

73-236 R #39 65-100-62 DATE November 29, 1972 BY John A. Slawik ORDER RECEIVED FOR FILING PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Lee R. Jones and Maud D. Jones, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 zone to an D.R. 16 zone; for the following reasons:

1. That the Baltimore County Council committed error in the adoption of the Land Use Map when placing this property on a D.R. 3.5 zone rather than a D.R. 16 zone.

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 reclassification 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 24 Old Tollgate Road

Baltimore County, Maryland

James H. Cook, Petitioner's Attorney
409 Washington Avenue
Baltimore, Md. 21204

ORDERED: By the Zoning Commissioner of Baltimore County, this 22nd day of February, 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 20th day of March, 1972, at 10:00 o'clock.

John A. Slawik
Zoning Commissioner of Baltimore County

(over)

6. The increased density would increase the burden on the voluntary fire company to the point of being hazardous.
7. Water bands have been imposed on the area due to low water pressure. It was felt that increased densities would add to this problem and could cause problems with regard to fire fighting equipment.
8. The following Exhibits were presented into evidence:
 - Exhibit A Planning Board recommendations with regard to the subject site.
 - Exhibit B Apartment data indicating apartments built in the area.
 - Exhibit C Fire Department information indicating number of calls, types of fires, etc.
 - Exhibit D Apartment data indicating numbers of apartments in the area.
 - Exhibit E A signed Petition protesting the Reclassification.

OPINION

At the request of the area residents and with the permission of the Petitioner's attorney, the Deputy Zoning Commissioner made an on site field inspection of the subject property and the surrounding area. Based on this field inspection, evidence and testimony submitted at this hearing it is the opinion of the Deputy Zoning Commissioner that the Petitioner has not met his burden of proving error.

The topography of the subject site is rather steep at its northern extremities. However, it does not differ to any great degree from that of the adjoining tract that is presently developed with single family homes. Insofar as the conservation of trees and vegetation is concerned, the present density regulations are flexible to the point that the subject site can be developed with apartments, semi-detached homes or individual homes at 3.5 units to the area, in such a manner that the majority of the vegetation and/or trees could be preserved.

RE: PETITION FOR RECLASSIFICATION
NW corner of Tollgate and Old Tollgate Roads - 4th District
Lee R. Jones - Petitioner
NO. 72-226-R (Item No. 39)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 3.5 Zone to a D.R. 16 Zone for a sixteen (16) acre parcel of ground located on the northwest corner of Tollgate and Old Tollgate Roads, in the Fourth District of Baltimore County.

Three (3) experts testified in behalf of the Petitioner; Mr. Lee Johnson, a civil engineer employed by the firm of G. W. Stephens, and Associates; Mr. John Erdman, a traffic engineer employed by the City of Baltimore; and, Mr. Bernard Willemain, an area land planner for the past twenty-five (25) years.

Mr. Johnson described the property as being located approximately five hundred (500) feet from Reisterstown Road. Access would be by way of one (1) entrance from Old Tollgate Road. The topography of the site was described as being six hundred and ten (610) feet at its highest elevation, falling off to five hundred and forty (540) feet at the lower elevation. A fifteen (15) percent grade exists on the steepest part of the property. Water is available at the site, and an eight (8) inch sewer line deemed sufficient to service the site is located two hundred (200) feet west of Reisterstown Road - approximately five hundred (500) feet from the site.

A small portion of the property, located at the north end of the overall tract, is proposed to be purchased by the Baltimore County School Board. This area has been outlined in red on the Petitioner's site plan dated April 14, 1971, and submitted into evidence as Petitioner's Exhibit No. 1.

The Comprehensive Zoning Map adopted March 24, 1971, has apparently provided an abundance of D.R. 16 zoned land in this area. Planning Board recommendations regarding this site state in part:

"It appears that the Reisterstown Road area is already saturated with high-density development at the present time. South of the subject property there are 115 acres of vacant land zoned D.R. 16; on the east side of Reisterstown Road, Mo. Jingside Heights, Enchanted Hills, and Allyson Gardens will ultimately provide approximately 2,000 dwelling units. In addition, there is enough vacant D.R. 16 zoned land in the Reisterstown Road corridor from the Beltway through the Owings Mills area to allow for another 2,000 apartment units."

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of November, 1972, that the above Reclassification be and the same is hereby DENIED and that the property that is the subject of this Petition be and the same is hereby continued as and to remain a D.R. 3.5 Zone.

James E. Hogan
Deputy Zoning Commissioner of Baltimore County

Mr. Erdman's testimony with regard to traffic conditions in the area was, in essence, as follows:

His studies, more or less, agree with those made by the Baltimore County Department of Traffic Engineering, i.e., a zoning reclassification from a D.R. 3.5 Zone to a D.R. 16 Zone would increase trip density from six hundred and sixty (660) trips to one thousand nine hundred and twenty (1,920) trips per day. He pointed out that Reisterstown Road was the main artery servicing the northwest sector of Baltimore County, and, as such, was heavily congested between Enchanted Hills Road and the Baltimore Beltway. One (1) section of Reisterstown Road, in the vicinity of the Baltimore Beltway, was described as carrying thirty-eight thousand four hundred (38,400) trips per day.

The Baltimore County Department of Traffic Engineering has stated that the increased trip density will not overload Reisterstown Road in the vicinity of Enchanted Hills Road but can be expected to create additional problems in the area between Enchanted Hills Road and the Baltimore Beltway.

He further felt that the Northwest Expressway and the rapid transit system would alleviate the traffic problems in this area. He could not give the exact construction or completion dates for these facilities, but felt that this area would be the first to receive a rapid transit line.

Mr. Willemain testified that, in his opinion, the Baltimore County Council erred in placing D.R. 3.5 zoning on the property and gave the following reasons:

1. The property cannot be feasibly or economically developed at a density of 3.5 to the area.
2. The 3.5 zoning classification does not represent the size of the existing lots in the area. The majority of the lots in this area are developed at a much higher density.
3. Fifteen (15) percent of the site is fifty (50) percent steeper than can be built on.
4. The present classification does not permit a development of the site that would give proper consideration to the trees and other vegetation thereon.
5. Trees could be preserved by D.R. 16 type development. Three (3) acres of the lower area could be left as undisturbed open space.
6. Even though apartments could be built under the present classification of 3.5 units to the acre, a development of this type would not be feasible because it could not compete with other sites in the area that are zoned for sixteen (16) units to the area.

