

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, National Building Rentals, Inc., owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto... 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 M-R zone to an B-R zone, for the following reasons:
Error in original zoning and a genuine change in conditions.

See attached description

MICROFILMED

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 do, we, agree to pay expenses of above re-classification and of 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.

NATIONAL BUILDING RENTALS, INC.

Contract purchaser: Robert H. Whitebarrow, Owner, President, P.O. Box 520, Westminister, Md. 21157

W. Lee Harrison, Petitioner's Attorney; Protestant's Attorney

Address: 607 L. Loyola Federal Building, Towson, Maryland 823-1200

ORDERED: By The Zoning Commissioner of Baltimore County, this 9th day of July, 1967...

of 1967... 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 12th day of June, 1967, at 10:00 o'clock P.M.

John J. [Signature] Zoning Commissioner of Baltimore County

67-248-R

PETITION FOR RECLASSIFICATION FROM M-R ZONE TO B-R ZONE... NATIONAL BUILDING RENTALS, INC. NO. 67-248-R

PETITIONER: LION BROTHERS COMPANY, INC. PROTESTANTS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY MISC. CASE: 4030 DOCKET: 8 FOLIO: 312

MEMORANDUM AND OPINION

The Petitioner, owner of 0.57 acres of land zoned M-R on the south side of Reisterstown Road 961.47 feet west of Painters Mill Road, requested reclassification of the property from its present zoning to a B-R zone for the purpose of construction of a restaurant. This case originated in front of the Deputy Zoning Commissioner who granted the requested reclassification of the subject property from a M-R zone to a B-R zone. The Protestants, Lion Brothers Company, Inc., appealed this decision before the County Board of Appeals of Baltimore County. After a hearing in front of the County Board of Appeals of Baltimore County, this Board passed an Order on the 10th day of July, 1969 in which it granted the reclassification of the subject property from a M-R zone to a B-R zone. An appeal to the Circuit Court of Baltimore County was timely filed by Lion Brothers Company, Inc., and this case was scheduled for a hearing on the 13th day of June, 1969. At this hearing for the Protestants, Lion Brothers Company, Inc., in open court stated that he was resting on his memorandum that had been filed in this case. The attorney for the Petitioner also filed a memorandum which he is relying upon, in addition, gave oral argument at the time

of the hearing in open court.

The Court has considered the oral argument, has read the transcript of the record and has read the memorandums submitted on behalf of all parties in order to reach its conclusion.

The County Board of Appeals in its opinion stated that the Petitioner had cited changes which had taken place since the adoption of the Land Use Map and that practical hardship in utilizing this small tract in its present M-R classification existed. The Board particularly made note of the physical change caused by the construction of the road immediately to the north of the subject property. Since the adoption of the Land Use Map this private road was constructed to serve the Lion Brothers Company, Inc., plant and resulted in the severance of Petitioner's small tract of M-R land.

It must be noted that the Court has no power to rezone and may not substitute its judgment for that of the expertise of the zoning authority. This Court can only study the transcript of the record and determine whether there was legally sufficient evidence for the Board of Appeals to have made the decision it made and to determine whether or not it was arbitrary and capricious in its determination. It is this Court's opinion that the Board of Appeals had substantial evidence in front of it to make the determination that it did. This Court cannot find that the Board of Appeals was arbitrary and capricious in making its determination.

For the reasons above stated the opinion of the County Board of Appeals of Baltimore County is hereby affirmed and the appeal by the Protestants is hereby denied.

June 14, 1969 [Signature] JUDGE

- 2 -

Rec'd 7-1-69

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 4th Date of Posting: July 21, 1967
Posted for: Appeal
Petitioner: National Building Rentals, Inc.
Location of property: 201 1/2 Reisterstown Rd. 261.47 N. of Painter Mill Rd.
Location of Signs: 201 1/2 Reisterstown Rd. 200 N. of Painter Mill Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: July 27, 1967

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 4th Date of Posting: May 29, 1967
Posted for: Reclassification from M-R to B-R
Petitioner: National Building Rentals, Inc.
Location of property: 201 1/2 Reisterstown Rd. 961.47 N. of Painter Mill Rd.
Location of Signs: 201 1/2 Reisterstown Rd. 910' E. N. of Painter Mill Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: June 1, 1967



J. Carroll Hagan

Page 2 northwest side of a 22 foot private lane, granted by Gerstor May Corporation to Valley Investment Corporation, North 42 degrees 27 minutes 41 seconds East 164.0 feet to a concrete monument heretofore set, thence by a curve to the left in a northerly direction with a radius of 20 feet for a distance of 31.14 feet the arc of which is subtended by a chord bearing North 02 degree - 32 minutes 19 seconds West 38.28 feet to the place of beginning.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

