

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, STUART KITCHENS, INC., legal 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. 3.5 zone to an B.R. 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 or 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.

STUART KITCHENS, INC.
BY: Edward G. Wyatt Legal Owner
Address: 409 Washington Avenue, Towson, Maryland 21204
Petitioner's Attorney
Address: 10 Light Street, Suite 1115, Baltimore, Maryland 21202
Protestant's Attorney
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 1977, 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 106, County Office Building in Towson, Baltimore County, on the 14th day of March, 1977, at 11:00 o'clock
(over)

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 zone to B.R. zone
SW corner Reisterstown Road and
Mount Wilson Lane
3rd District
Stuart Kitchens, Inc.,
Petitioner-Appellant
Case No. 73-215-R
Melvin S. Feldman, et al,
Protestants-Appellees

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 73
Folio No. 139
File No. 5776

ORDER

For the reasons therein cited, the Motion of the People's Counsel for Baltimore County is, this 28th day of March, 1977, GRANTED and the appeal pending herein be and it is hereby DISMISSED, with costs to Appellants.

S/John N. Maguire
John N. Maguire, Judge

True Copy Test
ELMER A. KAHLINE, JR., Clerk
Per Marjorie Ann Cook
Deputy Clerk

Baltimore County, Maryland

PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
JOHN W. HESSIAN, III
People's Counsel
CHARLES E. KOUNTZ, JR.
Deputy People's Counsel

March 23, 1977

The Honorable
John N. Maguire
Circuit Court for Baltimore County
Rm. 101, Court Building
Towson, Maryland 21204

RE: Misc. #5776
Stuart Kitchens, Inc.,
Petitioner

Dear Judge Maguire:

Having heard nothing to the contrary from Messrs. Cook and Wyatt with respect to the proposal in your letter of January 19, 1977, I have in accordance with your instruction prepared and attach hereto a Motion together with a proposed Order which, if satisfactory, will have the effect of dismissing this pending appeal. I am simultaneously sending to Messrs. Cook and Wyatt copies of this letter, the Motion, and proposed Order.

Please advise me if there is anything further that you wish me to do with regard to the matter.

Very truly yours,

John W. Hessian, III

Enclosure

cc: James H. Cook, Esquire
Edward G. Wyatt, Esquire

JWH:sh

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 zone to B.R. zone
SW corner Reisterstown Road and
Mount Wilson Lane
3rd District
Stuart Kitchens, Inc.,
Petitioner-Appellant
Case No. 73-215-R
Melvin S. Feldman, et al,
Protestants-Appellees

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 10
Folio No. 139
File No. 5776

MOTION TO DISMISS

The motion of the People's Counsel for Baltimore County to dismiss the appeal heretofore filed in this cause respectfully shows:

1. That by its Order dated October 14, 1975, the County Board of Appeals denied the zoning reclassification sought by the Petitioner herein and thereupon, on November 13, 1975, Petitioner filed an appeal to this Honorable Court from that decision of said Board, which said appeal is presently pending before this Honorable Court.

2. That on October 8, 1976, the County Council for Baltimore County enacted Bill No. 109-76, which adopted a new Comprehensive Zoning Map for the Second Councilmanic District of Baltimore County, in which the property here involved is situate, and said ordinance has now become effective.

3. That the adoption of said Comprehensive Zoning Map in October, 1976, as aforesaid, renders this proceeding moot.

WHEREFORE, It is respectfully moved that this Honorable Court by its Order dismiss the appeal herein pending, with costs to the Appellants.

AND AS IN DUTY BOUND, etc.

John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of said Motion, and the proposed Order therein was mailed on this 23rd day of March, 1977 to Edward G. Wyatt, Esquire, 10 Light Street, Suite 1115, Baltimore, Maryland 21202, Attorney for the Petitioner, and James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for the Protestants.

John W. Hessian, III

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT FOR MARYLAND
TOWSON, MARYLAND 21204

January 19, 1977

John W. Hessian, III, Esquire
People's Counsel
County Office Bldg.
Towson, Maryland 21204

RE: Petition for Reclassification
Stuart Kitchens, Incorporated
Misc. Law Case No. 5776

Dear Mr. Hessian:

Pertaining to the above entitled matter, and after a perusal of Mayor and City Council of Rockville vs. Dustin, 276 Md. 232 (1976), it seems to me that this appeal should be dismissed.

The above referred to case said:

"An appeal in a zoning case should be dismissed as moot where the zoning application has been superseded by a subsequent comprehensive rezoning act of the zoning authorities."

If you all agree, I will direct the people's counsel to prepare an order of dismissal.

Sincerely,

John N. Maguire
John N. Maguire

JWH/dg

cc: Edward G. Wyatt, Esquire
James H. Cook, Esquire
Robert L. Gilland, Board of Appeals

Baltimore County, Maryland

PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
JOHN W. HESSIAN, III
People's Counsel
CHARLES E. KOUNTZ, JR.
Deputy People's Counsel

December 28, 1976

The Honorable
John N. Maguire
Circuit Court for Baltimore County
Rm. 101, Court Building
Towson, Maryland 21204

RE: Misc. #5776
STUART KITCHENS, INC.,
Petitioner

Dear Judge Maguire:

This is an appeal of a zoning reclassification proceeding from the County Board of Appeals to the Circuit Court for Baltimore County, and has been assigned to you. The property involved is situate in the Second Councilmanic District.

The County Council for Baltimore County has enacted Bill No. 109-76, which adopts a new Comprehensive Zoning Map for the Second Councilmanic District, which said ordinance is now effective. It would seem that in accordance with Mayor and City Council of Rockville vs. Dustin, 276 Maryland 232, and the cases therein cited, the adoption of the new Comprehensive Zoning Map moots this proceeding.

Should the Court and counsel agree that this is the legal effect of the new Map, I will be happy to prepare and present to the Court any Petition and accompanying Order thereon as the Court may direct.

Very truly yours,

John W. Hessian, III

cc: Edward G. Wyatt, Esquire

JWH:sh

RE: Petition for Reclassification
from D.R. 3.5 zone to B.R. zone
SW corner Reisterstown Road and
Mount Wilson Lane
3rd District
Stuart Kitchens, Incorporated
Petitioner

ORDER FOR APPEAL

Mr. Clerk:

Please note an appeal to the Circuit Court for Baltimore County from the Decisionary Order of the County Board of Appeals of Baltimore County, dated October 14, 1975, on behalf of Stuart Kitchens, Incorporated, denying the requested reclassification.

I HEREBY CERTIFY, that on this 13th day of November, 1975, a copy of the foregoing Order for Appeal was served on the County Board of Appeals, County Office Building, Towson, Maryland 21204, prior to the filing hereof and a copy was sent to James Cook, Esquire 409 Washington Avenue, Towson, Maryland 21204, and to John W. Hessian, III, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Edward G. Wyatt
Edward G. Wyatt
Attorney for Petitioner

Service of a copy of the Order for Appeal in Case No.

is admitted this day of November, 1975.

By: John N. Maguire
County Board of Appeals

11-13-75
JWH

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.....

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

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..... zone; and/or the Special Exception for..... be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Stuart Kitchens, Inc. - No. 73-215-R

If legislation allows this Board and/or the Council to condition such a business classification, a better overall land development scheme for the subject property could be anticipated. If such a conditional zoning were available, perhaps the use as now proposed by the Petitioner for the subject property would represent a good land development proposal for this small parcel. There is no such legislation to allow such conditioning, and as cited above, in the judgment of this Board, the Petitioner, in strict compliance with existing rules, has presented to this Board no compelling evidence of error by the Council in March of 1971 when they did not zone the subject property B.R., and, of course, as cited above, there is no evidence whatsoever of change since the adoption of the existing comprehensive maps that would warrant this reclassification based upon same. Therefore the petition will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of October, 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 B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman
Robert L. Gillard
John A. Miller

ORDER RECEIVED FOR FILING

DATE September 16, 1975
BY Stella P. Hays, clk

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
from D.R. 3.5 zone to B.R. zone : ZONING COMMISSIONER
SW corner of Reisterstown Road : OF
and Mount Wilson Lane : BALTIMORE COUNTY
3rd District :
Stuart Kitchens, Incorporated :
Petitioner : NO. 73-215-R (Item No. 24)

The Petitioner requests a Reclassification from a D.R. 3.5 Zone to a B.R. Zone for a parcel of property located on the southwest corner of Reisterstown Road and Mt. Wilson Lane, in the Third Election District of Baltimore County. Said property contains 1.99 acres of land, more or less and is developed into a kitchen facility showroom in order to display cabinets, sinks, et cetera.

Mr. William O. Berkis, President, Stuart Kitchens, Incorporated, testified on his own behalf that there will be seven (7) to ten (10) employees on the premises, that the building's interior and exterior would be of a residential decor, and that there would be no manufacturing on the subject property. He indicated that there would not be a great amount of traffic due to the fact that this type of business involves only the installation of kitchen facilities.

Mr. Richard L. Smith, a qualified engineer, indicated that water was available to the subject property but sewer facilities were not. It was his proposal that a holding tank system be installed. He indicated that there was some acquiescence on the part of the Maryland State Health Department as to such an installation.

Mr. John Medairy, a real estate appraiser, who described the subject property, the surrounding area and the uses thereon, indicated that the D.R. 3.5 classification was not the proper zoning for the subject property. He stated that the Comprehensive Zoning Map, as adopted on March 21, 1971, was in error. He further testified that the subject property faces on Reisterstown Road, at its intersection with Mt. Wilson Lane and has a traffic volume of approximately 38,000 cars per day. There is an automatic traffic signal at the

ORDER RECEIVED FOR FILING

DATE September 16, 1975
BY Stella P. Hays, clk

Stuart Kitchens, Inc. - No. 73-215-R

2.

Reisterstown Road daily at this location, and in his mind no reasonable D.R. 3.5 use could be made of the subject lot. He noted that there had been no residential growth in this area, and in fact, no recent construction of any type along these limited portions of the Reisterstown Road. Mr. von Schwarzenberg was impressed with the attractiveness of the proposal by Stuart Kitchens, Inc. and noted that in his judgment such a structure would be a valuable community asset. He noted that the proposal would make no large demands on County services, and in fact, the Petitioner proposed a private sewer disposal system at the subject property until such time as public sewer may become physically available to this site.

In conclusion, it was this witness' judgment that the Council erred in March of 1971 when they zoned the subject property D.R. 3.5, and in fact, the subject property should have been zoned B.R., and he felt that if not to B.R. then B.L. and/or B.M. would have been equally appropriate for this site. It was noted that the only planned access to the subject property would be from the south side of Mount Wilson Lane and not from the Reisterstown Road frontage. This witness offered no testimony as to substantial change in the character of the neighborhood. When cross examined as to the seeming possibility of a spot type zoning, the witness responded that in his judgment such was not the case. The witness stated that he did not refer to the zoning maps that existed prior to those adopted in March of 1971, nor did he personally consult with the planning staff regarding the subject property. The witness, likewise, did not refer to the 1960 Guide Plan, made no inquiry into potential road improvements that might or might not be pending on the Reisterstown Road, and has not reviewed the planning staff's proposals for the October 1976 comprehensive maps.

The consulting engineer and a real estate expert also testified for the Petitioner. In the mind of this Board, neither offered persuasive testimony of error and/or change.

To grant the requested reclassification, this Board must find either error on the part of the County Council when they adopted the comprehensive maps in March of 1971, or substantial change in the character of the neighborhood since the date of the

intersection of Reisterstown Road and Mt. Wilson Lane, wherein trucks traveling on Reisterstown Road have to stop and start at the light causing the grinding of gears and creating a very noisy situation.

It was Mr. Medairy's opinion that no residential development has taken place for many years, along Reisterstown Road in this vicinity. He cited several changes of zoning in the area but stated that these changes alone would not substantiate a Reclassification. He indicated that error existed on the Comprehensive Zoning Map because of the tremendous amount of traffic along Reisterstown Road and the fact that there have been no individual homes built for at least ten (10) years along Reisterstown Road, from the Baltimore County Beltway to Valley Road. It was his opinion that there has been "change" not only in conditions but in concept. He further stated that the subject property could not be developed residentially due to the fact that sewer facilities are not available. Under the present D.R. 3.5 classification, seven (7) dwelling units could be constructed on the property but could not be developed feasibly due to the lack of sewer facilities. He felt that this was a confiscation of land inasmuch as it could not be developed as presently zoned.

Several residents of the area appeared in protest of the subject Petition but did not wish to present any evidence on their behalf.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the subject property was classified in error at the time of the adoption of the Comprehensive Zoning Map on March 24, 1971.

The amount of traffic along Reisterstown Road, the topography of the land, the dilapidated condition of the subject property, the lack of sewer facilities, and the subject property being located at the bottom of a hill created circumstances wherein it was necessary for the Petitioner to request a change in zoning to B.R.

-2-

Stuart Kitchens, Inc. - No. 73-215-R

3.

adoption of said comprehensive maps.

Norman Gerber, of the Baltimore County Planning staff, testified in opposition to the granting of this petition. Mr. Gerber noted that the subject property was a specific issue before the Council at the time of the adoption of the existing comprehensive maps in March of 1971. This issue was a request by this same Petitioner for a reclassification to a B.L. zone, and this witness noted that William O. Berkis appeared before the Planning Board in September of 1971 concerning the subject property. It was the Planning Board's recommendation in 1970 that the County Council place a D.R. 3.5 classification upon the subject property, and in fact, in March of 1971 the County Council did so and zoned the subject property D.R. 3.5.

As this Board cannot find evidence to support error and/or change in the subject instance, the requested reclassification shall be denied. However, the Board would note that some of the arguments made by the Petitioner concerning the utility of the subject property in its D.R. 3.5 category are sensible, but not evidence of error by the Council in March of 1971. In strictly adhering to its scope of authority, i.e. of considering error and/or change, this Board is compelled to deny the reclassification.

Another comprehensive look at the subject property is now in process, and it would seem from an overall land planning standpoint that some intensification of the zoning classification at the subject corner might be appropriate. While the Petitioner has not convinced the Board that a commercial use would be applicable and a business-type zoning necessary, the Board can envision perhaps some limited office-type facility at some future time on the subject parcel. The inadequacies of the present zoning laws hamper the best development of a property such as is now before the Board. While the Petitioner offers a very attractive sort of proposal for the subject land, in reclassifying this tract to a business use the Board has absolutely no control over whether or not the Petitioner would actually build the proposed structure. Hence in reclassifying the subject property to B.L., B.R. or B.M., the Board and/or the Council is faced with looking at the subject property as if developed in one of these classifications to the most intensified use that might be allowable within said classification. Such a development at this location could have catastrophic effects upon an already existing problem of traffic flow past the subject property on toward the Reisterstown Road/Beltway interchange.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

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: Stuart Kitchens, Inc.
Location: S/W corner of Reisterstown Road, and Mt. Wilson Lane
Present Zoning: D.R. 3.5
Proposed Zoning: Reclassification to B.R.
District: 3
No. Acres: 1.99

Metropolitan water is available to the site.

No building in this area will be approved until public sewer is extended to serve it. This is a very bad area for individual septic systems as it is located from previous surveys showing 73.32 failure. This department cannot recommend approval of this petition.

Very truly yours,
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF TRAFFIC ENGINEERING

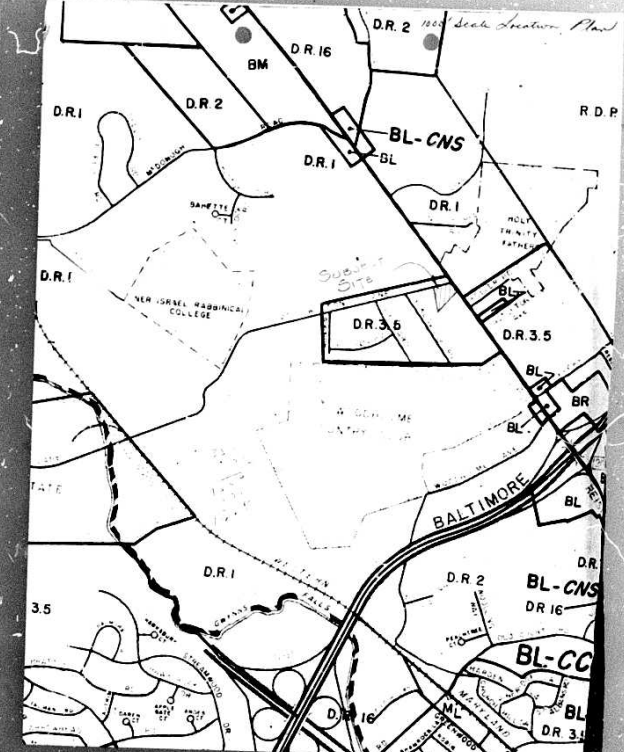
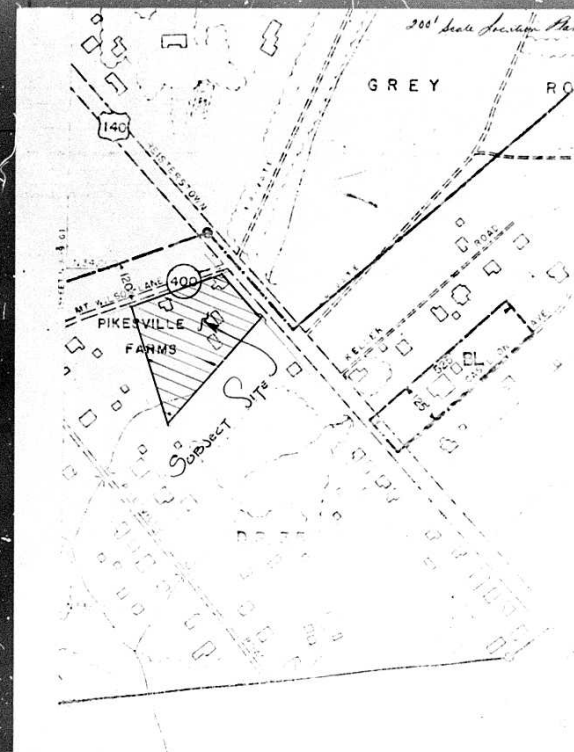
Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning IV
Item 24 - 24C - Oct. 72 to Apr. 73
Property Owner: Stuart Kitchens, Inc.
SW corner Reisterstown Road & Mt. Wilson Lane
Reclass. from D.R. 3.5 to B.R.
District 3

Dear Mr. DiNenna:
The subject petition is requesting a zoning reclassification from DR 3.5 to BR. As presently zoned, the subject site can be expected to generate approximately 25 trips per day. The reclassification can generate as much as 1000 trips per day.

Reisterstown Road in this area has an accident problem and capacity problems at this time. Any reclassification that increases the trip generation will add to the congestion on Reisterstown Road.

Very truly yours,
Michael S. Flunian
Traffic Engineer Associate



ORIGINAL

THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 February 26 - 19 73

THIS IS TO CERTIFY, that the annex advertisement of S. Eric DiNenna, 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 1973 that is to say, the same was inserted in the issue of February 22, 1973.

STROMBERG PUBLICATIONS, Inc.

By: Rick Morgan

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 26th day of OCT 1972. Item # 73-215-R

S. Eric DiNenna
Zoning Commissioner

Petitioner: STUART KITCHENS, Inc. Submitted by: C. C. Cline

Petitioner's Attorney: C. C. Cline Reviewed by: C. C. Cline

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

Frank E. Cline, Esquire
411 Jefferson Building
Towson, Maryland 21204

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 DiNenna
Zoning Commissioner

Petitioners: Stuart Kitchens, Inc.

Petitioner's Attorney: Frank E. Cline, Esq. Reviewed by: J. J. Piller, Jr.

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										
Reviewed by:										
Previous case:										

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

No. 11195

DATE: 9/10/73 ACCOUNT: 01-662

AMOUNT: \$81.83

WHITE - CASHIER
DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Case No. 73-215-R
Petitioner: Stuart Kitchens, Inc.
Subject: S/W Cor. Reisterstown Road & Mt. Wilson Lane
8183

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

No. 15702

DATE: October 29, 1973 ACCOUNT: 01-662

AMOUNT: \$80.00

WHITE - CASHIER
DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

James H. Cook, Esquire
Cost of Filing of an Appeal and Posting of Property on Case No. 73-215-R
SW corner of Reisterstown Road and Mount Wilson Lane - 3rd District
Stuart Kitchens, Incorporated - Petitioner 8000

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

No. 5766

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

AMOUNT: \$50.00

WHITE - CASHIER
DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Frank E. Cline, Esq.
411 Jefferson Building
Towson, Md. 21204
Petition for Reclassification for Stuart Kitchens, Inc.
8005

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

No. 15339

DATE: 11/20/72 ACCOUNT: 01-712

AMOUNT: \$24.00

WHITE - CASHIER
DISTRIBUTION: PINK - AGENCY YELLOW - CUSTOMER

Edward G. Wynn, Esq.
Suite 1115, 10 Light St.
Baltimore, Md. 21202
Re: Stuart Kitchens, Inc. - File No. 73-215-R
Cost of certified documents \$24.00

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 22, 1973

THIS IS TO CERTIFY, that the annex 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 22nd day of February 1973, that is to say, the same was appearing on the 22nd day of February 1973.

THE JEFFERSONIAN
Publisher: Richard S. Johnson

Cost of Advertisement: \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: November 3, 1973

Posted for: A. C. Cline

Petitioner: STUART KITCHENS, INCORPORATED

Location of property: S.W. CORNER OF REISTERSTOWN RD. AND MT. WILSON LANE

Location of Signs: 1. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 2. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 3. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT.

Remarks: 1. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 2. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 3. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT.

Posted by: A. C. Cline Date of return: Nov. 9, 1973

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 11/26/73

Posted for: RECLASSIFICATION

Petitioner: STUART KITCHENS, INC.

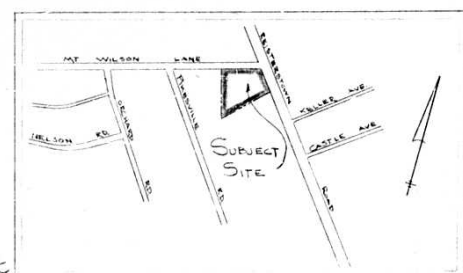
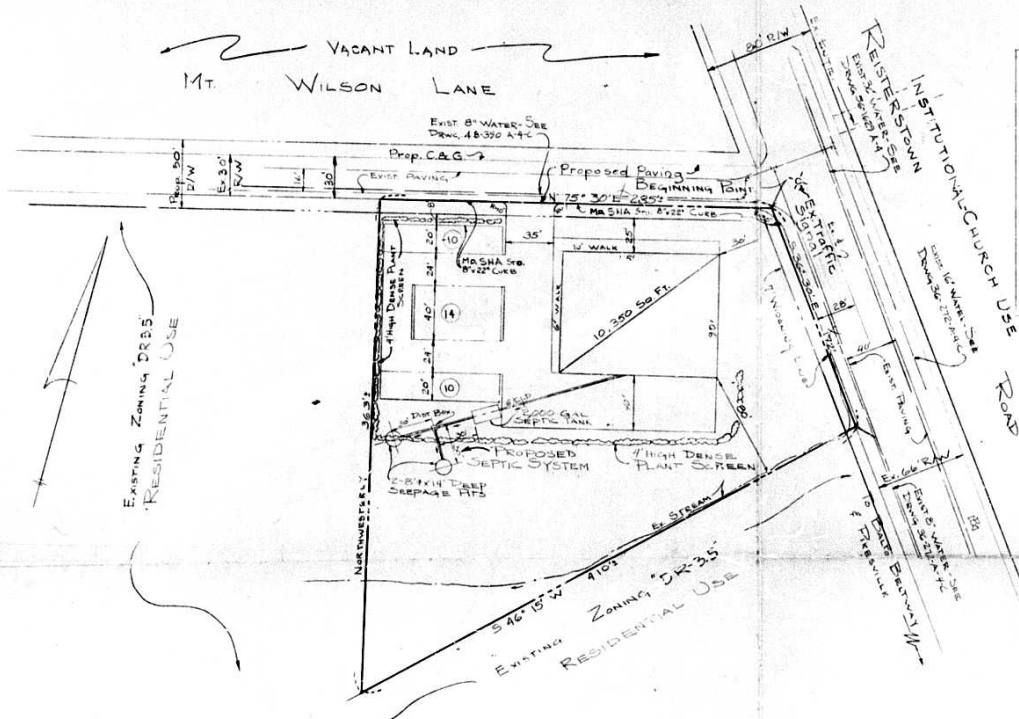
Location of property: S.W. CORNER OF REISTERSTOWN RD. AND MT. WILSON LANE

Location of Signs: 1. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 2. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 3. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT.

Remarks: 1. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 2. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT. 3. S.W. CORNER OF REISTERSTOWN RD. 25 FT. x 35 FT.

Posted by: A. C. Cline Date of return: 11/26/73





LOCATION MAP
SCALE: 1"=500'

GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 1.99 ACRES
2. EXISTING ZONING OF TRACT "DR 3.5"
3. EXISTING USE OF TRACT "RESIDENTIAL USE"
4. PROPOSED ZONING OF TRACT "BR"
5. PROPOSED USE OF TRACT "RETAIL SALES & WAREHOUSE USE"
6. TOTAL FLOOR AREA EQUALS 10,350 SQ. FT.
7. TOTAL NUMBER OF EMPLOYEES EQUALS 10
8. REQUIRED PARKING EQUALS: 25 UNITS
 RETAIL SALES: 2000 SQ. FT. = 15 UNITS
 OFFICE AREA: 2000 SQ. FT. = 7 UNITS
 WAREHOUSE: 5350 SQ. FT. = 3 UNITS
9. PROPOSED PARKING EQUALS 34 UNITS
10. EXISTING STRUCTURES ON SITE TO BE REMOVED
11. SITE HAS PUBLIC WATER & PRIVATE SEPTIC SYSTEM

DATE	20
APPROVED	
ELECTION	
APPLICANT	
DATE	
RECEIVED	
BY	
SIGNATURE	

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
AT
SOUTHWEST CORNER OF
REISTERSTOWN RD. & MT. WILSON LANE
ELECT. DIST. 3 BALTO. CO. MD.
SCALE: 1"=500' SEPT. 29, 1972



John W. Hession, III, Esquire
People's Counsel
County Office Bldg.
Towson, Maryland 21204

RE: Petition for Reclassification
Stuart Kitchens, Incorporated
Misc. Law Case No. 5776

Dear Mr. Hession:

Pertaining to the above entitled matter, and after a perusal of Mayor and City Council of Cockeville, Va. 276 Md. 232 (1976), it seems to me that this appeal should be dismissed.

The above referred to case is:

"An appeal in a zoning case should be dismissed as moot where the zoning application has been superseded by a subsequent comprehensive rezoning act of the zoning authorities."

If you all agree, I will direct the people's counsel to prepare an order of dismissal.

Sincerely,

John N. Maguire
John N. Maguire

JNM/og
C.C. Edward G. Wyatt, Esquire
James H. Cook, Esquire
Robert L. Gilland, Board of Appeals

FRANK E. CICONE
Attorney At Law
SUITE 411 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
October 3, 1972

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

RE: Property of Stuart Kitchens, Inc.

Dear Mr. DiNenna:

Please be advised that I represent Stuart Kitchens, Inc. 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 that the subject property lies directly adjacent to and at intersection with a Class II Commercial Motorway and that this location does not lend itself to residential development.

2. The said map did not recognize the need for neighborhood retail facilities in the Reisterstown Planning District whose population has increased approximately 70% since 1960.

3. And for such other and further sufficient reasons to be shown at the hearing hereof.

Respectfully submitted,

Frank E. Cicone
Frank E. Cicone

FEC:km

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301/823-0900

DESCRIPTION

1.99 ACRE PARCEL

SOUTHWEST CORNER REISTERSTOWN RD. & MT. WILSON LA.

EXISTING ZONING "DR-3.5"

PROPOSED ZONING "B-R"

Beginning for the same at the intersection of the south side of Mt. Wilson Lane and the southwest side of Reisterstown Rd.; thence along the southwest side of Reisterstown Road S 36° 30' E 172'; thence S 46° 15' W 410' to a point, thence northwesterly binding on the land owned by the Baltimore Gas & Electric Company 363' to intersect the south side of Mt. Wilson Lane, thence along the south side of Mt. Wilson Lane N 75° 30' E 185' to the point of beginning.

Containing 1.99 acres of land, more or less.

RLS:cm

J.O. #68085

September 29, 1972



Water Supply & Sewerage & Drainage & Highways & Structures & Developments & Planning & Reports

LAW OFFICES
COOK, MUDD, MURRAY & HOWARD
MERCANTILE TOWSON BUILDING
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

October 5, 1973

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

Re: Petition for Reclassification
S/W Corner of Reisterstown Road
and Mt. Wilson Lane -
3rd District
Stuart Kitchens, Incorporated -
Petitioner
No. 73-215-R (Item No. 24)

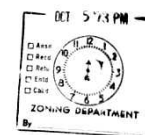
Dear Mr. DiNenna:

Would you please note an appeal to the County Board of Appeals from your decision in the above entitled case under Order dated September 7, 1973, the appeal being on behalf of Morton K. Blaustein, Barbara B. Hirschhorn, Elizabeth B. Roswell, The Valleys Planning Council, The McDonough-Field Improvement Association, Phyllis Brotman, Don N. Brotman, Lou Friedman, Morris Molofsky, and Merrill Skolnik.

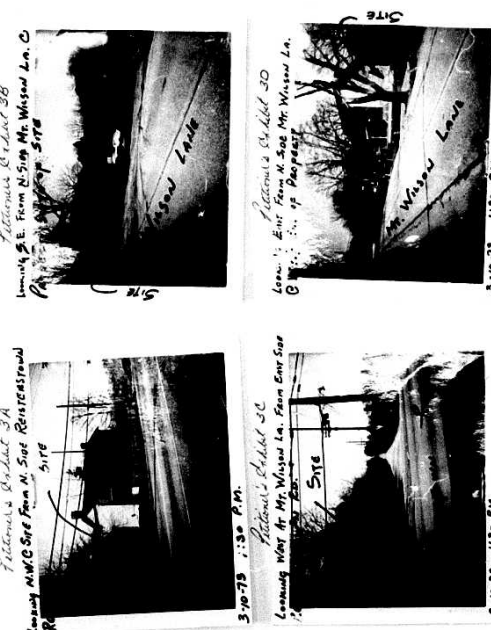
Very truly yours,

James H. Cook
James H. Cook

JHC:rm



ZONING COMMISSIONER'S EXHIBITS



ZONING COMMISSIONER'S EXHIBIT



BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE
October 13, 1972

Frank E. Cicone, Esquire
411 Jefferson Building
Towson, Maryland 21204

RE: Petition for Reclassification
S/S of Mt. Wilson Lane, S/W/S
of Reisterstown Road
3rd District
Stuart Kitchens, Inc. - Petitioners
Item No. 24
Fourth Zoning Cycle

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 corner of Reisterstown Road and Mt. Wilson Lane, in the Third District of Baltimore County. This D.R. 3.5 zoned property is requesting a Reclassification to Business Roadside (B.R.) zone for a retail sales and warehouse combination to be used by the petitioner, who is a prominent kitchen designer and supplier in the Baltimore area.

The property is currently improved with at least two (2) dwellings, one (1) that fronts on Reisterstown Road, and the other one (1) fronts Mt. Wilson Lane, and several other out buildings. There is a small stream that borders the southern boundary of this site, which could cause a potential hazard by inundation of storm water to this property and other properties down stream. The property to the south and west are improved with residential dwellings however, most of the area is wooded. The north side of Mt. Wilson Lane is unimproved at this time. Directly opposite the intersection of Mt. Wilson Lane on the east side of Reisterstown Road is the entrance to Gray Manor. There is a steep grade along Reisterstown Road from north to south that has been a source of traffic congestion and a key factor to accidents in this vicinity. There is already a stop light at the intersection of Reisterstown Road and Mt. Wilson Lane.

Frank E. Cicone, Esquire
Page Two
October 13, 1972

The petitioners site plan must be required to indicate the existing structures as they are presently located on the subject site, as well as the stores within 200 feet of this property. The plan shall also be required to reflect those comments of the Bureau of Engineering, Project Planning Office, Baltimore County Fire Department and the State Highway Administration. The petitioner is also advised to pay particular attention to the comments of the Health Department and the Department of Traffic Engineering.

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 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
John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

JJD:vic

Enclosures

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
632-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Mr. Eric DiNenna, Acting
Zoning Advisory Committee

Re: Property Owner: Stuart Kitchens, Inc.

Location: S/W corner of Reisterstown Road, and Mt. Wilson Lane

Item No. 24 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 300 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.

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

mls
4/25/72



Maryland Department of Transportation

State Highway Administration

Harry H. Hughes
Secretary
David M. Fisher
Administrator

October 17, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. John J. Dillon

Re: Reclassification Oct. 1972
Property Owner: Stuart Kitchens, Inc.
Location: S/W corner of
Reisterstown Road, and Mt.
Wilson Lane (Site 400)
Present Zoning: Reclass from
D.R. 3.5 to B.R.
District: 3
No. Acres: 1.99 acres

Dear Mr. DiNenna:

The ultimate section for Mt. Wilson Lane is 40' and not 30' as indicated on the plan. A 60' right of way will be required to support this section. It is our opinion that the plan should be revised prior to the hearing.

The entrance will be subject to State Highway Administration approval and permit. The 1971 average daily traffic count for this section of Mt. Wilson Lane is 1750 vehicles.

Very truly yours,

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

CLJEM:ln

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

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

October 25, 1972

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

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

Re: Item #24 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Stuart Kitchens, Inc.
S/W cor. of Reisterstown Rd. & Mt. Wilson Lane
Present Zoning: D.R. 3.5
Proposed Zoning: Reclass. from D.R. 3.5 to B.R.
District: 3rd No. Acres: 1.99 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:

Reisterstown Road and Mt. Wilson Lane are State Roads; therefore, all intersections, interchanges and entrances on these roads will be subject to State Highway Administration requirements.

Mt. Wilson Lane should be improved at least to collector standards which, if a County road, would require a 40-foot curb to curb cross-section on a 60-foot right-of-way. It is proposed by the Petitioner for improvement as a minor residential road on the plat submitted.

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.

A good portion of this site is traversed by and subject to inundation by the Waters of the State.

County Policy relative to 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.

A drainage study will be necessary to establish the area of the site which would be above the 100-year flood plain, suitable for development.

Encroachment, filling within the flood plain would be adverse to adjacent properties; therefore, off-site rights-of-way would be necessary to any system of containment and conveyance other than the natural flood plain.

Item #24 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Stuart Kitchens, Inc.
Page 2
October 25, 1972

Sediment Control Comments:

Development of this property through stripping, 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 stripping of top soil.

Water Comments:

Public water is available to serve this property. Additional water service, if required, may be obtained by application to the Department of Permits and Licenses.

Sanitary Sewer Comments:

Public sewers are not available to serve this property; therefore, private sewage systems must be provided. Soil tests must be conducted relative to the proposed sub-soil disposal of liquid wastes from this property, in accordance with the requirements of the Department of Health and Baltimore County Plumbing Code.

Very truly yours,

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

END:RAM:CHK:s

P-W Key Sheet
34 NW 24 Position Sheet
9 P NW Topo
68 Tax Map

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 #24
Property Owner: Stuart Kitchens, Inc.
Location: S/W corner of Reisterstown Road, and Mt. Wilson Lane
Present Zoning: D.R. 3.5
Proposed Zoning: Reclass from D.R. 3.5 to B.R.

District: 3
No. Acres: 1.99 acres

Dear Mr. DiNenna:

Amount of acreage too small to have effect on student population.

Very truly yours,

W. Rick Petersen
W. Rick Petersen
Field Representative

WSP:ld

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director
Baltimore County Office Building
Jefferson Building
Suite 301
Towson, Md. 21204
63-3311

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 #24, IV Zoning Cycle, October 1972-April 1973, are as follows:

Property Owner: Stuart Kitchens, Inc.
Location: S/W corner of Reisterstown Road, and Mt. Wilson Lane
Present Zoning: D.R. 3.5
Proposed Zoning: Reclass from D.R. 3.5 to B.R.
District: 3
No. Acres: 1.99 acres

The site plan should be revised to show all existing uses, both on site and adjacent properties.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning