

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **HARRY L. SNYDER**, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an **D.R. 16** zone to an **B.L.** zone; for the following reasons:

That the County Council erred in classifying the subject property D.R. 16 on the 1976 Comprehensive Zoning Map as indicated in the Brief attached hereto and incorporated by reference herein.

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 expense 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 of Baltimore County.

Contract purchaser **HARRY L. SNYDER** Legal Owner
Address: **16 Roache Lane**
Reisterstown, Md. 21136

G. WARREN MIX Petitioner's Attorney
Address: **608 Rowley Avenue, Towson, Md. 21286**

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 197____, 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 _____ day of _____, 197____, at _____ o'clock _____ M.

George J. Martinek
Deputy Zoning Commissioner of Baltimore County.
(over)

MEMORANDUM IN SUPPORT OF RECLASSIFICATION FROM A D.R. 16 TO A B.L. ZONE

Harry L. Snyder is the legal owner of property located on the northeast side of Reisterstown Road in the Third Election District of Baltimore County. The Petitioner's property, contains 24,944 square feet or 0.5726 acres of land, more or less. The property has been zoned D.R. 16 by the 1976 Comprehensive Zoning Map of the Baltimore County Council and your Petitioner alleges that the Map is in error as this property should be zoned B.L. The property fronts 99.84 feet on Reisterstown Road between St. Thomas Lane and Garrison View Road in Oving Mills area of Baltimore County. Opposite the property is the zoning of ML-1M and MLR-1M which is composed of the Maryland Cup Company and other industrial sites. Immediately to the north of the property are three different areas of land, all of which are zoned B.L. going as far north as Painters Mill Road. As a matter of fact, opposite the Painters Mill intersection with Reisterstown Road is a shopping center in that B.L. zoning. The property immediately north of the subject site, being sought to be reclassified, is zoned B.L. and is composed of a concrete block professional building; to the south of the subject property is the area known as the Garrison House Apartments and there are existing apartment units to the rear of the property which is presently classified as D.R. 16.

There is no question that the zoning of the subject property as D.R. 16 is in error and the comprehensive Zoning Map should be zoned B.L. in order to conform with the neighborhood as it now exists. There is also public water and sewer available at this location. The Petitioner proposes to put a retail store in the existing structure on the property which would require a

parking area of six (6) spaces of which the plat attached to the petition provides that eight (8) parking spaces will be available. The addition of these parking spaces to the rear of the building will not cause any traffic problems along the Reisterstown Road corridor in view of the existing commercial and industrial uses surrounding the subject site.

There is absolutely no known construction planned, nor is there any area available for the building of individual residential dwellings in this area. The area, as it is existing, is certainly not acceptable or conducive for low density residential development and the highest possible use for this property could best be served by the granting of the subject petition. Certainly it would not provide a detriment to the surrounding property and would present a better overall use and appearance than the existing usage.

In the case of **Byson vs. Montgomery County Council**, 242 Md. 35, 1966, the Court of Appeals found that evidence of a change to be sufficient to support the action of the County Council in rezoning the subject property from a single detached residence to commercial. In that case, as in this one, the property fronted on a heavily traveled road and was surrounded by many commercial properties, not only having had commercial zoning, but there had been zoning changes for apartment use. In the case that the Petitioner is presenting, not only is there a great number of B.L. zonings in the area, but additionally lies a heavy industrial use immediately opposite the subject site. The only type of individual housing involves, very frankly, apartment dwellings to the south and rear of the subject site and this certainly in no way can be determined to be individual residential housing. Therefore, it is certainly clear that the Comprehensive Zoning Map as heretofore submitted and adopted presents an

obvious error to the zoning of the subject site. In this particular case it is not a question that the neighborhood is changing to enhance the reclassification, but, in fact, the neighborhood as it exists cries out for this type of reclassification.

For these reasons and others to be submitted at the time of the hearing your Petitioner respectfully prays that the reclassification of the subject property from a D.R.16 to a B.L. be granted.

Respectfully submitted,
Harry L. Snyder
G. WARREN MIX & FARMER
608 Rowley Avenue
Towson, Maryland 21204
825-1517

ORDER RECEIVED FOR FILING

DATE: December 15, 1978

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21286
201-586-3200

3 ELEC DIVISION
ZONING COMMISSIONER
George J. Martinek
Deputy Zoning Commissioner

December 15, 1978

G. Warren Mix, Esquire
608 Rowley Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
NE/S of Reisterstown Road, 230' SE
of St. Thomas Lane - 3rd Election
District
Harry L. Snyder - Petitioner
NO. 79-58-R (Item No. 8)

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

Very truly yours,
George J. Martinek
Deputy Zoning Commissioner

GJM:mr
Attachments
cc: Mrs. Alice LeGrande
25 Olive Lane
Owings Mills, Maryland 21117
John W. Hessian, III, Esquire
People's Counsel

PETITION FOR RECLASSIFICATION

3rd District
ZONING: From D.R. 16 to B.L.
LOCATION: Northeast side of Reisterstown Road, 230 feet Southeast of St. Thomas Lane
DATE & TIME: Monday, September 11, 1978 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Deputy Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: D.R. 16
Proposed Zoning: B.L.
All that parcel of land in the Third District of Baltimore County

Being the property of Harry L. Snyder, as shown on plat plan filed with the Zoning Department
Hearing Dates: Monday, September 11, 1978 at 10:00 A.M.
Public Hearings Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. MICHAEL MERRIN, ZONING COMMISSIONER
AND
GEORGE J. MARTINEK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Snyder and Law, Inc.

1911 Harrower Pike
Hampstead, Md. 21074
Phone: (301) 239-7744

All of that lot or parcel of land, situate, lying and being on the northeast side of Reisterstown Road, in Oving Mills, in the Third Election District of Baltimore County, Maryland, and which, according to a survey by Snyder and Law, Inc., dated February 6, 1978, is more particularly described as follows:

Beginning for the same at a pipe heretofore set on the northeast side of Reisterstown Road at the distance of 220 feet southeasterly from the centerline of Saint Thomas Lane, measured southeasterly along said Reisterstown Road, said place of beginning being also situated at the beginning of the lot which by deed dated January 10, 1978, and recorded among the Land Records of Baltimore County in Liber E.H.S., Jr. 5846 folio 75 etc. was conveyed by James G. Saffell and Robert Monroe Wheeler to Harry L. Snyder and at the end of the third line of the land which by deed of George E. Zimer et al., dated December 17, 1958, and recorded among said Land Records in Liber W.H.N. 3465 folio 36 etc. was conveyed to Gordon K. Harden and Lavene S. Harden, his wife, thence leaving said place of beginning and running with and binding on the outline of Saffell and Wheeler to Snyder and referring all courses of this description to the Grid Meridian as established by the Baltimore County Metropolitan District, the four following courses and distances:

1. S 47° 53' 33" E 99.84 feet along said northeast side of Reisterstown Road to a pipe heretofore set, thence leaving said road and running with and binding in part on the outline of "Garrison House Apartments", as laid out and shown on a plat dated October 5, 1972, and recorded among said Land Records in Plat Book E.H.S., Jr., 56 folio 15 and in part on the remainder of the property which by deed of Silver D.J. Krestell and Mary C. Krestell, his wife, dated June 27, 1941, and recorded among said Land Records in Liber C.H.K. 1175 folio 63 etc. was conveyed to William F. Chest
2. N 40° 31' 30" E 243.63 feet to a pipe heretofore set, thence still

running on the outline of said "Garrison House Apartments":
3. N 47° 53' 33" E 100.00 feet to a pipe heretofore set at the beginning of the fourth line of the land which by deed dated April 29, 1970, and recorded among said Land Records in Liber E.H.S., Jr., 544 folio 669 etc. was conveyed by Judith Pyle to Sidney Pyle, thence running with and binding in part on said fourth line and in part on said fourth line and in part on the above-mentioned third line of Zimer to Harden:
4. S 40° 31' 30" E 243.63 feet to the place of beginning.
Containing 24,944 square feet (0.5726 acres) of land, more or less.
Being the same land which by deed of James G. Saffell and Robert Monroe Wheeler, dated January 10, 1978, and recorded among the Land Records of Baltimore County, Maryland, in Liber E.H.S., Jr., 5846 folio 75 etc. was conveyed to Harry L. Snyder.

George J. Martinek
Deputy Zoning Commissioner



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 be had, and it further appearing that by reason of -----

A Special Exception for a ----- should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County this ----- day of -----, 1978, that the herein described property or area should be and the same is hereby reclassified, from a ----- zone to a ----- zone, and as a Special Exception for a ----- should be and the same is granted, from and after the date of this order.

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 failure to appear after in the official zoning board, the Reclassification should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ----- day of -----, 1978, that the herein Petition for Reclassification from a D.R.16 Zone to a S.L. Zone should be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING DATE 1/27/78

7/16/78

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER NE/S of Reisterstown Rd., 220' SE of St. Thomas Lane, 3rd District : OF BALTIMORE COUNTY HARRY L. SNYDER, Petitioner : Case No. 79-58-R

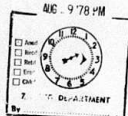
ORDER TO ENTER APPEARANCE

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.

Peter Max Zimmerman, John W. Hession, III, Peter Max Zimmerman, John W. Hession, III, Deputy People's Counsel, County Office Building, Towson, Maryland 21204, 494-2188

I HEREBY CERTIFY that on this 9th day of August, 1978, a copy of the foregoing Order was mailed to G. Warren Mix, Esquire, 608 Busley Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III, John W. Hession, III



Case No. 79-58-R (Item No. 8) Harry L. Snyder NE/S of Reisterstown Rd., 220' SE of St. Thomas Lane - 3rd District

- 1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting - sign
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance, John W. Hession, III
9. Copy of Order - Zoning/Deputy Zoning Commissioner
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits to
17. Petitioner's Exhibits to
18. Letter of Appeal

Warren Mix, Esquire, 608 Busley Avenue, Towson, Maryland 21204, Attorney for Petitioner
Mr. Harry L. Snyder, 16 Beach Lane, Reisterstown, Md., Petitioner
Mrs. Alice LeGrande, 25 Olive Lane, Owings Mills, Maryland 21117, Protestants
John W. Hession, III, Esquire, People's Counsel
James E. Dyer, Request Notification

494-3180
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 1, 1979
Warren Mix, Esq.
608 Busley Avenue
Towson, Md. 21204
Re: Reclassification Petitions
Case #79-58-R - Harry L. Snyder
Dear Mr. Mix:
Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearings on reclassification petitions will be held until the petitioners advise the Board as to their intention within the purview of this act.
Your prompt reply is necessary.
Very truly yours,
Walter A. Reiter, Jr., Chairman
WAR: Enclosure: Bill 122-78
cc: Mr. Harry L. Snyder
Mrs. Alice LeGrande
John W. Hession, III, Esq.
Mr. S. E. DiNenna
Mr. George Michinek
Mr. James Dyer
Mr. Leslie Graef
FEB 2 79 PM
ZONING DEPARTMENT

G. Warren Mix, Esquire
608 Busley Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Reclassification, NE/S of Reisterstown Rd., 220' SE of St. Thomas Lane 3rd District, Harry L. Snyder - Petitioner, Case No. 79-58-R

TIME: 10:00 A.M.

DATE: Monday, September 11, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Deputy Zoning Commissioner of BALTIMORE COUNTY

G. Warren Mix, Esquire
608 Busley Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Reclassification, NE/S of Reisterstown Rd., 220' SE of St. Thomas Lane 3rd District, Harry L. Snyder - Petitioner, Case No. 79-58-R

TIME: 10:00 A.M.

DATE: Tuesday, December 12, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Zoning Commissioner of BALTIMORE COUNTY

cc: Mrs. Alice LeGrande
25 Olive Lane
Owings Mills, Md. 21117

TURNBULL MIX & FARMER
608 BUSLEY AVENUE
TOWSON, MARYLAND 21204

JOHN GRANT TURNBULL II, G. WARREN MIX, JAMES W. FARMER, JOHN W. HESSON III, CARROLL COUNTY OFFICE, 40 EAST MAIN STREET, WESTMINSTER, MARYLAND 21157

January 15, 1979

Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification
NE/S of Reisterstown Road, 220' SE
of St. Thomas Lane - 3rd Election District
Harry L. Snyder - Petitioner
No. 79-58-R (Item No. 8)

Dear Commissioner:

Please enter the Appeal on behalf of the Petitioner from the decision of the Deputy Zoning Commissioner in the above-referenced case rendered on December 15, 1978.

Please forward all records and documents to the Board of Appeals of Baltimore County.

Very truly yours,
TURNBULL, MIX & FARMER

G. Warren Mix

cc: Board of Appeals



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
301-96-3283
S. ERIC DINENNA
ZONING COMMISSIONER
January 26, 1979
Mrs. Alice LeGrande
25 Olive Lane
Owings Mills, Maryland 21117
RE: Petition for Reclassification
SE/S of Reisterstown Rd., 220' SE of St. Thomas
Lane - 3rd District
Harry L. Snyder - Petitioner
No. 79-58-R (Item No. 8)
Dear Mrs. LeGrande:
Please be advised that an appeal has been filed by G. Warren Mix, Esquire
in behalf of Harry L. Snyder from the decision rendered by the Deputy Zoning
Commissioner of Baltimore County in the above referenced matter.
You will be notified of the date and time of the appeal hearing when it is
scheduled by the Baltimore County Board of Appeals.
Very truly yours,
S. ERIC DINENNA
Zoning Commissioner
S.E.D./w
cc: John W. Hession, III, Esquire
People's Counsel

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 14, 1980

Warren Mix, Esq.
608 Bosley Avenue
Towson, Md. 21204

Re: Harry L. Snyder
Case No. 79-58-R

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

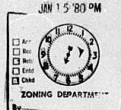
Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holman
June Holman, Secretary

Encl.

cc: Mr. Harry L. Snyder
Mrs. Alice LeGrand
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. G. Howell
Board of Education



RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 16 to B.L. Zone : CIRCUIT COURT
NE 1/2 of Reisterstown Road, 220' SE of :
St. Thomas Lane : FOR
3rd District : BALTIMORE COUNTY
Harry L. Snyder, Petitioner :
File No. 79-58-R : AT LAW
John W. Hession, III, Esq. : Misc. Docket No. 12
People's Counsel for Baltimore County, :
Appellant : Folio No. 67
: File No. 701

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., LeRoy B. Spurrier, and Patricia Millhouser, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Warren Mix, Esq., 608 Bosley Avenue, Towson, Maryland 21204, Counsel for the Petitioner; Mr. Harry L. Snyder, 16 Roache Lane, Reisterstown, Maryland 21136, Petitioner; Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland 21117, Protestant; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holman
June Holman
County Board of Appeals of Baltimore County
Rm. 219 Court House, Towson, Md. 21204
Telephone: 494-3180

Harry L. Snyder
File No. 79-58-R

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Warren Mix, Esq., 608 Bosley Avenue, Towson, Maryland 21204, Counsel for the Petitioner; Mr. Harry L. Snyder, 16 Roache Lane, Reisterstown, Maryland 21136, Petitioner; Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland 21117, Protestant; and John W. Hession, III, Esq., County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, People's Counsel for Baltimore County, Appellant, on this 14th day of January, 1980.

