

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, W. Calvin Chesnut Estate, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an... R-6 and R-40... to an... AREA... for the following reasons:

Er or 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, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

W. Calvin Chesnut Estate
Mercantile Safe Deposit & Trust Co., Trustee
By: John T. Kenny, Sr. President
Address: ...

W. Lee Harrison Petitioner's Attorney

Address: 607 Loyola Federal Building
Towson, Maryland 21204 (823-1200)

ORDERED By The Zoning Commissioner of Baltimore County, this ... day of ... 1969, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the ... day of ... 1969, at 1:00 o'clock

1000
11/14/68
3049

THOMAS DAVIS and
BETTY DAVIS, his wife
410 Nollmeyer Road
Baltimore, Maryland 21220

CHARLES DIGIAOMO and
LINDA DIGIAOMO, his wife
520 Nollmeyer Road
Baltimore, Maryland 21220

CARROLL EITEL and
LILLIAN EITEL, his wife
516 Crisfield Road
Baltimore, Maryland 21220

JOSEPH McELWEE and
CHERYL McELWEE, his wife
511 Crisfield Road
Baltimore, Maryland 21220

JAMES PRICE and
JUDY PRICE, his wife
518 Nollmeyer Road
Baltimore, Maryland 21220

JAMES ROBINSON and
SUSAN ROBINSON, his wife
518 Crisfield Road
Baltimore, Maryland 21220

JULIAN ROSS and
PATRICIA ROSS, his wife
513 Crisfield Road
Baltimore, Maryland 21220

DOUGLAS THOMAS and
JANET THOMAS, his wife
3831 Bayville Road
Baltimore, Maryland 21220

ROGER ZAJDEL and
SUSAN ZAJDEL, his wife
712 Nollmeyer Road
Baltimore, Maryland 21220

and

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

(At Law)

ROBERT RYAN and
JUDITH RYAN, his wife
424 Nollmeyer Road
Baltimore, Maryland 21220

CARROLLWOOD CIVIC IMPROVEMENT
ASSOCIATION, INC.
3718 Red Grove Road
Baltimore, Maryland 21220

vs. BALTIMORE COUNTY

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
County Office Building
Towson, Maryland 21204

(At Law)

ORDER OF APPEAL

MR. CLERK:

Pursuant to Chapter 1100, Rules A through E-12 of the Maryland Rules of Practice and Procedure, please enter an appeal to the Circuit Court of Baltimore County on behalf of Thomas Davis and Betty Davis, his wife, Charles Digiacomo and Linda Digiacomo, his wife, Carroll Eitel and Lillian Eitel, his wife, Joseph McElwee and Cheryl McElwee, his wife, James Price and Judy Price, his wife, James Robinson and Susan Robinson, his wife, Julian Ross and Patricia Ross, his wife, Douglas Thomas and Janet Thomas, his wife, Roger Zajdel and Susan Zajdel, his wife, Robert Ryan and Judith Ryan, his wife, all tax payers in the County of Baltimore, State of Maryland, and Carrollwood Civic Improvement Association, Inc. from the decision of County Board of Appeals of Baltimore County, dated December 24, 1969, in case No. 69-102-R, the said decision of the Board is illegal and the Appellants cite the following reasons:

1. That heretofore, the Appellant below, namely, Mercantile-Safe Deposit and Trust Company, Trustee for W. Calvin Chesnut Estate, petitioned for the rezoning of the SE corner of Nollmeyer and Carroll Island Roads, in the 15th District of Baltimore County, alleging that there had been a change in the

neighborhood and an error on the zoning map.

2. That there is nothing in the records, nor has there been any testimony produced by the Appellant below, which would tend to show that there was an error in the original zoning, or that there has been a substantial change in the neighborhood, to warrant rezoning.

3. That the County Board of Appeals of Baltimore County is a fact finding body and could not, under the testimony, find, as a matter of fact, either the "error or the "change" as aforesaid.

