PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TG THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

XK or we. MONTIS Realty Co., Inc. legal owner. 8 of the property situate in Baltimor County and which is described in the description and plat attached hereto and made a part hereol etition (1) that the zoning status of the herein described property be re-crassified, pursuant to the Zoning Law of Baltimore County, from an.... DR. . 2.

.....zone; for the following reasons:

See memorandum attached

D FOR

030 DATE See attached description

and 愛for a Special Exception, under the said Zoning Law and Zoning Regulations of Bultimore to use the herein described property, for.....

erty is to be nosted and advertised as prescribed by Zoning Regulation we, agree to pay expenses of above re-classification and/or Special Exception advertising etc., upon filing of this petition, and further agree to and are to be bound by the zoning restrictions of Baitimore County adopted pursuant to the Zoning Law for Raltin

By: Eldard , Maris Address & B. D. Colors &

SSEY, FLBURY & DAUSCH

, 197 2. that the subject matter of this petition be advertised, as the Zoning Law of Baltimore County, in two newspapers of general circulation through-the County, that property be posted, and that the public hearing be had before the Zoning and Baltimore County in Room 106, County Office Building in Towson, Baltimore day of March, 197 ..., at . JiQQo'clock

palir pra

E. F. RAPHEL & ASSOCIATES

LAP:M

October 8, 1971

3/2017.

LARNO,

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION - PART OF PROPERTY OF MORRIS PEALTY CO., INC.

BEGINNING for the same at a point in the center line of Jones ralls at the two following courses and distances from the intersection formed by the center line of Lake Avenue and center line of Falls Road 1)N12°56'10"W 225 ft. + and 2)577"03'50"W 455 ft. +. said point being on the outline of Morris Realty Co., Inc., running thence and bonding on the center of Jones Palls northerly 405 ft. + to intersect the northeast outline of Morris Realty Co., Inc. thence leaving the center line of Jones Falls and binding on the outline of Morris Realty Co., Inc. the 7 following courses and distances: 1)N28°35'50"W 185 ft. + 2)N62*55:10"W 21.00 ft. . to the center of Northern Central Rail road, running thence and binding on the said center 3)527*40*58"W 13.65 ft. 4 4)522*47*53W 151.80 ft. ±
5)517*59*30"W 138.60 ft. 6)513*27*31"W 131.86 ft. thence leaving the center of said railroad 7)578-00-40-E 150 ft. : to the place of beginning.

CONTAINING 1.87 acres of land more or less. BEING part of land of Morris Realty Co., Inc.



Eugene F. Raphel #2246 Registered Professional Lend Surveyor

MORRIS REALTY CO.

Now comes the Morris Realty Co., Inc., owner, and in support of its Petition for Zoning Re-classification in the aforegoing matter, says:

1. That the County Council in consideration of the zoning on the attached property, was in error since they failed to consider the previous zoning of the property and the actions in connection therewith as shown in the zoning files of the Zoning Department of Baltimore County, File No. 4688, and the Order in connection therewith by Zoning Commissioner Wilsie Adams, and File No. 5817 and the Order in connection therewith as well as the opinion of the County Board of Appeals by Charles Stinchcomb and Spiro T. Agnew, and the opinion of the Zoning Commissioner, John Rose, on the 11th day of April 1963. The comments of George Gavrelis, then Deputy Director, state that the planning staff offered no real objection to the creation of BM zoning on

2. That the presentation of the matter to the Baltimore County Council in the Central Sector, issue No. C 1, copy of which is attached, was in error since the existing zoning was incorrect and the Planning Board resolution referred to ignored all previous work by the Department of Planning of Baltimore County

3. That the zoning by the Baltimore County Council failed to consider Planning Boards accion with the developer of the property and the actions on the developer and others on reliance on the representations by the Departments of Planning and Zoning of Baltimore County in development of the land including leasing, financing, density, property entrances, utilities, etc.

4. That the County Council, in adopting the existing zoning on the piece of property in question, completely ignored the physical location of the property, the surrounding areas, the natural boundary of the railroad, the existing zoning to the north, the physical barrier of the stream and ownership by the State Roads Commission to the south, and the fact that the property, although severed by a stream, is contiguous and in the scope and plan of use of the present developer as part of the whole tract.

