

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Diecraft, Inc., legal owner, of the property situated 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 M-R zone to an "C" zone, for the following reasons:

Genuine change in conditions.

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:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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.

Diecraft, Inc.
By Harry A. Dundore, President
Harry A. Dundore, President

Contract purchaser
Legal Owner

Address York Road
Sparks, Maryland

W. Lee Harrison, Petitioner's Attorney
Prestant's Attorney

Address 607 Loyola Federal Building
Towson, Maryland 21206

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th day

of August, 1966, 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 106, County Office Building in Towson, Baltimore County, on the 26th day of September, 1966, at 11:00 o'clock

A.M.



Charles D. Dundore
Deputy Zoning Commissioner of Baltimore County.



Mr. John Rose
Zoning Commissioner
County Office Building
Towson, Maryland 21206

Re: 67-67-R, W/S York Road
4765' N. of Phoenix Rd., 8th District
Diecraft, Inc., Petitioner

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals in the above entitled petition for reclassification from M-R to C. Recluse! is a check for the cost of entering an appeal.

Very truly yours,

Elizabeth T. Sealey
Elizabeth T. Sealey

Enclosure

cc: Mr. Lee Harrison, atty.
Loyola Building
Towson, Maryland

RE: PETITION FOR RECLASSIFICATION :
from an M-R zone to an
M.L.R. zone,
W/S York Road 4765' North
of Phoenix Road,
8th District
Diecraft, Inc.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 67-67-R

OPINION

The petitioner in this case requests the reclassification of an 18.6 acre parcel of land on the west side of the York Road approximately forty-seven hundred feet north of Phoenix Road in the Eighth Election District of Baltimore County, from an M-R (Manufacturing-Restricted) zone to an M.L.R. (Manufacturing Light-Restricted) zone.

The purpose stated by the petitioner is to allow the construction of an addition to the existing Diecraft plant. The proposed addition would be two stories and when completed the existing structure, together with the proposed addition, would have a total square foot area of 151,500 square feet as opposed to the existing plant which has a present floor area of 93,265 square feet. The roof level of the proposed addition would be the same as the existing roof level of the single story building due to the fact that the land falls off westerly from the York Road. The subject property is contiguous on both the north and west sides to existing M.L.R. zoning. The land on the other two sides of the subject tract is zoned R-6.

The zoning map covering the immediate vicinity is the original zoning map that was adopted by Baltimore County in 1945; the County has not yet adopted any comprehensive zoning plan for this area. The subject tract was rezoned from R-6 to M.R. in July of 1957 while the property to the north and west of the subject tract (consisting of 30.88 acres) was rezoned from R-6 to M.L.R. by the County in 1963 (zoning file #5691). The M.L.R. classification did not exist in July of 1957, this classification having been created and incorporated in the zoning laws of Baltimore County in May of 1961.

Expert witnesses for the petitioner testified that time has shown the M.R. zone to have a number of drawbacks in that it is too restrictive and experience has shown that it is very difficult to obtain financing on buildings proposed to be erected in M.R. zones because any change in use, even a change from one permitted use to another permitted use, requires a filing of a new petition, and obtaining the approval of Baltimore County before the property can be so used. The witness cited as an example that it is possible that Bausch and Lomb, who are now the parent company to Diecraft, would not be permitted to manufacture optical lenses on the subject property under the M.R. restrictions. The witness further stated that the M.L.R. zone was conceived and enacted because of the inherent liabilities of the M.R. zone, but it provides substantially the same

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safeguards as the M.R. zone but eliminates the more objectionable features of it. The witness felt that this change in the zoning regulations by Baltimore County is a genuine change in conditions that make the request here a reasonable one. He also felt that the rezoning of a thirty acre parcel to the north and west (case #5691) is a definite change that affects the subject property, and that it is logical to rezone the subject tract to M.L.R. so that it would conform to the zoning on two sides of the subject parcel. A real estate expert, appearing on behalf of the petitioner, substantiated this testimony and further stated that the rezoning from M.R. to M.L.R. would not adversely affect the surrounding properties.

The witnesses for the protestors objected to the reclassification on the grounds that the proposed addition would possibly create a water shortage in the wells in the nearby area; would increase the traffic on the York Road; could possibly create a sewerage problem and questioned the ability of the septic system to handle sewage from the expanded plant; and feared that the expansion of the plant could create water pollution in the nearby streams that could possibly get into the wells that supply water to the residents of the surrounding area.

