

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, (see attached list of owners labeled "A") 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 R-6 to an R-A zone, for the following reasons:

- There was a mistake in the original zoning; and/or
- The character of the neighborhood has changed to such an extent that a reclassification as requested 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 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.

(See attached sheet for said signatures, labeled "B")

Contract purchaser	Legal Owner
Address	Address
James D. Nolan, Petitioner's Attorney	Protestant's Attorney
Address: 204 West Pennsylvania Avenue, Towson, Maryland 21204	

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of September, 1967, 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 106, County Office Building in Towson, Baltimore County, on the 16th day of October, 1967, at 10:00 o'clock A.M.

Edward D. Lindley
Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION :
E/S of Winters Lane, 1070' NW of the
Baltimore National Pike - 1st District :
Phoebe Berman, et al - Petitioners :
NO. 71-166-R (Item No. 177) :

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners having withdrawn their Petition, the same is hereby DISMISSED without prejudice.

Edward D. Lindley
Zoning Commissioner of
Baltimore County

December 7, 1970

ORDER RECEIVED FOR FILING

DATE: DEC 9 1970

BY: [Signature]

Administrative Assistant

ADDENDUM TO PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

A. List of Legal Owners

Phoebe Berman, Estate of Joseph W. Shapiro, Bernard
S. Melnicove, Trustee, Robert A. Sindall, Jr., Estate of Emanuel
G. Carton, Leonard Wallenstein, Sidney Milan, Maxwell Rubin,
Francis S. Levian, Joseph S. Kaufman, Trustee, and Fred Robbins.

B. Signatures of Legal Owners:

Phoebe Berman
Valley Road
Lutherville, Maryland
Estate of Joseph W. Shapiro
by [Signature] Title

Robert A. Sindall, Jr.
713 E. Lombard Street
Baltimore, Maryland 21202

Estate of Emanuel Carton
by [Signature] Title
c/o Mrs. Emanuel Carton
11 Slade Avenue
Baltimore, Maryland 21208
Leonard Wallenstein
848 West 36th Street
Baltimore, Maryland 21211

Sidney Milan
180 East 79th Street
New York, New York

Maxwell Rubin
34 North LaSalle Street
Chicago, Illinois

Francis S. Levian
200 Park Avenue
New York, New York 10017

Joseph S. Kaufman, Trustee
Maryland National Bank Building
Baltimore, Maryland 21202

Fred Robbins
206 East 58th Street
New York, New York

MCA

MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-823-0500

Lester Matz, P.E., L.S.
John E. Childs, P.E., L.S.
Associates
Hansel W. Brubaker, L.S.
George W. Brubaker, L.S.
Robert W. Crissman, P.E.
Leonard M. Glass, P.E.
Norman F. Himmelman, L.S.
Paul Lee, P.E.
Paul R. Spaulding

DESCRIPTION

33.6 ACRE PARCEL, EDGAR F. BERMAN PROPERTY, SOUTHWEST SIDE OF
THE BALTIMORE BELTWAY, NORTH OF THE BALTIMORE NATIONAL PIKE,
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "R-A" Zoning

Beginning for the same at a point on the east side of Winters Lane, at the distance of 1070 feet, more or less, as measured northeasterly along the south-east side of said Winters Lane from its intersection with the northwest side of the Baltimore National Pike, running thence binding on the south and east outlines of the property described in the deed from Theodore C. Denick, Executor, to Edgar F. Berman, dated February 14, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4269, page 163, two courses: (1) N 03° 10' W 375 feet and (2) N 36° 50' E 270 feet, more or less, to intersect the westernmost right of way line of the Baltimore Beltway, thence binding on said right of way line, (3) northwesterly, by a curve to the right with a radius of 3819.72 feet, the distance of 465 feet, more or less, to the southeast corner of Section 5, "Westview Park", as recorded among said Land Records in Plat Book W.J.R. 26, page 39, thence binding on the southwest outline of said plat, (4) N 76° 35' W 1020 feet, more or less, to a point in the southeast outline of the land conveyed to the Board of Education of

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Fire Alarms ■ Developments ■ Planning ■ Reports

Baltimore County by deed recorded among said Land Records in Liber W.J.R. 3893, page 603, thence binding on a part of said southeast outline and on the southeast and east outlines of Section 6, "Westview Park" recorded among said Land Records in Plat Book W.J.R. 26, page 33 two courses, (5) S 45° 16' 20" W 1131.06 feet and (6) S 15° 37' W 370.42 feet to the southeast corner of said last mentioned plat, thence binding on the south outlines of said Berman's property five courses: (7) N 86° 28' 30" E 858 feet, (8) N 01° 31' 30" W 99 feet, (9) N 86° 28' 30" E 660 feet, (10) S 01° 31' 30" E 119.30 feet, and (11) N 87° 48' E 275.55 feet to the place of beginning.

