

**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-16 & D.R.5.5 zone to an R-O zone for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Not Applicable

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:

See the attached.

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:

None
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Ira C. Cooke, Esquire
(Type or Print Name)

Signature

36 S. Charles St. - Sixth Floor

Address

Baltimore, Md. 21201

City and State

Attorney's Telephone No.: (301) 332-8540

Legal Owner(s):

Louis Bluefeld
(Type or Print Name)

Signature

Address

City and State

c/o Bluefeld Caterers (301) 486-2100
Address

401 Reisterstown Road

Baltimore, Md. 21208

City and State

Name, address and phone number of legal owner, contractor or representative to be contacted

Ira C. Cooke, Esquire

Name

36 S. Charles St. (301) 332-8540

Address

Sixth Floor

Baltimore, Md. 21201

City and State

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 16 to R-O Zone
SE & Warren Rd. 464' NE from
Centerline of Reisterstown Rd.,
3rd District
LOUIS BLUEFELD, Petitioner : Case No. R-83-66 (Item 13, 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.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
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 Ira C. Cooke, Esquire, 36 S. Charles Street, Sixth Floor, Baltimore, Maryland 21201, Attorney for Petitioner.

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

IN THE MATTER OF
LOUIS BLUEFELD

Petitioner

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* Case R-83-66
* Cycle III
* Item No. 13

ENTRANCE OF APPEARANCE

Please enter my appearance as co-counsel for Petitioner in the above-referenced case.

M. Albert Pignesi
M. ALBERT PIGNESI
36 South Charles Street
Sixth Floor
Baltimore, Maryland 21201
(301) 332-8520

RECEIVED
BALTIMORE COUNTY
AUG 11 3 58 PM '82
COUNTY CLERK
BY: [Signature]

*Filed at hearing
Rec'd from WTH*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21284

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
County Administration
Industrial Development

Ira C. Cooke, Esquire
36 S. Charles Street
Sixth Floor
Baltimore, Maryland 21201

RE: Item No. 13 - Cycle III
Petitioner - Louis Bluefeld
Reclassification Petition

Dear Mr. Cooke:

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.

Located on the southeast side of Warren Road northeast of Reisterstown Road in the 3rd Election District, the subject property is zoned in its majority D.R.16 with the remainder zoned D.R.5.5. It is improved with three dwellings and accessory structures and is proposed to be reclassified to an R.O. zone. Surrounding properties are zoned D.R.16 to the west, north and east and are improved with an office building, and apartment buildings, while individual dwellings, zoned D.R.5.5, exist immediately to the south.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, a public hearing and/or Planning Board review and approval will be required prior to development. At that time, more specific comments will be provided.

Item No. 13 - Cycle III
Petitioner - Louis Bluefeld
Reclassification Petition

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: D.S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTO, P.E.
DIRECTOR

April 12, 1982

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

Re: Item #13 Zoning Cycle III (April-October 1982)
Property Owner: Louis Bluefeld
S/ES Warren Rd. 464' N/E from centerline
of Reisterstown Rd.
Existing Zoning: FR 16
Proposed Zoning: R-O
Acreage: 1.80
District: 3rd

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:

The comments supplied in conjunction with the review of this property by the Baltimore County Joint Subdivision Planning Committee November 29, 1979 are referred to for your consideration.

The southwesterly portion of this site comprises Lots 5 through 11, "Plat No. 5 Warren Addition to East Sudbrook Park", recorded W.P.C. 4, Folio 23.

Highways:

Warren Road, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way, with a standard type cut-de-sac roadway termination at the end thereof.

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

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 #13 Zoning Cycle III (April-October 1982)
Property Owner: Louis Bluefeld
Page 2
April 12, 1982

Storm Drains:

Provisions for accommodating floor 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 run-off through the property to be developed to a suitable outfall.

Drainage problems exist in this area, and the Petitioner is advised to confer with the Baltimore County Bureau of Engineering, Storm Drain Design and Approval Section in this regard.

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

Water and Sanitary Sewer:

There is a 6-inch public water main and 8-inch public sanitary sewerage in Warren Road.

Very truly yours,

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

RAP:EAM:FNR:ss

cc: Jack Wimbley
James Markie
Robert Covahay

C-5W Key Sheet
26 & 27 NW 19 Pos. Sheets
NW 7E Topo
78 Tax Map

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 10, 1982
Item No. 13
Property Owner: Louis Bluefield
Location: SE/S Warren Road 464' N/E from centerline of Reisterstown Road
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 1.80
District: 3rd

Dear Mr. Hackett:

The existing D.R. 16 zoning for this site can be expected to generate approximately 210 trips per day and the proposed R-0 zoning can be expected to generate 490 trips per day.

Warren Road is very narrow and should not be used for office traffic in its present condition.

Sincerely,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate II

MSF/rj

DONALD I. ROOP, M.D., MPH
DEPUTY STATE & COUNTY HEALTH OFFICER

April 7, 1982

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

Dear Mr. Hackett:

Comments on Item #13, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Louis Bluefield
Location: SE/S Warren Road 464' N/E from centerline of Reisterstown Road
Existing Zoning: D.R. 16
Proposed Zoning: R-0
Acres: 1.80
District: 3rd

Metropolitan water and sewer is available.

The Zoning Plan, as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/als

RECEIVED
BALTIMORE COUNTY
APR 13 2 21 PM '82
COUNTY CLERK
DIVISION OF RECORDS

PAUL H. RENCKE
CHIEF

April 6, 1982

Mr. William Hackett cc: William Hackett
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Camodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Louis Bluefield

Location: SE/S Warren Road 464' N/E from centerline of Reisterstown Road

Item No.: 13 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 300 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: *Carl J. Smith* Noted and Approved: *George M. Hegonoff*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/nbl/cm

INTER-OFFICE CORRESPONDENCE

TO: Mr. William Hackett, Chairman, Board of Appeals Date: April 6, 1982

FROM: Charles E. Bucuber, Plans Review Chief, Department of Permits & Licenses

SUBJECT: Reclassification - Cycle III Zoning 1982 Comments "13"

Property Owner: Louis Bluefield

Presently there are three dwellings, an accessory residential garage and miscellaneous small sheds. Should these dwellings be proposed for conversion to Business Use, a Change of Occupancy permit shall be required. The applicant shall provide plans indicating the alterations required to upgrade the buildings to the proposed new use. If they are to be razed, a separate razing permit for each structure shall be required. The new building would of course be constructed in compliance with the 1961 Baltimore County Building Code. Section 103.2 and Table 303.2 will be applicable.

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: 13
Property Owner: Louis Bluefield
Location: SE/S Warren Road 464' N/E from centerline of Reisterstown Road
Present Zoning: D.R. 16
Proposed Zoning: R-0

School Situation

School	Enrollment	Capacity	Over/Under
Acreage too small to have an effect on student population.			

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

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

MNP/bp

IN THE MATTER OF * BEFORE THE
LOUIS BLUEFIELD * BALTIMORE COUNTY
Petitioner * BOARD OF APPEALS
* * * * *
* DOCKET NO.:
* FOLIO NO.:
* FILE NO.:
* * * * *

AMENDED PETITION FOR ZONING RE-CLASSIFICATION

For the reasons stated below the property more fully described in the description and the plat attached hereto and made a part hereof, presently zoned and classified as D.R.-16 and D.R.-5.5 should be re-zoned and re-classified as R/O.

(1) The present classification of D.R.-16 and D.R.-5.5 is an unsuitable classification. It is inconsistent with uses in the neighboring zones and is not consistent with uses intended by the Baltimore County Master Plan currently in effect.

(2) Prior to the enactment of Baltimore County Council Bill No. 167-80, enacted September 12, 1980, the D.R.-16 classification allowed a Special Exception Use of the property for offices and office buildings. That Special Exception Use was a suitable and appropriate use consistent with the classifications of neighboring parcels and the uses intended by the Baltimore County Master Plan.

(3) The Baltimore County Council was in error and committed mistake in the passage of certain provisions of County Council Bill No. 167-80. Certain provisions of that Bill eliminated the Special Exception Use of offices and office buildings from the D.R.-16 classification.

(4) The elimination of the offices and office building use from the D.R.-16 classification, through the passage of

a County Council Bill, is violative of due process. It is a circumvention of the procedure required in Baltimore County to effect a re-zoning, and a circumvention of the necessary public notice and public hearings, required whether such re-zoning applies to a single parcel or is a comprehensive re-zoning of the entire County.

(5) The uses presently allowed under the D.R.-16 classification are inconsistent, unsuitable and inappropriate for the surrounding neighborhood. There is no economically feasible use of the property within the confines of the D.R.-16 restrictions.

THEREFORE, for the reasons stated, the hereinbefore described parcel should be re-classified from zoning classification D.R.-16 and D.R.-5.5 to zoning reclassification R/O.

Respectfully submitted,

Ira C. Cooke
IRA C. COOKE
MELNICOVE, KAUFMAN, WEINER &
SMOUSE, P.A.
36 South Charles Street
Sixth Floor
Baltimore, Maryland 21201
(301) 332-8540

Attorney for Petitioner

IN THE MATTER OF * BEFORE THE
LOUIS BLUEFIELD * BALTIMORE COUNTY
Petitioner * BOARD OF APPEALS
* * * * *
* DOCKET NO.:
* FOLIO NO.:
* FILE NO.:
* * * * *

PETITION FOR ZONING RE-CLASSIFICATION

For the reasons stated below the property more fully described in the description and the plat attached hereto and made a part hereof, presently zoned and classified as D.R.-16, should be re-zoned and re-classified as R/O.

(1) The present classification of D.R.-16 is an unsuitable classification. It is inconsistent with uses in the neighboring zone and is not consistent with uses intended by the Baltimore County Master Plan currently in effect.

(2) Prior to the enactment of Baltimore County Council Bill No. 167-80, enacted September 12, 1980, the D.R.-16 classification allowed a Special Exception Use of the property for offices and office buildings. That Special Exception Use was a suitable and appropriate use consistent with the classifications of neighboring parcels and the uses intended by the Baltimore County Master Plan.

(3) The Baltimore County Council was in error and committed mistake in the passage of certain provisions of County Council Bill No. 167-80. Certain provisions of that Bill eliminated the Special Exception Use of offices and office buildings from the D.R.-16 classification.

(4) The elimination of the offices and office building use from the D.R.-16 classification, through the

passage of a County Council Bill, is volative of due process. It is a circumvention of the procedure required in Baltimore County to effect a re-zoning, and a circumvention of the necessary public notice and public hearings, required whether such re-zoning applies to a single parcel or is a comprehensive re-zoning of the entire County.

(5) The uses presently allowed under the D.R.-16 classification are inconsistent, unsuitable and inappropriate for the surrounding neighborhood. There is no economically feasible use of the property within the confines of the D.R.-16 restrictions.

THEFORE, for the reasons stated, the hereinbefore described parcel should be re-classified from zoning classification D.R.-16 to zoning classification R/O.

Respectfully submitted,

Ira C. Cooke
IRA C. COOKE

MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.
36 South Charles Street
Sixth Floor
Baltimore, Maryland 21201
(301) 332-8540

Attorney for Petitioner

2828A

- 2 -

LAW OFFICES OF
MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

36 SOUTH CHARLES STREET
SIXTH FLOOR
BALTIMORE, MARYLAND 21201-3060
332-8540
(WRITER'S DIRECT DIAL NO.)

November 24, 1982

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

RE: Zoning Reclassification R-83-66
Bluefield Property
Cycle III, Item 13

Dear Mr. Hackett:

Pursuant to our conversation of this morning, on behalf of the above-referenced Petitioner, I am requesting that the amended plat which was submitted to the Board on November 4, 1982 by my partner, Mr. Figinski, be withdrawn.

There is a Planning Commission hearing scheduled for December 2, 1982. It is my understanding from my conversation with you that your office will be kind enough to contact the Planning Board and inform them that the plat which was to be under discussion has been withdrawn.

