

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FREDERICK C. WALTERS, 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 an R-2-P zone to an R-1 zone; for the following reasons: To sell fruits,

vegetables and related goods, as a road-side fruit and vegetable market, year round.

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.

Contract purchaser: Frederick C. Walters
Address: Hanover Road
Reisterstown, Maryland 21136
Protestant's Attorney: James A. Gede
Address: 11000 Reisterstown Road
Owings Mills, Maryland 21117

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of April, 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 5th day of September, 1974, at 2:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R.D.P. to B.L.
E/S of Hanover Road 403'
N. of Old Hanover Road
4th District : COUNTY BOARD OF APPEALS
OF
Frederick C. Walters, : BALTIMORE COUNTY
Petitioner : No. 75-35-R

OPINION

This case comes to the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner, dated January 10, 1975, wherein the requested reclassification from an R.D.P. to a B.L. zone was denied.

The subject property is located on the east side of Hanover Road, 403 feet north of Old Hanover Road, in the Fourth Election District of Baltimore County, and comprises slightly over two (2) acres. The subject property contains the residence of the Petitioner and contains a vegetable stand wherein retail sales are made, located on the Petitioner's property at the roadside of Hanover Road.

The testimony from the Petitioner indicated that the retail sales from his vegetable stand consists of only products which he raises on his farm, said farm being approximately sixty acres on Snyderburg Road, which is not contiguous to the property which contains the vegetable stand. The Petitioner stated that he wishes to improve the stand and requests the change to B.L. in order to permit this use. The Petitioner's case relies strictly on error with no contention being made as to any substantial change in the character of the neighborhood. The Petitioner cited for reasons indicating the error committed by the Council in adopting the present zoning classification of R.D.P. for the subject property, as the Council not taking into consideration the existing use; namely, the operation of the roadside vegetable stand, and also errors in placing zoning classifications of D.R. 10.5 or D.R. 5.5 on land which is approximately a mile and a quarter to the north of the subject property and contains no utilities, and cannot be utilized under that classification.

Assuming, without deciding, that the placing of the D.R. 10.5 or D.R. 5.5 on the other indicated property some distance away from the subject property might be error, we fail to see how an error for that property could be inferred to constitute error to the

Frederick C. Walters - #75-35-R

2.

subject property. Furthermore, there is no evidence before the Board that the County Council did not consider the existing subject property when placing the present zoning classification. If, as it appears to the Board, that the existing use is in fact an illegal use and a zoning violation, then we fail to see how the Council's refusal to consider the existing use could constitute error. Consequently, as has been recited many times, the burden of proving error rests upon the Petitioner and is an onerous one, and the Board feels that the proof of such error certainly has not been made in this case.

For the foregoing reasons, the petitioned reclassification will, therefore, be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day of August, 1975, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 to 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

W. Giles Parker

Robert L. Gilland

RE: PETITION FOR RECLASSIFICATION : BOARD
from R.D.P. to B.L.
E/S of Hanover Road 403'
N. of Old Hanover Road
4th District : COUNTY BOARD OF APPEALS
OF
Frederick C. Walters : BALTIMORE COUNTY
Petitioner : No. 75-35-R

MEMORANDUM OF CONCURRING OPINION

This member of the Board perforce must agree with the majority of the Board as to the application of the existing zoning regulations to the Petitioner's property.

The operation of a produce stand is a permitted use but is limited to farm products raised by the owner on "the premises". This points up the unfairness of some provisions of the zoning regulations in that, in my opinion, it should be a permitted use provided everything sold there was produced by the operator, whether his farm be contiguous or some distance away off of a main road. The unfairness is particularly obvious in this case because of Mr. Walters' long continued use of this property for the present purpose, which is a convenience to the neighbors "including most of the Protestants," and certainly would tend to promote farming use of land in the northern part of Baltimore County, which seems to be the present objective of the zoning processes.

W. GILES PARKER

MEMORANDUM: REGARDING REASONS FOR ZONING RE-CLASSIFICATION

PETITIONER: Legal Owner of Property, FREDERICK C. WALTERS.

