BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. S. Eric DiNenna

Zoning Commissioner

Date_August 26, 1976____

Mr. James E. Dyer

FROM Zoning Supervisor

SUBJECT Case No. 74-46-R Zoning Map NE - 9F and 4C

As a result of a meeting with Mr. Robert Mattee, representing Belmont Realty Company, I have discovered an apparent drafting error regarding one of my decisions (Case No. 74-46-R).

The aforementioned case involved a Redistricting from a C.T. District to an Undistricted District and was granted, in part, with the intention being that the dividing line be a stream that bisects the property in a westerly direction. The stream branches in a northwest/southwest direction near the westerly tract boundary line, which subsequently lead the draftsman to take the northwesterly branch as the dividing line.

After reviewing this matter with Mr. Mattee, it is apparent that the intended boundary line, as set forth on Petitioner's Exhibit 2, should be the southerly branch of the stream instead of the northerly branch plotted on the zoning maps. My Order also makes reference to the fact that the northerly section of the Petitioner's property that was intended to be Redistricted to C. C. C. was to contain 34 acres. Mr. Mattee has pointed out that utilization of the northerly branch would reduce this acreage to approximately 32 acres, which also indicates that the southern branch was the intended boundary line.

Therefore, it is respectfully requested that you issue approval to make the necessary corrections to our existing zoning maps.

JAMES E. DYER

Zoning Supervisor

JED/scw

PETITION FOR ZONING REDISTRICTING 74-46-12 AND/OR SPECIAL EXCEPTION

NER OF BALTIMORE COUNTY: Evelyn LeBrun, Widow

L or we Relmont Realty Co. Inc. & legal coner. of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof petition (1) that the zoning status of the herein described property be re-districted, pursuant Zoning Law of Baltimore County, from S. C. T. District (Commercial Town/ to an er Core)

#17

Undistricted district; for the following reasons:

In imposting a C.T. District on the subject property the Council committed errors as set out on the attached exhibit, which is incorporated by reference

Substantial changes have occurred in the neighborhood so as to alter its character since the property was so districted by the Council, again as set out on the attached exhibit which is incorporated by reference herein.

see attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regul County, to use the herein described property, for. Not applicable

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-districting and/or Special Exception advertising, ting, etc., upon filing of this petition, and further agree to and are to be bound by the 20ming BELMONT REALTY CO., INC.

t S Mattie

Baltimore, Maryland 21202

204 W. Penna. Avenue, Towson, Maryland 21204 823-7800

..., 1973., that the subject matter of this petition be advertised, as Partied by the Zoning Law of Baltimore County, in two newspapers of general circulation throughoole County, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106, County Office Building in Towson,

Evelyn LeBrun, widow

715 St. Paul Street

re, Maryland 21232

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MCA □○▷

Maryland 21204 • Tel (301) 823-0900

DESCRIPTION OF LAND

SUBJECT OF PETITION FOR REDISTRICTING

Beginning for the same at a point in the center line of Whitemarsh Run, said point being located at the distance of 1620 feet measured in a general Northwesterly direction along the center line of Whitemarsh Run from its intersection with the center line of Belair Road, thence running in a Northwesterly direction 500 feet to a point; said point being located at the distance of 1600 feet measured in a Westerly direction from a point in the center line of a transmission line right of way; said point in said right of way being located at the distance of 500 feet measured in a Northerly direction along the center line of the right of the intersection of said center line with the center line of Belair Road, thence running in a Northeasterly direction 1425 feet to a point, said point being the distance of 930 feet measured in a Westerly direction from a point in the center line of a transmission line right of way; said point in said right of located at the distance of 1590 feet measured in a Northerly direction along the center line of the right of way from the intersection of said center line with the center line of Belair Road, thence running in a Northwesterly direction 1600 feet to a point; said point being located at the distance of 2000 feet measured in a Southerly direction from a point in the center line of Joppa Road; said point

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

RE: PETITION FOR REDISTRICTING Genterline of Whitemarsh Run, 1620' NW of Belair Road - 11th District Belmont Realty Company - Petitioner NO. 74-46-R (Item No. 17)

REFORE THE

COMMISSIONER

: BALTIMORE COUNTY

This Petition represents a request to Redistrict the Petitioner's property from a C. T. District (Commercial, Town-Center Core) to an Un-Districted District. The property, which contains 70.13 acres, is presently zoned Business. Major and is situated west of Belair Road at the southernmost intersection of the proposed Walther Boulevard and the proposed Dunfield Drive, in the Eleventh Election District of Baltimore County

At the outset of the hearing, the Petitioner's attorney called the Deputy Zoning Commissioner's attention to the fact that while the property's meets and hounds description had been properly advertised, the acrease contained within the description had been inadvertently indicated as 63.35 acres, more or less, when it should have been indicated as 70,13 acres, more or Petitioner's Exhibit I.

Testimony was received on behalf of the Belmont Fealty Company by the following expert witnesses: Mr. Robert A. Mattee, a professional engine or and vice president of the Belmont Realty Company, Inc.; Mr. Hugh Gelston, a real estate broker and appraiser with forty (40) years experience n the area; Mr. Olive: L. Myers, Jr., a home builder and resident in the area; and Mr. Richard L. Smith, a civil engineer and associate of Matz, Childs Associates who prepared the Petitioner's site plan-

Testimony indicated that the site is to be developed with apartments, ownhouses, and a commercial shopping center. All testifying witnesses were of the opinion that the establishment of a one hundred and seventy (170) acre C. T. District shopping center on the Nottingham property, which is located

> POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE

SUBJECT PROPERTY IN A C. T. DISTRICT

Council committed at least the following errors in placing the subject property

correct and fills a definite area need, the property should be undistricted, since

the C.T. District, or indeed any districting unduly restricts the development

CHANGES IN THE NEIGHBORHOOD

the Perry Hall-Fullerton Area, since, among other reasons, a major town

center and very large commercial shopping mall with satellite high density

residential and industrial uses has been announced and is presently planned

on the Nottingham Property to the Southeast; and, accordingly, the Town Center

districting on the subject tract has been displaced, and been rendered obsolete

2.) For such other errors and changes as shall be disclosed by a minute

James D. Nolan

Respectfully submitted, James D. Nolan

Attorney for the Petitioners 204 West Pennsylvania Avenue Towson, Maryland 21204 Telephone: 823-7800

review of this matter which shall be brought out at the time of the hearing

1.) That the subject site is not the appropriate site for the Town Center in

potentials of the property and limits development flexibility.

The Petitioners and Contract Purchasers state that the Baltimore County

While the commercial zoning on the subject property is

approximately two (2) miles away, eliminated the need for a C. T. District on the Petitioner's property. It should be noted that the staff of the C'fice of Planning and Zoning concurs, at least in part, with this opinion.

Other testimony stated that adequate water and sewerage facilities, schools and/or school owned property, and proposed roads would be available when needed. The Petitioner further indicated that, if he was successful in having the C. T. District removed from the site, he intended to develop only thirty-four (34) acres of the commercially zoned 70.13 acre tract. The remaining thirty-six (36) acres would be developed with residential apartments and town houses. He felt that a thirty-four (34) acre community shopping center, as compared to a seventy (70) acre town-center would serve the needs of the immediate community that surround the subject property without placing an unneccessary burden on utilities or area roads and, as such, would benefit the community in future years.

There were no area residents present in protest to the Petitioner's request nor did the County and State agencies, who reviewed the Petitioner's

After reviewing the above testimony and comments, it is the opinion of the Deputy Zoning Commissioner that an adjustment in the Districting of the subject property can be made without being detrimental to the health. safety and general welfare of the community, and that such an adjustment would, in fact, be beneficial to the area.

The Petitioner has indicated a desire to construct a shopping center only on that portion of the subject property that lies north of the stream that bisects his property (34 acres). However, to remove the District in its entirety would give rise to the possibility of developing the entire site with apartents without any consideration of the community's chopping needs. Such a use would also be a serious deviation from the adopted master plan for this area. Under the C. T. District, the developer could construct apartments

only above the first floor. Under the present conditions, as described in the above testimony, there is no doubt in this Commissioner's mind that a community center is needed to serve the existing and future residents in this area Because of this situation, every precaution should be taken to insure the extent possible that a portion of the subject property will be utilized to serve the retail needs of the area. For these reasons, the entire site will not be

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Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this _5 # ___ day of September 1973, that the herein requested Redistricting from a C. T. District to an Undistricted District be Granted, saving and excepting therefrom that portion which lies north of the center line of the stream that bisects the subject property in a more or less northwesternly direction as is indicated on the Petitioner's site plan marked Petitioner's Exhibit 1. This northernly section of the Petitioner's property intended to include approximately thirty-four (34) acres, is hereby Redistrict ed from a C. T. District to a C. C. C. District, subject to approval of a site plan that is to include the extend and alterations of any flood plains by the Department of Public Works, Sediment Control Division, and the Office of Planning and Zoning.

C-# BATE

in the center line of Joppa Road being located at the distance of 1570 feet measured in a Westerly direction along the center line of Joppa Road from its intersection with the center line of Jasper Lane, thence running in a Southwesterly direction 800 feet to a point, said point being located at the distance of 2380 feet measured in a Northeasterly direction from the intersection of the center line of Lamaze Avenue and 'he center line of Upton Road, thence running in a Southwesterly direction 910 feet to a point, said point being located at the distance of 2180 feet measured in a Southeaste: ly direction from the intersection of the center line of Lamaze Avenue and the center line of Upton nence running in a Southwesterly direction 890 feet to a point; said point being located at the distance of 2280 feet measured in a Southeasterly direction from the intersection of the center line of Lamaze Avenue and the center line of Upton Road thence running in a Southeasterly direction 1460 feet, more or less, to the place of

Containing 63, 35 acres, more or less.

Saving and excepting those parcels of land lying within this description which are owned by others not party to this petition

Being the official description of all that parcel of land designated "11-BM-2" on Official Zoning Map of 11th District, adopted by Baltimore County Council on 1965, said parcel being subsequently shown on Official Zoning Map adopted by the Baltimore County Council on March 24, 1971.

IDN ak

hereon.

in a C. T. District.

.... ILMEU

August 10, 1973

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

RE: Petition for Redistricting Item 17 Belmont Realty Co., Inc. - Petitioners

Dear Mr. Nolan:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northwest side of Belair Road at the Susquehanna Transmission Line, and more specifically to the west of the existing townhouses in the subdivision

The subject of this petition is a request for the removal of a CT District from the existing Business Major zone. The reason for this request is so that the developers will be allowed to develop the Business Major portion of this property as DR 16, which is the zoning surrounding this site.

James D. Nolan, Esq. Item 17 - Belmont Realty Co., Inc. August 10, 1973

Under the CT District requirements the petitioner is restricted in developing apartments on the first floor on this property.

It should be noted that the proposed site plan It should be noted that the proposed site plan indicates a new entrance from Belair Road above the existing transmission lines. This access is off site and is subject to condemnation procedures.

In reviewing the comments of the Bureau of Engineering, it is not absolutely clear whether or not water and sewer are readily available to serve this property. However, they do make a general comment problems will be subject to the scrutiny of the Joint Subdivision Flanning Committee.

It should be further noted that although the developers own adjoining land, this particular tract is landlocked.

The petitioner is reminded that the proposal to remove the CT District does not preclude or exempt him from further review by this office for any proposed development in the future.

This petition is accepted forfiling on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the Tiling certificate, will be forwarded to you in the

Very truly yours. John / Welier, JOHN J. DILLON, JE., Chairman Zoning Advisory Committee

JJDJr.:JD Enclosure cc: Matz, Childs & Associates, Inc. 1020 Cromwell Bridge Road (21204) Bepartment Of Bublic Borks COUNTY OFFICE BUILDING TOWSON MARYLAND 21204

Baltimore County, Margland

August 9, 1973

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

> Re: Item #17 (1973-1974) Property Owner: Belmont Realty Company, Inc. NW/S Belair Road at Susquehanna Transmission Present Zoning: BM-CT Proposed Zoning: Redistrict from Town-Center to undistricted District: 11th No. Acres: 63.35 more or less

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Commit-tee in connection with the subject item.

GENERAL:

An extensive file of previous comments is available in connection with the overall concept of the "Belmont" properties and the development thereof, including but not limited to "Overtom" (1965), Belmont Apartments Section One, Belmont Apartments Section Two, Belmont Apartments Section Two, Water, sanitary sewerage and highway studies and plans. In the course of development to date Public Works Agreements 17202, 17202 and 17211 have been executed. These files, etc. are referred to for your consideration. A third section of the property is being consideration of apartments as shown on a Preliminary Plan entitled "Dunfield Apartments".

Development proposed for the subject area will be reviewed by the Joint Subdivision Planning Committee to determine among other things the provision of required public utilities, tracinage and flood control, highway improvements, atc. Public Works Agree-mants will be required for all public highway and utility improve-mants will be required for all public highway and utility improvements necessary.

> Very truly yours. Die

ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering END: EAM : FWR . b th Key Sheet M - N.W. Position Sheet 31 N.E. 20 5 21; 32 5 35 N.E. 19, 20 5 21; 34 N.E. 20 5 21 Topo N.E. 8 5 9 E 5 F Tax Map 71

State Highway Administratio

Bernard M. Evans

July 23, 1973

THE PLANT SHEET PLANTS

Mr. S.Eric DiNenna Zoning Commissioner County Office Bldg. Towson, Md. 2120

Att. Mr. John Dillon

RE: Z.A.C.Neeting, July 17, 1973
Property Comer: %elmont Reality Co.inc
Location: Md/S seleif Rd. at Susquehanna Transmission Line (Rte 1)
Present Zonings Hot
Grey Commission Commission
Context to undistricted
No. Acress 63.35 more of less
Items 17 Dear Mr. DiNennas

Granting of the subject patition should have no adverse effects on Belair Road. The State Highway Administration has not given approval to this connection, therefore, it should be removed from the plan.

The 1972 average delly traffic count on this section of Belair Road is 27,400 vehicles.

Very truly yours,

Charles Lee, Chief Development Engineering Section

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLIFFOND. P.E. W- 7 Mm ---

August 2, 1973

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

Re: Item 17 - ZAC - July 17, 1973
Property Owner: Belmont Realty Company, Inc.
MM/S Belair Road at Susquehanna Transission Line
Redistrict from Town Center to undistricted

No major traffic problems are anticipated by the request for redistricting from Town Center to undistricts.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate

MSF/pk

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

JEFFERSON BUILDING

July 19, 1973

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

Comments on Item 17, Zoning Advisory Committee Meeting July 17, 1973, are as follows:

Property Owner: Belmont Realty Co., Inc. Location: NW/S Belair Rd. at Susquehanna Transmission Present Zoning: BM-CT Line Proposed Zoning: Redistrict from Town-Center to undistricted

District: 11 No. Acres: 63.35

No health hazard anticipated on this redistricting.

Very truly yours

Chomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

HVR:mn4

WILLIAM D. FROMS

S. ERIC DINENN



August 9, 1973

Mr. S. Eric DiNenna, Zoning Commission Mr. 5. Eric Dinenna, Zoning Co. Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiN-nna

Comments on Item #17, Zoning Advisory Committee Meeting, July 17, 1973, are as follows:

Property Owner: Belmont Realty Co., Inc. Location: PiW/S Belair Road at Susquehanna Transmission Line Present Zoning: BM-CT
Proposed Zoning: Redistrict from Town-Center to undistricted
District: 11th No. Acres: 63.35 more or less

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John I Wimbles John L. Wimbley

Planning Specialist II Project Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING BUILDING 108 WEST CHESAPEAKE AVENUE

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

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 18, 1973

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

Troperty Omer: Belmont Realty Co, Inc.
Loration: MWG Selair Road at Susquehanna Transmission Line
Present Zoning: BM-CT
Proposed Zoning: Redistrict from Town-Center to undistricted

Very truly ; qurs, lo lich tetenul W. Nick Petrovich Field Representative

CERTIFICATE OF PUBLICATION

NOLAN, PLUMBOPP & WILLIAMS TOWSON MANY AND 21204

The Honorable S. Eric DiNenna The Honorable S. Eric Linenna Zoni ig Commissioner for Baltimore County County Office Building Towson, Maryland 21204

August 22, 1973

Re: Petition of Belmont Realty, Inc., and others requesting redistricting - Case No. 74-46-R

Dear Commissioner DiNenna:

It has just been discovered by Mr. Mattie and confirmed by our engineers, Matz. Childs & Associates, that while the metes and bounds description has been correctly stated both in the written description and on the zoning plat, inadvertently, there has been a very slight undersactement of the correct acreages involved. The correct acreages are as follows:

Belmont Realty, Inc., 57,45 Acres Evelyn LeBrun, widow, 12,68 Acres Total acreage involved 70,13 Acres presently zoned BM with a CT District.

Furthermore, it should be noted that general note number 5 on the plat submitted by Matz, Childs and Associates indicates that be projected use of the property is residential, while, in fact, the note should have stated the intended use to be residential and commercial.

An informal discussion was had with Mr. Jack Dillon regarding these points and he indicated that they could be covered by letter, however, should you wish, we will be happy to submit revised plats prior to the hearing on August 27.

Thanking you for your kind attention to this matter and regretting the error, I am,

James D. Nolan

Mr. Robert S. Mattle Mr. Robert S. Mattle
Belmont Realty Co., Inc.
Mr. Richard L. Smith
Matz, Childs & Associates

ting from C.T. District of the LoCATION: The Centerine of Whitemarsh Ram 1828 feet Merth-west of Belair Road DATE & TIME: MONDAY. ACCUST 27, 1973 at 1846 9. Al PUBLIC HEARING: Room 186. County Office Building, 111 Chesaprate Arcauc. Towars.

OFFICE OF ESSEX TIMES ESSEX, MD. 21221 August 13 - 1973 THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dinenna Zoning Commissioner of Haltimore County

was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 13th day of August 1973, that is to say, the same was inserted in the issue of August 9, 1973.

By Buth Morgan

BAL .IMORE COUNTY, MARY. .ND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date August 20, 1973 FROM William D. Fromm, Diretor Office of Planning
SUBJECT, Petition 274-46-8. Centerline of Whitemarsh Run 1620 feet Northwest of
Betair Moud.
Petition for Redistricting from a C.T. District to Undistricted.
Petitioner - Belmont Realty Company.

11th Districe

HEARING: Monday, August 27, 1973 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to make.

The 1980 Guideplan currently proposes that this area be developed as a town center. The County Council created B.M. zoning at this location with the adoption of the Northeasten Area Zoning Map in 1966. The Planning Board adopted by resolution in 1968, a map designating a town center boundary surrounding this location. Subsequently, the County Council applied the C.T. District to this property in 1968 with the adoption of the District Maps (Bill 1823, approved May 9, 1968). The 1971 Comprehensive Zoning Maps affirmed these prior actions.

In view of zoning and other decisions which have occurred on issues in the same general area of Ball-lone County since 1971, the staff in the same general area of Ball-lone County since 1971, the staff and the surrounding environs is in order. The octonic law perpopers have been reduced somewhat to that of a Community Center as defined by the 1980 Guideplan. This suggests that a commercial center possibly zoned B.N.-C.C. is appropriate for an area between 25 and 40 acres in size at this location.



PETITION	M	APPI	NG	PRO	OGRE	SS	SHE	T		
FUNCTION				iginal Duplicate			Tracing		200 Sheet	
renerion	date	by	date	by	date	by	date	by	date	by
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Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
	County Office Building III W. Chemprels: Australia Terrenon, Maryland 20204
	Your Partition has been received this 13th day of
	H. D. M.
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	* This is not to be interpreted as acceptance of the Polition for assignment of a hearing date.
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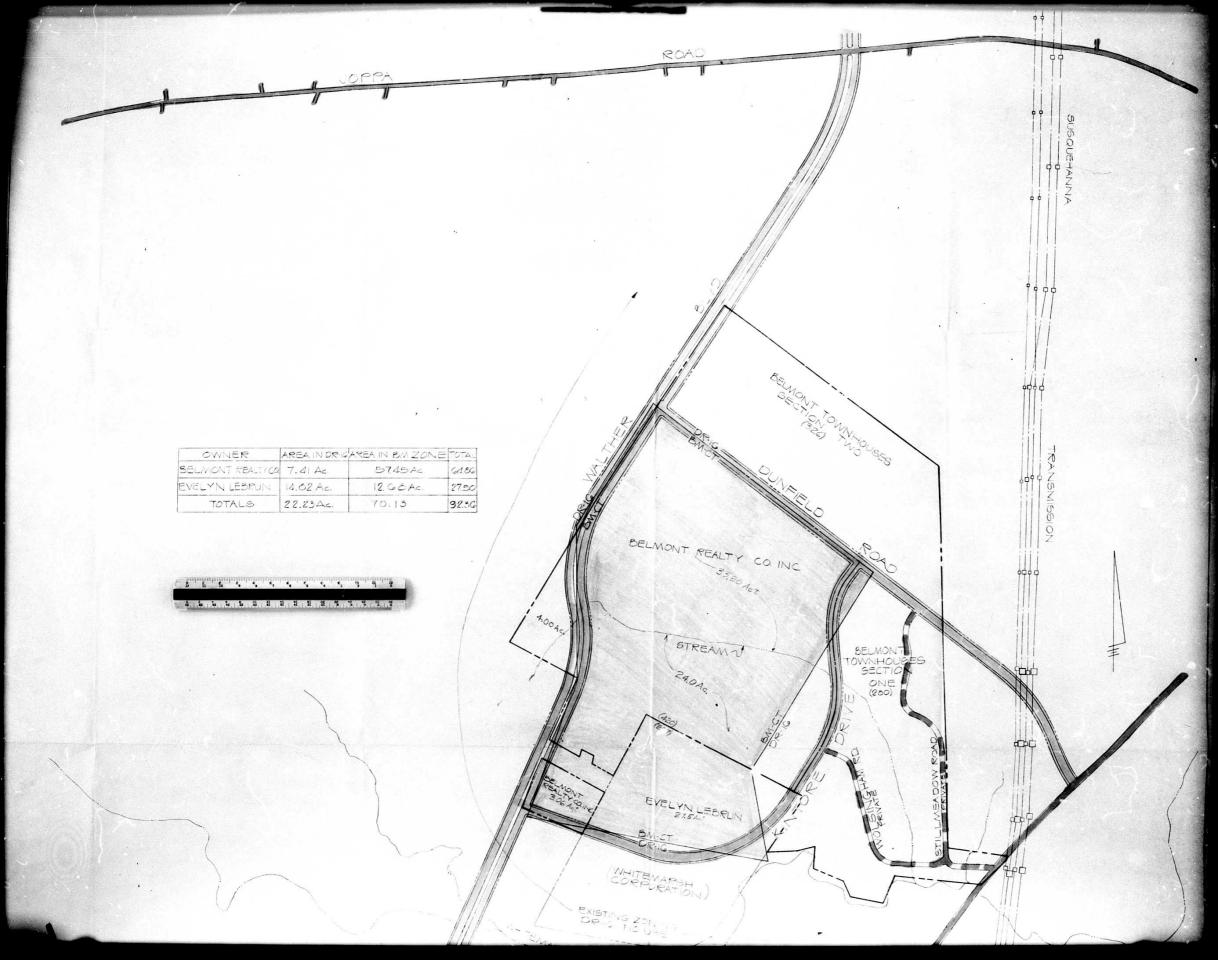
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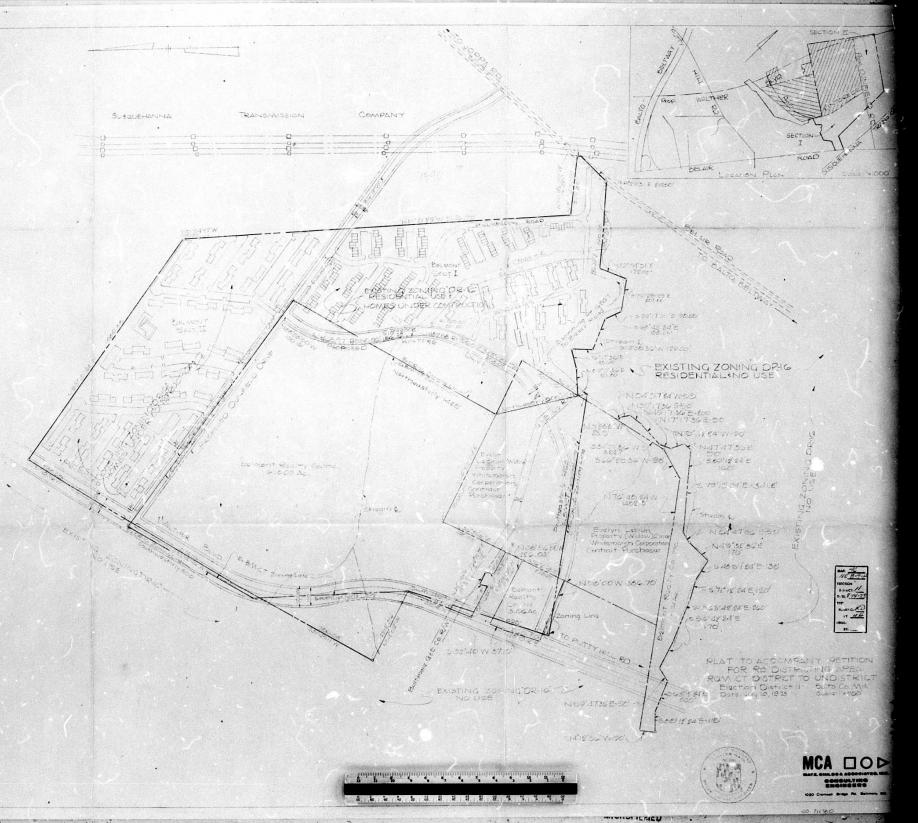


AREA TABULATION

OWNER	AREA OWNED	AREA IN BM ZONE
BELMONT REALTY CO.INC	64.063Ac	2915 Ac:
EVELYN LEBRUN-WIDOW	27.5 Ac=	14.2 Ac-
Totals .	82.363 Ac.	63.35 Ac =

GENERAL NOTES

LArae of Property Equals of 2503 Acras
25xisting Zoning of Property Volcan Land
4 Proposed Zoning of Property Volcan Land
4 Proposed Zoning of Property Devicts M.
5 Propesed Use of Property Residential
6 Pathleoner is Rego sting the Residential
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