

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Bernard Posner
I, or we, Rosalind Posner, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 & DR 16 zone to an BL zone; for the following reasons:

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 retail sales.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address
Baltimore, Maryland 21209
Protestant's Attorney
Address
Towson, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 1974, 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 6th day of March, 1974, at 11:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.E.
JOSEPH L. LARSON
LOUIS J. PARSICKI, P.E.

DESCRIPTION FOR REZONING, REISTERSTOWN ROAD, FOURTH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the dividing line between that land zoned DR16, DR3.5 and BL, said point being at the two following corners and distances from the Southeast side of Chartley Boulevard, South 39 Degrees East 123 feet, more or less, measured along the Northeast side of Reisterstown Road, 66 feet wide, and North 52 Degrees East 117 feet, more or less, and running thence along the dividing line between that land zoned DR3.5 and that land zoned BL North 52 Degrees East 213.79 feet, more or less, running thence North 39 Degrees West 61.00 feet and South 52 Degrees West 213.79 feet, more or less, to the dividing line between that land zoned DR3.5 and that land zoned BL16, thence binding on said dividing line South 39 Degrees East 61.00 feet to the place of beginning.

Containing 0.30 acres of land, more or less.

9-16-73.



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
823-3535

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DESCRIPTION FOR REZONING, REISTERSTOWN ROAD, FOURTH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Northeast side of Reisterstown Road, 66 feet wide, at the distance of 367 feet, more or less, measured Southeasterly along the Northeast side of Reisterstown Road from the Southeast side of Chartley Boulevard and running thence and binding on the Northeast side of Reisterstown Road South 39 Degrees East 61.00 feet to the dividing line between that land zoned DR16 and that land zoned BL, thence leaving the Northeast side of Reisterstown Road and binding on said zoning line North 52 Degrees East 117 feet, more or less, to the dividing line between that land zoned DR16 and that land zoned DR3.5 thence binding on said zoning line North 39 Degrees West 61.00 feet thence leaving said zoning line and running South 52 Degrees West 117 feet, more or less, to the place of beginning.

Containing 0.16 acres of land, more or less.

9-16-73.



RE: PETITION FOR RECLASSIFICATION : BEFORE THE
NE/S of Reisterstown Road, 367' SE : DEPUTY ZONING
of Chartley Boulevard - 4th District : COMMISSIONER
Bernard Posner - Petitioner :
NO. 74-186-R (Item No. 33) :
: OF
: BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 3.5 and D.R. 16 Zones to a Business, Local (B.L.) Zone. The property in question contains 0.30 acres, more or less, and is situated 367 feet south of Chartley Boulevard, in the Fourth Election District of Baltimore County.

Testimony was presented on behalf of the request by the Petitioner, Mr. Bernard Posner, and Mr. Robert E. Spellman, a professional land surveyor, who prepared the proposed development plans.

The testimony established that the Petitioner plans to clear the property of an existing dwelling and improve the site in conjunction with an adjoining parcel that was reclassified for commercial uses in the Third Zoning Cycle. The site, which has a minimum frontage of 41 feet and a rectangular depth of 330 feet was described as not being conducive to development within itself but could be logically and feasibly developed along with the Petitioner's adjoining site.

The Petitioner and his surveyor emphasized that a joint development of the two properties would benefit the area by making it possible to consolidate one building and one parking lot on the two sites. As such, the building could be constructed with proper yard areas or setbacks and with one less entrance to Reisterstown Road.

It was pointed out that the subject property, along with a single remaining residential property, is sandwiched between two commercially zoned areas, as well as being situated across Reisterstown Road from commercially zoned and improved properties.

The Petitioner contends that the County-wide Comprehensive Land Use Map is in error in that the above matters were not taken into consideration when the map was prepared and finally adopted.

Without reviewing the evidence in detail but based on all evidence presented, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has met his burden of proving error. The property, situated in a predominantly in a commercial area, is of such dimensions as to render it difficult, if not impossible, to develop under the present zoning classification and should be reclassified in order to be compatible for development with the surrounding properties.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of August, 1974, that the herein Petition for Reclassification from D.R. 3.5 and D.R. 16 Zones to a Business, Local (B.L.) should be and the same is hereby GRANTED, subject to the approval of a site plan by the State Highway Administration, Department of Public Works and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

August 7, 1974

Melvin A. Steinberg, Esquire
202 Loyola Federal Building
Towson, Maryland 21204

RE: Petition for Reclassification
NE/S of Reisterstown Road, 367'
SE of Chartley Boulevard - 4th
District
Bernard Posner - Petitioner
NO. 74-186-R (Item No. 33)

Dear Mr. Steinberg:

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

Very truly yours,
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc
Enclosure



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th Date of Posting Feb. 16, 1974
Posted for PETITION FOR RECLASSIFICATION
Petitioner BERNARD POSNER
Location of property NE/S of Reisterstown Rd. 367' SE of Chartley Blvd.
Location of Signs # 607 Reisterstown Rd
Remarks _____
Posted by Thomas A. Deane Date of return Feb. 21, 1974
Signature

OCT. 3 1974

PETITION FOR RECLASSIFICATION * BEFORE THE
from DR 3.5 and DR 16 to * ZONING COMMISSIONER
BL Zone *
Reisterstown Road * OF
Election District No. 4 * BALTIMORE COUNTY
Bernard Posner and *
Rosalind Posner *
Petitioners *

Petitioners, BERNARD POSNER and ROSALIND POSNER, by their attorney, Melvin A. Steinberg, pursuant to the requirements of Bill 72 (1969) of the County Council of Baltimore County assign the following reasons in support of their petition for zoning reclassification.

I. ERROR IN THE RECENTLY ENACTED COUNTYWIDE COMPREHENSIVE LAND USE MAP.

A. It did not take into consideration the future growth of the Reisterstown area and the need for retail stores.

1. General shift and growth of population in the Metropolitan Baltimore area has moved up the main arterial roads; namely, Park Heights Avenue, Reisterstown Road and Liberty Road.

2. Expansion of existing industrial parks and construction of new rental property as well as individual homes has created a new and larger retail market.

B. The land is not suitable for development in its present zoning classification.

1. The area in question is adjacent to a major highway.

2. The herein property is presently adjacent to commercial use property.

C. Granting of the requested zoning reclassification will not have sever impact on schools or traffic.

1. The commercial use does not result in additional children.

2. The retail area will serve the local community and will not attract new traffic.

II. The granting of Petitioners' request will benefit the community by providing needed retail facilities for the increased population in this area.

III. For such other and further reasons to be submitted at the time of the hearing.

Melvin A. Steinberg
MELVIN A. STEINBERG
202 Loyola Federal Building
Towson, Maryland 21204
321-5515
Attorney for Petitioners

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 27, 1973

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Melvin A. Steinberg, Esq.,
202 Loyola Federal Building
Towson, Maryland 21204

RE: Reclassification Petition
Item 33 - 6th Zoning Cycle
Bernard and Rosalind Posner -
Petitioners

Dear Mr. Steinberg:

The attached comments indicate revised site plans are to be filed by December 17, 1973. Since I have been unable to forward comments as early as I would have liked, I am revising this date to January 17, 1974.

Very truly yours,

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

JJDjr.:TD

Enclosure: Spellman, Larson & Associates, Inc.
Suite 303, Investment Bldg.,
Towson, Md. 21204

Melvin A. Steinberg, Esq.,
202 Loyola Federal Building
Towson, Maryland 21204

Item 33
6th Zoning Cycle

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

Your Petition has been received and accepted for filing

this 15th day of October 1973

H. R. B. [Signature]
Zoning Commissioner

Petitioner: Bernard and Rosalind Posner

Petitioner's Attorney: Melvin A. Steinberg
cc: Spellman, Larson & Associates, Inc.
Suite 303, Investment Bldg.,
Towson, Md. 21204

Reviewed by [Signature]
Chairman
Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 7, 1973

Melvin A. Steinberg, Esq.,
202 Loyola Federal Building
Towson, Maryland 21204

RE: Reclassification Petition
Item 33 - 6th Zoning Cycle
Bernard and Rosalind Posner -
Petitioners

Dear Mr. Steinberg:

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 northeast side of Reisterstown Road, 367 feet southeast of Chartley Blvd., in the 4th District of Baltimore County. This property, which is currently zoned D.R. 16 and D.R. 3.5, is requesting a Reclassification to a B.L. zone. The property is directly adjacent to another parcel of land which was the subject of an earlier Reclassification petition (Case No. 73-48-R). This property is currently improved with an existing residence, which is proposed to be razed.

There are other residences to the northwest of this property and there is an old upholstery shop to the southeast of this property.

Melvin A. Steinberg, Esq.,
Item 33 - 6th Zoning Cycle
December 7, 1973

Curb and gutter does not currently exist along Reisterstown Road at this location. However, there is an existing sidewalk along the frontage of this property. To the rear of the property is the Chartley subdivision.

The petitioner is advised to review the comments contained in this report, especially with regard to the Bureau of Engineering, State Highway Administration, the Health Department and the Department of Traffic Engineering, also the Project Planning office. Revised site plans reflecting comments as requested will be required. Also, this revised site plan must indicate estimated maximum day and peak hour water use and the approximate sewerage conversion factors for the entire parcel as proposed.

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 Monday, December 17, 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 March 1, 1974 and April 15, 1974 will be forwarded to you well in advance of the date and time.

Very truly yours,

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

JJDjr.:JD
Enclosure
cc: Spellman, Larson & Associates, Inc.
Suite 303, Investment Bldg.,
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLYDE, P.E. Wm. T. MILLER
[Signature]

October 25, 1973

Mr. S. Eric Blumens
County Office Building
Towson, Maryland 21204

Re: Item 33 - October 1973 to April 1974 - Cycle Zoning VI
Property Owner: Bernard Posner
Northeast side of Reisterstown Road, 367 feet southeast of Chartley Boulevard
B.L.
District 4

Re: Mr. Blumens:

A study conducted in the northeast area earlier this year, it was determined that the existing and proposed road system is adequate only for existing zoning, assuming the entire road system can be built along with the mass transit and trip density increases, and there also be a downgrading of some other properties to offset this increase. Therefore, the increasing of the density proposed can only continue to aggravate an already serious traffic problem.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

mls
4/16/73



RESTER TOWN RD
LOCATION MAP
1:2500

EXIST. DNG
EXIST. DNG

EXHIBIT

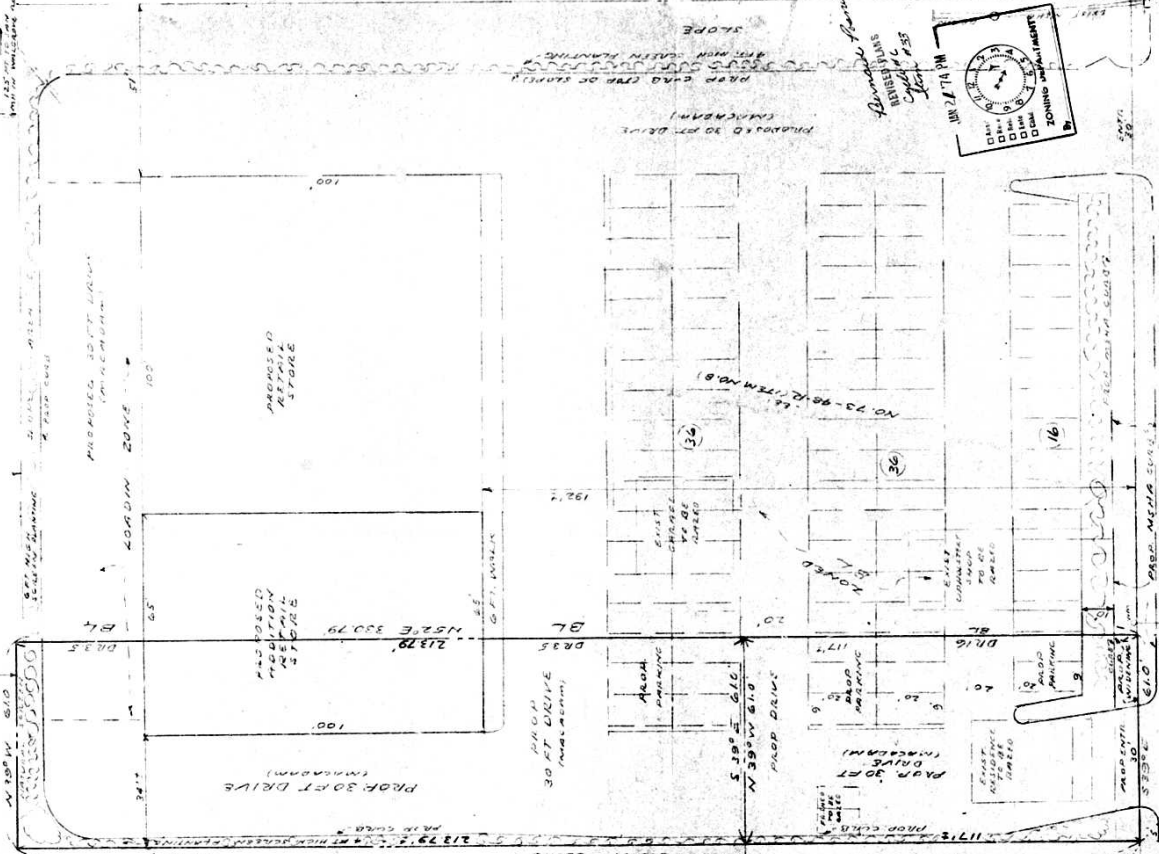
DR 3.5

EXISTING
30 FT. WIDE
Paved for over 15

EXISTING
30 FT. WIDE
Paved for over 15

EXIST. ZONING DR 3.5 + DR 3.5
PROPOSED ZONING DR 3.5 (URB)
ORIGINAL B.L.C. 115,000 SQ FT
PROP. ADDITION: 6,500 SQ FT
TOTAL: 121,500 SQ FT
ORIGINAL VARIANCE: 55' WIDE
PROP. ALTERNATE: 55' WIDE
TOTAL VARIANCE: 55' WIDE
REQUIREMENTS: 55' WIDE
SEE: NO. 73-9P.2 (ITEM NO. 9)

NOTE:
TOTAL DNG
FLOW: 2,000 GPD



PLAT FOR REZONING
REISTERSTOWN RD
4TH DISTRICT
BALTIMORE CO., MD
BENJAMIN LARSEN & ASSOCIATES
3115 TERRACON RD
BALTIMORE, MD
21208

REISTERSTOWN
ROAD

BENJAMIN LARSEN & ASSOCIATES INC
3115 TERRACON RD
BALTIMORE, MD 21208
20442 / 410.30 21.151 - 2.607 / 10.1973
20455



REVISOR
CITY OF BALTIMORE
CITY OF BALTIMORE
CITY OF BALTIMORE

