TO THE SONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, RONALD LEE and 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 Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning

Commissioner should approve This request for a THREE YEAR extension of

SPECIAL EXCESSION (CASE NO. 78-92-X4) 3521 Mendowalds Road

Property is to be posted and advertised as prescribed by zoning

I, or we, agree to pay expenses of above Special Hearing 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.

------FOR Contract Purchaser RECEIVE (-----Petitioner's Attorney Andress

MR RONALD & GWENDOLYN E. LEE
Legal Owner Acdress 7223 CROYDON ROAD BALTIMORE AD. 21207

april 265 5243 Protestant's Attorney ------

ORDERED By the Zoning Commissioner of Baltimore County, this_4th

day of September , 19679 , 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 at 10: 2 o'clock A. N.

(over)

TOWSON, MARYLAND 21264

September 14, 1979

Mr. Gilliam Z. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

JOHN D. SEYFFERT

Comments on Item # 49 Zoning Mivisory Committee Feeting, September 4, 1979

are as follows: Ronald Lee Property Owner: SES Meadowaide Road 374.42' SW Liberty Heights Ave.

Location: D.R. r 5.5
Existing Zoning: Special Hearing to allow a three year extension of Case No 78-92-XA (Item 3: 1977-1978).

Acres: District: NOTE: No place submitted with this folder The items checked below are applicable:

XA. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Laryland Code for the Handicapped and aged and other applicable codes.

B. A building permit shall be required before construction can bigin.

C. Additional _____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 pemit.

P. Three sets of construction drawings with a registered Empland 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 Jetusen 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Duilding Code. See Section ____

I. No Consent.

xJ. Comment: Previous comments still apply- The structure as it exist cannot comply with the Building Code Table 5 25 with institutional H-2 USE GROUP. WOTE: These comments reflect only on the information provided by the drawing submitted to the office of Flanning and Zoing and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burnham, Chief Plane Review

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 15, 1979

RE: Item No. 49

Special Hearing

Petitioners - Ronald Lee, et ux

COUNTY OFFICE BLDG. 111 M. Chrispmake Ave. Towson, Maryland 21274

North-Tex II. Commun.

Mr. & Mrs. Ronald Lee 7223 Groydon Read Baltimore, Maryland 21207

MEMBERS

Bureau of

Engineering Department of Traffic Engineering State Poads Commission Fire Prevention Medith Department Project Planning

Building Department

Board of Education

Industrial

Inning Administration

Dear Mr. & Mrs. Lee:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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 Special Hearing is requested as a result of your inability to utilize the Special Exception (Case #78-92 XA) that was granted on November 21, 1977 to convert the existing dwelling to a day care center within the allowable two year time limit as provided in Section 502.3 of the Baltimore County Zoning Regulations. As result of a recent opinion by Judge Raine, the Zoning Commissioner is not empowered to provide an extension for utilization of a Special Exception unless it was specifically stated in the order granting said Special Exception. As you know in our previous conservations, the People's Counsel feels that this matter should be heard de novo rather than through this Special Hearing process. However, through the long-standing policy of this office, this hearing was filed and scheduled at your request.

Since this matter involves a legal question and all members of this Committee had submitted comments on the previous hearing, additional comments were not required. However, Mr. Ted Burnham of the Department of Permits and Liceuses wanted to reiterate his comment, which is enclosed for your further review.

Item No. 49 Special Hearing October 15, 1979

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

Very truly yours,

NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

NBC:hk

Enclosures

30

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
404-3211

JOHN D SEYFFERT DIRECTOR

October 10, 1979

Mr. William Hammand, Zoning Commis uner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr Hammond:

Comments on Item #49, Zoning Adv sory Committee Meeting, September 4, 1979, are as follows:

Property Owner: Ronald Lee Location' SE/S Meadowside Road 374.42' SW Liberty Heights Ave. Existing Zoning: D.R.5.5 Proposed Zoning: Special Hearing to allow a three year extension of Case No. 78-92-XA (Item 3; 1977-1978)

Acres: 0.257 District: 2nd

Note: No plots submitted with this folder

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-pianning factors requiring comment.

Very truly yours,

A - A - D Y - I

Current Planning and Development

pattimere county department of traffic ongineering TOWSON, MARYLAND 21204

STEPHENE COLLINS

September 26, 1979

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 2120/

Dear Mr. Harmond:

This department has no commen' for the following items: Numbers

Very truly yours, Engineering Associate II

MSF/mjm

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 29, 1979

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

Z.A.C. Meeting of: September 4, 1979

RE: Item No: 49, 50, 51, 52, 53, 54 Property Owner: Present Zoning:

Proposed Zoning:

District: No. Acres:

Dear Mr. DiNenna:

Ass of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich,

Field Representative

JOSEPH N. AKGOWAN, PRESIDENT T. BAYARD WILLIAMS, JR., WEE-PRESIDENT MARCUS M. BOTRANIS

THOMAS H. BOYER MRS. LOPIANE P. CHRCUS ROGER O. HAYDEN

ALVIN LOHECK MRS; MILTON P. SHITE OF RICHARD W. TRACEY, D.V.M.

