

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Bernard Potts, et ux, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 16 zone to an B.L. zone; for the following reasons:

(see attached brief)

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 re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Bernard Potts
Address: 3206 Midland Road, Pikesville, Maryland 21208
Petitioner's Attorney: Jeffrey M. Potts
Protestant's Attorney: Jeffrey M. Potts

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of July, 197 3, 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 11th day of September, 197 3 at 2:00 o'clock.

Jeffrey M. Potts
Zoning Commissioner of Baltimore County.

(over)

BERNARD POTTS
ATTORNEY AT LAW
727-8858 - 8857

SUITE 1207
COURT SQUARE BUILDING
LEIGHTON AND CALVERT STS.
BALTIMORE, MARYLAND 21202

May 10, 1974

Baltimore County Board of
Zoning Appeals
County Office Building
Towson, Maryland 21204

Attention: Chairman

Re: Appeal of Zoning Decision
N/E/S Reisterstown Road
Approx. 760 Ft. S. of Valley
Road Owners: Bernard & Frieda
Potts

Dear Sir:

Request is hereby made to withdraw the above Appeal without prejudice.

Respectfully submitted,

Bernard Potts
Bernard Potts

BP/de

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 to B.L. : COUNTY BOARD OF APPEALS
N/E/S Reisterstown Road 755' : OF
SE of Valley Road :
3rd District :
Bernard Potts, et ux, : BALTIMORE COUNTY
Petitioners :
No. 73-47-R

ORDER OF DISMISSAL

Petition of Bernard Potts, et ux, for reclassification from D.R. 16 to B. L. on property located on the northeast side of Reisterstown Road, 755 feet southeast of Valley Road, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed May 13, 1974 (a copy of which is attached hereto and made a part hereof) from the petitioners-appellants in the above entitled matter.

WHEREAS, the said petitioners-appellants request that the appeal filed on behalf of said petitioners be dismissed and withdrawn as of May 13, 1974.

IT IS HEREBY ORDERED, this 21st day of May, 1974, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Keller, Jr., Chairman
W. Giles Parker
Robert L. Gilland

An entrance 30' in width would be sufficient to serve the type of business proposed.

The roadside curb is to be 25' from and parallel to the centerline of Reisterstown Road.

The entrance will be subject to State Roads Commission approval and permit.

The above comments were made by letter to the Zoning Commissioner dated January 21, 1970, when petitions were previously made."

OPINION

After reviewing the above testimony, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has not met his burden of proving error.

Since the depth of the site is only 150 feet, B.L. zoning would result in strip commercial use that would not be amendable to the hazardous traffic conditions that exist at this location.

Under the existing conditions, an apartment development may not be the best or most satisfactory use of this site, however, the site could be developed under its present classification with offices or other uses permitted and conditioned by Special Exception. Many of these uses could be more in keeping with the hazardous traffic conditions and the adjoining or nearby residential areas.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 21st day of February, 1973, that the above Re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a D.R. 16 Zone.

James E. Hahn
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
N/E/S of Reisterstown Road, 755' : DEPUTY ZONING
SE of Valley Road - 3rd District : COMMISSIONER
Bernard Potts - Petitioner :
NO. 73-47-R (Item No. 37) :
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D. R. 16 Zone to a B. L. Zone, on a 1.42 acre parcel of land located on the north side of Reisterstown Road, three hundred and thirty-five (335) feet south of Valley Road.

Mr. Bernard Potts, owner of the subject property, testified in his own behalf. His testimony was, in effect, as follows.

The subject property was acquired about twelve (12) years ago and represents the only property other than his home that he owns. The site drops off fifteen (15) feet or so in a sharp bank along the frontage of Reisterstown Road. This grade, the grade at the rear where the elevation also falls off sharply, and the rocky condition of the soil, led Mr. Potts to determine that the site was not suitable for apartment development which would be in keeping with the community. The cost of removing the rock and/or grading, and the fact that the site is located on a busy highway, dictates that low cost apartments be constructed that would be out of character with the surroundings.

If the request should be granted, his plans call for improvements as a tire store, bank branch, or saving and loan bank that would not generate large traffic volumes.

He feels that the property is presently classified in error because of the above reasons, i.e., the rocky condition of the soil and the topography. It was also pointed out as reason for error, the fact that other properties in the area are zoned commercial uses, namely: the commercially zoned shopping center at the corner of Reisterstown Road and Craddock Lane, the regional shopping center, planned at the northwest corner of Reisterstown and Mc-

FRANK E. CIGONE
Attorney At Law
3333 NORTON STREET
TOWSON, MARYLAND 21204
April 3, 1972

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

RE: Property of Bernard and
Frieda Potts

Dear Mr. DiNenna:

I am filing a petition in the above-subject case and wish to cite as a basis the following reasons which constitute error in the zoning maps signed March 24, 1971.

