See attached description

MICROFIL MED

ENTALS, INC. #67-244 m Rd. 961.47' N of

and (2) for a Special Laception, 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, oa'we, agree to pay expenses of above re-classification and or Special Exception advertising, posting, êtc. 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 NATIONAL BUILDING RENTALS, INC. Robert H. Whitehurdheal Owner P.O. Box 520 Westminster, Md. 21157 W. La Han Address 607 Loyola Federal Building Towson, Maryland 823-1200 .. 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, Baltimor John Street 12th day of June // .P ..... M Tree

SURVEYING . CIVIL ENG \$67-241 AGAN & ASSOCIATES TIMORE, MD. 21214 \* PHONE 426,2144 MD. 21613 - 539 POPLAR ST - 228 3350 I MD 21157 - 115 E MAIN ST - 848 1790

> April 25 1967. DESCRIPTION OF 0.57 ACRES OF TAND ON REISTERSTONN HOLD

TO BE ASCLASSIFIED FROM MR Zone to Sk NONE

EXPLANING for the same at a concrete monument heretofore set on the outhwest side of Reisterstown Road, 66 feet wide, at the distance of

961.47 feet more or less measured northwesterly along said southwest side Painters Mill Hoad, thence leaving said place of beginning and binding along hwest side of Reisterstown Road, referring all courses of this description to the true meridian as established by the Baltimore County feet to an iron pipe heretofore set, though leading said iron pipe South 12 degrees 27 minutes 41 s ands West 220.0 feet to an iron pipe heretofor set, thence leaving said iron pipe and binding along the west side of a 30 foot right of way easement, granted by Geroter 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 earment 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 get,

thonce leaving the west side of the 30 foot right of way or eagement and running for a line of division North 47 degrees 32 minutes 19 sec 46.33 feet more or loss, thence binding along an arc distance of 9.5 feet more or less to a concrete monument heretofore set, thence binding on the

-67.248-R

PETITION FOR RECIASSIFICATION IN THE CIRCUIT COURT 67-2481-FROM H R ZONS TO H-R ZONS BU/S REISTERUTOUS ROAD 201.47 OF FOR BALLETHORE COURTY PAINTERS MILL ROAD-4th DISTRICT MATIONAL TUILDING RENTALS, IEC. \* MISC. CASE: POLIO LION BROTHERS COMPANY, INC.

\*\*\*\*\*\*\*\*\*\*\*\*

MENORANDUM AND OPINION

The Patitioner, owner of 0.57 acres of land moned H-R on the south side of Reinterstown Road 961.47 feet west of Painters Hill Road, requested reclassification of the property from 1st smemont zoning to a B-R zone for the purpose of construction of a seasuaurant. This case originated in front of the Daputy Zoning Commissioner who granted the requested reclassification of the subject property from a M-R zone to a B-R cone. The Protostants, 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 an M-R zone to a B-R zone. An appeal to the Circuit Court for secumore 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 attorney for the Protestants, Lion Prothers 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 in relying upc . . . . in addition, gave eral argument at the time

northwest side of a 22 Foot private lane, granted by Gerutor May Corporation to Valley investment Corporation, North 42 degrees 27 minutes 41 accords 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 O2 degree- 32 minutes 19 seconds West 28.28 feet to the place of

Containing 0.5? acres more or less.

Note: This description has been prepared for zoning purposes



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 Potitioner 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 H-R classification existed. The Board particularly made note of the physical change caused by the construction of the road immediately to the north 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 soning authority. This Court can only study the "connectipt of the record and determine whether there was learly sufficient evidence for the Board of Appeals to have made the decision it made and to determine whether or not it was cary and capricious in its decormination. It is this 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 epinion of the County Board of Appeals of Baltimore County is hereby affirmed and the appeal by the Protestents is hereby denied.

15/ 11 11 Jugs Mas Douise June / / 1969

BC & 7/29/69

67-248-R

CERTIFICATE OF POSTURE PARTMENT OF BALTIMORE COUN

Posted for Upplal Petitioner Hatimal Sulding Luitale, Inc. Location of property 5w/s Resturtown Rd 261. 47 N. of fautter Mill Rd Location of Signer 5 W/S Resturtonon Rel 200 N. 1 Parties Poll Pol A June

67-248 R

ZONNO DEPARTMENT OF BALTI	
Towns, Maryland	
Dutrice 4 This	Date of Posting May 29,1967
District !! !!  Posted for Kielsen phalicier from MR to be Positioner Hallocal Sulling hertals of Loration of property 5 11/2 Level referent let. Ile	ne. 1.47 N ef lamtus Mill Rel.
Location of Signer SW/5 Restrictioner Pet 910	"t Not Pantus Bull Rol
Remarks: Sagar Dal (Signature 1 sign	a of return June 30 June 1, 1967

of the hearing in open Court.