ROBERT TO DEBEL BUTCHMITTINGS

CEBIETI

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that the Petitioners, n November 22, 1977, were granted a special exception to establish a nursery school at 3521 Meadowside Road, Case No. 78-92-XA, together with the variances contained therein, by Order of the then Deputy Zoning Commissioner, George J. Martinak; that the aforementioned Order did not contain a specific date or time within which the special exception was to have been utilized by the Petitioners; that, under Section 502.3 of the Baltimore County Zoning Regulations, the period of time for utilization is within two years from the date of the final Order; that the Petitioners filed a Petition for Special Hearing requesting a three-year extension of the special exception granted by the said Order; that the aforesaid property was posted and advertised on October 4, 1979, in The Jeffersonian and the Northwest Star, indicating a hearing date of October 23, 1979; and that testimony during the October 23rd hearing indicated that the Petitioners were experiencing difficulty in coordinating the requirements of the various and sundry agencies of the County, but that, in doing so, expenditures approximating Eight to Ten Thousand Dollars had been incurred or paid.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of November, 1979, that a three year extension, beginning November 22, 1979, and ending November 22, 1982, as requested in the herein Petition for Special Hearing, should be and the same is GRANTED, from and after the cate of this Order, subject, however, to compliance with the terms, provisions, and conditions contained in the Order dated November 22, 1977.

Zoning Commissioner of
Balti-nore County

RE: PETITION FOR SPECIAL HEARING SE/S of Meadowside Rd., 374.42' SW of Liberty Heights Ave., 2nd District

: OF BALTIMORE COUNTY
: Case No. 80-106-SPH (Item 49)

. B EFORE THE ZONING COMMISSIONER

RONALD LEE, et ux, Petitioners

ORDER FOR APPEAL

ORDER FOR

Mr. Commissioner:

ORDER RECEIVED FOR FILING

Please note an appeal from your decision in the above-entitled case, under date of November 6, 1979, to the County Board of Appeals and forward all papers in connection therewith to said Board for kearing.

Peter Max Zimmerman Deputy People's Counse. John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204

I HEREBY CERTIFY that on this 27th day of November, 1979, a copy of the aforegoing Order for Appeal was mailed to Mr. and Mrs. Ronald Lee, 7223

Croydon Road, Baltimore, Maryland 21207, Petitioners.

Peter Max Zimmerman

MIN 27 79 OM TO THEM

IN THE MATTER OF BEFORE THE APPLICATION OF RONALD LEE, ET UX FOR A SPECIAL HEARING COUNTY BOARD OF APPEALS TO REQUEST A 3 YEAR EXTENSION OF SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTHEAST SIDE OF MEADOWSIDE ROAD, BALTIMORE COUNTY 374.42' SOUTHWEST OF LIBERTY HEIGHTS AVENUE 2nd District Nc. 80-106-5PH

OPINION

The above captioned matter having come before the County Board of Appeals from a decision of the Zoning Commissioner on November 6, 1979, the Petitioners having failed to appear, proper notice having been perfected and argument of People's Counsel having been considered;

It is this <u>10th</u> day of February, 1983, by the County Board of Appeals, ORDERED, that the decision of the Zoning Commissioner, dated November 6, 1979, be and hereby is REVERSED, and, therefore the Petition for a three (3) year extension of a Special Exception, be and hereby is DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Patricia Phipps

Leroy B. Sporrier

80-106

RE: PETITION FOR SPECIAL HEARING

SE/S of Meadowside Rd., 374.42'
SW of Liberty Heights Ave.,
2nd District

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

RONALD LEE, et ux, Petitioners : Case No. 80-106-SPH

ORDER TO ENTER APPEARANCE

1111111

-

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County

Charter, I hereby enter my appearance in this proceeding. You are requested to notify

me of any hearing date or 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
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 8th day of October, 1979, a copy of the aforegoing Order was mailed to Mr. and Mrs. Ronald Lee, 7223 Croydon Road, Baltimore, Maryland 21207, Petitioners.

John W. Hession, III

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING DIRECTOR

October 25, 1979

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Haryland 21204

Re: Item #49 (1979-1980)
Property Owner. Ronald Leu
5/ES Meadowside Rd. 374.42' S/W Liberty Heights Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Special Hearing to allow a three year
extension of Case No. 78-92-XA (Item 3; 1977-1978).
Acres: 0.257 District: 2nd

Dear Mr. !!armond:

The following comments are furnished in connection with the subject item.

General:

No plat was submitted with th. 'tem #49 (1979-1980).

As stated in the comments supplied for Item #3 (1977-1978), comments were supplied for this property for Project IDCA 77-7x, those comments together with the comments supplied for Item #3 (1977-1978) remain valid and applicable, and are referred to for your consideration.

