PETITION OR ZONING RE-CLA SIFICATION AND/OR SPECIAL EXCEPTION #141

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

legal owner... of the property situate in Baltimor 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.....

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 e: enses 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 s of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Sychelina Leidak Imidoust cr

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Durson mi 2004

Joseph O Gest

Address 8325 Belev Bd

Bett Ind 21236

mane C Steret

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day 197 6 that the subject matter of this petition be advertised, as

on percury to the Zoning Law of Baltimore County, in two newspapers of general circulation throughTipul Baltimore County, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of March 1976, at 11:00 clock

Zoning Commissioner of Baltimore County.

April 6, 1976

District

I have this date passed my Order in the above captioned matter in

RE: Petition for Special Exception

Mr. & Mrs. Millard Hartma 8323 Belair Road Baltimore, Maryland 2123

SE/S of Belair Road, 103,4' S of Dunfield Avenue - 11th Election

Joseph Gerst, et ux - Petitioners NO. 76-198-X (Item No. 141)

Mr. & Mrs. Clark J. Hudak 7 Midcrest Court Towson, Maryland 21204

Dear Mr. & Mrs. Hudak:

Mr. & Mrs. Joseph J. Gerst 8325 Belair Road

Baltimore, Maryland 21236 John W. Hessian, III, Esquire RE: PETITION FOR SPECIAL EXCEPTION SE/S of Belair Road 103.4 feet S of Dunfield Avenue, 11th District

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

JOSEPH J. & MARIE C. GERST,

: Case No. 76-198-X

ORDER TO ENTER APPEARANCE

Mr. Commissi

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

Charles E. Kounty, Jr.

John W. Herrin, II John W. Hessian, III People's Counsel County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 24th day of March, 1976, a copy of the foregoing Order was mailed to Mr. and Mrs. Joseph J. Gerst. 8325 Belair Road. Baltimore. Maryland. 21236, Petitioners.

John W. Herrian III



#76-

DELLA-ROCCA, ORSINI & ASSOCIATES, INC. 5605 OLD COURT ROAD BALTIMORE, MARYLAND 21205

METES & BOUNDS DESCRIPTION

Beginning for the same at a point on the southeastern 66 ft. right-of-way line of Belair Road, said point being 103.4 feet from the centerline extended of Dunfield Avenue and running thence bounding on the southwest side of a private lane, South 41 degrees 12 minutes South 91 degrees 12 minutes South 91 degrees 12 minutes West 50 feet to an iron pipe found, thence parallel with Belair Road South 51 degrees 10 minutes West 50 feet to an iron pipe found, thence parallel with the aforesaid private lane North 44 degrees 12 minutes West 150 feet to an iron pipe found on the Southeast 66 foot right-of-way line of Belair Road and thence binding on said right-of-way line, North 51 degrees 10 minutes East 50 feet to the place of beginning.

Containing 0.172 Acres of land more or less.

January 5, 1976

of property known as 8325 Belair Road. Baltimore County, Maryland 11th Election District.

Being the same parcel of land described in a deed dated December 4, 1936 between Louisa Raab (Widow) and Joseph J. Gerst and Marie D. Gerst, his wife, and being recorded among the land records of Baltimore County in Liber C#3 989, Folio 237.

RE: PETITION FOR SPECIAL EXCEPTION SE/S of Belair Road, 103.4' S of Dunfiel Avenue - 11th Election District Joseph Gerst, et ux - Petitioners NO. 76-198-X (Item No. 141)

0

: BALTIMORE COUNTY 111 111 111

mes before the Deputy Zoning Commissioner as a result on for a Special Exception for a nursery school located on the southeast side of Belair Road, 103.4 feet south of Dunfield Avenue, in the Eleventh n District of Baltimore County. The subject property is presently im-

Area residents, in protest, questioned whether the property was adequa for the intended use. The owners of a kitchen equipment business, located adjacent to the subject property, were fearful that dogs, which are used for the protection of their property, might constitute a source of potential injury to the children at the school. Further testimony was presented which indicate that the properties are separated by a forty-two inch chain link fence and that the dogs are chained at all times.

ed with a one and one-half story masonry dwelling.