4. OWEN HENNEGAN

- M 12 67 rm TOWSON, MARYLAND 21204

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

Re: No. 67-248-R Reclassification from ML to BR 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

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

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

W. Lee Harrison, Esq Loyola Federal Building Towson, Maryland - 2120

BALT MORE COUNTY, MAR LANE OFFICE OF FINANCE

No. 44201

MICROFILMED A\$ 75

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

OFFICE OF FI	NANCE DATE BUY 17.	
- <b>6</b> -53		HOUH
	AND REEP THIS POSTION FOR YOUR STOORDS COST	
of appeal - Property of Millered App. 17-368-	Rep tale, Inc.	/
Pier	* *16259 EP- 700	
1.19.0	and the state of the state of	
OFILMED .		
	BALTINIORE COUNTY, OFFICE OF TI  Diction of Callecties are COURT HOUSE TOWSON, MARYLAN STREET, T. Edg., Building Maryland 21294  OCCACH AGMS PANYON 1986  OF SERVICE AGMS PANYON 1986  OF SERV	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Dritine of Relief and Revision COURT HOUSE TOWNON, MARYLAND 2104  Minneagen, Jr., Eqs., TOWNON, MARYLAND 2104  Minneagen, Jr., Eqs., Townous, Md. 21204  Shinneagen, Jr., Eqs., Shinneage

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

70 Mr. John Rose, Zoning Commissioner Date. May 25, 1967

FERM H. B. Staab - I ndustrial 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 . serious reflection on the integrity of the MR Zone.

The Industrial Development Commission auggests that the present MR zening be retained.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

as of the date on the enclosed filing certificate. Notice of the hearing date and then, which will be held not less than JOdays nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

W. Lee Harrison, Esq. 607 Loyola Federal Building Towsen, Haryland 21204

GEORGE L. GAVRE

John G. Rose

Juna 5, 1967

Very truly yours,

JAMES E. DYER, Principal

Reclassification from M-R to B-R, for the National Building Bentals, Inc., Located S/N side of Peisterstom Road, N/N of Painters hill Food hth District (Item 5 May 23, 1967)

Hrst. H. B. STAAE

# BALTIMORE COUNTY, MARY

#### INTER-OFFICE CORRESPONDENCE

Date May 23, 1967 TO Mr. James A. Dyer, Chairman Zoning at Thory Consistee

FROM Ligutement Charles F. Herris, Sr.

firm sureau

NUMBET Property exempt satisfied sufficient surplements and surplements and first firm and first first firm and first first firm and firm and first firm and f

1. Until to requires to meet all fire department regulations pertaining up

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

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

JOHN G. ROSE ZONING COMMISSIONER

MALTIMONE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE BUILDING TONSON, MARYLAND 2120h

Reclassification from NeW to Del, for the National Reliding Exrale, Too., Located C/W side of Residenteem Road, K/W of Painters Hill Road Ath District (Year 5 May 23, 1967)

The Loning Advisory Committee has reviewed the subject petition and makes the following

REGAY OF ENGINEERING: Water - Sainting 15" water in Relateration Read. Adequacy of entating utilities to be determined by developer or his engineer. Sener - Sainting sever exists at Fainters Will and Relaterations Roads. To serve this supporty would require againstenation of approximately 900.

FIFE PREVENTION: It shall be required to mort all fire department regulations pertaining to restaurants.

TRAFFIC ENGINEERING: This office will review and make any necessary comment at a later GRAIN DEPARTURE: The method of public unter and sewerage to the cite should be indicated on the plane price to the hearing. Print to the approval of a building application, complice plane and specifications should be undertied to the Realth Department for approval.

STATE HOLDS COMMUNICATE the frontage along Relateration Road must be curbed with concerns carb and galver. The resistion fines of curb to be 28 from and parallal to the contention of the affermenticated road. The curb must be extended into the entrance and 15 minimum redum. The curb along the 50 buffer must be only 220 concrete curb, otherwise the R/4 line must be curbed. Construction within the State Roads R/4 must be done under porelt and approval of State loads Commingual.

