

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JULIO BROTHERS, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an RA zone, for the following reasons:

Error in map and change in area

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

Contract purchaser

Address

Petitioner's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of July, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of August, 1969, at 1:00 o'clock.

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

at 1:00 o'clock

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MD. 21204

Description of
Franklin Park Apartments
17.69 Acres ± Reclassification from R-6 to RA

May 15, 1969

Beginning for the same at the end of the three following courses and distances from the intersection formed by the north side of Windless Drive and the west side of Middle River Road, first northerly along the west side of Middle River Road (60.00' wide) N 43° 20' 50" W 150 feet more or less, second a curve to the right with a radius of 828.27 feet for a distance of 545 feet more or less, and third N 05° 40' 44" W 206 feet more or less, thence leaving the west side of Middle River Road, the ten following courses and distances, viz: first S 47° 17' 14" W 245.00 feet, second a curve to the right with a radius of 1909.86 feet for a distance of 654.44 feet, third N 10° 50' 41" W 449.26 feet fourth S 86° 06' 32" W 837.11 feet fifth N 11° 20' 13" E 484.60 feet, sixth N 82° 01' 30" E 932.74 feet, seventh S 01° 20' 23" W 211.93 feet, eighth N 82° 19' 59" E 229.49 feet, ninth S 06° 39' 40" E 329.13 feet and tenth N 83° 55' 20" E 368.98 feet to the place of beginning

Containing 17.69 Acres more or less.

FRANK E. CICONE
Attorney At Law
FIRST NATIONAL BANK BLDG.
TOWSON, MARYLAND 21204
June 31, 1969

Mr. Edward D. Hardesty
Deputy Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Commissioner:

The above-subject case is set for hearing on Monday, August 4, 1969. I am hereby, on behalf of my clients, Julio Brothers, withdrawing said Petition without prejudice.

RE: Petition #70-27-R
Reclassification from R-6
to R.A. Zone.
Beginning 901 feet from the
north side of Windless Dr.
on the west side of Middle
River Road.
Julio Brothers, Petitioners

Very truly yours,
Frank E. Cicone
Attorney for the Petitioners

FEC:kc

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 294 Page 5

June 19, 1969

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as revised plans are received in accordance with the Bureau of Engineering comments.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD

Enc.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 19, 1969

COUNTY OFFICE BLDG.
111 E. CALVERT AVE.
TOWSON, MARYLAND 21204

Oliver L. Myers
CHAIRMAN

MEMBERS

BUREAU OF
ENGINEERING

BUREAU OF
TRAFFIC ENGINEERING

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204

RE: Type of Hearing: Reclassification
from an R-6 zone to an RA zone
Location: W Middle River Rd., 901'
to Windless Drive
15th District
Petitioner: Julio Brothers
Committee Meeting of June 10th, 1969
Item 294

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 at the present time is unimproved, heavily wooded; surrounded by dwellings. The dwellings would be in the 10 to 30 year old bracket; some in fair condition, some in poor condition. Windless Drive and Middle River Road are improved with concrete curb and gutters. The topography is rolling - relatively straight. The proposed Windless Blvd. seems to split the proposed site in half.

BUREAU OF ENGINEERING:

Highways:

The southeastern area of the 17.69 acre tract of land proposed for reclassification to RA zoning lies within the proposed alignment of Windless Expressway, a controlled access highway proposed for future construction by the Maryland State Roads Commission. The location of this highway has been fixed through the area of the subject site and should be shown on the plan.

Access to this site will be provided by the extension of Chandelle Road from the Victory Villa subdivision as a public road. Chandelle Road is currently proposed for construction

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 294 Page 2

June 19, 1969

Highways: (Continued)

In the Victory Villa sub-division as a 40-foot closed section with flexible pavement on a 60-foot right-of-way. (See Baltimore County Bureau of Engineering drawing #68-0922-5, Job Order 5-2-311) The alignment of Chandelle Road should be established through the subject property, by the Developer's engineer, in a manner such that Chandelle Road intersects Middle River Road directly opposite Langley Road or intersects an extension of Honeycomb Road, which, in turn, would intersect Middle River Road at Langley Road. The alignment in either case shall be based on a 40-foot closed section with flexible pavement on a 60-foot right-of-way and would consider the use or partial use of existing Clover Avenue.

This property could have access temporarily from Windless Drive by construction of a private road as indicated on the subject plan.

Storm Drains:

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, a drainage study and plans will be required prior to obtaining approval of any subsequent preliminary plan or building permit applications.

The Applicant 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 Applicant.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Sanitary Sewer:

Sanitary sewer can be made available to serve this property by extending the existing 8-inch sanitary sewer located in Chandelle Road near Torque Way, shown on Baltimore County Bureau of Engineering drawing 556-732, sheet B of 20, B-4 file. Any such sanitary sewer extension will require off site rights-of-way or easements. It is possible to serve a portion of the subject property by

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 294 Page 3

June 19, 1969

Sanitary Sewer: (Continued)

extending the existing, 8-inch sanitary sewer located in Windless Drive, shown on Baltimore County Bureau of Engineering drawing #62-785, A-10.

Water:

Public water supply can be made available to serve this property by extending the existing 8-inch water main located in Chandelle Road, shown on Baltimore County Bureau of Engineering drawing #56-494, A-4-a, near Torque Way within the right-of-way of the above mentioned proposed Chandelle Road. Public water supply could also be made available by the construction of a private water main which would connect to the existing 8-inch water main located in Windless Drive, shown on Baltimore County Bureau of Engineering drawing #63-364, A-4-c.

BUREAU OF TRAFFIC ENGINEERING:

Review of the subject petition indicates this parcel will have no access when Windless Expressway is built. Therefore, if the zoning is granted, some means of public access must be shown, taking into consideration the construction of Windless Expressway. Also, the right of way for Windless Expressway should be shown on the revised plan.

BUILDING ENGINEER'S OFFICE:

This office has no comment.

FIRE DEPARTMENT:

Owner shall be required to comply with all Fire Department requirements when plans are submitted for approval.

BOARD OF EDUCATION:

An ultimate yield from this tract with the present zoning could be approximately 46 pupils while, if the petition to change to RA zoning is granted, the range could ultimately be from 46 to 97 pupils.

A large apartment complex of some 972 townhouses is currently under construction (Maple Crest) south of Bird River Road between Wampler Road and Middle River Road, while some 70 ± acres in the immediate area have already been zoned R-1. Any increase in student population will have a noticeable effect on the aged schools servicing this general area.

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 294 Page 4

June 19, 1969

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Swimming Pool Comments: Prior to approval of a public pool on this site, two complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

STATE ROADS COMMISSION:

The State Roads Commission proposes a highway improvement that would seriously affect the subject site. The present Zoning Division line, as indicated on the plan, is essentially the center line of the proposed Windless Freeway. Attached is a copy of a site plan on which has been indicated the effects to the property.

The proposed improvement by the State Roads Commission will be a controlled access highway; therefore, the northern portion of the property will be landlocked. It will be difficult, if not impossible, to provide access to this portion.

A study has been made which revealed that it would be impractical to shift the line for the Windless Freeway.

This portion of the proposed highway improvement is not in any current construction program. However, it is in the Twenty-Year Needs Study.

PROJECT PLANNING DIVISION:

This proposed addition to the RA zoning as now shown on the Eastern Area Zoning Map is not served by any existing streets other than through the existing RA tract. A proposed major facility, Windless Freeway, will serve that connection leaving the property of this petition without such access as it has now.

Additionally, service to a possible 283 dwelling unit by a road, in this case privately owned and maintained, almost one half mile in length is against all County standards. Some other means of access must be provided, and it is the consensus of the agencies involved that extension of Chandelle Road (from its present terminus southward of the south corner of the westernmost part of this tract) eastward and then north through petitioner's property to a connection with Middle River Road as a neighborhood collector is necessary, practical, and should be a part of any development of this property.