Containing 33.6 acres of land, more or less.

SAF:impl

J.O. #66134

January 5, 1970

11/5/69

PROPERTY OF DR. H. E. BERMAN
(COUNTY BELTWAY EXIT 15)

I. PROPERTY DESCRIPTION

This property is located on the west side of the Baltimore County Beltway and north of Route 40 West. It adjoins, on the northeast boundary, the property on which is situated the Westview Elementary School. It is comprised of about 36 acres, more or less, most of which is wooded and relatively flat. It is bounded on its south side by the property belonging to the Edmondson Drive-In Movie Theater. Abutting along the western boundary is the development of single family dwellings known as Westview Park.

II. PRESENT ZONING

This property is presently zoned R-6.

III. REQUESTED ZONING

This property, in light of its location and the surrounding uses, is better suited for a residential apartment (R-A) zoning classification and it is this classification which is requested.

IV. BASIS FOR REQUESTED ZONING

Between Ingleside Avenue and Rolling Road and along either side of Route 40 West, there has been a great deal of commercial development in the last ten years. This development has been spurred on by the area's easy access to the County Beltway and by a general movement of population westward from Baltimore City. The subject property is situated just north of this commercial development and immediately south of an area developed by residential, single-family dwellings. In such a location, residential apartments would provide a logical transitional use from

the commercial strip to the single-family dwellings, and, paranthetically, a proper counterpoint to both.

There are ample community services available in the community to support the population of such an apartment complex. A major metropolitan Baltimore shopping center is within a short distance from the subject property. Schools to service the existing residential community have already been erected and could continue to serve the residents of the apartments. Further, the population of the apartments would generally be in those age groups which would not overburden existing schools, since apartments generally attract either young couples with young families or no families at all or older couples. See children are past school age.

The subject property is in close proximity to major transportation routes; namely, Route 40 and the County Beltway. These highways though heavily traveled, are constructed and designed to handle large traffic flows quickly and without delays. Thus, there would be no need to further enlarge these arterial highways to accommodate the relatively small extra capacity demanded by apartment residents.

In summation, it is our position that the subject property is a logical parcel to be developed for residential apartments. The economy of the area, the services presently available, and the nature of the present community indicate that there is both a need for and an ability to absorb such a development.

Respectfully submitted,

James D. Nolan
Attorney for Dr. H. E. Berman

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 N. Calverton Road
Towson, Maryland 21204OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF

TRAFFIC ENGINEERING

STATE BOARD OF CONSUMERS

BUREAU OF

FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

NATURAL DEVELOPMENT

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

March 13, 1970

Re: Type of Hearings: Redistricting
from an R-6 zone to an R-6A zone
Location: SW/4 Beltway, No. of
Baltimore National Pike
Petitioner: Edgar F. Berman
Committee Meeting of March 3, 1970
1st District
Item 177

Dear Mr. Nolan:

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 century and a half vacant lot. The property is the north is property which is zoned public owned by the Board of Education and a part of the Westview subdivision. The properties to the south are partly unimproved and partly developed with dwellings. The property to the east is bordered by the Baltimore Beltway and to the west by additional property known as the Westview subdivision. At the present time the only means of access to the subject property is by the 14 ft. paved road known as Winters Lane.

PROJECT PLANNING DIVISION:

The office has reviewed the subject application and has the following comments:

We will withhold comment pending the submission of a revised plan during Winters Lane extended through the property to another public road providing circulation.

BUREAU OF ENGINEERING

Zoning Plat - Comments

March 11, 1970

177. Property Owner: Edgar F. Berman
(1969-1970)
Location: SW/4 Beltway, No. of Balto. Nat. Pike
District: 1st
Present Zoning: R-6
Proposed Zoning: R-6 to RA
No. Acres: 33.6General:

This site was reviewed as an R-6 development by the Baltimore County Joint Subdivision Planning Committee on January 5, 1967. A copy of the comments of that review are attached.

Highways:

Presently, access to this site appears to be non-existent or inadequate at best.

Both Handy Avenue and Alexander Avenue, unimproved "paper" streets and Winters Lane, an existing road, will be improved as 40-foot close sections with flexible paving on 50-foot rights-of-way. Highway improvements, including highway right-of-way widening will be required for these roads. From the outline of this site to the Baltimore National Pike (U.S. 40 West), in connection with any subsequent grading permit or building permit applications.