ZOTING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made until 8-7% time as plans here 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 soming are not requested, but to assure that all parties are made some of plane or problems the ray have a bearing on this sease. The Rivertor and/ev the Deputy Director of the Office of Flanning and Jening will submit recommendations on the appropriateness of the requested conting 10 days before the Centre (Conditionary to bearing.

Project Flanning Division Building Engineer Board of Education

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: L or we Nestional Building Rentals, Integal owner. of the property situate in Baltimore MAP

County and which is described in the description and plat attached hereto and made a part hereof. #4 hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant zone to an 

B-R zone; for the following reasons: NW-11-H Error in original zoning and a genuine change in conditions. BR

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 advertise; as prescribed by Zoning Regulations. Loave 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 zoring regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

NATIONAL BUILDING RENTALS, INC. Robert H. Whitehurangal Owner
President
Address P.O. Box 520 Contract purchaser Westminster, Md. 21157

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

ORDER

... , 1967 ... , that the subject mo" of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 10c, County Office, building in Towson, Baltimore

County, on the 12th day of tune 1262 ;1520 o'clock

P. M. Solution of the Solu

Tree

COUNTY OFFICE OF PLANNING AND ZONING

County Office Building m, Ma yland 21204

Your petition has been received and accepted for filing this

Petitioner's Attorney W. Lee Harrison

63

it annearing that by reason of error in the original zoning map the above Reclassification should be had; and its during repairing that home aren of IT IS ORDERED by the Zoning Commissioner of Baltimore County this the same is hereby reclassified; from a MR rune to a BR cong and sures Special discoption for sure priced, from and after the date of this order, subject to approval of the site plan by the Burgas of Public Services and the Confee of Planning and Zoning.

LEPUTY Zoning Commissioner of Rallimere County Pursuant to the advertisement, posting of property and public hearing on the above petition DA the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ...., 196..., 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 .zone; and/or the Special Exception for ....

be and the same is hereby DENIED.

April 25 1967.

CERTIFICATE OF PUBLICATION

TailS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once investob appearing on the \_\_\_25th...day of \_\_\_\_\_\_ May\_

THE JEFFERSONIAN,

#67-248R

northwest sidy of a 22 foot private lane, granted by Gerotor May Corporation to Valley investment Corporation, North 42 degrees 27 mirutes 41 seconds East 164.0 feet to a concrete monument heretofore set, thence by a curve to the left in a nathwesterly 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

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.



THE BALTIMORE COUNTIAN

No. I Newburg Avenue

CATONSVILLE, MD.

ORIG INAL

May 20, 1967

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of weekly news papers published in Boltimore County, Maryland, once u reek for One. say the same was inserted in the issues of May 25, 1967.

THE BALTIMORE COUNTIAN

By Paul J Morgan

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

District 17. District 17. District 18. Distr Location of Signer 14 /3 Rustinetimer Rd 910' + Nof Paren Will Pal June 1, 1967

> BALT MORE COUNTY, MAR LANE OFFICE OF FINANCE

No. 44201

67-248 R

COURT HOUSE



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

#67-248R

NOTICE OF HEARING Re: Petition for Reclassification for National Building Rentals, Inc. 867-248-R

1+00 P.H. Honday, June 12, 1967 PLACE ROOM 106 COUNTY OFFICE BUILDING, 111 W. Chesapeake TOWSON, MARYLAND

ZONING COMMISSIONER OF

BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Reis M2 COURT HOUSE TOWSON, MARYLAND 21204

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

DATE & TIME: June 12, 1957 1:00 p. m. PUBLIC HEARING

centy Cff or Building

nday, June 12, 1967 at 1:07 p. m.

BALTIMORY COUNTY, MARYLAN OFFICE OF FINANCE Division of Collection and Receipts
COURT HOUSE
TOWSON, MAPYLAND 2"24