Address: Hanover Road, Reisterstown, Maryland 21136

ATTORNEY FOR PETITIONER: James A. Gede

Address: 11000 Reisterstown Road, Owings Mills, Md. 21117
Telephone: 356-4870

Petitioner has requested that the zoning status of the property described in the attached Plat and Description be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-2-P zone, to an R-1 zone, for the following reasons:

Your Petitioner's property is located between the Western Maryland Railway tracks on the east and a major state highway on the west.

In the adoption of new maps, this property should have been re-classified from "R-2-P", which was the general classification for all properties in the area north of Butler Road in Reisterstown.

The property is best suited for commercial use, rather than for residential use.

Your Petitioner has been operating a road-side fruit and vegetable stand continuously, since he purchased the property and has sold those products raised upon his own land. However, his desire is to install a permanent type structure with adequate parking, and to operate said business in conformity with the Zoning Rules and regulations of Baltimore County and therefore submits that the Zoning Map, as adopted, was in error with regard to this parcel of land.

W. T. SADLER, INC.

PROPERTY DESCRIPTION TO ACCOMPANY APPLICATION FOR ZONING RECLASSIFICATION

APPLICANT: FREDERICK C. WALTERS
HANOVER ROAD
REISTERSTOWN
4th ELECTION DISTRICT-BALTIMORE COUNTY MARYLAND

DATE: FEBRUARY 22, 1974

DESCRIPTION:

All that tract or parcel of ground situate, lying and being in the Fourth Election District, Baltimore County, Maryland, located on the east side of Hanover Road, Maryland Route 30, approximately 400 feet north of Old Hanover Road, more particularly described as follows:

Beginning for the same at a point 40 feet East of the centerline of the present road-bed of Hanover Road at the end of the South 86 degrees 24 minutes 30 seconds East 40.1 foot line, as described in a Deed from Asbury A. Rawlings and wife to Victor G. Copestake and wife, dated March 30, 1951, recorded among the Land Records of Baltimore County in Liber G. L. B. No. 1942 folio 145 etc., running thence binding on that Deed as now surveyed by magnetic bearings,

South 87 degrees 28 minutes 30 seconds East 242.70 feet to a point at the end of the North 86 degrees 28 minutes 30 seconds West 63 foot line in a Deed from Asbury A. Rawlings and wife to Victor G. Copestake and wife, dated December 26, 1953, recorded in Liber G. L. B. No. 2413 folio 530 etc., thence binding on that Deed reversely the two following lines; the first line crossing the Western Maryland Railway tracks,

South 87 degrees 28 minutes 30 seconds East 63.00 feet to a point 26 feet East of the centerline of said railway, thence along the East side of said railway,

North 14 degrees 50 minutes West 166.67 feet to a point at the Southeastmost corner of that parcel of land conveyed by Deed from Asbury A. Rawlings and wife to William Armacost and wife, thence binding on the Southernmost line of the Deed and crossing the center of the Western Maryland Railway at the end of 26.63 feet,

South 88 degrees 10 minutes 30 seconds West 216.29 feet to a point 33 feet East of the centerline of Hanover Road as shown on State Roads Commission of Maryland plat No. 3411, thence along the East side of that road right-of-way the two following lines:

South 03 degrees 58 minutes 45 seconds East 151.83 feet,

thence by a curve with a radius of 5760.58 feet, arc of 279.29 feet and a chord of South 02 degrees 37 minutes East 279.28 feet and to intersect the first above men-

tioned Deed line at the end of 33.13 feet, thence binding on that Deed, South 87 degrees 28 minutes 30 seconds East 6.97 feet to the place of beginning, containing two acres and six hundred fifty-seven one thousandths of an acre (2.657) of land more or less, of which approximately five hundred and fifty-one one thousandths of an acre (.551) is included within the right-of-way of the Western Maryland Railway, leaving a total area of two acres and one hundred and one one thousandths of an acre (2.101) of land, more or less.

