PETITION FOR ZONING RE-CLASS TICATION AND/OR SPECIAL EXCEPTION

SIONER OF BALTIMORE COUNTY

I. or we. JOHN J. HEISE legal owner. of the property situate in Baltimor 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 R.D.P.

___zone; for the following reasons:

- A. In classifying the property R.D.P., the council committed
- B. Substantial changes have occurred in the neighborhood so as to alter its charactor, since the council classified the property on the west side of Old York Road opposite the sub-ject property as B.L.-C.R.

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 re-classification and/or Special Exception adv sing, W. TH posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning ons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltim

POWER AND MOSNER

RUSSELL D. KARPOOK

21 W. Susquehanna Avenue Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day 197 3., that the subject matter of this petition Le advertised, as required by the Zoning Law of Baltimore County, in two newspecers of general circulation through

out 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, Daitimore County, on the 13th ____day of March 194 at 11:00o'clock

Zoning Commissioner of Baltimore County.

Address Openshaw & Old York Rds

Whitehall, Maryland 21161

Protestant's Attorney

8.11.12.2-73

RE: PETITION FOR RECLASSIFICATION : from R.D.P. toB.R. zone SE comer of Old York Road and Openshaw Road 7th District

John J. Heise

COUNTY BOARD OF APPEALS OF

> BALTIMORE COUNTY No. 74-196-R

1 1 1 1 1 1 ORDER OF DISMISSAL

The Board will grant the motion advanced by the Deputy People's Counsel and counsel for the Community Association and grant a dismissal in this case. The Board of Appeals' Rules wherein a motion for a postponement miss; be made in writing within fifteen (15) days of the hearing har not been complied with. For that leason the petition herein will be denied and will be dismissed, and the Opinion of the Deputy Zoning Commissioner of April 25, 1974 will be affirmed.

ORDER

For the reasons set forth in the aforegoing Opinion, the Board affirm the Order of the Deputy Zoning Commissioner dated April 25, 1974, and it is this 17th day of July, 1975, by the County Board of Appeals ORDERED, that the reciassification petilioned for be and the same is hereby DENIED.

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

RE- PETITION FOR RECLASSIFICATION John J. Heise - Petitione NO. 74-196-R (Item No. 24)

REFORE THE DEPUTY ZONING : COMMISSIONER

OF

· BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a R. D. P. Zone to Business, Roadside (B.R.) Zone. The property in question is located on the southeast corner of Old York Road and Openshaw Road, contains 4, 83 acres and is situated in the Seventh Election District of Baltimore County

Testimony was offered by the Petitioner and the surveyor, who prepared the site plan presented with the Petition

Water and sewer are not availabe to the site, which is improved with a dwelling, a three hay garage, several small sheds, a small building with a showroom and a lumber storage building that presently doubles as an automotive repair stop.

Testimony by the Petitioner indicates that he has operated a lumber business on the premises since 1938. He felt that the Council had erred in not recognizing his business and placing it in a Business. Roadside Zone. He also felt that changes had occurred in the neighborhood that warranted the Reclassification of his property. In support of this theory, he made reference to a property on the opposite side of Old York Road that was reclassified to a B. L. -C. R. District and Zone, respectively, by the adoption of the Comprehensive Zoning Map in 1971. Part of this commercially zoned tract is im proved with an existing grocery store, and part of the southwesternmost corner of Old York and Graystone Roads is presently vacant

Without reviewing the testimony in detail but based on all testing evidence presented, and along with two personal on site inspections of the property and surrounding area, it is the opinion of the Deputy Zoning Com missioner that a Reclassification of the subject property is not justified at

Existing improvements cover a small portion of the overall site and no use or improvements is planned for the remainder or majority of the property. The commercial property across the road, referred to in the above testimony, remains vacant and unused. Inactivity in and around the showroom, that exists on the Petitioner's property, was also very apparent. A need for additional commercial zoning in this area does not appear to exist, and the Comprehensive Zoning Map must be considered to be correct.

Therefore, IT IS ORDERED by the Deputy Zening Commissioner of Baltimore County this _____ 25Th day of April, 1974, that the above Reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued as to remain a R.D.P.

July 17, 1975

Enclosed herewith is copy of Order of Dismisso

passed today by the County Board of Appeals in the above entitled

Very truly yours,

Muriel E. Buddemeier

cc: Anthony J. Sacco, Esq Mr. A. Carl Henshfeld Mr. S. E. DINenno Mr. James E. Dyer Mr. W. D. Fromm Mr. Charles E. Kour Mr. James Hoswell

SPELLMAN, LARSON & ASSOCIATES, INC.

