

79-184-XA **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gerald D. Hollenbaugh, legal owner, of the property situated 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 hereby described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an NR zone to an NR zone for the following reasons:

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

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, etc., upon filing of this petition, and further agree to and are to be bound by the zoning laws and regulations of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Sylvester Shanklin Gerald D. Hollenbaugh
Robert W. Chesney John W. Heslin, III
Deputy People's Counsel Deputy People's Counsel
Contract purchaser Legal Owner
Address: 11118 Reisterstown Road Address: 11118 Reisterstown Road
Offices Mills, Maryland 21117 Offices Mills, Maryland 21117
356-1855
Post MD 21136
Petitioner's Attorney Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1979, 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 25th day of February, 1979, at 10:15 o'clock A.M.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

79-184-XA **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gerald D. Hollenbaugh, legal owner, of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B .02.21, (V.B.2) to permit side setbacks of 17' and 6' instead of the required 25' (DB. 16)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: Difficultie handling or practical difficulty
To utilize existing setbacks

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

Sylvester Shanklin Gerald D. Hollenbaugh
Robert W. Chesney John W. Heslin, III
Deputy People's Counsel Deputy People's Counsel
Contract purchaser Legal Owner
Address: 11118 Reisterstown Road Address: 11118 Reisterstown Road
Offices Mills, Maryland 21117 Offices Mills, Maryland 21117
356-1855
Petitioner's Attorney Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 1979, 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 25th day of February, 1979, at 10:15 o'clock A.M.

Eric D. Nenna
Zoning Commissioner of Baltimore County.

RE: PETITION FOR SPECIAL EXCEPTION for a Day Care Center in a D.R. 16 Zone;
PETITION FOR VARIANCES SW/S of Reisterstown Rd., 300' NW of High Falcon Rd., 4th District
GERALD D. HOLLENBAUGH, et al, Petitioners
Case No. 79-184-XA (Item 82)

ORDER FOR APPEAL

Mr. Commissioner:
Please note on appeal from the decision of the Zoning Commissioner in the above entitled matter, under date of February 28, 1979, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Heslin, III
Deputy People's Counsel
John W. Heslin, III
Deputy People's Counsel
Address: 11118 Reisterstown Road
Offices Mills, Maryland 21117
356-1855

I HEREBY CERTIFY that on this 27th day of March, 1979, a copy of the foregoing Order was mailed to Mr. and Mrs. Gerald D. Hollenbaugh, 11418 Reisterstown Road, Owings Mills, Maryland 21117, Petitioners; Mrs. Nancy Shanklin, 327 High Falcon Road, Reisterstown, Maryland 21136, Contract Purchaser; Mr. Robert W. Chesney, Vice-President, HSC Engineering Corporation, 1830 York Road, Timonium, Maryland 21093; and Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland 21117.

John W. Heslin, III
Deputy People's Counsel



Baltimore County, Maryland
PEOPLE'S COUNSEL
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

JOHN W. HESLIN, III
Deputy People's Counsel
Deputy People's Counsel

March 27, 1979

Mr. Robert W. Chesney
Vice-President
HSC Engineering Corporation
1830 York Road
Timonium, Maryland 21093

RE: GERALD D. HOLLENBAUGH, et al, Case No. 79-184-XA (Item 82)

Dear Mr. Chesney:

In reference to your letter of March 20, 1979 to Mr. Michael Flanigan regarding the above Petition for Special Exception, I am writing to indicate that the procedure will be somewhat revised from your understanding. Because of the necessity to file an appeal within thirty days, this office formally must file such appeal in order to retain effective control in the case.

The only reason for the appeal, however, as I indicated to you would be the necessity to revise the plot plan as you have agreed to do. Once that plan is prepared and reviewed in the satisfaction of the Traffic Engineering Department, we would make the necessary steps to have the Board of Appeals affirm the granting of the Special Exception, with the revised plan.

Therefore, as soon as the plan is submitted to Mr. Flanigan for review and approval, we can coordinate on disposing of the case. While an appeal is necessary, I would hope that the preparation of the revised plan would facilitate a reasonably prompt and mutually satisfactory disposition of the case.

Very truly yours,
Eric D. Nenna
Deputy People's Counsel

cc: Michael Flanigan; Mr. and Mrs. Gerald D. Hollenbaugh; Mrs. Nancy Shanklin; Mr. Alice LeGrand.
PWZ:sh
Enclosure

HSC ENGINEERING CORP.

ARCHITECTS - ENGINEERS - SURVEYORS
1830 YORK ROAD, TOWSON, MARYLAND 21204
PHONE (301) 253-7778

March 20, 1979

RE: Item No. 82
Petitioner - Hollenbaugh's
Special Exception Petition

Dear Mr. Flanigan:

This letter is to confirm our phone conversation of 3/19/79 concerning the traffic comments on the above subject Item No. 82.

As per our talk, we will revise the plot plan and provide an additional 12 foot wide paved lane on the north side of the 20 foot wide private lane to provide a safe unloading/loading lane for the day care center. The new lane will begin at approximately the point of intersection of the concrete wall with the 20 foot lane and shall extend past the parking lot before turning back onto the 20 foot lane.

It is our understanding that by providing this additional unloading area out and away from the flow of traffic on the 20 foot private lane that this will satisfy the concern for an unloading area.

We have informed Mr. Zimmerman, Deputy People's Counsel, of our talk with you on this problem and its solution. He requested a copy of this letter, and told us this copy would alleviate any necessity to file an appeal in this case.

If you should have any questions concerning any of the above please don't hesitate to call our office.

Very truly yours,
HSC ENGINEERING CORPORATION

Robert W. Chesney
Vice-President

RM:mr

cc: Mr. Peter M. Zimmerman

Mrs. Nancy Shanklin

May 17, 1979

Joy Fred Cohen, in-charge
22 Old Court Executive Park
3701 Old Court Road
Baltimore, Maryland 21208

Dear Mr. Cohen:

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

Very truly yours,

Edith T. Eisenhart, Admin. Secretary

Encl.

cc: Mr. and Mrs. Gerald D. Hollenbaugh
Ms. Naufika Shanklin
John W. Heslin, III, People's
Thomas J. Gallinger, Esquire
Mr. Charles C. Dwyer
Mr. Steven S. Koven
Mrs. Alice LeGrand
Mr. J. E. Dyer
Mr. L. H. Gress
Mr. J. Howell
Board of Education

HSC ENGINEERING CORP.

ARCHITECTS - ENGINEERS - SURVEYORS
1830 YORK ROAD, TOWSON, MARYLAND 21204
PHONE (301) 253-7778

SURVEYOR'S DESCRIPTION
OF PROPERTY AT 11418 REISTERSTOWN RD.
BALTIMORE COUNTY, MD

BEGINNING for the same at a pipe set on the west side of Reisterstown Road 500' Northwest of High Falcon Road, and running thence south 52 degrees 45 minutes west 250 feet and blinding on the second line of the lot described in a deed from Charles C. McColgan to Albert M. Holt dated January 25, 1939, and recorded among the Baltimore County Land Records in Liber C.M.B.R. No. 1051, folio 340, to an iron pipe thence blinding on part of the third line of the lot in the aforementioned deed north 36 degrees 25 minutes west 70 feet to a pipe thence north 52 degrees 45 minutes east 250 feet to a pipe on the west side of Reisterstown Road and thence blinding on the west side of said road and on the first line of the lot in said deed south 36 degrees 25 minutes east 70 feet to the beginning with the right to use in common with others the 20 foot lane adjoining to the south of said property. The improvements thereon being known as No. 11418 Reisterstown Road.



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 69-3253

ERIC DINENIA
ZONING COMMISSIONER

February 28, 1979

Mr. & Mrs. Gerald D. Hollenbaugh
11418 Reisterstown Road
Owings Mills, Maryland 21117

RE: Petitioners for Special Exception and Variance
SW/S of Reisterstown Road, 500' NW of High Falcon Road - 4th Election District
Gerald D. Hollenbaugh, et al - Petitioners
NO. 79-184-XA (Item No. 92)

Dear Mr. & Mrs. Hollenbaugh:

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

Very truly yours,
S. ERIC DINENIA
Zoning Commissioner

SED:mr

Attachments

cc: Mrs. Alice LeGrand
25 Olive Lane
Owings Mills, Maryland 21117

Ms. Naufika Shanklin
327 High Falcon Road
Owings Mills - Maryland - 21117

Miss Eve Smith
Day Care Coordinator
Department of Health

Battalion Chief Errol Markowitz
Fire Department

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

ORDER RECEIVED FOR FILING
DATE 1/29/79

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, that the herein Petition for Variance(s) to permit side yard setbacks of 17 feet and 6 feet in lieu of the required 25 feet should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, the Department of Health, the Fire Department, and the Office of Planning and Zoning.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, that the herein Petition for Special Exception for a day care center should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, the Department of Health, the Fire Department, and the Office of Planning and Zoning. Said Special Exception must be utilized within five years or become null and void.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, 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... and/or the Special Exception for... and the same is hereby DENIED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, 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... and/or the Special Exception for... and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 1/29/79

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, that the herein Petition for Variance(s) to permit side yard setbacks of 17 feet and 6 feet in lieu of the required 25 feet should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, the Department of Health, the Fire Department, and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1979, that the herein Petition for the Variance(s) to permit...

Zoning Commissioner of Baltimore County

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
I, the undersigned, being the owner of the property situated in Baltimore County, the property outline of which is shown on the attached map, hereby make application to you for a Special Exception and or Special Permit for a Day Care Center.

THE PROPERTY IS EXPECTED TO BE USED AS FOLLOWS:

GROSS SITE AREA 17,500 DEED REF. EHK Nr 5477 Folio 277

GRADING 100% % OF OVERALL SITE WILL REQUIRE GRADING

BUILDING SIZE EXISTING AREA 862 Sq. Ft. EXISTING

MAISON OF FLOORS 2 TOTAL HEIGHT 24'2" EXISTING

FLOOR AREA RATIO TOTAL FLOOR AREA DIVIDED BY SITE AREA = .098

1724

BUILDING USE 862 x 2 = 17,500 = .098

GROUND FLOOR Day Care OTHER FLOORS

2nd Floor Day Care Offices

REQUIRED NUMBER OF PARKING SPACES

GROUND FLOOR 4 OTHER FLOORS 0 TOTAL 4

PROVIDING

AREA OF SITE TO BE PAVED TO ACCOMMODATE REQUIRED PARKING SPACES = 612 Sq. Ft.

