R-86-293

#130

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 a DR 5.5 zone to an ML 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:

MAP	3D NW 14 A
ELECTION DISTRICT	8
DATE	1/23/86
TYPE HEARING	R
BY	RE
FINAL	
BY	

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

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Julius and Tony Mandel
(Type or Print Name)
Signature Julius Mandel
(Type or Print Name)
Signature Tony Mandel

Attorney for Petitioner:
Herbert R. O'Conor, III, Esq.
(Type or Print Name)
Signature
P.O. Box 5517
210 Allegheny Ave.
Address
Towson, MD 21204
City and State
Attorney's Telephone No.: 823-4111

P.O. Box 5991
Address Phone No.
Baltimore, MD 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Herbert R. O'Conor, III, Esq.
Name
P.O.Box 5517, Towson, MD 21204 823-4111
Address Phone No.

BABC—Form 1

R-86-293

R-86-293
#130

Julius & Tony Mandel
Beg. N/S Halesworth Rd., N 71°20'20" E 539'± from inter. of N/S Halesworth Rd. & center of York Rd.
8th Dist.

R-86-293
8th Dist.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 6, 1986

Herbert R. O'Conor, III, Esq.
210 Allegheny Ave.
Towson, Md. 21204

Re: Case No. R-86-293
Julius Mandel, et al

Dear Mr. O'Conor:

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

Very truly yours,

June Holmen, Secretary

Encl.
cc: Julius and Tony Mandel
Phyllis C. Friedman
Arnold Jablon
Jean Jung
James Dyer
Norman E. Gerber
James G. Hoswell

IN THE MATTER OF THE PETITION OF JULIUS MANDEL, ET AL, FOR RECLASSIFICATION OF PROPERTY LOCATED ON THE NORTH SIDE OF HALESWORTH RD., 539 FT. NORTHEAST OF THE CENTER LINE OF YORK RD. FROM D.R. 5.5 to M.L. 8th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-293

: : : : : : ::: : : : : : : :

OPINION

This matter comes before the Board on petition by Julius Mandel, et al, for reclassification of .24 acres of property located on the north side of Halesworth Road, 539 ft. northeast of the center line of York Road. The request is for a reclassification from D.R. 5.5 zoned property to M.L. zoned property.

At hearing today, Counsel for Petitioners brought to the attention of the Board the correspondence of Norman E. Gerber, Director of the office of Planning & Zoning, dated January 2, 1986, which states the legislative history of this and the adjoining properties. The four contiguous properties along this side of York Road beginning in a northerly direction at Halesworth Road, was zoned M.L. dating back to 1966, prior to the first Comprehensive Zoning Map in 1971. Apparently, at the time that the first Comprehensive Zoning Map was drawn, the Planning Staff incorrectly drew the zoning boundary so as to sever the rear most portions of all four of these properties and placed those sections of the properties in the D.R. 5.5 zoning classification.

Testimony by James Hoswell, planning expert for Baltimore County, further supported the claim for error. Mr. Hoswell indicated that the three other property owners that were affected have sought and received reclassification of their properties either through petition to this Board or through the Comprehensive Zoning Map process. Mr. Hoswell supports his belief

that error exists in this case by testifying that in the first Comprehensive Zoning Map process this parcel was not made a specific issue and no notification to the property owner was provided that would indicate that a downshift in zoning was being requested. He states that the discrepancy between the zoning line and the property line was apparently a simple drafting error which was inadvertantly made with noone's knowledge until after 1980.

Pauline Foster, who resides at 10100 Daventry Drive, appeared as a Protestant. Ms. Foster's property abutts the rear portion of the subject property. She purchased her property in February 1985. It is Ms. Foster's belief that change in the existing zoning would impair the use and enjoyment of her property. She acknowledges that at present there is a parking lot over the area which has been petitioned for rezoning, however is of the belief that the reclassification would have additional detrimental effect on the use of her property and its market value.

On balance, the Board is of the belief that the present zoning for this portion of Petitioner's property was an error. By all accounts of the Office of Planning & Zoning and those of Mr. Hoswell, the present zoning would not have existed for this parcel had there been no mistake in the drafting during the 1969 to 1971 map process. We believe that to change the property to the requested M.L. zoning would be uniform and consistent with the treatment of the adjacent parcels that have sought and received reclassification.

This Board is sympathetic with the concerns of Ms. Foster, however, we believe that the zoning regulations afford her sufficient ability to peacefully and quietly enjoy the benefits of her property notwithstanding the action that is taken by the Board in this Opinion. We do believe an error was committed in this case and believe our actions are required in view of such error.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 6th day of February, 1986, by the County Board of Appeals, ORDERED that the subject Petition for Reclassification from D.R. 5.5 to M.L., be and the same is hereby GRANTED.

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

Kelly S. Ferraz, Acting Chairman

LeRoy B. Spurrier

Patricia Phipps

ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

#130

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO M.L. ZONE Beginning on N/S Halesworth Rd., N 71°20'20"E 539'± from Intersection of the N/S of Halesworth Rd. & the Center of York Rd., 8th District	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
JULIUS AND TONY MANDEL, Petitioners	:	Case No. R-86-293 (Item No. 130)

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

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

RECEIVED
COUNTY BOARD OF APPEALS
'86 DEC 20 A 9:34

I HEREBY CERTIFY that on this 20th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Herbert R. O'Conor, III, Esquire, P. O. Box 5517, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 29, 1986

Herbert R. O'Conor, III, Esquire
P.O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20" E
539'± from intersection of the N/S of
Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 130

Dear Mr. O'Conor:

This is to advise you that $100.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 016138

DATE 1/31/86 ACCOUNT R-01-615-000

AMOUNT $100.25

RECEIVED FROM Julius & Tony Mandel

FOR Zoning Case R-86-293

VALIDATION OR SIGNATURE OF CASHIER

JUN 1 8 1986

IN THE MATTER OF	*	BEFORE THE
JULIUS AND TONY MANDEL	*	COUNTY BOARD OF
Petitioners	*	APPEALS FOR
	*	BALTIMORE COUNTY
	*	CASE NO:

* * * * * * * *

MEMORANDUM IN SUPPORT OF RECLASSIFICATION

Petitioners request reclassification from DR 5.5 to an ML zone. A drafting error exists and there is no valid reason why this property does not have a similar ML zoning line as the adjacent parcel of Dellcrest Realty Company. On February 24, 1983 the County Board of Appeals issued an Order granting Dellcrest's Petition for Reclassification to correct a drafting error (R. 83-30) and to establish the ML line at its easternmost boundary. Here, Petitioners ask for an Order which will extend the existing ML line in a continuous manner from the Dellcrest line and at the Petitioners' easternmost boundary line.

On October 6, 1964 Zoning Commissioner Rose passed an Order reclassifying Petitioners property to ML (Case No. 65-96-R, see Exhibit A). The Comprehensive Zoning Map, without any notice to the property owner as required by law, changed the line to its present position by moving the ML line westward. As shown on the attached Exhibit B, the property owners seek to have the ML line coincide with their property line.

This Petition is filed pursuant to Section 2-58.1(i) of the Baltimore County Code. Petitioner asserts that the public interest would be served by correction of this drafting error in that the present line was adopted without notice

to the property owner, contrary to law, and the present line conflicts with the 1966 Decision of the Zoning Commissioner. The public interest is served by a correct Comprehensive Zoning Map.

Counsel for the Petitioners has met with representatives of the Office of Planning and Zoning and they have indicated they do not oppose this request. Further, the undersigned has met with Councilman Smith and he has said he will introduce a resolution before the County Council asking it to approve a certification from the Planning Board that the public interest would be served by the correction of the drafting error.

Section 2-40.1(j) of the County Code provides that the Board of Appeals must find, before granting a reclassification, that the last classification of the property was established in error and that the prospective reclassification is warranted by that error. Petitioner respectfully submits that the failure of the 1984 Comprehensive Zoning Map to incorporate correctly the Order of Zoning Commissioner Rose and the failure to provide lawful notice of the intended change of the zoning line to the property owners necessitates a conclusion that the property was last classified in error and that this reclassification is warranted by that error.

HERBERT R. O'CONOR, III
Cook, Howard, Downes & Tracy
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioners

Exhibit A Ref 65-96-R
6 OCT 1964

RE: PETITION FOR RECLASSIFICATION: Parcel #1 from M-L to R-6 Zone; " #2 from R-6 to M-L Zone; " #3 from M-L to R-6 Zone; " #4 from R-6 to B-R Zone; N.S. Baltimore County Home Road 1026.69 feet East of York Road, 8th Dist., Julius Mandel and Tony Mandel, Petitioners	:	BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY No. 65-96-R

The petitioner in the above entitled matter has requested reclassification of four parcels of property on the north side of Baltimore County Home Road, 1026.69' east of York Road, in the Eighth District of Baltimore County.

The petitioner has withdrawn the request for reclassification of Parcels Nos. 1 and 3 of property owned by him on the north side of Baltimore County Home Road 1026.69 feet east of York Road.

The corrected description for Parcel 2 marked Exhibit "A" and the plat marked Exhibit "B" covering property on which the petitioner requests a reclassification from "R-6" Zone to "M-L" Zone should be attached to this Order.

The petitioner proved that the existing zoning map is in error and, therefore, it is ORDERED this 6th day of October, 1964, by the Zoning Commissioner of Baltimore County, that parcel 2 is reclassified from "R-6" Zone to "M-L" Zone and Exhibit "A" and Exhibit "B" are attached hereto and made a part hereof.

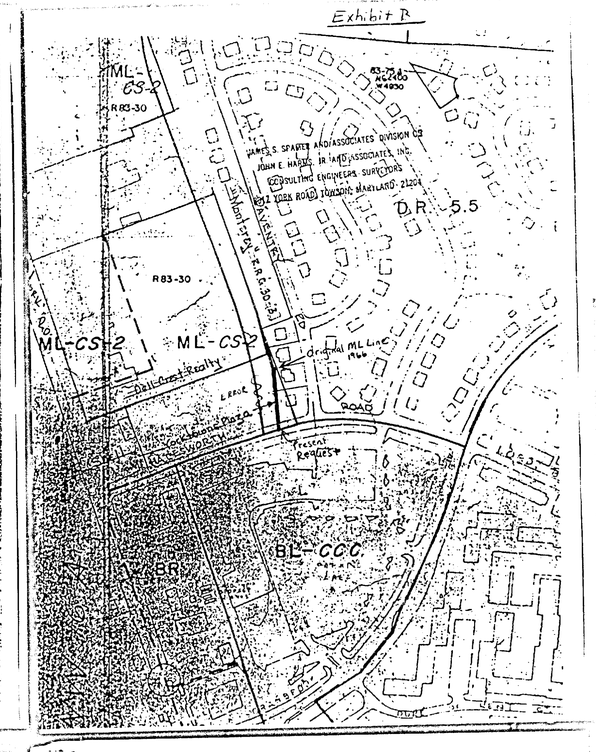
It is further ORDERED, for the same reason, that Parcel 4 of the petitioner's property is reclassified from "R-6" Zone to "B-R" Zone and a copy of the description of Parcel 4 is marked Exhibit "C" and attached hereto and made a part hereof.

