## PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

to the Zoning Law of Baltimore County, from an DR-3.5 rone to an

Business local zone ... xxxxe; for the following reasons:

That there was an error in the original zoning maps in that all of the properties north of and south of the subject property are zoned commerical except for a few properties in between and that since the adoption of said maps, a restaurant known as Captain Harvey's, north of the subject property, has been constructed and is in operation making the subject property completely undesireable for residential

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Bultin County, to use the herein described property, for.

Property is to be posted and advertised as prescribed by Zoning Regulations I pr we, agree to pay expenses of above re-classification and/or Special Exception advertisis etc., upon filing of this petition, and further agree to and are to be bound by the zoning

Innes A. Gedet

Address 11000 Reisterstown Road 15 ORDERED By The Zoning Commissi oner of Baltimore County this 15th

., 197.5, that the subject matter of this petition be advertised, as equired 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

RE- PETITION FOR RECLASSIFICATION Southwest side of Reisterstown Road 357 feet Southeast of Delight Road, 4th District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Pursuant to the authority contained in Section 524.1 of the Baltimore County arter, I hereby enter my appearance in this proceeding. You are requested to notify hearing date or dates which may now or hereafter be designated the and of the passage of any preliminary or final Order in connection therewith.

ORDER TO ENTER APPEARANCE

Charles E. Kountz, Jr.

John W. Hession, III
People's Counsel
County Office Building
Tewon, Maryland 21204

I hereby certify that a copy of the foregoing Order was mailed this 11th day of September, 1975, to James A. Gede, Esquire, 11000 Relisterstown Road, Owings



8765

E COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

Your Petition has been

Petitioner Harvey E. & Bula Hershall, Jr.

Petitioner's Attorney<u>James A. Gods</u> c: W. T. Sadler, Inc. 458 Main Street Baisterstown, Md. 21136

Rumation

HARVEY E. MARSHALL, JR., Petitioner

W. T. SADLER, INC.

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION FROM DR. 3.5 TO B.L.  $^{\circ}$ OWNER: HARVEY MARSHALL AND EULA MARSHALL, his wife

LOCATION: 11504 REISTERSTOWN ROAD, FOURTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

DATE: MARCH 13, 1975 DESCRIPTION:

All that tract or parcel of ground situate, lying and being in the Fourth Election District, Baltimore County, Maryland, located on the Southwest side of Reinterstown Road, U.S. Acute 140, Southeast of Delight Road and more particularly described as follows;

Delight Road and more particularly described as follows;

Beginning for the same in the center of Reinterstown Road at a point approximately 357 feet Southeast of the intersection of Reinterstown Road and the center of Delight Road, said point also being the beginning point of the first described parcel of land in a deed from Emma A. Farker, et al. to Harvey Marshall and Dula Marshall, his wife, dated Rowenber 3, 1975 and recorded anong the Land Records of Maltimore County in Liber 5405, folio 520, thence leaving Reisterstown Road and running with outlines of the first and second described parcels in the above-referenced deed, South 45 degrees Hest 297 feet, Morth 40 degrees Jest 10,45 feet, Morth 45 degrees East 297 feet to the center of Reisterstown Road and thence along the center of said road South 40 degrees Ast 117 feet, more or less, to the place of beginning, Containing 0.82 acres of land, more or less.

Being all those two parcels of land which by deed dated November 8, 1973 was conveyed from Emma A. Farker, et al, to Harvey Marshall and Eula Marshall, his wife, recorded among the Land Records of Baltimore County in Liber 5408, folio 520.

Route 140, and to future widening of said road as shown on the Plot Plan propared for this Fettion for Reclassification. This description coupiled from deeds and records.



William T. Sadler P.L.S. 7730

MEMORANDUM

The subject property has a 11° foot frontage on Reisterstown Road bordering from the south of Captain Harvey's Restaurant, the rear portion of the subject property has a special exception for parking for Captain Harvey's Restaurant. Prior to the adoption of the caps: the northern parcel of the property had IL and IL-ING zoning. However, since the adoption of the mann the new restaurant was constructed and the proposed site was purchased from an estate that could not sell the property for residential use due to the commerical development north and south of the property. There is an access driveway on the Reisterstown Road that could be closed if the property were to be rezoned "business local".

