PETITION OR ZONING RE-CLA LIFICATION AND/OR SPECIAL EXCEPTION THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Kolker, his wife
I, or we, Marvin D. Kolker and Ann B. legal owners. of the County and which is described in the description and plat attached hereto and made a part beyon, # 3 hereby publics (1) that the soning status of the herein described property be re-classified, purposes e.g. 2 BR 459 County, to use the herein described property, for ... Property is to be reted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above re-classification and/or Special Exception advertising, ag, etc., upon fixing of this petition, and further agree to and are to be bound by the spaing of Baltimore County adopted pursuant to the Zoning Law for Baltimore - Maru U Kolhe Qui B. Kalker Raywood Lembery

__, 196_9, that the subject matter of this petition be advertised, as tired by the Zoring Law c Baltimore County, in two newspapers of general eleculation through out 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 Towsen, Baltimore . 196 9 at 2:00 o'clock

bracker, ole, Maryland 31309

WHIT:FORD, FALK, AND MASK Consulting Engineers . Sand Surveyors Land Planners SEFFERSON BUILDING TUWBON, HARYLAND 21204

#3 SEC. 2-6 November 13, 1968 NW-8-F

#70-113R

mmo

BR

Description of 0.962 Acre Parcel to Accompany Petition for Reclassification of Zoning from R-10 Zone to "B-R" Zone Kolker Property

Beginning for the same at a point on the southernmost side of Old Court Roau, said point being 235.62 feet measured westerly from the westernmost side of Reisterstown Road (66 feet wide) and thenge leaving said Old Court Road South 34° 33' East, 287.00 feet, more or less, to the northernmost side of Clovell: Road (30 feet wide); thence binding op said north side of Clovelly Road South 78° 07' West, 48.33 feet; thence to the centerline of said Clovelly Road South 30° 07' West, 16.00 feet, and thence binding on or near the centerline of said Clovelly Road (30 feet wide) the two followin; courses: (1) North 60° 22' West, 92.33 feet; and (2) North 67° 41' West, 105.08 feet; phonce leaving said Clovelly Road North 17° 20' West, 171.05 feet to the Bouthernmost side of Old Court Road as previously mentioned herein and thence binding on the southernmost side of said Old Court Road the following two courses: (1) North 64° 14' 29 East, 49.56 feet; and (2) orth 58° 34' 12" East, 91.15 feet to the point of beginning. Containing 0.962 acres of land, more or less.

RE: PETITION FOR RECLASSIFICATION

S/S Old Court Road 235.52' W. of Reisterstown Road 3rd District

Maryin D. Kolker

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 70-113-R

..... ORDER OF DISMISSAL

Petition of Marvin D. Kolker for reclassification from R-10 zone to B.R. zone, on property located on the south side of Old Court Road 235.62' west of Raisterstown Road, in the 3rd District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismis.al of appeal filed May 8, 1970 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner-Appellant; and

WHEREAS, the said attorney for the said Petitioner-Appellant requests that 'e appeal filed on behalf of said Petitioner be dismissed and withdrawn as of May 8,

IT IS HEREBY ORD! RED, this 12th day of May, 1970, that said appeal be and the same is Dirmissed.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chair W. Giles Parker

RCYSTON, MUELLER, THOMAS & MCLEAN

April 21, 1970

Board of Appeals of Baltimore County County Office Building Towson, Maryland 21204

Zoning Appeal - Petition \$70-113-R Reclassification from R-10 to B.R. Zone South side of Old Court Road 235.62 feet west of Reiscerstown Road. Marvin D. Kolker, Petitioner and Appellant

Will you pleas; enter the appearance of Ronald M. Shapiro and me as attorneys for parties protestant, Frank A. Kaufman and Clementine L. Kaufman and Joel C. D. Hutzler and Carolyn Hutzler, in the above r.ferred to zoning appeal.

Very truly yours R. Tay la bu fram

R. Taylor McLean

RTMcL/mc

cc/Raymond Feinberg, Esq. Jules R. Willen, Esq. James F. Offutt, Jr., Esq. Ronald M. Shapiro, Esq.

