

IN THE MATTER OF  
THE APPLICATION OF  
MICHAEL K. WALTER, ET AL  
FOR A ZONING RECLASSIFICATION FROM  
D.R. 5.5 TO R.O.A. AND ZONING  
VARIANCE ON PROPERTY LOCATED ON  
THE NORTH SIDE EAST JOPPA ROAD,  
73' EAST OF C/L SPRINGTOWNE CIRCLE  
(3914 E. JOPPA ROAD)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. CR-95-139-A  
\*

\* \* \* \* \*

O P I N I O N

This case comes before the Board on a Petition for Reclassification of an improved lot at 3814 East Joppa Road from a D.R. 5.5 zone to an R.O.A. zone, and for a variance to permit one handicapped parking space to be located in the front yard as opposed to the side or rear yard. A variance request to permit a two-way movement driveway to be 18 feet wide in lieu of the requisite 20 feet was withdrawn.

The subject property is improved with a single-family, detached house and is located at the northeast intersection of Springtowne Circle and Joppa Road. Off-street parking is presently provided on a single-lane driveway, accessed from Joppa Road, a four-lane principal arterial with a center turn lane. The Petitioners acquired a 40-year easement for access onto Springtowne Circle, which is a private road.

The Petitioners presented the testimony of Michael K. Walter, who owns the property with two other gentlemen; Jeffrey Long, a planner in the Office of Planning & Zoning; Thomas J. Hoff, a registered landscape architect; and Norman E. Gerber, an urban planner. The Petitioners entered ten exhibits into evidence.

People's Counsel for Baltimore County presented the testimony

of Dorothy McMann, president of the Perry Hall Improvement Association and a resident of Perry Hall. People's Counsel offered seven exhibits into evidence.

From the testimony, evidence and exhibits, the Board finds as follows.

Michael K. Walter, a Perry Hall resident and diagnostic ultrasound operator, is one of three Petitioners who purchased the property in 1993. Petitioners own and operate several mobile vans and one station wagon for professional use, and seek to convert the subject dwelling to an office. Petitioners, in the course of their business, generally travel off-site to various locations to conduct testing, and the proposed office site largely would be used to house the one full-time and two part-time secretaries who perform the clerical work of the business. The business is in operation on weekdays, with calls on weekends handled from their homes. Their vans are for family use as well, and there are no logos or advertising on them.

Jeffrey Long, a planner, testified that the Planning Board recommended the reclassification to R.O.A. after conducting its field site visit and discussing the matter. He observed that a similarly situated property at the east end of Springtowne Circle on Joppa Road was reclassified from D.R. 5.5 to R.O.A. on the 1992 Comprehensive Zoning Maps. Insofar as the documented site plan did not show any significant changes to the exterior of the building save the removal of a rear porch, the property's residential appearance will be maintained. Eight off-street parking spaces will be provided, and the access from Joppa Road will be removed in

favor of access via Springtowne Circle. The parking areas will be screened from the adjacent roads and residential properties by Class "A" screening. The proposed scheme thus will be compatible with surrounding properties and will, in fact, improve traffic flow and safety on Joppa Road.

Thomas J. Hoff, an expert in landscape architecture and land planning, testified that Joppa Road is now a major road, and its intersection with Silver Spring Road has a traffic signal. Automobiles block the existing driveway onto Joppa Road when traffic queues up at the light, making it difficult to make a right-hand turn, much less a left-hand turn, out of the driveway. He opined that the intersection was too noisy and dangerous to use the subject corner lot as a residence.

Norman Gerber, an urban planner, concurred with Jeffrey Long that the property in question is almost a mirror image of the reclassified property at the other end of Springtowne Circle, except that traffic conditions are actually worse. He testified that the R.O.A. zone is intended for use in areas impacted by high volumes of traffic, such as this. He also opined that there has been a substantial change in the character of the neighborhood since the adoption of the 1992 Comprehensive Zoning Maps with the decision by the Board of Appeals to change the Nottingham Properties parcel in 1993 from B.L. and D.R. 5.5 to D.R. 16. He believed the proposed use would be compatible with the surrounding properties because the exterior will continue to have the appearance of a house. He further stated that reclassification to allow for a reasonable use of the property will forestall

single-family, duplex and two-family detached houses converted to office buildings in predominantly residential areas on sites that, because of adjacent non-residential activity, heavy commercial traffic, or other similar factors, can no longer reasonably be limited solely to uses allowable in moderate-density residential zones.

Section 202.2 thus clearly contemplates R.O.A. zoning on sites beyond merely those immediately adjacent to commercial or other non-residential uses. The use of the word "or" in Section 202.2 indicates that the existence of only one of a number of possible conditions, such as heavy traffic, is sufficient to justify the R.O.A. zoning. In the instant case, there was a great deal of testimony establishing the fact that there is heavy commercial traffic along this portion of Joppa Road.

This Board sympathizes with the community's wish for this community to retain its residential character, but the unfortunate reality is that the character of the community has already been forcibly changed with the substantial widening of Joppa Road and the concomitant heavy traffic. The Board believes that this change cannot help but reduce the desirability of the subject property as a residence and, ironically, that the spot use of R.O.A. zoning in this instance may actually prolong the residential character of the surrounding neighborhood by allowing for reasonable use of the property without changing its residential appearance, and thus forestall pressure to reclassify the entire area for a more intensive use.

With respect to the variance for the placing of the one handicapped parking space in the front yard in lieu of the side or rear yard, there was substantial testimony supporting the existence

of special conditions or circumstances warranting the variance.

For these reasons, the Board will grant the petition for reclassification and the variance.

O R D E R

IT IS THEREFORE this 31st day of May, 1995 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from D.R. 5.5 to R.O.A. be and is hereby GRANTED, pursuant to the documented site plan; and it is further

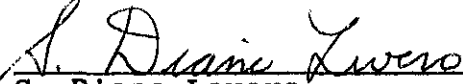
ORDERED that the Petition for Variance to permit the placement of one handicapped parking space in the front yard in lieu of the side or rear yard, as shown on the documented site plan, be and is hereby GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
William T. Hackett, Acting Chairman

  
\_\_\_\_\_  
Kristine K. Howanski

  
\_\_\_\_\_  
S. Diane Levero



County Board of Appeals of Baltimore County

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

May 31, 1995

Edward C. Covahey, Jr., Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Case No. CR-95-139-A  
Michael K. Walter, et al

Dear Mr. Covahey:

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.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*  
Kathleen C. Weidenhammer  
Administrative Assistant

Enclosure

cc: Michael K. Walter, et al  
Hoff & Antonucci Associates  
Mr. James Earl Kraft  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



IN THE MATTER OF	*	BEFORE THE
MICHAEL K. WALTER	*	COUNTY BOARD
JOSEPH E. MAGEE	*	OF APPEALS OF
and	*	BALTIMORE COUNTY
BRIAN J. JACQUES	*	CASE NO.
Petitioners	*	

\* \* \* \* \*

PETITION AND BRIEF IN SUPPORT OF RECLASSIFICATION REQUEST

Michael K. Walter, Joseph E. Magee and Brian J. Jacques, Petitioners, by Edward C. Covahey, Jr., and Covahey & Boozer, P.A., their attorneys, present this Petition and Brief pursuant to § 2-356 et. seq. of the Baltimore County Code. The grounds in support of the Petitioners' reclassification request are as follows:

1. The subject property is zoned on the comprehensive zoning map effective December 1, 1992 as D.R. 5.5 (Density Residential 5.5) and the Petitioners request that it be reclassified to R-O-A (Residential-Office, Class A Office Zone).

2. There has been a substantial change in the character of the neighborhood in which the property is situate since the last rezoning classification in that:

A. At the time the property was zoned, the only means of access to the property for vehicular ingress and egress was access directly onto Joppa Road.

B. Petitioners, by deed and easement dated August 19, 1994, have acquired an easement eighteen feet (18') in width providing direct access to Springtowne Circle, which easement intersects the westerly most lot line of the Petitioners' property and accesses the Petitioners' property to the rear and north of the existing improvements.

C. That the new easement access to the property will permit the Petitioners to close the existing Joppa Road access and to remove the macadam driveway.

D. Accessing the subject property from Springtowne Circle as opposed to Joppa Road will reduce the volume of traffic on Joppa Road.

E. Traffic proceeding easterly on Joppa Road desiring to enter the property is now afforded the protection of the traffic signal at the intersection of Springtowne Circle and Joppa Road which is protected by a painted left turn lane.

F. Since the adoption of the last zoning map, a portion of the property at the southwest intersection of Joppa Road and Walther Boulevard was reclassified in Case No.



CR-94-157-XA in the matter of Nottingham Properties, Inc., et al, from R.O., B.L., D.R. 2, D.R. 5.5 and D.R. 10.5 to D.R. 16.

3. The Baltimore County Council erred in the adoption of the last comprehensive map in classifying the property as D.R. 5.5 instead of R-O-A (Residential-Office, Class A Office Zone) for the following reasons:

A. The County Council ignored the fact that the tract of land located in the same block as the subject parcel at 3904 Joppa Road was zoned by the Council as R-O-A, while at the same time, the rest of the block was classified as D.R. 5.5.

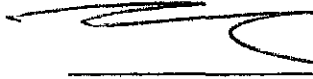
B. A portion of the neighborhood is apartment development with a high volume of traffic on Joppa Road, a major artery, the exact type of situation that the Council had in mind when it enacted legislation creating the R-O-A classification in that reclassifying the subject property R-O-A will allow it to retain its dwelling configuration while at the same time allowing it to be rehabilitated and remodeled.

C. That Petitioners' proposed use of the property is not adverse or incompatible with the existing neighborhood in that Petitioners will conduct thereon.

D. The Council further erred in failing to consider that the subject property is served by municipal sewer

and water and that through the years the character of the neighborhood continued to change from what at one time was all single family residential use to mixed apartment and commercial use.

4. The subject site is large enough and is so designed with the parking to the rear of the property that the residential character of the site will be preserved should it be converted from residential to office use.



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EDWARD C. COVAHEY, JR.  
614 Bosley Avenue  
Towson, Maryland 21204  
(410) 828-9441  
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of August, 1994, a copy of the foregoing Petition and Brief in Support of Reclassification Request was mailed, first class, postage prepaid, to Baltimore County Office of Law, 400 Washington Ave., 2nd Floor, Towson, Maryland 21204.



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EDWARD C. COVAHEY, JR.

94-08-69.ldr

CR-95-139-A



# Petition for Reclassification to the Board of Appeals of Baltimore County for the property located at 3814 E. Joppa Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

Zoning Law of Baltimore County, from an D.R. 5,5 zone to an R-O-A zone, for the reasons given in the attached statement; Ex. A, ~~and (2) that a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for:~~

### General offices

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County: 409.4.A. to permit a two way movement driveway to be 18 feet wide in lieu of the required 20 feet, and for a variance from Section 202.3.C.2.c. of the Baltimore County Zoning Regulations to permit some parking in the front yard in lieu of the requirement that vehicular parking be situate in the side or rear yard. See Exhibit B attached hereto.

msjk 8/3/94  
OK to file

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 State Zipcode

Attorney for Petitioner.

Edward C. Covahey, Jr.

(Type or Print Name)

Signature

614 Bosley Avenue 828-9441

Address Phone No.

Towson, Maryland 21204

City State Zipcode

Legal Owner(s):

Michael K. Walter by Joseph E. Magee,  
his attorney-in-fact

(Type or Print Name)

Signature

Joseph E. Magee

(Type or Print Name)

Signature

Brian J. Jacques by Joseph E. Magee,  
his attorney-in-fact

Signature

3814 E. Joppa Rd. attorney in fact  
Baltimore, MD 21236 529-6666

City State Zipcode

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

Joseph E. Magee

Name

(same as above)

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

94 AUG 31 PM 4:22  
RECEIVED  
COUNTY BOARD OF APPEALS



IN THE MATTER OF	*	BEFORE THE
MICHAEL K. WALTER	*	COUNTY BOARD
JOSEPH E. MAGEE	*	OF APPEALS OF
and	*	BALTIMORE COUNTY
BRIAN J. JACQUES	*	CASE NO.
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1. The subject property is zoned on the comprehensive zoning map effective December 1, 1992 as D.R. 5.5 (Density Residential 5.5) and the Petitioners request that it be reclassified to R-O-A (Residential-Office, Class A Office Zone).

2. There has been a substantial change in the character of the neighborhood in which the property is situate since the last rezoning classification in that:

A. At the time the property was zoned, the only means of access to the property for vehicular ingress and egress was access directly onto Joppa Road.

B. Petitioners, by deed and easement dated August 19, 1994, have acquired an easement eighteen feet (18') in width providing direct access to Springtowne Circle, which easement intersects the westerly most lot line of the Petitioners' property and accesses the Petitioners' property to the rear and north of the existing improvements.

C. That the new easement access to the property will permit the Petitioners to close the existing Joppa Road access and to remove the macadam driveway.

D. Accessing the subject property from Springtowne Circle as opposed to Joppa Road will reduce the volume of traffic on Joppa Road.

E. Traffic proceeding easterly on Joppa Road desiring to enter the property is now afforded the protection of the traffic signal at the intersection of Springtowne Circle and Joppa Road which is protected by a painted left turn lane.

F. Since the adoption of the last zoning map, a portion of the property at the southwest intersection of Joppa Road and Walther Boulevard was reclassified in Case No.

CR-94-157-XA in the matter of Nottingham Properties, Inc., et al, from R.O., B.L., D.R. 2, D.R. 5.5 and D.R. 10.5 to D.R. 16.

3. The Baltimore County Council erred in the adoption of the last comprehensive map in classifying the property as D.R. 5.5 instead of R-O-A (Residential-Office, Class A Office Zone) for the following reasons:

A. The County Council ignored the fact that the tract of land located in the same block as the subject parcel at 3904 Joppa Road was zoned by the Council as R-O-A, while at the same time, the rest of the block was classified as D.R. 5.5.

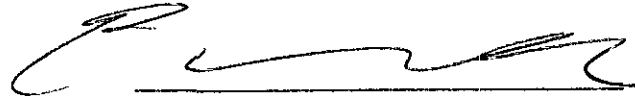
B. A portion of the neighborhood is apartment development with a high volume of traffic on Joppa Road, a major artery, the exact type of situation that the Council had in mind when it enacted legislation creating the R-O-A classification in that reclassifying the subject property R-O-A will allow it to retain its dwelling configuration while at the same time allowing it to be rehabilitated and remodeled.

C. That Petitioners' proposed use of the property is not adverse or incompatible with the existing neighborhood in that Petitioners will conduct thereon.

D. The Council further erred in failing to consider that the subject property is served by municipal sewer

and water and that through the years the character of the neighborhood continued to change from what at one time was all single family residential use to mixed apartment and commercial use.

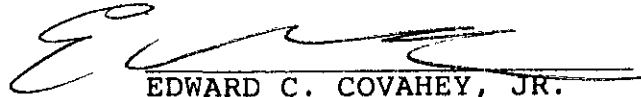
4. The subject site is large enough and is so designed with the parking to the rear of the property that the residential character of the site will be preserved should it be converted from residential to office use.



EDWARD C. COVAHEY, JR.  
614 Bosley Avenue  
Towson, Maryland 21204  
(410) 828-9441  
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of August, 1994, a copy of the foregoing Petition and Brief in Support of Reclassification Request was mailed, first class, postage prepaid, to Baltimore County Office of Law, 400 Washington Ave., 2nd Floor, Towson, Maryland 21204.



EDWARD C. COVAHEY, JR.

EXHIBIT B

Failure to grant the variances requested in the subject Petition would subject the Petitioners to practical difficulty and unreasonable hardship because of the following salient factors:

1. The front yard parking provides one handicapped parking space pursuant to the Americans with Disabilities Act and the topography of the site will not allow this space to be constructed to the rear of the property in that it will not adequately fulfill the spirit and intent of the Act in providing ready access for handicapped persons.
2. Eliminating access from the subject property to Joppa Road and substituting therefor access to Springtowne Circle will reduce traffic congestion on Joppa Road.
3. Increasing the width of the easement area would reduce the available amount of greenery to the west of the tract and would require additional impervious paving.
4. The proposed front yard parking would allow Petitioners to eliminate the existing impervious driveway and allow for landscaping and grass to be planted along the easternmost boundary of the property screening the site from the residences to the east.
5. Constructing the improvements as requested in this variance would be a benefit to the neighborhood and allow renovation and rehabilitation of a deteriorating property.
6. Without the requested parking and driveway variance, the property may not be developed within the context of R-O-A zoning without continuing to directly access Joppa Road.





# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

3814 E. Joppa Road

which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.4.A. of the Baltimore County Zoning Regulations to permit a two way movement driveway to be 18 feet wide in lieu of the required 20 feet, and for a variance from Section 202.3.C.2.c. of the Baltimore County Zoning Regulations to permit some parking in the front yard in lieu of the requirement that vehicular parking be situate in the side or rear yard.

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

SEE EXHIBIT A ATTACHED

*MADE 8/3/44  
OK to file*

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

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

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

Edward C. Covahey, Jr.

(Type or Print Name)

*[Handwritten Signature]*

Signature

614 Bosley Avenue 828-9441

Address Phone No

Towson, Maryland 21204

City State Zipcode

Legal Owner(s)

Michael K. Walter, by Joseph E. Magee,  
his attorney-in-fact

(Type or Print Name)

Signature

*Joseph E. Magee*  
*attorney in fact*

Joseph E. Magee

(Type or Print Name)

*Joseph E. Magee*  
Brian J. Jacques by Joseph Magee,  
his attorney-in-fact

*Joseph E. Magee*  
Signature

3814 E. Joppa Rd. 529-6666  
Baltimore, MD 21236 529-6666

City State Zipcode

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

Joseph E. Magee

Name

(same as above)

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

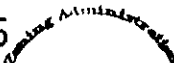
unavailable for Hearing

the following date \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

94 AUG 31 PM 4:22



RECEIVED  
BALTIMORE COUNTY BOARD OF APPEALS



EXHIBIT A

Failure to grant the variances requested in the subject Petition would subject the Petitioners to practical difficulty and unreasonable hardship because of the following salient factors:

1. The front yard parking provides one handicapped parking space pursuant to the Americans with Disabilities Act and the topography of the site will not allow this space to be constructed to the rear of the property in that it will not adequately fulfill the spirit and intent of the Act in providing ready access for handicapped persons.
2. Eliminating access from the subject property to Joppa Road and substituting therefor access to Springtowne Circle will reduce traffic congestion on Joppa Road.
3. Increasing the width of the easement area would reduce the available amount of greenery to the west of the tract and would require additional impervious paving.
4. The proposed front yard parking would allow Petitioners to eliminate the existing impervious driveway and allow for landscaping and grass to be planted along the easternmost boundary of the property screening the site from the residences to the east.
5. Constructing the improvements as requested in this variance would be a benefit to the neighborhood and allow renovation and rehabilitation of a deteriorating property.
6. Without the requested parking and driveway variance, the property may not be developed within the context of R-O-A zoning without continuing to directly access Joppa Road.

CR-95-139-A



Land Development Consultants  
and Landscape Architects

August 30, 1994

ENVIRONMENTAL IMPACT STATEMENT TO ACCOMPANY RECLASSIFICATION  
PETITION FOR PROPERTY AT 3814 EAST JOPPA ROAD

EXISTING CONDITIONS:

Site is an existing residential lot having an area of 0.28 Ac+/-.  
Soil type is BtB as per SCS soil survey map #36.  
There are no rare, threatened or endangered species habitat on site.  
There are no wetlands, 100 year flood plain or streams on site.  
There are no historical or archaeological sites on site.  
Site is served by existing public water and sewer.  
There are no know existing water wells or buried fuel tanks on site.  
There are no steep slopes on site.

PROPOSED CONDITIONS:

Proposed use of property is general offices for a company that provides ultrasound diagnostic services primarily at nursing homes.  
The existing house will be converted to office use without any increase in size.  
Impervious area for parking area will be increased from 572 SF to 3881 SF.  
Grading for parking area will be done in such a way as to maintain sheet flow and not concentrate water in a way that would encourage erosion.  
Installation of parking area will require sediment control.  
Existing large oak trees in front of house will be maintained.  
Additional plantings are required by the Landscape Regulations.

CONCLUSIONS:

The improvements proposed for this site will result in little or no adverse impact to the environment and pose no threat to any natura resource.



Land Development Consultants  
and Landscape Architects

August 30, 1994

**Description of 3814 EAST JOPPA ROAD, to Accompany  
Reclassification Petition**

-----  
**BEGINNING FOR THE SAME** at a point on the north side of East Joppa Road, said point being 73'+/- from the center line of Springtowne Circle.

Thence leaving the north side of said East Joppa Road,

- (1) Northwesterly by a curve to the right having a radius of 25.00' and an arc length of 40.91';

thence binding on part of the outline of the Plat of Spring Hill, as recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 53 folio 96,

- (2) Northwesterly by a curve to the right having a radius of 396.82' and an arc length of 143.50';

thence still binding on part of the outline of the aforementioned Plat,

- (3) North 55 degrees 07 minutes 03 seconds East 44.09 feet;

thence leaving the outline of the aforementioned Plat,

- (4) South 26 degrees 23 minutes 27 seconds West 171.84 feet;

to the north side of East Joppa Road, thence binding on the north side of East Joppa Road,

- (5) Southwesterly by a curve to the right having a radius of 1174.00' and an arc length of 64.26' to the place of beginning containing 0.28 acres of land more or less.

**Note:**

This Description has been prepared for zoning purposes only.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

#5

No 158414

DATE 8/11/95 ACCOUNT 001-6181(m.s.)

AMOUNT \$ 820.00

RECEIVED FROM: Cancer - Michael K. Walter

#072 - ...  
#020 - ...

FOR: ...

RECEIVED BY: ... 2870 01

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

PETITION OF: PEOPLE'S COUNSEL FOR LTO CO

CIVIL ACTION # 3-C-95-5740

IN THE MATTER OF MICHAEL K. WALTER, ET AL

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

[Signature]  
Clerk's Office

Date: 8/25/95

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

OR-95-139-A

District: 11th Date of Posting: 4/1/95

Posted for: Re classify & Variance

Petitioner: Michael Walter - Joseph Magee - Brian Lacques

Location of property: 3814 E. Joppa Rd, N.S

Location of Signs: Facing road way on property box zone d.

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 4/7/95  
Signature

Number of Signs: 1



**Baltimore County**  
**Zoning Administration &**  
**Development Management**  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number

ITEM #4, CYCLE IV (MJK)  
 CASE #CR-95-139-A

8/31/94

#072 - RECLASSIFICATION PETITION -----	\$500.00
#020 - VARIANCE PETITION -----	250.00
#080 - SIGN POSTING (2 @ \$35.00) -----	70.00
TOTAL -----	\$820.00

Michael K. Walter & Joseph E. Magee & Brian J. Jacques  
 3814 East Joppa Road  
 Zoning: D.R.-5.5  
 District: 11c6  
 Acres: .34 +/- (gross)  
 Attorney: Edward Covahey, Jr.

PAID BY SMALL RECEIPT  
 #150414

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MARCH 1, 1995

Michael J. Walter and Brian J. Jacques  
c/o Joseph E. Magee  
3814 E. Joppa Road  
Baltimore, MD 21236

Re: CASE NUMBER: CR-95-139-A  
3814 East Joppa Road  
N/S East Joppa Road, 73' E OF centerline Springtowne Circle  
11th Election District - 6th Councilmanic District  
Legal Owner: Michael K. Walter & Joseph E. Magee & Brian J. Jacques

Dear Sirs:

Attached you will find a copy of the newspaper advertising billing in the amount of \$4,750.20 with regard to Zoning Reclassification - Cycle IV. As on of the petitioners in that cycle, you are in part responsible for payment of this bill.

Please forward to this office a check made payable to Patuxent Publishing in the amount of \$950.04 via immediate return mail.

*PAID IN FULL*

Non-payment of fees will hold your case in abeyance. If you have any questions regarding this letter, you may contact Ms. Gwen Stephens at 887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Edward C. Covahey, Jr., Esq.

AJ:ggs





# County Board of Appeals of Baltimore County

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

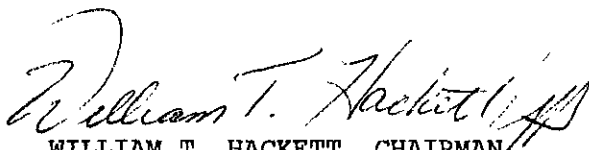
November 14, 1994

## NOTICE OF HEARING

CASE NUMBER: CR-95-139-A  
3814 East Joppa Road  
N/S East Joppa Road, 73' E OF centerline Springtowne Circle  
11th Election District - 6th Councilmanic District  
Legal Owner: Michael K. Walter & Joseph E. Magee & Brian J. Jacques

HEARING: WEDNESDAY, APRIL 19, 1995 @ 10:00 a.m. ROOM 48, County Board of Appeals Hearing Room, 400 Washington Avenue Towson, MD

Petition to change zoning classification from D.R.-5.5 to R.O.A.  
Variance to permit a two-way movement driveway to be 18 feet wide in lieu of the required 20 feet; and to permit some parking in the front yard in lieu of requirement that vehicular parking be situate in the side or rear yard.

  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS

cc: Joseph E. Magee  
Edward C. Covahey, Jr.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 12, 1995

Edward C. Covahey, Jr., Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE: Item No. 4  
Case No. CR-95-139-A  
Petitioner: Michael Walter  
Reclassification Petition

Dear Mr. Covahey:

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

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and revision fee to this office as soon as possible. After the first public newspaper advertisement (April 16th - May 31st) or (October 16th - November 30th), the petition (including any documentation relating to the proposed use) may only be amended in an open hearing before the Board of Appeals. If the submitted site plan does not indicate a proposed use at this time, the comments from this committee are general in nature.

If you have any questions concerning the enclosed comments, please contact the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. CARL RICHARDS, JR.  
Zoning Supervisor

WCR:jaw  
Enclosures



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director                      DATE: October 31, 1994  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for Zoning Reclassification Cycle IV  
October 1994 -April 1995

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Item 5.

For Item 1 see Developers Engineering Section file titled "Chartley Buildings - #605 Reisterstown Road" for approved County Review Group Plan and comments dated 3-14-91 for this site.

For Item 2 show a 10-foot revertible slope easement along the future 60-foot right-of-way for Timber Grove Road and along the Glynowings Drive 70-foot right-of-way. For additional information see the Developers Engineering Section's file titled "St. Georges Industrial Park Addition."

For Item 3, this site is subject to the Baltimore County Development Regulations for a residential development.

For Item 4, per the recorded Spring Hill (53/96) record plat there is an existing County drainage and utility easement, 10 feet wide, running the length of the west property line of 3814 East Joppa Road. Also, there is no existing easement for ingress or egress shown on the recorded plat of the Spring Hill subdivision for this property.

RWB:s



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

10-21-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: #4, CYCLE IV  
CASE NO: CR-95-139-A

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for* David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owners SEE BELOW

LOCATION: REZONING, REZONING AND REDISTRICTING PETITIONS  
WORK COPY 10/14/94, SCALE IV OCT. 1994- APR. 1995

Item No.: SEE BELOW                      Zoning Agendas

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.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 1, 2, 3, 4 AND 5.

RECEIVED  
OCT 28 1994

ZADM

REVIEWED BY: ROBERT P. SALE  
Fire Marshal Office, PHONE 887-4081, MD-1105

cc: SIA



RE: PETITION FOR RECLASSIFICATION  
PETITION FOR VARIANCE  
N/S East Joppa Road, 73' E of  
centerline Springtowne Circle  
(3814 East Joppa Road)  
11th Election District,  
6th Councilmanic District

Michael K. Walter, Joseph E. Magee  
and Brian J. Jacques  
Petitioners

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\*

\* Case No. CR-95-139-A  
\*

\* \* \* \* \*

ENTRY OF APPEARANCE

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

IN THE MATTER OF \* BEFORE THE  
 3814 East Joppa Road \* COUNTY BOARD  
 N/S East Joppa Road, 73' E \* OF APPEALS  
 of Centerline Springtowne \* OF BALTIMORE COUNTY  
 Circle, 11th Election District \*  
 6th Councilmanic District \* Case No. CR-95-139-A  
 Legal Owner: Michael Walter, \*  
 Joseph Magee & Brian Jacques \*

\* \* \* \* \*

SUBPEONA

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

TO: JEFFREY LONG  
 Baltimore County Planning Dept.  
 401 Bosley Ave., Room 109  
 Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: Personally appear and produce the entire file relating to the above-captioned case for the property known as 3814 East Joppa Road at the County Board of Appeals of Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on Wednesday, April 19, 1995 at 10:00 a.m.

Subpoena requested by the Petitioners; any and questions should be referred to: Edward C. Covahey, Jr., Esq., Covahey & Boozer, P.A., 614 Bosley Ave., Towson, MD 21204, (410) 828-9441.

Date Issued: 4/12/94

*Clara W. Radeby*  
 Clerk

NOTICE:

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

SHERIFF'S RETURN

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

Date: \_\_\_\_\_ Fee: \_\_\_\_\_  
 Sheriff \_\_\_\_\_

95 APR 12 11:51

*Jeffrey W. Long*

IN THE MATTER OF  
3814 East Joppa Road  
N/S East Joppa Road, 73' E  
of Centerline Springtowne Circle,  
11th Election District  
6th Councilmanic District  
Legal Owner: Michael Walter,  
Joseph Magee & Brian Jacques

\* BEFORE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. CR-95-139-A  
\*

\* \* \* \* \*

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on 4-13-95, I effected service of process by personally serving a Subpoena upon Jeffrey Long at 401 Bosley Ave., Towson, MD

to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

*Robert Joyce*  
(signature)

Name: Robert Joyce

Firm: \_\_\_\_\_

Address: 6238 W. Andy Kirby  
Baltimore, MD 21213

95 APR 17 PM 3:40



RE: PETITION FOR RECLASSIFICATION	*	BEFORE THE
PETITION FOR VARIANCE		
N/S East Joppa Road, 73' E of	*	BOARD OF APPEALS
centerline Springtowne Circle		
(3814 East Joppa Road)	*	OF BALTIMORE COUNTY
11th Election District,		
6th Councilmanic District	*	
Michael K. Walter, Joseph E. Magee	*	Case No. CR-95-139-A
and Brian J. Jacques		
Petitioners	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

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

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



# Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

March 28, 1995

Mr. William T. Hackett, Chairman  
Board of Appeals of Baltimore County  
Room 49 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Petition for Reclassification  
3814 E. Joppa Road, 11th Election  
District, 6th Councilmanic.  
Petitioners - Michael Walter, Joseph  
Magee & Brian Jacques, Item 4, Cycle IV  
Case No. CR-95-139-A  
Hearing date April 19, 1995

Dear Chairman Hackett:

I visited the above site on Saturday, March 25, and there was no zoning sign posted yet. In light of recent posting/notice problems with reclassifications that have necessitated postponements of scheduled hearing dates, I am bringing this to your attention, as the above property must be posted by April 4 in order to comply with notice requirements.

Very truly yours,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman  
People's Counsel for Baltimore County

PMZ/caf

cc: Edward C. Covahey, Jr., Esquire

95 MAR 29 PM 2:51



# Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

April 21, 1995

Mr. William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
Ms. S. Diane Levero, Panel Member  
Board of Appeals of Baltimore County  
Room 49 Courthouse  
400 Washington Avenue  
Towson, MD 21204

95 APR 21 PM 2:53

Re: Petition for Reclassification  
3814 E. Joppa Road, 11th Election  
District, 6th Councilmanic.  
Petitioners - Michael Walter, Joseph  
Magee & Brian Jacques, Item 4, Cycle IV  
Case No. CR-95-139-A

Dear Chairman Hackett and Panel Members:

After the April 19 hearing on this case, we carefully reviewed the Baltimore County Zoning Regulations in order to clarify the situation pertaining to Residential Transition Area (RTA) restrictions. We also took the opportunity to review the case law on zoning reclassifications, and enclose the pertinent cases cited below.

We found that R-O-A zone Section 202.4A does exempt Class A Office Building conversions from the RTA. Therefore, our initial impression on this point was not correct.

At the same time, we confirmed, as a matter of plain language and practice, that the RTA is equally inapplicable to a special exception in the D.R. 5.5 zone for professional office use within a residence, as limited under BCZR 1B01.1C9b. The RTA provisions of 1B01.1B are intended to buffer "dissimilar housing types", and the above special exception does not generate any dissimilarity. Therefore, it is available to this residentially zoned property. Uses permitted by right as well as by special exception must be considered in a rezoning case. See Cabin John Limited Partnership v. Montgomery County Council, 259 Md. 661 (1970), footnote 3.

Mr. William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
Ms. S. Diane Levero, Panel Member  
April 21, 1995  
Page Two

We continue to believe that the rezoning request conflicts with the explicit statements of both Section 202.1A and Section 202.2. The property is not "immediately adjacent to commercial or other non-residential uses:" (BCZR § 202.1A). Moreover, residential use along the Joppa Road corridor remains a reasonable use; and the major enlargement of the parking and paved area appears inconsistent with the requirement to maintain the residential setting (BCZR § 202.2).

Because of the significant legal issues presented, we add these additional observations concerning the case law. The record is devoid of legally sufficient or "strong evidence" of mistake. Howard County v. Dorsey, 292 Md. 351, 365-66 (1982). Nor is there any substantial change in the essential residential character of the neighborhood. See Cardon Investments v. Town of New Market, 302 Md. 77, 90-92 (1984).