In the opinion of the Deputy Zoning Commissioner, the objections raise o the Petition do not constitute reasonable cause for denial. Moreover, the posed use is supported by the Baltimore County Office of Planning

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 674. day of April, 1976, that the Special Exception for a nursery school should be and the same is GRANTED, from and after the

date of this Order, subject to the approval of a site plan by the Department Public Works, State Highway Administration and the Office of Planning and

- 2 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Bric DiNenna, Zoning Commissioner Date March 16, 1976

FROM William D. Proves, Director of Planning

SUBJECT. Petition #76-198-X. Petition for Special Exception for

a Nursery School. Southeast side of Belair Hoad 103.4 feet South of Dunfield Avenue. Petitioner - Joseph J. Gerst and Marie C. Gerst

11th District

Hearing: Monday, March 29, 1976 at 10:45 A.M.

This office supports the requested special exception.

WDF/JCH/m

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

filing this 22nd en received and accepted for

OFFICE OF

HILMES

THIS IS TO CERTIFY, that the annexed advertisement of

Petition for a S ecial Exception-- Gerat was inserted in the following:

Petitioner Joseph & Marie Gerst Petitioner's Attorney_

Della-Rocca, Orsini & Associates, Inc. 5605 Old Court Road

Reviewed by Franklin T. Hooms, fr. Chairman, Zoning Advisory

Item 141

March 11, 19 76

☐ Catonsville Times ☐ Dundalk Times ☑ Essex Times

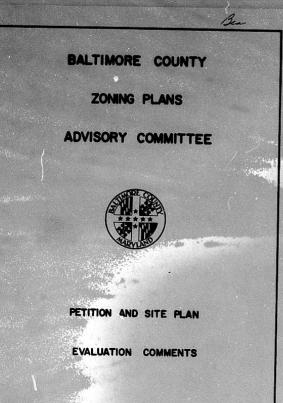
☐ Suburban Times East

☐ Arbutus Times ☐ Community Times ☐ Suburban Times Wes

weekly newspapers published in Baltimore, County, Maryland once a week for one Auccessive weeks before the 29th day of Narch 19.76. that is to say, the same was inserted in the issues of March 11, 1976.

STROMBERG PUBLICATIONS INC

By Lath Directe



Public water supply and sanitary sewerage are serving this property.

Very truly yours,

Econocto or Diver

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

Item #141 (1975-1976) Property Owner: Page 2 March 4, 1976

END : EAM : FWR : 88

Water and Sanitary Sewer:

M-NW Key Sheet 32 NE 22 & 23 Pos. Sheet NE 8 P Topo 71 Tax Map

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

e0e

March 23, 1976

Franklin T. Hogans, .

Chairman

BUREAU OF

DEPARTMENT OF TRAFFIC ENGINEERS

HEALTH DEPARTMENT PROJECT PLANNING BOARD OF EDUCATION

> ZONING ADMINISTRATION INDUSTRIAL DEVELOPMENT

Mr. Joseph J. Gerst 8325 Belair Road Baltimore, Maryland 21236

> RE: Special Exception Petition Item 141 Joseph & Marie Gerst - Petitioners

Dear Mr. Gerst:

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 southeast side of Belair Road, 103 feet south of Dunfield Road, and is currently improved with a one and one-half story residence. In the D.R. 16 zoning of the property the petitioner is requesting a Special Exception for a nursery school.

At the time of field inspection this Committee was quite unfavorably impressed with the access of this site to and from Belair Road; "inconvenient" does not accurately describe the access situation: "dangerous" does. Although the Committee has serious apprehensions as to this access situation, especially in light of the proposed use involving young children, this petition is nevertheless accepted for filing in order that a hearing may be scheduled.

