

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

OF 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: Legal Owner(s):
(Type or Print Name) THE COLONIAL CO.
(Type or Print Name)
Signature Charles A. Knott, President
Address (Type or Print Name)
City and State Signature
Attorney for Petitioner:
Ernest C. Trimble, Esquire 200 Lafayette Bldg. 825-5512
(Type or Print Name) 40 W. Chesapeake Ave. Phone No.
Signature TOWSON, Maryland 21204
200 Lafayette Bldg. City and State
40 W. Chesapeake Ave. Name, address and phone number of legal owner, contract purchaser or representative to be contacted
TOWSON, Maryland 21204 Name
City and State Address Phone No.
Attorney's Telephone No.: 825-5513

BA-30-Form 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

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

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

cc: Nicholas B. Commodari
Chairman

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 with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses 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 this 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-1 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 421-3391. Notice of the specific hearing date, which will be between March 1 and June 30, 1982, will be forwarded to you in the future.

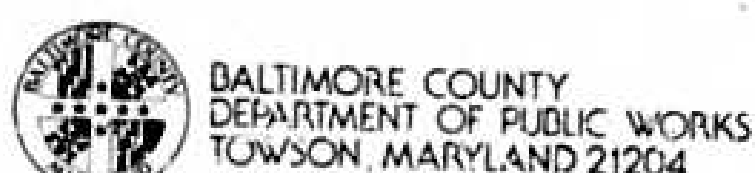
Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENC: mch

Enclosures

cc: KOW Consultants
714 Dulany Valley Court
Towson, Maryland 21204



HARRY J. PIST, I.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-C "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.

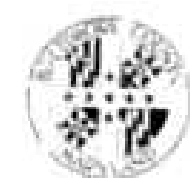
Very truly yours,

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

RAM: EAM "RBS"

cc: Jack W.oley

1-SE Key Sheet
8 NW 23 Pos. Sheet
NW 2 P Topo
88 Tax Map



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

NORMAN E. GENDER
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 Engineering
TOWSON, MARYLAND 21204
(410) 454-3345

STEPHEN E. COLLINS
DIRECTOR

October 8, 1981

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

Cycle #11 - 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. Flanagan
Traffic Engineering Associate II

MSF/rj

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-0
Acres: 1.4
District: 1st

Metropolitan water and sewer are available. Connection to
metropolitan sewer is subject to the Wynns 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

LJF/JRP/mgt

RE: PETITION FOR RECLASSIFICATION * IN THE
from D.R. 5.5 to R.O. *
S/S Dogwood Road, 461.13' of * CIRCUIT COURT
Woodlawn Drive *
1st District * FOR BALTIMORE COUNTY
Charles A. Knott, President *
The Colonial Company * CASE NO. 62-M-106

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

PAUL H. RENCKE
CHIEF

October 9, 1981

Mr. William Hammond cc: William Hackett
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

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.

REVIEWED BY: [Signature] 10/12/81 Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JW/bb/cn

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett- Chairman
Board of Appeals
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-0

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.

[Signature]
Charles E. Burnham
Plans Review Chief

CEB:rcj

The Colonial Company
Case No. R-82-180

Mr. James Haswell, 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
major 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 definitely 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
County. For all these reasons, the Board is of the opinion that the DR 5.5 zoning classi-
fication is correct and will so order.

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 #11 - 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-0
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 And Proposed
Zoning
Elementary
Junior High
Senior High

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

WNP/bp

The Colonial Company
Case No. R-82-180

ORDER

For the reasons set forth in the foregoing 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 3-1
thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
William T. Hackett, Chairman

Keith S. Franz

[Signature]
Patricia Phipps

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

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY

***** 82-M-108
14/113/82-M-108

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. Hession, 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: Jane Holmen, Secretary

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

BEFORE THE
BOARD OF APPEALS
OF
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 26 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 situated 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

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

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 8-2(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. Hession, 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.

Jane Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
Telephone 494-3150

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, a 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.

The Colonial Company
File No. R-82-180

I HEREBY CERTIFY that a copy of the foregoing 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. Hession, III, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 16th day of April, 1982.

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

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

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

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

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encls.
cc: The Colonial Co.
Mr. Charles A. Knott, President

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 office 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;

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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.

(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

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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
THE COLONIAL COMPANY,
Petitioner/Appellant
Zoning Case No. R-82-180 (Item 1)

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

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestants 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 north 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.

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.

