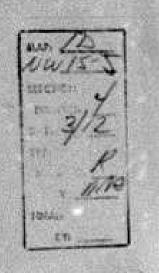
## PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

The undersigned, legal of described in the description of that the noming status of the	per APPEALS OF BALT reports of the property ad plat attached heroto a beroin described property	situate in Beltimore and made a part here be re-classified, pure	County and which is of, hereby petition (1) and to the Zoning Law
of Beltimere County, from a zone, for the reasons given i said Zoning Law and Zoning	"R=O"  the attached statement Regulations of Baltimore	; and (2) for a Speci County, to use the he	"B-L" al Exception, under the rein described property,



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

Contract Purchasor:	Legal Owner(s):	
	LEROY J. SHADE	
(Type or Print Name)	Leller & Shoot	
Signature	Signatury	
	DOROTHY L. SHADE	
Address of the second of the s	(Type or Print Name)	
	Dorothy Shade	we report to the William
City and State	Signature	
Attorney for Petitioner:		
LLOYD J. HAMMOND	619-621 Main Street	833-0608
(Type or Print Name)	Address	Phone No.
Alma I Stan	Reisterstown, Maryland	21136
Sighten	City and State	, <b>ਜ</b> ≗
204 Countland Syenue	Name, address and phone number of M tract surchaser or representative to b	Milwig con
		5 = 8
Towson, Maryland 21204		
City and State		-
Attorney's Telephone No.: 828-5004		5 B
	Address	Phone Sta

RE: PETITION FOR RECLASSIFICATION BEFORE THE COUNTY BOARD OF APPEALS from R. O. to B. L. Zone NE corner of Main St. and

Walgrove Rd., 4th District OF BALTIMORE COUNTY

LeROY J. SHADE, et us, Petitioners : Case No. R-83-68 (Item 15, Cycle III)

#### ORDER TO ENTER APPEARANCE

......

To the Handrable, Members of Sald Board:

Pursuant to the author'ty contained in Section 524, I 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,

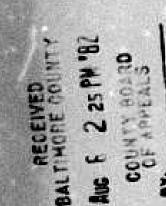
and of the passage of any proliminary or final Order in connection therewith.

ay fammerman Deputy People's Counsel

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204

I HEPEBY CERTIFY that on this 6th day of August

a copy of the foregoing Order was mailed to Lloyd J. Hammond, Esquire, 204 Courtland Avenue, Towson, Maryland 21204, Attorney for Petitioners.



### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

My 3, 1982

Chairman

Bureau of

Department of Traffic Engineering Bureau of Fire Prevention Project Planning Building Department Board of Education Zoning Administrati Industrial Development

COUNTY OFFICE BLDG.

111 W. Chesapeake Ave.
Towson, Maryland 21204

Lloyd J. Hammond, Esquire
204 Courtland Avenue Towson, Maryland 21204

> RE: Item No. 15 - Cycle III
> Petitioner - LeRoy J. Shade, et ux Reclassification Petition

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 Consittee. 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 rmended 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 northeast corner of Reisterstown and Walgrove Roads in the Ltr Election District, the subject property is presently zoned R-O in its majority with a small portion somed D.R.3.5 to the rear. In view of your client's propose . to reclassify the R-O zoned portion of this property to a B.L. sone, this hearing is requested.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the encic-ed 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.

#### MEMORANDUM IN SUPPORT OF ZONING RECLASSIFICATION

The Petitioners' property comprires of approximately .5 of an acre of land, more or less, located on the northeast side of Reisterstown Road at the intersection of Walgrove Road. The property has frontage on Reisterstown Road of approximately 66 feet, and a depth along the northwest side of Walgrove Road for approximately 330 feet. The subject property was zoned to an "R-O" classification by Baltimore County Council when it comprehensively rezoned the subject area in October, 1980.

Your Petitioners submit that the existing zoning classification is in error for reasons hereinafter stated, and that the existing zoning classification is improper because of a change in the conditions brought about by recent development of adjoining properties to a commercial use.

The purpose of "R-O" classification is to allow those houses in a residential setting to be used on a small scale office use without destroying the residential character of the neighborhood. The subject property, as it now sets, could hardly be said to be situated in a residential setting. The block in which the subject property is located is bounded on the north by Chartleigh Boulevard, and on the south by Walgrove Road. Beginning at the north end of the block and fronting on Reisterstown Road for approximately 240 feet is located a Mobil Gasoline Station. Continuing south, the next property fronts on Reisterstown Road for approximately 140 feet and is improved by an older frame structure in somewhat disrepair. This building is used as a residence. The next property is the Roy Rogers Restaurant, which fronts on Reisterstown Road for approximately 250 feet. The balance of the block is made up of the subject property, which is improved by two semi-detached residences. One can readily see that the true character of the block is not residential, particularly when 70 per cent of its use is commercial.