IMPORTANT: MAKE CHECKS PAYA'LE TO BALTIMORE COUNTY, MARYLAND IL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21

ZONING: M.-R. Zone to H.-R. Zone.
ZONING: M.-R. Zone to H.-R. Zone.
ZONING: N. W. She Briestcorner Road 561.47. North of Palmers Mill Road.
DATE & TIME: Morday, Jures 12, 1967.109 p.m.,
- UBLK: HEARING: Room.
108, County Office Building,
111 West Chesapeake Avenue,
Townson, Mary Journal missioner
of Builtmore County, by suithority of the Zoning Act and
Regulations of Builtmore
County will hold a public bearCounty will hold a public bear-

flan as established by the Bal-imore County Metropolitar District, South 47 degrees 3:









	the above Reclassification should be had; another support of that by measures.
	the above increases
SW	
3	abroate the granteds
4	IT IS ORDERED by the Zoning Commissioner of Baltimore County this.
hus	June 196.7, that the herein described property or area should be and
1	the same is hereby reclassified; from a MR zone to a BR
L.	zone, and rur a Special Encoption for mr) thought be and the and the and the
	from and after the date of this order, sub, et to approval of the site plan by the
. 9	Bilinau of Public Services and the
7/12	Office of Planning and Zoning.  DEPUTY Zoning Commissioner of Baltimore County
-	
DATE	Pursuant to the advertisement, posting of property and public hearing on the above petition
ă	and it appearing that by reason of.
	ma
	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

Pursuant to the adver-sement, posting of preperty, and public hearing on the above petition and

it appearing that by reason of error in the original zoning map

## BALTIM RE COUNTY, MARYLAND

....... 190 ..... 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

Zoning Commissioner of Baltimore Counts

INTER-OFFICE CORRESPONDENCE

TO Mr. John G., Rose, Zoning Commissioner Date June 3, 1967 FROM George E. Gavrelis, Director

SUBJECT Petition 167-248-R. Reclassification from M.R. to B.R. Southwest side of Reliterations Road 931 47 feet north of Pointers Mill Road. Being the projectly of National Building Rentals, Inc.

4th District

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

MICROFILMED

No. I Newburg Avenue

OFFIC OF THE BALTIMORE COUNTIAN

CATONSVILLE, MD.

May 29,

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Bultimure County

ras inserted in THE BALTIMORE COUNTIAN, a group of weekly newspapers published in Baltimore County, Maryland, once a week for One successive weeks before the 29th day of 154, 19 07, that is to ... ine issues e. say the same was inserted in the issues of

THE BALTIMORE COUNTIAN

By Paul J Morgan
Edward Monager
R.M.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was blished in THE JEFFERSONIAN, a weekly newspaper printed appearing on the \_\_\_25th \_\_\_day of \_\_\_\_\_\_Hay.\_\_ THE JEFFERSONIAN,

BALTIMOR COUNTY, MARYLAN No. 45561 OFFICE OF FINANCE MICROFILMEDS-ZN-CT ... IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 212UA

EXT. 387	BALT MORE COUNTY, MARY AND OFFICE OF FINANCE Division of Collection and Recipits COURT HOUSE. TOWSON, MARKLAND 21200  BYLED TOWSON, MARKLAND 21200	19267 5/68
To:	A. Oven Hampin, Jr., Sq. Jahann Milling Tayan, Mayland 21204	TOTAL AMON
OLDOBIT TO	O ACCOUNT NO. 01.712 RETURN THIS PORTION WITH YOUR REMITTANCE	COST
30.00 15	Cost of documents filed in Cose No. 47-369-8 Interest Bellifor Busines, Inc., 59/5 Subsentions Mr. 901-67 N. of Politics Hill State 4th Dipoles	\$4.00
9000m		



STATE ROADS COMMISSION

BALTIMORE, MD. 21201

RE: Petition for Reclassification Southwest Side Petsterstown Road (Noute 140), 961-1071 Hort's of Peinters Hill Road-bth District Mational Bidg. Rentals, Inc.-Petitions No. 67-2045-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

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.

JUL 12 67 F. ..

Very truly yours, Charles Lee, Chief Development Engineering Section

John & Meyers

MICROFIL MED

tition has been received and accepted for filing this

NATIONAL COURTS OFFICE OF PLANSING AND ZONTHO COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

W. Lee Harrison, Esq. 607 Lovels Federal Brilding Towsen, Maryland 2120h

orn more. Reclassification from Nail to Ref. for the National Building Hentals, Inc., Located S/W side of Heisterstown Hou leb Distaint (Item 5 May 23, 1967)

Dear Sire

The Porting Advisory Committee has reviewed the subject petition and makes the following comments.

BURSAU OF ENGINEERING: water - axisting to water in assisterators state.
Adequate of existing utilities to be determined by developer or his engineer. Sever - Senitary sower exists at Painters Hill and Relaterstoam Hoads. To serve this property would require an extension of approximately 900'.

