

72051 1/4c 3/14/72 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Delvalle Limited Partnership, 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. 5.5 and B.L. -C.N.S. zone to an D.R. 16 zone; for the following reasons:

- 1.) In classifying the property D.R. 5.5 and B.L. -C.N.S., the Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and
- 2.) Substantial changes have occurred in the neighborhood so as to alter its character since the property was so classified by the Council, as set out on the attached exhibit, which is incorporated by reference herein.

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 _____ N.A.

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, including, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, as set out in the Zoning Law for Baltimore County.

DELVALLE LIMITED PARTNERSHIP

By: *Richard H. Nolan*
Legal Owner

Contract purchaser

Address: 1110 Eldler Lane, Suite 600
Silver Spring, Maryland 20910

Proponent's Attorney

Address: 304 West Pennsylvania Avenue
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 Commission of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the _____ day of October, 1972, at 2:00 o'clock.

Richard H. Nolan
Zoning Commissioner of Baltimore County

(over)

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT TRACT D, R, 5, 5 AND B, L, -C, N, S, AND CHANGES IN THE NEIGHBORHOOD

The Petitioner states that the County Council committed at least the following errors in classifying the subject tract D, R, 5, 5 and B, L, -C, N, S.

1.) Although the property would seem to have commercial potential, the property has been rejected as a site by numerous chain food stores, chain drug stores and junior department stores and dis-counters, indicating error by the Council in placing the bulk of this parcel in a B, L, -C, N, S, classification, when correct zoning would have been in part B, L, -C, N, S, and the remainder D, R, 16.

2.) For such other and further reasons as may be disclosed upon minute study throughout this case, and further error by the Council is hereby assigned and will be noted when and as found.

As to substantial changes which have altered the character of the neighborhood since the Council studied the subject property and last classified it, the following are noted:

1.) A vastly superior tract for commercial development of large acreage has been placed on the market and put up for bids by prospective purchasers; this parcel being located at German Hill Road and Merritt Boulevard and having almost one half mile of frontage on Merritt Boulevard.

-1-

2.) The confusion and uncertainties which have marked the expressways program in Baltimore City are well known and have filled the public press for some years, thus, when work has actually been going forward in Baltimore City very near the subject property on the Interstate 95 project to connect to the John F. Kennedy Express-way in Baltimore County, such actual construction work constitutes a very vital change in the neighborhood which could not have been known to the County Council during its deliberations due to the confusion and uncertainty previously noted on the part of Baltimore City.

3.) Such other and further neighborhood changes as will be disclosed by minute study of the area, and which will be developed in full at the time of the hearing thereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for Property Owners

-2-

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

101 SHELL BUILDING - 200 EAST JOFFA ROAD
TOWSON, MARYLAND 21204 • VAILLY 3-0820

DESCRIPTION OF A PARCEL OF LAND TO BE REZONED TO D216, GERMAN HILL ROAD
12TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the north side of German Hill Road 33 feet wide at the northeast side of a 16 foot alley said alley being northeast of Dalbert Avenue and running thence and binding on the north side of German Hill Road Easterly 208.00 feet, more or less, to the north side of German Hill Road, 60 feet wide, and running thence and binding thereon Easterly 240.00 feet, more or less, and Easterly 250.00 feet, more or less, to the rear lot line of those lots fronting on Wilson Avenue and running thence and binding on said rear lot lines Northwesterly 955.00 feet, more or less, to the rear lot lines of those lots fronting on Graceland Avenue and running thence and binding on said rear lot lines Southwesterly 338.00 feet, more or less, to the dividing line between Baltimore City and Baltimore County and running thence and binding on said line South 372.00 feet, more or less, to the northeast side of the 16 foot alley herein referred to and running thence and binding thereon Southeasterly 400.00 feet, more or less, to the place of beginning.

CONTAINING 10.6 acres of land, more or less.

3-29-72



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Herdesty
ATTN: Oliver L. Myers
FROM: Ellsworth N. Diver, P.E.

Date: May 11, 1971

SUBJECT: Item #23 (April - October Cycle 1971)

Property Owner: Delvalle Limited Partnership
Location: 1/3 German Hill Road, 150' E. of Dalbert Avenue
Present Zoning: B.L. & D.R. 5.5
Proposed Zoning: Re-class. to D.R. 16
District: 1207 Sector: Eastern
No. Acres: 10.6

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:

This site has frontage on German Hill Road and Graceland Avenue in Baltimore City.

German Hill Road is an existing County Road. Highway improvements required in connection with this site, include curb and gutter, sidewalks and entrances in accordance with the standards of the Department of Public Works. The geometrics of the improvements required will be reviewed by the Street, Road and Bridge Design Group of this Bureau in connection with subsequent preliminary site plans, or any grading and building permit applications.

The entrance locations are subject to approval of the Department of Traffic Engineering.

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.

Item #23 (April - October Cycle 1971)
Property Owner: Delvalle Limited Partnership
Page 2
May 11, 1971

Storm Drains: (Cont'd)

Public drainage facilities are required for any off-site drainage facilities and any onsite facilities serving off-site areas, in accordance with the standards of the Baltimore County Department of Public Works.