SUBJECT, however, to a right-of-way, to be used in common with others, (12 feet wide), said right-of-way beginning at a point at the end of 60.49 feet in the South 88 degrees 10 minutes 30 seconds East 216.29 foot line of the above-described parcel and running thence along the South side of that line to the Hanover Road.

Being and comprising all that property conveyed to Frederick C. Walters and Audrey E. Walters, his wife, from Asbury A. Rawlings and Violet E. Rawlings, his wife, by deed dated April 27, 1963 and recorded among the Land Records of Baltimore County in Liber 4154, page 551.

The data contained in these descriptions has been compiled from deeds and records.

By William T. Sadler Date: 4/22/1974

William T. Sadler P. L. S. 7730



James A. Gede, Esquire
11000 Reisterstown Road
Owings Mills, Maryland 21117

January 9, 1975

RE: Petition for Reclassification
E/S of Hanover Road, 403' N
of Old Hanover Road - 4th
Election District
Frederick C. Walters - Petitioner
NO. 75-35-R (Item No. 29)

Dear Mr. Gede:

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

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/saw

Attachments

cc: Mr. Steve Griffin
Rt. 3, Box 148
Reisterstown, Maryland 21136

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

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

April 29, 1974

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

Re: Item #29 (Cycle VII - April to October 1974)
Property Owner: Frederick C. Walters
E/S Hanover Rd., 403' N. of Old Hanover Rd.
Existing Zoning: R.D.P.
Proposed Zoning: B.L.
No. of Acres: 2.101 District: 4th

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.

Highways

Hanover Road is a State Road; therefore, all improvements, intersections, entrances and driveway requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Storm Drains

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading, or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Since there is an existing pipe under Hanover Road, which runs partially through this site, and a pipe under the Western Maryland Railroad to the rear of the site, the Petitioner should grade the entire site to drain to this existing system.

Settlement Controls

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 soil.

Item #29 (Cycle VII - April to October 1974)
Property Owner: Frederick C. Walters
Page 2
April 29, 1974

Water

Public water is not available to serve this property. Therefore, private well systems must be provided in conformance with Health Department requirements. A water appropriation permit must be approved prior to signature on the record plat.

Sanitary Sewer

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

Very truly yours,

Ellenworth N. Diver
ELLENWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAN:RAN:iss

NN 18 & 19 X Topo



Maryland Department of Transportation
State Highway Administration

Harry H. Hughes
Secretary
Bernard M. Evans
Assistant Secretary

April 25, 1974

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

Re: Seventh Zoning Cycle
April, 1974
Property Owner: Frederick C. Walters
Location: E/S Hanover Road (Route 30)
403' N. of Old Hanover Road
Existing Zoning: R.D.P.
Proposed Zoning: B.L.
No. of Acres: 2.101
District: 4th

Dear Sir:

There is an 80' right of way proposed for Hanover Road that must be indicated on the plan. The parking should be rearranged accordingly. The plan should be revised prior to the hearing.

The 1973 Average Daily Traffic count on this section of Hanover Road is ... 7,700 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Meyers
By: John E. Meyers

CLJ:Eltkk

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



Towson, Maryland 21204
823-7210

J. Austin Deitz
Chief

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Frederick C. Walters

Location: E/S Hanover Road, 403' N. of Old Hanover Road

Item No. 29 Zoning Agenda April 2, 1974

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.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 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 _____
- (X) 4. _____ the maximum allowed by the Fire Department.
- (X) 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 6. 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", 1973 Edition prior to occupancy.
- () 7. Site plans are approved as drawn.
- () 8. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Dean Ann Bradley* Planning Group
Special Inspection Division
Noted and Approved: *Paul H. Reincke*
Deputy Chief
Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 9, 1974

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

Dear Mr. DiNenna:

Comments on the following item, Zoning Advisory Committee Meeting April 2, 1974, are as follows:

Property Owner: Frederick C. Walters
Location: E/S Hanover Rd., 403' N. of Old Hanover Rd.
Existing Zoning: R.D.P.
Proposed Zoning: B.L.
No. of Acres: 2.101
District: 4

Water well appears to be an approved type.

