

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

- I, or we, ARK-REDI-MIX CONCRETE, INC., 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-6 Zone to a R.A. Zone with Special Exception for Office Building; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for... Offices and Office Building.
- For the following reasons:
- To fill a need in the area.
- To bring the zoning status of this property into conformity with the surrounding area.
- To correct an error in the Zoning Map.

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... Offices and Office Building.

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.

201 North Gay Corporation

By Joseph K. Pokorny President, Ark-Redi-Mix Concrete, Inc.

Contract purchaser Andrew Vargo Legal Owner

Address 406 Jefferson Building, Towson, Maryland 21204

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RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-6 to R.A. : COUNTY BOARD OF APPEALS
S/S of Joppa Road 498' W. of :
Simms Avenue : OF
Ark Redi-Mix Concrete, Inc. :
Petitioner : BALTIMORE COUNTY
No. 71-78-RX

ORDER OF DISMISSAL

Petition of Ark Redi-Mix Concrete, Inc. for reclassification from R-6 to R.A., on property located on the south side of Joppa Road 498 feet west of Simms Avenue, in the Eleventh Election District of Baltimore County.

WHEREAS, by letter dated April 1, 1974 the Board of Appeals notified the parties of record in the above entitled matter that the case is considered moot.

WHEREAS, this decision is based on an opinion dated November 10, 1971 which the Board received from the Baltimore County Solicitor, wherein he stated that any zoning case pending before the Board on the date the new zoning maps were adopted is moot.

WHEREAS, the Board has not received a letter or formal dismissal of the appeal, and the Board, on its own Motion, therefore will dismiss the within appeal.

IT IS HEREBY ORDERED, this 15th day of May, 1974, that said petition be and the same is declared moot and the petition dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Miller, Jr., Chairman

W. Allen Perrier

Robert L. Gillman

ZONING MEMORANDUM IN SUPPORT OF RECLASSIFICATION FROM R-6 TO RA WITH SPECIAL EXCEPTION FOR OFFICES

The land in question fronts on Joppa Road in the Eleventh Election District of Baltimore County, for a distance of approximately 200 feet and is part of an entire tract of land owned by Ark-Redi-Mix Concrete Corporation, a part of which enjoys an M.L. zoning classification - said classification having been applied to the rear tract by the County Council of Baltimore County on August, 1966. The balance of the parcel of land is zoned R-6.

The entire tract of land, except for a small portion which has been used for greenhouses, has been used for a sand and gravel operation and a Redi-Mix Concrete operation ever since its purchase beginning in 1950.

Ever since zoning began in Baltimore County 1945, the vast majority of land in and around this tract of land has enjoyed an R-6 zoning classification. Rather than face the issue honestly as to the proper use of the land, the zoning Commissioner of Baltimore County granted a special permit for the rear most portion to be used as a sand and gravel pit. It appears that the entire area just south of Joppa Road, from Harford Road to Belair Road has a special quality about it, for it abounded and abounds with sand and gravel pits; including but not limited to Nottingham Farms, Clark Sand and Gravel, Harry T. Campbell and the Jasper Sand Gravel Company. Approximately 200 acres of land has been declared as "Special".

The area in question - The Limbo area - cannot be developed as the planners had hoped into an R-6 use. For twenty five years, the catch all zone classification has been applied to an area that is totally unfit for this designation.

The White Marsh Expressway was built from the Pulaski Highway to just past the John Kennedy Expressway to a point east of Belair Road. The intention on programmed development of this major thoroughfare was to be from the point where it is presently terminated to Belair Road, across Belair Road through the Limbo area, across Harford Road and ultimately ties into the Baltimore County Beltway. Apparently the state planners cannot permit this to happen, since the proposed extension of the White Marsh Expressway must now swing north and tie into the Perring Parkway extended. The reason being, the Baltimore Beltway has now reached capacity and cannot accept anymore arterial additions.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
AND SPECIAL EXCEPTION : DEPUTY ZONING COMMISSIONER
S/S of Joppa Road, 498' West of :
Simms Avenue - 11th District : OF
Ark Redi-Mix Concrete, Inc. :
Petitioners : BALTIMORE COUNTY
No. 71-78-RX (Item 240)

The Petitioners seek a Reclassification from a R-6 Zone to a R.A. Zone with an additional request for a Special Exception for offices and an office building for a parcel of property consisting of 1.091 acres, more or less, located on the south side of Joppa Road, four hundred ninety-eight (498) feet west of Simms Avenue, in the Eleventh District of Baltimore County.