I will be in touch with your office in the near future to schedule a hearing on a new amended plat which we are working on with the County. Let me take this opportunity to thank you for your cooperation.

Very truly yours,

Ira C. Cooke
IRA C. COOKE

ICC:egs
CC: James Hoswell
Department of Planning and Zoning
Baltimore County
New Court House
Towson, Maryland 21204

(Dictated but not read)

RECEIVED
BALTIMORE COUNTY
MAY 24 2 31 PM '82
COMM. PLANS
BY: [unclear]

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21284
April 13, 1983

Ira C. Cooke, Esq.
36 S. Charles St.
Baltimore, Md. 21201

Re: Case No. R-83-66
Louis Bluefield

Dear Mr. Cooke:

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

Very truly yours,

John W. Hession
John W. Hession, Secretary

Encl.
cc: Louis Bluefield
M. Albert Figinski, Esq.
J. W. Hession, Esq.
W. E. Hammond
J. E. Dyer
N. E. Garber
I. G. Hoswell
Board of Education

MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

36 SOUTH CHARLES STREET
SIXTH FLOOR
BALTIMORE, MARYLAND 21201-3060
TELEPHONE 332-8540
TELEFAX 332-8544
TELEX 710-234-2444

December 9, 1982

LAW OFFICES OF
MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

JOSEPH S. KAUFMAN
ARNOLD M. WEINER
ROBERT E. CAHILL
FRANKLIN GOLDSTEIN
H. RUSSELL SMOUSE
LOUIS B. PRICE
ISAAC M. NEUBERGER
M. ALBERT FIGINSKI
DAVID L. SAWYER
RICHARD V. FALCON
GARY I. STRAUSSBERG
EDWARD P. MARTIN
AVRUM M. KOWALSKY
RANSON J. DAVIS
GLENN E. BUSHEL
IRA C. COOKE
D. CHRISTOPHER OHLY
GEORGE F. PAPPAS
RICHARD RUBIN
KATHLEEN M. SWEENEY
JAMES O. NELSON
PHYLLIS W. BROWN
STANLEY A. SUTNER
BARRY L. STEELMAN
ROBERT C. FOWLER
IRA L. ORING
KENNETH D. PACK
HARRY B. TURNER
NATHAN BRAVERMAN
DONNA C. SANDER
M. MELINDA THOMPSON
JACK L. HAYS
GREGG L. KERNSTEIN
JEFFREY S. BENEY
ROBERT E. CAHILL, JR.
OF COUNSEL
KENNETH H. ERIN
BERNARD S. MELNICOVE
520-1890

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

RE: Zoning Reclassification R-83-66
Bluefield Properties Cycle III, Item 13

Dear Mr. Hackett:

On November 24, 1982 you were kind enough to allow me to withdraw an amended plat which had been submitted to the Board on November 4, 1982, by my partner, Mr. Albert Figinski. The reason for the withdrawal of the amended plat was to allow the various County agencies, our civil engineer, and myself to review the status of our request.

Since my discussion with you on November 24, I am pleased to tell you that my wife had twins, a boy and a girl. More importantly, however, we have decided, with the knowledge of Mr. Dyer, Mr. Commodari, and Mr. Hoswell to proceed with the original plat which was submitted to the Board in the Spring of 1982. I have been advised by Mr. Commodari, today, that the Baltimore County Zoning Plans Advisory Committee Evaluation Comments are still viable and part of the Board's file.

Therefore, by this letter I am respectfully requesting that a hearing be given in this matter at the Board's

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals
Also, M. Albert Figinski, Esq. Co-counsel for Petitioner
12/16/82 - Above notified of CONTINUED HEARING scheduled for WEDNESDAY, FEB. 9, 1983 at 10 a.m.
Also, M. Albert Figinski, Esq. Co-counsel for Petitioner
2/9/83

Mr. William Hackett
December 9, 1982
Page 2

convenience. If you would like, and to avoid scheduling problems, I would appreciate my secretary being able to communicate with your office concerning a date and time which can be scheduled on my calendar to avoid any future conflicts.

Again, let me close by thanking you for your kind consideration in this matter.

Very truly yours,
Ira C. Cooke
IRA C. COOKE

ICC:egs
CC: Mr. James Hoswell
Department of Planning and Zoning
Baltimore County
New Court House
Towson, Maryland 21204

Mr. Nicholas B. Commodari
Chairman
Zoning Plans Advisory Commission
County Office Building - Room 113
110 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. James Dyer
Zoning Office
County Office Building
110 West Chesapeake Avenue
Towson, Maryland 21204

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21284
December 16, 1982

NOTICE OF ASSIGNMENT
CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-83-66

LOUIS BLUEFIELD

for reclassification from D.R. 16 to R-0

SE/5 of Warren Road 464' NE from
c/1 of Reisterstown Road

3rd District

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 9, 1983 at 10 a.m.

cc: Ira C. Cooke, Esquire

Counsel for Petitioner

M. Albert Figinski, Esquire

Co-counsel for Petitioner

Louis Bluefield

Petitioner

John W. Hession, Esquire

People's Counsel

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. N. E. Garber

Mr. J. G. Hoswell

Board of Education

Edith T. Eisenhart, Adm. Secretary

D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD • TOWSON, MARYLAND 21284 • (301) 484-1100

ENVIRONMENTAL IMPACT STATEMENT

RECLASSIFICATION PETITION

PETITIONER: Louis Bluefield
Item No. 13
Cycle III

PREPARED BY: D.S. Thaler & Associates, Inc.

INTRODUCTION

The Bluefield Property is located on the southeast side of Warren Road, east of Reisterstown Road in the Third Election District of Baltimore County in Pikesville. Consisting of approximately 1.8 acres, the property is zoned primarily DR 16 with the remainder zoned DR 5.5. It is improved with three existing single family dwellings and their accessory structures. Two of the units are uninhabited, blighted, and deteriorating badly. It is proposed that the property be reclassified as an R.O. zone (Residential Office).

The properties surrounding the subject property are completely developed. To the north and east, the property is bounded by the Eleven Slade and Suburban Oaks Apartments. These sites consist of high rise elevator apartments and their parking lots and their accessory structures. To the south are single family homes located on small lots along Maryland Avenue. To the west are the offices of D.S. Thaler & Associates, a gravel lot, and the Warren House Motel and its parking lot.

The properties to the west, north, and east are zoned DR 16 and the individual homes along Maryland Avenue are zoned DR 5.5.

While the petition requests that the property be rezoned as R.O., no specific development is proposed. Therefore, envelopes have been indicated generally enclosing the three existing structures in order to provide sufficient flexibility for additions or improvements in the future. Likewise, an envelope has been provided within which the parking and driveway facilities may be located but no specific parking or driveway facility is proposed.

Currently, the property would support 28.8 density units, and 32 dwelling units. Presumably, if developed in accordance with its existing zoning, it would be developed as an elevator apartment building.

CIVIL ENGINEERS • SITE PLANNERS

passage of a County Council Bill, is volative of due process. It is a circumvention of the procedure required in Baltimore County to effect a re-zoning, and a circumvention of the necessary public notice and public hearings, required whether such re-zoning applies to a single parcel or is a comprehensive re-zoning of the entire County.

(5) The uses presently allowed under the D.R.-16 classification are inconsistent, unsuitable and inappropriate for the surrounding neighborhood. There is no economically feasible use of the property within the confines of the D.R.-16 restrictions.

THEFORE, for the reasons stated, the hereinbefore described parcel should be re-classified from zoning classification D.R.-16 to zoning classification R/O.

Respectfully submitted,

Ira C. Cooke
IRA C. COOKE

MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.
36 South Charles Street
Sixth Floor
Baltimore, Maryland 21201
(301) 332-8540

Attorney for Petitioner

2828A

- 2 -

LAW OFFICES OF
MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

36 SOUTH CHARLES STREET
SIXTH FLOOR
BALTIMORE, MARYLAND 21201-3060
301 332-8500
(WRITER'S DIRECT DIAL NO.)
332-8540

November 24, 1982

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

RE: Zoning Reclassification R-83-66
Bluefield Property
Cycle III, Item 13

Dear Mr. Hackett:

Pursuant to our conversation of this morning, on behalf of the above-referenced Petitioner, I am requesting that the amended plat which was submitted to the Board on November 4, 1982 by my partner, Mr. Figinski, be withdrawn.

There is a Planning Commission hearing scheduled for December 2, 1982. It is my understanding from my conversation with you that your office will be kind enough to contact the Planning Board and inform them that the plat which was to be under discussion has been withdrawn.

I will be in touch with your office in the near future to schedule a hearing on a new amended plat which we are working on with the County. Let me take this opportunity to thank you for your cooperation.

Very truly yours,

Ira C. Cooke
IRA C. COOKE

ICC:egs
CC: James Hoswell
Department of Planning and Zoning
Baltimore County
New Court House
Towson, Maryland 21204

(Dictated but not read)

RECEIVED
BALTIMORE COUNTY
MAY 24 2 31 PM '82
COMM. PLANS
BY: [unclear]

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21284
April 13, 1983

Ira C. Cooke, Esq.
36 S. Charles St.
Baltimore, Md. 21201

Re: Case No. R-83-66
Louis Bluefield

Dear Mr. Cooke:

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

Very truly yours,

John W. Hession
John W. Hession, Secretary

Encl.
cc: Louis Bluefield
M. Albert Figinski, Esq.
J. W. Hession, Esq.
W. E. Hammond
J. E. Dyer
N. E. Garber
I. G. Hoswell
Board of Education

MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

36 SOUTH CHARLES STREET
SIXTH FLOOR
BALTIMORE, MARYLAND 21201-3060
TELEPHONE 301 332-8500
TELEFAX 301 332-8504
TELEX 710-234-2444

December 9, 1982

LAW OFFICES OF
MELNICOVE, KAUFMAN, WEINER & SMOUSE, P.A.

JOSEPH S. KAUFMAN
ARNOLD M. WEINER
ROBERT E. CAHILL
FRANKLIN GOLDSTEIN
H. RUSSELL SMOUSE
LOUIS B. PRICE
ISAAC M. NEUBERGER
M. ALBERT FIGINSKI
DAVID L. SAWYER
RICHARD V. FALCON
GARY I. STRAUSSBERG
EDWARD P. MARTIN
AVRUM M. KOWALSKY
RANSON J. DAVIS
GLENN E. BUSHEL
IRA C. COOKE
D. CHRISTOPHER OHLY
GEORGE F. PAPPAS
RICHARD RUBIN
KATHLEEN M. SWEENEY
JAMES O. NELSON
PHYLLIS W. BROWN
STANLEY A. SUTNER
BARRY L. STEELMAN
ROBERT C. FOWLER
IRA L. ORING
KENNETH D. PACK
BERNARD S. MELNICOVE
NATHAN BRAVERMAN
DAVID P. SCHNEIDERMAN
DONNA C. SANDER
HARRY J. HATE
M. MELINDA THOMPSON
JACK L. BROWN
GREGG L. KERNSTEIN
JEFFREY S. BENEY
ROBERT E. CAHILL, JR.
OF COUNSEL
KENNETH H. ERIN
D. CHRISTOPHER OHLY
GEORGE F. PAPPAS
RICHARD RUBIN
KATHLEEN M. SWEENEY
JAMES O. NELSON
PHYLLIS W. BROWN
STANLEY A. SUTNER
BARRY L. STEELMAN
ROBERT C. FOWLER
IRA L. ORING
KENNETH D. PACK
BERNARD S. MELNICOVE
NATHAN BRAVERMAN

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

RE: Zoning Reclassification R-83-66
Bluefield Properties Cycle III, Item 13

Dear Mr. Hackett:

On November 24, 1982 you were kind enough to allow me to withdraw an amended plat which had been submitted to the Board on November 4, 1982, by my partner, Mr. Albert Figinski. The reason for the withdrawal of the amended plat was to allow the various County agencies, our civil engineer, and myself to review the status of our request.