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 to D.R. 16 zone
NW corner of Tollgate Road and Old Tollgate Road
4th District
Lee R. Jones
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 72-226-R

OPINION

This petition is for the rezoning of a tract on the northwest corner of Tollgate Road and Old Tollgate Road, in the 4th District of Baltimore County, from D.R. 3.5 to D.R. 16, on the basis that the County Council committed error at the time of the adoption of the new zoning maps on March 24, 1971. The Deputy Zoning Commissioner of Baltimore County denied the application.

This tract of land, which has been owned for a long time by the present owner, has now reached the point where the area surrounding it has been completely built up by developments on three sides, with publicly owned school property on another side. It is not served with public sewer facilities at this time, although such are planned for extension in the near future. The Board is not altogether convinced that the County Council was not in error in zoning this property D.R. 3.5. However, we think rezoning at this time to D.R. 16 would be, at the best, premature, and it would serve no particular purpose to zone the property to D.R. 16 at this time.

From the evidence presented in this case by witnesses for the protestants we are convinced that the action of the Deputy Zoning Commissioner should be affirmed, and that rezoning should be denied, and we find as a fact that the petitioner has not overcome the burden of proving the incorrectness of the present zoning.

For the protestants, Mr. Malcolm Dill, former Director of Planning of Baltimore County, testified as an expert that in his opinion the property should not be rezoned to D.R. 16, although he felt that D.R. 5.5 would be more appropriate than the present zoning placed on the property by the County Council.

For the above reasons, and further adopting the reasons stated in the Opinion of the Deputy Zoning Commissioner, the reclassification must be denied and the

Further, it was his opinion that the Planning Board had placed high density zoning on hundreds of acres of ground for many of the reasons stated above. He felt that the Petitioner's property was no exception and should have been classified D.R. 16. He acknowledged that there was overcrowding in some of the area schools, and problems also existed with many failing septic tanks in the area.

With regard to schools, he felt that the problem was not unusual and would be minimized by new schools and additions to existing schools. He also pointed out that private schools also relieve some of the burden in the public school system. His surveys indicated that two (2) bedroom apartment units would not necessarily generate the number of pupils that had been projected for this area. A three (3) or four (4) bedroom single family development on the subject property could yield many more than the thirty (30) elementary pupils projected by the Board of Education. Insofar as the sewer problem is concerned, he pointed out that sewerage is available to the subject site, and will eventually be extended to the existing dwellings in the area.

Many area residents were present in protest to the reclassification. Their objections were based on the following:

1. The area does not have metropolitan sewerage. Attempts to obtain metropolitan sewerage have not been successful, and existing septic tanks have been condemned by the Health Department. This condition should be corrected before any additional such as apartments are added to the area.
2. The area is saturated with apartments both existing or proposed.
3. The area schools are overcrowded to the point that children must be bused to other area schools.
4. The additional traffic that would be added to an already overcrowded and hazardous Reisterstown Road would be beyond reason.
5. Secondary roads in the area are not designed to handle the traffic that would be generated from an apartment site.

Lee R. Jones - No. 72-226-R

property be and the same is hereby continued, at least until further developments occur in the area, as D.R. 3.5.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of July, 1973, by the County Board of Appeals, ORDERED, that the Order of the Deputy Zoning Commissioner dated November 29, 1972 is hereby affirmed, and the reclassification petitioned for from D.R. 3.5 to D.R. 16 be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Chairman
W. Giles Parker
Robert L. Giffard

2.

PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from D.R. 3.5 to D.R. 16 Zone * FOR BALTIMORE COUNTY
NW corner of Tollgate Road and *
Old Tollgate Road, 4th District *
Lee R. Jones, Petitioner * MISC. CASE: 5095
DOCKET : 9
FOLIO : 325

OPINION

This is an appeal from a decision of the County Board of Appeals denying to the Petitioner-Appellant, Lee R. Jones, a reclassification from D.R. 3.5 to D.R. 16 on property located on the northwest corner of Tollgate Road and Old Tollgate Road, 4th District of Baltimore County.

Petitioner's basis for his petition is that the County Council committed error at the time of the adoption of the new zoning maps on March 24, 1971. The original petition was denied by the Deputy Zoning Commissioner. The County Board of Appeals affirmed after a thorough review of the evidence presented.

Petitioner has owned the particular tract of land involved for a substantial length of time. Development has now reached the point where the land on three sides of the property is completely built up, with publicly owned school property on the fourth side. No public facilities are presently serving the land, although such are planned for extension in the future.

The Court has reviewed the transcript of record, considered the oral argument and read memorandums submitted in order to reach its conclusion.

The Board, in its opinion, stated that it was not completely convinced that the County Council acted without error in zoning the property D.R. 3.5. But it qualified this by stating that the evidence presented did not warrant a reclassification to D.R. 16 at this time. This determination is amply supported by the evidence in the record and this Court agrees with the Board. Extensive evidence from the Protestants, with a minute amount of contrary evidence by the Petitioner, was introduced that allowed the Board to find as it did. Petitioner argues that since the Board would not reclassify to D.R. 16, that it should have reclassified to D.R. 5.5, in that testimony was presented supporting such a classification. The Board was again correct in no ruling as such since the petition before it did not request same.

There have been fundamental principles repeated many times by the Court of Appeals with reference to the proper scope of review by the Courts in zoning appeals. This principle has recently been repeated in G.C. Haldemann v. Board of County Commissioners of Howard County, 253 Md. 298 (1969), The Daily Record, May 26, 1969, wherein the Court, in an opinion by Judge Singley, said:

"We have often repeated the principles here applicable: courts have no power to rezone and may not substitute their judgment for that of the expertise of the zoning authority. Kirkman vs. Montgomery County Council, 251 Md. 273, 247 A.2d 255 (1968); Bosley vs. Hospital for Consumptives, 246 Md. 197, 227 A.2d 746 (1967); Board of County Comm'rs for Prince George's County vs. Papp, 242 Md. 315, 218 A.2d 923 (1966). It has long been settled that the zoning authority's determination is correct if there were such legally sufficient evidence as would make the question fairly debatable.

