

72-232-R ITEM A-16 **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, the undersigned, legal 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an... D.R. 5.5... zone to an... B.L. zone; for the following reasons:

To have the property zoned in conformity for its best and appropriate use and to correct an error on the recent Land Use Map.

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, filing, 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, on the... day of... 1977, at 10:00 o'clock.

Robert Kahler
Robert Kahler, Esq.
Address: 7701 Belair Road
Baltimore, Maryland 21236
Petitioner's Attorney

Henry Kahler
Henry Kahler, Esq.
Address: 1222 Kenwood Avenue
Baltimore, Maryland 21206
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of February, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County. In two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of April, 1977, at 10:00 o'clock.

Alvin P. Hester
Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.L. : COUNTY BOARD OF APPEALS
NW/8 of Philadelphia Road and :
SW/8 of Kenwood Avenue :
14th District : OF
Charles Kahler, et al : BALTIMORE COUNTY
Petitioners :
Nn. 72-232-R
(9/365/5176)

ORDER OF DISMISSAL

This case comes before the Board on Remand from the Circuit Court for Baltimore County.

WHEREAS, prior to this matter being heard and decided by this Board, the County Council adopted new comprehensive zoning maps for Baltimore County (October 15, 1976).

WHEREAS, as a result of the foregoing legislative act, the Board considers this case to be moot.

THEREFORE, this Board, on its own Motion, will dismiss the within named appeal.

IT IS HEREBY ORDERED, this 15th day of November, 1977, that said Petition be and the same is declared moot, and the Petition DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gifford
Robert L. Gifford, Vice Chairman

John A. Miller
John A. Miller

PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from D.R. 5.5 to B.L. *
NW/8 of Philadelphia Road and * FOR BALTIMORE COUNTY
SW/8 of Kenwood Avenue *
14th District * MISC. DOCKET: 9
Charles Kahler, et al * FOLIO : 365
Petitioners * CASE : 176
Greater Rosedale Community *
Council *

ORDER OF COURT

This is an appeal from a decision of the County Board of Appeals for Baltimore County, dated November 8, 1973, denying the reclassification from D.R. 5.5 to B.L. of 6.638 acres on the southwest corner of Kenwood Avenue and Philadelphia Road, in the 14th District of Baltimore County. A hearing was held by this Court on May 3, 1974, at which time argument was presented by counsel for the Petitioners and Protestants. At that time, counsel for Petitioners, during argument, requested the Court to modify the Board's decision so as to grant B.L. zoning for approximately 1.3 acres of the involved property. There being no evidence or testimony concerning this issue, the Court is without power to modify the Board's Order in this respect; but, in the interest of justice, the Court feels that testimony and evidence should be allowed as to the issue of whether B.L. zoning should be granted as to approximately 1.3 acres of the involved property abutting and to the rear of the already zoned B.L. front 1.7 acres, now being used for a tavern-restaurant business.

Pursuant to Article 66B, Section 4.08, Annotated

Code of Maryland, and Chapter 1100, Subtitle B, Maryland Rules of Procedure, it is this 17 day of May, 1974, by the Circuit Court for Baltimore County, ORDERED that the above entitled matter be and it is hereby REMANDED to the County Board of Appeals for Baltimore County for the taking of additional evidence consistent with this Order.

H. Kemp MacDaniel
H. KEMP MACDANIEL
JUDGE

Copy to:
Gerard V. Caldwell, Esq.
Harry C. Davidson, Jr., Assistant County Solicitor
John J. Schuchman, Esq.
William W. Carrier, Esq.
County Board of Appeals of Baltimore County
Eugene Creed, Administrator

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MD. 21204

Description to Accompany Zoning Petition
Reclassification from D.R. 5.5 to B.L.
Kahler Property
Philadelphia Road and Kenwood Avenue

October 14, 1971

Beginning for the same at the intersection of the northwest side of Philadelphia Road, 60 feet wide, and the southwest side of Kenwood Avenue, 40 feet wide, and running thence South 48° 30' 29" West binding on the north-west side of said Philadelphia Road 436.26 feet, thence leaving said Philadelphia Road and running the five following courses, viz: first, North 70° 50' 59" West 669.88 feet; second, North 19° 09' 49" East 465.59 feet; third, South 70° 50' 00" East 725.62 feet; fourth South 5° 04' 00" West 54.53 feet, and fifth, South 70° 50' 00" East 135.79 feet to intersect the southwest side of said Kenwood Avenue, 40 feet wide, running thence South 4° 13' 00" West binding on said southwest side of Kenwood Avenue 34.90 feet to the point of beginning.

