

RE: PETITION FOR RECLASSIFICATION:
Parcel No. 1 - R-10 and R-20
Zones to an R-A Zone
Parcel No. 2 - R-10, R-20 and
R-40 Zones to an R-6 Zone,
SW/4 Reisterstown Road 1397' NW
of Cherry Hill Road,
4th District
Herbert B. Millhauser, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-148-R

OPINION

The subject hearing arose from a petition to reclassify two parcels of ground in the Fourth Election District of Baltimore County located on the southwest side of Reisterstown Road, 1397 feet northwest of Cherry Hill Road. The petitioner requests that Parcel No. 1 be reclassified from R-10 and R-20 Zones to an R-A Zone (Residential-Apartments). Parcel No. 2, from R-10, R-20 and R-40 Zones to an R-6 Zone.

Parcel No. 1 is situated on a section of Reisterstown Road wherein there are located several commercial enterprises one of which being a large shopping center complex on the west side of Reisterstown Road. Parcel No. 2 is directly to the north and west of Parcel No. 1 and also has access to Reisterstown Road, with an access to Nicodemus Road which runs essentially in a northerly direction binding on the west side of the tract. Cherry Hill Road runs in a northeasterly direction directly to the south of this tract. Under the proposed plan the petitioner would have access to Reisterstown Road, Cherry Hill Road and Nicodemus Road. The proposed Northwest Expressway will about the subject tracts when constructed, said highway being a multi-lane expressway. There was testimony to the effect that an interchange is being considered connecting Cherry Hill Road and the Northwest Expressway directly to the south and abutting the subject tract. The petitioner presented evidence that he had acquired a sixty (60) foot right-of-way connecting his parcel of ground to Cherry Hill Road providing an additional access.

The map governing this tract of ground was adopted on January 18, 1957. There was testimony by Mr. Jerome B. Wolff, a recognized civil engineer, that the Roach Run Interceptor was completed in July of 1960 providing utilities to this area which were not available prior to the adoption of the map. He further testified that the plan as presented, and if constructed, could be adequately served by the new utility system. Mr. Wolff is also recognized as an expert in the field of traffic and conveyed to the Board his opinion that with the multiple access no traffic problem would be presented.

Bernard J. Willmetts, a city planner, testified that there were many changes in the immediate area reflecting a change in the general character of this neighborhood, and that with the advent of the utility system the proposed plan would constitute a logical

and reasonable use of the property, and further stated that the shopping center complex to the east was put on the map by the Baltimore County Council without referring the map for further study to the Department of Planning of Baltimore County and that, in his opinion, an error was committed by placing the subject tract in its present classification without reflecting the impact of the commercial use on Reisterstown Road.

There was also evidence that there had been extensive industrial development in the general area, which was obvious upon inspection of the property by the Board, and testimony indicated that the owners and operators of the plants and business houses were cognizant of a real and urgent need for adequate housing for their employees, present and prospective, within reasonable distance of their facilities.

The protestants were unable to effectively rebut any of the petitioners' witnesses at the hearing on this matter, and the Board feels that the petitioners' proposal is a reasonable, logical, and proper use of his land not inconsistent with the surrounding uses, and that the proposed use fits well within the criteria established by the Baltimore County Department of Planning for high density zoning.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of March, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

G. Mitchell Austin, Chairman
W. Giles Foster

William S. Baldwin

Law Office
CHARLES W. HEID, JR.
401 WASHINGTON AVENUE
TOWSON 4, MARYLAND
RECORDS BUILDING



Mr. Edward D. Hardesty
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21204

Re: Petition for Reclassification
SW/4 of Reisterstown Road, 1397'
NW of Cherry Hill Road
4th District
Herbert B. Millhauser - Petitioner
No. 65-148-R

Dear Mr. Hardesty:

Please note an Appeal from your Order passed in the above captioned matter on November 27, 1964, to the County Board of Appeals. Enclosed is check for \$70.00 to cover the filing fee.

Very truly yours,

Charles W. Heid, Jr.
Charles W. Heid, Jr.
Attorney for Petitioners

CWH, Jr./4
Encl.
C.C.: James C. Gode, Esq.
104 Jefferson Building
Towson-4, Maryland

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Herbert B. Millhauser and legal owner 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 _____

to an R-10 and R-20 Zone to an R-A Zone as to Parcel No. 1, and from an R-10, R-20, R-40 to an R-6 Zone as to Parcel No. 2, for the following reasons: This area is readily adaptable to apartment and R-6 uses, especially since the changes that have taken place in the neighborhood since the adoption of the zoning map and the installation of sewers. No adequate provision for apartment use was made on the map, which as to subject property is error.

See Attached Description

and the attached description, under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property as _____

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and special exception, including, but not limited to, the cost of advertising, 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.

Charles W. Heid, Jr.
Attorney for Petitioners
Address: 3411 Garrison Road, Baltimore, Md.
Herbert B. Millhauser
Contract purchaser
Address: 3511 Westwood Road, Baltimore, Md.

Protestant's Attorney

Address: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1965.

That the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1965, at _____ o'clock _____ M.



William M. Maguadier
County Surveyor
Professional Engineer and Land Surveyor
Court House
Towson, Md. 21204

65-148-R
MAP
SEC-1
RA
R-6

line of the land conveyed by Herbert B. Millhauser and wife to Ralph M. Crouse and wife by a deed dated August 31st, 1959 and recorded among said land records in Liber W.D. No. 3587, folio 383 etc. thence binding on said third line north 50 degrees 30 minutes 10 seconds east 259.83 feet to the end of said line and to the end of the fifteenth or north 32 degrees 32 minutes 15 seconds east 220.00 feet line in the R-4 description accompanying this petition thence binding reversely on the outlines of said R-4 description the following ten courses and distances viz: south 52 degrees 30 minutes 15 seconds west 220.00 feet and north 63 degrees 23 minutes west 234.59 feet and north 33 degrees 15 minutes 40 seconds west 240.00 feet and north 44 degrees 44 minutes 20 seconds east 165.00 feet and north 04 degrees 14 minutes 20 seconds east 395.00 feet and north 47 degrees 14 minutes 20 seconds east 160.00 feet and north 23 degrees 44 minutes 20 seconds east 282.00 feet and north 5 degrees 44 minutes 20 seconds east 320.00 feet and north 53 degrees 14 minutes 30 seconds east 145.00 feet and north 64 degrees 14 minutes 20 seconds east 730.00 feet to the end of the fifth line in said R-4 description thence binding reversely on all of said fifth line and continuing west the same course north 7 degrees 31 minutes in all a distance of 345 feet more or less to intersect the twentythird or north 73 degrees 52 minutes 50 seconds east 2770.92 feet line in the aforementioned deed from Henry Lebe Straus and wife to Herbert B. Millhauser and wife thence binding reversely on a part of said twenty third line and on all of the twenty second, twenty first, twentieth lines therein the following four courses and distances viz: south 04 degrees 14 minutes 20 seconds west 1903 feet more or less to the end of said twenty second line and south zero degrees 10 minutes 40 seconds west 300.00 feet and



William M. Maguadier
County Surveyor
Professional Engineer and Land Surveyor
Court House
Towson, Md. 21204

3-
south 21 degrees 28 minutes 10 seconds east 330.00 feet and south 71 degrees 53 minutes 30 seconds west 561.92 feet to the end of the nineteenth line thereon thence binding reversely on a part of said nineteenth line south one degree 55 minutes east 432.83 feet to intersect the northeast right of way line of the Baltimore Gas and Electric Company thence binding on said northeast right of way line southeasterly 1050.00 feet more or less to a point distant 208.70 feet measured northeasterly at a right angle from the centerline of Nicodemus Road thence south 64 degrees 38 minutes 30 seconds east parallel to and distant 208.70 feet measured at right angle from the centerline of Nicodemus Road a distance of 1332.00 feet more or less to the place of beginning.
Containing 60.26 acres of land more or less