No failures noted in the septic system.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

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

HVB/cas

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 16, 1974

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

Re: Item 29 Z.A.C. Meeting of: April 2, 1974-Cycle VII
Property Owner: Frederick C. Walters
Location: E/S Hanover Road, 403' N. of Old Hanover Road
Present Zoning: R.D.P.
Proposed Zoning: B.L.

District: 4th
No. Acres: 2.101

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/sal

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May 21, 1974

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 #29, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: Frederick C. Walters
Location: E/S Hanover Road, 403' N. of Old Hanover Road
Existing Zoning: R.D.P.
Proposed Zoning: B.L.
No. of Acres: 2.101
District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site plan does not indicate the proposed widening line for Hanover Road or the screening, as required under Section 409 of the Zoning Regulations, along the front of the parking area.

The site plan will therefore have to be revised to show the screening, widening and the parking area to be in conformance with the widening.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 464-3811 ZONING 464-3281

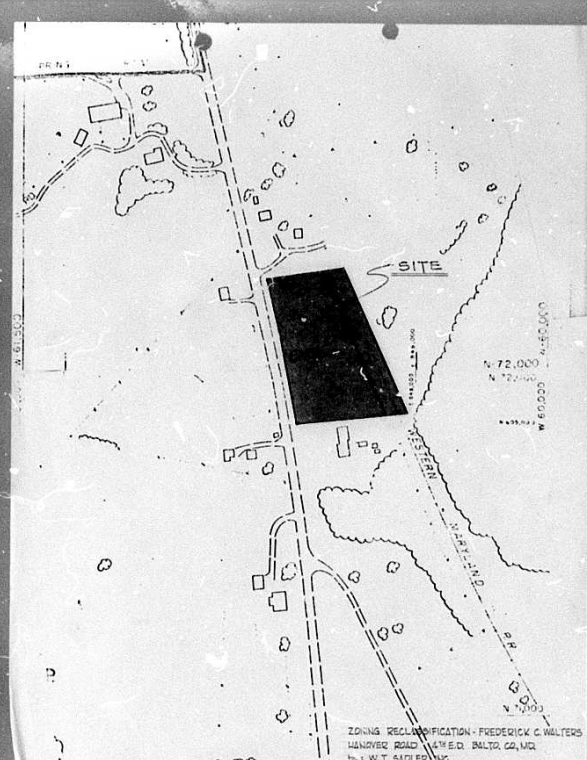
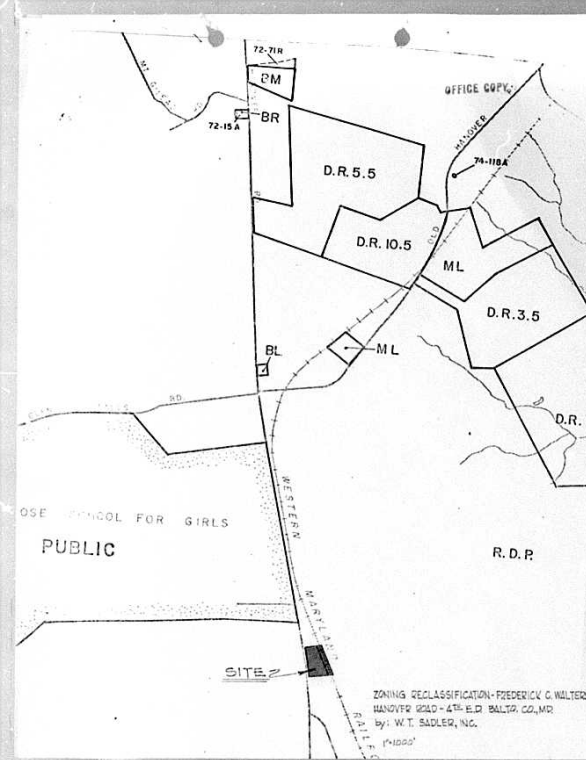
H. EMILIE PARKS, ASSESSOR
KATHLEEN C. WEBB, CLERK
MRS. ROBERT L. BERNY