IMSCRIPTION FOR REZONING, OPENSHAW ROAD AND OLD YOR" ROAD, ELEVENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at the intersection of the conterlines of Openshea Road and Old Work Road and running thence and binding on the center of Openshaw Road North 63 Degrees 15 idnutes East 429.00 feet thence leaving the center of Openshaw Road and running South 29 Degrees Oh Minutes 30 Seconds Mast 526.70 feet and South 67 Degrees 15 Minutes West hOb. 25 feet to the center of Old York Road herein referred to and running thence and binding on said center North 30 Degrees 45 Minutes West 383.63 feet and North 36 Degrees h5 Minutes West 117.15 feet to the place of beginning. Contwining 4.83 scree of land, more or less



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

The Petitioner states that the County Council committed at least the following errors in classifying the subject property

- 1) Petitioner has conducted his lumber business from the subject property since 1938. The improvements consist of a showroom, with lumber storage beneath; there is a detached storage shed for the storage of lumber. an office has been maintained in the Petitioner's dweiling.
- 2) One bay of the lumber shed has for years been used as a service garage (automobile repairs).
- 3) These uses are open, obvious, visable and apparent
- 4) And for such other and further errors as shall be disclosed by a detailed review of the subject property and which shall be brought out at time of hearing

CHANGES IN THE NEIGHBORNSOD

The Council zoned BL-CR the property on the west side of Old York Road, opposite the subject property, both to the north of Graystone Road (existing store) and to the south of Graystone Ro-

1) Substantial changes have occurred in the neighborhood so as to alter its character.

Respectfully submitted,

Attorneys for Petitioner

Patition for Reclassification

Brief in Support of Politics for Reclassification

iption of Property

Plat of Subject Property, dated September 28, 1973

200' Scale Location Plan

1000' Scale Location Plan

Baltimore County Zening November 30, 1973 Advisory Committee Comments, dated

Certificate of Posting (One (1) Sign)

Certificates of Publication

Petitioner's Exhibit 1 - Plat of Subject Property, dated September 28, 1973

Letter of Protest from A. Carl Hershfeld, President, Parkton Comp. lation, dated March 12, 1974

Order of the Deputy Zoning Commissioner, dated April 25, 1974 - DENIED

Order of Appeal from Gerdon G. Power, Esquire, on Rehalf of the Petitioner, received May 23, 1974

...........

Gordon G. Power, Esquire 21 West Susquehanna Avenue Towson, Maryland 21204

Mr. A. Carl Hershfeld

President
Parkton Con
York Road

Parkton, Maryland 21120

PETITION FOR RECLASSIFICATION SE/corner of Old York Road and Opens haw Road - 7th District John J. Heise - Petitioner No. 74-196-R (Item No. 24)

WAY 23 '74 PM -

County Office Building Towson, Maryland 2120

.

APPEAL

Please enter the Appeal of JOHN J. HEISE to the County Board of Appeals from the Order of the Deputy Zoning Commissioner dated April 25, 1974.

POWER AND MOSNER

BY: Gordon G. Power Attorney for Petitioner 21 W. Susquehanna Avenue Towson, Maryland 21204 823-1250



RE: Petition for R Polition for Reclassification SE/corner of Old York Road Openshaw Road - 7th Distric John J. Heise - Politicaer NO. 75-196-R (Rem No. 24)

Dear Mr. Power

JAMES E. DYER



D-0

LAW OFFFER WER AND MOSK



November 30, 1973

21 W. Susquehanna Avenue Towson, maryland 21204

RE: Reclassification Petition Item 24 - 6th Zoning Cycle John J. Heise - Petitioner

Dear Sirs:

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 raview and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made award 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 at the southeast corner of Old York Road and Openshaw Road, in the 7th District of Baltimore Councy. This property, for the most part, is unimproved with the location of an existing two-story declining immediately the intersection, an existing three-bay garage with its access from Openshaw Road, and me existing showroom which fronts on York Road, with a storage ibuilding directly to the rear. There are also several other outbuildings on the premises.

It appears the property has been used commor-cially in the past and is currently being used as a lumber supply building and service garage.

Curb and gutter does not exist along Old York Road or Openshaw Road at this location.

