

IN THE MATTER OF  
THE APPLICATION OF  
307, INC., A MARYLAND CORPORATION  
FOR RECLASSIFICATION FROM D.R. 5.5  
TO R.O. ON PROPERTY LOCATED ON THE  
SOUTHEAST CORNER FREDERICK RD. AND  
HOLMEHURST AVENUE  
1st ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
Case No. R-87-451

**OPINION**

This case comes before this Board on petition for Zoning Reclassification from D.R. 5.5 to R.O. Case was heard this day in its entirety. Petitioner presented in his behalf, three witnesses; Paul Lee, an engineer, Frederick Klaus, a real estate developer and appraiser, and John P. Geiss, representing himself as the Petitioner. From these three witnesses, the following facts were introduced into evidence. The property in question contains one-quarter acre and a 21 story building on the site which was partially burned in January of 1986. The property is orientated to Frederick Road as located in the block between Wade Avenue and Holmehurst Avenue. In this block, only one site remains in residential use. Directly abutting this site to the east is a doctor's office, next to that the one residence and next to that a large funeral home. Across the street, there is a mix of R.O. zoning and a small amount of D.R. zoning. To the west of the subject site, there are strip shopping centers and a large O-1 Office Park and almost uninterrupted commercial use. There was testimony that the residential use of this property through the changes of the surrounding uses was relatively non-existent. There was also testimony that the proposed R.O. use was a viable use and also provided a reasonable buffer use for the well maintained homes along Holmehurst Avenue. There was testimony by Mr. Klaus that this proposed R.O. use would have no impact on the land values of those homes along Holmehurst Avenue. Mr. Geiss testified that he purchased this

307, Inc., A Maryland Corporation  
Case No. R-87-451

The Board finds, as a fact, that the DR 5.5 zoning is in error and coupled with the existing nearby commercial uses, make the requested zoning reclassification proper.

**ORDER**

For the reasons set forth in the foregoing Opinion, it is this 22nd day of September, 1987, by the County Board of Appeals, ORDERED that the Petition for Zoning Reclassification from DR 5.5 to R.O. on the subject site be and the same is GRANTED with the following restrictions:

1. The only access to the subject site is to be provided from Holmehurst Avenue.
2. Sufficient parking shall be provided on site so that no parking will be needed on Holmehurst Avenue.
3. Said parking shall be screened from the adjacent neighbor on Holmehurst Avenue in accordance with the Baltimore County Zoning Regulations.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman  
*Arnold P. Foreman*  
Arnold P. Foreman

PEOPLE'S COUNSEL FOR  
BALTIMORE COUNTY, et al  
Appellants  
V.  
307 INC., A MARYLAND  
CORPORATION  
Appellee

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
87 CG 4432

**ORDER**

Appellant's (People's Counsel for Baltimore County) Appeal is hereby granted, the case is remanded to the Baltimore County Board of Appeals for further action as the Board feels necessary in light of the Court of Special Appeals' decision in People's Counsel for Baltimore County v. Robert W. Mockard, M/P 451, September Term (1987), concerning Section 2-58.1(j) of the Baltimore County Zoning Regulations.

4/22/88 *William M. Nickerson*  
JUDGE

**COPIES SENT:**

Peter Max Zimmerman, Esquire  
R. Douglas Jones, Esquire  
John P. Geiss, Esquire  
Administrative Secretary, County Board of Appeals

THIS COPY TO BE  
RETURNED TO THE  
COURT OF SPECIAL APPEALS  
201 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284

APR 25 1989

**NOTICE OF HEARING**

Petition for Zoning Reclassification  
Case Number: R-89-452  
SE/Cor Frederick Road & Holmehurst Avenue  
Petitioner(s): 307, Inc.

Petition to reclassify the property from an D.R.-5.5 to an R.O. zone.

TIME: 10:00 a.m.  
DATE: WEDNESDAY, SEPTEMBER 20, 1989  
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN  
County Board of Appeals

cc: John P. Geiss, Esq.  
People's Counsel  
Board of Appeals

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

APR 25 1989

**NOTICE OF HEARING**

Petition for Zoning Reclassification  
Case Number: R-89-452  
SE/Cor Frederick Road & Holmehurst Avenue  
Petitioner(s): 307, Inc.

Petition to reclassify the property from an D.R.-5.5 to an R.O. zone.

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LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN  
County Board of Appeals

cc: John P. Geiss, Esq.  
People's Counsel  
Board of Appeals

*R. Douglas Jones, Esq. - Counsel for Holmehurst Community Assoc. - entered appearance 9/19/89*

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

PETITION FOR RECLASSIFICATION : BEFORE THE  
FROM D.R. 5.5 TO R.O. : COUNTY BOARD  
ZONE : OF APPEALS OF  
S. E. CORNER FREDERICK ROAD  
AND HOLMEHURST AVENUE : BALTIMORE COUNTY  
1st ELECTION DISTRICT : ZONING CASE NO. R 89 452  
1st COUNCILMANIC DISTRICT :  
307, INC. :

PETITIONER :

**ENTRY OF APPEARANCE**

Please enter the appearance of R. Douglas Jones as Counsel for The Holmehurst Community Association in captioned case.

*R. Douglas Jones*  
R. DOUGLAS JONES  
Suite 201 Alex Brown Building  
102 West Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 296-1184  
Attorneys for Petitioner

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3365

J. Robert Haines  
Zoning Commissioner

Date: 9-10-89



Dennis F. Rasmussen  
County Executive

307, Inc.  
307 Frederick Road  
Baltimore, Maryland 21228

ATTN: JOHN P. GEISS, PRESIDENT

Re: Petition for Zoning Re-classification  
CASE NUMBER: R89-452  
SE/Cor Frederick Road & Holmehurst Avenue  
307 Frederick Road  
1st Election District - 1st Councilmanic  
Hearing Scheduled: September 20, 1989

Gentlemen:

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 074436  
DATE 9/14/89 R-001-615-000  
AMOUNT \$ 425.58  
RECEIVED FROM John P. Geiss  
FOR R 89-452  
B C25\*\*\*\*\*42558\*\*8142F

due for advertising and paid before an Order is

SIGN AND POST RETURNED TO THE BOARD OF APPEALS' HEARING

Baltimore County, Maryland" and in 113, County Office Building, Towson, Maryland 21204, before the

truly yours,

Robert Haines  
Zoning Commissioner

RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 19 PM 2-58

APR 14 1989

NOTICE OF HEARING

Petition for Zoning Reclassification  
 Case Number: R-89-452  
 SE/Cor Frederick Road & Holmhurst Avenue  
 Petitioner(s): 307, Inc.

Petition to reclassify the property from an D.R.-5.5 to an R.O. zone.

TIME: 10:00 a.m.  
 DATE: WEDNESDAY, SEPTEMBER 20, 1989  
 LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN  
 County Board of Appeals

cc: John P. Geiss, Esq.  
 People's Counsel  
 Board of Appeals

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADEVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 25 PM 2:01

NOTICE OF HEARING  
 PETITION FOR ZONING RECLASSIFICATION

Petition for Zoning Reclassification  
 Case Number: R-89-452  
 SE/Cor Frederick Road & Holmhurst Avenue  
 Petitioner(s): 307, Inc.