1. Error was committed in the 1971 zoning maps because the property is too small and cannot be economically developed for a residential use.
2. The 1971 maps failed to take into consideration the size, shape and topography of the subject property.
3. The ownership property lines were disregarded in the adoption of the 1971 maps.
4. And for other and further sufficient reasons to be shown at the hearing hereof, which will show the glaring error in the adoption of the maps, and change in the character of the neighborhood.

Very truly yours,

Frank E. Cigone
Frank E. Cigone

FEC:kn

Donogh Roads, and other commercially zoned property on both sides of Reisterstown Road north of his site. Also included in his reasons was a nineteen (19) acre tract immediately adjoining his that is presently under consideration for reclassification from D.R. 16 to B.M. - C.N.S.

Under cross-examination, Mr. Potts stated that he was not aware of any covenants restricting the commercial use of the shopping center at Craddock Lane, or that a use permit for parking in a residential zone had been denied twice for the proposed regional center at McDonogh Road. He had not been aware that a Comprehensive Zoning Map had established R.A. zoning on subject property approximately three (3) years before it was purchased, (around 1950). Mr. Potts explained that he had not checked the zoning when the property was purchased because he was not concerned at that time how it would be used. He does not have a prospective developer at this time, but would not consider one that would generate large amounts of traffic.

Advisory comments (regarding the proposed development) by the Department of Traffic Engineering, and the State Highway Administration were as follows:

Department of Traffic Engineering:

"The subject petition was reviewed as Item No. 40 during the second cycle. The following comment remains valid. "Review of the subject site indicates severe grading and sight distance problems, should the site be developed as shown. The trip density should increase from 180 to 700 trips per day. This increase is undesirable due to present capacity restraints along Reisterstown Road."

State Highway Administration:

"There is poor stopping sight distance along the frontage of the subject site due to an over-vertical curve (hill) to the south-east. The problem is augmented by the steep grade on Reisterstown Road. The portion of the frontage that is least objectionable for access is at the northeast property line. Considering the foregoing, only one point of access will be permitted, which shall be located as close to the northeast property line as possible (5' from the property line to the P.C. of the radius return into the entrance).

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
301 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

RESIDENCE: 771-4192

March 30, 1972

DESCRIPTION TO ACCOMPANY RECLASSIFICATION
PETITION OF 1.42 ACAL PARCEL OF LAND
3rd ELECTION DISTRICT BALTIMORE
COUNTY

BEGINNING for the same at a point on the northeast side of Reisterstown Road at a distance of 755 ft. ± southeasterly from the intersection of Valley Road said point being also at the beginning of the land which by deed dated February 23, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3813 folio 568 was conveyed by Pearl A. Bodensnick (widow) to Bernard Potts and wife running thence and binding on the northeast side of Reisterstown Road and reversely on the fifth or last line in aforesaid deed N39°21'W 420.00 ft. thence leaving the northeast side of Reisterstown Road and binding reversely on the fourth to the first line inclusive in the aforesaid deed the four following courses and distances: 1) N50°01'E 106.00 ft. 2) S82°59'E 64.51 ft. 3) S39°21'E 372.82 ft. 4) S0°01'W 150.00 ft. to the place of beginning. CONTAINING 1.42 acre of land more or less.

BEING all of the land which by deed dated February 23, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3813, folio 568 was conveyed by Pearl A. Bodensnick (widow) to Bernard Potts and wife.



E. F. Raphael
Eugene F. Raphael
Registered Professional
Land Surveyor

LAW OFFICES

COOK, MUDD, MURRAY & HOWARD

MERGENTHAU TOWNSHIP BUILDING
408 W. SHINGTON AVENUE
TOWSON, MARYLAND 21204TELEPHONE 823-4111
AREA CODE 301

March 30, 1973

County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Our File: 1089

Gentlemen:

I have received a notice from the Zoning Commissioner, Eric DiNenna, to the effect that the Petitioner has taken an appeal from the decision of the commissioner in case number 73-47 R (Bernard Potts). Would you kindly note my appearance in this case as attorney for the protestants and advise me of all matters pertaining to the scheduling of a hearing before your Board.

Very truly yours,

James H. Cook

JHC/djw

February 21, 1973

Bernard Potts, Esquire
3206 Midfield Road
Pikesville, Maryland 21208

RE: Petition for Reclassification
NE/S of Reisterstown Road, 755'
SE of Valley Road - 3rd District
Bernard Potts - Petitioner
NO. 73-47-R (Item No. 37)

Dear Mr. Potts:

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

Very truly yours,

JAMES E. DYER
Deputy Zoning Commissioner

JED:mc

Attachment

cc: Frank E. Ciccone, Esquire
411 Jefferson Building
Towson, Maryland 21204

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

Zoning Commissioner
County Office Bldg.
Towson - Md 21204



Re: NE/S Rte. 44- 755' SE
Valley Rd - 3rd Dist.
73-47-R (Item # 37)

Sir;

Kindly enter an appeal in the entitled case to the Baltimore County Board of Appeals from your decision & order dated Feb 21, 1973. in the above matter. Enclose check for \$700 to cover costs.