Mr. Joseph J. Gerst Re: Item 141 March 16, 1976 Page 2

The submitted plan notes that the petitioner has an agreement for the use of an adjacent property for a wider means of ingree and egrees. Any development of this site must of this additions enview, be based on the utilization of this additions enview, be based on the utilization of this additions enview, be based on the utilization of this additions entire capability. In keeping with this view revised plans made capability. In keeping with this view revised plans and the prior to the hearing, indicating in detail the important necessary for the combined entrance area. The plan should reflect, therefore, the comments of the State Highway Administration point for point and without exception. The Committee further believes that, should this Special Exception be granted, that specific safeguards be incorporated within the Order to assure compliance with the recommendations of the Committee members.

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

Very truly yours,

Fronth T. Thom, FRANKLIN T. HOGANS, JR. Chairman, Zoning Plans Advisory Committe

FTH:JD

Enclosure

cc: Della-Rocca, Orsini & Associates, Inc. 5605 Old Court Road Baltimore, Maryland 21207

Maryland Department of Transportation

Harry R. Hughes Secretary Bernard M. Evans

January 26,1976

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

Re: Z.A.C. Meeting, Jan. 20,1976 Item 141 Property Owner: Jos. Gerst Location: SE/S Belair Rd. (Rte 1) 103' S of Rd. (Rte 1) 103' S or Dunfield Rd. Existing Zoning: D.R. 16 Pro-osed Zoning: Special Exception for Nursery School No. Acres: 0.172 District: 11th

Dear Mr. DiNenna.

There is inadequate stopping sight distance, to the south, due to the bank fronting the property. To exit onto Belair Road is extemely hazardous. Any change in the use of the property would require grading of the bank back to a point where adequate sight distance is obtained.

We are agreeable to the use of the adjacent entrance as a common use in order to provide an entrance of sufficient width, however the plan must indicate at what point, a vehicle leaving the site, would weave into the adjacent entrance. At present, this cannot be done, due to a grade differential between the entrances. The width of the combined entrances must be indicated.

The existing entrances are on a steep down grade to Belair Road. It may be difficult to reconstruct the entrances on a suitable grade, not greater than 3%. In any event, the entrances would have to be repayed in order to tie them together and to have a uniform, unbroken, surface.

The frontage of the site must be improved with curb and gutter. The face of curb is to be 22' from the centerline of Belair Road. The construction of curbing and raving would be done under permit from the S.H.A.

The hearing date should not be assigned until such lime as the plan is revised in accordance with the aforementioned comm-

Very truly yours,

Charles Lee, Chief Bur. of Eng. Access Permits P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Mr. S. Eric DiNenna Page 2 January 26,1976

> John E-meyore by: John E. Mevers

CL-JEM/es



baltimore county department of public work

TOWSON MARYLAND 21204

Re: Item #141 (1975-1976) Property Owner: Joseph J. Gerst
S/ES Belair Rd., 103 S. of Dunfield Rd.
Existing Zoning: DR I6
Proposed Zoning: Special Exception for Nursery
School
No. of Acres: 0.172 District; lith

Dear Mr. DiMenna:

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 rabject item.

March 4, 1976

Belair Road (U.S. 1) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road Light-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Ingress and egress are difficult and relatively dangerous via the drive at this site. The entrance locations are subject to approval by the Department of Traffic

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 pemit is, therefore, necessary for all grading, including the stripping of top soil.

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.



STEPHEN E. COLLINS

February 19, 1976

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

Re: Item 141 - ZAC - January 20, 1976 Property Owner: Jos. Gerst Location: SE/S Belair Rd. 103' S. of Dumfield Rd. Existing Zoning: D.R. 16 Proposed Zoning: Special Exception for Nursery School No. of Acres: 0.172 District: 11th

Dear Mr. DiNenna

The requested special exception for a nursery school is not expected to be a major generator.

Should this special exception be granted , the petitioner must provide a safe off street loading area for children attending the nursery school.

> Very truly yours Michaell. Hange Michael S. Flanigan Traffic Engineer Associate

MSF:nx



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

February 17, 1976

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

Comments on Item #141, Zoning Advisory Committee Meeting, January 20, 1976, are as follows:

> Property Owner: Jos. Gerst Location: SE/S Belair Rd. 103' S of Dunfield Rd. Existing Zoning: D.R. 16 Proposed Zoning: Special Exception for Nursery School No. Acres: 0.172 District: 11th

Metropolitan water and sewer are existing.

Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County Regulations. For more complete information, contact the Division of Maternal and Child Health, Baltimore County Department of Health.

Very truly yours,

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

RJW:pb6

d	19
	battimore county fire department
1	TOWSON, MARYLAND 21 (301) 825-7310

Paul H. Reincke

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

Attention: Mr. Jack Dillon, Chairman

Re: Property Owner: Jos. Gerst

Location: SE/S Belair Rd. 103' S. of Dunfield Rd.

Zoning Agenda January 20, 1976

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 ______ 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
- EXCEEDS the maximum allowed by the Fire Department.
- EXCEMES the maximum allowed by the Fire Department.

 () h. The mite shall be made to comply with all applicable parts of the Fire Frevention Code prior to occupancy or beginning of operations.

 () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior teamwards.
- () 6. Site plans are approved as drawn.
- (xx) 7. The Fire Prevention Bureau has no comments at this time.

Lows H. Marphy Tlanning Groups

Planning Groups

Special Inspection Division

Fire Prevention Bureau

office of planning and zoning TOWSON, MARYLAND 21204 (301) 494-3211

February 11, 1976

Mr. S. Eric Di Nenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna

Comments on Item *141, Zoning Advisory Committee Meeting, January 20, 1976, are as follows:

Property Owner: Jos. Gerst Location: SE/S Belair Road 103' S of Dunfield Road Existing Zoning: D.R.16 Proposed Zoning: Special Exception for Nursery School No. Acres: 0.172

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

The driveway to the site is to narrow and has poor stopping site distance. All parking areas must be paved and screened.

John XIV intelex

John L. Wimbley Planning Specialist II Project and Development Planning

Very truly yours

TOWSON, MARYLAND - 21204

Date: January 23, 1976

Z.A.C. Meeting of: January 20, 1976

District.

Dear Mr. DiNenna:

CUSENE G. HESS, NO. PRO

No adverse effect on student population

| 141
| Property Owner: Joseph Gerst
| Location: SE/S Belair Rd., 103' S. of Dunfield Rd.
| Present Zoning: D.R. 16

Proposed Zoning: Special Exception for Nursery School

BOARD OF EDUCATION OF BALTIMORE COUNTY

Mr. S. Eric DiNenna Zoning Commissioner Baitimore County Office Building

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY

71 100 V

maryland 16-178-X
District. 1166
Posted for Alexing Min my 200 Date of Posting 3-11-76
Partition - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
Location of property: S.E. /Sach of Rules BA 103.4' So of Supple One
1 Set 102.4 De of Supel One
Location of Signs: 1 days Poster Co. 83.25 Relaw Ko.
Remarks
Posted by Mark H Ikas Date of return 3 15 0
Signature Date of return: 3-18-24

Championthe Automot, Townson, Mary John States, and Caster, by authority of the Townson Country, and the Townson Country of the Townson Country of the Townson Country, by a second country of the Townson Country of the T

AMOUNT \$50.00 RECEIVED Clark J. Hudak, 7 Midorest Ct., Towson, Md. 2120

50.06

Petition for Special Exception for Jos. Gerst

No. 31657

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 11 19-76

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 29th day of _____ Narch _____, 19. 76, the first publication appearing on the 11th day of Karch 19.76

THE JEFFERSONIAN,

Cost of Advertisement \$

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

13th day of Your Petition has been received * this____ January 1976. Filing Fee \$ 50.00. Received Check

> ___Cash Other

Petitioner Clark Hudak Submitted by Clark Hudak Petitioner's Attorney Francis T Valle Reviewed by Diffre alter

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 Mar. 29, 1976 ACCOUNT 01-662

AMOUNT \$47.50

PROM. Clark J. Hudak 7 Midgrest Ct., Towson, Md. 21204

1083 6 68 MA 29 47.50180

VALIDATION OR SIGNATURE OF CASHIET

No. 31700

VALIDATION OF SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLANI)
OFFICE OF F NCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIFT

. 60 0 7. W E

DATE Mar. 5, 1976 ACCOUNT 01-662

