

IN THE MATTER OF
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 TO 0-1 AND A VARIANCE
AND SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE BELLONA
LANE, 74' + NORTH OF THE CENTER-
LINE OF BELLONA AVENUE
(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. CR-90-409-SPHA

* ON REMAND FROM
* THE CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CG Doc. No. 3
* Folio No. 230
* File No. 91-CV-4798

OPINION AND ORDER OF THE COUNTY BOARD OF APPEALS
PURSUANT TO REMAND ORDER OF THE CIRCUIT COURT

This case comes before this Board on an Order of the Circuit Court for Baltimore County dated May 11, 1992, by Leonard S. Jacobson, Judge, and upon the issuance of a Mandate dated November 10, 1992 from the Court of Special Appeals dismissing Petitioner's appeal to that Court. (Sept. Term, 1992, No. 953).

In his Order of May 11, 1992, Judge Jacobson ordered that the Amended Opinion and Order of the County Board of Appeals dated September 19, 1991 be reversed; and further directed the Board of Appeals to deny the petition for zoning reclassification filed in this case.

ORDER

THEREFORE, IN ACCORDANCE WITH THE ORDER OF THE CIRCUIT COURT, IT IS this 18th day of November, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Amended Opinion and Order of the County Board of Appeals dated September 19, 1991 be and the same is hereby REVERSED; and it is further

MICROFILMED

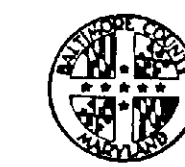
Case No. CR-90-409-SPHA Claridge Towers Company
Circuit Court Case No. 91-CV-4798 /On Remand

ORDERED that the Petition for Zoning Reclassification filed in Case No. CR-90-409-SPHA, Claridge Towers Company, be and the same is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman
Michael B. Sawyer

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 18, 1992

George A. Breschi, Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. CR-90-409-SPHA
Claridge Towers Company
(CCT #91-CV-4798)

Dear Mr. Breschi:

Enclosed please find a copy of the final Opinion and Order of the County Board of Appeals issued this date in accordance with the Remand Order of the Circuit Court for Baltimore County.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Claridge Towers Company
Ms. Louise Schulz
Ms. Sarah Lord
Ms. Nancy W. Horst
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
J. Robert Haines
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

MICROFILMED

IN THE MATTER OF THE
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R.16 TO 0-1 AND A VARIANCE
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LOCATED ON THE EAST SIDE BELLONA
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(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-90-409-SPHA
* Item #10, CYCLE III
* 1990

AMENDED ORDER

On August 30, 1991, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own Motion, has reviewed its Order issued in the proceedings and finds that it is ambiguous, in need of clarification, and does not adequately express the intent of the Board as contained in its Opinion. The Board is striking its previous Order in its entirety and issuing the following Amended Order.

IT IS THIS 19th day of September, 1991 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from D.R. 16 to 0-1 for the subject property be and the same is hereby GRANTED subject to the following:

That the granting of the 0-1 zone to the subject property is restricted in use as offices and as provided for in the 0-1 zone for the first through fourth floors of the ten-story apartment building located at 8417 Bellona Avenue; and it is further

ORDERED that the fifth through the tenth floors of the apartment building shall remain as apartments and for residential use only, as restricted; and it is further

Claridge Towers Company, Case No. CR-90-409-SPHA, Amended Order 2

ORDERED that the Petition for Zoning Variances to height and floor area ratio and the Petition for Special Hearing to approve existing special exceptions previously granted to Petitioner's property be and are hereby DENIED; and it is further

ORDERED that the Petitioner shall submit a landscaping plan to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any permits; and it is further

ORDERED that a CRG review will be required for the development of this project; and it is further

ORDERED that the Petitioner shall provide sufficient parking pursuant to Section 409 of the Baltimore County Zoning Regulations for the use of this property, as granted, at the location as set forth in the documented site plan submitted herewith and shall be subject to CRG review and an approved plan; and it is further

ORDERED that all other aspects of the documented site plan filed in these proceedings be and is hereby APPROVED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael B. Sawyer



County Board of Appeals of Baltimore County

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

September 19, 1991

S. Eric DiNenna, Esquire
Mercantile Towson Building
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. CR-90-409-SPHA
Claridge Towers Company

Dear Mr. DiNenna:

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

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Claridge Towers Company
Ms. Louise Schulz
Ms. Sarah Lord
Ms. Nancy W. Horst
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

IN THE MATTER OF THE
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
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LOCATED ON THE EAST SIDE BELLONA
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8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-90-409-SPHA
* Item #10, CYCLE III
* 1990

OPINION

The Petitioner, Claridge Towers Company, has filed a Petition for Reclassification requesting that its property be changed from its present zoning of D.R. 16 to 0-1, a Petition for Zoning Variance from Section 204.4.c.3 to permit .82 floor area ratio in lieu of .55; 204.4.d to allow 96 feet in lieu of maximum of 60 feet; and a Petition to approve existing special exceptions granted prior hereto.

The subject property is located on the east side of Bellona Lane, north of Bellona Avenue (8417 Bellona Avenue) in Baltimore County, Maryland, and consists of approximately 5.66 acres. It is improved with a ten-story structure which was constructed in the early 1960's. It is best described as a ten-story mid-rise elevator apartment building in which the first two floors are used as office space, mostly medical offices. The apartment building is known in the community as "Ruxton Towers" and is located just inside the Baltimore Beltway on the west side of Charles Street.

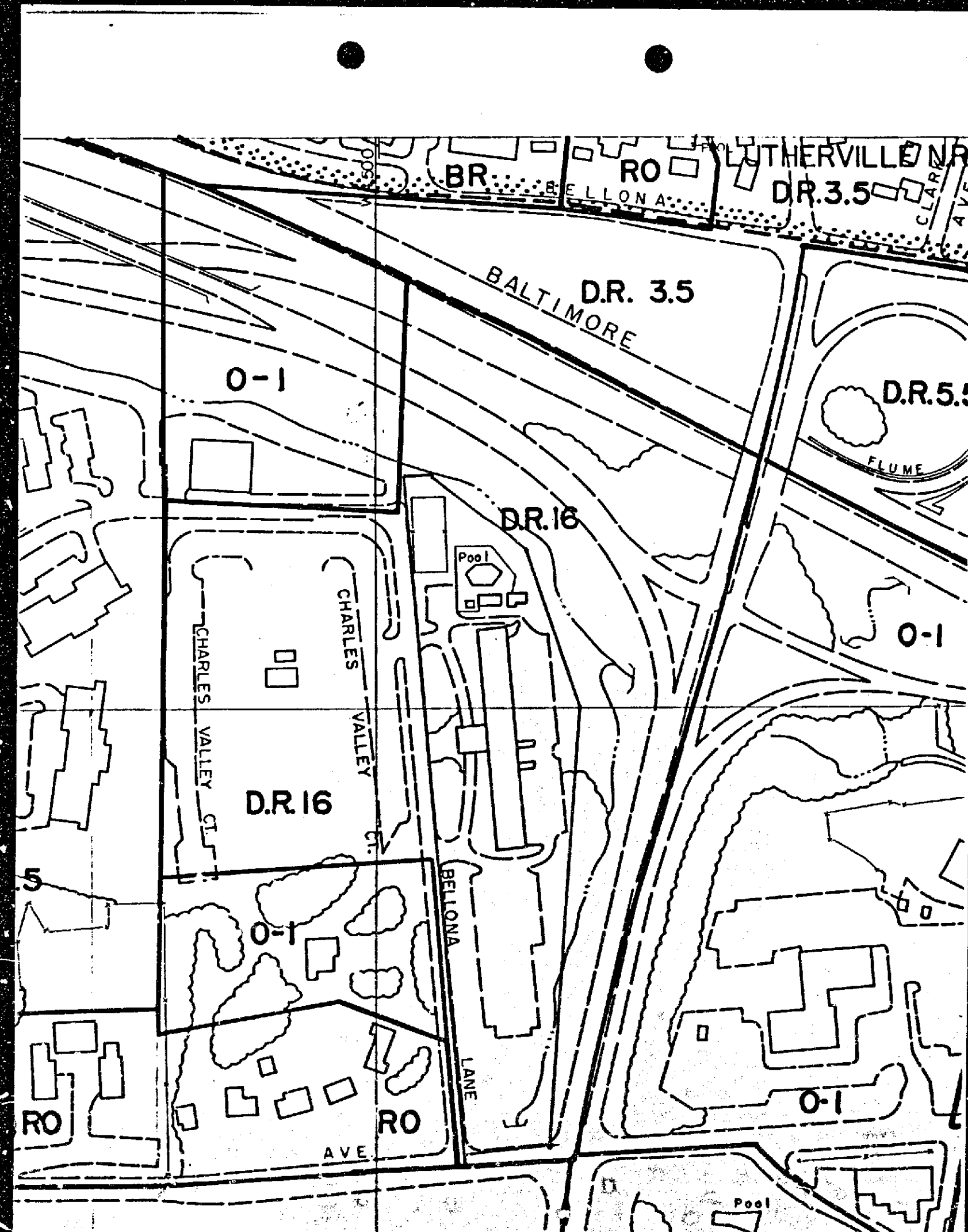
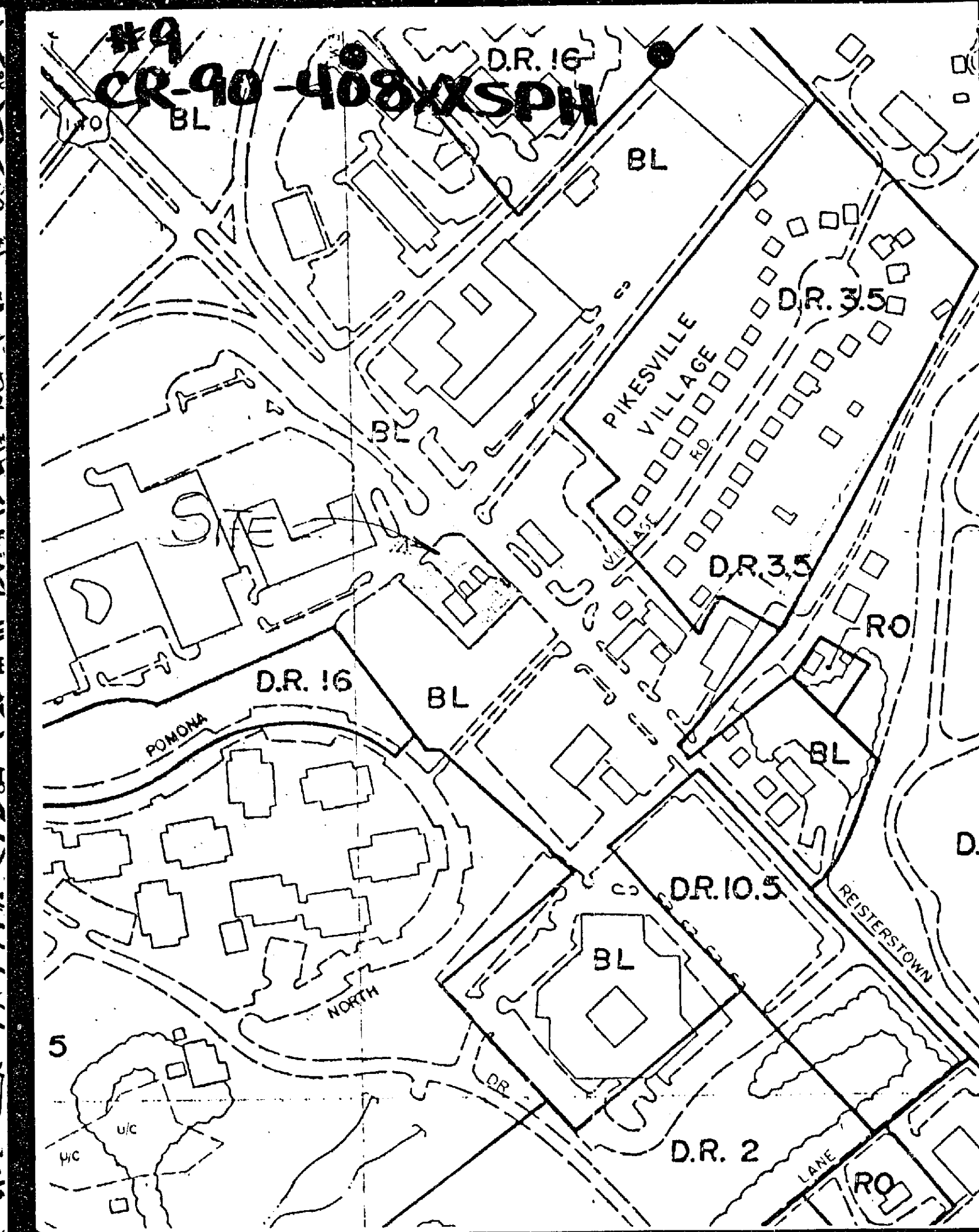
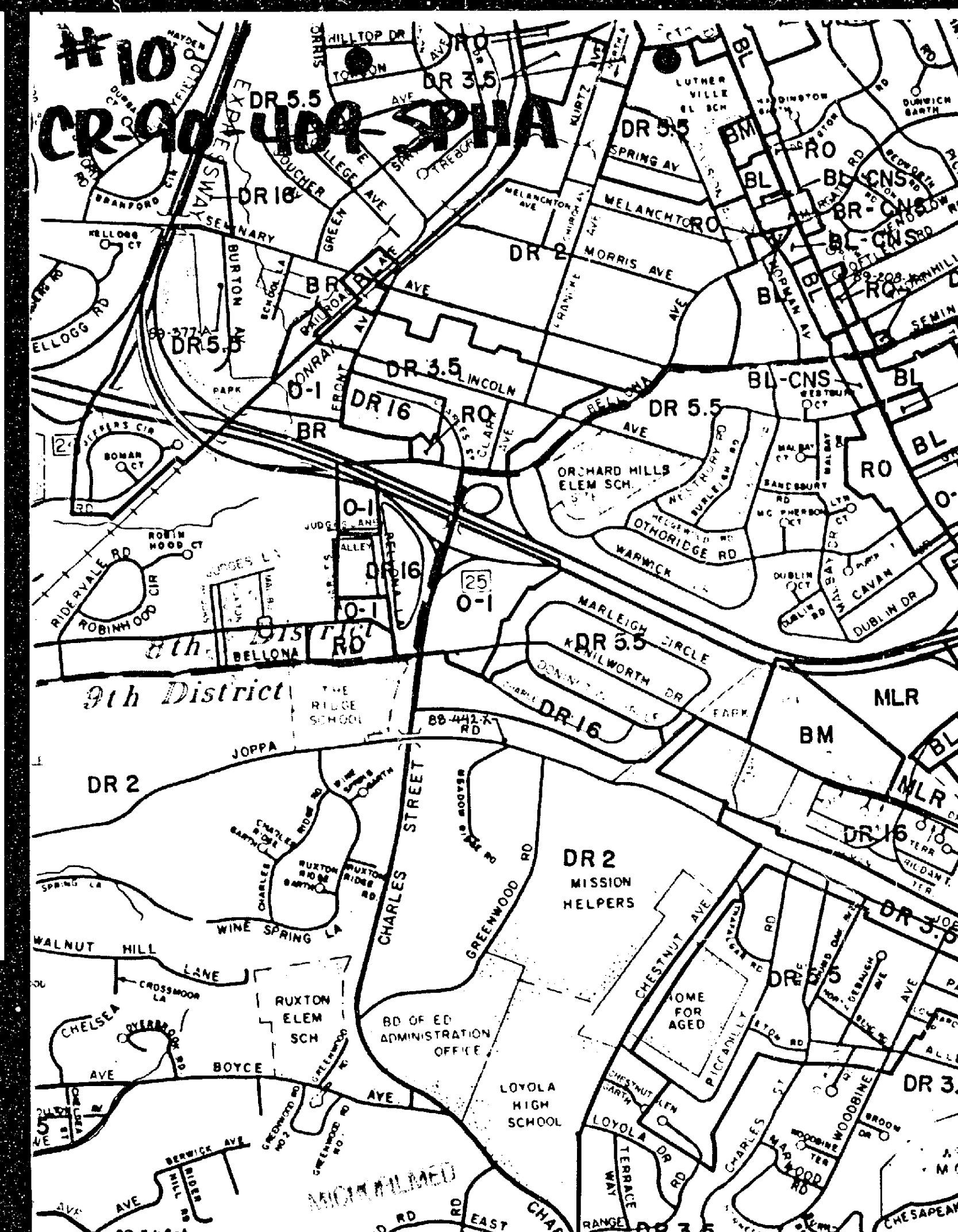
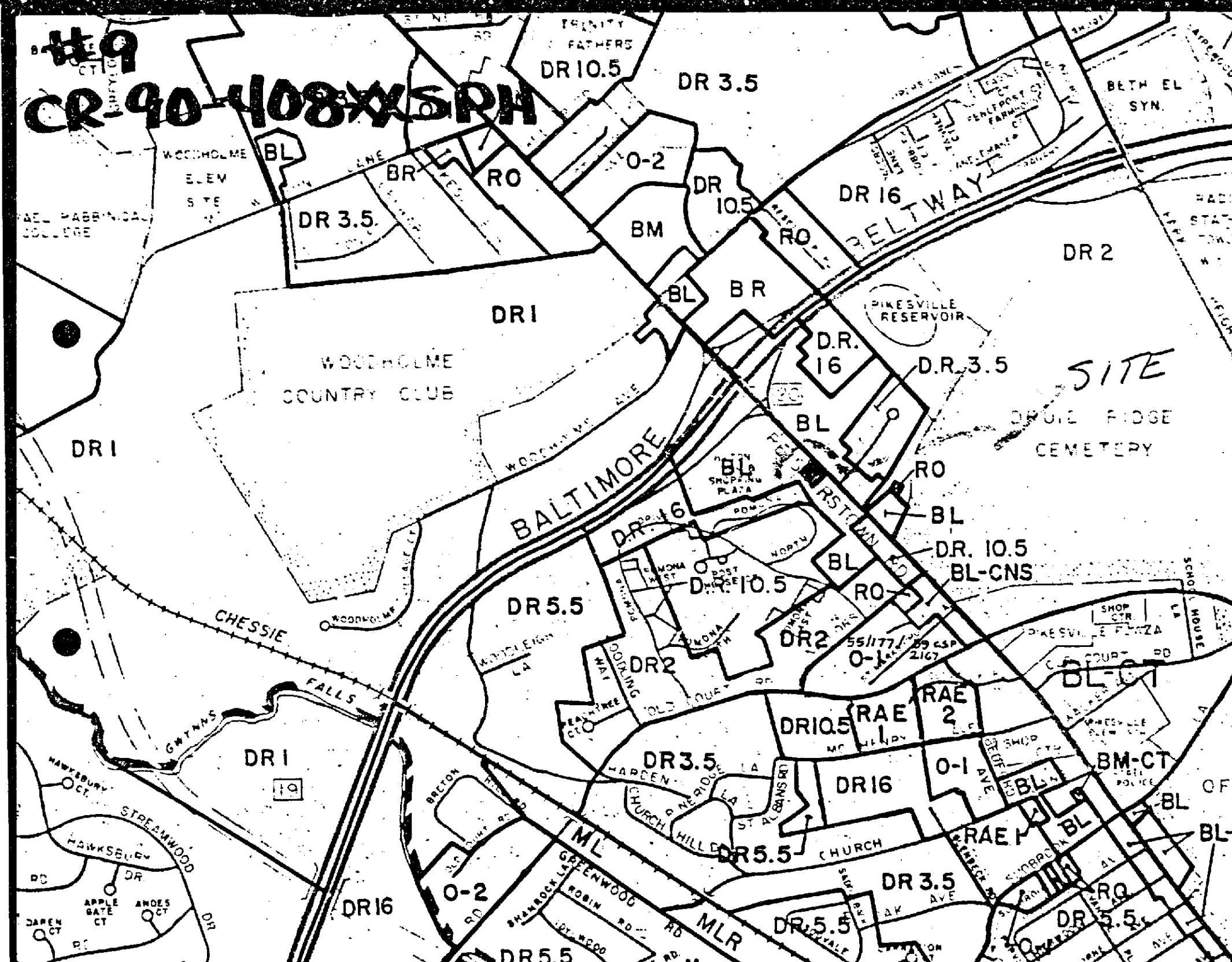
The Petitioner is requesting a reclassification from D.R. 16 to 0-1 in order to convert the apartment building to office use and in so requesting requires variances to height and floor area ratio.

Claridge Towers Company, Case No. CR-90-409-SPHA

Petitioner has filed a documented site plan. The plan indicates a proposed five-level parking structure providing for additional parking spaces required for the requested increase in office space. The plan shows no exterior structural changes to the apartment building or any changes in its appearance. The Petitioner, represented by S. Eric DiNenna, Esquire, presented several witnesses in support of his petitions. People's Counsel for Baltimore County, Phyllis C. Friedman, Esquire, participated in the proceedings and presented opposition testimony.

James Burcher, property manager for Ruxton Towers and Vice President of Wallace H. Campbell Company, testified on behalf of the owner and provided this Board with information concerning the operation of the apartment complex. The owner presented his intentions and his reasons for the requested zoning change. Mr. Burcher advised that he has personally managed Ruxton Towers since 1972. The building has 144 apartments and the first two floors are zoned for office space. The vacancy rate for the apartments has run from 8 to 10 percent in the last two years which he considers to be high. He attributed the high vacancy rate to the fact that the Baltimore community has been slow to adapt to high-rise living. He stated that the office vacancy rate, however, has been zero for the last six years. The rental rate realized from the apartments is \$9.50 per square foot and the office rate is \$16.25 per square foot. He highlighted to the Board that over the years the owner has always maintained the building but that recently the building has come in need of repair and rehabilitation. For the same amount

175



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6628, TOWSON, MARYLAND 21204

Description to accompany request
for Reclassification and Variances
BUXTON TOWERS - Bellona Lane

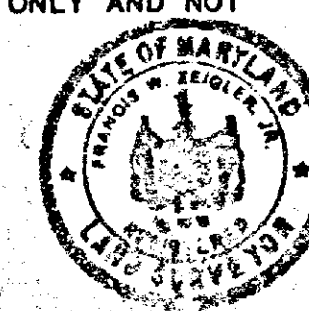
February 23, 1990

Beginning for the same at a point on the eastern side of Bellona Lane (50 foot wide), said point being North 14 degrees 47 minutes 49 seconds East 74.41 feet from the intersection formed by the centerline of said Bellona Lane and the centerline of Bellona Avenue, running thence leaving said point of beginning, binding on the eastern side of said Bellona Lane, the two following courses, viz:

- 1) North 04 degrees 50 minutes 10 seconds West 1074.84 feet and
- 2) Northwesterly by a curve to the right having a radius of 450.62 feet for a distance 50.02 feet, said curve being subtended by a chord bearing North 01 degrees 39 minutes 22 seconds West 49.93 feet, to the beginning of said cul-de-sac of said Ballona Lane, running thence binding on said cul-de-sac the two following courses, viz:
 - 3) Northeastery by a curve to the right having a radius of 47.00 feet for a distance 53.24 feet, said curve being subtended by a chord bearing North 01 degrees 39 minutes 22 seconds West 50.44 feet and
 - 4) Northeastery by a curve to the left having a radius of 47.00 feet for a distance 11.57 feet, said curve being subtended by a chord bearing North 59 degrees 22 minutes 50 seconds East 11.54 feet, running thence binding on said cul-de-sac the three following courses, viz:
 - 5) South 40 degrees 17 minutes 29 seconds East 121.93 feet,
 - 6) South 41 degrees 35 minutes 20 seconds East 169.84 feet and
 - 7) South 12 degrees 44 minutes 30 seconds East 169.84 feet to the northern side of Charles Street, running thence binding on the northern side of said Charles Street,
 - 8) South 08 degrees 33 minutes 30 seconds West 651.37 feet to the cutoff leading to the northern side of said Ballona Avenue, running thence binding on said cutoff,
 - 9) South 47 degrees 10 minutes 20 seconds West 74.42 feet to the northern side of said Ballona Avenue, running thence binding on the northern side of said Ballona Avenue,
 - 10) South 86 degrees 09 minutes 30 seconds West 17.00 feet to the cutoff leading to the eastern side of said Ballona Lane, running thence binding on said cutoff,
 - 11) North 49 degrees 08 minutes 20 seconds West 43.21 feet to the point of beginning.

