

**PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ralph deChiaro and Dorothy deChiaro legal owner(s) 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-20 zone to an R-20 zone for the following reasons:

Error in original zoning and/or the character of the neighborhood has changed to such an extent that the requested change is proper.

See attached description

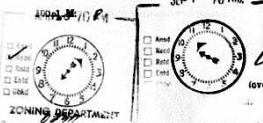
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

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 Dorothy deChiaro Legal Owner  
Address \_\_\_\_\_

William L. Siskins, Petitioner's attorney  
Md. National Bank Bldg. 21202

James D. Nolan, Petitioner's attorney  
204 W. ...  
of September, 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 had before the Zoning Commissioner of Baltimore County in Room 155, County Office Building in Towson, Baltimore County, on the 14th day of October, 1970 at 2:00 o'clock



71-124 R  
MAP 2-B  
WESTERN AREA  
NW-1-G  
NW-1-H  
RA  
ORDER RECEIVED FOR FILING  
DATE 10/17/70  
BY J.C. Stevens, etc.

BEFORE THE DEPUTY ZONING COMMISSIONER  
BALTIMORE COUNTY

The Petitioners seek a Reclassification from a R-20 Zone to a R.A. Zone for a parcel of property, consisting of 15.8 acres of land, more or less, located on the northwest corner of Johnnycake Road and Inwood Road, in the First District of Baltimore County. Interstate 70 is immediately to the north of the subject property.

Testimony on behalf of the Petitioners indicated that the developer wants to construct garden type apartments. The property was acquired by the Petitioners in 1959 but has not been developed. The property immediately to the north of Interstate 70, or across Interstate 70 from the subject property, is now being developed into garden type apartments. The subject area is rural in nature, and it was cited that there was a demand for apartments in this area. Water is available, and the sanitary sewer system is some distance from the subject property. A real estate expert, testifying on behalf of the Petitioners, stated that the property could not be developed in its present R-20 zone classification because of a rock base and that it would not be economically feasible. Witnesses stated several changes in the area but none were in close proximity to the subject property.

Residents of the area, in protest to this Petition, testified as to the rural nature of the neighborhood, the poor access to the subject property, Rolling Road being a narrow two (2) lane road and no proposed widening anticipated. It was further felt that the development of this land into apartments would be detrimental to the value of the surrounding properties. They further testified that they were not concerned with the construction of Interstate 70 and felt that this acted as a buffer between the apartments and industrial uses to the north.

Without reviewing the evidence further in detail but based on all the

evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Comprehensive Zoning Map adopted in November 1962, was not in error in placing a R-20 Classification on the subject property. The Baltimore County Council was well aware of the anticipated construction of Interstate 70 at the time of the adoption of the Comprehensive Zoning Map. The burden of showing that the legislative body was in error is borne by the Petitioners, and the Petitioners have failed to meet this burden.

Furthermore, the Petitioners failed to show a substantial change in the character of this area. It is basically rural now, as it was in 1962. Interstate 70 is a man-made barrier between the apartment and industrial complexes to the north, thus serving as a buffer.

It is therefore, ORDERED this 19th day of January, 1971, by the Deputy Zoning Commissioner of Baltimore County, 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-20 Zone.

*Al. D. Nolan*  
Deputy Zoning Commissioner of Baltimore County

**PROPERTY OF RALPH DE CHIARO AND DOROTHY DE CHIARO  
FIRST ELECTION DISTRICT OF BALTIMORE COUNTY**

**I. DESCRIPTION OF PROPERTY**

The property is comprised of some 15.8 acres with some frontage along Johnnycake Road and extensive frontage along Inwood Road, which two roads form the main means of access to the tract. The property lies along the south side of Interstate 70-N and has a high degree of exposure to Interstate 70-N, with all the unfavorable aspects of a major interstate highway such as traffic noise, lights, etc., as well as exposure to a Baltimore Gas and Electric transmission line which bisects the property paralleling the route of Interstate 70-N.

**II. PRESENT ZONING**

The property is presently zoned R-20 and is vacant with no present uses.

**III. REQUESTED ZONING**

The property owners respectfully request that the property would be more properly utilized for garden apartment usage similar to the existing apartments directly across the Interstate Route 70-N right of way.

**IV. REASONS FOR REQUEST**

Due to the presence of Interstate Route 70-N as well as the Baltimore Gas and Electric Company transmission line, the property cannot be developed for houses on a R-20 basis. If rezoned as requested for use as garden apartments, the property will serve as an effective transitional use between cottage development to the south and the transmission line and Interstate Highway to the north. Insofar as utilities are concerned, the property is bisected by an 8-inch sanitary sewer, and city water is available nearby. This tract is part of a larger tract owned by the property

owners which was severed from the Chadwick Manor development by the building of Interstate Route 70-N which has completely changed the nature of this property and the neighborhood.

Respectfully submitted,

James D. Nolan  
Attorney for Ralph and Dorothy DeChiaro  
Property Owners

**MCA**  
MATE, CHILDS & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-893-0900

DESCRIPTION  
**15.8 ACRE PARCEL**  
**NORTH SIDL OF INWOOD ROAD AT JOHNNYCAKE ROAD**  
**FIRST ELECTION DISTRICT**  
**BALTIMORE COUNTY, MARYLAND**

This Description is for R-A Zoning

Beginning for the same at the point of intersection of the center lines of Johnnycake Road and Inwood Road, running thence binding on the center of Inwood Road, (1) S 82° 58' 10" W - 1082.38 feet, thence binding on the outlines of the land now or formerly owned by Clarence E. Hildebrand and Henry L. Mayer three courses: (2) N 07° 01' 50" W - 200.00 feet, (3) S 82° 58' 10" W - 400.00 feet and (4) S 07° 01' 50" E - 200.00 feet to the center of said Inwood Road, thence binding thereon, (5) S 82° 58' 10" W - 800.00 feet to the S 07° 49' 50" W - 1589.98 foot line of the first parcel of land conveyed to Ralph DeChiaro May 8, 1959 in Baltimore County Land Record W.J.R. 3526 page 55; thence binding reversely on a part of said line, (6) N 09° 31' 45" E - 365 feet, more or less, to the south side of the 3.826 acre parcel conveyed to Bankers Trust Company by Ralph DeChiaro and wife July 15, 1968, thence binding on the south side of said 3.826 acre parcel, four courses: (7) S 79° 14' 00" E - 97.3 feet, more or less, (8) N 81° 42' 00" E - 472.2 feet, (9) N 83° 02' 00" E - 1487.76 feet, and (10) S 79° 49' 20" E - 392 feet, more or less, to the center of said Johnnycake Road, thence binding on the center thereof S 40° 22' 10" W - 315 feet, more or less, to the place of beginning.  
Containing 15.8 acres of land, more or less.

RWB:mpl I.O. No. 64119-B

STATE OF MARYLAND  
PROFESSIONAL ENGINEER  
JAN 15, 1970

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Mr. Edward D. Herdasty, Zoning Commissioner Date: October 14, 1970

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

SUBJECT: Petition #71-124-R. Northwest corner of Johnnycake and Inwood Roads  
Petition for Reclassification from R-20 to R.A. Zone.  
Ralph deChiaro - Petitioner

1st District  
HEARING: Wednesday, October 14, 1970 (2:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-20 to R.A. zoning and has the following advisory comments to make relative to planning factors.

The Planning Staff agrees with the petitioner that his property has been severed by Interstate Route 70-N. We believe that this severance divorces the subject property from any relationship to the higher residential intensities which have been created and occur in the north. Rather, the subject property is related to the lower density residential uses which occur here and no intensification is warranted from a planning viewpoint. The Planning Board has reviewed the issues embodied in this petition and recommends that the subject property be retained in D.R. 2 zoning.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: OCT. 26, 1970

Posted for: RECLASSIFICATION R-20 TO R.A.

Petitioner: RALPH DECHIARO

Location of property: NW COR. OF JOHNNYCAKE & INWOOD ROAD.

Location of Signs: CORNERS OF JOHNNYCAKE RD. & INWOOD RD. - @ NW COR. OF INWOOD ROAD. @ E. COR. OF JOHNNYCAKE RD. @ SW COR. OF JOHNNYCAKE RD.

Posted by: [Signature] Date of return: OCT. 21, 1970

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
115 E. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21284

OLIVER L. MYERS  
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

June 11, 1970

James D. Nolan, Esq.  
204 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Type of Hearing: Reclassification  
from an R20 zone to an RA zone  
Location: N/W Cor. Int. Inwood &  
Johnnycake Rds.  
Petitioners: Ralph and Dorothy de Chiara  
Committee Meeting of April 28, 1970  
1st District  
Item 282

Dear Sir:

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 unimproved land, with the property to the north bordered by the Interstate Route 70. The property to the south and east is improved with residential uses. The property to the west is vacant residential property. Inwood and Johnnycake Roads are not improved with concrete curb and gutter at the present time. The site itself has a stream running from north to south through the site which might necessitate a drainage and utility easement to rechannel this stream.

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:

Johnnycake Road and Inwood Road are existing macadam roads proposed for improvement as 40-foot closed roadways within 60-foot rights-of-ways. The existing intersection must be realigned to tie Inwood Road into Johnnycake Road with a 90 degree intersection. Highway right-of-way widening and improvements would be required in connection with any subsequent development of this property.

James D. Nolan, Esq.  
204 W. Pennsylvania Avenue  
Item 282  
Page 2

June 11, 1970

Highways: (Continued)

Interstate 70-N is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Storm Drains:

Detailed provisions for accommodating storm water or drainage have not been indicated on the subject plan; however, a storm drainage study and 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.

Interstate 70-N 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 recording of any record plat or the issuance of any grading or building permits.

Waters:

Public water supply can be made available to serve this property by construction of a public water main extension in Johnnycake Road from the public water main now under construction in Rolling Road.

A water main extension in Johnnycake Road from Rolling Road to Woodcliff Road is currently being designed by Baltimore County; however, construction has not been scheduled as of this date.

James D. Nolan, Esq.  
Item 282  
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June 12, 1970

Sewer:

Public sanitary sewerage can be made available to serve this property by construction of a public sanitary sewer extension of approximately 1200 feet from the Cedar Branch Interceptor which is currently under construction. It appears possible that additional sanitary facilities may be required to serve the low area at the west end of this property.

PROJECT PLANNING DIVISION:

This office has reviewed the subject site plan and offers the following comments:

Inwood and Johnnycake Roads are not adequate at this time to serve a development of this magnitude.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from R20 to RA of 15.8 acres. This should increase the trip density from 300 trips a day to 2,000 trips a day. Considering the existing condition of Inwood and Johnnycake Roads, some problems can be anticipated from the subject proposal.

BOARD OF EDUCATION:

The Chadwick Elementary School with a capacity of 375 and an enrollment of 361 (as of Sept. 17) services this area.

The area as currently zoned could ultimately yield approximately 7 students, while if the area was rezoned apartments it could yield approximately 50 pupils.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of Baltimore County Building Code and Regulations when plans are submitted.

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.

James D. Nolan, Esq.  
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Page 4

June 11, 1970

FIRE DEPARTMENT: (Continued)

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

Minimum width to the roads through site shall be 30' to assure passage of Fire Department equipment.

HEALTH DEPARTMENT:

Revised plan must be submitted showing how the property is to be served by water and sewer.

STATE ROADS COMMISSION:

No adverse effects to the State highway are anticipated as a result of the proposed development.

ZONING ADMINISTRATION DIVISION:

This office is withholding a hearing date until such time as the petitioner submits revised plans showing the following:

- 30 ft. private drive to provide for adequate emergency and fire protection access.
- Means for providing proper sewer and water disposal.

Very truly yours,

*Oliver L. Myers*  
OLIVER L. MYERS, Chairman

OLM:JD

Enc.

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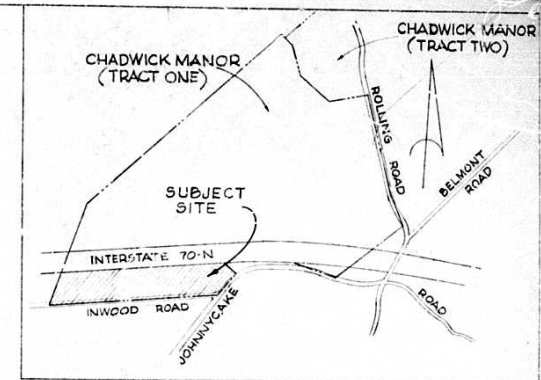
Very truly yours,

*Oliver L. Myers*  
OLIVER L. MYERS, Chairman

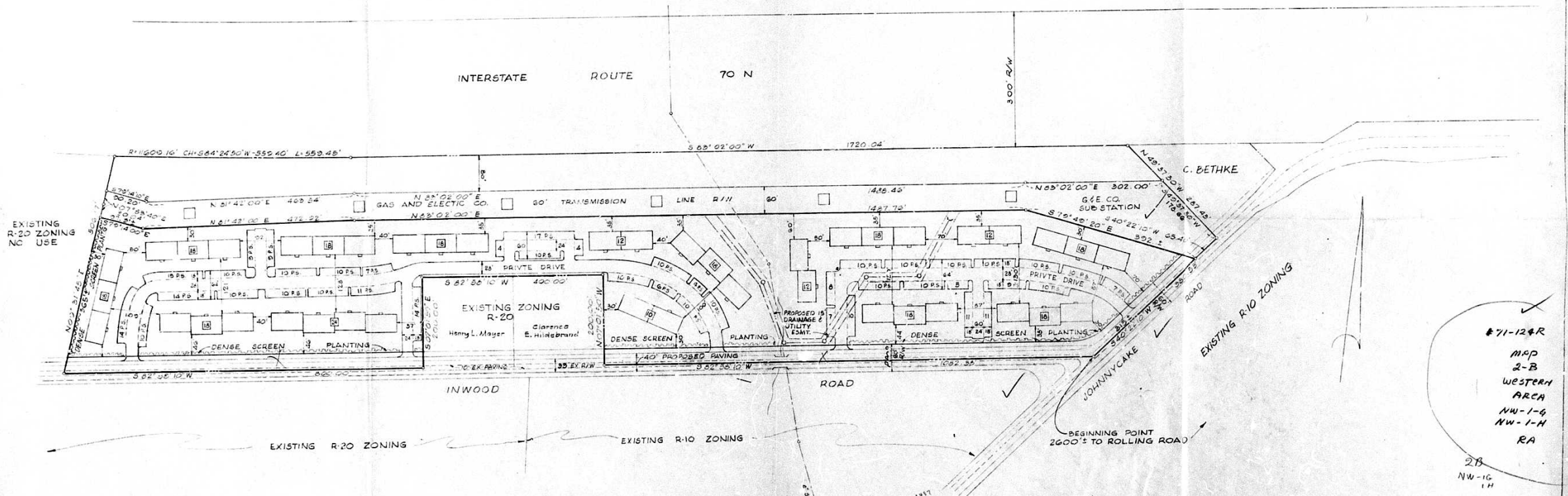
OLM:JD

Enc.





VICINITY MAP  
SCALE: 1" = 1000'



#71-124R  
MAP  
2-B  
WESTERN  
AREA  
NW-1-G  
NW-1-H  
RA  
2B  
NW-1C  
1H

**GENERAL NOTES**

Area of tract 15.3 Ac.±  
 Net Area of tract 14.1 Ac.±  
 Net Residential Density 17.7 L.U./Ac.±  
 Gross Area of tract 15.6 Ac.±  
 Gross Residential Density 16.0 L.U./Ac.±  
 Total Units Permitted 250  
 Total Units Proposed 250  
 Total Number Parking Spaces - 406 (@ 85% AB) - 162%

Existing Zoning R-20  
 Proposed Zoning R-A  
 Existing Use None  
 Proposed Use Garden Apartments

PLAT TO ACCOMPANY PETITION  
 FOR RECLASSIFICATION OF PROPERTY  
 VICINITY OF  
 INWOOD ROAD & JOHNNYCAKE ROAD  
 1<sup>ST</sup> ELECTION DISTRICT, BALTIMORE CO. MARYLAND  
 SCALE: 1" = 100'  
 APRIL 14, 1970



MATZ, GHILDS & ASSOCIATES  
 1000 CHURCH HILL BRIDGE ROAD  
 BALTIMORE, MD. 21202  
 I. & R. NO. 10978  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 P.E.S.

#64110-D