The plan for the development of said property is subject to approval by the Bureau of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8017 YORK ROAD, TOWSON, MARYLAND 21204

Exhibit B



JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8012 YORK ROAD, TOWSON, MARYLAND 21204

County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 494-3196

COUNCIL

Ronald B. Hickernell — FIRST DISTRICT
Gary Huddles — SECOND DISTRICT
James T. Smith, Jr. — THIRD DISTRICT, CHAIRMAN
Barbara F. Bachur — FOURTH DISTRICT
Norman W. Lauenstein — FIFTH DISTRICT
Eugene W. Gallagher — SIXTH DISTRICT
John W. O Rourke — SEVENTH DISTRICT

Thomas Toporovich — SECRETARY

December 11, 1985

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

Dear Mr. Hackett:

This is to advise you that the County Council, at their meeting on Monday, December 2, 1985, approved the Planning Board's motion certifying that early action on the Julius and Tony Mandel Zoning Reclassification Petition would be in the public interest.

Sincerely yours,

Thomas Toporovich
Secretary

TT:ap

CC: Norman E. Gerber
Herbert O'Conor

RECEIVED
COUNTY BOARD OF APPEALS
1985 DEC 16 A 10 35

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1985, Legislative Day No. 23

Resolution No. 117-85

Mr. Eugene W. Gallagher, Councilman

By the County Council, December 2, 1985

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Julius and Tony Mandel for a .24 acre parcel of land on the north side of Halesworth Road, should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Julius and Tony Mandel, requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Julius and Tony Mandel, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (i) of the Baltimore County Code.

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

December 27, 1985

NOTICE OF HEARING

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20"E 339'± from intersection of the N/S of Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 133

TIME: 10:00 a.m.

DATE: Thursday, January 30, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 012322

DATE _____ ACCOUNT _____
AMOUNT $ _____
RECEIVED FROM _____
FOR _____
VALIDATION OR SIGNATURE OF CASHIER

William T. Hackett, Chairman
Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas Toporovich, County Council Secretary - Administrator — Date: November 22, 1985

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Zoning Reclassification Petition: Julius and Tony Mandel; Request for exemption from cyclical procedures

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson, County Executive
B. Melvin Cole, County Administrative Officer
William T. Hackett, Chairman, County Board of Appeals
Malcolm Spicer, County Solicitor
Phyllis Cole Friedman, People's Counsel
James E. Dyer, Zoning Supervisor
Herbert R. O'Conor, III, Esquire

JUN 1 0 '86

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Julius and Tony Mandel to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition to provide for the prompt correction of an apparent drafting error; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Date

Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William T. Hackett, Chairman, County Board of Appeals — Date January 2, 1986

FROM Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT Zoning Reclassification Petition No. R-86-293; Mandel Property: N/S of Halesworth Road, 539' E. of York Road

This 0.24-acre parcel of land is part of the larger property located at the northeast corner of York and Halesworth Roads. The petitioner is requesting a change from D.R. 5.5 to the M.L. zoning classification that exists on the entire remainder of the property. With the exception of residential properties to the rear or east side of the site, the surrounding tracts of land are zoned for commercial or industrial use.

The M.L. zoning for the four contiguous properties along this side of York Road in a northerly direction beginning at Halesworth Road was obtained by property owners prior to the adoption of the first Comprehensive Zoning Map in 1971. In preparing this map, the Planning staff incorrectly drew the zoning boundary line so as to sever the rearmost portions of all of these properties, thereby inadvertently proposing D.R. 5.5 zoning on these parcels. The map was adopted accordingly.

In 1983 two of these severed parcels were reclassified from D.R. 5.5 to M.L. by the granting of Zoning Petition No. 83-30 by the County Board of Appeals. With the adoption of the 1984 Comprehensive Zoning Map, the third parcel was reclassified from D.R. 5.5 to M.L.; however, at that time, D.R. 5.5 zoning was retained on the fourth and final parcel of land, that which is the subject of this petition.

It is my opinion that D.R. 5.5 is in error here, and that the zoning boundary line should be adjusted so that the entire property is in the M.L. zoning classification. Such action would complete the series of corrections that began with the granting of Zoning Petition No. R-8330.

It is therefore recommended that the subject request for M.L. zoning be granted.

Norman E. Gerber, AICP
Director

NEG:slm

attachment

cc: Phyllis Cole Friedman
Frank Fisher
J.G. Hoswell
Herbert R. O'Conor, II'

RECEIVED
COUNTY BOARD OF APPEALS
1986 JAN 4 P 12 56

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539'+ from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

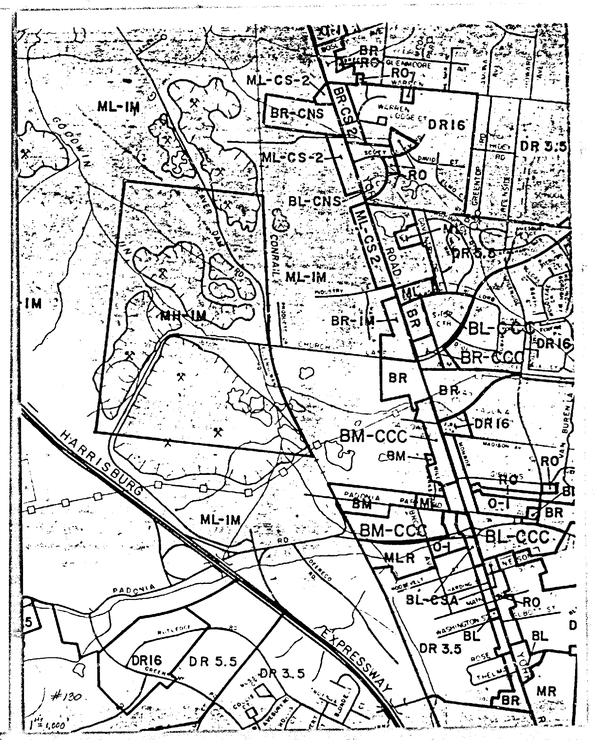
All that parcel of land in the 8th District of Baltimore County

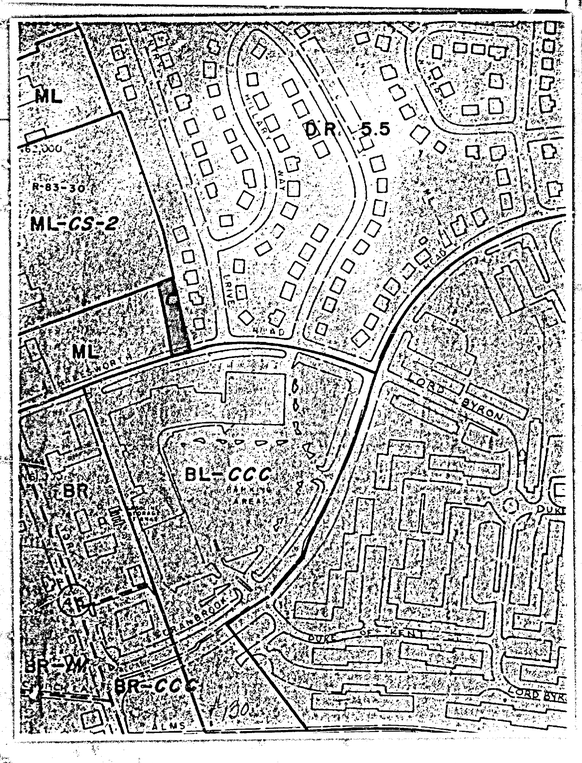
ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

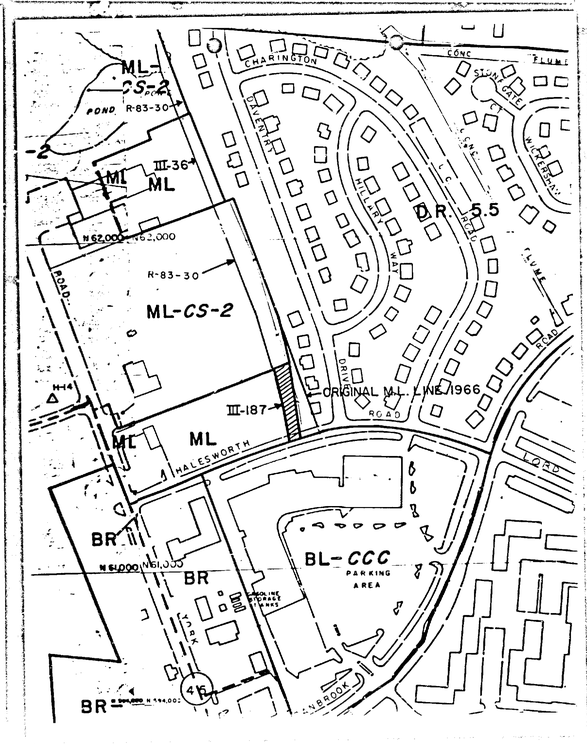
Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92 and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

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







BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 31, 1985

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

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

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 130 - Case No. R-86-293
Petitioners - Julius Mandel, et al
Reclassification Petition

Dear Mr. O'Conor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer (mr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: James Spamer & Associates
8017 York Road
Towson, Maryland 21204

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

STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Meeting of October 15, 1985

Item No.	-ZAC-	130
Property Owner:		Julius Mandel, et al
Location:		N/S Halesworth Road, 539' NE of centerline of York RD
Existing Zoning:		D.R. 5.5
Proposed Zoning:		M.L.
Acres:		.24
District:		8th

Dear Mr. Jablon:

The existing D.R.5.5 zoning can be expected to generate approximately 12 trips per day and the proposed M.L. zoning can be expected to generate 24 trips per day.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

JAN 10 '86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

October 14, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: *Nick Commodari, Chairman*
Zoning Plans Advisory Committee

RE: *Property Owner:* Julius Mandel, et al

Location: N/S Halesworth Rd., 539' NE of centerline of York Road

Item No.: 130 *Zoning Agenda:* Meeting of October 15, 1985

Gentlemen:

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

( ) 1. *Fire hydrants for the referenced property are required and shall be located at intervals or ________ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.*

( ) 2. *A second means of vehicle access is required for the site.*

( ) 3. *The vehicle dead end condition shown at ____________________*

____________________ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. *The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.*

(X) 5. *The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.*

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

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

REVIEWER: Capt. Joseph Kelly 10-14-85 — Planning Group, Special Inspection Division

Noted and Approved: John F. O'Neill — Fire Prevention Bureau

/mb

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

TED ZALESKI, JR.
DIRECTOR

November 22, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 130 Zoning Advisory Committee Meeting are as follows:

Property Owner: Julius Mandel, et al
Location: N/S Halesworth Road, 539' NE of c/l of York Road
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A.) All proposed structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B.) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

(D.) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) ________, ________, of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use ________ to Use ________, or to Mixed Uses ________ ________ ________. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BY: C. E. Burnham, Chief, Building Plans Review

4/22/85

Case No. R-86-293

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of December, 19 85

ARNOLD JABLON
Zoning Commissioner

Petitioner: Julius Mandel, et al
Petitioner's Attorney: Herbert R. O'Conor, III, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71 20 20 E 539 from intersection of the North side of Halesworth Road and the center of York Road

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

All that parcel of land in the 8th District of Baltimore County

ZONE DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71 20 20 East 539 more or less from the intersection of said north side of Halesworth Road and the center of York Road 66 wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71 20 20 East 10 more or less and by a line curving to the right with a radius of 700.00 for a distance of 25.12 (the chord of the same being North 72 22 01 East 25.11) to intersect the westernmost outline of a block a on the Plat of Monterey recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three the following two courses and distances viz: North 7 20 30 West 158.97 and North 13 05 30 West 35.92 and running thence South 71 09 30 West 51 more or less and thence along the existing M.L. zoning line south 13 25 00 East 192 more or less to the place of beginning.