Saving and excepting therefrom that portion of the above described parcel presently zoned B.L.

Containing 2.338 Acres of land more or less.

March 9, 1978

Gerard V. Caldwell, Esquire
7701 Belair Road
Baltimore, Maryland 21236

RE: Petition for Reclassification
NW/8 of Philadelphia Rd.
and SW/8 of Kenwood Avenue -
14th District
Charles Kahler, et al - Petitioners
NO. 72-232-R (Item No. 16)

Dear Mr. Caldwell:

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

Eric W. Menna
S. ERIC W. MENNA
Zoning Commissioner

SEDigs
Attachments
cc: William Carrier, Esquire
2611 E. Fayette Street
Baltimore, Maryland 21224
John R. Martner
1414 Mt. Airy Road
Baltimore, Maryland 21257

W. J. Burgess
8216 North Avenue
Baltimore, Maryland 21257
Francis J. Rucinski
8012 Caronde Drive
Baltimore, Maryland 21257

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

72-232-R

District: 14th Date of Posting: 4-19-73
Posted for: Charles Kahler
Petitioner: Charles Kahler
Location of property: NW/8 of Philadelphia Rd. SW/8 of Kenwood Ave.
Location of Sign: 1. Posted on Phila. Rd. 1. Posted on Kenwood Ave.
Remarks: Mark H. Hester
Posted by: Mark H. Hester Date of return: 4/26/73

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204
DATE: 1/20/74
No. 74080
COUNTY BOARD OF APPEALS (Zoning)
TO: Gerard V. Caldwell, Esq.
7701 Belair Road
Baltimore, Md. 21236
DEBIT TO ACCOUNT NO. 01-712
Cost of certified documents in Case No. 72-232-R
NW/8 of Philadelphia Rd. and
SW/8 of Kenwood Ave.
14th District
Charles Kahler, et al
Petitioners
\$17.00
TOTAL AMOUNT
\$17.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO
COURTHOUSE, TOWSON, MARYLAND 21204

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of.....

the above Reclassification should be had; and it further appearing that by reason of.....

a Special Exception for a..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of..... 196..... that the herein described property or area should be and the same is hereby reclassified; from a..... zone to a..... zone, and/or a Special Exception for a..... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of..... 196..... that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to remain a..... zone; and/or the Special Exception for..... be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.L. : COUNTY BOARD OF APPEALS
NW/S of Philadelphia Road and :
SW/S of Kenwood Avenue, : OF
14th District :
Charles Kahler, et al, : BALTIMORE COUNTY
Petitioners :
No. 72-232-R

OPINION

This case comes before the Board on an appeal by the Petitioners from an Order of the Zoning Commissioner, dated March 9, 1973, denying the requested petition.

The Petitioners seek a reclassification in zoning from a D.R. 5.5, (Density Residential, 5.5 dwelling units per acre) to a B.L. (Business Local) classification.

The property is located on the northwest side of Philadelphia Road (Maryland Route #7) and on the southwest side of Kenwood Avenue, in the Fourteenth Election District, Baltimore County, Maryland. The Petitioners own 8.338 acres here. The front 1.7 acre portion is already zoned B.L. The remaining 6.638 acres is the subject of this petition. (See plat in zoning file #72-232-R. Petitioners' Exhibit #1). The front 1.7 acres had been used for forty years as a tavern-restaurant business trading as Kahler's White House Inn, and was well-known for serving succulent Maryland steamed crabs. Three acres of the subject property were often used to accommodate overflow parking for the restaurant customers. The business is now closed and the old buildings on the site are vacant. The subject 6.6 acres has a long history of being used for recreational purposes; such as, a baseball diamond and a soccer field, and for related parking of automobiles. There was testimony that as many as 1,000 spectators attended the activities, and up to 600 automobiles have been parked on the site at a given time. However, these activities have been abandoned for the past two and one-half years, and the tract is now unused.

If successful in this petition, the Petitioners plan to use the site for a small shopping center. Only two people testified for the Petitioners; namely, one of the property owners and a realtor-developer. The thrust of their testimony was that the County Council erred in zoning the subject D.R. 5.5 when it adopted the comprehensive zoning map on March 24, 1971, in that the adjacent 1.7 acre B.L. tract was too small for commercial development, and also that there is a community need for a small shopping center.