BALTIMORE COUNTY, MARYLAND

INTE -OFFICE CORRESPONDENCE

TO Mr. Edward D. Hardesty, Deputy Zoning Date December 11, 1969 FROMMr. George E. Gavrelis, Director of Planning

RECLASSIFICATION S/S of OLD

COURT ROAD, 235,62* W of Reisterstown Road - 3rd District MARVIN D. KCLKER and ANN B. KOLKER, his wife.

Gentlemen:

entitled case.

Raymond Feinberg, Esquire, 1416 Clarkview Road, Baltimore, Maryland 21209

ORDER OF DISMISSAL

and Ann B. Kolker, his wife, Petitioners, the Appelants in the above

Please enter an Order of Dismissal on behalf of Marvin D. Kolker

Afterney for Marvin D. Kolker and

BEFORE THE COUNTY BOARD OF

APPEALS OF BALTIMORE

Case No. 70-113-R (Item No. 74)

COUNTY

SUBJECT Petition *70-113-R. Reclassification from R-10 to 8.R. Zone. South side of Old Court Road 235.62 feet west of Reisterstown Road. Marvin D. Kolker, Petitioner.

HEARING: Monday, December 15, 1969 (2:00 P.M.)

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

- The subject request is not in accordance with the proposed zoning map
 pre liminarily approved by the Planning Board, and it is not reflected by
 staff or committee recommendations with rer set to changes in the preliminary
 map to ready it for final Board approval.
- We have no record of this request as an issue brought before the Planning Board in or pursuant to its hearings on the preliminary map.
- 3. The subject patition constitutes another example of the difficulties to be encountered when two methods of zoning reclassification are being employed during the same period of time. We again point out that any decision rendores pursuant to the cubject patition for any other zoning reclassification patition; ...! be, in effect, subject to rejection or confirmation upon adoption of the new comprhensive zoning mor, required under the County Code by June 30, 1970. In view of this, it is suggested that the subject patition be withdrawn, and that the reclassification issue be decided solely through the process of comprehensive zoning-nap review and adoption; in this process, it would be appropriate for the patitioner to bring his request before the County Council after the Planning Board has forwarded its final recommencations.
- 4. Without in any way changing our view that the issue should not be decided under perition review, we do take issue with the proposal and the reasons for reclassi-fication stated by the petitioner's attorney.

It is implied that use of property for commercial purposes renders adjacent property "useless" for residential purposes. If this vers true, it would be impossible to draw any line as a boundary between residential and commercial transe without rendering property "useless." We agree with the many planning-law crubbrities and jurist who have said, simply enough, "The line must be drawn somewhere." The Zoning Regulations recognize this by providing for "buffer"

BEFORE THE ZUNING COMMISSIONER

> ----OPDER FOR APPUAL

EED 24

Mr. Commissioners

Please enter an Appsal in the above captioned water to to Board of Appeals for Baltimore County from your decision of February 10, 1976 denying the re-classification on behalf of the above cotponed Marvin D.

Afterney for Marvin 6. Kolker and Ann B. Kolker

cc: Raymond Feinberg, Esquire, 1416 Clarkview Road, Baltimore, Maryland 2126 v

@ 2 516NS CERTIFICATE OF POSTING

	Townen, Maryland
_	
District 2. Rd	Date of Posting NIV. 29 - 1969
Posted for: NECLASS IFICAT	100 FROM R- 10 TO B.R.
Petitioner MARUIN D. KOLK.	f.r-
Location of property: S/S OF Old	COURT Rd 275 (LFT WOF
REISTERSTON	
Location of Signs: Q 5/5 of old	COURT RJ. 310 FT +- WOF REISTERSTOWN P.
D NIS OF CLOVETTY Rd.	400 FT. t. W. O. F. R. FISTERSTONEW . Pd.
Remarks:	
Posted by Charles M. Meel	Date of retur. DEC 19- 1969
Signature	take of return . CLC
	# 70-113-12

CERTIFICATE OF POSTING ING DEPARTMENT OF BALTIMORE COUNTY

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titioner: ILFRUSAL DENSETTER	
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sted by Andrews	ale of return:

1/22/70

OCT 27 1978

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of IT IS ORDERED by the Zoning Commissioner of Baltimore County this. 196 that the herein described property or area should be and Zoning Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the above retition and it appearing that by reason of failure to show error in the original zoning map or ibstantial changes in the character of the neighborhood. the above re-classification should NOT BE HAD, undrescribe specials Par February 198-70, that the above re-classification be and the same is hereby E ZNIED and that the above described property or area be and the same is hereby continued as and remain a R-10 zone; and the Operial Res Church D. Hordesty

Acresge is too small to commant on since no nore than one (1) student would be involved.

