

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 D.R. 16 zone to an O-2 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: BCZR, Section 205.4D2 requesting a setback of 0' instead of a setback of 65' from any lot line and BCZR, Section 205.4D2 requesting a 0' setback from any street line in lieu of 65' from any street line and BCZR, Section 409.2C requesting a 8' setback requirement for the minimum distance from a road to a parking lot be reduced to 3' and BCZR, Section 205.4 requesting a sideyard of 20' in lieu of a required 65' from Aigburth Road as proposed for widening and BCZR, Section 205.4 requesting a minimum sideyard setback from the easternmost property line of 12' in lieu of the required 46' from the property line.

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 _____
Attorney for Petitioner: _____
(Type or Print Name) Michael P. Tanczyn
Signature _____
501 York Road
Address
Towson, MD 21204
City and State
Attorney's Telephone No: 296-8822
Address _____
Phone No. _____

BABC-Form 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1982

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

000
Nicholas B. Commodari
Chairman

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

Michael P. Tanczyn, Esquire
501 York Road
Towson, Maryland 21204

RE: Item No. 8 - Cycle No. III
Petitioner - Joseph L. Soley
Reclassification Petition

Dear Mr. Tanczyn:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April - October '82 reclassification cycle (Cycle III). 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 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 May 31. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, located at the northeast corner of York and Aigburth Roads in the 9th Election District, is zoned D.R.16 and is improved with the Cardiff Hall East Apartments. This property has been the subject of a number of zoning hearings in the past with the most recent being Case #15-139-1A, which granted the right to construct an office building on the southwest corner of this site.

In view of your client's proposal to reclassify this property to an O-2 zone, this reclassification is requested, while variances for parking and building setbacks are included. In accordance with our previous conversations, it is the opinion of this office that variances cannot be included with a reclassification if no proposed use of the property is indicated on the site plan. I have discussed this matter with Mr. Dyer, and he has written for an opinion from the solicitor's office. Until this question is resolved, I will include the requested variances in the first advertisement of this petition. However, this should not be construed as the final acceptance of this petition.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to O-2 Zone
PETITION FOR VARIANCES : OF BALTIMORE COUNTY
NE corner of York & Aigburth Rds.,
9th District :
JOSEPH L. SOLEY, Petitioner : Case No. R-83-57-A (Item 8, Cycle III)

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. Hessing, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of August, 1982,

a copy of the foregoing Order was mailed to Michael P. Tanczyn, Esquire, 501 York Road, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hessing, III

RE: Case R-83-62-A
Cycle 3, Item 8
Northeast corner of
York Road and Aigburth
Road
JOSEPH L. SOLEY
Petitioner
BOARD OF APPEALS
OF
BALTIMORE COUNTY

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Summons for the following to appear on Tuesday, November 9, 1982 at 10:00 a.m. in Room 218, Old Courthouse, Towson, Maryland to appear and testify for the Petitioner.

Michael S. Flanigan
Engineering Associate II
Department of Traffic Engineering
Towson, MD 21204

to have and bring with him his file for this Item No. 8, Cycle 3.

Michael P. Tanczyn
118 W. Pennsylvania Avenue
Towson, MD 21204
296-8823
Attorney for Petitioner

Mr. Sheriff:

Please serve the above summons.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

LAW OFFICES
MICHAEL P. TANCZYN

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 7, 1982

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

Re: Item #8 Zoning Cycle III (April-October 1982)
Property Owner: Joseph L. Soley
N/E corner York and Aigburth Roads
Existing Zoning: DR 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

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:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 158 (1970-1971), Item 193 (1973-1974), and Item 65 (1974-1975) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 8 Zoning Cycle III (April-October 1982).

Very truly yours,

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

RAM:EAM:FWK:ss

cc: Jack Wimbley

N-W Key Sheet
35 NE 3 Pos. Sheet
NE 9 A Topo
70 Tax Map

Maryland Department of Transportation
State Highway Administration

Lawell K. Bridwell
Secretary
M. S. Caltrider
Administrator

March 22, 1982

Mr. William Hackett, Chairman
Board of Appeals
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: RE-Classification Petitions
Cycle III - 1982
Meeting of March 16, 1982
ITEM: #8
Property Owner: Joseph L. Soley
Location: NE/Corner York (Route 45) and Aigburth Rds.
Existing Zoning: D.R. 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

Dear Mr. Hackett:

Due to the absence of any detail on the plan, we are unable to comment.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John Meyers

RECEIVED
BALTIMORE COUNTY
MAR 25 9 41 AM '82
CLERK'S
COURT CLERK'S
BY: J. J. WIMBLEY

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 71 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

March 29, 1982

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

Cycle III - 1982, Meeting of March 16, 1982
Item No. 8
Property Owner: Joseph L. Soley
Location: NE/Corner York and Aigburth Roads
Existing Zoning: D.R. 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

Dear Mr. Hackett:

The existing D.R. 16 zoning can be expected to generate approximately 720 trips per day and the proposed O-2 zoning can be expected to generate approximately 15 trips per day.

The intersection of Aigburth Road and York Road is at E level of service.

Sincerely,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate II

MSF/r1j

April 7, 1982

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

Dear Mr. Hackett:

Comments on Item #8, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Joseph L. Soley
Location: NE/Corner York and Aigburth Roads
Existing Zoning: D.R. 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

Metropolitan water and sewer exist.

The Zoning Plan, as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

John J. Forrest
John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/als

RECEIVED
BALTIMORE COUNTY
APR 13 2 20 PM '82
COUNTY BOARD
OF APPEALS
BY: _____

April 6, 1982

PAUL H. REINCKE
CHIEF

Mr. William Hackett 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: Joseph L. Soley

Location: NE/Corner York and Aigburth Roads

Item No.: 8

Zoning Agenda: Meeting of March 16, 1982

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: *George M. McLaughlin* 4/7/82
Planning Group
Special Inspection Division

Noted and Approved:

George M. McLaughlin
Fire Prevention Bureau

JK /ml/cm

TED ZALEMI, JR.
DIRECTOR

April 19, 1982

Mr. William Hackett
Board of Appeals

RE: Reclassification Petitions
Cycle III - 1982
Meeting of March 16, 1982

Dear Mr. Hackett:

I have no comment at this time for the following item numbers.

Item No. 3
Item No. 5
Item No. 7
Item No. 8
Item No. 10
Item No. 11
Item No. 12
Item No. 14
Item No. 16
Item No. 17
Item No. 18
Item No. 19

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 3/22/82

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

Zoning: DR-16 #111

RE: Item No: 8
Property Owner: Joseph L. Soley
Location: NE/Corner York and Aigburth Roads
Present Zoning: D.R. 16
Proposed Zoning: O-2

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Petitioner does not indicate what types of units will be erected.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

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

WNP/bp

Development Design Group, Ltd.

Ridgewood Building
Suite 100
1107 Jermolow Drive
Towson, Maryland 21204

(301) 828-0727

DESCRIPTION TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING DR-16 ZONE
TO O-2 ZONE
CARDIFF HALL EAST
N.E. CORNER YORK ROAD & AIGBURTH ROAD

Beginning for the same at a point on the east side of York Road as proposed to be widened to 84 feet, said point being North 44°51'11" East distant 73.40 feet from the intersection of the center lines of York Road and Aigburth Road, running thence along the east side of York Road (1) North 11°50'00" East 481.70 feet, thence leaving said road, running the three following courses viz: (2) South 78°13'50" East 316.52 feet, (3) South 77°57'10" East 199.80 feet and (4) South 11°49'00" West 496.00 feet to the north side of Aigburth Road as proposed to be widened to 60 feet, thence along said road (5) North 79°23'10" West 495.84 feet, thence across the cutoff leading to the east side of York Road (6) North 25°27'30" West 34.25 feet to the place of beginning.

Containing 5.968 acres of land more or less.

Being all and the same land as shown on a plat entitled "Cardiff Hall East Apts" dated September 25, 1974 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 38 folio 38, saving and excepting therefrom the proposed widening strips for York Road and Aigburth Road.



Joseph L. Soley

IN THE CIRCUIT COURT

FOR

Vs.

BALTIMORE COUNTY

Board of Appeals of Baltimore County
The People's Counsel for Baltimore County

Docket 15 Folio 160

Case No. 83-M-125

NOTICE OF FILING OF RECORD

TO: Michael P. Tanczyn John W. Hession, III June Holmen
118 W. Pennsylvania Ave. Peter Max Zimmerman Mail Stop 2203
Towson, Md. 21204 Rm. 223
Courthouse 21204

In accordance with Maryland Rule of Procedure E12, you are notified that the record in the above entitled case was filed on May 6, 1983.

Ther H. Kallie, Jr.
Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Boley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
June 6, 1983.

TO: Michael P. Tanczyn, Esq.
County Board of Appeals of Baltimore Co.
John W. Hession, III, Esq.
Peter Max Zimmerman, Esq.

RE: NEW ITEM - 83-M-125 - JOSEPH L. SOLEY VS. BAL. CO. OF APPEALS OF BALTO. CO., ET AL.

HEARING DATE: Friday, October 28, 1983, @ 9:30 a.m.

ON THE FOLLOWING: Appeals: 1 day

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

POSTPONEMENTS: If the above date is not acceptable 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 interested parties. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - 494-0754 or 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 PLANK E. CLONE. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Boyle 6/83-10:25 a.m.

Kathy Ruckman - 494-3600
Assignment - Jury - Motions
Brenda Fennell
Assistant Clerk Typist

Kevin Summers - 494-3601
Assignment - Non-Jury - Motions
Freddie Givens
Assistant Clerk Typist

FILED MAY 6 1983

JOSEPH L. SOLEY
Appellant
vs.
BOARD OF APPEALS
Baltimore County, Maryland
2nd Floor
Old Courthouse
Towson, MD 21204
IN RE: Case R-63-62-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
15/160/63M125

RECEIVED
BALTIMORE COUNTY
MAY 15 4 24 PM '83
CLERK OF COURT
J. J. JONES

PETITION TO ACCOMPANY ORDER FOR APPEAL

You comes, Joseph L. Soley, Appellant, by his attorney, Michael P. Tanczyn, and pursuant to Rule 3(2)(a) under the Maryland Rules of Procedure, respectfully avers that:

1. Petitioner is the owner of a tract of land consisting of 6.923 acres, hereinafter called the subject property, located at the northeast corner of Aigburth Road and York Road in Baltimore County, Maryland.

2. Petitioner has owned the subject property either individually or through a corporation for approximately 2 decades. The zoning history for this property is as follows:

1945 - single family residential - property was located directly across from State Teachers' College now known as Towson State University.

1955 - RA (predecessor to DR 16) - designation per Bill No. 100 passed in 1970.

1966 - RA - Please note that this case was the subject of zoning petition known as 66-82AX filed by the Hamilton Park Corporation, the predecessor in interest to Mr. Joseph Soley. In that petition, the Hamilton Park Corporation requested a Special Exception for the land then zoned RA for a professional

entity organizations;

b. Said action is contrary to the evidence of record which was substantial and overwhelming on all material issues as to the change in the neighborhood in four office zone designations in the immediate neighborhood and twelve on the zoning map 3C, approved highway development planned/under construction, of the treatment of similar properties in immediate neighborhood, prior to office use on two occasions for this property and adjacent property, the intensification of the predominant business office character for the York Road corridor, developments at Towson State University, such as the Towson Center.

c. Said action was based on recommendations of the Planning Board in conclusion of same which are either erroneous or have no basis in fact or law and are contrary to the past zoning in the area and for this property.

d. The Board of Appeals in making its decision failed to properly consider all relevant factors and considerations specified in the County Charter, Article V, Division III, Section 3-38(j) and the decision of the Board of Appeals being made referred to the evidence of record in violation of Section 3-38(j) and (n) of the Article V, Division III of the Baltimore County Charter which requires that the Board of Appeals' decision be on the basis of evidence of record.

e. The Board of Appeals without citing any supportive reasoning or formal findings of fact ignored without comment the bulk of the Petitioner's case including the patent inconsistencies between the testimony and documentary evidence presented by Baltimore County on the issues.