All proposed streets within the proposed apartment site are to be private and of a minimum width based on Fire Bureau requirements.

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 striping 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.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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

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March 13, 1970

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting 545 apartment units with only one access point. This one point of access is Winters Lane which exists as a 14 foot street. The 1900 trips generated by the subject site cannot be handled by Winters Lane.

BOARD OF EDUCATION:

The Johnstown Elementary School services this area, and with a capacity of 720 is currently 70 pupils over capacity as of October 31, 1969 enrollment figures. Based on a yield factor of .558 taken from a study of the Helwin Apts. in 1965, this area if rezoned to RA could possibly yield 305 students, while if it remained R-6 its ultimate yield could be 120 students.

The Board of Education has a parcel of land adjoining this area, but this site will probably not be used for a school building. The Board of Education also has a site at Rolling and Crosby Roads and has plans for a new elementary school in the Woodridge Valley development in 1972.

FIRE DEPARTMENT:

1. Fire Department shall require two separate means of access from proposed site.
2. Fire hydrants shall be in accordance with Baltimore County Standards.
3. Apartments shall comply to all applicable requirements of the Fire Prevention Code and the 101 Life Safety Code, 1967 edition.

BUILDING ENGINEERING OFFICE:

No comments until plans are submitted.

HEALTH DEPARTMENT:

Existing public water and sewers at this site.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland

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

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March 13, 1970

HEALTH DEPARTMENT: (Continued)

State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Swimming Pool Comments: Prior to approval of a public pool on this site two complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

ZONING ADMINISTRATION DIVISION:

In view of the comments by the Project Planning Division, this office is withholding a hearing date until such time as adequate access is provided to the subject site. The petitioner should refer to the Project Planning Division comments with regard to proposed alignment of these two access roads. A sewer study will be required to determine the adequacy of the existing sewer line with regard to the development of this entire tract. This sewer study also must be submitted prior to the hearing date being assigned.

The Zoning Advisory Committee would like to stipulate at this time that the two means of access is a necessity to provide for adequate fire protection and prevent a concentration of undue traffic at the intersection of Winters Lane and Route 40. We feel that this should be taken into consideration by the Zoning Commissioner or his Deputy prior to writing an Order.

Very truly yours,

Oliver L. Myers
Oliver L. Myers, ChairmanOLM:JD
Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver L. Myers
FROM: Ian J. Porreast
SUBJECT: Item 177 - Zoning Advisory Committee Meeting, March 3, 1970

Date: March 9, 1970

Health Department Comments:177. Property Owner: Edgar F. Berman
Location: SW/4 Beltway, No. of Balto. Nat. Pike
Present Zoning: R-6
Proposed Zoning: R-6 to RA
District: 1st
No. Acres: 33.6

Existing public water and sewers at this site.

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.

Swimming Pool Comments: Prior to approval of a public pool on this site two complete sets of plans and specifications of the pool and bathhouse must be submitted to the Baltimore County Department of Health for review and approval.

Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJP/ea

177. Property Owner: Edgar F. Berman
(1969-1970)
Page 2Storm Drains: (1/4)

In accordance with the drainage policy for this type development, the Applicant is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Applicant's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the deeding in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Applicant.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 50-year design storm. However, a minimum width of 50 feet is required. The Developer must furnish the Bureau of Engineering with a drainage study in connection with any subsequent grading or building permit applications.

The Applicant must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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 Applicant.

The Baltimore Beltway (U.S. 695) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Water:

Public water is available to serve this site; however, private connections and/or extensions may be required to serve the proposed apartment complex.

Sanitary Sewer:

Public sanitary sewerage can be made available to serve this site by constructing a public sanitary sewer extension approximately 1800 feet in length from the existing 8-inch public sanitary sewer in Keithmont Road.

Utilities:R-NE Key Sheet
3 and 4 SW 24, 25 and 26 Position Sheets
SW 19 and 20 To 2
24 and 25 TAC

REVIEWED BY THE BALTIMORE COUNTY JOINT SUBDIVISION PLANNING COMMITTEE

JANUARY 5, 1967

DEVELOPER PROPERTYDeveloper - McIntee, Asch, Greenberg & Kaufman, Suite 1215-1230,
10 Light Street, Baltimore, Maryland 21202
Engineer - Mats, Childs & Assoc., 1020 Cromwell Drive Road
Towson, Maryland 21204

District - 1

Location - N of Route 40, W/S Baltimore Beltway

Lot Type - R-6 No. of Lots 143 No. of Acres 36

Facilities - Contemplated Water & Sewer

Representatives Present:

Representing Developer: Lester Mats, Charles Smith

Representing Developer's Section: Edward A. McDonough
Paul Koch

The Developer presented a 100-scale plan of the proposed subdivision located west of the Baltimore Beltway, south and east of the Westview Park Subdivision and north approximately 1000 feet from the Baltimore National Pike. The Committee reviewed this plan and made the following comments.

