PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

NER OF BALTIMORE COUNTY

I, or we, John A. Lunthemperlegal owner... 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. & D.R. 10.5

D.R. 16 zone; for the following reasons:

see attached brief

See attached description

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 on filing of this petition, and further agree to and are to be bound by the zoning ons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

x John a Luthen

12 Roland Mews, Village of Cross Keys Legal Owner Address × Baltimore, Maryland 21210

-191-R

25th __, 197 _2, that the subject matter of this petition be advertised. as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

of Baltimore County in Room 106, County Office Building in Towson, Baltimore 197 ... al 0:00 o'clock ..day of ... Harch Ist

A.M.

25

Attorney At Low NATIONAL BANK BLDG. ON, MARYLAND 21204

S. Eric DiNenna ning Commissioner unty Office Building wson, Maryland 21204

RE: Property of John A.

FEC:kn

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.

The subject property was zoned in 1966 to residential apartments (RA).

The County Council committed error in downshifting the subject property to 5.5 and 10.5 respectively.

3. The downshift is confiscatory and illegal. The map of 1971, in taking away the zoning, committed a most glaring and illegal error.

The action of the County Council in 1971 not based on orderly and well planned development rether its action is without rhyme and reason.

6. Due to the new alignment of Hyde Perk Road and Merlyn Avenue, a considerable portion of this property will taken up for those roads and thereby render this site economically unusable for low denisty development.

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.

spectfully submitted,

RE: PETITION FOR RECLASSIFI-W/S of Hyde Park Road, 485' ZONING COMMISSIONER OF John A. Luetkemeyer - Petitioner BALTIMORE COUNTY NO. 74-191-R (Item No. 40)

:::

The Petitioner requests a Reclassification from a D, R. 5. 5 Zune and D.R. 10. 5 Zone to a D.R. 16 Zone for a parcel of property located on the west side of Hyde Park Road, four hundred and eighty-five (485) feet north of Goodwood Road, in the Fifteenth District of Baltimore County, containing 24, 13 acres of land, more or less.

Evidence on behalf of the Petitioner Indicated that a portion of the subject property was zoned R. A. prior to the adoption of the Comprehensive Zoning Map, on March 24, 1971. In the adoption of this most recent Comprehensive Zoning Map, that said portion of this property was down-shifted to D. R. 5. 5 zoning. The portion of the subject property that is zoned D. R. . 0. 5. was retained in the adoption of the Comprehensive Zoning Map of 1971.

The Petitioner indicated that he received no correspondence indicating the down-shifting of the property and he learned of this down-shift only last summer when he received a reduced tax bill. The subject property and two (2) bedroom units.

Mr. Paul J. Marx, a professional architect and land planner wailable to the property, said sewer line was installed and completed in June of 1971. This line is approximately thirty-five (35) feet from the property line on Hyde Park Road. The property abuts the Hyde Park Elementary School site, which is to the north of the subject property. Approximately

substantial change in the character of the neighborhood inasmuch as this

three (3) acres of the subject property is located in a flood plain and cannot be developed. Mr. Marx indicated that there is a need for apartments in the area. He felt that the Comprehensive Zoning Map, as adopted, was in error inasmuch as the property is equipped with utilities, the zoning was downshifted without notice to the property owner (that portion of the 10 acres that was previously zoned R A. I and, that the Planning Board in its' recommendations to the Baltimore County Council prior to the adoption of the Comprehensive Zoning Map, recommended D. R. 16 in 1971. Mr. Mark questioned the Planning Board's recommendation of D. R. 16 zoning when in their recom-D. R. 5. 5 zoning. Since the property is located so near to the water, individual homes could not be developed as they would have to be pieces on slabr because of the high water cable. Garden type apartments could be developed on slabs more economically and be more beneficial to the surrounding area if it were soned. D. R. 16.