Owner shall be required to comply with all Fire Department

requirements in accordance with Life Safety Code, 1967 edition, Chapter 12, "Mercantile Occupancies", when plans are submitted for approval.

Mir Poliution Comments: The building or buildings on this site may be subject to egistration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional in-virantion may be obtained from the Division of Air Poliution, Ealtimore County Department of Malth.

The requested zoning change could increase trip density by 400 trips per day. However, the way the property is proposed to be graded, the southerly portion of the property will have access only to Clovelly Road. This road is not conducive to commercial traffic.

The petitioner should take note of the Eureau of Engineering's comment: in regard to the sewer.

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

OLIVER L. HYERS, Chairman

Public water is available and severs are proposed.

October 30, 1965

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 30, 1969

7,

OLIVER L. MYERS Charman

MEMBERS

BUREAU OF DEPARTMENT OF TRAFFIC ENGINEERIN STATE BOALS COUN

REALTH DEPARTMENT PROTECT PLAN 196 BUILDING DEPARTMEN BOARD OF ESPECIALS DONOS APPENISTRATO DEVITORMENT

James F. Offutt, Jr., Esq. 107 Jefferson Building Towson, Haryland 21204

RE: Type of Hearing: Reclassification from an R-10 zone to an En zone Location: 575 of 01d Court Ed., 235,62° W. of Pelsterscom Road Pelitioner: Karvin D. Kolker, et ux Committee Reating of October 14, 1969 architects 3rd District

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has node 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 rench type brick home with attached gerage. It fronts on Clovelly Rood, The access to the existing swelling sould be by Reistersteem head to Clovelly Rood. The property to the east is improved with a Shapiro's Supermarket. The properties to the scuthwest and north are improved with properties to the Southest and rorts are imprecedent in the control of the control of the control of the control of the Date thoughput of the sort is such that the entire lot lies below the level of the Old Court Road and Shapiro's Supermarket. Clovelly Road at the present time is not Improved as for as concrete curb and gutter are concerned; belower, Old Court Road is since it was recently withoused.

Old Court Road is an existing County road improved with a 48-foot closed section with flexible pavement on a variable width right-of-way, minimum width 70 feet. No ents are required at this time. However, public sidewalk will be required along the Old Court Road frontage. James F. Offutt, or., Esq. 107 Jefferson Building Towson, Maryland 21204 Item 74 Page 2

..

October 30, 1969

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Highways: (Continued)

The entrance locations are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 ft. and a maximum of 30 feet wide, shall have 5-foot minimum radius curb returns, shall be located a minimum of 75 feet from any property line, and shall be constructed in accordance with Baltimore Country Standards for 7 inch concrete

Clovely Road is an existing public road maintained by Baltimore County, which will be improved in the future as a 30-foot closed section with flexible type personat on a 40-foot right-of-way. No weblicular access will be permitted to this property or the adjacent supermarket, from Clovelly Road a 5-foot influent highway wideo'r galang the frontage of Clovelly Road is required. Pighway improvements, including public sideals, will be required in constitution with any subsequent grading or building permit applications.

The Applicant must provide necessary drainage facilities (temporary of otherwise) to prevent creating any rissances or demages 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 Annitrat. Applicant.

Sediment Control:

Development of this property through stripping, grading, and statistic or could result in a sectiment pollution problem, demograp private and public holdings domestream 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 issuance of any grading or building permits.

Water:

Public water supply is available to serve this property.

James F. Offutt, Jr., Esq. 107 Jefferson Building Towson, Marylanu 21204 Item 74 Page 3

October 30, 1969

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Sanitary Sewer:

Public sanitary severage is not readily available to serve this properly. However, public sanitary severage can be note available to serve this properly by constructing a public sanitary sever extension, approximately 2500 feet in length, from the existing 8-inch public sanitary sever shown on Framing 33-256, A-10. Thus, sewage would be directed to the Gwynns Falls Sanitary Interceptor Sewer.

The Developer's financial responsibility will be determined by the The Developer's financial responsibility will be detersioned by the Director of Public Works for regard to any deficit to be incurred by the construction, under County contract and inspection, of such public sandary sexergim to serve this property. The Developer is responsible for the prepartium and cost of construction drawings and right-of-way plats required.

The Developer indicates proposed construction of a public sanitary sever to connect to the existing B-Inch sanitary sever in the west side of Reisterstown Read, shown on Drawing 49-741, λ =10.

This method of severing the site should direct the sense to the Jones Falls beinge Rumping Station and should require emproval by the Olrector of Poulic korks of Belliance Country, and the Eepstracent of Health, as recent restrictions immost by the Industry Country of the Cou

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his on site private sanitory sewerage, which must conform with the Beltimare County Plumbing Code,

No approval is granted to include any food waste grinder among the sanitary fixtures. This is subject to further review, upon application for permission to the Department of Permits and Licenses.

The Developer shall provide a 10-foot drainage and utility easement through the property contiguous to the easternmost property line, PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors

Tions South side of C E & TIME MONDA 0.962 acres of las the property of Marvin and Ann B. Kolker, as the land with the Zo-

OCOMBUNITI IMES

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Deputy Zoning Commissioner of maltimore County

RANDALLSTOWN, MD. 21133 Dec. 4,

was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One xxxxxxxxxx weeks before the 4th day of Dec., 1969 that is to say, the same was inserted in the issues of -ovember 27, 1969.

STROMBERG PUBLICATIONS, Inc.

By Reth Morgan



CERTIFICATE OF PUBLICATION

TOWSON, MD. NOV 8 7 1959 19 THIS IS TO CERTIFY, that the annexed advertisement was iblished in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each day of _____ December ..., 19_69_, the first publication appearing on the 27th day of November

THE JEFFERSONIAN,



CERTIFICATE OF PUBLICATION

NOV 27 1969

TOWSON, MD... 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

19 69

THE JEFFERSONIAN,

Cost of Advertisemert. \$_..

James F. Offutt, Jr., Esq. 107 Jefferson Building Towson, Maryland 21204 Item 74 Page 4

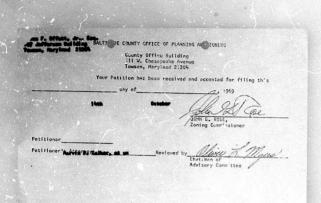
BOARD OF EDUCATION:

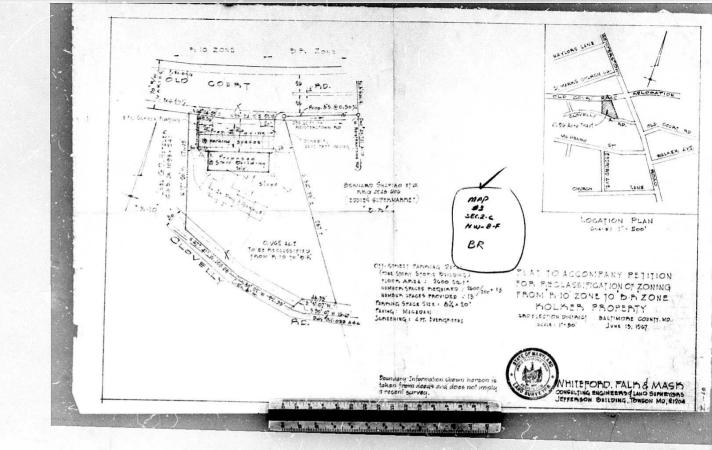
FIRE DEPARTMENT:

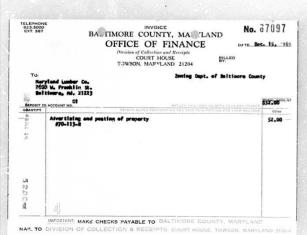
HEALTH DEPARTMENT:

BUREAU OF TRAFFIC ENGINEERING:

ZONING ADMINISTRATION DIVISION:







ELEPHONE 823-3000 EXT. 387	BALTIMORE COUNTY, MARYLAND	No.	69302
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