Containing 4.944 acres of land more or less

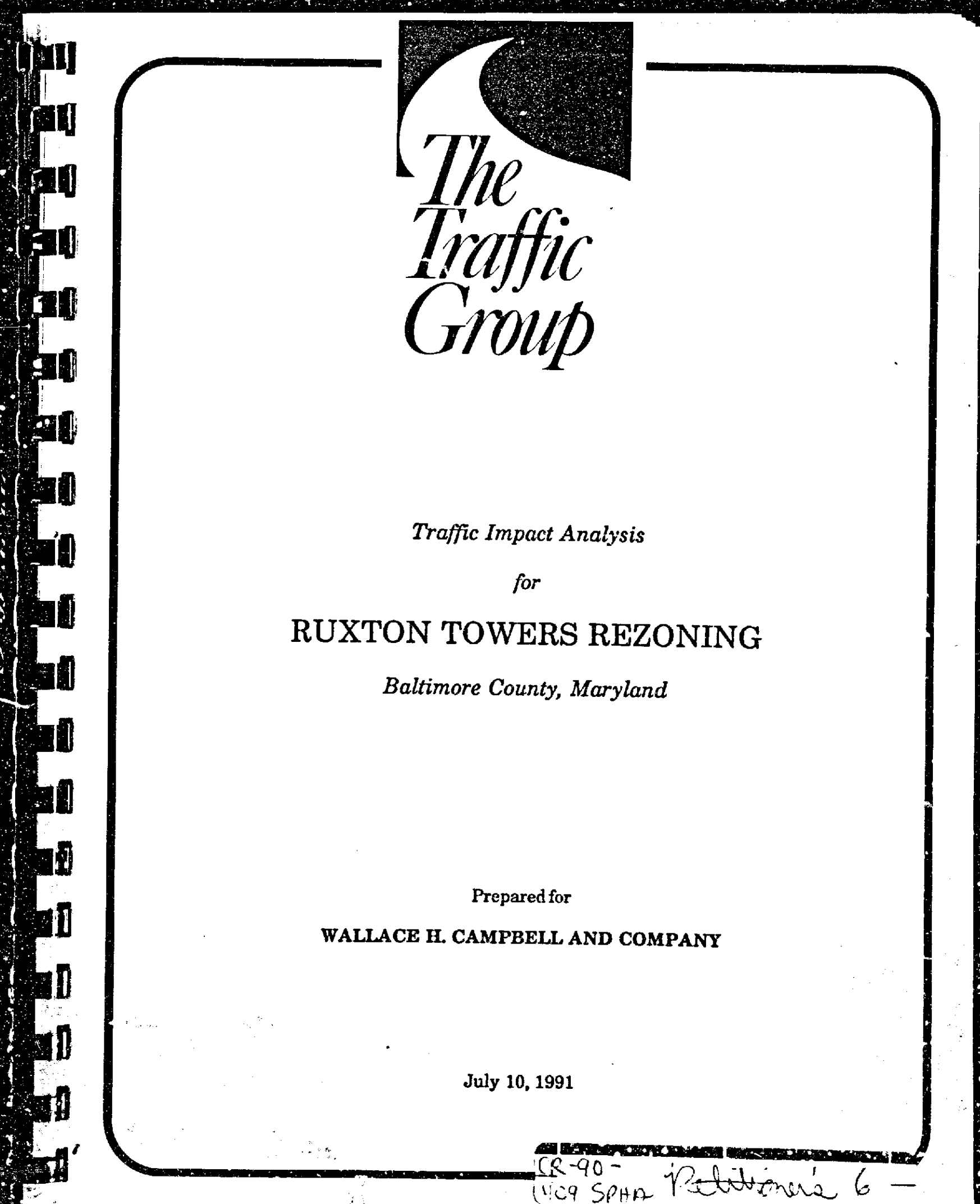
(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT
INTENDED TO BE USE FOR CONVEYANCES OR AGREEMENTS)



Let #2

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

ENVIRONMENTAL IMPACT STATEMENT



THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

August 30, 1988

Board of Governors
Robert E. Scott, Jr.
President
Christopher R. West
1st Vice President
Louise H. Hildreth
2nd Vice President
John C. Ruxton
Treasurer
Nancy Worden Hirst
Secretary

Mr. James F. Knott
James F. Knott Development Corporation
110 West Road
Towson, Maryland 21204

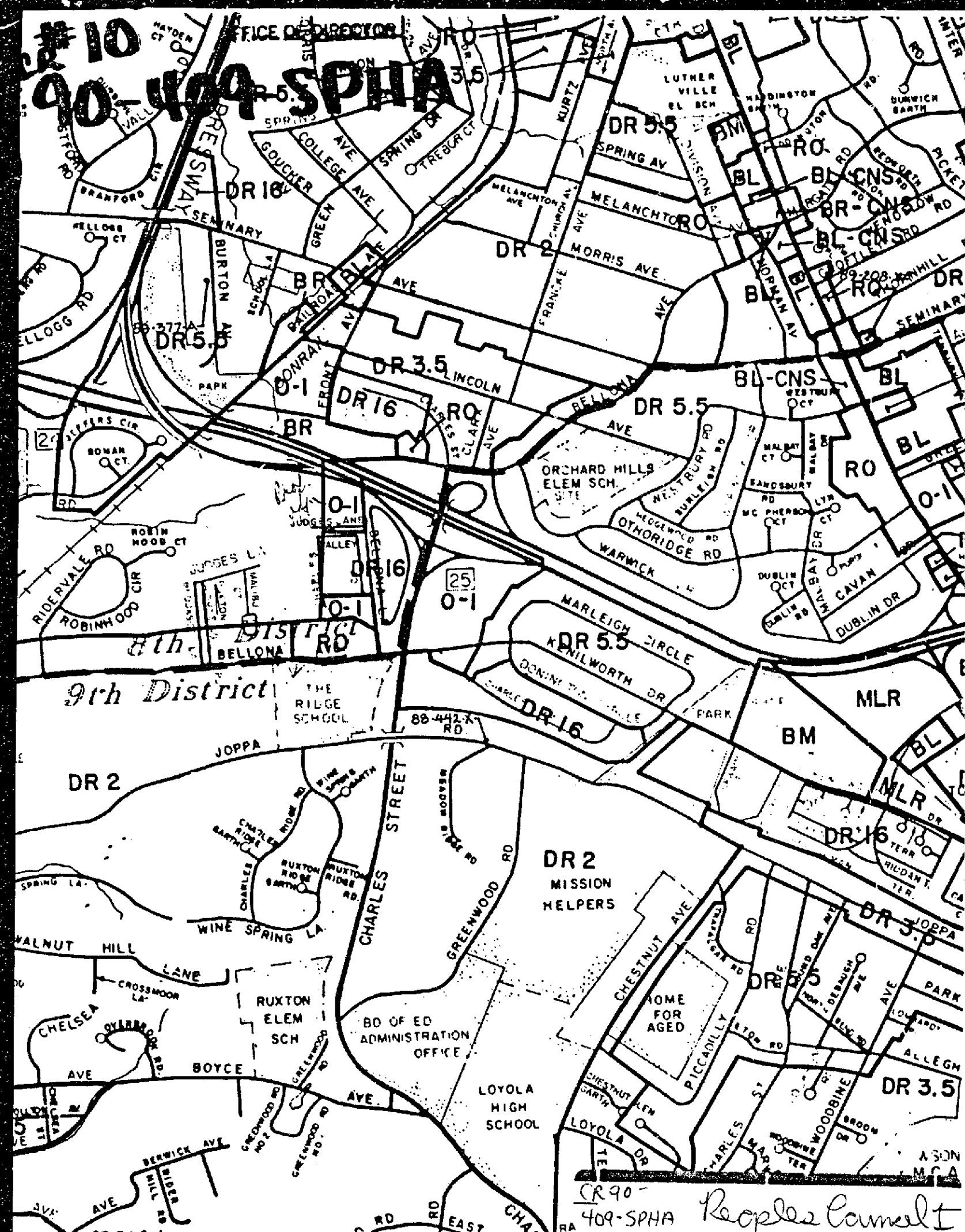
Re: Proposed Office Building at the Site
Located along the West Side of Bellona
Lane, North of Bellona Avenue

Dear Jim:

This letter is to follow-up on the meeting that we held on August 22. At that time, the various members of the Ruxton-Riderwood-Lake Roland Area Improvement Association conveyed to you our concerns about your proposed office building at the above location. We expressed the concern that this proposed building threatened the surrounding residential character of the community, that the building was too large and that it would greatly increase the traffic in this area, specifically, the Bellona Lane/Bellona Avenue and Bellona Avenue/Charles Street intersections. You indicated that you would consider scaling back the size of the building and would get back in touch with us shortly concerning your ultimate decision. In the meantime, I want to convey to you in writing our specific concerns regarding the proposed size of this building and how it relates to the expected increase in traffic.

The proposed building is planned for 60,792 square feet of office space. There was prepared for you by the Traffic Group, Inc. a traffic impact analysis dated February 8, 1988. In their report, it stated that access to this site "will be gained from a single access drive located along Bellona Lane." The conclusion of the report was stated as follows: "Based on the data and analysis contained in this report, the proposed rezoning will not have an adverse effect on traffic on the surrounding roadway system." The conclusion of this report came as a shock to those residents in this area who are familiar with the already congested problems at the Bellona Lane/Bellona Avenue and Bellona Avenue/Charles Street intersections. It is our feeling that the methodology used by the Traffic Group, Inc. in formulating its opinion as well as the conclusions reached are faulty.

CR 90-409-SPHA
Petitioner 8



RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16 TO C-1 ZONE :
SPECIAL HEARING & VARIANCE : OF BALTIMORE COUNTY
E/S Bellona Lane, 74' N of : Case No. CR-90-409-SPHA (Item 10, Cycle III)
Centerline of Bellona Ave. :
(8415 Bellona Ave.) :
8th Election District :
3rd Councilmanic District :
CLARIDGE TOWERS COMPANY, :
Petitioner :

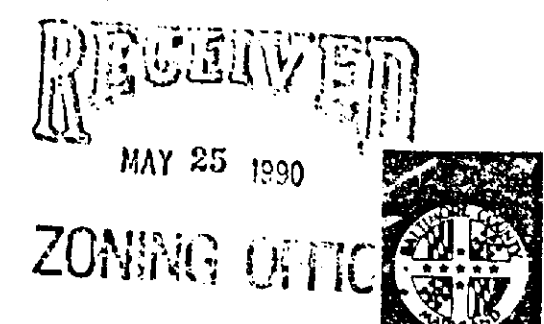
PEOPLE'S COUNSEL'S LIST OF EXHIBITS

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The Recommended Baltimore County Comprehensive Zoning Map, Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council	1
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CR 90-409-SPHA
Petitioner 2

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 408
Towson, Maryland 21204
(301) 887-3554

May 14, 1990



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

Zoning Classification Cycle III
Item No. 10
Property Owner:
Case No. /Hearing Date:
Contract Purchaser:
Location:
Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:
D.R. - 16
8th
3rd
4.944
0-1. Special Hearing to approve existing special exceptions granted at prior hearing. Variance to Section 204.4.C.3 to permit 0.82 Floor Area Ratio in lieu of the allowed 0.55, 204.4D to permit a building height of 90 feet in lieu of the allowed maximum 60 feet.

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

- 1) The additional traffic generated by the zoning changes can be expected to cause major congestion at the intersection of Bellona Lane and Kenilworth Drive due to the limit stacking space on Bellona Avenue.
- 2) The intersection of Bellona Avenue, Charles Street and Kenilworth Drive is rated as an "E" level-of-service.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

105
CR 90-409-SPHA
Petitioner 3

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Box 204
Riderwood, Md. 21139

January 30, 1988

Board of Governors
Frances P. Saybolt
President
Robert E. Scott, Jr.
1st Vice President
Christopher R. West
2nd Vice President
John C. Ruxton
Treasurer
Louise H. Hildreth
Secretary

Mr. David Fields, Director
Office of Planning and Zoning
Baltimore County
County Courts Building, Fourth Floor
Towson, Maryland 21204

1988 Comprehensive Zoning Map Issue
Third Councilmanic District
8415 Bellona Lane, NW corner of
Bellona Avenue and Charles Street
Item #3-268

Dear Mr. Fields:

The Board of Governors of the Ruxton-Riderwood-Lake Roland Area Improvement Association wishes to register its opposition to issue # 3-268.

Enclosed is a letter dated October 22, 1987 to the Planning Board.

In 1972 two floors of the Ruxton Towers were permitted to convert to office space, but it was determined that with the overall context of this large building such a conversion would be "consistent with the capabilities of this site to provide parking in a manner which maintains residential character and commitments west of Charles Street". Furthermore, Ruxton Towers came back in 1976 and the Board of Appeals denied their request for the third floor conversion to office by saying "at the present time the intersection of Charles Street and Bellona Avenue is heavily burdened with traffic, and in the opinion of this Board the increased number of trips in and out of the subject site caused by the proposed conversion to office, would further aggravate the existing situation to the point that would not ensure the safety of those using this intersection and the road within close proximity of the subject property".

The intersection of Bellona Avenue and Charles Street is one of ten intersections throughout Baltimore County that has been recently studied by the Baltimore County Police Department as being extremely hazardous and has been the site of several fatalities.

CR 90-409-SPHA
Petitioner 4

CERTIFICATE OF RESOLUTION
by
THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (hereinafter referred to as the "Association"), a Maryland corporation, do hereby certify that at a meeting of the Association, duly and regularly called and held on the 23rd day of May, 1991 a quorum being at all times present, the following resolution was unanimously adopted and recorded in the Minute Book of said corporation; said resolution is in accord with and pursuant to the Articles of Incorporation, Charter and Bylaws of said corporation; and said resolution is now in full force and effect and has not been revoked or amended in any manner:

WHEREAS, the Association desires to be informed of, review and present the position of its members with respect to zoning issues affecting the Association before various officers, administrative agencies, Board of Appeals, and courts where such issues may be heard;

NOW, THEREFORE, BE IT RESOLVED that the responsibility for review and action on all zoning matters is placed on the duly elected Zoning Committee of the Association.

ATTEST:

David A. Zuck
Secretary

THE RUXTON-RIDERWOOD-LAKE
ROLAND AREA IMPROVEMENT
ASSOCIATION, INC.
Dancy Withers
President

AS WITNESS my hand and notarial seal:

Louise M. Schulz
Notary Public

My Commission expires: October, 1994

CR 90-409-SPHA
Petitioner 5

8415 Bellona Lane, Apt. 512
Ruxton, Maryland 21204
August 12, 1991

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

RE: Claridge Towers Co., Petitioner
Case No. CR-90-409-SPHA
(Item 10, Cycle III, 1990)

Dear Chairman Hackett:

Unfortunately, a scheduling conflict precluded my attending this hearing. Consequently, I have put a few of my thoughts in this letter.

I am a long term - approximately 25 years - resident of Ruxton Towers and thus feel qualified to speak on behalf of many of the residents.

As you are aware, it is one of the few high-rise apartment buildings located in the Towson/Ruxton areas. It serves many native Marylanders who have retired and, for whatever their individual reasons, chosen to live in Ruxton Towers "reflecting the charm and graciousness of Ruxton."

Many of the residents have sold their homes in Baltimore County and moved to Ruxton Towers which meets their needs. I am personally aware of many retired individuals who fall into this category. Some have medical needs - use wheelchairs, walkers, canes - but still live a full active life. The elevators, ample parking, doctors/dentists within the building are only some of the plus factors. These people are not confined to the building but lead active lives traveling regularly to Towson and other designations.

Ruxton Towers is not a high-rise with a high vacancy rate or one that commands low rents. My friends' and neighbors' rents range in the \$700 to \$1,000 a month category. There appears to be no logical reason to disrupt the lives of many Baltimore County citizens when the owners of Ruxton Towers apparently have a profitable enterprise serving the needs of Baltimore County unless one considers greed as more relevant.

Very truly yours,
Thomas E. Crow, Jr.

cc: Peter Max Zimmerman, Esquire
Mrs. Louise Schulz

CR 90-409-SPHA
Petitioner 6

RUXTON TOWERS



Harry G. Randall, M.D.
Gary H. Cassel, M.D.
Lois J. Flaherty, M.D.
Michael D. Billig, D.O.
Adam J. Lang, Optician
Suite 104 • 8415 Bellona Lane • Towson, MD 21204 • (at Bellway Ext 25) • Tel: (301) 828-9270
Eye Physicians & Surgeons
Contact Lens Specialist
Optical Dispensing
Board Certified
Hospital Attending
Johns Hopkins Hospital
Greater Baltimore Medical Center
St. Joseph's Hospital

August 12, 1991

To Whom It May Concern,

Recently I had read in the Sunpapers about the possibility of re-zoning the building known as Ruxton Towers in order to make the entire building all commercial offices. In addition there was mention of a proposed five story parking garage to be added on to the existing structure.

Currently, I work in the office of one of the tenants in Ruxton Towers. As the situation is with the existing zoning, there is already a deficiency of parking on Bellona Lane. In addition, the afternoon traffic at the intersection of Bellona Lane and Bellona Ave and intersection of Bellona Ave and Charles St. is extremely congested, especially at the peak evening rush hours.

I would be afraid that changes in the existing zoning may create a terrible traffic problem with the influx of new offices in the area and as such, question the validity of these proposed changes.

Sincerely,

Michael D. Billig, D.O.
Michael D. Billig, D.O.

CR 90-409-SPHA
Petitioner 6

and cost, the building could be rehabilitated commercially as opposed to residentially since the apartments are in need of rehabilitation of kitchens and bathrooms. Because of its proximity to the Baltimore Beltway exit ramp to Charles Street, he informed the Board that the immediate area has been changing from residential to commercial and pointed out to the Board that the office space would consist of mostly medical offices for which parking would be provided as set out on the site plan. He stated that the subject building is located close to three hospitals and there is a strong demand and need for medical office space in the area. At the present time, of the 144 residential apartments, 46 are occupied by people over 65 years of age. The rents range in price from \$600 to \$900 and in his opinion, the tenants are affluent and could relocate since they are already paying above average rental rates, and it is a buyer's market in the Towson area for apartments.

The Petitioner next offered the testimony of J. Strom Smith, a licensed Professional Engineer, who prepared the amendments and plats which accompany the Petitions. The plats, an environmental impact study, and a landscape plan were offered into evidence for the Board's consideration and review. Mr. Smith informed the Board that the parking lot would be approximately 25 feet below the grade of Charles Street and would not be visible from Charles Street due to the existing natural landscape. He stated that the proposed garage would be subject to CRG review and that a building height and floor variance would be required, and without the granting of

the variances, the Petitioner would suffer practical difficulty and undue hardship. He informed the Board that if the variances were not granted the only alternative would be to tear down the building. He further informed the Board that the amended plat shows the proposed road improvements to Charles Street and the intersection improvements to Bellona Avenue and Kenilworth Drive at Charles Street. The plan shows the widening of Charles Street and also the pavement cross-section.

Concerning the traffic issue, the Petitioner offered the testimony of Wes Guckert, an expert in traffic engineering. Mr. Guckert testified that he did a traffic study to determine what impact the proposed rezoning and change in the use of the Ruxton Towers Building would have on the nearby road system. His study was offered into evidence for the Board's consideration. He informed the Board that the intersection of Charles Street and Bellona Avenue was a "C" to "D" range level intersection and that the most important item in his study was the queuing (stacking) of eastbound vehicles along Bellona Avenue. He stated that as a result of the improvements to the road to be done by the Petitioner at his cost and expense, the queuing would be alleviated along eastbound Bellona Avenue and would not reach Bellona Lane. In his opinion, the granting of the rezoning and change in use of the apartment from residential to office would not adversely impact the area.

Norman Gerber, a land planner and former Planning Director for Baltimore County, testified on behalf of the Petitioner in support

of the request for zoning change. He advised that he did a study of the site, reviewed its zoning history, and reviewed the surrounding properties as well as the site plan and other documents and reports associated with Petitioner's request.

In early 1960, the site was zoned R.A. In 1962 a special exception was granted providing for a ten-story building and in 1976 a special exception for first-floor offices was granted. Later on (the date was unknown by Mr. Gerber), the second floor was granted office space, and in 1976 a request for third-floor office space was denied. In 1988, O.T. zoning was requested for the site under the Comprehensive Map Process, which was denied by the County Council. Mr. Gerber provided the Board with a 200 scale zoning map which was color coded, highlighting the various zones on the properties in the immediate area.

In his opinion, the D.R. 16 zoning was not correct and was erroneous. He informed the Board that since 1980 many zoning changes in the area had occurred. In his opinion, the site could no longer be considered part of Ruxton-Riderwood and is now in an area with a high degree of accessibility. He stated that 0-1 zoning is the best classification for the property and that zoning changes at the site have been slow. He informed the Board that the height limit for 0-1 zoning is 60 feet. With regard to the rezoning, he informed the Board that the site as a mixed use building could survive at this location with the granting of four additional floors for a total of six floors for office space and that such rezoning would be within the spirit and intent of the 0-1

zoning regulations. He informed the Board that mixed uses of a building of this type is done all the time and is not unusual. Finally, Mr. Gerber acknowledged to the Board that the rezoning proposal being made by the Petitioner did conflict with height and area requirements, but it was his opinion that 0-1 zoning was still the most compatible for the site. He likewise testified that the parking facility in his opinion was compatible to the area and acceptable from an appearance point of view.

People's Counsel offered testimony from Nancy Horst, President of Ruxton-Riderwood-Lake Roland Area Community Association; Sarah Lord, Zoning Chairman of Ruxton-Riderwood-Lake Roland Area Community Association; Steven Webber, an Assistant Traffic Engineer for Baltimore County; and Diane Itter, Community Planner for Baltimore County.

Nancy Horst informed the Board that her Association was opposed to the Petitioner's request and did not want the present residents of Ruxton Towers evicted for office use. She stated that in her opinion traffic problems would worsen, particularly at the intersection, and that the proposed five-story garage was not good for the area. She saw it as being dangerous after dark and unattractive.

Sarah Lord, Zoning Chairman of the Ruxton-Riderwood-Lake Roland Area Community Association, also offered her objections to Petitioner's request. She stated that she was involved in the 1988 Comprehensive Map Process. In her opinion, the rezoning would result in a visual change detriment and a traffic detriment in the

area. She stated that Ruxton Towers appears residential and that the granting of office use for the entire building would destroy residential use. She stated that she disputed Mr. Burcher's testimony concerning the rate of occupancy of the apartments and contacted the apartment's rental agent the day before the hearing and was advised that there were only three apartments available.

Steve Webber, an Assistant Traffic Engineer for Baltimore County, testified in opposition to Petitioner's proposal. He testified that he reviewed the traffic reports of Mr. Guckert and that the "D level" given to the Charles Street intersection signifies impending congestion and that the County prefers to see intersection levels in the "A" to "C" range. He stated that the Wadley Building will move the level of service of the intersection from a "D" closer to an "E" level. In his opinion, the current building use was acceptable from a traffic point of view, but the proposed use would be unacceptable. In giving his opinion, he informed the Board that he did take into account the improvements to be done at the intersection and still felt that after the improvements the zoning change would increase the traffic.

