

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
 Albert Kermisch, Harry L. Davis, Morton Seidman, Norman Levin,
 I, or one, and Sheldon Beaman, legal 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, pursuant
 to the Zoning Law of Baltimore County, from an _____ D.R. 1 _____ zone to an
 _____ D.R. 5.5 _____ 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 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 _____ Legal Owner _____
 Address _____ Address _____

Petitioner's Attorney _____ Protestants' Attorney _____
 Address _____ Address _____

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 through-
 out 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 _____ day of _____ 1973, at 1:00 o'clock

_____ Zoning Commissioner of Baltimore County.

(over)

April 6, 1974

Charles E. Brooks, Esquire
 Brooks & Turnbull
 610 Bosley Avenue
 Towson, Maryland 21204

RE: Petition for Reclassification
 SW/8 of Marcle Drive, 572.83'
 SW of Tama Court - 3rd District
 Albert Kermisch, et al -
 Petitioners
 NO. 73-213-R (Item No. 22)

Dear Mr. Brooks:
 I have this day passed my Order in the above referenced matter.
 Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
 Zoning Commissioner

SED/esl

Attachments

cc: Emanuel H. Horn, Esquire
 1700-6 Court Square Building
 Baltimore, Maryland 21202
 Seymour R. Goldstein, Esquire
 Room 1808, The Horizon House
 1101 North Calvert Street
 Baltimore, Maryland 21202
 Mr. Howard L. Chertkof
 3414 Birch Hollow Road
 Baltimore, Maryland 21208
 Mr. Barry C. Mogel
 Mogel Office Equipment Company,
 Incorporated
 420 South Mount Street
 Baltimore, Maryland 21223

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
 from D.R. 1 to D.R. 5.5
 SW/8 Marcle Drive, 572.83'
 SW of Tama Court
 3rd District
 Albert Kermisch, et al
 Petitioners-Appellants
 : FOR BALTIMORE COUNTY
 : AT LAW
 : Misc. Docket No. 10
 : Folio No. 111
 : File No. 5719
 Zoning Case No. 73-213-R

ORDER

For the reasons assigned at the conclusion of the hearing held herein, it is
 hereby

ORDERED, this 2nd day of March, 1976, that the Order of the County
 Board of Appeals of Baltimore County, entered on August 14, 1975 be and it is
 hereby affirmed.

JUDGE

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
 from D.R. 1 to D.R. 5.5
 SW/8 Marcle Drive, 572.83'
 SW of Tama Court
 3rd District
 Albert Kermisch, et al
 Petitioners-Appellants
 : BALTIMORE COUNTY
 : AT LAW
 : Misc. Docket No. 10
 : Folio No. 111
 : File No. 5719
 Case No. 73-213-R

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2 (6) of the Maryland Rules of
 Procedure; Walter A. Belter, Jr., Robert L. Gilland and John A. Miller,
 constituting the County Board of Appeals of Baltimore County, have given
 notice by mail of the filing of the Appeal to the representative of every party
 to the proceeding before it; namely, Charles E. Brooks, Esquire, 610 Bosley
 Avenue, Towson, Maryland 21204, Attorney for the Petitioners, and Emanuel
 H. Horn, Esquire, 1700 Court Square Building, Baltimore, Maryland 21202
 and Seymour R. Goldstein, Esquire, 1808 The Horizon House, 1101 North
 Calvert Street, Baltimore, Maryland 21202, Attorneys for the Protestants,
 and Mr. Howard L. Chertkof, 3414 Birch Hollow Road, Baltimore, Maryland
 21208, and John W. Hessian, III, Esquire, People's Counsel for Baltimore
 County, County Office Building, Towson, Maryland 21204, a copy of which
 notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County
 County Office Building, Towson, Md. 21204
 494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has
 been mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson,

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
 from D.R. 1 to D.R. 5.5
 SW/8 Marcle Drive, 572.83'
 SW of Tama Court
 3rd District
 Albert Kermisch, et al
 Petitioners-Appellants
 : BALTIMORE COUNTY
 : AT LAW
 : Misc. Docket No. 10
 : Folio No. 111
 : File No. 5719
 Case No. 73-213-R

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Belter, Jr., Robert L. Gilland and John A. Miller,
 constituting the County Board of Appeals of Baltimore County, and in answer to the Order
 for Appeal directed against them in this case, herewith return the record of proceedings
 had in the above entitled matter, consisting of the following certified copies or original
 papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

- No. 73-213-R
- Oct. 13, 1972 Petition of Albert Kermisch, et al, for reclassification from D.R. 1 to D.R. 5.5 zone on property located on the southwest side of Marcle Drive 572.83 feet southwest of Tama Court, 3rd District - filed
 - " 13 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for March 12, 1973 at 1:00 p.m.
 - " 13 Comments of Baltimore County Zoning Advisory Committee - filed
 Planning Board Recommendations - filed
 - Feb. 22, 1973 Certificate of Publication in Newspaper - filed
 - Mar. 2 Certificate of Posting of property - filed
 - " 12 At 1:00 p.m., hearing held on petition by Zoning Commissioner - case held sub curia
 - Apr. 8, 1974 Order of Zoning Commissioner denying reclassification
 - " 15 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner - filed

Kermisch

- 2 -

Maryland 21204, Attorney for the Petitioners, and Emanuel H. Horn, Esquire,
 1700 Court Square Building, Baltimore, Maryland 21202 and Seymour R.
 Goldstein, Esquire, 1808 The Horizon House, 1101 North Calvert Street,
 Baltimore, Maryland 21202, Attorneys for the Protestants, and Mr. Howard
 L. Chertkof, 3414 Birch Hollow Road, Baltimore, Maryland 21208, and
 John W. Hessian, III, Esquire, People's Counsel for Baltimore County,
 County Office Building, Towson, Maryland 21204, on this 10th day
 of September, 1975.

Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

cc: Zoning - Bea Anderson
 Planning - J. Howell

Kermisch - 10/11/5719

- July 10, 1975 Hearing on appeal before County Board of Appeals - case held sub curia
- Aug. 14 Order of County Board of Appeals denying reclassification
- Sept. 9 Order for Appeal filed in the Circuit Court for Baltimore County
- " 9 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County
- " 10 Certificate of Notice sent to all interested parties
- Oct. 8 Transcript of testimony filed - 1 volume
- Petitioners' Exhibit No. 1 - Plat of subject property - Robert Spellman - 10/3/72
- Protestants' Exhibit A - List of Protestants present
- People's Counsel Exhibit A - Photos (1 to 6)
- " 9 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and
 said Board acted are permanent records of the Zoning Department of Baltimore County, as
 are also the use district maps, and your Respondents respectively suggest that it would be
 inconvenient and inappropriate to file the same in this proceeding, but your Respondents
 will produce any and all such records and regulations, together with the zoning use district
 maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

cc: Charles E. Brooks, Esquire
 Emanuel H. Horn, Esquire
 Seymour R. Goldstein, Esquire
 John W. Hessian, III, Esquire

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
 from D.R. 1 to D.R. 5.5
 SW/8 of Marcle Drive 572.83'
 SW of Tama Court
 3rd District
 Albert Kermisch, et al
 Petitioners
 : BALTIMORE COUNTY
 : FOR

ORDER FOR APPEAL

MR. CLERK:

Please note an Appeal to the Circuit Court for
 Baltimore County from the Decision and Order of the County Board
 of Appeals for Baltimore County denying the requested
 Reclassification dated the 14th day of August, 1975 on behalf
 of Albert Kermisch, et al, Petitioners.

CHARLES E. BROOKS
 Brooks & Turnbull
 610 Bosley Avenue
 Towson, Maryland 21204
 296-2600
 Attorneys for the Petitioners

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, That a copy of the Order for Appeal,
 Certificate of Compliance and Petition on Appeal, all of the
 Circuit Court for Baltimore County, from the Order and Decision
 of the County Board of Appeals for Baltimore County, dated the
 14th day of August, 1975 in the above captioned matter, was
 delivered to the said Board prior to the filing of this Order as
 shown below.

CHARLES E. BROOKS
 Brooks & Turnbull

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.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of... April... 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.1... zone.

Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 1 to D.R. 5.5 : COUNTY BOARD OF APPEALS
SW/S of Marcie Drive, 572.83' : OF
SW of Tama Court : BALTIMORE COUNTY
3rd District : No. 73-213-R
Albert Kermisch, et al
Petitioners

OPINION

This case comes before the Board on an appeal by the Petitioners from an Order of the Zoning Commissioner, dated April 8, 1974, wherein the requested reclassification was denied.

The petition seeks a reclassification from D.R. 1 to D.R. 5.5 for the property owned by the Petitioners, located on the southwest side of Marcie Drive 572.83 feet southwest of Tama Court, in the Third Election District of Baltimore County, and comprising slightly over twenty-five (25) acres of land.

Testimony produced on behalf of the Petitioners indicated that they wish to construct sixty-three units on the subject property, and indicated that the utilities were available, and further, that the sewer became available in 1972. The testimony as regards error was nebulous at best and the Petitioners relied on changes such as availability of sewer, which occurred subsequent to the maps, and the widening of the Baltimore County Beltway, as constituting substantial changes in the character of the neighborhood.

Without further reviewing the testimony, including the testimony of the Protestants, but based upon all the testimony, it is the opinion of this Board that the items recited by the Petitioners do not constitute a substantial change in the character of the neighborhood. The changes indicated were in the process of development at the time of the adoption of the new maps and if not under actual construction, then certainly the existence of same was well known to the Council during the map adopting process. Furthermore, any allegation of error creates an onerous burden on behalf of the Petitioners, and certainly his burden has not been met in this case.

RE: PETITION FOR RECLASSIFICATION IN THE
from D.R. 1 to D.R. 5.5 CIRCUIT COURT
S/S of Marcie Drive 572.83' SW of Tama Court
3rd District FOR
Albert Kermisch, et al BALTIMORE COUNTY
Petitioners

PETITION ON APPEAL

Petitioners, Albert Kermisch, et al, by Charles E. Brooks and Brooks & Turnbull, their attorneys, respectfully represent unto this Honorable Court as follows:

1. That the Petitioners hereto are aggrieved parties whose interests are and will be adversely affected by the Decision and Order of the Board of Appeals of Baltimore County dated the 14th day of August, 1975, by which the Decision and Order the Board did deny the Petitioners' request for Reclassification.

2. That the Decision and Order of the Board of Appeals of Baltimore County was and is illegal and improper in that the Board did commit the following errors:

(a) That the Board's decision was arbitrary, discriminatory and capricious in that there was substantial evidence before the Board of a change in the character of the neighborhood and/or error in adopting the maps of March, 1971.

(b) That the County Council of Baltimore County committed an error in the adoption of the maps of March, 1971 by failing to designate the subject property as D.R. 5.5, rather than D.R. 1, which was in fact ultimately adopted.

(c) That the Board erred in failing to consider the immediate proximity of the property to the Beltway as well as the present availability of public water and sewerage. The Board also erred in failing to sufficiently consider the close access

Albert Kermisch, et al - #73-213-R 2.

For the foregoing reasons, this Board is constrained to find that the present zoning classification is correct, and that the petition change requested herein should be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of August, 1975, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 to 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Neiter, Jr., Chairman

John A. Miller

Robert L. Gilland

of the said Beltway and the demand for a more dense zoning classification.

(d) That the County Council of Baltimore County committed an error in the adoption of the maps of March, 1971 when they failed to foresee the increased need and demand of the area in question.

(e) AND for such other and further reasons as may be presented at the time of any hearing, hereon.

WHEREFORE, the Petitioners below and the Appellants herein ask this Honorable Court to reverse the Decision and the Order of the County Board of Appeals.

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this... day of... 1975, a copy of the foregoing Petition on Appeal was mailed to the County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284, and Emanuel H. Horn, Esquire, 1705 Court Square Building, Baltimore, Maryland 21202, and Seymour R. Goldstein, Esquire, 1101 North Calvert Street, Room 1806, Baltimore, Maryland 21202.

CHARLES E. BROOKS
Brooks & Turnbull
610 Bosley Avenue
Towson, Maryland 21284
296-2600
Attorneys for Petitioners

Service of a copy of the Order for Appeal, Certificate of Compliance, and Petition on Appeal in the above captioned matter is admitted this... day of... 1975.

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

BT: [Signature]

CERTIFICATION OF MAILING

I HEREBY CERTIFY, That on this... day of... 1975, a copy of the Order for Appeal, was mailed to Emanuel H. Horn, Esquire, 1705 Court Square Building, Baltimore, Maryland 21202 and Seymour R. Goldstein, 1101 N. Calvert Street, Room 1808, Baltimore, Maryland 21202.

CHARLES E. BROOKS
Brooks & Turnbull

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

1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21284 • VALLEY 3-8820

DESCRIPTION FOR REZONING PROPOSED SECTION 7, STEVENSON RIDGE, 3RD DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the South-west side of Marcie Drive, 50 feet wide, at the distance of 572.83 feet measured Northwesterly along the Southwest side of Marcie Drive from the centerline of Tama Court, fifty feet wide, and running thence South 49 Degrees 55 Minutes 30 Seconds West 50.84 feet, South 02 Degrees 00 Minutes 30 Seconds East 115.00 feet, South 32 Degrees 20 Minutes 30 Seconds East 157.50 feet, South 44 Degrees 15 Minutes 30 Seconds East 230.00 feet, South 37 Degrees 32 Minutes 30 Seconds East 190.00 feet, South 01 Degree 50 Minutes 00 Seconds East 110.00 feet, South 09 Degrees 00 Minutes 00 Seconds East 358.29 feet, North 85 Degrees 25 Minutes 10 Seconds East 679.69 feet, South 49 Degrees 17 Minutes 20 Seconds East 116.08 feet and South 80 Degrees 17 Minutes 40 Seconds East 93.61 feet to the North side of the Baltimore Beltway, and running thence and binding thereon South 74 Degrees 25 Minutes 38 Seconds West 153.09 feet, North 79 Degrees 40 Minutes 10 Seconds West 158.91 feet, South 76 Degrees 05 Minutes 40 Seconds West 310.15 feet, South 84 Degrees 32 Minutes 50 Seconds West 411.36 feet, South 70 Degrees 40 Minutes 50 Seconds West 360.35 feet and South 77 Degrees 13 Minutes 40 Seconds West 304.29 feet thence leaving said Baltimore Beltway and running North 06 Degrees 27 Minutes 20 Seconds West 857.28 feet and North 03 Degrees 13 Minutes 10 Seconds West 636.33 feet to the dividing line between Lot Nos. 3 and 4, as shown on a plat of Section 2, Stevenson Ridge, said plat being recorded among the Plat Records of Baltimore County in Plat Book GL8 No. 25, Folio 14 and running thence and binding

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

1150 101 SHELL BUILDING • 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21284 • VALLEY 3-8820

DESCRIPTION FOR REZONING PROPOSED SECTION 7, STEVENSON RIDGE, 3RD DISTRICT, BALTIMORE COUNTY, MARYLAND

on the outlines of said plot South 47 Degrees 20 Minutes 00 Seconds East 260.81 feet South 09 Degrees 58 Minutes 22 Seconds East 160.22 feet, Easterly by a curve to the right with a radius of 50.00 feet the distance of 52.27 feet, North 49 Degrees 55 Minutes 30 Seconds East 234.15 feet and North 29 Degrees 40 Minutes 30 Seconds West 90.52 feet to the Southwest side of Marcie Drive herein referred to and running thence and binding thereon Southwesterly by a curve to the left with a radius of 500.00 feet, a distance of 95.63 feet to the place of beginning.

CONTAINING 25.04 acres of land, more or less.



ORDER RECEIVED FOR MAILING

LAW OFFICES
BROOKS & TURNBULL
 400 BROADWAY AVENUE
 TOWSON, MARYLAND 21284

CHARLES E. BROOKS
 JOHN GREGORY TURNBULL, II
 WILLIAM N. WHITE

April 10, 1974

AREA CODE 301
 301-251-0000

S. Eric DiNenna, Zoning
 Commissioner
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Re: Petition for Reclassification
 S/W/S of Marcie Drive, 572.83'
 SW of Tama Court - 3rd District
 Albert Kermisch, et al - Petitioners
 No. 73-213-R (Item No. 22)



Dear Mr. DiNenna:

Please note an Appeal from your Order and Decision of April 8, 1974 denying the requested reclassification for the subject property. I enclose herewith a check in the amount of \$70.00 made payable to Baltimore County, Maryland representing the cost of filing the Appeal.

Should you have any questions as concerning the above or enclosed, please do not hesitate to contact me.

Thanking you for your cooperation in this matter, I remain,

Sincerely yours,

BROOKS & TURNBULL, BY:

Charles E. Brooks
 Charles E. Brooks

Enclosure

Emmanuel H. Horn, Esquire
 1700 - 4000 Square Building
 Baltimore, Maryland 21202

Seymour R. Goldstein, Esquire
 Room 1808, The Horizon House
 1101 North Calvert Street
 Baltimore, Maryland 21202

Mr. Albert Kermisch

Mr. Howard Charlton
 3418 Birch Hollow Road
 Baltimore, Maryland 21208

Mr. Barry C. Moyal
 Moyal Office Equipment Company,
 Incorporated
 420 South Mount Street
 Baltimore, Maryland 21223

FEC:kn

FRANK E. CICONE
 Attorney At Law
 SUITE 411 JEFFERSON BUILDING
 TOWSON, MARYLAND 21284
 October 5, 1972

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

RE: Property of Albert Kermisch,
 Harry L. Davis, Morton Seidman,
 Norman Levin and Sheldon Beerman

Dear Mr. DiNenna:

Please be advised that I represent Albert Kermisch, Harry L. Davis, Morton Seidman, Norman Levin and Sheldon Beerman in the above-subject matter and wish to cite the following reasons in support of the subject petition.

1. The map adopted on March 24, 1971 failed to recognize the increased need for housing generated by the almost 70% increase in population in the Pikesville Planning District from 1960 to 1972.
2. The said map failed to recognize both the proximity and accessibility of the subject property to the Baltimore County Beltway.
3. The said map failed to recognize the existing public water and sewer facilities as capable of supporting the proposed development.
4. And for such other and further sufficient reasons to be shown at the hearing hereof.

Respectfully submitted,

Frank E. Cicone
 Frank E. Cicone

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Board of Appeals Date: July 10, 1975
 J. G. Hoswell, Planner
 FROM: Office of Planning & Zoning

SUBJECT: Zoning Petition No. 73-213-R

Cycle IV, Item 22
 Owner: Albert Kermisch, et al.
 Location: S/W/S of Marcie Drive, 572' W. of Tama Court

In response to your request, the following issue numbers identify the zoning requests submitted during the preparation and processing of the comprehensive zoning maps adopted by the County Council on March 24, 1971.

Request to the Planning Board: P.B. 633
 Request to the County Council: C.C. 1636

If you have any further questions concerning this matter, please contact me at 494-3480.

Sincerely,

J. G. Hoswell
 J. G. Hoswell
 Planner

JGH:sw

RMG

Rec'd 7/17/75
 3:45 PM

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

Frank E. Cicone, Esq.,
 411 Jefferson Building
 Towson, Maryland 21284

RE: Reclassification Petition
 Item 22
 Albert Kermisch, et al - Petitioners

Dear Mr. Cicone:

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 southwest side of Marcie Avenue, 572 feet from Tama Court, in the 3rd District of Baltimore County. This existing DR 1 property contains 25.04 acres of land and is accessible at this time via a temporary 40 foot right of way. This property is currently wooded and appears to have difficult terrain. The properties immediately to the north and east are improved with attractive single family dwellings that are in the \$50,000/75,000 price range. The property to the rear of the subject site is unimproved property and this property abuts the north side of the Baltimore Beltway. There is an existing stream that flows through the easternmost edge of this property and is known as Slaughterhouse Branch.

Petitioner's site plan proposes to develop this property with 59 lots, each containing approximately 7000 square feet, most of which are located on easements that have frontage on one of two streets that are cut-de-sackles. This design is in direct conflict with the Comprehensive Design Manual of the Office of Planning & Zoning, and I strongly recommend that the petitioner's engineer consider a development that is more in keeping with the surrounding residential properties, although the existing 40 foot temporary easement has been tentatively approved by Baltimore County with reference to the existing subdivision known as Stevenson Ridge. It was designed with the anticipation of a development in keeping with DR 1 classification.

The petitioner is advised to revise his site plan to reflect the comments of the Bureau of Engineering, Baltimore County Fire Department, and the Office of Planning and Zoning. The petitioner should also familiarize himself with the comments of the Board of Education and the Department of Traffic Engineering.

Frank E. Cicone, Esq.
 Item 22
 Page 2
 October 13, 1972

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 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 15th, 1973 will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
 JOHN J. DILLON, JR.,
 Chairman,
 Zoning Advisory Committee

JJD:JD

Enclosure

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

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

October 26, 1972

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

Re: Item #22 (Cycle Zoning IV Oct. 1972 - April 1973)
 Property Owner: Albert Kermisch, et al
 S/W/S Marcie Dr., 572' from Tama Ct.
 Present Zoning: D.R. 1
 Proposed Zoning: Reclass. from D.R. 1 to D.R. 5.5
 District: 3rd No. Acres: 25.04 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.

Highway Comments:

Access shall be by means of a temporary access road between Marcie Drive and an interior road of this site. This temporary access road must be removed when the tract of land west of this site is improved and proper access can be provided.

The interior roads shall be improved as 30-foot curb and gutter streets on 50-foot rights-of-way.

It shall be the responsibility of the Petitioner's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Petitioner shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

In accordance with Bill No. 32-72, street lights are required in all subdivisions.

Storm Drain Comments:

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.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the Flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

BALTIMORE COUNTY

ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item #22 (Cycle Zoning IV Oct. 1972 - April 1973)
 Property Owner: Albert Kermisch, et al
 Page 2
 October 26, 1972

Sediment Control Comments:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Water Comments:

At present public water could only be supplied via the temporary access road and would be subject to the approval of the Baltimore City Water Division.

When the adjacent tract of land is improved, the temporary water line would no longer be required.

Sanitary Sewer Comments:

Public sanitary sewer is available to serve this site with the proper extensions and easements.

Very truly yours,

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

END:EAM:CLM:ms

C-W Key Sheet
 NW 9 & 10 D & E Topo



DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLYBORN, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

October 26, 1972

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

Re: Cycle Zoning IV
Items 22 - ZAC - Oct. 72 to Apr. 73
Property Owner: Albert Kernisch, et al
S/W/S Marcie Avenue 572' from Tama Court
Reclass. from D.R. 1 to D.R. 5.5
District 3

Dear Mr. DiNenna:

The subject petition is requesting a zoning reclassification from DR 1 to DR 5.5. As presently zoned, this site can be expected to generate approximately 315 trips per day. The reclassification to DR 5.5 can be expected to generate approximately 1450 trips per day. The roads serving this site and especially the temporary access to this site, were not designed for the trip generation that the reclassification would bring.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:m



Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
David H. Fisher
Administrator

October 19, 1972

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

Re: Reclassification
October 1972 -
Owner: Albert Kernisch, et al
Location: S/W/S Marcie Drive
572' from Tama Court
Present Zoning: D.R.1
Proposed Zoning: Reclass from
D.R.1 to D.R. 5.5
District: 3
No. Acres: 25.04
Baltimore Beltway

Dear Mr. DiNenna:

The subject plan indicates that the proposed development should have no adverse effects to the Baltimore Beltway.

Very truly yours,

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

CL:JEM:sk



P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



J. Austin Deitz
Chief

Towson, Maryland 21204
873-7310

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

Attention: Mr. *Jack Dillon*, Acting
Charles Kernisch, Chairman
Zoning Advisory Committee

Re: Property Owner: Albert Kernisch, et al

Location: S/W/S Marcie Avenue, 572' from Tama Court

Item No. 22 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.

- (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.
- () 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.

Reviewer: *John A. Kelly* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 16, 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: Albert Kernisch, et al
Location: S/W/S Marcie Drive, 572' from Tama Court
Present Zoning: D.R. 1
Proposed Zoning: Reclassification to D.R. 5.5
District: 3
No. Acres: 25.04

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

Very truly yours,

Thomas H. Swelin
Thomas H. Swelin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mcc

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director
JEFFERSON BUILDING
Suite 301
Towson, Md. 21204
476-3211

October 25, 1972

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

Dear Mr. DiNenna:

Comments on Item #22, IV Zoning Cycle, October 1972-April 1973, are as follows:

Property Owner: Albert Kernisch, et al
Location: S/W/S Marcie Avenue, 572' from Tama Court
Present Zoning: D.R.1
Proposed Zoning: Reclass from D.R.1 to D.R.5.5
District: 3
No. Acres: 25.04 acres

The site plan as submitted for the reclassification of this property does not meet the concepts of the Comprehensive Design Manual of the Office of Planning and Zoning.

Very truly yours,

John L. Wambley
John L. Wambley
Planner
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 23, 1972

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

Re: Item #22
Property Owner: Albert Kernisch, et al
Location: S/W/S Marcie Avenue, 572' from Tama Court
Present Zoning: D.R.1
Proposed Zoning: Reclass from D.R. 1 to D.R. 5.5

District: 3
No. Acres: 25.04 acres

Dear Mr. DiNenna:

The existing DR 1 zoning could yield approximately 6 Elementary, 7 Junior High, and 9 Senior High pupils while a change to DR 5.5 (with the number of lots as shown on the submitted plat) could yield approximately 16 Elementary, 16 Junior High, and 11 Senior High students. If the land was developed to the allowable 138 lots for DR 5.5 the yield could be approximately 38 Elementary, 38 Junior High, and 26 Senior High pupils.

Please see attached sheet.

Very truly yours,

W. Nick Patrovich
W. Nick Patrovich
Field Representative

WNP:td

ITEM #22

Schools servicing this area (based on September 20, 1972 enrollment):

	Capacity	Enrollment	+/-
Ft. Garrison Elementary	543	533	-12
Pikesville Junior	1220	1331	+111
Pikesville Senior	1320	1437	+117

Baltimore County, Maryland
OFFICE OF THE BUILDINGS ENGINEER
DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204
November 3, 1972
October 27, 1972

C. Elmer Hoppert, Jr.
Acting

BERNARD J. DITTE
ENGINEER

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

Dear Mr. DiNenna:

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

Property Owner: Albert Kernisch, et al
Location: S/W/S Marcie Drive, 572' from Tama Court
Present Zoning: D.R. 1
Proposed Zoning: Reclass from D.R. 1 to D.R. 5.5

District: 3

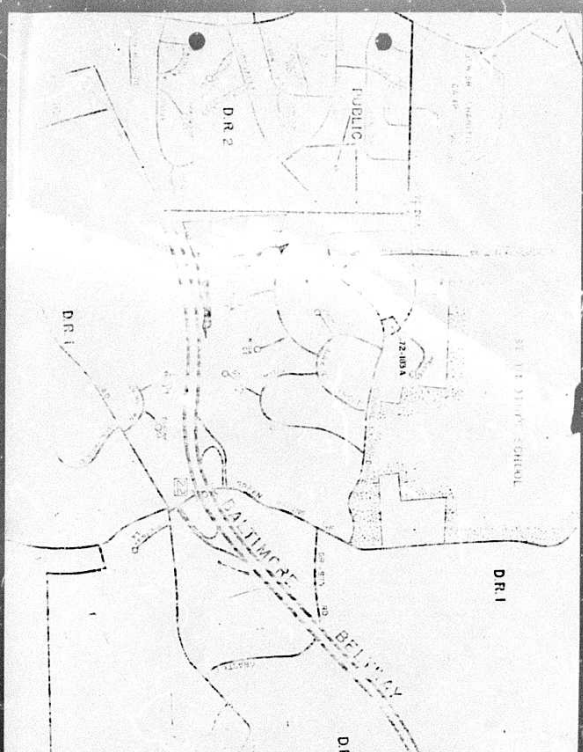
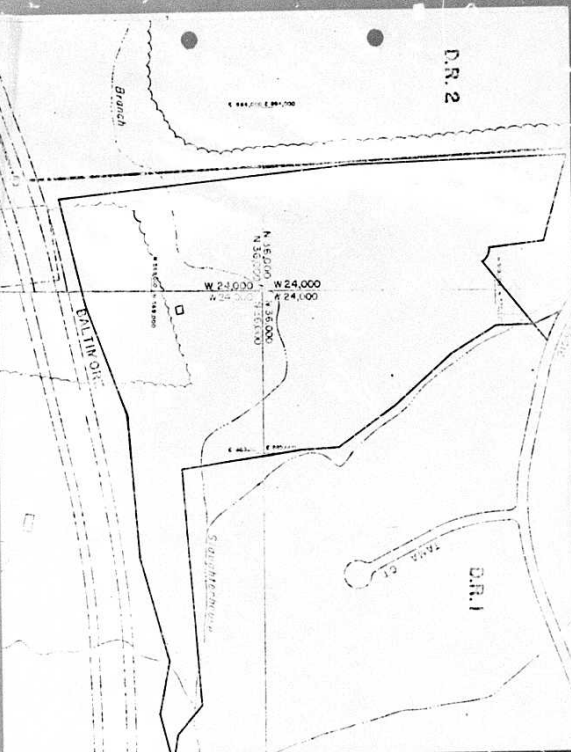
No. Acres: 25.04 acres

"When any structure is to be constructed, the Petitioner shall comply with all applicable requirements of Baltimore County Building Code and Regulations".

Sincerely,

C. Elmer Hoppert, Jr.

C. Elmer Hoppert, Jr.
Buildings Engineer, (Acting)



PETITION FOR RECLASSIFICATION
 ZONING: From D.R. 1 to D.R. 1A
 LOCATION: Southwest side of Tama Court, 77.23 feet South of Tama Court, a narrow strip of land, 111 W. Chesapeake Avenue, Baltimore County, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Office of THE COMMUNITY TIMES
 RANDALLSTOWN, MD. 21133 February 26 - 19 73

THIS IS TO CERTIFY, that the annexed advertisement of St. Eric Dismas, 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 26 day of February 19 73 that is to say, the same was inserted in the issue of February 23, 1973.

STROMBERG PUBLICATIONS, Inc.
 By: Russ Morgan

CERTIFICATE OF PUBLICATION
 TOWSON, MD., February 22, 1973

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 for one week before the 22th day of February, 1973, the 87th publication appearing on the 22nd day of February, 1973.

THE JEFFERSONIAN
 Manager
 Cost of Advertisement, \$

Frank E. Ciccone, Esq.,
 411 Jefferson Building
 Towson, Maryland 21284

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 13th day of October 1972.

S. Eric Dismas,
 Zoning Commissioner

Petitioner Albert Kermisch, et al -
 Petitioner's Attorney Frank E. Ciccone

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: JEB										
Revised Plans: Change in outline or description										
Previous case:										

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 5764

DATE: Nov. 6, 1972 ACCOUNT: 01-662

AMOUNT: \$50.00

WHITE - CASHIER
 DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Charles E. Brooks, Esq.,
 411 Jefferson Building
 Towson, Md. 21204
 Petition for Reclassification for Albert Kermisch, et al

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 13105

DATE: Feb. 21, 1973 ACCOUNT: 01-662

AMOUNT: \$108.63

WHITE - CASHIER
 DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Moscow, Brooks & Turnbull
 610 Bosley Ave.
 Towson, Md. 21204
 Advertising and posting of property for Albert Kermisch #73-213-R

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received this 5th day of OCTOBER 1972. Item #

S. Eric Dismas,
 Zoning Commissioner

Petitioner: KERMISCH, ET AL submitted by Ciccone
 Petitioner's Attorney: Ciccone Reviewed by JEB

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

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 13th day of October 1972.

S. Eric Dismas,
 Zoning Commissioner

Petitioner Albert Kermisch, et al -
 Petitioner's Attorney Frank E. Ciccone

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 15918

DATE: October 1, 1974 ACCOUNT: 01-662

AMOUNT: \$50.00

WHITE - CASHIER
 DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Charles E. Brooks, Esquire
 411 Jefferson Building
 Towson, Md. 21204
 Cost of Filing of an Appeal on Case No. 73-213-R SW/S of Marcie Drive, 572.83' SW of Tama Court, District Albert Kermisch, et al - Petitioners

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 14728

DATE: April 18, 1974 ACCOUNT: 01-662

AMOUNT: \$70.00

WHITE - CASHIER
 DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Charles E. Brooks, Esquire
 411 Jefferson Building
 Towson, Md. 21204
 Cost of Filing of an Appeal on Case No. 73-213-R SW/S of Marcie Drive, 572.83' SW of Tama Court, District Albert Kermisch, et al - Petitioners

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd
 Posted for: APPEAL Date of Posting: MAY 5, 1974

Petitioner: ALBERT KERMISCH, et al
 Location of property: SW/S of MARCIE DRIVE 572.83' SW of TAMA COURT

Location of Signs: SW/S of MARCIE DRIVE 572.83' SW of TAMA COURT

Remarks: Thomas E. Ballard
 Posted by: Thomas E. Ballard Date of return: MAY 16, 1974

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd
 Posted for: RECLASSIFICATION Date of Posting: FEB. 24, 1973

Petitioner: ALBERT KERMISCH
 Location of property: SW/S of MARCIE DRIVE 572.83' SW of TAMA COURT

Location of Signs: SW/S of MARCIE DRIVE 572.83' SW of TAMA COURT

Remarks: Charles E. Brooks
 Posted by: Charles E. Brooks Date of return: FEB. 24, 1973

40 Profructo 11/15

B

B1



B2

B3



MARK - 500 W. 10th St.

B4

B5



8204 Tama Ct.



8205 Tama Ct.



8205 Tama Ct.

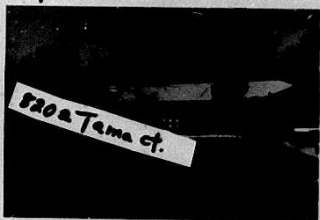




8207 Tama ct.



8201 Tama ct.



8202 Tama ct.



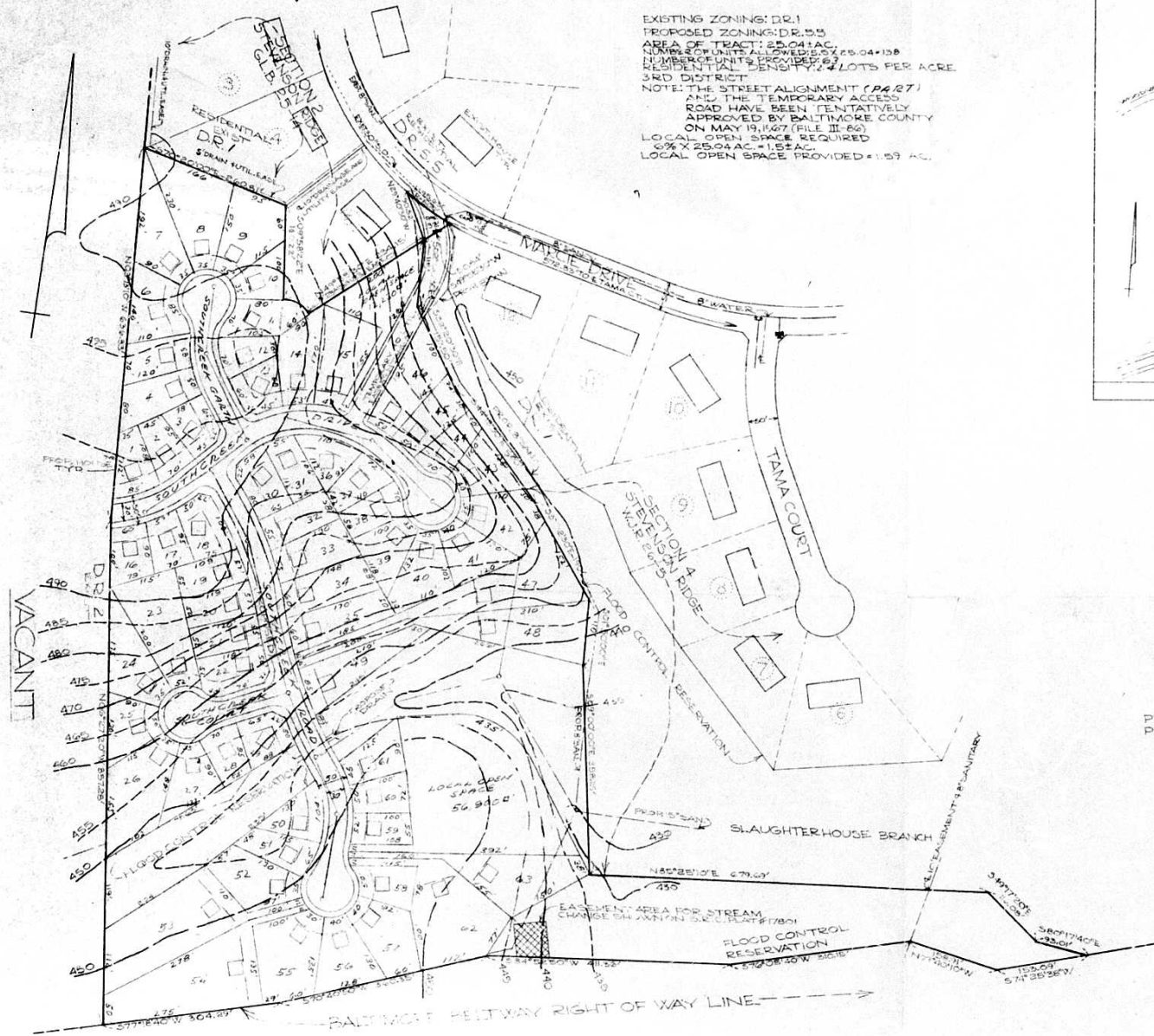
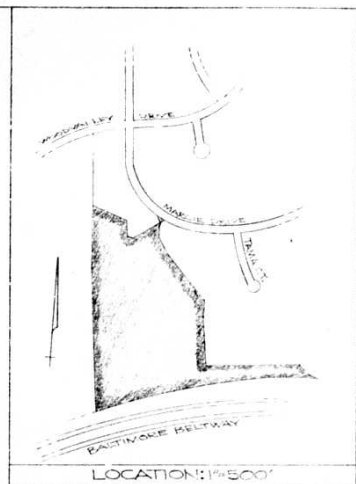
8206 Tama ct.



70

A

EXISTING ZONING: DR-1
 PROPOSED ZONING: DR-555
 AREA OF TRACT: 25.04 AC.
 NUMBER OF UNITS ALLOWED: 60 X 25.04 = 1500
 NUMBER OF UNITS PROVIDED: 60
 RESIDENTIAL DENSITY: 1.0% LOTS PER ACRE
 3RD DISTRICT
 NOTE: THE STREET ALIGNMENT (PART)
 AND THE TEMPORARY ACCESS
 ROAD HAVE BEEN TENTATIVELY
 APPROVED BY BALTIMORE COUNTY
 ON MAY 19, 1967 (FILE II 60)
 LOCAL OPEN SPACE REQUIRED
 6% X 25.04 AC. = 1.50 AC.
 LOCAL OPEN SPACE PROVIDED = 1.59 AC.



PLAT FOR REZONING
 PROPOSED SECTION 7
 STEVENSON RIDGE
 3RD DISTRICT
 BALTIMORE, CO., MD.

REVISED PLANS



#22 *Revised*



JOSEPH D. THOMPSON
 SURVEYOR AND ENGINEER
 10001 BLDG 2000 TOWSON RD
 TOWSON, MD. 21286
 SCALE: 1" = 20'

