PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Jack Sobel

I, or we. Albert Karmisch and/ legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part horeof, hereby petition (1) toat the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an ... R-12 or .DR-3.5. B-R reasons

Error in original zoning.

See attached description

3	County, to use the nevern described property, for
00	Property is to be posted and advertised as prescribed by Zoning Regulations.
2	I or we, agree to pay expenses of above re-classification and/or Special Exception advertising.
2	posting etc., upon filing of this petition, and further agree to and are to be bound by the zoning
0	regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
7	004-1

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimo

Jack Sohe Address 8517 Glen Michael Lape ... Randallstown Maryland

the Charge Address 306 W. Joppa Road Towson, Maryland 21204 (823-1200)

ORDERED By The Zonios Commissioner of Baltimore County this 10th ..., 197 L, that the subject matter of this petitio's be advertised, as required by the Zoning Law of Baltimore County, in two newsparers 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 Town, Baltimore 23rdday of September 197 1, at 11:00 'c'ocl

GEORGE ILLIAM STEPHENS, JR. & A DCIATES, INC. ENGINEERS
P.O. Box 6828, TOWSON, MD. 21204

Description to Accompany Zoning Petition Reclassification from D.R. 3.5 (R=10) to B.E. Chapman Road & Liberty Road 4.915 Acres more or less

April 12, 1971

Beginning for the same at the end of the two following courses from the intersection formed by the Centerline of Chapman Road and the southwest side of Liberty Road: first southwesterly along the centerline of sa.d Chapman Road 480' more or less and second southeasterly at right angles to said Chapmen Road 320' more or less, thence from the place of beginning the four following courses viz: (1) South 54° 27' East binding for part of the distance on the outline of a parcel of land heretofore zoned B.R. in all 604.48 feet, (2) South 42° 08* West 371.54 feet, (3) North 53° 45* West 566.35 feet and (4) North 36: 15 East 362.20 feet to the place of beginning.

Containing 4.915 acres of land more or less

Re: Petition for Reclassification from R-10 or DR-3.5 to B-R, Liberty and Chapn Albert Kermisch and Jack

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OF Libe

T KERMISCH & JACK - S/S of Chapman Rd. berty Rd.

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DEIXIDE TUE OF BALTIMORE COUNTY

MEMORANDUM

New comes Albert Kermisch and Jack Sobel. legal owners of the above captioned property, by W. Lee Harrison, their attorney, and in nce with Bill 72. Section 22. 22(b), states that the reclassification

The County Council failed to recognize the overall need for such a nity shopping center as proposed by the Petitioners. Therefore, the by a lopting the rearmost portion of the tract as DR-3. 5. In the developer to utilize and provide facilities for shopping in usage is not feasible due to a 20' right-of-way being the only access. Therefore, the DR-3, 5 portion of the property must use Lik This would accessitate an access point through the procenter. The logical conclusion that must be reached is that the Dr-3, 5 portion be rezoned to B-R as part of the overall shopping center

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restaurant, said discontinuance to become effective on Assuring

the reclassification of the aforedescribed parcel of land and the

termination of the aforesaid lease, use the following described

Beginning for the same in the center of Chapman Road, 10 fret wide, at a point 554 feet, more or less, measured southwesterly along the center line of same read road from the intersection of the center line of said road with the southwesterly side of Liberty Road, 66 feet wide, and running thence from said place of beginning the six following courses and distances, viz: first at right angles to the center line of Chapman Road South 53 45 test 200,000 feet, second parallel to the center line of Chapman Road South 53 45; East 200,000 feet, second parallel to the center line of Chapman Road South 36 15; West 242,20 feet, fifth at right angles to the center line of Chapman Road South 36 15; West 124,20 feet, fifth at right angles to the center line of Chapman Road North 53 45; West 120 feet, and the sixth binding on the center line of Chapman Road North 136 15; West 163.08 feet to the place of beginning.

Containing 1.416 acres of land, more or less,

only for those uses as set forth under the DR 3.5 residential

tions offective on the date of this Agreement

classification contained in the Baltimore Cour' Zoning Regula-

THE PARTIES OF THE SECOND PART, ON BEHALF OF THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AGREE AS FOLLOWS:

(Business Roadside) zone and upon the filing of an Order grantin the requested reclassification, the Parties of the Second Part

agree not to pursue any appeal therefrom and thereby allow the

property to be reclassified to a BR classification. All the agreements, covenants, restrictions, and conditions contained in

this instrument shall be binding upon the inure to the benefit

of the heirs, successors, and assigns of the parties hereto and

shall run with the land and be binding upon the property herein

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That they will not contest the granting of the requested re classification of subject property from a DR 3.5 zone to a PR

That the Party of the First Part will, upon the granting of

1 , 1972, and further;

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#72-75

AGREEMENT

day of January, 1972. made this by and between Albert B. Kermisch, Party of the First Part, and Melvin A. Steinberg, as agent and attorney for William E. Poe, 3506 Chapman Road; Charles O. Hoffman, 3505 Chapman Road; Francis Stange, 3507 Chapman Road; A. Franklin Turner, 3508 Chapman Road; William Sutton, 3510 Chapman Road; Clement A. Scheper, 3504 Chapman Road; William D. Cosden, 3433 Chapman Road; William Grenwalt, 3430 Chapman Road; Frederick Sch. oeder, 3420 Chapman Road; Caroline Trible, 5422 Chapman Road; and Harold Mayer, 3512 Chapman Road, Parties of the Second Part.

WHEREAS, the Party of the First Part is the owner of a parcel of land containing 6.33 acres of land more or less, located at or near the intersection of Liberty Road and Chapman Road, in the Second Election District of Baltimore County, Maryland; and

WHEREAS, the Party of the First Part filed a Fetition with Baltimore County, Maryland requesting that the above described parcel of land be reclassified from a DR 3.5 classification to a BR (Business Roadside) classification; and

WHEREAS, the Parties of the Second Part have heretclore con tested the granting of the requested zoning; and

WHEREAS, the Parties of the Second Part have agreed to terminate their objection to the granting of the reclassification upon the Parcy of the First Part agreeing to restrict the use of a portion of has property, and the filing of this Agreement among the Land Records of Baltimore County, Maryland; and

WHEREAS, the Parties hereto have agreed that this Agreement shall become effective when subject property is rezoned from a DR 3.5 zone to a ER zone by a final, unappealable order. NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That in consideration of the mutual agreement, covenant,

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restrictions, and conditions herein contained and the payment of the sum of Five Dollars (\$5.00) from each party to the other and for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto hereby agree to enter into these presents which shall, upon the granting of the reclassification and the affirmative finalization of any appeals therefrom, here a effective and further to have the same recorded among the and Records of Baltimore County and that the covenants, restriction tions, and conditions contained herein shall run with and be binding upon the chove described tract and upon the present and/or future owners thereof and shall inure to the benefit of all the parties hereto, their heirs, successors, and assigns, as well as any purchaser ϑ^{ξ} foreclosure, his, hers, or its heirs and assigns as follows:

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THE PARTY OF THE FIRST PART, ON BEHALP OF HIMSELP, HIS HEIRS, SUCCESSORS, AND ASSIGNS, AGREES AS FOLLOWS:

That he will restrict the use of the aforedescribed property in such a manner as to deny ingress or egress of traffic from said property to Chapman Road, and further;

That he will plant and maintain evergreen trees not less than three (3) feet in height at the time of planting along the western boundary of the subject property, which trees shall be planted four (4) feet on center, said trees shall be furnished and installed at the cost and expense of the Party of the First Part, and further;

That the Party of the First Part will, upon the termination of the lease agreement by and between Albert B. Kermisch and Bessie T. Kermisch and Jack sobel and Ann Sobel, dated the third day of March, 1970, discontinue 'nc operation of the restaurant known as the Country Dining Soom for all times, it being specifically understood that it is the intent and purpose of the parties hereto to forever discontinue the use of the property for a

before me, the subscriber, a Motary Public in and for the County and State aforesaid, pursonally appeared ALBERT B. KERMISCH and

I HEREBY CERTIFY that on this 1 day of January, 1972,

before me, the subscriber, a Notary Public in and for the County

and State aforesaid, personally appeared MELVIN A. STEINBERG,

as Agent and Attorney for William E. . De, Charles O. Hoffman,

Francis Stange, A. Franklin Turner, William Sutton, Clement A.

Scheper, Willim D. Cosden, William Grenwalt, Frederick Schroeder

NOTARY PUBLIC

Caroline Trible, and Harold Mayer, and he acknowledged the fore-

NOVARY PUBLIC

res July 1 1974

-2-

he acknowledged the foregoing Agreement to be his act.

AS WITNESS, my hand and Notarial Seal.

TO WIT:

STATE OF MARYLAND:

GOUNTY OF BALTIMORE:

going Agreement to be his act.

AS WITNESS, my hand and Notarial Seal

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The failure to enforce any of the covenants, restrictions, and conditions herein contained in any instance shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, and condition in the event of any violation of the herein contained covenants. Moreover, ir the event that any one or more of the covenants, restrictions, and conditions herein contained shall be for any reason declared inwallid, the remaining covenants, restrictions, and conditions shall continue in full force and effect.

This Agreement shall become effective only upon the subject property being rezoned to a BR classification.

This Agreement contains the entire understanding of the parties and each of the parties hereto.

IN WITNESS WHEREOF, the Parties hereto affix their hands and seals the day and year first above written.

Witness

Clement A. Scheper William D. Cosden William Grenwalt Prederick Schroeder Caroline Trible Bacold Mayer

STATE OF MARYLAND:

I HEREBY CERTIFY that on this ____ day of January, 1972,

MELVIN A. STEINBERG As Agont and Attorney N William E. Poc Charles O. Hoffman Prancis Stance

COUNTY OF BALTIMORE: TO WIT:

APR 20 1972

ALBERT B. KERMISCH

Party of the First Part

343 -

Francis Stange A. Franklin Turner William Sutton

Parties of the Jecond Part

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE May 21, 1971

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Mr. George E. Gavrelis Director Office of Planning and Zoning 301 Jefferson Building Towson, Maryland 2'204 OLIVER L. MYERS

OUREAU OF ENGINEERING DEPARTMENT OF

STATE BOADS COMM FIRE PREVENTION

HEALTH DEPARTMENT PROIECT PLANNING BUILDING DEPARTMEN BOARD OF EDUCATION INDUSTRIAL DEVELOPMENT

RE: Item #43 (April - October Cycle 1971) Property Owner: Albert Kermisch and Jack Sobel Location: S/WS Liberty Rd., 575' S/E of Cha of Chapman
Present Zoning: D.R. 3.5
Proposed Zoning: Reclass. to B.R.
District: 2C2 Sector: Northwestern
Acres: 4.915

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 with the property to the north an additional piece awared by the Petitioner zoned business-roadide. The property to the south is vacant residential land as well as the property to the east. The property to the west is a non-conforming use re-users to the east. The property to the west is a non-conforming was re-tournant and is developed with several divellings to in the west to give in excellent repoir. Chapman Road is not improved as first concerted curb and guiter are concerned. Liberty Road in this location is not improved as far as concerned. Liberty Road in this location is not improved as far as concrete curb and guiter are concerned.

BUREAU OF ENGINEERING:

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee and known as Item #228 (1969-1970). The comments furnished by this office in connection with Item #228 rem..in valid

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.

General:

Liberty Road is a State Road. Therefore, all strent improvements, entrance locations, drainage requirements and utility construction within the State Road right-of-way come under the jurisdiction of the Maryland State Roads Commission and will be subject to the standards, specifications and approval of that agency.

Chapman Road is an existing 18-foot wide recodem road proposed for improvement as a 40-foot closed readway within a 60-foot right-of-way. Highway right-of-way widening and improvements would be required with any subsequent grading or building permit applications.

Wilbur Avenue may be terminated at the property line as indicated on the plat.

The status of the "20-foot road - Use in Common" extending into the site from Chapman Road must be clarified. Any access to Chapman Road must be approved by the Department of Traffic Engineering and the Office of Planning.

No provisions for accommodating storm water or distings have been indicated on the subject plan; however, storm drain facilities and essements 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 nuisancus or demages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improse grading or improper installation of admage 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 tops.)

Grading studies and sediment control drawings will be necessary to be reviewed and ed prior to the recording of any record plat or the issuence of any grading or building

Water:

Public water supply is available to serve this property.

Sanitury Sewer:

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Public sanitary sawer is not presently available in the Patopsoa River drainage area, the natural drainage area in which this property lies. It will be possible to reach the Scotts Level Drainage Area by constructing a private sweep pumping sation as indicated on the subject plan. The private pumping station must be constructed ansite in accordance with Department of Health regulations and equirement, and will not be permitted to be constructed within any drainage and utility easement or flood plain reservation.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting a change from D.R. 3.5 to 8.R. of 4.9 acres. This should increase the trip density from 175 to 2500 trips per day. However, combined with the existing 6.5 acres of 8.R. along Liberty Road, the total site will generate 5700

Zoning Commissioner of Baltimere County

Liberty Road exists as a two lane facility with a valume of 21,000 vehicles a day along the frontage of the subject property. This Increased trip density will create serious capacity problems for Liberty Road.

The subject plan indicates entrance channelization that is generally acceptable to the State Roads Commission. However, the plan indicates the existing and proposed Right of Way for Liberty Road as being on the same line. The proposed Right of Way line is 7' in

The entrance to Liberty Rc. d will be subject to State Roads Commission approval and

BUREAU OF ENVIRONMENTAL HEALTH:

Public water and ower are proposed for this site.

Food Control Comment: If a food service facility it is apposed, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Departm

Air Pollution Comment: 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

FIRE PREVENTION SUREAU:

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be located at intervals of 300 feet along an

The 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

BOARD OF EDUCATION:

Would result in a loss of 8 pupils.

ZONING ADMINISTRATION DIVISION:

A site of this magnitude can be expected to generate a tremendous amount of volume trafficuries. This additional traffic volume on Liberty Road at this location can create major capacity problems as to traffic flow and create accident potential above and beyond what is

on The original

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

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Mr. Edward D. Hardesty

W. Lee Harrison, Esquire

STATE HIGHWAY ADMINISTRATION

BALTIMORE, MO. 21201

March 9, 1972

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Zoning Order 72-75
ALBERY KERNISCH 5 JACK SOBt'
Liberty Koad (Route 26)
East of Chapman Road
D.R. 3,5 to B.R.
2nd District

Dear Mr. DiNenna:

CL:JE4;bk

In reviewing the subject order, dated February 22, 1978, it was noted that the petition was granted but no mention was node to the reclassification being subject to the approval of a site billion being subject to the approval of a site billion by the State Hijmay Administration. Considering the facts that the site fronts on a State Hijmay and that we write comments to you dated May 4, 1971, it is requested that the order be amended.

Charles Lee, Cnief Development Engineering

Development Engineering
Section
byt John E. Heyers
Asst. Development Engineer

USR 10 72 14 -TEN

March 14, 1972

Mr. John E. Meyers Assistant Development Engineer State Highway Administration P. O. Box 717 Baltimore, Maryland 21203

Patition for Reclassification 5/8 of Chapman Road, 554° 5W of Liberty Road - 2nd District Albert Narmisch and Jack Fool Petitioners No. 72-75-R (Item No. 42)

Miank you for your letter of March 9, 1972, in which you note an omission in my Order dated February 22, 1972, concerning the above captioned matter.

In lieu of writing an Amended Order, I am notifying, by copy of this letter to Mr. Oliver L. Myers, Jr., Zoning Office, and Mr. Joyn L. Missley, Project Planning Division, Office of Planning and Zoning, to cooperate with the State Highway Administration in the operwal of this plat and, in particular, to the sawn (7) Soot widening of Liberty Rose.

SED/erl

cc: W. Lee Harrison, Esquire 305 West Joppa Road Towson, Maryland 21204

Melvin A. Steinberg, Esquire 202 Loyola Federal Building 22 West Pennsylvanic Avenue Towson, Maryland 21204

Mr. Oliver L. Myers, Jr. Acting Zoning Supervisor Zoning Office

Zoning File V

72-75

CERTIFICATE OF PUBLICATION

L. Leank Streeting

Cost of Advertisement, \$_____

to Los Harrison, Es 306 Y Japan Road Tourse, Mr. 21204	
	BALTIMORE COUNTY UTTICE OF PLANNING AND ZONING
	County Office Building 111 W. Chesapaske Avenue Tesson, Maryland 21204
	Your Petition has been received and accepted for filing
ebla 1	day of August :971
}	Her On Mer war. Zoning Commissioner
Petitioners Albhor	

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PETITION FOR RECLASSIFICATION SELECTION - NORTHWESTERN SECTOR	0 72-75
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PETITION	-	MAPPING PROGRESS Wall Map Original Duplicate					SAPPHARES .			
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Descriptions checked and outline plotted on map			50.10	69	date	ьу	date	by	date	Ьу
Petition number added to outline										
Denied										_
Granted by ZC, BA, CC, CA							+			
Reviewed by: 03 M Previous case: 71-137			Re	vised	i Plan	s:			у	_