Charles Kahler, et al - 72-232

2.

Several individual Protestants and a representative of the Greater Rosedale Community Association testified in opposition to granting the petition. They disclaimed a need for a shopping facility at the subject location, citing that the question of reclassifying the subject was properly before the Council for zoning consideration in its Log of Issues prior to the adoption of the zoning map, and the Council did not err in assigning the present zoning to the tract.

The Board is unimpressed with the Petitioners' weakly supported claim of need for commercial zoning on the subject. There is a strong presumption in law of the correctness of comprehensive rezoning and the Petitioners, in the Board's opinion, have not overcome the burden of proving otherwise.

For these reasons, and from all the testimony and evidence presented, the Board hereby denies the subject petition to reclassify the subject property from D.R. 5.5 to B.L.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of November, 1973, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1150, subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Chairman

John A. Miller

Robert L. Gilland

MEMORANDUM IN SUPPORT OF RECLASSIFICATION
FILED BY: ROBERT KAHLER, WILLIAM KAHLER,
CHARLES KAHLER AND HENRY KAHLER, AS REQUIRED
BY BILL 72 SECTION 22-22(b)

Now comes, Robert Kahler, William Kahler, Charles Kahler and Henry Kahler, legal owners of the within property sought to be reclassified by Gerard V. Caldwell, their attorney, and in accordance with provisions of Bill 72 Section 22-22(b) states that the reclassification requested should be granted and for reasons says:

1. That the Baltimore County Council committed error placing the subject property in a D.R. 5.5 classification at the time of the adoption of the Land Use Map.
2. That the Land Use Map failed to provide sufficient additional business local zoning in the immediate vicinity to adequately take care of the needs of the neighborhood.
3. That recent changes in the neighborhood were made from residential to business local property and that the best and appropriate use of the within property is B.L.

Gerard V. Caldwell
Attorney for Petitioners
7701 Belair Road
Baltimore, Maryland 21236
668-7742

GERALD V. CALDWELL
ATTORNEY-AT-LAW
NO. 87748

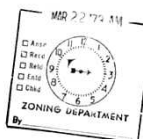
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 8223
DATE March 22, 1973 ACCOUNT 01-662
AMOUNT \$70.00
DISTRIBUTION
WHITE - CASHIER
YELLOW - CUSTOMER
Gerard V. Caldwell, Esquire
Cost of Appeal on Case No. 72-232-R
NW/S of Philadelphia Road and the SW/S of Kenwood
Avenue - 14th District
Charles A. Kahler, et al - Petitioners

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 1403
DATE Nov. 19, 1973 ACCOUNT 01-662
AMOUNT \$50.00
DISTRIBUTION
WHITE - CASHIER
YELLOW - CUSTOMER
Charles Kahler
5122 Kenwood Ave.
Baltimore, Md. 21206
Petition for Reclassification

OFFICE
NOTIFIED BY FAX
REFERENCE
IDENTIFICATION # 1840

Gerard V. Caldwell
ATTORNEY AT LAW
7701 BELAIR ROAD
BALTIMORE, MD. 21236

March 21, 1973



Zoning Commission's Office
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/S of Philadelphia Road and
SW/S of Kenwood Avenue -
14th District
Charles Kahler, et al - Petitioners
No. 72-232-R

Dear Sir:

Enclosed find check in the amount of \$70.00 to cover cost of appealing the final Order of the Zoning Commissioner dated March 9th, 1973, in the above-captioned case.

Please forward all records to the Zoning Board of Appeals.

Very truly yours,

Gerard V. Caldwell

GVC:trm
Enc.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th Date of Posting 3-16-73
Posted for Hearing on Case No. 72-232-R
Petitioner Charles Kahler
Location of property NW/S of Phila. Rd and the SW/S of Kenwood Ave.
Location of Signs 2 Signs - 1 at E. End of Road at W. End of Phila. Rd
Remarks
Posted by Michael H. Hoes Signature Date of return 3-22-73

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 2129
DATE April 5, 1973 ACCOUNT 01-662
AMOUNT \$121.75
DISTRIBUTION
WHITE - CASHIER
YEL - CUSTOMER
Charles A. Kahler
5122 Kenwood Ave.
Baltimore, Md. 21206
Advertisement and posting of property
#72-232-R