- 2 -

Messrs. Power and Karnook Re: Item 24 - 6th Zoning Cycle November 30, 1973

The site plan will be required to be revised to indicate the comments requested by the Bureau of Engineering, the Project Planning office, and the Health Department. Petitioner is also reminded that an must comply with Section 1000.1 No. 2 a. of the Baltimore County Zoning Regulations.

This potition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, the control of the control

Yory truly yours, John J. Dillon, JR., Chairman Zoning Advisory Committee

1000' Scale Location Plan

JJDJr.:JD

Enclosure

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





Chairman

DEPARTMENT OF TRAFFIC ENGINEERIN

STATE BOADS COMBI BUREAU OF FIRE PERVENTION

PROCECT PLANNING BOARD OF EDUCATION 2000NG ADMINISTRAT

Houses, Power and Karpon 21 W. Susquehanna Avenue Towson, Maryland 21204

ME: Roclassification Potition Item 24 - 4th Soning Cycle John J. Heire - Petitioner

November 27, 1973

Dear Sirs

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.

John J. Dillon, JR., Chairman Zoning Advisory Committee

JJDJr.:JD Enclosures

cc: Spellman, Larson & Associates, Inc. Vite 302, Investment Bldg., Torson, 8d. 21204

Balttmore County, Margland Bepartment Of Bubite Barks

> COUNTY OFFICE BUILDING TOWION, MARYLAND 21204

Barnes of Engineering JLLSWORTH N. DIVER, R. E. CHIEF

October 26, 1973

Mr. S. Kric DiMenna Zoning Commissioner County Office Building fowlon, Haryland 21204

> Re: Item #2h (October 1973-April 197h - Cycle VI) Property Owner: John J. "size Intersection of the centerline of Openshaw Rd. & Old York Rd. Existing Zoning: R.b.P.
> Proposed Zoning: B.R.
> No. of Acres: 4.63 Acres District 11th

Dear Mr. DiNenna:

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

Old York load is an existing County road which will ultimately be improved with combination on a man gutter and bituminous concrets paving on a 70-foot right-of-way.

Openshaw Road is an existing County road which will ultimately be is roved with combination ourb and gutter and bituminous concrete paying on a 60-foot right-of-way.

Offsite storm water from the couchwest side of Old York Road falls toward this site. In accordance with the drainue polloy, the Patitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a satisfie outfall.

The Petitioner must provide ner assay drainage facilities (temporary or permanent) to prevent creating any muisances or danages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which any result, the to improper grading or improper installation of drainage facilities, would be the full "assemblaility of the Petitions".

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top xil.

Item #2h (October 1973-April 197k - Cycle VI) Catober 26, 1973

riblic water is not available to serve this property. Therefore, private well systems must be provided in conformance with Realth Department requirements. A was mar appropriation prant must be approved prior to adjustmen on the record plat.

Public secess are not available to serve this property; therefore, private sewage systems must be provided. Soil tense munt be conducted on each lot prior to approval of a tentative and/or record plat in accordance with Department of Washin requirements.

Very truly yours,

SLISHOFTH W. DIVER, P.E. Chief, Bareau of Engineering

END-FAN-MAS- an

NE 34 A & B Tupo

Very truly yours.

Assistant Traffic Enginee

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD. P.E.

October 25, 1973

CRM/ok

BALTIMORE COUNTY, MARYLAND

Mr. S. Fric DiNesna

County Office Building

District 7

ultimately developed.

Re: Item 24 - October 1973 to April 1974 - Cycle Zoning Vi

Property Owner: John J. Heise Southeast corner of Old York Road and Openshaw Road 8.A.

Due to the low volumes on Old York Road this proposal should not create capacity problems. The trip density can be expected to be increased from 50 trips to 2000 trips per day and the proposed zoning

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

October 18, 1973

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 2120

Comments on Reclassification, Zoning Advisory Committee Meeting, October 3, 1973, are as follows:

> Property Owner: John J. Heise Location: SY Corner Old York & Openshaw Roads Present Zoning: R.D.P. Proposed Zoning: B.R. No. Acres: 4.83 District: 7

Complete soil evaluation must be conducted and approved for this proposed commercial operation prior to Health Department

Water well must be drilled and neet health Department requirements.

Very truly yours,

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

Baltimore County Fire Department



Towson, Maryland 21204 825-7310

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

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: John J. Heise

Location: Intersection of the centerline of Openshaw Road & Old York Road

Item No. 24

Zoning Agenda Wednesday, October 3, 1973

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of approved road in accordance with Baltimore County Standards as published by the Department of Jubic Works.
() 2. A second means of vehicle access is required for the site.

) 3. The whicle dead-end condition shown at

EXCLEDS 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

The Delidings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Pire Protection Association Standard No. 101 "The Life Stefty Code", 1707 Edition prior to occupancy.
 Site plans are approved as drawn.
 The Pire Prevention Suremath has no comments at this time.

Special Inspection Division

Jeputy Chief Fire Prevention Bureau

WILLIAM L. FROM

S. ERIC DINENNA



November 23, 1973

Mr. 3. Eric DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zonin Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #24, VI Zoning Cycle, October 1973, to April 1974, are as follows:

Property Owner: John J. Heise Location: Intersection of the centerline of Openshaw Road and Old York Road Existing Zonings R.D.P.
Proposed Zonings B.R. No. of Acres: 4.83 acres

This office hes reviewed the subject petition and offers the following comments:

All proposed road wadenings should be shown on the site plan.

All parking areas must be poved and curbed with the proper entrances from County roads; and noted on the site plan.

> Very truly yours, John LiVemble 10 John L. Wimbley

Planning Specialist II Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 AREA COPE 301 PLANNING 494-3211 ZON.4G 494-3381

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 25, 1973

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

Z.A.C. Meeting of: "Cycle 6"

Property Omer: John J. Heise Location: Intersection of the centerline of Openshaw Rd & Old York Rd Present Zonin;: Rd.P. Proposed Zoning: B.R.

District No. Acres:

Dear Mr. Dillenna:

A change from residential to B.R. would only result in a loss of approxfirstely 1 or 2 pupils and would have no adverse effect

> Wery truly years, W. Wichtet out

W. Nick Patrovich

EUDENE E HESS, COMMENT JESSETH N. MISSINAN

mls 4/16/73

TOWSON TIMES TOWSON, MD. 21204

THIS IS TO CERTIFY, that the annexed advertisement of 5. Bric Dinemna

Syming Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltamore County, Maryland, once a week for one weeky before the 25 day of February 19.74 that is to say, the same was inserted in the issues of February 21, 1974.

STROMBERG PUR' ICATIONS. Inc.

By Butt Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 21 19. 74 appearing on the ... 21st ... day on Pebruary ... 19. 74 Cost of Advertisement, \$.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

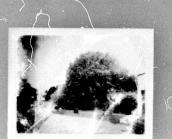
This is and to be interpreted as acceptance of the Parition for assignment of a hearing

FUNCTION Descriptions shecked and outline plotted on map Grantec by

PETITION MAPPING PROGRESS SHEET







. 2- SiGNS

6 74-196-R

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Post . Fee 21, 1974 Posted for Petitien Fer Rechassification Location of property SE/Cor. OF OLD YORK Rd. AND Charmon Rd. LOCATION of SIGNE OF E. S. D. E. C. P. C. A.D. YORK R. A. DENDERUD OF CREYDOWN N. C. S/SIDE OF OPENINAL RIL ACO TOO. F. C. P. C. A.D. YEEK R.D. Posted by Floring E. Boland Date of return MATCH 1,1974

Date of Posting JUNE 7 /974 Petitioner JOHN J. Heise

1-S,6N

CERTIFICATE OF POSTUM

74-196-R

Loration of property. SE CERALETE OND YORK ROAD AND OFWEHAW ROAD Location of Signs: S/Sive Crenshow RJ 45 toy- EeF CAD JORK N

Posted by Account A. Reland Date of return TUNC 14, 1924

BALTIMORE COUNTY, MARYLAND OFFICE OF FINAY REVENUE DIVISION MISCELLANZOUS CASH RECEIPT DATE NOV. 27, 1973 ACCOUNT 01-662 21 V. Besquableme Townort Md. 22204 Petitionfor Reclassification for John J. Heise College

No. 13144 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION DA'S March 13, 1974 ACCOUNT 01-662 AMOUNT \$112.96 PINE - AGENCY

BALTIMORE COUNTY, MAGILAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE May 29, 12.4 ACCOUNT 01-662 AMOUNT \$75.00 Cost of Filing of a. Appeal and Posting of Property on Case No. 74-176-R SE/corner of Old York Road and Openshaw Road - 7th