Onsite 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 Codes.

Sediment Control:

Development of this property through striping, 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.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

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.

The proposed private improvement must be reviewed by the Baltimore City, Water Division for adequacy of water supply.

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 water shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewers:

Public sanitary sewer facilities are available to benefit this property.

The Petitioner is entirely responsible for the construction of all additional sewers required to serve the proposed development. Such additional sewers are to be constructed onsite, that is, not within any public road, right-of-way, or easement, except for connection to public sanitary sewers located therein. All private and/or onsite sewers must conform with the Baltimore County Plumbing Code and/or the Joint Interim Policy of the Baltimore County Department of Public Works and the Baltimore County Plumbing Code, as applicable.

Item #23 (April - October Cycle 1971)
Property Owner: Delvalle Limited Partnership
Page 3
May 11, 1971

Additional highways, public water, sanitary sewer and storm drain facilities would be required for development in accordance with the existing zoning.

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

ENCLOSURES: 2
cc: File (3)
Key Sheet: P-NE
Position Sheets: 5 and 6 SE 17
Topos: SE 2 E
Tax Maps: 96 and 103

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... 197... 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... failure to show error in the original zoning map, or substantial changes in the character of the neighborhood...

the above Reclassification should NOT BE HAD, and the same is hereby continued as and to remain a D.R. 5.5 & B.L. Zone and District...

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... 197... 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 and to remain a D.R. 5.5 & B.L. Zone and District...

Zoning Commissioner of Baltimore County

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

Bureau of Engineering
ELLAWORTH H. DIVER, P.E. CHIEF

April 13, 1972

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

Re: Item #3 (Cycle April - October 1972)
Property Owner: Delvalle Limited Partnership
N/S German Hill Rd., 150' E. of Delbert Ave.
Present Zoning: D.R. 5.5 & B.L.
Proposed Zoning: Reclassification to D.R. 16
District: 12th No. Acres: 12

Dear Mr. Myers:

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee and known as Cycle Zoning Item #23 (April - October 1971). The comments furnished by this office in connection with Item #23 remain valid and in effect. We are enclosing herewith a xerox copy of those comments which are applicable to the current petition.

Very truly yours,

Ellaworth H. Diver
Chief, Bureau of Engineering

END:HAM:CHN:iss
Enclosure

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. CHIEF
WILLIAM T. MALLER DEPUTY TRAFFIC ENGINEER

April 28, 1972

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

Re: Cycle Zoning Item
Item 3 - ZAC - 3-28-72
Property Owner: Delvalle Limited Partnership
German Hill Road E. of Delbert Avenue
Reclassification to DR 16 - District 12

Dear Mr. Myers:

The subject petition was reviewed as item 25 during the first cycle. The following comment remains valid. "The subject petition is requesting a change from BI and DR 5.5 to DR 16. This proposal should decrease the trip density considerably, since 9 acres of the subject tract are now zoned commercial."

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRM:mr

Baltimore County Fire Department

J. Austin Deitz
Chief



TOWSON, Maryland 21204
825-7310

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: Delvalle Limited Partnership

Location: N/S German Hill Road, 150' E of Delbert Avenue
Item #3 Zoning Agenda MARCH 28, 1972

Gentlemen:

Pursuant to your request, the referenced property have been surveyed by this Bureau and the comments below marked with an "x" are applicable 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 500 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 EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 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: J. Austin Deitz, Chief of Planning Group
Special Inspection Division Fire Prevention Bureau
Date: 4/17/72

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: March 29, 1972
FROM: H.V. Bonner
SUBJECT: Item 3 - Reclassifications - Zoning Advisory Committee Meeting, March 28, 1972

3. Property Owner: Delvalle Limited Partnership
Location: N/S German Hill Road, 150' E of Delbert Avenue
Present Zoning: D.R. 5.5 & B.L.
Proposed Zoning: Reclassification to D.R. 16
District: 12
No. Acres: 10.6

Metropolitan water and sewer are available to the site.

State approval must be obtained prior to approval of record plat.

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.

Hart V. Bonner
Sanitarian II
Water and Sewer Section

GEORGE E. GAVRELIS
Director
Jefferson Building
Suite 201
Towson, MD 21204
484-2211



J. ERIC DINERMA
Zoning Commissioner
County Office Building
111 N. Chesapeake Ave.
Towson, MD 21204
484-2251

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 3, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Delvalle Limited Partnership
Location: N/S German Hill Road, 150' E of Delbert Avenue
Present Zoning: D.R. 5.5 & B.L.
Proposed Zoning: Reclassification to D.R. 16
No. Acres: 10.6
District: 12

The plan will have to be revised as it does not meet the requirements set forth in the Comprehensive Manual of Development Policy.

Very truly yours,

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

BOARD OF EDUCATION
OF BALTIMORE COUNTY

ITEM #3

TOWSON, MARYLAND - 21204

Property Owner: Delvalle Limited Partnership
District 12
Present Zoning: DR 5.5 & BL
Proposed Zoning: DR 16
No. Acres: 10.6

Schools servicing this area are:

	Cap.	Enroll.	+/-
Horwood Elementary	795	708	-87
Holabird Junior	1215	1116	-111
Dundalk Senior	2045	2116	+101

A change to apartment zoning would not result in an increase of students. Only about 2 or 3 pupils would be realized from either type of zoning.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 4, 1972

James D. Nolan, Esq.,
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
3rd Zoning Cycle
Item #3
Delvalle Limited Partnership

Dear Sirs:

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 a tract of land containing 12.1 acres on the north side of German Hill Road, 150' E. of Delbert Avenue, in the 12th Election District of Baltimore County. The property itself is undeveloped and lies in the center of an already developed residential area. The property on the south is developed as row homes, as is a portion of the property on the east. The property on the north, west and northwest is developed as single family residential. The property in question is zoned DR 5.5 and was a subject of a petition during the first zoning cycle, which was subsequently withdrawn. The Baltimore City line traverses the westernmost corner of this site.

ZONING ADMINISTRATION DIVISION

The plan submitted appears to meet the Zoning Committee rules, and the necessary information shown is satisfactory; however, the Petitioner should consider the attached comments so he is aware of what his commitments will be in the event this petition is granted.

Very truly yours,

Oliver L. Myers, Chairman

John S. Dillon, Jr., Zoning Tech. II

OLM:JJD:JD

H. ENSLIE PARKS, President
EUGENE C. NEED, Vice President
MRG. ROBERT L. BERNY

MRS. JOHN H. CROCKF
JOSEPH N. MCDONNAN
ALVIN LORICK
JOHN A. WHEELER, Chairman

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.
MRS. RICHARD K. WUCCLE



INDUSTRIAL DEVELOPMENT COMMISSION
BALTIMORE COUNTY, MARYLAND

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
TELEPHONE 494-3648

H. B. STAAB
DIRECTOR

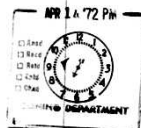
April 13, 1972

To: Mr. S. Eric DiNenna, Zoning Commissioner
From: H. B. Staab, Industrial Development Commission
Re: Reclassification Cycle #3 - April - October, 1972

The Industrial Development Commission has no comments to offer on the items listed below:

3	10	33
4	17	34
5	18	35
6	19	36
7	20	37
8	21	38
9	23	39
10	25	40
11	27	41
12	28	42
13	30	43
14	31	
15	32	

H.B.
H. B. STAAB
Director



Reported (2) on down Hill
5 Signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *12th* Date of Posting: *Sept. 14, 1972*
Posted for: *Delvalle Limited Partnership*
Petitioner: *Delvalle Limited Partnership*
Location of property: *N.W. of Harwood Hill Road off Boston St.*
Location of Sign: *2 Post on Harwood Hill Road on Shovelash St.*
Remarks: *Mark H. Staab*
Posted by: *Mark H. Staab* Date of return: *Sept. 21st 72*

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: <i>[Signature]</i>										
Previous case: <i>72-43R</i>										

Revised Plans:
Change in outline or description Yes
Map # _____

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

No. 5077

DATE: Oct. 11, 1972 ACCOUNT: 01-662

AMOUNT: \$135.50

DISTRIBUTION
WHITE - CARRIER
PINK - AGENCY
YELLOW - CUSTOMER

Meats, Nolan, Plumbhoff and Williams
204 W. Penna. Ave.
Towson, Md. 21204
Advertising and posting of property for Delvalle Limited Partnership - #73-71-R

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 Sept. 15, 1972

THIS IS TO CERTIFY that the annexed advertisement of S. ERIC DINENNA, ZONING COMMISSIONER OF BALTIMORE COUNTY in the Matter of Delvalle Limited Partnership was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) successive weeks before the 15th day of September 1972; that is to say, the name was inserted in the issues of Sept. 14, 1972

Kimbel Publication, Inc.

Publisher.

Kimbel & Della

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 14, 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 a week~~ one time ~~successive weeks~~ before the 15th day of October 1972, the last publication appearing on the 14th day of September 1972.

THE JEFFERSONIAN

[Signature]
Manager

Cost of Advertisement, \$ _____

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Item # 2

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 14th day of July 1972.

[Signature]
S. ERIC DINENNA,
Zoning Commissioner

Petitioners: Delvalle Limited Partnership

Petitioners' Attorney: James D. Nolan, Esquire

Reviewed by: *[Signature]*
Advisory Committee

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

No. 2184

DATE: May 3, 1972 ACCOUNT: 01-662

AMOUNT: \$50.00

DISTRIBUTION
WHITE - CARRIER
PINK - AGENCY
YELLOW - CUSTOMER

Meats, Nolan, Plumbhoff and Williams
204 W. Penna. Ave.
Towson, Md. 21204
Petition for Reclassification for Delvalle Limited Partnership - 72-43R 4

