

IN THE MATTER OF THE
THE APPLICATION OF
SOPHIA GERTRUDE SAUERBREY, ET AL
FOR A ZONING RECLASSIFICATION
FROM D.R. 16 /R.O. /M.L. TO
B.M.-C.N.S. ON PROPERTY LOCATED
ON THE NORTHWEST SIDE BELAIR ROAD,
CORNER /NORTHEAST SIDE DUNFIELD
ROAD (8330-8346 BELAIR ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-91-117
* Item #11, CYCLE IV
* 1991

ORDER OF DISMISSAL

Petition of Sophia Gertrude Sauerbrey; Ernest E. Ellis, Jr.;
Joseph C. Sain, Jr.; Charles A. Moeller; and Marilyn A. Moeller
(deceased) for a zoning reclassification from D.R. 16 /R.O. /M.L.
to B.M.-C.N.S. on property located on the northwest side of Belair
Road, corner /northeast side Dunfield Road (8330 -8346 Belair Road)
in the Eleventh Election District of Baltimore County; and
WHEREAS, the Board of Appeals is in receipt of letters of
withdrawal of Petition filed May 15, 1991 (copies of which are
attached hereto and made a part hereof) from the property owners
through Donald H. Ready, Agent, and confirmed by Robert W. Cannon,
Esquire, Counsel for Petitioners; and
WHEREAS, the Petitioners request that the Petition filed
herein be withdrawn as of the above date,
IT IS HEREBY ORDERED this 24th day of May, 1991 by
the County Board of Appeals of Baltimore County that said Petition
be and the same is hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Michael B. Sauer, Acting Chairman
Arnold G. Foreman
Harry E. Buchheister, Jr.



DONALD H. READY
COMMERCIAL REAL ESTATE 306 W. PENNSYLVANIA AVE. / TOWSON, MD 21204 / (301) 821-1935 / FAX 494-8116

May 15, 1991

Honorable William T. Hackett, Chairman
County Board of Appeals of Baltimore County
111 West Chesapeake Avenue
Towson, Md. 21204

Re. Case No. R-91-117

Dear Chairman Hackett:

Please be advised that Donald H. Ready, acting on behalf of
William Lamb, a former Agent of my real estate company, who had
submitted the referenced petition on behalf of the Owners, is agreeing
to withdraw the said petition for rezoning.

Thank you for your consideration.

Very truly yours,
Donald H. Ready

Charles A. Moeller
9230 Richlyn Drive
Perry Hall, Md 21128

Mr. Donald H. Ready
306 W. Pennsylvania Ave
Towson, Maryland 21204

Dear Mr. Ready,

As a result of your announcement at our meeting last
night that you were withdrawing from the rezoning and sale
of the three properties on Belair Road I am forced to review
my options concerning my property.

Since the extension of the listing we agreed to was
predicated on the potential sale and development of my own
property and that of my neighbors being marketed as a package,
and since you do not feel that it is not practicable or feasible
economically at this time, I concur with your withdrawal.

Therefore I feel that our listing agreement should be
terminated, as of 4:00 PM May 9, 1991. Please send me, as soon
as possible, a release of listing.

I am sorry that our plans did not work out, but I feel
certain that I will be able to sell my property.

Very truly yours,
Charles A. Moeller

May 14, 1991

Donald H. Ready Real Estate
306 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Zoning
Reclassification
Case # R-91-117
8330-8346 Belair Road
Petitioners: Sophia
Gertrude Sauerbrey,
Ernest E. Ellis, Jr.,
Joseph C. Sain, Jr.,
Charles A. Moeller, and
Marilyn A. Moeller (Deceased)

Dear Mr. Ready:

This letter is to inform you that Ms. Sauerbrey, Ernest E. Ellis,
Jr. and Joseph C. Sain, Jr. have decided to have the zoning
petition for their properties (8330 & 8336 Belair Road) withdrawn
prior to the May 15, 1991 zoning hearing.

Thank you for your assistance in this matter. If you have any
questions, please do not hesitate to contact us.

Sincerely,

Sophia Gertrude Sauerbrey

Ernest E. Ellis, Jr.

Joseph C. Sain, Jr.

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 RO and DR-16 and M.L. zone to an BM-CNS
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: N/A

For reasons for re-classification, see attached statement in support.

MAP NE 4F
E3
E.D. 11-15-91
DATE 11-15-91
BY BF
DP D2

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

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

Contract Purchaser:
Sophia Gertrude Sauerbrey
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Sophia Gertrude Sauerbrey
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
8330 Belair Road 256-1527
Address Phone No.
Baltimore, MD 21236
City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
Address
City and State

William E. Lamb, Jr.
Name
306 W. Pennsylvania Ave. 821-1935
Address Phone No.
Towson, MD 21204
City and State

BABC-Form 1

RECEIVED
COUNTY BOARD OF APPEALS
AUG 31 1991

SIGNATURE ADDENDUM FOR 8330 THRU 8346 BELAIR ROAD
PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

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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 RO and DR-16 and M.L. zone to an BM-CNS
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

N/A

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: N/A

For reasons for re-classification, see attached statement in support.

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Ernest E. Ellis, Jr.
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
8336 Belair Road 256-9298
Address Phone No.
Baltimore, MD 21236
City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
Address
City and State

William E. Lamb, Jr.
Name
306 W. Pennsylvania Ave. 821-1935
Address Phone No.
Towson, MD 21204
City and State

BABC-Form 1

RECEIVED
COUNTY BOARD OF APPEALS
AUG 31 1991

SIGNATURE ADDENDUM FOR 8330 THRU 8346 BELAIR ROAD
PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

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of Baltimore County, from an RO and DR-16 and M.L. zone to an BM-CNS
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

N/A

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: N/A

For reasons for re-classification, see attached statement in support.

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Charles A. Moeller
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
8346 Belair Road 256-9800
Address Phone No.
Baltimore, MD 21236
City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
Address
City and State

William E. Lamb, Jr.
Name
306 W. Pennsylvania Ave. 821-1935
Address Phone No.
Towson, MD 21204
City and State

BABC-Form 1

RECEIVED
COUNTY BOARD OF APPEALS
AUG 31 1991

STATEMENTS IN SUPPORT OF REQUESTED RECLASSIFICATION
8330 - 8346 BELAIR ROAD

Following are individual statements from each of the property
owners for the properties included in this reclassification request.
Included are the following statements:

Owner	Property
Sophia Gertrude Sauerbrey	8330 Belair Road
Ernest E. Ellis Jr. and Joseph C. Sain Jr.	8336 Belair Road
Charles A. Moeller and Marilyn A. Moeller (deceased)	8344 and 8346 Belair Road



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 29, 1990

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

Re: Baltimore County
Carmelo S. & Joanne
Dispute Property
Zoning Reclassification Cycle VI
Case No. R 91-119
EIS Belair Road
US 1 N
at South Avenue

Dear Mr. Haines:

We are writing you as a follow-up to our October 24th letter concerning right-of-way requirements along Belair Road.

Currently, our Belair Road improvements are in the design stage and the future 110' right-of-way on Belair Road appears acceptable; however, this is tentative and subject to change.

Also, we recommend all access to this property be by way of South Avenue and not Belair Road.

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

Very truly yours,

John Costabile
John Costabile, Chief
Engineering Access Permits
Division

LB:es

cc: Baffis and Associates Inc.
Mr. J. Ogle

ENCLOSURE

112
My telephone number is (301) 333-1350

91 AUG 29 PM 12:16
RECEIVED
COUNTY BOARD OF APPEALS

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

Dear Mr. Hackett:

We have lived at 4208 South Avenue for 14 years, and we are proud to be residents of the Perry Hall Community. Perry Hall is a residential community that has been growing much too fast. There are housing developments opening all of the time, but they are within the zoning of D.R.5.5 as is my neighborhood.

There is a petition before you for a zoning reclassification (case #R-91-119). The Board of Appeals considered this petition once before in 1986. At that time, the board denied the petition to change the zoning of the property on the corner of South Avenue and Belair Road from D.R.5.5 to B.L. The board stated, "that there was no evidence before it that indicated any change in the character of the neighborhood in the immediate area." The corridor plan to widen Belair Road has not been completed, approved or finalized. The character of the neighborhood has even turned more to residential by building the Cedarside Farm development right across Belair Road from the petitioner's property.

The traffic at the end of our street at the intersection of South Avenue and Belair Road is already busy with resident cars and cars trying to take a short cut to Joppa Road (East) cutting off the traffic light at Joppa Road and Belair Road just to the South. This petition for rezoning to B.L. for a barber shop and offices would increase traffic onto South Avenue. We have three small children, seven, four and two years old. We didn't want to raise our children just 50 yards from a commercial business and be exposed to the increased traffic. We also worry about children crossing South Avenue at Belair Road going to Perry Hall Elementary School just to the South on Belair Road. We would hate to think traffic trying to turn into South Avenue to get a hair cut would interfere with the school children trying to cross the road without a traffic guard. With limited parking on the property, the only place to park is along both sides of South Avenue adding to the congestion.

91 AUG 2 PM 12:51
RECEIVED
COUNTY BOARD OF APPEALS

Page 2
continued

The proposed barber shop is not needed by the community. We already have over 14 Barber Shops or Hair Salons in Perry Hall. WE DON'T NEED ANOTHER!

One last item: A house could be built on the property keeping the community and this section of Belair Road as across the street, residential. Please, keep some sections of Belair Road residential and not allow continuous strips of commercial business to erode our neighborhood. Please don't allow this petition for SPOT ZONING.

We know you will base your decision on what is right for the residents and the community.

Thank you,

Joseph F. Hejduk, Jr.
Joseph F. Hejduk, Jr.
Brenda R. Hejduk
Brenda R. Hejduk

cc: Board Members

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

Dear Mr. Hackett:

Please deny the petition for reclassification of zoning from D.R.5.5 to B.L. at the Southeast corner of South Avenue and Belair Road. This would only increase parking, traffic flow and congestion along South Avenue and the intersection at Belair Road. I believe this neighborhood and section of our community should stay Residential and not be changed to Business Local zoning.

Please do not let this petition for Spot Zoning be approved.

Thank you,

Brenda M. Williams

cc: Board Members

91 JUL 31 PM 12:16
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

Dear Mr. Hackett:

Please deny the petition for reclassification of zoning from D.R.5.5 to B.L. at the Southeast corner of South Avenue and Belair Road. This would only increase parking, traffic flow and congestion along South Avenue and the intersection at Belair Road. I believe this neighborhood and section of our community should stay Residential and not be changed to Business Local zoning.

Please do not let this petition for Spot Zoning be approved.

Thank you,

Carol D. Nelson
Carol D. Nelson

cc: Board Members

91 AUG 15 AM 11:07
RECEIVED
COUNTY BOARD OF APPEALS

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

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Please deny the petition for reclassification of zoning from D.R.5.5 to B.L. at the Southeast corner of South Avenue and Belair Road. This would only increase parking, traffic flow and congestion along South Avenue and the intersection at Belair Road. I believe this neighborhood and section of our community should stay Residential and not be changed to Business Local zoning.

Please do not let this petition for Spot Zoning be approved.

Thank you,

Lorraine Jovide
Lorraine Jovide
Joseph Jovide
Joseph Jovide

cc: Board Members

91 AUG 2 PM 12:46
RECEIVED
COUNTY BOARD OF APPEALS

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

Dear Mr. Hackett:

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Please do not let this petition for Spot Zoning be approved.

Thank you,

Margaret Linnichy
Margaret Linnichy
David Linnichy
David Linnichy

cc: Board Members

91 AUG 2 PM 12:46
RECEIVED
COUNTY BOARD OF APPEALS

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

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Please do not let this petition for Spot Zoning be approved.

Thank you,

L. Linnichy

cc: Board Members

91 JUL 29 AM 11:34
RECEIVED
COUNTY BOARD OF APPEALS

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

Dear Mr. Hackett:

Please deny the petition for reclassification of zoning from D.R.5.5 to B.L. at the Southeast corner of Soth Avenue and Belair Road. This would only increase parking, traffic flow and congestion along Soth Avenue and the intersection at Belair Road. I believe this neighborhood and section of our community should stay Residential and not be changed to Business Local zoning.

Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Robert S. Hughes
4212 Soth Ave 21236

19 AUG -5 PM 3:47
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Robert S. Hughes
4217 Soth Ave.
BALTO. MD. 21236

19 AUG -5 PM 3:47
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Robert S. Hughes
4218 Soth Ave
BALTO. MD. 21236

19 AUG -5 PM 3:47
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Robert S. Hughes
4212 Soth Ave 21236

19 AUG -5 PM 3:46
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

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Board of Appeals
Room #315, County Office Building
Towson, MD 21204

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Mary A. Hughes
4212 Soth Ave 21236

19 AUG -5 PM 3:46
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

Re: Case #R-91-119

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Carolyn R. Bell

19 AUG -5 PM 3:46
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Carolyn R. Bell

19 AUG -5 PM 3:46
COUNTY BOARD OF APPEALS
TOWSON, MD

July 25, 1991

Mr. William T. Hackett
Board of Appeals
Room #315, County Office Building
Towson, MD 21204

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Please do not let this petition for Spot Zoning be approved.

Thank you,

cc: Board Members

Carolyn R. Bell

19 AUG -6 PM 12:38
COUNTY BOARD OF APPEALS
TOWSON, MD
MICROFILMED

<u>John G. ...</u>	<u>21236</u>
<u>John G. ...</u>	<u>21236</u>
<u>R.G. Harding</u>	<u>7 Wood Oak Ct 21236</u>
<u>Thomas ...</u>	<u>21236</u>
<u>Thorton Brown</u>	<u>410 Chandler Rd 21236</u>
<u>Mary ...</u>	<u>412 Chandler Rd 21236</u>
<u>... ..</u>	<u>21236</u>
<u>Kiss House</u>	<u>13 Hedgeford Ct 21236</u>
<u>Michael House</u>	<u>13 Hedgeford Ct 21236</u>
<u>Margaret Spurr</u>	<u>9105 Deborah Ave 21236</u>
<u>... ..</u>	<u>21236</u>
<u>... ..</u>	<u>21236</u>
<u>... ..</u>	<u>21236</u>

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

SUSANA CARIELLO
NAME
Viviana Cariello
9227 BELAIR RD.
ADDRESS

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

NAME 9127 Belvoir Rd
9123 Belvoir Rd
9121 Belvoir Rd
Balls Blvd
21236
ADDRESS

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

NAME Walter J. Gunt
ADDRESS 9127 Belair Rd
Baltimore Md 21236

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

ANTONIO E CARIELLO
NAME
Antonio E Cariello
9227 BELAIR RD BALTO MD
ADDRESS 21236

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

NAME James A Carr
9223 Belair Rd
Baltimore Md 21236
ADDRESS

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

NAME O. Gabbe

ADDRESS 7301 BELMONT RD

Board of Appeals of Baltimore County
110 W. Chesapeake Ave.
Towson, MD 21204

Re: DiForte

Dear Members of the Board:

I have reviewed the Proposal for re-zoning the DiForte property on the southeast corner of Soth Avenue and Belair Road, and I am in support of the request.

NAME James G. Canatella
ADDRESS 9219 Belair Rd.

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO DIFORTE FOR B.L. ZONING AT SOTH AVENUE AND BELAIR ROADS AND BELIEVE IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

	<u>Harold J. Whitfield</u>	21236
4304 BEDROCK CIR.	<u>Doreen R. Whitfield</u>	21236
4304 BEDROCK CIR	<u>Ligette C. Whitfield</u>	21236
4304 BEDROCK CIR	<u>Charles W. Whitfield</u>	21236
4304 BEDROCK CIR	<u>Doreen L. Whitfield</u>	21236
4526 Fiddlers RD	<u>John A. Elliot</u>	21236
9720 Hockneyhurst Dr.	<u>Bob Barker</u>	21236
9720 Hockneyhurst Dr	<u>Shirley Barker</u>	21236
9720 Hockneyhurst Dr	<u>Michael Barker</u>	21236
9720 Hockneyhurst Dr	<u>Sharon Barker</u>	21236

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO DIFORTE FOR B.L. ZONING AT SOTH AVENUE AND BELAIR ROADS AND BELIEVE IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

Edward C. Kane 3374 Webster St. 2-275
Mildred Magee 3805 Perryhurst Pl. 2-234
John P. Magee 3805 Perryhurst Pl. 2-234
✓ Frank Winter 10 Buena Vista 2-830
Jack Winter 10 Buena Vista 2-830
John A. Sherman 2000 Gilman St. 2-28
✓ John Sherman 2000 Gilman St. 2-28
Wayne Edwards 3772 Perryhurst Way 4-1

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND
BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO
DIFORTE FOR S.L. ZONING AT 50TH AVENUE AND BELAIR ROADS AND BELIEVE
IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD
PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT
THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

Edward C. Kane 3344 Blossom Ave 21224
Michael J. Magee 3505 Perryhurst Pl 21233
John A. Magee 3805 Perryhurst Pl 21236
Mark White 10 Bellfalls Way 21246
Gee White 10 Bellfalls Way 21236
Robert A. Bloomer 9000 Bellvue Dr 21238
Jim Bloomer 9104 Bellvue Dr 21236
Wayne Edwards 3772 Parkhurst Way 21233

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND
BUSINESSSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO
DIFORTE FOR B.L.U. ZONING AT SOTH AVENUE AND BELAIR ROADS AND BELIEVE
IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD
PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT
THE DEORTE REZONING PETITION FOR A BARBER SHOP.

1. John & Mary
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 3. John & Mary
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 92. John & Mary
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 98. John & Mary
 99. John & Mary
 100. John & Mary

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO DIFORTE FOR B.L. ZONING AT 30TH AVENUE AND BELAIR ROADS AND BELIEVE IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

[illegible]

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND
BUSINESSSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO
DIFORTE FOR B.L. ZONING AT 30TH AVENUE AND BELAIR ROADS AND BELIEVE
IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD
PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT
THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

Ralph Spate 101 Sp. Adams Rd 21237
Thomas L. Steen 4275 Lincoln Rd.
 21538
Wickey Wynn 2 Shuffield - 71234
William B. Tatro 887 Willowick 21234
Wilkeson Street 1004 Kinross Rd 21237
James Conarty 8515 Rhuddell Rd 21236
Cynthia Cornworth 8515 Rhuddell Rd. 21236
Erlynda Gledak 8517 Rhuddell Rd 21236
Dorrell Gledak 8517 Rhuddell Rd 21236
Paul Newman 8516 Rhuddell Rd 21236

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND
BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO
DIFORTE FOR B.L. ZONING AT SOTH AVENUE AND BELAIR ROADS AND BELIEVE
IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD
PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT
THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

Maxine Alexander
 4522 Conover Rd Lexington MA 02431
 Debbie Garwin 16 Longwood Rd 21226
 Katherine de Koonhoo Rd #44 Hls 71038
 W. Wilson 149 Broad St 21014
 C.S. - 29116 Grosvenor Rd 21050
 Donna Oliver 13126 Chaptank Rd, 21226
 Mrs & Mrs Robert H. Kuylenstierna ^{St. Michaels} Dr. 21236
 Julie Swartz 2000 Blau Rd. 71206
 Cindy & James L. Garvin Rd 21230
 D. Oliver 12032 Jerusalem
 Kingsville 21085

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND
BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO
DIFORTE FOR B.L. ZONING AT 80TH AVENUE AND BELAIR ROADS AND BELIEVE
IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD
PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT
THE DIFORTE REZONING PETITION.

Sam F. Donatelli 2/236
James P. Donatelli 2/236
John W. Donatelli 2/236
Al Edwards 2/236
W. J. Donatelli III 2/236
Eric Eden 2/236
Bill Morris II 2/236
Vince A. Little 2/236
John A. Morris 2/236
Frank Lynch 2/236

WE ARE CONCERNED WITH THE IMPACT OF BELAIR ROAD ON RESIDENCES AND BUSINESSES. WE HAVE REVIEWED THE DOCUMENTED SITE PLAN OF CARMELO DIFORTE FOR B.L. ZONING AT SOTH AVENUE AND BELAIR ROADS AND BELIEVE IT TO BE THE BEST SOLUTION TO THE ISSUE OF USE FOR THE BELAIR ROAD PROPERTIES AND THAT THE EXISTING ZONING IS IN ERROR. WE SUPPORT THE DIFORTE REZONING PETITION FOR A BARBER SHOP.

James V. Bette 4812 Monmouth Ave.
John J. Bette 4812 Monmouth Ave.
John J. Bette 4812 Monmouth Ave.
John J. Bette 4812 Monmouth Ave.
John J. Bette 4812 Monmouth Ave.
John J. Bette 4812 Monmouth Ave.
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John J. Bette 4812 Monmouth Ave.

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Jim Wheat 3101 Echelon Ave.
Mary Wheat 9004 Hines Rd.
Beth Wheat 310 Echelon Ave.
Patti Morrow 4328 Glenmore Ave.
Fawn Morrow 4328 Glenmore Ave.
Bob Wheat 9944 Rembrandt Ave.
Bob Wheat 9944 Rembrandt Ave.
Bob Wheat 9944 Rembrandt Ave.
Bob Wheat 9944 Rembrandt Ave.
Bob Wheat 9944 Rembrandt Ave.

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

This corner, zoned residential for many years, is being submitted for a zoning change to Business Local (Zoning Reclassification petition R-91-119, cycle 4, item 13). It is surrounded by residential development on both sides of Belair Road. The Master Plan for Baltimore County states on page 117 that, "Pending the completion of a corridor plan, the County will continue to resist requests to extend commercial zoning along Belair Road except in situations where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." We, the undersigned, believe that this change, by this definition, would not be in the public interest and therefore we support the goals of the Master Plan and the denial of the zoning change to Business Local.

7/24/91
Name Address
Mary M. H. 7457 Bradshaw Rd. Kingsville
Ann Mills 64 MILLWATER COURT BALTIMORE
P. Sullivan Daigren 9131 Belair Road, Baltimore, Md. 21236
Name Address
Margaret Sprinsky 4205 Soth Ave. 21236
Fred Sprinsky 4205 Soth Ave.
Eva Davis 4209 Soth Ave.
Charles E. Davis 4209 Soth Ave.
Marie J. Davis 4209 Soth Ave.

MICROFILMED

Page 1

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

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7/24/91
Name Address
Helen K. K. 4323 Soth Ave 21236
Anna E. Norris 4200 Parkside Rd.
David J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.
Lawrence J. K. 4207 Soth Ave.

Page 2

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7/24/91
Name Address
Mrs. S. C. K. 9106 Smith Ave.
Christina & Robert K. 9108 Smith Ave.
Norma M. G. 9104 Smith Ave.
Alma & Calvin L. D. 9107 Smith Ave.
Mr. & Mrs. S. J. B. 9100 Smith Ave.
Mr. & Mrs. John H. J. 9112 Smith Ave.
Karl Fischer 9109 Smith Ave.
Virginia Hancock 9109 Smith Ave.
Zathben Tromper 9110 Smith Ave.

Page 3

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

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7/24/91
Name Address
Robert J. John 9117 Smith Ave.
John M. John 9117 Smith Ave.
Shirley L. Southgate 9119 Smith Ave.
Stephen Southgate 9119 Smith Ave.
Wendell R. K. 9111 Smith Ave.
Lynn M. K. 9111 Smith Ave.
Robert A. K. 9113 Smith Ave.
Robert J. Winters 9113 Smith Ave.
Gloria J. Norris 4200 Parkside Rd.

Page 4

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

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7/24/91
Name Address
Shirley Schifflin 4217 Soth Ave. 21236
Milton Schifflin 4217 Soth Ave. 21236
Edna Mae Hoffmeister 4302 Soth Ave. 21236
Louis Hoffmeister 4302 Soth Ave. 21236
Charles A. Wagner 4300 Soth Ave. 21236
William E. Wagner 4300 Soth Ave. 21236
Charles A. Penner 4229 Soth Ave. 21236
Marie B. Penner 4229 Soth Ave. 21236
John Kowalski 9110 Deborah Ave 21236

Page 5

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

This corner, zoned residential for many years, is being submitted for a zoning change to Business Local (Zoning Reclassification petition R-91-119, cycle 4, item 13). It is surrounded by residential development on both sides of Belair Road. The Master Plan for Baltimore County states on page 117 that, "Pending the completion of a corridor plan, the County will continue to resist requests to extend commercial zoning along Belair Road except in situations where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." We, the undersigned, believe that this change, by this definition, would not be in the public interest and therefore we support the goals of the Master Plan and the denial of the zoning change to Business Local.

7/24/91
Name Address
Robert L. Carmichael 9111 Deborah Ave 21236
Helen M. Carmichael 9111 Deborah Ave.
Robert L. Bowen 9107 Deborah Ave.
Lloyd Bowen 9107 Deborah Ave.
Laura L. K. 9106 Deborah Ave.
Carl C. K. 9106 Deborah Ave.
Jane G. 4227 Soth Ave.
All G. 4227 Soth Ave.
Charles K. 4227 Soth Ave.

Page 6

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

This corner, zoned residential for many years, is being submitted for a zoning change to Business Local (Zoning Reclassification petition R-91-119, cycle 4, item 13). It is surrounded by residential development on both sides of Belair Road. The Master Plan for Baltimore County states on page 117 that, "Pending the completion of a corridor plan, the County will continue to resist requests to extend commercial zoning along Belair Road except in situations where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." We, the undersigned, believe that this change, by this definition, would not be in the public interest and therefore we support the goals of the Master Plan and the denial of the zoning change to Business Local.

7/24/91
Sophonia Matoski 9115 Soth Ave.
Name Address
George Matoski 9115 Soth Ave.
Name Address
Portia Les Matoski 9115 Soth Ave.
Name Address
Paul & Valenti 12 Fox Breck
Name Address
Michael D. Clark 12 Fox Breck
Name Address
Bernice Piotrowski 4206 Soth Ave.
Name Address
Carmine Piotrowski 4206 Soth Ave.
Name Address
Veronica Behr 2309 Carlisle Ave.
Name Address
D. D. Behr 9309 Carlisle Ave.
Name Address

Page 5

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

This corner, zoned residential for many years, is being submitted for a zoning change to Business Local (Zoning Reclassification petition R-91-119, cycle 4, item 13). It is surrounded by residential development on both sides of Belair Road. The Master Plan for Baltimore County states on page 117 that, "Pending the completion of a corridor plan, the County will continue to resist requests to extend commercial zoning along Belair Road except in situations where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road." We, the undersigned, believe that this change, by this definition, would not be in the public interest and therefore we support the goals of the Master Plan and the denial of the zoning change to Business Local.

July 25, 1991
Joseph Heiduk 4208 Soth Ave.
Name Address
Brenda R. Heiduk 4208 Soth Ave. 21236
Name Address
Mary A. Hughes 4212 Soth Ave.
Name Address
R. J. B. Hughes 4212 Soth Ave.
Name Address
Lena L. Heiduk 4214 Soth Ave.
Name Address
Lester A. Heiduk 4214 Soth Ave.
Name Address
Gerard J. William 4216 Soth Ave.
Name Address
Mary J. Clark 4220 Soth Ave.
Name Address
Mrs. James Kelly 4226 Soth Ave.
Name Address

Page 8

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

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July 31, 1991
Alice Rega 4219 Soth Avenue
Name Address
James F. Rega 4219 Soth Avenue
Name Address
Joseph Lawrence 4211 Soth Ave.
Name Address
Lorraine Spride 4211 Soth Ave.
Name Address
Lee S. Gudeman 9300 Carlisle Ave.
Name Address
Anne Linn 4209 Soth Ave.
Name Address
Lange Jim 4209 Soth Ave.
Name Address
Chad Tull 9431 DAWN DR.
Name Address

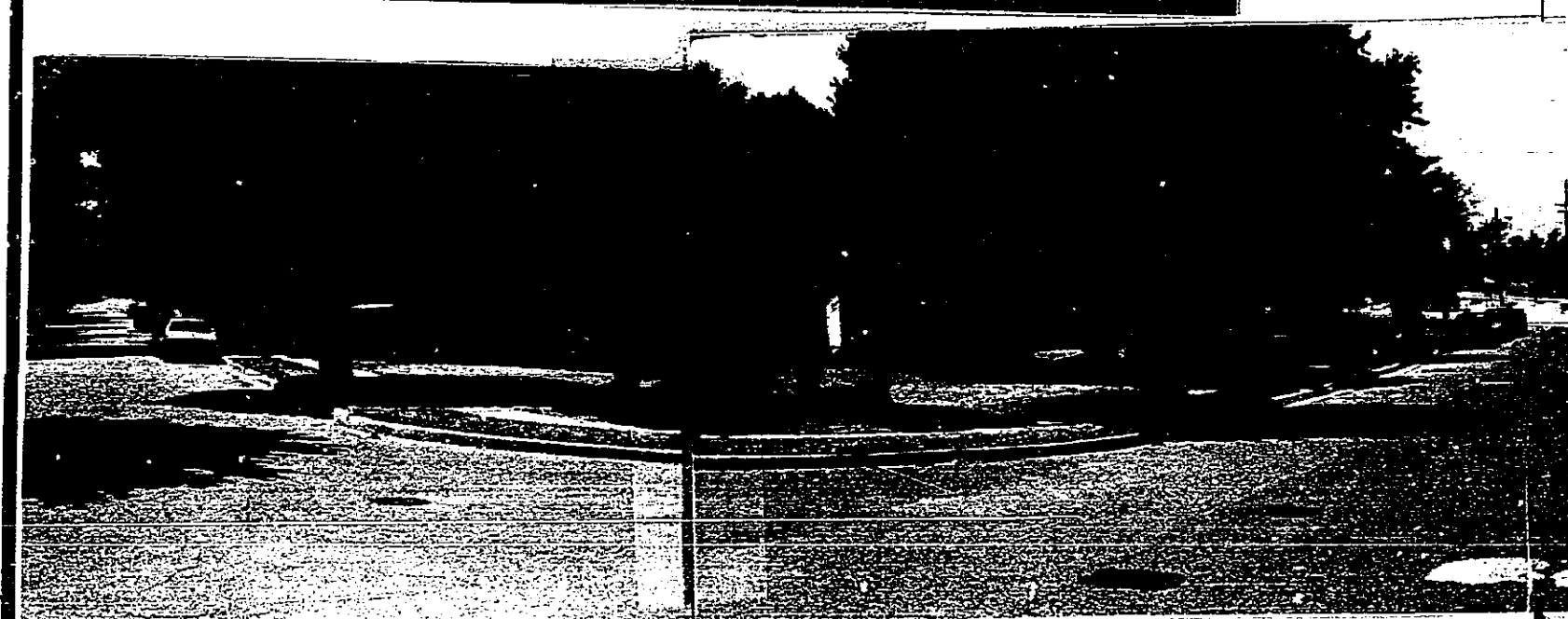
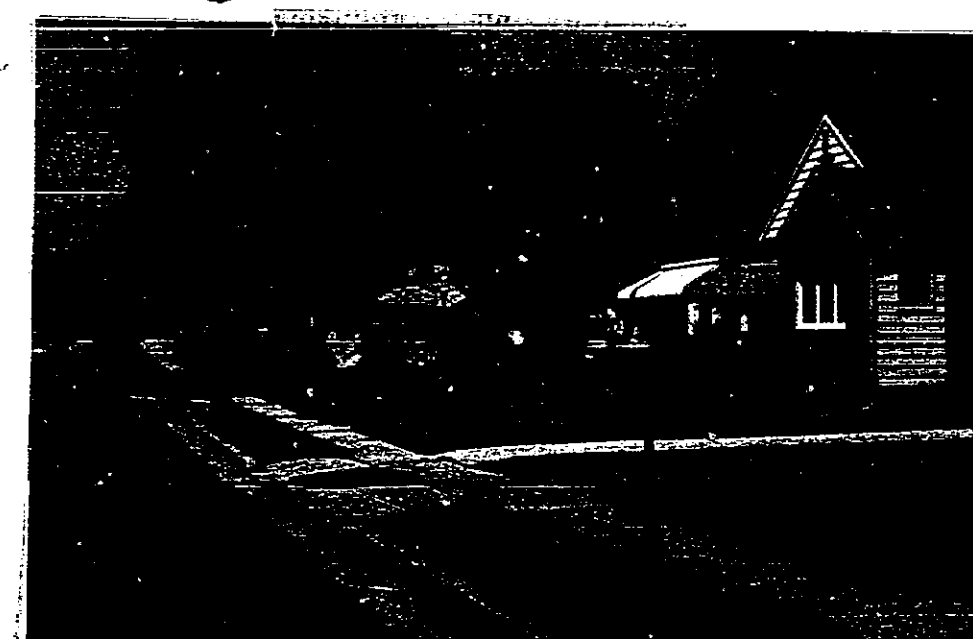
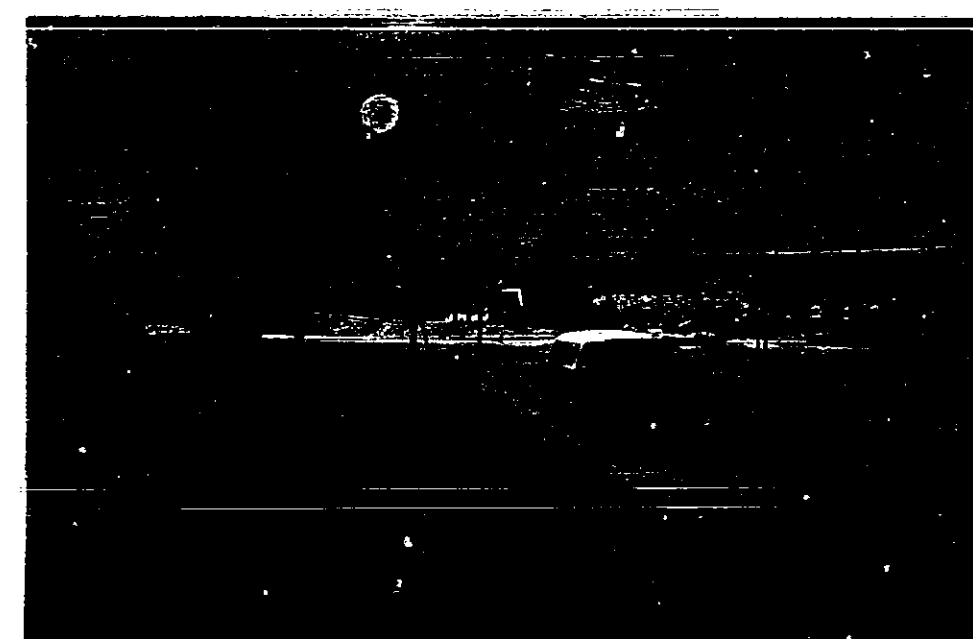
Page 9

Petition to keep the southeast corner of Belair Road and Soth Avenue residential

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July 25, 1991
James A. Kelly 4226 Soth Ave.
Name Address
Carmela Emschutz 4210 Soth Ave.
Name Address
Anna Williams 4216 Soth Ave.
Name Address
Ant Rind 4218 Soth Ave.
Name Address
David A. Rison 4278 Soth Ave.
Name Address
Carolyn D. Kelen 4224 Soth Ave. 21236
Name Address

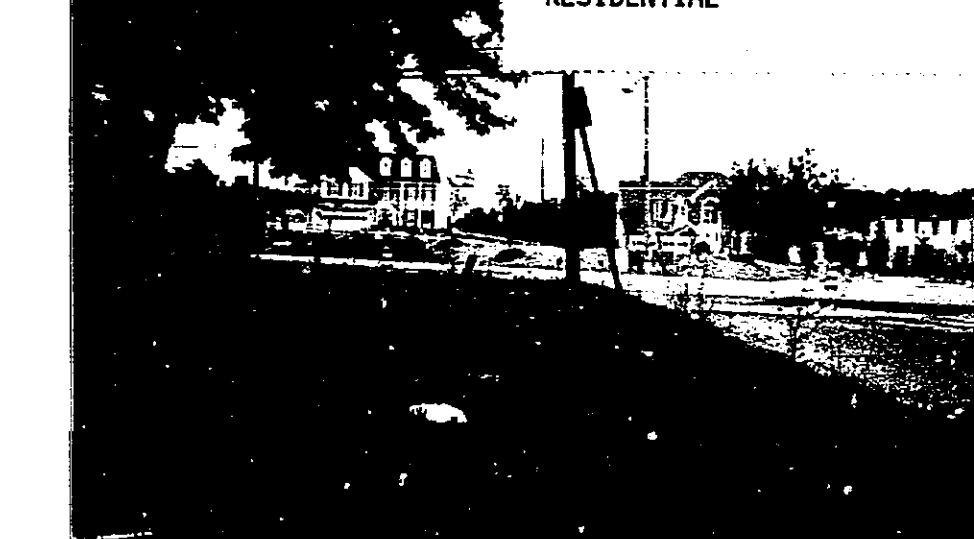
Page 10



Section of Soth Ave. where out-flow parking would occur.



CEDARSIDE FARM DEVELOPMENT ACROSS BELAIR RD. - ALL RESIDENTIAL



BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 19
OCTOBER 13, 1988 7:00 P.M.

The meeting was called to order by Chairman Volz at 7:30 P.M. The Chairman then asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 200 persons in attendance and the following members were present:

MELVIN G. MINTZ
C.A. DUTCH RUPPERSBERGER, III
BARBARA F. RACHUR
NORMAN W. LAURENSTEIN
WILLIAM R. EVANS
DALE T. VOLZ

SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

CALL OF BILLS FOR FINAL READING AND VOTE

BILL NO. 144-88, Comprehensive Zoning Maps - First District, was called. Councilman Volz moved to accept the Planning Board's recommendation on the following issues: 1-002, 1-006, 1-013, 1-015, 1-017, 1-018, 1-019, 1-020, 1-022, 1-025, 1-028, 1-029, 1-030, 1-031, 1-032, 1-033, 1-037, 1-038, 1-040, 1-044, 1-045, 1-047, 1-051, 1-052, 1-053, 1-054, 1-055, 1-056, 1-057, 1-058, 1-059, 1-060, 1-061, 1-062, 1-063, 1-064, 1-065, 1-066, 1-067, 1-068, 1-070, 1-071, 1-074, 1-076, 1-077, 1-079, 1-080, 1-084, 1-085, 1-086, 1-087, 1-088, 1-089, 1-090, 1-091, 1-092, 1-093, 1-096, 1-097, 1-098, 1-099, 1-100, 1-103, 1-104, 1-105, 1-107, 1-109, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-120, 1-121 and 1-123. Councilman Mintz seconded the motion and these issues were passed unanimously by the six Councilmembers present.

Chairman Volz then moved for the following changes in the First District Comprehensive Zoning Map:

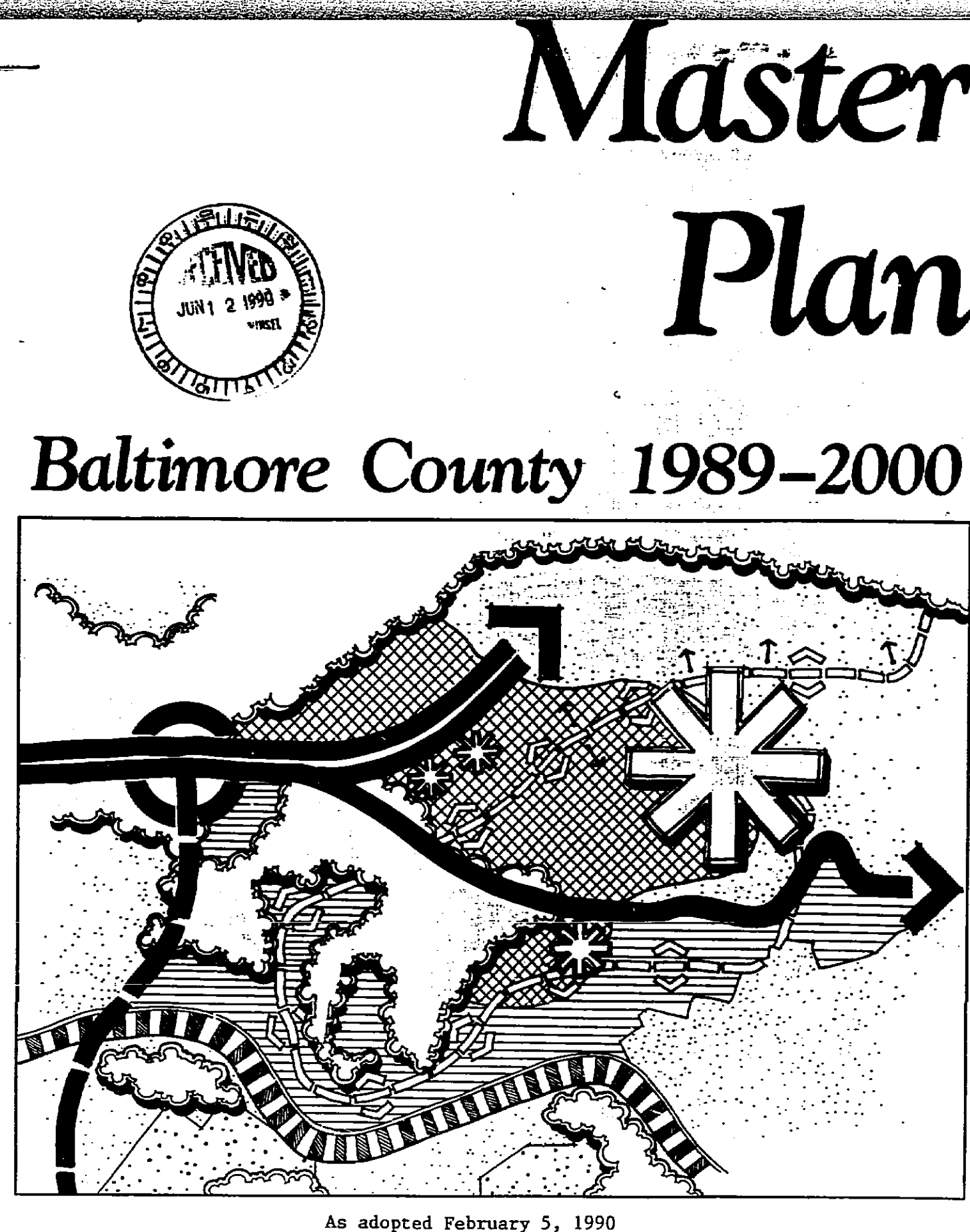
Issue 1-001 from RO to DR 5.5. Motion was seconded by Councilman Rachur and passed unanimously by the six Councilmembers present.

Issue 1-009 from RU to DR 3.5. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-010 from DR 10.5 to DR 10.5 and RO as shown on the overlay. Motion was seconded by Councilman Ruppertsberger and passed by the six Councilmembers present.

Issue 1-021 from RO to RO and DR 5.5 as shown on the overlay. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-023 from RU to MRP-IM. Motion was seconded by Councilman Ruppertsberger and passed unanimously by the six Councilmembers present.



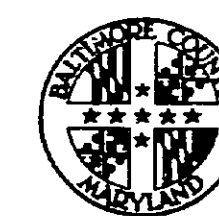
- 10 -

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle IV, 1990/1991

January 31, 1991



- 12 -

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board DATE: July 2, 1991

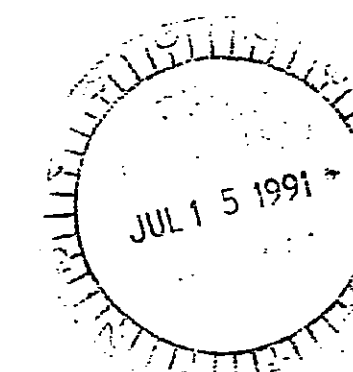
FROM: Arnold F. (Pat) Keller, III, Deputy Director
Office of Planning and Zoning

SUBJECT: Documented Site Plan
Case No. 91-119/Carmelo S. and Joanne M. DiForte

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

AFK/JL/cmm
SITEPLAN.4/CYCLE

Arnold F. "Pat" Keller, III
Deputy Director



- 22 -

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204 887-3211

July 25, 1991

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

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Case No. R-91-119
(DiForte property)

At the regular monthly meeting on July 18, 1991, the enclosed July 2, 1991 staff report was adopted to constitute a report by the Planning Board recommending conditional approval of the Petition in Case No. R-91-119.

P. David Fields

PDE/TD/prh
HACKETT/TXTPRH
Enclosure

81-6 HV 92 7016
R-91-119
R-91-119

- 35 -

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204 887-3554
Fax 887-5784

August 8, 1991

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

Zoning Classification Cycle IV
Property Owner: Carmelo S. & Joanne M. DiForte
Case No./Hearing Date: R-91-119; May 28, 1991
Location: S.E. corner Belair Road & Soth Ave.

Existing Zoning: D.R.-5.5
Election District: 11th
Councilmanic District: 6th
Acre: 0.21
Proposed Zoning: B.L.

REVISED COMMENTS

Dear Mr. Hackett:

The existing D.R.-5.5 zoning for this site can be expected to generate approximately 12 vehicle trips per day. The proposed B.L. zoning for this site can be expected to generate approximately 105 vehicle trips per day.

At the current time, southbound left turns from Belair Road into Soth Avenue must be made from the left thru lane of travel, creating a traffic blockage in this lane (Belair Road is marked as four lanes wide in this area). Any usage which would increase traffic onto Soth Avenue would be undesirable for this reason. The State Highway Administration is planning to widen this portion of Belair Road to three lanes in each direction with a protected southbound left-turn lane and median opening into Soth Avenue. This project is currently scheduled for advertisement in July 1994.

With the proposed driveway and existing parking restrictions, parking will be prohibited along most of the frontage of the property. Because of the small parking lot, any significant overflow of parking will occur adjacent to neighboring properties.

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

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

SUBJECT: Documented Site Plan
Case No. 91-119/Carmelo S. and Joanne M. DiForte

Pursuant to Section 2-356(m) of the Baltimore County Code, an amended site plan was referred by Board of Appeals to the director of the Office of Planning and Zoning. Following consideration by this office, a recommendation regarding the above-mentioned case is offered herewith.

Arnold F. "Pat" Keller, III
Deputy Director

AFK/JL/rdn
SITEPLAN/TXTRO2

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Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204 887-3211

October 4, 1991

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

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Case No. R-91-119
(DiForte property)

In response to the August 7, 1991 letter from the County Board of Appeals, the County Planning Board has reviewed the amendments to the documented site plan in the DiForte case and has determined that the amendments are in agreement with the conditional approval recommended by the Planning Board on July 18, 1991.

The Planning Board voted, at its special meeting on October 3, 1991 to affirm its July 18th recommendation that the Petitioner's request be granted.

P. David Fields

PDE/TD/mjm
DIFORTE/TXTMJM

cc: John B. Contrum, Esq.
Phyllis Cole Friedman, Esq.

81-6 HV 8-13016
R-91-119

- 45 -

IN THE MATTER OF THE APPLICATION OF WARREN J. HAYS, SR., ET AL. FOR A ZONING RECLASSIFICATION FROM D.R. 3.5 TO B.L. ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF GIBBONS BOULEVARD & GREENSIDE DRIVE 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-91-110 Item #10, CYCLE IV 1990-1991

OPINION

This matter comes before the Board as a Petition for Zoning Reclassification, seeking a change from the existing D.R. 3.5 classification to B.L. zoning. The property of .3 acre is located on the northeast corner of Gibbons Boulevard at Greenside Drive in the Fourth Councilmanic District of Baltimore County. The property is owned by the Petitioner, Warren J. Hays, Sr., and is currently being occupied as a family residence. Petitioners were represented by Stuart D. Kaplow, Esquire. The Office of People's Counsel was represented by Peter Max Zimmerman, Esquire. The hearing on this matter was two days in length.

When considering Petitions for Reclassification, this Board is governed by Section 2-58(j) of the Baltimore County Code which states, in essence, that before any property may be reclassified, the Board must find that there has occurred substantial change in the character of the neighborhood, or that the last classification of the property was established in error.

Petitioners presented a Documented Site Plan for the proposed reclassification merging two seasonal retail uses with the residence by altering the existing building and installing appropriate signage, lighting and parking spaces. Petitioners have

-46-

IN THE MATTER OF THE APPLICATION OF THE ESTATE OF MARY A. SETH (JOEL D. CARPENTER, PERSONAL REPRESENTATIVE) FOR A ZONING RECLASSIFICATION FROM D.R. 5.5 TO R.O. ON PROPERTY LOCATED ON THE SOUTHWEST SIDE LIBERTY ROAD, 195' SOUTH OF EAST OF CENTERLINE OF ABBEY PLACE (7923 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-91-110 Item #4, CYCLE IV 1990-1991

OPINION

This case comes before the Board of Appeals on Petition for Zoning Reclassification from D.R. 5.5 to R.O. This property is located on the south side of Liberty Road in the Second Councilmanic District of Baltimore County.

The matter is further identified as Item #4 in Cycle IV, Zoning Reclassification Petitions, January 31, 1991.

The subject parcel of 0.345 acres of land fronting on Liberty Road is part of a much larger parcel of 10 acres to its rear, zoned D.R.5.5, upon which the Contract Purchaser plans to construct thirty individual residential units.

Counsel for the Petitioner presented testimony that the present zoning of the subject parcel is in error, and that regulations governing the R.O. zone may be readily applied to the site. Mr. Ronald Baquol, the Contract Purchaser of the proposed parcel, and the total acreage of the Estate of Mary A. Seth, reviewed his proposed utilization of the house on the subject site in an R.O. zone. Describing an existing dwelling in poor repair, unsafe, on an overgrown property, and situated along heavily

-54-

IN THE MATTER OF THE APPLICATION OF GEORGE P. KARAGEORGOS FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF YORK ROAD AND HADDINGTON ROAD (1623 YORK ROAD) FROM R-O TO B.L. 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-90-175 Item #6, Cycle II, 1989-90

OPINION

This case comes before the Board on a Petition for Reclassification from R-O to a B.L. zone, after being denied in the Comprehensive Zoning Map Process of 1988. The subject property is located at the corner of York Road and Haddington Road in the Ninth Election District of Baltimore County.

The Petitioner in this case, Mr. George P. Karageorgos, presently resides and operates a photography studio from the subject property, which was reclassified to an R-O zone in 1980. The site, a .2 acre parcel, had been used as a studio/residence since the 1960's, and since 1984 by the Petitioner. Mr. Karageorgos expressed his desire to maintain his professional studio, but preferred to change his place of residence away from the York Road location because of personal health considerations. Under the application of the Baltimore County Zoning Regulations (BCZR), his photography studio in the R-O zone is only permissible as long as the proprietor resides in the building.

Presenting his appeal in this Hearing, Mr. Karageorgos was not represented by legal counsel. The changes in the area of increased commercial activities along York Road were Mr. Karageorgos' principal point of contention.

People's Counsel, in opposition to the Petition, reviewed the existing zoning in the vicinity and the difference of properties along the east and west sides of York Road, pointing to the residential/office composition of the east side versus the commercial aspect of the west side.

Representing the York Manor Community Association, J. Shawn Alcares, Esquire, cited the lack of change since the 1988 Map Process, and that the

-58-

IN THE MATTER OF THE APPLICATION OF CARMELO S. DIFORTE, ET UX. RE: ZONING RECLASSIFICATION SE/S OF BELAIR ROAD, CORNER OF SW/S OF 50TH AVENUE 11TH DISTRICT FROM D.R. 5.5 TO B.L.

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-91-102

OPINION

This case comes before this Board on petition for zoning reclassification from D.R. 5.5 to B.L. for a 0.2 acre parcel located on the corner of Belair Road and Soth Avenue in the eleventh election district of Baltimore County. Case was heard this day in its entirety.

Mr. Carmelo S. DiForte, the Petitioner in this case, was not represented by attorney and was his first witness. He testified that Belair Road was basically now largely commercial and that Belair Road was to be widened to seven lanes ultimately all the way to Mountain Road. When this occurs, 25 feet of his frontage will have to be deeded to Baltimore County. He noted that this parcel is presently unimproved and that in a relatively short distance in both directions much commercial use has developed. He testified that he wished to erect a small building on this site to be used as a barber shop and two small offices. He also testified that he purchased the property in April of 1985 fully aware of its residential zoning but anticipating the further extension of commercial use along the Belair Road corridor.

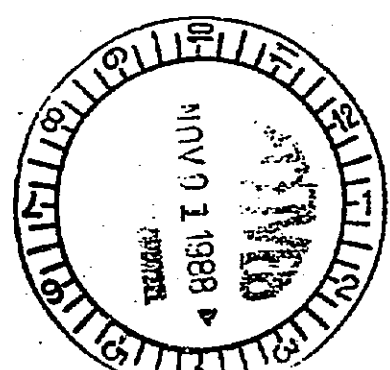
Mr. John Koelbel, a real estate broker, testified that the site was not suitable for residential use and that its highest and best use was that of a service use. He testified that it would be virtually impossible to market this

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A Report by the Baltimore County Planning Board For Public Hearings by the Baltimore County Council

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues June 28, 1988



ORIGINAL

IN THE MATTER OF CARMELO S. DIFORTE, et al. SE/corner Belair Road and Soth Avenue, 11th Election District, 6th Councilmanic District

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-91-119

AUGUST 6, 1991

The above entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, 111 West Chesapeake Avenue, Room 301, Towson, Maryland 21204, at 10:00 a.m., August 6, 1991.

BOARD MEMBERS:

WILLIAM T. HACKETT, Chairman
HARRY E. BUCHHEISTER
LYNN MORELAND

Reported by:

Sandra A. Slater, CSR

TOWSON REPORTING COMPANY, INC.

MICROFILMED



R-91-119 **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 D.R. 5.5 zone to an B.L. 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 Re-classification, Special Exception and/or Variance, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

Legal Owner(s): Carmelo S. DiForte
(Type or Print Name)
Signature: Joanne M. DiForte
Address: 3212 Sperl Court
City and State: Baltimore, MD 21234

Attorney for Petitioner:
Nancy E. Dwyer
(Type or Print Name)
Signature: Nancy E. Dwyer
Address: 814 Eastern Blvd.
City and State: Essex, MD 21221
Attorney's Telephone No.: 686-8274

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Carmelo S. DiForte
Name
3212 Sperl Court
Address
Baltimore, MD 21234
Phone No.

RECEIVED
COUNTY BOARD OF APPEALS
APR 23 1991

MEMORANDUM IN SUPPORT OF AMENDED PETITION

The amended Petition for Zoning Reclassification pertains to a parcel consisting of only .16 acre. It is located at the southeast corner of Soth Road and Belair Road. The Petitioner has filed a documented site plan seeking a zoning change on the property from D.R. 5.5 to B.L. as indicated on the documented plan.

Although there are residentially zoned properties on the East side of Belair Road, these developments occurred prior to the contemplated road widening of U. S. Route 1, Belair Road. Belair Road at this point consists of a sixty (60) foot right-of-way, and the State Highway Administration is requiring the provision for a hundred ten (110) foot right-of-way for all new development with the contemplation that Belair Road will be widened within the next ten (10) years at this point. It will then become a six (6) lane highway. This will bring the right-of-way up to the doorstep of the subject property as well as other improved properties on the highway. On the subject property, which is one of the very few undeveloped parcels on the East side of Belair Road within a half mile, the road widening will heavily impact the scope of permissible development under today's zoning and development regulations. Several properties in the same block already have commercial or office zoning. During the 1988 zoning maps all of the properties not already so zoned in the block petitioned for rezoning.

Given the traffic flow and speed on Belair Road the road widening makes the site virtually worthless for future residential use. The new residential development across the street known as Cedarville is buffered by a large berm and landscaping and is situated off of the road. The ability to achieve these improvements is afforded by the large size of the parcel. The subject site by way of contrast is very small and under today's zoning requirements would be located in close proximity to the rights of way on the intersection.

This is the first time that a documented use has been proposed for the site. The proposed, amended plan presents a structure very much in keeping with the residentially styled structures along Soth Avenue and one that is very limited in its size and scope as dictated by the size of the lot. No variances are being sought.

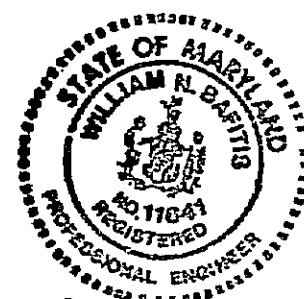
The use of the property is for the Petitioner's business of barber shop and beauty salon with office space. The required parking is provided, but obviously the scope of operations is very narrow. A home occupation would hardly be greater in scope. The petition represents a compromise between a commercial use and a residential character. Such a use is not permitted under the regulations but is ideally suited for this site. The residential zoning on this property is pure error. No serious planner would put a single family dwelling ten (10) feet off of a six (6) lane major thoroughfare with a forty (40) mile per hour speed limit running from Maine to Key West and call it good planning.

On the other hand planning understandably does not want to see strip commercial uses intruding on the residential neighborhood on

ZONING DESCRIPTION

for
Tico Hair Stylists
at
the southeast corner of Belair Road and Soth Avenue

Beginning from the same at the southeast corner of the intersection formed by Belair Road and Soth Avenue, thence running with and binding on the southwest side of Soth Avenue, south 71 degrees 40 minutes east 164.74' feet, thence leaving said Soth Avenue and running for lines of division the two following courses and distances, viz: south 49 degrees 55 minutes west 70 feet and north 68 degrees 38 minutes west 159.73 feet to the southeast side of Belair Road, thence running with and binding on the southeast side of said Belair Road north 49 degrees 55 minutes east 60 feet to the place of beginning. Containing 0.21 of an acre of land, more or less.



William N. Barlett, P.E. (Seal)
Md. Reg. No. 11641

Civil Engineers / Land Planners / Surveyors — 1249 Englebert Road / Baltimore, Maryland 21221 / 301-391-2336

Soth Avenue. The documented plan addresses this concern by displaying a use limited in character to be in harmony with the neighborhood.

In conclusion, we would respectfully request rezoning on the subject tract from D.R. 5.5 to B.L. as limited and permitted by the documented plan.

Respectfully submitted,

John B. Contrum
Nancy Dwyer
Attorneys for Petitioner

MEMORANDUM IN SUPPORT OF RECLASSIFICATION

The Petition for Zoning Reclassification pertains to a parcel of less than two tenths (0.2) of an acre located on the southeast corner of Belair Road and Soth Avenue. The Petitioner is requesting a reclassification from D.R. 5.5 to B.L. It is the Petitioner's intention to amend the filed plan with a documented site plan as provided in the Baltimore County Code.

The subject site was the subject of Issue No. 5-052 during the 1988 Comprehensive Zoning Map process when B.L. zoning was requested.

Although there are residentially zoned properties on the East side of Belair Road, these developments occurred prior to the contemplated road widening of Belair Road. Belair Road at this point consists of a sixty (60) foot right-of-way, and the State Highway Administration is requiring the provision for a one hundred ten (110) foot right-of-way for all new development with the contemplation that Belair Road will be widened within the next ten (10) years at this point. This road widening will bring the road up to the doorsteps of many residences. On the subject property, which is one of the very few undeveloped parcels on the East side of Belair Road within a half mile, the road widening will heavily impact the scope of permissible development under today's zoning and development regulations.

Given the traffic flow and speed on Belair Road the road widening makes the site virtually worthless for future residential use. The new residential development across the street known as Cedarville is buffered by a large berm and is situated back off of the road. The ability to do this is afforded by the large size of that parcel. The subject site in contrast is very small and under today's zoning and development regulations any proposed house would be right up on Belair Road and on Soth Avenue. While such a structure might be suitable under B.L. zoning, it simply does not lend itself to residential living.

It is also possible that Baltimore County will require further improvements to the intersection of Soth Avenue and Belair Road as a result of the development, and these improvements would consist of further widening of Soth Avenue.

The 1988 zoning maps contained requests for mass rezoning for adjacent properties to non-residential use. This indicates that there is existing impetus from property owners on Belair Road to achieve non-residential zoning and to be able to use their properties effectively.

In conclusion, we would respectfully request rezoning on the subject tract from D.R. 5.5 to B.L..

Respectfully submitted,

John B. Contrum
Nancy Dwyer
Attorneys for Petitioner

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/91

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$92.87

MICROFILMED

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/91

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zake Olson
Publisher

\$92.87

MICROFILMED

STATEMENT IN SUPPORT OF REQUESTED RECLASSIFICATION
8330 BELAIR ROAD

Sophia Gertrude Sauerbrey as reasons for her requested reclassification of the subject property states:

1. The site borders on a primarily commercially zoned highway, named U.S. Route 1 (Belair Road), and commercial zoning would be consistent with the neighborhood.
2. The property is bounded to the north by property zoned RO, ML and BM. The property is bounded on the South by Dunfield Road. The property to the West is zoned DR16. The uses that are permitted under RO zoning are inappropriate given the neighboring commercial uses and the heavy traffic conditions at the intersection of Dunfield Road and U.S. Route 1.
3. Subject property is one of two adjacent properties that are zoned RO and DR16. They are existing houses that were, until present, owner occupied. The changes in the character of the area makes the homes generally unsuited for continued residency.
4. The use of the property as a residence contributed to the present zoning classification, whereas the property should have originally been classified BM or BL in conformity with the properties to the North.
5. The continued use of the property as a residence or office is inconsistent with appropriate uses adjacent to the commercial uses to the North of the property.
6. The recent road improvements and changes including the construction of MD 43, the exit ramp at Dunfield Road, and the widening of Belair Road and Dunfield Road at the intersection, and increased

townhouse and apartment development along Dunfield Road have made RO zoning inconsistent with the character of the neighborhood.

7. The improvements at the intersection of Dunfield Road and Belair Road will result in the intersection being the second highest traffic intersection along Belair Road. A Commercial Neighborhood Shopping designation is needed to provide the type of services appropriate to serve the intense residential development to the west of the property.
8. The owners of lots 186, 187, 85, and 200 are applying for simultaneous reclassification of their properties to BM - C.N.S. in order to achieve appropriate and consistent zoning of these adjacent properties.
9. For such other reasons as will be brought out during the petition process.

Sophia Gertrude Sauerbrey
Sophie Gertrude Sauerbrey

STATEMENT IN SUPPORT OF REQUESTED RECLASSIFICATION
8336 BELAIR ROAD

Ernest E. Ellis Jr. and Joseph C. Sain Jr. as reasons for their requested reclassification of the subject property state:

1. The site borders on a primarily commercially zoned highway, named U.S. Route 1 (Belair Road), and commercial zoning would be consistent with the neighborhood.
2. The property is bounded to the north by property zoned ML and BM. The property is bounded on the South by a single property zoned RO and Dunfield Road. The property to the West is zoned DR16. The uses that are permitted under RO zoning are inappropriate given the neighboring commercial uses and the heavy traffic conditions at the intersection of Dunfield Road and U.S. Route 1.
3. Subject property is one of two adjacent properties that are zoned RO and DR 16. They are existing houses that were, until present, owner occupied. The changes in the character of the area makes the homes generally unsuited for continued residency.
4. The use of the property as a residence contributed to the present zoning classification, whereas the property should have originally been classified BM or BL in conformity with the properties to the North.
5. The continued use of the property as a residence or office is inconsistent with appropriate uses adjacent to the commercial uses to the North of the property.
6. The recent road improvements and changes including the construction of MD 43, the exit ramp at Dunfield Road, and the widening of Belair Road and Dunfield Road at the intersection, and increased

townhouse and apartment development along Dunfield Road have made RO zoning inconsistent with the character of the neighborhood.

7. The improvements at the intersection of Dunfield Road and Belair Road will result in the intersection being the second highest traffic intersection along Belair Road. A Commercial Neighborhood Shopping designation is needed to provide the type of services appropriate to serve the intense residential development to the West of the property.
8. The owners of lots 186, 187, 85, and 200 are applying for simultaneous reclassification of their properties to BM - C.N.S. in order to achieve appropriate and consistent zoning of these adjacent properties.
9. For such other reasons as will be brought out during the petition process.

Joseph C. Sain Jr.
Joseph C. Sain Jr.

Ernest E. Ellis Jr.
Ernest E. Ellis Jr.

STATEMENT IN SUPPORT OF REQUESTED RECLASSIFICATION
8344 AND 8346 BELAIR ROAD

Charles A. Moeller as reasons for his requested reclassification of the subject property states:

1. The site borders on a primarily commercially zoned highway, named U.S. Route 1 (Belair Road), and commercial zoning would be consistent with the neighborhood.
2. The property is bounded to the north by property zoned BM. The properties to the south include two properties that are split zoned RO and DR16. The property to the West is zoned DR16. The uses that are permitted under ML zoning are inappropriate given the neighboring residential and commercial uses.
3. This is the only ML zoned property located on U.S. Route 1 from I-695 to the Harford County boundary. ML zoning is inconsistent with the planned and most desirable roadside development on U.S. Route 1.
4. The present (and long standing) use of the property for air compressor servicing and outside storage of construction related equipment dictated the designation of the property as ML. If the property had not had an existing use, it would likely to have been zoned BM.
5. The continued use of the property as air compressor servicing and outside storage of construction related equipment is inconsistent with appropriate uses adjacent to the neighboring intense residential use planned for the properties to the West of subject property.

6. The recent road improvements and changes including the construction of MD 43, the exit ramp at Dunfield Road, and the widening of Belair Road and Dunfield Road at the intersection, and increased townhouse and apartment development along Dunfield Road have made ML zoning inconsistent with the character of the neighborhood.

7. The improvements at the intersection of Dunfield Road and Belair Road will result in the intersection being the second highest traffic intersection along Belair Road. A Commercial Neighborhood Shopping designation is needed to provide the type of services appropriate to serve the intense residential development to the West of the property.
8. The owners of lots 186, 187, 85, and 200 are applying for simultaneous reclassification of their properties to BM - C.N.S. in order to achieve appropriate and consistent zoning of these adjacent properties.
9. For such other reasons as will be brought out during the petition process.

Charles A. Moeller
Charles A. Moeller

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (301) 653-9511

DESCRIPTION FOR ZONING RECLASSIFICATION
8330-8346 BELAIR ROAD
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the center of Belair Road, 60 feet wide and the center of Dunfield Road, 70 feet wide; thence binding on the Center of Dunfield Road the three (3) following courses and distances:

- (1) North 44° 10' 00" West 70.00 feet;
- (2) By a line curving to the right with a radius of 200.00 feet, an arc length of 90.54 and a chord bearing and distance of North 31° 11' 52" West 89.77 feet;
- (3) North 18° 13' 44" West 389.64 feet, thence leaving Dunfield Road and running the three (3) following courses and distances:
 - (4) South 67° 32' 00" East 169.80 feet;
 - (5) North 45° 30' 00" East 247.00 feet;
 - (6) South 44° 10' 00" East 352.00 feet to the center of Belair Road, thence binding on the center of Belair Road;
- (7) South 45° 50' 00" West 504.92 feet to the place of beginning.

Containing 4.02 acres of land, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE



Herbert Malmud
Registered Land Surveyor
Maryland No 7558
August 30, 1990

FILE: BELAIR RECLASS DESC 19

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 16/R.O./M.L. TO : OF BALTIMORE COUNTY
B.M.-C.N.S. ZONE :
NW/8 Belair Rd., Corner NE/S
Dunfield Rd. (8330-8346 Belair
Rd.), 11th Election District
6th Councilmanic District :
GERTRUDE SAUERBREY, et al., : Zoning Case No. R-91- 117 (Item 11,
Petitioners : Cycle IV)

ENTRY OF APPEARANCE

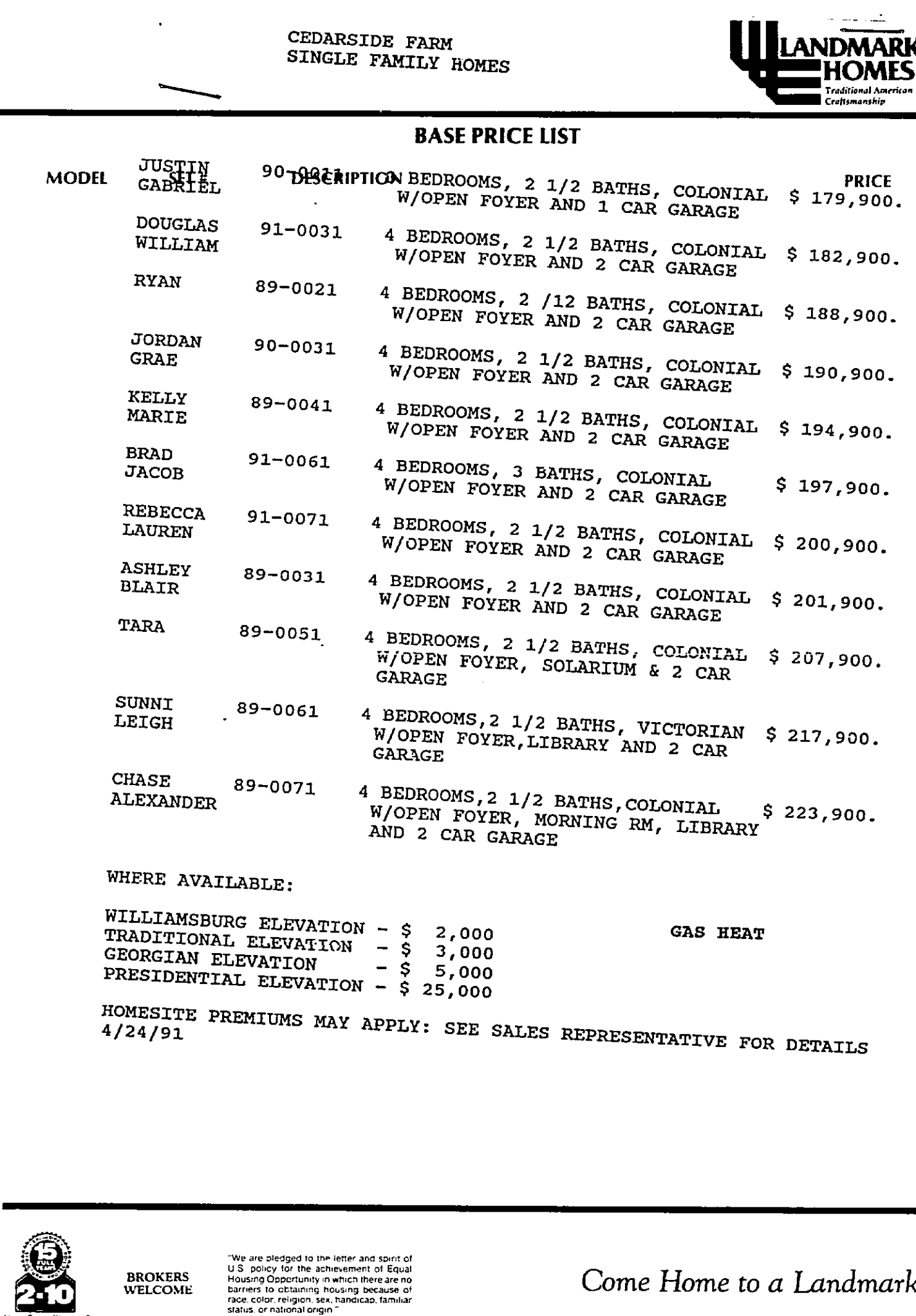
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 5th day of April, 1991, a copy of the foregoing Entry of Appearance was mailed to William E. Lamb, Jr., 306 W. Pennsylvania Ave., Towson, MD 21204, Agent for Petitioners.

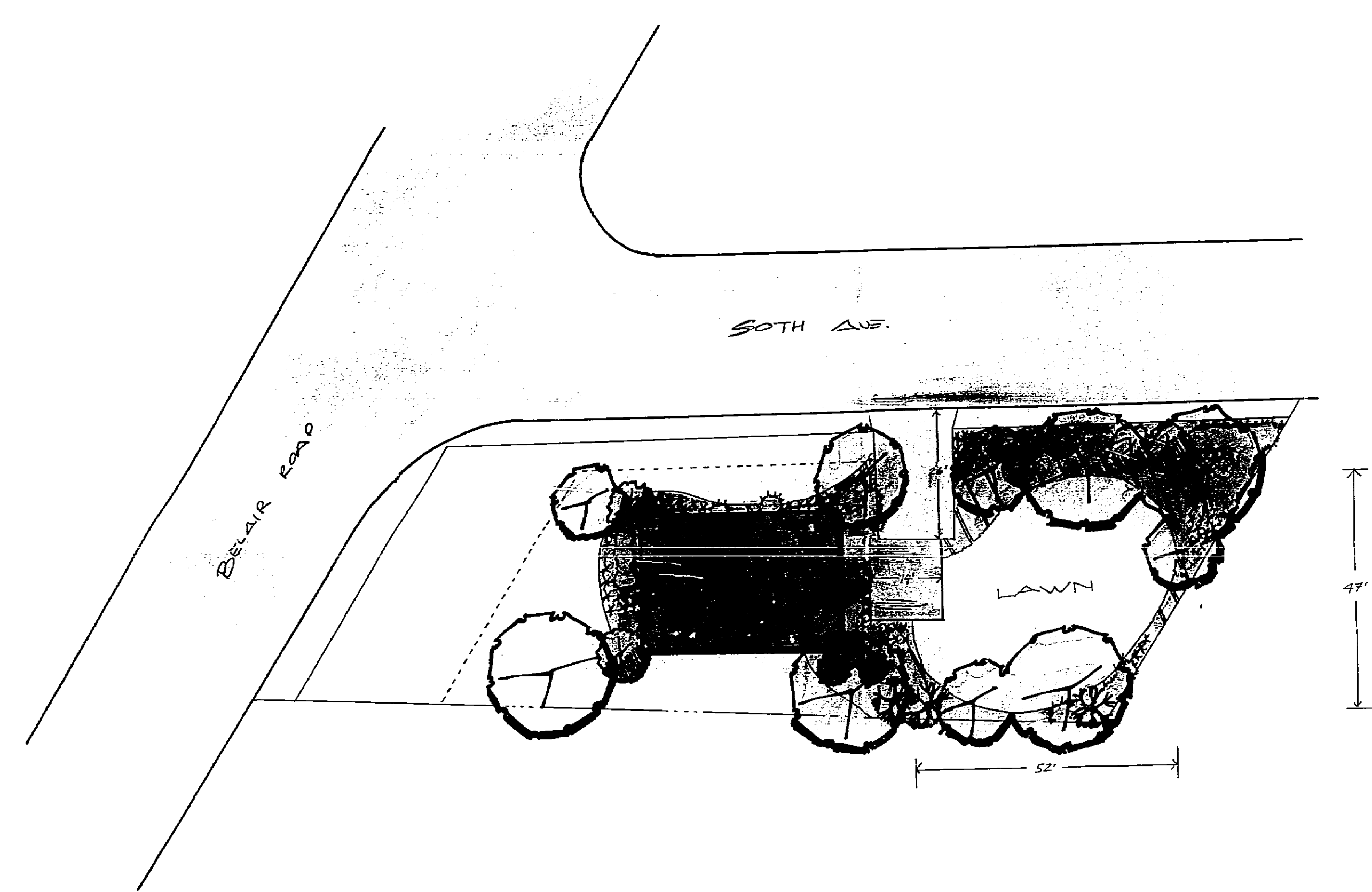
Peter Max Zimmerman
Peter Max Zimmerman
5813 21 2-1215



A stylish front porch welcomes you to 1,980 square feet of stunning airiness and contemporary design. The 1st floor includes a step down to a family room accented by soaring cathedral ceilings, a deluxe kitchen, powder room and laundry area. Upstairs achieves further drama with 3 bedrooms. The master suite is enhanced with a balcony overlooking the family room and a private bath with garden tub and separate shower.

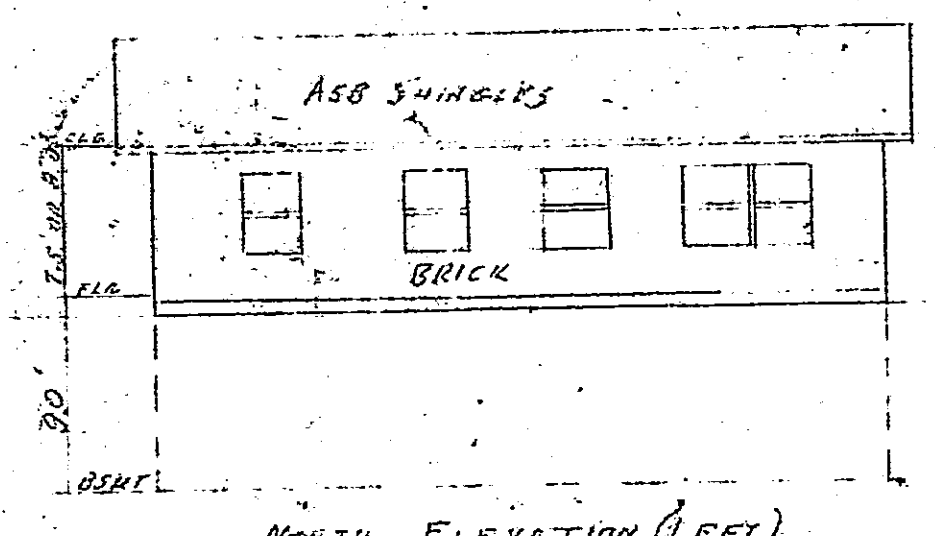
Come Home to a Landmark!

Project Set #5
10

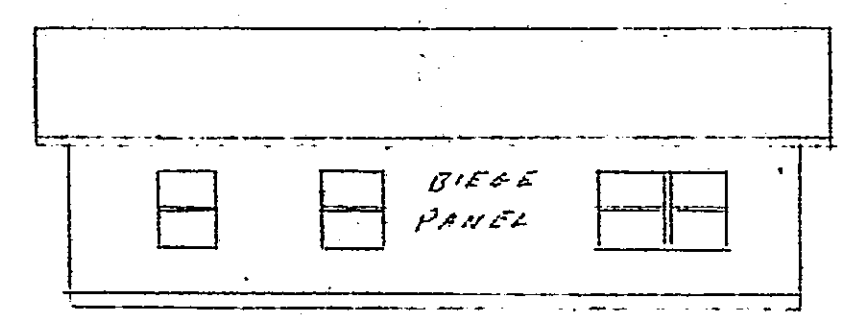


SCALE - 1" = 20'

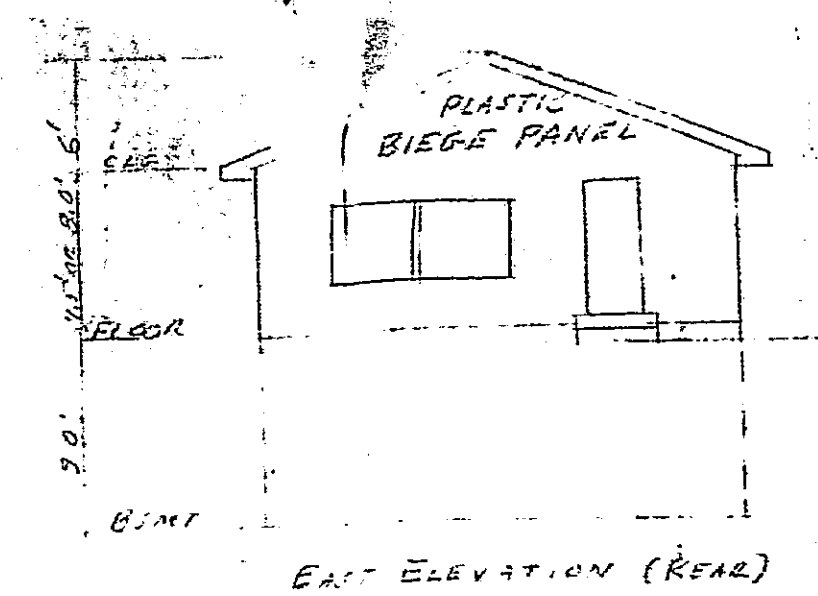
10/10/20



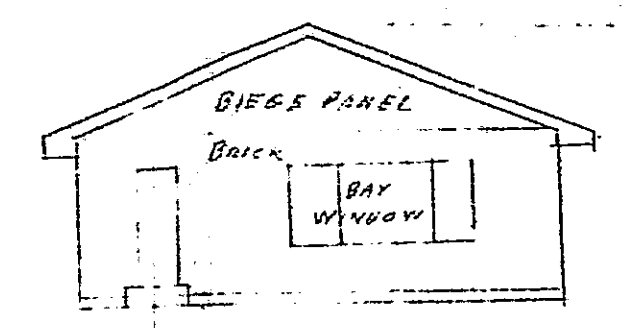
NORTH ELEVATION (LEFT)



SOUTH ELEVATION (RIGHT)



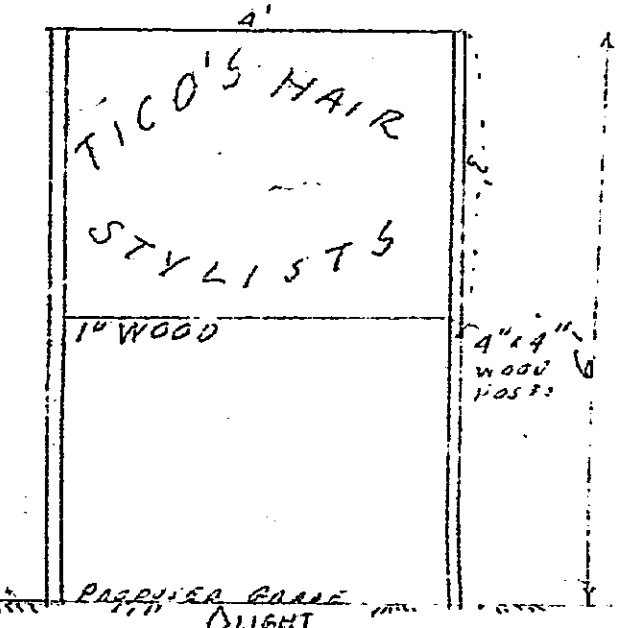
EAST ELEVATION (REAR)



WEST ELEVATION (FRONT)

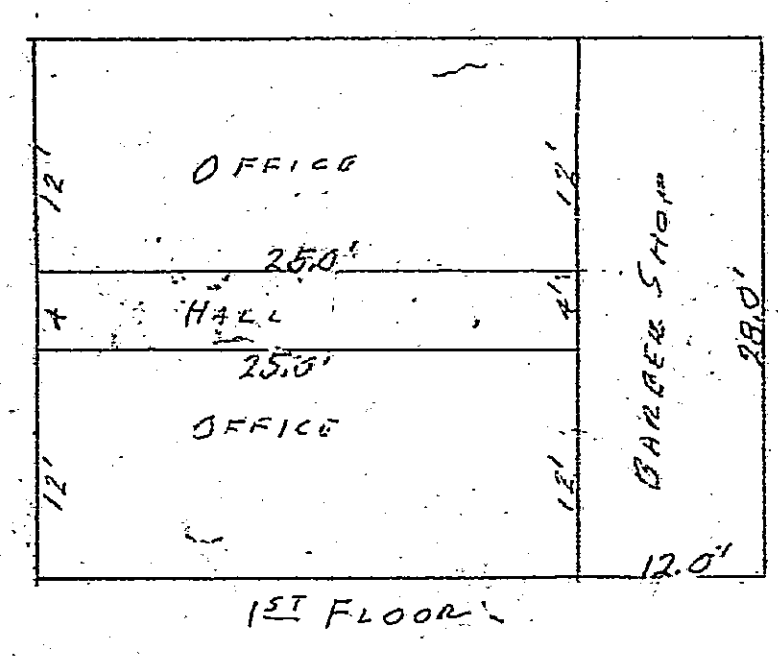
NOT TO SCALE

INFILTRATION DEVICES WILL BE INSTALLED AT RAINGUTTERS

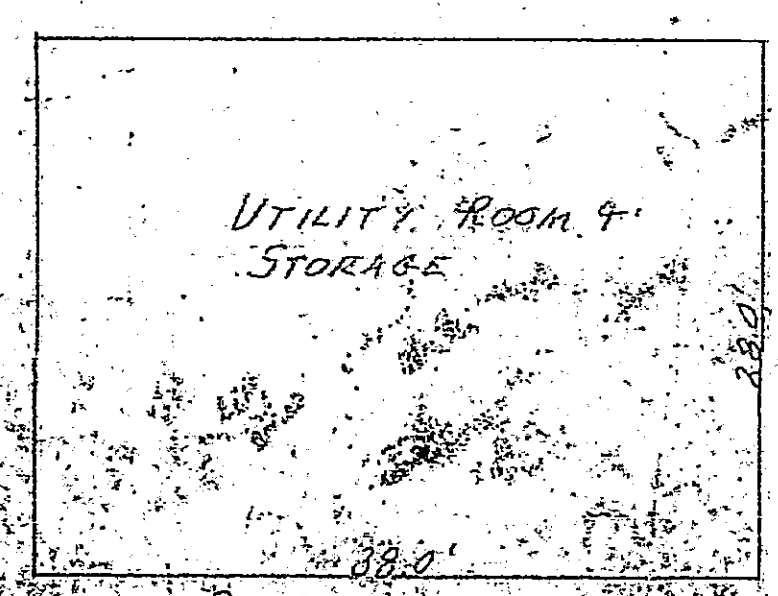


PROPOSED SIGN DETAIL

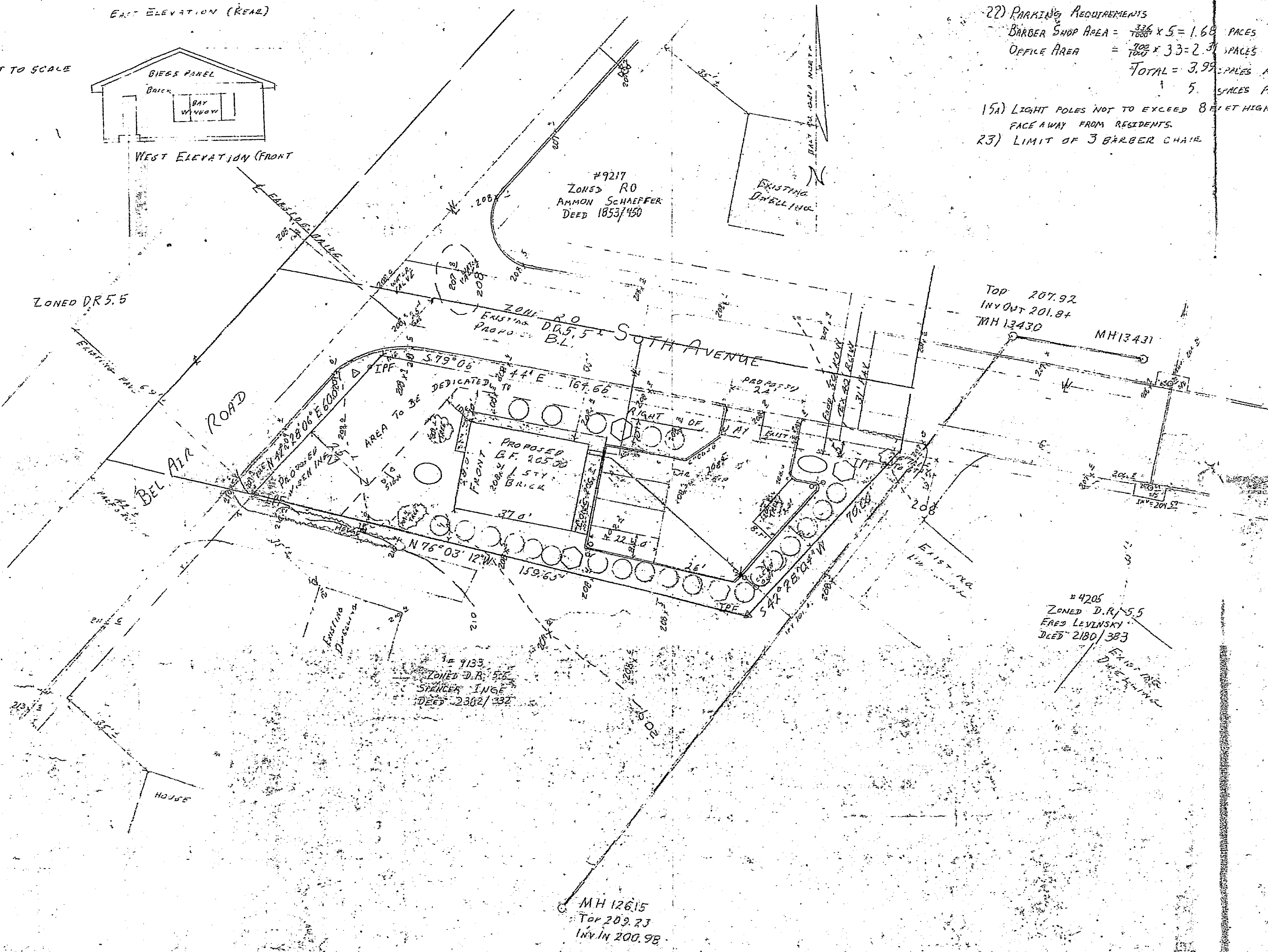
NOTE: ALL SIGNS SHALL CONFORM WITH SECTIONS 10.2 & 10.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS. SIGN HAS 12 SQ. FT. EACH SIDE OR A TOTAL OF 24 SQ. FT. ILLUMINATED. NO OTHER SIGNS.



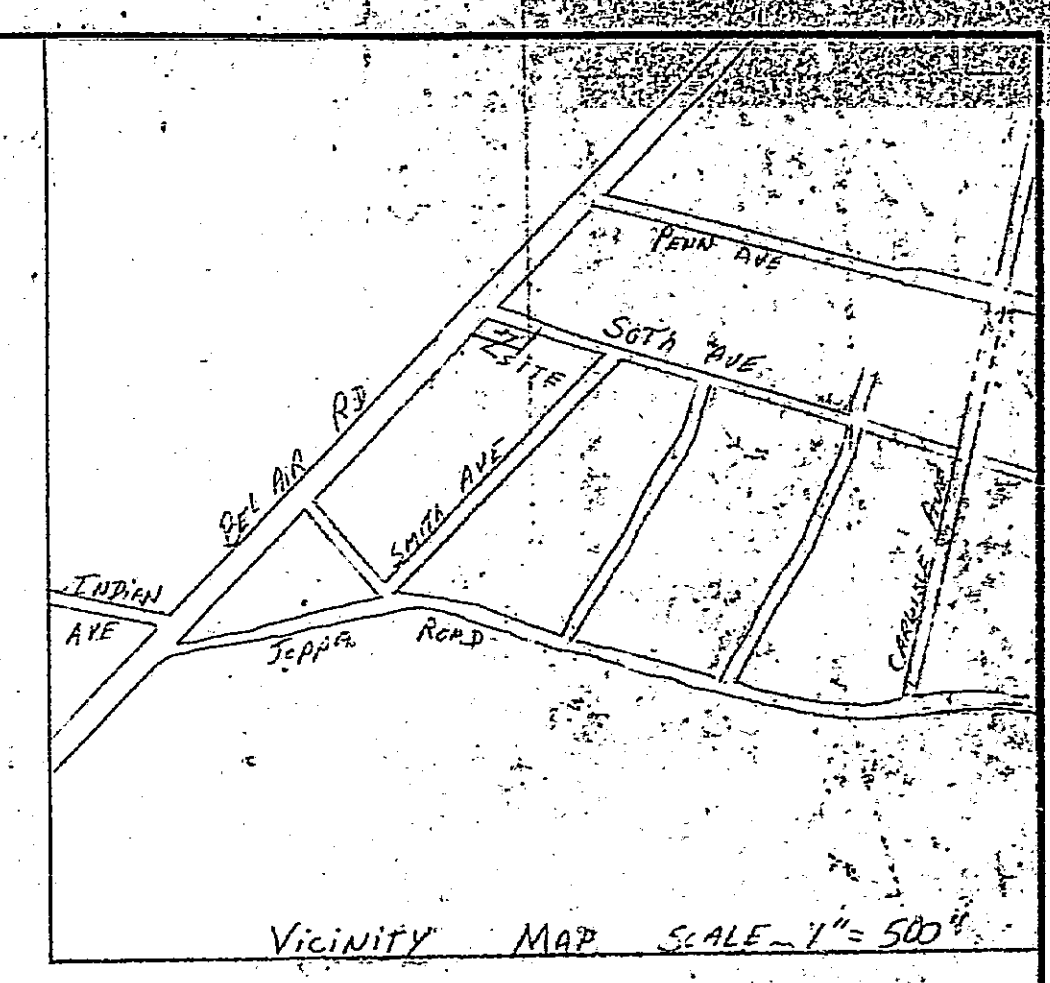
1ST FLOOR



BASEMENT FLOOR PLANS



22) PARKING ACCOMMODATIONS
 BARBER SHOP AREA = 100' x 5' = 1.66 ACRES
 OFFICE AREA = 100' x 33' = 2.33 ACRES
 TOTAL = 3.99 ACRES REQUIRED
 5 ACRES PROVIDED
 15A) LIGHT POLES NOT TO EXCEED 8 FEET HIGH AND FACE AWAY FROM RESIDENTS.
 23) LIMIT OF 3 BARBER CHAIRS



VICINITY MAP SCALE 1" = 500'

NOTES

- 1) OWNER: CARMELO & JONNIE D'APORTE
- 2) EXISTING ZONING: DR 5.5
- 3) PROPOSED ZONING: BE
- 4) AREA OF SITE: GROSS 0.2572 AC
 LESS R.O.W. 0.0507 AC
 NET 0.15874 AC
- 5) FLOOR SPACE 1,036 SQ. FT.
- 6) HOURS OF OPERATION 9 AM TO 6 PM
- 7) MAX. NUMBER OF EMPLOYEES 3
- 8) EXISTING USE: VACANT LOT
- 9) PROPOSED USE: BARBER SHOP & OFFICE SPACE
- 10) LANDSCAPE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF BALTIMORE COUNTY LANDSCAPE MANUAL ADOPTED PURSUANT TO SECTION 22.705 OF TITLE 22 OF THE BALTIMORE COUNTY CODE
- 11) THERE ARE NO STREAMS, SPRINGS, FLOOD PLAINS, OR FLOOD HAZARD ZONES WITHIN 50' OF THE SITE
- 12) THERE ARE NO HISTORIC OR ARCHITECTURAL MONUMENTS WITHIN 50' OF THE SITE
- 13) SETBACKS - REQUIRED PROPOSED
 FRONT 10' 10'
 REAR 10' 6'
 SIDE 10' 10'
- 14) THERE ARE NO CRITICAL AREAS, WETLANDS, ENDANGERED SPECIES HABITATS, OR HERBIVOROUS MATERIALS ON-SITE TO THE BEST OF OUR KNOWLEDGE
- 15) LIGHT POLES INDICATED 6-8' TO BE 400W METAL HALIDE TYPE DIRECTED AT PARALLEL WITH STREET
- 16) LANDSCAPE LEGEND:
 ○ EXISTING MAJOR DECIDUOUS TREES
 ○ PROPOSED MAJOR DECIDUOUS TREES
 ○ PROPOSED MINOR DECIDUOUS TREES
 ○ PROPOSED EVERGREENS
- 17) NO TOPO CHANGES PLANNED
- 18) PROPERTY WILL BE SERVED BY PUBLIC SEWER/WATER
- 19) CLOSEST SCHOOL OR CHURCH ARE 1,500' SOUTH
- 20) GROSS AREA 0.20932 AC
 NET AREA 0.15874 AC
 DEDICATED AREA 1,036 SQ. FT. OR 11.3% OF SITE
- 21) SOIL CLASSIFICATION IS CLAY SHALLOW SOILS, 30' OF BALTIMORE COUNTY SOILS MAP



OWNER: CARMELO & JONNIE D'APORTE
 3012 SOUTH AVENUE
 BALTIMORE, MARYLAND 21204
 410-576-1234
 410-576-1235

RECORDED
 11/19/13

TOLERANCES	REVISIONS
1/8" = 1'0"	1. 11/19/13
1/4" = 1'0"	2. 11/19/13
1/2" = 1'0"	3. 11/19/13
3/4" = 1'0"	4. 11/19/13
1" = 1'0"	5. 11/19/13

THOMAS E. PHELES & ASSOCIATES, INC.
 945 BARDON AVENUE
 BALTIMORE, MARYLAND 21204
 PHONE (301) 574-6744

NO.	DATE	BY	REVISIONS
1	11/19/13	TEP	1. 11/19/13
2	11/19/13	TEP	2. 11/19/13
3	11/19/13	TEP	3. 11/19/13
4	11/19/13	TEP	4. 11/19/13
5	11/19/13	TEP	5. 11/19/13

11/19/13

11/19/13

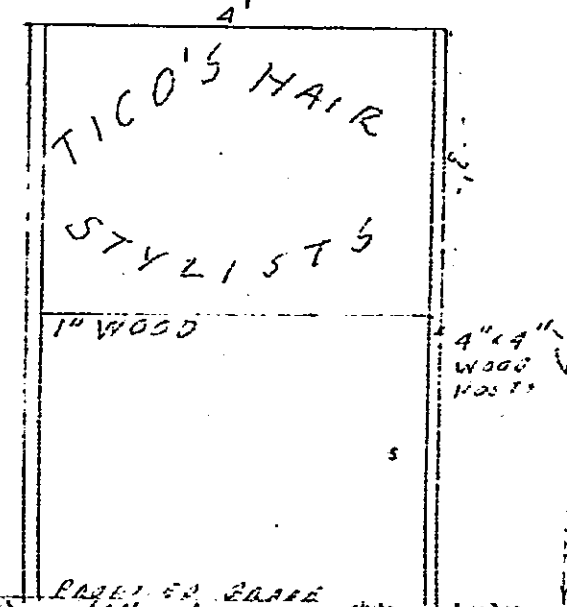
NORTH ELEVATION (LEFT)

SOUTH ELEVATION (RIGHT)

EAST ELEVATION (REAR)

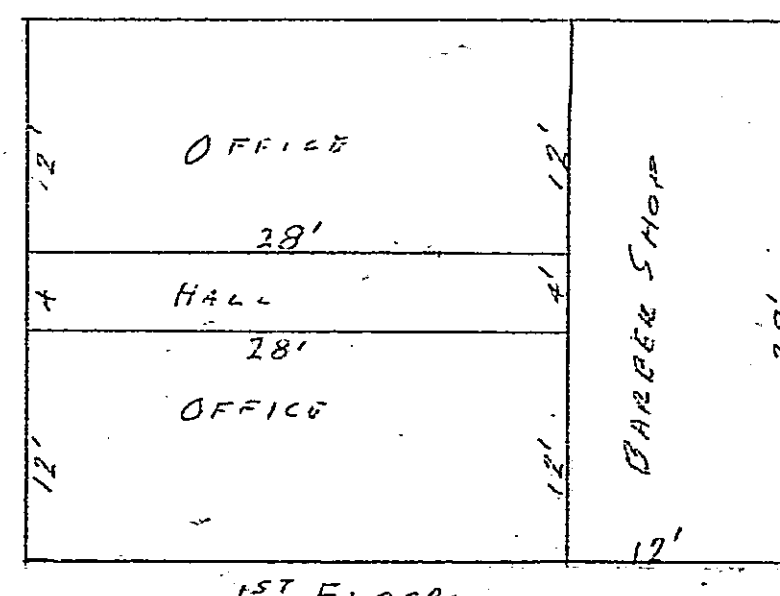
WEST ELEVATION (FRONT)

NOT TO SCALE

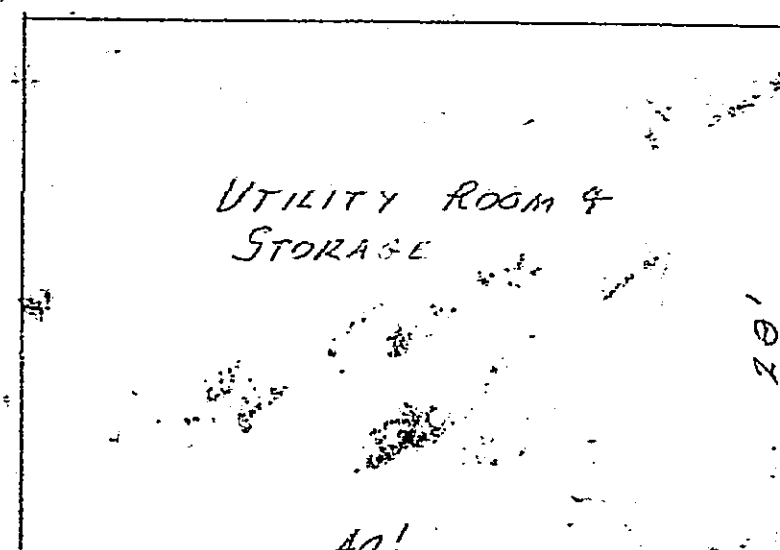


PROPOSED SIGN DETAIL

NOTE: ALL SIGNS SHALL CONFORM WITH SECTIONS 413.2 & 413.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS
SIGN HAS 12 SQ.FT. EACH SIDE OR A TOTAL OF 24 SQ.FT. ILLUMINATED
NO OTHER SIGNS



1ST FLOOR

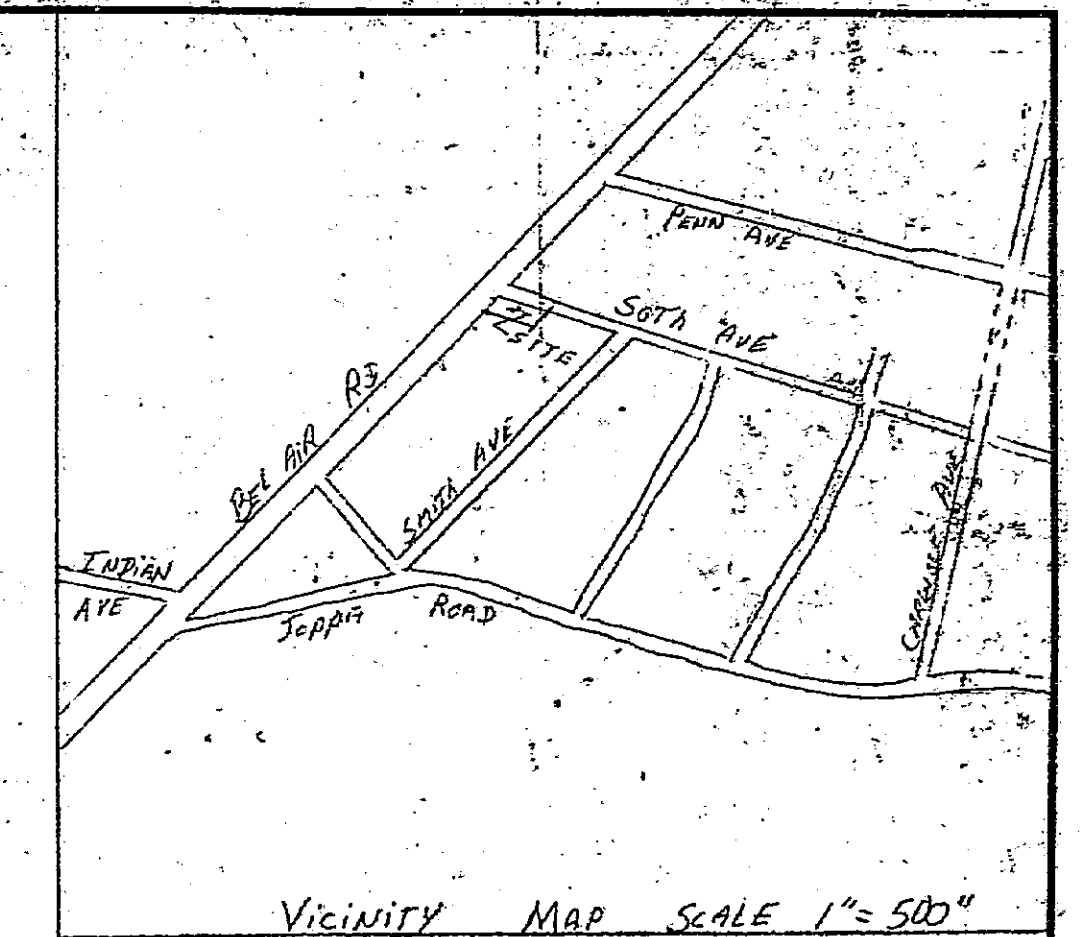


BASEMENT
FLOOR PLANS

22) PARKING REQUIREMENTS

BARBER SHOP AREA	=	$\frac{336}{1000} \times 5$	=	1.69 SPACES
OFFICE AREA	=	$\frac{781}{1000} \times 33$	=	2.59 SPACES
TOTAL =			4.27 SPACES REQUIRED	

15A) LIGHT POLES NOT TO EXCEED 8 FEET HIGH AND
FACE AWAY FROM RESIDENTS.



VICINITY MAP SCALE 1" = 500'

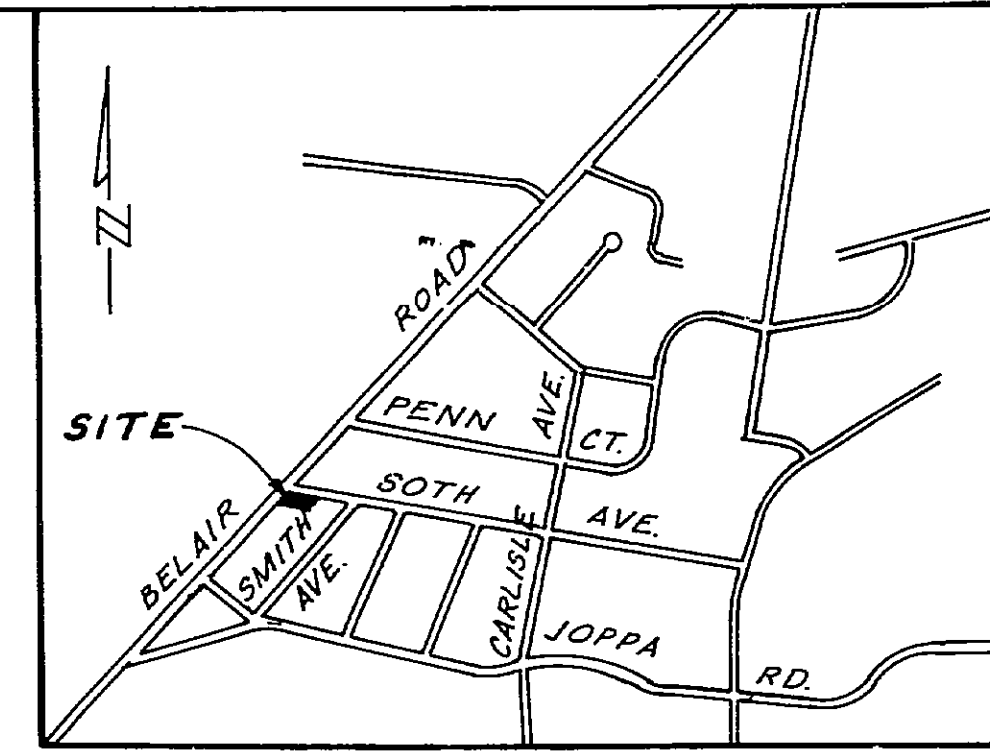
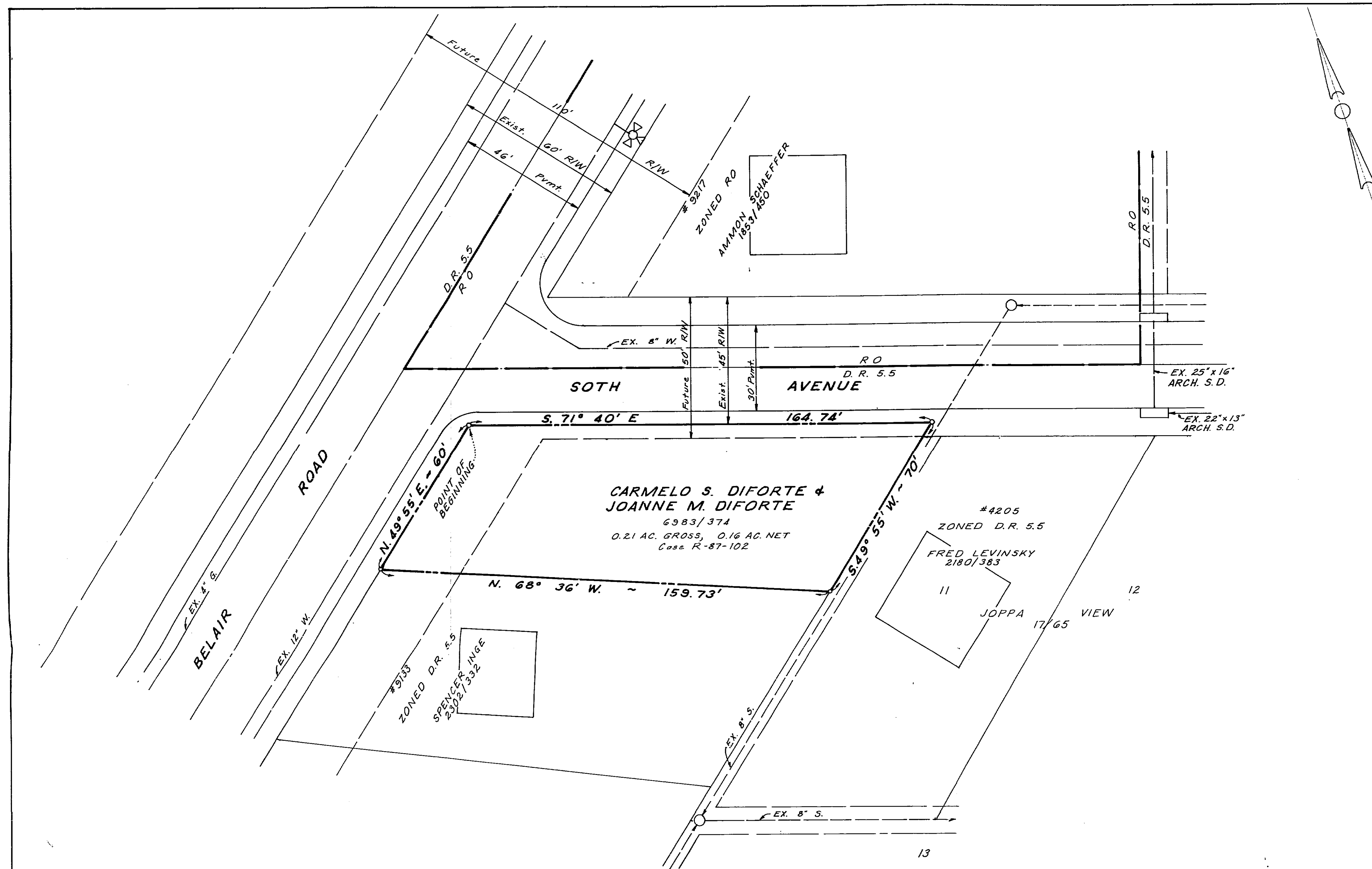
NOTES

- 1) OWNER: CARMELO & JOANNE DIZAPORTE
2) EXISTING ZONING: DR 5.5
3) PROPOSED ZONING: BL
4) AREA OF SITE: GROSS 0.20932
LESS R.O.W. 0.05058
NET 0.15874
5) FLOOR SPACE 1120 Sq. Ft.
6) HOURS OF OPERATION: 8 A.M. TO 6 P.M.
7) MAX. NUMBER OF EMPLOYEES: 3
8) EXISTING USE: VACANT LOT
9) PROPOSED USE: BAKERY, SHOP & OFFICE SPACE
10) LANDSCAPE SHALL BE IN ACCORDANCE WITH THE
REQUIREMENTS OF BALTIMORE COUNTY LANDSCAPE
MANUAL ADOPTED PURSUANT TO RESOLUTION 22-196
OF TITLE 22 OF THE BALTIMORE COUNTY CODE
11) THERE ARE NO STREAMS, SPERMATOPHYTES, OR
FLOOD AREAS ON-SITE OR WITHIN 50' OF PROPERTY
12) THERE ARE NO HISTORIC BUILDINGS ON-SITE
13) SETBACKS REQUIRED PROPOSED
FRONT 10 10
REAR 10 58
SIDE 10 10
14) THERE ARE NO CRITICAL AREAS, WETLANDS,
ENDANGERED SPECIES HABITATS OR HAZARDOUS
MATERIALS ON-SITE TO THE BEST OF OUR KNOWLEDGE
15) LIGHT POLES INDICATED 0-0 TO BE 30' W/IN METAL
HALIDE TYPE DIRECTED AT PARKING AREA
16) LANDSCAPE LEGEND:
 EXISTING MAJOR DECIDUOUS TREES
 PROPOSED MAJOR DECIDUOUS TREES
 PROPOSED MAJOR DECIDUOUS TREES
 PROPOSED EVERGREENS
17) NO TOPO. CHANGES PLANNED.
18) PROPERTY WILL BE SERVED BY PUBLIC SEWER/WATER
19) CLOSEST SCHOOLS OR CHURCH ARE 1500' SOUTH
20) GROSS AREA = 0.20932
NET AREA = 0.15874
BLDG AREA = 1120 SQ. FT. OR 81% OF SITE
21) SOIL CLASSIFICATION IS CIL IN SLOTTED SUBSTRATE
30% OF BALTIMORE COUNTY SOILS ARE

91-112
IV
THOMAS E. PHELPS & ASSOCIATE
945 BARBON AVENUE
BALTIMORE, MARYLAND, 21221
PHONE (301) 574-6744

TOLERANCES (EXCEPT AS NOTED)		REVISIONS		9135, BELMONT ROAD DOCUMENTED RECLASSIFICATION PETITION	
NO.	DATE	BY			
1	6/13/91	TEP		ELEC DIST II	COUNCIL DISTANCE
DECIMAL				BALTIMORE COUNTY, MARYLAND	
FRACTIONAL					
		DRAWN BY	SCALE		MATERIAL
		TEP	1"=100'		
		CHECKED	DATE		DRAWING NO.
		TEP	4/10/91		91185
		TRACED	APP'D		

R-91-
119



VICINITY MAP
1" = 2000'
REF: ADC NO. 29, GRID C-6

- GENERAL NOTES:
1. OWNER - CARMELO & JOANNE DIFORTE
 2. EXISTING ZONING - D.R. 5.5
 3. REQUESTED ZONING - BL

NO.	REVISIONS	DATE

OWNER: CARMELO S. & JOANNE M. DIFORTE
3212 SPERL COURT
BALTIMORE, MARYLAND 21234
668-4783

William N. Bafitis, P.E. 301-391-2336 Bafitis & Associates, Inc.	
R-91-119 Civil Engineers / Land Planners / Surveyors 1249 Englebert Rd., Baltimore, Md. 21221	
SITE PLAN FOR RECLASSIFICATION PETITION	
ELECTION DISTRICT # H	COUNCILMANIC DISTRICT # 5
	MICROFILMED 1
SCALE 1" = 20'	JOB ORDER NO. 90043
DATE AUG, 1990	SHEET 1 OF 1

NOTICE OF PENDING
Zoning Reclamation
Case Number R-91-119
111 West Chesapeake Avenue
Towson, Maryland 21204
Petitioner: Carmelo S. and Joanne M. Diforte

Property Description
Beginning for the same at the southeast corner of the intersection formed by Belair Road and South Avenue, thence running with and along the line of the west side of South Avenue, South 71 degrees 40 minutes East 154.74 feet, thence along said South Avenue and running for lines of division the two following courses and distances, viz:
(1) South 49 degrees 55 minutes West 70 feet;
(2) North 68 degrees 36 minutes West 159.73 feet to the southeast side of Belair Road, thence running with and along the southeast side of said Belair Road;
(3) North 49 degrees 55 minutes East 60 feet to the place of beginning.
Containing 0.21 of an acre of land, more or less.
RECLASSIFICATION: From D.R.5.5 to B.L.
TIME: 10:00 A.M.
DATE: TUESDAY, MAY 28, 1991
LOCATION: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204
County Board of Appeals
WILLIAM T. HACKETT, Chairman
Nancy E. Dwyer, Esq., Clerk

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/29/91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/25/91

THE JEFFERSONIAN,
S. Zake Publisher

\$ 92.87

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
#9

Date: 8/27/90
Reclass Petition
Owner: Carmelo S. Di Forte
Att: Romadka, Gontum, Hennegan P.A.
DR 5.5 To B.L.

04AD480097HICRC \$175.00
Please Make Checks Payable To: Baltimore County 06-00111-21A009-51-90

Cashier Validation MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3500

Date: 9/24/90 H9100132
PUBLIC HEARING FEES QTY PRICE
060 -RECLASSIFICATION 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: DIFORTE

PAID PER HAND DELIVERED
RECEIPT DATED 8/31/90
MICROFILMED

Please make checks payable to: Baltimore County
Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
R 91-119

Date: 5/24/91 H9101122
PUBLIC HEARING FEES QTY PRICE
060 -POSTING SIGNS / ADVERTISING 1 X \$445.58
TOTAL: \$445.58
LAST NAME OF OWNER: DIFORTE

04AD480028HICRC \$445.58
Please Make Checks Payable To: Baltimore County 06-00034-22P005-24-91

Cashier Validation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

Date: 5/14/91

Carmelo S. and Joanne M. Diforte
3212 Spier Court
Baltimore, Maryland 21204

Re: Petition for Zoning Reclamation
CASE NUMBER: R-91-119
SE/cor Belair Road and South Avenue
11th Election District - 6th Councilmanic
Petitioner(s): Carmelo S. and Joanne M. Diforte
HEARING: TUESDAY, MAY 28, 1991 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$445.58 due for advertising and posting of the above property, this fee must be paid before an order is issued.

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

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

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: Nancy E. Dwyer, Esq.

MICROFILMED

October 17, 1990

NOTICE OF HEARING

Petition for Zoning Reclamation
CASE NUMBER: R-91-119
SE/cor Belair Road and South Avenue
11th Election District - 6th Councilmanic
Petitioner(s): Carmelo S. and Joanne M. Diforte

PROPERTY DESCRIPTION

Beginning for the same at the southeast corner of the intersection formed by Belair Road and South Avenue, thence running with and binding on the southeast side of South Avenue, south 71 degrees 40 minutes east 164.74 feet, thence leaving said South Avenue and running for lines of division the two following courses and distances, viz:
1) South 49 degrees 55 minutes West 70 feet;
2) North 68 degrees 36 minutes West 159.73 feet to the southeast side of Belair Road, thence running with and binding on the southeast side of said Belair Road;
3) North 49 degrees 55 minutes East 60 feet to the place of beginning.
Containing 0.21 of an acre of land, more or less.

RECLASSIFICATION: Petition to reclassify the property from D.R.-5.5 zoning to B. L. zoning.

TIME: 10:00 a.m.

DATE: THURSDAY, MAY 28, 1991

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

Carmelo S. Diforte, et ux
Nancy E. Dwyer, Esq.

MICROFILMED



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

Hearing Room -
Room 301, County Office Bldg. May 28, 1991

NOTICE OF ASSIGNMENT

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

CASE NO. R-91-119
Item #13 IV 1990-91

CARMELO S. DIFORTE, ET AL
SE/cor Belair Road and South Ave.
11th Election District
6th Councilmanic District

Reclassification from D.R.5.5 to B.L.

which was scheduled for hearing on May 28, 1991 has been continued on the record pending the completion of a documented site plan to be submitted as follows:

ASSIGNED FOR:

TUESDAY, JUNE 11, 1991 AT 10:00 A.M. (FOR PURPOSE OF SUBMITTING DOCUMENTED PLAN ONLY)

cc: John B. Gontum, Esquire Counsel for Petitioners
Nancy E. Dwyer, Esquire " "
Carmelo S. Diforte, et al Petitioners
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

5/28/91-Following parties notified of continuance on the record May 28, 1991 pending completion of a documented site plan to be submitted June 11, 1991 at 10:00 a.m.

John B. Gontrum, Esquire
Nancy E. Dwyer, Esquire
Carmelo S. DiPorte, et ux
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

6/11/91 -Amended Plan /documented site plan submitted at public hearing; forwarded to Planning Board 6/14/91 (amended petition received by Board 6/14/91).

6/19/91 -Above parties notified of hearing set for August 6, 1991 at 10:00 a.m.

8/06/91 -Hearing suspended; amendments made to documented site plan per PB recommendations of 7/18/91; documented plan w/recommended amendments to be submitted to PB to assure compliance with that body's 7/18/91 recommendations.

Transcript of flow proceedings ordered by WTH from Sandy Slater, Towson Ppt.

10/17/91 - Above parties notified of hearing set for February 18, 1992 at 10:00 a.m.



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

Hearing Room -
Room 301, County Office Bldg. May 28, 1991

NOTICE OF ASSIGNMENT

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

CASE NO. R-91-119
Item #13 IV 1990-91
CARMELO S. DIFORTE, ET AL
SE/cor Belair Road and Soth Ave.
11th Election District
6th Councilmanic District

Reclassification from D.R.5.5 to B.L.

which was scheduled for hearing on May 28, 1991 has been continued on the record pending the completion of a documented site plan to be submitted as follows:

ASSIGNED FOR: TUESDAY, JUNE 11, 1991 AT 10:00 A.M. (FOR PURPOSE OF SUBMITTING DOCUMENTED PLAN ONLY)

cc: John B. Gontrum, Esquire Counsel for Petitioners
Nancy E. Dwyer, Esquire " " " " " " " " " " " "
Carmelo S. DiPorte, et al Petitioners
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

LindaLee M. Kuszmaul
Legal Secretary

*Documented Site Plan (12)
Environmental Impact (12) all submitted.
*Amended Petition (12)
*4/11/91 Petition not included in late proof 6/14/91
OK. Dwyer says to see re submitting same. Proof 6/14/91*

MICROFILMED



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

Hearing Room -
Room 301, County Office Bldg. June 19, 1991

NOTICE OF ASSIGNMENT

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

CASE NO. R-91-119
Item #13 IV 1990-91
CARMELO S. DIFORTE, ET AL
SE/cor Belair Road and Soth Ave.
11th Election District
6th Councilmanic District

Reclassification from D.R.5.5 to B.L.

ASSIGNED FOR: TUESDAY, AUGUST 6, 1991 AT 10:00 A.M.

cc: John B. Gontrum, Esquire Counsel for Petitioners
Nancy E. Dwyer, Esquire " " " " " " " " " " " "
Carmelo S. DiPorte, et al Petitioners
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services out per P. Guthall 7/08
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Baltimore County Attorney

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED



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

Hearing Room -
Room 301, County Office Bldg. October 17, 1991

NOTICE OF ASSIGNMENT

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

CASE NO. R-91-119
Item #13 IV 1990-91
CARMELO S. DIFORTE, ET AL
SE/cor Belair Road and Soth Ave.
11th Election District
6th Councilmanic District

Reclassification from D.R.5.5 to B.L.

ASSIGNED FOR: TUESDAY, FEBRUARY 18, 1992 AT 10:00 A.M.

cc: John B. Gontrum, Esquire Counsel for Petitioners
Nancy E. Dwyer, Esquire " " " " " " " " " " " "
Carmelo S. DiPorte, et al Petitioners
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 8, 1991

887-3353

Nancy C. Dwyer, Esquire
814 Eastern Blvd
Essex, MD 21221

RE:

Item No. 13
Case No. R91-119
Petitioner: Carmelo S. DiPorte
Reclassification Petition

Dear Ms. Dwyer:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). 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 May 28, 1991. 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

R91-119
Nancy E. Dwyer
Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3351 or the commenting agency.

Very truly yours,

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

JED:jw

Enclosures

cc: Mr. & Mrs. Carmelo S. DiPorte
3212 Spert Court
Baltimore, MD 21234

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
31st day of August, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Carmelo S. DiPorte, et ux
Petitioner's Attorney: Nancy E. Dwyer

MICROFILMED



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 29, 1990

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

Re: Baltimore County
Carmelo S. & Joanne
DiPorte Property
Zoning Reclassification Cycle VI
Case No. R 91-119
EUS Belair Road
US 1 N
at Soth Avenue

Dear Mr. Haines:

We are writing you as a follow-up to our October 24th letter concerning right-of-way requirements along Belair Road.

Currently, our Belair Road improvements are in the design stage and the future 110' right-of-way on Belair Road appears acceptable; however, this is tentative and subject to change.

Also, we recommend all access to this property be by way of Soth Avenue and not Belair Road.

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

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Bafitis and Associates Inc.
Mr. J. Ogle

RECEIVED
NOV 7 1990
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-3062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 24, 1990

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

Attn: Mr. James Dyer

Re: Baltimore County
Carmelo S. & Joanne
DiForte Property
Zoning Reclassification
Cycle IV
Case No. R-91-119
E/S Belair Road
(Route 1-N) and
Soth Avenue

Dear Mr. Haines:

We have received the proposal for a change in zoning from
D.R. 5.5 to B.L. and have the following comment

We have forwarded this plan to our Design Section to
determine our right-of-way requirements in conjunction with our
Belair Road improvements. We will forward you their comments
when they are received.

Also, we strongly recommend all access to this property be
by way of Soth Avenue and not Belair Road.

If we can be of further assistance, please contact Larry
Brocato at (301) 333-1350.

Very truly yours,
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: Bafitis & Assoc., Inc.
Mr. J. Ogle

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

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0431 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 18, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: REVISED PLANS WERE RECEIVED FOR

Location:

Item No.: #R-91-119 Zoning Agenda: SEPTEMBER 10, 1991

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: *John Dyer* Noted and Approved *W. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

92-111W 61 SEP 16
COUNTY BOARD OF APPEALS

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

P. David Fields, Director
Office of Planning & Zoning Date: June 14, 1991
TO: Attention: Jeffrey Long

FROM: Arnold G. Foreman, Acting Chairman
County Board of Appeals

SUBJECT: Documented Site Plan --
Case No. R-91-119 /Carmelo S. DiForte, et al

Pursuant to the appropriate sections of the Baltimore County
Code and a public hearing on June 11, 1991, we are transmitting to
you a copy of the documented site plan submitted to the County
Board of Appeals. We are also forwarding to you a copy of the
attendant documentation also submitted to the Board. This amended
plan 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 documented site plan and a copy of the Amended Petition for
Zoning Reclassification to the Zoning Office.

Arnold G. Foreman
Arnold G. Foreman

Attachment (1 copy of Documented Site Plan /Amended Petition)

cc: Pat Keller
W. Carl Richards, Jr. w/10 copies of Documented Site Plan
and 1 copy of Amended Petition

MICROFILMED

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

August 8, 1991

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

Zoning Classification Cycle IV
Property Owner:
Case No./Hearing Date:
Location:

October 1990 - April 1991
Carmelo S. & Joanne M. DiForte
R-91-119; May 28, 1991
S.E. corner Belair Road & Soth Ave.

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

D.R.-5.5
11th
6th
0.21
B.L.

REVISED COMMENTS

Dear Mr. Hackett:

The existing D.R.-5.5 zoning for this site can be expected to generate
approximately 12 vehicle trips per day. The proposed B.L. zoning for this
site can be expected to generate approximately 105 vehicle trips per day.

At the current time, southbound left turns from Belair Road into Soth
Avenue must be made from the left thru lane of travel, creating a traffic
blockage in this lane (Belair Road is marked as four lanes wide in this
area). Any usage which would increase traffic onto Soth Avenue would be
undesirable for this reason. The State Highway Administration is planning
to widen this portion of Belair Road to three lanes in each direction with a
protected southbound left-turn lane and median opening into Soth Avenue.
This project is currently scheduled for advertisement in July 1994.

With the proposed driveway and existing parking restrictions, parking
will be prohibited along most of the frontage of the property. Because of
the small parking lot, any significant overflow of parking will occur
adjacent to neighboring properties.

MICROFILMED

Mr. William Hackett
Page 2
August 8, 1991

Also, because making a left turn onto Belair Road is very difficult at
times, it can be expected that traffic from the site wishing to go south on
Belair Road will take Soth Avenue to Smith Avenue, go south to Joppa Road
and turn right and then come out onto Belair Road at the existing signal at
that location. Thus, extra traffic could be generated thru the adjoining
residential community.

Very truly yours,
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

P. David Fields, Director
Office of Planning & Zoning Date: August 7, 1991
TO: Attention: Jeffrey Long

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

SUBJECT: Amendments to Documented Site Plan --
Case No. R-91-119 /Carmelo S. DiForte, et al

Pursuant to the appropriate sections of the Baltimore County
Code and a public hearing on August 6, 1991, we are transmitting to
you a copy of the amended documented site plan submitted to the
County Board of Appeals. This amended plan is being forwarded to
you for processing with the Baltimore County Planning Board. This
Board's only concern is whether or not the attached amended plan is
in agreement with the Planning Board's recommendations adopted on
July 18, 1991.

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

William T. Hackett
William T. Hackett

Attachment (1 copy of amended Documented Site Plan)

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

5 to Carl 8/8/91
5 to " 8/8/91

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

P. David Fields, Director
Office of Planning & Zoning Date: August 7, 1991
TO: Attention: Jeffrey Long

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

SUBJECT: Amendments to Documented Site Plan --
Case No. R-91-119 /Carmelo S. DiForte, et al

Pursuant to the appropriate sections of the Baltimore County
Code and a public hearing on August 6, 1991, we are transmitting to
you a copy of the amended documented site plan submitted to the
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you for processing with the Baltimore County Planning Board. This
Board's only concern is whether or not the attached amended plan is
in agreement with the Planning Board's recommendations adopted on
July 18, 1991.

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

William T. Hackett
William T. Hackett

Attachment (1 copy of amended Documented Site Plan)

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

Carl - I'll get other 5
copies to you tomorrow.
K. More ok

RECEIVED
AUG 21 1991
By: *RCJ*

8-21-91
TC to John Gontrums. On vacation -
Nancy is handling case. She'll
return the call.
8-22-91
TC to Nancy. Will call client &
get check to me ASAP.
8-30-91
TC to Nancy. Talked to her secretary. She
has Nancy issue check today or Monday.



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 47, COURTHOUSE
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(800) 887-4500

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 5, 1992

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Carmelo S. DiForte, et al., Petitioners
Zoning Case No. R-91-119

Dear Chairman Hackett:

We are in receipt of the Board of Appeals Opinion dated March 4, 1992 in this case. We appreciate that the Board accepted our position that there was no error in the 1988 comprehensive zoning of this property. We would like to clarify, however, a point regarding the testimony of Jeffrey Long of the Office of Planning and Zoning. The Opinion states on page 4,

"Mr. Long felt that the matter would be appropriate in the Comprehensive Zoning Process, and that there was no error in the 1988 zoning issues of the site as it could be developed for residential purposes."

We trust that the Board meant to say that Mr. Long testified that the matter would be appropriate for consideration in the 1992 Comprehensive Zoning Process, and not that commercial zoning would necessarily be appropriate. Of course, in the comprehensive zoning process, the County Council can consider a number of zoning categories - not only residential and commercial, but also various new office and residential-office categories.

I hope that the Board and Office of Planning and Zoning find that this letter is of assistance in clarifying any possible question of interpretation about Mr. Long's testimony. Thank you for your attention.

Very truly yours,
Peter Max Zimmerman
Deputy People's Counsel

cc: Nancy E. Dwyer, Esquire
Jeffrey Long, OZ

PMZ:sh

MICROFILMED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CARMELO S. DIFORTE * BOARD OF APPEALS
and * CASE NUMBER:
JOANN DIFORTE * 91-119
Appellants * * * * *

SUBPOENA

William T. Hackett, Chairman:

Please issue a subpoena for C. RICHARD MOORE, Chief of Traffic Engineering, Baltimore County, in the above-captioned case, to appear at the hearing to be held February 18, 1992 at 10:00am.

John B. Gontum, Esquire
ROMADKA, GONTUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274

SERVED on this 13 day of
February, 1992.

County Board of Appeals

LAW FIRM
ROMADKA,
GONTUM &
McLAUGHLIN, P.A.
ESSEX, MARYLAND

90 JUN 21 2 26 PM '92

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(800) 887-4500

November 23, 1990

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

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

October 1990 - April 1991
Carmelo S. & Joanne M. DiForte
R-91-119; May 28, 1991
S.E. corner Belair Road & Soth Ave.
D.R.-5.5
11th
6th
0.21
B.L.

Dear Mr. Hackett:

The existing D.R.-5.5 zoning for this site can be expected to generate approximately 12 vehicle trips per day. The proposed B.L. zoning for this site can be expected to generate approximately 105 vehicle trips per day.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

RECEIVED
NOV 28 1990
ZONING OFFICE

MICROFILMED

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5000
(800) 887-4500

Paul H. Relocke
Chief

OCTOBER 12, 1990

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: CARMELO S. AND JOANNE M. DIFORTE
Location: SE/COR BELAIR ROAD AND SOTH AVENUE
Item No.: R-91-119 Zoning Agenda: OCTOBER, 1990 - APRIL, 1991

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

JK/KEK

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Director DATE: April 6, 1992
FROM: LindaLee M. Kuszmaul
County Board of Appeals
Closed File
SUBJECT: Case No. R-91-119 (Carmelo S. DiForte, et al)

As no further appeals have been taken regarding the subject case, we have closed the file and are returning same to you herewith.

Linda

Attachment

RECEIVED
APR 8 1992
ZONING OFFICE

MICROFILMED

Baltimore County Government Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

July 25, 1991

TO: William T. Hackett, Chairman
County Board of Appeals
FROM: P. David Fields, Secretary
County Planning Board
SUBJECT: Case No. R-91-119
(DiForte property)

At the regular monthly meeting on July 18, 1991, the enclosed July 2, 1991 staff report was adopted to constitute a report by the Planning Board recommending conditional approval of the Petition in Case No. R-91-119.

P. David Fields

PDE/TD/prh
HACKETT/TXTPRH

Enclosure

MICROFILMED

21 JUL 16 1991
COUNTY BOARD OF APPEALS

R-91-119 Petitioner's 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore County Planning Board DATE: July 2, 1991

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

SUBJECT: Documented Site Plan
Case No. 91-119/Carmelo S. and Joanne M. DiForte

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

Arnold F. "Pat" Keller, III
Deputy Director

AFK/JL/cmm
SITEPLAN 4/CYCLE

CASE NO. R91-119

CYCLE IV, ITEM 13

PETITIONER:

Carmelo S. and Joanne M. DiForte

REQUESTED ACTION:

Reclassification to B.L. (Business Local)

EXISTING ZONING:

D.R.5.5 (Density Residential)

LOCATION:

S.E. corner of Belair Road and Soth Avenue

AREA OF SITE:

0.21 acre

ZONING OF ADJACENT PROPERTY/USE:

North - R.O., Residential
South - D.R.5.5, Residential
East - D.R.5.5, Residential
West - D.R.5.5, Residential

SITE DESCRIPTION:

The site is generally flat and unimproved. The site has frontage on Belair Road and Soth Avenue.

PROPERTIES IN THE VICINITY:

With the exception of the R.O. zoned property at the northeast corner of Belair Road and Soth Avenue, all of the surrounding land is zoned D.R.5.5. Single-family dwellings are located immediately to the north, east, and south. To the west, a residential development (Cedarside Farm) is currently under construction on the other side of Belair Road. This development will consist of single-family detached houses and townhouses.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

Carmelo S. and Joanne M. DiPorte
Case No. R91-119, Cycle IV, Item 13
Page 2

TRAFFIC AND ROADS:

Belair Road is a 4-lane arterial highway. Soth Avenue is a residential street. The State Highway Administration plans to reconstruct Belair Road to provide three traffic lanes in each direction. This project is not presently included in SHA's Construction Program and therefore, it is unknown when construction will begin.

ZONING HISTORY:

The property has been zoned D.R.5.5 since prior to 1976, and was considered as an issue for reclassification to B.L. both during the Comprehensive Zoning Map Process of 1988 (see Issue #5-052) and as a case before the Board of Appeals in 1986 (see Case No. R87-102). In both cases the request was denied.

MASTER PLAN/COMMUNITY PLANS:

The site is located in the Perry Hall-White Marsh growth area. It is designated "low density urban residential" on the Eastern Sector Land Use Plan map. Additionally, the Baltimore County Master Plan states, "Pending the completion of a corridor plan, the county will continue to resist requests to extend commercial zoning along Belair Road except in situations where the proposal would clearly be in the public interest by demonstrably improving the appearance and traffic flow on Belair Road."

PROPOSED VS. EXISTING ZONING:

The regulations for D.R. zones may be found in Section 1901.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.). Regulations governing the B.L. zones may be found in Section 230 of the B.C.Z.R.

The B.L. zone allows a wide range of uses such as retail, office, restaurant, bank, and service facilities. Density is regulated by a floor area ratio of 3.0. Building height is limited to 40 ft. or by height tent. Setbacks include front yards not less than 10 ft. or the average setback of the existing uses and proposed use. The side setback is the same as the adjacent residential zone and rear setbacks are 20 ft. when the use is adjacent to a residential zone.

Carmelo S. and Joanne M. DiPorte
Case No. R91-119, Cycle IV, Item 13
Page 3

DOCUMENTED SITE PLAN

The documented site plan proposes a one-story, 1120-square foot building with a pitched (gable) roof. Off-street parking will be provided for five cars. Vehicular access to the parking area will be from Soth Avenue. The building and parking area will be screened from adjacent residential properties to the south and the east by a row of evergreen trees.

A floor plan is shown which indicates the interior area of the building's first floor will contain a 336-square foot barber shop, two 336-square foot offices, and a 112-square foot hall. A basement will be provided for utility room and storage purposes. Elevation drawings are provided and indicate that the exterior building materials to be used will be a combination of brick and plastic beige panels. A freestanding business sign for the barber shop is proposed to be located on the site along Belair Road. The sign will have two faces and the area of each face will be 12 square feet.

OFFICE OF PLANNING AND ZONING RECOMMENDATION

Staff is generally reluctant to support this type of zoning change. The character of the community located to the east of the petitioner's site is residential in nature and is a sound, stable community.

The growth and development of the Belair Road corridor has necessitated the proposed expansion and use of Belair Road, a 6-lane highway. This expansion has resulted in the need to dedicate a significant portion of the petitioner's front yard along Belair Road to the State Highway Administration. In order to preserve the residential character of the surrounding community and provide for a site layout and development that is sensitive to this character, the most appropriate mechanism to achieve this goal is the documented site plan.

Based upon the analysis conducted and information provided, staff recommends in favor of the petitioner's request subject to the following conditions:

1. The overall uses and square footage of the building should be reduced in order to ensure that the residential character of the area is maintained.
2. The architecture and building materials should be sensitive to the surrounding buildings. Architecturally, the building should be designed to front along Belair Road. Materials

Carmelo S. and Joanne M. DiPorte
Case No. R91-119, Cycle IV, Item 13
Page 4

should include a brick treatment similar to adjacent buildings.

3. Landscaping should be adequate to 1) buffer adjoining buildings, and 2) provide street trees along Belair Road and Soth Avenue. Parking spaces should be shifted toward Belair Road to provide a greater buffer to the adjacent residence.
4. Uses within this structure should be limited to a barber shop, storage, and minimal office space.
5. No more than three chairs shall be permitted in association with the barber shop.

CYCZNR91.119/CYCLE

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887-3211

October 4, 1991

TO: William T. Hackett, Chairman
County Board of Appeals
FROM: P. David Fields, Secretary
County Planning Board
SUBJECT: Case No. R-91-119
(DiPorte property)

In response to the August 7, 1991 letter from the County Board of Appeals, the County Planning Board has reviewed the amendments to the documented site plan in the DiPorte case and has determined that the amendments are in agreement with the conditional approval recommended by the Planning Board on July 18, 1991.

The Planning Board voted, at its special meeting on October 3, 1991 to affirm its July 18th recommendation that the Petitioner's request be granted.

PDE/TD/mjm
DIFORTE/TXTMJM

cc: John B. Contrum, Esq.
Phyllis Cole Friedman, Esq.

RECEIVED
COUNTY BOARD OF APPEALS
OCT 16 1991

MICROFILMED

CARMELO S. DIFORTE, ET AL
SE/cor Belair Road & Soth Ave.
#R-91-119 1990-
Item #13, Cycle IV, 1991
11th Election District
6th Councilmanic District

D.R.-5.5 to B.L. .21 acres

August 31, 1990 Petition filed.

* Nancy E. Dwyer, Esquire Counsel for Petitioners
914 Eastern Boulevard
Essex, Maryland 21221
Carmelo S. DiPorte and Joanne M. DiPorte Petitioners
3212 Sperr Court
Baltimore, Maryland 21234

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

Phyllis C. Friedman, Esquire People's Counsel for Baltimore
County

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

LAW FIRM
ROMADKA, CONTRUM & HENNEGAN
IRVINGTON FEDERAL BUILDING
808 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
301-666-8274
FAX 866-0118

NANCY E. DWYER

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That at the FIRST BOARD meeting of the
PERRY HALL IMPROVEMENT Association held on JANUARY 3
19 91, it was decided by the Association that responsibility
for review and action on all zoning matters for the period
JANUARY TO DECEMBER, 1991 be placed in the (Board of Directors)
(Zoning Committee) consisting of the following members:

DOROTHY S. MCHANN PRESIDENT
KEITH NOVAK VICE-PRESIDENT
MICHELLE MOSLEY RECORDING SECRETARY
DOLORES STADLER CORRESPONDING SECRETARY
BARBARA MILLER TREASURER

BOARD OF DIRECTORS
KATHY MARTIN SUSAN VON LINDENBERG EDNA WILSON
JAMES PHILLIPS EDWARD WATTS

AS WITNESS OUR HANDS AND SEAL THIS SIXTH DAY OF JUNE
19 91

ATTEST: PERRY HALL IMPROVEMENT ASSOCIATION, INC.

Michelle Mosley Dorothy S. Mc Mann
Secretary President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

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

ATTEST:

Michelle Mosley Dorothy S. Mc Mann
Secretary President

PERRY HALL IMPROVEMENT ASSOCIATION

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

CASE #R-91-119
Carmelo S. DiPorte and Joanne M. DiPorte

is that: the request be denied (see attached letter)

AS WITNESS OUR HANDS AND SEAL THIS SECOND DAY OF MAY
19 91

ATTEST: PERRY HALL IMPROVEMENT ASSOCIATION

Michelle Mosley Dorothy S. Mc Mann
Secretary President

00-11-91 OCT 16

MICROFILMED



Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3498

Date: 8/24/90 H9100130

PUBLIC HEARING FEES QTY PRICE
050 - RECLASSIFICATION 1 X \$175.00

LAST NAME OF OWNER: SAUERBREY TOTAL: \$175.00

Cashier Validation:

Please make checks payable to: Baltimore County



Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
#14

8/31/90
Reclass Petition \$175.00
Owner: Sauerbreay, Ellis, Moeller
Agent: Lamb Inc. - William E. Lamb Jr.

040040023MCHRC \$175.00
Please Make Checks Payable To: Baltimore County 0003-04F008-31-90
NEXT BUSINESS DAY

Cashier Validation:



Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date:

R-91-117

PUBLIC HEARING FEES QTY PRICE
050 - POSTING SIGNS / ADVERTISEMENTS 1 X \$450.96

LAST NAME OF OWNER: SAUERBREY TOTAL: \$450.96

Please Make Checks Payable To: Baltimore County 0003-04F008-31-90 \$450.96

Cashier Validation:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 8/24/91
Posted for: Reclassification
Petitioner: Sophie Gertrude Sauerbreay, Ernest E. Ellis, Jr., Joseph C. Sain, Jr., Charles A. Moeller, and Marilyn A. Moeller (Deceased)
Location of property: 8330 - 8346 Belair Road, 11th Election District - 6th Councilmanic
Location of Signs: 8330 - 8346 Belair Road, 11th Election District - 6th Councilmanic
Remarks: (Print Name of Petitioner)
Posted by: William E. Lamb, Jr.
Number of Signs: 1

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

Date: 4/23/91

Sophie Gertrude Sauerbreay
8330 Belair Road
Baltimore, Maryland 21206

Re: Petition for Zoning Reclassification
CASE NUMBER: R-91-117
8330 - 8346 Belair Road, Cor NE/S Dunfield Road
11th Election District - 6th Councilmanic
Petitioner(s): Sophie Gertrude Sauerbreay; Ernest E. Ellis, Jr.; Joseph C. Sain, Jr., Charles A. Moeller; and Marilyn A. Moeller (Deceased)
HEARING: WEDNESDAY, MAY 15, 1991 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$450.96 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

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

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

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: William E. Lamb, Jr.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

April 23, 1991

887-3353

Ms. Sophie G. Sauerbreay
8330 Belair Road
Baltimore, MD 21206

RE: Item No. 11
Case No. R91-117
Petitioner: Sophie G. Sauerbreay
Reclassification Petition

Dear Ms. Sauerbreay:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). 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 May 8, 1991. 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.

NOTICE OF HEARING

Petition for
Zoning Reclassification
Case Number: R-91-117
8330 - 8346 Belair Road, Cor NE/S Dunfield Road
11th Election District - 6th Councilmanic
Petitioner(s): Sophie Gertrude Sauerbreay; Ernest E. Ellis, Jr.; Joseph C. Sain, Jr., Charles A. Moeller; and Marilyn A. Moeller (Deceased)
HEARING: WEDNESDAY, MAY 15, 1991 at 10:00 a.m.

PROPERTY DESCRIPTION

Beginning for the same at the center of Belair Road, 50 feet wide and the center of Dunfield Road, 70 feet wide, thence along the center of Dunfield Road to the place of beginning, the following courses and distances:
(1) North 44 degrees 10 minutes 00 seconds West 70.00 feet;
(2) By a line curving to the right with a radius of 200.00 feet, an arc length of 90.54 feet and a chord bearing and distance of North 31 degrees 11 minutes 52 seconds East 89.77 feet;
(3) North 18 degrees 13 minutes 44 seconds West 389.64 feet, thence leaving Dunfield Road and running the three following courses and distances:
(4) South 67 degrees 32 minutes 00 seconds East 247.00 feet;
(5) North 44 degrees 10 minutes 00 seconds West 70.00 feet;
(6) South 44 degrees 10 minutes 00 seconds East 247.00 feet;
(7) South 45 degrees 50 minutes 00 seconds East 504.92 feet to the place of beginning.
Containing 4.02 acres of land, more or less.
RECLASSIFICATION: Petition from to reclassify the property from B.M. - C.U.S. zoning to B.M. - C.U.S. zoning.
DATE: MAY 15, 1991
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
J. Robert Haines, Zoning Commissioner
County Board of Appeals

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zake Olson
Publisher

\$128.25

NOTICE OF HEARING

Petition for
Zoning Reclassification
Case Number: R-91-117
8330 - 8346 Belair Road, Cor NE/S Dunfield Road
11th Election District - 6th Councilmanic
Petitioner(s): Sophie Gertrude Sauerbreay; Ernest E. Ellis, Jr.; Joseph C. Sain, Jr., Charles A. Moeller; and Marilyn A. Moeller (Deceased)
HEARING: WEDNESDAY, MAY 15, 1991 at 10:00 a.m.

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(5) North 44 degrees 10 minutes 00 seconds West 70.00 feet;
(6) South 44 degrees 10 minutes 00 seconds East 247.00 feet;
(7) South 45 degrees 50 minutes 00 seconds East 504.92 feet to the place of beginning.
Containing 4.02 acres of land, more or less.
RECLASSIFICATION: Petition from to reclassify the property from B.M. - C.U.S. zoning to B.M. - C.U.S. zoning.
DATE: MAY 15, 1991
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
J. Robert Haines, Zoning Commissioner
County Board of Appeals

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1991.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$128.25

October 17, 1990

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-117
8330 - 8346 Belair Road, Cor NE/S Dunfield Road
11th Election District - 6th Councilmanic
Petitioner(s): Sophie Gertrude Sauerbreay; Ernest E. Ellis, Jr.; Joseph C. Sain, Jr., Charles A. Moeller; and Marilyn A. Moeller (Deceased)

PROPERTY DESCRIPTION

Beginning for the same at the center of Belair Road, 50 feet wide and the center of Dunfield Road, 70 feet wide, thence along the center of Dunfield Road to the place of beginning, the following courses and distances:

- North 44 degrees 10 minutes 00 seconds West 70.00 feet;
- By a line curving to the right with a radius of 200.00 feet, an arc length of 90.54 feet and a chord bearing and distance of North 31 degrees 11 minutes 52 seconds East 89.77 feet;
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- South 67 degrees 32 minutes 00 seconds East 247.00 feet;
- North 44 degrees 10 minutes 00 seconds West 70.00 feet;
- South 44 degrees 10 minutes 00 seconds East 247.00 feet;
- South 45 degrees 50 minutes 00 seconds East 504.92 feet to the place of beginning.

Containing 4.02 acres of land, more or less.

RECLASSIFICATION: Petition to reclassify the property from B.M. - C.U.S. zoning to B.M. - C.U.S. zoning.

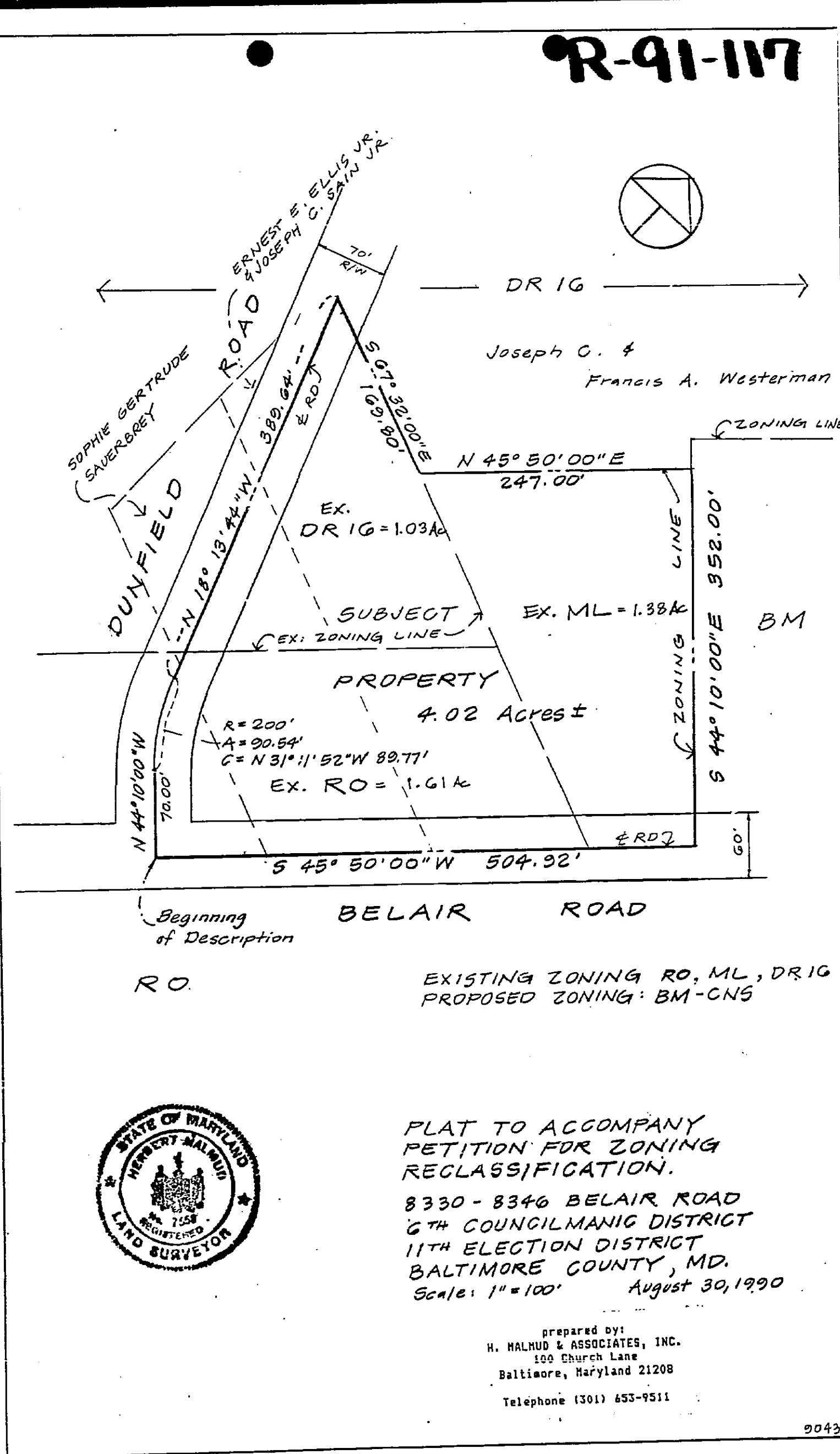
TIME: 10:00 a.m.

DATE: WEDNESDAY, MAY 15, 1991

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

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Legal Counsel
William E. Lamb, Jr.



R91-117
Sophie G. Sauerbreay
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
Chairman
Zoning Plans Advisory Committee

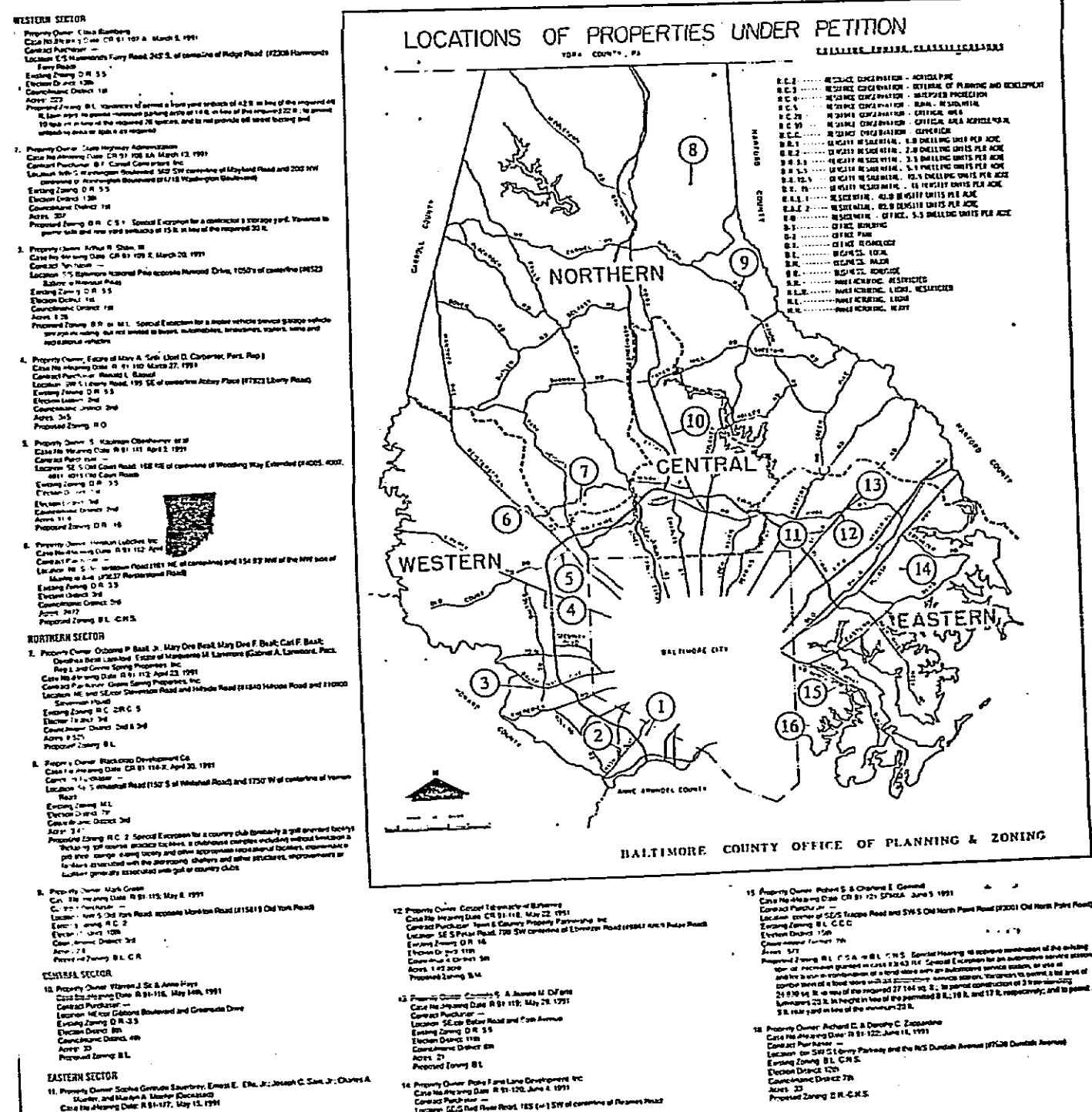
JED:jw

Enclosures

cc: Mr. William E. Lamb, Jr.
306 W. Pennsylvania Avenue
Towson, MD 21204

THE JEFFERSONIAN
BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 —
APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV

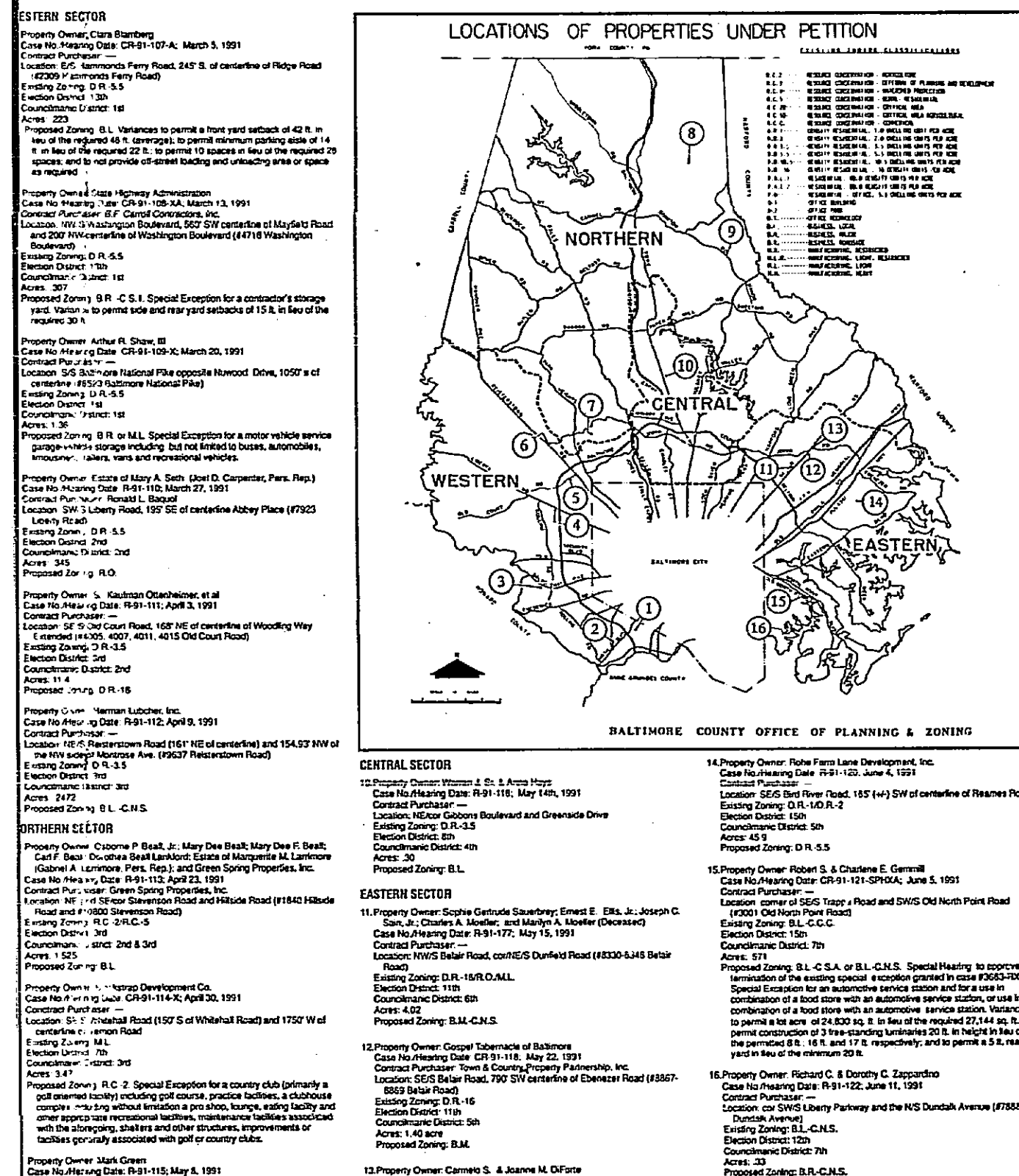


LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

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

BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 —
APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



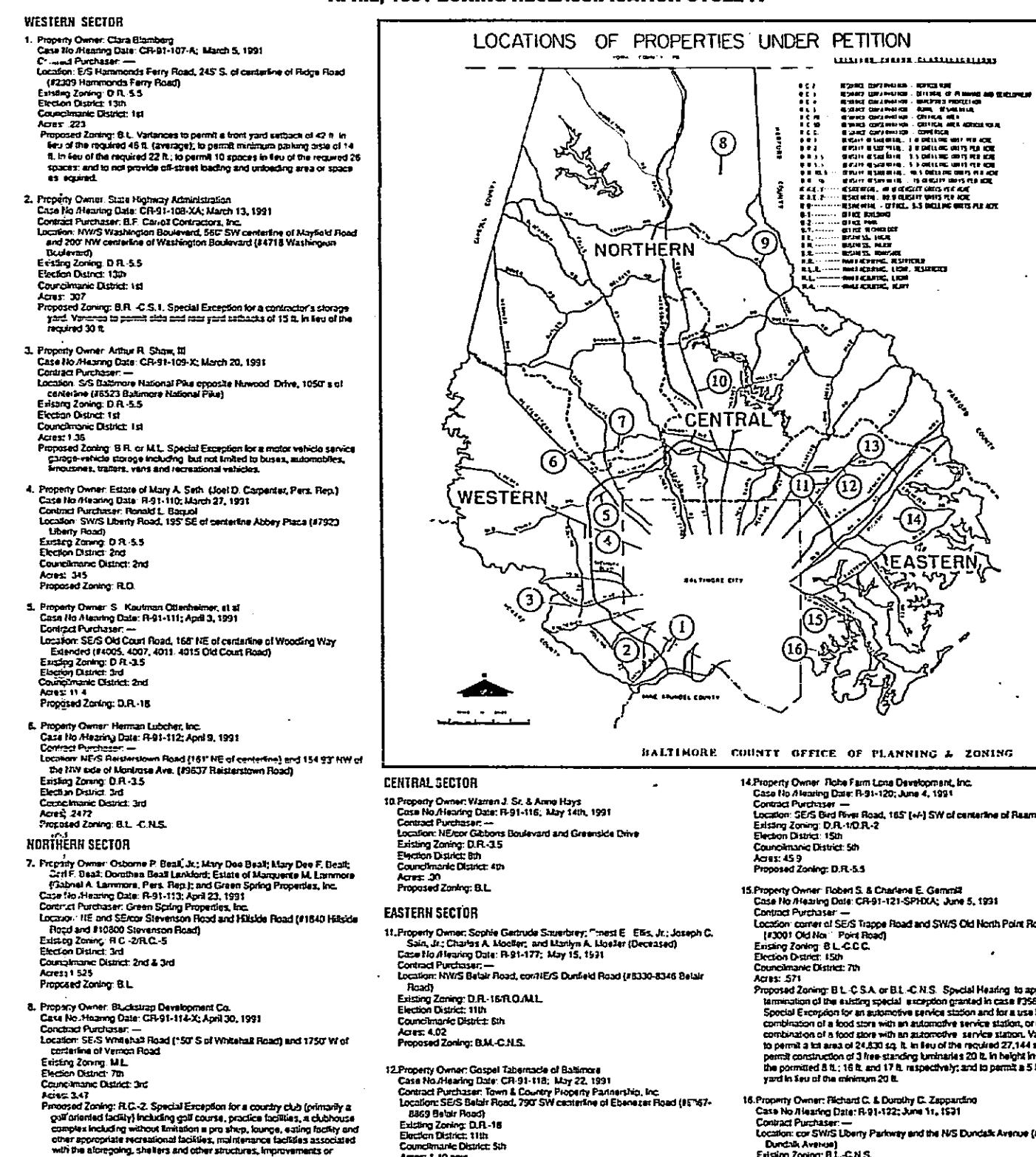
LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

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

October 31, 1990 TOWSON TIMES Page 75

BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 —
APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



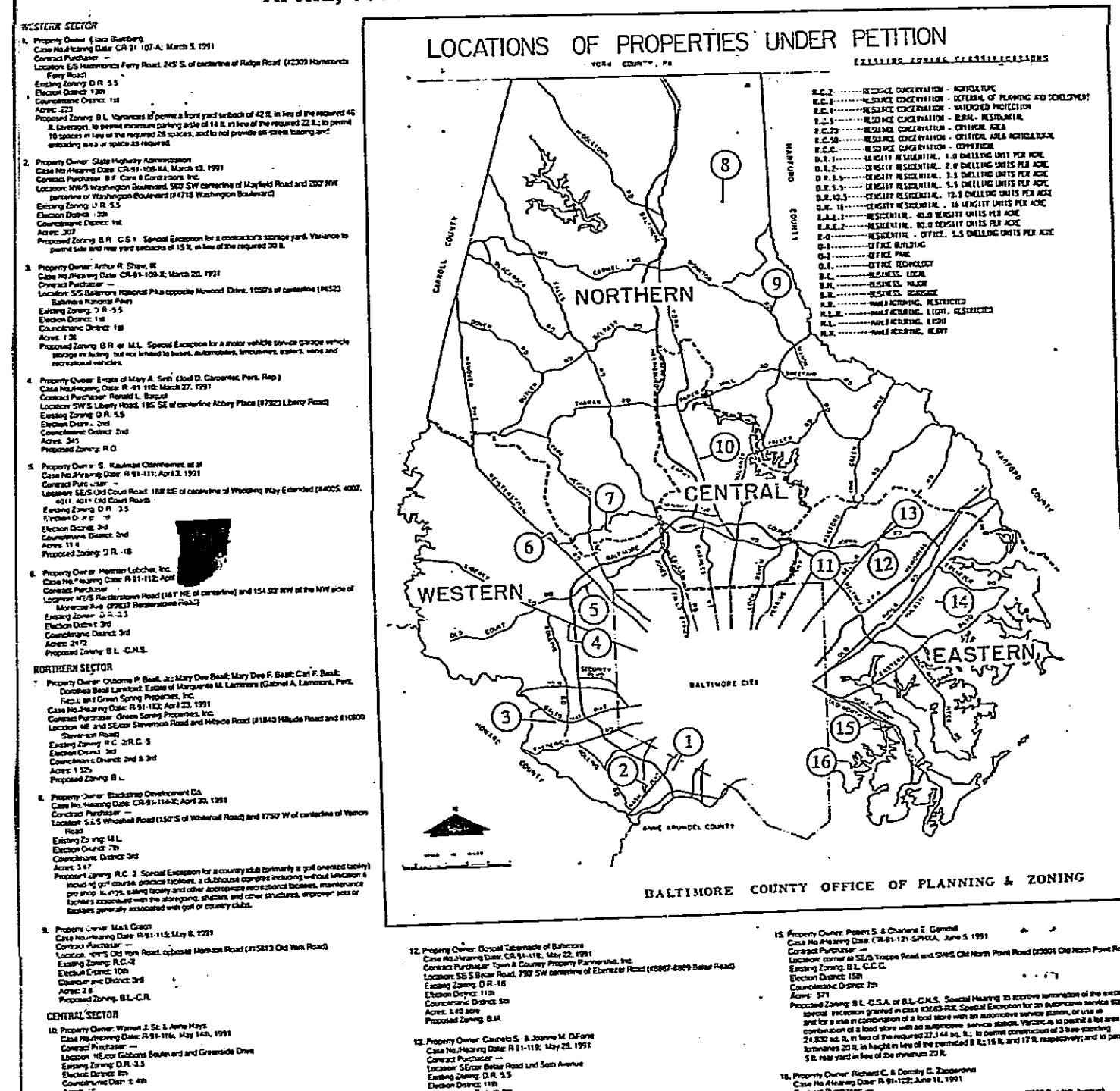
LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

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

November 8, 1990 OWINGS HILLS TIMES Page 47

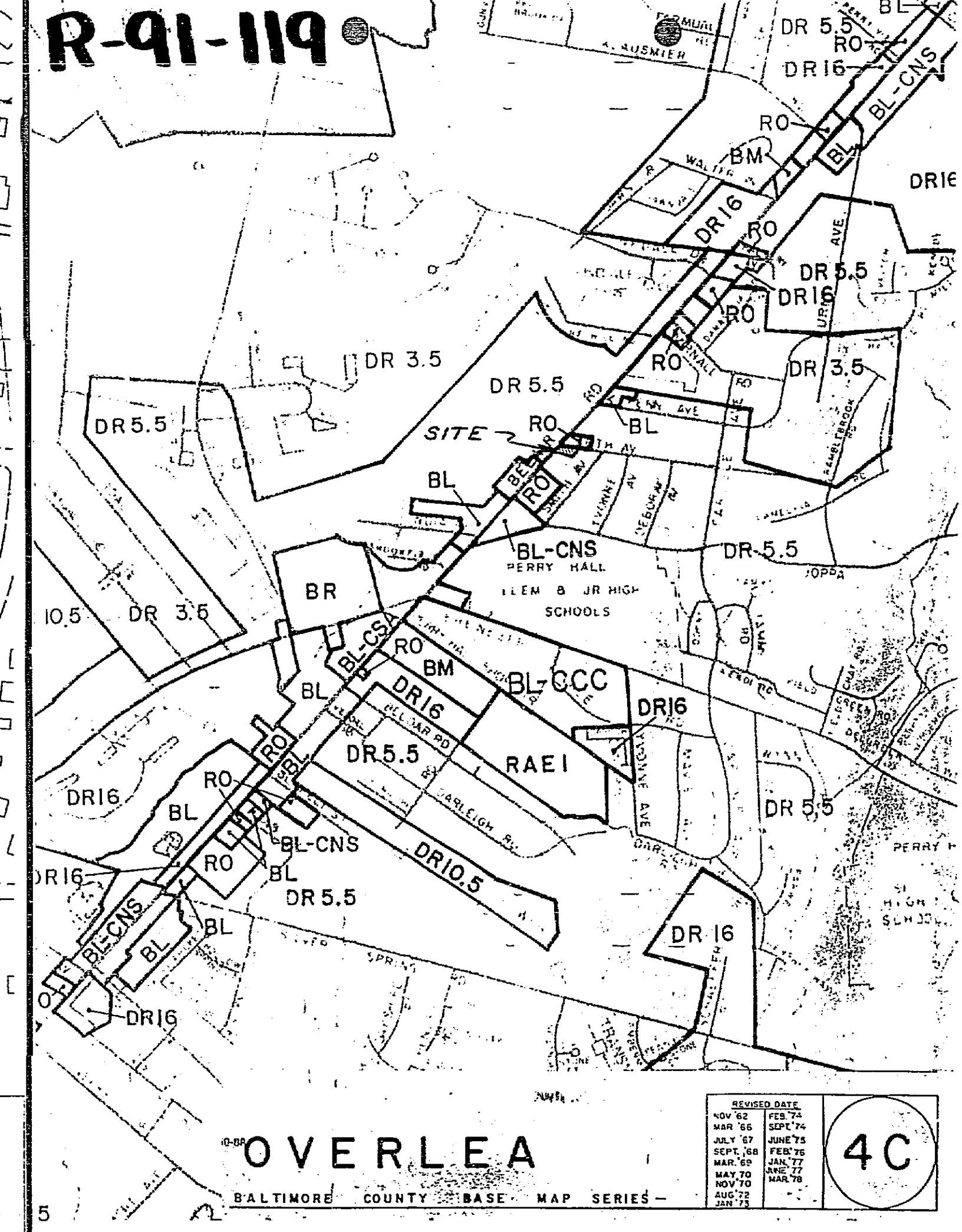
THE JEFFERSONIAN
BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 —
APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



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

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



Your petition has been received and accepted for filing this
31st day of August, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Received By:

James E. [Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sophie G. Sauerbrey, et al
Petitioner's Attorney:



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 24, 1990

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

Re: Baltimore County
Sauerbrey, Ellis
Sain & Moeller Property
Case No. R-91-117
W/S Belair Road
(Route 1-N) at Dunfield
Road

Attn: Mr. James Dyer

Dear Mr. Haines:

We have received the submittal for a change in zoning from
D.R.-16/R.O./M.L. to B.M.-C.N.S. and have the following comment.

We have forwarded this plan to our Design Section to
determine right-of-way requirements along Belair Road needed for
our future improvements.

We will forward you their comments when they are received.

Also, we strongly recommend access to this property be by
way of Dunfield Road and not Belair Road.

If we can be of further assistance, please contact Larry
Brocato of this office at (301) 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

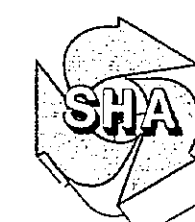
LB:maw

cc: H. Malmud & Assoc., Inc.
Mr. J. Ogle

OCT 29

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

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0410 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 7, 1990

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

Re: Baltimore County
Sauerbrey, Ellis, Sain
and Moeller Property
Case No. R-91-117
W/S Belair Road
US 1-N
at Dunfield Road

Dear Mr. Haines:

We are writing as a follow-up to our October 24th letter, when we forwarded the plan
to our Design Section to determine right-of-way requirements associated with our Belair Road
improvements.

The right-of-way as shown on the attached revised plan will be needed for our
improvements.

It is requested this revision be made prior to a hearing date being set. Also, we
recommend all access to this property be by way of Dunfield Road and not Belair Road.

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

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/ies

enclosure

cc: H. Malmud and Associates Inc. w/att
Mr. J. Ogle

received
11/9/90

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0410 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

November 23, 1990



Dennis F. Rasmussen
County Executive

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

Zoning Classification Cycle IV
Property Owner:

October 1990 - April 1991
Sophie Gertrude Sauerbrey; Ernest
E. Ellis, Jr.; Joseph C. Sain, Jr.;
Charles A. Moeller & Marilyn Moeller
R-91-117; May 15, 1991
NW/S Belair Road at Dunfield Road

Case No./Hearing Date:
Location:

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

D.R.-16/R.O./M.L.
11th
6th
4.02
B.M.-C.N.S.

Dear Mr. Hackett:

The existing D.R.-16/R.O./M.L. zoning for this site can be expected to
generate approximately 365 vehicle trips per day. The proposed B.M.-C.N.S.
zoning can be expected to generate approximately 2,000 vehicle trips per day.

Very truly yours,

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

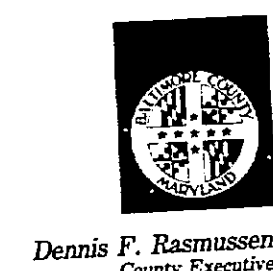
MSF/lvw

RECEIVED
NOV 28 1990
ZONING OFFICE

Paul H. Reincke
Chief

OCTOBER 16, 1990

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



Dennis F. Rasmussen
County Executive

RE: Property Owner: SOPHIE SAUERBREY; ERNEST E. ELLIS, JR.;
JOSEPH C. SAIN, JR.; CHARLES A. AND
MARILYN A. MOELLER (DECEASED)

Location: #8330-8346 BELAIR ROAD

Item No.: R-91-117 Zoning Agenda: OCTOBER, 1990 - APRIL, 1991

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.

1. Fire hydrants for the referenced property are required and shall
be located at intervals of 300 feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.

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: *Paul H. Reincke* 10-18-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK



County Board of Appeals of Baltimore County

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

May 2, 1991

Robert W. Cannon, Esquire
100 S. Charles Street
Baltimore, MD 21201

Re: Case No. R-91-117
Sophia Gertrude Sauerbrey, et al
Petition for Reclassification

Dear Mr. Cannon:

The Board of Appeals has reviewed your letter of April 30,
1991 regarding the subject matter which is scheduled for hearing
before the Board on Wednesday, May 15, 1991.

Pursuant to your request, this case will be opened and
continued on the record on May 15th at 10:00 a.m. Please have a
representative from your office in attendance in the Board's
hearing room at that time.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

cc: People's Counsel for Baltimore County

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(301) 332-8800
WASHINGTON AREA 470-7400
FACSIMILES
(301) 332-8888
(301) 332-8863
14 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-5512
(301) 699-9200
FILE NUMBER
27129.10

April 30, 1991

VIA HAND DELIVERY

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

Re: Case No. R-91-117
Petition for Zoning Reclassification
NW/S Belair Road, Cor NE/S Dunfield Road
8330 - 8346 Belair Road
11th Election District - 6th Councilmanic
Petitioner(s): Sophia Gertrude Sauerbrey; Ernest E.
Ellis, Jr.; Joseph C. Sain, Jr.; Charles A.
Moeller and Marilyn A. Moeller (Deceased)

Dear Chairman Hackett:

Please be advised that the undersigned has been retained
to represent the Petitioner in the above matter.

I respectfully request a continuance of this matter from
the scheduled hearing date and time which is Wednesday, May 15,
1991 at 10:00 a.m. I have a schedule conflict. The Annual
Meeting of the Membership of the Maryland Chamber of Commerce is
scheduled to take place at that time. My attendance at this
meeting is mandatory in my capacity as General Counsel to the
Maryland Chamber of Commerce. I respectfully request a
continuance of this matter. I plan to have a representative

WEINBERG AND GREEN

The Honorable William T. Hackett
April 30, 1991
Page 2

present before the Board at that time to verbalize this written
request.

Respectfully yours,

Robert W. Cannon
Robert W. Cannon

0620p/0081/A4g

cc: People's Counsel for Baltimore County

Sophie Gertrude Sauerbrey, et al
11th Election District
6th Councilmanic Dist.

#R-91-117
Item #11, Cycle IV, 1991

4/19/91 Don Reading - possible request for continuance on record;
to submit amended site plan on record; continue case to
another date for hearing on merits.

4/30/91 T/C to Mr. Ready's office; l.m. for him to call me
regarding amount of time needed for hearing scheduled for
5/15/91.

5/01/91 -Letter from Robert W. Cannon, Esquire, counsel for Petitioner --
requesting continuance of 5/15/91 reclass hearing -schedule conflict;
would have someone formally request continuance on record on 5/15.
5/02/91 -Letter to Mr. Cannon granting request; M. Sauer and C. Peatt will be
available on 5/15/91 to open case and continue on record; Mr. Cannon
to have representative from his office in attendance; notified PC by
copy of letter.
Letter dtd 5/14/91 from R. Cannon, w/copies of letters of withdrawal of petition
from property owners; to be followed by original letters.

5/15/91 -Letter from Donald Ready, Agent, with attachments (original letters of
withdrawal of petition from property owners); case will be withdrawn.

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(301) 332-8600
FACSIMILES
(301) 332-8688
(301) 332-8683
10 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-5512
(301) 695-9200
FILE NUMBER

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816

May 14, 1991

BY HAND DELIVERY

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

Re: Case No. R-91-117
Sophia Gertrude Sauerbrey, et al
Petition for Reclassification

Gentlemen:

This letter will confirm my telephone conversation this
afternoon with Linda Lee M. Kuszmaul. I have been supplied with
copies of letters signed by all of the property owners agreeing to
withdraw the petition for rezoning. Copies of those letters are
attached to this letter.

Mr. Donald H. Ready is arranging for the personal
delivery of the original of these letters to your offices prior to
the scheduled hearing commencement time at 10:00 a.m. tomorrow,
May 15, 1991.

As a result of this action, it has been agreed that it
will not be necessary to have a representative from our office in
attendance at the hearing room at that time. Thank you for your
attention to this matter.

Very truly yours,

Robert W. Cannon
Robert W. Cannon

0504p/0081/dm

cc: People's Counsel for Baltimore County

READY REAL ESTATE TEL:301-494-8116 May 14, 91 14:14 No.002 P.02

Donald H. Ready Real Estate
106 W. Pennsylvania Avenue
Towson, MD 21204

May 14, 1991

RE: Petition for Zoning
Reclassification
Case # R-91-117
8330-8346 Belair Road
Petitioners: Sophia
Gertrude Sauerbrey,
Ernest E. Ellis, Jr.,
Joseph C. Sain, Jr.,
Charles A. Moeller, and
Marilyn A. Moeller (Deceased)

Dear Mr. Ready:

This letter is to inform you that Ms. Sauerbrey, Ernest E. Ellis,
Jr. and Joseph C. Sain, Jr. have decided to have the zoning
petition for their properties (8330 & 8336 Belair Road) withdrawn
prior to the May 15, 1991 zoning hearing.

Thank you for your assistance in this matter. If you have any
questions, please do not hesitate to contact us.

Sincerely,

Sophia Gertrude Sauerbrey
Sophia Gertrude Sauerbrey

Ernest E. Ellis, Jr.
Ernest E. Ellis, Jr.

Joseph C. Sain, Jr.
Joseph C. Sain, Jr.

READY REAL ESTATE TEL:301-494-8116 May 14, 91 14:14 No.002 P.03

Charles A. Moeller
9830 Richlyn Drive
Perry Hall, Md 21128

Mr. Donald H. Ready
306 W. Pennsylvania Ave
Towson, Maryland 21204

Dear Mr. Ready,

As a result of your announcement at our meeting last
night that you were withdrawing from the rezoning and sale
of the three properties on Belair Road I am forced to review
my options concerning my property.

Since the extension of the listing we agreed to was
predicated on the potential sale and development of my own
property and that of my neighbors being marketed as a package,
and since you do not feel that it is not practicable or feasible
economically at this time, I concur with your withdrawal.

Therefore I feel that our listing agreement should be
terminated, as of 4:00 PM May 9, 1991. Please send me, as soon
as possible, a release of listing.

I am sorry that our plans did not work out, but I feel
certain that I will be able to sell my property.

Very truly yours,
Charles A. Moeller
Charles A. Moeller

R-91-117
To Board of Appeals
Revised
SIGNATURE ADDENDUM
PETITION FOR ZONING RECLASSIFICATION
8330 - 8346 BELAIR ROAD

Following are additional signatures from each of the owners
of the properties included in this reclassification request.

Owner	Property
<i>Signed on front page</i> Sophia Gertrude Sauerbrey	8330 Belair Road
<i>Ernest E. Ellis Jr.</i> Ernest E. Ellis Jr.	8336 Belair Road
<i>Joseph C. Sain Jr.</i> Joseph C. Sain Jr.	8336 Belair Road
<i>Charles A. Moeller</i> Charles A. Moeller and Marilyn A. Moeller (deceased)	8344 and 8346 Belair Road

STATEMENT IN SUPPORT OF REQUESTED RECLASSIFICATION 8330 BELAIR ROAD

Sophia Gertrude Sauerbrey as reasons for her requested
reclassification of the subject property states:

1. The site borders on a primarily commercially zoned
highway, named U.S. Route 1 (Belair Road), and commercial zoning would
be consistent with the neighborhood.

2. The property is bounded to the north by property zoned
RO, ML and BM. The property is bounded on the South by Dunfield Road.
The property to the West is zoned DR16. The uses that are permitted
under RO zoning are inappropriate given the neighboring commercial
uses and the heavy traffic conditions at the intersection of Dunfield
Road and U.S. Route 1.

3. Subject property is one of two adjacent properties that
are zoned RO and DR16. They are existing houses that were, until
present, owner occupied. The changes in the character of the area
makes the homes generally unsuited for continued residency.

4. The use of the property as a residence contributed to the
present zoning classification, whereas the property should have
originally been classified BM or BL in conformity with the properties
to the North.

5. The continued use of the property as a residence or
office is inconsistent with appropriate uses adjacent to the
commercial uses to the North of the property.

6. The recent road improvements and changes including the
construction of MD 43, the exit ramp at Dunfield Road, and the widening
of Belair Road and Dunfield Road at the intersection, and increased

townhouse and apartment development along Dunfield Road have made RO
zoning inconsistent with the character of the neighborhood.

7. The improvements at the intersection of Dunfield Road and
Belair Road will result in the intersection being the second highest
traffic intersection along Belair Road. A Commercial Neighborhood
Shopping designation is needed to provide the type of services
appropriate to serve the intense residential development to the West
of the property.

8. The owners of lots 186, 187, 85, and 200 are applying for
simultaneous reclassification of their properties to BM - C.N.S. in
order to achieve appropriate and consistent zoning of these adjacent
properties.

9. For such other reasons as will be brought out during the
petition process.

Sophia Gertrude Sauerbrey
Sophia Gertrude Sauerbrey

STATEMENT IN SUPPORT OF REQUESTED RECLASSIFICATION 8336 BELAIR ROAD

Ernest E. Ellis Jr. and Joseph C. Sain Jr. as reasons for
their requested reclassification of the subject property state:

1. The site borders on a primarily commercially zoned
highway, named U.S. Route 1 (Belair Road), and commercial zoning would
be consistent with the neighborhood.

2. The property is bounded to the north by property zoned
ML and BM. The property is bounded on the South by a single property
zoned RO and Dunfield Road. The property to the West is zoned DR16.
The uses that are permitted under RO zoning are inappropriate given
the neighboring commercial uses and the heavy traffic conditions at
the intersection of Dunfield Road and U.S. Route 1.

3. Subject property is one of two adjacent properties that
are zoned RO and DR 16. They are existing houses that were, until
present, owner occupied. The changes in the character of the area
makes the homes generally unsuited for continued residency.

4. The use of the property as a residence contributed to the
present zoning classification, whereas the property should have
originally been classified BM or BL in conformity with the properties
to the North.

5. The continued use of the property as a residence or
office is inconsistent with appropriate uses adjacent to the
commercial uses to the North of the property.

6. The recent road improvements and changes including the
construction of MD 43, the exit ramp at Dunfield Road, and the widening
of Belair Road and Dunfield Road at the intersection, and increased

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 29, 1991

887-3353

Robert W. Cannon, Esq.
WEINBERG AND GREEN
100 South Charles Street
Baltimore, Maryland 21201-2773

Re: Petition for Zoning Reclassification
CASE NUMBER: R-91-117
Sophia Gertrude Sauerbrey, et al

Dear Mr. Cannon:

Please be advised that there is an outstanding balance in the amount of \$480.96 for advertising and posting with regard to the above referenced matter.

Your anticipated cooperation, in having a check made payable to Baltimore County, Maryland and having same forwarded to the Zoning Office via return mail is appreciated.

Very truly yours,

G. G. Stephens
303/887-3391

File ✓

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(301) 332-8600
WASHINGTON AREA 470-7400
FACSIMILES
(301) 332-8888
(301) 332-8883
FILE NUMBER

10400 LITTLE PATTERICK PARKWAY
COLUMBIA, MARYLAND 21046-3505
(301) 740-8500
WRITER'S DIRECT DIAL NUMBER

(301) 332-8816

June 1, 1991

Mr. Donald Ready
Donald H. Ready Real Estate
306 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Don:

Enclosed you will find a copy of the letter I have received from G. G. Stephens at the Baltimore County Zoning Office. This bill indicates that there is an outstanding balance of \$480.96 for advertising and posting with respect to the matter referred to in that letter.

Please have this taken care of directly.

Sincerely yours,

Robert W. Cannon

0761p/81/pag

Enclosure

cc: Mr. G. G. Stephens

RECEIVED
JUN 4 1991
ZONING OFFICE

IN THE MATTER OF THE
THE APPLICATION OF
CARMELO S. DIFORTE, ET AL
FOR ZONING RECLASSIFICATION FROM
D.R. 5.5 TO B.L. ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER
BELAIR ROAD AND 50TH AVENUE
(DOCUMENTED SITE PLAN)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

TESTIMONY

This case comes before this Board on a Petition for Reclassification from D.R. 5.5 to B.L. after being denied by the Board of Appeals in 1986 on an open site plan and in the Comprehensive Zoning Map Process of 1988. The subject property is located at the corner of Soth Avenue and Belair Road in the Sixth Councilmanic District of Baltimore County.

The petition had been timely filed with the Board of Appeals for a public hearing on August 6, 1991 as a Documented Site Plan. That hearing was then suspended preliminary to the resubmission of the documented plan with recommended amendments to the Planning Board to assure compliance with that body's July 18, 1991 recommendations. The petition for a documented site plan in a B.L. zone was then heard in its entirety on this day, February 18, 1992.

Counsel for the Petitioner presented Mr. Thomas Phelps, registered surveyor and person responsible for the plan for the subject site as reviewed by the Planning Board. The .16-acre parcel is a level, vacant property that was originally purchased in 1986 by Petitioner as a location for a brick, one-story office building designed to blend with area residences. Testimony by Mr. Phelps reviewed the parking, the landscaping of the property,

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Case No. R-91-119 Carmelo S. DiForte, et al

downsizing of the office building and entrances as directed by the Planning Board. Except for the location of Petitioner's barbershop, the plan for two additional office areas within the 1,036 square-foot building was acknowledged, but not yet determined as to use on the documented plan.

Petitioner, Mr. Carmelo DiForte, testified to his long career as a barber and recent desire to relocate his barbershop to a site more convenient to his customers. Petitioner reviewed his perceptions of traffic on Belair Road and its effect on residential properties fronting the major interstate highway.

Mr. DiForte reflected that the Comprehensive Map Process of 1988 should have recognized the disadvantages for residential properties on Belair Road, particularly with the projected widening of the heavily-travelled highway. Acknowledging that his requested B.L. zone in 1988 could have allowed various business uses on the site, Petitioner is satisfied to be limited by the terms of the Documented Site Plan offering him no alternatives.

In response to People's Counsel, Mr. DiForte concurred that zoning along Belair Road is mixed and that zoning along the busy road will be an issue in the map process of 1992.

Testifying to the merit of the documented plan and the B.L. zone was Mr. George Gavrelis, former Director of Planning for Baltimore County and expert in land planning. Mr. Gavrelis traced the recent history of Belair Road and residential properties that have had to absorb the impact of traffic as Perry Hall has grown. He asserted that existing vacant lots on Belair Road are unsuitable

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Case No. R-91-119 Carmelo S. DiForte, et al

and not sensible for homes. He opined that the 1988 map process did not address the widening of Belair Road which will take 25 feet from the subject site, an error that warrants the reclassification requested. Mr. Gavrelis further testified that the proposed structure is compatible with houses in the neighborhood and has a rational use in a community that calls for services. He stated that the proposed structure would have no impact on public utilities and was in accord with recommendations of the Planning Board in providing access from Soth Avenue.

In response to People's Counsel, Mr. Gavrelis concurred that the property was an issue in 1988 as well as other properties in the 9100 block, and all remained residential.

Mr. C. Richard Moore, chief of traffic engineering for the Baltimore County Department of Public Works, testified that the total trips generated at the site would be 105 trips a day and that the impact at Belair Road and Soth Avenue would be very small. He acknowledged that any increased traffic from Belair Road onto Soth Avenue under present conditions would be undesirable.

Mr. Jeffrey Long of the Baltimore County Office of Planning & Zoning responded to questioning by the People's Counsel, testifying in general that the proposed office building is inconsistent with the Master Plan for the vicinity that specified no further commercial zoning on Belair Road until further study. Mr. Long stated that there are many requests for commercial zoning along Belair Road. He questioned whether the subject site was suitable for a residence and admitted he would not want to purchase the

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Case No. R-91-119 Carmelo S. DiForte, et al

residential lot. Mr. Long felt that the matter would be appropriate in the Comprehensive Zoning Process, and that there was no error in the 1988 zoning issues of the site as it could be developed for residential purposes.

Various residents of the neighborhood testified to their opposition to the commercial use of the subject property. Their protests centered primarily on the existing and increasing traffic and parking difficulties along Soth Avenue, which is a gateway road to their community. The commercial activity oriented to Soth Avenue was viewed as a negative intrusion. A domino effect could result as the spot commercial zoning could move along Belair Road.

In response to Counsel for the Petitioner, it was acknowledged by a protestant that the Perry Hall Community Association has not taken a stance on the Documented Site Plan.

OPINION

Section 2-58.1(j)(2) of the Baltimore County Code mandates that, before any property is reclassified pursuant to this section, the Board of Appeals must find that "there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification was in error...." Testimony in this case has centered on the appropriateness of a small residential parcel situated on a heavily-travelled highway as it passes through a predominantly residential community. The dwellings and the principal thoroughfare have been companion to each other for many years, and as recently as 1988 residential zoning (D.R. 5.5) was

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Case No. R-91-119 Carmelo S. DiForte, et al

determined by the Baltimore County Council to be reasonable and appropriate.

Aspects of the increasing traffic and plans for future widening of the highway have been shown to lessen the worthiness of the subject site for a dwelling. Counsel for the Petitioner argued that the road widening will so reduce the size of the property that the only sensible use for the plot is as shown on his documented plan. An exhibit entered by Protestants as one example of the residential potential for the subject site was faulted by the Petitioner's Counsel as the house dimensions failed to account for any setback requirements on the small lot.

The Board acknowledges the impractical and improper use of the Soth Avenue and Belair Road corner site as a residential property as it relates to "future" conditions of a widening of Belair Road. Testimony projects a beginning of the process to widen the road in 1994, and is one that will undoubtedly be carried forward since the project is vital to traffic and safety for many miles of the highway corridor serving numerous and growing communities.

However, under "present" conditions of the residential characteristics of the Belair Road corridor, we are persuaded that the parameters for reclassification under Section 2-58 are not present. The vicinity has grown in residential use and the character of the neighborhood has not had a substantial change. We further feel that the merits of the documented site plan presented, after previous petitions for reclassification, exemplify a worthy proposal that should receive special consideration along with other

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Case No. R-91-119 Carmelo S. DiForte, et al

similar properties in a comprehensive study by the County Council.

The personal desires of the Petitioner are understandable, but in the fact of evidence and testimony, the Board cannot find error on the part of the County Council. The residential appearance and characteristics of Soth Avenue and Belair Road do not warrant the potentialities of a B.L. zone under present circumstances. For these reasons the Board finds that the reclassification should be denied and will so order.

ORDER

IT IS THEREFORE this 4th day of March, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification of the subject property from D.R. 5.5 to B.L. be and the same is DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

S. Diane Levero
S. Diane Levero

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County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

March 4, 1992

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No. R-91-119
Carmelo S. DiForte, et al

Dear Mr. Gontrum:

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
Administrative Assistant

encl.

cc: Nancy E. Dwyer, Esquire
Carmelo S. and Joanne M. DiForte
Mr. James Earl Kraft
Mr. & Mrs. Joseph Hejduk
Mr. & Mrs. Fred Levinsky
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Pocket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED
MAR 5 1992
ZONING OFFICE

MICROFILMED

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 TO B.L. ZONE
SE Corner Belair Rd. & Soth Ave.: OF BALTIMORE COUNTY
11th Election District
6th Councilmanic District
CARMELO S. & JOANNE M. DIFORTE, : Zoning Case No. R-91-119 (Item 13,
Petitioners : Cycle IV)

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

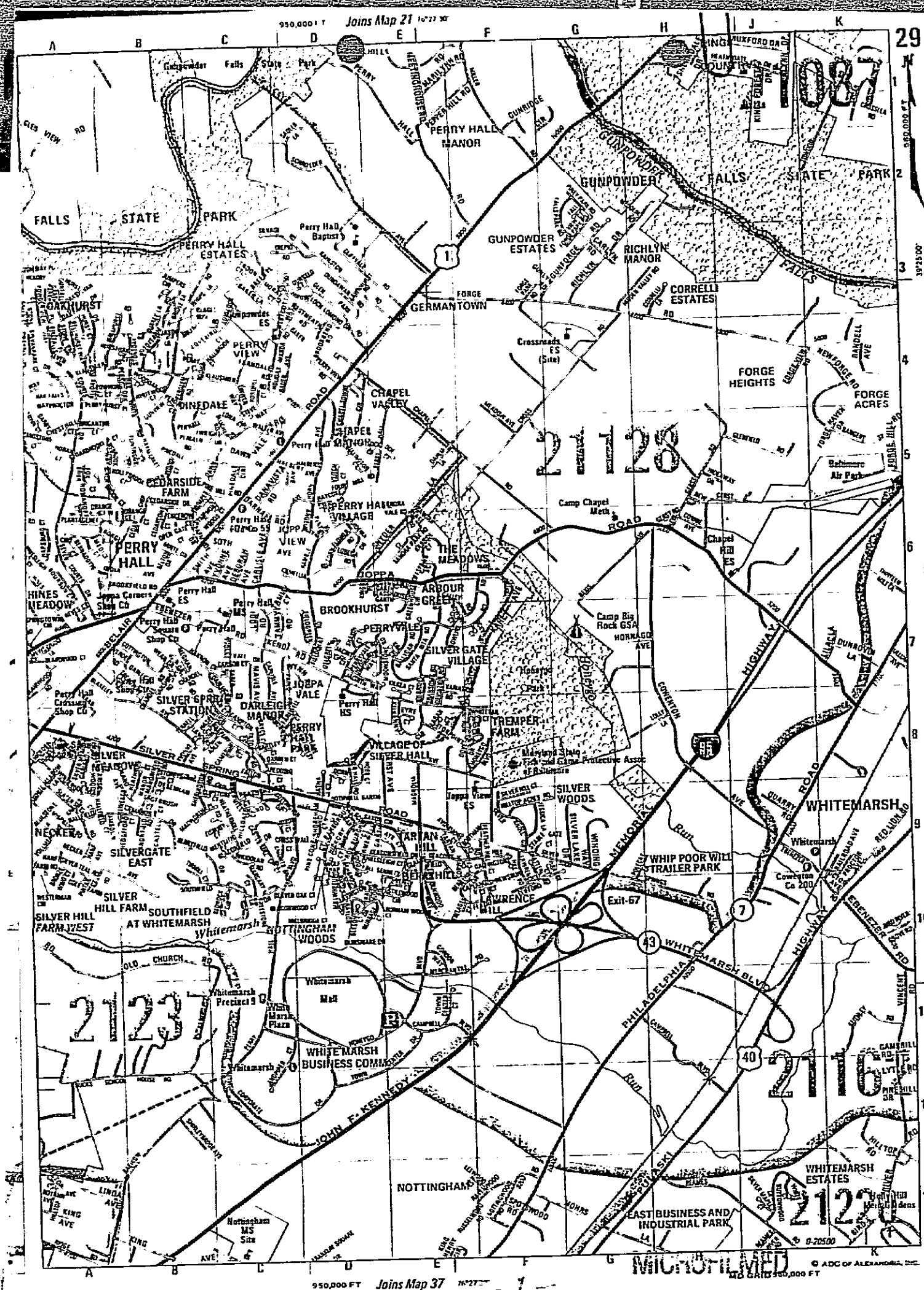
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 5th day of April, 1991, a copy of the foregoing Entry of Appearance was mailed to Nancy E. Dwyer, Esquire, 814 Eastern Blvd., Essex, MD 21221, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

68-8 MAR 9-1991

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Progle's Exh #2

DATE: 2/18/92

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: R-91-119 DIFORTE

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

☐ Check if you want to testify.	Name/Address Phone No.	(Community Group You Represent) Basis of Your Concern
✓	Maryann Brown-Ryan 4208 South Ave. 256-4572	
	Diana J. Greening 4205 South Ave. 256-4572	
✓	Brenda Wajduk 4306 S.W. Ave. 256-9902	
✓	Joe Hajduke 4208 South Ave. 256-7002	
	O'Dell Baker 9209 Capital Ave. 256-6032	
	Larry Hester 256-4488 4206 N. YTHA St. Barbara Batemanok 4206 North Ave. 256-4186	
	VINIAN BEHR 7309 CABELLE AVE. 256-6032	
	JERRY SOUKUP 4305 SOUTH AVE. 256-3683	
✓	DOUG BEHR 7491 BILKASHIM RD 572-6009	
✓	Roger Hughes 4212 SoTh Ave 529444	

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RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 TO B.L. ZONE
SE Corner Belair Rd. & Soth Ave.: OF BALTIMORE COUNTY
11th Election District
6th Councilmanic District :

CARMELO S. DIFORTE, ET AL., : Zoning Case No. R-91-119
Petitioners : (Item 13, Cycle IV, 1990-91)

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4. Baltimore County Planning Board Log of Issues, June 28, 1988, Recommended Comprehensive Zoning Map, Issue 5-052	4
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6. Baltimore County Master Plan 1989-2000: Belair Road Issue, page 116-17	10
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[illegible]

People's Exp #9

Barber Shops / Hair Salons from Silver Spring Road to Forge Road
in Perry Hall

1. Hair Harvest - 9644 Belair Road
2. Vince's Barber Shop - Belair Road (across from McDonald's)
3. Julia's Hair Care - 9533 Belair Road
4. JD Shears - 9631 Belair Road
5. DeLavis Salon - 9638 Belair Road
6. Jan's Hair Designs - 9656 Belair Road
7. The Hair Cuttery - Weis Festival Shopping Center
8. Shear Genius - 8804 Belair Road
9. Dino's Backstage II - 8902 Belair Road
10. DJ's Headhunter's - 8900 Belair Road
11. New Dimensions - 4361 Ebenezer Road
12. Northview Barber Shop - 9624 Belair Road
13. A-Frame Barber Shop - 9629 A Belair Road
14. Super Hair I - 8643 Belair Road
15. A Tahn Experience - 8856 Belair Road

UNRECORDED

CBA Hearing 8/6/91 DiForté
List of Protestants

Name	Address	Phone
Brenda Hidak	4208 South Ave. 21236	256-9002
Pace Kennedy	4205 South Ave. 21236	256-4572
Maureen Murphy	4205 South Ave. 21236	256-4572
Joe Murphy	4208 South Ave. 21236	256-9002
David William Wright	4107 South Ave. 21236	256-6256
Leslie Kiehn	9111 Smith Ave.	256-3860
Mrs. D. Ann	4209 South Ave.	256-3754
Anna M. Nakano	4016 South Ave.	256-2638
Thomas R. Nunnally	4206 South Ave.	256-4486
James Baker	8309 Carnegie Ave	256-6033
ADAM L. WITKOWSKI	4208 South Ave. 21236	256-4572
Ellis Baker	9309 Carnegie Ave.	256-6032
Wally Hughes	4212 South Ave.	529-4143
Robert D. Baker	4212 South Ave.	529-4147
Doug Baker	7451 Bradshaw Rd.	592-6009

Microfilm

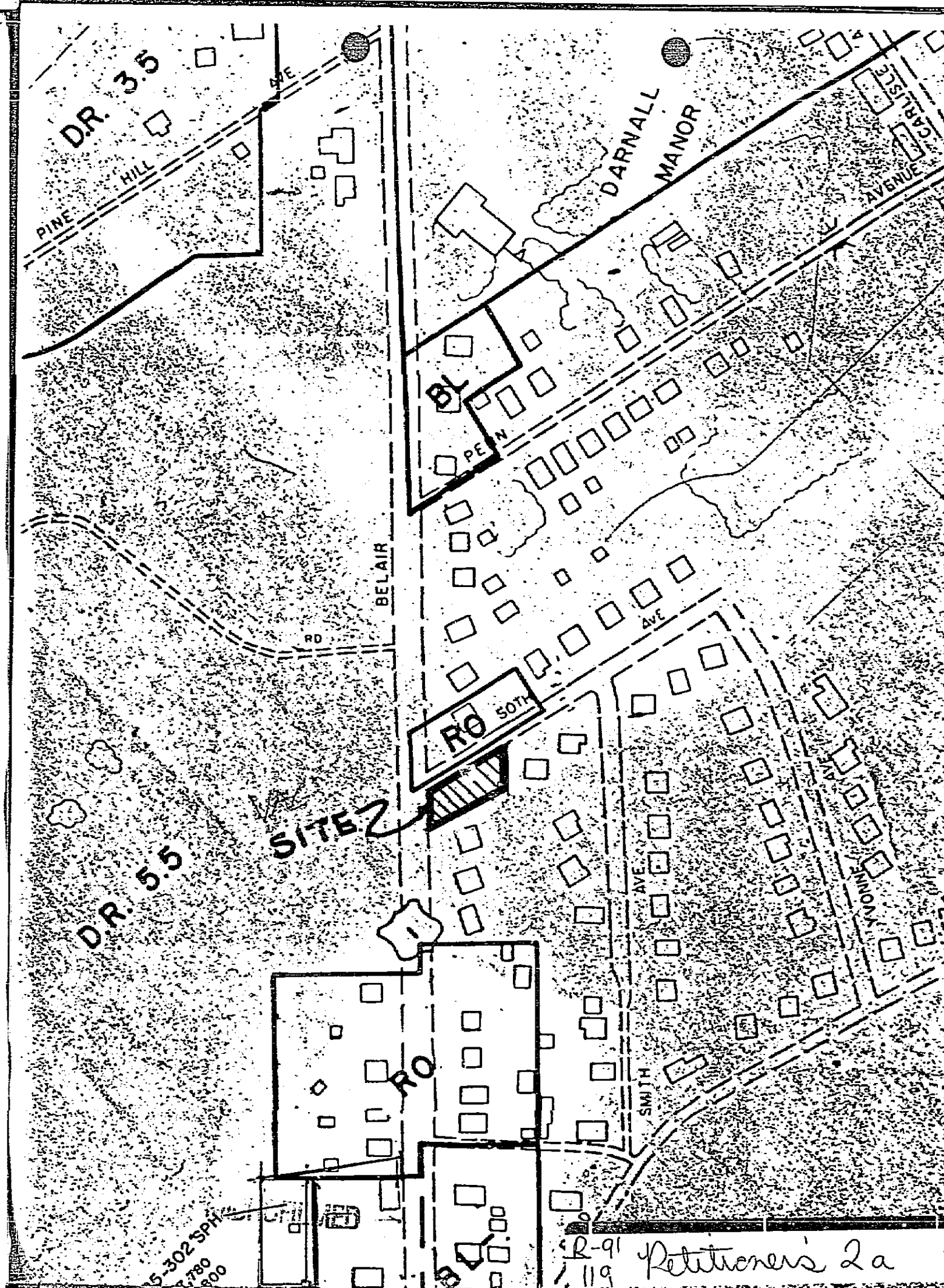
R-91-
119 Protestants 1

DiForte Case

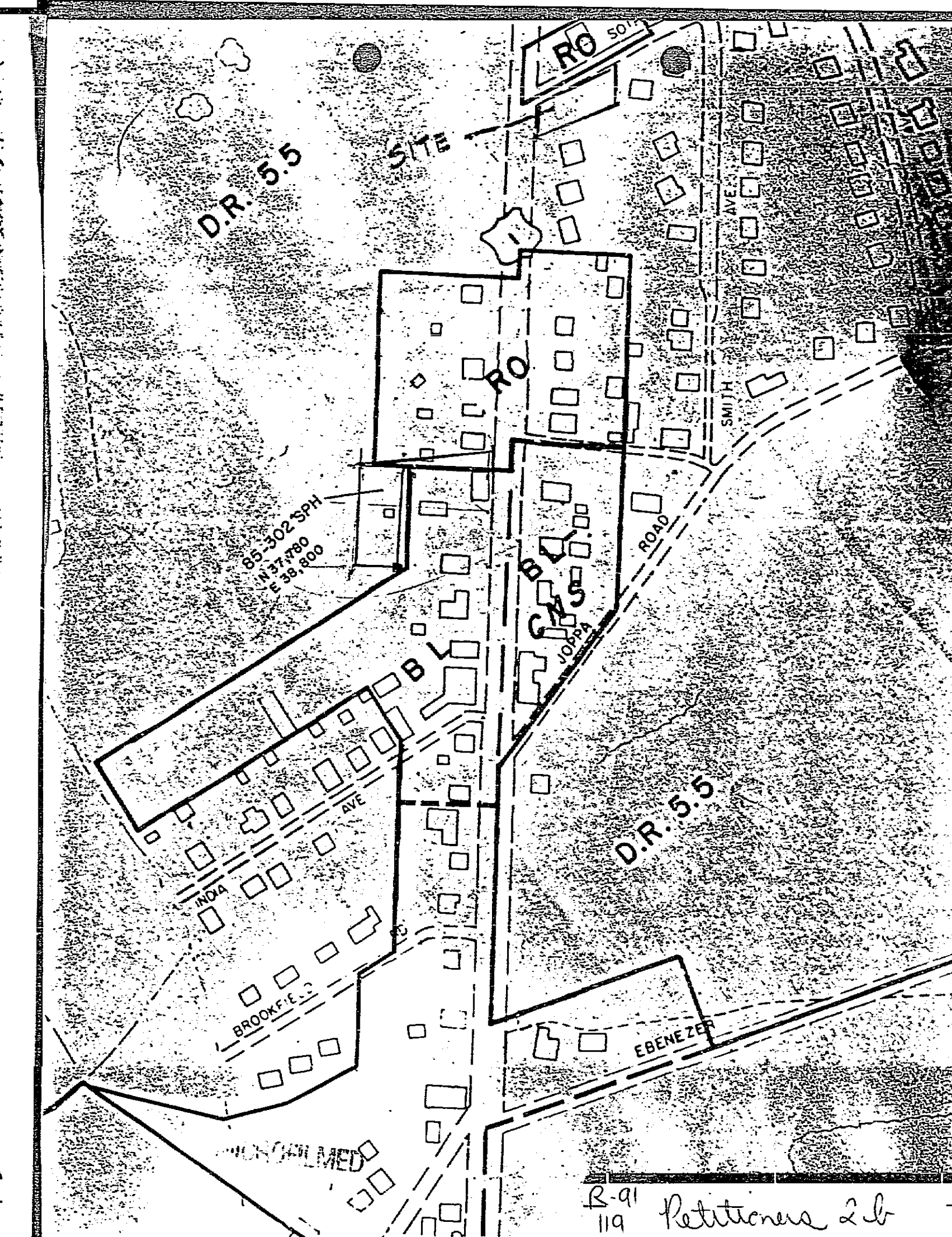
Release notify of decision:

Joseph + Brenda Heiduk (256-9002)
4208 South Ave
Baltimore, Md. 21236

Fred + Margaret Lemisky (256-4572)
4205 2oth Ave.
Balto., Md. 21236



91 Petitioner's 2a



B-91
11a Petitioners 2b