PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY-

D 157 I. or we BERG'S FARM DALKY, INC. legal owner of the property situate in Baltimore pup County and which is described in the description and plat attached hereto and made a part hereof, 4 hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from undistricted district; for the following reasons

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baitimor 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-districting and/or Special Exception advertising, posting, etc., upon niling of this petition, and further agree to it due to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

BERG'S FARM DAIRY, INC.

Vice-President Legal Owner

Baltimore, Md. 21236

Address 4126 Joppa Road

224 1 Zoning Commissioner of Baltimore Counts

Contract purchaser

James D. Nolan Feititioner's Attorney
Nolan, Plumhoff & Williams
Address 204 W. Pennsylvania Ave.
204 W. Pennsylvania Ave.
523-74 May Danie Commissioner of Baltimore County, this 2000
ORDERED By The Zoning Commissioner of Baltimore County, this 2000

..., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltin ore County, in two newspapers of general circulation throughmore 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 PET-20 THAM .. day of 10 10:00 o'clock

68110

#71-180R

PROPERTY OF BERG'S FARM DAIRY, INC.

11TH ELECTION DISTRICT OF BALTIMONE COUNTY

I. Description of Property

The Berg Farm Dairy property is located on the north side of Joppa Road approximately 600 feet distant and west of Belair Road in the 11th Election District of the County. The property is in three parcels as

- 1. The first parcel is composed of some 16.73 acres with ely 581 feet of frontage on Joppa Road, and this property is improved by a dairy store, a dairy, a dwelling house, a storage ouilding, a garage, and a barn, and this tract is presently zoned BL to ate depth of feet, with the balance being moned R-6;
- 2. The second parcel is an irregularly chaped parcel north at parcel and connected to the first parcel by a 30 foot roadway some 6.52 acres approximately, and it lies generally west ue, and is presently somed residential for individual homes;
- 3. The third parcel of some 40.00 acres more or less lies north of the second parcel and is contiguous to it in part and, is

The first parcel mentioned along Joppa Road has RA, BR, and BL tions by, since this area along Joppa and Belair Roads is rapidly

ad shows the present zoning is as follows

- 1. The first 16.75 acre parcel is soned BL and R-6;
- 2. The second 6, 52 acre parcel is zoned R-10; and

#71-180R PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we. Berg's Farm Dairy, Inc. legal owner of the property situate in Baltimore Map County and which is described in the description and plat attached hereto and made a part hereof. 4-6 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 BL and R-6 zone to an zone, for the following reasons ARCH

Error in original zoning and/or character of the neighborhood has changed to warrant re-classification,

4

BAIRY, INC.

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 be posted and advertised as prescribed by Zoning Regulation 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

BERG'S FARM DAIRY, INC. by Jee Berg Legal Owner Contract purchaser Address 4126 Joppa Road Jan 5 7 The

James D. Nolan

Petitioner's Attorney
Nolan, Plumhoff & Williams
204 W. Pennsylvania Ave.

Toys 7000 Maryland 21204 ORDERED By The Zoning Commissioner of Baltimore County, this 20th ..., 19670, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of gene al circulation through-cut Baltimore County, that property be posted, and that the public hearing be had before the Zoning

of Baltimore County in Boom 106, County Office Building in Towson, Baltimore

Baltimore, Md. 21236

Protestant's Attorney

Edward D. Hardes

#71-180P

3. The third parcel of some 40,00 acres is presently zoned

R-10.

III. Requested Zoning The property owner respectfully requests that the first parcel be

coned BR with a CCC District, and that the second and third parcels be

IV. Reasons for Request

As to the first parcel which is requested to be zoned in its entirety BR with a CCC District, this request is based upon several factors, that the tract is presently in part coned BL and is in fact in commercial usage; the fact that this area surrounding the intersection of Belair Road and Joppa Road is rapidly assuming a very concentrated and intensive commercial character in response to the growing population in this Perry Hall area; the fact that the property is bordered on the west by RA and R-6 zoning, on the east by R-6 and BR zoning, and peross Joppa Road to the south is confronted with BR and BL roning. Thus, the request for BR zoning is in harmony with the exciving character of the neighborhood, and in reality represents a mere extension of the already existent commercial

Also, the extension of Ebenezer Road and the relocation of Joppa Road, ently proposed to be aligned, will bisect this 16, 46 acre parcel into ee parcels and vastly improve the already good access which the property now enjoys. Such an extension of Ebenezer Road and relocation of Joppa Read as well as the intersection between the two roads will also similar to the present Joppa Road frontage, and the requested BR zoning and CCC Districting will logically place this completely changed property in an appropriate commercial category and district.

