\*70-12°C PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

HELEN CROUSE and ----legal owner 5. of the property situate in Baltimore map County and which is described in the description and plat attached hereto and made a part hereof. #4 hereby petition (1) that the zoning status of the herein described property be re-classif 52C. 2-C to the Zoning Law of Baltimore County, from an R-10 Residence NW-12-I

B.M. Business Major zone; for the following reasons

Change in the character of the noighborhood

Mistake in the official Zoning Nap of Baltimore County

See attached description

Alla Crouse

Marie G. Garrish Logal Owners

Address 10626 Reisterstown Road

Owings Mills, Maryland

ING XZX ROYAL Spir. HII PERSODERKY XHROLI MEG ARIG KAU MAN YE KWX KIG X ZAKRIG KRAGA 

Property is to be posted and advertised as prescribed by Zening Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this potition, a " further agree to and are to be board by the zoning ions and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Eric Reiferberg Peter F. Russel Contract purchasers

ORDER RECEIVED FOR

4412 Reisterstown Road

staryland 2 215

10! Jefferson Building Towson, Maryland 21204 RDERED By The Zoning Comm ner of Baltimore County, this 21st \_\_\_\_\_day

., 196\_9., that the subject matter of this petition be advertised, as refiged by the Zoning Law of Baltimore County, in two newspapers of general circulation through ວັນ Paltimore 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 Towson, Baltimore day of January 196 70 at 2:00 o'clock

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM R-10 TO BB/M 2.191 ACR PARCEL OF LAND BEISTERSTONS ROAD & TOLLOWIFE BAD AT ALLOWING COUNTY

BEGINNING for the same at intersection formed by the south west Right of Way line of Reisterstown Road (66' wide) and the centerline of Tollgate Road, said point being at the beginning of the last line of the land which by deed dated September 28, 1966 and recorded among the Land Rect is of Baltimore County in Liber CTG 4678 folio 235 was conveyed by Pat Mording Company, Inc. to Helen Cro. e unmerried and Marie G. Garrish, running thence and binding on the southwest Right of Way line of Reisterstow: Read and on the last line in the aforesaid deed as now surveyed \$43\*79\*35"E 187.46' thence leaving the southwest Right of Way line of Reinterstown Road and bindin on the first line in the aforesaid deed and continuing the same course and binding reversely on the 4th or last line of the land which by deed dated December 1, 1956 and recorded among the Lard Records of Baltimore County in Liber GLB 3079 folio 237 was conjeyed by John Murray et al to Helen V. Crouse 945°54'30"W 347.45' running thence and binding reversely of the third and second lines in last mentioned deed the two following courses and distances: (1)M40\*31\*30\*% 176.13\* (2)M2\*31\*39\*E 173.03\* to intersect the second line of the first mentioned deed running thence and birding or part of the second line of said deed as now surveyed N36°47'30"W 108.03' to

center line of Tollgate Road and on the third line in first mentioned deed as now surveyer 586\*49\*30"E 291.72 to the place of beginning. CONTAINING 2.191 Acres of land more or less.

the center line of Tollgate Rord running thence and binding on the

BEING all of the land which by deed dater September 28, 1966 and recorded among the Land Records of Baltimore County in Liker CTG 4678 folio 235 war conveyed by Pat Molding Company, Inc. to Helen Crouse unmarried and Marie G. Garrish.

EX PARTE BEFORE THE ZONING COMMISSIONER IN THE MATTER OF ZONING RECLASSIFICATION FOR BALTIMORE COUNTY HELEN V. CROUSE AND MARIE G. GARRISH. ET AL

00

464

v. CROUSE, ET AL. of Reisterstown

and d

#70-128-Toligate 4th

NW- 12-H

BM

SE1.2-6 NW- 12-I Helen V. Crouse and Marie G. Garrish, legal owners, and BM Reifenberg and Peter F. Russel, contract purchasers, by Edward C. Covahey, Jr., their attorney, in support of this Petition that the zoning status of their property be classified from RIO Residence Zone to a RM Rusiness

#70-12812

p: PP

#4

- 1. That Petitioners deny that the provisions of Bill No. 72 enacted by the County Council of Baltimore Countyam here applicable and Petitioners further assert that same is patently unconstitutional and invalid on its
- 2. That the Petitioners are confronted with an emergency in that the contract of sale between the legal owners and contract purchasers calls for settlement on or before January 9, 1970 and that the contract purchasers are in the new automobile business and their present lease terminates in November 1970, so that it is imperative that settlement on subject site be consummated most expeditiously or it will be impossible for the sale, contingent on this zoning, to proceed to settlement as contract purchasers will be forced to seek other property for their business none of which now appears available or suited for the purposes intended
- 3. That there has been a substantial change in conditions and the character of the neighborhood since a comprehensive zoning map for this district was adopted on January 18, 1957 as evidenced by the following:
- a. Zoning file 64-143R, Rezoned from R-10 to R-A by the Zoning Commissionar of Baltimore County on May 21, 1964, 2.0 acres, immediately across Reisterstown Road from subject site.
- b. Zoning File 64-65R, rezoning from R-10 to R-A by the Zoning Commissioner of Baltimore County on March 9, 1964, 10.467 acres. 3,000 feet north of site.

#70-12 FR c. Zoning File 66-157R, rezoned from R-10 to B-L by the Zoning Commissioner of Bait'nore County on January 5, 1966, 2.793 acres approximately 3,000 feet north of site on opposite side of Reisterstown

- d. Zoning File 66-253R rezoned from R-10 to RA and R-10 to B-L by the Zoning Commissioner for Baltimore County on May 25, 1966. 47.6 acres and 3.5 acres respectively, across Reisterstown Road from
- e. Zoning File 5148 rezoned from E-10 to B-L by Zoning Commissioner for Baltimore County, on November 30, 1360, approximately 3,000 feet north of site.
- f. Zoning File 5017 rezoned from R-10 to BL by Zoning Commissioner for Baltimore County on August 2, 1960, immediately across Tollgate Road from property.
- q. Zoning File 4897 rezoned from R-10 to Bt by Zoning Commissioner for Baltimore County on March 23, 1960, approximately 1,500
- h. Zening File 5169 Special Exception granted for day nursery 1,000 feet north of property.
- i. Sewerage which was heretofore unavailable to property installed within perimeters of subject site in August 1969.
- j. Since adoption of the comprehensive map, the physical of Reisterstown Road now classified as a Class II Commercial motorway has become almost totally commercial or high density residential use which has altered the entire character of the neighborhood and of
- 4. That the County Commissioners in not zoning subject property for a commercial use on the January 18, 1957 Comprehensive Man committed mistake and error for the following cogent reasons:
- a. Logical zoning would have extended the commercial zoning to the immediate south of site to also encompass it.
- b. R-10 zoning fails to property reflect the topographical characteristics of the site which preclude its use for residential purposes because of its extreme difference in slevation between the front

portion of the property and the rear portion.

- #70-128R c. The County Council erred in not considering the projected availability of sewerage to the site.
- d. The Council further erred in not taking into consideration population explosion in the immediate vicinity of the site which has created a tremendous need and demand for facilities such as are envisioned
- 5. That the Petitioners have other and further reasons to support their application all of which will be shown at the hearing on same.

Edward C. Covehey, Jr. Attorney for Petitioners 2322 York Road Timonium, Maryland 21093 252-4332

E E RAPHEL & ASSOCIATES 201 COURTLAND AVENUE



BEING also all of the land which by deed dated December 1, 1956 and recorded among the Land Records of Baltimore County in Liter DCB 3079 Folio 237 was conveyed by John Murray et al to Helen V. Crouse



## BALTIMORE COUNTY MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO Mr. Edward D. Hardesty, Deputy Zoning Date January 2, 1970 FROMMr. George F. Gavrelis, Director of

SUBJECT Petition #70-128-8. <u>Reciguification from R-10 to 8.M. Zone</u>
Subwest corner of Reisterstown and Tollgate Roads. Helen V.
Crouse, et al., Petitioners.

4th District

HEARING: Thursday, January 8, 1970 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject patition for reclassification from R-10 to B.M. zoning. It notes that the subject property comprises one of the issues now being dealt with by the Planning Board in its process of making recommendations for comprehensively reaching the Country. A committee of the Planning Board has recommended that Business Major zoning be established on the subject property to a depth of 250 feet from the center line of Resisterstween Boad. Such soning would allow the new car dealership as shown on the patitioner's plot. The balance of the tract is not recommended for commerci! Joning, Rather, a use permit for parking is recommended. Such a device would assure proper and responsible buffering of this tract from adjaining and membry residential lots.

GE G:bm



# CERTIFICATE OF PUBLICATION

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 rassesses before the 8th day of January 19.70 the first publication appearing on the 18th day of December.

THE JEFFERSONIAN,

Cost of Advertisement \$.

10-27-70

Edward C. Covahey, Jr., Esq. 101 Jefferson Building Towson, Maryland 21204 Item 87 Page 3

November 14, 1969

DEPARTMENT OF TRAFFIC ENGINEEPING:

The reclassification from R10 to BL should increase the trip density by approximately 1300 trips.

BOARD OF EDUCATION:

Would result in a loss of approximately four (4) students.

BUILDING ENGINEERS: OFFICE:

Petitioner to comply with Beltimore County Building Codes, Rules and Regulations.

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

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 Haryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Ovision of Air Pollution, Baltimore County Department of Health.

STATE ROADS COMMISSION:

The subject plan proposes to realign the present intersection of Toligate Road so that it intersects Reisterstone Road at a 9% angle. This is round and acceptable to the Commission provided the theoresultant Facility and handle two-may traffic. From the preliminary plan it appears that the throat of Toligate Road will only be ten feet wide. To increase this width will involve costly extension of an existing large store down structure.

If the entire intersection cannot be accomplished in the initial instance, it may be more practical to permit the developers of excitations of the provided of the provided and the existing alignment. Adjustments to a 90° intersection on he made when the N.W. corner is developed.

### BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 14, 1969

OLIVER L. MYELS

Edward C. Covahey, Jr., Esq. 101 Jefferson Building Towson, Maryland 21204

MEMBERS

SUREAU OF STATE BOADS CORV

BUREAU OF FIRE PREVENTION REALTH CEPACTORNS PROJECT PLANNING BUILDING DEPARTM

RE: Type of Hearing: Meclessification from an R-10 Mesidence zone to an B.M. Business Major Zone Locationis.W.Cor. Relaterstown Rd. b Tollypie will be the Cream and Marie C. Carrish Committee Meeting of Hovember 4th, 1969 4th District 4th District Item 87

The Zoning Advisory Cosmittee has reviewed the plans submitted with the above referenced petition and has made on 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 two cheellings, on a rance type frame home, the other a two-story brick deallings, the property to the west is improved with a continuous property to the set is improved with a continuous property to the set is improved with a continuous property to the northeast is improved with a service setation and appariments, with one property to the north improved with shellings homewer, the property to stand BL midstartsoom Road and Totigate Road in this location are not improved as far as concrete curb and gritter are concerned.

BUREAU OF ENGINEERING:

Edward C. Covahey, Jr., Esq. 101 Jefferson Building Towson, Maryland 21204 Item 37 Page 4

STATE ROADS COMMISSION: (Continued)

ZONING ADMINISTRATION DIVISION:

01.44.10

The radius at the curb return at the corner must be indicated on

Either the proposed right of way line of Reisterstown Road or the imeter of the parking lot must be curbed with concrete.

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

The entrances will be subject to State Roads Commission approval

In view of the comments by the State Roads Commission and the Bureau of Engineering, this office is withholding a hearing date until those comments are compiled with and revised plans are submitted.

Thirty foot wide entrances would be sufficient to serve the type of business proposed, therefore, the plan must be revised accordingly.

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

Tollgate Mead is an existing macadam road which will be improved as a 30-foot closed section with flexible type promont within a 50-foot rights-of-way in the property within a 50-foot rights-of-way yill dearing and improvements will no required in connection with any subsequent grading or building point applications.

November 14, 1969

-in

OLIVER L. MYERS, Chairman

Edward C. Covahey, Jr., Esq. Towson, Maryland 21204 Item 87 Page 2

November 14, 1969

Highways: (Continued)

Taligate Road sha'l be realigned at the intersection with Reisterstown Road so that the center line intersection of the two roads is perpendicular. A minimum center line radius of 200 feet shall be required on Taligate Road to establish the new alignment in connection with this site. Monwer, the ultimate alignment of Toligate Road immediately adjacent to Reisterstown Road will have to be efferred until such time that the property located on the northerst corner is developed. In the interim, the existing roadway will remain open with only temporary improvements being contracted, contingent upon kryland cites Roads Commission requirements.

#### Storm Drains:

No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, storm declinage facilities will be required in connection with an subsequent grading or building permit applications.

Reisterstown Road is a State road. Therefore, drainings requirements as they affect the road communder the jurisdiction of the Maryland State Road: Commission

The Applicant must provide necessary drainage facilities (temporary or channise) to prevent creating any nulsances or dusages to adjacent properties, appecially by the concentration of surface nature. Correction of any problem which may result, due to improper grading or studie 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 domestream of the property. A grading peralt 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.

Sanitary Sewor:

Public sanitary sewerage is available to serve this property.

## Water:

Public water supply is available to serve this property.

OFFICE OF FINANCE

BALTIMORE COUNTY, MARYLAND

ORE COUNTY OFFICE OF PLANNING AND ZONIM

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

> 2 SIENS CERTIFICATE OF POSTING

> > Towns, Maryland

OFFICE OF OCOMMUNITI'IMES

RANDALLSTOWN, MD. 21133 Dec. 28.

THIS IS TO CERTIFY, that the a nexed advertisement of

Edward D. Hardesty, Deputy Zoning Commissioner of Bultimore County was inserted in THE COMMUNITY TIMES, a weekly newspape; published

in Baltimore County, Maryland, once a week for One week before the 224 day of Dec., 1969, that is to say, the same was inserted in the issue of December 18, 1969.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

District. 4T#

ORTO TNAT.

Posted for RECLASSIFICATION Petitioner: HELEN CRONIE Location of property: SW/COR. OF REISTERSTOWN & Telegrate Rd. Location of Signe D. 106.24 NEISTERSTONE Rd. D. SIS OF TOIL GATE AND 100 FT. t- WEST OF REISTER CTANN.

Posted by Cherles 11 Med

Date of return: UAN. 2 - 1970 70-119-R

Date of Posting Dec 10- 1969

No. 67094 BATTIMORE COUNTY, MAP LAND OFFICE OF FINANCE COURT HOUSE TOWSON MARYLAND 21204

APPORTANT MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLICTION & RECF PTS, COURT HOUSE, TOWSON, MARYLAND 2120

September 28, 1966 and none the Land Records to County in Liber OTG 235 wai conveyed by Pat ompany, Inc. to Helen imarried and Marie G.