Testimony on behalf of the Petitioners indicated that a one story building would be erected on the premises for use by the Bricklayers and Masons Union Local No. 1 for offices, meetings, etc. It was testified that they have been meeting at a local restaurant, but would like to have their own building. A real estate expert for the Petitioners testified that the property cannot be developed residentially because of the lack of utilities. He stated only one zoning change prior to 1966, when the Comprehensive Zoning Map for this area was adopted, but further stated that this zoning change was placed on the map by the Baltimore County Council in 1966. He further testified that a major tract of land to the rear of the subject property had been reclassified R.A. This zoning was placed on the present zoning map in 1966. The Petitioner, in essence, is basing his case on the fact that the present zoning map was in error, in that it did not place this property in a commercial zone in 1966 citing a need in the area for such a use.

Residents of the area, in protest of the subject Petition, testified that Joppa Road is heavily traveled and hazardous. This property is located near a curve on Joppa Road and that many accidents have taken place at this location in the past. Further, they testified that there was no need in this area for offices or an office building at this location.

The crotch bound attitude toward this swath of land - south of Joppa Road, from Belair Road and Harford Road - has caused a stunting of natural growth in accordance with the highest and best use of the land and should be corrected now. This particular application being but a grain of sand in the pebble of hope.

May 15, 1974

Joseph K. Pokorny, Esq.
406 Jefferson Building
Towson, Maryland 21204

Re: Ark Redi-Mix Concrete, Inc.
File No. 71-78-RX

Dear Mr. Pokorny:

Enclosed herewith is a copy of Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Michael E. Buddenbaker

Encl.

cc: M. Michael Maitan, Esq.

Mr. S. E. DiNanno
Mr. James Dyer
Mr. W. D. Fromm
Mr. R. Werneth
Board of Education

JUL 05 1974

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

April 1, 1974

Joseph K. Pokorny, Esquire
406 Jefferson Building
Towson, Md. 21204

Re: Zoning File No. 71-78-RX
Ark Read-Mix Concrete, Inc.
Petitioner

Dear Mr. Pokorny:

As Attorney of Record for the Appellant in the above referenced case, you are hereby advised that said case on the Board of Appeals' Docket is considered moot. This decision is based on an opinion, dated November 10, 1971, which the Board has received from the Baltimore County Solicitor, R. Bruce Alderman, wherein he stated that any zoning cases pending before the Board on the date the new (zoning) maps were adopted are moot.

Therefore, unless you present written objection or an amended appeal, where applicable, to the Board no later than thirty days of the date hereof, an official dismissal order on the Board's own motion will follow.

Very truly yours,

Walter A. Kallier, Jr.
Walter A. Kallier, Jr., Chairman

cc: M. Michael Maslan, Esquire

KIMMEL & POKORNY
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

SAMUEL KIMMEL
JOSEPH K. POKORNY



January 21, 1971

Mr. Edward D. Hardesty
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification and
Special Exception
S/S of Joppa Road, 498' West of
Simms Avenue - 11th District
Ark Read-Mix Concrete, Inc.
Petitioners
No. 71-78-RX (Item 240)

Dear Mr. Hardesty:

Please enter an Appeal on behalf of Ark Read-Mix Concrete, Inc., Petitioner from an Order passed by the Deputy Zoning Commissioner on January 12, 1971 in the above captioned matter.

Enclosed check in the amount of \$75.00 represents payment of Fee for the above Appeal, and posting.

Very truly yours,

Joseph K. Pokorny
JOSEPH K. POKORNY

JKP:rk

ENC.

January 12, 1971

Joseph K. Pokorny, Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Petition for Reclassification and
Special Exception
S/S of Joppa Road, 498' West of
Simms Avenue - 11th District
Ark Read-Mix Concrete, Inc.
Petitioners
No. 71-78-RX (Item 240)

Dear Mr. Pokorny:

I have this date passed my Order in the above captioned matter.
Copy of said Order is attached.

Very truly yours,

S. ERIC DE KROMA
Deputy Zoning Commissioner

SE:ms

Enclosures

cc: M. Michael Maslan, Esquire
2735 Dundalk Avenue
Baltimore, Maryland 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: September 2, 1970

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

SUBJECT: Petition #71-78-RX, South side of Joppa Road 498 feet west of Simms Avenue
Petition for Reclassification from R-6 to R.A.
Petition for Special Exception for Offices and Office Building.
Ark Read-Mix Concrete, Inc. - Petitioners

11th District

HEARING: Wednesday, September 2, 1970 (2:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R.A. zoning, together with special exception for offices.

We note that the land usage along this portion of Joppa Road and on either side of the subject property is devoted to residences. Based on the single family or cottage residential zoning here, the Planning Staff would consider this petition to constitute spot zoning in the sense that it creates land use potentials for this property which are not in conformity with those of adjacent properties.

GEG:msh

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 11, 1970

Joseph K. Pokorny, Esq.
406 Jefferson Building
Towson, Maryland 21204

RE: Type of Hearings: Reclassification
from an R-6 zone to an RA zone, and
for Special Exception for Offices and
Office Building
Locations: S/S Joppa Rd., 498' W. of Simms Avenue
Petitioners: Ark Read-Mix Concrete, Inc.
Committee Meeting of April 21, 1970
11th District
Item 240

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 an unimproved tract of land, with the properties to the northeast and west improved with dwellings, 10 to 20 years of age, in excellent repair. The property to the south is improved with several greenhouses. Joppa Road in this location is not improved as far as concrete curb and gutter are concerned.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Joppa Road is an existing road which shall ultimately be improved as a 50-foot curbed roadway on a 70-foot right-of-way in this area. Highway right-of-way and improvements will be required in connection with any subsequent grading or building permit applications.

The status of the 20-foot right-of-way is unknown and is assumed to be a means of ingress and egress to the property located in the rear of the subject site.

Joseph K. Pokorny, Esq.
406 Jefferson Building
Towson, Maryland 21204
Item 240

- 2 -

June 11, 1970

Storm Drains:

The petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water:

Public water services are available to serve this site.

Sanitary Sewers:

Public sanitary sewer facilities are not available at this time. Private sewer disposal will be required in accordance with the Health Department Standards.

PROJECT PLANNING DIVISION:

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

DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from R6 to RA with a Special Exception for offices.

This should increase the trip density from 100 to 400 trips per day. This small volume should have no major effect on the existing volume of Joppa Road. However, should the office complex increase in acreage and size of building, some problems may be anticipated.

BOARD OF EDUCATION:

Would not increase student population of an apartment building was constructed.

FIRE DEPARTMENT:

This office has no comment on the proposed site.

Petitioner to comply with all applicable requirements of Baltimore County Building Code upon submission of plans.

Joseph K. Pokorny, Esq.
406 Jefferson Building
Towson, Maryland 21204
Item 240

- 3 -

June 11, 1970

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code upon submission of plans.

HEALTH DEPARTMENT:

Public water is available.

This is a critical area for underground sewage disposal systems, therefore, a building application will not be approved until soil tests have been conducted showing that the soil is suitable for underground disposal.

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:

The subject site may be seriously affected by the State Roads Commission tentative proposed highway improvement plans that are currently being studied. We hope to be able to indicate said effects on the plat by the time of the hearing.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as the proposed widening for Joppa Road is shown on revised plans. The State Roads Commission comments indicate that this property can be seriously affected by proposed highway. The extent of this taking is not known at the present time; therefore, this office is withholding a hearing date until State Roads Commission provides the necessary information indicating the amount of taking required for the highway.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

OLM:JD
Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: May 14, 1970

FROM: Richard B. Williams, Project Planning Division

SUBJECT: Zoning Advisory Agenda Item #240

April 21, 1970
Ark Read-Mix Concrete, Inc.
S/S Joppa Road,
498' W. of Simms Avenue

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



STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRAIRY STREET
BALTIMORE, MD. 21201

April 29, 1970

ITEM 240

Re: Zoning Advisory Comm. Meeting
April 21, 1970
Owner: Ark Redi-Mix Concrete, Inc.
Location: S/S Joppa Rd., 498' West of
Simms Ave.
Present Zoning: R6
Proposed Zoning: Reclass to RA with
S.E. for office bldg.
11th District
No. Acres: 2.091
White Marsh Boulevard

Dear Mr. Hardesty:

The subject site may be seriously affected by the State Roads Commission tentative proposed highway improvement plans that are currently being studied. We hope to be able to indicate safe effects on the plat by the time of the hearing.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section
by John E. Meyers
Asst. Development Engineer

CLJ:EBK

cc: Mr. Eugene Carponeschi
Mr. Howard M. Holscher

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardesty
ATTN: Oliver L. Myers
FROM: Ellsworth M. Myers, P.E.

Date: April 28, 1970

SUBJECT: Item 240 (1969-1370)
Property Owner: Ark Redi-Mix Concrete, Inc.
S/S Joppa Rd., 498' W. of Simms Ave.
Present Zoning: R-6
Proposed Zoning: Reclass. to RA with S.E. for
office building
District: 11th
No. Acres: 2.091

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Joppa Road is an existing road which shall ultimately be improved as a 50-foot curbed roadway on a 70-foot right-of-way in this area. Highway right-of-way and improvements will be required in connection with any subsequent grading or building permit applications.

