

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Barnes A. Miller

I, or we, Joseph G. Miller, Add. legal owner of the property situated 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 zone to an SW-4-L zone.

Reasons for the following reasons:
1. Since the adoption of the zoning map for the First Election District of Baltimore County the character and conditions of the area have so changed that a reclassification of Petitioners' premises to a B-L zone is justified, appropriate and in fact required under proper zoning standards and principles.
2. There was error in adoption of the zoning map for the First Election District of Baltimore County by virtue of its failure to make adequate provisions thereon for business uses in the neighborhood of the subject premises and reclassification of Petitioners' property will remedy such error and serve to provide business use demanded and required, without adverse effect on neighboring properties.
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, 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 Joseph G. Miller Legal Owner
Address 212 Washington Avenue
Petitioner's Attorney
Address Towson, Maryland 21204
825-2900

ORDERED BY THE Zoning Commissioner of Baltimore County, this 29th day of March, 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 104, County Office Building in Towson, Baltimore County, on the 25th day of May, 1970, at 2:00 o'clock

Edward D. Handley
Zoning Commissioner of Baltimore County

(over)

201P
5/25/70
10am

EDWIN J. KIRBY AND ASSOCIATES
ARCHITECTS - ENGINEERS - PLANNERS
2111 21st Street
Baltimore, Md. 21217

Zoning Description Joseph G. Miller and Wife Property, First Election District, Baltimore County, Md.

Beginning for the same at a point on the southwesternmost side of River Road an indout thirty feet wide said point being distant 72.92 feet measured in a southeasterly direction from the intersection of said side of River Road and the southwesternmost side of Frederick Road an indout fifty feet wide and running thence and binding on said side of River Road the two following courses and distances, viz:
(1) South 77 degrees 15 minutes East 37.70 feet to the intersection of River Road
(2) South 45 degrees 37 minutes East 32.20 feet to the intersection of River Road
(3) South 45 degrees 37 minutes East 32.20 feet to the intersection of River Road
(4) North 43 degrees 24 minutes East 127.20 feet and (5) North 45 degrees 30 minutes East 30.04 feet to the place of beginning.....containing 0.3292 acres of land more or less.

Edwin J. Kirby, Jr., ES
January 20, 1970

ATTACHED TO AND MADE A PART OF
PETITION FOR ZONING RECLASSIFICATION
BY JOSEPH G. MILLER AND EARNES A. MILLER, his wife

REASONS FOR REQUEST FOR RECLASSIFICATION

1. Since the adoption of the zoning map for the First Election District of Baltimore County the character and conditions of the area have so changed that a reclassification of Petitioners' premises to a B-L zone is justified, appropriate and in fact required under proper zoning standards and principles.
2. There was error in adoption of the zoning map for the First Election District of Baltimore County by virtue of its failure to make adequate provisions thereon for business uses in the neighborhood of the subject premises and reclassification of Petitioners' property will remedy such error and serve to provide business use demanded and required, without adverse effect on neighboring properties.
3. The premises desired to be reclassified have been occupied as a non-confirming use since prior to the adoption of Baltimore County Zoning Regulations and for some years have been used for a barbershop and ceramic shop by the owners.
4. Under Petition 67-195X a Special Exception for community building was granted on property immediately opposite the subject property.
5. Under Petition 70-62X a Special Exception was granted for land and structure devoted entirely to civic, social and recreational activities, that land being adjacent to the land covered under Petition 67-195X.
6. Under Petition 69-242RX covering property situated on Oella Avenue north of the subject property reclassification was granted changing that property from R-10 and R-20 to B-L, MLR and MH with Special Exception for slaughter house and variances.
7. On the existing map the property on the opposite side of Frederick Road and to the west of the subject property is zoned B-R and M-L and property to the west on the same side of Frederick Road and between Frederick Road and the Patapsco River is zoned M-L.
8. The subject property and the improvements thereon cannot be devoted to R-40 uses due to the size of the property and the location thereof, it being a small parcel binding on River Road and the Patapsco River.
9. The subject property is bounded on the east by a sub-station of Baltimore Gas and Electric Company and on the south by the Patapsco River and land owned by Maryland State Department of Forest and Parks and the requested reclassification would not in any way be detrimental to adjoining uses.