4. That the County Board of Appeals for Baltimore County has misconstrued the zoning rules of Baltimore County and has further misconstrued the statutes of the State of Maryland and has misconstrued its powers under Article 66-B of the Annotated Code of Maryland, 1957 Edition with supplements.

5. And for other reasons which will be developed at the hearing of this case.

Norman R. Lilly
500 Maryland Trust Building
Baltimore, Maryland 21202
837-2755

Attorney for Appellants

Service of a copy of the within Order of Appeal acknowledged this day of January, 1970, by the County Board of Appeals of Baltimore County.

THOMAS DAVIS, ET AL
vs.
ESTATE OF W. CALVIN CHESNUT
and COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Misc. Case #4395
Law Docket # Folio 525

MEMORANDUM OPINION

On December 24, 1969, the County Board of Appeals of Baltimore County granted a reclassification of zoning of the property described in this proceeding from R-6 and R-40 to RA. An appeal from the action of the Board was filed by the Protestants on January 22, 1970, and the transcript of the proceedings was received by this Court on February 20, 1970.

Counsel for both the Applicant and the Protestants requested the Court delay the hearing of the Appeal as they both believed that certain differences between the parties would be adjusted and the Appeal dismissed.

However, certain motions were filed in the proceedings from time to time, which the Court believed should be heard, and all such motions were ruled on and decided by the Court on January 28, 1971.

The case, thereafter, was scheduled for hearing on its merits on February 25, 1971, but it was agreed by the Court and counsel that because of the imminence of the adoption of the new comprehensive zoning maps by the County Council, the hearing should be further continued as the adoption of such comprehensive zoning maps by the County Council would render any decision of the Court moot. The official comprehensive zoning maps for Baltimore County were adopted by the County Council and same became effective on May 18, 1971.

The Court therefore is of the opinion, and counsel agree, that the status of this zoning appeal is now moot.

May 21, 1971

THOMAS DAVIS, et al
Appellants
vs.
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
(At Law)

PETITION OF APPEAL

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petitioners Thomas Davis and Betty Davis, his wife, Charles Digiacomo and Linda Digiacomo, his wife, Carroll Eitel and Lillian Eitel, his wife, Joseph McElwee and Cheryl McElwee, his wife, James Price and Judy Price, his wife, James Robinson and Susan Robinson, his wife, Julian Ross and Patricia Ross, his wife, Douglas Thomas and Janet Thomas, his wife, Roger Zajdel and Susan Zajdel, his wife, Robert Ryan and Judith Ryan, his wife, all tax payers in the County of Baltimore, State of Maryland, and Carrollwood Civic Improvement Association, Inc., by their Attorney Norman R. Lilly, respectfully represent unto Your Honors:

1. That on or about the 27th day of November, 1968, the Deputy Zoning Commissioner dismissed without prejudice the Petition for Reclassification of the Southeast Corner of Nollmeyer and Carroll Island Roads, which had been filed by Mercantile-Safe Deposit and Trust Company, Trustee for W. Calvin Chesnut Estate.

2. That the Trustee, being aggrieved with the decision of the Deputy Zoning Commissioner, appealed to the County Board of Appeals alleging that there had been an error in the original zoning and that the area had changed since the original zoning.

3. That attending the hearing on the aforementioned Appeal, were "our Petitioners, all tax payers and residents in the County of Baltimore, State of Maryland.

4. That at the hearing, aforesaid, the said Trustee produced testimony showing the high cost of development of the area in question under its present R-6 and R-40 zones, stating that the prohibitive cost made the zoning confiscatory and the said zoning should be changed to R-A zoning.

5. The said Trustee also produced testimony as to the present zoning and density of the area, and testimony as to new proposed roads in the area.

6. The Trustee also produced testimony concerning the traffic flow and patterns, and the additional cost the County must incur for minor repairs to the existing roads.

7. That the Trustee also produced testimony as to the number of students the schools were capable of handling, the number of students in school, and the number of possible students which would be derived from an apartment project.

8. The said Trustee produced no testimony which would tend to indicate that there was an error in the original zoning.

9. That the said Trustee produced no testimony which would tend to show that the character of the neighborhood had changed from the time of the original zoning to the extent that a reclassification was necessary.