This property, known as the Berman Property, existed as a cemetery; therefore, in the planning of the Westview Park Subdivision, no access was provided to this property. It is our understanding that this cemetery, which is now being processed as a subdivision, was never used by the owners as a cemetery; therefore, the use as now proposed is acceptable to the Office of Planning and Zoning.

The only means of ingress and egress to this subdivision as proposed is by Winters Lane, a partially improved road, and Handy Avenue and Alexander Avenue which are paper streets. It is noted by the Committee that Winters Lane would have to be improved to provide access to this subdivision. In addition, one of the streets in Westview Park would have to be improved. It was requested of the Committee that the Bureau of Traffic and the State Road Commission review the street pattern within the Douglas Park Subdivision and the decision be made as to which street be used as a means of access to this subdivision.

It was also pointed out that Westview Elementary School is planned to the north and west of this subdivision and if the school is constructed, access would have to be provided from this subdivision to the school. However, it was also pointed out that if the school does not pro-

JSPC Meeting
Re: Berman Property
District 1

-2-

January 5, 1967

cees and the land is developed as a subdivision, a street would be required within this subdivision to connect to the Westview Park Subdivision. In order to provide proper vehicular movement and orientation of traffic, access should be provided from Westview Park to this subdivision either by way of the proposed school property or through one of the lots within the Westview Park Subdivision. The Traffic Engineer was requested to make a study of the area to determine if this access will be required.

The open space as shown on this plan appears to be satisfactory to the Committee. However, it was again pointed out that pedestrian access must be provided from this subdivision to the open space area in the northern portion of this property. Also, it should be checked by the Developer's Engineer and the Department of Recreation and Parks for a location for vehicular access to this open space area.