Respectfully,
Bernard Potts
Attorney for Petitioner



By Appeal submitted
with request by Petitioner
Bernard Potts, Esquire
dated March 21, 1973

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972

Frank E. Ciccone, Esquire
Jefferson Building
Towson, Maryland 21204

Re: Reclassification Petition
3rd Zoning Cycle
Item 37
Bernard Potts, et al-Petitioners

Dear Mr. Ciccone:

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

This tract is an undeveloped parcel located on the east side of Reisterstown Road, south of Green Spring Valley Road. It has a steep bank to the existing road above Reisterstown Road. The property to the north is improved with single family dwellings, and the remaining surrounding area is undeveloped land, zoned D.R. 16.

A similar request for rezoning of this property was an issue before the Planning Board during the zoning map processing and was a petition during the second zoning cycle (Case No. 72-220R). In both instances the request was for commercial zoning with the Planning Board recommending D.R. 16.

The subject petition, is accepted for filing subject to the following comments. This property is currently zoned D.R. 16 and contains 1.42 acres and could yield 22 apartment units with a capability of 44 density units. This property also is adjacent to another petition that is in this cycle, item #17 which is also requesting a BL classification. In reviewing the subject petition, this office is in complete agreement with the comments of the State Highway Administration, Bureau of Engineering, and Traffic Engineering and revised plans will be required prior to the hearing of this petition.

Frank E. Ciccone, Esquire
Page - 2 -
May 8, 1972

Also, fire hydrants shall be located as required by the Baltimore County Fire Department along the frontage of Reisterstown Road.

Very truly yours,

OLIVER L. MYERS, Chairman
John J. Dillon, Jr., Zoning Tech. II

OLM:JJDbbr

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DYER, P. E. CHIEF

April 27, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #37 (Cycle April - October 1972)
Property Owner: Prida and Bernard Potts
W/S Reisterstown Rd., 755' S/E of Green
Spring Valley Rd.
Present Zoning: D.R. 16
Proposed Zoning: Reclassification to B.L.
District: 3rd No. Acres: 1.42 acres

Dear Mr. Myers:

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:

Access to this site is from Reisterstown Road, which is a State Road. All improvements, intersections and entrances on this road are subject to State Highway Administration requirements.

Storm Drains:

Reisterstown Road (Md. 140) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control:

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

Water:

Public water is available to serve this property.

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Page 2
April 27, 1972

Re: Item #37 (Cycle April - October 1972)

Sanitary Sewer:

Public sanitary sewer can be made available to serve this property by constructing a public sanitary extension approximately 800 feet in length from the existing 10-inch gravity sewer in Reisterstown Road at Greenspring Valley Road.

Reisterstown Road is a State Road; therefore, any construction within the State Roads right-of-way will be subject to the standards, specifications and approval of the State Highway Administration, in addition to those of Baltimore County.

Very truly yours,

ELLSWORTH N. DYER, P.E.
Chief, Bureau of Engineering

END:EAM:CLW:es

NW 10 G Topo Sheet

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>JEB</u>			Revised Plans:				Change in outline or description		Yes	
Previous case:			Map #						No	

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3 Rd Date of Posting: APRIL 23 - 1973
 Posted for: APPEAL
 Petitioner: BERNARD POTTS
 Location of property: N.E/S. OF REISTERSTOWN RD. 755 FT. SE. OF VALLEY RD.
 Location of Signs: E/S. OF REISTERSTOWN RD. 800 FT. S. OF GREEN SPRING VALLEY RD.
 Remarks: _____
 Posted by: Charles M. Neal Date of return: APRIL 26 - 1973
 Signature

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3 Rd Date of Posting: APRIL 26 - 1973
 Posted for: RECLASSIFICATION
 Petitioner: BERNARD POTTS
 Location of property: N.E/S. OF REISTERSTOWN RD. 755 FT. SE. OF VALLEY RD.
 Location of Signs: E/S. OF REISTERSTOWN RD. 800 FT. S. OF VALLEY RD.
 Remarks: _____
 Posted by: Charles M. Neal Date of return: APRIL 31 - 1973
 Signature

Baltimore County Office of Planning and Zoning

Frank E. Cloone, Esquire
411 Jefferson Building
Towson, Maryland 21204

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

Your Petition has been received and accepted for filing
 this 10th day of July 1972.

