

# 71-113-R PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER, OF BALTIMORE COUNTY:

I, or we, Joseph B. Berke, et al., legal 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-10 to an R-10-S-F zone, for the following reasons:

1. Change in the Character of the Neighborhood
2. Error in the original zoning map
3. For such other and further reasons as set forth in the attached memorandum in compliance with Bill 72.

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: Fred E. Waldrop, Jr.  
Legal Owner: Joseph B. Berke, et al.

Address: 202 Loyola Federal Building, 828-5688

Protestant's Attorney: Fred E. Waldrop, Jr.

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of August, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of September, 1970, at 10:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

## BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

August 26, 1970

Fred E. Waldrop, Esq.  
202 Loyola Federal Building  
Towson, Maryland 21204

RE: Type of Hearings Reclassification from an R10 zone to an R10-S-F zone. Location: NE/S Reisterstown Rd., 157' south of Keller Road - 3rd District. Petitioners: Joseph B. Berke, et al. Committee Meeting of May 12, 1970 3rd District Item 320

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 very dilapidated ice cream parlor, which is closed. It is this office's understanding that the ice cream parlor is a nonconforming use. The use was terminated due to the closing of the ice cream parlor. The surrounding property is completely residential in character and improved with dwellings with no commercial activity at all. There is very poor stopping site distance on this property. An extremely hazardous condition exists at the intersection of Castleton Avenue and Reisterstown Road. Reisterstown Road 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:

Reisterstown Road is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Castleton Avenue is not maintained by the County. The status of the road is unknown and is assumed to be a means of ingress and egress to the property located to the rear of this site.

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### 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 responsibilities of the petitioner.

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

### Sediment Control:

Development of this property through striping, 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 reviewed and approved prior to the issuance of any grading or building permits.

### Water:

Public water service is available to serve this site.

### Sanitary Sewer:

Public sanitary sewer service is not available. A private sewer disposal system will be required in accordance with the Health Department Standards.

### DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from R-10 to BL of 1.4 acres. This change should increase the trip density from 50 trips per day to 1,000 trips per day.

This site is in close proximity to the interchange of Reisterstown Road and the Beltway. Commercial activity at this location can only compound the existing traffic problem.

### BOARD OF EDUCATION:

No effect on student population.

PETITION FOR RECLASSIFICATION

FROM R-10 TO B.L.

Northeast side of Reisterstown Road, Southeast of Keller Road, 157th District of Baltimore County

Joseph B. Berke, et al  
Petitioners

### MEMORANDUM:

Petitioners, Joseph B. Berke, et al, by their attorney, Fred E. Waldrop, pursuant to the requirements of Bill 72 (1969) of the County Council of Baltimore County assign the following reasons in support of their petition for zoning reclassification:

1. Error in the original zoning - original plan did not take into effect the future growth of the area and the need for commercial development.
2. Genuine change in the character of the neighborhood. The following changes have occurred:  
a. 63-100 RX W/S Park Heights Ave. & N/S Baltimore Beltway. R-20 & R-40 to R.A. and Special Exception 2/2/66 Order of Md. Court of Appeals affirming Board of Appeals.  
b. 5278-RX NE/R/W of Reisterstown Rd., NE of Baltimore County Beltway R-10 to B.L. and Special Exception Granted 5/3/61 by Zoning Commissioner  
c. 3279 ER/W Line of Risp D 50' S R-10 to R.A. Granted by Zoning Comm. 6/5/61

3. The granting of Petitioners' request will benefit the community in providing need commercial development.

4. For such other and further reasons to be submitted at the time of hearing.

Fred E. Waldrop

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### FIRE DEPARTMENT:

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

Fire hydrants for the proposed site are required and must be in accordance with the Baltimore County Standards.

### BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations when plans are submitted. Also, see Parking Lots, Section 409.10 h.

### STATE ROADS COMMISSION:

There is inadequate stopping sight distance at the subject property due to the over vertical curve (H111) to the southeast and the steep grade on Reisterstown Road. To establish a commercial entrance at this location would be extremely hazardous.

