

70-181-7
#401

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#70-181-R

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Nellie Baumgartner 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-40 & R-20 zone to an RA zone; for the following reasons:

There was an error in the original zoning and/or the character of the neighborhood has changed to such an extent to warrant reclassification.

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 reclassification and/or Special Exception advertising, posting, e.g., 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.

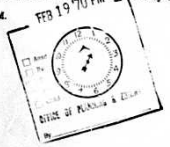
Albert H. Small
Herman Greenberg Contract purchaser
Address 1025 Connecticut Avenue
Washington, D. C. 20036

Nellie Baumgartner Legal Owner
Address 6801 Timber Ridge Rd. 1
Baltimore, Md. 21209

James D. Nolan Petitioner's Attorney
204 West Pennsylvania Ave.
Address Towson, Maryland 21204

Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 19th 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of March, 1970, at 11:00 o'clock A.M.



Edward D. Hardesty
Zoning Commissioner of Baltimore County

(over)

11:00 A
3/26/70
B. Nolan

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-40 and R-20 zones to an : COUNTY BOARD OF APPEALS
R-A zone :
SW/3 of Jones Falls Expressway 850' : OF
SE of Old Pimlico Road :
3rd District : BALTIMORE COUNTY
Nellie Baumgartner, Petitioner :
Albert H. Small and :
Herman Greenberg, :
Contract Purchasers : No. 70-181-R

ORDER OF DISMISSAL

Petition of Nellie Baumgartner (Albert H. Small and Herman Greenberg, Contract Purchasers) for reclassification from R-40 and R-20 zones to an R-A zone on property located on the southwest side of Jones Falls Expressway 850 feet southeast of Old Pimlico Road, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed December 7, 1970 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Protestant-Appellant; and

WHEREAS, the said attorney for the said Protestant-Appellant requests that the appeal filed on behalf of said Protestant be dismissed and withdrawn as of December 7, 1970.

IT IS HEREBY ORDERED, this 9th day of December, 1970, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

Walter A. Reiter, Jr.

John A. Miller

69218
11/4/70
1/4c

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SW/3 JONES FALLS EXPRESSWAY : DEPUTY ZONING
850' SE OF OLD PIMLICO ROAD : COMMISSIONER
THIRD DISTRICT :
NELLIE BAUMGARTNER : of
Petitioner : BALTIMORE COUNTY
Case No. 70-181-R

ORDER OF DISMISSAL WITH PREJUDICE

Mr. Hardesty, Zoning Commissioner:

Please enter the above entitled Appeal from the Order of the Deputy Zoning Commissioner of Baltimore County, dated April 9, 1970, "DISMISSED WITH PREJUDICE."

David Kimmelman
1507 Court Square Building
Baltimore, Maryland 21202
Telephone: 727-3083
Attorney for William A. Ades

Rec'd 12-7-70
11:00 AM
LAW OFFICE
DAVID KIMMELMAN
1507 COURT SQUARE BUILDING
BALTIMORE, MD. 21202

LAW OFFICES
COOK, MUDD, MURRAY & HOWARD
15 TOLA FEDERAL BUILDING
22 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

9 July 1970

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Your File 70-181-R
Baumgartner

Gentlemen:

Please strike my appearance in the above entitled case. I attended the initial hearing before the Zoning Commissioner only and am not participating in this appeal.

Sincerely yours,

R.C. Murray
Richard C. Murray

RCM/s

CC: James D. Nolan, Esquire

Rec'd 7/7/70
10:00 AM

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
TION : DEPUTY ZONING
SW/3 of Jones Falls Expressway : COMMISSIONER
850' SE of Old Pimlico Road :
3rd District :
Nellie Baumgartner - Petitioner : OF
NO. 70-181-R (Item No. 101) : BALTIMORE COUNTY

The Petitioner seeks a Reclassification of her property, consisting of 29.1 acres of land, from R-40 and R-20 zones to an RA zone.

Plans call for the construction of four hundred and eight apartment units, fifty per cent of which are to be the one bedroom type and the remaining fifty per cent to be the two and three bedroom types. Testimony further revealed that the developer, Mr. Herman Greenberg, has been in the contracting and building business for over eighteen years and has built thousands of apartments and houses.

The subject premises is immediately adjacent to the Bonnie Ridge Apartments which is sixty per cent completed and is also being built by Mr. Greenberg. The proposed development would be bordered on the East by the Jones Falls Expressway, to the West by the Summit Ridge Apartments, which are partially completed, by the South, the Bonnie Ridge Apartments, and to the North, open land, eight hundred and fifty feet to Old Pimlico Road. On the North side of Old Pimlico Road there are proposed apartments.

Water and sewer facilities are available and adequate to service the proposed units. As stated above, there was evidence of numerous zoning changes in the area. Testimony by the Petitioner's appraiser indicated that the subject property is of a very rough terrain and would be economically impossible to develop in its present R-40 and R-20 zoning. No one appeared in protest.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of April,

1970, that the herein described property or area should be and the same is hereby reclassified from R-40 and R-20 zones to an RA zone, from and after the date of this Order, subject to approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Edward D. Hardesty
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 4/9/70
BY [Signature]

ASSOCIATES
GERALD A. SIMLIN
RICHARD TAUBE

May 7, 1970

Mr. Edward D. Hardesty
Office of Planning and Zoning
West Chesapeake Avenue
Baltimore, Maryland 21204

re: Petition for Reclassification
Southwest side Jones Falls
Expressway, 850' Southeast of
Old Pimlico Road, 3rd District
Nellie Baumgartner, Petitioner
70-181-R

Dear Mr. Hardesty:

Enclosed herewith you will find original and one copy of an Appeal which is being filed on behalf of Mr. William A. Ades from the decision of the Deputy Zoning Commissioner of Baltimore County which was filed on April 9, 1970.

I would appreciate your office advising me as to when a hearing will be held and if any further papers or information is necessary at this time.

I am also enclosing a check in the amount of \$80.00 to cover the cost of this appeal.

Sincerely yours,

David Kimmelman

DK:as
Enclosures

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SW/3 JONES FALLS EXPRESSWAY : DEPUTY ZONING COMMISSIONER
850' SE OF OLD PIMLICO ROAD : OF
3rd DISTRICT : BALTIMORE COUNTY
NELLIE BAUMGARTNER :
Petitioner :

APPEAL

Mr. Hardesty, Zoning Commissioner:

Please enter an appeal from the Order of the Deputy Zoning Commissioner of Baltimore County, dated April 9, 1970, reclassifying the above referred to property to an RA zone, on behalf of William A. Ades.

David Kimmelman
1507 Court Square Building
Baltimore, Maryland
Attorney for William A. Ades



LAW OFFICES
DAVID KIMMELMAN
1507 COURT SQUARE BUILDING
BALTIMORE, MD. 21202
BALTIMORE 7-3083

02-18-71

ORDER RECEIVED FOR FILING
DATE 4/9/70
BY [Signature]

PROPERTY OF HERMAN GREENBERG AND ALBERT H. SMALL
THIRD ELECTION DISTRICT OF BALTIMORE COUNTY

I. DESCRIPTION OF PROPERTY

The subject tract consists of 29.1 acres located on the west side of, and binding upon, the right-of-way of the Jones Falls Expressway and it has access to Smith Avenue through the existent Bonnie Ridge Apartments, which are in the same ownership, which apartments are located to the south and west of parts of the subject tract. As can be seen on the attached plat, what is proposed is to simply extend the very excellent Bonnie Ridge Apartments to the north generally along the Jones Falls Expressway.

II. PRESENT ZONING

The subject tract is presently zoned R-40.