5. That the zoning as adopted by the Comprehensive Zoning Map of Baltimore County in downshifting the property to DR 2.2 was an illegal, arbitiary and capricious act not supported by any justification and was confiscatory. The deliberations disregarded completely the previous zoning applications and rulings thereon, File No. 5817 and File No. 4688, the work of the developer, the funds expended in development of the tract as a shopping center and miscellaneous use in connection therewith, the previous zoning as secured by administrative action, the existing negotiations with Baltimore County, the State Roads Commission, and independent financial parties concerning the use of the total tract of land.

6. The Planning Board's representation as to existing zoning on the property was in error and the basis of consideration by the Council therefore was improperly directed due to this

7. The zoning of DR 2.2 is impossible. There is no access to the property except through the shopping center and no way to extend utilities, obviously indicatin, the error; that the County Council really meant for this property to be BM, as it was originally intended to be used.

8. For such other and further reasons to be stated at the hearing of this cause.

Attorney for Petitioners 407 West Pennsylvania Ave Towson, Maryland 21204 Telephone 823-7710

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

Thomas L. Hennassey, Esq. Hennassey, Fleury & Dausch 407 West Pannsstrania Avanua vson, Maryland 21204

> Type of Hearing: Reclass to B.M. Location: N/W cor. Lake Ave., Falls Rd. Petitioner: Marris Realty Co., Inc. 9th District

February 15, 1972

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

Sub, at property lies to the vest of the Fells Road and slightly north of Lake Avenue. It lies in the rear of a large undeveloped frect of land that is zeroed commercial. It also backs up to the (bothern Central Railroad property. There is a small steem that runs frough the eastern persion of this property. To the southeast there is existing residential development.

BUREAU OF ENGINEERING:

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

Tox Maps indicate that the property proposed for rezoning is part of a longer toot. There is a parties of the property located on the west side of the Masiliera Central Relifect which is not presently proposed for development.

Access to this the is proposed fear falls fixed through the Americans Stopping Centry, the roading of a fixation fixed bridge will be writing to cores, show Fells, this hally would be replaced growing and the writing to cores, show of the proposed for the control possibility of the Devictor of the Indian design of the devictor of the control possibility of the Devictor of the Indian design of the devictor of the American Centrol of the C

Page 2 February 15, 1972

Storm Drains:

Detailed provisions for accommodating storm water or drainage have not been indicated on the Detailed provisions for accommodating storm water or dialings have not been indicated on the subject plan; however, dialings tecllities and easements will be required in connection with the propose development of this property. A complete drainage study will be required for Jones Folls.

The Petitioner must provide recessory drainings facilities (temporary or permenent) to prevent creating any nutrances or demogas to adjacent properties, especially by the concentration of surface valers. Correction of any problem which may result, due to improper grading or improper institution of distingue facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment of the property integers and property ground one institution color tests in the property. A grading permit is, therefore, necessary for all grading, including the stripping of top 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.

Public water supply and public sanitary sewerage are available to serve this property.

The Developer is entirely responsible for the construction, and the cost of the construction and me Levenquet a comment responsible for the construction, one the cost of the construction and maintenance, of his onlike private sentiary severage and water service system which must conform to Baltimore County requirements. Both of these private facilities will have to extend across Jones falls to serve this property.

DEPT. OF TRAFFIC ENGINEERING:

The subject potition is requesting a change from D.R. 2 to B.M. of 1,87 ceres. This change should increase the trip density from 40 trip, to 900 trips per day.

Based on the pre-ent design, the access as shown is sub-standard.

STATE ROAD COMPISSION:

Le subject it is allegible; deceles ; we are mostly in review and consent.

Fire hydron: for the proposed site fere required only shall be in accordance with hultimere Country

Thomas L. Hennessey, Esq. Item 44 Page 3 February 15, 1972

Fire Prevention Bureau (continued):

The hydronts shall be located at intervals of 300 feet along an approved road.