There would be no need for additional water or seware nor would there be any increase of the traffic flow on the Reisterstown Road as a result of the adequate zoning.

October 23, 1975

11504 Reinterstown Road

Owings Mills, Maryland 21117

1975 at 1:00 o'clock

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

> RE: Petition for Reclassification SW/S of Reisterstown Road, 357' SE of Delight Road - 4th Election District Harvey E. Marshall, Jr., et ux -Petitioners NO. 76-47-R (Item No. 14)

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

> Very truly yours. 18/

S. ERIC DI NENN Zoning Commissioner

ED/erl

cc: Mrs. Alice LeGrande Reisterstown-Owings Mills-Glyndon Coordinating Council Olive Lane Owings Mills, Maryland 21117

Mr. Joseph Mendara, President

Hathaway Community Association 121 Rockrimmon Road Reisterstown, Maryland 21136

John W. Hessian, III. Esquire People's Counsel

BALTIMORE COUNTY

**ZONING PLANS** 

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

April 9, 1975

Mr. S. Eric DiNenna

Re: Zoning Reclass. Cycle #9
April, 1975
Comer: Marvey E. Eula Marshall, Jr.
Al/S of Relsterstown Md. (Route 140)
357' 3E of Delight Moad
Existing Aonings D.R.J.5
Proposed Konings Reclass to M.L.
Acress 0.82
District: 4th

Dear Sir:

CL:JEM: N

The 1973 average daily traffic count on this section of Reisterstown Road is .... 24,000 vehicles.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

by: John E. Meyers

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

### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING 111 W. Chesapeake Avenue Towner, Maryland 21704

MEMBERS REALTH DEPARTMENT

BUREAU OF

DEPARTMENT OF

STATE HIGHWAY

PROJECT AND DEVILOPMENT PLANNII

BOARD OF EDUCATION

OFFICE OF THE

ranklin T. Hogan

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

RE: Reclassification Petition Item 14 - Zoning Cycle 9 Harvey E. & Eula Marshall, Jr. -Petitioners

April 30, 1975

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 commerts 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.

as to the appropriateness of the requested zoning.

The subject property is located on the southwest side of Reisterstown Road, 357 feet southwest side of Reisterstown Road, 357 feet southwest side of Reisterstown Road, 357 feet southeast of Delight Road, and is currently improved with a frame dwelling fronting on Roisterstown Road, and a frame unliding at the roar of the property around which crushed stone property and the contract of the property around which to the notem of Capt. Harvey's Restaurant. Although the property on the petition is at a higher elevation than the adjacent restaurant property, two driveways exist from the afforementioned stone parking lot down to existing parking lot for the restaurant. Both properties were the subject of previous review by this Committee as Item 78 of October 1974, (Hearing Case \$75-130-ASPH), at which time the petitioner requested a Variance to permit 106 parking spaces instead of the required 167, and

James A. Gede, Esq. Re: Item 14 - Zoning Cycle 9 April 30, 1975

a Special Hearing for parking in a residential zone. Both requests were granted by the Zoning Commissioner the tent's day of December, 1974.

The site plan submitted for the present petition must be revised to indicate the overall holdings and proposed development of the petitioner as this relates to both properties. The plan should further be revised to clearly indicate hard surface paving for the stone surface parking area to the rear of this property, as required by the previously approved site plan. Many site plan factors inherent in this request were noted in previous comments to the petitioner, as mentioned in the foregoing; these comments are therefore referred for your consideration.

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 June 2, 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 September 1, 1975 and October 15, 1975 will be forwarded to you well in advance of the date and time.

Very truly yours,

Chairman, Zoning Plans Advisory Committee

FTH:JD

cc: W. T. Sadler, Inc. 458 Main Street Reisterstown, Maryland 21136

Franklin T. Hogans, Jr.