Gerard V. Caldwell, Esq.
7701 Belair Road
Baltimore, Maryland 21236
Item 16

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 23th day of February 1973

Petitioner Charles Kahler, et al
Petitioner's Attorney Gerard V. Caldwell
Reviewed by S. Eric Dinnia, Chairman of Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 11157
DATE August 10, 1973 ACCOUNT 01-662
AMOUNT \$10.00
DISTRIBUTION
WHITE - CASHIER
YELLOW - CUSTOMER
Gerard V. Caldwell, Esquire
Cost of Posting Property of Charles A. Kahler, et al for an Appeal Hearing
NW/S of Philadelphia Road and the SW/S of Kenwood Avenue - 14th District
Case No. 72-232-R

RE: PETITION FOR RECLASSIFICATION
CATION
NW/S of Philadelphia Road, and
the SW/S of Kenwood Avenue -
14th District
Charles Kahler, et al - Petitioners
NO. 72-232-R (Item No. 16)
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R. 5.5 Zone to a B.L. Zone for a parcel of property located on the northwest side of Philadelphia Road and the southwest side of Kenwood Avenue, in the Fourteenth District of Baltimore County, containing 8.338 acres of land, more or less.

Testimony on behalf of the Petitioners indicated that a portion of the property along Philadelphia Road, containing approximately 1.7 acres of land, was zoned B.L. on the Comprehensive Zoning Map, as adopted on March 24, 1971. The Petitioners intend to sell through a developer in order that a medium size shopping center could be constructed on the property. Further testimony indicated that sewer and water facilities are available. It was also indicated that it was the Petitioners' opinion that there is a need for a shopping center in this general vicinity.

Mr. Robert Levine, qualified real estate broker and appraiser, testifying on behalf of the Petitioners, felt that the Comprehensive Zoning Map, as adopted, was in error in not classifying the total property B.L. zoning. He stated that the subject property had been used as a commercial property in the past, and is located at an intersection which is appropriate for commercial development. He also stated that the property's relationship to the Baltimore County Beltway, approximately one-half (1/2) mile to the north of the subject property, the intended Rossville Boulevard, which is also in the general location of the Baltimore County Beltway, make this site available to other people for commercial use.

Residents if the area in protest of the subject Petition indicated that they felt that the granting of this Petition would be detrimental to the health, safety and general welfare of the community inasmuch as Philadelphia Road is a

narrow two-lane road without the benefit of sidewalks and gutters. They also indicated that a large tract of land near the Baltimore County Beltway is zoned commercially and is to be developed into a large shopping center by Montgomery Ward & Company, and thus they felt that there is no need in the area for additional commercial uses.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the subject property, as classified on the Comprehensive Zoning Map of 1971, and zoned B.L., was used for commercial purposes until very recently and that the large tract of land petitioned for at this time, was used as an athletic field for many, many years. The Petitioners have not overcome the question of need inasmuch as there are several shopping centers that in the process of development in the area, one of which is located near Hamilton Avenue and the Baltimore County Beltway, which is a short distance from the subject property. Philadelphia Road is a narrow, heavily travelled road and in fact, the location of this property has poor sight distance if travelling in a southerly direction on Philadelphia Road.

The burden of proving error on the Comprehensive Zoning Map is borne by the Petitioners and in this Petition, this burden has not been met.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of March, 1973, that the above Reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued to remain a D.R. 5.5 Zone.

[Signature]
Zoning Commissioner of
Baltimore County

-2-

ORDER RECEIVED FOR FILING

DATE March 9, 1973

BY *[Signature]*

Gerard V. Caldwell, Esq.,
Page 3
Item 16

BOARD OF EDUCATION:

While a change to B.L. would not result in an increase in student population, it should be brought to the Zoning Commissioner's attention that the subject site is very close to the Golden Ring Jr. High School. The Principal of the school has expressed his fears that this increase in traffic would only add to the already hazardous walking conditions in the area because of the lack of sidewalks and also that it might become a source of inducement to the pupils, depending on the type of stores that may be erected.

STATE HIGHWAY ADMINISTRATION:

There is extremely poor stopping sight distance along most of the frontage of the subject property. The only acceptable location for an entrance is at a point 100' southwest of the northeast property corner (155' northeast of the entrance indicated on the plan).

If the entrance is to be a monumental type, as indicated on the plan, the median must extend into the site, a minimum of 120' from the curb line.

The frontage of the site must be curbed with combination curb and gutter. The roadside face of curb is to be 20' from the center line of Philadelphia Road. The edge of the parking lot along Philadelphia Road must be curbed with concrete.

