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

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:

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=		3 %

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 fing of this petition, and further agree to and are to be bound by the soming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

County.		The state of the s
Contract Prechaser:	Legal Owner(s):	regue
(Type or Print Name)	(Type or Print Name)	
Signature	Signature	<u></u>
Address	T. H. Johnson, et al. (Type or Print Name) Signature	······································
City and State Attorney for Petitioner:		
		-0700 Phone No.
(Type or Print Name)		
Signature	City and State	
Address	Name, eddress and phone number of legal owner, con- tract purchaser or representative to be contacted	
City and State	Name	
Attorney's Telephone No.:		
	Address	Phone No.

Item No. 12 - Cycle III Petitioners - Harrison Garrett, et al Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September 1 and December 31, 1982, will be forwarded to you in the fature.

Very truly yours,

Mulles & Conneder NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

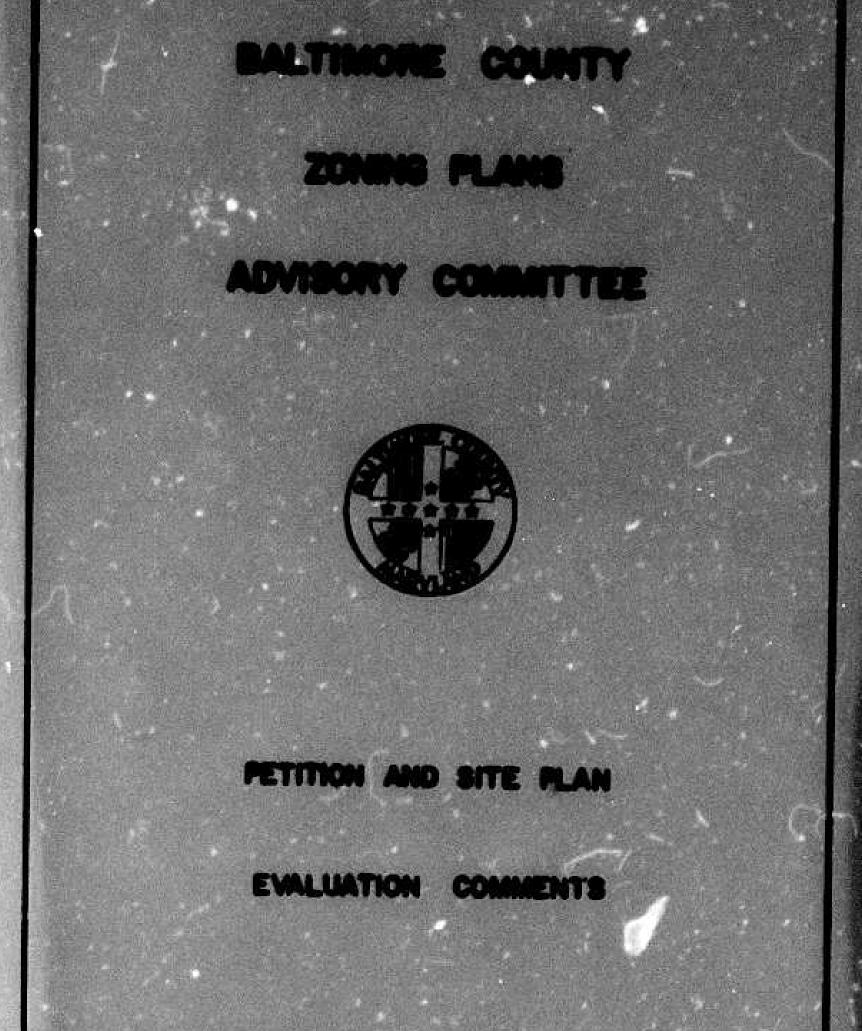
NBC:nr

BABC-Form 1

Enclosures

cc: G. W. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

Addendum to Petitio For Zoning Re-classification. Chinuation of signatures of legal owners Robert W. Johnson, III Katherine Garrett Bainbridge Harrison Garrett, her attorney by: / tour for Canto Harrison Garrett, her attorney Harrison Garrett, Trustee of Trust Fund B established by Item Fifth of the Last Will and/Testament of Johnson Garrett William L. Reed, Personal Representative of the Estate of Barbara Garrett Reed, deceased.



MEMBERS State Roads Commissis Industrial

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSO MARYLAND 21204

HARRY & PISTEL P E.

DIRECTOR

April 12, 1982

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

> Re: Item #12 Zoning Cycle III (April-October 1982) Property Owner: Harrison Garrett, et al N/WS Old Court Rd. 438' W. from centerline of Falls Rd. Existing Zoning: DR 16 Property Zoning: R-0 Acres: 1.0 District: 3rd

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:

Subdivision and resubdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

This site is a portion of an overall larger property, shown on Parcel "C" plat of "Rockland Estate", recorded R.R.G. 30, Folio 63.

Highways:

Old Court Road (Md. 133) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The entrance locations and specifications are subject to approval by the Department of Traffic Engineering.

Sec'iment Control:

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

Item #12 Zoning Cycle III (April-Octher 1982) Property Owner: Harrison Garrett, et al Page 2 April 12, 1982

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted pun-

The Slaughter House Branch, tributary to Jones Falls, courses along the southwest cly cutlines of this site.

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

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of image facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

The present means of serving the existing structures has not been indicated on the submitted plan.