The Board feels that these fears were more than allayed by various expert witnesses who appeared on behalf of the petitioner. Without going into detail as to the entire testimony of each witness, the testimony indicated that there are seven septic tanks on the subject property and seven wells on the subject property, only four of which are presently in use. The petitioner produced testimony that the private disposal system is regularly inspected by the Health Department and there have been no problems with the system, and that the system was designed for more people than they presently employ and they only plan to increase the septic tank capacity if a study shows that it will be necessary. An engineer employed by the company testified that the company had recently installed a new process in the plant whereby much of the water is reclaimed and reused, and that the installation of this new process had reduced the water consumption by more than one-third, reducing the gallons per minute used from twenty-three to seven gallons per minute. The witness projected that with the increased plant facility and increased employment to a possible total of seven hundred and fifty persons, together with a one hundred percent increase in water consumption for industrial use, the water consumption would only reach fifteen gallons per minute which is still only two-thirds of the water consumption previously used by the petitioner before the installation of the new process. This witness also testified in great detail as to the disposal of the industrial waste water. He testified that the water is tested daily before being released and the Board is convinced, from his testimony, that no pollution of the streams, wells, etc., in the neighborhood can result from the operation of the plant facility.

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There was also testimony from another witness that the construction of the Harrisburg Expressway, which parallels the York Road west of the subject property, greatly reduced the York Road traffic, and that the York Road now only carries local traffic and the road is more than adequate to handle the proposed plant expansion.

The Board is of the opinion that the petitioner's witnesses conclusively showed the fears of the protestors, with regard to water pollution, etc., to be unfounded. We are also of the opinion that there have been adequate changes in the immediate vicinity to justify the reclassification, and that such a reclassification from one manufacturing zone to another would not be inconsistent with the general welfare of the community, nor would it have any adverse effect on the surrounding community.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd day of March, 1967 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED, subject to site plan approval by the Department of Planning and Zoning and the Bureau of Public Services, and SRC.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin
William S. Baldwin, Chairman

W. Giles Parks
W. Giles Parks

John A. Slowik
John A. Slowik

MCA
MATE, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS

1020 Crumrine Bridge Rd., Baltimore, Md. 21204. Tel. 381-023-0200

DESCRIPTION

18.600 ACRE PARCEL LOCATED ON THE WEST SIDE OF YORK ROAD 4765 FEET, NORTHERLY FROM THE PHOENIX ROAD, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PRESENT ZONING M-R

PROPOSED ZONING M-L-R

Beginning for the same at the point of beginning of a deed dated September 25, 1957 conveyed by Harry A. Dundore and wife to Diecraft, Inc., as recorded among the Land Records of Baltimore County in Liber G. L. B. 3237, page 512, said point of beginning being at a concrete monument as now set on the West side of York Road 4765 feet more or less from the intersection of the centerline of Phoenix Road extended and the west side of York Road, thence binding on the first through the seventh lines of the aforementioned deed, (1) N 00° 54' E 823.99 feet, (2) N 05° 18' W 348.00 feet, (3) S 84° 42' W 145.00 feet (4) S 79° 07' W 385.00 feet, (5) S 64° 57' W 190.00 feet (6) S 00° 60' 31" E 1073.15 feet and (7) N 83° 13' 16" E 697.00 feet to the place of beginning.

Containing 18.600 acres of land.

J.O. #66107

ELG:jlm

6735/66

Water Supply • Sewerage • Drainage • Highways • Structures • Developments • Investigations • Reports