It is our opinion that the plan should be revised prior to the hearing. The entrance will be subject to State Highway Administration approval and permit.

FIRE DEPARTMENT:

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

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

The owner shall 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.

HEALTH DEPARTMENT:

Metropolitan sewer and water available to the site.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Control,

Gerard V. Caldwell, Esq.,
Page 4
Item 16

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.

ZONING ADMINISTRATION DIVISION:

This petition was the subject of both the Planning Board and County Council's issues prior to the adoption of the zoning maps. It was also the subject of Petition #71-10, which was dismissed without prejudice in July of 1971.

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,

[Signature]
OLIVER L. MYERS, Chairman

JJD:JD

Enc.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
1118 E. Chestnut Ave.
Towson, Maryland 21204

MEMBERS

CHAIRMAN

MEMBERS

MEMBERS

MEMBERS

MEMBERS

MEMBERS

MEMBERS

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MEMBERS

Gerard V. Caldwell, Esq.,
7701 Belair Road
Baltimore, Maryland 21236

RE: Type of Hearing: Reclass. to B.L.
Location: Int. SW/S Kenwood Ave., W/S
Phila. Rd.
Petitioners: Charles Kahler, et al
14th District
Item 16

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 on the northwest side of Philadelphia Road and Kenwood Avenue. It is currently improved with an old wood frame restaurant building which is no longer in use. The rear of the property is an open field and baseball diamond. To the north there are two existing dwellings and just above Kenwood Avenue is a small shopping complex. The property on the east side are old frame dwellings as is to the south of the subject site. There is a small trailer development on Evering Avenue to the rear and south of this property. The remainder of the property to the northwest is improved residential dwellings. There is no curb and gutter existing along Philadelphia Road at this location.

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.

Highways:

Philadelphia Road is a State road; therefore, all improvements, intersection and entrances on this road will be subject to State Highway Administration recommendations.

Rosboro Road is an existing 30-foot residential curbed street on a 50-foot right of way and is inadequate to carry traffic generated by the proposed usage of this site. Therefore, Rosboro Road should terminate so as not to provide access to this site.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Hoyt V. Bonner
SUBJECT: Item 16 - Zoning Advisory Committee Meeting, October 20, 1971

16. Property Owner: Charles Kahler, et al
Location: Int. S/W/S Kenwood Ave.,
W/S Philadelphia Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to B.L.
District: 14
Sector: Northeastern
No. Acres: 8.338

Metropolitan sewer and water available to the site.

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 must be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Very truly yours,
[Signature]
OLIVER L. MYERS, Chairman

JJD:JD

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

HVB/kir

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
 ATTN: Oliver L. Myers
 FROM: William H. Myers, P.E.

Date: October 22, 1971

SUBJECT: Item #16 (Cycle October 1971 - April 1972)
 Property Owner: Charles Kahler, et al
 Location: 3/4 S Kemwood Avenue, W/S Philadelphia Rd.
 Present Zoning: B.U. 5.5
 Proposed Zoning: Reclass. to B.L.
 District: 14th Sector: Northeastern
 No. Acres: 8.338

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

Philadelphia Road is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Boxboro Road is an existing 30-foot residential curbed street on a 50-foot right-of-way and is inadequate to carry traffic generated by the proposed use of this site. Therefore, Boxboro Road should terminate so as not to provide access to this site.

Kemwood Avenue from Chapel Hill Drive to Philadelphia Road should be discouraged; a public roadway.

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 practice or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Philadelphia Road is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

Sediment Control:

Development of this property through strippling, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A permit is, therefore, necessary for all grading, including the strippling of the soil.

Item #16 (Cycle October 1971 - April 1972)
 Property Owner: Charles Kahler, et al
 Page 2
 October 22, 1971

Sediment Control: (Cont'd)

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 and sanitary services are available to serve this site.

Edward S. Diver
 WILLIAM H. MYERS, P.E.
 Chief, Bureau of Engineering

END:RAM:POF:ISS

1-W Key Sheet
 13 NE 22 Key Sheet
 NS 14 & 5 P Position Sheet

BALTIMORE COUNTY, MARYLAND

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

TO: S. Eric DiNenna
 ATTN: Oliver L. Myers
 FROM: C. Richard Moore
 SUBJECT: Item 16 - Cycle Zoning II
 Property Owner: Charles Kahler, et al
 Kemwood Avenue W/S Philadelphia Road
 Reclass. to B.L.