Respectfully submitted,

David D. Downes
Petitioners' Attorney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Handley, Zoning Commissioner Date: May 22, 1970

FROM: George E. Gavrelli, Director of Planning

SUBJECT: Petition 70-217-R. Southwest side of River Road 72.92 feet Southwest of Frederick Road.
Petition for Reclassification from R-40 to B.L.
Joseph G. Miller - Petitioner

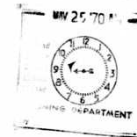
1st District

HEARING: Monday, May 25, 1970 (2:00 P.M.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-40 to B.L. zoning. We recommend against reclassification at this time. We note that no changes have occurred in the manner of land use which justifies reclassification. The case dealing with special exceptions immediately nearby could only have been granted if the requirements of Section 502.1 of the Regulations had been met. As such, there had to be an affirmative finding of fact that no adverse effect on adjoining properties would result from the granting of the special exceptions for community buildings.

Resolution of the zoning status of this property should await a comprehensive review through the map processes of land use and zoning issues.

GEG:mh



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 13, 1970

COUNTY OFFICE BUILDING
111 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

OLIVER L. MYERS
Chairman

MEMBERS

MURAL OF

TRAFFIC ENGINEERING

DEPARTMENT OF

STATE ROADS COMMISSION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

SUBSIDIARY

DEPARTMENT

David D. Downes, Esq.,
212 Washington Avenue
Towson, Maryland 21204

RE: Type of Hearing: Reclassification
from an R-40 zone to an SW-4-L zone
Location: SW of River Rd., 72.92' SE
of Frederick Road
Petitioners: Joseph G. Miller
Committee Meeting of March 3, 1970
1st District
Item 178

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 improved with a two story stone building, with the property to the north improved with a two story brick building. The subject property is located on the southwest side of River Road and is bounded to the south by the Patapsco River and property owned by the Maryland State Department of Forest and Parks, the Gas & Electric Company to the southeast and some vacant land and dwellings to the north and northeast. Frederick Road and River Road in this location are not improved as far as concrete curbs and gutters are concerned.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors requiring comment.

DEPARTMENT OF TRAFFIC ENGINEERING:

The existing entrance is located in an undesirable area and should be relocated at such time as the building is removed and the site redesigned.

BOARD OF EDUCATION:

Acresage too small to have an effect on student population.

David D. Downes, Esq.

- 2 -

March 13, 1970

FIRE DEPARTMENT:

Owner shall be required to comply with all applicable requirements of the Fire Prevention Code and the 101 Life Safety Code, 1967 edition, when construction plans are submitted for approval.

TRAFFIC ENGINEERING'S OFFICE:

Petitioner to meet requirements of Parking Lots (see section 409.104).

STATE ROADS COMMISSION:

The subject site has no direct access to Frederick Road; therefore, there will be no future access from the state roads Commission for improvements to Frederick Road.

As far as the site is concerned a hazardous situation at the entrance due to the close proximity of the entrance to Frederick Road, the extreme angle of the intersection of River Road with Frederick Road and poor sight distance due to the curvature of Frederick Road and the location of utility poles, guard rails, etc. along the road.

It is our opinion that commercial use of the entrance would cause a considerable traffic hazard.

SOILS ADMINISTRATION DIVISION:

Due to the comments by the Health Department, this office is withholding a hearing date until such time as the petitioner indicates on revised plans showing adequate means for disposal of sewage and water. It is suggested that the petitioner confer with his engineer contact Mr. Ian Forbes in the Health Department with regards to the sewage and water disposal.

Very truly yours,

Oliver L. Myers, Chairman

BUREAU OF ENGINEERING

Zoning Plat - Comment

March 18, 1970

178. Property Owner: Joseph G. Miller
Location: SW of River Road, 72.92' SE of Frederick Rd.
District: 1st
Present Zoning: R-40
Proposed Zoning: R-40 to BL
No. Acreage: 0.3292

ROADWAYS:

Frederick Road (MD. 144) is a State Road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

River Road, an existing road, will be improved as a 36-foot closed section with flexible paving on a 50-foot right-of-way along the frontage of this property.

Highway improvements, including highway right-of-way widening will be required in connection with any subsequent grading or building permit applications.

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

SETBACK CONTROLS:

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 stripping of top soil.

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

STORM DRAINAGE:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy for this type development, the Applicant is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall. The Applicant's cost responsibilities include the acquisition of easements and right-of-way - both onsite and offsite - including utility easements, right-of-way and easement drawings including subdivision and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Applicant.

178. Joseph G. Miller
Page 2
March 18, 1970

STORM DRAINAGE (Cont'd):

The Applicant must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, as to improper grading or improper installation of drainage facilities, would be the full responsibility of the Applicant.

Frederick Road (MD. 144) is a State Road. Therefore drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

UTILITIES:

Public water supply is not available to serve this property.

SANITARY SEWER:

Public sanitary sewerage can be made available to serve this, and other properties, by construction of lateral public sanitary sewerage to connect with the Patapsco Sanitary Interceptor Sewer. (Regs: 57-0120 and 0609, A-10)

POSTING:

Key: R-40
Post: 13 SW 33
Tops: SW 41
Taxes: 100

11-10-70

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that no sufficient change in the area warrants the rezoning and the petitioner having proved error in the zoning of the subject property on the Land Use Map

the above Reclassification should be had, and it is hereby ordered that the same be and the same is hereby DENIED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of May, 1970, that the herein described property or area should be and the same is hereby reclassified, from a R-40 zone to a B-1 zone, and the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of May, 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 DENIED to remain a R-40 zone, and the Special Exception for the same be and the same is hereby DENIED

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of May, 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 DENIED to remain a R-40 zone, and the Special Exception for the same be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12F Date of Posting: MAY 8-1970
Posted for: RECLASSIFICATION FROM R-40 TO B-1
Petitioner: JOSEPH G. MILLER
Location of property: SW 1/4 of RIVER RD. 72-251 SW of Frederick Rd.
Location of Sign: 169-2117-2
Remarks: Charles H. Miller
Posted by: Charles H. Miller Date of return: MAY 15-1970

70-217-R

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: April 9, 1970
FROM: Ian J. Forrest
SUBJECT: Item 178 - Zoning Advisory Committee Meeting, March 3, 1970

Health Department Comments:

178. Property Owner: Joseph G. Miller
Location: SW 1/4 River Rd., 72-251 SW of Frederick Rd.
Present Zoning: R-40
Proposed Zoning: R-40 to B-1
District: 1st
No. Acres: 0.3292

A private water supply and sewage disposal system is located on this property. An inspection by this department revealed that the sewage disposal system was operating satisfactorily.

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.

Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

LJP/cu

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. May 7, 1970

THIS IS TO CERTIFY that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one consecutive weeks before the 27th day of May 1970, the first publication appearing on the 7th day of May 1970.

THE TIMES

John M. Martin

Cost of Advertisement, \$ 24.00
P.O. # G 9901
Requisition Y 7099

May 7, 1970

TELEPHONE 823-3000 EXT. 287	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 71249 DATE: May 25, 1970 BILLED BY: Billing Dept. of Baltimore County
TO: Messrs. Charles E. Miller 212 Washington Ave. Towson, Md. 21204		TOTAL AMOUNT \$41.00
BY CHECK TO ACCOUNT NO. 01-002 ADVERTISING and posting of property for Joseph G. Miller 950-27-2		COST \$41.00
IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 7, 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 consecutive weeks before the 27th day of May 1970, the first publication appearing on the 7th day of May 1970.

THE JEFFERSONIAN

Cost of Advertisement, \$

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. May 7, 1970

THIS IS TO CERTIFY that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one consecutive weeks before the 27th day of May 1970, the first publication appearing on the 7th day of May 1970.

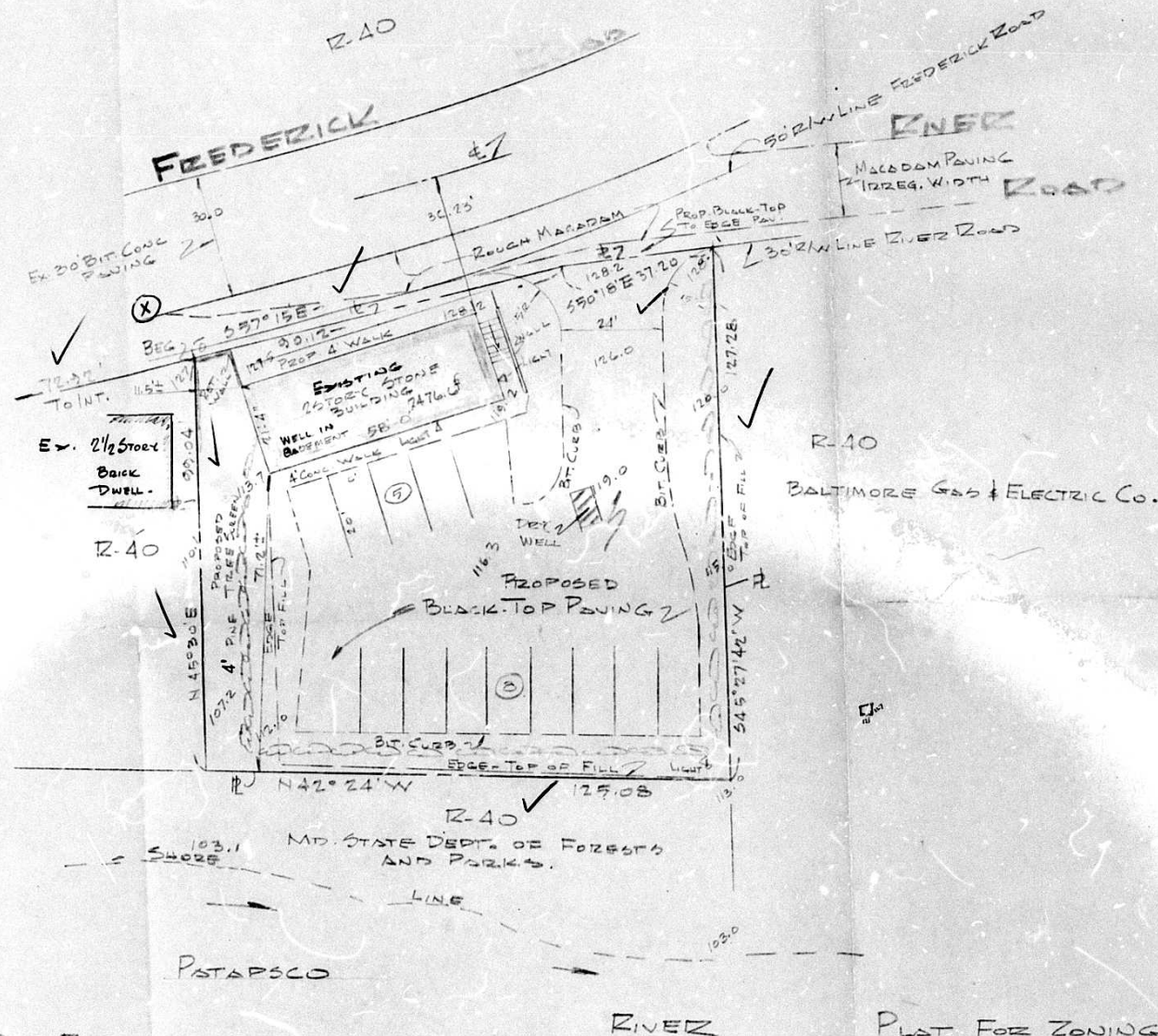
THE TIMES

John M. Martin

Cost of Advertisement, \$ 18.00
P.O. # G 9901
Requisition Y 7096

TELEPHONE 823-3000 EXT. 287	INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 71204 DATE: May 7, 1970 BILLED BY: Billing Dept. of Baltimore County
TO: Messrs. Charles E. Miller 212 Washington Ave. Towson, Md. 21204		TOTAL AMOUNT \$24.00
BY CHECK TO ACCOUNT NO. 01-002 Posting for Real Estate Plan for Joseph G. Miller 950-27-2		COST \$24.00
IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, 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 25th day of May 1970	
Edward O. Harkness Chairman of Advisory Committee	
Petitioner: Joseph G. Miller Petitioner's Attorney: Charles E. Miller, Esq. Reviewed by: Edward O. Harkness, Chairman of Advisory Committee	



NOTES:

- ① PROPERTY FRONTS ON RIVER ROAD
- ② ENT. GRADE 2% FIRST 35'
- ③ LIGHTING TO BE DIRECTED AWAY FROM RESIDENTIAL PROPERTY.
- ④ EXISTING USE - CERAMICS SHOP.
- ⑤ TOTAL FLOOR SPACE - 2476.6 SF - PARKING SPACES 10 X 20 REQ. @ 1200 SF = 12 (13 PROVIDED)
- ⑥ TOTAL LAND AREA 0.332 AC. ML

PLAT FOR ZONING PURPOSES
JOSEPH G. MILLER AND WIFE PROPERTY
DISTRICT NO. 1 BALTIMORE COUNTY, MD.

EX. ZONING R-40
PROPOSED ZONING - BL

OWNERS ADDRESS: 310-DOWNEY AND DEITZ ATTYS
212 WASHINGTON AVE.
TOWSON MD. 21204

EDWIN J. KIRBY & ASSOC.
21 COURT STREET
WESTMINSTER, MD. 21157
Scale 1"=50' DATE 1-20-70

#70-217R

OFFICE COPY

MAP #1
SEC. 2-A
SW-4-I
BL

MICROFILMED