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"Ark Radi-Wix Concrete Corp. vs. Smith, 251 Md. 1, 246 A.2d 220 (1969); Mayer and City Council of Greenbelt vs. Bd. of County Comm'rs for Prince George's County, 247 Md. 670, 234 A.2d 140 (1967); Agneslane, Inc. vs. Lucas, 247 Md. 612, 233 A.2d 757 (1967). Further, the one who attacks the determination made by the authority must show that it was arbitrary, unreasonable or capricious. Kirkman vs. Montgomery County Council, supra; Agneslane, Inc. vs. Lucas, supra; Bosley vs. Hospital for Consumptives, supra; Mayor & City Council of Baltimore vs. Sapers, 230 Md. 291, 186 A.2d 884 (1962). The appellant's proof falls short of establishing that the Board abused the discretion vested in it by law."

From reading the transcript of the record and being mindful of this often repeated principle of law, it is this Court's opinion that the questions before the Board were "fairly debatable" issues and that the determinations of the Board were supported by sufficient evidence. Further, this Court has no authority to substitute its judgment for that of the zoning authority but can merely review the record to determine whether or not the issues were, as quoted before, "fairly debatable."

Appellant has the burden of proving to this Court that the action of the Board was arbitrary, capricious or unreasonable, and in review of all the evidence in this case, it is this Court's opinion that his proof falls short of establishing that the Board abused the discretion vested in it by law.

For the reasons above stated, the opinion of the County Board of Appeals of Baltimore County, is hereby

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affirmed this 22 day of October, 1973, and the appeal by the Petitioner is hereby DENIED.

H. KEMP MA. DANIEL
JUDGE

HOMACDms
H. David Gann, Esq.
Lee R. Jones, Petitioner
County Board of Appeals for Baltimore County
Administrative Office of the Courts
Eugene Crane, Administrator

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION FILED BY LEE R. AND MAUD D. JONES AS REQUIRED BY BILL 72, SECTION 22-22(b)

Now come Lee R. and Maud D. Jones, legal owners of the property covered by the within Petition for Zoning Reclassification, by James H. Cook, their attorney, and in accordance with the provisions of Bill 72, Section 22-22(b) state that the reclassification requested herein should be granted, and for reasons say:

1. That the Baltimore County Council committed error in placing the subject property in a D.R.3.5 classification at the time of the adoption of the Land Use Map.

2. That because of the steep topography of the northern portion of said tract and the evidence of underlying rock conditions, it is not practical to develop the subject property within the context of the existing zoning classification.

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 3.5 to D.R. 16 : CIRCUIT COURT
NW corner of Tollgate Road : FOR
and Old Tollgate Road : BALTIMORE COUNTY
4th District : AT LAW
Lee R. Jones, :
Petitioner-Appellant :
Zoning File No. 72-226-R : Misc. Docket No. 9
Folio No. 325
File No. 5095

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Lee R. Jones, et ux
H. David Gann, Esquire

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 3.5 to D.R. 16 : CIRCUIT COURT
NW corner of Tollgate Road : FOR
and Old Tollgate Road : BALTIMORE COUNTY
4th District : AT LAW
Lee R. Jones, :
Petitioner-Appellant :
Zoning File No. 72-226-R : Misc. Docket No. 9
Folio No. 325
File No. 5095

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, W. Giles Parker and Robert L. Gifford, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 72-226-R
Feb. 15, 1972 Comments of Baltimore County Zoning Advisory Committee - filed
Planning Board Recommendation - filed
22 Petition of Lee R. Jones, et ux, for reclassification from D.R. 3.5 to D.R. 16 on property located on the northwest corner of Tollgate Road and Old Tollgate Road, 4th District - filed
Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 30, 1972 at 10:00 a.m.
Mar. 9 Certificate of Publication in newspaper - filed
23 Certificate of Posting of property - filed
30 At 10:00 a.m., hearing held on petition by Deputy Zoning Commissioner - case held sub curia
Nov. 29 Order of Deputy Zoning Commissioner denying reclassification
Dec. 4 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner filed
May 15, 1973 Hearing on appeal before County Board of Appeals - case held sub curia

Lee R. Jones, et ux - 9/25/73

2.
July 11, 1973 Order of County Board of Appeals denying reclassification
Aug. 10 Order for Appeal filed in the Circuit Court for Baltimore County
14 Certificate of Notice sent to all interested parties
20 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County
Sept. 4 Petition to Extend Time for Filing of Record for sixty (60) days and Order granting same - filed
27 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Zoning File 72-226-R
" " 2 - Copy of Tollgate Sanitary Sewer Metropolitan Charges
" " 3 - Official Zoning Map
" " 4 - Aerial of State Roads map showing proposed Northwest Expressway (returned to S.H.A.)
Protestants' exhibit A - Official Zoning Map 3-C showing D.R. 16 zones and subject property (copy)
" " B - Photogrammetric Map of Baltimore County - Sheet NW 12-1
" " C - List of protestants present
27 Record of proceedings filed in the Circuit Court for Baltimore County
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

Description to Accompany Zoning Petition
Reclassification from D.R. 3.5 to D.R. 16
Old Tollgate Road

April 14, 1971

Beginning for the same at or near the intersection formed by the centerline of Tollgate Road and the centerline of Old Tollgate Road and running thence binding in the bed of Old Tollgate Road the four following courses viz: (1) North 32° 14' 34" East 293.70 feet (2) North 22° 49' 18" East 90.75 feet (3) North 25° 49' 18" East 105.60 feet and (4) North 12° 49' 18" East 87.45 feet, thence for part of the distance in the bed of Old Tollgate Road (5) North 11° 49' 18" East 165.00 feet, thence leaving Old Tollgate Road, (6) North 70° 10' 42" West 135.30 feet and (7) North 43° 58' 20" West 523.93 feet, thence (8) South 45° 51' 50" West and for part of the distance binding on "Public" land (Tollgate Junior High School) 247.50 feet, thence binding on said "Public" land the four following courses viz: (9) North 43° 58' 20" West 155.28 feet, (10) South 46° 26' 10" West 314.42 feet, (11) South 45° 17' 00" East 410.85 feet and (12) South 10° 27' 50" West 625.33 feet to a point on or near the center of Tollgate Road, thence in the bed of Tollgate Road the two following courses viz: (13) North 65° 20' 15" East 528.00 feet and (14) North 12° 49' 13" East 41.37 feet to the place of beginning.

Containing 16.0 acres of land more or less.



RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 to D.R. 16 some
NW corner of Tollgate Road and
Old Tollgate Road
4th District
Lee Richardson Jones
Petitioner

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY
ZONING APPEAL

Motion For Extension Of Time
For Filing of Record

Appellant Lee Richardson Jones moves for an extension
of sixty days from September 4, 1973 to November 3, 1973 due
to the hospitalization and illness of Mr. Perkins, Clerk of
the Court of the Zoning Appeal Board.

