

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Luther S. Mehring, 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-10 zone to an R-10 zone for the following reason:

Error in zoning map.
Change in the character of the neighborhood.

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 used and advertised as prescribed by Zoning Regulations. 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: Luther S. Mehring
Address: 318.61 feet measured northwesterly along said side of Highfalcon Road from the point formed by its intersection with the northeast side of Reisterstown Road, 66 feet wide, thence leaving said place of beginning and running and binding on the southeast side of Highfalcon Road North 44 degrees 23 minutes 10 seconds East 18.02 feet, thence leaving said road and running South 67 degrees 18 minutes 48 seconds East 577.58 feet, thence South 46 degrees 19 minutes 07 seconds West 246.66 feet to a point distant 292 feet measured northwesterly at right angles from the northeast side of Reisterstown Road, thence running parallel to and distant 292 feet measured northwesterly at right angles from the northeast side of Reisterstown Road, North 43 degrees 59 minutes 40 seconds West 530 feet, more or less, to the place of beginning.
Containing: 1.6 acres of land, more or less.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.



L. Alan Evans

L. ALAN EVANS, P.E., C.E.
J. CAP HILL, M.D., D.S.
GEORGE W. HOLDEFER, P.E.

ASSOCIATES AND EXETER
JESSE W. HURLEY
RICHARD J. HULL



JOAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS

4200 ELKWOOD AVENUE BALTIMORE, MD. 21214 (301) 426-2144
136 HOPKIN STREET CAMBRIIDGE, MD. 21613 (301) 428-3550
1215 E. BAY STREET WESTMINSTER, MD. 21157 (301) 448-1700
1215 WASHINGTON STREET EASTON, MD. 21601 (301) 422-5433

October 13, 1969.

Description of Property in Rear of No. 11311 Reisterstown Road,
For Reclassification From R-10 to R-10 Zone

BEGINNING for the same at a point on the southeast side of Highfalcon Road, distant 318.61 feet measured northwesterly along said side of Highfalcon Road from the point formed by its intersection with the northeast side of Reisterstown Road, 66 feet wide, thence leaving said place of beginning and running and binding on the southeast side of Highfalcon Road North 44 degrees 23 minutes 10 seconds East 18.02 feet, thence leaving said road and running South 67 degrees 18 minutes 48 seconds East 577.58 feet, thence South 46 degrees 19 minutes 07 seconds West 246.66 feet to a point distant 292 feet measured northwesterly at right angles from the northeast side of Reisterstown Road, thence running parallel to and distant 292 feet measured northwesterly at right angles from the northeast side of Reisterstown Road, North 43 degrees 59 minutes 40 seconds West 530 feet, more or less, to the place of beginning.

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Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

FRANK E. CICONE
Attorney at Law

FIRST NATIONAL BANK BLDG.
TOWSON, MARYLAND 21204
November 5, 1969

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

RE: Property of Luther and Eileen
Mehring, SEC REISTERSTOWN
RD. & HIGH FALCON RD.

Dear Mr. Commissioner:

Please be advised that I represent the Petitioners in the above subject case and wish to bring to your attention the following reasons for the petition filed herewith.

Zoning changes as follows:

- 68-264R reclassified R10 to BR
- 5018 reclassified R10 to BL
- 5360 reclassified R10 to BR
- 3675 reclassified R10 to BL
- 3257 reclassified R10 to BL
- 5503 reclassified R10 to RA
- 5494 reclassified BL to BR
- 63-84R reclassified R10 BR
- 64-66R reclassified R10 to RA
- 68-263R reclassified R10 to RA

In addition, error was committed at the adoption of 4th District zoning map of July 18, 1957 at which the front of the petitioners' property was zoned BR with the rear zoned R10. This is unrealistic since the majority of the petitioners' property is zoned BR and the property to the rear is zoned RA. The Petitioners' portion of the property cannot be used for anything but BR used.

Very truly yours,

Frank E. Cicone
Frank E. Cicone

FEC:kc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty,
Deputy Zoning Commissioner
FROM: George E. Garrells, Director of Planning

SUBJECT: Petition 770-117-R, Southeast side of Highfalcon Road 318.61 feet Northeast of Reisterstown Road. Petition for Reclassification from R-10 to R-10 Zone.
Luther S. Mehring - Petitioner

4th District

HEARING: Thursday, December 18, 1969 (1:00 P.M.)

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

The subject request is not in accordance with the proposed zoning map preliminarily approved by the Planning Board, and it is not reflected by present staff or committee recommendations for changes in the map. Further, 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.

We must once again point out that any decision rendered pursuant to the subject petition (or any other zoning reclassification petition) will be, in effect, subject to rejection or confirmation upon adoption of the new comprehensive zoning map, required under the County Code by June 30, 1970.

As we have noted before, cases such as this constitute examples of the difficulties to be encountered when two methods of zoning reclassification are being employed during the same period of time. In view of this, it is suggested that the subject petition be withdrawn, and that the reclassification issue be decided solely through the process of comprehensive zoning map review and adoption. In this process, it would be appropriate for the petitioner to bring his request before the County Council after the Planning Board has forwarded its final recommendations.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 6, 1969

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

RE: Type of Hearings: Reclassification from an R-10 zone to an R-10 zone, Location: NE Cor. of High Falcon Rd. & Reisterstown Rd. Petitioner: Luther Mehring, et ux Committee Meeting of October 28, 1969 Item 64

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 vacant land, with the property to the northwest improved with the "Seymour Chevrolet" dealer. The property to the southeast is improved with "Storier Ford" Auto Dealer. The property to the northeast is unimproved vacant land, with the property to the southwest improved with a used car dealer, a carry out restaurant, an automotive service station, and a miniature golf course. Reisterstown Road and High Falcon Road are improved partially with concrete curb and gutter.

BUREAU OF ENGINEERING

Highways:

Reisterstown Road is a State road; therefore, this site will be subject to State Roads Commission review and all street improvements and entrance locations on this road will be subject to State Roads Commission requirements.

High Falcon Road is an existing County road which has been improved recently as a 40-foot wide closed section which transitions into a divided highway section, comprising two 24-foot lanes separated by a 4-foot wide median, within a

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
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November 6, 1969

Highways: (Continued)

70-foot right-of-way adjacent to this site. No further highway improvements are required at this time except the construction of the proposed entrance to the site, which shall be located directly opposite the existing entrance to Seymour Chevrolet.

Storm Drains:

Reisterstown Road is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisance, 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.

The Applicant is cautioned that a utility easement has been granted to Baltimore County through the subject property, and no encroachment by construction of any structure will be permitted within the utility easement. In the course of developing this property the Developer must afford protection to the existing 72" x 40" B.C.C.M.P.A. storm drain by maintaining a 1-foot minimum cover at all times during construction. (See Baltimore County Bureau of Engineering drawing 667-0478, A-0).

Sediment Control:

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

Sanitary Sewer:

Public sanitary sewerage is available to serve this property. The Baltimore County Bureau of Engineering is currently preparing contract drawings for the construction of an 8-inch sanitary sewer which is proposed to traverse the subject site in the area of the proposed retail stores.

Frank E. Cicone, Esq.,
First National Bank Building
Towson, Maryland 21204
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November 6, 1969

Sanitary Sewer: (Continued)

The property owner should contact the Chief of the Sanitary Sewer Design Group of the Baltimore County Bureau of Engineering to determine an alternate alignment through the subject site. In any event, a 10-foot wide utility easement will be required through this property to permit the extension of sanitary sewerage facilities to serve the properties adjacent to this site.

Water:

Public water supply is available to serve this property.

PROJECT PLANNING DIVISION:

The site plan should be revised to show the following:

- 4' high compact screens planting where the parking areas are adjacent to residential premises.
- The driveway on High Falcon Road must be relocated to line up with the driveway on the north side of the road.
- The angle parking along the driveway from High Falcon Road should be changed to perpendicular parking.
- The proposed widening of Reisterstown Road must be shown as required by the State Roads Commission.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject rezoning could be expected to increase the trip density of the subject site from 1800 trips per day to 2200 trips per day. Some minor changes in entrance locations and parking may be required should the site be rezoned.

BUILDING ENGINEERS' OFFICE:

Petitioner shall comply to Baltimore County Building Codes Rules and Regulations. No other comments until plans are submitted for approval.

FIRE DEPARTMENT:

Owner shall be required to comply with all Fire Department requirements in accordance with Life Safety Code, 1967 edition, Chapter 12, "mercantile occupancies", when construction plans are submitted for approval.

Frank E. Cicone, Esq.,
First National Bank Building,
Towson, Maryland 21204
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November 6, 1969

BOARD OF EDUCATION:

With the area as it is presently zoned, we can expect approximately seven (7) students. If the area were to be rezoned, we would realize no students.

HEALTH DEPARTMENT:

Public water and sewers are available to the site.

Air Pollution Comments: 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.

Food Service Comments: Prior to construction, renovation and/or installation of equipment, for this food service facility complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

STATE ROADS COMMISSION:

The subject plan must be revised to indicate an 80' Right of Way that is proposed for Reisterstown Road (40' from center). The proposed Right of Way line or parking setback line must be curved.

Stopping sight distance is poor at the property due to an over-vertical curve (hill) to the southeast. The situation is compounded by the steep downgrade from the hill.

The plan must be revised prior to a hearing date being assigned.

Access to the site will be subject to State Roads Commission approval and permit.

ZONING ADMINISTRATION DIVISION:

In view of the comments by the State Roads Commission, this office is withholding a hearing date until such time as the above comments are complied with and revised plans submitted to this office.

Very truly yours,

CLIVER L. MYERS
CLIVER L. MYERS, Chairman

CLM:JD
Enc.

COUNTY OFFICE BLDG.
1119 CHESAPEAKE RD.
TOWSON, MARYLAND 21204

CLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PROTECTION

HEALTH DEPARTMENT

PROJECT PLANNING DIVISION

BUILDING ENGINEERS' OFFICE

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Pursuant to the advertisement, posting of property and public hearing on the above petition and the fact that the petitioner proved sufficient change in the area to warrant the rezoning of the subject property.

the above Reclassification should be had, and in further appearing that the same should be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of December, 1969, that the herein described property or area should be and the same is hereby reclassified, from a R-10 to a B-R.

and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning, appearing that by reason of the fact that the petitioner proved sufficient change in the area to warrant the rezoning of the subject property.

Pursuant to the advertisement, posting of property and public hearing on the above petition and the fact that the petitioner proved sufficient change in the area to warrant the rezoning of the subject property.

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 19th day of December, 1969, 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 to remain a R-10, and/or the Special Exception for the same should be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

MICROFILMED



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

Re: Zoning Petition 70-117-R
Property Owner:
Luther S. Mendel
c/o, cor. of Highfalcon Rd.
and Reisterstown Road (Route 140)

Dear Mr. Hardesty:

This office is in receipt of a copy of a zoning order regarding the subject petition dated December 15, 1969. The petition was granted but the order was not made subject to the approval of the site plan by the State Roads Commission, although this request was made in our Zoning Advisory Committee comments.

It is requested that your order be amended accordingly.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section
by: John E. Meyers
Asst. Development Engineer

CLJ:EM:104



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 478 Date of Posting NOV. 29, 1969
Posted to RECLASSIFICATION FROM R-10 TO B-R
Petitioner LUTHER S. MENDEL
Location of property 11341 - REISTERSTOWN ROAD
Location of Signs 0 PARKING LOT OF THE COLONIAL INN @ SOUTH SIDE OF HIGHFALCON ROAD 475-4 EAST OF REISTERSTOWN RD.
Remarks
Posted by Charles E. Mendel Date of return DEC. 19, 1969
Signature

MICROFILMED

70-117-R

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 87104
DATE Nov. 16, 1969
BILLED BY
To: Luther Mendel
305 Reisterstown Road
Reisterstown, Md.
Advertising and posting of property
70-117-R
\$4.00
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Bldg.
111 W. Chesaapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 19th day of December, 1969.

Petitioner Luther Mendel, et al.
Petitioner's Attorney Charles E. Mendel, Esq.
Reviewed by [Signature]
Zoning Commissioner
Chairman of Advisory Committee

MICROFILMED

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
No. 67071
DATE Nov. 23, 1969
BILLED BY
To: Luther Mendel
305 Reisterstown Road
Reisterstown, Md.
Advertising and posting of property
70-117-R
\$4.00
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

MICROFILMED

PETITION FOR RECLASSIFICATION
AND VARIANCE
ZONING FROM R-10 TO B-R
LOCATION: 11341 - REISTERSTOWN ROAD
DATE: 11/16/69
PUBLIC HEARING: 11/16/69
The Zoning Commission of Baltimore County, Maryland, do hereby certify that the above described property or area has been reclassified from R-10 to B-R, and that the same is hereby continued as and to remain a B-R, and/or the Special Exception for the same should be and the same is hereby DENIED.

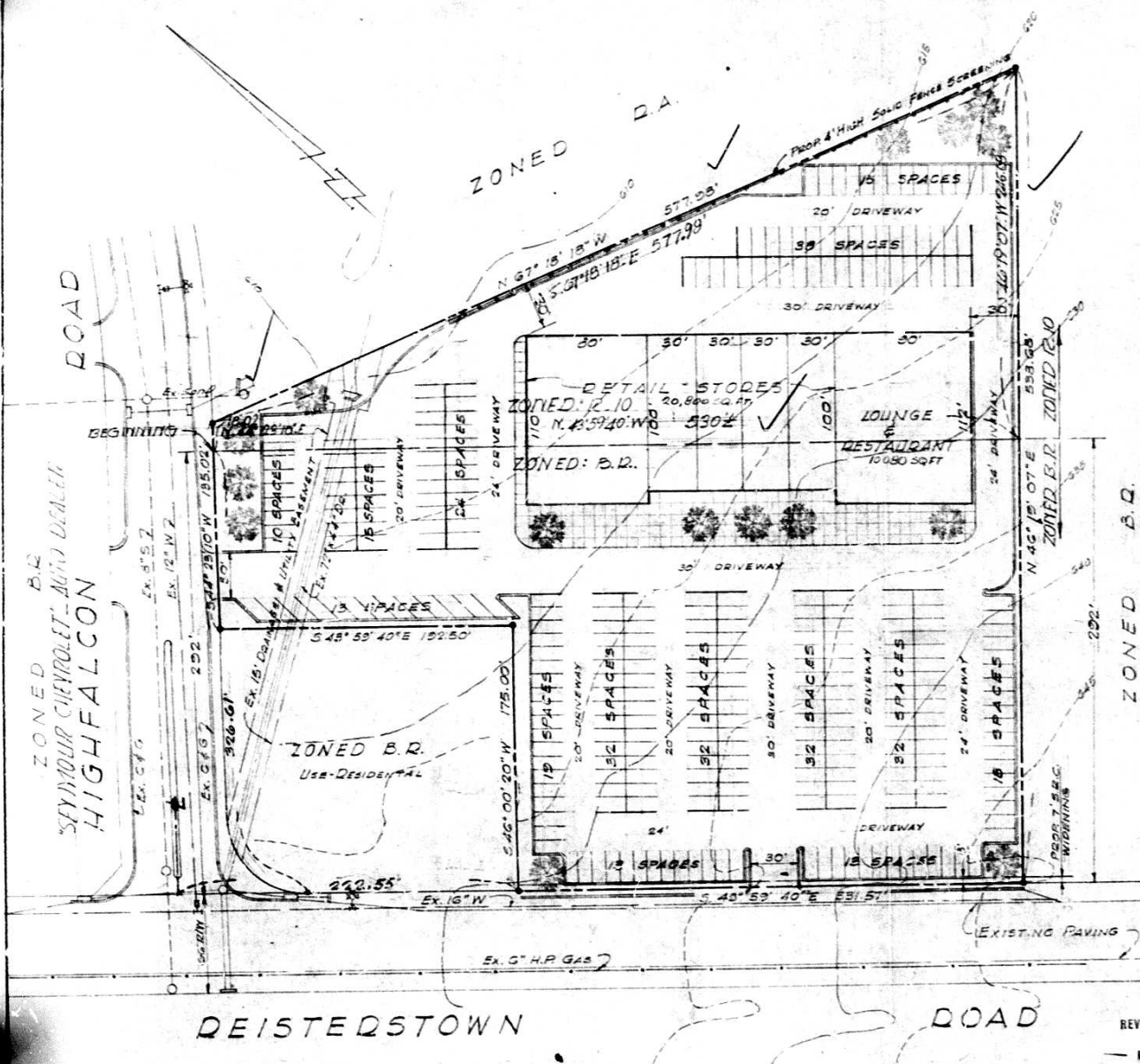
CERTIFICATE OF PUBLICATION

TOWSON, MD. NOV. 27, 1969 19...
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 one time, on or before the 15th day of December, 1969, the first publication appearing on the 27th day of November, 1969.

THE JEFFERSONIAN
L. L. [Signature]
Manager

Cost of Advertisement, \$.

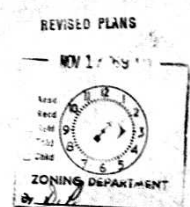
OFFICE OF
THE COMMUNITY TIMES
RANDALLSTOWN, MD. 21133 Dec. 4, 1969.
THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 4th day of Dec., 1969, that is to say, the same was inserted in the issue of November 27, 1969.
STROMBERG PUBLICATIONS, Inc.
R. [Signature]



NOTES:
 ELECTION DISTRICT No 4 BALTIMORE COUNTY, MD.
 ZONED (EXISTING) B.D. & R.10 (AS SHOWN)
 PRESENT USE: LOUNGE & RESTAURANT
 PROPOSED ZONING: B.R.
 PROPOSED USE: RETAIL STORES, LOUNGE & RESTAURANT
 AREA: 4.353 AC.
 SQ. FT. OF LOUNGE & RESTAURANT - 10,000
 REQUIRED PARKING - 202
 SQ. FT. RETAIL STORES - 20,800
 REQUIRED PARKING - 104
 TOTAL REQUIRED PARKING - 306
 TOTAL PROPOSED PARKING - 306
 SIZE OF PARKING SPACES 12' x 20' (180 SQ. FT.)

ZONING PLAT
11311 REISTERSTOWN RD.
 FOR
LUTHER MEHRING & WIFE
 56 COLONIAL INN
 11311 REISTERSTOWN RD, OWINGS MILLS, MD.

OFFICE COPY
 MAP #4
 SEC. 2-C
 NW-13-1
 BR



OFFICE COPY

#84 Luther Mehring, et ux



EVANS, HAGAN & HOLDEFER
 SURVEYORS AND CIVIL ENGINEERS
 4200 RESCUE AVENUE / EXTENSION A-101
 (301) 486-2146
 DATE: 11-3-69

NO 2720