10. That the County Board of Appeals has allowed the rezoning to an R-A zone and has based its decision solely upon the cost of development of the property, the public utility situation and the general density problem.

11. That the County Board of Appeals did not find, as a matter of fact, that changes have occurred in the area since the adoption of the zoning map, nor that there was an error in the original zoning map.

12. That it is, therefore, clear that a decision based solely upon the cost of development, cost of public utilities, etc., is illegal, confiscatory and capricious under the laws of

the State of Maryland, and the said decision should be reversed. WHEREFORE, Your Petitioners pray:

A. That the opinion of the Board of Appeals of Baltimore County, dated December 24, 1969, be reversed and that the property therein described remain R-6 and R-40 zones.

B. And for such other and further relief as the merits of their cause may require.

AND AC IN DUTY BOUND, etc.

Norman R. Lilly
500 Maryland Trust Building
Baltimore, Maryland 21202
837-2755

Attorney for Petitioners

Service of a copy of the within Petition of Appeal acknowledged this day of January, 1970, by the County Board of Appeals of Baltimore County.

Edward C. Hurlbut
Deputy Zoning Commissioner of
Baltimore County

W. LEE HARRISON

300 WEST PATRICK STREET
BALTIMORE, MARYLAND 21201

December 2, 1968

Honorable John G. Rose
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification SE Corner of Nollmeyer
Road and Carroll Island Road - 15th District - W. Calvin
Chestnut Estate Petitioner No. 69 102 R

Dear Mr. Commissioner:

Please note an appeal to the County Board of Appeals on
behalf of the Petitioner in the above captioned matter from the
Decision and Order of the Deputy Zoning Commissioner dated
November 27, 1968 denying the requested reclassification of the
above captioned property.

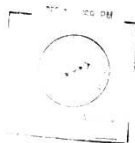
Sincerely,

W. Lee Harrison

W. Lee Harrison

OK

CC Mr. H. Louis French



September 20, 1968

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 an R-6 and R-40
for Calvin Chestnut Estate, located
intersection of Carroll Island Rd. &
Nollmeyer Rd.
15th District
(Item 64, September 17, 1968)

Dear Sirs:

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

BUREAU OF ENGINEERING:

Water - Existing 8" water in Nollmeyer Lane
Existing 10" water in Carroll Island Road
Adequacy of existing utilities to be determined by developer or his engineer.

Sewer - Sanitary sewer exists as shown on the submitted plan.

A 15" sanitary sewer also exists in Carroll Island Road along a portion of the
frontage of this site. The existing sewers in this area were designed to
receive sewage flows from this area. However, based on present zoning density
rather than the proposed RA.

Both Carroll Island and Nollmeyer Roads are to be developed as 42' roads on
70' R/W's. Luthardt Road is to be developed as a 40' road on a 65' R/W.

BOARD OF EDUCATION:

The Board of Education wishes to place an opposing statement to the suggestion that 76
+ acres in the Nollmeyer Rd. Carroll Island Road be rezoned to RA. On January 6th,
1967 a petition was granted for a trailer park that would service 659 trailers which
would yield approximately 265 students. Restrictions were placed on this, however,
for 2 years in which no rentals to families with elementary or senior high school age
children would be granted for this period. However, after two years this would be
applicable. In addition to this, the Town & Country Estates and the Town & Country
East Apartments are still building units would place additional students to the area.
Now the Seneca Elementary School is the service area school. It is an 18 room school
with a capacity of 540 which, at the present time, is at capacity. Now this can be
increased to 24 rooms. However, with the possible yield of some 800 additional
students to this area, Seneca would be severely overburdened and could not accommodate
these children, even with the addition of 6 rooms or 24 rooms.

FIRE BUREAU:

1. Owner shall be required to conform to Residential Occupancies, Section 24 -
Apartments of the M.F.P.A. 101 Code.

2. Owner shall be required to conform to the Baltimore County Standard Design
Manual, 1964 edition for the installation standards of water mains and fire hydrants
which are to serve this site.

