

IN THE MATTER OF THE
THE APPLICATION OF
TERRACE DALE ASSOCIATES
LIMITED PARTNERSHIP
FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCES ON
PROPERTY LOCATED ON THE SOUTH-
EAST CORNER OF YORK ROAD AND
TERRACE DALE AVENUE
(1 TERRACE DALE AVENUE)
9TH ELECTORAL DISTRICT
4TH COUNCILMANIC DISTRICT

OPINION

This is an appeal from the decision of the Deputy Zoning Commissioner dated January 3, 1990 wherein the Appellants' request for Special Exception for a fraternity house, or in the alternative, a request for three apartment units, was denied for the subject property known as 1 Terrace Dale Avenue in Towson, Maryland.

The appeal to this Board was heard de novo on August 10, 1990. The Appellant appeared represented by counsel and People's Counsel for Baltimore County participated in the proceedings. Several Protestants appeared in opposition to the appeal. The decision of this Board is based solely upon the evidence, testimony and exhibits presented to this Board.

The subject property is located on the southeast side of York Road at the intersection of York Road and Terrace Dale Avenue in Towson, Maryland. It is a 2-1/2 story frame dwelling with a detached garage which faces Terrace Dale Avenue. It consists of approximately .27 acre or 11,761 square feet and is presently zoned D.R. 16. It is occupied by undergraduate students of Towson State

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 2
University who are members of the Sigma Alpha Epsilon fraternity, one of several fraternities affiliated with the University.
The Appellants are seeking primarily a special exception to use the property as a fraternity house or in the alternative to use it as a three- or four-unit apartment building.

The Baltimore County Zoning Regulations (BCZR) permit by special exception a fraternity house in a D.R. 16 zone provided the Appellants meet the requirements of Section 502.1 of the Regulations which are set out as follows:

"Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

"a. Be detrimental to the health, safety, or general welfare of the locality involved;

"b. Tend to create congestion in roads, streets or alleys therein;

"c. Create a potential hazard from fire, panic or other dangers;

"d. Tend to overcrowd land and cause undue concentration of population;

"e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

"f. Interfere with adequate light and air;

"g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor

"h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations."

The Appellants, through their witnesses, testified that in their opinion the requirements of Section 502.1 have been met and

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 3
that they are aware of no circumstances in which the proposed use would adversely affect the community. While it may be generally assumed that an abundance of testimony would be offered in opposition to the request for special exception on the basis of noise, parties, complaints by the neighbors, etc., the testimony was substantially void of such type instances.

However, testimony was offered by Diane Itter of the Office of Planning & Zoning in her capacity as a community planner. She informed the Board that the proposed use of the property would not comply with Section 502.1 of the Zoning Regulations. Specifically, she testified that a fraternity house use would be inconsistent with present zoning regulations since the regulations require the existence of buffer areas, compliance with the requirements of a residential transition area and that the property was basically too small in size to meet these requirements. She further testified that the use was not compatible with the surrounding community which she characterized to be predominately single-family dwellings. Testimony was also offered by her to the effect that a fraternity house use would create a traffic hazard and that an occupancy permit would not be granted by the County since the site was too close to the intersection of York Road and Burke Avenue, which has been characterized as an F-level intersection.

The Board was not totally persuaded by the testimony of Ms. Itter with regard to the character of the neighborhood or the probability of increase in traffic and congestion that may be generated by a fraternity house use. No doubt such a use would

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 4
likely increase traffic and congestion more so than that of a single-family dwelling, but this alone is not sufficient testimony in this Board's opinion to deny the requested special exception. While the fraternity house use may have a negative impact on the community from a traffic and congestion point of view, this Board finds that the Appellants have failed to meet the requirements of Section 502.1(g). The testimony of Ms. Itter establishes that use of the property as a fraternity house is inconsistent with the purpose of the property zoning classification and inconsistent with the spirit and intent of the Zoning Regulations. The Board must necessarily deny the Petition for Special Exception.

With regard to the Petition for Special Hearing requesting a three-apartment-unit building, the Board has given consideration to the testimony presented by the Appellants as to the history of the use of the property. Mr. Kenney testified that he was born and raised at the subject site. He lived there with his mother and prior to the adoption of the Baltimore County Zoning Ordinances in 1955, the property consisted of two apartment units and was used as three apartment units for a short period between 1942 and 1946. Thereafter and up until the passage of the Zoning Ordinances in 1955, the testimony indicates that the property was only used as a two-apartment dwelling. Mr. Latshaw, general partner in Terrace Dale Associates Limited Partnership, testified that he purchased the property in 1979 from a Mr. and Mrs. Johns. At the time he took ownership, the property was being used as four apartments, and he did not look into the matter to determine whether this was

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 5
permissible under the then zoning regulations.

It is clear from the testimony that the property existed as a nonconforming legal use prior to 1955 as a two-apartment dwelling unit. There was a period of time between 1942 and 1946 when the property was three apartments. However, before 1955 and until approximately 1979, there was no testimony that more than two apartments were in use.

After giving due consideration to all the evidence and testimony presented at the hearing, it is this Board's opinion that the subject property presently exists as a nonconforming legal use for a two-apartment dwelling house. The Appellants would like for this Board to grant their special hearing request to use the dwelling for three apartment units. Section 402 of the Baltimore Zoning Regulations requires that there be a minimum of 11,700 square feet to support a three-apartment dwelling. The testimony established that the Petitioners calculated the square footage of the property by including the area to the street centerline for a total square footage of 11,761. However, Ms. Itter testified that in determining lot size it is not the policy of the zoning office to make calculations to street centerlines which would include the right-of-way, but rather to determine lot size by using lot lines. This Board agrees that the inclusion of the right-of-way in calculating the area of the lot is improper and circumvents the standards set out in Section 402 of the Regulations. It is clear to this Board in reviewing the exhibits and site plan filed in these proceedings that without including the right-of-way

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 6
centerline, the gross calculation of square footage is considerably less than the minimum of 11,700 square feet required to support a three-apartment dwelling. Because the property fails to meet the square footage requirements as set out by the Zoning Regulations under Section 402, this Board cannot grant to the Petitioners their request to use the property as a three-apartment dwelling. The Board does find, however, that the site meets the square footage requirements for a two-apartment dwelling.

ORDER

Therefore, it is this 18th day of October, 1990 by the County Board of Appeals for Baltimore County ORDERED that the Petition for Special Exception to use the subject property as a fraternity house be and is hereby DENIED; and, it is further

ORDERED that the Petition for Special Hearing to approve the subject property as three apartment units, pursuant to Section 402 of the Baltimore County Zoning Regulations be and is hereby DENIED; and it is further

ORDERED that approval to use the subject property as two apartment units, pursuant to Section 402 be and is hereby GRANTED; and it is further

ORDERED that use of the subject property as two apartment units be and is hereby determined by this Board to be a legal nonconforming use; and it is further

ORDERED that the Petition for Zoning Variance to permit side yard setbacks of 8 feet and 16 feet in lieu of the required 25 feet

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Ptnshp 7
for each, and a rear yard setback of 24 feet in lieu of the required 30 feet for the existing dwelling, in accordance with that depicted on Petitioner's Exhibit No. 2, be and 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

Michael B. Sauer, Acting Chairman

Arnold E. Foreman

C. William Clark



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

October 18, 1990

Joseph M. Roulhac, Esquire
SMITH, SOMERVILLE & CASE
100 Light Street
Baltimore, Maryland 21202-1084

RE: Case No. 90-108-SPHXA
Terrace Dale Assoc Ltd Ptnshp

Dear Mr. Roulhac:

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

Sincerely,

Kathleen C. Weldenhammer
Administrative Assistant

encl.

cc: People's Counsel for Baltimore County
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

See page 2 for additional cc notations.

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCES - * DEPUTY ZONING COMMISSIONER
SE/Corner of York Road and * OF BALTIMORE COUNTY
Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District
4th Councilmanic District * Case No. 90-108-SPHA

Terrace Dale Assoc. Ltd. Part.
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to use the subject property as a fraternity house; or in the alternative, a special hearing to approve the use of the property as three apartment units; and a variance to permit side yard setbacks of 8 feet and 16 feet in lieu of the required 25 feet for each, and a rear yard setback of 24 feet in lieu of the required 30 feet for the existing dwelling, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James G. Sakers, General Partner, appeared, testified, and were represented by Joseph M. Roulhac, Esquire. Also appearing on behalf of the Petitioners were Don McCulloh, Vice President of Business and Finance with Towson State University, Robert F. Carson, II, and George L. Good. Numerous community residents appeared as Protestants. The following individuals testified in opposition: Ken Kinsey, Vice President, Towson Manor Improvement Association; Rebecca Huey; Joanne Holvack; Eric Wallen; and Craig Parker for the Wiltondale Community Association.

Testimony indicated that the subject property, zoned D.R. 16, is known as 1 Terrace Dale Avenue and is improved with a dwelling and detached garage. Petitioners have requested a special exception to use the subject dwelling as a fraternity house, or in the alternative, a special hearing to approve the use of the property as a three-apartment dwelling unit.

MICROFILMED

Petitioners contend the property consists of 0.27 acres, or 11,761 sq.ft. The square footage of the property is significant relative to Section 402.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) which requires a minimum of 11,700 sq.ft. to support a three apartment dwelling. Petitioners would be permitted to have three apartments on the property, if the property contains the 11,761 sq.ft. claimed. If the property is found to contain less than that, Petitioners would be permitted to have only two apartments or use the property as a single family dwelling, depending on the actual square footage. Petitioners have calculated the square footage to include the area to the street centerlines. Petitioners concede that if said area is not included in the calculations, the actual square footage is less than the 11,700 sq.ft. required for three apartments.

Petitioners called Don McCulloh, Vice President of Business and Finance with Towson State University. Mr. McCulloh's testimony dealt mainly with the housing needs for Towson State students and the need for the college to find good, affordable, off-campus housing to accommodate its students. He testified that numerous students who had been accepted to the school had to be rejected due to their not being able to find suitable housing in the area.

Mr. Sakers testified that Sigma Alpha Epsilon is an established fraternal organization at Towson State University. He stated the Petitioners had looked at housing to secure a home base for the fraternity in the area near Towson State. They located the subject property in 1981 and rented same for three years with the option to buy. Testimony indicated that a group of 25 alumni of the Sigma Alpha Epsilon fraternity purchased the property approximately five years ago, set up a partnership consisting of limited partners and Mr. Sakers as the general partner for purposes of

MICROFILMED

purchasing the property from the previous owners. At the time of purchase, the dwelling contained four apartment units. Mr. Sakers testified that after their purchase of the property, some of the barriers were removed to permit mingling from one apartment to the other by members of the fraternity who lived there. Currently there are 18 fraternity members residing on the property. The majority of Mr. Sakers' testimony represented financial information concerning the mortgage and expenses incurred on the property and the financial need for the dwelling to be able to accommodate the 18 fraternity residents currently residing there. Mr. Sakers indicated that if Petitioners were not permitted to use the property as a fraternity house or for three apartments and Petitioners were required to use the property as either a single family dwelling or two apartments, it would be difficult to meet their financial requirements. Mr. Sakers also testified regarding the amount of money invested in the property over the last five years to improve and provide safe, affordable housing for the brothers of the fraternity.