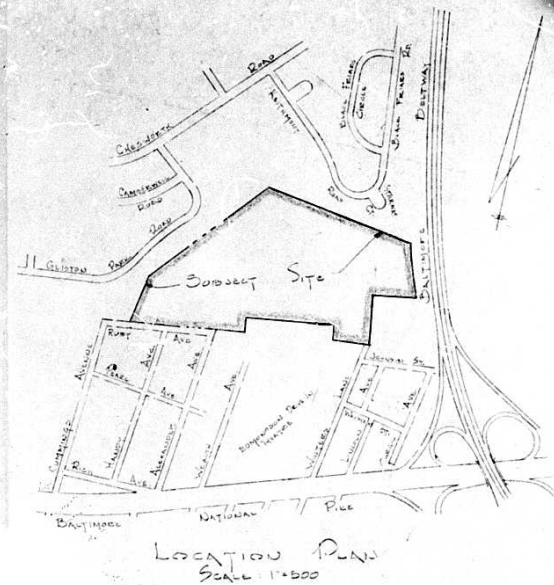
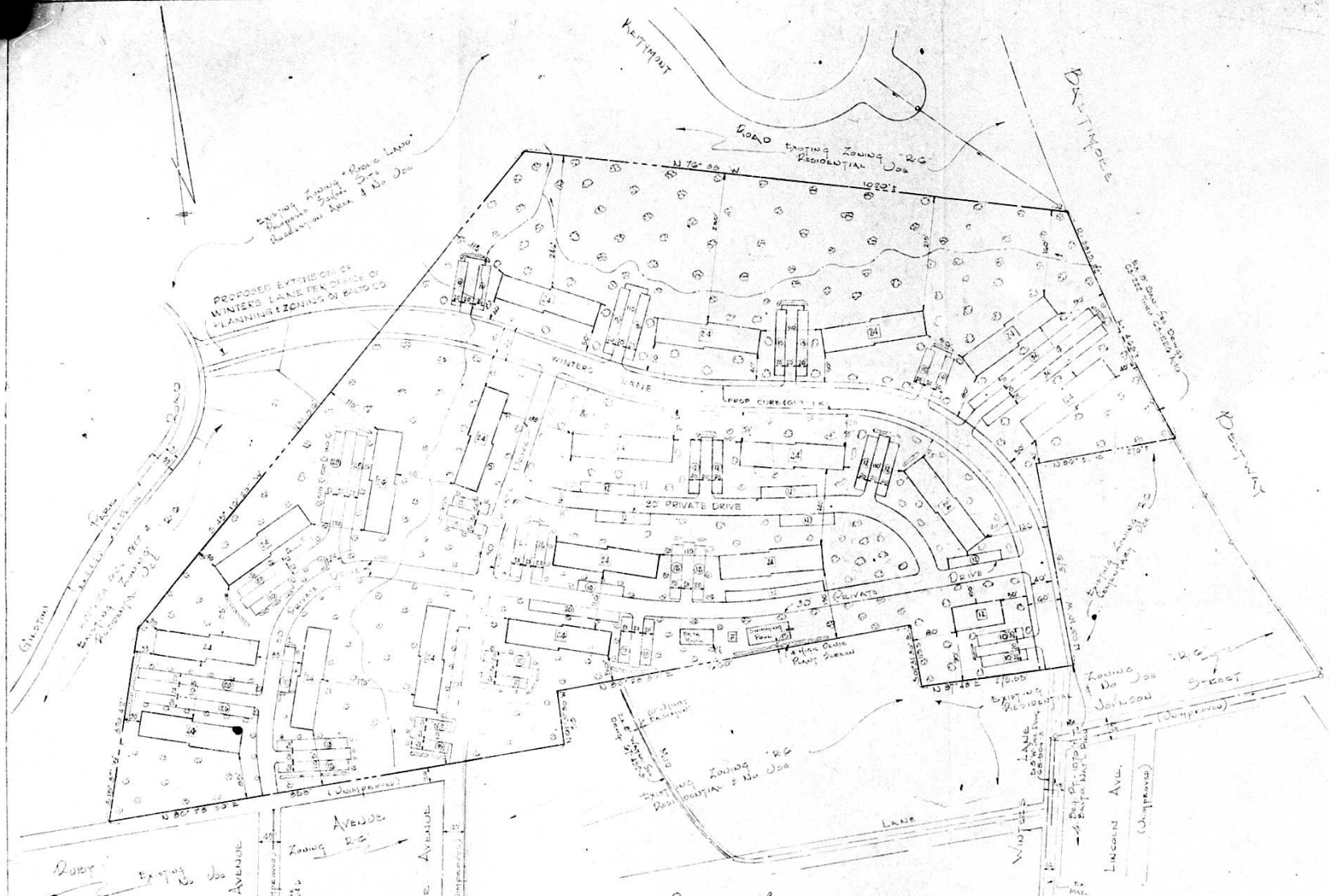
Lot #26, Block D, is served by private driveway and, based on our policy for panhandles, this lot cannot be developed with this means of access; therefore, this portion of land should be made a part of the proposed lots or possibly sold to the adjacent property owner for future development.

Public water and sewer are available to serve this subdivision and will require the extension of public mains.

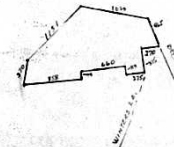
Storm drain studies will be required for this subdivision prior to the tentative approval of this plan.

The Developer's Engineer was advised that his plan, after corrections have been made and additions with those suggested by the Committee, this plan may be submitted to the County for processing.

Reviewed by Chris J. Mc
Chairman of the
Advisory Committee



OFFICE COPY



#71-166R

MAP
2-B
WESTERN
AREA
SW-1-F
SW-1-G
RA

Berman
#177
REVISED PLANS



- GENERAL NOTES
1. Area of Property: 2.0 Acres
 2. Existing Zoning of Property: R-2
 3. Existing Use of Property: No Use
 4. Proposed Zoning: R-2
 5. Proposed Use of Property: Green Apartments
 6. Density Calculations:
 - A. Gross Area: 2.0 Acres
 - B. Net Area: 1.8 Acres
 - C. Net of Units Allowed: 444
 - D. Net of Units Proposed: 444
 - E. Gross Residential Density: 19.0
 - F. Net Residential Density: 14.1
 7. Off-street Parking:
 - A. Required Parking: 444 Units
 - B. Proposed Parking: 666 Units
 - C. All remaining space to be used for minimum of 4' high dense plant screening

Put To Accompany Petition
FOR
DECLASSIFICATION OF PROPERTY
VICINITY
WINTERS LANE & JOHNSON ST.
Baltimore County, Md.
JAN. 12, 1970
REVISED MAY 25, 1970



MATZ, CHILDS & ASSOCIATES
1000 GORDON LANE, BALTIMORE, MD. 21206
BALTIMORE, MARYLAND 21206
DATE: 5/25/70
DRAWN BY: MCL
CHECKED BY: MCL
SCALE: 1"=100'



CE 124 - PAPER 14

66134

01-28-71