This office has no further comment in regard to this Item (*9 (1979-1980).

ELISWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: FAM: PWR: SS

Attachment

K-NW Key Sheet 15 NW 20 Pos. Sheet NW 4 E Topo 88 Tax Map July 27, 1977

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

Re: Item #3 (1977-1978)

Property Owner: Ronald Lee

S/ES Mendowside Pd. 374.42' S/K Liberty Heights ave.

Existing Zonity D.R. 5.5

Proposed Zoning: Special Exception for a nursery school Acres: 0.757 District: 2nd

Dear Mr. DiNenna:

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

General;

Comments were supplied June 6, 1977 in connection with IDCA Item 77-7%; those comments are referred to for your consideration.

Highwayer

Meadowside Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including any recessary revertible casements for slopes will be required in connection with any grading or building permit application.

The construction of concrete sidewalk, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

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

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.

494-3180

County Board of Appeals

Room 218, Court House

Tow.sn., Maryland 21204

December 9, 1982
NOTICE OF ASSIGNMENT

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

This case has been dormant on the Board's docket for some time. In order to ascertain the status we are formally scheduling it for the purpose of reopening the record to determine its placent standing. If this preliminary hearing determines the case to be a viable one, it will be set for a later hearing, but at this time the case will not be tried nor will any testimony relative to the merits of the case he accepted. All parties interested in this proceeding should attend. If no participants to the scheduled matter appear on the assigned date, the Board will consider the case most and WILL SUMMARILY DISMISS IT.

CASE NO. 80-106-SPH

RONALD LEE, et ux

SE/S of Meadowside Rd., 374.42' SW of Liberty Heights Ave.

2nd District

Re: Request for a 3 year extension of a Special Exception

ASSIGNED FOR:

THURSDAY, FEBRUARY 3, 1993, at 9:30 a.m.

cc: Mr. & Mrs. Ronald Lee

J. W. Hessian, Esq. People's Counsel

Petitioners

J. Dyer

W. Hammond

J. Hoswel!

Jurie Holmen, Secy

/ Item #3 (L977-1978)
Property Owner: Ronald Page 2
July 27, 1977

Storm Drains: (Cont'd)

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.

Hator and Samitary Sever:

Public water supply and sanitary sewerage are serving this dwelling. Additional fire hydrant protection is required in the vicinity.

This property is tributary to the Geynns Palls Sanitary Sower System, subject to State Health Department requirements.

Chief, Bureau of Engineering

End: Lan: Par: 86

cc: W. Munchel

J. Somers

K-MM Key Sheet 15 MW 20 Pos. Sheet NE 4 & Topo 88 Tax Map hy gallering

80 -106

Dear Mr. Hammond:

Comments on Item #19, Zoning Advisory Committee meeting of September 4, 1979, are as follows:

> Property Owner: Ronald Lee

SE/S Meadowside Rd. 374.42' SW Liberty Heights Ave. Existing Zening: D.R. 5.5 Proposed Zoning: Special Hearing to allow a three year extension of Case No. 78-92-XA (Item 3; 1977-1978)

Acres District:

Note: No plats submitted with this folder.

The dwelling is presently served by metropolitan water and sewer.

The Division of Maternal and Child Health has reviewed the plans for the proposed day care center and can find no reason for denial of a permit to operate.

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

> Lan J. Forrest, Director BUREAU OF FAVERONMENTAL SERVICES

Very Wuly Volume

IJF/JRP/fthe

cc: E. Swith

W. L. Phillips

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond Zoning Commissioner

Date October 11, 1979

John D. Seyffert, Director PROM Office of Planning and Zoning

SUBJECT___ 80-106SPH Item 49

Petition for Special Hearing for extension of Special Exception Southeast side of Meadowside Road, 374.42 feet Southwest of Liberty Heights Avenue Patitioner - Ronald Lee, et ux

2nd District

HEARING: Tuesday, October 23, 1979 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

JDS:JGH:rw

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

November 6, 1979

Mr. & Mrs. Ronald Lee 7223 Croydon Road Baltimore, Maryland 21207

WILLIAM E HAMMOND

LONIVO CCY MISSIONER

RE: Petition for Special Hearing SE/S of Meadowside Road, 374.42' SW of Liberty Heights Avenue - 2nd Election District Ronald Lee, et ux - Petitioners NO. 80-106-SFH (Item No. 49)

Dear Mr. & Mrs. Lee:

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

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

WEL'/srl

Attachments

cc: John W. Hessian, III, Esquire People's Counse!

PETITION FOR SPECIAL HEARING

2nd District

ZONING:

Putition for Special Hearing for extension of Special Exception

LOCATION:

Southeast side of Meadowside Road, 37h.42 feet Southwest of Liberty Heights Avenue

DATE & TIME: Tuesday, October 23, 1979 at 10:30 A.N.

PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue. Towson, Maryland

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

> Petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore Jounty, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this request for a three year extension of Special Exception (Case No. 78-92-XA) 3521 Meadowside Road

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

Being the property of Ronald Lee, at ux, as shown on plat plan filed with the Zoning Department

Hear Pate: Tuesday, October 2), 1979 at 10:30 1.M. Public Paring: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towsen, Mary and

> BY CRIER OF WILLIAM E. HAMSOND ZONING COMMISSIONER OF BALTIMORE COUNTY



Paul H. Reincke

September 11, 1979

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

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee

Re: Property Owner Ronald Lee

Location: SE/S Meadowsids Rd. 374.42' SW Liberty Heights Ave.

Item No. 49

Zoning Agenda: Meeting of 9/4/79

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.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Pire Irotection Association Standard No. 101 "Life Safety Code" 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER Catt Joseph Holy 9-17-77 Approved: Meorge M Wegand

Planin; Group Special Inspection Division

LEGALS PETITION FOR SPECIAL HEARING

ZONING Person for Special Hearing for extreating of Special Exception LJCATION: Southeast side of Meadow side Road, 374 42 feet Southwest of LP-only Handle Asset

The Lipsing Commissioner of Battemore County, by authority of the Zoning Act and Requestions of Battemore Dounty, will haid Lusting the Battemore Dounty will haid Lusting habiting.

Personn for a Spect 1 Hearing happile fluids of Battemore County, its determined on the Zoning Comment of the Sunty States of County and the Section 500 7 of the Zoning Comment of the Section 500 7 of the Zoning Comment of the Section 500 7 of the Zoning Comment of the Section 500 7 of the Zoning Comment of Section 500 7 of the Section of Special Larry and September 10 at the Section of Special Larry and Read.

At the Journal of land in the Section of Special Larry and find in the Section of Section 500 12 at the Section 500 12

are ground there is not all feet with any on the southware side of Micagon and Parket 100.00 has to Lot 12 to a property and plant and so lot 12 to a property of the southware side of the union property of stack these Lots are a part, there is northware for the union property of stack these Lots are a part, there is northware for the union property of stack these to Lot a to a page for make in a southware for Lot at the page for an area of a southware for Lot at the page for an area of the stack and the page for an area of the page for a page f

thouse on plat plan filed with

CERCIPICATE OF FURLISHIES.

---- A0706

Pikesville, Md., cet. 11 79 THIS IS TO CERTIFY, that the annexed advertisment was published in the NURTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 23rd

the first publication appearing on the

the second publication appearing on the the third publication appearing on the

THE NORTHWEST STAR

Cost of advertisement,

124.1 242-0777

(301) 242-0779

DELLA.ROCCA, ORSINI & ASSOCIATES, INC. 336 EAST 25TH STREET BALTIMORE, MARYLAND 21218 April 11,1977

METES & BOUNDS DESCRIPTION of the property of Ronald Lee & Gwendolyn E. Lee, his wife.

Election District 2 Baltimore County, Md.

HEGINNING for the same at an iron pipe found on the southeast side of Meadowside Road (formerly Nuberry Avenue) at the distance of 374.42 feet southwesterly from the intersection formed by the southwest side 66 feet wide and the southeast side of Meaof Liberty Road dowside Road 40 feet wide and running thence southwesterly, binding on the southeast side of Meadowside Road 100.00 feet to Lot 12 to a pipe now set, thence southeasterly and binding on Lot 12,112.00 feet to the outline of the whole property of which these Lots are a part; thence northeasterly and binding on said outline 100.00 feet to Lot 9 to a pipe found; thence in a northwesterly direction and binding on Lot 9,112.00 feet to the place of beginning.

Being Lots 10 and 11, section R, as shown on the Amended Plat of Hagwood Heights, filed and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No.7, Folio 49.

The Improvements thereon being known as No.3521 Meadowside Rd. Being the same parcel of land which was conveyed by Deed dated April 22,1976 and recorded among the Land Records Of Baltimore County in Liber 5827, Folio 939, between Toney L. Phillips & Janet Phillips, his wife to Ronali Lee & Gwendolyn Lee, his wife.

OFFICE COPY

Guy Viella-Rocca P.L.S. #8714

PETITION OF SEFORE THE

RONALD LEE, ET UX * COUNTY BOARD OF APPEALS Request for a 3-Year Extension of Special Exception, Southeast Side

of Meadowside Road. BALTIMORE COUNTY 374.42 Feet Southwest of Liberty Heights Avenue, * MR. EITER, Chairman;

MR. SPURRIER and MKS. MILLHOUSER 2nd District. CASE NO. 80-106-5PF

Tuesday, May 20, 1980, Towson, Maryland

* * * * * * * * *

HEARING ROOM - COURT HOUSE 10:00 A.M.

13 APPEARANCE:

JOHN W. HESSIAN, ISI, Esq., People's Counsel, on behalf of Baltimore County, Maryland.

Reported by: Lillian G. Seelat - Board of Appeals,

Court House, Towson, Maryland 21204

THE CMAIRMAN: For the record, we have assigned at this time Case No. 80-106-SPH, which is an appeal by the petitioners, Ronald Lee and wife, who request a three-year extension of special exception on the southeast side of Meadowside Road, 374.42 feet southwest of Liberty Weights Avenue in the Second Election District.

The Lees requested that a special exception be
sextended. Their request was filed with the Zoning Commissionar
hr. Hammond. The extension was granted, and the appeal of
that decision by Mr. Hammond was taken to this Board by the
People's Counsel, who is present this morning in the person of
Mr. Hessian.

Mr. and Mrs. Lee are present here without counsel.

We also have present and we welcome a group of
students from Loch Raven High School.

Mr. Essian, do you have an opening statement concerning your appeal?

MR. HESSIAN: Yes, sir. As the Commissioner has fully set out in his order granting the extension, the Petitioners, on November 22, 1977, were granted a special exception for the establishment and operation of a nursery

school on the property that is the subject of this proceeding. There were a number of restrictions that were placed in the original order. I might add, for the record, that the Planning Department reviewed those restrictions at the time and found that the special exception, as tailored and thus as granted, raised no planning factors.

The file indicates that Mr. and Mrs. Lee did have a problem with regard to the building code but that is not, in our opinion, a factor in this particular case.

Primarily, as I understand it, because of difficulties in complying with the building code, they were not
able to implement this special exception within the two years'
limitation that is granted automatically by the provisions of
Section 502 of the Baltimore Code of Zoning Regulations.

In November, or seasonably, last year, they came in and applied for an extension for the additional time — three years, I think it was. Although that is not the point here this morning, that is permissible under Section 502, during which time they might implement the special exception.

The problem that arises is out of a prior legal case filed in the Circuit Court by People's Counsel vs. DiNenna

where the question of the procedure and the total question of the constitutionality of the extension proceeding, itself, was brought before the Court. In that case, the Circuit Court of Baltimore County ruled that the extension provision contained in Section 502 of the Baltimore County Code of Zoning Regulations was unconstitutional and therefore had no force and effect.

Left standing, the effect of the crder of the Circuit Court for Baltimore County in that case means that the entire procedure that we have here this morning, resulting in the granting of an extension, any extension to any special exception including this one, is based on an unconstitutional and therefore void provision of the law.

The posture of the Circuit Court case is that it has been appealed by the individual respondents of the Elks Club that owned the property that was involved in that case. The record has been filed with the Court of Special Appeals. It has been fully briefed and assigned for oral argument sometime, I think, in the second week of June.

I suggest to the Board that the Court of Special Appeals' opinion or expression of opinion on the matter will

probably be available somewhere around August or perhaps,
hopefully, before Labor Day.

The situation as I see it is that since there are no planning factors involved and since the purpose of our appeal was to coordinate with the ruling of the Circuit Court that the entire proced to would be unconstitutional, and since I am making a statement against interest to the effect that there are no planning factors involved, if the Court of Special Appeals should reverse the Circuit Court, and assuming that the Court of Appeals eventually iffirms that ruling.

I am perfectly prepared to dismiss this appeal, there being no factual basis, an entirely legal basis, for the maintenance of it.

If, on the other hand, the Court of Special Appeals and, by action on a petition for certiorari, the Court of Appeals has the effect of sustaining this decision of the Court that the extension is unconstitutional, we would have to, of necessity, take the position that this is an entirely wold proceeding of extension.

THE CHAIRMAN: What is your position in the pending case before the Court of Special Appeals?

position is, truthfully, the maintenance of the Court's opinion. In the case involving the Elks Club, we filed suit based on the complaint that the Commissioner had passed an order, to wit, an order extending the life of the special exception in that case without there being a duly advertised hearing.

There was an application through counsel for an extension. A formal order was passed and no one was notified that he had passed a formal order in the case. It was said that was quite improper.

ing with us that a public notice and a public hearing was requisite, but about nine tenths of the way through the legal argument, suddenly, it turned to the question of the constitutionality of the entire procedure for extension. Th. Court's written opinion and finding was that it a oided the question of the procedural aspect and went into the question of constitutionality, and I would be less than caudid if I didn't tell you we don't anticipate going to that extent.

The way it came up was that my brother counsel --

whom I refer to as the Harvard man — leaned over to me during the argument and said in a stage whisper, not anticipating dead silence would fall in the courtroom and that his whisper car ied up to the bench, he said, "I think to a is unconstitutional and violating due process."

our position is necessarily that we have to support the Court.

I will point out to you, sir -- then, I would be finished insofar as the factual input for your consideration -- that in this case our initial complaint about the Elks matter has been satisfied because the Commissioner did duly advertise this and did duly post it, and there was the aspect of due process.

I can tell you that if the Court of Special Appeals should rule -- I have two fallbacks -- if they merely approach the question of constitutionality and say the Court was wrong, that is constitutional, and doesn't go to the question of whether due process is mecessary, we have all the due process requirements complied with in this case.

If they fall back and say, "We think it is constitutional, but in reading other aspects or other provisions

of the Zoning Regulations, it is obvious to us that there should have been a public notice, etc. -- here again, we are safe in this case.

Then, again, a third alternative is that if they
early it is not constitutional but no public hearing is necessary, you are overprotected in this case. So there being no
planning factors --

THE CHAIRMAN: What if it decides it is unconstitutional?

MR. HESSIAM: Well, this is void.

THE CHAIRMAN: Then, as far as situations like the subject, if there are any others, what is your feeling as to the need for legislative action?

MR. HESSIAN: That, of course, is up to the Planning Board. As you know, under our law, the County Council cannot initiate legislative action. He can direct the Planning Board to inventigate the matter, and if the Planning Board fails to respond, I think, within six months --

THE CHAIRMAN: Your position is there should be a procedure for extensions and it should include a public hearing?

Mk. HESSIAN: Well, as the Chairman has propounded the question to me, I respectfully suggest I wouldn't touch that with a ten-foot pole, because you are asking me for a legislative opinion.

THE CHAIRMAN: Thank you, Mr. Hessian.

Mr. Lee, do you have a response or statement?

MR. LEE: Not really, sir. I wasn't aware of the case before the Special Appeals Court, and just by listening to People's Counsel, it seems like it would be to my advantage to wait for the results of the Court of Appeals.

with you. So procedurally, I suppose we have Mr. Hessian's statement that his appeal is solely predicated upon the constitutionality of the provision that allows or does not allow for extension; and that if the Court of Special Appeals and subsequently, the Maryland Court of Appeals, finds in the Elks case that there is enabling legislation available to grant this special exception as Mr. Hammond did, that the People's Counsel would dismiss their appeal in this case, and the order of the Zoning Commissioner in this case would then become final. So that is the mosture of the People's Counsel.

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19 20 21

It would seem to me that this Board should continue with this case subject to the definitive Court ruling in the Elks case because your position can't do anything but be enhanced. With the extension, if the Court rules it is unconstitutional then, of course, no one has the power to grant that extension, and if the Planning Board and the County Council saw fit to pass new legislation, that would be constitutional and would address the point.

Do you have anything further to add?

MR. EESS_AN: No, sir.

THE CHAIRMAN: Then, the Board, for the reasons

just stated, will continue this case and will reach a sonclusion in this case after the definitive appeal in the Elks case.

Thank you, very much.

(Hearing concluded.)

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WILLIAM E HAWMOND ZONING COMMISSIONER

CFFICE OF PLANNING & ZCHING TOWSON, MARYLAND 21204 494-3353

October 15, 1979

Mr. & Mrs. Ronald E. Lee 7223 Croydon Road Baltim . Maryland 21207

> RE: Petition for Special Hearing SE/S Meadowelde Rd., 37L 42' SV Liberty Heights Avenue Cass Fo. 80-106-SPH

Dear Sir:

This is to advise you that ______ to due for edvertising 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 21204, before the hearing.

Very truly yours,

William Told William E. Harmond Zoning Commissioner

WEH/sj

County Board of Appeals Ream 219, Court House Towsen, Maryland 21204 February 10, 1983

John W. Hessian, Esq. People's Counsel Court House Towson, Md. 21204

Donr Mr. Hessian:

Re: Case No. 80-106-SPH Ronald Lee, et ux

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,

cc: Mr. & Mrs. Ranald Lee J. E. Dyer W. E. Hammand

494-3180

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

March 27, 1980

NOTICE OF ASSIGNMENT

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

CASE NO. 80-106-SPH

RONALD LEE, et ux

Request for a 3 year extension of Special Exception

SE/3 of Meadowside Road, 374,42' SW of

Liberty Heights Avenue

2nd District ZC (Hammond) Granted extension

TUESDAY, MAY 20, 1980, at 10 a.m.

cc: Mr. and Mrs. Ronald Lee Petitioners

John W. Hessian, Esq.

People's Counsel

Mr. J. E. Dyer

ASSIGNED FOR:

Zoning Office

Mr. William Hammond

June Holmen, Secy.

September 7, 1979

7223 Croydon Poad Baltimore, MD 21207

William E. Hammond Zoning Commissioner County Office Building 111 West Ches peake Avenue Towson, MD 21204

RE: Special Exception #78-92-XA

Dear Sir:

RL:at

I was granted special zoning exception on November 21, 1977 (see Reference #72-92-XA). Since that time I have met all the requirements of the agencies involved in licensing with one additional alteration that's needed in order to complete the licensing process.

I am now in the process of obtaining an extension for special exception and for this reason I am bringing this matter to your attention. I was only recently informed that an additional alteration was needed in order to comply with standards; therefore, I need the extension to make the necessary adjustments.

I am asking that this request be granted, utilizing my original certification for special exception by extending my certification date for no less than one year.

265-5243

Respectfully submitted, Ronald Lee

SEP 1 2 '79 AM

3/27/80 - Notified the following of scheduled hearing for TUES., MAY 20, '80, at 10 a.m.:

Mr. and Mrs. Ronald Lee J. Hessian J. Dyer

W. Hammond

Petitioners Peoples countel Zoning

5/_G/80 - Per W.A.R. - Case continued pending the final decision in the Elks case which is pending in the Court of Special Appeals. People's Counsel stated that they would dismiss their appeal in this case if the Courts find that the provision which allows extensions of special exceptions is ruled constitutional. If this provision is ruled unconstitutional, this case must be dismissed because then there would be no low which would allow us to grant an extension of any special exception, and we will decide the case accordingly.

12/9/82 - Above notified of earing set for Thursday, Feb. 2, 1983, at 9:30 a.m.

Mr. & Mrs. Ronald Les 7223 Croydon Road Baltimore, Maryland 21207

TOWEON, MARYLAND

NOTTOE OF HEARING

RE:	SE/S Meadoweid Petition for S	e Road, pecial h	374.42' caring -	SV of	Liberty No. 80-1	Heights 100-SPH	Avenue

TDE:_____10139.A.E.__ DATE: Tuesday, October 23, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPTAKE AVECUE,

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 4 19 79

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFEPSONIAN, a waskly newspaper printed and published in Towsca, Baltimore County, Md., massconceasts

appearing on thethday of ... October

Cost of Advertisement, \$.....

hnown as Ho. Sell Meadownide Rd.

Being the mane parcel of and
which was conveyed by Doed dated
April Z. 1876 and recorded among
the Land Records of Bultimore
County in Liber Self. Folio 829, between Toney L. Philips & Janet
Phillips, his wife to Ronals Lee &
Gwendolyn Lee, hr. wife.
Being the property of Ronald Lee,
et ux, as shown on plot plan filed
with the Zening Department.
Hearing Date: Tuesday, October
23, 1970 at 10:30 A.M.
Public Hearing: Room 104, County
Office Building, 311 W. Chempeake
Avenue, Townor, Md.
By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner

PARING - 200 DISTRICT

ZONING: Petition for tipe He ing for extension or By it?

ception
LOCATION: Southeast side of Meadowside Road, 374-62 f. t Eouthwest of Liberty Heights Avenue
DATE & TIME: Tuesday, October
23, '979 at 19:30 A.M.

FUNLIC HEARING: Room 165, County Office Building, 211 W. Chesapeake Avenue, Townon, Maryland.

The Zor'ng Commissioner of Bai-timors County by authority of the accounty Act and Regulations of Saltimore County, will hold a public

hearing:

Petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Bultimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner and/or Case No. 78-82-XA) ESZ Meadownide Road

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

Beginning for the same at an iron pipe found on the noutheast side of Meadownide Road (formerly Nuberry Avenus) at the distance of Ft.42 feet southwesterly from the intersection formed by the mouthwest side of Liberty Road 65 feet wide and from southeast side of Meadownide Road 40 feet wide and running thence southwesterly, binding on the southeast side of Meadownide Road 100 ft. to Lot II to a pipe Low set, thence southeasterly and binding on Lot 13, 112,00 feet to the continue of the who's property of which these Lots are a part: thence northeasterly and binding on Lot 13, 112,00 feet to Lot 3 to a pipe found; thence in a north westerly direction and binding on Lot 2, 112,00 feet to the place of beginning.

Being Lots 10 and 11 Section R

Mr. & Mrs. Ronald Lee, et ux 7223 Groydou Road

Petitioner Rosald Lee, et un

Petitioner's Attorney

Baltimore, Maryland 21207

BALTIMORE COUNTY OFFICE OF PLANNING & ZOHING

County Office Building 11' W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing this

WILLIAM E. HAMMOND Zeaing Commissioner

Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEVARTMENT OF BALTIMORE COUNTY

District 2 nel	Date of Posting Dec. 7 1979
Posted for: APPEAL	
Petitioner: RONALD Lee et ux	
Location of property: SE/S OF MEADOWSIDE Rd. LIBERTY HEIGHTS AJENUE	374,42' SW OF
Location of Signs: FRONT 3521 MENDOWS!	se Rd.
Remarks:	
Posted by Thomas K. Roland De	te of return: Dec.
1-51GN	

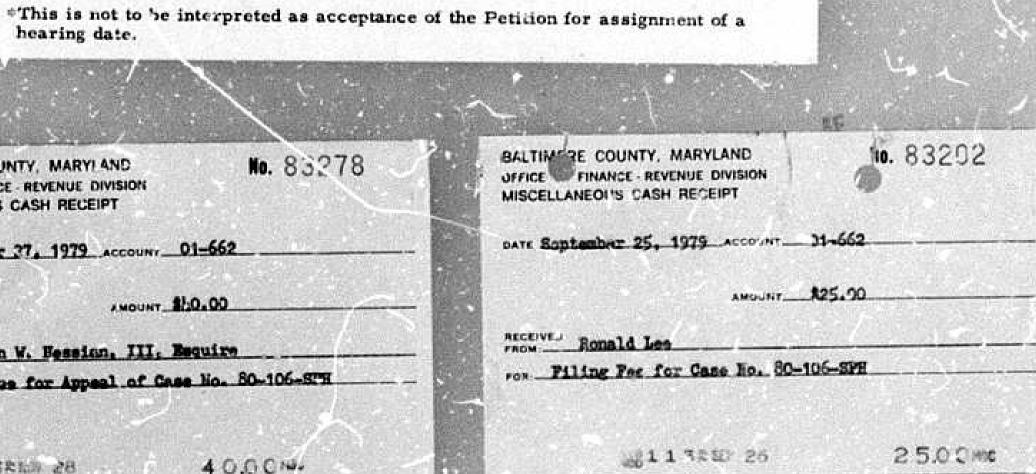
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BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue

Towson, Ma	aryland 21204		
Your Petition has been received this	4H day of A	August	197 9. *
Filing Fee \$ 25.00	Received:	Check	
		Cash	
	1 -	Other	
	41.	>4	
	Milleau	- de	
00-11	William E. Hammo	nd, Zoning Comn	nissioner
Petitioner Ronald + Grendelyn lee	Submitted by Ko	rald Lee-	
Petitioner's Attorney	Reviewed by		

No. 83278









MISCELLANEOUS CASH RECEIPT ACCOUNT 01-662 AMOUNT_ \$65.55 FFON Bonald Yeu FOR Posting & advertising property Case & 80-106-39H

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

No. 83238

182 6 1800° 83 65.55 VALIDATION OR SIGNATURE OF CASHIER

VALIDATION OR SIGNATURE OF CASHIER

AMOUNT \$50.00

hearing date.

BALTIMURE COUNTY, MARYI AND

MISCELLANEOUS CASH RECEIPT

286 2 58 mm 28

OFFICE OF FINANCE - REVENUE DIVISION

DATEL November 37, 1979 ACCOUNT 01-662

John W. Bessian, III, Esquire

FOR Filing Pos for Appeal of Case No. 80-106-STH

40.00 m

VALIDATION OR SIGNATURE OF CASHIEF

Surveying

OCCA, ORSINI, & ASSOCIATES, INC. 122 North Highland Avenue

122 North Highland Avenue Baltimore Maryland 21224 (361) 327-1400

conses

f. L.S.

Se: Come. Plus App. #1101-78
Chance of Occupancy (Top Surrory)
E/S #3521 Mendowride Bood
37515. of Liberty Load
Permit #26248

we have made the following changes on the rite

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irrer should not exceed 12.
Thain link fence and four (4) foot evergreen installed and maintained along be h nider and

ent conversing this matter, please call us at

· Dupler Homes C1P =16 G1E =263033 Elisting Schoin Link Gence Pips Found Fence Carner 3:36 1-2000 MOTES 1. The First ther only may be utilized in 107 10 nursary school 1.07 11 2 The number of children should - ? exceed 12 3. The four (4) foot chain link fence and icar (4 " - + evergreen screening must be installed and a unfamed along both sides and rear properly lines - CALLDRENS 10 Tree PEATACE.1 4 The parmy will be 4 - 60-6 have and 3 Fetammons Con tres inp 13.0 Concrete Chain Link Fence Deed line \$ 5/505 56 52 PLANS APPROVED 7.67 OFFICE OF PLANKING & PONING DATE 18-30-78 6-1120 75-92 C-1101-25 16.1 1/1 year its Sty Frame STOPOSED FELLET (Aluminum Siding) PARKING REQUIREMENTS 1 Sty Frame -3521 15 Floor 1174 SF -300 . 1 Spaces Dweiling 1 Siy Stucco 9.1 Dwelling 0.2 LIDER 5627 , FOLIO 933 TOTAL AREA SHOWN 11,200 30 Ff or 0.257 Acre 00 13 Covered Porch PROPOSED 9.5 Steps PALEKING AKEA (Broom 02 5.5 0255 DR 55 Macadam Parking GUY SENA POCCA, PLS TOTAL C FUTURE RIGHT- OF MAY NIDENING POINT OF DESIMNING Iron Bor Found -KATE Hydroni 256 REXISTING Pight-OF-New Line Sel Pipe 37112 / TO P/W STRUTURE POND MIDENING LIDERTYY BOAD DELLA ROCCA, GRINI E ISSOCIATES, INC.
ENGINEERING SURVEY MARCAND 27218 18 Sonirary Sener 20ge Stone 1 he Rood PLAT FOR LE Meddowside Podd ZONING EXCEPTION PONICO & GHENOCHT CEE Pce 23 6. Water Lines 3521 ME. 100NS. 25 80 2 NO ELECTION DISTRICT 100 8 , 377 Brick House SCALE : 1.10

Aprolditec #80-106-5PH