

61148-X X-841-1114 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Drexel M. Johnston, 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 _____ zone to an _____ zone; for the following reasons:

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 a Nursery School.

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.

DATE: January 11, 1977
 Petitioner: Drexel M. Johnston
 Address: 3128 S. Joppa Rd. 21236
 Petitioner's Attorney: _____
 Address: _____
 Protestant's Attorney: _____
 Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of December, 1976, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of February, 1977, at 10:30 o'clock A.M.



Mr. Drexel M. Johnston
 Re: Item 119
 February 7, 1977
 Page 2

dependent on the use of the first and second floors are not provided. If the nursery school is proposed for the second floor, you must contact Mr. Thomas Kelly of the Fire Department (Ext. 494-3985) for his review and comments.

If this petition is granted, an explanation of the proposed method of operation should be noted on the site plan, and in light of the fact that this is one site with two different uses, an overall plan with the required parking should be submitted.

Particular attention should be afforded the comments of the Health Department concerning this request.

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,

Nicholas B. Comoderi
 NICHOLAS B. COMODERI,
 Acting Chairman, Zoning
 Plans Advisory Committee

NBC:JD

Enclosure

cc: Gerhold, Cross & Etzel
 412 Delaware Avenue
 Towson, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Mr. Drexel M. Johnston
 3128 S. Joppa Road
 Baltimore, Maryland 21236

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 13th day of December 1976.

S. Eric Dikenna
 Zoning Commissioner

Petitioner: Drexel M. Johnston
 Petitioner's Attorney: _____
 cc: Gerhold, Cross & Etzel
 412 Delaware Avenue
 Towson, Md. 21204

Reviewed by: Nicholas B. Comoderi,
 Planning & Zoning
 Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 7, 1977

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Md. 21204
 Nicholas B. Comoderi
 Acting Chairman

MEMBERS:
 BUREAU OF ENGINEERING
 TRAFFIC ENGINEERING
 STATE ROADS COMMISSION
 BUREAU OF FIRE PREVENTION
 HEALTH DEPARTMENT
 PROJECT PLANNING
 BUILDING DEPARTMENT
 BOARD OF EDUCATION
 ZONING ADMINISTRATION
 INDUSTRIAL DEVELOPMENT

Mr. Drexel M. Johnston
 3601 Belair Road
 Baltimore, Maryland 21236

RE: Special Exception Petition
 Item 119
 Drexel M. Johnston - Petitioner

Dear Mr. Johnston:

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.

Located on the northwest corner of Belair Road and Baker Lane, in the 11th Election District, this site is currently improved with a two-story dwelling and office building Case No. 71-20-X1 adjacent to the west. Residences exist to the northwest of this site along Laker Lane, while a savings and loan building and medical offices exist to the northeast and southwest, respectively.

This Special Exception is necessitated by your proposal to convert the existing two-story dwelling to a nursery school.

As indicated on the submitted site plan, parking is provided for 5 cars, however, parking calculations

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

January 20, 1977

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

Re: Item #119 (1976-1977)
 Property Owner: Drexel M. Johnston
 3128 S. Joppa Rd., 45° S/W Baker Lane
 Subject: Zoning: DR 16
 Proposed Zoning: Special Exception for a nursery school.
 Acres: 0.26 District: 11th

Dear Mr. Dikenna:

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.

Comments:

The comments which were supplied in connection with the Zoning Advisory Committee review of this site for Item #46 (1973-1974) are referred to for your consideration. Additional fire hydrant protection is required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #119 (1976-1977).

Very truly yours,

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

END: EAM:FWB:es

cc: William March

Q-SW Key Sheet
 42 & 43 NE 29 Pos. Sheets
 NE 11 H Topo
 72 Top Map

Maryland Department of Transportation
 State Highway Administration

Harry H. Hughes
 Secretary
 Planning & Zoning
 Administration

December 20, 1976

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

Attention: Mr. N. Comoderi

Dear Mr. Dikenna:

There is no direct access from Belair Rd., to the subject site, nor is any planned, therefore there are no requirements by the State Highway Administration. The proposed development should have no adverse effects on the State Highway.