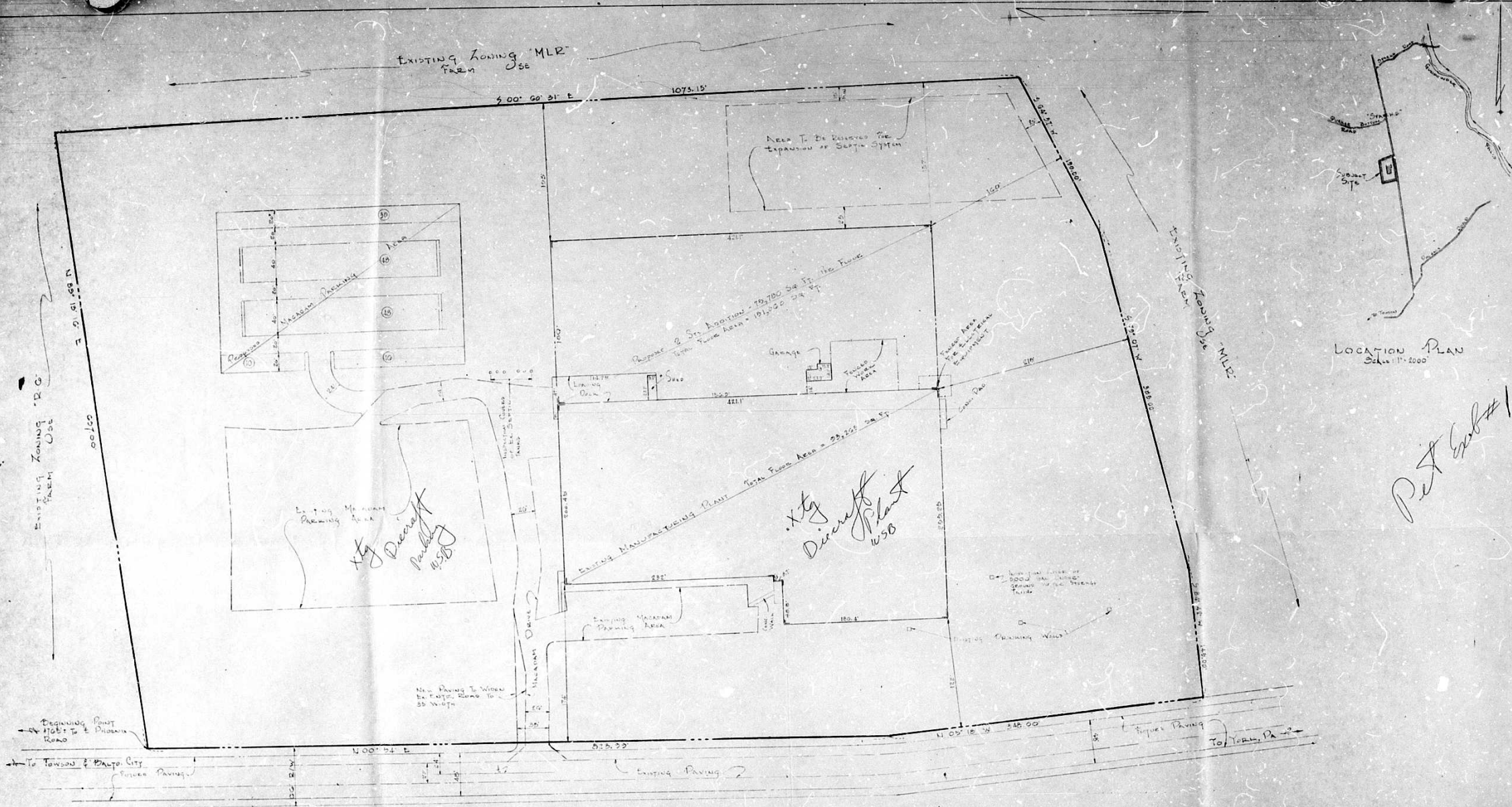
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 16, 1966
FROM: George E. Garverly, Director of Planning
SUBJECT: Petition #67-67-R, West side of York Road 4765 feet North of Phoenix Road, Diecraft, Inc. - Petitioners.
8th District
HEARING: Monday, September 26, 1966. (11:00 A.M.)

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

The M.L.R. zone was not created at the time M.R. zoning was established for the subject property. The M.L.R. zone has all of the safeguards required to protect adjoining residentially zoned areas while, at the same time, adequately providing for industrial activity in a rural context. The planning staff believes that M.L.R. zoning here would be in accordance with Section 247 of the Zoning Regulations.



LOCATION PLAN
Scale: 1" = 2000'

Part of Lot #1

YORK

ROAD

GENERAL NOTES

1. Acreage of Tract Equals 13.600 Acres.
2. Existing Zoning of Tract "MR"
3. Existing Use of Tract "Manufacturing Plant"
4. Proposed Zoning of Tract "MLR"
5. Proposed Use of Tract "Manufacturing Plant"
6. Total Floor Area of Structures Equals 224,225 Sq. Ft. (Present)
7. Total Number of Employees Equals 270
8. Existing Off-street Parking Facilities Equals 100 Spaces (36.20')
9. Total Floor Area of Existing & Proposed Structures Equals 244,225 Sq. Ft.
10. Proposed Number of Employees Equals 600
11. Proposed Off-street Parking Equals 247 Spaces

PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY OF
DIECRAFT, INC.

YORK RD. NORTH OF PHOENIX RD.
ELECTION DISTRICT 9
BALTIMORE COUNTY, MARYLAND
JULY 13, 1966
Revised Aug. 20, 1966

