

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Pikesville Plumbing and Heating, Inc., 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 R.D.P. zone to an M.R. (Manufacturing) zone; for the following reasons:

1. In placing the property in an R.D.P. zone, the County Council committed errors as set out in the attached exhibit, which is incorporated by reference herein; and
2. Since the property was classified R.D.P. by the County Council, the fundamental character of the area has changed, as set out in the attached exhibit, which is incorporated by reference herein; and
3. That pursuant to Section 240.4 of the Zoning Regulations there is a "Proposed Development Plan", meeting all the requirements of Section 240 thereof, attached hereto, and filed herewith, and the site is an ideal location for an M.R. zone.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a wireless transmitting and receiving structure one hundred feet (100) feet or greater in height.

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.

See attached description

Pikesville Plumbing and Heating, Inc.
Contract purchaser by George Klein Legal Owner
Address 390 Reisterstown Road
Baltimore, Maryland 21208

James D. Nolan Petitioner's Attorney
Address 204 W. Pennsylvania Avenue
Towson, Maryland 21204

Ordinance No. 7894 The Zoning Commissioner of Baltimore County, this 13th day of July, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of August, 1973, at 10:00 o'clock.

Walter A. Reiter, Jr.
Zoning Commissioner of Baltimore County.

(over)

10:00 AM
9/14/73

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

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 R.D.P.:

- 1.) R.D.P. or any other residential zoning is completely inappropriate on the subject property due to the topography and its location in close proximity to the Jones Falls Expressway.
- 2.) On the other hand, its dense tree cover and its excellent access to both the Jones Falls Expressway and the Baltimore County Beltway renders it an excellent location for a manufacturing restricted use such as that proposed by the Petitioner, and it was error for the Council to fail to recognize these manufacturing restricted potentials.
- 3.) 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 R.D.P. by the Baltimore County Council, the following changes have occurred in the neighborhood:

- 1.) That there has been a substantial and unforeseen increase in traffic in the area rendering it all the more inappropriate for residential use of the property.

- 2.) For such other and further changes as shall be disclosed by a minute study of this area and which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
Attorney for the Petitioner

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 761-6255-0900

DESCRIPTION

8.9226 ACRE PARCEL, LAND OF E. HILTON WRIGHT AND WIFE, SOUTH-
WEST SIDE OF FALLS ROAD AT JONES FALLS EXPRESSWAY, SOUTH OF
GREENSPRING VALLEY ROAD, THIRD ELECTION DISTRICT, BALTIMORE
COUNTY, MARYLAND.

This Description is For
"MR" Zoning with Special Exception

Beginning for the same at a 3/4 inch pipe set on the southwest right of way line of Falls Road and Jones Falls Expressway, as shown on State Roads Commission of Maryland Plat No. 25190, as revised June 21, 1961 where said right of way line is intersected by the seventh or last line of the first parcel of the land conveyed by Clinton P. Pitts and wife to E. Hilton Wright and wife by deed dated April 29, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3146, page 548, said beginning point being distant 1400 feet more or less, as measured southeasterly along the southwest right of way of said Falls Road and the Jones Falls Expressway, from the center of Valley Road, running thence binding on said right of way line five courses: (1) S 29° 57' 07" E 30.80 feet to a 3/4 inch pipe, (2) S 34° 24' 45" E 156.85 feet to a 3/4 inch pipe, (3) S 29° 22' 50" E 157.53 feet to a 3/4 inch pipe,

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

MCA
MATZ, CHILDS & ASSOCIATES, INC.

- (4) S 25° 15' 51" E 134.40 feet to a 3/4 inch pipe, and (5) S 19° 58' 22" E 5.66 feet to a 3/4 inch pipe set in the second or S 64° 35' W 417.12 foot line of said first parcel, thence binding on a part of said second line and on a part of the third line of said first parcel two courses: (6) S 56° 36' 00" W 387.86 feet to a 3/4 inch pipe heretofore set, and (7) N 45° 24' 00" W 190.66 feet to a 3/4 inch pipe heretofore set at the beginning of the second parcel of the land conveyed by the deed herein mentioned, thence binding reversely on the outlines of said second parcel seven courses: (8) N 83° 30' 00" W 246.65 feet to a stone marked "S", (9) N 83° 30' 00" W 219.35 feet to a 1/2 inch pipe heretofore set, (10) N 04° 03' 00" E 406.30 feet to a 1/2 inch pipe heretofore set, (11) S 81° 15' 00" E 36.23 feet to a 1 inch pipe heretofore set, (12) N 16° 55' 00" E 77.56 feet to a 3/4 inch pipe, (13) S 9° 32' 00" E 176.91 feet to a 1 inch pipe heretofore set, and (14) S 40° 38' 00" E 82.21 feet to a 3/4 inch pipe heretofore set at the beginning of the fifth line of said second parcel, and at the beginning of the seventh or last line of said first parcel, and thence binding on a part of said seventh line, (15) N 75° 28' 00" E 388.02 feet to the place of beginning.

Containing 8.9226 acres of land.
Being a part of the land conveyed by Clinton P. Pitts and wife to E. Hilton Wright and wife by deed dated April 29, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. 3146, page 548.

LAW OFFICES OF
NOLAN, PI HOFF & WILLIAMS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

December 27, 1976

The Honorable Walter A. Reiter, Jr., Chairman
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 74-62-RX
Pikesville Plumbing and Heating, Inc.

Dear Chairman Reiter:

We have just received your letter of December 20, 1976, with regard to the possibility that the enactment of the new zoning maps has obviated the need for a hearing in this case.

Of course, in the great majority of cases, the new zoning maps would have such an effect, but in this particular case this appeal should not be dismissed, since our request for reclassification to M.R. can only be obtained by the petition process and the passage of the new zoning maps would not render this case moot.

Accordingly, please consider this letter a written objection to the proposed dismissal and please continue to carry this case on your docket.

Thanking you and your fellow Board members for your consideration of this request and with best wishes for the New Year to you, the Board, and your staff, I am

Sincerely,
James D. Nolan
James D. Nolan

JDN/ss
Mr. George N. Klein
Pikesville Plumbing & Heating
John W. Hession, III, Esquire
People's Counsel
James H. Cook, Esquire
Counsel for Protestants
Edw. Pierson, Esquire
Pierson & Pierson

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 20, 1976

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

Re: Case No. 74-62-RX
Pikesville Plumbing and Heating, Inc.

Dear Mr. Nolan:

As the Petitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals, is considered moot. This decision is based on an opinion of the Baltimore County Solicitor's office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i. e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

cc: Pikesville Plumbing and Heating, Inc.
John W. Hession, III, Esq.
James H. Cook, Esq.
Mr. Edgar M. Lucas
Mr. W. James Price
Mr. William C. Trimble, Sr.
Ms. Nancy C. G. Trimble
Mr. William Trimble, Jr.
Ms. Amelia L. Carroll
Mr. Douglas G. Carroll
Theodore C. Denick, Esq.
Mrs. Eleanor M. Carey
Mr. Arthur D. McCombs

LAW OFFICES
COOK, MURRAY, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
408 WASHINGTON AVENUE
P. O. BOX 5517
TOWSON, MARYLAND 21204
December 20, 1976

Mr. Walter A. Reiter, Chairman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: File 74-62-RX
Pikesville Plumbing & Heating

Dear Mr. Chairman:

Now that the Comprehensive Maps are final, it appears to me that the above-captioned case is moot, and I would appreciate your Board's passing an appropriate Order dismissing the case and returning the file to the Zoning Commissioner.

Very truly yours,

James H. Cook
James H. Cook

JHC/ss



J.O. # 73024
March 20, 1973

Rec'd 12-21-76
10 AM

Rec'd 12-21-76
10 AM

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R.D.P. to M.R. and :
SPECIAL EXCEPTION for a Wireless : COUNTY BOARD OF APPEALS
Transmitting and Receiving Structure : OF
NW/5 Falls Road 1400' S. of :
Greenspring Valley Road : BALTIMORE COUNTY
3rd District :
Pikesville Plumbing and : No. 74-62-RX
Heating, Inc., :
Petitioner :

ORDER OF DISMISSAL

Petition of Pikesville Plumbing and Heating Inc. for reclassification from R.D.F. zone to an M.R. zone and a special exception for a Wireless Transmitting and Receiving Structure on property located on the northwest side of Falls Road 1400 feet south of Greenspring Valley Road, in the Third Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an order of dismissal of petition filed April 18, 1977 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the petition filed on behalf of said Petitioner be dismissed and withdrawn as of April 18, 1977.

IT IS HEREBY ORDERED this 21st day of April, 1977, that said PETITION be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gifford

John A. Miller

Mr. Bernard Whiteman, a qualified land planner, indicated that he has been familiar with the area in excess of 25 years. It was his impression that the immediate neighborhood was bounded by the Beltway to the south, Lutherville to the east, and Stevenson Road to the west. He felt that the subject property does, in fact, meet the criteria for an M.R. Zone. Mr. Whiteman indicated that the zone is a floating zone and is not subject to the normal rules for a Reclassification, namely, change and/or error. He felt that the intent of the M.R. Zone would be to protect the surrounding residential area and that the subject request should be treated on its own merits. It was his impression that the plan, as submitted by the Petitioner, would meet all the requirements of an M.R. Zone and that the proposed use would not have a detrimental affect on the community; the property being geared to a major thoroughfare and not to any residential area.

Residents of the area, in protest to the subject Petition, indicated that the granting of this request would be an open wedge to the whole Greenspring Valley and were fearful that the Valley would become commercial. It was indicated that the Valley is mainly of a rural nature, with many farms and horsefarms located therein.

The attorneys hereto were requested to submit legal Memorandums and, after submission and review, the Zoning Commissioner would render a decision. 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 requested M.R. zoning should be granted.

The request for an M.R. Zone is one of uniqueness in that, having been created in the adoption of the 1955 Baltimore County Zoning Regulations and as amended under Bill 56, 1961, an M.R. Zone could only be obtained by

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SW/8 of Falls Road at Jones Falls : ZONING COMMISSIONER
Expressway S of Greenspring Valley : OF
Road, 3rd District : BALTIMORE COUNTY
Pikesville Plumbing and Heating, Inc. : BOARD OF APPEALS
Petitioner : Case No. 74-62-RX

PETITION FOR WITHDRAWAL WITHOUT PREJUDICE

MR. CLERK:

Please be advised that the property owner, Pikesville Plumbing & Heating, Inc. has sold the property that is the subject of these proceedings and therefore requests that these proceedings be withdrawn without prejudice.

James D. Nolan
Nolan, Plimhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 15th day of April, 1977, a copy of the foregoing Petition for Withdrawal was mailed, postage prepaid, to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204.

James D. Nolan

LAW OFFICE
NOLAN, PLIMHOFF
& WILLIAMS
TOWSON, MD.

Rec'd 4-18-77
10 AM

Petition. The Court of Appeals of Maryland, in the case of Huff vs. Board of Zoning Appeals of Baltimore County, 214 Md. 48(1956), determined that an M.R. Zone, under the aforementioned Regulations, is a so-called "floating zone". This case involved a Reclassification of a parcel of land for a manufacturing facility for the assembly of certain precision instruments, etc. The Opinion indicated that an M.R. Zone is "analogous to a special exception, and the rules which are applicable to special exceptions would apply, not the general rules of original error or change in the character of the neighborhood, that control the propriety of rezoning." In his opinion, Judge Hammond went on to state that the usual requirement of proving original error and/or change in the character of the neighborhood does not apply in the case of the M.R. Zone when carried out on a property developed in accordance with the M.R. Regulations. It must be determined that the proposed use is compatible with surrounding uses and zones, be they residential, commercial, industrial, or a combination thereof.

The subject property is directly across from the extension of the Jones Falls Expressway and Falls Road, automotive service stations, other commercial uses, and the State Highway Administration Complex. To the west is Greenspring Valley for approximately six miles; the subject property being on the fringes of the easternmost portion of said Valley.

In the opinion of the Zoning Commissioner, the subject property, as presently classified, is not conducive to residential development. Because of the general location of the subject property and its surroundings, as previously described, the granting of an M.R. Zone would not be detrimental to the health, safety, and general welfare of the community.

The question now arises as to whether the request meets the spirit and intent of Bill No. 100, 1970, incorporated into the Baltimore County Zoning

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION : BEFORE THE
NW/5 of Falls Road, 1400' S of : ZONING COMMISSIONER
Greenspring Valley Road - 3rd : OF
Election District :
Pikesville Plumbing and Heating, : BALTIMORE COUNTY
Inc. - Petitioner :
NO. 74-62-RX (Item No. 13) :

This matter comes before the Zoning Commissioner as a result of a Petition filed by Pikesville Plumbing and Heating, Inc., for a Reclassification from an R.D.P. Zone to an M.R. Zone and, additionally, a Special Exception for a wireless transmitting and receiving structure, 140 feet or greater in height. The subject property is located on the west side of Falls Road, 1400 feet south of Greenspring Valley Road, in the Third Election District of Baltimore County, and contains 8.922 acres of land, more or less.

At the outset of the hearing, the Petitioner moved to withdraw the requested Special Exception. Said motion was granted. This Special Exception should be dismissed with prejudice.

Testimony indicated that certain provisions of the Baltimore County Zoning Regulations, under Section 240, had not been complied with. At this point, the hearing was continued, pending submission of the required proposed development plan for the requested M.R. Zone.

At the continued hearing, it was determined that the prerequisites of the aforementioned Section had been complied with.

The Petitioner's Vice-President, Mr. George Klein, indicated that he has been a master plumber in the plumbing and heating business since 1946 and that the corporation owns the subject property with no contingencies attached thereto. He stated that the proposed use was to be that of office and storage, with light fabrication of sheet metal. He indicated that the hours of

Regulations under the R.D.P. Zone. Said Regulation states that an R.D.P. Zone shall not be reclassified without benefit of public sewer. It is the Zoning Commissioner's opinion that the full intent of this Regulation was to prohibit urbanization of rural areas. It was not intended to prohibit the establishment of a floating zone (M.R. Zone). With all circumstances being equal, the granting of this floating zone would not have a detrimental affect upon this general locality. In the instant case, Pikesville Plumbing and Heating is locating its use on a parcel of property that is geared toward other business and commercial uses and major arteries of access. In no way is it geared toward any residential development. The proposed development plan, as approved by the Baltimore County Planning Board, and the ultimate development of the subject property in strict compliance with said plan, would not have a detrimental affect upon this general area.

Before granting a Special Exception, an M.R. Zone being in the nature of a Special Exception, the Petitioner must meet the prerequisites of Section 502.1. In the instant case, this burden has been met.

Furthermore, the proposed development plan has been reviewed by the Zoning Commissioner and, as such, should be approved in accordance with Section 240.4 of the Baltimore County Zoning Regulations.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of January, 1976, that the herein described property or area should be and the same is hereby reclassified from an R.D.P. Zone to an M.R. Zone, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

operation would generally be from 7:30 a.m. to 5:30 p.m., with approximately 20 to 24 employees, that the maximum number of individuals on the subject property at any one time would be 35 to 40, and that all operations would be indoors, except for the loading and unloading of materials. He stated that the present facilities are located on Reisterstown Road, next to residences, on one and one-half acres of land. It is his feeling that accessibility to the Baltimore Beltway and other major thoroughfares makes the subject property an ideal location. Public water is available to the property and public sewer is approximately 700 feet south of the subject property.

Through the testimony of Paul D. Didier, Baltimore County Health Department, it was stipulated between counsel that the subject property has passed all percolation tests and that the proposed use could be approved without public sewer facilities.

Mr. Harold DeGarmo, the proposed builder, indicated that the structure would be of a colonial design, with a maximum height of 24.7 feet, and would be compatible with the surrounding area.

Mr. John Erdman, a qualified traffic engineer, indicated that Falls Road is approximately 24 feet wide and that the Jones Falls Expressway, at this location, is a divided highway, with two lanes in each direction. He indicated that the subject property is easily accessible to the major highways, the Baltimore Beltway being located closely to the south. He stated that the proposed zoning would generate a maximum of 900 trips per day. Mr. Erdman's testimony, based on his study and recommendations, further indicated that the requested use would not have a detrimental affect upon the roads of the area, inasmuch as the traffic would be geared from the subject property to the Jones Falls Expressway, Baltimore City, and the Baltimore Beltway, in an easterly or westerly direction, and not towards any residential areas to the north.

It is further ORDERED that the proposed development plan, as submitted herein, is approved, and that all buildings and grounds shall be developed and maintained in accordance with said plan.

It is further ORDERED that any changes anticipated by the Petitioner, in the construction and development of the subject property, shall be subject to the submission of a Petition by the property owner and public hearing.

It is further ORDERED that the Special Exception for a wireless transmitting and receiving structure be and the same is hereby DISMISSED with prejudice.

John A. Miller
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE January 27, 1976

BY John A. Miller

PROPOSAL OF PIKEVILLE PLUMBING AND HEATING, INC., FOR M.R. (MANUFACTURING, RESTRICTED) ZONING OF AN 8.92-ACRE TRACT ON THE WEST SIDE OF FALLS ROAD AND THE JONES FALLS EXPRESSWAY, NORTH OF THE BELTWAY IN THE THIRD ELECTION DISTRICT OF BALTIMORE COUNTY, NO. 74-62-RX (ITEM NO. 13)

INTRODUCTION

Pikesville Plumbing and Heating, Inc., the corporate name of the Klein family plumbing and heating firm which for many years has been active in the County and the Baltimore area, has filed a request for M.R., that is, Manufacturing, Restricted, zoning on an 8.92-acre parcel in the Third Election District. M.R. zoning is Baltimore County's most restricted industrial zone, and these restrictions are fully set out in Section 240 to 243 of the Zoning Regulations.

The M.R. zone is a unique zone under the Baltimore County Zoning Regulations and the Court of Appeals of Maryland has said in *Huff v. Board of Zoning Appeals*, 214 Md. 48 (1956) that it is a floating zone which is analogous to a special exception rather than the usual reclassification case which requires a showing of either change in the neighborhood or error in the original zoning. Perhaps the most well known example of the M.R. zone in Baltimore County is the Diecraft Plant on York Road which was the tract involved in the *Huff* case, which plant has proved to be most compatible to the area in which it was placed.

LOCATION AND SURROUNDING USES

Pikesville Plumbing and Heating, Inc., hereinafter called Pikesville, is the owner in fee simple of two adjoining tracts on the west side of Falls Road, totalling 17.33 acres, with M.R. zoning being requested on the northernmost tract of 8.92 acres. Thus, if this request is granted, Pikesville corporate headquarters and other buildings will be situated in the middle of a green park-like setting which will appear in all respects from Falls Road

almost exactly as it appears today. As can be seen on the development plat, extensive areas are to be landscaped to enhance the already existing shrubbery and trees, most of which will be kept. As can also be seen, the existing entrance will be maintained with only a very slight widening of the driveway for safety purposes. The property will also be insulated by the bed of Deep Run which forms the western and southern borders of the overall parcel.

The property enjoys excellent accessibility, both to the Jones Falls Expressway and to the Baltimore County Beltway, since the Expressway is located virtually directly across Falls Road from the property. Other nearby uses include the State Highway Administration maintenance yard and garage, located directly across Falls Road to the east of the property, the Valley Inn, located on the east side of Falls Road a short distance to the south, with the State Highway Administration District Headquarters and yards being located directly across the Jones Falls Expressway to the north-east, and various service stations, drive-in restaurants, commercial facilities and the Green Spring Valley Inn, located a short distance to the north on the east side of Falls Road. All of these surrounding uses can be readily seen from the front property line along Falls Road. The adjoining properties to the west and the north are undeveloped and are being used for agricultural purposes.

The subject property and surrounding properties on the west side of Falls Road are zoned R.D.P.

BENEFITS OF THE PROPOSAL

Pikesville believes that this request is of benefit to both Baltimore County and its own interests, for the following reasons:

1. The M.R. zone being a floating zone in the nature of a special exception should not constitute a zoning change in the area upon which other requests for reclassification could be based.

2. As previously noted, the proposed office, warehouse and shop will be set well back from the road, virtually in the center of a 17-acre tract, with extensive screening, landscaping and fencing separating it from surrounding properties.

3. The proposed facility will fit in well with its surrounding uses, and it will be far more attractive than its neighbors maintained by the State Highway Administration.

4. The property enjoys immediate access to the Jones Falls Expressway and from the Expressway to the Baltimore County Beltway and will place no significant amount of new traffic on area roads. In fact, it will probably develop fewer trips than if the property were developed for 17 one-acre homesites, as permitted under the existing zoning.

5. The present residence on the property is old and is out of step with the surrounding highways, governmental uses and commercial uses, and the proposed facility will commit these 17 acres to a very unobtrusive and quiet use for many years to come, preventing the introduction of any strip commercial or other undesirable uses on the property.

6. The subject property as proposed to be developed will be an asset rather than a liability upon the tax rolls, while making little demand upon public services.

7. The proposed facility will place less of a load and make lighter demands upon both water and sewer facilities than 17 homes which could be constructed on this property. This 17-1/2-acre tract can readily accommodate one modern private septic system without producing undesirable pollution, while septic systems from 17 separate homes would be very likely to lead to further pollution of Deep Run, further adding to the pollution of Jones Falls.

8. Under the M.R. Regulations, Baltimore County has the power to completely supervise development of the tract, thus

assuring compatibility of the facility with the surrounding neighborhood.

9. The limited development proposed will produce far less runoff from storms than if the property were cleared and developed in 17 separate homesites with extensive new public roads, driveways and house roofs, all contributing to the flow of storm water.

CONCLUSION

For all these reasons, Pikesville respectfully requests that its request for M.R. zoning on 8.92 acres of this 17.33-acre tract be approved, including its proposed development plan. The property owner and its engineer would be glad to furnish any further information that may be required and would welcome an opportunity to meet with any agency of Baltimore County government with regard to this proposal.

Respectfully submitted,

James D. Nolan
James D. Nolan

James D. Nolan
Nolan, Plunhoff & Williams
254 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

Attorneys for the property owner,
Pikesville Plumbing and Heating, Inc.

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

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NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

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-4-

LAW OFFICES
COOK, MURRAY, HOWARD & TRACY
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

February 19, 1976

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

Re: Petition for Reclassification
and Special Exception
NW/4 of Falls Road, 1400' S
of Greenspring Valley Road -
3rd Election District
Pikesville Plumbing and Heating
Inc. - Petitioner
NO. 74-62-RX (Item No. 13)

Dear Mr. DiNenna:

Supplementing my previous letter of this date, I am listing below the names and addresses of the Protestants in the above matter:

Edgar M. Lucas
Valley Road
Brooklandville, Maryland

W. James Price
825 Hillside Road
Brooklandville, Maryland

William C. Trimble, Sr.
Valley Road
Brooklandville, Maryland

Nancy C. G. Trimble
Valley Road
Brooklandville, Maryland

William C. Trimble, Jr.
Owings Mills, Maryland

S. Eric DiNenna, Esq.

-2-

February 19, 1976

Amelia L. Carroll
Valley Road
Brooklandville, Maryland

Douglas C. Carroll
Valley Road
Brooklandville, Maryland

Very truly yours,

James H. Cook
James H. Cook

JHC:rm

LAW OFFICES
COOK, MURRAY, HOWARD & TRACY
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

February 19, 1976

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

Re: Petition for Reclassification
and Special Exception
NW/4 of Falls Road, 1400' S
of Greenspring Valley Road -
3rd Election District
Pikesville Plumbing and Heating
Inc. - Petitioner
NO. 74-62-RX (Item No. 13)

Dear Mr. DiNenna:

Would you kindly enter an appeal to the County Board of Appeals from your Order of January 27, 1976 in the above entitled case, this appeal being on behalf of the following persons:

Edgar M. Lucas
W. James Price
William C. Trimble, Sr.
Nancy C. G. Trimble
William C. Trimble, Jr.
Amelia L. Carroll
Douglas C. Carroll

I am enclosing herewith our check to cover the cost of this appeal.

Very truly yours,

James H. Cook
James H. Cook

JHC:rm
Enc.



January 27, 1976

James D. Nolan, Esquire
254 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
and Special Exception
NW/4 of Falls Road, 1400' S
of Greenspring Valley Road -
3rd Election District
Pikesville Plumbing and Heating
Inc. - Petitioner
NO. 74-62-RX (Item No. 13)

Dear Mr. Nolan:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,
S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

SED/acw

Attachments
cc: James H. Cook, Esquire
Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

Theodore C. Denick, Esquire
916 Munsey Building
Baltimore, Maryland 21202

William C. Trimble, Esquire
1600 Maryland National Bank
Building
Baltimore, Maryland 21202

Mrs. Eleanor M. Carey
1300 Mercantile Bank & Trust
Building
Baltimore, Maryland 212

Mr. Arthur D. McComas
Falls Road
Cockeysville, Maryland 21

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
SW/3 of Falls Road at Jones Falls
Expressway S of Greenspring Valley
Road, 3rd District : OF BALTIMORE COUNTY
PIKEVILLE PLUMBING & HEATING, INC., : Case No. 74-62-RX
Petitioner

ORDER FOR APPEAL

Mr. Commissioner:

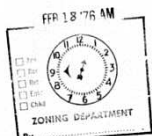
Please note an Appeal from your decision in the above entitled matter under date of January 27, 1976, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hession III
John W. Hession, III
People's Counsel

Charles E. Kuntz Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204

I HEREBY CERTIFY that on this 17th day of February, 1976, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, Nolan, Plunhoff & Williams, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession III



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would constitute (where the Dundore plant in the Huff case was located), which required the Petitioner in that case to seek locations in rural, sparsely settled areas, in which areas the need for original designation of industrial zones would have been impossible to foresee. In the instant case no such compelling factors of national security or general public welfare exists, for the Petitioner very openly admitted that his selection of the within site was determined solely on the basis of economics, road network accessibility, and was ideally suited for its uses.

In reviewing the remaining testimony adduced by the Petitioner, we must consider the testimony of the proposed builder, Mr. DeGarmo, the traffic expert, John Erdman, the engineer, Richard Smith, the realtor, Hugh E. Gelston, and the planner, Bernard Willemain.

With respect to the testimony of Messrs. DeGarmo, Erdman, and Smith, it is submitted that none of their testimony has any real bearing on the merits of the within controversy. It is plausible that the proposed use would not cause a traffic hazard; it is logical to expect that the proposed building will be structurally sound; and further, it is logical to assume that the Petitioner will be required to comply with the regulations of the Department of Engineering of Baltimore County with respect to building design and land use.

When considering the testimony presented by Mr. Gelston, however, Protestants submit that the same should be rejected out of hand in light of his flippant statement which indicates the care with which he undertook the investigation of this particular

MEMORANDUM IN OPPOSITION TO PETITION FOR RECLASSIFICATION
OF THE PROPERTY OF PIKEVILLE PLUMBING AND HEATING, INC.
PETITION 72-RX

Pikeville Plumbing and Heating, Inc., has filed the within Petition for Reclassification from an RDP zone to an MR zone of 8.9226 acres of land on the southwest side of Falls Road, near the northern terminus of the Jones Falls Expressway, the subject tract being at the eastern end of the large area of Baltimore County, running from Falls Road through to Reisterstown Road known as the "Greenspring Valley". The physical description and the exact location of the property were clearly set forth by the various witnesses who testified before the Zoning Commissioner.

The Petition, with the accompanying Memoranda filed therewith, alleges two grounds which the Petitioner claims justifies such reclassification. First, that the County Council committed error in placing the subject property in an RDP zone, and, secondly, that there have been changes in the character of the neighborhood since the adoption of the Comprehensive Zoning Maps in March of 1971 that would justify this reclassification.

By the time of the hearing hereon, the Petitioner, apparently at the urging of its witness Bernard Willemain, changed its theory of the case, and is now arguing that its only burden to justify reclassification is to prove the requirements needed for a Special Exception, attempting to compare the within case with that of Huff vs. Board of Zoning Appeals, 214 Md. 28.

The testimony of George Klein, the principal owner and guiding light of the Petitioner Corporation, submitted that

assignment), to the effect that "there is nothing rural about the Greenspring Valley". A fifteen minute ride from Falls Road to Reisterstown Road, through this Valley, by way of the Greenspring Valley Road, even to a person with a severe case of glaucoma, would give the lie to such statement, as would, it is submitted, the opinions of 99% of the residents of Baltimore County living within five miles of either side of the Baltimore County Beltway. Further, this witness stated that public sewer and water service are available to such a site, which statement is clearly contrary to fact as well as to the statement of the Department of Public Works of Baltimore County, which statement was incorporated in the Planning Board's recommendations in the within case.

The next witness, Bernard Willemain, in an obvious effort to limit substantially the boundaries of the neighborhood in which the subject property is situated (as compared with the description of the neighborhood as submitted by Mr. Gelston), stated that the boundaries are Joppa Road on the east (a distance of about 1,000 feet), the Meadowood property on the west, (which is the adjacent piece of farm land which speculators have endeavored for the last fifteen years to get reclassified), Green Spring Valley Road on the north (which is the northern boundary of the adjacent Meadowood property), and the Beltway on the south (a distance of about a quarter of a mile). In essence, Mr. Willemain proposed to restrict the neighborhood almost entirely to the Petitioner's parcel of land and the immediate adjacent properties, north, east, south and west. More importantly, however, Mr. Willemain, in describing the MR zone, professed great familiarity with same, alleging that he in fact wrote the Regulations setting

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the reason for his company desiring to move from its present location was that its existing site on Reisterstown Road had become too small for efficient and economic use, and for expansion by the company by reason of the condemnation of a portion of such property by a public utility. When asked by his counsel what were the attributes of the subject site that determined its selection, over all others, he testified very candidly that the selection was based on (1) economics, (2) the accessibility of the road network, and (3) that the location was ideally suited for the use to which he would like to put the property. That is all! Nothing more. It is submitted that these reasons by the Petitioner for selection of this site in no way, in and of themselves, justify reclassification. Nor do such reasons form a factual basis upon which experts can base an opinion to support any theory warranting reclassification.

The recommendations of the Planning Board for Baltimore County, a part of the record in this case, very clearly set forth that a reclassification of the subject property would be in violation of the provisions of Section 1A00.1, subparagraphs 2a and 2b of the Baltimore County Zoning Regulations. It is submitted that a reading of these regulations indicates that it was the clear legislative intent to make the regulations mandatory, for in subparagraph 2a the language used is "that rural land shall be classified...", and later on in paragraph 2b the mandatory wording is again used "that land classified as RDP shall not be reclassified (rezoned) until such time...". As the comments of the Planning Board's recommendations indicate, and as the testimony in the within case would indicate, the legislative mandate of classification within an RDP zone is clearly indicated for the subject property. Furthermore, the legislative mandate as to what is required

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up the MR zone in 1953, or thereabouts, when he was either with the Planning Department, or at the special request of the Planning Department - testimony being unclear on this point - and stated that since its enactment in 1955 this zone has "been used successfully here in Baltimore County".

An examination of the existing MR zones in Baltimore County shows how ridiculous such a statement is and sheds doubt on the rest of his opinions. For example, the 18 acre tract of land which was placed in an MR zone by the decision in the Huff case in 1957, which case was filed immediately after the original Legislative enactment creating the MR zone, was ten years later, at the request of the very same Petitioner, reclassified to an MNR zone on the grounds of the testimony of their expert witnesses of the "inherent liabilities and drawbacks of the MR zone".

When Mr. Willemain suggests that the MR zone has been used successfully in Baltimore County since its enactment in 1955, one need only look at the present zoning maps, to see what has transpired in the past twenty years.

First, the Dundore property, which was the subject of the Huff case, and which gave rise to the enactment of the MR zone in the first place, was, as seen above, later reclassified out of the MR zone at the request of the same Petitioner. Secondly, on the following seventeen out of twenty-one zoning maps of Baltimore County, there exists at the present time no land that is zoned MR:

Map 4B, Essex-Middle River
Map 2F, Pretty Boy Reservoir
Map 1F, Whitehall area Map
Map 3G, Maryland Line area
Map 2B, Western area
Map 1C, Liberty Dam area
Map 2C, Carroll County-Pennsylvania Line area

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of the property owner before reclassification can be granted has not been met.

Further, this requested reclassification, as indicated in the Planning Board report, is not in accord with the suggested development plan adopted by the Regional Planning Council, or, more importantly, the adopted Baltimore County 1980 Guide Plan.

The Petitioner, in grounding its case on the Huff decision, loses sight of some very clear and obvious distinctions between the two cases:

a. At the time of the decision in the Huff case, the Office of Planning was in the process preparing a land use plan for the entire county, had prepared the plan for some sections of the county, but had not as yet prepared a land use plan for the vicinity of the Dundore property, which was the specific parcel of land involved in the Huff case. In the within case, however, the 1980 Guide Plan, established pursuant to Section 22-12 through 22-15 of the Baltimore County Code, 1968, as amended, clearly defines the vicinity within which the subject tract lies as being designated for large lot residential and low intensive institutional uses.

b. In the Huff case, one of the compelling reasons upon which the recommendations of the Planning Board and of the Courts was based, was the fact that the Petitioner, being engaged in national defense work for the manufacture of military products, was under a requirement by the federal government to have its manufacturing facilities located not less than ten miles from possible

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Map 5C, Bradshaw Area
Map 1D, Reisterstown area
Map 1B, Granite area
Map 4D, Kingsville area
Map 4A, Dundalk - Patapsco Neck area
Joint Map 4E and 1E, Sparks and Upperco area
Map 4C, Overlea area
Map 3E, Sparks - Hereford area
Map 2C, Pikeville area

On the following four maps one finds only eight parcels of land, which, twenty years after the creation of the MR zone, are now in such zone:

1. On the Cockeysville area map, Map 3D, there are two properties zoned MR:

(a) One is the Timonium Race Track property on the west side of York Road, which is zoned MR-1M.

(b) The other is the property on the east side of York Road, opposite the northern end of the Race Track property, which is occupied by Faw Plastics, C&P Storage yard, Blair & Sons Bldg. office and warehouse, and Belsinger Hardware Store.

2. In the Catonsville-Arbutus area, Map 2A, there are two small areas of MR zoned land on the Map:

(a) One is the property on the south-east quadrant of Edmondson Avenue and Arbutus Avenue, just east of the Beltway, occupied for years by the Seven-Up Bottling plant, consisting of eight acres, which was zoned from its non-conforming use of R-10 to MR by petition under file 5550.

(b) The second is a property of approximately eleven acres of land, on Hilltop Road, just south of Frederick Road, and almost to the rear of the Candlelight Lodge, on which is

located a research oriented plant, which zoning was put on the maps in 1962.

3. In the Worthington-Shawon Road area, Map 2D, there is a tract of land zoned MR-IM, located between the residential subdivision on the border of Suburban and Kingsberry Road, and a large ML-IM zoned tract of property bordering both sides of the Western Maryland Railway.

4. On the Map of Towson, Map 3C, there are three parcels of MR land as follows:

(a) There is a sliver of MR-IM land approximately 100 feet wide and 1,000 feet long - too small to build anything on - running southwest to northeast, adjacent to the Bendix and Cromwell Bridge Road Industrial Park, which separates the industrial area from the residential properties of the Cromwell Valley subdivision immediately to the west of said Industrial Park.

(b) There is a small sliver of MR land running from Joppa Road on the south and Goucher Boulevard on the north, and bounded by Providence Road on the east - again too small to build on - an subject to deed restrictions, which separates and is used as a buffer between the residential area on the west side of Providence Road from the ML-zoned land to the east of this MR land, which ML-zoned land was originally used by the Murray Corporation, but is presently occupied by the Blue Cross, Blue Shield Building.

(c) There is a parcel of land zoned MR-IM on the west side of York Road just north of the York Ridge Shopping Center and immediately adjoining, to the east, the ML-IM zoned land of Kilmarnock Industrial Park. The northern portion of this MR-IM land is occupied by the Tail of the Fox Restaurant,

and the southern portion is presently the subject of a pending zoning petition seeking to reclassify it for an additional restaurant use. To the west of this MR-IM land is the land which is zoned ML-IM, to the south the land is zoned BL-CCC, to the north it is BL-CNS, and to the east across York Road the land is DR-16.

The IM District in which four of the above eight parcels are located is defined in Section 259.2H of the Zoning Regulations as follows:

"I.M. District - Industrial, Major. I.M. Districts may be applied only to certain areas individually containing 100 acres or more of land zoned for industrial or semi-industrial use (M.H., M.L., M.L.R., M.R., B.R., and/or B.M.), undivided by expressway or freeways. In I.M. Districts, greater industrial use of prime industrial land is promoted by discouraging non-auxiliary commercial usage."

There is yet another precedent which should be considered. When the MR regulations were first enacted, the zone could be placed upon a map either by comprehensive zoning or by petition. Subsequently, by an amendment in 1961, such a zone can only be created by a petition. ONLY ONE OF THE EXISTING MR ZONES IN BALTIMORE COUNTY HAS BEEN CREATED BY THE PETITION PROCESS - THAT TO LEGITIMIZE THE EXISTING SEVEN-UP BOTTLING PLANT. THE OTHER SEVEN HAVE BEEN PLACED UPON THE MAP BY THE COUNTY COUNCIL. As seen above, several of them are used as buffers; but it is submitted that none of the eight parcels really meet the criteria or the lofty plan set out for them in Section 240.1 of the Zoning Regulations, or as envisioned by the Court of Appeals in its decision in the Huff case. While the alleged forward-looking legislation of 1955 creating the MR zone might very well have

afforded the relief originally sought by the Petitioner in the Huff case - he desired to move his plant from the Pulaski Highway out to York Road opposite his farm - its limited use in the next twenty years clearly suggests that the so-called forward-looking legislation was primarily for that particular petitioner back in 1955.

The limited designation of such a zone in the past twenty years, and the types of property on which the zone has been placed, indicates that the rapid development of the planned industrial parks in Baltimore County during such period has created a ready-made environment for the location of such uses that, in 1955, prior to comprehensive zoning for the entire County, might have been appropriate for an MR zone.

When one reads Section 241.1 of the Regulations which sets forth the uses permitted in an MR zone, one finds that these uses are also permitted in either other business or manufacturing zones; and when the Petitioner sets forth the attributes of the subject site which determined its selection - mainly economics and accessibility - he nevertheless gave no testimony whatsoever to the effect that he was unable to locate a plant site in undeveloped existing manufacturing or business zones which were placed on the Comprehensive Maps by the County Council in its county-wide rezoning of March, 1971.

SUMMARY

At the outset, the Protestants assert that the tests which must be met by Petitioners for this reclassification have not even been approached, much less met head on. There have not been changes in the character of the neighborhood since the adoption of the earliest Comprehensive Zoning Maps in the

history of Baltimore, much less since March of 1971. Furthermore, the consistent recommendations of the Planning Department that the rural residential quality of the neighborhood be preserved throughout the entire history of zoning in Baltimore County successfully rebuts any suggestion of error in placing the property in an RDP zone.

Next, great weight must be attached to the fact that, in twenty years, only eight parcels of land in Baltimore County have been classified MR, and all but one of these have been by action of the County Council and not by petition. As a corollary, it is stressed that since 1961, at which time the petition process was designated as the method of designation of an MR zone, the only such petition was to legitimize the then-existing use of the Seven-Up Bottling plant and put it in a manufacturing zone, this notwithstanding the fact that a new comprehensive map was issued in 1971.

Next, it is submitted that no hardship is being worked on the Petitioner if reclassification is denied in view of the fact that the Petitioner elected to consummate his purchase of the property in a highly unworthodox fashion. Petitioner purchased this premium tract of residential real estate, improved by dwelling and barns for the not inconsiderable sum of \$185,000.00 WITHOUT TAKING THE NORMAL BUSINESS PRECAUTION IN MAKING THE CONTRACT OF SALE CONTINGENT UPON THE OBTENTION OF DESIRED ZONING. Thereafter, the Petitioner purchased an adjoining eight acres of land, which was also a residential property improved by a dwelling and situated largely in the flood plain of Jones Falls. In substance, the Petitioner's reasons for the reclassification are simply that it would be

more convenient for his operation if the property were reclassified - nothing more. Petitioner cannot argue hardship, cannot positively assert why the property should be reclassified, or, in fact, even assert with assurance the necessary prerequisites for obtaining a special exception.

Another matter which was briefly dealt with on cross examination had to do with the effect of building in a flood plain area. It stemmed from the expert testimony of Mr. Smith, the engineer. He conceded on cross examination that the drainage area being considered included the bulk of the property extending to the north of the subject tract through which the stream ran, and consisted of 1,386 acres. Only 13 acres are proposed for development, they being at the very southern portion of the stream in question, near its junction with Jones Falls, a stream which, following Hurricane Agnes, flooded to such an extent that the bridge immediately contiguous to the subject property was torn out. Naturally, in preparing the engineering studies, Mr. Smith did not take into consideration what might happen if the classification were to be granted, and this were to lead to the assertion by the owners of the adjacent Meadowood property that there had been a change in the neighborhood and, accordingly, their property should now be permitted to be developed with much greater intensity. This eventually would render the engineering studies as to run-off completely inaccurate and a severe problem would then occur due to the reduction of the drainage area by increased development.

This leads to yet another consideration, that being the Meadowood property adjoining the subject tract to the north and west, and consisting of approximately 80 acres. The owners of this tract have tried for the last 15 years to get the property rezoned so as to permit intensive development, either commercial or high intensity residential. The Office of Planning and

Zoning has stoutly resisted any such proposed rezoning and, to date, all rezoning efforts have remained stillborn. It is imperative that one consider, however, that if the subject tract were to be reclassified, that it would provide the necessary bootstrap with which the owners of the Meadowood property could claim change in the neighborhood and initiate the collapse of the row of dominoes westerly as far as Greenspring Avenue, or perhaps further.

It is because the Office of Planning and Zoning, and the County Council, in adoption of the comprehensive zoning plan, have considered it essential to preserve the rural residential area of the Greenspring Valley, its existing highway structure, its immense reservoir of underground water located in the limestone aquifer underlying it, and the necessity for limiting the amount of sewage generated within the confines of the valley itself, that the County Board of Public Works has refused to extend public water and public sewer to the area. The nonavailability of these utilities is not an oversight, but has been carefully planned and positively recognized as the key to prevention of improper development.

It follows that the Petitioner's argument, being based on foundations of sand, cannot be supported by the testimony of his expert witnesses. Since their testimony proceeds from a totally untenable premise, it can in no way bootstrap Petitioner into any better position than the one with which he started. Since he failed to meet any tests whatsoever, under any theory, there can only be one correct decision in this matter - that the petition be denied.

The phrase "spot-zoning" is often used as a rallying

cry or make-weight argument by protestants. In many cases it is not applicable. It is submitted, however, that when one takes the element of the initial purchase of a totally residential property in one of the most beautiful rural areas in Baltimore County, when one considers that the contract of sale was in no way contingent upon the obtaining of zoning, and when one notes that the request is for a manufacturing use in an area which has steadfastly been recognized by the Baltimore County Council, the Office of Planning and Zoning, and the Department of Public Works of Baltimore County as an area to be preserved in its rural residential state, there cannot be any better example of attempted spot zoning.

Respectfully submitted,

James H. Cook
James H. Cook

William C. Denick
William C. Denick, Esq.

Eleanor M. Carey
Eleanor M. Carey



LAW OFFICE
ARNOLD FLEISCHMANN
138 WEST PENNSYLVANIA AVENUE
SUITE 300
TOWSON, MARYLAND 21204

December 29, 1975

The Honorable Eric DiWenna
Zoning Commissioner of Baltimore County
County Office Building
Baltimore, Maryland 21204

Re: Application of Pikesville
Plumbing and Heating
No. 74-62-RX

Dear Mr. DiWenna:

Please strike my appearance as attorney for Greenwood Community Association in the above entitled case, and enter the appearance of Theodore Denick, Esq., as attorney for Greenwood Community Association, Inc. (Greenwood, Inc.)

Sincerely yours,
Arnold Fleischmann
Arnold Fleischmann

AP/1M
cc: Theodore C. Denick, Esq.
916 Munsey Building
Baltimore, Maryland 21202

James H. Cook, Esq.
Attorney for Valley Planning Council
409 Washington Avenue
Towson, Maryland 21204

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

Petition for Reclassification and Special Exception : BEFORE THE ZONING COMMISSIONER
W/S of Falls Road, 1400' S of Greenspring Valley Road 3rd District : OF
Pikesville Plumbing and Heating, Incorporated - Petitioner No. 74-62-RX (Item No. 13) : BALTIMORE COUNTY

PETITIONER'S MEMORANDUM TO ZONING COMMISSIONER

PIKESVILLE PLUMBING AND HEATING, INCORPORATED, Petitioner herein, hereinafter called "Pikesville", by James D. Nolan and Nolan, Plumhoff & Williams, its attorneys, pursuant to the request of the Zoning Commissioner made at the close of the hearing on December 19, 1974, submits this Petitioner's Memorandum.

STATEMENT OF THE CASE

In March, 1973, Pikesville Plumbing and Heating, Inc., as legal owner, filed its Petition with the Zoning Commissioner requesting that its 8.92-acre tract located on the west side of Falls Road in the Third Election District of Baltimore County be reclassified from its present R.D.P. classification to an M.R. (Manufacturing, Restricted) classification.

The hearing in this Case, No. 74-62-RX, was initially commenced before Zoning Commissioner DiNenna on September 14, 1973. Shortly following the opening of the hearing the case was continued by the Commissioner until such time as the Planning Board could accomplish a complete review of all of the required materials, including additional materials to be submitted by the Petitioner, as called for by the Zoning Regulations. Subsequently, after further Planning Board review and comments on the revised Development Plan and additional data submitted by the Petitioner, the hearing was recommenced before the Zoning Commissioner on December 18 and 19, 1974. At the close of the hearing the Zoning

eastern areas of the property.

The construction details are fully covered by Petitioner's Exhibit Five, the detailed building floor plans and elevations, which were submitted as a part of the building contractor's testimony covered by Mr. L. H. De Garmo. In essence, all three exposed walls of the office building will be faced with brick with a mansard roof. The warehouse and shop area will also have a mansard roof on all four sides, with the eastern elevation facing Falls Road also being of brick facing. The eave of the warehouse is proposed to be 20 feet above ground with the roof crest being proposed for 24 feet 7 inches. All outdoor air conditioning and mechanical equipment for the complex will be placed at ground level and screened from view. A 10-foot stockade fence is proposed surrounding the parking area for the warehouse and shop, which parking area is located on the south, or Beltway side of the complex. No outdoor storage or manufacturing activity of any kind is proposed or allowed in the M.R. zone. Parking is provided for fifty automobiles, which is four spaces in excess of the requirement of the Zoning Regulations.

In addition to the stockade fence surrounding the shop and warehouse lot, the Falls Road frontage of the site will be screened by extensive existing and supplemental planting, with a wooden gate of attractive, rustic design closing the complex off to traffic during evening and weekend hours. The building complex will also be further secured by security lighting concealed beneath the eaves directed downward around the building.

According to Mr. Smith's testimony, the existing topography will be maintained on the bulk of the tract, with large areas of lawn, trees and other planting surrounding the operation on all four sides. The front lawn areas are particularly extensive as shown on the Development Plan, Petitioner's Exhibit One, and the artist's rendering, Petitioner's Exhibit Three. Similarly, along the western borders of the property, no portion of the

Commissioner made a request that counsel submit Memorandums concerning the case by February 18, 1975, to aid the Commissioner in his review of the case and his ultimate decision as to the request.

QUESTION PRESENTED

Has the Petitioner's Development Plan and the Petitioner's proof fully met all requirements for the imposition of the M.R. zone under the applicable Zoning Regulations and Law?

STATEMENT OF FACTS

The Petitioner corporation, according to the testimony of its Vice-President, George N. Klein, is the real estate holding corporation for the family plumbing firm of Frank J. Klein & Sons, Inc. This long established plumbing, heating and air conditioning contracting firm has had its offices, shop and warehouse in the Pikesville section of Baltimore County since 1948, with its street address being 300 Reisterstown Road. The firm's Pikesville site presently contains about 1.5 acres. An additional 30,000 to 32,000 square feet of contiguous space fronting on the south side of Dreher Avenue contiguous to the Pikesville site and earmarked for future expansion of the Pikesville facility was acquired from Pikesville by the Chesapeake and Potomac Telephone Company in August, 1972, under threat of condemnation by this utility.

According to Mr. Klein's testimony, when the possibility of further expansion of the Pikesville facility was foreclosed by the telephone Company's forced acquisition of the firm's expansion area on the Dreher Avenue lots, the firm then began a search for a completely new site for the firm's operation. One of the primary attributes sought by Pikesville as to any new site was good accessibility to the entire Baltimore Metropolitan region, the region in which the firm is active.

100-year flood plain of Deep Run will be disturbed, according to the calculations of the engineering firm of MCA, which calculations have been checked and accepted by the Baltimore County Department of Public Works.

As to the scope of the proposed operation, Mr. Klein stated that the present Pikesville facility, located on approximately 1.5 acres, includes 3,000 square feet of office space and 30,000 square feet of warehouse and shop space. During peak periods of activity in the field of new construction, the Klein firm would employ 20 to 24 persons in the office, including the five brothers, and about 16 employees in the shop and warehouse. The hours of operation proposed are 7:00 a.m. to 5:30 p.m. for the office and 8:00 a.m. to 5:00 p.m. for the shop and warehouse operations, with the facility being operative a half day on Saturdays during peak periods of work.

The firm's activities as a heating and air conditioning contractor, as well as its plumbing activities, involve some fabrication of light gauge metal into ducts and flues, etc. However, Mr. Klein states that these operations produce no noise, dust, vibration, odor or smoke of any sort detectable outside its own buildings, much less at the borders of the property. As for warehousing, the modern thinking and practice of the firm is to cut costs to a minimum by providing for direct, on-site delivery by the manufacturer or supplier in the majority of cases. Furthermore, the firm does not own any excavation equipment of any kind and the firm does not do any excavation work.

As for company vehicles, the firm owns six or seven automobiles, a number of light pickup trucks used by the foremen, as well as two stake-body trucks. The foreman and other employees take their trucks or company automobiles home with them, as well as to the job sites; and at most, Mr. Klein testified, there would be no more than six to ten pickup or stake-body trucks on the

Following a site search with the aid of professionals in the field of real estate, on December 19, 1972, a contract was entered into between Pikesville and Mr. and Mrs. R. Milton Wright for the purchase of the subject site, described as comprising 9.3 acres for a purchase price of \$160,000.00. Settlement for the Wright property occurred on February 28, 1973, at which time an appropriate deed was executed by the sellers. Subsequently, on June 7, 1973, Pikesville acquired an adjoining, additional 1.45 acres from Mr. and Mrs. Frank R. McFarland for a purchase price of \$25,000.00. At the same time, that is on June 7, 1973, Mr. George N. Klein and his four brothers, all active in the family business, purchased the balance of the neighboring McFarland tract of about 6.96 acres, including a substantial brick home, for a purchase price of \$145,000.00. This tract totalling 8.41 acres, formerly owned by the McFarlands, is located to the south of the subject tract, and it forms no part of this request for M.R. zoning.

The subject tract is shown very clearly on Petitioner's Exhibit One, part of the complete Development Plan, which is a site plan prepared by MCA Engineering Corporation, dated February 20, 1974. The exact acreage according to MCA's computations is 8.9226 acres, with slightly less than 450 feet of frontage running along the west side of Falls Road, approximately 1400 feet south of Valley Road.

The primary surrounding uses are as follows:

A. To the southeast, opposite the site on the east side of Falls Road, the State Highway Administration maintains an outdoor storage yard and complex of equipment sheds and maintenance buildings for its trucks and heavy equipment. The still larger Brooklandville headquarters and equipment complex of the State Highway Administration is located a short distance further eastward across the Jones Falls Expressway.

complex at any given moment. As for deliveries to the site, the firm averages no more than three or four larger trucks per week, less than one per day. This area of traffic will be more fully discussed in connection with the findings of Mr. Erdman, the traffic engineer.

The proposed site will utilize private water and sewerage systems for the foreseeable future. The adequacy and feasibility of the proposed private sewer system was fully covered by the testimony of Mr. Paul Didier, a sanitarian with many years of field and supervisory experience with the Baltimore County Health Department. It was stipulated between counsel at the hearing that the property has been fully tested for, and that the tract has passed all percolation requirements, and that the installation of a private system will be permitted. See the Health Department letter of December 17, 1974, signed by Mr. William M. Greenwalt on this point, which is Petitioner's Exhibit Four. Mr. Didier was emphatic that a private system would in no way be detrimental to the health, safety and welfare of the area. In like manner Mr. Klein testified that the operation's modest water requirements of 1,000 gallons daily could be easily met by an on-site, private water system.

As for traffic generation to be expected from the complex, Mr. John Erdman, an acknowledged graduate engineer active in the traffic field, first noted the site's excellent access to the entire metropolitan area via the Jones Falls Expressway and the Beltway. This excellent access is quite evident on Petitioner's Exhibit One.

Falls Road in the vicinity of the subject site has 24 feet of paving in excellent repair with wide shoulders. Access to the Jones Falls Expressway is gained by means of a signalized intersection about 1,000 feet north of the property. The Beltway-Jones Falls Expressway intersection lies less than one-half mile southeast of the property.

B. To the west, the subject tract is bordered by Deep Run, a tributary of Jones Falls which joins the Jones Falls a short distance to the south adjoining the former McFarland property. Directly to the west of Deep Run is a larger parcel of unimproved land, owned by Meadowood, Inc.

C. To the north, the subject parcel is again adjoined by the Meadowood ownership extending northward to Greenspring Valley Road.

D. To the south, as previously noted, the former McFarland property of 8.41 acres, now owned in two parcels by Pikesville and the five Klein brothers, is the only adjoining neighbor.

The overall "neighborhood" as defined by several of the Petitioner's witnesses will be more fully discussed later in this Memorandum.

The subject tract is presently improved by an older, large frame residence, a small stable and other assorted smaller buildings, all of which are slated for removal if the property is approved for M.R. usage as requested. However, the existing tree lined driveway is to be widened and retained according to the Development Plan, Petitioner's Exhibit One. Furthermore, the great majority of the existing trees, shrubbery and other natural cover on the site will be maintained, in addition to supplemental landscaping and planting, all as fully detailed on the Development Plan.

Pikesville's Development Plan for this 8.92-acre tract proposes a 22,000 square foot warehouse and shop area towards the west side or rear of the site, with a connected one and one-half story office of 12,000 square feet in area being proposed on the Falls Road side of the tract. The nearest point of the office portion of the complex to Falls Road is some 265 feet from the road. In all other areas of the site, setbacks vary from the required 125 feet to 265 feet or greater in the front and south-

According to Mr. Erdman, developed as one-acre lots, the site would yield about 80 trips per day, while the proposed Pikesville operation would yield only about 100 to 125 trips per day, with 15 to 17 trips during peak traffic hours. The area roads can easily absorb such modest new traffic flows, and Mr. Erdman's projections are based on a study of the existing Pikesville operation of the firm. Mr. Erdman's studies also verified that the proposed parking is more than adequate for the operation's requirements. Mr. Erdman's testimony was not seriously challenged by opposing counsel, and his conclusions were verified and cross checked by his study methods, two separate approaches being used, including a theoretical analysis verified by a study of the existing operation in the field.

ARGUMENT

This section of the Petitioner's Memorandum is divided into three subsections for purposes of discussion. The first section deals with the nature of the M.R. zone under the Baltimore County Regulations and the law of Maryland.

The Nature of the M.R. Zone

The M.R. (Manufacturing, Restricted) zone is covered in Sections 240 to 243.6 of the Baltimore County Zoning Regulations (September, 1971, Int. Ed.). The zone has been available as a zoning tool since its first adoption in Baltimore County by the County Commissioners in March of 1955. At least one major revision of the M.R. zone has taken place, namely, by Bill No. 56, adopted by the County Council in 1961.

In the 1955 edition of the Baltimore County Zoning Regulations, the M.R. zone occupied Sections 250 to 252.6 of that edition. One of the primary changes accomplished by the 1961 amendments to the Regulations by Bill No. 56 involved the provision that henceforth the M.R. zone could be obtained by petition only, whereas from 1955 to 1961, the zone could be obtained either by

way of petition by the property owner, or by way of comprehensive rezoning by the legislative body. Also, a review of the 1955 edition of the Regulations reveals that the M.R. site area requirements contained in Section 252 required only fifty (50) foot front, side and rear yards, whereas the present Regulations contained in Section 243 covering area requirements provide for a seventy-five (75) foot setback from the front property line in Section 243.1 and a completely new Section, 243.4, has been added providing for a setback of one hundred twenty-five (125) feet from the nearest boundary line of a residential zone. Since in the present case the surrounding zoning is residential in character, the 125-foot setback requirement has been observed, while the front setback shown on the Development Plan is on the order of two hundred sixty-five (265) feet, well in excess of the minimum required. A review of the other pertinent Sections covering the present M.R. zone reveals a similar refinement of the zone based upon experience over the years, with all changes noted being of a more restrictive nature than first allowed in the M.R. zone.

Unlike all of the other various residential, commercial, and manufacturing zones in Baltimore County, which are of a fixed nature, or so-called Euclidean zones, the Court of Appeals of Maryland has determined that the M.R. zone under the Baltimore County Regulations is a so-called "floating zone". The leading case insofar as Baltimore County is concerned is Huff vs. Board of Zoning Appeals of Baltimore County, 214 Md. 48 (1956). This case involved the reclassification of an 18-acre parcel on the west side of York Road to the newly enacted M.R. zone for use by Diecraft, Inc., for a manufacturing facility for the assembly of certain precision instruments, missile parts and electrical and communication items used in connection with the National defense by the armed forces and the federal government.

Among the points set out in the opinion by Judge Hammond,

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the M.R. zone is stated to be "analogous to a special exception, and the rules which are applicable to special exceptions would apply, not the general rules of original error or change in conditions or the character of the neighborhood, that control the propriety of rezoning." Huff, supra at page 62. Judge Hammond goes on to state in the opinion, again at page 62, that the usual requirement of a finding of original error and/or change in the character of the neighborhood does not apply in the case of the M.R. zone when carried out on properties developed in accordance with the M.R. Regulations, are compatible with the surrounding uses and zones, be they residential, commercial, industrial, or a combination of these. The inapplicability of the so-called "change and mistake rule" with reference to "floating zones" has been further examined by the Court of Appeals in several of its decisions since Huff, including Costello vs. Sieling, 223 Md. 24 (1966), a Montgomery County case; Beall vs. Montgomery County Council, 240 Md. 77 (1965); and Knudsen vs. Montgomery County, 241 Md. 436 (1965). The "floating zone" has been more fully defined by our Court of Appeals in Chatham Corporation vs. Beltram, 243 Md. 138 (1966) as "a special detailed use district of undetermined location, a district in which the proposed kind, location, size and form of structures must be pre-approved, and which, like a special exception use, is legislatively pre-determined compatible with the areas in which it may thereafter be located on a particular application, provided specified standards are gratified and actual incompatibility is not revealed." 243 Md. 138, 149 and 150 (1966). For a further detailed discussion of the "floating zone" concept, see an article by Mr. Reno in 23 Md. Law Review at page 105, entitled "Non-Euclidean Zoning: The Use of the Floating Zone." In the present case, it is believed that counsel for the protestants would agree that the M.R. zone is such a "floating zone", and that the matter should be viewed in

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the light of the special requirements applicable to such a zone. A reading of the Zoning Regulations coupled with a careful analysis of the entire scheme of Baltimore County zones leads to the conclusion that the M.R. zone "floats" over the entire County, and all of its zones, with the proviso that if it is requested in a location that does not adjoin an M.L., M.H. or M.L.R. zone, that the tract involved must then comprise at least five acres. As to this area requirement, see Section 240.2 of the Regulations. Of course, the subject tract is just slightly less than nine (9) acres in area, and, thus, the site more than meets this area requirement. As previously noted, the Development Plan, Petitioner's Exhibit One, meets all of the requirements of the M.R. zone Regulations, and this compliance with the Regulations has been acknowledged by the Baltimore County Planning Board by its written comments to the Zoning Commissioner dated July 18, 1974. Those written comments conclude with the statement that "[t]he Planning Board believes that the proposed Development Plan would meet the requirements of the M.R. Zoning Classification." The Petitioner further maintains that the testimony produced before the Zoning Commissioner at the two hearing days in December of 1974, fully bear this assertion out, and the evidence presented concerning actual compatibility will be more fully discussed in a succeeding section of this Memorandum.

The Subject Tract, The R.D.P. Zone and The Request For M.R. Zoning

Both the protestants and the Planning Board in its original comments to the Zoning Commissioner on Item No. 13 in the 5th Cycle, make the assertion that the reclassification of this parcel, presently zoned R.D.P., is not permitted, due to the special provisions of the R.D.P. Regulations contained in Section 1A00.1, Subsection 2. In order to properly analyze whether this Subsection with all of its sub-parts is in fact a bar to the imposition of the M.R. zone, the entire Subsection must be studied

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carefully, and it provides as follows:

"2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:

a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 287C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume), as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonresidential land as is specifically herein described (in this Subparagraph) or other provisions in these Regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;

b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

c. That reclassification of land as R.D.P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and

d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R.D.P. (emphasis supplied).

First of all, it should be noted that the statutory language is very unclear as to whether the Regulation is merely the expression of an expectation or an intention of the legislative body, or rather whether it is in fact a mandatory requirement. That one can reasonably conclude that this Subsection is not mandatory in nature is borne out by the fact that the introductory elements speak in terms of "intent" and the actual sub-parts of

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this Subsection are introduced by the language "It is intended:". Such language can quite reasonably, and quite legitimately be interpreted by both the Zoning Commission and the Board of Appeals as indicating that rural land classified R.D.P. is not beyond the reach of reclassification by the petition process if the land is not slated for utility service as outlined, but that the Commissioner and the Board in the majority of such cases should give careful consideration to the availability of such utilities to the tract within the specified period before granting any such reclassification. Thus, counsel for the Petitioner believe that these Sections of the Regulations should be interpreted as being advisory in nature, rather than mandatory in nature, since announced intent or intention is indicative or declaratory of the Council's state of mind or purpose, but it is not an inflexible rule.

However, even if it is assumed for the sake of argument that the Subsection in question is of a mandatory rather than an advisory nature, by its very own language, the subject tract is still not frozen in an R.D.P. zone. First of all, note that sub-part a. provides "that rural land shall be classified within R.D.P. zones unless . . . (emphasis supplied);" and it is clear from all of the evidence produced in this case that the subject tract is not rural land. The Pikesville tract is not rural land because, among other reasons, it is not now and has not, so far as is known for many years been used for agricultural purposes, but, rather, it has been used for residential purposes on a scale no longer practical in view of cost of maintenance, fuel costs, as well as the costs of remodeling the existing old house. In fact, this entire area from the Beltway to beyond the Greenspring Inn is of a commercial and suburban-residential nature, with the subject tract relating directly to Falls Road, the State Highway Complex, and the Jones Falls Expressway. Furthermore, any fair observer

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of the interior Greenspring Valley would say that it is primarily residential in character rather than being of a rural or agricultural nature.

Again, sub-part d. of this Subsection 2. of Section 1A00.1 provides that "the immediate environs of typical rural business centers, are not normally to be classified as R.D.P." Most certainly all of the testimony at the hearing leads to the conclusion that this subject tract lies in the immediate environs of the commercial activity centering around the Greenspring Inn, the Windy Valley Drive-in, the kitchen supply firm, the several gas stations, the golf driving range, the State Highway Administration Complex, and the Valley Inn. A review of the uses named, as well as the other uses in the area, clearly reveals that the subject tract is in fact located in the immediate environs of what more properly should be termed a typical small suburban-business center. Further, it was testified during the hearing that a small shopping center is to be built on the present site located by the golf driving range just northeast of the Windy Valley Drive-in, a short distance to the northeast, further confirming the commercial nature of this area. Finally, it should also be noted that the subject tract lies partially within, and possibly wholly within the urban portion of the County, in that the Rural-Urban Demarcation Line either bisects the subject property or passes a short distance to the west somewhere on the Meadowood tract, it appearing from Sheet S-16B of the Water and Sewerage Plan that the whole or the majority of the parcel lies within the urban area.

Compatibility of the Proposed Development Plan

The final vital element, namely, the actual compatibility of the proposed use and the proposed Development Plan was, we believe, fully demonstrated by the testimony and proof presented during the several days of hearings. The testimony and Exhibits all demonstrate the very unobtrusive nature of the proposed

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be landscaped and the existing large tree retained in the loop driveway serving the office. The office itself and the eastern elevation of the shop and warehouse will be of an attractive brick facing with a mansard type of roof composed of split, shake shingles. In point of fact, this building will be more attractive than many of the existing buildings in the area, whether they be in public or private ownership, and whether they be of a residential or commercial nature. On every side of the property it will be surrounded by a 125-foot or greater setback of landscaped and shrubbed lawn, and the building will cover less than two-thirds of an acre of the total nine acres involved, a very modest coverage ratio.

As was fully covered in Mr. Klein's testimony, and as is required by the M.R. Regulations, all operations will take place indoors, and there will be no outdoor storage of materials or outdoor manufacturing activity of any sort. The fabrication of light sheet metal, as Mr. Klein testified, does not involve any noise, smoke, heat or light, nor does it produce any odor. Were it not for the sign on the frontage, a neighbor would not be able to detect the type of use on the property from any border of the property.

Recall again that the Baltimore County Planning Board acknowledged in its communication of July 18, 1974, addressed to the Zoning Commissioner, that the revised Development Plan would meet all of the requirements of the M.R. zoning classification.

As the Zoning Commissioner well knows, any usage of this property, whether it be for residential use or for the proposed manufacturing, restricted use, will produce some additional traffic that will use the area roads. However, as was pointed out initially, this tract enjoys excellent access to the Jones-Falls Expressway and to the Beltway, and, thus, to the entire metropolitan region, all without the usage of other area roads, except for a short portion of Falls Road northward to reach the Jones-

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operation in that the building is carefully designed as to appearance, the grounds extensively landscaped, and the operation itself one that will cause no noise, smoke, odor or vibration, with little increase in traffic over residential use. The testimony and Exhibits also fully document the fact that the private water system and the private sewerage system are both completely acceptable to Baltimore County and to the State Health Department, and that neither of these systems will have any detrimental effect whatsoever upon the neighborhood involved. As to the proven compatibility of these utilities, see the statement of facts contained herein as well as the testimony of Mr. Klein and Mr. Didier of the Health Department.

The very attractive manner in which the site is proposed to be developed is fully documented on the Development Plan, Petitioner's Exhibit One, in the Building Plans, Petitioner's Exhibit Five, and in the artist's rendering, Petitioner's Exhibit Three. If the property is permitted to be developed as proposed, the view from Falls Road will be little different from, and, in fact, more attractive than it is today. The observer will see an extremely well landscaped tract with the existing trees and shrubs augmented by additional planting in every area, most particularly along the frontage and those portions of the north and south borders visible from Falls Road. The entrance to the tract will remain essentially as it is today, with the existing tree-lined drive being served by a very attractive gate, as shown on Petitioner's Exhibit Five. The only identifying sign will be a very small sign, done in good taste, of a rustic nature and design, which is also shown on Petitioner's Exhibit Five, the Building Plans.

The building itself is set back over 265 feet from the road, that is, almost 90 yards or slightly less than the length of a goal on football field, and the entire front yard area will

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Falls Expressway intersection. As was also pointed out, Mr. Erdman, the traffic engineer, testified that, developed into acreage lots, the tract would produce 80 trips per day, and, of course, many of these 80 trips would impact the area roads during the morning and evening peak hours. In contrast, the proposed use would only involve approximately 100-125 trips per day, with 17 or less trips in the peak hours. Mr. Erdman went on to testify that Falls Road, and all other area roads, could easily accommodate this small number of additional trips. There was no contrary evidence introduced by the protestants, and Mr. Erdman's basic conclusions were accepted by the protestants and were not diminished in the course of cross examination in any way.

One of the few fears expressed by the protestants was that the proposed development of this site would lead to additional downstream problems from storm drainage and runoff, but the Petitioner's case, we believe, more than met this fear. First of all, as shown on the Development Plan, Petitioner's Exhibit One, the proposed building and all parking areas are located outside of the 100-year flood plain of Deep Run. The calculations for the 100-year flood plain of Deep Run as performed by the engineering firm, MCA, were confirmed by the Baltimore County Department of Public Works, which department verified MCA's figures as being accurate. Furthermore, as was brought out in the course of the case, effective December 1, 1974, all new construction must meet new storm drainage requirements. Simply stated, the subject tract will not be allowed any greater storm drainage runoff following development in the course of a two-year storm than prior to development. This new storm drainage requirement, coupled with the increase in the required flood plain from a 50 to 100-year storm will insure that the fears of the protestants with regard to storm drainage will not be realized if development is permitted as proposed.

The Commissioner will also certainly recall that only two

area residents testified in opposition to the request, namely, Mr. Lucas, whose property does not directly adjoin the subject tract, and Mr. James Price, who is the owner of a property on Hillside Road. Both Mr. Price and Mr. Lucas expressed fears concerning flooding, and we believe that the proof more than met those fears. The only other objection clearly stated by either Mr. Lucas or Mr. Price was that they feared if the request in this case were granted, that it will lead to a change of zoning on the neighboring Meadowood property. Counsel believes that were it not for the Meadowood property, the protestants would have few objections to the proposed use. With regard to the zoning effect on neighboring properties, it should be borne in mind that a reclassification from R.D.P. to M.R. is not in any way similar to a reclassification from R.D.P. to any of the "fixed" zones, provided for in the Regulations. This is so because, by its very nature, the M.R. zone, a "floating zone", and it does precisely that in that under the comprehensive plan, it "floats" over all Baltimore County zones and its imposition on any given tract which meets its rigid requirements, has been legislatively stated to have no effect upon neighboring tracts. It is the opinion of counsel for the Petitioner that the granting of an M.R. request on the subject tract is not a change in zoning or in the neighborhood upon which other requests for zoning changes should be requested or could be appropriately granted. This viewpoint is consistent with the entire theory of "floating zones" as propounded by the text writers and as stated in the various Maryland cases previously cited.

It is the belief of counsel that the case offered on behalf of the Petitioner demonstrated actual compatibility in every regard, including all site details, architecture, proposed uses, traffic, storm drainage, utilities, and other considerations. Furthermore, it should be noted that the M.R. zone is extremely

restrictive in nature, and that any building permit requested must conform under Section 240.6 to the approved Development Plan. Thus, if this request is granted, all parties concerned can be assured that development will take place in full compliance with the design put forward at the hearing.

CONCLUSION

For all of these reasons, and for all of the reasons brought out in the extensive testimony produced by the Petitioner, it is respectfully submitted that the requested M.R. reclassification should be granted.

Respectfully submitted,

James D. Nolan
James D. Nolan
Nolan, Plunhoff & Williams
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 2nd day of January, 1975, a copy of the foregoing Memorandum was mailed, postage prepaid, to James H. Cook, Esquire, 409 Washington Avenue, Towson, Maryland 21204.

James D. Nolan
James D. Nolan

LAW OFFICES
COOK, MUDD, MURRAY & HOWARD
Baltimore, Towson Building
409 Washington Avenue
Towson, Maryland 21204
TELEPHONE 442-4111
AREA CODE 410

March 3, 1975

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

RE: Pikeville Plumbing & Heating
Company
Zoning Petition

Dear Eric:

Enclosed please find my Memorandum in Opposition to Petition for Reclassification of the Property of Pikeville Plumbing and Heating, Inc., Petition 72-RX.

Kind regards.

Sincerely,

James H. Cook
James H. Cook

JHC/ea
Enclosure
cc. William C. Trimble, Jr., Esquire
Eleanor M. Carey
James D. Nolan, Esquire



LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

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& WILLIAMS
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& WILLIAMS
TOWSON, MD.

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ARNOLD FLEISCHMANN
JOHN A. AUSTIN

LAW OFFICES
ARNOLD FLEISCHMANN
100 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MARYLAND 21204
December 12, 1974

AREA CODE 301
890-1434

Office of Zoning Commissioner
County Office Building
Towson, Maryland 21204

re: Greenwood, Inc., Protestant
No. 74-62-RX, Pikeville Plumbing and Heating, Inc.,
Petitioner

Dear Sir:

Please enter the appearance of Arnold Fleischmann and John A. Austin for the protestants, Greenwood, Inc.

I should like to be furnished with copies of the report of the Joint Planning Committee and the recommendations of the Planning Board.

Very truly yours,
Arnold Fleischmann
Arnold Fleischmann

AP:in



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna
Zoning Commissioner
Date: November 19, 1973

FROM: Baltimore County Planning Board

SUBJECT: Review of the Proposed Development Plan of
Pikeville Plumbing and Heating, Inc.
Location: S/W side of Falls Road, in the Green Spring Valley

The Planning Board has commented on the petition for M.R. reclassification on this property in its comments on Item 13, Report of the Baltimore County Planning Board, to the Zoning Commission, Zoning Cycle V. Nothing in these comments is intended to alter or change that recommendation.

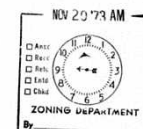
The Planning Board has reviewed the proposed development plan for the subject site and is of the opinion that the following items should appear on the proposed development plan before comments can be completed:

1. Delineation of the existing 100-year flood plain for the Jones Falls and its tributaries in the vicinity of the property, as defined by an engineering study
2. Location of the wireless transmitting and receiving structure
3. A detailed construction drawing indicating the size and shape of the wireless tower(s)
4. The planned use of the existing dwelling
5. Indication of the existing development and topography 500' beyond the property line.

The Planning Board desires that all parties be made aware of the fact that the Planning Board's action in requesting that the proposed development plan be revised should in no way be construed as prejudicial to the interests of any parties to this case nor to any motions which may have been filed on behalf of any parties to this case.

Finally, the revised proposed development plan must be referred to the Planning Board so that the Board may properly comment on the proposal.

NEG:F:cm



William D. Fromm
William D. Fromm, Secretary
Baltimore County Planning Board

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner
Date: October 17, 1974

FROM: Baltimore County Planning Board

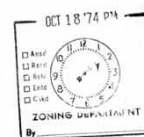
SUBJECT: Petition for Reclassification and Special Exception
Pikeville Plumbing and Heating, Inc.
Zoning File No. 74-62-RX
Cycle V, Item 13

At a July, 1973 meeting of the Area Planning Committee of the Planning Board, the petitioner and his attorneys made a formal presentation in support of the subject request. In addition to the oral presentation, Mr. James D. Nolan, the attorney, submitted an additional four-page memorandum to the Committee; this memorandum was available to the Planning Board prior to their adoption of Report of the Planning Board to the Zoning Commission: Cycle V, of which the subject petition was identified as Item No. 13. In part, Mr. Nolan's memorandum stated that "The M.R. zone is a unique zone under the Baltimore County Zoning Regulations and the Court of Appeals of Maryland has said in *Huff v. Board of Zoning Appeals*, 214 Md. 48 (1956) that it is a 'floating zone which is analogous to a special exception rather than the usual reclassification case which requires a showing of either change in the neighborhood or error in the original zoning'; hence, the Committee and the remainder of the Board had knowledge of this matter prior to their adoption of the cycle V report.

William D. Fromm
William D. Fromm, Secretary
Baltimore County Planning Board

cc: James H. Cook
James D. Nolan
R. Bruce Alderman

JHC:FS:lv



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William D. Fromm
Date: June 12, 1974

FROM: Ellsworth N. Oliver

SUBJECT: Item 13, Report of the Baltimore County Planning Board, to the Zoning Commission, Zoning Cycle V
(Pikeville Plumbing and Heating, Inc.)

We have completed our review of the report prepared by the MCA Engineering Corporation for the above captioned project and our comments are as follows:

1. The 100 year runoff appears to be reasonable for the area involved. Although the drainage area is quite large, the basic principles of the rational method are applicable. Based on our experience, the rational method is generally limited to urban areas of less than five square miles.
2. The flood plain outline for the natural flood plain and the outline delineated for the proposed grade are based on accepted engineering practice. Based on this, the microelevation on the existing flood plain is minimal.
3. We cannot offer an explanation as to why there is not a better correlation between the alluvial soils flood plain and the computed one. We would accept the computed flood plain as being more accurate.
4. The site is not affected by the flood plain for Jones Falls. The flood plain elevation at the confluence of Deep Run and Jones Falls is elevation 278.50'. This elevation is from the report prepared by Knoerls, Bender and Stone and Associates, Inc., dated 1/73.

Ellsworth N. Oliver
ELLSWORTH N. OLIVER, P.E.
Chief, Bureau of Engineering

END:nsag

cc: E. A. McDonough
D. E. Orine
File

HUFF ET AL. V. BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
(No. 215, October Term, 1984)

Spot Zoning—Small Area Plan in Zone Different From Surrounding Area—When Invalid—When Valid. When a zoning ordinance or an amendment puts a small area in a zone different from that of the surrounding area, we have what may be called "spot zoning," using the term in a descriptive sense. Such zoning may be invalid or valid. It is an arbitrary and unworkable deviation of the small area to a use inconsistent with the zone to which the rest of the district is restricted and made for the sole benefit of the private interests of the owner, it is invalid. On the other hand, if the zoning of the small parcel is in accord and in harmony with the comprehensive zoning plan and is done for the public good—that is, to serve one or more of the purposes of the enabling statute, and so create a substantial relationship to the public health, safety, morals and general welfare, it is valid.

Zoning—Comprehensive Plan—What It Is—1955 Baltimore County Zoning Regulations. A comprehensive plan has been said to be a general plan to control and direct the use of land and buildings by dividing the governmental area into use districts according to present and planned future conditions, so as to accomplish, so far as possible, the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners. The zoning regulations adopted by the County Commissioners of Baltimore County in 1955, including the provisions as to Manufacturing, Restricted zones, constitute a comprehensive zoning plan.

Township—Comprehensive Plan—May Look To Potential Use, Not Determinable At Passage Of Act—Subsequent Baltimore County Manufacturing, Restricted Zones Provision, Approved. A zoning plan does not cease to be a comprehensive plan because it

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

ALBERT B. KALTENBACH, Director
Dept. of Public Works
TO: WILLIAM D. FROMM
FROM: Director of Planning
SUBJECT: Item 13, Report of the Baltimore County Planning Board, to the Zoning Commissioner, Zoning Cycle V (Pikesville Plumbing and Heating, Inc.)

On November 19, 1973, the Planning Board, under the provisions of the Baltimore County Zoning Regulations, provided comments to the Zoning Commissioner relative to the development plan for Item 13, Report to the Zoning Commissioner, Zoning Cycle V (Pikesville Plumbing and Heating, Inc.—W/S side of Falls Road, in the Green Spring Valley). According to the Planning Board's comments, 3 specific items were to be shown on a revised plan, including "delineation of the existing 100-year flood plain for the Jones Falls and its tributaries in the vicinity of the property, as defined by an engineering study."

On May 17, 1974, copies of the "revised site plan, revised building plan, and detailed flood study" were forwarded to the Zoning Commissioner by Mr. James D. Nolan (Nolan, Plumbhoff & Williams), legal counsel for the petitioner. The Environmental Studies Section, which has reviewed the "detailed flood study" prepared by the MCA Engineering Corporation, has compiled the attached comments.

We request the assistance of the Department of Public Works, particularly Mr. Dorvin B. Grise, in clarifying what seem to be apparent conflicts between the "detailed flood study" and the sources of information available to our staff.

WDS/JHM/vh
Attachments

WILLIAM D. FROMM
Director of Planning

OFFICE OF PLANNING AND ZONING MEMORANDUM

TO: WILLIAM D. FROMM
DIRECTOR OF PLANNING
May 24, 1974
FROM: PAUL J. SOLOMON, Chief
Env. Remedial Studies Section
SUBJECT: Review of "Flood Study for 'Klein Tract,' Falls Road, Baltimore County, Maryland" prepared by the MCA Engineering Corporation

The Environmental Studies Section has reviewed the "detailed flood study" prepared by the MCA Engineering Corporation and has noted what seem to be apparent conflicts between the "detailed flood study" and the sources of information available to our staff. The following are the specific conflicts we have noted:

1). The method used in the "detailed flood study" to determine the discharge for the 100-year design storm (i.e., Q100=CI100Q), according to Mr. Wallace A. Knight, becomes somewhat questionable for drainage areas exceeding 500 acres (the drainage area above the subject property is, according to the "detailed flood study," 1386.2 acres ±).

2). The 100-year existing flood plain indicated in the "detailed flood study" represents the flood plain as an area less than that indicated in the following documents: Soil Survey Atlas Sheet No. 38; Soil Survey Field Sheet M75 J-57; U. S. Geological Survey, Map of Flood From Areas, Cockeysville Quadrangle; Maryland Geological Survey, Landform Maps, Cockeysville Quadrangle. According to Mr. Wallace A. Knight, "alluvial soils as indicated on the Soil Survey Field and Atlas Sheets were tested in the Jones Falls drainage basin by Dr. M. Gordon Holmes (Professor, Department of Geography and Environmental Engineering, The Johns Hopkins University) for the correlation with the "mathematical" 50-year flood plain, and were found to have a .74 correlation with the "mathematical" (i.e., Q=CIQ) flood plain." Further, according to Dr. Mary T. Cleaves (Assistant State Geologist, Maryland Geological Survey), the morphological (i.e., landform) flood plain indicated on the Landform Maps have a demonstrated high correlation with the extent of Ages flooding.

3). The flood plain, indicated in the above documents, approximates the 25' contour. Thus, the filling indicated on the detailed flood study for construction of the proposed warehouse and shop area constitutes considerable flood plain encroachment in an already over-encroached drainage basin.

4). The Planning Board's comment that "delineation of the existing 100-year flood plain for the Jones Falls and all its tributaries in the vicinity of the property" be shown on a revised plan has not been complied with. To be sure, the "detailed flood study" was prepared for only the segment of Deep Run adjacent to the subject property.

Mr. William D. Fromm
Page 2

May 24, 1974

5). The method used to determine the 100-year flood plain in the "detailed flood study" is based on the "proposed grade," that is, the MCA Engineering Corporation, apparently, has included the fill required for construction of the proposed warehouse and shop area in its calculations. Thus, the determination of the 100-year flood plain is being used to justify considerable flood plain encroachment.

While our review of this "detailed flood study" is, obviously, preliminary, it is apparent that these apparent conflicts be resolved prior to any decision on the issue at hand (Item 13, Zoning Cycle V). We urge you to forward these comments to the Department of Public Works requesting their assistance in clarifying the conflicts noted above.

PJS/JHM/vh

PAUL J. SOLOMON, Chief
Environmental Studies Sec.

OBER, GRIMES & SHRIVER
ATTORNEYS AT LAW
1010 HANCOCK NATIONAL BANK BUILDING
BALTIMORE, MARYLAND 21202

September 17, 1973

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

Re: Petition 74-62-RX
Reclassification and
Special Exception
Pikesville Plumbing & Heating, Inc.

Dear Mr. DiNenna:

This is to advise you that I represent Mrs. Douglas G. Carroll, Dr. and Mrs. Douglas G. Carroll, Jr., and Mr. and Mrs. William C. Trimble, protestants in this proceeding. All of my clients live directly west of the subject property, owning 135 acres located between Valley Road and Hillside Road.

Very truly yours,

Wm. C. Trimble, Jr.

WOTJ/rmh



LAW OFFICES
FRANK BERNSTEIN, CONAWAY & GOLDMAN
1000 WENDMILL BANK & TRUST BUILDING
2 HUNTERS PLAZA
BALTIMORE, MARYLAND 21201

September 12, 1973

S. Eric DiNenna, Esquire
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition of Pikesville Plumbing
and Heating, Inc. to rezone
8,926 acres in the Third Elec-
tion District of Baltimore
County from R.D.P. to M.P.

Dear Mr. DiNenna:

As counsel for Robert H. Levi, Box No. 478, R.F.D. #1, Luthersville, Maryland 21093, I would like to register Mr. Levi's protest against the above-captioned zoning petition.

Mr. Levi will be unable to attend the hearing scheduled for 10:00 A.M., September 14, 1973 on the petition since he will be out of the country on that date. Mr. Levi who resides just southeast of the intersection of Green Spring Valley Road and Green Spring Avenue, would like to go on record as supporting the efforts of the Valley Planning Council (represented by the Law firm of Cook, Muld, Murray and Howard) to oppose said petition. Mr. Levi believes that the petition should be denied in order that the "green space" projections for this area of the county, as outlined in the County's 1980 Guide Plan, be maintained as a low density, non-commercial region. He feels that the petition seeks to spot zone, and may lead to further commercialization in the neighboring community.

Thank you very much for your consideration in this matter.

Very truly yours,
Wm. H. Sirota
Wilbert H. Sirota

WHS/gbh

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

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 18th day of April 1973

S. Eric DiNenna
Zoning Commissioner

Petitioner: George Klein
Pikesville Plumbing and Heating, Inc.
Petitioner's Attorney: James H. Nolan, Esq.

Reviewed by: [Signature]
Zoning Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 29 day of

March 1972. Item #

S. Eric Dillman
Zoning Commissioner

Petitioner Pikeville Plumbing & Heating, Inc. Submitted by N. Williams

Petitioner's Attorney J. D. Nolan Reviewed by JD

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



*Aerial Photo of Pikeville
Plumbing & Heating Property Falls Road*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3-3 Date of Posting 10-1-73
Posted for Advertising on Case No. 74-62-RX
Petitioner Pikeville Plumbing & Heating, Inc.
Location of property 1400' S of Green Spring Valley Road - 3rd Election District
Location of Signs at the intersection of Falls Road and Green Spring Valley Road
Remarks See Case No. 74-62-RX
Posted by [Signature] Date of return 10-1-73

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

No. 31638

DATE February 26, 1976 ACCOUNT 01-662

AMOUNT \$80.00

RECEIVED John W. Hessian, III, Esquire, People's Counsel
FOR Cost of Filing of an Appeal and Posting of Property
ON Case No. 74-62-RX (Item No. 13)
NW 1/4 of Falls Road, 1400' S of Green Spring Valley
Road - 3rd Election District
Pikeville Plumbing and Heating, Inc. - Petitioner

VALIDATION OR SIGNATURE OF CASHIER

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

No. 8333

DATE May 3, 1973 ACCOUNT 01-662

AMOUNT \$50.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Messrs. Nolan, Plumbhoff and Williams
204 W. Penna. Ave.
Towson, Md. 21204
Petition for Reclassification and Special Exception
for Pikeville Plumbing and Heating, Inc.

5340 CASH

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

No. 31637

DATE February 26, 1976 ACCOUNT 01-662

AMOUNT \$70.00

RECEIVED James H. Cook, Esquire
FOR Cost of Filing of an Appeal on Case No. 74-62-RX
(Item No. 13)
NW 1/4 of Falls Road, 1400' S of Green Spring Valley
Road - 3rd Election District
Pikeville Plumbing and Heating, Inc. - Petitioner

VALIDATION OR SIGNATURE OF CASHIER

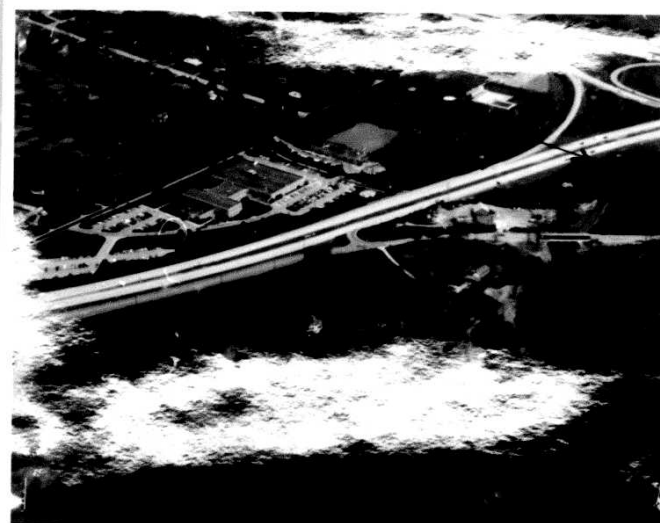
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

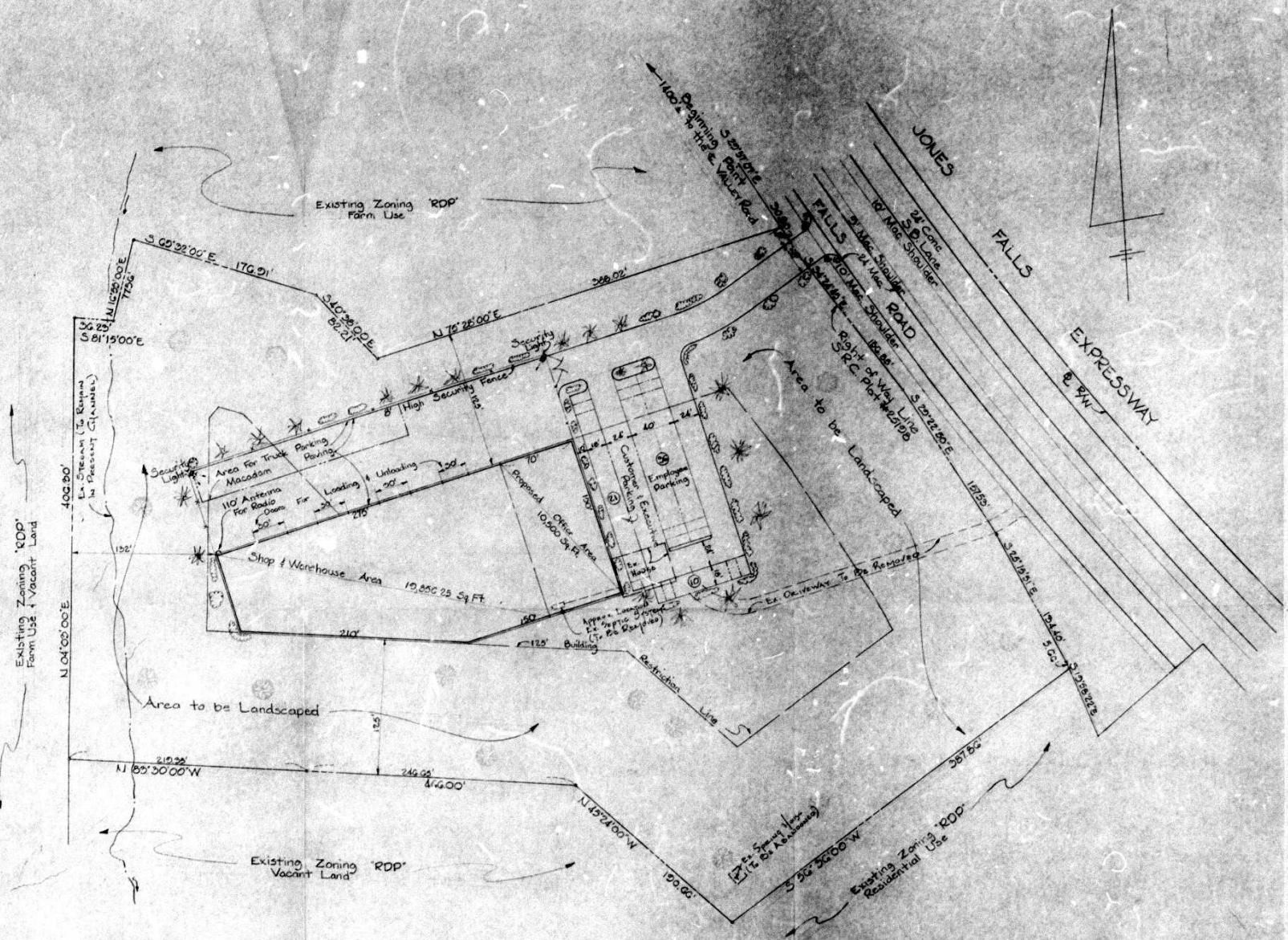
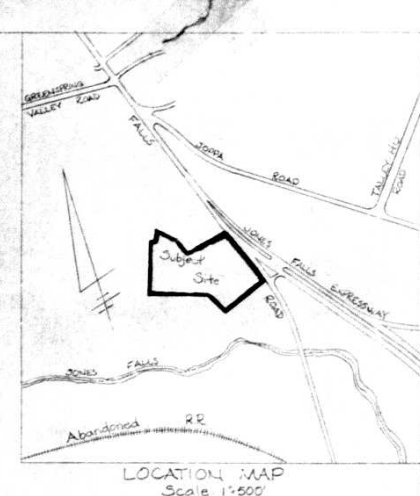
No. 12414

DATE Sept. 18, 1973 ACCOUNT 01-662

AMOUNT \$119.82

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Messrs. Nolan, Plumbhoff and Williams
204 W. Penna. Ave.
Towson, Md. 21204
Advertising and posting of property for
Pikeville Plumbing and Heating, Inc. - 74-62-RX





GENERAL NOTES

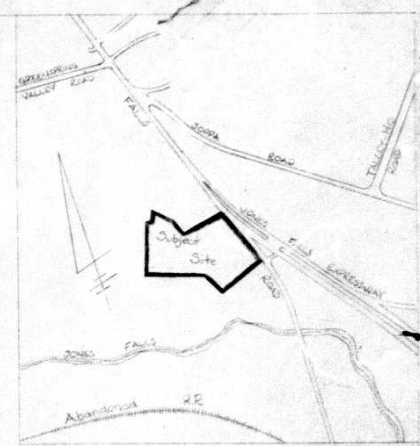
1. Area of property equals .00226 Acres
2. Existing use of property Residential
3. Existing zoning of property RDP
4. Proposed zoning of property MR With Special Exception
5. Proposed use of property Warehouse, Office, & Light Fabricating of Air Conditioning & Heating Ducts, Etc.
6. Offstreet Parking Data:
 - A. Total number of employees equals 40 requiring 14 Spaces.
 - B. Office Area equals 10,500 Sq Ft requiring 25 Spaces.
 - C. Total Spaces required = 47
 - D. Total Spaces proposed = 67
7. Petitioner is requesting a Special Exception for the erection & use of a 110' Radio Antenna for communication between the shop & trucks on the road.
8. Existing trees & planting to be saved & supplemented with additional trees & shrubs.
9. Security Lighting will be directed so as not to shine onto adjacent properties.
10. Existing Dwellings, Outbuildings On Site Shall Be Removed.
11. Petitioner will drill a new well for a private water system & will construct a new private on-site septic system.

PROTESTANT'S
EXHIBIT A

MAP	NO. 1172
SECTION	1
PROJECT	1172
DATE	11/1/72
FILED	11/1/72
BY	11/1/72
FINAL	11/1/72

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY WITH SPECIAL EXCEPTION
VICINITY
FALLS ROAD & JONES FALLS EXPRESSWAY
Election District No 3 Baltimore County, Md
Scale 1"=50'





LOCATION MAP
Scale 1:500

GENERAL NOTES

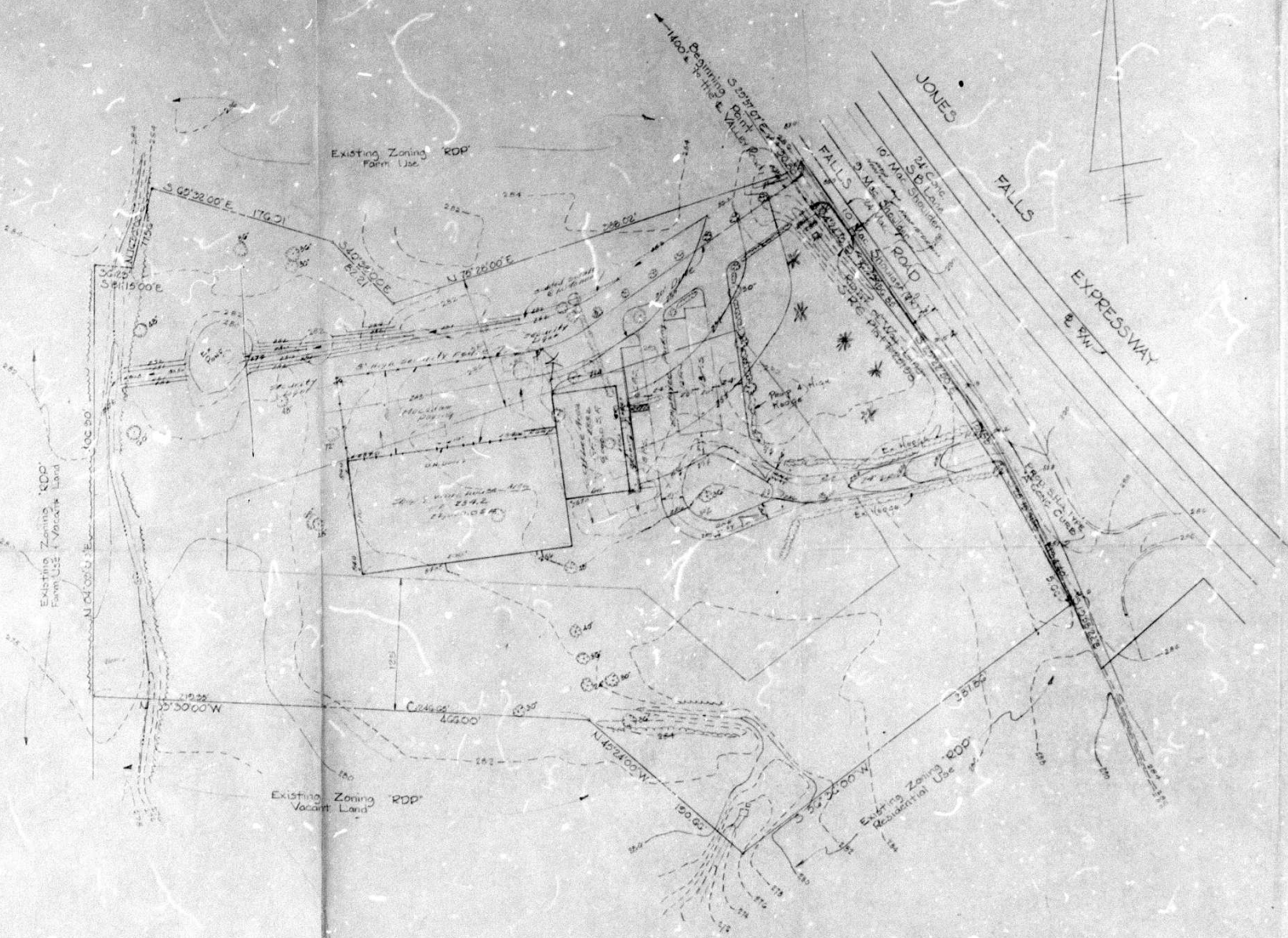
1. Area of property equals 25226 Acres
2. Existing use of property 'Residential'
3. Existing zoning of property 'RDP'
4. Proposed zoning of property 'MR'
5. Proposed use of property Warehouse, Office, & Light Fabricating & Air Conditioning / Heating Ducts, Etc.
6. Offstreet Parking Data:
 - A. Total number of employees equals 40 requiring 14 Spaces.
 - B. Office Area equals 6,000 Sq Ft requiring 20 Spaces.
 - C. Total Spaces required = 34
 - D. Total Spaces proposed = 32
8. Existing trees & planting to be saved & supplemented with additional trees & shrubs.
9. Security Lighting will be directed so as not to shine onto adjacent properties.
10. Existing Dwellings, Outbuildings On Site Shall Be Removed.
11. Petitioner will drill a new well for a private water system & will construct a new private 'on-site' septic system, should 'Public Water' & 'Public Sewer' not be available.

2C
**PROTESTANT'S
EXHIBIT B**

REVISED PLANS
JUNE 13
KILB

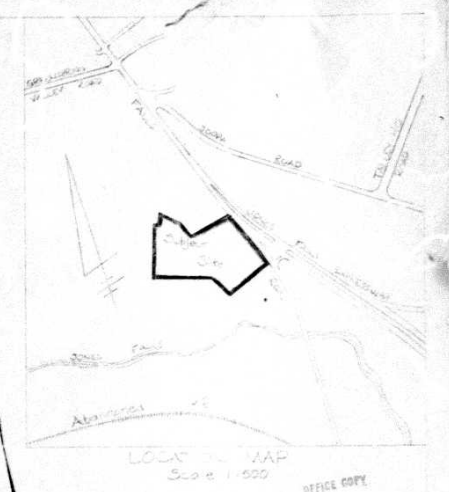
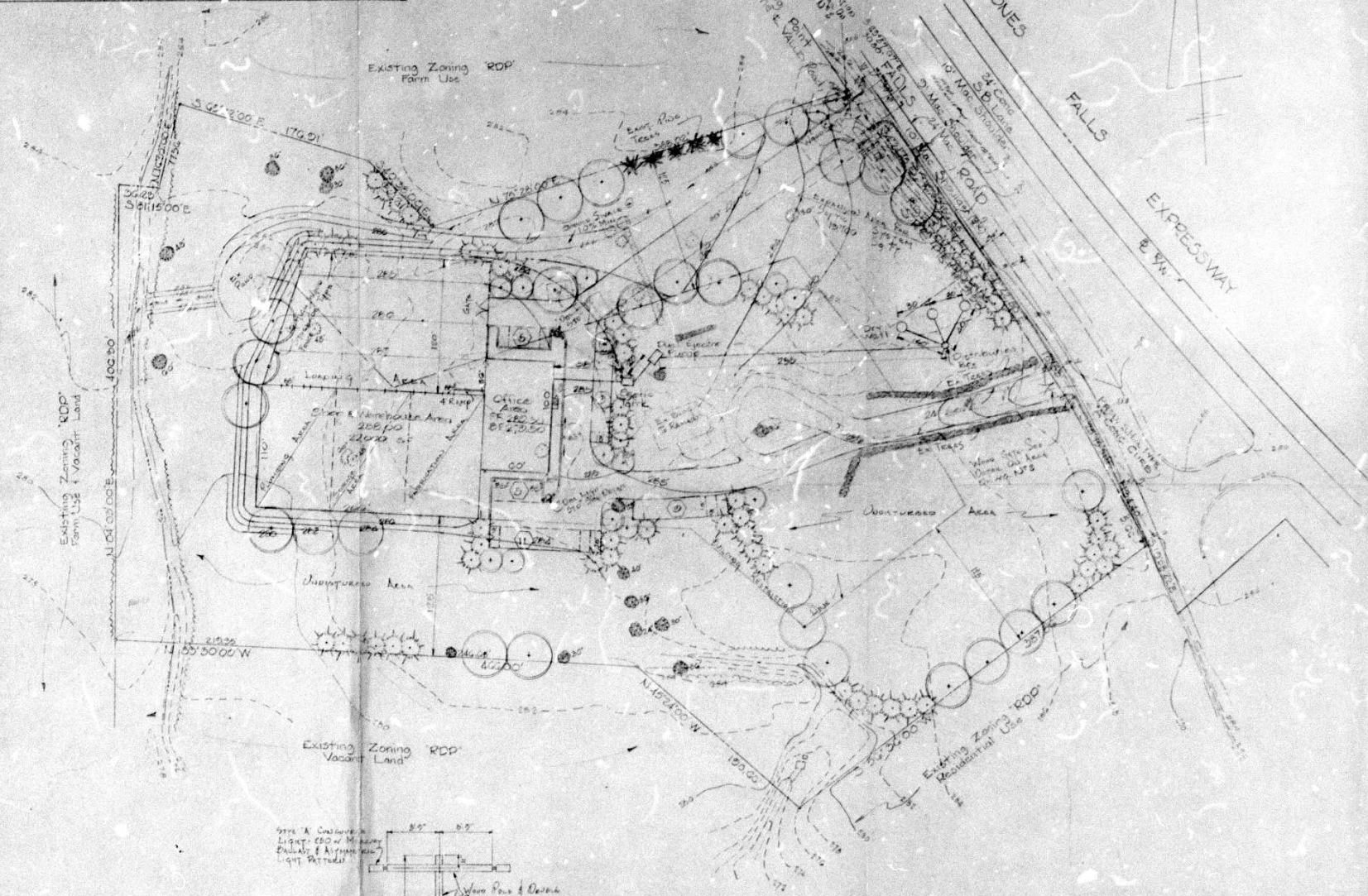


PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
FALLS ROAD & JONES FALLS EXPRESSWAY
Election District No 5 Baltimore County Md
March 22, 1975
Revised: Sept 4, 1975



PLANT LEGEND

TYPE	SPECIES	SIZE	NO.
DECIDUOUS TREES	RED MAPLE, SUGAR MAPLE, WILLOW OAK	2-2 1/2" dbh	20
EVERGREEN TREES	NORWAY SPRUCE, HEALOCK, AMERICAN HOLLY	4-5" dbh	25
FLOWERING TREES	DOGWOOD, BRADFORD PEAR	4-5" dbh	15



GENERAL NOTES

1. Area of property equals 1.0026 Acres.
2. Existing use of property Residential.
3. Existing zoning of property RDP.
4. Proposed zoning of property M2.
5. Proposed use of property Warehouse, Office, & Light Fabrication of Air Conditioning & Heating Ducts, Etc.
6. Offstreet Parking Data:
 - A. Total number of spaces equals 40 requiring 14 Spaces (1/3 Employees).
 - B. Office Area equals 6,000 Sq Ft requiring 20 Spaces.
 - C. Total Spaces required 20.
 - D. Total Spaces proposed 20.
7. Existing Trees & Shrubs (Shaded) Will be Saved & Shall be Supplemented With Additional Planting As Necessary. See Planting Schedule This Drawing.
8. Security Lighting will be directed so as not to shine onto adjacent properties.
9. Existing Outbuildings On Site Shall be Removed.
10. Petitioner will drill a new well for a private water system & will construct a new private onsite septic system. Should "Public Water" & "Public Sewer" not be available.
11. Building W. be Completely A-Conditioned And All Fabrication Work Will be Conducted Within The Building.

**PROTESTANT'S
EXHIBIT C**

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY

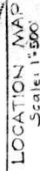
FALLS ROAD & JONES FALLS EXPRESSWAY

Electron District No 3 Baltimore County, Md.
Map of 23, 1973
Revised, Sept. 4, 1973
Oct. 22, 1973



DETAIL
DOUBLE LIGHT STANDARD
SCALE 1/2" = 1'-0"





GENERAL NOTES

1. Area of property owned by Petitioner = 17,999.5 Acres
2. Area of property requesting Reclassification = 8,226.6 Acres
3. Existing use of property: Residential
4. Existing zoning of property: M-2
5. Proposed zoning of property: M-2
6. Proposed uses of property: Warehouse, Office & Light Industrial
7. Justification for Air Conditioning & Heating Ducts: The
A. Total number of employees equals 40 requiring
14" pipes (1/3 Employees)
B. Office Area equals 12,260 sq. ft. requiring 32 Spaces/1000 sq. ft.
C. Total Spaces required = 46
D. Total Spaces proposed = 50
8. Existing trees & shrubs (Shaded) Will Be Saved & Shrub
& Saplings Planted with Additional Planting As Necessary
See Planting Schedule This Drawing.

1. Area of property owned by Applicant: 17,995 Acres
2. Area of property requesting "Reclassification": 2,922 Acres
3. Existing Use of property: Residential
4. Existing zoning of property: RPD
5. Proposed zoning of property: MR
6. Reason for change of property: Light
7. Preparation for Air Conditioning & Heating Ducts: Yes
8. Different parking Data: Yes
9. Additional number of employees: 40 requiring 25 Spaces (1000 sq ft requiring 25 Spaces)
10. Office Area: 12,000 Sq Ft requiring 25 Spaces (1000 sq ft requiring 25 Spaces)
11. Total Spaces proposed: 50
12. Existing Trees & Shrubs (Shades): Will Be Saved & Shall
13. Any Special or Additional Planting As Necessary: See Planting Schedule This Drawing.
14. Security Lighting will be directed so as not to shine onto adjacent properties.
15. Existing Outbuildings On site Shall Be Removed
16. Applicant will drill a new well for a private water system & will construct a new private onsite "Septic System, Sewer, Public Water, & Public Sewer" not be on public
17. Building will be Completely Air Conditioned And All Foundation Work will Be Conducted Within The Building
18. Topography shown is taken as requested by the Outboard County Planning Board.
19. Flood limit shown for Deep Run based upon 100 year storm frequency. See Deep Run Flood Study as requested by the Outboard County Planning Board.

3. Teacupping shown is "field-run" as requested by the Calumet County Planning Board.

14. Flood limit shown for Deep Run based upon 100 year storm frequency. See Deep Run Flood Study as requested by the Baltimore County Planning Board.

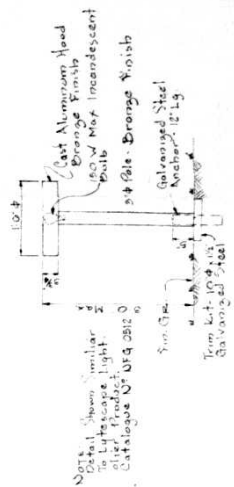
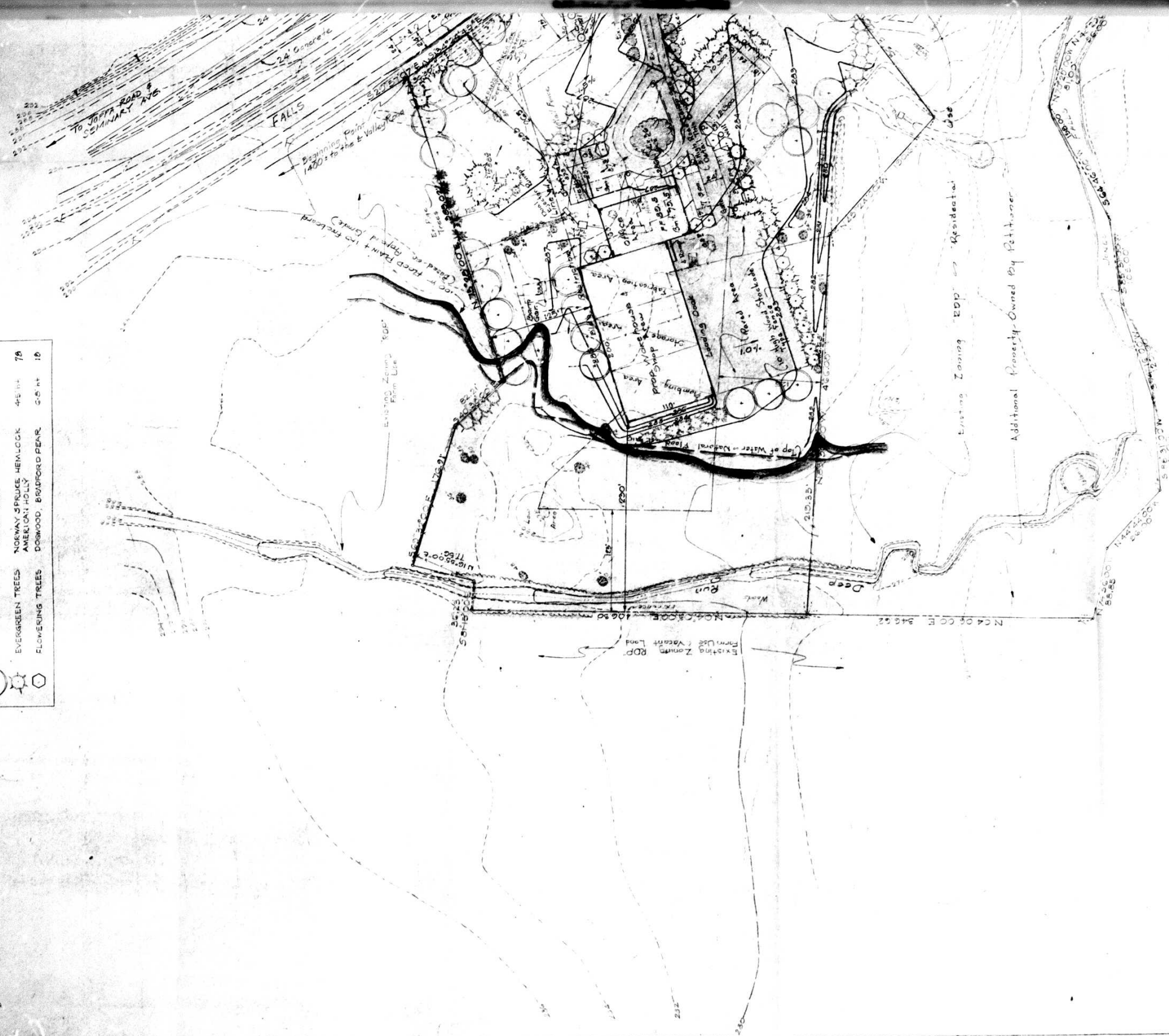
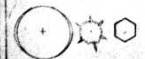
FALLS ROAD & JONES FALLS EXPRESSWAY

Election District No. 3
Baltimore County, Md.
February 25, 1874

DETAIL
LAYOUT OF WALKWAY LIGHTING ROAD STOOD
SCALE: 3/4"=1'-0"

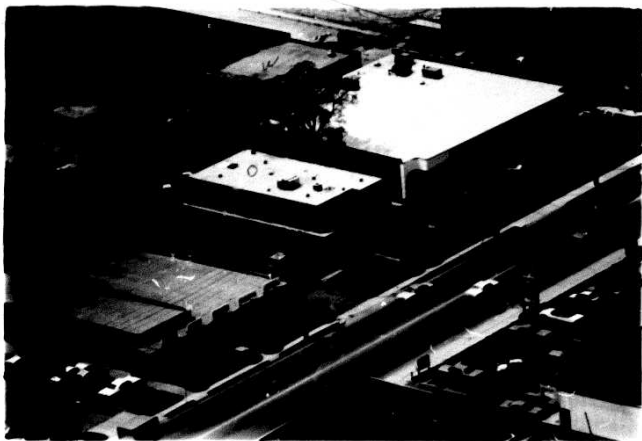
PLANT LEGEND

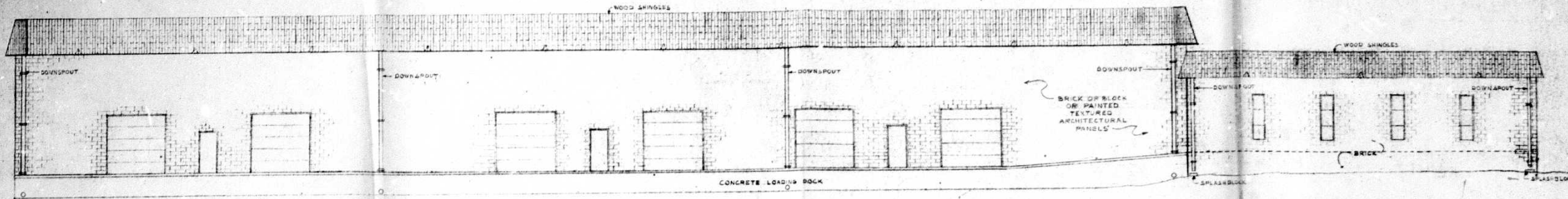
TYPE	SPECIES	SIZE	NO.
DECIDUOUS TREES	RED MAPLE, SUGAR MAPLE	2 1/2" CAL.	25
	WILLOW, OAK		
EVERGREEN TREES	NORWAY SPRUCE, HEMLOCK	4-5" H.	75
FLOWERING TREES	AMERICAN HOLLY, DOGWOOD, BRADFORD PEAR	5-6" H.	10



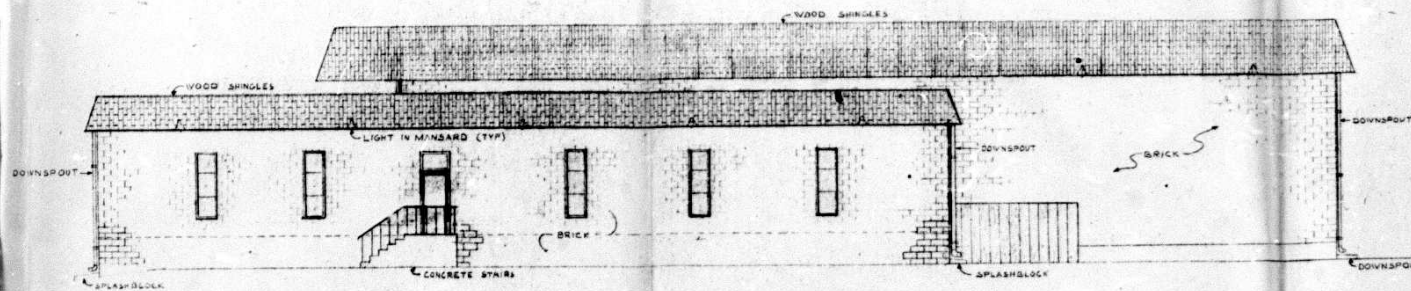
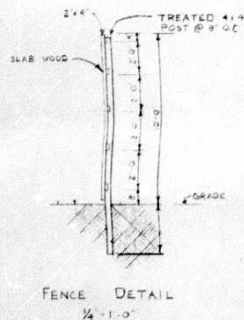
DETAIL
LAWN & WALKWAY LIGHTING ROAD STOOD
SCALE: 1/2"=1'-0"

PROTESTANTS EXHIBIT 13



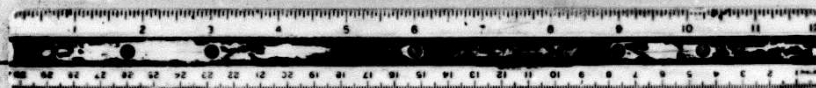


SOUTH ELEVATION



EAST ELEVATION
SCALE: 1/8" = 1'-0"

PETITIONER'S
EXHIBIT #5



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH

PETITIONER'S
EXHIBIT #4

December 17, 1974

DONALD J. POOL, M.D., RPH
BALTIMORE HEALTH DEPARTMENT

Mr. Frank J. Klein
300 Reisterstown Road
Baltimore, Maryland 21206

Re: 8 acres, West of Falls Road
Proposed Plumbville Plumbing and
Heating Company, Election District 3

Dear Mr. Klein:

A representative of this office, Mr. Paul D'A. Didier, evaluated the soil on the subject property. The results are as follows:

TEST PIT	DRAUDEN	DEPTH	SOIL
1	13 minutes	4 feet	Clay 0-4 ft., Cockeysville Formation 4-10 ft., water 10 ft.
2	12 minutes	4 feet	Clay 0-4 ft., Cockeysville Formation 4-10 ft., water 10 ft.
3	---	---	Clay 0-4 ft., Cockeysville Formation 4-10 ft.
4	---	---	Clay 0-4 ft., Cockeysville Formation 4-10 ft.

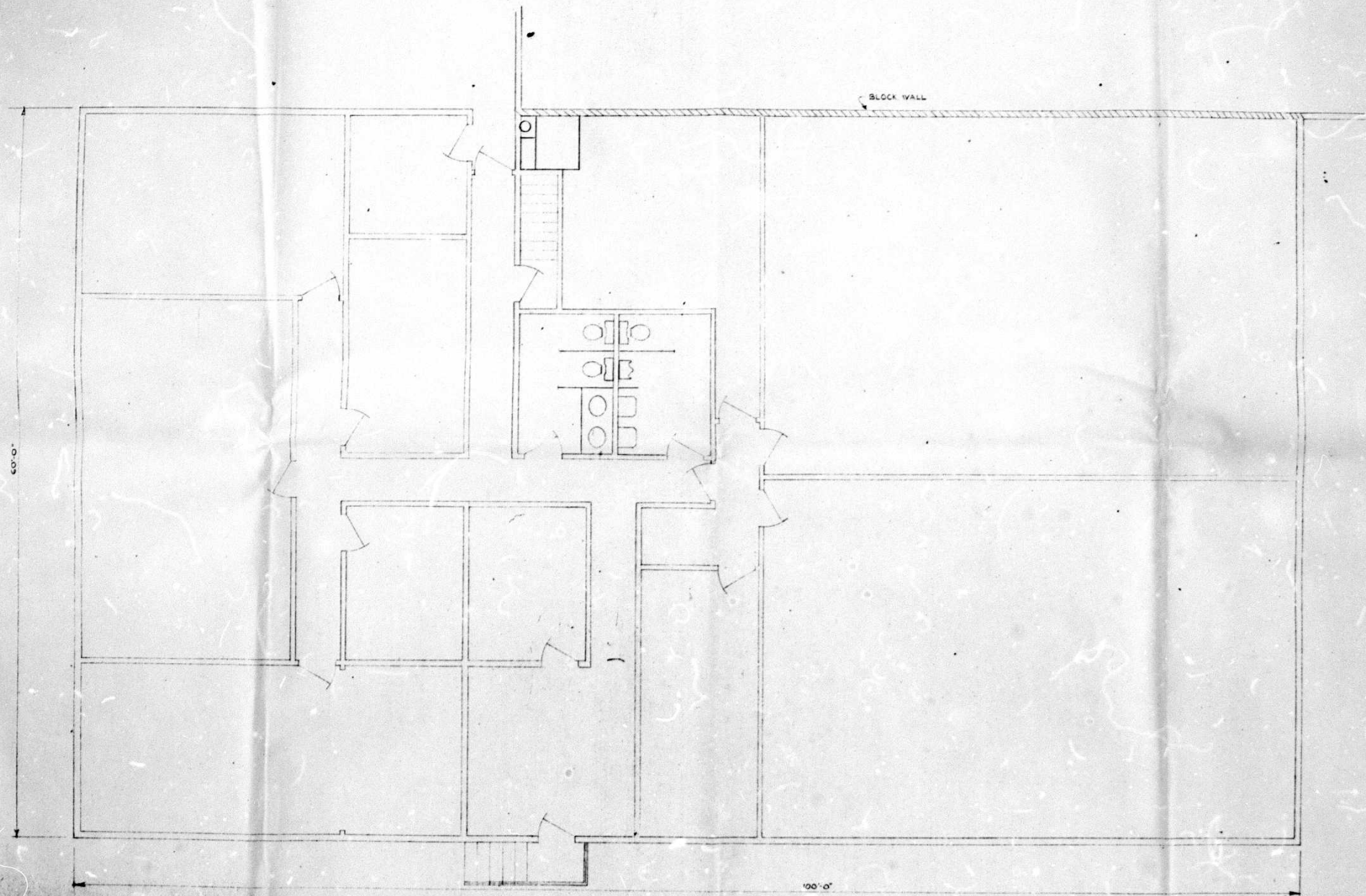
Based on the soil evaluations and plot plan dated February 20, 1974, approval will be granted for the installation of a private sewage disposal system.

Soil evaluation results will be valid for a period of three years. At the expiration of this period of time, the results will become void without notice to that effect having been given by the approving authority.

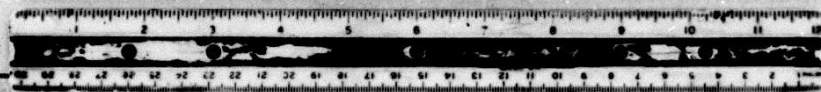
Very truly yours,

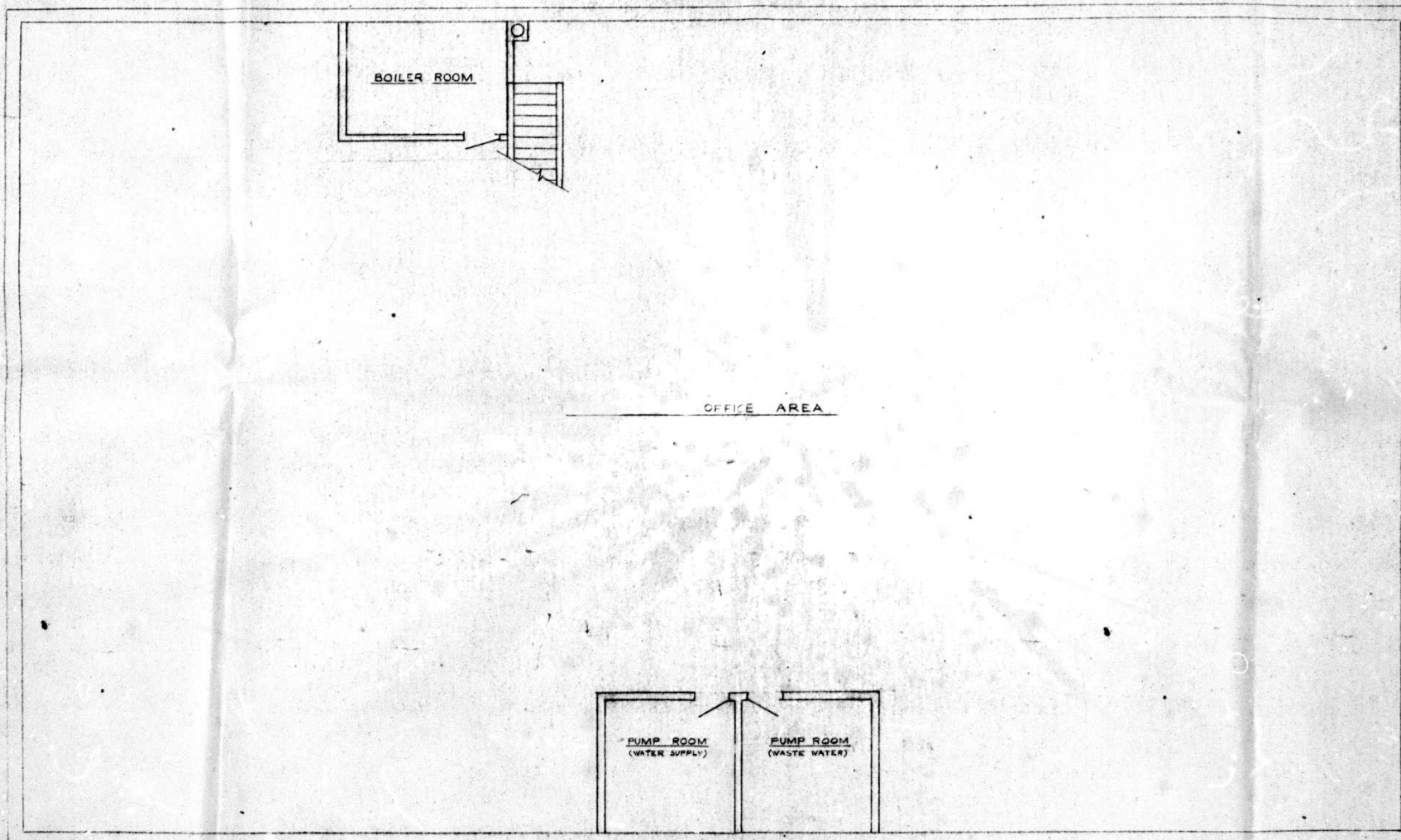
William M. Greenwalt, R.S., Chief
Division of Sanitary Engineering
BUREAU OF ENVIRONMENTAL SERVICES

JUL 19 1977

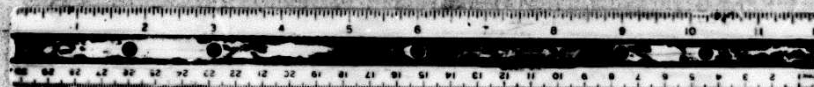


OFFICE AREA
FLOOR PLAN
SCALE 1/4" = 1'-0"





OFFICE AREA
BASEMENT PLAN
SCALE: 1/4" = 1'-0"





72-47

12-12

SUBJECT SITE

Deep

Rw

Falls

Jules

Rox

Falls

Deltway

BALTIMORE

Expressway

Relaxing

12-12 NW

Scale: 1" = 200'

Ret x 6

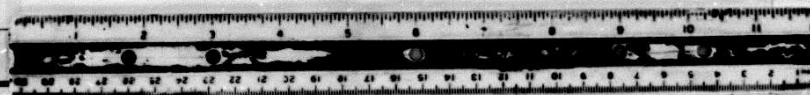
12-12 NE

JUL 19 1977



SCALE	TOPO & PLAN SHEETS	KEY SHEET
1"=500' T.	NW, 11-C 13-D 12-C 11-E 13-C 12-E 11-D 13-E 12-D	S S. W.

MICROFILMED



2c Pet 8
9B

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. S. Eric DiNenna
TO: Zoning Commissioner
Date: July 18, 1974
FROM: Baltimore County Planning Board
SUBJECT: Recommendations of the Baltimore County Planning Board to the Zoning Commissioner
Pinesville Plumbing and Heating, Inc.
Location S/W Side of Falls Road, in the Green Spring Valley

The Planning Board has commented on the petition for M.R. reclassification on this property in its comments on Item 13, Report of the Baltimore County Planning Board to the Zoning Commissioner, Zoning Cycle V. Nothing in these comments is intended to alter or change that recommendation.

The Planning Board believes that the proposed development plan would meet the requirements of the M.R. zoning classification.

Edward A. Griffith
Edward A. Griffith
Acting Chairman
Baltimore County Planning Board

2c
**PETITIONER'S
EXHIBIT #8**



13

12

11

10

9

8

7



SCALE

1"=100 FT

KEY

SHEET

S

-LEGEND-

B.C.M.D. MAINS SHOWN

BALTIMORE CITY MAIN SHOWN

FIRE HYDRANTS SHOWN

VALVES SHOWN

20
Pet
9A

B/

FLOOD STUDY FOR

"KLEIN TRACT"

FALLS ROAD

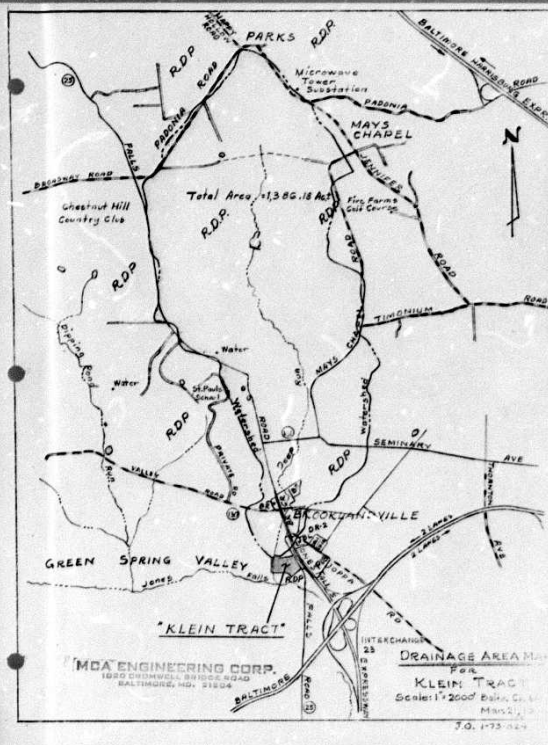
BALTIMORE COUNTY, MARYLAND



MCA ENGINEERING CORPORATION
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

MARCH 1974

J.O. #01-73024



MATZ, CHILDS & ASSOCIATES

100 CROMWELL BRIDGE ROAD
255 NORTH STONESTREET AVENUE
78 SOUTH CHAMBER STREET
BALTIMORE, MARYLAND 21204
ROCKVILLE, MARYLAND 20850
NEWARK, DEL. 19711

DESIGNED BY: MCA SUB-1
CHECKED BY: MCA SUB-1
DATE: 3-14-74
PROJECT: "KLEIN TRACT" FLOOD STUDY
FALLS RD. BALTO. CO., MD.
SHEET: 1 OF 1

AREA: 1,386.2 AC. = TOTAL AREA OF DRAINAGE AREA
"C" FOR BR-CL AREAS @ 0.9 = 16.52 AC.
"C" FOR RDP AREAS @ 0.3 = 1369.66 AC.
"C" FOR DR2 AREAS @ 0.3 = 1369.66 AC.
then:
16.52 AC @ 0.9 = 14.87
1369.66 AC @ 0.3 = 410.30
1386.22 AC (A) = 425.77 (C)
WEIGHTED "C" = 0.31

TIME:
Since there is approx. 1530' E & KLEIN TRACT FROM
UPPERMOST PART OF DRAINAGE AREA, TIME IS AS
FOLLOWS:
2550.0 SECONDS
6175.300 FT TO H
2550.0
60 = 42.5 min.
42.5 MIN. @ 6 fps.
+ 10.0 MIN. (FIRST 100 FT.)
52.5 MIN. TOTAL TIME FROM TOP D.A. TO FE.

INTENSITY
From Chart (100 in) TECHNICAL PAPER 25
U.S.D.C. WEATHER BUREAU FD-408
= 3.50
Adjustment - per Balto. Co. Design Manual (Bridge & Culvert Notes)
93.5% of 3.50 (chart value) or 3.33

$Q_{100} = C I_{100} A = 0.31 \times 3.55 \times 1386.13$
 $= 423.72 \times 3.55$
 $Q_{100} = 1525.51 cfs.$

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
0+0.00	1525.51	275.90	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
9.1	3.1	279.00	500.0	485.1	475.4
12.4	3.2	279.10	342.4	2724.9	10860.9
12.0	3.3	279.20	340.2	2418.8	8943.5
11.0	3.4	279.30	337.9	2112.6	7169.3
9.9	3.5	279.40	335.7	1806.5	5547.4
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
0+50.00	1525.51	275.90	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
0.0	4.1	280.00	309.9	0.0	0.0
26.0	4.2	280.10	417.0	9444.6	75610.0
25.2	4.3	280.20	413.3	8942.3	69431.4
24.4	4.4	280.30	409.7	8440.0	63426.1
23.6	4.5	280.40	406.1	7937.7	57601.5
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
1+0.00	1525.51	277.20	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
1.0	2.1	279.29	279.9	49.3	15.5
34.5	2.2	279.40	399.5	13803.9	146416.5
31.4	2.3	279.50	383.0	11476.4	110728.0
27.8	2.4	279.60	365.3	9148.8	78175.5
23.5	2.5	279.70	349.6	6821.3	49436.6
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
1+50.00	1525.51	278.50	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
1.9	1.6	279.90	266.5	119.3	69.8
1.8	1.7	280.00	133.6	56.5	31.8
1.9	1.8	280.10	154.7	71.0	42.3
17.3	1.9	280.20	349.9	4301.1	22907.6
16.7	2.0	280.30	348.2	4059.3	20872.6
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
2+0.00	1525.51	278.50	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
0.0	2.6	281.10	294.0	0.0	0.0
38.4	2.7	281.20	452.7	18138.6	216309.1
35.9	2.8	281.30	436.2	16020.4	177011.1
33.2	2.9	281.40	419.7	13702.3	139966.4
30.1	3.0	281.50	403.2	11384.1	105554.1

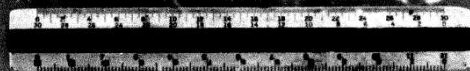
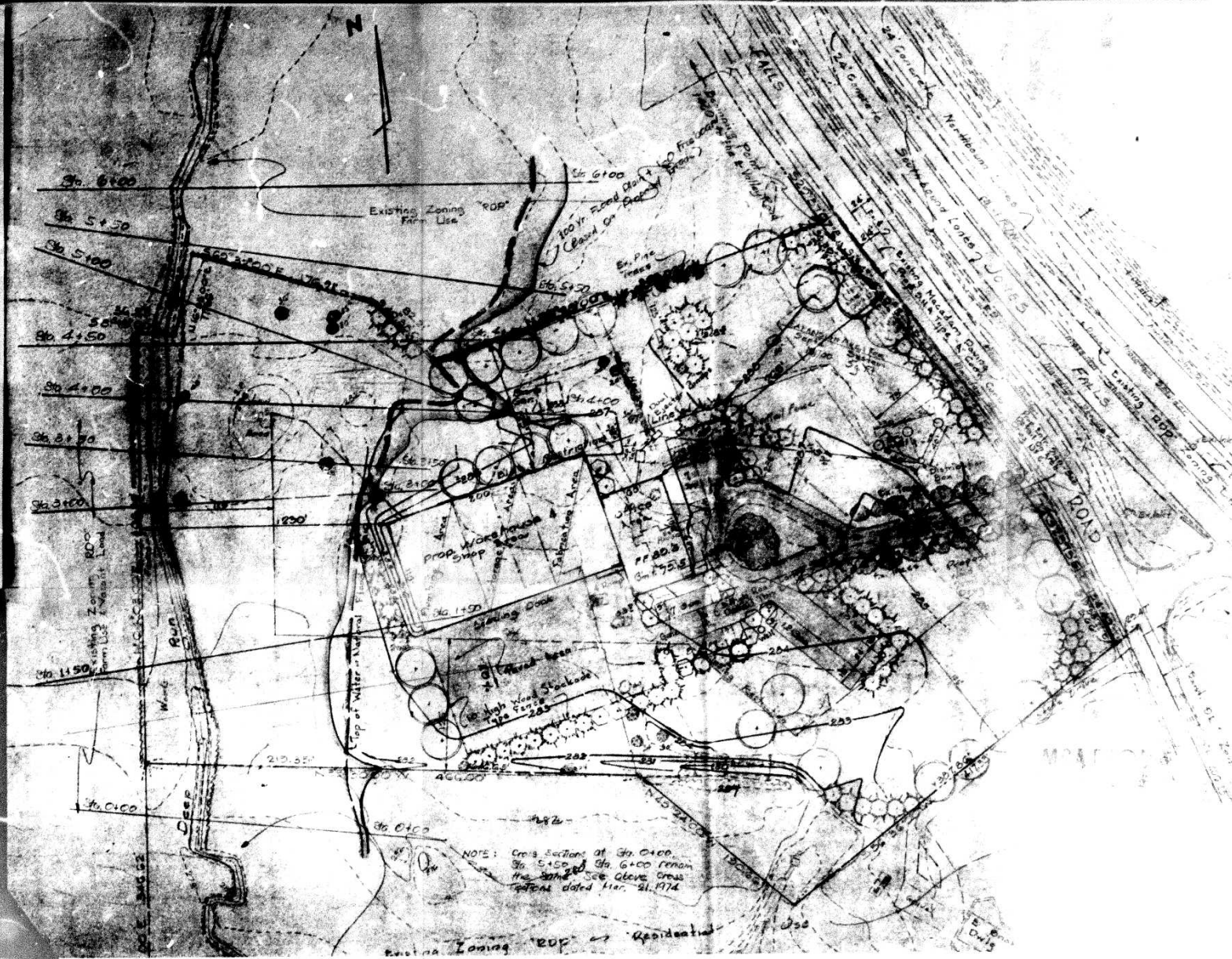
INTERSECTIONS

LEFT	RIGHT
0.00	132.77
0.00	140.62
0.00	142.26
0.00	144.51
0.00	146.75
LEFT	RIGHT
0.00	132.99
0.00	136.63
0.00	140.27
0.00	143.90
0.00	147.54
LEFT	RIGHT
0.00	10.64
0.00	11.16
0.00	27.62
0.00	44.49
0.00	61.15
LEFT	RIGHT
-200.00	111.49
-36.00	113.01
0.00	61.96
0.00	116.55
0.00	118.31
LEFT	RIGHT
9.00	8.99
0.00	25.49
0.00	61.96
0.00	58.49
0.00	74.78

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
2+30.00	1525.51	279.00	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
2.7	2.1	281.10	30.4	24.2	20.8
41.0	2.2	281.20	493.3	22083.1	278446.7
38.5	2.3	281.30	473.4	19291.6	228465.8
35.7	2.4	281.40	453.5	16500.1	181173.1
32.5	2.5	281.50	433.7	13708.6	137077.4
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
3+0.00	1525.51	279.40	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
3.2	3.1	282.50	457.8	451.6	450.0
3.3	3.2	282.60	471.9	500.6	500.7
3.5	3.3	282.70	486.0	548.9	595.4
3.6	3.4	282.80	500.1	598.7	675.1
3.8	3.5	282.90	514.2	650.0	755.8
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
3+50.00	1525.51	279.70	2.500	0.050	324.6
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
4.2	3.6	283.00	463.5	394.6	354.6
4.3	3.7	283.10	491.5	442.0	412.5
4.5	3.8	283.20	516.2	493.4	478.7
4.7	3.9	283.30	536.8	546.4	552.9
4.9	4.0	283.40	557.4	601.5	632.8
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
4+0.00	1525.51	278.40	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
3.4	4.6	283.00	262.9	367.2	427.0
3.2	4.7	283.10	347.8	39.4	438.0
3.2	4.8	283.20	382.8	436.2	475.8
3.2	4.9	283.30	417.7	478.4	520.1
3.2	5.0	283.40	445.9	520.1	572.9
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
4+50.00	1525.51	281.00	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	NET PER	AREA	AR 2/3
2.5	3.6	284.60	547.3	443.5	385.5
2.6	3.7	284.70	585.1	500.7	451.0
2.7	3.8	284.80	615.0	561.3	528.1
2.9	3.9	284.90	644.1	624.8	612.2
3.0	4.0	285.00	668.8	691.0	707.6

NATURAL FLOOD PLAN

LEFT	RIGHT
-24.00	6.00
0.00	25.86
0.00	45.72
0.00	65.98
0.00	85.45
LEFT	RIGHT
-264.99	192.74
-271.11	194.71
-289.23	196.68
-301.35	198.65
-313.47	200.62
LEFT	RIGHT
-259.29	214.24
-277.58	216.52
-295.86	218.79
-314.14	221.06
-332.42	223.33
LEFT	RIGHT
-154.99	217.49
-174.99	218.46
-194.99	220.42
-214.99	221.87
-234.99	223.35
LEFT	RIGHT
-313.79	259.39
-334.30	262.32
-354.80	265.25
-375.30	268.18
-395.06	271.11



STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 1/3 REQ
740.00	1525.51	284.10	1.000	0.050	5.3.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.6	2.6	286.70	316.2	266.8	238.2
2.8	2.7	286.80	325.0	299.2	289.1
2.9	2.8	286.90	331.8	332.4	331.5
15.5	2.9	287.00	500.0	5996.4	31419.9
14.5	3.0	287.10	495.6	5388.9	26449.5

NATURAL FLOOD PLAIN INTERSECTIONS

LEFT	RIGHT
-23.99	291.89
-26.01	298.66
-21.03	305.13
0.00	312.12
0.00	316.47

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
0+0.00	1525.51	279.90	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
1.1	1.1	279.00	300.0	489.1	375.4
12.9	3.2	279.10	342.4	2724.9	10860.9
12.0	3.3	279.20	340.2	2418.8	8943.5
11.0	3.4	279.30	337.9	2112.6	7169.3
6.9	3.5	279.40	335.7	1800.5	5714.4

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
0+50.00	1525.51	279.90	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
0.0	4.1	280.00	309.9	0.0	0.0
26.0	4.2	280.10	417.0	9444.6	75810.0
25.2	4.3	280.20	413.3	8942.3	69431.4
24.4	4.4	280.30	409.7	8440.0	61426.1
23.8	4.5	280.40	406.1	7937.7	54601.5

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
1+0.00	1525.51	277.20	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
1.0	2.1	279.20	279.9	49.3	15.5
16.5	2.2	279.40	399.6	13403.9	146416.5
31.4	2.3	279.60	384.0	11476.4	110726.0
27.8	2.4	279.80	366.3	9148.8	78175.5
23.4	2.5	279.70	349.6	6821.5	49436.6

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
1+50.00	1525.51	276.90	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.1	1.0	279.90	182.2	100.0	67.0
1.6	1.7	280.00	78.5	78.2	14.3
1.1	1.8	280.10	96.3	71.1	19.4
7.0	1.9	280.20	297.0	954.2	2077.5
6.8	2.0	280.30	296.6	900.5	1888.3

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
2+0.00	1525.51	278.50	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
0.0	2.6	281.10	132.0	0.0	0.0
26.7	2.7	281.20	350.4	8231.6	67527.9
22.6	2.8	281.30	342.9	7191.1	54682.4
20.7	2.9	281.40	335.5	6150.5	42759.9
20.7	3.0	281.50	328.1	5110.0	31866.8

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-361.99	137.77
0.00	140.02
0.00	142.26
0.00	144.51
0.00	146.75

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
0.00	132.99
0.00	136.63
0.00	140.27
0.00	143.10
0.00	147.54

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
0.00	106.64
0.00	11.16
0.00	27.82
0.00	44.49
0.00	61.15

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-200.00	3.76
-36.03	58.00
-39.56	58.40
0.00	58.81
0.00	59.21

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
9.00	9.00
0.00	16.40
0.00	23.81
0.00	31.71
0.00	38.62

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
5+0.00	1525.51	280.70	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.8	4.1	284.79	411.8	385.7	369.2
2.6	4.2	284.90	462.8	429.7	409.0

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
5+50.00	1525.51	281.90	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.6	3.6	285.50	533.9	472.9	425.7
2.8	3.7	285.60	576.9	526.9	501.8
2.9	3.8	285.70	595.9	588.9	585.2
3.0	3.9	285.80	617.0	650.1	673.1
3.1	4.0	285.90	636.5	713.1	768.1

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
6+0.00	1525.51	283.30	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.4	2.1	285.40	542.9	410.8	341.1
2.6	2.2	285.50	567.0	466.9	410.1
2.7	2.3	285.60	591.1	525.4	485.6
2.8	2.4	285.70	615.2	586.3	567.7
3.0	2.5	285.80	639.3	649.9	656.6

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-209.99	260.39
-249.38	261.46
-288.10	262.52
-293.56	263.58
-299.01	264.64

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-317.49	35.49
-324.05	280.9
-328.60	266.40
-334.16	281.85
-339.71	301.19

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-299.19	249.69
-306.06	260.92
-312.93	278.16
-319.80	295.16
-326.67	312.58

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-317.49	35.49
-324.05	280.9
-328.60	266.40
-334.16	281.85
-339.71	301.19

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-317.49	35.49
-324.05	280.9
-328.60	266.40
-334.16	281.85
-339.71	301.19

INTERSECTIONS	JOB NO. 173024
LEFT	RIGHT
-317.49	35.49
-324.05	280.9
-328.60	266.40
-334.16	281.85
-339.71	301.19

MCA ENGINEERING CORPORATION

FLOOD PLAIN STUDY

JOB NO. = 0173024 DATE = 5-9-1974

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
1+50.70	1525.51	278.30	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
1.9	1.6	279.30	266.5	119.3	58.5
1.8	1.7	280.00	154.6	58.5	31.8
1.9	1.8	280.10	154.7	71.0	42.3
17.3	1.9	280.20	344.9	4101.1	22907.6
16.7	2.0	280.30	348.7	4053.3	20872.6

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
3+0.00	1525.51	279.40	1.200	0.050	468.5
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
3.2	3.1	282.50	459.3	451.0	451.5
3.1	3.2	282.60	468.9	499.7	521.5
3.5	3.3	282.70	482.5	547.7	596.0
3.6	3.4	282.80	496.1	597.1	675.7
3.8	3.5	282.90	509.7	647.9	760.3

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
3+50.00	1525.51	279.70	2.500	0.050	324.6
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
4.2	3.6	283.29	447.8	385.4	346.7
4.4	3.7	283.40	474.1	431.8	409.7
4.6	3.8	283.50	497.0	480.6	470.0
4.7	3.9	283.60	515.8	531.6	542.4
4.9	4.0	283.70	534.6	584.5	620.3

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
4+0.00	1525.51	278.40	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
3.3	4.0	283.00	305.4	373.5	427.2
3.2	4.7	283.10	361.8	407.0	440.3
3.2	4.8	283.20	398.3	446.3	476.8
3.2	4.9	283.30	434.7	487.1	525.8
3.2	5.0	283.40	468.3	532.6	580.2

STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
4+50.00	1525.51	281.00	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.0	3.0	284.60	525.8	437.1	386.4
2.7	3.7	284.70	580.6	491.9	450.8
2.8	3.8	284.80	588.2	549.8	526.7
2.9	3.9	284.90	611.9	610.2	609.1
3.0	4.0	285.00	636.8	673.2	698.7

MCA ENGINEERING CORPORATION

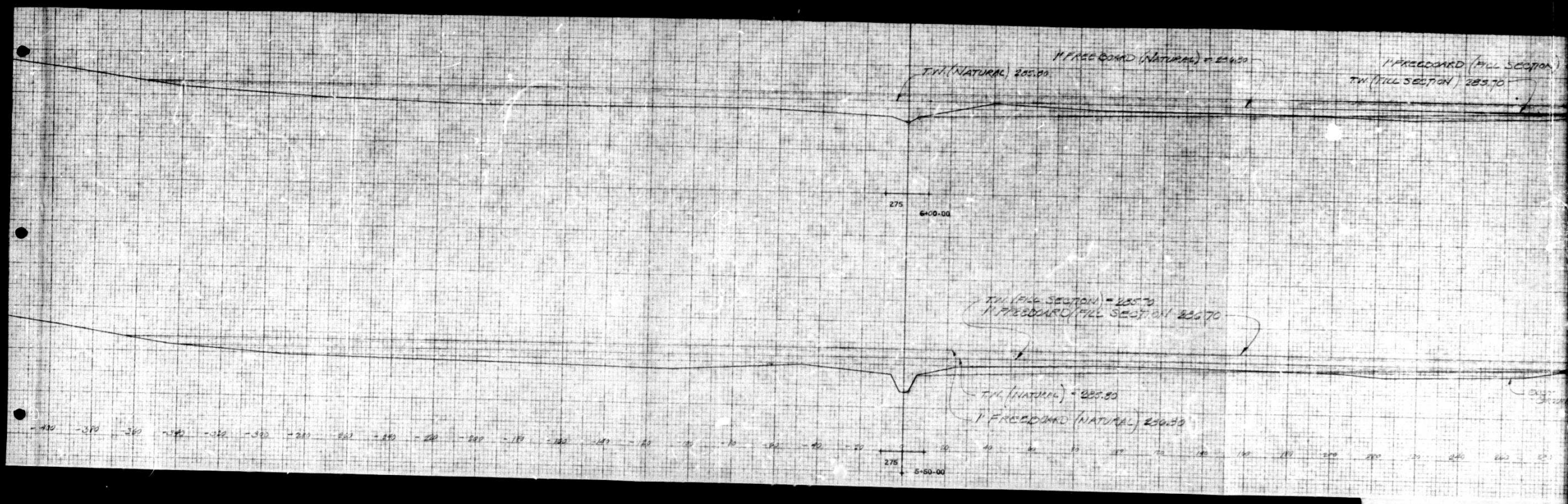
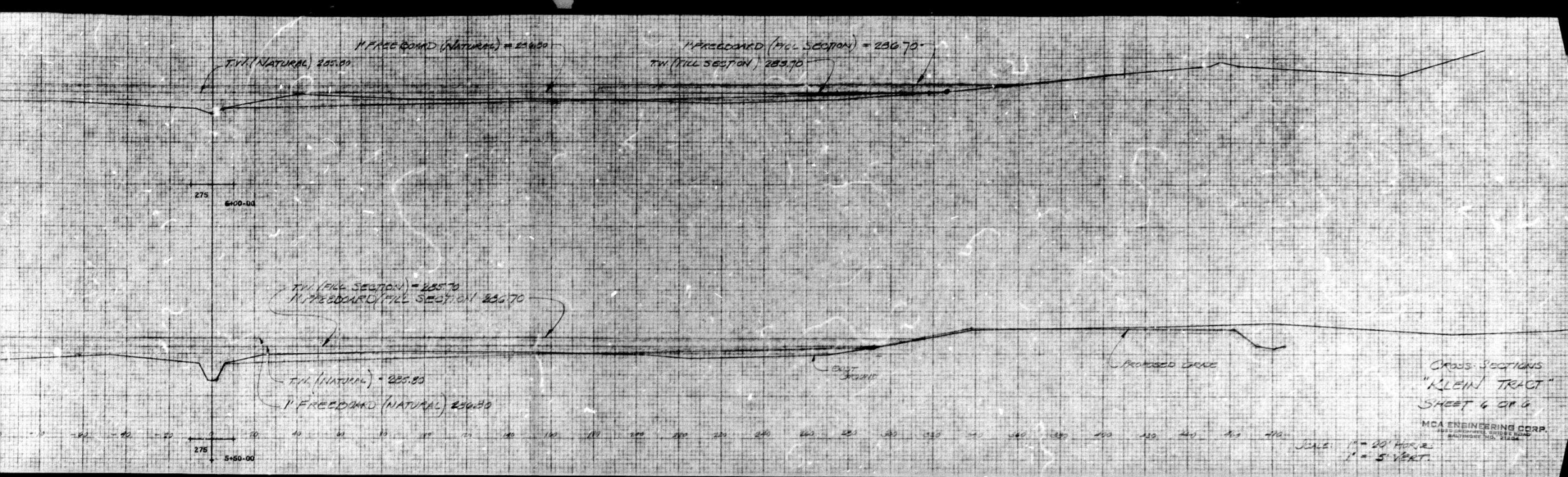
FLOOD PLAIN STUDY

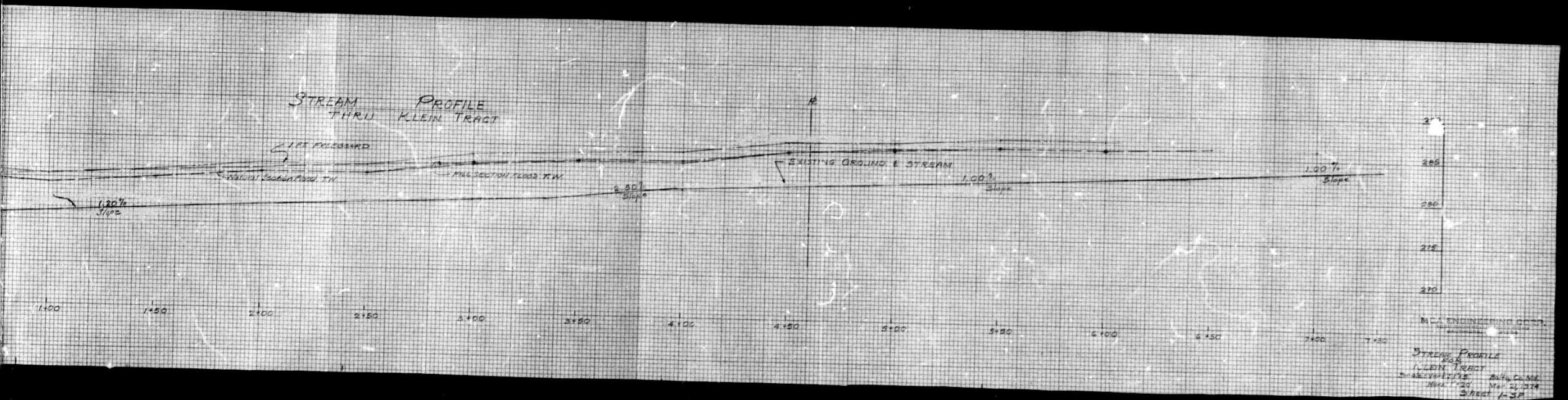
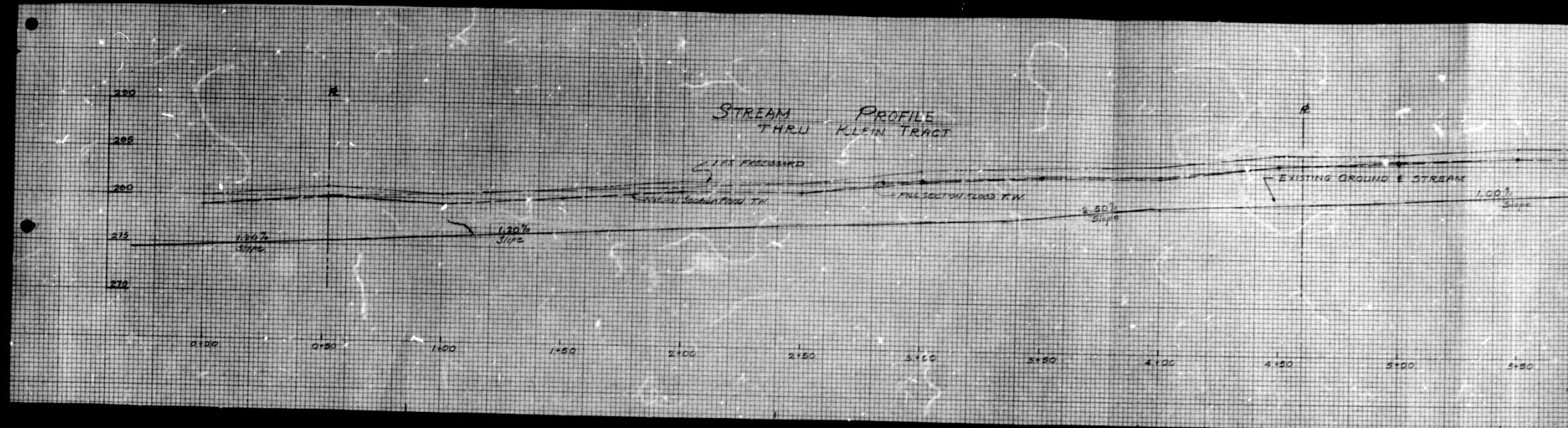
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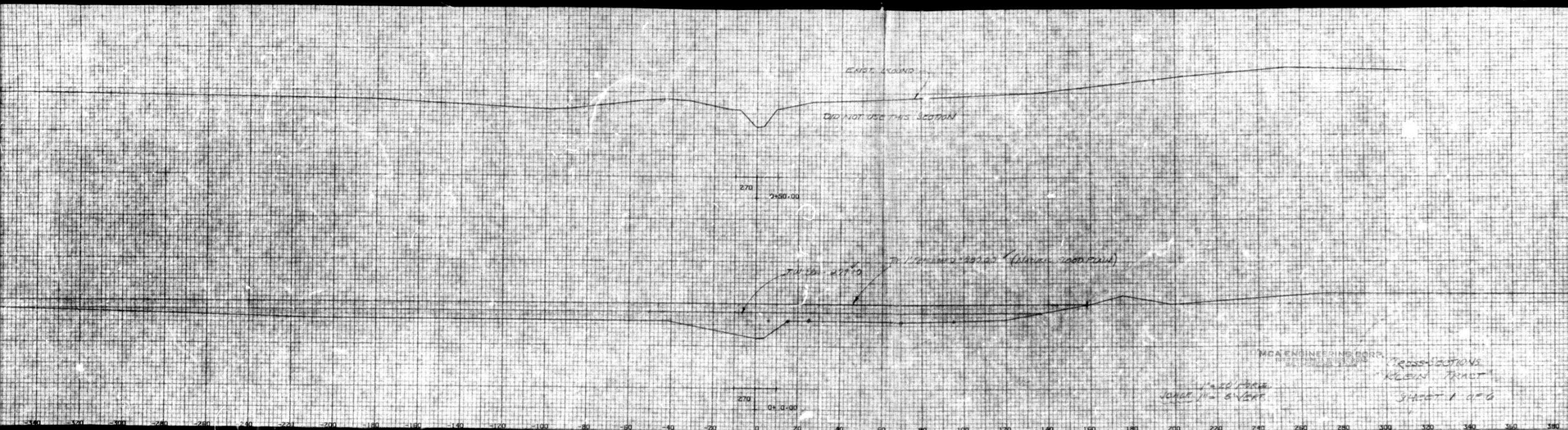
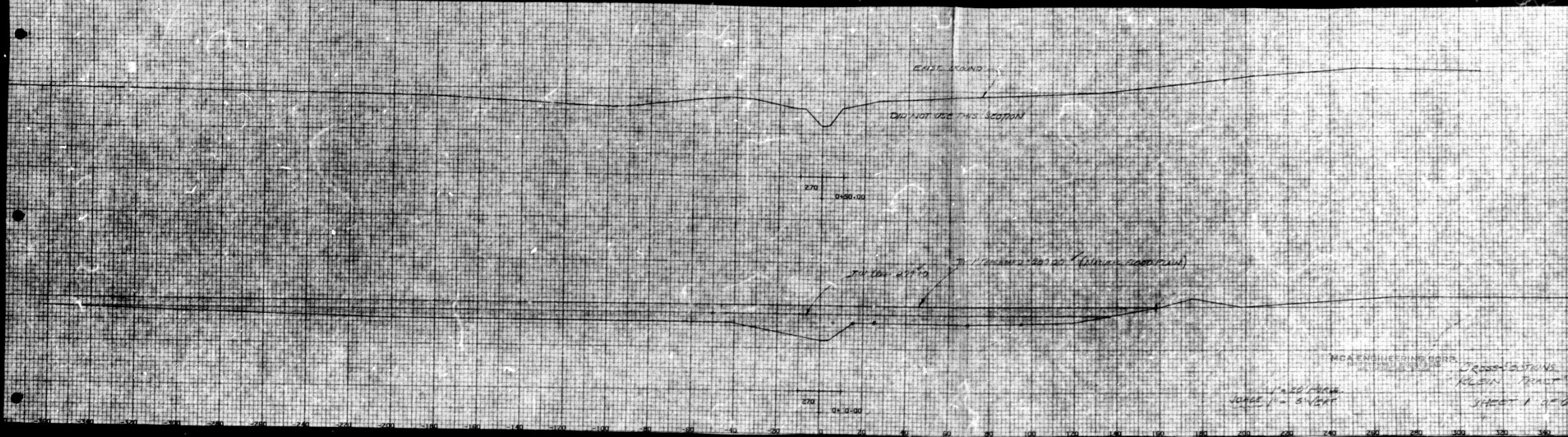
STATION	Q/CFS	INV ELEV	SLOPE/PC	ROUGH COEF	AR 2/3 REQ
5+0.00	1525.51	281.30	1.000	0.050	513.2
VELOCITY	DEPTH	TW ELEV	WET PER	AREA	AR 2/3
2.8	4.1	285.40	608.2	581.0	581.0
3.0	4.2	285.50	618.1	642.9	659.9
3.2	4.3	285.60	628.0	705.7	762.8
3.3	4.4	285.70	637.9	769.5	824.0
3.5	4.5	285.80	647.8	834.3	887.7

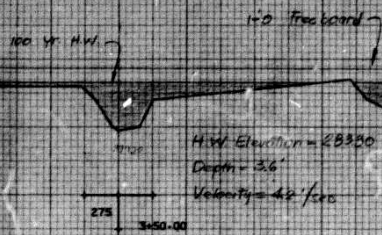
SHEET 3B

SHEET 1B

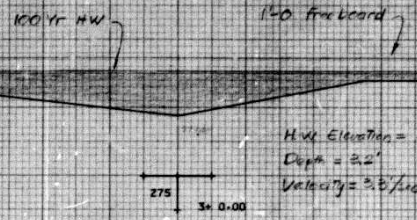




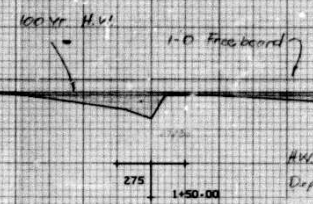




H.W. Elevation = 883.00 (Full Section)
 Depth = 3.6'
 Velocity = 4.2'/sec



H.W. Elevation = 882.60 (Full Section)
 Depth = 3.2'
 Velocity = 3.8'/sec

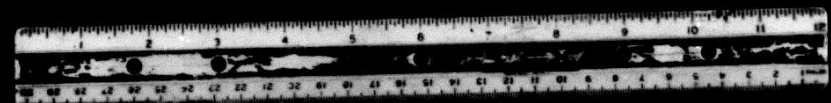


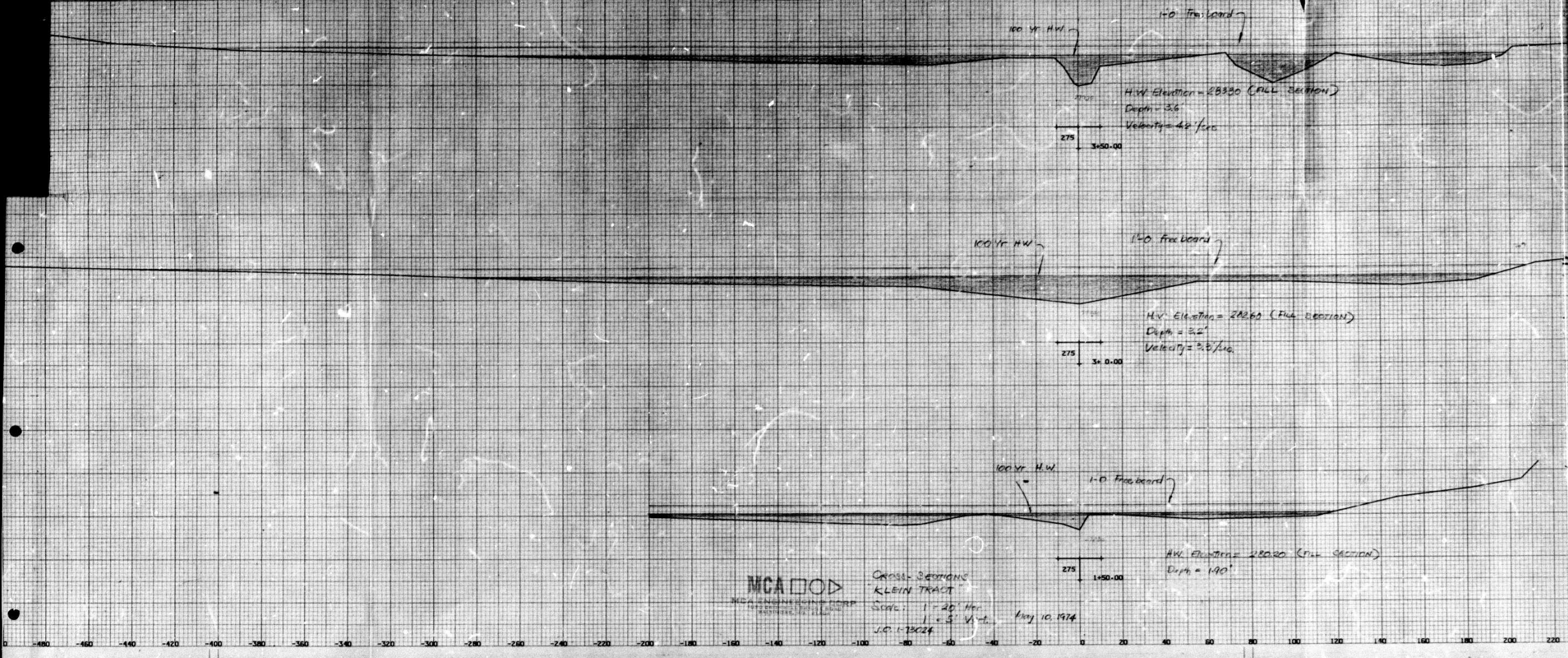
H.W. Elevation = 880.20 (Full Section)
 Depth = 1.90'

MCA □ ○ ▷
 INC. 1001 E. 10TH AVE. SUITE 100
 DENVER, CO 80202

CROSS-SECTIONS
 "KLEIN TRACT"
 Scale: 1" = 20' H.V.
 1" = 5' Vert.
 J.C. 1-73024
 May 10, 1974

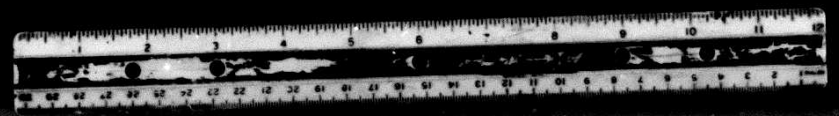
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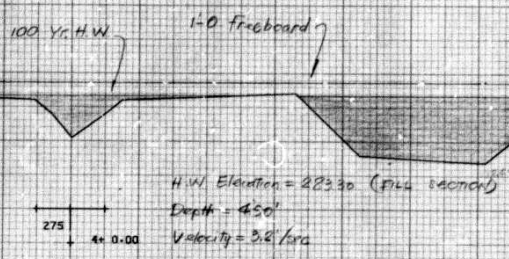
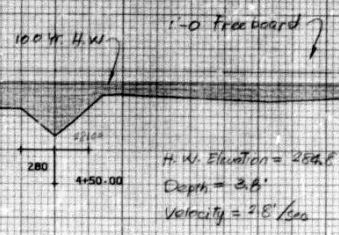
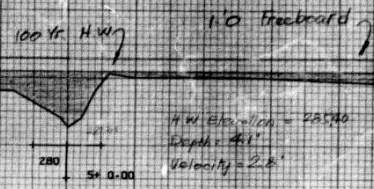




MCA ENGINEERING CORP.
1215 NORTH 1ST AVE.
MILWAUKEE, WIS. 53233

CROSS-SECTIONS
KLEIN TRACT
Scale: 1" = 20' Hor.
1" = 5' Vert.
J.C. 1-73024 May 10, 1974

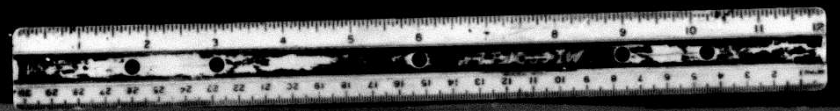


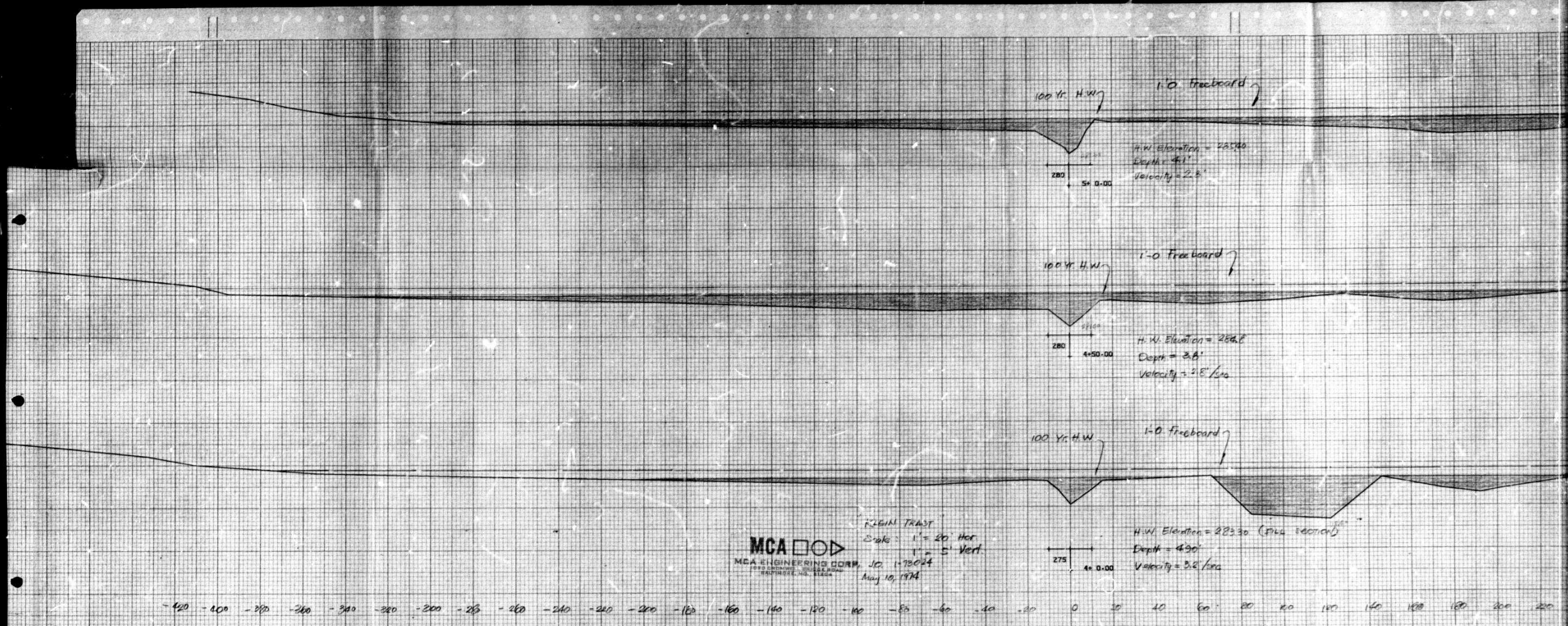


MCA ENGINEERING CORP.
FORD CHICAGO, ILL. 60631
J.D. 1-12-74
May 10, 1974

KLEIN TRACT
Scale: 1" = 20' Hor.
1" = 5' Vert.

340 320 300 280 260 240 220 200 180 160 140 120 100 80 60 40 20 0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360



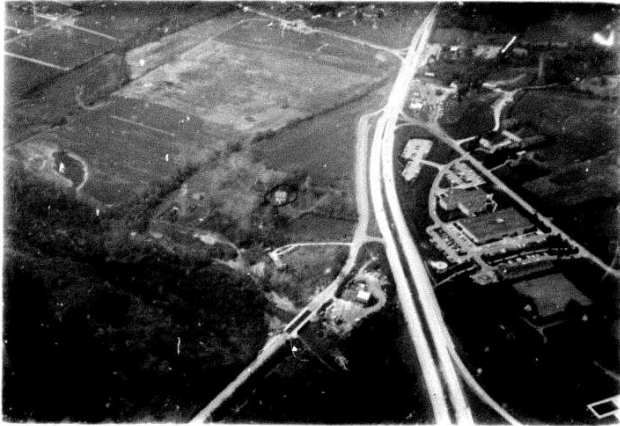


MCA 
 MCA ENGINEERING CORP.
 1000 CHURCH STREET, SUITE 100
 BALTIMORE, MD. 21201
 Scale: 1" = 20' Hor.
 1" = 5' Vert.
 J.C. 1-73024
 May 10, 1974

-420 -400 -380 -360 -340 -320 -300 -280 -260 -240 -220 -200 -180 -160 -140 -120 -100 -80 -60 -40 -20 0 20 40 60 80 100 120 140 160 180 200 220



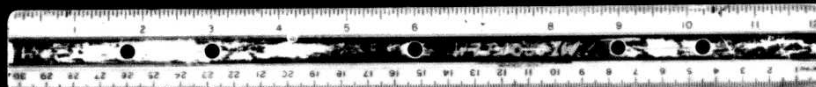
ZONING COMMISSIONER'S EXHIBITS
#74-62-RX - Pikeville Plumbing



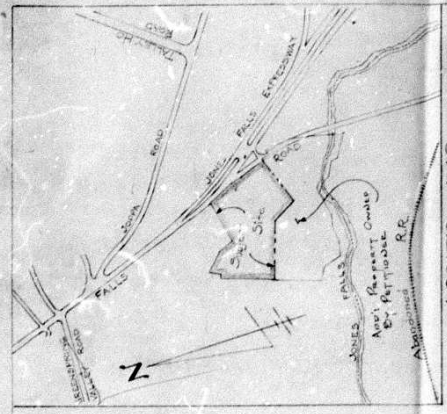
PETITIONER'S EXHIBIT 2B



PETITIONER'S EXHIBIT 2A



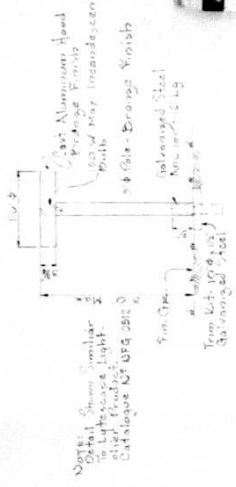
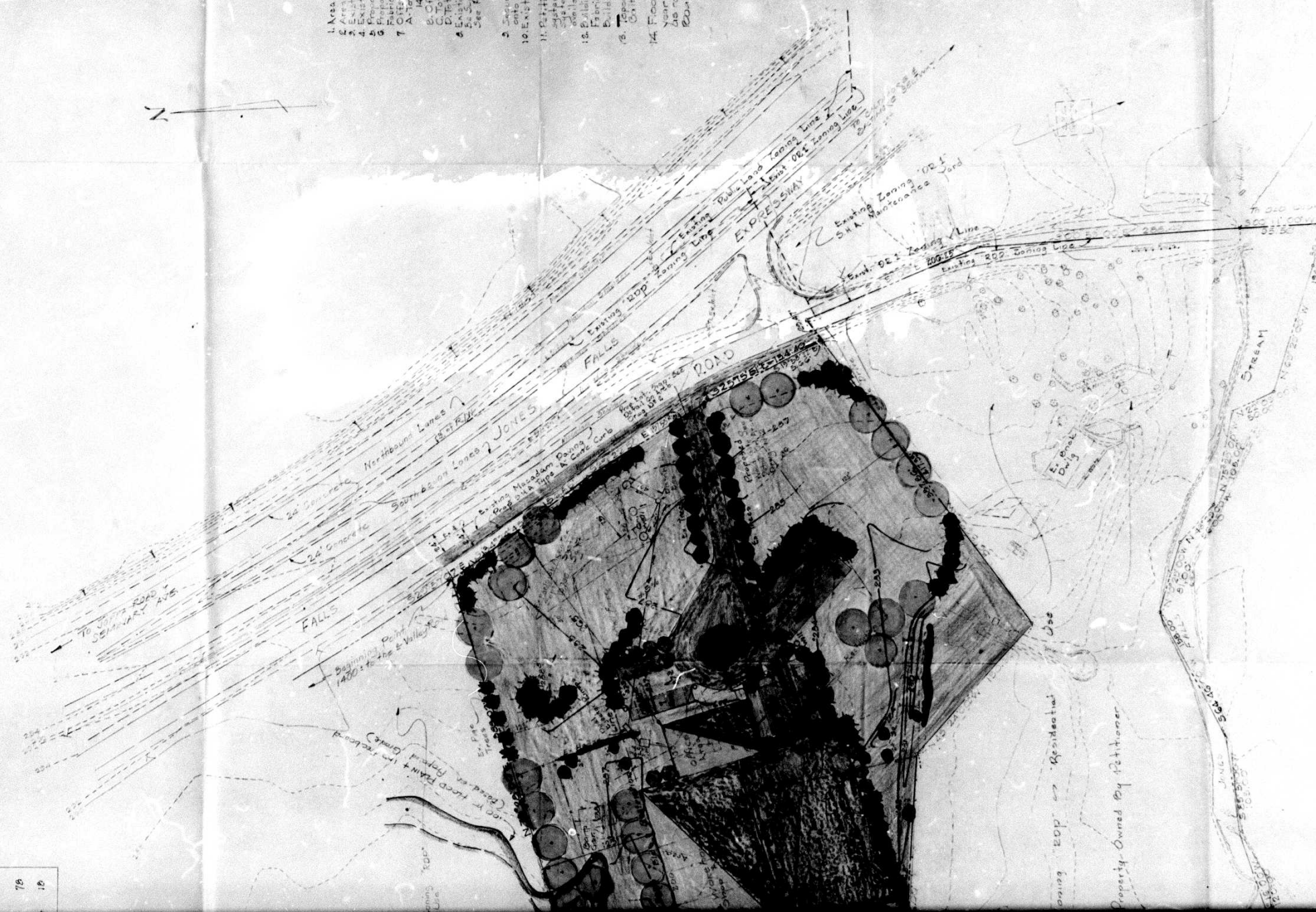
102
Cal. 2a
78
12



LOCATION MAP
Scale: 1"=500'

GENERAL NOTES

1. Area of property owned by Petitioner is 17,925 Acres
2. Area of property requesting Reclassification is 8,925 Acres
3. Existing Use of property is Residential
4. Existing zoning of property is R20
5. Proposed use of property is Office, Light Industrial, Warehouse, Office, Light Industrial, and Warehouse
6. Existing zoning of property is R20
7. Office and Warehouse, etc.
8. Total number of employees equals 40 requiring 14 Spaces. (1/3 Employees)
9. Office Area equals 12,000 sq ft requiring 26 Spaces/1000 sq ft
10. Total Spaces required = 50
11. Existing trees & shrubs (Shaded) will be saved & shall be replanted with additional planting as necessary. See Planting Schedule This Drawing.
12. Security Lighting will be directed so as not to shine onto adjacent properties.
13. Existing Outbuildings on site shall be removed.
14. Petitioner will drill a new well for a private water system & will construct a new private sewage disposal system. Public water & Public Sewer will be available.
15. Buildings will be completely Air Conditioned And All Foundation Work will be conducted within the Building.
16. Topography shown is field run as requested by the Petitioner.
17. Continued County Planning Board.
18. Flood limit shown for Deep Run based upon 100 Year storm frequency. See Deep Run Flood Study as requested by the Baltimore County Planning Board.



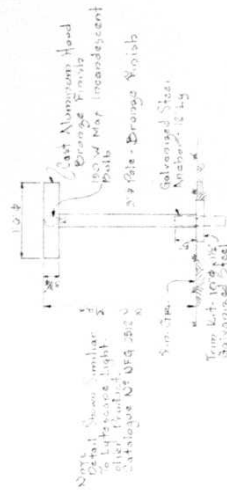
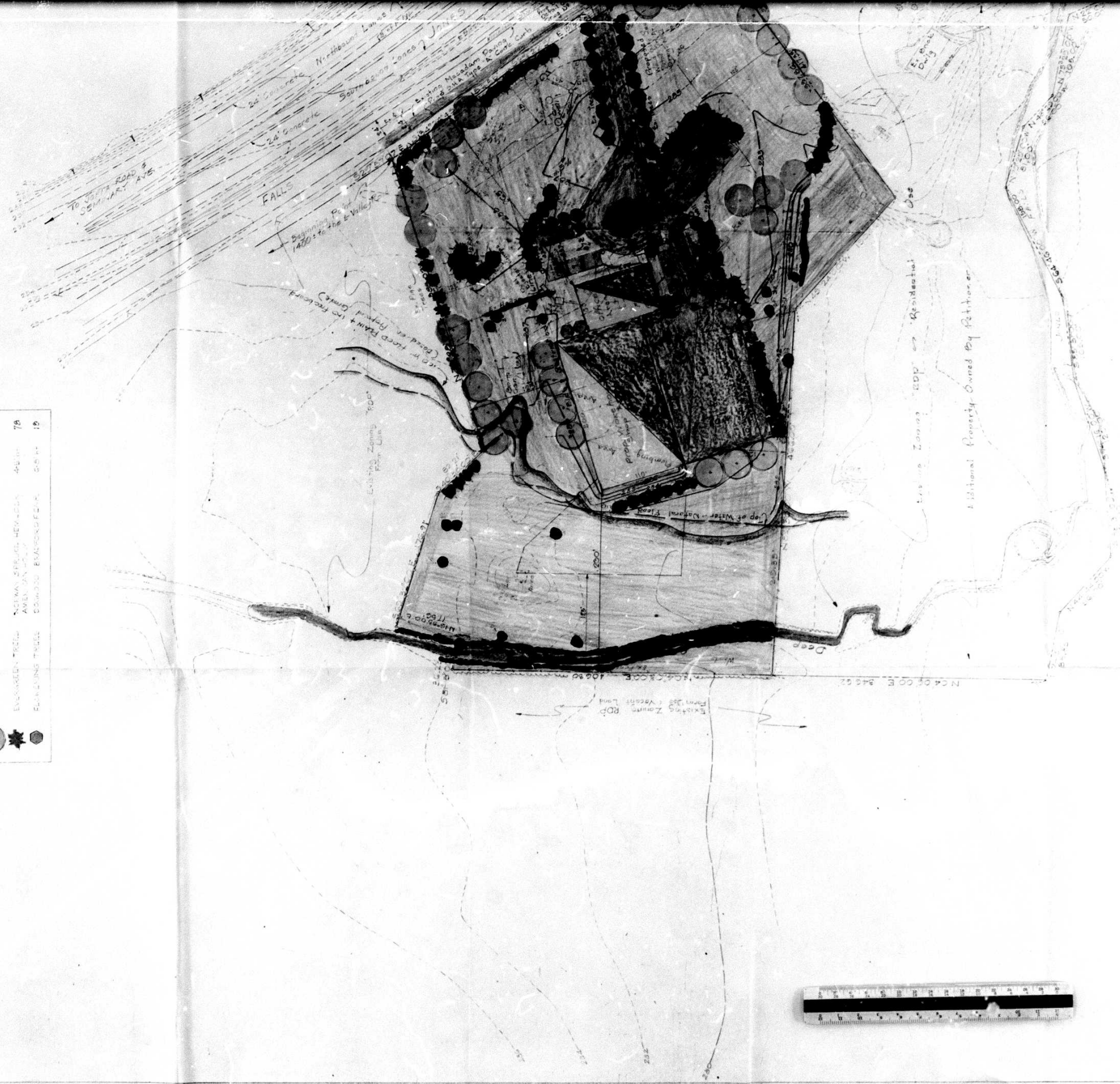
DETAIL
LAND & MAINTENANCE ROAD STATION
Scale: 1"=100'

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICTORY
FALLS ROAD & JONES FALLS EXPRESSWAY
Election District No. 3 Baltimore County, Md.
February 2, 1974
Scale: 1"=500'

M.C.A. ENGINEERING CORP.
1020 CROMWELL BRIDGE RD.
BALTIMORE, MARYLAND 21204



20 Ref's Ex 1

[illegible]

DETAIL
LAWN & WALKWAY LIGHTING ROAD TOOL
SCALE: 3/4"=1'-0"

74



20. PETITIONER'S EXHIBIT 2P



21. PETITIONER'S EXHIBIT 2Q



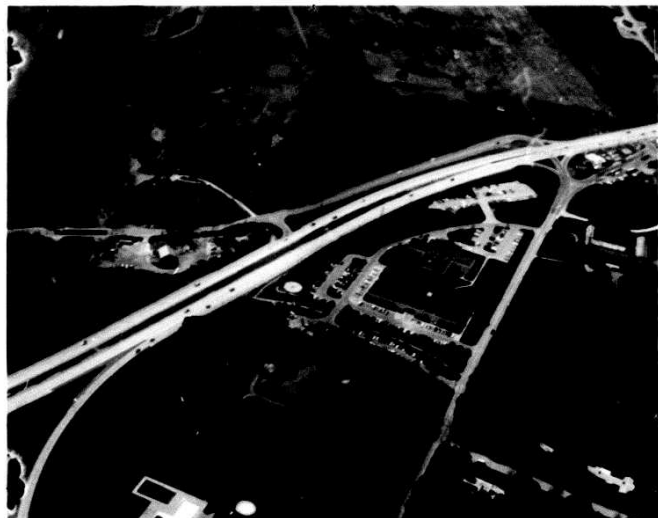
22. PETITIONER'S EXHIBIT 2R



23. PETITIONER'S EXHIBIT 2S



24. PETITIONER'S EXHIBIT 2T



25. PETITIONER'S EXHIBIT 2U



26. PETITIONER'S EXHIBIT 2V



27. PETITIONER'S EXHIBIT 2W



28. PETITIONER'S EXHIBIT 2X



PETITIONER'S EXHIBIT 24



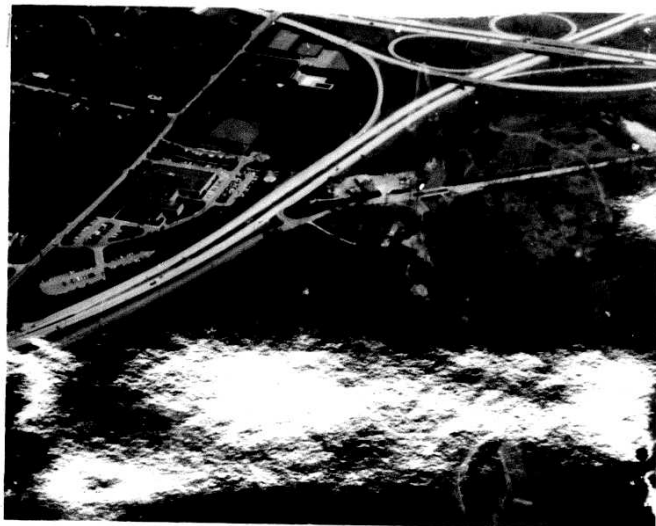
PETITIONER'S EXHIBIT 25



PETITIONER'S EXHIBIT 27



PETITIONER'S EXHIBIT 28



PETITIONER'S EXHIBIT 29



PETITIONER'S EXHIBIT 30