7. The Board of Appeals' decision is based on findings of facts but replete with examples of misappellings, misstatements of the testimony presented

office building and certain variances. That petition was filed August 24, 1963 and was granted by then Deputy Zoning Commissioner Hardesty on October 7, 1963. It is interesting to note that the petition for variances was requested to allow the existing landscaping, greenery and shrubbery of the parcel to be saved and maintained and the Deputy Zoning Commissioner in the body of his Order found that to be a commendable reason in granting the zoning request. The Deputy Zoning Commissioner also specifically mentioned that the property could be used for professional offices for the following professions:

Physicians
Dentists
Engineers
Architects
Attorneys-at-Law
Certified Public Accountants

He was aided in making that finding, no doubt, by a letter to Mr. John Rose, then the Zoning Commissioner from George Covrelis of Baltimore County Public Works dated September 17, 1965 in which the Public Works Department indicated that the proposal for "professional offices was a reasonable one".

1971 - This parcel was zoned DR 16 and it is interesting to note that the property at Terrace Dale and York Road which is presently under construction as an office park, was then zoned business local (BL).

1975 - Part of this property was the subject of a zoning petition in case known as 75-139XA in which the Deputy Zoning Commissioner by Order March 5, 1975 denied the Petition for Special Exception in a DR 16 zone for the corner portion of the parcel contained in this instant appeal 0.68 acres. On timely appeal by the Appellant, Mr. Soley, the Board of Appeals, after conducting a lengthy hearing, granted the Special Exception on April 28, 1977 and certain requested variances as well. During the 1976 zoning map process, the property had retained its DR 16 zoning and it is interesting to note that the other

RECEIVED
BALTIMORE COUNTY
MAY 15 4 24 PM '83
CLERK OF COURT
J. J. JONES

- 2 -

property aforesaid located at York and Terrace Dale was rezoned DR 16 in that map process. In the 1980 map process, this property retained its DR 16 zoning while the property at York and Terrace Dale, on the map petition of its contract purchasers, was afforded O-1 office park zoning.

1980 - DR 16 with a Special Exception for offices.

3. In the intervening years while Mr. Soley or his predecessor corporation have owned the property, there have been various changes and developments in the neighborhood including:

a. Numerous public takings for widening of both Aigburth Road and York Road diminishing the Appellant's gross land area on each taking;

b. Zoning and construction of numerous office buildings and office park development in the York Road corridor which comprises the predominant part of the neighborhood for the Petitioner's property;

c. Enactment by the County Council within 30 days before the adoption of the 1980 maps of a new office zone designations for Baltimore County, a completely new zone was adopted as an emergency measure;

d. Amendment of the new office zone within 2 months after the first enactment to alter the requirements to qualify for that office zone designation;

e. Planned and now current widening of York Road to alleviate traffic congestion.

4. In March 1982, your Petitioner filed the instant petition case no. R-63-62A with Baltimore County requesting reclassification of the subject property from DR 16 with Special Exception for professional offices/O-2 and requesting continuance of certain variances earlier deemed for the subject parcel in a previous zoning case in 1977. The Baltimore County Planning Board (hereinafter

RECEIVED
BALTIMORE COUNTY
MAY 15 4 24 PM '83
CLERK OF COURT
J. J. JONES

- 3 -

referred to as "Planning Board") recommended that the existing zoning DR 16 be retained. At the hearing of this matter, continued from October 4, 1982 at the request of the Petitioner, the first week of November 1982, your Petitioner presented during his case in chief testimony by a registered land surveyor, Mr. Wayne Maisenholder of the Development Design Group, an expert in land use in the form of Walter McGuire, the Petitioner, Mr. Soley, who holds an advance degree as a land use planner from Harvard University and teaches at MIT, all of the foregoing as expert witnesses and Mr. Michael Flanigan of the Department of Traffic Engineering. The testimony in the Petitioner's case in furtherance of this Petition for Reclassification and for Variances included the presentation of the zoning history and use of this property, adjacent and abutting properties, improvements and changes in the neighborhood, changes in the zoning ordinance. The opposition to this Petition was represented by the People's Counsel for Baltimore County and presented testimony from Mr. Leslie Graef, director of a private development corporation in Towson, Mr. James Russell, the sector planner for the Fourth District, representatives of the Towson Manor Improvement Association and Greater Towson Council of Community Associations and a neighbor to the Petitioner's property. The hearing on November 9, 1982 scheduled to start at 10:00 a.m. ran, with one recess for lunch, until approximately 6:30 p.m. On March 9, 1983, the Board of Appeals issued a decision denying the reclassification request for O-2 zoning and its opinion in this case.

5. The action of the Board of Appeals in denying O-2 zoning requested was arbitrary, capricious and unlawful for the following reasons:

a. Said action was not based upon the evidence of record but rather represents acquiescence by the Board of Appeals to vague allegations in opposition of a plebiscite of one neighbor and nearby community and umbrella con-

RECEIVED
BALTIMORE COUNTY
MAY 15 4 24 PM '83
CLERK OF COURT
J. J. JONES

- 4 -

to it, fails to state a reasonable basis for its decision and its Order fails to acknowledge or dispose of the Petitioner's requested variances presented at the hearing of this matter and represents a cursory summary consideration of this Reclassification Petition to the extent that Petitioner was effectively denied a fair consideration.

8. The Petitioner has been prejudiced because the administrative findings, inferences, conclusions or decisions of the Board of Appeals violates the Petitioner's constitutional rights.

WHEREFORE, Petitioner prays that this Honorable Court:

a. Reverse the decision of the Board of Appeals denying the requested O-2 zoning without remand;

b. In the alternative, if it finds additional testimony or information is necessary, reverse the Board of Appeals' decision and remand with instructions for the further information to be received;

c. Hear additional evidence of a material nature and admissible at the time of hearing before the Board of Appeals;

d. Grant such other and further relief as this Honorable Court deems just and proper in the premises.

Michael P. Tanczyn
118 W. Pennsylvania Avenue
Towson, Maryland 21204
296-3823
Attorney for Appellant

I HEREBY CERTIFY this 15th day of April 1983, a copy of the foregoing was mailed by regular mail, postage prepaid, to Edith Hinchert, Secretary, Board of Appeals for Baltimore County, Second Floor, Old Courthouse, Towson, Maryland 21204 and to John W. Hensien, Esq., and Peter M. Zimmerman, Esq., People's Counsel, Old Courthouse, Second Floor, Towson, Maryland 21204.

Michael P. Tanczyn

RECEIVED
BALTIMORE COUNTY
MAY 15 4 24 PM '83
CLERK OF COURT
J. J. JONES

- 5 -

April 8, 1983

BILLED TO: Michael P. Tanczyn, Esq.
118 W. Penna. Ave. (21204)

Cost of certified documents filed
in Case No. R-63-62-A \$ 24.00

Joseph L. Soley
NE corner York and Aigburth Rds.
9th District
D.R. 16 to O-2

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

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

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
April 8, 1983

John W. Hensien, Esq.
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Dear Mr. Hensien:

Re: Case No. R-63-62-A
Joseph L. Soley

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,

John W. Hensien
John W. Hensien, Secretary

Encl.
cc: Alice Held
Charles Briggeman
Thomas W. Valenti
Mrs. Geo. Christie
Gertrude Muth
Bd. of Education
W. E. Hammond
J. E. Dyer
N. Garber
J. Howell

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

April 8, 1983

Michael P. Tanczyn, Esq.
118 W. Pennsylvania Ave.
Towson, Md. 21204Joseph L. Soley
Re: Case No. R-83-62-A

Dear Mr. Tanczyn:

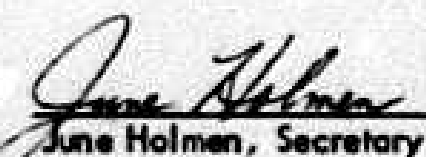
In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

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: Joseph L. Soley

JOSEPH L. SOLEY

Appellant

VS.

BOARD OF APPEALS
Baltimore County, Maryland
2nd Floor
Old Courthouse
Towson, MD 21204

IN RE: Case R-83-62-A

IN THE

CIRCUIT COURT

FOR

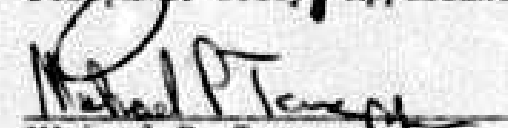
BALTIMORE COUNTY

AT LAW

ORDER FOR APPEAL

Now comes, Joseph L. Soley, Appellant, by his attorney, Michael P. Tanczyn, and respectfully enters an Appeal from the decision of the Board of Appeals dated March 9, 1983 to the Circuit Court for Baltimore County.

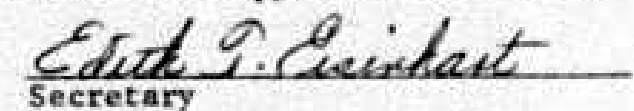
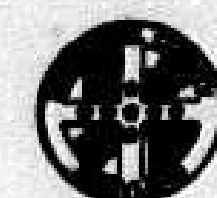
Joseph L. Soley, Appellant


Michael P. Tanczyn
118 W. Pennsylvania Avenue
Towson, MD 21204
296-8823
Attorney for Appellant

I HEREBY CERTIFY that this Order of Appeal was handed to Edith Eisenhart, Secretary to the Board of Appeals for Baltimore County, 2nd Floor, Old Courthouse, Towson, Maryland 21204.


Michael P. Tanczyn

I HEREBY admit receipt of a copy of the Order for Appeal in Case R-83-62-A.


Edith Eisenhart
Secretary
Baltimore County Board of Appeals
LAW OFFICES
MICHAEL P. TANCZYN
P.A.

Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204JOHN W. HESSIAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

Tel. 494-2188

November 18, 1982

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204RE: Joseph L. Soley - Petition for
Reclassification - R-83-62-A

Dear Mr. Hackett:

This case presents for the first time the question of the interpretation of the portion of the office park zoning regulations requiring a minimum property size "of approximately ten acres." BCZR Section 205.2. After answering that question, we will turn briefly to the question of change or mistake.

There is no dispute that following receipt of the report of the Planning Board, the County Council included the word "approximately" in the language of Bill 167-80. Blacks' Law Dictionary, 132 (1968), defines the term, as follows:

"APPROXIMATE. Used in the sense of an estimate merely, meaning more or less, but about and near the amount, quantity, or distance specified.... Near to; about; a little more or less; close.... 'Approximately' is very nearly synonymous with 'proximately,'... meaning very nearly, but not absolutely...."

In a contract case, the Maryland Court of Appeals said the word means "near to... in ordinary usage... equivalent to 'about, a little more or less, close'." *Kleiman v. Oran Knitting Mills*, 139 Md. 550, 554 (1921).

Contrary to Petitioner's suggestion that the Board refuse to say "how deep is the well," the Board must give some practical definition to the term in each case in order that the minimum size requirement retain some meaning. To ignore the requirement would be to render this part of the statute meaningless and void, in violation of established principles of statutory construction.