W. M. Maguadier

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: JAMES E. BYER, Chairman
Zoning Advisory Committee
FROM: JOHN G. ROSE, Zoning Commissioner
SUBJECT: Reclassification to R-4 and R-6

The plan as proposed does not recognize the Northwest Expressway for which the alignment has been reasonably well fixed. If this alignment (Northwest Expressway) the relocated Cherry Hill Road and the contemplated interchange between the two are accepted as being near future projects the plan, as proposed, would be impossible to achieve because substantially half of the eastern part of the R-4 rezoning would be required for above noted public facilities. Access to realized Cherry Hill Road will be cut off from the subject property by a map to the Northwest Expressway. The result will be that until adjoining lands, both north and south, develop the entire access to this land will be from Reisterstown Road, one entrance way only and a public road leading south to Cherry Hill Road will be required through the proposed R-4 land. If the proposed facilities previously mentioned are ignored as reasonably imminent reality then the subject plan works in terms of land service.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: John G. Rose, Zoning Commissioner
FROM: George R. Gavallia, Director
SUBJECT: 65-148-R, R-10 and R-20 to R-A for Parcel No. 1; R-10, R-20 and R-40 to R-6 for Parcel No. 2. Southwest side of Reisterstown Road 139' Northwest of Cherry Hill Road. Being property of Herbert B. Millhauser.

4th District
HEARING: November 16, 1964 (2:00 P.M.)
The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassifications to R-A and R-6 zoning. It has the following advisory comments to make with respect to pertinent planning factors:
1. The 4th District Zoning Map and the Master Plan proceeding it carefully considered the potentials for sewerage in this area. It sought to balance future population with the planned sewer system. It sought to balance future population with the prospects for providing a variety of public facilities and services including schools. In the area adjacent to the subject property, the Master Plan identified the location of the new Franklin Senior High School and correctly predicted the extension of public sewers westerly from Reisterstown Road. The planning staff does not believe at all that zoning was incorrectly applied to the subject property nor does it believe that the character of the area has changed to warrant the reclassifications being sought.
2. The 4th District Zoning Map and the Master Plan correctly predicted the location of the Northwest Expressway. It utilized that road as a barrier, as a stopping point, for larger lot zoning. The petitioner proposes to jump more the interchange between the Northwest Expressway and Cherry Hill Road relocated will have great consequences with respect to accessibility and interior circulation patterns for the subject property. The interchange will preclude substantial portions of that portion of the subject property fronting on Nicodemus Road and on Cherry Hill Road. The probable points of access into this property are such that reclassification is premature even if the conventional proofs for zoning can be made.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

Charles Held, Jr., Esq.
Richard Building
Towson, Md. 21204

65-148-R
MAP
SEC-1-D
RA
R-6
4th District
Petition for Reclassification
for Herbert B. Millhauser
located NW of Reisterstown
District 4, NW of Cherry Hill Drive

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:
OFFICE OF PLANNING & ZONING: The plan in general appears to be satisfactory. However, this office will reserve comment until such time as a more detail review has been made with regard to the over-all circulation pattern, of the surrounding areas as it relates to the proposed development.
FIRE BUREAU: See Attached Comments.
BUREAU OF ENGINEERING AND TRAFFIC: Will review and comment at a later date if necessary.

No comments from the following Departments:

- Bulldozing Department
- Industrial Commission
- Health Department
- Board of Education
- R & R Commission
- State Roads Commission

If you have any questions, concerning the above matter, please contact the writer.

cc: Mr. Albert Quinby, Office of Planning & Zoning
Gilbert Nelson-Traffic
George Rater-Bureau of Engineering

Yours very truly,

James E. Byer
Chief of Permit and
Petition Processing

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Byer, Chairman
Zoning Advisory Committee
FROM: Capt. Paul H. Helnecke
SUBJECT: Herbert Millhauser
3413 Reisterstown Road, NW of Cherry Hill Drive
District 4, NW of Cherry Hill Drive

- Submitted plat does not indicate location of water mains and fire hydrants. Spacing of hydrants for the apartments is 500 feet apart. Measured along an improved road and within 100 feet from any dwelling. Water mains exceeding 600 feet shall be a minimum of 8 inches in diameter.
 - Hydrant spacing for R-6 use is 750 feet apart as measured along an improved road and shall be within 500 feet from the center of any improved or recorded lot.
- Please contact Capt. Paul H. Helnecke at Valley 5-7310 for information concerning the above comments.

PHH/vbr

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 28509
DATE 1/27/65
TO: Charles W. Held, Jr., Esq.
Richard Building
Towson, Maryland 21204
BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.
REPORT TO ACCOUNT NO. 01-62
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Cost of posting property for appeal hearing
No. 65-148-R - Herbert Millhauser
2 signs
\$10.00
PAID - Baltimore County, Md. - Office of Finance
1-28509 9565 = 28509 TIP = 1.00
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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 27655
DATE 12/29/64
TO: Charles W. Held, Jr., Esq.
Richard Building
Towson 4, Md.
BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 4, Md.
REPORT TO ACCOUNT NO. 01-62
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Cost of appeal - property of Herbert Millhauser
No. 65-148-R
PAID - Baltimore County, Md. - Office of Finance
12-2765 4338 = 27655 TIP = 70.00
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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
65-148-R
District: 4TH
Date of Posting: Jan 9, 1965
Posted for: [Signature]
Petitioner: Herbert B. Millhauser
Location of property: NW of Reisterstown Rd. NW of Cherry Hill Dr.
Location of signs: NW of Reisterstown Rd. NW of Cherry Hill Dr.
Remarks: [Signature]
Posted by: [Signature]
Date of return: Jan 17, 1965
2 signs

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 27583
DATE 11/17/64
TO: Charles W. Held, Jr., Esq.
Richard Building
Towson, Md. 21204
BILLED BY: Zoning Department of Balto. Co.
REPORT TO ACCOUNT NO. 01-62
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST
Advertising and posting of property for Herbert Millhauser
No. 65-148-R
PAID - Baltimore County, Md. - Office of Finance
11-1768 6227 = 27583 TIP = 157.20
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

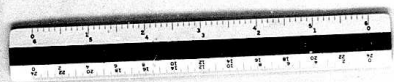
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS CHECK



DENSITY CALCULATIONS

	Parcel "A"	Parcel "B"
Existing Zoning	R-10 & R-100	R-10
Area of Parcel	24.20 Acres	25.01 Acres
Gross Area of Parcel	24.20 Acres	25.01 Acres
Net Area of Parcel	21.90 Acres	21.90 Acres
Total Number of Lots	188	188
Total Number of Apt Units	188	188
Gross Residential Density	8.59	8.59
Net Residential Density	8.59	8.59
Required Open Space	1.7 Acres	1.7 Acres
Total Lot/Unit Acres	20.20	20.20

24.3
25.0
69.3



PRELIMINARY PLAN
WESTLEY
Location Map & Scale 1:1000
Baltimore, Md.

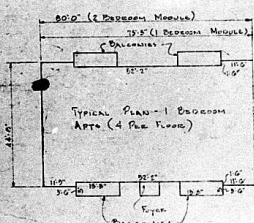
Zoning File #65-NB
Approved Plan



McCall

DEVELOPER
SHERMET
2415 McCall Road
Baltimore, Maryland 21202

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *McCall*
DATE: *June 4, 1966*



Typical Apartment Module
Scale: 1"=20'