The Office of Planning and Zoning lacks authority to displace or disregard the legislative function. Chester Haven Beach Partnership v. Board of Appeals, 103 Md.App. 324, 340 (1995). The expert planner retained by the developer may also have his opinion as to what is best, but it may not be interjected into the field occupied by the County Council. For another case on point, see Wells v. Pierpont, 253 Md. 554 (1969).

The Petitioner places great emphasis on the rezoning by the County Council to R-O-A of a residential property at the far corner of the same block on Joppa Road, about 10 houses away. The county planner also revealed this as the basis for his belief that the neighborhood had changed and that the reclassification here should be granted.

The Court of Appeals answered a similar contention in County Council v. Gendleman, 227 Md. 491 (1962):

"We do not think that the rezoning of Lot 8 in 1958 was enough to meet this test as applied to the denial of rezoning of the appellee's tract in 1959. Zoning and rezoning do require the drawing of lines, and the legislative body may draw them subject to the same limitations as are applicable to other phases of the zoning process. Board of County Com'rs of Prince George's County v. Walcroft, 224 Md. 610, 168 A.2d 892. In view of the continuing predominantly residential character of the immediate neighborhood in which the appellees' property is located, we cannot say that, in our estimation, the action of the Council in refusing to rezone it for commercial-office use was beyond the field in which its action was fairly debatable. It therefore was not bound to extend that classification beyond the lot at which it

Mr. William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
Ms. S. Diane Levero, Panel Member  
April 21, 1995  
Page Three

had elected to stop. The nearness of C-0 zoned property, Lot 8, is not of itself enough to require such extension. Conley v. Montgomery County, 216 Md. 379, 140 A.2d 525; nor does its refusal prove unlawful discrimination. See Montgomery County Council v. Scrimgeour, [211 Md. 306, 127 A.2d 528], which we think is controlling on this last mentioned phase of the case." 177 A.2d, at 690-91.

Moreover, as to the claim of change in the neighborhood, the Court said in Prince George's County v. Prestwick, 263 Md. 217, 228:

"This Court has frequently recognized that the development of an area along the lines contemplated in the original comprehensive zoning is not such a change as would support the finding of a substantial change in the character of the neighborhood."

In this context, the comprehensive rezoning of a separate single property for dental office use (combined, it turns out, with the dentist's residence) in no way justifies this rezoning based on change in the character of the neighborhood.

Just recently, Chief Judge Alan Wilner wrote in Security Management Corp. v. Baltimore County, \_\_\_ Md.App. \_\_\_ (1995):

"Appellant merely argues that the Council has rezoned nearby land and that the Council's failure to rezone its property is a violation of its rights to equal protection. That argument is completely without merit.

"The very nature of the zoning process requires that parcels of land - even neighboring land - be considered individually. Although neighboring parcels may share some characteristics, each parcel is unique and may not share all of the relevant characteristics possessed by adjacent or nearby parcels. If we were to adopt appellant's argument that its rights to equal protection have been violated simply because neighboring land has been zoned differently from its land, we would be doing away with the zoning process altogether.

"During the quadrennial comprehensive zoning process, the County reviews the current zoning structure, evaluates the changes in the community and environment, and makes any necessary amendments it deems appropriate. 'Lines... must be drawn

Mr. William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
Ms. S. Diane Levero, Panel Member  
April 21, 1995  
Page Four

somewhere.' N.W. Merchants Term v. O'Rourke, 191 Md. 171, 187 (1947)." Slip opinion, pgs. 12 - 13.

The Petitioner also refers to the more recent administrative rezoning of the Oakcrest retirement community property on Walther Boulevard near Joppa Road to higher density, and the increase in population which will occur. This property, based on the map scale, is located a mile west on Joppa Road from the subject site, and then south from there to the new Walther Boulevard entrance. It is too far away to be relevant. Wells, supra. Even were it closer, the case law also establishes that such increases in population, by rezonings or otherwise, do not change the character of the neighborhood. Wells, Cardon, supra. The the extent that the Petitioner also relies on the well-known widening of Joppa Road in the late 1980's, the Cardon case is also dispositive. These improvements, and any increased traffic flow, are not germane to the legal issue. 302 Md., at 91. Moreover, it defies common sense to suggest that the contours of the large retirement community should dictate the zoning of established single-family home subdivisions a mile away (or, for that matter, in closer proximity).

Finally, the Petitioner implies that the residential zoning denies a reasonable use, even though the use was residential in 1992 and upon purchase in 1993. The situation is reminiscent of the Cabin John case, cited above:

"None of the witnesses presented by Cabin John said that no use could be made of the property under the present classification. No witness could have taken that position since the property is currently occupied for residential purposes. Rather, Hopkins appears to have based his conclusion that Cabin John was deprived of all reasonable use of the property upon his belief that it was more commercially feasible to use it for other than residential purposes. If that were to be the criteria of confiscation, zoning restrictions in many areas would collapse like a house of cards." [Emphasis in original.] 271 A.2d, at 180.

There are hundreds of residential properties which might be more profitable if reclassified to office or commercial, but that is no ground for reclassification.

Under all the circumstances and in view of the residential zoning and use which surrounds the site completely, any consideration of R-O-A zoning should properly be left to the judgment of the County Council in 1996.

We appreciate the Board's careful attention to this case.

Mr. William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
Ms. S. Diane Levero, Panel Member  
April 21, 1995  
Page Five

Very truly yours,



Peter Max Zimmerman  
People's Counsel for Baltimore County



Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/caf  
Enclosures

cc: Edward C. Covahey, Jr., Esquire (Via facsimile and first class mail)

Dorothy McMann



County Board of Appeals of Baltimore County

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

April 20, 1995

NOTICE OF DELIBERATION

Having concluded its hearing on April 19, 1995, the Board of Appeals has scheduled the following date and time for deliberation in the matter of:

MICHAEL K. WALTER, ET AL -Petitioners  
CASE NO. CR-95-139-A

DATE AND TIME : Wednesday, May 10, 1995 at 9:30 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

---

cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioners  
Joseph E. Magee, et al Petitioners  
Hoff & Antonucci Associates

James Earl Kraft /Bd of Ed

People's Counsel for Baltimore County

Pat Keller  
Jeffrey Long  
Lawrence E. Schmidt  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

copied /H.K.M.





## PUBLIC DELIBERATION

CASE NO. CR-95-139-A

Michael J. Walter, Joseph E. Magee and Brian J. Jacques

Petition to change zoning classification from DR 5.5 to ROA

Variance to permit some parking in front yard in lieu of side or rear yard

This is a petition to change the zoning classification of 3814 East Joppa Road from DR 5.5 to ROA and for a variance to permit one handicapped parking space in the front yard in lieu of the side or rear yard. A variance request to permit a two-way movement driveway to be 18 feet wide in lieu of 20 feet was withdrawn.

The subject property is a 34-acre residential lot located at the NE intersection of Springtown Circle-Springtown Road and Joppa Road. It is improved with a single-family, detached house.

The Petitioners want to use the property for an ultra-sound business. There is presently a single-lane driveway accessed from Joppa Road. The Petitioners have acquired an easement onto Springtown Circle, which is a private road.

Michael K. Walter, one of the three Petitioners, testified that they purchased the property in 1993. He testified that they have three or four mobile vans and travel to nursing homes, doctors' offices and other sites to perform most of their ultra-sound testing, and that the proposed office site would be used mostly for clerical services performed by one full-time and two part-time secretaries.

Jeffrey Long, a planner with the Office of Planning and Zoning, testified that the Baltimore County Planning Board recommended that the ROA zoning be granted. He pointed out that the property at the east end of Springtown Circle on Joppa Road was reclassified from DR-5.5 to ROA on the 1992 Comprehensive Zoning Maps. His personal opinion was that it was not a good corner for a residential property, because the traffic was too heavy.

Thomas J. Hoff, an expert witness in landscape architecture and land planning, testified that Joppa Road was widened from 2 to 5 lanes in this area in the late 1980s. The property is sitting at what is now a major arterial intersection at Joppa and Silver Spring roads. There is a traffic signal and presently, when traffic queues up at the light, it blocks the existing driveway. It is very difficult to make a right-hand turn, and more difficult to make a left-hand turn out of the driveway. His opinion was that it was too noisy and dangerous an intersection to use as a

residence.

Norman Gerber concurred with Jeffrey Long that the subject property is almost a mirror image of the property at the other end of Springtown Circle, except that it has worse traffic conditions and it has a traffic light. He noted that the last traffic counts for Joppa Road were in 1989 -- there were 24,000 trips perday, and the widening was not complete; he estimated that now, there would be 28,000-30,000 trips per day, which he said is a very heavily traveled road. His opinion also was that it should have been rezoned, but it was not brought up as an issue.

He said that the ROA zone is intended to be placed in areas that are impacted by high volumes of traffic. He said also that there has been a substantive change in the character of the neighborhood since the adoption of the 1992 maps, noting that Nottingham Properties was changed by the Board of Appeals in 1993 from BL and DR-5.5 to DR-16. He said that it would be compatible with the uses in the are because it will have the appearance of a house.

He also said that the reclass will help to stall deterioration of the neighborhood because by allowing for reasonable use of the property, it will forestal classification of the area for more intensive use.

He said that while the County Council should have been aware of the widening of Joppa Road in 1992, it may not have been aware of the existence of Springtown Circle, both of which conditions were not shown on the 1992 Comprehensive Zoning Map.

my opinion | I have studied the wording of Section 202, the law on Residential Office, Class A Office Zone.

Sect. 202.1-A give<sup>s</sup> the rationale for ROA zoning, stating: "Residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are immediately adjacent to commercial or other non-residential uses."

This would seem to preclude the subject property from eligibility for ROA zoning, as it is surrounded by residential zoning. However, Sect. 202.2 seems to broaden the scope of the use of ROA zoning, stating:

"The ROA zoning classification is established, pursuant to the findings of Sect. 202.1, to accommodate single-family, duplex and two-family detached houses converted to office buildings in predominantly residential areas on sites that, because of adjacent non-residential activity, heavy

commercial traffic, or other similar factors, can no longer be reasonably limited solely to uses allowable in moderate-density residential zones.”

The wording here expands the factors permitting ROA zoning to include sites with heavy commercial traffic or other similar factors. The “or” in the sentence indicates that a single condition, such as heavy commercial traffic, is enough to justify ROA zoning.

I think that the testimony of Mr. Gerber and others established the fact that there is heavy commercial traffic along this portion of Joppa Road, and that ROA zoning is feasible for the subject property. The question then is, did the County Council err in not changing the zoning in the 1992 Comprehensive Zoning process?

I was persuaded primarily by Mr. Gerber’s testimony that it did -- particularly by the fact that a strikingly similar property at the other end of Springtown Circle on Joppa Road was changed in 1992 from DR-5.5 to ROA. The subject property, in fact, has worse traffic conditions and a traffic light.

I sympathize with the community’s wish for their community to remain residential, i.e., to remain the same, but I think that reality must be faced, and the reality is that with the considerable widening of Joppa Road, the character of their community has been forcibly changed. The subsequent heavy traffic cannot help but reduce the desirability of the homes along this portion of Joppa Road. I was impressed by Mr. Gerber’s observation that the spot use of ROA zoning, in which homes such as the subject property can have a more reasonable use but still retain a residential appearance, may actually prolong the residential character of the neighborhood by allowing for reasonable use of the property, thus forestalling the pressure to classify the area for more intensive use.

Finally, regarding the variance for one handicapped parking space in the front yard in lieu of the side or rear yard, I think there was substantial testimony showing the special conditions or circumstances that would justify placing the handicapped parking space in the front yard, and I would grant the variance.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joseph E. Magee, et al -Petitioners  
Case No. CR-95-139-A

DATE : May 10 1995 @ 9:30 a.m.

BOARD /PANEL : William T. Hackett (WTH)  
S. Diane Levero (SDL)  
Kristine K. Howanski (KKH)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Those present included Edward C. Covahey, Jr., Esquire, on behalf of Petitioners; and Carole S. Demilio, Deputy People's County for Baltimore County, and Peter Max Zimmerman, People's Counsel.

PURPOSE --to deliberate matter of Petitions for Reclassification and Variance; testimony and evidence received at hearing on April 19, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Acting Chairman Hackett; here for public deliberation of Case No. CR-95-139-A; briefly described petitions and variances requested; Mr. Covahey indicated that Petitioner had dismissed request for variance for 18' ingress and egress in lieu of 20'; variance for one space for handicapped parking in front still requested.

WTH: The lot in question is a corner lot /Springtown Circle. The main thing I considered, other than the actual testimony as to the change in the neighborhood, etc., is the fact that these houses were evidently constructed when Joppa Road was a little two-lane country road. It's now a four-lane super highway, and the access to these houses is from this Joppa Road. The Petition filed by Mr. Magee on this corner lot removes that access from the Joppa Road side and puts it on the Springtown Circle side, which I think is very commendable. In light of that and the fact that just by its own nature this neighborhood is gradually changing, I would grant the requested reclassification and the parking for one handicapped space in the front yard.

KKH: I'm going to agree with that. I'm looking at my notes; I was persuaded particularly by the testimony of Jeff Long and also Norman Gerber as to the change in the neighborhood. I even got to thinking about the possibility of mistake -- I think that might be going over the bounds a little bit, but the testimony on mistake sort of does go to circumstances of change in the neighborhood. I would have to agree there has been a change in the neighborhood and that, given that, the

Minutes of Deliberation /Joseph Magee, et al CR-95-139-A

R.O.A. classification seems to be the least disruptive or intrusive on the surrounding neighborhoods.


**SDL:** I studied the wording of Section 202 /Class A office zoning; 202.1A gives the rationale for R.O.A., stating that residential use may not be feasible in some neighborhoods adjacent to commercial or non-residential uses. This would seem to preclude subject property as it's surrounded by residential zoning. However, 202.2 seems to broaden the scope, referring to adjacent non-residential activity, heavy commercial traffic or other similar factors, and it can no longer be limited to residential zoning. It expands factors to include sites with heavy commercial traffic; the "or" in the sentence indicates that a single condition such as traffic is enough. Testimony of Mr. Gerber and others established the fact that there is heavy commercial traffic along this portion of Joppa Road, and R.O.A. zoning is feasible for the subject property. The question is: did the County Council err in not changing the zoning in the 1992 map process. I was persuaded by Mr. Gerber's testimony that it did, particularly by the fact that a similar property was changed on Springtown Circle to R.O.A.; subject property has in fact worse traffic conditions and a traffic light.

Regarding variance for handicapped space in front yard, there was substantial testimony to show a special condition or circumstance that would justify placing it in the front yard. Would grant variance.

Closing statement by Chairman Hackett; written opinion and order granting the requested reclassification to R.O.A. and to permit handicapped parking space in front yard will be issued.

NOTE: Appellate period runs from date of written Opinion and Order and not from date of deliberation.

Respectfully submitted,

  
Kathleen C. Weidenhammer  
Administrative Assistant

4/19/95 -Hearing concluded before Board; deliberation to be scheduled and notice sent to parties.

-----  
4/20/95 -Deliberation scheduled for Wednesday, May 10, 1995, at 9:30 a.m.; Notice of Deliberation sent to following:

Edward C. Covahey, Jr., Esquire  
Joseph E. Magee, et al  
Hoff & Antonucci Associates  
James Earl Kraft /Bd of Ed  
People's Counsel for Baltimore County  
Pat Keller  
Jeffrey Long  
Lawrence E. Schmidt  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

-----  
5/10/95 -Board convened for purpose of deliberation; Petition for Reclassification GRANTED; variance to permit one space for handicapped parking in front yard GRANTED (Petitioner withdrew variance re ingress/egress at hearing).  
Written Opinion and Order to be issued. Appellate period to run from date of that written Order. (H.K.M.)

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
AREA CODE 410  
828-9441

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
ANTHONY J. DIPAULA \*  
THOMAS P. DORE  
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE  
SUITE 101  
606 BALTIMORE AVE  
TOWSON, MD 21204

\* ALSO ADMITTED TO D. C. BAR

April 27, 1995

William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
S. Diane Levero, Panel Member  
Board of Appeals of Baltimore County  
Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

GENERAL INVESTIGATIVE DIVISION

Re: Petition for Classification  
3814 E. Joppa Road, 11th Election  
District, 6th Councilmanic  
Petitioners: Michael Walter, Joseph Magee  
and Brian Jacques, Item 4, Cycle IV  
Case No. CR-95-139-A

Dear Chairman Hackett and Panel Members:

People's Counsel, in their letter to the Board dated April 21, 1995, now concede that a Class A office building conversion is exempt from Residential Transition Area (RTA) requirements of the Baltimore County Zoning Regulations. It was the testimony of the Petitioner's land planner that classifying the subject property R-O-A would serve as appropriate transitional zoning of the site because of the intensive apartment use in the vicinity of the property and the heavy motor vehicular traffic on Joppa Road.

The subject zoning request is entirely consistent with the Declaration of Findings set forth in § 202.1 and the Statement of Legislative Policy contained in § 202.2 of the Baltimore County Zoning Regulations. The Board's attention is invited to § 202.1 which highlights that residential use of certain sites may not be economically feasible for moderate density residential areas and that at 202.C ". . . houses converted to offices are suitable, economically feasible uses of such sites." Legislative policy provides for R-O-A zoning in "predominantly residential areas on

William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
S. Diane Levero, Panel Member  
Board of Appeals of Baltimore County  
April 27, 1995  
Page 2

sites that because of adjacent non-residential activity, heavy commercial traffic or other similar factors, can no longer reasonably be limited solely to uses allowed in moderate-density zones." Heavy commercial traffic on Joppa Road, which is only 37' from the front of the existing improvements, establishes in and of itself that this property should not now be limited to uses permitted in the D-R 5.5 zone. Petitioners' Exhibit 1 conclusively established that the residential character of the property will be retained and that the existing dwelling will retain its residential character and be compatible with the neighboring individual residential and multiple apartment properties. The testimony was clear, convincing, and, in fact, there was strong evidence of the mistake in not reclassifying the subject property R-O-A on the 1992 comprehensive maps. Jeff Long of the planning staff and Norman Gerber testified that it was a mistake in not reclassifying the subject tract when that dwelling at the easternmost intersection of Joppa Road and Springtowne Circle was reclassified R-O-A and the subject property was not. Both Messrs. Long and Gerber pointed out that Springtowne Circle, as it accesses Joppa Road at the subject tract, should have also been reclassified in that protection of a traffic control device and its location made it a stronger candidate for R-O-A zoning than the other tract that benefitted from R-O-A zoning.

People's Counsel is mistaken in their letter in stating that the Petitioners placed great emphasis on the rezoning of the R-O-A tract that at the easternmost intersection of Springtowne Circle and Joppa Road as a change in the character of the neighborhood in that this reclassification was not cited as a change in the character of the neighborhood, but rather as one of the reasons advanced in establishing that the County Council committed error and mistake in not rezoning Petitioners' tract R-O-A. It is important to remember that R-O-A zoning was not established until 1991, and Norman Gerber opined that this may have been one of the additional reasons that the County overlooked placing this property in the R-O-A classification considering its location on a heavily traveled commercial highway.

The absence of protestants at the hearing, other than a representative of the Perry Hall Community Association, established that the neighboring residential properties also recognize that the subject site should not retain its residential classification. People's Counsel, in introducing the aerial map detailing the neighborhood of the property, illustrated the changes that have occurred in this neighborhood.



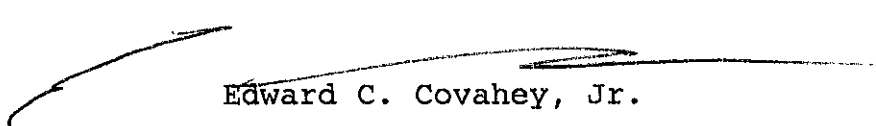
William T. Hackett, Chairman  
Kristine K. Howanski, Esq., Panel Member  
S. Diane Levero, Panel Member  
Board of Appeals of Baltimore County  
April 27, 1995  
Page 3

The 200 scale zoning map as introduced into evidence, again shows the manner in which the County Council erred in that Springtowne Circle, the widening of Joppa Road, Spring Hill Apartments, and other improvements and changes that had occurred since the last comprehensive zoning were not shown on the zoning map presented to the County Council in connection with the 1992 comprehensive zoning cycle.

The record in the case at bar clearly established that the Petitioners met the burden of showing that the County Council erred in not reclassifying 3814 E. Joppa Road as R-O-A in the course of the 1992 comprehensive rezoning cycle. Petitioners further established that there was a change in the character of the neighborhood and that rezoning the property R-O-A at this time would be compatible with the neighborhood and the existing uses in the immediate vicinity of the property.

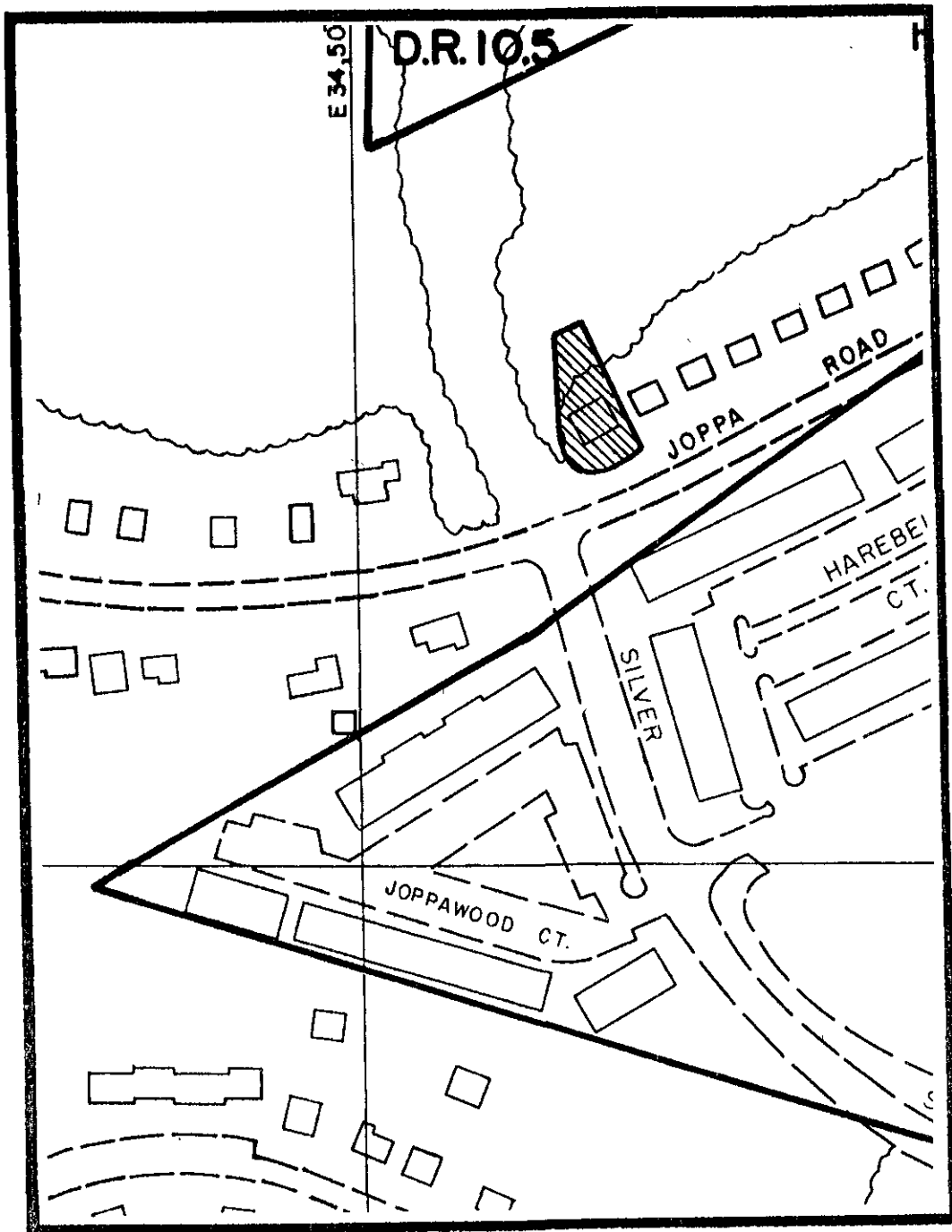
The Board's consideration is, as always, appreciated.

Very truly yours,



Edward C. Covahey, Jr.

ECC,Jr./ldr  
26ldr.03



ITEM NUMBER 4  
Location of Property Under Petition

Scale: 1" = 200'

PETITIONER:

Michael K. Walter, Joseph E. Magee and Brian J. Jacques

REQUESTED ACTION:

Reclassification to R-O-A

EXISTING ZONING:

D.R. 5.5

LOCATION:

North side of East Joppa Road, 73 ft. east of the centerline of Springtowne Circle (3814 East Joppa Road)

AREA OF SITE:

.34 acres

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 5.5 - Townhouses and Apartments  
South: D.R. 5.5 & D.R. 16 - Multi-family residential  
East: D.R. 5.5 - Single-family, detached residential  
West: D.R. 5.5 - Single-family, detached residential

SITE DESCRIPTION:

The site is a .34 acre residential lot, which is occupied by a single-family, detached dwelling. Off-street parking is provided on a single-lane driveway, accessed from Joppa Road.

Sidewalks are located along Joppa Road and Springtowne Circle. However, the two sidewalks do not connect at the corner. There is a 40 foot gap along Springtowne Circle. The Springtowne Circle sidewalk, and the land area where the sidewalk is missing, are privately owned and not part of the petitioner's property.

PROPERTIES IN THE VICINITY:

The site is surrounded by D.R. 5.5 zoning. There is a large D.R. 16 zone a short distance to the south on the opposite side of Joppa Road.

The surrounding land is used for residential purposes. There are single-family, detached dwellings to the east, along the north side of Joppa Road, and to the west, along both sides of Joppa Road. The Spring Hill rental townhouses and apartments

are located to the north. The Perry Hall Apartments are located to the south on the opposite side of Joppa Road.

WATER AND SEWERAGE:

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

TRAFFIC AND ROADS:

The site is located at the northeast corner of Joppa Road and Springtowne Circle. Joppa Road is a 4-lane principal arterial with a center turn lane. Springtowne Circle is a private road. Springtowne Circle intersects Joppa Road opposite Silver Spring Road, a collector road. The intersection of Joppa Road and Springtowne Circle-Silver Spring Road is signalized.

The site has direct access to Joppa Road. An 18-foot wide access easement to Springtowne Circle was recently acquired by the property owners. The easement is unimproved and unusable at present.

ZONING HISTORY:

The site has been zoned D.R. 5.5 since prior to 1976.

MASTER PLAN/COMMUNITY PLANS:

The applicant's site is located in a Community Conservation Area. The site is designated Single Family Detached residential on the 1992 Proposed Land Use map.

PROPOSED VS. EXISTING ZONING:

Regulations for the R-O-A zone are found in Section 202 of the Baltimore County Zoning Regulations. The R-O-A zoning can only be applied to sites which are large enough or designed in such a way that parking and access can be accommodated without sacrificing the residential character of the site and where the conversion from residential to office use will not cause serious disruption in traffic flow.

Regulations governing D.R. zones may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The existing D.R. 5.5 zoning permits a density of five and a half dwelling units per acre.

DOCUMENTED SITE PLAN:

The Documented Site Plan proposes the conversion of the existing dwelling to general offices. Except for the removal of a rear porch, the plan does not show any significant changes to

the exterior of the building. Therefore, its residential appearance will be maintained.

Eight off-street parking spaces will be provided. Seven spaces will be located in the rear yard and a handicapped space will be provided in the front yard.

Vehicular access to the off-street parking spaces will be from Springtowne Circle via an 18-foot wide driveway. The existing macadam driveway providing access from Joppa Road will be removed.

The parking areas will be screened from the adjacent roads and the adjacent residential properties by Class "A" screening.

There will be a maximum of five employees.

#### OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be granted for the reasons as follows:

- It appears that the rezoning to R-O-A and the conversion of the site to office use as proposed will be compatible with surrounding properties and the general neighborhood.
- Providing vehicular access to the site from Springtowne Circle and removing the Joppa Road driveway will improve traffic flow and traffic safety on Joppa Road.
- Support for this request should in no way be interpreted to suggest that this office will support additional conversions along this portion of Joppa Road during subsequent zoning review processes. The subject site is unique due to the following site features: its proximity to two heavily traveled roads - Joppa Road and Silver Spring Road; the availability of alternative access (not directly accessible from Joppa Road); and the existence of a large side yard setback abutting a road (Springtowne Circle) which insures that adjacent properties will not be impacted by vehicles accessing the site.

This office has no objections to the approval of variances to permit an 18-foot wide driveway for vehicular access and to permit a handicapped parking space in the front yard. It appears that the proposed driveway will provide satisfactory access, and it is apparent that the front yard location of the handicapped parking space is necessary because of physical conditions peculiar to the site. The statement on the Documented Site Plan regarding the requested variances should be corrected to indicate that an 18-foot rather than a 14-foot driveway is proposed.

MICHAEL K. WALTER & JOSEPH E.  
MAGEE & BRIAN J. JACQUES  
N/s East Joppa Road, 73' E of  
centerline Springtowne Circle  
(#3814 East Joppa Road)

R-95-139-A  
Item #4, Cycle IV, 1994  
11th Election District  
6th Councilmanic District

From D.R. 5.5 to R.O.A. and .34 acre +/- (gross)  
Variance to permit a 2-way movement driveway  
to be 18' wide in lieu of required 20';  
and to permit some parking in front yard  
in lieu of required side or rear yard

DOCUMENTED

---

August 31, 1994

Petition for Reclassification filed by Edward  
C. Covahey, Jr., Esquire, on behalf of  
Petitioners.

---

\* Edward C. Covahey, Jr., Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

Counsel for Petitioners

Joseph E. Magee, et al  
3814 E. Joppa Road  
Baltimore, MD 21236

Petitioners

Hoff & Antonucci Associates  
1717 York Road, Suite 1B  
Lutherville, MD 21093

James Earl Kraft  
Baltimore County Board of Education  
Mail Stop 1102-J

People's Counsel for  
Baltimore County

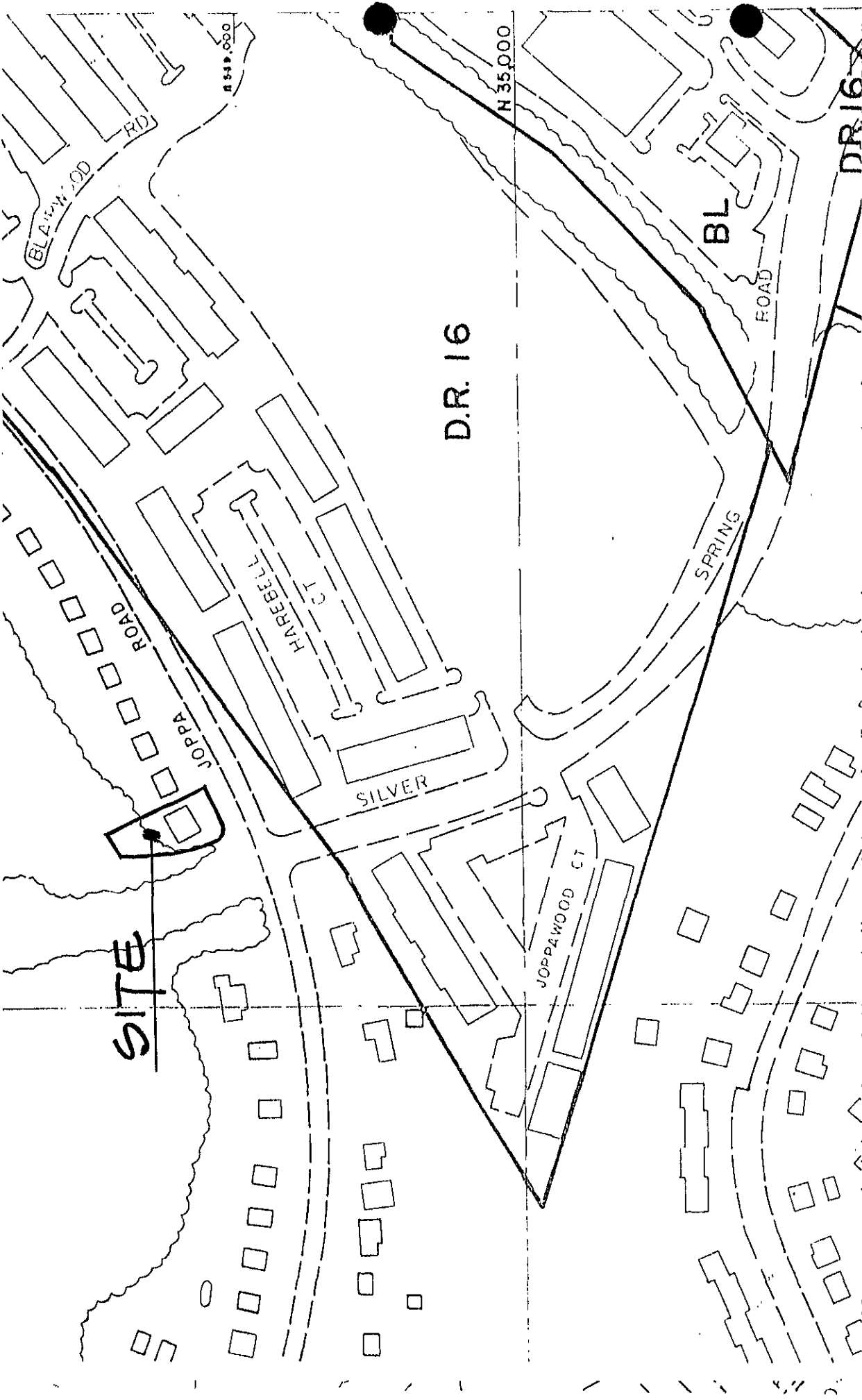
Pat Keller  
Jeffrey Long  
Lawrence E. Schmidt  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Michael E. Walter, et al

No. CR-95-139-A

---

August 31, 1994		Petition for Zoning Reclassification of an improved lot from a D.R. 5.5 zone to an R.O.A. zone, and a for a variance to permit one handicapped parking space to be located in the front yard as opposed to the side or rear yard; and a Petition for Variance to permit a two-way movement driveway to be 18 feet wide in lieu of the requisite 20 feet, filed by Edward C. Covahey, Jr., Esquire on behalf of Michael K. Walter, et al.
April 19, 1995		Hearing held before the Board
May 10		Deliberation conducted: Board reached unanimous decision to GRANT Petitions for Reclassification and Variance.
May 31		Opinion and Order of the Board that the Petition for Reclassification from D.R. 5.5 to R.O.A. be GRANTED; and further ordered that Petition for Variance be GRANTED.
June 28		Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael T. Wyatt, Esquire, on behalf of Larry E. Knight. (copy received by CBA 7/11/95)
July 11		Certificate of Notice sent to interested parties.
August 25	✓	Transcript of testimony and Record of Proceedings filed in the Circuit Court for Baltimore County.
February 14, 1996	✓ E	Memorandum Opinion and Order issued by the CCT for Balto. Co.; decision of the CCT AFFIRMED (Alfred L. Brennan, Sr., J.)
March 20	E	Order issued by the CCT DENYING Appellant's Motion to Alter or Amend Judgment and Request for a Hearing (Re: 2/12/96 Order) (Alfred L. Brennan, Sr., J.)



<p>SCALE 1" = 200' ±</p>	<p>LOCATION PERRY HALL</p>	<p>SHEET 9-F</p>
<p>DATE OF PHOTOGRAPHY JANUARY 1986</p>	<p>NE.</p>	<p>CR-95-139-A</p>

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

*William A. Howard IV*  
Chairman, County Council

SITE

D.R. 16

N 35,000

SHEET

LOCATION

SCALE

DATE OF PHOTOGRAPHY

JANUARY 1986

NE.

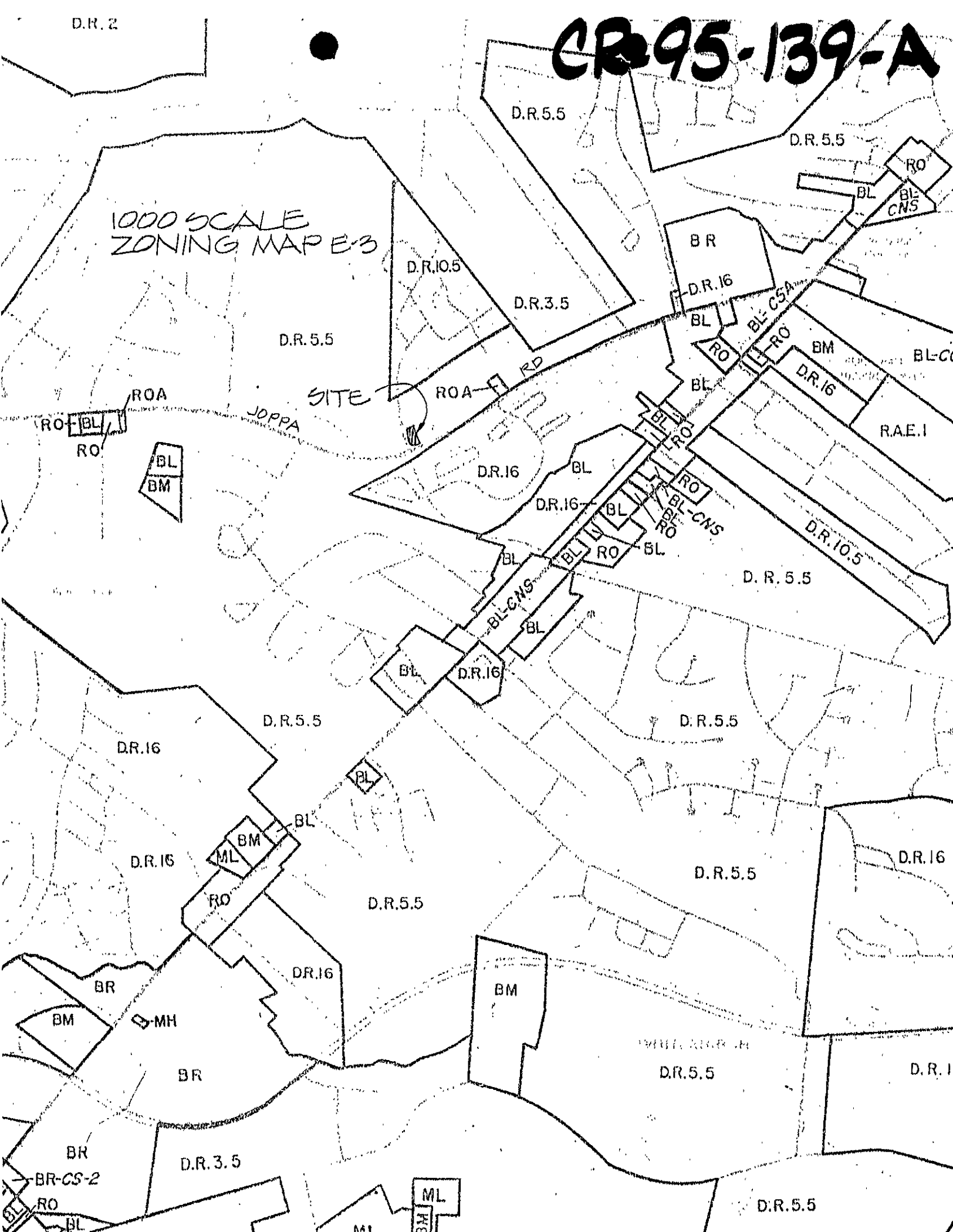
CR-95-139-A



D.R. 2

CR 95-139-A

1000 SCALE  
ZONING MAP E-3



CIRCUIT COURT FOR BALTIMORE COUNTY  
 Suzanne Mensh  
 Clerk of the Circuit Court  
 County Courts Building  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, MD 21285-6754  
 (410)-887-2601, TTY for Deaf: (800)-735-2258  
 Maryland Toll Free Number (800) 938-5802

03/26/02

Case Number: 03-C-95-005740 AA  
 Date Filed: 06/28/1995  
 Status: Closed/Active  
 Judge Assigned: To Be Assigned,  
 Location :

Peoples Counsel For Baltimore County, et al vs Walter

**C A S E   H I S T O R Y**

**OTHER REFERENCE NUMBERS**

Description	Number
-----	
	C9505740

**INVOLVED PARTIES**

Type Num	Name(Last,First,Mid,Title)	Disposition Addr Update	Entered
-----		-----	
PLT 001	Peoples Counsel For Baltimore County	CT DO 03/20/96	06/28/95
	Party ID: 0012488		
	Mail: 400 Washington Ave	06/28/95	
	Room 47		
	Towson, MD 21204		
	Attorney: 0005744 Demilio, Carole S		06/28/95
	206 Washington Avenue		
	Towson, MD 21204		
	(410)825-6963		
PLT 002	Perry Hall Improvement Association Inc	CT DO 03/20/96	06/28/95
	Party ID: 0012492		
	Mail: P O Box 63	06/28/95	

Perry Hall, MD 21128

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Disposition Addr Update	Entered
DEF 001	Walter, Michael K		CT DO 03/20/96	06/28/95
		Party ID: 0012494		
	Capacity : Et.,AL			
	Attorney: 0014822 Covahey, Edward C			06/28/95
	Covahey & Boozer, P.A.			
	614 Bosley Avenue			
	Towson, MD 21204			
	(410)828-9441			

**CALENDAR EVENTS**

Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec	User	ID
12/20/95	09:30A	02H	yes	CIVI			TBA	01	/01	RES	C	10/06/95		P			GO	GO
01/30/96	09:30A	02H	yes	CIVI			TBA	01	/01					P			GO	GO

**JUDGE HISTORY**

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA To Be Assigned,	J	06/28/95		

**DOCUMENT TRACKING**

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User	ID
0001000	Petition for Judicial Review Jg #1 Petition of Peoples Counsel for Baltimore Co. & Perry Hall Improv Assoc. Inc. for Judicial Review of the decision of the County Board of Appeals in the matter of Michael K. Walter ET.,AL. for zoning reclassification from D.R.-5.5 to R.O.A. and zoning variance on property located on the North Side East Joppa Road,73' East of C/L Springtowne Circle(3914 E. Joppa Road) 11th Election District 6th Councilmanic District Cs. No. CR-95-139-A fd. Copy sent to agency.	06/28/95	06/28/95	PLT001	TBA		02/15/96	JMG	PH
0001001	Answer 3. cg (rec'd 8/4/95)	08/10/95	08/10/95	DEF001	TBA		02/15/96	CG	PH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0002000	Affidavit of Notice 1g#2	07/19/95	07/19/95	000	TBA	02/15/96	LG PH
0003000	Transcript of Record from Adm Agency *df (4) fd. (Filed 8/25/95).	08/28/95	08/28/95	000	TBA	02/15/96	DFF PH
0004000	Notice - Recpt of Record of Proceedings *df (5) fd. Copies Sent. (Filed 8/25/95).	08/28/95	08/28/95	000	TBA	02/15/96	DFF PH
0005000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95	PLT001	TBA	08/28/95	DFF DFF
0006000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95	PLT002	TBA	08/28/95	DFF DFF
0007000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95	DEF001	TBA	08/28/95	DFF DFF
0008000	Scheduling Order * #6; (BKH)	09/21/95	09/22/95	000	TBA	02/15/96	KDC PH
0009000	Memorandum and Perry Hall Improvment Assoc. Inc.f.d.	09/27/95	09/28/95	PLT001	TBA	02/15/96	JMG PH
0010000	Memorandum of Appellees in support of decision of the County Board of Appeals, fd.	10/30/95	10/31/95	000	TBA	10/31/95	ES ES
0011000	Transcript of Record from Adm Agency	01/16/96	01/19/96	000	TBA	02/15/96	CG PH
0013000	notice of filing transcript notice sent.	01/16/96	01/19/96	000	TBA	01/19/96	CG CG
0014000	Open Court Proceeding January 30, 1996. Hon. Alfred L. Brennan, Sr. Hearing had. Opinion to be filed.	01/30/96	01/30/96	000	ALB	02/15/96	DM PH
0015000	Memorandum Opinion and Order affirming the decision of the Board of Appeals	02/14/96	02/14/96	000	ALB Granted	02/14/96	PH PH
0016000	DOCKET ENTRIES AND ORDER SENT TO THE COUNTY BOARD OF APPEALS cb	02/16/96	02/16/96	000	TBA	03/20/96	PH PH
0017000	Motion to Alter/Amend Judgment	02/22/96	02/23/96	PLT001	ALB Denied	03/19/96	JBJ PH
0017001	Answer	03/07/96	03/08/96	DEF001	TBA	03/20/96	ES PH
0018000	Request for Hearing	02/22/96	02/23/96	PLT001	TBA	03/20/96	JBJ PH

**EXHIBITS**

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp	Dt	Dis	By
-----										
Offered By: PLT 001 Peoples Counsel For Baltimore										
001	BOX	327	0	RETURNED TO ZOANIN						C

**DIFFERENTIATED CASE MANAGEMENT**

**TRACKS AND MILESTONES**

Track	N3	Description: CIVIL EXPEDITED TRACK	Custom: Yes
Assign Date:	09/21/95	Order Date :	10/06/95
Start Date :	09/21/95	Remove Date:	

Milestone	Scheduled	Target	Actual	Status
-----				
Motions to Dismiss under MD. Rule 2-322C	10/06/95	02/15/96	CLOSED	
Discovery must by completed by	11/10/95	02/15/96	CLOSED	
All Motions (excluding Motions in Limine	11/20/95	02/15/96	CLOSED	
Settlement Conference is	12/05/95	02/15/96	CLOSED	
TRIAL DATE is	01/30/96	12/20/95	02/15/96	CLOSED

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

02/16/96

Case Number: 03-C-95-005740 AA

Date Filed: 06/28/95

Status: Open/Active

Previous Case ID:

Judge Assigned: To Be Assigned,

Peoples Counsel For Baltimore County, et al vs Walter

C A S E H I S T O R Y

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title) / Dispo	Entered
PLT 001	Peoples Counsel For Baltimore County Attorney: 0005744 Demilio, Carole Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188	06/28/95
PLT 002	Perry Hall Improvement Association Inc P O Box 63 Perry Hall, MD 21128	06/28/95
DEF 001	Walter, Michael K Capacity Et AL Attorney: 0014822 Covahey, Edward C Covahey & Boozer, PA 614 Bosley Ave Towson, MD 21204 (410)828-9441	06/28/95

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L Day	Of	RsIt	By	ResultDt	Jdg	T Notice	Rec
12/20/95	09:30A	002	yes	CIVI	TBA	01	/01	RES	C	10/06/95			P

True Copy Test  
SUZANNE MENSCH, Clerk  
Per *Cameya Buford*  
Assistant Clerk

Date	Time	Dur	Cer	Evnt	Jdg	L Day	Of	RsIt	By	ResultDt	Jdg	T Notice	Rec
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01/30/96	09:30A	002	yes	CIVI	TBA	01	/01				P		
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## JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA To Be Assigned,	J	06/28/95		

## DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Tickle	For	Party	Routed	D	Closed	Initials
001000	Petition for Judicial Review Jg #1 Petition of Peoples Counsel for Baltimore Co & Perry Hall Improv. Assoc. Inc. for Judicial Review of the decision of the County Board of Appeals in the matter of Michael K. Walter ET .AL. for zoning reclassification from D.R.-5.5 to R.O.A. and zoning variance on property located on the North Side East Joppa Road,73' East of C/L Springtowne Circle(3914 E. Joppa Road) 11th Election District 6th Councilmanic District Cs No. CR-95-139-A fd. Copy sent to agency.	06/28/95	06/28/95		TBA	PLT001				JMG
001001	Answer 3. cg (rec'd 8/4/95)	08/10/95	08/10/95		TBA	DEF001		M	01/17/96	KM
002000	Affidavit of Notice 1g#2	07/19/95			TBA	000				LG
003000	Transcript of Record from Adm Agency *df (4) fd (Filed 8/25/95).	08/28/95	08/28/95		TBA	000				DFF
004000	Notice - Recpt of Record of Proceedings *df (5) fd Copies Sent. (Filed 8/25/95).	08/28/95	08/28/95		TBA	000				DFF
005000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95		TBA	PLT001	08/28/95	M	08/28/95	DFF
006000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95		TBA	PLT002	08/28/95	M	08/28/95	DFF
007000	Notice - Recpt of Record of Proceedings	08/28/95	08/28/95		TBA	DEF001	08/28/95	M	08/28/95	DFF
008000	Scheduling Order * #6; (BKH)	09/22/95	09/21/95		TBA	000				KDC
009000	Memorandum and Perry Hall Improvement Assoc. Inc,fd.	09/28/95	09/27/95		TBA	PLT001				JMG
010000	Memorandum of Appellees in support of decision of the County Board of Appeals. fd	10/31/95	10/30/95		TBA	000			10/31/95	ES

Num/Seq	Description	Filed	Received	Tickle	For	Party	Routed	D Closed	Initials
011000	Transcript of Record from Adm Agency	01/19/96	01/16/96		TBA	000			CG
013000	notice of filing transcript notice sent.	01/19/96	01/16/96		TBA	000		01/19/96	CG
014000	Open Court Proceeding January 30, 1996. Hon Alfred L Brennan, Sr. Hearing had. Opinion to be filed.	01/30/96			ALB	000			DM
015000	Memorandum Opinion and Order affirming the decision of the Board of Appeals	02/14/96			ALB	000		G 02/14/96	PH

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: PLT 001 Peoples Counsel For Baltimore								
001	BOX 327	0	ZOANING EXHIBITS					C

DIFFERENTIATED CASE MANAGEMENT  
TRACKS AND MILESTONES

Track . N3 Description: CIVIL EXPEDITED TRACK Custom: No  
 Assign Date: 09/21/95 Order Date 10/06/95  
 Start Date : 09/21/95 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322c		10/06/95		OPEN
Discovery must by completed by		11/10/95		OPEN
All Motions (excluding Motions in Limine		11/20/95		OPEN
Settlement Conference is		12/05/95		OPEN
TRIAL DATE is	01/30/96	12/20/95		OPEN



PETITION OF PEOPLES COUNSEL \* IN THE  
FOR BALTIMORE CO., ET., AL \* CIRCUIT COURT  
FOR JUDICIAL REVIEW OF THE \* FOR  
DECISION OF THE COUNTY BOARD \* BALTIMORE COUNTY  
OF APPEALS OF BALTIMORE \*  
COUNTY \*  
IN THE MATTER OF MICHAEL K. \*  
WALTER, ET AL. \* CASE No.: 3-C-95-5740

RECEIVED  
CCTA

\* \* \* \* \*

MEMORANDUM OPINION AND ORDER

STATEMENT OF THE CASE

On May 31, 1995 the Board of Appeals approved the reclassification of a .34 acre improved lot, at 3814 East Joppa Road, held by Michael K. Walter, et al, from a D.R. 5.5 zone (Density Residential 5.5) to R.O.A. (Residential - Office, Class A Office Zone). In addition, the Board approved a request for one handicapped parking space to be located in the front of said property.

In approving the reclassification, the Board found that there was a basis for reclassification and that the subject property was eligible for R.O.A. reclassification.

True Copy Test  
SUZANNE MENSCH, Clerk

*Camelya Bedford*  
Assistant Clerk

FILED FEB 14 1996

Per

*Handwritten notes and signatures at the bottom of the page.*

## SUMMARY OF FACTS

Appellees, Michael K. Walter, Joseph. E. Magee, and Brian J. Jaques, are the stockholders and officers of Baltimore Ultrasound, Inc., a body corporate of the State of Maryland. Said corporation performs ultrasound diagnostic services. Appellees acquired the subject property in June of 1993 in order to house their business. Appellees had previously been advised by the Baltimore County Office of Zoning that reclassifying the subject property from D.R.-5.5 to R.O.A. did not appear objectionable (5/10/95 Hearing T.22).

The property is improved by a 1,530 square foot one story ranch dwelling (T.73). The front of the dwelling is approximately 37 feet from Joppa Road, which is a five lane highway handling approximately 28,000 vehicular trips a day (T.110). The property is bordered on the west by Springtown Circle. Within the perimeter of Springtown Circle are the Springtown Town homes and Apartments (T.134). West of the subject property, at the easternmost terminus of Springtown Circle and Joppa Road, is a tract of land very similar to the property that is the subject of this appeal. This property, improved by a dwelling now used as a dentist's office, was reclassified from D.R-5.5 to R.O.A at the time of the last comprehensive zoning map which became effective on December 4, 1992. This property was reclassified during the 1992 zoning cycle after an application for the same was filed by the property owner.

Shortly after their purchase, the Appellee's filed for reclassification. After a hearing on May 10, 1995, the Board OF Appeals granted the reclassification. The People's Counsel for Baltimore County filed an appeal which is the subject of this opinion.

#### STANDARD OF REVIEW

The scope of review to be applied by this Court when reviewing the decisions of the Office of Administrative Hearings is set forth in State Government Article, Section 10-222(h). This section provides.

(h) Decision. - In a proceeding under this section, the court may:

- (1) remand the case for further proceedings;
- (2) affirm the final decision; or
- (3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:
  - (I) is unconstitutional;
  - (ii) exceeds the statutory authority or jurisdiction of the final decision maker;
  - (iii) results from an unlawful procedure;
  - (iv) is affected by any other error of law;
  - (v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
  - (vi) is arbitrary or capricious.

The application of this standard by the Circuit Court involves great discretion. "A decision as to whether to remand, affirm, reverse, or modify a decision of an administrative agency is one<sup>1</sup> that is committed to the sound discretion of the trial court." *Eaton v. Rosewood Center* 86 Md.App. 366, 376 (1991). Where the

decision of the agency "is predicated solely on an error of law, no deference is appropriate and the reviewing court may substitute its judgment for that of the agency." *Shanty Town v. Depart. Of Environment* 92 Md.App. 103, 111 (1992), citing *State Election Board v. Billhimer* 314 Md. 46, 58 548 A.2d 819 (1988), cert. denied, 490 U.S. 1007, 109 S.Ct. 1644, 104L.Ed.2d 159 (1989).

The "substantial evidence" standard under section 10-222 has been defined by the court as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Bulluck v. Pelham Wood Apts.*, 283 Md. 505, 512 , 390 A.2d 1119 (1978), citing *Snowden v. Mayor & C.C. of Balto.*, 224 Md. 443, 448, 168 A.2d 390 (1961). In applying this standard "a court should not substitute its judgment for the expertise of those persons who constitute the administrative agency from which the appeal is taken." *Bulluck v. Pelham Wood Apts.*, 283 Md. 505, 512, 390 A.2d 1119 (1978), citing *Bernstein v. Real Estate Comm.*, 221 Md. 221, 230, 156 A.2d 657 (1959), appeal dismissed, 363 U.S. 419, 80 S.Ct. 1257, 4 L.Ed.2d 1515 (1960). The decisions of the agency must be viewed "in the light most favorable to the agency, since "decisions of administrative agencies are prima facie correct," *Bulluck v. Pelham Wood Apts.*, 283 Md. 505, 512 , 390 A.2d 1119 (1978), citing *Hoyt v. Police Comm'r*, 279 Md. 74, 88-89, 367, A.2d 924 (1977), and "carry with them the presumption of validity." *Bulluck v. Pelham Wood Apts.*, 283 Md. 505, 512 , 390 A.2d 1119 (1978), citing *Dickinson-Tidewater, Inc. v. Supervisor*,

273 Md. 245, 256, 329 A.2d 18 (1974). The question for the reviewing court, therefore, is 'whether a reasoning mind could have reached the factual conclusion reached by the agency.'" *Liberty Nursing v. Department of Health and Mental Hygiene*, 330 Md. 433, 443, 624 A.2d 941 (1993), citing *Snowden v. Mayor and City Counsel of Balto.*, 224 Md. 443, 448, 168 A.2d 390, 391 (1961).

#### OPINION AND ORDER

The Appellant asks that this court reverse or modify the decision of the Board of Appeals. In order to do so this court must first determine whether a reasoning mind could come to the same factual conclusion as the agency (see *Snowden*, supra). In other words, was the agency's decision arbitrary and capricious or was it based on substantial evidence?

During the April 19, 1995 hearing, evidence was presented by the Appellees that, when the questioned area was reclassified in 1992, the zoning map used to determine reclassification did not represent the current conditions of the area. Specifically, it portrayed Joppa Road as a two lane road instead of a five lane highway (see Appellees' ex. 7 & T.85, 86, 111). The map also failed to show Springtown Circle, its proximity to the subject property and the townhouse and apartment sites that have sprung up in the immediate area (T. 85). There was testimony by Thomas Hoff, an accepted expert witness in the field landscape

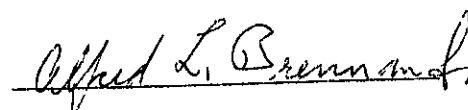
architecture, that classified Joppa Road, Silver Spring Road and Springtown Circle as a major arterial intersection (T.90). Said expert testified that R.O.A. classification would be compatible with the existing neighborhood.

Norman Gerber, the Baltimore County Director of Planning, testified that the subject property was subject to at least the same type of conditions as dentist office that was reclassified as R.O.A. in 1992 (T.114). Mr. Gerber further testified that the professional zoning staff probably did not have the opportunity to evaluate the subject property from the standpoint of classifying it as R.O.A. (T.113 & 114). Mr. Gerber pointed out that the "Nottingham properties," located at Joppa Road and Walther Boulevard were reclassified after 1992 from B.L., D.R.-5.5 and D.R.-10.5 to D.R.-16. Said reclassification was to allow for a large nursing home facility for the elderly (T.117). In light of the high volume of traffic, the noise, the widening of Joppa Road and the overall change in the areas characteristics, Mr. Gerber stated that the subject property was erroneously characterized as D.R.-5.5 (T.113, 114).

This Court finds that the decision by the Board of Appeals is clearly supported by competent, material, and substantial evidence. Said evidence is in the form of accepted expert witnesses' testimony corroborated by exhibits submitted by the Appellees. Said testimony clearly points to error in the 1992 reclassification of the subject property via reliance on an

outdated and inaccurate 1986 zoning map. When viewed in a light most favorable to the Board of Appeals (as required by the reviewing court, see *Bullock supra*), it requires little if any in depth analysis to ascertain that a reasonably prudent person might arrive at the same conclusion as the Board of Appeals. In fact, to conclude otherwise would be to defy logic and to engage in the realm of arbitrary and capricious conjecture and speculation. For the above stated reasons, this court will not substitute its' judgment for that of the Board of Appeals.

It is therefore ORDERED this 12<sup>th</sup> day of February, 1996 that the decision of the Board of Appeals, regarding the matter of Michael K. Walter et. al, be and is hereby AFFIRMED.

  
Alfred L. Brennan, Sr.

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF PEOPLE'S COUNSEL FOR  
BALTIMORE COUNTY

400 Washington Avenue, Room 47  
Towson, Maryland 21204

AND

PERRY HALL IMPROVEMENT ASSOCIATION,  
INC., P.O. Box 63, Perry Hall, MD 21128

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-95-5740

IN THE CASE OF: IN THE MATTER OF  
THE APPLICATION OF MICHAEL K. WALTER,  
ET AL, FOR A ZONING RECLASSIFICATION  
FROM D.R.-5.5 to R.O.A. AND ZONING  
VARIANCE ON PROPERTY LOCATED ON THE  
NORTH SIDE EAST JOPPA ROAD, 73' EAST  
OF C/L SPRINGTOWNE CIRCLE  
(3914 E. JOPPA ROAD)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. CR-95-139-A  
ITEM 4, CYCLE IV

RECEIVED AND FILED  
55 AUG 25 PM 3:32  
CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

\* \* \* \* \*

PROCEEDINGS BEFORE THE  
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski and S. Diane Levero,  
constituting the County Board of Appeals of Baltimore County, and  
in answer to the Petition for Judicial Review 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 Permits and Development  
Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

No. CR-95-139-A

August 31, 1994

Petition for Zoning Reclassification of an  
improved lot from a D.R. 5.5 zone to an R.O.A.



zone, and a for a variance to permit one handicapped parking space to be located in the front yard as opposed to the side or rear yard; and a Petition for Variance to permit a two-way movement driveway to be 18 feet wide in lieu of the requisite 20 feet, filed by Edward C. Covahey, Jr., Esquire on behalf of Michael K. Walter, et al.

January 20, 1995 Planning Board Comments.

February 8 & 16 Publication in Newspapers.

April 12 ZAC Comments.

April 19 Hearing held before the Board

May 10 Deliberation conducted: Board reached unanimous decision to GRANT Petitions for Reclassification and Variance.

May 31 Opinion and Order of the Board that the Petition for Reclassification from D.R. 5.5 to R.O.A. be GRANTED; and further ordered that Petition for Variance be GRANTED.

June 28 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael T. Wyatt, Esquire, on behalf of Larry E. Knight.

July 11 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

July 11 Certificate of Notice sent to interested parties.

August 25 Transcript of testimony filed.

Petitioner's Exhibit No. 1-Plat to accompany Petition 8/31/94  
2-Easement agreement 8/17/94  
3-Photos  
A-Property to left (Intersection taken from Springtowne Circle)  
B-From back of property area - can see apartments across street  
C & D- Taken from down block showing neighborhood site at end of block  
E-One of houses in same block  
F-Opposite side of Springtowne Circle with dentist's office  
G-Front of house  
H-From Springtowne Circle looking

- east toward rear of property
- I-Intersection diagonal to subject property from SE direction
- J-Springtowne Circle development - shows townhouses to north
- 4-Report of Planning Board (portion)
- 5-Curriculum Vitae -Thomas J. Hoff
- 6-Federal Register -7/26/91 - Rules and Regulations
- 7-1992 Comprehensive Zoning Map - Subject property outlined in green
- 8-Environmental Impact Statement
- 9-Curriculum Vitae - Norman Gerber
- 10-Map titled "Baltimore Ultrasound"

- People's Counsel Exhibit No. 1-Item No. 4 Map - Location of Property Under Petition
- 2-5th Councilmanic Dist. list of issues for 1992 Comprehensive Zoning Process
  - 3-6th Councilmanic Dist. list of issues for 1992 Comprehensive Zoning Process
  - 4-Aerial Map dated 1986 - shows subject site with green "x"
  - 5-1,000 scale zoning map E-3
  - 6-Pages 38-42 from Balto. County 1989-2000 Master Plan
  - 7-Rule 8 Documents - Perry Hall Improvement Association

August 25, 1995 Record of Proceedings filed in the Circuit Court for Baltimore County.

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

Respectfully submitted,



Charlotte E. Radcliffe  
Legal Secretary  
County Board of Appeals of Baltimore County, Room 49, Basement - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

cc: People's Counsel for Baltimore County  
Perry Hall Improvement Association, Inc.  
Edward C. Covahey, Jr.  
Michael K. Walter, et al

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF PEOPLE'S COUNSEL FOR  
BALTIMORE COUNTY

400 Washington Avenue, Room 47  
Towson, Maryland 21204

AND

PERRY HALL IMPROVEMENT ASSOCIATION,  
INC., P.O. Box 63, Perry Hall, MD 21128

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

\* CIVIL  
\* ACTION  
\* No. 3-C-95-5740

IN THE CASE OF: IN THE MATTER OF  
THE APPLICATION OF MICHAEL K. WALTER,  
ET AL, FOR A ZONING RECLASSIFICATION  
FROM D.R.-5.5 to R.O.A. AND ZONING  
VARIANCE ON PROPERTY LOCATED ON THE  
NORTH SIDE EAST JOPPA ROAD, 73' EAST  
OF C/L SPRINGTOWNE CIRCLE  
(3914 E. JOPPA ROAD)  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
CASE NO. CR-95-139-A

\* \* \* \* \*

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204, and Perry Hall Improvement Association, Inc., P.O. Box 63, Perry Hall, MD 21128, Petitioners; Michael K. Walter, et al, 3814 E. Joppa Road, Baltimore, MD 21236; Edward C. Covahey, Jr., Esquire, COVAHEY & BOOZER, P.A., 614 Bosley Avenue, Towson, MD 21204, Counsel for Michael K. Walter, et al, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

RECEIVED AND FILED

95 JUL 11 PM 2:40

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, 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 Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Courthouse, 400 Washington Avenue, Towson, MD 21204, and Perry Hall Improvement Association, Inc., P.O. Box 63, Perry Hall, MD 21128, Petitioners; Michael K. Walter, et al, 3814 E. Joppa Road, Baltimore, MD 21236; Edward C. Covahey, Jr., Esquire, COVAHEY & BOOZER, P.A., 614 Bosley Avenue, Towson, MD 21204, Counsel for Michael K. Walter, et al, this 11th day of July, 1995.

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

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

July 11, 1995

Peter Max Zimmerman  
People's Counsel  
for Baltimore County  
Room 47, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Civil Action No. 3-C-95-5740  
MICHAEL K. WALTER, ET AL

Dear Mr. Zimmerman:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty 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 within sixty days, in accordance with Rule 7-206(c).

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

Very truly yours,

Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Perry Hall Improvement Association, Inc.





County Board of Appeals of Baltimore County

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

July 11, 1995

Edward C. Covahey, Jr., Esquire  
COVAHEY & BOOZER, P.A.  
614 Bosley Avenue  
Towson, MD 21204

RE: Civil Action No. 3-C-95-5740  
MICHAEL K. WALTER, ET AL

Dear Mr. Covahey:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on June 28, 1995, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-95-5740.

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

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

c: Michael K. Walter, et al  
Hoff & Antonucci Associates  
Pat Keller /Planning  
Lawrence E. Schmidt /PDM  
W. Carl Richards /PDM  
Docket Clerk /PDM  
Arnold Jablon /PDM



PETITION OF PEOPLE'S COUNSEL FOR BALTI-  
MORE COUNTY, 400 Washington Avenue, Room  
47, Towson, Maryland 21204, and  
PERRY HALL IMPROVEMENT ASSOCIATION, INC.  
P. O. Box 63, Perry Hall, MD 21128

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY BOARD OF  
APPEALS OF BALTIMORE COUNTY

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF MICHAEL K. WALTER, et al.  
FOR A ZONING RECLASSIFICATION FROM  
D.R.-5.5 to R.O.A. AND ZONING VARIANCE  
ON PROPERTY LOCATED ON THE NORTH SIDE  
EAST JOPPA ROAD, 73' EAST OF C/L SPRING-  
TOWNE CIRCLE (3914 E. JOPPA ROAD)  
11th ELECTION DISTRICT  
6th COUNCILMANIC DISTRICT

IN THE BALTIMORE COUNTY BOARD OF  
APPEALS, CASE NO.: CR-95-139-A

\* \* \* \* \*

IN THE  
CIRCUIT COURT

FOR

BALTIMORE COUNTY

Civil Action No.

3.0955740


PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY and PERRY HALL IMPROVEMENT  
ASSOCIATION, INC., hereby request judicial review of the May 31, 1995  
County Board of Appeals' Opinion in the above case. PEOPLE'S COUNSEL  
and PERRY HALL IMPROVEMENT ASSOCIATION, INC. were parties to the  
proceedings before the County Board of Appeals in this matter.

This Petition is filed pursuant to Rule 7-202 of the Maryland  
Rules of Procedure.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

RECEIVED AND FILED

95 JUN 28 AM 11:26

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

95 JUN 11 11:20 AM '95

11:20 AM '95

PERRY HALL IMPROVEMENT ASSN., INC.

BY Dorothy Mc Mann  
Dorothy Mc Mann, President  
P. O. Box 63  
Perry Hall, Maryland 21128  
(410) 256-4241

CERTIFICATE OF SERVICE

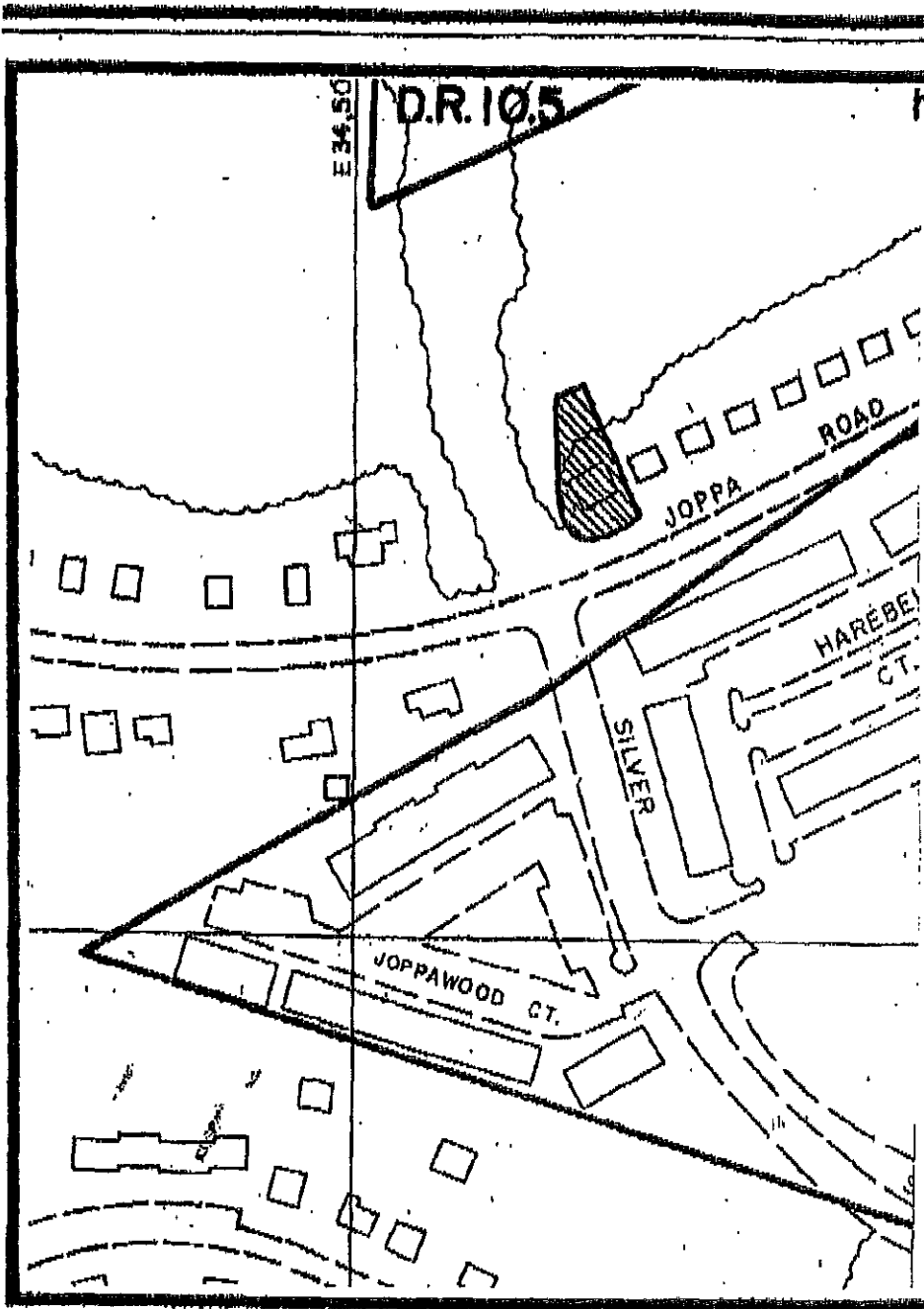
I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1995, a copy of the foregoing Petition for Judicial Review was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners Michael K. Walter, et al.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN





*People's Counsel Ex. 1*



ITEM NUMBER 4  
 Location of Property Under Petition.

Scale: 1" = 200'

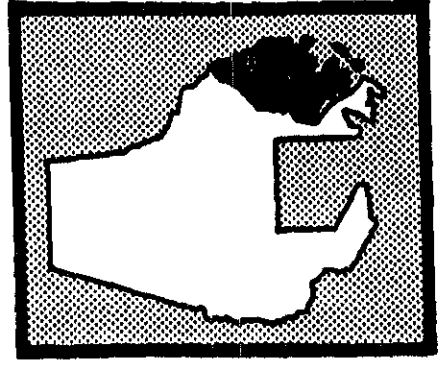
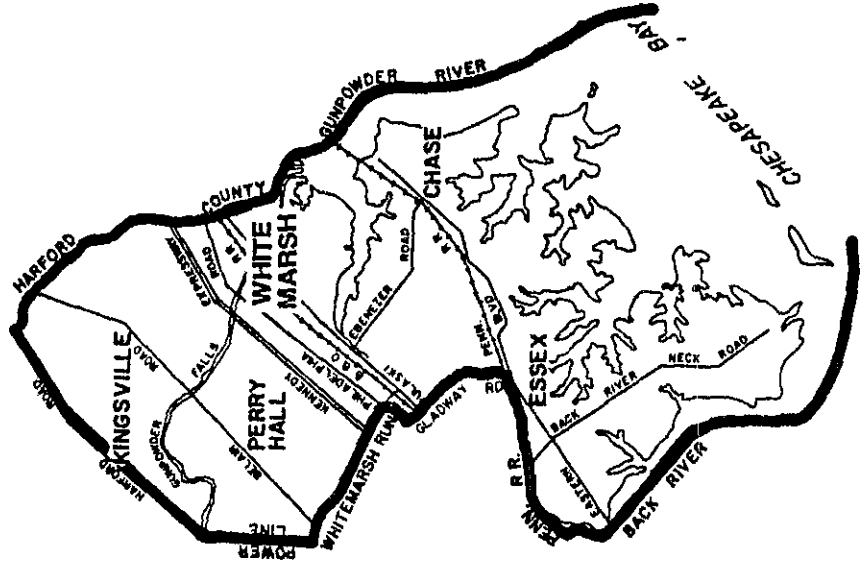
*People's Counsel Ex. 2*

# BALTIMORE COUNTY COUNCIL

## FIFTH COUNCILMANIC DISTRICT

1992

### COMPREHENSIVE ZONING PROCESS



BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
5-001	Carmelo & Joanne Diforte By Nancy E Dwyer, Esq	SE Corner Belair Rd. & Soth Ave (9135 Belair Rd)	0.21	DR 5.5 0.21	BL 0.21	DR 5.5 0.21	DR 5.5 0.21	IV-13(R-91-119) CBA Denied 3/4/92
5-002	Rohe Farm Lane Dev, Inc By E Scott Moore	SE Side Bird River Rd 165' SW of Reames Rd	46.10	DR 1 20.10 DR 2 26.00	DR 3.5 46.10	DR 1 20.10 DR 2 26.00	DR 1 20.10 DR 2 26.00	IV-14(R-91-120) CBA-Denied 12/10/91
5-003	The First National Bank of MD By Newton Williams, Esq	SE Side Eastern Blvd 582' SW Marilyn Ave (809 Eastern Blvd)	0.91	DR 16 0.91	BL 0.91	BL 0.60 DR 16 0.31	BL 0.60 DR 16 0.31	V-7(CR-91-365-A) CBA-Granted in part 4/1/92
5-004	Jack Farley By John O Hennegan	W Side Karl's Rd 758' SW Earle Rd (516 Earle Rd)	5.00	ML-IM 5.00	ME-IM 5.00	ME-IM 5.00	ME-IM 5.00	I-10(R-89-460) CBA-Pending
5-005	Roger W Vandevender By J William Aston	SW Side of New Forge Rd at the intersection New Forge Rd & I-95 (5501 New Forge Rd)	2.34	DR 5.5 2.34	EM 2.34	BL 1.84 DR 5.5 0.50	BL 1.84 DR 5.5 0.50	
5-006	Karl Thomas Meek	NE corner of Joppa Rd & Springtowne Circle (3904 E Joppa Rd)	0.46	DR 5.5 0.46	RO 0.46	DR 5.5 0.46	ROA 0.46	
5-007	Giuseppe Marchese	W Side Belair Rd, 560' SW from the centerline of Verdel Rd (8822 Belair Rd)	0.55	RO 0.54 DR 16 0.01	BL 0.54 DR 16 0.01	RO 0.54 DR 16 0.01	BL 0.55	
5-008	OPZ Staff	200' NE of intersection of Harford Rd & Sunshine Rd	2.40	BL 2.40	BL, BL-CR or RCC 2.40	BL-CR 2.40	BL-CR 2.40	

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5-009	OPZ Staff	Intersection of Belair Rd & Goettner Rd	11.00	BL 4.00 EM 6.30 BR 0.70	BL, EM, BR, EM-CR or RCC 11.00	EM-CR 6.30 BL-CR 4.00 BR-CR 0.70	EM-CR 6.30 BL-CR 4.00 BR-CR 0.70	
5-010	OPZ Staff	SW of the intersection of Jerusalem Rd & Belair Rd	0.60	RO 0.60	RO, RO-CR or RCC 0.60	RO-CR 0.60	RO-CR 0.60	
5-011	OPZ Staff	NW corner of intersection of Sunshine Rd & Belair Rd	6.40	BL 6.40	BL, HL-CR or RCC 6.40	BL-CR 6.40	BL-CR 6.40	
5-012	OPZ Staff	W & E Side of Belair Rd 1700' N of Belair Rd & Sunshine Rd	18.50	BL 14.60 EM 3.90	BL, EM, EM-CR or RCC 18.50	BL-CR 14.60 EM-CR 3.90	BL-CR 14.60 EM-CR 3.90	
5-013	OPZ Staff	E Side of Belair Rd 2400' S of Belair Rd & Gremecy Park Rd	2.00	BR 2.00	BR, BR-CR or RCC 2.00	BR-CR 2.00	BR-CR 2.00	
5-014	OPZ Staff	W Side of Belair Rd 1500' S of Belair Rd & Gremecy Park Rd	5.30	EM 5.30	EM, EM-CR or RCC 5.30	EM-CR 5.30	EM-CR 5.30	
5-015	OPZ Staff	E Side of Belair Rd 1200' S of Belair Rd & Gremecy Park Rd	1.20	BR 1.20	BR, BR-CR or RCC 1.20	BR-CR 1.20	BR-CR 1.20	

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5-016	OPZ Staff	W Side of Belair Rd 500' S of Belair Rd & Gremecy Park Rd	1.60	BL 1.60	BL, BL-CR OR RCC 1.60	BL-CR 1.60	BL-CR 1.60	
5-017	OPZ Staff	E Side of Belair Rd 1200' N of Belair Rd & Gremecy Park Rd	2.30	BL 2.30	BL, BL-CR OR RCC 2.30	BL-CR 2.30	BL-CR 2.30	
5-018	OPZ Staff	SW Corner of Bradshaw Rd & Raphael Rd	0.70	BL 0.70	BL, BL-CR OR RCC 0.70	RCC 0.70	RCC 0.70	
5-019	OPZ Staff	E & S Side of Bradshaw Rd 100' SE of Franklinville Rd & Bradshaw Rd	0.40	BL 0.40	BL, BL-CR OR RCC 0.40	BL-CR 0.40	BL-CR 0.40	
5-020	OPZ Staff	W & E Side of Pulaski Hwy 4000' of frontage between the two Gunpowder Rivers	92.50	BR BM BR-CS-1 BR-CS-1 BM-CS-1 OR RCC 92.50	BR, BM, BR-CS-1 BM, BR-CS-1 BR-CS-1 BM-CS-1 OR RCC 92.50	BR, BM, BR-CS-1 BR-CS-1 BM-CS-1 OR RCC 92.50		
5-021	OPZ Staff	Dundawan Residence adjacent to Northern Shopping Center 400' N of Chapel Rd	0.50	BL-CMS 0.50	DR 5.5	DR 5.5	DR 5.5	
5-022	OPZ Staff	1800' SE & 400' NE of Chapel Rd 250' E of Belair Rd	70.00	DR 16 70.00	DR 16 70.00	DR 15 70.00	DR 16 70.00	See Issues 5-023, 5-059, 5-068, 5-069

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			ZONING	ACRES	ZONING	ACRES			
5-023	OPZ Staff	Cross, Chapel, & Joppa Rds 3500' E of Belair Rd	BL DR 16	628.00	BL, DR 16, DR 10.5 and DR 5.5	628.00	BL, DR 15, DR 10.5 and DR 5.5	BL, DR 16, DR 10.5 and DR 5.5	See Issues 5-022, 5-059, 5-066, 5-069
5-024	OPZ Staff	100' NW of Necker Rd & Belair Rd	HR DR 5.5	2.20 0.20	RO DR 5.5	2.00 0.20	HR DR 5.5	BL 2.20	See Issues 5-047, 5-067
5-025	OPZ Staff	N side of Ebenezer Rd 1500' NW of Bird River Rd	RC 2	0.10	BL	0.10	BL	BL	
5-026	OPZ Staff	E Side of Belair Rd Gunpowder Falls Rd & Belair Rd	RI 1.40	1.40	RI, BL-CR or RCC	1.40	RC 5 1.40	RC 5 1.40	
5-027	OPZ Staff	NW Side Silver Spring Terrace 400' N Bradshaw Rd	RO 0.50	0.50	RO, RO-CR or RCC	0.50	RO-CR 0.50	RO-CR 0.50	
5-028	OPZ Staff	S Side Greenhouse Lane 1000' W of Jericho Rd	BL 0.90	0.90	BL, BL-CR or RCC	0.90	RCC 0.90	RCC 0.90	
5-029	OPZ Staff	E Side of Jericho Rd 600' N of Franklinville Rd	RO 0.40	0.40	RO, RO-CR or RCC	0.40	RO-CR 0.40	RO-CR 0.40	

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5-030	OPZ Staff	NW Corner Bradshaw Rd & I-95	1.80	BL 1.80	BL, BL-CR, OI, RCC 1.80	RCC 1.50 RC 5 0.30	RCC 1.50 RC 5 0.30	
5-031	OPZ Staff	S Side of Philadelphia Rd 1200' SW of Bradshaw Rd	1.90	BL 1.90	BL, BL-CR, OI, RCC 1.90	BL-CR 1.90	BL-CR 1.90	
5-032	Walter & Peggy E Heard By J. Wm. Aston	300' N Side of Belair Rd S of Pinedale Ave (9404 Belair Rd)	0.52	DR 5.5 0.52	RO 0.52	ROA 0.52	ROA 0.52	See Issues 5-039, 5-040, 5-041, 5-051, 5-055, 5-074
5-033	OPZ Staff	SE Side of I-95 between Cowenton Ave and Honeygo Run	18.90	DR 5.5 2.40 MLR 16.50	DR 5.5, MLR, OI, SE 18.90	DR 5.5 2.40 SE 16.50	DR 5.5 2.40 SE 16.50	See Philadelphia Road Corridor Study See Issue 5-035
5-034	OPZ Staff	SE Side of Philadelphia Rd 500' NE of Ebenezer Rd	11.90	DR 5.5 4.40 MLR 7.50	MLR, O-1, SE, OI, DR 5.5, MLR 4.40	DR 5.5 4.40 MLR 7.50	DR 5.5 4.40 MLR 7.50	See Philadelphia Road Corridor Study



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5-035	OPZ Staff	Between Cowenton Ave and Honeygo Run 700' SE of I-95	43.70	DR 5.5 8.20 MLR 33.60 ML 1.70	MLR 42.00 ML 1.70 or SE 42.00 ML 1.70	DR 5.5 3.40 ML 1.70 SE 38.60	DR 5.5 3.40 ML 1.70 SE 38.60	See Philadelphia Road Corridor Study See Issue 5-033
5-036	Thomas W Sperl By Jack C Miglioretti	N Property line fronts on the intersection of Joppa Rd & Seven Courts (4111 E Joppa Rd)	1.53	RO 1.53	BL 1.53	RO 1.53	BL 1.53	
5-037	CJC Development Corp By N Williams & D Burgess, Esq	3600' N of Sunshine Ave (12320 Belair Rd)	2.56	RC 5 2.56	BM 2.56	RC 5 2.56	RC 5 2.56	
5-038	Tito Inc By Newton A Williams, Esq	SW corner of Reames Rd and Bird River Rd	77.00	ML-IM 55.90 ML 17.60 DR 3.5 3.50	ML-IM 12.40 DR 3.5 64.60 12.40 DR 5.5 51.10 DR 3.5 3.50	ML-IM 12.40 DR 5.5 14.10 DR 3.5 50.50	ML-IM 12.40 DR 5.5 14.10 DR 3.5 50.50	See Issue 5-002 Overlay adopted
5-039	Verno E & Rose M Pipino By J William Anton	225' SE of the corner of Pinedale & Belair Rd, on N Side of Belair Rd (9406 Belair Rd)	0.26	DR 5.5 0.26	RO 0.26	ROA 0.26	ROA 0.26	See Issues 5-032, 5-040, 5-041, 5-051, 5-055, 5-074

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				DR	5.5	RO	ROA			
5-040	Frank R & Rose M Lettieri By J William Aston	NE corner of Pine Hill Rd and Belair Rd (4114 Pine Hill Rd)	0.41	DR	5.5 0.41	RO	ROA	ROA	ROA	See Issues 5-032,5-039,5-041,5-051,5-055, 5-074
							0.41		0.41	
5-041	Elsie M & Jack I Knoppel By Bruce Jones	SW corner of Belair Rd and Pinedale Dr (9412 Belair Rd)	1.01	DR	5.5 0.89 DR 3.5 0.12	RO or ROA	ROA	ROA	ROA	See Issues 5-032,5-039,5-040,5-051,5-055, 5-074
							1.01	1.01	1.01	
5-042	John & Sandra Lesbko	200' to intersection of Eastern Ave W of Brinkman's Rd (12320,12322 & 12326 Eastern Ave)	1.14	DR	5.5 1.14	BL	ROA	BL	BL	
							1.14	1.14	1.14	
5-043	Joseph C Salvo Jr	W Side of Stemmers Run and Anne Ave (new) (44 Stemmers Run Rd)	1.96	BL-CNS	1.96	BR	BL-CNS	BR	BR	
							1.96	1.96	1.96	
5-044	Robert Tipton By John B Gontrum	N Side Stemmers Run Rd 150' NW of Centerline of Theresa Ave (515 Stemmers Run Rd)	1.93	MLR	1.93	BL or EM	BL	BL	BL	
							1.93	1.93	1.93	
5-045	Salvo Realty Inc By Gary S Salvo	E Side Back River Neck Rd 600' SE of Hyde Park Rd (424 Back River Neck Rd)	9.34	EM	9.10 DR 5.5 0.24	EM-CNS	EM	EM	EM	Amended by petitioner 5/11/92 Overlay adopted
							9.34	9.34	8.34 EM-CNS 1.00	
5-046	A R Bialozynski By E Bruce Jones	E Side Nanticoke Rd 700' NW from intersection of Nanticoke Rd & Fred Avon Rd (212 Nanticoke Rd)	0.24	DR	5.5 0.24	BL	BL	BL	BL	See Issue 5-077
							0.24	0.24	0.24	

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5-047	Liu/Waidner Joint Venture By Newton A Williams, Esq	W Side Ridgley's Choice Dr at Belair Rd (4139 Whittlesey Ave)	0.49	BR 0.03 RC 0.23 DR 5.5 0.23	BR 0.49	BR 0.49	BL 0.49	See Issues 5-024, 5-067
5-048	Mario & Christina Labruto	SE Side of Belair Rd @ intersection with Walter Ave (9441 Belair Rd)	1.27	DR 16 0.52 DR 5.5 0.75	BL 0.52 DR 5.5 0.75	DR 16 0.52 DR 5.5 0.75	ROA 1.27	See Issue 5-058
5-049	Greater Kingsville Civic Assoc By Paul Plowman, Vice President	SE corner of Harford Rd & Sunshine Ave	4.60	BL-CR 4.60	RC 2 4.60	BL-CR 2.00 RC 2 2.60	BL-CR 2.00 RC 2 2.60	
5-050	Gary Edmond Rosenberger	SE Old Eastern Ave 1200', SE Side Punte Lane (1900 Blk Old Eastern Ave)	5.06	DR 5.5 4.68 DR 16 0.37	BM 4.68 DR 16 0.37	DR 5.5 4.68 DR 16 0.37	RMB 5.06	Withdrawn by Petitioner Filed by council member
5-051	David Dong-Eneil Wang	E Side Belair Rd 150' S of Pine Hill Ave (9320 Belair Rd)	0.21	DR 5.5 0.21	RO 0.21	ROA 0.21	ROA 0.21	See Issues 5-032, 5-039, 5-040, 5-041, 5-055, 5-074
5-052	Silver Bell Associates By Benjamin Bronstein, Esq	NW corner of Belair Rd @ Silver Spring Rd	0.72	DR 16 0.72	BL 0.72	DR 16 0.72	DR 16 0.72	See Issue 5-054
5-053	William J & Marie E Butt	E Side Belair Rd 500' S of Horn Ave (9511 Belair Rd)	0.63	DR 16 0.53	BL 0.53	DR 16 0.53	BL 0.07 RO 0.56	Overlay adopted

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5-054	Stephen I Miles By F Vernon Boozer	E Side Belair Rd 446' to intersection Raab Ave & Belair Rd (8715 Belair Rd)	0.40	RO 0.40	BL 0.40	RO 0.40	BL 0.40	See Issue 5-052
5-055	Marvin & Cora F Wilbanks By J Wm Aston	NW Side of Belair Rd 437' SW from Pinedale Dr (9402 Belair Rd)	0.52	DR 5.5 0.52	RO 0.52	ROA 0.52	ROA 0.52	See Issues 5-032,5-039,5-040,5-041,5-051, 5-074
5-056	Joseph I Larson	N Side Forge Rd 400' W of New Forge Rd	14.50	DR 2 14.50	DR 3.5 14.50	DR 2 14.50	DR 2 14.50	
5-057	John H Geese By Richard A Reid	S Side of Ebenezer Rd 1200' E of Earls Rd (301 Earls Rd)	64.17	RC 3 64.17	ME-IM 64.17	RC 3 64.17	RC 3 64.17	
5-058	Mark Dale Barocco	E Side of Belair Rd N of Darnall Rd (9431 Belair Rd)	0.37	DR 16 0.37	ROA 0.37	DR 16 0.37	ROA 0.37	See Issue 5-048
5-059	Perry Hall Improvement Assoc By Dorothy S McMann, President	N Side Chapel Rd between Belair Rd & Joppa Rd	171.00	DR 5.5 168.40 BL 2.60	DR 3.5 171.00	DR 5.5 168.40 BL 2.60	DR 5.5 168.40 BL 2.60	See Issues 5-022,5-023,5-068,5-069
5-060	James Brudzinski By John Contrum, Esq	S Side Old Eastern Ave between Pelczar Ave and Essex Ave (1401 Old Eastern Ave)	0.81	DR 5.5 0.81	RO 0.81	RO 0.81	RO 0.81	
5-061	John J Loh	W Side Mace Ave 100' from Golden Ring Rd & Mace Ave (1124 Mace Ave)	0.60	DR 5.5 0.60	ROA 0.60	DR 5.5 0.60	ROA 0.60	

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5-062	Robert & Lavinia Baumgartner By Romacka, Gontrum & Hennegan	S Side Riverside Dr 75' Essexwood Ct (502 Riverside Dr)	0.37	DR 5.5 0.37	BL 0.37	DR 5.5 0.37	RMB 0.37	See Issue 5-107
5-063	Baltimore Airpark By Charles Earle Mace	500' SE of intersection of Bangert Ave & Forge Hill Rd (5321 New Forge Rd)	40.00	DR 1 40.00	DR 3.5 40.00	DR 1 40.00	DR 1 40.00	
5-064	Mars Stores, Inc By Angelo D'Anna, President	N Side Eastern Ave & Biscayne Bay Blvd	8.40	DR 5.5 8.40	RM 8.40	RM 8.40	RM 8.40	
5-065	Jennings Eastern Pfts By Gary L Jennings	S Side Eastern Ave 100' from Homberg Ave (1009-1017 Old Eastern Ave)	0.70	DR 16 0.01 BL-CSA 0.69	RM 0.70	DR 16 0.01 BL-CSA 0.69	RM 0.70	
5-066	Ernest A Lucas, Jr By Arnold Zerwitz, Esq	E Side Eastern Ave Intersection of Eastern Ave & Bowleys Quarters Rd (11600 Eastern Ave)	1.07	ML-IM 1.07	BR 1.07	BR 1.07	BR 1.07	
5-067	Nottingham Properties, Inc	W Side Belair Rd 190' SW of centerline Slater Ave (8508-18 Belair Rd & 8623 Ridgely's Choice Dr)	4.45	BR 0.11 BL-CNB 0.05 RO 0.49 DR 5.5 3.80	BL 4.45	BL 4.45	BL 4.45	See Issues 5-024,5-047
5-068	Joseph I Park By John Hennegan	E Side Chapel Rd 490' N of Joppa Rd (4354 Chapel Rd)	1.17	DR 5.5 1.17	BL 1.17	DR 5.5 1.17	BL 1.17	See Issues 5-023,5-059,5-069

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						DR	RO		
5-069	Russell M Berk By John Hennegan	E Side Chapel Rd 280' N of Joppa Rd (4356 Chapel Rd)	1.91	DR 10.5 0.85 DR 5.5 1.06	BL 1.91	DR 10.5 0.85 DR 5.5 1.06	BL 1.91	See Issues 5-023, 5-059, 5-068	
5-070	William Rush By Vernon Booser	E Side Honeygo Blvd 600' SE of Ebenezer Rd & 1800' N of Silver Spring	10.73	DR 5.5 10.73	DR 16 10.73	DR 5.5 10.73	DR 5.5 10.73		
5-071	Harbor Partnership By Julius W Lichter, Esq	S Side Blakely Ave 300' E of Belair Rd (4209 Blakely Ave)	0.46	RO 0.46	BL-CMS 0.46	RO 0.46	RO 0.46		
5-072	Dorothy E Wacker By James O'Connor, Esq	W Side Beech Dr 50' NW Chestnut Grove Ave (1106, 1108, 1110, 1112 Beech Dr)	0.59	DR 5.5 0.59	BL 0.59	DR 5.5 0.59	BL 0.59		
5-073	Donald J Parlett By S Eric DiHenna, Esq	NW corner Ebenezer & Earl's Beach Rds (702 Earl's Beach Rd)	4.43	RC 50 4.43	ML-IM or BR 4.43	RC 50 4.43	RC 50 4.43	Withdrawn by petitioner 3/12/92	
5-074	Herbert J Barnett, Jr	E Side Belair Rd at intersection with Pinedale Dr (9411 & 9413 Belair Rd)	1.04	DR 5.5 1.04	RO 1.04	ROA 1.04	ROA 1.04	See Issues 5-032, 5-039, 5-040, 5-041, 5-051, 5-055	
5-075	Emanuel & Panagaito Diakonulas By Newton A Williams, Esq	NW Side of Belair Rd NE of India Ave (9120 Belair Rd)	0.75	RO 0.60 DR 5.5 0.15	BL 0.15	DR 5.5 0.15 RO 0.60	DR 5.5 0.15 RO 0.60		
5-076	MD Marine Manufacturing Co Inc By Steven Broyles, P.E.	900' SW of Red Rose Farm Rd & Bowleys Quarters Rd (3400, 3402, 3406, 3408, 3410 , 3418, 3501, 3506, 3515 Red Rose Farm Rd)	18.11	BL 0.65 DR 5.5 17.46	BL 0.65 DR 5.5 17.46	BL 0.65 DR 5.5 17.46	RME 18.11	See Bowleys Quarters Plan	

18.11

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5-077	Walter & Margaret Rwarta By Steven Broyles, P.E.	E Side Nanticoke Rd 625' NW from intersection of Nanticoke Rd & Tred Avon Rd (207 Nanticoke Rd)	0.48	DR 5.5 0.48	EM 0.48	BL 0.48	BL 0.48	See Issue 5-046
5-078	Coruzzi Realty By John Gentrum	E Side Hopewell Ave 160' N of Back River Neck Rd (113 Back River Neck Rd)	1.36	DR 5.5 1.36	BL 1.36	DR 5.5 1.36	BL 0.40 DR 5.5 0.96	Overlay adopted
5-079	Jerry D Jordan	W Side Marlyn Ave @ intersection with Martin Rd (506 S Marlyn Ave)	3.90	DR 5.5 3.90	DR 16 3.90	DR 5.5 3.90	DR 5.5 3.90	
5-080	Thelma Benson	SW corner Eastern Ave & Stevens Rd (3031 Eastern Ave)	0.18	DR 16 0.18	BL 0.18	DR 16 0.18	DR 16 0.18	See Bowleys Quarters Plan
5-081	Bowleys Quarters Imp Assoc By John Schmidt	E of Revolea Beach & Bowley's Quarters Rds	350.00	DR 5.5 350.00	DR 3.5 350.00	DR 3.5 350.00	DR 3.5 350.00	See Issues 5-076, 5-102 See Bowleys Quarters Plan
5-082	Oakdale, Inc By Venable, Baetjer & Howard	N Side Eastern Blvd @ intersection of Bengies Rd & Eastern Blvd (3300 Eastern Blvd)	6.12	ML-IM 6.12	BR-IM 6.12	BR-IM 6.12	BR-IM 6.12	
5-083	Back River Neck Pen.Comm Assoc By Robert Christopher	N & S of Cape May Rd & E & W of Back River Neck Rd	486.00	DR 5.5 486.00	DR 3.5 486.00	DR 3.5 486.00	DR 3.5 486.00	
5-084	County Council Member	S Side of Old Eastern Ave 540' W of Back River Neck Rd (1509 Old Eastern Ave)	2.49	DR 5.5 2.13 DR 16 0.36	ROA 2.49	DR 5.5 2.13 DR 16 0.36	DR 5.5 2.13 ROA 0.36	

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5-085	County Council Member	200' N of the intersection of N Marlyn Ave & Eastern Blvd	1.60	RO 1.60	DR 5.5 1.60	DR 5.5 1.60	DR 5.5 1.60	
5-086	County Council Member	50' N of the intersection of Shore & Fir Rds (1312 Shore Rd)	1.85	DR 5.5 1.85	BM 1.85	DR 5.5 1.85	RMB 1.85	Acreege corrected by staff
5-087	County Council Member	N Side Eastern Ave 1000' E of Stemmers Run Rd (1705 Earhart Rd)	0.02	DR 5.5 0.02 BL-CS-1 0.02	BR 0.02	BR 0.02	BR 0.02	
5-088	County Council Member	NW Side of intersection of Gunpowder Rd & Patapsco Rd (7310 Gunpowder Rd)	4.10	DR 5.5 4.10	DR 3.5 4.10	DR 5.5 4.10	DR 3.5 4.10	
5-089	County Council Member	SE Side of Pulaski Highway 900' NE of Stevens Rd	35.30	BR 18.90 ML 14.30 RC 2 2.10	BR 35.30	BR 27.00 RC 2 8.30	BR 27.00 RC 2 8.30	Amended at request of council member 02/07/92
5-090	County Council Member	SW corner of the intersection of Mt. Vista & Harford Rds	50.50	RC 5 48.35 RC 2 2.15	RC 5 48.35 RC 2 2.15	RC 5 48.35 RC 2 2.15	RC 5 50.50	Overlay adopted
5-091	County Council Member	860' NW of the intersection of Tired Avon & Nanticoke Rds (202 Nanticoke Rd)	2.00	BL 2.00	BL 2.00	BL 2.00	BL 1.10 RMB 0.90	Acreege corrected by staff Overlay adopted



BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	EXISTING ZONING AND ACRES		REQUESTED ZONING AND ACRES		PLANNING BOARD RECOMMENDATIONS		COUNTY COUNCIL DECISIONS	COMMENTS
			ZONING	ACRES	ZONING	ACRES	ZONING	ACRES		
5-092	County Council Member	Intersection of Wagner Ave & Edwards Lane (400 Wagner Lane)	DR 5.5	12.80	DR 5.5	12.80	DR 5.5	12.80	RMB	12.80
5-093	County Council Member	1200' SW of Sus Creek Rd (2015 Turkey Point Rd)	DR 5.5	3.92	DR 5.5	3.92	DR 5.5	3.92	DR 5.5	3.92
5-094	County Council Member	550' E of Frankewitz Rd (2434 Holly Neck Rd)	RC 5	5.16	RC 5	5.16	RC 5	5.16	RMB	5.16
			BL	1.00	BL	1.00	HL	1.00		
					BL	4.16				Acreege corrected by staff
					BL	1.00				
5-095	County Council Member	1000' E of Frankewitz Rd (850 Baltimore Yacht Club Rd)	RC 5	2.63	RC 5	2.63	RC 5	2.63	RMB	2.63
5-096	County Council Member	308' NE of Valley Ave (1755 Hilltop Ave)	DR 5.5	1.90	DR 5.5	1.90	DR 5.5	1.90	RMB	1.90
5-097	County Council Member	1750' E Back River Neck Rd (1651 Browns Rd)	DR 5.5	8.68	DR 5.5	8.68	DR 5.5	8.68	RMB	8.68
5-098	County Council Member	100' NE of intersection of Oak Field & Hilltop Rd (1802 Hilltop Ave)	DR 5.5	0.80	DR 5.5	0.80	DR 5.5	0.80	RMB	0.80
5-099	County Council Member	281' E of Beach Rd (918 Seneca Park Rd)	RC 5	2.53	RC 5	2.53	RC 5	2.53	RMB	2.53
										Acreege corrected by staff

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
5-100	County Council Member	W Side of Riverside Ave (1100 E Riverside Ave)	1.98	BL 0.06 DR 5.5 1.92	BL 0.06 DR 5.5 1.92	BL 0.06 DR 5.5 1.92	BMB 1.98	
5-101	County Council Member	76' NW of Fred Avon Rd (233 Nanticoke Rd)	4.30	DR 5.5 4.30	DR 5.5 4.30	DR 5.5 4.30	BMB 4.30	Acreege corrected by staff
5-102	County Council Member	455' S of Clarks Pt Rd (825 Bowleys Quarters Rd)	1.44	BR 1.44	BR 1.44	BR 1.44	BR 1.44	
5-103	County Council Member	1100' W of Marlyn Ave (500 Sandalwood Rd)	4.31	DR 5.5 4.31	DR 5.5 4.31	DR 5.5 4.31	BMB 4.31	Acreege corrected by staff
5-104	County Council Member	SE Side Old Eastern Ave 1200' W Eastern Ave (1901 Old Eastern Ave)	3.70	DR 5.5 3.70	DR 5.5 3.70	DR 5.5 3.70	BMB 3.70	Acreege corrected by staff
5-105	County Council Member	E Side Edwards La S Side Park Rd (412 Armstrong Rd)	2.64	DR 5.5 2.64	DR 5.5 2.64	DR 5.5 2.64	BMB 2.64	
5-106	County Council Member	1200' SE of Essexwood Court (730 Riverside Dr)	1.79	BL 1.36 DR 5.5 0.29 RC 20 0.14	BL 1.79	BL 1.79	BMB 1.50 DR 5.5 0.29	Acreege corrected by staff Overlay adopted

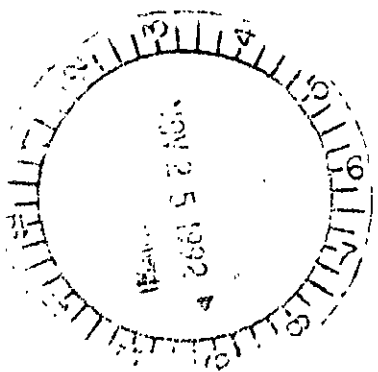
BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
5-107	County Council Member	S Side of Riverside Dr W of Essexwood Ct (500 Riverside Dr)	2.60	DR 5.5 1.60 BL 1.00	DR 5.5 2.60	DR 5.5 2.60	BMB 1.60 BL 1.00	See Issue 5-062 Acreage corrected by staff Overlay adopted
5-108	County Council Member	628' E of Eastern Ave (1907 Old Eastern Ave)	12.70	DR 5.5 7.00 BL 5.70	DR 5.5 12.70	DR 5.5 12.70	BMB 7.00 BL 5.70	Acreage corrected by staff Overlay adopted
5-109	County Council Member	W Side Burke Rd 700' W of Howley's Quarters Rd (1414 Burke Rd)	1.80	RC 5 1.80	RC 5 1.80	RC 5 1.80	BMB 1.80	

# BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

*Final Log of Issues*

*Adopted October 15, 1992*



Every four years Baltimore County conducts a comprehensive review of the countywide zoning maps and adopts ordinances to implement the zoning changes that have been subjected to intensive public review.

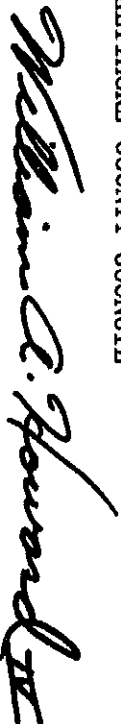
This report is intended to be an information brochure that summarizes the 1992 process. The official record is represented by the maps and the actions taken by the County Council at its October 15, 1992 legislative session. The maps will, subject to some changes that might be made by the County Board of Appeals, remain in effect for four years until changed by the Council in 1996. That process will begin in the Office of Planning sometime around August of 1995.

On behalf of the County Council, I would like to express our deep appreciation to all those who have contributed so tirelessly to a process that provides an open forum for participants to have their immediate land use needs addressed and which also allows the County to review its long range land use plans.

At the top of the list of the many who deserve special recognition are Harold Reid and the citizen Planning Board members; the hours donated by them throughout this lengthy and exhaustive process are incalculable. We are grateful to David Fields and his community planners and staff for their efforts on behalf of the Council, Planning Board and public. A special thanks goes to our Aides and our Central office staff; the additional burdens which are placed upon them are great, yet they take them in stride and continue to produce excellent work for both us and our constituents. Finally, we would like to thank the citizens of Baltimore County. Our citizens work within the framework of the quadrennial process and contribute to making it a success. Working with them, we strive to make Baltimore County a great place to live. Again, we thank you for your participation.

Sincerely,

BALTIMORE COUNTY COUNCIL



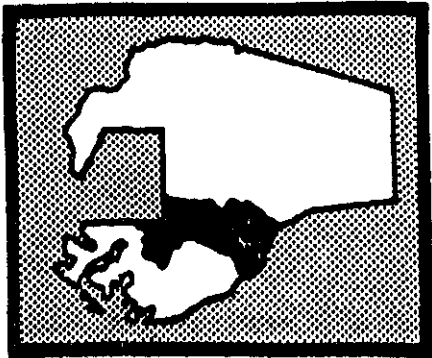
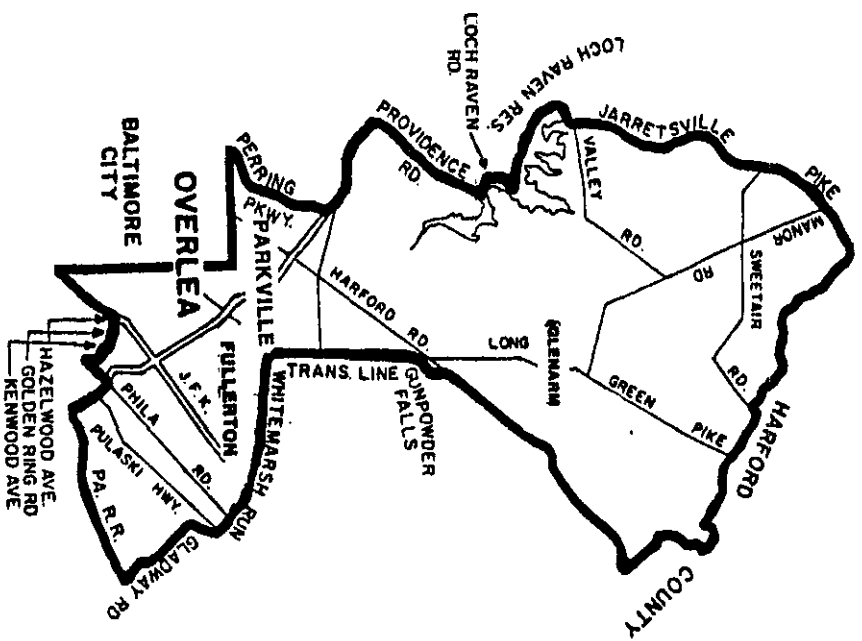
William A. Howard, IV  
Chairman

# BALTIMORE COUNTY COUNCIL

## SIXTH COUNCILMANIC DISTRICT

1992

### COMPREHENSIVE ZONING PROCESS



BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMEN-DATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-001	The Price Company c/o Pep Boys By Venable, Baetjer & Howard	SE Side of Pulaski Bwy 725' SW of Mohr Lane (3919 Pulaski Bwy)	3.48	ML-CS-1 2.83 ML-1M 0.65	BR-CS-1 2.83 BR-1M 0.65	BR-CS-1 2.83 BR-1M 0.65	BR-CS-1 2.83 BR-1M 0.65	V-6 (CR-91-364) CBA-Granted 12/23/91 Part of Issue 6-092
6-002	Joseph C Salvo, Jr	SW Side of Rossville Blvd 250' W of Fitch Ave	1.23	MLR-1M 1.23	BR 1.23	MLR-1M 1.23	BR 1.01 MLR-1M 0.22	See Issues 6-064,6-085 Overlay adopted
6-003	Raphael Joseph Santini	W Side of Hartford Rd Opposite Edwards Ave (9736 Hartford Rd)	0.55	DR 5.5 0.36 DR 16 0.19	RO 0.55	ROA 0.55	ROA 0.55	
6-004	OPZ Staff	NW & SE Sides of Philadelphia Rd between Middle River Rd and King Ave	11.70	BL 3.00 BL-CMS 8.70	BL OR BM 11.70	BL 10.47 BL-CMS 1.23	BL 10.47 BL-CMS 1.23	See Philadelphia Road Corridor Study See Issues 6-011,6-012,6-013,6-046
6-005	OPZ Staff	NR & SW Sides of Ridge Rd at Philadelphia Rd	2.80	BL-CMS 0.20 BR 1.10 BR-CMS 1.50	BL, O-1 OR BM 2.80	BL 2.80	BL 2.80	See Philadelphia Road Corridor Study See Issues 6-006,6-007
6-006	OPZ Staff	NW Side of Philadelphia Rd between Ridge Rd and Rossville Blvd	7.50	DR 16 7.50	DR 5.5, OR O-1 7.50	DR 5.5 7.25 BL 0.25	DR 5.5 7.25 BL 0.25	See Philadelphia Road Corridor Study See Issues 6-005,6-007,6-008,6-028
6-007	OPZ Staff	NR Side of Ridge Rd NW of Philadelphia Rd	10.20	DR 16 10.20	DR 3.5 OR DR 5.5 10.20	DR 5.5 9.12 DR 3.5 1.08	DR 5.5 9.12 DR 3.5 1.08	See Philadelphia Road Corridor Study See Issues 6-005,6-006,6-008,6-028

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-008	OPZ Staff	SW of Lennings Ave and Mayflower Rd between Franklin Square Dr and Lennings Lane/Philadelphia Rd	56.00	DR 5.5 56.00	DR 3.5 56.00	DR 3.5 56.00	DR 3.5 56.00	See Philadelphia Road Corridor Study See Issues 6-007, 6-028, 6-039, 6-040
6-009	OPZ Staff	N & S Sides of King Ave SR of I-95	33.00	DR 16 33.00	DR 5.5 33.00	DR 5.5 33.00	DR 5.5 33.00	See Philadelphia Road Corridor Study
6-010	OPZ Staff	Between C&D Railroad and future Yellow Brick Rd 4700' NE of Rossville Blvd	22.70	MH 22.70	ML-IM 22.70	ML-IM 22.70	ML-IM 22.70	See Philadelphia Road Corridor Study See Issue 6-012
6-011	OPZ Staff	SE Side of Philadelphia Rd and SW Side of Middle River Rd	18.01	DR 16 10.58 MLR-IM 2.62 ML-IM 4.81	ML-PRC, MLR, SR DR 5.5 ML-IM 4.81	DR 5.5 9.87 MLR-IM 3.33 ML-IM 4.81	DR 5.5 9.87 MLR-IM 3.33 ML-IM 4.81	See Philadelphia Road Corridor Study See Issues 6-004, 6-012, 6-013 Includes 6-046
6-012	OPZ Staff	Between Philadelphia Rd and future Yellow Brick Rd 950' NE of Lennings Ave and SW of future King Ave	62.19	DR 5.5 2.90 DR 16 1.17 BL 0.84 MH 20.81 MLR-IM 7.98 ML-IM 28.49	ML-PRC, MLR OR SR 61.25 DR 5.5, ML-PRC, MLR OR SR 15.49	DR 5.5 4.07 RO 0.84 MH 3.02 MLR-IM 7.98 ML-IM 46.28	DR 5.5 4.07 RO 0.84 MH 3.02 MLR-IM 7.98 ML-IM 46.28	See Philadelphia Road Corridor Study See Issues 6-004, 6-010, 6-011, 6-020



BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-013	OPZ Staff	Between Philadelphia Rd and the CSX RR NE of Middle River Rd & S of the South Fork of White Marsh Run & Campbell Blvd	144.76	DR 3.5 3.43 DR 5.5 4.73 RO 2.35 ML-IM 134.25	SEE COMM-ENTIS RO 2.83 DR 3.5 3.43 DR 5.5 4.25 ML-IM 134.25	DR 3.5 3.21 DR 5.5 4.25 RO 2.83 ML-IM 134.47	See Philadelphia Road Corridor Study See Issues 6-004, 6-011, 6-014 Requested Zoning - DR 3.5, ML-PRC, MLR, or SE 1.53ac. DR 5.5, ML-PRC, MLR, or SE 2.35ac. ML-PRC, MLR, or SE 135.82ac. ML-IM, ML-PRC, MLR or SE 5.05ac. Overlay adopted	
6-014	OPZ Staff	SR Side of Philadelphia Rd 500' N of Nottingham Rd	2.00	DR 5.5 1.20 RO 0.80	ML-IM 2.00	ML-IM 2.00	ML-IM 2.00	See Philadelphia Road Corridor Study See Issue 6-013
6-015	Edgar P Lassahn Jr By Newton A Williams, Esq	SE Side of Belair Rd SW of Taylor Ave (7305 & 7307 Belair Rd)	0.74	RO 0.74	BL 0.74	BL 0.74	BL 0.74	
6-016	Vernon S & Ellen B Roberts By B Scott Moore	S Side of Joppa Rd 500' W of Sims Ave	1.94	DR 5.5 1.94	BL 1.94	DR 5.5 1.94	DR 5.5 1.94	See Issue 6-047
6-017	OPZ Staff	430' NR of Iennings Ave and 120' NW of Iennings Lane	4.00	DR 5.5 4.00	DR 3.5 4.00	DR 5.5 4.00	DR 5.5 4.00	See Philadelphia Road Corridor Study See Issue 6-039
6-018	OPZ Staff	NW Side of Franklin Square Dr E of Iennings Ave	4.00	DR 5.5 4.00	O-1 4.00	O-1 4.00	O-1 4.00	See Philadelphia Road Corridor Study
6-019	OPZ Staff	E & W Sides of Ridge Rd and 100' N of Trimble Way	5.40	DR 5.5 0.70 DR 16 4.70	DR 5.5 OR DR 10.5 5.40	DR 10.5 5.40	DR 10.5 5.40	See Philadelphia Road Corridor Study See Issue 6-040
6-020	OPZ Staff	N corner of Philadelphia Rd and Iennings Lane	0.50	BL 0.50	DR 3.5 0.50	BL 0.50	BL 0.50	See Philadelphia Road Corridor Study See Issue 6-012

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-021	OPZ Staff	SE Side of Philadelphia Rd 450' SW of Jennings Ave	5.20	DR 3.5 5.20	DR 3.5, RO OR ROA 5.20	DR 3.5 4.13 ROA 1.07	DR 3.5 4.13 ROA 1.07	See Philadelphia Road Corridor Study See Issue 6-022
6-022	OPZ Staff	SE Side of Philadelphia Rd 1350' SW of Jennings Ave (8919 Philadelphia Rd)	1.40	ML 0.90 DR 3.5 0.50	ML-PRC, MLR OR SE 1.40	ML 0.90 MLR 0.50	ML 0.90 MLR 0.50	See Philadelphia Road Corridor Study See Issue 6-021
6-023	Nicholas Jacobson	S Side of Joppa Rd 150' W of Teaherry Ln (3321 & 3327 E Joppa Rd)	0.65	DR 5.5 0.65	BL-CMS 0.65	DR 5.5 0.65	BL 0.14 DR 5.5 0.51	See Issues 6-077, 6-094 Overlay adopted
6-024	OPZ Staff	W of Wampler Rd, S of Sepelo Rd and N of Brandt Ave	51.80	MLR-IM 51.80	DR 2 OR DR 3.5 51.80	DR 3.5 51.80	DR 3.5 51.80	
6-025	OPZ Staff	E & W Sides of future Walther Blvd S of Dunfield Rd	19.21	BM 17.82 RO 1.39	DR 16 19.21	DR 16 19.21	BL 7.40 DR 16 11.81	See Issue 6-094 Overlay adopted
6-026	OPZ Staff	W of Rainview Ave between Hazelwood Ave and Southwood Ave	15.04	DR 5.5 0.25 DR 16 9.70 RO 0.89 BL 2.09 BL-CMS 2.11	DR 5.5 OR DR 3.5 15.04	DR 3.5 15.04	DR 3.5 15.04	
6-027	OPZ Staff	Between East Ave and First Ave 1080' SE of Harford Rd	3.30	BM 3.30	DR 3.5 3.30	BM 3.30	DR 3.5 3.30	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-028	OPZ Staff	NW Side Philadelphia Rd 350' SW of Mayflower Rd	1.00	RO 1.00	DR 3.5 1.00	DR 3.5 1.00	DR 3.5 1.00	See Philadelphia Road Corridor Study See Issues 6-007, 6-008
6-029	OPZ Staff	E Side of Jarrettsville Pike, 400' N of Sweet Air Rd	3.60	RO 3.60 RO-CR 3.60	RO 3.60 RO-CR 3.60	RO-CR 3.60	RO-CR 3.60	See Issues 3-052, 3-053
6-030	OPZ Staff	NE Side of Sweet Air Rd, 500' SE of Jarrettsville Pike	0.35	BL 0.35 BL-CR 0.35	BL 0.35 BL-CR 0.35	BL-CR 0.35	BL-CR 0.35	
6-031	OPZ Staff	NW Corner of Dulaney Valley Rd and Loch Raven Dr	1.20	BL 1.20 BL-CR 1.20 OR RCC 1.20	BL, BL-CR OR RCC 1.20	BL 1.20	BL 1.20	See Issue 6-078
6-032	OPZ Staff	NW Corner of Barford Rd and Long Green Pike	0.50	BL 0.50 BL-CR 0.50 OR RCC 0.50	BL, BL-CR OR RCC 0.50	BL 0.50	BL 0.50	
6-033	OPZ Staff	E Side of Long Green Pike 70' N of Glen Arm Rd (12200 Long Green Pike)	2.30	RO 2.30 RO-CR 2.30	RO 2.30 RO-CR 2.30	RO-CR 2.30	RO-CR 2.30	See Issues 6-034, 6-038
6-034	OPZ Staff	NW corner of Intersection of Long Green Pike & Glen Arm Rd	28.00	ML-CR 28.00	ML 28.00	ML 28.00	ML 28.00	See Issue 6-033
6-035	OPZ Staff	N Side of Sweet Air Rd at the Intersection of Hampshire Knob Rd	6.00	BL 6.00 BL-CR 6.00	BL 6.00 BL-CR 6.00	BL-CR 6.00	BL-CR 6.00	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-036	OPZ Staff	NW Corner of Manor Rd and Long Green Rd	1.01	BL 1.01	BL, BL-CR or RCC 1.01	BL-CR 1.01	BL-CR 1.01	
6-037	OPZ Staff	S Side of Hydes Rd 1050' SE of the Intersection of Hydes Rd and Elder Rd	0.70	BL 0.70	BL, BL-CR or RCC 0.70	BL-CR 0.70	BL-CR 0.70	
6-038	OPZ Staff	W Side of Long Green Pike, 2000' N of Glen Arm Rd	4.20	ML-CR 4.20	ML 4.20	ML 4.20	ML 4.20	See Issue 6-033
6-039	OPZ Staff	N Corner of Jennings Ave and Jennings Lane	5.00	DR 5.5 5.00	O-1 5.00	O-1 5.00	O-1 5.00	See Philadelphia Road Corridor Study See Issues 6-008, 6-017, 6-054, 6-059
6-040	OPZ Staff	S Side of Franklin Square Drive E of Rossville Blvd	9.50	DR 5.5 9.50	O-1 9.50	O-1 9.50	O-1 9.50	See Philadelphia Road Corridor Study See Issue 6-019
6-041	Basher & Bana Pharoan By Newton A Williams, Esq	NE corner of Ridge Rd & Guespring Rd (4744 Ridge Rd)	0.46	DR 3.5 0.46	RC 0.46	DR 3.5 0.46	DR 3.5 0.46	See Issue 6-045
6-042	Thomas H & Olga A Bell By Keith R Ronald	W Side of Old Harford Rd 550' S of Putty Hill Ave (8522 Old Harford Rd)	5.78	BM 5.78	BR 5.78	BM 5.78	BR 5.78	
6-043	Robert Thomas Petr	SE corner of Harford Rd and Edgewood Ave (8913 Harford Rd)	0.34	RO 0.34	BL 0.34	RO 0.34	RO 0.34	
6-044	Robert Thomas Petr	S Side of Joppa Rd 180' E of Walther Blvd (3525 E Joppa Rd)	0.18	DR 5.5 0.18	RO 0.18	DR 5.5 0.18	DR 5.5 0.18	See Issue 6-086

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-045	August J & Elaine Selfert By E Bruce Jones	S corner of Ridge Rd and Perry Hall Blvd (4741- 4743 Ridge Rd)	4.16	DR 3.5 4.16	BL 1.16 BR 3.00	DR 3.5 4.16	BL 2.52 DR 3.5 1.54	See Issue 6-041 Overlay adopted
6-046	John K Frank Sr & Jr By E Bruce Jones	SE Side of Philadelphia Rd 600' S of Middle River Rd (9501 Philadelphia Rd)	0.34	DR 16 0.34	BL-CNS 0.34	MLR-1M 0.34	MLR-1M 0.34	See Philadelphia Road Corridor Study See Issue 6-004 Part of Issue 6-011
6-047	John W Fantom By Douglas I Burgess	S Side of Joppa Rd & 200' E of Jasper Lane (3611 E Joppa Rd)	4.47	DR 5.5 4.47	BR 4.47	DR 5.5 4.47	BL 2.00 DR 5.5 2.47	See Issues 6-016, 6-055 Overlay adopted
6-048	M William Furman By Stanley Pine	SE Side of Belair Rd 650' NE of Fullerton Ave (7515 Belair Rd)	0.22	BL-CS-2 0.08 DR 5.5 0.14	BR-CS-2 0.18 BR 0.04	BR-CS-2 0.18 BR 0.04	BR-CS-2 0.18 BR 0.04	
6-049	Robert & Kathleen Taylor	W Side of Harford Rd 150' S of 5th Ave (9500 Harford Rd)	0.06	DR 5.5 0.06	BL-CS-2 OR BL 0.06	BL 0.06	BL 0.06	
6-050	Mary Smith Carlison By Charles D Cuddy	W Side of Long Green Pike S of Glenarm Rd (11900 Long Green Pike)	220.00	RC 2 220.00	RC 5 220.00	RC 2 220.00	RC 2 220.00	
6-051	Manor Associates Limited Prt's By S Eric Dinenna, Esq	S Side Sweet Air Rd 1300' E of Jarrettsville Pike	2.35	RC 5 2.35	BM-CR 2.35	BM-CR 2.35	BM-CR 2.35	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-052	D. & F. & A. & Anthony Averza By S Eric DiRenna, Esq	W Side of Belair Rd 350' N Putty Hill Ave (8112 Belair Rd)	1.17	DR 5.5 1.17	BR 1.17	DR 5.5 1.17	DR 5.5 1.17	
6-053	John D & Patricia A Cherry By S Eric DiRenna, Esq	NW corner Harford Rd & Jomat Ave (9702 Harford Rd)	0.21	DR 5.5 0.21	BL 0.21	ROA 0.21	ROA 0.21	
6-054	Richard A Hess	S Side of Lennings Lane 250' E of Lennings Ave	1.62	DR 3.5 1.62	O-1 1.62	O-1 1.62	O-1 1.62	See Philadelphia Road Corridor Study See Issues 6-039, 6-059
6-055	Theodore Ostrowski	S Side of Joppa Rd 150' E of Jasper Lane (3605 E Joppa Rd)	0.25	DR 5.5 0.25	RO 0.25	ROA 0.25	ROA 0.25	See Issues 6-047, 6-058
6-056	Preston Snodegar	W Side of Middle River Rd 145' S of Clover Rd (516.5 Middle River Rd)	0.32	DR 5.5 0.32	BR 0.32	DR 5.5 0.32	DR 5.5 0.32	
6-057	Stephen C.C. Hung	N Side of Joppa Rd opposite Ridgely Ave	0.54	DR 5.5 0.54	BL 0.54	DR 5.5 0.54	DR 5.5 0.54	
6-058	Stephen C.C. Hung	N Side of Joppa Rd 240' E of Scotts Haven Dr (3602 E Joppa Rd)	0.25	DR 5.5 0.25	RO 0.25	DR 5.5 0.25	DR 5.5 0.25	See Issue 6-055
6-059	Wayne Beas	E corner Lennings Ave & Lennings Lane (9101 Lennings Lane)	2.50	DR 3.5 / 2.50	O-1 2.50	O-1 2.50	O-1 2.50	See Philadelphia Road Corridor Study See Issues 6-039, 6-054
6-060	Michelle Ann Lamantia	W Side of Harford Rd 150' S of Summit Ave (9848 Harford Rd)	0.62	DR 5.5 0.62	BL 0.62	DR 5.5 0.62	DR 5.5 0.62	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-061	Bellevalle Farm Ltd Prits	930' NW of Glenarm Rd 4500' N of the Glenarm Rd & Notchcliff Rd Intersection (4851 Long Green Rd)	8.00	RC 2 8.00	RC 5 3.10 RC 2 4.90	RC 2 8.00	RC 5 3.10 RC 2 4.90	See Issue 6-102 Amended by petitioner 9/18/92
6-062	Frank T Kasik, Jr. MD	E Side of Harford Rd 110' N of Edgewood Ave (9005 Harford Rd)	0.15	RO 0.15	BL 0.15	RO 0.15	RO 0.15	
6-063	Arthur & Valerie Bachtel	SE Side of Harford Rd opposite Manns Ave (8909 Harford Rd)	0.29	RO 0.23 DR 5.5 0.06	BL 0.29	RO 0.23 DR 5.5 0.06	RO 0.23 DR 5.5 0.06	
6-064	Edwin Michel & Sons By James Haupt III	SW corner of Fitch Ave & Fitch Lane (4313 Fitch Ave)	13.02	ML-1M 13.02	BR 13.02	ML-1M 13.02	ML-1M 13.02	See Issues 5-002,6-065,6-066,6-067,6-072
6-065	Ella A Michel By James Haupt III	S Side of Fitch Ave 340' W of Fitch Lane (4315 Fitch Ave)	0.50	ML-1M 0.50	BR 0.50	ML-1M 0.50	ML-1M 0.50	See Issues 6-064,6-066,6-067,6-072
6-066	Beverly F & Carl A Michel By James Haupt III	S Side of Fitch Ave 530' W of Fitch Lane (4311 Fitch Ave)	0.46	ML-1M 0.46	BR 0.46	ML-1M 0.46	ML-1M 0.46	See Issues 6-064,6-065,6-067
6-067	Edwin F & Carole T Michel By James Haupt III	S Side of Fitch Ave 740' W of Fitch Lane (4303 Fitch Ave)	0.42	ML-1M 0.42	BR 0.42	ML-1M 0.42	ML-1M 0.42	See Issues 6-064,6-065,6-066,6-072
6-068	Baldwin Farms, Inc By Robert James Blatchley	E & W Sides of Lewis Rd SE of the Lewis Rd/Tyia Rd Intersection	132.00	RC 2 132.00	RC 5 132.00	RC 2 132.00	RC 2 132.00	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-069	Louis S Lozito By S Eric Diemana	250' E of Harford Rd & 450' N of North Wind Rd (10105 Harford Rd)	2.05	DR 3.5 2.05	BL 2.05	DR 3.5 2.05	DR 3.5 2.05	
6-070	William Bateman & Marc Loundas By S Eric Diemana	E Side of Harford Rd 190' N of North Wind Rd (10037 & 10041 Harford Rd)	1.29	RO 0.63 DR 16 0.42 DR 3.5 0.24	BL 1.29	RO 0.63 DR 16 0.42 DR 3.5 0.24	BL 1.05 DR 3.5 0.24	Overlay adopted
6-071	Darryl G Fletcher By Edward C Covehey Jr	N Side of Hill Ave 470' E of Mountain Ave (1943 Hill Ave)	4.38	DR 5.5 1.72 DR 3.5 2.66	DR 16 4.38	DR 5.5 1.72 DR 3.5 2.66	DR 5.5 1.72 DR 3.5 2.66	
6-072	John Weaver	N & S Sides of Baltimore Beltway 1050' E of Belair Rd	21.30	ML-1M 12.90 DR 3.5 8.40	ER 12.90 DR 5.5 DR 16 8.40	ML-1M 12.90 DR 3.5 8.40	ML-1M 12.90 DR 3.5 8.40	See Issues 6-064, 6-067
6-073	Thomas J Hergencroder By S Eric Diemana, Esq	NW Side of Philadelphia Rd 700' NE of Lemmings Ave (9114 Philadelphia Rd)	0.77	DR 3.5 0.77	RM 0.77	DR 3.5 0.77	DR 3.5 0.77	See Philadelphia Road Corridor Study
6-074	Randall E McKeonigle By Newton A Williams, Esq	N corner of Hillian Holt Dr & Baltimore Beltway (7620 Hillian Holt Dr)	0.44	DR 5.5 0.44	ML-1M 0.44	DR 5.5 0.44	ML-1M 0.44	See Issue 6-075



BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-075	Randall E McKonigle By Newton A Williams, Esq	NE Side of Baltimore Beltway 500' NW of Lillian Holt Dr (7620 Lillian Holt Dr)	0.01	ML-1M 0.01	ME, BL, OR BM, OR BR 0.01	ML-1M 0.01	ME 0.01	See Issue 6-074
6-076	Martin Charles Wildt III	SW corner of Dale Ave & Walcott Rd (708 Dale Ave)	0.26	DR 5.5 0.26	BL 0.26	DR 5.5 0.26	DR 5.5 0.26	
6-077	Raymond G Burton By Tracey R Skinner	N Side of Joppa Rd 500' E of Magledt Rd	1.20	DR 5.5 1.20	BL 1.20	DR 5.5 1.20	BL 1.20	See Issues 6-023, 6-094
6-078	Peerce's Plantation Inc By Peerce M Lake	NW corner Dulaney Valley Rd & Loch Raven Dr (12450 Dulaney Valley Rd)	2.80	RC 4 2.80	BL-CR BL BL-CR RC 4 1.19	BL 0.54 BL-CR 1.07 RC 4 1.19	BL 0.54 BL-CR 1.07 RC 4 1.19	See Issue 6-031
6-079	Y. A. Youssef, M.D	W Side of Ridge Rd 150' N of Franklin Square Dr	3.28	RO 3.28	O-1 3.28	O-1 3.28	O-1 3.28	
6-080	Overlea, Ltd Partnership By Robert Pollokoff	SR Side of Belair Rd 200' SW of Prague Ave (6665 Belair Rd)	0.36	DR 5.5 0.36	BL 0.36	BL 0.36	BL 0.36	
6-081	Golden Tree Development Co. By Venable, Baetjer & Howard	SW corner of Martin Blvd & Compass Rd	0.70	RO 0.70	BL 0.70	BL 0.70	BL 0.70	
6-082	Howard Tolle III By F Vernon Hooser	NR corner Hydas & Manor Rds (13401 Manor Rd)	97.54	RC 2 96.20 RC 5 1.34	RC 5 97.54	RC 2 97.54 RC 5 9.54	RC 2 88.00 RC 5 9.54	Overlay adopted

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-083	Charles F Evans & Son, Inc By Edward Covehey Jr	NW corner Harford Rd & Pctty Hill Ave (8900-8902 Harford Rd)	1.12	NO 0.01 DR 5.5 1.11	BL 1.12	RO 0.01 DR 5.5 1.11	BL 0.10 DR 5.5 1.02	Overlay adopted
6-084	Star Enterprises By Julius W Lichter, Esq	NW corner of Harford Rd & Richmond Ave (9200 Harford Rd)	0.51	BL-CS-2 0.51	BL-CNS 0.51	BL-CS-2 0.51	BL-CS-2 0.51	
6-085	AGP Fitch Avenue Prts By Julius W Lichter, Esq	E Side of Rossville Blvd 230' E of Fitch Ave	10.69	MLR-IM 10.69	BR 10.69	MLR-IM 10.69	MLR-IM 0.29 BR 10.40	See Issue 6-002 Overlay adopted
6-086	William & Olive Burkard, et al	E & W Sides of Walther Blvd 140' S of Joppa Rd (3519 E Joppa Rd)	5.93	DR 5.5 5.93	BL 5.93	DR 5.5 5.93	DR 5.5 5.93	See Issues 6-044, 6-094
6-087	R. David Leas By Howard I Alderman Jr	SE Side of Pulaski Highway 240' SW of Middle River Rd (9523 Pulaski Highway)	1.14	ML-CS-1 1.14	BR 1.14	BR 1.14	BR 1.14	
6-088	William Z Hohenstein	S Side of Joppa Rd 60' E of Tesberry Lane (3335 E Joppa Rd)	0.20	DR 5.5 0.20	RO 0.20	DR 5.5 0.20	ROA 0.20	See Issue 6-093
6-089	Rossville Ctr Ltd Partnership	SW corner Rossville Blvd & Fitch Ave (7850 Rossville Blvd)	1.90	MLR-IM 0.50 ML-IM 1.40	BR-IM 1.90	MLR-IM 0.50 ML-IM 1.40	MLR-IM 0.50 ML-IM 1.40	
6-090	Leroy M Merritt By Vernable, Baetjer & Howard	SE Side of Pulaski Highway 750' NE of Middle River Rd	1.84	ML-CS-1 1.84	BR-CS-1 1.84	BR-CS-1 1.84	BR-CS-1 1.84	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMMENDATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-092	The Price Company By Venable, Baetjer & Howard	SE Side of Pulaski Highway 650' SW of Mohrs Lane	43.87	ML-IM 40.12 ML-CS-1 3.75	BR-IM 40.12 BR-CS-1 3.75	BR-IM 40.12 BR-CS-1 3.75	BR-IM 40.12 BR-CS-1 3.75	Includes Issue 6-001
6-093	Anthony & Catherine Glorge(111)	S Side of Joppa Rd 115' E of Teaberry Lane (3337 E Joppa Rd)	0.43	DR 5.5 0.43	RO 0.43	DR 5.5 0.43	DR 5.5 0.23 ROA 0.20	See Issues 6-088,6-094 Overlay adopted
6-094	Nottingham Properties Inc	W Side of Walther Blvd S of Joppa Rd (3341 E Joppa Rd)	86.40	DR 5.5 69.50 DR 16 16.90	DR 10.5 51.50 DR 5.5 34.90	DR 2 6.40 DR 5.5 40.00 DR 10.5 40.00	DR 2 6.40 DR 5.5 40.00 DR 10.5 40.00	See Issues 5-023,6-093
6-095	Nottingham Village, Inc By Richard A Reid	E Side of I-95 & N Side of future Campbell Hwyd	39.75	ML-IM 39.75	BM 39.75	BM 39.75	BM 39.75	See Philadelphia Road Corridor Study See Issue 6-099
6-096	Wayne B Knight By John Gontum	N Side of Pulaski Highway @ the NW Ramp from Martin Blvd	3.40	ML-CS-1 0.14 ML-IM 3.26	ME 3.40	ML-CS-1 0.14 ML-IM 3.26	ML-CS-1 0.14 ML-IM 3.26	
6-097	Mildred Tilley By John Gontum	N Side of Bucks Schoolhouse Rd 1000' E of the Bucks Schoolhouse Rd/White Marsh Rd Inter(4612 Bucks Schoolhouse Rd)	6.70	DR 3.5 6.70	BM 6.70	ML 2.82 DR 3.5 3.88	ML 2.82 DR 3.5 3.88	See Issue 6-098
6-091	Milton G White, Jr By G Scott Barhight	S Side of Hydes Rd 1000' W of Riders Rd (5051 Hydes Rd)	77.00	RC 2 77.00	RC 5 77.00	RC 2 77.00	RC 2 77.00	

BALTIMORE COUNTY  
1992 COMPREHENSIVE ZONING MAP ISSUES

ISSUE NO	OWNER, PETITIONER	LOCATION	TOTAL ACRES	EXISTING ZONING AND ACRES	REQUESTED ZONING AND ACRES	PLANNING BOARD RECOMM-DATIONS	COUNTY COUNCIL DECISIONS	COMMENTS
6-098	Walter Tilley By John Gentrum	N Side of Bucks Schoolhouse Rd 400' S of White Marsh Rd (4602 Bucks Schoolhouse Rd)	7.29	DR 3.5 7.29	BM 7.29	ML 7.29	ML 7.29	See Issue 6-097
6-099	OPZ Staff	S Side of future Campbell Blvd 1000' SR of I-95	19.80	BL 19.80	ML 19.80	ML 19.80	ML 19.80	See Philadelphia Road Corridor Study See Issue 6-095
6-100	Planning Board Member	NW Side of Old Harford Rd 450' SW of Joppa Rd (8820 Old Harford Rd)	0.44	DR 5.5 0.33 BL-CS-2 0.11	BL 0.44	BL 0.44	RO 0.44	See Issue 6-101
6-101	Planning Board Member	NW Side of Old Harford Rd 550' SW of Joppa Rd (8818 Old Harford Rd)	0.25	DR 5.5 0.25	BL 0.25	DR 5.5 0.25	RO 0.25	See Issue 6-100
6-102	Planning Board Member (Requested by Staff)	650' NW Glen Arm Rd (12000 Glen Arm Rd )	3.87	RC 2 3.87	RC 2 add RC 5 3.87	RC 2 3.87	RC 2 3.87	See Issue 6-061
6-103	County Council Member	SE Side of Sterling Ave 500' E of Wampler Rd (707 Sterling Ave)	2.90	DR 1 0.40 ML 2.50	DR 2 2.90	DR 1 2.90	DR 1 2.90	See Issue 6-104
6-104	County Council Member (Requested by Staff)	220' SE of Sterling Ave & 510' E of Wampler Rd (701 Sterling Ave)	0.39	ML 0.39	DR 1 0.39	DR 1 0.39	DR 1 0.39	See Issue 6-103

RESOLUTION

MOTION: THAT THE PERRY HALL IMPROVEMENT ASSOCIATION AUTHORIZE

DOROTHY S. MCMANN

TO APPEAR ON BEHALF OF THE ASSOCIATION IN THE MATTER OF

CYCLE ZONING CASE 3814 EAST JOPPA ROAD

AND AFFIRM ITS SUPPORT.

SO MOVED; SECONDED;

VOTE: UNANIMOUS;

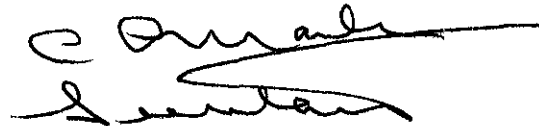
RESOLVED: THAT IN ACCORDANCE WITH THE BY-LAWS OF THE PERRY

HALL IMPROVEMENT ASSOCIATION, DOROTHY S. MCMANN

IS SO AUTHORIZED TO ACT.

PERRY HALL IMPROVEMENT ASSOCIATION

BY:



PERRY HALL IMPROVEMENT ASSOCIATION

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

3814 EAST JOPPA ROAD


is that:

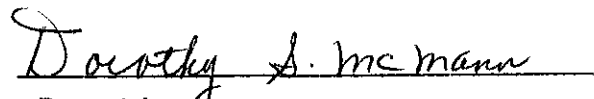
The above property should remain zoned for residential  
use.

AS WITNESS OUR HANDS AND SEAL THIS 13 th DAY OF April  
19 95.

ATTEST:

PERRY HALL IMPROVEMENT ASSOCIATION

  
Secretary

  
President

AFFIDAVIT

STATE OF MARYLAND  
BALTIMORE COUNTY, SS:

TO WIT:

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

ATTEST:

Dorothy S. Mc Mann

E. E. Mann  
Secretary

Dorothy S. Mc Mann  
President

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: THAT AT THE FIRST MEETING OF THE PERRY HALL IMPROVEMENT ASSOCIATION HELD ON JANUARY 12, 1995 IT WAS DECIDED BY THE ASSOCIATION THAT RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD OF JANUARY, 1995 TO JANUARY, 1996 BE PLACED IN THE (BOARD OF DIRECTORS) (ZONING COMMITTEE) (DEVELOPMENT COMMITTEE) CONSISTING OF THE FOLLOWING MEMBERS:

DOROTHY S. MCMANN	PREISDENT
WILLIAM LIBERCCI	VICE-PRESIDENT
CHARLES (CHUCK) MARKS ✓	RECORDING SECRETARY
DOLORES STADLER	CORRESPONDING SECRETARY
GEORGE WILSON	TREASURER

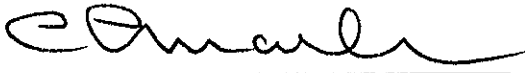
BOARD OF DIRECTORS

KATHY MARTIN	AL THOMPSON
DOMINIC MARTINO	EDNA WILSON

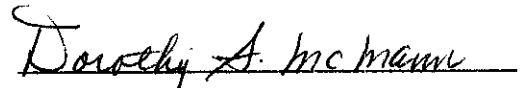
AS WITNESS OUR HANDS AND SEAL THIS 12th DAY OF JANUARY,  
19 95 .

ATTEST:

PERRY HALL IMPROVEMENT ASSOCIATION, INC.



SECRETARY

  
PRESIDENT



DEED AND DECLARATION OF EASEMENT

THIS DEED AND DECLARATION OF EASEMENT made this 19 day of August, 1994, by and between Spring Hill Realty & Company, a Maryland General Partnership, (hereinafter "Spring Hill"), Michael K. Walter, Joseph E. Magee and Brian J. Jacques (hereinafter the "Grantee").

WHEREAS, Spring Hill is the owner of all that real property shown on the Plats entitled "Spring Hill", which said Plats are recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 53 pages 95 through 97; and

WHEREAS, the Grantee are the owners of all that lot of ground described in a Deed dated June 11, 1993, and recorded among the Land Records of Baltimore County in Liber SM 9862 folio 460; and

WHEREAS, the land of the Grantee is adjacent to and contiguous with the land of Spring Hill, a portion of which is designated as a private roadway known as Springtowne Circle; and

WHEREAS, Grantee is desirous of obtaining an easement over the lands of Spring Hill such that they will have access to and the right of ingress and egress over and to Springtowne Circle as a means of access to Joppa Road, a public highway; and

WHEREAS, SPRING HILL is willing to grant such an easement to the Grantee upon certain conditions set forth herein.

NOW THEREFORE, in consideration of FIVE DOLLARS (\$5.00) and other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, Spring Hill does hereby grant and convey unto Grantee, for the term set forth herein, an easement and right of way over and to all that real property described in Exhibit "A" and as shown on Exhibit "B" both of which are attached hereto and incorporated herein and together with a right of way for the use in kind with others in and to a private roadway known as Springtowne Circle as shown on the record plat aforesaid, subject to the following conditions;

1. Grantee hereby acknowledges that this easement shall be for a term of forty (40) years beginning on the date that the dominant estate of the Grantee is zoned R.O. (Residential - Office) or R.O.A. (Residential - Office, Class A), and terminating forty (40) years from said date. Grantee shall pay unto Spring Hill the sum of Two Thousand Dollars (\$2,000.00) per annum for the first ten (10) years of this easement and right of way. The receipt of the first such payment is hereby acknowledged. Commencing with the eleventh (11th) year from the inception of the easement term, Grantee shall pay unto Spring Hill the greater of the sum of Two Thousand Dollars (\$2,000.00) multiplied by the Consumer Price Index adjusted by multiplying the annual rental by a fraction, the numerator of which shall be such index as of the latest date prior to the date of adjustment, and the denominator which shall be such index as of the latest date prior to July 1, 1994, or the annual rent paid during the preceding ten (10) year period. The easement payments paid hereunder shall be adjusted at the commencement of the twenty-first (21st) and thirty-first (31st) years in the same manner aforesaid. In the event that the Grantee shall fail to make a payment as called for hereunder, then in that event, this easement and the Grantees use thereof shall immediately terminate.

2. Grantee hereby acknowledges and agrees that this right is a personal right bestowed upon the Grantee and that this Deed and Grant shall not run with the land.

3. The use of this easement shall be conditioned upon the Grantee's use of the dominant estate for the operation of Baltimore Ultra Sound Services, Inc. The use of the easement shall be conditioned upon Grantees use thereof in connection with medical tests using ultrasound technology and should the Grantee use the dominant estate for any purpose other than the operation of the business aforesaid the easement and all rights appurtenant thereto shall terminate the right to use of same.

4. Grantee shall not remove any trees from the easement area without the prior written approval of Spring Hill.

5. Grantee hereby acknowledges and agrees that it shall maintain the easement area as shown on Exhibit "A" and that it shall be solely responsible for said maintenance including, but not limited to, snow removal and necessary repairs.

6. Grantee agrees to construct, erect and maintain a stop sign at the intersection of the easement and Springtowne Circle, and to further construct, erect and maintain a separate sign clearly instructing traffic exiting the easement area that said traffic may only turn left on Springtowne Circle, and shall further construct, erect and maintain within the easement area a sign designed to preclude parking on Springtowne Circle or within the easement area by Grantee, their agents, contractors, employees, servants, customers, patrons, and invitees, and further advising any persons parking on Springtowne Circle or the easement area that their vehicle will be towed and removed at the vehicle owner's expense.

7. The easement granted herein to Springtowne Circle is limited to ingress and egress from the intersection of the S 62° 34' 21" W 37.25' line as shown on Exhibit A south to Joppa Road, and no easement rights are granted to any other portion of Springtowne Circle.

8. Grantee covenants and agrees that in the event they should acquire any other properties adjacent to or contiguous to the dominant or servient estate, that said additional properties shall not be permitted the use of the easement area or Springtowne Circle, and that any attempts to so use same shall be construed as an overburdening of the easement.

9. Grantee shall indemnify and defend Spring Hill against, and hold them harmless from, any and all claims, actions, damages, liabilities, and expenses (including, without limitation, reasonable attorneys' fees) in connection with personal injury or property damage as a result of the use of the easement area by Grantee or its agents, contractors, employees, servants, customers, patrons, or invitees provided that any such claims, actions, damages, liabilities, and expenses are not the result of any act or omission of Spring Hill. Grantee shall obtain and keep in force, at its sole expense, in a reputable company licensed to do business in the State of Maryland, public liability insurance coverage with limits, which Spring Hill may reasonably require to be increased from time to time in accordance with then-customarily-maintained amounts, of not less than One Million Dollars (\$1,000,000.00) for injury or death of one person, Three Million Dollars

(\$3,000,000.00) per occurrence, and One Million Dollars (\$1,000,000.00) for property damage. Grantee's insurance policy shall name Spring Hill as an additional insured as its interests may appear. Within five (5) days after the term commencement and annually thereafter, Grantee shall furnish to Spring Hill a certificate listing the insurance amounts, naming Spring Hill as an additional insured, and providing that such insurance policy will not be canceled or modified without first providing thirty (30) days' prior written notice to Spring Hill.

10. Any notice, require, approval, consent or other communication authorized or required by this Deed and Declaration of easement shall not be effective unless the same shall be in writing and sent postage prepaid by United States registered or certified mail, return receipt requested, directed to the addressee thereof at its address appearing in the real estate tax assessment records of Baltimore County with respect to the land herein referred to owned by such addressee or such other address as any party subject to this Deed and Declaration of Easement shall designate to the sender of any communication by notice given from time to time in accordance with this section 10.

11. Grantee hereby acknowledges and agrees that there shall be no parking in the easement area or Springtowne Circle either by the Grantees, their agents, contractors, employees, servants, customers, patrons, or invitees.

12. Grantee hereby acknowledges and agrees that the easement area is now unimproved and that the Grantee hereby shall be fully responsible for any construction in the easement area.

WITNESS/ATTEST

SPRING HILL REALTY & COMPANY,  
a Maryland General Partnership

Linda E. DellaBon

BY: [Signature]

[Signature]

Joseph E. Magee  
Joseph E. Magee

Deborah Buss

Brian J. Jacques  
Brian J. Jacques

[Signature]

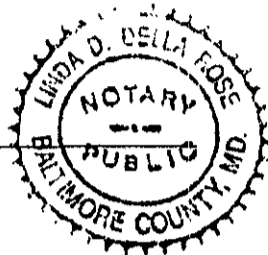
Michael K. Walter  
Michael K. Walter

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, To Wit

I HEREBY CERTIFY, that on this 1st day of August, 1994, before me, the subscriber, a Notary Public in and for the State and City/County aforesaid, personally appeared Carl T. Julio who acknowledged himself to be a partner of Spring Hill Realty & Company and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such officer.

AS WITNESS, My Hand and Notarial Seal.

Linda E. Ballaban  
Notary Public



My Commission Expires:  
6/1/96

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, To Wit

I HEREBY CERTIFY, that on this 19th day of August, 1994, before me, the subscriber, a Notary Public in and for the State and City/County aforesaid, personally appeared Joseph E. Magee, and made oath in due form of law that the foregoing document was executed for the purposes therein contained.

AS WITNESS, My Hand and Notarial Seal.

[Signature]  
Notary Public

My Commission Expires:  
Dec. 1994

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, To Wit

I HEREBY CERTIFY, that on this 19th day of August, 1994, before me, the subscriber, a Notary Public in and for the State and City/County aforesaid, personally appeared Brian J. Jacques, and made oath in due form of law that the foregoing document was executed for the purposes therein contained.

AS WITNESS, My Hand and Notarial Seal.

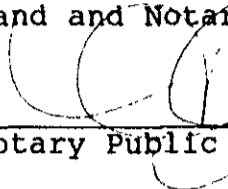
[Signature]  
Notary Public

My Commission Expires:  
Dec 1994

STATE OF MARYLAND, CITY/COUNTY OF Laurens, To wit

I HEREBY CERTIFY, that on this 17th day of August, 1994, before me, the subscriber, a Notary Public in and for the State and City/County aforesaid, personally appeared Michael K. Walter, and made oath in due form of law that the foregoing document was executed for the purposes therein contained.

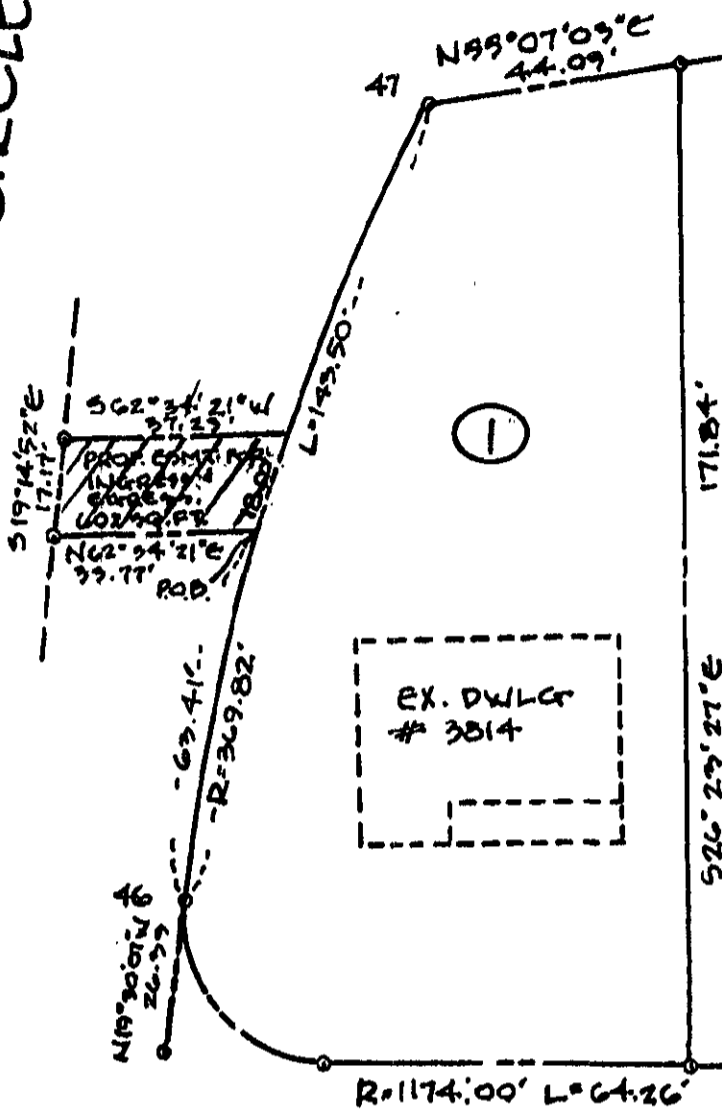
AS WITNESS, My Hand and Notarial Seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
Nov 1994

SPRINGTOWNE CIRCLE

"SPRINGHILL"  
53/96



"JOPPA VILLAGE"  
17/85

JOPPA ROAD

PLAT TO ACCOMPANY  
DESCRIPTION OF PROPOSED EASEMENT  
FOR INGRESS AND EGRESS FOR THE  
BENEFIT OF #3814 E. JOPPA ROAD

SCALE 1" = 30'



J.S. DALLAS, INC.

Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, Md. 21206  
(410) 866-2001

**J. S. DALLAS, INC.**

## SURVEYING &amp; ENGINEERING

4932 HAZELWOOD AVENUE  
BALTIMORE, MD 21206  
(410) 866-2001  
FAX (410) 866-2003

**DESCRIPTION OF PROPOSED EASEMENT FOR INGRESS AND EGRESS FOR THE  
BENEFIT OF 3814 E. JOPPA ROAD**

BEGINNING for the same at a point on the eastern outline of the Plat of Spring Hill, as recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 56 folio 96, distant 63.41 feet in a northwesterly direction along a curve to the right with a radius of 396.82 feet from coordinate No. 46 as shown on said Plat, thence running with and binding on a part of said outline (1) Northwesterly by a curve to the right with a radius of 369.82 feet for an arc length of 18.00 feet, thence leaving said outline and running for new lines of easement through said Plat the three following courses and distances: (2) South 62 degrees 34 minutes 21 seconds West 37.23 feet to intersect the easternmost side of existing paving of Springtowne Circle thence running with the binding on said paving (3) South 19 degrees 14 minutes 52 seconds East 17.17 feet thence leaving said paving and running (4) North 62 degrees 34 minutes 21 seconds East 33.77 feet to the place of beginning.

CONTAINING 602 square feet of land, more or less.





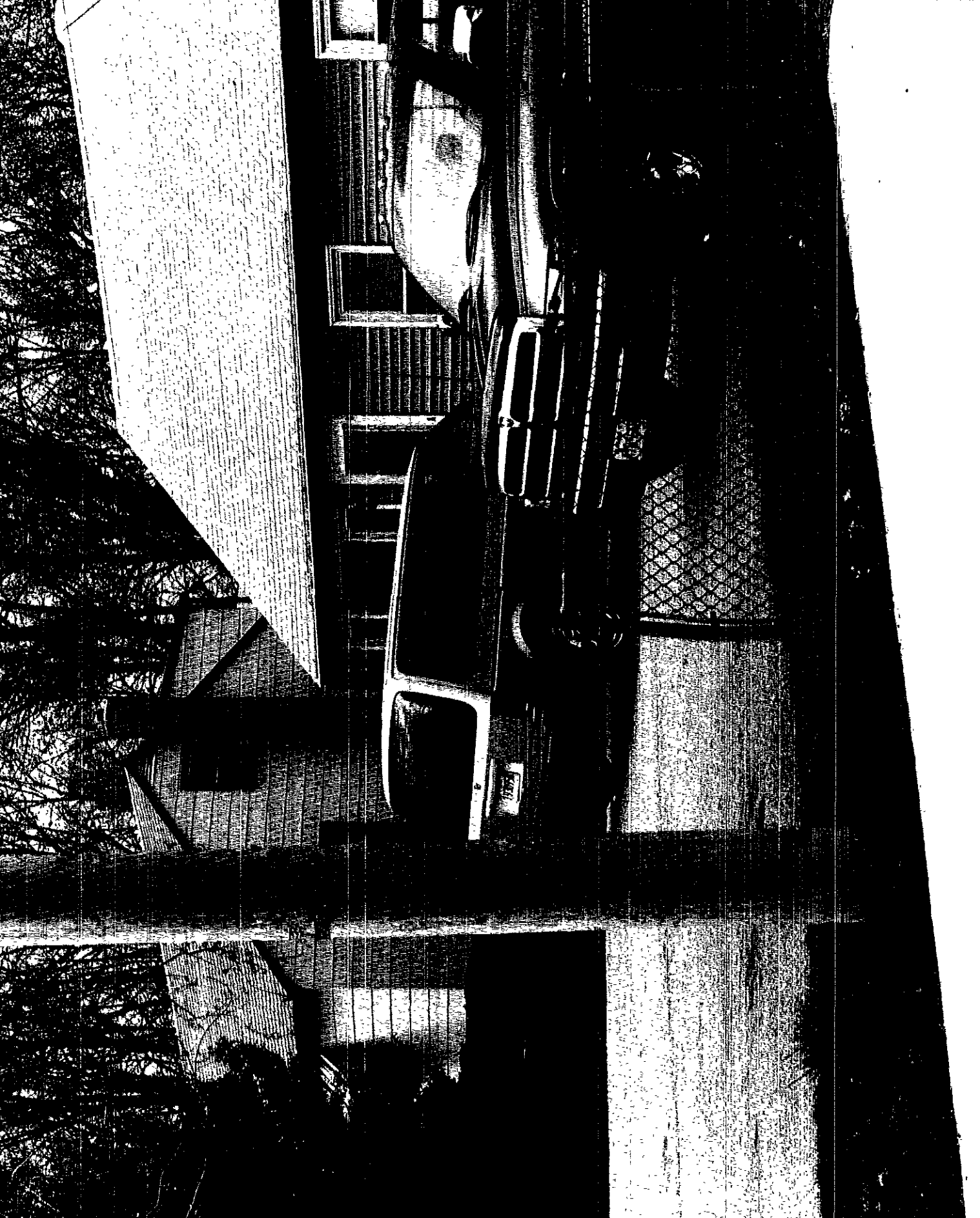


NOT PLACING  
25-4700



















CR-95-139-A

PHOTOS

PET. EX. NOS.

3A → 3J

CASE NO. CR-95-139-A

CYCLE IV, ITEM 4

PETITIONER:

Michael K. Walter, Joseph E. Magee and Brian J. Jacques

REQUESTED ACTION:

Reclassification to R-O-A

EXISTING ZONING:

D.R. 5.5

LOCATION:

North side of East Joppa Road, 73 ft. east of the centerline of Springtowne Circle (3814 East Joppa Road)

AREA OF SITE:

.34 acres

ZONING OF ADJACENT PROPERTY/USE:

North: D.R. 5.5 - Townhouses and Apartments  
South: D.R. 5.5 & D.R. 16 - Multi-family residential  
East: D.R. 5.5 - Single-family, detached residential  
West: D.R. 5.5 - Single-family, detached residential

SITE DESCRIPTION:

The site is a .34 acre residential lot, which is occupied by a single-family, detached dwelling. Off-street parking is provided on a single-lane driveway, accessed from Joppa Road.

Sidewalks are located along Joppa Road and Springtowne Circle. However, the two sidewalks do not connect at the corner. There is a 40 foot gap along Springtowne Circle. The Springtowne Circle sidewalk, and the land area where the sidewalk is missing, are privately owned and not part of the petitioner's property.

PROPERTIES IN THE VICINITY:

The site is surrounded by D.R. 5.5 zoning. There is a large D.R. 16 zone a short distance to the south on the opposite side of Joppa Road.

The surrounding land is used for residential purposes. There are single-family, detached dwellings to the east, along the north side of Joppa Road, and to the west, along both sides of Joppa Road. The Spring Hill rental townhouses and apartments

are located to the north. The Perry Hall Apartments are located to the south on the opposite side of Joppa Road.

WATER AND SEWERAGE:

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

TRAFFIC AND ROADS:

The site is located at the northeast corner of Joppa Road and Springtowne Circle. Joppa Road is a 4-lane principal arterial with a center turn lane. Springtowne Circle is a private road. Springtowne Circle intersects Joppa Road opposite Silver Spring Road, a collector road. The intersection of Joppa Road and Springtowne Circle-Silver Spring Road is signalized.

The site has direct access to Joppa Road. An 18-foot wide access easement to Springtowne Circle was recently acquired by the property owners. The easement is unimproved and unusable at present.

ZONING HISTORY:

The site has been zoned D.R. 5.5 since prior to 1976.

MASTER PLAN/COMMUNITY PLANS:

The applicant's site is located in a Community Conservation Area. The site is designated Single Family Detached residential on the 1992 Proposed Land Use map.

PROPOSED VS. EXISTING ZONING:

Regulations for the R-O-A zone are found in Section 202 of the Baltimore County Zoning Regulations. The R-O-A zoning can only be applied to sites which are large enough or designed in such a way that parking and access can be accommodated without sacrificing the residential character of the site and where the conversion from residential to office use will not cause serious disruption in traffic flow.

Regulations governing D.R. zones may be found in Section 1B01.1A of the Baltimore County Zoning Regulations. The existing D.R. 5.5 zoning permits a density of five and a half dwelling units per acre.

DOCUMENTED SITE PLAN:

The Documented Site Plan proposes the conversion of the existing dwelling to general offices. Except for the removal of a rear porch, the plan does not show any significant changes to

the exterior of the building. Therefore, its residential appearance will be maintained.

Eight off-street parking spaces will be provided. Seven spaces will be located in the rear yard and a handicapped space will be provided in the front yard.

Vehicular access to the off-street parking spaces will be from Springtowne Circle via an 18-foot wide driveway. The existing macadam driveway providing access from Joppa Road will be removed.

The parking areas will be screened from the adjacent roads and the adjacent residential properties by Class "A" screening.

There will be a maximum of five employees.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff recommends that the applicant's request be granted for the reasons as follows:

- It appears that the rezoning to R-O-A and the conversion of the site to office use as proposed will be compatible with surrounding properties and the general neighborhood.
- Providing vehicular access to the site from Springtowne Circle and removing the Joppa Road driveway will improve traffic flow and traffic safety on Joppa Road.
- Support for this request should in no way be interpreted to suggest that this office will support additional conversions along this portion of Joppa Road during subsequent zoning review processes. The subject site is unique due to the following site features: its proximity to two heavily traveled roads - Joppa Road and Silver Spring Road; the availability of alternative access (not directly accessible from Joppa Road); and the existence of a large side yard setback abutting a road (Springtowne Circle) which insures that adjacent properties will not be impacted by vehicles accessing the site.

This office has no objections to the approval of variances to permit an 18-foot wide driveway for vehicular access and to permit a handicapped parking space in the front yard. It appears that the proposed driveway will provide satisfactory access, and it is apparent that the front yard location of the handicapped parking space is necessary because of physical conditions peculiar to the site. The statement on the Documented Site Plan regarding the requested variances should be corrected to indicate that an 18-foot rather than a 14-foot driveway is proposed.

**RESUME**

**THOMAS J. HOFF**

**THOMAS J. HOFF, INC.**  
t/a HOFF & ANTONUCCI ASSOCIATES  
1717 York Road, Suite 1B  
Lutherville, Maryland 21093  
410-628-9225

**EDUCATION:**

Bachelor of Science Landscape Architecture,  
Magna Cum Laude  
West Virginia University, 1976

**EXPERIENCE:**

January 1992 to Present.  
THOMAS J. HOFF, INC.  
Lutherville, Maryland  
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.  
HOFF & ANTONUCCI, INC.  
Lutherville, Maryland  
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

Thomas J. Hoff  
Resume (cont.)

July 1983 to December 1986.

HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

**ORGANIZATIONS:**

American Society of Landscape Architects  
Baltimore Association of Landscape Architects  
Home Builders Association of Maryland

**PROFESSIONAL REGISTRATION:**

Registered Landscape Architect (1981)  
Maryland - No. 493

**Zoning Hearings:**

**The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No.94-464-A, 1994.**

**Edgewood Senior Center, Harford County - Special Exception and Variances, 1994**

**Hyatt Property, Baltimore County - Setback Variance, 1994**

**Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993**

**Painters Mill Executive Office Park, Baltimore County - Sign Variance**

**204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone**

**Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance**

**Amoco Oil, Route 40, Harford County - Setback Variance**

**Littman Property, Residential Subdivision, Baltimore County - Special Hearing**

**Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance**

**Amoco Oil, Carroll Plaza, Carroll County - Sign Variance**

**Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance**

**Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance**



**Board of Appeals:**

**Easter Property, Baltimore County - CRG Appeal, 1994**

**Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance**

**Pizza Palace, Baltimore County - Parking Variance for Restaurant**

**Littman Property, Residential Subdivision, Baltimore County - Special Hearing**

**Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance**

## 4.6 Parking and Passenger Loading Zones

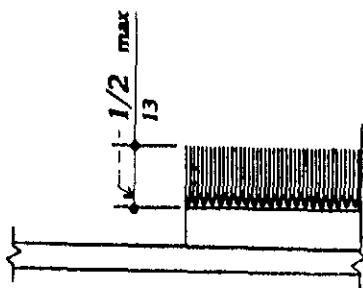


Fig. 8 (f)  
Carpet Pile Thickness

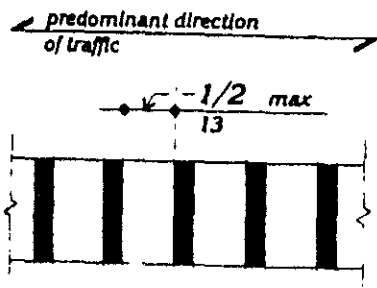


Fig. 8 (g)  
Gratings

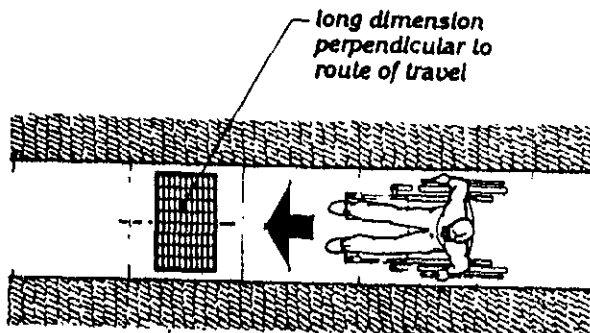


Fig. 8 (h)  
Grating Orientation

**4.6.2 Location.** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**4.6.3\* Parking Spaces.** Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

**4.6.4\* Signage.** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

**4.6.5\* Vertical Clearance.** Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

**4.6.6 Passenger Loading Zones.** Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with

ORIGINAL

1 IN THE MATTER OF \* BEFORE THE  
 2 THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
 3 MICHAEL K. WALTER, ET AL \* OF  
 4 FOR A ZONING RECLASSIFICATION \* BALTIMORE COUNTY  
 5 from D.R. 5.5 to R.O.A. AND \* Case No. CR-95-139-A  
 6 ZONING VARIANCE ON PROPERTY \* APRIL 19, 1995  
 7 LOCATED ON THE NORTH SIDE OF \*  
 8 EAST JOPPA ROAD, 73' EAST of \*  
 9 C/L SPRINGTOWNE CIRCLE \*

C 95-5740

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\* \* \* \* \*

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 10 o'clock a.m., April 19, 1995.

\* \* \* \* \*

Reported by:  
C.E. Peatt



VERIFIED  
4-19-95

Case No. CR-95-139-A

VERIFIED  
8/17/95

4/19/95

### EXHIBITS

#### Petitioner's Exhibits

- ✓1. Plat to accompany Petition 8/31/94
- ✓2. Easement agreement 8/17/94
- ✓3. Photos
  - ✓A. Property to left (Intersection taken from Springtown Circle)
  - ✓B. From back of property area - can see apartments across street
  - ✓C. } Taken from down block showing neighborhood. Can see
  - ✓D. } subject site at end of block
  - ✓E. One of houses in same block
  - ✓F. Opposite side of Springtown Circle with dentist's office.
  - ✓G. Front of house
  - ✓H. From Springtown Circle looking east toward rear of property
  - ✓I. Intersection diagonal to subject property from SE direction
  - ✓J. Springtown Circle development - shows townhouses to north.
- ✓K. Report of Planning Board (portion)
- ✓L. Curriculum Vitae - Thomas J. Hoff
- ✓M. Federal Register - 7/26/91 - Rules and Regulations
- ✓N. 1992 Comprehensive Zoning Map - Subject property outlined in green
- ✓O. Environmental Impact Statement
- ✓P. Curriculum Vitae - Norman Serber
- ✓Q. Map titled "Baltimore Ultrasound"

#### People's Counsel Exhibits

- ✓1. Item No. 4 Map - Location of Property Under Petition
- ✓2. 5th Councilmanic Dist. list of issues for 1992 Comprehensive Zoning Process.
- ✓3. 6th Councilmanic " " " " " " " " " "

Pet. Ex. 8



August 30, 1994

ENVIRONMENTAL IMPACT STATEMENT TO ACCOMPANY RECLASSIFICATION  
PETITION FOR PROPERTY AT 3814 EAST JOPPA ROAD

EXISTING CONDITIONS:

Site is an existing residential lot having an area of 0.28 Ac+/-.  
Soil type is BtB as per SCS soil survey map #36.  
There are no rare, threatened or endangered species habitat on site.  
There are no wetlands, 100 year flood plain or streams on site.  
There are no historical or archaeological sites on site.  
Site is served by existing public water and sewer.  
There are no know existing water wells or buried fuel tanks on site.  
There are no steep slopes on site.

PROPOSED CONDITIONS:

Proposed use of property is general offices for a company that provides ultrasound diagnostic services primarily at nursing homes.  
The existing house will be converted to office use without any increase in size.  
Impervious area for parking area will be increased from 572 SF to 3881 SF.  
Grading for parking area will be done in such a way as to maintain sheet flow and not concentrate water in a way that would encourage erosion.  
Installation of parking area will require sediment control.  
Existing large oak trees in front of house will be maintained.  
Additional plantings are required by the Landscape Regulations.

CONCLUSIONS:

The improvements proposed for this site will result in little or no adverse impact to the environment and pose no threat to any natura resource.

**CURRICULUM VITAE**

**NORMAN E. GERBER, AICP**

**35 Pickburn Court Cockeyville, MD 21030**

**Business  
(410)667-4543**

**Facsimile  
(410)683-4079**

**PROFESSIONAL  
EXPERIENCE**

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

**WORK  
EXPERIENCE**

2/88 to present

NORMAN E. GERBER, AICP, Cockeyville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

**Director**

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

**Director**

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980

The Office of Planning and Zoning  
**Deputy Director**  
Designed and supervised the planning program.

1956 to 1977

The Office of Planning and Zoning  
**Various titles**  
Performed a variety of planning studies and services.

## **EDUCATION**

Morgan State University, Baltimore, MD  
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md  
Bachelor of Science in Engineering, 1963  
Minor: Civil Engineering

## **PROFESSIONAL SOCIETIES**

1/69 to Present

American Planning Association  
Past member of the Board of Directors and treasurer of the Maryland Chapter.

1/69 to Present

American Institute of Certified Planners

1975 to 1988

The Maryland Association of County Planning Officials  
Past President and member of the Board of Directors

2/89 to 10/90

Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90

The Patuxent River Commission  
Alternate Member (for the Mayor)

## **PERSONAL**

1985 to 1988

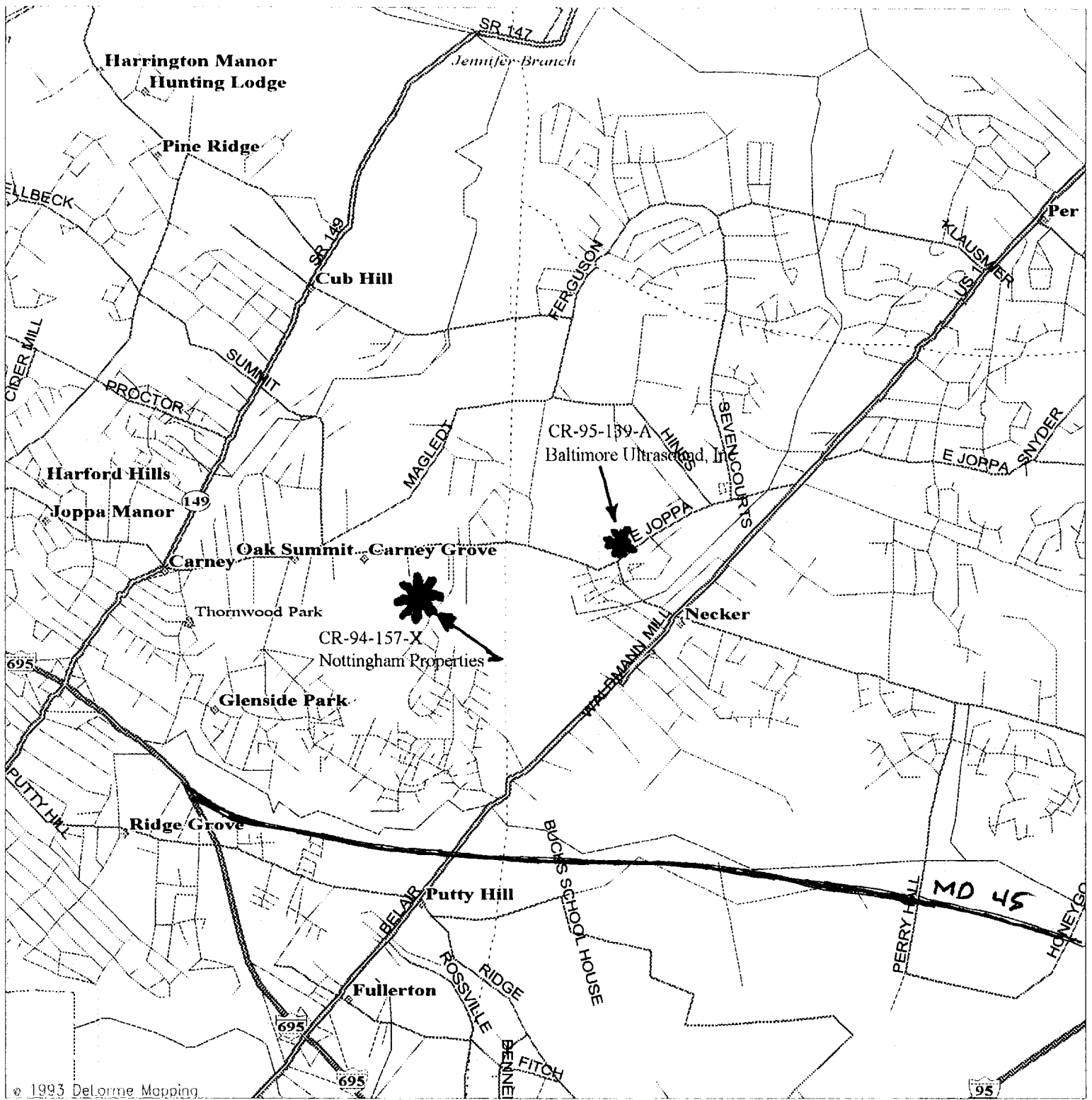
The University of MD at Baltimore  
Advise on planning program

1992 to Present

The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee  
Coordinates activities of providers of services.

## **REFERENCES**

Furnished on request.



© 1993 DeLorme Mapping

- LEGEND**
- Population Center
  - Street, Road
  - Hwy Ramp
  - Major Street/Road
  - State Route
  - US Highway
  - River

- Utility (powerline)
- Neighborhood Boundary

Scale 1:31,250 (at center)

2000 Feet

1000 Meters

BALTIMORE ULTRASOUND INC.

Mag 14.00

Tue Apr 18 10:36:08 1995

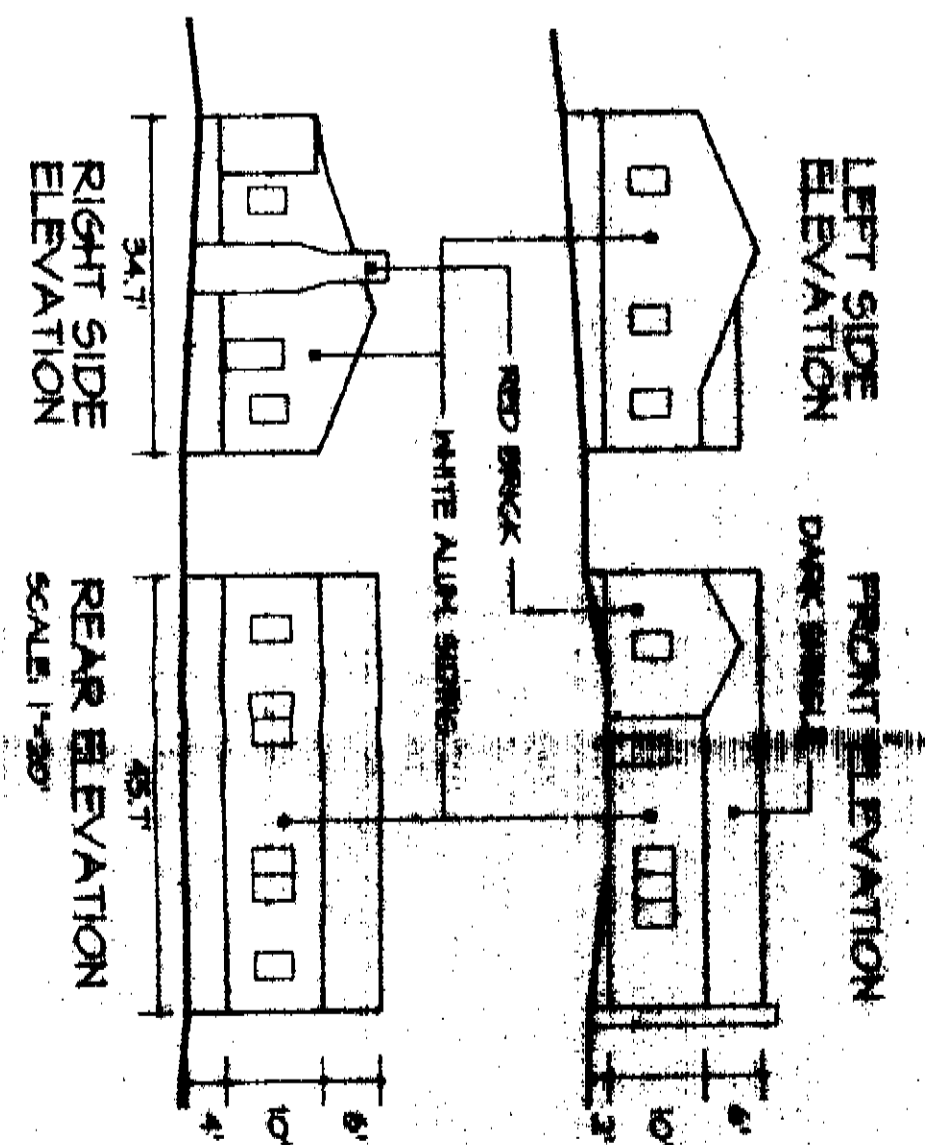
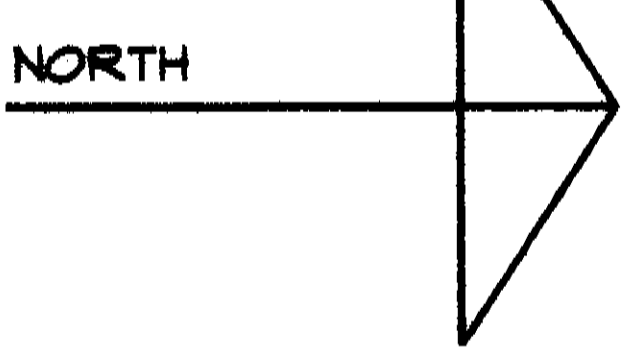
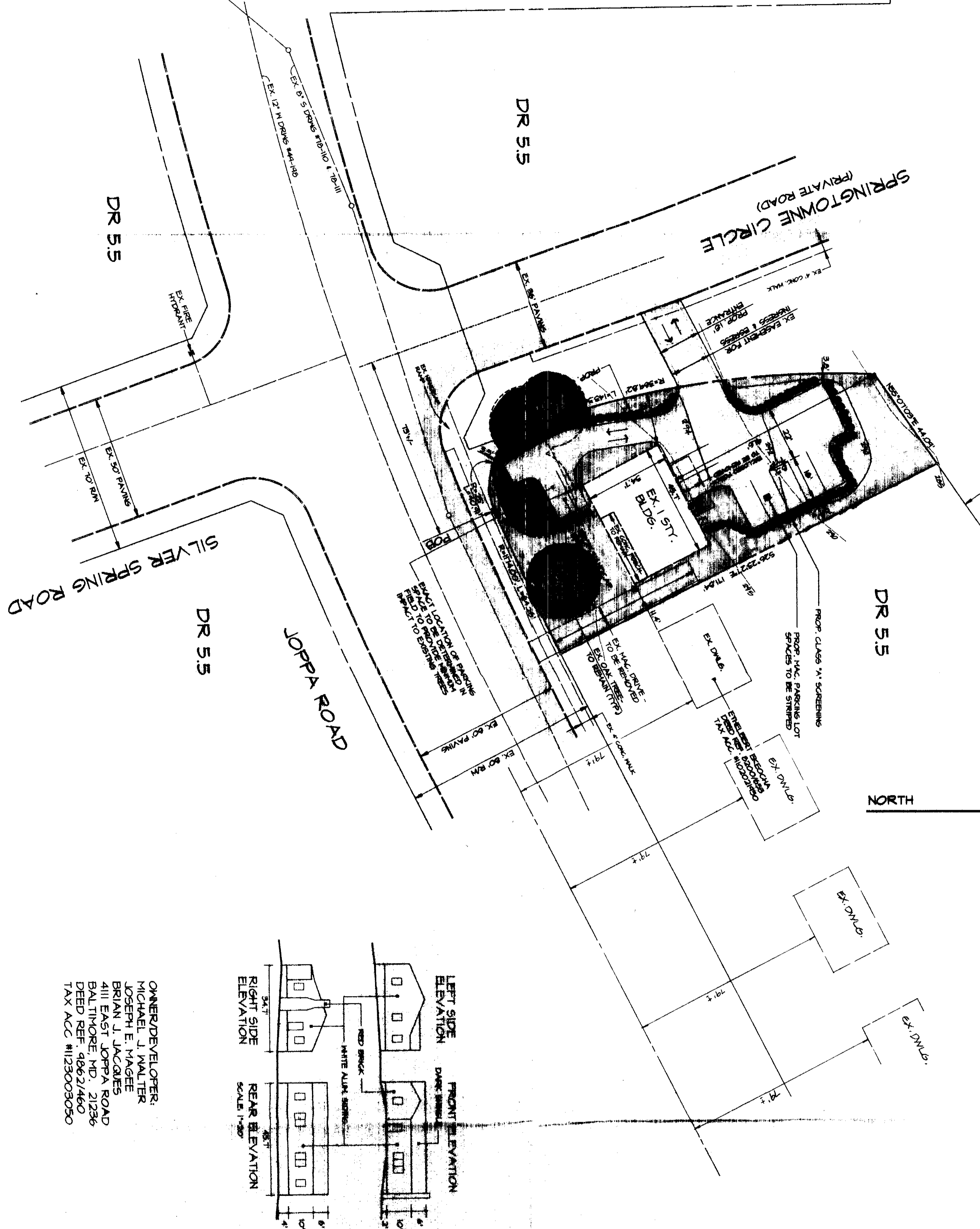
**BALTIMORE ULTRASOUND, INC**

*Pet. Ex. 10*

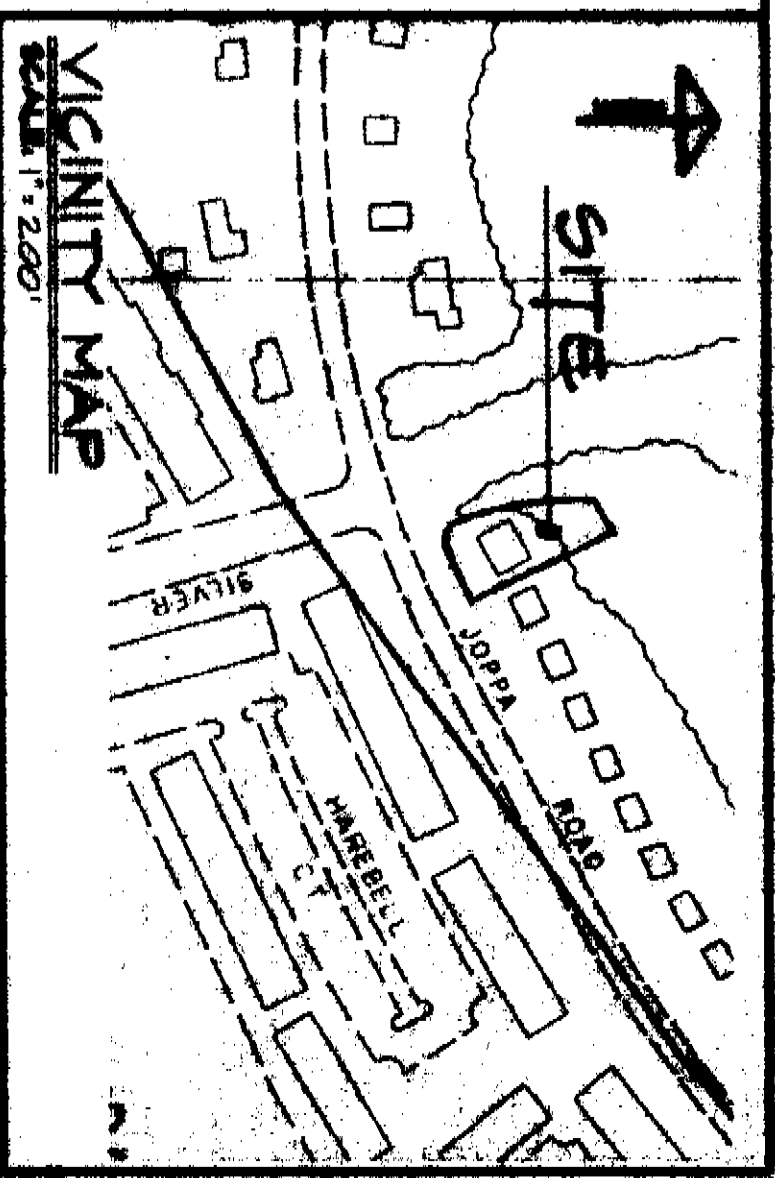


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PLAT TWO - SPRING HILL (53/46)



OWNER/DEVELOPER:  
 MICHAEL J. WALTER  
 JOSEPH E. MAGEE  
 BRIAN J. JACOUES  
 4111 EAST JOPPA ROAD  
 BALTIMORE, MD. 21236  
 DEED REF. 4862/460  
 TAX ACC #123003050



**SITE DATA:**  
 GROSS AREA OF SITE 0.34 AC +/-  
 NET AREA OF SITE 0.28 AC +/-  
 EXISTING ZONING DR 5.5  
 PROPOSED ZONING R-0A  
 EXISTING USE RESIDENTIAL  
 PROPOSED USE GENERAL OFFICES  
 AREA OF BUILDING 1906 SF  
 PARKING REQUIRED 1506 SF @ 53 SF / 1000 SF 5.2 SP  
 PARKING PROVIDED 1906 SF 9 SP  
 (INCLUDES 1 HANDICAP SPACE)  
 NORMAL HOURS OF OPERATION 9 AM TO 6 PM MON THRU FRI.  
 MAXIMUM NUMBER OF EMPLOYEES 5

**GENERAL NOTES:**  
 1) THIS SITE IS NOT IN THE CHARLESWAY BAY CRITICAL AREA.  
 2) THIS SITE IS NOT IN THE LOCAL PLAN ON SITE.  
 3) THE SITE IS NOT WITHIN A HISTORIC DISTRICT.  
 4) THERE ARE NO PONDS, STREAMS, NATURAL DRAINAGE CORRIDORS, OR OTHER FEATURES OF MAJOR NATURAL VEGETATION OR ANIMAL NATURAL FORMATIONS ON SITE.  
 5) THERE WILL BE NO MAJOR DEVELOPMENT FROM THIS SITE.  
 6) THERE WILL BE NO MAJOR DEVELOPMENT FROM THIS SITE.

**VARIANCES REQUESTED:**  
 VARIANCE TO ALLOW A TWO-LEVEL PARKING GARAGE TO BE USED FOR THE PROPOSED OFFICE BUILDING.  
 VARIANCE TO ALLOW PARKING IN FRONT YARD INSTEAD OF BEING REAR YARD OR SIDE YARD.  
 VARIANCE TO ALLOW THE USE OF A TWO-LEVEL PARKING GARAGE INSTEAD OF A ONE-LEVEL PARKING GARAGE.  
 VARIANCE TO ALLOW THE USE OF A TWO-LEVEL PARKING GARAGE INSTEAD OF A ONE-LEVEL PARKING GARAGE.

**DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION**  
 3814 EAST JOPPA ROAD  
 LOT 1, SECTION 'A', JOPPA VILLAGE (17/85)  
 6th COUNCILMANIC DISTRICT  
 11th ELECTION DISTRICT BALTIMORE CO., MD.

**HOFF & ANTONUCCI ASSOCIATES**  
 Land Development Consultants and Architects  
 1717 York Rd., Suite 18  
 Lutherville, Md. 21083  
 410-528-9223

REVISIONS:

DATE:	06/21/94
JOB NO.:	329-01
DESIGNED:	T.J.H.
DRAWN:	T.J.H.
CHECKED:	
DRAWING NUMBER:	Z-1

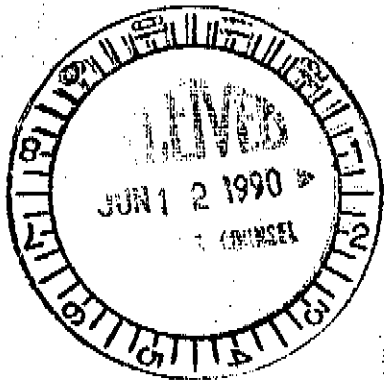


*Pete Zimmerman*

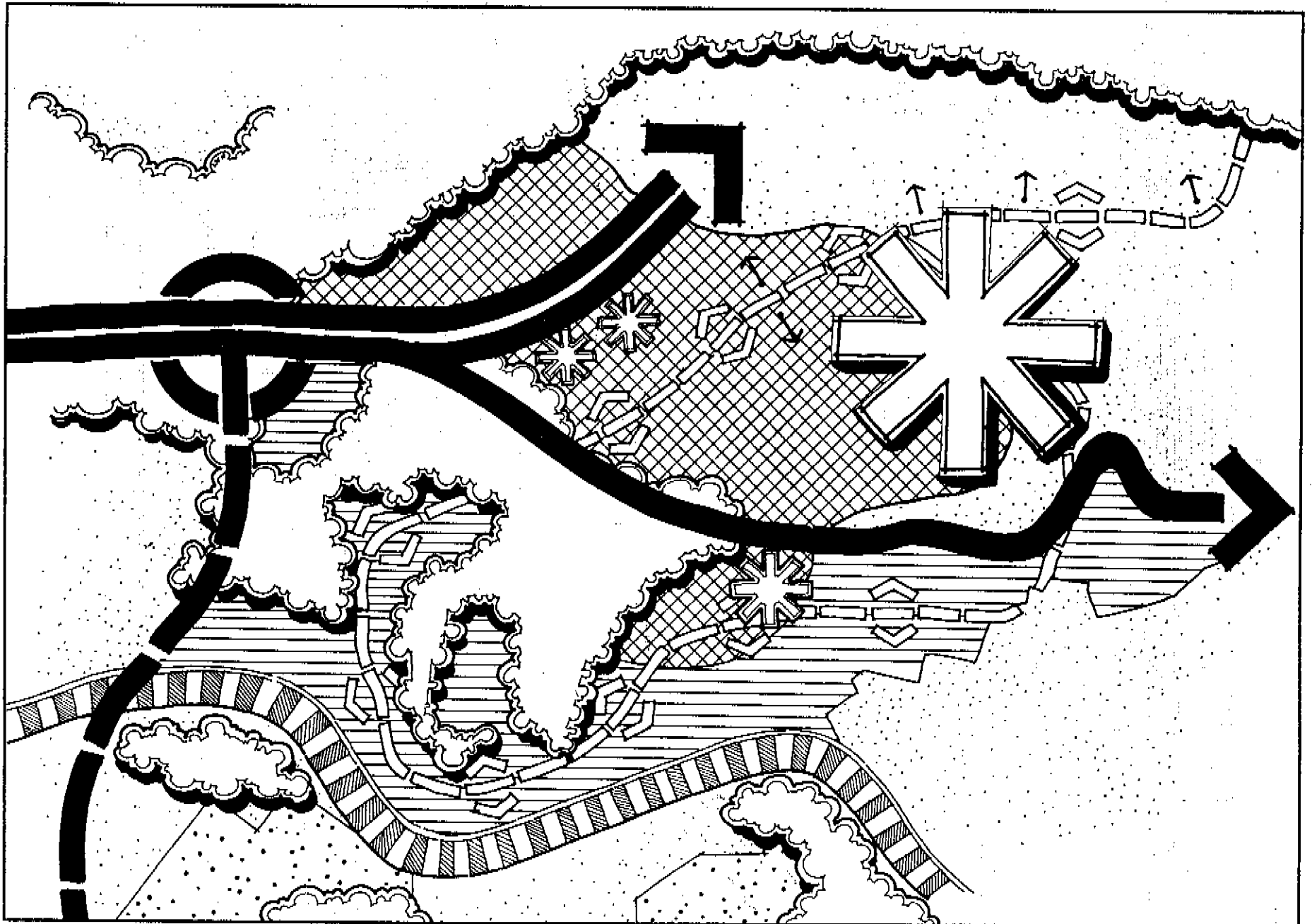
*People's Council Ex. 6*

11, 12, 19, 37

# Master Plan



## Baltimore County 1989-2000



As adopted February 5, 1990

stricted in such areas. Future development of subsidized housing should be dispersed.

Communities which have a high concentration of low-income housing and government-assisted housing should be supported by positive County actions. For example, affordable day care facilities for children and elderly relatives of working parents should be provided either in residential settings, or near workplaces.

The thrust of the County's community planning program for new residential development should be aimed at new development areas, such as Owings Mills, Perry Hall - White Marsh and Patapsco. Emphasis should be placed on the creation of livable communities supported by appropriate public and community facilities.

Sector land use, transportation and environmental development policy planning guidelines set out in this Master Plan should form the basis for plan preparation. Plans should be prepared in conjunction with landowners, developers and adjacent communities likely to be affected by new development.

### ISSUE: Community Planning

All too often, development is disjointed. Residential subdivisions, commercial uses, and employment opportunities are not integrated and tend to detract from, rather than support and enhance each other. Community plans are needed for new development to provide a context for individual development proposals in order to foster communities that mix, in unified manner, local shopping, public facilities and services, open space, and a range of housing options.

### ISSUE: Community Conservation and Enhancement

Community conservation refers to public and private efforts designed to maintain or enhance the physical, social, and economic resources of the County's older, urban area communities.

The County's community conservation areas are those identified in the 1979 Master Plan as 'Existing Communities' plus areas that have changed over the past decade from scattered fringe development into mature communities. These areas are communities that are essentially sound and where supportive actions specific to these areas need to be taken by residents rather than government. Citizens must be involved in the careful review of projects or proposals to ensure that they are not detrimental to their neighborhoods. The actions recommended in this Master Plan will enable citizens to actively work to protect and enhance their communities.

Enhancement areas are communities that have experienced a degree of physical decline and require County action to address specific problems such as poor condition of public facilities and private housing stock. They are priority targets for capital improvement funds, community services and facilities, special education programs, etc., as appropriate.

A significant proportion of the Capital Improvement Program should be dedicated to physical improvements in the older neighborhoods such as repairing sidewalks and streets, upgrading sewer and water lines, and expanding storm drain projects. These sort of improvements will restore pride and foster civic involvement among the communities' current residents and favorably influence prospective homebuyers.

The County's infrastructure needs to be evaluated and inventoried. The Office of Planning and Zoning and the Departments of Community Development, Public Works, and Environmental Protection and Resource Management should review capital improvements made during the preceding year and state priorities for the CIP for each two year bond period in a joint report to the County Executive and Council. This would aid the County Executive and Council in establishing an appro-



priate allocation of funds to meet the needs of the community in the ensuing bond referendum.

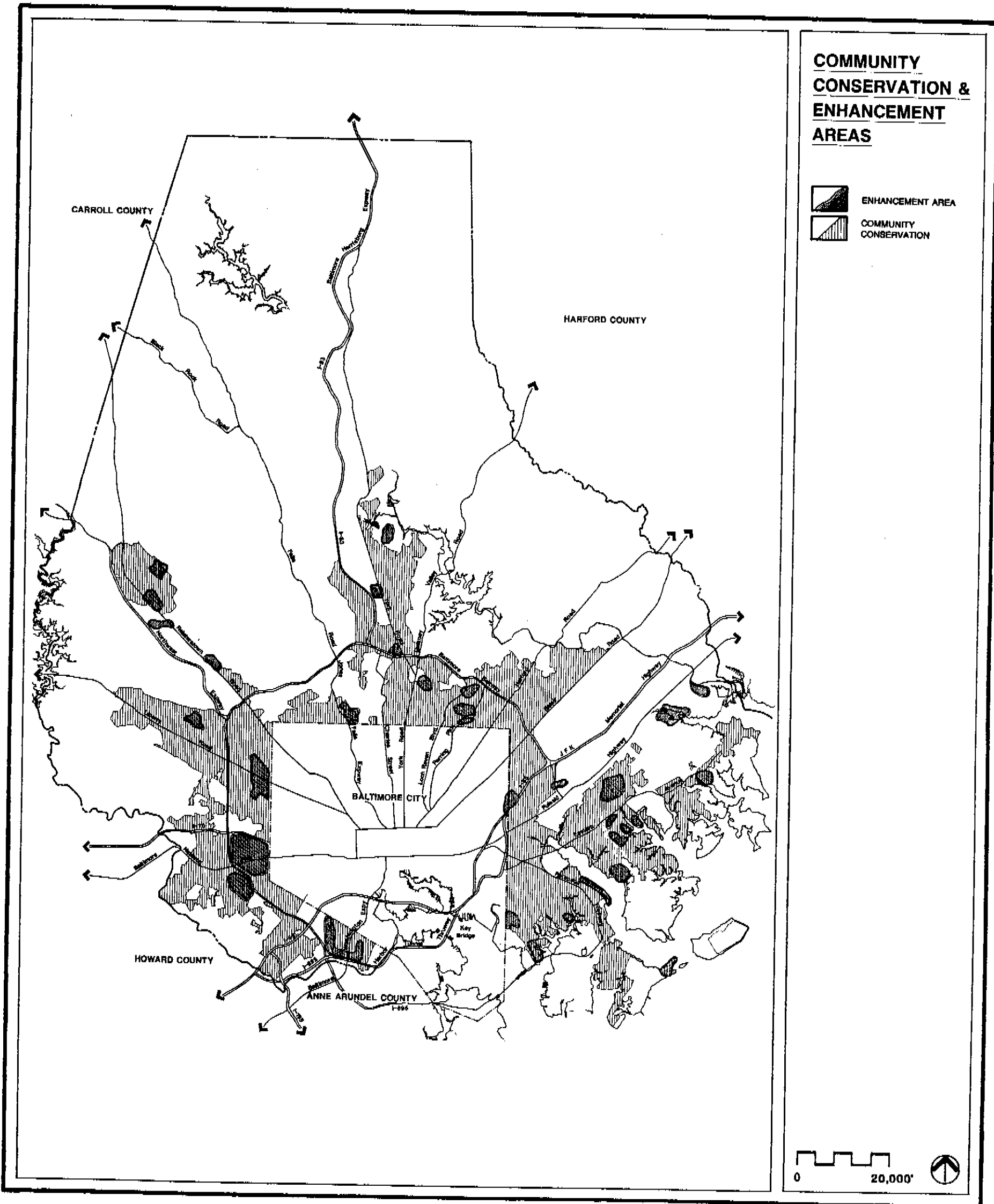
The precedent for this activity was established in the 1979 Master Plan Resolution which stated the Council's wish for the Director of Planning and Zoning to report on the relationship between proposed capital projects and the Master Plan.