Since my discussion with you on November 24, I am pleased to tell you that my wife had twins, a boy and a girl. More importantly, however, we have decided, with the knowledge of Mr. Dyer, Mr. Commodari, and Mr. Hoswell to proceed with the original plat which was submitted to the Board in the Spring of 1982. I have been advised by Mr. Commodari, today, that the Baltimore County Zoning Plans Advisory Committee Evaluation Comments are still viable and part of the Board's file.

Therefore, by this letter I am respectfully requesting that a hearing be given in this matter at the Board's

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

RECEIVED
BALTIMORE COUNTY
DEC 11 11 11 AM '82
COMM. PLANS
BY: [unclear]

Mr. William Hackett
December 9, 1982
Page 2

convenience. If you would like, and to avoid scheduling problems, I would appreciate my secretary being able to communicate with your office concerning a date and time which can be scheduled on my calendar to avoid any future conflicts.

Again, let me close by thanking you for your kind consideration in this matter.

Very truly yours,
Ira C. Cooke
IRA C. COOKE

ICC:egs
CC: Mr. James Hoswell
Department of Planning and Zoning
Baltimore County
New Court House
Towson, Maryland 21204

Mr. Nicholas B. Commodari
Chairman
Zoning Plans Advisory Commission
County Office Building - Room 113
110 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. James Dyer
Zoning Office
County Office Building
110 West Chesapeake Avenue
Towson, Maryland 21204

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
December 16, 1982

NOTICE OF ASSIGNMENT
CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-83-66

LOUIS BLUEFIELD

for reclassification from D.R. 16 to R-0

SE/S of Warren Road 464' NE from
c/1 of Reisterstown Road

3rd District

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 9, 1983 at 10 a.m.

cc: Ira C. Cooke, Esquire

Counsel for Petitioner

M. Albert Figinski, Esquire

Co-counsel for Petitioner

Louis Bluefield

Petitioner

John W. Hession, Esquire

People's Counsel

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. N. E. Garber

Mr. J. G. Hoswell

Board of Education

Edith T. Eisenhart, Adm. Secretary

D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD • TOWSON, MARYLAND 21208 • (301) 484-1100

ENVIRONMENTAL IMPACT STATEMENT

RECLASSIFICATION PETITION

PETITIONER: Louis Bluefield
Item No. 13
Cycle III

PREPARED BY: D.S. Thaler & Associates, Inc.

INTRODUCTION

The Bluefield Property is located on the southeast side of Warren Road, east of Reisterstown Road in the Third Election District of Baltimore County in Pikesville. Consisting of approximately 1.8 acres, the property is zoned primarily DR 16 with the remainder zoned DR 5.5. It is improved with three existing single family dwellings and their accessory structures. Two of the units are uninhabited, blighted, and deteriorating badly. It is proposed that the property be reclassified as an R.O. zone (Residential Office).

The properties surrounding the subject property are completely developed. To the north and east, the property is bounded by the Eleven Slade and Suburban Oaks Apartments. These sites consist of high rise elevator apartments and their parking lots and their accessory structures. To the south are single family homes located on small lots along Maryland Avenue. To the west are the offices of D.S. Thaler & Associates, a gravel lot, and the Warren House Motel and its parking lot.

The properties to the west, north, and east are zoned DR 16 and the individual homes along Maryland Avenue are zoned DR 5.5.

While the petition requests that the property be rezoned as R.O., no specific development is proposed. Therefore, envelopes have been indicated generally enclosing the three existing structures in order to provide sufficient flexibility for additions or improvements in the future. Likewise, an envelope has been provided within which the parking and driveway facilities may be located but no specific parking or driveway facility is proposed.

Currently, the property would support 28.8 density units, and 32 dwelling units. Presumably, if developed in accordance with its existing zoning, it would be developed as an elevator apartment building.

CIVIL ENGINEERS • SITE PLANNERS

October 6, 1982

Ira C. Cooke, Esquire
36 S. Charles Street - 6th Floor
Baltimore, Maryland 21201

NOTICE OF HEARING

Re: Petition for Reclassification
SE/S of Warren Rd., 464' NE of c/1 of
Reisterstown Rd.
Louis Bluefield - Petitioner
Case #R-83-66 Cycle III - Item #13

TIME: 1:00 P.M.

DATE: Thursday, November 4, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

12/16/82 - Above notified of CONTINUED HEARING scheduled for WEDNESDAY, FEB. 9, 1983 at 10 a.m.

Also, M. Albert Figinski, Esq. Co-counsel for Petitioner

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

The plan indicating the concept of envelopes, which provides for the maximum utilization of the property, has been submitted to the Pikesville Community Growth Corporation for their review and their support for the concept has been received.

ENVIRONMENTAL IMPACTS

RUNOFF

As in all construction, increasing the impervious area on a site will increase the amount of runoff generated. We have examined this site and find the runoff based upon a two year design storm (Q₂) and the runoff based upon a 100 year design storm (Q₁₀₀) to be as follows:

EXISTING HOUSES	
Q ₂	2.5 CFS
Q ₁₀₀	4.5 CFS
AS APARTMENTS-POST DEVELOPMENT	
Q ₂	8.5 CFS
Q ₁₀₀	15.7 CFS
AS OFFICES-POST DEVELOPMENT	
Q ₂	5.7 CFS
Q ₁₀₀	10.6 CFS

Baltimore County has one of the most advanced storm water management programs in the nation. Development of this property must be in accordance with not only the storm water management regulations but also all of the other building and development regulations of the County. Therefore, development of the property should either improve the existing storm drain line which drains along the road or should include storm water management so as not to increase downstream runoff.

TRAFFIC

Based upon generally accepted trip generation figures provided by the Department of Traffic Engineering, it could be expected that the site would generate the following traffic levels:

EXISTING HOUSES	36 average daily trips
AS ELEVATOR APARTMENTS	160 average daily trips
AS OFFICES	335 average daily trips

NOISE

As the site is proposed to be developed as general offices, there should be no unusual noise emanations. Offices tend to be slightly quieter than similar residential or commercial uses. Large commercial or residential projects generally have substantial mechanical equipment which can generate significant noise levels. As the site is proposed to be developed as three small offices, the compressors should be relatively small and noise would not be expected to be a significant problem.

WILDLIFE

The site is currently overrun with weeds and is infested with vermin. As the site is located in an area which is almost entirely developed, there is no known beneficial wildlife. Construction of the site along with proper maintenance should eliminate the vermin infestation.

VEGETATION


The site is largely overgrown with high weeds and sparsely wooded. There are less than ten significant trees including oak, maple, cedar and gum as shown on the plan submitted to accompany the reclassification petition.

Some of the existing trees will remain no doubt, and the site will be re-landscaped in accordance with County requirements at the time of the construction.

AIR QUALITY

Development activities effect air quality primarily in two ways, increased traffic and discharge by mechanical equipment. The site while surrounded by fully developed areas, is generally quite open, and the air flow is certainly not obstructed by nearby improvements. Therefore, it is not expected that the pollutants created by the increased traffic will present a significant problem.

The emissions associated with the mechanical equipment used for heating or cooling purposes in office buildings generally do not produce any significant air quality effects. However, C.O.M.A.R. Title 10 Subtitle 18, Department of Health and Mental Hygiene, Air Quality, Chapter 06 General Emissions Standards, Prohibitions and Restrictions restricts the type of emissions, particulate matter, and other compounds which may emanate from any sources. Construction of this building must comply with that State regulation. It is not anticipated that the construction of three small office buildings would have any significant air quality effect.

Respectfully submitted,
D.S. THALER & ASSOCIATES, INC.

David S. Thaler, P.E., L.S.
President

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Norman E. Gerber, Director
Office of Planning and Zoning
TO: _____ Date: November 4, 1982
FROM: County Board of Appeals
SUBJECT: Case No. R-83-66 - Item #13, Cycle III - Louis Bluefield

The hearing on the above entitled case was held as advertised on Thursday, November 4, 1982 at 1:00 p.m., at which time the attorney for the Petitioner requested that the case be generally continued as the Petitioner wished to file a new plot. Therefore, in open hearing on this date, November 4, 1982, the new plot was received by the Board.

In compliance with the provisions of Bill #46-79, we are forwarding the amended material to you for appropriate action.

William T. Hackett, Chairman

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 484-1100

ENVIRONMENTAL IMPACT STATEMENT

RECLASSIFICATION PETITION

PETITIONER: Louis Bluefield
Item No. 13
Cycle III

PREPARED BY: D.S. Thaler & Associates, Inc.

INTRODUCTION

The Bluefield Property is located on the southeast side of Warren Road, east of Reisterstown Road in the Third Election District of Baltimore County in Pikesville. Consisting of approximately 1.8 acres, the property is zoned primarily DR 16 with the remainder zoned DR 5.5. It is improved with three existing single family dwellings and their accessory structures. Two of the units are uninhabited, blighted, and deteriorating badly. It is proposed that the property be reclassified as an R.O. zone (Residential Office).

The properties surrounding the subject property are completely developed. To the north and east, the property is bounded by the Eleven Slade and Suburban Oaks Apartments. These sites consist of high rise elevator apartments and their parking lots and their accessory structures. To the south are single family homes located on small lots along Maryland Avenue. To the west are the offices of D.S. Thaler & Associates, a gravel lot, and the Warren House Motel and its parking lot.

The properties to the west, north, and east are zoned DR 16 and the individual homes along Maryland Avenue are zoned DR 5.5.

While the petition requests that the property be rezoned as R.O., no specific development is proposed. Therefore, envelopes have been indicated generally enclosing the three existing structures in order to provide sufficient flexibility for additions or improvements in the future. Likewise, an envelope has been provided within which the parking and driveway facilities may be located but no specific parking or driveway facility is proposed.

Currently, the property would support 28.8 density units, and 32 dwelling units. Presumably, if developed in accordance with its existing zoning, it would be developed as an elevator apartment building.

CIVIL ENGINEERS • SITE PLANNERS

The plan indicating the concept of envelopes, which provides for the maximum utilization of the property, has been submitted to the Pikesville Community Growth Corporation for their review and their support for the concept has been received.

ENVIRONMENTAL IMPACTS

RUNOFF

As in all construction, increasing the impervious area on a site will increase the amount of runoff generated. We have examined this site and find the runoff based upon a two year design storm (Q₂) and the runoff based upon a 100 year design storm (Q₁₀₀) to be as follows:

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Some of the existing trees will remain no doubt, and the site will be re-landscaped in accordance with County requirements at the time of the construction.

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Development activities effect air quality primarily in two ways, increased traffic and discharge by mechanical equipment. The site while surrounded by fully developed areas, is generally quite open, and the air flow is certainly not obstructed by nearby improvements. Therefore, it is not expected that the pollutants created by the increased traffic will present a significant problem.

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Respectfully submitted,
D.S. THALER & ASSOCIATES, INC.

David S. Thaler, P.E., L.S.
President

April 7, 1982

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

Dear Mr. Hackett:

Comments on Item #13, Cycle III Meeting, March 16, 1982, are as follows:

Property Owner: Louis Bluefield
Location: SE/8 Warren Road 464' N/S from centerline of Reisterstown Road
Existing Zoning: D.P. 16
Proposed Zoning: R-O
Acres: 1.80
District: 3rd

Metropolitan water and sewer is available.

The zoning P.L.S. as submitted, does not contain sufficient information; therefore the Baltimore County Department of Health cannot make concrete comments.

Very truly yours,


Dan J. Fogel, Director
BUREAU OF ENVIRONMENTAL SERVICES

JSP/als/JEP

PETITION FOR RECLASSIFICATION

3rd Election District

ZONING: Petition for Reclassification
LOCATION: Southeast side of Warren Road, 464 ft. Northeast of the centerline of Reisterstown Road
DATE & TIME: Thursday, November 4, 1982 at 1:00 P.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 and D.R. 5.5
Proposed Zoning: R.O.