Lee Richardson Jones
Petitioner

Rec'd 9/4/72
12 30 PM

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 to D.R. 16 some
NW corner of Tollgate Road and
Old Tollgate Road
4th District
Lee Richardson Jones
Petitioner

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY
ZONING APPEAL

ORDER

ORDERED this 4th day of September, 1973, that the time
for filing the record in the above entitled case is hereby
extended for a period of sixty days, from September 4, 1973
to November 4, 1973.

Seaton L. Banitt
Judge

True Copy Test
CLERK OF COURT
T. A. C. Clerk
Deputy Clerk

Rec'd 9/4/72
12 10 PM

LAW OFFICES
COOK, MUDD, MURRAY & HOWARD
WESGAVILLE TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

December 1, 1972

Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Case No. 72-226-R
Petition of Lee R. Jones

Dear Mr. Commissioner:

I herewith note an appeal on behalf of the Petitioner to the County Board of Appeals for Baltimore County from your decision of November 29, 1972 in the above entitled case.

With kind regards,

Sincerely yours,

James H. Cook

JHC:rm
c.c.: County Board of Appeals
Mr. Lee Johnson
Mr. John Erdman
Mr. Bernard Willemain

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 to D.R. 16 some
NW corner of Tollgate Road and
Old Tollgate Road
4th District
Lee R. Jones
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 72-226-R

ORDER FOR APPEAL

I wish to take appeal from the order of the County
Board of Appeals dated July 11, 1973, in the above entitled
case.

Lee Richardson Jones

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

COUNTY OFFICE BUILDING
111 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

GENERAL MEETING
Chairman

MEMBERS

DEPARTMENT OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE BOARD OF COMMISSIONERS

DEPARTMENT OF
HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

Mr. George E. Gavrells, Director
Office of Planning and Zoning
Room 302, Jefferson Building
Towson, Maryland 21204

RE: Property Owner: Lee R. and Maud D. Jones
Location: NW Cor. of Tollgate Rd. &
Old Tollgate Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16
4th District Section: Northwestern
No. Acres: 16
Item No. 39

The following 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 is located at the intersection of Tollgate Road
and Old Tollgate Road. It is a large wooded lot with a one family dwelling
and garage, located approximately in the center of the site. There is no
curb and gutter existing along Tollgate Road or Old Tollgate Road, and there
is existing residential development both to the south and east of the subject
site, with the north and west of the site being used as the Tollgate High School
property.

The plot as submitted indicates side yard setbacks to the property
lines of the south and westernmost sides of 36', 52', 54' and 50'. The
minimum side yard setback to a boundary property line is 75'. All other
aspects of this plan appear to meet the requirements of the Zoning Commission's
rules of procedure.

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

JJDJr:cm

*It appears that these setbacks will be in violation of the Baltimore County
Zoning Regulations.

BALTIMORE COUNTY, MARYLAND

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

TO: S. Eric DiKenna
Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 39 - Cycle Zoning 1
Property Owner: Lee R. & Maud D. Jones
NW corner Tollgate Road & Old Tollgate Road
DR 3.5 to DR 16

Date: November 4, 1971

The subject petition was reviewed as Item 33 in the first cycle and
the following comment remains valid.

The subject petition is requesting a change from DR 3.5 to DR 16 of
16 acres. This should increase the trip density from 660 to 1920 trips
per day.

All access to the subject property exists via Reisterstown Road.
Although this increase is not expected to overload Reisterstown Road in
the vicinity of Enchanted Hills Road, it can be expected to create
additional problems to the area between Enchanted Hills and the Beltway.
The traffic volume on Reisterstown Road in this area is 20,700.

C. Richard Moore
Assistant Traffic Engineer

CRM:rm

TO: S. Eric DiKenna, Zoning Commissioner
Attention: Mr. Myers
FROM: Fire Prevention Bureau
Fire Department

DATE: October 27, 1971

SUBJECT: Property Owner:

Lee R. and Maud D. Jones

LOCATION: NW Cor. of Tollgate Rd. & Old Tollgate Road

ITEM # 39 zoning Agenda: Cycle for October '71

- (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
an approved road. Relocate Fire hydrants to be on islands in parking bays.
- (2) 2. A second means of access is required for the site.
- (3) 3. The dead-end condition shown at _____
exceeds the maximum allowed by the Fire Department.
- (4) 4. The site shall be made to comply with all applicable require-
ments 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.
- (5) 5. 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.
- (6) 6. The Fire Department has no comment on the proposed site.

H. R. Kelly
Planning Division
Fire Prevention Bureau

Note: Above comments indicated with a check apply.

mb

Rec'd 11/11/73
1:50 PM

72-226

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE
February 15, 1972

James H. Cook, Esq.
409 Washington Avenue
Towson, Maryland 21204

Type of Hearing: Reclass. to D.R. 16
Location: N/W cor. of Tollgate Rd. &
Old Tollgate Rd.
Petitioner: Lee R. and Maud D. Jones
4th District
Item 39

Dear Sir:

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

The subject property is located at the intersection of Tollgate Road and Old Tollgate Road. It is a large wooded lot with a one family dwelling and garage, located approximately in the center of the site. There is no curb and gutter existing along Tollgate Road or Old Tollgate Road, and there is existing residential development both to the south and east of the subject site, with the north and west of the site being used as the Tollgate High School property.

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.

Highways:

This site has frontage on Tollgate Road and Old Tollgate Road.

Tollgate Road is an existing County Road, which shall ultimately be improved to local collector standards in alignment with South Tollgate Road. Highway improvements to this site, including curb and gutter, sidewalks and entrances in accordance with the standards of the Baltimore County Department of Public Works for a 40-foot closed road section on a 60-foot right-of-way will be required for any grading or building permit application.

Old Tollgate Road is an existing County road. Highway improvements to this site, including curb and gutter and sidewalks in accordance with the standards

James H. Cook, Esq.
Item 39
Page 2
February 15, 1972

of the Baltimore County Department of Public Works for a 36-foot closed road section on a 60-foot right-of-way will be required for any grading or building permit application.

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 drainage facilities are required for any offsite drainage facilities and any onsite facilities serving offsite areas, 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.

Sediment Control:

Development of this property through striping, 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 or the issuance of any grading and building permits.

Water:

Public water facilities are available to benefit this property.

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 sewer facilities can be made available to benefit this property.

