

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Bernard Posner
I, or we, ROSALIND POSNER, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 & D.R. 16 zone to an BR 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 retail stores.

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 POSNER
ROSALIND POSNER Legal Owner
Address: 3313 Terrapin Road
Baltimore, Md. 21209
Petitioner's Attorney
MELVIN A. STEINBERG
Address: 202 Loyola Federal Bldg.
Towson, Maryland 21204
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of July, 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 the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of September, 1972, at 10:00 o'clock.

10:00
9/15/72
MICROFILMED

RE: PETITION FOR RECLASSIFICATION
CATION
NE/S of Reisterstown Road,
460' SE of Chartley Boulevard -
4th District
Bernard Posner, et ux - Petitioners
NO. 73-48-R (Item No. 8)
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R. 3.5 and D.R. 16

Zones to a B.R. Zone for the property located on the northeast side of Reisterstown Road, four hundred and sixty (460) feet southeast of Chartley Boulevard, in the Fourth District of Baltimore County, said property containing 1.31 acres of land, more or less.

Evidence on behalf of the Petitioners indicated that the subject property has been a non-conforming use as an upholstery shop and this was confirmed by residents of the area present at the hearing and also that the use did pre-exist the Baltimore County Zoning Regulations in 1945. The property is now in a dilapidated condition and the granting of the request for commercial zoning would necessitate the up-grading of the property and make it an attraction for the area.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner of Baltimore County, the Comprehensive Zoning Map, as adopted on March 24, 1971, was in error in classifying this property D.R. 3.5 and D.R. 16 zoning.

Though the Petitioners requested a B.R. Zone, this type zone is not necessary for the use for which they propose to develop this property, to wit, a clothing store. A B. L. Zone is required for this type of use.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of March, 1973, that the herein described property or area should be and the same is hereby Reclassified from D.R. 3.5 and D.R. 16 Zones to a B. L. Zone from and after the date of this Order subject

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to the approval of a site plan by the Bureau of Public Services, State Highway Administration and the Office of Planning and Zoning.

H. H. Thompson
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 5, 1973
BY [Signature]

MICROFILMED

PETITION FOR RECLASSIFICATION *
from DR 3.5 and DR 16 to
BR Zone *
Reisterstown Road *
Election District No. 4 *
Bernard Posner and *
Rosalind Posner *
Petitioners *

Petitioners, BERNARD POSNER and ROSALIND POSNER, by their attorney, Melvin A. Steinberg, pursuant to the requirements of Bill 72 (1969) of the County Council of Baltimore County assign the following reasons in support of their petition for zoning reclassification.

I. ERROR IN THE RECENTLY ENACTED COUNTYWIDE COMPREHENSIVE LAND USE MAP.

A. It did not take into consideration the future growth of the Reisterstown area and the need for retail stores.

1. General shift and growth of population in the Metropolitan Baltimore area has moved up the main arterial roads; namely, Park Heights Avenue, Reisterstown Road and Liberty Road.

2. Expansion of existing industrial parks and construction of new rental property as well as individual homes has created a new and larger retail market.

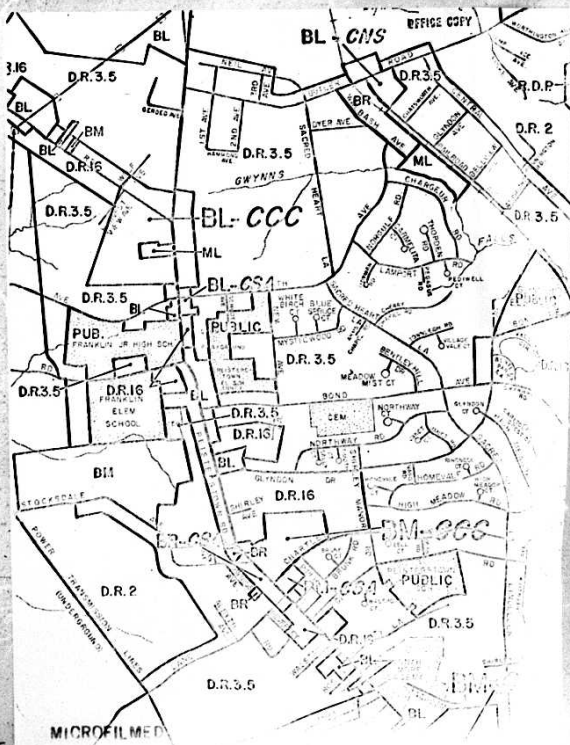
3. The land is not suitable for development in its present zoning classification.

