

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

George H. Fallmer
we, Violet B. Fallmer, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an... D.R. 16 and D.R. 3.5... zone to an... B.R. zone; for the following reasons:

1. Because of error in the Comprehensive Zoning Map in the classification of the subject property.
2. Because of changes in the character of the neighborhood in which the subject property is located.

and we agree 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 re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Leonard Stoler* Contract purchaser
Address 11275 Reisterstown Road Owings Mills, Maryland 21117
George H. Fallmer and Violet B. Fallmer by Doris F. Fallmer per power of attorney Legal Owner
Address c/o John D. Meyer Real Estate Co. 101 North Center Street Westminster, Maryland 21157
MARVIN I. SINGER Petitioner's Attorney
Address 10 East Eager Street, Baltimore, Maryland 21202
Protestant's Att.ney

ORDERED By The Zoning Commissioner of Baltimore County, this... day of... 196..., 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... 196..., at... o'clock... M.

Zoning Commissioner of Baltimore County.

(over)

*and contract purchaser

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Zoning Commissioner of Baltimore County.

(over)

*and contract purchaser

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

October 31, 1978
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Marvin I. Singer, Esquire
10 East Eager Street
Baltimore, Maryland 21202

RE: Item No. 14
Petitioner - Fallmer
Reclassification Petition

Dear Mr. Singer:

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 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.

The subject of this petition is a 3.3 acre tract, partially zoned D.R. 16 in the front and D.R. 3.5 in the rear, currently improved with two existing dwellings and is located on the north side of Reisterstown Road, between Kingsley Road and Richmar Drive, in the 4th Election District. Directly opposite this site on the southwest side of Reisterstown Road are commercial properties improved with an office and beauty shop, while properties to the northwest and north are zoned B.M. and B.R., respectively, and improved with car dealerships. This latter property was the subject of a previous zoning hearing (Case No. 74-182-RA) in which a Reclassification to its present B.R. zone was granted. To the northeast, east, and south of this property is residentially zoned land improved with individual dwellings along Kingsley Road and apartments on either side of Richmar Drive.

Because of your client's proposal to raze the existing structures and construct a car dealership on this property, this Reclassification is required. If you are not aware, a similar request has been filed for property located on the southwest side of Reisterstown Road, just north of Highfalcon Road.

Fallmer
Page 2
October 31, 1978

The site plan must be revised to correct Note D, under the off street parking data, to indicate that parking will be provided for the service department and the body shop at the rate of one space for each 300 square feet of total floor area, rather than based on the number of employees. In addition to this, the revised plans must clearly indicate where the customer and display parking will be situated in order to determine whether a Variance will be required, and the comments of the State Highway Administration. Also, the screening that will be provided along the property lines abutting residentially zoned and utilized property, especially that to the east and south, must have sufficient area to grow. Therefore, the parking must be set back from the property line more than is shown on the submitted site plan. For more information on this, as well as the other comments indicated by the Office of Current Planning and Development, you may contact Mr. John Wimbley at 494-3335.

This petition for Reclassification will be 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 December 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 March 1, 1979 and April 15, 1979 will be forwarded to you well in advance.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:/sf

cc: James S. Spamer & Associates
P.O. Box 9804
Towson, Maryland 21204

baltime county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

November 16, 1978

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

Re: Item #14 Cycle IV (Oct. 1978-April 1979)
Property Owner: George H. & Violet B. Fallmer
N/E cor. Reisterstown Rd. & Kingsley Rd.
Existing Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: B.R.
Acres: 3.3 District: 4th

Dear Mr. DiMenna:

The following comments are furnished in reply to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highway 21

Reisterstown Road (U.S. 140) is a state road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road pose 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.

Kingsley Road, an existing public residential type road, is proposed to be improved in the future as a 30-foot close section roadway on a 50-foot right-of-way. Highway rights-of-way widening, including fillet areas for sight distance and any necessary reversible easements for slopes for Kingsley Road, will be required in connection with any grading or building permit application or further development of this property.

Pleasant Hill Road, a County road, is proposed to be extended through the southerly portion of this property on an 80-foot right-of-way, with additional right-of-way as required for channelization at the Reisterstown Road intersection and necessary reversible easements for slopes. This proposed road will have a major impact on this site as presently planned. The required area for Pleasant Hill Road must be reserved through this property.

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 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.

Item #14 Cycle IV (Oct. 1978-April 1979)
Property Owner: George H. & Violet B. Fallmer
Page 2
November 16, 1978

Storm Drains:

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

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

The southeasternmost portion of this site, which is low lying and of a swamp or marsh-like nature, is also accepting runoff from Reisterstown Road.

Storm drains, which will be required in connection with any further development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

Water and Sanitary Sewer:

There are public 8 and 16-inch water mains in Reisterstown Road and a public 6-inch water main in Kingsley Road. The existing fire hydrant at the Kingsley-Reisterstown Road intersection will require relocation from the proposed future road improvements.

The public 8-inch sanitary sewer in Kingsley Road has a critical invert elevation in relation to this property; service for the first floor and above, of the present dwellings is provided (Drawing #70-029, File 1).

Very truly yours,

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

END:PAM:FWR:SS

cc: J. Somers
D. Criss
W. Munchel

T-W Key Sheet
51 NW 35 Pos. Sheet
NW 13 I Topo
50 Tax Map

October 16, 1978

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

Re: Zoning Cycle IV, Oct. 1978
ITEM NO. 14:
Property Owner: George H. & Violet B. Fallmer
Location: NE/C Reisterstown (Route 140) & Kingsley Rd.
Existing Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: B.R.
Acres: 3.3
District: 4th

Attention: Mr. N. Commodari

Dear Mr. DiNenna:

The proposed entrance location from Reisterstown Road does not provide adequate stopping sight distance. The sight distance would be improved by locating the entrance to the south in line with the lane at the south side of the building. This would provide more stacking for vehicles waiting to be serviced. The present plan indicates that adequate stacking will not be provided. This could result in stacking out onto the highway. 20' radius returns into the entrance would be more than sufficient to adequately serve the development.

The proposed roadside curb must return into Kingsley Road on a 30' radius.

The existing bicuminous sidewalk must be replaced with standard concrete walk.

The plan must be revised in accordance with the foregoing comments.

Very truly yours,

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

CLJEM:vrd

My telephone number is (301) 383-4320

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

LENLIE H. GRAFF
DIRECTOR

October 31, 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 # 14, Zoning Cycle IV, October, 1978, are as follows:

Property Owner: George H. and Violet B. Fallmer
Location: NE/C Reisterstown Road and Kingsley Road
Existing Zoning: D.R. 16 and D.R. 3.5
Acres: 3.3
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 with regard to development plans that may have a bearing on this petition.

The site plan must be revised to show the following:

1. Vehicle waiting spaces for service write-up area.
2. Curbing around the entire perimeter of the parking area.
3. Customer parking areas.
4. Display areas.
5. Unloading area.
6. Proposed grades.

The site plan as shown does not allow enough area between the paving and the property lines for the screen plantings.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development

STEPHEN E. COLLINS
DIRECTOR

October 16, 1978

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

Item No. 14 - ZAC - Meeting for Cycle IV
Property Owner: George H. & Violet B. Fallmer
Location: NE/C Reisterstown Rd. & Kingsley Rd.
Existing Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: B.R.

Acres: 3.3
District: 4th

Dear Mr. DiNenna:

This site, as presently zoned, can be expected to generate approximately 200 trips per day. The proposed zoning can be expected to generate approximately 1650 trips per day.

Any increase in traffic in this area is undesirable in view of the existing traffic congestion along Reisterstown Road.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSF/hms

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

October 25, 1978

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

Dear Mr. DiNenna:

Comments on Item #14, Zoning Advisory Committee Meeting for Cycle IV, are as follows:

Property Owner: George H. & Violet B. Fallmer
Location: NE/C Reisterstown Rd. & Kingsley Rd.
Existing Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: B.R.
Acres: 3.3
District: 4th

Metropolitan water and sewer are available to the proposed site. Prior to construction of the proposed facility, all wells and septic system must be located and properly backfilled.

Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 194-3775, to obtain requirements for such installation/s before work begins.

A Permit to Construct from the Division of Air Pollution Control is required for such items as paint spray processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

The two existing dwellings are presently served by metropolitan water and private sewage disposal systems, both of which appear to be failing. Public sewer is available to the 1st floor elevation of both dwellings. Therefore, both dwellings will be required to connect to public sewer.

Very truly yours,

Thomas A. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/JRF/rth

cc: W. L. Phillips

Paul H. Reincke
CHIEF

October 16, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: George H. & Violet B. Fallmer

Location: NE/C Reisterstown Rd. & Kingsley Rd.

Item No. 14 Zoning Agenda Cycle IV

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 or 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.
- (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 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. Also, building must comply with NFPA 98B, Repair Garages.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

NOTE: Building must be fully automatic sprinkler protected.

REVIEWER: [Signature] Approved: [Signature]

Special Inspection Division

Fire Prevention Bureau

Very truly yours,

Charles E. Burnham
Plans Review Chief

CEB:rcj

JOHN D. SEVIENT
DIRECTOR

October 6, 1978

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

Dear Mr. DiNenna:

Comments on Item # 14 Zoning Advisory Committee Meeting, CYCLE IV are as follows:

Property Owner: George H. & Violet B. Fallmer
Location: NE/C Reisterstown Road & Kingsley Road
Existing Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: B.R.

Acres: 3.3
District: 4th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- X C. Additional zoning and other permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X 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.
- G. 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.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section.
- I. No Comment.

Comments:

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to B.R.
NE corner Reisterstown Rd. and
Kingsley Rd., 4th District
George H. and Violet B. Fallmer,
Petitioners/Appellants
Zoning Case No. R-79-15
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 380
File No. 6930

ORDER

Upon the foregoing Motion, It is, this 21st day of April, 1980,
by the Circuit Court for Baltimore County, ORDERED that the appeal in the above-entitled case be and hereby is DISMISSED.

Walter R. Hall
JUDGE Walter R. Hall

RECEIVED
BALTIMORE COUNTY
MAY 14 11 37 AM '80
COUNTY BOARD
OF APPEALS
BY: [Signature]

True Copy Test
ELMER H. KAHLINE, JR., Clerk
J. T. Cuth
Assistant Clerk

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to B.R.
NE corner Reisterstown Rd. and
Kingsley Rd., 4th District
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Petitioners/Appellants
Zoning Case No. R-79-15
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 380
File No. 6930

MOTION TO DISMISS APPEAL

The People's Counsel for Baltimore County moves to dismiss the appeal in the above-entitled case on the ground that no Petition on Appeal has been filed by the Appellant pursuant to Maryland Rule 22.e.

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

Peter Max Zimmerman
Deputy People's Counsel

I HEREBY CERTIFY that on this 18th day of April, 1980, a copy of the foregoing Motion to Dismiss Appeal and accompanying Order was mailed to Marvin I. Singer, Esquire, 10 E. Eager Street, Baltimore, Maryland 21202; Ms. Doris Fallmer, 875 Day Road, Sykesville, Maryland 21784; Mr. Raymond Clifton, 16 Kingsley Road, Owings Mills, Maryland 21117; and Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland 21117.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
BALTIMORE COUNTY
MAY 16 2 30 PM '80
COUNTY BOARD
OF APPEALS
BY: [Signature]

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 & D.R. 3.5 to B.R.
NE/C Reisterstown Rd. and
Kingsley Rd., 4th District : OF BALTIMORE COUNTY
George H. and Violet B. Fallmer :
Petitioners : Case No. R-79-15 (Item 14, Cycle IV)

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

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

I HEREBY CERTIFY that on this 15th day of May, 1979, a copy of the foregoing Order was mailed to Leonard Stoler, 11275 Reisterstown Road, Cwings Mills, Maryland 21117, Contract Purchaser; and Marvin I. Singer, Esquire, 10 East Eager Street, Baltimore, Maryland 21202, Attorney for Petitioners.