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

Being the property of Louis Bluefield, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, November 4, 1982 at 1:00 P.M.
Public Hearing: Room 218, Courthouse, Towson, Maryland

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

DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING RECLASSIFICATION
WARREN ROAD OFFICES

Beginning for the same on the Southeast side of Warren Road 25 feet wide at a point measured 464 feet northeast of the centerline of Reisterstown Road and running thence along said Southeast side of Warren Road 1) North 49°29'00" East 393.24 feet thence leaving said southeasr side and running across the end of said road 2) North 46°20'16" West 24.76 feet to the northwest side of road and thence leaving same 3) North 49°29'00" East 27.00 feet 4) South 46°20'16" East 205.76 feet 5) South 49°39'08" West 448.25 feet 6) North 37°25'35" West 179.01 feet to the place of beginning.

Containing 1.80 acres of land more or less.



CIVIL ENGINEERS • SITE PLANNERS

ITEM NO. 13

PROPERTY OWNER: Louis Bluefeld
LOCATION: SE/4 of Warren Road, 464' W/E of Reisterstown Road
ACREAGE: 1.8
ELECTION DISTRICT: 3
COUNCILMANIC DISTRICT: 2
GEOGRAPHICAL GROUP: None
RECOMMENDED DATE OF HEARING: Week of November 1, 1982
FUNCTIONAL CATEGORY: None

ZONING PRIOR TO ADOPTION OF 1980 COMPREHENSIVE ZONING MAP: D.R. 16
EXISTING ZONING: D.R. 16
REQUESTED ZONING: R.O.

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 16)

This property, located in Pikesville, contains 3 single-family dwellings. To the west, on the same side of Warren Road, is an office building and a motel, on land zoned D.R. 16 and B.L., respectively; to the north and east, D.R. 16 zoned land containing a mid-rise apartment building; to the south, single-family dwellings on properties zoned D.R. 5.5. The petitioner is requesting a change from D.R. 16 to R.O. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1980 Comprehensive Zoning Map, the property was zoned D.R. 16. The zoning of the property was not identified as a specific issue before either the Planning Board or the County Council during the preparation and processing of the map; the County Council reaffirmed D.R. 16 zoning here.

The Department of Traffic Engineering's representative on the Zoning Advisory Committee stated that development of the property as presently zoned would generate approximately 210 trips per day; were the petitioner's request granted, development would generate approximately 490 trips per day. Further, he stated that Warren Road is very narrow and should not be used for office traffic in its present condition.

The Planning Board believes that D.R. 16 zoning is appropriate and that the zoning map is correct. The Board is of the opinion that ample opportunities for office use have been provided for in the area. Further, the Board believes that the current zoning classification provides for a reasonable use of the property.

It is therefore recommended that the existing zoning, D.R. 16, be retained.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Member of the Baltimore County Planning Board
Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Reclassification No. R-83-66
Amended Documentation
Bluefield Property Cycle III, Item 13

Date: November 24, 1982

Amended Plan Withdrawn by petitioner on 11/24.

*Petition Not Withdrawn
They'll be in to see you before they file amended plans at the C.B.A.*

Section 2-58.1 (m) of the Baltimore County Code, 1978 as amended, requires that amendments to zoning reclassification petitions must be introduced during a public hearing before the County Board of Appeals. Then the documentation is transmitted to the Director of Planning for processing. Finally, the Planning Board must review and adopt a recommendation for the amended petition. All of these procedures have time limits prescribed in the code, and December 15, 1982, is the deadline for Planning Board action on the subject matter. Consequently, the Board must take action at its special meeting on December 2, 1982.

This zoning reclassification was reviewed by the Planning Board earlier this year. At that time the petitioner had submitted a request that did not provide documentation relating to a specific development proposal for the property. On July 15, 1982, the Planning Board recommended that the petitioner's request be denied.

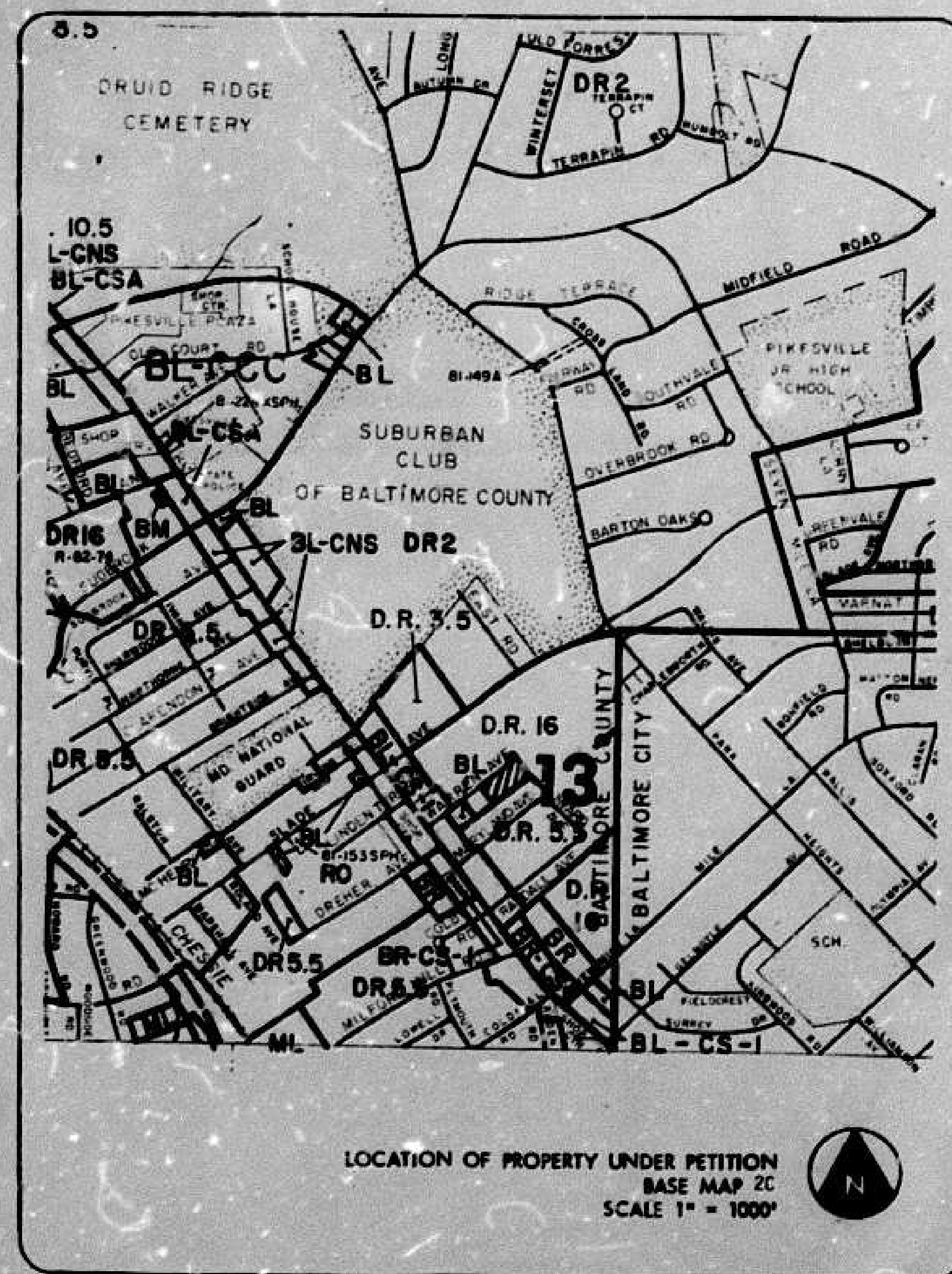
The staff has reviewed the amendments submitted by the petitioner to the County Board of Appeals on November 4, 1982. It consists of documentation relating to the proposed use of the property; the earlier request upon which the Planning Board acted in July did not include any documentation as to the proposed use of the site. The Board should note that if a petition that includes specific documentation is granted, the use of the property can be conditioned as a part of the order; the current submittal can be treated in this fashion.

After reviewing the subject petition, the staff is of the opinion that the construction of the maximum size facilities shown on the plan would not be appropriate in this location. Further, the staff still believes that D.R. 16 provides for a reasonable use of the land. Hence, the staff is of the opinion that the petitioner's request should be denied.

Finally, the following is a list of some of the comments noted by my staff during a cursory review of the amended documentation by some of the members of the Zoning Advisory Committee on November 19, 1982:

1. A special exception must be filed, posted and advertised to accompany this petition.
2. The plan indicates maxima and minima for development of this site. While acceptable conceptually, the range is too large.

-1-



LOCATION OF PROPERTY UNDER PETITION
BASE MAP 2C
SCALE 1" = 1000'

Zoning Reclassification No. R-83-66
Bluefield Property, Cycle III, Item 13

3. Two detailed plans, one for the maxima and one for the minima, must be provided.
4. The floor area ratio, the percentage of amenity open space, and detailed parking layout(s) must be shown on the plan.
5. Details of landscaping must be shown on the plan, including the provision of screening parking areas from adjacent residential properties.
6. Public Works expressed concern over run-off problems in the area and the lack of any specific proposal as to the handling of storm water run-off; further, the amended plan doesn't show future paving and right-of-way widths reflected in earlier Zoning Advisory Committee comments.
7. A CRG meeting is required. It would be preferable that this be done prior to the zoning hearing.
8. Curb, gutter and sidewalks are required, and should be shown on the plan.
9. The site should have no more than two access points to Warren Road; one access point would be preferable.
10. Were maximum size buildings (shown on the plan) constructed, a forty-eight foot wide paved section would be necessary for Warren Road at its intersection with Reisterstown Road, and a forty-foot wide paved section and cul-de-sac would be required for the remainder of the road.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:slc

Attachments: Comment and location map adopted by the Planning Board on July 15, 1982.
Draft of recommendation for consideration by the Planning Board on December 2, 1982.

cc: John W. Hession, III
People's Counsel

William T. Hockett, Chairman
County Board of Appeals

Ira C. Cooke, Esquire
36 S. Charles Street
Sixth Floor
Baltimore, Maryland 21201

BALTIMORE COUNTY, MARYLAND

DRAFT

INTER-OFFICE CORRESPONDENCE

William T. Hockett, Chairman
County Board of Appeals
Norman E. Gerber, Secretary
Baltimore County Planning Board

SUBJECT: Zoning Reclassification
Petition No. R-83-66: Amended Documentation
Bluefield Property Cycle III, Item 13

Date: December 2, 1982

At a special meeting today, the Planning Board reviewed the amended documentation submitted by the petitioner to the County Board of Appeals at the public hearing on November 4, 1982. After reviewing this matter, the Planning Board still believes that the existing zoning, D.R. 16, provides for a reasonable use for the property. The Planning Board, therefore, reaffirms its earlier recommendation adopted July 15, 1982.

Norman E. Gerber
Secretary of Baltimore County Planning Board

NEG:JGH:slc

cc: John W. Hession, III
People's Counsel

Ira C. Cooke, Esquire
36 S. Charles Street
Sixth Floor
Baltimore, Maryland 21201

IN THE MATTER OF : BEFORE
LOUIS BLUEFIELD : COUNTY BOARD OF APPEALS
FOR REZONING OF PROPERTY : OF
FROM DR 16 to R-O : BALTIMORE COUNTY
SE/4 Warren Road, 464' NE : R-83-66
from c/1 of Reisterstown Road :
3rd District :

OPINION

This case comes before this Board on petition for a reclassification from D.R. 16 to R.O. The property in question contains some 1.8 acres and presently is improved with three (3) residences in poor repair and some miscellaneous out buildings. This property was not an issue during the 1980 Comprehensive Map process.

Petitioner's first witness was Ms. Dorothy Fredericks, executive director for the Pikesville Community Growth Program. Ms. Fredericks testified that her program had visited the site and that they favored the R.O. classification over the existing DR 16 classification. Testimony was that the site was not compatible for residential use, that the Market plan projected office use in this area and that R.O. uses were preferred over any apartment use afforded this site. She stated that her group continuously monitors the use of all parcels in this area, whereas the Council only considers them once every four (4) years and in her opinion this parcel was simply overlooked during the 1980 map process.

