

RE: PETITION FOR RECLASSIFICATION:
from R-10 to R.A., and
SPECIAL EXCEPTION
for Elevator Apartments
NE corner of South Ritters Lane
and Dolfield Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-254-RX

OPINION

This case comes before the Board on an appeal by the Protestants from a decision of the Zoning Commissioner dated May 27, 1969 granting the referenced petition for reclassification from R-10 to R.A. and a special exception for construction of elevator apartments. It is successful in his application, the Petitioner intends to construct two semi-high rise apartment buildings, one being five stories high and the other six stories high. Combined, they would contain a total of sixty-two luxury type apartment units.

The subject property is located on the northeast corner of South Ritters Lane and Dolfield Road, in the Owings Mills Section, 4th Election District of Baltimore County. The tract consists of 3-1/2 acres. The westernmost one third of the tract is already zoned R.A. (see plat, Petitioner's Exhibit No. 1), which was accomplished by petition in zoning case #65-64-R in conformity with other contiguous land owned by the Petitioner.

Surrounding zoning and land use was described as R.A. to the north and northeast, improved by 108 apartment units, known as the Bright Meadows Apartments; R.A. zoning to the west, owned by the Petitioner, and yet undeveloped; and M.L. zoning to the south, which has partially been developed into an industrial park.

Several zoning changes in the area since the adoption of the 1957 comprehensive zoning map were documented by both the Petitioner and the Protestants. They were primarily to R.A. reclassifications for garden apartment use. Sewer, water and storm drains were testified to as being completely adequate. The Petitioner's expert witness claimed that the provisions of Section 502.1 of the Zoning Regulations, permitting

William F. Chew - #69-254-RX

the special exception for elevator apartments, would be satisfied.

The Petitioner readily admitted that there are no other medium or high rise apartment buildings in the area, and the Protestants argued that granting the petition would inject a new land use into the area without a comprehensive plan. However, the Petitioner testified that an R.A. zoning for garden apartment would be fitting and logical, and they did not object to this. Their only objection was to the granting of a special exception for elevator apartment use.

Without going into any further lengthy recital of the testimony, the Board is of the opinion that the Petitioner has shown sufficient evidence or change to warrant a reclassification in R.A., but has failed to show that the subject meets the requirements of Section 502.1 of the Zoning Regulations. The Board is not satisfied that the proposal will meet the locational criteria for elevator apartments of being within 1000 feet of a community center and adequate shopping facilities. The petition was not shown to be part of a comprehensive plan for the area, and the Board somewhat agrees with the Protestants that the safe development of the small 3-1/2 acre tract, with much of the surrounding land remaining vacant and undeveloped, could possibly stand out like a sore thumb.

For these reasons, and from all of the testimony presented, the Board hereby affirms the Order of the Zoning Commissioner granting a reclassification of that portion of the R-10 land as petitioned, to R.A., but reverses the Zoning Commissioner on granting the special exception for elevator apartments, which part of the petition we hereby deny.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of April, 1970, by the County Board of Appeals ORDERED, that the reclassification from R-10 to R.A. on the easternmost portion of the tract, as shown on Petitioner's Exhibit No. 1, be and the same is hereby GRANTED; and it is

William F. Chew - #69-254-RX

FURTHER ORDERED, that the special exception for elevator apartments be and the same is hereby DENIED in its entirety.

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 Chairman
Walter A. Reiter, Jr.,
John A. Miller

Route 2 Box 421, Dolfield Rd.
Owings Mills, Md. 21117
June 24, 1969

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

RE: Reclassification of property from R-10 to R-A zone with Special Exception for Elevator Apartments NE corner of Dolfield Rd. & South Ritters Lane 4th District William F. Chew, Petitioner No. 69-254-RX

Dear Mr. Rose:

Mr. Robert A. Daneyns and Mrs. Janet E. Daneyns wish to file an appeal protesting the order issued on May 27th, 1969 by the zoning commissioner granting the reclassification of the subject property from R-10 to R-A zone with special exception for elevator apartments also granted.

