

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William G. Schmelyun, et al, legal owners 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 D.R. 5.5 zone to an M.L. 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 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
Address 1538 Sulphur Spring Road
Baltimore 21227 Md.
Petitioner's Attorney
Address 1st National Bank Bldg
26 West Prince Georges Ave
Baltimore 21204

ORDERED: By The Zoning Commissioner of Baltimore County, this 17th day of August, 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 6th day of October, 1971, at 2:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE
from: D.R. 5.5 to M.L.
SE/S of Waelchill Avenue, 260' : COUNTY BOARD OF APPEALS
S of Sulphur Spring Road : OF
13th District : BALTIMORE COUNTY
William G. Schmelyun, et al, :
Petitioners : No. 72-96-R

ORDER OF DISMISSAL

Petition of William G. Schmelyun, et al, for reclassification from D.R. 5.5 to M.L., on property located on the southeast side of Waelchill Avenue, 260 feet south of Sulphur Spring Road, in the Thirteenth Election District of Baltimore County.

WHEREAS, in open hearing before the Board of Appeals on April 24, 1974, prior to the taking of any testimony and by agreement of counsel, the attorney for the Protestants-Appellants dismissed the appeal taken on behalf of the Protestants-Appellants in the above entitled matter.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal, filed April 24, 1974 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Protestants-Appellants.

IT IS HEREBY ORDERED, this 24th day of April, 1974, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman

John A. Miller

Walter C. Mohr, Jr.

PETITION FOR RECLASSIFICATION * BEFORE THE
SE/S of Waelchill Avenue, 260' S of Sulphur Spring Road : COUNTY BOARD OF APPEALS
13th District : OF BALTIMORE COUNTY
William G. Schmelyun et al. :
Petitioners :
Case No. 72-96-R

ORDER OF DISMISSAL

Please dismiss the above entitled appeal, upon payment of all costs by the Petitioners, William G. Schmelyun et al.

JAMES R. COOK
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204
833-4111
Attorney for the Petitioners

RICHARD D. PAYNE
Loyola Federal Building
22 W. Pennsylvania Avenue
Towson, Maryland 21204
828-8990
Attorney for the Protestants

Mr. Edward D. Hardesty
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Property of William G. Schmelyun, et al

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. The Council failed to recognize the soil conditions of the subject site and the history of the property.
2. The Council failed to take into consideration the location, shape and size of the property.
3. The new road pattern and the newly constructed roads which cluttered the subject property.
4. The zoning placed on the subject property by the new maps is confiscatory.
5. The zoning placed on the subject property is illogical and disregarded planning techniques.
6. The Council disregarded the Opinion of the Board of Appeals and the recommendation of the Planning Board. The Council was invited to examine voluminous information available concerning this site, but this invitation was not accepted. Without having this information, error was committed in the adoption of the maps.
7. And for other and further valid reasons to be shown at the hearing hereof which will show the glaring error in the adoption of the maps.

Very truly yours,

Frank E. Cicone

FEC:kr.

JOAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS
4800 ELPSTOKE AVENUE / BALTIMORE, MD. 21214 (301) 426-2144
539 POPPARD STREET / CAMBRIDGE, MD. 21613 (301) 228-3350
115 E. MAIN STREET, WESTMINSTER, MD. 21157 (301) 848-1700
115 WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

April 15 1971

Description of Schmelyun Property to be Reclassified
From D.R. 5.5 Zone to M.L. Zone.

BEGINNING for the same on the southeast side of Waelchill Avenue at a point situate 260 feet, more or less, southerly from the intersection of the south side of Sulphur Spring Road and the east side of Waelchill Avenue, thence leaving said place of beginning and running and binding on the south side of Waelchill Avenue the 2 following courses and distances, viz: (1) South 56 degrees 23 minutes West 345.22 feet to a point of curve, thence (2) by a curve to the left with a chord bearing South 29 degrees 01 minutes West 115.09 feet to the end of said curve, thence binding along the east side of said Waelchill Avenue the 3 following courses and distances, viz: (3) South 01 degrees 57 minutes West 30.61 feet, thence (4) North 88 degrees 03 minutes West 3.77 feet and thence (5) South 00 degrees 50 minutes West 182.03 feet, thence binding along the north-east side of said Waelchill Avenue (6) South 48 degrees 18 minutes East 598.22 feet, thence binding in part along the north side of said Waelchill Avenue and continuing the same course, in all, (7) North 39 degrees 30 minutes East 392.60 feet, thence (8) South 49 degrees 52 minutes 30 seconds East 273 feet, more or less, to the northeasternmost side of Proposed Interstate 95 Right of Way, thence running and binding along said northwesternmost right of way of Interstate 95, the 4 following courses and distances, viz: (9) Northeasterly 255 feet, more or less, thence (10) Northeasterly 284 feet, more or less, thence (11) Northeasterly 107 feet, more or less, and thence (12) Northeasterly 125 feet, more or less, thence binding along the southwesternmost side of Interstate 95 Right of Way the 8 following courses and distances, viz: (13) Northeasterly 315 feet, more or less, thence (14) Northeasterly 48 feet, more or less, thence (15) Northeasterly

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SE/S of Waelchill Avenue, 260' : ZONING COMMISSIONER
S of Sulphur Spring Road : OF
13th District : BALTIMORE COUNTY
William G. Schmelyun, et al -
Petitioners : NO. 72-96-R (Item No. 51)

The Petitioners request a Reclassification from a D.R. 5.5 Zone to a M.L. Zone for a parcel of property located on the southeast side of Waelchill Avenue, two hundred and sixty (260) feet south of Sulphur Spring Road, in the Thirteenth District of Baltimore County, containing 14.45 acres of land, more or less.

Evidence presented at the hearing indicated that the subject property is the residual of a larger tract of land, part of which was used for the construction of the Baltimore County Beltway and Interstate 95. The topography is considered rough, and the new Sulphur Spring Road has been constructed and is in operation. It was claimed that the property could not be developed residentially because of a high water table, therefore, M.L. Zoning for a small industrial park would be the best use of the subject property.

Mr. Bernard Willemain, a qualified planner testifying for the Petitioners, indicated that he had submitted plans to the Petitioners for an industrial park on the subject property in 1962, which is why he is so familiar with the property. He alleged that the Comprehensive Zoning Map, as adopted on March 24, 1971, is in error in placing a D.R. 5.5 Zone on the property. His reasons are as follows:

1. That the zoning which now exists on the property is confiscatory in nature.
2. That a D.R. 5.5 Zone was never recommended to the Baltimore County Council but that a D.R. 16 Zone was.
3. That in April, 1970, the Baltimore County Board of Appeals granted M.L. zoning to the subject property and that the Baltimore County Council,

In the adoption of the Comprehensive Zoning Map, did not take recognition of the zoning at the time of its adoption.

4. That the close proximity to Interstate 95 and the Baltimore County Beltway necessitates an industrial zone.
5. That a large M.L. Zone exists directly across Interstate 95 which is the same type of property as the subject property.

Mr. George E. Gavrellis, the then Director of the Office of Planning for Baltimore County, testified that residential zoning on the property is correct because it protects the adjoining residential properties. A strong question arose as to whether or not D.R. 16 zoning, as was recommended by the Baltimore County Planning staff to the Baltimore County Planning Board to the Baltimore County Council, would be a feasible zone for the subject property. Mr. Gavrellis felt that the property, as it is presently zoned, was in error and that the property should be zoned D.R. 16.

Residents of the area, in protest of the subject Petition, indicated that they were concerned with the amount of traveling through a residential neighborhood and that they were opposed to any change from a D.R. 5.5 Zone. They felt that it would be detrimental to their health, safety, and welfare, and that the value of their homes would decrease. They were also concerned with the domino effect of development in the area.

Mr. Vernon E. Murphy, a fifteen (15) year resident of the area, appeared at the hearing in favor of the Petitioners. His property is bordered on two (2) sides by the subject property. He felt that M.L. zoning would be the best land use and that he would be opposed to apartments being developed on this property.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the opinion of the Zoning Commissioner of Baltimore County, the Comprehensive Zoning Map, as adopted on March 24, 1972, was in error in classifying the subject property D.R. 5.5. The close proximity of the property to Interstate 95 and the

Baltimore County Beltway, the rough topography and the high water table do not make this property suitable for residential development. The entire area had been surface-mined for many years under the direction and controls of the United States Government.

Mr. Gavrellis' testimony was very controlling in that he felt that the Comprehensive Zoning Map, as adopted, was in error in classifying this as a D.R. 5.5 Zone. He also felt that the development of a D.R. 16 Zone would be a better land use than a D.R. 5.5 Zone. The aforementioned topography and high water table would prohibit this type of development.

The property enjoyed a M.L. Zone for approximately one (1) year prior to the adoption of the present zoning map. There is a strong question as to whether the Baltimore County Council gave this fact recognition in the adoption of the Comprehensive Zoning Map. The Baltimore County Planning Board, in their recommendations to the Zoning Commissioner under Item No. 5, also recommended a D.R. 16 Zone, recognizing the possibility of an error in the present classification.

The Baltimore County Planning Board recommended that D.R. 16 zoning be granted. In the opinion of the Zoning Commissioner, D.R. 16 zoning would have a detrimental effect upon the area and the residents than the granting of the M.L. zoning.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of August, 1972, that the herein described property or area should be reclassified from a D.R. 5.5 Zone to a M.L. Zone, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County



ORDER RECEIVED FOR FILING

DATE August 21, 1972
BY John A. Miller

ORDER RECEIVED FOR FILING

DATE August 21, 1972
BY John A. Miller

ORDER RECEIVED FOR FILING

DATE August 21, 1972
BY John A. Miller

95 feet, more or less, thence (16) Northwesterly 100 feet, more or less, thence (17) Northwesterly 107 feet, more or less, thence (18) Northwesterly 88 feet, more or less, thence (19) Northwesterly 190 feet, more or less, and thence (20) Southwesterly 30 feet, more or less, thence leaving the southwestermost right of way line of Interstate 95 Right of Way and running thence (21) South 44 degrees 00 minutes East 200 feet, more or less, thence (22) South 56 degrees 23 minutes West 407.46 feet and thence (23) North 33 degrees 37 minutes West 180.00 feet to the place of beginning.

Containing 14.45 acres of land, more or less.

Saving and excepting therefrom the Right of Way for proposed re-alignment of Potomac Street.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.



April 24, 1974

Richard D. Payne, Esquire
26 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Zoning File No. 72-96-R
William G. Schmelyun, et al,
Petitioners

Dear Mr. Payne:

Enclosed herewith is a copy of the Order of Denial passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eusehart, Adm. Secretary

Encl.

cc: James H. Cook, Esquire
Mr. S. E. Dineen
Mr. W. D. Fromm
Mr. R. W. Womack
Board of Education

LAW OFFICES
RICHARD D. PAYNE
LOYOLA FEDERAL BUILDING
78 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

SUITE 304

VALLEY 8-8800

September 22, 1972

ZONING COMMISSIONER
County Office Building
TOWSON, Maryland 21204

Re: Petition for Reclassification SR/S of Waelchill Avenue,
260' S of Sulphur Spring Road, 13th District
William G. Schmelyun, et al - Petitioners
No. 72-96-R (Item No. 51)

Dear Sir:

Please be advised that I represent Elsie E. Hicks, Mr. & Mrs. Carlo Hoyt, Mr. & Mrs. Emory McGarrigle, Marie Deibel, George J. Benton, Maurice P. Cavey, Henry Rutkowski, Donald C. Stevens, Claudia Easton, Mr. & Mrs. Robert J. Reinholds, and the Arbutus Community Association, Inc., all property owners and residents adjacent to and adversely affected by the decision of the Zoning Commissioner.

They are aggrieved by your decision of August 31, 1972, and on their behalf I respectfully request that the matter be appealed to the Baltimore County Board of Appeals.

Very truly yours,

Richard D. Payne
Richard D. Payne
Attorney for Appellants

/s/
enc.



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

May 18, 1971

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

Mr. George E. Savrells, Director
Office of Planning & Zoning
301 Jefferson Building
Towson, Maryland 21204

RE: Item #51 (April - October Cycle 1971)
Property Owners William G. Schmelyun, et al
Location: SE/S of Sulphur Spring Rd. at
W/S of G & W Rd.
Present Zoning: D.R. S.S.
Proposed Zoning: Reclass. to M.I.
District: 13C1 Sector: Southwestern
No. Acres: 14.45

Dear Sir:

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.

The subject property is presently a vacant tract of land which at one time was used for a sand and gravel pit. The State Roads Commission has constructed the new interchange for Interstate 95 through the site. The property to the north is bounded by the post office building and a vacant lot. The zoning. It is bounded on the west by the Pennsylvania Railroad, the south and southeast by a large apartment development, the east by residences, into 30 years of age, in good repair, Waelchill Avenue at the present time is partially improved insofar as curb and gutter are concerned. Sulphur Spring Road has been realigned in accordance with the Interstate 95 project.

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.

MICHIGAN

This site has frontage on Waelchill Avenue and Sulphur Spring Road Relocated.

Item #51
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May 18, 1971

This property is bound along the northeast by Sulphur Spring Road Relocated, built by the Maryland State Roads Commission in connection with Interstate 95 which bounds the southeast property line. Sulphur Spring Road is to be accepted as a County Road by Baltimore County and is to be ultimately improved as a 50-foot closed road section.

Waelchill Avenue is an existing County road, which shall ultimately be improved to minor commercial standards between Sulphur Spring Road and Proposed Potomac Avenue and to minor residential standards from Potomac Avenue to its termination. Highway improvements between Sulphur Spring Road and Potomac Avenue will be a 36-foot closed road section on a 60-foot right-of-way. Highway improvements from Potomac Avenue through the remaining frontage of this site will be a 30-foot closed road section on a 50-foot right-of-way.

Potomac Avenue is a proposed County Road, which shall ultimately be improved to local collector standards. Highway improvements will be a 40-foot closed road section on a 60-foot right-of-way.

Responsibilities for these improvements will be determined by the Director of Public Works upon application for a building permit.

Interstate 95 is a non-access highway under the jurisdiction of the Maryland State Roads Commission.

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 storm drains will be required to this site in conjunction with the required highway improvements, and must be 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 Planning and Building Codes.

Item #51
Page 3
May 18, 1971

Off site rights-of-ways appear to be necessary for the provision of public drainage facilities to this site. If so, a record plat cannot be approved prior to acquisition of such rights-of-ways.

Sediment Control:

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

Water:

Public water can be made available to serve this property by constructing a public water main extension of public facilities in Potomac Avenue from the existing 16-inch main in Sulphur Spring Road Relocated.

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 Sewer:

Public sanitary sewerage can be made available to serve this property by constructing a public sanitary sewer extension, from the existing 8-inch public sanitary sewer in Sulphur Spring Road at Waelchill Avenue, shown on Drawing 664-0310 - 1, through the frontage of this site on Sulphur Spring Road Relocated and within Potomac Avenue as necessary.

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

Item #51
Page 4
May 18, 1971

FIRE PREVENTION BUREAU:

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 approved road.

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 submitted for approval.

HEALTH DEPARTMENT:

Revised plans must be submitted showing how property is to be served by public water and sewer.

BOARD OF EDUCATION:

Would result in a loss of approx. 29 pupils.

INDUSTRIAL DEVELOPMENT:

The Industrial Development Commission has reviewed the subject petition.

This land is located between an Interstate highway and a railroad with excellent access to both. Prime industrial land in this area is limited and the petitioners' request for M.I. zoning as granted by the Board of Appeals April 23, 1970 appears reasonable. Therefore, we recommend favorable consideration.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition is requesting M.I. instead of the present DR S.S. This should not increase the trip density of this subject property and should not create any traffic problems, provided all access to Sulphur Spring Road is via Potomac Avenue instead of Waelchill Avenue, which presently creates problems.

ZONING ADMINISTRATION DIVISION:

The proposed development would not create a great amount of traffic that would affect the existing roads on the property. The petitioners' proposal does not meet the present Baltimore County Zoning Regulations as to setbacks between buildings. This can be rectified with the submission of any subsequent building applications.

Item #51
Page 5
May 18, 1971

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

DLHJD

cc: Edward D. Hardesty

Frank E. Dineen, Esq.,
First National Bank
Towson, Maryland 21204

Frank E. Cicone, Esquire
411 Jefferson Building
Towson, Maryland 21204

August 31, 1972

RE: Petition for Reclassification
SE/S of Waelchill Avenue, 260'
S of Sulphur Spring Road
13th District
William G. Schmelyun, et al -
Petitioners
NG. 72-98-R (Item No. 51)

Dear Mr. Cicone:

I have this date passed my Order in the above captioned
matter in accordance with the attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED:vic
Attachment

cc: Richard D. Payne, Esquire
26 West Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 51 - Cycle Zoning
Property Owner: William G. Schmelyun, et al
Sulphur Spring Road at W/S PB & W RR
Reclassification to ML

Date: May 14, 1971

The subject petition is requesting ML instead of the present
DR 5.5. This should not increase the trip density of the subject property
and should not create any traffic problems, provided all access to Sulphur
Spring Road is via Potomac Avenue instead of Waelchill Avenue, which
presently creates problems.

C. Richard Moore
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
Attn: Oliver L. Myers
FROM: Ellsworth V. Dwyer, P.E.

Date: May 13, 1971

SUBJECT: Item #51 (April - October Cycle 1971)
Property Owner: William G. Schmelyun, et al
Location: S/S Sulphur Spring Rd. at W/S PB & W RR
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to M.L.
District: 13th Sector: Southwestern
No. Acres: 14.45

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 Waelchill Avenue and Sulphur Spring Road
Relocated.

This property is bound along the northeast by Sulphur Spring Road
Relocated, built by the Maryland State Roads Commission in connection with
Interstate 95 which bounds the southeast property line. Sulphur Spring
Road is to be accepted as a County Road by Baltimore County and is to be
ultimately improved as a 50-foot closed road section.

Waelchill Avenue is an existing County Road, which shall ultimately be
improved to minor commercial standards between Sulphur Spring Road and
Proposed Potomac Avenue and to minor residential standards from Potomac
Avenue to its termination. Highway improvements between Sulphur Spring
Road and Potomac Avenue will be a 36-foot closed road section on a 60-foot
right-of-way. Highway improvements from Potomac Avenue through the remaining
frontage of this site will be a 30-foot closed road section on a 50-foot
right-of-way.

Potomac Avenue is a proposed County Road, which shall ultimately be
improved to local collector standards. Highway improvements will be a
40-foot closed road section on a 60-foot right-of-way.

Responsibilities for these improvements will be determined by the
Director of Public Works upon application for a building permit.

TO: Mr. Edward D. Hardesty, Zoning Commissioner
Attn: Mr. Myers
DATE: 5/12/71

FROM: Planning Division
Fire Prevention Bureau

SUBJECT: Property Owner:
William G. Schmelyun, et al

Location: S/E/S Sulphur Spring Rd. at W/S PB & W RR

Item # 51 Zoning Agenda

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 approved road.

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 submitted for
approval.

Respectfully submitted:

H. James Kelly
Planning Division
Fire Prevention Bureau

Item #51 (April - October Cycle 1971)
Property Owner: William G. Schmelyun, et al
Page 2
May 13, 1971

Highways: (Cont'd)

Interstate 95 is a non-access highway under the jurisdiction of the
Maryland State Roads Commission.

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 storm drains will be required to this site in conjunction with
the required highway improvements, and must be in accordance with the
standards of the Baltimore County Department of Public Works.

Onsite 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.

Offsite rights-of-ways appear to be necessary for the provision of public
drainage facilities to this site. If so, a record plat cannot be approved
prior to acquisition of such rights-of-ways.

Sediment Control:

Development of this property through stripping, grading and stabilization
could result in a sediment pollution problem, damaging private and public
holdings below this property. 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 can be made available to serve this property by constructing
a public water main extension of public facilities in Potomac Avenue from the
existing 16-inch main in Sulphur Spring Road Relocated.

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
Date: May 14, 1971

FROM: Ian J. Forrest

SUBJECT: Item 51

51. Property Owner: William G. Schmelyun, et al
Location: S/E/S Sulphur Spring Rd. at W/S PB & W RR
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to M.L.
District: 13th Sector: Southwestern
No. Acres: 14.45

Revised plans must be submitted showing how property is
to be served by public water and sewer.

Ian J. Forrest
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJF/sam

Item #51 (April - October Cycle 1971)
Property Owner: William G. Schmelyun, et al
Page 3
May 13, 1971

Water: (Cont'd)

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 Sewer:

Public sanitary sewerage can be made available to serve this property
by constructing public sanitary sewer extensions from the existing 8-inch
public sanitary sewer in New Sulphur Spring Road at Waelchill Avenue, shown
on Drawing 94-0369 - 1, through the frontage of this site on Sulphur Spring
Road Relocated and within Potomac Avenue as necessary.

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

Ellsworth V. Dwyer, P.E.
Chief, Bureau of Engineering

END:RAM:CM:rss

cc: File (3)

Key Sheet: 1-5W
Position Sheets: 18 SW 14 and 15
19 SW 14 and 15
Tape: SW 4 D
Tape Map: 108

BALTIMORE COUNTY, MARYLAND

ZONING ADVISORY COMMITTEE MEETING

OF 1971-72 423 (Last Round)

Petitioner: Schmelyun, et al
Location: S/E/S Sulphur Spring Rd. at W/S PB & W RR
District: 13
Present Zoning: D.R. 5.5
Proposed Zoning: M.L.
No. of Acres: 14.45

Comments: See a report in a letter of April 29, 1971.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardesty, Zoning Commissioner
 10th Mr. Oliver L. Myers
 Office of Zoning Commission Date: May 11, 1971
 FROM: H. B. Staab - Industrial Development Commission
 SUBJECT: Item No. 51 - Reclassification Cycle Agenda
 Owner: William G. Schmelyun, et al
 Location: S/E/S Sulphur Spring Road at W/S PB&W RR
 Present Zoning: DR 5, 5
 Proposed Zoning: Reclass to ML
 District: 13th Sector: Southwestern
 No Acres: 14.45

The Industrial Development Commission has reviewed the subject petition.

This land is located between an interstate highway and a railroad with excellent access to both. Principal industrial land in this area is limited and the petitioners' request for ML zoning as granted by the Board of Appeals April 23, 1970 appears reasonable. Therefore, we recommend favorable consideration.

H. B. STAAB
 Director

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. Sept. 22, 1971
 THIS IS TO CERTIFY that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 8th day of October, 1971, the first publication appearing on the 16th day of September, 1971.

THE TIMES

John M. Martin
 Manager

Cost of Advertisement \$ 39.00
 PO J 3678
 Reg. No. A 5986

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 16, 1971
 THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one successive weeks before the 16th day of October, 1971, the first publication appearing on the 16th day of September, 1971.

THE JEFFERSONIAN
 L. Frank Smith
 Manager

Cost of Advertisement \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 74077

DATE 12/12/73

To: James N. Cook, Esquire
 Monument-Towson Building
 Towson, Md. 21204

TOWSON, MARYLAND 21204

County Board of Appeals
(Zoning)

DEBIT TO ACCOUNT NO.	01-712	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG	EXFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Cost of copies of documents -		Zoning File No. 72-96-R 515 Washhill Ave. 260 S. Sulphur Spring Road 13th District William G. Schmelyun, et al	\$ 3.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO OFFICE OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204			

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 75661

DATE April 20, 1971

To: Frank E. Clemen, Esq.
 1st National Bank Building
 Towson, Md. 21204

TOWSON, MARYLAND 21204

Zoning Dept. of Baltimore County

DEBIT TO ACCOUNT NO.	01-622	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	DETACH ALONG	EXFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST
Petition for Postoffication for William G. Schmelyun, et al			\$0.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO OFFICE OF FINANCE, REVENUE DIVISION COURTHOUSE, TOWSON, MARYLAND 21204			

Frank E. Clemen, Esq.
 1st National Bank
 Towson, Md. 21204

Reclassification
Item 51

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing

this 17th day of August 1971

Eric Dymenna
 Zoning Commissioner

Petitioners: William G. Schmelyun, et al

Petitioners' Attorney: Frank E. Clemen

Reviewed by: [Signature]
 Chairman of
 Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5087

DATE October 18, 1972 ACCOUNT 01-662

AMOUNT \$15.00

DISTRIBUTION
 WHITE - CASHIER
 YELLOW - CUSTOMER
 Cost of posting property of William G. Schmelyun, et al, for appeal hearing
 SE/S of Washhill Avenue, 260' S of Sulphur Spring Road - 13th District - Case No. 72-96-R
 150 CME
 Richard D. Payne, Esquire

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 3710

DATE June 22, 1972 ACCOUNT 01-662

AMOUNT \$14.50

DISTRIBUTION
 WHITE - CASHIER
 YELLOW - CUSTOMER
 William G. Schmelyun
 1538 Sulphur Spring Road
 Baltimore, Md. 21227
 Advertising and posting of property
 #72-96-R 1445 CME

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5065

DATE October 5, 1972 ACCOUNT 01-662

AMOUNT \$70.00

DISTRIBUTION
 WHITE - CASHIER
 YELLOW - CUSTOMER
 Richard D. Payne, Esquire
 Cost of Appeal on Case No. 72-96-R
 SE/S of Washhill Avenue, 260' S of Sulphur Spring Road - 13th District
 William G. Schmelyun, et al - Petitioners
 150 CME

SCHMELYUN
PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, PA, CC, CA										
Reviewed by: JBB										
Previous case:										

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: Sept. 24, 1971
 Posted for: RECLASSIFICATION
 Petitioner: Wm. G. Schmelyun
 Location of property: SE/S of WASHHILL AVE. 260 FT. S. of SULPHUR SPRING RD.
 Location of Sign: @ E/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 @ SE/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 @ SE/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 Posted by: Charles B. Thord Signature Date of return: Oct. 1, 1971

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: Oct. 14, 72
 Posted for: APPEAL
 Petitioner: WILLIAM G. SCHMELYUN
 Location of property: SE/S of WASHHILL AVE. 260 FT. S. of SULPHUR SPRING RD.
 Location of Sign: @ E/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 @ SE/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 @ SE/S of WASHHILL AVE. 280 FT. S. of SULPHUR SPRING RD.
 Remarks: [Signature]
 Posted by: [Signature] Signature Date of return: Oct. 23, 1972