Being the property of Julius and Tony Mandel as shown on the plat plan filed with the Zoning Department.

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 8, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 8, 19 86.

TOWSON TIMES,

Publisher

59.50

R-86-293

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539' ± from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

All that parcel of land in the 8th District of Baltimore County

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey" recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT,
CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY
Jan. 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 9, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 9, 19 86.

THE JEFFERSONIAN,

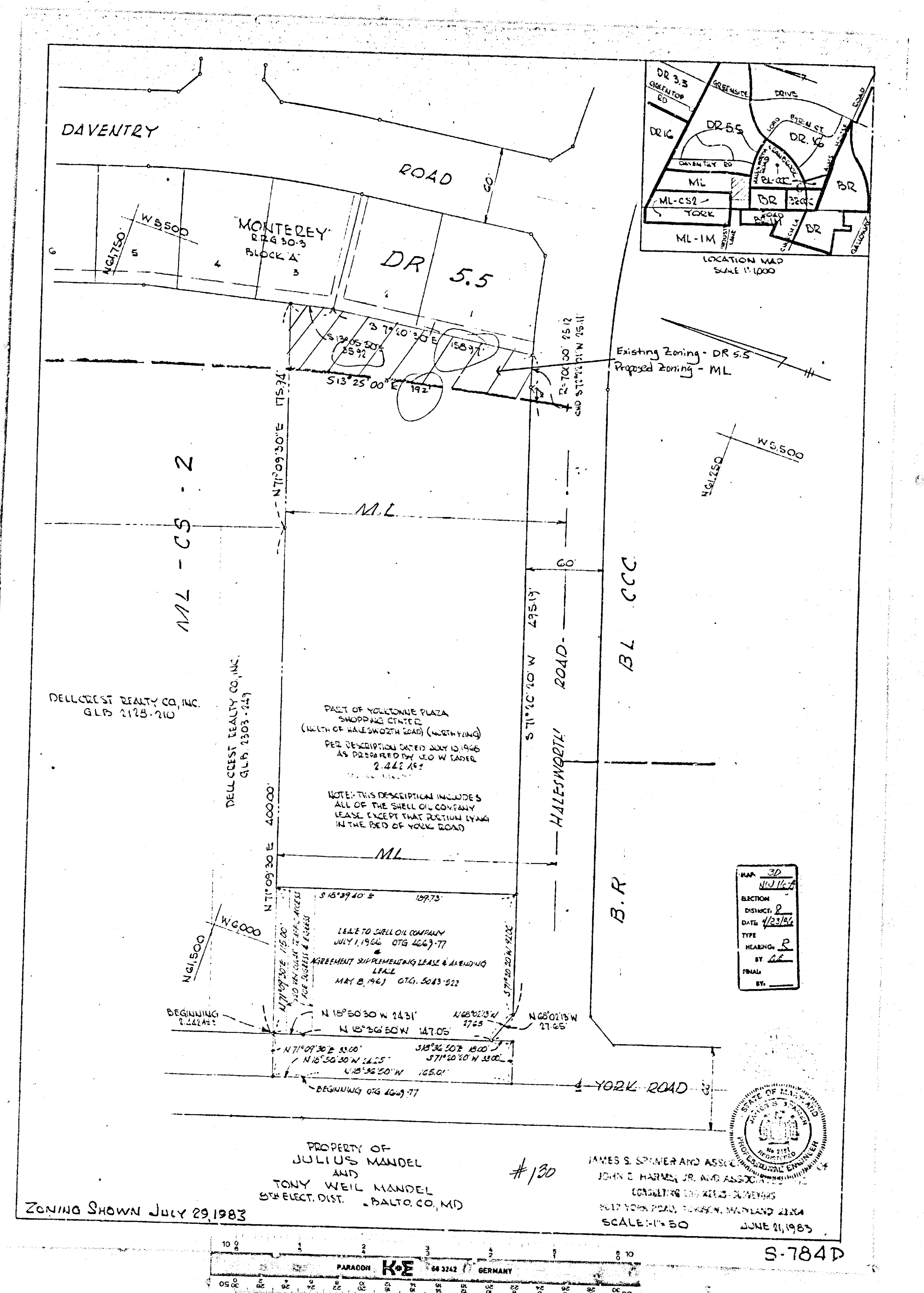
Publisher

35.75

R-86-293

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY R-86-293
Towson, Maryland

District: 8th — Date of Posting: 1/10/86
Posted for: Reclassification
Petitioner: Julius & Tony Mandel
Location of property: N/S Halesworth Rd. 539' E/of c/l of York Rd
Location of Signs: Facing Halesworth, Approx. 12' Fr. roadway, 110' W of c/l Daventry Rd. — on property of Petitioner (W of 8' Fence)
Remarks: 8' high Fence at rear of corner property of Halesworth & Daventry Rds. on N/S
Posted by: [signature] (Signature) — Date of return: 1/17/86
Number of Signs: 1



R-86-293

#130

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 a DR 5.5 zone to an ML 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:

MAP	3D NW 14 A
ELECTION DISTRICT	8
DATE	1/23/86
TYPE HEARING	R
BY	RE
FINAL	
BY	

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

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Julius and Tony Mandel
(Type or Print Name)
Signature Julius Mandel
(Type or Print Name)
Signature Tony Mandel

Attorney for Petitioner:
Herbert R. O'Conor, III, Esq.
(Type or Print Name)
Signature
P.O. Box 5517
210 Allegheny Ave.
Address
Towson, MD 21204
City and State
Attorney's Telephone No.: 823-4111

P.O. Box 5991
Address Phone No.
Baltimore, MD 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Herbert R. O'Conor, III, Esq.
Name
P.O.Box 5517, Towson, MD 21204 823-4111
Address Phone No.

BABC—Form 1

R-86-293

R-86-293
#130

Julius & Tony Mandel
Beg. N/S Halesworth Rd., N 71°20'20" E 539'± from inter. of N/S Halesworth Rd. & center of York Rd.
8th Dist.

R-86-293
8th Dist.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 6, 1986

Herbert R. O'Conor, III, Esq.
210 Allegheny Ave.
Towson, Md. 21204

Re: Case No. R-86-293
Julius Mandel, et al

Dear Mr. O'Conor:

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

Very truly yours,

June Holmen, Secretary

Encl.
cc: Julius and Tony Mandel
Phyllis C. Friedman
Arnold Jablon
Jean Jung
James Dyer
Norman E. Gerber
James G. Hoswell

IN THE MATTER OF THE PETITION OF JULIUS MANDEL, ET AL, FOR RECLASSIFICATION OF PROPERTY LOCATED ON THE NORTH SIDE OF HALESWORTH RD., 539 FT. NORTHEAST OF THE CENTER LINE OF YORK RD. FROM D.R. 5.5 to M.L. 8th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-293

: : : : : : ::: : : : : : : :

OPINION

This matter comes before the Board on petition by Julius Mandel, et al, for reclassification of .24 acres of property located on the north side of Halesworth Road, 539 ft. northeast of the center line of York Road. The request is for a reclassification from D.R. 5.5 zoned property to M.L. zoned property.

At hearing today, Counsel for Petitioners brought to the attention of the Board the correspondence of Norman E. Gerber, Director of the office of Planning & Zoning, dated January 2, 1986, which states the legislative history of this and the adjoining properties. The four contiguous properties along this side of York Road beginning in a northerly direction at Halesworth Road, was zoned M.L. dating back to 1966, prior to the first Comprehensive Zoning Map in 1971. Apparently, at the time that the first Comprehensive Zoning Map was drawn, the Planning Staff incorrectly drew the zoning boundary so as to sever the rear most portions of all four of these properties and placed those sections of the properties in the D.R. 5.5 zoning classification.

Testimony by James Hoswell, planning expert for Baltimore County, further supported the claim for error. Mr. Hoswell indicated that the three other property owners that were affected have sought and received reclassification of their properties either through petition to this Board or through the Comprehensive Zoning Map process. Mr. Hoswell supports his belief

that error exists in this case by testifying that in the first Comprehensive Zoning Map process this parcel was not made a specific issue and no notification to the property owner was provided that would indicate that a downshift in zoning was being requested. He states that the discrepancy between the zoning line and the property line was apparently a simple drafting error which was inadvertantly made with noone's knowledge until after 1980.

Pauline Foster, who resides at 10100 Daventry Drive, appeared as a Protestant. Ms. Foster's property abutts the rear portion of the subject property. She purchased her property in February 1985. It is Ms. Foster's belief that change in the existing zoning would impair the use and enjoyment of her property. She acknowledges that at present there is a parking lot over the area which has been petitioned for rezoning, however is of the belief that the reclassification would have additional detrimental effect on the use of her property and its market value.

On balance, the Board is of the belief that the present zoning for this portion of Petitioner's property was an error. By all accounts of the Office of Planning & Zoning and those of Mr. Hoswell, the present zoning would not have existed for this parcel had there been no mistake in the drafting during the 1969 to 1971 map process. We believe that to change the property to the requested M.L. zoning would be uniform and consistent with the treatment of the adjacent parcels that have sought and received reclassification.