The protestants are residents of said owners of property on the north side of Dolfield Road beginning approximately 400 feet west of the intersection of South Ritters Lane and Dolfield Road in the 4th District of Baltimore County. The hearing before the zoning commissioner on the subject property was held on May 21, 1969 at 10:00 AM.

Enclosed please find a check in the amount of \$70 to cover the cost of this appeal as set forth in section 461.6 of the Baltimore County Zoning Regulations.

Very truly yours,

Robert A. Daneyns
Janet E. Daneyns

JEROME BLUM
ATTORNEY AT LAW
ONE NORTH CHARLES
BALTIMORE, MARYLAND 21201
TELEPHONE 637-4010



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

Re: Petition for Reclassification from R-10 Zone to R-A Zone Special Exception for Elevator Apartments - N/E Corner Ritters Lane and Dolfield Road, 4th District, William F. Chew and Dorothea Chew, Petitioners No. 69-254-RX

Dear Mr. Rose:

Please enter an Appeal in the above entitled matter on behalf of Messrs. Margolis and transfer all records to the Baltimore County Board of Appeals.

Enclosed herein please find a check in the amount of eighty dollars as payment of the Appeal Fee and as payment for the sign fee.

Very truly yours,
Jerome Blum

JB/w
encl.
cc: John Worfield Anselger, Esquire

I hereby acknowledge receipt of this letter along with a check in the amount of eighty dollars.

John G. Rose
per J. G. Rose
June 26, 1969

RE: Petition for Reclassification from R-10 Zone to R-A Zone Special Exception for Elevator Apartments - N/E Cor. Ritters Lane and Dolfield Road, 4th Dist., Wm. F. Chew and Dorothea Chew, Petitioners
Before
Zoning Commissioner
of
Baltimore County
No. 69-254-RX

The petitioners have requested reclassification, from R-10 Zone to R-A Zone, of property at northeast corner of Ritters Lane and Dolfield Road; a special exception for Elevator apartments.

The petitioners showed many changes in the area from various categories to R-A, the most pertinent being those of contiguous property in this conclave. To the south and west of the property there is in existence an ever-developing industrial area, presently containing many major industries which supply tenants for existing apartments in the area. Petitioners' land is already zoned approximately one-third R-A and the remaining two-thirds in an R-10 category.

There is no difficulty in granting the reclassification for the remainder of the petitioners' property to the R-A category, since this will merely extend apartment zoning and give the petitioners a logical use of their land, (presently occupied by a deserted dwelling house).

The Special Exception requested for the construction of a multi-rise apartment should be granted, since the petitioners have clearly demonstrated that all utilities are adequate, that the proposed construction will not interfere with the circulation of lighting and air, create congestion in the roads, hazard by fire, or overcrowd existing school facilities.

The petitioners clearly demonstrated that the granting of this special exception will not create any hazards to the health, safety, or moral welfare of the community and is a logical and needed facility in the neighborhood.

In addition, the petitioners testified as to plans already in existence for the widening of South Dolfield Road from subject property to its intersection with Painters Mill Road.

For the above reasons the reclassification should be had and a special exception for Elevator Apartments should be granted.

It is this 27th day of May, 1969, by the Zoning Commissioner of Baltimore County ORDERED that the herein described property or area should be and the same is hereby reclassified from R-10 Zone to R-A Zone and a special exception for elevator apartments should be and the same is granted from and after the date of this Order.

The site plan is subject to approval of the Bureau of Public Services at the Office of Planning and Zoning.

John G. Rose
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 5/27/69
BY J. G. Rose

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wm. F. Chew et al., legal owners 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-10 zone to an R-A zone, for the following reasons:

- Error in original zoning, as exemplified by
- Change in the neighborhood since the adoption of the 4th Election District Land Use Map.

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 Elevator Apartments.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address

John W. Armiger, Petitioner's Attorney
Address 200 Padonia Road, East
Cockeysville, Maryland 21030
66-0490

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th day of April, 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 throughout Baltimore County; that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 16th day of May, 1969, at 10:00 o'clock.