Mr. Clark F. MacKenzie, a qualified real estate appraiser, consultant and developer in Baltimore County, indicated that the Comprehensive Zoning Map, as adopted, was in error in placing the subject property in a D. R. S. S. Zone and a D. R. 10. S. Zone. He felt that the Baltimore County Planning Board considered the highest and best use of the property, new road-way networks, sewer facilities and a school site, which is presently not developed, in proposing D. R. 16 zoning for the subject property. The school Board of Education. It is considered good planning to place higher density zoning closest to the school, so that those school children which would eminate from the development would be within walking distance of the subject school site. Portions of Back River Neck Road have been widened and have beloed to alleviate certain traffic problems that existed several years ago. Mr. MacKenzie indicated that the sewer extension system was under con-

struction at the time of the adoption of the Comprehensive Zoning Map. He felt that the Baltimore County Council should have been aware of this extension and must assume that the Baltimore County Council did not take cognizan of this fact. Mr. MacKenzie brought forth the fact that at the time that this property was down-shifted, several other properties in the area, which enjoyed a R 6 Zone paper to the adoption of the Comprehensive Zoning Map, were up-graded to D. R. 16 zoning, with the adoption of said map in 1971. He 'elt that this was confiscatory in nature and deprived the Petitioner of reasonable use of the subject property

Residents of the area in protest of the subject Petition, indicated that the general area would encounter much hardship as a result of the excessive traffic eminating from this proposed development. The area

Mrs. Alberta Pugh, a representative of the Essex-Middle River Community Council, cited a genral objection to increased density in this

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner of Bultimore County, the Comprehensive Zoning Map, as adopted on March 24, 1971, was in error in classifying the subject property D. R. 5. 5 and D. R. 10, 5 Zones. The mere fact that the subject property was slownshifted by the Baltimore County Council is not in error as such. The fact operty was zoned R. A. in 1966 without the benefit of sewer facilities that the anticipated extension of the sewer facilities, as under construction in June, 1971, indicates that the subject property was not given considerable study as to its' future development.

The addition of utilities to this property have made it more acceptable for development. This said addition cannot be considered as a

matter was under consideration within one (1) year of the adoption of the Comprehensive Zoning Man as per the Baltimore County Zoning Regulations The fact that the property was originally zoned without benefit of the utilities and does have that benefit at the present, the subject property is open for

The recommendation of D. R. 16 zoning by the Baltimore County Planning Board for that portion of the subject property which was zoned R. A. apartments in this area. This general area has been open because of the widening of the Back River Neck Road, and the new road facilities now being constructed in the area. The school site is available and immediately adjoins the subject property and is available for the construction if this property and other properties in the area are developed as indicated

Therefore, IT IS ORDERED by the Zoning Commissioner of ore County, this 22nd day of November, 1972, that the herein described property or area should be and the same is hereby reclassified from D. R. 5. 5 and D. R. 10. 5 Zones to D. R. 16 Zone from and after the date of this Order subject to

The approval of a site plan by the Office of Planning Zoning.

JOSEPH D. THOMPSON

CIVIL ENGINEERS & LAND SURVEYORS 101 SHELL BUILDING - 200 EAST JOPPA BOAD

TOWSON, MARYLAND 21204 . VAlley 2-8820 DESCRIPTION FOR REZONING, HYDE PARK ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the centerline of Hyde ?ark Road as prop to be widened to a width of 70 feet said point being 485 feet, more or less, measured Northwesterly along the existing Hyde Park Road from the centerline of God and North 31 Degrees 55 Minutes 50 Seconds East 840.66 feet to the centerline of Hyde I herein referred to and running thence and binding on said cente./line Southeasterly by a curve to the right with a radius of 500,00 feet the distance of 199,23 feet, Southeasterly eve to the right with a radius of 1400,00 feet the distance of 488,69 feet and South ses 31 Minutes 14 Seconds East 357,59 feet to the centerline of Marilyn Avenue as d to be laid out 70 feet wide and running thence and binding ther on North 71 Degree s 06 Seconds East 1070,99 feet thence leaving said centerline and running South . 39 Minutes 54 Seconds East 660,00 feet . South 49 Degrees 30 Minutes 58 Second West 868,96 feet and North 57 Degrees 34 Minutes 03 Seconds West 643 feet, more or Less. to the place of beginning.

CONTAINING 24,13 acres of land, more or less,



BAL. MORE COUNTY, MARYLIND

INTER-OFFICE CORRESPONDENCE

TO..... Mr. Oliver Myers..... Par. October 21, 1971

FROM Hoyt V. Bonner

SUBJECT. Item 20 - Zoning Advisory Committee Freting, October 20, 1971

20. Property Owner: John A. Luetkcmeyer, et al Location: S/E Cor. Hyde Park Rd.,
Present Zonking: De. 3.5 and D.R. 10.5
Proposed Zonking: Reclass. to D.R. 16
District: 15th
Sactor: Eastern
No. Acres: 24.13

Metropolitan water and severs must be extended to this site before building permit can be approved.

Hart O. Banner Sanitarian II Water and Sewer Section BUREAU OF ENVIRONMENTAL HEALTH

AVB: ca

TOUNTY OFFICE SLD 111 7 Chemptonic Ave. Towner, Maryland #111

Witten of the

Frank E. Cicone, Esq., Suite 411, Jefferson Bidg., Towson, Maryland 21204

OLIVER L NO

RE: Type of Hearing: Reclass, to D.R. 16 Location: SE Cor. Hyde Park Rd., 8 Prop. Marlyn Ave. Petitioner: John A. Luetkemeyer, et al MEMBER 15th District BURE C C

Dear Stra

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced potition and has nede an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located at the intersection of Nyd: Nava Road and the proposed Norlyn Avenue. The property now is two large undewlood wooded tracts that bender on the property amond by the Board of Education, presumbly for future school site. There is no curb and gutter existing at this location.

BUREAU OF ENGINEERING:

The following comments are furnished in regard to the plat submitted to this office for revier by the Zonin Advisory Committee in connection with the subject item.

Highways:

Myde Park Road is an existing road which shall ultimately be improved as a 42-foot curbed street on a 70-foot right-of-way.

Marlyn Avenue is proposed to extend through this site as a 42-foot curbed street on a 70-foot right-of-way.

Storm Drafnst

The Petitioner must provide necessary drainage facilities The Petitioner must provide nacessary orange sections (temporary or permanent) to prepare recruiting any multaness or damages to adjacent proporties, especially by the concentration of surface natters. Correction of any problem which may result, due to taproper grading or improper installation of desinage facilities, would be the full responsibility of the Petitioner.

B. TIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenns

Date October 26, 1971

FROM Ellaworth M. Diver, P.E.

SUBJECT. Lies #30 (Orale Cataber 1971 - April 1972)
Prosety Charg: John # Lustkemayer, et al. Locations #2 for 1 Number Park #1, prop. larlyn Ave. Present London: 9.8 - 5.5 and 9.8, 10.5 Proceed Zoniug: Poclans, to 0.1, 10.5 Districts 15th Sector: Bastern 50, Ares: 24,35

The following comments are furnished in regard to the plat submitted to this office for review by the Soning Advisory Committee in connection with the subject item.

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Marlyn Avenue is proposed to extend through this site as a 42-foot curbed street on a 70-foot right-of-way.

Storm Drains:

The Petitioner must provide measurey drainage facilities (temporary or permanent) to prevent creating any muisances or damages to adjacent properties, apportally by the concentration of nurse waters. Derrection of any problem which way result, due to improve radiate or improve intellation of drainage facilities, would be the full responsibility of

Studies will be required to determine the size of structures and ease-

Sediment Control:

Development of this property through stripping, grading and stabilisation could result in a sediment pollution problem, desaging private and public holdings downstream of the property. A grading permit is, therefore, occasing for all grading, including the stripping of ton soil.

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

Water:

Public water service is available to serve this site.

Frank E. Cicone, Esq.,

Studies will be required to determine the size of structures and

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, changing private and public holdings domatream of the property. A grading perait is, therefore, necessary for all grading, including the stripping of top soil.

Orainage 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 service is available to serve this site.

Sanitary Sewart

Site and major interceptor facilities are not scheduled for construction in the near future. It appears senterage could be purpod vestrely 1,700 feet to the existing gravity sever as a mons of serving that part of the site east of Mydo Park Rood with the appropriate of site eastends.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition is requesting OR 16 for 24 acres. The subject site, as presently zoned, will generate 1500 trips with an increase to 2900, should the request be granted.

At the present time, there is very limited eccess to the Back River Reference and expectly problems do exist on Norlym Avenue near Esstern Boulevard. This increased irip density can only be expected to aggressed the expectly problems until some of the new rajor roads out of the peninsule are constructed.

Sanitary Sever:

ENDIENTINOFIES

S-ME Mey Shoet SE 1 I Tepo Sheet

Metropolitan water and source must be extended to this site before building permit can be approved.

Air Pollution Commants: 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 Fir Pollution, Baltinone County Department of Health.

Number service is currently not available to serve part of this site and major intermentor facilities are not achemised for construction in the most future. It appears sewerner could be unaged usedarly, now feet to the existing gravity sever as a mean of service that part and the service of the service of

ttem = 50 (Cycle Compber 1971 - April 1972) Transerty Cymer: John A. Luetkemayer, et al Pare 2 Tatoker 25, 571

BOARD OF EDUCATION:

Page 3

Frank E. Cicone, Esq.,

Schools servicing this area are

	9/20/71 Enroll.	Capacity	*/-
Hiddleborough Ele. Weep Creek Jr. Hi.	648 1381	620 1250	+28 +131
lenwood Sr. Hi.	2232	1985	+247

The area as currently zoned could yield, when fully developed, approximately \$\$ eleanatory students. A change to 1.6.2 bedroom apartments, however, could yield approximately 46 elen, puils, B B Jr. Hi, puils, 6.5 rr. Hi, puils when developed as proposed. A change to 3 bedroom apartments or touchouse apartments would naturally increase the puil yield considerably.

FIRE DEPARTMENT:

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

The hydrents shaft be located at intervals of 500 feat along an

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

ZONING ADMINISTRATION DIVISION:

The plot that is submitted does not indicate the size of the proposed buildings, and setbacks to the proposed buildings, or the height of the proposed buildings.

This position is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be formarded to you in the near future.

Very truly yours, Oliver of Myen OLIVER L. MYERS, Chatrman

JJ0:J0

BALLIMORE COUNTY, MARYLIND

INTER-OFFICE CORRESPONDENCE

October 22, 1971 Mr. Oliver Myers Date ... FROM Hout V. Bonner

SUBJECT Item 20 - Zoning Advisory Committee Meeting, October 21, 1971

Caswell, Caplan, Rymland Location: N/S Gordon, Ave., 545' W. of Belmont Avenue Present Zoning: D.R. 3.5

Proposed Zoning: Reclass. to D.R. 16 District: 1st Sector: Northwestern No. Acres: 2.71

Metropolitan water and sewers must be extended to building site before building permit is approved.

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.

Fort U Bo. -- 1
Sanitarian II
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

HUR/PT-

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENG JUFFERSON BUILDIN TOWSON, MARYLAND 21204

S. Fric DiNeson Attn: Oliver L. Myers

Date Movember 2, 1971

PROM. C. Richard Moore

SUBJECT: Item 20 - Cycle Zoning II Property Owner: John A. Luetkeneyer, et al Hyde Park Frad, prop. Harlyn Avenue Reclass, to D.R. 16

The subject petition is requesting OR 16 for 24 acres. The subject site, as presently zoned, will generate 1500 trips with an increase to 2900, should the request be granted.

At the present time, there is very limited access to the Back River Mack Peninsula and capacity problems do cwist on Marlyn Avenue near fastern Boulevard. This increased trip density can only be expected to eggravate the capacity problems until some of the new major roads out of the peninsula are constructed.

CRM: ni

BALTIMONE COUNTY 1 1 10 17 TO FENERAL

ZOUTING ADUTEDBY CONTITUES MESSING OF Person of Con. 71 - 1000 14

Petitionary of an interference of the

Location: The oca. Home Page Ro Care, butter her. Marwine 15

Present Zoning: Da 5.5 4 06 10.5

Proposed Zoning: Da 16 No. of Acres: 24 13

Comments: Seneral Security This ice | Ace: gizel il Entere CAPACITY + 15 420 MINISTERNICULA ELE. 445 1250 +131 1331 Beer Corre Ja His 1985 2234 KENNOON SE HE

THE AREL AS EVERENCEY TAKEN COULD TIELD, WHEN FOLLY DELECTED, APPROXIMATELY 95 ELEMENTINY STORES "A CHINCE TO 1 4 A BEORGE O AFRICATION HOLENER, COULD TIELD Appreximater AL ELEM PURILS, 18 Ja. H. Furner, 1 6 Sa. H. Furner WHEN DEVELOPED AS ENCICED. A CHINGE TO 3 APPOSEM ADDRESSES PA TOWNSHIP STATISTICS WITH MITCHEST INDESSE THE PURIL YIELD CONSIDERSON Y.

DATE: October 25, 1371

John A. Luckkeneyer, et al

TOCATTON

8 % Cor. indo Park Road, prop. Marlyn Avenue

TTEN # 20

goning Agenda: Cycle for October 1,-

(1) 1. 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 500 feet along

- () 2. A second means of access is required for the site.
- () 3. The dead-end condition shown at _

exceeds the maximum allowed by the Fire Department.

() h. The site shall be made to comply with all applicable requirements of the National Fire Protection Association Standard No. 101, " The Life Safety Code ", 1967 Edition, and the Fire Association of the Protection of the Pro

(5) The owner shall comply with all applicable requirements National Fire Protection Association Standard No. 101, Life Safety Code ", 1957 Edition, and the Fire Prevention when construction plans are submitted for approval.

() 6. The Fire Department has no comment on the prop

RANDALLSTOWN, MD. 21133 7 chruny 14 - 1972

weekly newspaper published in Baltimore County. Maryland, once a _____ week tefore the _____ day of Phones 19 72, that it to say, the same was inserted in

THIS IS TO CERTIFY, that the mnexed advertisement of S. Bris Dinoma Booling Commissioner of Baltimore County

Duodalk Times

the issue of February 10, 1972.

SPECIAL MEETING ON REZONING February 27, 1972

The meeting was called to order by the president at 7:20 P.M. The minutes of the last special meeting were read. The president again exclaimed why we were here and also about the zoning change trying to be made. The reason for the repeat in the information was to inform those who were absent for the last meeting.

Mr. Wayne Gardner of the EssexTimes was present at the mesting. Mr. Watson, president of the Fox Ridge Civic Association was present along with Mrs. Zubris also of the Fox Ridge Civic Association, and Mr. Roberts of the Essex-Middle River Civic Council was also present.

Mr.R.C. Keene, a lawyer from the Essex-Middle hiver Civic Council and Mrs. Pugh from the same, were present.

Mr. Watson stated that the more people we can get to attend the rezoning meeting, the better. Mrs. Pugh said sne will have people from Middlesex attend this hearing.

Mr. Watson spoke on the over-crowdedness of our schools. Mr. Keene told us we should take a traffic survey of the rouds in our area. Mrs. Pugh will pick up the traffic count for us.

Wrs. Warie Whealton made a motion to have Mr. Keene represent us at the rezoning hearing. Mr. Richard Michael seconded the motion, motion passed. Mr. Keene said his fee will be \$50.00.

Mr. Michael will go up to the Goodwood Association to see if they will go out to Towson with ug.

Mrs. Hammerbacker made a motion to obtain the bus Mrs. Michael contacted, seconded by Mrs. Cittermen, motion passed. Cost of the bus will be #38.00 and seats 43 secole.

Mrs. Marie Whealton will speak for our association at the



CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN D. Frank Structo

		-
BALTIMORE COUNT OFFICE OF FINANCE - RI MISCELLANEOUS C	EVENUE DIVISION TO	m. 1419
DATE Nov. 29, 19	71 ACCOUNT (01-662
	AMOUNT_\$	50.00
WHITE - CASHIEN	PINE - AGENCY	VELLOW - CUSTOMER
	Jefferson Building	n for John Luetkeseyer 5 C.O.O.M

The rezoning signs are supposed to be posted 30 days before the hearing, but these signs were not put up until February 10.

Mr. John Windhaus made a motion to close the meeting. seconded by Mrs. Hammerbacker, motion passed. Me ting closed

> Moure Wheatter Marie Whealton Recording secretary Edwin J. Michael President

CHETWICATE OF POSTUM RTMENT OF BALTIMORE COUNTY #72-191-R Date of Posting 2 - 10 - 72 ented for Hearing Med March 1 1972 C 10:00 AM. Location of property: Wis of Hyde Post Rd 485 No & Sectional Rd Location of Signa 3 / Ported to Marly an 2 Ported on Nyl Ph B Date of return: 2-/7- 72

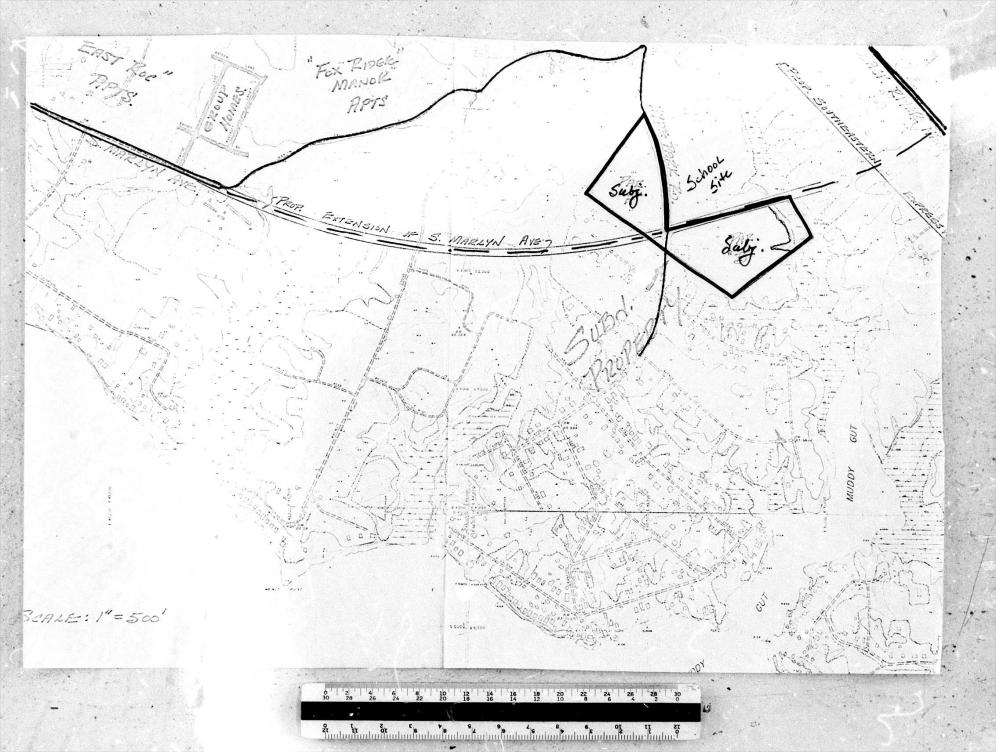
PETITION	M	MAPPING		PROGRESS	SHEET					
FUNCTION	Wall Map Ori		Orig	iginal Duplicate	Tracing		200 Sheet			
	date	by	date	by	date	by	dute	by	date	Ьу
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA		(

STROMBERG PUBLICATIONS, INC

Ma. 3725

June 26, 1972 ACCOUNT 01-662

135.0 CHSC





AMANDA PELLM ZONED DIE 5.5) DELINAGE EASEMENT FRANK HONZA ·ss. @ 0 (3) .50 1 0 **®** 13 D (4) 70T&L 408 30' DRIVE V 60. 26. 72 V @ POTING ZONING DE 10/5-10-47 &Ct D. 2-5.-15.44 &Ct.

2009-50 ZONING DE 10/5-10-47 &Ct D. 2-5.-15.44 &Ct.

2009-50 ZONING DE 10/5 SECTION DE 10/ 0 34 ALEVUE (0) @ PLAT FOR ZONING LUETKEMEYER PROPERTY HYDE PARK ROAD 15th elec DIST BALTIMORE CO, MO. 1,1 > don' P 8 GOODWOOD TARMS
ZONED 22 5.5 PODADO OF EDUCATION ON ZONED PUBLIC UDE CONNECTION WITH UNDER PARK LATERAL UTLI OF PROPERTY JOHN TO 12 206. 13.20.0013 OP