The site shall be a ade to comply with all applicable requirements of the Mational fire Protection Association Standard No. 101, "the Life Sofety Code", 1967 Edition, and the fire Prevention Code prior to occupancy or commencement of operations.

HEALTH DEPARTMENT:

Motropolitan water and sewer must be extended to the building site prior to the approval of the

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or building on this tite 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, Boltimore County Department of Health.

BOARD OF EDUCATION:

Acreage too small + "ave an effect on student population.

ZONING ADMINISTRATION DIVISION:

The plot as submitted appears to meet all the requirements of the Zoning Commissioner's rules of

This position is accepted for filling on the date of the enc. I filling certificate. Notice of the bearing date and time, which will be held not less then 30, now more than 90, days after the date on the filling certificate, will be forwarded to you in the near future.

. Poplar & Marca OLIVER L. MYERS, Chairman

110 mil

JUL 12 1972

Pursuant to the advertisement, posting of property, and public hearing on the above netition and it appearing that by reason of .. error on the original map, and the health, safety or .. the above Reclassification should be had; and it further appearing that the 1972 ... that the herein described property or area should be and guant from and after the date of this order, subject, however, to approval of the site shan by the State Highway Administration, Bereau of Public Services and Office of Planning and Zoning.

Zoning Commissioner of Baltimore County suant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED, 197 ... that the abov r-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a______zone; and/or the Special Exception for___

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

OLIVER L. MYER:

BUREAU OF DEPARTMENT OF TRAFFIC ENGINEERIN NUMBER OF STREET

BUREAU OF FIRE PREVENTION HEALTH DEPARTMENT PROJECT PLANNING BOARD OF EDUCATION ZONING ADMINISTRAT DEVELOPMENT

Mr. Ceorge E. Gavrelis, Director Office of Planning & Zoning Room 301, Jefferson Building Towson, Maryland 21204

RE: Property Owner: Morris Realty Co., Inc. Location: N/W cor. Lake Ave., Falls Ruad Present Zoning: D.R. 2
Proposed Zoning: Reclass. to B.M.
9th District Sector: Northwestern

The tolloving comments were compiled after a field investigation and an in-office review which will provide the Planning Board and/or the petitioner with pertinent information of possible development problems.

The subject property lies to the west of the Fells Road and slightly north of Lake Avenue. It lies in the rear of a large undeveloped tract of land that is some documental. It also backs up to the Northern Central Roilroad property. There is a snall stream that runs through the eastern portlon of this property. To the southerst there is existing residential development.

The plat as submirted appears to meet all the requirements of the Zoning issioner's rules of procedure.