EVANS, HAGAN & ASSOCIATES

4800 BALTIMORE AVENUE * BALTIMORE, MD. 21214 * PHONE 426-2144

CAMBRIDGE, MD. 21613 539 POPULAR ST. 229-3350 WESTMINSTER, MD. 21157 115 E. MAIN ST. 848-1290

April 25, 1967.
DESCRIPTION OF 0.57 ACRES OF LAND ON REISTERSTOWN ROAD TO BE RECLASSIFIED FROM M-R ZONE TO B-R ZONE
Beginning for the same at a concrete monument heretofore set on the southwest side of Reisterstown Road, 66 feet wide, at the distance of 961.47 feet more or less measured northwesterly along said southwest side of Reisterstown Road from its intersection with the northwest side of Painters Mill Road, thence leaving said place of beginning and binding along the southwest side of Reisterstown Road, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, South 47 degrees 32 minutes 19 seconds East 144.0 feet to an iron pipe heretofore set, thence leaving said iron pipe South 12 degrees 27 minutes 41 seconds West 220.0 feet to an iron pipe heretofore set, thence leaving said iron pipe and binding along the west side of a 30 foot right of way easement, granted by Gerstor May Corporation to Emblem Realty Company, Inc., North 47 degrees 32 minutes 19 seconds West 4.50 feet to an iron pipe heretofore set at a point of curve, thence still binding on a part of the 30 foot right of way or easement by a line curving to the right in a northerly direction with a radius of 120.0 feet for an arc distance of 81.66 feet more or less to a 5/8 inch diameter pin heretofore set, thence leaving the west side of the 30 foot right of way or easement and running for a line of division North 47 degrees 32 minutes 19 seconds West 46.33 feet more or less, thence binding along an arc distance of 9.5 feet more or less to a concrete monument heretofore set, thence binding on the



LAW OFFICES
A. OWEN HENNEGAN
105 WEST CHESTER AVE.
TOWSON, MARYLAND 21284

July 12, 1967

Honorable John G. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland - 21284

Re: No. 67-248-R
Reclassification from M-L to B-R
Petition of National Building Rental, Inc.
SW's Reisterstown Road, approximately
1900' N of Painters Mill Road

Mr. Commissioner:

Please enter an Appeal to the Baltimore County Board of Appeals from the decision of the Zoning Commissioner, dated June 12, 1967, in the above matter.

Enclosed herewith is check in the amount of \$70.00 representing appeal cost.

Very truly yours,
A. Owen Hennegan
Attorney for Protestants
Lion Bro. Co., Inc.

AGHM:
cc: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland - 21204

Encl.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 44201
DATE: June 25, 1967

REPORT TO ACCOUNT NO. 61-622
QUANTITY
DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORD

Amount and posting of property 201-38-2

PAID

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 44259
DATE: July 17, 1967

REPORT TO ACCOUNT NO. 61-622
QUANTITY
DETAILS ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORD

Cost of appeal - Property of National Bldg. Rentals, Inc.
No. 67-248-R

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner Date: May 25, 1967
FROM: H. B. Staab - I Industrial Development Commission
SUBJECT: Zoning Advisory Committee
May 23, 1967
National Building Rentals, Inc.
Reisterstown Road
Election District - 4



The industrial plants in this area were constructed in conformance with the requirements of the MR Zone. To reclassify this portion of the present MR Zone (4 MR-3) to any other zone would be a serious reflection on the integrity of the MR Zone.

The Industrial Development Commission suggests that the present MR zoning be retained.

H.B.S.

H. B. STAAE
Director

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman
Zoning Advisory Committee Date: May 23, 1967
FROM: Mr. Charles E. Dyer, Jr.
SUBJECT: Property owner: National Building Rentals, Inc.
Location: 607 Reisterstown Road
Address: 607
Present zoning: MR
Proposed zoning: M-R (Restaurant)

1. Shall be required to meet all fire department regulations pertaining to restaurants.

June 7, 1967

M. Lee Harrison, Esq.
Loyola Federal Building
Towson, Maryland 21284

Re: Petition for Reclassification for
National Building Rentals, Inc.
M-R-2-C

Dear Sir:

This is to advise you that \$68.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 119, County Office Building, before the hearing.

Yours very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/bs

M. Lee Harrison, Esq.
607 Loyola Federal Building
Towson, Maryland 21284

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21284

Your petition has been received and accepted for filing this
day of May, 1967.

Handwritten signature of John G. Rose

JOHN G. ROSE
Zoning Commissioner

Petitioner: National Building Rentals, Inc.

Petitioner's Attorney: M. Lee Harrison

Reviewed by: [Signature]
Chairman of Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

June 5, 1967

M. Lee Harrison, Esq.
607 Loyola Federal Building
Towson, Maryland 21284

RE: Reclassification from M-R to
M-R-2-C for the National Building
Rentals, Inc., located S/W side
of Reisterstown Road, N/W of
Painters Hill Road
4th District
(Items 5 May 23, 1967)

Dear Sir:

The above referenced petition is accepted for filing as of the date on the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 days nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

If you have any questions concerning this matter, please do not hesitate to contact me at VA 3-3000, Extension 353.

Very truly yours,

JAMES E. DYER, Principal
Zoning Technician

JED/hm

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21284

M. Lee Harrison, Esq.
607 Loyola Federal Building
Towson, Maryland 21284

SUBJECT: Reclassification from M-R to
M-R-2-C for the National Building
Rentals, Inc., located S/W side
of Reisterstown Road, N/W of
Painters Hill Road
4th District
(Items 5 May 23, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF ENGINEERING:

Water - Satisfies 10" water in Reisterstown Road.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Sanitary sewer exists at Painters Hill and Reisterstown Roads. To serve this property would require an extension of approximately 500'.

FIRE PREVENTION: It shall be required to meet all fire department regulations pertaining to restaurants.

TRAFFIC ENGINEERING: This office will review and make any necessary comment at a later date.

HEALTH DEPARTMENT: The method of public water and sewerage to the site should be indicated on the plans prior to the hearing. Prior to the approval of a building application, complete plans and specifications should be submitted to the Health Department for approval.

STATE ROADS COMMISSION: The frontage along Reisterstown Road must be curbed with concrete curb and gutter. The roadside face of curb to be 28" from and parallel to the centerline of the aforementioned road. The curb must be extended into the entrance on a 15' minimum radius. The curb along the R/W buffer must be an 8" x 22" concrete curb, otherwise the R/W line must be curbed. Construction within the State Roads R/W must be done under permit and approval of State Roads Commission.