June Holman
June Holman
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
from D.R. 16 to B.L. Zone : COUNTY BOARD OF APPEALS
NE 1/2 of Reisterstown Road, 220' SE of :
St. Thomas Lane : OF
3rd District : BALTIMORE COUNTY
Harry L. Snyder, Petitioner :
: No. 79-58-R

OPINION

The subject property is located on the northeast side of the Reisterstown Road approximately 220 feet southeast of St. Thomas Lane, in the Third Election District of Baltimore County. This property is rectangular in shape and is now improved by a one and one-half story frame house. The subject lot has approximately 100 feet of frontage on the northeast side of Reisterstown Road and contains approximately 0.5726 acres. The Petitioner seeks a reclassification from an existing D.R. 16 Zone to a B.L. Zone.

The Petitioner first testified on his own behalf telling the Board that he purchased the property in January of 1978. If successful in this petition, he wishes to operate a craft shop from the existing subject house. The Petitioner described the surrounding neighborhood to the Board. Immediately across the Reisterstown Road from subject property is the large industrial Maryland Cva complex. South of this large industrial plant is the new proposed St. Thomas Shopping Plaza. Immediately to the south and rear of the subject property are the Sandalwood Garden Apartments. To the north of the subject property along the Reisterstown Road and at the corner of St. Thomas Lane is an existing professional building which is used for several small retail uses as well as office uses. The zoning of this parcel immediately joining the north side of the subject property is B.L. The other surrounding zonings are set out on a two hundred scale photogrammetric map NW 11 H, which is part of the file in the subject case. The subject site is outlined in red on this exhibit.

A registered land surveyor and a real estate expert also offered testimony on behalf of the Petitioner. The real estate expert told the Board that in his judgment the Council erred in 1976 when they did not zone the subject property B.L. This witness pointed

Harry L. Snyder, Petitioner
Case No. 79-58-R

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out that the subject property is an ideal small retail type parcel to exist between the professional building located at the corner of St. Thomas Lane and the large existing garden type apartment complex at Sandalwood which abuts the south and east sides of the subject property. This witness pointed out to the Board that any reuse of the subject property would cause the slope at the Reisterstown Road frontage to be cut back and hence, add the sight distance for ingress and egress from the subject property. This witness discussed new enabling legislation which, if appropriate, would allow the Board to place restrictions on the B.L. zoning if same were to be granted in the subject instance.

The People's Counsel offered three witnesses. The first witness was a highway engineer for the State Highway Administration and he described the sight distances from the subject property along the Reisterstown Road. This witness cited for the Board stopping distances at various speeds and commented upon the speeds in front of the subject property. He had made no specific studies as same might pertain to the subject site, but spoke generally from his experience. Frankly, from the Board's own personal knowledge, it found some of the speeds reported to be accomplished in front of the subject property hard to believe. It led the Board to wonder about this witness' familiarity with the specific subject site. From personal experience, the Board is aware of the heavy industrial and retail uses in the subject area which from sheer volume prevent high speeds along this portion of the Reisterstown Road during daylight and evening hours.

Mr. James Howell, a well recognized planner in the employ of the Baltimore County Department of Planning, offered testimony. Mr. Howell stated that in a pure academic sense, he found it hard to cite error in the subject case. However, if the reclassification of the subject property was granted subject to certain restrictions, some B.L. uses at the subject property could well serve this area and be within the tenets of good planning. Mr. Howell stated that the new law allowing restrictions with reclassifications

Harry L. Snyder
Case No. 79-58-R

3.

as helpful in getting specific uses, particularly for older properties such as in the subject instance. On cross-examination, Mr. Howell noted that the subject property was the only single family residence for some distance both northerly and southerly along the Reisterstown Road.

Mr. C. Richard Moore, a traffic engineer with Baltimore County, cited trip generations that could be anticipated from various uses of the subject property. Mr. Moore's statistics were based upon average B.L. uses and average D.R. 16 uses. Mr. Moore cited delay in passing through the Reisterstown Road-Painters Mill Road intersection, and noted that the Rosewood Lane intersection was now operating at level E.

The Board has carefully reviewed the testimony and evidence offered in the subject case, finding the most helpful testimony coming from the Petitioner, Mr. Horn, the Petitioner's real estate expert, and Mr. Howell, the Baltimore County planner. If the Petitioner is to be successful, he must evidence to the Board, error by the County Council when, in the 1976 comprehensive rezoning process, they zoned the subject property D.R. 16 instead of B.L. Absent the Board's new found legislative authority for restricting reclassification petitions, the Board doubts very seriously if the Petitioner has carried this burden. Then the question arises as to whether or not the Board can couple this new legislative authority with its review and consideration of the Council's actions on the 1976 comprehensive rezoning process. To the Board, the logical answer to this question must certainly be yes. Since the County Council by the passage of this enabling legislation wishes the Board to have the authority to restrict reclassification petitions, it most certainly must follow that the Board is to review the 1976 comprehensive rezoning process as if same can now be classified into a certain utilization with restrictions placed upon such utilization in any particular zoning classification. Considering the uses surrounding the subject property at the time of the adoption of the Comprehensive Zoning Maps in 1976, the County Council obviously

Harry L. Snyder
Case No. 79-58-R

4.

placed the D.R. 16 zoning on the subject property with the intention that it might be available for office use with a special exception. Because of the development and type of utilization on all sides of the subject property in 1976, there existed no likelihood that the subject property would or should continue as a single family residence. Likewise, because of the small size of the subject property and the fully developed nature of the contiguous properties, there was no likelihood that the subject property would be redeveloped for eight or so apartment units as would be permitted from a residential use standpoint in the D.R. 16 zoning. The ability to restrict reclassification in many respects is similar to the review that the Board would normally give to a request for a special exception. Specifically considering the subject petition with restrictions that the existing residence be utilized and no further additions or expansions be allowed, there is little or no difference in the impact of such utilization on the surrounding neighborhood than would be from the utilization of the subject property under special exception for offices in the existing D.R. 16 zone. All of the witnesses that addressed this implication agreed to the above.

For the reasons set out above, the Board will grant the requested reclassification subject to restrictions. An Order to this effect follows hereafter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of December, 1979, by the County Board of Appeals, ORDERED that the reclassification from D.R. 16 to B.L. petitioned for on the 0.5726 acre parcel, be and the same is hereby GRANTED, subject to the following restrictions:

- 1. The business use at the subject property shall be restricted to utilization of the existing one and one-half story frame house.

Harry L. Snyder
Case No. 79-58-R

5.

- 2. No additional improvements or expansion shall be allowed to the existing subject house nor elsewhere on the subject parcel.
 - 3. The existing outbuildings at the subject property may be utilized for storage but may not be used in any manner whatsoever for retail use and/or activity.
 - 4. If the existing outbuildings at the subject property are removed same may not be replaced with like kind or otherwise, even for storage use only.
 - 5. Any reuse of the subject property is subject to site plan approval by the Office of Planning and Zoning, particularly with respect to ingress and egress to the Reisterstown Road.
- 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. Reiter, Jr.
Walter A. Reiter, Jr., Chairman
LeRoy B. Spurrier
LeRoy B. Spurrier
Patricia Millhouser
Patricia Millhouser

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

G. Warren Mix, Esquire
608 Bosley Avenue
Towson, Maryland 21284
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 1st day of May, 1978

Signature of S. Eric DiNenna

S. ERIC DINENNA
Zoning Commissioner

Petitioner: Harry L. Snyder
Petitioner's Attorney: G. Warren Mix
Reviewed by: Nicholas B. Commodari

cc: Snyder and Law, Inc.
Surveyors
1911 Hanover Pike
Hamstead, Maryland 21074

Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

May 1, 1978

G. Warren Mix, Esquire
608 Bosley Avenue
Towson, Maryland 21204

- MEMBERS
Nicholas B. Commodari
Chairman
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Busing Administration
Industrial Development

RE: Cycle III
Reclassification Petition
Item Number 8
Petitioner - Harry L. Snyder

Dear Mr. Mix:

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.

Located on the northeast side of Reisterstown Road southeast of Saint Thomas Lane in the 3rd Election District, the subject property is currently zoned D.R. 16 and is improved with a frame dwelling, garage and shed in the rear. To the southeast and east of this site is an apartment development, zoned D.R. 16, while an individual dwelling and the Maryland Cup Corporation, zoned M.I.R., exist directly opposite this site.

Because of your client's proposal to convert the existing dwelling to retail sales, this Reclassification is required. At the time of field inspection and as indicated in the comments of the State Highway Administration it was the feeling of this Committee that the adequacy

G. Warren Mix, Esquire
Page 2
Item Number 8
May 1, 1978

of the view from the driveway looking southeast along Reisterstown Road was questionable. The submitted site plan must be revised to reflect the comments from the State Highway Administration and the Office of Current Planning and Development concerning the width of the driveway and screening, as well as the existing septic system, the provisions for accommodating storm water or drainage, the square footage of the existing building, and the proposed uses of the garage and shed.

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 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. 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, 1978 and October 15, 1978 will be forwarded to you well in advance.

Very truly yours,

Signature of Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rjf

cc: Snyder and Law, Inc.
Surveyors
1911 Hanover Pike
Hamstead, Maryland 21074

baltime county department of public works
TOWSON, MARYLAND 21204
THORNTON M. MOURIK, P.E. DIRECTOR
April 20, 1978
Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Re: Item #8 (Cycle III, April-October 1978)
Property Owner: Harry L. Snyder
N/ES Reisterstown Rd. 220' S/E St. Thomas Lane
Existing Zoning: D.R. 16
Proposed Zoning: B.L.
Acre: 0.5726 District: 3rd
Dear Mr. DiNenna:
The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.
Highways:
Reisterstown Road (Md. 140) 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 right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.
Settlement Control:
Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.
Storm Drainage:
Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.
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.

Item #9 (Cycle III April-October 1978)
Property Owner: Harry L. Snyder
Page 2
April 20, 1978
Water and Sanitary Sewer:
The submitted plan, per Note 6, states "existing public service" regarding both water and sanitary sewer for this property. Office records reviewed, indicate connection of this property to the public water main, but not to public sanitary sewerage. The private means of sewage disposal are not shown on the submitted plan.
There is a public 16-inch water main in Reisterstown Road (drawing #36-0280, File 3). Additional fire hydrant protection is required in the vicinity.
There is public 8-inch sanitary sewerage in St. Thomas Lane at Reisterstown Road (drawing #67-0282, File 1). There is also private sanitary sewerage (septic) serving the Garrison House Apartments, east and south of this property.
A public sanitary sewer extension, approximately 350 feet in length, southerly from the existing sanitary sewer in St. Thomas Lane is required to serve this property.
Very truly yours,
Signature of Elizabeth H. Dwyer, P.E.
ELIZABETH H. DWYER, P.E.
Chief, Bureau of Engineering

Maryland Department of Transportation
STATE HIGHWAY ADMINISTRATION
N.S. Caltrider
Administrator
April 19, 1978
Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari
Re: Zoning Cycle III, April 1978
Item: 8
Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Road
(Rte. 140) 220' SE St. Thomas Lane
Existing Zoning: D.R. 16
Proposed Zoning: B.L.
Acre: 0.5726
District: 3rd
Dear Mr. DiNenna:
The entrance must have a minimum width of 25', however, a 30' width is recommended. The frontage of the site must be improved with curb and gutter. The curb is to be 28' from the centerline of highway.
Stopping sight distance along the frontage is undesirable due to the vertical alignment of the highway and due to the bank fronting the subject and adjacent site.
Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Meyers

baltime county office of planning and zoning
TOWSON, MARYLAND 21204
300-84-2111
LESLIE H. SHAFER
DIRECTOR
April 21, 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 #8, Zoning Cycle III, April 1978, are as follows:
Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Road 220' SE St. Thomas Lane
Existing Zoning: D.R. 16
Proposed Zoning: B.L.
Ac.: 0.5726
District: 3rd
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.
The driveway must be increased to a standard commercial width and carried through to the parking area. Screening must be provided to screen the parking area from adjacent residential premises.
Very truly yours,
Signature of John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

