

IN THE MATTER OF THE APPLICATION OF CHARLES F. EVANS & SON, INC. FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF YORK ROAD, OPPOSITE ROSE STREET, APPROXIMATELY 250 FEET EAST OF CENTERLINE OF YORK ROAD (2325 YORK ROAD) FROM D.R.3.5 TO B.L. AND PROPERTY LOCATED ON THE NORTHEAST SIDE OF YORK ROAD, OPPOSITE ROSE STREET, APPROXIMATELY 285 FEET EAST OF CENTERLINE YORK ROAD (2325 YORK) FROM D.R.3.5 TO R.O. AND A PETITION FOR SPECIAL EXCEPTION FOR CLASS "B" OFFICE BUILDING 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. CR-89-457, Item #7 and CASE NO. CR-89-458-X Item #8, Cycle I - 1989

OPINION

This matter comes before the Board as a consolidation of two cases; namely, a Petition for Special Exception to construct a Class "B" Office building in an R.O. zone and a Petition for Reclassification of the subject property from D.R. 3.5 to B.L. Although the Petitions were originally presented to the Board in the format described above, alterations to those Petitions were made at the hearing of this case before the Board so that this Opinion need only deal with narrower issues.

The Petitioner/Property Owner herein, Charles F. Evans & Son, Inc., owns four parcels totalling approximately 3.27 acres upon which it operates a funeral home establishment. The total acreage is divided into four distinct parcels which abut one another and are shaped in a backwards "L" formation. The largest single parcel is 1.37 acres in size and directly abuts York Road. It is within this acreage that the existing brick funeral home is situated. This property in and of itself is not subject to any Petition before us. To the rear or east of that property is a narrow strip of .2 acres. This property is currently zoned D.R.3.5 but the parties herein (the Property Owner and People's Counsel) stipulated before us that that zoning was in error. According to the Office of Planning and Zoning, that property as well should be zoned B.L. in that it is adjacent to the larger B.L. parcel. For the reasons contained within the stipulation, the

Charles F. Evans & Son, Inc. Case Nos. CR-89-457 & CR-89-458-X

Board concurs that this small acreage was erroneously designated D.R.3.5 and will accept this stipulation and order a change to B.L.

The third parcel is to the rear of parcels 1 and 2 and is approximately .5 acres in size. That land is presently zoned D.R.3.5 and is the real subject of the rezoning Petition before us. The property owner requests rezoning of this site to R.O. whereas People's Counsel submit that the present zoning is proper. Originally, this site was also to have a one and one-half story structure, identified within the Petition for Special Exception. However, during the Board's hearing, this Petition for Special Exception was withdrawn and is therefore no longer before us.

Lastly, the Petitioner owns a property which abuts parcel 3 to the north and extends to a frontage located on Talbot Street. This parcel, of .2 acres in size, is zoned D.R.3.5 and its zoning future is not before us. Thus, the Board will consider only an open plat request for rezoning from D.R.3.5 to R.O. of parcel 3, which is .5 acres in size.

Appearing in support of the Petitioner's request for rezoning, was J. S. Smith, a planner and professional engineer with the firm of G.W. Stephens. He prepared the plat before the Board as Petitioner's Exhibit No. 1 and described the site and surrounding locale. Mr. Smith recognized that this Board is compelled to consider all Petitions for Reclassification within the mandate of Section 2-58.1 of the Baltimore County Code. In essence, that Code Section provides that rezoning can only be granted when the Petitioner demonstrates that the previous reclassification was in error and that the prospective reclassification is warranted by the standards and purposes of the County zoning regulations and maps. In addressing this standard, Mr. Smith opined that the Petition should be granted in this case for a variety of reasons. First, he noted that the County's Master Plan conceptually encourages development of those lands where

Charles F. Evans & Son, Inc. Case Nos. CR-89-457 & CR-89-458-X

public utilities are available. From that standpoint, this site is a good candidate for development. Secondly, Mr. Smith noted the surrounding commercial and industrial uses. Particularly, to the south, the adjacent parcels are developed commercially by restaurant and office uses. Likewise, to the west, the property borders the Petitioner's funeral home business. Third, Mr. Smith noted that the subject site was landlocked and therefore, in his opinion could not be practically developed residentially. Any access to the lot need go through the Petitioner's funeral home site fronting York Road or his residentially zoned property bordering Talbot Street. Lastly, Mr. Smith noted the irregular zoning lines to the south of the property in terms of the depth from York Road. For these reasons, he believed that the property was zoned D.R.3.5 in error. He also noted that R.O. was a proper use for this property. In his view, it would allow for a use consistent with the property owner's other land holdings and business which abuts this site.

Further supporting the Petition was Mr. Charles Evans, the principal in the corporation which owns these sites. He described his business in detail and confirmed those opinions offered by Mr. Smith.

In opposition to the Petition, the Board heard from Pat Keller, a planner within the County's Department of Planning and Zoning. He noted that this had been a specific issue during the last map process and that the Council retained the D.R.3.5 zoning for the subject property. He also expressed concern about the encroachment of commercial/office zoning to the residential communities to the east. Lastly, he noted the stream bed and other topographical conditions which exist on the southern border of the parcel at issue. In his view, these topographical features provide a natural boundary between the commercial uses to the south and residential zoning to the north and east. For these reasons, Mr.

Charles F. Evans & Son, Inc. Case Nos. CR-89-457 & CR-89-458-X

Keller concluded that the D.R.3.5 zoning was proper.

As indicated above, in considering any Petition for Reclassification, the Board is governed by Section 2-58.1 of the County Code. In applying that standard, we cannot find that the D.R.3.5 zoning designation assigned to this property was done so in error. We believe that an R.O. designation for this land might be a better classification and afford the property owner a more reasonable use of his land. However, that is not the test. Particularly in view of the fact that this site was specifically identified during the last zoning process and due to the topographical features of the land, we cannot find error. The Board will therefore deny the Petition for Reclassification and will so order.

ORDER

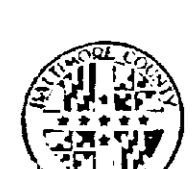
For the foregoing reasons, it is this 11th day of May, 1990 by the County Board of Appeals for Baltimore County ORDERED that the Petition for Reclassification of the .2 acre site designated on Petitioner's Exhibit No. 1 and hereinabove referred to as Parcel 2 be and is hereby GRANTED so that the zoning thereon shall be changed from D.R.3.5 to B.L. and;

IT IS FURTHER ORDERED that the Petition for Reclassification for that site hereinabove referred to as Parcel 3 of .5 acres from D.R.3.5 to R.O. be and is hereby DENIED.

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, Acting Chairman
Lynn B. Moreland
Michael B. Sauer



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

May 11, 1990

Edward C. Covahey, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

Re: Case Nos. CR-89-457 and CR-89-458-X (Charles F. Evans & Son, Inc.)

Dear Mr. Covahey:

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

Sincerely,

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

Enclosure

cc: Charles F. Evans & Son, Inc.
Charles K. Stark
Helen Deitch Bentley, Congresswoman
James Earl Kraft
Phyllis C. Friedman, People's Counsel
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

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 3.5 TO B.L.
NE/S York Rd., opposite Rose : OF BALTIMORE COUNTY
St., approximately 250' E of
C/L York Rd. (2325 York Rd.) :
8th Election District :
3rd Councilmanic District :
CHARLES F. EVANS & SON, INC., : Zoning Case No. CR-89-457
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 14th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to Benson Everett Legg, Esquire, Suite 1800, 2 Hopkins Plaza, Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
JUL 14 AM 8:43

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
FROM D.R. 3.5 TO B.L.
NE/S York Rd., opposite :
Rose St., approximately :
250' E of C/L York Rd. :
(2325 York Rd.) 8th :
Election District :
3rd Councilmanic :
District :
Zoning Case Nos. CR-89-457 :
and CR-89-458 :
CHARLES F. EVANS & SON, :
INC., :
Petitioner

WITHDRAWAL OF APPEARANCE

Please withdraw the appearance of Benson Everett Legg and Venable, Baetjer and Howard in the above-captioned matters. The petitioner, Charles F. Evans & Son, Inc. is being represented by Edward C. Covahey and the firm of Covahey & Boozer, P.A., who entered their appearance as counsel for the owner on or about August 9, 1989.

Benson Everett Legg
Benson Everett Legg

Venable, Baetjer and Howard
Venable, Baetjer and Howard
1800 Mercantile Bank and
Trust Building
Two Hopkins Plaza
Baltimore, Maryland 21201
(301) 244-7404

RECEIVED
COUNTY BOARD OF APPEALS
JUL 13 PM 3:00

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 1989, a copy of the foregoing Withdrawal of Appearance was mailed, first-class, postage prepaid, to Edward C. Covahey, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, Maryland 21204, Attorney for the Owner; and Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Office of the People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Benson Everett Legg
Benson Everett Legg

9663R

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Office Date: November 2, 1989
 FROM: Kathleen C. Weidenhammer
 County Board of Appeals
 SUBJECT: Reclassification Petition -
 Case No. CR-89-458-X (Charles Evans)

I received a telephone call this afternoon from Frances Evans regarding the subject case.
 She received a letter from your office on October 31, 1989 the day of the hearing before the Board regarding the amount due for advertising and the need for her to return the sign to your office. She stated to say that the signs were returned to Room 108 and that she will be sending a check for the advertising this week.

Her concern is that the Board's decision not be held up pending return of the signs when she has returned them. If you have any questions, please call me. Also, we did not receive a copy of the October 30 letter regarding the above; would appreciate a copy for the reclass. file.

Thanks.

NOTICE OF HEARING

Petition for Zoning Reclassification
 Petition for Special Exception
 Case Number: CR-89-458-X
 NE/S York Road, opposite Rose Street, approx. 285' E of c/1 York Road
 Petitioner(s)/Legal Owner: Charles F. Evans & Son, Inc.
 Contract Lessee: Helen Dalich Bentley

Petition to reclassify the property from an D.R.-3.5 to an R.O. zone.
 Special Exception: For a Class "B" Office Building.

TIME: 10:00 a.m.
 DATE: THURSDAY, OCTOBER 31, 1989
 LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284

WILLIAM Y. HACKETT, CHAIRMAN
 County Board of Appeals

cc: Deanna Everett Legg, Esq.
 Charles F. Evans & Son, Inc.
 Helen Dalich Bentley
 People's Council
 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.Y.H.

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account R.0014
 Number

11/03/89 M9000031

PUBLIC HEARING FEES	QTY	PRICE
OBO - POSTING SIGNS / ADVERTISING 1 X		\$484.60
LAST NAME OF OWNER: EVANS	TOTAL:	\$484.60

B 113*****484501* 2065F

Please make checks payable to Baltimore County

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 496-3181

HEARING ROOM - Room 301, County Office Bldg. October 26, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 21(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-89-457 CHARLES F. EVANS & SON, INC.
 NE/S York Rd., oppo. Rose Street, approx. 250' E of c/1 of York Road (2325 York Road)
 8th Election District
 3rd Councilmanic District
 D.R.3.5 to B.L.

which was set for hearing on October 25, 1989 was continued on the record at the request of Counsel for Petitioner and has been reset for hearing on October 31, 1989 with

CASE NO. CR-89-458-X CHARLES F. EVANS & SON, INC.
 NE/S York Rd., oppo. Rose Street, approx. 285' E of the c/1 of York Road (2325 York Road)
 8th Election District
 3rd Councilmanic District
 D.R.3.5 to R.O.
 SE - for Class "B" Office Building

ASSIGNED FOR: TUESDAY, OCTOBER 31, 1989 at 10:00 a.m.

cc: Charles F. Evans & Son, Inc. Petitioner
 c/o Frances C. Evans, Pres.
 Edward C. Covashey, Jr., Esquire Counsel for Petitioner
 Charles K. Stark c/o J.W. Stephens, Jr. & Assoc., Inc. Engineer

Helen Dalich Bentley
 James Earl Kraut
 Phyllis C. Friedman
 P. David Fields
 Pat Keller
 J. Robert Haines
 Ann M. Mastarowicz
 James E. Byer
 W. Carl Richards, Jr.
 Docket Clerk - Zoning
 Arnold Jablon, County Attorney

Board of Education of Baltimore County
 People's Council

LindaLee M. Kuszmaul
 Legal Secretary

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353
 J. Robert Haines
 Zoning Commissioner

Charles F. Evans & Son, Inc.
 2125 York Road
 Hanover, Maryland 21053

Re: Petitions for Zoning Re-classification and Special Exception
 CASE NUMBER: CR89-458-X
 NE/S York Road, opposite Rose Street, approx. 285' E of c/1 York Road
 2325 York Road (over)
 8th Election District - 3rd Councilmanic
 Hearing Scheduled: October 31, 1989

Dear petitioner(s):

This is to advise you that a \$484.60 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