BUREAU OF TRAFFIC ENGINEERING:

Carroll Island Road at Bowleys Quarters Road has a present traffic volume of approximately
8500 vehicles a day. The land as presently zoned would create an additional 1500 trips
to this road. However, if the property is zoned RA it will generate approximately 9500
additional trips. Carroll Island Road between Bowleys Quarters and Eastern Avenue
cannot handle the anticipated traffic.

STATE ROADS COMMISSION:

The site will be affected by the State Roads Commission's proposed outer beltway.
A study is currently being made to determine the extent of the effects. It is
requested that the petition be held in abeyance until such time as the study is
completed. It is anticipated that the study will be completed in three weeks.

ROBERT A. WHITEFORD, P.E.
JAMES H. MARK, L.S.

WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

August 27, 1968

Plat to Accompany Petition
for Reclassification of
Zoning from R-6 & R-40 to R-A
W. Calvin Chestnut Estate

Beginning for the same at a point on the
easternmost side of Nollmeyer Road at its intersection with
the centerline of Carroll Island Road and thence on or near
the centerline of said Carroll Island Road the three (3)
following courses: (1) South 53° 55' 53" East, 696.12 feet;
(2) South 53° 13' 11" East, 1,347.86 feet; and (3) South
69° 29' 11" East, 1,322.74 feet to the easternmost side of
Luthardt Road 10 feet wide and thence with said easternmost
side of said road the two (2) following courses: (1) South
24° 00' West, 263.75 feet; and (2) South 10° 12' West,
1,288.01 feet to the southernmost side of 24 foot right-of-way
and binding thereon North 81° 09' 45" West, 548.10 feet to a
point thence North 79° 45' 45" West, 180.50 feet to the
easternmost side of Nollmeyer Lane previously mentioned and
thence binding thereon North 28° 13' 41" West, 3,447.29 feet
to the point of beginning.

Containing 75.1744 Acres of land, more or less.



W. Lee Harrison, Esq.,
607 Loyola Federal Building
Towson, Maryland 21204
Re: W. Calvin Chestnut Estate

- 2 -

September 20, 1968

PROJECT PLANNING DIVISION:

Int. office will review and submit any necessary comments at a later date.

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:

Health Department
Building Engineer
Industrial Development

Very truly yours,

James E. Dyer
Zoning Supervisor

JED:JD

cc: Carolyn Brown-Sur, Dir. of Engr.
Wick Peterson-Sur, Dir. of Education
Capt. Charles Morris-Sur, of Fire Bureau
C. Richard Moore-Sur, of Traffic Engr.
John Meyers-Estate Roads Commission
Albert K. Quinby-Project Planning Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 25, 1968
FROM: George E. Gavrelis, Director of Planning

SUBJECT: Petition #69-102-R. Southeast corner of Nollmeyer and Carroll Island Roads.
Petition for Reclassification from R-6 and R-40 to R-A. Zone.
W. Calvin Chestnut Estate - Petitioner

15th District

HEARING: Monday, November 4, 1968 (1:00 P.M.)

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

1. We believe that the original lower density residential classifications applied
to the subject property remain correct - and that retention of these more
restrictive density potentials is now more important than ever, particularly
in view of the zoning action taken with respect to a petition for a trailer
park nearby. Increased density would overload existing and projected
utilities, school facilities and local streets; this planning viewpoint is
supported by comments from the Departments of Public Works and Education,
the Fire Bureau, and the Bureau of Traffic Engineering.

GEG:bms



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Chairman
Zoning Advisory Committee Date: September 17, 1968
FROM: Captain Charles F. Morris, Jr.,
Fire Bureau

SUBJECT: Property Owner: W. Calvin Chestnut Estate.
Location: Intersection of Carroll Island Rd. & Nollmeyer Rd.
District: 15th
Present Zoning: R-6 & R-40
Proposed Zoning: Apartments
No. Acres: 76

1. Owner shall be required to conform to Residential Occupancies,
Section 24 - Apartments of the M.F.P.A. 101 Code.

2. Owner shall be required to conform to the Baltimore County
Standard Design Manual, 1964 edition for the installation standards of
water mains and fire hydrants which are to serve this site.

