

# PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Evelyn R. Masters, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-10 zone to an R-15 zone, for the following reasons:

Error in original zoning; genuine change in condition in 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 posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification 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.

Plain & Fancy Donuts of America  
Evelyn R. Masters  
1220 East West Highway  
Silver Spring, Maryland 20910

Contract purchaser  
W. Lee Harrison  
306 W. Joppa Road, Towson, Md.  
21204-823-1200

Protestant's Attorney  
W. Lee Harrison  
306 W. Joppa Road, Towson, Md.  
21204-823-1200

ORDERED BY The Zoning Commissioner of Baltimore County, this 6th day of January, 1970, 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 106, County Office Building in Towson, Baltimore County, on the 16th day of February, 1970, at 10:00 o'clock.

Edward D. Hordesty  
DEPUTY Zoning Commissioner of Baltimore County.

(over)

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hordesty, Zoning Commissioner Date: February 6, 1970

FROM: Mr. George E. Gavrelty, Director of Planning

SUBJECT: Petition #70-151-R, Southwest corner of Reisterstown and Cherry Hill Roads.  
Petition for Reclassification from R-10 to R-15.  
Evelyn R. Masters - Petitioner

4th District  
HEARING: Monday, February 16, 1970 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for classification from R-10 to R-15, zoning and has the following advisory comment to make with respect to pertinent planning factors:

- The subject petition also is in issue before the Planning Board in connection with comprehensive rezoning maps. After weighing alternatives, the Planning Board at this time decided not to recommend commercial zoning here. Instead, the Planning Board chose to recommend apartment zoning for this property and adjacent properties expecting the possibilities of office usage. The Planning Board felt that extensive commercial land is still undeveloped within its full potentials in the vicinity area. It felt even more strongly that buffering and transition was needed here and not additional extension of strip commercial development.

GEG:bms



RE: RECLASSIFICATION FROM R-10 TO BL ZONE  
LOCATION: 1.00 ACRE PARCEL, MORE OR LESS, SOUTHWEST CORNER REISTERSTOWN ROAD AND CHERRY HILL ROAD, ELECTION DISTRICT NO. 4, BALTIMORE COUNTY, MARYLAND

### MEMORANDUM

Now comes Evelyn R. Masters, Legal Owner and Plain & Fancy Donuts of America, Contract Purchaser, of the above captioned property, by W. Lee Harrison, their attorney, and in accordance with

Bill 72, Section 22, 22 (b) states that the reclassification requested should be granted and for reasons say:

1. Numerous reclassifications have taken place in the immediate neighborhood, including but not limited to:

- a). Case No. 5765 W/S Reisterstown Road 2320 feet N of Delight Road  
Reclassification: R-10 to BL  
Granted: 1/30/63
- b). Case No. 5434 E/S Reisterstown Road 1330 feet N of Cherry Hill Road  
Reclassification: R-10 to BL  
Granted: 12/20/61
- c). Case No. 5716 NE/S Reisterstown Road and NW/S Cherry Hill Road, Reclassification BL to BM  
Granted: 12/19/62
- d). Case No. 4732 NE/S Reisterstown Road and NW Edge of Chestnut Hill Lane; Reclassification: R-10 to BL  
Granted: 5/6/60
- e). Case No. 84 169 R SE/Cor Reisterstown Road and Roaches Lane Reclassification: R 10 to BL Granted: 6/16/64
- f). Case No. 66 14 R SE/Cor Reisterstown Road and Chestnut Hill Road Reclassification: R-10 to BL Granted: 7/12/65

## THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 February 2 - 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hordesty, 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 2nd day of Feb. 1970, that is to say, the same was inserted in the issue of January 20, 1970.

STROMBERG PUBLICATIONS, Inc.

By: *Barth Morgan*

## CERTIFICATE OF PUBLICATION

TOWSON, MD., January 22, 1970

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 7 consecutive weeks before the 16th day of February, 1970, the first publication appearing on the 10th day of January, 1970.

THE JEFFERSONIAN,

Manager:

Cost of Advertisement: \$

- g). Case No. 67 215 R S/S Cherry Hill Road 400 feet N of East Road Reclassification R-10 to RA Granted: 10/11/37
- h). Case No. 68 127 R Beg. 310 feet from W/S Reisterstown Road, on the N/S of Nicodemus Road Reclassification R 10 to BL Granted: 12/21/67
- i). Case No. 69 172 R NE/S Reisterstown Road and NW/S Virginia Avenue Reclassification R-10 to BL Granted: 3/14/69

2. And for such other and further reasons as may be shown at the hearing hereon.

W. Lee Harrison  
306 W. Joppa Road  
Towson, Maryland 21204-823-1200  
Attorney for Petitioners

|                                                                                                                                                |  |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------|
| INVOICE<br>BALTIMORE COUNTY, MARYLAND<br>OFFICE OF FINANCE<br>Division of Collection and Receipts<br>COURT HOUSE<br>TOWSON, MARYLAND 21204     |  | No. 67147<br>DATE Jan. 26, 1970          |
| To: W. Lee Harrison, Esq.<br>306 W. Joppa Road<br>Towson, Md. 21204                                                                            |  | Billed                                   |
| Zoning Dept. of Baltimore County                                                                                                               |  | TOTAL AMOUNT \$2.50                      |
| REPORT TO ACCOUNT NO. 67-482                                                                                                                   |  | RETURN THIS PORTION WITH YOUR REMITTANCE |
| Petition for Reclassification for Evelyn R. Masters<br>#70-151-R                                                                               |  | COPIES 4                                 |
| IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 |  |                                          |

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: Jan. 21, 1970  
Posted for: *Edward D. Hordesty, Deputy Zoning Commissioner*  
Petitioner: *Evelyn R. Masters*  
Location of property: *Southwest corner of Reisterstown and Cherry Hill Roads*  
Location of Sign: *At the intersection of Reisterstown and Cherry Hill Roads*  
Remarks: *See attached plat for description of property*  
Posted by: *W. Lee Harrison* Signature Date of return: *Jan. 22, 1970*

MCA  
MATZ, CHLOS & ASSOCIATES, INC.  
CONSULTING  
ENGINEERS  
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 331-623-0900

### DESCRIPTION

1.00 ACRE PARCEL, MORE OR LESS, SOUTHWEST CORNER REISTERSTOWN ROAD AND CHERRY HILL ROAD, ELECTION DISTRICT NO. 4, BALTIMORE COUNTY, MARYLAND.

This Description is for "B-1" Zoning

Beginning for the same at a point on the southwest side of Reisterstown Road, where it intersects the center line of Cherry Hill Road, thence binding on the southwest side of Reisterstown Road, (1) S 41° 30' E - 105 feet, more or less, to a point, thence (2) S 29° 00' W - 420 feet, more or less to a point, thence, (3) N 41° 30' W - 105 feet, more or less, to intersect the center line of Cherry Hill Road, thence binding on said center line, (4) N 29° 00' E - 420 feet, more or less to the place of beginning.

Containing 1.00 acres of land, more or less.

RL:smpl

J.O. #69205

November 21, 1969



Water Supply • Sewerage • Drainage • Highways • Structures • Developments • Planning • Reports

W. Lee Harrison, Esq.  
306 W. Joppa Road  
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 6th day of January, 1970

Edward D. Hordesty  
DEPUTY Zoning Commissioner

Petitioner Evelyn R. Masters

Petitioner's Attorney W. Lee Harrison, Esq. Reviewed by: *Oliver S. Myers*  
Chairman of Advisory Committee

|                                                                                                                                                |  |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------|
| INVOICE<br>BALTIMORE COUNTY, MARYLAND<br>OFFICE OF FINANCE<br>Division of Collection and Receipts<br>COURT HOUSE<br>TOWSON, MARYLAND 21204     |  | No. 69292<br>D. T. 2/9/70                |
| To: <i>Plain &amp; Fancy Donuts of America, Inc.</i><br>1220 East West Highway, Suite 100<br>Silver Spring, Md. 20910                          |  | Billed                                   |
| Zoning Dept. of Baltimore County                                                                                                               |  | TOTAL AMOUNT \$4.50                      |
| REPORT TO ACCOUNT NO. 69-482                                                                                                                   |  | RETURN THIS PORTION WITH YOUR REMITTANCE |
| Advertising and posting of property for Evelyn R. Masters<br>#70-151-R                                                                         |  | COPIES 4                                 |
| IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 |  |                                          |

|                                                                                                                                                |  |                                          |
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| To: <i>Plain &amp; Fancy Donuts of America, Inc.</i><br>1220 East West Highway, Suite 100<br>Silver Spring, Md. 20910                          |  | Billed                                   |
| Zoning Dept. of Baltimore County                                                                                                               |  | TOTAL AMOUNT \$4.50                      |
| REPORT TO ACCOUNT NO. 69-482                                                                                                                   |  | RETURN THIS PORTION WITH YOUR REMITTANCE |
| Advertising and posting of property for Evelyn R. Masters<br>#70-151-R                                                                         |  | COPIES 4                                 |
| IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204 |  |                                          |

11-2-70

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioner has proved sufficient change in the character of the area in which the subject property is located.

the above Reclassification should be had; and it further appearing that by reason of the change in the character of the area in which the subject property is located, the same should be reclassified.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 31 day of March 1970, that the herein described property or area should be and the same is hereby reclassified, from R-10 zone to a B-1 zone.

and after the date of this order, subject to approval of the site plan by the State Roads Commission, Bureau of Public Service, and the Office of Planning and Zoning.

Edward D. Hardisty  
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the change in the character of the area in which the subject property is located, the same should be reclassified.

above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31 day of March 1970, that the above reclassification 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 zone; and/or the Special Exception for the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

Zoning Commissioner of Baltimore County

MICROFILMED

# BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 N. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

JOHN L. STEER  
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

FACILITY PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

M. Lee Harrison, Esq.,  
306 W. Joppa Road  
Towson, Maryland 21204

RE: Type of Hearings: Reclassification  
from an R-10 zone to an B-1 zone  
Location: SE Cor. of Cherry Hill Rd. &  
Reisterstown Road  
Petitioner: Evelyn R. Masters  
Committee Meeting of January 6, 1970  
4th District  
Item 125

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 located on the southwest corner of Cherry Hill Road and Reisterstown Road, and is improved with a paved parking lot and a garage. It lies directly adjacent to an existing residential property to the north, and the Reisterstown Shopping Center on the east side of Reisterstown Road. There is existing curbing along Reisterstown and Cherry Hill Roads at this point.

## DEPARTMENT OF TRAFFIC ENGINEERING

The subject property as R10 will generate 35 trips per day, while as B1 it could generate approximately 500 trips per day.

## BUILDING ENGINEERS' OFFICE

Petitioner to meet all requirements of Baltimore County Building Code and Regulations when plans are submitted.

## BUREAU OF ENGINEERING

Zoning Plat - Comments

125. Property Owner: Evelyn R. Masters  
(1969-1970)  
Location: S/E cor. of Cherry Hill Rd. & Reisterstown Rd.

District: 4th  
Present Zoning: R-10  
Proposed Zoning: Recl. to R-1  
No. Acres: 1.00

## Highways

Cherry Hill Road, an existing road, will be improved in the future as a 36-foot closed section with flexible paving on a 55-foot right-of-way. Highway improvements including highway right-of-way widening will be required in conjunction with any subsequent grading or building permit applications. (See Highway construction drawing #C-234 on file in the Developers Design Approval Section of the Bureau of Engineering). It is noted that Cherry Hill Road, west of Reisterstown Road, is proposed to be partially relocated in connection with the future Northwest Freeway.

Reisterstown Road (U.S. 140) 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.

## Erosion Control

Development of this property through strippling, 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 strippling 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.

## Storm Drains

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.

Reisterstown Road (U.S. 140) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

## Water

Public water service is available to serve this property.

## Sanitary Sewer

Public sanitary sewerage can be made available to serve this property

M. Lee Harrison, Esq.,  
306 W. Joppa Road  
Towson, Maryland 21204  
Item 125 Page 2

January 14, 1970

## FIRE PREVENTION

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

## HEALTH DEPARTMENT

Public water is available to this site.

Percolation tests must be conducted by the Soil Testing Section prior to approval of the building application.

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.

## BOARD OF EDUCATION

A rezoning would not increase the student population. However, the principal of the Franklin Senior High School, which is adjacent to the subject site, expresses his belief that the establishment would become a "hangout" for students because of its proximity to the school. He also fears that "hangers on" (students who have dropped out and who continue to return to the area) would use the establishment as a meeting place. In other areas of the County similar establishments have created problems for the public schools.

## STATE ROADS COMMISSION

The radius at the corner of Cherry Hill Road and Reisterstown Road must be 30 ft. and must be curbed with combination curb and gutter.

The roadside face of curb along Reisterstown Road must be 28' from and parallel to the center line of the road.

The entrance must be of a depressed curb type with 30' transitions. There must be a minimum of 10' from the P.C. of the radius return at the corner to the beginning of the depression transition. There must be a minimum of 1' from the southeast property line to the beginning of the transition.

The plan must be revised prior to the hearing.

Access to Reisterstown Road will be subject to State Roads Commission approval and permit.

M. Lee Harrison, Esq.,  
306 W. Joppa Road  
Towson, Maryland 21204  
Item 125 Page 3

January 14, 1970

## ZONING ADMINISTRATION DIVISION

This office is approving the subject petition with the requirement that revised plans are submitted to this office prior to the hearing as requested by the State Roads Commission.

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 more than 30 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

JOHN L. STEER, JR.  
Planning & Zoning Technician II

JUL 14 1970  
Enc.

125. Property Owner: Evelyn R. Masters  
(1969-1970)  
Page 2

## Sanitary Sewer

By constructing a public sanitary sewer extension, approximately 850 feet in length, in an easement on, west of and generally parallel to Reisterstown Road, from the existing 8-inch sanitary sewer in Chestnut Hill Lane West, shown on Drawing 60-1083 (1).

Reisterstown Road is a State Road; therefore, any construction within the State Roads right-of-way will be subject to the standards, specifications and approval of the State Roads Commission of Maryland, in addition to those of Baltimore County.

## PM:sw

T-W Key Sheet  
55 NW 38 Position Sheet  
M J Topo  
57 Tax

REISTERSTOWN

ROAD

Beginning Point

ROAD

HILL

CHERRY

Ex. Entry

Ex. Entry

Ex. Entry

Ex. Entry

Ex. Entry

Ex. Entry

Ex. Entry

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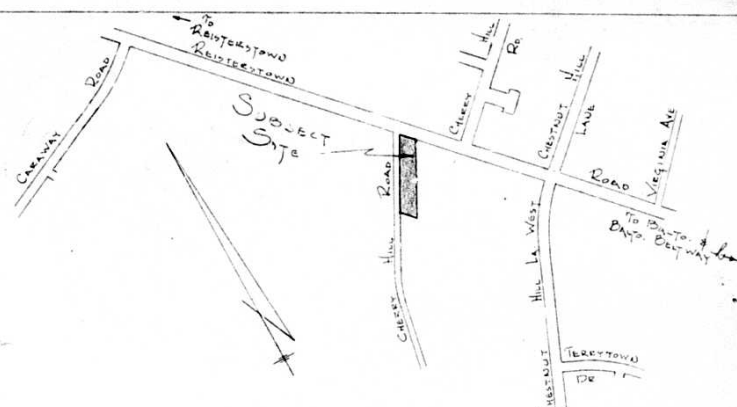
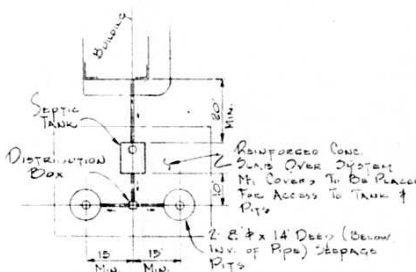
Ex. Entry

Ex. Entry

Ex. Entry

MATZ, CHILDS & ASSOCIATES  
1020 OGDEN ST. BALTIMORE, MD.  
JOB NO. 67203 RLS 1 PL

SEPTIC SYSTEM PLAN  
Scale: 1"=30'



LOCATION PLAN  
Scale: 1"=500'

GENERAL NOTES

1. Area of Property Equals 1.00 Acres
2. Existing Zoning of Property "R-10"
3. Existing Use of Property "Residential"
4. Proposed Zoning of Property "D-1"
5. Proposed Use "Donut Shop With Seats & Carry Out"
6. Off-Street Parking:
  - A. Total Floor Area Equals 1,300 Sq. Ft.
  - B. Required Parking Equals 33 Units
  - C. Proposed Parking Equals 30 Units
7. Existing Dwellings On Site To Be Removed
8. Site To Be Served With Private Septic System. See Detail This Drawing.

OFFICE COPY

MNP  
#4  
SEC. 1-D  
NW-14-J  
BL

PLAT TO ACCOMPANY PETITION  
FOR  
RECLASSIFICATION OF PROPERTY  
AT  
SOUTHWEST CORNER  
REISTERSTOWN & CHERRY HILL ROADS  
ELECT. DIST. 4  
SCALE: 1"=50'  
BALTO. CO., MD.  
Nov. 24, 1967

