

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

WE, the undersigned, legal owner of the property situated 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 _____ DR. 2 zone to an _____ zone; for the following reasons:

See memorandum attached

See attached description

and 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. We will 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.

By _____, President

Contract purchaser _____

Address _____

Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day _____, 1972, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of March, 1972, at _____ o'clock.

(over)

MEMORANDUM IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION OF MORRIS REALTY CO., INC.

Now comes the Morris Realty Co., Inc., owner, and in support of its Petition for Zoning Re-classification in the foregoing 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 Wilkie 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 the subject property.

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 and was misleading.

3. That the zoning by the Baltimore County Council failed to consider Planning Board's action with the developer of the property and the actions of 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, arbitrary 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 erroneous factor.

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 indicating 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.

THOMAS L. HENNESSY
Attorney for Petitioners
407 West Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 823-7710

LAW OFFICES OF
THOMAS L. HENNESSY
407 W. PENNSYLVANIA
AVENUE
TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSY
407 W. PENNSYLVANIA
AVENUE
TOWSON, MD. 21204

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 CORTLAND AVENUE
TOWSON, MARYLAND 21204

RESIDENCE: 771-4932
October 8, 1971

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

BEGINNING for the same at a point in the center line of Jones Falls 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)N11°56'10"W 225 ft. ± and 2)S77°03'50"W 455 ft. ±, said point being on the outline of Morris Realty Co., Inc., running thence and bounding on the center of Jones Falls 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)N64°55'10"W 21.00 ft. ± to the center of Northern Central Rail Road, running thence and binding on the said center 3)S27°40'58"W 131.65 ft. ± 4)S24°47'53"W 151.80 ft. ± 5)S17°59'40"W 138.60 ft. ± 6)S13°27'41"W 131.86 ft. ± thence leaving the center of said railroad 7)S78°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. Raphael #2246
Registered Professional
Land Surveyor

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE February 15, 1972

Thomas L. Hennessy, Esq.
Hennessy, Fleury & Duesch
407 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Type of Hearing: Reclus. to B.M.
Location: N/W cor. Lake Ave., Falls Rd.
Petitioner: Morris Realty Co., Inc.
9th District
Item 44

Dear Sirs:

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

SUBJECT PROPERTY: The property lies to the west of the Falls Road and slightly north of Lake Avenue. It lies in the center of a large undeveloped tract of land that is zoned commercial. It also backs up to the Northern Central Railroad property. There is a small stream that runs through the eastern portion of this property. To the southeast there is existing residential development.

BUREAU OF ENGINEERING:

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

General:

The Maps indicate that the property proposed for rezoning is part of a larger tract. There is a portion of the property located on the west side of the Northern Central Railroad which is not presently proposed for development.

Highways:

Access to this site is provided from Falls Road through the American Shopping Center. The existing bridge over the stream will be replaced by a new bridge. This bridge will be a private structure and will be subject to the approval of the Department of Public Works. The bridge will be subject to the waterway boundary survey to be conducted by the Department of Public Works.

Thomas L. Hennessy, Esq.
Item 44
Page 2
February 15, 1972

Storm Drains:

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

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.

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 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.

Water and Sanitary Sewer:

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 maintenance, of his entire private sanitary sewerage 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 petition is requesting a change from D.R. 2 to B.M. of 1.87 acres. This change should increase the trip density from 40 trips to 500 trips per day.

Based on the present design, the access is shown as substandard.

STATE BOARD OF COMMISSIONS:

The subject petition is requesting a change from D.R. 2 to B.M. of 1.87 acres and a change in the zoning from D.R. 2 to B.M.

FIRE DEPARTMENT:

The hydrant for the proposed site (line required) shall be in accordance with Baltimore County standards.

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

Fire Prevention Bureau (continued):

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

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 Prevention Code prior to occupancy or commencement of operations.

HEALTH DEPARTMENT:

Metropolitan water and sewer must be extended to the building site prior to the approval of the building permit.

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 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.

BOARD OF EDUCATION:

Acres too small to have an effect on student population.

ZONING ADMINISTRATION DIVISION:

The plan as submitted appears to meet all the requirements of the Zoning Commission's rules of procedure.

This petition is accepted for filing on the date of the entry of the 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 forwarded to you in the near future.

Very truly yours,

OLIVER L. MYERS, Chairman

JDD:ch

Enc.



Zoning Commissioner of Baltimore County

JJDJr.:msh

Posted by: Charles H. Hall Date of return: MARCH 6 - 1972
Signature

WHITE - CASHIER
DISPOSITION
 PINK - ALIBNEY
 YELLOW - CUSTOMER
~~Butler~~ Lyon A. Miller
 3210 Labyrinth Road
 Baltimore, Md. 21208
 Petition for Reclassification for Morris Realty Co.
 500