The recently developed Roy Rogers Pastfood Restaurant, constructed on the adjoining property, makes use of both the "B-L" zone lot and a parcel that was reclassified "R-O" as a single commercial use. This is a good example of how "R-O" property has been manipulated to serve the purpose of a commercial use.

Although, the actual construction was not started, the plans for the building of the Roy Rogers Restaurant were known to the County Council prior to the finalization of the comprehensive maps. It is obvious that the construction of the Restaurant has rendered meaningless the "R-O" classification that exists on the subject property.

Item No. 15 - Cycle III
Petitioner - LeRoy J. Shade, et ux 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 .11 be between September 1 and December 31, 1982, will be forwarded to you in the future.

ery truly yours,

Zoning Flans Advisory Committee

MBC:bsc

Enclosures

cc: W. T. Sadler 507 Main Street Reisterstown, Maryland 21136



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON MARYLAND 21204

HARRY J. PISTEL, P. E. DIRECTOR

Towson, Maryland 21204

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

> Re: Item #15 Zoning Cycle III (April October 1982) Property Owner: Leroy J. & Dorothy L. Shade N/E corner Main St. & Walgrove Rd. Existing Zoning: R-O Proposed Zoning: BL Acres: 0.52 District: 4th

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.

April 13, 1982

Highways:

Reisterstown Road (Md. 140) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they effect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Walgrove Road, an existing County road, is improved as a 36-foot closed section roadway within a 60-foot right-of-way. (See Drawing #71-0829, File 5)

The entrance locations and specifications are also subject to approval by the Department of Traffic Engineering.

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.

Storm Drains:

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



Item #15 Zoning Cycle III (April-October 1982) Property Owner: Leroy J. & Dorothy L. Shade Page 2 April 13, 1982

Storm Drains: (Cont'd)

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 are public 8 and 16-inch water mains in Reisterstown Road. There is also an 8-inch public water main and 8-inch public sanitary severage in Walgrove Road, approximately at the northwesterly outline of this property (Drawings 53-0622, File 3 and 63-0619, File 1, mspectively).

Bureau of Public Services

RAM: EAM: PWR: 85

cc: Jack Wimbley

48 Tax Map

T-NW Key Sheet 58 NW 39 & /O Pos. Sheets NW 15 J Topo

M. S. Collridor

March 22, 1982

Mr. William Hackett, Chairman Board of Appeals County Office Bldg. Towson, Md. 21204

Attention: Mr. N. Commodari

Re: RE-CLASSIFICATION PETITIONS CYCLE III - 1982 MEETING OF MARCH 16, 1982 Property Owner: Leroy J. & Dorothy L. Shade Location: N/E corner Main St. (Route 140) and Walgrove Rd. Existing Zoning: R-O

Proposed Zoning: B.L.

Acres: 0.52

District: 4th

Dear Mr. Hackett:

Due to the lack of detail on the plan: entrance, parking lot, etc., we are unable to make a comprehensive review of the proposal, however, any access from Reisterstown Road will involve the construction of a commercial entrance in accordance with State Highway Administration standards and specifications and the construction of concrete curb and gutter across the frontage.

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

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

BY: John Meyers

SCLIJMIVIT COU

My totophone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Battimore Metro — 565-0451 D.C. Metro — 1-800-492-5682 Statewide Toll Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204

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. 15 Property Owner: Leroy J. & Dorothy L. Shade Location: NE/Corner Main Street and Walgrove Road Existing Zoning: R-O Proposed Zoning: B.L. Acres: 0.52 District: 4th

Dear Mr. Hackett:

The existing R-O zoning can be expected to generate approximately 25 trips per day and the proposed B.L. zoning can be expected to generate approximately 250 trips per day.

This site is within a transportation deficient zone.

Sincerely,

Engineering Associate II

MSF/r1j



April 7, 1982

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

Dear Mr. Hackett:

follows

IJF/als

Comments on Item #15, Cycle III Meeting, March 16, 1982, are as

Leroy J. & Dorothy L. Shade Property Owner: NE/Corner Main Street and Walgrove Road Location. Existing Zoning:

Proposed Zoning: 0.52 Acres: District:

The dwelling is presently served by metropolitan water and a private septic system, although metropolitan sewer is available to serve the property. Any development of the site or change in the present usage of the dwelling will necessitate connection to public sewer and backfilling of the septic system. Connection to metropolitan sewer is subject to the allocation schedule for the Gwynns Falls sewer system through the Office of Planning.

Very truly yours,

Ian J. forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

2 21 PM

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204

PAUL H. REINCKE

Apr 11 6, 1982

Zoning Agenda: Meeting of March 16, 1982

Wr. William Hammond cc: William Hackett Toning Commissioner Chairman of Board of Appeals Office of Planning and Zoning Beltimore County Office Building Towson, Maryland 21204

Attention: Wick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Leroy J. and Dorothy L. Shade

NF/Corner Main Street and Walgrove Road

Item No.: 15

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

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

Planning Group

REVIEWER: Cat I wat Kell 5/1/52 Approved: Leonge Millegand Special Inspection Division

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

TO. Mr. William Hackett, Chairman April 6, 1982

Board of Appeals FROM Charles E. Burnham, Plaus Review Chief Department of Permits & Licenses

SUBJECT Cycle III Zoning 1982

The existing building which may be of suitable construction for an R. O. Occupancy that is classified as Use Group "B" Business under Section 303.0 of the Building Code (1981 B.O.C.A.) Table 505. may not be acceptable for other use groups which may be more stringent.

Example: Type 4B construction (wool frame unprotected) is acceptable up to 2 stories in height for Use Group "B", but is only acceptable for one story as a mercentile use. (Group M).

A change of occupancy would be required and when so required Section 103.2 gives you the intent of the cole. Use Group requirements are described in Sections 302.0 thru Section 310.0, various types of construction are described in Sections 402. thru Section 405 plus Table 401. Height and area limitations for the various combinations of Use Groups and Construction Classifications are listed in Table 505.

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: 15 Property Owner: Leroy J. & Dorothy L. Shade Location: NE/Corner Main Street and Walgrove "toad Present Zoning: R-0 Proposed Zoning: B.L. /creage: 0.52 School Situation

School

Enrollment

Capacity Over/Under

Acreage too small to have an effect on student population.

Student Yield With:

Existing Zoning

Elementary

Junior 'ligh Senior High

Wm. Nick Petrovich, Assistant

Department of Planning

MNP/bp

PETITION FOR RECLASSIFICATION

4th Elect District

Petition for Reclassification

ZONING:

PUBLIC HEARING:

Northeast corner of Reisterstown and Walgrove Roads LC :ATION:

Wednesday, November 10, 1982 at 10:00 A.M. DATE & TIME:

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

Room 218, Courthouse, Towson, Maryland

Present Zoning: R.O. Proposed Zoning: B.L.

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

Being the property of Leroy J. Shade, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 10, 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

JK /mb/cm

BALTIMORE COUNTY, MARYLAND

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION THE PROPERTY OF LEROY J. STADE AND DOROTHY L. SHADE, HIS WIFE LOCATION: 619 and 621 MAIN STREET, REISTERSTOWN. FOURTH ELECTION DISTRICT.

DATE: APRIL 20, 1982 DESCRIPTION:

W. T. SADLER

Beginning for the same at the intersection of the Northeast side of Main Street, Reisterstown "oad, Maryland Route 140, sixty-six feet wide, and the Northwest side of Walgrove Road and running thence along said Main Street, North 39 degrees West 66 feet, more or less, thence leaving said road and runming North 50 degrees East 330 feet, more or less, thence South 39 degrees East 66 feet, more or less, to the Northwest side of Walgrove Road, thence running and binding along said road South 50 degrees West 330 feet, more or less, to the place of beginning. Containing 0.5 acres of land, more or less.

Save and except all that portion of the above-described parcel of land lying within the area zoned D.R. 3.5 as shown on the Baltimore County zoning maps and on the Plat filed with this Petition entitled, "Plat to Accompany Petition For Reclassification from R.O. Zoning to B.L. Zoning."

Being all that portion of the land described in a Deed from Charles E. Caltrider and Margaret S. Caltrider, his wife, to Leroy J. Shade and Dorothy L. Shade, his wife, dated September 17, 1958 and recorded among the Land Records of Bal'imore County in Liber 3416 folio 587.

Note: The above description has been compiled from Deeds and records.

William T. Sadler P.L.S. 7730

MAY S RECT REVISED PLANS

> Tron #15 eyels to

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION PROPERTY OF LEROY J. SHADE AND DOROTHY L. SHADE, HIS WIFE LOCATION: 619 & 621 MAIN STREET, REISTERSTOWN. FOURTH ELECTION DISTRICT.

BALTIMORE COUNTY, MARYLAND

DATE: FEBRUARY 21, 1982

DESCRIPTION:

Beginning for the same at the intersection of the Northeast side of Main Street, Reisterstown Road, Maryland "oute 140, sixty six feet wide. and the Northwest side of Walgrove Road and running thence along said Main Street, North 39 degrees West sixty six feet, more or less, thence leaving said street and running North 50 degrees "ast three hundred and forty six and one half feet, thence South 39 degrees East sixty six feet, more or less, to the Northwest side of Walgrove Road, thence running and binding along said road South 50 degrees "est three hundred and forty six and one half feet to the place of beginning. Cortaining 0.52 acres, more or less.

