

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 13, 2000
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed Files:
Case No. 91-470-XA /Lawrence L. Feehely, et ux
Case No. 94-176-A /Francis J. Reinsfelder
Case No. 94-197-A /Eastpoint Partners Ltd.

Since the above captioned cases has been concluded in the upper courts, we are hereby closing and returning the Board's case file to you herewith. The original file and exhibits were previously returned to your office by John Almond, Records Manager /Circuit Court

Attachments: Case File Nos. 94-197-A; 94-176-A; & 91-470-XA

LAWRENCE L. FEEHELY, ET UX

#91-470-XA

North side Frederick Road, 490' 7h Election District
east of centerline of Hillside Rd. 1st Councilmanic District
(2200 Frederick Road)

May 30, 1991 Petition for Special Exception filed by G. Warren Mix, Esquire, on behalf of Lawrence L. Feehely, Legal Owner/Petitioner to permit a Class "B" office building in an R.O. zone; Petition for Variances filed to permit 0' amenity open space /interior of parking lot, setbacks and landscaping.

November 27 Order of the Zoning Commissioner DENYING Petition for Special Exception, and DISMISSING as Moot Petition for Variances.

December 23 Notice of Appeal received from G. Warren Mix, Esquire, on behalf of the Petitioner.

Jan. 20, 1993 Hearing before the Board of Appeals.

February 9 Opinion and Order of the Board DENYING the Petition for Special Exception, and DISMISSING as Moot the Petition for Variances.

March 10 Order for Appeal filed in the Circuit Court for Baltimore County by G. Warren Mix, Esquire, on behalf of Lawrence L. Feehely, Petitioner.

March 17 Petition to accompany appeal filed in the Circuit Court for Baltimore County by

March 16 Certificate of Notice sent to interested parties.

May 7 Transcript of testimony filed; Record of Proceedings filed in Circuit Court for Baltimore County.

March 31, 1994 *JE* Order of the Circuit Court for Baltimore County: that decision of the Board of Appeals is AFFIRMED. (Barbara K. Howe, Judge)

CIRCUIT COURT FOR BALTIMORE COUNTY

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

Irene Summers — 887-2660

Civil Assignment Commissioner

Kathy Rushton — 887-2660

Jury Assignments—Civil
General Settlement Conferences

— 887-2661

Non-Jury Assignments—Civil
Special Settlement Conferences

TO:

Mr. William H. H. H. H.

COURT CLERK OF BALTIMORE COUNTY

STATE OF MARYLAND



RECEIVED
COUNTY BOARD OF APPEALS
93 MAY 24 PM 3:40

RE:

NON JURY 93 CV 2299 In the Matter of Lawrence L. Roehely

HEARING DATE:

Monday, August 16, 1993 @ 9:30 A.M.

ON THE FOLLOWING:

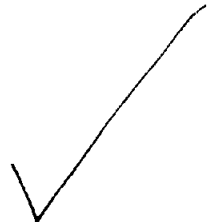
Appeal: 1 hr.

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

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

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



IN THE MATTER OF THE APPLICATION OF
LAWRENCE L. FEEHELY, ET UX FOR A
SPECIAL EXCEPTION AND VARIANCES ON
~~PROPERTY LOCATED ON THE NORTH SIDE~~
FREDERICK ROAD, 490' EAST OF CENTERLINE OF
HILLSIDE ROAD (2200 FREDERICK ROAD)
~~7th ELECTION DISTRICT~~
1st COUNCILMANIC DISTRICT

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

CASE # 46/381/93CV 2299

v.

NOTICE OF FILING OF RECORD

RECEIVED
COUNTY BOARD OF APPEALS
93 MAY 18 PM 1:07

In accordance with Maryland Rule of Procedure B12, you are
notified that a record in the above entitled case was filed on
May 7, 1993.

TO: G. Warren Mix, Esq.
Kathleen C. Weidenhammer

Argonne



CLERK

FILED MAY 7 1993

C. G. W.

IN THE MATTER OF THE
THE APPLICATION OF
LAWRENCE L. FEEHELY, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE FREDERICK
ROAD, 490' EAST OF CENTERLINE
OF HILLSIDE ROAD
(2200 FREDERICK ROAD)
7TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CV Doc. No. 46
* Folio No. 381
* File No. 93-CV-2299

LAWRENCE L. FEEHELY, PLAINTIFF*
ZONING CASE NO. 91-470-XA

* * * * *

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

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

No. 91-470-XA

May 30, 1991

Petition for Special Exception filed by G.
Warren Mix, Esquire, on behalf of Lawrence L.
Feehely, Legal Owner/Petitioner to permit a
Class "B" office building in an R.O. zone;
Petition for Variances filed to permit 0'
amenity open space /interior of parking lot,
setbacks and landscaping.

July 11

Publication in newspapers.

July 19

Comments of Baltimore County Zoning Plans
Advisory Committee.

August 14

Certificate of Posting of property.

September 5	Hearing held on Petition by the Zoning Commissioner.
November 27	Order of the Zoning Commissioner DENYING Petition for Special Exception, and DISMISSING as Moot Petition for Variances.
December 23	Notice of Appeal received from G. Warren Mix, Esquire, on behalf of the Petitioner.
January 20, 1993	Hearing before the Board of Appeals.
February 9	Opinion and Order of the Board DENYING the Petition for Special Exception, and DISMISSING as Moot the Petition for Variances.
March 10	Order for Appeal filed in the Circuit Court for Baltimore County by G. Warren Mix, Esquire, on behalf of Lawrence L. Feehely, Petitioner.
March 16	Certificate of Notice sent to interested parties.
March 17	Petition to accompany appeal filed in the Circuit Court for Baltimore County by G. Warren Mix, Esquire.
May 7	Transcript of testimony filed.

Petitioner's Exhibit No. 1-Engineer's Plan, revision of 5/19/90
2-Letter 11/15/91 to Timothy Kotroco from John Contestabile
3-Handdrawn sketch of property (for ID only)
4-Drawing showing exit onto Frederick Road showing right-hand turns only
5-200-scale aerial photograph, Jan. 1986
6-Portion of 200-scale zoning map
7-600-scale assessment map

People's Counsel's Exhibit

No. 1-Letter to Clerk of Court from Peter Wilkey, Jr. 3/04/92
2-Letter to Board of Appeals from Patricia Beaver 3/05/92
3-Copy of ADC map for Balto County

- 4-Copies of 200-scale zoning map--
southwest 3H & 3G
- 5-Photographs (large photos on
boards):
 - A-South Hilltop Rd & Frederick Rd
-looking west on Frederick Rd
 - B-Same site as A but in Nov with no
leaves on trees
 - C-Homes for BARC-south side of
Frederick Rd-Dimitri's in back
 - D-West, looking across to site
(east of Dimitri's) /White dot
shows subject property
 - E-Blind curve on hill /Dimitri's is
to left, off photo /subject
property is off photo to east
 - F-Blind curve /shows Dimitri's
 - G-Blind curve, looking east on
Frederick Rd at intersection of
Hillside
 - H-Intersection of Hillside &
Frederick Rd from Hillside Rd
 - I-Hillside Rd looking south
/Frederick Rd not shown
 - J-Hillside Rd looking southwest
/white dot shows subj. property
 - K-Hillside Rd looking north /House
in photo would look down on
subject property
 - L-East on Hillside /shows single
dwelling homes
- 6-200-scale map showing zoning
designations
- 7-Photo of building in 300 block
Frederick Rd, 8/16/92 in
Catonsville Times
- 8-Rule 8 material for Charles Brehm
representing Paradise Hill Home
Owners
 - A-Resolution
 - B-Affidavit
 - C-Affidavit
 - D-Resolution
- 9-Opinion in Booth/Morseberger case

May 7

Record of Proceedings filed in the Circuit
Court for Baltimore County.

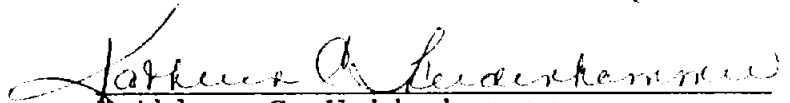
Record of Proceedings pursuant to which said Order was entered

Lawrence L. Feehely, et ux, Case No. 91-470-XA
File No. 93-CV-2299/46/381

4

and upon which said Board acted are hereby forwarded to the Court,
together with exhibits entered into evidence before the Board.

Respectfully submitted,



Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals, Room 49
Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: G. Warren Mix, Esquire
Mr. Lawrence L. Feehely
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

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

March 17, 1993

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Mr. Mix:

Effective January 1, 1993, Maryland Rule B7(a) was amended to provide that the Board submit the record of proceedings to the Circuit Court within sixty days in lieu of the previously required thirty days. My letter to you dated March 16, 1993, regarding the subject case did not reflect this amendment. Please be advised that this office is aware of the sixty-day requirement, and will act accordingly in transmitting the record in these proceedings to the Circuit Court for Baltimore County.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Weidenhammer".

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Phyllis Cole Friedman, Esquire
Mr. Lawrence L. Feehely



County Board of Appeals of Baltimore County

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

March 16, 1993

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Mr. Mix:

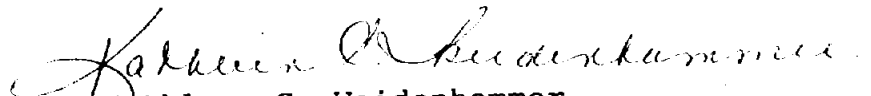
In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

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

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

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

Very truly yours,


Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Lawrence L. Feehely.



County Board of Appeals of Baltimore County

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

March 16, 1993

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

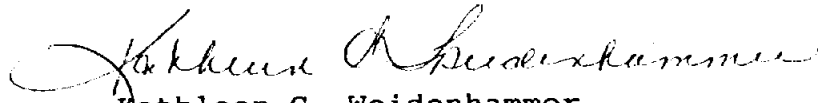
RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Ms. Friedman:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,


Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
Mr. William E. Armstrong, Jr.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
Docket Clerk -Zoning

IN THE MATTER OF THE
THE APPLICATION OF
LAWRENCE L. FEEHELY, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE FREDERICK
ROAD, 490' EAST OF CENTERLINE
OF HILLSIDE ROAD
(2200 FREDERICK ROAD)
7TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

LAWRENCE L. FEEHELY, PLAINTIFF*
ZONING CASE NO. 91-470-XA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CV Doc. No. 46
* Folio No. 381
* File No. 93-CV-2299

* * * * *

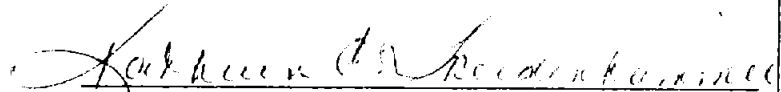
CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, MD 21204, Counsel for Plaintiff; Mr. Lawrence L. Feehely, 5739 Mineral Avenue, Baltimore, MD 21227, Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Basement - Old Courthouse, 400 Washington Avenue, Room 47, Towson, MD 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement - Old Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.


Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore
County, Room 49, Basement - Old
Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, MD 21204, Counsel for Plaintiff; Mr. Lawrence L. Feehely, 5739 Mineral Avenue, Baltimore, MD 21227, Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Basement - Old Courthouse, 400 Washington Avenue, Room 47, Towson, MD 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement - Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on this 16th day of March, 1993.



Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore
County, Room 49, Basement - Old
Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

IN THE MATTER OF THE
APPLICATION OF
LAWRENCE L. FEEHELY, et ux.
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE OF FREDERICK
ROAD, 490' EAST OF CENTERLINE
OF HILLSIDE ROAD
(2200 Frederick Road)
7th ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 46/381/93CV-2299

* * * * *

PETITION FOR APPEAL

Now comes Lawrence L. Feehely, Appellant, by G. Warren Mix and Turnbull, Mix & Farmer, his attorneys, pursuant to Maryland Rule B-2, files this Petition and states:

1. That on February 9, 1993, the County Board of Appeals denied the Petitioner's request for a special exception and variances on his property located on the northside of Frederick Road, Baltimore County, Maryland.

2. That it was error on behalf of the Board of Appeals of Baltimore County to deny the Petitioner's request for special exception and variances as said opinion was against the weight of the evidence produced before the Board of Appeals and the accompanying exhibits.

3. That the request for special exception and variances had previously been denied by the Deputy Zoning Commissioner on November 27, 1991 for reasons that the request did not meet the requirements of the State of Maryland in reference to the possible traffic problems which could occur at the site.

4. That the various protestants who testified strenuously argued before the Board of Appeals that said request would again produce traffic problems and would be a safety hazard on the highways in this area if said request was given by the Board.

5. That the Board has now denied the request based on the apparent size of the proposed office building which, from the evidence, does not appear to be a concern of the parties who appeared before the Board to protest the exception, as there is a two story dwelling which contains a bar and restaurant immediately adjacent to the site.

6. That the various parties who appeared on behalf of the protestants did not live in the immediate neighborhood, and no credibility should have been given to their weight as testimony before this Honorable Board.

7. That the evidence submitted by your Appellant as well as his engineer, clearly demonstrates that he has met the requirements to have a special exception approved, as well as requirements of the zoning regulations whereby a hardship would be created in order to meet the various variances as requested by your Petitioner.

8. That the decision by the Board of Appeals is arbitrary and capricious based on its ruling that they believe the size of the proposed structure is not in conformity with the legislative policy as endorsed in BCZR Section 203.2 regarding R-0 zones.

WHEREFORE, your Appellant prays that the decision of the Board of Appeals of February 9, 1993, be reversed and that your Petitioner be granted the special exception as well as the variances for his property located on the northside of Frederick Road in Baltimore County, Maryland, as set forth fully in said Petitioner's Petition.

G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
(410) 825-1517
Attorney for Appellant

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 15th day of March, 1993, a copy of the foregoing Petition of Appeal was mailed to the County Board of Appeals, Old Courthouse, Room 49, 409 Washington Avenue, Towson, Maryland 21204 and to Peter M. Zimmerman, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204,

G. WARREN MIX

LAW OFFICES
TURNBULL, MIX
& FARMER
706 WASHINGTON AVENUE
TOWSON, MD 21204
—
826-0700

12/23/91 12/23/91
g zoning

LAW OFFICES
TURNBULL, MIX & FARMER

706 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. SACHSE
PATRICK J. PERKINS
GREGORY E. HAMMOND

(410) 828-0700
(410) 825-1517
FAX (410) 828-5086

OF COUNSEL
WILLIAM E. HAMMOND
107 MAIN STREET
REISTERSTOWN, MD 21136
(410) 833-1922
JOHN GRASON TURNBULL
(1909-1984)
OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

December 19, 1991

Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-470-XA
Petitioner: Lawrence L. Feehely

Dear Mr. Commissioner:

Enclosed please find an Order of Appeal in reference to the above captioned matter to the Board of Appeals. Also enclosed is my check in the amount of \$325.00 made payable to Baltimore County to cover the filing costs.

OK ca
Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/dm

Enclosure

cc: Eugene Shaver
Charles Brehm
John Handy
James Mohler
People's Counsel

CASE NO. 93-CV-2299 / Zoning #91-0-XA

Lawrence L. Feehely v. People's Counsel

RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANS-
SCRIPT FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.


Clerk's Office

Date: 5-7-93



County Board of Appeals of Baltimore County

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

March 17, 1993

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Mr. Mix:

Effective January 1, 1993, Maryland Rule B7(a) was amended to provide that the Board submit the record of proceedings to the Circuit Court within sixty days in lieu of the previously required thirty days. My letter to you dated March 16, 1993, regarding the subject case did not reflect this amendment. Please be advised that this office is aware of the sixty-day requirement, and will act accordingly in transmitting the record in these proceedings to the Circuit Court for Baltimore County.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Weidenhammer".

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Phyllis Cole Friedman, Esquire
Mr. Lawrence L. Feehely



County Board of Appeals of Baltimore County

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

March 16, 1993

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Mr. Mix:

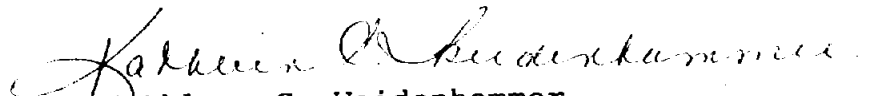
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Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,


Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Lawrence L. Feehely.



County Board of Appeals of Baltimore County

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

March 16, 1993

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

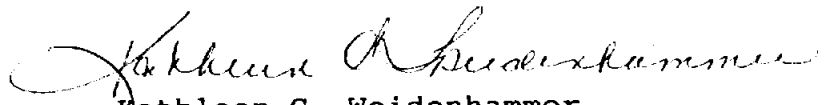
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Lawrence L. Feehely

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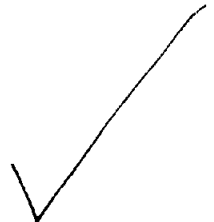
Enclosed is a copy of the Certificate of Notice.

Very truly yours,


Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
Mr. William E. Armstrong, Jr.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
Docket Clerk -Zoning



IN THE MATTER OF THE APPLICATION OF
LAWRENCE L. FEEHELY, ET UX FOR A
SPECIAL EXCEPTION AND VARIANCES ON
~~PROPERTY LOCATED ON THE NORTH SIDE~~
FREDERICK ROAD, 490' EAST OF CENTERLINE OF
HILLSIDE ROAD (2200 FREDERICK ROAD)
~~7th ELECTION DISTRICT~~
1st COUNCILMANIC DISTRICT

IN THE CIRCUIT COURT
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CASE # 46/381/93CV 2299

v.

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In accordance with Maryland Rule of Procedure B12, you are
notified that a record in the above entitled case was filed on
May 7, 1993.

TO: G. Warren Mix, Esq.
Kathleen C. Weidenhammer

Argonne



CLERK

FILED MAY 7 1993

C. W. W.

IN THE MATTER OF THE
THE APPLICATION OF
LAWRENCE L. FEEHELY, ET UX
FOR A SPECIAL EXCEPTION AND
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ON THE NORTH SIDE FREDERICK
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* IN THE
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* CV Doc. No. 46
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LAWRENCE L. FEEHELY, PLAINTIFF*
ZONING CASE NO. 91-470-XA

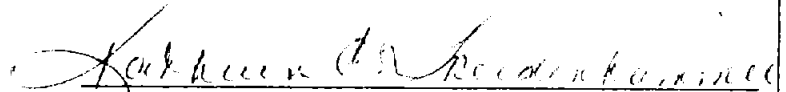
CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Michael B. Sauer, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, MD 21204, Counsel for Plaintiff; Mr. Lawrence L. Feehely, 5739 Mineral Avenue, Baltimore, MD 21227, Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Basement - Old Courthouse, 400 Washington Avenue, Room 47, Towson, MD 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement - Old Courthouse, 400 Washington Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.


Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore
County, Room 49, Basement - Old
Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to G. Warren Mix, Esquire, TURNBULL, MIX & FARMER, 706 Washington Avenue, Towson, MD 21204, Counsel for Plaintiff; Mr. Lawrence L. Feehely, 5739 Mineral Avenue, Baltimore, MD 21227, Plaintiff; Phyllis C. Friedman, People's Counsel for Baltimore County, Basement - Old Courthouse, 400 Washington Avenue, Room 47, Towson, MD 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49, Basement - Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on this 16th day of March, 1993.



Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore
County, Room 49, Basement - Old
Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

IN THE MATTER OF THE
APPLICATION OF
LAWRENCE L. FEEHELY, et ux.
FOR A SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE OF FREDERICK
ROAD, 490' EAST OF CENTERLINE
OF HILLSIDE ROAD
(2200 Frederick Road)
7th ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 46/381/93CV-2299

* * * * *

PETITION FOR APPEAL

Now comes Lawrence L. Feehely, Appellant, by G. Warren Mix and Turnbull, Mix & Farmer, his attorneys, pursuant to Maryland Rule B-2, files this Petition and states:

1. That on February 9, 1993, the County Board of Appeals denied the Petitioner's request for a special exception and variances on his property located on the northside of Frederick Road, Baltimore County, Maryland.

2. That it was error on behalf of the Board of Appeals of Baltimore County to deny the Petitioner's request for special exception and variances as said opinion was against the weight of the evidence produced before the Board of Appeals and the accompanying exhibits.

3. That the request for special exception and variances had previously been denied by the Deputy Zoning Commissioner on November 27, 1991 for reasons that the request did not meet the requirements of the State of Maryland in reference to the possible traffic problems which could occur at the site.

93 MAR 17 PM 12:13

RECEIVED
COURT CLERK'S OFFICE
BALTIMORE COUNTY

4. That the various protestants who testified strenuously argued before the Board of Appeals that said request would again produce traffic problems and would be a safety hazard on the highways in this area if said request was given by the Board.

5. That the Board has now denied the request based on the apparent size of the proposed office building which, from the evidence, does not appear to be a concern of the parties who appeared before the Board to protest the exception, as there is a two story dwelling which contains a bar and restaurant immediately adjacent to the site.

6. That the various parties who appeared on behalf of the protestants did not live in the immediate neighborhood, and no credibility should have been given to their weight as testimony before this Honorable Board.

7. That the evidence submitted by your Appellant as well as his engineer, clearly demonstrates that he has met the requirements to have a special exception approved, as well as requirements of the zoning regulations whereby a hardship would be created in order to meet the various variances as requested by your Petitioner.

8. That the decision by the Board of Appeals is arbitrary and capricious based on its ruling that they believe the size of the proposed structure is not in conformity with the legislative policy as endorsed in BCZR Section 203.2 regarding R-0 zones.

WHEREFORE, your Appellant prays that the decision of the Board of Appeals of February 9, 1993, be reversed and that your Petitioner be granted the special exception as well as the variances for his property located on the northside of Frederick Road in Baltimore County, Maryland, as set forth fully in said Petitioner's Petition.

G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
(410) 825-1517
Attorney for Appellant

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 15th day of March, 1993, a copy of the foregoing Petition of Appeal was mailed to the County Board of Appeals, Old Courthouse, Room 49, 409 Washington Avenue, Towson, Maryland 21204 and to Peter M. Zimmerman, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204,

G. WARREN MIX

LAW OFFICES
TURNBULL, MIX
& FARMER
706 WASHINGTON AVENUE
TOWSON, MD 21204
—
826-0700

APPEAL

Petition for Special Exception and Zoning Variance
N/S Frederick Road, 490' E of the c/l of Hillside Road
(2200 Frederick Road)
1st Election District - 1st Councilmanic District
LAWRENCE L. FEEHELY, ET UX - Petitioner
Case No. 91-470-XA

- ✓ Petition(s) for Special Exception and Zoning Variance
 - ✓ Description of Property
 - ✓ Certificate of Posting
 - ✓ Certificate of Publication
 - ✓ Entry of Appearance of People's Counsel (~~None submitted~~) *rec'd. 9/28/92*
 - ✓ Zoning Plans Advisory Committee Comments
 - ✓ Director of Planning & Zoning Comments (Included with ZAC comments)
- Petitioner's Exhibits: ✓ 1. Plat to accompany petition
- Deputy Zoning Commissioner's Order dated November 27, 1991 (Denied)
- ✓ Notice of Appeal received December 23, 1991 from G. Warren Mix,
Attorney on behalf of the petitioner.

cc: Lawrence L. Feeheley, 5739 Mineral Avenue, Baltimore, MD 21227

* G. Warren Mix, Esquire - Turnbill, Mix & Farmer
706 Washington Avenue, Towson, MD 21204

Eugene L. Shaver, 116 S. Hilltop Road, Baltimore, MD 21228

Charles L. Brehm, 4 Stardust Court, Catonsville, MD 21228

James W. Mohlen, 2 W. Rolling Crossroads, St. 203, Balto., MD 21228

John Handy, 2611 Westchester Avenue, ~~Baltimore~~, MD 21043

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

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

*Mr. Peter W. Wilkey, Jr.
99 Hillside Rd.
Catonsville, MD 21228*

Requests notification /@ hearing:
William E. Armstrong, Jr.
98 Hillside Road
Catonsville, MD 21228

JE

12/23/91 12/23/91
g Zoning

LAW OFFICES
TURNBULL, MIX & FARMER
706 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. SACHSE
PATRICK J. PERKINS
GREGORY E. HAMMOND

(410) 828-0700
(410) 825-1517
FAX (410) 828-5086

OF COUNSEL
WILLIAM E. HAMMOND
107 MAIN STREET
REISTERSTOWN, MD 21136
(410) 833-1922
JOHN GRASON TURNBULL
(1909-1984)
OCEAN CITY OFFICE
210 N. 15TH STREET
OCEAN CITY, MD 21842
(410) 289-6419

December 19, 1991

Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-470-XA
Petitioner: Lawrence L. Feehely

Dear Mr. Commissioner:

Enclosed please find an Order of Appeal in reference to the above captioned matter to the Board of Appeals. Also enclosed is my check in the amount of \$325.00 made payable to Baltimore County to cover the filing costs.

OK ca
Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/dm

Enclosure

cc: Eugene Shaver
Charles Brehm
John Handy
James Mohler
People's Counsel

3/31/94 - Circuit Court AFFIRMED Board; SE denied.
(Barbara K. Howe, Judge)

RECEIVED
COUNTY BOARD OF APPEALS
94 APR -5 AM 11:16

LAWRENCE L. FEEHELY, ET UX
Appellants
IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY

VS.
PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, Appellee
CASE NO. 93 CV 2299

Zoning Case No. 91-470-XA

OPINION AND ORDER

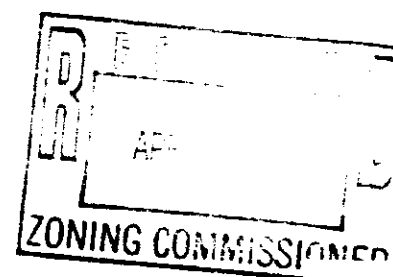
This case came on for hearing on the appeal of Lawrence L. Feehely who was aggrieved by the decision of the County Board of Appeals concerning a Petition for a Special Exception with respect to variances requested for property owned in Baltimore County, Maryland.

The court heard the oral arguments of counsel, reviewed the memorandum supplied by counsel, and reviewed the record filed.

The court finds that the decision of the Baltimore County Board of Appeals was not arbitrary and capricious, but was based on the testimony and evidence presented at the hearing before it. This court cannot substitute its judgment for that Board of Appeals, but, rather, if the Board's decision is reasonable based on the evidence presented, and the conclusion of the Board is "fairly debatable", this court must affirm the decision made.

The court orders therefore, that the decision of the Board of Appeals is affirmed.

Clerk to notify.



Barbara K. Howe
Barbara K. Howe

Barbara K. Howe
Barbara K. Howe
Assistant Clerk

4/05/94

FROM: Board of Appeals

TO: Larry Schmidt /Zoning Commissioner

JSB

Case No. 91-470-XA Lawrence L. Feehely

People's Counsel's Exhibit 5A through 5L clearly indicates that nowhere in this area is there any similar use of similar size other than the restaurant, which is a nonconforming use.

"...It is not the R-0 classification's purpose to accommodate a substantial part of the demand for office space...." [BCZR 203.2]

In this case, the proposed building is proposed to be used by the Petitioner for less than one-fourth of the total office space.

For all of these reasons, the Board will find as a fact that the proposed Class B office building is much too large and is completely out of character with all neighborhood uses. Since it is so out of character, it fails to satisfy BCZR Section 502.1(a) in that it would be detrimental to the general welfare of the locality involved. The Board is therefore of the opinion that the special exception as proposed by Petitioner's Exhibit 1 should be denied and will so order.

ORDER

IT IS THEREFORE this 9th day of February, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception for a Class B office building in an R-0 zone be and is hereby DENIED; and it is further

ORDERED that the requested variances be and are hereby DISMISSED as MOOT.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael S. Davis
S. Diane McVero



County Board of Appeals of Baltimore County

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

February 9, 1993

G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204

RE: Case No. 91-470-XA
Lawrence L. Feehely

Dear Mr. Mix:

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

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Lawrence L. Feehely
Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
Mr. William E. Armstrong, Jr.
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Admin.

Case No. 91-470-XA Lawrence L. Feehely

was now in compliance with the State Highway Administration requirements. He further stated that unless the variances are granted the office building cannot be built as proposed. He further testified that there was sufficient parking provided, that he will comply with all landscape plans, and that no adjacent neighbors were protesting his proposal.

Herbert Malmud, a Registered Professional Engineer, testified that he prepared the plat. He noted the lot size, being 125 ft. wide by an average length of 375 ft., and containing some .8577 acre. He testified that the rear portion of the lot was zoned D.R. 2 and contained some 13,000 sq. ft., more or less; that the R-0 portion of the lot contains some 23,000 sq. ft., more or less; and that the D.R. 2 portion was to remain totally undisturbed. He further testified that, since the curbing at the entrance has been added and no left turns agreed to, the access was acceptable. It was his opinion that this was the best use of this site and that it complied with Baltimore County Zoning Regulations (BCZR), Section 502.1.

Eugene L. Shaver testified in opposition to the Petition. He testified that this was a strictly residential area except for several long-standing nonconforming uses. He presented a series of photographs (People's Counsel's Exhibits 5A through 5L) showing the subject site and a considerable distance in both directions from the subject site. He was specifically opposed to this proposal because of the traffic problems he feared it might generate, and that the building was much too large and completely out of character with this predominantly single home area.

Charles Brehm, representing the Paradise Hill Homeowners

PETITION FOR SPECIAL
EXCEPTION AND ZONING VARIANCE
N/S Frederick Road, 490' E of
the c/l of Hillside Road
(2200 Frederick Road)
1st Election District
1st Councilmanic District
LAWRENCE L. FEEHELY, ET UX,
Petitioner

BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Case No. 91-470-XA

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a Subpoena Duces Tecum to John Contestabile, Chief, Engineering Access Permits Division, State Highway Administration, 707 North Calvert Street, Baltimore, Maryland 21203-0717, to appear and testify on behalf of the Petitioner in the above captioned matter and to bring all documents relative to the Feehely Office Building, Item No. 458, N/S Frederick Road (MD 144) 490' East of Hillside Road.

Please make the writ returnable for Wednesday, June 10, 1992 at 10:00 a.m. at the County Board of Appeals of Baltimore County, Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
828-0700
Attorney for Petitioner

LAW OFFICES
TURNBULL, MIX
& FARMER
706 WASHINGTON AVENUE
TOWSON, MD 21204
888-9700

Linda Kuyman
Board of Appeals

Case No. 91-470-XA Lawrence L. Feehely

Association, testified as to the traffic problems foreseeable at this site and noted that all the commercial uses in this area were very old and nonconforming, and that this new proposed building was in no way compatible with existing homes. Closing statements were afforded the Board by both parties.

From the testimony and evidence received, the Board reaches the following conclusions. The reconfiguration of the proposed entrance will alleviate the traffic problems so that it can no longer be a primary consideration. Petitioner's Exhibit 2, a letter from John Constable, Chief of the Engineering Access Permits Division of the State Highway Administration, authorizes these changes as acceptable. The Board is, however, extremely concerned about the size of the proposed office building. On Petitioner's Exhibit 1, the office building is noted to contain some 6,960 sq. ft. This is proposed to be located on an area of 23,000 sq. ft., which is in effect almost one-third of the R-0 zoned area. BCZR Section 203.2 is the statement of legislative policy as regarding R-0 zones.

"The R-0 zoning classification is established, pursuant to the findings, stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones...." [BCZR 203.2] (emphasis added)

The Board cannot find that an office building of 7,000 sq. ft. on a 20,000 sq. ft. area can be classified as a small Class B office building.

"...It is intended that buildings and uses in R-0 zones shall not intrude upon or disturb present or prospective uses of nearby residential property...." [BCZR 203.2]

RE: PETITION FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
N/S Frederick Rd., 490' E of C/L
of Hillside Rd. (2200 Frederick
Rd.), 1st Election District
1st Councilmanic District
LAWRENCE L. FEEHELY, ET UX,
Petitioners

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 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 11th day of February, 1992, a copy of the foregoing Entry of Appearance was mailed to G. Warren Mix, Esquire, Turnbull, Mix & Farmer, 706 Washington Ave., Towson, MD 21204; Mr. Eugene L. Shaver, 116 S. Hilltop Rd., Baltimore, MD 21228; Mr. Charles L. Brehm, 4 Stardust Ct., Catonsville, MD 21228; Mr. John Handy, 2611 Westchester Ave., Ellicott City, MD 21043; & Mr. James W. Mohler, c/o Catonsville 2000, Inc., 2 W. Rolling Crossroads, Suite 203, Baltimore, MD 21228.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: * BEFORE THE
PETITION FOR SPECIAL EXCEPTION * BOARD OF APPEALS
AND ZONING VARIANCE - N/S * OF
Frederick Road, 490' E of the *
c/l of Hillside Road * BALTIMORE COUNTY
(2200 Frederick Road) *
1st Election District * Case No. 91-470-XA
1st Councilmanic District *
Lawrence L. Feehely, et ux *
Petitioners * * * * *

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal from the decision of the Deputy Zoning Commissioner dated November 27, 1991 to the County Board of Appeals on behalf of:

Mr. Lawrence L. Feehely
Suite 201
6100 Baltimore National Pike
Baltimore, Maryland 21228

G. Warren Mix
G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
825-1517
Attorney for Petitioner

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 19th day of December, 1991, a copy of the foregoing Order for Appeal was mailed to Eugene Shaver, 116 S. Hilltop Road, Baltimore, Maryland 21228; Charles L. Brehm, 4 Stardust Court, Catonsville, Maryland 21228; John Handy, 2611 Westchester Avenue, Ellicott City, Maryland 21043; James Mohler, c/o Catonsville 2000, Inc., 2 W. Rolling Crossroads, Suite 203, Baltimore, Maryland 21228 and People's Counsel, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

G. Warren Mix
G. WARREN MIX

MICROFILMED

IN RE: * BEFORE THE
PETITION FOR SPECIAL EXCEPTION * DEPUTY ZONING COMMISSIONER
AND ZONING VARIANCE - N/S * OF BALTIMORE COUNTY
Frederick Road, 490' E of the *
c/l of Hillside Road * Case No. 91-470-XA
(2200 Frederick Road) *
1st Election District *
1st Councilmanic District *
Lawrence L. Feehely, et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a Class "B" office building in an R.O. zone, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 203.4.c.6 to permit amenity open space in the interior parking lot of 0 percent in lieu of the minimum required 7 percent, from Section 203.4.c.4 and 5 to permit a building rear/side setback to the property line of 5 feet in lieu of the required 20 feet and/or 30 feet, from Section 203.4.c.8.c.1 to permit a landscape area at the east and west property lines of 10 feet in lieu of the required 20 feet, from Section 203.3.c.1 to permit a free-standing, double-faced, non-illuminated identification sign of 16 sq.ft. in lieu of the maximum permitted 8 sq.ft. sign attached to the building to be located at the driveway entrance to the subject property and adjacent to a residentially zoned property, from Section 203.3.c.2 to permit parking in the side and front yard in lieu of the required rear yard, and from Section 203.4.c.8a and 8b to permit parking and dumpster areas to exist without the required screening by opaque fence, wall or berm in association with plantings and without the minimum required screening height of 5 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by G. Warren Mix, Esquire. Also appearing on behalf of the Petitioners was Herb

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

MICROFILMED

Malmud, Professional Land Surveyor. Appearing as Protestants in the matter were Eugene L. Shaver, Charles L. Brehm, and John Handy. James W. Mohler appeared on behalf of the Catonsville 2000, Inc. as an interested party.

Testimony indicated that the subject property, known as 2200 Frederick Road, consists of 0.6577 acres zoned D.R. 2 and is presently unimproved. Petitioners are desirous of constructing a two story Class B office building on the property in accordance with Petitioner's Exhibit 1. Mr. Feehely testified that he currently runs an insurance agency and is desirous of moving this agency to the subject property which he purchased in 1985. He testified that his agency will utilize approximately 1500 sq.ft. of office space and will rent out the remaining space to various tenants. Mr. Feehely testified that the use proposed satisfies the requirements of Section 502.1 of the B.C.Z.R. Mr. Feehely further testified that due to the topography of the land and its unusual shape, the requested variances should be granted because of the practical difficulty and undue hardship associated with locating the building on this property.

Also appearing and testifying on behalf of the Petitioners was Herb Malmud, Professional Land Surveyor. Mr. Malmud testified that the Petitioners' request satisfies the special exception requirements set forth in Section 502.1 of the B.C.Z.R. He further testified the use proposed at the subject location will not adversely affect the health, safety or general welfare of surrounding uses, thereby satisfying the requirements of Section 307.1 of the B.C.Z.R.

Appearing and testifying in opposition to the relief requested was John Handy. Mr. Handy testified that in his opinion there will be a traffic safety problem because the road in this vicinity is not flat. He testified that there is also a curve in the road that affects the sight

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

- 2 -

distance at this location, indicating that it would be dangerous for anyone to exit the Petitioners' property onto Frederick Road. Mr. Handy further testified that there have already been traffic problems along this stretch of Frederick Road near the intersection of Thistle Road.

Also appearing in opposition to Petitioners' request were Eugene Shaver and Charles Brehm. Both Mr. Shaver and Mr. Brehm indicated they are concerned about possible traffic congestion and sight distance problems at the hill on Frederick Road near this location.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioners through their witnesses, presented testimony that indicates the requirements of Section 502.1 would be met by this project. However, the neighbors and local residents in the community voiced concern regarding the slope of Frederick Road at this location and the fact that this particular site is located near a bend or curve in the road. Based upon these concerns, I contacted the State Highway Administration (SHA) to inquire what the sight distance requirements would be for this particular location and requested that they perform a sight inspection of the property.

Larry Brocato visited the site and performed an independent evaluation concerning possible traffic hazards associated with this project. He indicated that the sight distance requirements at this particular location would be 500 feet, given the 40 MPH speed limit. By letter dated November 15, 1991, a copy of which is attached hereto, John

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

- 3 -

Contestabile, Chief of the Engineering Access Permits Division of the SHA, reported that the proposed entrance does not meet current requirements for sight distance. His findings concluded that present conditions fall short of the intersection sight distance standard and that the proposed project could present a safety hazard and possible traffic congestion unless another alternate entrance could be established.

Section 502.1a of the B.C.Z.R. states that it is the Petitioners' burden to prove that the use proposed would not be detrimental to the health, safety or general welfare of the locality involved. Because of this unsafe traffic situation, I find that the Petitioners have failed to satisfy this particular requirement.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritz, 432 A.2d 1319 (1981).

The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R.

Inasmuch as the special exception relief has been denied, it becomes unnecessary to address the Petition for Zoning Variance.

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

- 4 -

MICROFILMED

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, the relief requested in the special exception should be denied and the variance dismissed as moot.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of November, 1991 that the Petition for Special Exception for a Class "B" office building in an R.O. zone, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 203.4.c.6 to permit amenity open space in the interior parking lot of 0 percent in lieu of the minimum required 7 percent, from Section 203.4.c.4 and 5 to permit a building rear/side setback to the property line of 5 feet in lieu of the required 20 feet and/or 30 feet, from Section 203.4.c.8.c.1 to permit a landscape area at the east and west property lines of 10 feet in lieu of the required 20 feet, from Section 203.3.c.1 to permit a free-standing, double-faced, non-illuminated identification sign of 16 sq.ft. in lieu of the maximum permitted 8 sq.ft. sign attached to the building to be located at the driveway entrance to the subject property and adjacent to a residentially zoned property, from Section 203.3.c.2 to permit parking in the side and front yard in lieu of the required rear yard, and from Section 203.4.c.8a and 8b to permit parking and dumpster areas to exist without the required screening by opaque fence, wall or berm in association with plantings and without the minimum required screening height of 5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

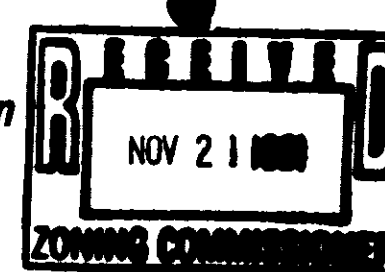
Timothy W. Kotroco
TIMOTHY W. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

- 5 -



Maryland Department of Transportation
State Highway Administration



James Lighthizer
Secretary
Michael Kassoff
Administrator

November 15, 1991

Mr. Timothy Kotroco
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Feehely Office Building
Item #458
N/S Frederick Road
(MD 144) 490' East of
Hillside Road

Dear Mr. Kotroco:

After a field investigation, we have determined that available sight distance for this proposed entrance does not meet our current standards.

As stated on Page 9 of our Procedures and Standards for Access to State Highways, "Entrances shall adhere to the safety criteria for acceptable intersection or stopping sight distance conditions, or both, in accordance with current Administration standards and engineering practices".

After consultation with our Traffic and Design Personnel, it was decided that the intersection sight distance criteria is more appropriate for entrances onto State highways.

In 1988 this proposed entrance met our standard for stopping sight distance and was subsequently approved through the CRG process. However, since we no longer use the stopping sight distance criteria, we have found this entrance to fall short of the intersection sight distance standard.

Our recommendation for access into this property would be to either:

-- Pursue access through the adjacent property (Juzlenos Property). This would provide access onto Frederick Road at a location acceptable for sight distance. This may also help with the grade problems the developer would have getting into this property.

Prohibit left turns from the proposed entrance onto Frederick Road. Since the sight distance to the east is more than adequate and subsequently right turns in and out of this entrance would be a safe movement.

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

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-8451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

MICROFILMED

Mr. Timothy Kotroco
Page -2-
November 15, 1991

We trust this satisfies your request and if we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

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

LB:maw

cc: Mr. Joe Maranto
H. Malmud & Associates, Inc.

ORDER RECEIVED FOR FILING
Date 11/27/91
By *G. Warren Mix*

MICROFILMED

458

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class "B" office building in an R.O. Zone

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

G. WARREN MIX

(Type or Print Name)

Signature

706 Washington Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 825-1517

Legal Owner(s):

LAWRENCE L. FEEHELY

(Type or Print Name)

Signature

MARY J. FEEHELY

(Type or Print Name)

Signature

5739 Mineral Avenue

Address

Baltimore, Maryland 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Lawrence L. Feehely

Name

5739 Mineral Avenue

Address

Baltimore, Maryland 21227

City and State

Attorney's Telephone No.: 825-1517

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

MOR./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE: 5-30-91

ORDER RECEIVED FOR FILING
Date 4/27/91
By 70p

458

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class "B" office building in an R.O. Zone

Physically impossible to comply with regulation and would create an undue and unreasonable hardship on property owners.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

G. WARREN MIX

(Type or Print Name)

Signature

706 Washington Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 825-1517

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

MOR./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE: 5-30-91

ORDER RECEIVED FOR FILING

Date 4/27/91

By 70p

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

Legal Owner(s):

LAWRENCE L. FEEHELY

(Type or Print Name)

Signature

MARY J. FEEHELY

(Type or Print Name)

Signature

5739 Mineral Avenue

Address

Baltimore, Maryland 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Lawrence L. Feehely

Name

5739 Mineral Avenue

Address

Baltimore, Maryland 21227

City and State

Attorney's Telephone No.: 825-1517

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

MOR./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE: 5-30-91

MICROFILMED

west property lines of 10 ft. in lieu of 20 ft. buffer req; Section 203.3.c.1 to permit a freestanding/double faced sign at driveway entrance (16 S.F. non illum.) adjacent to a residentially zoned property in lieu of maximum permitted attached S.F. sign; Section 203.3.c.2 to permit parking in side and front yard in lieu of the rear yard as required to the extent possible; Section 203.4.c.8a & b to permit parking and dumpster areas without the required screening by opaque fence, wall or berm in association with plantings and without the minimum required 5 ft. screening height (as shown on the provided hearing plan)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 4/27/91
Posted for: Appeal
Petitioner: Lawrence L. Feehely et al
Location of property: 111 W. Chesapeake Ave., Apt. #111, Towson, Md.
Location of Sign: 111 W. Chesapeake Ave., Apt. #111, Towson, Md.
Remarks: Mailed
Posted by: Mailed Date of return: 4/27/91
Number of Signs: 1

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

Account: R-001-6150
Number: 91-470-XA

DATE: 4/27/91
PUBLIC HEARING FEES: 1 X \$175.00
POSTING FEES: 1 X \$125.00
ADVERTISING: 1 X \$125.00
TOTAL: \$425.00
LAST NAME OF OWNER: Feehely

04A04W002N1CHRC \$325.00
BA C002:1SPM01-16-92
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: 91-470

DATE: 4/27/91
PUBLIC HEARING FEES: 1 X \$175.00
POSTING FEES: 1 X \$125.00
ADVERTISING: 1 X \$125.00
TOTAL: \$425.00
LAST NAME OF OWNER: Feehely

04A04W002N1CHRC \$116.17
BA C002:1SPM01-05-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

MICROFILMED

458
M. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (301) 653-9511
DESCRIPTION FOR ZONING VARIANCE
FEEHELY OFFICE BUILDING
2200 FREDRICK ROAD
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the north side of Frederick Road; 66 feet wide at a point distant 490 feet +/- easterly from the center of Hillside Road, thence leaving Frederick Road and running the three (3) following courses and distances:

- (1) North 09° 37' 17" East 396.35 feet;
- (2) South 84° 54' 07" East 119.95 feet;
- (3) South 15° 25' 17" West 340.83 feet to intersect the north side of Frederick Road, thence binding thereon;
- (4) South 62° 16' 45" West 109.98 feet to the place of beginning.

Containing 0.858 of an acre, 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
March 18, 1991

FILE: Feehely Office DESC 19



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

Account: R-001-6150
Number: 91-470-XA

DATE: 5/30/91
PUBLIC HEARING FEES: 1 X \$175.00
POSTING FEES: 1 X \$125.00
ADVERTISING: 1 X \$125.00
TOTAL: \$425.00
LAST NAME OF OWNER: Feehely

04A04W002N1CHRC \$325.00
BA C002:1SPM01-16-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 8-14-91
Posted for: Appeal
Petitioner: Lawrence L. Feehely et al
Location of property: 111 W. Chesapeake Ave., Apt. #111, Towson, Md.
Location of Sign: 111 W. Chesapeake Ave., Apt. #111, Towson, Md.
Remarks: Mailed
Posted by: Mailed Date of return: 8-16-91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/12, 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 7/11, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$91.17

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

COPY

111 West Chesapeake Avenue
Towson, MD 21204

DATE: August 26, 1991

Mr. & Mrs. Lawrence L. Feehely
5739 Mineral Avenue
Baltimore, Maryland 21227

RE:
Case Number: 91-470-XA
111 W. Chesapeake Ave., 490' E from c/l Hillside Road
2200 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Lawrence L. Feehely, et ux
HEARING: 8/28/91 10:00 AM
Thursday, September 5, 1991, 11 a.m.

Dear Petitioner(s):

Please be advised that \$141.17 is due for advertising and posting of the above captioned property.

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

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

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: G. Warren Mix, Esq.

MICROFILMED

COPY

JUNE 24, 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: 91-470-XA
N/S Frederick Road, 490' E of c/l Hillside Road
2200 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Lawrence L. Feehely, et ux
HEARING: WEDNESDAY, AUGUST 14, 1991 at 9:00 a.m.

Special Exception for a Class "B" Office Building in an R.O. zone.
Variance to permit 0% amenity open space in lieu of 7% of the interior parking lot as required; to permit building rear/side setback at property line of 5 ft. in lieu of 20 and/or 30 ft. required; to permit landscape area at east and west property lines of 10 ft. in lieu of 30 ft. buffer required; to permit a free-standing/double faced sign at driveway entrance (16 sq. ft. non-illuminated) adjacent to a residentially zoned property in lieu of maximum permitted attached 8 sq. ft. sign; to permit parking in side and front yard in lieu of the rear yard as required to the extent possible; to permit parking and dumpster areas without the required screening by opaque fence, wall or burs in association with plantings and without the minimum required 5 ft. screening height.

Zoning Commissioner of
Baltimore County

cc: Lawrence L. Feehely, et ux
G. Warren Mix, Esq.

MICROFILMED

COPY

JUNE 24, 1991
JUL 12 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: 91-470-XA
N/S Frederick Road, 490' E of c/l Hillside Road
2200 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Lawrence L. Feehely, et ux
HEARING: THURSDAY, SEPTEMBER 5, 1991 at 11:00 a.m.

Special Exception for a Class "B" Office Building in an R.O. zone.
Variance to permit 0% amenity open space in lieu of 7% of the interior parking lot as required; to permit building rear/side setback at property line of 5 ft. in lieu of 20 and/or 30 ft. required; to permit landscape area at east and west property lines of 10 ft. in lieu of 30 ft. buffer required; to permit a free-standing/double faced sign at driveway entrance (16 sq. ft. non-illuminated) adjacent to a residentially zoned property in lieu of maximum permitted attached 8 sq. ft. sign; to permit parking in side and front yard in lieu of the rear yard as required to the extent possible; to permit parking and dumpster areas without the required screening by opaque fence, wall or burs in association with plantings and without the minimum required 5 ft. screening height.

Zoning Commissioner of
Baltimore County

cc: Lawrence L. Feehely, et ux
G. Warren Mix, Esq.

MICROFILMED

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. 91-470-XA
LAWRENCE L. FEEHELY, ET UX
N/S Frederick Rd., 490' E of c/l
Hillside Rd. (2200 Frederick Road)
7th Election District
1st Councilmanic District

SE-Class B Office Building in RO zone;
VAR-setbacks, 0% amenity open space,
free-standing sign, parking side and
front, dumpster and parking w/out
screening.

11/27/91 - D.Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: WEDNESDAY, JUNE 10, 1992 AT 10:00 a.m.

cc: G. Warren Mix, Esquire - Counsel for Petitioner/Appellant

Mr. Lawrence L. Feehely

Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul - Legal Secretary

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. 91-470-XA
LAWRENCE L. FEEHELY, ET UX
N/S Frederick Rd., 490' E of c/l
Hillside Rd. (2200 Frederick Road)
7th Election District
1st Councilmanic District

SE-Class B Office Building in RO zone;
VAR-setbacks, 0% amenity open space,
free-standing sign, parking side and
front, dumpster and parking w/out
screening.

11/27/91 - D.Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: WEDNESDAY, JUNE 10, 1992 AT 10:00 a.m.

cc: G. Warren Mix, Esquire - Counsel for Petitioner/Appellant

Mr. Lawrence L. Feehely

Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul - Legal Secretary

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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. 91-470-XA
LAWRENCE L. FEEHELY, ET UX
N/S Frederick Rd., 490' E of c/l
Hillside Rd. (2200 Frederick Road)
7th Election District
1st Councilmanic District

SE-Class B Office Building in RO zone;
VAR-setbacks, 0% amenity open space,
free-standing sign, parking side and
front, dumpster and parking w/out
screening.

11/27/91 - D.Z.C.'s Order DENYING
Petition.

which had been scheduled for hearing on June 10, 1992 was POSTPONED on the record at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: TUESDAY, OCTOBER 6, 1992 AT 10:00 a.m.

cc: G. Warren Mix, Esquire - Counsel for Petitioner/Appellant
Mr. Lawrence L. Feehely
Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
Mr. William E. Armstrong, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

Kathleen C. Weidenhammer
Administrative Assistant

NOTICE OF POSTPONEMENT AND REASSIGNMENT

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. 91-470-XA
LAWRENCE L. FEEHELY, ET UX
N/S Frederick Rd., 490' E of c/l
Hillside Rd. (2200 Frederick Road)
7th Election District
1st Councilmanic District

SE-Class B Office Building in RO zone;
VAR-setbacks, 0% amenity open space,
free-standing sign, parking side and
front, dumpster and parking w/out
screening.

11/27/91 - D.Z.C.'s Order DENYING
Petition.

which was scheduled for hearing on October 6, 1992 was POSTPONED on the record and upon agreement of Deputy People's Counsel and Counsel for Petitioners has been

REASSIGNED FOR: WEDNESDAY, JANUARY 20, 1993 AT 10:00 a.m.

cc: G. Warren Mix, Esquire - Counsel for Petitioner/Appellant
Mr. Lawrence L. Feehely
Mr. Eugene L. Shaver
Mr. Charles L. Brehm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
Mr. William E. Armstrong, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

111 West Chesapeake Avenue
Towson, MD 21201

July 19, 1991

887-3353

G. Warren Mix, Esquire
706 Washington Avenue
Towson, MD 21204

RE: Item No. 458, Case No. 91-470-XA
Petitioner: Lawrence L. Feehely, et ux
Petition for Special Exception and
Zoning Variance

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
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Lawrence L. Feehely
5739 Mineral Avenue
Baltimore, MD 21227

111 West Chesapeake Avenue
Towson, MD 21201

887-3353

Your petition has been received and accepted for filing this
19th day of June, 1991.

Arnold Jablon
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Lawrence L. Feehely, et ux
Petitioner's Attorney: G. Warren Mix

MICROFILMED

SHA

Maryland Department of Transportation
State Highway Administration

RECEIVED
JUN 20 1991
James Lighthizer
Secretary
Paul Massoff
Administrator

ZONING OFFICE

June 18, 1991

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

RE: Baltimore County
Zoning meeting of
June 18, 1991
Lawrence L. Feehely Property
N/S Frederick Road
MD 144
490' east of Hillside Road
Item # 458

Dear Mr. Haines:

We have reviewed the submittal for a special exception for a Class B Office Building in an R.O. zone and offer the following:

The plan must be revised with the following:

- Change the future 80' right-of-way on Frederick Road to read "proposed 80' right-of-way".
- Show a note on the plan stating "the proposed entrance onto Frederick Road must be on a grade of 3% for a distance of 50' into the property".

Also, a complete hydraulic analysis must be reviewed by the SHA Hydraulics Section and all work within the SHA's right-of-way must be performed under an access permit issued by this office prior to the issuance of any building permits.

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

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LBies

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

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

MICROFILMED

Mr. J. Robert Haines
Page 2
June 18, 1991

cc: H. Mahmud and Associates Inc.
Mr. J. Ogle

Baltimore County Government
Fire Department

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

(301) 887-4500

JUNE 18, 1991

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

RE: Property Owner: LAWRENCE L. FEEHELY
Location: #2200 FREDERICK ROAD
Item No.: 458 Zoning Agenda: JUNE 18, 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 H. Kelly* Noted and
Approved *William F. Bradley*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 19, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 18, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 468, 470, 473 and 475.

For Items 458 and 460 the previous County Review Group comments still apply.

For Item 379 (#91-405-SPH), the site must be submitted through the minor subdivision process for review and comments.

For Item 472, as of this date, the proposed 8-inch sanitary sewer has not gone to contract.

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

APPEAL

Petition for Special Exception and Zoning Variance
N/S Frederick Road, 490' E of the c/l of Hillside Road
(2200 Frederick Road)
1st Election District - 1st Councilmanic District
LAWRENCE L. FEEHELY, ET UX - Petitioner
Case No. 91-470-XA

Petition(s) for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC comments)

Petitioner's Exhibits: 1. Plat to accompany petition

Deputy Zoning Commissioner's Order dated November 27, 1991 (Denied)

Notice of Appeal received December 23, 1991 from G. Warren Mix,
Attorney on behalf of the petitioner.

cc: Lawrence L. Feeheley, 5739 Mineral Avenue, Baltimore, MD 21227

G. Warren Mix, Esquire - Turnbull, Mix & Farmer
706 Washington Avenue, Towson, MD 21204

Eugene L. Shaver, 116 S. Hilltop Road, Baltimore, MD 21228

Charles L. Brehm, 4 Stardust Court, Catonsville, MD 21228

James W. Mohlen, 2 W. Rolling Crossroads, St. 203, Balto., MD 21228

John Handy, 2611 Westchester Avenue, Baltimore, MD 21043

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

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 19, 1991

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

SUBJECT: Lawrence L. Feehely, Item No. 458

In reference to the applicant's request, staff offers the following:

Other than the Office of Planning and Zoning's comment dated July 20, 1990, this office offers no additional comments (see attached).

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/pat

ITEM458/ZAC1

Rec'd 8/20/91

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



COPY

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 5, 1991

G. Warren Mix, Esq.
Turnbull, Mix & Farmer
706 Washington Avenue
Towson, Maryland 21204

Re: Case Number(s): 91-470-XA
2200 Frederick Road
Petitioner(s): Lawrence L. Feehely, et ux

Dear Mr. Mix

This to acknowledge receipt of your June 27, 1991 correspondence requesting postponement of the above captioned matter. Accordingly, the case has been pulled from August 14, 1991 docket.

Notice of the new hearing date will be forwarded to you shortly.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

cc: Lawrence L. Feehely, et ux

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 8, 1992

Baltimore County Board of Appeals
400 Washington Avenue
Basement, Old Courthouse, Room 48
Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance
N/S Frederick Road, 490' E of the c/l of Hillside Road
(2200 Frederick Road)
1st Election District, 1st Councilmanic District
LAWRENCE L. FEEHELY, ET UX Petitioner
Case No. 91-470-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 23, 1991 by G. Warren Mix, Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

Zoning Commissioner

LES:cer

cc: Lawrence L. Feeheley, 5739 Mineral Avenue, Baltimore, MD 21227

G. Warren Mix, Esquire - Turnbull, Mix & Farmer
706 Washington Avenue, Towson, MD 21204

Eugene L. Shaver, 116 S. Hilltop Road, Baltimore, MD 21228

Charles L. Brehm, 4 Stardust Court, Catonsville, MD 21228

James W. Mohlen, 2 W. Rolling Crossroads, St. 203, Balto., MD 21228

John Handy, 2611 Westchester Avenue, Baltimore, MD 21043

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

92 JAN 16 PM 2:28

G. Warren Mix, Esquire
Mr. Lawrence L. Feehely
Mr. Eugene L. Shaver
Mr. Charles L. Brahm
Mr. James W. Mohlen
Mr. John Handy
Mr. Peter W. Wilkey, Jr.
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

T/C from Mr. Mix's office (secretary); client (Petitioner) is ill; advised her that hearing had been postponed; to be rescheduled.

10-00-92 -FF's on the record; rescheduled to agreed upon date of 1/20/93 at 10:00 a.m./
 Notices to be sent.

State Highway Administration - The plan must be revised to show concrete curb and gutter along the frontage of this property at a distance of 24 feet from the centerline of Frederick Road. The proposed entrance onto Frederick Road must be on an acceptable grade of 3%. The present grade as shown is 7%.

A:CRG104.TYT

MICROFILMED

William Huey
First District Planner
Baltimore County
Office of Community Planning

Attest: Stephen W. Whalen, Jr. (SEAL)
Corporate Secretary

MICROFILMED



PARADISE HILL HOMEOWNERS' ASSOCIATION, INC. • P.O. Box 1804 • Ellicott City, Maryland 21043-0011
September 8, 1991

Timothy Kotroco
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Reference # XA 91 470

Dear Mr. Kotroco:

This memo is a follow-up to the hearing conducted at 11:00 A.M. on September 5, 1991, Reference # XA 91 470.

As President of the Paradise Hill Homeowners Association, which is made up of 38 homeowners, I want to go on record as opposing the variances and the building project set forth in the hearing Reference # XA 91 470.

Our neighborhood is only .3 of a mile away from the planned office building.

- 1) The building is not in keeping with the overall neighborhood theme. We believe the addition of the type of building would lead to the overall detracting of our neighborhood.
- 2) The planned entrance and exit from the proposed building property would certainly be a dangerous situation because of its location at the top of a hill rounding a curve. Clients going into and out of the parking lot would not be familiar with this dangerous situation and we feel there could be some tragic events.
- 3) The other business, CJ Motors, located only one property away has been cited many times for violations. We believe that by approving this business more violations would occur.

Thank you for your time and patience during the hearing.

Sincerely yours,

Charles L. Brehm
Charles L. Brehm
4 Stardust Court
Catonsville, Maryland
21228

RECEIVED
SEP 10 1991

ZONING OFFICE

TURNBULL, MIX & FARMER

G. WARREN MIX
JAMES B. FARMER
DOUGLAS T. BACHNER
PATRICK J. FARMER
GREGORY E. HANCOCK

FOR WASHINGTON AVENUE
TOWSON, MARYLAND 21204
14100 880-0700
14100 880-0700
FAX 1410 880-0000

OF COUNSEL
WILLIAM E. HANCOCK
107 MAIN STREET
BETHESDA, MD 20814
(301) 880-1817
JOHN GRADON TURNBULL
(1900-1900)
OCEAN CITY OFFICE
802 N. 10TH STREET
OCEAN CITY, MD 21842
(410) 880-0000

June 27, 1991

J. Robert Haines, Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-470-XA
Petitioner: Lawrence L. Feehely

Dear Mr. Haines:

I just received notice that the above captioned matter is scheduled for a hearing on August 14, 1991 at 9:00 a.m. I am writing to request a postponement hopefully before this matter is advertised and posted as I have a specially assigned murder trial in Baltimore City which is scheduled to start that morning and will last for at least one week. Therefore, it is necessary that I request that the Feehely matter be rescheduled.

Thank you for your consideration.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

CWM/dm

RECEIVED
JUN 28 1991

ZONING OFFICE

TURNBULL, MIX & FARMER

G. WARREN MIX
JAMES B. FARMER
DOUGLAS T. BACHNER
PATRICK J. FARMER
GREGORY E. HANCOCK

FOR WASHINGTON AVENUE
TOWSON, MARYLAND 21204
14100 880-0700
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OF COUNSEL
WILLIAM E. HANCOCK
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JOHN GRADON TURNBULL
(1900-1900)
OCEAN CITY OFFICE
802 N. 10TH STREET
OCEAN CITY, MD 21842
(410) 880-0000

December 19, 1991

Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 91-470-XA
Petitioner: Lawrence L. Feehely

Dear Mr. Commissioner:

Enclosed please find an Order of Appeal in reference to the above captioned matter to the Board of Appeals. Also enclosed is my check in the amount of \$325.00 made payable to Baltimore County to cover the filing costs.

Thank you for your cooperation.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

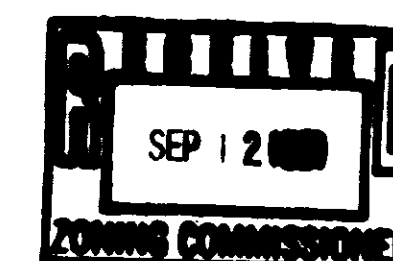
CWM/dm

Enclosure

cc: Eugene Shaver
Charles Brehm
John Handy
James Mohler
People's Counsel

MICROFILMED

John Handy
2611 Westchester Ave.
Ellicott City, Md. 21043
September 11, 1991



Timothy M. Kotroco
Deputy Zoning Commissioner
Balt. Co. Office Bldg.
111 West Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Kotroco,

My name is John Handy. I am a resident of Oella, which is west of Catonsville, along Frederick Rd. before crossing the Patapsco River into Howard Co. I testified at the Sept. 5 hearing, (91-470-XA) representing the local Greater Oella Community Association and also on behalf of the Stonewall Park Association and the Paradise Hills Homeowners Association. Mr. Charles Brehm, President of the Paradise Homeowners Association, also testified.

You invited the submission of more information for your consideration on this request for a special exception for a "class B" office building. I am happy to do so, I apologize for taking the full week to respond.

Mr. Kotroco, you represent the balance for the citizenry of this county in the on-going tug-of-war between the desires for change (development) and the conservation of the present, and its CURRENT quality of life. Certainly I would agree with anyone who said that the petitioners, Mr. & Mrs. Feehely have all the rights to do what the legal restraints will permit. However, I also agree with the view that says if a change is proposed in a certain area, and that change will be irreversible and have the DISTINCT probability of encouraging MORE similar changes, and that change will lead to the CHANGE OF CHARACTER of the area where it is proposed. In my mind, the bottom line issue is not what is legally permitted, but what is good for the citizenry.

I recognize your authority to grant the proposed exception and the requested variances. What I want to remind you of, is to use wisdom and listen to the people's voices as well as those who see a different shape to the landscape. In our own, belated, puny way, the people of Oella, Stonewall Park, and Paradise Hill were represented and spoke against this petition. The Catonsville 2000 organization (15 people-7) has a legitimate interest in these kinds of matters, but not the prevailing one. They DO NOT have to live with the long term effects that this change will begin.

MICROFILMED

September 6, 1991

116 South Hilltop Road
Catonsville, Maryland 21228

Timothy M. Kotroco
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 91-470-XA
Lawrence L. Feehely

Dear Mr. Kotroco:

I am concerned deeply over the possible construction of a two story office building at 2200 Frederick Road in Catonsville per the Reference Case Number. Despite pronouncements to the contrary, this would constitute a change in the neighborhood which consists of single dwelling homes.

In my 33 years residence at 116 South Hilltop Road which intersects Frederick Road, the only construction on Frederick Road from Melvin Avenue (downtown Catonsville) four miles or so west to Ellicott City has been a few single dwelling homes.

The proposed office building would create a dangerous precedent. Inquiries to the County have been made already by at least one property owner in that area concerning construction of an office building on his property.

Three or four office buildings plus the two small BL tracts and the non-conforming usage by the automobile repair garage would prompt requests for increasing the low density residential zoning in the neighborhood to BL or BR. This would destroy the community. The enclosed zoning map segment shows these locations.

Incidentally, the two small BL tracts are one of the most flagrant examples of spot zoning in the County. They were granted years ago because the properties had been used for businesses long before the County had Zoning Regulations.

I would appreciate your rejecting the request for a Class "B" Office Building on this site.

Sincerely yours,
Eugene L. Shaver
Eugene L. Shaver

Encl: Zoning Map Composite of F-1 and G-1 and F2

RECEIVED
SEP 9 1991

ZONING OFFICE

MICROFILMED

99 Hillside Road
Catonsville, Maryland 21228

March 4, 1992

County Board of Appeals
Room 49
Old Court House
Towson, Maryland 21204

Dear Clerk of the Court:

RE: Case No. 91-470-XA

I live at 99 Hillside Road and border a section of land under a zoning approval change for the above reference case. I would appreciate some information on this issue, since I do not agree a change is beneficial to the majority of people involved, but suits only the needs of one person.

Please send me notification (Date/Time/Place) of the Zoning Approval Hearing for the above reference case. Thank you.

Sincerely,

Peter W. Wilkey Jr.
Peter W. Wilkey, Jr.

PW/jw

I hope you are VERY familiar with Frederick Rd. west of Catonsville. It is about 4.5 miles from the western edge of the business district at Melvin Ave. where the Post Office is located to the Howard County line. Other than SINGLE family homes there is a MINIMAL presence of other types of activities. To my knowledge everything that exists other than homes was grandfathered into the current zoning plan. (with the exception of Hillcrest Elem. School) This area is QUITE STABLE, as Mr. Shaver pointed out to you the day of the hearing. If this exemption is allowed other attempts will follow until all have succeeded and the area is 'maxed out'.

Please question the traffic and roads dept. before allowing any change such as this. I was SHOCKED that the changes in elevation, the speed limit (40 MPH), the blind curve, the intersection with Thistle Rd. the parking lot of the restaurant, and the two new houses located on the opposite corner of Thistle Rd., were not enough to have even been mentioned in the CRG findings. (according to the one witness for the petitioners) If any one is seriously harmed at this location and they find out that no-one tried to call attention to the potential for danger, they could have the county in a serious way. If it takes a trip out to the site for you to clear up with your eyes what is being said on paper, then please do so. I would be happy to accompany you and Mr. Feehely to the site and discuss this. It is THAT important. Mr. Feehely certainly has the right to be there.

Concerning the broad concepts of Life, Safety, and General Welfare, I hope you have seen and heard the arguments right before your eyes. In the broad scheme of things this proposal isn't going to be the straw that breaks the camel's back, however it will be the stone that starts the avalanche. That is why I said earlier that you are the balance for the citizenry in these matters. This area does not need, or deserve to be developed simply because the opportunity and the money are available. It should only occur because it is a benefit and an enhancement to our Life, Safety, and General Welfare. Plain good sense says that anything like this is not an enhancement for Frederick Rd. or our quality of life.

Respectfully Yours,

John Handy
John Handy
Representing the Greater Oella Community Association
and other area residents

441-2577

Patricia Beams
95 Hillside Road
Baltimore, Md. 21228
744-6592

March 5, 1992

The County Board of Appeals
Room 49
Old Court House
Towson, Md. 21204

RE: Case # 91-470-XA

Dear Sir/ Madam:

My name is Patricia Beams and I live at 95 Hillside Road. I object to an approval to the change in zoning of the property located at Frederick Road from residential office district to a business district.

My home and property are located directly behind the property.

92 MAR 10 1992

456

H. MALIND & ASSOCIATES, INC.
100 Church Lane
BALTIMORE, MARYLAND 21208
(301) 653-0811

LETTER OF TRANSMITTAL

TO: **BALTIMORE COUNTY ZONING OFFICE**
TOWSON, MD 21204

FROM: **WARREN MIX, ESQUIRE**

RE: **91-470-XA**

DATE: **MARCH 19, 1992**

ATTENTION: **PERMITS OFFICE BUILDING**

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
12			PLAN TO ACCOMPANY SPECIAL EXCEPTION & VARIANCE
3			DESCRIPTIONS
1			AERIAL PHOTO
1			ZONING MAP
1			TOPO SURVEY

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☒ TO BE SUBMITTED OPTION FORMS

☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: **LARRY FEEHLEY**

SIGNED: **H. MALIND**

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

HE LAURENCE L. FEEHLEY **5739 MINERAL AVE 21227**

MRS MARY J. FEEHLEY **5739 MINERAL AVE 2127**

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

EUGENE L. STAVEL **116 S. HILLMAN RD. 21228**

Charles L. Brehm **4 Standard Court Catonsville Md 21228**

Thomas H. Mehler - Undecided **2 W. Rolling Crossroads Suite 203 for Catonsville 21007**

John Hanay **2411 W. Parkside Ave. 21047**

MICROFILMED

99 Hillside Road
Catonsville, Maryland 21228
March 4, 1992

County Board of Appeals
Room 49
Old Court House
Towson, Maryland 21204

Dear Clerk of the Court:

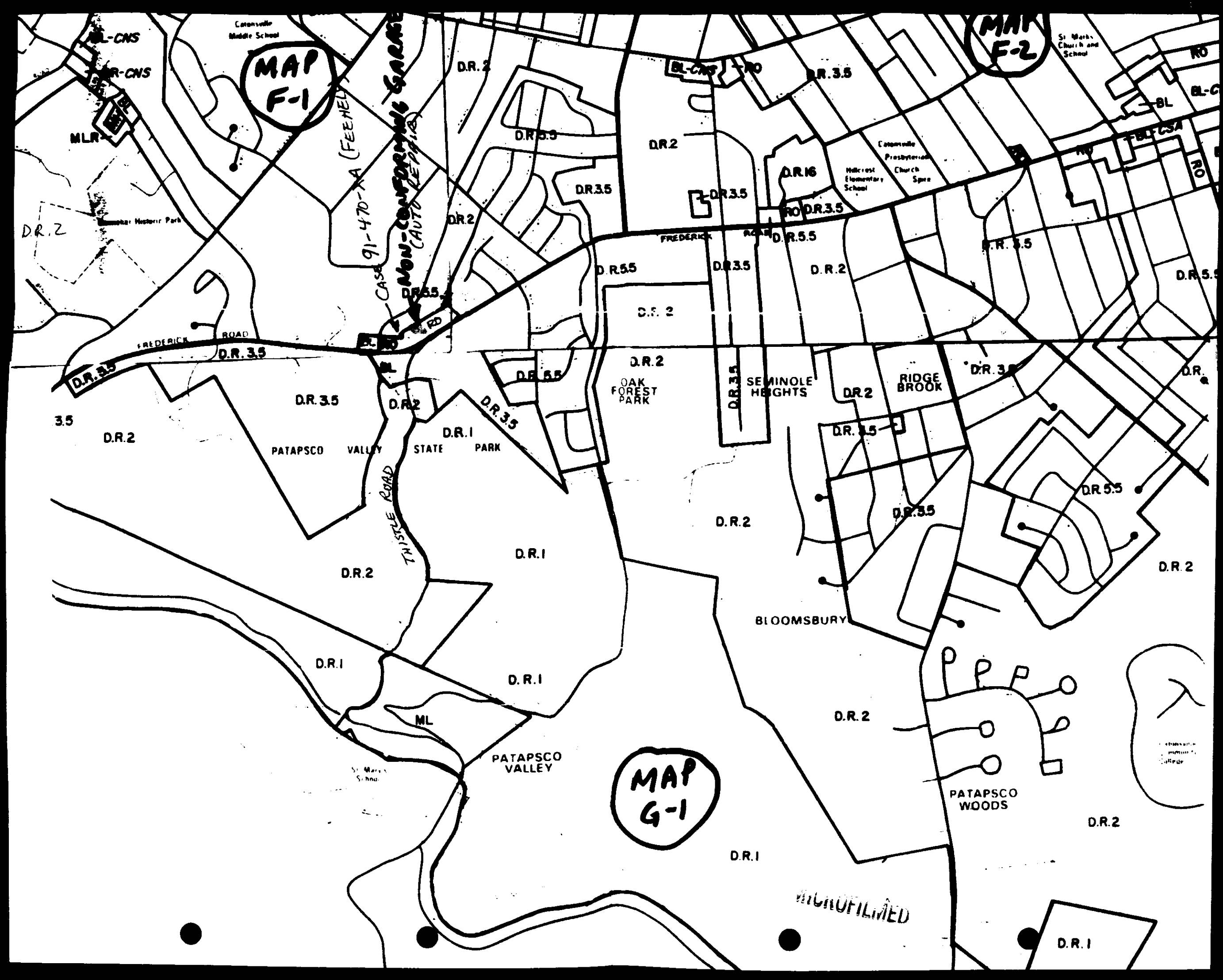
RE: Case No. 91-470-XA

I live at 99 Hillside Road and border a section of land under a zoning approval change for the above reference case. I would appreciate some information on this issue, since I do not agree a change is beneficial to the majority of people involved, but suits only the needs of one person.

Please send me notification (Date/Time/Place) of the Zoning Approval Hearing for the above reference case. Thank you.

Sincerely,
Peter W. Wilkey, Jr.
Peter W. Wilkey, Jr.

PW/jw



People's Counsel
Ex. 2

Pattini Pearson
95 Hillside Road
Baltimore, Md. 21228
744-6592

March 5, 1992

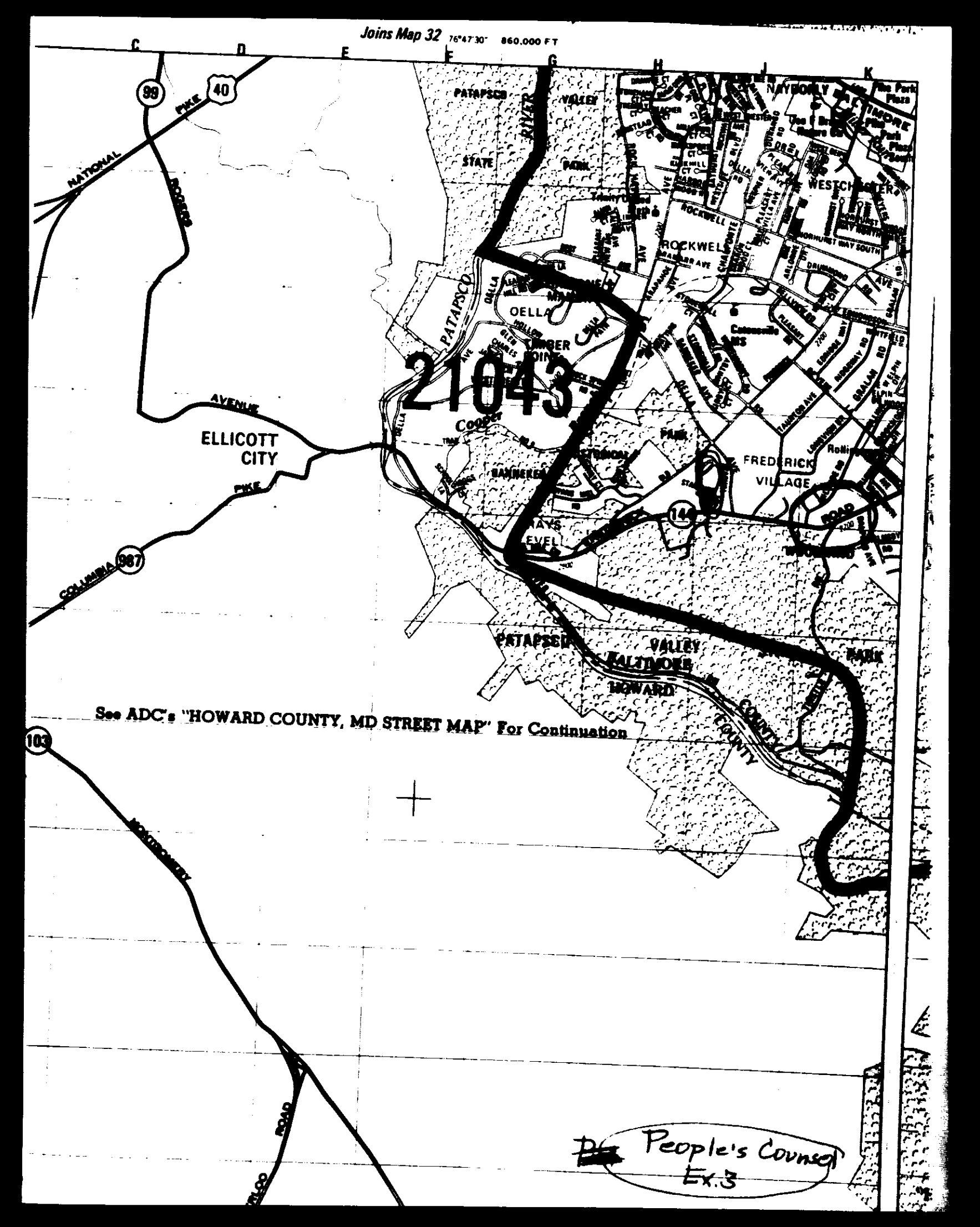
The County Board of Appeals
Room 49
Old Court House
Towson, Md. 21204

RE: Case # 91-470-XA

Dear Sir/ Madam:

My name is Pattini Pearson and I live at 95 Hillside Road. I object and am opposed to the change in zoning of the property located at Hillside Road from residential office district to a business district.

My home and property are located directly behind the property.





Maryland Department of Transportation
State Highway Administration

Pet. Ex. 2

O. James Lighthizer
Secretary
Hal Kassoff
Commissioner

November 15, 1991

Mr. Timothy Ketrocco
Deputy Planning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Feehly Office Building
Item #458
N/S Frederick Road
(MD 144) 490' East of
Hillside Road

Dear Mr. Ketrocco:

After a field investigation, we have determined that available sight distance for this proposed entrance does not meet our current standards.

As stated on Page 2 of our Procedures and Standards for Access to State Highways, "Entrances shall adhere to the safety criteria for acceptable intersection or stopping sight distance conditions, or both, in accordance with current Administration standards and engineering practices".

After consultation with our Traffic and Design Personnel, it was decided that the intersection sight distance criteria is more appropriate for entrances onto State highways.

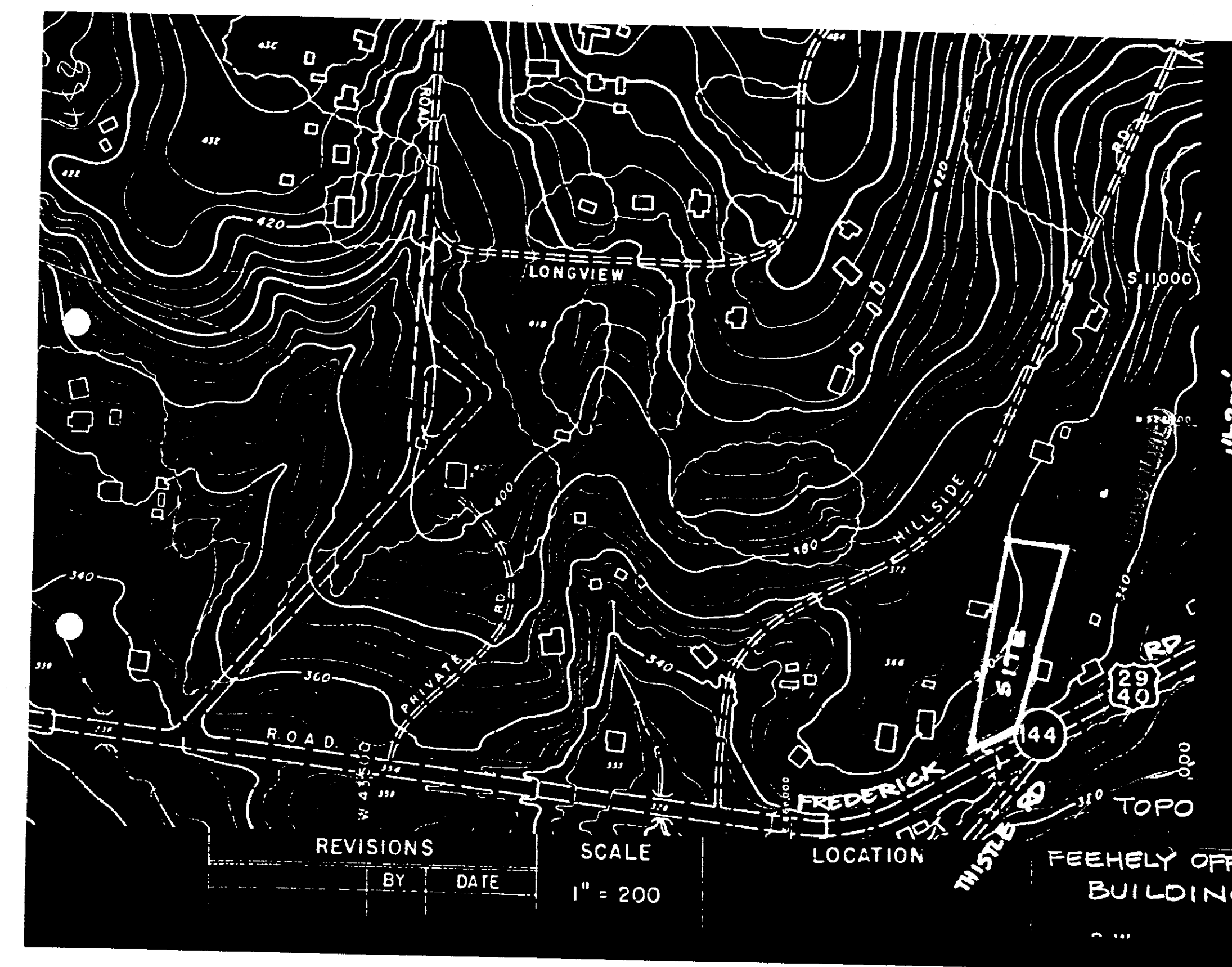
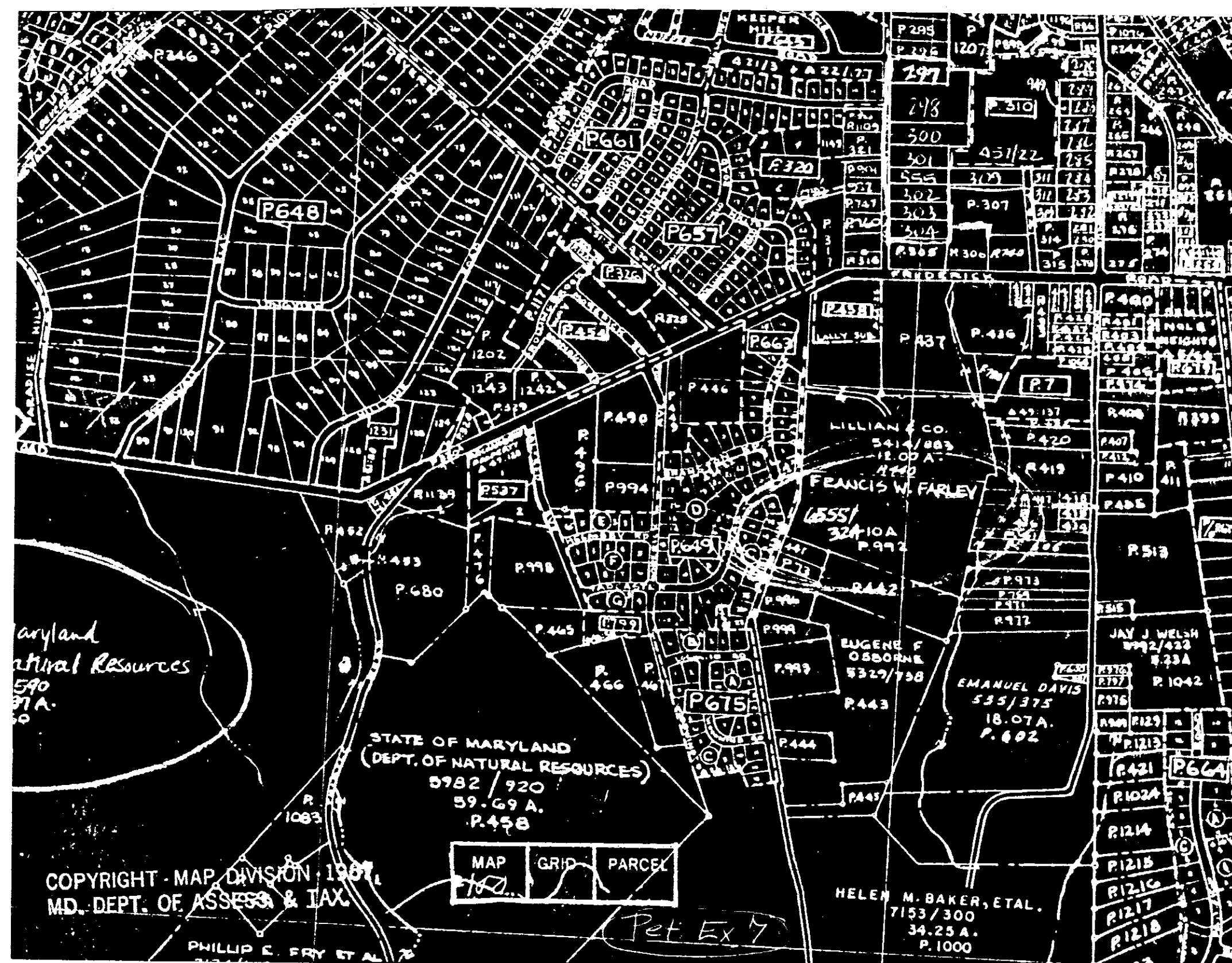
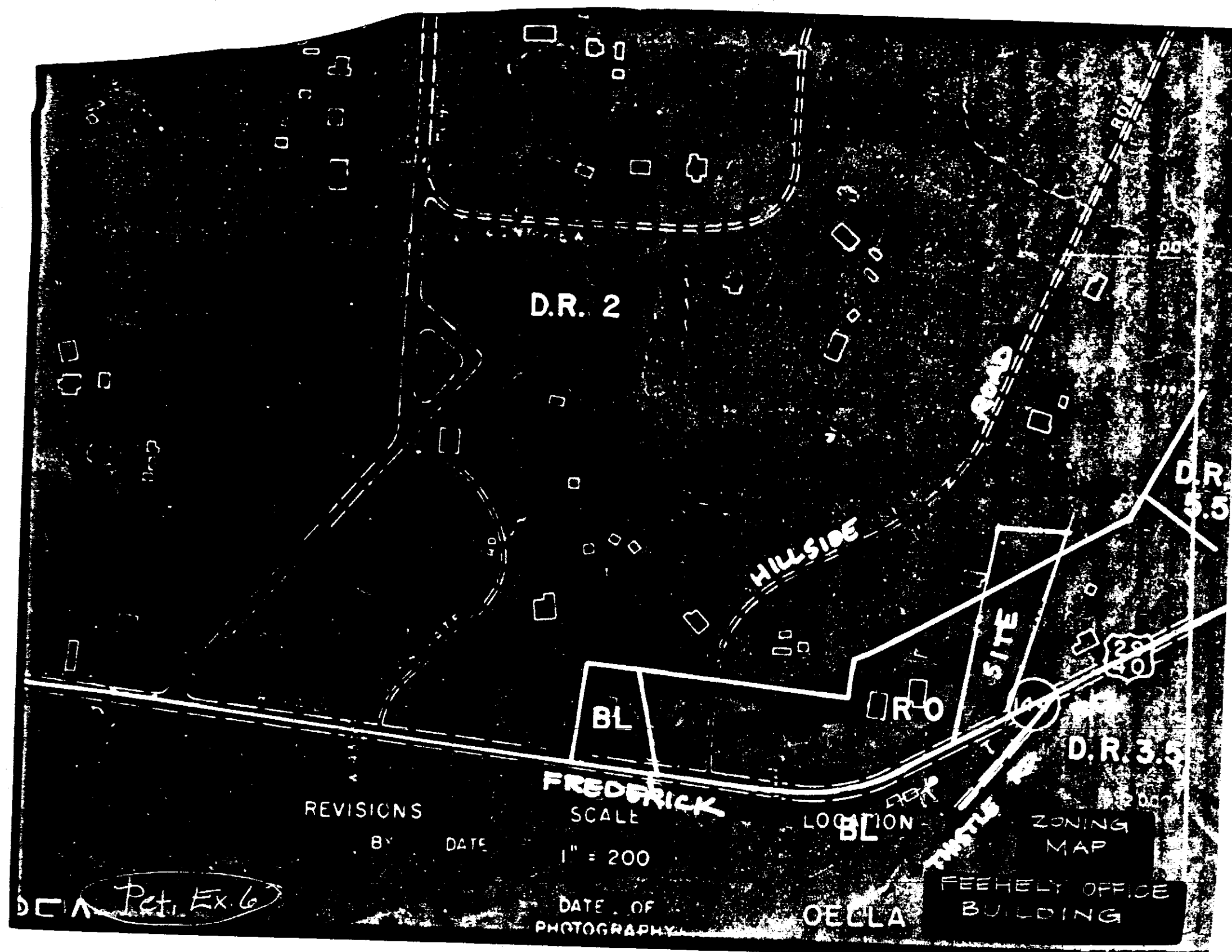
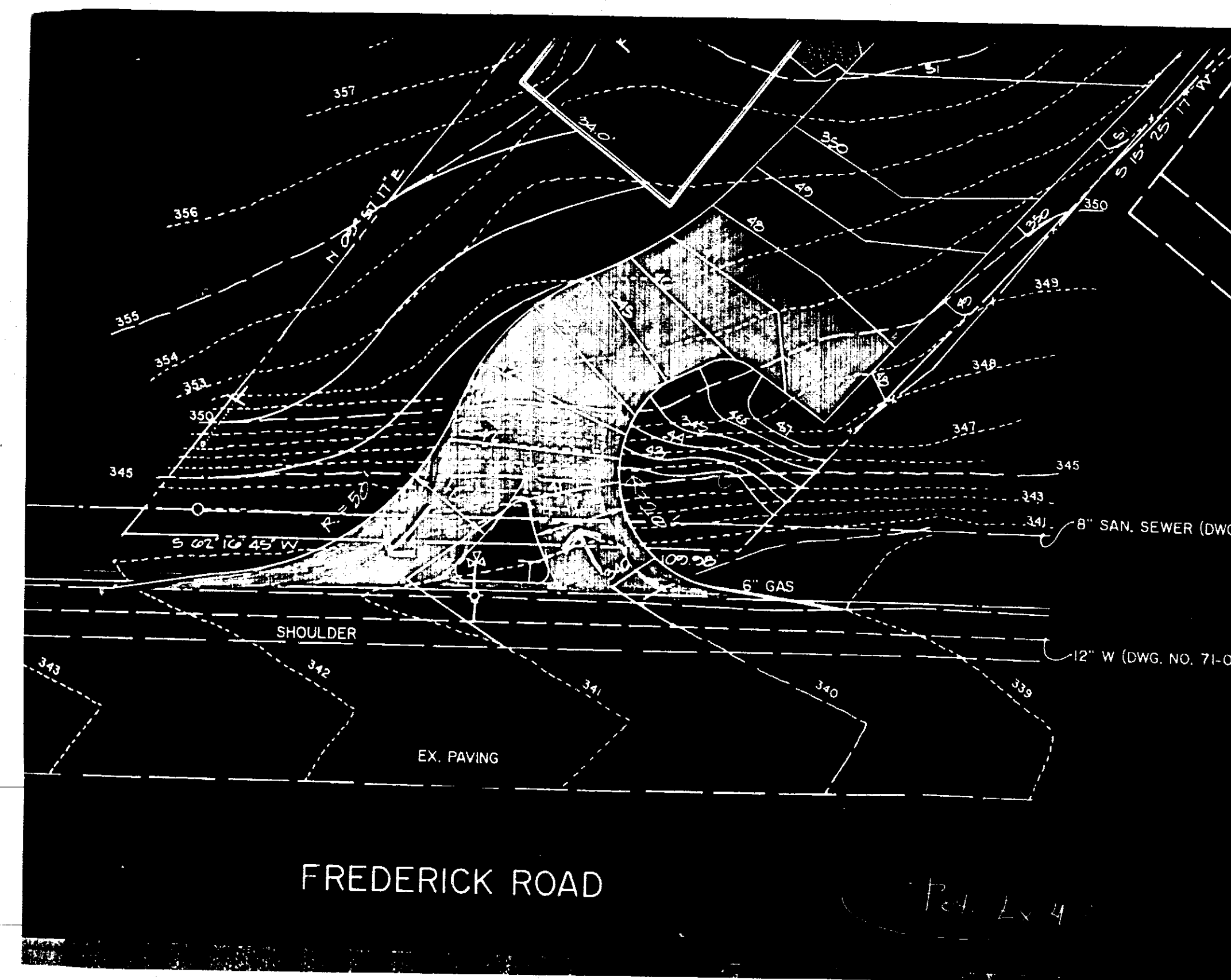
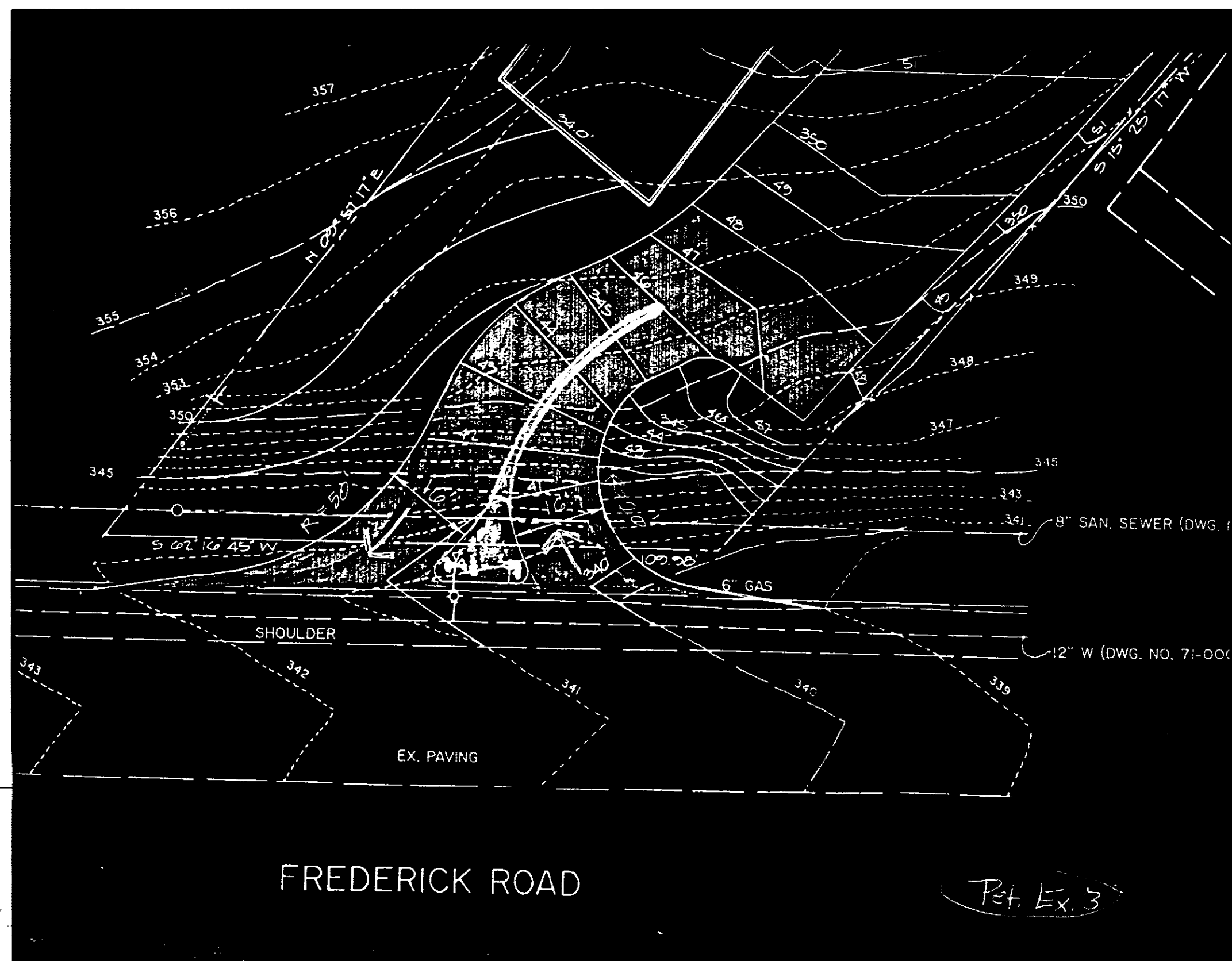
In 1988 this proposed entrance met our standard for stopping sight distance and was subsequently approved through the CRC process. However, since we no longer use the stopping sight distance criteria, we have found this entrance to fall short of the intersection sight distance standard.

Our recommendation for access into this property would be to either:

- Pursue access through the adjacent property (Julienos Property). This would provide access onto Frederick Road at a location acceptable for sight distance. This may also help with the grade problems the developer would have getting into this property.
- Prohibit left turns from the proposed entrance onto Frederick Road. Since the sight distance to the east is more than adequate and subsequently right turns in and out of this entrance would be a safe movement.

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

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-2451 D.C. Metro - 1-800-492-2022 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717





State Farm agent Paul Funk stands outside the home in the 300 block of Frederick Road which he is having renovated for a new office.

Staff photo by J.M. Edmon Jr.

Offices designed to look like homes

Karen Severino

Two new office buildings are under construction in the 300 block of Frederick Road, and the businessmen who have invested in them are ensuring that their designs will add to the residential look of the block.

Paul Funk, an agent for State Farm Insurance Company, has purchased the existing building at 307 Frederick Road at the corner of Holmehurst Avenue.

By November, he expects to move to the new site from his Catonsville Professional Center location, where he has occupied space since 1984.

"It's always to your advantage if you can own your own office," he said, emphasizing that he has been pleased with renting his current office space

which is owned by Whalen Properties.

In 1984, Funk looked into buying the brown stucco house — which is zoned for commercial use — but couldn't afford it. Since then, the building has been vacant, with its windows boarded up.

Marla, the general contractor, began renovations several months ago, and Funk said attention has been paid to keep the building looking like a house.

"We never had any intention of doing anything else with it," he said.

The house has new aluminum siding and will get a stained wooden door. "I think it gives it a quaint look," Funk said.

The State Farm office will occupy the first floor of the building. The building's second

floor apartment already has been rented.

The construction calls for the addition of a parking pad in the rear of the building for employees. The insurance business is "low traffic," Funk said he might have two clients at any given time, so he expects little or no traffic problems.

Across the road from the new State Farm office, Steve Whalen has begun to clear the land on both sides of Arbutus Avenue to build a two-story brick colonial office building and an adjacent parking lot.

The land parcel west of Arbutus Avenue will be the site of the 11,624 square-foot building, the one-sixth of an acre which borders the Frederick Road exit off the Beltway will be used for a parking lot with 10 spaces.

Whalen is expecting the three tenants who have signed leases to get along well, considering their relationships — two brothers and their brother-in-law.

Dr. Tom Grace, a plastic surgeon, will occupy top floor of

the building. His brother, Michael Grace, a title attorney, will lease half of the ground floor. The Graces' brother-in-law, Dr. Charles Frazar, will lease 1,300 square feet of ground floor.

Construction is expected to be complete by April, depending on financing. Whalen Properties owns 38% of the project; the three tenants own 45% and Jimmy Mohler has a 17% interest.

The business people have used their own money to clear trees and begin the grading, but need financing before they can move forward with much else, Whalen said. They currently are negotiating with four financial institutions.

Peter Brothers is the general contractor on the project.

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Sept. 16th, 23rd & 30th

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5320 Enterprise St., Suite E&F Eidersburg, MD 21784 549-3379

Paradise Hill Home Owners Association

RESOLVED: That the position of the Paradise Hill Home Owners Association as adopted by the Board of Directors (Zoning Committee) on the zoning matter known as: Case No. 91-470-XA

Lawrence L. Freshly, ETUX
N/S Frederick Rd., 4401 E of 91
Mills Rd. (3200 Frederick Rd.)
7th Election District, Councilman District
is that: The Paradise Hill Home Owners Association want it to be known though the Zoning Committee consisting of Charles L. Brehm and Charles Durgin - that the association is against the building of the structure at above site.

AS WITNESS OUR HANDS AND SEAL THIS 30 DAY OF September

1992.

ATTEST: Paradise Hill Home Owners Association

J. Lynn Nelson Secretary
Charles Durgin 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 Paradise Hill Home Owners Association.

ATTEST:

J. Lynn Nelson Secretary
Charles Durgin 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 Paradise Hill Home Owners Association.

ATTEST:

J. Lynn Nelson Secretary
Charles Durgin President

Paradise Hill Home Owners Association

RESOLVED: That at the Annual Membership meeting of the Paradise Hill Home Owners Association held on Sept. 20, 1992,

1992, it was decided by the Association that responsibility for review and action on all zoning matters for the period Sept. 30, 92 - Oct. 1, 1993

be placed in the (Board of Directors) (Zoning Committee) consisting of the following members: Charles L. Brehm
Charles Durgin

AS WITNESS OUR HANDS AND SEAL THIS 30 day of September

1992.

ATTEST: Paradise Hill Home Owners Association

J. Lynn Nelson Secretary
Charles Durgin President

IN THE MATTER OF
THE APPLICATION OF
THOMAS E. BOOTH, LOUIS MORSBERGER
AND ELMER MORSBERGER FOR A ZONING
RECLASSIFICATION FROM B.R.
(UNDISTRICTED) TO B.R.-C.N.S.,
SPECIAL EXCEPTION AND VARIANCES
ON PROPERTY LOCATED ON THE NORTH
SIDE OF FREDERICK ROAD, 1025'
SOUTHEAST OF CENTERLINE OF WEST-
CHESTER AVENUE (64 FREDERICK ROAD)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

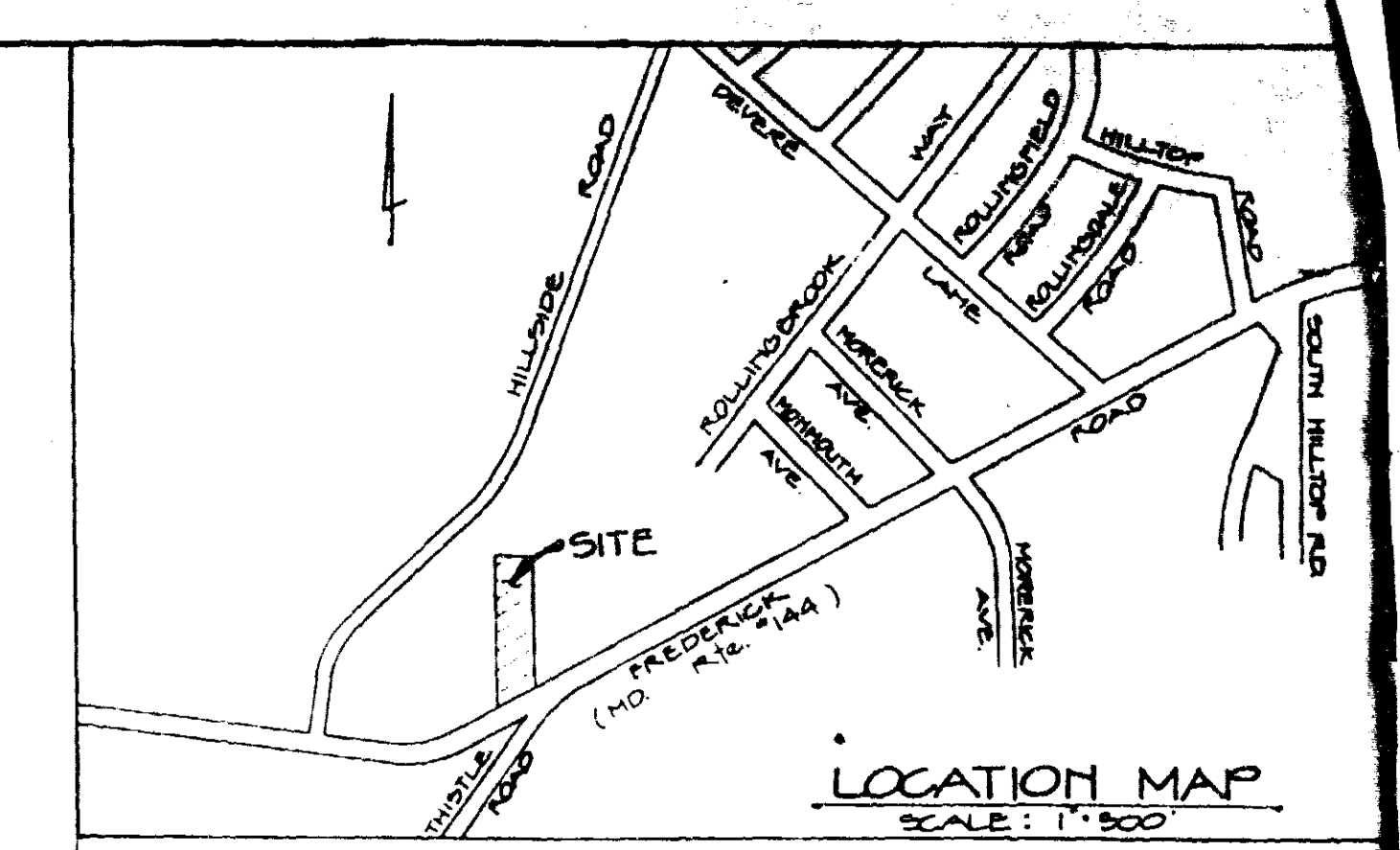
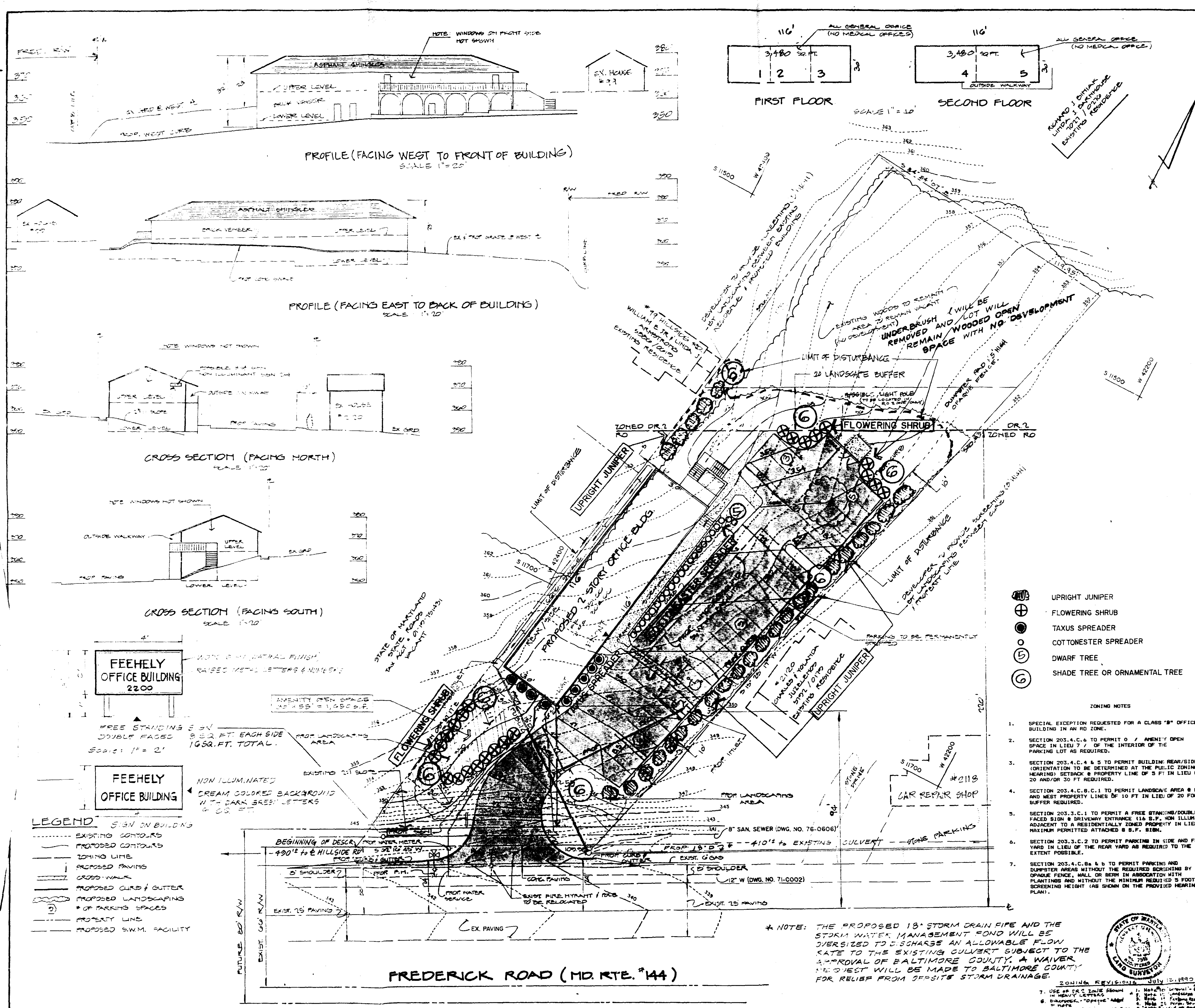
* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-91-359-XA
* Item #1, Cycle V
* 1991

OPINION

This matter comes before this Board on a Petition requesting the restoration or confirmation of a Special Exception for a service station and a use in combination with a food store as well as five (5) variances for the required joint area use in combination with a food store. In addition, the Petitioners request a Reclassification of the site pursuant to the Baltimore County Zoning Regulations (BCZR) from a B.R. zone to a B.R.-C.N.S. (Business Roadside - Commercial Neighborhood Shopping).

The Petitioners were represented at the hearing by Newton A. Williams, Esquire. In opening statement and in a letter sent to the Board subsequent to the hearing, Mr. Williams informs us, out of an abundance of precaution, he is requesting a new Special Exception and Variances.

Prior ownership and usage of the site can be reviewed by reviewing the Environmental Site Assessment Report, created by Grotechnical Consulting Services, which was submitted as part of the Petition. According to the report, Mr. Wayne Martin owned the property since his purchase of the property in December 1983.



- ### GENERAL DEVELOPMENT NOTES
1. SITE AREA: APPROX. 37,361 S.F. (0.8577 ACRE)
 2. EXISTING ZONING: DR-2 (115,914 S.F.) AND RD (123,447 S.F.)
 3. ZONED MAP: 1975-2228
 4. TAX ACCT. NUMBER: 05-18-101428
 5. COUNCILMANIC DISTRICT: 1, C1
 6. CENSUS TRACT: 401A
 7. WATERSHED: 130; SUB SEWER: 74
 8. EXISTING USE: VACANT
 9. PROPOSED USE: TWO FLOORS - OFFICE
 10. PARKING REQUIREMENTS: GENERAL OFFICE: FIRST FLOOR: 30' x 110' = 3300 S.F. x 13/1000 = 42.9 SPACES; SECOND FLOOR: 30' x 110' = 3300 S.F. x 8.5/1000 = 28.0 SPACES; TOTAL PARKING SPACES REQUIRED = 70.9
 11. PROVIDED: 23 SPACES (INCLUDING 2 N.C.)
 12. A LANDSCAPING PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS
 13. THE LANDSCAPING PLAN WILL COMPLY WITH ALL VARIANCE BUFFER REQUIREMENTS.
 14. THERE ARE NO KNOWN ARCHAEOLOGICAL SITES, ENGINEERED SPECIES HABITATS, HISTORICAL BUILDINGS, OR HAZARDOUS MATERIALS ON THIS SITE.
 15. STORMWATER MANAGEMENT WILL BE REQUIRED. MAINTENANCE WILL BE BY PROPERTY OWNER.
 16. SOILS: RAC2
 17. ESTIMATED A.D.T.: 4,740 A.D.T. OFFICE: 12.3/1000 = 60 A.D.T.
 18. THIS PLAN IS A CONCEPT PLAN AND MINOR CHANGES MAY OCCUR ON FINAL SITE PLAN.
 19. A SPECIAL EXCEPTION FOR CLASS "B" OFFICE BUILDING IS REQUESTED - SECT 101
 20. SEE ZONING NOTES
 21. NO EXISTING WELLS, SEPTIC SYSTEM OR UNDERGROUND FUEL TANKS.
 22. BUILDING INFORMATION: USE - OFFICES (INSURANCE, PROFESSIONAL, ETC.); NO MEDICAL OFFICES IN THE BUILDING; HEIGHT - 3 STORIES; 32' MAX. CHARACTER-COLONIAL EXTERIOR MATERIALS-BRICK VENEER AND ASPHALT SHINGLE ROOF
 23. PUBLIC TRANSIT TRANSPORTATION NOT AVAILABLE TO THIS SITE.
 24. THE DRIVEWAY AND PARKING LOT SHALL BE BITUMINOUS PAVING.
 25. ALL PARKING AND N.C. SPACES TO BE PAINTED OR PAVING, PERMANENTLY STRIPED.

91-470-XA

PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCES

PLANNING # I-353

PUBLIC SERVICES # 81022

CRG PLAN

CLASS "B" OFFICE BLDG

FEEHELY OFFICE BUILDING

2200 FREDERICK ROAD

LOT #125 STONEHILL PARK

BALTIMORE COUNTY, MARYLAND

DISTRICT 1, CATONSVILLE

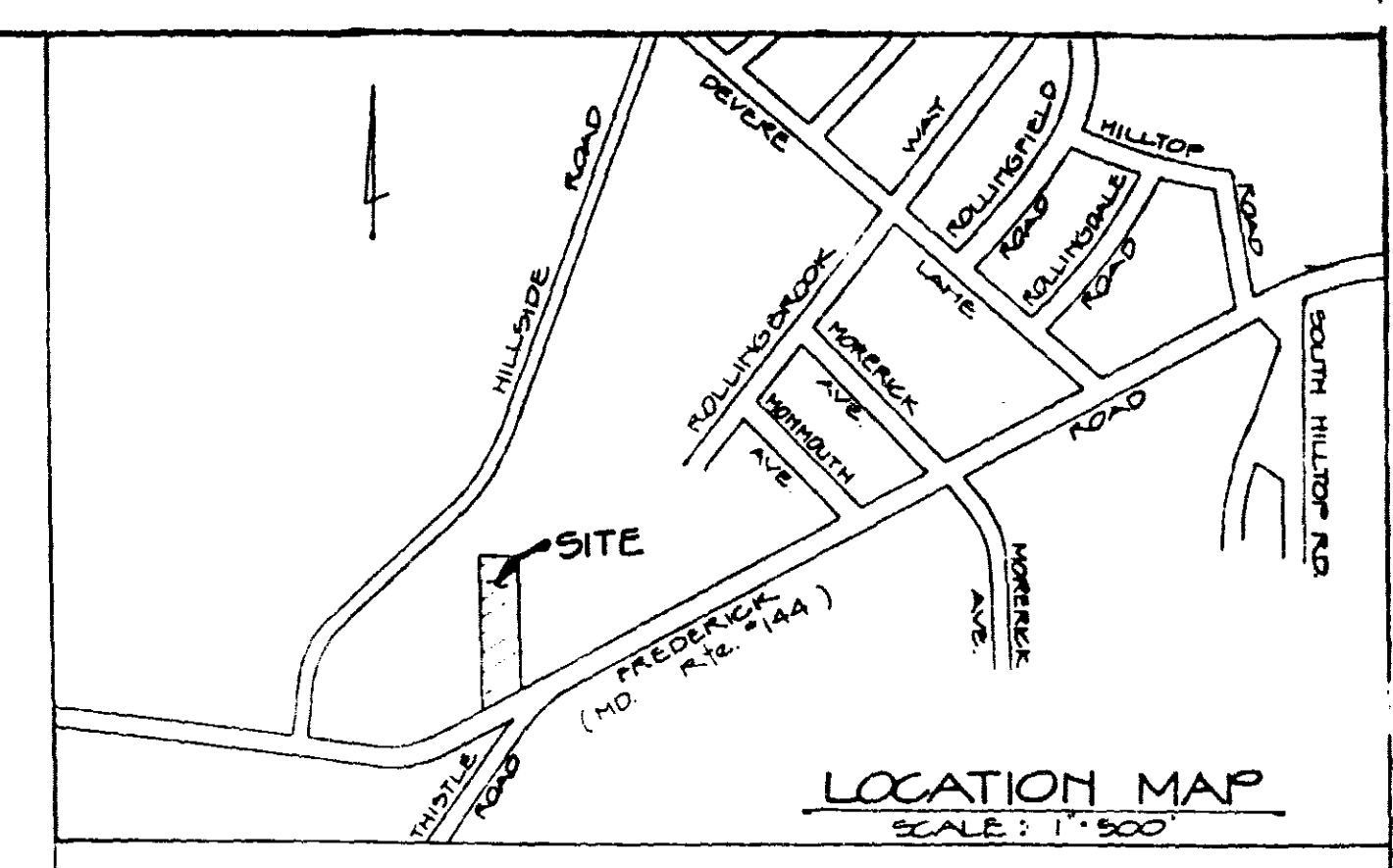
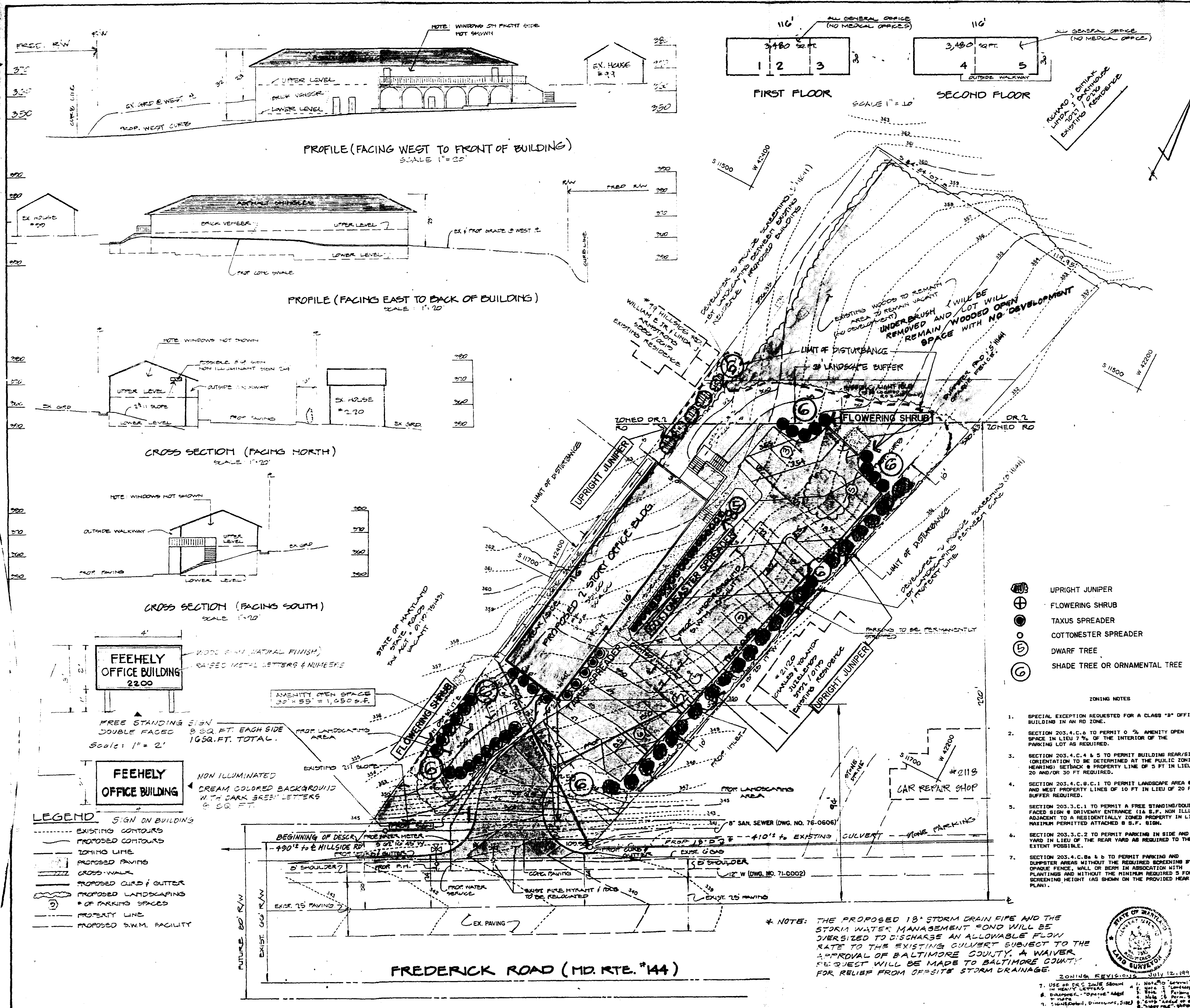
SCALE: 1"=20'

DATE: APR 9, 1993

REV. MAY 19, 1993

ENGINEER: H. MALMUD / ASCE, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21202 PHONE: (301) 696-5911

OWNER / APPLICANT: LAWRENCE / MARY FEEHELY 5709 HARBORLAND BLVD BALTIMORE, MARYLAND 21215



GENERAL DEVELOPMENT NOTES

1. SITE AREA: APPROX. 27,361 S.F. (0.6277 ACRE)
2. EXISTING ZONING: DR-2 (13,754 S.F.) AND RD (13,607 S.F.)
3. DEED REF.: 7050-0238
4. TAX ACCT. NUMBER: 01-18-10438
STONEWALL PARK - LOT 125 (PLAT 7-181)
5. COUNCILMANIC DISTRICT: 11C1
6. CENSUS TRACT: 4014
7. WATERSHED: 30; SUB SEWER: 74
8. EXISTING USE: VACANT
9. PROPOSED USE: TWO FLOORS - OFFICE
FIRST FLOOR: 30' x 116' = 3480 S.F. (13,607 S.F.)
SECOND FLOOR: 30' x 116' = 3480 S.F. (13,607 S.F.)
TOTAL PARKING SPACES REQUIRED: 23
10. PROVIDED: 23 SPACES (INCLUDING 2 H.C.)
STANDARD SPACES (18' x 30')
11. A LANDSCAPING PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS. ANY BUILDING PERMITS MUST BE ISSUED WITHIN 180 DAYS OF THE DATE OF THE LANDSCAPING PLAN.
12. THE LANDSCAPING PLAN WILL COMPLY WITH VARIANCE BUTTER REQUESTS.
13. THE SITE IS SERVED WITH PUBLIC WATER AND SEWER.
14. THERE ARE NO KNOWN ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, HISTORICAL BUILDINGS, OR HAZARDOUS MATERIALS ON THIS SITE.
15. STORMWATER MANAGEMENT WILL BE REQUIRED. MAINTENANCE WILL BE BY PROPERTY OWNER.
16. SOILS: PAC-1 RELAY
LIMITATIONS - BUILDING WITH BASEMENT - MODERATE SLOPE
STREET AND PARKING LOT - SEVERE SLOPE
17. ESTIMATED A.D.T.: 4,940 A.D.T. (OFFICE) x 12.3/1000 = 64 A.D.T.
18. THIS PLAN IS A CONCEPT PLAN AND MINOR CHANGES MAY OCCUR ON FINAL SITE PLAN.
19. A SPECIAL EXCEPTION FOR CLASS "B" OFFICE BUILDING IS REQUESTED - SECT 101
20. SEE ZONING NOTES
21. NO EXISTING WELLS, SEPTIC SYSTEM OR UNDERGROUND FUEL TANKS.
22. BUILDING INFORMATION:
USE - OFFICES (INSURANCE, PROFESSIONAL, ETC.)
NO MEDICAL OFFICES IN THE BUILDING
HOURS - 9 AM - 5 PM
HEIGHT - 2 STORY 32' MAX. CHARACTER-COLONIAL EXTERIOR
MATERIALS-BRICK VENEER AND ASPHALT SHINGLE ROOF
OUTSIDE LIGHTS - LOW LEVEL, 100W, 8'2" CANDLE LIGHTS AT PROPERTY LINE DIRECTED AWAY FROM RESIDENTIAL PROPERTY
23. PUBLIC TRANSIT TRANSPORTATION NOT AVAILABLE TO THIS SITE.
24. THE DRIVEWAY AND PARKING LOT SHALL BE BITUMINOUS PAVING.
25. ALL PARKING AND H.C. SPACES TO BE PAINTED ON PAVING, PERMANENTLY STRIPED.

EXHIBIT 1

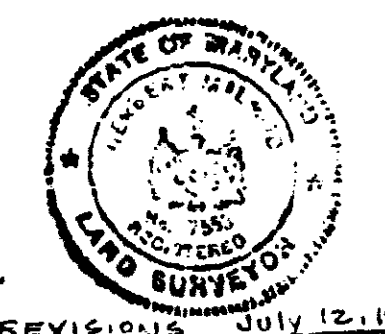
PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCES

PLANNING # I-353
PUBLIC SERVICES # 21032

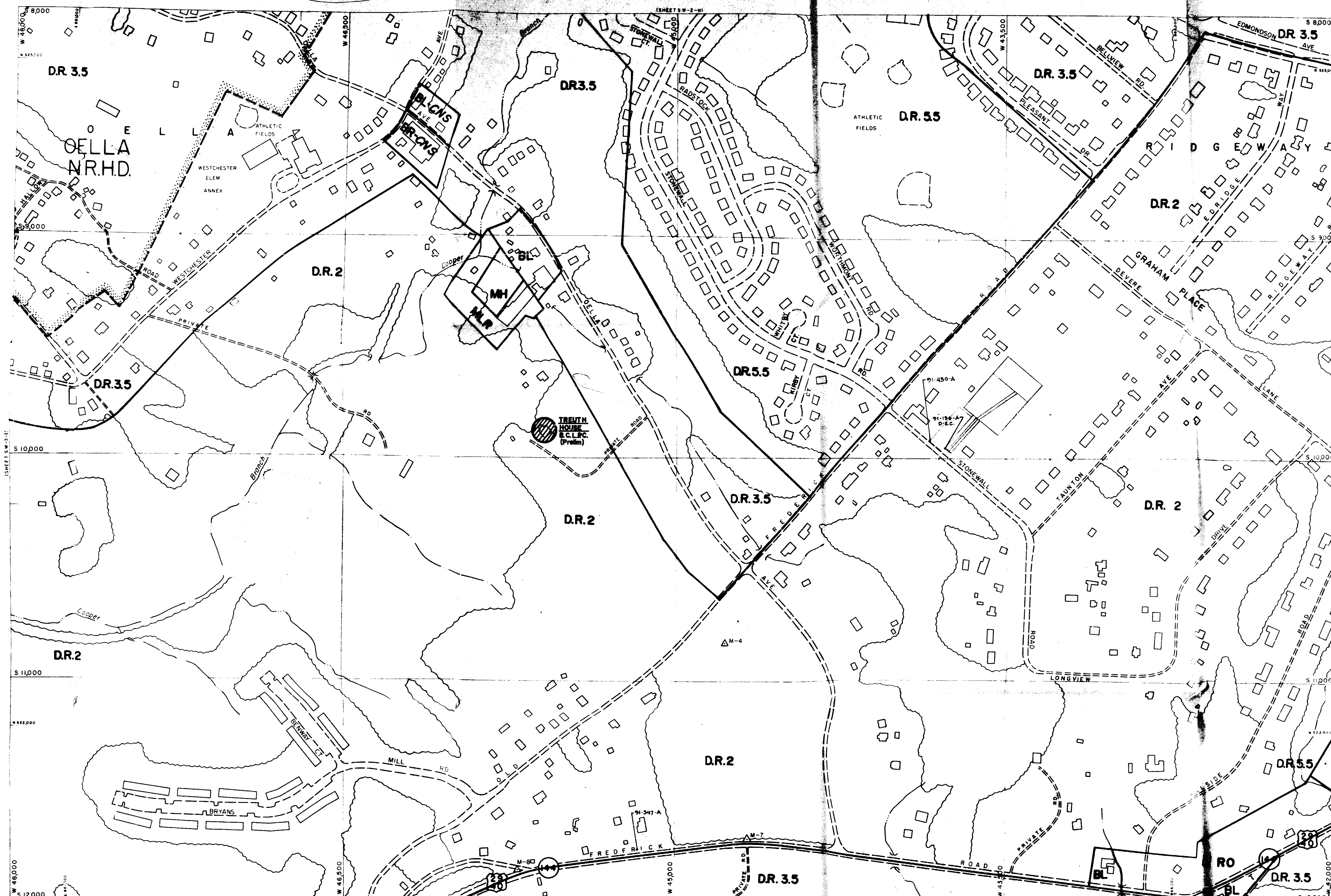
CRG PLAN
CLASS "B" OFFICE BLDG
FEEHELY OFFICE BUILDING
2200 FREDERICK ROAD
LOT #125 STONEWALL PARK
BALTIMORE COUNTY, MARYLAND
DISTRICT 1, CI CATONSVILLE
SCALE: 1"=20' DATE: APR. 3, 1993
REV. MAY 19, 1993

ENGINEER:
H. MALMUD & ASSOC., INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21202
PHONE: (301) 655-0541

OWNER/APPLICANT:
LAWRENCE J. MARY FEEHELY
2800 HAINES RD.
BALTIMORE, MARYLAND 21215



People's Counsel
EX 4



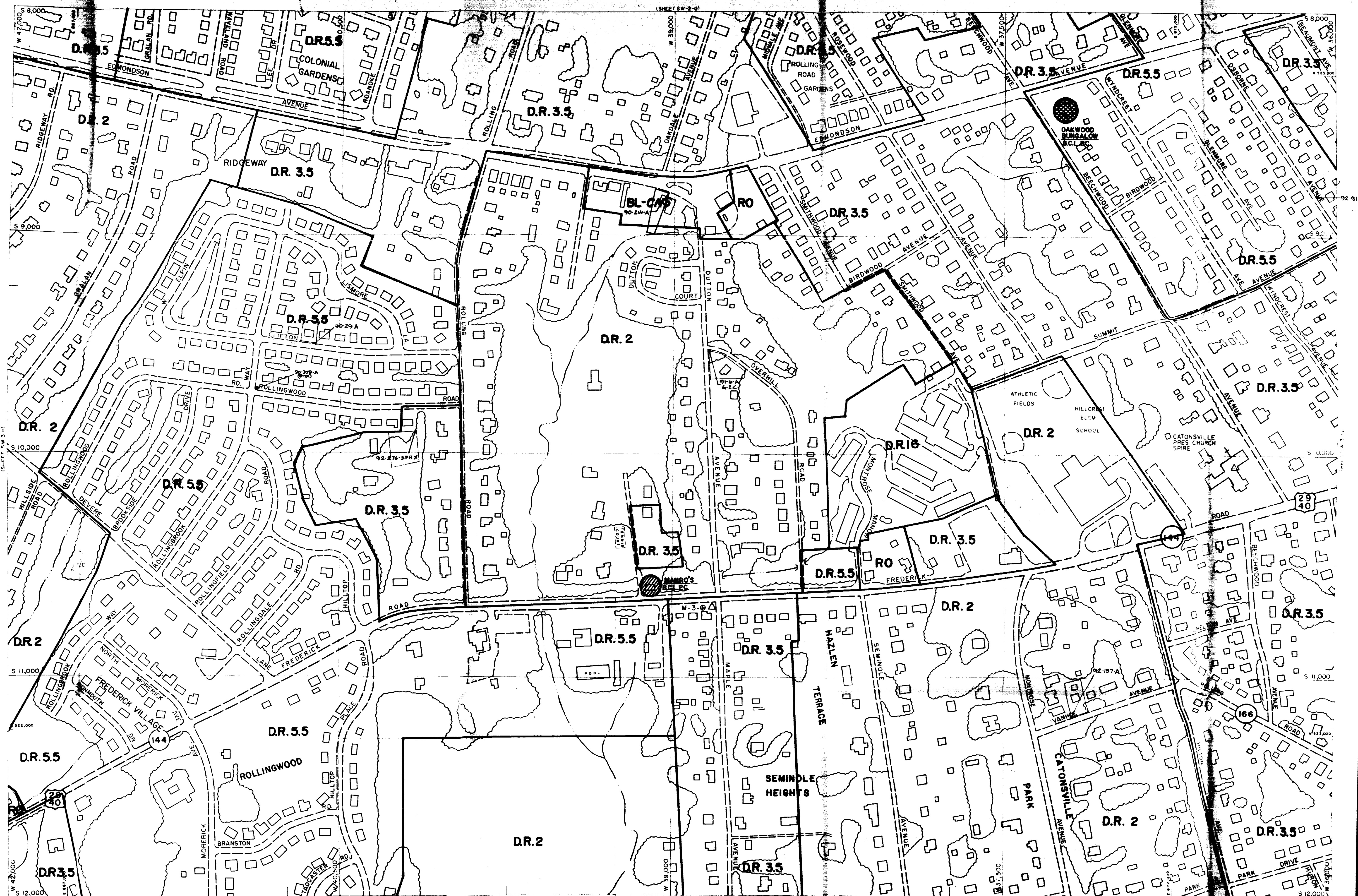
H-NW H-NE
H-SW H-SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
B.C. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
[Signature]
Chairman, County Council

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION OELLA	SHEET S.W. 3-H
DATE OF PHOTOGRAPHY JANUARY 1986		



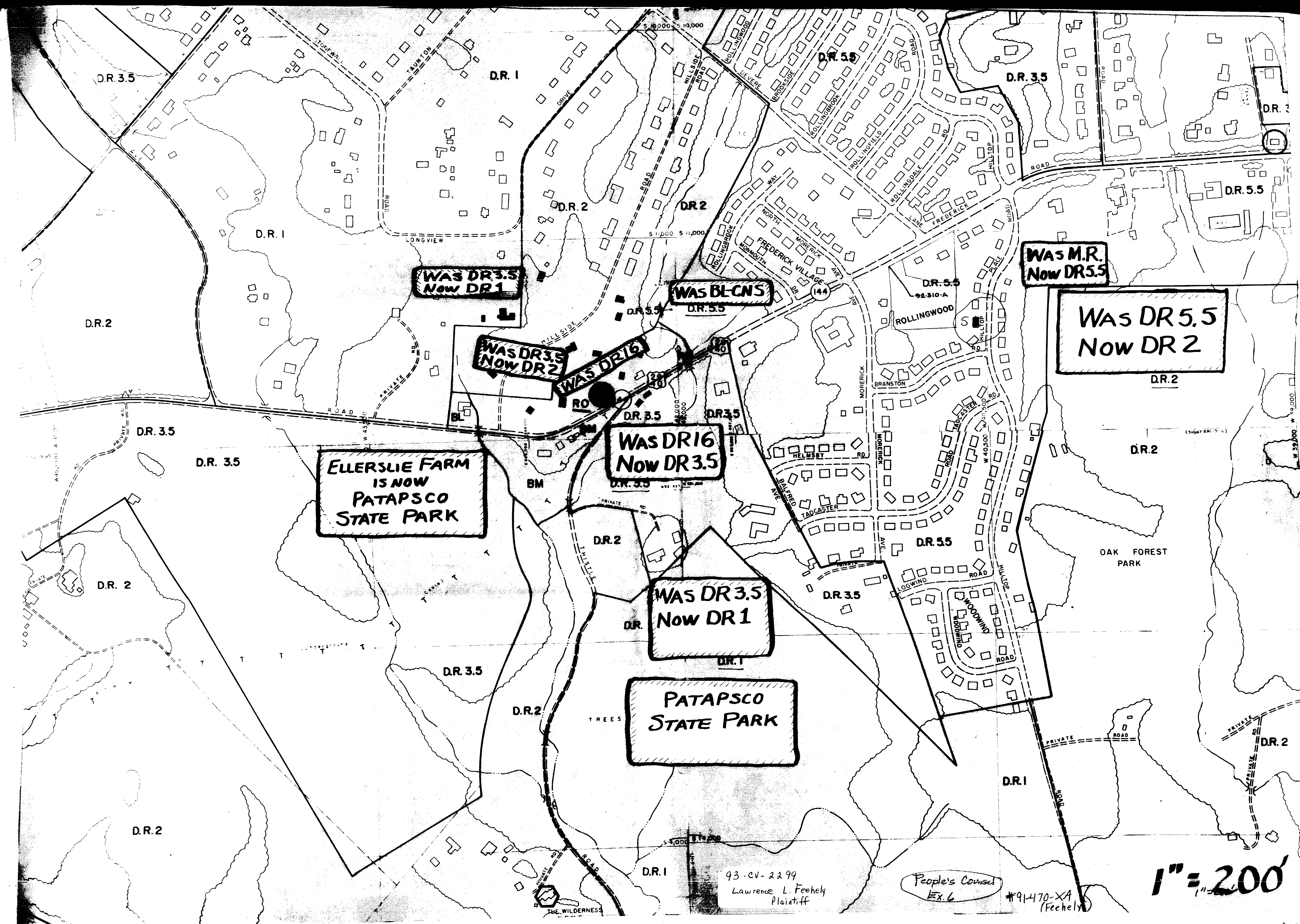
H - NE
H - SE

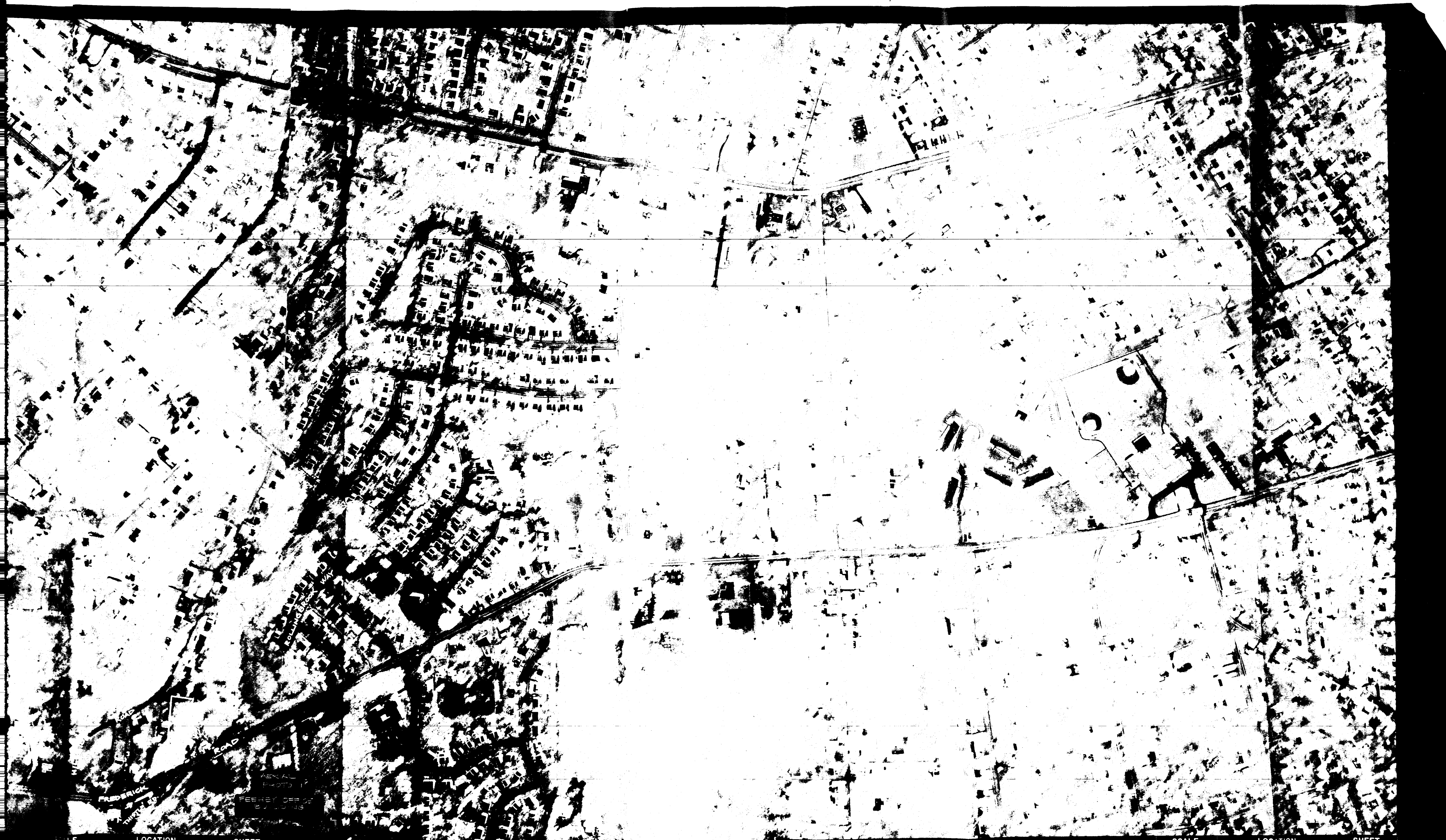
1988 COMPREHENSIVE ZONING MAP
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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION CATONSVILLE	SHEET S.W. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986		





SCALE
1" = 200' ±

LOCATION
OELLA

SHEET
S.W.
3-H

DATE
OF
PHOTOGRAPHY
JANUARY
1986

OGRAPHICS, INC.
01

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
CATONSVILLE

SHEET
S.W.
3-G

DATE
OF
PHOTOGRAPHY
JANUARY
1986



AERIAL
PHOTO
FEEHEY OFFICE
BUILDING

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

P4, Ex 5

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	OELLA	SW 3rd
DATE OF PHOTOGRAPHY JANUARY 1986		

AIR PHOTOGRAPHICS, INC.
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