NO. 21 180 P (Item No. 259) BALTIMORE COUNTY *** *** ***

The Petitioner having withdrawn his Petition, the same is

hereby DISMISSED without prejudice

RE: PETITION FOR RECLASSIFICATION :

AND REDISTRICTING N/S of Joppa Road, 620 NW of Belair : Read - 11th District

Berg's Farm Dairy, Incorporated -

DEPUTY ZONING

COMMISSIONER

OF

December 14, 1970

BATE

ВУ

71-150 PZ

The extension of Ebenezer Road and the relocation of Joppa Road when built will also have a very great impact on the second and third parcels and will work a complete transformation upon their present rural, agricultural character. These tracts will then enjoy excellent access to the major area roads, and these two tracts will lie generally to the north of Ebenezer Road as extended and Joppa Road as relocated, and the property owner submits that RA zoning of these two tracts will help to meat the demands for apartments in this area, which apartment market es to grow, and it will also logically serve as a transitional coning area from the commercial center develoying around the Joppa Road, Belair Road, Ebenezer Road hub.

It should be noted that the Planning staff is recommending BL with request represents merely a logical extension of this proposed commercial and districting. It seems appropriate to the property owner to treat both sides of Ebenezer Road in the same manner and to allow the requested RA zoning to serve as a buffer and transitional zone from this commercial.

The utility situation as to public water is adequate as existent in the area; and there is presently in the process of easement acquisition by Baltimore County a sanitary sewer project for this area which will cross the 16, 46 acre tract from north to south along the eastern border of cel, then crossing the proposed extension of Ebenezer Road. herein set out. This sewer project, as previously stated, is fairly well along since the corporate property owner is presently in the process of

DOLLENBERG BROTHERS Registered I ofessional Engineers & Land Surveyo TOP WASHINGTON AVENUE AT YORK POAD TOWSON, MD. 21201

#71-150 PZ

Zoning Osseription

All that piece or parcel of land situate, lying ind being in the Eleventh election district of Paltimore County, it to of mary and and described as follows to wit:

Annotes the second of the seco

Containing lo.u6 Acres of land more or le.s.



#71-180PZ

working out the acquisition of a 12 feet utility easement across the first parcel with the Baltimore County Department of Public Works, Bureau of

For all these reasons, the property owner respectfully requests that the first parcel be designated BR, and that the second and third parcels be placed in the RA classification

Respectfully submitted,

Attorney for Berg's Farm Dairy, Inc.

03-17-71

RE: Type of Hearing: Redistrict Location: Joppa Road, 620' * West of Belair Road Petitioner: Berg's Farm Dairy, Inc. Committee Keeting of April 28, 1970

OLIVER L MYERS Chairman

BUREAU OF DEPARTMENT OF

BUREAU OF FIRE PREVENTION

PROTECT PLANSING ZONING ADMINISTRATI

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced polition 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 an ice cream store and dairy farm with the rear property being used as pasture and farm land. The properties to the north, sets and partically to the east are vacant farm land and dwelling uses. A portion of the property to the east is used as a nursery and used car lot. The properties to the seath are improved with correctial uses. Justy large land at this location is not improved with correct and the control of the control of the properties of the seath as the control of the properties of the seath of the control of the

James D. Molan, Esquire 20h West Pennsylvania Avenue Towson, Karyland 2120h

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.

dopps Soud is an existing County road which is proposed to be relocated hericonculty in alignment to a nore north-rely location within the abblest property so as to provide a nore desirable connection with the proposed westerly extension of Ebenseer Road from Belnir Road. Jospa Soud and Ebenseer Road are proposed to be constructed as SO-foot closed roadsweetlons within 70-foot minimum rights-of-may with channelization at major intersecting streets.

The exact alignment of the proposed relocation has not been fully itermined and the petitioner or his engineer should conside with the Office Planning and Zoning and the Chief of the Street, Road and Bridge Desire wup of the Sureau of Engineering to obtain the information necessary to wrise the subject plar. The printen of existing Jopa Road severed by the

James D. Molan, Esquire 20h West Pennsylvania Avenue Towson, Maryland 2120h Iten 259

June 11, 1970

proposed realignment would become a service road only, adjacent to this site, and the specific paving and right-of-way which would be contigent upon the extent of the proposed Spape Road realignment.

Highway right-of-way and/or witching and improvements would be required in connection with the development of this property.

Brookfield Avenue and India Avenue are existing minor residential streets and are not proposed to be extended to serve this site. Therefore, access to the subject property, as proposed to be developed, will not be allowed from either of these streets.

The entrance location, are subject to approval of the Department of Traffic Engineering and the Office of Planning and Zoning.

Storm Drains:

or permarent) to prevent creating any misances or damages to adjacent properties, especially by the concentration of curface vaters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the potitioner.

A study will be required at the tim this site is developed to determine the drainage easements and structurer necessar,.

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 pendit is, therefore, necessary for all grading, including the surjaping of top soil.

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

Public water services are available to serve this site.

Sanitary Sewer:

Public sanitary sewer is currently not available to serve this site. A sub-interceptor extending from the Gunpowder Interceptor would be required to provide sanitary sewer in this area.