### ACTIONS:

#### A. Plan Preparation Program

##### Community Conservation

1. Following adoption of the County-wide Master Plan and the Sector Land Use, Transportation and Policy Plans, the County will commence a program of local community action planning. These local action plans will target Enhancement Areas. They will have strong community input, be backed by an aggressive Capital Improvement Program, and involve the Community Outreach Program which acts as a liaison between County agencies and communities. Private investments which are in harmony with plan objectives will be encouraged. Any rezoning necessary to meet plan objectives or to facilitate implementation of the plan should be identified and acted upon.
2. Specific action proposals may be needed to address local, easily identifiable problems. These action plans will be prepared by the County. Public and private efforts will be coordinated and concentrated to effect quick, low cost solutions.
3. The County will consider the use of Community Conservation Area designations to facilitate stringent review of development proposals and direct attention to specific community needs. Proposals encouraging extra traffic harmful to the neighborhood should be avoided. Designated areas would



also be given special attention as a part of the Capital Improvement Program.

4. The following program of Local Actions and community Plan preparation is proposed for the period 1990-92:
  - Completion of the Towson Plan for adoption as part of the County Master Plan by the Planning Board and Council.
  - Continuation of the work underway on plans for Hereford and Pikesville.
  - Preparation of Community Plans for North Point Peninsula, North Point - Wells McComas, Lower Back River Neck, Aero Acres - Victory Villa, Philadelphia Road Corridor, Overlea, Belair Road Corridor, Kingsville - Fork, Jacksonville, Hanover Pike, Reisterstown Road Corridor Extended, Woodmoor - Lochearn - Woodlawn, Randallstown, Catonsville, Lansdowne - Baltimore Highlands, and the North - Central Rural Area. The area delineated on the Priority Planning Studies map is intended to indicate the community under study. Adjacent areas may also be considered.
  - Preparation of a Development Impact Study for communities affected by the Worldbridge Centre project, and a Redevelopment Area Plan for the Timonium - Hunt Valley Corridor.
  - Evaluation of plans prepared by citizens' associations with a view to their eventual submission to the Planning Board and Council for review and adoption. These include the update of the "Plan for the Valleys", Lutherville Plan, Glyndon Plan, Ruxton - Riderwood Plan, and Sparks - Glencoe Plan.

**Community Planning**

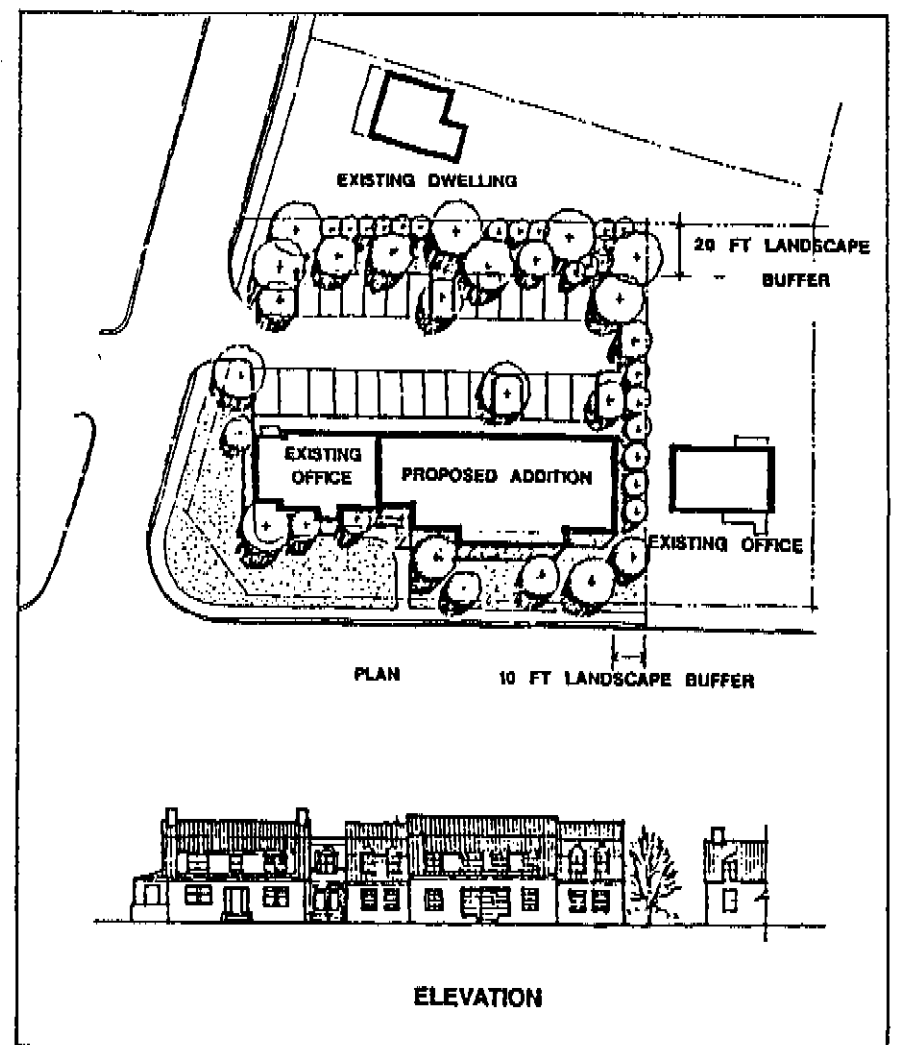
The County will work together with local community groups and property owners to prepare comprehensive plans for new development areas responsive to community needs and values. Priority areas are Owings Mills, White Marsh, and Patapsco.

**B. Development Review Process**

1. **Community Input Meeting for CRG Plans.**  
Require a meeting between community groups and prospective developers prior to the filing of a development plan. This meeting would take place in the local community with a County Development Process coordinator and, at his or her discretion, a community planner when needed.
2. **Community Impact Statement**  
All CRG plans in community conservation areas will be accompanied by a community impact statement identifying potential conflicts with existing neighborhoods or communities.
3. **Compatibility Review for Infill Development**  
To ensure that new development is compatible with the existing residential community, establish and adopt criteria for compatibility and procedures for review and approval which are acceptable to both development and community interests. A compatibility review should be required for infill development in community conservation areas.
4. **Streamline Review Process**  
The County will streamline the review process where possible.

**C. Revisions To Development And/Or Zoning Regulations**

- More specific information on these actions is in the 'Implementing the Plan' section.
1. **Adequate Public Facilities**  
To ensure that a full range of adequate public services and facilities are in place to meet the needs of existing and future residents, the County should strengthen its basic services legislation.
  2. **Revise Bill 100**  
Adopt revisions to Bill 100 to discourage transfer of density between adjacent zones which would be counter to



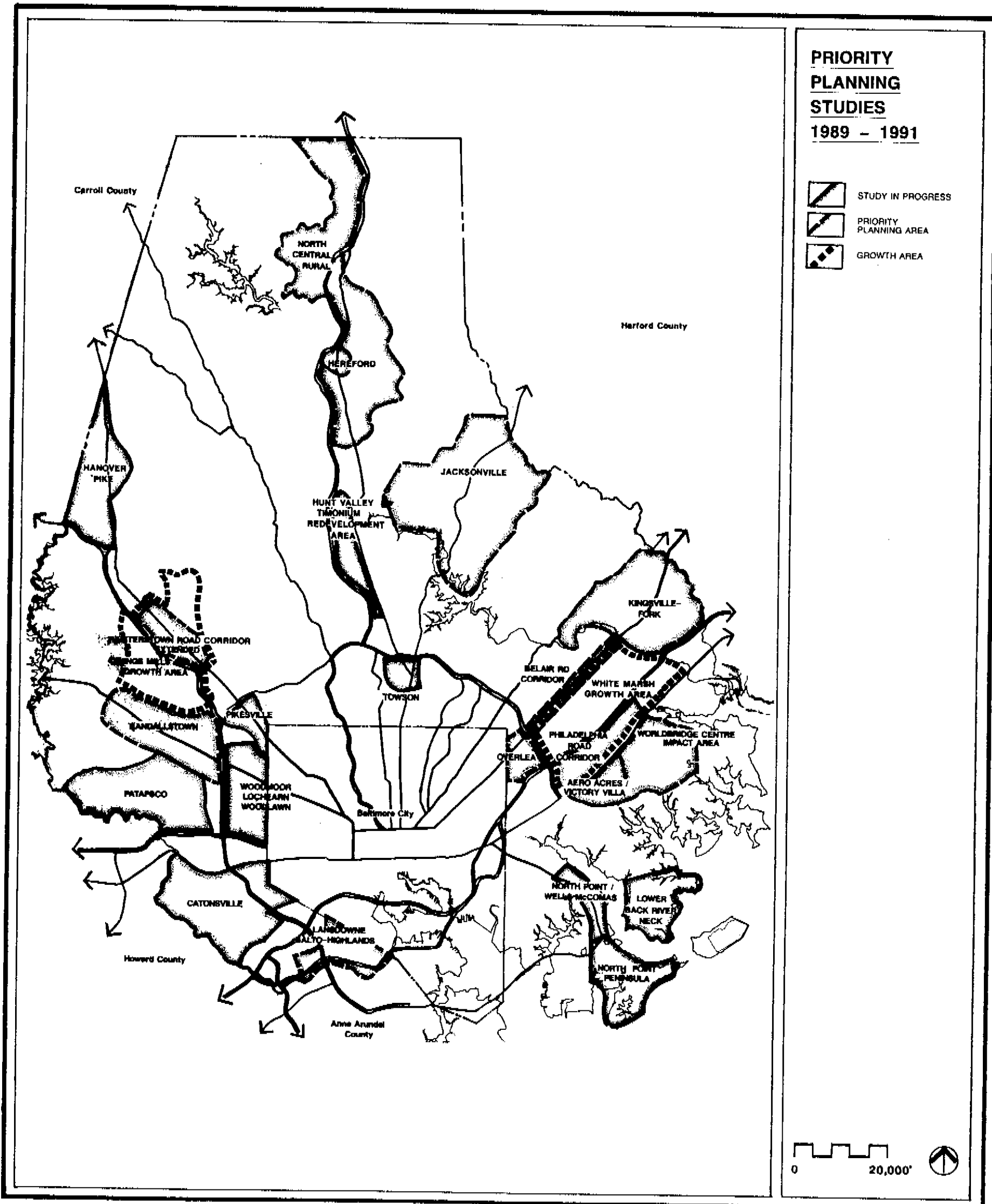
the original intent of the site specific zoning. Such a step would enhance the County's ability to ensure compatibility.

3. **Revise Regulations and Standards for Planned Unit Developments.**
4. **Neighborhood Business Zone**  
Amend the Baltimore County Zoning Regulations to create a highly restrictive business zone for possible use in existing and future commercial areas located near residential areas.
5. **Establish Districts for Commercial Corridors**  
Prepare legislation to establish a District for Commercial Corridors which will address issues of traffic, permitted uses, landscaping, signage, maintenance and occupancy standards, encroachment into residential areas, commercial expansion and revitalization opportunities.

Unmarketable surplus commercial properties in commercial shopping "strips" should be designated for investigation as to other compatible uses.

6. **Establish Districts for Industrial Areas Located in Residential Neighborhoods**  
Prepare legislation to establish a District to address the issue of compatibility between industrial and residential uses. Traffic, noise, air pollution, landscaping, signage, parking, hours of operation, etc., must all be reconciled with adjacent residential uses and needs.
7. **Buffer Requirements**  
Amend the Baltimore County Landscape Manual to provide effective buffering and screening requirements for commercial development projects which abut residential zones.

Existing land uses which are in conflict or incompatible with surrounding uses should be eliminated or buffered to minimize adverse effects on the community.



8. **Signs**

Amend the Baltimore County Zoning Regulations to update and revise the regulations for business and advertising signs.
9. **Public and Private Open Space**

Reevaluate the County's Open Space requirements and investigate procedures or design standards that will minimize or mitigate the impact of development.
- D. **By-Law/Regulations Enforcement**
  1. **Housing Maintenance**

Aggressively enforce the Baltimore County Livability Code for rental properties and expand the Code to include the exterior maintenance of owner-occupied housing.

Designate fines for inspection and enforcement costs, and public education and awareness efforts to make the Livability Code and other housing quality standards self-sustaining.

Continue to participate in programs providing low interest loans or innovative financing mechanisms to property owners for maintenance, renovation or improvement of their properties.

Continue to work with all concerned parties to preserve rental housing currently receiving Federal subsidies.
  2. **Vacant Buildings**

Amend the Baltimore County Code to prohibit the extended vacancy of buildings and to prevent demolition by neglect.
- E. **Community Conservation Through the Capital Improvement**

Undertake a study of the County's infrastructure, and inventory needed improvements. The Office of Planning and Zoning, and the Departments of Environmental Protection and Resource Management, Community Development, and Public Works should make a joint report of the results and proposed priorities to policymakers as part of either the annual Basic Services Report or Growth Monitoring Report. This will enable the Administration to identify priorities for conservation of older communities.

Update the infrastructure inventory every two years on the same cycle as the bond referendum.

Relevant County agencies will be directed to use the report to Council when preparing their CIP requests.
- F. **Education And Information Programs**
  1. **Community Conservation Resource Handbook**

Prepare a handbook describing current County, State, Federal, and private resources and programs which can be used in community conservation.
  2. **Education Program**

Initiate an education program for citizens to promote a better understanding of planning, zoning, and County government.
  3. **Community Information Base**

Establish an information system to monitor all significant aspects of neighborhood quality in existing communities.

Citizen groups must be strengthened and expanded to increase local involvement in community conservation efforts and to improve representation of diverse community interests.

### **AFRICAN-AMERICAN COMMUNITIES**

The historic African American communities in Baltimore County represent a valued part of the heritage of many Black residents as well the heritage of the County. Many of these historic enclaves were settled before the turn of the century. Some of these

communities are not represented by formal community organizations and those that are frequently are not part of the County mainstream.

The 1979 Master Plan in the Housing and Community Preservation Plan element addressed the issue of safeguarding and improving the County's existing housing stock. Overcrowding and lack of plumbing were cited as two indicators of substandard housing. These conditions were mentioned as being of particular concern in the older areas of the County and especially as being a problem associated with historic Black enclaves. The 1979 Plan contained a map which indicated the location and estimated population of twenty of the communities. The Plan emphasized "Civic leaders hesitate to complain about housing in these communities because of a concern that poor families might be evicted." In addition, it was stressed that many of these communities were more concerned about unemployment and the absence of road paving, curbs, gutters and other public improvements.

### **ISSUE: Conserving the African American Communities**

A survey of the historic African American enclaves is being conducted. More than 37 communities have been identified. The survey indicates the majority of the problems identified in the 1979 Plan still exist today. In addition, many of the community organizations are not "tied-in" to the County system and are unaware of where or how to seek assistance, or are hesitant to do so.

The survey thus far has found several common problems among these widely scattered communities. These include the need for storm drains and gutters, more affordable housing, housing rehabilitation, and curbs and sidewalks. Encroachment from outside the community was also cited as a particular threat to these historic communities.

### **ACTIONS:**

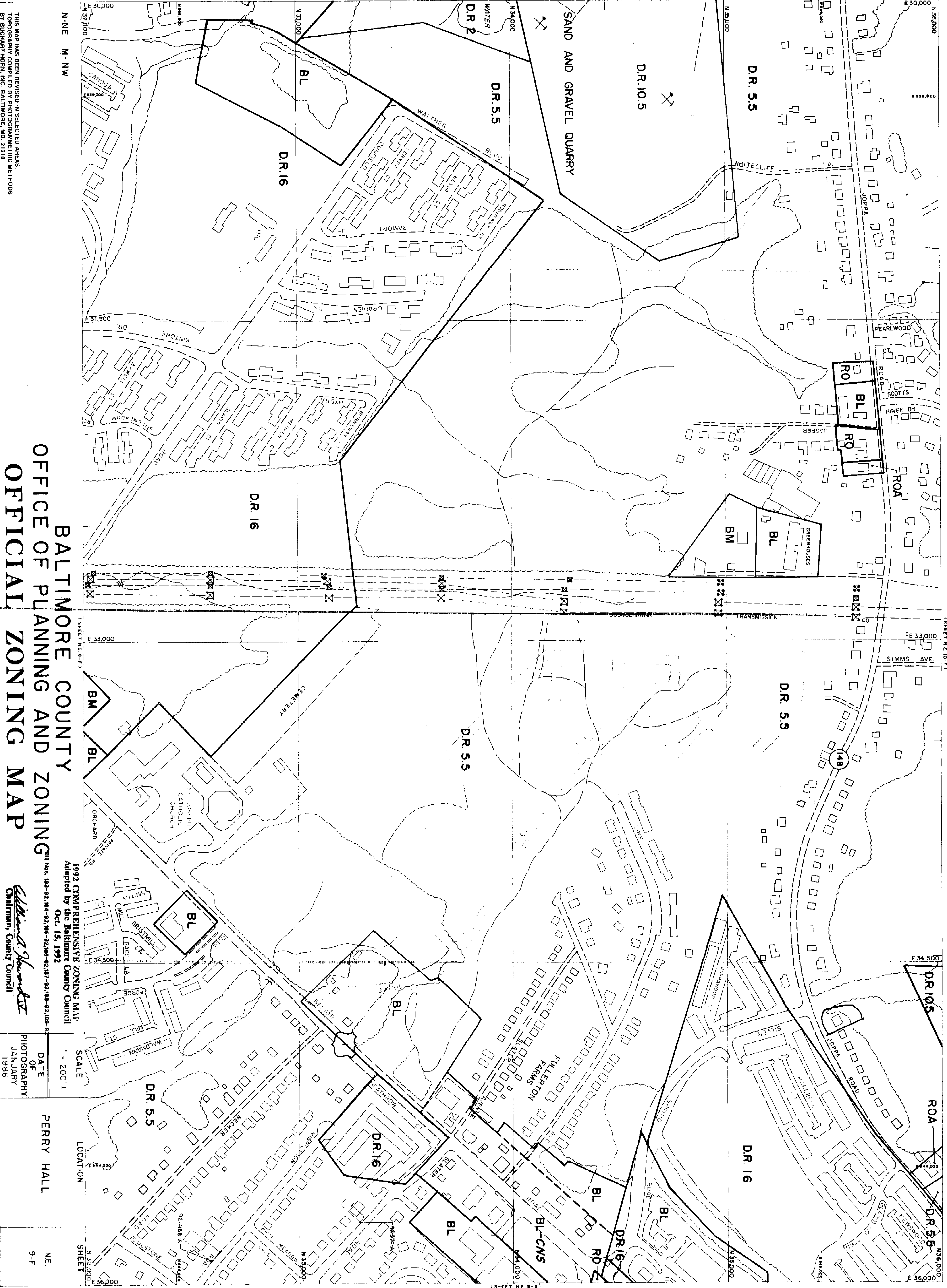
1. The survey initiated by Baltimore County to determine the demographic characteristics and problems of these communities should be completed. Particular problems should be further explored with the concerned community so a course of action can be identified.
2. The communities which are not now a part of the County system should be encouraged to participate for their own benefit. To this end, a contact person has been established in the Planning Office to provide the communities with a link to County government. This person will work closely with Community Outreach and the Office of Minority Affairs to coordinate and follow up on planning concerns and problems identified by the communities.
3. While the historic African American enclaves are generally small and in their own right would not qualify for specific community plans for preservation, these communities should be viewed as a whole since they share many common problems and similar concerns. A plan of action to address their common concerns should be developed.

### **HISTORIC PRESERVATION**

Historic buildings and their settings provide a continuity with the past, establish a tangible sense of place and enhance the aesthetic environment of the County. There is often, however, conflict between preservation of historic buildings and the construction of new subdivisions, roads and commercial projects. Many significant buildings and potential archeological sites have been lost or their surroundings degraded because of the pressure of development.

Historic preservation was identified as a goal in the 1979 Master Plan. Better success in achieving this goal requires





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

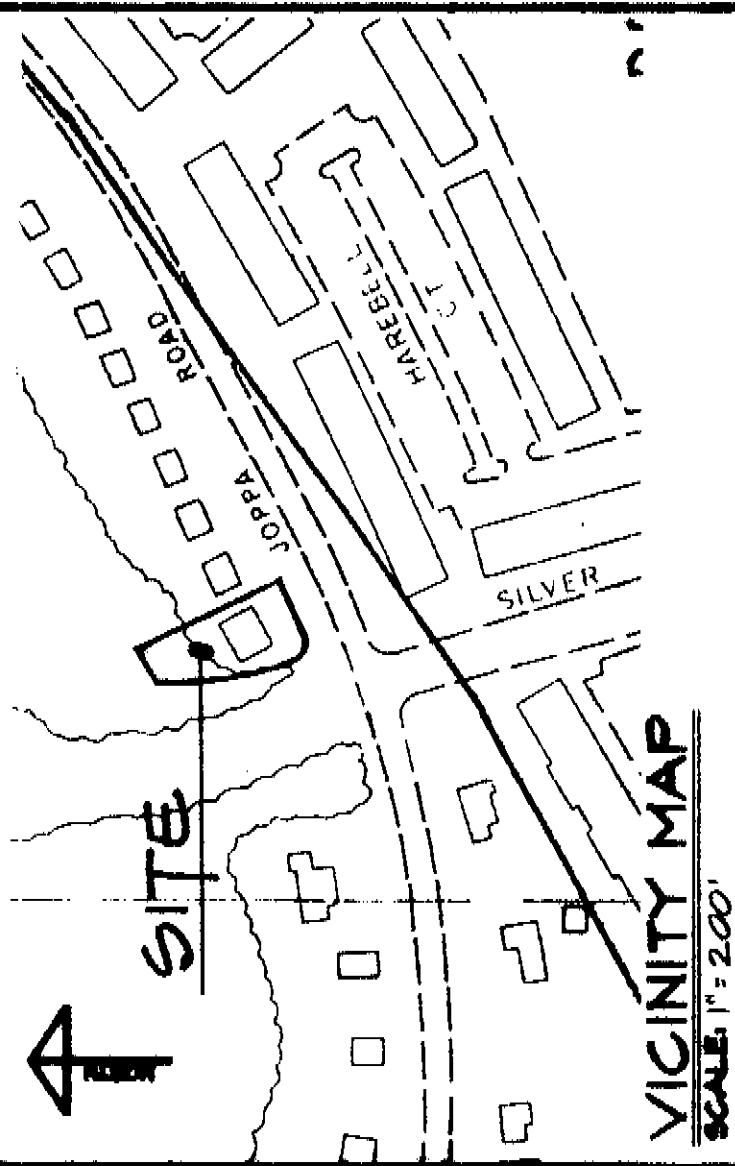
1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

SCALE 1" = 200' ±  
DATE OF PHOTOGRAPHY JANUARY 1986  
LOCATION PERRY HALL  
SHEET NE 9-F

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

P4 Ex. 7

15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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**SITE DATA:**  
 GROSS AREA OF SITE 0.34 AC./  
 NET AREA OF SITE 0.28 AC./  
 EXISTING ZONING DR 5.5  
 PROPOSED ZONING ROA  
 EXISTING USE RESIDENTIAL  
 PROPOSED USE GENERAL OFFICES  
 AREA OF BUILDING 1500 SF  
 FLOOR AREA 1500 SF  
 PARKING PROVIDED 1000 SF  
 PARKING PROVIDED 5 SP  
 (INCLUDES 1 HANDICAP SPACE) 0 SP  
 NORMAL HOURS OF OPERATION 9 AM TO 6 PM, MON. THRU FRI.  
 MAXIMUM NUMBER OF EMPLOYEES 5

**GENERAL NOTES:**  
 1) THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.  
 2) THERE IS NO 100 YR FLOOD PLAIN ON SITE.  
 3) THE SITE IS NOT WITHIN A HAZARDOUS AREA.  
 4) THERE ARE NO PONDS, STREAMS, NATURAL DRAINAGE COURSES, OR OTHER FEATURES ON THE SITE.  
 5) THERE WILL BE NO SOUND VIBRATIONS DUE TO TRAFFIC OR HEAVY EQUIPMENT OPERATIONS FROM THIS SITE.

**VARIANCES REQUESTED:**  
 VARIANCE TO ALLOW A THROUGH MOVEMENT DRIVEWAY TO BE 14' WIDE IN LIEU OF THE REQUIRED 20'. SECTION 409.4.A.  
 VARIANCE TO ALLOW PARKING IN FRONT YARD IN LIEU OF BEING REQUIRED IN THE SIDE OR REAR YARD ONLY. SECTION 202.3.2.2.

**SIGNAGE:**  
 NO SIGNS ARE PROPOSED AT THIS TIME. HOWEVER, ANY SIGN PROPOSED IN THE FUTURE WILL COMPLY WITH BOZRA.

# CR-95-139-A

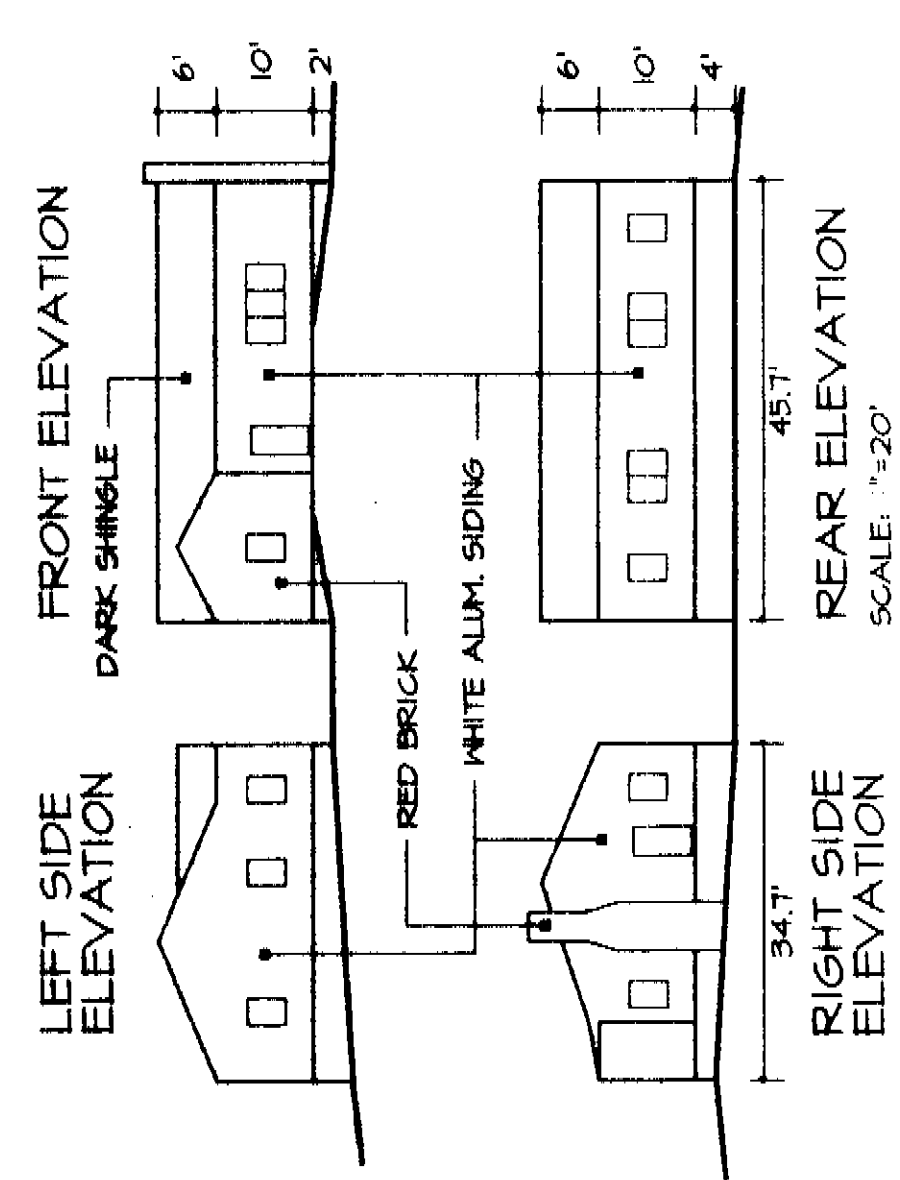
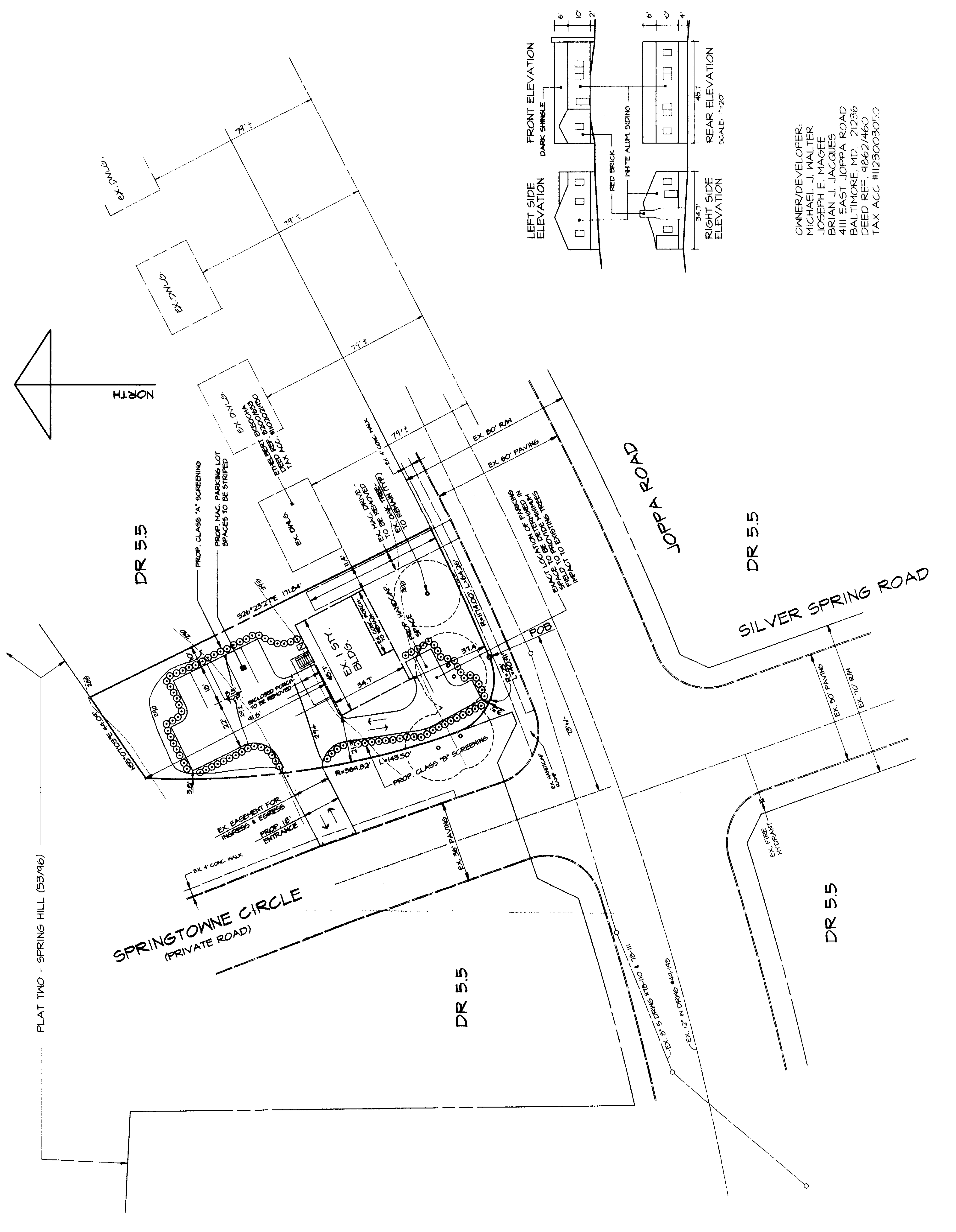
## DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION

**3814 EAST JOPPA ROAD**  
 LOT 1, SECTION 'A', JOPPA VILLAGE (17/85)

6th COUNCILMANIC DISTRICT  
 11th ELECTION DISTRICT BALTIMORE CO., MD.

**HOFF & ANTONUCCI ASSOCIATES**  
 Land Development Consultants  
 1717 York Rd., Suite 1B  
 Lutherville, Md. 21093  
 410-628-9225

REVISIONS:	
SCALE: 1" = 20'	CHECKED:
DATE: 08/31/94	DRAWN: T.J.H.
JOB NO.: 229-01	DESIGNED: T.J.H.
DRAWING NUMBER: <b>Z-1</b>	
SHEET 1 OF 1	



**OWNER/DEVELOPER:**  
 MICHAEL J. WALTER  
 JOSEPH E. MAGEE  
 BRIAN J. JACQUES  
 4111 EAST JOPPA ROAD  
 BALTIMORE, MD. 21236  
 DEED REF. 9862/460  
 TAX ACC #1123003050



*People's Choice '84*

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

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E.
DATE OF PHOTOGRAPHY		9-F
JANUARY 1986		