Diane Itter, Community Planner for Baltimore County for the Fourth Election District, testified in opposition to the Petitioner's proposal. She stated that the neighborhood is one of mixed uses and that the subject site was Issue 3-268 in the 1980 Comprehensive Map Process and O.T. zoning was requested and denied to the owner. In her opinion, the existing D.R. 16 is appropriate. She added that the proposal for the site would not be in conformity

with the area. She expressed concern over the bulk and height of the parking facility which would pose a problem in the area.

The Board has reviewed the evidence and testimony presented, including the expert testimony, documented site plan, and the recommendations and report of the Office of Planning, and all other exhibits. It is clear from the testimony of both Mr. Gerber and Ms. Itter that the area is one of mixed uses. Based on the color-coded map prepared by Mr. Gerber and the report of the Office of Planning & Zoning, the proposed site is adjacent to a Class C office building and a Class A office building to the west, and to the east of the site, across Charles Street, is 0-1 zoned property improved by an office building. As Mr. Gerber testified to and as supported by the documents presented in these proceedings, there have been many zoning changes in the area since 1980, resulting in a substantial increase in office use. This Board finds from the evidence and testimony presented, and particularly the testimony of Mr. Gerber, that the D.R. 16 zoning classification for the subject site is erroneous and that the more appropriate zoning designation for the property is 0-1 based upon the substantial change in the character of the neighborhood occurring as early on as 1980. The testimony of Mr. Gerber, Mr. Burcher, and the report of the Office of Planning & Zoning all support that significant zoning changes have taken place in this area. Mr. Gerber testified that the spirit and intent of the zoning regulations with regard to 0-1 zoning would be carried out at this site were an additional four floors for a total of six floors granted 0-1 zoning. The Board

agrees with Mr. Gerber's testimony to the extent that a mixed use building, partially residential apartments and partially office use, would be in keeping and compatible with the area. However, the Board feels that the granting of only the first four floors of the ten-story building would be more in keeping with the spirit and intent of the 0-1 zoning regulations. Further, the Board finds that the permitted mixed use of providing for the first four floors for office use will reduce the amount of traffic impact for the area.

Accordingly, this Board finds that the present zoning on the subject property of D.R. 16 is erroneous and finds that the more appropriate zoning classification is 0-1 zoning for the first through fourth floors, and D.R. 16 for the fifth through tenth floors. The Board further finds that the Petition for variances requested by the Petitioner are no longer required, nor is the Petition for Special Hearing to approve existing special exceptions granted previously on the subject property.

ORDER

IT IS THEREFORE this 30th day of August, 1991 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from D.R. 16 to 0-1 be and the same is hereby GRANTED for the first through fourth floors of the ten-story apartment building located on the Petitioner's property at 8417 Bellona Avenue; and it is further

ORDERED that the remaining portion of the property including the fifth through the tenth floors of the apartment building shall

remain D.R. 16 zoning classification; and it is further

ORDERED that the Petition for Zoning Variances to height and floor area ratios and the Petition for Special Hearing to approve existing special exceptions previously granted to Petitioner's property be and are hereby DENIED; and it is further

ORDERED that Petitioner shall submit a landscape plan to the Deputy Director of the Office of Planning & Zoning prior to the issuance of any permits; and it is further

ORDERED that a CRG review will be required for the development of this project; and it is further

ORDERED that the documented site plan filed in these proceedings be and is hereby APPROVED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Michael B. Sader
Michael B. Sader

Lynn B. Moreland
Lynn B. Moreland

DENNIS E. UHLFELDER, D.D.S.

August 12, 1991

Baltimore County
Board of Appeals-Zoning

Re: Ruxton Towers Appeal

To Whom It May Concern,

It has just come to my attention, concerning the owners of Ruxton Towers Apartments appeal to change the apartments to business use and the building of a five story garage on the property.

I have grave concerns about the traffic havoc this could cause in the area. Bellona Lane is a small two lane street ending in Ruxton Crossing. The exit onto Bellona Avenue today is most difficult around five o'clock. My employees are constantly complaining about their difficulty in trying to exit from Bellona Lane to Bellona Avenue and onto Charles Street. Additional offices and a garage would most likely turn this area into a total bottleneck each evening. As it is now, I often wait until six o'clock before leaving for home.

Your attention to this matter, with the concerns of the people in the Ruxton-Riderwood area and those living in Ruxton Towers Apartments, having priority in this situation, would be appreciated.

Sincerely yours,

Dennis E. Uhlfelder, D.D.S.
Dennis E. Uhlfelder, D.D.S.

RUXTON TOWER APARTMENTS, SUITE 100
BALTIMORE, MARYLAND 21201

CR 90-409 SP1A Regalia Counsel 60

8/12/91

To: Balto. Co. Zoning Appeals Board
From: L. Alan Evans
Re: Proposed Rezoning of Ruxton Towers

Gentlemen:

As a resident of Ruxton Crossing & a member of the H.C.A. Board of Directors & immediately past president of that Board I personally oppose the proposed office zoning requested. The Board and the residents of Ruxton Crossing have also taken a position in opposition to this request.

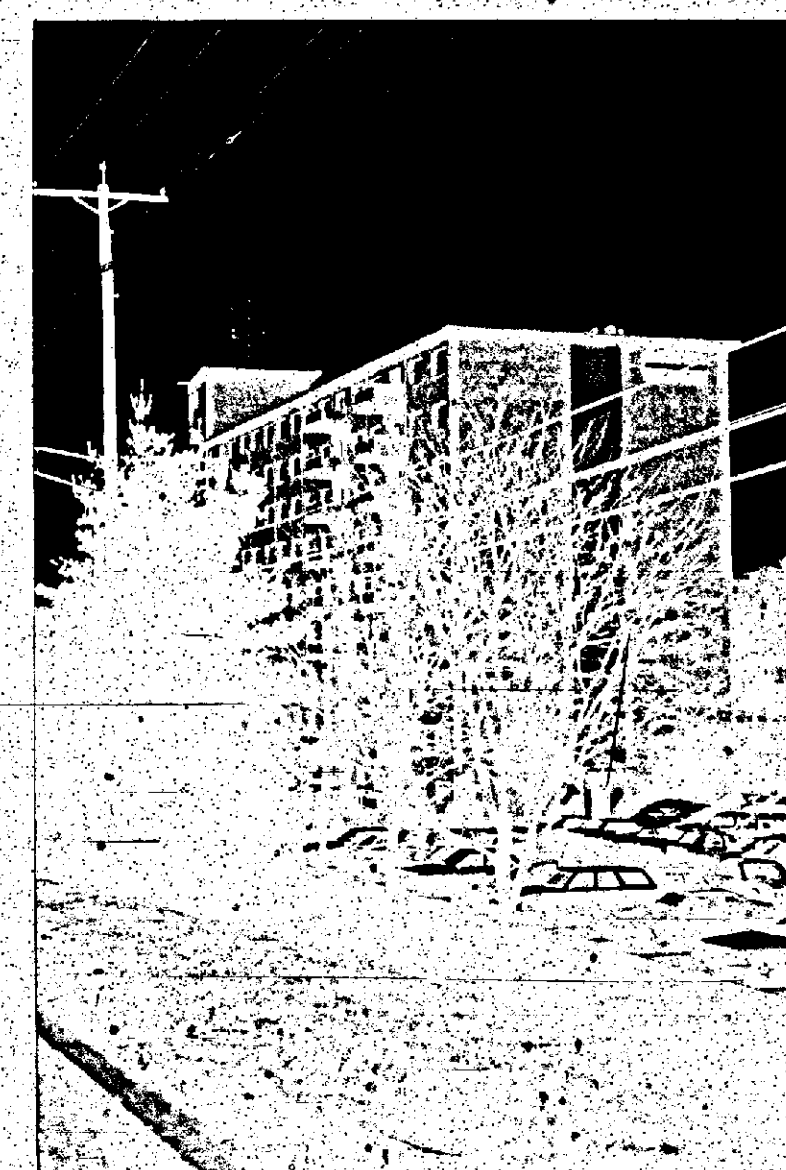
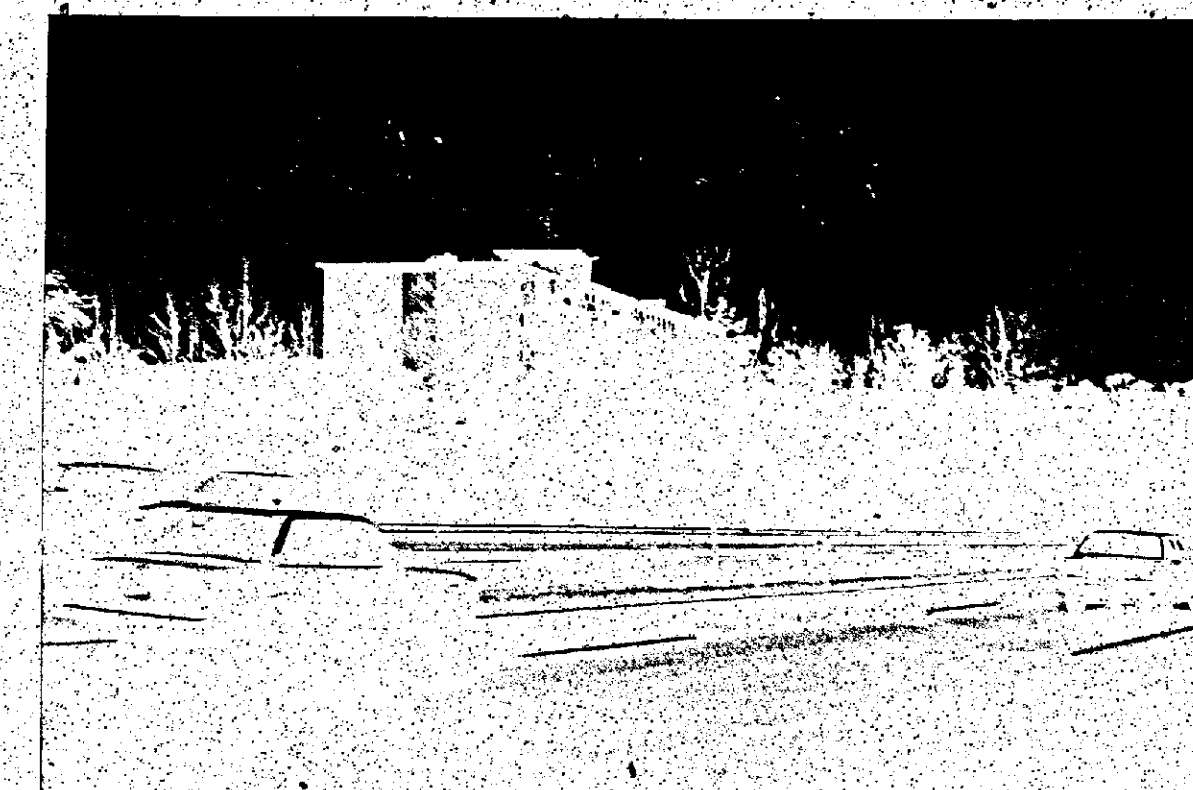
It is my opinion that several factors which should make approval of the requested zoning impossible are as follows:

① Balto. Co. Police stated in an interview with the Towson Times approximately a year ago stated that the intersection of Charles St & Bellona Ave was among the 10 worst intersections in Balto. Co. - and it has only gotten worse in the last year - 2 accidents with Personal Injury occurred at this location within the last week. This is true now and can only get worse when the McCosh property is finally developed with the proposed office building. (Attached is a letter further discussing Traffic)

② The traffic report used for the Knott rezoning of the Knott/McCosh property misstated the designation of this intersection as "C" level while Balto Co indicates an "E" level. That report has been updated & is being used as a part of this requested rezoning. I am sure that the report & the switch of Mr. Bishers position had great influence on the approval of the Knott/McCosh zoning.

③ There are 5 office buildings already existing at this intersection 2 East of Charles St & 3 West of same including the partial use of the Ruxton Towers Bldg. All five of these units including

CR 90-409 SP1A Regalia Counsel 60



GENERAL NOTES

1. AREA OF TRACT - NET 4.944 AC. ± GROSS 5.66 AC. ±
NO NATURAL SLOPE IN EXCESS OF 25% ALL HAN MADE.
2. ZONING CHANGE PROPOSED
1) EX. DR16 TO O-1 4.944 AC. ±
3. COUNCILMANIC DISTRICT #3
4. O-1 AMENITY OPEN SPACE REQUIRED
20' X 215,360 (NET AREA) = 43,072 SQ. FT.
5. O-1 OPEN SPACE SHOWN = 90,010 SQ. FT.
6. FLOOR AREA
PERMITTED (CLASS C) 0.55 X 246,549 S.F. = 135,602 S.F.
EXISTING 202,880 S.F. OF BUILDING/246,549 S.F. OF SITE - .82 RATIO
7. PARKING REQUIRED

FLOOR	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	PER FLOOR
FLOOR 1	20,288 SQ. FT.	MEDICAL	4.5/1000 S.F.	17388 TOTAL	78
FLOOR 2	20,288 SQ. FT.	BEAUTY SHOP	5/1000 S.F.	900 TOTAL	4.5
FLOOR 3	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	91
FLOOR 4	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 5	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 6	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 7	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 8	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 9	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
FLOOR 10	20,288 SQ. FT.	OFFICE	3.3/1000 S.F.	20288 TOTAL	60
TOTAL				659.5	
HANDICAPPED .02% OF TOTAL				133	
TOTAL NUMBER OF SPACES PROVIDED (INCLUDES 14 HANDICAPPED SPACES)				672.5	
				716	

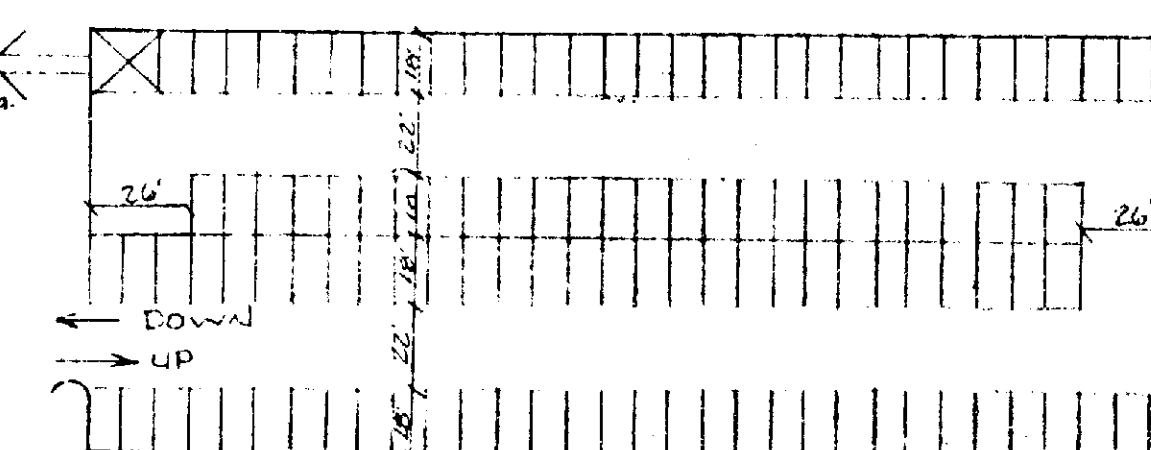
LANDSCAPE REQUIRED
2551 L.F. PUBLIC ROAD/40 =
800 L.F. INTERNAL/20 =
224 P.S./12 =

113
40
19
172 TOTAL TREES

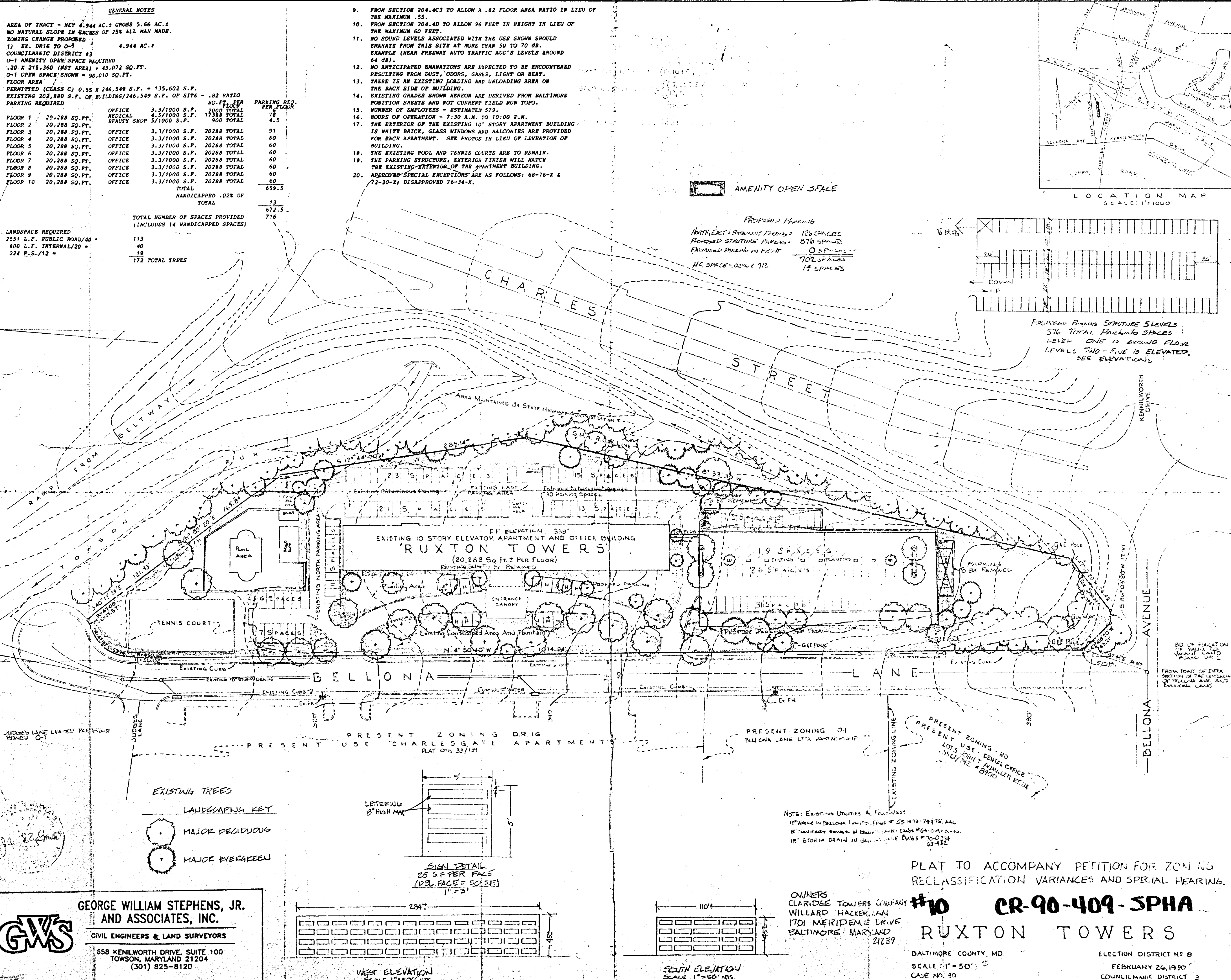
9. FROM SECTION 204.4C3 TO ALLOW A .82 FLOOR AREA RATIO IN LIEU OF THE MAXIMUM .55.
10. FROM SECTION 204.4D TO ALLOW 96 FEET IN HEIGHT IN LIEU OF THE MAXIMUM 60 FEET.
11. NO SOUND LEVELS ASSOCIATED WITH THE USE SHOWN SHOULD EMANATE FROM THIS SITE AT MORE THAN 50 TO 70 DB.
EXAMPLE (NEAR FREEWAY AT MORE TRAFFIC AUG'S LEVELS AROUND 64 DB).
12. NO ANTICIPATED EMANATIONS ARE EXPECTED TO BE ENCOUNTERED RESULTING FROM DUST, ODORS, GASES, LIGHT OR HEAT.
13. THERE IS AN EXISTING LOADING AND UNLOADING AREA ON THE BACK SIDE OF THE BUILDING.
14. THE EXISTING GRADES SHOWN HEREON ARE DERIVED FROM BALTIMORE POSITION SHEETS AND NOT CURRENT FIELD RUN TOPO.
15. NUMBER OF EMPLOYEES - ESTIMATED 579.
16. HOURS OF OPERATION - 7:30 A.M. TO 10:00 P.M.
17. THE EXTERIOR OF THE EXISTING 10' STORY APARTMENT BUILDING IS WHITE BRICK, GLASS WINDOWS AND BALCONIES ARE PROVIDED FOR EACH APARTMENT. SEE PHOTOS IN LIEU OF LEAVEATION OF BUILDING.
18. THE EXISTING POOL AND TENNIS COURTS ARE TO REMAIN.
19. THE PARKING STRUCTURE, EXTERIOR FINISH WILL MATCH THE EXISTING EXTERIOR OF THE APARTMENT BUILDING.
20. APPROVED SPECIAL EXCEPTIONS ARE AS FOLLOWS: 68-76-X & 72-30-X; DISAPPROVED 76-34-X.

AMENITY OPEN SPACE

PROPOSED PARKING
NORTH EAST PARKING: 126 SPACES
PROPOSED STRUCTURE PARKING: 576 SPACES
PROPOSED PARKING IN FRONT: 0 SPACES
HC SPACE - 0.02% X 716
19 SPACES

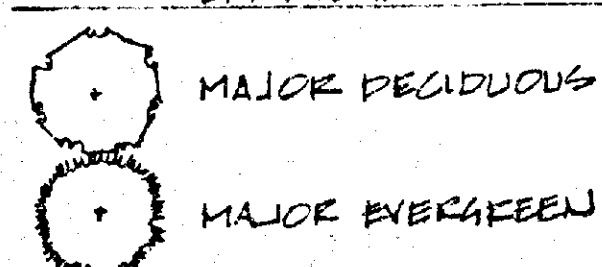


PROPOSED PARKING STRUCTURE 5 LEVELS
576 TOTAL PARKING SPACES
LEVEL ONE IS GROUND FLOOR
LEVELS TWO - FIVE IS ELEVATED.
SEE ELEVATIONS



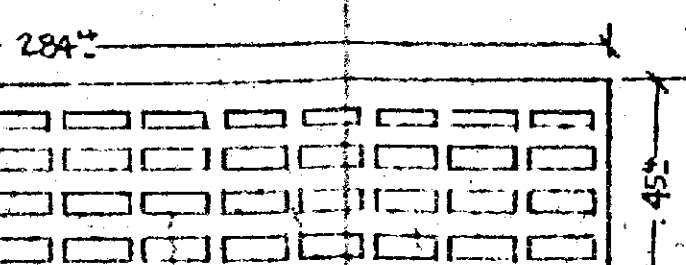
EXISTING TREES

LANDSCAPING KEY

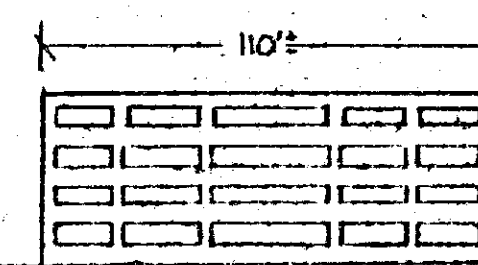


LETTERING 8" HIGH MAX

SIGN DETAIL
25 S.F. PER FACE
(20' FACE = 50 S.F.)
1" = 3'



WEST ELEVATION
SCALE 1" = 50' NTS



SOUTH ELEVATION
SCALE 1" = 50' NTS

NOTE: EXISTING UTILITIES AS FOLLOWS:
12" WATER IN BELLONA LANE, DUGS # 551573-74172-242
8" SANITARY SEWER IN BELLONA LANE, DUGS # 64-04-2-10
18" STORM DRAIN IN BELLONA LANE, DUGS # 70-0234-63-182

OWNERS
CLARIDGE TOWERS COMPANY
WILLARD HACKERMAN
1701 MERIDEM DRIVE
BALTIMORE, MARYLAND
21239

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION VARIANCES AND SPECIAL HEARING.

#10 CR-90-409-SPHA
RUXTON TOWERS

BALTIMORE COUNTY, MD. ELECTION DISTRICT NO. 8
SCALE 1" = 50' FEBRUARY 26, 1990
CASE NO. 90 COUNCILMANIC DISTRICT 3



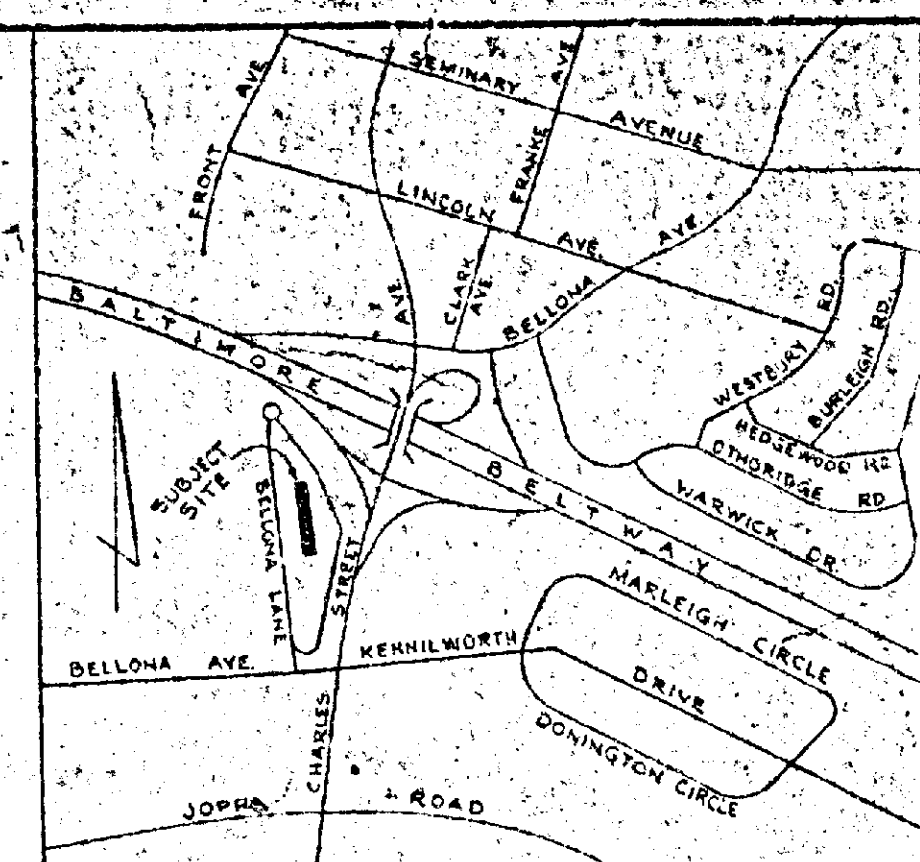
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

GENERAL NOTES

1. AREA OF TRACT - NET 4.4 AC. GROSS 5.66 AC. NO NATURAL SLOPE IN EXCESS OF 25% ALL HAND MADE.
2. ZONING CHANGE PROPOSED 1) EX. DR16 TO O-1 4.944 AC. COUNCILMANIC DISTRICT II
3. O-1 AMENITY OPEN SPACE REQUIRED .20 X 215,360 (NET AREA) = 43,072 SQ. FT.
4. O-1 OPEN SPACE (SHOWN) = 10,010 SQ. FT.
5. FLOOR AREA PERMITTED (CLASS C) 0.33 X 246,549 S.F. = 135,602 S.F. EXISTING 209,880 S.F. OF BUILDING/246,549 S.F. OF SITE = .82 RATIO
6. PARKING REQUIRED

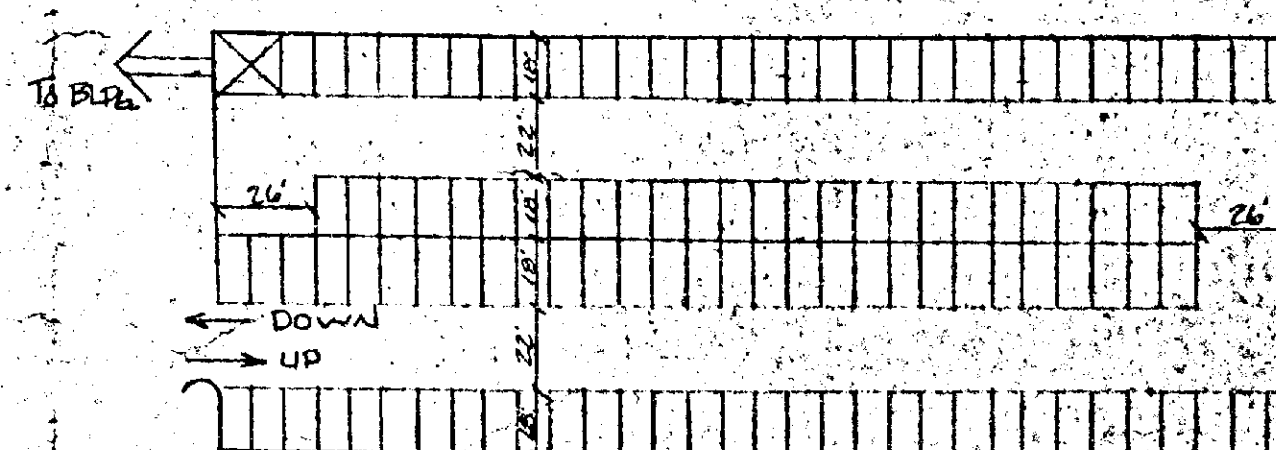
	TOTAL	659.5
	HANDICAPPED .02% OF TOTAL	13
	TOTAL	672.5
	TOTAL NUMBER OF SPACES PROVIDED (INCLUDES 14 HANDICAPPED SPACES)	716
LANDSPACE REQUIRED		
2551 L.F. PUBLIC ROAD/40	113	
800 L.F. INTERNAL/20	40	
224 P.S./12	19	
	172 TOTAL TREES	

9. FROM SECTION 204.4C3 TO ALLOW A .82 FLOOR AREA RATIO IN LIEU OF THE MAXIMUM .55.
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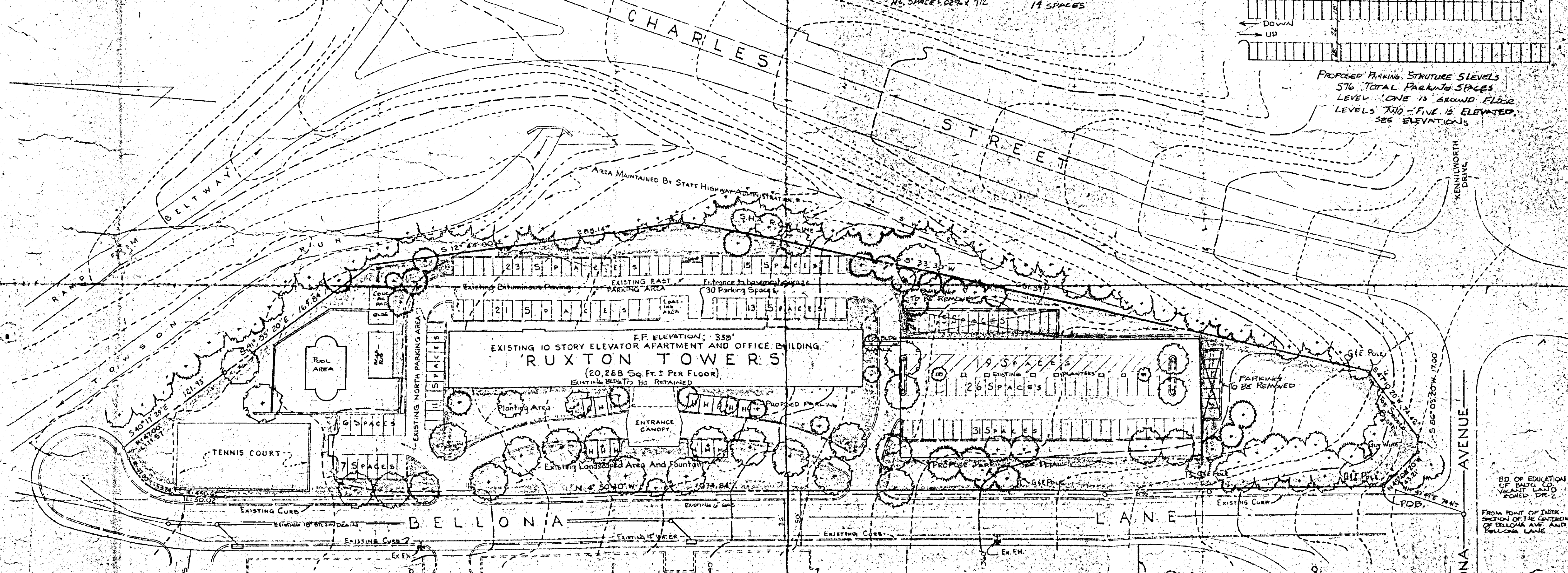


AMENITY OPEN SPACE

PROPOSED PARKING
NORTH EAST BASEMENT PARKING = 126 SPACES
PROPOSED STRUCTURE PARKING = 576 SPACES
PROPOSED PARKING IN FRONT = 0 SPACES
TOTAL SPACES = 702 SPACES
14 SPACES



PROPOSED PARKING STRUCTURE 5 LEVELS
576 TOTAL PARKING SPACES
LEVEL ONE IS GROUND FLOOR
LEVELS TWO-FIVE IS ELEVATED
SEE ELEVATIONS



EXISTING TREES
LANDSCAPING KEY
MAJOR DECIDUOUS
MAJOR EVERGREEN

LETTERING 8" HIGH MAX

SIGN DETAIL
25 S.F. PER FACE
(20' FACE = 50 S.F.)
1" = 3'

WEST ELEVATION
SCALE 1" = 50' HORIZ.

EAST ELEVATION
SCALE 1" = 50' HORIZ.

NOTE: EXISTING UTILITIES AS FOLLOWS:
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8" SANITARY SEWER IN BELLONA LANE: DUGS # 64-0118-10
18" STORM DRAIN IN BELLONA LANE: DUGS # 70-0234-63112

PRESENT ZONING DR16
PRESENT USE CHARLES GATE APARTMENT
PLAT 076 33/191

PRESENT ZONING O-1
PRESENT USE BELLONA LANE LTD. PARTNERSHIP

PRESENT ZONING RD
PRESENT USE LOT 5 JOHN T. ANIMILER ET AL
556/742-0700

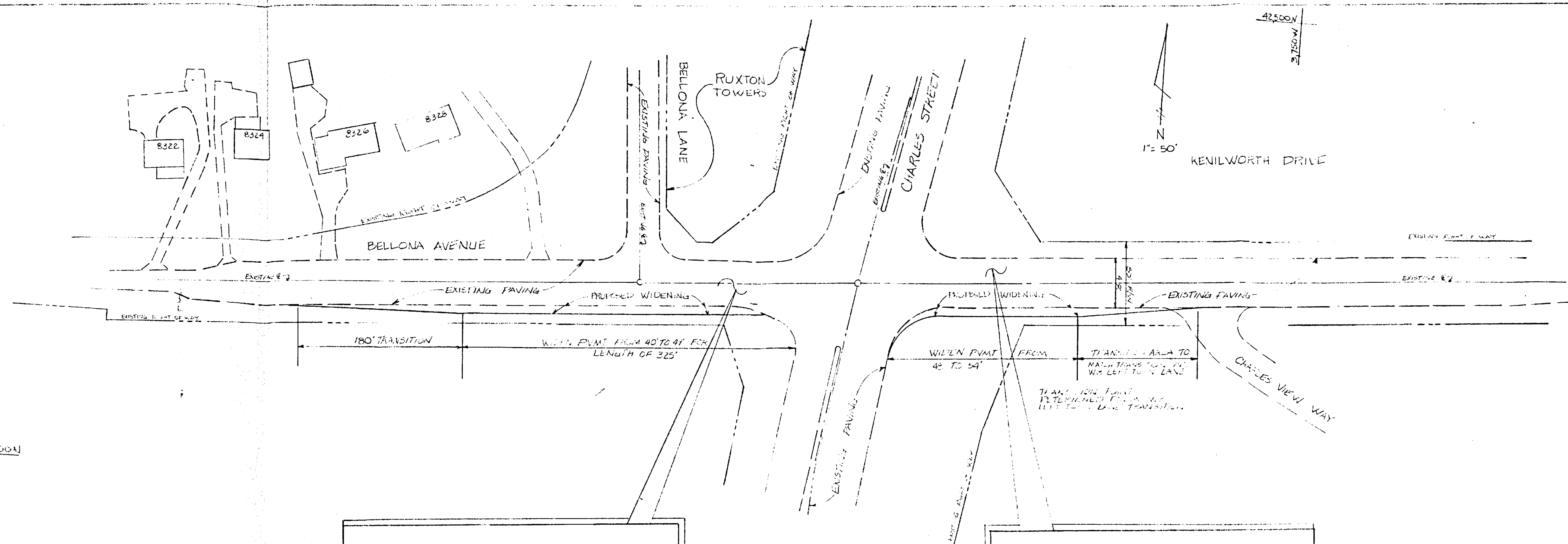
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OWNERS
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WILLARD HACKERMAN
1701 MERIDENE DRIVE
BALTIMORE, MARYLAND 21239

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION, VARIANCES, AND SPECIAL HEARING.

RUXTON TOWERS
BALTIMORE, COUNTY, MD
ELECTION DISTRICT NO. 8
SCALE 1" = 50'
CASE NO. 70
FEBRUARY 26, 1990
COUNCILMANIC DISTRICT 3
SHEET 1 OF 2

CR 90-469 SPA. Petitioners 1



	10'
	11'
	11'
	11'
	11'

DRIVEWAY PAVEMENT
 CROSS SECTION
 T = 20'

NOTES
① PROPOSED HWY WIDENING WILL TAKE PLACE WITHIN EXISTING HWY ROW.

SHEET 2 OF 2

CR90-
409 SPHA Petitioners' 1 -

GWS

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

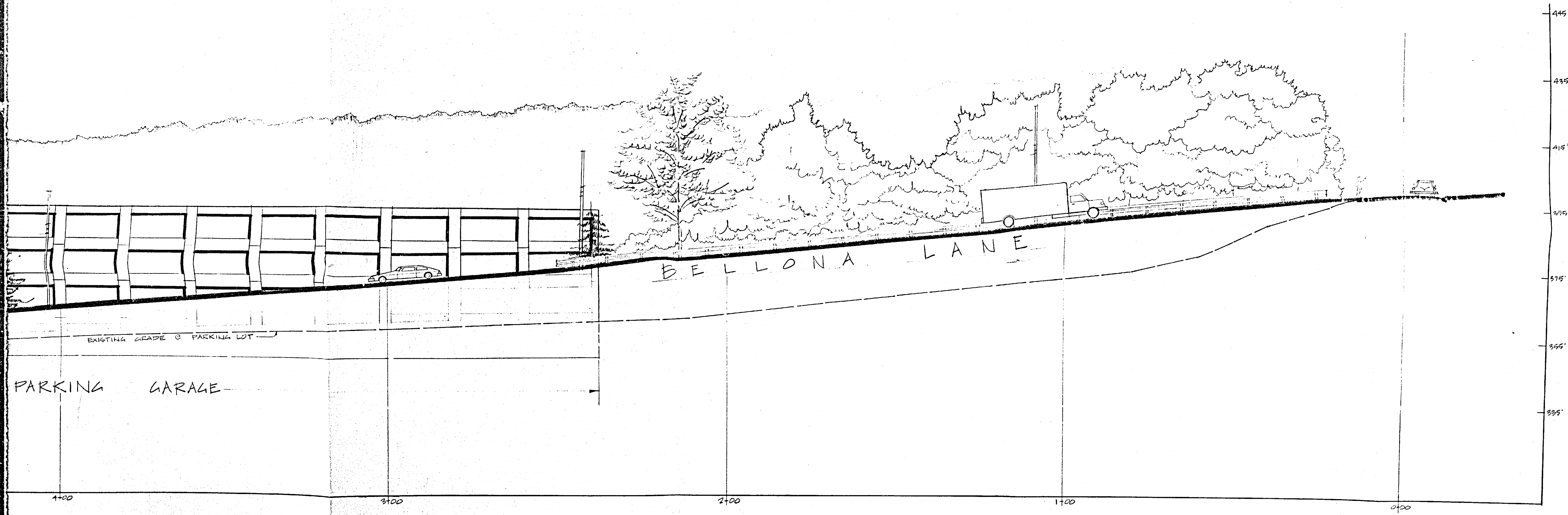
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

AMENDMENT TO THE PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION
VARIANCES AND SPECIAL HEARING.

RUXTON TOWERS

PROPOSED ROAD AND INTERSECTION IMPROVEMENTS TO BELLOUA AVE. AND
KENILWORTH DRIVE AT CHARLES STREET

REVISIONS:

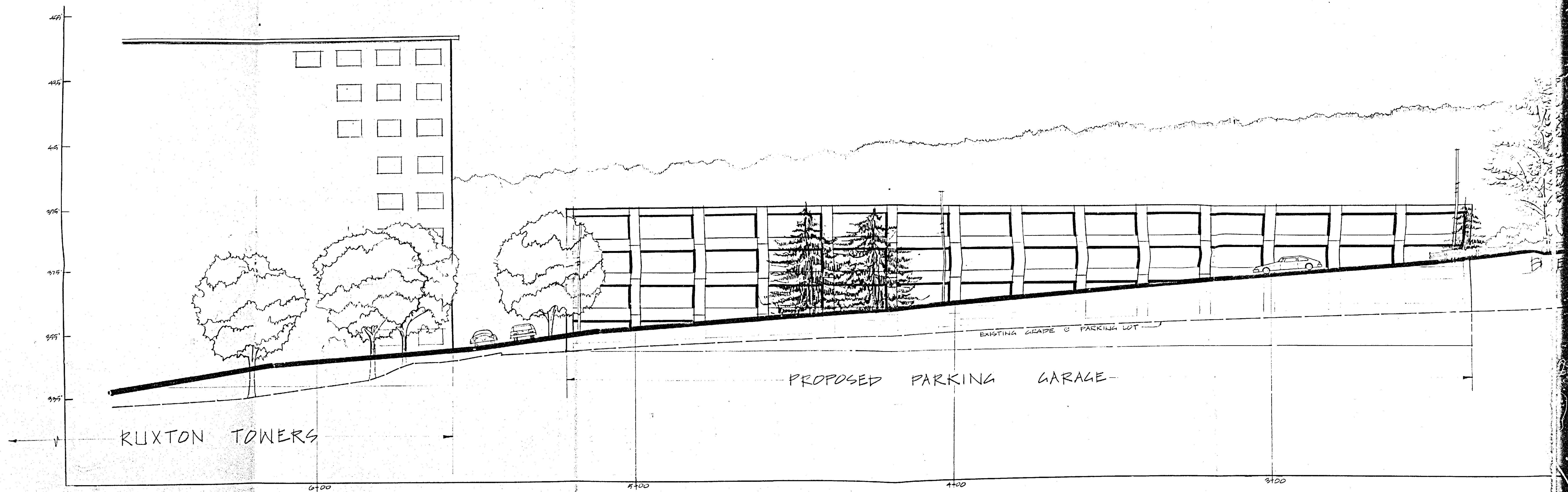


WEST ELEVATION

KLIXTON TOWERS

HORIZ. SCALE: 3/4" = 10'
 VERT. SCALE: 3/4" = 10'
 DATE: 12 AUGUST 1991

4575240 Petitioner 5-



WEST ELEVATION

IN THE COURT OF SPECIAL APPEALS

CLARIDGE TOWERS COMPANY

v.

PHC No. 337

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.

September Term, 1992

LINE OF DISMISSAL

Now comes Claridge Towers Company, by its attorneys, George A. Breschi and DiNenna and Breschi, and request that case number PHC No. 337 be dismissed.

GEORGE A. BRESCHI
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Claridge Towers Company

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of November, 1992, a copy of the foregoing Line for Dismissal was mailed, postage prepaid to Peter Max Zimmerman, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204 and to Richard Burch, 105 W. Chesapeake Avenue, Suite 300, Towson, Maryland 21204.

GEORGE A. BRESCHI

81:111W 6-AON26

RECEIVED
COURT OF SPECIAL APPEALS
SEP 13 1992

MANDATE
Court of Special Appeals

No. 953, September Term, 1992

Claridge Towers Company
v.
People's Counsel for Baltimore County et al.

JUDGMENT: November 9, 1992: Line of Dismissal filed by counsel for the appellant. Appeal dismissed.
November 10, 1992: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE COUNTY
91CV4798

Record..... 50.00
Stenographer Costs..... 134.50
* Total * 184.50 *

In Court of Special Appeals:

Filing Record on Appeal..... 50.00
* Total * 50.00 *

Docket Clerk
Zoning
F.V.I.
Linda J. J. J.

MICROFILMED

STATE OF MARYLAND, Set:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this 16th day of November, A.D. 19 92

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.



Baltimore County, Maryland

PHYLLIS COLE FRIEDMAN
People's Counsel

March 26, 1992

PETER MAX ZIMMERMAN
Deputy People's Counsel

The Honorable
Leonard S. Jacobson, Judge
Circuit Court for Baltimore County
Courts Building, 401 Bosley Avenue
Towson, Maryland 21204

RE: People's Counsel, et al. v. Claridge
Towers, Case No. 91 CV 4798

Dear Judge Jacobson:

In preparation for the upcoming oral argument in this case, I believe it would be helpful to clarify the scope of judicial review. This is not the routine zoning or administrative law case, in which the court must defer to the judgment of the administrative agency. Rather, in a zoning reclassification case, the court must review the record to determine whether the agency itself respected the judgment of the legislature, which cannot be overturned unless arbitrary or capricious. As the cases put it, there must be strong evidence of "mistake."

An excellent illustration of the application of this more stringent scope of review in a rezoning case is F & S Limited Partnership v. People's Counsel for Baltimore County, No. 1619, September Term, 1990, which was referred to in the closing argument of the Claridge Towers case. A copy of the Court of Special Appeals decision is enclosed. In this case, involving another request for a reclassification from residential to office use, the County Board of Appeals granted the rezoning. But this approval was reversed by Judge Joseph Murphy because there was not sufficient evidence for the agency to overturn the County Council's decision. The Court of Special Appeals affirmed Judge Murphy. As a result, the rezoning was denied.

I hope this letter is of assistance in the court's deliberations on this case.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: George A. Breschi, Esquire
Richard C. Burch, Esquire

PMZ:sh

RECEIVED
MAR 27 1992
JUDGE LEONARD S. JACOBSON

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1619

September Term, 1990

F & S LIMITED PARTNERSHIP

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, et al.

Moylan,
Wenner,
Motz,

JJ.

PER CURIAM

Filed: August 5, 1991

SUZANNE MENSCH, CLERK
CIRCUIT COURT FOR BALTIMORE COUNTY
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MARYLAND 21285-6754

CERTIFIED
P 314 DCS 145
MAIL

Claridge Towers
from Circuit Court 10/10/97
#CR-90-409-SPHA
CLOSED BY CBK
and file to PMZ
12-22-92

Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

CLARIDGE TOWERS COMPANY

#CR-90-409-SPHA

E/s Bellona La., 74' ± N of c/l Bellona La.
(8415 Bellona La.)

Item #10, Cycle III, 1990
8th Election District
3rd Councilmanic District

D.R.16 to 0.1
SHH-approve existing SE's granted prior hereto.
VAR-floor area ratio and height restrictions

4.944 acres (documented)

March 1, 1990 Petition filed.

