

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Hannah N. Hagenbucher &
James A. Redmond

Legal owners 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 D.R. 3.5 zone to an B.R. zone; for the following reasons:

See reasons set out in attached memorandum.

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 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
James A. Redmond
Legal Owner
Emily C. New
Address: 407 W. Pennsylvania Avenue, Towson, MD, 21204
825-9200
Petitioner's Attorney
Zoning Commissioner of Baltimore County

ORDERED BY The Zoning Commissioner of Baltimore County, this 25th 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 5th day of March, 1975, at 11:00 o'clock.

(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SW/S of Reisterstown Road, 178' S of : DEPUTY ZONING
Mt. Wilson Lane - 3rd Election District : COMMISSIONER
Estate of Emily New - Petitioner :
NO. 75-189-R (Item No. 6) : OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 3.5 Zone to a B.R. Zone. The tract of land in question contains 3.9 acres and is situated on the west side of Reisterstown Road, 178 feet south of Mount Wilson Lane, in the Third Election District of Baltimore County.

Testimony established that the said tract, which slopes rather steeply from front to rear, is improved with a frame dwelling, a driveway leading from Reisterstown Road, and other amenities associated with a property used for residential purposes over many years. The property, which has been in the family for 100 years or more, is vacant at the present time. The Petitioner felt that this situation had been brought about because of its close proximity to Reisterstown Road and the resulting heavy traffic, dust, noise etc., rendering it unsuitable for residential purposes. For these reasons, the Petitioner felt that the County Council had erred in adopting a Comprehensive Zoning Map that did not recognize these facts and/or conditions, as they applied to the subject property.

Comments by the Baltimore County Assistant Traffic Engineer, indicated that a change from a residential use to a business use would increase the trip density generated from the subject property and, as such, would be undesirable since present capacity problems exist along Reisterstown Road, particularly, at the interchange of the Baltimore Beltway and Reisterstown Road, situated approximately 2,000 feet south of the subject site.

Comments by the State Highway Administration representative are as follows:

"The subject revised plan, revision date: November 29, 1974, is unacceptable to the State Highway Administration. The plan indicates a proposed entrance on a 0% downgrade from Reisterstown Road. A landing of no more than 3% for a minimum distance of 25' from the curb line must be provided in order to obtain adequate sight distance and to provide an exist from the property."

Recommendations of the Baltimore County Planning Board included the following comment:

"The surrounding properties are zoned D.R. 3.5 and D.R. 1. Creation of commercial zoning here would establish land use potentials for the subject property which would be grossly out of character with those of the adjacent properties. Further, ample commercial opportunities in the area were provided for by the comprehensive zoning maps; e.g., less than one-half mile north of here, is the Valley Village Shopping Center on the northeast corner of Reisterstown Road and Cradocks Lane, and there are approximately 50 acres of B.M. zoned land at the northwest corner of Reisterstown and McDonough Roads."

Without reviewing all testimony and evidence in detail, but based on all such testimony, 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 as adopted by the Baltimore County Council March 24, 1971, nor did the testimony prove that a change in the character of the neighborhood had taken place since said adoption.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 2nd day of May, 1975, 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 and to remain a D.R. 3.5 Zone.

James E. Dyer
Deputy Zoning Commissioner for Baltimore County

- 2 -

Property: West side Reisterstown Road
178' South of Mount Wilson Road
Owners: Hannah N. Hagenbucher and
James A. Redmond,
Personal Representative of the
Estate of Emily G. New

The above property should be re-classified from D.R. 3.5 to B.R. for the following reasons:

1. The map adopted on March 24, 1971 failed to recognize that the subject property lies directly adjacent to and at intersection with a Class II Commercial Motorway and that this location does not lend itself to residential development.
2. The said map did not recognize the need for neighborhood retail facilities in the Reisterstown Planning District whose population has increased approximately 70% since 1960.
3. And for such other and further sufficient reasons to be shown at the hearing hereof.