ZONING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plans.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Building Department
Board of Education
Industrial Development

Very truly yours,

JAMES E. DYER, Principal
Zoning Technician

cc: Charles Brown-Bureau of Engineering
J.A. Charles Harris-Bureau of Fire Prevention
C. Richard Moore-Bureau of Traffic Engineering
William Greenwell-Smith Department
John Myers-State Roads Commission

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, National Building Rentals, Inc., 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an M-R zone to M-R-2-C zone, for the following reasons:
Error in original zoning and a 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 do hereby 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.

NATIONAL BUILDING RENTALS, INC.

Contract purchaser: Robert H. Whitehurst, President
Address: P.O. Box 520
Westminster, Md. 21157

W. Lee Harrison, Petitioner's Attorney
Address: 607 Loyola Federal Building, Towson, Maryland 823-1200

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of June, 1967, 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 12th day of June, 1967, at 1:00 o'clock P.M.



(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map,

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

Special Exception fees should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of June, 1967, that the herein described property or area should be and the same is hereby reclassified, from an M-R zone to an M-R-2-C zone, and that a Special Exception be granted, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.
LEPULTY 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 12th day of June, 1967, 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 an M-R zone; and/or the Special Exception for

MICROFILMED

Zoning Commissioner of Baltimore County

ROGAN & ASSOCIATES
 CIVIL ENGINEERS
 207-2492
 100 BALTIMORE, MD. 21204 • PHONE 482-2964
 100 BALTIMORE, MD. 21204 • FAX 482-2964
 WESTMINSTER, MD. 21157 • 111 E. MAIN ST. • 442-1780

April 25, 1967.

DESCRIPTION OF 0.57 ACRES OF LAND ON BELLESTOWN ROAD TO BE RECLASSIFIED FROM R-2 Zone to B-R Zone

BEING THE same as a concrete monument heretofore set on the southwest side of Bellestown Road, 66 feet wide, at the distance of 96.47 feet more or less measured northwesterly along said southwest side of Bellestown Road from its intersection with the northwest side of Batters Mill Road, thence leaving said place of beginning and binding along the southwest side of Bellestown Road, referring all courses of this description to the true meridian as established by the Baltimore County Metropolitan District, South 47 degrees 32 minutes 19 seconds East 144.0 feet to an iron pipe heretofore set, thence leaving said iron pipe South 42 degrees 27 minutes 41 seconds West 220.0 feet to an iron pipe heretofore set, thence leaving said iron pipe and binding along the west side of a 30 foot right of way easement, granted by Gerdor May Corporation to Emblem Realty Company, Inc., North 47 degrees 32 minutes 19 seconds West 1.50 feet to an iron pipe heretofore set at a point of curve, thence still binding on a part of the 30 foot right of way or easement by a line curving to the right in a northerly direction with a radius of 120.0 feet for an arc distance of 81.66 feet more or less to a 5/8 inch diameter pin heretofore set, thence leaving the west side of the 30 foot right of way or easement and running for a line of division North 47 degrees 32 minutes 19 seconds West 100.5 feet more or less, thence binding along an arc distance of 9.5 feet more or less to a concrete monument heretofore set, thence binding on the

Page 2
 northeast side of a 22 foot private lane, granted by Gerdor May Corporation to Valley Investment Corporation, North 42 degrees 27 minutes 41 seconds East 164.0 feet to a concrete monument heretofore set, thence by a curve to the left in a northwesterly direction with a radius of 20 feet for a distance of 31.42 feet the arc of which is subtended by a chord bearing North 02 degrees 32 minutes 19 seconds West 28.28 feet to the place of beginning.

Containing 0.57 acres more or less.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

J. O'Connell Hogan

OFFICE OF
THE BALTIMORE COUNTIAN
 THE COMMUNITY NEWS
 Baltimore, Md.
 THE HERALD - ARCTIC
 Catonsville, Md.
 No. 1 Newburg Avenue
 CATONSVILLE, MD.
 May 20, 1967

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 4th
 Date of Posting: May 29, 1967
 Posted for: Reclassification from R-2 to B-R
 Petitioner: National Building Rentals, Inc.
 Location of property: SW 1/4 Bellestown Rd. 910.5 N of Batters Mill Rd.
 Location of Sign: SW 1/4 Bellestown Rd. 910.5 N of Batters Mill Rd.
 Remark: J. J. Rose
 Posted by: J. J. Rose
 Date of return: June 15, 1967

INVOICE
 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 (TOWSON, MARYLAND 21204)

No. 44201
 DATE: June 12, 1967

REPORT TO ACCOUNT NO. 67-482
 QUANTITY: 68.75
 TOTAL AMOUNT: 68.75
 DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

Advertising and posting of property
 67-482

PAID

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

INVOICE
 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 (TOWSON, MARYLAND 21204)

No. 44201
 DATE: June 12, 1967

Cost of appeal - Property of National Bldg. Rentals, Inc.
 No. 67-248

PAID

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 25, 1967.

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 a week on the 12th day of June, 1967, the first publication appearing on the 25th day of May, 1967.

THE JEFFERSONIAN
J. O'Connell Hogan
 Manager

Cost of Advertisement, \$.....

PETITION FOR RECLASSIFICATION
 4th District
 ZONING: R-2 Zone to B-R Zone
 LOCATION: SW 1/4 Bellestown Road 910.47' North of Batters Mill Road.
 DATE & TIME: Monday, June 12, 1967 1:00 p.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing.

Present zoning: M-R
 Proposed zoning: B-R

Concerning all that parcel of land in the Fourth District of Baltimore County.