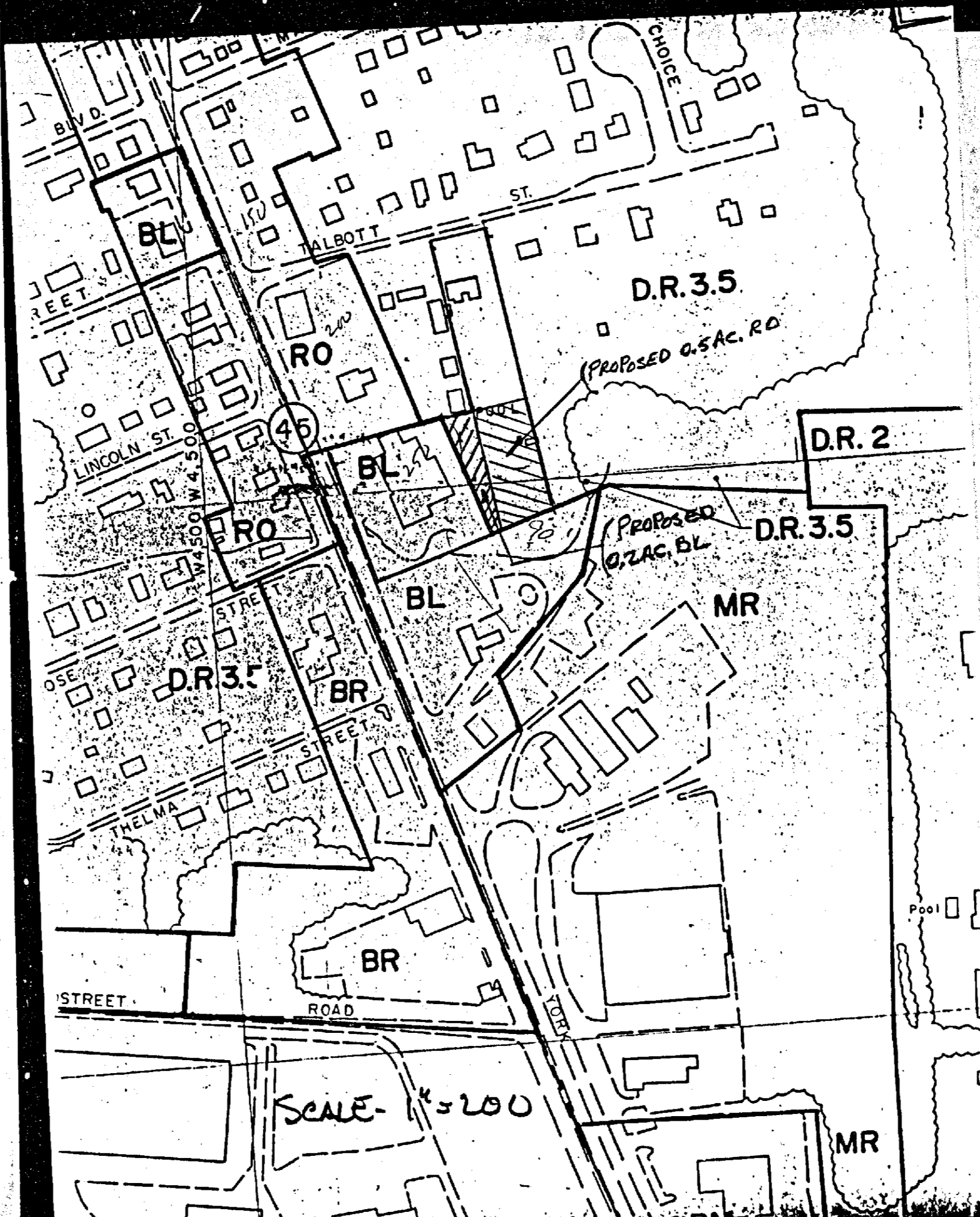
THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

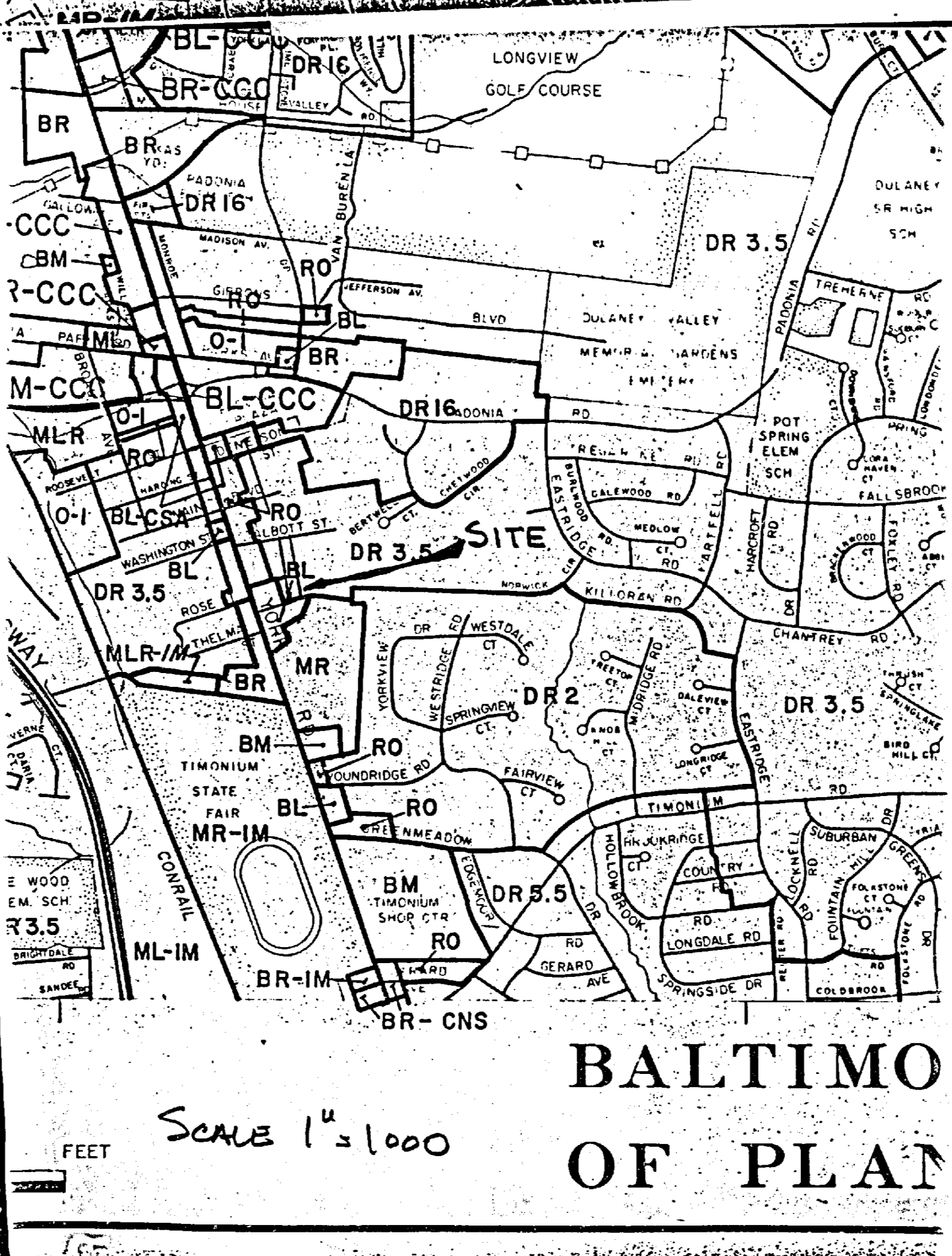
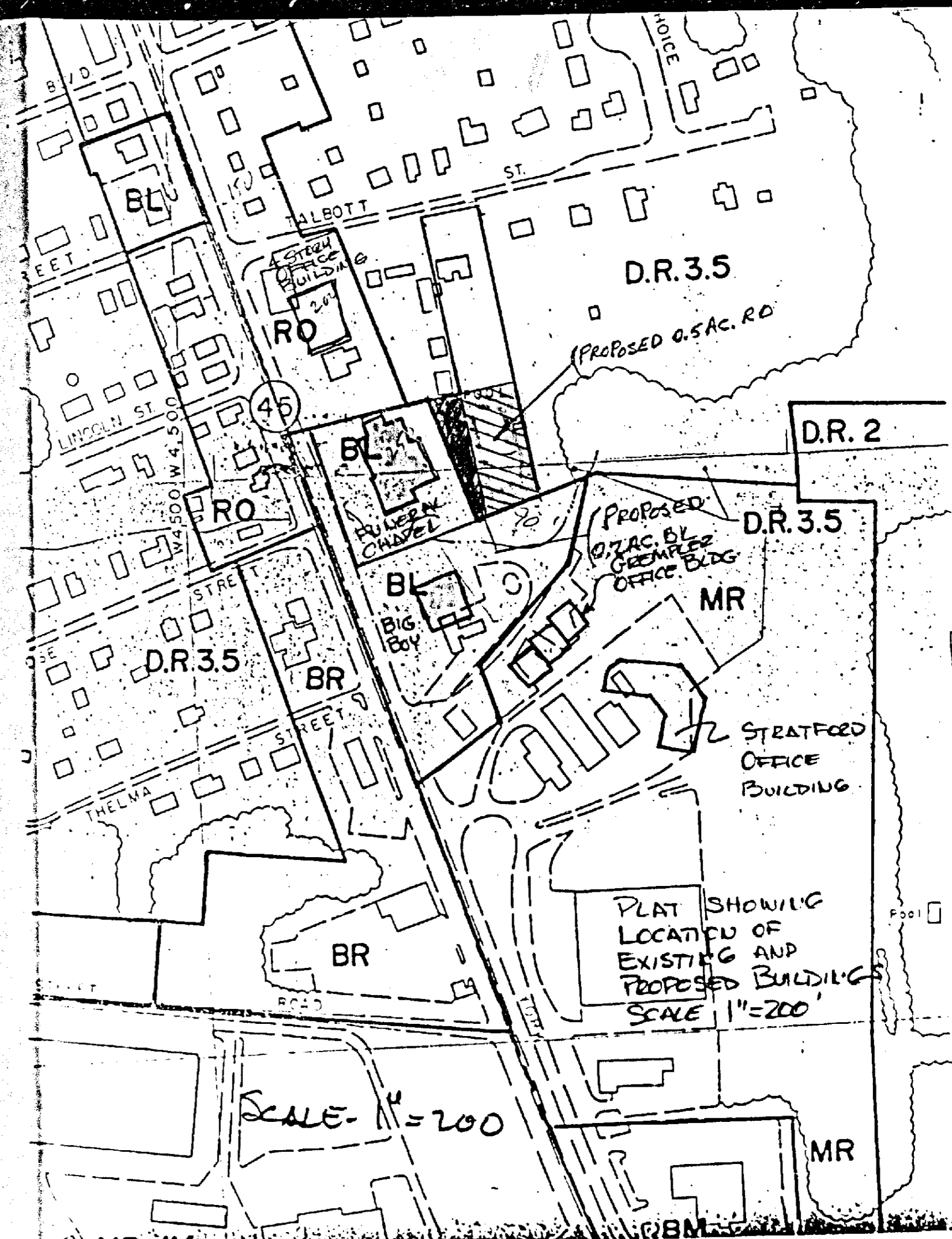
Very truly yours,

J. Robert Haines
 Zoning Commissioner

cc: Deanna Everett Legg, Esq.
 Charles F. Evans & Son, Inc.
 File



CR-89-458X
 Pet No 3



Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 405
 Towson, Maryland 21204
 (301) 887-3354

