

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Jacob and Diane von Gunten, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an 3.5 zone to an DR 16 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 reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact purchaser

Address 4996 Route 2
Reisterstown, Md 21136

Petitioner's Attorney

Protestant's Attorney

Address Jefferson Building
Towson, Md 21204

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 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 15th day of September, 1972, at 11:00 o'clock.

Frank E. Ciccone
Zoning Commissioner of Baltimore County

(over)

FRANK E. CICONE
Attorney At Law

1000 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
Suite 411 Jefferson Bldg.

April 7, 1972

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

RE: Property of Jacob and
Diane 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.

1. 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.
2. That the proposed Mardon Road splits the property rendering it unusable under present zoning.
3. That the physical changes in the area warrant high density development on the subject site.
4. 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.
5. And for other and further sufficient reasons to be shown at the hearing hereof relating both to error and change.

Very truly yours,

Frank E. Ciccone
Frank E. Ciccone

FEC:kn

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 to D.R. 16
N/S Roaches Lane, 1000'
NE Reisterstown Road,
4th District
Jacob von Gunten, et ux,
Petitioners
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-49-R

OPINION

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 requested reclassification. The subject property is located on the north side of Roaches Lane 1000 feet northeast of Reisterstown Road, in the Fourth Election District of Baltimore County. The Petitioners seek a reclassification from D.R. 3.5 to D.R. 16. The subject property contains approximately 6.2 acres and is presently zoned D.R. 3.5 in its entirety.

There was testimony produced on behalf of the Petitioners that the subject property was not developable in its present zoning classification, and that it was not economically or otherwise feasible to develop this land unless it is given a D.R. 16 classification. 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 recommended 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 bona fide parties of interest as both of the Protestants who appeared are residents of Walnut Hills Apartments and both are employees of said apartment development, which is adjacent to the subject property and which would be in direct competition if the subject property were developed into commercial apartments.

The Board, therefore, feels that there was error 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-R

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 foregoing 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

John A. Miller

Robert L. Gilland

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

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

JOSEPH D. THOMPSON, P.E., A.L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150
101 SHELL BUILDING - 200 EAST JOFFA 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 "I", Section "1" Brookshire, said plat being recorded among the Plat Records of Baltimore County in Plat Book C.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 feet 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. Ciccone, Esquire
411 Jefferson Building
Towson, Maryland 21204

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

Dear Mr. Ciccone:

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

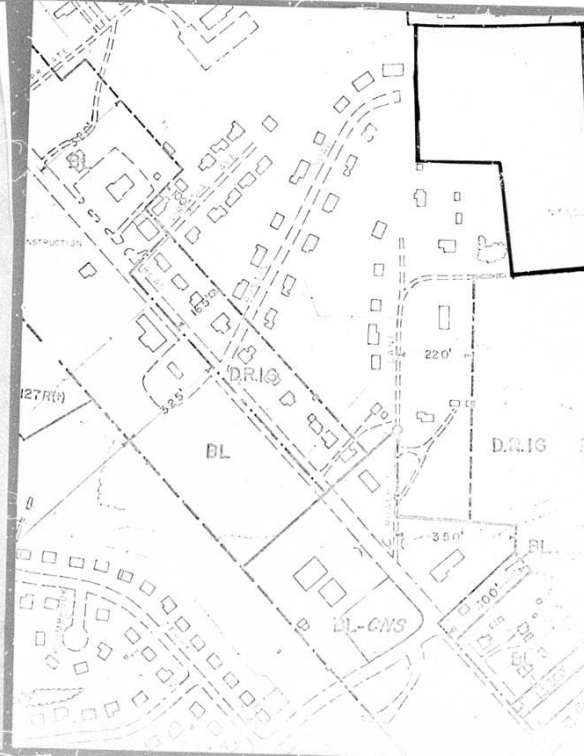
Very truly yours,

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

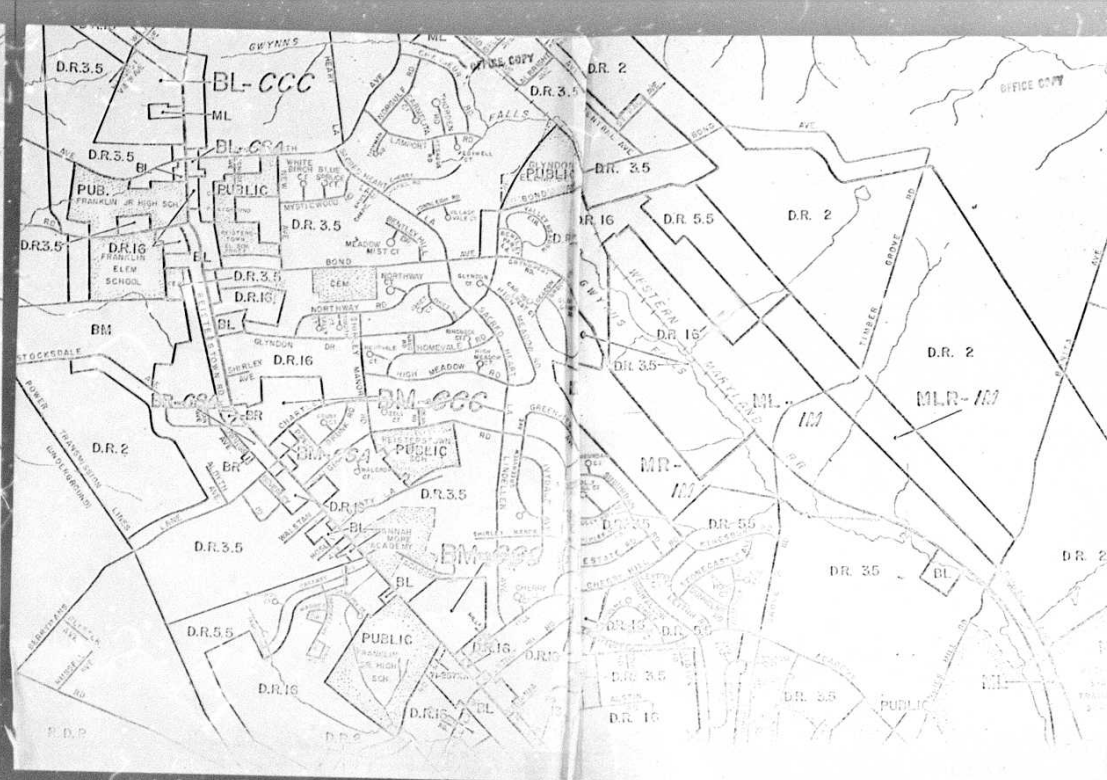
SED:arl

Attachments

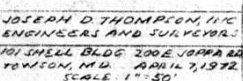
cc: Mrs. Frances LaSov
205 Erin Way, Apt. 101
Reisterstown, Maryland 21136



Cost of Posting of an Appeal for Case No. 7



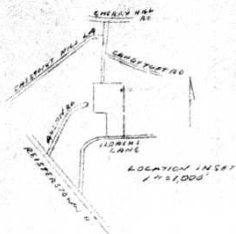
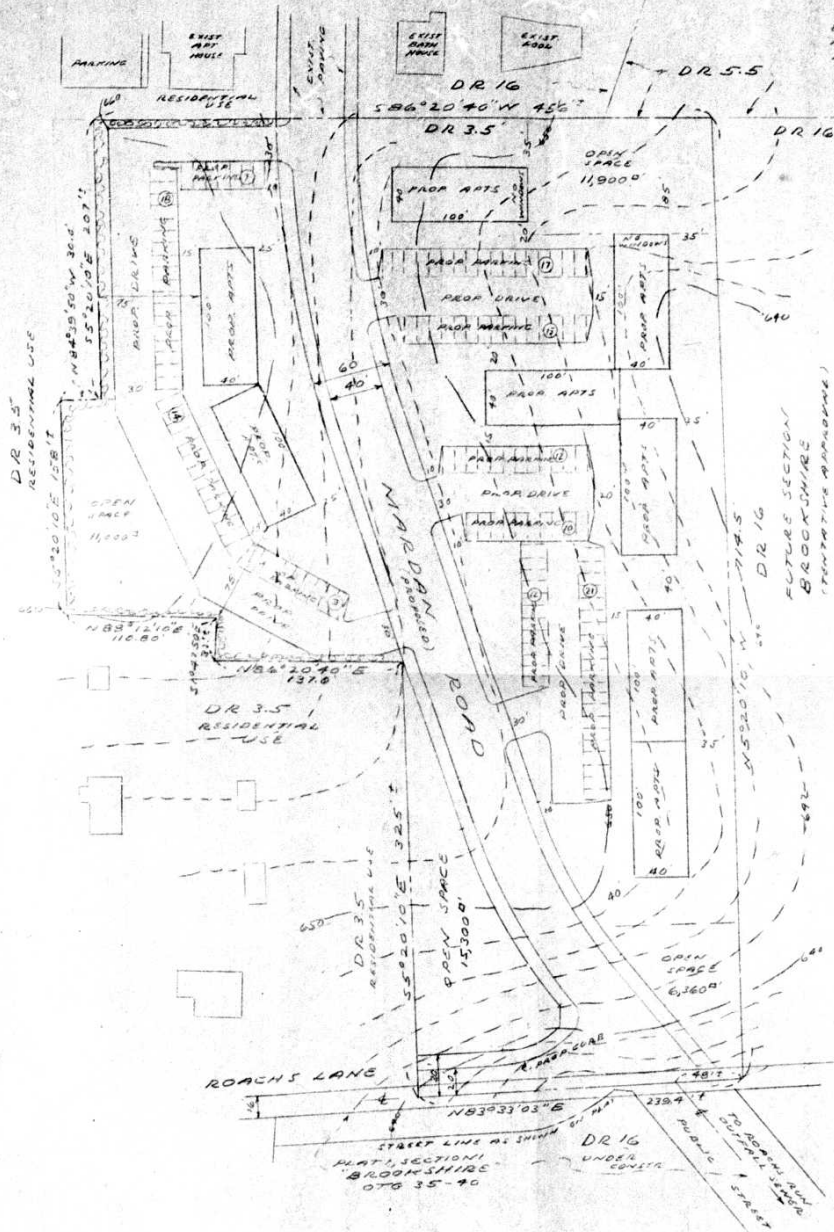
EMERGENCY ROUTE
SANDY POINT RD
HILLMAN RD
HILLMAN LANE
LOCATION INSET
1:100,000
RESTAURANT, A.I.



PLAT FOR REZONING
VON GUNTEN PROPERTY
ROACHS LANE
4TH DISTRICT
BALTIMORE CO., MD.

JOSEPH D. THOMPSON, INC.
ENGINEERS AND SURVEYORS
101 SHELL BLDG 200 E JOHANN
TOWNE, MD. APRIL 7, 1972
SCALE: 1" = 50'

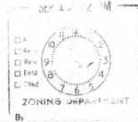
AREA: 6.0 AC
 NO. OF UNITS ALLOWED: 96
 NO. OF UNITS PROPOSED:
 35-180 UNITS: 26 DENSITY UNITS
 51-280 UNITS: 51 DENSITY UNITS
 28 UNITS: 27 DENSITY UNITS
 EXISTING ZONING: DR 3.5
 PROPOSED ZONING: DR 16
 NO. PARKING SPACES PROVIDED:
 135 (134.0) + 15.50
 OPEN SPACE: 1.02 AC (17.0%)
 4TH DISTRICT



OFFICE COPY

ADVISED Plan

#41



October 5, 1972

PLAT FOR REZONING
 VON GUNTEN PROPERTY
 ROACHS LANE
 4TH DISTRICT
 BALTIMORE, MD.

REVISED: SEPT. 11, 1972
 JOSEPH D. THOMSON, INC.
 ENGINEERS AND SURVEYORS
 701 SHELL BLDG. 200 E. JORRA RD
 TOWSON, MD. 21286
 SCALE 1" = 50'