Beginning for the same at a point, said point being located on the south side of Frederick Road, 80 feet more or less from the center of Holmhurst Avenue) thence blinding on the south side of Frederick Road (1) a 19°31'00" N 75.00 feet thence leaving said south side of Frederick Road (2) a 11°43'00" N 150.00 feet, and (3) a 28°31'00" N 75.00 feet to the east side of Holmhurst Avenue thence blinding on the east side of Holmhurst Avenue (4) a 21°43'00" N 150.00 feet to the point of beginning.

Containing 12,000 s.f. (0.273 acre) of land, more or less.

Petition to reclassify the property from an D.R.-5.5 to an R.O. zone.

TIME: 10:00 a.m.  
 DATE: WEDNESDAY, SEPTEMBER 20, 1989  
 LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN  
 County Board of Appeals

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 25 PM 2:01

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 11 PM 12:02

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: 307, INC.  
 307 Frederick Road  
 SE/Cor Frederick Road  
 and Holmhurst Avenue  
 PETITIONER

CASE NUMBER: CR-89-452

SUBPOENA DUCES TECUM

TO: J. Robert Haines  
 Zoning Commissioner, Cor Baltimore County  
 111 W. Chesapeake Avenue  
 Baltimore County Office Building, Room 109  
 Towson, Maryland 21204

YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.

YOU ARE ALSO COMMANDED then and there to produce the following documents: The entire file pertaining to Case Number R-87-451.

This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.

9/11/89  
 DATE

J. Robert Haines  
 CLERK/JUDGE

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 12 AM 11:20

BALTIMORE COUNTY BOARD OF APPEALS

IN THE  
 Plaintiff  
 VS.  
 Defendant  
 307, Inc.

Case No.: CR-89-452

AFFIDAVIT OF SERVICE OF PROCESS

I, HARRY C. POWELL, JR. hereby declare and affirm as follows:  
 (SERVER'S NAME)

I personally served and left with J. Robert Haines (NAME OF PERSON BEING SERVED) a SUBPOENA DUCES TECUM (TYPE OF PAPER) and all supporting papers.

Service was made on 09-11-89 at 12:25 M., (DATE OF SERVICE) (TIME OF SERVICE)  
 at 111 W. Chesapeake Ave Towson MD, 21204 (PLACE OF SERVICE)

I am over eighteen years of age, am competent to testify to the matters set forth herein, and am not a party to this action.

I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Harry C. Powell Jr.  
 (SIGNATURE OF SERVER)

ADDRESS: 733 Martin Dr.  
Baltimore, MD 21229

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: 307, Inc.  
 307 Frederick Road  
 SE/Cor Frederick Road  
 and Holmhurst Avenue  
 PETITIONER

CASE NUMBER: CR-89-452

AFFIDAVIT OF SERVICE OF PROCESS

I, HARRY C. POWELL, JR. hereby declare and affirm as follows:  
 (SERVER'S NAME)

I personally served and left with SUZANNE MENSCH (NAME OF PERSON BEING SERVED) a SUBPOENA DUCES TECUM (TYPE OF PAPER) and all supporting papers.

Service was made on September 8, 1989 at 9:45 A.M., (DATE OF SERVICE) (TIME OF SERVICE)  
 at 401 Bosley Avenue, Towson, Maryland 21204 (PLACE OF SERVICE)

I am over eighteen years of age, am competent to testify to the matters set forth herein, and am not a party to this action.

I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Harry C. Powell Jr.  
 (SIGNATURE OF SERVER)

ADDRESS: 733 Martin Drive  
Baltimore, Maryland 21229

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 12 AM 11:20

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: 307, INC.  
 307 Frederick Road  
 SE/Cor Frederick Road  
 and Holmhurst Avenue  
 PETITIONER

CASE NUMBER: CR-89-452

SUBPOENA DUCES TECUM

TO: Suzanne Mensch  
 Clerk for the Circuit Court  
 for Baltimore County  
 401 Bosley Avenue  
 Towson, Maryland 21204

YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.

YOU ARE ALSO COMMANDED then and there to produce the following documents: The entire court file including all transcripts, exhibits, photographs, drawings and any and all other documents filed in Case Number 87-CG-4432 and 88-CG-3000.

This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.

DATE

Linda Kayman  
 CLERK/JUDGE

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 11 PM 12:02

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: 307, Inc.  
 307 Frederick Road  
 SE/Cor Frederick Road  
 and Holmhurst Avenue  
 PETITIONER

CASE NUMBER: CR-89-452

AFFIDAVIT OF SERVICE OF PROCESS

I, HARRY C. POWELL, JR. hereby declare and affirm as follows:  
 (SERVER'S NAME)

I personally served and left with WILLIAM HUGHEY (NAME OF PERSON BEING SERVED) a SUBPOENA DUCES TECUM (TYPE OF PAPER) and all supporting papers.

Service was made on September 7, 1989 at 1:43 P.M., (DATE OF SERVICE) (TIME OF SERVICE)  
 at 401 Bosley Avenue, Room 406, Towson, Maryland 21204 (PLACE OF SERVICE)

I am over eighteen years of age, am competent to testify to the matters set forth herein, and am not a party to this action.

I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Harry C. Powell Jr.  
 (SIGNATURE OF SERVER)

ADDRESS: 733 Martin Drive  
Baltimore, Maryland 21229

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 12 AM 11:20

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: 307, INC.  
 307 Frederick Road  
 SE/Cor Frederick Road  
 and Holmhurst Avenue  
 PETITIONER

CASE NUMBER: CR-89-452

SUBPOENA DUCES TECUM

TO: William Hughey  
 Baltimore County Office  
 of Planning & Zoning  
 401 Bosley Avenue, Room 406  
 Towson, Maryland 21204

YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.

YOU ARE ALSO COMMANDED then and there to produce the following documents: All notes, letters, documents, photographs and any and all other papers or documents relating to Issue 1-001, 1-098, and 1-111, as stated in the 1988 Baltimore County Re-Zoning Map for the First Councilmanic District.

This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.

DATE

Linda Kayman  
 CLERK/JUDGE

RECEIVED  
 COUNTY BOARD OF APPEALS  
 89 SEP 11 PM 12:02

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, Inc. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
AFFIDAVIT OF SERVICE OF PROCESS  
I, HARRY C. POWELL, JR., hereby declare and affirm as follows:  
I personally served and left with PAUL LEE (NAME OF PERSON BEING SERVED) a SUBPOENA DUCES TECUM (TYPE OF PAPER) and all supporting papers.  
Service was made on September 5, 1989 at 10:00 A.M. (DATE OF SERVICE) at 304 West Pennsylvania Avenue, Towson, Maryland 21204 (PLACE OF SERVICE)  
I am over eighteen years of age, am competent to testify to the matters set forth herein, and am not a party to this action.  
I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.  
H.C. Powell, Jr.  
(SIGNATURE OF SERVER)  
ADDRESS: 733 Martin Drive  
Baltimore, Maryland 21229  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 12 AM 11:20

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA DUCES TECUM  
TO: Paul Lee  
Paul Lee Engineering, Inc.  
304 W. Pennsylvania Avenue  
Towson, Maryland 21204  
YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.  
YOU ARE ALSO COMMANDED then and there to produce the following documents: All diagrams, pictures and any and all other documents pertaining to 307 Frederick Road, Catonsville, Maryland 21228.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
Linda Kusymaul  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:10