Testimony indicated there is outside adult supervision of the fraternity brothers approximately two times a week. The housing concerns are overseen by eight alumni and three undergraduate fraternity brothers who are responsible for the daily operation of the fraternity house. Testimony further indicated alumni stop by the house on a regular basis. Robert Carson, a resident of Stoneleigh and a member of the fraternity having graduated from Penn State, testified he stops by regularly.

Testimony indicated that the fraternity brothers are involved in community activities, including, but not limited to, raising money for charity, taking retarded children to Oriole games, and numerous activities which promote non-alcoholic events, such as dry rush programs and Greek

MICROFILMED

leaders against drunk drivers. Testimony indicated that there are currently 58 members with a potential for 20 pledges; that there are fraternity meetings on the premises every Tuesday evening. Petitioners contend that they are not aware of any disturbances caused by their use of the property. Mr. Sakers verified there are parties on the site which are limited to fraternity members and their guests. The basement area was converted for use as a common area for purposes of fraternity meetings and socialization between members.

Mr. Sakers testified he believes the property was converted to multiple units approximately 20 to 25 years ago and that there have been no exterior changes to the property resulting in the necessity for the variances requested. However, Mr. Sakers indicated he has no personal knowledge of the property prior to 1981. Pursuant to conversations with previous owners, it was his belief that the property was converted to four apartments prior to Petitioners' purchase sometime around 1974. Petitioners neither filed a Petition for Special Hearing requesting a determination that the use of the property as three or more apartments is permitted as a valid nonconforming use nor presented adequate testimony to establish same.

Rebecca Huey testified that she has resided at 5 Hillside Avenue for the past 24 years. She testified that the uses proposed for the subject property should be denied as such use of the property would be detrimental to the health, safety and general welfare of the surrounding community. Ms. Huey testified as to her knowledge of there being parties late into the night. She further testified as to the noise generated from the site which has been disturbing to her enjoyment of her property. Further, she testified as to the parking congestion in the area as a result of the number of residents of the property. Ms. Huey stated there is a parking

MICROFILMED

problem at least one night a week and that such problems are more frequent during rush hour and pre- and post-examination times at Towson State.

Joanne Holvack, who resides at 912 Stevenson Lane, testified that it was her belief the relief requested would be detrimental to the health, safety and general welfare of the community and believes the use proposed is an encroachment on the enjoyment of her property. Mr. Kinsey, on behalf of the Towson Manor Improvement Association, and Craig W. Parker, on behalf of the Wiltondale Community Association, testified as to the Associations' opposition to the use of the property as a fraternity house and indicated that this is not a new issue of opposition for them. They believe the use is incompatible with the neighborhood and is detrimental to the community. Mr. Kinsey questioned whether the square footage of the property exceeds even 9200 sq.ft. Eric Wallen, a resident of Cedar Avenue since 1978, testified that until recently the property had not been kept in a clean condition. He testified as to his experiences with disturbances resulting from the use of the property as a fraternity house due to late night parties and that as recently as the week before the hearing he was awakened at 2:00 AM by a disturbance at the site.

The B.C.Z.R. permits the use of the property as a fraternity in a D.R. 16 zone by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted. Petitioners have failed to present the testimony required pursuant to Section 502.1 of the B.C.Z.R. The majority of the testimony dealt with Petitioners' need to use the property as a fraternity house as it was purchased for that use and that if denied such use, it would present an economic hardship for

MICROFILMED

Petitioners. Petitioners failed to present testimony evidencing the relief requested meets the requirements of Section 502.1 of the B.C.Z.R.

Clearly the testimony of the Protestants indicated that the granting of the relief requested in the special exception would be detrimental to the health, safety and general welfare of the locality involved and would tend to create congestion in roads, streets, or alleys therein in direct violation of Section 502.1 of the B.C.Z.R.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Further, Petitioners have failed to prove the property contains sufficient square footage for use as a three apartment dwelling unit. The Petitioners' inclusion of the area to the street centerline, which property was not proven to be owned by Petitioners, is inappropriate. Therefore, the relief requested in the special exception and special hearing should be denied.

MICROFILMED

In examining Petitioners' variance request, the facts of this particular situation must be examined.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Clearly, the testimony presented indicates that the variances requested are not for the addition of any improvements but for conditions which have existed for numerous years. The testimony presented would indicate that the variances are not that which are causing hardship to the community, but the present use of the property.

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

MICROFILMED

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of January, 1990 that the Petition for Special Exception to use the subject property as a fraternity house be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the subject property as three apartment units, pursuant to Section 402.2, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the subject property shall be used as a single family dwelling unless documentation, certified by an engineer or land surveyor registered with the State of Maryland, is submitted within thirty (30) days of the date of this Order evidencing the property has sufficient acreage to qualify for a two family residence under Section 402 of the B.C.Z.R.; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit side yard setbacks of 8 feet and 16 feet in lieu of the required 25 feet for each, and a rear yard setback of 24 feet in lieu of the required 30 feet for the existing dwelling, in accordance with that depicted on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 11, 1989

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

000

Joseph M. Roulhac, Esquire
100 Light Street, 6th Floor
Baltimore, MD 21202

RE: Item No. 544, Case No. 90-108-SPHXA
Petitioner: Terrace Dale Associates, et al
Petition for Special Exception

Dear Mr. Roulhac:

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

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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
28th day of June, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

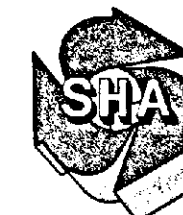
Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Terrace Dale Assoc., Ltd, et al

Petitioner's Attorney: Joseph M. Roulhac

MICROFILMED



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

June 21, 1989

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

Re: Baltimore County
No. 1 Terrace Dale
Zoning meeting 6/27/89
E/S York Road
MD 45
at Terrace Dale Avenue
Item #544

Dear Mr. Haines:

After reviewing the submittal of a Special Exception for a fraternity house, we find the plan must be revised to show a future 80' right-of-way on York Road.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

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

LB/es

cc: Gerhold, Gross and Etzel
Mr. J. Ogle

RECEIVED
JUN 26 1989

ZONING OFFICE

MICROFILMED

PAX #333-1041
My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

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

July 24, 1989

RECEIVED
AUG 3 1989

ZONING OFFICE

Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

MICROFILMED

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: TERRACE DALE ASSOCIATES LIMITED
PARTNERSHIP

Location: SEC YORK ROAD AND TERRACE DALE AVENUE

Item No.: 544 Zoning Agenda: JUNE 27, 1989

Gentlemen:

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

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.

REVIEWER: *Capt. Wm. Brady* Noted and Approved
Fire Prevention Bureau/
Special Inspection Division

JK/KEK

JUN 27 1989

MICROFILMED

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: September 19, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Item 544, Terrace Dale Associates Limited Partnership
Zoning Petition No. 90-108-ASPH

The Petitioner requests a Special Hearing, Variance and Special Exception for a Fraternity House or in the alternative a 3 apartment unit.

In reference to this request, staff offers the following comments:

Fraternity houses are permitted by Special Exception. Section 1B01.1.C.11 includes the following uses: Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses. Community buildings are permitted by Special Exception and that use is mentioned in a separate section. That section includes uses that are not intended for living purposes. Section 1B01.1.B.1.3 indicates existing churches, community buildings, or other structures devoted to civic, social, recreational, fraternal or educational activity do not need to comply with R.T.A. requirements. Fraternity houses are used for living purposes and Section 1B01.1.B.1.3 refers to uses not intended for living purposes. For the reasons outlined above, staff believes that R.T.A. requirements must be met here, or at least, a Special Hearing should be conducted to determine if a Fraternity house is consistent with the uses outlined in 1B01.1.B.1.3.

Regarding the Special Hearing, staff believes that the existing dwelling must meet the conversion chart (Section 402) in order to be converted. When calculating the lot area of an existing improved lot one considers the area between the lot lines to determine square feet. In this case, the Petitioner proposes to include the

rec. letter sent letter 9/20/89 jms

SEP 20 1989

MICROFILMED

J. Robert Haines
Page 2
September 19, 1989

right-of-way. Without the inclusion of this area, only two apartments would be permitted. This type of request is an attempt to circumvent standards outlined in Section 402.

Both an Apartment house and a Fraternity house would be incompatible in the existing community of Wiltondale and for this reason and the concerns listed above, staff does not support the Petitioner's request.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/pat

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 29, 1989

Joseph M. Roulhac, Esquire
100 Light Street, 6th Floor
Baltimore, Maryland 21202

RE: Citation No. 89-303D
Petitions for Special Hearing, Special Exception and Variances
Terrace Dale Associates Ltd. Partnership - Petitioners
Case No. 90-108-SPHXA

Dear Mr. Roulhac:

In response to your letter dated August 18, 1989 to J. Robert Haines and our subsequent telephone conversation on Monday, August 28, 1989, the notice of intent to defend received with your letter will be filed in District Court on behalf of the above-referenced citation issued against James G. Sakers, General Partner, Terrace Dale Associates. If the District Court hearing is scheduled prior to the hearing scheduled for September 26, 1989 in Case No. 90-108-SPHXA, your office may file a motion for continuance pending the outcome of the zoning hearing and this office will not be opposed. However, if an additional continuance becomes necessary, decisions will be made based upon the facts and circumstances requiring the additional continuance.

Finally, pursuant to the information supplied by you regarding the Citation Nos. 89-303E and F issued against George L. Good and Robert F. Carson, respectively, our office will await documentation from you verifying that they are not the proper parties to whom we should issue citations. Upon receipt of said documentation, and if found to be appropriate, we will void the citations.

In the meantime, if you should have any further questions, please do not hesitate to contact this office. Thank you for your assistance and cooperation in this matter.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjjs

cc: Tim Kotroco, Esquire
Kevin Conner; Violation Case Nos. 89-303-A through F
Case No. 90-108-SPHXA
File

MICROFILMED



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

June 14, 1990

Debra B. Adler, Esquire
SMITH, SOMERVILLE & CASE
100 Light Street
Baltimore, MD 21202-1084

RE: Case No. 90-108-SPHXA
Terrace Dale Assoc. Ltd. Partnership

Dear Ms. Adler:

In response to your letter of June 8, 1990 to this Board noting that in your Petition for Special Hearing it is your intention to reduce the request from a three-apartment dwelling to a two-apartment dwelling, since the petition is on a nonconforming use, the Board has no problem with reducing the petition as requested at the hearing.

