

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, FREDERICK W. FISCHER, Jr., 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 NO. 75-61-R (Item No. 3) zone to an B.L. Zone; for the following reasons:

- In classifying the property D.R.5.5, the County Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and
- Since the property was last classified by the County Council, the neighborhood has changed substantially in character, as set out on the attached exhibit which is incorporated by reference herein.

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 N.A.

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 W. Fischer, Jr., Legal Owner
Address: 408 Bowleys Quarter Road
Baltimore, Md. 21220

Protestant's Attorney:
James D. Nolan, Esquire
Address: 204 West Pennsylvania Avenue
Towson, Maryland 21204
823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 30th 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 25th day of September, 1974, at 11:00 clock.

Zoning Commissioner of Baltimore County.

(over)

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
W/S of Bowleys Quarters Road, 45' N
of Red Grove Road - 15th District
Frederick W. Fischer, Jr. -
Petitioner
NO. 75-61-R (Item No. 3)

Dear Mr. Nolan:

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
W/S of Bowleys Quarters Road, 45' N : DEPUTY ZONING
of Red Grove Road - 15th District : COMMISSIONER
Frederick W. Fischer, Jr. :
Petitioner : OF
NO. 75-61-R (Item No. 3) : BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 5.5 Zone to a B.L. Zone. The property in question contains three tenths of an acre, more or less, is situated on the west side of Bowleys Quarters Road, 45 feet north of Red Grove Road, and is in the Fifteenth Election District of Baltimore County.

Testimony and evidence presented during the course of the hearing attempted to establish that the subject property was zoned in error in that the boundaries of the existing commercial zoning did not extend to a logical stopping point. It was their contention that commercial zoning should have extended in a southerly direction from the Petitioner's existing commercially zoned boundary to a point on the north side of Red Grove Road, as extended or projected in a westerly direction from the west side of Bowleys Quarters Road. They felt that the extension of Red Grove Road, in a westerly direction, was inevitable and that the small irregular parcel left between said extended road and the Petitioner's presently zoned property could only be logically used for commercial purposes.

The Deputy Zoning Commissioner did not disagree with the Petitioner's logic. However, in the absence of any definite comment or recommendation by a State or County agency indicating that Red Grove Road would be extended west of Bowleys Quarters Road, the hearing was extended to include a meeting with the Petitioner's attorney, the Deputy Zoning Commissioner and the Project Planning Division of the Office of Planning and Zoning. Such a meeting was held at which time the feasibility of extending said road west of Bowleys Quarters Road could not be established.

FISCHER, FREDERICK W., JR.

POINTS OF ERROR COMMITTED BY THE BALTIMORE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT PROPERTY D.R. 5.5.

The Petitioner states that the Baltimore County Council committed at the very least the following errors, and most probably additional errors, in classifying the subject property D.R.5.5:

- That the commercial zoning of the subject property should have been extended further to the south to at least Red Grove Road.
- That an expansion area for the existing commercial operation should have been provided immediately to the south of the existing B.L. zone.
- That the existing southern boundary line of the B.L. zone unnaturally divides the property and as previously stated, this B.L. zoning should extend at least to Red Grove Road.
- For such other and further errors that shall be disclosed during the course of the preparation of this case, which errors shall be brought out at the time of the hearing hereon.

CHANGES IN THE NEIGHBORHOOD

- That the need for additional commercial facilities in the area has grown, further adding to the basic error committed by the Council.
- For such other and further changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

Respectfully submitted,

Frederick W. Fischer, Jr.
James D. Nolan
Attorney for the Petitioner

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1974

James D. Nolan, Esq.
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification and Special
Exception Petition
Item 3 - 7th Cycle
Frederick W. Fischer, Jr. -
Petitioner

Dear Mr. Nolan:

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 west side of Bowleys Quarters Road, approximately 45 feet north of its intersection with Red Grove Road, in the 15th Election District of Baltimore County. The property is presently unimproved and has been recently cleared.

