STEWART NICHOLS, INC.

NO. 64-92-

re

W/S Rolling Road & S/S Johnnycoke Road

let District

11- NOLDOT

64

Reclassification from R-20 to R-A

Basisian filed Parlamification DENIED by D. 7. C.

June Appealed to C. B. of A. Oct. 7, 1965 Reclassification DENIED by the Board (Baldwin, Parker and Alderman)

Order for Appeal filed in Circuit Court (File #3391) Nov. 4

lon 5 1967

E-b 10 1944

May 25

Directored - Order of Phototiff's attorney files

DENIED

TTL ANT- TOMOLT, INC. IN THE CIRCUIT COURT FOR Va. WILLIAM S. BALDWIN,
W. GILSE PARKER and
R. BRUCE ALDERMAN,
being and constituting
COUNTY BORRD OF APPRAIS
OF BALTIMORS COUNTY BALTIMORS COUNTY AT 1.84 Misc. Docket No. 8 Folio No. 22 Defendants File No. 3301 

## ORDER OF DISMISSAL

Please dismiss the Petition of Appeal filed in the above captioned dame.

SUGERS G. RICKS Attorney for Petitioner

I hereby certify that a copy of the aforegoing Order I hereby certify that a copy or the arcregoing urans of hismissal was mailed this feel day of January 1966 to Thomas P. Meuberger, 1414 Woodeliff Avenue, Baltimore, Md. 21228, Attorney for Intervenors, and to the County Board of Appeals of Baltimore County, County Office Building, Towson, Muryland.

SUGSES G. RICKS Attorney for Petitioner

PETITION FOR RECLASSIFICATION

COUNTY & GARD OF AFFEALS OF

BALTIMORE COUNTY

No. 64-92-R

## OPINION

The nettringer in this case seeks a reclassification of a secnd from E-20 to E-A on the south side of Johnnyouke Road and the west side of Ballion Road in the First District of Baltimore County. The petitioner proposes to erect shaped piece of land having frontage on the south side of Johnnyouke Road and the west side of Bolling Road. The four corners of the intersection of Johnnyooke and Bolling R are record Business-Local. The land across Johnnycoke Road, between Johnnycoke and 1 70 N. is somed R-20 and is presently undeveloped. West of the property is a very sizable area of land soned R-20 and is presently developed in accordance with its soning. South of the property the land is zoned R-20 and is only sparsely developed. East of the property across Rolling Read there is a strip of R-20 zoning, then a substantial area of R-10 ning which is being developed as a single residence cottage de elapment.

The petitioners cite as reasons for the granting of the rezoning here the fact that the soil condition is such that individual septic tanks would not be workable and that in order to sewer the property by public sewer, the cost would be a cassive for an R-20

Jarome Wolff, on expert witness appearing on behalf of the petiti I that there had been a problem with capacity in the dead run interceptor, however due to major road construction in the area, enough property had been released from the drainage area of the dead run interceptor to make the sewerability of this property possible and that now there would be no problem with the capacity of either sewer or water in the event the property is reclassified.

An expert land planner appearing an behalf of the petitioner testified that nt availability of sewer makes the subject tract more responsive to intensified residential uses and that, in his opinion, he did not think R-20 zoning is proper for that parties of the tract that can now be sewered by public facilities. He also stated that he felt the map was in error in that due to the availability of sewer it should be zoned for a more intentified residential use.

IN THE

NOTICE OF APPEAL

Please note an appeal by Stewart-Nichols, Inc., by Eugene

G. Ricks, its Attorney, from the action, decision and order of

the County Board of Appeals dated October 7, 1965 in the

matter of the Petition of the Appellant for reclassification from a R-20 zone to a R-A zone being Petition No. 64-52-R.