Therefore, I see no reason for us to require that you amend your Petition.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:kow

cc: Mr. James G. Sakers
Joseph M. Roulhac, Esquire
People's Counsel for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 8, 1990



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception
SE/Corner of York Road and Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District, 4th Councilmanic District
Terrace Dale Assoc. Ltd. Part. - Petitioner
Case No. 90-108-SPHXA

Dear Board:

Please be advised that an appeal of the Special Exception and Special Hearing for the above-referenced case was filed in this office on January 30, 1990 by Joseph M. Roulhac, Esq., Attorney for Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:jat

Enclosures

cc: Joseph M. Roulhac, Esq.
Smith, Somerville & Case
100 Light Street
Baltimore, Md. 21202-1084

Board of Appeals
Case No. 90-108-SPHXA
Page 2

Jim Sakers
4613 Calvert Road #10
College Park, Md. 20740

Robert F. Carson, II
905 Greenleigh Road
Baltimore, Md. 21212

George L. Good
7322 Yorktowne Dr.
Towson, Md. 21204

Dr. Charles E. Hunt
20 Cedar Avenue
Towson, Md. 21204

Barbara Ramsey
Towson Times
409 Washington
Towson, Md. 21204

Joyce B. Routson
142 Marburth Avenue
Towson, Md. 21204

Joyce B. Routson, President
The Towson Manor Association, Inc.
P. O. Box 20143
Towson, Md. 21204-0143

David W. Kozera, Zoning Committee
West Towson Neighborhood Association
508 W. Chesapeake Avenue
Towson, Md. 21204

Mr. & Mrs. Jack L. Giacomo
17 Aigburth Road
Towson, Md. 21204

Mrs. Siegfried Stenchly
63 Aigburth Avenue
Towson, Md. 21204

Ann S. Graf
19 Maryland Avenue
Towson, Md. 21204

Rebecca Mac Rae Huey
5 Hillside Avenue
Towson, Md. 21204

Board of Appeals
Case No. 90-108-SPHXA
Page 3

Stephen W. Lafferty, President
The Greater Towson Council of Community Assoc.
6502 Beverly Road
Baltimore, Md. 21239

Dr. Ronald J. Orrell
Anne P. Orrell
23 Aigburth Road
Towson, Md. 21204

John S. Chapman
66 Cedar Avenue
Towson, Md. 21204

John E. Simms, Jr.
7905 York Road
Towson, Md. 21204

Helen & Willard Bowman
2 York Road
Towson, Md. 21204

Mr. Ken Kinsey
18 Aigburth Ave.
Towson, Md. 21204

Mr. Craig W. Parker
515 Yarmouth Rd.
Towson, Md. 21204

Ms. Joanne Holvack
912 Stevenson Lane
Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing, Special Exception & Variances
SE/Corner of York Road and
Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District - 4th Councilmanic District
Terrace Dale Assoc. Ltd. Part. - Petitioner
Case No. 90-108-SPHXA

Petition for Special Hearing & Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments dated September 19, 1989

Petitioner's Exhibits: 1. Plat

Deputy Zoning Commissioner's Order dated January 3, 1990 Special
Exception and Special Hearing denied.

Notice of Appeal received January 30, 1990 from Joseph M. Roulhac,
Esq. Attorney for the Petitioner.

Joseph M. Roulhac, Esq.
Smith, Somerville & Case
100 Light Street
Baltimore, Md. 21202-1084

Jim Sakers
4613 Calvert Road #10
College Park, Md. 20740

Robert F. Carson, II
905 Greenleigh Road
Baltimore, Md. 21212

George L. Good
7322 Yorktowne Dr.
Towson, Md. 21204

Dr. Charles E. Hunt
20 Cedar Avenue
Towson, Md. 21204

Barbara Ramsey
Towson Times
409 Washington
Towson, Md. 21204

Joyce B. Routson
142 Marburth Avenue
Towson, Md. 21204

Board of Appeals
Case No. 90-108-SPHXA
Page 2

Joyce B. Routson, President
The Towson Manor Association, Inc.
P. O. Box 20143
Towson, Md. 21204-0143

David W. Kozera, Zoning Committee
West Towson Neighborhood Association
508 W. Chesapeake Avenue
Towson, Md. 21204

Mr. & Mrs. Jack L. Giacomo
17 Aigburth Road
Towson, Md. 21204

Mrs. Siegfried Stenchly
63 Aigburth Avenue
Towson, Md. 21204

Ann S. Graf
19 Maryland Avenue
Towson, Md. 21204

Rebecca Mac Rae Huey
5 Hillside Avenue
Towson, Md. 21204

Stephen W. Lafferty, President
The Greater Towson Council of Community Assoc.
6502 Beverly Road
Baltimore, Md. 21239

Dr. Ronald J. Orrell
Anne P. Orrell
23 Aigburth Road
Towson, Md. 21204

John S. Chapman
66 Cedar Avenue
Towson, Md. 21204

John E. Simms, Jr.
7905 York Road
Towson, Md. 21204

Helen & Willard Bowman
2 York Road
Towson, Md. 21204

Mr. Ken Kinsey
18 Aigburth Rd.
Towson, Md. 21204

Mr. Craig W. Parker
515 Yarmouth Road
Towson, Md. 21204

Ms. Joanne Holvack
912 Stevenson Lane
Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Board of Appeals
Case No. 90-108-SPHXA
Page 3

Request Notification:

P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

MICROFILMED

APPEAL

Petition for Special Hearing, Special Exception & Variances
SE/Corner of York Road and
Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District - 4th Councilmanic District
Terrace Dale Assoc. Ltd. Part. - Petitioner
Case No. 90-108-SPHXA

✓Petition for Special Hearing, Special Exception & Variances

✓Description of Property

✓Certificate of Posting

✓Certificate of Publication

✓Zoning Plans Advisory Committee Comments

✓Director of Planning & Zoning Comments dated September 19, 1989

✓Petitioner's Exhibits: 1. Plat

✓Letter dated 3/21/89 from John J. Sullivan to Joseph M. Roulhac, Esq.

✓Letter dated 8/29/89 from Deputy Zoning Commissioner to Joseph M. Roulhac, Esq.

✓Deputy Zoning Commissioner's Order dated January 3, 1990 Special
Exception and Special Hearing denied.

✓Notice of Appeal received January 30, 1990 from Joseph M. Roulhac,
Esq. Attorney for the Petitioner.

*Joseph M. Roulhac, Esq.
Smith, Somerville & Case
100 Light Street
Baltimore, Md. 21202-1084

Jim Sakers, P.P. of Terrace Dale Assoc. Ltd. Part
4613 Calvert Road #10
College Park, Md. 20740

Robert F. Carson, II
905 Greenleigh Road
Baltimore, Md. 21212

George L. Good
7322 Yorktowne Dr.
Towson, Md. 21204

Dr. Charles E. Hunt
20 Cedar Avenue
Towson, Md. 21204

Barbara Ramsey
Towson Times
409 Washington
Towson, Md. 21204

Joyce B. Routson
142 Marburth Avenue
Towson, Md. 21204

MICROFILMED

MICROFILMED

Board of Appeals
Case No. 90-108-SPHXA
Page 2

Joyce B. Routson, President
The Towson Manor Association, Inc.
P. O. Box 20143
Towson, Md. 21204-0143

David W. Kozera, Zoning Committee
West Towson Neighborhood Association
508 W. Chesapeake Avenue
Towson, Md. 21204

Mr. & Mrs. Jack L. Giacomo
17 Aigburth Road
Towson, Md. 21204

Mrs. Siegfried Stenchly
63 Aigburth Avenue
Towson, Md. 21204

Ann S. Graf
19 Maryland Avenue
Towson, Md. 21204

Rebecca Mac Rae Huey
5 Hillside Avenue
Towson, Md. 21204

Stephen W. Lafferty, President
The Greater Towson Council of Community Assoc.
6502 Beverly Road
Baltimore, Md. 21239

Dr. Ronald J. Orrell
Anne P. Orrell
23 Aigburth Road
Towson, Md. 21204

John S. Chapman
66 Cedar Avenue
Towson, Md. 21204

John E. Simms, Jr.
7905 York Road
Towson, Md. 21204

Helen & Willard Bowman
2 York Road
Towson, Md. 21204

Mr. Ken Kinsey
18 Aigburth Rd.
Towson, Md. 21204

Mr. Craig W. Parker
515 Yarmouth Road
Towson, Md. 21204

Ms. Joanne Holvack
912 Stevenson Lane
Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Board of Appeals
Case No. 90-108-SPHXA
Page 3

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

5/2/90 - Following parties notified of hearing set for August 10, 1990 at 10:00 a.m.:

Joseph M. Roulhac, Esquire	Jim Sakers
Robert F. Carson, II	George L. Good
Dr. Charles E. Hunt	Barbara Ramsey
Joyce B. Routson	Towson Manor Assoc., Inc.
David W. Kozera	Mr. & Mrs. Jack L. Giacomo
Mrs. Siegfried Stenchly	Ann S. Graf
Rebecca Mac Rae Huey	Stephen W. Lafferty
Dr. Ronald J. Orrell	John S. Chapman
John E. Simms, Jr.	Helen & Willard Bowman
Mr. Ken Kinsey	Mr. Craig W. Parker
Ms. Joanne Holvack	People's Counsel
P. David Fields	Fat Keller
J. Robert Haines	Ann M. Nastarowicz
James E. Dyer	W. Carl Richards, Jr.
Docket Clerk - Zoning	Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 21, 1989



Dennis F. Rasmussen
County Executive

Joseph M. Roulhac, Esquire
100 Light Street
5th Floor
Baltimore, MD 21202

RE: Petition for Zoning Variance
1 Terrace Dale
9th Election District

Dear Mr. Roulhac:

As I stated during your appointment in this office, I have reviewed this matter with W. Carl Richards, Zoning Coordinator. Per Mr. Richards, the area of the property is that bounded by property lines and not calculated to centerlines of streets. Consequently this lot cannot support 3 apts. per the Baltimore County Zoning Regulations.

Enclosed are the 1 variance petition form, 1 plat, and 1 zoning description submitted at the time of your appointment.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planning & Zoning Associate III

JJS:scj

MICROFILMED



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

June 19, 1990

Debra B. Adler, Esquire
SMITH, SOMERVILLE & CASE
100 Light Street
Baltimore, MD 21202-1084

RE: Case No. 90-108-SPHXA
Terrace Dale Assoc. Ltd. Partnership

Dear Ms. Adler:

In response to your letter of June 18, 1990 regarding Case No. 90-108-SPHXA, Terrace Dale Associates Ltd. Partnership, you are correct in your assumption that I misunderstood the content of your letter of June 8. The Petition clearly indicates the request is to permit a three-apartment use of the site. The issue of whether a nonconforming use on the site does or does not exist would not in my opinion necessitate an amended petition, but could be addressed the day of the hearing.