1. The area in question is adjacent to a major highway.

2. The herein property is presently being used for a commercial use under a non-conforming use status.

C. Granting of the requested zoning reclassification will not have severe impact on schools or traffic.

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- The commercial use does not result in additional children.
 - The retail area will serve the local community and will not attract new traffic.
- II. The granting of Petitioners' request will benefit the community by providing needed retail facilities for the increased population in this area.
- III. For such other and further reasons to be submitted at the time of the hearing.

MELVIN A. STEINBERG
Attorney for the Petitioners
202 Loyola Federal Building
Towson, Maryland 21204
821-5515

JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820
DESCRIPTION OF A PARCEL OF LAND TO BE REZONED
FROM DR 16 to BR REISTERSTOWN ROAD, 4th DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the Northeast side of Reisterstown Road, 66 feet wide at the dividing line between that land zoned DR 16 and that land zoned DR 3.5 said point being 460 feet, more or less, measured Southeastly along the Northeast side of Reisterstown Road from the Southeast side of Chartley Boulevard and running thence and binding on the Northeast side of Reisterstown Road North 39 degrees West 32 feet, more or less, thence leaving the Northwest side of Reisterstown Road and running North 52 degrees East 117 feet, more or less, to the zoning line herein referred to and running thence and binding on said dividing line Southeastly 32 feet, more or less, and Southwesterly 117 feet, more or less, to the place of beginning.

CONTAINING 0.09 acres of land, more or less.



3.24.72

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JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820
DESCRIPTION OF A PARCEL OF LAND TO BE REZONED
FROM DR 3.5 to BR REISTERSTOWN ROAD, 4th DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the Northeast side of Reisterstown Road, 66 feet wide at the distance of 616.17 feet, more or less, measured Southeastly along the Northeast side of Reisterstown Road from the Southeast side of Chartley Boulevard and running thence and binding on the Northeast side of Reisterstown Road North 39 Degrees West 156 feet, more or less, to the dividing line between that land zoned DR 16 and that land zoned DR 3.5, thence leaving the Northeast side of Reisterstown Road and binding on said dividing line Northeastly 117 feet, more or less, and Northwesterly 32 feet, more or less, thence leaving said dividing line and running North 52 Degrees East 211 feet, more or less, to the rear lot lines of lots of Chartley fronting on Piper Road and running on said rear lot lines South 39 Degrees East 189 feet, more or less and running thence South 52 Degrees West 328 feet, more or less, to the place of beginning.

Containing 1.31 acres of land, more or less.

3.24.72.



MICROFILMED

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

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

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

April 13, 1972

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

Re: Item #8 (Cycle April - October 1972)
Property Owner: Bernard & Rosalina Posner
N/S Reisterstown Rd., 460' S/E of Chartley Blvd.
Present Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: Reclassification to B.R.
District: 4th
No. Acres: 2.21 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:

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

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.

Public storm drainage facilities are required between the existing State Highway Administration system discharging into this property and the existing Baltimore County system outletting the drain from this property, in accordance with the standards of the Department of Public Works.

On-site 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 Code.

Reisterstown Road is a State Road; therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration.

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Page 2
April 13, 1972

Re: Item #8 (Cycle April - October 1972)

Sediment Control:

Development of this property through stripping, 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.

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.

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 sewerage can be made available to serve this property by constructing a public sanitary sewer extension from the existing 8-inch public sanitary sewer in Walgrove Road.

Right-of-way is required through this property for construction and maintenance of public sanitary sewerage. The Petitioner is responsible for the establishment of the right-of-way, and the conveyance thereof, to Baltimore County at no cost to the County.

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

These comments reflect the requirements for development in accordance with the proposed unadvised use. Development, under the existing or proposed zoning, with subdivision may require additional public facilities.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:OK:iss

NW 15 J Tone Sheet
T-W Key Sheet
58 NW 39, 58 NW 40 Position Sheets
48 Tax Map

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLAYTON, P.E. CHIEF

Wm. T. MILLER
DEPUTY TRAFFIC ENGINEER

April 28, 1972

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

Re: Cycle Zoning II:
Item 8 - ZAC - 4-4-72
Property Owner: Bernard & Rosalina Posner
Reisterstown Road SE of Chartley Blvd.
Reclassification to BR - District 4

Dear Mr. Myers:

The subject petition is requesting a change from DR 3.5 and DR 16 to BR. This can be expected to increase the trip density greatly along Reisterstown Road. At the present time, Reisterstown Road is operating at capacity during the peak hours with long delays in certain areas. The adding of additional traffic to this road can only increase these delays and thereby increasing the accident potential.

Very truly yours,

C. Richard Morris
C. Richard Morris
Assistant Traffic Engineer

CON:R



STATE HIGHWAY ADMINISTRATION 300 WEST PASTON STREET BALTIMORE, MD. 21201

April 11, 1972

Mr. S. Eric Dinenna
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

ITEM 8
Re: A.T.C. Meeting 4/4/72
Reclassification
Property Owner: Bernard & Rosalina Posner
Location: N/E/S Reisterstown Road (Route 140) 460' S/E of Chartley Boulevard
Present Zoning: D.R. 3.5 and D.R. 16 (Route 140) Prop. Zoni. Reclass. to B.R. --- Districts: 4
No. Acres: 2.21

Dear Mr. Dinenna:

There is poor stopping sight distance at the proposed northerly entrance due to the vertical alignment of Reisterstown Road. Therefore, that entrance should be eliminated.

To best serve the site and provide maximum sight distance, one entrance centrally located along the frontage should be established.

Access to Reisterstown Road is 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

Q: JEN:bk

Baltimore County Fire Department



J. Austin Dierz
Chief

Towson, Maryland 21204

873-7310

April 17, 1972

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
ATTN: Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee

RE: Property Owner: Bernard & Rosalina Posner

Location: N/E/S Reisterstown Road, 460' S/E of Chartley Boulevard

Item No. 8 Zoning Agenda April 4, 1972

Gentlemen:

Pursuant to your request, the referenced property have been surveyed by this Bureau and the comments below marked with an "m" are non-compliance and required to be corrected or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____

- (x) 4. EXCEEDS the maximum allowed by the Fire Department.
The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *H. H. E. Williams* Noted and Approved: *Paul H. Reinisch*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mb 4/17/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 17, 1972

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 8, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Bernard & Rosalina Posner
Location: N/E/S Reisterstown Road, 460' S/E of Chartley Boulevard
Present Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: Reclassification to B.R.
District: 4
No. Acres: 2.21

Detailed plans showing water and sanitary sewer service must be submitted prior to approval of zoning change.

Very truly yours,

John E. Williams
John E. Williams
Sanitation II
Water and Sewer Section
Division of Sanitary Engineering
BUREAU OF ENVIRONMENTAL SERVICES

JS:mn

GEORGE E. GAVRELIS
Director
Jefferson Building
Suite 201
Towson, Md. 21204
(410) 331-1111



S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
(410) 331-1111

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 8, 1972

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

Dear Mr. Myers:

Comments on Item 8, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Bernard & Rosalina Posner
Location: N/E/S Reisterstown Road, 460' S/E of Chartley Boulevard
Present Zoning: D.R.3.5 and D.R.16
Proposed Zoning: Reclassification to B.R.
District: 4
No. Acres: 2.21 acres

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

Richard B. Williams
Richard B. Williams
Planner II
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Property Owner: **Bernard and Rosalina Posner**
District: **4**
Present Zoning: **LR 3.5 + DR 16**
Proposed Zoning: **BR**
No. Acres: **2.21**

Would only result in a loss of 3 or 4 pupils

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972

Melvin A. Steinberg, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

Re: Reclassification Petition
3rd Zoning Cycle
Item 8
Bernard Posner, et al-Petitioner

Dear Mr. Steinberg:

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 attached comments are a result of this review and inspection.

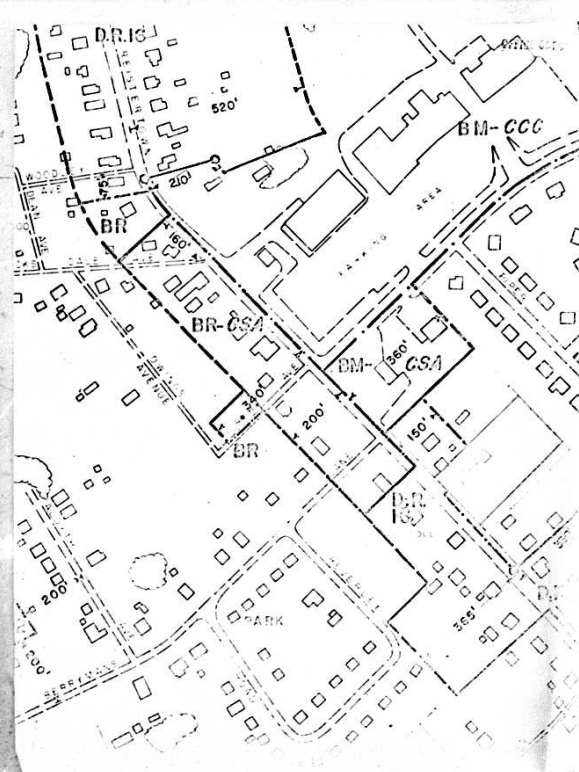
The subject property is located on the northeast side of Reisterstown Road 428' southwest of Chartley Boulevard in the Fourth District of Baltimore County. The property is improved with a one story garage located halfway back on the property and on the north side and a dwelling that has been converted to an upholstery shop. The property slopes at the rear and a storm drain reservation is evident in the rear. There are residential homes that face on Piper Road in the "Chartley" subdivision at the eastern-most end of the property. There is also an existing residence on the south side of this property and an old dwelling on the north side. The opposite side of Reisterstown Road is residential. There is no curb and gutter existing at this location.

The subject petition meets the Zoning Commissioner's rules of procedure and is accepted for filing.

Although the petitioner's plans meet the setback requirements, we are concerned as to the possible nuisance to the residential homes to the rear from any loading at the rear of the building. We suggest that, should this petition be granted, he take this into consideration. The plan should be revised to indicate any proposed lighting on the building and in the parking area.

Very truly yours,
Oliver L. Myers
OLIVER L. MYERS, Chairman
JOHN J. DILLON, JR., Zoning
Tech. II

OLM:JJD:bbr



PETITION MAPPING PROGRESS SHEET

FUNCTION	Map		Original		Duplicate		Tracing		GOD 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: <i>OLM</i>			Revised Plans: Change in outline or description Yes ☐ No ☐							
Previous case:			Map # <i>7-10</i>							

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *475* Date of Posting: *Aug. 26, 1972*
Posted for: *RECLASSIFICATION*
Petitioner: *BERNARD POSNER*
Location of property: *N.E. of REISTERSTOWN RD. 428' SW. of CHARTLEY BLVD.*
Location of Sign: *N.E. of REISTERSTOWN RD. 475' E. of S.E. of CHARTLEY BLVD.*
Remarks:
Posted by: *Charles G. Neal* Date of return: *Aug. 31, 1972*

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 21, 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., once in each at one time... 19.72, the first publication appearing on the 21st day of August 19.72.

H. L. Smith
Manager

Cost of Advertisement, \$.....

OFFICE OF THE COMMUNITY TIMES RANDALLSTOWN, MD. 21133 August 28 - 19 72

THIS IS TO CERTIFY that the annexed advertisement of S. Eric Steinberg, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 28 day of August 19 72 that is to say, the same was inserted in the issue of August 21, 1972.

STROMBERG PUBLICATIONS, Inc.

By: *Eric Steinberg*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Melvin A. Steinberg, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

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

Your Petition has been received and accepted for filing

this 28th day of August 1972.

H. L. Smith
Zoning Commissioner

Petitioner: *Bernard Posner, et al*
Petitioner's Attorney: *Melvin A. Steinberg, Esquire* Reviewed by: *H. L. Smith*
Zoning Advisory Committee

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

No. 3612

DATE: May 10, 1972 ACCOUNT: 01-062
AMOUNT: \$50.00
DISTRIBUTION: WHITE - CASHIER, YELLOW - CUSTOMER
Melvin A. Steinberg, Esq.
202 Loyola Federal Building
Towson, Md. 21204
Petition for Reclassification for Bernard Posner

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

No. 5012

DATE: Sept. 18, 1972 ACCOUNT: 03-662
AMOUNT: \$110.00
DISTRIBUTION: WHITE - CASHIER, YELLOW - CUSTOMER
Melvin A. Steinberg, Esq.
202 Loyola Federal Building
Towson, Md. 21204
Advertising and Posting of property for Bernard Posner