CRM/bza

# BALTIMORE COUNTY, MARYLAND



### DEPARTMENT OF TRAFFIC ENGINEERING

WM. T. MELTER

April 28, 1975

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

Cycle Zoning 9
Item 14 - 2AC - April, 1975 - October, 1975
Property Owner: Harvey E. & Eula Marshall, Jr.
Location: SW/S of Relaterstown Rd. 357' SE of Delight Rd.
Existing Zoning: D.R. Zoning: C.R. S. S. Proposed Zoning: Re-class to B.L.
No. of Acres: 0.82
District: 4th

Dear Mr. DiNenna:

The subject petition is requesting a change from D.R. 3.5 to

This should increase the trip density from 30 to 400 trips per day. This increase in trip density along Reisterstown Road can only compound existing problems and is considered undesirable.

Very truly yours. C. Kuha Mho

### Baltimore County, Maruland Bepartment Of Subite Borke

COUNTY OFFICE BUILDING

LLEWORTH H. DIVER, P. E. CHIEF

April 22, 1975

Mr. S. Eric DiNenna Zoning Commissioner County Office Building

Re: Item #lh: - Cycle #9 (April - October 1975)
Property Owner: Harvey E. & Eula Marshall, Jr.
SAS of Reisterstown Rd., 3577 S/K of Delight Rd.
Existing Zoning: D.R. 3,578 S/K of Delight Rd.
Proposed Zoning: Re-class to B.L.
No. of Acres: 0.82 District: Lth

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.

The submitted plan must be revised to indicate the outlines of the Petitioner's properties which include the restaurant property "Captain Harwey's" at the corner; such revision shall clearly indicate the present and/or proposed combined use of the entrances, driveways as access to and from Reisterstown Road and Delight Road for the parting lots for these sites.

The comments supplied in connection with the Zoning Advisory Committee review of Item 180 (1973-1974) and Item 78 (1974-1975) are also referred to for your con-

Reisterstown Road (U.S. 180) 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.

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 #lh - Cycle #9 (April - October 1975) Property Owner: Harvey E. & Eula Marshall, Jr. Page 2 April 22, 1975

### Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any misances 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 Fettitoner.

### Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving the present dwelling. This property is tributary to the Gwynns Falls Sewerage System, subject to State Health Department imposed moratorium restrictions.

Very truly yours,

ELISMORTH N. DIVER, P.E. Chief, Bureau of Engineering

cc: G. Reier (3LD. 1023-70) T-NW Key Sheet 52 & 53 NW 36 Pos. Sheets 13 & 14 NW I & J Topo

-BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

April 3, 1975

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

Dear Mr. DiNenna:

Comments on Item  $\theta$ \_\_\_\_\_\_, Zoning Re-Classification Cycle \$9, are as follows:

Property Owner: Harvey E. & Eula Marshall, Jr. Location: SW/S of Reisterstown Rd. 357' SE of Delight Rd. Existing Zoning: D.R. 3.5 Proposed Zoning: Re-class to B.L. No. of Acres: 0.82 District: 4th

Metropolitan water and sever are available.

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

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

& HVB: nce

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 21, 1975

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

Z.A.C. Meeting of: April 1975-October 1975 Cycle #9

Re: Item 14
Property Owner: Harvey E. & Eula Marshall, Jr.
Location: SM/S of Reisterstown Rd. 357' S.E. of Delight Road
Present Zoning: D.R. 3.5 osed Zoning: Re-class to B.L.

District: 0.82

No adverse effect on student population

Very truly yours, W. With tetrout

W. Nick Petrovich., Fleid Representative.

JOSEPH N. MICHOWAN

MARCUS M. HOTSARIS

WILLIAM D. FROMM

May 1, 1975

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 14 , Zoning Cycle IX, April, 1975, are as follows:

Property Owner: Harvey E. and Eula Marshall, Jr. Location: SW/s of Reisterstown Road 357' SE of Delight Road Existing Zoning: D.R.3.5
Proposed Zoning: Ke-class to B.L.
No. of Acres: 0.82

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

The site plan must be revised to show the petitioners adjoining property uses along with the required screening, parking, lighting and traific circulation. This office will not approve the proposed driveway into Reisterstown Read because of the poor sight distance and the already ailable parking area and driver ay at the rear of the property.