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

Petitioner's Exhibit No. 1 - Plat of subject property - James S. Spanner & Assoc., May 9, 1979
" " " 2 - Letter from Ellsworth N. Diver, Chief, Bureau of Engineering, Nov. 16, 1978
" " " 3 - Aerial overlay to site plan - May 14, 1978
" " " 4 - Order of Board of Appeals of Baltimore County dated June 7, 1976.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 and D.R. 3.5 to B.R.
NE corner Reisterstown Road
and Kingsley Road
4th District : COUNTY BOARD OF APPEALS
George H. and Violet B. Fallmer : OF
Petitioners : BALTIMORE COUNTY
No. R-79-15
(R-79-204)

OPINION

This case comes before the Board by a petition for a reclassification of a 3.3 acre parcel of land from a D.R. 16 and a D.R. 3.5 zoning classification to a B.R. classification. This parcel is located on the northeast corner of Reisterstown Road and Kingsley Road, in the Fourth Election District of Baltimore County, and contains 1.6 acres of D.R. 16 zoning along Reisterstown Road and 1.7 acres of D.P. 3.5 zoning at the rear of this parcel. This tract is presently improved by two residences of considerable age, presently rented, but in need of renovation and rehabilitation. The contract purchaser is an automobile dealer who owns the property to the north of this subject parcel (see cases #74-182-R and #75-190-R), and who wishes to expand his business onto the subject parcel. Testimony and evidence was presented to this Board for two days. After carefully reviewing and considering same, it is the judgment of the majority of this Board that no error exists in the present zoning of the subject property. The existing zoning is in no way confiscatory; there are several economic uses to which the property may be put. This property was an issue on the comprehensive maps in 1976. A study of the zoning map indicates that the County Council retained the original zoning classification to provide a buffer between the B.R. zoning to the north and the completely developed D.R. 16 zoning to the south. One should also note three earlier decisions made by this Board in 1976 prior to the adoption of the current zoning maps. In cases #74-182-R and #75-190-R, this Board granted B.R. zoning but deliberately reserved an eight foot strip of D.R. 16 along the north side of Kingsley Road because it decided that the B.R. strip should not be extended further south along the Reisterstown Road. The County Council affirmed this position on the current maps adopted late in 1976. On October 31, 1975, this Board granted B.L. zoning in cases #74-183-R and #74-184-R. These properties are south of the subject property and on the west side

Fallmer - #R-79-15

2.

of the Reisterstown Road. The proposed extension and relocation of Pleasant Hill Road was a major issue in these two cases. These two decisions were affirmed by the Circuit Court but not by the County Council when the 1976 map was adopted. These events would seem to clearly reflect that the County Council was fully aware of the proposed road extension and the other particulars of the subject property. This Board has known about the proposed Pleasant Hill Road plans since the 1975 cases. A careful review of the testimony and evidence in the subject case indicates that the plans for the road extension are still speculative; hence, this petition at best seems premature.

With the knowledge of the subject property which the County Council surely had and considering the other uses available to this property, the majority of the Board can find no error by the County Council when it placed the existing zoning classifications on the subject property.

Proving error is the burden the Petitioner must bear if this reclassification is to be granted. The majority of this Board finds that the testimony and evidence presented does not meet this burden, therefore, same will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of September, 1979, by the County Board of Appeals, ORDERED that the reclassification petitioned for, from D.R. 16 and D.R. 3.5 to a B.R. zone, be and the same is hereby DENIED.

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

Patricia Millhauser
Patricia Millhauser

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 and D.R. 3.5 to B.R.
NE corner Reisterstown Road
and Kingsley Road
4th District : COUNTY BOARD OF APPEALS
George H. and Violet B. Fallmer : OF
Petitioners : BALTIMORE COUNTY
No. R-79-15
(R-79-204)

DISSENTING OPINION

This case comes before the Board for reclassification of a 3.3 acre parcel of land from a D.R. 16 and a D.R. 3.5 zoning classification to a B.R. classification. This parcel is located on the northeast corner of Reisterstown Road and Kingsley Road, in the Fourth Election District of Baltimore County, and contains 1.6 acres of D.R. 16 zoning along Reisterstown Road and 1.7 acres of D.R. 3.5 zoning on the rear of this parcel. This parcel is presently improved with two residences of considerable age, presently rented, and in need of renovation. The contract purchaser is an automobile dealer who owns the property to the north of this parcel and who wishes to expand onto the subject parcel. After two days of testimony and careful examination of all entered exhibits, this member of the Board is of the opinion that error of the zoning map does, in fact, exist in this case and will cite reasons for this opinion. This property was an issue on the comprehensive maps in 1976, but facts produced in testimony in this case may not have been known or presented at the time of consideration of the issues on the 1976 comprehensive maps, and thus, the desired reclassification was at that time denied. A study of the zoning map indicates that this parcel retained its original classification probably to provide a buffer between the B.R. zoning to the north and the completely developed D.R. 16 zoning to the south, and this appears on the surface to be logical. Testimony, however, produced several aspects of this particular parcel that indicate this zoning should, in fact, be reclassified as requested.

Testimony from experts indicated that it was impractical from a financial aspect to develop the property residentially in its present zoning classification. Because of setback requirements, etc. and the mixed D.R. 16 and D.R. 3.5, the parcel is just not large enough to make this practical. There are, however, other mitigating circumstances.

Fallmer - #R-79-15 (R-79-204)

2.

Baltimore County has reserved a right-of-way of eighty (80) feet thru the entire southern portion of the parcel for the extension of Pleasant Hill Drive, and no building permits can be issued for this portion. This further reduces the usable D.R. 16 zoned area to 1.1 acres and the D.R. 3.5 to 1.0 acres, and this further compounds the unreasonableness of residential development. There is, however, one other major factor which precludes the use of this property for development. The public sewer line available to this site is on Kingsley Road. Because of the topography of this parcel and the elevation of this sewer line, only a small portion of the parcel nearest Kingsley Road could be sewered. This virtually eliminates any prospect for reasonable development. The two existing structures now on the property have, at present, private sewerage systems. While Kingsley Road is at present the beginning of the buffer zone along Reisterstown Road, it seems to this member that the proposed Pleasant Hill Drive and the reserving of the right-of-way for same is just as adequate as a buffer area. Since the property to the south is already fully developed, no further expansion of business zoning in this direction is possible, and the proposed Pleasant Hill Drive seems to serve well as the desired buffer area.

After considering the apparently impractical aspects of reasonable development because of size, mixed zoning, setback requirements, etc., the reservation of a large portion of this parcel for the Pleasant Hill Drive right-of-way, and especially the unavailability of sewer facilities to all but a small portion of this parcel, it is the opinion of this member that the present zoning is, in fact, error. Therefore, this member of the Board dissents from the finding and Order of the majority.

William T. Hockett
William T. Hockett

Date: September 13, 1979

BRIEF IN SUPPORT OF REQUEST FOR RECLASSIFICATION

Petitioner - Leonard Stoler

Subject Property - NE Corner of
Reisterstown Road and Kingsley
Road
4th Election District
Baltimore County, Maryland
Known as 11227 Reisterstown Road

The retention of residential zoning for the subject property is erroneous in that it is clearly unsuitable for development in that classification. It fronts on Reisterstown Road, a major traffic artery in the northwest section of the County, at a point approximately five miles beyond the Baltimore Beltway. Little, if any, new home construction has taken place on Reisterstown Road for the past fifteen years. What residential development that has occurred in the Reisterstown Road corridor has generally been apartments, for which the subject property is inadequate and insufficient in size. Given the highly commercialized character of Reisterstown Road, the property directly across Kingsley Road to the north is utilized for a new-car dealership, and the high volume of traffic at its front, development under the present residential zones of D.R. 16 and D.R. 3.5 is obviously impossible. The cost of single family construction, together with the severe economic changes that have been taking place, especially in the housing industry, only reinforce the conclusion that residential zoning on the tract is grossly unsuitable, and is in error.

The neighborhood and entire area in which the subject property is located has increasingly become more and more com-

mercial in character, over a sustained period of time, due in part to reclassifications for commercial use. Significant changes for industrial use have also occurred. In January, 1973 additional commercial zoning was granted to the residential portion of property across Reisterstown Road from the subject property, and that tract is now utilized for an automobile dealership. More recently, the two lots directly across Kingsley Road from the subject property, and also fronting on Reisterstown Road, were reclassified in order that they could be utilized as a part of the long-existing Ford agency that is contiguous and also fronts on Reisterstown Road.

The subject property is under option by Petitioner, the owner and operator of the nearby Ford dealership. The granting of the requested reclassification would provide for the establishment of a new automobile dealership, which, together with those now existing in the vicinity would provide the public with the opportunity and convenience to shop for the purchase of new and used automobiles among several different manufacturers, without the need to travel long distances in the County to different places.

The planned construction of new highways in the area is further evidence of significant change.

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Name Address
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Ralph E. W. 3723 Old Court Rd.
Renee Sobel 1127N Reisterstown Rd.
James Fallmer 875 Jay Road, Airport
J.G. Howell Office of Planning
✓ Raymond Clifton (CLIFTON) 16 Kingsley Rd. Owings Mills.

Mr. Alice L. Harsh

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 and D.R. 3.5 to B.R. : COUNTY BOARD OF APPEALS
NE corner Reisterstown Road :
and Kingsley Road : OF
4th District :
George H. and Violet B. Fallmer : BALTIMORE COUNTY
Petitioners : No. R-79-15
(R-79-204)

OPINION

This case comes before the Board by a petition for a reclassification of a 3.3 acre parcel of land from a D.R. 16 and a D.R. 3.5 zoning classification to a B.R. classification. This parcel is located on the northeast corner of Reisterstown Road and Kingsley Road, in the Fourth Election District of Baltimore County, and contains 1.6 acres of D.R. 16 zoning along Reisterstown Road and 1.7 acres of D.R. 3.5 zoning at the rear of this parcel. This tract is presently improved by two residences of considerable age, presently rented, but in need of renovation and rehabilitation. The contract purchaser is an automobile dealer who owns the property to the north of this subject parcel (see cases #74-182-R and #75-190-R), and who wishes to expand his business onto the subject parcel.

Testimony and evidence was presented to this Board for two days. After carefully reviewing and considering same, it is the judgment of the majority of this Board that no error exists in the present zoning of the subject property. The existing zoning is in no way confiscatory; there are several economic uses to which the property may be put.

This property was an issue on the comprehensive maps in 1976. A study of the zoning map indicates that the County Council retained the original zoning classification to provide a buffer between the B.R. zoning to the north and the completely developed D.R. 16 zoning to the south. One should also note three earlier decisions made by this Board in 1976 prior to the adoption of the current zoning maps. In cases #74-182-R and #75-190-R, this Board granted B.R. zoning but deliberately reserved an eight foot strip of D.R. 16 along the north side of Kingsley Road because it decided that the B.R. strip should not be extended further south along the Reisterstown Road. The County Council affirmed this position on the current maps adopted late in 1976.

On October 31, 1975, this Board granted B.L. zoning in cases #74-183-R and #74-184-R. These properties are south of the subject property and on the west side

Fallmer - #R-79-15

of the Reisterstown Road. The proposed extension and relocation of Pleasant Hill Road was a major issue in these two cases. These two decisions were affirmed by the Circuit Court but not by the County Council when the 1976 map was adopted. These events would seem to clearly reflect that the County Council was fully aware of the proposed road extension and the other particulars of the subject property. This Board has known about the proposed Pleasant Hill Road plans since the 1975 cases. A careful review of the testimony and evidence in the subject case indicates that the plans for the road extension are still speculative; hence, this petition at best seems premature.

With the knowledge of the subject property which the County Council surely had and considering the other uses available to this property, the majority of the Board can find no error by the County Council when it placed the existing zoning classifications on the subject property.