James H. Cook, Esq.
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Sanitary Sewer (continued):

Offsite rights-of-way appear to be necessary for the provision of public sewerage facilities to this site. If so, a record plat, grading or building permits cannot be approved prior to acquisition of such rights-of-way.

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

Public sanitary sewers are to be extended through this property as necessary to the development of the public system.

The plan for development of this property is subject to approval of the State Department of Health prior to acceptance of a preliminary or final plat for recordation.

DEPT. OF TRAFFIC ENGINEERING:

The subject petition was reviewed as Item 33 in the first cycle and the following comment remains valid.

The subject petition is requesting a change from D.R. 3.5 to D.R. 16 of 16 acres. This should increase the trip density from 660 to 1920 trips per day.

All access to the subject property exists via Reisterstown Road. Although this increase is not expected to overload Reisterstown Road in the vicinity of Enchanted Hills Road, it can be expected to create additional problems to the area between Enchanted Hills and the Beltway. The traffic volume on Reisterstown Road in this area is 20,700.

HEALTH DEPARTMENT:

Metropolitan water and sewers must be extended to this site prior to approval of building permit.

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.

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 500 feet along an approved road. Relocate Fire Hydrants to be on islands in parking bays.

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BOARD OF EDUCATION:

The existing zoning could yield approximately 30 elementary pupils while a change to 2-bedroom garden apartments could yield approximately 71 potential elementary pupils, 14 junior high pupils, and 7 senior high pupils. An increase in the number of bedrooms per unit would naturally increase the pupil yield.

Schools servicing this area are:

	Capacity	Sept. 20 Enrollment	+/-
Owings Mills El.	825	773	-52
Pikesville Jr. High	1220	1317	+97
Pikesville Sr. High	1320	1438	+118

ZONING ADMINISTRATION DIVISION:

The plat as submitted indicates side yard setbacks to the property lines of the south and westernmost sides of 56', 52', 54' and 50'. The minimum side yard setback to a boundary property line is 75'. (It appears that these setbacks will be in violation of the Baltimore County Zoning Regulations.) All other aspects of this plan appear to meet the requirements of the Zoning Commissioner's rules of procedure.

This petition 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 forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JJD:msb

Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Eric M. Myers
 FROM: Mr. Oliver L. Myers
 Date: October 22, 1971
 SUBJECT: Item #32 (Cycle October 1971 - April 1972)
 Property Owner: Lee R. and Maud D. Jones
 Location: N/S cor. of Tollgate Rd. and Old Tollgate Rd.
 Present Zoning: D.R. 3.5
 Proposed Zoning: D.R. 16
 District: 4th Sector: Northwestern
 No. Acres: 16

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee and known as Cycle Zoning Item #33 (April - October 1971). The comments furnished by this office in connection with Cycle Zoning Item #33 remain valid and in effect. We are enclosing herewith a xerox copy of these comments which are applicable to the current petition.

Eric M. Myers
 ERIC M. MYERS, P.E.
 Chief, Bureau of Engineering

ENCLOSURES

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
 FROM: Hoyt V. Bonner
 Date: October 22, 1971
 SUBJECT: Item 39 - Zoning Advisory Committee Meeting, October 22, 1971
 39. Property Owner: Lee R. and Maud D. Jones
 Location: N/W Cor. of Tollgate Rd. & Old Tollgate Rd.
 Present Zoning: D.R. 3.5
 Proposed Zoning: D.R. 16
 District: 4th
 Sector: Northwestern
 No. Acres: 16

Metropolitan water and sewers must be extended to this site prior to approval of building permit.

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.

Hoyt V. Bonner
 Sanitarian II
 Water and Sewer Section
 BUREAU OF ENVIRONMENTAL HEALTH

FVB:ca

Z.C. EXHIBITS

ITEM NO. 39

PROPERTY OWNER: Lee R. and Maud D. Jones
 LOCATION: N/W corner of Tollgate and S. Tollgate Rd.
 ELECTION DISTRICT: 4
 ACREAGE: 16.0
 FUNCTIONAL CATEGORY: A
 GEOGRAPHICAL GROUP: VI
 RECOMMENDED DATE OF HEARING: Week of March 13, 1972
 ZONING PRIOR TO 3/24/71: -10
 EXISTING ZONING: D.R. 3.5
 REQUESTED ZONING: D.R. 16

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 3.5)

This large wooded parcel containing a house and garage, is located on the northwest side of Tollgate Road and Old Tollgate Road. To the north and west are the Tollgate Junior High School site and the Owings Mills Elementary School. To the south and east is D.R. 3.5 zoned land containing garages. The petition is requesting a reclassification of 16 acres from D.R. 3.5 to D.R. 16 for purposes of constructing 252 garden apartments.

This petition was not an issue of the Planning Board level; however, it was reviewed by the County Council, and D.R. 16 zoning was denied. This property was also subject of zoning petition 1770-75-1 in the previous cycle, and it was dismissed without prejudice by the Zoning Commissioner.

Contrary to the petitioner's claim, apartments could be developed on this property within the context of D.R. 3.5 zoning.

It appears that the Reisterstown Road area is already saturated with high-density development at the present time. South of the subject property there are 115 acres of zoned D.R. 16, on the east side of Reisterstown Road. Nearby, in the Owings Mills, and Allison Gardens area, there are approximately 2,000 dwelling units. In addition, there is enough vacant D.R. 16 zoned land in the Reisterstown Road corridor from the Beltway through the Owings Mills area to construct approximately 2,000 apartment units.

The Board of Education's representative on the Zoning Advisory Committee stated that development under the existing zoning could yield approximately 20 elementary pupils, while a change to D.R. 16 zoning could yield approximately 71 elementary pupils. This potential increase could cause overcrowding at the Owings Mills Elementary School. Both Pikesville Junior High and Pikesville Senior High are at capacity, and an addition to Pikesville Senior High and the construction of Tollgate Junior High are not programmed for construction until 1974-75. The construction of Sunnyside Elementary school is not programmed until 1975-76.

It should be noted that the Board of Education is in the process of acquiring a small portion of approximately 2 acres of this property for addition to the Tollgate Junior High School site.

The Department of Traffic Engineering's representative on the Zoning Advisory Committee indicated that high density could increase from 600 to 1,000 trips per day if the subject property were rezoned to D.R. 16 and developed. Although this increase would not be expected to exceed Reisterstown Road in the vicinity of Enchanted Hills Road, it could be expected to create additional problems in the area between Enchanted Hills Road and the Beltway. Not until the Northwest Expressway is built will Reisterstown Road be relieved of this traffic problem. This is not expected to occur until after 1972. It is expected that since the only access to the subject property is Old Tollgate Road, this increased traffic volume could cause undue congestion on this residential street and at its intersection with Reisterstown Road.

