

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Berg Farm Joint Venture legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from DR 5.5 to DR 3.5 and DR 5.5 for the following reasons:

An error has been made in the Zoning Map

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 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.

Herbert Kishner

Berg Farm Joint Venture

Contract purchaser
8 E. Pennsylvania Avenue
Towson, Maryland 21284

Legal Owner
8 E. Pennsylvania Ave.
Towson, Maryland 21284

Petitioner's Attorney

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 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 a public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County on the 25th day of April, 1974, at 11:00 o'clock

Zoning Commissioner of Baltimore County.

(over)

Brief to Accompany Petition For Reclassification of Property Known As "The Berg Farm"

The subject property consists of several parcels under one ownership containing a total area of approximately 84.59 acres, more or less.

The property was classified as "DR 3.5", "DR 5.5", and "Public Land" by the adoption of the Land Use Map for Baltimore County on March 24, 1971 by the Baltimore County Council. At that time, the Council erred in zoning a portion of the subject tract "Public Land" due to an error made by one of the Planning Technicians.

This error consisted of not properly plotting the "Common" Property Lines between the subject site and the property purchased by the Baltimore County Board of Education for a school site. The property owner did not know at the time of the adoption of the Map by the Baltimore County Council that an error had been made.

At the time of a "Field Survey" by a registered surveyor and engineer, and in the subsequent preparation of development plans, it was found that the "Public Land" Classification had been placed upon a portion of the subject tract.

As an error has been made by the Planning Technician in not properly locating the property lines and as said error was further reviewed and approved by the Planning Board and subsequently by the Baltimore County Council, an early hearing out of the cycle, is requested by the Petitioner in order to correct this error.

Herbert Kishner
Herbert Kishner
Contract Purchaser

County Council of Baltimore County
County Office Building, Towson, Maryland 21284

March 19, 1974

COUNCILMEN

First District
FRANCIS X. BOSSE

Second District
GARY HULLDES

Third District
G. WALTER TYRRE, JR.

Fourth District
WEBSTER C. DAVE

Fifth District
HARRY J. BARTENFELDER

Sixth District
FRANCIS C. BARNETT

Seventh District
WALLACE A. WILLIAMS

Secretary

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Dear Mr. DiNenna:

Attached herewith please find Planning Board Resolution certifying that early action is manifestly required in the public interest on the petition of Berg Farm Joint Venture to change the zoning classification of portions of the petitioner's property, known as The Berg Farm, from no zoning classification to DR. 3.5 and D.R. 5.5, which the County Council passed at their meeting on Monday, March 18, 1974.

Very truly yours,

Thomas Toporek
Thomas Toporek
Secretary Pro Tem

TT:bl

Attachment

CC: Mr. William Fromm



WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



February 22, 1974

The Honorable Harry J. Bartenfelder, Chairman
Baltimore County Council
County Office Building
Towson, Maryland 21284

Dear Mr. Bartenfelder:

At its regular meeting on Thursday, February 21, 1974, the Baltimore County Planning Board, under the provisions of Subsection 22-22(i) of the Baltimore County Code 1968, as amended, unanimously approved a motion to certify to the County Council that early action is manifestly required in the public interest on the petition by Berg Farm Joint Venture to change the zoning classification of portions of the petitioner's property, known as The Berg Farm, from no zoning classification to D.R. 3.5 and D.R. 5.5.

After reviewing the brief accompanying the petition and a copy of the zoning map, the Planning Board concluded that, at the time the zoning map was drafted, the common property lines between the petitioner's property and a tract purchased by the Board of Education were apparently improperly located, thereby causing portions of The Berg Farm to be designated as public land.

Copies of the petition and of the attorney's letter are attached. Additional information will be provided upon your request. Notification of the Council's action should be made to the Zoning Commissioner so that timely actions can be taken by him in accordance therewith.