Mr. Robert Frenkil, owner of a Cadillac auto dealership just down the street from this site, testified in favor of the R.O. zoning. He testified that he would prefer office use on this site over any apartment development, since in his opinion there were already too many apartment uses in the area. He emphasized that the above opinion was directly his own and that he was in no way connected to real estate development, so his opinion should be considered impartial.

Mr. Louis Bluefeld, property owner, next testified. He stated that he purchased these parcels individually, 15 to 20 years ago, with the thought in mind that he may want to expand neighboring uses, and need the site. This has not come to pass.

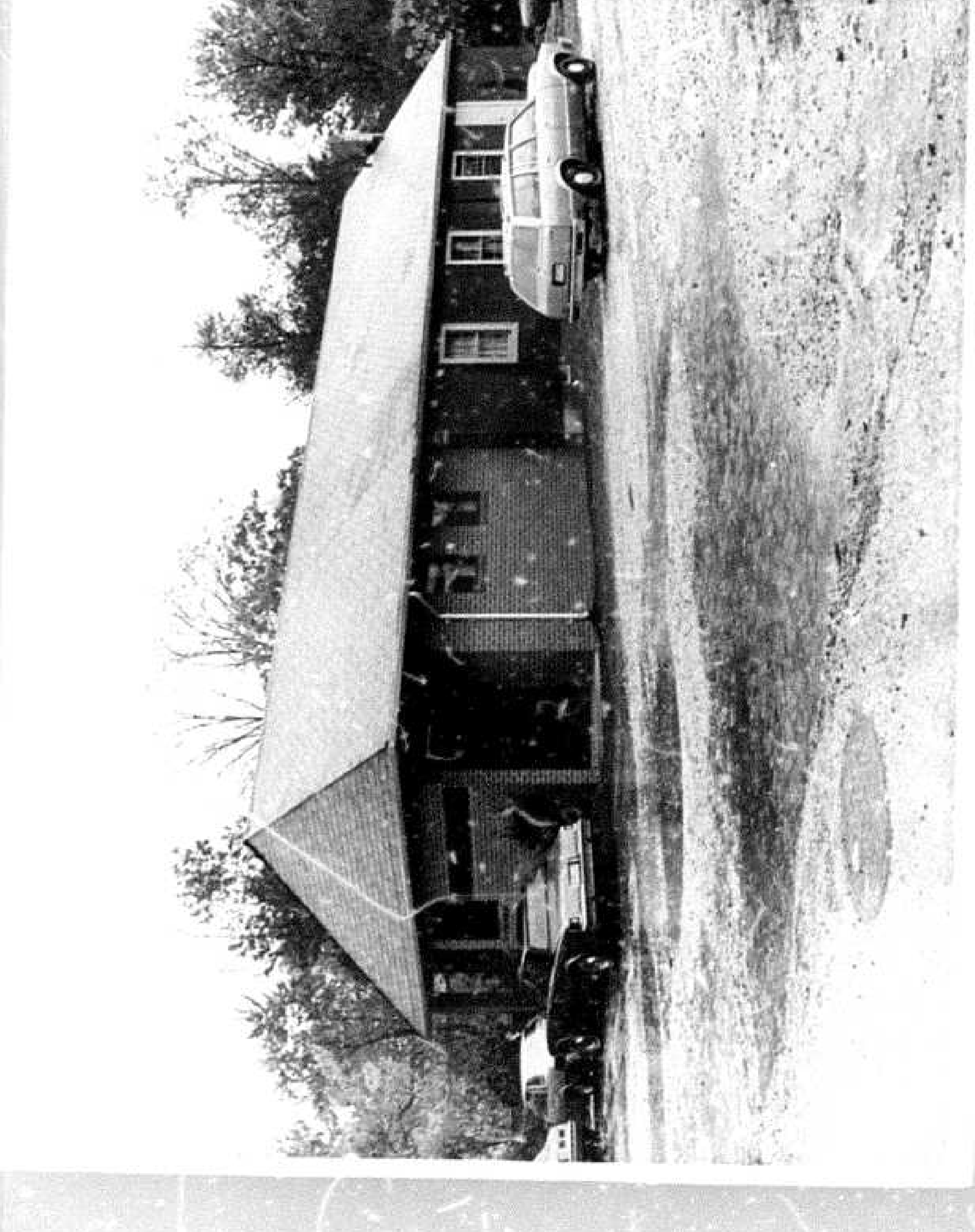
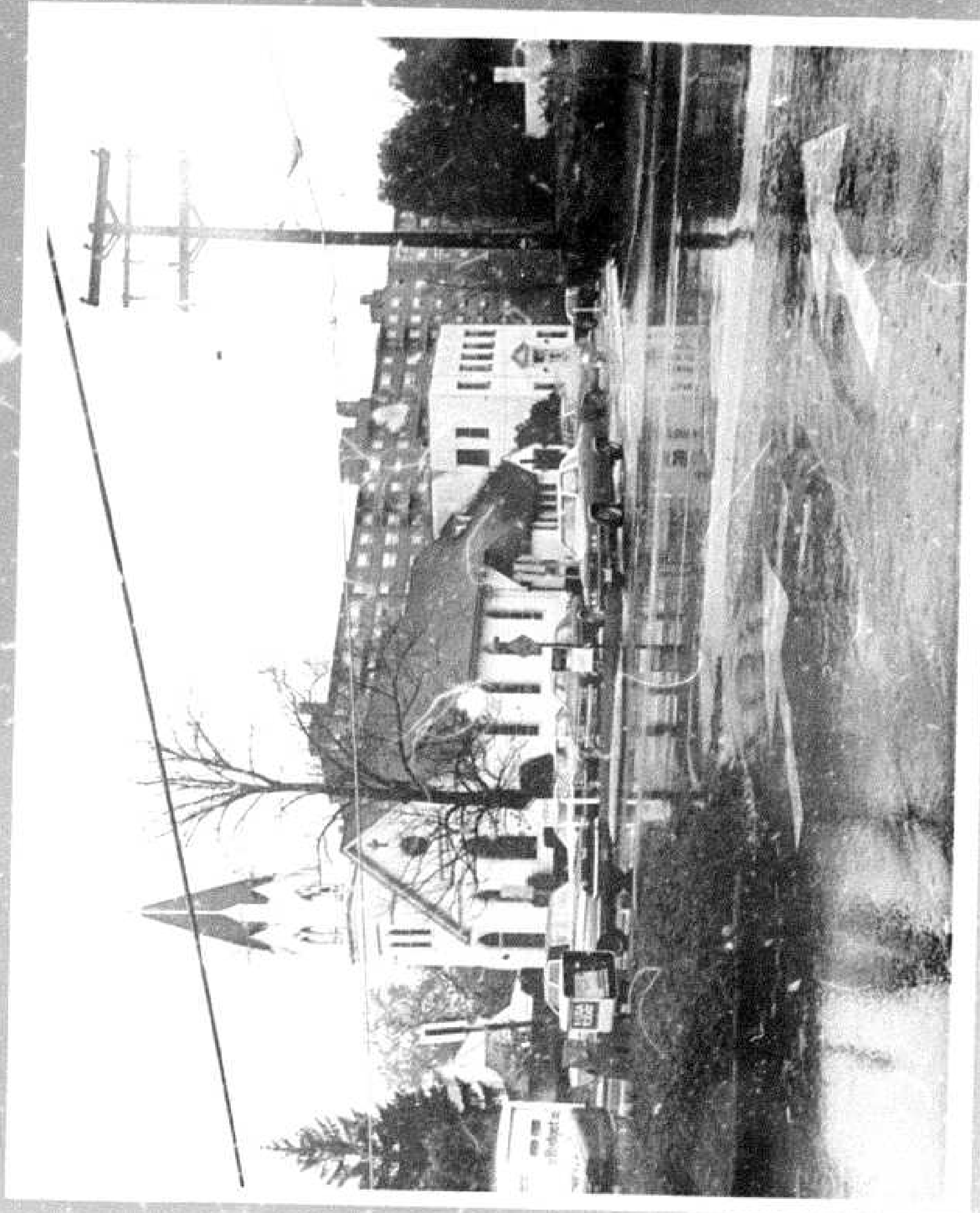
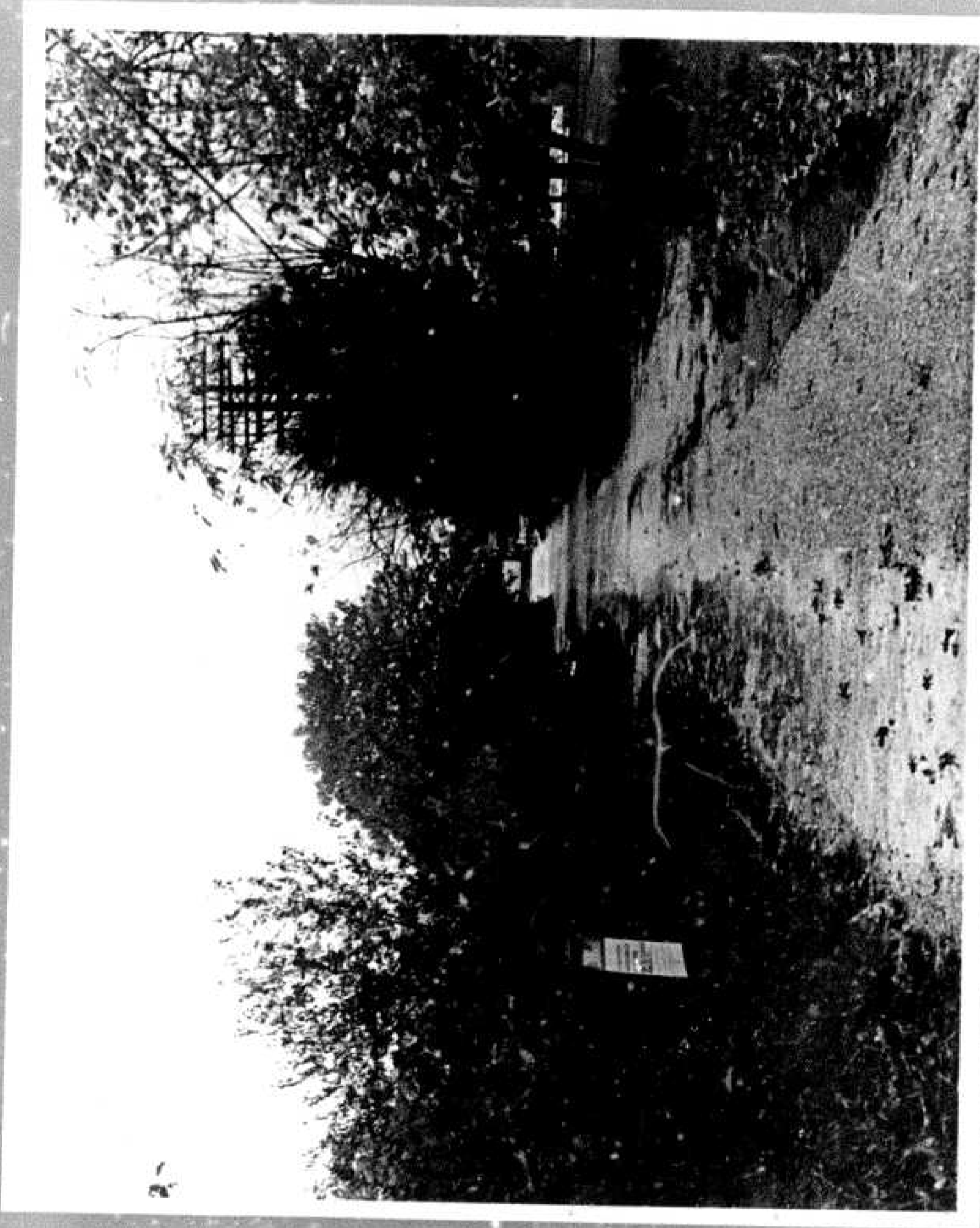
Louis Bluefeld
Case No. R-83-66