The status of the 20-foot right-of-way is unknown and is assumed to be a means of ingress and egress to the property located in the rear of the subject site.

Storm Drains:

The petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water:

Public water services are available to serve this site.

Sanitary Sewer:

Public sanitary sewer facilities are not available at this time. Private sewer disposal will be required in accordance with the Health Department Standards.

Ellsworth M. Myers
ELLSWORTH M. MYERS, P.E.
Chief, Bureau of Engineering

END:EAH:ROP:ES

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Ian J. Forrest

Date: April 28, 1970

SUBJECT: Item 240 - Zoning Advisory Committee Meeting, April 21, 1970

240. Property Owner: Ark Redi-Mix Concrete, Inc.
Location: S/S Joppa Rd., 498' W. of Simms Ave.
Present Zoning: R6
Proposed Zoning: Reclass. to RA with S.E. for
office building
District: 11th
No. Acres: 2.091

Public water is available.

This is a critical area for underground sewage disposal systems, therefore, a building application will not be approved until soil tests have been conducted showing that the soil is suitable for underground disposal.

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.

I. J. Forrest
I. J. Forrest
Bureau of Environmental Health

IJF/ca

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning
FROM: Everett Reed, Plans Review

Date: April 21, 1970

SUBJECT: Item 240 - Ark Redi-Mix Concrete, Inc.
S/S Joppa Road 498' W. of Simms Ave.
District: 11

Petitioner to comply with all applicable requirements of Baltimore County Building Code upon submission of plans.

Everett Reed
Everett Reed
Plans Review

ER:ch

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner
ATTN: Mr. Myers
Date: April 22, 1970

FROM: Inspector Thomas E. Kelly
Fire Department

SUBJECT: Property Owners Ark Redi-Mix Concrete, Inc.

Location: S/S Joppa Road, 498' W. of Simms Avenue

Item #240 Zoning Agenda April 21, 1970

The Fire Department has no comment on this proposed site.

Inspector T. E. Kelly

cc: Mr. Hanna

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
ATTN: Oliver L. Myers
FROM: C. Richard Moore

Date: April 22, 1970

SUBJECT: Item 240 - ZAC - April 21, 1970
Property Owner: Ark Redi-Mix Concrete, Inc.
Joppa Road W. of Simms Avenue
Reclass. to RA with S.E. for office building

The subject petition is requesting a change from R6 to RA with a special exception for offices.

This should increase the trip density from 100 to 400 trips per day. This small volume should have no major effect on the existing volume of Joppa Road. However, should the office complex increase in acreage and size of building, some problems may be anticipated.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING
OF April 21, 1970

Petitioner: Ark Redi-Mix Concrete, Inc.
Location: S/S Joppa Rd., 498' W. of Simms Ave.
District: 11
Present Zoning: R6
Proposed Zoning: RA with S.E. for office bldg.
No. of Acres: 2.091

Comments: Would not increase student population if an apartment building was constructed.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Posted for: 11th
Petitioner: Ark Redi-Mix Concrete, Inc.
Location of property: S/S Joppa Road 498' W. of Simms Ave.
Location of Sign: 2.091 Acres
Remarks: No comment
Posted by: M. J. Kelly
Date of return: 4/22/70

SEATTLE COUNTY OFFICE OF PLANNING AND ZONING Item 240

Joseph E. Peharry, Esq.
486 Jefferson Building
Tombon, Maryland 21064

County Office Building
113 W. Chesapeake Avenue
Tombon, Maryland 21020

Your Petition has been received and accepted for filing this

28th day of July, 1970

Edward D. L. Heston
EDWARD D. L. HESTON
Zoning Commissioner

Petitioner Ark Steel-File Concrete, Inc.

Petitioner's Attorney Joseph E. Peharry, Esq. Reviewed by *Oliver L. Heston*
Chairman of the
Advisory Commission

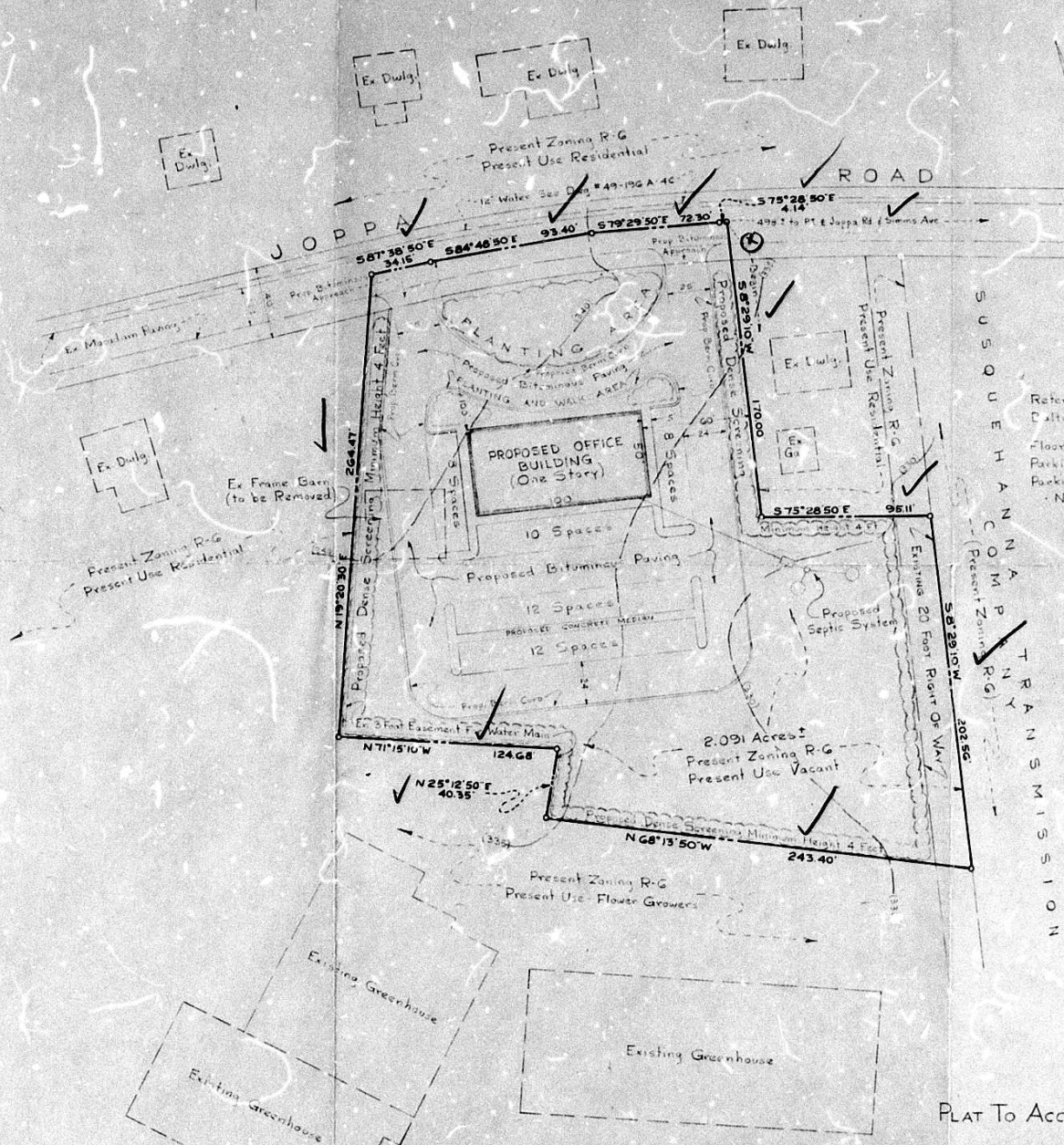
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON 4, MARYLAND



PLAT TO ACCOMPANY ZONING PETITION
FOR
RECLASSIFICATION FROM EXISTING R-G ZONE TO RA ZONE
WITH
SPECIAL EXCEPTION FOR OFFICE BUILDING FOR UNION PURPOSES
FOR
201 NORTH GAY INCORPORATED
SOUTH SIDE JOPPA ROAD WEST OF SIMMS AVENUE
BALTO. CO. MD.
SCALE: 1" = 50'

REVISED MARCH 19, 1970

ELECT. DIST. N#11
MARCH 13, 1970



PARKING CALCULATION
Refer to Section 409.2 Subparagraph b-5 of the
Daltimore County Zoning Regulations (1969 Edition).
Floor Area Proposed Office Building = 5,000 Square Feet
Parking Spaces Required @ 1 Per 300 Sq. Ft. = 17 Spaces.
Parking Spaces Proposed = 50 Spaces.
Note: Overflux of Proposed Parking Spaces Provided to
Accommodate Union Meeting, When Necessary.

#71-78 RX

OFFICE
COPY

MAP
4-C
NORTH-
EASTERN AREA
NE-9-F
RA-X