May 9, 1989

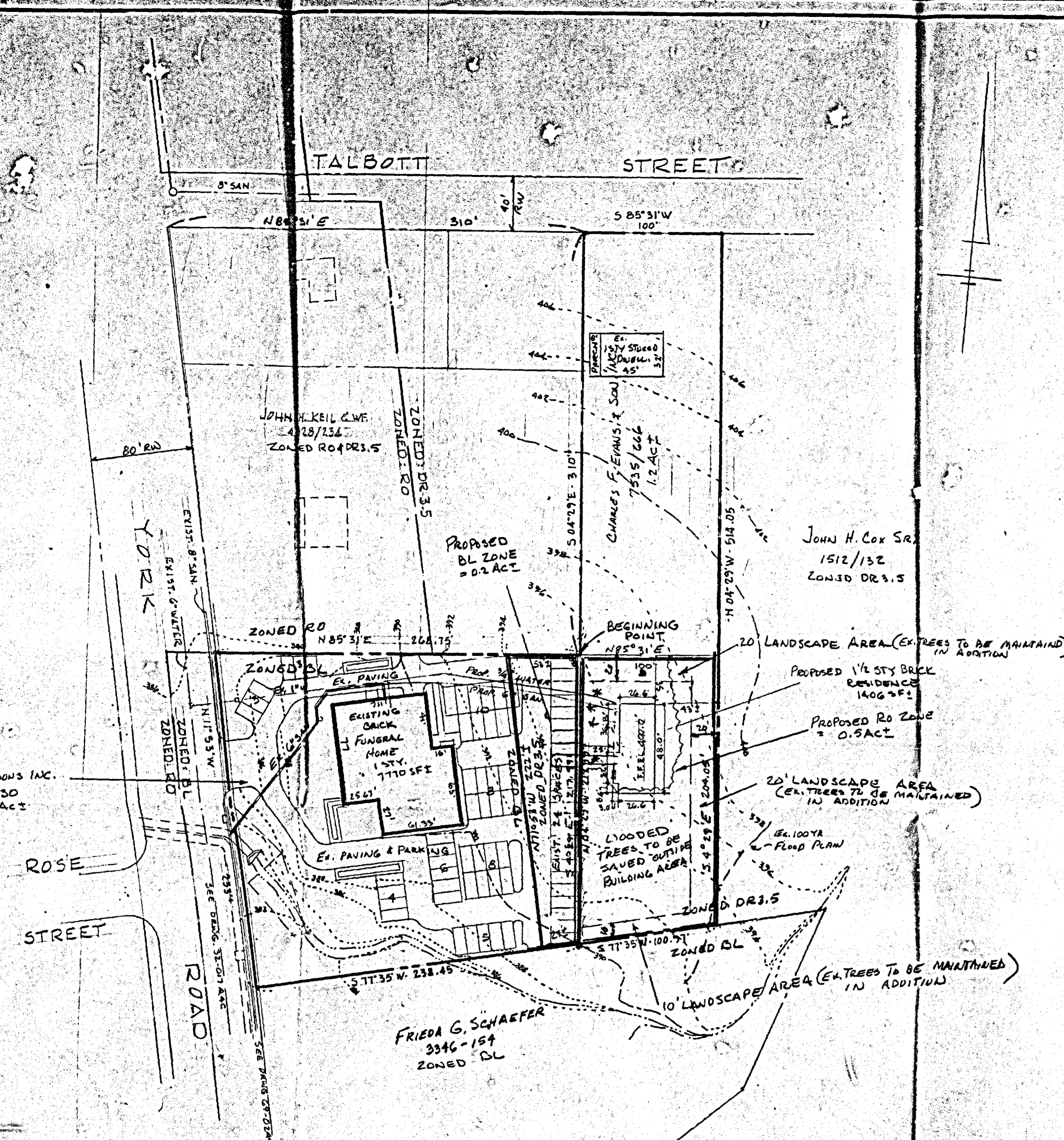
Mr. William Hackett
 Chairman, Board of Appeals
 County Office Building
 Towson, Maryland 21204

Zoning Reclassification Cycle 1 Item No. 8	April - October, 1989
Property Owner:	Charles F. Evans & Son, Inc.
Case No./Hearing Date:	CR89-458; October 31, 1989
Contract Lessee:	Helen Dalich Bentley
Location:	N.E. side York Road opposite Rose Street
Existing Zoning:	D.R. - 3.5
Election District:	8th
Councilmanic District:	3rd
Acres:	0.5
Proposed zoning:	R.O. & Special Exception for a Class "B" Office Building

Dear Mr. Hackett:
 The existing D.R. - 3.5 zoning for this site can be expected to generate approximately 20 trips per day. The proposed R.O. zoning can be expected to generate approximately 170 trips per day.

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

MSE/lw



SITE DATA

TOTAL ACREAGE	2.57 ACRES ±
EXISTING ZONING	BL + DR 3.5
EXISTING BL	1.17 ACRES ±
EXISTING DR 3.5	1.4 ACRES ±
PROPOSED ZONING	
BL	1.37 ACRES ±
RO	0.5 ACRES ±
DR 3.5	0.7 ACRES ±

EXISTING USES
 EXISTING FUNERAL HOME - PARKING LOT IN BL
 EXISTING RESIDENCE & PARKING IN DR 3.5

PROPOSED USES
 RESIDENCE FOR GENERAL OFFICE USE IN PROPOSED RO
 EXISTING PARKING IN PROPOSED BL
 F.A.R. = .12

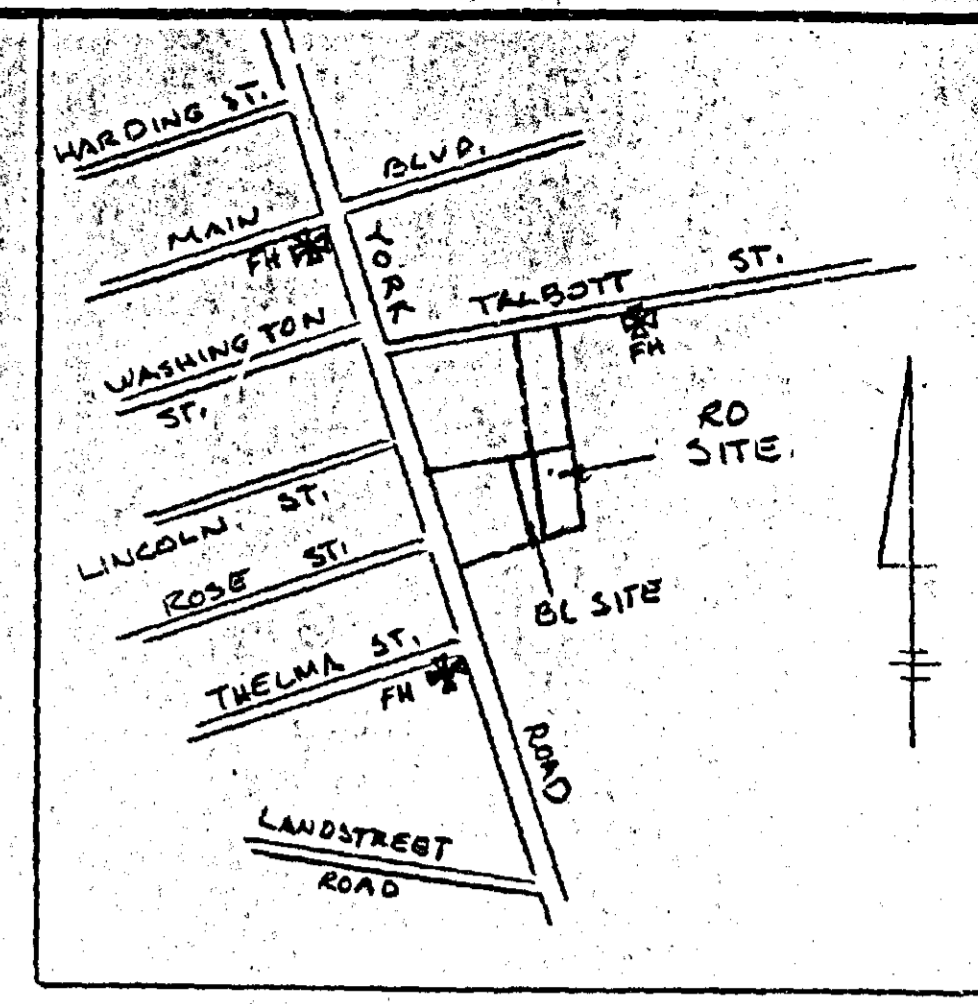
PROPOSED USE
 PERMANENT CAMPAIGN HEADQUARTERS
 FOR CONGRESSWOMAN HELEN D. BENTLEY

PARKING DATA

PARKING REQUIRED	
EXISTING RESIDENCE	2
EXISTING FUNERAL HOME	26
PROPOSED OFFICE RESIDENCE	9
TOTAL REQUIRED	37 SPACES
PARKING PROVIDED	72 SPACES EXISTING

3RD COUNCILMANIC DISTRICT

- GENERAL NOTES**
1. 3RD COUNCILMANIC DISTRICT
 2. NO SOUND LEVELS ASSOCIATED WITH USE SHOWN SHOULD EMANATE FROM THIS SITE IF MORE THAN 50 TO 70 DB.
 3. NO ANTICIPATED EMANATIONS ARE EXPECTED TO BE ENCOUNTERED RESULTING FROM DUST, ODORS, GASES, LIGHT OR HEAT.
 4. EXISTING GRADES SHOWN HEREON ARE DERIVED FROM BALTIMORE COUNTY POSITIONED SHEETS AND NOT CURRENT FIELD RUN TOPO. SOME DEGREE OF CHANGE MAY BE ENCOUNTERED BUT NO MAJOR PROBLEM IS ANTICIPATED.
 5. NO. OF EMPLOYEES OR VOLUNTEERS - ESTIMATED - 5 (DURING CAMPAIGN PERIOD - ESTM. 15-25)
 6. HOURS OF OPERATION - 9:00 AM TO 5:00 PM (DURING CAMPAIGN (3 MONTHS EVERY 2 YRS 9:00AM TO 9:15PM))
 7. SIGNS SHALL CONFORM TO SEC. 203.3 C
 8. NO SIGNS IN RO AREA EXCEPT 8 SQUARE FEET ON FRONT OF BUILDING.
 9. * LANDSCAPING TO BE PROVIDED IN FRONT OF PROPOSED OFFICE BUILDING.



LOCATION PLAN
SCALE - 1" = 500'

SITE PLAN TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM DR 3.5 TO BL AND RO AND SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING.

1ST AMENDED SITE PLAN

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1303 ALLEGHENY AVENUE
 TOWSON, MARYLAND 21204
 (301) 625-8120

STATE OF MARYLAND
 DEPARTMENT OF GENERAL SERVICES
 DIVISION OF LAND MANAGEMENT
 CHARLES F. EVANS & SON INC.

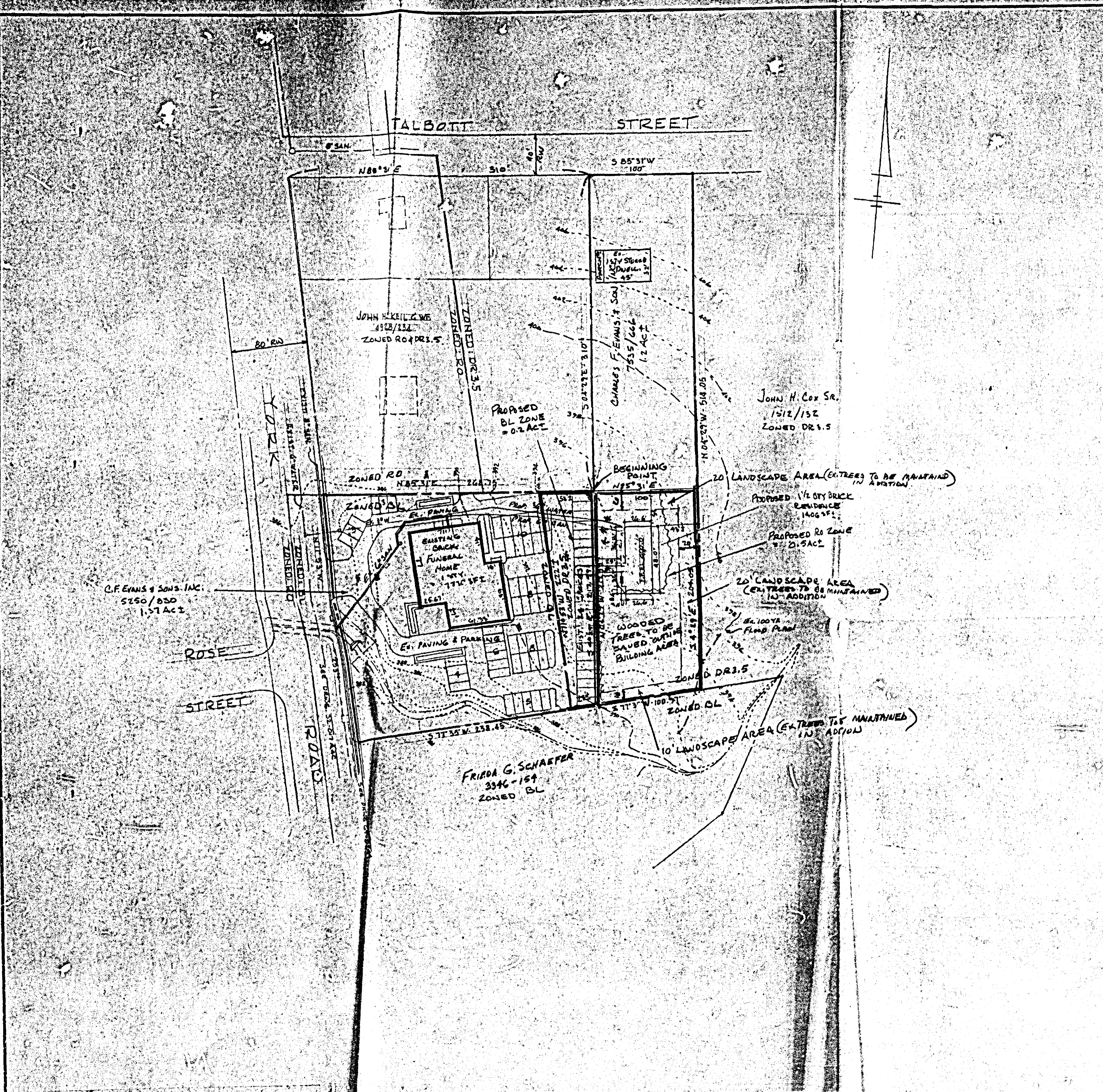
OWNERS
 CHARLES F. EVANS & SON INC.
 2325 YORK ROAD
 TIMONIUM, MD. 21093
 DEED-REF. 5250/830
 7535/666