Lewis L. Fleury, Attorney for Petitioners
407 West Pennsylvania Avenue
Towson, Maryland 21204
825-9200

Law Office of
HENNESSY,
FLEURY AND DAUSCH
407 W. PENNSYLVANIA
AVENUE
TOWSON, MD 21204

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-8060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JONES ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 838-9000

BEL AIR
L. GERALD WOLFF
Landscape Architect
PHONE 838-0888

September 26, 1974

APPLICATION FOR ZONING RECLASSIFICATION:

Beginning for the same at a point distant from the intersection formed by the center line of Mt. Wilson Lane (30 feet wide) and Reisterstown Road (66 feet wide) the two following courses and distances viz: (1) binding on the center of Reisterstown Road South 34' 19" East 178 feet more or less (2) South 55' 41" West 33 feet more or less to a point on the westernmost side of said road thence leaving said road and running the three following courses and distances viz: (1) South 47' 35" West 417 feet 6 inches (2) South 33' 30" East 333 feet 6 inches (3) North 55' 50" East 412 feet 6 inches to a point on the westernmost side of Reisterstown Road thence running and binding on the said side of said road North 34' 19" West 393 feet more or less to the place of beginning.

Containing 3.91 Acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095



Maryland Department of Transportation

State Highway Administration

December 20, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Zoning Cycle 2, Item 6
1856 Reisterstown Rd.
(Rte 140) opposite Keller
Ave. Revised Plan

Att: Mr. James B. Byrnes III

Dear Mr. DiNenna:

The subject revised plan, revision date: November 29, 1974, is unacceptable to the State Highway Administration. The plan indicates a proposed entrance on a 0% downgrade from Reisterstown Road. A landing of no more than 3% for a minimum distance of 25' from the curb line must be provided in order to obtain adequate sight distance and to provide an exit from the property.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering Access Permits

CL-JER:ms

by: John E. Meyers
John E. Meyers

May 2, 1975

Lewis L. Fleury, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
SW/S of Reisterstown Road, 178' S
of Mt. Wilson Lane -
3rd Election District
Estate of Emily New - Petitioner
NO. 75-189-R (Item No. 6)

Dear Mr. Fleury:

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

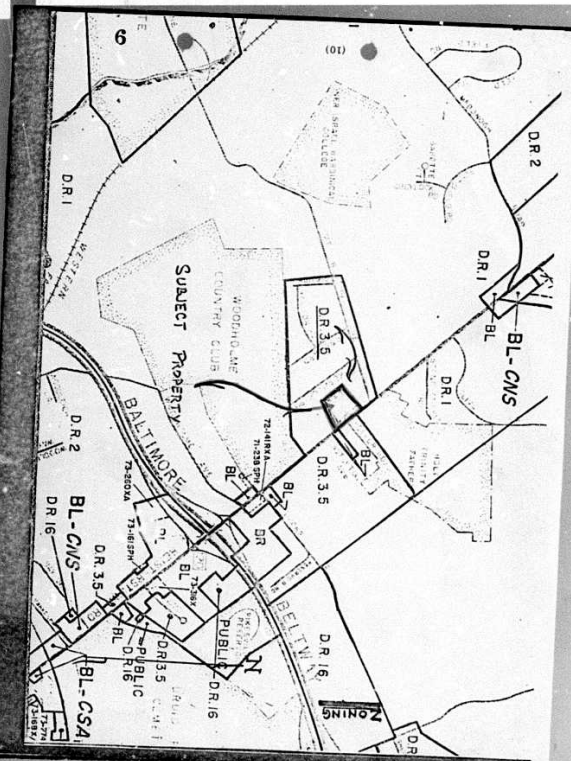
Very truly yours,
James E. Dyer
Deputy Zoning Commissioner