Charles F. Morris, Jr.
Captain



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

October 23, 1968

Mr. John G. Rose, Zoning Commissioner
County Office Building
Towson,
Maryland 21204

Re: Zoning Advisory
Committee Meeting
Sept. 17, 1968
Item 64, Property
Owner: W. CALVIN
CHESTNUT ESTATE
Location: Inter. Carroll Island
Road & Nollmeyer Road
Present Zoning: R-6 & R-40
Proposed Zoning: RA - Var. to
Sec. 239-2, 409.2b
OUTER BELTWAY

Dear Mr. Rose:

The State Roads Commission has reviewed the subject plot plan and
it was revealed that the property is affected by the present tentative
proposed preliminary highway improvement plans. The project is not in the
current construction program; however, it is included in the 22-Year Highway
Needs Study.

Transmitted herewith are two copies of the plan. Denied thereon
is the approximate location of the effects to the property. One copy is
for your file and one copy is for the petitioner's use.

It is requested that the petition's plan be revised to indicate
a reservation for the proposed highway improvement.

Thank you for your cooperation.

Very truly yours,

Charles Len, Chief
Development Engineering Section

By: John L. Meyers
Development Engineer

CLJ:EMW

cc: Mr. Eugene Sammons-Sur

Attachment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer, Zoning Supervisor Date: September 23, 1968
FROM: PROJECT PLANNING DIVISION

SUBJECT: Project Planning comments - Zoning Advisory Agenda Item 64

The plan does not reflect the impact of the Eastern Area
Master Plan on petitioner's property. Nollmeyer Road is shown thereon
as relocated through the site. Riverview Freeway follows the present
R-6/R-40 zoning line and the plan should reflect this right-of-way
subject to State Roads Commission decision. Paralleling the Freeway on
the south will be a relocation of Bowleys Quarters Road. The plan
should be revised to provide for these facilities.

AVQ:vn

cc: D. L. Myers,
Zoning Office (3)

JUL 09 1971

MICROFILMEDMICROFILMED

Date of return: July 23-69

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

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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

ORIGINAL

OFFICE OF

 **THE
ESSEX TIMES**

ESSEX, MD. 21221 October 21, 1968

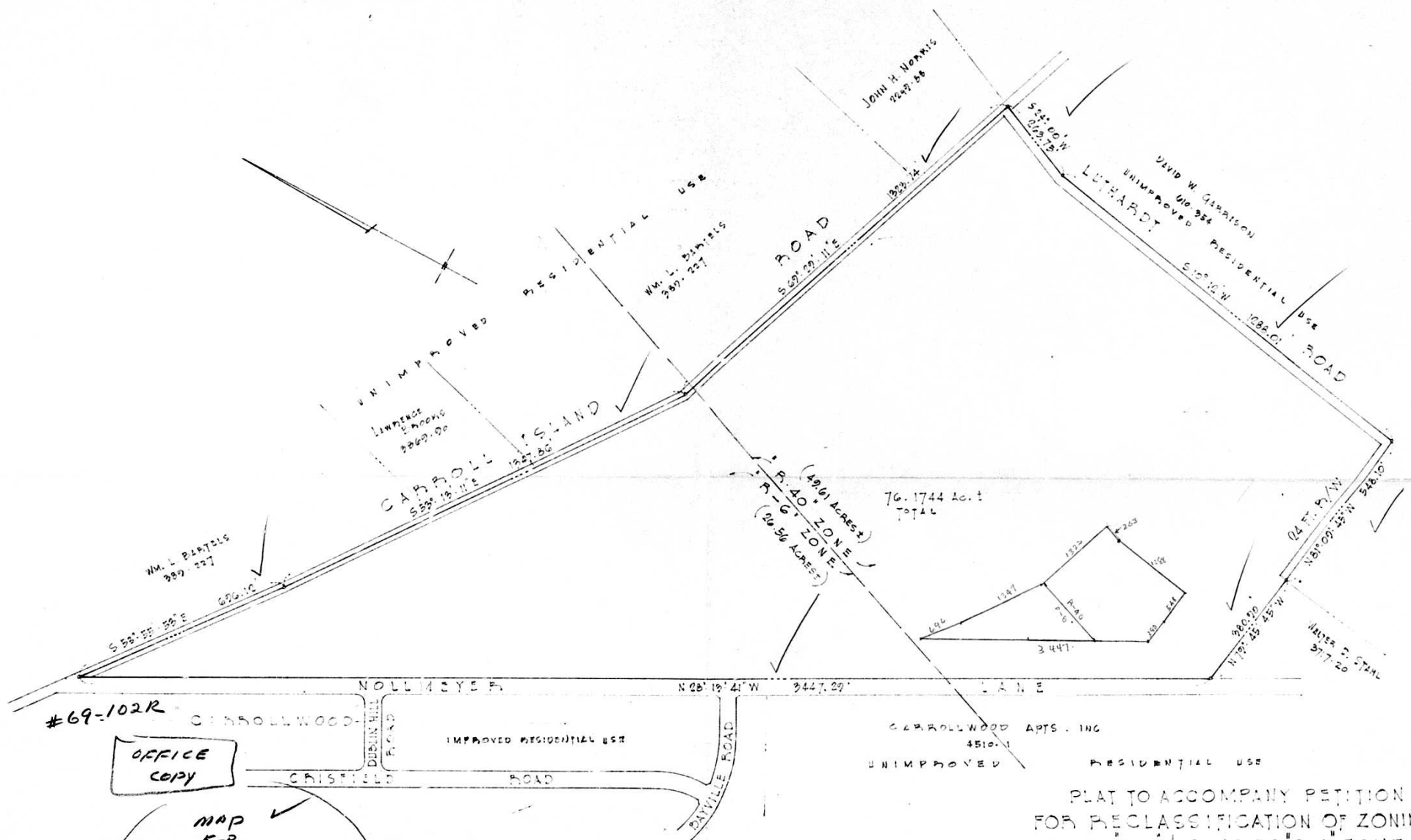
THIS IS TO CERTIFY, that the annexed advertisement of
John J. Stromberg, Managing Editor
of Baltimore Mercury

was inserted in THE ESSEX TIMES - a weekly newspaper published in
Baltimore County, Maryland, once a week for One ~~*****~~
week before the 21st day of Oct., 1968 that is to say, the same
was inserted in the issue of October 17, 1968.

STROMBERG PUBLICATIONS, Inc.

MICROFILMED

By Ruth Morgan



#69-102R

OFFICE
COPY

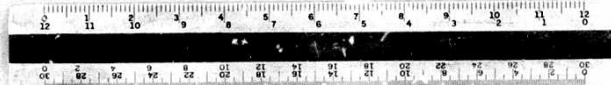
MAP
5-B
EASTERN
AREA
NE 4K-L
NE 3K-L
RA

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION OF ZONING
FROM R-G & R-40 TO R-A ZONE
W. CALVIN CHESTNUT ESTATE

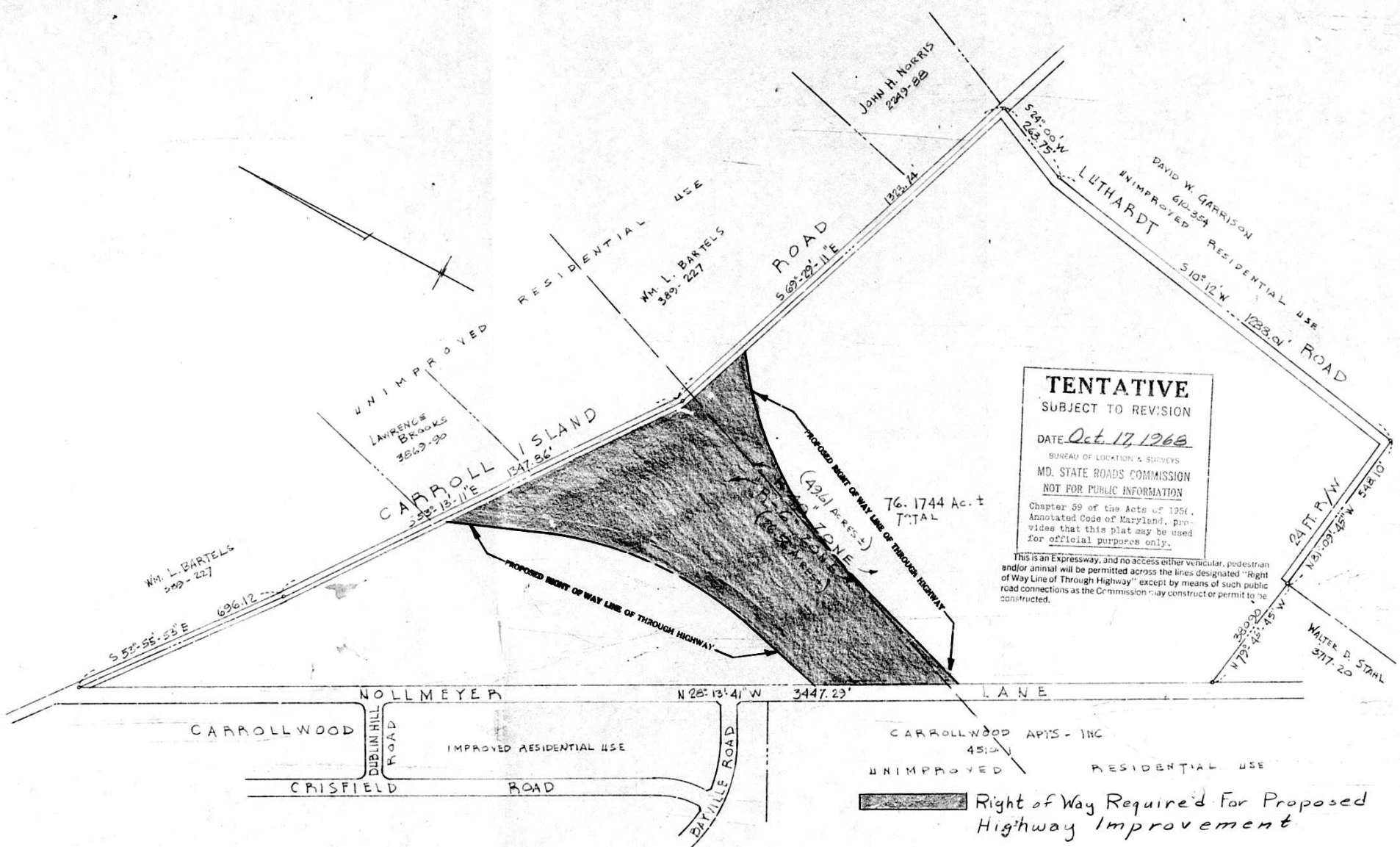
15TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 200' AUGUST 26, 1968



WHITEFORD, FALK & MASK
CONSULTING ENGINEERS AND SURVEYORS
JEFFERSON BLVD. TOWSON MD 21204



69-102



TENTATIVE
 SUBJECT TO REVISION
 DATE Oct. 17, 1968
 BUREAU OF LOCATION & SURVEYS
 MD. STATE ROADS COMMISSION
 NOT FOR PUBLIC INFORMATION
 Chapter 59 of the Acts of 1956,
 Annotated Code of Maryland, pro-
 vides that this plat may be used
 for official purposes only.

This is an Expressway, and no access either vehicular, pedestrian and/or animal will be permitted across the lines designated "Right of Way Line of Through Highway" except by means of such public road connections as the Commission may construct or permit to be constructed.

W. CALVIN CHESTNUT ESTATE
 15TH ELECTION DISTRICT BALTIMORE COUNTY MD.
 SCALE: 1" = 200'

Tracing By Bureau of Location Group