(PAVED AREA MAY BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 300)

UTILITIES EXISTING 20 FT. PAVED LAINE ALONG FULL LENGTH OF SOUTH SIDE OF PROPERTY

WATER: PUBLIC PRIVATE, TYPE OF SYSTEM

SEWER: PUBLIC PRIVATE, TYPE OF SYSTEM

UTILITIES SECURITY APPROVAL

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT, LESSEE, OR CONTRACT PURCHASER
ALBERT 327 Highfalcon Rd.
Rest. MD 21134

THE PLANNING BOARD HAS DETERMINED ON 12-21-78 THAT THE PROPOSED DEVELOPMENT MEETS THE REQUIREMENTS OF SUBSECTION 22-6.1(1) OF THE BALTIMORE COUNTY CODE, 1980.



IDCA FORM NO 2 (REVISED 1-77)

Hollenbaugh - #79-184-XA and CBA-79-112

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Robert L. Gilland, Acting Chairman

William T. Hackett

Patricia Milhous

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for a Day Care Center, and :
VARIANCE from Section 1802.28 :
(182) of the Baltimore County :
Zoning Regulations :
SW/S of Reisterstown Road 500' :
NW of High Falcon Road :
4th District :
Gerald D. Hollenbaugh, et ux :
Petitioners :
and :
RE: DENIAL OF APPLICATION #150 :
for a license to operate a :
Day Care Center :
SW/S of Reisterstown Road 500' :
NW of High Falcon Road :
4th District :
Gerald and Betty Hollenbaugh :
Defendants :
Naufuka H. Sharlin :
Contract Purchaser :

OPINION

The above cases have been consolidated for a hearing before this Board, the one case, #79-184-XA, is a petition for a special exception for a Day Care Center, and for a variance for side yard setbacks. The appeal in this case was taken by the office of the People's Counsel from an Order of the Zoning Commissioner, dated February 28, 1979, granting the requested petition. The other case, #CBA-79-112, is an appeal from the Acting Deputy Director of the Department of Permits and Licenses, dated April 5, 1979, who disapproved the license for a Day Care Center. Both of these cases involve the same parties; namely, Gerald and Betty Hollenbaugh, as the owners of the subject property, located on the southwest side of Reisterstown Road approximately 500 feet northwest of High Falcon Road in the Fourth Election District of Baltimore County.

It is to be noted at the outset that the application for license #150, being for a Day Care Center, was submitted to the Buildings Engineer, and the letter of denial by the Buildings Engineer, based upon the merits from which this appeal arises, was issued solely as an accommodation to the Petitioner. To this, Thomas Ballinger, Assistant County Solicitor, made a Motion to Dismiss at the opening of this case, at the end of the Petitioner's case, and again, after he declined to put on any testimony.

PETITION FOR VARIANCE :
PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SW/S of Reisterstown Rd., 500' :
1W of Highfalcon Rd., 4th District : OF BALTIMORE COUNTY
GERALD HOLLENBAUGH, et ux, : Case No. 79-184-XA
Petitioners :

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 it 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
Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 12th day of February, 1979, a copy of the foregoing Order was mailed to Mr. and Mrs. Gerald Hollenbaugh, 11418 Reisterstown Road, Baltimore, Maryland 21117, Petitioners.

John W. Heselin, III
John W. Heselin, III

Hollenbaugh - #79-184-XA and CBA-79-112

It is unquestionable in the mind of this Board that these Motions should have been granted as the license applied for could not be issued since the matter of zoning had not been finally resolved. However, in view of the comprehensive and detailed testimony of Mr. Koren, the Buildings Engineer for Baltimore County, whose testimony was relevant to both cases, the Board feels compelled to state that they could find no scintilla of evidence indicating that his decision as outlined in the letter appealed from was in any wise arbitrary, capricious or, for that matter, illegal. Consequently, the denial by the Buildings Engineer and the Department of Permits and Licenses will be affirmed.

As to the request for a special exception and variances to use an existing two-story frame structure for a Child Day Care Center, in view of the testimony and evidence presented, this Board is not convinced that Section 502.1 of the Baltimore County Zoning Regulations dealing with special exceptions has been met. On the contrary, in view of the detailed testimony presented by Mr. Koren, the Board is concerned from the standpoint of public safety and fire, and notes particularly that the existing structure for which this special exception is requested could not be approved in its present status for a license under the requirements of the Baltimore County Building Code. Therefore, the Board will deny the requested petition, and the matter of the variances petitioned for will become moot.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of May, 1979, by the County Board of Appeals, ORDERED that in Case No. CBA-79-112 the decision of the Acting Deputy Director of the Department of Permits and Licenses of April 5, 1979 is hereby AFFIRMED, and it is:

FURTHER ORDERED, that the special exception for a Day Care Center and the variance for a side yard setback in Case No. 79-184-XA petitioned for, and the same is hereby DENIED, and the decision of the Zoning Commissioner, dated February 28, 1979, is hereby reversed.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiMenna
Zoning Commissioner
TO: Leslie H. Gross, Director
FROM: Office of Planning and Zoning
DATE: February 15, 1979

SUBJECT: Petition # 79-184XA, Item #52
Petition for Special Exception for day care center and Variance for side yard setbacks
Southwest side of Reisterstown Road, 500 feet Northwest of Highfalcon Road
Petitioner - Gerald and Betty Hollenbaugh

4th District

HEARING: Wednesday, February 28, 1979 (10:15 A.M.)

The proposed use would be appropriate here. If granted, a landscaping plan should be submitted for approval by the Division of Current Planning and Development.