LESSEE OF PROPOSED RO AREA
 HELEN DELICH BENTLEY,
 CAMPAIGN HEADQUARTERS
 2325 YORK ROAD
 TIMONIUM, MD. 21093

REVISIONS
 3-3-89, 1ST AMENDED: BLDG DIMENSIONS REVISED

RECLASSIFICATION PETITION FOR PART OF PROPERTY OF
 CHARLES F. EVANS & SON INC.
 2325 YORK ROAD
 8TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD.
 SCALE - 1" = 50'
 DATE - FEB. 24, 1989

[Handwritten Signature]



SITE DATA

TOTAL ACREAGE	2.9 ACRES ±
EXISTING ZONING	BL DR 3.5
EXISTING BL	1.17 ACRES ±
EXISTING DR 3.5	1.4 ACRES ±
PROPOSED ZONING	
BL	1.3 ACRES ±
RO	0.5 ACRES ±
DR 3.5	0.7 ACRES ±

EXISTING USES
 EXISTING FUNERAL HOME & PARKING LOT IN BL
 EXISTING RESIDENCE & PARKING IN DR 3.5

PROPOSED USES
 RESIDENCE FOR GENERAL OFFICE USE IN PROPOSED RO
 EXISTING PARKING IN PROPOSED BL
 F.A.R. = 12

PROPOSED USE
 PERMANENT CAMPAIGN HEADQUARTERS
 FOR CONGRESSWOMAN HELEN D. BENTLEY

PARKING DATA

PARKING REQUIRED	
EXISTING RESIDENCE	2
EXISTING FUNERAL HOME	26
PROPOSED OFFICE RESIDENCE	7
TOTAL REQUIRED	37 SPACES
PARKING PROVIDED	72 SPACES EXISTING

3RD COUNCILMANIC DISTRICT

- GENERAL NOTES**
1. 3RD COUNCILMANIC DISTRICT
 2. NO SOUND LEVELS ASSOCIATED WITH USE SHOWN SHOULD EMANATE FROM THIS SITE AT MORE THAN 50 TO 70 DB.
 3. NO ANTICIPATED EMANATIONS ARE EXPECTED TO BE ENCOUNTERED RESULTING FROM DUST, ODOR, GASES, LIGHT OR HEAT.
 4. EXISTING GRADES (SHOWN HEREON) ARE DERIVED FROM BALTIMORE COUNTY POSITION SHEETS AND NOT CURRENT FIELD RUN TOPO. SOME DEGREE OF CHANGE MAY BE ENCOUNTERED BUT NO MAJOR PROBLEM IS ANTICIPATED.
 5. NO. OF EMPLOYEES OR VOLUNTEERS - ESTIMATED - 5 (DURING CAMPAIGN PERIOD - ESTIM. 15-25)
 6. HOURS OF OPERATION - 9:00 AM TO 5:00 PM (DURING CAMPAIGN (3 MONTHS) EVERY 2 YRS 9:00 AM TO 9:00 PM)
 7. SIGNS SHALL CONFORM TO SEC. 2053 C
 8. NO SIGNS IN RO AREA EXCEPT 8 SQUARE FEET ON FRONT OF BUILDING.
 9. LANDSCAPING TO BE PROVIDED IN FRONT OF PROPOSED OFFICE BUILDING.

SITE PLAN TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM DR 3.5 TO BL AND RO AND SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING.

CR-89-457
Pet No 1

1ST AMENDED SITE PLAN

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1303 ALLEGHENY AVENUE
 TOWSON, MARYLAND 21204
 (301) 825-8120

Charles F. Evans

OWNERS
 CHARLES F. EVANS & SON INC.
 2525 YORK ROAD
 TIMONIUM, MD. 21095
 DEED-REF. 5250/830
 7535/666

LESSEE OF PROPOSED RO AREA
 HELEN DELICH BENTLEY,
 CAMPAIGN HEADQUARTERS
 2525 YORK ROAD
 TIMONIUM, MD. 21095

REVISIONS
 3-3-89 1ST AMENDED: BLDG DIMENSIONS REVISED

RECLASSIFICATION PETITION FOR PART OF PROPERTY OF
CHARLES F. EVANS & SON INC.
 2525 YORK ROAD
 8TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
 SCALE - 1" = 50' DATE - FEB. 24, 1989
 PG 6275

**PETITION FOR ZONING RE-CLASSIFICATION,
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 zone to an BL zone, for the reasons given in the attached statement, and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Existing parking area.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

MAP MMMS
30
E. D. FB
DATE 11-14-89
JOB BF
MOOD BF
DP G/D

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

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

Contract XXXXXXXX Legal Owner(s):
Charles F. Evans & Son, Inc.
(Type or Print Name)
Charles F. Evans & Son, Inc.
Signature
CHARLES F. EVANS
(Type or Print Name)
Address
City and State
Signature

Attorney for Petitioner:
Benson Everett Legg
(Type or Print Name) 2325 York Road 21201 Phone No.
Address
Baltimore, Maryland 21201 City and State
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
244-7404 Address
City and State
Phone No.

Attachment to
Petition for Zoning Reclassification
Special Exception and/or Variance

2325 York Road
Timonium, Maryland 21093

The applicants hereby request that the zoning status of the subject property be reclassified from a DR3.5 Zone to BL Zone for the following reasons:

1. The subject property which is presently zoned DR3.5, is presently used for overflow parking in connection with the existing funeral home at 2325 York Road. This property should have been rezoned to BL in connection with the most recent comprehensive rezoning of the area. Its omission and the failure to so redesignate it was an error.

Additional Information Will Be Submitted
In Connection With This Petition

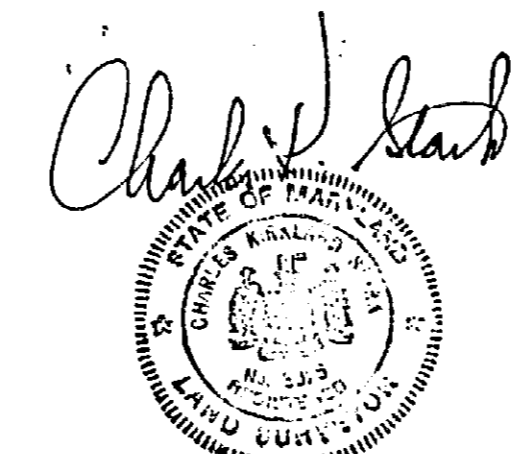
44010-93

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21284

Item #7
Cycle I

Description to Accompany Petition for
Reclassification to a BL Zone. February 27, 1989

Beginning for the same at a point distant 310 feet South 4° 29' East and 310 feet North 85° 31' East from the intersection of the south right-of-way of Talbott Street 40 feet wide with the east right-of-way line of York Road 80 feet wide thence running
1 - South 4° 29' East 217.99 feet thence
2 - South 77° 35' West 27 feet more or less thence
3 - North 11° 53' West 222 feet more or less and thence
4 - North 85° 31' East 53 feet more or less to the place of beginning.
Containing 0.2 acres of land more or less.



CERTIFICATE OF POSTING CR-89-457
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 10/6/89
Posted by Charles F. Evans & Son, Inc.
Petitioner: Charles F. Evans & Son, Inc.
Location of property: NE 1/4 York Rd. opposite York St., approx. 152' of York Rd. - 2325 York Rd.
Location of Signs: Approx. 1/2 mi. West of York Rd. on property of P. H. Evans
Remarks:
Posted by Charles F. Evans & Son, Inc. Date of return: 10/12/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 5, 1989.

THE JEFFERSONIAN,
S. Zepher Nelson
Publisher

PO 17227
reg 1128955
price \$90.53

NOTICE OF HEARING
PETITION FOR
ZONING RECLASSIFICATION
Case Number: CR-89-457
NE 1/4 York Road, opposite York St., approx. 152' of York Rd. - 2325 York Rd.
Petitioner(s): Charles F. Evans & Son, Inc.
Beginning for the same at a point distant 310 feet South 4° 29' East and 310 feet North 85° 31' East from the intersection of the south right-of-way of Talbott Street 40 feet wide with the east right-of-way line of York Road 80 feet wide thence running
1 - South 4° 29' East 217.99 feet thence
2 - South 77° 35' West 27 feet more or less thence
3 - North 11° 53' West 222 feet more or less and thence
4 - North 85° 31' East 53 feet more or less to the place of beginning.
Containing 0.2 acres of land more or less.
Petition to reclassify the property from an D.R. - 3.5 to an B.L. zone.
Time: 10:00 A.M.
Date: Wednesday, October 25, 1989
Location: Room 301, County Office Building, 111 M. Chesapeake Avenue, Towson, Maryland 21284.
William T. Hackett, Chairman
County Board of Appeals
10/10/89 Oct. 8.

**NOTICE OF HEARING
PETITION FOR ZONING RECLASSIFICATION**

Petition for Zoning Reclassification
Case Number: CR-89-457
NE 1/4 York Road, opposite York Street, approx. 152' E of York Road
Petitioner(s): Charles F. Evans & Son, Inc.

Beginning for the same at a point distant 310 feet South 4° 29' East and 310 feet North 85° 31' East from the intersection of the south right-of-way of Talbott Street 40 feet wide with the east right-of-way line of York Road 80 feet wide thence running
1 - South 4° 29' East 217.99 feet thence
2 - South 77° 35' West 27 feet more or less thence
3 - North 11° 53' West 222 feet more or less and thence
4 - North 85° 31' East 53 feet more or less to the place of beginning.
Containing 0.2 acres of land more or less.

Petition to reclassify the property from an D.R. - 3.5 to an B.L. zone.
TIME: 10:00 a.m.
DATE: WEDNESDAY, OCTOBER 25, 1989
LOCATION: Room 301, County Office Building, 111 M. Chesapeake Avenue, Towson, Maryland 21284
WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

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

**"DUPLICATE"
CERTIFICATE OF PUBLICATION**

TOWSON, MD., Oct 5, 1989
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 1 successive weeks, the first publication appearing on Oct 4, 1989.
TOWSON TIMES,
Publisher

PO 17227
reg 1128955
price \$90.53
25.00
339.31
#454.84

BALTIMORE COUNTY, MARYLAND No. 065925
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 3/1/89 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM: G.W. Stephens Jr.
FOR: Reclass - 3.5 to BL UCR
Charles Evans
B 111*****1366N
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284
Account: R-001-6150
Number: 828
Date: 12/28/89 MICROFILMED
M9000304
APPEAL FEES QTY PRICE
150 - POSTING SIGNS / ADVERTISING 1 X \$454.84
LAST NAME OF OWNER: EVANS TOTAL: \$454.84
B 111*****454P4: a C294F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Date: 10/10/89



Charles F. Evans & Sons, Inc.
2325 York Road
Timonium, Maryland 21053

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Re-classification
CASE NUMBER: CR89-457
NE/S York Road, opposite Rose Street, approx. 250' E of c/l York Road
2325 York Road
8th Election District - 3rd Councilmanic
Hearing Scheduled: October 25, 1989

Dear Petitioner(s):

This is to advise you that \$454.84 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. S. Stappera, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: Benson Everett, Esq.
Charles F. Evans & Son, Inc.
File

APR 26 1989

NOTICE OF HEARING

Petition for Zoning Re-classification
Case Number: CR-89-457
NE/S York Road, opposite Rose Street, approx. 250' E of c/l York Road
Petitioner(s): Charles F. Evans & Son, Inc.

Petition to reclassify the property from an B.R.-3.5 to an B.L. zone.

TIME: 10:00 a.m.
DATE: WEDNESDAY, OCTOBER 25, 1989
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Benson Everett Legg, Esq.
Petitioner
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.



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

HEARING ROOM -
Room 301, County Office Bldg.

October 26, 1989
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-89-457 CHARLES F. EVANS & SON, INC.
NE/S York Rd., oppos. Rose Street, approx. 250'
E of c/l of York Road (2325 York Road)
8th Election District
3rd Councilmanic District
D.R.3.5 to B.L.

which was set for hearing on October 25, 1989 was continued on the record at the request of Counsel for Petitioner and has been reset for hearing on October 31, 1989 with

CASE NO. CR-89-458-X CHARLES F. EVANS & SON, INC.
NE/S York Rd., oppos. Rose Street, approx. 285'
E of the c/l of York Road (2325 York Road)
8th Election District
3rd Councilmanic District
D.R.3.5 to R.O.
SE - for Class "B" Office Building

ASSIGNED FOR: TUESDAY, OCTOBER 31, 1989 at 10:00 a.m.

cc: Charles F. Evans & Son, Inc. Petitioner
c/o Francis C. Evans, Pres.
Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Charles K. Stark c/o G.W. Stephens, Engineer
Jr. & Assoc., Inc.
Helen Delich Bentley
James Earl Kraft Board of Education of Baltimore County
Phyllis C. Friedman People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary

RECEIVED
OCT 30 1989

ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 3, 1989

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

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

RE: Item No. 7
Case No. CR89-457
Petitioner: Charles F. Evans & Sons, et al
Reclassification Petition

Dear Mr. Legg:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Frances C. Evars
Charles F. Evans & Sons, Inc.
2325 York Road
Timonium, MD 21093
cc:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 1st day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles F. Evans & Sons, et al

Petitioner's Attorney: Benson Everett Legg

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

Paul H. Reincke
Chief

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Charles F. Evans & Son, Inc.

Location: NE/S York Road, opposite Rose Street, approx. 250' E of centerline York Road - #2325
Item No.: Seven (7) 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. See sections 26-2.4 & sec 26-3.1.1.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 4-12-89
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

May 9, 1989



Dennis F. Rasmussen
County Executive

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

Zoning Reclassification Cycle 1
Item No. 7

April - October, 1989

Property Owner: Charles F. Evans & Son, Inc.
Case No./Hearing Date: CR89-457, October 25, 1989
Location: N.E./S. York Road opposite Rose St.
Existing Zoning: D.R. - 3.5
Election District: 8th
Councilmanic District: 3rd
Acres: 0.2
Proposed Zoning: B.L.

Dear Mr. Hackett:

The proposed zoning change requested for this site can generate approximately 100 additional traffic trips.

Very truly yours,

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

MSF/lvw

Item #7
Cycle I

ENVIRONMENTAL IMPACT STATEMENT
CHARLES F. EVANS & SONS, INC.
2325 YORK ROAD

ENVIRONMENTAL IMPACT STATEMENT
CHARLES F. EVANS & SONS, INC.
2325 YORK ROAD

Description of Proposed Action:

The requested reclassification of approximately 0.7 acres of land is to allow the location of a 1400 s.f. building immediately beyond the limits of an existing funeral home parking lot and to correct an apparent existing non-conforming use of funeral home parking in a R zone.

It is intended to relocate an existing dwelling onto the subject parcel for use as an office building. Access to the proposed building will be via the existing entrance to the funeral home from York Road. Water and sewer service will be provided by extension of the existing water and sewer connections serving the funeral home. Storm drainage will be handled independently of the funeral home drainage system.

Existing land use:

LL Zone 1.17 Ac.
DR 3.5 Zone 1.40 Ac.
TOTAL AREA 2.57 Ac.

Of the total 2.57 acres of land owned by the petitioner, only 0.7 acres is requested for reclassification. Two tenths of an acre is requested to be reclassified from DR 3.5 to RL to correct the apparent existing non-conforming use. Five tenths of an acre is requested to be reclassified from DR 3.5 to RO to allow the use of this portion of the owner's property to be used as an office.

Proposed land use:

RL Zone 1.37 Ac.
RO Zone 0.50 Ac.
DR 3.5 Zone 0.70 Ac.
TOTAL AREA 2.57 Ac.

Probable Impact on The Environment:

The requested reclassification will have a minimal adverse impact on the environment. The land requested to be reclassified to RO is currently unimproved and is covered with trees and brush that will be cleared and graded to allow siting of the 1400 s.f. building only. This action will cause the loss of approximately 0.16 acres of natural habitat for animals such as birds and squirrels. Only the areas necessary to support the required building will be cleared and a landscape plan will be prepared in conjunction with the building permit to minimize the net loss of habitat by providing shrubs and trees. In addition, it is noted that considerable area west of the subject property is wooded and supports developed, large-lot residential use, unlikely to be further developed which can therefore continue to support the wildlife species that may be displaced.

The increase in runoff from the proposed development will be due only to the proposed relocated building since no additional parking is proposed. The parking provided on the Funeral Home parcel is adequate to support both intended uses, particularly since peak volumes for the two uses are historically different.

The adverse environmental impacts from the proposed action are the minimum that can be attained. The increase in impervious area is confined solely to the roof of the proposed building and the walk. The loss of habitat is likewise restricted to only the area cleared to support the building. This initial loss will be mitigated by the restoration of disturbed areas with grass and planting of trees.

Short term environmental effects are more significant, involving increased noise levels during construction from construction equipment. These short term effects are likewise considered minimal however, since construction activity will be confined to construction of a foundation for the building, extending water and sewer lines, moving the proposed building into place and grading to facilitate landscaping.

The location of the proposed office building is immediately behind the existing, well landscaped Evans Funeral Home and will be completely screened from York Road. The proposed building, appearing in every respect to be a residence, will be over 400 feet from the nearest existing dwelling, to the northeast, on Talbot Street. The properties to the south, west and northwest are all zoned for commercial uses.

Considering the observations and descriptions above, it is concluded that the proposed development as a consequence of granting the requested reclassifications from DR 3.5 to RO will be negligible.



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

Re: Baltimore County
Zoning Reclassification
Petition
Charles F. Evans
& Son, Inc.
CR89-457 October 25, 1989
E/S York Road (MD 45)
Opposite Rose Street
(Item #7 - cycle I)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal of the Charles F. Evans Property, we find the plan acceptable.

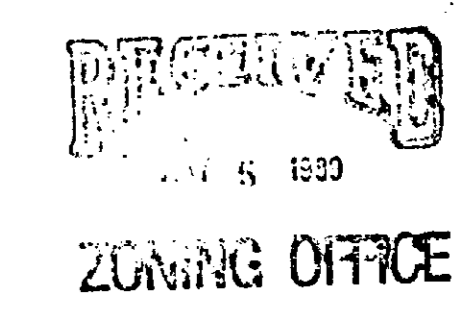
If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles F. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw

cc: G. W. Stephens Jr. & Assoc., Inc.
Benson Everett Legg, Esq.
Mr. J. Ogle



My telephone number is (301) 333-1350

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

CHARLES F. EVANS & SON, INC.

NB/s York Rd., oppo. Rose Street, approx. 250'
E of 2 1/2 York Rd. (2325 York Road)

D.R.3.5 to B.L.
Documented

#CR-89-457

Item #7
Cycle I - 1989

8th Election District
3rd Councilmanic District
.2 acres

10/25/89 - Notice of Assignment sent to the following parties - continued on the record 10/25/89 to be combined with Case No. CR-89-458-X on October 31, 1989.

Charles F. Evans & Son, Inc.
Edward C. Covahey, Esq.
Charles K. Stark
Helen Delich Bentley
James Earl Kraft
Phyllis C. Friedman
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

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 ROSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-1941

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DI PAULA

DEBELY TO:
ANNEX OFFICE
SUITE 101
806 BALTIMORE AVE
TOWSON, MD 21204
AREA CODE 301
828-5625

August 7, 1989

William T. Hackett, Chairman
County Board of Appeals
County Office Building
111 W. Chesapeake Ave., Room 315
Towson, Maryland 21204

RE: CASE NO.: CR89-457 & CR89-458

Dear Mr. Hackett:

Please treat this letter as entry of appearance of the undersigned as counsel for the applicants in both of the above-captioned cases. Please also note that this counsel did not initially file the petitions and in reviewing the notices, I note that CR89-457 is set for hearing on October 25, 1989 and CR89-458 is set for hearing on October 31, 1989. I have marked both dates on my calendar; however, it would appear to me more appropriate that the cases be consolidated and that both be heard simultaneously in that all of the issues are identical.

The Board's guidance would be appreciated.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./jab
7jb:3

RECEIVED
COUNTY BOARD OF APPEALS
AUG 8 AM 10:15

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1800 MERCHANTS BANK & TRUST BUILDING
4 HOPKINS PLAZA
BALTIMORE, MARYLAND 21202-2978
(301) 836-7400
TELE 886032

WASHINGTON, D.C. OFFICE
SUITE 1200
100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004-1701
202 558-3300

ROCKVILLE, MD OFFICE
SUITE 200
200 SOUTH MAIN STREET
ROCKVILLE, MD 20850
(301) 340-8700

WRITER'S DIRECT NUMBER IS
244-7404

October 13, 1989

HAND-DELIVERED

County Board of Appeals
of Baltimore County
County Office Building
3rd Floor
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Charles F. Evans & Son, Inc.
Zoning Case Nos. CR-89-457 and CR-89-458

Dear Sir/Madam:

Please file the enclosed Withdrawal of Appearance in the above-captioned case.

Thank you for your assistance in this matter.

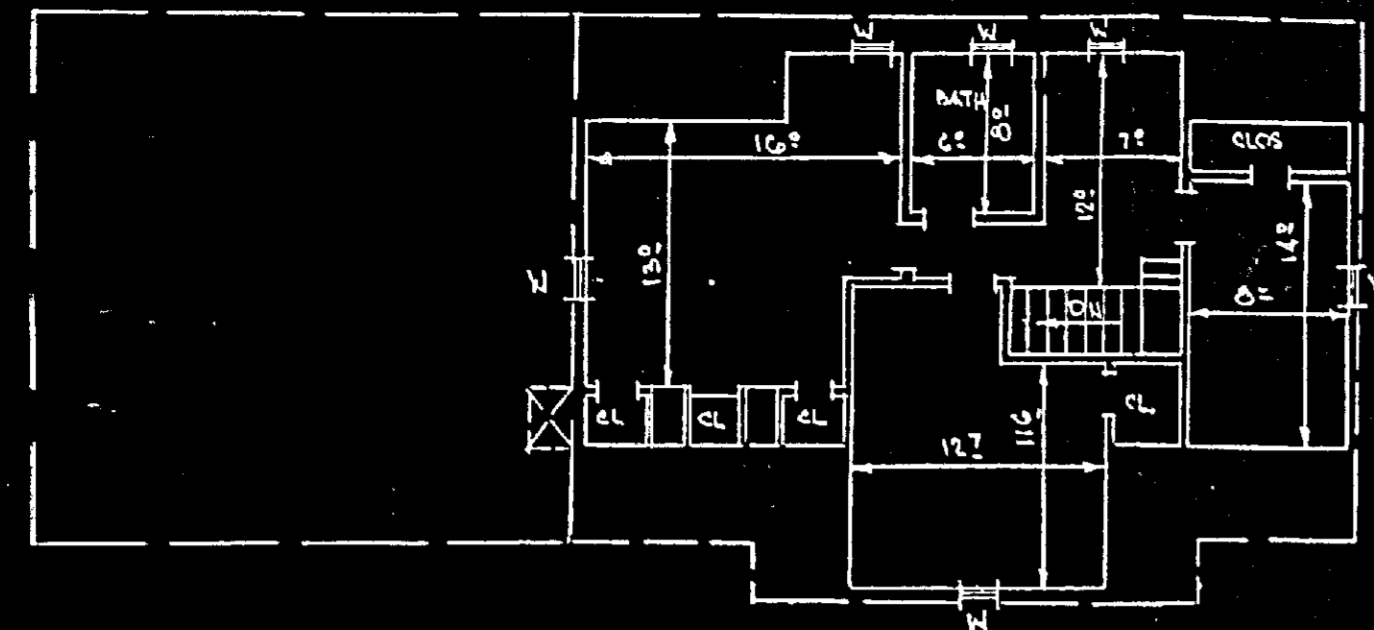
Very truly yours,

Benson Everett Legg

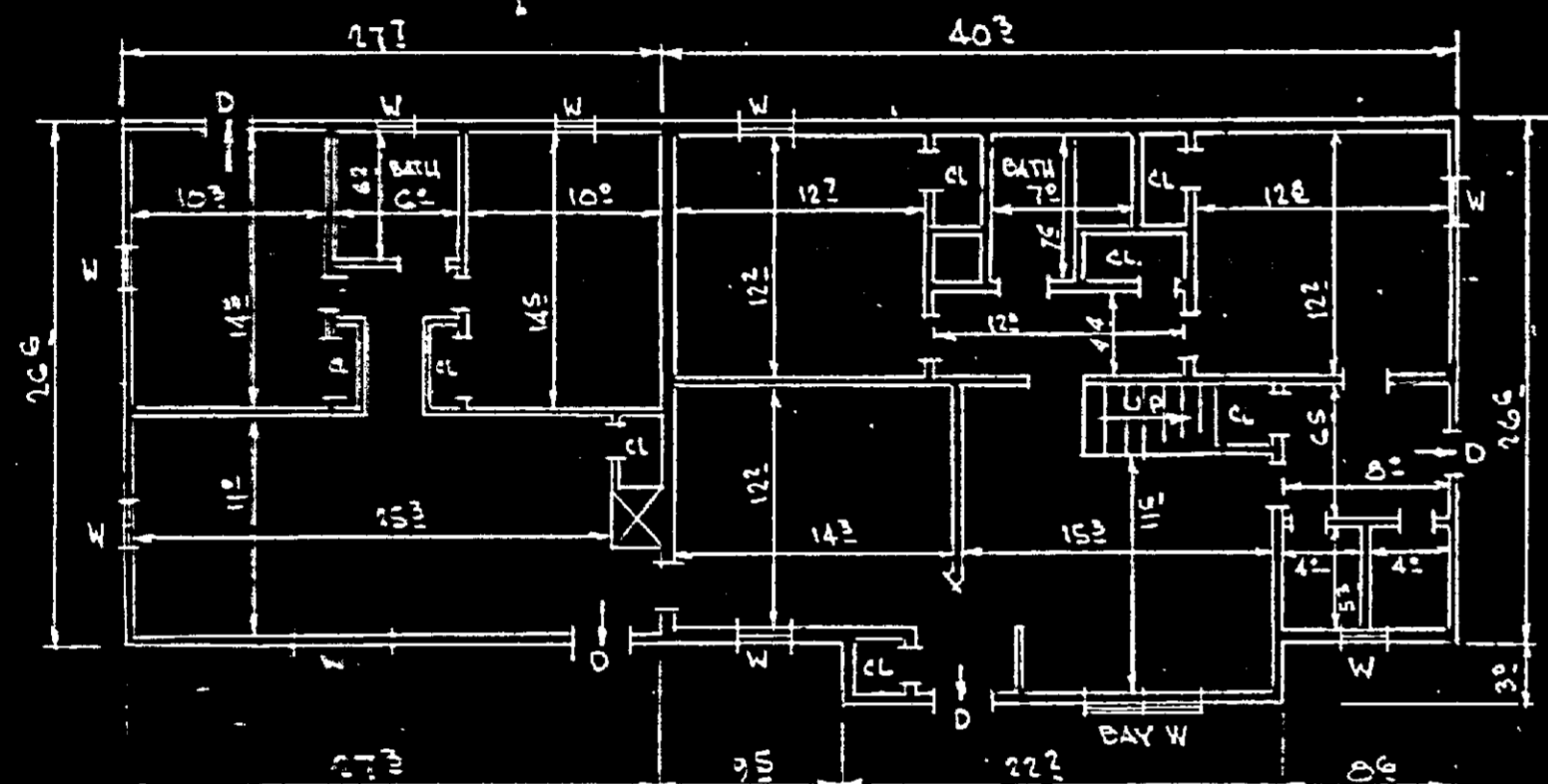
BEL:mtm
Enclosure
4500R/108

RECEIVED
COUNTY BOARD OF APPEALS
OCT 13 3:30 PM

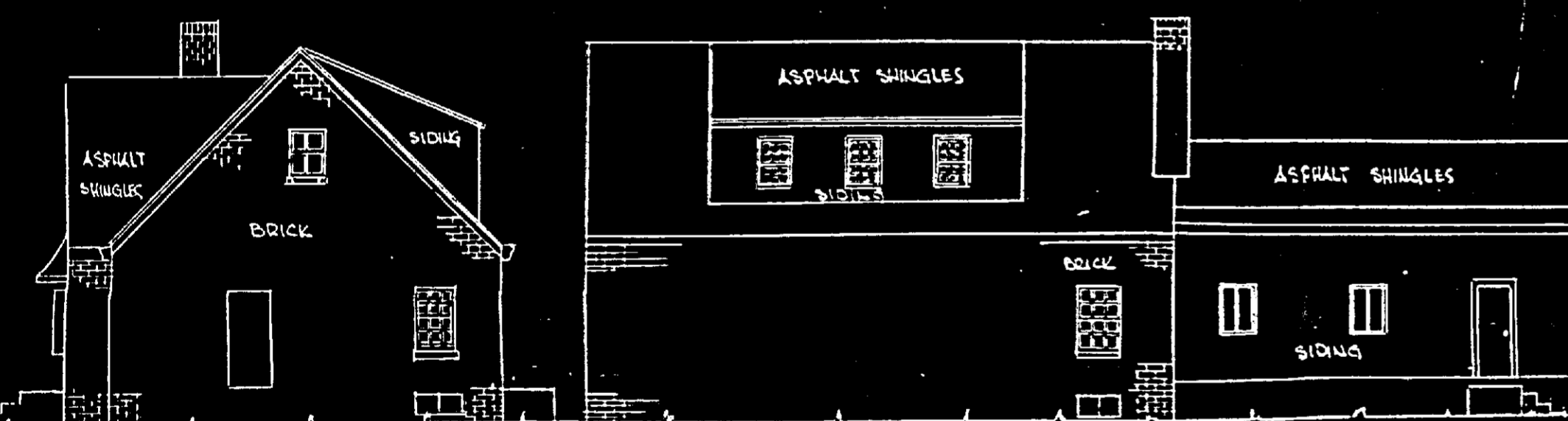
Board of Appeals form with fields for TO, DATE, REFERENCE, ATTENTION, COPIES, DESCRIPTION, and REASON FOR AMENDMENT. Includes handwritten entries and checkboxes.



2ND FLOOR PLAN

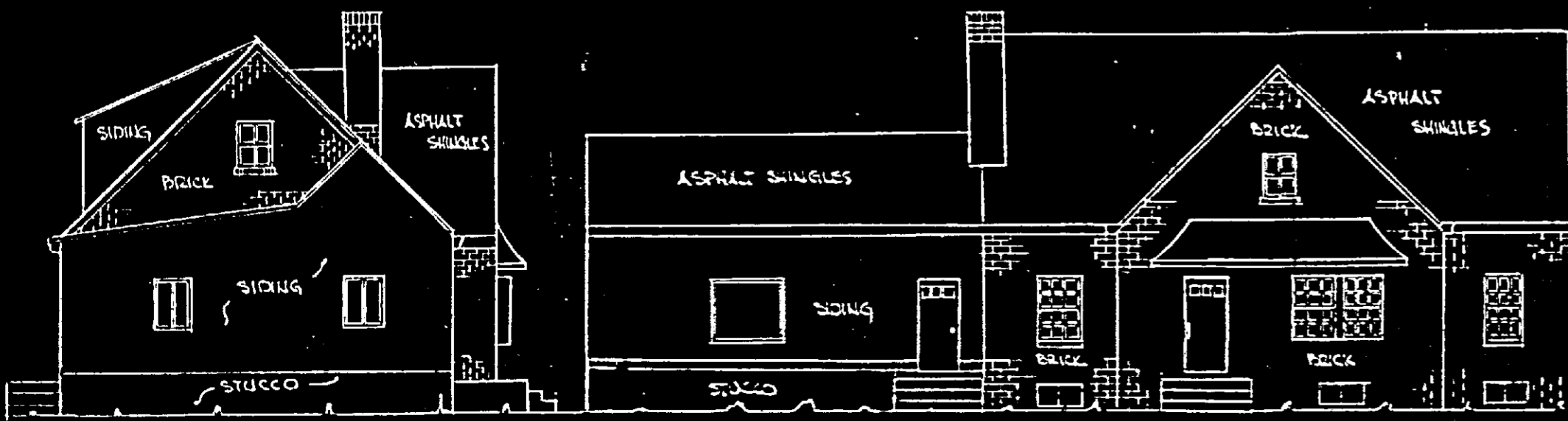


1ST FLOOR PLAN



SOUTH ELEVATION

EAST ELEVATION



NORTH ELEVATION

WEST ELEVATION

CHARLES F. EVANS & SON, INC.

NE/S York Road, opposite Rose Street, Approx. 250'
E of C/L York Rd. (2325 York Road)

D.R.3.5 to B.L.
Documented

#CR-89-457
Item 7
Cycle I - 1989

8th Election District
3rd Councilmanic District

0.2 acres

March 1, 1989 Petition filed.

~~Benson Everett Legg~~
Suite 1800, 2 Hopkins Plaza
Baltimore, Maryland 21201
244-7404

Counsel for Petitioner

withdrew appearance 10/13/89

Charles F. Evans & Son, Inc.
c/o Frances C. Evans, Pres.
2325 York Road
Timonium, Maryland 21093
252-8720

Petitioner

James Earl Kraft
Baltimore County Board of Education
940 York Road, Towson, MD 21204

Phyllis Cole Friedman

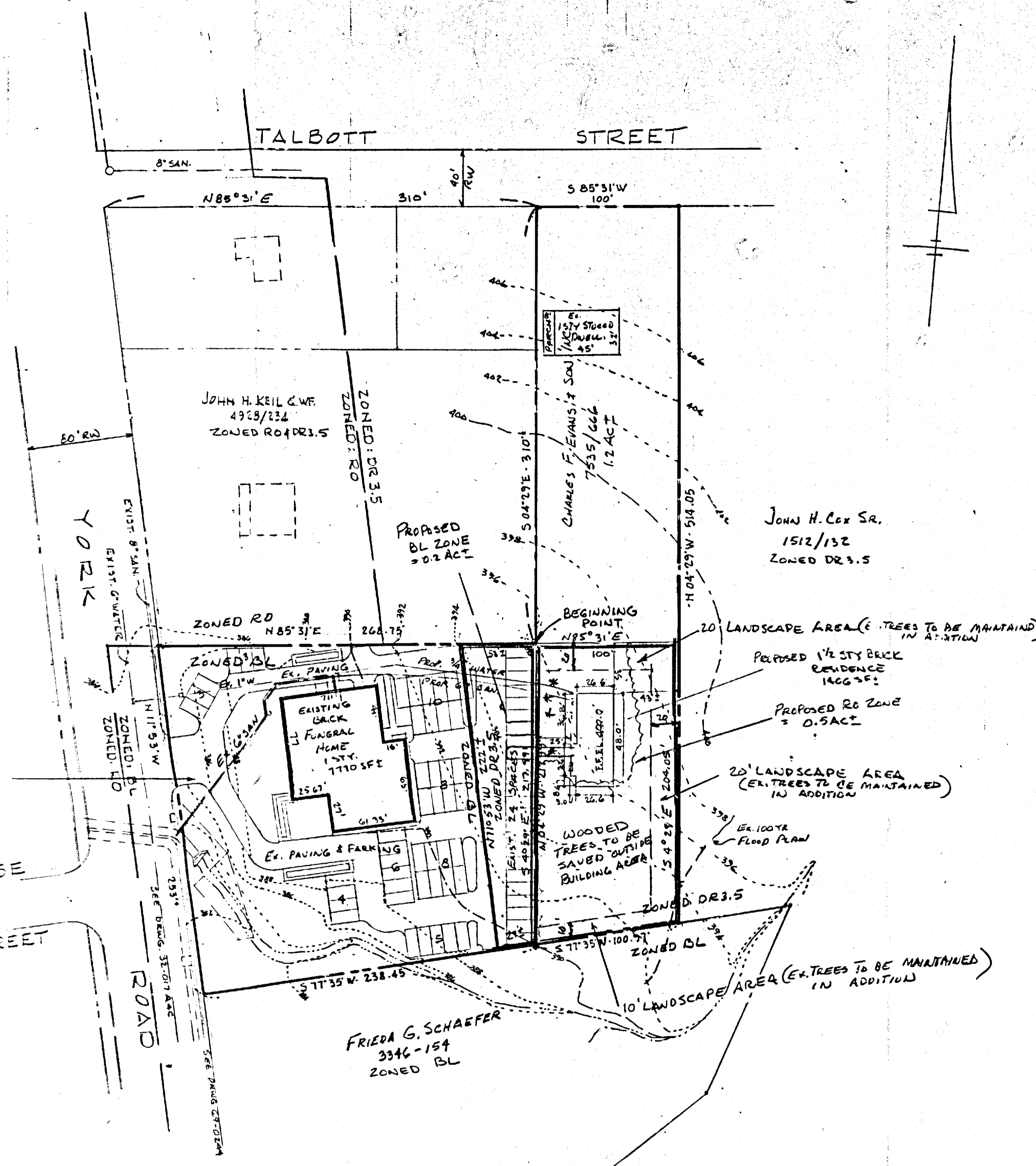
People's Counsel

P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Edward C. Corshy, Jr., Esquire
Corshy & Cozy, P.A.
614 Bosley Ave.
Towson, MD 21204

entered appearance
8/18/89 as Counsel
for Charles F. Evans
& Son, Inc.