Various residential dwellings exist opposite the site of Bowleys Quarters Road, and the Town and Country Apartments exist to the southwest. An existing one-story building presently used by a carry out and gynecologist directly abut the subject property to the north. The properties directly to the west and south of the subject site are unimproved.

Without reviewing all testimony and evidence presented during the course of the hearing in detail but based on all such testimony and evidence, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has not met his burden of proving error in the Comprehensive Zoning Map and his request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 20th day of November, 1974, that the herein requested 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 D.R. 5.5 Zone.

James E. Dyer
Deputy Zoning Commissioner of
Baltimore County

DESCRIPTION

Beginning for the same at a point in the center of Bowleys Quarters Road at a point North 5 degrees 35 minutes East 45 feet from the intersection of the centerline of Red Grove Road with the centerline of Bowleys Quarters Road and running and binding along the center of Bowleys Quarters Road North 5 degrees 35 minutes East 36.08 feet, then still along the center of Bowleys Quarters Road North 2 degrees 35 minutes East 65 feet, then leaving center of Bowleys Quarters Road and running South 72 degrees East 250 feet, then South 54 degrees 22 minutes 19 seconds East 17 feet, then South 89 degrees 11 minutes 19 seconds East 215.08 feet to place of beginning.

Containing 0.312 acres of land more or less.

B. D. LYNCH CO., INC.
4937 HARFORD ROAD
BALTIMORE, MD. 21214

Scale 1" =

Date: 5-28-74

James D. Nolan, Esq.
Item 3 - 7th Cycle
May 8, 1974

Page 2

The petitioner requests a Reclassification to Business Local and proposes to erect a 3600 square foot building which will be attached to the aforementioned structure, which contains the carry out shop and gynecologist. Off street parking is proposed for 41 vehicles.

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, June 3, 1974, 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, 1974, and October 15, 1974, will be forwarded to you well in advance of the date and time.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Maryland 21214

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

Office of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

April 25, 1974

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

Re: Item #3 (Cycle VII - April to October 1974)
Property Owner: Frederick W. Fischer, Jr.
W/S of Bowleys Quarters Rd. and Red Grove Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
No. of Acres: 0.312 District: 15th

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:

Bowleys Quarters Road is an existing road which is partially improved with curb and gutter and paving along the opposite side. Ultimate improvements will consist of a 45-foot closed roadway within a 70-foot right-of-way. Highway right-of-way widening and improvements would be required with any subsequent grading or building permit applications.

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.

Sediment Control:

Development of this property through striping, 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 striping of top soil.

Item #3 (Cycle VII - April to October 1974)
Property Owner: Frederick W. Fischer, Jr.
Page 2
April 25, 1974

Water and Sanitary Sewer:

Public water supply and public sanitary sewerage exist in Bowleys Quarters Road along the frontage of this site and this property is within the area designated as "existing" on the Baltimore County Water and Sewer Comprehensive Maps.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:HAM:PRO:sa

2-W/ Key Sheet
NS & T Topo
13 NE L2 Top. Sheet

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. Malzer
DEPUTY TRAFFIC ENGINEER

April 30, 1974

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

Re: Item 3 - Cycle Zoning 7 - April 1974 through October 1974
Property Owner: Frederick W. Fischer, Jr.
W/S Bowleys Quarters Road, 45' N of the intersection of Bowleys Quarters Road and Red Grove Road
B.L.
District 15

Dear Mr. DiNenna:

Due to the size of the subject tract, this site should not greatly increase the number of trips. With continued growth along Bowleys Quarters Road, capacity problems can be anticipated.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRN/pk

Baltimore County Fire Department

J. Austin Ortiz
Chief



Towson, Maryland 21204

875-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Frederick W. Fischer, Jr.