There is a 12-inch water main in Old Court Road. Although not indicated on the submitted plan, the public 18-inch Slaughter House Branch Interceptor Sanitary Sewer traverses through this site within a 10-foot wide Baltimore County Utility Easement (Drawing 65-1360, F'le 1).

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within baltimore County rights-of-way and utility easements. During the course of any construction on this property, protection must be afforded by the contractor for the public utilities therein, any damage sustained would be the full responsibility

Very, truly yours,

RAM: EAM: FWR: 88

cc: Jack Wimbley O-NE Key Sheet and O-NW Key Sheet 37 & 38 NW 10 & 11 Pos. Sheets NW 10 C Topo 69 Tax Map

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1982

Harrison Garrett, et al

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

Nicholas B. Commodari

Chairman

Bureau of Traffic Engineering

Health Department Project Planning **Building Department** Board of Education auming Administracion

2201 Old Court Road Brooklandville, Maryland 21022 RE: Item No. 12 - Cycle III Petitioners - Harrison Garrett, et al

Reclassification Petition

Gentlemen:

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, m-ke 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.

In view of your proposal to reclassify the property from its present D.R.1 and D.R.16 zoning to an R-O Zone, this hearing is required. Since the original submission of this petition, the D.R.1 zoning has been added to the petition forms. However, the reasons for the reclassification, accompanying your request, fail to mention said zoning. Therefore, it is my suggestion that they also be revised.

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



Meryland Department of Transportation

Lowell X. Bridwell M. S. Caltrider

March 19, 1982

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

Attention: Mr. N. Commodari

(3)

Dear Mr. Hackett:

Re: RE-Classification Petitions Cycle III - 1982 Meeting of March 16, 1982 ITEM: #12 Property Owner: Harrison Garrett, et al Location: NW/S Old Court Road (Route 133) 438' W. from centerline of Falls Road Existing Zoning: D.R. 16 Proposed Zoning: R-0 Acres: 1.0 District: 3rd

Due to the lack of detail on the plan, we are unable to make a comprehensive review of the proposal, however, any appreciable improvement to the site will require entrance and highway improvements.

There is an 80' right of way proposed for Old Court Road that should be indicated.

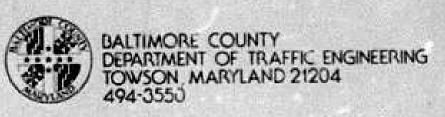
> Charles Lee, Chief Bureau of Engineering Access Permits

CL:JM:maw

By: John Meyers

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

> 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 717 / 707 worth Calvert St. Haltimore, Maryland 21203 - 0717



STEPHEN E. COLLINS DIRECTOR

March 29, 1982

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

District: 3rd

Cycle III - 1982, Meeting of March 16, 1982 Item No. 12 Property Owner: Harrison Garrett, et al Location: YW/S Old Court Road 438' W. from centerline of Falls Road Existing Zoning: D.R. 16 Proposed Zoning: R-0 Acres: 1.0

Dear Mr. Hackett:

The existing D.R. 16 zoning for this site can be expected to generate approximately 120 trips per day and the proposed R-O zoning can be expected to generate approximately 270 trips per day.

Sincerely,

Michael S. Flanigan Engineering Associate II

MSF/rlj

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARY AND TOWSON, MARYLAND 21204 DONALD I ROOP, M.D., M.P.H. DEPUTY STATE & COUNTY HEALTH OFFICER

April 7, 1982

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

Dear Mr. Hackett:

Comments on Itum #12, Cycle III Meeting, March 16, 1982, are as

follows: Property Owner:

Location:

Harrison Carrett, et al NW/S Old Court Road 438' W. from centerline of Falls Road

Existing Zoning: D.R. 16 Proposed Zoning: R-0 1.0 Acres: District:

Metropolitan water and sever are available.

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

Very truly yours,

poweds. Tan J Forrest, Mirector BUREAU OF ENVIRONMENTAL SERVICES

IJF/als

21 74 '8 99480 PLACS

MAIN OFFICE

505 ALLEGHENY AVENUE

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

TED ZALESKI JR. DIRECTOR

April 19, 1982

Mr. William Hackett Board of Appeals

RE: Reclassification Petitions Cycle III - 1982 Meeting of March 15, 1982

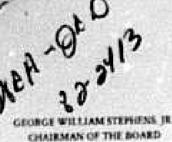
Dear Mr. Hackett.

I have no comment at this time for the following Item munber. .

> Item No. Item No. Item No. 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

> > Plans Payley Chief

CEB; es



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CONSULTING ENGINEERS

W. HARRY JESSOP, JR. L.S. CHARLE E FICK P.E. PRANCE W. ZEIGLER, JR., L.S. JOHN J. STAMM P.E. WILLIAM R. SUDBEK P.E. I STRONG SMITH P.E. TAPOBRATA CHAKRABARTI P.E. CHARLES K. STARK L.S. ROBERT & BARK'LL

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

P. O. BOX 6828 TOWSON, MD, 21204 825-8120 lovember 12, 1982 BRANCH OFFICE EQUITABLE BLDG 220 S. MAIN ST. BEL AIR, MD 21014 879-1500 #18-1900 112282 ZONING DEPARTMENT RE: Existing Post Office Quilding Old Court Road, Rockland

HARRISON GRANT, et al

Dear Mr. Hammond,

Enclosed is a print of a Plat which accompanied a petition for a re-classification to R-O of the site on which the referenced building is located. "he petition is under Item 12, 1982 - Cycle III.

