

73-151-R 28 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Nathan Scherr, President, legal owner, of the property situated 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 zone to an D.R. 16 zone; for the following reasons:

To correct technical drafting errors on Zoning Maps.

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

Nathan Scherr, Pres. Legal Owner

Address: 5 Caraway Road,

Baltimore, Md. 21236

Petitioner's Attorney

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

October, 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 through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore

County, on the 28th day of December, 1972, at 1:00 o'clock

P. M.

Nathan Scherr

Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
CATION : DEPUTY ZONING
Beginning 89.39' W of Tarragon : COMMISSIONER
Road on the N & S side of Cara-
way Road - 4th District
Palmer Construction Company -
Petitioner : OF
NO. 73-151-R (Item No. 28) : BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R.

5.5 Zone to a D.R. 16 Zone. The parcel in question contains 1.5 acres of land, more or less, and is located on the north and south sides of Caraway Road, 89.39 feet west of Tarragon Road, in the Fourth Election District of Baltimore County.

Testimony on behalf of the Petitioner was to the effect that the subject parcel of ground is a part of an overall tract owned by the Petitioner and previously zoned D.R. 16 in its entirety. The parcel has been improved along with the rest of the tract, and building permits and occupancy permits have been issued. Buildings and parking lots presently exist on this parcel.

The present zoning line, dividing the D.R. 16 and D.R. 5.5 zones as presently plotted on the Comprehensive Zoning Map, actually bisects existing buildings and parking areas leaving a portion of the buildings in a D.R. 5.5 Zone and/or in a non-conforming category.

The Petitioner presented the following Exhibits:

- Exhibit No. 1 A memorandum alleging that a technical drafting error had been made in plotting the zone line on the Petitioner's property.
- Exhibit No. 2 A letter addressed to Mr. Charles Heyman, Chairman of the Baltimore County Planning Board, alleging a drafting error, and requesting that a Reclassification Petition, to correct said drafting error, be heard out of the regularly scheduled zoning cycle, as an emergency situation.
- Exhibit No. 3 A letter from Mr. Albert V. Quimby, Acting Secretary of the Baltimore County

Planning Board, to the Honorable Francis C. Barrett, Chairman of the Baltimore County Council, stating that on the basis of the drafting error, the Planning Board had unanimously approved a resolution to certify to the County Council, that early action is manifestly required in the public interest because of the emergency on the Petition of Nathan Scherr to restore the D.R. 16 zoning classification on the subject parcel.

Exhibit No. 4 A letter to the Zoning Commissioner from the Honorable Francis C. Barrett, Chairman of the Baltimore County Council, indicating that the Baltimore County Council had approved the Planning Board resolution, certifying that early action is manifestly required on the subject Petition.

The President of the Westbury Community Association, an adjoining property owner and the President of the United Reisterstown Council, were in attendance at the hearing in protest to the subject reclassification. However, after hearing the above testimony and reviewing the Exhibits, and with the understanding that the reclassification would not increase the number of units proposed or actually constructed, they withdrew their protest.

OPINION

It is the opinion of the Deputy Zoning Commissioner that the Petitioner has, by way of the above testimony and exhibits, met his burden of proof, and that the requested reclassification should be granted.

Therefore, IT IS ORDERED this 11th day of January, 1973, that the herein described property or area should be and the same is hereby Re-classified from a D.R. 5.5 Zone to a D.R. 16 Zone from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Bureau of Public Services and the Office of Planning and Zoning.

James E. Hagan
Deputy Zoning Commissioner of Baltimore County

PETITION FOR RECLASSIFICATION : BEFORE THE
From D. R. 5.5 : ZONING COMMISSIONER
To D. R. 16 : OF
Carway Road near : BALTIMORE COUNTY, MARYLAND
Tarragon Road :
Palmer Construction Company, Inc.,
Nathan Scherr, President :
Legal Owners :

MEMORANDUM

Petitioner, PALMER CONSTRUCTION COMPANY, INC., NATHAN SCHERR, PRESIDENT, Legal Owner, pursuant to the requirements of Bill 72 (1969) of the County Council of Baltimore County, Maryland, assign the following reasons in support of its petition for zoning reclassification:

- Technical drafting error on new Zoning Maps.
 - The original zoning maps showed this reclassification to be an existing D. R. 16 area.
 - The intention of the new zoning maps was for this area to be D. R. 16.
 - This technical drafting error was determined by employees of Baltimore County Office of Planning and Zoning and brought to the Petitioner's attention.
- Legal documents between Petitioner and Baltimore County, showing that the requested zoning was existing zoning:
 - Building permits and occupancy certificates issued for buildings existing in this area.
 - Public Works Agreements, signed, executed and completed, for buildings existing in this area.
- Existing Apartment Buildings:
 - Lines drawn in error cut through existing apartment buildings and leave the Petitioner with non-conforming use.
 - To correct this error that has created non-conforming use.
- For such other and further reasons to be submitted at the time of hearing.

RE: EX #1



Lester Metz
John C. Chade
Associates
Ronald W. Broyles
Robert W. Cramer
William E. Frankovich
Edmund F. Hall
Norman F. Heiman
Bernard S. Hyatt, Jr.
Paul Lee
Frank P. Minneman
Paul S. Sinton

DESCRIPTION

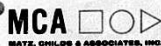
1.5 ACRE PARCEL, SOUTHWEST OF TARRAGON ROAD AT CARAWAY ROAD,

"WESTBURY", FOURTH ELECTION DISTRICT, BALTIMORE COUNTY,

MARYLAND.

This Description is for "D.R. 16" Zoning

Beginning for the same at a point on the northwest side of Caraway Road, fifty feet wide, as shown on the plat of Section Two, "Westbury" recorded among the Land Records of Baltimore County in Plat Book O.T.G. 31, page 80, at the distance of 89.39 feet, as measured southwesterly along said northwest side of Caraway Road from the south end of the gusset line connecting said northwest side of Caraway Road with the southwest side of Tarragon Road, sixty feet wide, as shown on said plat, said beginning point being on the northeast outline of the land shown on Plat 1, Section 7, "Westbury" recorded among said Land Records in Plat Book O.T.G. 34, page 98, running thence binding on a part of said outline, (1) S 27° 12' 00" E 162.5 feet, more or less, thence along the line between the area zoned D.R. 16 and the area zoned D.R. 5.5 on the Official Zoning Map NW 14-J, adopted by the Baltimore County Council on March 24, 1971, three courses: (2) southwesterly, 145 feet, more or less, (3) northwesterly 290 feet, more or less, and (4) southwesterly



MATZ, CHILDS & ASSOCIATES, INC.

2.

530 feet, more or less, thence binding on the northeast line of the Future Northwest Expressway, as shown on said Plat 1, Section 7, "Westbury", (5) northwesterly, by a curve to the right with the radius of 18,898.59 feet, the distance of 75 feet, more or less, thence binding on the northwest outline of the land shown on said last mentioned plat and on a part of the northeast outline thereof two courses: (6) N 71° 27' 08" E 678.86 feet, and (7) S 27° 12' 00" E 117.48 feet to the place of beginning.

Containing 1.5 acres of land, more or less.

HGW:impl J.O. #62095-S September 29, 1972

County Council of Baltimore County

County Office Building, Towson, Maryland 21204

November 17, 1972

COUNCILMEN

First District
FRANCIS X. BOBLE
Second District
GARY HUBBLES
Third District
G. WALTER TYRRE, JR.
Fourth District
WEBSTER C. DOVE
Fifth District
HARRY J. BARTENFELDER
Sixth District
FRANCIS C. BAPTESE
Seventh District
WALLACE A. WILLIAMS

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

Dear Mr. DiNenna:

Please be informed that the Baltimore County Council at their meeting on Monday, November 6, 1972 approved Planning Board Resolutions certifying that early action is manifestly required in the public interest and because of emergency on the following petitions:

- Petition of Albert M. and Carolyn M. Anttila to restore the B.L. and C.S. 2 zoning classifications for a portion of their property at the southeast quadrant of the intersection of Harford Road and 5th Avenue.
- Petition of Nathan Scherr to restore the D.R. 16 zoning classification to part of the tract of land in the Fourth Election District on which the Westbury Apartments have been constructed.
- Petition of Watson's Garden Centers, Inc. to restore the B.L. zoning classification to the rear portion of its property at 1626 York Road in Lutherville.

Very truly yours,

Francis C. Barrett
Francis C. Barrett
Chairman

FCB:bl
CC: Mr. Albert V. Quimby



RE: EXHIBIT #4

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

AR V. Quimby
Acting Director
Zoning Department
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
494-2911

RECEIVED
SEP 27 1972
COUNCIL OFFICE

September 26, 1972

The Honorable Francis C. Barrett
Chairman, Baltimore County Council
Towson, Maryland 21204

Dear Sir:

As is regular meeting on Thursday, September 21, 1972; the Baltimore County Planning Board, under the provisions of Subsection 22-22 (1) of the Baltimore County Code 1968, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest and because of emergency on the petition of Nathan Scherr to restore the D.R. 16 zoning classification to part of the tract of land in the Fourth Election District on which the Westbury apartments have been constructed.

The Planning Board is of the opinion that comprehensive map reclassification of part of this property as D.R. 5.5 when the entire property had previously been classified and developed as R.A., resulted from a drafting error. Further, the Board agrees with the petitioner that, in the event of fire or other catastrophe, there is a strong likelihood that the apartment complex could not be re-built in its present form.

A copy of the petitioner's letter to the Planning Board, together with a sketch map, are attached. I will be happy to provide additional information upon your request.

Albert V. Quimby
EXHIBIT #3
AVQ:cm
Encl.

Sincerely,
Albert V. Quimby
Acting Secretary
Baltimore County Planning Board

cc: The Honorable Francis X. Booble
The Honorable Gary Hubbles
The Honorable G. Walter Tyrre, Jr.
The Honorable Webster C. Dove
The Honorable Harry J. Bartenfelder
The Honorable Wallace A. Williams
Mr. Herbert E. Hohenberger
Mr. Thomas Toporovich

Posted by Charles H. Neal Date of return: Dec 15, 1977

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

JOHN J. DILLON, JR.
Chairman

Nathan Scherr, President
Palmar Construction Co., Inc.
5 Caraway Road
Resisterstown, Maryland 21136

EDWARD J. CLIFFORD, P.E.
EUGENE J. CLIFFORD, P.E.
WILLIAM T. NELSON
DEPUTY TRAFFIC ENGINEER

RE: Petition for Reclassification
N/W/S of Caraway Road,
S/W/S of Tarragon Road,
Fourth District
Palmar Construction Co., Inc. -
Petitioner
Item No. 28
Fourth Zoning Cycle

Dear Mr. Scherr:

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 following comments are a result of this review and inspection.

The subject property is located on the north and south sides of Caraway Road, 89 feet west of Tarragon Road, in the Fourth District of Baltimore County.

This property is already improved with the Westbury Apartments and were constructed prior to the adoption of the Comprehensive Zoning Map of 1971. This is apparently an effort to clarify a zoning line that was approved under the map adoption process.

This Committee has no further comment with regard to this petition.

This petition is accepted for filing on the date of the enclosed filing certificate. However, all corrections to site plans as requested, shall be submitted to this office prior to

Mr. Nathan Scherr
Page Two
October 13, 1972

Thursday, February 1, 1973 in order to allow time for advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1973 and April 15, 1973, will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

JJD:vic

Enclosures

Baltimore County, Maryland Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

October 10, 1972

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

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

Re: Item #28 (Cycle Zoning IV - Oct. 1972 - April 1973)
Property Owner: Palmar Construction Company
N/W/S Caraway Rd., S/W/S Tarragon Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Recl. from D.R. 5.5 to D.R. 16
District: 4th No. Acres: 1.5 acres

Dear Mr. DiNenna:

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.

General Comments:

The necessary roadways and utilities have been completed and are existing for this site, therefore, this office has no comment.

No further public improvement are required for development of this site.

Very truly yours,

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

END:ENGINEERING

TOWSON Key Sheet
100 1/2 J Topo

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. WILLIAM T. NELSON
DIRECTOR DEPUTY TRAFFIC ENGINEER

October 30, 1972

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

Re: Cycle Zoning IV
Item 28 - Oct. 72 to Apr. 73 - ZAC
Property Owner: Palmar Construction Company
N/W/S Caraway Road W/S Tarragon Road
Recl. from DR 5.5 to DR 16
District 4

Dear Mr. DiNenna:

The subject petition is requesting a zoning reclassification from DR 5.5 to DR 16. Since the site is presently developed as DR 16, no increase in trip generation is expected.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



Maryland Department of Transportation

State Highway Administration

HARRY R. HUGHES
Secretary
DAVID H. FISHER
Administrator

October 12, 1972

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

Re: Reclassification - Oct. 1972
Property Owner: Palmar Construc.
Location: N/W/S Caraway Road,
S/W/S Tarragon Road
Present Zoning: D.R. 5.5
Proposed Zoning: Recl. from
D.R. 5.5 to D.R. 16
District 4 - Acres: 1.5
Northwest Expressway

Dear Mr. DiNenna:

The proposed right of way line for the Northwest Expressway as indicated on the subject plan is correct as best as can be determined at the present time.

The 1971 average daily traffic for the section of Resisterstown Road in the subject area is 22,050 vehicles.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section
John E. Meyers
Asst. Development Engineer

CLJ:EM:mk

Baltimore County Fire Department



Towson, Maryland 21204
833-7310

J. Austin Deitz
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Acting
Zoning Advisory Committee

Re: Property Owner: Palmar Construction Company

Location: N/W/S Caraway Road, W/S Tarragon Rd

Item No. 28

Zoning Agenda IV ZONING CYCLE
October 1972 - April 1973

Gentlemen:

Pursuant to your request, the referenced property has 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.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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.
- () 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: _____ Noted and
Planning Group Approved:
Special Inspection Division Deputy Chief
Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 10, 1972

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

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

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, October 4, 1972, are as follows:

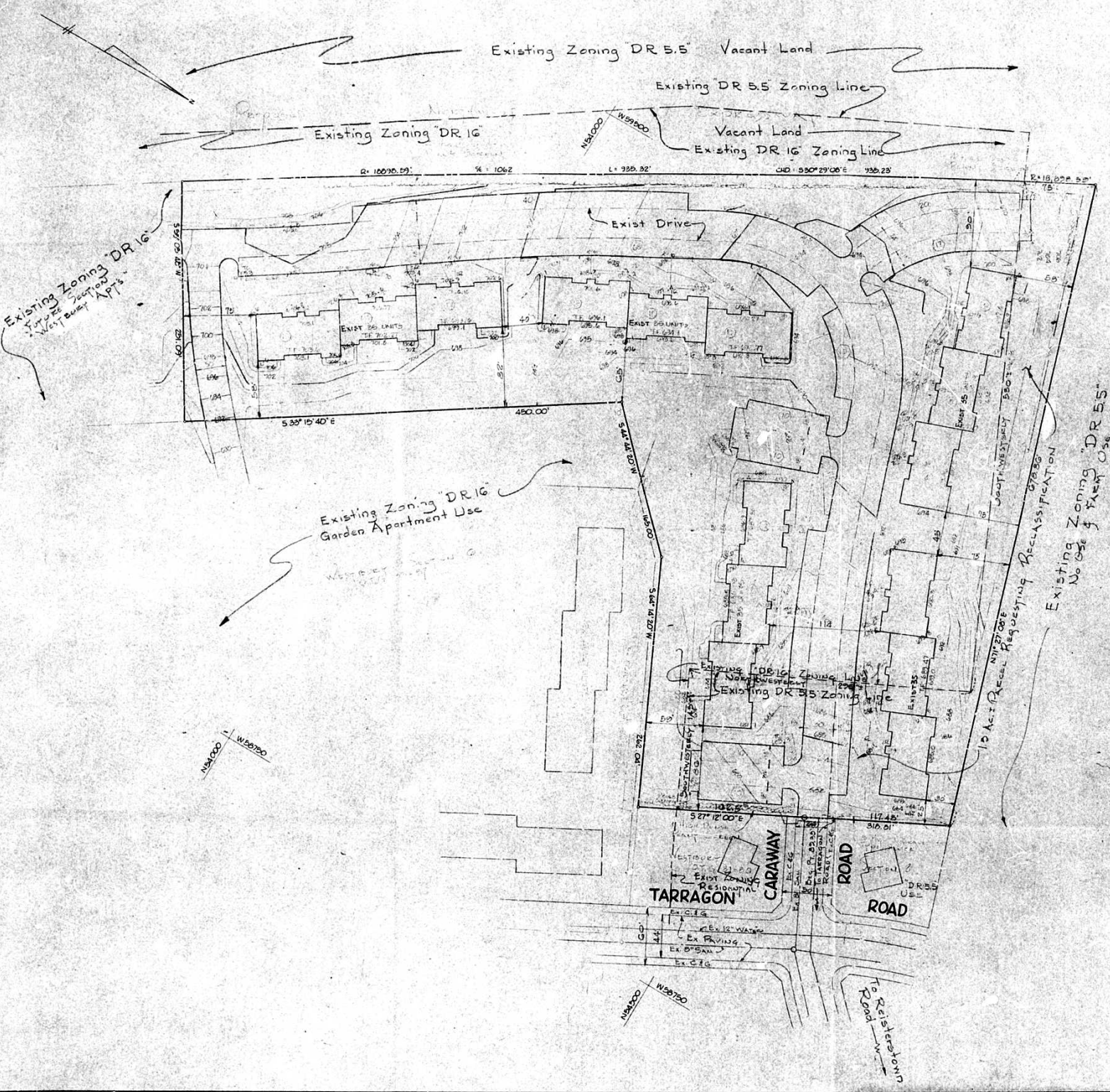
Property Owner: Palmar Construction Company
Location: N/W/S Caraway Road, S/W/S Tarragon Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to D.R. 16
District: 4
No. Acres: 1.5

Since metropolitan water and sewer are available to the site, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:md



GENERAL NOTES

- 1 Existing Zoning of Property DR 16 (RA) & DR 5.5
- 2 Existing Use of Property Garden Apartments
- 3 Proposed Zoning of Property DR 16
- 4 Proposed Use of Property Garden Apartments
- 5 Property Originally Zoned R.A. By Petition No. 10,000
- 6 Density Calculations:
 - * A. Gross Area = 11.00 Ac.
 - * B. Area in Streets & R/W = 0.00 Ac.
 - * C. Net Area = 9.48 Ac.
 - * D. Allowable Gross Density = 176 Units
 - * E. Allowable Net Density = 152 Units
 - * F. Permitted Number of Units = 152
 - * G. Proposed Number of Units = 175
 - * H. Actual Gross Density = 15.9
 - * I. Actual Net Density = 20.23
 - * J. OFF-STREET PARKING:
 - 1. REQUIRED = 175 SPACES
 - 2. EXISTING = 274 SPACES
 - * K. AREA OF TRAIL REQUESTING RECLASSIFICATION EQUALS 1.5 AC.

DATE	10/1/55
DESIGNER	J. H. HARRIS
CHECKED	J. H. HARRIS
BY	J. H. HARRIS

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
WESTBURY APARTMENTS
4TH ELECTION DISTRICT BALTO. MD.
SCALE: 1" = 50'

ENGINEER
MATT CHILDS & ASSOCIATES
10417 CROMWELL BOULEVARD
BALTIMORE, MARYLAND 21204