MARCUS M. BOSTON, JR.
JOSEPH N. MCGOWAN
ALVIN LORICK
JOSEPH W. WHEELER, SUPERVISOR

T. DAVID WILLIAMS, JR.
RICHARD W. FRIDAY, V.M.D.
MRS. RICHARD L. ...

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *4th*
Posted for: *PETITION FOR RECLASSIFICATION*
Petitioner: *FREDERICK C. WALTERS*
Location of property: *E/S OF HANOVER RD. 403' N. OF OLD HANOVER RD.*
Location of Signs: *E/S OF HANOVER RD. 403' N. OF OLD HANOVER RD.*
Remarks: *EXISTING EXISTING*
Posted by: *Thomas H. Devlin*
Signature
Date of return: *AUGUST 23, 1974*



ORIGINAL

OFFICE OF
THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 August 19 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric DiNenna
Zoning Commissioner of Baltimore County

was inserted in THE COMMUNITY TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one XXXXXXXXXX
week before the 19th day of Aug. 1974 that is to say, the same
was inserted in the issue of August 14 - 1974.

STROMBERG PUBLICATIONS, Inc.

By *Ruth Morgan*

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 15, 1974

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md. XXXXX each
of one XXXX weeks before the 15th
day of September, 1974, the first publication
appearing on the 15th day of August
1974.

THE JEFFERSONIAN
Manager

Cost of Advertisement, \$.

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Well Map	Original	Duplicate	Tracing	200 Shet				
	date by	date by	date by	date by	date by				
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, RA, CC, CA									
Reviewed by: <i>NBC</i>	Revised Plans: Change in outline or description					Yes			
Previous case:	Map #					No			

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received* this *21* *th* day of
May 1974. Item # *1*

S. Eric DiNenna
Zoning Commissioner

Petitioner *Fredrick Walters* submitted by *GEO*
Petitioner's Attorney *FR. GEO* Reviewed by *NBC*

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

BALTIMORE COUNTY, MARYLAND No. 14761

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE April 23, 1992 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Fred C. Walters
Box 614 Rt. 3
Randallstown, Md. 21136

BALTIMORE COUNTY, MARYLAND No. 17488

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE February 10, 1975 ACCOUNT 01-662

AMOUNT \$75.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

James A. Gede, Esquire
Cost of Filing of an Appeal and Posting of Property on
Case No. 75-35-R (Item No. 29)
E/S of Hanover Road, 403' N of Old Hanover Road 4th
Election District
Frederick C. Walters - Petitioner

BALTIMORE COUNTY, MARYLAND No. 15154

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9-4-74 ACCOUNT 01-662

AMOUNT \$182.70

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

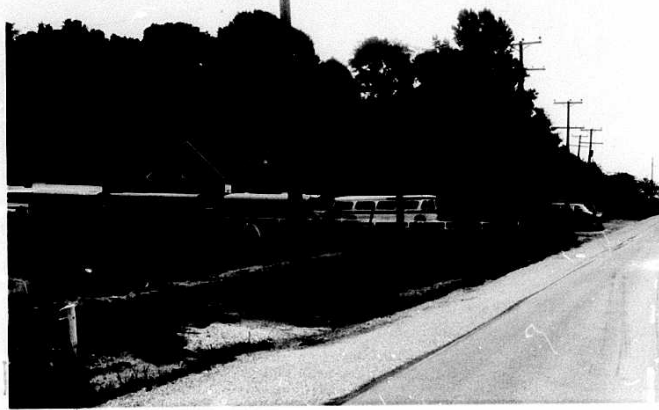
Fred C. Walters
Box 614, Rt. 3, Hanover Rd.
Randallstown, Md. 21136
Advertising and posting of property
75-35-R

1A(2C
#75-35R)



#75-35R
2C

1B



#75-35R
2C

1C



#75-35R
2C

1D