### HEALTH DEPARTMENT:

The Department of Health will not approve this operation until public sewer is made available.

### ZONING ADMINISTRATION DIVISION:

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

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD  
Enc.

JOSEPH D. HOMPSON, P.E., L.S.  
CIVIL ENGINEERS & LAND SURVEYORS  
101 SHELL BUILDING 200 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204 • VALL-3-8820

DESCRIPTION OF A PARCEL OF GROUND TO BE REZONED TO BL, NORTHEAST SIDE OF REISTERSTOWN ROAD, SOUTHEAST OF KELLER ROAD, THIRD DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the Northeast side of Reisterstown Road, 66 feet wide at the distance of 157 feet, more or less, measured Southeasterly along the Northeast side of Reisterstown Road from the centerline of Keller Road and running thence and binding on the Northeast side of Reisterstown Road South 34 Degrees 00 Minutes East 120.8 feet to the centerline of Castleton Avenue, 20 feet wide, unimproved, thence leaving the Northeast side of Reisterstown Road and binding on the centerline of Castleton Avenue North 55 Degrees 27 Minutes East 500.0 feet, thence leaving the centerline of Castleton Avenue and running North 34 Degrees 00 Minutes West 120.8 feet and South 55 Degrees 27 Minutes West 500.0 feet to the place of beginning.

CONTAINING 1.4 acres of land, more or less.



4.28.70

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: September 30, 1970

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

SUBJECT: Petition 71-113-R. Northeast side of Reisterstown Road, 157 feet south of Keller Road. Petition for Reclassification from R-10 to B.L. Joseph B. Berke, et al - Petitioners

### 3rd District

HEARING: Wednesday, September 30, 1970 (11:00 a.m.)

The comments of the Zoning Advisory Committee state that, "The subject property is presently improved with a very dilapidated ice cream parlor, which is closed. It is this office's understanding that the ice cream parlor is a nonconforming use. The use was terminated due to the closing of the ice cream parlor. The surrounding property is completely residential in character and improved with dwellings with no commercial activity at all. There is very poor stopping site distance on this property. An extremely hazardous condition exists at the intersection of Castleton Avenue and Reisterstown Road. Reisterstown Road is not improved as far as concrete curb and gutter are concerned."

For these very reasons, the Planning Board chose not to recommend any intensification of zoning potentials, feeling that such intensification would constitute spot zoning - the establishment of land use potentials not in accordance with the comprehensive plan nor in harmony with the uses of adjoining properties.

GEG:msh

03-08-71

District 3rd Date of Posting SEPT. 14 - 1970  
 Posted for RECLASSIFICATION FROM R-10 TO B-1  
 Position: JOSEPH B. BERKE  
 Location of property: W/S of REINERSTOWN Rd. 1ST FF. S of Keller Rd.  
 Location of Signs: E/S of REINERSTOWN Rd. 170 FT. E - S of Keller Rd.  
 Remarks:  
 Posted by Charles B. Mack Date of return SEPT. 18 - 1970

EXIST  
DWG

EXISTING ZONING: R10  
PROPOSED ZONING: BL  
NET AREA OF TRACT: 1.4 AC  
GROSS AREA OF TRACT: 1.5 AC  
OFF STREET PARKING  
PROPOSED BUILDING

1ST FLOOR: 7,800 SQ FT (PHARMACY)  
7,800/200 = 39 SPACES REQUIRED  
41 SPACES PROVIDED  
2ND FLOOR: 7,800 SQ FT (MEDICAL OFFICES)

7,800/300 = 26 SPACES REQUIRED  
27 SPACES PROVIDED  
TOTAL NO. OF SPACES REQUIRED: 65  
TOTAL NO. OF SPACES PROVIDED: 68  
NOTE: THIS PROPERTY IS PRESENTLY  
USING A SEPTIC SYSTEM WHICH  
WILL BE UTILIZED, IF ADEQUATE  
3RD DISTRICT

#71-113R

OFFICE  
COPY

MAP  
#3  
SEC. 2-C  
NW-9-F

RA-X

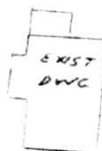
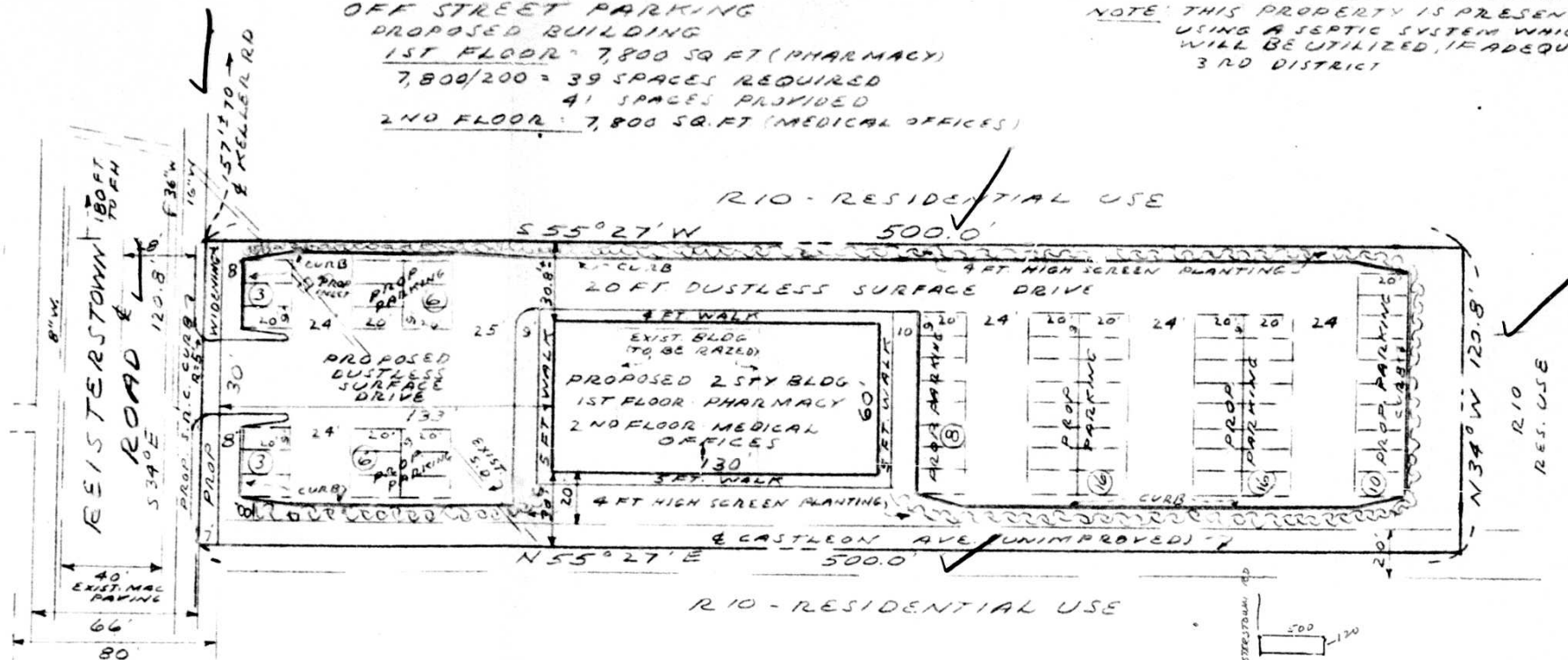


Robert E. Spellman

JOSEPH D. THOMPSON  
ENGINEERS AND SURVEYORS

101 SHELL BLDG 200 E JORRA RD  
TOWSON, MD. APRIL 24, 1970  
SCALE 1"=50'

3486



PLAT FOR REZONING  
REISTERSTOWN ROAD  
SOUTHEAST OF KELLER RD  
3RD DISTRICT  
BALTIMORE CO, MD