CLJ:EN:dj

Re: Z.A.C. Meeting, Dec. 14, 1976
 Item: 119
 Property Owner: Drexel M. Johnston
 Location: NW/4 Belair Rd. (Rte. 1)
 45° SW Baker Lane
 Existing Zoning: D.R. 16
 Proposed Zoning: Special exception
 for a nursery school.
 Acres: 0.26
 District: 11th

Very truly yours,

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

Baltimore County
 Department of Health
 TOWSON, MARYLAND 21204
 DONALD J. ROOP, M.D., M.P.H.
 DEPUTY STATE AND COUNTY HEALTH OFFICER

January 4, 1977

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

Dear Mr. Dikenna:

Comments on Item 119, Zoning Advisory Committee Meeting, December 13, 1976, are as follows:

Property Owner: Drexel M. Johnston
 Location: NW/4 Belair Rd. 45° SW Baker Ln.
 Existing Zoning: D.R. 16
 Proposed Zoning: Special Exception for a nursery school.
 Acres: 0.26
 District: 11th

Comments: Prior to approval for a nursery school, owner of 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. Since metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

Thomas B. Devlin, Director
 BUREAU OF ENVIRONMENTAL SERVICES

TBD/ALW/rhw

cc: Eve Smith

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a nursery school should be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of February, 1977, that a Special Exception for a nursery school should be GRANTED, from and after the date of this Order, subject to the building of operation being from 7:30 am to 5:10 pm Monday through Friday, nursery school is limited to first floor only; and approval of a site plan by the State Highway Administration, Department of Public Works, Health Department, Fire Department, and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a nursery school should be GRANTED.

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of February, 1977, that the above re-classification 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 Nursery School, and/or the Special Exception for a Nursery School be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

January 24, 1977

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 #119, Zoning Advisory Committee Meeting, December 13, 1976, are as follows:

Property Owner: Drexel M. Johnston
Location: NW/4 Belair Road 45° SW Baker Lane
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a nursery school
Acres: 0.26
District: 11th

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.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner III
Project and Development Planning

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 454-3500

STEPHEN E. COLLINS
DIRECTOR

January 13, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 119 - ZAC - December 13, 1976
Property Owner: Drexel M. Johnston
Location: NW/4 Belair Rd. 45° SW Baker Ln.
Existing Zoning: D.R. 16
Proposed Zoning: Special exception for a nursery school.
Acres: 0.26
District: 11th

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested special exception for a nursery school.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/dw

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 10, 1976

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

Re: Item 119
Property Owner: Drexel M. Johnston
Location: NW/4 Belair Road 45° SW Baker Ln.
Present Zoning: D.R. 16
Proposed Zoning: Special exception for a nursery school

Z.A.C. Meeting of: December 13, 1976

District: 11th
No. Acres: 0.26

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Rick Petrovich
Field Representative.

SNP/bl

baltimore county
Department of permits and licenses
TOWSON, MARYLAND 21204
(301) 454-3610

JOHN D. SEYFERT
DIRECTOR

December 14, 1976

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

Dear Mr. DiNenna:

Comments on Item #119 Zoning Advisory Committee Meeting, December 13, 1976 are as follows:

Property Owner: Drexel M. Johnston
Location: NW/4 Belair Road - 45° SW Baker Ln.
Existing Zoning: D.R. 16
Proposed Zoning: Special exception for a nursery school

Acres: 0.26
District: 11th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C. 1.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☒ C. Three sets of construction drawings shall be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burman
Plans Review Chief
(C2B)

February 18, 1977

Mr. Drexel M. Johnston
9618 Belair Road
Baltimore, Maryland 21236

RE: Petition for Special Exception
SW corner of Belair Road and Baker Lane - 11th Election District
Drexel M. Johnston - Petitioner
NO. 77-148-X (Item No. 119)

Dear Mr. Johnston:

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

Very truly yours,

George J. Martink
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mrs. Jean Johnston
2806 Newton Road
Joppa, Maryland 21085

