

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Kenneth E. Taylor
Doris A. Heaver, and Norma E. Taylor
I or we, Stephen G. Heaver, and... 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an... D.R.5.5... zone to an... R.R.16... zone, for the following reasons:

1. In classifying the subject property D.R.5.5, the County Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and
2. Since this property was placed in a D.R.5.5 classification by the Council, the neighborhood has changed substantially in character as set out in the attached exhibit, which is incorporated by reference herein.

See attached description

and (3) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for... offices and for... office building in a D.R.16 zone.

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.

Cratina Enterprises, Inc.

By: *James D. Nolan*
James D. Nolan, President
11108 Ridge Drive
Box 1663
Rockville, Maryland 20850

Stephen G. Heaver
Stephen G. Heaver
Doris A. Heaver, Legal Owner
Norma E. Taylor
Norma E. Taylor, Legal Owner
York Rd., Luthersville, Md. 21093

Protestant's Attorney

ORDERED: By The Zoning Commissioner of Baltimore County, this... 12th... day of... 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... 12th... day of... 1973, at 1400 o'clock.

James D. Nolan
James D. Nolan
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION
W/S York Road, 395 1/2' S of Westbury Road - 9th District
Stephen G. Heaver, et al
Petitioners
NO. 74-60-RX (Item No. 18)
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners having withdrawn their Petition at least ten (10) business days prior to the hearing. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of September, 1973, that said Petition be and the same is hereby DISMISSED without prejudice.

James D. Nolan
James D. Nolan
Zoning Commissioner of Baltimore County

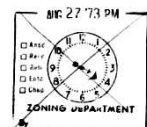
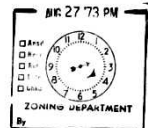
73099
1/3c
8/27/73

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION FOR STEPHEN G. HEAVER, ET AL.
Case No. 74-60-RX
Item No. 18
BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

ORDER OF DISMISSAL WITHOUT PREJUDICE

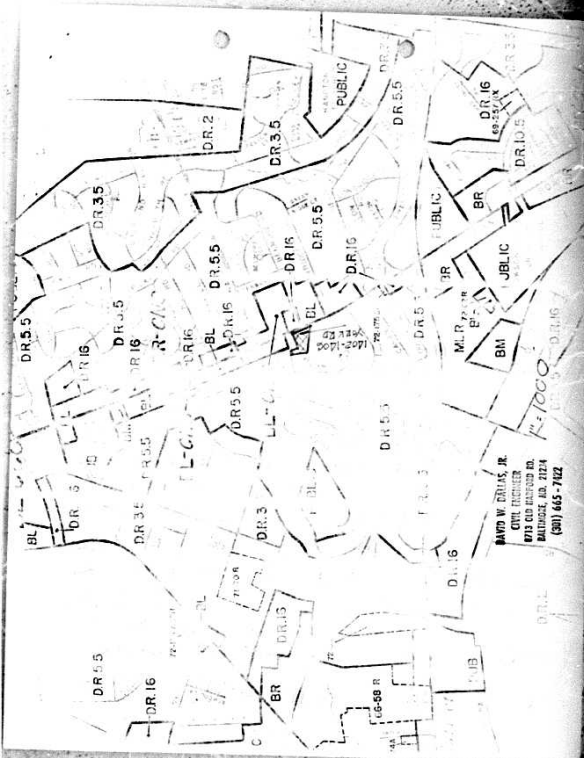
Mr. Commissioner:

On behalf of the Petitioners, KENNETH E. TAYLOR, NORMA E. TAYLOR, STEPHEN G. HEAVER and DORIS E. HEAVER, Legal Owners, as well as the Contract Purchaser, CRATINA ENTERPRISES, INC., please dismiss the above entitled case "WITHOUT PREJUDICE".



James D. Nolan
James D. Nolan
Nolan, Plumbhoff & Williams
Attorneys for Petitioners
204 W. Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 823-7800

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS
TOWSON, MD.



POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT PROPERTY D.R.5.5

The Petitioner states that the Baltimore County Council committed at the very least the following errors, and very probably additional errors in classifying the subject property D.R.5.5:

- 1.) D.R.5.5 zoning or any other residential density less than a D.R.16 classification is completely inappropriate for this York Road frontage.
- 2.) That the properties along this section of York Road are almost entirely commercial, automotive, and high-rise office in nature, and the property is completely inappropriate for D.R.5.5 usage and it was error for the Council to maintain the property in such a classification.
- 3.) That the property is an ideal site for office building use as a transition between York Road and the areas to the west, and it was error for the Council not to provide such land use by means of a Special Exception coupled with D.R.16 zoning.
- 4.) For such other and further errors as shall be disclosed during the course of the preparation of this case, which errors shall be brought out at the time of the hearing hereon.

CHANGES IN THE NEIGHBORHOOD

The Petitioner states that since the property was classified D.R.5.5 by the Baltimore County Council, the following changes have occurred in the neighborhood:

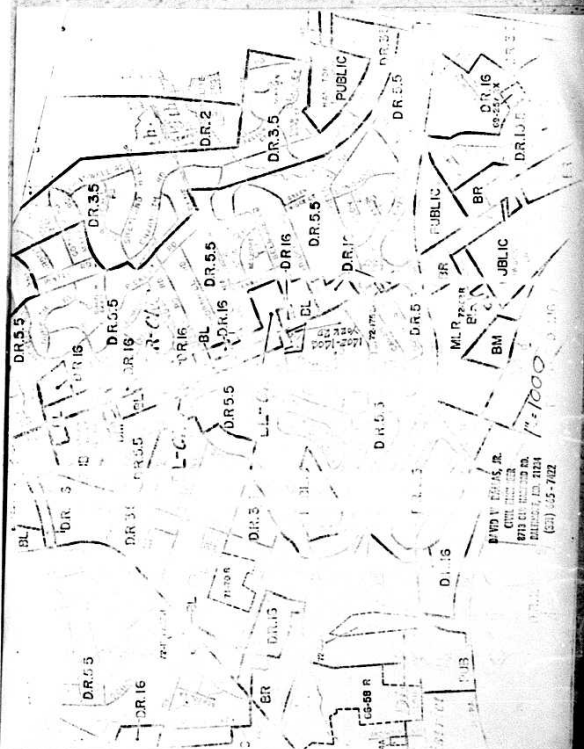
- 1.) There has been a substantial and unforeseen increase in traffic on York Road, rendering the property inappropriate for D.R.5.5 use and enhancing its development potential for office use in a D.R.16 zone.

- 2.) That the transition of this York Road frontage to commercial and office uses has hastened since the Council erroneously zoned the property D.R.5.5.
- 3.) For such other and further changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for the Petitioners and
Contract Purchaser

JDN:ak



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

WILLIAM D. FROMAN
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May 17, 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 #18, V Zoning Cycle, April to October 1973, are as follows:

Property Owner: Stephen G. Heaver, et al
Location: W/S of York Road, 395' S of Westbury Road 1402-1406 York Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to D.R. 16 and Special Exception for offices
District: 9
No. Acres: 1.923

The site plan should be revised to show the existing driveways on the east side of York Road, and the proposed driveways should be aligned with the existing driveways.

All interior lighting should be limited to a height of 8 feet and be in accordance with Section 409 of the Zoning Regulations.

The parking spaces should be a minimum of 8 feet in width.

Very truly yours,

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 108 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 486-3211 ZONING 486-3211

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE April 13, 1973

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

JOHN J. DILLON, JR.
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
THE DEPARTMENT
HEALTH DEPARTMENT
BUREAU OF PLANNING
BUILDING DEPARTMENT
BUREAU OF RECREATION

RE: Petition for Reclassification
and Special Exception
Kenneth E. Taylor, et al -
Petitioners
Item No. 18
Fifth Zoning Cycle

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 west side of York Road, 100 feet south of Westbury Road, in the Ninth District of Baltimore County. This property, which is currently zoned D.R. 5.5, is requesting a Reclassification to D.R. 16 with a Special Exception for an office building. The office building is proposed as a one (1) story structure, and would replace the two (2) existing dwellings that are on this property. The property contains 1.923 acres and could accommodate parking for 150 vehicles. There are 72 parking spaces required. There are residences to the north, south and west of the subject property. On the east side of York Road properties are developed as a church, a shopping center, a church oriented book store, and the Heaver Plaza office building. The Petitioner's site plan does not indicate the existing entrances on the opposite side of York Road, and should be revised to so indicate. Also, fire hydrants are not indicated and will be required by the Fire Prevention Division.

James D. Nolan, Esquire
April 13, 1973
Page Two

This petition for Reclassification and Special Exception 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 not 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:gc

Enclosure

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

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

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

April 16, 1973

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

Re: Item #18 (April to October 1973 - Cycle V)
Property Owner: Stephen G. Heaver, et al
Location: 1402 - 1406 York Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16
District: 9th No. Acres: 1.923 acres

Dear Mr. DiNenna:

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

General:

York Road is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

All public improvements necessary to the existing or proposed use exist, with the exception of public storm drains. Principal effect of the proposed use on the properties of others will be the increased rate and quantity of runoff to adjacent improved properties. 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.

Very truly yours,

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

END:RAM:OMK:SS
S-SE Key Sheet
HW 12 A Topo

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILD. 40 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 18 - Cycle Zoning V - April to Oct. 1973
Property Owner: Stephen G. Heaver, et al
York Road S. of Westbury Road
Reclass. to DR 16 & S.E. for offices
District 9

Dear Mr. DiNenna:

The subject petition is requesting a change from DR 5.5 to DR 16 of 2 acres. This should increase the trip density from 100 to 500 trips per day. This in itself, should create no major problem to traffic on York Road. However, there should be some difficulty entering or exiting this site, due to the traffic on York Road.

Very truly yours,

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

CRN:nc

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Director
James J. O'Donnell
Deputy Director

April 18, 1973

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

RE: RECLASSIFICATION April 1973
Property Owner: Stephen G. Heaver, et al
Location: 1402-1406 York Road (Rte 45) W/S 100' S. of Westbury Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16
District: 9
No. Acres: 1.923 Acres

Dear Mr. DiNenna:

The proposed entrances into the subject site are basically acceptable to the State Highway Administration, however, it may be desirable to align the entrances with existing entrances in the east side of York Road. These entrances should be indicated on the plan.

The proposed entrances will be subject to permit from this Administration.

The 1972 average daily traffic count on this section of York Road is 28,300 vehicles.

Very truly yours,

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

CLJ:K:dp

Baltimore County Fire Department



Towson, Maryland 21204
812-7310

J. Austin Deitz
Chief

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

Attention: Mr. JAMES J. O'DONNELL, Chairman
Zoning Advisory Committee

Re: Property Owner: Stephen G. Heaver, et al

Location: 1402-1406 York Road

Item No. Reclassification Zoning Agenda Tuesday, April 18, 1973
18

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: *James J. O'Donnell* Noted and Approved: *Paul H. Roach*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

nls
4/25/72

April 9, 1973

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

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

Dear Mr. DiNenna:

Comments on reclassification. Zoning Advisory Committee
Meeting, April 4, 1973, are as follows:

Property Owner: Stephen C. Heaver, et al
Location: 1402-1406 York Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to D.R. 16
District: 9
No. Acres: 1.923

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

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mmf

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: April 26, 1973

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

Z.A.C. Meeting of:

Re: Item 18

Property Owner: Stephen C. Heaver, et al
Location: 1402-1406 York Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to D.R. 16

District: 9
No. Acres: 1.923 acres

Dear Mr. DiNenna:

Acreage too little to effect student population.

Very truly yours,
W. Nick Petrovich
Field Representative

WNP/ml

EMILIE PARKS, President
EUGENE C. HESS, Jr., Vice President
MR. ROBERT L. BENNEY

MARJORIE M. BODENHORN
JOSEPH W. MCGOWAN
ALVIN LORICK
JOSEPH W. WHEELER, Superintendent

T. HAROLD WILSON, Chairman
RICHARD W. FRANK, Vice Chairman
MRS. MICHAEL J. WILSON

ZONING DESCRIPTION

DR 5.5 TO DR 16

WITH SPECIAL EXCEPTION FOR OFFICE BUILDING

1402 - 1406 YORK ROAD

BEGINNING for the same on the westernmost side of York Road (66 feet wide) at a point distant 395.52 feet measured in a southerly direction from the south side of Westbury Road (50 feet wide), thence binding on the west side of said York Road north 16 degrees 15 minutes west 295.52 feet, thence leaving said road and running parallel to and distant 100 feet in a southerly direction from the south side of said Westbury Road south 75 degrees 45 minutes west 250.00 feet, thence north 16 degrees 15 minutes west 100.00 feet to the south side of said Westbury Road, thence on said road westerly by a line curving to the north with a radius of 212.43 feet for a distance of 64.72 feet, thence leaving said road and running on outlines south 16 degrees 47 minutes west 201.15 feet and south 75 degrees 10 minutes east 470.53 feet to the place of beginning.

CONTAINING 1.923 acres of land more or less.

March 28, 1973

DAVID W. DUKAKIS, JR.
CIVIL ENGINEER
8719 OLD HATFIELD RD.
BALTIMORE, MD. 21204
(301) 663-7422



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9 Date of Posting: August 24, 1973

Posted by: C. PETERSON, FEB. RECLASSIFICATION & PETITION FOR SPECIAL EXCEPTION

Petitioner: STEPHEN C. HEAVER, ET AL

Location of property: W/S. OF YORK RD. 395.52' S.E. WESTBURY RD.

Location of Signs: FRONT 1402 AND 1406 YORK RD.

Remarks:

Posted by: Thomas H. Devlin Date of return: Aug. 30, 1973

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 28 day of

March 1972. Item #

S. Eric DiNenna
Zoning Commissioner

Petitioner: Stephen C. Heaver, et al

Petitioner's Attorney: J. A. Allen

Reviewed by: [Signature]

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

THE TOWSON TIMES

TOWSON, MD. 21204 August 27 - 1973

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric DiNenna
Zoning Commissioner of Baltimore County
was inserted in THE TOWSON TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one manuscript
weeks before the 27 day of August 1973 that is to say, the same
was inserted in the issue of August 23, 1973.

STROMBERG PUBLICATIONS, Inc.

By: Dick Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 23, 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
on the 23rd day of August, 1973, the first publication
day of the advertisement, 19.73, the last publication
day of the advertisement, 19.73, the first publication
appearing on the 23rd day of August, 19.73.

THE JEFFERSONIAN
B. L. Smith, Manager

Cost of Advertisement, \$.

James H. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

this 28th day of August 1973

S. Eric DiNenna
Zoning Commissioner

Petitioner: Kenneth E. Taylor, et al

Petitioner's Attorney: James H. Nolan

at 204 W. Pennsylvania Ave.
Towson, Maryland 21204

Reviewed by: [Signature]
Zoning Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 11184

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: August 30, 1973 ACCOUNT: 03-662

AMOUNT: \$122.07

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

James H. Nolan, Esq.

204 W. Penna. Ave.

Towson, Md. 21204

Adm. Invoice and posting of property for Stephen

G. Heaver, et al - 40-70-20-21 12207

BALTIMORE COUNTY, MARYLAND No. 8338

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: May 3, 1973 ACCOUNT: 05-662

AMOUNT: \$50.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

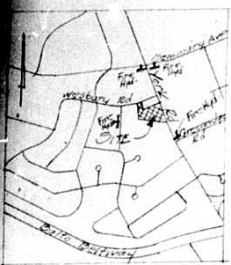
James H. Nolan, Esquire

204 W. Penna. Ave.

Towson, Md. 21204

Petition for Reclassification and Special Exception

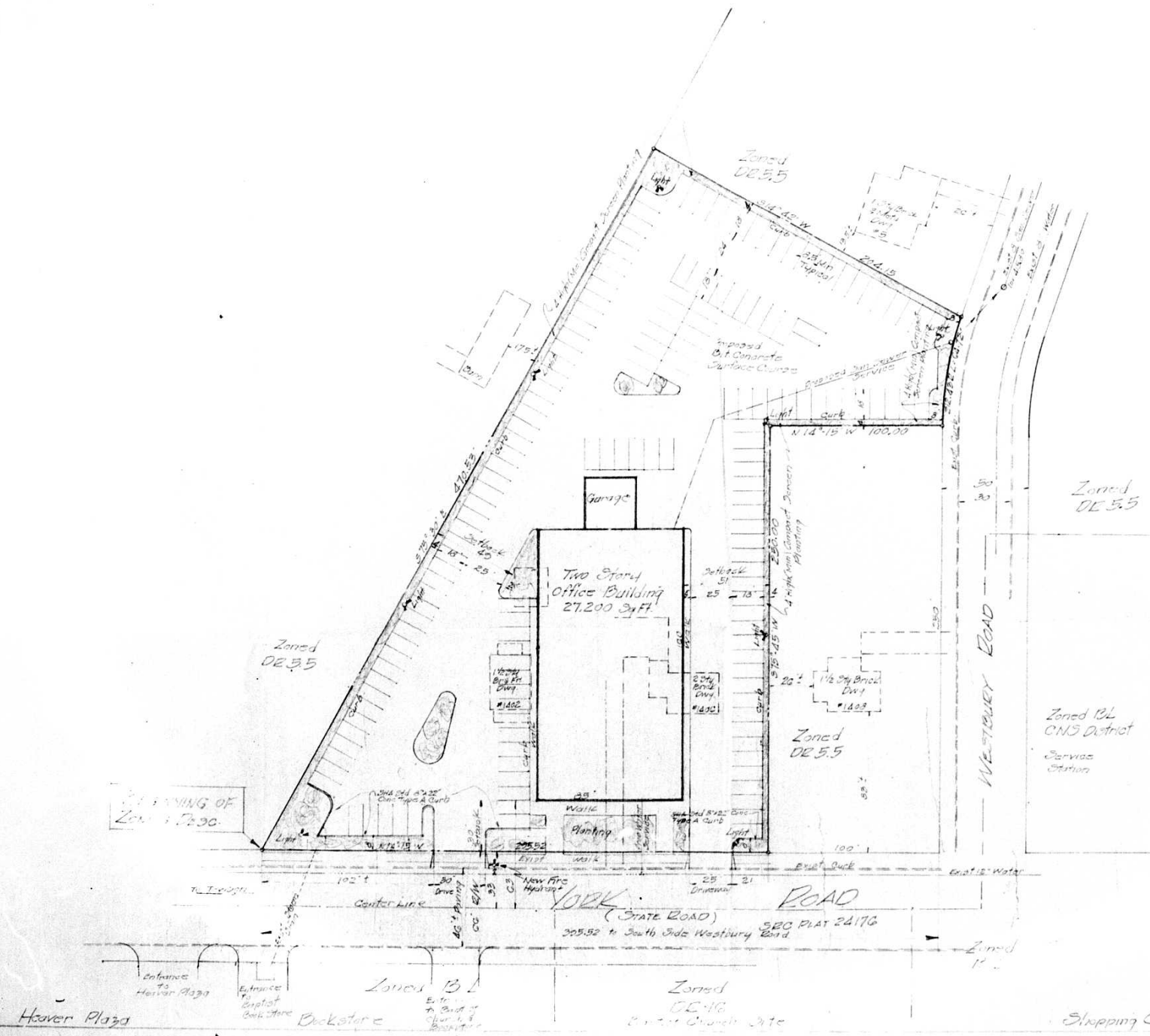
for Stephen G. Heaver, et al 5000



Location Map
Scale 1" = 100'



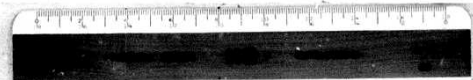
- ZONING DATA**
1. Existing Zoning of Tract DE 5.5
 2. Proposed Zoning of Tract DE 10 with Special Exception for Office Building.
 3. Gross Acreage of Tract 1.023 Acres
 4. Proposed Office Building Data
 - a. Office Bldg Area 1st Floor 13,000 SF
 - b. Office Bldg Area 2nd Floor 13,000 SF
 - c. Garages
 5. Required Parking 13000/500 + 13000/500 = 73 Spaces
 6. Proposed Parking 162 Spaces
 7. Minimum Parking Space 6.5x15'
 8. Parking - 2" Bit Conc Surface - Course
 9. 5" Crusher Run Stone Base
 10. Screening - 4 High (Min) Compact Screen Planting
 11. Lighting - Mercury Vapor Lights on 3' High Poles

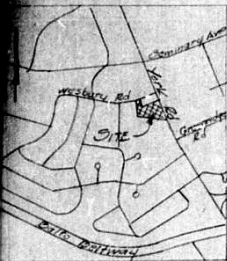


REVISED PLANS

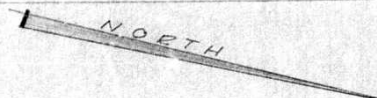
ZONING PLAT
 1402-1406 YORK ROAD
 5th Election District Baltimore Co. Md.
 3-11-1-30
 ATTORNEY
 James D. Nolan
 204 W. Pennsylvania Ave
 Towson, Md 21204
 Phone 823-7000

Item 18
 V Cycle
 Stephen G.
 Heaver,
 et al

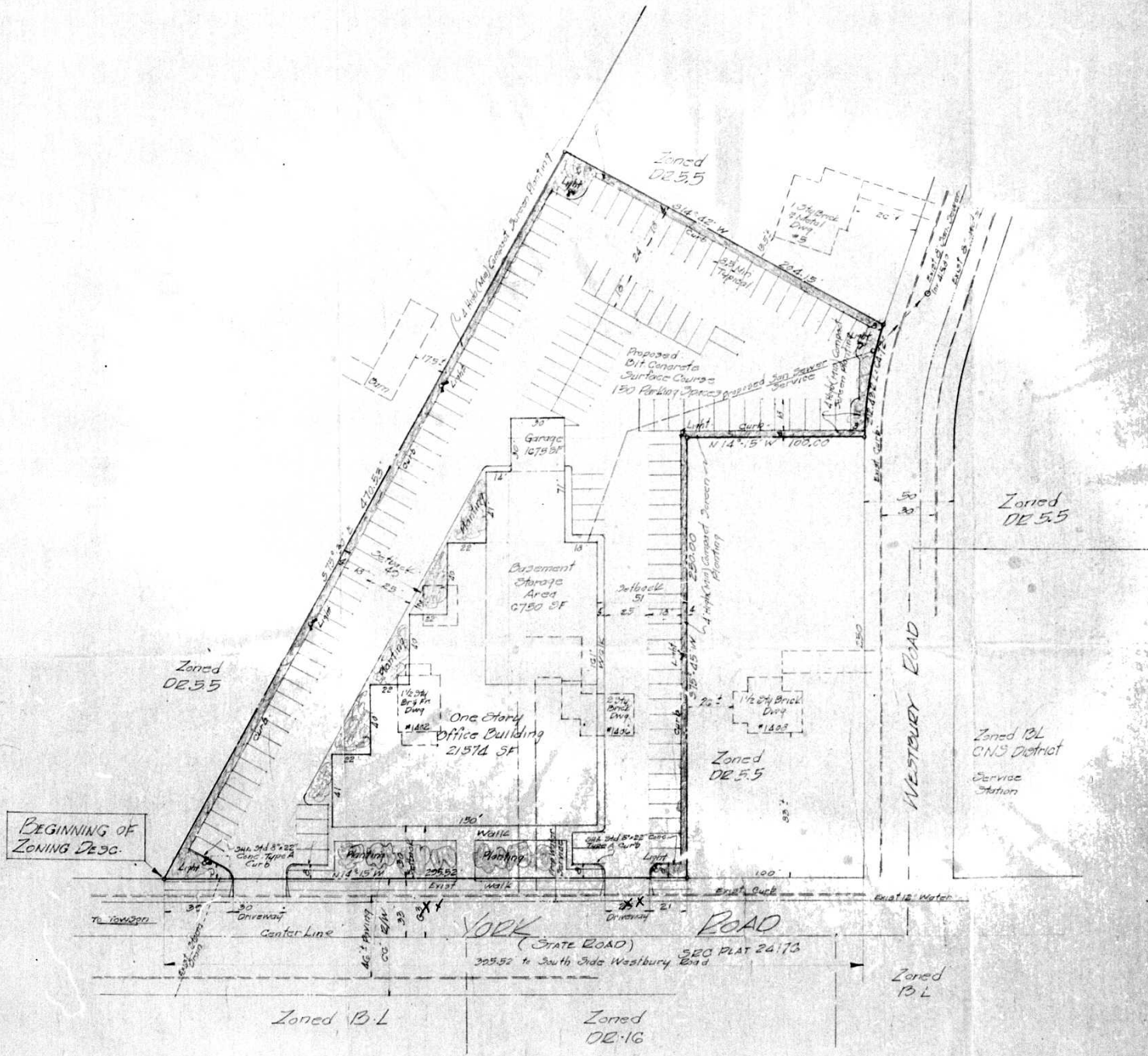




LOCATION MAP
Scale 1"=1000'



- ZONING DATA**
1. Existing Zoning of Tract
 2. Proposed Zoning of Tract DE 5.5
 3. Proposed Office Building
 4. Proposed Office Building Data
 - a. Office Building Area
 - b. Basement (Storage)
 - c. Garage
 5. Required Parking 21,374/300
 6. Proposed Parking
 7. Minimum Parking Space 8.5x18
 8. Paving 2 Bit Gravel Surface Course
5" Crusher Run Stone Base
 9. Screening 4 High (Min) Compact Screen Planting
Evergreen Trees
 10. Lighting Mercury Vapor Lights on 12 High Poles



MAP

SECTION	BY	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Old Plat

ZONING PLAT
FOR
1402-1406 YORK ROAD
2nd Election District Baltimore Co. Md.
Scale 1"=30' March 24 1973

ATTORNEY
James D. Nolan
204 W. Pennsylvania Ave.
Towson Md 21204
Phone 823-7000

James D. Nolan
BALTIMORE, MD.
CITY ENGINEER
6725 OLD BALTIMORE RD.
BALTIMORE, MD. 21204
(301) 845-7422

