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

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, 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 DR 5.5 zone to an R O Zone zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

THE COLONIAL CO.
(Type or Print Name)

Signature Charles A. Knott, President

(Type or Print Name)

Signature

Attorney for Petitioner:

Ernest C. Trimble
(Type or Print Name)

Signature

200 Lafayette Bldg.
40 W. Chesapeake Ave.
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 825-5512

200 Lafayette Bldg. 825-5512
Address Phone No.
40 W. Chesapeake Ave.
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

BABC--Form 1

R-82-180

S/S Dogwood Rd. 461' +/- E of Woodlawn Drive

1st

The COLONIAL CO.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

cbo

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

October 30, 1981

Ernest C. Trimble, Esquire
305 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 1 - Cycle II
Petitioner - The Colonial Company
Reclassification Petition

Dear Mr. Trimble:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October 1981 - April 1982 reclassification cycle (Cycle II). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or need and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to the office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

This currently vacant wooded site, located on the south side of Dogwood Road east of Woodlawn Drive in the 1st Election District, is proposed to be rezoned from its present D.R. 5.5 zoning reclassification to an R.O. zone. Adjacent properties to the west and north are also zoned D.R. 5.5 and are improved with individual dwellings, while similarly zoned vacant land and a tract of land zoned M.L. exist to the east/south and southwest, respectively. At the time of this writing, a variance request has been submitted for this latter property.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted a public hearing and/or Planning Board review and approval would be required prior to development. At that time, more specific comments would be provided.

Item No. 1 - Cycle II
Petitioner - The Colonial Company
Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March 1 and June 30, 1982, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mch

Enclosures

cc: KCW Consultants
744 Dulaney Valley Court
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 25, 1981

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #1 Cycle Zoning II (Oct. 1981-Apr. 1982)
Property Owner: The Colonial Company
S/S Dogwood Rd. 461.13' S/E of Woodlawn Dr.
Existing Zoning: DR 5.5
Proposed Zoning: R-O
Acres: 1.4 District: 1st

Dear Mr. Hackett:

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:

This property comprises Lot 2-G "Revised Plat Meadows Industrial Park", recorded E.H.K., Jr. 45, Folio 137. Public Works Agreement #16010 was executed in conjunction with the development of Meadows Industrial Park.

Highways:

Dogwood Road, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

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

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.

Item #1 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: The Colonial Company
Page 2
September 25, 1981

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.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

A future drainage and utility easement will be required for the stream which traverses the westerly portion of this site; or, if the stream is to remain open, open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Water and Sanitary Sewer:

There is a public 12-inch water main and 8-inch sanitary sewerage in Dogwood Road.

Additional fire hydrant protection is required in this vicinity.

This property is tributary to the Gwynns Falls Sanitary Sewerage System, subject to State Health Department Regulations and Allocations.

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

L-SE Key Sheet
8 NW 23 Pos. Sheet
NW 2 F Topo
88 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

October 29, 1981

Mr. William Hackett — Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #1, Zoning Cycle II— 1981, are as follows:

Property Owner: The Colonial Company
Location: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
Acres: 1.4
District: 1st

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.

The subject property is located in the Gwynns Falls Sewer Area and in a Traffic Level of Service Area controlled by a "D" intersection.

If the petition is granted to R.O., the owner would have to comply with Section 203 of the Baltimore County Zoning Regulations.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

October 8, 1981

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle #II - Meeting of September 14, 1981
Item No. - 1
Property Owner: The Colonial Company
Location: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 1.4
District: 1st.

Dear Mr. Hackett:

This site with its present zoning will generate approximately 70 trips per day and the proposed R-O zoning would generate approximately 400 trips per day.

The intersection of Dogwood Road and Woodlawn Drive is at level of service D.

Michael S. Flanigan
Traffic Engineering Associate II

MSF/rlj

STATEMENT ACCOMPANYING PETITION FOR
RECLASSIFICATION FILED BY
THE COLONIAL CO.

This small parcel of land containing 1.5 Acres is not susceptible to development in its present DR 5.5 classification.

The set back requirements in a DR 5.5 zone unduly restricts the useable land, and a single family dwelling on this tract is impractical because of the fact that the land backs up to land zoned ML, and becuase of its proximity to the intensified land uses in the nearby Meadows Industrial Park.

It is submitted that this parcel is so small, and so surrounded by industrial uses that the planning staff failed to recognize that the most feasible, and the highest and best use for this small parcel would be R O zoning, for which this request is made.

And for other reasons to be assigned at the hearing hereof.

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

No. 104546

DATE 2/1/82 ACCOUNT 01-662

AMOUNT $50.00

RECEIVED The Colonial Company

FOR Filing Fee for Case #[illegible] R-82-180

[illegible] 2 50.00

VALIDATION OR SIGNATURE OF CASHIER

item #1

Form CA2

CIRCUIT COURT FOR BALTIMORE COUNTY

Jobi Adams — 494-2680
Civil Assignment Commissioner
Settlement Court

Kathy Rushton — 494-2662
Masters Assignment Clerk
Medical Records

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
June 8, 1982

Sandy Sundas — 494-2660
Assignment — Jury — Motions
Assistant Clerk Trial

Irene Summers — 494-2661
Assignment — Non-Jury — Motions
Mandy Encalada
Assistant Clerk Trial

TO: Ernest C. Trimble, Esq.
County Board of Appeal

John W. Hessian, III, Esq.
Peter Max Zimmerman, Esq.

RECEIVED
BALTIMORE COUNTY
JUN 9 9 55 AM '82
ASSIGNMENT OFFICE

RE: Non-Jury-Law- 82-M-109- IN THE MATTER OF PETITION FOR RECLASSIFICATION OF THE COLONIAL CO. FOR REZONING, ET AL. VS THE PEOPLES COUNSEL FOR BALTIMORE COUNTY

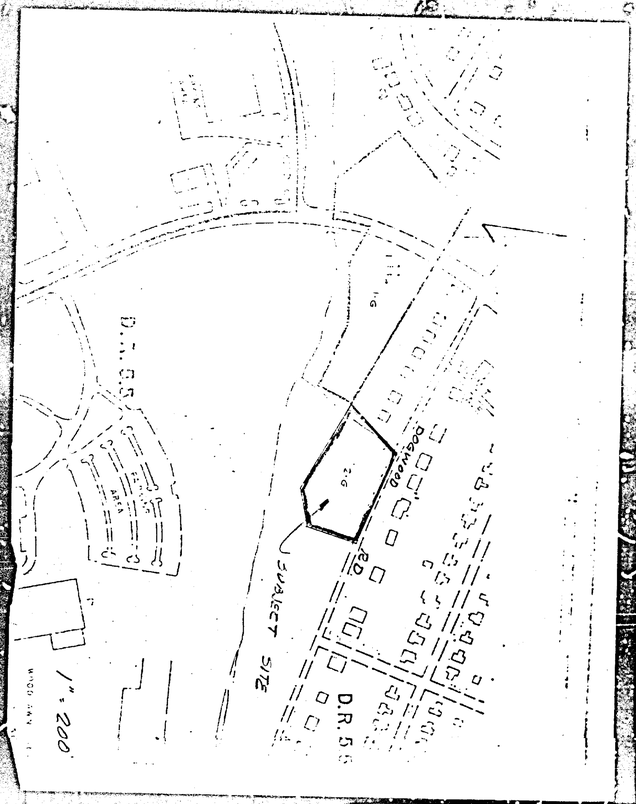
HEARING DATE: Thursday, August 12, 1982 09:30 a.m.
ON THE FOLLOWING: Appeal: ½ to 3/4 Hours

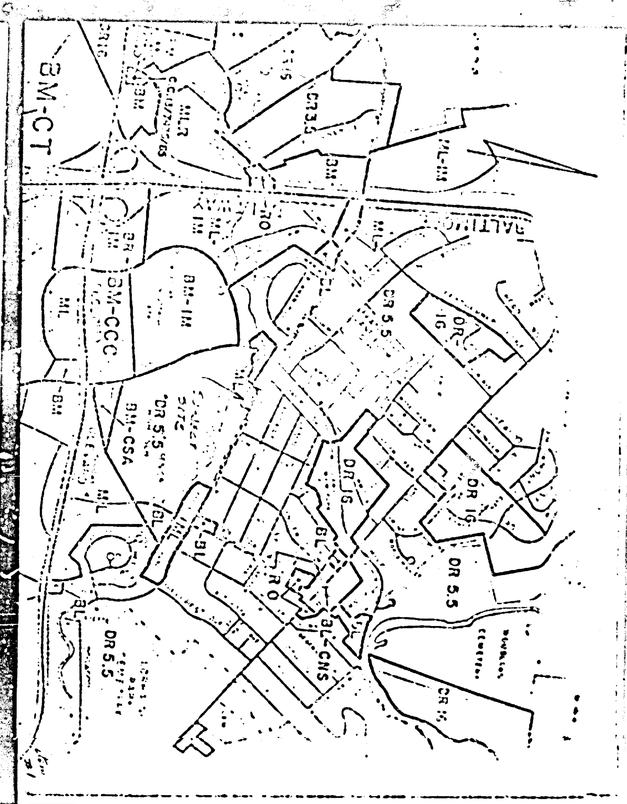
UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attorney of the Director of Central Assignments — Joyce Grimm — 494-3497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CICONE. Please direct all inquiries to the attention of Jobi Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.





CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland R-82-180

District 1st
Date of Posting 2-14-82
Posted for: Re-classification
Petitioner: The Colonial Company
Location of property: S/S Dogwood Road, 641' SE of Woodlawn Drive
Location of Signs: South side of Dogwood Road Approx. 300' South east of Woodlawn Drive
Remarks:
Posted by D. Jo Carter (Signature) Date of return: 2-26-82
Number of Signs: 1

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

No. 85100

DATE 5/4/82 ACCOUNT 01.712

AMOUNT $18.00

RECEIVED FROM Ernest C. Trimble, Esq., 40 W. Chesapeake Ave. (21204)

FOR Case No. R-82-180, The Colonial Co., S/S Dogwood Rd., SE of Woodlawn Dr.

B B133******1800:a 5042F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR
RE-CLASSIFICATION
1st DISTRICT

ZONING: Petition for Re-classification
LOCATION: South side of Dogwood Road, 641 ft. southeast of Woodlawn Drive
DATE & TIME: Tuesday, March 2, 1982 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. 5.5
Proposed Zoning: R.O.

All that parcel of land in the First District of Baltimore County.