I hereby certify that a copy of the aforegoing Notice of Appeal was mailed this 4th day of November, 1965 to the County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

CT SCUTT COURSE

BALTIMORE COUNTY

Eugene G. Riche
Attorney for Stewart-Bichole, Inc.
Masonic Building
Towson, Maryland 21204
623-5485

rart Nichola - No. 64-92-8

- 2 -

or Director of Planning for Baltimore County, testified that, in his epinion, the ne of this treet is proper and that there was no error made by the County Council in of the Planning stell to some the subject tract R-20. He of meet any of the criteria of the Planning staff (which was set forth on page 22 of ern Area Planning Report) for apartment locations. He also stated that there had ot been, in his coinion, sufficient change in the character of the neighborhood since ember of 1962 (the time of the adoption of the Western Area Map) to justify the

The Road Seals that the notitioner has failed to most the burden of proving error in the comprehensive zoning map adapted by the County Council in 1962, nor has he proven sufficient change in the character of the neighborhood to justify the reclassifica-

ORDER

7Th Courts arrows and forth in the oferencing Onleine. It is this of October, 1965 by the County Board of Appeals, OR DERED that the reclass and for, be and the same is hereby DENSED

Stowart Nichols - No. 64-92-8

e B of Marviand Rules of Presenting . 1961 addition

Any appeal from this decision must be in accordance with Chapter 1100,

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

UTY ZONING CONTISSIONER

BALTIMORE COUNTY

..........

The petitioner's property consists of some 17 scree less ted on the Newt side of "Galling Road at its intersection with obsequents Roads. There are we side of "Galling Road at its intersection with obsequent the petitioner's property makes large tracts of understoped land surrements many that at less some of the officers with the petitioner's convertion have intersect in these understoped vertex.

If the soning ware granted, the putitioner would belief going parten type spartness units and the restale would range from \$15,000 to \$850.000 per month per unit place utilities. Schoolfed between the putitions of the putitions

seventh bushed feet from the positionar's property.

The positionar's mean his request for hel sening for the select tract on the though that the sensative cost in brights in sevenal the promisery of 1-fold receive his property out for development in the sening of 1-fold receive his property out for one senior than the mean highway will severally effect as 1-fold respect to the constantion that the me highway stells deversely effect as 1-fold respect to the constantion that the senior of 1-fold received the senior of 1-fold received the senior of 1-fold senior received to the senior of 1-fold senior received to the senior of 1-fold senior received the senior of 1-fold senior received to 1-fold to 1-fold to 1-fold senior received to 1-fo

MICHAEL PAUL BHITH GEORGE BARRETT JOHN EVICENE B. MICKS MINALD J. GILMORE

MICHAEL PAUL SMITH

Zone to an R-A zone W/S Rolling Road - 1st District Stewart Nichols Inc., Patitioner, No. 64-92-8

Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204 Re: Petit

Re: Petition for Reclassification R-20

Dear Sire

Please enter an appeal from the Order of Edward D. Hardesty, Deputy Zozing Commissioner of Baltimore County, dated the 25th day of May, 1964, denying the reclassification in the above captioned case.

Enclosed herewith is check in the amount of \$75,00 to cover the costs of the appeal.

Very truly yours

Eugene G. Ricks Attorney for Stewart Bichols, Inc.

enc. CC: Edward D. Hardesty, Deputy Soning Commissioner County Office Building Towson, Maryland 21204

sopon Onlo 2 SAIM

Stewart-Bichols, Inc.

STEWART-NICHOLS. INC.

WILLIAM S. BALDWIN

W. GILES PARKER,

R. BRUCE ALDERMAN

Mr. Clark

being and constituting COUNTY BOARD OF APPRALS OF BALTIMORE COUNTY Defendants

After considering all testimony and exhibits, the Deputy Zoning Commissioner is of the opinion the petitioner has not make the borden of proof in proving as error in the original soming map as far as its applies to the petitioner's property.

Zoning Commissioner of Mattiners County this 2-5 day of the, 150ds, that the above reclassification be and the same is nevery [MRIMO] and that the above reclassification be and the same is nevery [MRIMO] and that the above described property or area be and the mass is hereby continued as and to remain an ReO come.

