IN THE MATTER OF

THE APPLICATION OF

AIGBURTH VALE, LOT 1; AZOLA & ASSOC., *

INC., C.P.; BALTIMORE COUNTY, MD - LEGAL

OWNER FOR ZONING RECLASSIFICATION *

ON PROPERTY LOCATED AT THE SE INTERSECTION AIGBURTH RD AND DONNYBROOK*

LANE (212 AIGURTH ROAD)

9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT BEFORE THE

BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. CR-98-059-SPHXA (Out of Cycle)

ORDER OF DISMISSAL OF PETITION

This case came to the Board on a Petition for Reclassification filed by Deborah C.

Dopkin, Esquire, on behalf of Petitioners for zoning reclassification on property located at the intersection of Aigburth Road and Donnybrook Lane known as 212 Aigburh Road in the Ninth Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since a continuance was granted on September 9, 1997,

IT IS, THEREFORE, this Alat day of Mount bw, 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-98-059-SPHXA be and the same is declared moot, and the Petition DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

awrence M. Stahl, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

November 21, 2003

Deborah C. Dopkin, Esquire 1000 Mercantile-Towson Building 409 Washington Avenue Towson, MD 21204

RE: In the Matter of: Aigburth Vale, Lot 1
Case No. CR-98-059-SPHXA / Order of Dismissal of Petition

Dear Ms. Dopkin:

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

Very truly yours,

Kathleen C. Bianco

Administrator

Enclosure

c: Martin P. Azola /Azola & Associates, Inc.
Carol Saffron-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning
Shirley Murphy /Land Acquisition
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM





Petition for Reclassification

to the Board of Appeals of Baltimore County

			rocared at			
	The undersigned, le	gal owner(s) of the proper	rty situate in Baltimore	on & Development Manage County and which is described atus of the herein described	ribed in the description a	nd plat attached , pursuant to the
ı	Zoning Law of Baltime and (2) for a Special I	ore County, from an \underline{D} , \underline{R} Exception under the Zonin	zone to an g Regulations of Balt	R-O zone, for the more County, to use the h	e reasons given in the attered to described property t	tached statemen for:
ng Cođe	Class B office and §§26-276, 2	ce building (s). 6-670, 26-172(a)(3)	Special Hearin BCC to permit b	g for waiver pursuan uilding in and build	nt to §500.6 BCZR ar ling setback to rive	nd §517.2(510 erine floodpl
J	County: as neces	sary related to R.O. ing standards, signs	 buffers and lag 	om the following sections of a ndscape requirements fice percentage.	of the Zoning Regulations s, floor area ratio,	amentiy
	Property is to be	e posted and advertis	sed as prescribe	d by Zoning Regulation	ons.	rther scree to a
	I, or we, agree to pa are to be bound by th	y expenses of above Spec re zoning regulations and	restrictions of Baltimo	sing, posting, etc., upon fili ore County adopted pursua	ant to the Zoning Law for	Baltimore Count
		•		I/We do solemnly declare and legal owner(s) of the property v	affirm, under the penalties of per which is the subject of this Petition	jury, that I/we are the i.
	Contract Purchaser/Lessee:		•	Legal Owner(s):		
	Azola & Assoc	ciates, Inc.		Baltimore Cou	nty, Maryland	<u> </u>
	(Type or Print Name)	1/1/X _				
Τ.			· ·	By: Stanature	11/1/lund	
Ву:	Signature	-//		D	A manufacture of the state of t	
•				Bureau of Land	-	
•	Signature			Bureau of Land Shirley Murphy (Type or Print Name)	-	
•	P.O. Box 140		21022 Zipcode	Bureau of Land Shirley Murphy	-	· · · · · · · · · · · · · · · · · · ·
•	P.O. Box 140 Address Brooklandvill City	le, MD 2		Bureau of Land Shirley Murphy (Type or Print Name)	eake Avenue 41	<u>0 - 887 - 3</u> 251
•	P.O. Box 140 Address Brooklandvill City Attorney for Petitloner:	le, MD 2 State		Bureau of Land Shirley Murphy (Type or Print Name) Signature 111 W. Chesap	eake Avenue 41	0-887-3251 Phone No. 21204
•	P.O. Box 140 Address Brooklandvill City Attorney for Petitloner:	le, MD 2		Bureau of Land Shirley Murphy (Type or Print Name) Signature 111 W. Chesap Address Towson City	eake Avenue 41	Phone No. 21204 Zipcode
•	P.O. Box 140 Address Brooklandvil: City Attorney for Petitloner: Deborah C. Do (Type or Print Name)	le, MD 2 State		Bureau of Land Shirley Murphy (Type or Print Name) Signature 111 W. Chesap Address Towson City Name, Address and phone nur	eake Avenue 41 MD State	Zipcode
•	P.O. Box 140 Address Brooklandvill City Attorney for Petitloner: Deborah C. Do	le, MD 2 State		Bureau of Land Shirley Murphy (Type or Print Name) Signature 111 W. Chesap Address Towson City Name, Address and phone nur	eake Avenue 41 MD State	Phone No. 21204 Zipcode



Zipcode

ESTIMATED LENGTH OF HEARING

the following date:

unevailable for Hearing

Next Two Months

State



CR-98-59-SPHXA

ZONING DESCRIPTION LOT 1 AIGBURTH VALE S.M.69/92

All that parcel of land situated, lying, and being in the Ninth Election District of Baltimore County, State of Maryland and being more particularly described as follows:

Beginning for the same at a point at the intersection of the Southernmost Right Of Way line of Aigburth Road and the Southeasternmost side of Donnybrook Lane extended thence running with and binding on said Right Of Way line the following courses and distances, 1) South 41 degrees 36 minutes 48 seconds West 20.00 feet. 2)North 48 degrees 23 minutes 12 seconds West 30.80 feet. 3)North 09 degrees 34 minutes 49 seconds West 24.61 feet, 4) Northwesterly, by a line curving to the left having a radius of 275.00 feet for a distance of 51.57 feet, 5) North 69 degrees 36 minutes 05 seconds West 2.43 feet, 6) Southwesterly, by a line curving to the left having a radius of 225.00 feet for a distance of 222.86 feet. 7) South 53 degrees 38 minutes 55 seconds West 12.13 feet, 8) Southwesterly, by a line curving to the right having a radius of 375.00 feet for a distance of 205.37 feet, thence leaving said Right Of Way 9) South 04 degrees 57 minutes 50 seconds East 10.91 feet. 10) South 70 degrees 54 minutes 34 seconds East 121.90 feet, 11) South 32 degrees 32 minutes 49 seconds 67.54 feet, 12) South 35 degrees 41 minutes 50 seconds West 31.04 feet, 13) South 54 degrees 26 minutes 28 seconds East 47.62 feet, 14) South 79 degrees 51 minutes 14 seconds East 50.23 feet, 15) South 10 degrees 00 minutes 59 seconds West 133.28 feet 16)South 81 degrees 56 minutes 32 seconds East 188.73 feet. 17)South 64 degrees 03 minutes 22 seconds East 73.77 feet, 18) North 19 degrees 14 minutes 45 seconds East 22.87 feet, 19) North 63 degrees 03 minutes 56 seconds East 58.28 feet, 20)North 06 degrees 23 minutes 16 seconds East 55.91 feet, 21)North 17 degrees 26 minutes 39 seconds East 65.65 feet, 22) North 07 degrees 41 minutes 25 seconds West 34.82 feet. 23)North 13 degrees 35 seconds 27 seconds East 58.04 feet, 24)North 13 degrees 18 minutes 41 seconds West 49.47 feet, 25) North 07 degrees 32 minutes 54 seconds East 65.14 feet, thence binding on said Right Of Way line 26) North 43 degrees 03 minutes 08 seconds West 37.13 feet, and 27) Northwesterly, by a line curving to the left having a radius of 275.00 feet for a distance of 25.61 feet, to the point of beginning.

Containing 3.620 Acres of land, more or less as compiled from Baltimore County survey information.

Being and comprising of all that parcel of land known as Lot 1 as shown on Plat 1 of 4. Aighurth Vale and recorded among the Land Records of Baltimore County in plat book S.M.69/92 on June 20, 1997.

Post 1/25/9" RE: Case No.: CR - 98-59-Petitioner/Developer: Balto Cook Date of Hearing/Closing: 99 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at AIGBURIHRD. DONNYBROOK LA. The sign(s) were posted on _ (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) GARY FREUND (Printed Name) (Address) (City, State, Zip Code) (Telephone Number)

9/96 cert.doc GGS
No reclass
or sign fee
per wce
per As
Sophia

CR.98.59.5AXA

To: Patuxent Publishing

For: August 21, 1997 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkin, Esq. 502 Washington Avenue Suite 220 Towson, MD 21204 410-339-7100

NOTICE OF HEARING

CASE NUMBER: CR-98-59-SPHXA
212 Aighurth Road (Lot 1, Aighurth Vale)
SE intersection Aighurth Road and Donnybrook Lane
9th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland
Contract Purchaser: Azola & Associates, Inc.

Reclassification from D.R.-3.5 to R.O.

Special Hearing for waiver pursuant to section 500.6 BCZR and section 517.2(510.2) Building Code and sections 26-276, 26-670, 26-172(a)(3) BCC to permit building additions in and building setback to a riverine floodplain. Special Exception for Class B office building(s).

Variances as necessary related to R.O. buffers and landscape requirements, floor area ratio, amenity open space, parking standards, signs and medical office percentage.

HEARING: TUESDAY, SEPTEMBER 9, 1997 at 10:00 a.m. in Room 48, Old Courthouse, 400 Washington Avenue before the Board of Appeals.

KRISTINE K. HOWANSKI, CHAIRMAN COUNTY BOARD OF APPEALS

August 14, 1997

NOTICE OF HEARING

CASE NUMBER: CR-98-59-SPHXA
212 Aigburth Road (Lot 1, Aigburth Vale)
SE intersection Aigburth Road and Donnybrook Lane
9th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland
Contract Purchaser: Azola & Associates, Inc.

Reclassification from D.R.-3.5 to R.O.

Special Hearing for waiver pursuant to section 500.6 BCZR and section 517.2(510.2) Building Code and sections 26-276, 26-670, 26-172(a)(3) BCC to permit building additions in and building setback to a riverine floodplain.

Special Exception for a Class B office building.

Variances as necessary related to R.O. buffers and landscape requirements,

floog area ratio, amenity/open space, parking standards, signs and medical

office percentage.

orrace beremicade.

HEARING: TUESDAY, SEPTEMBER 9, 1997 at 10:00 a.m. in Room 48, Old Courthouse, 400 Washington Avenue before the Board of Appeals.

KRISTINE K. HOWANSKI, CHAIRMAN COUNTY BOARD OF APPEALS

cc: Azola & Associates, Inc. Deborah C. Dopkin, Esq.



County Board of Appeals of Baltimore County

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

August 14, 1997

NOTICE OF HEARING

CASE NUMBER: CR-98-59-X

212 Aigburth Road (Lot 1, Aigburth Vale)

SE intersection Aigburth Road and Donnybrook Lane

9th Election District - 4th Councilmanic Legal Owner(s): Baltimore County, Maryland Contract Purchaser: Azola & Associates, Inc.

Reclassification from D.R.-3.5 to R.O. Special Exception for a Class B office building.

HEARING: TUESDAY, SEPTEMBER 9, 1997 at 10:00 a.m. in Room 48, Old Courthouse, 400 Washington Avenue before the Board of Appeals.