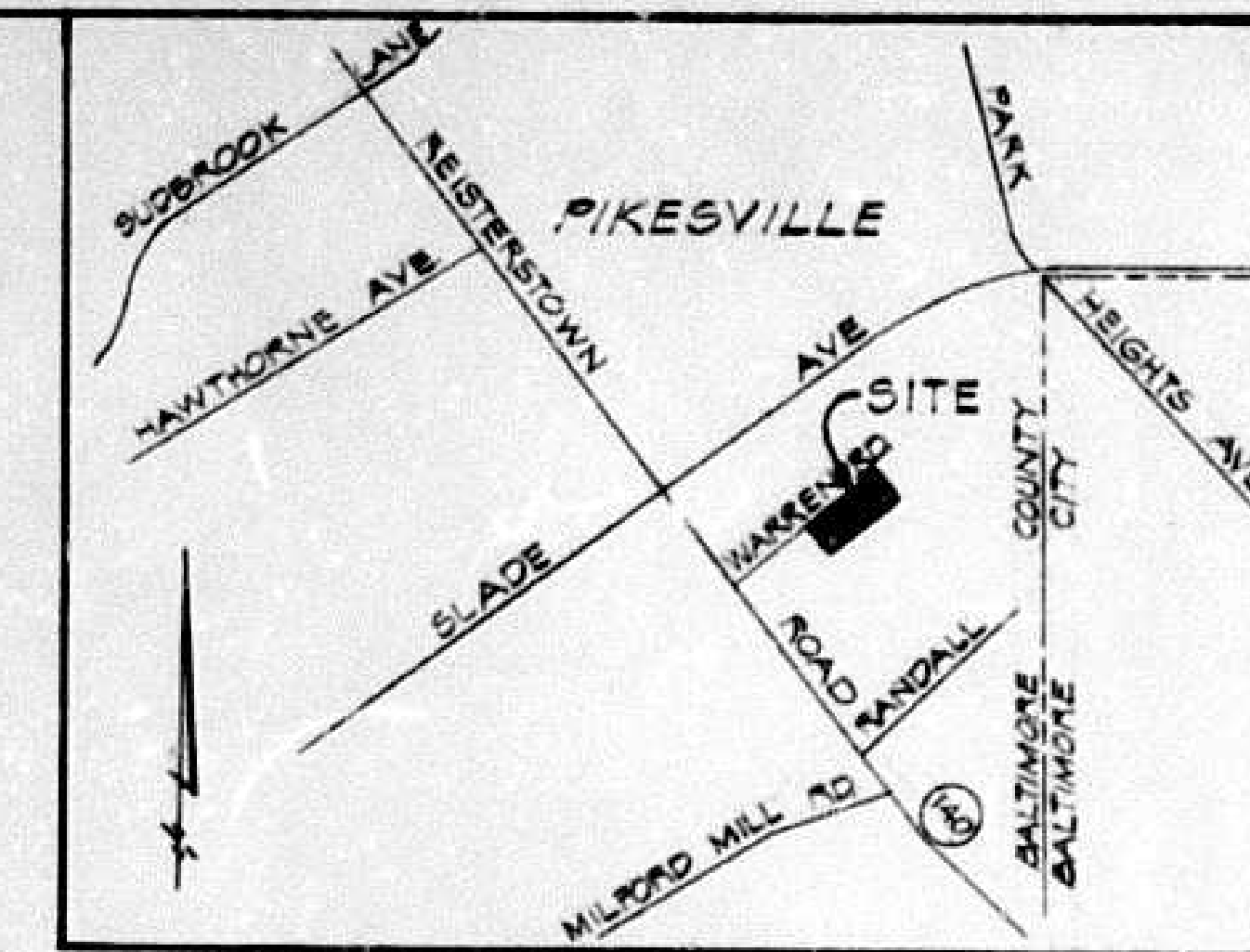
Of the three residences on the site, only one is occupied and the other two are boarded up and vacant and in poor repair. He testified that to develop the site as an apartment complex was economically unfeasible and that no nearby residents wanted anymore apartments. He freely admitted that he should have attempted to gain this reclassification on the 1980 maps but just waited too long to do so. He also testified that he has had inquiries regarding office use by professional people if he can obtain the zoning to do so.

Mr. David Thaylor, a registered professional engineer, whose offices are next door to the subject site, next testified in favor of the proposal. He testified that a study was made of this site for apartment use by the firm of Kohn & Mizell from Washington, D.C., for \$10,000, and their report indicated apartment use here to be impractical. He also noted less traffic generation from R.O. use than from the allowed density as apartment use. He noted the generally overgrowth, unkempt and poor condition of the properties today and also the need for complete and extensive repairs to the existing houses. He concluded that in his opinion, an R.O. use of this site would be most desirable. This concluded Petitioner's case.

Mr. James Hoswell, Planner for Baltimore County, then testified. He noted the Planning Board's official recommendation was that the D.R. 16 be retained. He, however, testified that he personally visited the site in the spring of 1982 and after noting all the surrounding uses, and the poor condition of the property at present, felt that R.O. use might well be appropriate for this site. He also noted that he met with Mr. Bluefeld and his attorney in June, 1982, and expressed this same personal view. This concluded testimony in this case.

After consideration of all the exhibits and testimony presented this day, the Board is of the opinion that the request should be granted. There was ample testimony both to the impracticality of apartment use on this site and the opposition to such use by nearby concerned persons. Had the County Council had this same testimony and evidence before it during the map process, its decision may well have been different. Mr. Bluefeld freely admits his failure to raise this issue as his fault alone. The Board, however, finds that the D.R. 16 zoning, as now applied, is in fact in error and will so order.

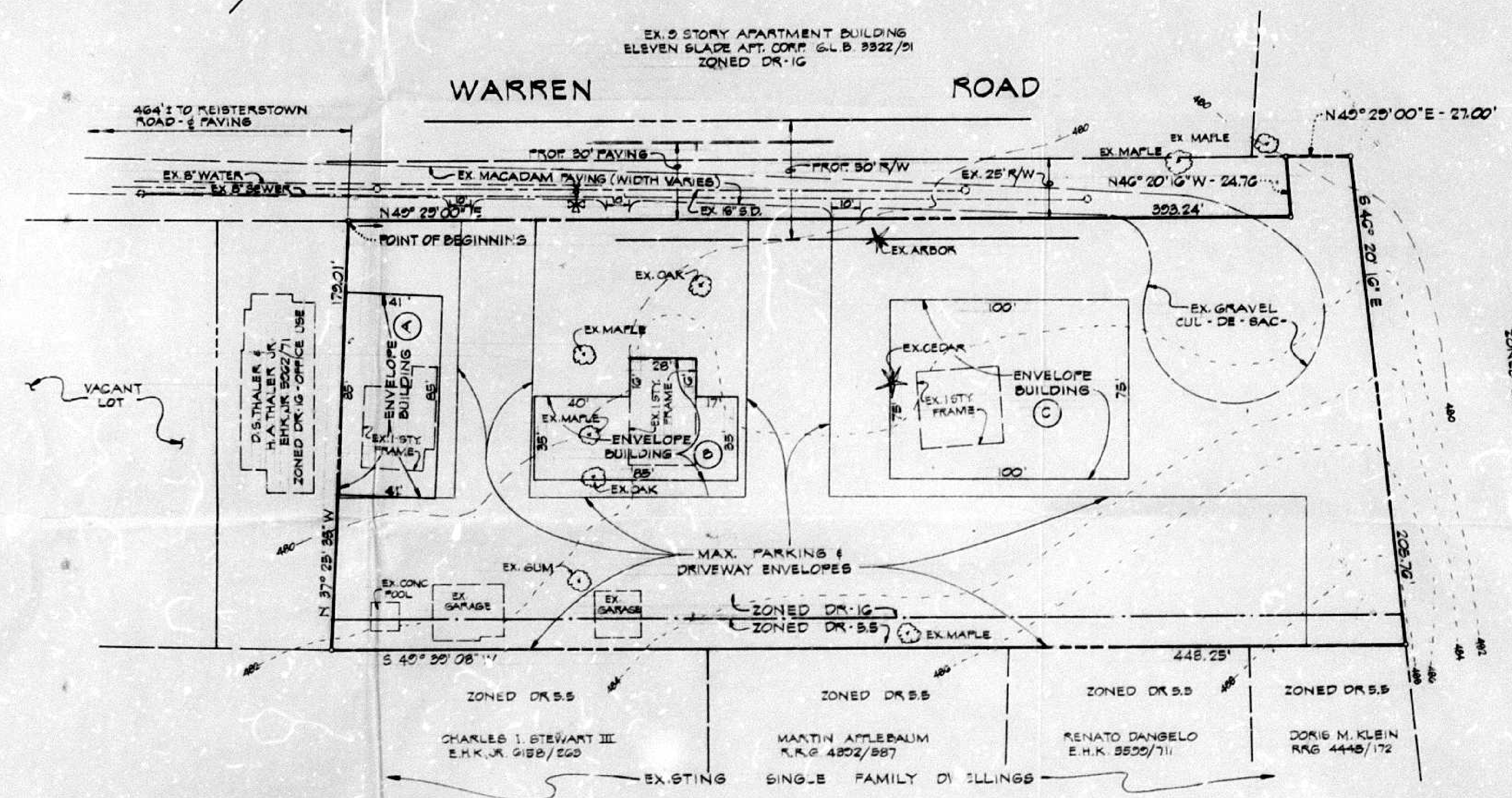




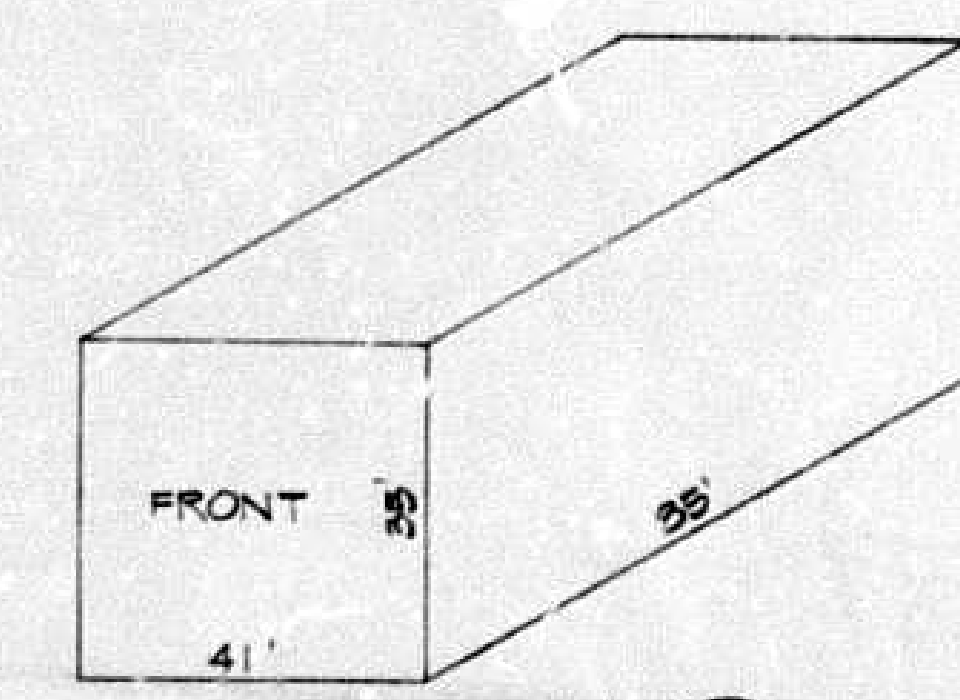
LOCATION MAP
SCALE: 1" = 100'

NOTES

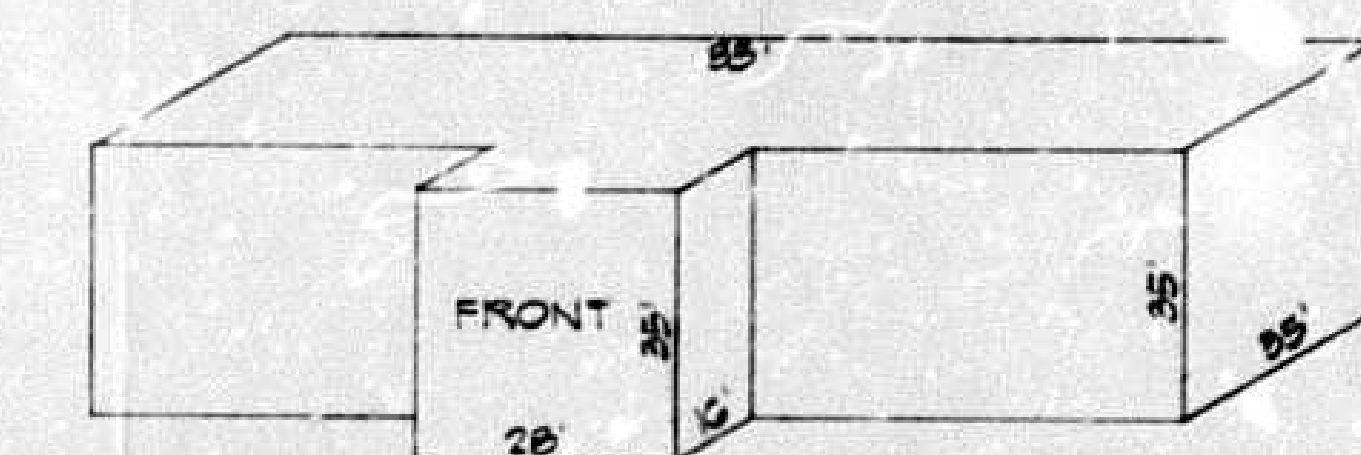
1. EX. ZONING DR-1G & DR-5.5, PROPOSED ZONING RD.
2. MAJOR VEGETATION - AS SHOWN
3. EXISTING GRADING - AS SHOWN
4. POND, BODIES OF WATER, WATERCOURSES, 100YR. FLOODPLAIN - NONE



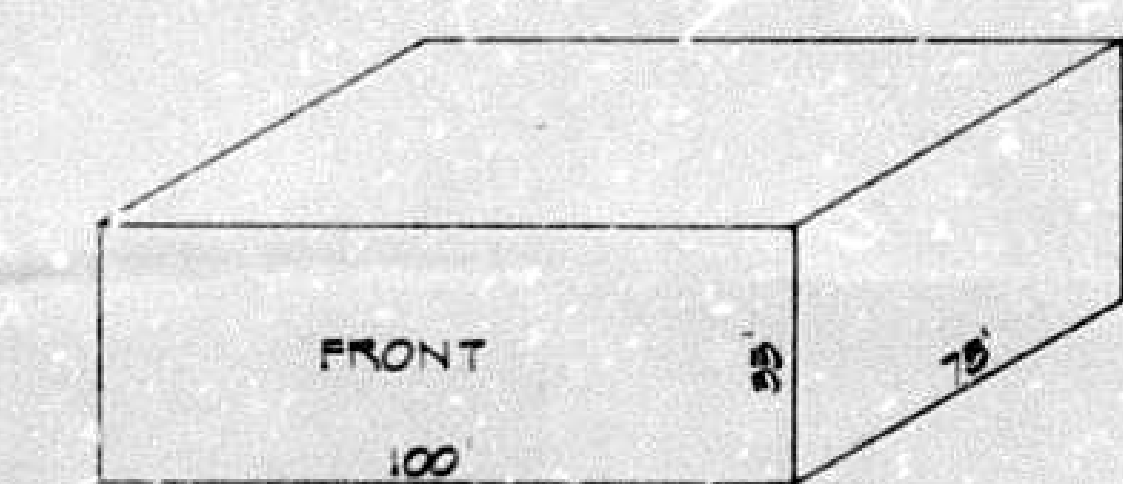
EX. 7-STORY ART BUILDING
SUBROOK AVE'S ARTS
CONDO PLAT C2-110
ZONED DR-1G



ENVELOPE BUILDING (A)
NO SCALE



ENVELOPE BUILDING (B)
NO SCALE



ENVELOPE BUILDING (C)
NO SCALE

DOCUMENTATIONS	MINIMUM	MAXIMUM
LOCATION OF PROPOSED STRUCTURES	-	AS SHOWN BY ENVELOPE
COVERAGE	0	14,408 sq ft
FLOOR AREAS	0	28,816 sq ft
HEIGHTS	0	35' BUT NOT TO EXCEED TWO STORIES
CHARACTER	0	OFFICE BUILDING
EXTERIOR MATERIALS	0	MASONRY, WOOD, METAL OR STUCCO
EXISTING STRUCTURES TO BE RETAINED	0	3
EXISTING STRUCTURES TO BE REMOVED	0	0
SIGNS VISIBLE OUTDOORS	0	MAXIMUM AS PERMITTED BY BALTIMORE COUNTY ZONING REGULATIONS
PRINCIPAL USES	OFFICES	OFFICES
HOURS OF OPERATION	9:00 A.M. - 5:00 P.M.	9:00 A.M. - 11:00 P.M.
MAXIMUM NUMBER OF EMPLOYEES	0	00
MAXIMUM LEVELS OF EMANATIONS	0	NO LEVELS OF EMANATIONS GREATER THAN THOSE USUALLY ASSOCIATED WITH OFFICES TO BE LOCATED ANYWHERE WITHIN ENVELOPE SHOWN
PARKING FACILITIES	0	NONE
LOADING FACILITIES	NONE	NONE
PUBLIC & QUASI-PUBLIC FACILITIES-EXISTING	-	AS SHOWN
PUBLIC & QUASI-PUBLIC FACILITIES-PROPOSED	-	-
SCREENING AND LANDSCAPING	-	-
PROPOSED MAJOR CHANGES OF GRADE	-	-

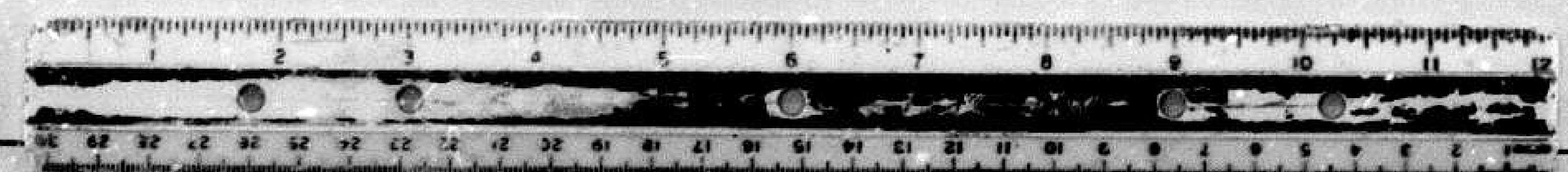
PLAT TO ACCOMPANY RE-ZONING PETITION

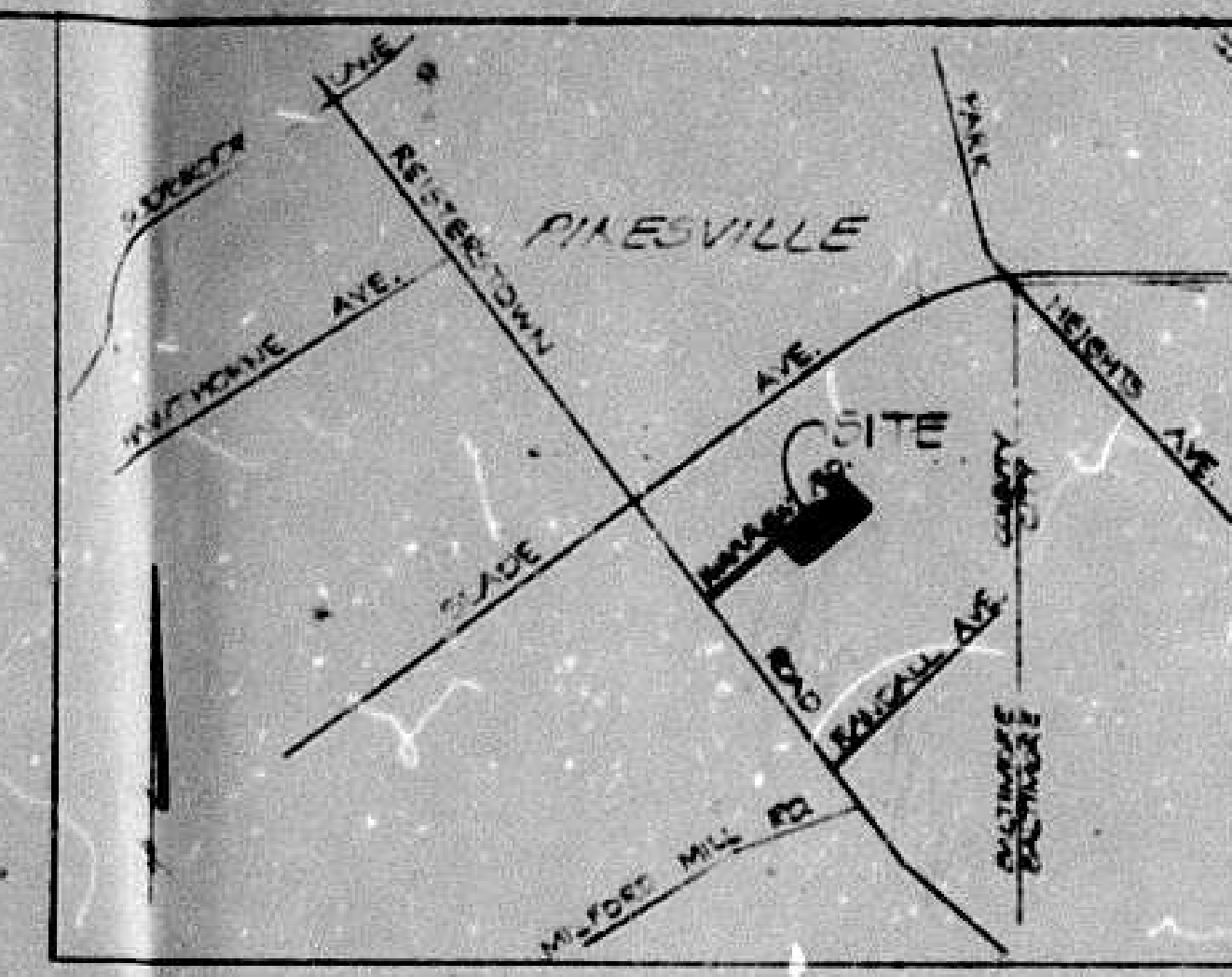
WARREN ROAD OFFICES

3RD ELECTION DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1" = 30'
JULY 6, 1982

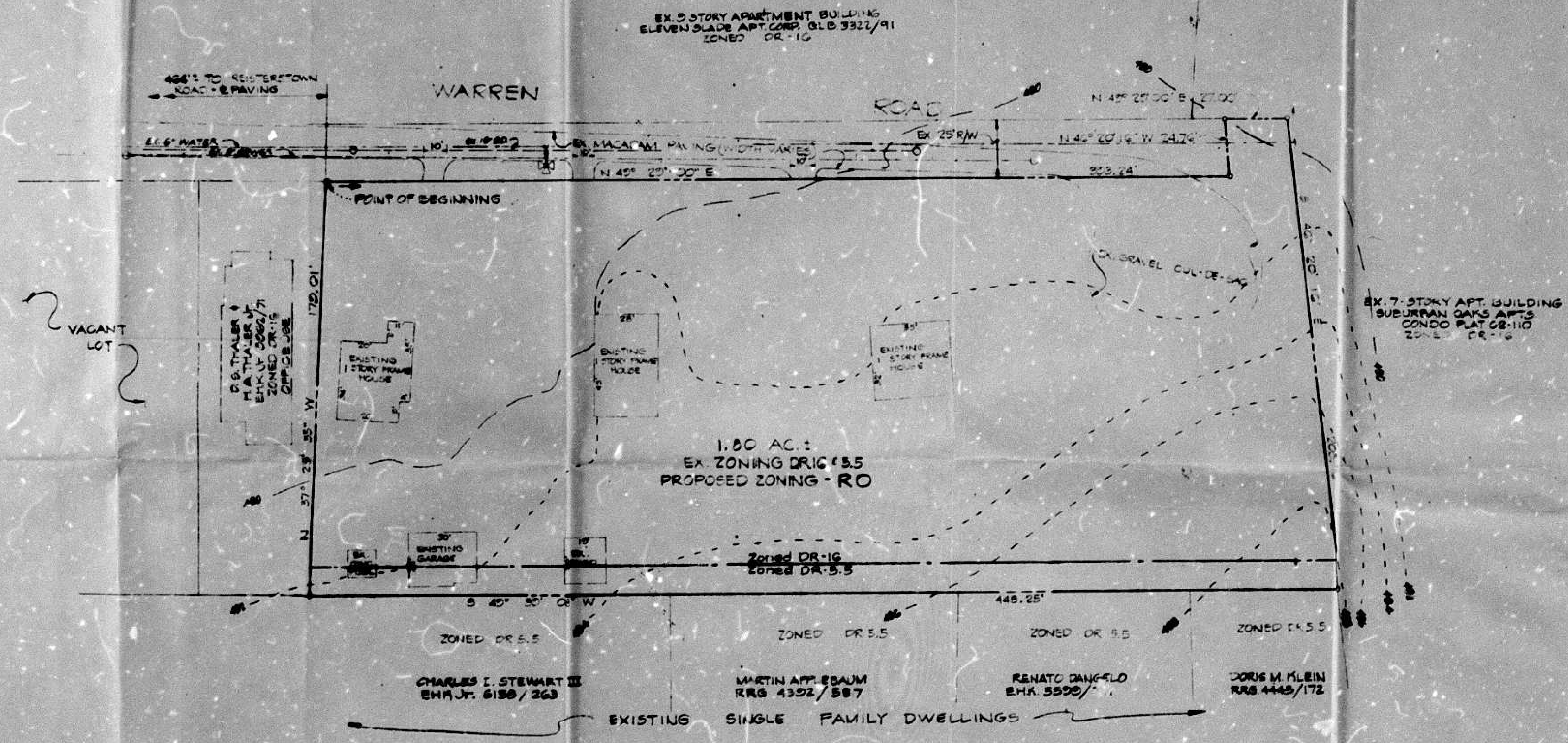
REVISED: OCTOBER 29, 1982

ENGINEERS
D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
301-484-1100





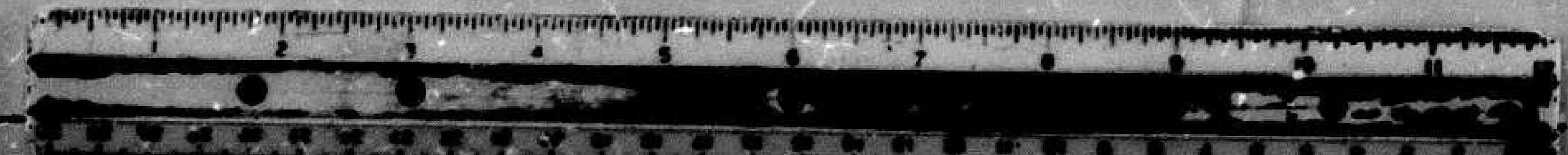
LOCATION MAP
SCALE 1" = 100'

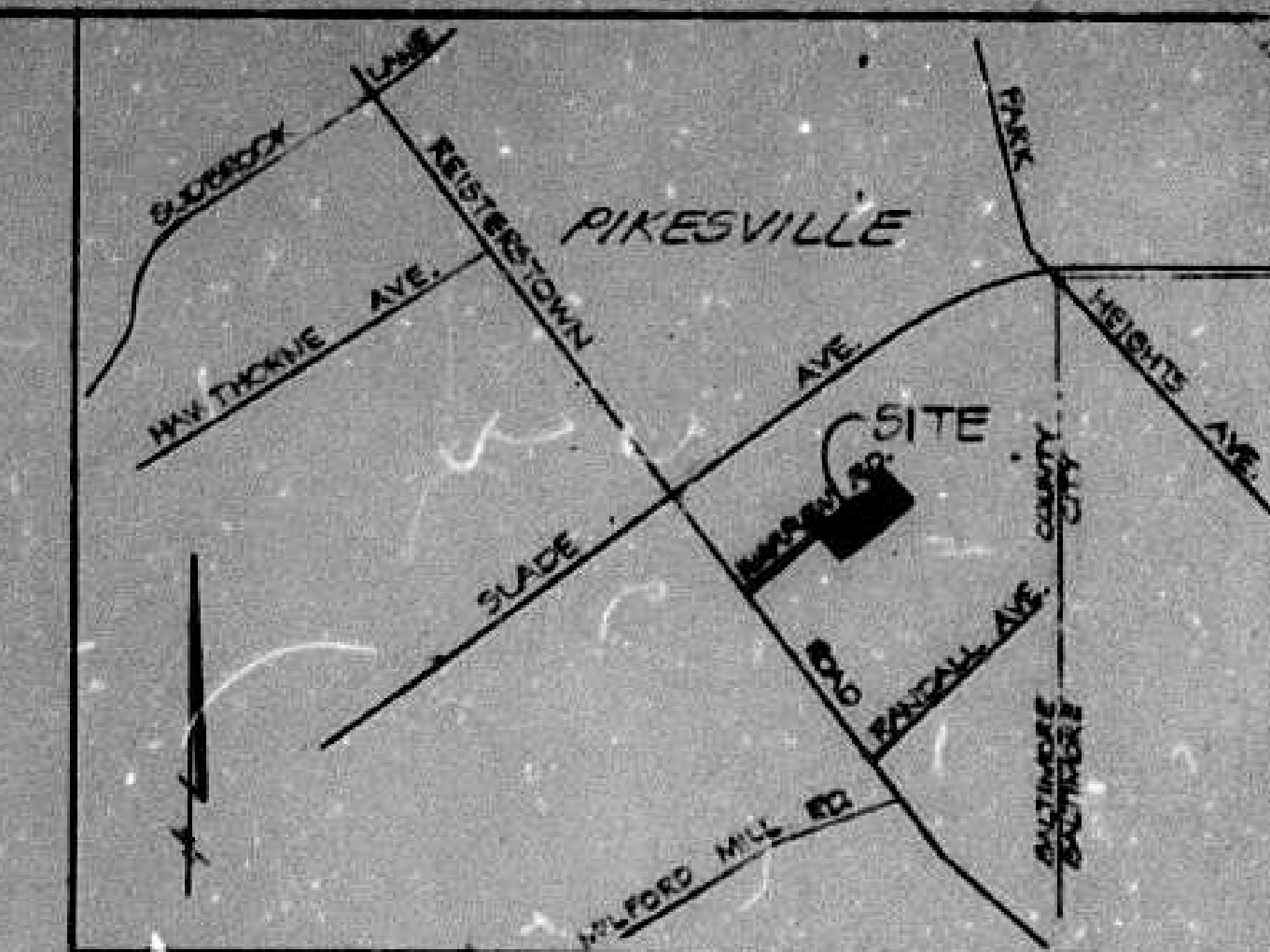


ENGINEERS
D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
301 - 484 - 4100

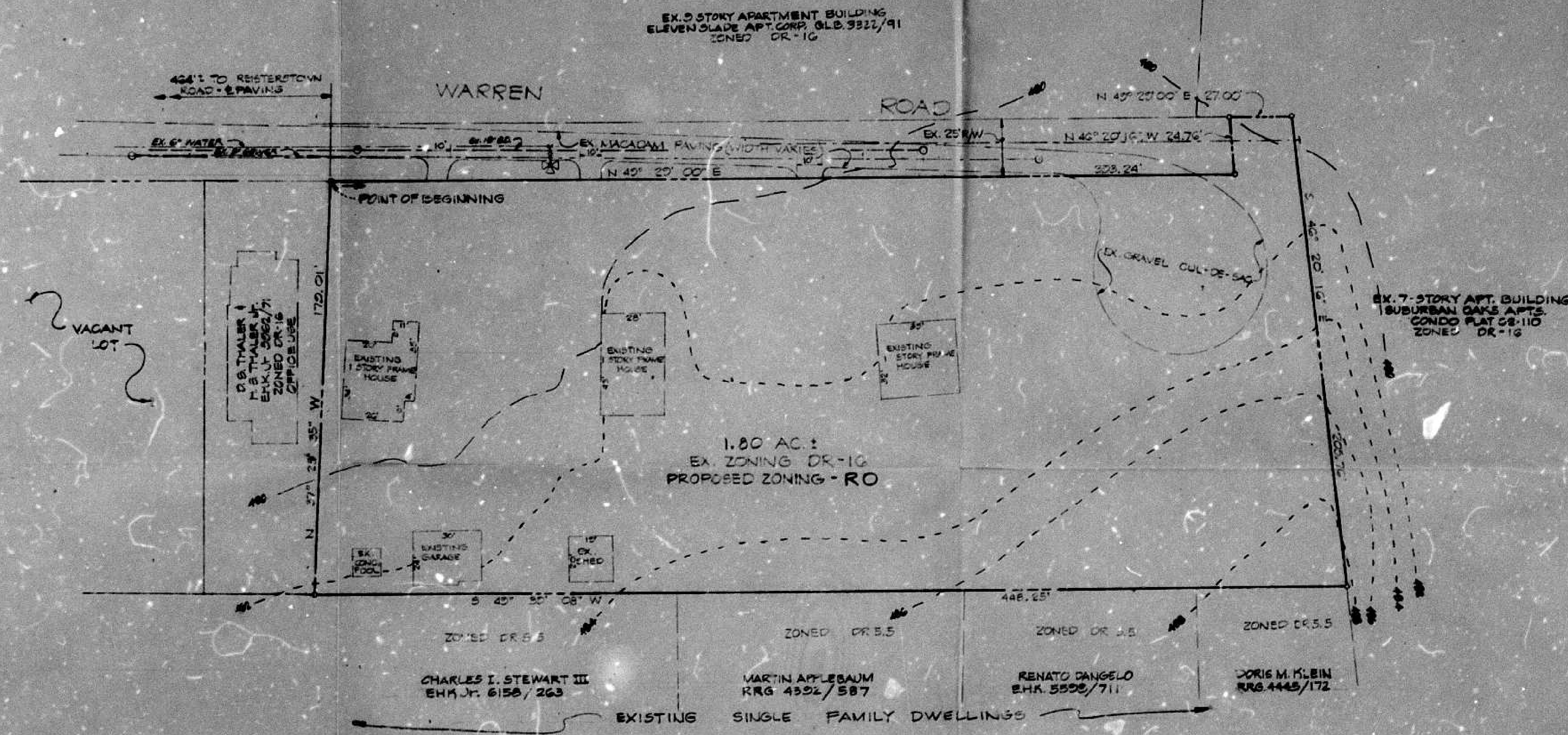


PLAT TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION,
WARREN ROAD OFFICES
3rd ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE 1" = 30'
JULY 10, 1991





LOCATION MAP
SCALE: 1" = 1000'



ENGINEERS
D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208
301-484-4100



PLAT TO ACCOMPANY
PETITION FOR ZONING RECLASSIFICATION
WARREN ROAD OFFICES
3rd ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 30'
JULY 10, 1991

372-013
4/15/91

MAP NO.	0075
TOWNSHIP	3
RANGE	3 1/2
SECTION	12
DATE	7/10/91
BY	[Signature]