Date: November 2, 1971

The subject site, as presently zoned, will generate 1200 trips a day. However, should proposed zoning be granted, the trip density should increase to roughly 5,000 vehicles a day. This heavy concentration of volume on the present Philadelphia Road can be expected to create serious problems because there are no facilities for left turning vehicles.

Also the entrance design, if to be of the monumental type, must have a median of at least 100 feet in length.

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY, MARYLAND

ZONING ADVISORY COMMITTEE MEETING

OF RECORD OF OCTOBER 1971 - APRIL 1972

Petitioner: CHARLES KAHLER, ET AL
 Location: 3/4 S KEMWOOD AVE, W/S PHILA. RD
 District: 14
 Present Zoning: B.U. 5.5
 Proposed Zoning: B.L.
 No. of Acres: 8.338

Comments: While a change to the zoning would result in an increase in street activity it should be pointed out to the Zoning Commission that the subject site is very close to the Golden Rule J.H. School. The principal of the school has expressed his fears that this increase in traffic would only add to the already hazardous walking conditions in the area because of the lack of sidewalks and that it might become a source of inducement to the pupils depending on the type of streets that may be created.



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET
 BALTIMORE, MD 21201

November 3, 1971

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Dear Mr. DiNenna:

There is extremely poor stopping sight distance along most of the frontage of the subject property. The only acceptable location for an entrance is at a point 100' southwest of the northeast property corner (155' northeast of the entrance indicated on the plan).

If the entrance is to be a monumental type, as indicated on the plan, the median must extend into the site, a minimum of 120' from the curb line.

The frontage of the site must be curbed with combination curb and gutter. The roadside face of curb is to be 20' from the centerline of Philadelphia Road. The edge of the parking lot along Philadelphia Road must be curbed with concrete.

It is our opinion that the plan should be revised prior to the hearing.

The entrance will be subject to State Highway Administration approval and permit.

Very truly yours,

Charles Lee, Chief
 Development Engineering Section
John E. Meyers
 by: John E. Meyers
 Asst. Development Engineer

CLJ:EM:rbk

TO: S. Eric DiNenna, Zoning Commissioner
 Attention: Mr. Myers

DATE: October 26, 1971

FROM: Fire Prevention Bureau
 Fire Department

SUBJECT: Property Owner: Charles Kahler, et al

LOCATION: 3/4 S Kemwood Avenue, W/S Phila. Road

ITEM #16 zoning Agenda: Cycle for October '71

(x) 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 300 feet along an approved road.

() 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.

() 4. 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.

(x) 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. The Fire Department has no comment on the proposed site.

John J. Schuchman
 John J. Schuchman
 Fire Prevention Bureau

Note: Above comments indicated with a check apply.

nb

JOHN J. SCHUCHMAN
 ATTORNEY

LEGAL BUILDING
 28 E. FAYETTE STREET
 BALTIMORE, MARYLAND 21224

January 27, 1975

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

Attn: Edith T. Eisenhart, Adm. Secretary

RE: Case No. 72-232-R
 Charles Kahler, et al
 for Reclassification from D.R. 5.5 to B.L.
 14th District
 3/9/73 - Z/CJ Denied Petition

Dear Mr. Eisenhart:

Please enter my appearance as counsel for the Protestants.

Very truly yours,

John J. Schuchman
 John J. Schuchman

JJS:w

AREA CODE 3011
 342-8811 - 342-4842

OFFICE
 NORTHFIELD 9-7742

REFERENCE
 NORTHFIELD 9-1848

Gerard V. Caldwell
 ATTORNEY AT LAW

7701 BELAIR ROAD
 BALTIMORE, MD 21228

April 16, 1975

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

Dear Sir:

Please strike my appearance for the petitioners in the case of Charles Kahler, et al, No. 72-232-R which is scheduled for a hearing on Thursday, May 1, 1975. The property in question was purchased by Alfred M. Bell and settled for in October of 1974.

I understand that the Law Firm of Weinberg & Green have entered their appearance in place of mine.

Very truly yours,

Gerard V. Caldwell
 Gerard V. Caldwell

GVG:trm
 cc: Robert Cannon, Esq.
 John J. Schuchman, Esq.
 John W. Hession, III, Esq.