KRISTINE K. HOWANSKI, CHAIRMAN

COUNTY BOARD OF APPEALS

cc: Azola & Associates, Inc. Deborah C. Dopkin, Esq.

11

RE: PETITION FOR ZONING RECLASSIFICATION * BEFORE THE COUNTY

PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION * BOARD OF APPEALS OF

PETITION FOR VARIANCE

212 Aigburth Road (Aigburth Vale) * BALTIMORE COUNTY

S/S Aigburth Road, opp. Donnybrook Lane
9th Election District, 4th Councilmanic * Case No. CR-98-59-SPHXA

Legal Owner(s): Baltimore County, Maryland*

Contract Purchaser/Lessee: Azola & Associates, Inc.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 502 Washington Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

August 18, 1997

TO:

Baltimore County Zoning Advisory Committee

FROM:

W. Carl Richards, Jr.

Zoning Review Supervisor (410-887-3391)

SUBJECT:

Out-of-Cycle Documented Zoning Reclassification Petition

Case Number CR-98-59-SPHXA Legal Owner: Baltimore County, MD

Contract Purchaser: Azola & Associates, Inc.

Address: 212 Aigburth Road

Description: S/S Aigburth Road, opposite Donnybrook Lane

9th Election District; 4th Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON JUNE 19, 1997 AND BY RESOLUTION #73-97 OF THE BALTIMORE COUNTY COUNCIL DATED JULY 7, 1997 (ATTACHED). PURSUANT TO SECTION 2-356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

ZONING ADVISORY COMMITTEE AGENDA DISTRIBUTION MEETING OF AUGUST 25, 1997

\$ Distributed at Meeting

* Agenda Only

+ Agenda and Petition

& Agenda and Plat

Agenda, Petition and Plat

Distribution:

Board of Appeals (Kathi Bianco); MS #2013 Zoning Commissioner's Office (Lawrence Schmidt); MS #2112 PDM, Zoning Review H.O. Hearing File (Gwendolyn Stephens) PDM, Zoning Review Work File (Roslyn Eubanks) PDM, Project Management (David Flowers) PDM, Code Enforcement (Helene Kehring) PDM, Zoning Review (Joseph Merrey) PDM, Development Plans Review (Robert W. Bowling) Planning Office Director (Pat Keller) Planning Office (Jeffrey Long) () ---Recreation and Parks (Jean Tansey); MS #52 DEPRM (Bruce Seeley) - 2 plats DEPRM, Air Quality Management (Jerry Siewierski); MS #3404 State Highway Administration, Access Permits Division (David N. Ramsey) PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07 Highways (Tim Burgess); MS #1003 Community Conservation (David Fields); MS #1102M People's Counsel (Peter Zimmerman); MS #2010 Honorable McIntire, County Council, District 3; MS #2201 IF CRITICAL AREA, Maryland Office of Planning (Bill Carroll) IF ELDERLY HOUSING, Community Development; MS #1102M IF FLOODPLAIN, Department of Natural Resources (John Joyce) IF FLOODPLAIN, Public Works (David Thomas); MS 1315

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Roslyn Eubanks. If you have any questions regarding these zoning petitions, please contact either Sophia Jennings or Carl Richards at 410-887-3391 (FAX - 887-5708).

ZONING ADVISORY COMMITTEE MEETING OF AUGUST 25, 1997

Case Number:

CR-98-59-SPHXA

Item Number:

59

Hearing Date/Time:

September 9, 1997 - 10:00 a.m.

Legal Owner:

Baltimore County, Maryland

Contract Purchaser:

Azola & Associates, Inc.

Location:

S/S Aigburth Road, opposite Donnybrook Lane

(212 Aigburth Road - Aigburth Vale)

Existing Zoning:

D.R.-5.5

Proposed Zoning:

R.O. Special Exception for a Class "B" office

building. Special Hearing for a waiver pursuant to

Section 500.6, BCZR, Section 517.2 (510.2),

Building Code, and Sections 26-276, 26-670, and

26-172(a)(3), BCC to permit building in and

building setback to a riverine floodplain. Variance

as necessary related to R.O. buffers and

landscape requirements, floor area ratio, amenity

open space, parking standards, signs and medical

office percentage.

Area:

3.62 +/- Acres

District:

9th Election District

4th Councilmanic District

Attorney:

Deborah C. Dopkin

Miscellaneous:

Floodplain; Limited Exemption Approved 12/2/96

(DRC #120261)

CR-98-59-SPHXA /Aigburth Vale /Out of Cycle

^{9/09/97 -}Matter to be opened and continued on the record only. No testimony or evidence to be presented at this time. To be reset only upon request.

11/12/03 – Order of Dismissal of Petition to be issued; moot due to CZMP; file to be closed after period of 30 days from issuance of Order of Dismissal.

wording for floodplain waiver hearings c 2.98.59-SPHXA



build

RIVERINE (NO NEW BUILDINGS):

Code; and Secti	pursuant to Section 500 ons 26-276, 26-670, 26-	172(a)(3), BCC to	· · · · · · · · · · · · · · · · · · ·
/	ebuild, repair, add	etc	•
		•	
TIDAL:			
•	pursuant to Section 500.		
Code: and Section	ons 26-670 26-172(a)(3)	BCC to	add



401 Bosley Avenue Towson, Maryland 21204 (410) 887-3495

Fax: (410) 887-5862

June 20, 1997

Hon. Joseph Bartenfelder Chairman, Baltimore County Council County Courthouse Towson, MD 21204

Re: Certification on Reclassification Petition - Aigburth Vale

Dear Councilman Bartenfelder:

At a regularly scheduled meeting on June 19, 1997, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the Aigburth Vale property at 212 Aigburth Lane is manifestly required in the public interest.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III

Secretary

AFK/TD/rlh Enclosure

cc: Members, Baltimore County Council

Merreen E. Kelly, Administrative Officer

Thomas Peddicord, Legislative Counsel/Secretary

Brian Rowe, County Auditor

Virginia W. Barnhart, County Attorney

Patrick Roddy, Assistant County Attorney

Robert J. Barrett, Spec. Asst. to the County Executive

Kristine K. Howmanski, Chair, Board of Appeals

Arnold Jablon, Director, Permits & Development Management

Peter Max Zimmerman, People's Counsel

Martin P. Azola, Project Developer

AIGBURTH.DOC

Possible Mon agarda.
Possible Man Many

Printed with Soybean Ink on Recycled Paper



County Council of Baltimore County

Court House, Towson, Maryland 21204 (410) 887-3196 Fax (410) 887-5791

Stephen G. Samuel Moxley FIRST DISTRICT

Kevin Kamenetz SECOND DISTRICT

T. Bryan McIntire

Douglas B. Riley FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

July 8, 1997

Kristine K. Howanski, Chairman Baltimore County Board of Appeals Court House Towson, Maryland 21204

Dear Ms. Howanski:

Attached please find a copy of Resolution 73-97 to approve the Planning Board's certification that the zoning reclassification petition filed by Merreen E. Kelly, on behalf of Baltimore County, for the property located at 212 Aigburth Lane in Towson, known as Aigburth Vale, and situated in the Fourth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its July 7, 1997 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.

Legislative Counsel/Secretary

Thurs Medduord &

TJP:dp Enclosure

R07397.

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COUNTY BOARD OF APPEALS



COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1997, Legislative Day No. 14

Resolution No. 73-97

Mr. Douglas B. Riley, Councilman

By the County Council, July 7, 1997

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Merreen E. Kelly, on behalf of Baltimore County, for the property located at 212 Aigburth Lane in Towson, known as Aigburth Vale, and situated in the Fourth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 19, 1997, has certified that early action on the Petition for Zoning Reclassification filed by Merreen E. Kelly, on behalf of Baltimore County, requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Merreen E. Kelly, on behalf of Baltimore County, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

February 6, 2004

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
R-98-370	R-98-370 CYCLE III, 1998	OZIEL ABBAS	PHILADELPHIA ROAD/ GOLDEN RING ROAD
CR-98-59-SPHXA	CR 0 98-59- SPHXA (Out of Cycle)	AIGBURTH VALE, LOT 1	AIGBURTH ROAD AND DONNYBROOK LANE
CR-99-411	CR-99-411 CYCLE V 1999	VANDERMAST JOINT VENTURE	VANDERMAST LANE/ HOLLY NECK GOFF ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Arnold Jablon, Director DATE: July 15, 1997

Department of Permits & Development Management

FROM: Kathleen C. Bianco

County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-

Request for Reclassification /212 Algburth Lane, Towson

Fourth Councilmanic District

Approval by County Council July 7, 1997

Date for Hearing before the Board - 9/09/97 @ 10:00 a.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Tuesday, September 9, 1997 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its July 7, 1997 meeting (a copy of Resolution 73-97 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of September 9, 1997.

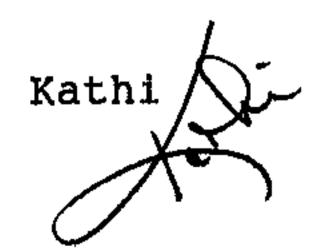
Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Gwen Stephens /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Douglas B. Riley
Baltimore County Council

Gwen: Please call with the case number for this out-of-cycle so I can complete my docket entries. Also, please send me a copy of the notice when it is sent to the parties regarding this hearing date.

Thanks



AIGBURTH VALE, LOT 1 SE intersection Aigburth Road and Donnybrook Lane 212 Aigburth Road Baltimore County, MD -Legal Owner Azola & Associates, Inc. -C.P.

CR-98-59-SPHXA (Out-of-Cycle)

9th Election District 4th Councilmanic District

From D.R. 3.5 to R.O.

June 19, 1997

Planning Board Meeting and recommendation for

early action.

July 7

Approved by County Council.

August 14

Petition for Reclassification filed by Shirley Murphy, Bureau of Land Acquisition on behalf of Baltimore County; and Deborah C. Dopkin, Esquire, on behalf of Azola & Associates, Inc.

Deborah C. Dopkin, Esquire ROSOLIO & KOTZ Suite 220, Nottingham Centre 502 Washington Avenue Towson, MD 21204-4513

Counsel for Petitioner

Martin P. Azola Azola & Associates, Inc. P.O. Box 140 Brooklandville, MD 21022

Petitioner

James Earl Kraft /Bd of Education

People's Counsel for Baltimore County Pat Keller Jeffrey Long Shirley M. Murphy Lawrence E. Schmidt Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

4th C /D. Riley



401 Bosley Avenue Towson, Maryland 21204 (410) 887-3211

Fax: (410) 887-5862

TO: Baltimore County Planning Board

DATE: June 10, 1997

FROM: Arnold F. "Pat" Keller, III

SUBJECT: Aigburth Vale

The attached letter from Merreen E. Kelly on behalf of Baltimore County, Maryland, requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property from DR 5.5 to RO.

Section 2-356 (i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

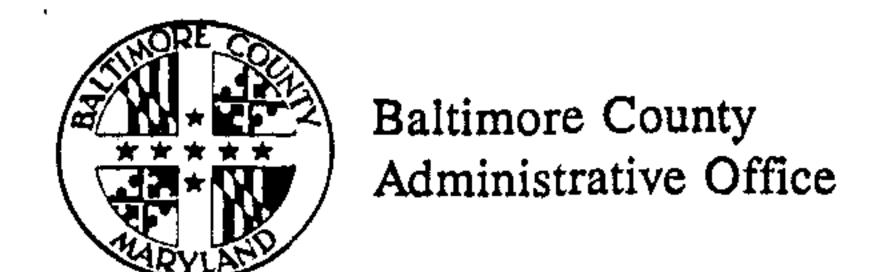
The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board that certification for early action upon this zoning classification petition is required.

Arnold F. "Pat" Keller, II

AFK:JL

Attachment

aig.doc/cycle



400 Washington Avenue Towson, Maryland 21204 (410) 887-2460

Fax: (410) 887-5781

June 9, 1997

Mr. Arnold F. "Pat" Keller Director Office of Planning Courts Building Towson, Maryland 21204 Douglas B. Riley
Fourth District Councilman
County Council
Court House
Towson, Maryland 21204

Re: Requested Consideration of the Aigburth Vale Property for Out-of-Cycle Zoning Consideration, In The Public Interest 212 Aigburth Lane, Towson

Dear Mr. Keller and Councilman Riley:

Aigburth Vale was a country villa built in 1868. The 22 room historic mansion was acquired by the Baltimore County Board of Education in 1950. The Board utilized the property for administrative offices until 1997 at which time the Board declared the property surplus and directed that the property be conveyed to Baltimore County pursuant to the Education Article of the Annotated of Maryland.

In a study conducted by architect James T. Wollen for Baltimore County, it was noted that "Aigburth Vale retains an astonishing amount of its original fabric, the vast majority of it being in good, restorable condition. Superficially, its finishes are in poor condition, some deterioration has occurred primarily because of leaking concealed gutters; and utilitarian additions to and within the house have negatively impacted the historic structure." The report estimates renovation costs to be \$1,747,410 to \$2,100,765.

In order to insure that this historic property be preserved for the public good, Baltimore County generated a public offering. Individuals, organizations and corporations were requested to submit proposals containing their restoration plans, proposed use, renovation team and financial ability to complete the extensive renovation process.

A selection committee consisting of representatives from the following organizations and Baltimore County offices was formed: Executive Office, Administrative Office, Councilman Riley's Office, Bureau of Land Acquisition, Historic Towson, Inc., Baltimore County Historic Trust, Aighurth Manor Community Association and Knollwood Donnybrook Community Association.

June 9, 1997

Mr. Arnold F. "Pat" Keller Councilman Douglas B. Riley

The key elements considered in the selection process were experience of the renovation team, financial standing/ability and a proposed use that was acceptable to the surrounding communities.

The successful proposal was submitted by Martin P. Azola, President, Azola & Associates, Inc. The corporation intends to renovate the mansion and outbuildings for office use while maintaining the historic character of the property. Unfortunately, the property's current zoning DR 5.5 will not permit this type of development.

In general, due to the extensive renovation costs required to restore this historic property, it is impossible to utilize this property under its current DR 5.5 zoning. Based upon the vast response to the County's request for proposals, it is unlikely that the County will find a buyer that will be able to finance this historic restoration under the present DR 5.5. zoning.

The subject property is historical and is registered with the Baltimore County Landmarks Preservation Commission. Aighurth Vale is comprised of one parcel of land containing approximately 3.7 acres. The subject property fronts on Aighurth Avenue approximately 2,000 feet east of York Road. Aighurth Avenue is a two lane, undivided secondary roadway.

Towson High School adjoins the property immediately to the south, east and west. The communities of Aigburth Manor and Donnybrook are located north of the Aigburth Vale property. These properties are zoned residentially.

Azola & Associates, Inc. will serve as the project developer, engineer, restoration tax credit consultant and construction manager. The firm has a history of performance in the design and development of historic properties in Baltimore County. Past historic preservation projects in Baltimore County include Rockland Grist Mill, Village of Rockland, Oregon General Store, George Ellicott House, Stephen Cockey House, Taylor's Hall, Stone Hall, County Council Library and the main house at Devon Hill.

Azola & Associates, Inc. intends to renovate the mansion for office use. The size and location of any additions or growth envelopes will be determined through the development process with the community and County having input. Exterior restoration will be performed to the Standards of the Department of the Interior for Certified Rehabilitation. Interior work will be designed to meet the needs of the tenants.

Aigburth Vale is a prime example of the fate of the many once proud historic buildings searching for contemporary adaptive reuse. It is large, loaded with toxic finishes, inefficient and costly to maintain. It has been neglected and is deteriorated. Restoration will be costly.

Mr. Arnold F. "Pat" Keller -3- June 9, 1997 Councilman Douglas B. Riley

Most detrimental to Aigburth's future is its "functional obsolescence". It does not comply with local building codes, it has an awkward room arrangement, it has 4 floors and no elevator, it does not meet handicapped regulations, it has inadequate fire exits, and asbestos abounds.

In addition, existing inappropriate additions must be removed in accordance with the County's public offering. And, as previously noted, the exterior renovations will be mandated by its Baltimore County Landmark designation.

Hence, the restoration costs are estimated to far exceed the cost of comparable new construction. The present residential zoning cannot support these rehab costs. Therefore, the County will be asking for RO, Residential Office classification, with a documented site plan utilizing the site and the existing building and any proposed additions.

Aigburth Vale is in serious need of repair and hence the County would prefer not to wait until the September 1st filing deadline for cycle II to determine if this documented site plan case will succeed. Hence, we are asking for out-of-cycle treatment, as accorded to other worthy applicants.

Accordingly, we would respectfully request that the Planning Staff, upon review, recommend out-of-cycle treatment for the Aigburth Vale property pursuant to the provisions of Section 2-356(i) of the Baltimore County Code. There is no question in our mind, and we trust that you will agree, that it will be "manifestly required in the public interest or because of emergency" to consider this documented, adaptive reuse case out-of-cycle. Actually, it is both an emergency to prevent further deterioration to the structure and in the public interest to preserve this historic building.

Of course, we would be glad to respond to any questions or comments, and we are hopeful that this matter can be placed in the Planning Board Agenda for June for consideration by the Council, hopefully in July.