S. Eric Dineen
Zoning Commissioner

Petitioners: Bernard Potts, et al

Petitioner's Attorney: Frank E. Cloone, Esquire

Reviewed by: S. Eric Dineen
Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 8256
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE April 9, 1973 ACCOUNT 01-662

AMOUNT \$5.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Mrs. Frieda Potts
 Cost of Posting of an Appeal on Case No. 73-47-R
 NE/S of Reisterstown Road, 755' SE of Valley Road - 3rd District
 Bernard Potts, et ux - Petitioners 50.00

BALTIMORE COUNTY, MARYLAND No. 8022
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE March 22, 1973 ACCOUNT 01-662

AMOUNT \$70.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Bernard Potts, Esquire
 Cost of Appeal on Case No. 73-47-R
 NE/S of Reisterstown Road, 755' SE of Valley Road - 3rd District
 Bernard Potts, et ux - Petitioners 70.00

BALTIMORE COUNTY, MARYLAND No. 7043
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE Feb. 9, 1973 ACCOUNT 01-662

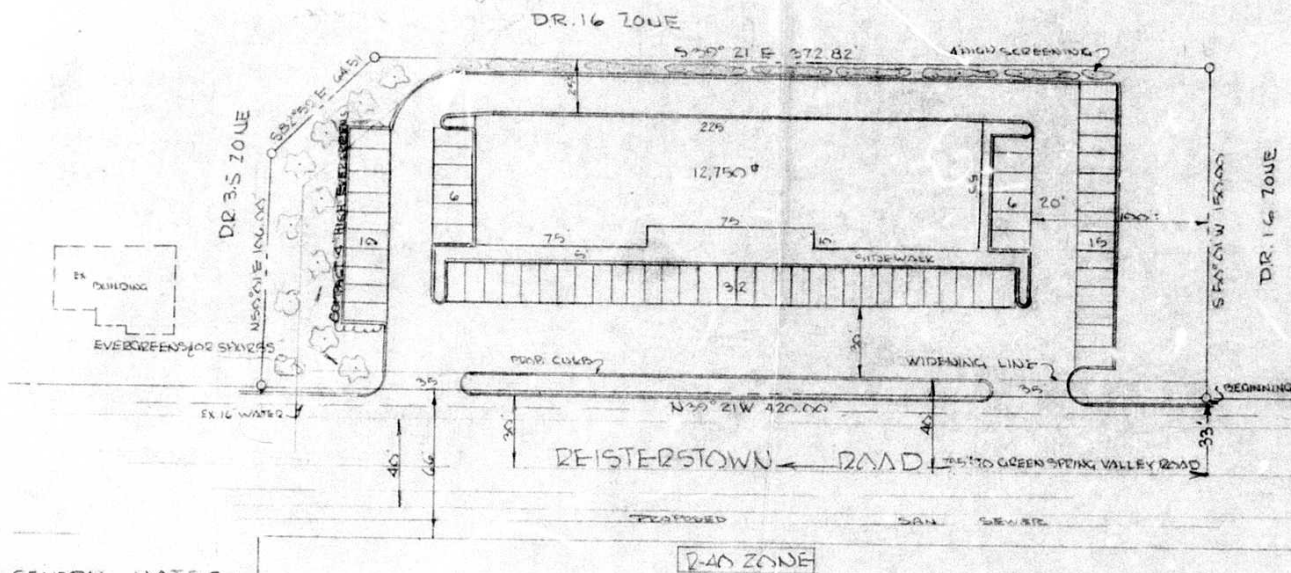
AMOUNT \$121.25

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Bernard Potts, Esq.
 31 W. Broadway
 Baltimore, Md. 21201
 Advertising and posting of property #73-47-R 121.25

BALTIMORE COUNTY, MARYLAND No. 3616
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE Mar 10, 1972 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 Frank E. Cloone, Esq.
 411 Jefferson Building
 Towson, Md. 21204
 Petition for Reclassification for Bernard Potts 50.00



GENERAL NOTES:

EXISTING LINE
PROPOSED LINE
EXISTING ZONE
PROPOSED ZONE
AREA

VACANT
RETAIL TRAFFIC
DR 16
P.L.
1.42 AC.

PARKING NOTES:

FLOOR AREA
SPACES 20
SPACES PROVIDED

12,750
2 PER 200' = 63
69

NOTE:

THIS SURVEY PLOTTED FROM
DEEDS, PLATS & OTHER SOURCES

E. RAPHAEL & ASSOCIATES

PROF. REGISTERED LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON 21204, MARYLAND



PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF

BERNARD POSTS

ELECTION DIST 3

BALTIMORE CO., MD

SCALE 1"=50'

OCT 14, 1971

MICROFILMED

1221



MAP	20
NW 10-6	
ELECTION	
DISTRICT	3
DATE	10/19/71
TYPE	16
HEARING	16
BY	16
FINAL	7-71
BY	16