III. REQUESTED ZONING

The property owners respectfully request that the property be designated RA to allow development of the tract as an extension of the presently existent Bonnie Ridge Apartments.

IV. REASONS FOR REQUEST

Due to the location of the property with reference to the Jones Falls Expressway, as well as the neighboring apartments, the property is just not suited to R-40 development. Access to the site, as presently owned, can only be had from Smith Avenue through the existent apartments, since, of course, the property, although binding on the Expressway, has no means of access to it. Furthermore, the property across the Expressway is partially commercial and light industrial in character, and this factor further militates against the development of the

property on an R-40 basis.

It should also be noted that the property, if zoned RA, will further buffer the Expressway as to lands to the west along Old Pimlico Road and Smith Avenue.

Studies by the well known engineering firm of Mats, Childs and Associates have assured the property owners that there are adequate public utilities available to service the site. There is existent in the bed of Old Pimlico Road near the subject property an 8 inch and 12 inch sanitary sewer line, while public water is available to the site by means of a 16 inch main in the bed of Smith Avenue.

The requested zoning, by appropriate site planning and building placement, will act to preserve quite a large amount of open space and green area. Needless to say, also, the developers will, if granted this request, develop this additional property in a manner harmonious with the existent apartments, representing a very large investment on their part.

For these and other reasons, the property owners respectfully request that the subject parcel be placed in an RA classification.

Respectfully submitted,

James D. Nolan, Attorney for
Mr. Herman Greenberg and
Mr. Albert H. Small

LAW OFFICE
NOLAN, PLUMBOFF
& WILLIAMS
BETHESDA, MD.

-2-

MCA
MATE, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS

10200 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-633-0400

Lester Mats, P. E., L.S.
John C. Childs, P. E., L.S.
Associates
Ronald W. Boyles, P. E.
George W. Bushong, L.S.
Robert W. Cramer, P. E.
Leonard M. Green, P. E.
Norman F. Harshbarger, L.S.
Paul Lee, P. E.
Mr. J. S. Smith

DESCRIPTION

29.1 ± ACRE PARCEL, PROPERTY OF J. ERLE BAUMGARTNER AND WIFE,
SOUTHWEST SIDE OF JONES FALLS EXPRESSWAY, SOUTHEAST OF OLD
PIMLICO ROAD, BALTIMORE COUNTY, MARYLAND.

Existing Zoning R-40 and R-20

This Description is for R-A Zoning

Beginning for the same at a point on the southwest side of Jones Falls Expressway, 300 feet wide, at the distance of 850 feet, more or less, as measured southeasterly along said southwest side of Jones Falls Expressway from the intersection thereof with Old Pimlico Road, said beginning point being on the fifth line of the land conveyed by Herman Medenbach and Wife to J. Erle Baumgartner and Wife by deed dated July 5, 1928 and recorded in the Land Records of Baltimore County in Liber W.H.M. 655, page 574, running thence binding on the southwest side of said Jones Falls Expressway two courses: (1) S 16° 22' 42" E - 880.01 feet, (2) southeasterly by a curve to the left with a radius of 2441.83 feet, the distance of 829.91 feet, thence binding on a part of the first line and on the second, third, fourth, and part of the fifth lines of the land conveyed to J. Erle Baumgartner five courses: (3) S 69° 37' 45" W - 425.10 feet, (4) N 17° 18' 02" W - 676.99 feet, (5) N 60° 23' 35" W - 1,263.00 feet, (6) N 00° 53' 35" E - 528.00 feet, and (7) S 86° 38' 00" E - 1,194.10 feet to the Water Supply Sewerage Drainage Highways Structures Developments Planning Reports

MCA
MATE, CHILDS & ASSOCIATES, INC.

place of beginning.

Containing 29.1 acres of land, more or less.

SAF:mpl

J.O. #67053

August 11, 1969



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 4, 1969

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Type of hearing: Reclassification
From an R-40 & R-20 zone to an RA
zone
Location: W/S of Jones Falls Expressway,
850' So. of Old Pimlico Rd.
Petitioner: Mattie Baumgartner
Committee Meeting of November 25, 1969
3rd District
Item 101

Dear Sir:

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 unimproved, with the property to the north and west improved with dwellings 40 to 50 years of age, in good repair. The property to the west is presently zoned RA. The property to the south is improved with the Bonnie Ridge Apartments; with the property to the east bordering the Jones Falls Expressway. The only means of access to the subject property would be from Smith Avenue via the Bonnie Ridge Drive to the private roads of Bonnie Ridge Apartments. Smith Avenue in this location is presently improved with concrete curb and gutter.

BUREAU OF ENGINEERING

Highways

The subject property does not have direct access to an existing public road and is considered to be "land-locked".

A public road is required to be constructed traversing this property. This road shall connect with Smith Avenue on the south and extend through the aforementioned properties to intersect with another proposed public road in the northwesternmost sector of the subject property.

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204
Item 101 Page 2

December 4, 1969

Highways (Continued)

The second proposed public road will ultimately connect with Old Pimlico Road, at a point westerly from the Jones Falls Expressway, and will extend in a generally southwesterly direction to become contiguous with Broadview Road. Due to the topography in the area between the subject property and Old Pimlico Road, this proposed road must cross the northernmost outline of the subject property at a point approximately 350 feet easterly of the westernmost end of that line and extend through this site to cross the westernmost outline at a point approximately 100 feet northerly of the southernmost end of that line. This road is proposed to be constructed as a 40-foot closed roadway section with flexible type pavement within a 60-foot right-of-way.

All other roads required to serve the proposed development will be private and must be 30 feet minimum in width.

The Jones Falls Expressway is a controlled access highway and any improvements within the limits of that right-of-way will be subject to the approval of the Maryland State Roads Commission.

The subject plan should be revised in accordance with the above requirements prior to establishing a hearing date.

Storm Drains

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

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.

Sediment Control

Development of this property through stripping, 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 stripping of top soil.

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204
Item 101 Page 3

December 4, 1969

Sediment Control (Continued)

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Sanitary Sewers

Public sanitary sewerage is not presently available to serve this property; however, public sewerage may be made available to serve this property when the proposed sanitary sewer is constructed to serve the proposed "Summit Ridge" apartment development. Recent restrictions imposed by the Maryland State Department of Health in regard to increasing sewage flows contributing to the Jones Falls Sewage Pumping Station are in effect. The connection of this site to the existing or proposed sanitary sewers is contingent upon obtaining the approval of the Department of Health and is subject to any limitations, restrictions, etc. established by that agency.

Water

Public water supply can be made available to serve this property by constructing a public water main in the aforementioned public roads required to be constructed in development of this site.

General

The Developer's engineer is the same engineer who is currently providing services to the Developers of the adjacent properties and is familiar with the engineering details involved in developing the subject property. However, for any further information in regard to the proposed project, he may contact the Developers Design Approval Section of the Bureau of Engineering.

FIRE DEPARTMENT

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

BUILDING ENGINEERS' OFFICE

No comment until plans are submitted.

HEALTH DEPARTMENT

Public water and sewers can be made available to the site.

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204
Item 101 Page 4

December 4, 1969

HEALTH DEPARTMENT (Continued)

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.

STATE ROADS COMMISSION

Our review of the subject plan and inspection at the site indicate that if the petitioned zoning is granted, and if proper soil conservation methods are used during grading and construction, there should be no adverse effects to the State highway.

ZONING ADMINISTRATION DIVISION

In view of the comments by the Department of Traffic Engineering, Bureau of Engineering and Project Planning Division, this office is withholding a hearing date until the comments by these agencies are complied with and revised plans submitted.

Very truly yours,

OLIVER L. RYERS, Chairman

* Department of Traffic Engineering and Project Planning Division comments will be forwarded to you as soon as we receive them.