Proving error is the burden the Petitioner must bear if this reclassification is to be granted. The majority of this Board finds that the testimony and evidence presented does not meet this burden, therefore, same will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of September, 1979, by the County Board of Appeals, ORDERED that the reclassification petitioned for, from D.R. 16 and D.R. 3.5 to a B.R. zone, be and the same is hereby DENIED.

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., Chairman

Patricia Millhouser

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 and D.R. 3.5 to B.R. : COUNTY BOARD OF APPEALS
NE corner Reisterstown Road :
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4th District :
George H. and Violet B. Fallmer : BALTIMORE COUNTY
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DISSENTING OPINION

This case comes before the Board for reclassification of a 3.3 acre parcel of land from a D.R. 16 and a D.R. 3.5 zoning classification to a B.R. classification. This parcel is located on the northeast corner of Reisterstown Road and Kingsley Road, in the Fourth Election District of Baltimore County, and contains 1.6 acres of D.R. 16 zoning along Reisterstown Road and 1.7 acres of D.R. 3.5 zoning at the rear of this parcel. This parcel is presently improved with two residences of considerable age, presently rented, and in need of renovation. The contract purchaser is an automobile dealer who owns the property to the north of this parcel and who wishes to expand onto the subject parcel.

After two days of testimony and careful examination of all entered exhibits, this member of the Board is of the opinion that error of the zoning maps does, in fact, exist in this case and will cite reasons for this opinion. This property was an issue on the comprehensive maps in 1976, but facts produced in testimony in this case may not have been known or presented at the time of consideration of the issues on the 1976 comprehensive maps, and thus, the desired reclassification was at that time denied. A study of the zoning map indicates that this parcel retained its original classification probably to provide a buffer between the B.R. zoning to the north and the completely developed D.R. 16 zoning to the south, and this appears on the surface to be logical. Testimony, however, produced several aspects of this particular parcel that indicate this zoning should, in fact, be reclassified as requested.

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Fallmer - #R-79-15 (R-79-204)

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After considering the apparently impractical aspects of reasonable development because of size, mixed zoning, setback requirements, etc., the reservation of a large portion of this parcel for the Pleasant Hill Drive right-of-way, and especially the unavailability of sewer facilities to all but a small portion of this parcel, it is the opinion of this member that the present zoning is, in fact, error. Therefore, this member of the Board dissents from the finding and Order of the majority.

William T. Hackett

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Fallmer - #R-79-15

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With the knowledge of the subject property which the County Council surely had and considering the other uses available to this property, the majority of the Board can find no error by the County Council when it placed the existing zoning classifications on the subject property.

Proving error is the burden the Petitioner must bear if this reclassification is to be granted. The majority of this Board finds that the testimony and evidence presented does not meet this burden, therefore, same will be denied.

ORDER

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COUNTY BOARD OF APPEALS
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Ralph C. Ten	3723 Old Court Rd.
Thomas Sober	1127N Reisterstown Rd.
James Tellner	875 Jay Road Sykesville
J.G. Howell	Office of Planning
Raymond Clifton (CLIFTON)	16 Kingsley Rd. Orange Mills

Mr. Alice L. Hand

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from D.R. 16 and D.R. 3.5 to B.R.	COUNTY BOARD OF APPEALS
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Fallmer - #R-79-15

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COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

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from D.R. 16 and D.R. 3.5 to B.R.	COUNTY BOARD OF APPEALS
NE corner Reisterstown Road	
and Kingsley Road	OF
4th District	
George H. and Violet B. Fallmer	BALTIMORE COUNTY
Petitioners	No. R-79-15
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Fallmer - #R-79-15 (R-79-204)

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William T. Hackett

Date: September 13, 1979

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George H. and Violet B. Fallmer	BALTIMORE COUNTY
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OPINION

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With the knowledge of the subject property which the County Council surely had and considering the other uses available to this property, the majority of the Board can find no error by the County Council when it placed the existing zoning classifications on the subject property.

Proving error is the burden the Petitioner must bear if this reclassification is to be granted. The majority of this Board finds that the testimony and evidence presented does not meet this burden, therefore, same will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of September, 1979, by the County Board of Appeals, ORDERED that the reclassification petitioned for, from D.R. 16 and D.R. 3.5 to a B.R. zone, be and the same is hereby DENIED.

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., Chairman

Patricia Millhouser

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 16 and D.R. 3.5 to : CIRCUIT COURT
B.R. NE corner Reisterstown :
Road and Kingsley Road : FOR
4th District :
George H. and Violet B. Fallmer : BALTIMORE COUNTY
Petitioners : AT LAW
Zoning File No. R-79-15 : Misc. Docket No. 11
(R-79-204) : Folio No. 380
: File No. 6930

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., William T. Hockett 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, Marvin I. Singer, Esq., 10 East Eager Street, Baltimore, Maryland 21202, Counsel for Petitioners, George H. and Violet B. Fallmer, c/o John D. Meyer Real Estate Co., 101 N. Center Street, Westminster, Maryland 21157, Petitioners, M's. Doris Fallmer, 875 Day Road, Sykesville, Maryland, 21784, Theodore C. Denick, Esq., 916 Munsey Building, Baltimore, Maryland, 21202, Counsel for the Protestants, John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland, 21117, and Mr. Raymond Clifton, 16 Kingsley Road, Owings Mills, Maryland, 21117, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

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

George H. & Violet B. Fallmer
Zoning File No. R-79-15
(R-79-204)

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Marvin I. Singer, Esq., 10 East Eager Street, Baltimore, Maryland 21202, Counsel for Petitioners, George H. and Violet B. Fallmer, c/o John D. Meyer Real Estate Co., 101 N. Center, Westminster, Maryland 21157, Petitioners, M's. Doris Fallmer, 875 Day Road, Sykesville, Maryland, 21784, Theodore C. Denick, Esq., 916 Munsey Building, Baltimore, Maryland, 21202, Counsel for the Protestants, John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland, 21117, and Mr. Raymond Clifton, 16 Kingsley Road, Owings Mills, Maryland, 21117, on this 19th day of October, 1979.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

cc: Mr. J. Howell
Mr. J. E. Over
Ms. Sandra Jones
JFH

GEORGE H. FALLMER, ET UX NO. R-79-15 (R-79-204)
NE corner Reisterstown and Kingsley Roads 4th District
DR 16 and DR 3.5 to B.R. 3.3 acres

Sept. 29, 1978 Petition filed
June 6, 1979 Hearing held before the County Board of Appeals
Sept. 13 Order of Board denying reclassification petitioned for
Oct. 11 Order for Appeal filed in the Circuit Court by Marvin I. Singer, Esq., on behalf of Petitioners (File #6930)
Petition to Accompany Order for Appeal, Certified copies of documents from file, and Transcript of testimony never filed in the Circuit Court
April 18, 1980 Motion to Dismiss Appeal on the ground that no Petition of Appeal has been filed by the Appellant, filed in the Circuit Court by People's Counsel
21 Order of Judge Walter R. Haile DISMISSING appeal

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
March 13, 1980

Clerk of the Circuit Court
Courts Building
Towson, Md. 21204

Re: George H. Fallmer, Appellant
11/380/6930

Dear Sir:

The above captioned case was appealed to the Circuit Court on October 11, 1979. In order to keep our records current, may we request a status report from your office concerning this appeal.

Very truly yours,

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

WAR:e

FILED APR 3 1980

RECEIVED
BALTIMORE COUNTY
APR 9 2 18 PM '80
COUNTY BOARD
OF APPEALS
BY: _____

CASE No. 6930
Marvin I. Singer

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District
GEORGE H. AND VIOLET B. FALLMER
Petitioners

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
M'S DORIS FALLMER
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
MRS. ALICE LE GRAND
MR. RAYMOND CLIFTON

ADVANCE COSTS
PHT's Atty 5.00
Clerk 50.00
Sheriff _____
Paid 12/15/79
Receipt No. 32235

ADDITIONAL COSTS
Clerk _____
Sheriff _____
Def't's Atty _____
Paid _____ Per _____
Receipt No. _____
Record _____

BOARD OF APPEALS PETITIONER'S EXHIBIT BEFORE 4

RE: PETITION FOR RECLASSIFICATION :
from D.R. 3.5 zone to B.R. zone;
VARIANCE from Section 238.4 of the :
Baltimore County Zoning Regulations
NE corner of Reisterstown Road and :
Kingsley Road :
4th District :
Walter Kiewit, et ux :
Fallmer :
Len Stoler-Ford :
Contract Purchaser :
Appellants :
RE: PETITION FOR RECLASSIFICATION : No. 74-182-RA
from D.R. 3.5 zone to B.R. zone :
NE/S of Reisterstown Road 132 feet :
Northwest of Kingsley Road :
4th District :
Leonard Stoler : No. 75-190-R
Petitioner

OPINION

The property which is the subject of petition No. 74-182-RA is located on the northeast corner of Reisterstown Road and Kingsley Road, in the 4th Election District of Baltimore County, and contains approximately one (1) acre of ground. The requested reclassification from D.R. 3.5 to B.R. was denied on April 22, 1974 by the Deputy Zoning Commissioner, and the requested variance was dismissed. From this decision the Petitioner appealed, and he has since abandoned his request for a variance regarding this parcel. The Petitioner, Len Stoler, is no longer the contract purchaser by virtue of his having since accomplished the purchase of this property.

The property which is the subject of No. 75-190-R is located immediately to the north of the parcel just referred to, and contains a strip approximately seventy (70) feet by three hundred and thirty feet (330) deep lying between the previously referred to parcel and the existing B.R. zoned land owned by the Petitioner, which contains his automobile agency. This petition for reclassification was granted by the Deputy Zoning Commissioner on June 5, 1973, and from that decision the People's Counsel appealed.

The Petitioner appeared and testified, and produced other witnesses including a representative of Ford Motor Company, indicating his need for additional area

No. 74-182-RA and No. 75-190-R

in order to properly handle the requirements of his customers and his automobile dealer business. There was additional testimony concerning the proposal which showed that there will be no substantial increase in traffic.

There was also testimony from a real estate expert concerning this proposed land use, and he had made some indication as to possible error committed by the Council, but his testimony was more directed to the numerous and substantial changes in the character of this area of Reisterstown Road since the adoption of the Comprehensive Zoning Maps.

It is interesting to note that apparently the Deputy Zoning Commissioner was likewise so inclined, for in his decision in April of 1974 he denied the requested reclassification on that particular parcel, and then in July of 1975 he had granted the requested reclassification on the second parcel, and indicated as his reasons therefor the substantial changes which have occurred. We concur in that finding and feel that since both of these parcels are now before us, that this contention applies equally to both parcels and that the requested reclassification should be granted. We do, however, feel that the two parcels which are under consideration here are adequate for the Petitioner's present and future needs, and for these reasons we are granting the requested petitions, with the exception of a strip of land which we are going to designate as D.R. 16 to act as a buffer in this matter. This will be a strip eight (8) feet in width along the southern border of the parcel located at the northeast corner of Reisterstown Road and Kingsley Road running easterly along Kingsley Road for the length of that property line, and then running northerly along the eastern boundary of that property until it meets the property line of the second parcel under consideration here, and from that point a strip of five (5) feet in width is to be designated as D.R. 16 zoned land, running in an easterly direction along the southern boundary of the second parcel under consideration here, to the end of that property line, thus giving an effect of a D.R. 16 zoned buffer between the Petitioner's property and the adjacent residential uses. This buffer is shown on the plot of the subject property, which is to be attached to this Order, and is indicated by the red hatch marks along the perimeters designated.

It is therefore the opinion of this Board that the petition for reclassification

No. 74-182-RA and No. 75-190-R

tion in both of these cases should be granted, subject to the modifications indicated above, and as indicated on the attached plot containing the subject properties.

ORDER

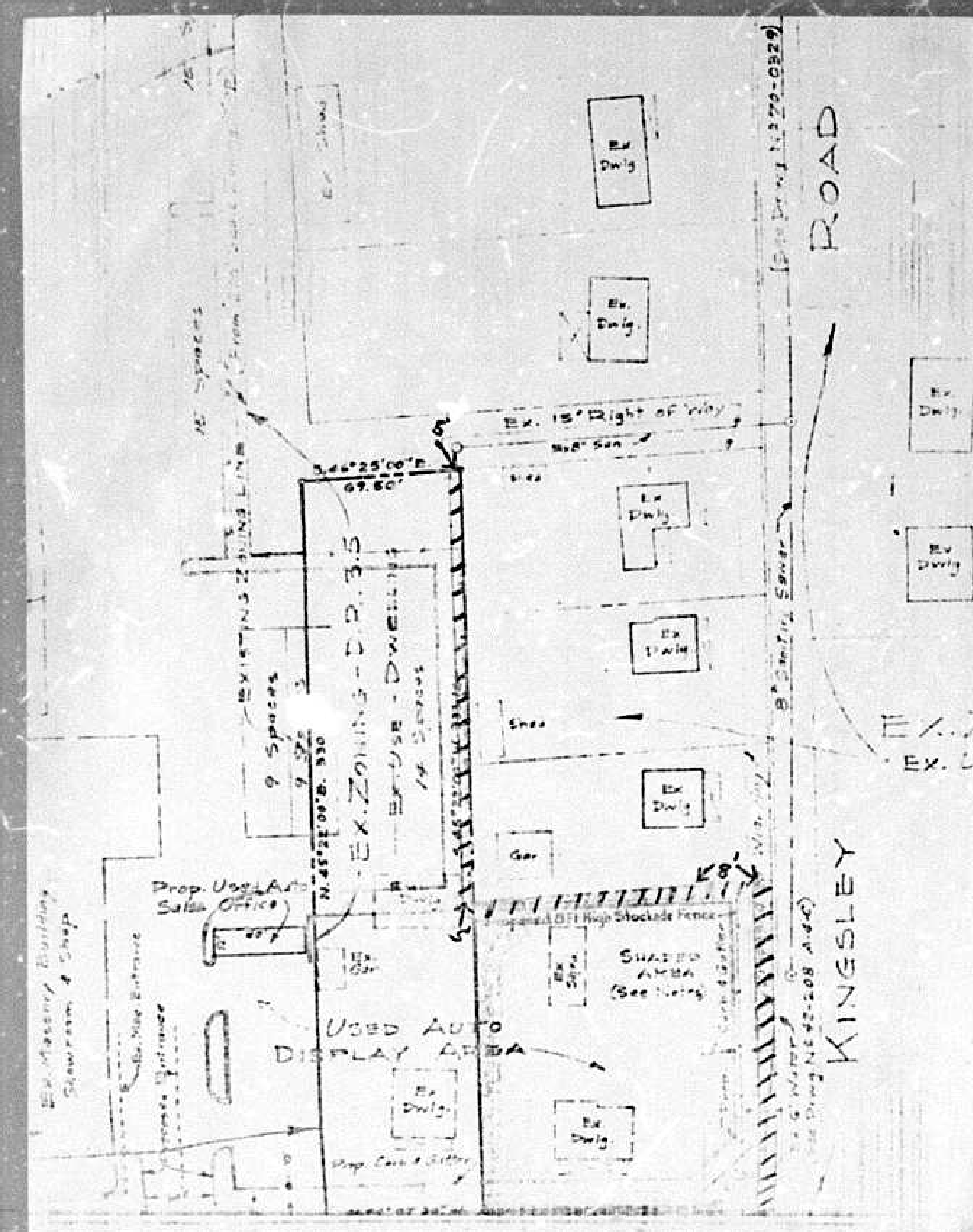
For the reasons set forth in the foregoing Opinion, it is this 7th day of June, 1976, by the County Board of Appeals ORDERED, that the reclassification of the two parcels petitioned for, from D.R. 3.5 to B.R. zone, be and the same are hereby GRANTED, saving and excepting the five (5) and eight (8) foot wide strips designated below in this Order as D.R. 16; and it is

FURTHER ORDERED, that the eight (8) foot wide strip of land hereby designated as a D.R. 16 zoned buffer along the southern border of the parcel located at the northeast corner of Reisterstown Road and Kingsley Road, running easterly along Kingsley Road for the length of that property line, and then running northerly along the eastern boundary of that property until it meets the property line of the second parcel under consideration here, and from that point a strip five (5) feet in width, hereby designated as D.R. 16 zoned land, running in an easterly direction along the southern boundary of the second parcel under consideration here, to the end of that property line, be and the same are hereby GRANTED, same being shown by red hatch marks along the perimeters designated on the plot attached hereto.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman
Robert L. Gifford
Robert L. Gifford
John A. Miller
John A. Miller



JAMES S. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204

W.D.L.
DATE: Sept 28, 77

ZONING DESCRIPTION
To Accompany Petition for Reclassification to B.R. Zone

SHEET 1 OF 1

Beginning for the same at the corner formed by the intersection of the southeast side of Kingsley Road (20 feet wide) with the northeast side of Reisterstown Road (66 feet wide) and running, thence binding on the southeast side of Kingsley Road,

- (1) North 51° 18' East 250.0 feet, thence leaving Kingsley Road
- (2) South 35° 32' East 228.9 feet,
- (3) North 51° 18' East 118.5 feet,
- (4) South 35° 10' East 211.1 feet and
- (5) South 51° 18' East 100.0 feet to the northeast side of Reisterstown Road, thence binding thereon,
- (6) North 35° 10' West 113.0 feet to the place of beginning.

Containing 3.3 acres of land more or less.



LAW OFFICES
SINGER & LAWLOR
TEN EAST EAGER
BALTIMORE, MARYLAND 21202

MARVIN I. SINGER
J. MICHAEL LAWLOR
ABRAHAM J. KRONBERG

TELEPHONE
726-1121
685-1111
AREA CODE 301
COUNSEL
VERNON H. WIESAND

December 13, 1978

Mr. Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee
Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 14
Reclassification Petition
Fallmer - Stoler

Dear Mr. Commodari:

In the Evaluation Comments received under cover of your letter dated October 31, 1978, there is included a letter from Ellsworth N. Diver, Chief of Bureau of Engineering, dated November 16, 1978, calling attention to the need for reservation of an 80 foot right-of-way through the subject tract. As stated, "this proposed road will have a major impact on this site as presently planned".

Petitioner's engineers, James S. Spamer & Associates supplied me with a site plan depicting the location of the right-of-way, which widens at the Reisterstown Road frontage to 120 feet. The apparent effect of this road upon the property would seem to preclude the intended use, for which the reclassification is being sought. Until the problem is solved, in one manner or another, the Petitioner is unable to submit a revised site plan at this time. However, I would request acceptance of the petition for filing and to be included for hearing in the next cycle. I would reserve, however, the right to file a revised site plan in a timely manner in the future.

Thank you for your cooperation in this matter.

Sincerely,
Marvin I. Singer
Marvin I. Singer

SINGER & LAWLOR
ATTORNEYS AT LAW
10 EAST EAGER STREET
BALTIMORE, MARYLAND 21202

11943

September 29, 1978

PAY TO THE ORDER OF Baltimore County, Maryland \$50.00

Fifty and 00/100 DOLLARS

The Equitable Trust Company
Baltimore, Maryland

For Stoler *Wm. O. Sauter*

*0520*0089: 601 7823 3*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 29 day of

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

Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner George & Violet Submitted by Singer
Petitioner's Attorney Marvin I. Singer Reviewed by Eric DiNenna

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

December 16, 1978

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Marvin I. Singer, Esquire
10 East Eager Street
Baltimore, Maryland 21202

RE: Item No. 14
Petitioner - Fallmer
Reclassification Petition

Dear Mr. Singer:

Please be advised that the acceptance certificate for the above petition, dated January 30, 1979, was incorrect. Enclosed is verification that the correct date of acceptance was December 14, 1978. This should replace the previous certificate.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

enclosure

cc: James S. Spamer & Associates
P.O. Box 9804
Towson, Maryland 21204

PETITION FOR RECLASSIFICATION
4th District

ZONING: Petition for Reclassification from D.R.16 & D.R.3.5 Zones to a B.R. Zone

LOCATION: Northeast corner of Reisterstown Road and Kingsley Road

DATE & TIME: Wednesday, June 6, 1979 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R.16 & D.R.3.5
Proposed Zoning: B.R.

All that parcel of land in the Fourth District of Baltimore County

Being the property of George H. & Violet B. Fallmer, as shown on plat plan filed with the Zoning Department

Hearing Date: Wednesday, June 6, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WALTER A. REITER, JR., CHAIRMAN
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

PETITION FOR RECLASSIFICATION
4th District

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DATE & TIME: Wednesday, June 6, 1979 at 10:00 A.M.

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Present Zoning: D.R.16 & D.R.3.5
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Hearing Date: Wednesday, June 6, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WALTER A. REITER, JR., CHAIRMAN
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

BASS & DENICK, P.A.
ATTORNEYS AT LAW
818 MONROE BRIDGE
BALTIMORE, MARYLAND 21202

LEONARD BASS
THEODORE C. DENICK
STUART L. BAGAL
HOWARD CASSIN

May 25, 1979

County Board of Appeals
218 Court House
Towson, Maryland 21204

RE: CASE NO. R-79-15 FALLMER, GEORGE H. AND VIOLET B. RECLASSIFICATION

Gentlemen:

Please be advised that the writer is counsel for Joseph Schwartz and Richmar Apartments and on their behalf we protest the reclassification proposed from DR16 and DR35 to BR.

Please enter my appearance and notify interested parties of our protest. I understand that the case is scheduled for Wednesday, June 6, 1979 at 10:00 A.M. Please notify me of any postponements, or continuances.

Very truly yours,
Theodore C. Denick
THEODORE C. DENICK

TCD/sla
cc: John W. Hessian, Esquire-Peoples Counsel

Joseph Schwartz

847-1000
847-1000
847-1000
847-1000

May 29, 1979

Marvin Singer, Esquire
10 E. Eager Street
Baltimore, Maryland 21202

RE: Petition for Reclassification
NE/corner Reisterstown Rd. & Kingsley
Rd. - 4th District
George H. Fallmer, et ux - Petitioners
Case No. R-79-15

Dear Sir:

This is to advise you that \$227.28 is due for advertising and posting
of the above property.

Please make check payable to Baltimore County, Maryland and remit to
Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204,
before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

Marvin Singer, Esquire
10 East Eager Street
Baltimore, Maryland 21202

NOTICE OF HEARING BEFORE THE
COUNTY BOARD OF APPEALS

RE: Petition for Reclassification, NE/corner Reisterstown Rd. & Kingsley Rd. - 4th
District, George H. Fallmer, et ux - Petitioners, Case No. R-79-15

TIME: 10:00 A.M.

