 22.4' long is required for the widening of Bellona Avenue to a minimum of a 50' Right of Way; this reduces the area available for off-street parking and normal building set-back requirements.

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: Kirsh Tailors, Inc., 1540 York Rd., Lutherville, Md. 21093. Legal Owner: Wilton A. DeBaugh, 506 Hampton Lane, Towson, Md. 21284. Protestant's Attorney: George T. Canaris, 1700 Charnuth Rd., Lutherville, Md. 21093.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of July, 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of July, 1979, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of fact that strict compliance with the Baltimore County Zoning Regulation 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,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of July, 1979, that the herein Petition for the aforementioned Variance(s) should be and the same is/are GRANTED, from and after the date of this Order,

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,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of July, 1979, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Wilton A. DeBaugh, I, or we, Margarette B. DeBaugh, legal owner(s) 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 R-16 zone to an R-1 zone; for the following reasons:

Error in the Zoning map and change in the area. As more particularly set out in the attachment hereto.



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

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: Kirsh Tailors, Inc., 1540 York Rd., Lutherville, Md. 21093. Legal Owner: Wilton A. DeBaugh, 506 Hampton Lane, Towson, Md. 21284. Protestant's Attorney: George T. Canaris, 1700 Charnuth Rd., Lutherville, Md. 21093.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of July, 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of July, 1979, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 12, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each week, one time successive weeks before the 12th day of August, 1979, the first publication appearing on the 12th day of July, 1979.

THE JEFFERSONIAN

L. Leach Smith, Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE

WILSON A. DEBAUGH, MARGARETTE B. DEBAUGH, Nos. 103 & 105 Melancthon Avenue, Election District No. 8, Baltimore County

Proposed Zoning: R-16 with a Special Exception for a dry cleaning plant and a Variance for side yard setback and parking. LOCATION: Southwest corner of Bellona Avenue and Melancthon Avenue. DATE & TIME: Wednesday, August 1, 1979 at 10:00 A.M. PUBLIC HEARING: Room 218, Courthouse, Towson, Md.

By order of WALTER A. REITER, JR., Chairman, County Board of Appeals of Baltimore County, July 12, 1979.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 12, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each week, one time successive weeks before the 12th day of August, 1979, the first publication appearing on the 12th day of July, 1979.

THE JEFFERSONIAN

L. Leach Smith, Manager

Cost of Advertisement, \$44.00

OFFICE OF THE TIMES NEWSPAPERS, TOWSON, MD. 21204 July 12, 1979

PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCE. RTIFY, that the annexed advertisement of WILSON A. DEBAUGH, MARGARETTE B. DEBAUGH, et ux is published in Baltimore County, Maryland, one time successive weeks before the 12th day of August, 1979, that is to say, the same was inserted in the issues of July 12, 1979.

STROMBERG PUBLICATIONS, INC.

By Esther Berger

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wilton A. DeBaugh 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 RE 16 zone to an RE zone; for the following reasons:

Error in the zoning map and change in the area. As more particularly set out in the attachment hereto.

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

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.

Kirsh Tailors, Inc.  
Contract purchaser  
Address: 1540 York Road Lutherville, Md. 21093  
George T. Canaras  
President  
Address: 1700 Charnuth Rd. Lutherville, Md. 21093  
Petitioner's Attorney

Wilton A. DeBaugh  
Legal Owner  
Address: 506 Hampton Lane Towson, Md. 21286  
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County

(over)

WILTON A. DEBAUGH, et ux No. R-79-B-XA  
SW corner Bellona Ave. and Melancton Ave. 8th District

Reclass. from D.R. 16 to B.L. zone  
SE for a dry cleaning plant  
Variances

Dec. 14, 1978	Petition filed
Aug. 1, 1979	Hearing held before the Bd.
Oct. 11	Continued hearing held before the Bd.
Nov. 6	Order of the Board GRANTING reclassification and variances, and GRANTING the Special Exception with restrictions
Dec. 4	Order for Appeal filed in the C.C. by People's counsel
Dec. 5	Time for filing extended to 2/1/80
Dec. 7	Certificate of Notice filed and sent out
Jan. 25, 1980	Record of proceedings filed in the C.C.

R-79-B-XA

WILTON A. DEBAUGH, et ux  
506 Hampton Lane  
Towson, Md. 21286  
8th District

R-79-B-XA

**PETITION FOR ZONING RE-CLASSIFICATION**

Wilton A. DeBaugh, et ux  
Margarette B. DeBaugh  
Now: 109 & 105 Melancton Avenue  
Election District No. 6  
Baltimore County

**BRIEF**

Petitioners contend that there is error in the Zoning Map in that the subject property should be classified for commercial use.

Over a protracted period of time, the character and nature of use along the York Road corridor has been changing until, at present, the vast majority of use in this general area is now commercial. More particularly, in regard to the subject property, almost of the use within the two blocks fronting on York Road has been zoned for commercial use. The subject property, which lies just short of York Road and may perhaps be said to be so close as to be considered on York Road, forms a triangle, the point of which divides two intersecting roads. The existing zones and uses of the property on each side of this triangle, extending back beyond the property line of the subject property, are commercial. Thus the use, as requested, would present no intrusion into a residential area. In point of fact, the existing "RE 16" zone creates an island of residential use in what is otherwise a commercial zone.

Additionally, the size of the subject property mitigates against its use as a residential area; a more proper and economical use of the property, considering building costs, benefit to the neighborhood and other factors, would be as a commercial zone. Petitioners use as a dry cleaning and office building would add to the stability of the area in general. Moreover, the road patterns in this immediate area further lend itself to the use of the subject property for commercial rather than residential use.

For these and other good reasons as may be set forth at a future date, Petitioners request that the zoning sought be granted.

**PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wilton A. DeBaugh 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 235.2 (b) to permit a side yard setback of 5' instead of the required 25' (a Variance of 20') and Section 409.2 (b) 5 of the Zoning Code to permit a total of 9 off-street parking spaces instead of the required 15 (a variance of 6 spaces)

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

Hardship and practical difficulty are imposed by the nature of the subject property in that the existing nature of the property does not allow it to be developed with the required setbacks. Further, a strip, approximately 17' wide by 29.1' long is required for the widening of Bellona Avenue to a minimum of a 50' right of way; this reduces the area available for off-street parking and normal building set-back requirements.

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.

Kirsh Tailors, Inc.  
Contract purchaser  
Address: 1540 York Rd. Lutherville, Md. 21093  
George T. Canaras  
Petitioner's Attorney  
Address: 1700 Charnuth Rd. Lutherville, Md. 21093

Wilton A. DeBaugh  
Legal Owner  
Address: 506 Hampton Lane Towson, Md. 21286  
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County

(over)

Wilton A. DeBaugh, et ux  
No. R-79-B-XA

produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Jane Holmen  
Jane Holmen  
County Board of Appeals of Baltimore County

Aug 1, 1979 Case R-79-B-XA  
Petitioners Exhibits  
1. Plat - Prepared by Paul Lee  
2. Plat  
3. A T H A F P.H.T.S OF AREA  
4. Petitioners Amended Pet (open)

People's Counsel Exhibits  
1. A T H A F P.H.T.S OF AREA  
2. Letter to Reiter - York Mann sup issue  
3. Letter No 7 and Geographical Comments

RE: PETITION FOR RECLASSIFICATION : IN THE  
from D.R. 16 to B.L. zone : CIRCUIT COURT  
PETITION FOR SPECIAL EXCEPTION : FOR  
for a Dry Cleaning Plant : BALTIMORE COUNTY  
PETITION FOR VARIANCES :  
SW corner Bellona Avenue and :  
Melancton Avenue, 8th District :  
Wilton A. DeBaugh, et ux : AT LAW  
Petitioner : Misc. Docket No. 12  
Zoning File No. R-79-B-XA : Folio No. 40  
John W. Hessian, III :  
People's Counsel for Baltimore County, : File No. 6990  
Appellant :

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

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

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. R-79-B-XA  
September 29, 1978 Petition of Wilton A. DeBaugh, et ux for reclassification from D.R. 16 to B.L. Zone, for special exception for a Dry Cleaning Plant, and variances, on property located on the southwest corner of Bellona Avenue and Melancton Avenue, 8th District filed  
Order of Walter A. Reiter, Jr., Chairman, County Board of Appeals, directing advertisement and posting of property - date of hearing set for August 1, 1979, at 10 a.m.  
October 31, 1978 Comments of Baltimore County Zoning Advisory Committee - filed  
July 12, 1979 Certificate of Publication in newspaper - filed  
July 13 Certificate of Posting of property - filed

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21284  
Hearing Room 218

NOTICE OF ASSIGNMENT

CONTINUED HEARING August 2, 1979

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(e), COUNTY COUNCIL BILL #108

CASE NO. R-79-B-XA WILTON A. DEBAUGH, ET UX  
(199-1-7-84)  
for Reclassification from D.R. 16 to B.L.  
" SE - Dry Cleaning Plant  
" Variance from Sec. 232.2(b) to permit a side yard setback of 5' instead of the required 25', and Sec. 409.2(b) 5 to permit a total of 9 off-street parking spaces instead of the required 15  
SW corner Bellona Ave. and Melancton Ave.  
8th District

ASSIGNED FOR: THURSDAY, OCTOBER 11, 1979 at 11 a.m.

cc: Mr. J. E. Dye: Zoning  
George T. Canaras, Esq. Counsel for Petitioners  
Kirsh Tailors, Inc. Contract Purchaser  
Wilton A. DeBaugh, et ux Petitioners  
John W. Hessian, III, Esq. People's Counsel  
Mrs. Carol Beresh

Muriel E. Buddemeier  
County Board of Appeals

**PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Wilton A. DeBaugh  
I, or we, Margarette B. DeBaugh 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 2-2-2 (b) to permit a side yard setback of 5' instead of the required 25' (a Variance of 20') and Section 4-09-2 (b) (5) of the Zoning Code to permit a total of 9 off-street parking spaces instead of the required 15 (a Variance of 6 Spaces)

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

hardship and practical difficulty are imposed by the nature of the subject property in that the configuration of the property does not allow it to be developed with the required setbacks. Further, a strip, approximately 17' wide by 22.4' long is required for the widening of Bellona Avenue to a minimum of a 50' Right of Way; this reduces the area available for off-street parking and normal building set-back requirements.

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.

Kirsh Tailors, Inc.  
Kirsh Tailors, Inc.  
Bernard Kirsh Contract purchaser  
President  
Address 1500 York Rd.  
Lutherville, Md. 21093

Wilton A. DeBaugh  
Margarette B. DeBaugh Legal Owner  
Address 506 Hampton Lane  
Towson, Md. 21286

George T. Canaras  
George T. Canaras Petitioner's Attorney  
1700 Charmuth Rd.  
Lutherville, Md. 21093

Protestant's Attorney

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

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Wilton A. DeBaugh  
I, or we, Margarette B. DeBaugh 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an BL 16 zone to an BL zone; for the following reasons:

Error in the Zoning map and change in the area. As more particularly set out in the attachment hereto.

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

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.

Kirsh Tailors, Inc.  
Kirsh Tailors, Inc.  
Bernard Kirsh, President

Contract purchaser  
Address 1500 York Road  
Lutherville, Md. 21093  
George T. Canaras  
1700 Charmuth Rd.  
Lutherville, Md. 21093  
Petitioner's Attorney

Wilton A. DeBaugh  
Margarette B. DeBaugh Legal Owner  
Address 506 Hampton Lane  
Towson, Md. 21286

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Paul Lee, P.E.

**Paul Lee Engineering, Inc.**

206 Washington Avenue Towson, Maryland 21204 821-5941

**DESCRIPTION**

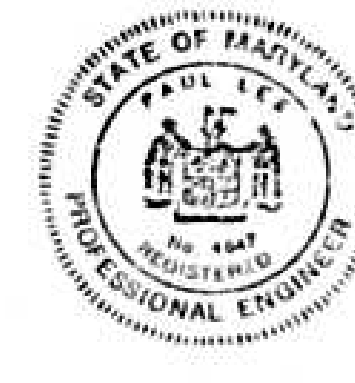
0.32 ACRE PARCEL, MORE OR LESS, KNOWN AS NOS. 103 and 105 MELANCHTON AVENUE, ELECTION DISTRICT NO. 8, BALTIMORE COUNTY, MARYLAND.

This Description is for B-L Zoning, Parking Variance and Side

**Yard Variance**

Beginning for the same on the south side of Melanchton Avenue with the intersection of the center line of Bellona Avenue, thence along the south side of Melanchton Avenue, 193 feet, more or less, to a point, said point being on the property line of No. 105 and No. 107 Melanchton Avenue, thence binding on said line S 14 degrees 45 minutes E 145 feet, more or less, to the center line of Bellona Avenue, thence binding on said center line N 42 degrees E 224 feet, more or less, to the place of beginning.

Containing 0.32 of an acre of land, more or less.



OFFICE COPY

Engineers - Surveyors - Site Planners 9/28/78

Paul Lee, P.E.

**Paul Lee Engineering, Inc.**

206 Washington Avenue Towson, Maryland 21204 821-5941

**DESCRIPTION**

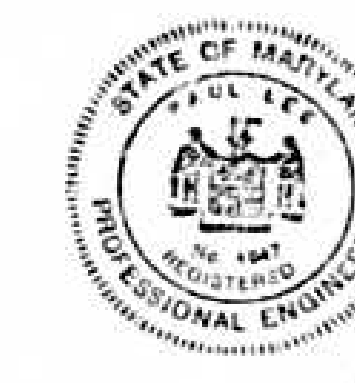
0.32 ACRE PARCEL, MORE OR LESS, KNOWN AS NOS. 103 and 105 MELANCHTON AVENUE, ELECTION DISTRICT NO. 8, BALTIMORE COUNTY, MARYLAND.

