

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Albert Kernisch, et al, legal owner(s) of the property situate in Baltimore County and 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.S. 3,3 zone to an D.R. 16 zone; for the following reasons:

error in map (see attached brief)

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 planned 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 _____ Address _____
 Legal Owner _____ Address _____
 Petitioner's Attorney _____ Address _____
 Protestor's Attorney _____ Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of May, 1971, 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 2nd day of June, 1971, at 11:00 o'clock A.M.



(over)

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

1160 101 SHELL BUILDING - 200 EAST JOPPA ROAD
 TOWSON, MARYLAND 21284 - VAIL 3-8820

DESCRIPTION OF A PART OF A TRACT OF LAND TO BE REZONED FROM DR 5.5 TO DR 16, MARLYN AVENUE, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the South side of Marlyn Avenue, 70 feet at the distance of 200 feet, more or less, westerly from the Northwest side of Sandalwood Road, 60 feet wide and running thence and binding on said zoning line Southerly 140 feet, more or less, and Easterly 203 feet, more or less, to the Northwest side of Sandalwood Road, 60 feet wide, and running thence and binding thereon South 23 Degrees 20 Minutes 20 Seconds West 103 feet, more or less, Southwesterly by a curve to the right with a radius of 970.00 feet the distance of 141.81 feet, North 58 Degrees 17 Minutes 04 Seconds West 20.00 feet, South 32 Degrees 37 Minutes 13 Seconds West 30.00 feet, South 56 Degrees 28 Minutes 30 Seconds East 20.00 feet, Southwesterly by a curve to the right with a radius of 970.00 feet the distance of 51.30 feet, South 36 Degrees 33 Minutes 20 Seconds West 148.82 feet, Southwesterly by a curve to the right with a radius of 970.00 feet the distance of 217.83 feet, South 49 Degrees 25 Minutes 20 Seconds West 83.23 feet, and North 49 Degrees 25 Minutes 20 Seconds West 238 feet, more or less, hence leaving the Northwest side of Sandalwood Road and running North 34 Degrees 08 Minutes 40 Seconds West 635 feet, more or less, and North 28 Degrees 52 Minutes 52 Seconds East 760 feet, more or less, to the South side of Marlyn Avenue herein referred to and running thence and binding thereon South 68 Degrees 50 Minutes 40 Seconds East 520 feet, more or less, to the place of beginning.

CONTAINING 15.4 acres of land, more or less.

4.11.71



FRANK E. CICONE
 Attorney at Law
 FIRST NATIONAL BANK BLDG.
 TOWSON, MARYLAND 21284

April 15, 1971

Mr. Edward D. Hardesty,
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

RE: Property of Albert Kernisch, et al; location, Marlyn Ave. and Sandalwood Road

Dear Mr. Hardesty:

I am filing a petition in the above-subject case and wish to cite as a basis the following reasons which constitute error in the zoning maps signed March 24, 1971.

1. Error was committed in the zoning map in that the Council failed to take into consideration and did not have the knowledge of the soil conditions of the subject property.
2. The present zoning placed on the property is confiscatory.
3. The Council failed to take into consideration the changes recently made to Marlyn Avenue and Sandalwood Road.
4. Orderly planning and development dictates that this property be D.R. 16.
5. The Council failed to take into consideration that the subject property is in close proximity to residential apartments.
6. And for other and further valid reasons to be shown at the hearing hereof which will show the glaring error in the present zoning of the subject property.

Very truly yours,

Frank E. Cicone
 Frank E. Cicone

FEC:kn

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
 106 EAST JOPPA ROAD
 TOWSON, MARYLAND 21284

May 18, 1971

Mr. Albert Kernisch, et al
 8517 Glen Michael Lane
 Randallstown, Maryland 21133

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

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 an unimproved tract of land, which is partially wooded and partially marshland. It is waterfront property fronting on Deep Creek. This creek runs north of Back River. The access to the subject property is by means of Sandalwood Road, which is partially improved due to the improvement of an elementary school immediately on the east side of Sandalwood Road. It has curb and gutter on the Board of Education side. However, the parcel that fronts along the petitioner's property is not improved insofar as concrete curb and gutter are concerned. Marlyn Avenue has just undergone extensive realignment and reconstruction, and curb and gutter exists along that road. The property to the vacant shore front property as well as some wooded property along the south side of Sandalwood Road. The property to the north of the subject site and on the north side of Marlyn Avenue is improved with the Eden Roc Apartments, this a combination townhouse, garden type apartment project. Extensive apartment dwellings and townhouse dwellings are being constructed in the area.

Re: Item #20 (April - October Cycle 1971)
 Property Owner: Albert Kernisch, et al
 Location: 5/4 Corner of Marlyn Ave., and Sandalwood Road
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to D.R. 16
 District: 1555 Sector Eastern
 No. Acres: 15.4

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HEALTH DEPARTMENT:

Public water and sewer are available to the 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.

FIRE PREVENTION BUREAU:

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

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

A. When pull-in parking is designed for both sides of a roadway the minimum distance from curb to curb of the parking area be 64 feet.

B. Pull-in parking, on one side only, the distance from curb to curb shall be 44 feet.

BUILDINGS ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and regulations when plans are submitted. Also, see Parking Lots Section 109.10M.

ZONING ADMINISTRATION DIVISION:

The access for this property is by means of Sandalwood Road to Marlyn Avenue, to Eastern Avenue. Marlyn Avenue is operating at its capacity at the present time. However, some of this traffic congestion will be alleviated when Riverside Drive is constructed in accordance with Department of Traffic Engineer's comments in the foregoing.

Very truly yours,
Oliver L. Myers
 OLIVER L. MYERS, Chairman

OLM:JD
 ccc Edward D. Hardesty

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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:

This site has frontage on Marlyn Avenue and Sandalwood Road, formerly Crook Road.

Marlyn Avenue is an existing County road, which has been improved to major collector standards.

Sandalwood Road is an existing County Road, which shall ultimately be improved to local collector standards. Highway improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 40-foot closed road section on a 60-foot right-of-way will be required for any grading or building permit application.

Storm Drains:

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.

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

Public drainage facilities are required for any off site drainage facilities and any on site facilities services are considered in accordance with the standards of the Baltimore County Department of Public Works.

On site drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Codes.

The property to be developed is located adjacent to the water front and therefore subject to tidal inundation. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential or commercial development and other special construction features are required. Also, be aware that private property terminates at mean high tide and all land between high and low tide are subject to regulations by the State Department of Water Resources as wetlands, and subject to regulations by the U.S. Corps of Engineers as navigable waters.

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Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. 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.

Water:

Public water facilities are available to benefit this property. Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

The proposed private improvement must be reviewed by the Baltimore City, Water Division for adequacy of water supply.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewers:

Public sanitary sewer facilities are required to serve this property. Public sanitary sewerage can be made available to serve this property by constructing a public sanitary sewer extension, approximately 1,000 feet in length, from the existing Birch public sanitary sewer in Sandalwood Road, as shown on Drawing 404-0236 - 1.

The Petitioner is entirely responsible for the construction of his on site private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

The plan for development of this property is subject to approval of the State Department of Health prior to acceptance of a preliminary or final plat for recordation.

The plat does not adequately reflect the required public improvements for highways or storm drains or the necessary on site private improvements for storm drainage, water distribution or sanitary sewerage.

The plan should be revised to reflect these items.

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PROJECT PLANNING:

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

Additional information should be furnished concerning the adjacent properties to determine if this would be a permitted use under the existing zoning.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting a change of 15.5 acres from DR 5.5 to DR 16. Review of the subject parcel indicates that the proposal shown can be developed on the land as presently zoned. Therefore, the need for this request is not understood.

Granting a rezoning to DR 16 would increase the ultimate trip density of the parcel from 800 to 1900 trips per day. All major access, at the present time, to this parcel is via the intersection of Marlyn Avenue and Eastern Boulevard, which is at capacity. However, the County has scheduled construction of Riverside Drive from Marlyn Avenue to Eastern Boulevard in the fiscal year 76-77 to eliminate some of this problem.

BOARD OF EDUCATION:

From the existing zoning we could expect approx. 16 pupils, while a change to town house apts. could yield approx. 20 pupils.

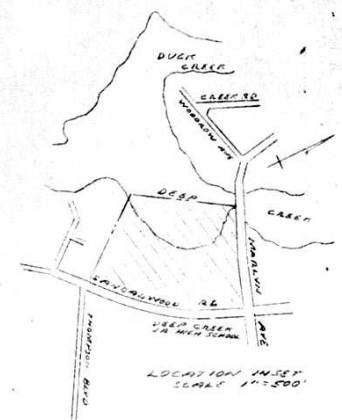
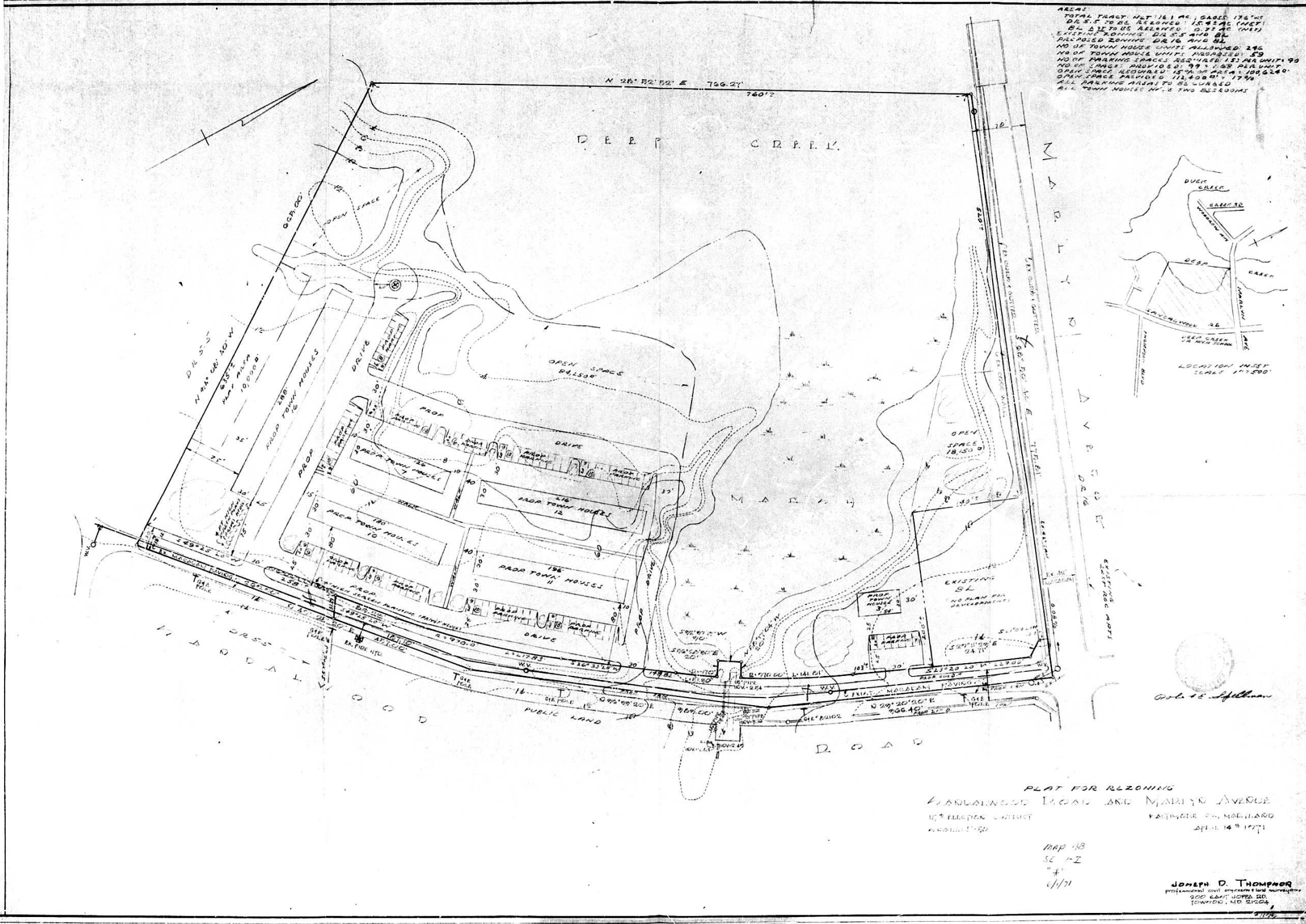
Schools servicing this area: (From Sept. 22, 1970 enrollment)

Capacity	Enroll.	%
Deen Creek Ele.	410	+181
Deen Creek Jr. High	1290	+28
Kennepet Sr. Hl.	1970	+302

Future Construction	Status	Capacity	Est. to Open
Sandalwood Elem.	Under way	425	9/71

Programmed Const.	Capacity	Year Programmed	Est. to Open
"Back River" Sr. Hl."	1420	1973-74	1975-76

AREA:
 TOTAL TRACT NET 161 AC, GROSS 176 AC
 DR 5.5 TO BE ALLOWED 15.8 AC (92%)
 BL 5.5 TO BE ALLOWED 0.73 AC (4%)
 EXISTING ZONING DR 5.5 AND BL
 PROPOSED ZONING DR 10 AND BL
 NO OF TOWN HOUSE UNITS ALLOWED 296
 NO OF TOWN HOUSE UNITS PROPOSED 35
 NO OF PARKING SPACES ALLOWED 121 OR UNIT 90
 NO OF SPACES PROVIDED 99 1/2 OR PER UNIT
 OPEN SPACE REQUIRED 15% OF AREA 106,620
 OPEN SPACE PROVIDED 112,400 @ 17%
 ALL PARKING AREAS TO BE CURBED
 ALL TOWN HOUSES TO BE TWO BEDROOMS



PLAT FOR REZONING
 LAND BETWEEN MACLELLAN ROAD AND MAINLAND AVENUE
 IN THE 11TH DISTRICT
 EASTING 200, 201, 202
 APRIL 14 1971

MAP 13
 SE 1-2
 " 1"
 1/71

JOSEPH D. THOMPSON
 200 EAST HOPKINSON RD.
 TOWN OF...