Beginning for the same on the southside of Dogwood Road, (proposed 40 feet wide) at the distance of 481.18 feet measured southeasterly from the East side of Woodlawn Drive, running thence binding on said Road ~~____~~ 41° 28' 00" East 2.60 feet and North 44° 28' 51" East 36.68 feet to or near the center of said road, running thence and binding in or near the center of said road South 28° 30' 24" East 200 feet thence leaving said Dogwood Road and binding on the western and northern outline of the Storm Drain Reservation and Utility Easement as shown on Revised Plat of Meadows Industrial Park as recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. No. 46 folio 137 South 30° 28' 26" West 150 feet, South 74° 14' 34" West 113.78 feet, North 80° 45' 38" West 261.87 feet to the outline of Meadows Industrial Park as shown on said Plat, thence binding on said outline North 41° 28' 00" East 328.82 feet to the place of beginning.

Containing 1.4 acres of land more or less.

Being Lot 3-G as shown on the Plat of Meadows Industrial Park filed as aforesaid.

Being the property of The Colonial Co., as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, March 2, 1982, at 10:00 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order of
WILLIAM T. HACKETT,
Chairman County Board of Appeals of Baltimore County

Feb. 11

CERTIFICATE OF PUBLICATION

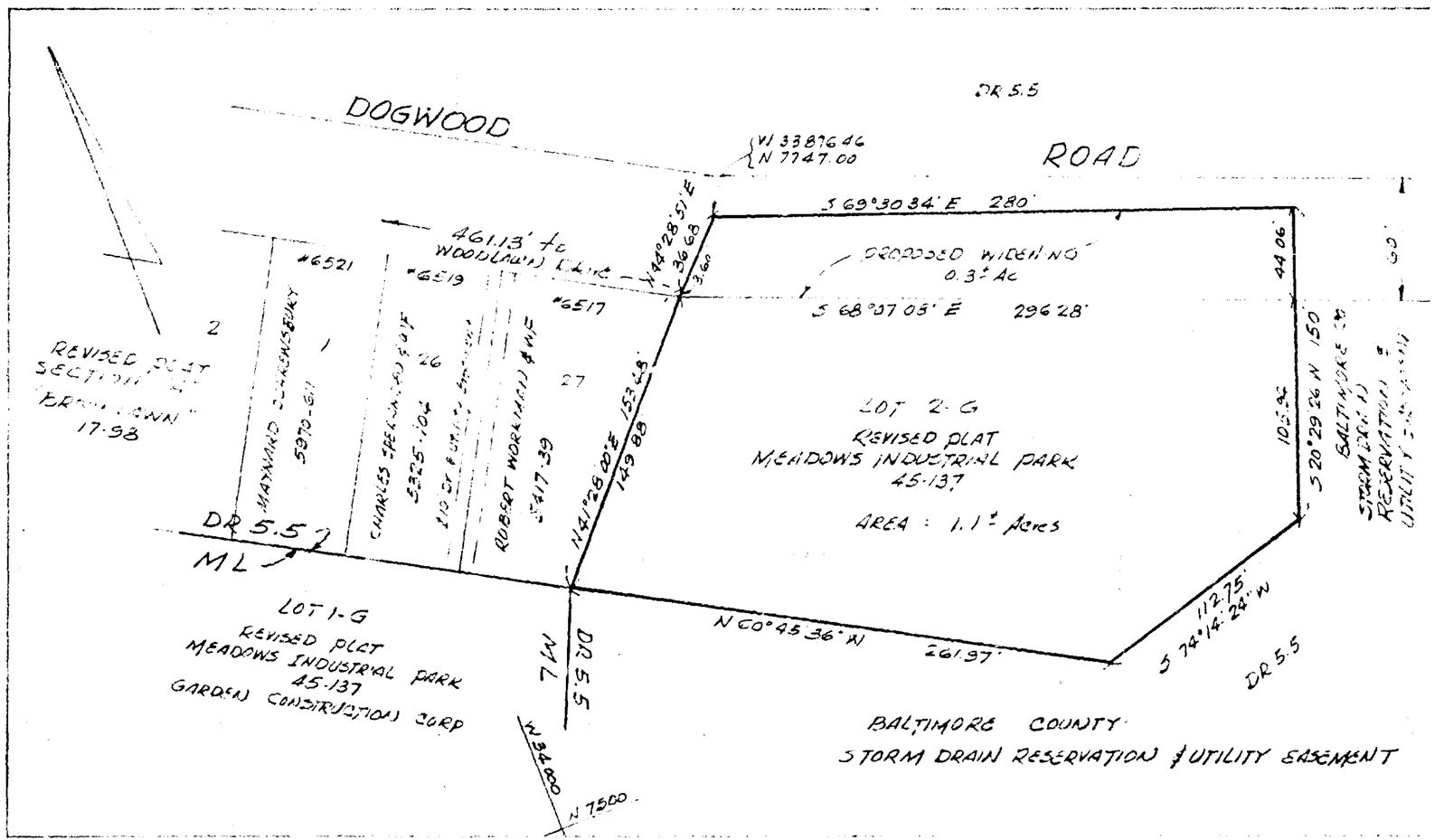
TOWSON, MD., February 11, 19 82

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~an exception of~~ one time successive weeks before the 2nd day of March, 19 82, the first publication appearing on the 11th day of February 19 82.

THE JEFFERSONIAN,

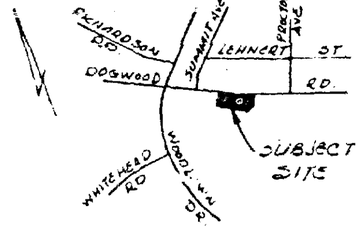
[signature]
Manager.

Cost of Advertisement, $ ----------

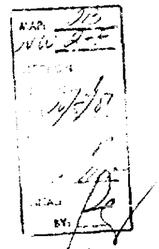


GENERAL NOTES

EXISTING ZONING : DR 5.5
PROPOSED ZONING : RO
GROSS AREA OF LOT : 1.4± AC
NET AREA OF LOT : 1.1± Ac.



VICINITY MAP
SCALE 1" 1000



CYCLE II
ITEM #1

PLAT FOR REZONING
LOT 2-G
MEADOWS INDUSTRIAL PARK

1st ELECTION DISTRICT - BALTIMORE CO., MD
SCALE 1" : 50 DATE AUGUST 27, 1981
2nd COUNCILMANIC DISTRICT

KCW CONSULTANTS
744 DULANEY VALLEY COURT
TOWSON, MARYLAND 21204
(301) 821-0852

STATE OF MARYLAND
LAND SURVEYOR

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #1, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: The Colonial Company
Location: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 1.4
District: 1st

Metropolitan water and sewer are available. Connection to metropolitan sewer is subject to the Gwynns Falls sewer moratorium.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

October 9, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

cc: William Hackett
Chairman of Board of Appeals

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: The Colonial Company

Location: S/S Dogwood Road 461.13' S/E of Woodlawn Drive

Item No.: 1 Zoning Agenda: Meeting of September 14, 1981

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 operation.

(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", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [signature] 10/5/81
Planning Group
Special Inspection Division

Noted and Approved: [signature]
Fire Prevention Bureau

JWMB/cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett - Chairman, Board of Appeals Date: September 22, 1981

CC: Nick Commodari

FROM: Charles E. Burnham

SUBJECT: Cycle II - 1981
Item #1 Zoning Advisory Committee Meeting - 9-14-81

PROPERTY OWNER: The Colonial Company
LOCATION: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
EXISTING ZONING: D.R. 5.5
PROPOSED ZONING: R-O

ACRES: 1.4
DISTRICT: 1st

All future improvements shall be in compliance with the Baltimore County Building Code, the Handicapped Code of the State of Maryland and other applicable rules, regulations and codes.

No construction shall begin until the applicable permits have been obtained.

Charles E. Burnham
Plans Review Chief

CEBjr.j

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: Sept. 22, 1981

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #II - 1981
Meeting of September 14, 1981

RE: Item No: 1
Property Owner: The Colonial Company
Location: S/S Dogwood Road 461.13' S/E of Woodlawn Dr.
Present Zoning: D.R. 5.5
Proposed Zoning: R-O
Acreage: 1.4

School Situation

School	Enrollment	Capacity	Over/Under

Comments: Acreage too small to have an effect on student population.

Student Yield With:

	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,

Mrs. Nick Petrovich, Assistant
Department of Planning

NNP/bp

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to R.O. S/S Dogwood Road, 461.13' of Woodlawn Drive * 1st District
Charles A. Knott, President * The Colonial Company

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

CASE NO. 82-M-108

****

OPINION

This is an appeal by the Petitioner, The Colonial Company, from a decision of the County Board of Appeals of Baltimore County concerning rezoning of property from D.R. 5.5 to R.O., the property being located on the south side of Dogwood Road in the First District of Baltimore County.

On August 12, 1982, counsel for the parties were heard in open court and after reading the transcripts, reviewing all the exhibits and examining the conclusion reached by the Board upon the facts in this case, I do not find that the Board was clearly erroneous in its interpretation and finding of facts and conclusions from the facts, or in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision.

Therefore, the decision of the County Board of Appeals is AFFIRMED.

October 5, 1982

William R. Buchanan, Sr.
JUDGE

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 to R.O. S/S Dogwood Road, 461.13' SE of Woodlawn Drive 1st District : BEFORE
Charles A. Knott, President The Colonial Company : COUNTY BOARD OF APPEALS
: OF
: BALTIMORE COUNTY
: No. R-82-180 (Item #1)

OPINION

This case comes before this Board on petition to reclassify a small parcel of D.R. 5.5 zoned land to R.O. zoning that would permit the erection of an office building on this site. The case was heard this day in its entirety.

Mr. Douglas Kennedy, a registered professional engineer, first testified as to the general characteristics of the site and the nearby area. He noted that the parcel abuts industrially zoned land on the south and also a Baltimore County storm drain reservation and that there were residences to the north and west of the site. He testified that the usable acreage of 1.1 acres in this site was not potentially practical for the erection of the 5 or 6 homes it could contain, but that an office building would be more practical. He also noted the danger of basement flooding in this area for residential use and stated an office building could have safeguards against this designed into it. He also recognized that curbs and gutters and storm water control devices would be built into any office development plans.

Mr. Henry A. Knott, Vice-President of the Colonial Company, owner and developer of the Meadows Industrial Park, comprizing some 350± acres of which Lot 2G, the subject site is a part, next testified. He stated that this parcel was not an issue on the comprehensive maps and that because of its small size, he felt it was just overlooked in the map process. He noted that this lot is designated Lot 2G Meadow's Industrial Park, yet zoned residential. He also identified all remaining undeveloped parcels available in the Industrial Park on Exhibit #6 and noted none of them zoned for residential use. For all these reasons he testified the present zoning was in error and that an R.O. classification would be more appropriate. This testimony and detailed closing argument concluded Petitioner's case.

Mr. James Hoswell, Baltimore County Planner, testified in defense of the existing DR 5.5 zoning. He noted that he had visited the site and surrounding area, studied the property and recommended the retention of DR 5.5 zoning. It was his opinion that an office building on this site would be detrimental to the already existing homes and out of character with the neighborhood as it now exists. He also noted that this parcel was never an issue in the comprehensive mapping process. In addition, five residents of the neighborhood testified in opposition to the R.O. classification. All were against the erection of an office building use for this site and expressed fears of additional flooding problems, devaluation of their properties and hopes that if the wooded characteristics of the area could not be retained, at least residential use would be attained. This concluded testimony and evidence at this day's hearing.

After careful consideration of the testimony and evidence produced this day, the Board is of the opinion that the proper zoning for this parcel is DR 5.5 and that no error has been evidenced. While the Board finds a DR 5.5 classification in an Industrial Park to be somewhat unusual, a study of the actual physical conditions of the area indicate its appropriateness. The Industrial Park area on the north nearest Dogwood Road is bounded by the most natural boundary and transition zone possible, the flood plain area along Dead Run. This effectively blocks any intrusion of commercial use along the narrow strip between the flood plain area and Dogwood Road and into the residential area directly north of the Industrial Park. To permit R.O. zoning on this one small parcel north of this flood plain area would definately not be in character with the existing neighborhood. There was no testimony from anyone indicating that this parcel could not be residentially developed. Both water and sewer are or will be available and if flooding or basements is the only drawback, build homes without basements, as is normally done in many areas of the Country. For all these reasons, the Board is of the opinion that the DR 5.5 zoning classification is correct and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 17th day of March, 1982, by the County Board of Appeals, ORDERED that the petition for reclassification of the subject site from D.R. 5.5 to R.O. zoning BE DENIED and that the D.R. 5.5 zoning be retained.

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, Chairman

Keith S. Franz

Patricia Phipps

IN THE MATTER OF * BEFORE THE
PETITION FOR RECLASSIFICATION *
OF THE COLONIAL COMPANY * BOARD OF APPEALS
FOR REZONING FROM D.R. 5.5 to R.O. *
S/S DOGWOOD ROAD 461.13' SE OF * OF
WOODLAWN DRIVE - 1ST DISTRICT *
* BALTIMORE COUNTY
* * * * * * * * * 82-M-108
Misc. 14
Folio 113

ORDER FOR APPEAL BY APPLICANT

MR. CLERK:

Please enter an appeal on behalf of The Colonial Company, Petitioner, to the Circuit Court for Baltimore County, from an Order of the County Board of Appeals of Baltimore County dated March 17, 1982 denying the R.O. classification requested.

Ernest C. Trimble
Attorney for Appellant
200 Lafayette Building
40 West Chesapeake Avenue
Towson, Maryland 21204
(301) 825-5512

I HEREBY CERTIFY that on this 15th day of April, 1982 a copy of the foregoing Order for Appeal by Applicant was delivered to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204, and a copy thereof was mailed to John W. Hessian, III, Esq. and Peter Max Zimmerman, Esq., People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Ernest C. Trimble

Receipt acknowledged this 15th day of April, 1982.

Board of Appeals

By: June Holmen, Secy.

IN THE MATTER OF : IN THE
PETITION FOR RECLASSIFICATION :
OF THE COLONIAL COMPANY : CIRCUIT COURT
FOR REZONING FROM D.R. 5.5 to R.O. :
S/S DOGWOOD ROAD 461.13' SE OF : FOR
WOODLAWN DRIVE - 1ST DISTRICT :
: BALTIMORE COUNTY
ZONING FILE NO. R-82-180 :
: AT LAW
: Misc. File No. 14
: Folio No. 113
: File No. 82-M-108

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Keith S. Franz, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Charles A. Knott, President, The Colonial Company, 200 Lafayette Bldg., 40 W. Chesapeake Avenue, Towson, Md. 21204, Petitioner; Ernest C. Trimble, Esq., 200 Lafayette Bldg., 40 W. Chesapeake Avenue, Towson, Md. 21204, Counsel for Petitioner; Mr. Paul Peles, 6521 Dogwood Rd., Baltimore, Md. 21207; and John W. Hessian, III, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
Telephone 494-3180

The Colonial Company
File No. R-82-180

2.

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Charles A. Knott, President, The Colonial Company, 200 Lafayette Bldg., 40 W. Chesapeake Ave., Towson, Md. 21204, Petitioner; Ernest C. Trimble, Esq., 200 Lafayette Bldg., 40 W. Chesapeake Ave., Towson, Md. 21204, Counsel for Petitioner; Mr. Paul Peles, 6521 Dogwood Rd., Baltimore, Md. 21207; and John W. Hessian, III, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 16th day of April, 1982.

June Holmen
County Board of Appeals of Baltimore County

494-3180

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

April 16, 1982

Ernest C. Trimble, Esq.
200 Lafayette Bldg.
40 W. Chesapeake Ave.
Towson, Md. 21204

Re: Case No. R-82-180
The Colonial Company

Dear Mr. Trimble:

In accordance with Rule B-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 B-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.
cc: The Colonial Co.
Mr. Charles A. Knott, President

IN THE MATTER OF * BEFORE THE
PETITION FOR RECLASSIFICATION *
OF THE COLONIAL COMPANY * BOARD OF APPEALS
FOR REZONING FROM D.R.5.5 to R.O. *
S/S DOGWOOD ROAD 461.13' SE OF * OF
WOODLAWN DRIVE - 1ST DISTRICT *
* BALTIMORE COUNTY
* * * * * 14/113/82-M-108

PETITION OF APPEAL

This Petition of Appeal is filed on behalf of The Colonial Company, Appellant, by Ernest C. Trimble, its attorney, as an aggrieved party in the denial of its application for a Reclassification from D.R. 5.5 to R.O. of certain property in the 1st District, by the Board of Appeals of Baltimore County, and pursuant to Maryland Rules B1 through B13 submits this Petition in support of its Order for Appeal which was filed on April 15, 1982, and says:

1. The Appellant is the owner of a small parcel of land containing 1.4 acres, gross area and 1.1 acres net area, and is identified as Lot 2G on the Plat of Meadows Industrial Park recorded among the Plat Records of Baltimore County in Plat Book 45, page 137. All of the parcels in the Meadows Industrial Park, consisting of hundreds of acres are zoned BL, BM and ML, and the subject parcel is the only one zoned residential.

2. The subject parcel is situate on the South side of Dogwood Road 500 feet East of Woodlawn Drive, and is the only piece of developable property on the South side of Dogwood Road between Woodlawn Drive and Gwynn Oak Avenue. On the South side of Dogwood Road running easterly from Woodlawn Drive there are seven single family dwellings, the subject property, an extensive storm-drainage reservation, and an office building at the corner of Dogwood Road and Gwynn Oak Avenue. An examination of the plats, which are a part of the record in this matter, will reveal that, in the quadrant bounded by Dogwood Road, Gwynn Oak Avenue, Security Boulevard, and Woodlawn Drive, except for the seven homes, the entire area comprising extensive acreage has been devoted to commercial, industrial and public uses. In fact, abutting the entire rear property lines of the seven homes, is another parcel of 1.3 acres owned by the Appellant and also a part of the Meadows Industrial Park, which is zoned ML.

3. To the rear of the subject site is the Dead Run stream which runs parallel to Dogwood Road from Woodlawn Drive to Gwynn Oak Avenue. A Baltimore County drainage reservation exists to the south and east of this site. A 50 year flood plain map prepared for Baltimore County in 1970, and introduced in evidence, shows that the property is on the fringe of this flood plain. Although the County has not updated this map, the Appellant's engineer testified that since the preparation of the 1970 map, the County has upgraded its required design storm to a 100-year frequency storm, i.e. one that has a 1% chance of occurring in any one year. As a result the flood plain under current standards would encroach into the subject property.

4. The R.O. zoning classification, which Appellant seeks for the subject property, was first created by Baltimore Council Bill 13-80, which became effective on March 23, 1980. Additional details and limits for R.O. zones were established by Council Bill 167-80, which became effective on September 12, 1980. The comprehensive zoning maps, one of which assigned a D.R. 5.5 zoning classification to the subject property, were adopted on October 14, 1980. The comprehensive zoning maps established a zoning classification for every parcel of land in all of Baltimore County.

5. Both Woodlawn Drive and Gwynn Oak Avenue are 4-lane roads with signalized intersections at Dogwood Road. The Meadows Industrial Park, of which the subject site is a part, abuts the Baltimore County Beltway, and there is a full cloverleaf intersection at Security Boulevard and the Beltway.

6. The evidence for the Appellant was presented by Henry A. Knott, Vice President of The Colonial Company, and Douglas Kennedy, a registered professional engineer.

7. Appellant acknowledges that under the test laid down by the Maryland Court of Appeals "strong evidence" of error is required to make the issue of mistake in comprehensive zoning fairly debatable, and it is only if such strong evidence is presented by the applicant that its property can be reclassified.

The Board of Appeals in its written opinion stated that it is of the opinion "that the proper zoning for this parcel is D.R. 5.5 and that no error has been evidenced."

To the contrary, Appellant submits that the evidence presented to the Board of Appeals constituted "strong evidence" of error or mistake, and in support thereof says:

a. In 1980 the Council was involved in the zoning process which resulted in a comprehensive rezoning of the entire of Baltimore County. Revised regulations dealing with the newly created R.O. zone were not effective until September 12, 1980. The Comprehensive Zoning Map was adopted on October 14, 1980. In the short period of one month the Council, under all of the circumstances, could not reasonably have been expected to consider the propriety of R.O. zoning on the subject property as opposed to continuing the D.R. 5.5 zoning which had been assigned by a previous comprehensive zoning map. The fact that this newly created R.O. zone could not have been actually considered by the

Council - particularly as it related to this tiny parcel in all of Baltimore County - is of significance in this matter. This is true because it satisfies one of the possible tests for establishing error. It is also true that it is of paramount importance because Judge Davidson, speaking for the Court of Appeals in the very recent case of Howard County, Maryland, et al v. William P. Dorsey, No. 73, September Term, 1980, reported in the Daily Record of March 15, 1982, quoted the following:

> "Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show (1) the facts that existed at the time of the comprehensive zoning but also (2) which, if any, of those facts were not actually considered by the Council."

In the instant case, the fact is that the R.O. zone was first established in March of 1980 and revised in September of 1980, which meets the first part of the test. The second part of the test is met by the fact that the County Council continued the D.R. 5.5 zoning from the previous comprehensive zoning map, and did not consider the feasibility of R.O. zoning on this small parcel surrounded by commercial, industrial and public uses - a parcel which was part of a recorded industrial park.

b. The "strongest evidence" in support of the mistake made by the County Council in continuing the D.R. 5.5 zoning on the subject property, rather than assigning an R.O. classification, is the location of the subject property as part of an industrial park, and located in a large quadrant (well identified by principal roadways) composed of commercial, industrial and public uses, and the Declaration of Findings contained in Section 203.1 of Bill 13-80. As will be more fully discussed, it is apparent that the Board of Appeals also erred in ignoring the Declaration of Findings which reads as follows:

"203.1 - Declaration of Findings. It

is found:

A. That residential use of certain sites may not be economically ~~and socially~~ feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. districts, or lie along commercial motorways;

B. That neither business zoning nor high-density residential zoning of those sites is appropriate; and

C. That, with appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

Reviewing the evidence in the present case, and first comparing it with 203.1 A, we find that our situation calls for substantially greater relief than the Zoning authorities have anticipated, in that the subject property is located in a predominantly commercial and industrial area rather than a predominantly moderate-density residential area. In the instant case all of the testimony, i.e. that of the Petitioner and the Protestants, supported the fact that the subject site may not (cannot) be economically used for residential purposes. This statement by an officer of the Petitioner, and its engineer, was fully supported by the protestants who testified that (1) the area was transient in nature, with a number of renters, and the area was becoming rundown; (2) that there was traffic congestion at Woodlawn Drive and Dogwood Road, particularly in the morning and evening rush hour; (Note: office use of the subject tract would relieve, rather than add to the congestion because the flow of traffic would be coming to the site in the morning and leaving in the evening instead of the reverse flow which causes problems for the adjacent areas); (2) that the area is very noisy because of the proximity to the Baltimore Beltway and the industrial park;

(3) that these properties are flooded by Dead Run stream even during heavy thunderstorms, much less tropical storms. In short, all of the testimony proved that the subject site was not suitable for residential development, and several of the residents were anxious to move away.

Finally, even if the subject property were to be considered as being in a "predominantly moderate-density residential area", it certainly meets the final criteria of 203.1 A in that it is located in the non-residential quadrant, is part of an industrial park, and near C.C.C. districts.

As to 203.1 B, it should be noted that the property owner had never sought business zoning, nor high-density residential zoning, recognizing that such zoning might not be appropriate because of its proximity to the 7 homes fronting on Dogwood Road. The property owner should not be penalized because, at the time of the consideration and adoption of the comprehensive zoning act in 1980, it had not been apprised of the recently enacted R.O. zoning classification and failed to make this property an issue for the County Council in its consideration of the maps.

Section 203.1 C specifically recognizes that "with appropriate restrictions" (Note: the subject property is unimproved so that any proposed office building could only be constructed after a Special Exception was applied for and granted, with restrictions, in accordance with 203.3 B), office buildings are suitable, economically feasible uses of such sites.

Section 203.2 - see Addendum - need not be belabored, and it is sufficient to say that the subject property is a classic example of property that is by the very words of the statute a suitable and compatible use with the existing seven homes. The

conclusion of the Board of Appeals that "(T)o permit R.O. zoning on this one small parcel north of this flood plain area would definitely not be in character with the existing neighborhood", is clearly contrary to the evidence and the announced intention of the reach of the statute which created the R.O. zone for just such properties as the subject property.

c. It is important to note that in the entire large quadrant previously mentioned, the subject property is the only undeveloped residentially zoned parcel, and, therefore, the granting of R.O. zoning would not constitute piece meal rezoning.

d. The Board of Appeals in its written opinion stated that "(A)fter careful consideration of the testimony and evidence produced this day, the Board is of the opinion that the proper zoning for this parcel is D.R. 5.5 and that no error has been evidenced." It is submitted that there not only is no evidence to support the Board's opinion, the evidence was strongly against the opinion that D.R. 5.5 is the proper zoning for the subject property. As previously discussed, the evidence of the Protestants made it clear that a residential use of the property was not appropriate. However, the uncontradicted evidence of Douglas Kennedy, a registered professional engineer, that this property was flood prone and no house erected on the property would be safe from flooding, established irrefutable proof that the property could not be residentially developed. The solution offered by the Board of Appeals that the answer to the flooding danger was to build houses without basements is incredible, and in reality recognizes that it is not economically feasible to use the subject property for residential purposes. On the other hand, the positive solution offered by Mr. Kennedy that office use would permit construction with safeguards against flooding, was acknowledged by the Board but ignored.

e. In closing, it is submitted that the aforegoing discussion encompasses, and does, in fact, constitute the required showing of "strong evidence" of error or mistake in the original zoning, and/or, since as previously explained, this reclassification request does not, and would not, result in what is termed "piece meal" zoning, the Board was clearly erroneous in denying the requested reclassification from D.R. 5.5 to R.O. zoning.

f. And for other reasons to be assigned at a hearing hereof.

Respectfully submitted,

Ernest C. Trimble

I HEREBY CERTIFY that on this 23rd day of April, 1982, a copy of the foregoing Petition of Appeal was mailed to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204, and to John W. Hessian, III, Esquire and Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Ernest C. Trimble

ADDENDUM

SECTION 203.2 - COUNTY COUNCIL BILL No. 13-80

203.2 - Statement of Legislative Policy. This R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings, and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. district, C.C.C. districts, and, to a lesser extent, in other commercial areas.

IN THE MATTER OF PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO R.O ZONE S/S Dogwood Rd., 461.13' SE of Woodlawn Dr., 1st District	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
THE COLONIAL COMPANY, Petitioner/Appellant	:	14/113/82-M-103
Zoning Case No. R-82-180 (Item 1)	:	

: : : : : : :

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellee herein, answers the Petition on Appeal heretofore filed by the Appellant, viz:

1. As to Paragraph 1, Appellee admits that the subject property is the sole remaining parcel of the original Meadows Industrial Park tract zoned D.R. 5.5, but further states that this is irrelevant. The property is oriented to the adjoining residential neighborhood to the west and north, and its location and characteristics are separate from any industrial development in the area.

2. As to Paragraph 2, Appellee admits to the correctness of the geographic description as far as it goes, but further states that it is misleading. The description fails to state that the subject property fits perfectly into a residential neighborhood on the north and south sides of Dogwood Road, with a floodplain to the south separating the south side residential area from the Woodlawn High School to the south as well as the more distant industrial development on the west side of Woodlawn Drive. The parcel referred to by Appellant as involving 1.3 acres zoned M.L. to the rear of the existing residences on Dogwood Road's south side does not adjoin the subject property. Furthermore, it is oriented west to Woodlawn Road, and not to the Dogwood Road residential neighborhood.

3. As to Paragraph 3, Appellee admits to the existence of a drainage reservation and floodplain (whether measured in 50-year or 100-year terms) primarily to the south of the subject property, but further states that any development, whether for home or office building, would take place outside the floodplain, and there is no evidence of confiscation.

4. Appellee admits Paragraph 4.

5. As to Paragraph 5, Appellee admits that the subject property is technically within the lines of the Meadows Industrial Park as planned approximately twenty years ago, but further states that the site is not by orientation or characteristic a part of the industrial park, and there is good reason that it has not developed industrially.

6. Appellee admits Paragraph 6.

7. Appellee agrees that the burden is upon Appellant to produce "strong evidence" of error to overturn the County Counsel's legislative judgment in the comprehensive rezoning process. Howard County v. Dorsey, 292 Md. 351 (1982). Appellee denies there was any evidence of error in this case, and further states:

(a) The County Council is presumed to have been aware and was aware of the development of the R.O. zoning classification throughout the 1980 Comprehensive Zoning process and considered its adoption for many properties throughout Baltimore County. In fact, in the Second Councilmanic District, of which this property is a part, the Planning Board recommended R.O. on 40 out of 99 issues. Of 27 issues added before the County Council, 15 were R.O. in whole or part. The Council adopted R.O. for all or part of 41 properties. Appellant's contention that the subject property was not considered legislatively is pure speculation.

(b) Appellant's description of the location and orientation of the subject property is inaccurate. The property is neither a part of nor oriented toward an industrial park or development for any sensible land use purposes. Rather, it is an integral part of an established residential neighborhood, for which the existing zoning is entirely appropriate and in character. This is not a "predominantly commercial and industrial area," but rather is a stable residential neighborhood. Neighboring residents testified to the substantial threat of the intrusion of a potential office building.

(c) Evidence also indicated that drainage and traffic problems would have to be considered whether the property is developed for home or office use, and that traffic generation and storm water runoff would likely be as or more intense with office use.

There was no evidence that the property was unsuitable for residential development. Appellant failed to make any case for confiscation or inability to use the subject property under the existing zoning.

The property owner admitted, moreover, to its awareness of the enactment of the R.O. zoning classification in early 1980, and gave no reasonable explanation for not proposing R.O. zoning for the subject property during the 1980 Comprehensive Zoning process. It is inappropriate for the Appellant to attempt to use its failure to participate in the duly established legislative processes as an additional reason for error. Under these circumstances, the County Council acted reasonably in keeping the subject property as part of the existing residential neighborhood and the Board of Appeals had ample support for its finding that R.O. zoning "would definitely not be in character with the existing neighborhood."

(d) To rezone the property to R.C. would clearly involve piecemeal rezoning, as a matter of law. The Board of Appeals gave careful consideration to all of the evidence, including the impact of any flooding on residential or office development. The evidence provided by Douglas Kennedy does not support Petitioner's contention that the property cannot be residentially developed. If the property is indeed in a floodplain, then it should not be developed for any purpose because of the danger to public safety, health, and welfare. Since development on this property would be outside the floodplain, development could proceed with appropriate restrictions. Moreover, office development would clearly have more significant adverse impact on drainage than a single family home.

(e) In summary, the County Council for Baltimore County was well within its discretion in making the legislative judgment to classify the subject property D.R. 5.5, and there is no evidence of error.

In further answering the Petition, Appellee states that the decision of the County Board of Appeals was based on legally competent and substantial evidence,

was reasonable, and was neither arbitrary nor capricious.

WHEREFORE, Appellee prays that the decision of the County Board of Appeals dated March 17, 1982 be affirmed.

AND AS IN DUTY BOUND, etc.,

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

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2138

I HEREBY CERTIFY that on this 17th day of May, 1982, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 200, Court House, Towson, Maryland 21204; and a copy was mailed to Ernest C. Trimble, Esquire, 305 W. Pennsylvania Ave., Towson, Maryland 21204.

Peter Max Zimmerman

March 17, 1982	Order of County Board of Appeals ordering that the petition for reclassification of the subject site from D.R. 5.5 to R.O. zoning BE DENIED and that the D.R. 5.5 zoning be retained
April 15, 1982	Order for Appeal filed in Circuit Ct. for Balto. County by Ernest Trimble, Esq., Counsel for Petitioner
April 16, 1982	Certificate of Notice sent to all interested parties
April 26, 1982	Petition to accompany Order for Appeal filed in Circuit Ct. for Baltimore County
May 4, 1982	Motion for Extension of Time for Filing Record to July 23, 1982
May 27, 1982	Transcript of testimony - filed
	Petitioner's Exhibit No. 1 - Plat of subj. property
	" " " 2 - Aerial photo of subj. property
	" " " 3 - 200 scale of flooded areas, 1970
	" " " 4 - Photos, a to I.
	" " " 5 - Plat indicating at what point the photos of exhibit 4 are taken, A - H
	" " " 6 - Plat of Meadows Industrial Park showing where photos I - L were taken
	People's Counsel Exhibit #1 - Photos, A to I
	" " " #2 - Text, comment and recommendation of J. Hoswell to Bd. of Appeals from Planning Board.
June 2, 1982	Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Board of Appeals of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
County Board of Appeals of Baltimore County

cc: J. W. Hessian, Esq.
Ernest C. Trimble, Esq.

IN THE MATTER OF
PETITION FOR RECLASSIFICATION
OF THE COLONIAL COMPANY
FOR REZONING FROM D.R. 5.5 to R.O.
S/S DOGWOOD ROAD 461.13' SE OF
WOODLAWN DRIVE - 1ST DISTRICT

ZONING FILE NO. R-82-160

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* AT LAW
* Misc. File No. 14
* Folio No. 113
* File No. 82-M-108

* * * * * * *

MOTION FOR EXTENSION OF TIME FOR FILING RECORD

The Colonial Company, by Ernest C. Trimble, its attorney, pursuant to Maryland Rule B7, moves for an extension of time for filing the Record in the above captioned case, and for reasons says:

1. That an Order for Appeal was filed by The Colonial Company to the Circuit Court for Baltimore County from an adverse decision of the Board of Appeals of Baltimore County on April 15, 1982.

2. That on April 23, 1982 the Petition of Appeal was filed on behalf of the Appellant.

3. That the attorney for the Appellant promptly contacted Carol Beresh, the reporter who took the testimony in the subject case, and was advised that because of the press of pending appeals she would not be able to transcribe the testimony within 30 days as prescribed by the Rules.

4. That Carol Beresh estimated the cost of preparing the testimony to be $400.00, and that as soon as this sum was paid she would endeavor to complete the record as soon as possible.

5. That the Appellant immediately paid the $400.00, but the reporter advised obtaining an Order of Court for an extension of time.

IN THE MATTER OF
PETITION FOR RECLASSIFICATION
OF THE COLONIAL COMPANY
FOR REZONING FROM D.R. 5.5 to R.O.
S/S DOGWOOD ROAD 461.13' SE OF
WOODLAWN DRIVE - 1ST DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* 14/113/82-M-108

* * * * * * *

APPELLANT'S MEMORANDUM

This Memorandum is submitted by the Appellant in compliance with Maryland Rule B-12.

It is submitted that the Appellant by virtue of its thorough and extensive Petition of Appeal heretofore filed has carefully and adequately set forth a concise statement of all issues raised on appeal and made argument on each issue, including citation of legal authorities.

The Appellant, by reference, includes the Petition of Appeal as a part of this Memorandum.

At the time the Petition of Appeal was filed, the Appellant did not have the benefit of the transcript of testimony. Therefore, this Memorandum will concentrate on references to pages of the transcript in support of its position.

The subject property is in a quadrant, consisting of over 100 acres, bounded by Dogwood Road, Woodlawn Drive, Security Boulevard and Gwynn Oak Avenue. (T.8 and Exhibit #6)

The entire area (except for the seven homes fronting on Dogwood Road) has been developed primarily ML, with a mix of BL, and public property occupied by Woodlawn Senior High School. (T.9)

To the north of the site (across Dogwood Road from the subject property) are residential properties. (T.8)

Abutting the rear of the seven homes to the west of the subject property is Lot 1-G of the Meadows Industrial Park which is zoned ML. (T.59)

WHEREFORE, the Appellant prays that the time for transmitting the Record in the above captioned case be changed from May 24, 1982 to July 23, 1982.

Ernest C. Trimble
Attorney for Appellant

ORDER

Pursuant to the aforegoing application, and sufficient cause having been shown, it is this _____ day of May, 1982, by the Circuit Court for Baltimore County,

ORDERED that the time for transmittal of the Record in the above captioned case be extended until July 23, 1982.

JUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of May, 1982, a copy of the foregoing Motion for Extension of Time for Filing Record was mailed to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204, and to John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Ernest C. Trimble

It is submitted that the evidence recited above shows not only that the subject property was the only parcel in the Meadows Industrial Park which was not zoned for business or industrial use, but also that it is the 7 small residential lots that are out of context in the large quadrant south of Dogwood Road.

In any event, it is submitted that the reclassification requested should have been granted, not only based upon the evidence presented, but based upon the implicit language of Bill 13-80 (Sec. 203) which created the R.O. zoning classification. See Sec. 203 of the Zoning Regulations attached hereto as an addendum.

In other words, even if - as expressed by Mr. Hoswell of the Department of Planning, and argued by the People's Counsel - the subject property should be considered as oriented to the residential community to the north of Dogwood Road, it nevertheless is a perfect example of a piece of property with which Bill 13-80 is concerned, and requires the R.O. zoning requested.

The subject property meets the criteria of being adjacent to commercial activity, and in fact, is a part of a recorded plat of the Meadows Industrial Park. (T.55, Ex. 6, 109)

It meets the criteria of heavy commercial traffic adversely affecting its use as residential property (T.95, 96, 98, 108, 110, 113, 119, 121). Even the proximity to the heavily travelled Beltway adversely affects the subject property. (T.98)

One final comment related to traffic. One of the protestants on page 99 testified "I just think that the difficulties of people getting in and out of that piece of property to go to work is going to create .....would cause more problems, more noise than I would hope to deal with". He was speaking, of course, of the proposed office use. Earlier at page 98 he testified that "(A)pproximately [illegible] traffic backed up there waiting [illegible]". Residential use of the site might add to the problem with which he is concerned, but not the proposed use. The fact is that R.O. zoning would have a positive impact on traffic in the community inasmuch as in the morning the traffic generated would be coming to the property and not adding to the traffic leaving the area. The positive factor would prevail in the evening, but reversed, with traffic leaving the area while others are coming home.

Section 203.2 cites "or other similar factors", following the commercial activity and heavy commercial traffic as factors to be considered.

It is submitted that "other similar factors" which were testified to by the Protestants in the present case, which would make residential use of the subject property economically unfeasible, are:

(1). Noise level (T.95, 110)

(2). Debris, trash, vandalism because of the proximity of the commercial area to the small residential community (T.95, 110)

(3). It is a transient type neighborhood and rundown (T.96, 97, 110)

(4) The flooding problem (T.44, 103, 104, 113, 114, 121, 122).

Probably the most glaring example of the unsuitability of the subject property for residential development is its flooding potential.

When Mr. Kennedy, a civil engineer, testified for the Appellant concerning the flood hazard pertinent to this proper-

IN THE MATTER OF
PETITION FOR RECLASSIFICATION
OF THE COLONIAL COMPANY
FOR REZONING FROM D.R. 5.5 to R.O.
S/S DOGWOOD ROAD 461.13' SE OF
WOODLAWN DRIVE - 1ST DISTRICT

THE COLONIAL COMPANY,
PETITIONER-APPELLANT

FILE NO. R-82-180

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 14
Folio No. 113
File No. 82-M-108

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Jean S. Francis and Patricia Phipps, 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 Board of Appeals of Baltimore County:

ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-82-180

August 28, 1981	Petition of The Colonial Company for reclassification from DR 5.5 to an R O zone, on property located on the south side of Dogwood Road, 461.13' southeast of Woodlawn Drive, 1st District, filed
	Order of William T. Hackett, Chairman, County Board of Appeals, directing advertisement and posting of property - date of hearing set for March 2, 1982, at 10 a.m.
October 30, 1981	Comments of Baltimore County Zoning Advisory Committee - filed
February 11, 1982	Certificate of publication in newspaper - filed
February 14, 1982	Certificate of posting of property - filed
March 2, 1982	At 10 a.m. hearing held on petition

ty, he supported his testimony by reference to a Flooded Area map prepared for Baltimore County. (T.10 Ex. 3). He explained that the flood study map is of a fifty-year frequency and that since the map was prepared in 1970 the County has upgraded their criteria to a hundred-year frequency storm, i.e. a one per cent chance of occurring in any one year. (T.15)

He testified that during the past decade we have had numerous storms of much greater frequency than a hundred-year storm, including thousand-year storms. (T.17)

Residential construction would normally call for basements and the potential exists for the basements to be flooded, but he continued explaining that an office building did not require a basement and its ground elevation could be raised thus reducing the flood hazard. (T.19)

He pointed out that there would be no way to safely warn a homeowner of a flood during the night, whereas in an office building there would be no one there who needed to be warned. (T.19)

Finally, he reminded the Board that storm water management was required for an office building, but no restrictions would be required for individual residences. (T.29)

At the time of Mr. Kennedy's testimony, he was testifying solely based upon flood maps, and was unaware that his conclusions would be supported by the adjoining homeowners who complained of flooding during severe thunderstorms, much less tropical storms. (T.103, 104)

It would seem to be indisputable that a property with an elevation of 43 adjoining a flood plain with an elevation of 41 (T.36, 37) would be unsuitable for residential use, and unless one would hide this fact from a prospective purchaser, would make it impossible to sell a house erected on this property.

This is particularly true since the northern edge of the designated flood plain, under current County guidelines would be at an elevation of 42 instead of 41 in light of the change of criteria from 50-year frequency to 100-year frequency. (T.15, 16)

It is respectfully submitted that there was no evidence to support the Board's decision, and overwhelming and strong evidence of error in support of the requested R.O. zoning.

Respectfully submitted,

Ernest C. Trimble
Attorney for Appellant

I HEREBY CERTIFY that on this 29th day of June, 1982, a copy of the foregoing Appellant's Memorandum was mailed to the County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204, and to John W. Hessian, III, Esquire and Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223 Court House, Towson, Maryland 21204.

Ernest C. Trimble

IN THE MATTER OF PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO R.O. ZONE S/S Dogwood Rd., 451.13' SE of Woodlawn Dr., 1st District : IN THE CIRCUIT COURT

THE COLONIAL COMPANY, Petitioner/Appellant : FOR BALTIMORE COUNTY

Zoning Case No. R-82-180 (Item 1) : AT LAW

: Misc. File No. 82-M-108

:::::::

PEOPLE'S COUNSEL'S MEMORANDUM

The People's Counsel for Baltimore County, Appellee, files the following memorandum:

The question here is not whether potential office use would meet the minimum requirements of the R.O. zoning classification. Nor is the question whether an office could be built without substantial adverse impact on the neighborhood, in the manner of a Special Exception. The question rather is whether D.R. 5.5 is one of any number of appropriate zoning classifications which the legislature might reasonably designate on the subject property.

In this context, it is necessary to focus on the applicable legal standard, embodied in the provision of the Baltimore County Code governing reclassifications, Section 2-58.1(j). That provision outlines a two-step analysis:

(1) Application of the change or mistake rule; and

(2) Consideration of whether or not the requested reclassification is warranted.

The effect of the above section is to codify and elaborate upon the change/mistake rule developed by the Maryland Court of Appeals, most recently restated in Howard County v. Dorsey, 292 Md. 136, 438 A.2d 1339 (1982). We need not reiterate here in detail the strong presumption in favor of comprehensive zoning and heavy burden upon the Petitioner to produce strong evidence of error.

Turning to the location and surroundings of the subject property, we attach for the Court's benefit a copy of the text and map, constituting the Planning Board recommendation entered as People's Counsel's Exhibit 2. James Hoswell, County Planner, having visited the site and reviewed the petition and accompanying materials, concluded not only that

the existing zoning was appropriate, but that the proposed office use would be inconsistent with and detrimental to the residential character of the neighborhood along Dogwood Road (T.69-93). Answering Appellant's contention that the property should be considered as part of the industrial park to the south, Hoswell underlined that it is separated from the park by a floodplain or storm drainage reservation and Woodlawn Senior High School to the south. He also noted that the industrial area is primarily developed along Woodlawn Road to the west, rather than the residential development along Dogwood Road. Indeed, as it was put at closing argument, to reclassify the subject property would make it a virtual island of office use, a spot zone, standing out like a white elephant.

Moreover, as Hoswell pointed out, the County Council considered and applied the R.O. zoning classification to various neighborhoods around the County. The Council is presumed to have been aware of all relevant facts in the absence of specific evidence to the contrary. The Petitioner thus cannot benefit from its avoidance of participation in the 1980 Comprehensive Map process.

The heaviest thrust of Petitioner's argument appears to be based on the proximity of the storm drainage reservation and floodplain. The argument goes that it makes more sense to construct an office building, with storm water management facilities, than to build a residence, which normally would have a basement. But, as the Petitioner concedes, the property is not in the floodplain, there is no prohibition of residential development, and there is no necessity to have a basement. To be sure, the elevation of the site is a factor with which the developer must contend, but this is not determinative of the zoning. Whether the use be residential, commercial, or industrial, it is simply a characteristic of the site which requires planning and accomodation. It is a feature of modern urban growth that numerous neighborhoods, new and old, face problems relating to water, sewer, traffic, and storm water. To address such problems, the county has established various development and building regulations. Indeed, it is arguable here that an office building would create more danger because of the additional surface area occupied and covered. It is not satisfactory for the Petitioner to fall back on the design of storm water management facilities. These are imperfect, and their

Section 203 - RESIDENTIAL-OFFICE (R-O) ZONES [Bill No. 13-80]

203.1 - Declaration of Findings. It is found:

A. That residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. districts, or lie along commercial motorways; [Bill No. 13-80]

B. That neither business zoning nor high-density residential zoning of those sites is appropriate; and [Bill No. 13-80]

C. That, with appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites. [Bill No. 13-80]

203.2 - Statement of Legislative Policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas. [Bill No. 13-80]

203.3 - Use Regulations.

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in any R-O zone: [Bill Nos. 13-80; 167-80]

1. Uses permitted as of right and as limited in D.R. 5.5 zones or

2. Class A office buildings and their accessory uses including parking [Bill Nos. 13-80; 167-80]

B. Uses Permitted by Special Exception. The following uses, only, may be permitted by special exception in an R-O zone:[1]

1. Uses permitted by special exception and as limited in D.R. 5.5 zones or

2. Class B office buildings [Bill Nos. 13-80; 167-80]

[1] Veterinarians' offices included in this section as permitted uses in Bill No. 13-80 and deleted by Bill No. 167-80.

effectiveness varies according to maintenance and operation.

Petitioner cannot ignore the testimony of neighboring Protestants that they live in a vital residential neighborhood and want to retain its character. The flooding and traffic problems which they face are no greater than those faced by residents in numerous county neighborhoods; it is a fact of modern life. Following a careful review of the testimony, the Board of Appeals put it this way:

> "To permit R.O. zoning on this one small parcel north of this flood plain area would definately (sic) not be in character with the existing neighborhood. There was no testimony from anyone indicating that this parcel could not be residentially developed. Both water and sewer are or will be available and if flooding of basements is the only drawback, build homes without basements, as is normally done in many areas of the Country. For all these reasons, the Board is of the opinion that the DR 5.5 zoning classification is correct and will so order."

Amen.

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

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of July, 1982, a copy of the foregoing People's Counsel's Memorandum was mailed to Ernest C. Trimble, Esquire, 305 W. Pennsylvania Avenue, Towson, Maryland 21204.

Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION S/S Dogwood Rd., 641' SE from Woodlawn Drive, 1st District : BEFORE THE COUNTY BOARD OF APPEALS

: OF BALTIMORE COUNTY

THE COLONIAL COMPANY, Petitioner : Case No. R-82-180 (Item 1 - Cycle II)

:::::::

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 therefor, 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
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24th day of February, 1982, a copy of the foregoing Order was mailed to Ernest C. Trimble, Esquire, 305 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hessian, III

ITEM NO. 1

PROPERTY OWNER: The Colonial Co.
LOCATION: S/S of Dogwood Road, 461' S/E of Woodlawn Drive
ELECTION DISTRICT: 1
COUNCILMANIC DISTRICT: 2
ACREAGE: 1.4
GEOGRAPHICAL GROUP: None
FUNCTIONAL CATEGORY: None

RECOMMENDED DATE OF HEARING: week of March 1, 1982

ZONING PRIOR TO ADOPTION OF 1980 COMPREHENSIVE ZONING MAP: D.R. 5.5
EXISTING ZONING: D.R. 5.5
REQUESTED ZONING: R.O.

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 5.5)

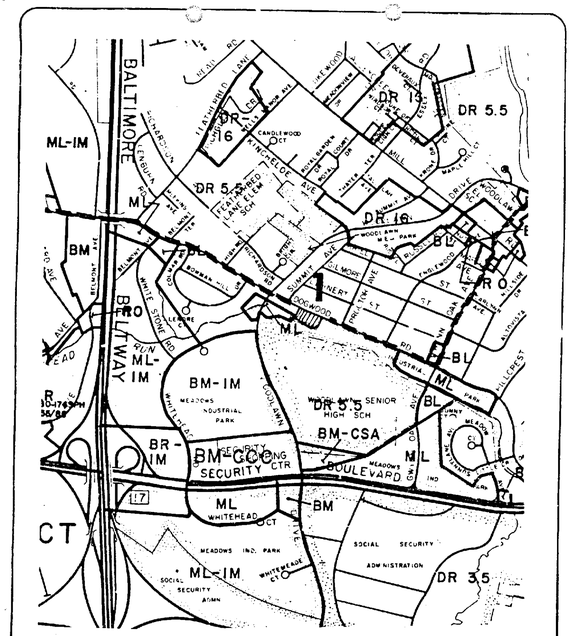
This vacant tract of land is located on the south side of Dogwood Road, approximately 460 feet east of Woodlawn Drive. To the north and west are single-family dwellings on D.R. 5.5 zoned land; to the east, flood plain and vacant properties zoned D.R. 5.5; to the south, flood plain and Woodlawn Senior High School. A small parcel of industrially zoned land, with frontage on Woodlawn Drive, is adjacent to the southwesternmost corner of the subject property. The petitioner is requesting a change from D.R. 5.5 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1980 Comprehensive Zoning Map, the property was zoned D.R. 5.5. The zoning of the site was not identified as a specific issue before either the Planning Board or the County Council during the preparation and processing of the map; the County Council reaffirmed D.R. 5.5 zoning here.

The Department of Traffic Engineering's representative on the Zoning Advisory Committee stated, in part, that the intersection of Dogwood Road and Woodlawn Drive is rated at a "D" level of service. The Department of Health's representative on the Zoning Advisory Committee stated, in part, that "connection to metropolitan sewer is subject to the Gwynns Falls sewer moratorium".

The Planning Board believes that D.R. 5.5 zoning is appropriate and that the zoning map is correct. The construction of an office building would not be in keeping with the firmly established residential character of the immediate area. Further, the Board believes that the D.R. 5.5 zoning classification provides for a reasonable use of the property.

It is therefore recommended that the existing zoning, D.R. 5.5, be retained.



3

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 25, 1982

Ernest C. Trimble, Esquire
200 Lafayette Building
40 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Trimble:

Re: Item #1 - Case #R-82-180
The Colonial Co.

Your case has been assigned for hearing before the Board during the normal cycle period for reclassification petitions. Written and public notice of the date of the hearing has either been given or is in the process of publication.

The Board has been informed that there are presently pending in the Circuit Court for Baltimore County three separate suits, all of which directly question the validity of the adoption of the 1980 comprehensive zoning map by the County Council of Baltimore County. The suits to which we refer are:

Home Builders Assn. of Md., Inc., et al. v. Baltimore County, Md., et al - Circuit Court Equity #107047

Isaac A. Jones v. Baltimore County, Md., et al - Circuit Court Equity #108029

Shopco Reisterstown Associates, et al v. Baltimore County, Md., et al - Circuit Court Equity #107318.

The Board, of course, is not involved in those suits and consequently will not be asked to express any opinion on the enactment question. However, we are concerned that the parties to the pending reclassification cases be made aware that there will probably be a judicial decision on the question sometime in the future, and if the Circuit Court should find that the maps were, in fact, improperly enacted, and that decision is affirmed by an appellate court, the various parties to reclassification cases might then be placed in the position of having expended time and money in the preparation and trial of their cases based on the comprehensive map which legally might not exist. The Board has, therefore, determined that it will afford each of the petitioners in the pending reclassification cases the opportunity to review the pending Circuit Court cases and make their individual determination as to whether they wish to proceed at this time to fully try their reclassification case or whether they would prefer not to take that risk and ask the Board for a continuance of their case without hearing until such time as there has been a definitive ruling by the courts on the question of the validity of the 1980 maps.

PETITION FOR RE- CLASSIFICATION

1st DISTRICT

ZONING: Petition for Re-classification

LOCATION: South side of Dogwood Road, 641 ft. Southeast of Woodlawn Dr.

DATE & TIME: Tuesday, March 2 1982, 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. 5.5
ProposedZoning: R. O.

All that parcel of land in the First District of Baltimore County.

Being the property of The Colonial Co., as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, March 2, 1982, at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 25, 1982

Ernest C. Trimble, Esquire
200 Lafayette Building
40 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Trimble:

Re: Item #1 - Case #R-82-180
Cycle II, The Colonial Co.

It has been brought to our attention that we afforded the Petitioners in Cycle I reclassification cases the opportunity explained in the enclosed letter.

Since this option was selected by very few Petitioners in Cycle I, we are hopeful that this does not affect your case. If, however, you wish to elect this option, the Board will grant it but because of advertising and notification problems it will have to be done in open hearing.

Please advise this office of your decision.

Very truly yours,

William T. Hackett, Chairman

WTH:e

cc: Charles A. Krott

Douglas L. Kennedy, P.E.
John M. Covington, L.S.
William K. Woody, L.S.

(301) 821-0852

KCW CONSULTANTS
Civil Engineers and Land Surveyors
744 Dulaney Valley Court
Towson, Maryland, 21204

August 27, 1981

LOT 2-G REVISED PLAT
MEADOWS INDUSTRIAL PARK
1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the southside of Dogwood Road, (proposed 60 feet wide) at the distance of 461.13 feet measured southeasterly from the East side of Woodlawn Drive, running thence binding on said Road North 41° 28' 00" East 3.60 feet and North 44° 28' 51" East 36.68 feet to or near the center of said road, running thence and binding in or near the center of said road South 69° 30' 34" East 280 feet thence leaving said Dogwood Road and binding on the western and northern outline of the Storm Drain Reservation and Utility Easement as shown on Revised Plat of Meadows Industrial Park as recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr., No. 45 folio 137 South 20° 23' 26" West 150 feet, South 74° 14' 24" West 112.75 feet, North 60° 45' 36" West 261.97 feet to the outline of Meadows Industrial Park as shown on said Plat, thence binding on said outline North 41° 28' 00" East 149.88 feet to the place of beginning.

Containing 1.4 Acres of land more or less.

Being Lot 2-G as shown on the Plat of Meadows Industrial Park filed as aforesaid.

Ernest C. Trimble, Esquire
200 Lafayette Building
40 W. Chesapeake Ave.
Towson, Maryland 21204

February 2, 1981

NOTICE OF HEARING

RE: Petition for Re-classification
S/s Dogwood Rd., 641' SE from Woodlawn Dr.
The Colonial Co. - Petitioner
Case #R-82-180

TIME: **10:00 A.M.**

DATE: **Tuesday, March 2, 1982**

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett, Chairman
County Board of Appeals

cc: **John W. Hessian**
Peoples Counsel

Page Two

Since there must be some limit to the period of time within which a decision should be made and communicated to the Board, it has been decided that all requests for postponements made pursuant hereto must be delivered in writing to the Board on or before March 15, 1981.

The Board has attached one very important provision to its willingness to co-operate in the granting of postponements for the purpose outlined above, which is that it will not countenance the use of the reasons given above for a postponement for other reasons and, therefore, if a case is postponed for the reason given above it must remain inactive until there is a definitive action from the courts. Therefore, parties are cautioned that if they do, in fact, seek a postponement because of the doubt surrounding the validity of the enactment of the 1980 comprehensive maps, they will be required to wait until there is a decision from the courts or the question before the Board will again assign their case no matter how long the case is suspended.

The purpose of this communication is to alert all parties of record involved of the Board's intention if a request is timely submitted.

Very truly yours,

William T. Hackett, Chairman

WTH:e

cc: Charles A. Knott

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 17, 1982

Ernest C. Trimble, Esq.
200 Lafayette Bldg.
40 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Trimble:

Re: Case No. R-82-180
The Colonial Co.

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,

Jane Holmen, Secretary

Encl.
cc: Charles A. Knott
W. E. Hammond
J. E. Dyer
N. E. Gerber
J. G. Hoswell
Bd. of Education
Paul Peles
J. W. Hessian, Esq.

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 5, 1982

Ernest C. Trimble, Esquire
305 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for reclassification
S/s of Dogwood Rd., 641' SE of Woodlawn Dr.
The Colonial Co. - Petitioner
Case #R-82-180

Dear Mr. Trimble:

This is to advise that $52.75 is due for the 2nd full page add of the cycle 2 billing. You have already been billed for the 1st full page add as well as for the individual posting and advertising of this property. All bills must be paid before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

W. E. Hammond
Zoning Commissioner

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

No. 105741

DATE 3/10/82 ACCOUNT 01-662

AMOUNT $52.75

RECEIVED FROM: The Colonial Company

FOR: 2nd full page add for case #R-82-180

52.75

VALIDATION OR SIGNATURE OF CASHIER

494-3180

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

April 16, 1982

John W. Hessian, III, Esq.
People's Counsel for Balto. County
Court House
Towson, Md. 21204

Re: Case No. R-82-180
The Colonial Co.

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jane Holmen, Secretary

Encl.
cc: Mr. Paul Peles
W. E. Hammond
J. E. Dyer
N. Gerber
J. Hoswell
Bd. of Education

April 16, 1982

BILLED TO: Ernest C. Trimble, Esq.
200 Lafayette Bldg.
40 W. Chesapeake Ave. (21204)

Cost of certified documents filed
Case No. R-82-180 . . . . . $18.00

The Colonial Co.
S/S Dogwood . 461.13' SE of Woodlawn Dr.
1st District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett- Chairman
Board of Appeals Date: September 22, 1981

CC: Nick Commodari

FROM: Charles E. Burnham

Cycle II - 1981

SUBJECT: Item #1 Zoning Advisory Committee Meeting - 9-14-81

PROPERTY OWNER: The Colonial Company
LOCATION: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
EXISTING ZONING: D.R. 5.5
PROPOSED ZONING: R-O

ACRES: 1.4
DISTRICT: 1st

All future improvements shall be in compliance with the Baltimore County Building Code, the Handicapped Code of the State of Maryland and other applicable rules, regulations and codes.

No construction shall begin until the applicable permits have been obtained.

Charles E. Burnham
Plans Review Chief

CEBirrj

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #1, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: The Colonial Company
Location: S/S Dogwood Road 461.13' S/E of Woodlawn Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 1.4
District: 1st

Metropolitan water and sewer are available. Connection to metropolitan sewer is subject to the Gwynns Falls sewer moratorium.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt

THE COLONIAL COMPANY
401 Washington Avenue, Suite 800, Towson, Maryland 21204

August 27, 1981

Baltimore County Zoning Office
111 W. Chesapeake
Towson, Maryland 21204

Gentlemen:

Enclosed please find plats and petition for zoning reclassification.

Our check #6531 in the amount of $50.00 is also enclosed.

Very truly yours,

THE COLONIAL COMPANY

Charles A. Knott
President

CAK/kw

Enclosures

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

No. 105732

DATE 3/4/82 ACCOUNT 01-662

AMOUNT $152.79

RECEIVED FROM: The Colonial Co.

FOR: 1st full page add & individual posting & advertising of Case #R-82-180

152.79

VALIDATION OR SIGNATURE OF CASHIER

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 18, 1982

Ernest C. Trimble, Esquire
200 Lafayette Bldg.
40 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
S/s Dogwood Rd., 461' SE of Woodlawn Dr.
The Colonial Company - Petitioner
Item #1 - Cycle #2

Dear Mr. Trimble:

This is to advise you that $96.89 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:mch

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

February 26, 1982

Ernest C. Trimble, Esquire
200 Lafayette Building
40 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
S/s Dogwood Road, 641 ft. SE of Woodlawn Dr.
The Colonial Co. - Petitioner
Case #R-82-180

Dear Mr. Trimble:

This is to advise you that $55.00 is due for advertising and posting of the above property.

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

PETITION FOR ZONING VARIANCE 82-108-A
#36

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, 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 1B02. 3B. (VI C.4) to permit a rear yard setback of 39ft. instead of the required 50ft.

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

The reason we feel that we need a variance is because we need more space. We do not have a basement. There is no place for the children to play, especially when the weather is bad outside.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

William S. Morgart
(Type or Print Name)

William S. Morgart
Signature

Shelby J. Morgart
(Type or Print Name)

Shelby J. Morgart
Signature

2721 Norfen Rd. 636-4484
Address Phone No.

Baltimore Md. 21227
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William S. Morgart
Name

2721 Norfen Rd. 636-4484
Address Phone No.

MAP / ELECTION DISTRICT / FINAL BY:

ORDER RECEIVED FOR FILING
DATE October 30, 1981
BY

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of August, 1981, 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 22nd day of October, 1981, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

82-108-A #36

WILLIAM S. MORGART, et ux 82-108-A
S/s Norfen Rd. 226.94' E. of Scotia Road
13th

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

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

October 14, 1981

Mr. & Mrs. William S. Morgart
2721 Norfen Road
Baltimore, Maryland 21227

RE: Item No. 36
Petitioner - William S. Morgart, et ux
Variance Petition

Dear Mr. & Mrs. Morgart:

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.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 15, 1981

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

Re: Item #36 (1981-1982)
Property Owner: William S. & Shelby J. Morgart
S/S Norfen Rd. 226.94' E. of Scotia Rd.
Acres: 16 x 110 District: 13th

Dear Mr. Hammond:

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:

Baltimore County highway and utility improvements are not directly involved.

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.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 36 (1981-1982).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

C-NE Key Sheet
4 SW 6 Pos. Sheet
SW 6 B Topo
109 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

September 15, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #36, Zoning Advisory Committee Meeting, August 18, 1981, are as follows:

Property Owner: William S. and Shelby J. Morgart
Location: S/S Norfen Road 226.94' E. of Scotia Road
Acres: 16 X 110
District: 13th

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 petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

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baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

September 25, 1981

Mr. William Hammond
Zoning Commissioner
County Office building
Towson, Maryland 21204

RE: ZAC Meeting of August 18, 1981

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items number 33 through 40.

Michael S. Flanigan
Traffic Engineering Associate II

MSF/rlj

36

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
Date September 1, 1981

FROM Ian J. Forrest

SUBJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

Item #33 - Exxon Corporation
✓Item #36 - William S. and Shelby J. Morgart
Item #37 - Baltimore Gas and Electric Co.
Item #38 - William F. & Susan B. Fritz
Item #40 - Joseph R. & Evelyn M. Deady
Item #41 - Jack W. & Mary J. Eisely
Item #43 - Castlemen/Finkelstein Venture
Item #44 - Viola Gromek
Item #45 - William & Evelyn Comotto

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: William S. and Shelby J. Morgart

Location: S/S Norfen Road 226.94' E. of Scotia Road

Item No.: 36 *Zoning Agenda:* Meeting of August 18, 1981

Gentlemen:

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

( ) 1. *Fire hydrants for the referenced property are required and shall be located at intervals or ________ 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 operation.*

(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", 1976 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 Kelly 9/22/81
Planning Group
Special Inspection Division

Noted and Approved: George M. Wiegandt
Fire Prevention Bureau

/mb

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /~~should not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 30th day of October, 1981, that the herein Petition for Variance(s) to permit a rear yard setback of 39 feet in lieu of the required 50 feet, for the expressed purpose of constructing an addition to the existing dwelling so as to provide additional habitable space, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The existing 8' x 10' shed, located approximately one foot from both side and rear property lines, shall be designated on the site plan.

2. Submit a revised site plan, incorporating the above restriction, for approval by the Department of Public Works and the Office of Planning and Zoning.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE Oct. 30, 1981
BY Sandra K. Lawson
Administrative Assistant

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

August 19, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #36 Zoning Advisory Committee Meeting, August 11, 1981 are as follows:

Property Owner: William S & Shelby J. Morgart
Location: S/S Norfen Road 226.94' E. of Scotia Road
Existing Zoning: D.R. 10.5
Proposed Zoning: Variance to permit a rear yard setback of 39' in lieu of the required 50'.

Acres: 16 X 110
District: 13th

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1978, and other applicable Codes.
and other miscellaneous
X B. A building/ _____ permit shall be required before beginning construction.
C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
NOTE: X E. In wood frame construction an exterior wall erected within 6' 0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot line. A minimum 8" masonry firewall is required if construction is on the lot line. with a 2'-8" parapet on each side.
F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.
I. Comments -

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent — Towson, Maryland – 21204

Date: August 13, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 18, 1981

RE: Item No: 33, 34, 35, 36, 37, 38, 39, 40
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Norfen Rd., 226.94' E of Scotia Rd., 13th District : OF BALTIMORE COUNTY
WILLIAM S. MORGART, et ux, Petitioners : Case No. 82-108-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or 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
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of September, 1981, a copy of the aforegoing Order was mailed to William S. Morgart and Shelby J. Morgart, 2721 Norfen Road, Baltimore, Maryland 21227, Petitioners.

John W. Hessian, III

Mr. William E. Hammond
Zoning Commissioner
Room 109, County Office Building
Towson, Maryland 21204

RE: Case No. 82-108 A
Building Permit Application
No. 26567
13 Election District

Dear Mr. Hammond:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced building permit, do hereby acknowledge that we are fully aware of your Order being subject to a thirty (30) day appeal period, but wish to go ahead with the construction of improvements on the property prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County, Maryland and you from any liability or responsibliti in this matter and agree to assume any and all financial responsibility for any consequences which might arise during the appeal period if an appeal is filed after construction has begun.

Very truly yours,

OK 9/11/81

Shelby J. Morgart
William S. Morgart

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond, Zoning Commissioner
FROM: Norman E. Gerber, Director, Office of Planning and Zoning
SUBJECT: Petition No. 82-108-A Item 36
Date: September 23, 1981

Petition for Variance
South side of Norfen Road, 226.94' East of Scotia Road
Petitioner - William S. Morgart, et ux

13th District

HEARING: Thursday, October 22, 1981 (10:00 A.M.)

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

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:ab

PETITION FOR VARIANCE
13th DISTRICT

ZONING: Petition for Variance

LOCATION: South side of Norfen Road, 226.94' East of Scotia Road

DATE & TIME: Thursday, October 22, 1981 at 10:00 A.M.

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

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

Petition for Variance to permit a rear yard setback of 39 ft. instead of the required 50 ft.

The Zoning Regulation to be excepted as follows:

Section 1B02.3B (Sect. VI C.4) - Minimum rear yard setback in DR.10.5 Zone

All that parcel of land in the 13th District of Baltimore County

Beginning at a point on the South side of Norfen Road 226.94ft. East of Scotia Road and known as lot 99 Block A as shown on the plot of section two Friendship Gardens and recorded among the land records of Baltimore County in Plot Book 22 Folio 21.

Also known as 2721 Norfen Road.

Being the property of William S. Morgart, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 22, 1981 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 15, 1981

Mr. and Mrs. William S. Morgart
2721 Norfen Road
Baltimore, Maryland 21227

RE: Petition for Variance
S/s Norfen Road, 226.95' E of Scotia Road
Case #82-108-A Item #36

Dear Mr. and Mrs. Morgart:

This is to advise you that $44.50 is due for advertising and posting of the above property.

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

WEH:klr

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

No. 101683

DATE 10/22/81 ACCOUNT 01-662

AMOUNT $44.50

RECEIVED FROM: Shelby Morgart

FOR: Posting & Advertising of Case #82-108-A
(Morgart)

B00726I 22 4451 PM

VALIDATION OR SIGNATURE OF CASHIER

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 30, 1981

Mr. & Mrs. William S. Morgart
2721 Norfen Road
Baltimore, Maryland 21227

RE: Petition for Variance
S/S of Norfen Rd., 226.94' E of Scotia Rd. - 13th Election District
William S. Morgart, et ux - Petitioners
NO. 82-108-A (Item No. 36)

Dear Mr. & Mrs. Morgart:

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

Very truly yours,

Jean M. H. Jung

JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

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

Mr. and Mrs. William S. Morgart
2721 Norfen Road
Baltimore, Maryland 21227

September 17, 1981

NOTICE OF HEARING

RE: Petition for Variance
South side of Norfen Rd., 226.94' East of Scotia Road
Case #82-108-A

TIME: 10:00 A.M.

DATE: Thursday, October 22, 1981

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

William E. Hammond

ZONING COMMISSIONER OF
BALTIMORE COUNTY

Mr. & Mrs. William S. Morgart
2721 Norfen Road
Baltimore, Md. 21227

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

Your Petition has been received and accepted for filing this 15th day of August, 1981.

William E. Hammond

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner William S. Morgart, et ux

Petitioner's Attorney

Reviewed by: Nicholas B. Commodari

Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

82-108-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13 Date of Posting 10-3-81

Posted for: VARIANCE

Petitioner: WILLIAM S. MARGART, ET UX

Location of property: S/S OF NORFEN ROAD 226.94' E OF SCOTIA ROAD

Location of Signs: SOUTH SIDE OF NORFEN ROAD, 10' E FRONT OF 2721 NORFEN ROAD

Remarks:

Posted by A. J. Ostrander
Signature

Date of return: 10-9-81

Number of Signs: 1

Petition for Variance
15TH DISTRICT
ZONING: Petition for Variance
LOCATION: South side of Norfen Road, 226.94' East of Scotia Road
DATE & TIME: Thursday, October 22, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

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

Petition for Variance to permit a rear yard setback of 38 ft. instead of the required 50 ft.

The Zoning Regulation to be excepted as follows:

Section 1B02.2B (Sect. VI C-4) - Minimum rear yard setback in DR. 10.5 Zone

All that parcel of land in the 13th District of Baltimore County

Beginning at a point on the South side of Norfen Road 226.94 ft. East of Scotia Road and known as lot 99 Block A as shown on the plat of section two Friendship Gardens and recorded among the land records of Baltimore County in Plat Book 22 Folio 21.

Also known as 2721 Norfen Road.

Being the property of William S. Morgart, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 22, 1981 at 10:00 A.M.

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

BY ORDER OF
William E. Hammond
Zoning Commissioner
of Baltimore County

$52.00

The Times

Middle River, Md., Sept 30 1981

This is to Certify, That the annexed

Petition

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 3rd day of Oct, 1981

Publisher.

PETITION FOR VARIANCE
13th DISTRICT

ZONING: Petition for Variance
LOCATION: South side of Norfen Road, 226.94' East of Scotia Road
DATE & TIME: Thursday, October 22, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

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

Petition for Variance to permit a rear yard setback of 38 ft. instead of the required 50 ft.

The Zoning Regulation to be excepted as follows:

Section 1B02.2B (Sect. VI C-4) — Minimum rear yard setback in DR. 10.5 Zone

All that parcel of land in the 13th District of Baltimore County

Beginning at a point on the South side of Norfen Road 226.94 ft. East of Scotia Road and known as lot 99 Block A as shown on the plat of section two Friendship Gardens and recorded among the land records of Baltimore County in Plat Book 22 Folio 21.

Also known as 2721 Norfen Road, being the property of William S. Morgart, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 22, 1981 at 10:00 A.M.

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

By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County

Oct. 1.

DUPLICATE
CERTIFICATE OF PUBLICATION

TOWSON, MD., October 1, 1981

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 a week~~ one time successively before the 22nd day of October, 1981, the first publication appearing on the 1st day of October 1981.

THE JEFFERSONIAN,

L. Frank Schmidt
Manager.

Cost of Advertisement, $ 17.50

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

Your Petition has been received this 5 day of August, 1981.*

Filing Fee $ 25.00 Received: ✓ Check ___ Cash ___ Other

Item # 36

William E. Hammond, Zoning Commissioner

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

No. 101616

DATE 9/16/81 ACCOUNT 01-662

AMOUNT $25.00

RECEIVED FROM: Shelby Morgart

FOR: Filing Fee for Case #82-108-A

B00726F 16 25.00 PM

VALIDATION OR SIGNATURE OF CASHIER

Signed by Sume

Viewed by UCN

of the Petition for assignment of a

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										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: UCN

Revised Plans:
Change in outline or description ___Yes ___No

Previous case:

Map # 24

Item # 36