> Very truly yours, John Levilles

John L. Wimbley Planning Specialist II

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE

# CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_ August 28\_\_\_\_\_\_, 19.75 sublished in THE JEFFERSONIAN, a weekly newspaper printed appearing on the \_\_\_\_\_ 29th \_\_\_day of \_\_\_\_ August \_\_\_\_\_

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND No. 25908 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE Oct. 8m, 1975 ACCOUNT 01-662 AMOUNT \$226,10 MECENACO HARVEY E. Marshall, Jr., Box 50-A, Rt. 3 812 BERL 8 226.10 00

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Fire Department



028-7310

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

Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Harvey E. & Bula Marshall, Jr.

Location: SM/S of Reisterstown Road, 357' SE of Delight Rd.

Zoning Agenda CYCLE #9
April 1975- October 1975

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.

(II) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 30 feet along an approved ryad in accordance with Baltimore County Standards as published by the Department of Public Works.

A second means of vehicle access is required for the site. The vehicle dead-end condition shown at

EXCREDS the maximum allowed by the Fire Department.

EXCEEDS the maximum allowed by the Fire Department.
The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operations.
The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the Hational Fire Protection
Association Standard No. 101 "The Life Safety Code", 1970 Edition prior

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

OPICE OF 76.47-R # 14

OCOMMUNITY IMES

RANDALLSTOWN, MD. 21133 Aug. 27 1975

THIS IS TO CERTIFY, that the annexed advertisement of Petition for Reclassification- Property of

was inserted in THE COMMUNITY TIMES, a weekly newspaper published

in Baltimore County, Maryland, once a week for one

weeks before the 15th day of Sept. 1975, that is to say, the same

was inserted in the issues of August 27, 1975.

STROMBERG PUBLICATIONS, Inc.

By Eleanor P. Smirk

No. 20220 ALTIMORE COUNTY, MARYLAND ATE April 21, 1975 ACCOUNT 01-662

AMOUNT \$50.00

PINK - AGENCY WHITE - CASHIER James A. Gede, Esq. 11000 Reisterstown Rd. Owings Mills, Md. 21117

Petition for Reclassification for Barvey E. Marshall

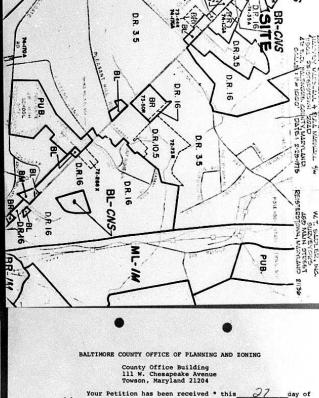
ZOUNG ZECLASSIFCATION

TARVEY MIZENALL IN
EULA MIZENALL IN
FIEDA ZESTEZZYZWN ROAD
ITH E.O. BALTIMOZE COUNTY, MO -W.T. SADLER, INC.
SURVEYORS
450 MAIN STREET
REISTERSTOWN, MARYLAND ZIJOS D.R. 3.5 SCALE: 1'= 200' DATE: 2-25-197 0 00 0 SCHOOL 74-39 SPH N51,120 W53,110 00 10

istrict. 4th	200/100/50	Dote of Posting AUGUST 30 TAON IN Pd. 352' SE &F RSTOWN Rd
ested for: I ETTTON COR. I	1 *CKH>>ITICA	(7.9X
titioner: HARVEY E. MI	ARSHALL, IRI	
cation of property: SW/S oF	Reisterston	N Pd. 357 SE OF
DeLIGHT 8	₩.	
T0 119	TOH ROISTE	RSTOWN Rd
eation of Signs: P.L.ON.T. ILS	104 (16/3/0)	(3)000 14
emarks:		
40 × D	0 0	Date of return Sept. 5, 1975

76-47-R 1-SIGN CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Petitioner MARSHALL Petitioner's Attorney GEDE \* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

N



\_1975. Item #\_

Reviewed by

À.

PETITION MAPPING PROGRESS SHEET FUNCTION Descriptions checked and Petition number added to Granted by ZC, BA, CC, CA Revised Plans: Reviewed by: 7 BC Change in outline or description\_\_\_Yes Previous case:

