

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 DR 5.5 & MLR-IM zone to an DR 10.5 zone and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

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

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
James E. Jones
(Type or Print Name)
Signature _____
234 E. University Pky
Address
Baltimore Maryland 21218
City and State
Attorney's Telephone No.: 235-3492

Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Russell M. Herbert
Name
1209 E. 36th St
Address
Baltimore Maryland 21218
Phone No. 235-9666

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 5.5 & M.L.R.-I.M. to : OF BALTIMORE COUNTY
D.R. 10.5 Zone
W/S of Oak Avenue, 405' N of
Poplar Rd., 15th District : Case No. R-83-56 (Item 1, Cycle III)

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

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

I HEREBY CERTIFY that on this 6th day of August, 1982, a copy of the foregoing Order was mailed to James E. Jones, Esquire, 234 E. University Parkway, Baltimore, MD 21218, Attorney for Petitioner; and Mr. Russell M. Herbert, 1209 E. 36th Street, Baltimore, MD 21218, who requested notification.

RECEIVED
BALTIMORE COUNTY
Aug 6 2 25 PM '82
COUNTY BOARD
OF APPEALS
BY: _____

Reasons For Re-Classification

The property in question is waterfront property consisting of Five and One Half acres more or less fronting on North Point Creek in Baltimore County, State of Maryland, adjoining The Bethlehem Steel Corporation in Sparrows Point, Maryland.

In 1973 Baltimore County, acting through the Department of Public Works, ordered all of the houses on the property razed and cleared away as the houses were in a deplorable condition and of little or no value.

In the very same year your Petitioner started developing the property and houses were erected on the property and sold to responsible purchasers. The property is presently zoned DR 5.5 and your Petitioner desires to have said zoning changed from DR 5.5 to DR 10.5-Increase in Density, for the following reasons:

1. The property is immediately adjoining The Bethlehem Steel Corporation which is zoned ML.
2. Due to the Contemplated increase in industrial facilities by the Bethlehem Steel Corporation in the future, there will be a large need for housing facilities in the immediate area.
3. The complexion of the property will be greatly enhanced by the erection of the new homes on the property. Prior to 1973 the property was a shambles. Now the homes are the pride and joy of all of the homeowners.
4. The property has been vacant for a long time and the financial yield to Baltimore County has been minimal and by the erection of the new houses on the property, the financial yield to Baltimore County will be greatly enhanced.
5. All of the adjoining properties are residential and are kept in a very respectable manner.

IN THE MATTER :
OF THE APPLICATION :
OF ELSTANN REALTY & DEVELOPMENT :
CO. FOR REZONING OF PROPERTY :
LOCATED ON THE WEST SIDE OF :
OAK ROAD, 405' NORTH FROM :
CENTER LINE OF POPLAR ROAD :
15th District :
DR 5.5 and MLR-IM to DR 10.5 :
: R-83-56, Item 1

OPINION

This case comes before the Board by a Petition for a Reclassification of a 5.1 acre parcel of land from DR 5.5 and MLR-IM to DR 10.5. The subject property is located on the west side of Oak Road, 405' west of Poplar Road in the 15th Election District of Baltimore County.

Evidence in support of the Petition for Reclassification consisted solely of the testimony of Mr. Russell M. Herbert, owner of the subject property. Mr. Herbert testified that the total tract encompassed 21 acres which is being developed in three sections. Section 1 is a recorded plat containing 20 lots more or less on which 10 houses have already been erected. Section 2 is a recorded plat showing some 20 unimproved lots but has not yet been approved for development. Both of these sections are developed under the DR 5.5 zoning. The third tract is the subject of this proceeding. In support of his Petition for Reclassification, Mr. Herbert testified that the additional housing that could be provided if the petition was granted, would serve new employees of the Bethlehem Steel Corporation, Bethlehem Steel being in the area and owner of the adjacent property. He further testified that he or his successors would develop the roads in order to enhance the accessibility of the area. Mr. Herbert did not allege any error in the present classification nor did he make it an issue during the 1980 Comprehensive Map process.

Approximately 25 neighbors from the immediate area attended the hearing in opposition to the Petitioner's Petition. Several neighbors testified that if the Petition were granted, the result would be increased congestion on public streets and increased flooding. They further testified that new housing is not needed in the immediate area.

Elstann Realty & Development Co.
Case No. R-83-56, Item 1

The Board received testimony from Mr. James Hoswell, Planner from Baltimore County. Mr. Hoswell testified that in his opinion, the subject property enjoyed a reasonable use under the DR 5.5 category and that the Comprehensive Map is not in error.

Finally, this Board received as an exhibit, a report and recommendation from the Planning Board of Baltimore County which in pertinent part provides as follows:

"The Planning Board believes that the existing zoning is appropriate and that the zoning map is correct. The D.R. 5.5 zoning classification on the major portion of the property provides for a reasonable use of the site; residential development at the permitted density would be in keeping with that of the existing development in the immediate area. Further, the selection of the center line of this portion of Oak Road as the boundary line between DR 5.5 and MLR-IM here, is an appropriate choice. Finally, based upon the afore mentioned Zoning Advisory Committee comments, the Planning Board is of the opinion that development at a density of 10.5 units to the acre would not be in conformance with accepted planning principles.

It is therefore recommended that the existing zoning, D.R. 5.5 and M.L.R.-I.M., be retained."

The Board recognizes that its opinion must be governed by Sec. 2-58.1

(i) (1) and (2) of the Baltimore County Code, which provides in pertinent part as follows:

- (i) Before any property is reclassified pursuant to this section, the Board of Appeals must find:
- (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error; and
- (2) That the prospective reclassification of the property is warranted by that change or error. (etc.)

Accordingly, since Petitioner must prove substantial change in the character of the area and/or error if reclassification is to be granted and since neither have been proven, the Petition should be denied.

Elstann Realty & Development Co.
Case No. R-83-56, Item 1

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of September, 1982, by the County Board of Appeals, ORDERED that the reclassification from D.R. 5.5 and MLR-IM to D.R. 10.5 be DENIED and that the D.R. 5.5 and MLR-IM zoning be retained.

