

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION & VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Ira Rigger, et ux, 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-10 and B1 zone to an BH zone, for the following reasons:

Variance to Section 235.3 (232.26) to permit a rearyard of 10' in lieu of the required 20'.

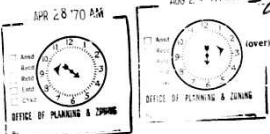
See attached brief

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 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.

Contract purchaser: Elyse L. Rigger
Address: 228 Ivy Hill Rd.
Petitioner's Attorney: William A. Brannan
Address: 406 Jefferson Avenue

ORDERED By The Zoning Commissioner of Baltimore County, this 25th 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of October, 1970, at 10:00 o'clock A.M.



7-118 RA
 4305
 118 RA
 4305
 118 RA
 4305

NEED R. SPANEN & ASSOCIATES
 PLANNING ENGINEERS & LAND SURVEYORS
 8017 YORK ROAD - TOWSON, MD. 21284
 # 71-118 RA
 M.O.L. Zoning Description
 DATE 8-24-70 Irv View Centre
 SHEET 1 OF 1
 PLZ 1-1089 A

All that piece or parcel of land situate, lying and being in the 8th Election District of Baltimore County, State of Maryland and described as follows, to wit:

Beginning for the same at a point on the easterly side of York Road (66 feet wide) at the distance of 632 feet more or less northerly from the north side of Hillside Avenue and at the southerly property line of the Cockeysville Public Library, and running thence binding on the easterly side of York Road, (1) South 109° 28' East 132.00 feet, thence leaving York Road, (2) North 79° 20' East 115.00 feet, (3) South 70° 28' East 100.00 feet, (4) North 79° 20' East 85.00 feet, (5) South 109° 28' East 250.00 feet, (6) North 79° 20' East 627.28 feet and (7) North 59° 17' West 50.88 feet, thence leaving Sherwood Road, (11) South 69° 55' East 356.07 feet, (12) North 61° 40' East 132.00 feet and (13) North 61° 02' West 293.76 feet to the easterly rightline of said Cockeysville Public Library, thence binding on the outline thereof, (14) South 109° 28' East 20.00 feet, (15) South 59° 20' 10" West 111.55 feet and (16) South 79° 32' West 165.00 feet to the place of beginning.

Containing 9.1 acres of land more or less.



Wm. A. Brannan

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner
 FROM: Mr. George E. Gavellis, Director of Planning
 SUBJECT: Petition 771-118-RA, East side of York Road, 632 feet north of Hillside Avenue
 Petition for Re-classification from R-10 and B.1. to B.M.
 Petition for Variance for a rear yard.
 Ira Rigger, et ux - Petitioners
 Bth District
 HEARING: Monday, October 5 1970 (10:00 a.m.)

The Planning Staff will offer comments relative to both this petition (71-118-RA) and an accompanying petition (71-119-8). The latter petition seeks B.M. zoning on all of the Rigger property; this petition seeks B.M. zoning on but a portion.

The Planning staff is opposed to the reclassification requested in both cases. We feel that the present zoning should be maintained and would agree to a moderate extension of B.L. zoning to a depth matching the South 10 degree 28 minute East line to the rear of the Cockeysville Library. This depth represents that point where topographical differences cease to relate the tract to York Road.

The Planning Staff is particularly opposed to any zoning beyond this point for commercial purposes on the basis that the balance of the lot is really related to the land usages which occur and exist along Sherwood Road or Hillside Avenue and the fact that Sherwood Road is completely unattractive as a means of access for commercial purposes. We cannot look at this case on the basis of what innocuously appears to be potential development for a bowling alley and an indoor tennis building. Establishment of commercial zoning here means that the property subsequently could be used for any and all of the uses permitted under B.L. zoning.

GEG:msh

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 771-118-RA

4 Signs
 District: S.H.
 Posted for: Hearing Monday, Nov. 30, 1970 @ 11:00 A.M.
 Petitioner: Ira Rigger
 Location of property: 1/2 of York Road 632' N of Hillside Ave.
 Location of Signs: 2 Bth on York Rd 2 Bth on Hillside Rd
 Remarks:
 Posted by: Miss H. Hines Date of return: Nov. 19, 1970

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 71-118-RA

4 Signs
 District: S.H.
 Posted for: Hearing Monday, Oct. 5, 1970 @ 10:00 A.M.
 Petitioner: Ira Rigger
 Location of property: 1/2 of York Rd 632' N of Hillside Ave.
 Location of Signs: 2 Bth on York Road 2 Bth on Hillside Rd
 Remarks:
 Posted by: Miss H. Hines Date of return: Sept. 24, 1970

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

- COUNTY OFFICE BUILDING
- OLIVER E. WATERS, Chairman
- MEMBERS: BUREAU OF ENGINEERING, DEPARTMENT OF TRAFFIC ENGINEERING, STATE ROADS COMMISSION, BUREAU OF FIRE PREVENTION, HEALTH DEPARTMENT, PROJECT PLANNING BUILDING DEPARTMENT, BOARD OF EDUCATION, ZONING ADMINISTRATION, INDUSTRIAL DEVELOPMENT

August 27, 1970

Frank E. Cicone, Esq.
 First National Bank Building
 Towson, Maryland 21284

RE: Type of Hearing: Re-classification from an R10 and B1 zone to an BH zone. Location: NE 1/4 York Road, 632' N. of Hillside Avenue. Petitioner: Ira C. Rigger, et ux. Committee Meeting of May 12, 1970. 8th District. Item 374.

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 dwelling which seems to be multi-family in character. The property to the north is improved with a church, with the properties to the east and south improved with residential uses. The property to the west is improved with a library and automotive service station. York 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 and by the Zoning Advisory Committee in connection with the subject item.

Highways:
 York Road is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.
 Sherwood Road is an existing County road which is proposed to be improved as a 40-foot closed roadway section within a 60-foot right-of-way and relocated so as to provide a perpendicular intersection with York Road at a point opposite Cockeysville Road and adjacent to the north side of the public library. The proposed relocation will require highway right-of-way acquisition

Frank E. Cicone, Esq.
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through the northernmost corner of this property and the petitioner's engineer should contact the Chief of the Street, Roads and Bridge Design Group of the Bureau of Engineering for further details in regard to vertical and horizontal alignment. Highway right-of-way and improvements would be required in connection with the development of this property.

The petitioner should clarify his rights, title and interest in the existing entrance constructed along the east side of the public library. If the existing entrance is available to serve this property, the entrance must be reconstructed in accordance with Baltimore County standards for a monumental type entrance.

Storm Drains:
 York Road is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.
 No provisions for accommodating storm water or drainage have been indicated on the subject plan; however, storm drainage facilities and easements will be required in connection with the proposed development of this property.

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 recording of any record plat or the issuance of any grading or building permits.

Water:
 Public water supply is available to serve this property.

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Sanitary Sewer:
 Public sanitary sewerage is not available to serve this property at this time; however, a sewerage study is being initiated at this time to determine the feasibility of providing public sewers in the area of this site.

DEPT. OF TRAFFIC ENGINEERING:
 The subject variance should have no effect on traffic.

FIRE DEPARTMENT:
 Owner shall be required to comply with all applicable requirements of the 1971 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.

BOARD OF EDUCATION:
 Construction of bowling alley would not affect student population.

BUILDING ENGINEER'S OFFICE:
 Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations when plans are submitted. N.C. see Parking Lots, Section 409.10 h.

HEALTH DEPARTMENT:
 The method of providing public sewer to the site must be indicated on the revised plan.

STATE ROADS COMMISSION:
 The existing entrance to York Road is acceptable to the State Roads Commission.

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,

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Will be forwarded to you in the near future.
 Very truly yours,
 OLIVER E. WATERS, Chairman

OLM:GD Enc.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map, the above Re-classification should be had, and is further appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners and the Variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved, a Variance to permit a rear yard of zero (0) feet instead of the required twenty (20) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 3 day of December, 1970, that the herein described property or area should be and for a distance of four hundred (400) feet east of York Road, from R-10 and B.L. Zone to a B.M. Zone, and the Variance to permit a rear yard of zero (0) feet instead of the required twenty (20) feet should be granted.

and the same is GRANTED, from and after the date of this Order, subject to the approval of the site plan by the State Foods Commission, the Bureau of Public Services and the Office of Planning and Zoning.

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

the above re-classification should NOT BE HAD and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4 day of December, 1970, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby confined as and to remain a _____ zone, and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 17, 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 (1) issue before the 5th day of October, 1970, the first publication appearing on the 17th day of September, 1970.

THE JEFFERSONIAN,
Baltimore, Md.
Manager

Cost of Advertisement, \$ _____

PETITION FOR RECLASSIFICATION AND VARIANCE

ZONING: From R-10 and B.L. to B.M. Zone. Petition for Variance for a Rear Yard.
LOCATION: East side of York Road, 432 feet east of York Road.
DATE & TIME: Monday, October 19, 1970, 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Board of Estimates and the Board of Public Works, do hereby certify that the above petition for reclassification and variance was filed with the Zoning Department on the 17th day of September, 1970, and that the same was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of one (1) issue before the 5th day of October, 1970, the first publication appearing on the 17th day of September, 1970.

TELEPHONE 494-2413

INVOICE No. 73821

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

DATE Sept. 13, 1970

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Frank E. Clonns, Esq., First National Bank Building, Towson, Maryland 21284

City Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284

Your Petition has been received and accepted for filing this 25th day of August, 1970

Edward D. Hardesty, Zoning Commissioner

DEBIT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
01-622		Petition for Reclassification from R-10 and B.L. to B.M. Petition for Variance for a Rear Yard. #73-118-2A	\$ 50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE, REVENUE DIVISION MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE 404-2413

INVOICE No. 75423

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

DATE Nov. 30, 1970

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Dr. C. Rigger, 407 Hill Road, Cockeysville, Md. 21030

Zoning Dept. of Baltimore County

DEBIT TO ACCOUNT NO.	QUANTITY	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
01-622		Advertising and posting of property #73-118-2A	71.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO OFFICE OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204

PETITION FOR RECLASSIFICATION AND VARIANCE

ZONING: From R-10 and B.L. to B.M. Zone. Petition for Variance for a Rear Yard.

LOCATION: East side of York Road, 432 feet east of York Road.

DATE & TIME: MONDAY, OCTOBER 19, 1970, 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Board of Estimates and the Board of Public Works, do hereby certify that the above petition for reclassification and variance was filed with the Zoning Department on the 17th day of September, 1970, and that the same was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of one (1) issue before the 5th day of October, 1970, the first publication appearing on the 17th day of September, 1970.

THE TOWSON TIMES ORIGINAL

724 YORK ROAD TOWSON, MD. 21284

September 22, 1970

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) week before the 21st day of September, 1970, that is to say, the same was inserted in the issue of Sept. 17, 1970.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

THE TOWSON TIMES ORIGINAL

724 YORK ROAD TOWSON, MD. 21284

November 10, 1970

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County, was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) week before the 10th day of November, 1970, that is to say, the same was inserted in the issue of Nov. 13, 1970.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

PETITION FOR RECLASSIFICATION AND VARIANCE

ZONING: From R-10 and B.L. to B.M. Zone. Petition for Variance for a Rear Yard.
LOCATION: East side of York Road, 432 feet east of York Road.
DATE & TIME: Monday, November 10, 1970, 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Board of Estimates and the Board of Public Works, do hereby certify that the above petition for reclassification and variance was filed with the Zoning Department on the 10th day of November, 1970, and that the same was published in THE TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of one (1) issue before the 10th day of November, 1970, the first publication appearing on the 13th day of November, 1970.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 12, 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 (1) issue before the 10th day of November, 1970, the first publication appearing on the 13th day of November, 1970.

THE JEFFERSONIAN,
Baltimore, Md.
Manager

Cost of Advertisement, \$ _____

Plat for Zoning Purposes Over View Centre

Owner: Ina C. & Elizabeth E. Rogers - Industry Lane, Cockeysville, Md.
 5th Dist. Baltimore County, Md.
 Scale: 1" = 50'
 April 15, 1970
 Updated: Oct. 20th, 1970
 Application: Reclassification of Parcel from R-10 & B.L. to B.M.
 Variance for 10' rear yard setback

Zoning Data:

See Northern Area Map & N.W. 17B
 Area: 9.1± Acres
 Existing Zoned: B.L. = 1.4± Ac.
 R-10 = 7.7±
 9.1± Ac

Proposed: B-M for 9.1± Ac

Total Floor Area: 37,725 sq ft
 Parking Required: 37,725 / 300 = 126
 " Provided = 126