Rec'd 11/17/75
 15011

Rec'd 4/17/75
 9:30 am

CERTIFICATE OF PUBLICATION

TOWSON, MD.....March 16.....1972

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~as above~~

~~on~~ one time ~~was~~ before the 6th day of April 1972 the first publication

appearing on the 16th day of March
19 72

THE JEFFERSONIAN.

L. L. Lusk, Jr.
Manager.

Cost of Advertisement, \$.....

PETITION FOR RECLASSIFICATION
 AND DECLASSIFICATION

W. B. L. 1921
LOCATION Northwest side of K. and
 1/2 mile west of Kinnear Avenue.
REMARKS This is a very fine
 1921 8-10-12-14-16-18-20-22-24-26-28-30-32-34-36-38-40-42-44-46-48-50-52-54-56-58-60-62-64-66-68-70-72-74-76-78-80-82-84-86-88-90-92-94-96-98-100-102-104-106-108-110-112-114-116-118-120-122-124-126-128-130-132-134-136-138-140-142-144-146-148-150-152-154-156-158-160-162-164-166-168-170-172-174-176-178-180-182-184-186-188-190-192-194-196-198-200-202-204-206-208-210-212-214-216-218-220-222-224-226-228-230-232-234-236-238-240-242-244-246-248-250-252-254-256-258-260-262-264-266-268-270-272-274-276-278-280-282-284-286-288-290-292-294-296-298-300-302-304-306-308-310-312-314-316-318-320-322-324-326-328-330-332-334-336-338-340-342-344-346-348-350-352-354-356-358-360-362-364-366-368-370-372-374-376-378-380-382-384-386-388-390-392-394-396-398-400-402-404-406-408-410-412-414-416-418-420-422-424-426-428-430-432-434-436-438-440-442-444-446-448-450-452-454-456-458-460-462-464-466-468-470-472-474-476-478-480-482-484-486-488-490-492-494-496-498-500-502-504-506-508-510-512-514-516-518-520-522-524-526-528-530-532-534-536-538-540-542-544-546-548-550-552-554-556-558-560-562-564-566-568-570-572-574-576-578-580-582-584-586-588-590-592-594-596-598-600-602-604-606-608-610-612-614-616-618-620-622-624-626-628-630-632-634-636-638-640-642-644-646-648-650-652-654-656-658-660-662-664-666-668-670-672-674-676-678-680-682-684-686-688-690-692-694-696-698-700-702-704-706-708-710-712-714-716-718-720-722-724-726-728-730-732-734-736-738-740-742-744-746-748-750-752-754-756-758-760-762-764-766-768-770-772-774-776-778-780-782-784-786-788-790-792-794-796-798-800-802-804-806-808-810-812-814-816-818-820-822-824-826-828-830-832-834-836-838-840-842-844-846-848-850-852-854-856-858-860-862-864-866-868-870-872-874-876-878-880-882-884-886-888-890-892-894-896-898-900-902-904-906-908-910-912-914-916-918-920-922-924-926-928-930-932-934-936-938-940-942-944-946-948-950-952-954-956-958-960-962-964-966-968-970-972-974-976-978-980-982-984-986-988-990-992-994-996-998-1000-1002-1004-1006-1008-1010-1012-1014-1016-1018-1020-1022-1024-1026-1028-1030-1032-1034-1036-1038-1040-1042-1044-1046-1048-1050-1052-1054-1056-1058-1060-1062-1064-1066-1068-1070-1072-1074-1076-1078-1080-1082-1084-1086-1088-1090-1092-1094-1096-1098-1100-1102-1104-1106-1108-1110-1112-1114-1116-1118-1120-1122-1124-1126-1128-1130-1132-1134-1136-1138-1140-1142-1144-1146-1148-1150-1152-1154-1156-1158-1160-1162-1164-1166-1168-1170-1172-1174-1176-1178-1180-1182-1184-1186-1188-1190-1192-1194-1196-1198-1200-1202-1204-1206-1208-1210-1212-1214-1216-1218-1220-1222-1224-1226-1228-1230-1232-1234-1236-1238-1240-1242-1244-1246-1248-1250-1252-1254-1256-1258-1260-1262-1264-1266-1268-1270-1272-1274-1276-1278-1280-1282-1284-1286-1288-1290-1292-1294-1296-1298-1300-1302-1304-1306-1308-1310-1312-1314-1316-1318-1320-1322-1324-1326-1328-1330-1332-1334-1336-1338-1340-1342-1344-1346-1348-1350-1352-1354-1356-1358-1360-1362-1364-1366-1368-1370-1372-1374-1376-1378-1380-1382-1384-1386-1388-1390-1392-1394-1396-1398-1400-1402-1404-1406-1408-1410-1412-1414-1416-1418-1420-1422-1424-1426-1428-1430-1432-1434-1436-1438-1440-1442-1444-1446-1448-1450-1452-1454-1456-1458-1460-1462-1464-1466-1468-1470-1472-1474-1476-1478-1480-1482-1484-1486-1488-1490-1492-1494-1496-1498-1500-1502-1504-1506-1508-1510-1512-1514-1516-1518-1520-1522-1524-1526-1528-1530-1532-1534-1536-1538-1540-1542-1544-1546-1548-1550-1552-1554-1556-1558-1560-1562-1564-1566-1568-1570-1572-1574-1576-1578-1580-1582-1584-1586-1588-1590-1592-1594-1596-1598-1600-1602-1604-1606-1608-1610-1612-1614-1616-1618-1620-1622-1624-1626-1628-1630-1632-1634-1636-1638-1640-1642-1644-1646-1648-1650-1652-1654-1656-1658-1660-1662-1664-1666-1668-1670-1672-1674-1676-1678-1680-1682-1684-1686-1688-1690-1692-1694-1696-1698-1700-1702-1704-1706-1708-1710-1712-1714-1716-1718-1720-1722-1724-1726-1728-1730-1732-1734-1736-1738-1740-1742-1744-1746-1748-1750-1752-1754-1756-1758-1760-1762-1764-1766-1768-1770-1772-1774-1776-1778-1780-1782-1784-1786-1788-1790-1792-1794-1796-1798-1800-1802-1804-1806-1808-1810-1812-1814-1816-1818-1820-1822-1824-1826-1828-1830-1832

Mar. 16.

[illegible]

BY ORDER OF
S. ERIC D'NENNA
ZONING COMMISSIONER
OF BALTIMORE COUNTY

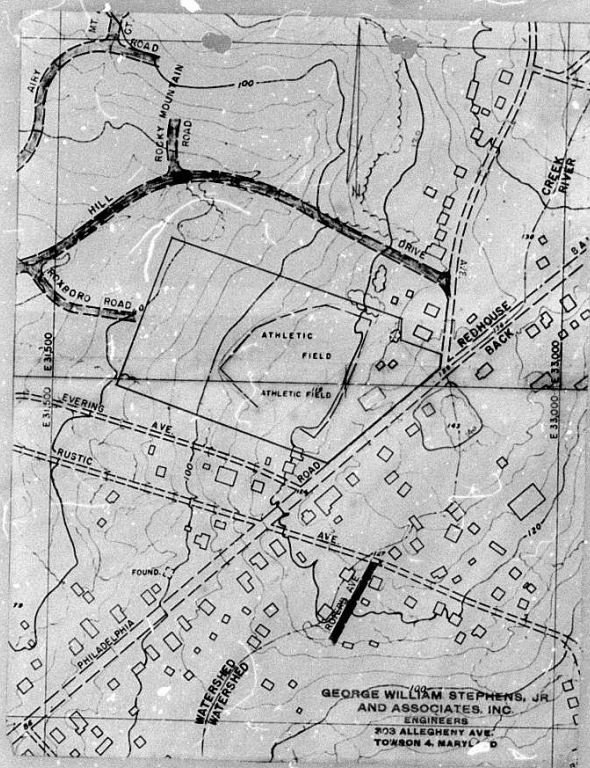
OFFICE OF
THE
TIMES
NEWSPAPERS
RANDALLSTOWN, MD. 21133 March 20 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dianna
Zoning Commissioner of Baltimore County
 was inserted in the following

☐ Catonsville Times
☐ Dundalk Times
☒ Essex Times
☐ Towson Times
☐ Arbutus Times
☐ Community Times

weekly newspaper published in Baltimore County, Maryland, once a week for one ~~xxxxxxxx~~ week before the 20 day of March, 19 72, that it to say, the same was inserted in the issue of March 9, 1972.

STROMBERG PUBLICATIONS, INC.

BY Ruth Morgan

140
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
203 ALLEGHENY AVE.
TOWSON 4, MARYL D



PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		300 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denier!										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>OTM</u>	Revised Plans: Change in outline or description <u>Yes</u> <u>No</u>									
Previous case: _____	Map # <u>149C</u>									