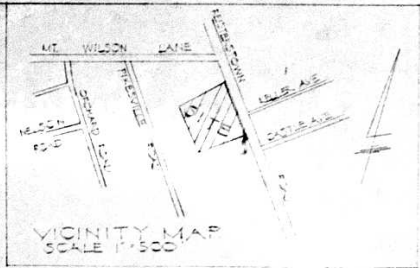
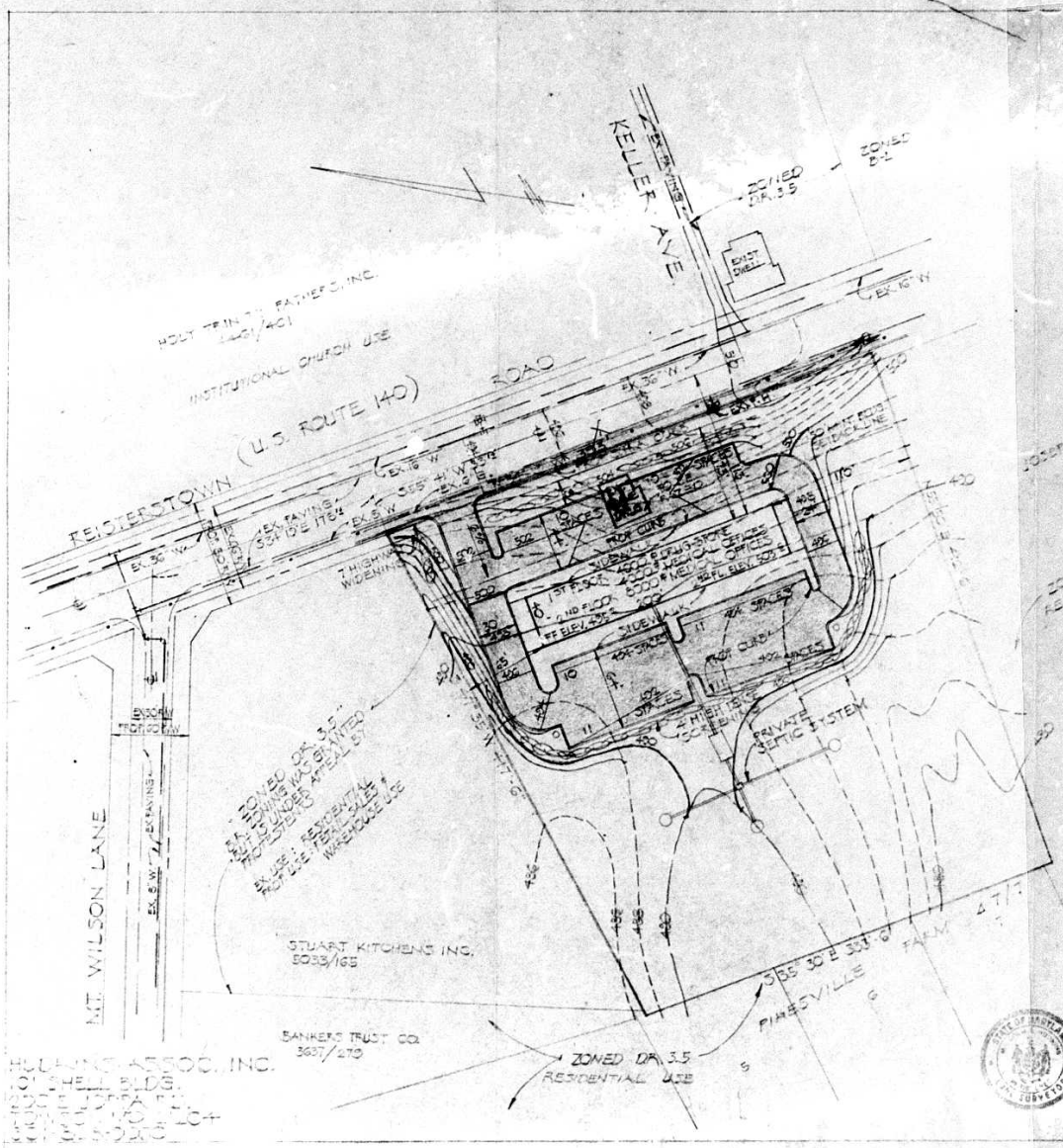
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Attachments

cc: John W. Hestian, III, Esquire
People's Counsel

James M. Cook, Esquire
409 Washington Avenue
Towson, Maryland 21204





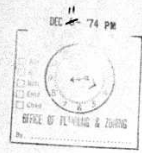
GENERAL NOTES

1. AREA OF TRACT 3.01 AC.
2. EXIST. ZONING - DR. 3.5
3. EXIST. USE - RESIDENTIAL
4. TOP ZONING - R-1
5. TOP USE - PAUS STORE & MEDICAL OFFICE
6. OFFICE PARKING
7. A. DRUG STORE - 4000 SQ. FT. WITH 1000 SQ. FT. OF OFFICE
8. MEDICAL OFFICE - 4000 SQ. FT. WITH 1000 SQ. FT. OF OFFICE
9. TOTAL BLDG. 100 STAGES
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JOSEPHINE C. GRIMMINS
503/412

ZONED DR. 3.5
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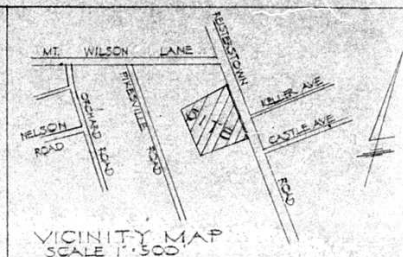
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REVISED
Estate of
Emily G. New
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PLAN TO ACCOMPANY
APPLICATION FOR ZONING
RECLASSIFICATION
1856 FEISTERTOWN ROAD
3RD ELECTION DISTRICT
BALTO. CO. MD.
SCALE 1" = 50'
SEPT. 25, 1974
REV. NOV. 20, 1974