This Board is sympathetic with the concerns of Ms. Foster, however, we believe that the zoning regulations afford her sufficient ability to peacefully and quietly enjoy the benefits of her property notwithstanding the action that is taken by the Board in this Opinion. We do believe an error was committed in this case and believe our actions are required in view of such error.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 6th day of February, 1986, by the County Board of Appeals, ORDERED that the subject Petition for Reclassification from D.R. 5.5 to M.L., be and the same is hereby GRANTED.

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

Kelly S. Ferraz, Acting Chairman

LeRoy B. Spurrier

Patricia Phipps

ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

#130

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO M.L. ZONE Beginning on N/S Halesworth Rd., N 71°20'20"E 539'± from Intersection of the N/S of Halesworth Rd. & the Center of York Rd., 8th District	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
JULIUS AND TONY MANDEL, Petitioners	:	Case No. R-86-293 (Item No. 130)

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

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

RECEIVED
COUNTY BOARD OF APPEALS
'86 DEC 20 A 9:34

I HEREBY CERTIFY that on this 20th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Herbert R. O'Conor, III, Esquire, P. O. Box 5517, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 29, 1986

Herbert R. O'Conor, III, Esquire
P.O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20" E
539'± from intersection of the N/S of
Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 130

Dear Mr. O'Conor:

This is to advise you that $100.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 016138

DATE 1/31/86 ACCOUNT R-01-615-000

AMOUNT $100.25

RECEIVED FROM Julius & Tony Mandel

FOR Zoning Case R-86-293

VALIDATION OR SIGNATURE OF CASHIER

JUN 1 8 1986

IN THE MATTER OF	*	BEFORE THE
JULIUS AND TONY MANDEL	*	COUNTY BOARD OF
Petitioners	*	APPEALS FOR
	*	BALTIMORE COUNTY
	*	CASE NO:

* * * * * * * *

MEMORANDUM IN SUPPORT OF RECLASSIFICATION

Petitioners request reclassification from DR 5.5 to an ML zone. A drafting error exists and there is no valid reason why this property does not have a similar ML zoning line as the adjacent parcel of Dellcrest Realty Company. On February 24, 1983 the County Board of Appeals issued an Order granting Dellcrest's Petition for Reclassification to correct a drafting error (R. 83-30) and to establish the ML line at its easternmost boundary. Here, Petitioners ask for an Order which will extend the existing ML line in a continuous manner from the Dellcrest line and at the Petitioners' easternmost boundary line.

On October 6, 1964 Zoning Commissioner Rose passed an Order reclassifying Petitioners property to ML (Case No. 65-96-R, see Exhibit A). The Comprehensive Zoning Map, without any notice to the property owner as required by law, changed the line to its present position by moving the ML line westward. As shown on the attached Exhibit B, the property owners seek to have the ML line coincide with their property line.

This Petition is filed pursuant to Section 2-58.1(i) of the Baltimore County Code. Petitioner asserts that the public interest would be served by correction of this drafting error in that the present line was adopted without notice

to the property owner, contrary to law, and the present line conflicts with the 1966 Decision of the Zoning Commissioner. The public interest is served by a correct Comprehensive Zoning Map.

Counsel for the Petitioners has met with representatives of the Office of Planning and Zoning and they have indicated they do not oppose this request. Further, the undersigned has met with Councilman Smith and he has said he will introduce a resolution before the County Council asking it to approve a certification from the Planning Board that the public interest would be served by the correction of the drafting error.

Section 2-40.1(j) of the County Code provides that the Board of Appeals must find, before granting a reclassification, that the last classification of the property was established in error and that the prospective reclassification is warranted by that error. Petitioner respectfully submits that the failure of the 1984 Comprehensive Zoning Map to incorporate correctly the Order of Zoning Commissioner Rose and the failure to provide lawful notice of the intended change of the zoning line to the property owners necessitates a conclusion that the property was last classified in error and that this reclassification is warranted by that error.

HERBERT R. O'CONOR, III
Cook, Howard, Downes & Tracy
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioners

Exhibit A Ref 65-96-R
6 OCT 1964

RE: PETITION FOR RECLASSIFICATION: Parcel #1 from M-L to R-6 Zone; " #2 from R-6 to M-L Zone; " #3 from M-L to R-6 Zone; " #4 from R-6 to B-R Zone; N.S. Baltimore County Home Road 1026.69 feet East of York Road, 8th Dist., Julius Mandel and Tony Mandel, Petitioners	:	BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY No. 65-96-R

The petitioner in the above entitled matter has requested reclassification of four parcels of property on the north side of Baltimore County Home Road, 1026.69' east of York Road, in the Eighth District of Baltimore County.

The petitioner has withdrawn the request for reclassification of Parcels Nos. 1 and 3 of property owned by him on the north side of Baltimore County Home Road 1026.69 feet east of York Road.

The corrected description for Parcel 2 marked Exhibit "A" and the plat marked Exhibit "B" covering property on which the petitioner requests a reclassification from "R-6" Zone to "M-L" Zone should be attached to this Order.

The petitioner proved that the existing zoning map is in error and, therefore, it is ORDERED this 6th day of October, 1964, by the Zoning Commissioner of Baltimore County, that parcel 2 is reclassified from "R-6" Zone to "M-L" Zone and Exhibit "A" and Exhibit "B" are attached hereto and made a part hereof.

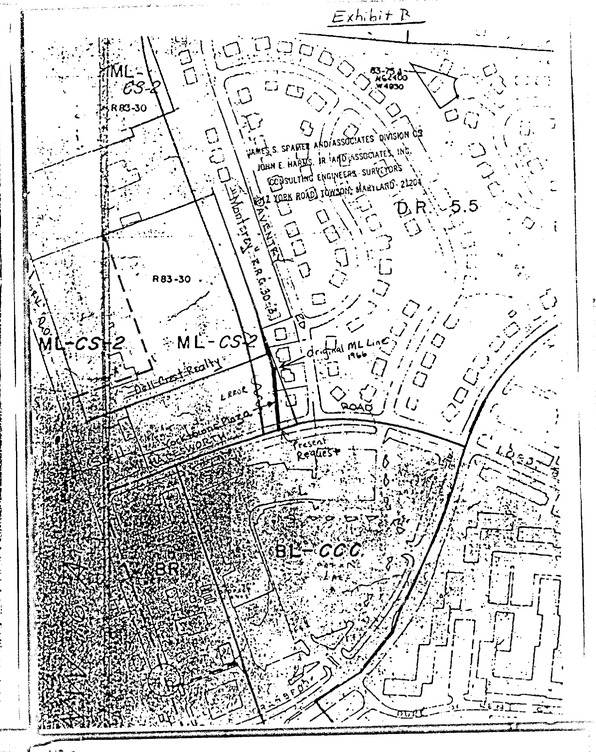
It is further ORDERED, for the same reason, that Parcel 4 of the petitioner's property is reclassified from "R-6" Zone to "B-R" Zone and a copy of the description of Parcel 4 is marked Exhibit "C" and attached hereto and made a part hereof.

The plan for the development of said property is subject to approval by the Bureau of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8017 YORK ROAD, TOWSON, MARYLAND 21204

Exhibit B



JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8012 YORK ROAD, TOWSON, MARYLAND 21204

County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 494-3196

COUNCIL

Ronald B. Hickernell — FIRST DISTRICT
Gary Huddles — SECOND DISTRICT
James T. Smith, Jr. — THIRD DISTRICT, CHAIRMAN
Barbara F. Bachur — FOURTH DISTRICT
Norman W. Lauenstein — FIFTH DISTRICT
Eugene W. Gallagher — SIXTH DISTRICT
John W. O Rourke — SEVENTH DISTRICT

Thomas Toporovich — SECRETARY

December 11, 1985

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

Dear Mr. Hackett:

This is to advise you that the County Council, at their meeting on Monday, December 2, 1985, approved the Planning Board's motion certifying that early action on the Julius and Tony Mandel Zoning Reclassification Petition would be in the public interest.

Sincerely yours,

Thomas Toporovich
Secretary

TT:ap

CC: Norman E. Gerber
Herbert O'Conor

RECEIVED
COUNTY BOARD OF APPEALS
1985 DEC 16 A 10 35

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1985, Legislative Day No. 23

Resolution No. 117-85

Mr. Eugene W. Gallagher, Councilman

By the County Council, December 2, 1985

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Julius and Tony Mandel for a .24 acre parcel of land on the north side of Halesworth Road, should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Julius and Tony Mandel, requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Julius and Tony Mandel, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (i) of the Baltimore County Code.

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

December 27, 1985

NOTICE OF HEARING

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20"E 339'± from intersection of the N/S of Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 133

TIME: 10:00 a.m.

DATE: Thursday, January 30, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 012322

DATE _____ ACCOUNT _____
AMOUNT $ _____
RECEIVED FROM _____
FOR _____
VALIDATION OR SIGNATURE OF CASHIER

William T. Hackett, Chairman
Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas Toporovich, County Council Secretary - Administrator — Date: November 22, 1985

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Zoning Reclassification Petition: Julius and Tony Mandel; Request for exemption from cyclical procedures

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson, County Executive
B. Melvin Cole, County Administrative Officer
William T. Hackett, Chairman, County Board of Appeals
Malcolm Spicer, County Solicitor
Phyllis Cole Friedman, People's Counsel
James E. Dyer, Zoning Supervisor
Herbert R. O'Conor, III, Esquire

JUN 1 0 '86

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Julius and Tony Mandel to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition to provide for the prompt correction of an apparent drafting error; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Date

Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William T. Hackett, Chairman, County Board of Appeals — Date January 2, 1986

FROM Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT Zoning Reclassification Petition No. R-86-293; Mandel Property: N/S of Halesworth Road, 539' E. of York Road

This 0.24-acre parcel of land is part of the larger property located at the northeast corner of York and Halesworth Roads. The petitioner is requesting a change from D.R. 5.5 to the M.L. zoning classification that exists on the entire remainder of the property. With the exception of residential properties to the rear or east side of the site, the surrounding tracts of land are zoned for commercial or industrial use.

The M.L. zoning for the four contiguous properties along this side of York Road in a northerly direction beginning at Halesworth Road was obtained by property owners prior to the adoption of the first Comprehensive Zoning Map in 1971. In preparing this map, the Planning staff incorrectly drew the zoning boundary line so as to sever the rearmost portions of all of these properties, thereby inadvertently proposing D.R. 5.5 zoning on these parcels. The map was adopted accordingly.

In 1983 two of these severed parcels were reclassified from D.R. 5.5 to M.L. by the granting of Zoning Petition No. 83-30 by the County Board of Appeals. With the adoption of the 1984 Comprehensive Zoning Map, the third parcel was reclassified from D.R. 5.5 to M.L.; however, at that time, D.R. 5.5 zoning was retained on the fourth and final parcel of land, that which is the subject of this petition.