Location: W/S of Bowleys Quarters Road, 45' N of the intersection of Bowleys Quarters Road and Red Grove Road
Item No. 3 Zoning Agenda April 3, 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. The vehicle dead-end condition shown at _____
- (X) 3. The maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations. Provide access to rear of building.
- (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", 1973 edition prior to occupancy. Site plans are approved as drawn.
- () 6. The Fire Prevention Bureau has no comments at this time.
- () 7.

Reviewed by: *James B. Bess* Noted and Approved: *Paul H. Reincke*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 10, 1974

DONALD J. ROOF, M.D., M.P.H.
DEPUTY 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 the following item, Zoning Advisory Committee Meeting April 3, 1974, are as follows:

Property Owner: Mr. Frederick W. Fischer, Jr.
Location: W/S of Bowleys Quarters Rd., 45' N of the intersection of Bowleys Quarters Rd. and Red Grove Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
No. of Acres: 0.312
District: 15

Metropolitan water and sewer are available to the site.

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.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

Very truly yours,

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

HVB/cas



WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



May 2, 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 #3, Zoning Cycle VII, April 1974, to October, 1974, are as follows:

Property Owner: Frederick W. Fischer, Jr.
Location: W/S of Bowleys Quarters Road, 45' N of the intersection of Bowleys Quarters Road and Red Grove Road
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
No. of Acres: 0.312
District: 15th

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 property in question appears to be from a larger tract of land subdivided without approval of Baltimore County.

This office will require an overall plan of the larger tract of land including the part sold, to be submitted for review by the Joint Subdivision Planning Committee for their approval.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & 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 484-3211 ZONING 484-3291

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND 21204

Date: April 26, 1974

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

Re: Item 3 Z.A.C. Meeting of: April 3, 1974

Property Owner: Frederick W. Fischer, Jr.

Location: W/S of Bowleys Quarters Road, 45' N. of the intersection of Bowleys Quarters Road and Red Grove Road
Present Zoning: D.R. 5.5

Proposed Zoning: B.L.

District: 15th

No. Acres: 0.312

Dear Mr. DiNenna:

No adverse effect on student population.

WSP/ml

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

H. EMILIE PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. DENNEY

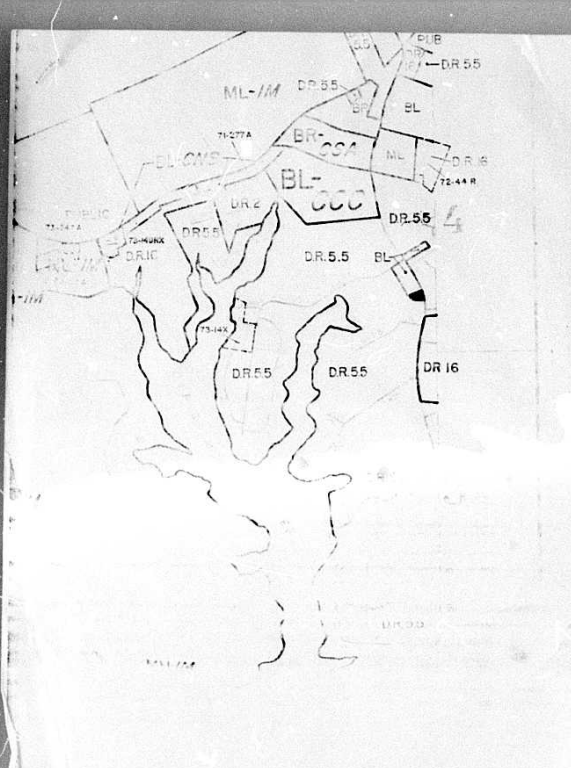
MARQUEE M. BOSTWICK
JOSEPH W. MORGAN
ALVIN LORSON
JOSHUA M. HANCOCK, Superintendent

T. HARVEY WILLIAMS, JR.
EDWARD M. VANCEY, Vice
MRS. EDWARD A. WILLIAMS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#75-61R

District: 15th Date of Posting: 7/5/74
Posted for: Henry Rd. Apt. 25, 1974, 9:11 AM
Petitioner: Frederick W. Fischer, Jr.
Location of property: W/S of Bowleys Quarters Rd. 45' N of Red Grove Rd.
Location of Sign: 1 Sign Posted W/S of Bowleys Quarters Rd.
Remarks:
Posted by: *Paul H. Reincke* Date of return: 9/11/74



PETITION FOR
 RECLASSIFICATION
 AND VARIANCE
 ZONING: From D.R. 5.5 to
 R-1, R-2
 LOCATION: West side of
 Boylston Quarters Road just
 North of old Grove Road
 DATE & TIME: WEDNES-
 DAY, SEPTEMBER 19, 1974 at
 10:00 A.M.
 PUBLIC HEARING: Room 105,
 City Council Office Building, 111 W.
 Chesapeake Avenue,
 Annapolis, Maryland.
 The zoning Commissioner of Baltimore
 County, at the request of the
 owner of the subject property,
 has held a public hearing
 Pursuant to Ordinance 1-1-3
 Proposed Zoning: R-1
 All that portion of land in the
 Petition District of Baltimore
 County
 Beginning for the same at a
 point in the corner of Boylston
 Quarters Road at a point North
 5 degrees 55 minutes East
 100 feet; then the intersection of
 the centerline of old Grove Road
 100 feet; then the centerline of Boylston
 Quarters Road and the corner of
 Boylston Quarters Road 100 feet
 East; then along the East corner
 of Boylston Quarters Road 100
 feet; then still along the East
 corner of Boylston Quarters Road
 North 5 degrees 55 minutes
 East 60 feet, then leaving
 center of Boylston Quarters
 Road and running South 75
 degrees East 80 feet, then
 South 10 degrees 10 minutes
 East 100 feet, then South
 80 degrees 11 minutes 10 seconds
 East 100.00 feet to place of
 beginning.
 Containing 0.202 acres of land
 more or less.
 The property of Frederick
 W. Fletcher, Jr., as
 shown on plat plate filed with
 the Taxing Department.
 Hearing Date: Wednesday,
 September 18, 1974 at 11:00
 A.M.
 Public Hearing: Room 105,
 City Council Office Building, 111 W.
 Chesapeake Avenue, Annapolis,
 Md.
 BY ORDER OF
 E. ERIC DUBOWSKI
 ZONING COMMISSIONER OF
 BALTIMORE COUNTY
 Sept. 8, 1974

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 29th day of March 1974. Item # _____.


S. Eric DiNenno
Zoning Commissioner

Petitioner Fisher Submitted by Williams
Petitioner's Attorney Tratman Reviewed by JB

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE APRIL 19, 1974 ACCOUNT 001-662

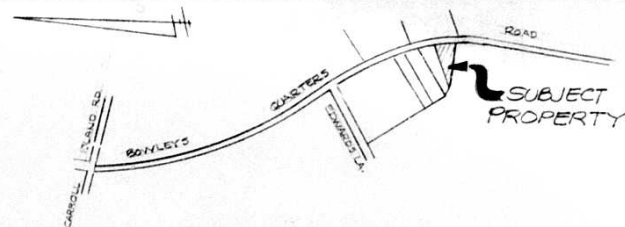
AMOUNT \$50.00

DISTRIBUTION
TO THE AGENT YELLOW CUSTOMER
WHITE CASHIER

Messrs. Holan, Plumbhoff & Williams
204 W. Penna. Ave.
Towson, Md. 21204
Petition for Reorganization for Frederick W.
Piesher, Jr.