Sincerely,

Merreen E. Kelly

County Administrative Officer

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CROAB-59-SPHXA

LAW OFFICES

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DEBORAH C. DOPKIN

TELEPHONE 410-339-7100 FAX NO. 410-339-7107

August 12, 1997

Kristine K. Howanski, Chairperson County Board of Appeals of Baltimore County Old Courthouse, Basement 400 Washington Avenue Towson, Maryland 21204

RE: PETITION OF AZOLA & ASSOCIATES, INC.

Dear Ms. Howanski:

This firm represents Azola & Associations in its petition for out-of-cycle reclassification of approximately 3.62 acres of land on Aigburth Lane in the Towson area of Baltimore County known as Aigburth Vale. The case comes before you following a Baltimore County Council vote on July 7, 1997 to have this petition for Reclassification heard "out-of-cycle" as being manifestly in the public interest.

The Reclassification Petition and accompanying documented site plan propose a change in zoning from D.R. 3.5 to R.O. to allow for the restoration of the Aigburth Vale mansion for office use. The property is currently owned by Baltimore County and will be developed by Azola & Associates pursuant to a competitive process undertaken by Baltimore County last fall.

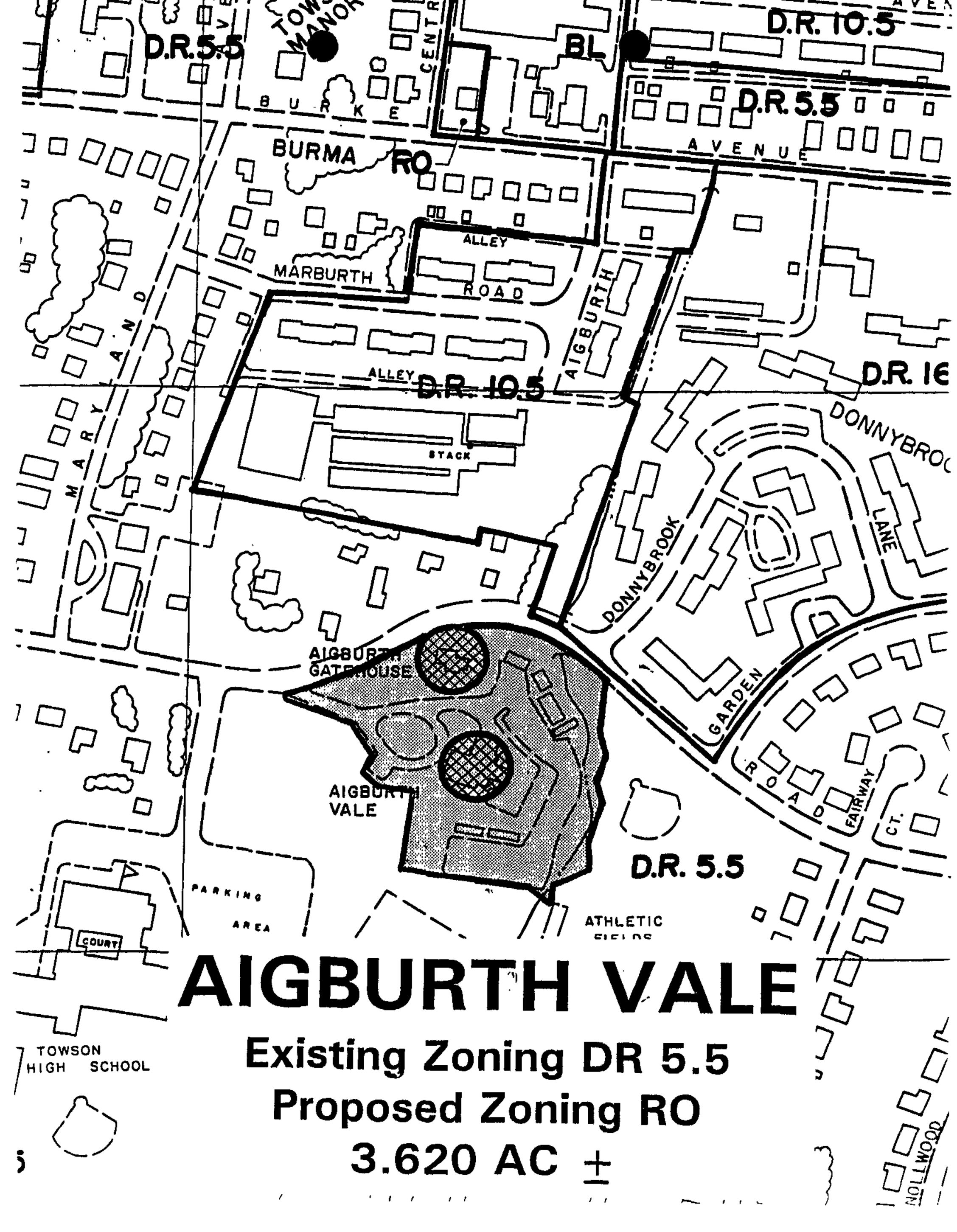
The mansion and accessory buildings have been deemed to have significant historical value. In order to effectively restore them to viable use, the underlying zoning must be modified. We maintain that the Baltimore County Council erred when the 1996 Comprehensive Zoning maps were approved, in that the land was not zoned for office use at that time, in that County owned parcels were not then considered for rezoning.