DATE: Wednesday, June 6, 1979

PLACE: ROOM 219, COURTHOUSE, TOWSON, MARYLAND

Walter A. Carter, Jr.
CHAIRMAN, COUNTY BOARD OF APPEALS

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
Hearing Room 218

April 12, 1979

CASE NO. R-79-15

GEORGE H. & VIOLET B. FALLMER

for - Reclassification from D.R. 16 and D.R. 3,5
to B.R. zone (3.3 acres)

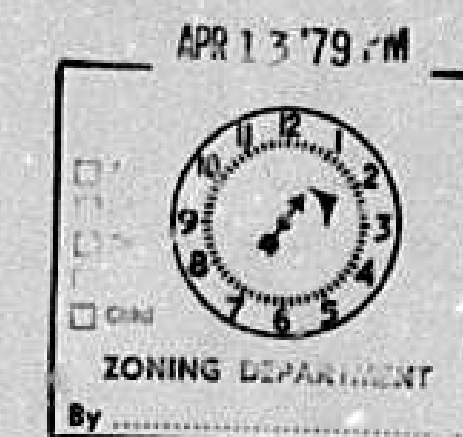
NE cor. Reisterstown Rd. and Kingsley Rd.
4th District

ASSIGNED FOR:

WEDNESDAY, JUNE 6, 1979 at 10 a.m.

cc: Mr. J. E. Dyer, Zoning

Mrs. M. Campagna, "



September 13, 1979

Marvin I. Singer, Esquire
10 E. Eager Street
Baltimore, Md. 21202

Re: Case No. R-79-15
George H. & Violet B. Fallmer

Dear Mr. Singer:

Enclosed herewith is a copy of the Majority Opinion and Order
passed today by the County Board of Appeals in the above entitled case. Also
enclosed is a copy of the Dissenting Opinion filed by Mr. Carter.

Very truly yours,

Edith T. Elserhart
Edith T. Elserhart, Adm. Secretary

Encl.

cc: Theodore C. Denlak, Esquire
John W. Hession, III, Esquire
Mrs. Aline LeGrand
Mr. Raymond Clifton
Mrs. Doris Fallmer
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. J. D. Seyffert
Mr. J. Haswell
Board of Education

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

October 19, 1979

John W. Hession, III, Esq.
People's Counsel of Baltimore County
Court House
Towson, Maryland 21204

Dear Mr. Hession:

Re: George H. & Violet B. Fallmer
Case No. R-79-15

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,

Jane Holman
Jane Holman, Secretary

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

October 18, 1979

Mrs. Doris Fallmer
875 Day Road
Sykesville, Maryland 21784

Dear Mrs. Fallmer:

Re: George H. & Violet B. Fallmer
Case No. R-79-15

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,

Jane Holman
Jane Holman, Secretary

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

October 19, 1979

Mr. Raymond Clifton
16 Kingsley Road
Owings Mills, Maryland 21117

Dear Mr. Clifton:

Re: George H. & Violet B. Fallmer
Case No. R-79-15

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,

Jane Holman
Jane Holman, Secretary

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

October 19, 1979

Mrs. Aline LeGrand
25 Olive Lane
Owings Mills, Maryland 21117

Dear Mrs. LeGrand:

Re: George H. & Violet B. Fallmer
Case No. R-79-15

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,

Jane Holman
Jane Holman, Secretary

Encl.

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to B.R.
NE corner Reisterstown Road
and Kingsley Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

No. R-79-15
(R-79-204)

DISSENTING OPINION

This case comes before the Board for reclassification of a 3.3 acre parcel of land from a D.R. 16 and a D.R. 3.5 zoning classification to a B.R. classification. This parcel is located on the northeast corner of Reisterstown Road and Kingsley Road, in the Fourth Election District of Baltimore County, and contains 1.6 acres of D.R. 16 zoning along Reisterstown Road and 1.7 acres of D.R. 3.5 zoning on the rear of this parcel. This parcel is presently improved with two residences of considerable age, presently rented, and in need of renovation. The contract purchaser is an automobile dealer who owns the property to the north of this parcel and who wishes to expand onto the subject parcel.

After two days of testimony and careful examination of all entered exhibits, this member of the Board is of the opinion that error of the zoning maps does, in fact, exist in this case and will cite reasons for this opinion. This property was an issue on the comprehensive maps in 1976, but facts produced in testimony in this case may not have been known or presented at the time of consideration of the issues on the 1976 comprehensive maps, and thus, the desired reclassification was at that time denied. A study of the zoning map indicates that this parcel retained its original classification probably to provide a buffer between the B.R. zoning to the north and the completely developed D.R. 16 zoning to the south, and this appears on the surface to be logical. Testimony, however, produced several aspects of this particular parcel that indicate this zoning should, in fact, be reclassified as requested.

Testimony from experts indicated that it was impractical from a financial aspect to develop the property residentially in its present zoning classification. Because of setback requirements, etc. and the mixed D.R. 16 and D.R. 3.5, the parcel is just not large enough to make this practical. There are, however, other mitigating circumstances.

Fallmer - #R-79-15 (R-79-204)

2.

Baltimore County has reserved a right-of-way of eighty (80) feet thru the entire southern portion of the parcel for the extension of Pleasant Hill Drive, and no building permits can be issued for this portion. This further reduces the usable D.R. 16 zoned area to 1.1 acres and the D.R. 3.5 to 1.0 acres, and this further compounds the unreasonableness of residential development. There is, however, one other major factor which precludes the use of this property for development. The public sewer line available to this site is on Kingsley Road. Because of the topography of this parcel and the elevation of this sewer line, only a small portion of the parcel nearest Kingsley Road could be sewered. This virtually eliminates any prospect for reasonable development. The two existing structures now on the property have, at present, private sewerage systems. While Kingsley Road is at present the beginning of the buffer zone along Reisterstown Road, it seems to this member that the proposed Pleasant Hill Drive and the reserving of the right-of-way for same is just as adequate as a buffer area. Since the property to the south is already fully developed, no further expansion of business zoning in this direction is possible, and the proposed Pleasant Hill Drive seems to serve well as the desired buffer area.

After considering the apparently impractical aspects of reasonable development because of size, mixed zoning, setback requirements, etc., the reservation of a large portion of this parcel for the Pleasant Hill Drive right-of-way, and especially the unavailability of sewer facilities to all but a small portion of this parcel, it is the opinion of this member that the present zoning is, in fact, error. Therefore, this member of the Board dissents from the finding and Order of the majority.

William T. Hockett
William T. Hockett

Date: September 13, 1979

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

No. R-79-15
(R-79-204)

11/380/6930

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of Petitioners from the Order of the County Board of Appeals of Baltimore County dated September 13, 1979, in the above mentioned proceedings, which denied the requested reclassification.

Marvin I. Singer
Ten East Eager Street
Baltimore, Maryland 21202
752-1122

Attorney for Petitioners

RECEIPT OF SERVICE

Receipt of the foregoing Order for Appeal is hereby acknowledged this 11th day of October, 1979.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

By: Edith P. Greenhart

RECEIVED
BALTIMORE COUNTY
Oct 11 3 30 PM '79
COUNTY BOARD
OF APPEALS
BY: _____

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

No. R-79-15
(R-79-204)

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on this 11th day of October, 1979, I delivered a copy of the foregoing Order for Appeal to the offices of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, and that copies were mailed this date to John W. Hessian, III, Esquire, Peoples Zoning Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204; and to Theodore C. Denick, Esquire, 916 Munsey Building, Baltimore, Maryland 21202.

Marvin I. Singer
Marvin I. Singer

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

No. R-79-15
(R-79-204)

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal on behalf of Petitioners from the Order of the County Board of Appeals of Baltimore County dated September 13, 1979, in the above mentioned proceedings, which denied the requested reclassification.

Marvin I. Singer
Ten East Eager Street
Baltimore, Maryland 21202
752-1122

Attorney for Petitioners

RECEIPT OF SERVICE

Receipt of the foregoing Order for Appeal is hereby acknowledged this 11th day of October, 1979.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

By: Edith P. Greenhart

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

No. R-79-15
(R-79-204)

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on this 11th day of October, 1979, I delivered a copy of the foregoing Order for Appeal to the offices of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, and that copies were mailed this date to John W. Hessian, III, Esquire, Peoples Zoning Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204; and to Theodore C. Denick, Esquire, 916 Munsey Building, Baltimore, Maryland 21202.

Marvin I. Singer
Marvin I. Singer

RE: PETITION FOR RECLASSIFICATION
from D.R. 16 and D.R. 3.5 to
B.R. NE corner Reisterstown
Road and Kingsley Road
4th District

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

George H. and Violet B. Fallmer
Petitioners

AT LAW

Zoning File No. R-79-15
(R-79-204)

Misc. Docket No. 11

Filed No. 380

File No. 6930

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., William T. Hockett 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, Marvin I. Singer, Esq., 10 East Eager Street, Baltimore, Maryland 21202, Counsel for Petitioners, George H. and Violet B. Fallmer, c/o John D. Meyer Real Estate Co., 101 N. Center Street, Westminster, Maryland 21157, Petitioners, M's. Davis Fallmer, 875 Day Road, Sykesville, Maryland, 21784, Theodore C. Denick, Esq., 916 Munsey Building, Baltimore, Maryland, 21202, Counsel for the Protestants, John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland, 21117, and Mr. Raymond Clifton, 16 Kingsley Road, Owings Mills, Maryland, 21117, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Jane Holmen
Jane Holmen
County Board of Appeals of Baltimore County
Rm. 219, Court House, Towson, Md. 21204
Telephone 494-3180

George H. & Violet B. Fallmer
Zoning File No. R-79-15
(R-79-204)

2.

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Marvin I. Singer, Esq., 10 East Eager Street, Baltimore, Maryland 21202, Counsel for Petitioners, George H. and Violet B. Fallmer, c/o John D. Meyer Real Estate Co., 101 N. Center, Westminster, Maryland 21157, Petitioners, M's. Davis Fallmer, 875 Day Road, Sykesville, Maryland, 21784, Theodore C. Denick, Esq., 916 Munsey Building, Baltimore, Maryland, 21202, Counsel for the Protestants, John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, Mrs. Alice LeGrand, 25 Olive Lane, Owings Mills, Maryland, 21117, and Mr. Raymond Clifton, 16 Kingsley Road, Owings Mills, Maryland, 21117, on this 19th day of October, 1979.

Jane Holmen
Jane Holmen
County Board of Appeals of Baltimore County

RECEIVED
BALTIMORE COUNTY
Oct 11 3 31 PM '79
COUNTY BOARD
OF APPEALS
BY: _____

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map					6-4	MB				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>Dgt</u>	Revised Plans: Change in outline or description <u>Yes</u> No									
Previous case: _____	Map # <u>NA152</u>									

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 as of the
30th day of January, 1979

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner **Fallmer**

Petitioner's Attorney **Marvin L. Singer**
Marvin L. Singer, Esquire
10 East Eager Street
Baltimore, Maryland 21202

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

cc: James S. Spamer & Associates
P.O. Box 9804
Towson, Maryland 21204

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 14th day of December, 1978

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner **Fallmer**

Petitioner's Attorney **Marvin L. Singer**
Marvin L. Singer, Esquire
10 East Eager Street
Baltimore, Maryland 21202

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

cc: James S. Spamer & Associates
P.O. Box 9804
Towson, Maryland 21204

R-79-15

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting MAY 18, 1979

Posted for: RECLASSIFICATIONPetitioner: GEORGE H. FALLMER, ET UXLocation of property: NE/CORNER REISTERSTOWN RD. & KINGSLEY RD.Location of Signs: ONE/COR. REISTERSTOWN & KINGSLEY RD. @ NW/COR. REISTERSTOWN
RD & RICHMOND DRIVERemarks: Shirley D. BalandPosted by Shirley D. Baland Date of return: MAY 25, 1979

2-SIGNS

RECEIVED
BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT
DATE: June 29, 1979 ACCOUNT: 01-662
AMOUNT: \$27.00
No. 78754

RECEIVED
BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT
DATE: May 10, 1979 ACCOUNT: 01-662
AMOUNT: \$50.00
No. 78663

Req. **7450** Date May 10, 1979
TERMS: **PURCHASING**
Please order the following material for Zoning Department
Deliver to James E. Dyer Dist. No. 15th

Quantity	DESCRIPTION OF MATERIAL	Unit	Agency	Program	Object	Exp. Code	PURCHASED FROM	UNIT PRICE	TOTAL PRICE	ORDER NUMBER
	51/8 Reisterstown Rd. 110' W		01	12	02	04	70	244	4375	
	of Reisterstown Rd.						2 signs	10.00		
	New York Tuesday, June 5, 1979 at 10:00 A.M.						Full Page Ad	179.34		
	Advertisement for Recl...						Community Times	36.76		
								270.05		

Requested by _____ Purchased by _____
Approved by _____ Approved _____
Authorized Signature _____

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 17, 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., on one time, successive weeks before the 6th day of June, 1979, the 18th publication appearing on the 17th day of May, 1979.

THE JEFFERSONIAN

S. Lusk Shuck
Manager

Cost of Advertisement, \$ _____

Req. **7452** Date May 10, 1979
TERMS: **PURCHASING**
Please order the following material for Zoning Department
Deliver to James E. Dyer Dist. No. 15th

Quantity	DESCRIPTION OF MATERIAL	Unit	Agency	Program	Object	Exp. Code	PURCHASED FROM	UNIT PRICE	TOTAL PRICE	ORDER NUMBER
	51/8 Reisterstown Rd. 110' W		01	12	02	04	70	244	4375	
	of Reisterstown Rd.						2 signs	10.00		
	New York Tuesday, June 5, 1979 at 10:00 A.M.						Full Page Ad	179.34		
	Advertisement for Recl...						Community Times	36.76		
								270.05		

Requested by _____ Purchased by _____
Approved by _____ Approved _____
Authorized Signature _____

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 17, 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., on one time, successive weeks before the 6th day of June, 1979, the 18th publication appearing on the 17th day of May, 1979.

THE JEFFERSONIAN

S. Lusk Shuck
Manager

Cost of Advertisement, \$ _____

Copy Test

Zoning Commissioner of Baltimore County

Req. **7451** Date May 10, 1979
TERMS: **PURCHASING**
Please order the following material for Zoning Department
Deliver to James E. Dyer Dist. No. 15th

Quantity	DESCRIPTION OF MATERIAL	Unit	Agency	Program	Object	Exp. Code	PURCHASED FROM	UNIT PRICE	TOTAL PRICE	ORDER NUMBER
	51/8 Reisterstown Rd. 110' W		01	12	02	04	70	244	4375	
	of Reisterstown Rd.						2 signs	10.00		
	New York Tuesday, June 5, 1979 at 10:00 A.M.						Full Page Ad	179.34		
	Advertisement for Recl...						Community Times	36.76		
								270.05		

Requested by _____ Purchased by _____
Approved by _____ Approved _____
Authorized Signature _____



TOWSON, MD. 21204 May 17, 1979

THIS IS TO CERTIFY that the annexed advertisement of Petition for Reclassification - George H. Fallmer, 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 18th day of May, 1979, that is to say, the same was inserted in the issues of May 17, 1979.

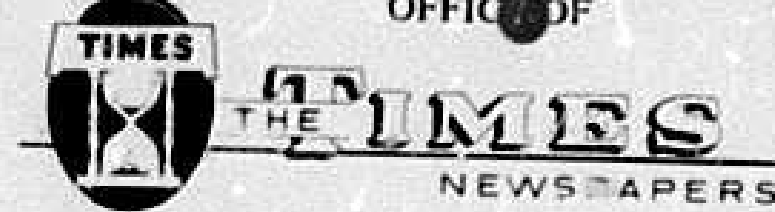
STROMBERG PUBLICATIONS, INC.

BY *Esther Bange*

Req. **7452** Date May 10, 1979
TERMS: **PURCHASING**
Please order the following material for Zoning Department
Deliver to James E. Dyer Dist. No. 15th

Quantity	DESCRIPTION OF MATERIAL	Unit	Agency	Program	Object	Exp. Code	PURCHASED FROM	UNIT PRICE	TOTAL PRICE	ORDER NUMBER
	51/8 Reisterstown Rd. 110' W		01	12	02	04	70	244	4375	
	of Reisterstown Rd.						2 signs	10.00		
	New York Tuesday, June 5, 1979 at 10:00 A.M.						Full Page Ad	179.34		
	Advertisement for Recl...						Community Times	36.76		
								270.05		

Requested by _____ Purchased by _____
Approved by _____ Approved _____
Authorized Signature _____



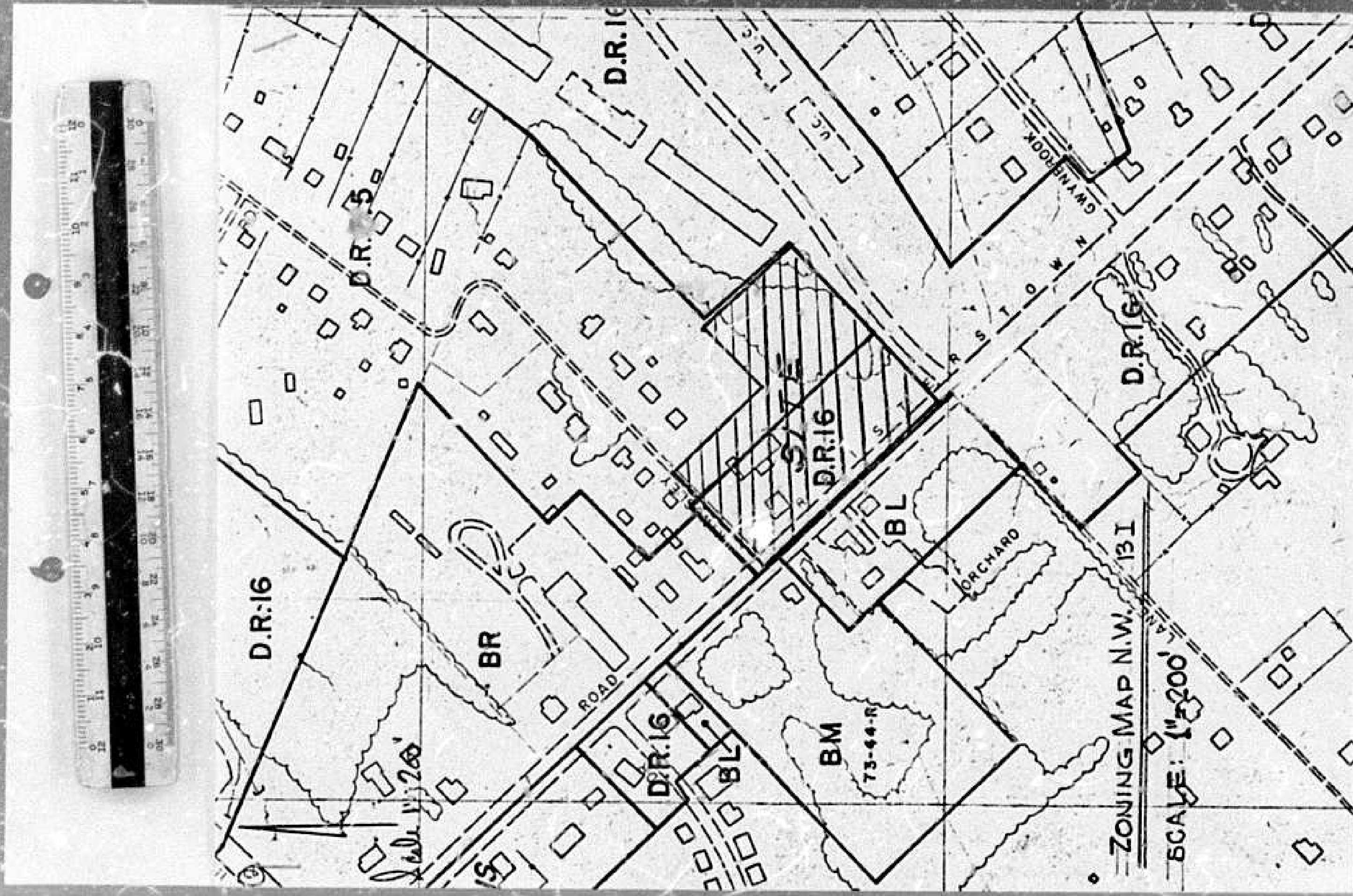
TOWSON, MD. 21204 May 17, 1979

THIS IS TO CERTIFY that the annexed advertisement of Petition for Reclassification - George H. Fallmer, et ux was inserted in the following:

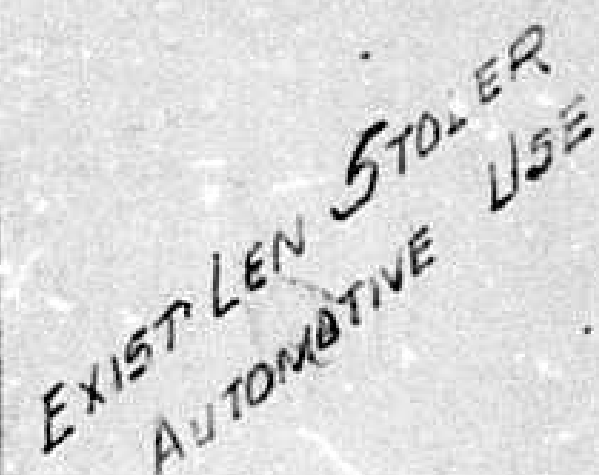
- | | |
|--|---|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☒ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 18th day of May, 1979, that is to say, the same was inserted in the issues of May 17, 1979.

STROMBERG PUBLICATIONS, INC.

BY *Esther Bange*

1



PETITIONER
EXHIBIT 3

Ex D.F. 3.5

Margriss Dec 687/122

Follows See 472/566

② $595^{\circ}32'8'' - 228.9'$

Area = 3.3° A₂
Net Area = 2.14 A_C

REISTERSTOWN ROAD

EX B.M.

EX B.L

OVERLAY TO SITE PLAN

SCALE 1"=50' 14TH MAY 1978

ELECTIC DIST

4-22
D.R. - 16

EX | D.R.

SITE 3.3 AC PROP
B. R ZONE
EX D. 1

ERSTOWN

B.M.

EX B I

ROAD

EX. D.R. 16

SEE BALTO CO. OFFICIAL ZONING MAP N.W. 13-1

PRESENT ZONING & VICINITY MAP

Scale: 1" = 200'

SITE PLAN

TO ACCOMPANY PETITION FOR RECLASSIFICATION TO A B.R. ZONE - 3.3% AC.
11277 REISTERSTOWN RD. OWINGS MILL, MD 21117. DIST 4C, BALTO Co., MD.
CONTRACT PURCHASER: LEONARD STOLER - 11275 REISTERSTOWN RD. ZONE 21117
OWNER: G. Meyer, Violet D. Fallmar per J. Dogis Fallmar
% JOHN D. MEYER REAL ESTATE CO. - 101 W. CENTER ST. WESTMINSTER, MD 21157

JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
8017 YORK ROAD
TOWSON, MD. 21204

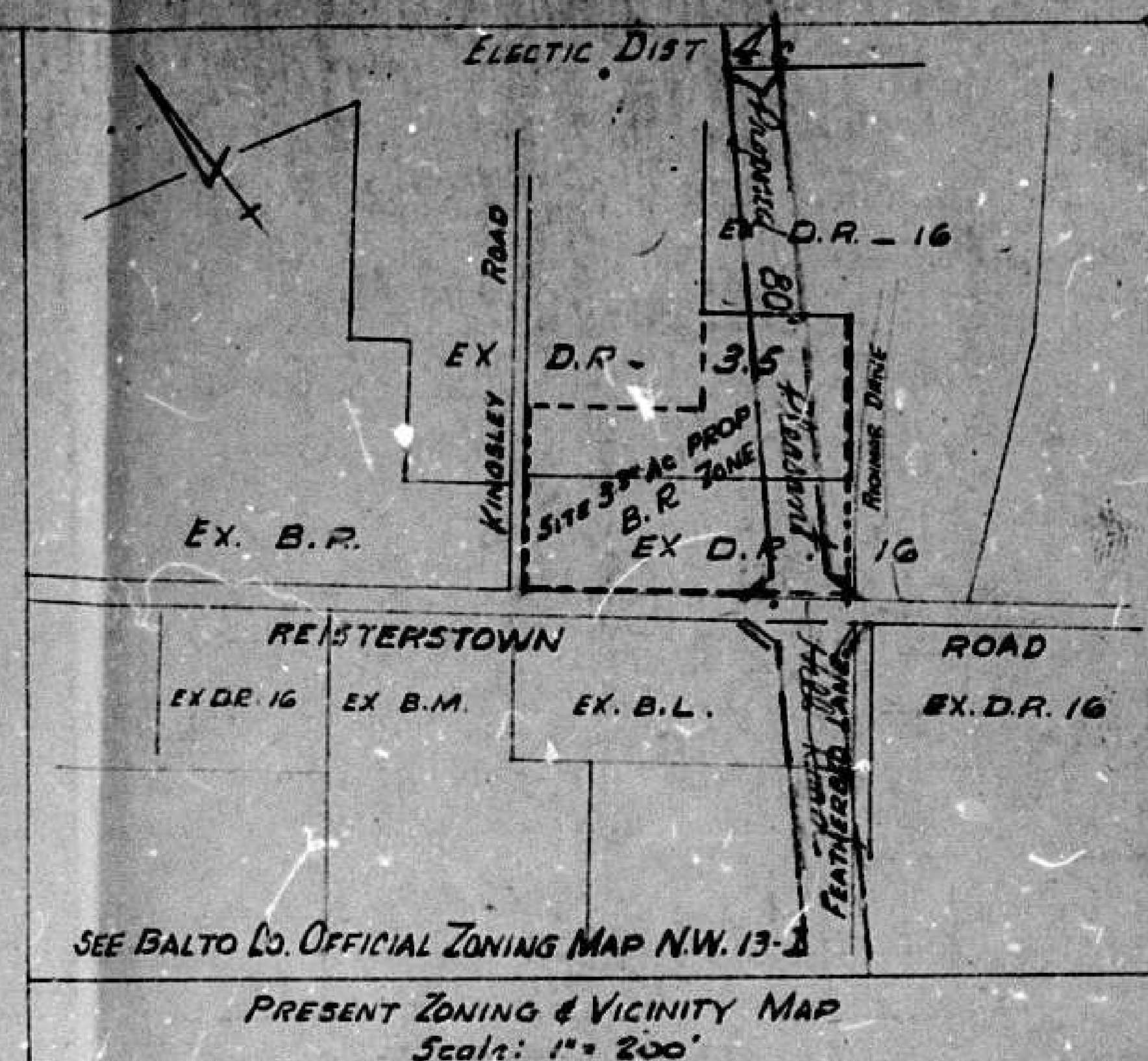
Scale: 1" = 50' 9 MAY 1979



Declassification Petition Item No 14 Cycle B Oct 78 - April 79



BOARD OF APPEALS
PETITIONER'S
EXHIBIT 1



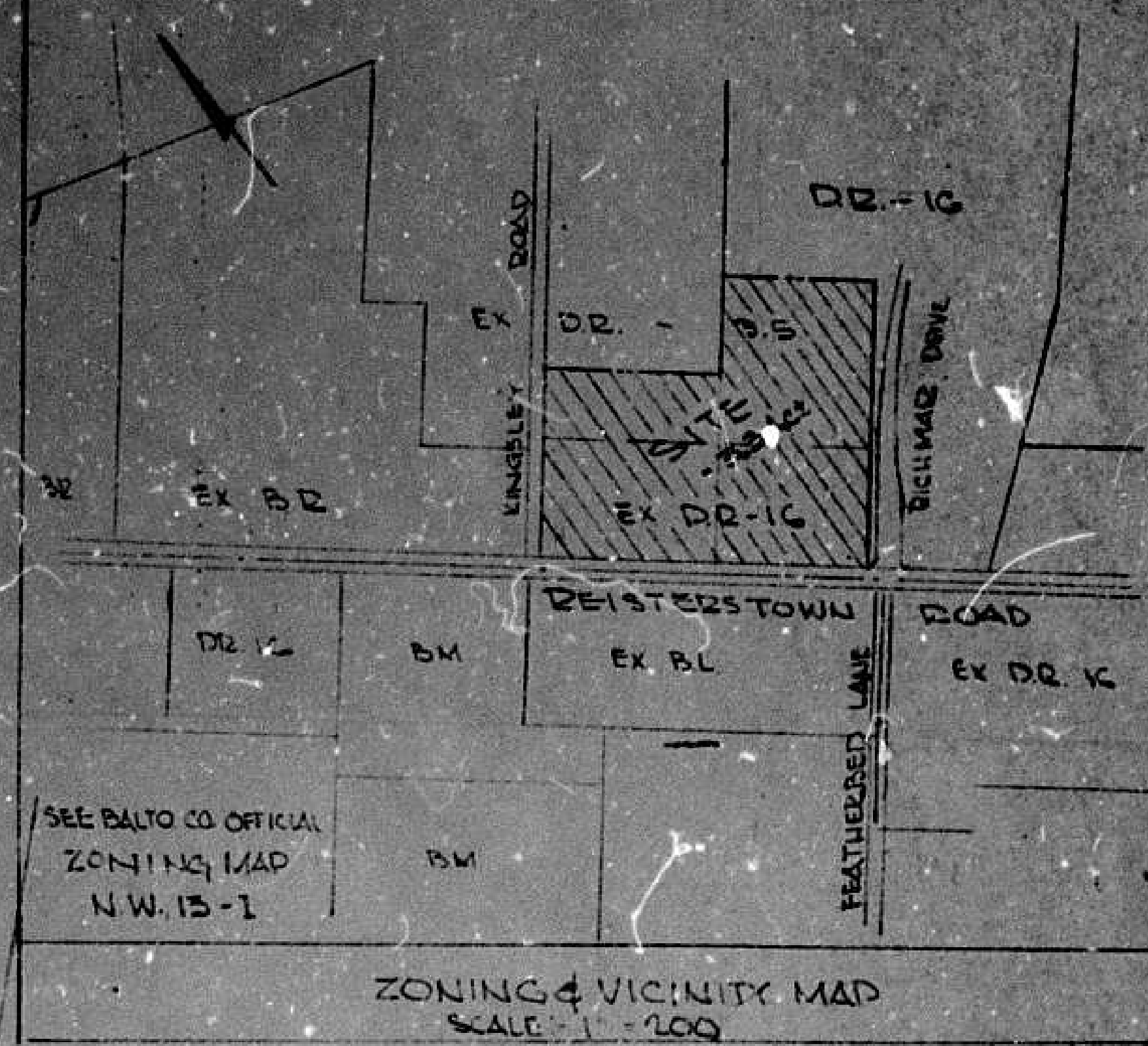
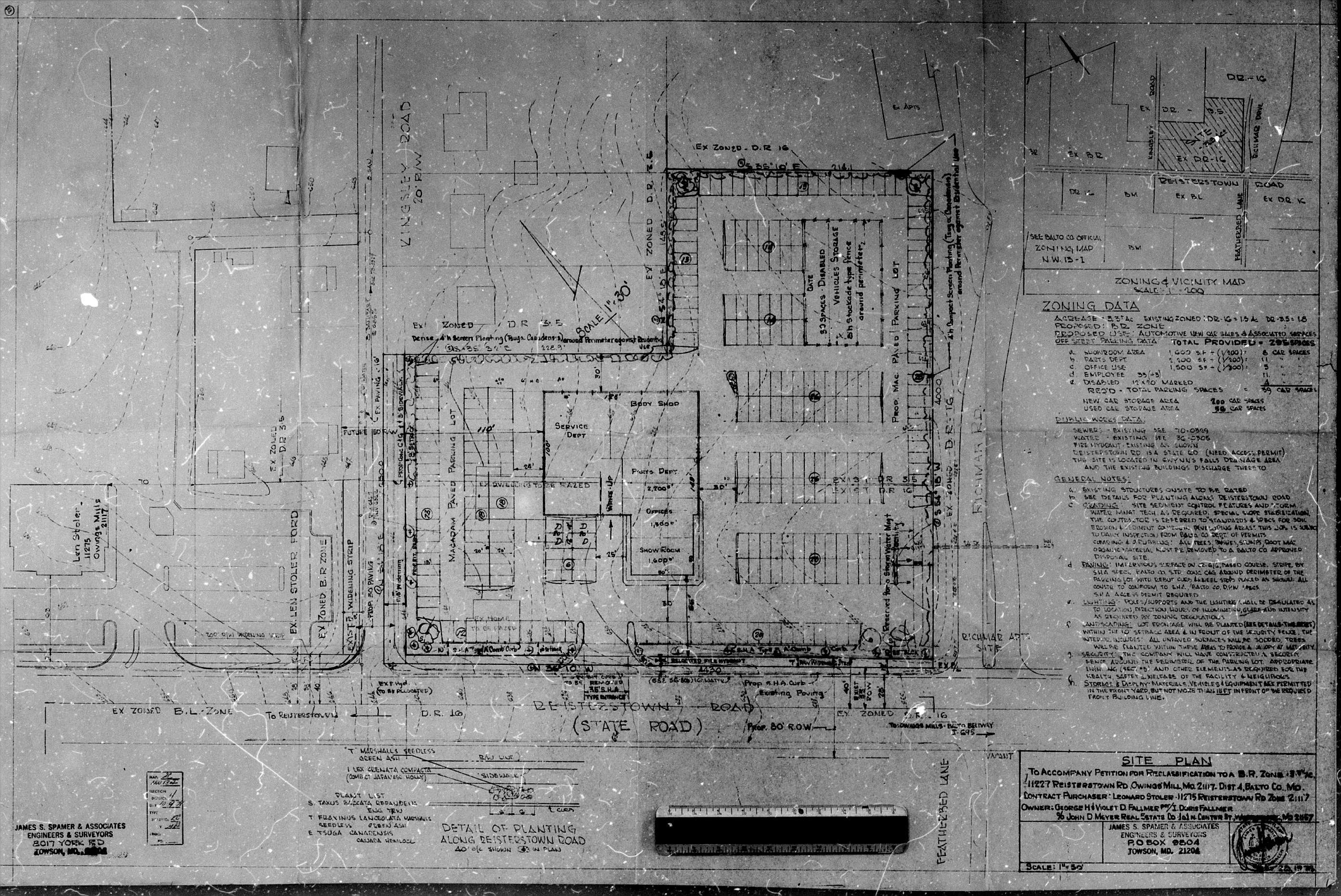
EXIST' LEN STOLER
AUTOMOTIVE USE

SITE PLAN

TO ACCOMPANY PETITION FOR RECLASSIFICATION TO A B.R. ZONE - 3.34 AC
11227 REISTERSTOWN RD. OWINGS MILL, MD 21117. DIST AC, BALTO CO., MD.
CONTRACT PURCHASER: LEONARD STOLER - 11275 REISTERSTOWN RD. ZONE 21117
OWNER: George H. Violet D. Fallmer per J. Dogis Fallmer
% John D Meyer Real Estate Co. - 1044 Center St. Westminster Md 21157

JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
8017 YORK ROAD
TOWSON, MD 21204
Scale: 1" = 50' 9 MAY 1979

STATE OF MARYLAND
JAMES S. SPAMER
REGISTERED PROFESSIONAL SURVEYOR
No. 11111



ZONING DATA

ACREAGE: 3.35 AC. EXISTING ZONED: DR-1G-15 & DR-35-18
PROPOSED: B.R. ZONE
PROPOSED USE: AUTOMOTIVE NEW CAR SALES & ASSOCIATED SERVICES

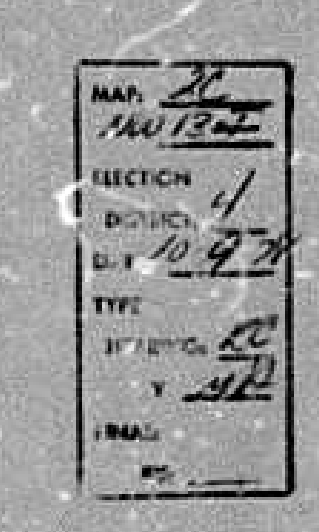
OFF STREET PARKING DATA	TOTAL PROVIDED	295 SPACES
a. SHOWROOM AREA	1,000 SF ÷ (1/200) =	5 CAR SPACES
b. PARTS DEPT	2,200 SF ÷ (1/200) =	11 "
c. OFFICE USE	1,500 SF ÷ (1/200) =	7 "
d. EMPLOYEE	35 (-2) =	11 "
e. DISABLED	12,470 MARKED	4 "
REQ'D - TOTAL PARKING SPACES		39 CAR SPACES
NEW CAR STORAGE AREA		200 CAR SPACES
USED CAR STORAGE AREA		95 CAR SPACES

PUBLIC WORKS DATA:

SEWERS - EXISTING SEE 70-0329
WATER - EXISTING SEE 30-0305
FIRE HYDRANT - EXISTING AS SHOWN
REISTERSTOWN RD. IS A STATE RD. (NEED ACCESS PERMIT)
THE SITE IS LOCATED IN Gwynn's Falls Drainage Area
AND THE EXISTING BUILDINGS DISCHARGE THERE TO

- GENERAL NOTES:**
- EXISTING STRUCTURES ON SITE TO BE RATED
 - SEE DETAILS FOR PLANTING ALONG REISTERSTOWN ROAD
 - LANDSCAPING:** SITE SEDIMENT CONTROL FEATURES AND FORM WATER MGMT TECH AS REQUIRED. SPECIAL SLOPE STABILIZATION. THE CONTRACTOR IS REFERRED TO STANDARDS & SPECS FOR SOIL EROSION & SEDIMENT CONTROL. DEVELOPING AREAS THIS JOB IS SUBJECT TO DAILY INSPECTION FROM BALTO CO DEPT. OF PERMITS. CLEARING & GRUBBING: ALL TREES, SHRUBS, STUMPS, ROOT MAT, ORGANIC MATERIAL MUST BE REMOVED TO A BALTO CO APPROVED DISPOSAL SITE.
 - PAVING:** INTERIORS SURFACE ON CR-60 BASED COURSE. STRIPE BY S.H.A. SPEC. BALTO CO STD. CURB C&G AROUND PERIMETER OF THE PAVING LOT WITH DEPUT CURB & LINE STRIP PLACED AS SHOWN. ALL CONSTR. TO CONFORM TO S.H.A. / BALTO CO D.M. #1653. S.H.A. ACCESS PERMIT REQUIRED.
 - LIGHTING:** POLES/SUPPORTS AND THE LIGHTING SHALL BE DESIGNED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY AS REQUIRED BY ZONING REGULATIONS.
 - LANDSCAPING:** LOT FRONTAGE WILL BE PLANTED (SEE DETAILS-THESEET) WITHIN THE 10' SETBACK AREA & IN FRONT OF THE SECURITY FENCE. THE INTERIOR INCLUDES: ALL UNPAVED SURFACES WILL BE SOODED. TREES WILL BE PLANTED WITHIN THESE AREAS TO PROVIDE A CANOPY AT MATURITY.
 - SECURITY:** THE COMPANY WILL HAVE CONSTRUCTED A SECURITY FENCE AROUND THE PERIMETER OF THE PAVING LOT. APPROPRIATE LIGHTING (SEE #5) AND OTHER ELEMENTS AS REQUIRED FOR THE HEALTH, SAFETY & WELFARE OF THE FACILITY & NEIGHBORS.
 - STORAGE & DISPLAY:** MATERIALS, VEHICLES & EQUIPMENT ARE PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN 10' IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

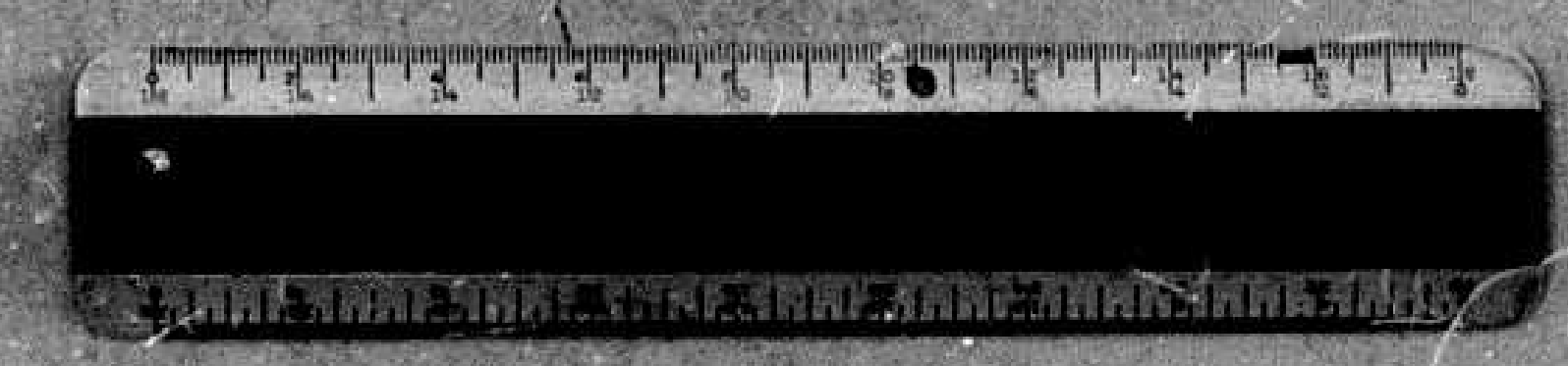
JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
3017 YORK RD
JOWSON, MD. 21204



PLANT LIST

S. TAXUS BACCATA REPANDENS
EUC. YEU
T. FRAXINUS LANCEOLATA MARSHALL
SEEDLESS GREEN ASH
E. TSUGA CANADENSIS
CANADIAN HEMLOCK

**DETAIL OF PLANTING
ALONG REISTERSTOWN ROAD**
40' OF SHOWN 33' IN PLAN



SITE PLAN

To ACCOMPANY PETITION FOR RECLASSIFICATION TO A B.R. ZONE - 3.35 AC.
11227 REISTERSTOWN RD. OWINGS MILL, MD. 21117, DIST. 4, BALTO CO. MD.
CONTRACT PURCHASER: LEONARD STOLER - 11275 REISTERSTOWN RD. ZONE 21117
OWNER: GEORGE H. VIOLET D. FALLMER P/I. DORIS FALLMER
26 JOHN D. MEYER REAL ESTATE CO. 101 N. CENTER ST. WASHINGTON, MD. 20557

JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
P.O. BOX 9804
JOWSON, MD. 21204

Scale: 1" = 30'

JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
2017 YORK RD
TOWSON, MD. 21204

PLANT LIST
S. TAXUS PARVATA REPANDENS
ENG. YEW
T. FILIX LANCEOLATA MARSHALL
RED CED. ASH
E. TSUGA CANADENSIS
CANADA HEMLOCK

DETAIL OF PLANTING
ALONG REISTERSTOWN ROAD
40' D.C. SHOWN (3' IN PLAN)



SITE PLAN
TO ACCOMPANY PETITION FOR RECLASSIFICATION TO A B.R. ZONE: 11276
11227 REISTERSTOWN RD. OWINGS MILLS, MD. 21117, DIST. 4, BALTO. CO. MD.
CONTRACT PURCHASER: LEONARD STOLER - 11275 REISTERSTOWN RD. ZONE 21117
OWNER: GEORGE H. VIOLET D. FALLNER P. 2. DORIS FALLNER
% JOHN D. MEYER REAL ESTATE CO. 141 N. CENTER ST. BALTO. MD. 21201

JAMES S. SPAMER & ASSOCIATES
ENGINEERS & SURVEYORS
PO BOX 9804
TOWSON, MD. 21204

Scale: 1" = 30'

ZONING DATA
ACREAGE = 3.37 AC. EXISTING ZONED: DR-16 & 15-A. DR-35-18
PROPOSED: B.R. ZONE
PROPOSED USE: AUTOMOTIVE NEW CAR SALES & ASSOCIATED SERVICES
OFF STREET PARKING DATA: TOTAL PROVIDED = 205 SPACES

a. SHOWROOM AREA	1,000 SF = (1/100)	5 CAR SPACES
b. PARTS DEPT	2,100 SF = (1/200)	11 "
c. OFFICE USE	1,500 SF = (1/300)	8 "
d. EMPLOYEE 35 (+3)		11 "
e. DISABLED 19' x 10' MARKED		4 "
REQ'D - TOTAL PARKING SPACES		39 CAR SPACES
NEW CAR STORAGE AREA		200 CAR SPACES
USED CAR STORAGE AREA		50 CAR SPACES

PUBLIC WORKS DATA:
SEWERS - EXISTING SEE 70-0309
WATER - EXISTING SEE 30-0305
FIRE HYDRANT - EXISTING AS SHOWN
REISTERSTOWN RD. IS A STATE RD. (NEED ACCESS PERMIT)
THE SITE IS LOCATED IN GWYNN'S FALLS DRAINAGE AREA
AND THE EXISTING BUILDINGS DISCHARGE THERE TO

GENERAL NOTES:
1. EXISTING STRUCTURES ON SITE TO BE RAZED
2. SEE DETAILS FOR PLANTING ALONG REISTERSTOWN ROAD
3. **GRADING:** SITE SEDIMENT CONTROL FEATURES AND STORM WATER RUNOFF TECH. AS REQUIRED. SPECIAL SLOPE STABILIZATION THE CONTRACTOR IS REFERRED TO STANDARDS & SPECIFICATIONS FOR SOIL EROSION & SEDIMENT CONTROL DEVELOPING A PLAN. THIS JOB IS SUBJECT TO DAILY INSPECTION FROM BALTO. CO. DEPT. OF PERMITS. **CLEANING & GRUBBING:** ALL TREES, BUSHES, STUMPS, ROOT MAT, ORGANIC MATERIAL MUST BE REMOVED TO A BALTO. CO. APPROVED DISPOSAL SITE.
4. **PAVING:** IMPERVIOUS SURFACE ON CR-6/G BASED COURSE. STRIPE BY S.H.A. SPEC. BALTO. CO. STD. CONC. CURB ALONG PERIMETER OF THE PARKING LOT WITH REBUT CURB & RAIL STOP PLACED AS SHOWN. ALL CONFORM TO CONFORM TO S.H.A./BALTO. CO. D.P.W. SPEC. S.H.A. ACCESS PERMIT REQUIRED.
5. **LIGHTING:** POLES/SUPPORTS AND THE LIGHTING SHALL BE DESIGNED AS TO LOCATION, DIRECTION, COLOR, OF ILLUMINATION, GLARE AND INTENSITY AS REQUIRED BY ZONING REGULATIONS.
6. **LANDSCAPING:** LOT FRONTAGE WILL BE PLANTED (SEE DETAILS THEREIN) WITHIN 10' SETBACK AREA & IN FRONT OF THE SECURITY FENCE. THE INTERIOR INCLUDES ALL UNPAVED SURFACES WILL BE TODDED. TREES WILL BE PLANTED WITHIN THESE AREAS TO PROVIDE A CANOPY AT MATURITY.
7. **SECURITY:** THE COMPANY WILL HAVE CONSTRUCTED A SECURITY FENCE AROUND THE PERIMETER OF THE PARKING LOT. APPROPRIATE LIGHTING (SECT. 5) AND OTHER ELEMENTS AS REQUIRED FOR THE HEALTH, SAFETY & WELFARE OF THE FACILITY & NEIGHBORS.
8. **STORAGE & DISPLAY:** MATERIALS, VEHICLES & EQUIPMENT ARE PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN 15 FT. IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