VICINITY MAP
SCALE 1"=500'

GENERAL NOTES

2. AREA OF TRACT 3.01 AC.
3. EXIST. ZONING D.R. 3.5
4. EXIST. USE RESIDENTIAL
5. TRACT ZONING B.R.
6. PROP. USE: DRUG STORE & MEDICAL OFFICES
7. OFFSTREET PARKING
A. DRUG STORE 4000 SQ. FT. @ 150/200F
- B. MEDICAL OFFICES 2000 SQ. FT. @ 150/300F
8. TOTAL REQ. OFF. SPACES 40 OFF. SP.
9. TOTAL PROVIDED - 62 SPACES
10. SPACES - 20% IN EXCESS
11. LIGHTING TO BE PROVIDED BY OWNER.
12. SHOWN THIS - 0
13. PAYING TO BE MACADAM

JOSEPHINE C. GRINNINGS
5169/472

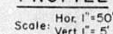
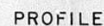
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PLANTS TO ACCOMPANY
APPLICATION FOR ZONING
RECLASSIFICATION
1836 REISTERSTOWN ROAD
3RD ELECTION DISTRICT
BALTO. CO. MD.
SCALE 1" = 50'
SEPT. 25, 1974





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VISION	BY
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PLAN 1" = 50'

PROFILE: HOR. 1" = 50'
VERT. 1" = 5'

BALTIMORESUBDIVISION PE COUNTY DEPAREISTERSTOPIKESVILLEDEPARTMENT OF PUBLIC HEALTH

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JOB ORDER NO.

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BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1974

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

JAMES B. BYRNES, III
Chairman

MEMBERS

AGING ADMINISTRATION

HEALTH DEPARTMENT

BUREAU OF FIRE PREVENTION

DEPARTMENT OF TRAFFIC ENGINEERING

STATE HIGHWAY ADMINISTRATION

BUREAU OF ENGINEERING

PROJECT AND DEVELOPMENT PLANNING

INDUSTRIAL DEVELOPMENT COMMISSION

BOARD OF EDUCATION

OFFICE OF THE BUILDINGS ENGINEER

Lewis L. Fleury, Esq.
407 W. Penna. Ave.
Towson, Maryland 21204

RE: Reclassification Petition
Item 6 - 8th Zoning Cycle
Hannah N. Hagenbucher &
James A. Redmond - Petitioners

Dear Mr. Fleury:

The Zoning Plans 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 southwest side of Reisterstown Road, approximately 178 feet southeast of Mt. Wilson Lane, in the 3rd Election District of Baltimore County. It is presently improved with a two-story frame dwelling.

A 5 ft. two-story dwelling exists opposite the site at the intersection of Reisterstown Road and Kellor Avenue, an does a church use. This property immediately abuts a previous request for similar zoning, which is currently before the Baltimore County Board of Appeals.

The petitioner is requesting a Reclassification from a DR 3.5 zone to a Business Roadside zone and proposes to erect a two-story building comprised of 12,700 square feet of medical

Lewis L. Fleury, Esq.
Re: Item 6 - 8th Zoning Cycle
October 25, 1974

Page 7

offices and a 4,000 square foot drug store. Off street parking is indicated for 62 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 December 1, 1975, 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, 1975, and April 15, 1975, 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 Plans Advisory
Committee

JBB:JD

Enclosure

cc: Hudkins Assoc., Inc.
101 Shell Bldg.
200 R. Joppa Rd.
Towson, Md. 21204

Baltimore County, Maryland Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Branch of Engineering
ELLSWORTH N. DYER, P. E., CHIEF

October 23, 1974

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

Re: Item #6 (Cycle VIII - October 1974 - April 1975)
Property Owner: Estate of Emily G. New
7401 of Reisterstown Rd., 178' S/E of Mt. Wilson Ln.
Existing Zoning: B.R. 3.5
Proposed Zoning: B.R.
No. of Acres: 3.91 District: 3rd

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:

Reisterstown Road is a State Road; therefore, all improvements, intersections, entrances and drainage 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.

As no County roads are involved, this office has no comments.

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 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 #6 (Cycle VIII - October 1974 - April 1975)
Property Owner: Estate of Emily G. New
Page 2
October 23, 1974

Notes:

Public water exists within Reisterstown Road.

Sanitary Sewers:

Public sanitary sewer is not available to serve this site. The private disposal system is subject to the Health Department approval.

Very truly yours,

Ellsworth N. Dyer
ELLSWORTH N. DYER, P.E.
Chief, Bureau of Engineering

END:ENM:CD:WSS

PWS Key Sheet
35 NW 2d Top. Sheet
NW 9 P Topo
68 Tax Map



Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

October 4, 1974

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

At: Mr. James B. Byrnes III

Re: 8th Zoning Cycle,
October, 1974
Property Owner: Hannah N.
Hagenbucher & James A. Redmond
Location: SW/4 of Reisterstown
Road (Route 140) 178 ft. S. of
Mt. Wilson Lane
Existing Zoning: B.R. 3.5
Prop. Zoning: B.R.
No. of Acres: 3.91
District: 3rd

Dear Sir:

The grade of the subject site drops sharply from Reisterstown Road. It will be difficult, if not impossible, to provide an acceptable grade for an entrance. The plan should be revised to indicate proposed grading.

The 1973 average daily traffic count on this section of Reisterstown Road is ... 40,000 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
Charles Lee
BY: J. E. Meyers

CLB:KJEH

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

833-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Hannah N. Hagenbucher & James A. Redmond

Location: SW/4 of Reisterstown Rd. 178 ft. S/E of Mt. Washington

Item No. 6

Zoning Agenda Cycle #8 - October 1, 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.

- (X) 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.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead-end condition shown at EXCEEDS 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.
- (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", 1970 Edition prior to occupancy.
- (X) 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Paul H. Remick* Noted and Approved: *Paul H. Remick*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR
W. A. MELTZER
DEPUTY TRAFFIC ENGINEER

October 28, 1974

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

Re: Item 6 - Cycle Zoning 8 - October 1974 through April 1975
Property Owner - Estate of Emily G. New
SW/4 of Reisterstown Road, 178 ft. SE of Mt. Wilson Lane
B.R.
District 3

Dear Mr. DiNenna:

The subject petition is requesting a change from B.R. 3.5 to B.R. of 3.9 acres. This will increase the trip density from 140 to 2000 trips per day. This increase is undesirable since present capacity problems exist along Reisterstown Road, particularly at the interchange of the Beltway and Reisterstown Road.

Very truly yours,
Charles Moore
C. Richard Moore
Assistant Traffic Engineer

CRN/rmg

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 11, 1974

DONALD J. ROOP, 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 Item b, Zoning Reclassification,
Cycle #8, are as follows:

Property Owner: Hannah N. Hagenbucher & James A. Redmond
Location: SW/S of Reisterstown Rd. 178 ft. S/ of
Mt. Wilson La.
Existing Zoning: D. R. 3.5
Proposed Zoning: B.R.
No. of Acres: 3.91
District: 3rd

Metropolitan water available; sewer must be extended
to site.

Food Protection Comments: If a food service facility
is proposed, 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.

Gwynns Falls Moratorium: A moratorium was placed on
new sewer connections in the Gwynns Falls Drainage Basin by
Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on
May 14, 1974; therefore approval may be withheld for this
connection.

Very truly yours,

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

HVB/ncf

CC--L.A. Schuppert
W.L. Phillips

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



October 24, 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 #6, Zoning Cycle, VIII, October, 1974, are as follows:

Property Owner: Estate of Emily G. New
Location: SW/S of Reisterstown Road, 178 ft. SE of Mt. Wilson Lane
Existing Zoning: D.R.3.5
Proposed Zoning: B.R.
No. of Acres: 3.91
District: 3rd

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 must be revised to indicate the topography of the site and the grade falls sharply
from Reisterstown Road. The primary concern at this time is the driveway from Reisterstown Road
and its proposed grade.

Very truly yours,

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-3211 ZONING 494-3251

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 9, 1974

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

Z.R.C. Meeting of: October 1, 1974 (Cycle #8)

Re. Item G

Property Owner: Hannah N. Hagenbucher & James A. Redmond
Location: SW/S of Reisterstown Rd. 178 ft. S. of Mt. Wilson
Present Zoning: D.R. 3.5
Proposed Zoning: B.R.

District: 3rd
No. Acres: 3.91

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
State Representative,

VNP/ml

H. EMBLE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BERRY

MARJORIE M. REITSCHNIG
JOSEPH M. WALSH
ALVIN LORISON
JOSEPH A. WHEELER, CLERK

T. BAYARD WILLIAMS, JR.
EDWARD A. TRACY, V.M.D.
WILLIAM A. HARTSEL