John G. Rose
Zoning Commissioner of Baltimore County

DESCRIPTION of 2.95 Acres of Land,
NORTH SIDE OF DOLFIELD ROAD
EAST SIDE OF SOUTH RITTERS LANE

BEING all of lots 1 through 4 and part of lot 5 of Tollgate - Section Ten
recorded among the Land Records of Baltimore County in Plat B-10 G.L.S.
No 20 Folio 97. Being, in addition, all of that land which by deed
January 18, 1967 was conveyed by Jan Binder to William F. Chew and recorded
among the Land Records of Baltimore County in Liber 4717 Page 071.

- BEGINNING at point of the east side of South Ritters Lane at the intersection
with Dolfield Road; thence binding on the east side of South Ritters Lane
- (1) North 19° 21' 40" West - 191.79 feet; thence still binding on said east
side
 - (2) By a curve to the right the radius of said curve being 950 feet for a
length of 172.11 feet; thence leaving said east side and binding on a line of
division through lot 5
 - (3) North 71° 06' 03" East - 103.58 feet; thence binding on the outline of said
plat and also binding on all of the third line of aforementioned deed
 - (4) North 71° 06' 03" East - 208.75 feet; thence binding reversely on part of
the second line of aforementioned deed
 - (5) South 21° 02' 57" West - 390.00 feet to intersect the north side of Dolfield
Road; thence binding on the north side of Dolfield Road
 - (6) South 71° 06' 03" West - 208.75 feet; thence continuing to bind on the north
side of Dolfield Road and on the outline aforementioned plat
 - (7) South 72° 02' 59" West - 106.67 feet; thence binding on the outline of said
plat
 - (8) By a curve to the right the radius of said curve being 25 feet for a length
of 38.65 feet to the point of beginning.

CONTAINING 2.95 Acres of Land, more or less.
SUBJECT to any and all easements of record.

This description is for zoning purposes only and is not intended for
conveyancing of land.

P.N. 422
Sept. 13, 1969



- Page 2 -

- Page 3 -

John W. Armiger, Esq.
200 Padonia Road, East
Cockeysville, Maryland 21030
Item 219

April 3, 1969

BUREAU OF ENGINEERING (Continued)

Storm Drains:

The Developer must provide necessary drainage facilities (temporary
or otherwise) to prevent creating any nuisances or damages to adjacent
properties, especially by the concentration of surface waters. Correction
of any problem which may result, due to improper grading or other
drainage facilities, would be the full responsibility of the Developer.

A sediment control plan must be furnished for review and approval by
the Bureau of Engineering and the Soil Conservation Service before a
grading permit will be issued.

Sewers:

Public sanitary sewerage is available to serve this property. There
are existing 8" sewers in both South Ritters Lane and Dolfield Road.

Water:

Public water is available to serve this property. There are existing
8" water mains in South Ritters Lane and Dolfield Road. The 8" main
in Dolfield Road must be extended to the east property line in conjunction
with the development of this site.

PROJECT PLANNING DIVISION:

There must be two points of access to this project.

BUREAU OF TRAFFIC ENGINEERING:

Review of the subject petition indicates only one access point to the
site. An additional access point should be provided to provide service
to emergency vehicles.

FIRE DEPARTMENT:

Owner shall be required to comply to all Fire Department regulations
when plans are required for approval.

BUILDING ENGINEER'S OFFICE:

Must meet all requirements of the Baltimore County Building Code.

John W. Armiger, Esq.
200 Padonia Road, East
Cockeysville, Maryland 21030
Item 219

April 3, 1969

BOARD OF EDUCATION:

zoning change would only result in an increase of approximately 4
students in this area.

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Air Pollution Commission: The building or buildings on this site
may be subject to registration and compliance with the Maryland State
Health Air Pollution Control Regulations. Additional information may
be obtained from the Division of Air Pollution, Baltimore County
Department of Health.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as the
petitioner complies with the comments by the Bureau of Traffic Engineering.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

DLH:JD
Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 9, 1969

FROM: George E. Connelley, Director of Planning

SUBJECT: Petition #69-254-RV. Reclassification from R-10 to R.A. Zone.
Special Exception for Elevator Apartments. Northeast corner of
South Ritters Lane and Dolfield Road. William F. Chew, Petitioner

4th District

HEARING: Wednesday, May 21, 1969 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject
petition for reclassification to R.A. zoning together with a Special Exception
for elevator apartments. At this point in time we are opposed to both the
reclassification and the Special Exception pending final resolution of land
use and road patterns based on a new comprehensive plan.

GEG:ams

OFFICE OF THE COMMUNITY TIMES

RANDALSTOWN, MD. 21125 May 7 1969

THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose
Zoning Commissioner of Baltimore County
was inserted in THE COMMUNITY TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for One ~~15~~ 15 days
weeks before the 7th day of May 1969 that is to say, the same
was inserted in the issue of May 2, 1969

STROMBERG PUBLICATIONS, Inc.

By *Paul Morgan*

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 3, 1969

COUNTY OFFICE BUILDING
111 W. Chase Avenue, Towson, Maryland 21204

Oliver L. Myers
Chairman

MEMBERS

BUREAU OF ENGINEERING

BUREAU OF TRAFFIC ENGINEERING

STATE PLANNING COMMISSION

BUREAU OF FIRE DEPARTMENT

HEALTH DEPARTMENT

PROJECT PLANNING DIVISION

BUILDING DEPARTMENT

BOARD OF EDUCATION

COMMUNITY DEVELOPMENT

MUNICIPAL DEVELOPMENT

BUREAU OF ENGINEERING

Highways:

This property has frontage on two existing roads, South
Ritters Lane and Dolfield Road. South Ritters Lane has
previously been improved with a 36 ft. curb and gutter paving
ultimately be improved with a 36 ft. curb and gutter paving
section on a 60 ft. right-of-way. Improvements in connection
with the development of this site will consist of construction
of curb and gutter and a minimum of 27 ft. of macadam paving along
the Dolfield Road frontage. The developer is responsible for
Baltimore County.

Entrance locations are subject to approval by the Traffic
Engineer.

RE: Type of Hearing: Reclassification
From an R-10 zone to an R.A. zone
Location: NE Cor. Dolfield Rd. & So. Ritters
Lane
4th District
Petitioner: William F. Chew, et al
Committee Meeting of March 18, 1969
Item 219

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans
submitted with the above referenced petition and has made an
on site field inspection of the property. The following comments
are a result of this review and inspection.

The subject property is presently improved with a
two story stone structure with a garage to the rear. The
property to the east is improved with a dwelling with an open
field. The property is improved with apartments which are
owned by the petitioner. The property immediately to the
west is improved with ranch type homes, new to 5 years of age,
in excellent condition. The property to the south overlooks Painters
Mill Industrial Park. Curb and gutter exists along South
Ritters Lane. However, no curb exists along Dolfield Road.

BUREAU OF ENGINEERING:

Highways:

This property has frontage on two existing roads, South
Ritters Lane and Dolfield Road. South Ritters Lane has
previously been improved with a 36 ft. curb and gutter paving
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RE: Type of Hearing: Reclassification
From an R-10 zone to an R.A. zone
Location: NE Cor. Dolfield Rd. & So. Ritters
Lane
4th District
Petitioner: William F. Chew, et al
Committee Meeting of March 18, 1969
Item 219

CERTIFICATE OF PUBLICATION

TOWSON, MD. MAY 1 1969

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. once in each
of 15 days before the 7th day of May 1969 that is to say, the same
was inserted in the issue of May 2, 1969

THE JEFFERSONIAN,
H. Leach, Jr.,
Manager

Cost of Advertisement: \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: 7-10-69

Posted for: Appeal

Petitioner: W.F. Chew

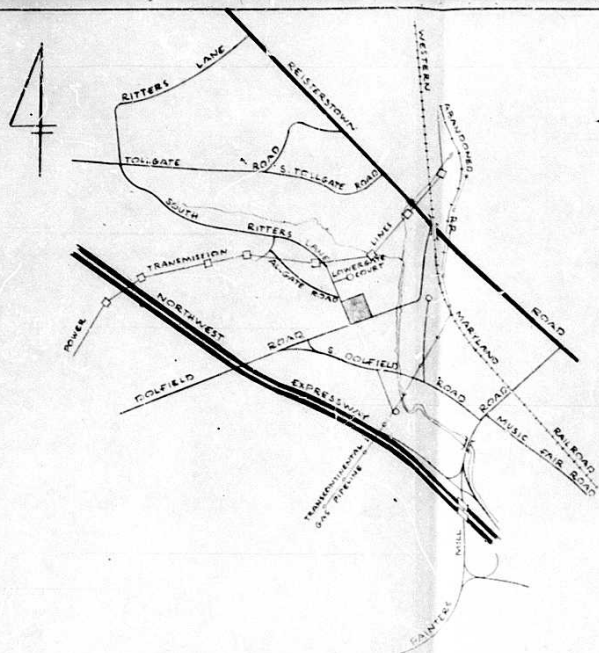
Location of property: NE Cor. South Ritters Lane & Dolfield Rd.

Location of signs: 1. 100' x 150' Dolfield Rd. E. of South Ritters Lane
2. 700' x 150' E. of Ritters Lane on N.E. of Dolfield Rd.

Remarks:

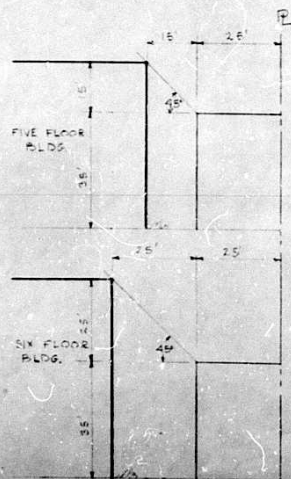
Posted by: *Paul Morgan* Date of return: 7-12-69

.....
 Signature

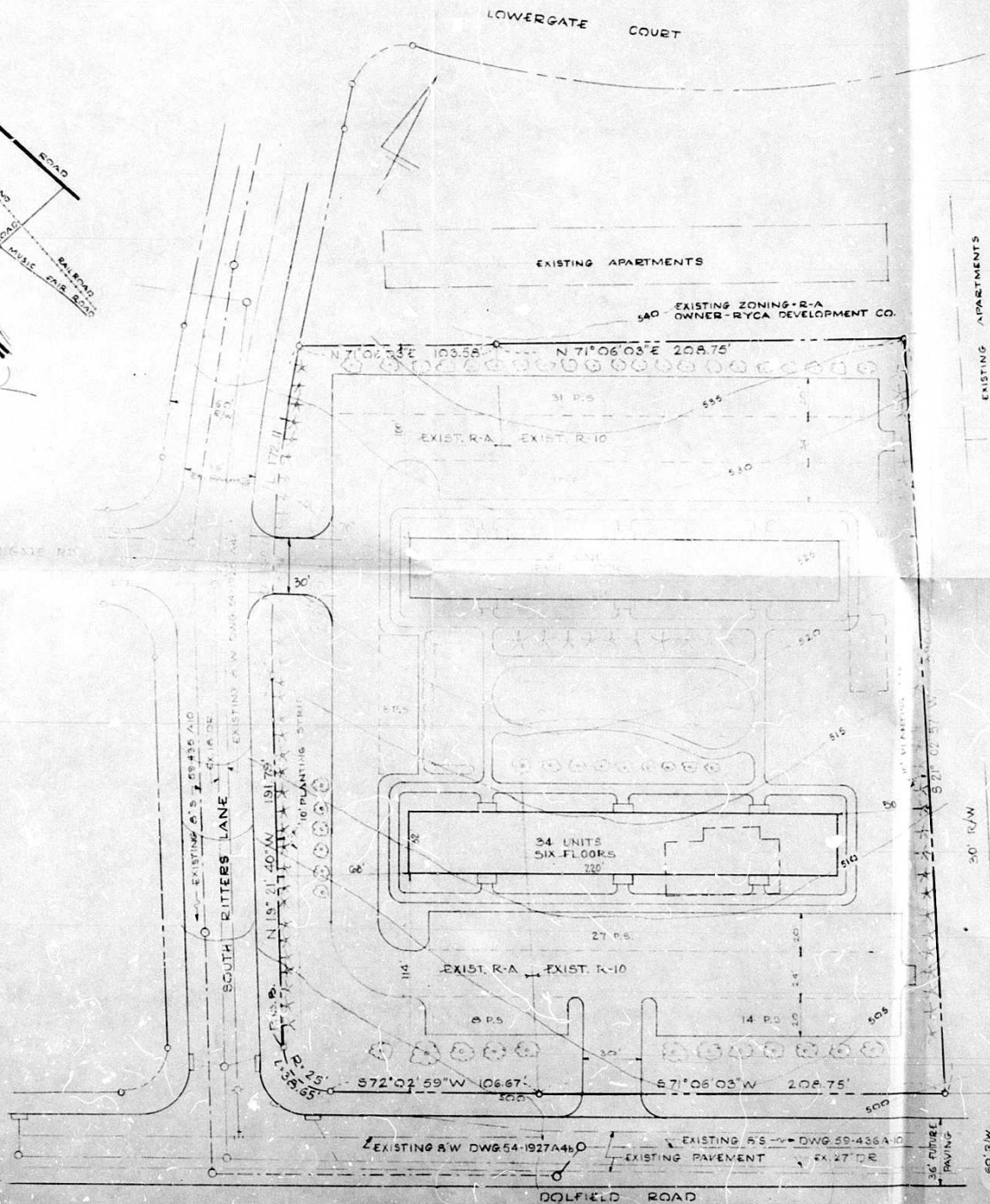


LOCATION PLAN
SCALE 1"=1000'

EXISTING ZONING: R-A
PROPOSED ZONING: R-A
AREA: GROSS 5.56 AC; NET 2.48 AC
UNITS PERMITTEE: 113
LAND AREA: 5.56 AC
NET AREA BASIS: 2.48 AC
UNITS PROPOSED: 113
DENSITY GROSS: 175; NET 18.3
PARKING SPACES: 113
FURNISHED: 113
PUBLIC WATER & SEWER AVAILABLE
EXISTING STRUCTURES TO BE DEMOLISHED
MINIMUM SCREENING TO CONSIST OF 4' HIGH
COMPACT EVERGREENS IN 10' PLANTING STRIP



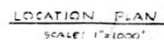
TENT. DIAGRAM - EAST SIDE
SCALE 1"=20'



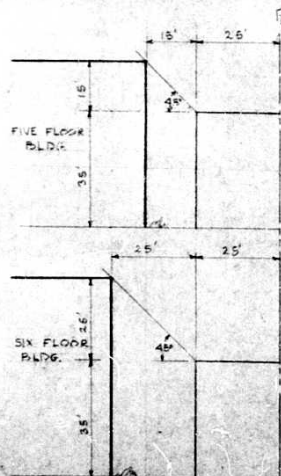
SITE PLAN
SCALE 1"=30'



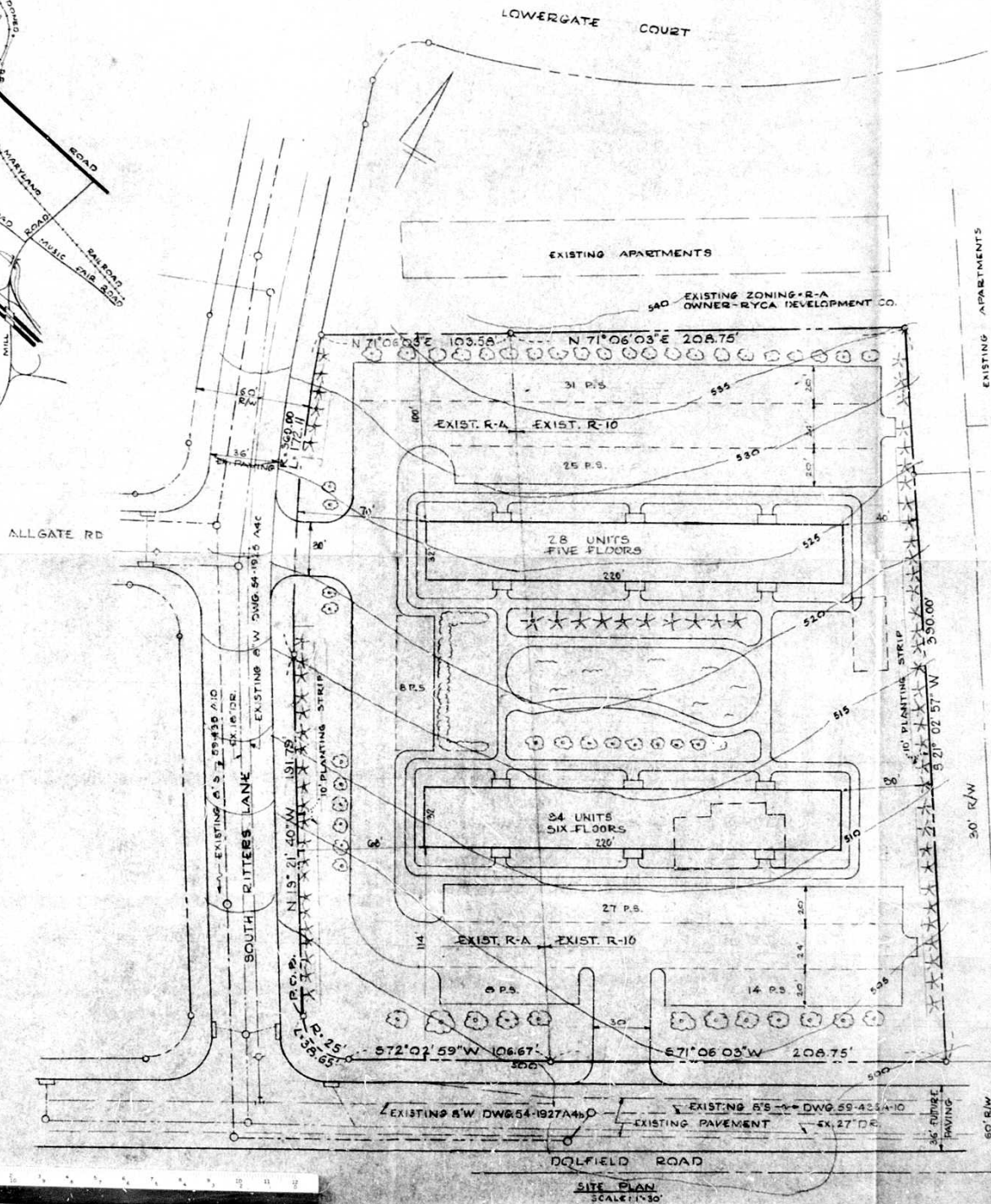
PLAT TO ACCOMPANY ZONING PETITION
NORTH ELECTION DISTRICT-BALTO. CO., MD.
FEB. 1965
7. STROHM SMITH AND ASSOCIATES, INC.
SCALE AS NOTED



EXISTING ZONING = R A & R-10
EXISTING USE = RESIDENTIAL
PROPOSED ZONING = R A S E P R E V A T O R
PROPOSED USE = ELEVATOR
NET AREA GROSS: 2.56 AC; NET: 2.35 AC
UNITS
GROSS AREA BASIS: 2.56 X 125 = 57
BONUS UNITS: 6.0 X 2.35 = 6.0
NET AREA BASIS: 2.55 X 125 = 55
BONUS UNITS: 6.0 X 2.35 = 6
TOTAL: 62
UNITS PROPOSED = 62
DENSITY: 26.75; NET: 16.3
PARKING SPACES
REQUIRED = 62
FURNISHED
PUBLIC WATER & SEWER AVAILABLE
EXISTING STRUCTURES TO BE REZONED
MINING SCREENS TO BE REZONED OF 4 HIGH
COMPACT EVERGREENS IN 10 PLANTING STRIP



TRUST DIAGRAM - EAST SIDE 1"=20'



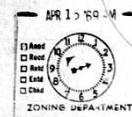
EXISTING ZONING - R10

#64-254RX

OFFICE
COPY

MNP
#4
SEC 2-C
NW-11-H

RA.



REVISED PLAN
OFFICE COPY

第 21

FLAT TO ACCOMPANY ZONING PETITION

FORTH ELECTION DISTRICT - BALTO. CO., MD.
FEB. 1969 SCALE AS NOTED
J. STRONG SMITH AND ASSOCIATES ENGINEERS, ARCHT. AND
REVISED APRIL 10, 1969

