

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, the undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an... D.R. 5.5... zone to an... R.M. zone; for the following reasons:

Because of errors in recent zoning map for Central Sector adopted by the County Council for Baltimore County on March 24, 1971, and approved and enacted by the County Executive on April 2, 1971. See attached Brief.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses 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.

Sara I. Burton
Catherine E. Gross
Irvin C. Tillman
E. Harrison Stone
102 W. Pennsylvania Ave.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of September, 1973, at 10:00 o'clock.

John D. Kroening
Zoning Commissioner of Baltimore County.

(over)

ROYSTON, MUELLER & MCLEAN

ATTORNEYS AT LAW
10700 KID
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

June 12, 1975

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

Re: Henry J. Gross, et al
Case No. 74-66-R

Gentlemen:

Confirming my telephone conversation with your office, please be advised that I no longer represent the Petitioners in the above entitled case. Accordingly, please strike my appearance.

Yours very truly,

E. Harrison Stone

EHS/lk

EHS/len
4/2/73

PETITION FOR RECLASSIFICATION
FROM DR 5.5 TO RM BY SARA I. BURTON,
CATHERINE E. GROSS, HENRY J. GROSS
AND IRVIN C. TILLMAN (properties
located north of Joppa Road, east
side Emge Avenue and west of
Eddington Road, Baltimore County-
9th District)

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

PETITIONERS' BRIEF

The property subject to this Petition is located to the north of Joppa Road and immediately east of Emge Avenue and consists of 10.469 acres more or less. The property is presently unimproved.

The Petitioners are Sara I. Burton, Catherine E. Gross, Henry J. Gross and Irvin C. Tillman, owners.

The property is more particularly described on the attached plats to the scale of 1" to 200' and 1" to 1,000', which plats are labelled Exhibits 1 and 2 respectively.

.269 acres of the total tract is presently zoned BR. Petitioners' request is for a reclassification of the remaining portion of such tract, consisting of 10.20 acres, more or less, from DR 5.5 to RM.

Petitioners' contemplated use of such tract is for construction of a furniture warehouse with retail sales facilities and a catering service.

In general, the land surrounding such tract is largely devoted to commercial use. Both the north and south sides of

Joppa Road running from Lackawana Drive to the west and Eddington Road to the east is zoned BR on the recent map. Directly north of such tract and to the east of Eddington Road is the Baltimore County Beltway. West of Emge Road is a DR 5.5 residential tract, upon a portion of which a nursing home has been built by Special Exception.

The tract of land is unimproved and the terrain is exceedingly rough and eroded, rendering it totally unsuitable for residential development. Such unsuitability is further evidenced by the fact that in order to develop these few acres for residential use, extraordinary costs in excess of \$225,000 would be incurred. The terrain of such tract would make it necessary to expend an estimated \$100,000 to properly fill and grade. In addition, because such tract lies below the existing sewer line in both Joppa Road and Emge Avenue, your Petitioners have been informed by County authorities that it would be necessary to construct a pumping station to serve these tracts only. Such construction would be at the sole cost of Petitioners and would require an expenditure of in excess of \$125,000. These extraordinary costs would be over and above the usual site development costs incurred by developer, such as improvement costs for roads, drainage, etc., which generally average \$5,000 to \$6,000 per acre. Thus, even if the tract was in a prime residential area (and it is not), total site improvement costs in excess of \$27,500 to \$28,500 per acre would be prohibitive.

In addition, the undeveloped state of such property has been a continual nuisance to both Petitioners and their neighbors. Trash, building debris, etc. have been deposited on such property

on numerous occasions in spite of warnings and without the consent of Petitioners. Numerous complaints have been made to the Police Department of Baltimore County concerning drag racing on or near such property. The requested reclassification would, of course, eliminate this.

Access to the tract would now be direct from Joppa Road. Emge Avenue would be used only in restricted situations, such as fire or other emergency. There would be no increase in the volume of traffic in the neighborhood area west of Emge Avenue, which was the principal objection to previous rezoning requests, both before the Commissioner and the County Council for Baltimore County.

Thus, in summary, Petitioners believe that the County Council for Baltimore County committed error in not zoning the subject tract of property RM for the following reasons:

- (1) Such RM zoning would be totally compatible with the commercial uses presently existing in the immediate area and would, in fact, enhance the value of other properties located therein;
- (2) The subject tract is and will continue to be totally unsuitable for residential development because of its location and the prohibitive costs involved in such development; and
- (3) The granting of the requested zoning would eliminate a substantial nuisance to the owners and adjoining neighborhood.

Respectfully submitted,

E. Harrison Stone
Attorney for Petitioners

- 3 -

ROYSTON, MUELLER, THOMAS & MCLEAN

ATTORNEYS AT LAW
10700 KID
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

January 4, 1974

S. Eric DiNenna, Zoning
Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Reclassification
E/S of Emge Avenue
260' N of Joppa Road - 9th District
Henry J. Gross, et al - Petitioners
NO. 74-66-R (Item No. 22)

Dear Mr. DiNenna:

Please enter an appeal from your decision in the above captioned matter to the Board of Appeals of Baltimore County on behalf of Henry J. Gross, et al, Petitioners, and legal owners.

A check in the amount of \$85.00 is enclosed in payment of the appeal fee.

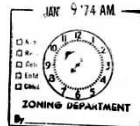
Yours very truly,

E. Harrison Stone

EHS/lk

Enclosure

cc: John D. Kroening, Esq.



January 10, 1974

John D. Kroening, Esquire
203 Courtland Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Emge Avenue, 260' N of
Joppa Road - 9th District
Henry J. Gross, et al -
Petitioners
NO. 74-66-R (Item No. 22)

Dear Mr. Kroening:

Please be advised that an appeal has been filed by E. Harrison Stone, Esquire, on behalf of the Petitioners, from the decision rendered by the Zoning Commissioner of Baltimore County in the above captioned matter.

You will be notified of the date and time of a appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/eri

cc: Mr. Robert Donovan
8707 Emge Road
Baltimore, Maryland 21234

December 18, 1973

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
E/S of Emge Avenue,
260' N of Joppa Road - 9th
District
Henry J. Gross, et al -
Petitioners
NO. 74-66-R (Item No. 22)

Dear Mr. Stone:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/scw
cc: John D. Kroening, Esquire
203 Courtland Avenue
Towson, Maryland 21204

Mr. Robert Donovan
8707 Emge Road
Towson, Maryland 21234
File

January 15, 1974

Case No. 74-66-R (Item No. 22) - Henry J. Gross, et al

E/S of Emge Avenue, 260' N
of Joppa Road - 9th District

Petition for Reclassification

Brief in Support of Petition for Reclassification from E. Harrison
Stone, Esquire

Description of Property

Revised Plat, dated March 29, 1973

200' Scale Location Plan

1000' Scale Location Plan

Zoning Advisory Committee Comments, dated April 13, 1973

Baltimore County Planning Board Comments and Accompanying Map

Certificates of Publication

Certificate of Posting (Three (3) Signs)

Protestants' Exhibits A-1 through A-5 - Photographs

Letter from E. Harrison Stone, Esquire, dated November 5, 1973

Order of the Zoning Commissioner, dated December 18, 1973 - **DENIED**

Letter of Appeal from E. Harrison Stone, Esquire, on Behalf of the
Petitioners, received January 9, 1974

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

Counsel for Petitioners

John D. Kroening, Esquire
203 Courtland Avenue
Towson, Maryland 21204

Counsel for Protestants

Mr. Robert Donovan
8707 Emge Road
Baltimore, Maryland 21234

Requests Notification

RE: PETITION FOR ...CLASSIFICATION : BEFORE
from D.R. 5.5 to B.M.
E/S of Emge Avenue 260'
N. of Joppa Road
9th District : COUNTY BOARD OF APPEALS
OF
Henry J. Gross, et al : BALTIMORE COUNTY
Petitioners : No. 74-66-R

OPINION

This case comes before the Board of Appeals from an Order of the Zoning
Commissioner which denied the requested reclassification from D.R. 5.5 to B.M., on the
property of Henry J. Gross, et al, which is located on the east side of Emge Avenue,
approximately 260 feet north of the Joppa Road, in the Ninth Election District of
Baltimore County.

The hearing was scheduled this date at 10 a.m. The normal procedure
of notice to all parties was followed. At 10:37 a.m., no one had appeared to pursue
the Appellants appeal. Hence, for lack of prosecution of the appeal, same will be
dismissed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day
of October, 1975, by the County Board of Appeals, ORDERED that the within appeal
be and the same is hereby DISMISSED.

Any appeal from this decision must be in accordance with Rules B-1 to B-12
of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Miller, Jr., Chairman

Robert L. Gifford

John A. Miller

RE: PETITION FOR RECLASSIFI- : BEFORE THE
CATION : ZONING COMMISSIONER
E/S of Emge Avenue, :
260' N of Joppa Road - :
9th District : OF
Henry J. Gross, et al :
Petitioners : BALTIMORE COUNTY
NO. 74-66-R (Item No. 22) :

The Petitioners request a Reclassification from a D. R. 5.5 Zone to a
B. M. Zone for a parcel of property located on the east side of Emge Avenue,
260 feet north of Joppa Road, containing 10.20 acres of land, more or less,
in the Ninth Election District.

Evidence on behalf of the Petitioners indicated that he wished to develop
the property as a furniture combination of sales and warehousing. He stated
that the major problem with the property is the severe grades. The property,
as presently classified, is economically unfeasible to be developed.

Without reviewing the evidence further in detail but based on all the
evidence presented at the hearing, in the opinion of the Zoning Commissioner
of Baltimore County, the Petitioners have failed to show error in the original
zoning as adopted on March 24, 1971, nor were they able to substantiate any
substantial changes in the character of the neighborhood. The sole basis of
the Petitioners' claim was that of economics, and this in itself is not sufficient
to show error. The Petitioner further failed to meet the burden of proving
substantial changes in the character of the neighborhood.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore
County, this 11th day of December, 1973, that the above Reclassification
be and the same is hereby DENIED and the above described property or area
be and the same is hereby continued as D. R. 5.5 Zone.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE December 18, 1973
BY [Signature]

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 13, 1973

E. Harrison Stone, Esq.,
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 22
Henry J. Gross, et al - Petitioners

Dear Mr. Stone:

The Zoning Advisory Committee has reviewed the plans
submitted with the above referenced petition and has made
an on site field inspection of the property. The following
comments are a result of this review and inspection.

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

The subject property is located on the east side of Emge
Avenue, 250 feet south of Wayne Avenue, in the 9th District
of Baltimore County. The subject property contains approxi-
mately 10.20 acres, and is zoned DR 5.5. The petitioner is
requesting a Reclassification to Business Major. He proposes
to develop the property as a furniture store and warehouse area.
He also proposes to have an entrance on Joppa Road, approximately
450 feet east of Emge Road, on the north side of Joppa Road.
For the most part, this property is unimproved open land.
However, there are a few houses that exist along Emge Road
and back up to the subject property. On the east side of the
site there are several residential dwellings that front on
Edington Road, and on the north side the property backs up to the
Baltimore County Beltway, on the west side of Emge Road there
is currently under construction a nursing home which was the
subject of a Special Exception petition a couple of years ago.
No curb and gutter exist along Emge Road at this location, and
curb and gutter does exist along Joppa Road in the area that
the proposed entrance is to be located.

E. Harrison Stone, Esq.,
Item 22
Page 2
April 13, 1973

This petition for Reclassification is accepted for filing
on the date of the enclosed filing certificate. However, any
revisions or corrections to petitions, descriptions, or plats, as
may have been requested by this Committee, shall be submitted to
this office prior to Friday, June 1, 1973 in order to allow time
for final Committee review and advertising. Failure to comply may
result in this petition not being scheduled for a hearing. Notice
of the hearing date and time, which will be between September 1,
1973 and October 15, 1973 will be forwarded to you well in advance
of the date and time.

Very truly yours,

[Signature]
JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJD:JJD

(Enclosure)

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

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

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

April 23, 1973

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

Re: Item #22 (April to October 1973 - Cycle V)
Property Owner: Henry J. Gross, et al
E/S of Emge Avenue, 250' S/ of Wayne Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to B.M.
District: 9th No. Acres: 10.20 acres

Dear Mr. DiNenna:

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

Highway Comments:

Access shall be provided from Joppa Road, which has been
fully improved. Additional right-of-way and improvements will
not be required other than the construction of the desired
standard Baltimore County concrete entrance.

Emge Avenue is an existing County road which shall be im-
proved with a 30-foot curved cross-section on a 50-foot right-
of-way. Highway improvements and the dedication of the highway
widening will be required in connection with the development of
this site. Since Emge Avenue is considered to be a residential
street, access will not be permitted to this street for commercial
purposes.

Storm Drain:

The Baltimore Beltway is a State road; therefore, drainage
requirements as they affect this road come under the jurisdiction
of the State Highway Administration.

Public storm drains will be required in connection with the
development of this site. Various proposed and existing storm
drain systems will have to be connected and constructed to a suit-
able outfall.

Sediment Control:

Grading studies, permits and/or sediment control drawings
will be required for approval in connection with any grading to

Item #22 (April to October 1973 - Cycle V)
Mr. S. Eric DiNenna
Page 2
April 23, 1973

this property.

Water Comments:

Public water is available to serve this property; however,
fire protection facilities must be provided as required by the
Baltimore County Fire Bureau.

Sanitary Sewer Comments:

Public sanitary sewerage can be made available to serve this
property, provided that an on site private sewage pumping station
is constructed in accordance with Department of Health require-
ments and regulations.

Very truly yours,

[Signature]
ELLENWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EN:DN:bjh

N-NE Key Sheet
38 NE 11 Position Sheet
NE 10 C 200 Topo



DEPARTMENT OF TRAFFIC ENGINEERING

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

April 27, 1973

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

Re: Item 22 - Cycle Zoning V - April to Oct. 1973
Property Owner: Henry J. Gross, et al
Emge Avenue S, of Wayne Avenue
Reclass. to B.M. - District 9

Dear Mr. DiNenna:

The subject petition is requesting a change from DR 5.5 to BM of 10.2 acres. This change can be expected to increase the trip density from 500 to 5000 trips per day.

Joppa Road was recently improved to four lanes and at the present time, has sufficient capacity to handle this development. However, as other commercial and residential land develops as zoned in this area, Joppa Road will not be able to handle the increased trip density without additional improvements.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM/mc



Maryland Department of Transportation

State Highway Administration

Harry R. Hughes
Secretary
James J. O'Donnell
Acting Administrator

April 18, 1973

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

RE: RECLASSIFICATION April 1973
Property Owner: Henry J. Gross et al
Location: E/S of Emge Ave. 250'
S. of Wayne Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to B.M.
District: 9
No. Acres: 10.20 Acres
Baltimore Beltway

Dear Mr. DiNenna:

The subject site drains toward the Baltimore Beltway. At the time that the highway was planned, storm drains were designed, based on the existing zoning at the time. The petitioner proposes to build on, and to pave virtually the entire site. If the site is developed as planned, the existing storm drain structures could be inadequate to accommodate the increased storm water run-off.

Very truly yours,

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

CLM:mdp

P.O. Box 717 / 306 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



Towson, Maryland 21204
825-7316

J. Austin Deitz
Chief

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

Attention: Mr. ~~Charles Lee~~, Chairman
Zoning Advisory Committee

Re: Property Owner: Henry J. Gross, Et Al

Location: E/S of Emge Avenue, 250' S of Wayne Avenue

Item No. Reclassification Zoning Agenda Tuesday, April 10, 1973
22

Gentlemen:

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

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *St. Peter, Thomas H.*
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Deitz*
Deputy Chief
Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 9, 1973

RONALD J. KOOP, M.D., M.P.H.
BALTIMORE STATE AND COUNTY HEALTH OFFICER

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

Dear Mr. DiNenna:

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

Property Owner: Henry J. Gross, et al
Location: E/S Emge Ave., 250' S of Wayne Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to B.M.
District: 9
No. Acres: 10.20

Metropolitan water is available. Public sanitary sewer must be extended to the site prior to Health Department approval.

Very truly yours,

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

HVB:mnp

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 25, 1973

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

Z.A.C. Meeting of:

Re: Item 22
Property Owner: Henry J. Gross, et al
Location: E/S of Emge Avenue, 250' S of Wayne Avenue
Present Zoning: D.R. 5.5 - 56 homes x .5 = 28, x .323 = 18, x .235 = 13
Proposed Zoning: Reclass to B.M.

District: 9
No. Acres: 10.20 acres

Dear Mr. DiNenna:

The current zoning could ultimately yield 28 elementary pupils, 18 junior high pupils, and 13 senior high pupils; while a rezoning to B.M. would result in no pupils.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/ml

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



May 17, 1973

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

Dear Mr. DiNenna:

Comments on Item #22, V Zoning Cycle, April to October 1973, are as follows:

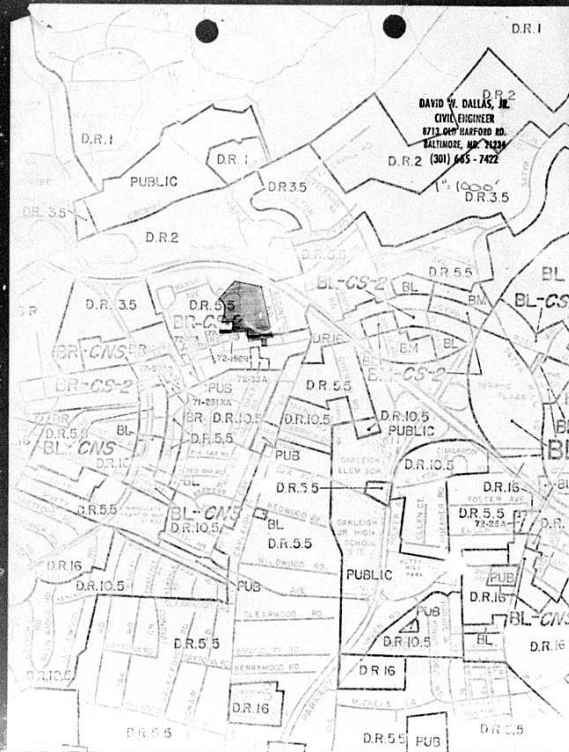
Property Owner: Henry J. Gross, et al
Location: E/S of Emge Avenue, 250' S of Wayne Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.M.
District: 9
No. Acres: 10.20

The light standards for the parking areas should be limited to a maximum of 8 feet in height and must be directed away from the residential areas surrounding the property.

Very truly yours,

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3811 ZONING 484-3381



DAVID W. DALLAS, JR.
CIVIL ENGINEER
8711 GAY STREET
DALLAS, TEXAS 75243
(214) 665-7422