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

William T. Hackett
William T. Hackett, Chairman

Joanne L. Suder

William R. Evans

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
May 3, 1982

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

cc: _____
Nicholas B. Commodari
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

James E. Jones, Esquire
234 East University Parkway
Baltimore, Maryland 21218

RE: Item No. I - Cycle No. III
Petitioner - Elstann Realty &
Development Co.
Reclassification Petition

Dear Mr. Jones:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April - October '82 reclassification cycle (Cycle III). It has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 31. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your proposal to reclassify this property, which consists of vacant land, zoned D.R. 5.5 and M.L.R.-I.M., to a D.R. 10.5 zone, this hearing is required.

As indicated to Mr. Russell Herbert in our previous conversations, the descriptions filed with the petition must be revised, the outline of the property must be accurately depicted on the copies of the 1" = 200 feet and 1" = 1000 feet zoning maps that were submitted with the petition and the briefs should be revised to delete any indication of the proposed use of the property and the fact that it is partially zoned M.L.R.-I.M. I also questioned Mr. Herbert about the ownership of Oak Road, and he indicated that it was owned entirely by Elstann Realty & Development Company.

Item No. 1 - Cycle No. III
Petitioner - Elstann Realty & Development Co.
Reclassification Petition

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed comments from the Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and/or the Committee will be submitted when a proposed development is shown.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September 1 and December 31, 1982, will be forwarded to you in the future.

Very truly yours,

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

NBC:bsc

Enclosures

cc: Mr. Russell M. Herbert
1209 E. 36th Street
Baltimore, Maryland 21218

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 1, 1982

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #1 Zoning Cycle III (April-October 1982)
Property Owner: Elstann Realty & Development Company
W/S Oak Road 405' N. from centerline of Poplar Road
Existing Zoning: DR 5.5
Proposed Zoning: DR 10.5
Acres: 5.5
District: 15th

Dear Mr. Hackett:

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

General:

This site is a portion of the property reviewed by the Baltimore County Joint Subdivision Planning Committee April 5, 1973.

The Baltimore County Bureau of Public Services provided comments June 4, 1974 in conjunction with the review of the Preliminary Plan Elstann Village, dated April 1973, Revised April 16, 1974. A copy of these comments is attached for your consideration.

Subsequently, Public Works Agreement 157701 was executed in conjunction with the development "Elstann Village - Section One", and a plat "Elstann Village Part of Blocks A & B Section One" was recorded E.H.K., Jr. 41, Folio 46.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 1 Zoning Cycle III (April-October 1982).

Very truly yours,

Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley, Paul Koch

A-NE Key Sheet 36 & 27 SR 34 Pos. Sheets
SE 7 Topo 111 Tax Map

Attachments

Baltimore County Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

RECEIVED

Bureau of Public Services
GEORGE A. BAKER, P.E.
CHIEF

June 4, 1974

JUN 7 1974

DEVELOPMENT DESIGN APPROVAL SECTION
BUREAU OF ENGINEERING

Mr. James E. Jones
200 Equitable Building
Baltimore, Maryland 21202

Re: Elstann Village
District 15

Dear Sir:

The preliminary plan for the referenced subdivision has been reviewed and comments are enclosed for your information and guidance as provided by the following agencies:

1. Office of Project and Development Planning dated May 21, 1974
2. Bureau of Engineering dated May 3, 1974
3. Bureau of Engineering Supplementary Water Comments dated May 21, 1974
4. Department of Traffic Engineering dated May 2, 1974
5. Department of Recreation and Parks dated May 3, 1974
6. House Numbering Section dated June 3, 1974
7. Fire Prevention Bureau dated April 19, 1974

These comments are based on such information as shown on the preliminary plan and are subject to change and/or addition with submission of a more complete plan. They shall not be construed to indicate tentative approval, which is obtained only with the signatures of authorized County Officials on the plan itself.

Elstann Village subdivision was reviewed by the Baltimore County Joint Subdivision Planning Committee on April 5, 1973. Since that date comments have been prepared and are enclosed.

DIVISION OF LAND DEVELOPMENT COMMENTS:

Upon compliance with the enclosed comments, the plan may be submitted for tentative approval.

In order to process this project in accordance with current procedure, a fee is being charged for processing. The fee is determined by the number of homes. For processing this plan to tentative approval, the developer shall submit a certified or cashiers check for \$1,006.00 for 53 homes, payable to Baltimore County, Maryland. The developer shall be responsible to pay the fees for subsequent steps to Baltimore County in accordance with procedure as the project is processed.

Mr. James E. Jones

-2-

June 4, 1974

Re: Elstann Village
District 15

A Public Works Agreement must be executed by the Owner and Baltimore County for these improvements prior to the recording of a record plat.

Very truly yours,

(SIGNED) GILBERT S. BENSON

GILBERT S. BENSON, Asst. Chief
Bureau of Public Services

GGB:hwl

cc: Russell M. Herbert
1209 E. 36th Street 21218

Edward A. McDonough
George H. Fryer, Jr.
William Greenwalt
Walter Gross
Files

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: May 21, 1974

FROM: PROJECT AND DEVELOPMENT PLANNING DIVISION

PROJECT NAME: Elstann Village	PRELIMINARY PLAN	X
PROJECT NUMBER:	TENTATIVE PLAN	
LOCATION:	DEVELOPMENT PLAN	
DISTRICT: XV-188	FINAL PLAT	

The Office of Project and Development Planning Division has reviewed the subject plat of 12.1 acres of which there are 53 lots presently zoned D.R.5.5 and has the following comments:

1. The density calculations must be based on the entire tract.
2. Bearings and distances must be shown around the entire site
3. Lots are not wide enough to provide for 20 feet side yards outside the residential transition area as stated in notes.
4. The use of the 3 lots opposite the trailer park must be shown and labeled.
5. The small open space tract opposite Dogwood Road is unacceptable.
6. Show the acreage within each local open space tract.
7. Show proper termination of Oak Road and Access to Lot 7 and the local open space tract.
8. State who will retain and maintain the local open space.
9. This office would like to meet with the surveyor after these corrections are made prior to the submission of the preliminary plan for tentative approval.

Harry C. Grace
Harry C. Grace

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: May 3, 1974

FROM: DEPARTMENT OF RECREATION & PARKS

PROJECT NAME: ELSTANN VILLAGE	PRELIMINARY PLAN	X
PROJECT NUMBER: #4057	TENTATIVE PLAN	
LOCATION: Oak Road and Shore Road	DEVELOPMENT PLAN	
DISTRICT: 15C6	FINAL PLAT	

Local Open Space should be more centrally located.

Two (2) walkways shall be provided.

Acreage to be shown for open space.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: June 4, 1974

FROM: House Number Section

Charles R. Beasman

PROJECT NAME: Elstann Village	PRELIMINARY PLAN	X
PROJECT NUMBER: 4057	TENTATIVE PLAN	
LOCATION: Tell Oaks Lane	DEVELOPMENT PLAN	
DISTRICT: 15	FINAL PLAT	

Provide approved names for proposed Courts and show House

Numbers on final Plat.

CRB

BALTIMORE COUNTY, MARYLAND

Form 203 9/21/73

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU

PROJECT NAME: <i>Elstann Village</i>	PRELIMINARY PLAN	✓
PROJECT NUMBER: <i>4057</i>	TENTATIVE PLAN	
LOCATION:	DEVELOPMENT PLAN	
DISTRICT: 15	FINAL PLAT	

1. Fire hydrants for the proposed site (are required and) shall be in accordance with Baltimore County Standards.
2. The hydrants shall be located at intervals of 500 feet along an approved road.
3. A second means of access is required for the site.
4. The dead-end condition shown at _____ exceeds the maximum allowed by the Fire Department.
5. The site shall be made to comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code prior to occupancy or commencement of operations.
6. The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.
7. The Fire Department has no comment on the proposed site.
8. Site plans approved as shown.
9. APPROVED SMOKE DETECTORS WILL BE REQUIRED FOR LIVING UNITS AS PER BUILDING CODE REQUIREMENTS. COUNCIL BILL #18-74.

BALTIMORE COUNTY, MARYLAND
SUBJECT: SUBDIVISION REVIEW COMMENTS
DATE: May 21, 1974
FROM: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering
PROJECT NAME: Ellston Village
PROJECT NUMBER: #4057
LOCATION: Oak Road and Shore Road
DISTRICT: 1506
PRELIMINARY PLAN: I
TENTATIVE PLAN:
DEVELOPMENT PLAN:
FINAL PLAT:

These comments are supplementary to those transmitted to your office, dated May 3, 1974.

SUPPLEMENTARY WATER COMMENTS:

Comments have been received from the Baltimore City Water Division and their comments are as follows:

The existing 8-inch main in Oak Road should be extended to the northern boundary of the development. The existing 8-inch main in Tall Oaks Lane should be extended in the proposed road and connected to the existing 4-inch Poplar Road main.

Metered services may be taken from the existing and the proposed mains as shown on the preliminary plan.

All mains within the project, not in public roads will not be maintained or serviced by the City.

Ellsworth N. Diver

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

END:EAM:PMK:iss
cc: File

BALTIMORE COUNTY, MARYLAND
SUBJECT: SUBDIVISION REVIEW COMMENTS
DATE: May 3, 1974
FROM: Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering
PROJECT NAME: Ellston Village
PROJECT NUMBER: #4057
LOCATION: Oak Road and Shore Road
DISTRICT: 1506
PRELIMINARY PLAN: I
TENTATIVE PLAN:
DEVELOPMENT PLAN:
FINAL PLAT:

The preliminary plan entitled "Ellston Village", Election District 15, dated April 1973 and revised April 16, 1974, has been reviewed by the Developers Design Approval Section of the Bureau of Engineering and the following comments are furnished:

HIGHWAY COMMENTS:

All streets in this subdivision shall be improved with a 30-foot combination curb and gutter cross-section on a 50-foot right-of-way and shall be the Developer's full responsibility.

On the existing Oak Road, Tall Oaks Road and Shore Road where the Developer has road frontage on one side of the road only, improvements in connection with this subdivision will consist of curb and gutter and a minimum of 21 feet of paving along the frontage of the subdivision. The Developer's responsibilities shall be as follows with the construction to be accomplished under a County contract:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- The submission of cross-sections as deemed necessary for design or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way.

Project #4057
Ellston Village
Page 5
May 3, 1974

A Public Works Agreement must be executed by the owner and Baltimore County for the above mentioned improvements, prior to the recording of a record plat.

Ellsworth N. Diver

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

END:EAM:PMK:iss
cc: File

Project #4057
Ellston Village
Page 2
May 3, 1974

HIGHWAY COMMENTS: (Cont'd)

- The grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The construction of combination curb and gutter in its ultimate location and a maximum of 13 1/2 feet of paving adjacent thereto along the frontage of the property.
- The relocation of any utilities or poles as required by the road improvements.

All cul-de-sacs shall be improved with 40-foot paving radii with combination curb and gutter on a 100-foot diameter right-of-way and shall be the Developer's full responsibility.

The sharp curve on Tall Oaks Road must conform with Baltimore County Standards for minimum length of curve, minimum radii and widening for this type of street.

The Developer is cautioned as to the minimum 10-foot elevation required on all streets within the subdivision.

North Point Creek is tidalwater and therefore any grading or filling affecting the shore line is subject to the United States Corps of Engineering's and Maryland Water Resources' requirements. The Developer is fully responsible for obtaining the necessary permits from these offices.