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

WDF/FS/ks

Y: Honorable Francis C. Barnett
Honorable Francis X. Bosse
Honorable Webster C. Dave
Honorable Gary Huddles
Honorable G. Walter Tyrre, Jr.
Honorable Wallace A. Williams

Mr. Herbert E. Holenberger
Mr. S. Eric DiNenna
Mr. Thomas Toporek
Mr. Herbert Kishner

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 101 WEST CHEESAPEAKE AVENUE TOWSON, MARYLAND 21284
AREA CODE 301 PLANNING 431-3211 ZONING 443-3181



MCA ENGINEERING CORPORATION
ENGINEERS
SURVEYORS
1030 Cromwell Bridge Rd., Baltimore, Md. 21204 • Tel. (301) 823-0900

DESCRIPTION

1.0813 ACRE PARCEL, PART OF "SEVEN COURTS", NORTHWEST OF BELAIR ROAD, NORTH OF JOPPA ROAD, NORTHEAST OF HINES ROAD, ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR D.R. 3.5 ZONING.

Beginning for the same at a point on the first line of the land described in the deed to Joseph Berg and wife, recorded among the Land Records of Baltimore County in Liber T. B. S. 1861, page 260, said beginning point being at the beginning of the second line of the land conveyed to John M. Berg and wife by deed recorded among said Land Records in Liber W. P. C. 629, page 95, said beginning point being S 81° 18' 20" E 580.47 feet, as measured reversely along said second line, from the northeast corner of "Carla Green", as shown on the plat thereof recorded among said Land Records in Plat Book W. J. R. 27, page 106, said northeast corner being distant 200.00 feet, as measured northerly along the easternmost outline of said "Carla Green" from a point on the north side of Tila Road, 50 feet wide, as shown on said plat, said last mentioned point being distant 861 feet, more or less, as measured easterly along said north side of Tila Road from its intersection with the center line of



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DESCRIPTION

0.8301 ACRE PARCEL, PART OF "SEVEN COURTS", NORTHWEST OF BELAIR ROAD, NORTH OF JOPPA ROAD, NORTHEAST OF HINES ROAD, ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR D.R. 5.5 ZONING.

Beginning for the same at the end of the second line of the land conveyed to John M. Berg and wife by deed recorded among the Land Records of Baltimore County in Liber W. P. C. 629, page 95, and at the northeast corner of "Carla Green", as shown on the plat thereof recorded among said Land Records in Plat Book W. J. R. 27, page 106, said beginning point being distant 200.00 feet, as measured northerly along the easternmost outline of said "Carla Green" from a point on the north side of Tila Road, 50 feet wide, as shown on said plat, said last mentioned point being distant 861 feet, more or less, as measured easterly along said north side of Tila Road from its intersection with the center line of Simms Avenue, as shown on said plat, running thence binding reversely on the aforementioned second line, (1) S 81° 18' 20" E 580.47 feet, thence (2) S 20° 18' 36" E 90.00 feet, thence along the south outline of the land zoned "Public" on the Zoning Map of Baltimore County, (3) N 77° 59' 20" W 626.98

-2-



MCA ENGINEERING CORPORATION

feet to a point on the easternmost outline of "Carla Green" and on the third line of said land conveyed to Berg, and thence binding reversely on a part of said third line, (4) N 11° 09' 25" E 42.47 feet to the place of beginning.

Containing 0.8301 of an acre of land.

HGW:ejq

J.O.# 72018

December 12, 1973



-2-



MCA ENGINEERING CORPORATION

Simms Avenue, as shown on said plat, running from said beginning point, binding reversely on a part of the aforementioned first line, (1) N 09° 48' 42" E 704.90 feet, thence along the north and east outlines of the land zoned "Public" on the Zoning Map of Baltimore County, two courses: (2) S 77° 23' 32" E 80.00 feet, and (3) S 12° 21' 56" W 779.62 feet, and thence, (4) N 20° 18' 36" W 90.00 feet to the place of beginning.

Containing 1.0813 acres of land.

HGW:ejq

J.O.# 72018

December 12, 1973



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map and the health, safety, and general welfare of the community not being adversely affected.

the above Reclassification should be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of APRIL, 1974, that the herein described property or area should be and the same is hereby reclassified from Unzoned Land to D.R. 3.5 and D.R. 5.5 Zone, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1974, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

January 10, 1974

Mr. Charles Heyman
Baltimore County Planning Board
c/o Kaplan, Heyman, Englemann & Belgard
Tenth Floor Sun Life Bldg.
Charles & Redwood Streets
Baltimore, Maryland 21201

Re: Berg Farm

Dear Mr. Heyman:

Please consider this letter a request for the petition for the reclassification of property known as The Berg Farm to be heard out of cycle.

Your consideration in this matter will be greatly appreciated.

Very truly yours,

Herbert Kishner

HK:emd
Encs:
cc: Mr. James Byrnes
Office of Zoning

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 10, 1974

Herbert Kishner, Esq.
8 E. Pennsylvania Avenue
Towson, Maryland 21284

RE: Reclassification Petition
Item 1278
Berg Farm Joint Venture -
Petitioners

Dear Mr. Kishner:

This office is in receipt of revised plans and/or descriptions which reflect the required changes of the participating agency(s) of the Zoning Advisory Committee.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

James B. Byrnes, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: MCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21284

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Wm. T. MELZER
DIRECTOR DEPUTY DIRECTOR

January 31, 1974

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

Re: Berg Farm Joint Venture
NW Belair Road, N of Joppa Road, NE of Hines Road
Reclass from Public to D.R. 3.5 and D.R. 5.5
District 11

Dear Mr. DiNenna:

The requested reclassification of public to D.R. 3.5 and D.R. 5.5 is not expected to cause any major traffic problems.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/pk

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21284

April 11, 1974

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

Re: Item #1278 (1973-1974)
Property Owner: Berg Farm Joint Venture
N/W of Belair Rd., N. of Joppa Rd., N/E of Hines Rd.
Existing Zoning: Public
Proposed Zoning: Reclass. from Public to D.R. 3.5 and D.R. 5.5
No. of Acres: 0.6301 District: 11th

Dear Mr. DiNenna:

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

General:

Baltimore County utilities and highway improvements are not involved in regard to the specific area which is the subject of this Petition.

Formal comments in regard to the proposed development of the overall property were provided the Petitioner March 1, 1973 by the Bureau of Public Services and supplemented April 3, 1973 in connection with the preliminary plan "Berg's Farm Townhouses", and further supplemented December 20, 1973 in connection with the preliminary plan "Seven Courts" (formerly Berg's Farm Townhouses).

The above comments are referred to for your consideration.

Very truly yours,

Eugene J. Clifford
Chief, Bureau of Engineering

END:EM:PM:iss

N-W Key Sheet
37, 38 & 39 NE 24, 25 & 26 Pos. Sheets
NE 10 F & G Topo
72 Tax Map

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 1, 1974

Herbert Kishner, Esq.
8 E. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Berg Farm Joint Venture - Petitioners

Dear Mr. Kishner:

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 of this request is a portion of a large parcel of land which is located at the northeast quadrant of Joppa and Hines Roads. It is presently unimproved.

The Hines Elementary School site immediately adjoins the tract to the west and the petitioner contends that an apparent drafting error was committed with regard to the limits of the school property and the public land classification that is associated with it.

This parcel is ultimately proposed to be developed as part of an eighty-four (84) acre tract containing three hundred and forty (340)

Herbert Kishner, Esq.

Page 2
March 1, 1974

townhouse units. The subject parcel is not indicated as actually to be developed, but the density is necessary for the total units proposed.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

James B. Byrnes, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: MCA Engineering Corporation
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Baltimore County Fire Department

J Austin Deitz
Chief

Towson, Maryland 21204
874-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Berg Farm Joint Venture

Location: N.W. of Belair Rd., NE of Hines Rd.

Item No. Zoning Agenda 1/22/74

Gentlemen:

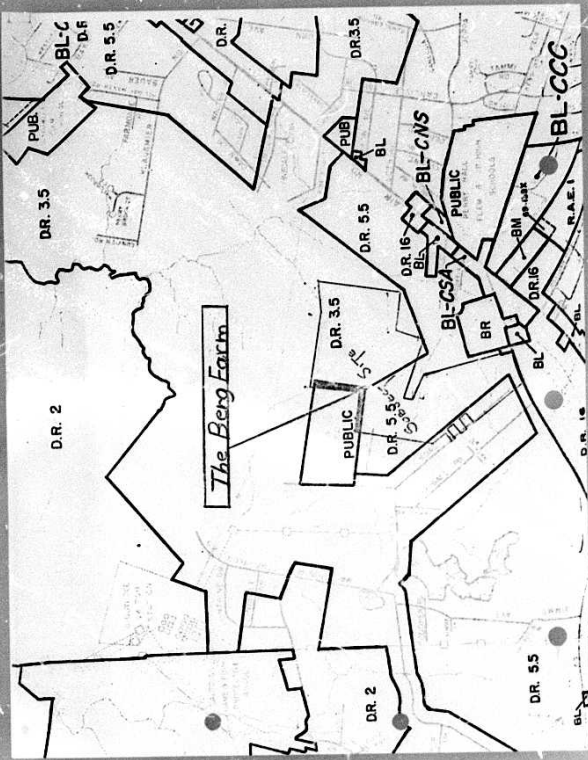
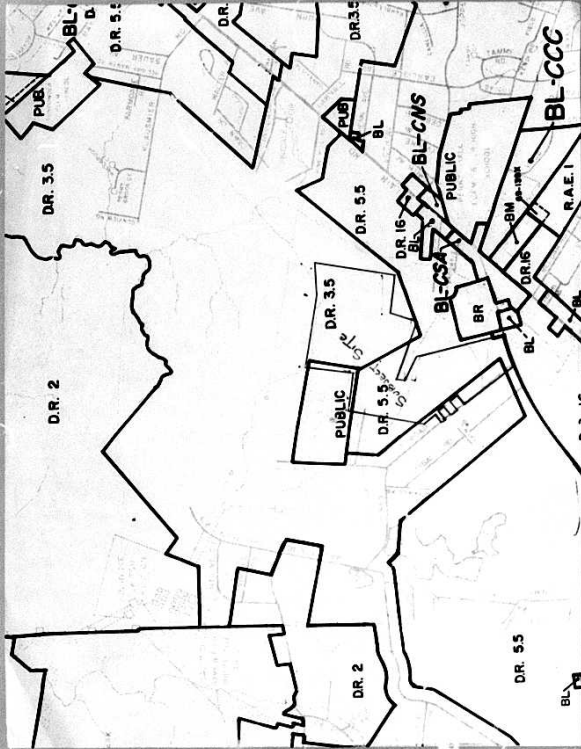
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
(X) 2. A second means of vehicle access is required for the site.
(X) 3. The vehicle dead-end condition shown at [redacted]
(X) 4. [redacted] the maximum allowed by the Fire Department.
(X) 5. The building 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", 1973 Edition prior to occupancy.
(X) 6. Site plans are approved as drawn.
(X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: Lt Thomas E. Kelly
Planning Group
Special Inspection Division

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

mls
4/16/73



Robert Eickner, Esq.
 8 E. Pennsylvania Avenue
 Towson, Maryland 21284

Item 1278

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received and accepted
 for filing this 23 day of March, 1974.

S. Eric DiNanna
 S. ERIC DINANNA,
 Zoning Commissioner

Petitioner Berg Farm Joint Venture
 Petitioner's Attorney Robert Eickner Reviewed by [Signature]
 Chairman, 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 24 day of
June, 1974. 1972. Item # _____

S. Eric DiNanna
 S. ERIC DINANNA
 Zoning Commissioner

Petitioner Berg Farm Submitted by Smith
 Petitioner's Attorney _____ Reviewed by [Signature]

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

BALTIMORE COUNTY, MARYLAND No. 147728
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE April 26, 1978 ACCOUNT 01-662
 AMOUNT \$90.75

DISTRIBUTION
 WHITE - CARRIER FIRM - AGENCY YELLOW - CUSTOMER
 Seven Corners Bldg., Co.
 8 S. Pennsylvania Ave.
 Towson, Md. 21201
 Advertising and posting of property for Berg
 Farm Joint Venture
 7/16-21-1

3870 FORM 40

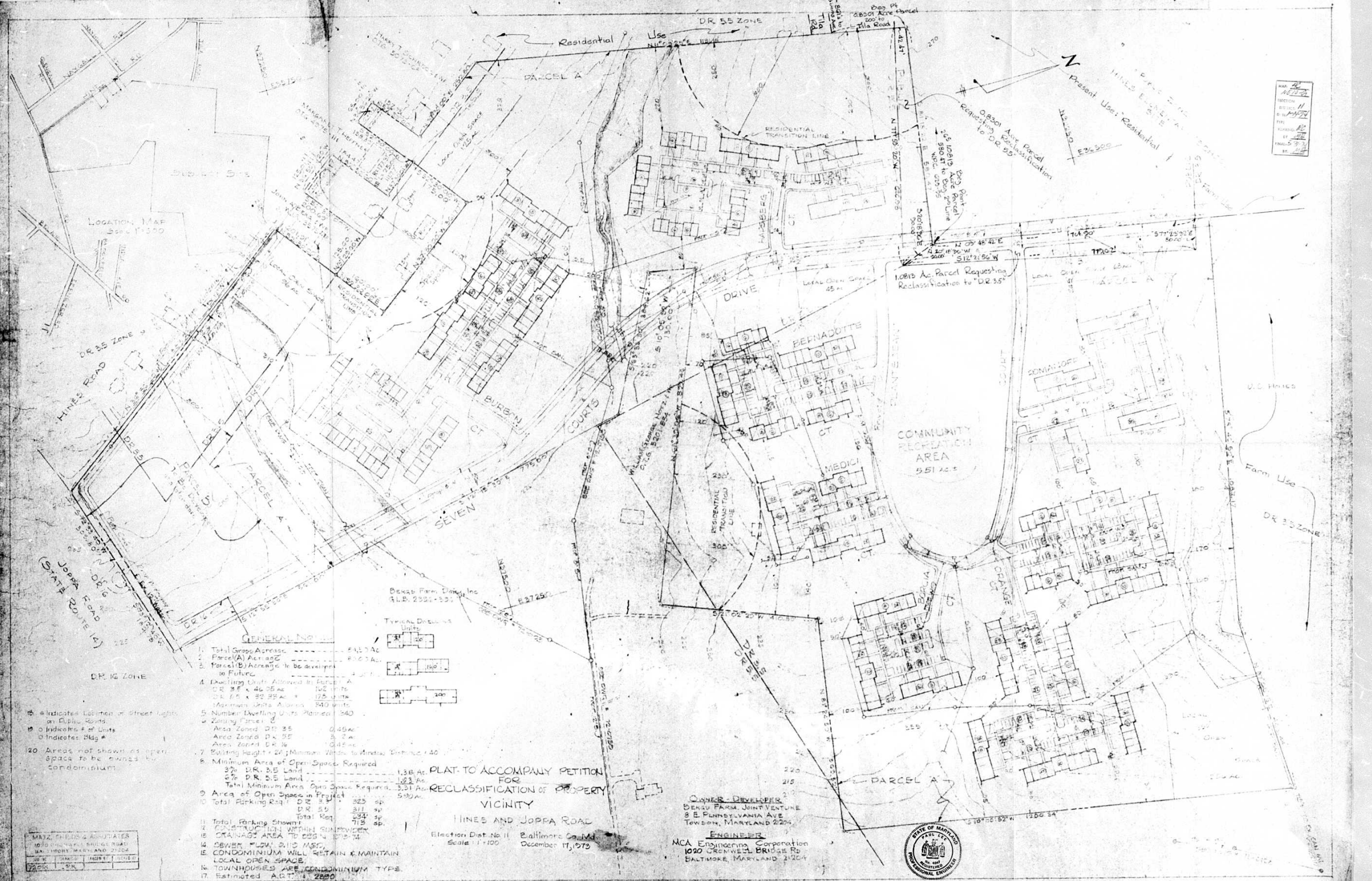
BALTIMORE COUNTY, MARYLAND No. 13187
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE April 1, 1974 ACCOUNT 01-662
 AMOUNT \$50.00

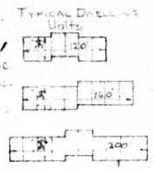
DISTRIBUTION
 WHITE - CARRIER FIRM - AGENCY YELLOW - CUSTOMER
 NCA
 1020 Crosswell Ridge Rd.
 Baltimore, Md. 21201
 Petition for Reclassification for Berg Farm Joint Venture
 7/16-21-1

5000766

MAP No. 11
 ELECTION DIST. No. 11
 TITLE: RECLASSIFICATION OF PROPERTY
 DATE: 11/17/73
 BY: MCA



- GENERAL NOTES**
- Total Gross Acreage: 54.43 AC
 - Parcel (A) Acreage: 48.63 AC
 - Parcel (B) Acreage to be developed in Future: 5.80 AC
 - Dwelling Units Allowed in Parcel A:
 DR 35 x 46.35 Ac = 142 Units
 DR 35 x 32.32 Ac = 175 Units
 Maximum Units Allowed: 317 Units
 - Number Dwelling Units Planned: 240
 - Zoning Parcel A:
 Area Zoned DR 35: 0.45 Ac
 Area Zoned DR 35: 3.2 Ac
 Area Zoned DR 16: 0.42 Ac
 - Building height: 24; Minimum Windows to Windows Distance: 40
 - Minimum Area of Open Space Required:
 3% DR 35 Land: 1.38 Ac
 5% DR 35 Land: 2.23 Ac
 Total Minimum Area Open Space Required: 3.61 Ac
 - Area of Open Space in Project: 5.92 Ac
 - Total Parking Req:
 DR 35: 325 sp
 DR 35: 311 sp
 Total Req: 636 sp
 Total Provided: 713 sp
 - Total Parking Shown: 713
 - CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY ORDINANCES
 - SEWER FLOW SHALL BE AS SHOWN
 - CONDOMINIUM WILL RETAIN & MAINTAIN LOCAL OPEN SPACE
 - TOWNHOUSES ARE CONDOMINIUM TYPE
 - Estimated A.R.T.: 2800



PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION OF PROPERTY VICINITY HINES AND JOPPA ROAD

Election Dist. No. 11 Baltimore Co., Md
 Scale: 1"=100'
 December 17, 1973

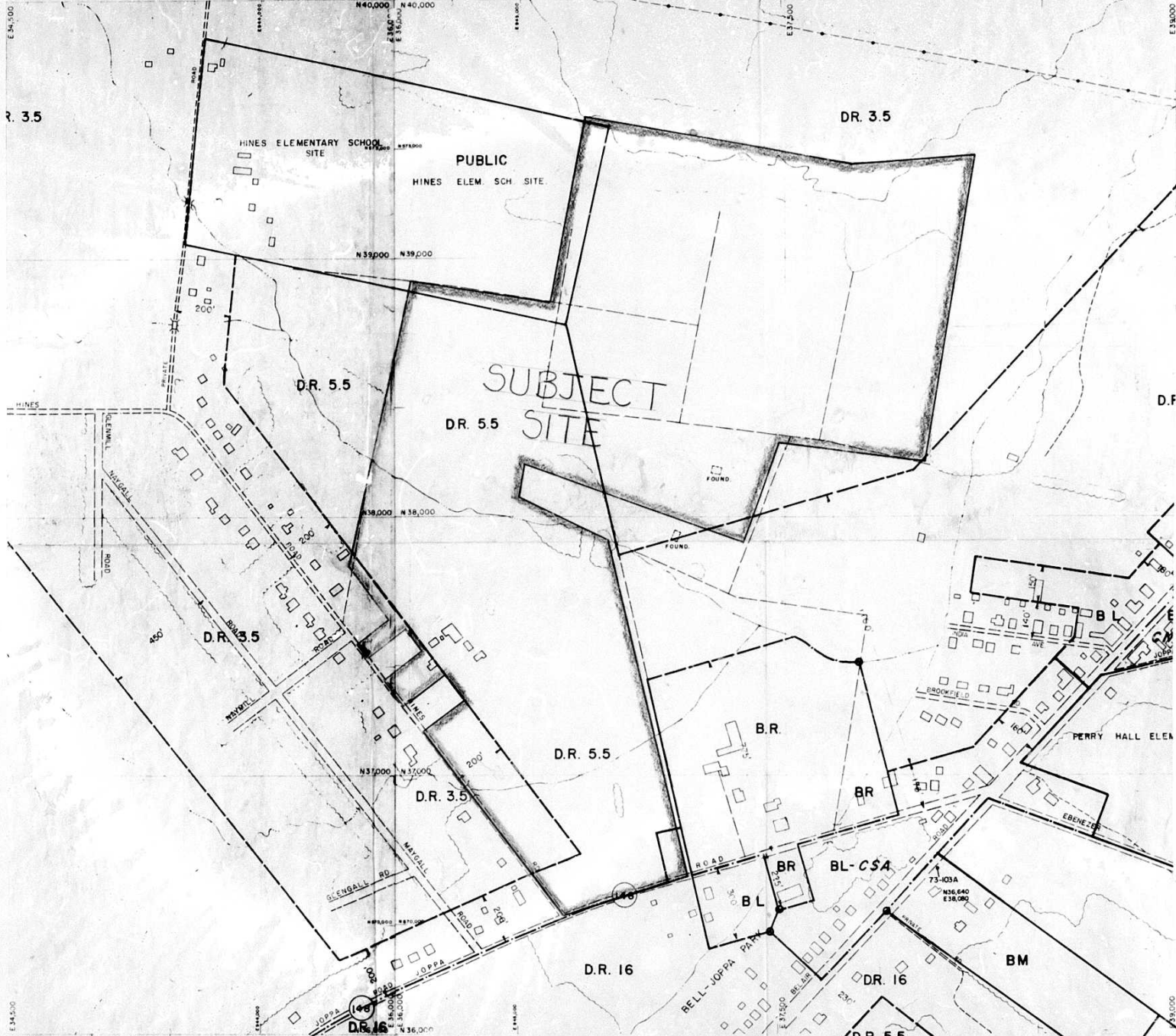
OWNER-DEVELOPER
 BERNU FARM JOINT VENTURE
 8 E. PENNSYLVANIA AVE
 TOWSON, MARYLAND 21284

ENGINEER
 MCA Engineering Corporation
 1020 CROMWELL BRIDGE RD
 BALTIMORE, MARYLAND 21204



MCAZ, PHILIPS & ASSOCIATES
 1070 CHESTNUT RIDGE ROAD
 BALTIMORE, MARYLAND 21204
 30° W 1/4" = 100' 11/16" 1/16"





BY	DATE	SCALE	LOCATION
		1" = 200'	CARNEY
		DATE OF PHOTOGRAPHY	PERRY HALL
		APRIL, 1953	

By Photogrammetric Methods CORPORATION-PHILADELPHIA, PA.

SHEET
D.R. 16

M - NW
Q - SW
N.E.
IO - F

ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PHOTOGRAMMETRIC
BALTIMORE COUNTY
OFFICIAL