BEGINNING for the same at a concrete monument heretofore set on the southwest side of Bellestown Road, 66 feet wide, at the distance of 96.47 feet more or less measured northwesterly along said southwest side of Bellestown Road from its intersection with the northwest side of Batters Mill Road, thence leaving said place of beginning and binding along all courses of this description as established by the Baltimore County Metropolitan District, South 47 degrees 32 minutes 19 seconds East 144.0 feet to an iron pipe heretofore set, thence leaving said iron pipe South 42 degrees 27 minutes 41 seconds West 220.0 feet to an iron pipe heretofore set, thence leaving said iron pipe and binding along the west side of a 30 foot right of way easement, granted by Gerdor May Corporation to Emblem Realty Company, Inc., North 47 degrees 32 minutes 19 seconds West 1.50 feet to an iron pipe heretofore set at a point of curve, thence still binding on a part of the 30 foot right of way or easement by a line curving to the right in a northerly direction with a radius of 120.0 feet for an arc distance of 81.66 feet more or less to a 5/8 inch diameter pin heretofore set, thence leaving the west side of the 30 foot right of way or easement and running for a line of division North 47 degrees 32 minutes 19 seconds West 100.5 feet more or less, thence binding along an arc distance of 9.5 feet more or less to a concrete monument heretofore set, thence binding on the northeast side of a 22 foot private lane, granted by Gerdor May Corporation to Valley Investment Corporation, North 42 degrees 27 minutes 41 seconds East 164.0 feet to a concrete monument heretofore set, thence by a curve to the left in a northwesterly direction with a radius of 20 feet for a distance of 31.42 feet, the arc of which is subtended by a chord bearing North 02 degrees 32 minutes 19 seconds West 28.28 feet to the place of beginning.

Containing 0.57 acres of land more or less.

Being the property of National Building Rentals, Inc., as shown on plat plan filed with the Zoning Department. Hearing Date: Monday, June 12, 1967 at 1:00 p.m.

Public Hearing Room 106 County Office Building, 111 W. Chesapeake Ave., Towson, Md.

BY ORDER OF
JOHN G. ROSE
 Zoning Commissioner of Baltimore County.

NOTICE OF HEARING

Re: Petition for Reclassification for National Building Rentals, Inc. 67-248-R

TIME: 1:00 P.M.
 DATE: Monday, June 12, 1967
 PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake TOWSON, MARYLAND

J. J. Rose
 ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR RECLASSIFICATION
 4th District

ZONING: R-2 Zone to B-R Zone
 LOCATION: SW 1/4 Bellestown Road 910.47' North of Batters Mill Road
 DATE & TIME: Monday, June 12, 1967 1:00 p.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing.

Present zoning: M-R
 Proposed: B-R

Concerning all that parcel of land in the Fourth District of Baltimore County

Being the property of National Building Rentals, Inc., as shown on plat plan filed with the Zoning Department.
 Hearing Date: Monday, June 12, 1967 at 1:00 p.m.
 Public Hearing: Room 106 County Office Building, 111 W. Chesapeake Ave., Towson, Md.

BY ORDER OF
JOHN G. ROSE
 Zoning Commissioner of Baltimore County

INVOICE
 BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 (TOWSON, MARYLAND 21204)

No. 45561
 DATE: May 24, 1967

Cost of appeal - Property of National Bldg. Rentals, Inc.
 No. 67-248

PAID

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
 MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of error in the original zoning map

the above Reclassification should be had, and a Special Exception should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of June, 1967, that the herein described property or area should be and the same is hereby reclassified, from a MR zone to a BR zone and the same is hereby reclassified, from a MR zone to a BR zone and the same is hereby reclassified, from a MR zone to a BR zone

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 June, 1967, 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 to remain a MR zone, and or the Special Exception for

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 2, 1967

FROM: George E. Gourelis, Director

SUBJECT: Petition #67-248-R, Reclassification from M.R. to B.R. Southwest side of Reisterstown Road 961.47 feet north of Painters Mill Road. Being the property of National Building Rentals, Inc.

4th District HEARING: Monday, June 12, 1967 (1:00 P.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the subject petition.

MICROFILMED

OFFICE OF THE BALTIMORE COUNTY THE COMMUNITY NEWS THE HERALD - ARGUS CATONSVILLE, MD.

No. 1 Newburg Avenue CATONSVILLE, MD.

May 29, 1967

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was published in THE BALTIMORE COUNTY, a group of weekly newspapers published in Baltimore County, Maryland, once a week for one successive weekly before the 29th day of May, 1967, that is to say the same was inserted in the issues of May 29, 1967.

THE BALTIMORE COUNTY

By Paul J. Morgan, Editor Manager

MICROFILMED

PETITION FOR RECLASSIFICATION... ZONING: M.R. Zone to B.R. Zone... LOCATION: SW side Reisterstown Road 961.47' north of Painters Mill Road... PUBLIC HEARING: Room 100, County Office Building, 111 N. Chesapeake Ave., Towson, Md. 21284... Proposed zoning: B.R. Zone... Proposed zoning: B.R. Zone... Proposed zoning: B.R. Zone...

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/25/67 1967. 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 a week for one successive weekly before the 25th day of May, 1967, that is to say the same was inserted in the issues of May 25, 1967.

THE JEFFERSONIAN, Manager

Cost of Advertisement, \$...

