

65-236-RX PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Thomas and Vera Ponento, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-40 zone; for the following reasons:

1. That the present classification of R-6 is in error; the area is rural and is for the most part used for farming and is now changing.
2. That it is within the contemplation of the Office of Planning and Zoning to recommend a re-classification of this area to R-40.

6TH DIST. SHEET 2-F R-40 2/22/65

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a Shooting Range, (See Map 65-236-RX)

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 County.

Contract purchaser Thomas Ponento
Address 1504 Taylor Ave. Baltimore, Md. 21214
Legal Owner
Petitioner's Attorney William Hinkel
Address 2000 Michoud Rd. 21234
Protestant's Attorney James J. Stach

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of February, 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 had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 8th day of March, 1965, at 11:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

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Thomas Ponento, et al - No. 65-236-RX

With respect to the special exception, there is no testimony in the record to indicate that the special exception sought here would in any way violate Section 502.1, subsections b, c, d, e and f. It appears that the sole question to be determined by the Board is whether or not the special exception requested would "be detrimental to the health, safety or general welfare of the locality involved".

There was conflicting testimony as to the amount of noise that would emanate from the firing of shot guns on the property in connection with its use as a skeet and trap range. The petitioner produced an expert witness who had made sound tests on the subject property and testified that in his opinion the noise produced by the firing of shot guns would not be excessive. He had not, however, made any comparisons with the sound produced by other existing skeet ranges. The protestants, who were residents of the general area, felt that the noise would be most annoying to them, and one witness testified that he had on occasion heard shooting that was as far as three-quarters of a mile away. There is no question that the proposed skeet range would produce some amount of noise from the firing of shot guns, but it is very difficult for the Board to determine whether this noise would be excessive or how annoying such noise might be to the ears of the listener. There is no question that persons living on the properties immediately adjacent would clearly hear the shooting on the subject tract.

The protestants also objected strongly to the lights and the proposed shooting until eleven o'clock at night. While there is some question in the Board's mind as to the annoyance caused by shooting noises during the daylight hours, the Board is firmly convinced that the firing of shot guns during the night hours in this peaceful rural community would be most annoying and disruptive to the quiet and enjoyment of the residents nearby. The Board also is of the opinion that the lighting of the proposed range at night would be quite objectionable to the nearby residents.

For these reasons the Board feels that the granting of the special exception

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above Reclassification should be had; and it further appearing that by reason of

a Special Exception for a Shooting Range should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of February, 1965, that the herein described property or area should be and the same is hereby reclassified; from a R-6 zone to a R-40 zone, and/or a Special Exception for a Shooting Range should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of February, 1965, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a R-6 zone; and/or the Special Exception for a Shooting Range be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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Thomas Ponento, et al - No. 65-236-RX

here would be detrimental to the general welfare of the locality involved. Even though we stated earlier in the opinion that the present R-6 zoning is erroneous, since the petitioners' only apparent motive in requesting the reclassification from R-6 to R-40 is to secure the special exception for the shooting range, we will deny the reclassification request so that the subject property will remain in the same zoning classification as the properties which surround it.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of January, 1967, by the County Board of Appeals, ORDERED, that the reclassification and special exception petitioned for be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin
William S. Baldwin, Chairman

John A. Slowik
John A. Slowik

Paul T. McHenry, Jr.
Paul T. McHenry, Jr.

RE: PETITION FOR RECLASSIFICATION
R-6 Zone to an R-40 Zone
Special Exception for a Shooting Range
Range-NE side of Middletown Road
opposite Cooper Road- 6 & 7 Districts
Thomas Ponento-Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-236-RX

The petitioner's property, consisting of some thirty-five acres, is the subject of a petition for reclassification from an R-6 Zone to an R-40 Zone and a Special Exception to use the premises for a shooting range.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion the petitioner failed to show an error in the original zoning or such a change in the character of the neighborhood to justify the rezoning sought.

For the foregoing reasons, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of March, 1965, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an R-6 Zone; and the Special Exception for a Shooting Range be and the same is hereby DENIED.

Edward D. Hardesty
EDWARD D. HARDESTY
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to an R-40 zone,
and SPECIAL EXCEPTION for a :
Shooting Range, :
NE/S Middletown Road opposite :
Cooper Road, :
6th and 7th Districts :
Thomas Ponento, et al, :
Petitioner :
No. 65-236-RX

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-236-RX

OPINION

The petitioner in this case seeks a reclassification of his thirty-five (35) acre parcel of ground from an R-6 zone to an R-40 zone, and a special exception for a Shooting Range. The property is located on the northeast side of the Middletown Road opposite Cooper Road, and lies in the Sixth and Seventh Districts of Baltimore County.

The subject tract, as well as all of the surrounding property, is presently zoned R-6. The area is a typical rural neighborhood in the northern section of Baltimore County and is sparsely populated. Most of the land is used for farm purposes; however, there is a scattering of residences on smaller lots along the road frontage. One of the witnesses for the protestants testified that there are thirty-four houses along the frontage of Middletown Road within a half mile distance of each side of the property.

The map in question is the original zoning map which was adopted by Baltimore County in 1945. At that time the highest residential property classification was "A-Residential" which, under the present regulations, is equivalent to an R-6 zone. Obviously the present R-6 zoning classification is erroneous, in that since there are no utilities available in the area, the property cannot be developed in its present classification. This was substantiated by the testimony of a real estate expert appearing on behalf of the petitioner. It is inconceivable that if the County were to adopt a comprehensive zoning map for this area the classification placed on the property would be other than R-40.

RE: PETITION FOR RECLASSIFICATION
R-6 Zone to an R-40 Zone
Special Exception for a Shooting Range
Range-NE side of Middletown Road
opposite Cooper Road- 6 & 7 Districts
Thomas Ponento-Petitioner



Hr. Deputy Zoning Commissioner:

Please note an Appeal to the Baltimore County Board of Appeals from the Order of the Deputy Zoning Commissioner of Baltimore County dated March 11, 1965 in the above entitled matter. Please note said Appeal on behalf of the Petitioners, Thomas and Vera Ponento.

William Hinkel
J. William Hinkel
Hinkel & Hohenberger
Sun Federal Building
6200 Harford Road
Parkville, Maryland 21234
Phone 668-1441
Attorney for Petitioners

DOLLENBERG BROTHERS

Registered Professional Engineers & Land Surveyors

708 WASHINGTON AVENUE AT YORK ROAD

TOWSON 4, MD.

January 18, 1965

Zoning Description

All that piece or parcel of land situate, lying and being in the Sixth and Seventh Election Districts of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northeast side of Middletown Road at a point where it is intersected by the northerly prolongation of the center line of Cooper Road and running thence and binding on the northeast side of Middletown Road the two following courses and distances viz: South 44 degrees 30 minutes East 169.93 feet and South 41 degrees 25 minutes East 309.54 feet, thence leaving said road and binding on the outlines of the land of Thomas Ponento the eight following courses and distances viz: North 49 degrees 56 minutes East 210.79 feet, South 44 degrees 10 minutes East 99 feet, North 51 degrees 55 minutes East 583.25 feet, North 3 degrees 45 minutes East 385.94 feet, North 28 degrees 25 minutes East 851.97 feet, North 46 degrees 02 minutes West 404.25 feet, South 27 degrees 44 minutes West 513.22 feet and South 70 degrees 18 minutes West 1611.03 feet to the northeast side of Middletown Road and thence binding on the northeast side of Middletown Road the two following courses and distances viz: South 52 degrees 25 minutes East 662 feet and South 49 degrees 48 minutes East 116.92 feet to the place of beginning.

Containing 34.67 Acres of land more or less.

Note: This description is not to be used for conveyance purposes.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: February 24, 1965

FROM: George E. Garvelis, Director

SUBJECT: # 65-236-RX. R-6 to R-40 Northeast side of Middleton Road opposite Cooper Road. Being the property of Thomas Ponento and Vera Ponento.

6th and 7th Districts

HEARING: Monday, March 8th, 1965 (1:00 P.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments regarding planning factors:

1. R-40 zoning at this location is appropriate in view of the area's lack of utilities and present land use.
2. We are unable to comment on the merits of permitting the use proposed, but would stress that the petitioner must show that he will comply with each of the restrictions listed in Subsection 502.1 of the Zoning Regulations, particularly with Paragraphs a and c.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Thomas Ponento
1954 Taylor Ave.
Baltimore 24, Md.

BILLED BY: Zoning Department of Baltimore

DATE: 2/24/65

DEPOSIT TO ACCOUNT NO. 65-236

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property	77.50
	PAID - Baltimore County, Md. - Office of Finance	
	3-865 1307 • 28594 T1P-	77.50

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, MARYLAND 21204

TO: J. William Michel, Esq.,
Sun Federal Building
6800 Harford Road,
Baltimore, Maryland 21234

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DATE: 10/10/64

DEPOSIT TO ACCOUNT NO. 40-461

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of posting Ponento property for appeal hearing	110.00
	No. 65-236	
	PAID - Baltimore County, Md. - Office of Finance	
	10-1066 320 • 40686 T1P-	110.00

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

TO: J. William Michel, Esq.,
Sun Federal Building
6800 Harford Road,
Baltimore, Maryland 21234

BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson, Maryland 21204

DATE: 4/26/65

DEPOSIT TO ACCOUNT NO. 65-236

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal - Thomas Ponento, Petitioner	70.00
	No. 65-236-RX	
	PAID - Baltimore County, Md. - Office of Finance	
	4-2265 3067 • 28696 T1P-	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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Thomas Ponento
1954 Taylor Ave.
Baltimore 24, Md.

BILLED BY: Zoning Department of Baltimore

DATE: 2/2/65

DEPOSIT TO ACCOUNT NO. 65-236

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Reclassification & Special Exception	50.00
	No. 65-236-RX	
	PAID - Baltimore County, Md. - Office of Finance	
	2-1065 133 • 28535 T1P-	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.

J. William Michel, Esq.,
Sun Federal Building
6800 Harford Road,
Baltimore, Md. 21234

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this
2nd day of February, 1965.

Owner's Name: Thomas Ponento

Reviewed by: James E. Ryan

JOHN G. ROSE
Zoning Commissioner

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6TH & 7TH Date of Posting: Feb. 19, 1965

Posted for: Release from R-6 to R-40 Special Exception Shooting Range

Petitioner: Thomas Ponento

Location of property: NE 1/2 Middleton Rd. opp. Cooper Rd.

Location of Signs: 2 NE 1/2 Middleton Rd. opp. Cooper Rd. (2 signs)
② " " " " 400' NW " " (2 signs)
③ " " " " 500' SE " " (2 signs)

Remarks: J. S. Rose

Posted by: J. S. Rose Date of return: Feb. 25, 1965

PETITION FOR
RECLASSIFICATION AND
SPECIAL EXCEPTION

6th & 7th DISTRICTS

ZONING: From R-6 to R-40
Zone. Petition for Special
Exception for a Shooting Range.
LOCATION: Northeast side of
Middletown Road opposite
Cooper Road.

DATE & TIME: MONDAY,
MARCH 8, 1965 at 1:00 P.M.
PUBLIC HEARING: Room 106,
County Office Building, 111
W. Chesapeake Avenue, Tow-
son, Maryland.

The Zoning Commissioner of Bal-
timore County, by authority of
the Zoning Act and Regu-
lations of Baltimore County,
will hold a public hearing!

Present Zoning: R-6
Proposed Zoning: R-40
Special Exception for a
Shooting Range

All that parcel of land in the
Sixth and Seventh Districts
of Baltimore County

Beginning for the same on
the northeast side of Middle-
town Road at a point where it
is intersected by the northerly
prolongation of the center line
of Cooper Road and running
thence and binding on the
northeast side of Middletown
Road the two following courses
and distances viz: South
44 degrees 30 minutes East
169.93 feet and South 41 de-
grees 25 minutes East 309.54
feet, thence leaving said road
and binding on the outlines of
the land of Thomas Ponento
the eight following courses
and distances viz: North 49
degrees 56 minutes East 210.79
feet, South 44 degrees 10 min-
utes East 99 feet, North 51
degrees 55 minutes East 53.25
feet, North 3 degrees 45 min-
utes East 355.94 feet, North
28 degrees 25 minutes East
851.97 feet, North 48 degrees
02 minutes West 404.25 feet,
South 27 degrees 44 minutes
West 513.22 feet and South
70 degrees 18 minutes West
1815.03 feet to the northeast
side of Middletown Road and
thence binding on the northeast
side of Middletown Road the
two following courses and dis-
tances viz: South 52 degrees
25 minutes East 682 feet and
South 49 degrees 48 minutes
East 118.92 feet to the place
of beginning.

Containing 34.87 Acres of
land more or less.

Being the property of Thomas
Ponento and Vera Ponento as
shown on plat plan filed with
the Zoning Department.

Hearing Date: Monday, March
8, 1965 at 1:00 P.M.

Public Hearing: Room 106,
County Office Building, 111
W. Chesapeake Avenue, Tow-
son, Maryland.

By Order of
John G. Rose
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. February 18, 1965

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md. once in each of one
successive weeks before the 8th day of March, 1965, the first publication
appearing on the 18th day of February
1965.

THE TIMES.

Manager
John N. Martin

Cost of Advertisement, \$ 25.00
Purchase Order A7005
Requisition No. P2625

PETITION FOR RECLASSIFI-
CATION AND SPECIAL EXCEP-
TION. 6TH & 7TH DISTRICTS.

ZONING: From R-6 to R-40
Zone. Petition for Special
Exception for a Shooting Range.
LOCATION: Northeast side of Mid-
dletown Road opposite Cooper
Road.

DATE & TIME: Monday, March 8,
1965 at 1:00 P. M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.

The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Bal-
timore County, will hold a public
hearing:

Present Zoning: R-6
Proposed Zoning: R-40
Special Exception for a Shooting
Range

All that parcel of land in the
Sixth and Seventh Districts of Bal-
timore County:
Beginning for the same on the
northeast side of Middletown Road
at a point where it is intersected
by the northerly prolongation of the
center line of Cooper Road and run-
ning thence and binding on the
northeast side of Middletown Road
the two following courses and dis-
tances viz: South 44 degrees 30
minutes East 169.93 feet and South
41 degrees 25 minutes East 309.54
feet, thence leaving said road and
binding on the outlines of the land
of Thomas Ponento the eight fol-
lowing courses and distances viz:
North 49 degrees 56 minutes East
210.79 feet, South 44 degrees 10
minutes East 99 feet, North 51 de-
grees 55 minutes East 53.25 feet,
North 3 degrees 45 minutes East
355.94 feet, North 28 degrees 25
minutes East 851.97 feet, North 48
degrees 02 minutes West 404.25 feet,
South 27 degrees 44 minutes West
513.22 feet and South 70 degrees 18
minutes West 1815.03 feet to the
northeast side of Middletown Road
and thence binding on the northeast
side of Middletown Road the two
following courses and distances viz:
South 52 degrees 25 minutes East
682 feet and South 49 degrees 48
minutes East 118.92 feet to the
place of beginning.

Containing 34.87 Acres of Land
more or less.

Being the property of Thomas
Ponento and Vera Ponento as shown
on plat plan filed with the Zoning
Department.

Hearing Date: Monday, March 8,
1965 at 1:00 P. M. Public Hearing:
Room 106, County Office Building,
111 W. Chesapeake Avenue, Tow-
son, Md.

By Order of
JOHN G. ROSE
Zoning Commissioner of
Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 18, 1965

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. once in each
of one successive weeks before the 8th day of March, 1965, the first publication
appearing on the 18th day of February
1965.

THE JEFFERSONIAN

Manager
L. Frank Strickland

Cost of Advertisement, \$...

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6TH & 7TH Date of Posting: May 1, 1965

Posted for: Appeal

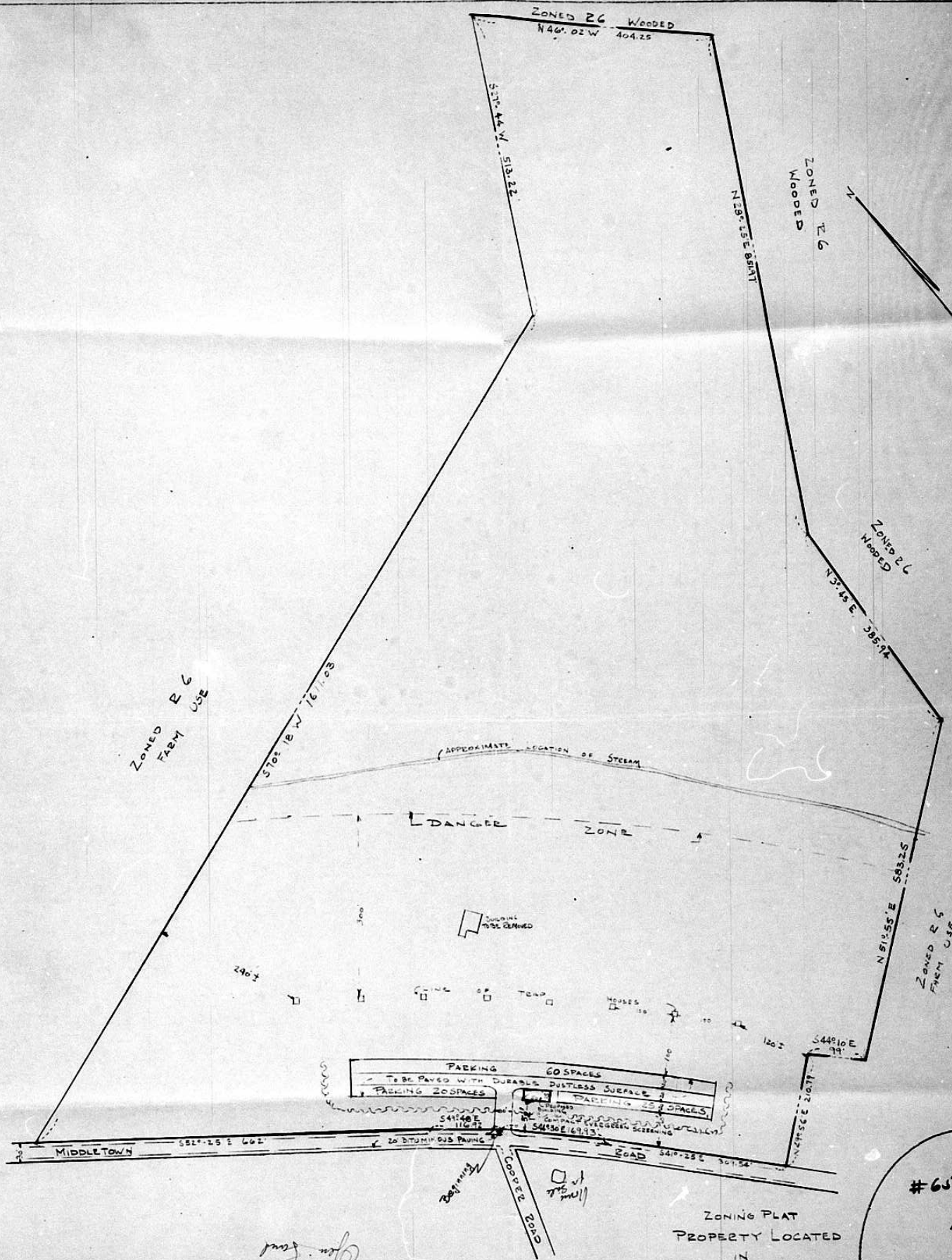
Petitioner: Thomas Ponento et al.

Location of property: NE 1/2 Middleton Rd. opposite Cooper Rd.

Location of Signs: 2 NE 1/2 Middleton Rd. opposite Cooper Rd. (2 signs)
② " " " " 350' NW of Cooper Rd. (2 signs)

Remarks: J. S. Rose

Posted by: J. S. Rose Date of return: May 6, 1965



PRESENT ZONING R6
 PROPOSED ZONING R40
 SPECIAL EXCEPTION FOR SHOOTING RANGE (TRAP AND SHEET)
 NO SEWER OR WATER MAINS
 NO FIRE HYDRANTS

ZONING PLAT
 PROPERTY LOCATED
 IN
 6TH & 7TH DISTRICTS BALTO CO MD
 AREA = 34.67 ACRES ±

#65-236RX
 MAP
 6TH
 DIST
 2-F

NOTE - THIS PLAT IS NOT TO BE USED FOR
 CONVEYANCE PURPOSES

SCALE = 1" = 100' DECEMBER 29
 DOLLENBERG BROTHERS
 SURVEYORS & CIVIL ENGINEERS
 709 WASHINGTON AVE TOWSON