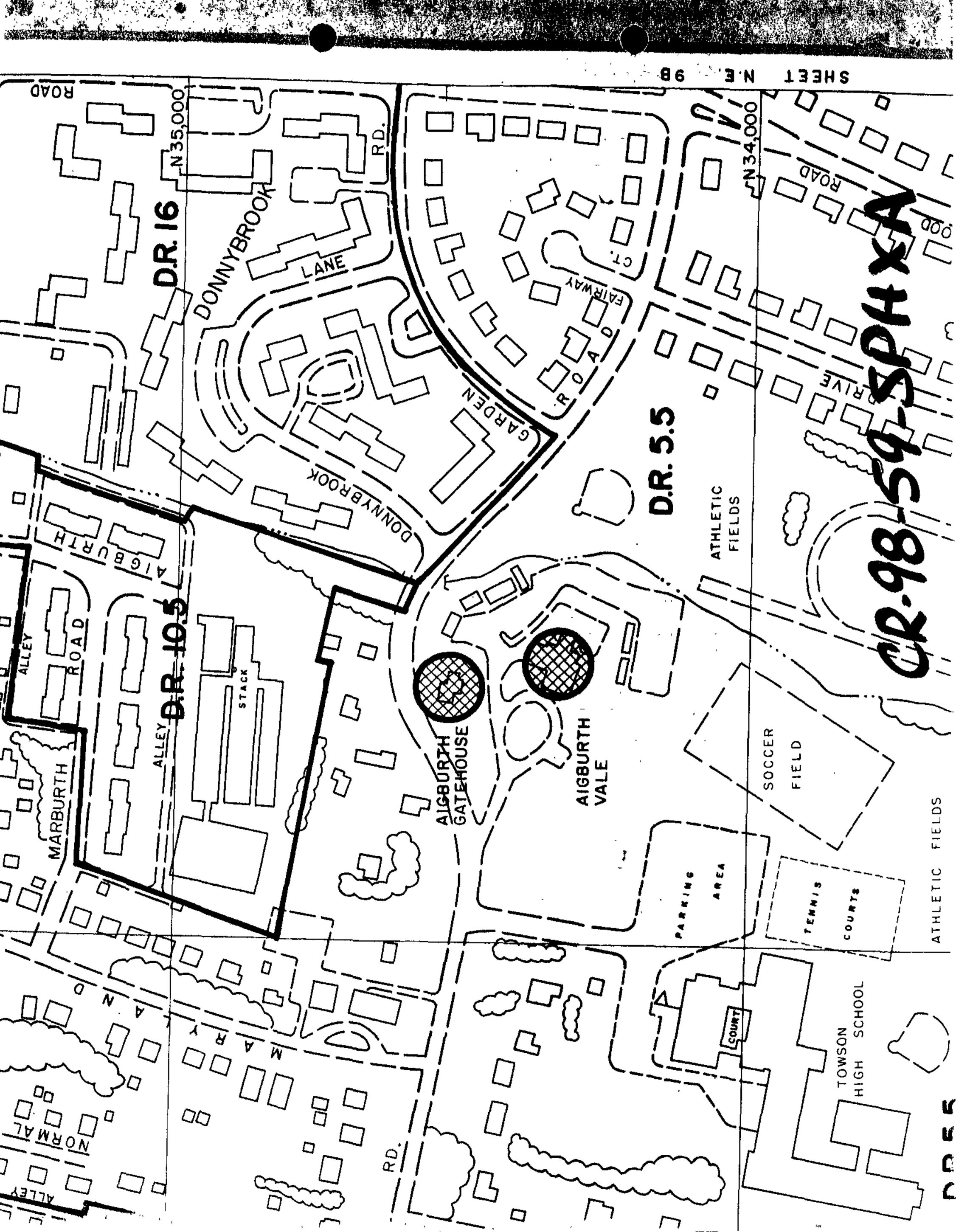
Petitioner intends to present evidence at the hearing to demonstrate mistake or error pursuant to the requirements of County Code Section 2-356(j).