Hopefully this will clear up my misunderstanding as regarding your letter to the Board of June 8.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:kcw

cc: Mr. James G. Sakers
People's Counsel for Baltimore County
Joseph M. Roulhac, Esquire

Case No. 90-108-SPHXA Terrace Dale Assoc Ltd Partnership 2

cc: Mr. Jim Sakers (Terrace Dale Assoc Ltd Ptnshp)
Mr. Robert F. Carson, II
Mr. George L. Good
Dr. Charles E. Hunt
Ms. Barbara Ramsey
Ms. Joyce B. Routson
The Towson Manor Association, Inc.
Mr. David W. Kozera
Mr. & Mrs. Jack L. Giacomo
Mrs. Siegfried Stenchly
Ms. Ann S. Graf
Ms. Rebecca MacRae Huey
Mr. Stephen W. Lafferty
Dr. Ronald J. Orrell
Mr. John S. Chapman
Mr. John E. Simms, Jr.
Helen & Willard Bowman
Mr. Ken Kinsey
Mr. Craig W. Parker
Ms. Joanne Holvack

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Appeal from Deputy Zoning
Commissioner's Order Denying
Petition for Special Hearing and
Special Exception for Terrace
Dale Associates Limited
Partnership SE/cor York Road
and Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District
4th Councilmanic District

Case No. 90-108-SPHXA
Terrace Dale Associates
Limited Partnership

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

TO: Mr. Edmund T. Kenney
14836 Carroll Road
Phoenix, Maryland 21131
Baltimore County

YOU ARE HEREBY COMMANDED to personally appear at: County Board of Appeals of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Room 301, Towson, Maryland 21204, on Friday, the 10th day of August, 1990, at 10:00 a.m.

Subpoena requested by Petitioner/Appellant; and any questions should be referred to: Debra B. Adler, Esquire, 100 Light Street, 5th Floor, Baltimore, Maryland 21202, (301) 727-1164, attorney for Terrace Dale Associates Limited Partnership.

Date Issued: 8/3/90

William T. Hackett
Signature & Seal
County Board of Appeals of Baltimore County

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Board of Appeals or by an officer acting on behalf of the Board of Appeals.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(X)--Served and copy delivered on date indicated below.
()--Unserved, by reason of

Date: 8/3/90

Fee: \$

William T. Hackett
SHERIFF

PARALEGAL

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Appeal from Deputy Zoning
Commissioner's Order Denying
Petition for Special Hearing and
Special Exception for Terrace
Dale Associates Limited
Partnership SE/cor York Road
and Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District
4th Councilmanic District

Case No. 90-108-SPHXA
Terrace Dale Associates
Limited Partnership

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

TO: Mr. Henry B. Peck
308 Weatherbee Road
Towson, Maryland 21204
Baltimore County

YOU ARE HEREBY COMMANDED to personally appear at: County Board of Appeals of Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Room 301, Towson, Maryland 21204, on Friday, the 10th day of August, 1990, at 10:00 a.m.

Subpoena requested by Petitioner/Appellant; and any questions should be referred to: Debra B. Adler, Esquire, 100 Light Street, 5th Floor, Baltimore, Maryland 21202, (301) 727-1164, attorney for Terrace Dale Associates Limited Partnership.

Date Issued: 8/3/90

William T. Hackett
Signature & Seal
County Board of Appeals of Baltimore County

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Board of Appeals or by an officer acting on behalf of the Board of Appeals.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(X)--Served and copy delivered on date indicated below.
()--Unserved, by reason of

Date: 8/3/90

Fee: \$

William T. Hackett
SHERIFF

PARALEGAL

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Appeal from Deputy Zoning
Commissioner's Order Denying
Petition for Special Hearing and
Special Exception for Terrace
Dale Associates Limited
Partnership SE/cor York Road
and Terrace Dale Avenue
(1 Terrace Dale Avenue)
9th Election District
4th Councilmanic District

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

TO: Mr. Donald McCulloh
Vice President of Business and Finance
Towson State University
Administration Building, Third Floor
Towson, Maryland 21204
Baltimore County

YOU ARE HEREBY COMMANDED to personally appear at: County Board
of Appeals of Baltimore County, County Office Building, 111 W. Chesapeake
Avenue, Room 301, Towson, Maryland 21204, on Friday, the 10th day of
August, 1990, at 10:00 a.m.

Subpoena requested by Petitioner/Appellant; and any questions should be
referred to: Debra B. Adler, Esquire, 100 Light Street, 5th Floor,
Baltimore, Maryland 21202, (301) 727-1164, attorney for Terrace Dale
Associates Limited Partnership.

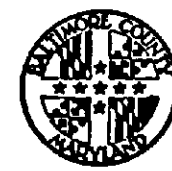
Date Issued: 8/2/90
County Board of Appeals of Baltimore
County

- NOTICE:
- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
 - (2) This subpoena shall remain in effect until you are granted leave to depart by the Board of Appeals or by an officer acting on behalf of the Board of Appeals.
 - (3) If this subpoena is for attendance at a deposition and the party served is an organization notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

() --Served and copy delivered on date indicated below.
() --Unserved, by reason of _____

Date: _____ Fee: \$ _____
SHERIFF



Baltimore County, Maryland

PEOPLES COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

August 27, 1990

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
Board of Appeals of Baltimore County
111 W. Chesapeake Ave.
Towson, Md. 21204

RE: Terrace Dale Assoc. Ltd. Partnership
Case No. 90-108-SPHXA

Dear Members of the Board of Appeals:

This is in response to Ms. Adler's letter of August 13, 1990 in which she attempts to nullify the application of the Residential Transition Area (RTA) requirements of the Baltimore County Zoning Regulations (BCZR) to Terrace Dale Associates Ltd. Partnership's petition for special exception for a fraternity house. Such a suggestion ignores both the undisputed facts and the law.

The testimony demonstrated that the only existing legal use of the subject property is as a Single Family Dwelling. Whatver non-conforming right there was to a two-apartment house terminated when that use was changed in 1979 to a four-apartment house. Moreover, although it is not clear exactly when they took place, there were further structural changes necessary to convert it to a fraternity house which were also accomplished without necessary legal authority.

Ms. Adler argues that only "new construction" and not just a new use is subject to RTA requirements. In support of this, she says that "throughout section 1901.B. the 'term "new" and "proposed" are used to describe the residential transition use.' I will leave to the Board the task of counting, but the term that

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
Board of Appeals
August 27, 1990
Page 2

appears throughout is "new use" and what the regulations say is that a:

residential transition use is permitted either as a matter of right or by special exception...subject to...restrictions. (1801.1B.1.b BCZR)

Residential Transition Area Uses are enumerated in BCZR 1801.1B.1.a.2. These distinguish uses permitted as a matter of right such as the existing, legal, single family dwelling from uses permitted by Special Exception such as the requested fraternity house.

Exceptions to the RTA restrictions are listed in BCZR 1801.1B.1.c consisting of enumerated non-applicable uses and 1801.B.1.d. which excepts certain existing developments described in Subparagraphs A.1 and A.2 of Subsection 1802.3 but only to the extent that uses in existing developments were previously lawfully established. The exact language of this Sub-paragraph in pertinent part is:

2. ...In existing developments as described in Subparagraph A.1 of Subsection 1802.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Office of Planning and Zoning... (Emphasis supplied.)

There are no other exceptions from the RTA regulations listed in Article 1B and there is no dispute that the instant proposal is not excepted under one of the recognized exceptions.

Nevertheless, despite this clear legislative structure, Ms. Adler attempts to carve out yet another RTA exemption from the grandfathering provisions of sub-section 1802.3. Although she would expand the exemption only to lots of less than a half acre described in Subparagraph A.4 of Subsection 1802.3 her proposal would expand the exemption to lots described in Subparagraphs A.3 and A.5 as well, which would effectively emasculate the RTA requirements. Such a result is not only illogical, it is also not supported by the language of sub-section 1802.3.

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
Board of Appeals
August 28, 1990
Page 3

Basically, what Ms. Adler attempts to do is to amend the exceptions in section 1801.B.1.c to except not only approved subdivisions described in subparagraphs A.1 and A.2 of 1802.3, but also to except land not in approved subdivisions described in subparagraphs A.3, A.4, and A.5 of 1802.3. She attempts to do this by focusing on section 1802.3.A and 1802.3.A.4 which are quoted in her letter. She neglects, however, to take the next step to subsection 1802.3.C which limits the development standards in this section only to:

1. Any dwelling hereafter constructed on a lot or tract described in Subparagraph A.3 or A.4... (1802.3C.1 BCZR)

This is consistent with the RTA regulations, because whenever a proposed dwelling is of the same type as existing dwellings it is excepted under 1801.B.1.c.1 of the RTA regulations.

The point is that, the proposed special exception use is neither a dwelling, nor is it to be hereafter constructed and thus is not governed by Section 1802.3 as Ms. Adler has so artfully excerpted it. What we have here is a proposed new RTA use that is fully subject to the RTA restrictions.

Respectfully submitted,

Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: Debra B. Adler, Esquire
dms/pcd/142

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 727-1164
CABLE ADDRESS "CLARK-LAW" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

ANAPOLIS OFFICE
7 KING CHARLES PLACE, ANAPOLIS, MARYLAND 21403-2802
TELEPHONE (410) 261-1814, 261-8710
FAX/TELEX DIRECT DIAL (410) 261-8710
TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
LAWYETTE BUILDING, SUITE 800
TOWSON, MARYLAND 21204-4826
TELEPHONE (301) 383-3343

January 30, 1990

HAND DELIVERED

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office
of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing & Special Exception
Case No. 90-108 SPHXA

Dear Mr. Haines:

This is to serve as formal notice that Terrace Dale Associates Limited Partnership is appealing from the decision rendered by Ann M. Nastorowicz, Deputy Zoning Commissioner for Baltimore County on January 3, 1990, case no. 90-108-SPHXA, to the Baltimore County Board of Appeals.

Enclosed please find a check payable to Baltimore County, Maryland in the amount of \$350.00. This amount is to cover the expenses of appealing the decision rendered with respect to the petitions for special hearing and special exception as well as the cost of the signs that must be posted on the subject property.

If you have any questions, please do not hesitate to call.

Very truly yours,

Joseph M. Roulhac

JMR/sl
Enclosures

ZONING OFFICE
RECEIVED

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 727-1164
CABLE ADDRESS "CLARK-LAW" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

ANAPOLIS OFFICE
7 KING CHARLES PLACE, ANAPOLIS, MARYLAND 21403-2802
TELEPHONE (410) 261-1814, 261-8710
FAX/TELEX DIRECT DIAL (410) 261-8710
TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
LAWYETTE BUILDING, SUITE 800
TOWSON, MARYLAND 21204-4826
TELEPHONE (301) 383-3343

February 14, 1990

HAND DELIVERED

Zoning Commissioner
Baltimore County Office
of Planning & Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: Ms. Thomas

RE: Petitions for Special Hearing & Special Exception
Case No. 90-108 SPHXA

Dear Ms. Thomas:

Enclosed please find a check payable to Baltimore County, Maryland in the amount of \$325.00. This amount is to cover the expenses of appealing the decision rendered with respect to the petitions for special hearing and special exception.

Please return the check in the amount of \$350.00 that was forwarded to your office on January 30, 1990.

I appreciate your time and attention to this matter.

