

IN RE: PETITION FOR ZONING VARIANCE  
 NE/corner Walker Avenue and Holly Avenue  
 (520-616 Walker Avenue)  
 9th Election District  
 4th Councilmanic District  
 Drumcastle Ltd. Partnership  
 Petitioner

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 88-502-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a variance to permit a sign containing 67 and 1/2 sq.ft. in lieu of the permitted 15 sq.ft., as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Jo Ann Holmes, Manager, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of June, 1988 that the Petition for Zoning Variance to permit a sign containing 67 and 1/2 sq.ft. in lieu of the permitted 15

BEFORE THE ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 88-502-A  
 Petitioner

**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*  
 Phyllis Cole Friedman  
 People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Jo Ann Holmes, Manager, Drumcastle Limited Partnership, 6306 Holly Lane, Baltimore, MD 21212, Petitioner.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

Drumcastle Ltd. Partnership  
 6306 Holly Lane  
 Baltimore, Maryland 21212

sq.ft., be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner, future property owner, and/or Tenants are hereby placed on notice that at such time when the subject sign is replaced, it shall be replaced with a sign enclosed within a lighted frame. No other lighting for the sign will be permitted.

*J. Robert Haines*  
 J. ROBERT HAINES  
 Zoning Commissioner  
 for Baltimore County

JRH:bjs

ORDERED BY THE ZONING COMMISSIONER  
 DATE: 6/1/88  
 BY: *Phyllis Cole Friedman*

**"DUPLICATE"**  
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 1, 1988  
 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., once in each of successive weeks, the first publication appearing on June 1, 1988.

TOWSON TIMES,  
*S. Zake Orlow*  
 Publisher

**NOTICE OF HEARING**  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
 Petition for Zoning Variance  
 Case number: 88-502-A  
 NE/corner Walker Avenue and Holly Avenue  
 (520-616 Walker Avenue)  
 9th Election District  
 4th Councilmanic District  
 Petitioner: Drumcastle Limited Partnership  
 Hearing Date: Wednesday, June 22, 1988 at 9:45 a.m.  
 67 1/2 square feet in lieu of the permitted 15 square feet.  
 In the event that this Petition is granted, a hearing permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the hearing and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.  
 J. ROBERT HAINES  
 Zoning Commissioner of Baltimore County  
 1-288 June 1, 1988

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

Date of Posting: 6/1/88  
 District: 274  
 Posted for: *Drumcastle Ltd. Partnership*  
 Petitioner: *Drumcastle Ltd. Partnership*  
 Location of property: *520 Holly Walk, Holly Ave.*  
 Location of Sign: *520 Holly Walk, Holly Ave.*  
 Remarks: *on property of Baltimore*  
 Posted by: *[Signature]* Date of return: 6/10/88  
 Number of Signs: 1

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 494-3333

J. Robert Haines  
 Zoning Commissioner

June 27, 1988



Dennis F. Rasmussen  
 County Executive

Ms. Jo Ann Holmes, Manager  
 Drumcastle Ltd. Partnership  
 6306 Holly Lane  
 Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE  
 NE/corner Walker Avenue and Holly Lane  
 (520-616 Walker Avenue)  
 9th Election District; 4th Councilmanic District  
 Drumcastle Ltd. Partnership - Petitioner  
 Case No. 88-502-A

Dear Ms. Holmes:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted with restrictions in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

*J. Robert Haines*  
 J. ROBERT HAINES  
 Zoning Commissioner  
 for Baltimore County

JRH:bjs  
 Enclosure  
 cc: People's Counsel

**DRUMCASTLE APARTMENTS**  
**CORP.**

6306 HOLLY LANE • BALTIMORE MD 21212  
 377-9100

**ZONING DESCRIPTION**

BEGINNING ON THE NORTHSIDE OF WALKER AVE. AT THE DISTANCE OF 3/10 OF 1 MILE EAST OF YORK ROAD CONTINUING EAST FOR A DISTANCE OF 1,285 FEET KNOWN AS DRUMCASTLE APARTMENTS IN THE SUBDIVISION OF LAKE WALKER, ALSO KNOWN AS 520 THRU 616 WALKER AVE. IN THE 9 TH. ELECTION DISTRICT.

SIGN LOCATION 925 FEET FROM NORTH WEST PROPERTY LINE. 360 FEET FROM NORTH EAST PROPERTY LINE. SET BACK 14'0" FROM CURB NORTH SIDE OF WALKER AVE.

**"DUPLICATE"**  
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., June 2, 1988  
 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 June 2, 1988.

THE JEFFERSONIAN,  
*S. Zake Orlow*  
 Publisher

**NOTICE OF HEARING**  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
 Petition for Zoning Variance  
 Case number: 88-502-A  
 NE/corner Walker Avenue and Holly Avenue  
 (520-616 Walker Avenue)  
 9th Election District  
 4th Councilmanic District  
 Petitioner: Drumcastle Limited Partnership  
 Hearing Date: Wednesday, June 22, 1988 at 9:45 a.m.  
 67 1/2 square feet in lieu of the permitted 15 square feet.  
 In the event that this Petition is granted, a hearing permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the hearing and permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.  
 J. ROBERT HAINES  
 Zoning Commissioner of Baltimore County  
 6/1/88 June 2, 1988

**PETITION FOR ZONING VARIANCE**  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-502-A

#334

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1.d. To allow a sign containing 67-1/2 square feet in lieu of the permitted 15 square feet.

MAP NO. 7A  
 3C  
 8B  
 DATE 1/18/84  
 700 88  
 1000 88  
 DP

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

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: \_\_\_\_\_  
 (Type or Print Name)  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) Address: 377-5100 Phone No.  
 Signature: \_\_\_\_\_  
 City and State: \_\_\_\_\_  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of MARCH 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 23rd day of JUNE 1988, at 9 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 15 MIN.  
 AVAILABLE FOR HEARING: MON./TUES. AFTERNOON - NEXT TWO MONTHS  
 ALL OTHER CASES  
 REVIEWED BY: *[Signature]* DATE: 3-23-88

**DRUMCASTLE APARTMENTS**  
**CORP.**

6306 HOLLY LANE • BALTIMORE MD 21212  
 377-9100

**ATTACHMENT A:**

We believe that it would create a HARDSHIP to remove the sign at Holly Lane and Walker Avenue for the following reasons:  
 1. The sign is no larger than other signs in the area  
 2. We contracted with an architect and a sign maker and assumed they would be familiar with Baltimore County zoning regulations  
 3. Although we are responsible for the workmanship of our vendors, we are certainly a second party to the mistake. The infraction was not a result of our immediate negligence

We believe it would be a PRACTICAL DIFFICULTY to remove and replace the sign for the following reasons:  
 1. Conformance would create an unnecessarily burdensome financial situation. The sign is only 1.5 feet larger than it should be, and replacement cost would be \$ 2,800.00 to tear down, haul away, and rebuild a new sign.  
 2. A minor relaxation of the zoning regulation for such a minor infraction, would certainly seem justified and would provide for substantial financial relief for the applicant.  
 3. We certainly believe that granting a variance would be in the spirit of the zoning regulations in that the sign does not create a substantial injury to public health, public safety, or the general welfare to the public. As a matter of fact, having a larger sign eliminates the unsafe condition in which a driver wanted to stop an automobile suddenly to try and read a smaller sign. Please keep in mind that Walker Avenue is a busy street

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 6/15/88

Mr. Jo Ann Holmes, Manager  
Drumcastle Limited Partnership  
6306 Holly Lane  
Baltimore, Maryland 21212



Dennis F. Rasmussen  
County Executive

Re: Petition for Zoning Variance  
CASE NUMBER: 88-502-A  
NEC Walker Avenue and Holly Avenue  
(520-618 Walker Avenue)  
9th Election District - 4th Councilmanic  
District(s): Drumcastle Limited Partnership  
HEARING SCHEDULED: WEDNESDAY, JUNE 22, 1988 at 9:00 a.m.

Dear Ms. Holmes:

Please be advised that \$100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the hearing itself.

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

No. 52958

AND POST(S) RETURNED  
SHALL NOT BE ISSUED.

DATE: 7/12/88 ACCOUNT: 88-415-000

AMOUNT: \$ 100.95

RECEIVED BY: Drumcastle Apartments

PAID TO: (15) minutes before

FOR: J. Robert Haines

PAID BY: (15) minutes before

VALIDATION OR SIGNATURE OF CASHIER

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

April 22, 1988

### NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

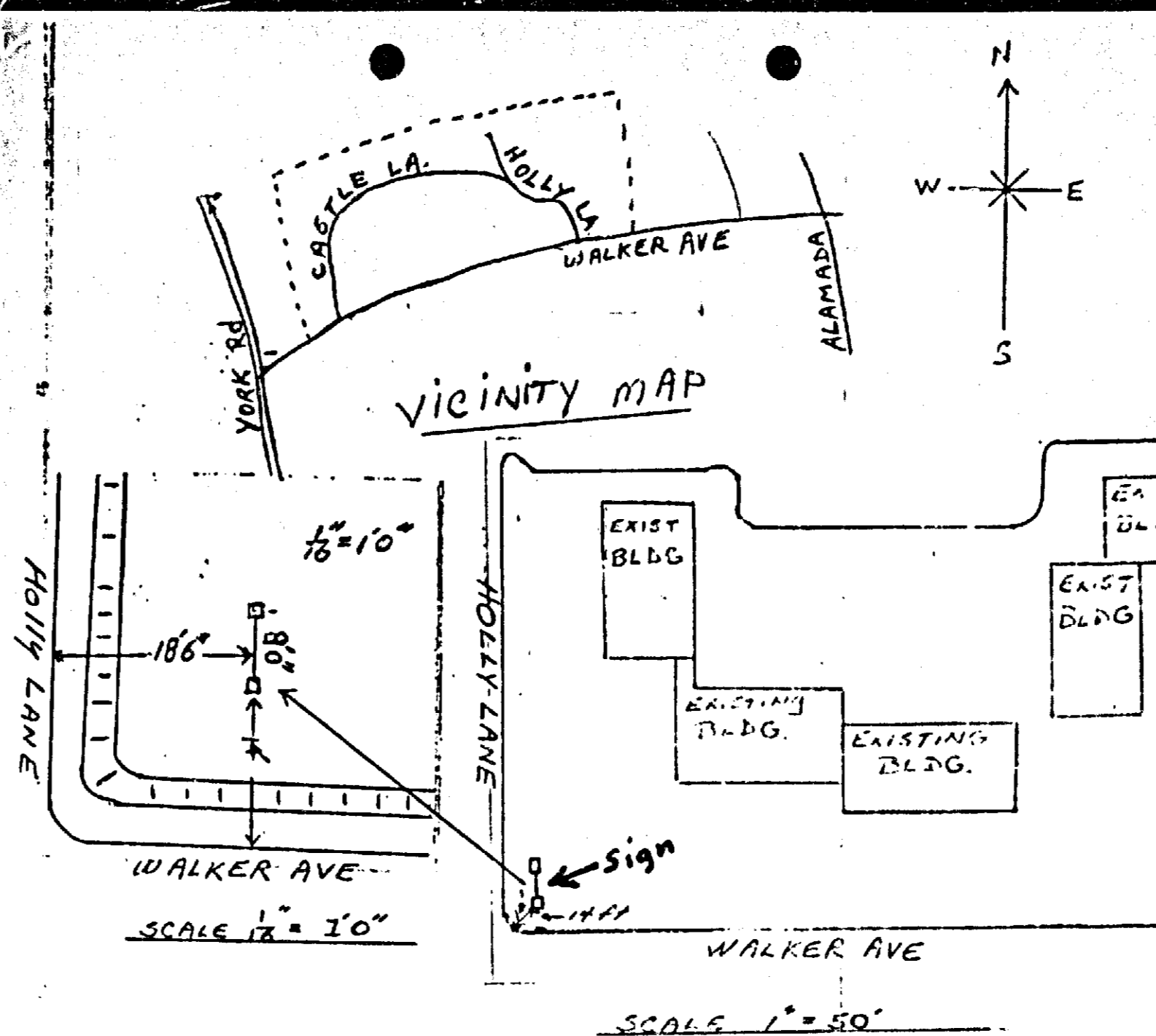
Petition for Zoning Variance  
CASE NUMBER: 88-502-A  
NEC Walker Avenue and Holly Avenue  
(520-618 Walker Avenue)  
9th Election District - 4th Councilmanic  
District(s): Drumcastle Limited Partnership  
HEARING SCHEDULED: WEDNESDAY, JUNE 22, 1988 at 9:00 a.m.

Variance to allow a sign containing 67 square feet in lieu of the permitted 15 square feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

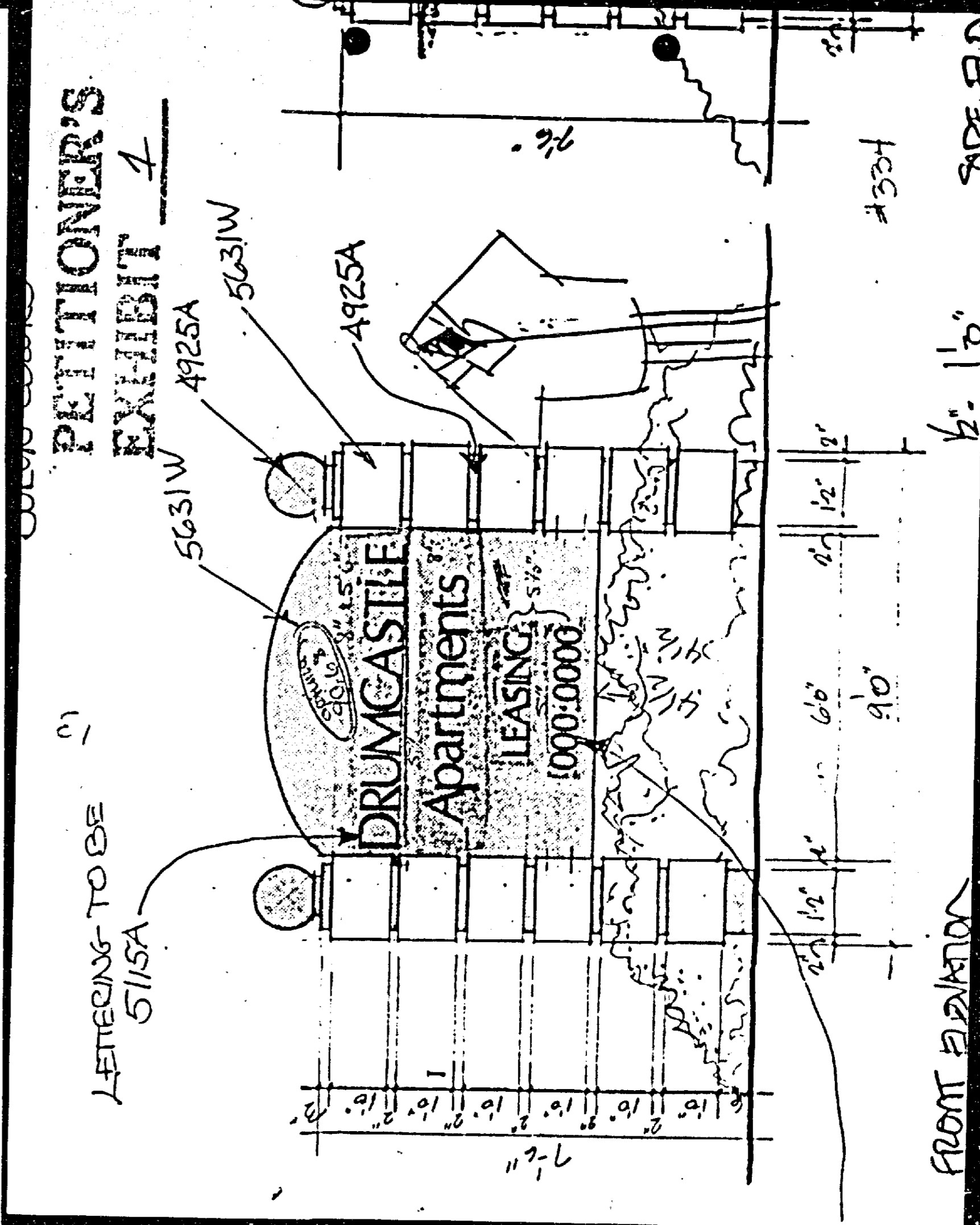
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Jo Ann Holmes  
Howard Hertzberg  
File



PLAT FOR ZONING VARIANCE  
OWNER - DRUMCASTLE LTD PARTNERSHIP  
DISTRICT # 9 ZONED DA-16  
SUBDIVISION - LAKEWALKER  
Existing Utilities in Walker Ave.