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

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

MRAIR DEPA. : MEM: 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, on the plant prior to the hearing. From to the approval of a collaing application, complete plant and specifications should be submitted to the Health Department for approval.

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

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

The shows comments are not intended to indicate the appropriateness of the soming action requested, but to assure that all parties are sade 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 Coming will submit recommendations on the appropriateress of the requested soning 10 days before the Loning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division Puilding Engineer Board of Education Industrial Development

Very truly yours,

Zoning Technician

co: Carlyle Brown-Bureau of Engineering Lt. Charles Morris-Bureau of Fire Pre-ention C. Richard Moore-Bureau of Traffic Engineering William Greenwal -Health Department John Meyers-State Roads Commission

RE- PETITION FOR RECLASSIFICATION . FROM M.P. ZONE TO B.P. ZONE SW /S REISTERSTOWN ROAD 961 47 of Painters Mill Road 4th District National Building Rentals, Inc. Patitioner No. 67-248-

FOR BALTIMORE COUNTY

> ATT T ATE Mica Douket

IN THE

CIRCUIT COURT

Fetio file:

#### . . . . . . ORDER FOR APPEAU

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 Oninion and Order of July 10, 1968.

> A. Owes Hennegan 406 Jefferson Building Towson, Maryland - 21204 925-7500

> > Attorney for Protestant, 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

A. Owen dennegan

#### BALTIMORE COUNTY MARYLAND

#### INTER-OFFICE CORRESPONDENCE

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

FROM H. B. Staab - 1 adustrial Development Commission WW 29 187 ftf

SHRIPPY Zoning Advisory Committee May 23, 1967 National Building Rentals Inc. Reisterstown Road Election District

74.00 Dies / D held Q O fets \ TI Chie ZONING DEPARTMENT

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 ( MR-3) to any other zone would be a serious reflection on the integrity of the MR Zone.

The Industrial Development Commission surgests that the present MR zoning be retained

H B STAAD Director

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date 1-17 33, 1967

To Mr. James A. Dver, Chairman Zoning advisory Compilers

FROM Lieutement Charles F. Morris, or.

Fire sureso

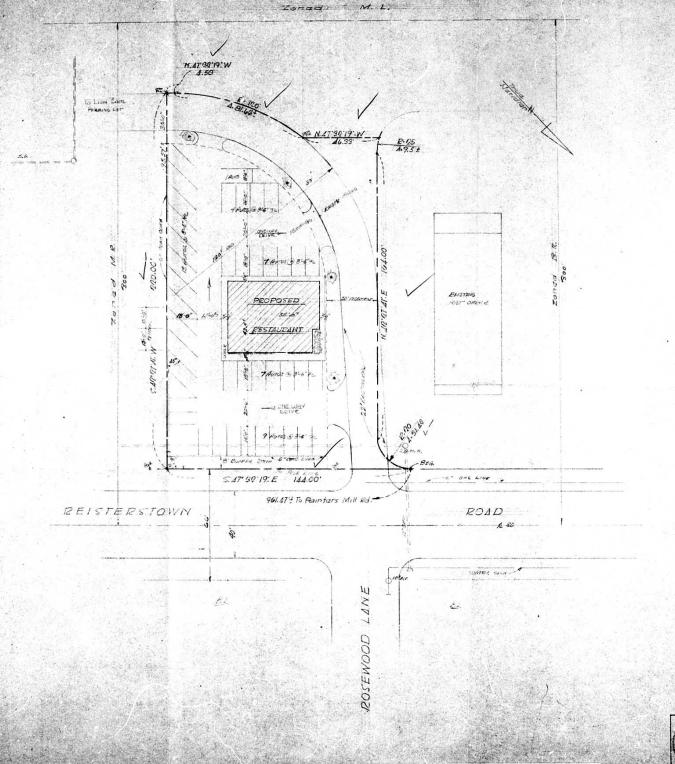
SUBJECT Property owners mational building remails, inc. Districts

Propent zoning: IR Proposed wording: B ft (Scutau ant)

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

MICROFILMED

6. 2 8/8/68 4.30am



NOTE

Area of Froperty
Exist. Zoning
Exist, Use
Pro. Zoning
fro. Use
Not Floor Area of Bidg
N° of Rarbing Spaces Regid.
N° of Farking Spaces Regid.

0.57 AC ±
M.R. Vacant
E.R. Rastaurant
Ro50 S.E
E 1/80 S.E · Al Spaces
All

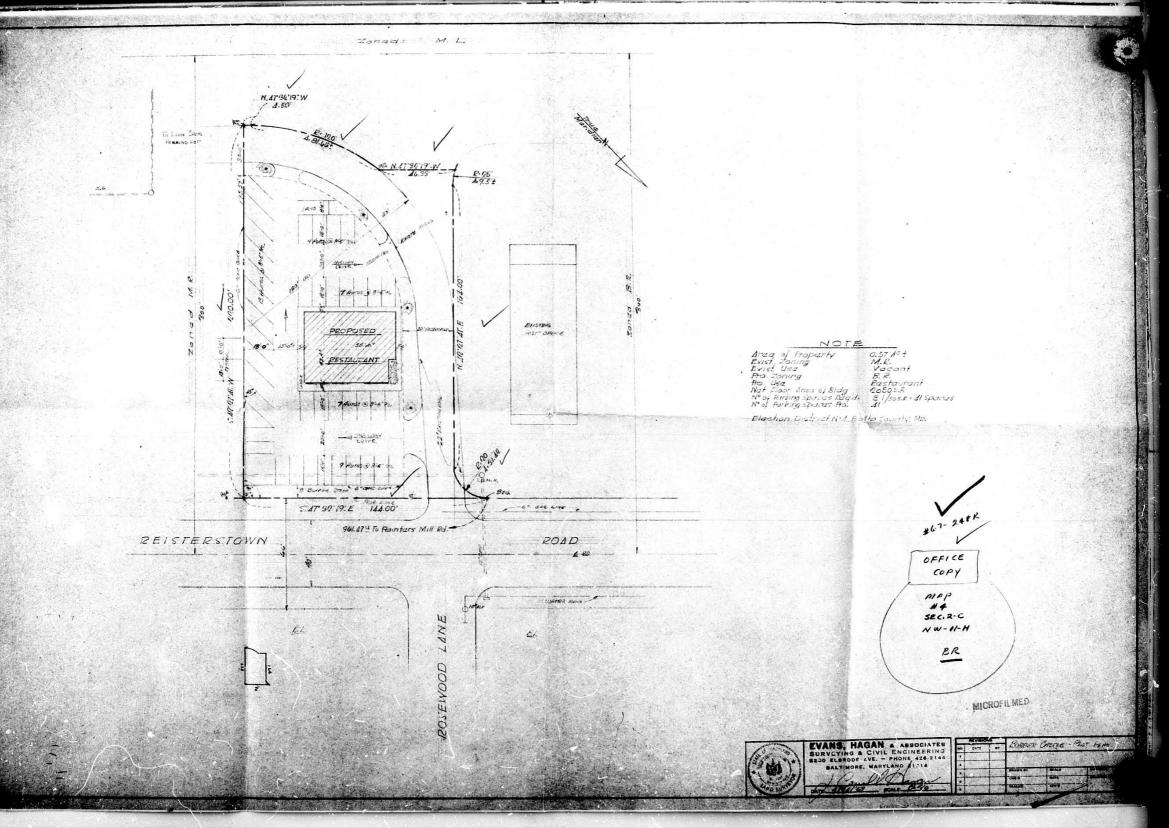
Elaction District Nº 1 Bulto to inty MD.

#67-248P OFFICE COPY MAP SE C. 2-C NW-11-H BR



2577	THE RESIDENCE OF THE PROPERTY
V	EVANS, HAGAN & ABBODIATES SURVEYING & CIVIL ENGINEERING 8200 ELSKODE AVE PHONE 426-2144
/	BALTIMORE, MARYLAND 21214
92	DATE 4/98/ GT SCALE LC

W6.	REVISION	(FQ)	0	Contract of the	201
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•	ALC: N	16.32	100000		
		2372	100000		
	100 TOTAL	33:14	Diamit et	B CAL	MATERIAL
	SEC. 15.	750	CHEO	DATE	- Catalina
ŠŤ.	530553	2 2	TRACEA	NP D	1



	PETITION FOR RECLASSIFICATION	:			IN THE							
•••	from M-R zone to 8-R zone, Southwest side of Reisterstown Road	:				C II	CUIT	co	URT	V		
	961.47* North of Painters Mill Road 4th District							FOR				
	National Building Restals, Inc. Patitioner	,				BAL	TIMOR	E C	OUNTY			
	Zoning File No. 67-248-R						AT	LA	W			
	Lion Brothers Company, Inc.	,		٨	Al,c.	Doc	ket No	۰	8			
	Protestents-Appellunts	1		F	ollo	No.		_	342	_		
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67-145K

TO THE HONORABLE, THE JUDGE OF SAID COURT

And now come John M. Blowik, John A. Miller and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMDRE COUNTY

### No. 67-248-R

Nay 9, 1967 Petition of National Building Rentals, Inc. for reclassification from an M-R zone to a d-R zone on property located on the southwest side of Reistentown Road 961.47' north of Palisten Milli Road, 4th District - filed

Order of Zoning Commissioner directing advertisement and property - date of hearing set for June 12, 1967 at 1:00 p.m.