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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 Council'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.

e. In closing, it is submitted that the foregoing 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. Hession, III, Enquire and Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Ernest C. Trimble

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

Peter Max Zimmerman
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
Peter Max Zimmerman

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

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 Baltimore 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 - I.
- " " " 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. Maxwell 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 upon 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,

John W. Hession, III
John W. Hession, III
County Board of Appeals of Baltimore County

cc: J. W. Hession, 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-82-180

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
Ernest C. Trimble
Attorney for Appellant

ORDER

Pursuant to the foregoing 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 27 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. Hession, III, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Ernest C. Trimble
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 on 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. Maxwell 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 testi-

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

THE COLONIAL COMPANY,
PETITIONER-APPELLANT

BALTIMORE COUNTY
AT LAW

FILE NO. R-82-180

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, Keith S. Franz 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

find that (A)pproximately up to 9:30 10:00 o'clock we have traffic backed up here waiting for the light to change". 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.100, 103, 104, 110, 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 hazards pertaining to this proper-

ly, 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, such 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.

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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

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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.69-73). Answering Appellant's contention that the property should be considered as part of the industrial park to the south, Howell 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 Howell 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 proper use of 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 accommodation. 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. 13-50; 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. 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]

² Veterinarians' offices included in this section as permitted uses in Bill No. 13-80 and deleted by Bill No. 167-80.

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ADDENDUM

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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 said this way:

To permit R.O. zoning on this one small parcel north of this flood plain area would definitely (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 County. 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 29th 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 : BEFORE THE COUNTY BOARD OF APPEALS
5/5 Dogwood Rd., 441st SE from
Woodlawn Drive, 1st District : OF BALTIMORE COUNTY

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

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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

RECEIVED
BALTIMORE COUNTY
JUL 29 11 24 PM '82
CLERK OF BOARD
BY: E

ITEM NO. 1

PROPERTY OWNER: The Colonial Co.
LOCATION: 5/5 of Dogwood Road, 441st S/E of Woodlawn Drive
ELECTION DISTRICT: 1
COUNCILMANIC DISTRICT: 2

RECOMMENDED DATE OF HEARING: Week of March 1, 1982

ZONING: 5/5 ZONING 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 southwestern 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 as 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 Bayview 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.

IN THE MATTER OF PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO R.O. ZONE :
5/5 Dogwood Rd., 441st SE of Woodlawn Dr., 1st District :
THE COLONIAL COMPANY, :
Petitioner/Appellant :
Zoning Case No. R-82-180 (Item 1)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
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 2-52.1(j). That provision outlines a two-step analysis:

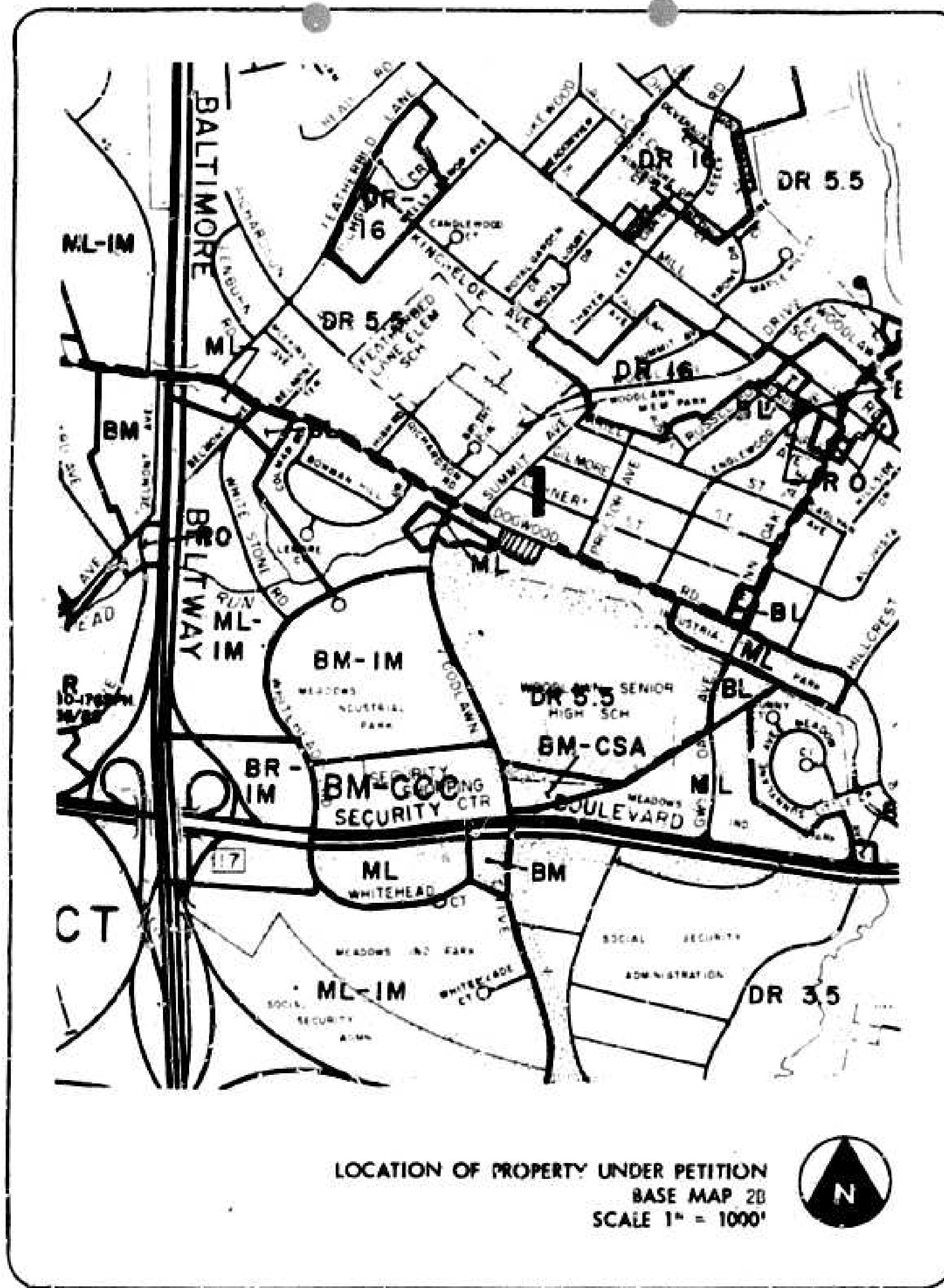
(1) Application of the change or mistake rule; and

(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 1352 (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 Howell, County Planner, having visited the site and reviewed the petition and accompanying materials, concluded not only that

RECEIVED
BALTIMORE COUNTY
JUL 19 2 24 PM '82
CLERK OF BOARD
OF APPEALS
BY: C



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
Proposed Zoning: 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

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

(301)821-0852

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

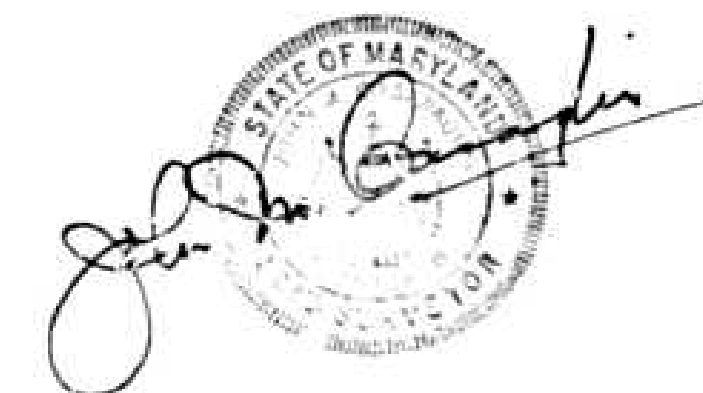
August 27, 1981

LOT 2-6 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 40° 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° 29' 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 2-6 as shown on the Plat of Meadows Industrial Park filed as aforesaid.



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
William T. Hackett, Chairman

WTH:s

cc: Charles A. Knott

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

Shopsco Restaurant 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.

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 Petitioner 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
William T. Hackett, Chairman

WTH:s

cc: Charles A. Knott

494-3180

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

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

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

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

Dear Mr. Trimble:

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,

John Holmen
John Holmen, Secretary

Encl.

cc: Charles A. Knott
W. E. Hammond
J. E. Dyer
N. E. Gerber
J. G. Howwell
Bd. of Education
Paul Peier

J. W. Hackett

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

cc: John W. Hoeslin
Peoples Council

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 \$82.75 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,

E. Hammond
Commissioner

John W. Hession, 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. Maxwell
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
in Case No. R-82-180 \$19.00

The Colonial Co.
5/5 Dogwood Rd. 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 A. Burnham
Cycle II - 1981
SUBJECT: Item #1 Zoning Advisory Committee Meeting - 5-15-81

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-6

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 A. Burnham
Plans Review Chief

CSB:rrj

RECEIVED
BALTIMORE COUNTY
SEP 23 10 54 AM '81
COUNTY BOARD
OF APPEALS

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

WSE:hch

WILLIAM E. HAMMOND
ZONING COMMISSIONER

February 15, 1982

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

RE: Petition for Reclassification
S/s Dogwood Road, 461' SE of Woodlawn Dr.
The Colonial Co. - Petitioner
Case #R-82-180

Dear Mr. Trimble:

This is to advise you that \$96.90 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

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-6
Acres: 1.4
District: 1st

Metropolitan water and sewer are available. Connection to metropolitan sewer is subject to the Owynns Falls sewer re-routinization.

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

Very truly yours,

Jan J. Forester, Director
BUREAU OF ENVIRONMENTAL SERVICES

1JF/JMP/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 #C531 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		No. 105732	
OFFICE OF FINANCE - REVENUE DIVISION			
MISCELLANEOUS CASH RECEIPT			
DATE	3/4/82	ACCOUNT	05-662
AMOUNT		\$152.79	
RECEIVED FROM	The Colonial Co.		
FOR	1st full page add & individual posting & advertising of Case #R-82-180		
2844 CASH 11		152.79	
VALIDATION OR SIGNATURE OF CASHIER			

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 M1, and because 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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland *PR*

Towson, Maryland

P-82-180

District 1st Date of Posting 2-14-82
Posted for: R. C. Charnick
Petitioner: The Colonial Company
Location of property: S. S. Dogwood Road, 64' SE of
Woodburn Drive
Location of Signs: South side of Dogwood Road opposite
W. 1st South east of Woodburn Drive
Remarks:
Posted by: D. J. Carter Date of return: 2-26-82
Number of Signs: 1
Signature

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

Rs. 85100

DATE 5/4/82 ACCOUNT 01.712

AMOUNT \$18.00

RECEIVED FROM Ernest C. Trimble, Esq., 40 W. Chapeauoke Ave. 11204

FOR Case No. R-37-180, The Colonial Co., 5/5 Drywood Rd.,
SE of Woodlawn Dr.

0 8153*****1000's 2048F

VALIDATION OR SIGNATURE OF CASHIER

Final Memo — 44-260
 Civil Assignment Commissioner
 Baltimore Court
 Kelly Plushion — 44-262
 Masters Assignment Desk
 Federal Building
 TO: Ernest C. Tinsley, Esq.,
 County Board of Appeals
 John W. Healden, III, Esq.,
 Peter Box Zimmerman, Esq.
 County Board of Appeals
 Assignment Office
 401 Bayly Avenue
 P. O. Box 6754
 Towson, Maryland 21204-0754
 June 4, 1982
 RE: Non-Jury Case — 82-46-108-
 IN THE MATTER OF PETITION FOR RECLASSIFICATION OF THE COLLINS, CO.
 FOR REMOVAL, ET AL. VS THE PEOPLE'S COUNSEL, FOR BALTIMORE COUNTY
 HEARING D.T.P.
 OF THE FOLLOWING:
 Thursday, August 12, 1982 6:30 a.m.
 Appeal: 5 to 3 1/4 Hours
 UPON EXCISE OF THIS NOTICE:
 Plaintiff's 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 attention of the Director of Central Assignments — 409c Gdn — 494.3497.
 SETTLEMENT CONFERENCE:
 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. CRONE. Please direct all inquiries
 to the attention of 400 Adm.

Sanford Sanders — 44-260
 Assignment — Jury — Motion
 Frick's Grove
 Assistant Clerk Trial
 Mrs. Summers — 44-262:
 Assignment — Non-Jury
 Motion
 Frick's Grove
 Assistant Clerk Trial
 RECEIVED
 BALTIMORE COUNTY
 JUNE 15 9 55 AM '82

Sandy Sander - 484-2606
 Assignment - July - Western
Freddie Grove
 Assistant Clerk Typist
Irene Sumner - 484-266
 Assignment - Non-Jury - Western
Henry Eccles
 Assistant Clerk Typist
RECEIVED
 BATHORE COUNTY
 JUL 9 9 55 AM '78
 CLERK OF COURT
 BATHORE COUNTY

TOWSON, MD., February 11, 1952

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County MD., successively on _____ of _____ successively _____ before the _____ day of _____, 19____, the first publication appearing on the _____ day of _____, 19____.

THE JEFFERSONIAN.

Manager

Cost of Advertisement, \$.....

[illegible]

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

Rs. 85100

DATE 5/4/82 ACCOUNT 01.712

AMOUNT \$18.00

RECEIVED FROM Ernest C. Trimble, Esq., 40 W. Chapeauoke Ave. 11204

FOR Case No. R-37-180, The Colonial Co., 5/5 Drywood Rd.,
SE of Woodlawn Dr.

0 8153*****1000's 2048F

VALIDATION OR SIGNATURE OF CASHIER



EXISTING ZONING: DR 5.5
PROPOSED ZONING: R O
GROSS AREA OF LOT: 1.2 AC
NET AREA OF LOT: 1.1 AC



MAN. NA-2-F
 100-2016
 100-2016
 100-2016
 100-2016
 100-2016
 100-2016

Cycle II
IRMS II

2nd COUNCILMANIC DISTRICT

KOW CONSULTANTS
744 GILANEY VALLEY COURT
JOWSON, MARYLAND 21204
(201) 821-0852