CR 89-457 (Item 7, Cycle I)
Petitioner: Charles F. Evans & Son, Inc.
Case No./Hearing Date: CR89-457, October 25, 1989
Contract Purchaser: Benson Everett Legg
Location: NE/S York Road, opposite Rose Street, approx. 250' E of centerline York Road - #2325 York Road
Existing Zoning: D.R.-3.5
Election District: 8th
Councilmanic District: 3rd
Proposed Zoning: B.L.
Benson Everett Legg, Esquire
Suite 1800
2 Hopkins Plaza
Baltimore, MD 21201
244-7404
Documented



SITE DATA

TOTAL ACREAGE	2.57 ACRES ±
EXISTING ZONING	BL & DR3.5
EXISTING BL	1.17 ACRES ±
EXISTING DR3.5	1.4 ACRES ±
PROPOSED ZONING	
BL	1.37 ACRES ±
RO	0.5 ACRES ±
DR3.5	0.7 ACRES ±

EXISTING USES
 EXISTING FUNERAL HOME & PARKING LOT IN BL
 EXISTING RESIDENCE & PARKING IN DR3.5

PROPOSED USES
 RESIDENCE FOR GENERAL OFFICE USE IN PROPOSED RO
 EXISTING PARKING IN PROPOSED BL
 F.A.R. = .12

PROPOSED USE
 PERMANENT CAMPAIGN HEADQUARTERS
 FOR CONGRESSWOMAN HELEN D. BENTLEY

PARKING DATA

PARKING REQUIRED	
EXISTING RESIDENCE	2
EXISTING FUNERAL HOME	26
PROPOSED OFFICE RESIDENCE	9
TOTAL REQUIRED	37 SPACES
PARKING PROVIDED - EXISTING	72 SPACES

3RD COUNCILMANIC DISTRICT

- GENERAL NOTES**
- 1- 3RD COUNCILMANIC DISTRICT
 - 2- NO SOUND LEVELS ASSOCIATED WITH USE SHOWN SHOULD EMANATE FROM THIS SITE AT MORE THAN 50 TO 70 DB.
 - 3- NO ANTICIPATED EMANATIONS ARE EXPECTED TO BE ENCOUNTERED RESULTING FROM DUST, ODORS, GASES, LIGHT OR HEAT.
 - 4- EXISTING GRADES SHOWN HEREON ARE DERIVED FROM BALTIMORE COUNTY POSITION SHEETS AND NOT CURRENT FIELD RUN TOPG. SOME DEGREE OF CHANGE MAY BE ENCOUNTERED BUT NO MAJOR PROBLEM IS ANTICIPATED.
 - 5- NO. OF EMPLOYEES OR VOLUNTEERS - ESTIMATED - 5 (DURING CAMPAIGN PERIOD - ESTM. 15-25)
 - 6- HOURS OF OPERATION - 9:00 AM TO 5:00 PM (DURING CAMPAIGN (3 MONTHS EVERY 2 YRS 9:00AM TO 9:00PM)
 - 7- SIGNS SHALL CONFORM TO SEC. 203.3 C
 - 8- NO SIGNS IN RO AREA EXCEPT 8 SQUARE FEET ON FRONT OF BUILDING.
 - 9- * LANDSCAPING TO BE PROVIDED IN FRONT OF PROPOSED OFFICE BUILDING.

SITE PLAN TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM DR3.5 TO BL AND RO AND SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING.

Item #7
Cycle I

1ST AMENDED SITE PLAN

<p>GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 303 ALLEGHENY AVENUE TOWSON, MARYLAND 21204 (301) 825-8120</p>	<p><i>Charles F. Evans</i></p>	<p>OWNERS CHARLES F. EVANS & SON INC. 2325 YORK ROAD TIMONIUM, MD. 21093 DEED-REF. 5250/830 7535/666</p>	<p>LESSEE OF PROPOSED RO AREA HELEN DELICH BENTLEY, CAMPAIGN HEADQUARTERS 2323 YORK ROAD TIMONIUM, MD. 21093</p>	<p>REVISIONS 3-3-89 1ST AMENDED - BLDG DIMENSIONS REVISED</p>	<p>RECLASSIFICATION PETITION FOR PART OF PROPERTY OF CHARLES F. EVANS & SON INC. 2325 YORK ROAD 8TH ELECTION DISTRICT BALTIMORE COUNTY, MD. SCALE - 1" = 50' DATE - FEB. 24, 1989 PG 225</p>
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IN THE MATTER OF THE APPLICATION OF CHARLES F. EVANS & SON, INC. FOR A ZONING RECLASSIFICATION OF PROPERTY LOCATED ON THE NORTHEAST SIDE OF YORK ROAD, OPPOSITE ROSE STREET, APPROXIMATELY 250 FEET EAST OF CENTERLINE OF YORK ROAD (2325 YORK ROAD) FROM D.R. 3.5 TO B.L. AND PROPERTY LOCATED ON THE NORTHEAST SIDE OF YORK ROAD, OPPOSITE ROSE STREET, APPROXIMATELY 285 FEET EAST OF CENTERLINE YORK ROAD (2325 YORK) FROM D.R. 3.5 TO R.O. AND A PETITION FOR SPECIAL EXCEPTION FOR CLASS "B" OFFICE BUILDING 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 CASE NO. CR-89-457, Item #7 and CASE NO. CR-89-458-X Item #8, Cycle I - 1989

OPINION

This matter comes before the Board as a consolidation of two cases; namely, a Petition for Special Exception to construct a Class "B" Office Building in an R.O. zone and a Petition for Reclassification of the subject property from D.R. 3.5 to B.L. Although the Petitions were originally presented to the Board in the format described above, alterations to those Petitions were made at the hearing of this case before the Board so that this Opinion need only deal with narrower issues.

The Petitioner/Property Owner herein, Charles F. Evans & Son, Inc., owns four parcels totalling approximately 3.27 acres upon which it operates a funeral home establishment. The total acreage is divided into four distinct parcels which abut one another and are shaped in a backwards "L" formation. The largest single parcel is 1.37 acres in size and directly abuts York Road. It is within this acreage that the existing brick funeral home is situated. This property in and of itself is not subject to any Petition before us. To the rear or east of that property is a narrow strip of .2 acres. This property is currently zoned D.R.3.5 but the parties herein (the Property Owner and People's Counsel) stipulated before us that that zoning was in error. According to the Office of Planning and Zoning, that property as well should be zoned B.L. in that it is adjacent to the larger B.L. parcel. For the reasons contained within the stipulation, the

Charles F. Evans & Son, Inc.
 Case Nos. CR-89-457 & CR-89-458-X

Board concurs that this small acreage was erroneously designated D.R.3.5 and will accept this stipulation and order a change to B.L.

The third parcel is to the rear of parcels 1 and 2 and is approximately .5 acres in size. That land is presently zoned D.R.3.5 and is the real subject of the rezoning Petition before us. The property owner requests rezoning of this site to R.O. whereas People's Counsel submit that the present zoning is proper. Originally, this site was also to house a one and one-half story structure, identified within the Petition for Special Exception. However, during the Board's hearing, this Petition for Special Exception was withdrawn and is therefore no longer before us.

Lastly, the Petitioner owns a property which abuts parcel 3 to the north and extends to a frontage located on Talbot Street. This parcel, of 1.2 acres in size, is zoned D.R.3.5 and its zoning future is not before us. Thus, the Board will consider only an open plat request for rezoning from D.R.3.5 to R.O. of parcel 3, which is .5 acres in size.

Appearing in support of the Petitioner's request for rezoning, was J. S. Smith, a planner and professional engineer with the firm of G.W. Stephens. He prepared the plat before the Board as Petitioner's Exhibit No. 1 and described the site and surrounding locale. Mr. Smith recognized that this Board is compelled to consider all Petitions for Reclassification within the mandate of Section 2-58.1 of the Baltimore County Code. In essence, that Code Section provides that rezoning can only be granted when the Petitioner demonstrates that the previous reclassification was in error and that the prospective reclassification is warranted by the standards and purposes of the County zoning regulations and maps. In addressing this standard, Mr. Smith opined that the Petition should be granted in this case for a variety of reasons. First, he noted that the County's Master Plan conceptually encourages development of those lands where

Charles F. Evans & Son, Inc.
 Case Nos. CR-89-457 & CR-89-458-X

public utilities are available. From that standpoint, this site is a good candidate for development. Secondly, Mr. Smith noted the surrounding commercial and industrial uses. Particularly, to the south, the adjacent parcels are developed commercially by restaurant and office uses. Likewise, to the west, the property borders the Petitioner's funeral home business. Third, Mr. Smith noted that the subject site was landlocked and therefore, in his opinion could not be practically developed residentially. Any access to the lot need go through the Petitioner's funeral home site fronting York Road or his residentially zoned property bordering Talbot Street. Lastly, Mr. Smith noted the irregular zoning lines to the south of the property in terms of the depth from York Road. For these reasons, he believed that the property was zoned D.R.3.5 in error. He also noted that R.O. was a proper use for this property. In his view, it would allow for a use consistent with the property owner's other land holdings and business which abuts this site.

Further supporting the Petition was Mr. Charles Evans, the principal in the corporation which owns these sites. He described his business in detail and confirmed those opinions offered by Mr. Smith.

In opposition to the Petition, the Board heard from Pat Keller, a planner within the County's Department of Planning and Zoning. He noted that this had been a specific issue during the last map process and that the Council retained the D.R.3.5 zoning for the subject property. He also expressed concern about the encroachment of commercial/office zoning to the residential communities to the east. Lastly, he noted the stream bed and other topographical conditions which exist on the southern border of the parcel at issue. In his view, these topographical features provide a natural boundary between the commercial uses to the south and residential zoning to the north and east. For these reasons, Mr.

Charles F. Evans & Son, Inc.
 Case Nos. CR-89-457 & CR-89-458-X

Keller concluded that the D.R.3.5 zoning was proper.

As indicated above, in considering any Petition for Reclassification, the Board is governed by Section 2-58.1 of the County Code. In applying that standard, we cannot find that the D.R.3.5 zoning designation assigned to this property was done so in error. We believe that an R.O. designation for this land might be a better classification and afford the property owner a more reasonable use of his land. However, that is not the test. Particularly in view of the fact that this site was specifically identified during the last zoning process and due to the topographical features of the land, we cannot find error. The Board will therefore deny the Petition for Reclassification and will so order.

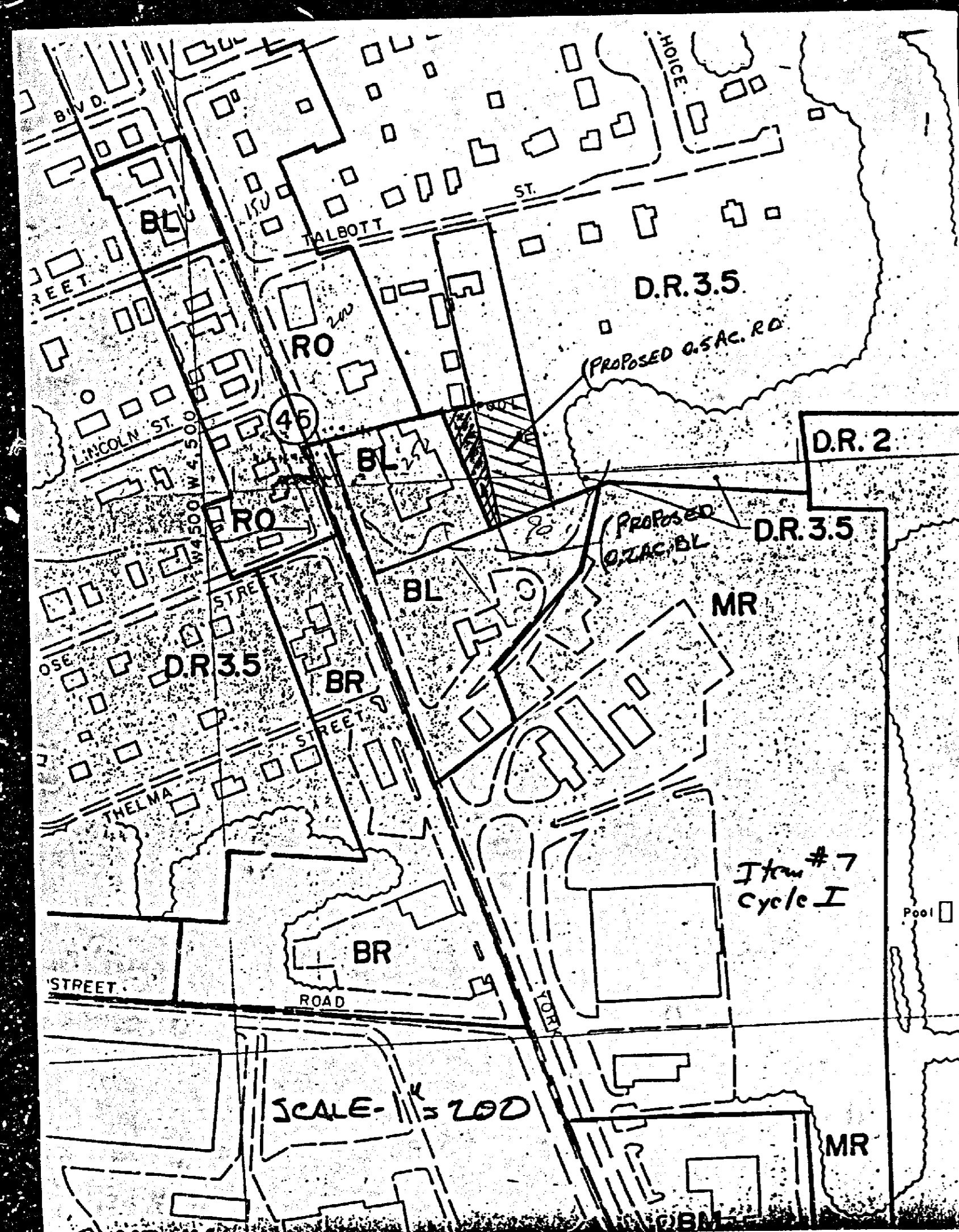
ORDER

For the foregoing reasons, it is this 11th day of May, 1990 by the County Board of Appeals for Baltimore County ORDERED that the Petition for Reclassification of the .2 acre site designated on Petitioner's Exhibit No. 1 and hereinabove referred to as Parcel 2 be and is hereby GRANTED so that the zoning thereon shall be changed from D.R.3.5 to B.L. and;

IT IS FURTHER ORDERED that the Petition for Reclassification for that site hereinabove referred to as Parcel 3 of .5 acres from D.R.3.5 to R.O. be and is hereby DENIED.