It is therefore recommended that the existing zoning, D.R. 3.5, be retained.

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Figures on Apartments

	Built	To Be Built
Morningside Heights	630	450
	354-1 Bedrm.	
	554-2 Bedrm.	
	104-3 Bedrm.	
Enchanted Hills	200	Completed
	5-1 Bedrm.	
	100-2 Bedrm.	
	39-3 Bedrm.	
	48-3 Bedrm.	
Allison Gardens	200	by 1970-71

Fire Department Information

313 Calls for the year 1971

	Percentage Breakdown
50%	Assisting other companies
20%	Industrial fires
15%	Individual Houses (Appliance, Furnace, Trash, Field)
15%	Apartment Fires (Appliance, Furnace, Dumpster, TANK Laundry)

Apts.	Total	Extinguisher
Timber Grove	2	1
Timber Crest	1	1
Sanalwood Under Construction		3
Morningside Heights	3	4
Enchanted Hills	8	3
Bright Meadows	3	1
Rich Mar	4	4
Garrison Forest	-	2

These Figures given by Authority of
 Dennis Warren, Capt.
 Owings Mills Vol. Fire Company

Apartments in Area

Brookbury	568	just built 175 units in last 6 months.
Vallymeadows	300	just built 252 units in last six months + still has land for many more units already zoned.
Village of Zephyr	330	
Thurgood + Parkers.	164	
Deerbrook	96	just completed in last 6 months.
Huntman	-	presently being built are 128 townhouses or 256 family units.

Interim note - The Village of Zephyr had to delay opening operations for a period of 4 months due to lack of utilities in area.

PETITION AGAINST REZONING

We, the undersigned, are opposed to the rezoning of the area north of Tollgate Road and west of Old Tollgate Road from 3.5 to 16. This area is in the 1st. Precinct of the Fourth Election District. The following are our reasons for opposing the rezoning.

- SEWERAGE:** The area does not have City sewerage. We still have septic tanks which have been condemned by the Health Dept. We have been trying to get sewerage for quite some time. We feel this health problem should be corrected before any additions such as apartments are added to this area.
- TOO MANY APARTMENTS:** We feel that in our area, plus our neighboring areas, the apartments that have been constructed and those being constructed now are sufficient. Other neighborhoods are in more need of this type of housing.
- OVERCROWDED SCHOOLS:** Needless to say, the overcrowding of the schools which our children attend or are supposed to attend is known to all. Children from this area are already being bused to other schools because of this overcrowding.
- TRAFFIC:** The Reisterstown Road is known to be the worst for accidents and deaths in the State of Maryland. This has been stated by the Maryland State Police. The additional burden put on this road is beyond reason.
- SECONDARY ROADS:** The secondary roads in the area which the residents would be using are narrow and will not stand the additional traffic.
- FIRE PROTECTION:** This area is serviced by a Volunteer Fire Company. Their efficiency is beyond question. However, the multiple units already in the area puts a great burden on a volunteer company. Additional units could increase this burden to the point of being a hazard.
- WATER:** We have experienced low water pressure in the area in the past. We have had water jans imposed because of this low pressure and it has been pointed out to us the importance of obeying the ban because of the hazard the low pressure creates for fighting a fire.

We feel sure that if the Board would study the above reasons they would feel as strongly as we do that the rezoning should be denied.

Charles L. Schreyer
107 Wengate Rd.
Bowie, Md. 21117
356-4526

Mary Perkins
 115 S. 11th St.
 Minneapolis, Minn.

Name	Address	Phone Number
Mrs. Corrie Dyer	110 Dwygate Road	356-3632
Mrs. Glad Dyer	" " "	" " "
Charles Richel	107 Dwygate Road	356-4818
Shona Richel	107 Dwygate Road	356-4818
Howard L. Wenderlich	103 Brook Road	356-3168
John Wenderlich	114 Dwygate Rd.	356-3864
Kenneth Wenderlich Sr.	114 Dwygate Rd.	356-3864
Patricia Carr	111 Dwygate Rd.	" " "
Hugh Carr	111 Dwygate Rd.	356-4665
Margaret Carr	24 S. Tullygate Rd.	356-4665
Johnnie Carr	113 Dwygate Rd.	356-3796
Johnnie Carr	113 Dwygate Rd.	352-3578
Howard C. Breyer	109 Dwygate Rd.	352-3578
Charlotte Breyer	109 Dwygate Rd.	356-4305
Marion Jones	6 Middlegate Ct.	356-3068
Jack R. Johnson	5 Eastgate Ct.	356-4772
Albert Jones	6 Middlegate Ct.	356-3068
Rae Jones	6 Middlegate Ct.	356-3068
Samuel A. Smith	102 Wengate Rd.	352-3414
Shirley K. Smith	102 Wengate Rd.	352-3414
Carole L. Yelg	207 Uppergate Court	356-4042
Kenneth L. Yelg	207 Uppergate Ct.	356-4042
Ernie Black	6 Wengate Rd.	356-3886
Mary Jane Black	" "	" "
Robert L. Gault	140 S. Rutter Lane	356-4550
Wanda S. Gault	130 S. Rutter Lane	356-4550

1	Dale Cane	135	Rutten Lane	Owings Mills	356-3187
2	Charlotte Cronce	135	Rutten Lane		356-3189
3	George Hirsch	12	Millgate Rd		
4	Harvey Hatcher	15	S. Rutten Lane	Owings Mills, Md	356-4434
5	Marian Hatcher	15	S. Rutten Lane	Owings Mills, Md	356-4434
6	John S. Jones	57	S. Rutten Lane	Owings Mills, Md	356-3574
7	Gene Pearl	55	S. Rutten Lane	Owings Mills	356-3552
8	Patricia L. Gordon	51	S. Rutten Lane	Owings Mills	356-4802
9	William C. Hower	43	S. Rutten Lane	Owings Mills, Md	
10	John H. Hower	43	S. Rutten Lane	Owings Mills, Md	
11	James H. Hower	39	S. Rutten Lane	Owings Mills, Md	
12	John H. Hower	17	S. Rutten Lane	Owings Mills, Md	356-3566
13	James S. Hower	17	S. Rutten Lane	Owings Mills, Md	
14	E. J. Hower	11	S. Rutten Lane	Owings Mills, Md	
15	John H. Hower				
16	Mike Bender				
17	William C. Hower	9	S. Rutten Lane	Owings Mills, Md	
18	Maria C. Hower	9	S. Rutten Lane	Owings Mills, Md	
19	John H. Hower	100	Westgate Ct	Owings Mills, Md	
20	John H. Hower	17	S. Rutten Lane	Owings Mills, Md	
21	John H. Hower	17	S. Rutten Lane	Owings Mills, Md	356-4802
22	John H. Hower	4	Westgate Ct		356-3795
23	John H. Hower	6	Westgate Ct		356-4662
24	John H. Hower	28	Millgate Rd		356-3510
25	John H. Hower	28	Millgate Rd		356-3510
26	John H. Hower	46	Westgate Ct		356-3760
27	John H. Hower	107	Westgate Ct		356-3337