A hearing before the Board of Appeals was scheduled for October 26, 1982. A pre-hearing conference was held with the People's Council, various Planning personnel, and representatives of the applicant. It was agreed that it would be necessary to obtain some information from your office prior to hearing testimony. A continuance was scheduled for December 9.

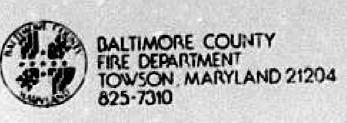
The building was constructed and occupied by the postal service in the early 50's. The existing zoning as shown on the Plat is in the D.R. categories. The Post Office has indicated that, if additional floor space cannot be provided, it will move to another location.

The existing building is not suitable for a residence. A number of questions have arisen pertaining to the future use of the building based on the existing zoning. We have been provided with numerous verbal responses to our questions by members of your staff.

The decision reached during the aforementioned pre-hearing conference was that every effort should be made to have your written responses to the questions listed below based on the existing zoning, prior to the December 9 continuance:

- 1. Car a building permit for a horizontal expansion of the
- Post Office be approved by the Zoning .ffice? 2. Can the interior of the existing building be modified and

occupied for general office use based on present zoning?



PAUL H. REINCKE CHIEF

April 6, 1982

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Harrison Garrett, et al

Location: NW/S Old Court Road 438' W. from centerline of Falls Road Zoning Agenda: Meeting of March 16, 1982

Gentlemen:

Item No.: 12

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.

Planning Group Stolly 5/1/12 Approved: Pin Front Special Special Inspection Division

JK/mb/cm

Mr. William E. Hammond Zoning Commissioner November 12, 1982

Page -2-

This question is limited to approval of a building permit application by the Zoning Office. Minor modifications to the exterior of building to render it more esthetically compatible with the neighborhood architecture are anti-

3. Can the Zoning Office approve an application for a permit to add a second floor to the existing building and use the entire structure for office use?

Your consideration and response will be greatly appreciated.

Best Regards,

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

JJS:klp cc: Mr. Jack Hossian Mr. Robert H. Johnson Dr. H.T.H. Johnson

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 Cycle #111

RE: Item No: 12 Property Owner: Harrison Garrett, et al Location: NW/S Old Court Road 438' W. from centerline of Falls Road Present Zoning: D.R. 16 Proposed Zoning: R-0

School Situation

School

Enrollment

Capacity Over/Under

Acreage too small to have an effect on student population.

Student Yield With:

Existing

Proposed And

Elementary

Junior High

Senior High

Very truly yours, Une Wellelow Assistant Department of Planning

WNP/bp

BALTIMO LE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON MARYLAND 21204

WILLIAM E HAMMOND ZONING COMMISSIONER

December 7. 1982

Mr. J. Strong Smith George William Stephens, Jr. and Associates, Inc. 303 Allegheny At nue P.O. Box 6828 Towson, Maryland 21204

> RE: Post Office Building Case N . R-83-65 (Reclassification from D.R.16 to P-0) Old Court Road -3rd Election District

Dear Mr. Smith:

Your letter of November 12, 1932 to Mr. William E. Hammond, Zoning Commissioner, requesting zoning information relative to the Brooklandville Post Office, above-referenced, has been referred to me for reply.

Our zoning case records indicate that two Reclassification Petitions were filed on the subject property in the early 1960's. The first Petition, Case No. 5372, requested commercial zoning, but was withdrawn prior to the hearing. The second Petition, Case No. 5415, requested a Peclassification from a Residential (R-40) Zone to a Residence, Apartment (R. A.) Zone and a Special Exception for Offices. The plat filed with this Petition indicated that the use would be for a Post Office.

Your letter specifically requests responses to the three following questions which I shall attempt to answer in the order in which they are listed.

"1. Can a building permit for a horizontal expansion of the Post Office be approved by the Zoning Office?"

> The building enjoys a nonconforming status and, as such, may be expanded to the extent of 25 percent of its total floor area. The nonconforming status is based upon the Residential-Office (R-O) Zoning Regulations (Bill No. 167-80) which provides, by way of Section 502.5 (enclosed) of the Baltimore County Zoning Regulations, that any office building granted a special exception via Section 1802.1 (enclosed) may be used in accordance with both the applicable provisions of these Regulations and the zoning classification of the property in effect at

the time of the granting of such special exception. Since the Special Exception for the subject Post Office was granted under the R. A. Zoning Regulations which preceded the D.R. Regulations and no provisions for exceptions have been made for these special exceptions, it follows that the use becomes nonconforming. Notwithstanding this fact, Bill No. 167-80 also made provisions or exceptions for these nonconforming office buildings by way of Section 104.2 (enclosed). This exception provides that an office building that was authorized by a grant of a special exception and becomes damaged to any extent or destroyed may be fully restored in accordance with the terms of the special excep-tion. In other words, the R-O Regulations provide that office buildings constructed under the D.R. Regulations, Section 1802.1, may be utilized in accordance with the Regulations from which they were granted. This means that the office types of uses and the exterior of the building, including additions, may be modified or expanded based upon the terms or restrictions placed in the order granting the special exception. Those buildings granted under the previous R. A. classification are considered nonconforming and may be expanded or the uses changed only under the terms of a nonconforming use as set forth in 104.1 (enclosed). If the uses within the building at the time of the adoption of the R-O Regulations were general offices, they could not be changed to medical offices since a nonconforming use is restricted by the aforementioned Section.

"2. Can the interior of the existing building be modified and occupied for general office use based on present zoning? This question is limited to approval of a building permit application by the Zoning Office. Minor modifications to the exterior of building to render it more esthetically compatible with the neighborhood architecture are anticipated."

> I can see no objection to changing the interior of the building so long as the principal use remains that of a Post Office. The minor modifications to the exterior of the building could also, in all

> > GEORGE WILLIAM STEPHENS, JR & ASSOCIATES, INC. ENGINEERS 303 ALLEGHENY AVENUE TOWSON, MARYLAND 21204

Description to Accompany a Zoning Patition for Reclassification from Existing DR 1 and DR 16 Zones to an RO Zone.

February 23, 1982

Beginning for the same on the northwest side of Old Court Road at a point designated No. 4 on the plat entitled "Rockland Village" recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 48 folio 40; said point of beginning being measured South 28° 52' 51" West 438 feet more or less from the intersection formed by the center lines of Old Court Road, Ruxton Road and Falls Read, thence leaving Old Court Road, binding on the outlines of said Plat the four following lines: (1) binding or intending to bind on part of the existing DR16-DR1 Zoning line, North 71° 55' 54" West 100.00 feet, (2) North 12° 11' 38" East 97.51 feet, (3) North 71" 55' 54" West 152.52 feet and (4) South 18" 04' 06" West 169.54 feet, thence leaving the outlines of said Plat, running the three fellowing lines: (5) South 65° 44' 10" East 81.56 feet, (6) South 45° 00' 00" East 96.17 feet and (7) South 56° 38' 01" East 99.19 feet to the northwest side of said Old Court Road, thence binding thereon, (8) North 18° 04' 06" East 111.07 feet to the place of beginning.

Containing 1.000 Acres of land more or less.



Mr. J. Strong Smith December 7, 1982

> probability, be approved; however, any such modification would be subject to review prior to approval.

"3. Can the Zoning Office approve an application for a permit to add a second floor to the existing building and use the entire structure for office use?"

> A partial second floor may be added provided it does not exceed 25 percent of the total floor area of the existing building. The use of any such addition must remain as that of a Post Office.

If you have any additional questions regarding this matter, please contact me.

> Very truly yours, JAMES E. DYER Zoning Supervisor

JED:nr

Enclosures

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

> Mr. William E. Hammond Zoning Commissioner

Mrs. Jean M. H. Jung Deputy Zoning Commissioner

Case Pile

REASONS FOR RE-CLASSIFICATION FROM DR-16 TO R-0

1. Changes in neighborhood

Gooupancy of buildings at the northeast corner of Falls Road and Old Court Road. Increase in commercial traffic and activity in the neigh-

2. Error in map

Existing structure on site has been used as an office, specifically a post office. Postal system will relocate their facilities leaving the existing structure not suitable for any use with DF-16 Zoning.

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550

STEPHEN E. COLLINS DIRECTOR

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 Itus So. 12 Property Owner: Harrison Garrett, et al Location: NW/S Old Court Road 438' W. from centerline of Falls Road Existing Zoning: D.R. 16 Proposed Zoning: R-0 Acres: 1.0 District: 3rd

Dear Mr. Hackett:

The existing D.R. 16 zoning for this site can be expected to generate approximately 120 trips per day and the proposed R-O zoning can be expect to generate approximately 270 trips per day.

> Sincerely, Engineering Associate II

MSF/rlj

CELTIFICATE OF PUBLICATION

L 38148 Pikesville, Md., Oct. 6 19 82 IS TO CENTIFY, that the annexed advertisment published in the NOxTHMEST STAR, a weekly The Part Section of the Part Section of the Part Section of the Se y, Karyland before the _____26th day of was the control of the publication appearing on the South 65" of 10" East 51 55 test at 5 South ec - nJ publication appearing on the set of Court Stock to South ec - nJ publication appearing on the set of Court Stock to South Stock to South South Stock to South Stock my the property of represent the control of third publication appearing on the THE NORTHWEST STAF

Cost of Advertisement \$26.80

April - 1982

Mr. William Hackett, Chairman Board of Appeals Court House Towson, Maryland ...1204

IJF/als/Jid

Dear Mr. Backett:

Comments on Item #12, Cycle III Meeting, Murch 16, 1962, are as follows:

> Harrison Garrett, et al Property Owner SW/S Old Court Boad 438' W. from centerline of Falls Hond

Excisting Zoning: Proposed Zoning: R-0 District:

Metropolitan water and sower are available.

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

office cory

Mr. Nicholas Commodari Zoning Plans Advisory Committee 111 West Chesapeake Avenue Towson, MD 21204

May 17, 1982

Dear Mr. Commodari,

Thank you for your review and comments (dated May 3, 1982) on Item No. 12, Cycle III (Harrison Garrett, et. al. petitioners) concerning the request for changing the zoning on the Brooklandville Post Office lot from DR 16 to RO.

We have several questions to discuss with you, which I will make an appointment to accomplish, but offer one preliminary observation have.

The letter dated March 29 from Michael Flanigan to William Hackett (copy attached) indicates that under DR 16 zoning, approximately 120 trips per day are generated, while under RO zoning, 270 trips per day can be

As you know, a concrete black structure improves the property at this time, and the building is rented to the Federal government as the Brooklandville Post Office. The Postmistress of the Post Office informs me that she currently serves over 600 patrons, and I would suggest that a vast majority of these patrons visit the Post Office each day, six days a week. If this is so, I suggest that the current zoning and use are generating far more than the 120 trips per day estimated by Mr. Flanigan, and that a different use (eg. professional office) under RO zoning would result in a dec ease in "trips generated per day".

I have scheduled a meeting with you for May 19 to discuss some other matters pertaining to our request for a change in zoning.

I thank you again for your comments and your report.

cc. Mr. Michael S. Flanigan Mr. William Hackett Mr. Harrian Carrell G.w. Stephen + Acre.

WILLIAM E HAMMOND ZONING COMMISSIONER

Dear Mr. Garrett:

WEHaj

of the above property.

Maryland 21204, before the hearing.

Mr. Harrison Garrett, et al

Brooklandville, Maryland 21022

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

Sincerely yours, Refort Walnut -Robert H. Johnson (agent for Marrison Garrett, et. al.) 10131 Falls Road Brooklandville MD 21022 work: 484-2413 98 2 2 1

October 14, 1982

Re: Petition for Reclassification

Very tru; yours,

WILLIAM E. HAMMOND

Zoning Commissioner

c/l of Falls Rd.

This is to advise you that \$199.33 is due for advertising and posting

Please make the check payable to Baltimore County, Maryland, and remit

to Arlene January, Zoning Office, Room 113, County Office Building, Towson,

NW/S Old Court Rd., 438' SW of the

Harrison Garrett, et al - Petitioners

Case #R-83-65 Cycle III - Item #12

May 25, 1982

To: Mr. Micholas Commodari Chairman, Zoning Plans Advisory Committee Mr. William Hackett Chairman, Board of Appeals

From: Robert Johnson

Re: Item 12, Zoning Cycle III Request for re-zoning of Brooklandville Post Office lot

Gentlemen:

Mr. Commodari has raised the question of the necessity for Lyman Phillips (or Harrison Garrett, who holds power of attorney for Mr. Phillips) to sign the petition for re-zoning this parcel of land. Mr. Edmund Dandridge of Venable, Baetjer, and Howard, attorney for the petitioners, informs me that Mr. Phillips has no commership of the property under consideration. His wife, Alice Phillips, is an owner of the property, and Mr. Garrett has signed her name on the petition, acting with her power of attorney.

Thank you for calling this question to my attention. On behalf of the petitioners, I thank you for considering our request for reclassification.

> Sincerely yours, Robert & Thurs Robert H. Johnson 10131 Falls Road Brooklandville, MD 21022 work phone: 484-2630

September 29, 1982

Nagricon Garrett, et al Brooklandville, Maryland 21022

> NOTICE OF HEARING Re: Petition for Reclassification NW/S Old Court Rd., 438' SW of the c/l of Falls Rd. Harrison Garrett, et al - Petitioners Case #R-83-65 Cycle III - Item #12

10:00 A. M.

DATE: Tuesday, October 26, 1987

PLACE: Room 218, Courthouse, Towson, Maryland

ce: People's Counsel

County Board of Appeals

From: Robert Johnson

To: Mr. Nicholas Commodari

Mr. William Hackett

Re: Item 12, Zoning Cycle III Request for re-zoning of Brooklandville Post Office lot

Chairman, Zoning Plans Advisory Committee

Chairman, Board of Appeals

Gentlemen:

Mr. Commodari has raised the question of the necessity for Lyman Phillips (or Harrison Garrett, who holds power of attorney for Mr. Phillips) to sign the petition for re-zoning this parcel of land. Mr. Edmund Dandridge of Venable, Baetjer, and Howard, attorney for the petitioners, informs me that Mr. Phillips has no ownership of the property under consideration. His wife, Alice Phillips, is an owner of the property, and Mr. Garrett has signed her name on the petition, acting with her power of attorney.

Thank you for calling this question to my attention. On behalf of the petitioners, I thank you for considering our request for reclassification.

> Sincerely yours, Robert Toluro Robert H. Johnson 10131 Falls Road Brooklandville, MD 21022 work phone: 484-2630

May 25, 1982

PETITION FOR RECLASSIFICATION

3rd Election District

ZONING:

Petition for Reclassification

LOCATION:

Northwest side of Old Court Road, 438 ft. Southwest of the centerline of Falls Road

DATE & TIME:

Tuesday, October 26, 1982 at 10:00 A. M.

Room 218, Courthouse, Towson, Maryland PUBLIC HEARING:

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

> Present Zoning: D.R. 1 and D.R. 16 Proposed Zoning: R. O. zone

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

Being the property of Harrison Garrett, et al, as shown on plat plan filed with the Zoning Department.

hearing Date: Tuesday, October 26, 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 BALTIMORY COUNTY

County Board of Apprels Room 218, Court House Towners, Maryland 21204

October 26, 1982

NOTICE OF ASSIGNMENT CONTINUED HEARING

NO POSTPO 'EMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. QUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS " SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$108

CASE NO. R-83-65

HARRISON GARRETT, ET AL

for reclassification from D.R. 16 to R-0

NW/S Old Court Road 438' W. from c/l of Fails Rd.

3rd District

ASSIGNED FOR:

THURSDAY, DECEMBER 9, 1982 at 11 cm.

cc: Robert H. Johnson

Agent for Petitioners People's Counsel

John W. Hessian, III, Esq.

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. N. E. Berber

Mr. J. G. Hoswell

Board of Education

Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Apprels Room 219, Court House Towen, Meryland 21204 December 30, 1982

Mr. Robert H. Johnson 10131 "alls Rd. Brooklandville, Md. 21022

Dear Mr. Johnson:

Re: Case No. R-83-65 Harrison Garrett, et al

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

cc: James G. Green Bd. of Faucation J. W. Hessian, Esq. W. Hammand J. Dyer N. Gerber

appeared ALICE WHITRIDGE PHILLIPS and LYMAN PHILLIPS, known

foregoing Power of Attorney, and acknowledged the said Power

In Witness Whereof, I have hereunto set my hand and

My Commission Expires:

to me to be the persons described in, and who executed the

of Attorney to be their respective acts.

official seal.

Item No. 12 - Cycle III (April to October 1982) tor Reclassification from Existing DR 1 and DR 16 zones to an RO zone.

February 23, 1982 Revised December 9, 1982

Beginning for the same on the northwest side of Old Court Road at a No. 4 on the plat entitled "Rockland Village" recorded among of Baltimere County in Plat Book F.H.K., Jr. 48 folio 40; said being measured South 28° 52' 51" West 438 feet more or less ection formed by the center lines of Old Court Road, and Falls f said Flat and an extension thereof; (1) binding or intendpart of the existing DR 16- DR 1 Zoning line; North 71° 55' 54" eet, (2) South 18" 04' 06" West 110.00 feet, (3) South 71° 55' 54" eet to the northwest side of said Old Court Road, thence binding thereon, (4) North 18° 04' 06" East 110.00 feet to the place of beginning.

Containing 0 303 Lores of land more or less.



LIBERS / 25 PAGE U D O

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, ELLA B. G. BRIGHAM, residing at Paul Smiths, New York 12970, do hereby nominate, constitute and appoint HARRISON GARRETT to be my true and lawful attorney for me and in my name, place and stead to execute, acknowledge and deliver contracts of sale and deeds with respect to any real estate, or interest therein, which I may own in Baltimore County, Maryland, giving unto my said attorney full power to do and perform all other lawful acts and whatsoever requisite and convenient to be done in the premises as fully as I might or could do were I personally present; hereby ratifying and confirming all that my Attorney shall in my name lawfully do, or cause to be done in and about the premises, by virtue hereof.

This Power of Attorney shall not be affected by my disability, incompetence or incapacity.

In Witness Whereof, I have hereunto set my hand and seal, this 2c day of December, 1976.

Witness:

or record MAR 1 197

(SEAL) Ella B. G. Brigham

... -1-11 S021004 pecent. STATE OF NEW YORK, COUNTY OF - Conties , to wit:

> On this do day of December, 1976, before me, ELLA B. G. BRIGHAM, known to me to be the person described in, and who executed the foregoing Power of Attorney, and acknowledged the said Power of Attorney to be her act.

In Witness Whereof, I have hereunto set my hand and official seal.

Drait of prany Ronald N. Leahy Notary Public My Commission Expires:

78

WINE S CHI

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, ROSE JOHNSON RANDALL, residing at 20 Laughlin Lane, Fhiladelphia, Pennsylvania 19118, do hereby nominate, constitute and appoint JOHN T. H. JOHNSON to be my true and lawful attorney for me and in my name, place and stead to execute, acknowledge and deliver contracts of sale and deeds with respect to any real estate, or interest therein, which I may own in Baltimore County, Maryland, giving unto my said attorney full power to do and perform all other lawful acts and whatsoever requisite and convenient to be done in the premises as fully as I might or could do were I personally present; hereby ratifying and confirming all that my Attorney shall in my name lawfully do, or cause to be done in and about the premises, by virtue hereof.

This Power of Attorney shall not be affected by my disability, incompetence or incapacity.

In Witness Whereof, I have hereunto set my hand and seal, this 17" day of December, 1976.

COUNTY OF , to wit:

Dorothy H. Egner the understand officer _, the undersigned officer, personally appeared ROSE JOHNSON RANDALL, known to me to be the person described in, and who executed the foregoing Power of Attorney, and acknowledged the said Power of Attorney to be her act. In Witness Whereof, I have hereunto set my hand and

Rec'd for record MAR 1 1977 at 11:07A.k Per Elmer H. Kahline, Jr., Clerk "111 to Sential Lette Corp.

official seal.

March Land Notary Public, Dorothy H. Egner My Commission Expires

LIBER 5729 PAGE 070

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, MATHARINE GARRETT BAINBRIDGE, residing at 200 Cross Keys Road, Apartment 50, Baltimore, Maryland 21210, do hereby nominate, constitute and appoint HARRISON GARRETT to be my true and lawful attorney for me and in my name, place and stead to execute, acknowledge and deliver contracts of sale and deeds with respect to any real estate, or interest therein, which I may own in Baltimore County, Maryland, giving unto my said attorney full power to do and perform all other lawful acts and whatsoever requisite and convenient to be done in the premises as fully as I might or could do were I personally present; hereby ratifying and confirming all that my Attorney shall in my name lawfully do, or cause to be done in and about the premises, by virtue hereof.

This Power of Attorney shall not be affected by my disability, incompetence or incapacity.

In Witness Whereof, I have hereunto set my hand and seal, this 15 day of December, 1976.

Witness:

Clianena MOSOTOFS TT-1-C.

STATE OF MARYLAND, CONTY OF BALTIMORE, to wit:

On this 1572 day of December, 1976, before me,

JERNNINE SCHUETT, the undersigned officer, personally appeared

KATHARINE GARRET BAINDRIDGE, known to me to be the person described in, and who executed the foregoing Power of Attorney, and acknowledged the said Power of Attorney to be her act.

In Witness Whereof, I have hereunto set my hand and "official seal.

1 1977 maission Expires 7/78 Rec'd for record MAR Par Elser H. Kahline, Jr., Clerk

LIBER 5 1 29 PAGE 4 0 2

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

~··

That we, ALICE WHITRIDGE PHILLIPS and LYMAN PHILLIPS, residing at 1199 Whitney Avenue, Apartment 307, Hamden, Connecticut 06517, do hereby nominate, constitute and appoint HARRISON CARRETT to be our true and lawful attorney for us and in our name, place and stead to execute, acknowledge and deliver a deed or deeds to any real estate which we, or either of us, may own in Baltimore County, Maryland, and to execute any agreement or contract with respect to any real estate which we, or either of us, may own in Baltimore County, Maryland, and with respect to the division of the proceeds of sale thereof, giving unto our said attorney full power to do and perform all other lawful acts and whatsoever requisite and convenient to be done in the premises, as fully as we might or could do were we personally present; hereby ratifying and confirming all that our Attorney shall in our name lawfully do, or cause to be done in and about the premises, by virtue hereof.

In Witness Whereof, we have hereunto set our hands and seals, this / day or A , in the year of our Lord one thousand nine hundred and seventy.

Witness:

Lyma.. Phillips

STATE OF CONN COUNTY OF NEW HAVEN

On this 15r day of APRIL . , 1970, before me ALFRED E Kusmi, Ju, the undersigned officer, personally

RE: PETITION FOR RECLASSIFICATION FROM D.R. 15 TO D.R. 1 ZONE NW/S of Old Court Rd., 438' W of Falls Rd., 3rd District

: BEFORE THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY HARRISON GARRETT, et al., : Case No. R-83-65 (Item 12, Cycle III)

ORDER TO ENTER APPEARANCE

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 requisted to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204

I HEREBY CERTIFY that on this a copy of the foregoing Order was mailed to Harrison Garrett, et al., 221 Old Court Road, Brooklandville, Maryland 21022, Petitioners.

-1.) Heaven H

Rec'd for record SEP 25 1970 at Per Orville T. Gosmell. Clerk Wall to Much a Besholf

Receipt No. 53/835 8 8

IN THE MATTER OF BEFORE THE APPLICATION OF HARRISON GARRETT, ET AL COUNTY BOARD OF APPEALS FOR REZONING FROM D.R. 16 to R-O on property located on the northwest side of Old Court BALTIMORE COUNTY Rd., 438' west from the centerline of Falls Rd. No. R-83-65 3rd District

- 2 -

OPINION

This case comes before this Board on a petition for reclassification of the property located on the northwest side of Old Court Road, 438 ft. west of the center line of Falls Road and located in the 3rd District of Baltimore County.

Petitioners' original request was for reclassification of property consisting of approximately one acre of land. On the date of this hearing, Petitioners amended the request for reclassification to only 0.3 acres of the subject property as set forth on Petitioners' amended site plan prepared by John Strong Smith and submitted to the Board on December 14, 1982.

Mr. John Strong Smith, Land Developer and Engineer, testified that in his opinion, the present zoning is in error because the present zoning and interpretation thereof by the Zoning Commissioner amounts to a confiscation of Petitioners' property, in that if the U. S. Post Office ceased to be a Lossee of the premises, no reasonable use could be made of the subject property.

This Board next received testimony from Robert Johnson, Agent for the owners of said property. Mr. Johnson testified that the improvement on the said property is currently leased to the U. S. Postal Service on a month to month arrangement. He further testified that the U.S. Post Office is in need of more space and is currently seeking bids for a future incation. Mr. Johnson stated that if the Post Office were to move out, the subject property would remain vacant because part of the subject property is located in the flood plain and there is insufficient remaining land on which to build a home.

Harrison Garrett, et al Case No. R-83-65

The Board next received a report from the Baltimore County Planning Board which recommends that the portion of the property containing the Post Office and which is presently zoned DR 16, be reclassified to R-O zoning. The Planning Board recommends that the remainder of the property retain its present zoning of DR 1.

This Board next received testimony from James Hoswell, Planner for Baltimore County, who testified that at the time the opinion and recommendation was prepared by the Planning Board, that only Petitioners' original request was before that Board. He further testified that as a result of the interpretation of Bill No. 167-80, use of the existing structure is limited to that of a post office only. Mr. Hosvell further testicied that since a significant slope is located on Petitioners' property, a logical place for the division of the RO and the DR 1 zones would be at the bottom of the slope which is located in the rear of the structure and that Petitioners' amended request for reclassification supports division of the zoning in accordance with the amended request. Mr. Hoswell further testified that the subject property only enjoys a reasonable use as long as the U. S. Post Office remains a tenant. He further testified that in his opinion error may exist because any uses other than that of a post office would be illegal, given the determination of the Zoning Commissioner that was admitted as an exhibit in this case.

The Board is of the opinion that the current zoning and regulations relating thereto as applied by the Zoning Commissioner deny a reasonable use of the property to the Petitioners in the event that the Post Office leaves this site. The Board believes, based on the evidence presented, that such a circumstance is likely to occur in the reasonably near future. Upon such an event, we find that the present zoning over the 0.3 acres requested for reclassification would amount to a confiscation of said property and thus the existing zoning over that portion of the Petitioners' property is in error.

Harrison Garrett, et al Case No. R-83-65

ORDER

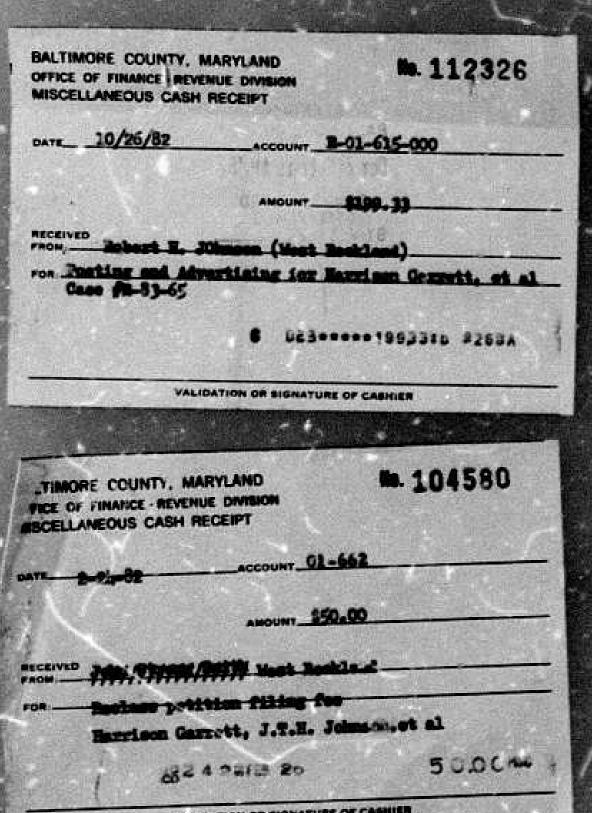
For the reasons set forth in the afaregoing Opinion, it is this 30th day o , 1982 , by the County Board of Appeals, ORDERED that the amended Petition for Reclassification be GRANTED in accordance with the amended site plan of December 14, 1982, submitted by John S. Smith, so as to permit a reclassification to the R-O zone over approximately 0.3 acres of the subject property as described more exactly on the amended site plan.

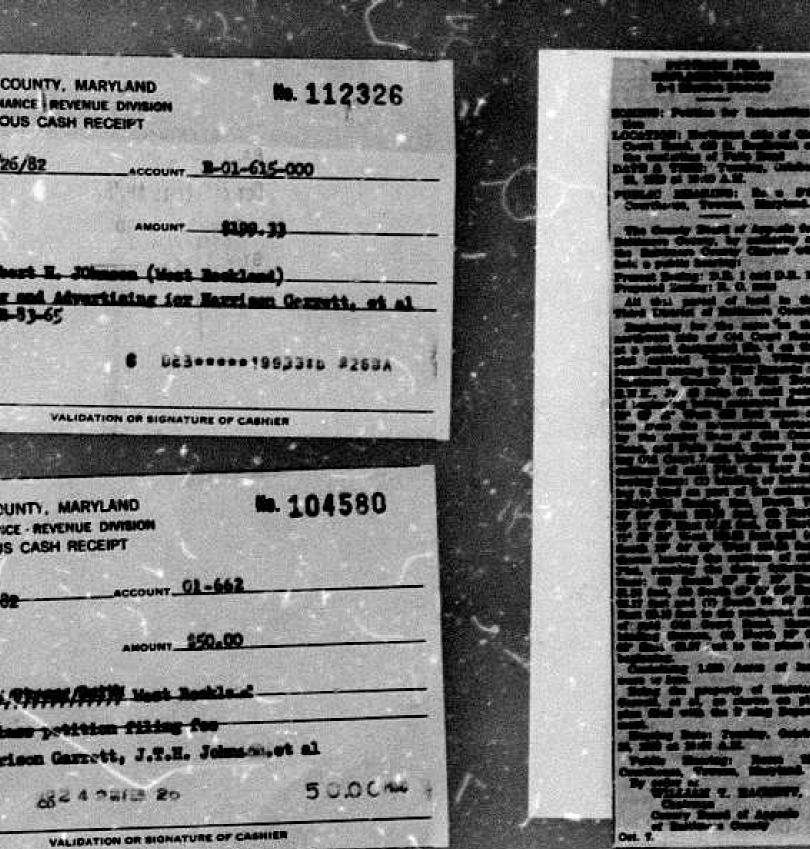
Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

DRI ROBERT E LEE PARK





CERTIFICATE OF PUBLICATION

TOWSON, MD., _____October 7 ____, 19.82_ THIS IS TO CERTIFY, th. the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed one time before the _ 26th_ October 19.82 the ses publication appearing on the 7th day of October 19 82

G. Leank Struck

Cost of Advertisement, \$_____

CERTIFICATE OF POSTIMO ZONING DEPARTMENT OF BALTIMORE COUNTY

R-83-65 Torono, Maryland

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Reclassification	
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Signature	
IUMOUT OF DESIRE	

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

Towson, Maryland 21204 Your Petition has been received this 24th day of February

Filing Fee \$ 0.00 Received: ___ Check

Petitioner J. T. H. John, Et al Submitted by Nest Ra Hip. 1

Petitioner's Attorney ____ Reviewed by Dan Att. *This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