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, Acting Chairman
 Lynn B. Ireland
 Michael B. Sauer



RE: PETITION FOR RECLASSIFICATION FROM D.R. 3.5 TO R.O. AND SPECIAL EXCEPTION FOR A CLASS "B" OFFICE BUILDING NE/S York Rd., opposite Rose St., approximately 285' E of C/L York Rd. (2325 York Rd. (rear)), 8th Election District 3rd Councilmanic District

CHARLES F. EVANS & SON, INC., Petitioner
 Zoning Case No. CR-89-458-X

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) 887-2168

I HEREBY CERTIFY that on this 14th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to Benson Everett Legg, Esquire, Suite 1800, 2 Hopkins Plaza, Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
 Peter Max Zimmerman

RECEIVED
 COUNTY BOARD OF APPEALS
 89 JUL 14 AM 8:43

APR 24 1989

NOTICE OF HEARING

Petition for Zoning Reclassification
 Petition for Special Exception
 Case Number: CR-89-458-X
 NE/S York Road, opposite Rose Street, approx. 285' E of C/L York Road
 Petitioner(s)/Legal Owners: Charles F. Evans & Son, Inc.
 Contract Lessee: Helen Delich Bentley

Petition to reclassify the property from an D.R.-3.5 to an R.O. zone.
 Special Exception: for a Class "B" Office Building.

TIME: 10:00 a.m.
 DATE: TUESDAY, OCTOBER 31, 1989
 LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM F. HACKETT, CHAIRMAN
 County Board of Appeals

cc: Benson Everett Legg, Esq.
 Charles F. Evans & Son, Inc.
 Helen Delich Bentley
 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 POSTY RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.F.H.

RECEIVED
 COUNTY BOARD OF APPEALS
 89 APR 25 PM 2:00

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 463
 Towson, Maryland 21204
 (301) 887-3334

May 9, 1989



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

Zoning Reclassification Cycle 1
 Item No. 8

April - October, 1989

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

Charles F. Evans & Son, Inc.
 CR89-458; October 31, 1989
 Helen Delich Bentley
 N.E. side York Road opposite
 Rose Street
 D.R. - 3.5
 8th
 3rd
 0.5
 R.O. & Special Exception for a
 Class "B" Office Building

Dear Mr. Hackett:

The existing D.R. - 3.5 zoning for this site can be expected to generate approximately 20 trips per day. The proposed R.O. zoning can be expected to generate approximately 170 trips per day.

Very truly yours,

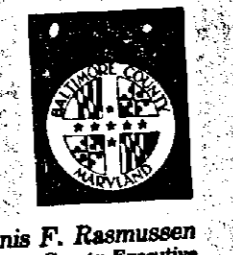
Michael S. Flanigan
 Michael S. Flanigan
 Traffic Engineer Associate II

MSP/lw

Baltimore County
Fire Department
Towson, Maryland 21284-2686
484-4500

Paul H. Reincke
Chief

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Charles F. Evans & Son, Inc.
Location: NE/S York Road, opposite Roase Street, approx. 285' of centerline York Road - #2325 York Road (Rear)
Item No.: Eight (8) 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 of _____ 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: *C. H. ...* Noted and Approved: *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

7/31

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3553

J. Robert Holmes
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Date: 10/30/89

Charles F. Evans & Son, Inc.
2325 York Road
Timonium, Maryland 21053

Re: Petition for Zoning Re-classification and Special Exception
CASE NUMBER: CR-89-458-2
NE/S York Road, opposite Roase Street, approx. 285' E of c/l York Road
2325 York Road (rear)
8th Election District - 3rd Councilmanic
Hearing Scheduled: October 31, 1989

Dear Petitioner(s):

This is to advise you that \$784.60 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Holmes
Zoning Commissioner

cc: Benson Everett Legg, Esq.
Charles F. Evans & Son, Inc.
File

NOTICE OF HEARING

Petition for Zoning Re-classification
Petition for Special Exception

Case Number: CR-89-458-2
NE/S York Road, opposite Roase Street, approx. 285' E of c/l York Road
Petitioner(s)/Legal Owner: Charles F. Evans & Son, Inc.
Contract Lessee: Helen Delich Bentley

Petition to reclassify the property from an D.R.-3.5 to an R.O. zone.
Special Exception: For a Class "B" Office Building.

TIME: 10:00 a.m.

DATE: TUESDAY, OCTOBER 31, 1989

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Benson Everett Legg, Esq.
Charles F. Evans & Son, Inc.
Helen Delich Bentley
People's Council
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.

M.T.H.

APR 25 1989

NOTICE OF HEARING
PETITION FOR ZONING RECLASSIFICATION

Petition for Zoning Re-classification
Petition for Special Exception

Case Number: CR-89-458-2
NE/S York Road, opposite Roase Street, approx. 285' E of c/l York Road
Petitioner(s)/Legal Owner: Charles F. Evans & Son, Inc.
Contract Lessee: Helen Delich Bentley

Beginning for the zone at a point distant 210 feet north of 29' and 210 feet north of 29' East from the intersection of the north right-of-way line of Walters Street 60 feet wide with the east right-of-way line of York Road 60 feet wide thence running:
1 - North 29' 29" East 100 feet thence
2 - South 42' 29" East 204.03 feet thence
3 - South 77' 29" East 100.97 feet thence
4 - North 42' 29" East 217.99 feet to the place of beginning.
Containing 0.3 acres of land more or less.

Petition to reclassify the property from an D.R.-3.5 to an R.O. zone.
Special Exception: For a Class "B" Office Building.

TIME: 10:00 a.m.

DATE: TUESDAY, OCTOBER 31, 1989

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

NOTICE OF HEARING

Petition for Zoning Re-classification
Petition for Special Exception

Case Number: CR-89-458-2
NE/S York Road, opposite Roase Street, approx. 285' E of c/l York Road
Petitioner(s)/Legal Owner: Charles F. Evans & Son, Inc.
Contract Lessee: Helen Delich Bentley

Petition to reclassify the property from an D.R.-3.5 to an R.O. zone.
Special Exception: For a Class "B" Office Building.

TIME: 10:00 a.m.

DATE: TUESDAY, OCTOBER 31, 1989

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Benson Everett Legg, Esq.
Charles F. Evans & Son, Inc.
Helen Delich Bentley
People's Council
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.

M.T.H.

APR 26 1989

Attachment to
Petition for Zoning Re-classification
Special Exception and/or Variance

2325 York Road
Timonium, Maryland 21093

The applicants hereby request that the zoning status of the subject property be reclassified from a DR3.5 Zone to an RO Zone for the following reasons:

1. The character of the immediately adjacent neighborhood is changing in character as a result of the proposed development of 2323 York Road. At present, the Helen Bentley Headquarters is located at 2323 York Road. However, the lot is scheduled to be developed into a Big Boy Restaurant with ancillary parking developed by the Marriott Corporation. As a result, that lot will change from a residential/office use to a purely commercial use which constitutes a change in the neighborhood. The existing structure which now stands at 2323 York Road will be moved to the adjacent undeveloped lot behind 2325 York Road. The building will continue to be used as the Bentley Headquarters.

2. There was a mistake in the underlying zoning. 2325 York Road, which is directly adjacent to the subject lot is presently used as a funeral home. Therefore, the highest and best use of the subject lot is commercial/office or residential/office use. This fact should have been considered in connection with the most recent comprehensive rezoning, and the zoning should have been changed at that time.

Additional Information Will Be Submitted
In Connection With This Petition

44010-92

ENVIRONMENTAL IMPACT STATEMENT

CHARLES F. EVANS & SONS, INC.

2325 YORK ROAD

Item #8
Cycle I

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 zone to an RO 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 Class "B" 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:

Item #8
Cycle I

OK 4. file
10/22
3/1/89

RECEIVED
APR 26 1989
E. D. ...
DATE 11/14/89
200 BF
1000 BF
OP 9/D

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

Lessee: Helen Delich Bentley
Contract Reference: Charles F. Evans & Son, Inc.
Address: 2325 York Road
City and State: Timonium, MD 21093

Legal Owner(s): Charles F. Evans & Son, Inc.
Type or Print Name: Charles F. Evans & Son, Inc.
Signature: FRANKS C. EVANS
Type or Print Name: FRANKS C. EVANS
Signature: _____

Attorney for Petitioner: Benson Everett Legg
Type or Print Name: Benson Everett Legg
Address: Suite 1800 2 Hopkins Plaza
City and State: Baltimore, Maryland 21201

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: G. L. STEWART, JR., A.S.C. (INC.)
Address: 303 ALEXANDRY AVE
City and State: Towson, MD 21204
Phone No.: 252-8720

Attorney's Telephone No.: 244-7404

RECEIVED
APR 26 1989
COUNTY BOARD OF APPEALS

**PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 zone to an RO 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 Class "B" 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:

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

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

Contract Reclassifier:
Helen Delich Bentley
Helen Delich Bentley
2323 York Road
Timonium, MD 21093

Legal Owner(s):
Charles F. Evans & Son, Inc.
Frances C. Evans, Pres.
FRANCES C. EVANS
2325 York Road
Timonium, Maryland 21093

Attorney for Petitioner:
Benson Everett Legg
Benson Everett Legg
Suite 1800 2 Hopkins Plaza
Baltimore, Maryland 21201
Attorney's Telephone No.: 244-7404

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
FRANK R. STARBUCK
305 ALLEGANY AVE
TOWSON, MD. 21204

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 4618, TOWSON, MARYLAND 21284

February 27, 1989

Description to Accompany Petition for Re-classification to a RO Zone.

Beginning for the same at a point distant 310 feet South 4° 29' East and 310 feet North 85° 31' East from the intersection of the south right-of-way line of Talbott Street 40 feet wide with the east right-of-way line of York Road 80 feet wide thence running

- 1 - North 85° 31' East 100 feet thence
- 2 - South 4° 29' East 204.05 feet thence
- 3 - South 77° 35' West 100.97 feet thence
- 4 - North 4° 29' West 217.99 feet to the place of beginning.

Containing 0.5 acres of land more or less.

Charles F. Evans
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Reduced Copy of Ad. Ken 5-4-89
Full Page Ad

THE JEFFERSONIAN
THURSDAY, MAY 11, 1989 - SEC. C - PAGE 1

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

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

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Gwen Stephens
TO: Zoning Office
FROM: Kathleen C. Weidenhammer
County Board of Appeals
SUBJECT: Reclassification Petition - Case No. CR-89-458-X (Charles Evans)

Date: November 2, 1989

Gwen: I received a telephone call this afternoon from Frances Evans regarding the subject case.

She received a letter from your office on October 31, 1989 (the day of the hearing before the Board) regarding the amount due for advertising and the need for her to return the sign to your office. She called to say that the signs were returned to Room 108 and that she will be sending a check for the advertising this week.

Her concern is that the Board's decision not be held up pending return of the signs when she has returned them. If you have any questions, please call me. Also, we did not receive a copy of the October 30 letter regarding the above; would appreciate a copy for the reclass. file.

Thanks.

RECEIVED
NOV 6 1989
ZONING OFFICE

October 3, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Dear Mr. Legg:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle VI). It has been reviewed by the reclassification committee. The review and enclosed comments are intended to provide you and the Board of Appeals with an insight as to the possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 807-3391 or the commenting agency.

Very truly yours,

Your petition has been received and accepted for filing this 1st day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Legg
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles F. Evans & Sons, et al
Petitioner's Attorney: Benson Everett Legg

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hel Kassoff
Administrator

April 24, 1989

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

Re: Baltimore County
Zoning Reclassification
Petition
Charles F. Evans
& Son, Inc.
CR89-457 October 25, 1989
8/S York Road (MD 43)
Opposite Rose Street
(Item #7 - Cycle I)

Attn: Mr. James Dyer

Dear Mr. Haines:
After reviewing the submittal of the Charles F. Evans Property, we find the plan acceptable.
If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,
Charles J. Mills, Jr.
Charles J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw
cc: G. W. Stephens Jr. & Assoc., Inc.
Benson Everett Legg, Esq.
Mr. J. Ogle

RECEIVED
MAY 5 1989
ZONING OFFICE

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

No. 065938

DATE: 3/1/89 ACCOUNT: 01-615-000

AMOUNT: \$ 200.00

RECEIVED FROM: G.W. Stephens

FOR: Reclass 3.5 To RO + SE
Charles Evans UMC

8 8178*****2009018 00267

VALIDATION OR SIGNATURE OF CASHIER