

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Charles I. Stewart, Dorothy Stewart, David I. or w/ Miller & Beatrice Miller legal owners 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-40 zone to an R-3 zone, for the following reasons:

1. Error in original zoning
2. Change in the character of the neighborhood
3. And for such reasons set forth in the Memorandum attached hereto 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 a medical office building with a lunch room and gift shop.

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.

Charles I. Stewart, Dorothy Stewart, David I. or w/ Miller & Beatrice Miller legal owners of the property situated in Baltimore County, address: McDonogh Lane, Box 578, Octopus Mills, Md. 21117.

Protestant's Attorney: Arnold Fleischmann, First National Bank Bldg., Towson, Maryland 21204. 837-6926 & 825-8120.

ORDERED BY the Zoning Commissioner of Baltimore County, this 18th 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 18th day of August, 1970, at 1:00 o'clock.

Edward D. Hardisty, Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardisty, Zoning Commissioner. Date: September 30, 1970.
FROM: Mr. George E. Gavett, Director of Planning.
SUBJECT: Petition #71-114-RX. South side of McDonogh Road, 1200 feet west of Reisterstown Road. Petition for Re-classification and Special Exception for Office Building. Dr. David Miller, et al - Petitioners.

3rd District
HEARING: Wednesday, September 30, 1970 (1:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-40 to R-A, with special exception for office building and has the following advisory comments to make:

In making its recommendations for comprehensively rezoning this area, the Planning Board has chosen not to propose any basic change in land use potentials for the subject property. The subject property is beyond and to the west of the limits of commercial zoning on either side of McDonogh Road and fronting on Reisterstown Road. The Board saw no need to provide transition or buffering of commercial potentials which would extend far enough to the west to include this property.

PETITION FOR RECLASSIFICATION :
from R-40 to R-A
McDonogh Road
2.09 acres s/e/s
Charles I. Stewart and Dorothy Stewart,
Dr. David Miller and Dr. Beatrice Miller
Petitioners

MEMORANDUM
Petitioners, CHARLES I. STEWART, DOROTHY STEWART, DR. DAVID MILLER, and DR. BEATRICE MILLER, by ARNOLD FLEISCHMANN, their Attorney, pursuant to the requirements of Bill 72 (1969) of the County Council of Baltimore County, Maryland, assign the following reasons in support of their Petition for Zoning Reclassification:

1. Genuine change in the immediate neighborhood. The adjoining property to the east has been proposed to be re-zoned to R-A on the map prepared by the Planning Board and is to be developed for garden apartments. The parcel situated to the east at the intersection south of McDonogh Road and Reisterstown Road are zoned B-L and are already developed or are to be developed commercially as shopping areas. The large parcel situated immediately to the north, across from the subject property on McDonogh Road, has been rezoned to B-M for development as a shopping center. It is contemplated that upon rezoning to R-A the subject property, its existing buildings and contemplated buildings will be used as medical offices and related facilities to serve the general community.
2. There is a substantial need for additional medical offices and similar facilities in the immediate vicinity which will be served by the reclassification of the property as requested by this Petition.

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners seek a Reclassification from a R-40 Zone to a R-A Zone, with an additional request for a Special Exception for an office building and offices, for a parcel of property consisting of 2.17 acres of land, located on the south side of McDonogh Road, twelve hundred (1200) feet west of Reisterstown Road, in the Third District of Baltimore County.

Testimony on behalf of the Petitioners indicated that an office building is to be constructed on the subject property housing medical offices. It is the intention of the Petitioners to establish a medical center for this area of Baltimore County. The Petitioners cited a need and based their case mainly on this factor. They cited some changes in the area. Water and sewerage are not available to the property at this time.

Residents of the area, in protest of the subject Petition, indicated that there were no substantial changes in the character of the neighborhood for many years.