Very truly yours,

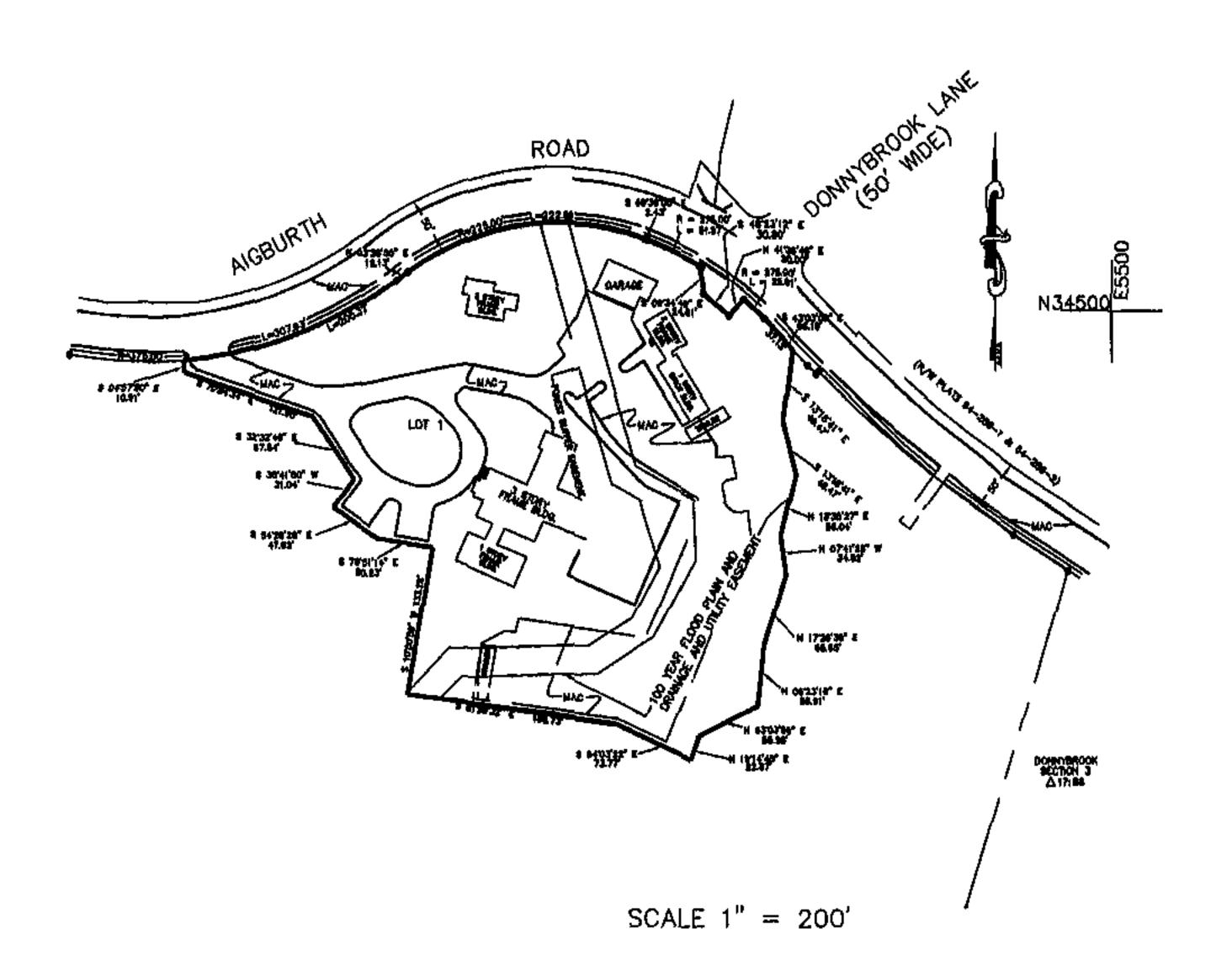
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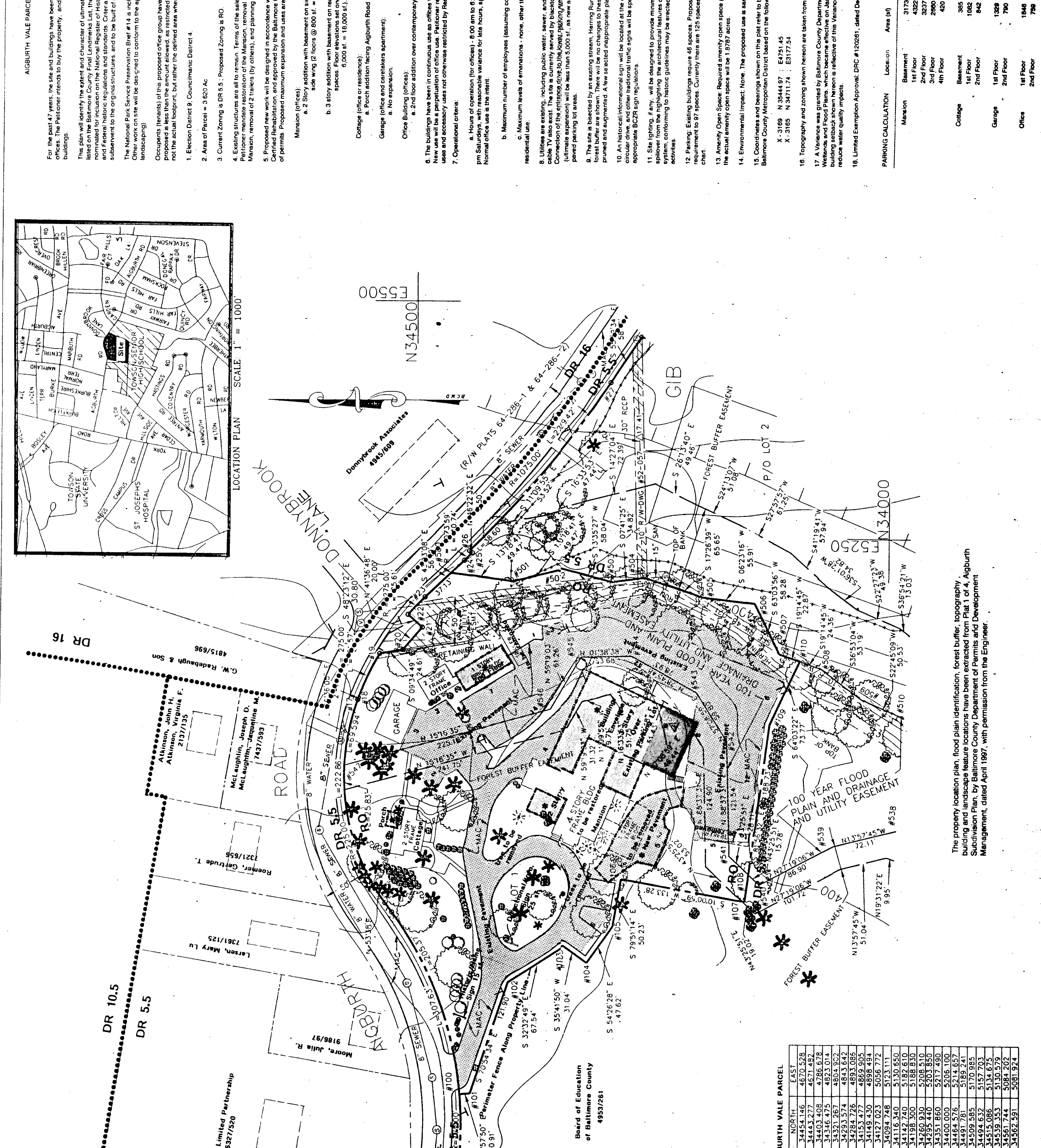
cc: Azola & Associates, Ind.





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de minimal illumination of traveled ways, primarily from satures of the building and landscape elements. A fencir serected around the site to maintain privacy from schoc

n/a 22.67 13.60 12.00 0.00 7,4 6.47 5.32 0.84 6.16 46.02

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READ AND PASSED this July day of July

BY ORDER

Thomas J. Peddicord, Jr.

Secretary

Chairman, County Council

ITEM: Resolution 73-97