MICROFILMED

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE... No. 45561... DATE: May 24, 1967... Petition for Reclassification... MICROFILMED... IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE... No. 49267... DATE: 6/15/68... Cost of documents filed in Case No. 67-248-R... MICROFILMED... IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND STATE ROADS COMMISSION 200 WEST PATRIOT STREET BALTIMORE, MD. 21201

Mr. John G. Rose, Zoning Commissioner... RE: Petition for Reclassification Southwest Side Reisterstown Road (Route 140), 961.47' North of Painters Mill Road-4th District National Bldg. Rentals, Inc.-Petitioner No. 67-248-R

At the Zoning Advisory Committee Meeting of May 23, 1967, the writer made comments with respect to the subject petition. We have reviewed the Zoning Order dated June 12, 1967 in which the Reclassification was granted. However, it was noted that reference to State Roads Commission comments were omitted from the Order.

Therefore, it is requested that the Order be amended to be subject to construction of the entrance to conform to State Roads Commission standards under permit from this office.

Very truly yours, Charles Lee, Chief Development Engineering Section

John E. Meyers, Asst. Development Engineer



MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING... County Office Building 111 N. Chesapeake Avenue Towson, Maryland 21284... Your petition has been received and accepted for filing this 22 day of May, 1967... MICROFILMED... Petitioner's Attorney: M. Lee Harrison

June 1, 1967

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.
607 Loyola Federal Building
Towson, Maryland 21204

SUBJECT: Reclassification from M-1 to
M-2, for the National Building
Rentals, Inc., Located S/W side
of Reisterstown Road, N/W of
74 acres Mill Road
4th District
(Item 5 May 23, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF ENGINEERING:
Water - Existing 10" water in Reisterstown Road.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Sanitary sewer exists at Painters Mill and Reisterstown Roads. To serve this property would require an extension of approximately 900'.

FIRE PREVENTION: It shall be required to meet all fire department regulations pertaining to restaurants.

TRAFFIC ENGINEERING: This office will review and make any necessary comment as a later date.

HEALTH DEPARTMENT: The method of public water and sewerage to the site should be indicated on the plans prior to the hearing. Prior to the approval of a building application, complete plans and specifications should be submitted to the Health Department for approval.

STATE ROADS COMMISSION: The frontage along Reisterstown Road must be curbed with concrete curb and gutter. The road's face of curb to be 28' from and parallel to the centerline of the aforementioned road. The curb must be extended into the entrance on a 10' minimum radius. The curb along the 51' buffer must be an 8" x 22" concrete curb, otherwise the 1/2" line must be curbed. Construction within the State Roads 1/2" must be done under permit and approval of State Roads Commission.

ZONING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Building Engineer
Board of Education
Industrial Development

Very truly yours,

JAMES E. MYER, Principal
Zoning Technician

cc: Carlyle Brown-Bureau of Engineering
Lt. Charles Harris-Bureau of Fire Prevention
Richard Moore-Bureau of Traffic Engineering
William Orsmaal-Health Department
John Meyers-State Roads Commission

RE: PETITION FOR RECLASSIFICATION * IN THE
FROM M-R ZONE TO B-R ZONE * CIRCUIT COURT
S/W/S REISTERSTOWN ROAD * FOR
961.47'x51' Painters Mill Road * BALTIMORE COUNTY
4th District *
National Building Rentals, Inc. *
Petitioner * AT LAW
No. 67-248-E *
* * * * *
Misc. Docket:
Filed:
File:

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal on behalf of Lion Brothers Company, Inc.,

Protestants before the Board of Appeals in the above matter, from the Board's

Opinion and Order of July 10, 1968.

151
A. Owen Hennegan
406 Jefferson Building
Towson, Maryland - 21204
325-7500

Attorney for Protestants, Lion Brothers
Company, Inc.

I HEREBY CERTIFY, that on this 7th day of August, 1968, copies
of the foregoing Order for Appeal were mailed to: The Baltimore County Board of
Appeals, 301 County Office Building, Towson, Maryland - 21204; and W. Lee
Harrison, Esq., 22 W. Pennsylvania Avenue, Towson, Maryland - 21204, Attorney
for Petitioner.

151
A. Owen Hennegan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner Date: May 25, 1967

FROM: H. B. Staab - Industrial Development Commission

SUBJECT: Zoning Advisory Committee
May 23, 1967
National Building Rentals, Inc.
Reisterstown Road
Election District - 4



The industrial plants in this area were constructed in conformance with the requirements of the MR Zone. To reclassify this portion of the present MR Zone (i.e. MR-3) to any other zone would be a serious reflection on the integrity of the MR Zone.

The Industrial Development Commission suggests that the present MR zoning be retained.

H.B.

H. B. STAAB
Director

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Rose, Chairman
Board of County Commissioners Date: May 23, 1967

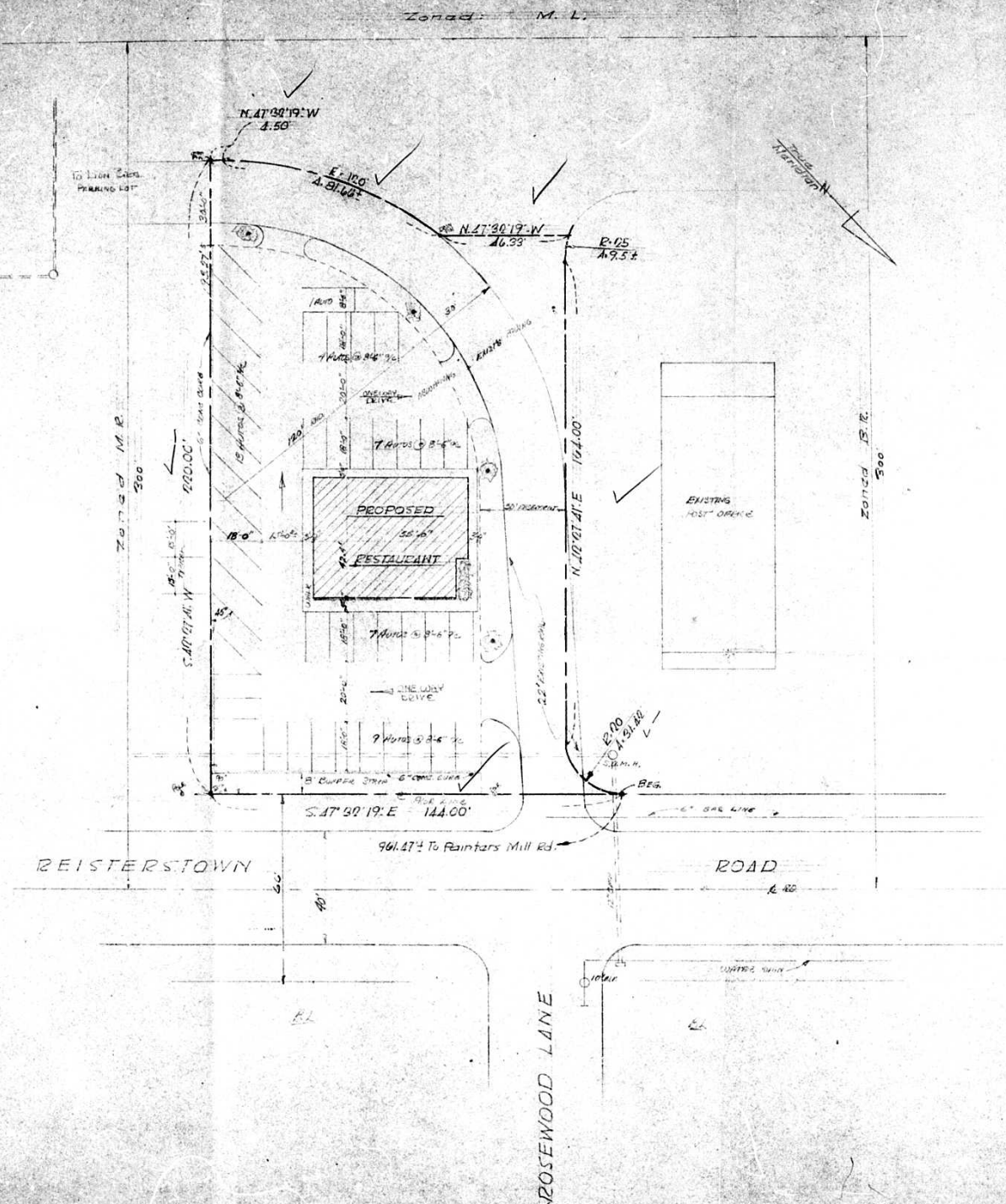
FROM: James A. Rose, Chairman
Fire Bureau

SUBJECT: Fire Bureau National Building Rentals, Inc.
Location: 307 1/2 Reisterstown Road
District: 3rd
Present zoning: MR
Proposed zoning: B-1 (Restaurant)

1. Shall be required to meet all fire department regulations pertaining to restaurants.

MICROFILMED

cc'd 5/24/68
9:30am



NOTE

Area of Property 0.57 A[±]
 Exist. Zoning M.R.
 Exist. Use Vacant
 Pro. Zoning E.R.
 Pro. Use Restaurant
 Nat. Floor Area of Bldg 2089 S.F.
 No. of Parking Spaces Req'd. 21/305 S.F. = 11 Spaces
 No. of Parking Spaces Pro. 21

Election District No. 4, Baltimore County, Md.

#67-2488 ✓

OFFICE COPY

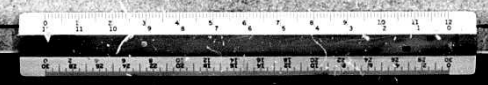
MAP #4
 SEC. 2-C
 NW-11-H

BR

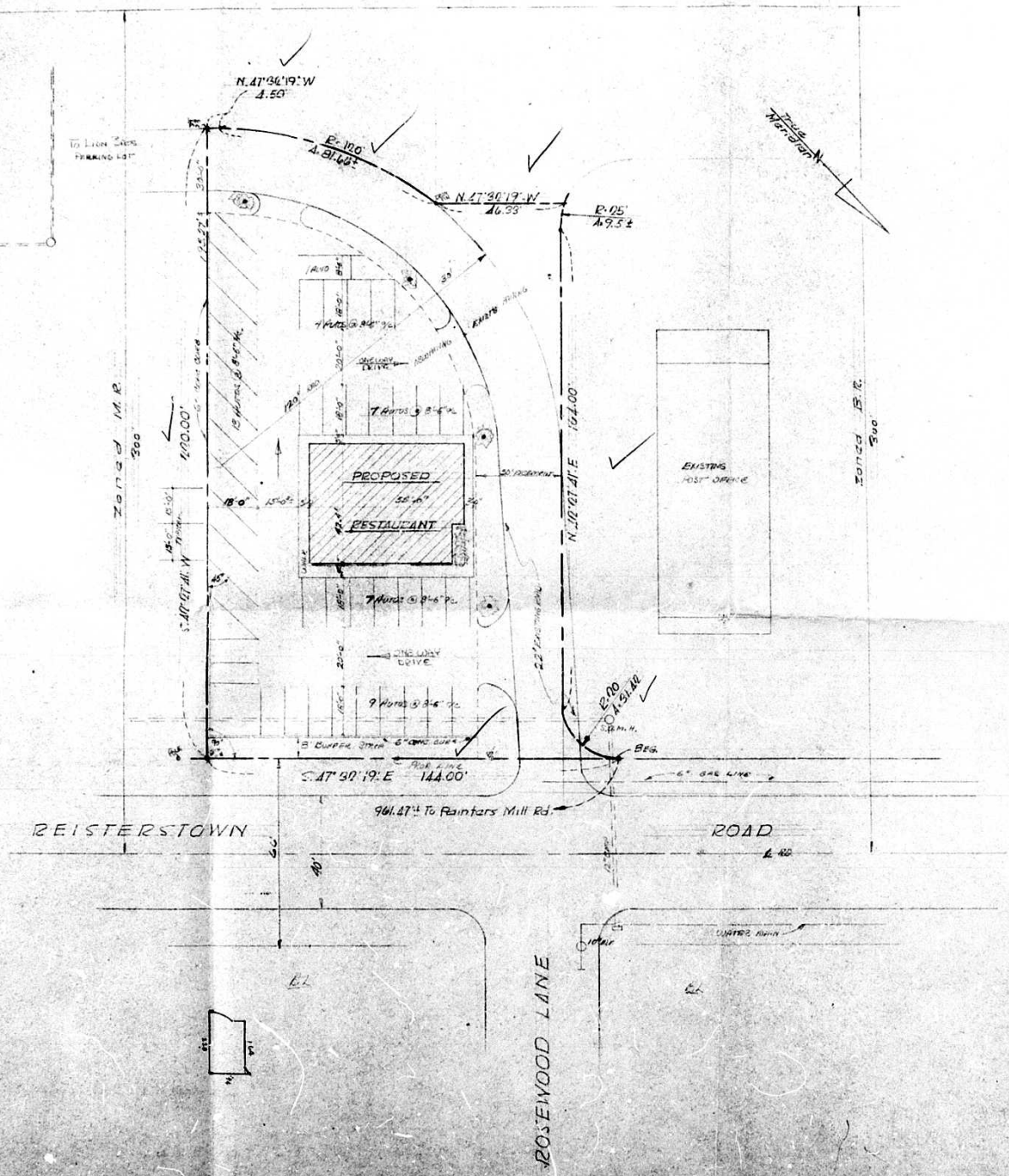
EVANS, HAGAN & ASSOCIATES
 SURVEYING & CIVIL ENGINEERING
 2200 ELSBRODE AVE. - PHONE 426-2144
 BALTIMORE, MARYLAND 21214

DATE: 4/24/67 SCALE: 1"=20'

REVISIONS			LUBBER CHECK - Plot 14.11	
NO.	DATE	BY	DATE	BY
1				
2				
3				
4				
5				



Zone: M. L.



NOTE

Area of Property 0.57 A±
 Exist. Zoning M.R.
 Exist. Use Vacant
 Prop. Zoning E.R.
 Prop. Use Restaurant
 Net Floor Area of Bldg 2050 S.F.
 No. of Parking Spaces Req'd. 8 1/2 (Base + 1) Spaces
 No. of Parking Spaces Pro. 11

Election District N-4, Baltimore, Md.

✓
 #67-24PR
 ✓
 OFFICE COPY
 MAP #4
 SEC. 2-C
 NW-11-H
 BR

MICROFILMED

EVANS, HAGAN & ASSOCIATES
 SURVEYING & CIVIL ENGINEERING
 8230 ELBROD AVE. - PHONE 426-2144
 BALTIMORE, MARYLAND 21214

DATE: 2/1/67

REVISIONS		CHECKER	
NO.	DATE	BY	BY
1			
2			
3			
4			
5			

LOOPER CHECK - Plot Plan

RE: PETITION FOR RECLASSIFICATION : BEFORE
 FROM M-R ZONE TO B-R ZONE :
 SW/S Reisterstown Road 961.47' N. : COUNTY BOARD OF APPEALS
 of Painters Mill Road :
 4th District : OF
 National Building Rentals, Inc. : BALTIMORE COUNTY
 Petitioner :
 : No. 67-248-R

OPINION

This case comes before this Board on an appeal by the Protestants from an Order of the Deputy Zoning Commissioner which granted the requested reclassification of the subject property from an M-R zone to a B-R zone. The subject property is located on the southwest side of Reisterstown Road approximately 961.47 feet north of Painters Mill Road and approximately opposite Rosewood Lane, in the 4th Election District of Baltimore County. The area of the subject property is .57 acres more or less.

The uses surrounding the subject property are as follows: On the south and west is M-R and M-L zoning, the majority of which is now improved and used by the Lion Brothers Company, Inc., a large emblem manufacturer. Immediately north of the subject property there exists a B-R zone, upon which has been erected the Owings Mills Post Office. Across Reisterstown Road to the east on both sides of Rosewood Lane there is a B-R zone partly in use by a gasoline service station and partly by a small strip shopping center. Approximately 1800 feet to the rear and westerly from the subject lot are the Western Maryland Railroad tracks.

The Petitioner seeks a reclassification from M-R to B-R so that a restaurant may be erected on the subject lot.

The Petitioner cited changes which have taken place since the adoption of the Land Use Map. He claimed practical hardship in utilizing the small tract in its present M-R classification. Impressive to this Board was the physical change caused by the construction of the road immediately to the north of the subject property. Since

National Building Rentals, Inc.,
 No. 67-248-R

the adoption of the Land Use Map this private road was constructed to serve the Lion Brothers Company, Inc. plant and resulted in the severance of Petitioner's small tract of M-R land.

The prime Protestant in this case was John D. O'Neill, President of Lion Brothers Company, Inc. Mr. O'Neill testified that the granting of this reclassification might adversely affect the operation of his plant, citing traffic patterns, storm water and sewer problems as his reasons. On cross-examination he acknowledged that the granting of any building permit would be predicated on the availability of utilities. This Board is further aware that development of the subject property must meet the County's requirements in order to obtain site plan approval by the various agencies.

Considering the above, it is the judgment of this Board that the Order of the Deputy Zoning Commissioner shall be affirmed, and the reclassification shall be granted as requested.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 10th day of July, 1968, 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 Office of Planning and Zoning and the Development Engineering Section of the State Roads Commission.

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

John A. Slowik
 John A. Slowik, Acting Chairman

John A. Miller
 John A. Miller

Walter A. Reiter, Jr.
 Walter A. Reiter, Jr.

67-248-R
NATIONAL BUILDING RENTALS, INC. 67-248-R
100 WEST CHESTER AVE. BALTIMORE, MD. 21204

July 17, 1967

No. 67-248- National Building Rentals, Inc.

Petition, description of property Order of Deputy Zoning Commissioner

Certificate of posting

Certificates of advertising

Comments of Fire Bureau

Industrial Development

Office of Planning

Letter from State Roads Commission dated July 10, 1967

Order of appeal

Not filed with petition

Sign

W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

Counsel for petitioner

A. Owen Hennegan, Esq.,
Jefferson Building
Towson, Md. 21204

Jefferson Building

July 17, 1967

W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

RE: Petition for Reclassification
from M-R Zone to B-R Zone
S/W Side Reisterstown Road
961.47' N. Painters Mill Road
4th Dist., National Bldg. Rentals,
Inc., Petitioner - No. 67-248

Dear Mr. Harrison:

An appeal has been filed from the decision
of the Deputy Zoning Commissioner rendered in the above
matter.

You will be notified of the hearing when
scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

LAW OFFICES
A. OWEN HENNEGAN
NEW JEFFERSON BUILDING
100 WEST CHESTER AVE
TOWSON, MARYLAND 21204

July 12, 1967

Honorable John G. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland - 21204

RE: No. 67-248-R
Reclassification from ML to BR
Petition of National Building Rental, Inc.
SW/s Reisterstown Road, approximately
1000' N of Painters Mill Road

Mr. Commissioner:

Please enter an Appeal to the Baltimore County Board of Appeals from
the decision of the Zoning Commissioner, dated June 12, 1967, in the above
matter.

Enclosed herewith is check in the amount of \$70.00 representing appeal
costs.

Very truly yours,

A. Owen Hennegan
Attorney for Protestants
Lion Bros. Co., Inc.

AOH:mf

cc: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland - 21204

Encl.



STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRESTON STREET
BALTIMORE, MD. 21201

July 10, 1967

RE: Petition For Reclassification
Southwest Side Reisterstown Road
(Route 140), 961.47' North of
Painters Mill Road-4th District
National Bldg. Rentals, Inc.-Petitioner
No. 67-248-R

At the Zoning Advisory Committee Meeting of May 23, 1967, the writer
made comments with respect to the subject petition. We have reviewed the
Zoning Order dated June 12, 1967 in which the Reclassification was granted.
However, it was noted that reference to State Roads Commission comments were
omitted from the Order.

Therefore, it is requested that the Order be amended to be subject
to construction of the entrance to conform to State Roads Commission
standards under permit from this office.

Thank you for your cooperation.

Very truly yours,
Charles Lee, Chief
Development Engineering Section



JEM/ntb

By: John E. Meyers
Asst. Development Engineer

67-248-R

June 12, 1967

W. Lee Harrison, Esquire
607 Loyola Federal Building
Towson, Maryland 21204

RE: Petition for Reclassification
SW/S Reisterstown Road 961.47'
N of Painters Mill Road - 4th Dist.
National Building Rentals, Inc.,
Petitioner
NO. 67-248-R

Dear Mr. Harrison:

I have this date passed my
Order granting the above reclassification from an M-R zone to a BR
zone, subject to approval of the site plan by the Bureau of Public
Services and the Office of Planning and Zoning.

Very truly yours,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH/jdr

July 13, 1967

Mr. John E. Meyers
Development Engineering
State Roads Commission
300 W. Preston Street
Baltimore, Maryland 21201

RE: Petition for Reclassification
SW/S Reisterstown Road (rt. 140)
961.47 feet N of Painters Mill Rd.
4th District
National Building Rentals, Inc., Pet.
NO. 67-248-R

Dear Mr. Meyers:

Your letter dated July 10, 1967, to Mr. Rose concerning
the above Petition has been referred to me for reply.

It would probably do no good to amend my Order because
I note in the file that an appeal has been taken to the County Board
of Appeals as of July 12, 1967.

By copy of your letter I am advising the Board of your
interests in this matter and am attaching a copy of your letter. In
the event the Board should affirm my Order it would word its Order
accordingly (that is--if the Board is in agreement).

Yours truly,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH/jdr

cc: Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 2, 1967

FROM: George E. Gouffels, Director

SUBJECT: Petition #67-248-R. Reclassification from M.R. to B.R. Southwest side of
Reisterstown Road 961.47 feet north of Painters Mill Road. Being the property
of National Building Rentals, Inc.

4th District

HEARING: Monday, June 12, 1967 (1:00 P.M.)

The planning staff of the Office of Planning and Zoning will offer no comment
on the subject petition.

Appealed 3/7/68

cc: Zoning
Solicitor

RE: PETITION FOR RECLASSIFICATION
from M-R zone to B-R zone
Southwest side of Reisterstown Road,
961.47' North of Painters Mill Road
4th District
National Building Rentals, Inc.,
Petitioner
Zoning File No. 67-248-R
Lion Brothers Company, Inc.
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 8
Folio No. 342
File No. 4030

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, Ac.

Muriel E. Budzinski
County Board of Appeals of Baltimore County