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, Inc. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
AFFIDAVIT OF SERVICE OF PROCESS  
I, HARRY C. POWELL, JR., hereby declare and affirm as follows:  
I personally served and left with KATHLEEN WEIDENHAMMER (NAME OF PERSON BEING SERVED) a SUBPOENA DUCES TECUM (TYPE OF PAPER) and all supporting papers.  
Service was made on September 7, 1989 at 12:10 P.M. (DATE OF SERVICE) at Baltimore County Board of Appeals (PLACE OF SERVICE)  
I am over eighteen years of age, am competent to testify to the matters set forth herein, and am not a party to this action.  
I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.  
H.C. Powell, Jr.  
(SIGNATURE OF SERVER)  
ADDRESS: 733 Martin Drive  
Baltimore, Maryland 21229  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 12 AM 11:19

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA DUCES TECUM  
TO: Kathleen Weidenhammer  
Administrative Secretary  
Baltimore County Board of Appeals  
YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.  
YOU ARE ALSO COMMANDED then and there to produce the following documents: The entire file pertaining to Case Number R-87-451.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
Linda Kusymaul  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:07

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA DUCES TECUM  
TO: Paul Lee  
Paul Lee Engineering, Inc.  
304 W. Pennsylvania Avenue  
Towson, Maryland 21204  
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YOU ARE ALSO COMMANDED then and there to produce the following documents: All diagrams, pictures and any and all other documents pertaining to 307 Frederick Road, Catonsville, Maryland 21228.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
L.M.K.  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:10

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA DUCES TECUM  
TO: William Hughey  
Baltimore County Office  
of Planning & Zoning  
401 Bosley Avenue, Room 406  
Towson, Maryland 21204  
YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.  
YOU ARE ALSO COMMANDED then and there to produce the following documents: All notes, letters, documents, photographs and any and all other papers or documents relating to Issue 1-001, 1-098, and 1-111, as stated in the 1988 Baltimore County Re-Zoning Map for the First Councilmanic District.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
L.M.K.  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:09

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA DUCES TECUM  
TO: Suzanne Hensch  
Clerk for the Circuit Court  
for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204  
YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204, on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.  
YOU ARE ALSO COMMANDED then and there to produce the following documents: The entire court file including all transcripts, exhibits, photographs, drawings and any and all other documents filed in Case Number 87-CG-4432 and 88-CG-3000.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
L.M.K.  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:09

BALTIMORE COUNTY BOARD OF APPEALS  
IN RE: 307, INC. CASE NUMBER: CR-89-452  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER  
SUBPOENA  
TO: Ronald B. Hickernell  
Old Courthouse, Second Floor  
Towson, Maryland 21204  
OR  
754 Frederick Road  
Baltimore, Maryland 21228  
YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204 on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.  
This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228 and whose telephone number is (301) 788-9422.  
L.M.K.  
CLERK/JUDGE  
DATE  
RECEIVED  
COUNTY BOARD OF APPEALS  
89 SEP 17 PM 12:08



CASE NO. 87-CG-4432  
Zoning Case No. R-87-45a  
307, Inc., a Maryland Corporation

Section 2-58.1(j)(1) of the Baltimore County Code mandates that before any property is reclassified pursuant to this section, the Board of Appeals must find that "there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error...." Testimony and evidence in this case indicates that the last classification of the property as residential was in fact in error. In addition, a significant change in the character of the neighborhood is evidenced by the ever-increasing traffic flow on Frederick Road, which adversely affects a strictly residential use of this property.

Pursuant to Section 2-58.1(j)(2) of the Code as that section has been interpreted by the Court of Special Appeals in People's Counsel for Baltimore County v. Robert W. Mockard, No. 451, September Term, 1987, this Board has considered the testimony presented this day and has evaluated this testimony and evidence as it relates to the applicable factors enumerated therein. This section provides:

"...Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation and sewerage facilities; schools, recreational facilities; water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities; compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program."

CASE NO. 87-CG-4322  
Zoning Case No. R-87-451  
307, Inc., a Maryland Corporation

The Board will not repeat herein at length the lengthy testimony received; however, incorporates by reference the transcript of this case which addressed each applicable factor. The Board finds as a matter of fact and after due consideration of each of these applicable factors that the current zoning is in error for the reasons set forth therein and that the proposed zoning of R.O. is proper.

**ORDER**

For the reasons set forth in the foregoing Opinion, it is this 15th day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Reclassification from D.R. 5.5 to R.O. on the subject site be and the same is GRANTED, with the following restrictions:

1. The only access to the subject site is to be provided from Holmehurst Avenue.
2. Sufficient parking shall be provided on site so that no parking will be needed on Holmehurst Avenue.
3. Said parking shall be screened from the adjacent neighborhood on Holmehurst Avenue in accordance with the Baltimore County Zoning Regulations.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

Arnold G. Foreman  
Arnold G. Foreman

BALTIMORE COUNTY  
1988 COMPREHENSIVE ZONING MAP ISSUES  
Sheet: 07/4/88  
Sheet: 1

NO.	SPONSOR, OWNER, REVISIONS, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING and ACRES	REQUESTED ZONING and ACRES	PLANNING BOARD RECOMMENDATION	ZONING COUNCIL DECISIONS	COMMENTS
1-001	307, Inc.	SE Corner Frederick Rd & Holmehurst	0.28	NO	NO	NO	NO	V-1 (87-451) Ord. Amended 9/22/87; Cit. Cl. - Amended 2/22/88; Ord. Amended 11/15/88. Prior Zoning DR 5.5 Part of Issues 1-098 & 1-111 (Central Catonsville)
1-002	Ropey Partnership	NE Side of Ingalls, Corner NE Side of I-495	0.61	DR 5.5 0.61	NO	DR 5.5 0.61	NO	V-2 (87-452-1) Ord. Amended 11/4/87 See Issues 1-077, 1-103
1-003	John H & Ruth Kallus by Weston Hill Law, Inc.	W and Tubney Rd W of Rolling Rd	4.59	NC 3 4.59	DR 16 4.59	DR 16 4.59	DR 16 4.59	Part of Issue 1-110 ("Petapoco")
1-004	Elton C & Myr, R Flansburg	W Side of N Rolling Rd, W of Dogwood Rd 7520 & 2204 N Rolling Rd	1.61	DR 5.5 1.61	NO	DR 16 1.61	DR 16 1.61	Part of Issue 1-110 ("Petapoco")
1-005	Kater H. Levin et al by William H. Henson Jr.	W of Dogwood Rd W of Ridge Road	106.61	NC 3 106.61	NC 3 106.61	NC 3 106.61	NC 3 106.61	Part of Issue 1-110 ("Petapoco")
1-006	Lillian & Company	S of Frederick Road between Hilltop Rd & Maple Ave	8.95	DR 2 8.95	DR 5.5 8.95	DR 2 8.95	DR 2 8.95	Part of Issue 1-110 ("Petapoco")
1-007	Charles L., Jr & May Estabrook Sill	S Side of Clays Ln W of Rolling Road (7520 Clays Ln)	11.58	NC 3 11.58	DR 10.5 11.58	NC 3 11.58	NC 3 11.58	Part of Issue 1-110 ("Petapoco"); see Issue 1-024