Leslie H. Gross, Director
Office of Planning and Zoning

LHG:JGH:rw

addressed in order that all problems concerning same may be alleviated. Particular attention should be afforded the comments of the Department of Permits & Licenses. For further information concerning said comment, you may contact Mr. Charles Burnham at 494-3987.

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. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/af

cc: HSC Engineering Corp.
1810 York Road
Timonium, Maryland 21093

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

cc:

Nicholas B. Commodari
Chairman

RE: Item No. 82

Petitioner - Hollenbaugh
Special Exception Petition

Department of
Traffic Engineering
State Roads Commission

Bureau of
Fire Prevention

Health Department
Respect Planning

Building Department
Board of Education

Zoning Administration
Industrial Development

Dear Mr. & Mrs. Hollenbaugh:

Mr. & Mrs. Gerald D. Hollenbaugh
11418 Reisterstown Road
Baltimore, Maryland 21117

February 15, 1979

RE: Item No. 82
Petitioner - Hollenbaugh
Special Exception Petition

Dear Mr. & Mrs. Hollenbaugh:

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 not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of the 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 southwest side of Reisterstown Road, approximately 500 feet northwest of Highfalcon Road in the 4th Election District, the subject of this petition is a two-story dwelling, which is proposed to be converted to a day care center. Adjacent properties are improved with a shopping center to the southeast and residences to the northwest and southwest, respectively.

In view of the fact that revised site plans incorporating the comments of the State Highway Administration, Department of Traffic and Engineering and my own comments, required a Variance for the side setbacks of the existing dwelling, this petition has been scheduled for a hearing date.

Some concern has been expressed pertaining to the safety of the children when they are brought to and from this facility. At the time of the scheduled hearing, this matter should be adequately

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 21st day of December 1978

S. ERIC DINENNA
Zoning Commissioner

Petitioner - Hollenbaugh

Petitioner's Attorney

Mr. & Mrs. Gerald D. Hollenbaugh
11418 Reisterstown Road
Baltimore, Maryland 21117

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

cc: HSC Engineering Corp.
1810 York Road
Timonium, Maryland 21093

PETITION AND SITE PLAN

EXPLANATION COMMENTS

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

December 11, 1978

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

Re: Item #82 (1978-1979)
Property Owner: Gerald & Betty Hollenbaugh
8/MS Reisterstown Rd. 500' N/W Highfalcon Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)
Acreage: 0.40 District: 4th

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:

Comments were supplied for this property for IDCA Project 78-59X.

Highways:

Reisterstown Road (U.S. 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.

The status of the inclosed 20-foot easement is unknown to this office and is assumed to be private. It is the responsibility of the petitioner to ascertain and clarify rights therein.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County standards.

Sediment Control:

Development of this property through striping, 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 striping of top soil.

Item #82 (1978-1979)

Property Owner: Gerald & Betty Hollenbaugh
Page 2
December 11, 1978

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 nuisance 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 Sewers:

There are public 8 and 16-inch water mains and 8-inch public sanitary sewerage in Reisterstown Road. This property is within the Owyne Falls sanitary sewerage system, subject to State Health Department regulations.

Very truly yours,

Edward M. Owyne, P.E.
EDWARD M. OWYNE, P.E.
Chief, Bureau of Engineering

END (24) PWR:s

T-W Key Sheet
52 NW 36 Pos. Sheet
NW 12 1 Topo
58 Tax Map

cc: J. Somers

Maryland Department of Transportation
State Highway Administration

James J. O'Donnell
Secretary
M. E. Calhoun
Assistant Secretary

March 16, 1979

Mr. Peter Max Zimmerman
Deputy People's Counsel
County Office Bldg.
Towson, Md. 21204

Re: Gerald Hollenbaugh, Property
Reisterstown Road (Rte. 140)
Proposed day nursery
Zoning Case #79-184-XA
Item 52

Dear Mr. Zimmerman:

We have reviewed the plan, revised December 14, 1978, and find that the proposed entrance improvement is generally acceptable; however, we are concerned that no defined turn-around is indicated on the site. Without this, the public may be discouraged from entering the site and may elect to stop on the highway to pick-up and discharge passengers. This would be extremely hazardous along this section of Reisterstown Road. The plan should be revised.

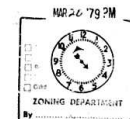
CLJEM:dj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

cc: Mr. S. Eric DiNenna

By: John E. Meyers



My telephone number is 383-4320

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

LESLIE H. GRAEF
DIRECTOR

December 11, 1978

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 #82, Zoning Advisory Committee Meeting, October 17, 1978, are as follows:

Property Owner: Gerald and Betty Hollenbaugh
Location: SW/5 Reisterstown Road 500' NW Highfalcon Road
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)
Acreage: 0.40
District: 4th

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 which regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John T. Wimbley
John T. Wimbley
Planner III
Current Planning and Development

October 31, 1978

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, 10-17-78
ITEM: 82
Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Rd. (Route 140) 500' NW Highfalcon Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)
Acres: 0.40
District: 4th

Dear Mr. DiNenna:

There is an 80' right of way proposed for Reisterstown Road that should be indicated on the plan.

The plan indicates an existing 20' wide paved lane. An inspection at the site revealed that this width is considerably less. The entrance must be widened to a minimum of 25' at the right of way line. The entrance must be channelized with concrete curb and gutter.

The petitioner must indicate the number of children to be accommodated and if the entire building is to be utilized for the day care center operation. This information is to be submitted and the plan is to be revised prior to a hearing date being assigned.