Very truly yours,

Debra B. Adler

DBA/sl
Enclosures

NONFILMED

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 727-1164
CABLE ADDRESS "CLARK-LAW" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

ANAPOLIS OFFICE
7 KING CHARLES PLACE, ANAPOLIS, MARYLAND 21403-2802
TELEPHONE (410) 261-1814, 261-8710
FAX/TELEX DIRECT DIAL (410) 261-8710
TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
LAWYETTE BUILDING, SUITE 800
TOWSON, MARYLAND 21204-4826
TELEPHONE (301) 383-3343

June 8, 1990

County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Terrace Dale Assoc. Ltd. Partnership
1 Terrace Dale Avenue
Case No. 90-108-SPHXA
Hearing Date: August 10, 1990

Dear Members of the County Board of Appeals:

This is to advise that as counsel for Terrace Dale Associates Limited Partnership we intend to present evidence at the August 10 hearing of a nonconforming use for a two-apartment dwelling on the subject property located at 1 Terrace Dale Avenue.

As you know, we are appealing the Deputy Zoning Commissioner's denial of our petition for special exception to use the property as a fraternity house and our petition for a special hearing for use of the subject property as a three-apartment dwelling unit. Since our appeal includes a request for use of the subject property as a three-apartment dwelling, we believe that a request for use of the property as a two-apartment dwelling unit is inclusive of our request on appeal. Thus, it is not necessary for us to amend our petition.

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 727-1164
CABLE ADDRESS "CLARK-LAW" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

ANAPOLIS OFFICE
7 KING CHARLES PLACE, ANAPOLIS, MARYLAND 21403-2802
TELEPHONE (410) 261-1814, 261-8710
FAX/TELEX DIRECT DIAL (410) 261-8710
TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
LAWYETTE BUILDING, SUITE 800
TOWSON, MARYLAND 21204-4826
TELEPHONE (301) 383-3343

County Board of Appeals of Baltimore County
June 8, 1990
Page 2

If your understanding of this procedure differs from ours, please advise.

Very truly yours,

Debra B. Adler

DBA/lp

cc: Mr. James G. Sakers
Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Joseph M. Roulhac, Esquire

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (410) 721-1084
CABLE ADDRESS "CLARK" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

AMARANTH OFFICE
7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21403-8822
TELEPHONE (410) 293-1822
FAX/TELEX DIRECT DIAL (301) 488-1822

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4808
TELEPHONE (410) 528-4808

August 13, 1990

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

Re: Terrace Dale Assoc. Ltd. Partnership
1 Terrace Dale Avenue
Case No. 90-108-SPHXA
Hearing Date: August 10, 1990

Dear Mr. Hackett:
I appreciate your quick reply to my letter of June 8, 1990 to the Board. However, I think that you may have misunderstood its contents.

It is not my intention to reduce our request on appeal from a three-apartment dwelling to a two-apartment dwelling. Rather, I would like to present evidence of a nonconforming use for a two-apartment dwelling in addition to our appeal of the denial of use for a three-apartment dwelling. Under these circumstances, I do not believe we need to amend our petition.

If your understanding of this procedure differs from ours, please advise.

Very truly yours,
Debra B. Adler
Debra B. Adler
cc: Mr. James G. Sakers
Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Peter Max Zimmerman, Esquire
Deputy People's Counsel
Joseph M. Roulhac, Esquire

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (410) 721-1084
CABLE ADDRESS "CLARK" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

AMARANTH OFFICE
7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21403-8822
TELEPHONE (410) 293-1822
FAX/TELEX DIRECT DIAL (301) 488-1822

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4808
TELEPHONE (410) 528-4808

August 13, 1990

Hand Delivered
Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
County Board of Appeals
of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Terrace Dale Assoc. Ltd. Partnership
1 Terrace Dale Avenue
Case No. 90-108-SPHXA

Gentlemen:

This letter will serve to supplement and clarify the point raised by Diane Iffer with respect to the application of residential transition area (R.T.A.) requirements to Terrace Dale Associates Limited Partnership's petition for special exception for a fraternity.

It is our position that the R.T.A. requirements do not apply to the requested special exception. The R.T.A. requirements as drafted are intended to apply to the new construction of dwellings or other uses of property in the density residential zones. Our request to use the dwelling at 1 Terrace Dale as a fraternity does not require any new construction. Instead, it requires a change in the use of an existing dwelling.

Throughout section 1801.1.B. of the Baltimore County Zoning Ordinance, the terms "new" and "reposed" are used to describe the residential transition use. Moreover, Section 1802.3 of the Ordinance specifically provides that the R.T.A. requirements do not apply to existing developments.

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (410) 721-1084
CABLE ADDRESS "CLARK" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

AMARANTH OFFICE
7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21403-8822
TELEPHONE (410) 293-1822
FAX/TELEX DIRECT DIAL (301) 488-1822

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4808
TELEPHONE (410) 528-4808

August 13, 1990

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
August 13, 1990

Section 1802.3 -- Special Regulations for Certain Existing Developments or Subdivisions and for Small Lots or Tracts in D.R. Zones provides:

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy, and development of, the alteration or expansion of structures upon, and administrative procedures with respect to: [Emphasis added.]
- ***
4. Any lot, or tract of lots in single ownership, which is not in an existing development or subdivision as described in Subparagraph 1 or 2 and which is less than one-half acre in area, regardless of the number of dwelling or density units that would be permitted at the maximum permitted density in the zone in which it is located. [Footnote omitted.]

The development standards for the special regulations in section 1802.3 are set forth in a chart under 1802.3.C.1 which requires the subject property to meet certain lot requirements. The property at 1 Terrace Dale meets all of these requirements.

As the Board knows, Terrace Dale Associates Limited Partnership received a variance from the side-yard and rear-yard setbacks required under 1802.3.C.1. by Order of the Deputy Zoning Commissioner on January 3, 1990.

Very truly yours,
Debra B. Adler
Debra B. Adler
DBA/vlb
cc: Phyllis Cole Friedman, Esquire (hand delivered)
People's Counsel for Baltimore Co.
Mr. James G. Sakers
Mr. George L. Good
Mr. Robert F. Carson, II
Joseph M. Roulhac, Esquire

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (410) 721-1084
CABLE ADDRESS "CLARK" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

AMARANTH OFFICE
7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21403-8822
TELEPHONE (410) 293-1822
FAX/TELEX DIRECT DIAL (301) 488-1822

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4808
TELEPHONE (410) 528-4808

August 13, 1990

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
August 13, 1990

Section 1802.3 -- Special Regulations for Certain Existing Developments or Subdivisions and for Small Lots or Tracts in D.R. Zones provides:

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy, and development of, the alteration or expansion of structures upon, and administrative procedures with respect to: [Emphasis added.]
- ***
4. Any lot, or tract of lots in single ownership, which is not in an existing development or subdivision as described in Subparagraph 1 or 2 and which is less than one-half acre in area, regardless of the number of dwelling or density units that would be permitted at the maximum permitted density in the zone in which it is located. [Footnote omitted.]

The development standards for the special regulations in section 1802.3 are set forth in a chart under 1802.3.C.1 which requires the subject property to meet certain lot requirements. The property at 1 Terrace Dale meets all of these requirements.

As the Board knows, Terrace Dale Associates Limited Partnership received a variance from the side-yard and rear-yard setbacks required under 1802.3.C.1. by Order of the Deputy Zoning Commissioner on January 3, 1990.

Very truly yours,
Debra B. Adler
Debra B. Adler
DBA/vlb
cc: Phyllis Cole Friedman, Esquire (hand delivered)
People's Counsel for Baltimore Co.
Mr. James G. Sakers
Mr. George L. Good
Mr. Robert F. Carson, II
Joseph M. Roulhac, Esquire

SMITH, SOMERVILLE & CASE
ATTORNEYS AT LAW
100 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (410) 721-1084
CABLE ADDRESS "CLARK" * TELE 80808
FAX/TELEX DIRECT DIAL (301) 385-8080

AMARANTH OFFICE
7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21403-8822
TELEPHONE (410) 293-1822
FAX/TELEX DIRECT DIAL (301) 488-1822

TOWSON OFFICE
40 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204-4808
TELEPHONE (410) 528-4808

August 13, 1990

Mr. Michael B. Sauer, Acting Chairman
Mr. Arnold G. Foreman
Mr. C. William Clark
August 13, 1990

Section 1802.3 -- Special Regulations for Certain Existing Developments or Subdivisions and for Small Lots or Tracts in D.R. Zones provides:

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy, and development of, the alteration or expansion of structures upon, and administrative procedures with respect to: [Emphasis added.]
- ***
4. Any lot, or tract of lots in single ownership, which is not in an existing development or subdivision as described in Subparagraph 1 or 2 and which is less than one-half acre in area, regardless of the number of dwelling or density units that would be permitted at the maximum permitted density in the zone in which it is located. [Footnote omitted.]

The development standards for the special regulations in section 1802.3 are set forth in a chart under 1802.3.C.1 which requires the subject property to meet certain lot requirements. The property at 1 Terrace Dale meets all of these requirements.

As the Board knows, Terrace Dale Associates Limited Partnership received a variance from the side-yard and rear-yard setbacks required under 1802.3.C.1. by Order of the Deputy Zoning Commissioner on January 3, 1990.

Very truly yours,
Debra B. Adler
Debra B. Adler
DBA/vlb
cc: Phyllis Cole Friedman, Esquire (hand delivered)
People's Counsel for Baltimore Co.
Mr. James G. Sakers
Mr. George L. Good
Mr. Robert F. Carson, II
Joseph M. Roulhac, Esquire

TOWSON MANOR ASSOC., INC. ASSOCIATION

RESOLVED: That at the ANNUAL meeting of the TOWSON MANOR ASSOC., INC. Association held on MAY 9, 1990, it was decided by the Association that responsibility for review and action on all zoning matters for the period JUNE 1990 - MAY 1991 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

JOYCE B. ROUNTON
KEN KINSEY
BARRIE SIGKE
JOHN CHAMMAN

AS WITNESS OUR HANDS AND SEAL THIS 9th day of AUGUST, 1990.

ATTEST: TOWSON MANOR ASSOC., INC. ASSOCIATION

Judith M. Maccone Secretary
Joyce B. Rounton President

TOWSON MANOR ASSOCIATION INC.

RESOLVED: That the position of the TOWSON MANOR Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Terrace Dale Ltd. Partnership
Case No. 90-108 SPHXA

is that: We are opposed to a Greek House in our residential neighborhood. We also oppose the division of any single family dwelling into apartment units which have historically been used as student housing - as this dwelling has been.

AS WITNESS OUR HANDS AND SEAL THIS 9th day of August, 1990.

ATTEST: TOWSON MANOR ASSOCIATION INC.

Judith M. Maccone Secretary
Joyce B. Rounton President

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the TOWSON MANOR Association, Inc.

ATTEST:

Judith M. Maccone Secretary
Joyce B. Rounton President

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the TOWSON MANOR Association, Inc.