This Description is for P-L Zoning, Parking Variance and Side

**Yard Variance**

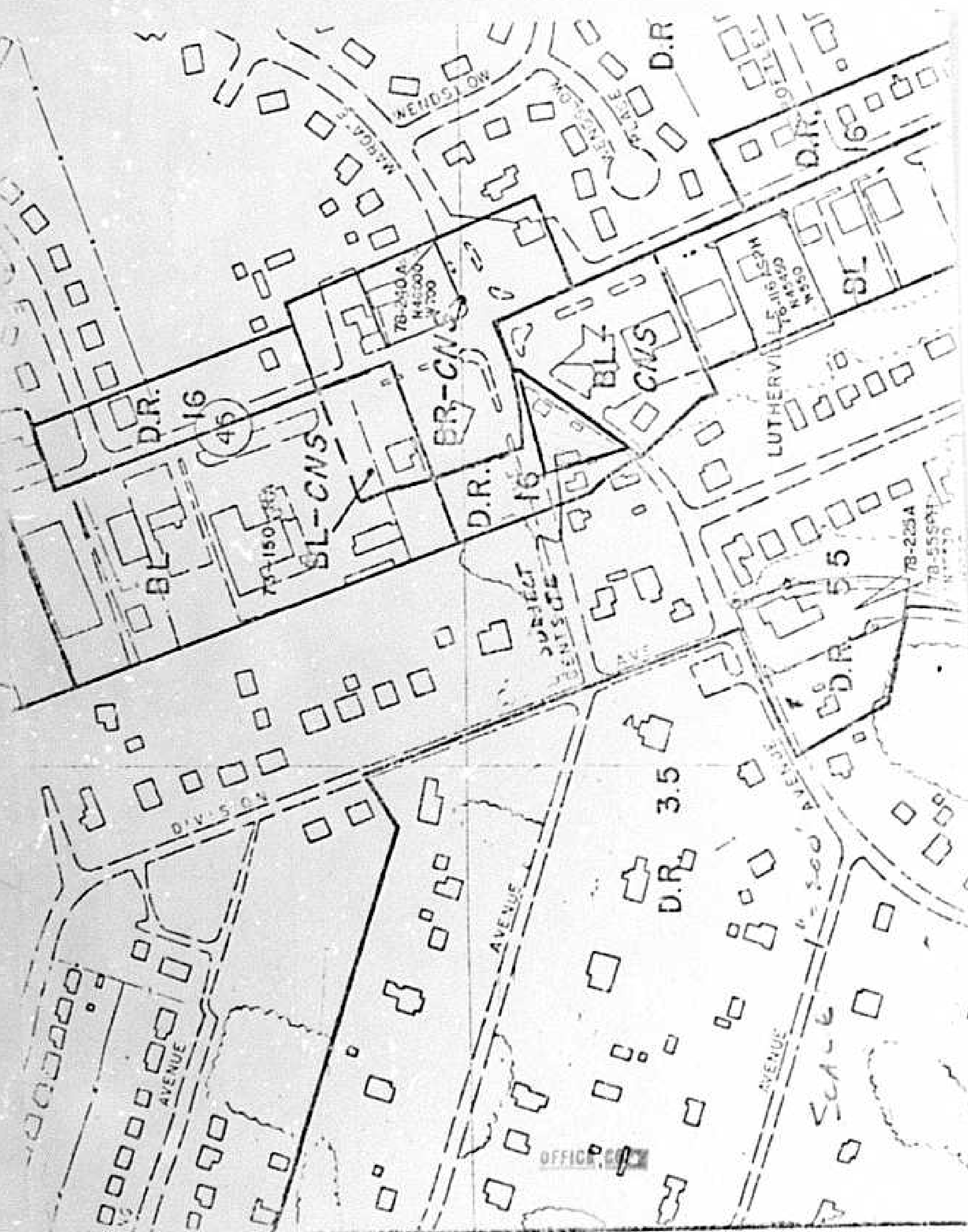
Beginning for the same on the south side of Melanchton Avenue with the intersection of the center line of Bellona Avenue, thence along the south side of Melanchton Avenue, 193 feet, more or less, to a point, said point being on the property line of No. 105 and No. 107 Melanchton Avenue, thence binding on said line S 14 degrees 45 minutes E 145 feet, more or less, to the center line of Bellona Avenue, thence binding on said center line N 42 degrees E 224 feet, more or less, to the place of beginning.

Containing 0.32 of an acre of land, more or less.



OFFICE COPY

Engineers - Surveyors - Site Planners 9/28/78



Paul Lee, P.E.

**Paul Lee Engineering, Inc.**

307 W. Pennsylvania Ave. Towson, Maryland 21286 821-5941

November 21, 1978

Mr. Nicholas B. Commodari  
Chairman  
Zoning Plans Advisory Committee  
Baltimore County Office Building  
Towson, Maryland 21286

Re: Item #7  
103 & 105 Melanchton Avenue  
J. O. #7907

Dear Nick:

While you were away I took the liberty of meeting with Mr. James Iyer relative to the comment with regard to the retail area. In the past a site like this has been treated similar to a drive-in bank with parking requirements being based on a 1 per 300 ratio.

As a result of my meeting with Jim, I have revised the plat to estimate a retail area of 500 square feet and a 1 for 3 employee parking relationship. As you will note, this did not change the number of spaces for which we are requesting the Variance.

I am enclosing 10 prints of the revised Plan. If any change is required on the Petition, please let me know.

Thanking you for your cooperation, I remain,

Yours sincerely,

Paul Lee

PL:11

Enclosures

cc: Mr. Canaras w/enc.  
Mr. Kirsh w/enc.  
Mr. Kirsh  
Mr. Miller w/enc. - Surveyor Site Planner

BALTIMORE COUNTY  
ZONING  
103 & 105 MELANCHTON AVENUE  
ELECTION DISTRICT NO. 8, BALTIMORE COUNTY, MARYLAND

PAUL LEE  
REGISTERED PROFESSIONAL ENGINEER

July 30, 1979

George T. Canaras, Esquire  
1700 Charmuth Road  
Lutherville, Maryland 21093

RE: 31/30/78 Bellona Ave & Melanchton Ave  
Petition for Reclassification,  
Variance and Special Exception,  
Wilton A. DeBaugh, et ux -  
Case No. B-79-5-XA

Dear Sir:

This is to advise you that \$173.30 (full page ad) is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21286, before the hearing.

Very truly yours,

William E. Hammond  
William E. Hammond  
Zoning Commissioner

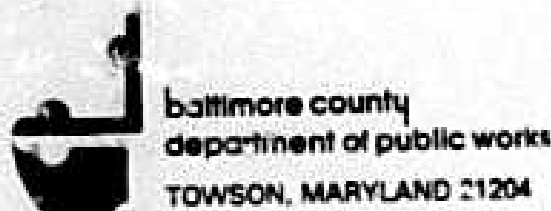
WEB/sj

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Well Map		Original		Duplicate		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, GC, CA										
Reviewed by: _____	Revised Plans: Change in outline or description _____ Yes/No									
Previous case: _____	Map # _____									

**BALTIMORE COUNTY  
ZONING PLANS  
ADVISORY COMMITTEE**



**PETITION AND SITE PLAN  
EVALUATION COMMENTS**



THORNTON M. MOURING, P.E.  
DIRECTOR  
November 6, 1978

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

Re: Item #7 Cycle IV (Oct. 1978-April 1979)  
Property Owner: Wilton A. & Margarette B. DeBaugh  
57 1/2' x 100' Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a  
dry cleaning plant and Variance to permit side setback  
of 5' in lieu of the required 25' and to permit 9 parking  
spaces in lieu of the required 15 spaces.  
Acres: 0.32 District: 8th

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

**Highways:**  
York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Bellona Avenue, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 50-foot right-of-way.

Melancton 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.

This complex Bellona-Melancton-Marygate-York Road intersection is being reviewed/studied for possible modification, by the Baltimore County Department of Traffic Engineering and the Highway Design and Approval Section of the Baltimore County Bureau of Engineering.

Highway rights-of-way widenings, including any necessary fillet areas for sight distance and reversible easements for slopes, will be required in connection with any grading or building permit application or further development of this property.

The construction and/or reconstruction of concrete sidewalks, curbs and gutters, entrances, aprons, etc. will be the full responsibility of the Petitioner.

Item #7 Cycle IV (Oct. 1978-April 1979)  
Property Owner: Wilton A. & Margarette B. DeBaugh  
Page 2  
November 6, 1978

**Highways:** (Cont'd)

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

**Sediment Control:**

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

**Storm Drains:**

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 and Sanitary Sewer:**

There is public 6-inch water main and 8-inch sanitary sewerage in Bellona Avenue. There are also public 12 and 30-inch water mains in York Road.

The Petitioner is responsible for the cost of capping and plugging any existing water and/or sanitary sewer service connections not used to serve the proposed building.

Very truly yours,

*Ellsworth N. Diver, P.E.*  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:PWR:ss

cc: J. Trenner  
C. Richard Moore  
J. Somers

S-SE Key Sheet  
46 NW 1 Plan Sheet  
NW 12 A Topo  
60 Tax Map

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

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

Your Petition has been received and accepted for filing as of the  
30th day of January, 1979.

*S. Eric DiNenna*  
S. ERIC DINENNA  
Zoning Commissioner

Petitioner - DeBaugh  
George T. Canaras, Esquire  
1700 Charmuth Road  
Lutherville, Maryland 21093

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

Petitioner's Attorney *George T. Canaras* reviewed by *Nicholas B. Commodari*  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

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

000  
Nicholas B. Commodari  
Chairman

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

George T. Canaras, Esquire  
1700 Charmuth Road  
Lutherville, Maryland 21093

October 31, 1978

RE: Item No. 7  
Petitioner - DeBaugh  
Reclassification/Special  
Exception/Variance Petitions

Dear Mr. Canaras:

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

This triangular shaped parcel of ground, zoned D.R. 16 and proposed to be rezoned to B.L., is located west of York Road and bounded by Melancton and Bellona Avenues in the 8th Election District. It is presently improved with two frame dwellings and garages as are the residential properties immediately to the west of this site, while a restaurant and abandoned service station, both zoned B.R., exist to the north and south, respectively.

In view of your clients' proposal to raze the existing structures and construct a two-story dry cleaning plant, this Reclassification/Special Exception is required. Because of the proposed setback along the westerly property line and the inadequate number of parking spaces provided onsite, Variance are also required.

A review of Note No. 5 indicates that part of the building will have a store outlet. Since parking will be required at the rate of one space for each 200 square feet of the area devoted to retail and couple



LESLIE H. GRAFF  
DIRECTOR

October 31, 1978

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

Dear Mr. DiNenna:

Comments on Item #7, Zoning Cycle IV-, October, 1978, are as follows:

Property Owner: Wilton A. and Margarette B. DeBaugh  
Location: SW/C Bellona Avenue and Melancton Avenue  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces

Acres: 0.32  
District: 8th

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.

It is suggested that the Engineer contact this office (494-3335) to discuss the site design problems.

Very truly yours,

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

DeBaugh  
Page 2  
October 31, 1978

with the fact that a Variance for parking is requested, the site plans must be revised to indicate parking for this retail area, and the petition forms altered accordingly. Prior to doing this, I suggest that a meeting be arranged with yourself, Mr. John Wimbley, Office of Current Planning and Development, your engineer, Mr. Paul Lee, and myself, in order to discuss the proposed site development.

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

Very truly yours,

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

NBC/st

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



DOUGLAS I. ROOP, M.D., M.P.H.  
DEPUTY STATE AND COUNTY HEALTH OFFICER

October 17, 1978

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

Dear Mr. DiNenna:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle IV, are as follows:

Property Owner: Wilton A. & Margarette B. DeBaugh  
Location: SW/C Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
Acres: 0.32  
District: 8th

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

Prior to new installation/s of fuel burning equipment, the owner should contact the division of Air Pollution Control, 109-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,

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

THD/JRP/ftb

cc: W. L. Phillips

October 16, 1978

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

Item No. 7 - ZAC - Meeting for Cycle IV  
 Property Owner: Wilton A. & Margarette B. DeBaugh  
 Location: SW/C Bellona Ave. & Melancton Ave.  
 Existing Zoning: D.R. 16  
 Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
 Acres: 0.32  
 District: 8th

Dear Mr. DiNenna:

This site as presently zoned will generate approximately 40 trips per day; and the proposed zoning will generate approximately 160 trips per day.

Very truly yours,



Michael S. Flanigan  
 Engineer Associate II

MSF/hms

October 16, 1978

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

Attention: N. Conodari, Chairman  
 Zoning Advisory Committee

Re: Property Owner: Wilton A. & Margarette B. DeBaugh

Location: SW/C Bellona Ave. & Melancton Ave.

Item No. 7 Zoning Agenda Cycle IV

Gentlemen:

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

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Location along Melancton Avenue.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- (x) 4. The site shall be made to comply with all applicable parts of the Fire 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.

REVIEWER: Capt. Joseph P. Noyes Noted and Approved: George M. Wagoner  
 Planning Group Special Inspection Division Fire Prevention Bureau

October 5, 1978

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

Dear Mr. DiNenna:

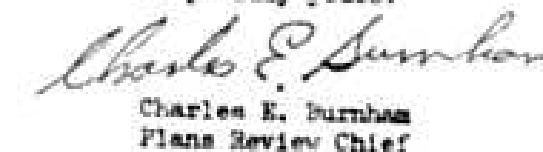
Comments on Item # Zoning Advisory Committee Meeting, CYCLE IV are as follows:

Property Owner: Wilton A. & Margarette B. DeBaugh  
 Location: SW/C Bellona Ave. & Melancton Ave.  
 Existing Zoning: D.R. 16  
 Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
 Acres: 0.32  
 District: 8th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional razing & other Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- X G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.
- I. No Comment.
- X J. Comment: Construction will be governed by Table 5 in relation to 5'-0" set back.

Very truly yours,



Charles E. Burnham  
 Plans Review Chief

CEB:rrj

BOARD OF EDUCATION  
 OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 24, 1978

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

Z.A.C. Meeting of: Cycle IV


RE: Item No:  
 Property Owner: Wilton A. & Margarette B. DeBaugh  
 Location: SW/C Bellona Ave. & Melancton Ave.  
 Present Zoning: D.R. 16  
 Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.

District: 8th  
 No. Acres: 0.32

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,



W. Nick Petrovich  
 Field Representative

WNP/bp

JOSEPH N. MCGOWAN, PRESIDENT  
 T. BAYARD WILLIAMS, JR., VICE-PRESIDENT  
 MARCUS M. ROTHSCHILD

THOMAS H. BOYER  
 MRS. LORRAINE F. CHURCH  
 ROGER B. HAYDEN

ROBERT T. DUBEL, SUPERINTENDENT

ALVIN LORECK  
 MRS. MILTON R. SMITH, JR.  
 RICHARD W. TRICEY, C.V.M.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1978

George T. Canaras, Esquire  
1700 Charmuth Road  
Lutherville, Maryland 21093

RE: Item No. 7  
Petitioner - DeBaugh  
Reclassification/Special  
Exception/Variance Petitions

Dear Mr. Canaras:

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

This triangular shaped parcel of ground, zoned D.R. 16 and proposed to be rezoned to B.L., is located west of York Road and bounded by Melancton and Bellona Avenues in the 8th Election District. It is presently improved with two frame dwellings and garages as are the residential properties immediately to the west of this site, while a restaurant and abandoned service station, both zoned B.R., exist to the north and south, respectively.

In view of your clients' proposal to raze the existing structures and construct a two-story dry cleaning plant, this Reclassification/Special Exception is required. Because of the proposed setback along the westerly property line and the inadequate number of parking spaces provided onsite, Variances are also required.

A review of Note No. 5 indicates that part of the building will have a store outlet. Since parking will be required at the rate of one space for each 200 square feet of the area devoted to retail and coupled

DeBaugh  
Page 2  
October 31, 1978

with the fact that a Variance for parking is requested, the site plans must be revised to indicate parking for this retail area, and the petition is altered accordingly. Prior to doing this, I suggest that a meeting be arranged with yourself, Mr. John Wimbley, Office of Current Planning and Development, your engineer, Mr. Paul Lee, and myself, in order to discuss the proposed site development.

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

Very truly yours,

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

NBC/sf

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



THORNTON M. MOURING, P.E.  
DIRECTOR

November 6, 1978

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

Re: Item #7 Cycle IV (Oct. 1978-April 1979)  
Property Owner: Wilton A. & Margarette B. DeBaugh  
S/W cor. Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
Acres: 0.32 District: 8th

Dear Mr. DiNenna:

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

Highways:

York Road (PA. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

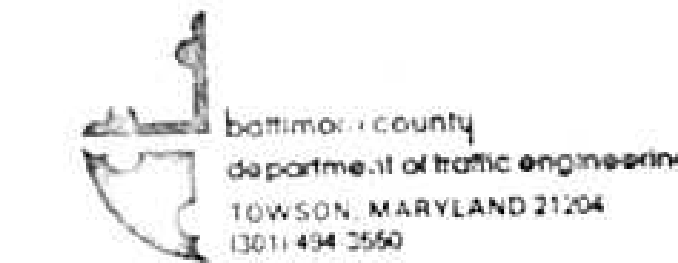
Bellona Avenue, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 50-foot right-of-way.

Melancton 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.

This complex Bellona-Melancton-Margate-York Road intersection is being reviewed/studied for possible modification, by the Baltimore County Department of Traffic Engineering and the Highway Design and Approval Section of the Baltimore County Bureau of Engineering.

Highway rights-of-way widenings, including any necessary fillet areas for sight distance and reversible easements for slopes, will be required in connection with any grading or building permit application or further development of this property.

The construction and/or reconstruction of concrete sidewalks, curbs and gutters, entrances, aprons, etc. will be the full responsibility of the Petitioner.



STEPHEN E. COLLINS  
DIRECTOR

October 16, 1978

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

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

Dear Mr. DiNenna:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle IV, are as follows:

Property Owners: Wilton A. & Margarette B. DeBaugh  
Location: SW/C Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
Acres: 0.32  
District: 8th

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

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

Very truly yours,

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

TSD/JRP/ftb

cc: W. L. Phillips

Item No. 7 - ZAC - Section for Cycle IV  
Property Owner: Wilton A. & Margarette B. DeBaugh  
Location: SW/C Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
Acres: 0.32  
District: 8th

Dear Mr. DiNenna:

This site as presently zoned will generate approximately 40 trips per day and the proposed zoning will generate approximately 160 trips per day.

Very truly yours,

*Michael S. Claugan*  
Michael S. Claugan  
Engineer Associate II

MSP/ams

Item #7 Cycle IV (Oct. 1978-April 1979)  
Property Owner: Wilton A. & Margarette B. DeBaugh  
Page 2  
November 6, 1978

Highways: (Cont'd)

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

Setback Control:

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

Storm Drainage:

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

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 and Sanitary Sewer:

There is public 6-inch water main and 8-inch sanitary sewerage in Bellona Avenue. There are also public 12 and 36-inch water mains in York Road.

The Petitioner is responsible for the cost of capping and plugging any existing water and/or sanitary sewer service connections not used to serve the proposed building.

Very truly yours,

*Richard N. Diver*  
RICHARD N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:PMR:sa

cc: J. Tronner  
C. Richard Moore  
J. Somers

S-SE Key Sheet  
46 NW 1 Pos. Sheet  
NW 12 A Topo  
60 Tax Map



Paul H. Reincke  
CHIEF

October 16, 1978

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

Attention: N. Commodari, Chairman  
Zoning Advisory Committee

Re: Property Owner: Wilton A. & Margarette B. DeBaugh

Location: SW/C Bellona Ave. & Melancton Ave.

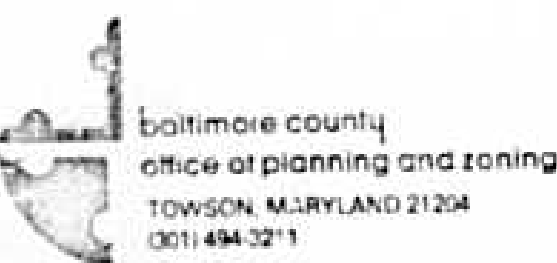
Item No. 7 Zoning Agenda Cycle IV

Gentlemen:

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

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works, located along Melancton Avenue.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- (x) 4. The site shall be made to comply with all applicable parts of the Fire 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.

REVIEWER: *George M. Reynolds* Noted and Approved: *George M. Reynolds*  
Handling Group Special Inspection Division Fire Prevention Bureau



LESLIE H. GRAEF  
DIRECTOR

October 31, 1978

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

Dear Mr. DiNenna:

Comments on Item #7, Zoning Cycle IV-, October, 1978, are as follows:

Property Owner: Wilton A. and Margarette B. DeBaugh  
Location: SW/C Bellona Avenue and Melancton Avenue  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance to permit side setback of 5' in lieu of the required 25' and to permit 9 parking spaces in lieu of the required 15 spaces.  
Acres: 0.32  
District: 8th

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.

It is suggested that the Engineer contact this office (494-3335) to discuss the site design problems.

Very truly yours,

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



JOHN D. SCHEFFERT  
DIRECTOR

October 5, 1978

Mr. S. Eric DiNenna, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21284

Dear Mr. DiNenna:

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

Property Owners: Wilton A. & Margarette B. DeBaugh  
Location: SWC Bellona Ave. & Melancton Ave.  
Existing Zoning: D.R. 16  
Proposed Zoning: B.L. with a Special Exception for a dry cleaning plant and Variance  
to permit side setback of 5' in lieu of the required 25' and to permit 9 parking  
spaces in lieu of the required 15 spaces.  
Acres: 0.32  
District: 8th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1976 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional razing & other permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.
- I. No Comment.
- J. Comments: Construction will be governed by Table 5 in relation to 5'-0" set back.

Very truly yours;



Charles E. Burnham  
Plans Review Chief



R-79-8-XA  
R-79-197

PETITION FOR RECLASSIFICATION FROM  
D.R. 16 TO B.L. ZONE, PETITION FOR  
SPECIAL EXCEPTION FOR A DRY CLEAN-  
ING PLANT, & PETITION FOR VARIANCES  
WILTON A. DEBAUGH, PETITIONERS

FILE NO. 35



CLOSED

ORDER DISMISSING APPEAL

Upon the stipulation of the parties,

IT IS ORDERED that the appeal in the above matter be, and the  
same hereby is, dismissed.

Dated: October 20, 1980

BY THE COURT

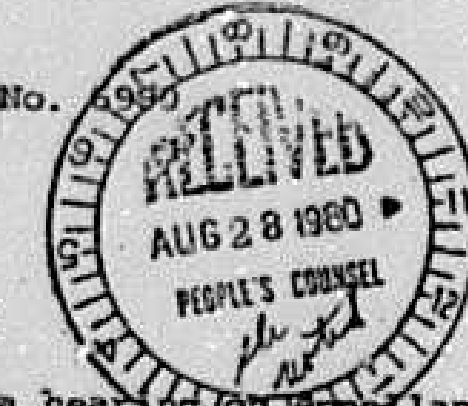
*H. Kemp MacDaniel*  
Presiding Judge H. KEMP MACDANIEL

Agreed:  
Counsel for Appellant  
Counsel for Appellee

RECEIVED  
BALTIMORE COUNTY  
OCT 21 1980

CSA/ZIC Form No. 6  
9/1/80

PETITION FOR RECLASSIFICATION \* IS THE  
from D.R. 16 to B.L. Zone \*  
PETITION FOR SPECIAL EXCEPTION \* CIRCUIT COURT  
for a Dry Cleaning Plant \*  
PETITION FOR VARIANCES \* FOR  
SW corner Bellona Avenue and \* BALTIMORE COUNTY  
Melancton Avenue, 8th District \*  
Wilton A. DeBaugh, et ux, \* At Law  
Petitioners \*  
Zoning Case No. R-79-8-XA \* Case No.



OPINION and ORDER

On July 30, 1980, this Court held a hearing on the Appellant's  
appeal from the Order of the County Board of Appeals for Baltimore  
County, dated November 6, 1979, granting the Petition for Re-  
classification from D.R. 16 to B.L. Zoning, a Special Exception  
for a Dry Cleaning Plant, and Variances in the above-entitled  
case.

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

Additionally, the Appellant contends that the County  
Board of Appeals has no legally sufficient evidence upon which  
to base its conclusion that the Special Exception for a dry  
cleaning plant and parking variances incidental thereto would  
adversely affect the public safety, health, and welfare and,  
therefore, their Order passed herein is further illegal, arbitrary  
and capricious.

The applicable test for determining the scope of judicial  
review in a zoning case alleging error in a comprehensive rezoning  
is:

Wilton A. DeBaugh, et ux  
No. R-79-8-XA 2.

From the Lutherville Elementary School south along the west side of York Road to Westbury  
Road for a depth of several hundred feet in from York Road, all properties are zoned BL or  
BM except this small peninsula. This does not seem, in this Board's opinion, to be consistent  
with good zoning procedures to limit this parcel's uses to those allowed in a DR 16 classifica-  
tion when it is partially encompassed by business classifications. Our on-site inspection  
confirmed this site is presently occupied by two buildings, one of which is literally fall-  
ing down and the other in dire need of extensive renovation. Testimony from two expert  
witnesses, Mr. Paul Lee and Mr. Frederick Klaus, indicated that because of the size of the  
parcel and its triangular configuration, it would be highly impractical, if not impossible, to  
develop this parcel residentially, and except for its possible development as an office site  
(permitted by Special Exception) could feasibly see no other use for the site except some  
small commercial use as proposed. The Board is in agreement with this evaluation and finds  
that this DR 16 classification is in error and that in conformity with the zoning along this  
portion of York Road, this parcel should also enjoy some practical business use potential.  
It should also be noted that this property was not an issue on the 1976 comprehensive zoning  
maps and therefore was in all probability not specifically considered by the Council in its  
mapping process. In view of the foregoing, specifically noting the subject site configura-  
tion and the adjacent zoning classifications, the Board is of the opinion that the DR 16  
zoning is in fact in error.

Having thus decided that the requested BL zoning be granted, the Board  
will now address the requested Special Exception and Variances. The Variances needed and  
the Special Exception are inextricably tied together and one cannot be considered without  
the other. The requested Special Exception is for a dry cleaning plant. It should perhaps  
be noted at this point that a Special Exception is not needed in a BL zone for a dry cleaning  
establishment, but the proposal is to use this location for some dry cleaning processing from  
goods received at another establishment owned by Mr. Kirsch.

"Where a legislative body, or a board of county  
officials pursuant to authority conferred  
upon it, has granted a rezoning of property,  
the question of judicial review is whether or  
not such action is arbitrary and discriminatory  
or fairly debatable." *Boyce v. Sembly*, 25 Md.  
App. 43, 49, 334 A2d. 137 (1975), *Anne Arundel  
County, Maryland v. Maryland National Bank*,  
32 Md.App. 437, 440, 361 A2d. 134 (1976).

This Court has reviewed the transcript and evidence from  
the hearing before the County Board of Appeals and the arguments  
and memorandum of Counsel before this Court. As a result of this  
review, the Court is of the opinion that the action of the Board  
of Appeals was fairly debatable. The Board of Appeals had  
legally sufficient evidence upon which to base its conclusion  
that the present zoning is an erroneous classification. Further-  
more, the Board of Appeals had legally sufficient evidence upon  
which to base its conclusion that the Special Exception for a  
dry cleaning plant and parking variances incidental thereto would  
not adversely affect the public safety, health, and welfare.

For the foregoing reasons, it is hereby ORDERED,  
that the Order of the Board of Appeals of Baltimore  
County under date of November 6, 1979 be and the same is affirmed.

RECEIVED  
BALTIMORE COUNTY  
SEP 23 3 43 PM '80  
COUNCIL CLERK  
BY

*Cullen H. Hormes*  
CULLEN H. HORMES  
JUDGE  
5/26/80  
DAVE

CHH/s  
Copy to: John W. Hessian, I.I, Esq.  
George T. Canaras, Esq.

Wilton A. DeBaugh, et ux  
No. R-79-8-XA 3.

Section 416 of the Baltimore County Zoning Regulations defines this use as requiring a  
Special Exception. The proposal is to raze all existing structures and erect a dry cleaning  
plant containing 2,100± square feet on the first floor and 3,100± square feet on the second  
floor for office use connected with the dry cleaning business only. Bearing in mind the  
present condition of the site, the impractical aspect of its development under its present  
zoning, the configuration of the site and the adjacent property uses, this proposed use seems  
to be an appropriate use. Testimony from neighbors in opposition to this granting as to  
increasing the traffic problems, was considerably negated by the traffic engineer from  
Baltimore County. He testified that if the entire .29 acres was developed to its maximum  
potential, the traffic increase would only be three-tenths (.3) of one percent. There were  
no figures presented as to the traffic increase from the proposed use, but it is the opinion  
of this Board that the proposed use will surely be less than the maximum use and therefore  
no major problem to the neighborhood. The Board also finds that if reasonable restrictions  
are imposed, the Special Exception use will satisfy all the requirements of the Baltimore  
County Zoning Regulations, Section 502.1 and will order the Special Exception granted  
subject to these restrictions. The variances requested are necessary for this use. The denial  
of same would create a practical difficulty in the use of this property. The variances will  
be granted.

ORDER

For reasons stated in the foregoing Opinion, it is this 6th day of  
November, 1979, by the County Board of Appeals, ORDERED that:

1. The requested reclassification from DR 16 to BL be granted
2. The requested variance from Section 232.2(b) to permit a side yard set-back of 5 feet instead of the required 25 feet be granted
3. The requested variance from Section 409.2(b)5 to permit a total of nine (9) off-street parking spaces instead of the required 15 be granted
4. The requested Special Exception for a dry cleaning plant be granted subject to the following restrictions:

4-3180  
County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21206  
November 6, 1979

George T. Canaras, Esq.  
1700 Charmuth Road  
Lutherville, Maryland 21093

RE: WILTON A. DE BAUGH, et ux  
Case No. R-79-8-XA

Dear Mr. Canaras:

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,

*June Holman*  
June Holman, Secretary

Encl.

cc: Kirsh Tailors, Inc.  
Wilton A. DeBaugh, et ux  
John W. Hessian, III, Esq.  
Mrs. Carolyn M. Jordan  
James D. Smit  
Clarence Wobrowski  
Wendel E. Javoll  
Gordon Sauer  
McIntyre F. Bewie  
Dresilla P. Jones  
Paul P. Fugonaso  
Mrs. Edward Frazier  
Mr. J. Dyer

Wilton A. DeBaugh, et ux  
No. R-79-8-XA 4.