Very truly yours,

Oliver L. My OLIVER L. MYERS, Chairman

JJDJr.:msh

1984	1 2	SPORGE, OMER OR	3	LOCATION OF				1000		" " JUNE"	COUNTY	
-	100	ORGANIZATION	POTEST	PROPERTY	1000		EXITING ECNING	HEAVING HEAVING HEAVING HEAVING	TO COUNTY COUNCIL	MODES .	COUNCIL RESOLU- TION	COPENT
C - 1 1200 C C	2	LYON A. M.LLER (PURCHASER)		W/S FALLS ROAD ACROSS FROM LAKE AVENUE	ж	N. W. 7- B 8- B	B. W. B. L. R-6	B,M C.N.S. D.R. DR 5.5	B. W. C. N.S.		B. M C. N S.	MORE INFORMATION AN STUDY N EFDED
5 - 2 1201 p. s. 201	2	JOHN BRENNAN FOR WILLIAM CALLAHAN		W/S FALLS FOAD AT COUPER HILL ROAD	10	NW 8-B	R-10	3.R. 3.f V. L.R.	D.R.3.5 W.L.R.		D R 3.5	
r . 3 1292 c. c. 341	,	A. J. LEADERMAN FOR ROCKLAND INDUSTRIES, INC.		E/S FALLS RD. NORTH OF ROBERT LEE PARK 15 Acres	30	N.V	R-40	D. R.	D. R.	68-32	DR 16	•
C - 4 1361 PB 204		PLANNING BOARD REC.		INTERSECTION OF BELLONA AVE. 5 STEVENSON LANE A N/S ITEVENSON LANT	1	N.W 8A	n-10	DR 16	DR 16		DE 3.5	
C . 5 1204 C. C. 367	,	HARRISON ROBERTSON FOR PUNTON INVESTMENT CO		LABELLE AVE. E/S EVILLONA AVE	10	10-	P. 10	D. R. 1. B. L.	B. L.		7.2	
C - 6 1204 C.C	,	W. LEN HARGON FOR STRUCKLAND STULMAN		S/E COUNER OF CHARLES ST. & BELTWAY 18 Acres	10	N.W		D. R.	9. L.	69.249 R	3L o- DR 14	
C-7 1219	1	Thomas L. Hemoretey for Owners		W/S Highland Ave. N/S Chesapeake Ave	30	NE 103	R-6	DX16	SAE I		DRS. S DRS. S	
C-8 1362		Planning Board Recommendation		Cemral Ave. to Y.M.C.A. property	30	NE 10, NW 10,	R-10	DR16	D'R16		DR3.5 DR2.5	
C-9 1216 CC348	•	James D. Nolan		E/S Bosley Ave. S. of Suequebanna Ave 215,217,219 Bosley Ave.	×	NE 10		DR5.5	DRIF	71-25 PX	DRIS	
C-10 1217		Bernard Medairy for W. Powers Grason	1	SE/Corner of Surquebinna Ave. and Booley Ave. 213 Booley Ave.	30	NE.		DRS.	DR16		DRIA	
C-11 1218 P. B.2%	1	Lewis L. Fleaty for Talter Share Bertha Owen		W/S Bosley Ave. at Susquehama Ave. 214 to 21# Bosley Avenue	36	NE 10.		DRS.	DRI6		DRIS	15 50
THE ST		100 C 725	Γ			1				12		

1510a

72-215-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNT

Date of Posting. 1486/4 4- 1972 Posted for RECLASSIFICATION Petitioner MCRRIS REALTY CONDANY INC. Location of property: 405 FT W OF FALLS DA + 325 FT N OF LAKE ALE

Location of Signa W/S OF FAUS Pd. JUST ALITTLE NOF LAKE AVE.

Remarks: LAND HAS DO WAY OF GETTING TO THE LET - ASIT IS ALL FILL WON Posted by Clarker M. Meel Date of return MARCH 6-1975

CERTIFICATE OF PUBLICATION

Zoning Commissioner of Baltimore County

TOWSON, MD..... March 2 THIS IS TO CERTIFY, that the annexed advertisement was olished in THE JEFFERSONIAN, a weekly newspaper printed and published in Tows. a, Baltimore County, Md., conclusion day of ___ &writh ______ 19_72, the seat publication appearing on the ___ 2nd ___ day of ___ Harch__ 19...72

D. Leanh Structor

Cost of Advertisement, \$_____

OFFICE OF OCCUMUNITE IMES

RANDALLSTOWN, MD. 21133 "arch 6 - 1972 THIS IS TO CERTIFY, that the annexed advertisement of

S. Eric Dinemaa Zening Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published

in Baltimore County, Maryland, once a week for ene xxxx week defore the 6 day of March | 19 72 that is to say, the same was inserted in the issue of March 2, 1972.

STROMBERG PUBLICATIONS, Inc.

B, Ruth Morgan

PETITION	M	APPI	NG	PRO	OGRE	SS	SHE	ET		
	Wol	Mup	Orig	inal	Dup	icole	Tro	cing	200	Sheel
FUNCTION	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, BA, CC, CA										
Revie d by: 077	7	_		Chang		tline	or des	cripti	on	Yes
Previous case:				Map	. 3	-7	C			

BALTIMORE COUNTY, MARYLAND No. 3654 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT May 24, 1972 ACCOUNT 01-662 124.75mg

EALTIMORE CUI OFFICE OF FINANCE - MISCELLANEOUS	NTY, MARYLAND REVENUE DIVISION CASH RECEIPT	No.	309
ATE_ Nov. 19,	1971 ACCOUNT 01-6	662	
	AMOUNY \$50		
WHITE - CASHIER	DISTRIBUTION		
Retain Lyon 321		TLLOW	- CUSTOMER

