

PETITION FOR ZONING RE-CLASSIFICATION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Irma M. Morgereth, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an ML-IM zone to an DR 5.5 zone, for the following reason:

See attached brief.

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 John L. Morgereth
Address 9147 St. Thomas Drive
Petitioner's Attorney John L. Morgereth
Protestant's Attorney John L. Morgereth

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of March, 1978, 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 35th day of May, 1978, at 10:00 o'clock A.M.

John L. Morgereth
Zoning Commissioner of Baltimore County.

COLUMBIA OFFICE
WALTER PARK
Reg. Civil Engineer
Phone 730-6090

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204
Phone 838-6090
March 14, 1978

REL. AIR OFFICE
L. GORDON WOLF
Landscape Architect
Phone 838-0488

0.40 ACRES MORE OR LESS PARCEL:

Beginning for the same at a point distant 425 feet southwesterly from the extension of the southeast side of St. Thomas Drive (50 foot right of way) and the center line of Fitch Avenue (30 foot right of way) therefrom, thence binding on the southeast side of said St. Thomas Drive South 35 degrees 11 minutes West 140 feet thence South 52 degrees 30 minutes East 125 feet thence North 35 degrees 11 minutes East 140 feet thence North 52 degrees 30 minutes West 1/2 foot to the place of beginning.

Containing 0.40 Acres of land more or less.



Walter E. Hudkins
Registered Surveyor #5095

RE: PETITION FOR RECLASSIFICATION
FROM ML-IM to DR 5.5
SE 1/4 St. Thomas Drive 425'
SW of Fitch Avenue
14th District
John L. Morgereth, et ux
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 78-236-R
and
No. 78-237-R

OPINION

At the outset of this hearing it was agreed by all parties that because of the similarity of these petitions that case #78-236-R and case #78-237-R could be heard together. Likewise, the Board feels that because of similarity no clarity of its decision will be lost by combining our findings into one Opinion and Order.

This reclassification is somewhat unusual in that it involves a request by two separate property owners to have their parcels downshifted from an existing ML-IM zone to a DR 5.5 classification. In October of 1976 the County Council reclassified a relatively large area in the northeast quadrant of the Belair Road and the Baltimore Beltway, in the Fourteenth Election District, to an ML-IM classification. Included in this ML-IM classification were the properties on St. Thomas Drive. St. Thomas Drive is a small, substantially developed, residential street that runs easterly from Fitch Avenue to its terminus at the westbound Beltway ramp. The traffic from the Beltway to the north-bound lane of the Belair Road. Petitioners Exhibits #1 and #2 set out the boundaries of each property sought to be reclassified from ML-IM to DR 5.5. Petitioners Exhibit #3 is a small booklet of photographs which depict the residential character now existing on St. Thomas Drive and Fitch Avenue. It is significant to note that St. Thomas Drive does not appear on the official County zoning map; i.e., neither the 1000 scale nor the 200 scale map.

Margareth and Robe - # 78-236-R and #78-237-R

James Howell, a planner for Baltimore County, advised the Board that these properties had been zoned DR 5.5 prior to the October 1976 comprehensive rezoning. Mr. Howell expressly noted that neither the existing residences nor St. Thomas Drive itself showed on the official zoning maps. Mr. Howell further told the Board that he could find absolutely nothing in the records of the County Council which indicated that the Council knew that this residential street existed in the area that they were contemplating to reclassify to ML-IM. As an interesting aside, apparently Baltimore County itself failed to recognize the County Council's action in zoning the property industrial as on April 1st, 1977, after the adoption of the comprehensive zoning maps, one of these Petitioners was successful in having a residential rezoning issued by Baltimore County. This fact is an aside and has no bearing upon the question as to whether or not the Council acted in October of 1976 when they, in fact, rezoned this existing residential street, including both of the subject properties from existing residential classification to an industrial zone (ML-IM).