- (a) The Petitioner must comply with such requirements for the operation of this dry cleaning plant as may be required by the Bureau of Environmental Services. The site and off-street parking plans must meet the Baltimore County Zoning Regulation requirements.
- (b) That a barricade be provided along the western property line abutting the DR 16 zoning. This barricade to be either a privacy type fence or a dense compact planting of evergreens at least four (4) feet high.
- (c) That the proposed office area be used only as requested by Petitioner for his company's business and that no rental or leasing of any office area be permitted on this site.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hockett*  
William T. Hockett  
*John A. Miller*  
John A. Miller

WILTON A. DE BAUGH  
R-79-8-XA

**BALTIMORE COUNTY** TRANSMITTAL MEMO

TO: *Hilda Lowery*  
FROM: *W. Debaugh*  
SUBJECT: *Attaching letter*  
DATE: *7/1/82*

Have advice - ie parking time when attached etc.  
2/10/82

Thank

Forwarded:  
Circuit Court Order - 7/13/79  
Circuit Court Order - 7/13/79  
Circuit Court Order - 11/2/79  
Circuit Court Order - 8/26/80  
Circuit Court Order - 10/20/80



SEARCHED	INDEXED	SERIALIZED	FILED

MAY 1 1982

Lutherville, Md.  
May 11, 1982

Dear Sir,

I am going on 57 years old and have lived all my life at 107 Melanchton Ave. in Lutherville. I am a registered democrat and have always voted democratic but never I have been slapped in the face by democratic administration and have my doubts.

My problem started late last summer. Two men stopped in to see me and passed their selves off as real estate agents, although they looked anything but. (For instance one of them had dungarees on and the other the biggest looking suit you ever saw.) They said they had a client who wanted to purchase my property. They also said that if I didn't sell their client was going to build a commercial establishment with a road right on my property line. They upset me greatly and the next day I took off from work and went to Towson. I visited the zoning office where all the maps are kept. I looked at the maps and spoke to a man and woman that told them my problem and they assured me that no

commercial building could be erected within 10 feet of my property line. My property is residential. Later on in the fall I heard that indeed someone was going to build a commercial establishment right on my line. I called the zoning office again and they assured me once again that there was no way anyone could build within 10 feet of the line.

Months to my surprise about six weeks ago the property next to me which lies just west of the York Rd. & Bellona Ave. was cleared and getting for a new dry cleaning plant was poured just 5 feet from my property line. My side yard is less than 15 feet wide so now I have this huge monstrosity of a building going up back me on a triangular piece of ground no bigger than a triangular postage stamp. The wall next to me was supposed to be a solid wall but two large and one small openings were left for ventilators. One vent-riator will be about 20 feet from my bed room window so I can imagine how nice that will be this summer. Also they have

created a chimney on the back of the building going about 10 to 15 feet high and only about 25 feet from my back porch. It appears though they couldn't scare me out so soon they must be planning on either trying to stink me out or smoke me out.

Naturally I called the zoning board about this and asked them what happened to that 10 foot limit they swore to. I then learned of course was that he got a special exception. Here's a man who just because he has money has a special exception to erect a business at Bellona Ave and York Road which has to be one of the busiest intersections in Baltimore County. It is of course the main link to Charles St. and the Beltway.

Another thing I would like to say is that I don't see a step look at the zoning codes and notices in the county paper. I know he was trying to get commercial zoning and I know he had a special for a reduction in the number of required parking places. Not once however did I ever see an application for a reduction in the number of feet for side yard setback. This must have just been pushed out of them air.

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT  
From D.R. 16 to B.L. Zone  
PETITION FOR SPECIAL EXCEPTION : FOR BALTIMORE COUNTY  
for a Dry Cleaning Plant  
PETITION FOR VARIANCES : AT LAW  
SW corner Bellona Ave. and : Misc. #6990  
Melanchton Ave., 8th District

Wilton A. Debaugh, et ux, :  
Petitioner:

Zoning Case No. R-79-8-XA

**ORDER FOR APPEAL**

Mr. Clerk:

Please enter an appeal on behalf of the People's Counsel for Baltimore County from the Order of the Circuit Court for Baltimore County dated August 26, 1980, and forward all papers in connection with said case to the Clerk of the Court of Special Appeals of Maryland in accordance with the Maryland Rules.

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

*[Signature]*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2185

I HEREBY CERTIFY that on this 22nd day of September, 1980, a copy of the foregoing Order for Appeal was mailed to George T. Conrads, Esquire, 1700 Chermuth Road, Lutherville, Maryland 21093, Attorney for Petitioners/Appellees.

*[Signature]*  
John W. Hession, III

RECEIVED  
BALTIMORE COUNTY  
SEP 27 11 00 AM '80  
COUNTY CLERK  
BY: *[Signature]*

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mrs. Edith P. Eisenhart, Adm. Secretary  
TO: County Board of Appeals Date: March 23, 1982  
Mr. James E. Dyer  
FROM: Zoning Supervisor

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

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

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

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

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mr. W. E. Hammond, Zoning Commissioner  
TO: Office of Planning and Zoning Date: March 12, 1982  
FROM: County Board of Appeals

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

The Board's files on the above entitled cases were released to Mr. Dyer on February 14, 1982, and subsequently subpoenaed by the F.B.I. However, prior to release by your office these files were microfilmed and, in the meantime, we also set up "temporary files" to receive the additional papers as the cases progressed.

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

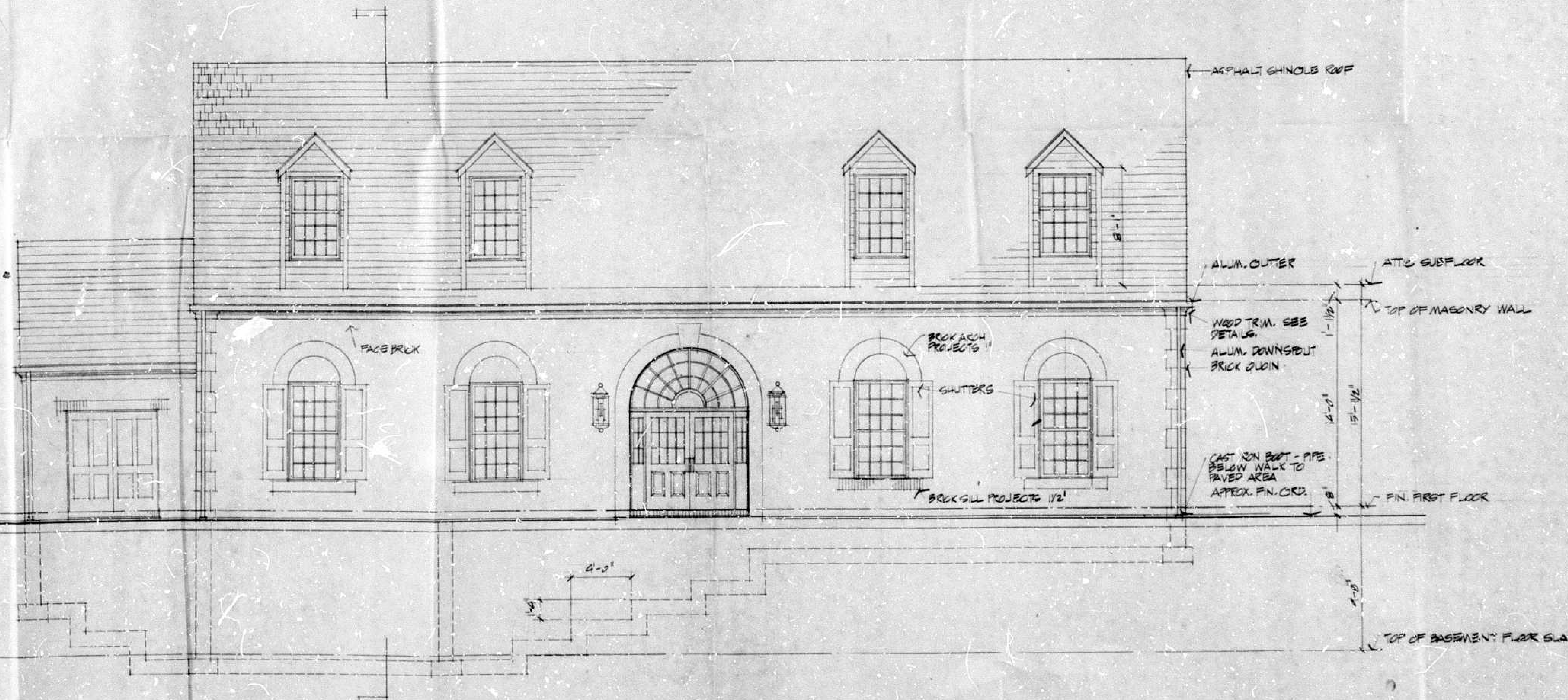
*[Signature]*  
Edith P. Eisenhart  
Adm. Secretary

cc: Mr. J. E. Dyer

The Lutherville Community Association regularly sends out newsletters. One of these newsletters about six months ago stated to please someone Councilman Jim Smith in the next election since they said he was the one who pushed for the zoning for this monstrosity next to me and its special exception for a reduction in parking places. I still haven't seen any statement about a reduction in side yard setback to 5 feet. I for one will not agree to him and anyone else who had a hand in it. It's kind of a disgrace that someone can live in place for 56 years at the same location and then have something like this shoved right under your nose because somebody has money and obvious influence. I would very much like to hear your opinion on this and please don't tell me that it's progress. Personally to me it smells to high heaven.

*[Signature]*  
Harry M. Thomas

RECEIVED  
BALTIMORE COUNTY  
MAY 13 1982  
EXECUTIVE OFFICE  
Harry M. Thomas  
107 Melanchton Ave.  
Lutherville, Md. 21093



FRONT ELEVATION SCALE: 1/4" = 1'-0"



TO SEMINACY AVENUE

RESTAURANT USE  
EXIST ZONING "BR-CNS"

EXIST ZONING "DR-16"

EXIST ENTRANCE

EX. C.G.C.

MELANCHTON AVENUE

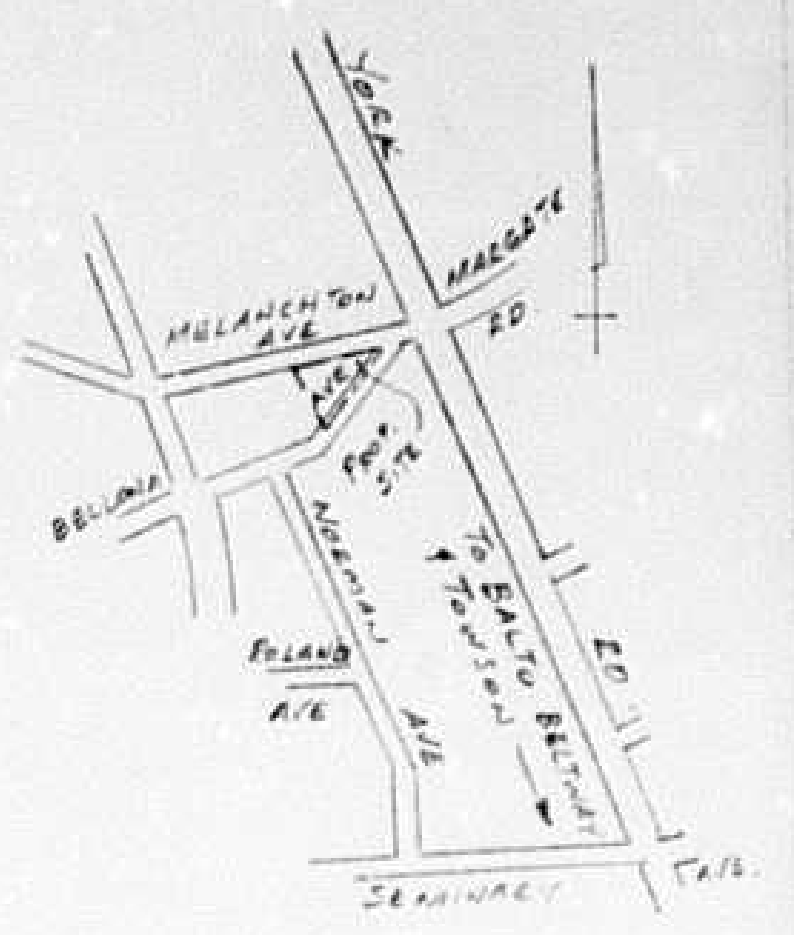
(E-W R/W)

AVENUE

ONE WAY

EXIST ZONING "DR-16"

LOCATION PLAN  
SCALE: 1"=200'



GENERAL NOTES

1. AREA OF PROP. = 0.32 AC.
2. EX. ZONING OF PROP. = DR-16
3. EXIST. USE OF PROP. = RESIDENTIAL
4. PROP. ZONING OF PROP. = "BR-CNS" WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY:
  - A. CLEANING PLANT AND STORE OUTLET (SEE 11)
  - B. OFFICE AREA: 2,120 S.F. REQUIRING 8 PARKING SPACES (1/500)
  - C. REQUIRING 7 PARKING SPACES (1/500)
6. TOTAL PARKING SPACES REQUIRED = 15  
PROPOSED = 3 (incl. 1 handicapped) space
7. PETITIONER IS REQUESTING A VARIANCE TO SECT 409.2(c) 5 OF THE ZONING REGULATIONS TO PERMIT A TOTAL OF 3 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 6 P.S.)
8. PETITIONER IS REQUESTING A VARIANCE TO SECT 232.2(b) OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD OF 5' INSTEAD OF THE REQUIRED 25' FROM A RESIDENTIAL (A VARIANCE OF 20')
9. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. POLICY
10. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
11. EXISTING DWELLINGS ON SITE TO BE REMOVED

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

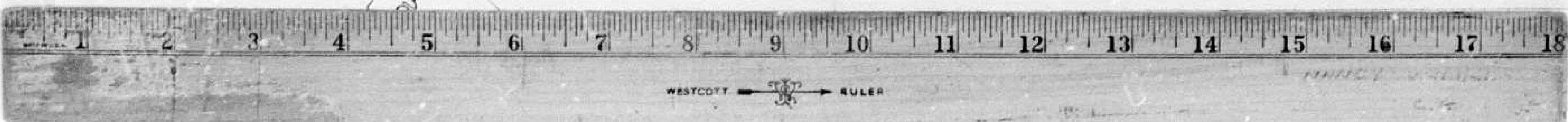
\*103 1/2 \*105 MELANCHTON AVENUE

ELECT. DIST. B  
SCALE: 1/2"=10'

BALTIMORE CO., MD.  
SEPT. 27, 1978

OFFICE 1420

ENGINEER  
PAUL LEE ENGINEERING, INC  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284



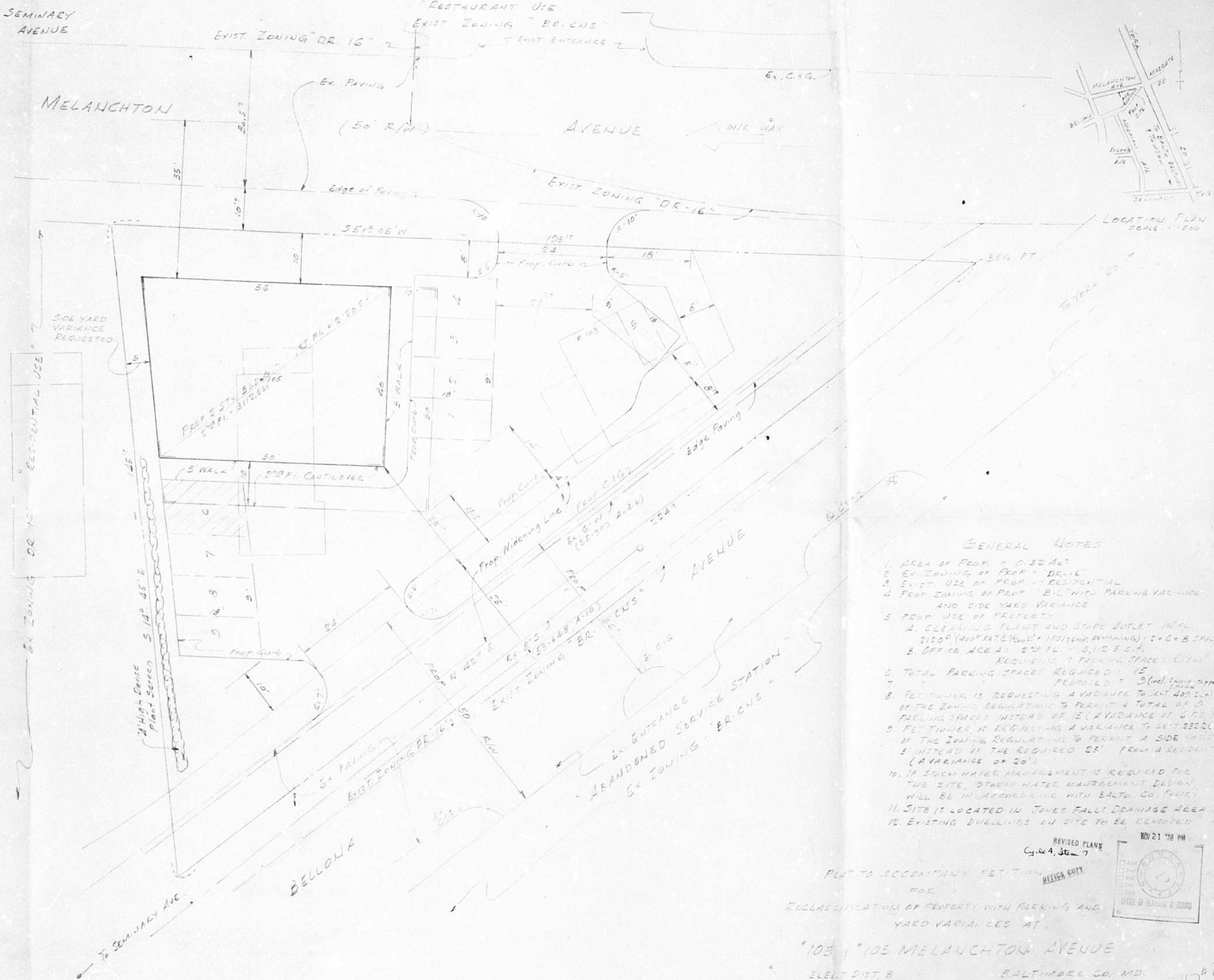
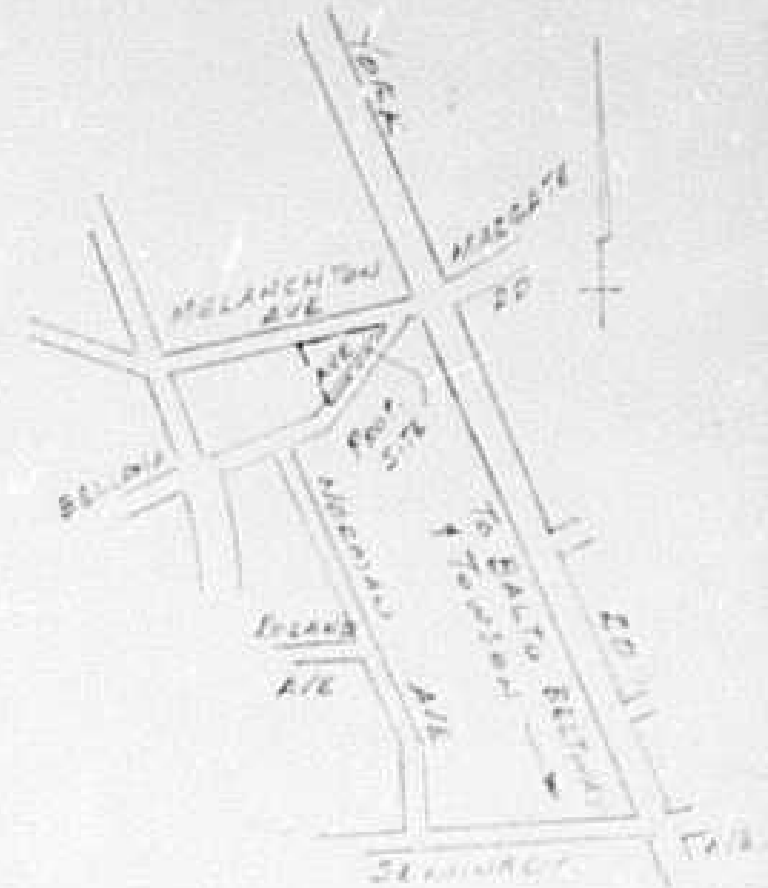
To SEMINARY AVENUE

RESTAURANT USE  
EXIST ZONING "BR-CNS"

MELANCHTON AVENUE

AVENUE

ONE WAY



GENERAL NOTES

1. AREA OF PROP. = 0.32 AC.
2. EX ZONING OF PROP. = DR-16
3. EXIST. USE OF PROP. = RESIDENTIAL
4. PROP. ZONING OF PROP. = "B.L." WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY
  - A. CLEANING PLANT AND STORM OUTLET IN AL. 2100' (400' RET. ROAD + 175' STORM REMAINING) - 2" C = 8" SHALES
  - B. OFFICE AREA - 2" FL. - 3,112 S.F.
6. TOTAL PARKING SPACES REQUIRED = 15
7. PROPOSED = 3 (incl. those shipped)
8. PETITIONER IS REQUESTING A VARIANCE TO SET 400' 2" FL. IF THE ZONING REGULATIONS TO PERMIT A TOTAL OF 3 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 6 F.S.)
9. PETITIONER IS REQUESTING A VARIANCE TO SET 250' 2" FL. OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD OF 5' INSTEAD OF THE REQUIRED 25' FROM A REAR LOT (A VARIANCE OF 20')
10. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. PLAN.
11. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
12. EXISTING DWELLINGS ON SITE TO BE DEMOLISHED

REVISED PLANS  
Cycle 4, Item 7



PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

103 & 105 MELANCHTON AVENUE

ELECT. DIST. B

BALTIMORE CO., MD.

36.26 1910

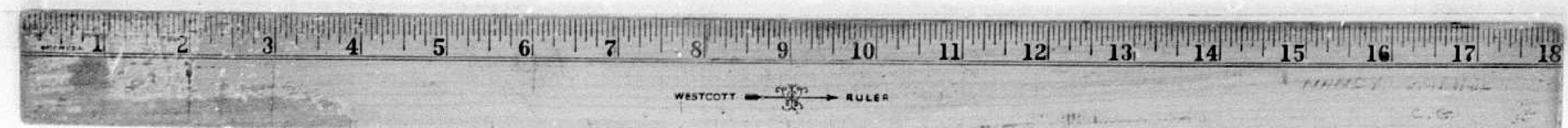
SEPT 27, 1978

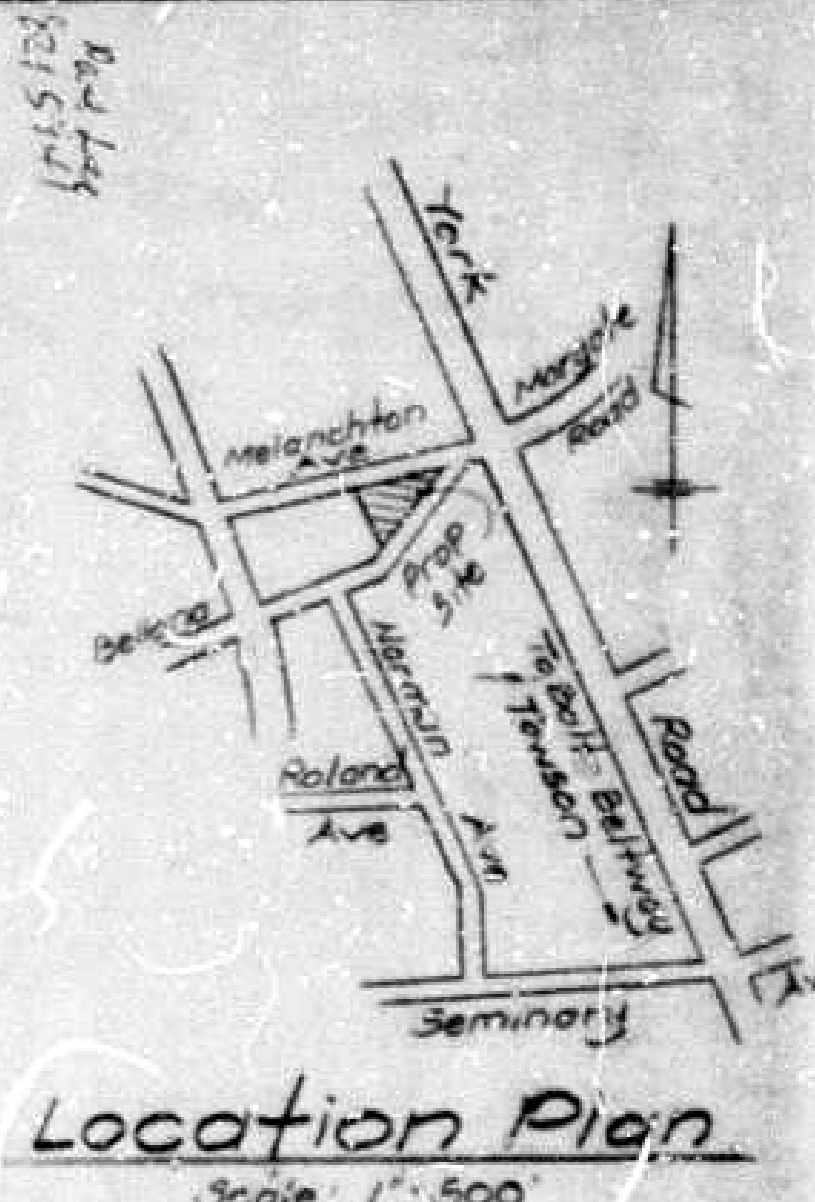
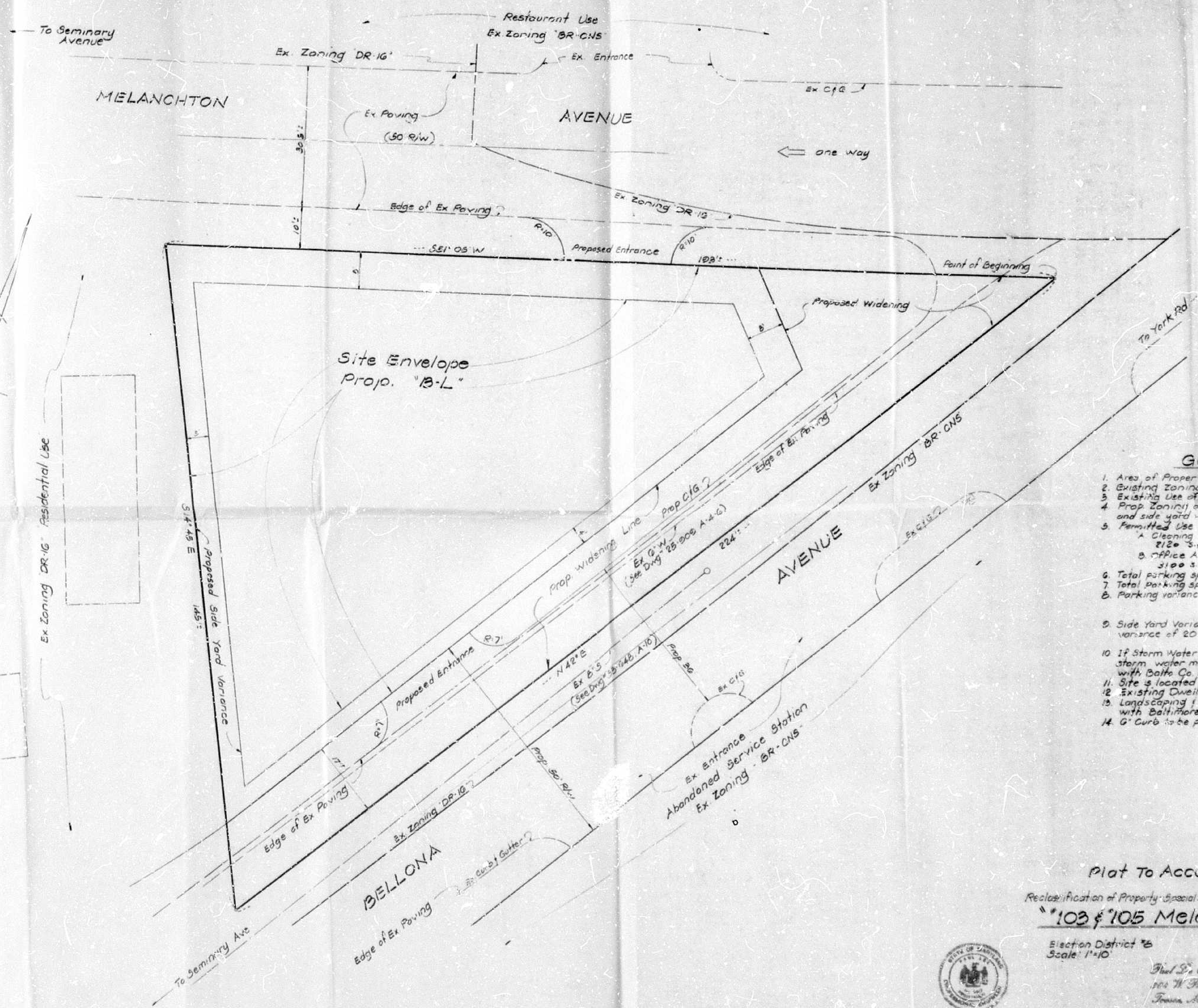
NOV. 16, 1978 Rev.

MICROFILMED

FEB 15 1980

- ENGINEER -  
PAUL LEE ENGINEERING, INC.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284





**General Notes**

1. Area of Property: 0.32 Ac.
2. Existing Zoning of Site: DR-16
3. Existing Use of Site: Residential
4. Prop. Zoning of Property: 'B-L' w/ Special Exception, parking and side yard variance
5. Permitted Use of Property:
  - A. Cleaning Plant and store outlet 2120 sq ft
  - B. Office Area - 2nd Floor 3100 sq ft
6. Total parking spaces required: Cleaning Plant & office Area 7, Total 15
7. Total parking spaces possible: 2
8. Parking variance is requested for 6 Cars
9. Side Yard Variance is requested from 25' to 5' a variance of 20'
10. If Storm Water Management is required for the site, storm water management design will be in accordance with Balto. Co. Policy.
11. Site is located in Jones Falls Drainage Area
12. Existing Dwellings on site to be removed.
13. Landscaping & Screening to be provided in accordance with Baltimore County Standards.
14. 6" Curb to be provided around parking lot

Plat To Accompany Petition  
for  
Reclassification of Property - Special Exception - Parking & Yard Variance at  
"103 & 105 Melanchton Avenue"

Election District 28  
Scale: 1"=10'

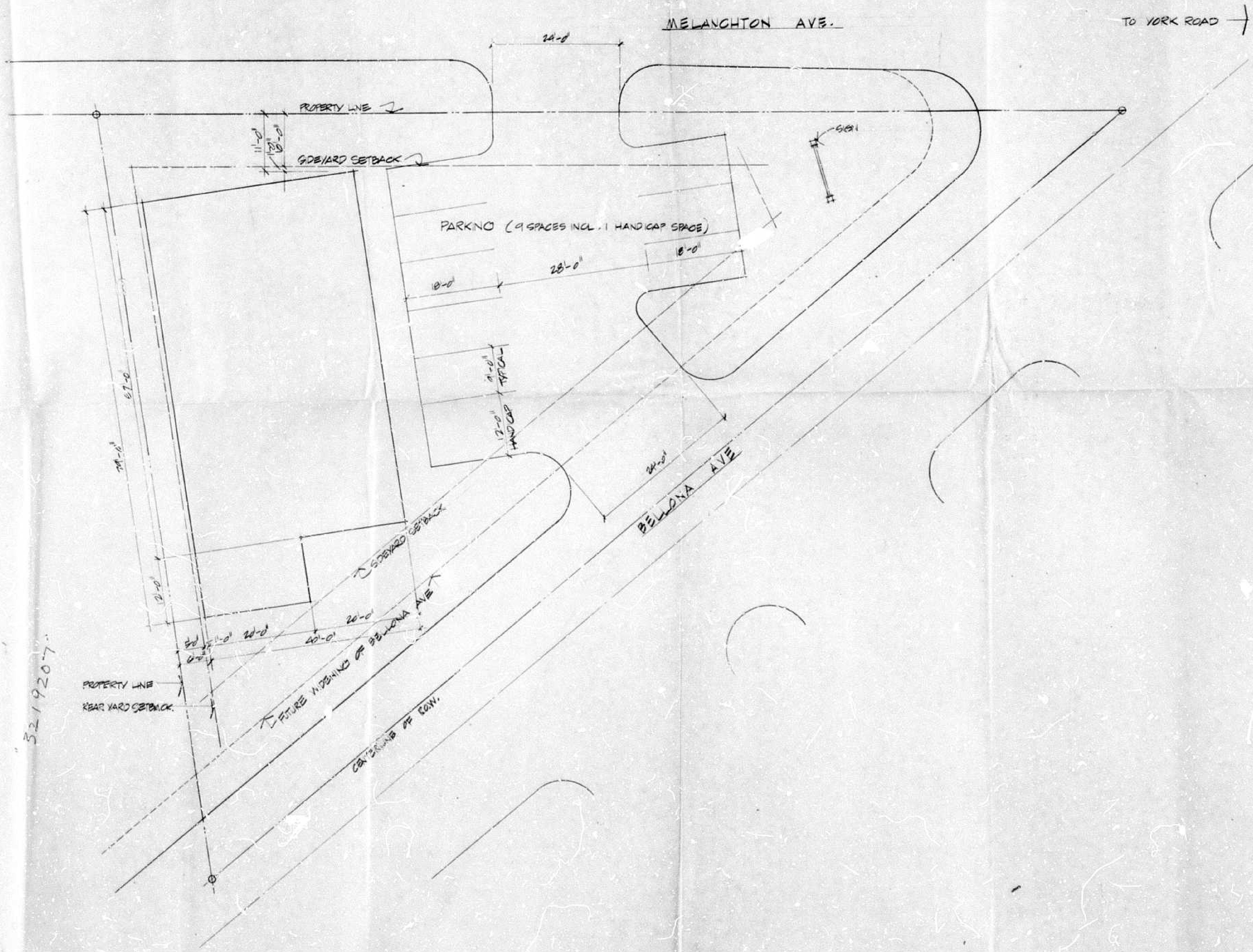
Baltimore County, Md.  
July 27, 1979



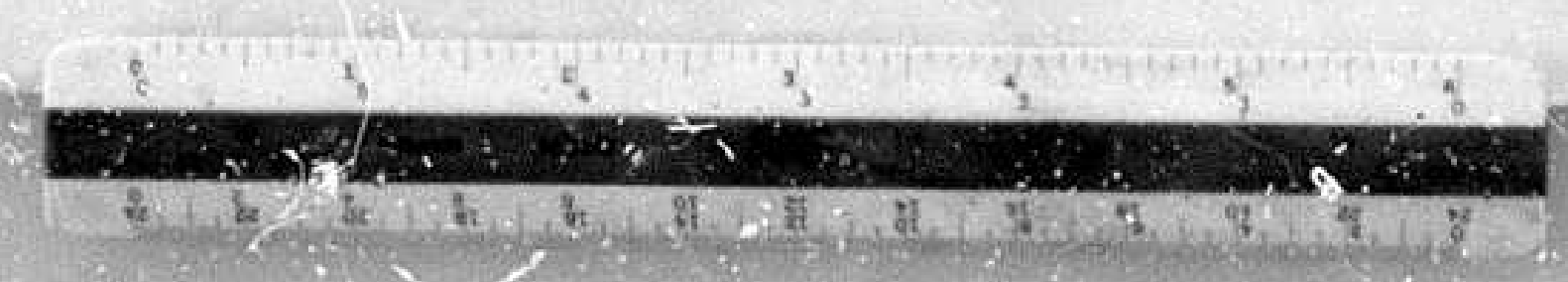
Paul P. Engineering, Inc.  
106 W. Pennsylvania Ave.  
Towson, Maryland 21286



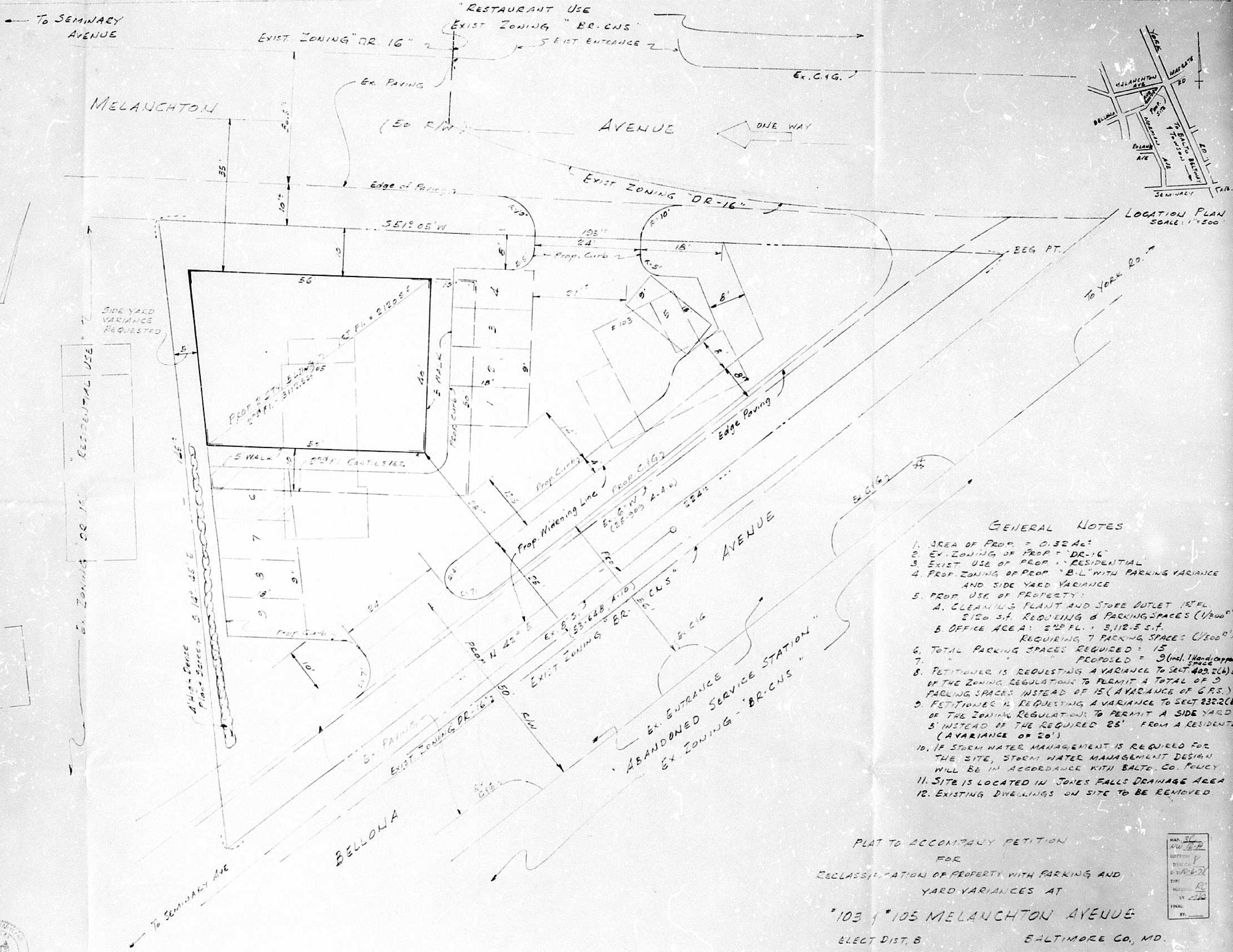
KIRSH deluxe cleaners & fallers  
 OCCUPATIONAL SAFETY & HEALTH  
 FOR EMPLOYERS ROAD  
 COCKEYSVILLE MD 21551  
 410-987-1234  
 300-444-1111



3219207







**GENERAL NOTES**

1. AREA OF PROP. = 0.32 AC.
2. EX. ZONING OF PROP. = DR-16
3. EXIST. USE OF PROP. = RESIDENTIAL
4. PROP. ZONING OF PROP. = "BR-CNS" WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY:
  - A. CLEANING PLANT AND STORE OUTLET (2nd FL. 2120 S.F. REQUIRING 6 PARKING SPACES (1/300'))
  - B. OFFICE AREA: 2nd FL. = 3,112.5 S.F. REQUIRING 7 PARKING SPACES (1/500')
6. TOTAL PARKING SPACES REQUIRED = 15
7. PROPOSED = 9 (incl. Handicapped) SPACE
8. PETITIONER IS REQUESTING A VARIANCE TO SECT 409.2(b) 5 OF THE ZONING REGULATIONS TO PERMIT A TOTAL OF 9 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 6 R.S.)
9. PETITIONER IS REQUESTING A VARIANCE TO SECT 232.2(b) OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD OF 5' INSTEAD OF THE REQUIRED 25' FROM A RESIDENTIAL (A VARIANCE OF 20')
10. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. POLICY
11. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
12. EXISTING DWELLINGS ON SITE TO BE REMOVED

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

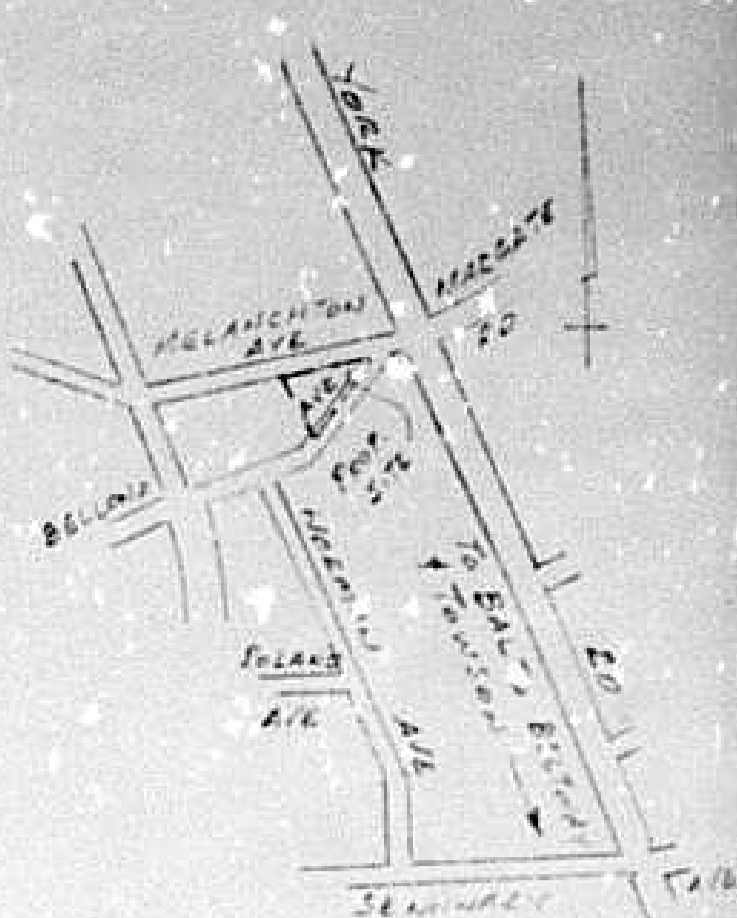
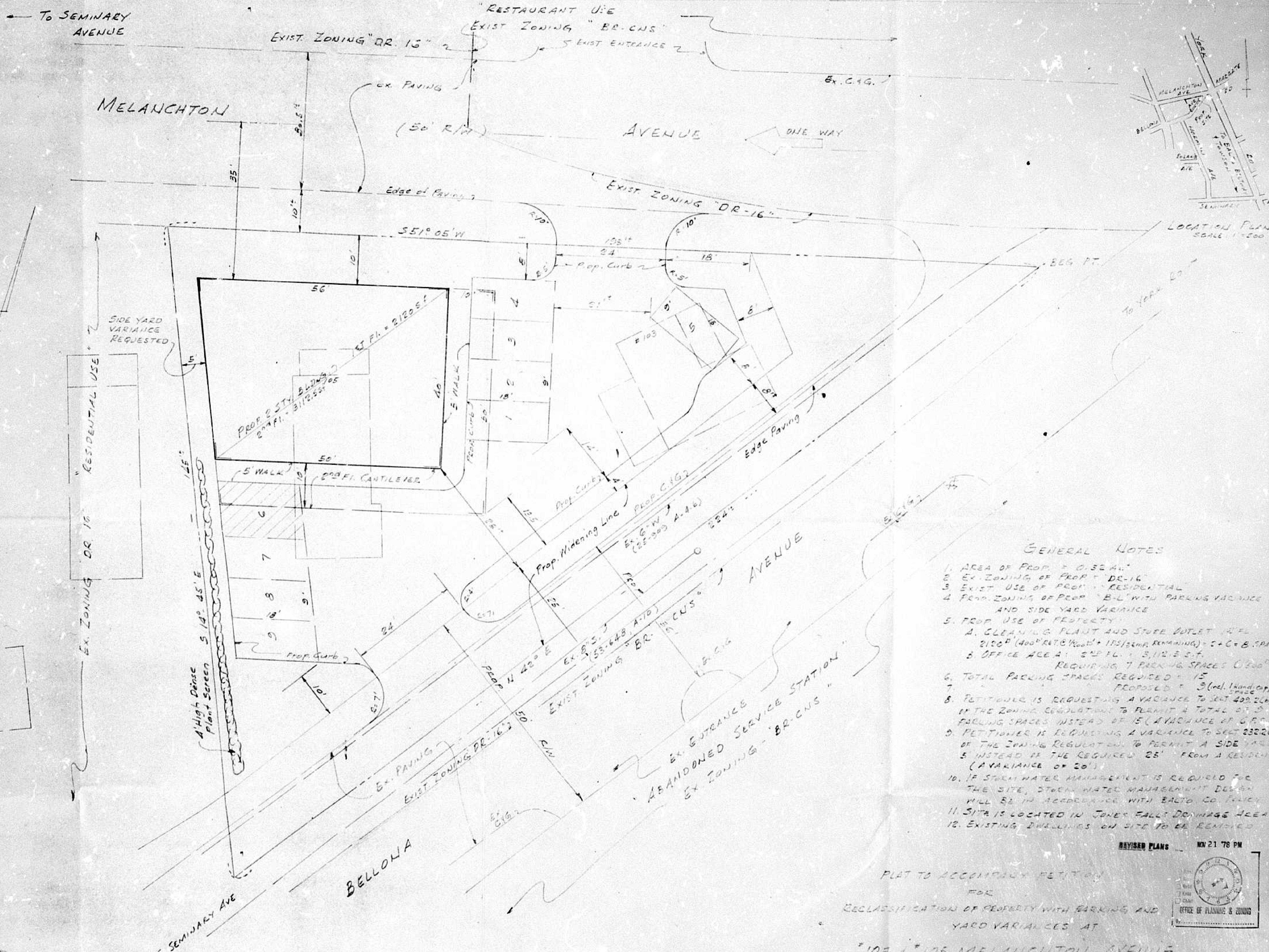
#103 & #105 MELANCHTON AVENUE  
 ELECT. DIST. 8 BALTIMORE CO., MD.  
 SCALE: 1"=10' SEPT 27, 1978

MAP	36
NO.	10-P
SECTION	1
DATE	10/6/78
TYP.	RE
BY	PL
FINAL	

- ENGINEER -  
 PAUL LEE ENGINEERING, INC.  
 206 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21286



10



GENERAL NOTES

1. AREA OF PROP. = 0.52 AC.
2. EX. ZONING OF PROP. = DR-16
3. EXIST. USE OF PROP. = RESIDENTIAL
4. PROP. ZONING OF PROP. = B-L WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY:
  - A. CLEANING PLANT AND STUFF OUTLET - 4' x 2' x 2' (400' x 20' x 100' + 175' x 100' REMAINING) = 2 + C + B SPACES
  - B. OFFICE AREA: 2' x 12' x 5' (12' x 5' x 5')
  - REQUIRING 7 PARKING SPACES (300')
6. TOTAL PARKING SPACES REQUIRED = 15
7. PROPOSED = 3 (incl. Handicapped)
8. PETITIONER IS REQUESTING A VARIANCE TO SET 40' (26) 5' IF THE ZONING REGULATIONS TO PERMIT A TOTAL OF 5 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 0.50)
9. PETITIONER IS REQUESTING A VARIANCE TO SET 25' (6) OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD OF 5' INSTEAD OF THE REQUIRED 25' FROM A RESIDENTIAL (A VARIANCE OF 20')
10. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. POLICY
11. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
12. EXISTING DWELLINGS ON SITE TO BE REMOVED

REVISED PLANS NOV 21 78 PM

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

103 & 105 MELANCTON AVENUE

ELECT. DIST. 8

BALTIMORE CO., MD.

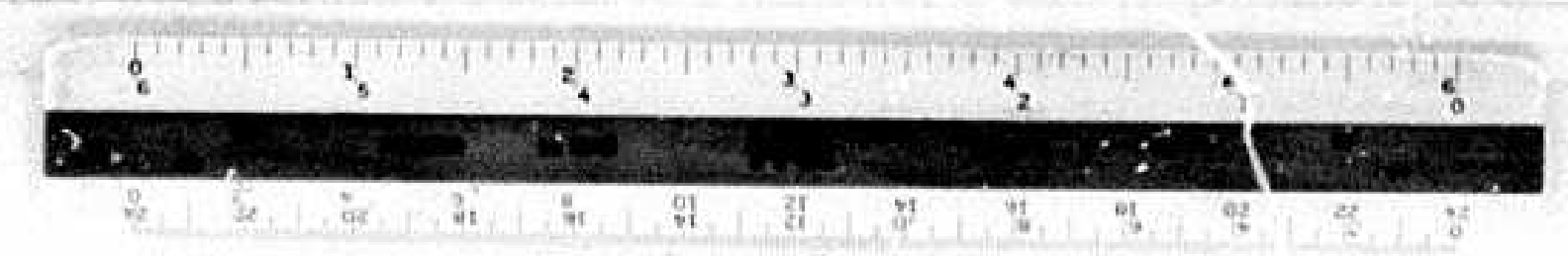
SCALE 1"=10'

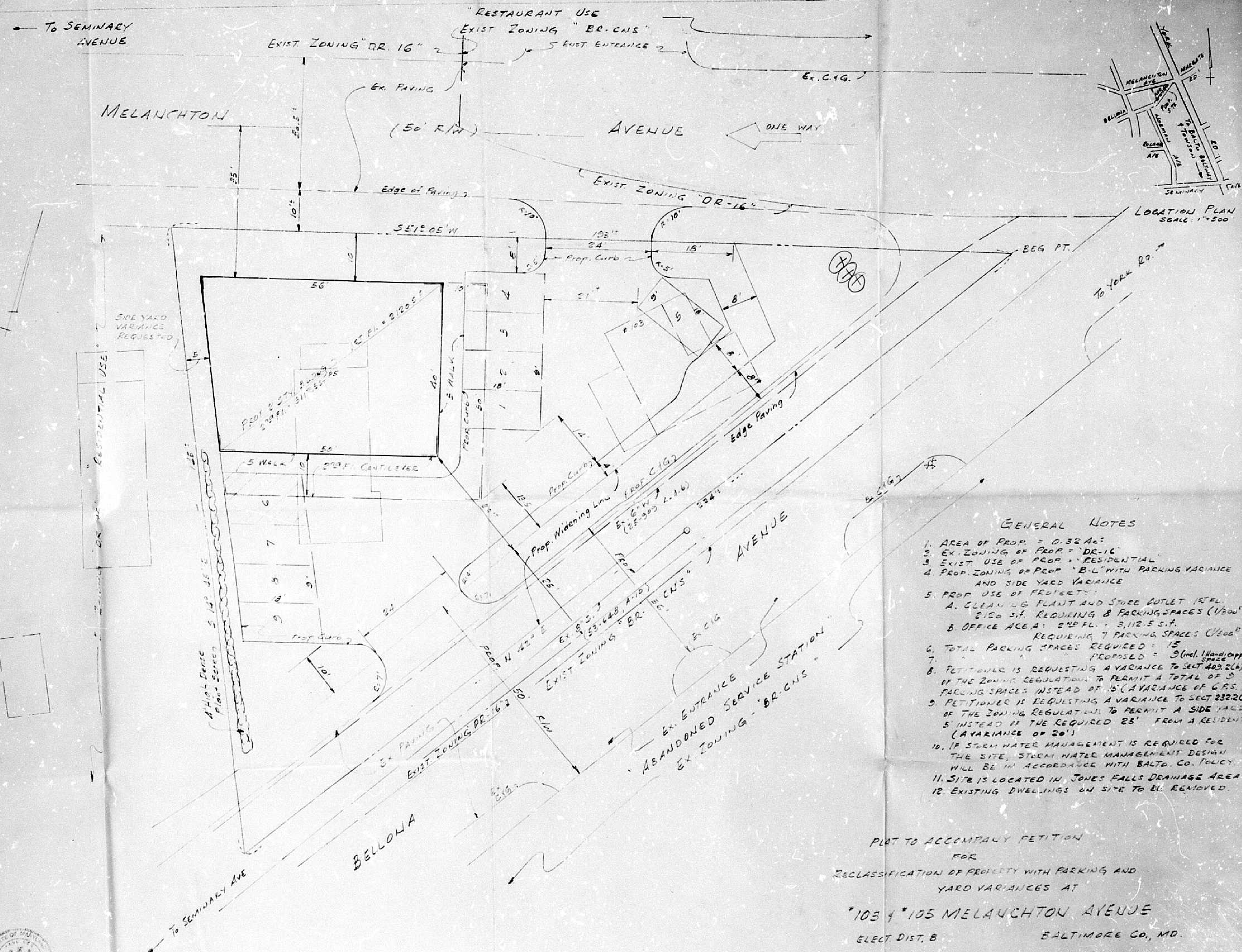
SEPT 27 1978

REV. 10, 1978 REV.



- ENGINEER -  
PAUL LEE ENGINEERING, INC  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284





**GENERAL NOTES**

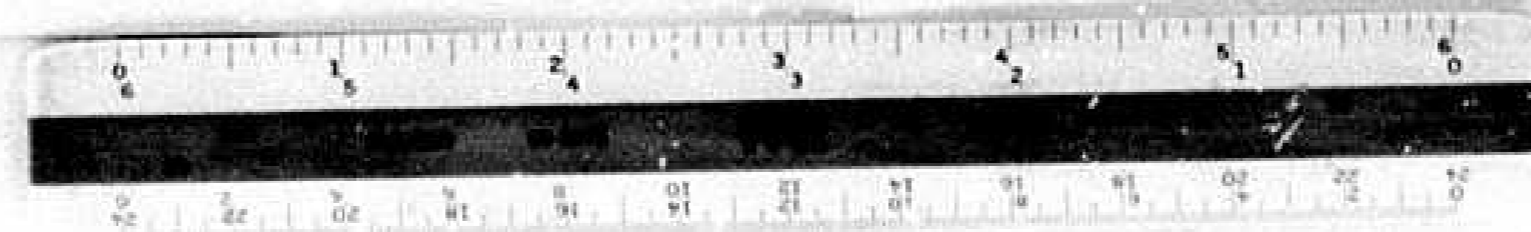
1. AREA OF PROP. = 0.32 AC.
2. EX. ZONING OF PROP. "DR-16"
3. EXIST. USE OF PROP. "RESIDENTIAL"
4. PROP. ZONING OF PROP. "B-L" WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY:
  - A. CLEANING PLANT AND STORE OUTLET (REFL. 2150 S.F. REQUIRING 8 PARKING SPACES (1/2000'))
  - B. OFFICE AREA: 2ND FL. 3,112.5 S.F. REQUIRING 7 PARKING SPACES (1/600')
6. TOTAL PARKING SPACES REQUIRED = 15  
PROPOSED = 9 (incl. 1 handicapped)
7. PETITIONER IS REQUESTING A VARIANCE TO PERMIT A TOTAL OF 9 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 6 S.F.)
8. PETITIONER IS REQUESTING A VARIANCE TO PERMIT A SIDE YARD OF 5 INSTEAD OF THE REQUIRED 25' FROM A RESIDENTIAL (A VARIANCE OF 20')
9. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. POLICY
10. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
11. EXISTING DWELLINGS ON SITE TO BE REMOVED.

PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

**\*1054\*105 MELANCHTON AVENUE**

ELECT. DIST. 8 BALTIMORE CO., MD.  
SCALE: 1/4" = 10' SEPT. 27, 1978

- ENGINEER -  
PAUL LEE ENGINEERING, INC.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284



To SEMINARY AVENUE

RESTAURANT USE  
EXIST ZONING "BR-CNS"

EXIST ZONING "DR-16"

5' EAST ENTRANCE

EX. C.I.G.

MELANCHTON

(50' R/W)

AVENUE

ONE WAY

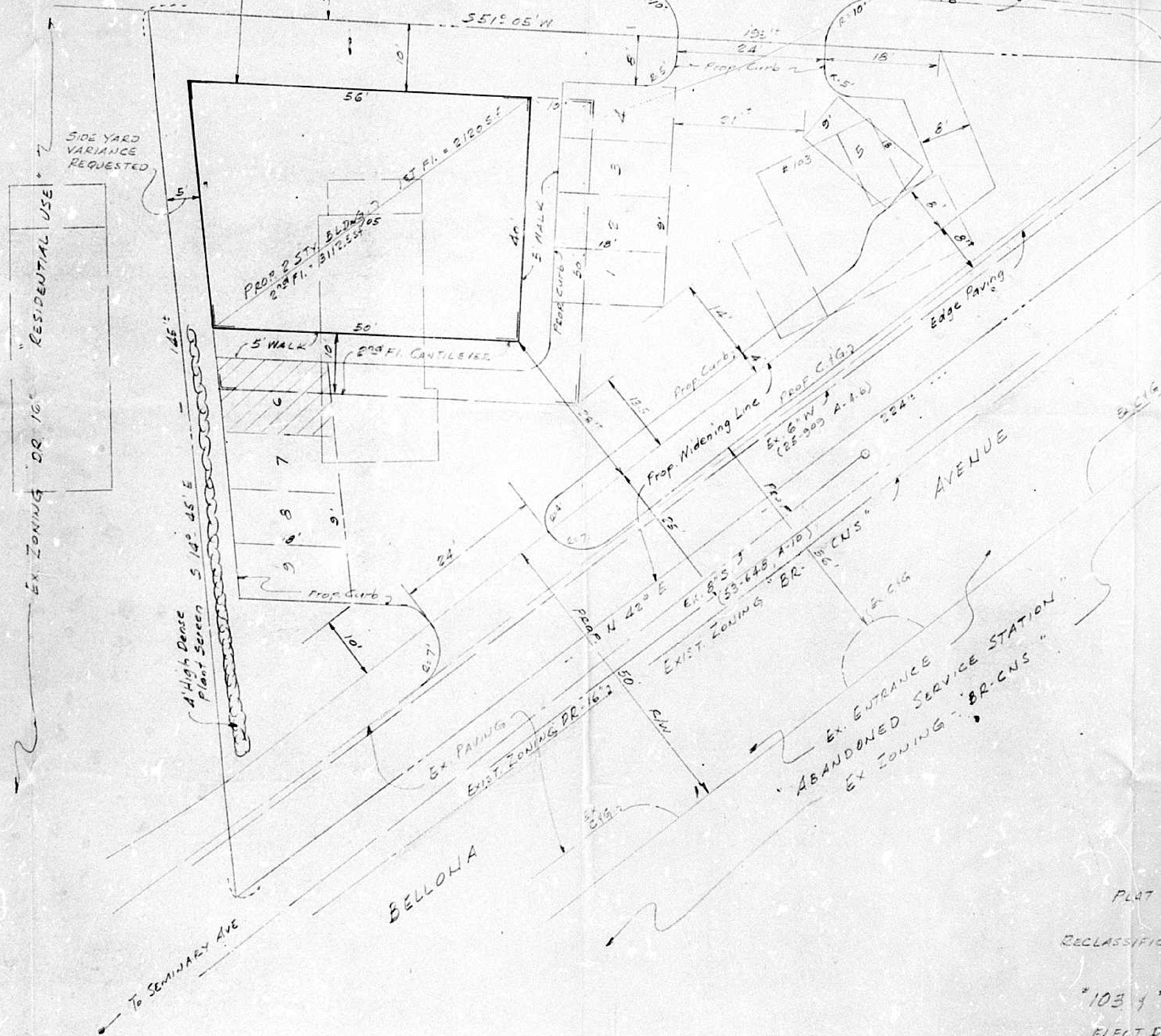
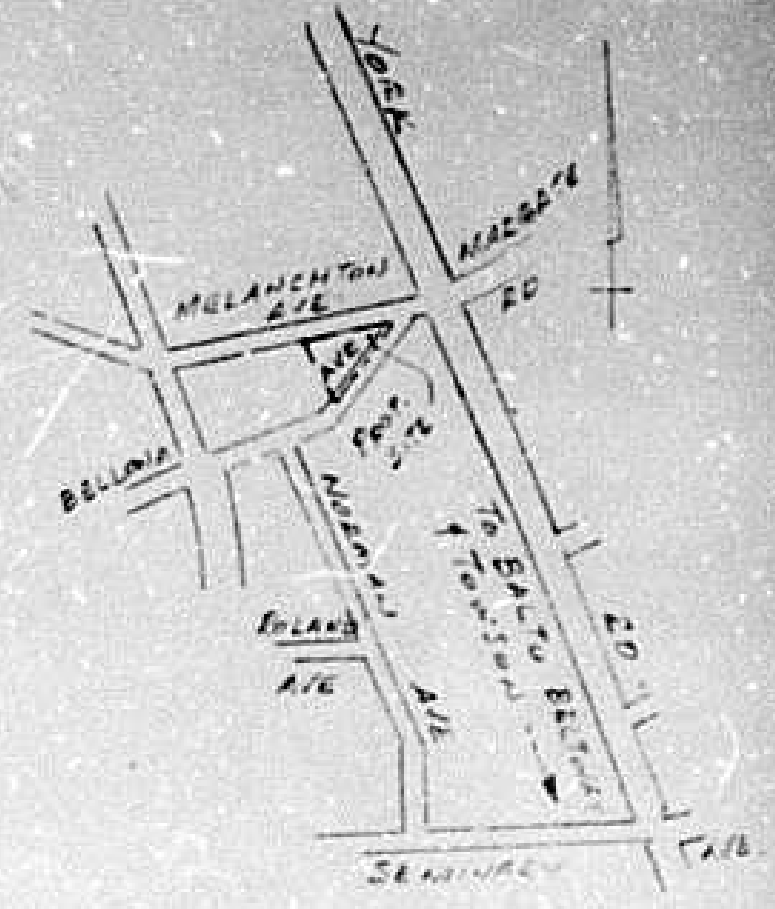
Edge of Paving

EXIST ZONING "DR-16"

55' ± 0.5' W

EXIST ZONING "DR-16"

LOCATION PLAN  
SCALE 1" = 50'



SIDE YARD VARIANCE REQUESTED

RESIDENTIAL USE  
EX ZONING "DR-16"

High Dense Plant Screen 5' 14" 45' E

BELLONA

To SEMINARY AVE

EX ENTRANCE  
ABANDONED SERVICE STATION  
EX ZONING "BR-CNS"

GENERAL NOTES

1. AREA OF PROP. = 0.56 AC.
2. EX. ZONING OF PROP. = DR-16
3. EXIST. USE OF PROP. = RESIDENTIAL
4. PROP. ZONING OF PROP. "B-L" WITH PARKING VARIANCE AND SIDE YARD VARIANCE
5. PROP. USE OF PROPERTY:
  - A. CLEANING PLANT AND STUFF OUTLET (STFL) 2100' (400' RET. B/WALK + 175' BEMP. REMAINING) - 5' C + 8' SPACES
  - B. OFFICE ALE 2' 5" 112' E ST. REQUIRING 7' PARKING SPACES (1500')
6. TOTAL PARKING SPACES REQUIRED = 15
7. PROPOSED = 9 (incl. handicapped)
8. PETITIONER IS REQUESTING A VARIANCE TO SECT 409.2(b) 5 OF THE ZONING REGULATIONS TO PERMIT A TOTAL OF 9 PARKING SPACES INSTEAD OF 15 (A VARIANCE OF 6 S.P.S.)
9. PETITIONER IS REQUESTING A VARIANCE TO SECT 232.2(b) OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD OF 5' INSTEAD OF THE REQUIRED 25' FROM A RESIDENTIAL (A VARIANCE OF 20')
10. IF STORM WATER MANAGEMENT IS REQUIRED FOR THE SITE, STORM WATER MANAGEMENT DESIGN WILL BE IN ACCORDANCE WITH BALTO. CO. POLICY
11. SITE IS LOCATED IN JONES FALLS DRAINAGE AREA
12. EXISTING DWELLINGS ON SITE TO BE REMOVED

REVISED PLANS NOV 21 '78 FM



PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY WITH PARKING AND YARD VARIANCES AT

\*103 & \*105 MELANCHTON AVENUE

ELECT DIST. 8

BALTIMORE CO., MD.

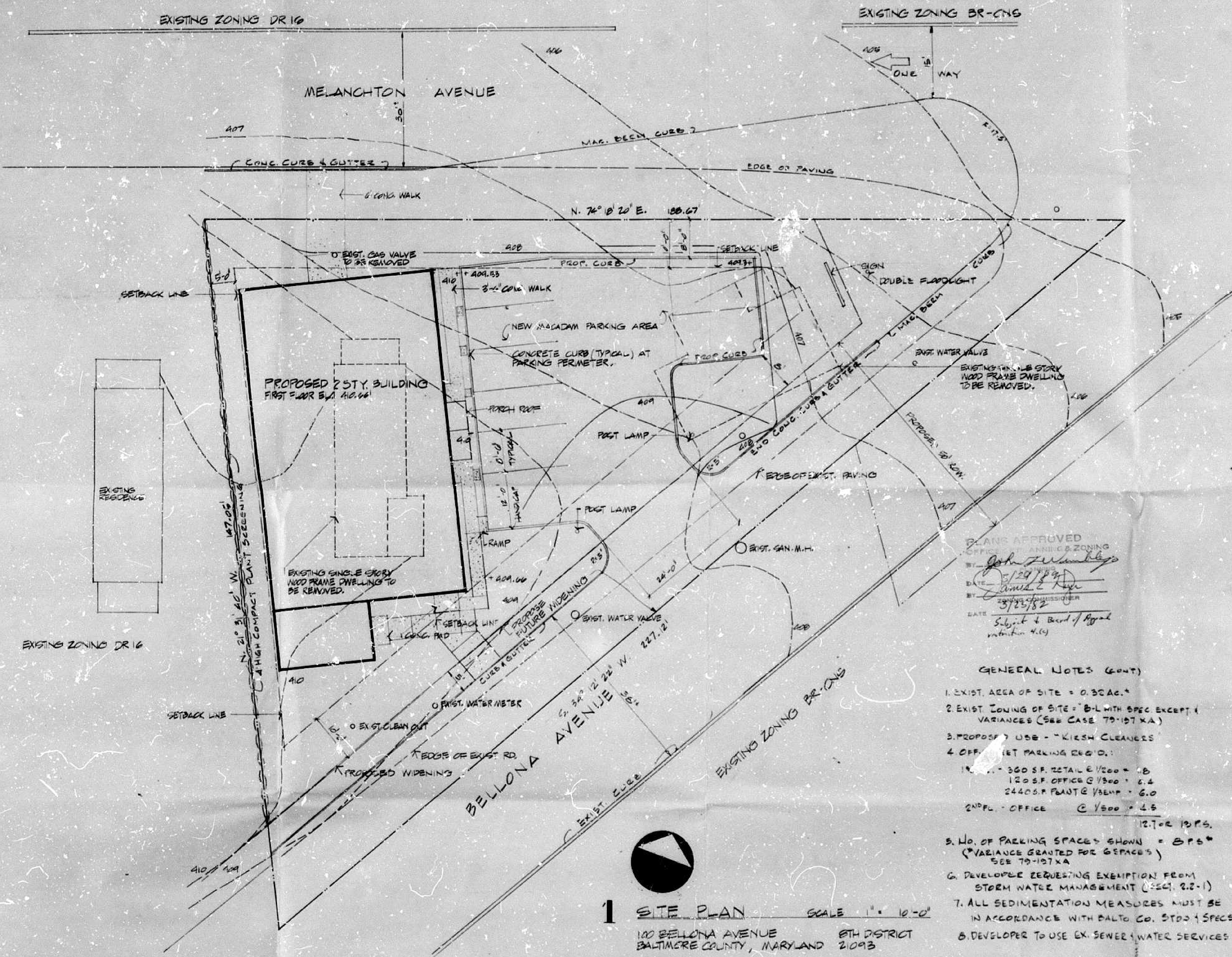
SCALE 1" = 10'

SEPT 27, 1978

NOV. 16, 1978 REV.

- ENGINEER -  
PAUL LEE ENGINEERING, INC.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284





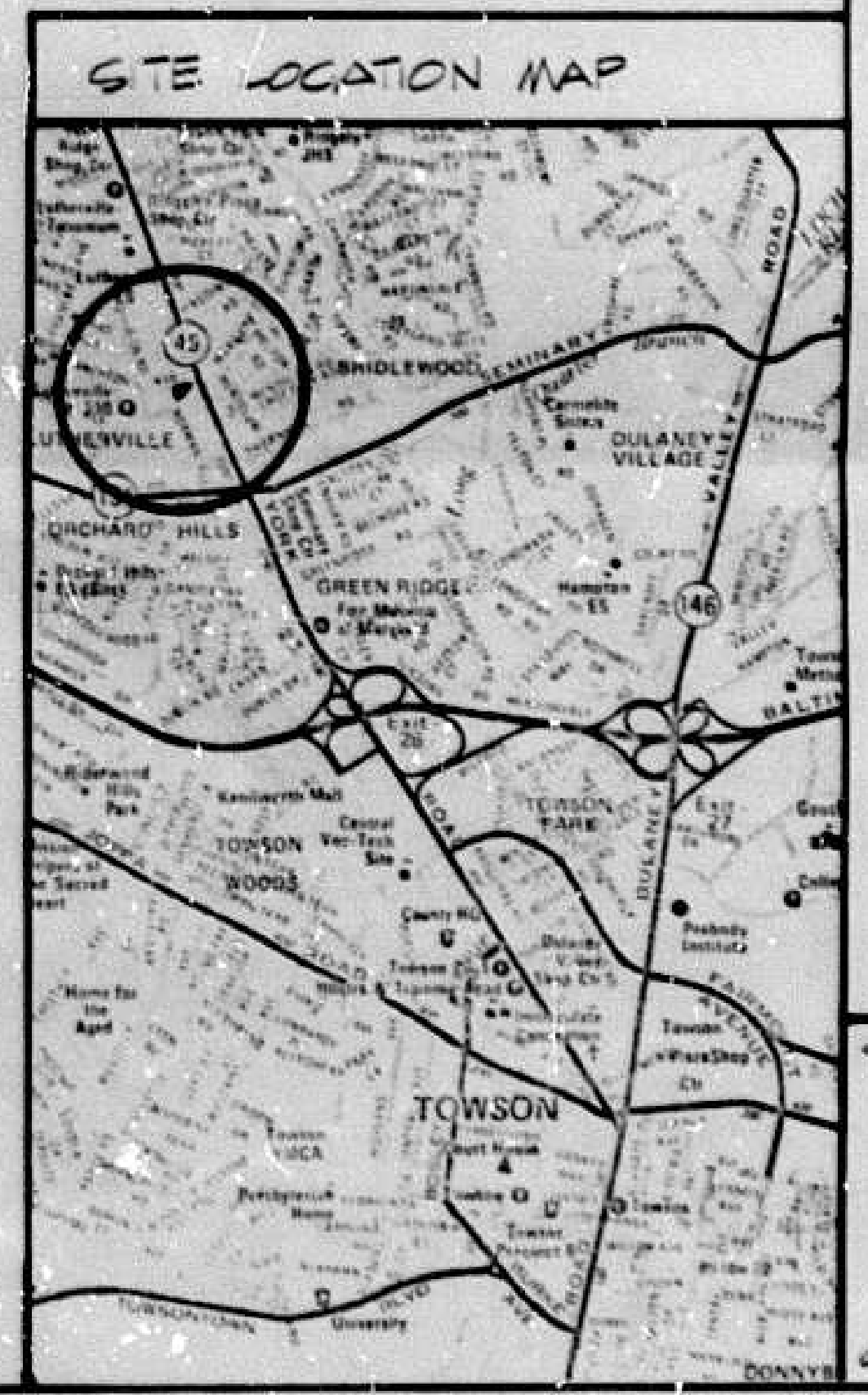
**1 SITE PLAN** SCALE 1" = 10'-0"  
 100 BELLONA AVENUE 8TH DISTRICT  
 BALTIMORE COUNTY, MARYLAND 21093

- GENERAL NOTES**
- PROVIDE ONE PRECAST CONCRETE WHEELSTOP PER PARKING SPACE. ANCHOR W/ (2) 1/2" Ø PINS 2'-0" LONG.
  - STRIPE PARKING SPACES AS INDICATED.
  - PAINT HANDICAPPED PARKING SYMBOL ON HANDICAPPED SPACE.

PLANS APPROVED  
 OFFICE OF PLANNING & ZONING  
 BY: *John J. [Signature]*  
 DATE: 5/29/82  
 BY: *James E. [Signature]*  
 DATE: 3/25/82  
 Subject to Board of Appeal  
 resolution 4.61

**GENERAL NOTES (CONT)**

- EXIST. AREA OF SITE = 0.30 AC.±
- EXIST. ZONING OF SITE = B-L WITH SPEC EXCEPT VARIANCES (SEE CASE 79-197 XA)
- PROPOSED USE - "KIRSH CLEANERS"
- OFF. NET PARKING REQ'D.:  
 1<sup>ST</sup> FL. - 360 SF. RETAIL @ 1/200 = 18  
 1<sup>ST</sup> FL. OFFICE @ 1/500 = 6.4  
 2<sup>ND</sup> FL. OFFICE @ 1/500 = 6.0  
 12.7 OR 13 P.S.
- NO. OF PARKING SPACES SHOWN = 8 P.S.±  
 (\*VARIANCE GRANTED FOR 6 SPACES)  
 SEE 79-197 XA
- DEVELOPER REQUESTING EXEMPTION FROM STORM WATER MANAGEMENT (SEC. 8.2-1)
- ALL SEDIMENTATION MEASURES MUST BE IN ACCORDANCE WITH BALTO. CO. STDS & SPECS.
- DEVELOPER TO USE EX. SEWER & WATER SERVICES



ARCHITECT:  
 ALAN B. GLASS, AIA  
 347 FARMSTEAD DRIVE  
 WESTMINSTER, MD. 21157  
 JUNE 30 1981



PROPOSED NEW BUILDING FOR  
 KIRSH CLEANERS  
 100 BELLONA AVENUE  
 LUTHERVILLE, MD. 21093  
 8<sup>TH</sup> ELECTION DISTRICT, BALTIMORE COUNTY