James D. Molan, Esquire 20h West Pernsylvania Avenue Towson, Maryland 2120h Iten 259

June 11, 1970

PROJECT PLANNING DIVISION:

This office has reviewed the subject site plan and has the

- 3 -

The plan must be revised to incorporate the relocation of Joppa and Ebenezer Roads. Brookfield Road should be deemphasized.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject potition is requesting a change from 2L and 8-6 to 88. The 16.16 acree can be expected to generate 13,100 trips per day. Existing Jopps Road, which is the only access to the sautet site for scontine, carmet be expected to handle this increased trip density in its present condition. The entrances as snown also do not conform to County standards.

Petitioner to meet requirements of Baltimore County Building Code and regulations when plans are automitted.

HEALTH DEPARTMENT:

Public water available and public sewers are proposed.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Naryland State Result Air Pollution Correll Regulations. Additional information may be obtained from the Division of Air Pollution, Bultimore County Department of Realth.

Owner chall be required to comply to all applicable requirements of the 101 Life Safety Code, 1607 edition, and the Sire Prevention Code when construction plans are submitted for approval.

Pire hydrants for proposed site are required and be in accordance with Baltimore County Standard.

A second means of access is required for the site.

James D. Nolan, Esquire 20h West Pennsylvania Avenue Towson, Maryland 2120h Item 259

June 11, 1970

BOARD OF LOUCATION:

Would not increase student population.

- h -

ZONING ADMINISTRATION DIVISION:

This off, and withholding a hearing date until such time as the titioner submits are also plans to this office in conformance with the meas of Engineering and Project Flanning Division contents.

Very truly yours, Chive & Myers Chairman

OLMano

TOWSON MARYLAND 21204 December 2, 1970

NOLAN, PLUMBOFF & WILLIAMS

204 WEST PENNSYLVANIA AVENUE

The Hanorable Eric S. DiNenna Deput Zoning Commission County Office Building Towson, Maryland 21204

Re: Petition for Reclassification and Re-districting for Bergs Farm Dairy, Inc. Case No. 71-180-R

Pursuant to my statement made before the commencement of the hearing on Wednesday, Dreember 2, 1970, on behalf of my corpo ate client, I am withdrawing the Petition in its entirety, of course, without prejudice. As you know, ills decision was only made at the last minute, and I know that with your busy schedule, you will have used the time to good advantage.

Also enclosed herewith is my office's check in the amount of \$62.75 representing costs advanced. Thanking you for your attention to this matter, I am,

Sincerely,

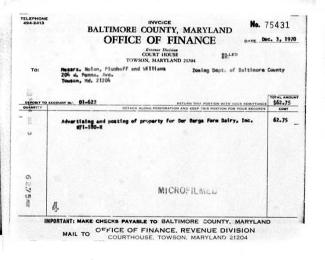
Enclosure
cc: Berg's Farm Dairy
cc: James Spiemer, Esq.
cc: Michael M. Maslan, Esquire
cc: Ormsby S. Moore, Realtor

- DEC -3 70 M =

-No. 75381-TELEPHONE 494-2413 BALTMORE COUNTY, MARMAND OFFICE OF FINANCE DATE HOV. 6, 1970 Revenue Division COURT HOUSE TOWSON, MARYLAND 21204 Steebolf and William \$50.00 Berg's Farm Potition for Inclassification for In Stairy MICROFILM IMPORTANT: MAKE CHECKS FAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO OFFICE OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING H71-180-R ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting NEW - 12- 70 Date of Poeting Med Dec 2, 1970 & 10.00 A.M.
Petitioner Berger Peters Lacry Soc

Location of property. NIS & Jeffer Kd. 620' N. W. & Belair Rd. Doration of Signe D 2 Postal on Tepper 10 Frent of ice Have Posted by Must X Kees Date of return. MOI: 19-20



WESSEX TIMES Sheard D. Marcesty Zoning Commissioner of Raltimore County earing:
Present Zoning: B.L. and R-6
Proposed Zoning: B.R.
Present District: Undistricted was inserted in THE ESSEX TIMES, a weekly newspaper published in Proposed District: Undistricted
Proposed District: C.C.C.
All that percel of land in the
leventh District of Baltimore All their greent of based in the Commercial week/before the 15th day of Nov. 1970 that is to say the san was inserted in the issue of November 12, 1970. STROMBERG PUBLICATIONS, Inc.

11, Buth Maryan

PATITION FOR RECLASSIFICA AND REDISTRICTING THE DISTRICT ZONING: From B.L. and 2-4 to B.R. Zone Petition for Redistricting from Undistricted to C.C.C. Dis-Hert.
LOCATION: North wile of Joppa
Road (2) net Nort, west of Belair
Road
DATE & AIME | Industry Decem-Road
DATE & siMC ledmeday, December 2, 1976 at 10 to A.M.
PUBLIC BEARING Room 103,
County Office Building, 111 W.
Chespeake Avince, Towson,
Maryland.

-CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was day of Peccaper 19.70, the first publication appearing on the 12th day of November

THE JEFFERSONIAN.

Cost of Advertisement \$

MICKELLIE.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONTING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Petition has been received and accepted for filing this

Petitioner Sera's Form Sairy, Inc. Petitioner's Attorney Jame S. Molen, Esq.

MICROFILM

