

**PETITION FOR ZONING RE-CLASSIFICATION**  
AND **VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **JAMES B. THOMAS, et al.** Alleged owners 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 **BL** zone; for the following reasons:

Reasons... **SEE ATTACHED SHEETS**  
AND a variance to permit a **100** car parking spaces, instead of the required minimum of 104 car parking spaces; and a Variance to Section 232.2 to permit a **sidewalk of 2 feet** instead of required of 45 feet. There are various hardships and difficulties which justify this variance being granted, which are more particularly set forth in the attached sheets. Basically, the adjacent property, although **R-10** (requires us to maintain a 25' sidewalk) same is actually used as a Post Office, which is, in reality a commercial useage, and therefore no necessity is present to justify the 45' sidewalk. In addition, owners need the sidewalk in order to construct the building which they propose, 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. We agree to pay expenses of above re-classification and/or Special Exception advertising, 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: **James B. Thomas**  
Legal Owner: **James B. Thomas**  
Address: **21 Sherwood Ave. Rosedale, MD 21238**

Protostant's Attorney: **George Lochbuehler**  
Address: **3020 E. Monument St. (276-7045)**

ORDERED By The Zoning Commissioner of Baltimore County, this **10th** day of **February**, 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, at **10:00 AM**, **16th** day of **March**, 1970, at **1:00 o'clock** P. M.

**Edward R. Handberg**  
Zoning Commissioner of Baltimore County

**Additional Legal Owners**

**2664 WEST PARK DRIVE**  
**SHARPSVILLE, MD 21087**

**93 WALKER DRIVE**  
**ELLICOTT CITY, MD**

Consolidated description of properties owned by James B. Thomas, Alice T. Sweetman and Hugh B. Thomas fronting on the new Old Court Road, Pikeville, Baltimore County, Maryland, beginning 907 Reisterstown Rd., and the southeasterly side of the northeasterly side of the new Old Court Road, as laid out by 80 feet wide, South Old Court Road, 16 minutes, 00 seconds East 20.56 feet from a concrete monument marked D.M.C. 1935 set in the southerly corner of the new Old Court Road and at the end of the first or North 81 degree 54 minutes East 155.1 feet line in a deed dated November 4, 1946, and conveyed by Ruth B. Armacost to Leroy D. Spurrier and Viola V. Spurrier, his wife, and recorded among the Land Records of Baltimore County in Liber C.W.B. No. 308, folio 149; thence running and being on the southerly side of the new Old Court Road North 81 degrees 59 minutes 34 seconds East 297.27 feet to a pipe set in the North 82 degrees West 37 perches, more or less line in a Deed dated August 27, 1958 and conveyed by Catherine Reine, widow, to Robert A. Widner, and recorded among the Land Records of Baltimore County in Liber C.W.B. No. 308, folio 149; thence running and being on a part of said line, easterly, and as now surveyed, and also a part of the second line of a conveyance from Elmer A. Haile to John Thomas and Myrtle D. Thomas, his wife, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 236 folio 318, South 01 degree, 27 minutes, 44 seconds East 239.95 feet to an iron pipe, thence leaving said line and running for lines of division the three following courses and distances, to wit: South 88 degrees, 19 minutes 00 seconds West 143.05 feet to an iron pipe in the third or South 1 degree 22 minutes 59 seconds East 320.40 feet line of a Deed dated June 19, 1952 and conveyed by John J. Ennor, Jr. unmarried to Myrtle D. Thomas, divorced; thence running and binding on said line, easterly, North 01 degree, 21 minutes, 53 seconds East 56 feet to an iron pipe at the end of the second or North 88 degrees, 19 minutes, 00 seconds East 147.35 feet line of said conveyance from Ennor to Thomas, easterly, South 88 degrees, 19 minutes, 00 seconds West 147.35 feet to an iron pipe set in the fourth or North 1 degree 21 minutes West 34 2/5 perches line in a conveyance from Haile to Thomas; thence running and binding on a part of said line, as now surveyed, North 01 degree, 15 minutes, 00 seconds East 161.75 feet to the place of beginning. Containing 62,459 square feet of land, more or less, or 1.435 acres of land, more or less.

Being all of the land in Lots 1, 2 and 3 as shown on a plat prepared by Gilmore Watson, Registered Land Surveyor, dated September 9, 1969.

Being also part of the lots of ground described in the deeds recorded among the Land Records of Baltimore County in the following records, to-wit: Liber 412, folio 231; Liber 419, folio 223 and Liber No. 419, folio 229.

The above described property is located in the Third Election District of Baltimore County and was surveyed by Gilmore Watson, Registered Land Surveyor, in February, 1963.

**GILMORE WATSON**  
1209  
REGISTERED LAND SURVEYOR

**Gilmore Watson**  
Registered Land Surveyor No. 1209

January 23, 1970

George Lochbuehler, Esq.,  
3020 E. Monument Street  
Baltimore, Maryland 21205

RE: Type of Hearing: Reclassification from an R-10 zone to an BL zone  
Location: S/S Old Court Rd., 907 E. of Reisterstown Road  
Petitioner: James B. Thomas, et al  
Committee Meeting of January 6, 1970  
4th District  
Item 126

Dear Sir:  
The attached is addendum to our Zoning Advisory comments of January 15, 1970 under the above referenced subject for Bureau of Engineering.

Very truly yours,  
**JOHN J. DILLON, JR.**  
Planning & Zoning Technician II

JJDjr.:LD  
Enc.

ORDER RECEIVED FOR FEELINGS

DATE RECEIVED FOR FEELINGS

70-176 RA  
#176  
#70-176 RA  
#70-176 RA



**BUREAU OF ENGINEERING**  
Zoning Plat - Comments

126. Property Owner: James B. Thomas, et al  
(1969-1970)  
Location: S/S Old Court Rd., 907 E. of Reisterstown Rd.  
District: 4th  
Present Zoning: R-10  
Proposed Zoning: (see) to BL, Var. from Sec. 109.2b  
(3) (6)  
No. Acres: 1.435

**Highways:**  
Old Court Road as relocated is a recently constructed County Highway and no further highway improvements are required.

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

Entrances shall be a minimum of 4 1/2 feet and a maximum of 30 feet wide, shall have 5-foot minimum radius curb returns, shall be located a minimum of 7 1/2 feet from any property line, and shall be constructed in accordance with Baltimore County Standards for 7-inch concrete entrance.

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

**Storm Drains:**  
No provisions for accommodating storm water or drainage have been indicated on the submitted plans; however, the Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Detection of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

Public drains may be required to handle storm water run-off from the site.

**Water:**  
The submitted plan does not indicate that the land south of the subject site is owned by the APPLICANT. The Applicant is required to run a line from the Old Court Road in order to provide water service to the site from the existing 6-inch public water main in Old Court Road. On the basis

126. Property Owner: James B. Thomas, et al  
(1969-1970)  
Page 2

**Water:** (Cont'd)  
of the submitted plan, public water supply is considered as being not available to serve this property for domestic and/or fire purposes.

Public water can be made available to serve this property by constructing a public water main extension, approximately 111 1/2 feet in length, from the existing 16-inch water main in Reisterstown Road, shown on Drawing MD-69A, A-4-E.

**Sanitary Sewer:**  
On the basis of the submitted plan, public sewerage is considered not available to serve this site. However, a private sanitary sewer, within a private easement; or a public sanitary sewer extension, approximately 325 feet in length within a public utility easement could provide public sanitary sewer service from the existing 6-inch public sanitary sewer in Old Court Road. However, sewage from this site will be tributary to the Jones Falls Sewage Pumping Station. Recent restrictions imposed by the Maryland Department of Health on increased sewage flows contributing to the Jones Falls Sewage Pumping Station prohibit the connection of this site to the existing sewerage system. This restriction is anticipated to prevail until mid 1971.

**FR:rw**  
P-SE Key Sheet  
30 WA 21 Section Sheet  
MD 85 Tops  
73 Tax

5. Immediately to the west of, and adjacent to the Shell Gasoline Station, lies a free standing retail store occupied by Zaid Interiors, and adjacent to which stands the high office building known as the Savings Bank of Baltimore. These two buildings are located at the corner of Reisterstown and Old Court Road.

**CONCLUSION**

To continue the R-10 "residential" zoning classification on this tract is unjust, unfair and denies the owners the right to use the property in an ever-changing commercial neighborhood. In our opinion there was "error" in re-zoning the adjacent lots of land piece by piece, rather than re-zoning the entire frontage on Old Court so that all property owners would be treated in the same manner, in respect to commercial development. Baltimore County Bill No. 72 requires that the Petition set forth reasons for the Petition, and further requires that any "change in condition as justified for the action sought shall have support in the petition". Certainly, it must be admitted that the changing neighborhood, with its commercial aspects, provides hardly any possible use of this small tract for residential purposes. No home owner would ever want to erect a home, being surrounded by a supermarket, two gas stations, a Post Office, an office building, etc. As a matter of fact, there is no water or sewerage facilities to this tract, and such facilities will have to be piped in from a distance of over 500 feet away. To bring these facilities in for residential buildings is prohibited, since the cost of piping in these facilities is in excess of \$25,000.00.

This particular tract is proposed for a high rise apartment development and office space by the Baltimore County Department of Planning. The Petitioners herein, through legal counsel, appeared at a public hearing, which was held in October 29, 1969 at the Milford Mill High School in opposition to the proposed classification for this small tract. In addition, counsel for the Petitioners have filed Memoranda with the Baltimore County Planning Board stating the reasons for their opposition to the proposed re-classification. The "Master Plan" is still not ready to be submitted to the County Council, and many additional hours of hearings will ensue. Final action by the County Council may be so far in the distant future, that to deny the Petitioners herein the right to use their property; in the meantime is unconscionable. For your information we would appreciate your referring to the cases of **Hoffman vs. Mayor and City Council**, 197 MD. 294, **Northwest Merchants Terminal vs. O'Rourke**, 191 MD. 171 and **Offutt vs. Board of Zoning Appeals of Baltimore County**, 204 MD. 551.

Therefore, the Petitioners request that they may be granted an immediate hearing in connection with their petition, and that their tract be re-zoned to BL with a special variance, as herein set forth, to permit them to erect their building to within two feet of the easternmost boundary line.

**REASONS SUPPORTING PETITION FOR RE-CLASSIFICATION**

Re: Old Court Road (relocated.) lots owned by James B. Thomas, et al.

In the opinion of the Petitioners, these three lots constituting, in the aggregate, 1.435 acres should be re-classified from R-10 to BL for a number of reasons, and that a variance under Section 232.2 should be granted. The reasons are as follows:

1. Immediately to the east of this tract and binding thereon lies the new U. S. Post Office, although the lot on which the Post Office is erected is presently zoned R-10. This present classification is legally justified only because a Special Exception (see Office) does not require commercial zoning. However, it must be admitted that a Post Office building with all of the business activity therein, including traffic by automobiles and trucks, and numerous types of different employment of personnel, constitutes, in fact, a "commercial" activity. Post Offices include similar types of operations as are normally carried on in warehouses and offices and, as a matter of fact, a Post Office is considerably more "commercial" in nature, than would be retail stores and office space. Therefore, since that regardless of the technical R-10 zoning on this lot, its use is in reality, "commercial", and justifies adjacent lots being re-zoned accordingly. If the Post Office lot was actually zoned BL, or some other acceptable commercial classification, then the lot which is subject to this Petition would be entitled to build up to its eastern most boundary, and would not be required to maintain a 15 foot side-yard. It is for this reason, that in all justification, a 15 foot side-yard should not be required of the lots under this Petition, and the owners thereof should be entitled to build up to within 2 feet of the eastern most boundary line, as shown on the attached plats. To deny this variance or to deny this zoning re-classification would certainly cause undue hardship, and would practice great unfairness and harshness to the owners.
2. Immediately adjacent to, and binding along the western boundary of this tract (which is the subject to this Petition), lies a small lot owned by Leroy Spurrier, which lot is presently zoned BL with special exception for a gasoline filling station.
3. Immediately adjacent to, and binding along, the western most boundary of the Spurrier lot, lies a high Giant Supermarket which carries with it all of the commercial activity characteristic of a modern and up-to-date supermarket.
4. Immediately to the west and adjacent to the Giant Supermarket is erected a Shell Gasoline Station.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that the petitioners having proved change in the area of the subject property, the Reclassification should be had.

This variance to Spec. 409.2 (516.6) of the Balto. County Zoning Regulations to permit 100 car parking spaces instead of the required minimum 104 car parking spaces and to permit a side yard of 3 feet instead of the required 25 feet, would give relief to the petitioner without substantial injury to the public health, safety, or general welfare, the variance should be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of April, 1970, that the herein described property or area should be and the same is hereby reclassified, from a R-10 zone to a R-1 zone.

It is further ORDERED that the variance to permit 100 car parking spaces instead of the required 104 car parking spaces and a side yard of 3 feet instead of the required 25 feet should be granted. The site plan is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning & Zoning.

DATE IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 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 zone; and/or the Special Exception for be and the same is hereby DENIED.

MICROFILMED

70-176-R-1  
#146  
James B. Thomas, et al.  
575 of Old Court Rd. 9071  
Baltimore, Maryland

70-176-R-1

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

George Lochbecker, Esq.,  
3020 S. Monmouth Street,  
Baltimore, Maryland 21205

RE: Type of Hearing: Reclassification from an R-10 zone to an R-1 zone. Location: 575 Old Court Rd., 9071 E. of Intercession Road. Petitioner: James B. Thomas, et al. Committee Meeting of January 6, 1970. 4th District. Item 12.

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 its review and inspection.

The subject property located on the south side of Old Court Road is currently an unimproved, wooded lot. It lies between an existing post office building and a Great Food shopping center. There is a curb and gutter along this section of Old Court Road. It lies directly across from the Druid Ridge Cemetery and to the rear of the subject property there are two residential dwellings.

The subject property, as R-10, will generate 50 trips per day. However, as R-1, it should generate approximately 700 trips per day.

Public water and sewers are proposed.

George Lochbecker, Esq.,  
3020 S. Monmouth Street,  
Baltimore, Maryland 21205  
Item 12 - Panel 2

RECLASSIFICATION: The building or buildings on this site may be subject to registration and compliance with Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

EDUCATION: Would not have an effect on student population.

HEALTH: This office has no comment at this time.

PLANNING: We are withholding approval of the subject petition until such time as revised plans are submitted to this office as requested by the Bureau of Engineering and the Health Department.

Very truly yours,  
John A. Hardesty, Jr.,  
Planning & Zoning Technician II

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 69366 DATE April 2, 1970

QUANTITY	04-02	TOTAL AMOUNT	116.90
DESCRIPTION	Advertising and posting of property for James B. Thomas, et al. 4/2-70-28		

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

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 69298 DATE Feb. 28, 1970

QUANTITY	02-27	TOTAL AMOUNT	50.00
DESCRIPTION	Petition for Reclassification and Variance for James B. Thomas, et al. 2/28-70-28		

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: FEB 28, 1970

Posted for: JAMES B. THOMAS, et al.

Petitioner: JAMES B. THOMAS, et al.

Location of property: 575 Old Court Rd., 9071 E. of Intercession Rd.

Location of Signs: 1/2 S.W. of Old Court Rd. 8700 E. of Intercession Rd.

Remarks:

Posted by: Charles M. Pines Date of return: MARCH 6, 1970

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 26, 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 one time before the 16th day of March, 1970, the first publication appearing on the 26th day of February 1970.

THE JEFFERSONIAN, Manager.

Cost of Advertisement, \$

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 12, 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 one time before the 30th day of March, 1970, the first publication appearing on the 12th day of March 1970.

THE JEFFERSONIAN, Manager.

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION AND VARIANCE-3rd DISTRICT

SECTION: From R-10 to R-1 Zone. Purpose: To Vary the Parking Space and Side Yard.

LOCATION: South side of Old Court Road 9071 East End of Intercession Road.

DATE & TIME: Monday, March 14, 1970 at 10:00 P.M.

PUBLIC HEARING: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

PETITION FOR RECLASSIFICATION AND VARIANCE-3rd DISTRICT

SECTION: From R-10 to R-1 Zone. Purpose: To Vary the Parking Space and Side Yard.

LOCATION: South side of Old Court Road 9071 East End of Intercession Road.

DATE & TIME: Monday, March 14, 1970 at 10:00 P.M.

PUBLIC HEARING: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

George Lochbecker, Esq.,  
3020 S. Monmouth Street,  
Baltimore, Maryland 21205

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 day of February, 1970.

Edward D. Hardesty  
Zoning Commissioner

Petitioner: James B. Thomas, et al.

Petitioner's Attorney: George Lochbecker, Esq., reviewed by: Mary S. Myers, Chairman of Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: MARCH 14, 1970

Posted for: SEE OTHER SIDE OF CERTIFICATE

Petitioner: JAMES B. THOMAS

Location of property: S.W. of Old Court Rd. 9071 E. of Intercession Rd.

Location of Signs: 1/2 S.W. of Old Court Rd. 8700 E. of Intercession Rd. 9071 E. of Intercession Rd. 916 S.W. of Old Court Rd. 1125 E. of Intercession Rd.

Remarks:

Posted by: Charles M. Pines Date of return: MARCH 20, 1970

11-4-70

SECTION FOR RECLASSIFICATION  
 AND VARIANCE—ZONING DEPARTMENT  
 BALTIMORE, MARYLAND  
 FROM 8.15 TO 8.15 Zone  
 Location for Variance for Public  
 Use  
 LOCATION: South side of Old Court  
 Road, between Ridge and Reisterstown  
 Roads  
 DATE & TIME: Monday, March 11,  
 1970 at 10:00 A.M.  
 PUBLIC HEARING: Room 104, County  
 Office Building, Baltimore, Maryland  
 10:00 A.M. to 11:00 A.M.  
 The Zoning Commission of Baltimore County is holding a public hearing on the proposed zoning variance and its effect on the zoning ordinance. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., February 26, 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 one time successive weeks before the \_\_\_\_\_ day of \_\_\_\_\_, 1970, the first publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 1970.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$ \_\_\_\_\_

George Lockhart, Esquire  
 2800 N. Howard Street  
 Baltimore, 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

\_\_\_\_\_ day of \_\_\_\_\_, 1970

*Edward D. Hardesty*  
ZONING COMMISSIONER

Petitioner \_\_\_\_\_

Petitioner's Attorney \_\_\_\_\_

Reviewed by *Shirley D. Myers*  
Chairman of  
Advisory Committee

REAPPLICATION FOR  
 RECLASSIFICATION AND  
 VARIANCE  
 ZONING DEPARTMENT  
 BALTIMORE COUNTY  
 FROM 8.15 TO 8.15 Zone  
 LOCATION: South side of Old Court  
 Road, between Ridge and Reisterstown  
 Roads  
 DATE & TIME: MONDAY,  
 MARCH 11, 1970 at 10:00 A.M.  
 PUBLIC HEARING: Room 104,  
 County Office Building, Baltimore,  
 Maryland  
 10:00 A.M. to 11:00 A.M.  
 The Zoning Commission of Baltimore County is holding a public hearing on the proposed zoning variance and its effect on the zoning ordinance. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101. The zoning ordinance is located in the zoning ordinance book, Volume 1, Chapter 1, Section 1-101.

OFFICE OF THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 March 16, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, 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 15th day of March 1970, that is to say, the same was inserted in the issue of March 16, 1970.

STROMBERG PUBLICATIONS, Inc.

By *Russ Morgan*