PETITIONER'S  
EXHIBIT 2



Baltimore County  
Fire Department  
Townson, Maryland 21204-2586  
494-4500

Paul H. Reineke  
Chief

April 5, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Townson, MD 21204



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Drumcastle Ltd. Partnership  
Location: NE/c Walker Ave. and Holly Avenue  
Item No.: 334 Zoning Agenda: Meeting of 3/22/88

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

REVIEWER: [Signature] 4-5-88  
Special Inspection Division

Noted and Approved: [Signature] J. O'Neill  
Fire Prevention Bureau

/s/

### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 3, 1988

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

000

Ms. Jo Ann Holmes, Manager  
Drumcastle Apartments  
6306 Holly Lane  
Baltimore, Maryland 21212

RE: Item No. 334 - Case No. 88-502-A  
Petitioner: Drumcastle Ltd. Partnership  
Petition for Zoning Variance

Dear Ms. Holmes:

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. 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,

[Signature]  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Townson, Maryland 21204  
494-3354

April 12, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Townson, Maryland 21204



Dennis F. Rasmussen  
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 320, 324, 325, 326, 327, 328, 331, 333, 334 and 335.

Very truly yours,

[Signature]  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/pml-b

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: May 12, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: ZONING PETITIONS 88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A RECEIVED ZONING OFFICE DATE: 5/11/88

There are no comprehensive planning factors requiring comment on the subject petitions.

[Signature]  
P. David Fields, Director  
Office of Planning and Zoning

PDF/jat  
cc: Shirley Hess, People's Counsel  
J. G. Howell  
Zoning Office

CPS-008

# KENILWORTH EQUITIES, LTD.

REAL ESTATE INVESTMENTS

March 10, 1988

Mr. John Sullivan  
Baltimore County  
11 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Item #334  
Drumcastle Apartments

Dear Mr. Sullivan;

Please allow this letter to serve as authorization for Jo Ann Holmes to serve as a representative of Drumcastle Apartments Limited Partnership, located on Walker Avenue, Baltimore, Maryland.

This authorization is for any action or communications necessary, relating to the operation of the complex.

Thank you for your attention and cooperation in this matter.

Very truly yours,  
DRUMCASTLE APARTMENTS LIMITED  
PARTNERSHIP

ALLAN MORROW,  
Partner

RECEIVED  
MAR 14 1988  
ZONING OFFICE

AM/kls

825 THIRD AVENUE, NEW YORK, NEW YORK 10022-7519 (212) 593-4600

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor  
Date: March 11, 1988

FROM: James Thompson  
Zoning Enforcement Coordinator

SUBJECT: Item No. 334 (if known)  
Petitioner: (if known)  
Drumcastle Apartments Association Corporation

VIOLATION CASE # C-87-1558

LOCATION OF VIOLATION Holly Lane and Walker Avenue

DEFENDANT Drumcastle Apts. Assoc. Corp. ADDRESS 6306 Holly Lane  
Baltimore, MD 21212

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Raymond Peroutka	700 Walker Avenue Baltimore, MD 21212

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

88-502-A

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  
23rd day of March, 1988.

J. Robert Haines  
ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Drumcastle Ltd. Partnership Received by: James E. Dyer  
Petitioner's Attorney Chairman, Zoning Plans  
Advisory Committee

#331

cc: - JoAnn Holmes  
led

700 Walker Avenue  
Baltimore, Maryland 21212

June 7, 1988

88-502-A  
for 6-22-88  
9:00 A.M.

Mr. John Sullivan  
Baltimore County  
11 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Item #334  
Drumcastle Apartments

Dear Mr. Sullivan:

My original complaint regarding the sign erected by Drumcastle Apartments at the intersection of Walker Avenue and Holly Lane was that the sign is placed in a position that blocks the view - east on Walker Avenue from the intersection at Holly Lane. Furthermore the light on the sign was placed so that it momentarily blinded a motorist on Holly Lane at night.

I was told by Ms. JoAnn Holmes of Drumcastle that Baltimore County Traffic told her the sign didn't present a hazard. She did, however, agree to rearrange the lighting to eliminate the problem. This has been done.

I feel the sign is an enhancement to the decor of the neighborhood, and the Drumcastle management is responsive to and interested in the general welfare of the neighborhood.

Very truly your,  
Raymond J. Peroutka, Sr.  
Raymond J. Peroutka, Sr.

cc: JoAnn Holmes

RECEIVED  
JUN 13 1988  
ZONING OFFICE

PETITIONER(S) EXHIBIT (3)