In addition, the soil stabilization within these fill areas in the proposed road rights-of-way is subject to review and approval by the Baltimore County Soils Laboratory as satisfactory for a road base.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards (Detail R-20) which places the back edge of the sidewalk 2 feet off the property line.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer's engineer shall indicate on the preliminary plan the locations of the light standards so that comments can be given on these, as well as other County requirements. The Developer will be responsible for the full costs of installation of the cable poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

Project #4057
Ellston Village
Page 3
May 3, 1974

HIGHWAY COMMENTS: (Cont'd)

This plat has been referred to the State Highway Administration for their comments and approval. Their comments, if any, will be forwarded.

STORM DRAIN COMMENTS:

In accordance with the drainage policy, the Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the deeding in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The property to be developed is located adjacent to the water front. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential development and other special construction features are required.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision. If an easement less than 10 feet in width has previously been provided along any bordering property line within an adjacent subdivision, an additional easement to provide for a minimum width of 10 feet shall be provided along that property line within this subdivision.

A grading plan is required for processing construction plans.

SEDIMENT CONTROL COMMENTS:

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.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

WATER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division, for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Project #4057
Ellston Village
Page 4
May 3, 1974

WATER COMMENTS: (Cont'd)

Public water is available to serve part of this property. There are existing mains in Oak Road, Poplar Road, Tall Oaks Road and Shore Road. Public water can be made available to serve the remaining parts of this property by constructing water mains to these existing mains.

The Developer, or is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

The Developer shall be responsible for all costs connected with water abandonment. He shall furnish construction drawings and he shall pay the full value of assessment charges remaining against existing properties taken out of service.

This property is subject to a Water System Connection Charge based on the size of water meter utilized. This Charge will be in addition to the normal front foot assessment and permit charges. The total Water System Connection Charge is determined, and payable, upon application for the Plumbing Permit.

The Developer is responsible for the cost of capping any existing water main connections not used. The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.

SANITARY SEWER COMMENTS:

Public sanitary sewerage can be made available to serve this property by constructing public sanitary sewer extensions from Oak Road and Tall Oaks Road.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of the public sanitary sewerage required to serve this property. He is responsible for the preparation and cost of construction drawings and right-of-way plats required. He is further responsible for conveying the required right-of-way to Baltimore County at no cost to the County.

The Developer shall be responsible for all costs connected with sewer abandonment. He shall furnish construction drawings and he shall pay the full value of assessment charges remaining against existing properties taken out of service.

This property is subject to a Sanitary Sewer System Connection Charge based on the size of water meter used. This Charge is in addition to the normal front foot assessment and permit charges. The total public Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit.

The Developer is responsible for the cost of plugging any existing house connection not used. The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

March 29, 1982

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle III - 1982, Meeting of March 16, 1982
Item No. 1
Property Owner: Ellstann Realty & Development Company
Location: W/S Oak Road 405' N. from centerline of Poplar Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 10.5
Acres: 5.5
District: 15th

Dear Mr. Hackett:

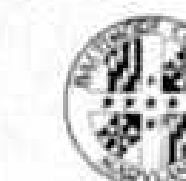
The existing D.R. 5.5 zoning can be expected to generate approximately 300 trips per day and the proposed D.R. 10.5 can be expected to generate 480 trips per day.

The roads serving this site are of poor construction and offsite improvement would be needed prior to development. A second means of access should be provided with any development.

Sincerely,

Michael S. Flanigan
Engineering Associate II

MSF/r1j



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

April 6, 1982

Mr. William Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #1, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Ellstann Realty & Development Company
Location: W/S Oak Road 405' N. from centerline of Poplar Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 10.5
Acres: 5.5
District: 15th

Metropolitan water and sewer are available. The owner must contact Wetlands Permits Division, Water Resources Administration and Army Corps of Engineers to have the limits of the Tidal Wetlands identified. No construction, grading or filling will be allowed in the areas identified as Tidal Wetlands.

Very truly yours,

Jan E. Forrest
Director
Bureau of Environmental Services

LJF:ru/

RECEIVED
BALTIMORE COUNTY
CHIEF CLERK
MAY 17 2 20 PM '82
CLERK OF THE COURT
APPEALS



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
622-7310

PAUL H. REINCKE
CHIEF

April 6, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Elstann Realty and Development Company

Location: W/S Oak Road 405' N. from centerline of Poplar Road

Item No.: 1 Zoning Agenda: Meeting of March 16, 1982

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 500 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(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", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]
Planning/Group Fire Prevention Bureau
Special Inspection Division

JK/cm/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William Hackett, Chairman, Board of Appeals
FROM: c/o Mr. Nick Commodari, Zoning Department
SUBJECT: Charles E. Burnham, Building Plans Review
Department of Permits & Licenses
Re-classification Petitions, Cycle III, 1982 (Comments "1")
Property Owner: Elstann Realty and Development Company
W/S Oak Road, 405' N. Centerline of Poplar Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 10.5
Acres: 5.5 District 15

This project appears to be affected by Section 519.1 (areas subject to inundation by tidal waters) as per Council Bill 4-82. As no elevations are shown, further comment cannot be made. The applicable building code is the 1981 BOCA Basic Building Code, the 1981 BOCA Basic Mechanical Code, the 1981 BOCA Basic Energy Code and the 1979 One and Two Family Code, as amended by Bill 4-82.

TB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 3/22/82

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #111

RE: Item No: 1
Property Owner: Elstann Realty & Development Company
Location: W/S Oak Road 405' N. from centerline of Poplar Road
Present Zoning: D.R. 5.5
Proposed Zoning: D.R. 10.5

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Petitioner does not indicate what types of units will be erected.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

E.V. COONAN & CO.

SURVEYORS & CIVIL ENGINEERS

1309 E. 34TH ST.

Baltimore, Maryland, 21

February 8, 1982

Description of Parcel of Land to be Rezone - Baltimore Co.