Mr. & Mrs. Donald H. McKinstry
3828 East Joppa Road
Baltimore, Maryland 21236

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

Mrs. Eve Smith
Health Department

December 11, 1976

Property Owner: Drexel M. Johnston
Location: NW/4 Belair Road - 45° SW Baker Ln.
Existing Zoning: D.R. 16
Proposed Zoning: Special exception for a nursery school
Acres: 0.26
District: 11th

Comments on Item #119 Zoning Advisory Committee Meeting, December 13, 1976 are as follows:

1. A change of occupancy to R-7 would be required - however, should this building be of (a) or (b) construction) wood frame or wood frame with masonry of brick or other masonry materials a nursery or day care use would be prohibited under the existing Building Code.
2. If the building is of masonry walls, meeting the construction classification of R-7 or better construction R-7 use would be permitted. The building would have to be up graded to meet the Building - Fire-Health and other applicable Code requirements, and a change of occupancy would be required before occupying.

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 COLLINGS AVE. N.E.
TOWSON, MARYLAND 21204
823-4470

November 24, 1976

Zoning Description

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northwest side of Belair Road, 60 feet wide, at the distance measured South 49 degrees 49 minutes West 15 feet from the center line of Baker Lane and running thence North 49 degrees 49 minutes East 15 feet to the northwest corner of Belair Road and Baker Lane - 11th Election District. Then South 49 degrees 49 minutes East 15 feet to the southwest side of Baker Lane, 50 feet wide and thence following courses and distances viz: South 40 degrees 45 minutes East 176.10 feet and South 0 degrees 43 minutes East 31.09 feet to the place of beginning.

Containing 0.26 of an Acre of land more or less.

Being the property of the petitioner herein and more fully shown on a plat plan filed with the Zoning Department of Baltimore County.



William A. Mack III

RE: PETITION FOR SPECIAL EXCEPTION
S.W.C. of Belair Road and Baker Lane,
11th District
DREXEL M. JOHNSTON, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 77-148-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

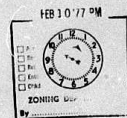
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

John W. Heslon, III
John W. Heslon, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of February, 1977, a copy of the foregoing Order was mailed to Mr. Drexel M. Johnston, 9608 Belair Road, Baltimore, Maryland 21236, Petitioner.

John W. Heslon, III
John W. Heslon, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 1, 1976
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-148-X. Petition for Special Exception for a Nursery School.
Southwest corner of Belair Road and Baker Lane
Petitioner - Drexel M. Johnston

11th District

HEARING: Monday, February 14, 1977 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEG:JGH/fw

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 26 day of
Nov 1976 Filing Fee \$ 50 Received ☒ Check
Cash ☐
Other ☐

Petitioner: Drexel M. Johnston Submitted by: H. Kountz
Petitioner's Attorney: Reviewed by: H. Kountz

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

THE TIMES
TOWSON, MD 21204 Jan. 27, 19 77

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Special Exception
was inserted in the following:

- | | |
|---|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☒ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland, once a week for consecutive weeks before the 14th day of February 19 77, that is to say, the same was inserted in the issues of Jan. 27, 1977.

STROMBERG PUBLICATIONS, INC.

BY: Pat Strome

CERTIFICATE OF PUBLICATION

TOWSON, MD, JANUARY 17, 1977
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 11th day of February, 1977, the first publication appearing on the 21st day of February, 1977.

THE JEFFERSONIAN

Cof. of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42867
DATE: Jan. 24, 1977 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED FROM: Norman E. Gerber, 3605 S. Joyce Rd., Balto., Md.
FOR: Petition for Special Exception for Drexel M. Johnston 77-148-X
\$46.57 JAN 24 50.00 PM
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 46405
DATE: Feb. 14, 1977 ACCOUNT: 01-662
AMOUNT: \$45.75
RECEIVED FROM: Donald E. McIntire, 3620 S. Joyce Road
FOR: Advertising and printing of property for Drexel M. Johnston 77-148-X
\$45.75 FEB 14 45.75 PM
VALIDATION OR SIGNATURE OF CARRIER