It is my opinion that D.R. 5.5 is in error here, and that the zoning boundary line should be adjusted so that the entire property is in the M.L. zoning classification. Such action would complete the series of corrections that began with the granting of Zoning Petition No. R-8330.

It is therefore recommended that the subject request for M.L. zoning be granted.

Norman E. Gerber, AICP
Director

NEG:slm

attachment

cc: Phyllis Cole Friedman
Frank Fisher
J.G. Hoswell
Herbert R. O'Conor, II'

RECEIVED
COUNTY BOARD OF APPEALS
1986 JAN 4 P 12 56

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539'+ from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

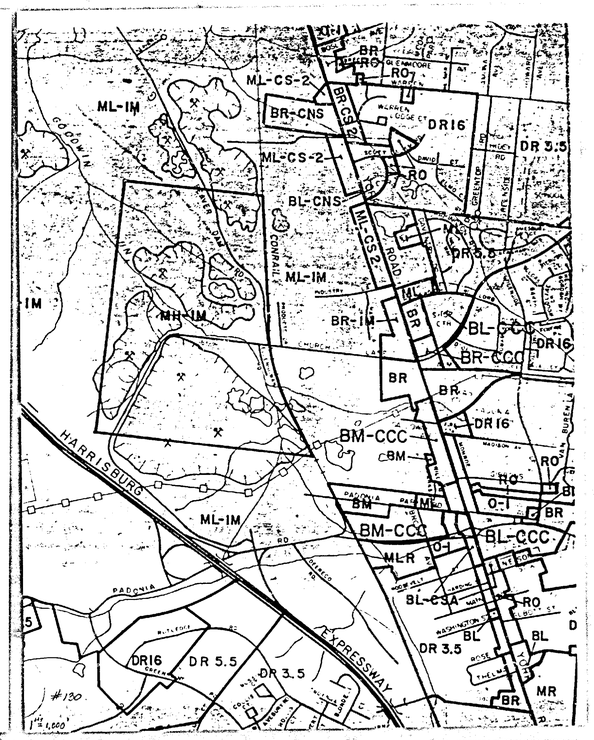
All that parcel of land in the 8th District of Baltimore County

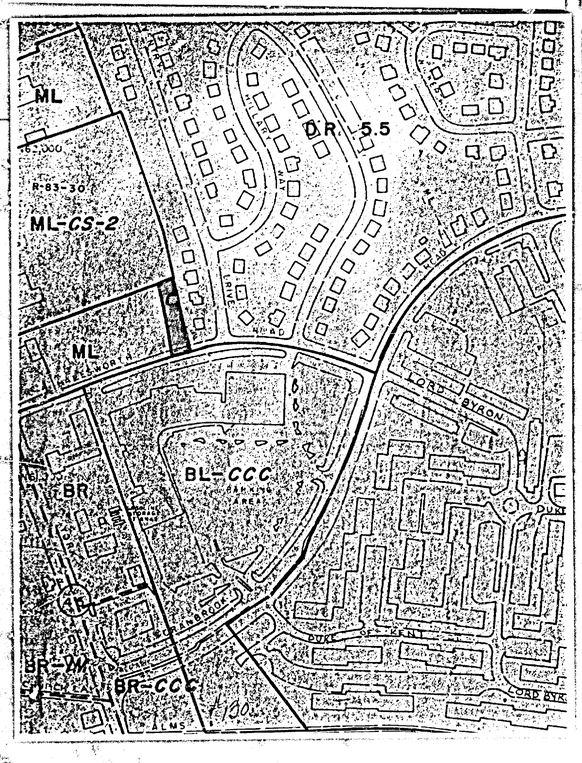
ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

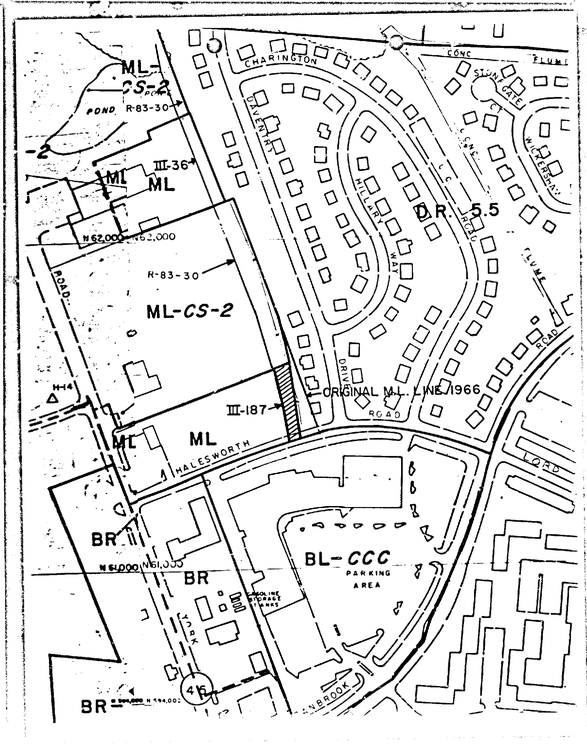
Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92 and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

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







BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 31, 1985

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

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

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 130 - Case No. R-86-293
Petitioners - Julius Mandel, et al
Reclassification Petition

Dear Mr. O'Conor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer (mr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: James Spamer & Associates
8017 York Road
Towson, Maryland 21204

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

STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Meeting of October 15, 1985

Item No.	-ZAC-	130
Property Owner:		Julius Mandel, et al
Location:		N/S Halesworth Road, 539' NE of centerline of York RD
Existing Zoning:		D.R. 5.5
Proposed Zoning:		M.L.
Acres:		.24
District:		8th

Dear Mr. Jablon:

The existing D.R.5.5 zoning can be expected to generate approximately 12 trips per day and the proposed M.L. zoning can be expected to generate 24 trips per day.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

JAN 10 '86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

October 14, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Julius Mandel, et al

Location: N/S Halesworth Rd., 539' NE of centerline of York Road

Item No.: 130 *Zoning Agenda:* Meeting of October 15, 1985

Gentlemen:

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

( ) 1. *Fire hydrants for the referenced property are required and shall be located at intervals or ________ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.*

( ) 2. *A second means of vehicle access is required for the site.*

( ) 3. *The vehicle dead end condition shown at ____________________*

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. *The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.*

(X) 5. *The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.*

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

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

REVIEWER: Capt. Joseph Kelly 10-14-85
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/mb

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

TED ZALESKI, JR.
DIRECTOR

November 22, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 130 Zoning Advisory Committee Meeting are as follows:

Property Owner: Julius Mandel, et al
Location: N/S Halesworth Road, 539' NE of c/l of York Road
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A.) All proposed structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B.) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

(D.) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) ________, ________, of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use ______ to Use ______, or to Mixed Uses ______ ______ ______. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burnham
BY: C. E. Burnham, Chief
Building Plans Review

4/22/85

Case No. R-86-293

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of December, 19 85

ARNOLD JABLON
Zoning Commissioner

Petitioner: Julius Mandel, et al
Petitioner's Attorney: Herbert R. O'Conor, III, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

[PE]TITION FOR [RECL]ASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71 20 20 E 539 from intersection of the North side of Halesworth Road and the center of York Road

PUBLIC HEARING: Thursday January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone

All that parcel of land in the 8th District of Baltimore County

ZONE DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71 20 20 East 539 more or less from the intersection of said north side of Halesworth Road and the center of York Road 66 wide and running thence along on the north side of Halesworth Road the following two courses and distances viz North 71 20 20 East 10 more or less and by a line curving to the right with a radius of 700.00 for a distance of 25.12 (the chord of the same being North 72 22 01 East 25.11) to intersect the westernmost outline of a block a on the Plat of Monterey recorded among the Land Records of Baltimore County in Plat Book RRG No 30 folio 3 and running thence and binding on the westernmost outline of lot nos one and two and part of three the following two courses and distances viz North 7 20 30 West 158.97 and North 13 05 30 West 35.92 and running thence South 71 09 30 West 51 more or less and thence along the existing M.L. zoning line south 13 25 00 East 192 more or less to the place of beginning

Being the property of Julius and Tony Mandel as shown on the plat plan filed with the Zoning Department

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 8, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 8, 19 86.

TOWSON TIMES,
[illegible]
Publisher

59.50

R-86-293

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539'± from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

All that parcel of land in the 8th District of Baltimore County

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey" recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT,
CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY
Jan. 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 9, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 9, 19 86.

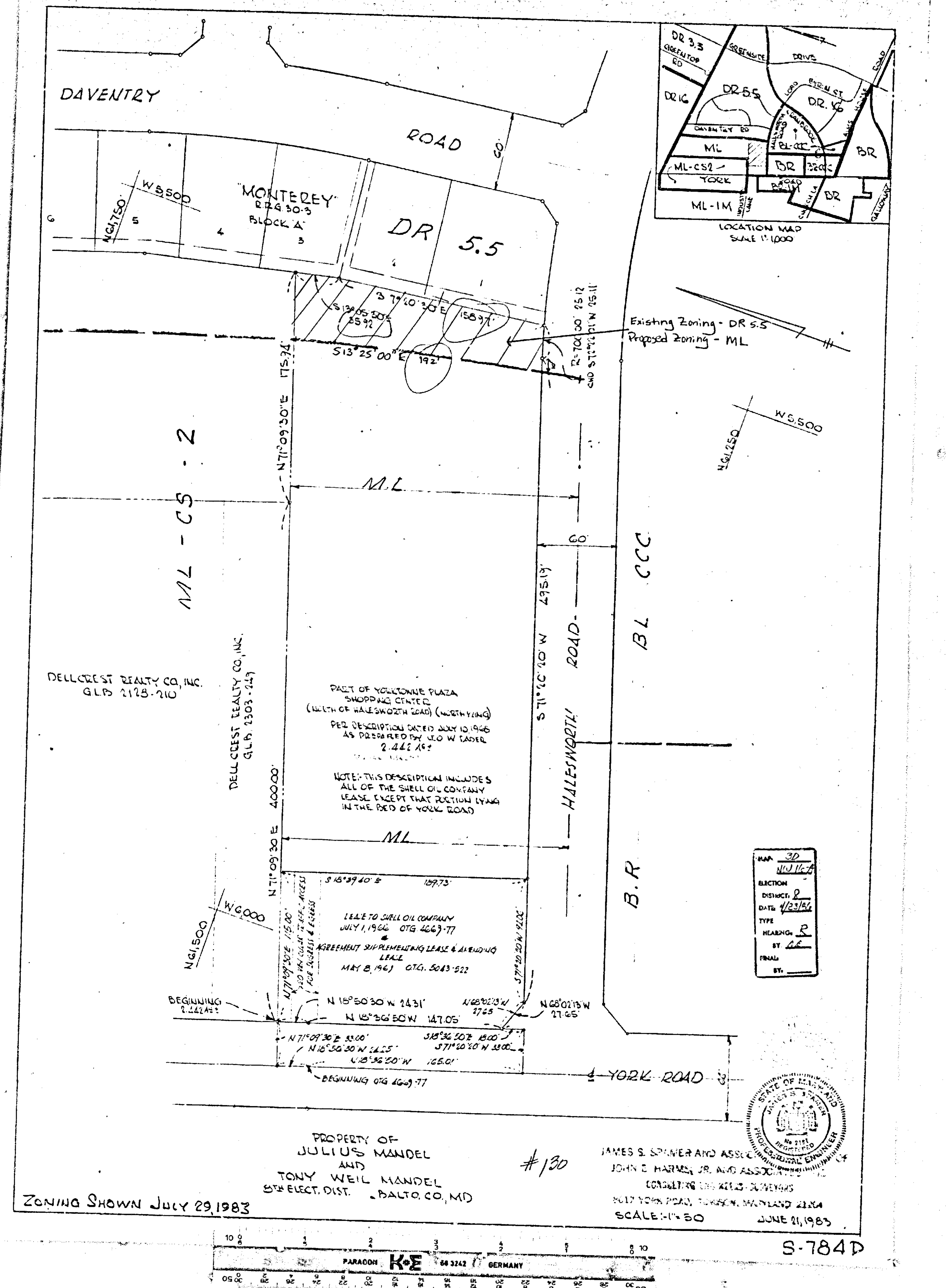
THE JEFFERSONIAN,
T B Venetoulis
Publisher

35.75

R-86-293

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY R-86-293
Towson, Maryland

District: 8th
Date of Posting: 1/10/86
Posted for: Reclassification
Petitioner: Julius & Tony Mandel
Location of property: N/S Halesworth Rd, 539' E/cl of York Rd
Location of Signs: Facing Halesworth, Approx. 12' Fr. roadway, 110' W of c/l Daventry Rd. - on property of Petitioner (W of 8' Fence)
Remarks: 8' high Fence at rear of corner property of Halesworth & Daventry Rds. on N/S
Posted by: [signature]
Signature
Date of return: 1/17/86
Number of Signs: 1



S-784D

R-86-293

#130

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 a DR 5.5 zone to an ML 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:

MAP	3D NW 14 A
ELECTION DISTRICT	8
DATE	1/23/86
TYPE HEARING	R
BY	RE
FINAL	
BY	

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

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Julius and Tony Mandel
(Type or Print Name)
Signature Julius Mandel
(Type or Print Name)
Signature Tony Mandel

Attorney for Petitioner:
Herbert R. O'Conor, III, Esq.
(Type or Print Name)
Signature
P.O. Box 5517
210 Allegheny Ave.
Address
Towson, MD 21204
City and State
Attorney's Telephone No.: 823-4111

P.O. Box 5991
Address Phone No.
Baltimore, MD 21208
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Herbert R. O'Conor, III, Esq.
Name
P.O.Box 5517, Towson, MD 21204 823-4111
Address Phone No.

BABC—Form 1

R-86-293

R-86-293
#130

Julius & Tony Mandel
Beg. N/S Halesworth Rd., N 71°20'20" E 539'± from inter. of N/S Halesworth Rd. & center of York Rd.
8th Dist.

R-86-293
8th Dist.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 6, 1986

Herbert R. O'Conor, III, Esq.
210 Allegheny Ave.
Towson, Md. 21204

Re: Case No. R-86-293
Julius Mandel, et al

Dear Mr. O'Conor:

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

Very truly yours,

June Holmen, Secretary

Encl.
cc: Julius and Tony Mandel
Phyllis C. Friedman
Arnold Jablon
Jean Jung
James Dyer
Norman E. Gerber
James G. Hoswell

IN THE MATTER OF THE PETITION OF JULIUS MANDEL, ET AL, FOR RECLASSIFICATION OF PROPERTY LOCATED ON THE NORTH SIDE OF HALESWORTH RD., 539 FT. NORTHEAST OF THE CENTER LINE OF YORK RD. FROM D.R. 5.5 to M.L. 8th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-293

: : : : : : ::: : : : : : : :

OPINION

This matter comes before the Board on petition by Julius Mandel, et al, for reclassification of .24 acres of property located on the north side of Halesworth Road, 539 ft. northeast of the center line of York Road. The request is for a reclassification from D.R. 5.5 zoned property to M.L. zoned property.

At hearing today, Counsel for Petitioners brought to the attention of the Board the correspondence of Norman E. Gerber, Director of the office of Planning & Zoning, dated January 2, 1986, which states the legislative history of this and the adjoining properties. The four contiguous properties along this side of York Road beginning in a northerly direction at Halesworth Road, was zoned M.L. dating back to 1966, prior to the first Comprehensive Zoning Map in 1971. Apparently, at the time that the first Comprehensive Zoning Map was drawn, the Planning Staff incorrectly drew the zoning boundary so as to sever the rear most portions of all four of these properties and placed those sections of the properties in the D.R. 5.5 zoning classification.

Testimony by James Hoswell, planning expert for Baltimore County, further supported the claim for error. Mr. Hoswell indicated that the three other property owners that were affected have sought and received reclassification of their properties either through petition to this Board or through the Comprehensive Zoning Map process. Mr. Hoswell supports his belief

that error exists in this case by testifying that in the first Comprehensive Zoning Map process this parcel was not made a specific issue and no notification to the property owner was provided that would indicate that a downshift in zoning was being requested. He states that the discrepancy between the zoning line and the property line was apparently a simple drafting error which was inadvertantly made with noone's knowledge until after 1980.

Pauline Foster, who resides at 10100 Daventry Drive, appeared as a Protestant. Ms. Foster's property abutts the rear portion of the subject property. She purchased her property in February 1985. It is Ms. Foster's belief that change in the existing zoning would impair the use and enjoyment of her property. She acknowledges that at present there is a parking lot over the area which has been petitioned for rezoning, however is of the belief that the reclassification would have additional detrimental effect on the use of her property and its market value.

On balance, the Board is of the belief that the present zoning for this portion of Petitioner's property was an error. By all accounts of the Office of Planning & Zoning and those of Mr. Hoswell, the present zoning would not have existed for this parcel had there been no mistake in the drafting during the 1969 to 1971 map process. We believe that to change the property to the requested M.L. zoning would be uniform and consistent with the treatment of the adjacent parcels that have sought and received reclassification.

This Board is sympathetic with the concerns of Ms. Foster, however, we believe that the zoning regulations afford her sufficient ability to peacefully and quietly enjoy the benefits of her property notwithstanding the action that is taken by the Board in this Opinion. We do believe an error was committed in this case and believe our actions are required in view of such error.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 6th day of February, 1986, by the County Board of Appeals, ORDERED that the subject Petition for Reclassification from D.R. 5.5 to M.L., be and the same is hereby GRANTED.

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

Kelly S. Ferraz, Acting Chairman

LeRoy B. Spurrier

Patricia Phipps

ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

#130

RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO M.L. ZONE Beginning on N/S Halesworth Rd., N 71°20'20"E 539'± from Intersection of the N/S of Halesworth Rd. & the Center of York Rd., 8th District	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
JULIUS AND TONY MANDEL, Petitioners	:	Case No. R-86-293 (Item No. 130)

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

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

RECEIVED
COUNTY BOARD OF APPEALS
'86 DEC 20 A 9:34

I HEREBY CERTIFY that on this 20th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Herbert R. O'Conor, III, Esquire, P. O. Box 5517, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 29, 1986

Herbert R. O'Conor, III, Esquire
P.O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20" E
539'± from intersection of the N/S of
Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 130

Dear Mr. O'Conor:

This is to advise you that $100.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 016138

DATE 1/31/86 ACCOUNT R-01-615-000

AMOUNT $100.25

RECEIVED FROM Julius & Tony Mandel

FOR Zoning Case R-86-293

VALIDATION OR SIGNATURE OF CASHIER

JUN 1 8 1986

IN THE MATTER OF	*	BEFORE THE
JULIUS AND TONY MANDEL	*	COUNTY BOARD OF
Petitioners	*	APPEALS FOR
	*	BALTIMORE COUNTY
	*	CASE NO:

* * * * * * * *

MEMORANDUM IN SUPPORT OF RECLASSIFICATION

Petitioners request reclassification from DR 5.5 to an ML zone. A drafting error exists and there is no valid reason why this property does not have a similar ML zoning line as the adjacent parcel of Dellcrest Realty Company. On February 24, 1983 the County Board of Appeals issued an Order granting Dellcrest's Petition for Reclassification to correct a drafting error (R. 83-30) and to establish the ML line at its easternmost boundary. Here, Petitioners ask for an Order which will extend the existing ML line in a continuous manner from the Dellcrest line and at the Petitioners' easternmost boundary line.

On October 6, 1964 Zoning Commissioner Rose passed an Order reclassifying Petitioners property to ML (Case No. 65-96-R, see Exhibit A). The Comprehensive Zoning Map, without any notice to the property owner as required by law, changed the line to its present position by moving the ML line westward. As shown on the attached Exhibit B, the property owners seek to have the ML line coincide with their property line.

This Petition is filed pursuant to Section 2-58.1(i) of the Baltimore County Code. Petitioner asserts that the public interest would be served by correction of this drafting error in that the present line was adopted without notice

to the property owner, contrary to law, and the present line conflicts with the 1966 Decision of the Zoning Commissioner. The public interest is served by a correct Comprehensive Zoning Map.

Counsel for the Petitioners has met with representatives of the Office of Planning and Zoning and they have indicated they do not oppose this request. Further, the undersigned has met with Councilman Smith and he has said he will introduce a resolution before the County Council asking it to approve a certification from the Planning Board that the public interest would be served by the correction of the drafting error.

Section 2-40.1(j) of the County Code provides that the Board of Appeals must find, before granting a reclassification, that the last classification of the property was established in error and that the prospective reclassification is warranted by that error. Petitioner respectfully submits that the failure of the 1984 Comprehensive Zoning Map to incorporate correctly the Order of Zoning Commissioner Rose and the failure to provide lawful notice of the intended change of the zoning line to the property owners necessitates a conclusion that the property was last classified in error and that this reclassification is warranted by that error.

HERBERT R. O'CONOR, III
Cook, Howard, Downes & Tracy
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioners

Exhibit A Ref 65-96-R
6 OCT 1964

RE: PETITION FOR RECLASSIFICATION: Parcel #1 from M-L to R-6 Zone; " #2 from R-6 to M-L Zone; " #3 from M-L to R-6 Zone; " #4 from R-6 to B-R Zone; N.S. Baltimore County Home Road 1026.69 feet East of York Road, 8th Dist., Julius Mandel and Tony Mandel, Petitioners	:	BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY No. 65-96-R

The petitioner in the above entitled matter has requested reclassification of four parcels of property on the north side of Baltimore County Home Road, 1026.69' east of York Road, in the Eighth District of Baltimore County.