RALTIMORE COUNTY

PETITION FOR ZONING RE-CLASSIFICATION 44-92R AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Western AREA I, county and which is described in the description and plat attached hereto and made a part hereof,  $5 \le t \cdot 2^{-5}$ hereby petition (I) that the zoning status of the herein described property be re-ci RA to the Zoning Law of Bullimore County from an Re-20 3/19/64

zone; for the following reasons Error in the adoption of the Western Area Planning Map; Change in conditions; And for such other and further reasons that may appear at the time of the hearing.

See Attached Deposituation

Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification and/or 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

STEWART MICHOLS, INC. By Netla co Puchels Wallace Nichols, Legal Own President Address 7126 Marsten Road Cerpene & Reche Baltimore 7. Maryland

Bugene G. Ricks Address 104 Jefferson Bldg. Towson 4.Md. Va 3 6200

ORDERED By The Zoning Commissioner of Baltimore County, this 10th

..., 196.A., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughnore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 103, County Office Bullding in Towson, Baltimore County, on the 188 10 54 30th by of March 1985 10 50 30th by of March

9 17 3 8 7 6 5 A. M OF PLANES & DESI

10:0019

Baltimore Counte Department of Public Morks

ALBERT & KALTENBACH

COUNTY OFFICE BUILDIN September 24, 1963

Mr. Jerone B. Welff Saite 105, Jefferson Building Townen, Maryland = 21204

References Investigation of Capacity of Dead Run Interceptor

Dear Mr. Wolff:

by have resolved your report dated September 10, 1963 relative to the capacity of the Dend Ran Interceptor, and are in agreement with the conclusion resolved, in that there is adoptine copicity in the system for increased densities at the Erinafield property, located at Johnnyczke and balling basis.

However, it must be noted that our approval is for this tract only, and that as other proportion in the crus become sphential apartment sites or sites suitable for recommendation of the state of the state of the recommendation of the state of the state of the state of the recommendation of the state of the state of the state of the recommendation of the state of the

Very truly yours, albert B 2 alterback ALBERT B. KALTENBACH Director of Public Works

BALTIMORE COUNTY, MARYLAND

TO Mr. John C. Rose, Zoning Commissioner Date April 10, 1964

FROM Mr. George E. Gavrelis, Acting Director

SUBJECT. #64-92-R. R-20 to R-A Zone. West side of Rolling Road and South side of Johnhycake Road. Being property of Stewart Nichols, Inc.

Continued Hearing: Thursday, April 23, 1964 (10:00 A.M.)

In light of the rescheduled hearing date on the subject petition the staff of the Office of Planning and Zoning now has the opportunity to express in writing its advisory comments. They are:

In the subject property is located within an area which is developed within the content and standards of the first property of the content and standards of the content of Temperature and Stalling Boods. This convertile area was filled by the Vestern Planning laws soning map. A Special Deception has been granted thereas and stalling map. A Special Deception has been granted there are not property for a profile of the conservative and afficiently finding of real that the use of conservative are afficiently included property for a goodling station there would not actuarely affect the locality incutives.

2. The subject property is not situated on a read with is improved to the standards of a major thoroughture. The subject property seats more of the locational schandard exhibited by the Planning Board for spartners in the Seatern Danning laves. From a Planning stepping, bough pure voud establish land use potentials for the subject property which are not possible and use potentials for the subject property which are not subject to the subject property which are not defined in properties.

92R 1/13/64 Description for zoning purposes to accompany plat of Rolling Mead Apartments with application for request of zoning change from R-20 to

Regiming for the same at a point in the center of Rolling Road at the beginning of the fourth or Borth 57° 22' Meet 55° - 8° 1 line of the parcel of land which by deed struck during 1, 2000 on recornical and the byte of the same of the land of land of the la 3/19/4

Containing 17.381 acres of land more or less.

Being a part of the parcel of land conveyed to Trinity Evangelical theorem by deed recorded mong the Land Records of Baltimore County in Liber M.J.F. No. h003, follo 552.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date March 20, 1964 FROMET. George E. Cavrelis, Acting Director

SUBJECT 661-92-R. R-20 to S-A. West side of Rolling Road and South side of Johnnycake Road. Being property of Stewart Michols,

2nd District

HEARING: Monday, March 30, 1964 (10:00 A.M.)

Demands on the writer's time have made it impossible to prepare written comments regarding the subject petition within the time period required by law. Members of the Planning staff will be available to testify orally at the hearing if desired.

NE COUNTY OFFICE OF PLANSING AND EDUCING # 64-92 R. WESTERN COUNTY OFFICE BUILDING SEC. 2.8 SUBJECT Potition for Reclassiff Stepart Michels, Inc. The Zening Advisory Committee has reviewed the subject petition and makes the following comments: OFFICE OF PIANCING & ZUNING The entrance to the parking bay on Rolling Read should need to their to the main entrance Profit. THATTO DEARDMONT the location of the parting keys should be satisfied to distribute the parting ener easily still request to the buildings. Deaths of the parting keys should be indicated to income proper expendituation for the parting keys should be SCHOUT OF MANIFESTED As alignment for buildings Read has not been determined to date, hencers, the friend within the world to be 70 feet.

HEALTH DEPARTMENT: Maker and sever must be extended to this site STATE ROADS CONDISSION Wadowing has not been provided for Johnsycake and Relling Rends as proposed by the State Rends Condiscion

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: MARK See Attached C

INDUSTRIAL DEVELOPMENT: No comment

BOARD OF EDUCATION: No comment on: Albert Quishy-Office of Planning & Zoning Olibert Malson-Truffic George Reisr-Nurs of Engr. Thomas (http://index.th. Dept. Ed)/Da

64-92-R

OFFICE OF FINANCE No. 21673 > C464 1598 . 21673- TIP-57.00 3-2464 1598 . 21673- HP-5700

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

> CENTIFICATE OF POSTING MINING REPARTMENT OF BALTIMO

Present on Re Scarce pication from R. 20 to R.A. Pressure Stewart Mile . Posted for K. C. Clare for Construction of the State of t laritin a 300 0 320' 5 of Johnsysake Rd. on Wits Rolling Rd. 2 De 50 vi of Rolling Rd. on 1/2 of Johnsysake Rd. Posted by Date of return ( pril 9 1964

TELEPHONE

BALTIMORE COUNTY, MARY AND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 21594 DATE/14/G

TOTALABOUNT

TELEPHONE 823-3000

DUANTITY

DEPOSIT TO ACCOUNT NO. 01,622

No.61-92-1

INVOICE BALLIDRE COUNTY, MASAAND Division of Collection and Receipts

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of appeal - Stowert Hichels, Inc.,

OFFICE OF FINANCE

DATE 6/4

No. 23275

COURT HOUSE TOWSON 4. MARYLAND

Office of Planeter & Seales 119 County Office Bliggs

TOTAL AMOUNT COST

\$75.00

23275 119-

5.00

TELEPHONE

INVOICE RE CCUNTY, MARY AND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE

TOWSON, MARYLAND 21204

DATE 12/2/65

No.34536

6.00

Eugene G. Ricks, Esc.

DEPOSIT TO ACCOUNT NO.

01.712

County Board of Appeal

TOTAL 200 UN DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE COST 14.00 Cost of Certified Documents - No. 64-92-R Stewart Nichols, Inc. W/S Rolling Road & S/S Johnnycoke Road

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

12-260 5442 0

DEPOSIT TO ACCOUNT NO

QUANTITY

143 e 21590e 719-

DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE COST Potition for Booleanification 50,00 PAID - Sutimore County, Soil - Office of Figure · 21594 11P-50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY. MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