ATTEST:

Judith M. Maccone Secretary
Joyce B. Rounton President

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the TOWSON MANOR Association, Inc.

ATTEST:

Judith M. Maccone Secretary
Joyce B. Rounton President

Terracedale Improvement ASSOCIATION, Inc.

RESOLVED: That at the Annual meeting of the Terracedale Improvement Association held on August 11, 1989

1989, it was decided by the Association that responsibility for review and action on all zoning matters for the period from 1980 to 1989 be placed in the (Board of Directors) (Zoning Committee consisting of the following members:

Carol Ketchum, President
Paul Wilson
Jim. Kowalski
Craig Parker

AS WITNESS OUR HANDS AND SEAL THIS 10 day of August

1989

ATTEST:

Terracedale Improvement Association

David J. Haines
Secretary

Carol Ketchum
President

RECEIVED
OCT 2 1989

ZONING OFFICE

September 28, 1989

Mr. J. Robert Haines,
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Md. 21204

Re: Special Exception Variance
for property on York Rd.
at Terracedale #90-108-SPHX

Dear Mr. Haines:

I regret that I was unable to attend the September 26, 1989 hearing on the above named matter. Please be advised that I support the Towson Manor Association in their opposition to the variance.

Thank you for your attention to this matter.

Sincerely,

John E. Simms Jr.
John E. Simms Jr.
7935 York Rd.
Towson, Md. 21204

65 Cedar Avenue
Towson, Maryland 21204
September 25, 1989

Mr. J. Robert Haines,
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

I am opposed to the issuance of a special exception variance to have the property at York & Terracedale (#1 Terracedale) zoned as a fraternity house.

As a resident at 66 Cedar Avenue for 25 years, I am very concerned to maintain this community as a residential community.

In 1982-1983, it was necessary for me to engage legal services to terminate my neighbor's housing of 3 students in his residence.

Any special exception variance for a fraternity house opens the door for more requests and will breakdown the nature of this residential community.

It is requested that this application for a special exception variance be denied.

Very truly yours,

John S. H. Chapman
John S. H. Chapman

RECEIVED
SEP 25 1989

ZONING OFFICE

MICROFILMED

Mr. J. Robert Haines
Zoning Commissioner, Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

We are residents at 21 Maryland Avenue in Towson Manor. We understand that there is to be a hearing on September 26 concerning a special exception to the zoning ordinance for the "Terracedale at York" property for a fraternity house. We are writing to you to let you know that we oppose this special exception and feel it would not be in the best interests of our neighborhood to grant it.

We appreciate your consideration on this matter.

Yours truly,

Leonard M. Levering III
Leonard M. Levering III
Cynthia J. Levering
Cynthia J. Levering

RECEIVED
SEP 25 1989

ZONING OFFICE

MICROFILMED

RECEIVED
SEP 25 1989

ZONING OFFICE

23 AIGBURN ROAD
TOWSON, MD. 21204
SEPT. 23, 1989

MR. J. ROBERT HAINES, ZONING COMMISSIONER
BALTIMORE COUNTY
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

DEAR MR. HAINES:

WE ARE OPPOSED TO ANY ZONING VARIANCE OR SPECIAL EXCEPTION AT 1 TERRACEDALE BECAUSE OF THE NEGATIVE IMPACT IT WOULD HAVE ON THE EXISTING FAMILY ORIENTED, RESIDENTIAL, NEIGHBORHOOD. THE SUBJECT PROPERTY HAS BEEN IN VIOLATION OF ZONING REGULATIONS FOR SOME TIME. WE ARE STILL AWAITING ACTION FROM THE OFFICE OF ZONING ENFORCEMENT. WE WERE OPPOSED TO THE REQUEST FOR ZONING CHANGE DURING THE LAST REZONING CYCLE AND OUR POSITION HAS NOT CHANGED. THE OFFICE OF PLANNING AND ZONING RECOMMENDED THAT NO CHANGE BE MADE IN THIS AREA AND WE HEARTILY ENDORSE THAT POSITION.

Ronald J. Orrell
RONALD J. ORRELL, M.D. (M.D.)

Anne P. Orrell
ANNE P. ORRELL

MICROFILMED

The Greater Towson Council of Community Assoc.


Stephen W. Lafferty, President
6502 Beverly Road
Baltimore, Maryland 21229
Phone: (410) 377-4521 (O) 625-9409

September 22, 1989

RECEIVED
SEP 25 1989

ZONING OFFICE

#90-108-SPHX

The Honorable J. Robert J. Haines
Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

The Terrace Dale Associates Limited Partnership has requested a Special Exception and Request for Variance on the property known as One Terrace Dale Avenue, Towson, Maryland.

The Towson Manor Association has advised you, by letter of September 15, 1989, of its firm opposition to these requests. The Greater Towson Council of Community Associations voted at its September 21, 1989 meeting to support Towson Manor Association's opposition to the request which would permit the use of this property as a fraternity house.

On behalf of the Greater Towson Council, a coalition of twenty community groups in the Greater Towson area, I strongly urge you to deny the Special Exception and Request for Variance being sought for that property. The integrity of residential neighborhoods must be maintained. By legitimizing the continued operation of this facility as a fraternity house, this residential neighborhood is jeopardized.

Thank you for your consideration of this request. I urge you to deny the Special Exception and Request for Variance.

Very truly yours,

Stephen W. Lafferty
Stephen W. Lafferty
President

MICROFILMED

SWL:ddm

cc: The Honorable Barbara Bachur

Mr. & Mrs. Jack L. Giacomo
17 Aigbourn Road
Towson, MD 21204
September 20, 1989

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

Dear Commissioner,

We are opposed to the property at York Rd. & Terracedale in Towson receiving a Special Exception Variance to become a Fraternity House.

This property has been an eyesore and a disturbance to our neighborhood for years. The property has housed a fraternity (without a special exception) also for years, with the residence being filled with many young men.

Please note our dismay and strong opposition to this request.

Respectfully,

Jack L. Giacomo
Jack L. Giacomo
Justine M. Giacomo
Justine M. Giacomo

RECEIVED
SEP 24 1989

ZONING OFFICE

MICROFILMED



WEST TOWSON NEIGHBORHOOD ASSOCIATION, INC.

September 20, 1989

J. Robert Haines, Esq.
Baltimore County Zoning Commissioner
County Courts Building
401 Bosely Avenue
Towson, Maryland 21204

Subject: One Terracedale, Towson, Maryland (90-108-SPHX/#544)

Dear Mr. Haines:

We have recently learned of a request for a zoning variance which represents such a threat to all residential zones within the county that we feel we must voice our opposition. This request for a zoning variance is a ploy to legitimize what currently exists at this location and has lessened the quality of life for the residents of the neighborhood. The requests specifically asks that this house be legally allowed to exist as a fraternity house, something it has been doing illegally for years.

As we were all young once. it is not very difficult to remember how we viewed late night parties and cleanup details. These kids are no different; the late night noise, excessive trash, and parking problems have plagued this community for years. It has been difficult to focus the zoning process on this property as by the time the paper work is processed, the summer arrives and activities quiet down until the next semester when the problem resurfaces.

We understand that residential zoning denotes a way of life where families and individuals reside for longer periods of time and enjoy the amenities provided by the neighborhood and the friendship of other long term residents. A group living arrangement such as this discourages this type of residential atmosphere and hastens the decline of family residential neighborhoods. We hope that you will not allow this particular variance nor any like it within your jurisdiction as residential neighborhoods such as that surrounding this property are one of the reasons why living in Baltimore County is so desirable.

MICROFILMED

J. Robert Haines, Esq.
September 20, 1989
Page 2

If you have any questions, or I can be of any help, feel free to contact me. My home telephone number is 821-7238.

Very truly yours,

David W. Kozera
David W. Kozera, Zoning Committee
508 West Chesapeake Avenue
Towson, Maryland 21204

cc: Towson Manor Association
Attn: Mrs. Joyce B. Routson, President
Alliance of Baltimore County Community Councils
Attn: Mr. Steve Lafferty
Wiltondale Improvement Association
Attn: Mr. Patrick C. Dolan
West Towson Neighborhood Association, Inc.
Attn: Mr. Frank Ubersax

MICROFILMED

The Towson Manor Association, Inc.
P.O. Box 20143 • Towson, Maryland 21284-0143

September 15, 1989

RECEIVED
SEP 19 1989
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

At our September meeting, a motion was made and unanimously passed, to oppose the Special Exception request of Terrace Dale Associates Limited Partnership for a Fraternity House at York Road and Terrace Dale Avenue. We are expecting a large turn out of members for the hearing on September 26, 1989. Please note that Mr. Ken Kinsey will be our spokesman at the hearing.

To repeat, The Towson Manor Association, Inc. is OPPOSED to the Fraternity House zoning request at York Road and Terrace Dale Avenue.

Very truly yours,

Joyce B. Routson
JOYCE B. ROUTSON
President
Phone: 377-6900 (W)
321-1918 (H)

jbr

cc: Barbara Bachur

MICROFILMED

Helen & William Bowman
2 York Road
Towson, Maryland 21204

J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Ave.
Towson, Md. 21204
Case # 90-108-574X1A

Dear Sir, you have been informed the owners located at York & Terracedale are requesting to build a 3 unit apartment or fraternity house. The strength of pose against this request is that your buildings are just better & to give more housing units plus no place to park, etc., does not seem acceptable.

Yours Truly
William Bowman
Helen Bowman
7 Hillen Bowman

Mr. J. Robert Haines
Zoning Commissioner, B.C.
County Office Building
111 West Chesapeake Ave.
Towson, Md. 21204.

RECEIVED
SEP 25 1989
ZONING OFFICE

Dear Mr. Haines,

I am very much opposed to the special exception petition to allow a fraternity house at Terracedale at York.

I am the owner and resident of the property at 143 Marburth Ave., Towson, Md. 21204. A fraternity house would bring much lower the value of my property and would drastically undermine and change the character of our residential community.

I therefore respectfully request that you deny this special exception petition.

Very truly yours,
Donald Clark Vickell

MICROFILMED

90-108-574X1A
9/21/89

Dear Mr. Haines,
This letter is in opposition to the special exception petition for the Fraternity House on Terracedale at York.

Our community has been plagued with property problems from students. You can "pick out" the "Downybrook" area at York.

Rebecca Mae Roe Huey
5 Hillside Avenue
Towson, Maryland 21204

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

cc: York and
Terracedale

Dear Mr. Haines:

I am writing to voice my strong opposition to the granting of a variance which would allow a fraternity or three apartments on Terracedale at York.

As a 25 year resident of Hillside Ave., I have had the most misfortune of living across from this fraternity house. The negative impact on our community can not be disputed. We have been subjected to trash, a poorly maintained property, late night parties, under-age drinking, loud music, car noise in the parking lot at 4:30 AM, foul language and an on-going intrusion of inappropriate and youthful exuberance.

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md. 21204

21 September 1989

90-108-574X1A

Re: Special Exception Request - "Terracedale at York"

Please do not grant this special exception for a fraternity house at this address. It will only lead to requests for other special exceptions and all of the surrounding residential areas of Towson will be affected.

There have already been problems at this location:

- (1) parties, loud noise
- (2) too much trash, improperly disposed of
- (3) a proliferation of cars, with no proper parking spaces
- (4) poor maintenance of windows, interior
- (5) alcohol (and what has gone on) at windows, interior of building

There are four red houses on Argyle Road which should be preserved.

I've owned my home in the area for 20 years, and I've enjoyed living here. Can't it be preserved as a desirable residential area?

Ann S. Brey
19 Maryland Ave.
Towson, Md. 21204
(Tel: 821-8571)

MICROFILMED

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
SEP 19 1989
ZONING OFFICE

Dear Mr. Haines:

Please accept this letter as my OPPOSITION to the Special Exception zoning request for a Fraternity House at York and Terrace Dale. This location is within the boundaries of my Community Association and has caused us problems for many years. Our Association has made complaints which are registered at the Zoning Office and can be verified.

If this request is allowed, it opens all kinds of problems for the surrounding communities of Towson State University. We are already burdened with enough problems because of the University.

Sincerely,

Joyce B. Routson
JOYCE B. ROUTSON
142 Marburth Avenue
Towson, MD 21204

MICROFILMED

9/20/87

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: September 19, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Item 544, Terrace Dale Associates Limited Partnership
Zoning Petition No. 90-108-SPHX

The Petitioner requests a Special Hearing, Variance and Special
Exemption for a Fraternity House or in the alternative a 3 apartment
unit.

In reference to this request, staff offers the following
comments:

Fraternity houses are permitted by Special Exception, Section
1801.1.C.11 includes the following uses: Private colleges (not
including business or trade schools), dancing schools, dormitories or
fraternity or sorority houses. Community buildings are permitted by
Special Exception and that use is mentioned in a separate section.
That section includes uses that are not intended for living
purposes. Section 1801.1.B.1.3 indicates existing churches,
community buildings, or other structures devoted to civic, social,
recreational, fraternal or educational activity do not need to comply
with R.T.A. requirements. Fraternity houses are used for living
purposes and Section 1801.1.B.1.3 refers to uses not intended for
living purposes. For the reasons outlined above, staff believes that
R.T.A. requirements must be met here, or at least, a Special Hearing
should be conducted to determine if a Fraternity house is consistent
with the uses outlined in 1801.1.B.1.3.

Regarding the Special Hearing, staff believes that the existing
dwelling must meet the conversion chart (Section 402) in order to be
converted. When calculating the lot area of an existing improved lot
one considers the area between the lot lines to determine square
feet. In this case, the Petitioner proposes to include the

we date
sent letter 9/20/89 jms

SEP 20 1989

Protestants
#1

Schulz 2/11/87 432 12/13/87, (1981)

understand prop use
prop use up real estate
not adr affect

adr affect upon general

SE use adr affect
show that the fact use prop. at the
last location prop. adr affects
above: kept from inherently asso
with such a SE use unexp of
its location w/in the zone

Judge Davidson

Protestants

#2

Check if you
wish to speak:

Name	Address	Nature of Objection
Carol Natale	643 Coventry Rd. Towson, MD 21204	Open use of house in residential area big and as multi-family future to not completely with that house
Joyce Rontson	142 Marburth Ave. 21204	Residential neighborhood not compatible with that house
Ellen B. Fowler	16 Cedar Ave. 21204	Fraternity House is not compatible with residential neighborhood
John H. Chapman	66 Cedar Ave. 21204	Fraternity House is not compatible with residential neighborhood
Barry Allen Sika	7901 York Rd. 21204	First House not compatible with residential neighborhood The community should not be forced to provide less expensive off campus housing for students
Joan E. Cantor	7 Hillside Ave. 21204	Fraternity House not com- patible with a residential neighborhood.
Mary Jo Beck	17 Hilltop Ave.	A Fraternity House, operated directly behind my house for years, until we finally got rid of it. It made our lives unlivable, and I hate to see another fraternity house aged in our re- sidential neighborhood.

NAME	ADDRESS	NATURE OF OBJECTION
JUDITH M. GIACOMO	17 AIGBURTH RD. TOWSON, MD 21204	WE LIVE IN THIS NEIGHBORHOOD w/ OUR FAMILIES. WE DO NOT APPROPRIATE THIS FRATERNITY IN OUR NEIGHBORHOOD MANY BOYS LIVE & PARTY THERE & THREATEN ADJACENT PROPERTIES. THESE BOYS SHOULD NOT BE IN A NEIGHBORHOOD WHERE WE TRY TO LEAD NORMAL (EVEN QUIET) FAMILY LIVES. THEY SHOULD BE ON THE CAMPUS - NOT BULGING OUT OF THIS HOUSE THAT IS OVER RENTED & FREQUENTED BY 40-60 BKS FOR WEEKLY (+ more) ACTIVITIES

FFESIMPLE DEED-CODE-City or County

This Deed, Made this 9th day of November
in the year one thousand nine hundred and seventy-nine
by and between

ELEANOR M. JOHN

of Baltimore County in the State of Maryland, of the first part, and
TERRACE DALE ASSOCIATES, a partnership formed under the Maryland Limited Partnership Act,
of the second part.

Witnesseth, That in consideration of the sum of Seventy-Seven Thousand and 00/100 Dollars
and other good and valuable consideration, the receipt of which is hereby acknowledged,
the said ELEANOR M. JOHN

do es grant and convey unto the said

TERRACE DALE ASSOCIATES, a partnership formed under the Maryland Limited Partnership Act,
its successors

Joins and assigns, in fee simple, all that lot of ground, situate, lying and being in
Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:-

Beginning for the same in the centre of York Road at the end of the first line of the land
which by a deed dated July 15, 1891 and recorded among the Land Records of Baltimore
County in Liber J W S No. 188 folio 38 &c. was conveyed by Milton W. Offutt and others
to Charles E. Thomas; and running thence bounding on the centre of the York Road, North
20 degrees 8 minutes East 122.50 feet to a point in line with the centre of a road 12
feet wide laid out through the whole tract of land of which the herein described lot is
a part; thence bounding on the centre of said 12 foot road south 64 degrees 2 minutes
East 100 feet to a point in line with the centre of the hedge marking the division line
between the lot now being described and the lot adjoining on the east, thence south 24
degrees 46 minutes west to said centre of said hedge and continuing the same course
bounding on the centre thereof in all 123 feet to intersect the aforesaid first line and
thence bounding thereon North 63 degrees 15 minutes west 90 feet to the place of begin-
ning; the improvements thereon being known as One Terrace Dale.

BEING the same lot of ground which by deed dated August 15, 1972 and recorded among the
Land Records of Baltimore County in Liber E.H.K.Jr. No. 5294 page 352 was granted and
conveyed from Edmund T. Kenney and Blanche C. Kenney, his wife, to Eleanor M. John.

COPIES OF THIS DEED
TO BE MADE
BY THE CLERK OF THE
COURT

1:15500 NS

Relinquishes
#1

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
✓ Ken Kasey	19 Aigburth Rd. Towson
ERIC WALLEN	18 CEDAR AVE TOWSON
Joyce Rontson	142 Marburth Ave 21204
John H. Chapman	66 Cedar Ave 21204
John E. H. Chapman	66 Cedar Ave 21204
Amelie E. Sawyer	22 Aigburth Rd 21204
John W. Sawyer	22 Aigburth Rd 21204
John W. Sawyer	10 Maryland Ave 21204
John W. Sawyer	17 Aigburth Rd 21204
John W. Sawyer	17 Aigburth Rd 21204
John W. Sawyer	11 Marburth Ave 21204
John W. Sawyer	23 Hilltop Rd 21204
John W. Sawyer	76 Cedar Ave 21204
John W. Sawyer	5 Hillside Ave 21204
John W. Sawyer	18 Aigburth Rd 21204
John W. Sawyer	20 Aigburth Rd 21204
John W. Sawyer	23 Aigburth Rd 21204
John W. Sawyer	515 Varnum Rd 21204
John W. Sawyer	16 Cedar Ave 21204
John W. Sawyer	18 1/2 Cedar Ave 21204
John W. Sawyer	908 Ring Rd Towson 21204
John W. Sawyer	912 Shaw Ave 21204
John W. Sawyer	19 Marburth Ave 21204
John W. Sawyer	2003 York Rd 21204

MICROFILMED

Copy of opinion Van Kester 1345 J. J. J. 21221

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Jim Baker	4613 Calver Rd #10 College Park, Md. 20740
Robert F. Chapman Jr	905 Greenleaf Rd. Bldg 21204
George L. Good	7322 York Rd. Towson

Fraternity House

Dr. Charles
E. Hunt

30 Cedar Ave
21204

70-108-SPHX
Barbara Ramsey
Towson Times
407 Washington

MICROFILMED

143

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

DATE: 6-12-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Smith, James W. & Co. Inc.
FOR: Special Exception Hearing

B 010*****1000016 134F

VALIDATION OR SIGNATURE OF CASHIER

242

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

DATE: 6-14-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 150.00

RECEIVED FROM: Smith, James W. & Co. Inc.
FOR: Special Exception Hearing

B 010*****1500016 134F

VALIDATION OR SIGNATURE OF CASHIER

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

DATE: 9/24/89 ACCOUNT: R-01-615-000

AMOUNT: \$ 189.34

RECEIVED FROM: Terrace Dale Associates
FOR: P.A. for 9/24/89 hearing 90-108-SPHXA

B 010*****1893416 0264F

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 9-2-89

Terrace Dale Associates Limited Partnership
c/o Robert E. Latschew, Jr.
7400 York Road
Baltimore, Maryland 21204

Re: Petitions for Special Hearing, Special Exception & Zoning Variance
CASE NUMBER: 90-108-SPHXA
SEC York Road and Terrace Dale Avenue
1 Terrace Dale Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Terrace Dale Associates Limited Partnership
HEARING SCHEDULED: TUESDAY, SEPTEMBER 26, 1989 at 10:00 a.m.

Gentlemen:

Please be advised that \$189.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Joseph M. Roulhac, Esq.
File

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 10, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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

Petitions for Special Hearing, Special Exception & Zoning Variance
CASE NUMBER: 90-108-SPHXA
SEC York Road and Terrace Dale Avenue
1 Terrace Dale Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Terrace Dale Associates Limited Partnership
HEARING SCHEDULED: TUESDAY, SEPTEMBER 26, 1989 at 10:00 a.m.

Special Exceptions: For a fraternity house.
Variances: To allow side yard setbacks of 8 feet and 16 feet and a rear yard setback of 24 feet and 30 feet, respectively.
Special Hearings: In the alternative, (determining the inclusion of the area to the street centerlines) authorizing the use of the property as three apartment units.

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

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Terrace Dale Associates Limited Partnership
Joseph M. Roulhac, Esq.
File

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
May 2, 1990

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(c). 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. 59-76.

CASE NO. 90-108-SPHXA TERRACE DALE ASSOC. LTD. PARTNERSHIP
SE/cor York Rd. & Terrace Dale Ave.
(1 Terrace Dale Avenue)
9th Election District
4th Councilmanic District
SE - Frat house; OR IN ALTERNATIVE
SPH-3 apt. units;
VAR-setbacks
1/3/90 - D.Z.C.'s Order DENYING Petition
For Special Hearing & Special Exception.

ASSIGNED FOR: FRIDAY, AUGUST 10, 1990 at 10:00 a.m.

cc: Joseph M. Roulhac, Esquire Counsel for Petitioner/Appellant
Jim Sakers, General Partner of
Terrace Dale Assoc. Ltd. Part.

Robert F. Carson, II
George L. Good
Dr. Charles E. Hunt
Barbara Ramsey
Joyce B. Rouston
Towson Manor Assoc., Inc.
David W. Kozera
Mr. & Mrs. Jack L. Glasco
Mrs. Siegfried Stenchly
Ann S. Cray
Rebecca Mac Rae Huey
Stephen W. Lafferty
Dr. Ronald J. Orrell
John S. Chapman
John E. Simms, Jr.
Helen & Willard Bowman
Mr. Ken Kinsey
Mr. Craig M. Parker
Ms. Joanne Holvack
People's Counsel for Baltimore County
F. David Fields, Pat Keller, J. Robert Haines
Ann M. Nastarowicz, James E. Dyer, W. Carl Richards, Jr.
Docket Clerk - Zoning, Arnold Jablon, County Attorney

LindaLee M. Kusmaul
Legal Secretary

SE/corner York and Terrace Dale Avenue
(1 Terrace Dale Avenue)
TERRACE DALE ASSOC. LTD. PART. 90-108-SPHXA
9th Election District
Appealed: 1/30/90

in per Shirley Hess 6/14/90
out per Shirley Hess 6/15/90



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

O-NE N-NW

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988

BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

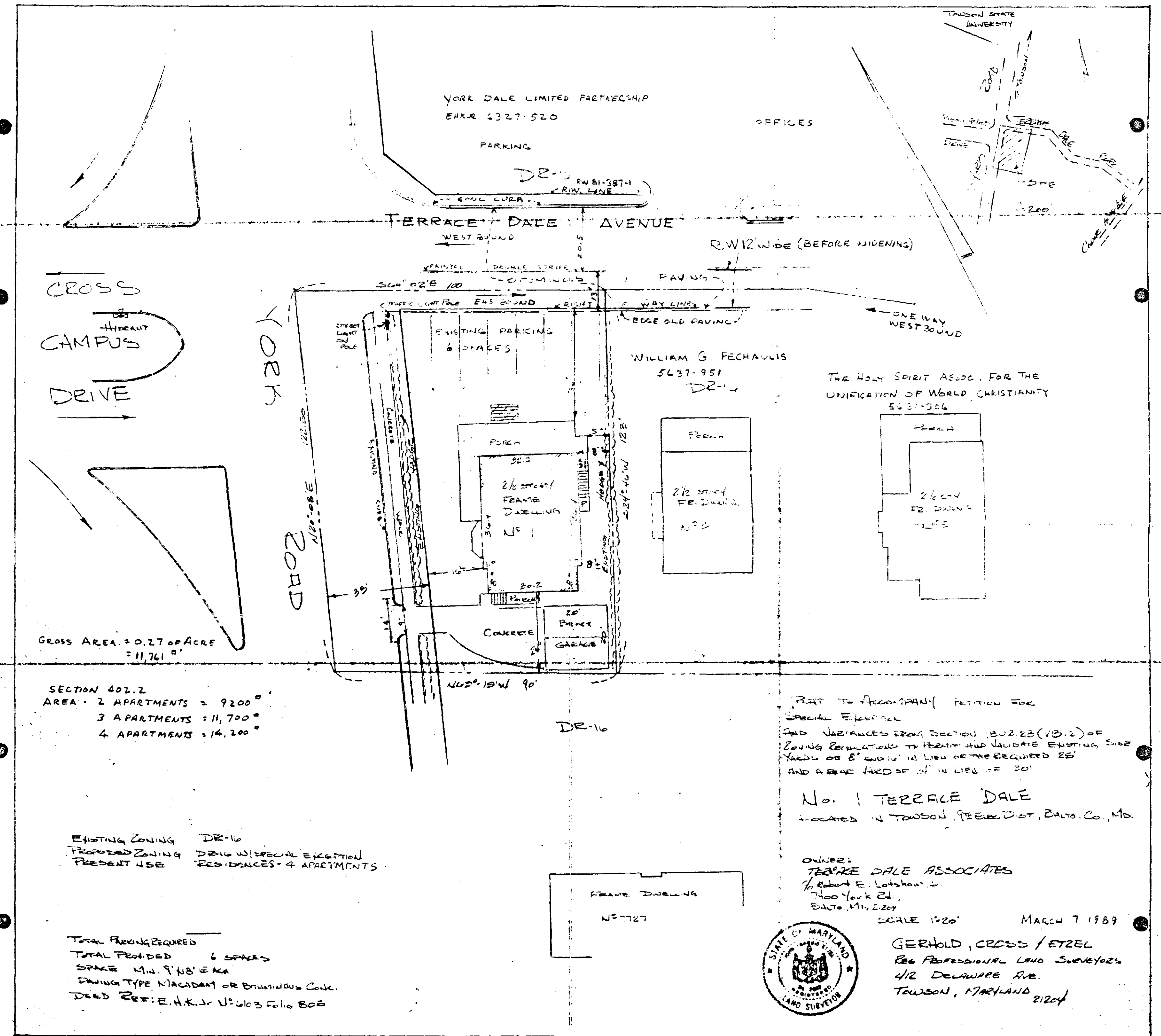
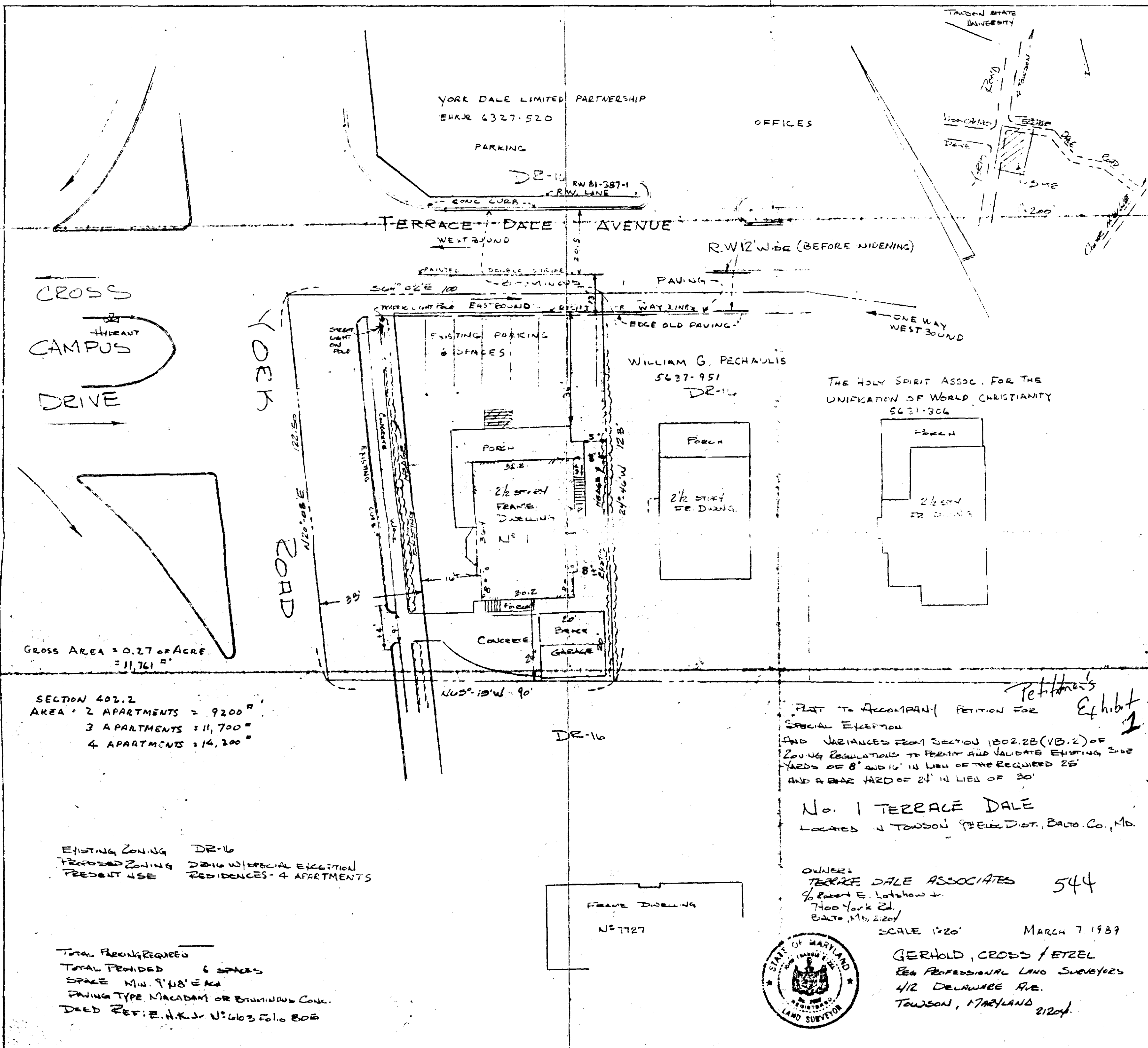
Chairman, County Council

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

SCALE	LOCATION	SHEET
1" = 200' ±	WILTONDALE	NE
DATE OF PHOTOGRAPHY JANUARY 1986	TOWSON	9-A

MAP KEY

- A - Dr. Charles E. Hunt
20 Cedar Avenue
- B - Joyce B. Routsen
142 Marburth Ave
- C - Mr. + Mrs. Jack
L. Giacomo
17 Aigburth Rd
- D - Mrs. Siegfried
Stenichly
63 Aigburth Rd
- E - Ann S. Graf
19 Maryland Ave
- F - Rebecca Mac Rae
Huey
5 Hillside Ave
- G - Dr. Ronald J. Orrell
Anne P. Orrell
23 Aigburth Rd
- H - John S. Chapman
66 Cedar Ave
- I - John E. Simms, Jr.
7905 York Rd
- J - Helen + Willard
Bowman
2 York Rd
- K - Mr. Ken Kinsey
18 Aigburth Ave
- L - Mr. Craig W.
Parker
515 Yarmouth Ave
- M - Carol Natale
643 Coventry Dr.
- N - Ella Fowler
16 Cedar Ave
- O - Barry Shike
7901 York Rd
- P - Joanne
Lambert
7 Hillside
- Q - Mary Jo Beck
17 Hilltop



PETITIONERS #2