In the judgment of this Board, the testimony and evidence presented in this case clearly indicates that the County Council had no knowledge that this St. Thomas Drive existed and, in fact, was substantially developed as a stable and attractive residential street. After carefully reviewing the testimony and evidence presented, the Board is absolutely convinced that the Council simply did not know this residential street was here and, in fact, developed and utilized residentially and, therefore, erred when it zoned this substantially improved residential street in an industrial classification. For this reason, the Board will grant the requested reclassifications in each case.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day of January, 1979, by the County Board of Appeals, ORDERED that the reclassification petitioned for in case #78-236-R, be and the same is hereby GRANTED, and it is

Margareth and Robe - # 78-236-R and #78-237-R

FURTHER ORDERED, that the reclassification petitioned for in case #78-237-R, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Rafter, Jr., Chairman
Robert L. Gilland

Herbert A. Davis

Baltimore County
Office of planning and zoning
TOWSON, MARYLAND 21204
001-04-293
S. ERIC DINWIDDIE
ZONING COMMISSIONER

May 23, 1978

Mr. & Mrs. John L. Morgereth
7847 St. Thomas Drive
Baltimore, Maryland 21236

RE: Petition for Reclassification
SE 1/4 of St. Thomas Drive,
425' SW of Fitch Avenue -
14th Election District
John L. Morgereth, et ux -
Petitioners
NO. 78-236-R (Item No. 199)

Dear Mr. & Mrs. Morgereth:

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

Very Truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/jhm

Attachments

cc: Mr. John Weaver
4301 Fitch Avenue
Baltimore, Maryland 21236

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

BRIEF FOR 0.40 ACRES MORE OR LESS PARCEL:

This 140 foot Parcel is the remainder of an Estate to be divided equally between the owners' son and daughter. The reclassification of the property to ML-IM prevents this from occurring. Considering the existing dwellings in the neighborhood and their residential use; we feel an error has been made by the rezoning of this area. These existing dwellings did not show on the 1976 200 foot official zoning maps so a true evaluation could not have been made. Except for the corner lots at Belair Road and Fitch Avenue, there is only one other commercial piece, the remainder are individual dwellings in the vicinity of St. Thomas Drive and Fitch Ave. There is another property owner on the northwest corner of St. Thomas Drive and Fitch Ave. Filing because of this same error.

January 9, 1979

A. Gordon Isaacs, Jr., Esquire
31 Allagheny Avenue
Towson, Maryland 21204

Re: Case No. 78-236-R
John L. Morgereth, et ux
and
Case No. 78-237-R
John T. Robe, et ux

Dear Mr. Isaacs:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Elsenhans, Admin. Secretary

Encl.

cc: Mr. John Weaver
Mrs. Barbara Kerr Howe
Mr. and Mrs. John T. Robe
Mr. and Mrs. John L. Morgereth
John W. Hession, III, Esquire
Mr. J. J. Dyer
Mr. S. E. Dinwiddie
Mr. G. J. Martinak
Mr. L. H. Gmel
Mr. J. Howell
Board of Education

ORDER RECEIVED FOR FILING

DATE *May 23 1978*

FILED *John L. Morgereth*

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map, the

the above reclassification should be had.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of May, 1978, that the herein described property or area should be and the same is hereby reclassified from a M.L. Zone-1 M. District to a D.R. 5.5 Zone, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Benjamin J. Morgereth
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 above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1978, 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 _____ zone, and/or the Special Exception for _____ be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITIONER FOR RECLASSIFICATION
SE/5 of ST. THOMAS DRIVE
425' S. W. of FITCH AVE.
14th ELECTION DISTRICT
JOHN L. MORGERETH, ET UX-PETITIONERS
NO. 78-236-R (Item No. 199)

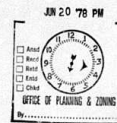
ZONING COMMISSIONER
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

APPEAL

Now comes the Protestants, John Weaver by his attorney, A. Gordon Boone, Jr., Esquire who prays that an Appeal be taken from the decision of the Deputy Zoning Commissioner in the above entitled matter. Said decision being dated May 23, 1978.

John Weaver
MR. JOHN WEAVER
4301 Fitch Avenue
Baltimore, Maryland 21236

A. Gordon Boone, Jr.
A. GORDON BOONE, JR.
31 Allegheny Avenue
Towson, Maryland 21204



RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
SE/5 of St. Thomas Drive, 425' : OF BALTIMORE COUNTY
SW of Fitch Avenue, 14th District
JOHN L. MORGERETH, et ux, Petitioners : Case No. 78-236-R

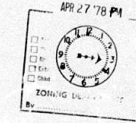
ORDER TO ENTER APPEARANCE

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.

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
496-2188

I HEREBY CERTIFY that on this 27th day of April, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. John L. Morgereth, 7847 St. Thomas Drive, Baltimore, Maryland 21236, Petitioners.



County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 984-3198

April 4, 1978

COUNCILMEN

John V. Murphy

Gary Huddles

Clarence E. Ritter

Eugene L. Kibbe, Jr.

Norman W. Lauenstein

Eugene W. Gallagher

John W. O'Rourke

Thomas Toporovich

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

Dear Mr. DiHenna:

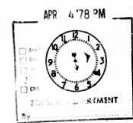
This letter will serve to advise you that the County Council, at their meeting on Monday, April 3, 1978, approved that early action is manifestly required in the public interest on the following petitions:

1. John L. and Irene M. Morgereth to change the zoning classification of their property on St. Thomas Drive from P.L.-I.M. to D.R. 5.5.
2. John T. and Elizabeth P. Boho to change the zoning classification of their property on St. Thomas Drive from R.L.-I.M. to D.R. 5.5.

Sincerely yours,
Thomas Toporovich
Thomas Toporovich
Secretary

TT:btl

CC: Leslie M. Graef



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 496-2121

LESLIE M. GRAEF
TOWSON, MD

March 17, 1978

The Honorable Eugene W. Gallagher, Chairman
Baltimore County Council
Court House
Towson, Maryland 21204

Dear Mr. Gallagher:

At its regular meeting on Thursday, March 16, 1978, the Baltimore County Planning Board, under the provisions of Subsection 22-22(1) of the Baltimore County Code 1968, as amended, unanimously approved a motion to certify to the County Council that early action is manifestly required in the public interest on the petition of John L. and Irene M. Morgereth to change the zoning classification of their property on St. Thomas Drive from P.L.-I.M. to D.R. 5.5.

After reviewing the letter from the owner and a copy of the zoning map, the Planning Board concluded that residential zoning for the subject property should have been retained on the comprehensive zoning map.

Copies of the petition and of the owner's letter are attached. Additional information will be provided upon your request. Notification of the Council's action should be made to the Zoning Commissioner so that timely actions can be taken by him in accordance therewith.

Sincerely,

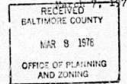
Leslie M. Graef
Leslie M. Graef, Secretary
Baltimore County Planning Board

LHG:JGH:dre

Attachments

- cc: The Honorable John V. Murphy, Councilman, First District
The Honorable Gary Huddles, Councilman, Second District
The Honorable Clarence E. Ritter, Councilman, Third District
The Honorable Eugene L. Kibbe, Jr., Councilman, Fourth District
The Honorable Norman W. Lauenstein, Councilman, Fifth District
The Honorable John W. O'Rourke, Councilman, Seventh District
Thomas Toporovich, Secretary, Baltimore County Council
Randolph S. Rosencrans, Administrative Officer

7847 St. Thomas Drive
Baltimore, Md. 21236



Mr. Arnold Fleischman
Chairman, Balto. Co. Planning Board
Courts Building
Towson, Maryland 21204

Dear Mr. Fleischman:

Attached is our application for rezoning. (see plat, etc.). It has become necessary for us to request a cycle exemption for the following reasons:

The 140 foot parcel in question is the remainder of an estate left to us which we wish to sub-divide equally between our son and daughter. Not knowing the zoning would affect the construction of another residence, our son, (John C. Kelly), already has a back-swinging residence, and now it is pending the outcome of this zoning. He also placed his present home up for sale and had to remove it from the market pending this zoning matter. Sub-contractors have already been contacted and commitments made.

The planning department, Mr. Norman Gerber, has already advised us that an error was made when the maps were drawn up. The street does not even appear on the 1976 maps; therefore, the entire, once residential area was rezoned RL-1.

Could you please present this to the county council for a vote before the March 16, 1978 meeting?

Your immediate attention and cooperation in this matter will be greatly appreciated.

Sincerely,

Mrs. Mrs. John Morgereth
Mr. & Mrs. John Morgereth

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. & Mrs. John L. Morgereth
7847 St. Thomas Dr.
Baltimore, MD 21236

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

Your Petition has been received and is accepted for filing this 28th day of March, 1978.

Eric S. DiHenna
S. ERIC DIHENNA
Zoning Commissioner

Petitioner: John L. Morgereth

Petitioner's Attorney:

CC: Haskins Associates, Inc.
181 Shell Bldg.
200 East Joppa Road
Towson, MD. 21204

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Ave.
TOWSON, MARYLAND 21204

May 3, 1978

John
Nicholas S. Commodari
Chairman

Mr. & Mrs. John L. Morgereth
7847 Saint Thomas Drive
Baltimore, Maryland 21236

RE: Reclassification Petition
Item Number 199
Petitioner - John L. Morgereth

Dear Mr. & Mrs. Morgereth:

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 suitability of the requested zoning.

Located on the southeast side of Saint Thomas Drive southwest of Fitch Avenue in the 14th Election District, this vacant property is presently zoned D.R. - I.M. and is proposed to be subdivided into two building lots. Because of the current zoning, this office was unable to prove the requested subdivision until the property was rezoned to residential (D.R. 5.5). It should be noted that if this Reclassification is granted, the required side setbacks would be ten feet on each side.

As I am sure you are aware, a similar request for Mr. John T. Rohe's property at the corner of Saint Thomas Drive and Fitch Avenue will be heard immediately following your scheduled hearing.

Mr. & Mrs. John L. Morgereth
Page 2
Item Number 199
May 3, 1978

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 S. Commodari
NICHOLAS S. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Hudkins Associates, Inc.
101 Shell Building
200 East Joppa Road
Towson, Maryland 21204

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

May 12, 1978

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

Re: Item #199 (1977-1978)
Property Owner: John L. & Irene M. Morgereth
S/W St. Thomas Dr. 425' S/W Fitch Ave.
Existing Zoning: M-38
Proposed Zoning: D.P. 5.5
Acres: 0.40 District: 14th

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.

General:

This property may be subject to review by the Joint Subdivision Planning Committee. It appears that Baltimore County Subdivision Regulations are applicable, and that a record plat is required.

Highways:

St. Thomas Drive, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. A standard type road termination is required at the end. Highway right-of-way and necessary reversible easements for slopes are required.

Soil Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damage private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #199 (1977-1978)
Property Owner: John L. & Irene M. Morgereth
Page 2
May 12, 1978

Storm Drains: (Cont'd)

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.

Water and Sanitary Sewer:

A public 4 and 8-inch water main (drawing #73-0299, File 3) and 8-inch public sanitary sewerage (drawing #75-0111, File 1) exist in St. Thomas Drive.

Very truly yours,
Ellsworth M. Diver, P.E.
ELLSWORTH M. DIVER, P.E.
Chief, Bureau of Engineering

END:JAM:FWB:SS

cc: J. Somers

V-SE Key Sheet
27 NE 20 Pcs. Sheet
NE 7 Pcs. Sheet
81 Tax Map

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 436-3311

LESLIE H. GRAFF
DIRECTOR

May 1, 1978

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

Dear Mr. DiNenna:

Comments on Item #199, Zoning Advisory Committee Meeting, March 28, 1978, are as follows:

Property Owner: John L. and Irene M. Morgereth
Location: SE/S St. Thomas Drive 425' SW Fitch Avenue
Existing Zoning: M-38 I.M.
Proposed Zoning: D.P. 5.5
Acres: 0.40
District: 14th

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 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. Wimbush
JOHN L. WIMBUSH
Planner III
Current Planning and Development

baltimore county
department of health
TOWSON, MARYLAND 21204

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

April 14, 1978

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

Dear Mr. DiNenna:

Comments on Item #199, Zoning Advisory Committee Meeting, March 28, 1978 are as follows:

Property Owner: John L. & Irene M. Morgereth
Location: SE/S St. Thomas Dr. 425' SW Fitch Ave.
Existing Zoning: M-38
Proposed Zoning: D.P. 5.5
Acres: 0.40
District: 14th

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,
Thomas H. Devlin
THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

TMD/KS/pcp

baltimore county
department of health, engineering
TOWSON, MARYLAND 21204
(301) 434-2500

STEPHEN E. COLLINS
DIRECTOR

April 17, 1978

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

Item No. 199 - SAC - March 28, 1978
Property Owner: John L. & Irene M. Morgereth
Location: SE/S St. Thomas Dr. 425' SW Fitch Ave.
Existing Zoning: M-38
Proposed Zoning: D.P. 5.5
Acres: 0.40
District: 14th

Dear Mr. DiNenna:

The special reclassification from M-38 to D.P. 5.5 should reduce the traffic problem.

Very truly yours,
C. Richard Moore
C. RICHARD MOORE
Assistant Traffic Engineer
Planning and Design

CRM/ma

baltimore county
department of health, engineering
TOWSON, MARYLAND 21204
(301) 432-7310

Paul H. Reinecke
CHIEF

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: John L. & Irene M. Morgereth

Location: SE/S St. Thomas Dr. 425' SW Fitch Ave.

Item No. 199 Zoning Agenda Meeting of 05/28/78

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 _____ 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 _____ is in violation of the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention 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 National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *St. J. Hall*
Planning Group
Special Inspection Division

Sketch and
Approved: *Chas. W. Moore*
Fire Prevention Bureau

JOHN D. SEIFERT
DIRECTOR
March 23, 1978

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

Dear Mr. DiNenna:
Comments on Item #299 Zoning Advisory Committee Meeting, March 28, 1978 are as follows:
Property Owner: John L. & Irene M. Morgereth
Location: 425 SW Fitch Ave.
Existing Zoning: ML-IM
Proposed Zoning: D.R. 5.5

Access: 0.40
District: 14th

- The items checked below are applicable:
1. A. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement, and other applicable codes.
 2. B. A building permit shall be required before construction can begin.
 3. C. Additional _____ Permit shall be required.
 4. D. Building shall be upgraded to new use - requires allocation permit.
 5. E. Three sets of construction drawings will be required to file an application for a building permit.
 6. F. 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.
 7. G. Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3' and 5' of property line.
 8. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____
 9. H. No Comment.
 10. I. Comment:

Very truly yours,
Charles E. Dumbauld
Charles E. Dumbauld
Plans Review Chief

CEJ:122

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 31, 1978

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

Z.A.C. Meeting of: March 28, 1978

RE: Item No: 199
Property Owner: John L. & Irene M. Morgereth
Location: SE/5 St. Thomas Drive 425 SW Fitch Ave.
Present Zoning: ML-IM
Proposed Zoning: D.R. 5.5

District: 14th
No. Acres: 0.40

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Rick Netzowich
W. Rick Netzowich
Field Representative

WJP/tp

JOSEPH H. MCGOWAN, PRESIDENT
V. RAYMOND WILSON, JR., VICE-PRESIDENT
MARCUS M. S. TIGHE
T. LYNN H. ROYER
WES. LORRAINE F. CHURCH
ROBERT S. HAYDEN
ALVIN LUTKECH
MAR. ALTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.M.
JOSEPH T. DUBEL, SUPERINTENDENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nicholas B. Commodari
To: Zoning Advisory Committee
Rosellen J. Plant
FROM: Industrial Development Commission
SUBJECT: #129...Property Owner: John L. & Irene M. Morgereth
Location: SE/5 St. Thomas Drive 425 SW Fitch Ave.
Existing Zoning: ML-IM
Proposed Zoning: D.R. 5.5

The Industrial Development Commission has no comment on this petition.

Rosellen J. Plant
ROSELLEN J. PLANT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Zoning Commission
Date: May 8, 1978
FROM: Rosellen J. Plant, Industrial Development Commission
SUBJECT: Item No. 129, Southeast side of St. Thomas Drive, 425 Southwest of Fitch Ave. 14th Election District - 6th Councilmanic District
Petition for Reclassification from a M.L. Zone I.M. District to a D.R. 5.5 Zone

The Industrial Development Commission is in agreement with the Baltimore County 1976 Comprehensive Zoning Map, as adopted by the County Council, except in obvious cases of change of neighborhood or technical errors in the maps.

Rosellen J. Plant
ROSELLEN J. PLANT

RJP:pk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

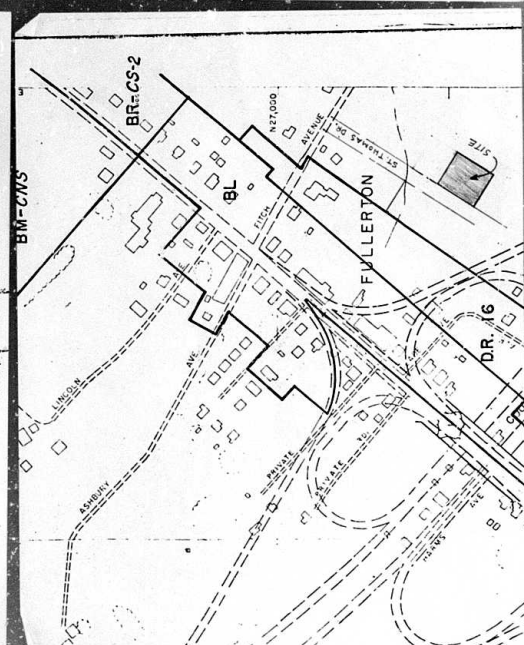
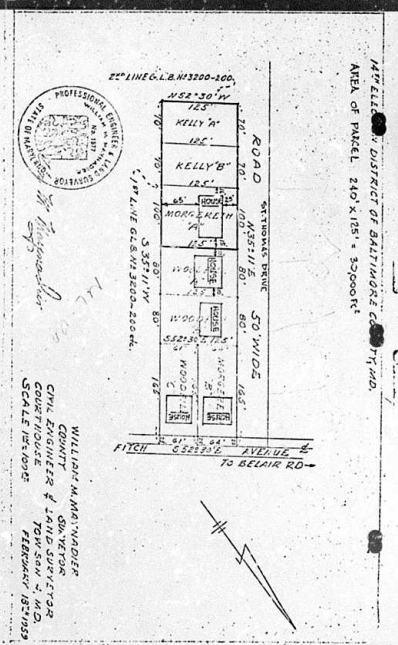
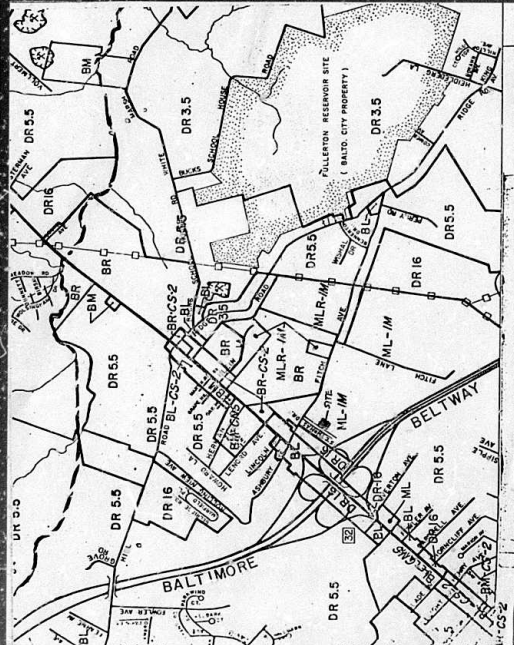
TO: S. Eric DiNenna, Zoning Commissioner
FROM: Leslie H. Groof, Director of Planning
SUBJECT: Petition for Reclassification from a M.L. Zone I.M. District to a D.R. 5.5 Zone
Southeast side of St. Thomas Drive, 425 Southwest of Fitch Avenue
Petitioner: John L. Morgereth, et ux
14 Election District - 6th Councilmanic District

HEARING: Monday, May 15, 1978 (10:00 A.M.)

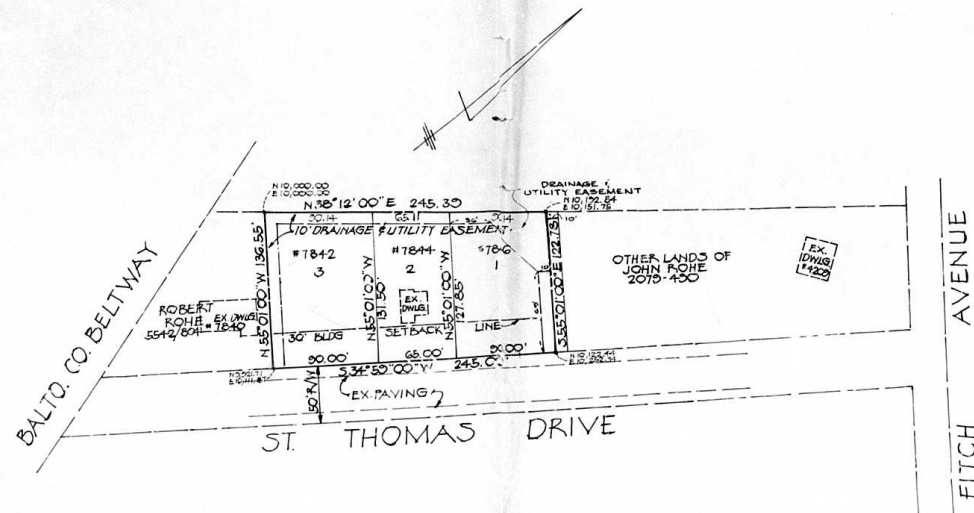
It is the opinion of this office that D.R. 5.5 zoning would be appropriate here.

Leslie H. Groof
Leslie H. Groof
Director of Planning

LHG:JGH:rw



VALIDATION OR SIGNATURE OF CASHEIR



1000 OF APPEALS
 PETITIONER'S
 EXHIBIT 4

DENSITY CALCULATIONS:

1. EX. ZONING: DA-5.5
2. GROSS AREA: 0.73 AC.
3. NET AREA: 0.73 AC.
4. ALLOWABLE GROSS DENSITY: 5.5 UPA
5. ACTUAL GROSS DENSITY: 4.1 UPA
6. NET DENSITY: 4.1 UPA
7. NO. LOTS PROPOSED: 3

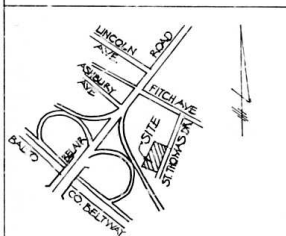
OWNER & DEVELOPER
 JOHN T. ROHE
 4222 FITCH AVE.
 BALTO. MD. 21236

EHR. JR. 41 FOLD 26

Filed for record
 Date: APR 1 1977
 Clerk:

John T. Rohe clerk

PROPERTY OF JOHN T. ROHE
 ST. THOMAS DRIVE
 ELECTION DIST. 14
 BALTO. CO., MD.
 SCALE: 1" = 50'
 JULY 17, 1976



LOCATION PLAN
 SCALE 1" = 500'

OWNER'S CERTIFICATE:

THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON, HEREBY CERTIFY THAT TO THE BEST OF HIS/ITS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 13-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

APPROVED: BALTIMORE COUNTY
 PLANNING BOARD

APPROVED:

APPROVED:

NOTE:

THE "STREETS AND OR ROADS" AS SHOWN HEREON AND THE MENTION THERE-OF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTOR'S OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

SURVEYOR'S CERTIFICATE:

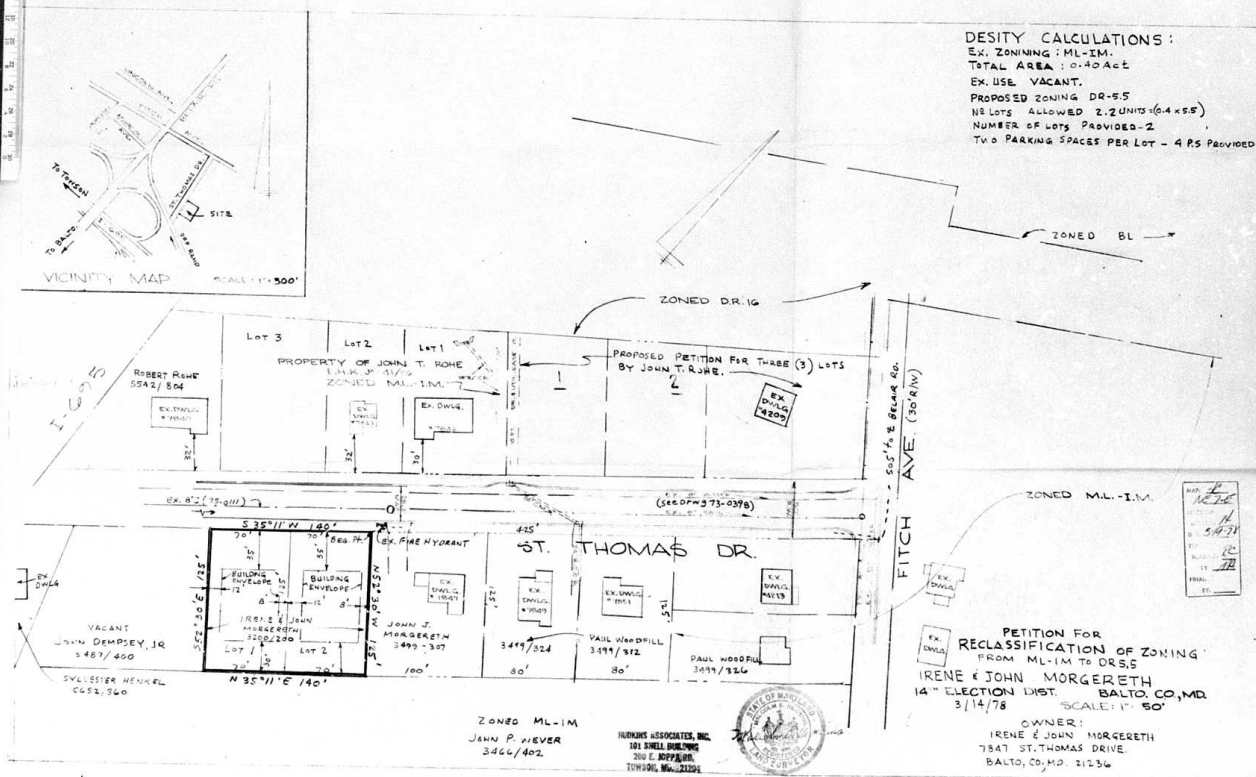
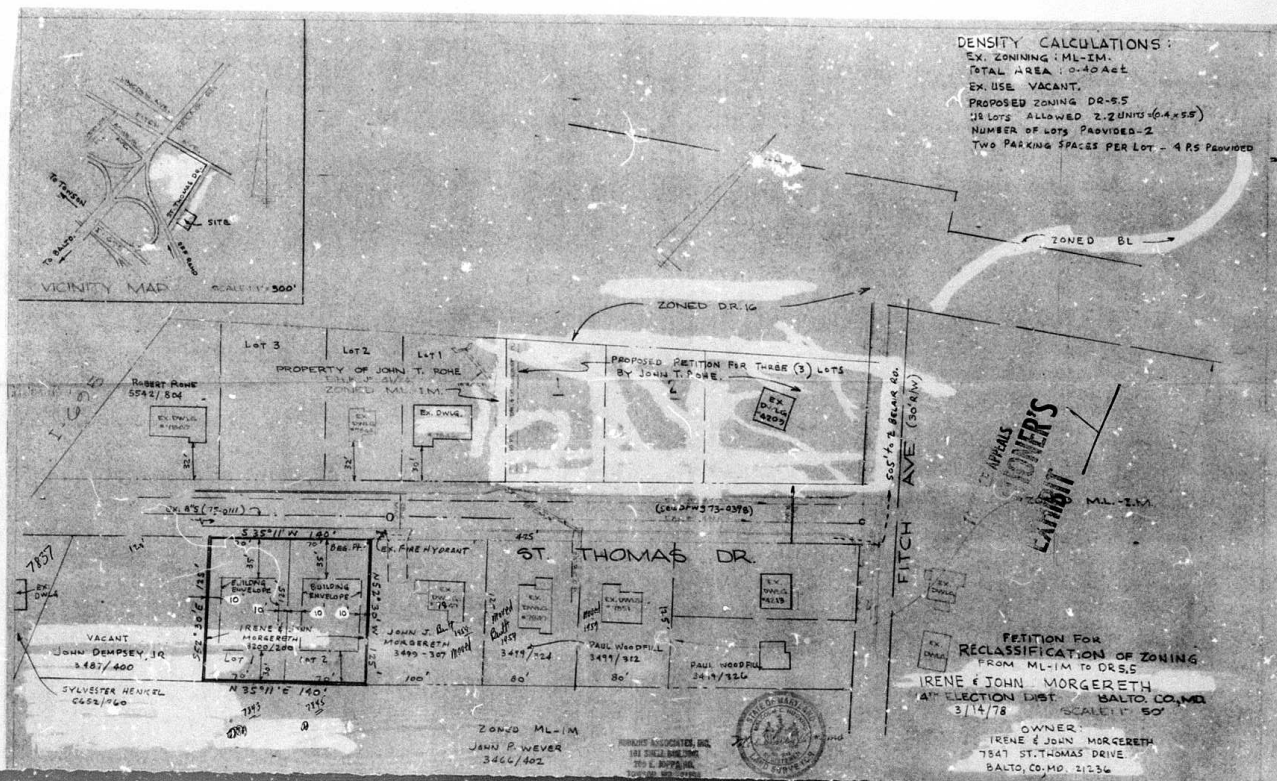
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THE PLAT HAS BEEN LAIN OUT, AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH THE SUBSECTION(C) OF SECTION 13-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