Beginning for the same at a point on the East side of Oak Road approximately 405.00 feet from the intersection of Oak Road and Poplar Road at the beginning of the North 29 degrees 28 minutes 00 seconds East 85.00 ft line mentioned in the deed from Stansbury to W.Hall Hammond Trustee and recorded among the Land Records of Baltimore County in Liber 823 folio 15 etc and running thence on the outline of the whole tract North 29 degrees 28 minutes East 85.00 ft thence North 42 degrees 16 minutes West 49.67 ft thence North 3 degrees 50 minutes West 954.00 ft thence North 19 degrees 51 minutes East 100.00 ft thence West 100.00 ft to the waters of North Point Creek thence binding on said waters the following courses and distances, South 32 degrees 30 minutes West 360.00 ft thence South 8 degrees 00 minutes West 204.00 ft thence by a curve to the right with radius 100.00 ft and length 102.09 ft thence South 03 degrees 30 minutes West 66.00 ft thence by a curve to the left with Radius 35.00 ft and length 55.23 ft thence South 27 degrees 00 minutes East 38.00 ft thence by a curve to the right with radius 9.00 ft and length 14.00 ft thence by a curve to the left with radius 25.00 ft and a length 45.80 ft thence South 42 degrees 30 minutes East 139.00 ft thence by a curve to the left with radius 50.00 ft and length 79.00 ft thence North 48 degrees 30

E.V. COONAN & CO.

SURVEYORS & CIVIL ENGINEERS

1309 E. 34TH ST.

Baltimore, Maryland, 21

225-9508

April 6, 1982

Mr. William Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #1, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Elstann Realty & Development Company
Location: W/S Oak Road 405' N. from centerline of Poplar Road
Existing Zoning: D.R. 5.5
Proposed Zoning: D.R. 10.5
Acres: 5.5
District: 15th

Metropolitan water and sewer are available. The owner must contact wetlands Permits Division, Water Resources Administration and Army Corps of Engineers to have the limits of the Tidal Wetlands identified. No construction, grading or filling will be allowed in the areas identified as Tidal Wetlands.

Very truly yours,

[Signature]
Ian J. Forrest
Director
Bureau of Environmental Services

LJF:ru/JMP

PETITION FOR RECLASSIFICATION

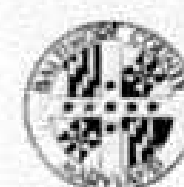
15th Election District

ZONING: Petition for Reclassification
LOCATION: West side of Oak Road, 405 ft. West of Poplar Road
DATE & TIME: Thursday, September 2, 1982 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. 5.5 and M.L.R.-L.M.
Proposed Zoning: D.R. 10.5

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 25, 1982

James E. Jones, Esquire
234 E. University Parkway
Baltimore, Maryland 21218

Re: Petition for Reclassification
W/S of Oak Rd., 405' W of Poplar Rd.
Elstann Realty & Development Co. - Petitioner
Case #R-83-56 Cycle III-Item #1

Dear Mr. Jones:

This is to advise you that \$227.44 is due for advertising and posting of the above property.

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

Very truly yours,

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

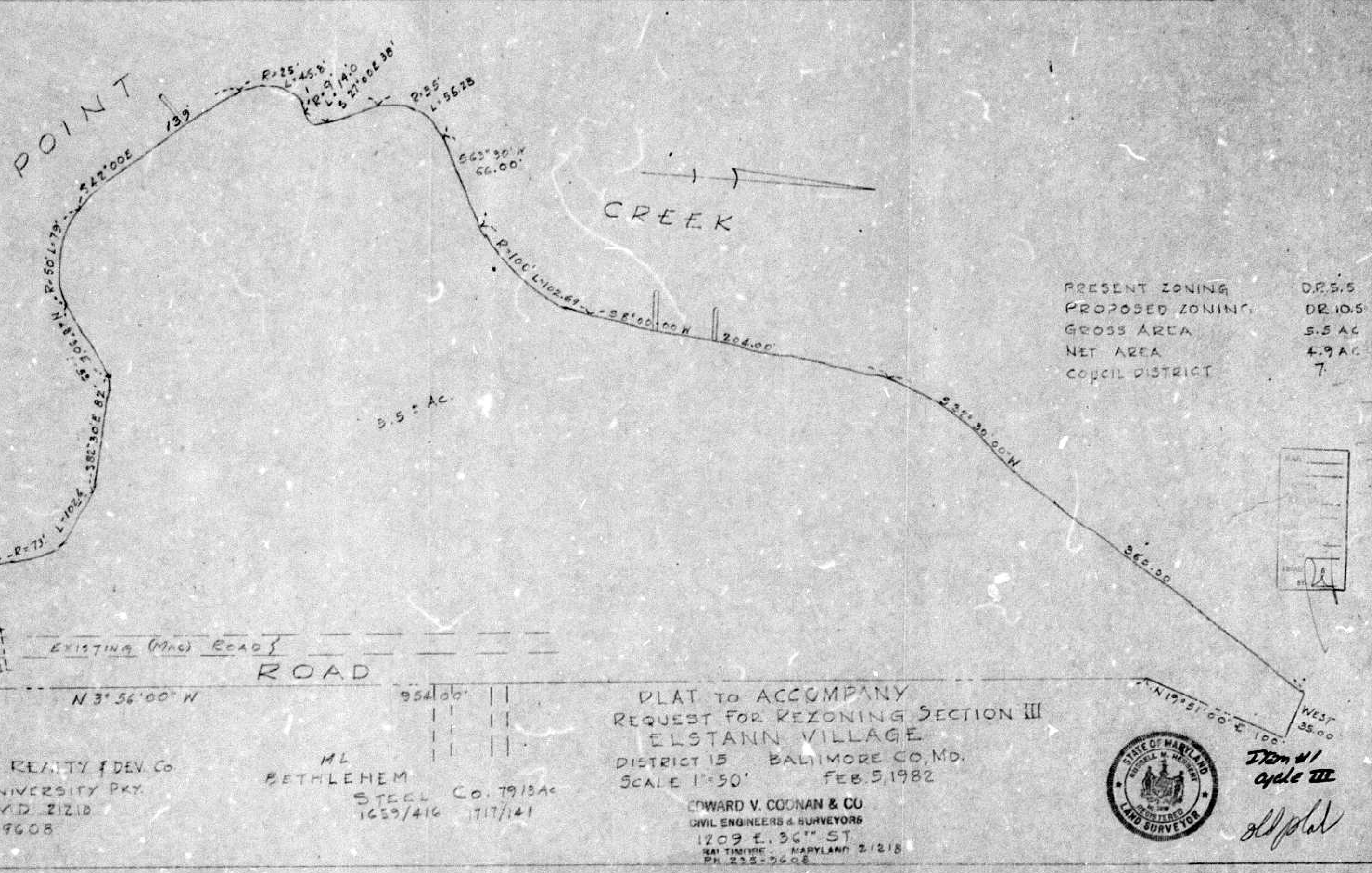
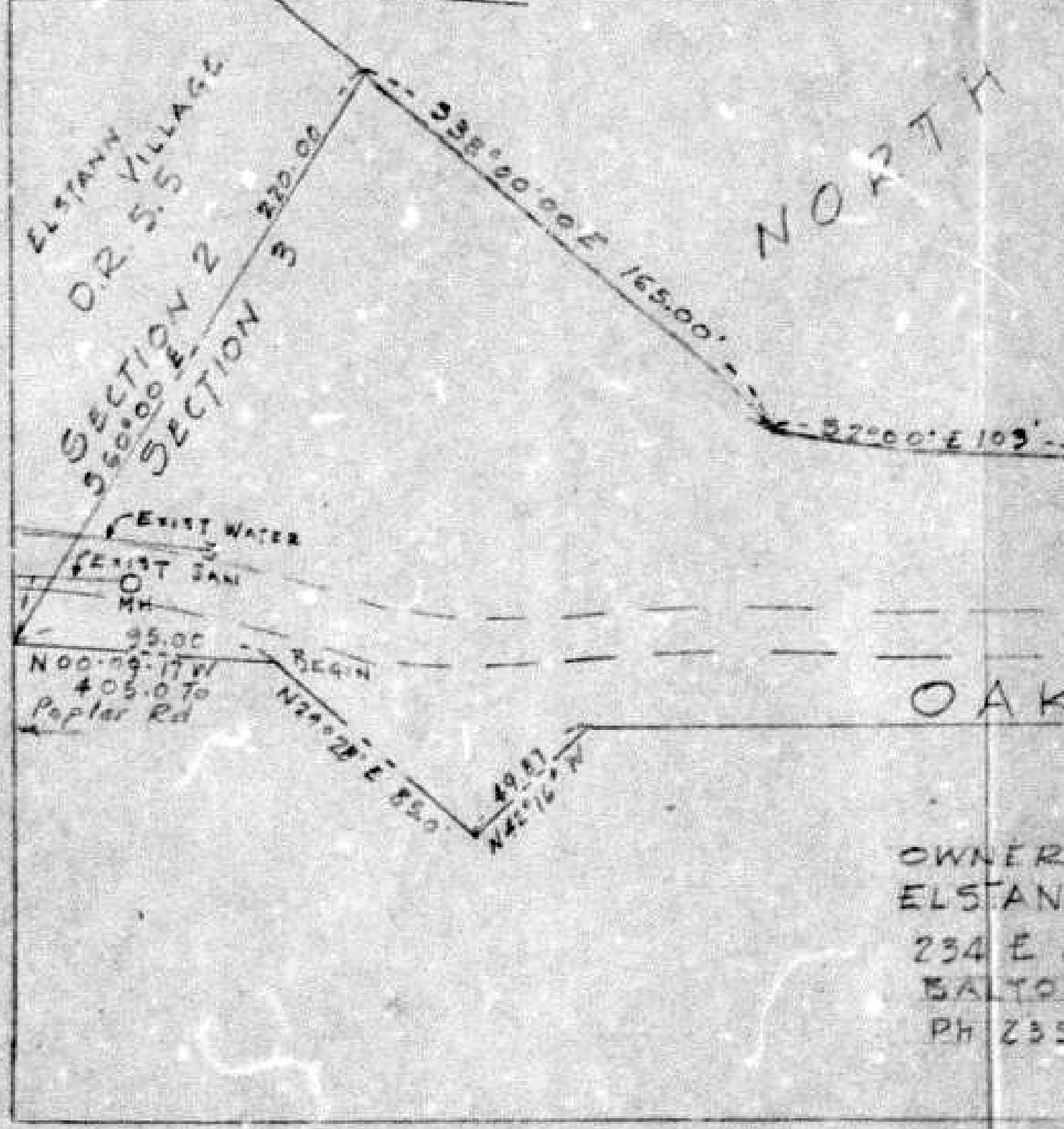
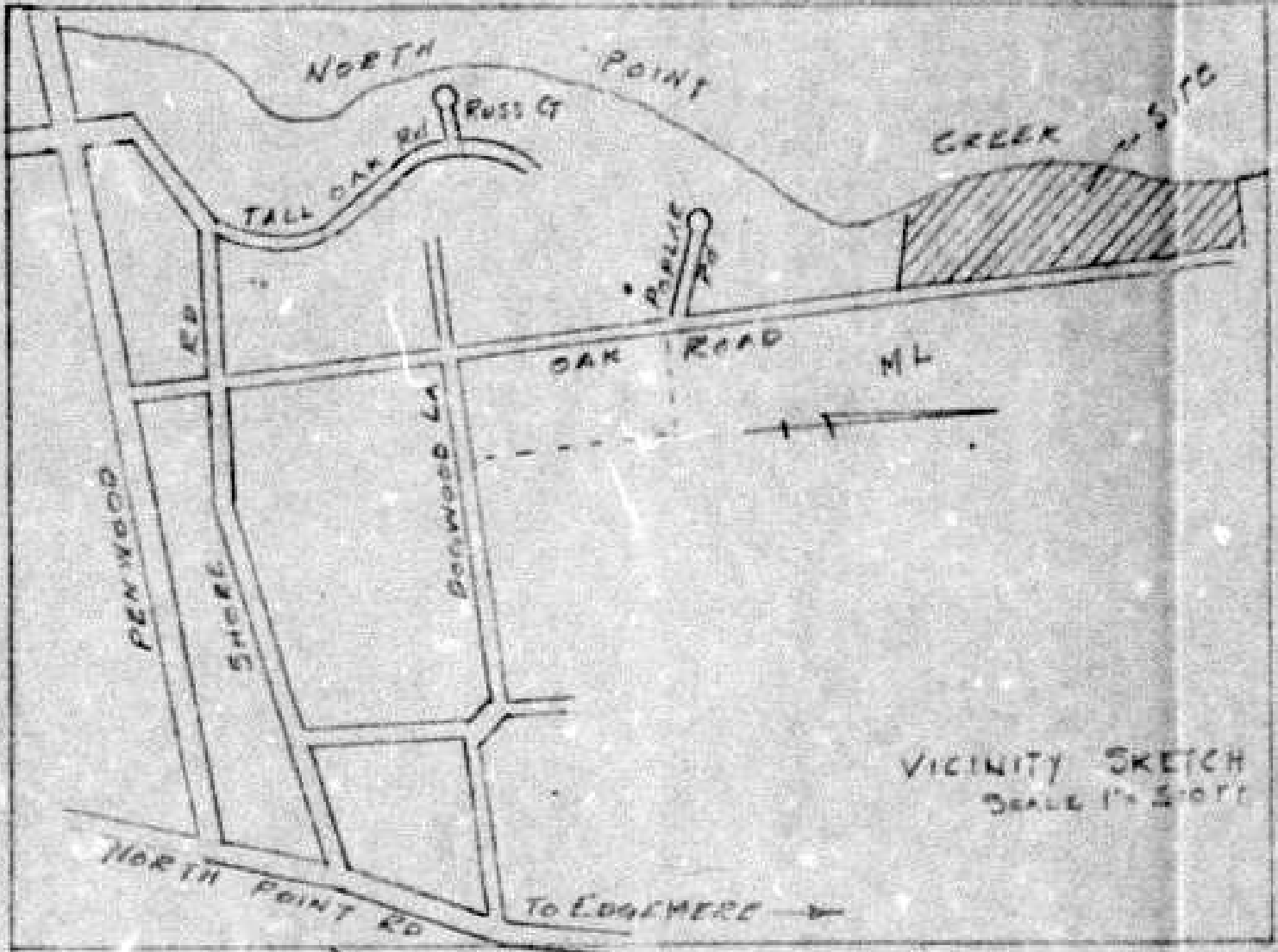
WEH:aj

Being the property of Elstann Realty & Development Co., as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, September 2, 1982 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY





PRESENT ZONING	DR 5.5
PROPOSED ZONING	DR 10.5
GROSS AREA	5.5 AC
NET AREA	4.9 AC
COUNCIL DISTRICT	7

OWNER
ELSTANN REALTY & DEV. CO
234 E UNIVERSITY PKY.
BALTO MD 21218
PH 235-9608

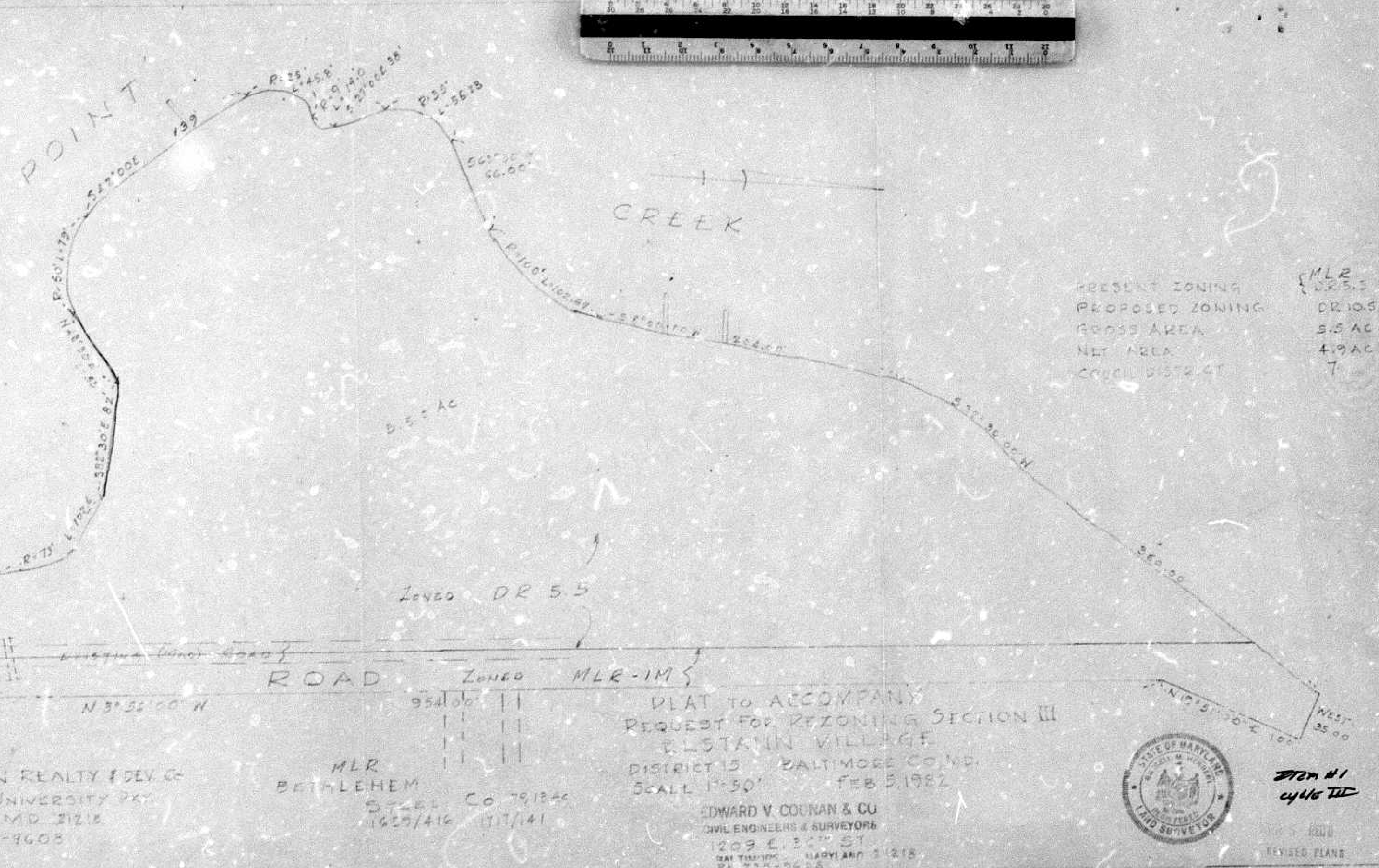
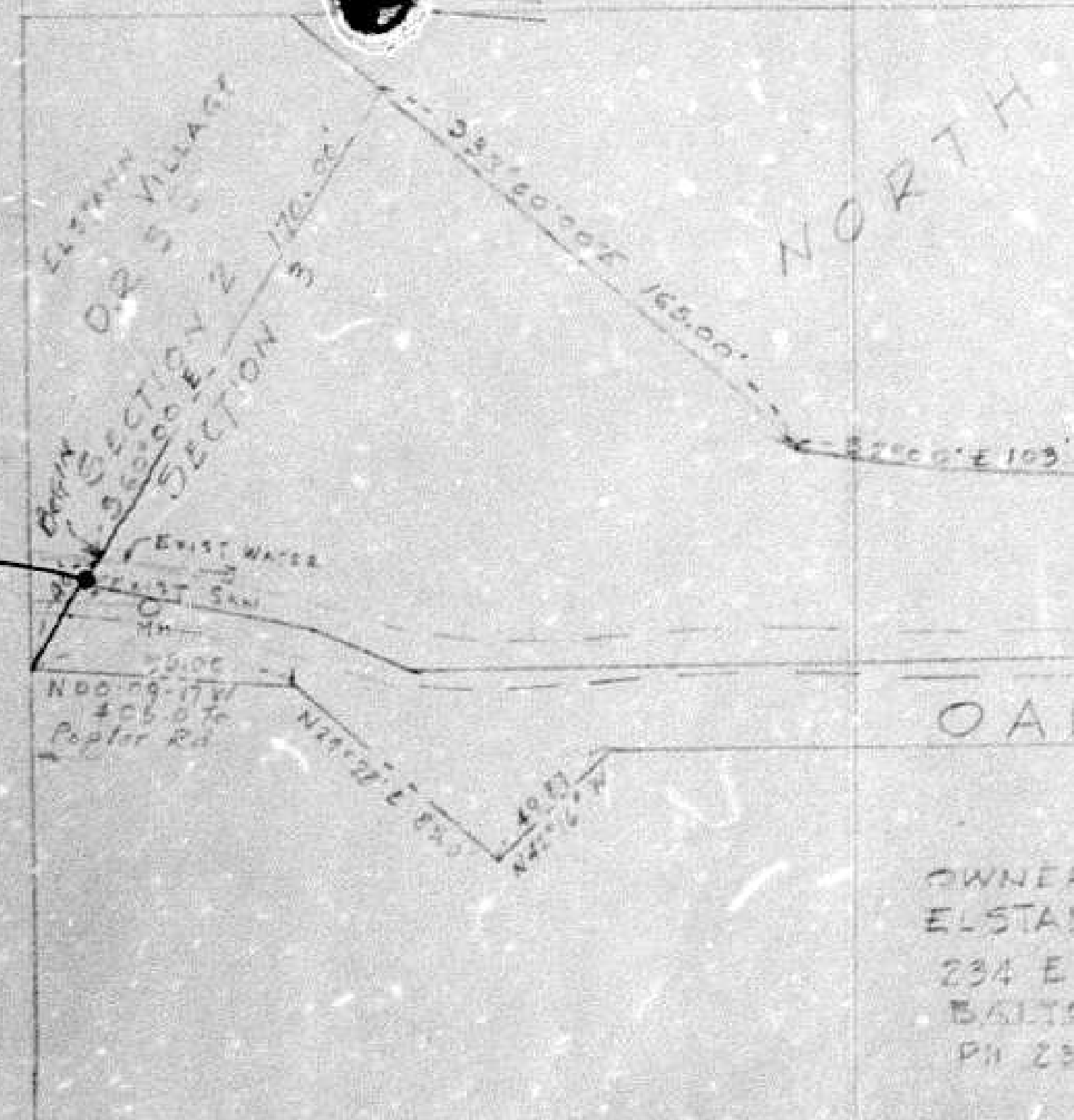
ML
BETHLEHEM
STEEL CO. 79134C
1659/416 1717/141

PLAT TO ACCOMPANY
REQUEST FOR REZONING SECTION III
ELSTANN VILLAGE
DISTRICT 15 BALTIMORE CO. MD.
SCALE 1"=50' FEB. 5, 1982

EDWARD V. COONAN & CO
CIVIL ENGINEERS & SURVEYORS
1209 E. 36TH ST.
BALTIMORE MARYLAND 21218
PH 235-9608



Don #1
cycle III
old plat



PRESENT ZONING	MLR 5.5
PROPOSED ZONING	DR 10.5
GROSS AREA	5.5 AC
NET AREA	4.9 AC
COUNCIL DISTRICT	7

OWNER
ELSTANN REALTY & DEV. CO
234 E UNIVERSITY PKY.
BALTO MD 21218
PH 235-9608

MLR
BETHLEHEM
STEEL CO. 79134C
1659/416 1717/141

PLAT TO ACCOMPANY
REQUEST FOR REZONING SECTION III
ELSTANN VILLAGE
DISTRICT 15 BALTIMORE CO. MD.
SCALE 1"=50' FEB. 5, 1982

EDWARD V. COONAN & CO
CIVIL ENGINEERS & SURVEYORS
1209 E. 36TH ST.
BALTIMORE MARYLAND 21218
PH 235-9608



Don #1
cycle III
REVISED PLANS