Boating Alley: 28,880 sq ft
 3100 sq ft
 120

Use: As Shown

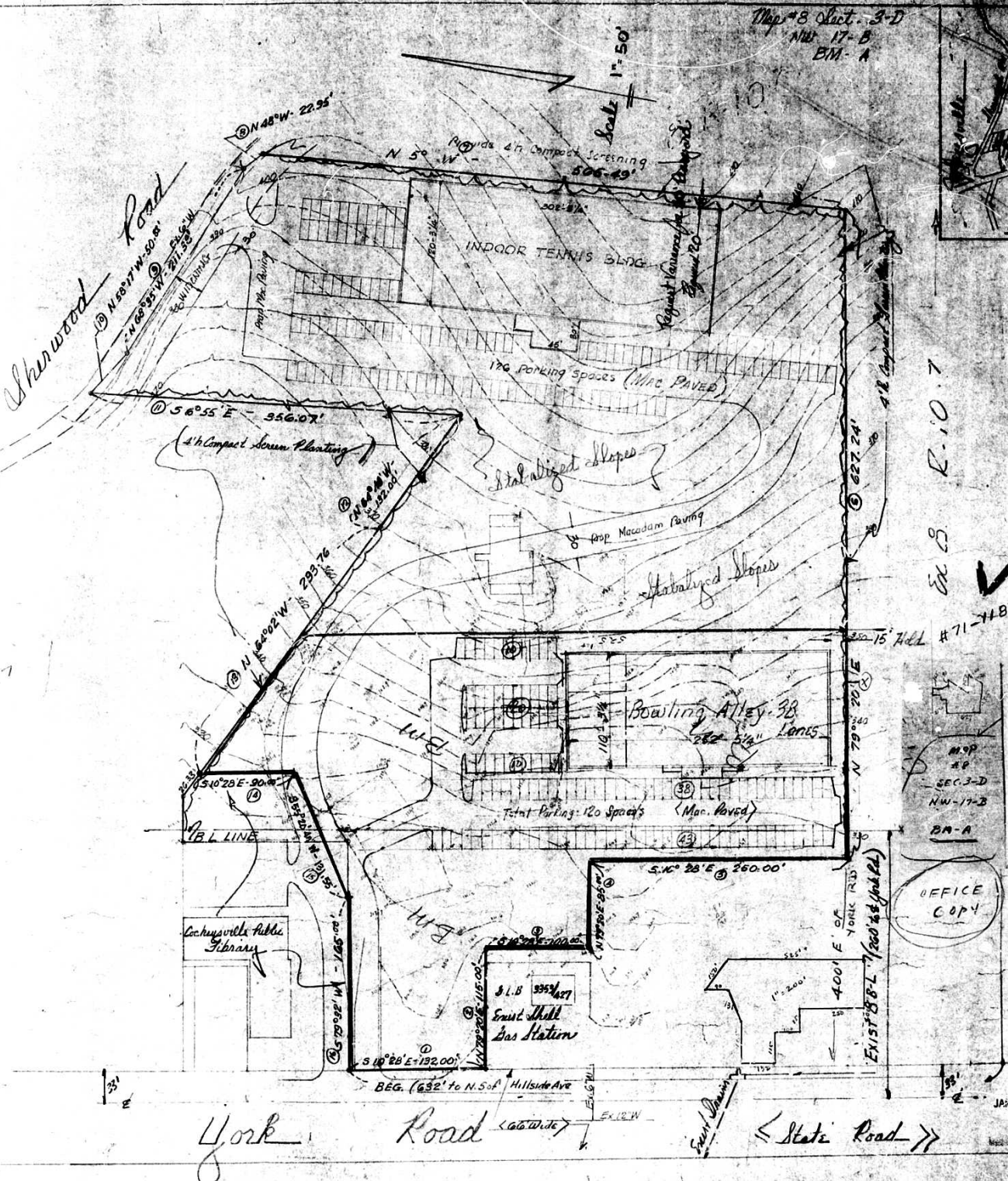
235.1 Front Yard - Not less than 15 feet
 or 40 feet & street

232.2 Side Yard - Abutting R-10 - 10 feet

Note: 232.3 Rear Yard - Abutting R-10 - 20 feet required

This application - Rear Yard variance for
 10 feet along N 5° W - 565.49 ft line

Note: Outline compiled from deeds & data furnished



EX 8 R-10.7
 # 71-11B RA

OFFICE COPY
 REVISED PLAN
 OCT 26 7 00 PM
 OFFICE OF PLANNING & ZONING

Hillside Ave
 # 305
 OFFICE COPY
 REVISED PLAN
 OCT 26 7 00 PM
 OFFICE OF PLANNING & ZONING

JAMES S. SPAMER & ASSOCIATES
 ENGINEERS & SURVEYORS
 3017 YORK ROAD
 TOWSON, MD. 21284

File 1-110