The petitioner has withdrawn the request for reclassification of Parcels Nos. 1 and 3 of property owned by him on the north side of Baltimore County Home Road 1026.69 feet east of York Road.

The corrected description for Parcel 2 marked Exhibit "A" and the plat marked Exhibit "B" covering property on which the petitioner requests a reclassification from "R-6" Zone to "M-L" Zone should be attached to this Order.

The petitioner proved that the existing zoning map is in error and, therefore, it is ORDERED this 6th day of October, 1964, by the Zoning Commissioner of Baltimore County, that parcel 2 is reclassified from "R-6" Zone to "M-L" Zone and Exhibit "A" and Exhibit "B" are attached hereto and made a part hereof.

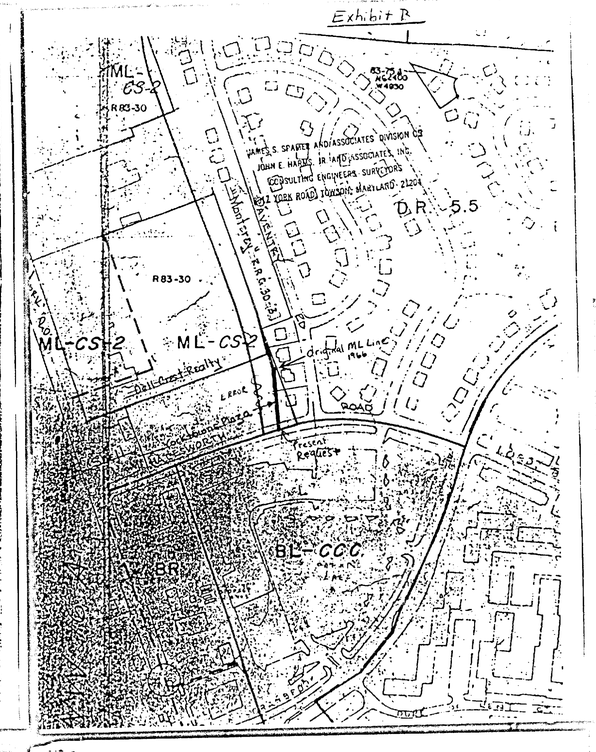
It is further ORDERED, for the same reason, that Parcel 4 of the petitioner's property is reclassified from "R-6" Zone to "B-R" Zone and a copy of the description of Parcel 4 is marked Exhibit "C" and attached hereto and made a part hereof.

The plan for the development of said property is subject to approval by the Bureau of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8017 YORK ROAD, TOWSON, MARYLAND 21204

Exhibit B



JAMES S. SPAMER AND ASSOCIATES DIVISION OF
JOHN E. HARMS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS · SURVEYORS
8012 YORK ROAD, TOWSON, MARYLAND 21204

County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 494-3196

COUNCIL

Ronald B. Hickernell — FIRST DISTRICT
Gary Huddles — SECOND DISTRICT
James T. Smith, Jr. — THIRD DISTRICT, CHAIRMAN
Barbara F. Bachur — FOURTH DISTRICT
Norman W. Lauenstein — FIFTH DISTRICT
Eugene W. Gallagher — SIXTH DISTRICT
John W. O Rourke — SEVENTH DISTRICT

Thomas Toporovich — SECRETARY

December 11, 1985

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

Dear Mr. Hackett:

This is to advise you that the County Council, at their meeting on Monday, December 2, 1985, approved the Planning Board's motion certifying that early action on the Julius and Tony Mandel Zoning Reclassification Petition would be in the public interest.

Sincerely yours,

Thomas Toporovich
Secretary

TT:ap

CC: Norman E. Gerber
Herbert O'Conor

RECEIVED
COUNTY BOARD OF APPEALS
1985 DEC 16 A 10 35

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1985, Legislative Day No. 23

Resolution No. 117-85

Mr. Eugene W. Gallagher, Councilman

By the County Council, December 2, 1985

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Julius and Tony Mandel for a .24 acre parcel of land on the north side of Halesworth Road, should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Julius and Tony Mandel, requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Julius and Tony Mandel, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (i) of the Baltimore County Code.

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

December 27, 1985

NOTICE OF HEARING

RE: PETITION FOR RECLASSIFICATION
Beg. on N/S Halesworth Rd., N 71°20'20"E 339'± from intersection of the N/S of Halesworth Rd. & the center of York Road
8th Election District
Julius and Tony Mandel - Petitioners
Case No. R-86-293 - Item No. 133

TIME: 10:00 a.m.

DATE: Thursday, January 30, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 012322

DATE _____ ACCOUNT _____
AMOUNT $ _____
RECEIVED FROM _____
FOR _____
VALIDATION OR SIGNATURE OF CASHIER

William T. Hackett, Chairman
Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Thomas Toporovich, County Council Secretary - Administrator — Date: November 22, 1985

FROM: Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT: Zoning Reclassification Petition: Julius and Tony Mandel; Request for exemption from cyclical procedures

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson, County Executive
B. Melvin Cole, County Administrative Officer
William T. Hackett, Chairman, County Board of Appeals
Malcolm Spicer, County Solicitor
Phyllis Cole Friedman, People's Counsel
James E. Dyer, Zoning Supervisor
Herbert R. O'Conor, III, Esquire

JUN 1 0 '86

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Julius and Tony Mandel to exempt from the zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action is required on this petition to provide for the prompt correction of an apparent drafting error; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Date

Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William T. Hackett, Chairman, County Board of Appeals — Date January 2, 1986

FROM Norman E. Gerber, AICP, Director, Office of Planning and Zoning

SUBJECT Zoning Reclassification Petition No. R-86-293; Mandel Property: N/S of Halesworth Road, 539' E. of York Road

This 0.24-acre parcel of land is part of the larger property located at the northeast corner of York and Halesworth Roads. The petitioner is requesting a change from D.R. 5.5 to the M.L. zoning classification that exists on the entire remainder of the property. With the exception of residential properties to the rear or east side of the site, the surrounding tracts of land are zoned for commercial or industrial use.

The M.L. zoning for the four contiguous properties along this side of York Road in a northerly direction beginning at Halesworth Road was obtained by property owners prior to the adoption of the first Comprehensive Zoning Map in 1971. In preparing this map, the Planning staff incorrectly drew the zoning boundary line so as to sever the rearmost portions of all of these properties, thereby inadvertently proposing D.R. 5.5 zoning on these parcels. The map was adopted accordingly.

In 1983 two of these severed parcels were reclassified from D.R. 5.5 to M.L. by the granting of Zoning Petition No. 83-30 by the County Board of Appeals. With the adoption of the 1984 Comprehensive Zoning Map, the third parcel was reclassified from D.R. 5.5 to M.L.; however, at that time, D.R. 5.5 zoning was retained on the fourth and final parcel of land, that which is the subject of this petition.

It is my opinion that D.R. 5.5 is in error here, and that the zoning boundary line should be adjusted so that the entire property is in the M.L. zoning classification. Such action would complete the series of corrections that began with the granting of Zoning Petition No. R-8330.

It is therefore recommended that the subject request for M.L. zoning be granted.

Norman E. Gerber, AICP
Director

NEG:slm

attachment

cc: Phyllis Cole Friedman
Frank Fisher
J.G. Hoswell
Herbert R. O'Conor, II'

RECEIVED
COUNTY BOARD OF APPEALS
1986 JAN 4 P 12 56

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539'+ from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

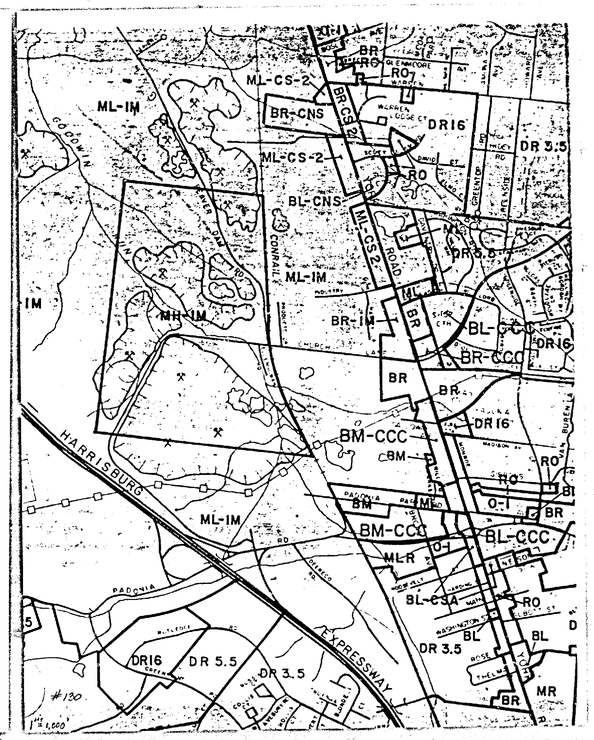
All that parcel of land in the 8th District of Baltimore County

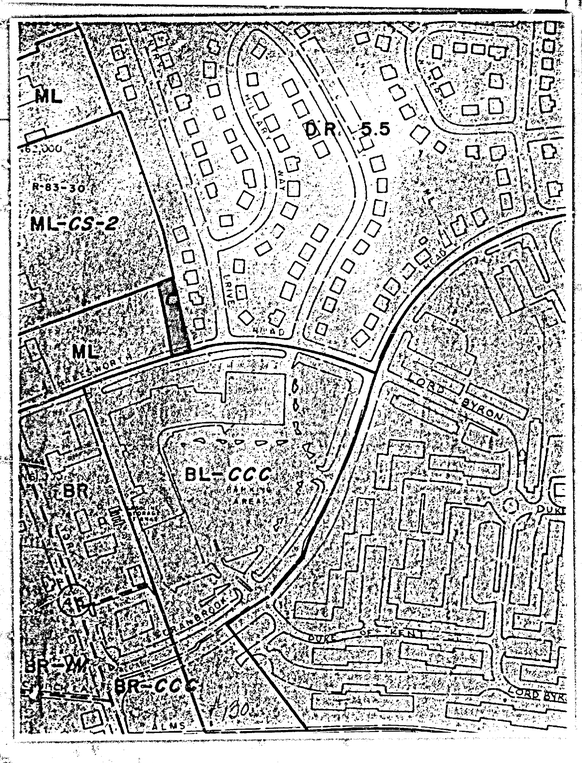
ZONING DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION

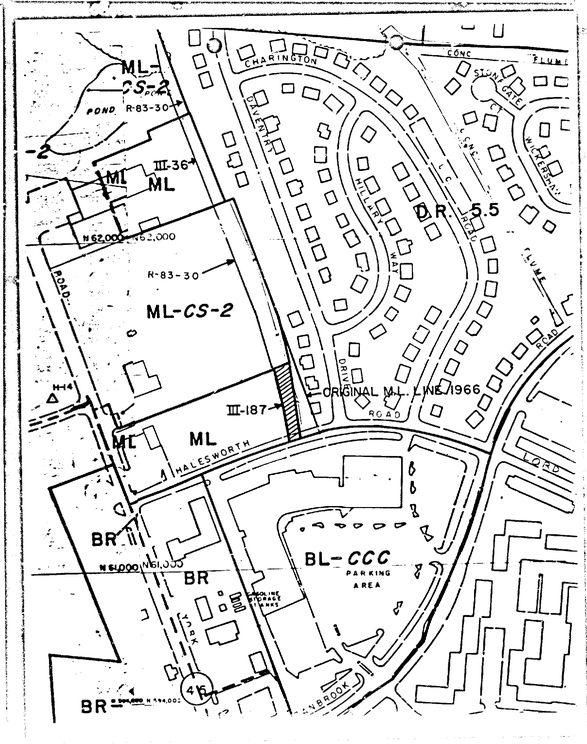
Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey", recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three, the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92 and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

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







BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 31, 1985

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

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

Herbert R. O'Conor, III, Esquire
P. O. Box 5517
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 130 - Case No. R-86-293
Petitioners - Julius Mandel, et al
Reclassification Petition

Dear Mr. O'Conor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer (mr)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: James Spamer & Associates
8017 York Road
Towson, Maryland 21204

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

STEPHEN E. COLLINS
DIRECTOR

November 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Meeting of October 15, 1985

Item No.	-ZAC-	130
Property Owner:		Julius Mandel, et al
Location:		N/S Halesworth Road, 539' NE of centerline of York RD
Existing Zoning:		D.R. 5.5
Proposed Zoning:		M.L.
Acres:		.24
District:		8th

Dear Mr. Jablon:

The existing D.R.5.5 zoning can be expected to generate approximately 12 trips per day and the proposed M.L. zoning can be expected to generate 24 trips per day.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

JAN 10 '86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

October 14, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: *Nick Commodari, Chairman*
Zoning Plans Advisory Committee

RE: *Property Owner:* Julius Mandel, et al

Location: N/S Halesworth Rd., 539' NE of centerline of York Road

Item No.: 130 *Zoning Agenda:* Meeting of October 15, 1985

Gentlemen:

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

( ) 1. *Fire hydrants for the referenced property are required and shall be located at intervals or _________ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.*

( ) 2. *A second means of vehicle access is required for the site.*

( ) 3. *The vehicle dead end condition shown at ____________________*

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. *The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.*

(X) 5. *The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.*

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

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

REVIEWER: Capt Joseph Kelly 10-14-85
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/mb

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

TED ZALESKI, JR.
DIRECTOR

November 22, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 130 Zoning Advisory Committee Meeting are as follows:

Property Owner: Julius Mandel, et al
Location: N/S Halesworth Road, 539' NE of c/l of York Road
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A.) All proposed structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B.) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

(D.) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) ________, ________, of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use ______ to Use ______, or to Mixed Uses ______ ______ ______. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BY: C. E. Burnham, Chief
Building Plans Review

4/22/85

Case No. R-86-293

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of December, 19 85

ARNOLD JABLON
Zoning Commissioner

Petitioner Julius Mandel, et al
Petitioner's Attorney Herbert R. O'Conor, III, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71°20'20" E 539'± from intersection of the North side of Halesworth Road and the center of York Road.

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone.

All that parcel of land in the 8th District of Baltimore County

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71° 20' 20" East 539' more or less from the intersection of said north side of Halesworth Road and the center of York Road, 66' wide and running thence and binding on the north side of Halesworth Road the following two courses and distances viz: North 71° 20' 20" East 10' more or less and by a line curving to the right with a radius of 700.00' for a distance of 25.12' (the chord of the same being North 72° 22' 01" East 25.11') to intersect the westernmost outline of a block "a" on the Plat of "Monterey" recorded among the Land Records of Baltimore County in Plat Book RRG No. 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three the following two courses and distances, viz: North 7° 20' 30" West 158.97' and North 13° 05' 30" West 35.92' and running thence South 71° 09' 30" West 51' more or less and thence along the existing M.L. zoning line south 13° 25' 00" East 192' more or less to the place of beginning.

Being the property of Julius and Tony Mandel, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF
WILLIAM T. HACKETT,
CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY
Jan. 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 9, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 9, 19 86.

THE JEFFERSONIAN,
J B Venetoulis
Publisher

35.75

R-86-293

PETITION FOR RECLASSIFICATION

LOCATION: Beginning on the North side of Halesworth Road, N 71 20 20 E 539 from intersection of the North side of Halesworth Road and the center of York Road

PUBLIC HEARING: Thursday, January 30, 1986 at 10:00 a.m.

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

Change zoning status of herein described property from a D.R. 5.5 zone to a M.L. zone

All that parcel of land in the 8th District of Baltimore County

ZONE DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

Beginning for the same at a point on the northernmost side of Halesworth Road at a point distant North 71 20 20 East 539 more or less from the intersection of said north side of Halesworth Road and the center of York Road 66 wide and running thence along the north side of Halesworth Road the following two courses and distances viz North 71 20 20 East 10 more or less and by a line curving to the right with a radius of 700.00 for a distance of 25.12 (the chord of the same being North 72 22 01 East 25.11) to intersect the westernmost outline of a block a on the Plat of Monterey recorded among the Land Records of Baltimore County in Plat Book RRG No 30 folio 3 and running thence and binding on the westernmost outline of lot nos. one and two and part of three the following two courses and distances viz North 7 20 30 West 158.97 and North 13 05 30 West 35.92 and running thence South 71 09 30 West 51 more or less and thence along the existing M.L. zoning line south 13 25 00 East 192 more or less to the place of beginning

Being the property of Julius and Tony Mandel as shown on the plat plan filed with the Zoning Department

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 8, 19 86

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 8, 19 86.

TOWSON TIMES,
Publisher

59.50

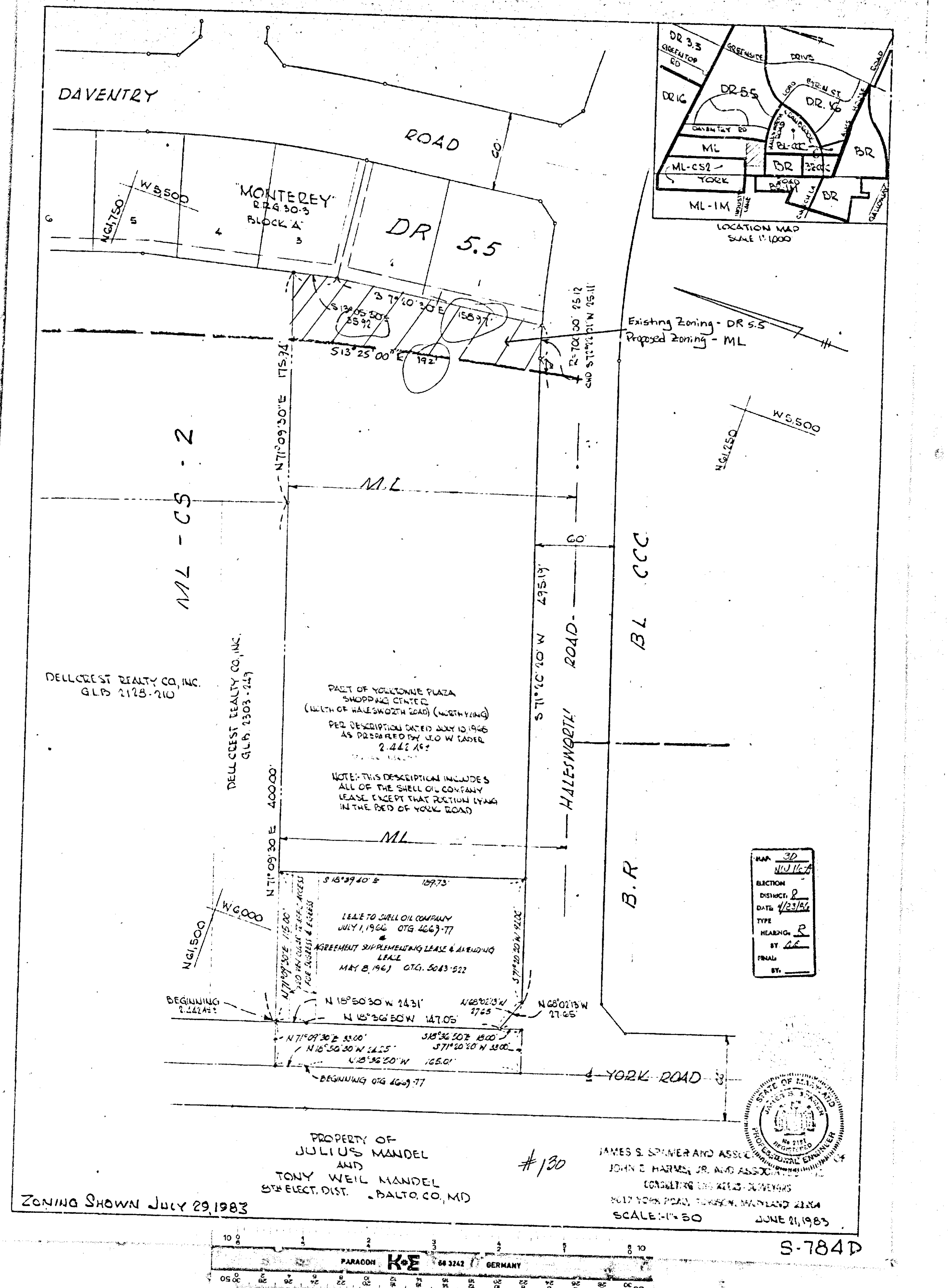
R-86-293

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY R-86-293
Towson, Maryland

District 8th Date of Posting 1/10/86
Posted for: Reclassification
Petitioner: Julius & Tony Mandel
Location of property: N/S Halesworth Rd. 539' E/of c/l of York Rd

Location of Signs: Facing Halesworth, Approx. 12' Fr. roadway, 110' W of c/l Daventry Rd. – on property of Petitioner (W of 8' Fence)

Remarks: 8' high Fence at rear of corner property of Halesworth & Daventry Rds. on N/S

Posted by M. A. Healy (Signature) Date of return: 1/17/86

Number of Signs: 1