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

CLJ:EMVrd

My telephone number is (301) 382-320

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

STEPHEN D. COLLIER
DIRECTOR

November 22, 1978

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

Item No. 82 - SAC - Meeting of October 17, 1978
Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Rd. 500' NW Highfalcon Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)

Acres: 0.40
District: 4th

Dear Mr. DiNenna:

The requested special exception for a day care center is not expected to be a major traffic generator.

The plan must be revised to show safe on site loading area for the children.

Very truly yours,
Michael S. Flanigan
Engineer Associate II

MSV/sjs

JOHN D. SEIFERT
DIRECTOR

November 2, 1978

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

Dear Mr. DiNenna:

Comments on Item # 82 Zoning Advisory Committee Meeting, October 17, 1978 are as follows:

Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Road - 500' NW Highfalcon Road
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)

Acres: 0.40
District: 4th

The items noted below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Miscellaneous and used and other applicable codes.
- A building permit shall be required before construction can begin.
- Change of occupancy permits shall be required.
- Additional permits shall be required.
- Building shall be upgraded to new use - requires alteration permit.
- Three sets of construction drawings will be required to file an application for a building permit.
- 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.
- 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.
- Requested setback variance conflicts with the Baltimore County Building Code, See Section
- No comment.
- Comments: Day care centers are classified B-2 Use Group. Please have your Architect or Engineer confirm if your structure can comply with this Use Group as to structure height and number of stories for the type of construction. It may not be permissible under table 6 of the B.C.B.C. Code. If it can comply, see Articles noted above.

Very truly yours,
Charles E. Burnham
Planning Review Chief

CEB/rj

Paul H. Reinke
CHIEF

November 16, 1978

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Gerald & Betty Hollenbaugh

Location: SW/S Reisterstown Rd. 500' NW Highfalcon Rd.

Item No. 82

Zoning Agenda Meeting of 10/17/78

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.

- 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.
- A second means of vehicle access is required for the site.
- The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.
- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- Site plans are approved as drawn.
- The Fire Prevention Bureau has no comments, at this time.

RETIMED: *Paul H. Reinke* Noted and *George M. Keganoff* Approved
Special Inspection Division Fire Prevention Bureau

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

November 15, 1978

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

Dear Mr. DiNenna:

Comments on Item #82, Zoning Advisory Committee Meeting of October 17, 1978, are as follows:

Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Rd. 500' NW Highfalcon Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)
Acres: 0.40
District: 4th

Metropolitan sewer and water exist.

Prior to approval for a day care center, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact Division of Maternal and Child Health, Baltimore County Department of Health (454-3127).

Very truly yours,
Thomas A. Dwyer, Director
BUREAU OF METROPOLITAN SERVICES

TDJ/EM/rth

cc: Eric Smith

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 18, 1978

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

Z.A.C. Meeting of: October 17, 1978

RE: Item No. 82
Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Rd. 500' NW Highfalcon Rd.
Present Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)

District: 4th
No Acres: 0.40

Dear Mr. DiNenna:

No bearing on student population

Very truly yours,
Wick Petrovich
Field Representative

MRP/bp

JOSEPH M. MCGOWAN, ATTORNEY
T. BARTON HALLMAN, JR., REPRESENTATIVE
MARCUS H. BOTSCH

THOMAS H. ROYER
W. LORRAINE P. CONNOR
ROGER H. DAYTON

ROBERT V. DUNEL, SUPERINTENDENT

ALVIN LORECK
MRS. WILTON R. SMITH, JR.
MICHAEL W. TRACET, D.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari
FROM: Charles E. Burnham
SUBJECT: Gerald & Betty Hollenbaugh

Date: April 12, 1979

On the January 25th comment to revised plan, the applicants were advised to verify compliance with the allowable story height and type of construction for the B-2 use. In the following sentence the word "unpermitted" was used instead of the word "nonconforming". Although this would automatically be detected when the applicant viewed Table 6, of the Building Code, I feel whoever gave copies of my comments should be so advised.

Charles E. Burnham, Chief
Planning Review

CEB/rj

JOHN D. SEIFERT
DIRECTOR

January 25, 1979

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

Dear Mr. DiNenna:

Comments on Item # 82 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Gerald & Betty Hollenbaugh
Location: SW/S Reisterstown Road - 500' NW Highfalcon Road
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for a day care center (IDCA 78-59-X)

Acres: 0.40
District: 4th

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Miscellaneous and used and other applicable codes.
- A building permit shall be required before construction can begin.
- Change of occupancy permits shall be required.
- Building shall be upgraded to new use - requires alteration permit.
- Three sets of construction drawings will be required to file an application for a building permit.
- 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.
- 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.
- Requested setback variance conflicts with the Baltimore County Building Code, See Section
- No comment.
- Comments: Verify compliance with allowable story height and type of construction for B-2 use. Wood frame-unpermitted is only allowed one story in height. Compliance with the Miscellaneous Code is required.

Very truly yours,
Charles E. Burnham
Planning Review Chief

Baltimore County
Department of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 338-3000

November 2, 1978

Mr. E. Eric Williams, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Williams:

Comments on Item # 82 Zoning Advisory Committee Meeting, October 17, 1978 are as follows:

Property Owner: Gerald & Betty Hollenbaugh
Location: 5775 Risterstown Road - 500' NW Highfalcon Road
Petition: Special Exception for a day care center (ZCA 78-59X)
Proposed: Special Exception for a day care center (ZCA 78-59X)

As per: 0.10
Materials: 1th

The items checked below are applicable:

X 1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1975 Edition and the 1975 Supplement, State of Maryland Code for the Unincorporated and aged and other applicable codes.

X 2. A building permit shall be required before construction can begin. Change of occupancy and other permits shall be required.

X 3. Building shall be upgraded to new use - requires alteration permit.

X 4. Three sets of construction drawings will be required to file an application for a building permit.

X 5. 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.

6. Wood frame walls are not permitted within 3' of a property line. Concrete building required if distance is between 3' and 6' of property line.

7. Requested setback varies in conflict with the Baltimore County Building Code. See Section

8. No Comment.

X 9. Comments by care centers are classified H-2 Use Group. Please have your Architect or Engineer confirm if your structure can comply with this Use Group as to structure height and number of stories for the type of construction. It may not be permissible under Table 6 of the B.C.B.C. Code. If it can comply, see Articles noted above.

Very truly yours,
Charles E. Jordan
Charles E. Jordan
Planning Review Chief

OFFICE OF THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 February 8 1979

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL EXCEPTION AND VARIANCE - Gerald Hollenbaugh, et ux 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 one successive weeks before the 21st day of February, 1979, that is to say, the same was inserted in the issues of February 8, 1979

STROMBERG PUBLICATIONS, INC.
BY Edna Berger

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 8, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week before the 21st day of February, 1979, the day of publication appearing on the 8th day of February, 1979.

THE JEFFERSONIAN
J. Leach
Manager

Cost of Advertisement, \$

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 Sept 1978. Filing Fee \$ 50.00 Received Check Cash Other

H. D. Williams
S. Eric Williams,
Zoning Commissioner

Petitioner Gerald & Betty Hollenbaugh Submitted by Shutlin
Petitioner's Attorney Shutlin Reviewed by Shutlin

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Work Map	Original	Duplicate	Tracking	200 Sheet
	date by	date by	date by	date by	date by
Descriptions checked and outlines plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: <u>QUT</u>					
Previous cases: <u>8338</u> <u>75-57R</u>					
Revised Plans: Change in outline or description					
Map # <u>41121</u>					

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: APRIL 12, 1979

Posted for: Appeal

Petitioner: Gerald & Betty Hollenbaugh

Location of property: 5775 Risterstown Rd. Sec. 14, 15

Location of Sign: FRONT 11418 RISTERSTOWN RD

Remarks: 1-SIGN

Posted by: Thomas E. Holland Date of return: APRIL 24, 1979

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: FEB. 14, 1979

Posted for: Petitioner's Fee - Special Exception and Variance

Petitioner: Gerald Hollenbaugh et ux

Location of property: 5775 Risterstown Rd. Sec. 14, 15

Location of Sign: FRONT 11418 RISTERSTOWN RD

Remarks: 2-Signs

Posted by: Thomas E. Holland Date of return: FEB. 14, 1979



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 78621

DATE: March 3, 1979 ACCOUNT: 01-662

AMOUNT: \$75.00

RECEIVED FROM: John V. Hoffman, III, Attorney

FOR: Cost of Appeal For Case No. 78-121-XA

75.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 78553

DATE: February 27, 1979 ACCOUNT: 01-662

AMOUNT: \$61.00

RECEIVED FROM: Benjamin E. Shucklin

FOR: Cost of Advertising and Posting Case No. 78-101-XA

61.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 78264

DATE: January 30, 1979 ACCOUNT: 01-662

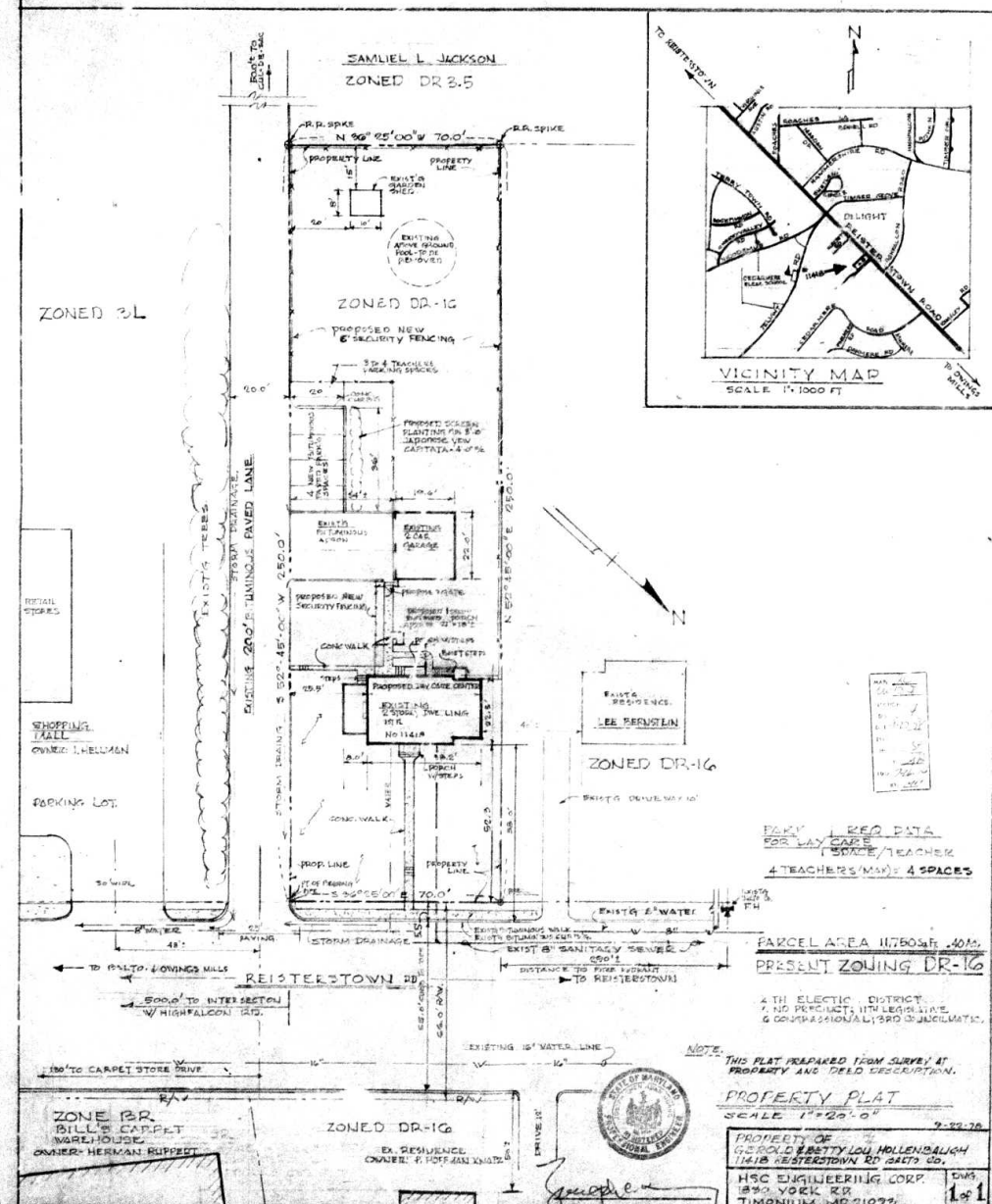
AMOUNT: \$50.00

RECEIVED FROM: Benjamin E. Shucklin

FOR: Filing Fee For Case No. 78-101-XA

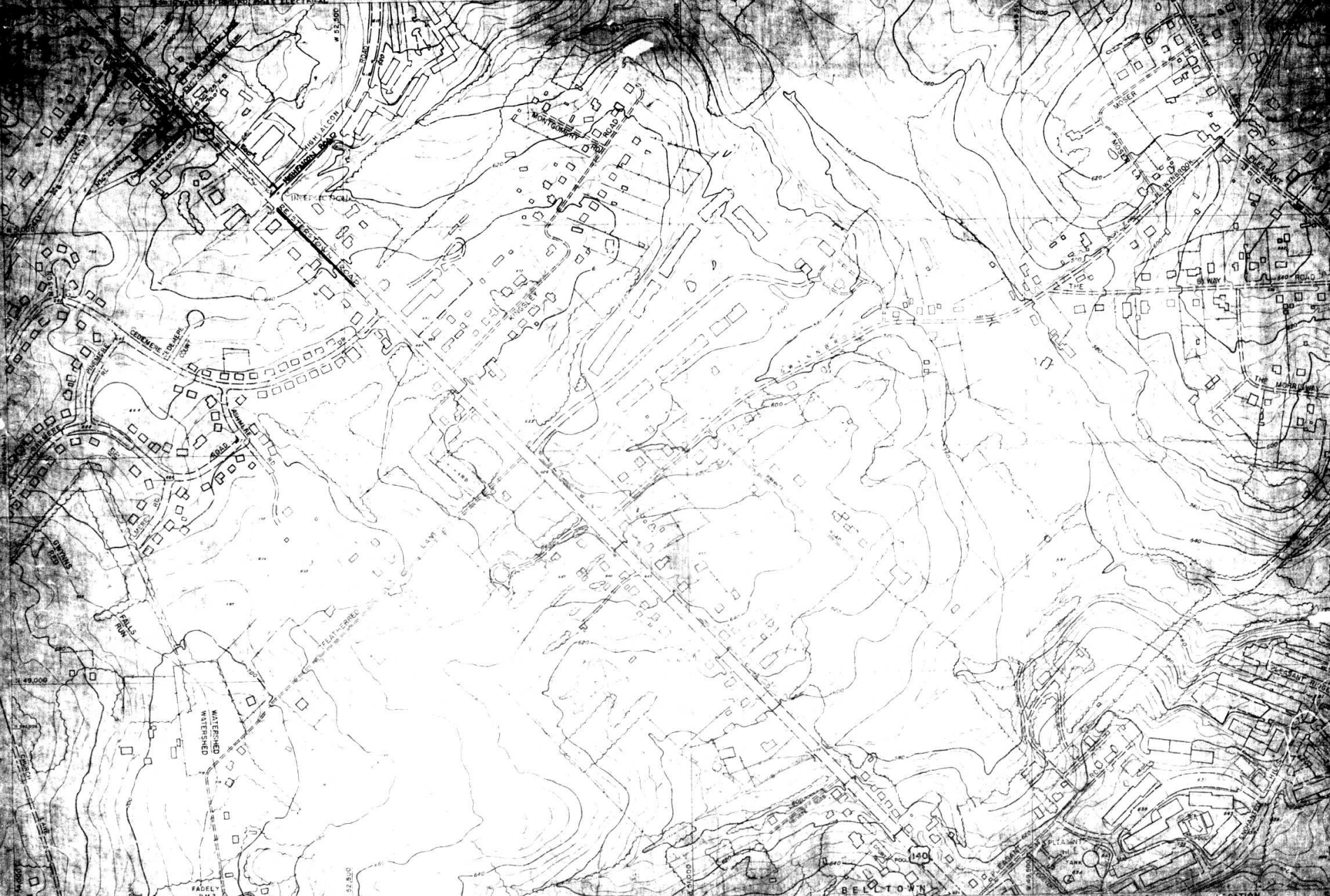
50.00

VALIDATION OR SIGNATURE OF CASHIER



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS

SCALE

LOCATION

DATE

MADE

DATE OF PHOTOGRAPHY

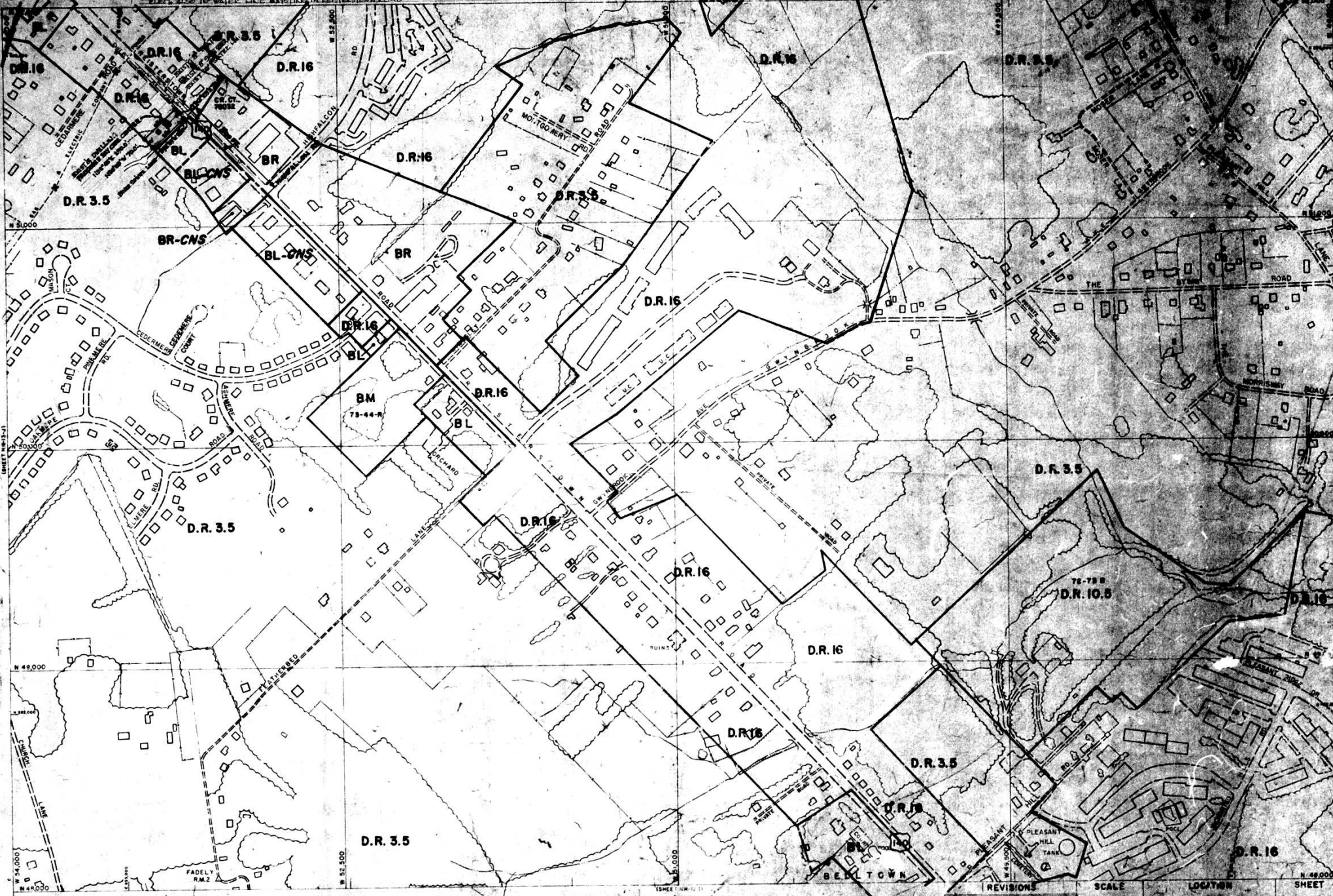
APRIL 1953

BELTOWN

Photography furnished by Photogrammetric Service
AERO SERVICE CORPORATION, PHILADELPHIA, PA.



EXISTING PUBLIC UTILITIES NOT COLLECTED
 PHOTOGRAPHY BY THE U.S. ARMY
 DIST. 100 TO WATER LINE MAINLINE IN BELT TOWN ROAD



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

U.S. ARMY ENGINEERING CENTER
 WASHINGTON, D.C.
 1:75,000 SCALE
 U.S. ARMY ENGINEERING CENTER
 1:75,000 SCALE
 1:75,000 SCALE

REVISIONS		SCALE	LOCATION	SHEET
Photometric	BY DATE MAPS INC. 2-20-67	1" = 500'	BELT TOWN	NW
Planimetric	MAPS INC. 4-21-70 DATE OF PHOTOGRAPHY APRIL 1963			13-7
END SERVICE CONTRACT FOR BELT TOWN, MD				