Certificate of Publication in newspaper - filed . 25

Certificate of Posting of property - filed 4 29

At 1:00 p.m. hearing held on petition by Doputy Zoning Commissiones June 12

Order of Zoning Commissioner granting ruclessification

Order of appeal to County Soard of Appeals from Order of Deputy Zoning Commissioner July 12

Jan. 3, 1968 Heating on appeal before County Board of Appeals - case held sub curio

Order of County Board of Appeals granting reclassification

Order for appeal filled in the Circuit Court for Baltimore County filled by A. Owen Hennegen, Esq., attorney for protestant-appeallant, Lion Broth

Aug. 8, 1968 Patition to accompany Order for Appeal filled in the Circuit Court for Baltimore County

Certificate of Plotice sent to all interested parties

Motion to extend time for transmittal of record filed in C1 rout Court extending time to October 11, 1968

Sept. 24

Patitioner's Exhibit No. 1 - Plat of subject property (4/24/67)

2 - Baltimore County Zoning Regulations,
 Sec. 240.1 through 243.6

3 - Plat of Cons. Gas & Electric Co., dated 3/7/c1, Owings Mills (\*129-401-D)

Protostant's Exhibit A-1 - Deed, 12/19/57, G.L.B. 3287/40 A-2 - Deed, 11/28/58, W.J.R. 3471/476

- Deed, 8/16/57, G.L.B. 3217/334

Plat, 10/14/57 - Progress Print, Lion Brotiums Co., Inc.

 Deed, 3/3/67, C.T.G. 4733/501, Bail®.
 Gas and Electric Co. to National Bidg.
 Rentals, Inc. Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board int records of the Zoning Department of Baltimore County, as are also the undents respectively suggest that it would be in and inappropriate to file the same in this proceeding, but your respondents will produce an and all such rules and regulations, together with the zoning use district maps, at the on this patition, or whenever directed to go so by this Court.

Muriel E. Buddemeler

RE: PETITION FOR RECLASSIFICATION FROM M-R ZONE TO B-R ZONE SW/S Reistentown Road 961.47" N. REFORE COUNTY BOARD OF APPEALS of Painters Mill Road

National Building Rentals, Inc. Petitioner B- LTIMORE COUNTY 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 IA-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 Owi as 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

The Petitioner seeks a reclassification from M-R to B-R so that a restaurant

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

Appealed 7/12/07 :17/68

Zoning File No. 67-248-8

ee; Solicitor Zoning Perkins

y with Ri: PETITION FOR RECLASSIFICATION from M-R zone to 8-R zone, Southwest side of Reisterstown Road 921, 471 North of Painters MIII Road CIRCUIT COURT 4th District National Building Rentals, Inc. FOR BALTIMORE COUNTY

> Misc. Docket No. \_ 342

### . . . . . . . . . . . . CERTIFICATE OF NOTICE

Mr. Clerks

Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of Procedure, John A. Slowik, John A. Miller and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filling of al to the representative of every party to the processing before it; namely, W. Lee Harrison, Esq., Loyala Federal Building, Towson, Maryland, 21204, attorney for the petitioner, and A. Owen Hennegan, Jr., Esq., Jeffmon Building, Towson, Maryland, 21204, attorney for the protestants, a copy of which notice is attached hereto and prayed

> Muriel E. Buddemeler County Board of Appeals of Baltimore County County Office Building, Towson, Ad. 21204 VAII.y 3-3000, Ect. 570

I hereby certify that a copy of the aforegoing Certificate of Notice he been mailed to W. Lee Harrison, Esq., Loyola Federal Building, Towson, Maryland, 21204, the petitioner, and A. Owen Hernegan, Jr., Esq., Jeffenon Building, Towson, Maryland, 21204, attempty for the protestants, on this 13th day of August, 1968.