BALTIMORE COUNTY  
1988 COMPREHENSIVE ZONING MAP ISSUES  
Sheet: 07/4/88  
Sheet: 16

NO.	SPONSOR, OWNER, REVISIONS, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING and ACRES	REQUESTED ZONING and ACRES	PLANNING BOARD RECOMMENDATION	ZONING COUNCIL DECISIONS	COMMENTS
1-110	Planning Board (by C. Beckman & Scott Graham)	Within area bounded by Old Court, Dogwood, Windsor Hill & Rolling Rd and I-70	4900.00	SEE FILE	SEE FILE	SEE FILE	NOTE 1-3	"Petapoco"; see File for acreage of existing & requested zoning
1-108	Planning Board (Requested by Staff)	W side Rolling Rd, S of Tubney Rd, E of Diamond Ridge Rd. (The Map 87, parcels 266,348,356,407,445,531,694)	97.00	DR 16 97.00	O-1, O-2, NE, or NEA	DR 16 97.00	DR 16 97.00	Part of Issue 1-110 ("Petapoco")
1-111	Planning Board (by Scott Graham)	N & S side Frederick Rd between Baltway & Beesmont Ave	151.20	SEE FILE	SEE FILE	SEE FILE	NOTE 1-3	Central Catonsville; see File for acreage of existing and requested zoning
1-112	Planning Board (by Scott Graham)	N & S side Route 40 West inside Baltway	122.40	SEE FILE	SEE FILE	DR-COC 111.20 DR-C3 2.10 NO 9.10	DR-COC 111.20 DR-C3 2.10 NO 9.10	Route 40 West; see File for acreage of existing & requested zoning. Includes Issues 1-031 and Issue 1-114. Acreage corrected by Staff
1-113	Chairman Planning Board (Requested by Staff)	SI Area Park / Petapoco State Park	540.91	DR 5.5 284.46 DR 1 227.06 NE 29.39	DR 5.5 284.46 DR 1 227.06 NE 29.39	DR 20 540.91	DR 20 540.91	Critical Area (CA); see Issue 1-123
1-114	By County Council	W & NE side Intersection Rt 40 & Ingalls Ave	65.00	DR-C7 54.00 K-C7 11.00	DR-C7 54.00 K-C7 11.00	DR-C7 54.00 K-C7 11.00	DR-C7 54.00 K-C7 11.00	Route 40 West, See Issue 1-112

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Courts Building, Suite 405  
Towson, Maryland 21284  
(301) 887-3554

May 10, 1989

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

Zoning Reclassification Cycle 1  
Item No. 2

Property Owner:  
Case No./Hearing Date:  
Location:  
Existing Zoning:  
Election District:  
Councilmanic District:  
Acreage:  
Proposed Zoning:

307, Inc. - John P. Geiss, Pres.  
R89-452; September 20, 1989  
S.E. cor Frederick Road & Holmehurst Avenue  
D.R. - 5.5  
1st  
1st  
12,000 sq. ft. - 0.275 acre  
R.O.

Dear Mr. Hackett:

The existing zoning for this site can be expected to generate approximately 12 to 15 trips per day. The proposed R.O. zoning can be expected to generate approximately 90 trips per day.

Very truly yours,  
Michael S. Flansburg  
Michael S. Flansburg  
Traffic Engineer Associate II

Reduced Photocopy of Map - Ran 5-4-89  
Full Page Led 5-7-89

THE JEFFERSONIAN  
BALTIMORE COUNTY, MARYLAND

# PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL, 1989 - OCTOBER, 1989 ZONING RECLASSIFICATION CYCLE I

WESTERN SECTOR  
NORTHERN SECTOR  
CENTRAL SECTOR  
EASTERN SECTOR

LOCATIONS OF PROPERTIES UNDER PETITION

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF  
WILLIAM T. HACKETT,  
CHAIRMAN, COUNTY BOARD OF APPEALS  
FOR BALTIMORE COUNTY AND  
P. DAVID FIELDS,  
DIRECTOR OF PLANNING AND ZONING

NOTICE OF HEARING  
PETITION FOR  
ZONING RECLASSIFICATION

Public Hearing  
Zoning Reclassification  
Case Number: R-89-452  
S.E. Cor. Frederick Road & Holmehurst Avenue  
Petitioner: 307, Inc.

Beginning for the same at a public hearing held on the 10th day of May, 1989, at the County Office Building, 111 M. Chesapeake Avenue, Towson, Maryland 21284, the Board of Appeals of Baltimore County, Maryland, has heard the testimony of the petitioner and the public and has considered the testimony and evidence as it relates to the applicable factors enumerated therein. This section provides:

"...Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation and sewerage facilities; schools, recreational facilities; water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities; compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program."

DATE WHEN HEARD OR FILED: May 10, 1989  
LOCATION: 111 M. Chesapeake Avenue, Towson, Maryland 21284  
COUNTY BOARD OF APPEALS  
WILLIAM T. HACKETT, Chairman  
County Board of Appeals  
111 M. Chesapeake Avenue, Towson, Maryland 21284

**CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 30, 1989.

THE JEFFERSONIAN  
CATONSVILLE TIMES  
S. Zebe Orlow  
Publisher

PO 16248  
reg 1428948  
price \$61.27

**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 reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R. 5.5 zone to an R.O. zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for conversion to a professional office building.

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:

ok to file  
2/27/89  
uor

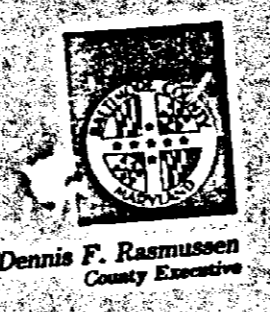
RECEIVED  
COUNTY BOARD OF APPEALS  
69 FEB 27 AM 9:47

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. **065702**  
DATE 2/27/89 ACCOUNT 01-615-000  
AMOUNT \$ 100.00  
RECEIVED BY John P. Geiss Esq  
FOR Re-class - 307 Frederick Rd  
DATE 2/27/89  
VALIDATION OR SIGNATURE OF CASHIER  
Signature John P. Geiss  
Type of Print Name John P. Geiss, President

City and State \_\_\_\_\_  
Signature \_\_\_\_\_  
Attorney for Petitioner:  
John P. Geiss, Esquire  
Address: 307 Frederick Road (301) 788-9422  
Baltimore, Maryland 21228  
City and State \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
John P. Geiss, President  
623 Edmondson Avenue  
Baltimore, Maryland 21228  
City and State \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney's Telephone No.: 788-9422  
Address 623 Edmondson Ave., Balto., Md. 21228  
Phone No. \_\_\_\_\_

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21284  
(301) 887-3333

May 10, 1989



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

Zoning Reclassification Cycle 1  
Item No. 2

April - October, 1989

Property Owner:  
Case No./Hearing Date:  
Location:  
Existing Zoning:  
Election District:  
Councilmanic District:  
Acres:  
Proposed Zoning:

307, Inc. - John P. Geiss, Pres.  
R89-452; September 20, 1989  
S.E. cor Frederick Road & Holmehurst  
Avenue  
D.R. - 5.5  
1st  
1st  
12,000 sq. ft. - 0.275 acre  
R.O.

Dear Mr. Hackett:

The existing zoning for this site can be expected to generate approximately 12 to 15 trips per day. The proposed R.O. zoning can be expected to generate approximately 90 trips per day.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvw

IN RE: PETITION FOR RECLASSIFICATION FROM D.R. 5.5 TO R.O. ZONE SE Corner Frederick Rd. and Holmehurst Ave. 1st Election District 1st Councilmanic District 307, INC. 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 304, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-2188

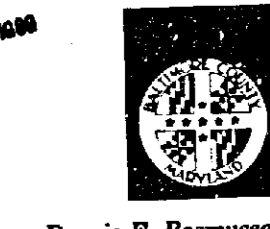
I HEREBY CERTIFY that on this 13th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to John P. Geiss, Esquire, 623 Edmondson Ave., Baltimore, MD 21228, Attorney for Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

28 8 MW 13 JUL 89  
RECEIVED  
COUNTY BOARD OF APPEALS

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
484-4500

Paul H. Reincke  
Chairman, Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Re: Property Owner: 307, Inc.-John P. Geiss, Pres.

Location: SE/cor Frederick Road & Holmehurst Ave., 307 Frederick Rd.

Item No.: Two (2) Zoning Agenda: 4/89-10/89

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," 1988 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Mills, Jr. 4-14-89  
Special Inspection Division  
Noted and Approved: Carl J. Mills, Jr.  
Fire Prevention Bureau

/s/

Paul Lee P.E.  
**Paul Lee Engineering Inc.**  
304 W. Pennsylvania Ave.  
Towson, Maryland 21284  
301-281-5341

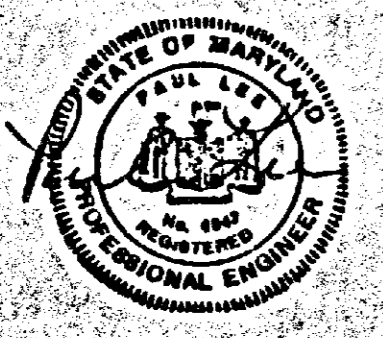
Item #2  
Cycle I

**DESCRIPTION**

307 FREDERICK ROAD - FIRST ELECTION DISTRICT - BALTIMORE COUNTY, MD.

Beginning for the same at a point, said point being located on the south side of Frederick Road, 20 feet more or less from the center of Holmehurst Avenue; thence binding on the south side of Frederick Road (1) N 78°31'00" E 75.00 feet; thence leaving said south side of Frederick Road  
(2) S 11°45'00" E - 160.00 feet, and  
(3) S 78°31'00" W - 75.00 feet  
to the east side of Holmehurst Avenue; thence binding on the east side of Holmehurst Avenue (4) N 11°45'00" W 160.00 feet to the point of beginning.

Containing 12,000 s.f. (0.275 acre) of land, more or less.



**BALTIMORE COUNTY BOARD OF APPEALS**

IN RE: 307, INC.  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER

CASE NUMBER: CR-89-452

**SUBPOENA**

TO: Abdollah Shams Pirzadeh  
405 Frederick Road  
Catonsville, Maryland 21228

YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204 on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.

This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228, and whose telephone number is (301) 788-9422.

DATE \_\_\_\_\_ CLERK/JUDGE \_\_\_\_\_

RECEIVED  
COUNTY BOARD OF APPEALS  
69 SEP 11 PM 12:03

**BALTIMORE COUNTY BOARD OF APPEALS**

IN RE: 307, INC.  
307 Frederick Road  
SE/Cor Frederick Road  
and Holmehurst Avenue  
PETITIONER

CASE NUMBER: CR-89-452

**SUBPOENA**

TO: Felix Chua  
305 Frederick Road  
Catonsville, Maryland 21228

YOU ARE HEREBY SUBPOENAED to appear before the Baltimore County Board of Appeals, 111 W. Chesapeake Avenue, County Office Building, Room 301, Towson, Maryland 21204 on WEDNESDAY, SEPTEMBER 20, 1989 at 10:00 AM to testify for the Petitioner.

This Subpoena was requested by JOHN P. GEISS, ESQUIRE whose address is 623 Edmondson Avenue, Baltimore, Maryland 21228, and whose telephone number is (301) 788-9422.

DATE \_\_\_\_\_ CLERK/JUDGE \_\_\_\_\_

RECEIVED  
COUNTY BOARD OF APPEALS  
69 SEP 11 PM 12:03

**Maryland Department of Transportation  
State Highway Administration**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

April 24, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Attn: Mr. James Dyer

Re: Baltimore County  
Zoning Reclassification  
Petition 307, Inc. -  
John P. Geiss  
R89-452;  
September 20, 1989  
S/S Frederick Road  
(MD 144) and  
Holmehurst Avenue  
307 Frederick Road  
(Item #2 - Cycle I)

Dear Mr. Haines:  
After reviewing the submittal of the John P. Geiss property we find the plan acceptable with all access by way of Holmehurst Avenue.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Carl J. Mills, Jr.  
Carl J. Mills, Jr., Chief  
Engineering Access Permits  
Division

LB:maw  
cc: Paul Lee Engineering, Inc.  
Mr. John P. Geiss, Esq.  
Mr. J. Ogle

RECEIVED  
APR 27 1989  
ZONING OFFICE

RICHARD DECKER, WILLIAM HANKINS AND HOLMEHURST COMMUNITY ASSOCIATION  
 APPELLANTS  
 VS.  
 307, INC., A MARYLAND CORPORATION  
 APPELLEE  
 (ZONING CASE NO. R-89-451)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
 AT LAW  
 CG DOCKET NO. 90CG221  
 FOLIO NO. 76  
 FILE NO. 2

ORDER OF DISMISSAL

Please dismiss captioned appeal, the underlying case having been settled.

R. DOUGLAS JONES  
 LERCH AND HUESMAN  
 Suite 201, Alex Brown Bldg.  
 102 W. Pennsylvania Avenue  
 Towson, Maryland 21204  
 (301) 296-1184

Attorney for Appellants Richard Decker, William Hawkins, and Holmehurst Community Assn.

BY:  
 DEPUTY PEOPLE'S COUNSEL  
 CO-APPELLANT  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 (301) 887-2188  
 JOHN P. GEISS  
 623 Edmondson Avenue  
 Baltimore, Maryland 21228  
 (301) 788-9422

Attorney for Appellee  
 307, Inc.

True Copy Test  
 SUZANNE MENSCH, Clerk  
 Deputy Clerk

RECEIVED  
 COUNTY BOARD OF APPEALS  
 90 APR 24 PM 2: 58

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of April, 1990, a copy of the foregoing document was mailed to Administrative Secretary, County Board of Appeals, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

R. DOUGLAS JONES

RICHARD DECKER, et al.,  
 Appellants  
 VS.  
 307, INC.,  
 Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
 CASE NO. 90-CG-221

NOTICE OF DISMISSAL OF APPEAL

Please dismiss the appeal taken by the People's Counsel for Baltimore County in the above-captioned matter, because it is no longer in the public interest to pursue this appeal.

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

Peter Max Zimmerman  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 (301) 887-2188

RECEIVED  
 COUNTY BOARD OF APPEALS  
 90 APR 20 AM 10: 05

I HEREBY CERTIFY that on this 20th day of April, 1990, a copy of the foregoing Notice of Dismissal of Appeal was mailed to John P. Geiss, Esquire, 623 Edmondson Ave., Baltimore, MD 21228; and R. Douglas Jones, Esquire, Alex. Brown Bldg., Suite 201, 102 W. Pennsylvania Ave., Towson, MD 21204.

Peter Max Zimmerman  
 Peter Max Zimmerman

LAW OFFICES  
 LERCH AND HUESMAN  
 ALEX BROWN BUILDING  
 SUITE 201  
 102 WEST PENNSYLVANIA AVENUE  
 TOWSON, MARYLAND 21204

TELEPHONE  
 (301) 296-1184  
 FAX  
 (301) 296-1184

January 17, 1990

County Board of Appeals of Baltimore County  
 County Office Building, Room 315  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Attn: Ms. LindaLee M. Kuszmaul  
 Legal Secretary

Re: Case No. R-89-452  
 307, Inc.

Dear Ms. Kuszmaul:

Enclosed are copies of the Notice of Appeal and Petition in captioned case.

Within a week, I expect to obtain a Consent Order extending the time within which to transmit the Record. There is a chance the case will be settled within the extension period. Therefore please do not order a transcription of the testimony at the present time.

I will be in touch with you to confirm the status of the transcript next week.

Sincerely yours,

R. Douglas Jones

RDJ/ds-encs.

RECEIVED  
 COUNTY BOARD OF APPEALS  
 90 APR 24 PM 3: 58

1/24/90

Per telephone call from Doug Jones re 307, Inc.

He has been granted extension by Circuit Court for filing of record - additional 60 days.

Have advised Carolyn of same. He will forward to this office a copy of the court's order regarding this extension asap.

4/12/90 Per telephone call to John P. Geiss, Esquire - agreement has been signed and he understood was to be filed with the Circuit Court as well as an Order of Dismissal.

Per telephone call to Mr. Jones' office - he is on vacation until (per his sec.) Monday, April 16, 1990. She knows of the signed agreement but has not yet typed the Order of Dismissal of Appeal. To the best of her knowledge, he will file agreement and dismissal on Monday upon his return and no transcript or proceedings will need to be filed by this office.

307, INC.  
 R-89-452  
 Item #2, Cycle I - 1989  
 1st Election District  
 1st Councilmanic District  
 D.R.5.5 to R.O.  
 .275 acres

February 27, 1989 Petition filed for Reclassification of subject property from D.R.5.5 to R.O.  
 September 20 Hearing before the Board (SDF).  
 December 19 Order of the Board GRANTING the reclassification.  
 January 17, 1990 Order for appeal filed in CCT, BCo by R. Douglas Jones, Esquire on behalf of Richard Decker, et al, Protestants.  
 " " " Petition to accompany appeal filed in CCT, BCo by Mr. Jones.  
 January 18 Certificate of Notice sent.  
 January 25, 1990 Notice of Appeal filed in CCT, BCo by People's Counsel. Petition also filed.  
 January 25, 1990 Certificates of Notice sent.  
 April 20 Notice of Dismissal of Appeal filed in CCT, BCo by People's Counsel.  
 April 23 Order of Dismissal filed in CCT, BCo by R. Douglas, Jones, Esq.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL  
 Appellants  
 VS.  
 307 INC., A MARYLAND CORPORATION  
 Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
 CASE NO.: 90-CG-221

ANSWER TO PETITION ON APPEAL

307, Inc., Appellee, by its attorney, John P. Geiss, Esquire, herein files its Answer on Appeal, pursuant to the Maryland Rules 89 and states as follows:

That the decision of the County Board of Appeals was not illegal, arbitrary and capricious. The decision of the County Board of Appeals was based on the substantial evidence in reference to the issues of error in the prior Comprehensive Zoning Map and also in finding a change in the neighborhood. Said issues were fairly debatable, and the decision of the County Board of Appeals should be upheld.

WHEREFORE, Appellee prays that the Opinion and Order of the Board of Appeals of Baltimore County, dated December 19, 1989, be affirmed, and that subject property be zoned R.O.

JOHN P. GEISS, ESQUIRE  
 623 Edmondson Avenue  
 Baltimore, Maryland 21228  
 (301) 788-9422  
 Attorney for Appellee

RECEIVED  
 COUNTY BOARD OF APPEALS  
 90 APR 24 PM 3: 58

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 31st day of Jan, 1990, a copy of the foregoing Answer to Petition of Appeal was mailed to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy was mailed to Phyllis Cole Friedman, Esquire, and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204; and a copy was mailed to R. Douglas Jones, Esquire, Suite 201, Alex Brown Building, 102 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Appellants.

John P. Geiss  
 JOHN P. GEISS, ESQUIRE

File No. 90-CG-221  
 307, Inc. (Case No. R-89-452)  
 Esquire, 623 Edmondson Avenue, Baltimore, MD 21228, Counsel for Defendant, 307, Inc.; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204 on this 25th day of January, 1990.

LindaLee M. Kuszmaul  
 LindaLee M. Kuszmaul, Legal Secretary  
 County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF 307, INC. FOR A ZONING RECLASSIFICATION OF PROPERTY LOCATED ON THE SOUTHEAST CORNER FREDERICK ROAD AND HOLMEHURST AVENUE (307 FREDERICK ROAD) FROM D.R.5.5 TO R.O.  
 1ST ELECTION DISTRICT  
 1ST COUNCILMANIC DISTRICT  
 CASE NO. R-89-452  
 RICHARD DECKER, ET AL, PLAINTIFFS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
 FOR  
 CG Doc. No. 76  
 Folio No. 221  
 File No. 90-CG-221

CERTIFICATE OF NOTICE

Madam Clerk:  
 Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Lawrence E. Schmidt, Arnold G. Foreman, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204, Appellant; R. Douglas Jones, Esquire, Alex Brown Bldg., Suite 201, 102 W. Pennsylvania Ave., Towson, MD 21204, Counsel for Plaintiffs; John P. Geiss, Esquire, 623 Edmondson Avenue, Baltimore, MD 21228, Counsel for Defendant, 307, Inc.; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul  
 LindaLee M. Kuszmaul, Legal Secretary  
 County Board of Appeals, Room 315  
 County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204, Appellant; R. Douglas Jones, Esquire, Alex Brown Bldg., Suite 201, 102 W. Pennsylvania Ave., Towson, MD 21204, Counsel for Plaintiffs; John P. Geiss,







- Residential
- Commercial-Retail
- Commercial-Office
- Manufacture/Industrial
- Governmental/Institutional and Community
- Study Area Boundary

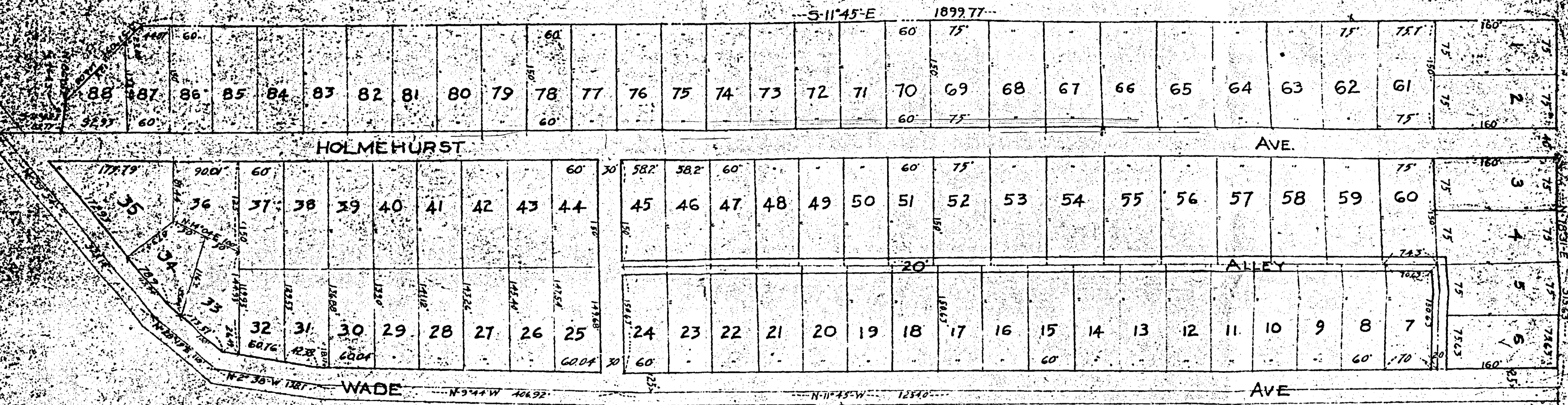
H-NE G-NW  
H-SE G-SW

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHARTT-HORN, INC. BALTIMORE, MD. 21210

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W.
DATE OF PHOTOGRAPHY JANUARY 1986		3-F

# HOLMEHURST



FREDERICK ROAD  
N 10° 15' E 515.3  
S 10° 15' W 515.3  
Coal line to city

C B A A B C

2 3 4 4 3 2

9/20/6



County Board of Appeals of Baltimore County  
 COUNTY OFFICE BUILDING, ROOM 315  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180  
 January 25, 1990

John P. Geiss, Esquire  
 623 Edmondson Avenue  
 Baltimore, Maryland 21228  
 Re: Case No. R-89-452 (307, Inc.)

Dear Mr. Geiss:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*LindaLee M. Kuszmaul*  
 LindaLee M. Kuszmaul  
 Legal Secretary

Encl.  
 cc: R. Douglas Jones, Esquire  
 Mr. Jim Mohler  
 Mr. James Earl Kraft  
 P. David Fields  
 Pat Keller  
 J. Robert Haines  
 Ann M. Nastarowicz  
 James S. Dyer  
 W. Carl Richards, Jr.  
 Docket Clerk - Zoning  
 Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County  
 COUNTY OFFICE BUILDING, ROOM 315  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180  
 January 25, 1990

Phyllis C. Friedman, Esquire  
 People's Counsel for Baltimore County  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Re: Case No. R-89-452 (307, Inc.)

Dear Ms. Friedman:

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

The cost of the transcript of certified copies of other documents necessary for the completion of the record must also be at your expense.

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

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*LindaLee M. Kuszmaul*  
 LindaLee M. Kuszmaul  
 Legal Secretary

Encl.

RICHARD DECKER, et al.,  
 Appellants  
 v.  
 307, INC.,  
 Appellee

IN THE CIRCUIT COURT  
 FOR BALTIMORE COUNTY  
 CASE NO. 90-CG-221

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of December 19, 1989, in the above-captioned matter.

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

*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 (301) 887-2188

I HEREBY CERTIFY that on this 25th day of January, 1990, a copy of the foregoing Notice of Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 315, County Office Bldg., Towson, MD 21204; and a copy was mailed to John P. Geiss, Esquire, 623 Edmondson Ave., Baltimore, MD 21228; and R. Douglas Jones, Esquire, Alex. Brown Bldg., Suite 201, 102 W. Pennsylvania Ave., Towson, MD 21204.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

RECEIVED  
 COUNTY BOARD OF APPEALS  
 JAN 25 1990

RICHARD DECKER, et al.,  
 Appellants  
 v.  
 307, INC.,  
 Appellant

IN THE CIRCUIT COURT  
 FOR BALTIMORE COUNTY  
 CASE NO. 90-CG-221

PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of December 19, 1989, in the above-captioned matter, files this Petition on Appeal setting forth the grounds upon which this appeal is taken, viz:

That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the present zoning on the parcel which is the subject of this appeal is an erroneous classification and therefore their Order passed herein is illegal, arbitrary, and capricious.

WHEREFORE, Appellant prays that the Order of the Board of Appeals of Baltimore County under date of December 19, 1989 be reversed, and the action of the County Council of Baltimore County in zoning the subject property D.R. 5.5 be affirmed and reinstated.

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

*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 304, County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204  
 (301) 887-2188

RECEIVED  
 COUNTY BOARD OF APPEALS  
 JAN 25 1990

- 2 -

I HEREBY CERTIFY that on this 25th day of January, 1990, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Rm. 315, County Office Bldg., Towson, MD 21204; and a copy was mailed to John P. Geiss, Esquire, 623 Edmondson Ave., Baltimore, MD 21228; and R. Douglas Jones, Esquire, Alex. Brown Bldg., Suite 201, 102 W. Pennsylvania Ave., Towson, MD 21204.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

IN THE MATTER OF THE APPLICATION OF 307, INC. FOR A ZONING RECLASSIFICATION OF PROPERTY LOCATED ON THE SOUTHWEST CORNER FREDERICK ROAD AND HOLMES-HURST AVENUE (307 FREDERICK ROAD) FROM D.R. 5.5 TO R.O. 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
CASE NO. R-89-452	CG Doc. No. 76
RICHARD DECKER, ET AL, PLAINTIFFS	Folio No. 221
	File No. 90-CG-221

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Lawrence E. Schmidt, Arnold G. Foreman, and John G. Disney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, R. Douglas Jones, Esquire, Alex Brown Bldg., Suite 201, 102 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; John P. Geiss, Esquire, 623 Edmondson Avenue, Baltimore, MD 21228, Counsel for Defendant 307, Inc.; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

*LindaLee M. Kuszmaul*  
 LindaLee M. Kuszmaul, Legal Secretary  
 County Board of Appeals, Room 315,  
 County Office Bldg., 111 W. Chesapeake  
 Ave., Towson, MD 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to R. Douglas Jones, Esquire, Alex Brown Bldg., Suite 201, 102 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; John P. Geiss,

File No. 90-CG-221  
 307, Inc., Case No. R-89-452

Esquire, 623 Edmondson Avenue, Baltimore, MD 21228, Counsel for Defendant 307, Inc.; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204 on this 18th day of January, 1990.

*LindaLee M. Kuszmaul*  
 LindaLee M. Kuszmaul, Legal Secretary  
 County Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County  
 COUNTY OFFICE BUILDING, ROOM 315  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180

January 18, 1990

R. Douglas Jones, Esquire  
 Lerch and Huesman  
 Alex Brown Building  
 Suite 201  
 102 W. Pennsylvania Avenue  
 Towson, Maryland 21204

Re: Case No. R-89-452 (307, Inc.)

Dear Mr. Jones:

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

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

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

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*LindaLee M. Kuszmaul*  
 LindaLee M. Kuszmaul  
 Legal Secretary

Encl.

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
1111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

January 18, 1990

John P. Geiss, Esquire  
623 Edmondson Avenue  
Baltimore, Maryland 21228

Re: Case No. R-89-452  
(307, Inc.)

Dear Mr. Geiss:

Notice is hereby given, in accordance with the Rules of Procedure of the Board of Appeals of Baltimore County, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

Encl.  
cc: Mr. Jim Mohler  
Phyllis C. Friedman, Esquire  
Mr. James Earl Kraft  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

RICHARD DECKER, WILLIAM  
HAWKINS AND HOLMEHURST  
COMMUNITY ASSOCIATION

APPELLANTS  
307, INC., A MARYLAND  
CORPORATION

APPELLEE  
(ZONING CASE NO. R-89-451)

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

AT LAW  
CG DOCKET NO. \_\_\_\_\_

FOLIO NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_

**NOTICE OF APPEAL**

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of December 19, 1989, in the above-captioned matter.

*R. Douglas Jones*  
R. DOUGLAS JONES  
LERCH AND HUESMAN  
Suite 201, Alex Brown Bldg.  
102 W. Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 296-1184

Attorney for Protestants/  
Appellants Richard Decker,  
William Hawkins, and  
Holmehurst Community Assn.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of January, 1990, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and a copy was mailed to John P. Geiss, Esquire, 623 Edmondson Avenue, Catonsville, Maryland 21228, Attorney for petitioner.

*R. Douglas Jones*  
R. DOUGLAS JONES

RICHARD DECKER, WILLIAM  
HAWKINS AND HOLMEHURST  
COMMUNITY ASSOCIATION

APPELLANTS  
307, INC., A MARYLAND  
CORPORATION

APPELLEE  
(ZONING CASE NO. R-89-451)

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

AT LAW  
CG DOCKET NO. \_\_\_\_\_

FOLIO NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_

**PETITION ON APPEAL**

R. Douglas Jones, Esquire, on behalf of Protestants/Appellants Richard Decker, William Hawkins, and Holmehurst Community Association, having heretofore filed a Notice of Appeal from the decision of the County Board of Appeals under date of December 19, 1989, in compliance with Maryland Rule B-2(e), file this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

- 1) That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the present zoning on the parcel which is the subject of this appeal is an erroneous classification and therefore their Order passed herein is illegal, arbitrary, and capricious.
- 2) That the written Opinion and Order issued by the Board of Appeals on December 19, 1989, is incomplete and legally insufficient in its failure to address certain issues and factors required by the Baltimore County Code.

WHEREFORE, Appellants pray that the Opinion and Order of the Board of Appeals of Baltimore County under date of December 19, 1989, be reversed, and the action of the County Council of Baltimore County in zoning the subject property D.R. 5.5 be affirmed and reinstated.

*R. Douglas Jones*  
R. DOUGLAS JONES  
LERCH AND HUESMAN  
Suite 201, Alex Brown Bldg.  
102 W. Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 296-1184

Attorney for Protestants/  
Appellants Richard Decker,  
William Hawkins, and  
Holmehurst Community Assn.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of January, 1990, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and a copy was mailed to John P. Geiss, Esquire, 623 Edmondson Avenue, Catonsville, Maryland 21228, Attorney for petitioner.

*R. Douglas Jones*  
R. DOUGLAS JONES

-2-

IN THE MATTER OF THE APPLICATION OF  
307, INC. FOR A ZONING RECLASSIFICATION  
OF PROPERTY LOCATED ON THE SOUTHEAST  
CORNER FREDERICK ROAD AND HOLMEHURST  
AVENUE (307 FREDERICK ROAD) FROM D.R.5.5  
TO R.O. CASE NO. R-89-452, Item #2,  
1ST ELECTION DISTRICT Cycle I - 1989  
1ST COUNCILMANIC DISTRICT

**OPINION**

Again 307, Inc. comes before this Board requesting a zoning reclassification from D.R.5.5 to R.O. A brief history of this property before this Board notes Case No. R-87-451 in which this Board granted the applicant's Petition to have the property reclassified as R.O.

An appeal was noted by the Circuit Court for Baltimore County and this matter was remanded to this Board by the Board reaffirming the R.O. zoning. Supplemental Opinion and Order was then filed by the Board reaffirming the R.O. zoning.

This property was made an issue in the Comprehensive Zoning Map Process. The requested change was not made by the County Council and a Petition for Zoning Reclassification was made to the Board.

At this new hearing, the transcripts and records of the prior cases were placed into evidence and additional testimony was taken. Dr. Abdullah Pirzadeh testified he purchased 303 Frederick Avenue at an auction sale. He has been unable to use this building for the purpose of a medical office and has been unable to rent to anyone as a residence. He said all potential renters wanted office space.

Mr. Bill Hughey of the Office of Planning and Zoning reviewed certain issues and further testified as to his office believing that a "freeze" on existing zoning be in order so that the entire Frederick Avenue corridor be studied.

Mr. Paul Lee who qualified as an expert in civil engineering then described the site as .275 acres presently boarded and not in use. The neighboring properties were described as 305 Frederick Avenue, currently a doctor's office;

Case No. R-89-452  
307, Inc.

303 Frederick Avenue, previously mentioned as the property of Dr. Pirzadeh, now vacant; and 301 Frederick Avenue, the McNabb Funeral Home. All these properties exist on D.R.5.5 zoned property.

Directly to the west of the subject property there is an office building and slightly further to the west was an office building along with commercial development. North of the subject site, 310 Frederick Avenue is zoned R.O. and 308 Frederick Avenue is a residence zoned D.R.5.5. The properties located down from the 308 address were all R.O. zoned properties.

Mr. Lee further discussed the subject site indicated that it would not conflict with parking regulations and that there would be no traffic problems generated from this site.

Mr. Frederick Klaus, a real estate consultant and developer, confirmed Mr. Lee's appraisals and said that this area is certainly not residential in character but rather a mixture of all zones with the Frederick Avenue corridor being mostly office and commercial use. He further testified that this site is not suitable as a residence.

Mr. John Geiss, the owner and appellant, testified he would rehabilitate the property and use same for his private law practice. He indicated he would not reside on the property. The building has remained vacant since Mr. Geiss' purchase and currently stands in approximately the same condition as it did several years ago.

Mrs. Becky Ellwood, a resident of Holmehurst Avenue, indicated that she sees this property on a daily basis and indicates that it is an eyesore as it currently exists. She believes that to have this property as a residence is unrealistic based upon the character of the neighborhood. She further indicates that an office would not make the neighborhood worse.

Arnold Pat Keller, Deputy Director of the Office of Planning and Zoning,

Case No. R-89-452  
307, Inc.

testified that the zoning as it stands is presumed correct and indicated that a further study of the neighborhood and the surrounding properties should be done and, in fact, will be done as there has been a study group appointed for this area. Mr. Gordon Dickler, a 25 year resident of Holmehurst Avenue, indicated that he opposed any change in zoning due to the problems that this change would bring to the area. Mr. Dickler cited increased traffic, congested parking, concern for the safety of the children, the left turn from Holmehurst Avenue onto Frederick Avenue problem, and the problem of absenteeism ownership.

After a review of the testimony and exhibits in this matter, the Board feels that the D.R.5.5 designation for this site is in error. It is clear from the evidence presented that this property is unusable as a residence and that the existing zoning of D.R.5.5 is in error and that the proper zoning should be R.O. Consequently, the Board will grant the Petition and reclassify the property R.O. zoning.

**ORDER**

It is this 19th day of December, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Reclassification from D.R.5.5 to R.O. for property located on the southeast corner of Frederick Road and Holmehurst Avenue (307 Frederick Road) be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

*Lawrence E. Schmidt*  
Lawrence E. Schmidt, Acting Chairman

*Arnold G. Foreman*  
Arnold G. Foreman

*John G. Disney*  
John G. Disney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
1111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

December 19, 1989

John P. Geiss, Esquire  
623 Edmondson Avenue  
Baltimore, Maryland 21228

Re: Case No. R-89-452  
307, Inc.

Dear Mr. Geiss:

Enclosed please find a copy of the final Opinion and Order issued by the Board of Appeals this date in the subject case.

Sincerely,

*Linda Lee M. Kuszmaul*  
Linda Lee M. Kuszmaul  
Legal Secretary

cc: R. Douglas Jones, Esquire  
Mr. Jim Mohler  
James Earl Kraft  
Phyllis C. Friedman, Esquire  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney