

74-51-R PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, William V. Fabrick, 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 DR-16 and DR-3.5 and to an R.M. zone, for the following reasons:

1. Error in original zoning.
2. Substantial change in the character of the neighborhood.

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 reclassification 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 purchase by
William V. Fabrick
Legal Owner
Address: 100 Westminister Road
Reisterstown, Md. 21136
By: Smith, Johns and Smith
Martin J. Smith, President's Attorney
143 Main Street
Reisterstown, Md. 21136
833-1221

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1973, 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 6th day of September, 1973, at 11:00 o'clock.

John L. Wimbley
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR RECLASSIFICATION
NW corner of Westminister Road and
Wolf Street - 4th District
William V. Fabrick - Petitioner
NO. 74-51-R (Item No. 7)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 16 Zone and D.R. 3.5 Zone to a B.M. (Business, Major) Zone. The property in question is located on the northwest corner of Westminister Road and Wolf Street, approximately one thousand (1,000) feet west of the business district at the intersection of Westminister Road and Reisterstown Road, in the Fourth Election District of Baltimore County. The property contains .568 acres, more or less, and is improved with a one and one-half (1 1/2) story dwelling, garage, and a small shed.

The Petitioner, the only person to testify on behalf of the request, indicated that if his request was granted, he planned to utilize the existing dwelling for the sale of antiques and related items; and to utilize the existing garage for the sale of snowmobiles and mini bikes. It was his opinion that the commercial zone line immediately east of his property binding on the center line of Wolf Street, should be extended to include his property. Reference was also made to three (3) commercial sites, the closest being located approximately one thousand (1,000) feet to the west of his property, and several commercial type uses of a non-conforming variety that exist in the area.

Several area residents, including one who has lived on the subject property for twenty-three (23) years, appeared in protest of the Reclassification. It was their opinion that the zoning line, as it presently exists, should be maintained. Any extension of the commercial zone to the west of its present location, would represent a departure from the Comprehensive Zoning Map as adopted for the area, thereby having an unstabilizing effect on the community as a whole.

The County and State agencies, who reviewed the Petitioner's proposed development plans, indicated that water is available to serve the site. However, public sewer is not available. The Department of Traffic Engineering states that the proposal would increase trip density from fifty (50) trips per day to two hundred and fifty (250) trips per day. They also state that the site itself is not of sufficient size to create any serious capacity problems. However, they caution that should this be the beginning of expansion of a commercial area in Reisterstown, a revision to the existing road system may be required.

The Baltimore County Planning Board recommendations state that the existing zoning be retained.

After reviewing the above testimony and evidence presented, it is the opinion of the Deputy Zoning Commissioner that the commercial zone line, as it presently exists, is not in error and should not be extended to the west. The subject site does border commercial zoning and should be granted some relief as to the intensity of zoning permitted under the present classification. As pointed out in the Petitioner's brief, the site is bisected by a D.R. 3.5 Zone line and a D.R. 16 Zone line, making it difficult to utilize in its present state.

As a result of the Petitioner's request and subsequent public hearing, the Deputy Zoning Commissioner is empowered to grant certain or more restrictive zoning classifications or uses than Petitioned for. Under this procedure, two (2) remedies are available, i.e., downgrade the zoning designation from a D.R. 3.5 Zone and D.R. 16 Zone to a D.R. 2 Zone; grant a Special Exception for an antique shop as provided for in Section 1B02.1; or grant Special Exception for office use in the existing D.R. 16 Zone as provided for under the same Section together with a use permit for passenger car parking in the D.R. 3.5 Zone as provided for under Section 409.4. After considering both possibilities, it is the opinion of the writer that the latter of the two (2) avenues open would grant relief to the Petitioner while creating less

change or variance to the existing map.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of November 1973, that the herein requested Reclassification from a D.R. 16 Zone and a D.R. 3.5 Zone to a B.M. Zone is hereby Denied.

It is further ORDERED that a Special Exception to utilize the existing frame dwelling on the subject property for office use be and the same is hereby Granted together with a use permit for parking on the residentially zoned D.R. 3.5 zoned portion of the Petitioner's property, as indicated on the site plan submitted with this Petition. Said Special Exception and parking permit shall be subject to the following restrictions:

1. Offices shall be confined to the dwelling and there shall be no exterior changes other than normal maintenance and upkeep of the grounds including the parking area which must be installed prior to any occupancy of the offices.
2. Approval of a functional site plan by the Department of Public Works, Health Department, Department of Traffic Engineering and the Office of Planning and Zoning.

James E. Hall
Deputy Zoning Commissioner of Baltimore County

October 13, 1972

IN THE MATTER OF THE PETITION
OF WILLIAM V. FABRICK for
zoning reclassification from
DR-16 and DR 3.5 to B M

MEMORANDUM IN SUPPORT OF APPLICATION

The Petitioner's property comprises approximately six-sevenths (6/7) of an acre of land located on the Northwest corner of Westminister Road and Wolf Street in the Fourth Election District of Baltimore County, Reisterstown, Maryland. The front portion of the property is presently zoned DR-16 and the rear portion DR-3.5. Your Petitioner submits that the existing zoning classifications are in error and that use of the subject parcel under the uses permitted by the present zoning is impossible and not economically feasible for the following reasons:

- (a) That portion of the property zoned DR-16 is too small for development under that zoning classification.
- (b) That portion of the property zoned DR-3.5 is too small for development under that zoning classification.
- (c) That property fronting on Westminister Road to the east of the subject property is presently zoned B L and three additional parcels fronting on Westminister Road in a westerly direction from the subject property are presently zoned B L or B M.
- (d) That by reason of the foregoing and other reasons to be stated at the hearing hereon, the DR-16 and DR 3.5 zoning was confiscatory and clearly erroneous.

Respectfully submitted,

Smith, Johns & Smith
Martin J. Smith
143 Main Street
Reisterstown, Maryland 21136
833-1221
Attorney for Petitioner

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNO
ZONING COMMISSIONER



May 10, 1973

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 #7, V Zoning Cycle, April to October 1973, are as follows:

Property Owner: William V. Fabrick
Location: NWC of Westminister Road and Wolf Street
Present Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: Reclassification to B.M.
District: 4
No. Acres: 0.568

The site plan must be revised to show the following:

The eight foot high screen fence as required by Section 405A

The access to the garage should if at all possible be from site itself and not Wolfe Street.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

ZONING DESCRIPTION DR 16 TO BM

BEGINNING for the same at a point formed by the intersection of the easternmost side of Westminister Road with the northernmost side of Wolf Street, thence binding on Westminister Road north 49 degrees 22 minutes east 126.13 feet, thence on division line between Lots 2 and 3 as shown on Jacob W. Wolf's Subdivision as filed in Liber WPC 338 folio 554 north 47 degrees 42 minutes east 183.39 feet to the zoning division line between DR 16 and DR 3.5 zoning, thence on said zoning line south 49 degrees 22 minutes east 146.03 feet to the north side of said Wolf Street, thence on said street south 47 degrees 42 minutes west 183.39 feet to the place of beginning.

CONTAINING 0.568 acres of land more or less.

BEING part of Lots 3 and 4 as shown on Jacob W. Wolf's Subdivision as filed in Liber WPC 338 folio 554

OCTOBER 13, 1972

ZONING DESCRIPTION DR 3.5 TO BM

BEGINNING for the same on the northernmost side of Wolf Street at a point distant 237.60 feet westerly from the easternmost side of Westminister Road said point being the division line between Lots 4 and 5 as shown on Jacob W. Wolf's Subdivision as filed in Liber WPC 338 folio 554, thence binding on said street south 47 degrees 42 minutes west 54.21 feet to the division line between DR 3.5 and DR 16 zoning, thence on said zoning line north 49 degrees 22 minutes west 126.03 feet, thence binding on the division line between Lots 2 and 3 north 47 degrees 42 minutes east 17.74 feet, thence on the southwest side of Lot 3 south 42 degrees 18 minutes east 135.00 feet to the place of beginning.

CONTAINING 0.195 acres of land more or less.

BEING part of Lots 3 and 4 as shown on Jacob W. Wolf's Subdivision as filed in Liber WPC 338 folio 554.

OCTOBER 13, 1972

David W. Dallen
DAVID W. DALLAN, JR.
CIVIL ENGINEER
8713 OLD HARPWOOD RD.
BALTIMORE, MD. 21234
(301) 645-7422



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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 13, 1973

COUNTY OFFICE BLDG.
111 N. CHARLES ST.
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

Martin J. Smith, Esq.,
143 Main Street
Reisterstown, Maryland 21136

RE: Reclassification Petition
Item 7
William V. Fabrick - Petitioner

Dear Mr. Smith:

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 corner of Westminster Road and Wolf Street, in the 4th District of Baltimore County. This property is presently zoned DR 3.5 and DR 16. The front portion of this property is zoned DR 16 and contains 5.6 acres of land. This portion of the property is improved with a 1 1/2 story frame dwelling, a one story frame garage, and a small shed. The rear portion of this site, approximately 183 feet northeast of Westminster Road is zoned DR 3.5 and contains 0.195 acres. The petitioner's request for Business Major zoning is presumably so that he may convert the one story frame garage to a service garage facility with its primary and only entrance off of Wolf Street. Wolf Street is a narrow paved street without curb and gutter and is improved with small residential dwellings. The property on the northeast corner of Wolf Street and Westminster Road is improved with a 2 1/2 story wood shingle dwelling, and immediately to the rear is a one story concrete block garage. This property is zoned Business Local. The properties on the south side of Westminster Road are improved with residential dwellings and is zoned DR 16.

Revised site plans will be required in connection with this petition that indicate the requirements of Section of 405A, which are the service garage regulations, especially with

Martin J. Smith, Esq.,
Item 7
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April 13, 1973

regard to the 8 foot high screen fence. The Committee is also concerned with the precise type of service garage facility that will be provided on the site. Will this consist of a body and fender operation or will there just be major engine work conducted on this site.

This petition for reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plans, as may have been requested by this Committee, shall be submitted to this office prior to Friday, June 1, 1973 in order to allow time for final Committee review and advertising. Failure to comply may result in this petition being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1973 and October 15, 1973 will be forwarded to you well in advance of the date and time.

Very truly yours,

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

JJD:JLD

(Enclosure)

cc: David W. Dallas, Jr.,
8713 Old Harford Road
Baltimore, Md. 21234

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

April 25, 1973

Office of Engineering
EUGENE J. CLIFFORD, P.E.
EUGENE J. CLIFFORD, P.E.

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

Re: Item #7 (April to October 1973 - Cycle V)
Property Owner: William V. Fabrick
N/W corner of Westminster Road and Wolf Avenue
Present Zoning: DR 3.5 and DR 16
Proposed Zoning: Reclass. to B.M.
District: 4th No. Acres: 0.568

Dear Mr. DiNenna:

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

General:

Westminster Road is a State Road. All improvements within the Westminster Road right-of-way will be subject to State Highway Administration requirements.

Highways:

Wolf Avenue, an existing road will be improved with a 30-foot closed section with curb and gutter on a 50-foot right-of-way.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control:

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 runoff permit is, therefore, necessary for all grading, including the stripping of top soil.

Water:

Public water is available to serve this property. There is an existing 6-inch water main in Wolf Avenue. (See Drawing #B-003, 1-4-B)

Item #7 (April to October 1973 - Cycle V)
Property Owner: William V. Fabrick
Page 2
April 25, 1973

Sanitary Sewer:

Public sewer is not available to serve this site.

Very truly yours,

Eugene J. Clifford, P.E.
EUGENE J. CLIFFORD, P.E.
Chief, Bureau of Engineering

END:RAM:HN:iss

1-35 Key Sheet
NW 16 K Topo

Baltimore County Fire Department

J. Austin Dritz
Chief



Towson, Maryland 21204
872-7516

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

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

Re: Property Owner: William V. Fabrick

Location: E/S of Westminster Road, N/S of Wolf Street

Item No. RECLASSIFICATIONS Zoning Agenda Tuesday, April 3, 1973
7

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John J. Dillon* Noted and Approved: *Paul H. Rame*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mis
4/25/72

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR Wm. T. MILLER
DEPUTY TRAFFIC ENGINEER

April 26, 1973

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

Re: Item 7 - Cycle Zoning V - April to Oct. 1973
Property Owner: William V. Fabrick
NWC of Westminster Road & Wolf Street
Reclass. to B.M. - District 4

Dear Mr. DiNenna:

The subject petition is requesting a change from DR 3.5 & DR 16 to B.M. of .568 acres. This should increase the trip density from 50 to 250 trips per day.

This site in itself, is not of sufficient size to create any serious capacity problems. However, should this be just the beginning of the expansion of the commercial area in Reisterstown, a revision to the road system may be required.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:nc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1973

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, April 4, 1973, are as follows:

Property Owner: William V. Fabrick
Location: E/S Westminster Rd., N/S Wolf Street
Present Zoning: D.R. 16 and D.R. 3.5
Proposed Zoning: Reclass to B.M.
District: 4
No. Acres: 0.568

Metropolitan water is available. Private sewage disposal system functioning satisfactorily at this time.

Very truly yours,

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

HVB:mns