*S. Eric DiNenna, Esquire Counsel for Petitioner
P.O. Box 10508
Towson, MD 21285-0508

Claridge Towers Company Petitioner
c/o S. Eric DiNenna, Esquire
P.O. Box 10508
Towson, MD 21285-0508

James Earl Kraft
Board of Education of Balto. Co.
940 York Road
Towson, MD 21204

Phyllis C. Friedman, Esquire People's Counsel for Balto. Co.

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

Mr. H. Robert Christopher
1 Malibu Ct., 21204

Claridge Towers

Please notify

Louise Seligson Nancy Matthews
P.O. Box 204 (337-0792)
Redwood, MD 21139

Sarah F. Lord
6219 Falls Road
Baltimore, MD 21209

Nancy W. Horst
7819 Ellenham Avenue
Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits & Development Management

DATE: October 2, 1997

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: File returned from the Circuit Court:
Closed File: Case No. CR-90-409-SPHA
Claridge Towers Company

The attached material was received by this office from the Clerk of the Court on October 1, 1997. As this file was closed on December 21, 1992 and all documents returned to your office at that time, I am forwarding this material to you for disposition.

Attachment

PHYLLIS COLE FRIEDMAN, ESQ.

PETER MAX ZIMMERMAN, ESQ.
ROOM 304, COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

887-2188

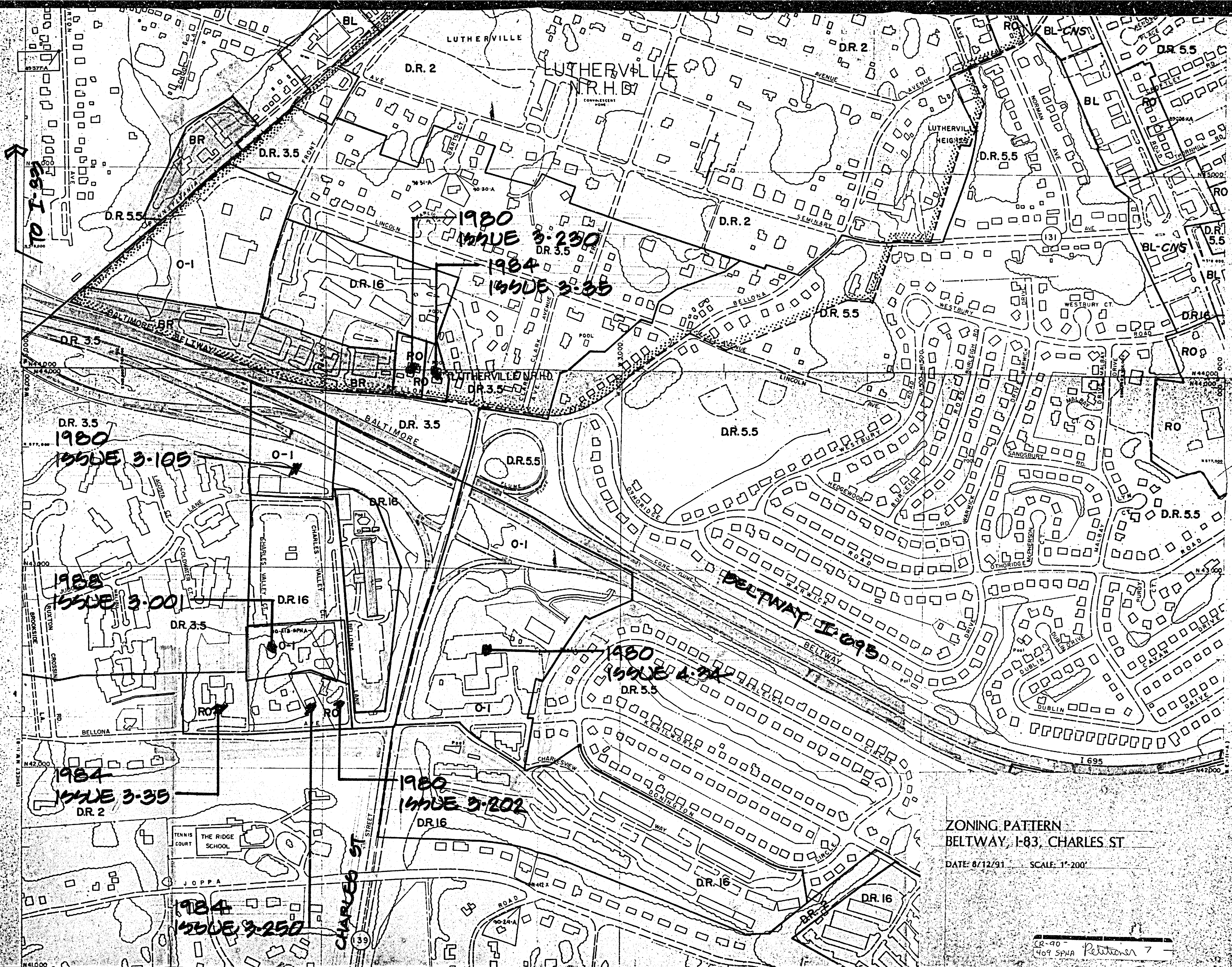
Filed

FOR APPELLEE

C#P314/07309
8/18/92

9/29

2/93



ZONING PATTERN
BELTWAY, I-83, CHARLES ST

DATE: 8/12/91 SCALE: 1"=200'



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

August 30, 1991

S. Eric DiNenna, Esquire
Mercantile Towson Building
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. CR-90-409-SPHA
Claridge Towers Company

Dear Mr. DiNenna:

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. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Claridge Towers Company
Ms. Louise Schulz
Ms. Sarah Lord
Ms. Nancy W. Horst
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

#10
CR-90-409-SPHA

IN THE MATTER OF
CLARIDGE TOWERS CO.
REQUEST FOR RECLASSIFICATION * BEFORE THE
* * * * *
COUNTY BOARD OF APPEALS

MEMORANDUM IN SUPPORT OF PETITION

NOW COMES Claridge Towers Co. in support of their Request for Reclassification pursuant to the documented site plan submitted, as well as the Variances requested, says:

1. That the subject property is improved with a ten (10) story apartment building constructed in the early 1960's;
2. That your Petitioner requests a reclassification from the present DR 16 zone to an O1 zone, wherein the present apartment building enjoys a nonconforming use at its intersection on Charles Street near the Beltway and Bellona Avenue in Baltimore County, Maryland;
3. That though the property was at issue before the County Council in the Comprehensive Zoning Map adoption of 1988, the Council committed error in classifying the property DR 16 in that it did not consider the surrounding area, the topography, the adjoining land uses, and the access to the subject property;
4. That the County Council erred in that it did classify other adjoining properties in the O1 classification, though failed to classify this property O1;
5. That one adjoining property that was classified O1 was vacant land and was not improved by an existing dwelling or existing building as the subject property is;
6. That on the east side of Charles Street, an existing

- 1 -

office building was classified O1 and the subject property is completely surrounded by more than adequate access to the Interstate 695, (the Baltimore Beltway), Charles Street to the south, and other accessible roads for traffic purposes as well as land use;

7. That the property is no longer conducive to residential development because of the additional O1 zoning classifications of the properties surrounding said subject property; not only did the Council commit error, but there has been substantial changes in the character of the neighborhood justifying the Reclassification Request.

For the foregoing reasons, it is respectfully requested that the Board of Appeals grant the O1 zoning along with the variances for the existing structure.

S. Eric DiNenna
S. ERIC DINENNA
DINENNA, MANN & BRESCHI
P.O. Box 10508
Towson, Maryland 21285-0508
(301) 296-6820

Attorney for Claridge Towers Co.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15 day of March, 1990, a copy of the abovegoing Memorandum in Support of Petition was mailed, postage prepaid, to People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Mr. David Fields, Director of Planning for Baltimore County, Court House, Towson, Maryland 21204.

S. Eric DiNenna
S. ERIC DINENNA

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

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 16 zone to an O1 zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

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

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

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

Contract Purchaser: Claridge Towers Co.
(Type or Print Name)
Signature: *Willard Hackerman*
(Type or Print Name)
Address: *409 Washington Ave., Suite 600*
City and State: *Towson, Maryland 21204*
Attorney for Petitioner: *S. Eric DiNenna, Esquire*
(Type or Print Name)
Signature: *S. Eric DiNenna*
Address: *409 Washington Ave., Suite 600*
City and State: *Towson, Maryland 21204*
Attorney's Telephone No.: *296-6820*

BAC-Form 1

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 600.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Existing Special Exceptions granted prior hereto.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Claridge Towers Co.
(Type or Print Name)
Signature: *Willard Hackerman*
(Type or Print Name)
Address: *409 Washington Ave., Suite 600*
City and State: *Towson, Maryland 21204*
Attorney for Petitioner: *S. Eric DiNenna, Esquire*
(Type or Print Name)
Signature: *S. Eric DiNenna*
Address: *409 Washington Ave., Suite 600*
City and State: *Towson, Maryland 21204*
Attorney's Telephone No.: *296-6820*

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day of August, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19 day of August, 1991, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

ECO-1

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4C3 to permit .82 floor area ratio in lieu of .55, 204.4D to allow 96 feet in lieu of maximum of 60 feet.

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

1. Shape of property;
2. Existing structure per previous zoning approval;
3. Such other and further relief and reasons to be presented at time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Claridge Towers Co.
(Type or Print Name)
Signature: *Willard Hackerman*
(Type or Print Name)
Address: *409 Washington Avenue, Suite 600*
City and State: *Towson, Maryland 21204*
Attorney for Petitioner: *S. Eric DiNenna, Esquire*
(Type or Print Name)
Signature: *S. Eric DiNenna*
Address: *409 Washington Avenue, Suite 600*
City and State: *Towson, Maryland 21204*
Attorney's Telephone No.: *296-6820*

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day of August, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19 day of August, 1991, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

ECO-1

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 1082, TOWSON, MARYLAND 21204

#10
CR-90-409-SPHA

February 23, 1990

Description to accompany request for Reclassification and Variances
RUXTON TOWERS - Bellona Lane

Beginning for the same at a point on the eastern side of Bellona Lane (50 foot wide), said point being North 14 degrees 47 minutes 49 seconds East 74.41 feet from the intersection formed by the centerline of said Bellona Lane and the centerline of Bellona Avenue, running thence leaving said point of beginning, binding on the eastern side of said Bellona Lane, the two following courses, viz:
1) North 04 degrees 50 minutes 10 seconds West 107.84 feet and
2) Northwest by a curve to the right having a radius of 450.62 feet for a distance 50.02 feet, said curve being subtended by a chord bearing North 01 degrees 39 minutes 22 seconds West 49.99 feet, to the beginning of the cul-de-sac of said Bellona Lane, running thence binding on said cul-de-sac the two following courses, viz:
3) Northeast by a curve to the right having a radius of 47.00 feet for a distance 53.24 feet, said curve being subtended by a chord bearing North 33 degrees 58 minutes 39 seconds East 50.44 feet and
4) Northeast by a curve to the left having a radius of 47.00 feet for a distance 11.57 feet, said curve being subtended by a chord bearing North 59 degrees 22 minutes 50 seconds East 11.54 feet, running thence leaving said cul-de-sac, binding on the southwestern side of the Baltimore Beltway, I-695, the three following courses, viz:
5) South 40 degrees 17 minutes 29 seconds East 121.93 feet,
6) South 41 degrees 35 minutes 20 seconds East 169.84 feet and
7) South 12 degrees 44 minutes 00 seconds East 208.14 feet to northern side of Charles Street, running thence binding on the northern side of said Charles Street,
8) South 08 degrees 33 minutes 30 seconds West 651.37 feet to the cutoff leading to the northern side of said Bellona Avenue, running thence binding on said cutoff,
9) South 47 degrees 10 minutes 20 seconds West 74.42 feet to the northern side of said Bellona Avenue, running thence binding on the northern side of said Bellona Avenue,
10) South 88 degrees 03 minutes 20 seconds West 17.00 feet to the cutoff leading to the eastern side of said Bellona Lane, running thence binding on said cutoff,
11) North 49 degrees 08 minutes 20 seconds West 43.21 feet to the point of beginning.

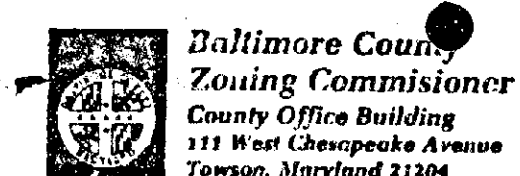
Containing 4.944 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *8th*
Posted for: *Reclassification*
Petitioner: *Claridge Towers Company*
Location of property: *409 Washington Ave., Suite 600, Towson, Maryland 21204*
Location of Sign: *409 Washington Ave., Suite 600, Towson, Maryland 21204*
Remarks: *S. Eric DiNenna*
Posted by: *S. Eric DiNenna*
Number of Signs: *1*
Date of Posting: *February 23, 1990*
Date of return: *February 23, 1990*



Date: *3/01/90*
PUBLIC HEARING FEES
620 - ZONING VARIANCE (OTHER) 1
040 - SPECIAL HEARING (OTHER) 1
060 - RECLASSIFICATION 1
070 - SUM OF ABOVE FEES (MAXIMUM) \$450.00
TOTAL: \$450.00
LAST NAME OF OWNER: CLARIDGE TOWERS
8 084****4500016 2016F
Please make checks payable to: Baltimore County

MICROFILM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
P. David Fields, Director Date: April 16, 1991
TO: Office of Planning & Zoning
FROM: William T. Hackett, Chairman
County Board of Appeals
SUBJECT: Documented Site Plan Submitted /Amended
Case No. CR-90-409-SPHA /Claridge Towers Company

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you a copy of the amended documented plan submitted to the County Board of Appeals at a public hearing on April 16, 1991. This copy is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding ten copies of this amended plan to the Zoning Office.

5/4/91
William T. Hackett

Attachment (1 copy of Amended Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/10 copies of Amended Plan

file copy

CR-90-409-SPHA 5/13/92 REMANDED case to
CBA to REVERSE Opinion and DENY Petition.
PEOPLE'S COUNSEL FOR : IN THE CIRCUIT COURT
BALTIMORE COUNTY, et al., : FOR BALTIMORE COUNTY
Appellants : CASE NO. 91 CV 4798
v. :
CLARIDGE TOWERS COMPANY, :
Appellee : : : : :
ORDER

Upon review of the record, and having considered the petitions for appeal of all parties, memoranda, and argument in open court on April 14, 1992, it is, this 14th day of May, 1992, by the Circuit Court for Baltimore County, ORDERED that the Amended Opinion and Order of the Baltimore County Board of Appeals dated September 19, 1991 be, and hereby is reversed, and the case is remanded to said Board for the entry of an order denying the petition for zoning reclassification filed in this case.

Leonard S. Jacobson, Judge
Circuit Court for Baltimore County

APPROVED AS TO FORM:

Peter Max Zimmerman
Deputy People's Counsel

Richard C. Burch, Jr.
Attorney for Individual Appellants

George A. Breschl
Attorney for Claridge Towers Company

MICROFILMED

True Copy Sent
to Baltimore County
Planning Board

FILED MAY 1 1992

MAY 18 1992

CLARIDGE TOWERS COMPANY CASE NO. CR-90-409-SPHA
E/s Bellona La. 74' x N of c/l Item #10, Cycle III, 1990
Bellona La. (8415 Bellona Lane) 8th E; 3rd E
Reclassification from D.R.16 to O-1 (4.944 acres)
SPH & VAR

March 1, 1990 Petition filed by S. Eric DiNenna, Esquire, on behalf of Claridge Towers Company for a Zoning Reclassification from D.R.16 to O-1 (4.944 acres), Variance and Special Hearing on the subject property.
April 16, 1991 Documented Site Plan submitted to County Board of Appeals at hearing.
May 22 Planning Board Comments.
August 13, 1991 Hearing before the Board of Appeals.
August 30 Opinion and Order of the Board GRANTING the Petition for Reclassification for the first through the fourth floors; DENYING the request for Variances and Special Hearing.
September 19 Amended Opinion and Order of the Board GRANTING the Petition for Reclassification of entire building but limiting medical office use to four floors; DENYING the request for Variances and Special Hearing.
September 30 Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County and Thomas E. Crow, Jr., et al.
October 1 Certificate of Notice sent to interested parties.
October 7 Petition to Accompany Appeal filed in the Circuit Court for Baltimore County by People's Counsel, et al.
October 29 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.
October 10 Order for Appeal and Cross Appeal filed in CCT, RCO by S. Eric DiNenna, Esq. for Claridge Towers Company.
October 15 Certificate of Notice sent to interested parties.
May 11, 1992 CCT Order REMANDING case to CBA for REVERSAL of Opinion and DENIAL of Petition.
May 28 Appeal to CSA filed by Robert A. Breschl, Esquire.
November 6 Line of Dismissal filed in CSA by George A. Breschl, Esquire.
November 10 Mandate issued. Appeal dismissed.

3/22/91-Following parties notified of hearing set for April 16, 1991 at 9:30 a.m. for the purpose of submitting a documented site plan only:

S. Eric DiNenna, Esquire
Claridge Towers Company
Ms. Louise Schultz
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

4/16/91 -Amended Documented Site Plan submitted at hearing; (H.F.M.); plan forwarded to Planning, with 10 copies to Zoning Office (Carl Richards). Re-scheduled hearing on merits for August 13, 1991 (notices yet to be sent).
4/26/91 - Above parties notified of hearing set for August 13, 1991 at 10:00 a.m.

PO
Document
March 5/4/91

CLARIDGE TOWERS COMPANY

#CR-90-409-SPHA
Item #10, Cycle III, 1990

9/17/90 -T/C W/E. DiNenna, Counsel for Petitioner; to amend documented site plan on the record; will require only a few minutes; therefore, CBA will be able to utilize hearing day for another hearing immediately following submission of amended plan per Mr. DiNenna.

10/24/90 -Geraldine Klauber on behalf of E.DiNenna appeared at hearing and requested continuance for preparation of amendments to documented site plan; granted; not to be reset until requested. (RMF)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County DATE: May 7, 1991
Planning Board

FROM: Arnold F. "Pat" Keller, III, Deputy Director
Office of Planning and Zoning

SUBJECT: Amended Documented Site Plan/
Case No. 90-409-SPH/Claridge Towers Company

Pursuant to Section 2-58-1(m) of the Baltimore County Code, an amended documented site plan was referred by the Board of Appeals to the director of the Office of Planning and Zoning. Following consideration of this office, a recommendation regarding the above-mentioned case is offered herewith.

Arnold F. "Pat" Keller, III
Deputy Director

AFKIII/cmm
SITEPLAN.1/CYCLE

CASE NO. CR90-409

CYCLE III, ITEM 10

PETITIONER

Claridge Towers Company

REQUESTED ACTION

Reclassification to O-1

EXISTING ZONING

D.R.16 (Density Residential)

LOCATION

East side of Bellona Lane, 74 ft. north of center line of Bellona Avenue (#8417 Bellona Avenue).

AREA OF SITE

5.66 acres

ZONING OF ADJACENT PROPERTY/USE

North - D.R.5.5, I-695
South - Across Bellona Avenue, D.R.2, vacant land
East - Across Charles Street, O-1 office building
West - Charlesgate Apartments (D.R.16) and O-1, R-O office structures

SITE DESCRIPTION

The site presently contains an existing structure of 10 stories, constructed in the early '60s, with approximately 90 thousand sq. ft. allocated as an amenity open space. Approximately 217 parking spaces are in existence; 20,000 sq. ft. of permitted class "C" office space exists on floors 1-2 for such uses as medical offices, and a beauty shop.

PROPERTIES IN THE VICINITY

The site lies adjacent to an apartment complex west of the site, as well as a Class "C" office building (under construction) and a Class "A" office building.

On the south side of Bellona Avenue lies undeveloped D.R.2 zoned land owned by Baltimore County Board of Education.

On the east side of Charles Street lies O-1 zoned property, containing an office building.

MICROFILMED

Claridge Towers Company
Case No. CR90-409, Cycle III, Item 10
Page 2

WATER AND SEWERAGE

The property is served by public water and sewer. The area is designated W-1, S-1, according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS

The site has access directly onto Bellona Lane.

ZONING HISTORY

The property has been zoned D.R.16, and was considered during the 1988 Comprehensive Zoning Map Process (Item 3-268) for a classification from D.R.16 to O-1. This reclassification was denied, and the petitioner claims that this denial is an error based on the council's not considering "...surrounding area, topography, adjoining land uses, and the access to the subject property ... [and] council's classifying other adjoining properties in the O-1 classification, though [it] failed to classify this property O-1.

Section 204.2 of the B.C.Z.R. states that:

A. To O-1 zoning classification is established primarily to accommodate development or limited enlargement of medium-size conventional office buildings on sites that should not be restricted by regulations of the R-O or moderate-density D.R. classifications, for reasons stated in the declaration of findings above. [Bill No. 167, 1980.]

MASTER PLAN/COMMUNITY PLANS

The Baltimore County Master Plan designates the area as a community conservation area. This designation, as proposed in the Master Plan was designed to protect and enhance the residential elements of older communities existing within the county. In keeping with this philosophy, the present amount of R-O and O-1 office space in the surrounding area is adequate, with the residential component being the predominant zone in the surrounding community.

PROPOSED VS. EXISTING ZONING

The regulations for D.R. zones may be found in Section 1801 of the B.C.Z.R. Regulations governing the O-1 zone can be found in Section 204 of the B.C.Z.R.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION

The petitioner has requested a re-classification of the property (known as Ruxton Towers) from D.R.16 to C-1, in order to convert an existing 10-story apartment building to office use, with variances to height and floor area ratios.

Based upon an analysis of the property and in consideration of adjacent zoning and issues related to the site plan, this office recommends a "DENIAL" of the petitioner's request.

DOCUMENTED SITE PLAN

The documented site plan indicates a proposed 5-level, flat-roofed parking structure providing 576 parking spaces to correspond to the petitioner's proposed increase in office space. Elevations of this structure display a building 284' X 110' X 45' in size, the first floor being ground level. Landscaping reflected on the plan is general, with little provided as to address the adequacy of buffering to adjacent properties. Ingress and egress to the parking structure has not been specified.

The existing structure will experience no exterior structural alterations, with the entire building converting to 222,880 sq. ft. of office space.

This office has specific concerns over the following:

1. The increase of traffic generated from this proposed conversion to office space would exacerbate the increasing congestion at the intersection of Bellona Avenue and Charles Street.

Note: The Board of Appeals, in their opinion denying case number 76-34X, (a request to expand the third floor to office space), stated "...at the present time, the intersection of Charles Street and Bellona Avenue is heavily burdened by traffic, and in the opinion of this Board, the increased number of trips in and out of the subject site, caused by the proposed conversion to office, would further aggravate the existing situation to the point that would not ensure the safety of those using the intersection and the road within close proximity of the subject property."

2. No adequate information about the parking garage has been provided. Specific information is needed on the ingress/egress routes, the materials to be used in the building's construction, its design, and detail as to the elevation drawings, as well as the use of landscaping and its integration with what has been used in other areas of the site.

MAILED

It is for these reasons, as well as the above-mentioned comments, that this office recommends the Board's denial of the petitioner's request.

AMENDED PLAN

The applicant has amended the plat which accompanies the petition for the zoning reclassification, associated variances and special hearing. The amended plan indicates the proposed road improvements to Charles Street and intersection improvements to Bellona Avenue and Kenilworth Drive at Charles Street. Specifically, the plan shows the proposed widening of Charles Street and also includes a pavement cross-section. The submission of the amended plan does not change the position of the Office of Planning and Zoning. Therefore, as previously indicated, the staff recommends the petitioner's request be denied.

CLARIDGE.TWR/CYCLE

ERK, 4/23
See copy of Balto. Co. Code
Also may be found on
pages A-28/29 +
A-39, 40, 41 of
Zoning Regulations Cal

Sec. 2-58.1. Delegation to board of appeals of interim power to change zoning classification of property; method of interim zoning reclassification; method for early action on reclassification due to public interest of emergency.

(a) The board of appeals shall have the power to make a change as to the district, division or zone within which a particular piece of property is classified (zoning reclassification) as hereinafter provided. As used in this section, the term "use" includes development, except where otherwise indicated by the context.

(b) A petition for a zoning reclassification of a property (reclassification petition) may be filed with the board of appeals only by the legal owner of such property, or by his legally authorized representative. Except for those petitions filed prior to April 16, 1979 each such petition shall be filed no later than forty-five (45) days prior to the beginning of the next succeeding cycle and shall include an explanation of the reasons why, in the petitioner's opinion, the reclassification sought should be made, set forth in sufficient detail to properly advise the county authorities required for justification for the action sought shall be supported in the petition by precise description of such change and any allegation of error shall be so supported in similar detail and as further required by subsection (i) of this section. No such petition may be

58

1986 CUMULATIVE SUPPLEMENT §258.1

accepted for filing unless it meets the board of appeals rules of practice and procedure, except that the petitioner may choose to submit plans that do not show any proposed use of the property under petition, regardless of any requirement in those rules to the contrary (see also subsection (1)).

(c) For the purpose of considering contemporaneous zoning reclassification petitions in relation to each other and according to a standard schedule, the following semiannually recurring schedule periods are hereby established, to be applicable on and after April 16, 1979, subject to provisions hereinafter set forth:

April-October Cycle October-April Cycle
Period I April 16-May 31 and October 16-November 30
Period II June 1-July 31 and December 1-January 31
Period III August 1 and February
Period IV September 1 and March 1-June 30

(d) With the exception of those reclassification petitions exempted under the procedure set forth in subsection (i) of this section, copies of all zoning reclassification petitions accepted for filing by the board of appeals shall be transmitted within five (5) days after receipt to the office of the zoning commissioner, who shall make the facilities and staff of his office available to the board of appeals for the purpose of:

- (1) Reviewing all such petitions for compliance with applicable statutes and regulations;
- (2) Preparing the appropriate advertisements;
- (3) Causing said advertisements to be published; and
- (4) Posting the individual properties involved in the cycle: all as required by this section and rules of practice and procedure of the board of appeals. No later than five (5) days prior to Period I of the following cycle, the petition and appropriate comments shall be transmitted by the office of the zoning commissioner to the board of appeals. The board of appeals shall transmit the petition and comments to the director of planning and zoning within the first five (5) days of Period I of the following cycle. Within fifteen (15)

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BALTIMORE COUNTY CODE

clusion of immaterial or unduly repetitious evidence, and number of witnesses shall be limited if it appears that their only may be merely cumulative.

All evidence, including records and documents in the possession of the agency, of which it desires to avail itself, shall be made part of the record. Documentary evidence may be in the form of copies or excerpts, or by incorporation by reference.

Representative statements may be read by participants in the hearing if they include factual material and do not include argument, provided copies of said statements have been delivered to the board and opposing counsel at least five (5) days prior to the hearing, and their admissibility ruled upon, the same as if the content were presented in the usual manner. "Prepared statements" within the meaning of this section shall not include reports, written summations, letters, expert opinions of special expert witnesses and other similar documents.

Except as may otherwise be provided by statute or regulation, the proponent of action to be taken by the board shall have the burden of proof.

Any official record or entries therein when admissible for purpose may be evidenced by an official publication thereof as attested by the officer having legal custody of the record, and the appearance of the officer will not be required or demanded by a party to the case and for good cause shown, this rule does not prevent any party from summoning proper witness to attend any hearing before the board.

Records of other proceedings before the board may be offered in evidence by the production of the files containing said records in other proceedings.

In such cases as the board may determine, it may by order require that the direct testimony of all "expert" witnesses be taken in writing, accompanied by copies of all exhibits to reference is therein made, unless such are of a voluminous nature or within the files of, or readily available to, the board of appeals, in which case adequate reference shall be made thereto, testimony shall be submitted by the parties required so to

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1986 CUMULATIVE SUPPLEMENT App. C

do and under the time and service provisions as contained in said order. Thereafter, said "expert" witnesses shall be personally present at the hearing for affirmation of their written statement and exhibits previously submitted and for cross-examination.

Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that he has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that he is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting or first meeting of each year, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee.

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.

Rule 9. Special rule pertaining to original petitions for reclassification, special exception and/or variance.
a. Application of Rule. This rule shall apply only to petitions for reclassification, special exception and/or variance filed with the board pursuant to section 2-58.1 of Article V, "Boards and

477

501.7--The decision and order of the Board of Zoning Appeals may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the Order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to zoning regulations and restrictions. [B.C.Z.R., 1955.]

501.8--The charges and fees for procedures, before Zoning Commissioner, to be paid by petitioner and before the Board of Appeals, by the appellant, shall be as follows: [B.C.Z.R., 1955; Bill No. 64, 1960; No. 57, 1982; No. 36, 1984.]

Cost of procedure before Zoning Commissioner: [B.C.Z.R., 1955, Paragraph 501.8 a; Bill No. 64, 1960; No. 57, 1982.]

(a) Petition for Special Exception \$100.00 [B.C.Z.R., 1955, Subparagraphs 501.8.a(1) and 501.8.a(2); Bill No. 64, 1960; No. 57, 1982.]

(b) Petition for Special Hearing-pertaining to a one-family residence [Bill No. 57, 1982.] 35.00

(c) Petition for Variance-pertaining to a one-family residence [Bill No. 57, 1982.] 35.00

(d) All other petitions for Variance or Special Hearing [Bill No. 57, 1982.] 100.00

(e) Maximum charge for Petitions filed together [Bill No. 57, 1982.] \$250.00

Cost of proceedings before the County Board of Appeals: [Bill No. 57, 1982.]

(a) Appeals from granting or refusing to grant a Special Exception [Bill No. 57, 1982.] \$100.00

(b) Petition for reclassification [Bill No. 57, 1982.] 100.00

(c) All other hearings or appeals [Bill No. 57, 1982.] 75.00

The fees established herein may be changed by the County Administrative Officer from time to time and shall be in addition to advertising and posting expenses as established by the County Administrative Officer. In addition, the County Administrative Officer shall waive any or all of the fees or expenses established herein for the filing of a petition for special exception or variance when such petition is filed by a Baltimore County Volunteer Fire, Ambulance or Rescue Company. [Bill No. 57, 1982; No. 36, 1984.]

See Revised 7/1/89

APPROVED JUL 01 1989

ZONING SERVICE CHARGES Effective 7/1/89

FEE	CURRENT RATE	REVISED CLASSIFICATION	PROPOSED RATE
Petition for Variance- Resident	35	Petition for Variance- Resident	35
Petition for Variance- Other	100	Petition for Variance- Other	175
Petition Spec Hearing- Resident	35	Petition Spec Hearing- Resident	25
Petition Spec Hearing- Other	100	Petition Spec Hearing- Other	175
Petition Spec Exception	100	Petition Spec Exception	175
Petition For Reclass	100	Petition For Reclass	175
Appeal Spec Except Order	100	Appeal Spec Except Order	175
Appeal Reclass Order	100	Appeal Reclass Order	175
Appeal Spec Hearing & Variance	75	Appeal Spec Hearing & Variance	125
Rev Public Hearing Items- Resident	25	Rev Public Hearing Items- Resident	25
Rev Public Hearing Items- Other	35	Rev Public Hearing Items- Other	75
Use Permit Parking- Challenged	100	Use Permit- Parking	175
Use Permit Bed & Breakfast	20	Use Permit- If Hearing Required	25
Use Permit B & B with Hearing	100	Use Permit- If Hearing Required	175
Use Permit Class 'A' Child Ctr	25	Use Permit	25
Use Permit Child Ctr- Challenged	100	Use Permit- If Hearing Required	175
Written Verification of Zoning	20	Written Verification of Zoning **	25
Use Permit	20	Use Permit	25
Use Permit- MVA Certification	20	Written Verification of Zoning	25
Use Permit- NConform Apartments	20	Written Verification of Zoning	25
Use Permit- Beauty Salon	20	Use Permit	25
Use Permit(temp)- Christmas Trees	20	Use Permit	25
Use Permit(temp)- Flowers	20	Use Permit	25
Use Permit(temp)- Signs	20	Use Permit	25
Amend to Devel Plans	25	Amend to Devel Plans-Resident	35
Amend Devel Plans- Challenged	25	Amend Devel Plans- If Hearing Required	50
Challenger Fee	20	Challenger Fee	25
Posting Fee/Sign	15	Posting Fee/Sign	25
Lost Sign & Post	25	Lost Sign & Post	50
Audio Tape of Hearing	10	Audio Tape of Hearing	15

* Maximum charge for petitions or fees \$450.
** Verifications will include liquor and trader licenses

APPROVED: [Signature] 6/89

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 14, 1990

RECEIVED
MAY 25 1990
ZONING OFFICE



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

Zoning Classification Cycle III
Item No. 10
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:

April 1990 - October 1990
Claridge Towers Company
CR-90-409-SHA/October 24, 1990
E/S Bellona Lane, 74' (+/-) N of centerline Bellona Avenue

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

D.R. - 16
8th
3rd
4.944
0-1. Special Hearing to approve existing special exceptions granted at prior hereto. Variance to Section 204.4.C.3 to permit 0.82 Floor Area Ratio in lieu of the allowed 0.55, 204.4D to permit a building height of 96 feet in lieu of the allowed maximum 60 feet.

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

- 1) The additional traffic generated by the zoning changes can be expected to cause major congestion at the intersection of Bellona Lane and Bellona Avenue due to the limit stacking space on Bellona Avenue.
- 2) The intersection of Bellona Avenue, Charles Street and Kenilworth Drive is rated as an "B" level-of-service.

Very truly yours,

MICROFILMED

[Signature]
Michael S. Fianigan
Traffic Engineer Associate II

MSE/lvw

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(301) 887-4500

Paul H. Reincke
Chief

April 25, 1990

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



RE: Property Owner: CLARIDGE TOWERS COMPANY
Location: #8415 BELLONA LANE
Item No.: 10 Zoning Agenda: APRIL 1990 - OCTOBER 1990

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: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

MICROFILMED

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

November 26, 1990



Dennis F. Rasmussen
County Executive

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 10
Case No. CR-90-409-SPHA
Petitioner: Claridge Towers Co.
Reclassification Petition

Dear Mr. DiNenna:

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

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

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

MICROFILMED

Page 2

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

Very truly yours,

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

JED:jw

Enclosures

cc:

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

April 23, 1991

887-3353

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
409 Washington Avenue
Towson, MD 21204

RE: Fees for Revised Reclassification
Public Hearing Items
Item #10 (Cycle III)
Claridge Towers Co. ~~CR-90-409-SPHA~~
8415 Bellona Lane
8th Election District
3rd Councilmanic District

Dear Mr. DiNenna:

This Office has been forwarded copies of a revised petition (see definition under Board of Appeals Rule 5b, Baltimore County Code - attached) for review and compliance with: (1) the County Charter Article VI, Section 603; Article V, Division 2, Section 522.1.a.(5); and (2) the County Code App. C, Rule #9 and Section 2-58.1(L)&(M).

Today you visited this Office and expressed a doubt that zoning fees are applicable to revised reclassification petitions before the Board of Appeals. The zoning staff has charged revision fees for all revised petitions and materials forwarded to this office for review and inclusion in the completed case file whether the case originates with the Zoning Commissioner or the Board of Appeals (Board).

As part of the zoning review of any reclassification petition or revision thereto, compliance with the Baltimore County Zoning Regulations (B.C.Z.R.) must be determined in order for a proper application to be made. Section 501.8 of the B.C.Z.R. provides a schedule of fees and charges for zoning services and procedures. As you are well aware, while you were the Zoning Commissioner, on 12/8/78 the Board assumed original zoning reclassification power in the Charter and on 3/28/79 the Code was amended. Since that time, the Board has relied on this Office to determine compliance with the zoning law and other duties necessary to insure a proper petition application and file completion.

S. Eric DiNenna, Esquire
April 23, 1991
Page 2

In 1989 the Administrative Officer up-dated the fee schedule in Section 501.8 of the B.C.Z.R. (copy attached), including fees for revised public hearing items (single family residential \$35.00 and all others \$75.00). When the Board receives a petition, including any revised public hearing items and in compliance with the referenced and attached laws forwards same to this Office, we have along with the other duties routinely collected the revised and applicable fees for the Board.

Assuming your considerable knowledge of County laws and procedures, if you are aware of any exception from the zoning fee schedule for revised reclassification petitions, please notify the staff so that we may confirm the change with the Zoning Commissioner, Board of Appeals and Administrative Officer.

If we are not notified or cannot confirm any necessary change in our current procedures, the \$75.00 fee is required for this Office to process the revised materials.

Very truly yours,

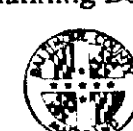
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

Enclosures

cc: Kathi Weidenhammer, Board of Appeals
Pat Keller, Planning Office
J. Robert Haines, Zoning Commissioner
James E. Dyer, Zoning Supervisor

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

887-3211

May 22, 1991

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

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Amended Documented Site Plan
Case No. CR-90-409 SPHA/
Claridge Towers Co.

By Resolution at its regular monthly meeting on May 16, 1991, the County Planning Board approved the enclosed May 7, 1991 staff report to constitute the Planning Board's report, pursuant to County Code Section 2-58.1(m)(2), on the amended documented site plan in Case No. 90-CR-409 SPHA.

The Planning Board's action also included the further recommendation that the Board of Appeals should obtain additional information on three subjects pertinent to this Case, a detailed traffic study from the Bureau of Traffic Engineering regarding the effects of this proposed zoning change; exact information, to be certified by the Petitioner, regarding the residential vacancy rate in the Tower on May 16, 1991; and information on the vacancy rate for office space in the Towson area.

P. David Fields
P. David Fields

PDE/TL/prh
SITEPLAN.TD/TXTPRH

Enclosure

cc: Phyllis Cole Friedman, Esq.
W. Carl Richards, Jr.
Jeffrey Long
Eric S. DiNenna, Esq.

MD: 82 ANN 16

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

887-3211

June 6, 1991

S. Eric DiNenna, P.A.
Mercantile Towson Building
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. CR-90-409-SPHA,
Claridge Towers

Dear Mr. DiNenna:

Enclosed herewith, in partial response to your May 31, 1991 letter, are:

1. A copy of the May 22, 1991 Memorandum informing the County Board of Appeals about the Planning Board's recommendation, along with the accompanying May 7, 1991 Staff Report.
2. A copy of the draft Minutes of the Board's May 16, 1991 meeting. The draft will be scheduled for approval by the Board at its next regular meeting, on June 20, 1991.

The Committee's recommendation to the Planning Board was as stated on pages 4 and 5 of the Minutes. The staff report constituting Appendix B-4 of the Minutes is the same as the report accompanying the Memorandum to the County Board of Appeals.

As to your other request, we do not ordinarily prepare transcripts, either of Board meetings or of Committee meetings, and we are not equipped to provide such a service. Transcripts only are prepared, for which purpose we employ a Court reporter, for the Board's formal Public Hearings.

What we can easily do, however, is to provide a duplicate copy of the tape recording of Committee's and Board's proceedings on this case. If you would supply the blank tape, there would be no charge for the copying. If this alternative is satisfactory, please contact Tim Dugan (887-3211) to make arrangements for the copy.

P. David Fields
P. David Fields,
Secretary to the Planning Board

PDE/TL/prh
DINENNA/TXTPRH
Enclosures

cc: William T. Hackett



County Board of Appeals of Baltimore County

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

September 6, 1991

Mrs. Janet Chalk
8415 Bellona Avenue
Apartment #302
Towson, MD 21204

Re: Case No. CR-90-409-SPHA
Claridge Towers Company

Dear Mrs. Chalk:

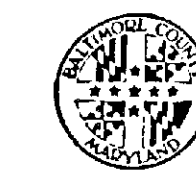
Enclosed is a copy of the Board's recent decision in the subject matter which you requested by telephone this afternoon.

Should you have any additional questions, please call me at 887-3180.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure



County Board of Appeals of Baltimore County

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

September 20, 1991

James F. Maher, City Solicitor
305 Compton Avenue
Laurel, Maryland 20707

Re: Case No. CR-90-409-SPHA (Claridge Towers Company)

Dear Mr. Maher:

As you requested, enclosed please find a copy of the Opinion and Order issued August 30, 1991 by the County Board of Appeals in the subject matter. Also enclosed is a copy of the Board's Amended Opinion dated September 19, 1991.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Linda Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure



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

October 1, 1991

S. Eric DiNenna, Esquire
DiNenna and Breschi
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

Re: Case No. CR-90-409-SPHA (Claridge Towers Company)

Dear Mr. DiNenna:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Claridge Towers Company
Mr. James Earl Kraft
Ms. Nancy Matthews
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED



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

October 1, 1991

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

Re: Case No. CR-90-409-SPHA (Claridge Towers Company)

Dear Ms. Friedman:

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

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

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

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

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Richard C. Burch, Esquire
Mr. Thomas E. Crow, Jr.
Ms. Nancy W. Horst
Ms. Sarah F. Lord

RECEIVED



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

October 15, 1991

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

Re: Case No. CR-90-409-SPHA (Claridge Towers Company)

Dear Ms. Friedman:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Richard C. Burch, Esquire
Mr. Thomas E. Crow, Jr.
Ms. Nancy W. Horst
Ms. Sarah F. Lord
Mr. James Earl Kraft
Ms. Nancy Matthews
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED



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

October 15, 1991

S. Eric DiNenna, Esquire
DiNenna and Breschi
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

Re: Case No. CR-90-409-SPHA (Claridge Towers Company)

Dear Mr. DiNenna:

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

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

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

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

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Claridge Towers Company

RECEIVED

BALTIMORE COUNTY		TRANSMITTAL MEMO
TO: Kathy Widenhammer		
FROM: Jeff Long	DATE: 10-1-91	
SUBJECT: Case R-90-409 SPHA		

Kathy,

These letters regarding the subject case were recently received by this office. Since I thought they should be made a part of the file, I decided to forward the letters to you.

Thanks
JLT

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 15 PM 2:29

CPS-005

RECEIVED
PK 10-4-90
OCT 3 1990
OFFICE OF
PLANNING & ZONING
Dear Mr. ZONING OFFICE

SEP 25 1990
Sept 22-1990

I want to express my deep concern regarding the rezoning of Ruxton Towers.

This would be very bad for this neighborhood since many children live here.

The presence of 2 other buildings behind Claridge Towers on Ruxton is impossible to find another site.

CR-90-409-SPHA

8415 Bellona Lane, Apt. 512
Ruxton, Maryland 21204

August 12, 1991

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

RE: Claridge Towers Co., Petitioner
Case No. CR-90-409-SPHA
(Item 10, Cycle III, 1990)

Dear Chairman Hackett:

Unfortunately, a scheduling conflict precluded my attending this hearing. Consequently, I have put a few of my thoughts in this letter.

I am a long term - approximately 25 years - resident of Ruxton Towers and thus feel qualified to speak on behalf of many of the residents.

As you are aware, it is one of the few high-rise apartment buildings located in the Towson/Ruxton areas. It serves many native Marylanders who have retired and for whatever their individual reasons, chosen to live in Ruxton Towers "reflecting the charm and graciousness of Ruxton."

Many of the residents have sold their homes in Baltimore County and moved to Ruxton Towers which meets their needs. I am personally aware of many retired individuals who fall into this category. Some have medical needs - use wheelchairs, walkers, canes - but still live a full active life. The elevators, ample parking, doctors/dentists within the building are only some of the plus factors. These people are not confined to the building but lead active lives traveling regularly to Towson and other destinations.

Ruxton Towers is not a high-rise with a high vacancy rate or one that commands low rents. My friends' and neighbors' rents range in the \$700 to \$1,000 a month category. There appears to be no logical reason to disrupt the lives of many Baltimore County citizens when the owners of Ruxton Towers apparently have a profitable enterprise serving the needs of Baltimore County unless one considers greed as more relevant.

Very truly yours,

Thomas E. Crow, Jr.
Thomas E. Crow, Jr.

cc: Peter Max Zimmerman, Esquire
Mrs. Louise Schulz

RECEIVED
COUNTY BOARD OF APPEALS
16 AUG 12 PM 2:55

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR.
2 ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

March 20, 1991

Mr. William Hackett, Chairman
County Board of Appeals
County Office Building
Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. CR-90-409-SPHA
Petitioner: Claridge Towers Co.

Dear Mr. Hackett:

As you are aware, the above-captioned matter has been placed on hold pending a request by the Petitioner to have the matter heard.

My client wishes to amend his Petition for Reclassification and accordingly, I would respectfully request that the above-captioned matter be set in for hearing as soon as possible. The original hearing has been posted and advertised. You will note below, I am sending a copy of this letter to a representative of the protestants. I see no need for a readvertising and posting.

I might suggest that the matter be set in within the next 15 to 30 days prior to your normal docket that commences at 10:00 a.m. The purpose of this hearing will be to present the amended plan.

Pursuant to the County Code, once the amended plan is presented, your hearing shall cease and the matter will be referred back to the Director of Planning and the Planning Board for its recommendation. Once the Planning Board makes its recommendation then the matter can be set back in thereafter pursuant to the county law.

By copy of this letter I am advising Ms. Louise Schultz of our intentions and would request that you notify Ms. Schultz of any hearing date that you assign. I would first request that you have your office contact me so that the hearing be set not to conflict with your schedule, my schedule or Ms. Schultz's schedule, to avoid any Request for Postponements.

RECEIVED
COUNTY BOARD OF APPEALS
16 MAR 24 PM 1:16

29 September 1990

Post 20, 1996
 The expenses are opposite the address
 record of the office to give
 feedback
 The present situation at the present
 time is making me a little hard
 situation, and even in the present
 officers are able and to use the old
 children
 Mr. M. C. Brown / Brown

Our Mr. Lifferty 7-16-90
Re: Case # DE90-409 Gyles III Item 10
To Change Zoning on Ruxton (Chidige)
Towers from D-16 to C-1.
We support your position to
recommend denial of this Change.
Keep up the good fight
Jeanne & Bill Noble
Ruxton Crossing 2104

A large percentage of the building's residents are senior citizens. At present the bottom two floors are discreetly operated by businesses and as doctors' offices. In 1984 the Board of Appeals issued an opinion denying a request to expand office use to the third floor. The Board stated that because Charles Street and Bellona Avenue is heavily burdened by traffic, the increased number of trips in and out of the subject building would further aggravate the existing situation to the detriment of the safety of those using the intersection and the subject property." This was the Board of Appeals opinion if one floor is converted from residential to office use. Imagine if eight floors are converted from residential to office use. Imagine if

Both zoning changes were unanimously protested by the surrounding communities; our wishes apparently had little impact on the resulting decisions. We were concerned in the first instance that it would be a foot-in-the-door to further re-zoning efforts -- and in fact its very presence was used by the next developer in support of his re-zoning, as we notice is also true in the current instance. A major concern expressed by almost everyone regarding both of these earlier proposed re-zonings was the matter of increased traffic congestion -- and modifications were required of the second developer to provide egress west of Bellona Lane as a consequence.

Juanita & William Garten
Juanita and William Garten

Walter F. Ballaith

Frederick E. Sieber, M.D.
Assistant Professor
13 Malibu Court
Towson, MD 21204

ENVIRONMENTAL IMPACT STATEMENT

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Plaintiff
v.
CLARIDGE TOWERS COMPANY
Defendant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 91 CV 4798

NOTICE OF APPEAL

Claridge Towers Company, Defendant, hereby enters an appeal from the final judgment entered in this action on May 11, 1992.

Robert A. Breschi
ROBERT A. BRESCHI
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 1992, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to Peter Max Zimmerman, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204 and to Richard C. Burch, Esquire, 105 West Chesapeake Avenue, Suite 300, Towson, Maryland 21204.

Robert A. Breschi
ROBERT A. BRESCHI

CR-90-409-SPHA 3/13/92 - CBA REMANDED case to
CBA to REVERSE Opinion and DENY Petition.

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
CASE NO. 91 CV 4798

ORDER

Upon review of the record, and having considered the petitions for appeal of all parties, memoranda, and argument in open court on April 14, 1992, it is, this 14th day of May, 1992, by the Circuit Court for Baltimore County, ORDERED that the Amended Opinion and Order of the Baltimore County Board of Appeals dated September 19, 1991 be, and hereby is reversed, and the case is remanded to said Board for the entry of an order denying the petition for zoning reclassification filed in this case.

Leonard S. Jacobson
Leonard S. Jacobson, Judge
Circuit Court for Baltimore County

APPROVED AS TO FORM:

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Richard C. Burch
Richard C. Burch
Attorney for Individual Appellants

George A. Breschi
George A. Breschi
Attorney for Claridge Towers Company

True Copy Test
Certified
George A. Breschi

FILED MAY 14 1992

MAY 18 1992

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY
Appellee

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Case No.: 91CV4798

MOTION TO EXTEND TIME TO FILE APPELLEE'S MEMORANDUM

Claridge Towers Company, Appellee, by its counsel, George A. Breschi and DiNenna and Breschi, pursuant to the B Rules of Maryland Rules of Civil Procedure, herein requests an extension of time until January 26, 1992 to file Appellee's Memorandum. Due to the untimely death of S. Eric DiNenna, who was previously handling this matter, this extension is requested so that counsel may have time to properly file a Memorandum on Appellee's behalf. Opposing counsel, Peter Max Zimmerman, counsel for the Appellants, does not object to this extension.

WHEREFORE, Appellee's request a 30 day extension to file Appellee's Memorandum.

George A. Breschi
MICHAEL BRESCHI

George A. Breschi
GEORGE A. BRESCHI
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Appellee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of December, 1991, a

90-8 MJ 12 330 16

copy of the foregoing Motion to Extend Time to File Appellee's Memorandum was mailed, postage prepaid to Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; County Board of Appeals, Room 315, County Office Building, Towson, Maryland 21204.

George A. Breschi
GEORGE A. BRESCHI

- 2 -

MICROFILMED

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY
Appellee

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Case No.: 91CV4798

ORDER TO EXTEND TIME TO FILE APPELLEE'S MEMORANDUM

Upon the foregoing Motion to Extend Time to File Appellee's Memorandum it is herein

ORDERED that Appellee be granted a 30 day extension to January 26, 1992 to file Appellee's Memorandum.

JUDGE

MICROFILMED

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

November 20, 1991

Kathy Rushton - 887-2660
Jury Assignments-Civil
General Settlement Conferences

- 887-2661
Non-Jury Assignments-Civil
Special Settlement Conferences

TO:

Richard C. Burch, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.
S. Eric DiNenna, Esq.
County Board of Appeals
of Baltimore County

RE: Non-Jury 91 CV 4798 People's Counsel For Baltimore County ET AL vs. Claridge Towers Company

HEARING DATE: Thursday, February 6, 1992, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1/2 day

Please see the below notations.

FROM NOTICE OF THIS NOTICE: Counsel shall contact each other immediately to confirm calendar. Claim of not receiving notice will not constitute grounds for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF THE
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R.16 TO O-1 AND A VARIANCE
AND SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE BELLONA
LANE, 74' + NORTH OF THE CENTER-
LINE OF BELLONA AVENUE
(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
PEOPLE'S COUNSEL, ET AL, PLAINTIFFS*
CASE NO. CR-90-409-SPHA

IN THE CIRCUIT
COURT FOR BALTIMORE
COUNTY
CG Doc. No. 3
Folio No. 230
File No. 91-CV-4798

**PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Michael B. Sauer, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. CR-90-409-SPHA

March 1, 1990 Petition filed by S. Eric DiNenna, Esquire, on behalf of Claridge Towers Company for a Zoning Reclassification from D.R.16 to O-1 (4.944 acres), Variance and Special Hearing on the subject property.

July 31 Comments from Baltimore County Zoning Plans Advisory Committee.

September 27 Publication in newspapers.

October 3 Certificate of Posting of property.

April 15, 1991 Documented Site Plan submitted to County Board of Appeals at hearing.

May 22 Planning Board Comments.

Claridge Towers Company, Case No. CR-90-409-SPHA
File No. 91-CV-4798

August 13, 1991 Hearing before the Board of Appeals.
August 30 Opinion and Order of the Board GRANTING the Petition for Reclassification for the first through the fourth floors; DENYING the request for Variances and Special Hearing.
September 19 Amended Opinion and Order of the Board GRANTING the Petition for Reclassification of entire building but limiting medical office use to four floors; DENYING the request for Variances and Special Hearing.
September 30 Order for Appeal filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County and Thomas E. Crow, Jr., et al.
October 1 Certificate of Notice sent to interested parties.
October 7 Petition to Accompany Appeal filed in the Circuit Court for Baltimore County by People's Counsel, et al.
October 10 Order for Appeal and Cross Appeal filed in the Circuit Court for Baltimore County by S. Eric DiNenna, Esquire on behalf of Claridge Towers Company. Petition for Appeal also filed.
October 15 Certificate of Notice sent to interested parties.
October 29 Transcript of testimony filed.

Petitioner's Exhibit No. 1 -Plat 2/6/90 as amended (2 pgs.)
2 -Description
3 -Environmental Impact Statement
4 -Landscaping Plan 2/26/90
5 -West Elevation Plat 8/12/91
6 -Traffic Group Study 7/10/91
7 -200 scale zoning map 11A & 11A as marked by Witness Gerber 8/11/91
8 -Ltr. 8/20/88 - from Pres. of Impr. Assn. to James F. Knott (5 pgs.)

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Claridge Towers Company, Case No. CR-90-409-SPHA
File No. 91-CV-4798

- People's Counsel's Exhibit No. 1-1000 scale zoning map
2-Record of related CZMP issues & comments
3-County Departmental documents
4-Group of letters from 1988 CDM Process file of Planning Office
5-Rule 8 authorization
6-Letters from neighbors:
A-8/12/91 from Thomas E. Crow, Jr.; B-8/12/91 from Michael D. Billig, O.D.; C-8/12/91 from Dennis E. Unfelder, D.D.S.; D-8/12/91 from L. Alan Evans

October 29, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180

cc: People's Counsel for Baltimore County
Richard C. Burch, Esquire
Mr. Thomas E. Crow, Jr.
Ms. Nancy W. Horst
Ms. Sarah F. Lord
S. Eric DiNenna, Esquire
Claridge Towers Company
Mr. H. Robert Christopher

MICROFILMED

IN THE MATTER OF THE
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 TO O-1 AND A VARIANCE
AND SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE BELLONA
LANE, 74' ± NORTH OF THE CENTER-
LINE OF BELLONA AVENUE
(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CLARIDGE TOWERS COMPANY, PLAINTIFF
CASE NO. CR-90-409-SPHA

* IN THE CIRCUIT
* COURT FOR BALTIMORE
* COUNTY
* CG Doc. No. 3
* Folio No. 230
* File No. 91-CV-4798

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Counsel for Plaintiff; Claridge Towers Company, c/o S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Plaintiff; People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; Mr. Thomas E. Crow, Jr., 8415 Bellona Lane, Apt. 512, Ruxton, Maryland 21204; Ms. Nancy W. Horst, 7819 Ellenham Avenue, Ruxton, Maryland 21204; Ms. Sarah F. Lord, 6219 Falls Road, Baltimore, Maryland 21209; Richard C. Burch, Esquire, Suite 300, 105 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Individual Protestants; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County

MICROFILMED

Claridge Towers Company, Case No. CR-90-409-SPHA
Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Counsel for Plaintiff; Claridge Towers Company, c/o S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Plaintiff; People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; Mr. Thomas E. Crow, Jr., 8415 Bellona Lane, Apt. 512, Ruxton, Maryland 21204; Ms. Nancy W. Horst, 7819 Ellenham Avenue, Ruxton, Maryland 21204; Ms. Sarah F. Lord, 6219 Falls Road, Baltimore, Maryland 21209; Richard C. Burch, Esquire, Suite 300, 105 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Individual Protestants; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, on this 15th day of October, 1991.

MICROFILMED

IN THE MATTER OF THE
APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 TO O-1 AND A
VARIANCE AND SPECIAL HEARING
ON PROPERTY LOCATED ON THE
EAST SIDE BELLONA LANE, 74'
± NORTH OF THE CENTERLINE
OF BELLONA AVENUE
(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

PETITION FOR APPEAL

Now comes CLARIDGE TOWERS COMPANY by S. Eric DiNenna, Esquire, DiNenna and Breschi, in support of the Order of Appeal filed herein, says:

1. That by the Decisions and Orders of the County Board of Appeals dated August 30, 1991 and by its Amended Order of September 19, 1991 the County Board of Appeals committed error in that it did not render a proper decision based on the probative evidence presented to it and was otherwise arbitrary and capricious in its decisions;
2. That your petitioner, appellant, requested the classification of the total property which seemed to be cleared by the Amended Order of September 19, 1991 but, restricted the use of offices in O-1 zone classification to the last four (4) floors, two (2) of which the petitioner had permission prior decisions;
3. That it committed error in restricting the offices used to the last four (4) floors and the remaining six (6) floors remained as apartments in residential use;
4. In classifying the property O-1, the Board made an error in not granting the requested variances from height regulations in that it disregarded the existing structure and its height in its decision;
5. That in its decisions the Board arbitrarily and capriciously rejected the request for a variance from the floor area ratio as required by the O-1 zone, in not granting same, it granted O-1 classification but disregarded the necessity and hardship incurred by the petitioner by denying the requested floor area ratio in that the building is existing;

- 1 -

6. That the Board was otherwise arbitrary and capricious and exceeded its authority in denial of the total structure for O-1 zoning use as well as its rejection for the floor area ratio and the requested variances from the height regulations of the O-1 zone.

IN
S. ERIC DINENNA
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of October, 1991, a copy of the foregoing Petition For Appeal was mailed, postage prepaid to Phyllis Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204; Richard C. Burch, Suite 300, 105 West Chesapeake Avenue, Towson, Maryland 21204, attorney for individual protestants; Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland 21204.

MICROFILMED

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY
AND
THOMAS E. CROW, JR.,
et al.

* BEFORE THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Docket No. 3
* Folio No. 230
* File No. 91CV4798

ORDER FOR APPEAL AND CROSS APPEAL

Claridge Towers Company appeals the Opinion and Order of the County Board of Appeals of September 19, 1991 and pursuant to Maryland Rule B-4.g files a Cross Order for Appeal.

S. ERIC DINENNA
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorneys for Claridge Towers Co.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of October, 1991, a copy of the foregoing Order for Appeal and Cross Appeal was mailed, postage prepaid to Phyllis Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204; Richard C. Burch, Suite 300, 105 W. Chesapeake Avenue, Towson, Maryland 21204, attorney for individual protestants; Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland 21204.

S. ERIC DINENNA

MICROFILMED

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, ET AL.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee
ZONING CASE NO. CR-90-409-SPHA

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
CASE NO. 91 CV 4798

PETITION ON APPEAL

People's Counsel for Baltimore County, et al., Protestants below and Appellants herein, state:

1. The County Board of Appeals failed to make the necessary findings, under Section 2-358 of the Baltimore County Code, to support a piecemeal zoning classification on the basis of mistake.
2. The County Board of Appeals further found that the proposed rezoning of the entire "Ruxton Towers" building to office zoning was inappropriate because of traffic congestion, but nevertheless granted two additional stories of office use without explanation of the traffic consequences.
3. On the entire record, there was lacking strong evidence of any mistake by the County Council, and the Board improperly substituted its judgment for that of the legislature as to the proper land use in this well-known area near Charles Street and Bellona Avenue.
4. The Board further failed to evaluate the consequences of its zoning reclassification for floor area ratio and height requirements.

MICROFILMED

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

WHEREFORE, Appellants pray that the Opinions and Orders of the County Board of Appeals under date of August 30, 1991 and September 19, 1991 be reversed, and the action of the County Council of Baltimore County in zoning the subject property D.R. 16 be affirmed and reinstated.

Thomas E. Crow, Jr.
8415 Bellona Lane, Apt. 512
Ruxton, Maryland 21204
(301) 828-8643

Nancy W. Horst
7819 Ellenham Avenue
Ruxton, Maryland 21204
(301) 821-5344

Sarah F. Lord
6219 Falls Road
Baltimore, Maryland 21209
(301) 828-4355

Phyllis Cole Friedman
People's Counsel for
Baltimore County

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

Richard C. Burch
Suite 300, 105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1355
Attorney for Individual Protestants

2

MICROFILMED

I HEREBY CERTIFY that on this ^{7th} ~~30th~~ day of ^{October} ~~September~~, 1991, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; and a copy mailed to S. Eric DiNenna, Esquire, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY : IN THE CIRCUIT COURT
AND : FOR BALTIMORE COUNTY
THOMAS E. CROW, JR. : Docket No. 3
8415 Bellona Lane, Apt. 512 : Folio No. 230
Ruxton, Maryland 21204 : File No. 91CV4798
(301) 828-8643
AND :
NANCY W. HORST :
7819 Ellenham Avenue :
Ruxton, Maryland 21204 :
(301) 821-5344 :
AND :
SARAH F. LORD :
6219 Falls Road :
Baltimore, Maryland 21209 :
(301) 828-4355 :
Appellants :
v. :
CLARIDGE TOWERS COMPANY, :
Appellee :
ZONING CASE NO. CR-90-409-SPHA :

NOTICE OF APPEAL

Please enter an appeal on behalf of People's Counsel for Baltimore County and Thomas E. Crow, Jr., Nancy W. Horst, and Sarah F. Lord, from the Orders of the County Board of Appeals dated August 30, 1991 and September 18, 1991, to the Circuit Court for Baltimore County, and file the record upon receipt from the said administrative agency.

MICROFILMED

Thomas E. Crow, Jr.
Thomas E. Crow, Jr.
8415 Bellona Lane, Apt. 512
Ruxton, Maryland 21204
(301) 828-8643
Nancy W. Horst
Nancy W. Horst
7819 Ellenham Avenue
Ruxton, Maryland 21204
(301) 821-5344
Sarah F. Lord
Sarah F. Lord
6219 Falls Road
Baltimore, MD 21209
(301) 828-4355
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for
Baltimore County
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

Richard C. Burch
Richard C. Burch
Suite 300, 105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Individual Protestants

I HEREBY CERTIFY that on this 30th day of September, 1991, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204; and a copy mailed to S. Eric DiNenna, Esquire, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

The Circuit Court for Baltimore County

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
v.
Claridge Towers Company

Docket Folio
Case No. 91 CV 4798
TERM, 19.....

Case sent to Baltimore County Board of Appeals-Cert, Mail # P368008183

I Heretby Certify, That I have this day received under cover from the Clerk of the Circuit Court for Baltimore County, process as above.

IN TESTIMONY WHEREOF, I hereto subscribe my name and affix the

Seal of the Court for County—

City, on the day of nineteen

hundred and
.....

RECEIVED
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY
1-10016

CIRCUIT COURT FOR BALTIMORE COUNTY
Civil/Criminal

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, ET AL

VS.

CLARIDGE TOWERS COMPANY

Plaintiff(s)/Attorney(s) & phone no.

Richard C. Burch, 828-1335

Peter Max Zimmerman, 887-2188

Defendant(s)/Attorney(s) & phone no.

ADDITIONAL RECORDS ON
MICROFILM YES ☐

VOLUME
1 pl to
2 pl to
3 pl to
4 pl to
5 pl to
6 pl to
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15 pl to

CASE NUMBER

COURT MINUTES

192 Hon LSG H.H. HAD said CIVIL CT.
NOT TO BE RECD RECD TO be set in for hearing
by the COURT AT A LATER DATE.

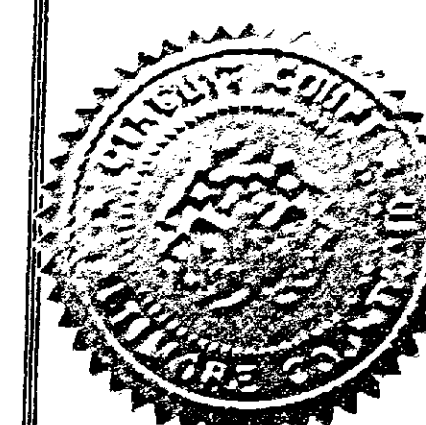
92 Hon LSG H.H. ORDER to be set.

STATE OF MARYLAND, BALTIMORE COUNTY
TO WIT:

I, Suzanne Mensch, Clerk of the Circuit Court for Baltimore County, do hereby certify that the foregoing is the Original Record of Proceedings of this Court, which has been transferred to Baltimore County Board of Appeals.

IN TESTIMONY WHEREOF, I hereto subscribe my name and affix the Seal of the said Court this 11th day of September, 1991.

Suzanne Mensch
Clerk of the Circuit Court
for Baltimore County



CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY APPEAL

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
and
THOMAS E. CROW, JR.
and
NANCY W. HORST
and
SARAH F. LORD

Appellants (Cross-Appellants)

TRANSCRIPT IN BASEMENT

LOCATION: 2-10-95 KP

CLARIDGE TOWERS COMPANY
Appellee (Cross-Appellee)

ATTORNEYS

Richard C. Burch
105 W. Chesapeake Ave., Suite 300
Towson, MD (04) 828-1335
(ATTY. FOR PROTESTANTS)

Phyllis Cole Friedman
People's Counsel for Balto. Co.
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, MD (04) 887-2188

Breschi
409 Washington Ave., Ste. 600
(04) 296-6820
(atty for Claridge Towers Co.)

- (1) Sept. 30, 1991 - Appellants Notice of Appeal from the Decision/Order of the County Board of Appeals and Exhibits fd.
 - (2) Oct 7, 1991 Petition of Appellants on Appeal, fd.
 - (3) Oct 10, 1991 App. of S. Eric DiNenna as counsel for Claridge Towers Co., and same day Order for Appeal and Cross Appeal, fd.
 - (4) Oct 10, 1991 Petition of Claridge Towers Company for Petition for Appeal, fd.
 - (5) Oct. 31, 1991 Appellants Answer to petition for Appeal on Cross Appeal, fd. (rec'd-10/28/91)
 - (6) Oct. 31, 1991 Transcript, fd. (rec'd-10/28/91) (G-1)
 - (7) Oct. 31, 1991 notice of Filing of record, fd. Copies sent.
 - (8) Nov. 27, 1991 - Appellant's Memorandum fd.
 - (9) Dec 26, 1991 - Appellee's Motion to Extend Time to File Appellee's Memorandum and Order of Court Granting Same fd. (222,SR)
 - (10) Jan. 27, 1992 - Appellee's Memorandum, fd.
- Feb. 6, 1992. Hon. Leonard S. Jacobson, Hearing had. Held sub curia in order for Court to review record. To be set in by the Court at later date.

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91CV4798.1

In The Circuit Court for
Baltimore County

Docket Folio
Case No. 91 CV 4798
..... TERM, 19.....

CLARIDGE TOWERS COMPANY

ORIGINAL RECORD AND PROCEEDINGS
SENT TO THE COURT OF SPECIAL APPEALS
OF MARYLAND BY CERTIFIED MAIL.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, ET AL

953-92

Suzanne Mench

I hereby certify, that I have this day received under cover from the Clerk of the Circuit
Court for Baltimore County, process as above.

IN TESTIMONY WHEREOF, I hereto subscribe my name and affix the
Seal of the Court for County—

City, on the day of nineteen

hundred and Clerk.

Court of Special Appeals

No. 953, September Term, 1992

Claridge Towers Company
v.
People's Counsel for Baltimore County et al.

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:
November 9, 1992: Line of Dismissal filed by
counsel for the appellant. Appeal dismissed.
November 10, 1992: Mandate issued.

RECORD RETURNED TO CLERK OF CIRCUIT COURT FOR:
BALTIMORE COUNTY
TOWSON, MD 21285-6754 DATE: 11/10/92

BY: HAND DELIVERED

REMARKS:

MANDATE
Court of Special Appeals

No. 953, September Term, 1992

Claridge Towers Company
v.
People's Counsel for Baltimore County et al.

JUDGMENT: November 9, 1992: Line of Dismissal filed by
counsel for the appellant. Appeal dismissed.
November 10, 1992: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE COUNTY
91CV4798

Record..... 50.00
Stenographer Costs..... 134.50
* Total * 184.50 *

In Court of Special Appeals:

Filing Record on Appeal..... 50.00
* Total * 50.00 *

STATE OF MARYLAND, Sec:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony
whereof, I have hereto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this 11th day
of November A.D. 1992

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

No. 953 SEPTEMBER TERM, 1992

TRANSCRIPT OF RECORD

FROM THE

CIRCUIT COURT OF BALTIMORE COUNTY

Judge: HONORABLE LEONARD S. JACOBSON

IN THE CASE OF

CLARIDGE TOWERS COMPANY

VS.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY ET AL.

Appellant

Appellee

TO THE
COURT OF SPECIAL APPEALS

ROBERT A. BRESCHI, ESQ.

DINENNA AND BRESCHI

409 WASHINGTON AVENUE, SUITE 600

TOWSON, MARYLAND 21204 (410) 296-6820

FOR APPELLANT

R-50.00

S-134.50

RICHARD C. BURCH

105 W. CHESAPEAKE AVE., SUITE 300

TOWSON, MARYLAND 21204 828-1335

PHYLLIS COLE FRIEDMAN, ESQ.

ROOM 304, COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204 887-2188

FOR APPELLEE

C#P34407309

8/18/92

Filed 8/20/92

9/29

2/93

CLARIDGE TOWERS COMPANY * IN THE CIRCUIT COURT
VS * FOR BALTIMORE COUNTY
PEOPLES COUNSEL FOR * CIVIL
BALTIMORE COUNTY, ET AL * DOCKET 3 PAGE 230
* CASE NO. 91 CV 4798

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CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY APPEAL

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
and
THOMAS E. CROW, JR.
and
NANCY W. HORST
and
SARAH P. LORD

Appellants (Cross-Appellants)

TRANSCRIPT IN BASEMENT

LOCATION: 2nd Fl

CLARIDGE TOWERS COMPANY
Appellee (Cross-Appellee)

ATTORNEYS

Richard C. Burch
105 W. Chesapeake Ave., Suite 300
Towson, MD (04) 828-1335
(ATTY. FOR PROTESTANTS)

Phyllis Cole Friedman
People's Counsel for Balto. Co.
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, MD (04) 887-2188

Breschi
409 Washington Aves., Ste. 600
(04) 296-6820
(atty for Claridge Towers Co.)

(1) Sept. 30, 1991 - Appellants Notice for Appeal from the Decision/
Order of the Circuit Court of Baltimore County, Md.

(2) Oct 7, 1991 Petition of Appellants on Appeal, fd.

(3) Oct 10, 1991 App. of S. Eric DiNenna as counsel for Claridge Towers Co.,
and same day Order for Appeal and Cross Appeal, fd.

(4) Oct 10, 1991 Petition of Claridge Towers Company for Petition for Appeal,
fd.

(5) Oct. 31, 1991 Appellants Answer to petition for Appeal on
Cross Appeal, fd. (rec'd-10/28/91) (G-1)

(6) Oct. 31, 1991 Transcript, fd. (rec'd-10/28/91) (G-1)

(7) Oct. 31, 1991 Notice of Filing of record, fd. Copies sent.

(8) Nov. 27, 1991 - Appellant's Memorandum fd.

(9) Dec 26, 1991 - Appellee's Motion to Extend Time to File Appellee's
Memorandum and Order of Court Granting Same fd. (REC,SR)

(10) Jan. 27, 1992 - Appellee's Memorandum, fd.

Feb. 6, 1992, Hon. Leonard S. Jacobson, Hearing had. Held sub curia in order
for Court to review record. To be set in by the Court at later date.

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CASE NO.

April 14, 1992. Hon. Leonard S. Jacobson, Hearing had. Order to be filed.

(11) May 15, 1992 - Order of Court that the Amended Opinion and Order of the Baltimore County
Board of Appeals dated September 19, 1991 be, and hereby is reversed, and the
case is remanded to said Board for the entry of an Order Denying the Petition for
Zoning Reclassification filed in this case, fd (LSJ).

(12) May 28, 1992 - Deft's. Notice of Appeal to the Court of Special Appeals fd. (6/25).

(13) Jul 1, 1992 Order of Court from the Court of Special Appeals directing Appeal
proceed without a Prehearing Conference, fd. (A.M. Wilson) (6/25)

STATE OF MARYLAND
BALTIMORE COUNTY, TO WIT:

I, SUZANNE MENSCH, CLERK of the Circuit Court for
Baltimore County do hereby certify that Case No. 91 CV 7498
is one of the CIVIL original record of
proceedings in the said Court, in the therein entitled
cause in conformity with the rules of the Court of Special
Appeals of Maryland relating thereto.

IN TESTIMONY THEREOF, I hereto
Subscribe my name and affix the
Seal of the Said Court,

this 18TH day of AUGUST, 1992.

Suzanne Mensch

CLERK, CIRCUIT COURT FOR
BALTIMORE COUNTY.

Preparation and
Cost of Record \$50.00

Stenographers Cost \$134.50

Appeal Fee \$50.00

Postage or Transportation
Fee \$5.00

CSA/PHC Form No. 2
Mailed: June 19, 1992
IN THE COURT OF SPECIAL APPEALSCLARIDGE TOWERS COMPANY
vs.
PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY et al.
PHC No. 337
September Term, 1992

ORDER

The Court of Special Appeals, pursuant to Maryland Rule 8-206(a)(1), orders and directs that the above captioned appeal proceed without a Prehearing Conference.

BY THE COURT

Date: June 19, 1992

cc: * The Hon. Suzanne Mensch, Clerk
Circuit Court for Baltimore County
George A. Breschi, Esquire
Peter Max Zimmerman, Esquire
Richard Burch, Esquire

*Mr./Ms. Clerk: Will you kindly place this Order with the record in this cause (Your 91-CV-4798). The date of this Order establishes commencement of the 10 day period under Md. Rule 8-411(b) and the 60 day period for transmittal of the record under Md. Rule 8-412(a).

Leslie D. Gradet, Clerk

OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
County Courts Building
401 Bosley Avenue, Towson, Maryland 21204
SUZANNE MENSCH
Clerk of Court
(301) 887-2601
DATE: MAY 28, 1992

RE: PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, ET AL
VS
CLARIDGE TOWERS COMPANY
CASE NO. 91 CV 4798

TO: ROBERT A. BRESCHI
DINENNA AND BRESCHI
409 WASHINGTON AVENUE
SUITE 600
TOWSON, MARYLAND

Dear: MR. BRESCHI:

Enclosed is a Prehearing Information Report which must be filed within the time set forth in Md. Rule 8-205. This form together with a copy of the Notice of Appeal must be sent to the Clerk, Court of Special Appeals of Maryland, Court of Appeals Building, 361 Rowe Blvd. and Taylor Ave., Annapolis, Maryland 21401-1699.

Unless a copy of the Transcript(s) of testimony is already on file, you must order in writing from the Court Stenographer, (send a copy of that order to the Appeals Clerk of the Circuit Court for Baltimore County for inclusion in the record), a transcript of all testimony within the time set forth in Maryland Rule 8-411.

You have a right to inspect the record in this office Monday through Friday between the hours of 8:30 and 4:30. Prior to the transmittal of the record to the Court of Special Appeals, you must deposit with this office a check or money order payable to the Clerk, Court of Special Appeals of Maryland in the amount of \$50.00. The cost of mailing this case to Annapolis must also be paid prior to transmittal.

Very truly,
Angel Julia
MRS. ANGEL JULIO
APPELLATE APPEALS DEPT.
(301) 887-3090
TTY for Deaf
Baltimore Area 383-7555 • D.C. Metro 545-0451
Per

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.
Plaintiff
v.
CLARIDGE TOWERS COMPANY
Defendant
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 91 CV 4798
6/25
3/230

NOTICE OF APPEAL

Claridge Towers Company, Defendant, hereby enters an appeal from the final judgment entered in this action on May 11, 1992.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 1992, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to Peter Max Zimmerman, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204 and to Richard C. Burch, Esquire, 105 West Chesapeake Avenue, Suite 300, Towson, Maryland 21204.

Robert A. Breschi

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
CASE NO. 91 CV 4798

ORDER

Upon review of the record, and having considered the petitions for appeal of all parties, memoranda, and argument in open court on April 14, 1992, it is, this 14th day of May, 1992, by the Circuit Court for Baltimore County, ORDERED that the Amended Opinion and Order of the Baltimore County Board of Appeals dated September 19, 1991 be, and hereby is reversed, and the case is remanded to said Board for the entry of an order denying the petition for zoning reclassification filed in this case.

Leonard S. Jacobson, Judge
Circuit Court for Baltimore County

APPROVED AS TO FORM:

Peter Max Zimmerman
Deputy People's CounselRichard C. Burch, Esq.
Richard C. Burch
Attorney for Individual AppellantsGeorge A. Breschi
Attorney for Claridge Towers Company

FILED MAY 14 1992

FILED MAY 13 1992



Baltimore County, Maryland

PEOPLE'S COUNSEL
Room 47, Courthouse
400 Washington Avenue
TOWSON, MARYLAND 21204
887-2188PHYLLIS COLE FRIEDMAN
People's CounselPETER MAX ZIMMERMAN
Deputy People's Counsel

May 8, 1992

The Honorable
Leonard S. Jacobson, Judge
Circuit Court for Baltimore County
Courts Building
401 Bosley Avenue
Towson, Maryland 21204RE: People's Counsel for Baltimore County,
et al. v. Claridge Towers Company,
Circuit Court Case No. 91 CV 4798

Dear Judge Jacobson:

Enclosed for your review and approval is a proposed Order in this case which has been approved as to form by all counsel, based on your decision made in open court.

We are also enclosing three copies in the hope that this will facilitate the Clerk's sending true test copies to the attorneys.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

Enclosures

cc: Richard C. Burch, Esquire
George A. Breschi, Esquire

PMZ:sh

RECEIVED
MAY 11 1992
JUDGE LEONARD S. JACOBSON

FILED MAY 10 1992

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
CASE NO. 91 CV 4798

ORDER

Upon review of the record, and having considered the petitions for appeal of all parties, memoranda, and argument in open court on April 14, 1992, it is, this _____ day of _____, 1992, by the Circuit Court for Baltimore County, ORDERED that the Amended Opinion and Order of the Baltimore County Board of Appeals dated September 19, 1991 be, and hereby is reversed, and the case is remanded to said Board for the entry of an order denying the petition for zoning reclassification filed in this case.

Leonard S. Jacobson, Judge
Circuit Court for Baltimore County

APPROVED AS TO FORM:

Peter Max Zimmerman
Deputy People's CounselRichard C. Burch, Esq.
Richard C. Burch
Attorney for Individual AppellantsGeorge A. Breschi
Attorney for Claridge Towers CompanyCIRCUIT COURT FOR BALTIMORE COUNTY
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

LEONARD S. JACOBSON, JUDGE 887-2674

PEOPLE'S COUNSEL, et al
Appellants
vs.
CLARIDGE TOWERS COMPANY
Appellee
CASE NO. 91 CV 4798

ASSIGNMENT OF TRIAL/HEARING DATE

Trial/Arguments on APPEAL (2 Hours)
(Continued from 2/6/92)will be heard on Tuesday, April 14, 1992 at 9:30 a.m.
in Courtroom No. 5

CIRCUIT COURT FOR BALTIMORE COUNTY

Leonard S. Jacobson, Judge
Date signed March 2, 1992

COPIES SENT TO:

Peter Max Zimmerman, Esquire
George A. Breschi, Esquire
Richard C. Burch, Esquire
Central Assignment
Court File

The Circuit Court for Baltimore County

CHAMBERS OF
LEONARD S. JACOBSON
JUDGECOUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-2674

February 27, 1992

Peter Max Zimmerman, Esquire
Office of People's Counsel
111 W. Chesapeake Avenue, Room 304
Towson, Maryland 21204Richard C. Burch, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204George A. Breschi, Esquire
409 Washington Avenue
Suite 600
Towson, Maryland 21204RE: People's Counsel, et al. v. Claridge Towers
Case No. 91 CV 4798

Dear Counsel:

As my secretary has been unable to get an agreed date for the continuance of this case, I am asking Mr. Zimmerman's Office to coordinate obtaining one. I would like you to agree on four dates when all of you are available and submit them to me so that I may give them to Central Assignment. They in turn will select the one that fits in with their schedule and mine.

Thank you for your cooperation in this matter.

Very truly yours,

Leonard S. Jacobson

LSJ:emh

cc: Ms. Joyce Grimm, Director
Central Assignment Office

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY
Appellee

APPELLEE'S MEMORANDUM
Background and History

The property in question is the Ruxton Towers which is located at the intersection of Charles Street, Bellona Avenue and bound by the beltway exit to Charles Street. This property was zoned R. A. in the 60's and a Special Exception was granted in 1962 to allow the Appellees to build a 10-story building. In 1980 the property was rezoned as D. R. 16., when zoning classifications were changed, and the applicable statutes regarding D. R. 16 basically stated that a building in a D. R. 16 zone could no longer request Special Exception for office space. Prior to this, in 1968 (although testimony would indicate that it occurred in 1976), the Appellees filed for a Special Exception, case number 68-76-X to operate the first floor of the building as office space. This Special Exception was granted.

In 1972, the Appellees again requested additional assistance, and use of office space and a Special Exception was granted in the case number 72-30-X in which the second floor was allowed to be converted to office use. Then, in 1976, a request

- 1 -

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY
Appellee

MOTION TO EXTEND TIME TO FILE APPELLEE'S MEMORANDUM

Claridge Towers Company, Appellee, by its counsel, George A. Breschi and DiNenna and Breschi, pursuant to the B Rules of Maryland Rules of Civil Procedure, herein requests an extension of time until January 26, 1992 to file Appellee's Memorandum. Due to the untimely death of S. Eric DiNenna, who was previously handling this matter, this extension is requested so that counsel may have time to properly file a Memorandum on Appellee's behalf. Opposing counsel, Peter Max Zimmerman, counsel for the Appellants, does not object to this extension.

WHEREFORE, Appellee's request a 30 day extension to file Appellee's Memorandum.

GEORGE A. BRESCHI
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Appellee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of December, 1991, a

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee

APPELLANTS' MEMORANDUM
Background

This zoning appeal involves the reclassification from D.R. 18 (density residential) to O-1 (office building) of the first through fourth floors of the ten-story apartment building at 8417 Bellona Avenue known as Ruxton Towers, facing the east side of Bellona Lane, and also forming the northwest corner of the intersection of Bellona Avenue and Charles Street. Charles Street is the well-known north-south arterial road running from downtown Baltimore City to the beltway. Bellona Avenue is a well-traveled road which, in this area, runs west from Charles Street. In turn, just a short distance west of Charles Street, Bellona Lane runs north from Bellona Avenue. The property is situated in the relatively narrow rectangle formed essentially by these three streets and the exit ramp of the beltway to the north. The building itself has existed as a high rise apartment building, with the first two floors occupied by offices, for many years. The zoning has remained the same through a number of comprehensive zoning cycles. The property was a specific issue in the 1988 comprehensive zoning, but the County Council decided

People's Counsel for Balto. Co.
et al.
vs.
Claridge Towers Co.

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE # 3/230/91-CV-4798

NOTICE OF FILING OF RECORD

TO: Richard C. Burch, Phyllis Cole Friedman, S. Eric DiNenna
105 W. Chesapeake Avenue, Peter Max Zimmerman, 409 Washington Ave.
Suite 300, Room 307-Co. Office Bldg., Suite 600
21204 828-1335 21204 887-2188 21204 296-6820

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on Oct. 31st, 1991.

CLERK

IN THE MATTER OF THE
THE APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 TO O-1 AND A VARIANCE
AND SPECIAL HEARING ON PROPERTY
LOCATED ON THE EAST SIDE BELLONA
LANE, 74' + NORTH OF THE CENTER-
LINE OF BELLONA AVENUE
(8415 BELLONA LANE)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
PEOPLE'S COUNSEL, ET AL., PLAINTIFFS
CASE NO. CR-90-409-SPHA

IN THE CIRCUIT
COURT FOR BALTIMORE
COUNTY
CG Doc. No. 3
Folio No. 230
File No. 91-CV-4798

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Michael B. Sauer, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. CF-90-409-SPHA

March 1, 1990 Petition filed by S. Eric DiNenna, Esquire, on behalf of Claridge Towers Company for a Zoning Reclassification from D.R. 16 to O-1 (4.944 acres), Variance and Special Hearing on the subject property.
July 31 Comments from Baltimore County Zoning Plans Advisory Committee.
September 27 Publication in newspapers.
October 3 Certificate of Posting of property.
April 16, 1991 Documented Site Plan submitted to County Board of Appeals at hearing.
May 22 Planning Board Comments.

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY, et al.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee

ANSWER TO PETITION FOR APPEAL (ON CROSS APPEAL)

People's Counsel for Baltimore County, et al., Protestants below
Appellants herein, state:

1. People's Counsel, et al. deny each and every Paragraph 1 through 6. of the Petition for Appeal (On Cross Appeal).
2. In further answer, undersigned Appellants-Protestants state that the entire petition for rezoning should have been denied for the reasons stated in their own Petition on Appeal.

Richard C. Burch
Suite 300, 105 West
Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Individual
Protestants

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

I HEREBY CERTIFY that on this 29th day of October, 1991, a copy of the foregoing Answer to Petition for Appeal (On Cross Appeal) was served on the Administrative Assistant, County Board of Appeals, Rm. 315 County Office Bldg., Towson, MD 21204; and a copy mailed to S. Eric DiNenna, Esquire, Mercantile Towson Bldg., 409 Washington Ave., Suite 600, Towson, MD 21204.

Peter Max Zimmerman

IN THE MATTER OF THE
APPLICATION OF
CLARIDGE TOWERS COMPANY
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 TO O-1 AND A
VARIANCE AND SPECIAL HEARING
ON PROPERTY LOCATED ON THE
EAST SIDE BELLONA LANE, 74'
+ NORTH OF THE CENTERLINE
OF BELLONA AVENUE, 8TH
(8415 BELLONA LANE)
ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CASE NO.: CR-90-409-SPHA
Item # 10, CIRCLE III
1990

PETITION FOR APPEAL

Now comes CLARIDGE TOWERS COMPANY by S. Eric DiNenna, Esquire, DiNenna and Breschi, in support of the Order of Appeal filed herein, says:

1. That by the Decisions and Orders of the County Board of Appeals dated August 30, 1991 and by its Amended Order of September 19, 1991 the County Board of Appeals committed error in that it did not render a proper decision based on the probative evidence presented to it and was otherwise arbitrary and capricious in its decisions;
2. That your petitioner, appellant, requested the classification of the total property which seemed to be cleared by the Amended Order of September 19, 1991, but restricted the use of offices in O-1 zone classification to the last four (4) floors, two (2) of which the petitioner had permission prior decisions;
3. That it committed error in restricting the offices used to the last four (4) floors and the remaining six (6) floors remained as apartments in residential use;
4. In classifying the property O-1, the Board made an error in not granting the requested variances from height regulations in that it disregarded the existing structure and its height in its decision;
5. That in its decisions the Board arbitrarily and capriciously rejected the request for a variance from the floor area ratio as required by the O-1 zone, in not granting same, it granted O-1 classification but disregarded the necessity and hardship incurred by the petitioner by denying the requested floor area ratio in that the building is existing;

- 1 -

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY
AND
THOMAS E. CROW, JR.,
et al.

BEFORE THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Docket No. 3
Folio No. 230
File No. 91CV4798

ORDER FOR APPEAL AND CROSS APPEAL

Claridge Towers Company appeals the Opinion and Order of the County Board of Appeals of September 19, 1991 and pursuant to Maryland Rule B-4.9 files a Cross Order for Appeal.

S. ERIC DINENNA
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorneys for Claridge Towers Co.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of October, 1991, a copy of the foregoing Order for Appeal and Cross Appeal was mailed, postage prepaid to Phyllis Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204; Richard C. Burch, Suite 300, 105 W. Chesapeake Avenue, Towson, Maryland 21204, attorney for individual protestants; Administrative Secretary, County Board of Appeals, County Office Building, Towson, Maryland 21204.

S. ERIC DINENNA

County Board of Appeals
10/10/91

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL.,
Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee
ZONING CASE NO. CR-90-409-SPHA

PETITION ON APPEAL

People's Counsel for Baltimore County, et al., Protestants below and Appellants herein, state:

1. The County Board of Appeals failed to make the necessary findings, under Section 2-358 of the Baltimore County Code, to support a piecemeal zoning classification on the basis of mistake.
2. The County Board of Appeals further found that the proposed rezoning of the entire "Ruxton Towers" building to office zoning was inappropriate because of traffic congestion, but nevertheless granted two additional stories of office use without explanation of the traffic consequences.
3. On the entire record, there was lacking strong evidence of any mistake by the County Council, and the Board improperly substituted its judgment for that of the legislature as to the proper land use in this well-known area near Charles Street and Bellona Avenue.
4. The Board further failed to evaluate the consequences of its zoning reclassification for floor area ratio and height requirements.

RECEIVED AND FILED
91 OCT -7 AM 11:53
CLERK OF DISTRICT COURT
BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF CLARIDGE TOWERS COMPANY FOR A ZONING RECLASSIFICATION FROM D.R. 16 TO O-1 AND A VARIANCE AND SPECIAL HEARING ON PROPERTY LOCATED ON THE EAST SIDE BELLONA LANE, 74' + NORTH OF THE CENTER-LINE OF BELLONA AVENUE (8415 BELLONA LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT PEOPLE'S COUNSEL, ET AL., PLAINTIFFS* CASE NO. CR-90-409-SPHA

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204, Plaintiff; Mr. Thomas E. Crow, Jr., 8415 Bellona Lane, Apt. 512, Ruxton, Maryland 21204, Plaintiff; Ms. Nancy W. Horst, 7819 Ellenham Avenue, Ruxton, Maryland 21204, Plaintiff; Ms. Sarah F. Lord, 6219 Falls Road, Baltimore, Maryland 21209, Plaintiff; Richard C. Burch, Esquire, Suite 300, 105 W. Chesapeake Avenue, Towson, Maryland 21204, Counsel for Individual Protestants; S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Counsel for Petitioner; Claridge Towers Company, c/o S. Eric DiNenna, Esquire, DiNenna and Breschi, Mercantile Towson Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Petitioner; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County

IN THE MATTER OF THE APPLICATION OF CLARIDGE TOWERS COMPANY FOR A ZONING RECLASSIFICATION FROM D.R. 16 TO O-1 AND A VARIANCE AND SPECIAL HEARING ON PROPERTY LOCATED ON THE EAST SIDE BELLONA LANE, 74' + NORTH OF THE CENTER-LINE OF BELLONA AVENUE (8415 BELLONA LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT CLARIDGE TOWERS COMPANY, PLAINTIFF* CASE NO. CR-90-409-SPHA

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FILED OCT 15 1991

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
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7819 Ellenham Avenue
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AND
SARAH F. LORD
6219 Falls Road
Baltimore, Maryland 21209
(301) 828-4355

Appellants
v.
CLARIDGE TOWERS COMPANY,
Appellee
ZONING CASE NO. CR-90-409-SPHA

NOTICE OF APPEAL

Please enter an appeal on behalf of People's Counsel for Baltimore County and Thomas E. Crow, Jr., Nancy W. Horst, and Sarah F. Lord, from the Orders of the County Board of Appeals dated August 30, 1991 and September 13, 1991, to the Circuit Court for Baltimore County, and file the record upon receipt from the said administrative agency.

RECEIVED AND FILED
91 SEP 30 AM 10:54
CLERK OF DISTRICT COURT
BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF CLARIDGE TOWERS COMPANY FOR A ZONING RECLASSIFICATION FROM D.R. 16 TO O-1 AND A VARIANCE AND SPECIAL HEARING ON PROPERTY LOCATED ON THE EAST SIDE BELLONA LANE, 74' + NORTH OF THE CENTER-LINE OF BELLONA AVENUE (8415 BELLONA LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

AMENDED ORDER

On August 30, 1991, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own Motion, has reviewed its Order issued in the proceedings and finds that it is ambiguous, in need of clarification, and does not adequately express the intent of the Board as contained in its Opinion. The Board is striking its previous Order in its entirety and issuing the following Amended Order.

IT IS THIS 19th day of September, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification from D.R. 16 to O-1 for the subject property be and the same is hereby GRANTED subject to the following:

That the granting of the O-1 zone to the subject property is restricted in use as offices and as provided for in the O-1 zone for the first through fourth floors of the ten-story apartment building located at 8417 Bellona Avenue; and it is further

ORDERED that the fifth through the tenth floors of the apartment building shall remain as apartments and for residential use only, as restricted; and it is further

IN THE MATTER OF THE APPLICATION OF CLARIDGE TOWERS COMPANY FOR A ZONING RECLASSIFICATION FROM D.R. 16 TO O-1 AND A VARIANCE AND SPECIAL HEARING ON PROPERTY LOCATED ON THE EAST SIDE BELLONA LANE, 74' + NORTH OF THE CENTER-LINE OF BELLONA AVENUE (8415 BELLONA LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

The Petitioner, Claridge Towers Company, has filed a Petition for Reclassification requesting that its property be changed from its present zoning of D.R. 16 to O-1, a Petition for Zoning Variance from Section 204.4.c.3 to permit .82 floor area ratio in lieu of .55; 204.4.d to allow 96 feet in lieu of maximum of 60 feet; and a Petition to approve existing special exceptions granted prior hereto.

The subject property is located on the east side of Bellona Lane, north of Bellona Avenue (8417 Bellona Avenue) in Baltimore County, Maryland, and consists of approximately 5.66 acres. It is improved with a ten-story structure which was constructed in the early 1960's. It is best described as a ten-story mid-rise elevator apartment building in which the first two floors are used as office space, mostly medical offices. The apartment building is known in the community as "Ruxton Towers" and is located just inside the Baltimore Beltway on the west side of Charles Street.

The Petitioner is requesting a reclassification from D.R. 16 to O-1 in order to convert the apartment building to office use and in so requesting requires variances to height and floor area ratio.

ORIGINAL

IN THE MATTER OF CLARIDGE TOWERS COMPANY

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Towson, Maryland 21204 at 10 o'clock a.m., August 13, 1991.

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
MICHAEL B. SAUER
LYNN B. MORELAND

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC.

THE BALTIMORE COUNTY BOARD OF APPEALS
IN RE:
CLARIDGE TOWERS
Case No. CR-90-409-SPHA

County Office Building
Towson, Maryland
April 16, 1991
9:30 o'clock a.m.

BEFORE:

WILLIAM T. HACKETT, Chairman
ARNOLD G. FOREMAN, Board Member
LYNN MORELAND, Board Member

APPEARANCES:

PHYLLIS FRIEDMAN, ESQ.
In Behalf of the Petitioner
ERIC DINENNA, ESQ.
In Behalf of Claridge Towers

Reported by:

William J. Counts

BERNARD DANKER ASSOCIATES - 527-1877