300066



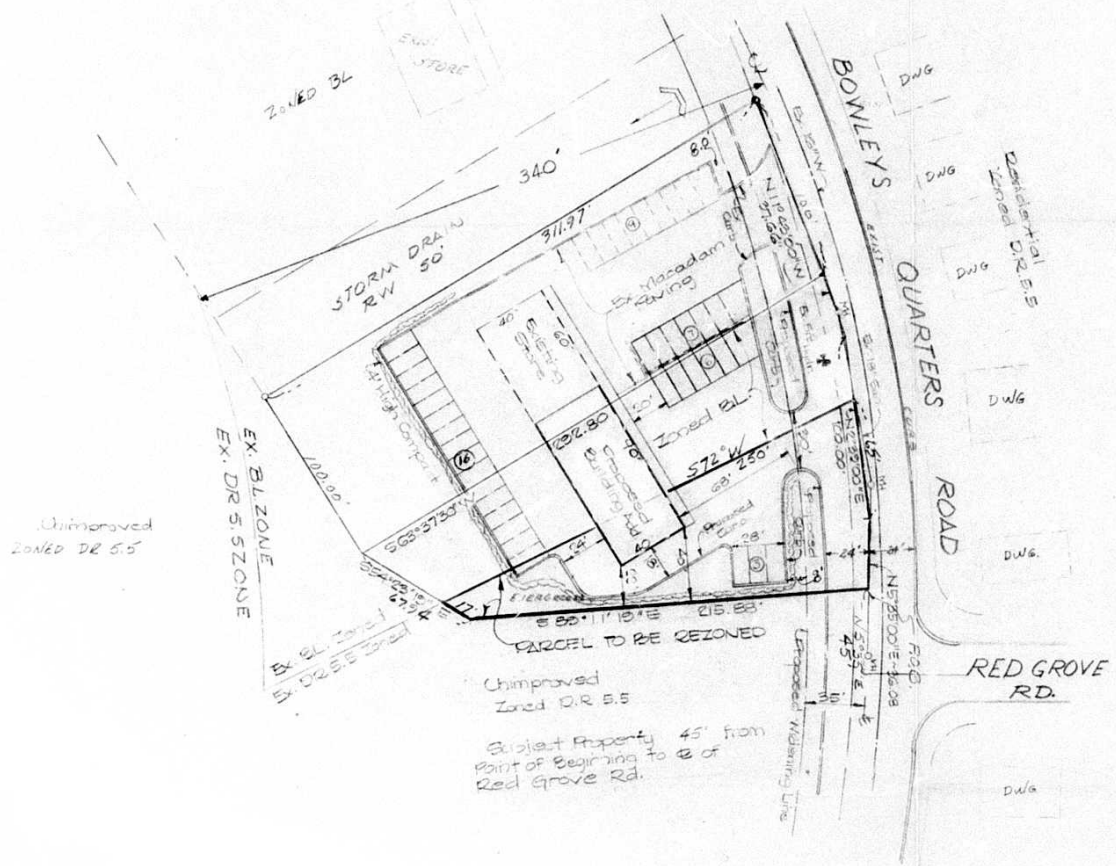


LOCATION PLAN
Scale 1" = 600'

GENERAL NOTES

AREA OF PROPERTY 0.6464 AC.
 AREA OF PROPERTY TO BE ZONED 0.312 AC.
 EXIST ZONE DR 55
 EXIST USE VACANT
 PROPOSED ZONE BL
 PROPOSED USE RETAIL STORES ETC.

AREA OF EXIST BUILD. 2400^{sq} ft.
 AREA OF PROPOSED BUILD. 3600^{sq} ft.
 TOTAL 6,000^{sq} ft.
 PARKING RATIO 1 SPACE/200^{sq} ft. 30 SPACES REQUIRED
 SPACES 9x20' 41 SPACES PROVIDED



PLAT TO ACCOMPANY ZONING APPLICATION

PROPERTY OF
 HOWARD L. FISCHER
 SENECA INC.
 15TH ELEC. DIST. BALTO. COMD.
 SCALE 1" = 50' MARCH 27, 1974

Set X 1



Handwritten signature: Neil R. Hubert

Prepared By
 B. D. LYNCH & CO. INC.
 4907 HARFORD RD
 BALTIMORE, MD. 21214