NAME	ADDRESS	Phone
Dr. J. Anderson & Bob	44 Tullygate Road	368-3018
Ernest M. Gurnell	Box 24 RT 2	833-5291
Edith R. Gurnell	Box 260 RT 2	833-5291
Harold Gurnell	Box 260 RT 2	833-5291
Margaret Gurnell	38 Tullygate Rd.	356-4978
Lawrence D. Gurnell	38 Tullygate Rd.	356-4978
Mr. Kenneth Hill	19 Red Tullygate Rd.	356-3836
Barbara Mae Hill	19 Red Tullygate Rd.	356-3836
Angie Seaberg	127 Allegato Road	356-3324
Alma Seaberg	127 Allegato Rd	356-3324
Ernie George	125 Allegato Rd	356-4518
Gloria George	125 Allegato Rd.	356-4518
Gordon George	125 Allegato Rd.	356-4518
Douglas Green	121 Alligato Rd	356-4182
Phyllis Green	121 Allegato Road	356-4182
Frank E. Gurnell	102 Allegato Court	356-4372
Angie E. Gurnell	102 Allegato Court	356-4372
Edmund B. G. Gurnell	104 Alligato Ct	368-3642
Cedric M. Gurnell	104 Alligato Ct	356-3642
Jessie Reich	115 Allegato Ct	356-4565
Willie Reich	115 Allegato Ct.	356-4565
Edward M. Enant	103 Allegato Ct	356-4689
Louise Enant	103 Allegato Ct	356-4689
Barbara Huggins	117 Allegato Rd.	356-4241
Theresa L. Huggins	117 Allegato Rd.	356-4241
Alfred Harnack	117 Allegato Rd.	356-4241
W. E. Harnack	115 Allegato Rd.	356-3977
Patricia A. Heilmann	111 Allegato Road	356-5516
Dorel Lister	104 Allegato	356-4662
Marilyn Kelchland	10921 Aunt Cliff Dr.	3-6 3-301

NAME	ADDRESS	PHONE
Jay / Dick	107 Allgate Road	356-4678
Judith H. Bach	do.	do.
Logie Hunt	101 Allgate Rd.	356-3064
Laura Hays	103 Allgate Rd.	
Helen Eyr	103 Allgate Rd.	
Richard H. Walters	114 Allgate Rd.	356-4028
Dorcas B. Walters	114 Allgate Rd.	
Thelma P. Smith	116 Allgate Rd.	356-4416
Cheryl N. Hayward	116 Allgate Rd.	" "
Beryl V. Hayward	116 Allgate Rd.	356-4616
Fred L. Holt	120 Allgate Rd.	356-4757
Mary C. Abate	100 Allgate Road	" "
Sally Chapp	112 Charlgate Rd.	356-5553
Cecil Chapp	112 Charlgate Rd.	" "
Peggy Chapp	112 Charlgate Rd.	" "
Mr. James C. Cole	110 Charlgate Rd.	356-3300
Mrs. Mary C. Cole	110 Charlgate Rd.	356-3300
Harold M. Rusk	108 Charlgate Rd.	356-3672
Norman Campbell	104 Charlgate Rd.	356-5662
Frances Campbell	104 Charlgate Rd.	356-5662
Wm. John W. Benjamin	122 Allgate Rd.	356-3663
Mr. John W. Berryman	122 Allgate Rd.	" "
The Russell Herman	120 Allgate Rd.	356-4321
Mrs. Roselle A. Herman	130 Allgate Rd.	" "
M. Ronald S. Easton	105 Allgate Rd.	356-3306
Mrs. Betty Repton	105 Allgate Rd.	356-3306
Alice R. Stem	103 Allgate Rd.	356-3096
E. J. Sherman	104 Allgate Rd.	356-3792
E. W. Lewis	106 Allgate Rd.	356-4392
Kenneth Enslin	120 Allgate Rd.	356-4392
James Richmond	10121 New Cliff Rd.	356-5051

NAME	Address	Phone
Jack J. Whitehead	11 Wengate Ct.	356-3193
Joanette Witt	9 Wengate Ct.	356-4002
Ralph J. Witt	9 Wengate Ct.	356-4022
James M. Skens	7 Wengate Ct.	356-5037
Joseph Johnson	5 Wengate Ct.	356-4026
Claudia Anderson	5 Wengate Ct.	356-4026
Joseph A. Madeira	525 Bellgate Rd.	356-3290
Carol A. Madeira	32 So. Bellgate Rd.	356-7240
Daniel Bass	325 Wengate Rd.	356-4023
Wengate Rd.	3017 Wengate Rd.	356-4034
Barbara Whitcomb	30 S. Wengate Rd.	356-3497
Steve Wood	12 Wengate Rd.	356-3212
Edith R. Wood	12 Wengate Rd.	356-3212
Charles Wood	12 Wengate Rd.	356-3212

<u>Name</u>	<u>Address</u>	<u>Phone</u>
1. Edward Reed	106 S. Ritters Ln	356-3868
2. Betty Reed	106 S. Ritters Ln	356-3867
3. Helen Jensen	108 S. Ritters Ln	356-3159
4. Charles Jensen	108 S. Ritters Lane	356-3159
5. Nancy Bailey	110 S. Ritters Lane	356-4228
6. Paul Bailey	110 S. Ritters Lane	356-4228
7. Lillian Lloyd	104 S. Ritters Lane	356-5548
8. Edward Lloyd	104 S. Ritters Lane	356-5548
9. Patricia Lloyd	102 S. Ritters Lane	356-4482
10. Joseph C. Wilby	102 S. Ritters Lane	356-4482
11. Claudette Anderson	114 S. Ritters Lane	356-4547
12. Norman Wilby	114 S. Ritters Lane	356-4547
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Name	Address	Phone
Daniel Nelson	35 S. Tollgate Rd.	356-3591
Betty Nelson	85 S. Tollgate Rd.	356-3391
Mary Ann Lettice	41 Tollgate Rd.	336-3218
Theresa E. Lettice	41 Tollgate Rd.	356-3218
Janice Lettice	41 Tollgate Rd.	356-3218
Donna Lettice	37 S. Tollgate Rd.	356-3590
James T. Lettice	37 S. Tollgate Rd.	356-3590
Norma Baker	32 S. Tolgate Rd.	356-4023
Michael Baker	34 S. Tollgate Rd.	356-4023
Charles E. Bockmuhl	365 Lincoln St.	356-5858
Robert C. Bockmuhl	365 Lincoln St.	356-5858
Mary Jo Schroth	49 Tollgate Rd.	356-3393
Kenneth C. Schroth	49 Tollgate Rd.	356-3393
Wanda L. Boddner	Box 418 Fairfield Rd.	563-0832
Norman L. Boddner	Box 418 W. Fairfield Rd.	563-0832
Donald M. Bitchschel	11 Wingate Court	318-3713
Pat L. Bitchschel	11 Wingate Court	318-3713
Henry Bockmuhl	11 Wingate Ct.	318-3773
Frank L. Belling	4 Pleasant Hill Rd.	356-5821
James Hooper	203 Concord Ave.	356-3584
William W. Hooper	335 Tollgate Rd.	356-4056
Wesley Betty Shaffer	54 Tollgate Rd.	356-4012
Jerry D. Jackson	43 Tollgate Rd.	356-4012
Walter Jackson	128 S. Adams St.	356-5427
Walter Jackson	128 S. Adams St.	356-5427

25/64's 72-226-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 2083-30-1972
Posted for: ADJUTANT
Petitioner: Lee R. Jones
Location of property: 2nd/Tollgate Tollgate Rd. and Old Tollgate Rd.
Location of Signs: 1st/2nd/Tollgate Rd. NW. NW. 4th District
2nd/3rd/4th/Tollgate Rd. NW. 4th District
Remarks:
Posted by: _____ Date of return: FEB 3-1972

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, BA, CC, CA										
Reviewed by: <u>MC</u>	Revised Plans:					Change in outline or description				
Previous cases:						Yes _____ No _____				
						Map # _____				

Lee R. and Mabel D. Jones
James H. Cook, Esq.
409 Washington Ave., Towson 21204

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 16th day of February 1972.

Eric D. Jones
Zoning Commissioner

Petitioners: Lee R. & Mabel D. Jones

Petitioner's Attorney: James H. Cook, Esq.

Reviewed by: James H. Cook, Esq.
Chairman of
Advisory Committee

TELEPHONE
494-2413

**BALTIMORE COUNTY, MARY AND
OFFICE OF FINANCE**

No. 74065

DATE 9/28/72

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED

TO: Mr. and Mrs. Lee R. Jones
24 Old Tollgate Road
Owings Mills, Md. 21117

County Board of Appeals
(Zoning)

SUBJECT TO ACCOUNT NO. 01.712		RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	COST		
4	\$19.00	Cost of certified documents in Case No. 72-226-R	\$19.00
		Lee R. Jones, et al NW corner Tollgate Road and Old Tollgate Road 4th District	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE
494-2413

**BALTIMORE COUNTY, MARY AND
OFFICE OF FINANCE**

No. 74053

DATE 4/10/73

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED

TO: H. David Gann, Esq.
1154 Maryland National Bank Bldg.
Baltimore, Maryland 21202

County Board of Appeals
(Zoning)

SUBJECT TO ACCOUNT NO. 01.712		RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT
QUANTITY	COST		
4	\$3.00	Cost of documents in Case No. 72-226-R	\$3.00
		Lee R. Jones NW corner of Tollgate Road and Old Tollgate Road 4th District	

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

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

No. 2116

DATE March 30, 1972 ACCOUNT 01-662

AMOUNT \$129.25

DISTRIBUTION
WHITE - CASHIER
McNees, Cook, Hudd, Murray & Howard
409 Washington Ave.
Towson, Md. 21204
Advertising and posting of property for Lee R. Jones
972-226-R

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

No. 10953

DATE June 20, 1973 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION
WHITE - CASHIER
James H. Cook, Esquire
Cost of posting property on Case No. 72-226-R
NW/corner of Tollgate Road and Old Tollgate Road - 4th
District - 314-40
Lee R. Jones - Petitioner

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

No. 5852

DATE December 20, 1972 ACCOUNT 01-662

AMOUNT \$79.00

DISTRIBUTION
WHITE - CASHIER
James H. Cook, Esquire
Cost of Appeal on Case No. 72-226-R
NW/corner of Tollgate Road and Old Tollgate Road -
4th District
Lee R. Jones - Petitioner

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

No. 312

DATE Nov. 19, 1972 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
McNees, Cook, Hudd, Murray & Howard
409 Washington Ave.
Towson, Md. 21204
Petition for Reclassification for Lee R. Jones

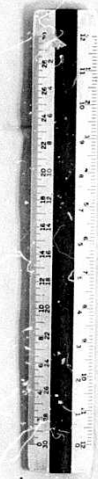


SITE DATA

Existing Zoning	DR 3.5
Existing Use	Residential
Proposed Zoning	DR 3.5
Proposed Use	Apartment
Gross Area	160 Ac. ±
Permitted Gross Density (16/Ac.)	250
Number of Units Proposed	250
Number of Units Required (15/Ac.)	250
Number of Units Proposed	250
Number of Units Required (15/Ac.)	250
Open Space Required @ 15%	24 Ac. ±
Open Space Provided	30 Ac. ±

NOTES:

Sewer is in design stage and plans are not available. There is an existing sewer approximately 300' to the northwest. All apartments are two-bedroom apartments. There will be no windows in the ends of the buildings that abut each other.



PLAT TO ACCOMPANY
ZONING PETITION
RECLASSIFICATION FROM DR 3.5 TO DR 16
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT #4
APRIL 14, 1971

GEORGE WILLIAM STEPHENS, JR.
REGISTERED PROFESSIONAL ENGINEER
NO. 14,464 MARYLAND