DATE:

DATE:

MALCOLM E. HUDKINS REG. NO. 5005

MALCOLM E. HUDKINS, INC.
 201 BRIDGE BUILDING
 200 E. JOFFA ROAD
 FORT LEE, MARYLAND 2104



EX. ZONING: ML-IM.
TOTAL AREA: 0.40 AC.
EX. USE VACANT.

NO LOTS ALLOWED 2.2 UNITS = (0.4×5.5)

TWO PARKING SPACES PER LOT - 4 P.S PROVIDED

TWO PARKING SPACES PER LOT - 4 PS PROVIDED

ZONED BI

ZONES D.R. 16

PROPOSED PETITION FOR THREE (3) LOTS
BY JOHN T. ROWE.

EX
DVLG
4209

(see DFW 73-0398)

ST. THOMAS DR

PETITION FOR
RECLASSIFICATION OF ZONING
FROM ML-1M TO ORS.5

IRENE & JOHN MORGERETH
14TH ELECTION DIST. BALTO. CO., MD.
3/14/78 SCALE: 1" = 50'

OWNER:
IRENE & JOHN MORGERETH
7847 ST. THOMAS DRIVE
BALTO, CO. MD 21236

ZONED ML-1M
JOHN P. WEVER
3466/402

PHILLIPS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOPPS RD.
TOLSON, MD 21154