Murfel E. Suddemeler County Board of Appeals of Bultimere County

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 server a obtains as his reasons. On cross-examination he acknowledged that the granting of any building permit would be predicated on the availability of utilities. This food 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

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 10th day of July, 1968, by the County Board of Appeals O RDERED, that the reclassification petitioned for be and the same is hereby GRANTED, subject to site pion 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, Acting Chairma

July 10, 1968



A. Owen Hennegan, Jr., 6.4 Jefferson Building Towns, Meryland 21204

Re: National Building Kentols, Inc. No. 67-248-3

Encl.

Enclosed herewith is a copy of the Opinion and seed today by the County Board of Appeals in the above entitled

Very truly yours,

Muriel E. Buddemeier

cc: W. Lee Herrison, Esq. Mr. John G. Ress Mr. Edward D. Hardest Mr. George E. Gevrell Board of Education

RE: PETIT'ON 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. Petitioner BALTIMORE COUNTY

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 crected 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

- 2 -

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 testitied 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 aforegoing 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 ( Slows

John A. Miller

Wolfer A Poiter Is

July 17, 1967

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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

Plat filed with petition

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

Counsel for petitioner

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

Jefferson Building

1 8 4

0

RENTALS, INC. #67-244 mm Rd. 961-47' N of Me.

Appealed 3/7/68

eNTA

RE: PETITION FOR RECLASSIFICATION from M-R zone to B-R zone Southwest side of Reisterstown Roa. 961.47\* North of Painters Mill Road National Building Rentals, Inc.

CIRCUIT COURT FOR BALTIMORE COUNTY

IN THE

Zoning File No. 67-248-R

ATIAW

Lion Brothers Company, Inc.

Misc. Docket No. 342 4030 : File No.

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

OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

July 17, 1967

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

Re: Petition for Reclassification from M-R Zone to B-R Zone S/W Side Reistratown Foad 961.47 N. Painters Mill Road 4th Dist., National Bidg. Resident, Inc., Petitioner - No. 67-248

Dear Mr. Harrison

iterin iz in surtat

W. Lee Harrison, Esquire 607 Loyola Federal Building

Towson, Maryland 21204

Dear Mr. Harrison

of the Deputy Zoning Commissioner rendered in the above

my wall publical

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

Very truly yours

June 12, 1967

RE: Petition for Reclassificati SW/S Reisterstown Road 961.47' N of Painters Mill Road - 4th Dist. National Building Rentals, Inc., Petitioner

Petitioner NO. 67-248-R

Very truly yours.

EDWARD D. HARDESTY

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

Zoning Commissioner

LAN OFFICES

A. OWEN HENNEGAN

JU 12 67 rat 1000 TOWSON, MARYLAND 21204

July 12, 1967

I ATTE OF THE OF

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:

Honorable John G. Rose

Zoning Commissioner for Baltimore County County Office Building To vson, Maryland - 21204

A DREN PENNEGAN

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

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

Very truly yours,

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

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

CHARLE OF COMMISSION AND ENGINEERS

STATE OF MARYLAND STATE ROADS COMMISSION BALTIMORE, MD. 21201

July 10, 1967

Mr. John G. Rése Zoning Commissioner County Office Building Yowson, Maryland, 21204

RE: Petition For Reclassification Southwest Side Relateratown Road (Route 140), 961,497 North of Painters Hill Road-4th District National Blig. Rentalu, Inc.-Petitio No. 67-246-R

At the Zoning Advisory Committee Meeting of May 23, 1947, the writer made comments with respect to the subject patition. We have reviewed the Zoning Order dated June 12, 1967 in which the Reclassification was granted. However, it was mored 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.

- JUL 12 67 \*\* -

0 to (9) ( . . )

ZON NO DEPART

Very truly yours,

Charles Lee, Chief Development Engineering Section

BY: John E. Heyers Asst. Development Engineer

TO Mc John G. Rose, Zoning Commissioner Date June 3, 1967

FROM George E. Govrelis, Director

SUBJECT Petition \*67-246-R. Reclassification from M.R. to B.R. Southwest side of Relaterstown Road 981.4/ leet north of Painters Mill Road. Being the property of National Building Rentals, Inc.

Monday, June 12, 1967

(1:00 P.M.)

The planning staff of the Office of Planning and Zoning will affer no commen

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, 67 feet N of Painters Mill Rd. 4th District National Building Rentals, Inc., Pet. NO. 67-248-R

Your letter dated July 10, 1967, to Mr. Rose concerning

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

BALTIM RE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE