

IN RE: PETITION FOR SPECIAL HEARING  
SW/S Wise Avenue, 330' NW of  
the c/l of Inverness Avenue  
(63 Wise Avenue)  
17th Election District  
7th Councilmanic District  
William J. Hillegas, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-412-SPH

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a special hearing to approve the nonconforming use of an office in a residential zone and to permit the continued use of an existing 2' x 8.30' business sign, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Warren Mix, Esquire. Also appearing on behalf of the Petitioners was Rev. George Raduano. Numerous area residents appeared as Protestants in the matter.

Testimony indicated that the subject property, known as 63 Wise Avenue consists of 5,000 sq.ft. zoned D.R. 5.5 and is improved with a two-story frame structure, the basement of which is utilized by Petitioner for his real estate practice and income tax business. Said property is located within the Chesapeake Bay Critical Areas near Chink Creek. Petitioner testified that the basement has been used for real estate offices since the mid-1940s, said use being uninterrupted from that time to the present. Testimony indicated that the Petitioners acquired the property in 1952 and added the basement area shortly thereafter. Petitioner has used the basement as a real estate office since that time. Although additions and improvements have been made to the structure since the Petitioners' acquisition of the property, the real estate and income tax businesses have been confined to the basement area of the building. Petitioners

testified, and the Protestants concurred, that the subject real estate sign was installed early in the 1950s when Petitioner began operating his real estate business from the subject site. Mr. Hillegas indicated that his real estate practice is small and does not "multi-list" property. He testified that he has no agents working for him and no intention of expanding the business either in terms of space occupied in the building or individuals employed.

The Protestants concurred with one another regarding their concerns relative to the subject Petition. The Protestants' main concern was commercial encroachment into their residential community. They argued that allowing new commercial enterprises into their community will create a "domino" effect and eventually adversely impact the residential property values in this community. The Protestants also voiced concern regarding parking and traffic congestion which has been an on-going problem in their neighborhood.

Testimony and evidence clearly indicated that Petitioners' real estate business was in operation prior to 1955. Assuming for the moment that the subject use did not begin until after 1945 but prior to 1955, the 1945 zoning regulations would have been applicable to the subject use. Under this scenario, Section III-"A" Residents Zone (R-6) must be examined to determine whether the subject use was legal under the then existing zoning regulations. Section R-6 permits a "professional office" in a residential zone when situated in the building used by the practitioner in his or her private dwelling, provided that no name plate exceeding 2 sq.ft. in area shall be displayed. Clearly, based upon the testimony of both the Petitioners and the Protestants, the subject structure is the Petitioners' "private dwelling" and they do use the basement for their

- 2 -

professional office. The question is whether or not the 1945 regulations contemplated a real estate practitioner as a professional for purposes of Section R-6. Section 1 - Definitions of the 1945 regulations is silent on this matter. The testimony presented by the Petitioners and the Protestants clearly established that the basement of the subject dwelling has been used as an "office" since the 1950s.

How the term "professional office" was used and what kinds of offices it applied to in the early 1950s is unknown. What is clear is the current B.C.Z.R. would not permit a real estate office as a professional office in a home. However, that position of the Zoning Commissioner did not become clear until the 1980s. The real estate office in this case has been located in the same place for many years, with no change in size, scope and nature.

Petitioners' real estate practice has remained essentially unchanged since that time being operated by himself and his wife. Based on the particular facts and evidence presented in this case and the non-descript use of the words "professional office" of the 1945 zoning regulations (Section R-6), the Petitioners shall be permitted to continue the operation of the real estate business in the basement of the subject structure, and keep the subject sign, but said relief shall be restricted as hereinafter set forth.

The Protestants were concerned primarily with the expansion of the subject real estate business, the negative impact on parking, and the domino effect as a result of commercial encroachment into this community. Commercial encroachment into a community is largely the result of a property's zoning classification over which the Zoning Commissioner has no jurisdiction. The ability to rezone property rests with the County Council.

- 3 -

Regarding the subject use, the parking and growth concerns of the Protestants can be appropriately addressed via restrictions which are set forth at the conclusion of this Order.

Therefore, the issue here is not the changing of the base zoning, but whether or not the real estate office is nonconforming; that is, whether or not the office was legally established and has remained in continuous use. The subject real estate office was established pursuant to the old regulations (1945 B.C.Z.R.) as a professional office in the home and has continued as such to this day. This finding does not convert this residential property to a commercial property. No other commercial use may occupy the property. In fact, if the property is not used as a residence and professional office for a resident real estate broker, then the property will lapse into a solely residential property with no commercial use permitted. Also, the evidence clearly established that the office never has more than two other employees and that the business owner has always lived on the site.

After due consideration of the testimony and evidence presented it appears that based on the particular facts of this case, and the language set forth in the applicable 1945 zoning regulations, that Petitioners' use of the basement area of the subject building was a use permitted under said regulations. Petitioners' testimony demonstrated that the subject use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has been operating his real estate business at the subject address for approximately 40 years without real detriment to the neighborhood and without adversely affecting any public interest.

- 4 -

The subject property is located within the Chesapeake Bay Critical Areas and must comply with any and all recommendations submitted by the Department of Environmental Protection and Resource Management (DEPRM). By comments dated June 22, 1991, copy attached hereto, DEPRM indicated that the continued nonconforming use of the existing office and the subject sign do not constitute development activities on the subject property and as such, meet the Critical Areas requirements set forth in Section 500.14 of the B.C.Z.R.

Pursuant to the advertising, posting of the property and public hearing on the instant Petition held, the relief requested in the special hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1991 that the Petition for Special Hearing to approve the nonconforming use of an existing real estate office as a professional office in the basement of the subject dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that Petitioner's request for continued use of the 2' x 8.30' business sign existing on the property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners' real estate business shall be limited to the basement area of the subject dwelling.
- 2) On or before October 31, 1991, Petitioners shall submit a certified floor plan which has been prepared by a professional engineer or architect clearly indicating the basement area designated for office space. Said plan shall include, but not be limited to, gross floor area, residential use area, and office use area.
- 3) Petitioners shall not allow or cause the office area of the subject dwelling (including, but not limited to,

- 5 -

ed to, storage space, bathroom facilities, waiting room, etc.) to be expanded beyond the basement of the subject structure.

- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 5) The subject office shall be used only as a professional office for a real estate broker who resides on the site.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: June 22, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 398  
Hillegas Property  
Chesapeake Bay Critical Area Findings

RECEIVED  
JUN 27 1991  
ZONING OFFICE

**SITE LOCATION**

The subject property is located at 63 Wise Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

**APPLICANT'S NAME** Mr. and Mrs. William Hillegas

**APPLICANT PROPOSAL**

The applicant has requested a Special Hearing to approve the non-conforming use of an office in a residential zone and to allow the use of a two foot by 8.3 foot business sign that currently exists on the property.

**GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM**

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

PETITION FOR SPECIAL HEARING CRITICAL AREA  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-412-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of an office in a residential zone and to allow the use of a 2' x 8.30' business sign that currently exists on the property.

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

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

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

|                          |                                                                                                     |
|--------------------------|-----------------------------------------------------------------------------------------------------|
| Contract Purchaser:      | Legal Owner(s):                                                                                     |
| N/A                      | William J. Hillegas                                                                                 |
| (Type or Print Name)     | (Type or Print Name)                                                                                |
| Signature                | <i>William J. Hillegas</i>                                                                          |
| Address                  | Ellen Hillegas                                                                                      |
| City and State           | (Type or Print Name)                                                                                |
| Signature                | <i>Ellen Hillegas</i>                                                                               |
| Address                  | 63 Wise Ave. 285-2738                                                                               |
| City and State           | Baltimore MD 21222                                                                                  |
| Signature                | Phone No.                                                                                           |
| 706 Washington Ave       | City and State                                                                                      |
| Address                  | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| Towson MD 21204          | Joseph L. Larson                                                                                    |
| City and State           | 105 W Chesapeake Ave 823-3535                                                                       |
| 828-0700                 | Address                                                                                             |
| Attorney's Telephone No. | Phone No.                                                                                           |

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19 day of June, 1991, at 10:30 o'clock A.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

ZCO-No 1

(over)

max - 4/11/91  
avail anytime  
ext time for meeting - 1hr

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
July 2, 1991

Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
SW/s Wise Avenue, 330' NW of the c/l of Inverness Road  
(63 Wise Avenue)  
12th Election District - 7th Councilmanic District  
William J. Hillegas, et ux - Petitioners  
Case No. 91-412-SPH

Dear Mr. Mix:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Harry Hutchinson  
65 Wise Avenue, Baltimore, Md. 21222

Mr. William A. McLyman  
71 Wise Avenue, Baltimore, Md. 21222

Mr. Gregory J. Lilly  
59 Wise Avenue, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission  
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM: People's Counsel; File

91-412-SPH June 1991  
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 398  
Hillegas Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 63 Wise Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. William Hillegas

APPLICANT PROPOSAL

The applicant has requested a Special Hearing to approve the non-conforming use of an office in a residential zone and to allow the use of a two foot by 8.3 foot business sign that currently exists on the property.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines  
June 22, 1991  
Page 2

DEFINITIONS

"Development Activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures." <COMAR 14.15.01.01.A(21)>.

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Sec. 22-216>.

Finding: The placement of the advertising sign on this property is not considered a "Development Activity" as defined above. Therefore, this project shall not need to reduce pollutant loadings by 10% of the on-site level.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju  
Attachment  
cc: The Honorable Vincent Gardina  
The Honorable Donald Mason  
Mr. Ronald B. Hickernell  
Mr. & Mrs. William Hillegas

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: June 12, 1991

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

SUBJECT: William J. Hillegas, Item No. 398 ✓  
Wallace Erdman, Item No. 456

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM398.456/ZAC1

received  
6/13/91

91-412-SPH 6-19  
BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
May 24, 1991

Warren Mix, Esquire  
706 Washington Avenue  
Towson, MD 21204

RE: Item No. 398, Case No. 91-412-SPH  
Petitioner: William J. Hillegas, et ux  
Petition for Special Hearing

Dear Mr. Mix:

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

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

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

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. William J. Hillegas  
63 Wise Avenue  
Baltimore, MD 21222

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  
1st day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William J. Hillegas, et ux

Petitioner's Attorney: Warren Mix

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500  
(301) 887-4500

MAY 1, 1991

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

RE: Property Owner: WILLIAM J. HILLEGAS

Location: #63 WISE AVENUE

Item No.: 398 Zoning Agenda: APRIL 30, 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. CHAPTER 26

REVIEWER: *Pat Keller* Noted and Approved  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

JK/REK



**SPELLMAN, LARSON & ASSOCIATES, INC.**

SUITE 107 - JEFFERSON BUILDING  
101 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
RLA 10105

CRITICAL AREA

**91-412-SPH**

DESCRIPTION FOR A SPECIAL HEARING, 63 WISE AVENUE, 12TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southwest side of the thirty foot wide service road adjacent to the southwest side of Wise Avenue at the distance of 330 feet, more or less, measured northwesterly along the southwest side of said service drive from the centerline of Inverness Avenue, 50 feet wide, and running thence and binding on the southwest side of said service drive North 60 Degrees 41 Minutes West 50.00 feet thence leaving the southwest side of said service drive and running South 29 Degrees 19 Minutes West 100.00 feet South 60 Degrees 41 Minutes East 50.00 feet and North 29 Degrees 19 Minutes East 120.00 feet to the place of beginning.

Containing 0.11 acres of land, more or less.

3/21/91



RECEIVED BALTIMORE COUNTY ZONING COMMISSIONER  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

**HILLEGAS REALTY CO.**  
285-2738

63 Wise Avenue  
Dundalk, Maryland 21222

Businesses Listed Below Less Than Block

Either way From My Property.

Dates They Were Started

|                  |                                                               |
|------------------|---------------------------------------------------------------|
| 98 Wise Avenue   | Known as Parsons Store, before my time 1942.                  |
| 98 Wise Avenue   | This Property now a Pizza Shoppe                              |
| 63 Wise Avenue   | The now L/Rm. of this was R.E. Office when we bought it. 1954 |
| 96 Wise Avenue   | Fire Plug & Dog Grooming 1971                                 |
| 96 Wise Avenue   | Kathy's Dog Grooming 1985                                     |
| 7917 Wise Avenue | Love Line Florist 1973                                        |
| 7922 Wise Avenue | Ruck Funeral Home 1975                                        |
| 7915 Wise Avenue | Am. Bowling Alley Before above businesses.                    |

Addresses in this block start in the 79 hundred for a 1/3 of a block; Then the addresses change and start at 42 Wise Avenue.

**PETITIONER'S EXHIBIT 6**

91-412 SPH

Grace I Warfield  
By Harry E. Kerr Vice President  
(Corporate Seal)

State of Maryland City of Baltimore to wit  
I hereby certify that on this 14 day of May 1942 before me the subscriber a notary public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Harry E. Kerr vice president of the Arlington Federal Savings and Loan Association and he acknowledged the foregoing partial release of mortgage to be the act of the said body corporate

As witness my hand and notarial seal  
Grace I Warfield  
(Notarial Seal)  
Reo May 25 1942 at 2:45 P M & end  
Reo by H M D  
per Christian H Kahl  
(Examiners O & L)  
Notary Public  
Clerk

20055 )  
I J Bolton Co ) This deed and agreement made this 3rd day of June 1942 by and between I J Bolton Co ) The I J Bolton Company a body corporate incorporated under the laws of Deed & Agt bet ) The State of Maryland grantor party of the first part and The Penland The Penland Co ) the State of Maryland grantor party of the first part and The Penland Company a body corporate incorporated under the laws of the State of Maryland grantee party of the second part

Whereas the said The I J Bolton Company owns a tract of land lying in the Twelfth Election District of Baltimore County which it has caused to be platted and laid out into lots or parcels of land as shown on the plat recorded in the land records of Baltimore County in plat book CCR 13 folio 27 said plat being known and designated as plat of "Inverness Annex No 1"

Whereas the I J Bolton Company intends to develop and improve said tract of land and open up and lay out the streets roads avenues etc as shown on said plat and offer for sale the lots and other parcels of land included in said tract and is desirous of subjecting all of the said tract of land and the lots and parcels shown on said plat to certain covenants agreements easements restrictions conditions and charges as hereinafter set out

And whereas the said The Penland Company is desirous of purchasing certain lots shown on said plat and co-operating with the said grantor for the purpose of making the covenants agreement easements restrictions conditions and charges hereinafter set forth binding alike upon The I J Bolton Company its successors and assigns and upon the lot to be retained and owned by the said The Penland Company as well as upon all the land included in said tract and laid out on the said Plat of Inverness Annex No 1

And whereas in order to make the said covenants agreements easements restrictions conditions and charges binding and of full force and effect on all the land included in said tract and upon the present and future owners and occupants of the same the said The I J Bolton Company and the said The Penland Company have agreed to enter into this deed and agreement whereby The I J Bolton Company will convey to the said The Penland Company all the lots of land shown on said plat and immediately thereafter the said The Penland Company will reconvey to the said The I J Bolton Company charged with all the covenants agreements easements restrictions conditions and charges hereinafter set out all those lots of land so conveyed to it except lot No 1 as laid out on the aforesaid plat and recorded as aforesaid which lot the said The Penland Company will retain and hold subject to the said cove-

I sign this PETITION showing I am OPPOSED to any businesses being operated out of, or signs erected on the property at 63 WISE AVENUE, for I wish my neighborhood to remain residential and not become a commercial sector.

6/5/91 Harry E. Kerr 65 WISE AVE

6/5/91 Anna Hutchinson 65 WISE AVE

6/5/91 Sandra E. Heding 47 WISE AVE

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BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991  
FROM: Dennis A. Kennedy, P.E.  
RE: Zoning Advisory Committee Meeting  
for April 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 385, 392, 393, 396, 399, 400, 401, 402, 403 and 404.

For Items 347 (Case #91-374-A), 394 and 395, the previous County Review Group Meeting comments are still applicable.

For Item 397, a revised County Review Group Meeting is required.

For Item 398, a County Review Group Meeting is required.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:s

received  
6/19/91

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
*William J. Hillegas Jr.* *63 Wise Ave.*  
*Ellen Hillegas* *63 Wise Ave.*  
*Lawrence Radtke* *61 Wise Ave.*

ZONING ENFORCEMENT

Baltimore County  
Zoning Office  
Towson, Maryland 21204

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer  
Zoning Supervisor  
DATE: April 23, 1991  
FROM: James H. Thompson  
Zoning Enforcement Coordinator  
RE: Item No. 398  
Petitioner: William J. and Ellen Hillegas

VIOLATION CASE # C-91-1175  
LOCATION OF VIOLATION 63 Wise Avenue  
DEFENDANT William J. and Ellen Hillegas  
ADDRESS 63 Wise Avenue Baltimore, Maryland 21222

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing even though Baltimore County is the complainant, it is still imperative that this file record be reviewed.

Currently, our section will not take any action in this case until a decision is made by the Zoning Commissioner.

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT:ljs

cc: G. Warren Mix, Esquire  
Mr. Joseph L. Larson  
Inspector Craig McGraw

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 9, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-412-SPH  
SA/S Wise Avenue, 330' NW of c/l Inverness Avenue  
63 Wise Avenue  
15th Election District - 7th Councilmanic  
Petitioner(s): William J. Hillegas, et ux  
HEARING: WEDNESDAY, JUNE 19, 1991 at 10:30 a.m.

Special Hearing - The non-conforming use of an office in a residential zone and to allow the use of a 2 ft. x 8.30 ft. business sign that currently exists on the property.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: William J. Hillegas, et ux  
Warren Mix, Esq.  
Joseph L. Larson

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 24, 1991

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 May 23, 1991.

THE JEFFERSONIAN,

*S. Zeke Nelson*  
Publisher

255 - \$35.18

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Zoning Commissioner of  
Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6/14/91

William J. Hillegas, et ux  
63 Wise Avenue  
Baltimore, Maryland 21222

RE: Case Number: 91-412-SPH  
SA/S Wise Avenue, 330' NW of c/l Inverness Avenue  
63 Wise Avenue  
15th Election District - 7th Councilmanic  
Petitioner(s): William J. Hillegas, et ux  
HEARING: WEDNESDAY, JUNE 19, 1991 at 10:30 a.m.

Petitioner(s):

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

Date

Account: R-001-6150  
Number

receipt

91-412

Please Make Checks Payable To: Baltimore County 10-26-80-19 91

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 12th Date of Posting 4/14/91  
Posted for: Special Hearing  
Petitioner: William J. Hillegas, et ux  
Location of property: 63 Wise Ave., 330' NW of Inverness Ave.  
Location of Sign: 63 Wise Ave., 330' NW of Inverness Ave.  
Remarks: On property of Petitioner  
Posted by: [Signature] Date of return: 4/14  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

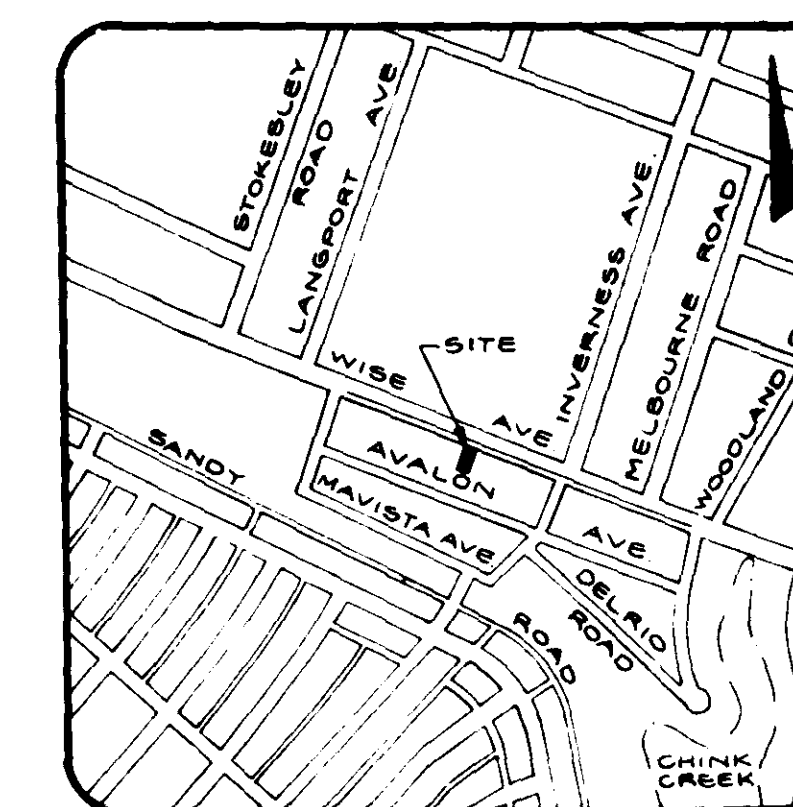
4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222

May 23, 19 91

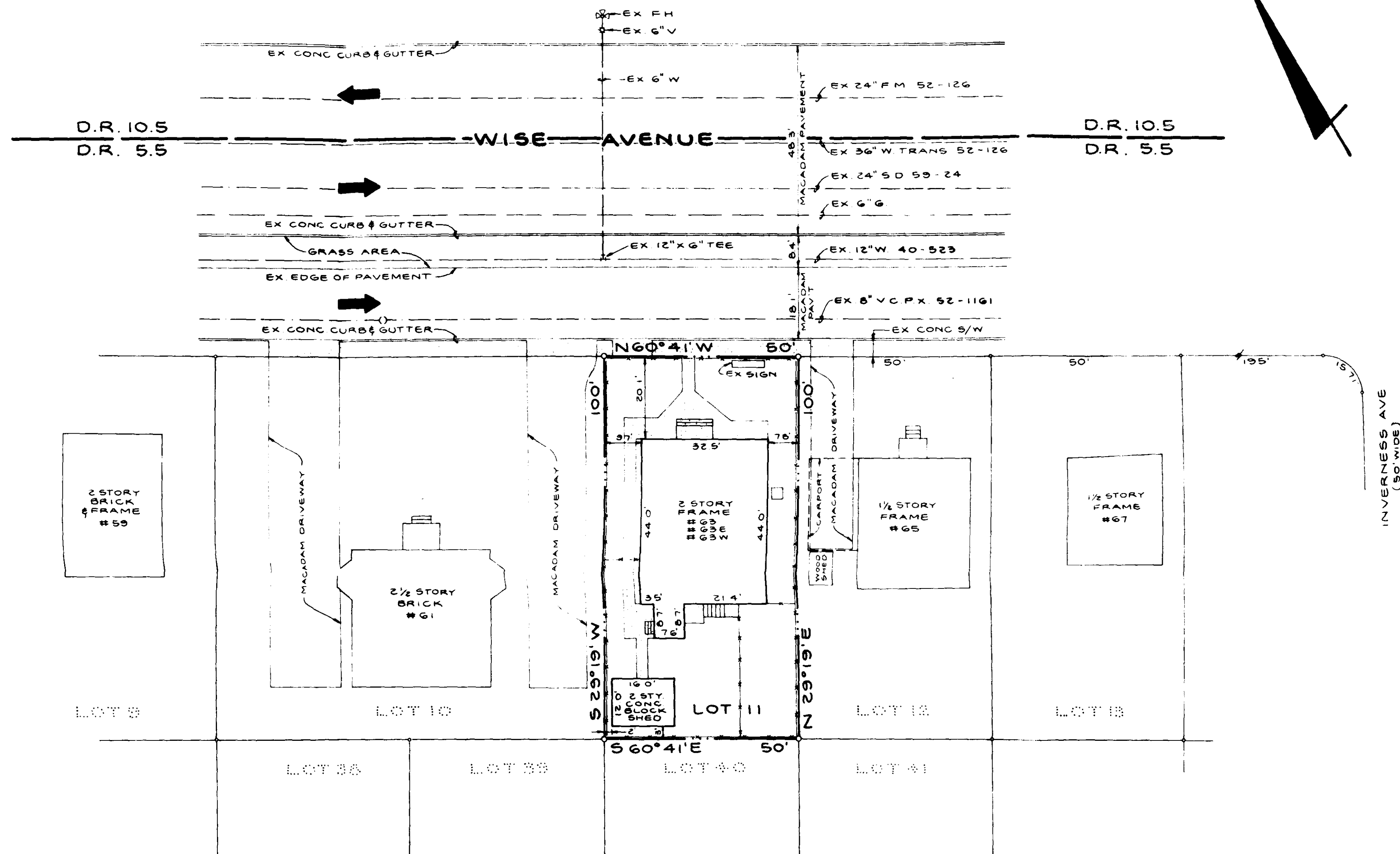
THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #91-412 SPH - P.O. #0112784 - Reg. #MS2842 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for ONE successive weeks before the 24th day of May 1991; that is to say, the same was inserted in the issues of May 23, 1991.

Kimbel Publication, Inc.  
per Publisher.

By *Kimbel*



VICINITY MAP  
SCALE: 1"=1000'



**PROPERTY OWNERS**

- LOT 9 GREGORY J & BETTY J LILLY: 3275/154-1212041010
- LOT 10 EASTERN ASSEMBLY OF GOD CHURCH, INC: 5456/661-1202060160
- LOT 11 WILLIAM J & ELLEN HILLEGAS: 120655050
- LOT 12 HARRY H & DONNA M HUTCHINSON: 5487/663-1210046640
- LOT 13 BERTHA E ERNST: 6918/793-1205015130
- LOT 36 GRANISON R & JEANNE C MCELROY: 4374/73-1213007191
- LOT 39 GRANISON R & JEANNE C MCELROY: 4374/73-1213007191
- LOT 40 THOMAS F & THELMA I HAMMERSLA: 5364/622-1202087680
- LOT 41 LETTY J WHITE: 6976/461-1223036470

**SITE DATA**

BALTO CO COUNCIL DISTRICT 7  
LOT AREA: 5000 SF  
PRESENT ZONING: DR 5.5  
TOTAL BUILDING AREA: 2 STORY FRAME = 1496 SF  
FLOOR AREA RATIO CALC: 1496/5000 = 30%  
PARKING CALCULATIONS: EXIST ON-STREET PARKING

**PETITIONER'S  
EXHIBIT 1**

91-412 SPH

| REVISIONS |      |             |
|-----------|------|-------------|
| NO        | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |
|           |      |             |

**SPELLMAN, LARSON  
&  
ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG, TOWSON, MD., 21204  
PHONE 823-3535

PLAT TO ACCOMPANY PETITION  
FOR SPECIAL HEARING

**63 WISE AVENUE**

**ZONING PETITION**  
REQUESTING NON-CONFORMING USE APPROVAL FOR  
BUSINESS OFFICE IN RESIDENTIAL ZONE

|                        |                 |
|------------------------|-----------------|
| 12TH ELECTION DISTRICT | BALTO. CO., MD  |
| SCALE: 1"=20'          | DES. BY: N/A    |
| DATE: 3 6 91           | DRN. BY: W.O.G. |
|                        | SHT. 1 OF 1     |