Without reviewing the evidence in detail, but based on all the evidence presented at the hearings, in the judgment of the Deputy Zoning Commissioner, the burden of proof of establishing a substantial change in the character of the neighborhood or an error on the original Comprehensive Zoning Map, is borne by the Petitioners. The Petitioners have failed to meet this burden.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 25th day of February, 1971, 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 R-40 Zone, and the Special Exception for an Office Building and Offices be and the same is hereby DENIED.

Signature of Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE
BY

ADMINISTRATIVE ASSISTANT

JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

1160
151 BRILL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • VALLY 3-8820
PLAT FOR REZONING MCDONOGH ROAD, SOUTHWEST OF REISTERSTOWN ROAD, 3RD DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of McDonogh Road at the end of the north 18 degrees 08 minutes 10 seconds west 740 feet line of that parcel of land conveyed by Elmer Heubeck and Adele G. Heubeck, his wife, to Carl Heinmuller, Jr. and Carolyn H. Heinmuller, his wife, and Anna W. Hildebrandt, widow, by Deed dated April 14th, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2279, folio 9, said point being at a distance of 1,200 feet, more or less, Southwesterly from Reisterstown Road, and running thence binding along the center line of McDonogh Road south 61 degrees 01 minute 50 seconds west 140 feet, thence for a line of division as now drawn south 19 degrees 49 minutes 30 seconds east 688.37 feet to a point in the center of a small stream, thence binding along the center line of said stream north 84 degrees 11 minutes 30 seconds east 120 feet to the beginning of the heretofore mentioned north 18 degrees 08 minutes 10 seconds west 740 feet line, thence binding along the last mentioned line north 18 degrees 08 minutes 10 seconds west 740 feet to the point of beginning. Containing 2.09 acres of land, more or less.

2.20.70

ARNOLD FLEISCHMANN, Esq.,
First National Bank Bldg.,
Towson, Md. 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21201

Your Petition has been received and accepted for filing this 18th day of August, 1970.

Signature of Edward D. Hardisty, Zoning Commissioner.
Petitioners: Charles I. Stewart, David Miller
Petitioner's Attorney: Arnold Fleischmann, Esq. Reviewed by: Signature of Arnold Fleischmann, Esq., Chairman of the Advisory Committee.

2516WS 71-114-RX

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: SEPT. 14-1970
Posted for: RECLASSIFICATION & SPECIAL EXCEPTION FOR OFFICE Bldg.
Petitioner: DR. DAVID MILLER
Location of property: S/S MCDONOGH ROAD 1200 FT. W. OF REISTERSTOWN RD.
Location of Sign: 162 S/S MCDONOGH ROAD 1200 FT. W. OF REISTERSTOWN RD.
Remarks: Signature of Charles I. Stewart
Posted by: Signature of Charles I. Stewart Date of return: SEPT. 18-1970

AUG 18 1970

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLENWORTH H. DYER, P. E. CHIEF

November 10, 1970

Mr. Jerome B. Wolff
Jerome B. Wolff and Associates
Jefferson Building
Towson, Maryland 21204

Reference: Dr. Miller Property
McDonough Road West
of Reisterstown Road

Dear Mr. Wolff:

In accordance with your letter of November 4, 1970 the following information is furnished as it pertains to McDonough Road both west and east of the Reisterstown Road intersection.

On the enclosed print of the photogrammetric map of the area has been superimposed the proposed alignment of McDonough Road established in conjunction with the development of properties at the intersection.

To the east of Reisterstown Road the "Queen Anne Village Apartments" and "Valley Village Shopping Center" have been established with an eighty foot (80') right-of-way shown for the future extension of McDonough Road into Gradsbrook Lane. The "Valley Village Shopping Center" has been constructed while the "Queen Anne Village Apartment" site is based on a tentative plat. A construction date for this extension has not been established at this time.

The "Valley Plaza Shopping Center" is proposed to the west of Reisterstown Road; this plat is still in the preliminary stage pending rezoning of a small tract of land to the rear of the shopping center. A seventy foot (70') right-of-way is proposed widening out to an eighty foot (80') right-of-way at Reisterstown Road for channelization provisions.

Mr. Jerome B. Wolff
Page 2
November 10, 1970

A proposed alignment has been shown for McDonough Road to the west (as shown on the enclosure) however, a precise alignment is subject to development of the surrounding land. No funds have been programmed within the framework of the Capital Budget for any improvements to McDonough Road.

Very truly yours,

DONALD W. TUCKER, P.E.
Assistant Chief, Bureau of Engineering

DMT:JUT:md

Enclosure

cc: G. Reiser
S. A. McDonough
J.J. Treanor
Files

PETITION FOR RECLASSIFICATION AND SPECIAL EXEMPTION
ZONING: From R-1 to R-2 Zone.
Petition for Special Exception for Office Building.
LOCATION: South side of McDonough Road 1200 feet more or less West of Reisterstown Road.
DATE & TIME: Wednesday, September 16, 1970 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204.
The Board of Commissioners of Baltimore County, by authority of the Zoning Act and Subchapter 10 of the Zoning and Planning Code, Baltimore County, Md., do hereby certify that the following is a true and correct copy of the petition for special exception for office building, as filed in the Office of the Zoning Administrator, Baltimore County, Md., on September 10, 1970, and that the same was read and considered by the Board of Commissioners at its regular meeting held on September 16, 1970, at 10:00 A.M., and that the Board of Commissioners has ordered that the petition be referred to the Planning Commission for its recommendation.

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 10, 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, consecutive weeks before the 10th day of September, 1970, the first publication appearing on the 10th day of September, 1970.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION AND SPECIAL EXEMPTION
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OFFICE OF THE COMMUNITY TIMES
RANDALLSTOWN, MD. 21133 Sept. 14 - 1970

THIS IS TO CERTIFY that the annexed advertisement was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 14th day of Sept. 1970 that is to say, the same was inserted in the issue of Sept. 10, 1970.

STROMBERG PUBLICATIONS, Inc.

By: [Signature]

#71-114-RX
BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
BUREAU OF ENGINEERING
OLIVER L. MYERS
Chairman
BUREAU OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Arnold Fleischmann, Esq.,
First National Bank Building
Towson, Maryland 21204

RE: Type of Hearings: Reclassification to R-2, SE for medical office bldg. with lunch room and gift shop.
Location: McDonough Road, S/W of Reisterstown Road.
Petitioner: Charles J. Stewart, David Miller.
Committee Meeting of April 7, 1970
3rd District
Item 205

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 brick ranch type home, with the properties to the north, south, east and west are improved properties zoned R-40. McDonough 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:

McDonough Road is an existing road maintained by the Bureau of Highways which is proposed to be improved as a 50-foot closed roadway section within a 70-foot right-of-way. Highway right-of-way widening and improvements would be required in connection with the proposed development of this property.

Storm Drains:

Storm drainage facilities and/or easements will be required in conjunction with the proposed development of this property.

Arnold Fleischmann, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 205

April 28, 1970

Storm Drains: (Continued)

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.

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.

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

Sanitary Sewers:

Public sanitary sewerage is not available to serve this property.

Water:

Public water supply is not available to serve this property at this time; however, public water supply may be available within several years when the proposed 42-inch water transmission main is constructed in McDonough Road.

DEPT. TRAFFIC ENGINEERING:

Based on comments concerning a zoning case at the intersection of McDonough Road and Reisterstown Road, it was indicated that with the existing zoning, the above intersection would be at capacity when developed as proposed. Therefore, any increased density at the intersection of McDonough Road and Reisterstown Road would be undesirable.

Arnold Fleischmann, Esq.,
First National Bank Building
Towson, Maryland 21204
Item 205

April 28, 1970

PROJECT PLANNING DIVISION:

The available access is inadequate to service this intense use.

HEALTH DEPARTMENT:

This plan is not complete; therefore, this department cannot make the proper comments.

BOARD OF EDUCATION:

No bearing on student population.

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.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code and Regulations upon submission of plans. See also Parking Spaces, Section 409.10 M.

ZONING ADMINISTRATION DIVISION:

Revised plans must be submitted to this office prior to a hearing date being assigned indicating the following:

1. The proposed right-of-way width of McDonough Road.
2. Means for providing proper water and sewage disposal to the subject property.

Very truly yours,

[Signature]
OLIVER L. MYERS, Chairman

OLM:JD

Enc.

TELEPHONE 494-2413
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
No. 73829
DATE: Sept. 4, 1970
To: Arnold Fleischmann, Esquire
First National Bank Building
Towson, Maryland 21204
Billed
Zoning Office
Baltimore County, Md.
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
REPORT TO ACCOUNT NO. 01-622
QUANTITY
Petition for Reclassification and Special Exemption for Office Building
#71-114-RX
TOTAL AMOUNT \$ 50.00
COST \$ 50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 494-2413
INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
No. 73880
DATE: Sept. 29, 1970
To: Mrs. Fisher & Fleischmann
c/o 111 E. Chesapeake
Charles Center
Baltimore, Md. 21201
Billed
Zoning Dept. of Baltimore County
RETURN THIS PORTION WITH YOUR REMITTANCE
DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS
REPORT TO ACCOUNT NO. 01-622
QUANTITY
Advertising and posting of property for Dr. David Miller, et al
#71-114-RX
TOTAL AMOUNT \$ 50.00
COST \$ 50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

OFFICE COPY
#205
REVISED PLANS

EXISTING ZONING: R-40
PROPOSED ZONING: RA WITH SPECIAL
EXCEPTION FOR OFFICE USE (R1S5)
NET AREA 2.03 AC
GROSS AREA 2.17 AC
OFF STREET PARKING
NEW BUILDING 14,000 SQ FT
NO OF SPACES REQUIRED: 14,000/300 = 48
EXISTING RESIDENCE
NO OF SPACES REQUIRED: 1
TOTAL NO OF SPACES REQUIRED: 49
TOTAL NO OF SPACES PROVIDED: 53
3RD DISTRICT
NO UTILITIES AVAILABLE
USE CONTINGENT



#71-114RX
MAP
#3
SEC. 2-C
NW-9-G
NW-10-G
RA-X

PLAT FOR ZONING CHANGE
AND SPECIAL EXCEPTION
MS DONOGH ROAD
3RD DISTRICT
BALTIMORE CO MD



REVISED JUNE 8, 1970
JOSEPH D THOMPSON
ENGINEERS AND SURVEYORS
101 SMALL BLVD 2008 JAMAICA
TOWNSHIP MD MAR 11, 1970
SCALE 1" = 50'



REVISED PLANS
#205
COURT: Stewart
Dred: Miller

EXISTING ZONING: R-40
PROPOSED ZONING: RA WITH SPECIAL
EXCEPTION FOR OFFICE USE (R1S5)
NET AREA 2.03 AC
GROSS AREA 2.17 AC
OFF STREET PARKING
NEW BUILDING 14,000 SQ FT
NO OF SPACES REQUIRED: 14,000/300 = 48
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NO OF SPACES REQUIRED: 1
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#71-114RX
MAP
#3
SEC. 2-C
NW-9-G
NW-10-G
RA-X

PLAT FOR ZONING CHANGE
AND SPECIAL EXCEPTION
MS DONOGH ROAD
3RD DISTRICT
BALTIMORE CO MD

OFFICE
COPY



REVISED JUNE 8, 1970
JOSEPH D THOMPSON
ENGINEERS AND SURVEYORS
101 SMALL BLVD 2008 JAMAICA
TOWNSHIP MD MAR 11, 1970
SCALE 1" = 50'