- 2 -

November 18, 1982

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

Given that the bottom line is statutory construction, the language must be interpreted in the context of the pertinent regulations. Here, the office park section must be considered in the context of the pattern of County Zoning Regulations providing for office use, including Section 203 (residential, office) and 204 (office building).

It is apparent that the County Council intended to permit office parks on tracts having substantial size. According to the statement of legislative policy,

"The O-2 zoning classification is established primarily to provide selectively for development of a limited number of spacious, well landscaped office parks." BCZR Section 205.2.

Whether the subject property be characterized as six or seven acres, it is far from the minimum requirement of approximately ten. Moreover, to place an office park at the northeast corner of York Road and Aigburth Avenue would be inconsistent with the concept of a limited number of spacious parks. This inconsistency becomes apparent as soon as one considers Petitioner's argument comparing his property to the various properties in the greater Towson area zoned O-1. Clearly, the County Council did not intend that all of these relatively small tracts could possibly be candidates for office park use. These fit rather in the office building category.

Understanding that the word "approximately" involves some degree of inexactness, we suggest the sensible interpretation to be that some properties having a fraction less than ten acres may qualify for office parking zoning where otherwise consistent with the intent of the regulations. The absolute minimum is a matter of judgment. We are inclined to place it at 9.5, but certainly no less than 9.0. Under any reasonable interpretation, the Petitioner's property cannot satisfy this requirement.

As to application of the "change/mistake" rule to this case, first of all, Petitioner presented no testimony to support a finding of error. The only testimony produced was that of James Howell, County Planner, who said that the existing zoning is appropriate and provides for a reasonable use of the property. Indeed, Petitioner acknowledged the existing apartment use with incidental professional offices.

Petitioner concentrated his effort on persuading the Board that a change in the character of the neighborhood had occurred by pointing to office developments in the greater Towson area and the designation of a number of O-1 zones. But, according to Howell and neighboring Protestants, those properties involved either existing office buildings or vacant area suitable for an office building (the "MacKenzie Tract"). In

- 2 -

November 18, 1982

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

Given that the bottom line is statutory construction, the language must be interpreted in the context of the pertinent regulations. Here, the office park section must be considered in the context of the pattern of County Zoning Regulations providing for office use, including Section 203 (residential, office) and 204 (office building).

It is apparent that the County Council intended to permit office parks on tracts having substantial size. According to the statement of legislative policy,

"The O-2 zoning classification is established primarily to provide selectively for development of a limited number of spacious, well landscaped office parks." BCZR Section 205.2.

Whether the subject property be characterized as six or seven acres, it is far from the minimum requirement of approximately ten. Moreover, to place an office park at the northeast corner of York Road and Aigburth Avenue would be inconsistent with the concept of a limited number of spacious parks. This inconsistency becomes apparent as soon as one considers Petitioner's argument comparing his property to the various properties in the greater Towson area zoned O-1. Clearly, the County Council did not intend that all of these relatively small tracts could possibly be candidates for office park use. These fit rather in the office building category.

Understanding that the word "approximately" involves some degree of inexactness, we suggest the sensible interpretation to be that some properties having a fraction less than ten acres may qualify for office parking zoning where otherwise consistent with the intent of the regulations. The absolute minimum is a matter of judgment. We are inclined to place it at 9.5, but certainly no less than 9.0. Under any reasonable interpretation, the Petitioner's property cannot satisfy this requirement.

As to application of the "change/mistake" rule to this case, first of all, Petitioner presented no testimony to support a finding of error. The only testimony produced was that of James Howell, County Planner, who said that the existing zoning is appropriate and provides for a reasonable use of the property. Indeed, Petitioner acknowledged the existing apartment use with incidental professional offices.

Petitioner concentrated his effort on persuading the Board that a change in the character of the neighborhood had occurred by pointing to office developments in the greater Towson area and the designation of a number of O-1 zones. But, according to Howell and neighboring Protestants, those properties involved either existing office buildings or vacant area suitable for an office building (the "MacKenzie Tract"). In

- 3 -

November 18, 1982

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

this context, the Maryland Court of Appeals has said, "... that the development of an area along the lines contemplated in the original comprehensive zoning is not such a change as would support the finding of a substantial change in the character of the neighborhood." *Prince George's County v. Prestwick, Inc.*, 263 Md. 217, 228 (1971). The only reclassification in the Towson area since 1980 to which Petitioner could point is the so-called Mangione property on the north side of Burke Avenue, west of York Road. But that property is in the town center designated by the Planning Board and is being developed as a high-rise apartment building for elderly persons in accordance with a specific site plan approved by the County Board of Appeals with appropriate conditions. It cannot logically support the rezoning of the subject tract to office park.

The testimony of Howell, together with that of Leslie Graef (former County Planning Director and now President of the Towson Development Corporation) and the neighboring Protestants, combined to reinforce the point that D.R. 16 continues to be an appropriate, reasonable, and usable zoning designation. The County Board of Appeals should, therefore, deny this petition for reclassification.

Very truly yours,


Peter Max Zimmerman
Deputy People's Counsel

cc: Michael P. Tanczyn, Esquire

PMZ:sh

RECEIVED
BALTIMORE COUNTY
COURT HOUSE
NOV 17 3 01 PM '82
BY: [Signature]

*The issue here is virtually identical to the issue presented to the Board in the pending case of F.B.S. Limited Partnership, Zoning Case No. R-83-62. These cases provide the Board with an excellent opportunity to clarify application of the "change" rule.

- 3 -

November 18, 1982

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

this context, the Maryland Court of Appeals has said, "... that the development of an area along the lines contemplated in the original comprehensive zoning is not such a change as would support the finding of a substantial change in the character of the neighborhood." *Prince George's County v. Prestwick, Inc.*, 263 Md. 217, 228 (1971). The only reclassification in the Towson area since 1980 to which Petitioner could point is the so-called Mangione property on the north side of Burke Avenue, west of York Road. But that property is in the town center designated by the Planning Board and is being developed as a high-rise apartment building for elderly persons in accordance with a specific site plan approved by the County Board of Appeals with appropriate conditions. It cannot logically support the rezoning of the subject tract to office park.

The testimony of Howell, together with that of Leslie Graef (former County Planning Director and now President of the Towson Development Corporation) and the neighboring Protestants, combined to reinforce the point that D.R. 16 continues to be an appropriate, reasonable, and usable zoning designation. The County Board of Appeals should, therefore, deny this petition for reclassification.

Very truly yours,


Peter Max Zimmerman
Deputy People's Counsel

cc: Michael P. Tanczyn, Esquire

PMZ:sh

RECEIVED
BALTIMORE COUNTY
COURT HOUSE
NOV 17 3 01 PM '82
BY: [Signature]

*The issue here is virtually identical to the issue presented to the Board in the pending case of F.B.S. Limited Partnership, Zoning Case No. R-83-62. These cases provide the Board with an excellent opportunity to clarify application of the "change" rule.



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204JOHN W. HESSIAN, III
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

Tel. 494-2188

November 18, 1982

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204RE: Joseph L. Soley - Petition for
Reclassification - R-83-62-A

Dear Mr. Hackett:

This case presents for the first time the question of the interpretation of the portion of the office park zoning regulations requiring a minimum property size "of approximately ten acres." BCZR Section 205.2. After answering that question, we will turn briefly to the question of change or mistake.

There is no dispute that following receipt of the report of the Planning Board, the County Council included the word "approximately" in the language of Bill 167-80. Blacks' Law Dictionary, 132 (1968), defines the term, as follows:

"APPROXIMATE. Used in the sense of an estimate merely, meaning more or less, but about and near the amount, quantity, or distance specified.... Near to; about; a little more or less; close.... 'Approximately' is very nearly synonymous with 'proximately,'... meaning very nearly, but not absolutely...."

In a contract case, the Maryland Court of Appeals said the word means "near to... in ordinary usage... equivalent to 'about, a little more or less, close'." *Kleiman v. Oran Knitting Mills*, 139 Md. 550, 554 (1921).

Contrary to Petitioner's suggestion that the Board refuse to say "how deep is the well," the Board must give some practical definition to the term in each case in order that the minimum size requirement retain some meaning. To ignore the requirement would be to render this part of the statute meaningless and void, in violation of established principles of statutory construction.

Law Offices
Michael P. Tanczyn
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

November 30, 1982

The Honorable William T. Hackett, Chairman
County Board of Appeals
Room 200, Courthouse
Towson, MD 21204

RE: Joseph L. Soley
Petition for Reclassification
PR-83-62-A

Dear Mr. Hackett:

I am writing to make record of the fact that I first received a copy of Mr. Zimmerman's memo/letter to you dated November 18, 1982 but stamped November 17, 1982 as received on Friday, November 26, 1982 when I visited your offices to check on this file. As I did not receive any copy although his memo bears notice that he sent a copy to me, I would respectfully request that I be given ten (10) days from the 26th to respond to his memo.

If that poses any great problem, please let me know.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

NPT/kvm

cc: Peter Max Zimmerman, Esq.
Mr. Joseph Soley
Mrs. Alcarese

RECEIVED
BALTIMORE COUNTY
DEC 1 9 03 AM '82
BY: [Signature]

MICROFILMED

Law Offices
Michael P. Tanczyn
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

December 7, 1982

The Honorable William T. Hackett, Chairman
County Board of Appeals
Room 200, Courthouse
Towson, MD 21204

RE: Joseph L. Soley - Petition for
Reclassification - PR-83-62-A

Dear Mr. Hackett:

In response to the letter memo of the Deputy People's Counsel, we would first address the matter of defining approximate. As he correctly quoted Black's Law Dictionary, the question remains is how to construe the definition as set forth in that work. In the Kleiman case, he then cited the Court of Appeals as stating that, "approximately" in that contract case meant what he said "literally" but they go on to state quite a bit more about how they construed "approximately" as used in that contract case. Under the contract, the sellers were to provide certain woolen stockings which were ordered in January 15, 1920 and were to be shipped to Baltimore in March from North Carolina. The seller's contract terms stated that "the delivery dates mentioned were approximate only". The stockings were shipped from the North Carolina manufacturing plant on May 19, 1920 and arrived the end of June 1920. The issue before the Court was whether delivery in that time frame meant that the seller had complied with the delivery requirements with the caveat that they had been "approximate". The Court found that time was of the essence in that commercial contract but said, as a matter of law, a delivery 49 days after that contemplated by the contract, could not be said to fall beyond the ambit of "approximately" as described in the contract. In making that determination, the Court at page 554 in its opinion, states "... it becomes necessary to inquire what meaning the parties intended it to have as used in this contract". In determining that intention the contract itself must be read in the light of the circumstances under which it was entered into, ... because since the purpose of the inquiry is to learn the meaning of the writing at the time and place the contract was made, all the surrounding circumstances at that time necessarily throw light upon its meaning and aid in interpreting it.

MICROFILMED

The Honorable William T. Hackett, Chairman
December 7, 1982
Page Two

"Applying these rules to the facts before us, it is clear that by the use of the word approximate, the parties intended to enlarge and not restrict the time of shipment. "On page 55", we should ascertain what, under all the circumstances, was a reasonable time for the shipment because since the time of performance is not definite (and the use of the word "approximate" excludes the idea of definiteness and exactness), there is no other standard upon which we can rely in that fixed by reason and common experience...."

The common sense approach of reason to the 0 zone as enacted by the County Council can be determined, in part, by examining the time frame of the measures and the extent of the changes proposed and adopted by the County Council. When one begins with the understanding that the 0 zones were enacted shortly before and within a month of the adoption of the official zoning maps of 1980 in October, 1980, it is at once beyond dispute that the original legislation introduced August 4, 1980 to create the 0 zones and passed as an emergency measure and effective as of September 12, 1980, was passed approximately one month before the County Council adopted the official 1980 zoning maps for the 7 County Council districts on October 14, 1980.

Scarcely two months later, the County Council Chairman introduced Bill 221-80 on December 15, 1980 which was passed on January 19, 1981 and took effect March 8, 1981 altering the minimum acreage requirements for both 0-1 and 0-2 zones. Under the second Bill, the County Council used language departing from a flat minimum acreage requirement and chose to use the word approximately to preface both minimum acreage requirements. The action of the County Council in making this change must be construed in concert with the remainder of the preamble and substantive language of its predecessor, Bill 167-80. The County Council clearly intended to enlarge the number of properties which would qualify for both 0-1 and 0-2 zoning classifications by its action in enacting Bill 221-80.

Though the Deputy People's Counsel willingly offers his suggestion of what "approximately" should mean as far as the minimum acreage, the Petitioners' suggestion of the meaning to be accorded "approximately" makes more sense when you consider the County Council

MICROFILMED

The Honorable William T. Hackett, Chairman
December 7, 1982
Page Three

so shortly after enacting the basic legislation changed it to expand the number of parcels which would qualify in the future for 0-1 or 0-2 zoning. The office zoning classification which was created in 1980 included not only the language quoted by the Deputy People's Counsel but also reiterated in both pieces of legislation in Section 205.2 that development in an 0-2 zone be designed, built and maintained to be compatible with the character of nearby residential neighborhoods and built so as to enhance rather than detract from amenities and property values in those neighborhoods.

In BCZR 205.1(a), the County Council noted that firms have policies for office parks and have occupied only a "negligible" amount of office space in town and community centers". The Petitioner's property, as was pointed out by Mr. Hoswell and Mr. Graef, lies just south of the designated boundary of the town center of Towson. It does eminently fall within the description of what the County Council sought to do in enacting office park zones to lure business headquarters back to the town and community centers and keep those employers seeking office park locations within the boundaries of Baltimore County to enhance our tax base rather than that of our neighbors and to provide, as well, employment opportunities for the citizens of this area.

The resulting amendments made by the County Council, as suggested by the Petitioner, provide that the acreage minimum would not be a prohibitory factor in siting office parks based on the failure of the property to have at least ten acres and the County Council's choice of the word approximately was, as was pointed out in the Kleiman case, uncertain enough in representative of an estimate, to allow that acreage requirement to be considered by the zoning authorities in each particular case in conjunction with all of the other attributes recited in the office park zone as desirable qualities for a particular piece of property.

To examine the Petitioner's property, it was the unanimous opinion of all of those who testified for the Petitioner and those opposed that Mr. Soley had done a very good job in development of this, as well as other properties which he has constructed or maintained in the County; that a substantial number of the units in those apartments have been, for some time, devoted to office uses in aesthetic harmony with the surrounding residential neighborhoods. The Deputy People's Counsel

MICROFILMED

The Honorable William T. Hackett, Chairman
December 7, 1982
Page Four

quotes the 0 zone preamble as evidencing a Council intent for spacious well landscaped office parks. That statement of policy must be considered as a matter concerning the density or intensity of development on the property in question. Pictures introduced by the Deputy People's Counsel show, indeed, that the Petitioner's property is spacious and well landscaped as was called for by that section.

As far as the Deputy People's Counsel's additional points concerning changes in the neighborhood, he quotes the opinions of Mr. Hoswell from the Office of Planning and Zoning in detail and Mr. Graef generally, but it is inescapable that the County Council, in its wisdom when it created these zones, rejected the recommendation of these same gentlemen who proposed zoning most of the properties which the Petitioner cited as changed in the neighborhood as RD and made many of them 0-1. These were the same representatives of the Department which, in the past, had recommended that what is now the Clark MacKenzie York Terrace Dale property, be down zoned from BL to DR 16 and then back in 1980 when they recommended RD in the 1980 maps and it was zoned 0-1. The changing nature of the neighborhood can be found to have devolved from the findings of your Honorable Board in earlier cases involving this and other local properties which were included in our earlier memorandum as having "a mixed residential, commercial, business and office character". The location of this property makes it eminently suitable as a buffer between the Towson State University and the residential community and its location on the corner of York Road and Aigburth allow ingress and egress without travelling of necessity through the residential community, another concern of the County Council in enacting the office park zone.

Contrary to the representations of the Deputy People's Counsel, the expert witnesses for the Petitioner's case, Mr. Walter McGuire, an experienced realtor and land use expert, was clear about the various cultural, zoning, and construction changes and the growth of Towson State to include the expansion of the four high rise dorms however expected that still represent a substantial change in the immediate neighborhood. Additionally, the point noted by the protestants that the Petitioner's existing use is reasonable and in concert with the Towson plan and the master plan, ignores the fact that the office zone did not exist when the master plan was developed and the County Council eminently cognizant of that, chose to amend the legislation creating the office zone so that the acreage requirements would not be a proscriptive factor if a particular parcel would meet all the other criteria for the office park zone. Additionally, the Board has the benefit of the expertise of the Petitioner who is a degreed professor in land use planning and teaches at M.T.T. He is a person whose testimony as to creating an aesthetically pleasing environment was borne out by the photographs

MICROFILMED

The Honorable William T. Hackett, Chairman
December 7, 1982
Page Five

of the subject site and he testifies, quite candidly, that he was unaware of the pending legislation to create the office zone in 1980 when this property was on the map as issue 4-69 for BL. To the contrary, he testified that that request was done without his knowledge, consent or direction by his Counsel at the time perhaps as a part of a larger request for zoning on other properties as a matter of surmise.

Finally, the development of York (excavation has begun at week in December) heretofore is a matter of history, of whether the Office of Planning and Zoning recognizes the change which has occurred and the zoning by the County Council of the number of parcels 0-1 in this general vicinity on the 1980 maps which previously were special exception office building of a DR 16 zoning including York at Terrace Dale, a naked parcel, evidences a legislative preference for office park development in this area and for the reasons stated the Petitioner respectfully requests a favorable decision on his request for 0-2 zoning at York and Aigburth.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

NPT/kvm

cc: Mr. Joseph Soley
Mr. Walter McGuire
Mrs. Alcarese
Peter M. Zimmerman, Esq.
Mr. Carl Bruff
Mr. Thomas Valenti
Mrs. Alice Held

MICROFILMED

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 9, 1983

Michael P. Tanczyn, Esq.
118 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Case No. R-83-62-A
Joseph L. Soley

Dear Mr. Tanczyn:

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 Holman
John Holman, Secretary

Encl.

cc: Mr. Joseph L. Soley
Ms. Alice Held
Charles Briggeman
Thomas W. Valenti
Mrs. George Christie
Ms. Gertrude Muth
J. W. Hession, Esq.
W. Hammond
J. Dyer
N. Gerber
J. Hoswell
Board of Education

MICROFILMED

Law Offices
Michael P. Tanczyn
118 West Pennsylvania Ave.
Towson, Maryland 21204
(301) 296-8823
(301) 296-8824

January 14, 1983

The Honorable William T. Hackett, Chairman
County Board of Appeals
Room 200, Courthouse
Towson, MD 21204

RE: Petition of Joseph L. Soley
for Zoning Reclassification
Corner of York and Aigburth Roads
Case No. R-83-67-A

Dear Mr. Hackett:

My client has inquired whether or not the Board has reached a decision so I am, therefore, writing to ask if the Board has not yet decided this case, if you can give us an estimate of the time within which a decision may reasonably be expected.

Thank you very much for your advice in this regard.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

NPT/kvm

cc: Peter Max Zimmerman, Esq.
Mr. Joseph Soley
Mrs. Alcarese

RECEIVED
BALTIMORE COUNTY
JAN 17 10 05 AM '83
COUNTY BOARD OF APPEALS
BY: [Signature]

MICROFILMED

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
October 5, 1982

NOTICE OF ASSIGNMENT

(CONTINUED HEARING)

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

CASE NO. R-83-67-A
Item #8

JOSEPH L. SOLEY
NE/cor. York and Aigburth Rds.
9th District

Reclass. —D.R. 16 to O-2
Variance—from Sec. 205.4D2 of the
Zoning Regulations

ASSIGNED FOR: TUESDAY, NOV. 9, 1982, at 10 a.m.

cc: Michael P. Tanczyn, Esq. Counsel for Petitioner
Joseph L. Soley Petitioner
John W. Hession, Esq. People's Counsel
Alice E. Held
Charles Briggeman
Thomas W. Valenti Representative of Towson Manor Assoc.
Mrs. George Christie
Ms. Gertrude Muth
W. E. Hammond
J. E. Dyer
N. Gerber
J. Hoswell
Bd. of Education

June Holmen, Secy.

September 9, 1982

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification and Variances
NE/corner of York and Aigburth Roads
Joseph L. Soley - Petitioner
Case #R-83-67-A Cycle III - Item #8

TIME: 10:00 A.M.

DATE: Tuesday, October 5, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel
Joseph Soley
Alice Held
Charles Briggeman
Thomas W. Valenti
Mrs. Geo. Christie
Gertrude Muth

Bd. of Ed.
W. Hammond
J. Dyer
N. Gerber
J. Hoswell

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

10/5/82--Above notified of CONTINUED HEARING on Tuesday, Nov. 9, 1982, at 10 a.m.

The reasons why the variances are requested are that the property in question was zoned D.R. 16 and a special exception was granted for offices with certain setback variances in 1977 due to the proposed widening of York Road and certain engineering enhancements which the Petitioner agreed to do in that project to enhance the Motorist's fields of observation on York Road at Aigburth Road. It would constitute an undue hardship now as it would have been for the Petitioner to be held to certain setback lines for this property with the York Road proposed to be widened to approximately 80' in the fairly near future.

Additionally, a consideration of the surrounding uses around this property clearly show that the unused portion of the Petitioner's property is uniquely located so as to impact to a minimal degree on the use and enjoyment of surrounding properties in concert with good development practices to maximize the tax base and provide for the full utilization of land in the town center.

That the request for O-2 zoning from existing D.R. 16 is merited by the fact that the area in which this property is located has been built up and developed over the years to the point where the neighborhood has matured and this particular piece of property might well have been zoned O-2 by the County Council in its 1980 map deliberations had the said zone been in existence at that time. As the O-2 zone was created contemporaneously with the adoption of the 1980 maps, the Petitioner alleges may error in that the property was not zoned O-2 by the Council in its deliberations at that time and further claims that there have been substantial changes in the neighborhood since the County Council deliberated on said maps in that in issue number 68, McKenrie & Associates successfully petitioned for O-1 zoning for their 4.8 acre parcel and Hillside Avenue and Terrace Dale from the York Road one block above this Petitioner's property and the character of development on that section of York Road militates in favor of O-2 zoning as requested by this Petitioner.

Michael P. Tanczyn
Michael P. Tanczyn
501 York Road
Towson, MD 21204
296-8822

Attorney for Petitioner



Maryland Department of Transportation

State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Callender
Administrator

March 22, 1982

Mr. William Hackett, Chairman
Board of Appeals
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: RE-Classification Petitions
Cycle III - 1982
Meeting of March 16, 1982
ITEM: #8
Property Owner: Joseph L. Soley
Location: NE/Corner York (Route 45) and Aigburth Rds.
Existing Zoning: D.R. 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

Dear Mr. Hackett:

Due to the absence of any detail on the plan, we are unable to comment.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John Meyers

cc: Mr. J. Wimbley
Mr. G. Wittman

My telephone number is (301) 659-1351

April 7, 1982

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

Dear Mr. Hackett:

Comments on Item #8, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Joseph L. Soley
Location: NE/Corner York and Aigburth Roads
Existing Zoning: D.R. 16
Proposed Zoning: O-2
Acres: 5.968
District: 9th

Metropolitan water and sewer exist.

The Zoning Plan, as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Earl J. Foy
Earl J. Foy, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJT/als/JTF

Law Offices
Michael P. Tanczyn
501 York Road
Towson, Maryland 21204
(301) 296-8822
(301) 296-8825

August 9, 1982

Mr. William Hackett
Board of Appeals
Old Courthouse
Towson, MD 21204

RE: Item 8
Zoning Cycle 3
Property Owner: Joseph Soley
9th District

Dear Mr. Hackett:

Pursuant to discussions I have had with your secretary and the Zoning Office, I am formally requesting on behalf of my client, Mr. Soley, that his case which has been tentatively set for hearing the week of October 4, 1982 be heard in a recently developed vacancy the week of November 9, 1982.

The reason for this request is that my wife and I are expecting our first child which is due September 28, 1982. As delivery dates are often a matter which defies precise determination, I would appreciate pulling this hearing and rescheduling it so that it might be heard in November 1982.

Thank you very much for your consideration of this request.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/kvm

cc: Mr. Joseph Soley
Development Design Group
Nicholas B. Commodari

Set for 11/9

Law Offices
Michael P. Tanczyn
501 York Road
Towson, Maryland 21204
(301) 296-8822
(301) 296-8825

August 13, 1982

Mr. William Hackett
Board of Appeals
Old Courthouse
Towson, MD 21204

RE: Item 8
Zoning Cycle 3
Property Owner: Joseph Soley
9th District

Dear Mr. Hackett:

Following my recent letter, I was advised that Mr. Soley's Petition had been advertised for hearing on October 4, 1982 despite information to the contrary which I had previously received.

Therefore, at the suggestion of the Zoning Office, I am writing to request that this matter be continued so as to begin the hearing on November 9, 1982 in place of the case recently moved to October 4, 1982.

This request is made for the same reasons mentioned in my earlier letter and I hope that this matter can be postponed by the Board of Appeals for that reason.

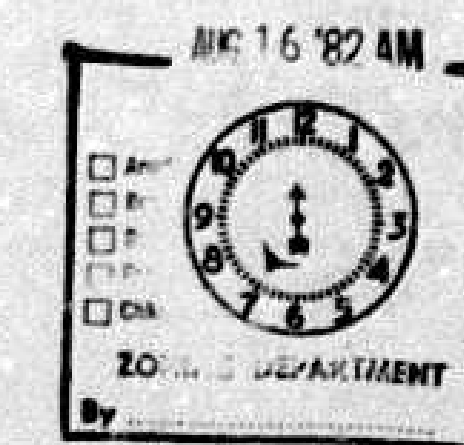
Thank you very much for your consideration of this request.

Very truly yours,

MPT
Michael P. Tanczyn

MPT/kvm

cc: Mr. Joseph Soley
Development Design Group
Nicholas B. Commodari



Law Offices
Michael P. Tanczyn
501 York Road
Towson, Maryland 21204
(301) 296-8822
(301) 296-8825

August 9, 1982

Mr. William Hackett
Board of Appeals
Old Courthouse
Towson, MD 21204

RE: Item 8
Zoning Cycle 3
Property Owner: Joseph Soley
9th District

Dear Mr. Hackett:

Pursuant to discussions I have had with your secretary and the Zoning Office, I am formally requesting on behalf of my client, Mr. Soley, that his case which has been tentatively set for hearing the week of October 4, 1982 be heard in a recently developed vacancy the week of November 9, 1982.

The reason for this request is that my wife and I are expecting our first child which is due September 28, 1982. As delivery dates are often a matter which defies precise determination, I would appreciate pulling this hearing and rescheduling it so that it might be heard in November 1982.

Thank you very much for your consideration of this request.

Very truly yours,

MPT
Michael P. Tanczyn

MPT/kvm

cc: Mr. Joseph Soley
Development Design Group
Nicholas B. Commodari

Law Offices
Michael P. Tanczyn
501 York Road
Towson, Maryland 21204
(301) 296-8822
(301) 296-8825

August 13, 1982

Mr. William Hackett
Board of Appeals
Old Courthouse
Towson, MD 21204

RE: Item 8
Zoning Cycle 3
Property Owner: Joseph Soley
9th District

Dear Mr. Hackett:

Following my recent letter, I was advised that Mr. Soley's Petition had been advertised for hearing on October 4, 1982 despite information to the contrary which I had previously received.

Therefore, at the suggestion of the Zoning Office, I am writing to request that this matter be continued so as to begin the hearing on November 9, 1982 in place of the case recently moved to October 4, 1982.

This request is made for the same reasons mentioned in my earlier letter and I hope that this matter can be postponed by the Board of Appeals for that reason.

Thank you very much for your consideration of this request.

Very truly yours,

Michael P. Tanczyn

MPT/KVM

cc: Mr. Joseph Soley
Development Design Group
Nicholas B. Commodari

IN THE MATTER OF THE
APPLICATION OF
JOSEPH L. SOLEY
FOR REZONING FROM
D.R. 16 to 0-2
ON PROPERTY LOCATED
ON THE NORTHEAST CORNER
OF YORK AND AIGBURTH RDS.
9th District

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. 15/160/83-M-125

Joseph L. Soley, Petitioner-Appellant
Zoning File No. R-83-62-A

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. That the Appellee admits Paragraph 1.
2. That the Appellee neither admits nor denies Paragraphs 2-4 because they involve argument and matters not in evidence in the present case.
3. That the Appellee denies Paragraphs 5-8.
4. That the decision of the Board herein was proper and justified by the evidence before it and that the decision of the Board should therefore be sustained as being properly and legally made.

AND AS IN DUTY BOUND, etc.,

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

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

I HEREBY CERTIFY that on this 4th day of May, 1983, 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, MD 21204; and a copy mailed to Michael

P. Tanczyn, Esquire, 118 W. Pennsylvania Ave., Towson, MD 21204.

Peter Max Zimmerman

PETITION FOR RECLASSIFICATION AND VARIANCES

9th Election District

ZONING: Petition for Reclassification and Variances
LOCATION: Northeast corner of York and Aigburth Roads
DATE & TIME: Tuesday, October 5, 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:

Petition for Reclassification from a D.R. 16 zone to an O-2 zone and Variances to permit a setback from the boundary of a residential zone of 12 ft. in lieu of the required 46 ft., to permit setbacks from the street lines of 0 ft. and 20 ft. in lieu of the required 65 ft. and to permit parking within 3 ft. of a street property line in lieu of the required 8 ft.

The Zoning Regulation to be excepted as follows:

Section 205.4.D.1 - setback from boundary of residential zone
Section 205.4.D.2 - setback from the street property line
Section 409.2.c.(4) - setback for parking space from street line

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

Being the property of Joseph L. Soley, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, October 5, 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

IN THE MATTER OF
THE APPLICATION OF
JOSEPH L. SOLEY
FOR REZONING FROM
D.R. 16 to 0-2
ON PROPERTY LOCATED
ON THE NORTHEAST CORNER
OF YORK AND AIGBURTH RDS.
9th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Joseph L. Soley, Petitioner-Appellant : Misc. Doc. No. 15
Zoning File No. R-83-62-A : Folio No. 160
File No. 83-M-125

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Patricia Phipps and Keith S. Franz, 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

R-83-62-A
March 3, 1982 Petition of Joseph L. Soley for reclassification from a D.R. 16 zone to an O-2 zone on property located on the northeast corner of York and Aigburth Roads, 9th District - filed
Order of William T. Hackett, Chairman, County Board of Appeals, directing advertisement and posting of property - date of hearing set for Oct. 5, 1982, at 10 a.m.
May 3, 1982 Comments of Balto. County Zoning Plans Advisory Committee
September 16, 1982 Certificate of Publication in newspaper - filed
September 24, " Certificate of Posting of property - filed
October 5, " At 10 a.m. hearing held on petition
November 9, " At 10 a.m., continued hearing held on petition

The reasons why the variances are requested are that the property in question was zoned D.R. 16 and a special exception was granted for offices with certain setback variances in 1977 due to the proposed widening of York Road and certain engineering enhancements which the Petitioner agreed to do in that project to enhance the Motorist's fields of observation on York Road at Aigburth Road. It would constitute an undue hardship now as it would have been for the Petitioner to be held to certain setback lines for this property with the York Road proposed to be widened to approximately 80' in the fairly near future.

Additionally, a consideration of the surrounding uses around this property clearly show that the unused portion of the Petitioner's property is uniquely located so as to impact to a minimal degree on the use and enjoyment of surrounding properties in concert with good development practices to maximize the tax base and provide for the full utilization of land in the town center.

That the request for 0-2 zoning from existing D.R. 16 is merited by the fact that the area in which this property is located has been built up and developed over the years to the point where the neighborhood has matured and this particular piece of property might well have been zoned 0-2 by the County Council in its 1980 map deliberations had the said zone been in existence at that time. As the 0-2 zone was created contemporaneously with the adoption of the 1980 maps, the Petitioner alleges map error in that the property was not zoned 0-2 by the Council in its deliberations at that time and further claims that there have been substantial changes in the neighborhood since the County Council deliberated on said maps in that in issue number 68, McKenzie & Associates successfully petitioned for 0-1 zoning for their 4.8 acre parcel and Hillside Avenue and Terrace Dale from the York Road one block above this Petitioner's property and the character of development on that section of York Road militates in favor of 0-2 zoning as requested by this Petitioner.

Michael P. Tanczyn
501 York Road
Towson, MD 21204
296-8822

Attorney for Petitioner

Joseph L. Soley
Case No. R-83-62-A

March 9, 1983 Order of County Bd. of Appeals denying the petition for reclassification
April 7, 1983 Order for Appeal filed in the Cir. Ct. for Baltimore County by Michael P. Tanczyn, Esq., on behalf of Petitioner
April 8, 1983 Certificate of Notice sent to all interested parties
April 15, 1983 Petition to accompany Order for Appeal filed in Cir. Court
May 5, 1983 Transcript of testimony filed

Petitioner's Exhibit No. 1 - Letter stating payment of advertising costs
" " " 2 - Plat of site, March 1, 1982
" " " 3 - Zoning Map, color coded, 1976
" " " 4 - 1980 official zoning map, pictures
" " " 5 - A thru G, photos
" " " 6 - File of County Traffic Engineer of Item #8, Case 83-67-A
" " " 7 - Photogrametric map of area w/photos
" " " 8 - Log of Issues, Dist. 4, Pages 1,2,3,4,

People's Counsel's Exhibit No. 1 - Photos of area
" " " 2 - Councilmanic log of 1980 issues
" " " 3 - Transcript of council hearing, 6/18/80
" " " 4 - Transcript of council hearing, 9/23/80
" " " 5 - Report of Planning Board
" " " 6 - Letter, 6/2/80 to Chairman Lauenstein
" " " 7 - Comment on Issue 4-69 dated 6/17/80
" " " 8 - Letter enabling Valenti to speak
" " " 9 - Letter stating Valenti elected Pres.
" " " 10 - Resolution from Towson Manor
" " " 11 - Authorization of C. Bruff to testify
" " " 12 - G.T.C.C. Assn. authorization sheet

CIRCUIT COURT FOR BALTIMORE COUNTY

CATEGORY

ATTORNEYS

JOSEPH L. SOLEY

Michael P. Tanczyn
118 W. Penna. Ave. (04) 296-8823

BOARD OF APPEALS OF
BALTIMORE COUNTY
THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

John W. Hessian, III
Peter Max Zimmerman,
Rm. 223, Courthouse (4) 494-2188

COSTS

(1) Apr. 7, 1983 - Appellant's Order for Appeal from the decision of the Board of Appeals fd.

HISC # 03125 #
L-CR# 60.00
R 1981 5.00
CH# 65.00
HISC# 03125 002 111:33
04/07/83

(2) Apr. 8, 1983 - Certificate of Notice fd.

(3) Apr. 15, 1983 - Appellant's Petition for Appeal fd.

(4) April 28, 1983 - Appellant's Memorandum fd. & Exhibits fd.

(5) May 4, 1983 App. of John W. Hessian, III & Peter Max Zimmerman for the People's Counsel for Baltimore County. Same day Answer fd.

(6) May 6, 1983 - Transcript of Record fd.

(7) May 6, 1983 - Notice of Filing of Record fd. Copies sent.

(8) May 25, 1983 - Appellant's Motion to extend time within which to file Memorandum fd.

(9) June 17, 1983 Order of Court that the time within which Appellant's Memo pursuant to Md. Rule B12 shall be filed shall be extended as prayed to on or before August 19, 1983 fd. (JWH)

(10) Aug. 6, 1983 - Appellant's Second Motion to Extend Time to file Memorandum Pursuant to Md. Rule B12 and Order of Court Granting Same fd. (JWH)

(11) Aug. 6, 1983 - Correspondence fd.

(12) Aug. 26, 1983 - Pltff's (Appellant) Landowner's Memorandum of Law fd.

(13) Sept. 14, 1983 Appellee's Memorandum fd.

(over)

DOCKET 15 PAGE 160

CASE NO. 83-M-125

Joseph L. Soley
Case No. R-83-62-A

3.

May 6, 1983 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,

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

cc: J. W. Hessian, Esq.
M. P. Tanczyn, Esq.

November 8, 1983 Hon. John F. Pader, II. Hearing had. Decision of the Board of Appeals of Baltimore County - Affirmed.

IN THE MATTER OF : IN THE
THE APPLICATION OF : CIRCUIT COURT
JOSEPH L. SOLEY :
FOR REZONING FROM :
D.R. 16 to 0-2 : FOR
ON PROPERTY LOCATED :
ON THE NORTHEAST CORNER : BALTIMORE COUNTY
OF YORK AND AIGBURTH ROADS :
9th District : AT LAW
Joseph L. Soley, Petitioner-Appellant : Misc. Doc. No. 15
Zoning File No. R-83-62-A : Folio No. 160
File No. 83-M-125

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hockett, Patricia Phipps and Keith S. Franz, 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, Joseph L. Soley, 8001 York Rd., Towson, Md. 21204, Petitioner; Michael P. Tanczyn, Esq., 118 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioner; Alice Held, 2 Aigburth Rd., Towson, Md. 21204; Charles Briggeman, 18 1/2 Cedar Ave., Towson, Md. 21204; Thomas W. Valenti, Pres., Towson Manor Assoc., 72 Cedar Ave., Towson, Md. 21204; Mrs. George Christie, 8011 York Rd., Apt. C-8, Towson, Md. 21204; Gertrude Muth, 8013 York Rd., Apt. B-8, Towson, Md. 21204; and John W. Hessian, 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
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Joseph L. Soley
Case No. R-83-62-A

Various neighbors and residents of the apartments on the site, stated their opposition to the proposed change. Mr. James Hoswell, a Baltimore County Planner, explained the various office categories and stated that the subject site was an issue on the 1980 maps and the D.R. 16 designation is an appropriate one. He further stated that the Baltimore County Zoning Regulations, Section 205.2, requires a minimum of "approximately ten acres". As stated above, the subject site contains less than actual acres.

It is the opinion of the Board that the subject site is not an appropriate site for an O-2 zone. The size of the site, (6 acres), is considerably less than the "approximate" 10 acres required by Section 205.2 of the Baltimore County Zoning Regulations. It is clear to the Board that four acres, more or less, is not the fraction less than ten acres, which the word approximate was meant to define. Clearly, the O-2 zone was created to provide spacious office parks and this property is not suitable for such a designation. Further, as the site was an issue on the 1980 maps, the County Council was aware of the character of the immediate area and felt that D.R. 16 was the proper use.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of March, 1983, by the County Board of Appeals, ORDERED that the Petition for Reclassification from D.R. 16 to O-2 be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hockett
William T. Hockett, Chairman

Patricia Phipps
Patricia Phipps

Keith S. Franz
Keith S. Franz

RECEIVED
BALTIMORE COUNTY
COURT CLERK
OCT 27 10 04 AM '83

COUNTY CLERK
COURT CLERK
BY: C

SUMMONED
NON EST
NON SVAT
COPY LEFT

Mr. Sheriff:

Please serve the above summon.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

LAW OFFICES
MICHAEL P. TANCZYN

Joseph L. Soley
Case No. R-83-62-A

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Joseph L. Soley, 8001 York Rd., Towson, Md. 21204, Petitioner; Michael P. Tanczyn, Esq., 118 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioner; Alice Held, 2 Aigburth Rd., Towson, Md. 21204; Charles Briggeman, 18 1/2 Cedar Ave., Towson, Md. 21204; Thomas W. Valenti, Pres., Towson Manor Assoc., 72 Cedar Ave., Towson, Md. 21204; Mrs. George Christie, 8011 York Rd., Apt. C-8, Towson, Md. 21204; Gertrude Muth, 8013 York Rd., Apt. B-8, Towson, Md. 21204; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 8th day of April, 1983.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

JOSEPH L. SOLEY * BOARD OF APPEALS
Petitioner * OF
RE: Case R-83-62A * BALTIMORE COUNTY
Cycle 3, Item 8
STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION
TO O-2 AND VARIANCES
NORTHEAST CORNER YORK AND AIGBURTH ROADS
JOSEPH L. SOLEY
PETITIONER

MR. CHAIRMAN AND MEMBERS OF THE BOARD OF APPEALS:

Please accept this written statement as a supplement to our original statement submitted with the filing of this case, on behalf of the Petitioner, Joseph L. Soley.

I would like to begin with a narrative summary of the zoning history of this particular parcel and then discuss certain changes in the neighborhood through zoning and through other channels which bolster the Petition of Mr. Soley for O-2 zoning for his property.

The zoning history for this property is as follows:

1945 - single family residential. This property was located directly across from the State Teacher's College, now known as Towson State University.

1955 - RA 6. Family residential.

1966 - RA 6. Please note that this case was the subject of zoning petition known as 66-82AX filed by the Hamilton Park Corporation, the predecessor in interest to Mr. Joseph Soley. In that petition, the Hamilton Park Corporation requested a Special Exception for the land then zoned RA 6 for a professional office building and certain variances. That petition was filed August 24, 1965 and was granted by then Zoning Commissioner Hardesty on October 7, 1965.

It is interesting to note that the petition for variances was requested to allow the existing landscaping, greenery and shrubbery of the parcel to be saved and maintained and the Zoning Commissioner in the body of his Order found that to be a commendable reason in granting the zoning request. The Zoning Commissioner also, specifically, mentioned that the property could be used for professional offices for the following professions:

IN THE MATTER OF : BEFORE
THE APPLICATION OF : COUNTY BOARD OF APPEALS
JOSEPH L. SOLEY :
FOR REZONING FROM : OF
D.R. 16 to 0-2 :
ON PROPERTY LOCATED : BALTIMORE COUNTY
ON THE NORTHEAST CORNER :
OF YORK AND AIGBURTH ROADS :
9th District : No. R-83-62-A

OPINION

This case comes before the Board on petition for a reclassification from D.R. 16 to O-2 for a parcel of land located on the northeast corner of York Rd. and Aigburth Rd. The site consists of 5.968+ acres and is located in the 9th Election District of Baltimore County.

A land surveyor, Wayne Mosenholder, testified as to the physical layout of the property and stated that the road beds add 7/10 of an acre to the site, making the actual acreage 6 2/3 acres. A real estate expert, Walter McQuire, discussed in detail the use of the properties in the area and the general character of the neighborhood. He testified to the development of vacant properties on the Towson State University Campus and various other uses of sites in the area. It was his opinion that the subject property would be best suited as O-2 instead of the present D.R. 16. The actual site now contains a garden apartment complex and the proposed building would be on land now used as open space.

Michael Flannigan, the Baltimore County Traffic Engineer, stated that office use (O-1) would generate twice as much traffic as the present apartment use. He also said that the rating of the intersection at York Rd. and Burke Ave. is an "F" level, (failing). Extension improvements are planned for this intersection.

The Petitioner, Mr. Joseph Soley, explained the history of the property, which he has owned since 1964. The subject site was an issue (#4-69) on the Baltimore County 1980 Comprehensive Zoning Maps.

Physicians
Dentists
Engineers
Architects
Attorneys-At-Law
Certified Public Accountants

He was aided in making that finding, no doubt, by a letter to Mr. John Rose, then the Zoning Commissioner from George Cavrellis of Baltimore County Public Works dated September 17, 1965 in which the Public Works Department indicated that the proposal for professional offices was a reasonable one.

1971 - This parcel was zoned DR 16 and it is interesting to note that the property at Terrace Dale and York which is presently under construction as an office park, was then zoned business local (BL).

1975 - This property was the subject of a zoning petition in case known as 75-139XA in which the Deputy Zoning Commissioner by Order March 5, 1975 denied the Petition for Special Exception in a DR 16 zone. On timely appeal by the Appellant, Mr. Soley, the Board of Appeals, after conducting a lengthy hearing, granted the Special Exception on April 28, 1977 and certain requested variances as well. During the 1976 zoning map process, the property had retained its DR 16 zoning and it is interesting to note that the other property aforesaid located at York and Terrace Dale was rezoned DR 16 in that map process. In the 1980 map process, this property retained its DR 16 zoning while the property at York and Terrace Dale, on the map petition of its contract purchasers, was afforded O-1 office park zoning.

Changes in the Neighborhood - Changes in the neighborhood since the 1980 maps are numerous and diverse. I will address them in terms of those made through the zoning process including further development pursuant to approved zoning and, secondly, through other changes in the community which surround this property. This Board is certainly aware that the Baltimore County Council, through Bill No. 167-80, enacted September 12, 1980, created for Baltimore County a totally new zone known as the Office Park Zone. This

LAW OFFICES
MICHAEL P. TANCZYN

LAW OFFICES
MICHAEL P. TANCZYN

legislation was enacted contemporaneous with the Baltimore County Council's deliberation on the proposed zoning maps for Baltimore County for 1980 which were approved approximately one month after Bill 167-80 was enacted in the law as an emergency measure. That legislation was modified by Bill 221-80 introduced December 15, 1980 and approved and enacted January 22, 1981. We will direct our attention for the moment to the properties which were zoned Office Park in the 1980 map process. It is interesting to note that on Baltimore County Zoning Map 3C, upon which the Petitioner's property will be found, that at least twelve properties can be found which have been zoned O-1 in the 1980 maps. Of that number, only one lies within the perimeter of Loop Road which circles the town center and one of the largest single groupings of office park zoning are found in the immediate neighborhood of the Petitioner's property. That is, to say, on Oiler Drive across from St. Joseph's Hospital, a triangular parcel was zoned O-1 which houses the doctor's professional building and, further to the south on the other side of Oiler Drive of St. Joseph's Hospital, the property housing the elder professional building was also zoned O-1. The third O-1 parcel in the immediate vicinity will be found on York Road north of Stevenson Lane at LaPaix Lane. North of that office park, you will find the O-1 zoning for the largest contiguous parcel in the area, both sides of York Road at Cross Campus Drive and Terrace Dale. Four of the twelve O-1 parcels zoned on map 3C are located north of Stevenson Lane in the vicinity of the Petitioner's property which is located at Aigburth approximately one block north of the Terrace Dale Office Park. The other office park locations are highlighted in green on the map which will be presented to the Board at the time of the hearing of this matter. It is interesting to note that in the O-1 office park located at LaPaix Lane which was formally known as Zoning Case 75-125SPH on a Petition for Variances and development of the property for professional offices, your Board of Appeals in its opinion of April 26, 1977, noted "this frontage on York Road in this vicinity is a mixture of office, commercial, church, institutions and some residential usage". Clearly, the Board almost five years ago noted the divergence in types of uses along this

- 3 -

strip of York Road in the immediate vicinity of the Petitioner's property. Another change in the neighborhood is the property located south of Aigburth Road on York Road owned by A. Eric Dott and that property was the subject of zoning case 78-276X which was filed June 21, 1978 requesting a special exception for offices for the existing DR 16 zoning on the 1.55 acre parcel. Mr. Dott, in his Petition, cited changes in the neighborhood evidenced by the expansion of St. Joseph's Hospital, the explosive growth of Towson State University and the expansion of Radebaugh's Florist. On appeal of the denial of his Petition, the Board of Appeals granted the requested Special Exception on May 9, 1979 noting the growth of Towson State University and the Newman Center as well as the Special Exceptions for offices granted Mr. Soley and Dr. Reier who owned a nearby parcel on Aigburth Road further removed from York Road a short distance.

The property of Dr. Charles Reier is located on the southwest side of Aigburth Road, approximately 280 feet in from York Road. He petitioned for a special exception for offices to locate dental offices in his existing building. That request was granted by the Zoning Commissioner in an Order October 20, 1977 and, on appeal by local protestants, the Board of Appeals affirmed that decision after hearing.

Additionally, in the same neighborhood, the property located behind the BP station located at York and Burke was rezoned in the spring of 1982 from DR16, now RAE 2 zone. The plans for that property disclosed by the Petitioner, Mr. Mangione, indicated that a mid to high rise 15 story building designed to house and care for an older adult population would be built on that site with the zoning approval.

Secondly, there have been numerous other changes to the character of the neighborhood which have not been the result of zoning actions or petitions. First, the long promised widening of York Road directly in front of the property down to the Loop Road and further south on York Road has now progressed so far that preconstruction engineering stakes are in place along the eastern perimeter of York Road including some on the Petitioner's property which is the subject of this case. As you may recall, York Road is proposed to be widened to an 80

LAW OFFICES
MICHAEL P. TANCZYN

- 4 -

foot right-of-way and that improvement will certainly help alleviate traffic congestion in the general vicinity. Additionally, the Baltimore County Council, a little more than a year ago, approved IRBs to allow the construction and private development of numerous high rise residence towers across from Cross Campus Drive diagonally southwest from the Petitioner's property and on York Road a short distance. This high rise complex will include not only student residence dorms but also the dining facilities for those students. Directly across York Road from the proposed residence towers, the office park at Terrace Dale has now taken shape and has created a distinctive business presence quite similar in appearance to the office park located to the south across York Road at LaPaix Lane since they were built by the same developer using, in many cases, similar, if not, identical construction materials. In fact, as one indicia of the character of the immediate neighborhood and, particularly, that part of the neighborhood which have frontage on York Road, an evaluation of the properties with road frontage on York Road from Stevenson Lane to Loop Road indicates that the business, commercial, professional offices and institutional uses greatly outnumber the residences in that area. Of all of the office buildings located in that same strip, none are graced with the presence of as many mature trees or other carefully monitored and maintained landscaping as is the subject property of Mr. Soley, the Petitioner.

It is apparent from a cursory review of Bill 167-80 by which the office park zoning was created that the Baltimore County Council clearly intended the office parks created under that ordinance harmonized to a high degree with any adjacent residential properties. In Section 205.1F, the Council stated: "Development and maintenance of office parks and other office building sites must be closely regulated to promote the establishment of amenities, to prevent traffic congestion, and, in general, to protect the public interest, including the interests of citizens in nearby neighborhoods and the interests of firms and employees who will occupy the office buildings". In Section 205.2, the Council stated: "...It is intended that any development in an O-2 zone be designed, built, and maintained so that it will be compatible with the character

LAW OFFICES
MICHAEL P. TANCZYN

- 5 -

of nearby residential neighborhoods and, wherever feasible, so that it will enhance rather than detract from amenities and property values in those neighborhoods. Any road constructed in an office building development in an O-2 zone and any vehicle entrance or exit should be situated so as to prevent or inhibit the introduction of traffic from the development into residential areas".

In Bill 221-80 enacted January 1981 which took effect March 8, 1981, the County Council repeated that same legislative intent and, in the process, altered the minimum acreage requirements for both office park zones by adding the word "approximately" in front of the previous stated minimum. It was no more than tacit recognition of the fact that office parks, whether in an O-1 or O-2 zone, should be created out of property which did not have the previously stated minimum acreage and accomplish the avowed purposes of the office park zone which were to create and foster productive use of sites for which no zoning would be economically unfeasible and, thereby, not only add to the assessable tax base for the County but also create new jobs and yet accomplish all of that in harmony with use of adjacent residential properties.

A look at this area of York Road will reveal at once that the Petitioner's property exists as it has in the past as a buffer between the residential community to the east and the burgeoning expansion of Towson State University as that institution has grown in reputation and has attracted more and more students from outside the immediate metropolitan area who require residential accommodations in the vicinity. It is apparent, as well, that an office park use for the Petitioner's property may well be eminently more harmonious with the adjacent residential properties than any potential use of that property for student residences.

The Petitioner, for the reasons mentioned herein, feels very strongly that the request for office park zoning is eminently appropriate for his site and respectfully requests the Honorable Board of Appeals to act favorably on his Petition after due deliberation on the hearing of his Petition.

Michael P. Tanczyn
Michael P. Tanczyn
118 W. Pennsylvania Avenue
Towson, MD 21204
296-8823
Attorney for Petitioner, Joseph L. Soley

- 6 -

I HEREBY CERTIFY that a copy of the foregoing supplement to accompany the Petition was mailed this 26th day of October, 1982 to John W. Hessian, III, Esq., People's Counsel for Baltimore County, Room 233, Court House, Towson, Maryland 21204.

Michael P. Tanczyn
M. P. Tanczyn



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 29, 1982

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Reclassification & Variances
NE/corner of York and Aigburth Roads
Joseph L. Soley - Petitioner
Case #R-83-62-A Cycle III - Item #8

Dear Mr. Tanczyn:

This is to advise you that \$230.97 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 112300

DATE 10/4/82 ACCOUNT R-01-615-000

AMOUNT \$730.97

RECEIVED FROM Cardiff Hall Apartments

FOR Advertising & Posting Case #R-83-62-A
Joseph L. Soley - Petitioner

077*****2309710 2052A

VALIDATION OR SIGNATURE OF CASHIER



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 29, 1982

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Reclassification & Variances
NE/corner of York and Aigburth Roads
Joseph L. Soley - Petitioner
Case #R-83-62-A Cycle III - Item #8

Dear Mr. Tanczyn:

This is to advise you that \$230.97 is due for advertising and posting of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 112300

DATE 10/4/82 ACCOUNT R-01-615-000

AMOUNT \$230.97

RECEIVED FROM Cardiff Hall Apartments

FOR Advertising & Posting Case #R-83-62-A
Joseph L. Soley - Petitioner

077*****2309710 2052A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting R-83-62-A
Posted for: *Michael P. Tanczyn*
Petitioner: *Joseph L. Soley*
Location of property: *N.E. corner York and Aigburth Rd.*
Location of Signs: *Facing intersection of York & Aigburth*
Remarks:
Posted by: *Arlene January* Date of return: *10/4/82*
Number of Signs: 2

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

No. 104849

DATE 3/1/82 ACCOUNT 01-662

AMOUNT \$0.00

RECEIVED FROM Cardiff Hall Apartments

FOR: *Filing for Reclassification & Variances*
of Joseph L. Soley

077*****2309710 2052A

VALIDATION OR SIGNATURE OF CASHIER

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

No. 85123

DATE May 3, 1983 ACCOUNT 01-712

AMOUNT \$24.00

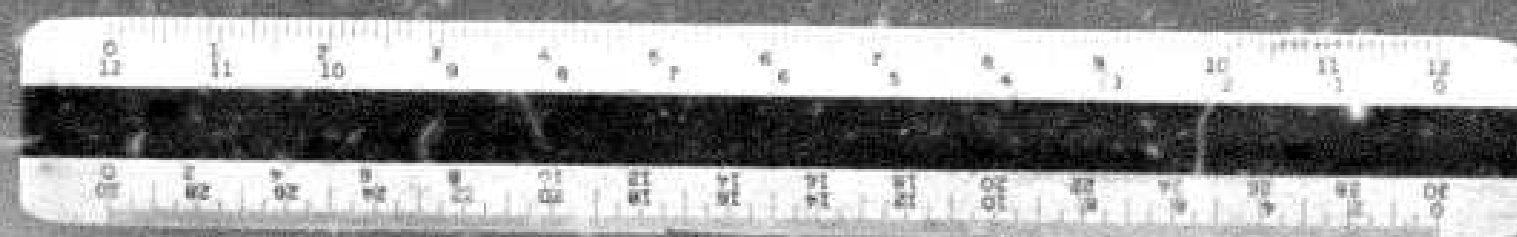
RECEIVED Michael P. Tanczyn, Esq., 118 W. Penna. Ave. (21204)

FOR: Case No. R-83-62-A, Joseph L. Soley (certified documents)
(NE corner York and Aigburth Rd.)

077*****2309710 2052A

VALIDATION OR SIGNATURE OF CASHIER

✓ Restrepo March
7213 York Rd Gt Bk 21204



EX. USE - TOWSON STATE UNIVERSITY
EX. ZONE - DR. 2

YORK ROAD
(M.D. ROUTE 45)

EX. USE - RESIDENTIAL
EX. ZONING - DR. 16

JOSEPH L. SOLEY
"CARDIFF HALL EAST APTS"
SEE REFERENCES
O.T.G. 4921/241
E.H.K. JR. 5224/610
E.H.K. JR. 5498/409
E.H.K. JR. 5498/612

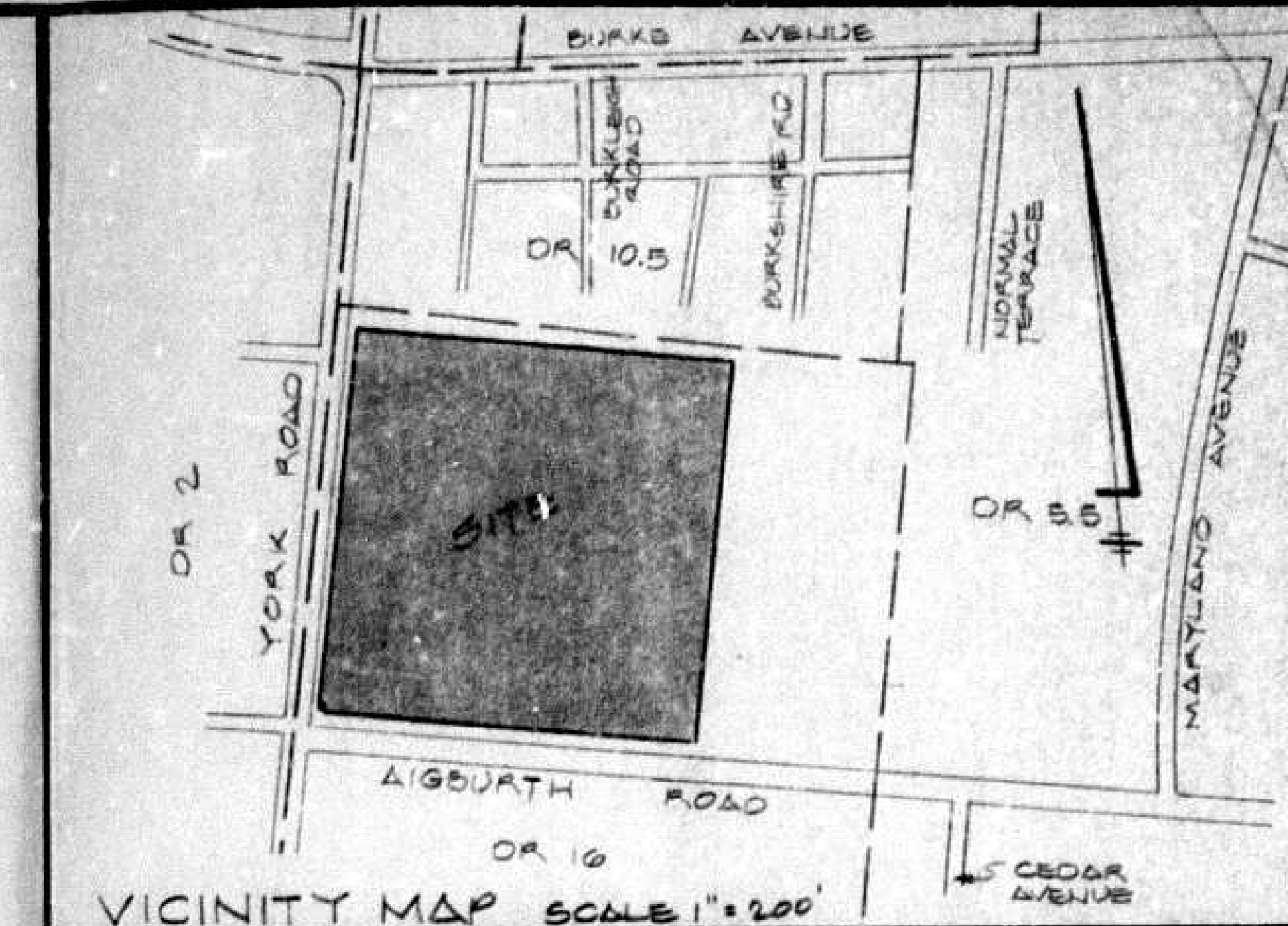
TOTAL AREA TO BE RECLASSIFIED FROM
EX. DR. 16 ZONE TO O-2 ZONE - 5,968.65±

EX. ZONING - DR. 16

*Existing apartment
building located in O-2
zone - see sketch plan*

AIGBURTH ROAD

EX. USE - RESIDENTIAL
EX. ZONING - DR. 16



NOTES
1) THIS PLAT IS BASED UPON DATA FROM
ZONING CASE N2 75-139-XA AND
RECORD PLAT ENTITLED "CARDIFF
HALL EAST APTS" DATED SEP. 25, 1974
AND RECORDED AMONG THE PLAT RECORDS
OF BALTIMORE COUNTY, MD IN PLAT
BOOK E.H.K. JR. 38 FOLIO 38.

VARIANCE REQUESTS:

- REQUIRED 65 TO 0' - VARIANCE FOR A 0' FOOT FRONT YARD SETBACK FROM FUTURE YORK ROAD WIDENING (TO 80')
- REQUIRED 65 TO 0' - VARIANCE FOR A 0' FOOT SIDEYARD SETBACK FROM A FUTURE YORK ROAD / AIGBURTH ROAD WIDENING
- REQUIRED 8 TO 3' - VARIANCE FOR A 3' SETBACK FOR THE PARKING AGAINST THE FUTURE WIDENING OF YORK ROAD INTO THE PARKING LOT INSTEAD OF THE REQUIRED 8' SETBACK.
- REQUIRED 65 TO 20' - VARIANCE FOR A 20' SETBACK FROM THE FUTURE AIGBURTH ROAD WIDENING (TO 60')
- REQUIRED 46 TO 12' - VARIANCE FOR A 12' SIDEYARD SETBACK FROM PROPERTY LINE.

PLAT TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING
DR. 16 ZONE TO O-2 ZONE
"CARDIFF HALL EAST APTS"
NORTHEAST CORNER YORK ROAD AND AIGBURTH ROAD

BALTIMORE COUNTY, MD
SCALE 1"=30'

ELECTION DISTRICT N2 9-4-C
DATE: MARCH 1, 1982

11/11/82 COPY
J. Tom Jr.
Cyril III

DEVELOPMENT DESIGN GROUP, LTD.
RIDERWOOD BUILDING
SUITE 100
1107 KENILWORTH DRIVE
TOWSON, MARYLAND 21204

PH 8206

EX. USE - TOWSON STATE UNIVERSITY
EX. ZONE - DR. 2

YORK ROAD
(M.D. ROUTE 45)

EX. USE - RESIDENTIAL
EX. ZONING - DR. 16

JOSEPH L. SOLEY
"CAROIFF HALL EAST APMTS"

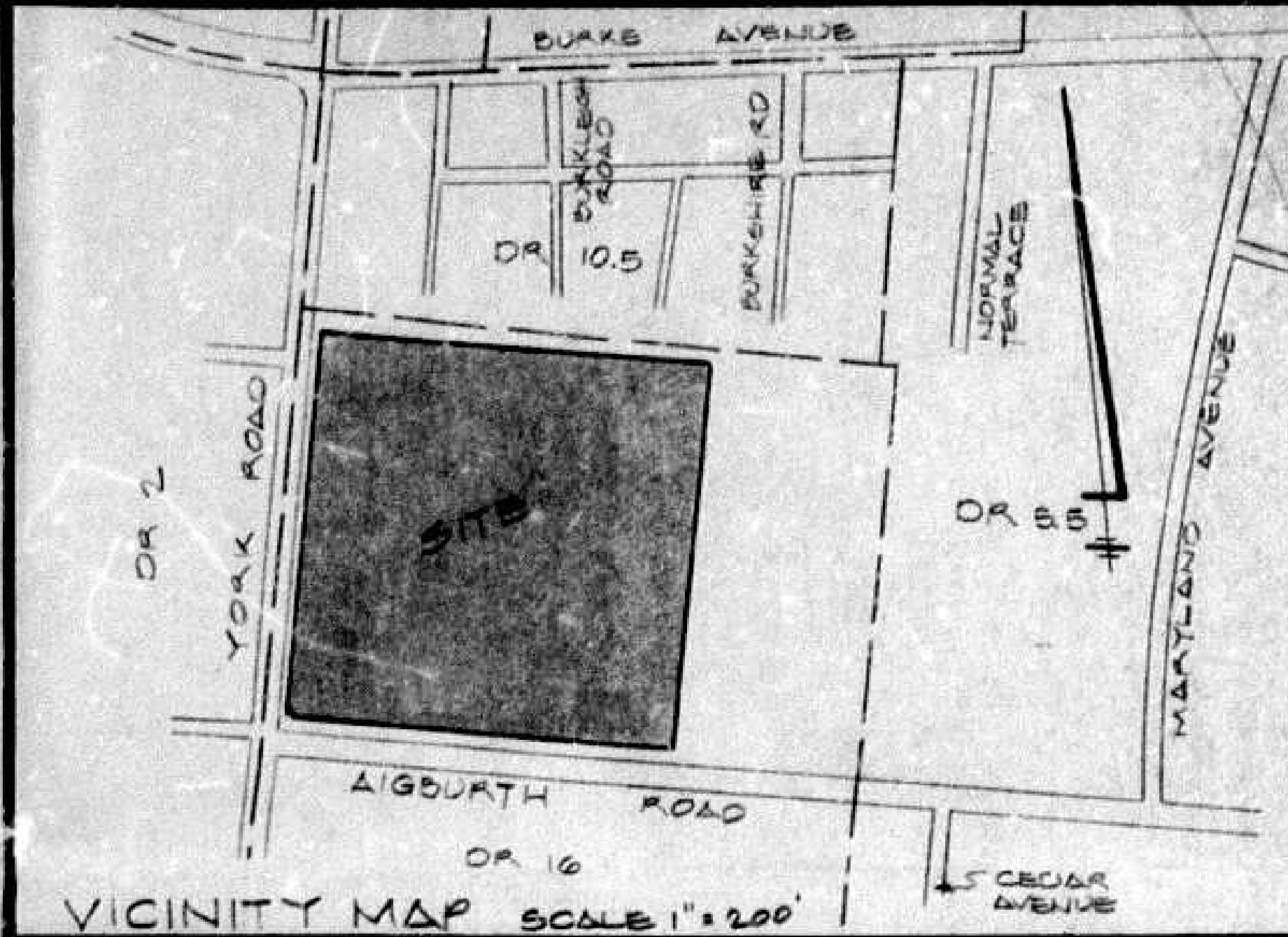
SEE REFERENCES
O.T.B. 492/24
E.H.K. JR. 5124/620
E.H.K. JR. 498/609
E.H.K. 498/612

TOTAL AREA TO BE RECLASSIFIED FROM
EX. DR. 16 ZONE TO O-2 ZONE - 3.96845±

EX. ZONING - DR. 16

AIGBURTH ROAD

EX. USE - RESIDENTIAL
EX. ZONING - DR. 16



NOTES

1) THIS PLAT IS BASED UPON DATA FROM
ZONING CASE N2 75-189-YA AND
RECORD PLAT ENTITLED "CAROIFF
HALL EAST APMTS" DATED SEP 25 1974
AND RECORDED AMONG THE PLAT RECORDS
OF BALTIMORE COUNTY, MD IN PLAT
BOOK E.H.K. JR 38 FOLIO 38.

VARIANCE REQUESTS:

- REQUIRED 65 TO 0' - VARIANCE FOR A 0' FOOT FRONT YARD SETBACK FROM FUTURE YORK ROAD WIDENING (TO 84')
- REQUIRED 65 TO 0' - VARIANCE FOR A 0' FOOT SIDEYARD SETBACK FROM FUTURE YORK ROAD / AIGBURTH ROAD WIDENING
- REQUIRED 8 TO 3' - VARIANCE FOR A 3' SETBACK FOR THE PARKING AGAINST THE FUTURE WIDENING OF YORK ROAD INTO THE PARKING LOT INSTEAD OF THE REQUIRED 8' SETBACK.
- REQUIRED 65 TO 10' - VARIANCE FOR A 10' SETBACK FROM THE FUTURE AIGBURTH ROAD WIDENING (TO 60')
- REQUIRED 14 TO 12' - VARIANCE FOR A 12' SIDEYARD SETBACK FROM PROPERTY LINE.

PLAT TO ACCOMPANY ZONING PETITION
FOR RECLASSIFICATION FROM EXISTING
DR. 16 ZONE TO O-2 ZONE
"CAROIFF HALL EAST APMTS"
NORTHEAST CORNER YORK ROAD AND AIGBURTH ROAD

BALTIMORE COUNTY, MD
SCALE 1" = 30'

ELECTION DISTRICT N2 9-4-C
DATE: MARCH 1, 1982

DEVELOPMENT DESIGN GROUP, LTD.

RIDERWOOD BUILDING
SUITE 100
1107 KENILWORTH DRIVE
TOWSON, MARYLAND 21204

PH 8106