PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we Jacob and Diana von Guntieral 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 re-classified, pursuan to the Zoning Law of Baltimore County, from an ______3,5

___zone; for the following reasons ___ DR 16__

(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

Phones

Jacob non Smilen

NUN 43,20

4.14.73

a self

imore County, this ______lQtb______day

. 197 ... 2 that the subject matter of this petition be advertised, as of July required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Gui Ballmore 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

FRANK E. CICONE EVERT SHOULDHIESE STORES FIXED Suite 411 Jefferson Bldg. April 7, 1972

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21254

RE: Property of Jacob and Diana von Gunten

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.

That the map adopted in April of 1971 failed to take into consideration that the subject property is bounded on three sides by DR 16.

That the proposed Mardan Road splits the projecty rendering it unusable under prese. Zoning.

That the physical changes in the area warrant high density development on the subject site.

That the 1971 map is in error because it did not take into consideration the location and the cost of development of the subject site.

And for other and further sufficient reasons to shown at the hearing hereof relating both to error and ange.

Very truly yours, Frank E. Cicone

FFC:kn

RE: PETITION FOR RECLASSIFICATION from D.R. 3.5 to D.R. 16 N/S Roaches Lane, 1000' NE Reisterstown Road, 4th District

COUNTY BOAKD OF APPEALS

No. 73-49-R

OF Jacob von Gunten, et ux, BALTIMORE COUNTY

GPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Zoning Commissioner, dated January 31, 1973, which granted the requeste The subject property is located on the north side of Roaches Lane The Petitioners seek a reclassification from C.R. 3.5 to D.R. 16. The erty contains approximately 6.2 acre, and is presently zoned D.R. 3.5 in its

There was testing ny produced on behalf of the Petitioners that the subject property was not developable in its present zoning classification, and that it was no economically or otherwise feasible to develop this land unless it is given a D.R. 16 The testimony also revealed that the subject site is surrounded on three sides by a D.R. 16 classification and, further, that the proposed Roaches Lane would virtually bisect the subject property. Furthermore, the Planning Board had recomnended that 3.7 acres of the subject property be rezoned to D.R. 16 for substantially the same reasons as indicated by the Petitioners' testimony.

Additionally, the Protestants in this case may not be hona fide parties of and both are employees of said apartment development, which is adjacent to the subject property and which would be in direct competition if the which property were developed

The Board, therefore, feels that there was erro: in classifying the subject property as D.R. 3.5 on the zoning map in view of the fact that the Planning Board had recommended D.R. 16 zoning (in part) for the subject property; also, that the subject

Jacob von Gunten, et ux - #73-29-8

property is surrounded on three sides by property zoned D.R. 16 and, finally, that the proposed Roaches Lane would in effect divide the subject property in half. Accordingly, the Board feels that the Order of the Zoning Commissioner should be affirmed.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 30th day of August, 1973, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated January 31, 1973, is hereby affirmed, and that the reclassification petitioned for, from D.R. 3.5 to D.R. 16, be and the same is hereby GRANTED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Acting Chairman

PETITION FOR RECLASSIFICATION FROM DR 3.5 to DR 16 BEFORE THE COUNTY BOARD OF APPEALS N/S of Roaches Lane, 1000' NE of Reisterstown Road District 4 Case No. 73-49-R (Item No. 41) JACOB VON GUNTEN, et ux Petitioners

ORDER TO ENTER APPEARANCE

Please enter the appearance of Samuel F. Kenney, Esquire as counsel for the Petitioners in the above entitled matter.

SAMUEL F. KENNEY 31 Allegheny Avenue Towson, Maryland 21204 823-5500 Attorney for Petitioners

LOSEPH D. THOMPSON BELLIS.

CIVIL ENGINEERS & LAND SURVEYORS 101 SHELL BUILDING - 200 EAST JOPPA ROAD TOWSON, MARYLAND 21204 . VAlley 3-8820

DESCRIPTION FOR REZONING, VON GUNTEN PROPERTY, ROACHES LANE, FOURTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the centerline of Roach's Lane at the dividing line between that land zoned DR3.5 and that land zoned DR16, said point being 48 feet, more or less, measured easterly along the centerline of Roach's Lane from the centerline of Mardon Road, 60 feet wide, said road being shown on Plat "1". Section "1" Brookshire, said plat being recorded among the Plat Records of Baltimore County in Plat Book O.T.G. No. 35, folio 40 and running thence and binding on said dividing line North 5 Degrees 20 Minutes 10 Seconds West 714,50 fcet and running thence South 86 Degrees 20 Minutes 40 Seconds West 486 feet, more or less, South 5 Degrees 20 Minutes 10 Seconds East 400.00 feet, North 86 Degrees 20 Minutes 40 Seconds East 246.64 feet, and South 5 Degrees 20 Minutes 10 Seconds East 325 feet, more or less, to the centerline of Roach's Lane herein referred to and running thence and binding on said centerline North 83 Degrees 33 Minutes 03 Seconds East 239.4 feet, more or less, to the place of beginning.

CONTAINING 6.2 acres of land, more or less.

4-7-72



January 31, 1973

Frank E. Cicone, Esquire 411 Jefferson Building Towson, Maryland 21224

RE: Petition for Reclassification N/S of Roaches Lane, 1000' NE of Relaterstown Road - 4th District trict Jacob von Gunten, et ux -Petitioners NO. 73-49-R (Item No. 41)

Dear Mr. Cicone

I have this date passed my Older in the above captioned Copy of said Order is ettached.

Very truly yours, S. ERIC DI NENNA Zoning Commissioner

Attachments

Mrs. Frances LaSov 205 Erin Way, Apt. 101 Reisterstown, Maryland 21136



Pursuant to the advertisement, posting of property, and public hearing on the above pecition and it appearing that by reason of error in the original zoning map and the health, safety, and general welfare of the community not being adversely af-IT IS ORDERED by the Zoning Commissioner of Baltimore County this......3/ January, 197 3, that the herein described property or area should be and proceeds from and after the date of this order, subject to the approval of a site plan by the Bureau of Public Sorvices and the Office of Planning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE IT IS ORDERED by the Zoning Commissioner of Baltimore County, this __, 197 __, 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 zone; and/or the Special Exception for_ be and the same is hereby DENIED. Zoning Commissioner of Baltimore County

February 28, 1973 The Honorable S. Eric DiNenna Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204 We the undersigned wigh to take an appeal from the decision of January 31, 1973, granting D.R.16 zoning in Case No. 73-49-R (Item No. 41), the Petition of Jacob vonGunten, et ux. – Petitioners, We enclose a check in the amount of Seventy Dollars (\$70.00) made payable to Baltimore County, Maryland. Your cooperation in this regard will be appreci-Very truly yours, Mrs. Prances LaSov Mrs. Frances LaSov 205 Erin Way, Apt. 101 Reisterstown, Maryland 21136 \$33-9277 Paul F. Newton
Paul F. Newton
201 Erin Way, Apt. 104
Reisterstown, Maryland 21136 Encl.

RE: Petition for Reclassification N/S of Roaches Lame, 1000° of Rwisters-town Road - 4th District Jacob von Gunten, et ux-Petitioners No. 73-49-R (Item No. 41)

We, the undersigned, strongly object to and wish to appeal the reclassification from a

"3.5 zone to a DR 16 zone" that property designated by the above reference:						
NAME	ADDRESS	DATE				
Linne Ru Sor	205 Eren Way, apt 10,	2/14/73				
Sorth new Sor	201 Erin well apt 104					
Deorge M Nipson	201 Erin Way det 104	2-14-73				
Alon ha sor	205 Em wag Q11	101 2/14/73				
John W. Keineau	105 Fire Code of	08 2/15/23				
Voxin Sungel	ZOZ ENM Way	2/15/23				
Villa M - Varison	202 Erm Way 1	2/15/73				
Tella M Sarrison	207 Erin week Aut	103 2/15 73				
Bett Ramer-	201 Fam Way of 203 Ein Way To	7-1 2/15-73				
Charles (Caperin)	201 Ectiv way of	2-15-73				
Mirothy Sheefers.	203 Even Way To	2-15-73				
Surah Elman	203 Frein Letters Opp	7/01 2-15-73				
Gatucia Ryan	205 Even Wang ty	tT1 2-15-29				
Ofmatella P. Sulfais	207 Ern Way ly	147-1 1-15-173				
Hazel & mith	209 Erin Way a	Not 103 2-15-1973				
Stanlar ! money	200 ERIN WAY,	Apr 103 2-15-23				
Carter I. money	JOB ERIN WAY	107113 0-15-73				
John Children	200 Erry Way T-3	2-15-73				
HI whitelink	nor Egin wayapi	102 416/23				
Nelew M. Whiteley	202 Evin Way aget 1					
alex of fally &	202 Esin led got 10	4 =/15/73				
payone & Chesser	200 brew 26h 12/ 10	2/11/73				
Th. lochman	205 ERIN Way apt	201. 2/10/73				
William Spies	205 Crim Way apt	104 2-17/20				
Mrs. Gathenne Meie Mrs. &M Hanson	200 Coch Lane	est. 202 2-17-73				
Mrs. Catherine Miller	205 Even Way	Act 19-2-/10/22				
Mrs J.M. Hanson	205 Erin May	Cht T.3 - 2/17/73				
Must mis John Mechan	203 Erin Way ay	et 14 2/17/73				
Jonal o Killy	203 Frin Word	NT4 2/17/77				
Donald O (Keller	203 SRIN WAY MOST 1	pt T4 2/17/77				
Shorde l. Alexander	do + was way upt. 2	103 2/17/73				
Manay E Golland	203 Erin Wass ust.	204 21.7/23				
Betse dian	20 1 Fun why ap	120/ 2/17/73				
Carolin Spone	203 Elin loals +	-1 2/17/73				
Row Carrell	203 Ein Way up.	tion 4/1/13				

70: Mr. S. Eric DiMenna Zéning Commissioner Baltimore County Office of Planning & Zoning Towson, Maryland

RE PetiMion for Reclassification N/S of Reaches Lane, 1000° of Reisters-town Road - 4th District Jacob von Guntan, et nx-Petitioners No. 73-49-R (Item No. 41)

We, the undersigned, strongly object to and wish to appeal the reclassification from a

	"3.5 zone to a DR 16 zone" t	"3.5 zone to a DR 16 zone" that property designated by the above references						
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	Mr and Mrs Willen Harrish	202 Cork Save	- 19410	21136				
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8	Mr. Mrs at Wwal	300 Cork,	11 151	21136				
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	AND THE PERSON NAMED IN COLUMN 2 IN COLUMN	The State of the S						

RE: Petition for Reclassification N/S of Roaches Lane, 1000 NE of Reis-terstown Road - 4th District Jecob von Gunten, et ux-Petitioners No. 73-49-R (Item No. 41) TO: Mr. S. Eric DiNenna Zoning Commissioner
Baltimore County Office of Planning & Zoning
Towson, Maryland

We, the undersigned, strongly object to and vish to appeal the reclassification from a "3.5 more to a DR 16 mone" that property designated by the above reference: 101 fitz Court hat 103 2/17/73 141 Fits et, apt 101 2/17/73 0/17/73 101 Lity Ct. apl 201 Marid May J Corpu 101 Fit Co act 2003 2/17/72 Edward Deliver 103 FIT OT APT. 7-3 2-17-73 Barbard Octros 103 Lets ct apt 7-3 bank. Colum 103 It Ct agt Tr 4 Richard Parlaman 103 Fits at Apt T2 William a Harp 103 Sty Ct Gpt 102 Represe D. Harp 11 11 11 11

2-17-13 2-19-73 2-17-73 2-17-73 Albert Alaker " " Spot 202 Mr. & Mrs. Jahren " " apt 204 2-17-77 Christin Jones munt Petert Languagette 105- Size ayet 204 - 3/17/33 Mrs Ans Robert Cuminga 4. H. How Com 100 Fety C+ MT. 101 The Andread Heart 117 Fety the apt 7-3 Man and Man Michael allegander 107 Fity Ct apt 7-4 2/19/73

TO: Mr. S. Eric DiNenna Zoning Commissioner Paltimore County Office of Planning & Zoning

RE: Petition for Reclassification M/S of Roaches Lane, 1000 NE of Reis-terstown Road - 4th District Jacob von Cunta, et ux-Petitioners Nc. 73-49-R (Item No. 41)

	NAPE ADDRESS	DATE
Delining.	RSHazlegure 2058W. apt 103	2/17/73
l	4220 Donna & Dunny of 5 Sun Way agot 103	2/17/73
	Margaret M. Welf 20 2 Erum Way 5401	1/17/73
	Margaret M. Molff 200 Erin Way 19401 Mildred a. Wolff 202 Erin Way 194101	2/1/13
	Mickel & Schaffer 201 Creating	2/17/73
	() () ()	
	Sun Deglin 20 dehay	2/17/73

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972 Frank E. Cicone, Esquire

ard Zening Cycle
Item 41
Jacob Von Gunten et al-Putitioner

Jefferson Building Towson, Maryland 21204

The Zoning Advisory Committee has reviewed the plans su-mitted with the above referenced p. tition and hrs made an onsite field inspection of the property. The attached comments are a result of this review and inspection.

Re: Reclassification Petition

The subject property is located on the north side of Roachus Lane, one thousand feet northeast of Reisterstown Road in the Pourth Election District of Baltimore County. This property which contains 6.2 acros is adjacent to an existing residential single family development to the west of the site and directly south of an existing apartment development to the exist. There is a proposed apartment development that is not currently under construction immediately to the east of this site.

This petition is accepted for filing; however, revised plans that indicate the location of all fire hydrants within three hundred feet of the site and the location of all proposed fire hydrants, and those items requested by the Bureau of Engineering must be submitted prior to the hearing.

> Very truly yours, OLIVER L. MYERS, Chairman JOHN J. DILLON, JR., Zoning Tech. H

Baltimore County, Marglani Bepartment Of Bublic Borks

COUNTY OFFICE BUILDING OWSON, MARYLAND 21204

April 28, 1972

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

: Item #h1 (Cycle April - October 1972)
Property Owner: Jacob and Diana von Gunten
M/S Roaches Lane, 1000 N/S of Reisterstown Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: Reclassification to D.R. 16
District: hth No. Acres: 6.2 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 is connection with the subject item.

Access to this site is from Mardan Road and Roaches Lame. Mardan Road must be extended through this site with a concrete curb and gutter and LO-foot paring section on a 60-foot right-of-way to connect the two existing extremities of Mardan Road.

Roaches Lane shall connect to Mardan Road as shown on the zoning plat using an ultimate curb and gutter and h0-foot paving section on a 60-foot

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a mittable outfall.

The Petitioner must provide necessary drainage facilities (temporary or personnel to prevent resulting any missense or damages technices (weaporary or personnel to prevent creating any missense or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control:

GEORGE E. GAVRELI

Mr. Oliver L. Myers, Chairman

Baltimore County Office Building Towson, Marylan J 21204

No. Acres: 6.2 acres

of section 504 of the zoning regulations.

Zoning Advisory Committee Office of Planning and Zoning

Development of this property through stripping, grading and stabilization could result in a mediaent 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 poil.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Comments on Item 41, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

The site plan appears to be basically satisfactory: however, if the reclassification to D.R.16 is granted the site plan would have to be revised to meet all or the requirements

Property Owner: Jacob and Diana Von Gunten Location: N/S Roaches Lane, 1000' N/E of Reisterstown Road Present Zoning: D.R.3.5

Proposed Zoning: Reclassification to D.R.16 District: 4

Mr. Oliver L. Myers, Chairman Zoning Advisory Committee Page 2 April 28, 1972

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

Public water is available to serve this site.

Samitary Sewer:

Public sanitary sewer is available to serve this site.

Very truly yours.

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

END-RAM-CIM-A

NW 1h J

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Property Owner Jacob and Diana VonGunter

District h

Present Zoning DR 3.5

Proposed Zoning Dk 16

No. Acres 5.2

The schools servicing this area are

Enroll. Capacity 629 535 +94 Timber Grove __ementary 1170 +291 11/61 Franklin Junior High +5% 1364 Franklin Senior High

The area as now moned could ultimately yield lh elementary pupils, h junior high pupils, and 3 senior high pupils. While a change to DR 16 could ultimately yield 21 elementary pupils, 4 junior high pupils and 2 senior high pupils. The Enchanted Hills Apartment Development's 1 and 2 bedroom spartments were used as samples with a factor of .021 for 1 bedroom apartments and .283 for 2 bedroom apartments being used for

May 1, 1972

John Z Wimbley John L. Wimbley Planning Specialist II Project Planning Division Office of Planning and Zoning

MRS. ROBERT L. BERNEY

NRT. BICHARD K. WUCH

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD. P.E.

April 28, 1972

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

Re: Cycle Zoring III Item 41 - ZAC - 4-4-72 Property Owner: Jacob & Diana Von Gunten Roaches Lane NE of Reisterstown Road Reclassification to DR 16 - District 4

The subject petition is requesting a change from DR 3.5 co DR 16. This should increase the trip density from 200 trips to 700 trips

Due to the poor intersection of Roaches Lane and Reisterstown Road, it is planned that Rouches Lane will be closed at Reisterstown Road requiring that this parcel gain all access from Mardan Road.

Very truly yours,

C. Richard Moore Assistant Traffic Engineer

CRM-n

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-



April 18, 1972

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

Dear Ar. Myers:

Comments on Item 41, Zoning Advisory committee Meeting, April 11, 1972, are as follows:

Property Owner: Jacob and Diana Von Gunten Location: N/S Roaches Lane, 1000* N/E of Reisterstown Road Present Zoning: D.R. 3.5 Proposed Zoning: Reclassification to D.R. 16 District: 4 No.Acres: 6.2

Metropolitan water is available to the mite. Samitary sewer must be extended to serve the property.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene. Baltimore County Department of Health

Shopping Center and Apartment House Comments: Approval for a shopping center or apartment house is based upon owner responsibility for the collection, storage and disposal of refuse in accordance with Health Department requirements.

Very truly yours,

John Strawhorn, Sanitarian II Water and Sewer Section Division of Sanitary Engineering BUREAU OF ENVIRONMENTAL SERVICES

TRESTORNER 15, 1972 at 11-00 Present Zoning: D.R. 3.5
Proposed Zoning: D.R. 16
All that pured of land in the

LE COUNTY, MARYLAND

DATE February 28, 1979COUNT 0652

AMOUNT 70.00

DISTRIBUTION

Appeal Case No. 73-49-R (Item No. 41)



RANDALLSTOWN, MD. 21133 August 28 - 19 72

THIS IS TO CERTIFY, that the annexed advertisement of .. Eric Dinenna Zoning Commissioner of Balt more County

erted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a neek for one xxxxxxxxxx

week before the 28 day of August 1972 that is to say, the same

vas inserted in the issue of August 24, 1972.

STROMBERG PUBLICATIONS, Inc.

Br Lith Morgan

0 CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., pure in cash of one time successive weeks before the 15th day of ___September ______ 19.72., the # ~ublication appearing on the ____ 2bth _day of __August_____

THE JEFFERSONIAN,

Cost of Advertisement, \$_..

BALTIMORE COUNTY MARYLAND FFICE OF FINANCE - REVENUE DIVISION

No. 7090

DATE March 15, 1973 ACCOUNT 01-662

AMOUNT \$10.00

DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER Mrs. Francis LaSov Cost of Posting of an Appeal for Case No. 73-49-R N/S of Rosches Lane, 1000 NE of Reisterstown

Road - 4th District

H. EMBLIE PARKE PRINCE

No. 7059

No. 3615 OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE May 10, 1972 ASCOUNT 21-662

BALTIMORE COUNTY, MARKLAND

AMOUNT___ \$50.00 PINE - AGENCY

Frunk B. Cioone, Bug.
ill Jefferson Building
Towson, Md. 21204
Petition for Reclassification for Jacob VonCuntan

MALUE

OF ICE OF FINANCE REVENUE DIVISION

acob von Conten, et ux - Petitioners 10.00 Mg