April 13, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
First Floor, County Office Building
Towson, Maryland 21284

Re: Item #8 - ZAC - Cycle 3 - April, 1978
Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Rd. 220' SE St. Thomas Lane
Existing Zoning: D. R. 16
Proposed Zoning: R. L.
Acres: 0.5726
District: 3rd

Dear Mr. DiMenna:
The subject petition is requesting a change from D. R. 16 to R. L. of .57 acres.

This should increase the trip density from 70 to 250 trips per day. Any increase in trip density in this area is undesirable due to the congestion problems which now exist along Reisterstown Road.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRN/baa

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

April 21, 1978

Mr. S. Eric DiMenna
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. DiMenna:

Comments on Item #8, Zoning Advisory Committee Meeting for Cycle III, are as follows:

Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Rd. 220' SE St. Thomas Lane.
Existing Zoning: D.R. 16
Proposed Zoning: R.L.
Acres: 0.5726
District: 3rd

Metropolitan water and sewer are available, therefore no health hazards are anticipated. An existing individual sewage disposal system must be properly abandoned.

If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,

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

TMD/ES/ths

cc: J. J. Dieter

Paul H. Beitske
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21284

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Harry L. Snyder

Location: NE/S Reisterstown Rd. 220' SE St. Thomas Lane.

Item No. 8 Zoning Agenda Cycle III

Comments:

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.
- () 4. The site shall be made to comply with all applicable parts of the Fire Excavation Code prior to occupancy or beginning of operations.
- (x) 5. The building and structure 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.

EVIDENCE: *H. J. [Signature]* Noted and Approved: *[Signature]*
Planning Bureau Special Inspection Division Fire Prevention Bureau

YOUNG STEVART
DIRECTOR

April 6, 1978

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. DiMenna:

Comments on Item #8, Zoning Advisory Committee Meeting, are as follows:
Property Owner: Snyder and Law Inc.
Location: Reisterstown Road near Garrison View Road
Existing Zoning: D.R. 16
Proposed Zoning: R.L.

Acres: 0.5726
District: 3rd

- The items checked below are applicable:
- X 1. Structures shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the 1970 Edition and any and other applicable codes.
 - X 2. A building permit shall be required before construction can begin.
 - X 3. Additional _____ permits shall be required.
 - X 4. Building shall be upgraded to new use - require alteration permit.
 - X 5. Three sets of construction drawings will be required to file an application for a building permit.
 - X 6. 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.
 - X 7. 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.
 - X 8. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
 - X 9. No comment.
 - X 10. Comment: See Section 905.6J and 905.7I of Building Code 1970 Edition and the 1971 supplement for fire protection requirements.

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

CRN/j

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21284

Date: April 24, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21284

Z.A.C. Meeting of: Cycle III

RE: Item No: 8
Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Rd. 220' SE St. Thomas Lane
Present Zoning: D.R. 16
Proposed Zoning: R.L.

District: 3rd
No. Acres: 0.5726

Dear Mr. DiMenna:
No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

NSW/tp

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Nicholas B. Commodari, Zoning Date: April 18, 1978

FROM: Rosellen J. Plant, Industrial Development Commission

SUBJECT: No. 3 Property Owner: Harry L. Snyder
Location: NE/S Reisterstown Rd, 220' SE St. Thomas Lane.
Existing Zoning: D. R. 16
Proposed Zoning: B. L.

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

Rosellen J. Plant
ROSELLEN J. PLANT

RJP:pk