Being all that land described in a Deed from Charles d. Caltrider and Margaret S. Caltrider, his wife, to Leroy J. Shade and Dorothy L. Shade, his wife, dated September 17, 1958 and recorded among the Land Records of Baltimore County in Liber 3416, folio 587.

Note: The above description has been compiled from Deeds and records.

William T. Sadler P.L.S. 7730

Ald description

Lloyd J. Hammond, Esquire 204 Court'and Avenue Towson, Maryland 21204

> NOTICE OF HEARING Ro: Potition for Reclassification ME/corner of Reiderstown & Walgrove Rds. Leger J. Shade, et ux - Petitingers Case #8-33-67 Cycle III - Rem #15

10:00 A. M.

Wednesday, November 10, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

ee: People's Councel

William T. Fackett, Chairman County Board of Appeals

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

December 8, 1982

Mr. William Hackett Chairman, Board of Appeals Office of Lev, Courthouse Towson, Marylan, 21204

> Revised Comments Cycle No. 15 Property Owner: Leroy J. & Dorothy L. Shade Location: NE/Corner Main Street and Walgrove Road Existing Zoning: R.O. Propose Zoning: B.L. Acres: 0.52 District: 4th

Dear Mr. Hackett:

The existing R.O. zoning for this site can be expected to generate approximately 25 trips per day and the proposed B.L. zoning can be expected to generate approximately 250 trips per working day with 25 trips during the peak hour.

This site is within a transportation deficient zone and the zone is not expected to improve in the near future.

Very truly yours,

Michael S. Flanigan Traffic Engineering Assoc. II

MSF/cem

RECEIVED LITMORE COLUT C 23 II O3 AN '8 CCUNTY BOARD OF APPEALS

March 22, 1982

Mr. William Mackett, Chairman Board of Appeals County Office Bldg. Towson, Md. 21204

Attention: Mr. N. Commodari

Re: RE-CLASSIFICATION PETITIONS CYCLE III - 1982 MEETING OF MARCH 16, 1982 ITEM: 15. Property Owner: Leroy J. & Dorothy L. Shade Location: N/E corner Main St. (Route 140) and Walgrove Rd. Existing Zoning: R-0 Proposed Zoning: B.L. Acres: 0.52 District: 4th

Dear Mr. Hackett:

SCL:JM vrd

Due to the lack of detail on the plan: entrance, parking lot, etc., we are unable to make a comprehensive review of the proposal, however, any access from Reisterstown Road will involve the construction of a commercial entrance in accordance with State Highway Administration standards and specifications and the construction of concrete curb and gutter across the frontage.

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

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits BY: John Meyers

My totopheno number la (301) 659-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Beltimore Metro — 565-0451 D.C. Metro — 1-600-462-5062 Statewide Tell Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 22, 1982

111 W. Chesapeake Ave. Towson, Maryland 21204

Nicholas B. Conmodari Chia Lyman.

COUNTY OFFICE BLDG.

MEMBERS bureau of . Engineering

Department of Traffic Engineerin; State Foads Commission Dureau of Tire Prevention Health Department Project Planning Building Department

industrial

Development.

Board of Education Ioning Administration Lloyd J. Hammond, Esquire 204 Courtland Avenue Towson, Maryland 21204

RE: Item No. 15 - Cycle III Petitioner - LeRoy J. Shade, et ux Reclassification Petition

Dear Mr. Hammond:

Enclosed please find addendum comments for the above referenced case.

Very truly yours,

Techelas & Commedon. NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: W. T. Sadler 507 Main Street Reisterstown, Md. 21136

April 7, 1982

Comments on It on \$15, Cycle III Meeting, March 16, 1982, are as

Leroy J. & Dorothy L. Shade

The dwelling is presently served by metropolitan water and a private

septic system, although metropolitan sever is available to serve the property.

Any development of the site or change in the present usage of the dwelling

schedule for the Guynna Palls sever system through the Office of Planning.

will necessitate connection to public sever and backfilling of the septic

system. Connection to metropolitan sever is subject to the allocation

ME/Corner Main Street and Walgrove Road

LLOYD J. HAMMOND ATTORNEY AT LAW

K) 204 COURTLAND AVENUE

I MANAGEMEN REISTERSTOWN MARYLAND 271% TOWSON, MARYLAND 21264 PHONE #28-9004

Reply to

December 29, 1982

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

Mr. William Hackett, Chairman

Property Owner:

Existing Zoning:

Proposed Zoning:

Acres:

District:

loard of Appeals

Dear Mr. Mackett:

Towson, Maryland 21204

Court House

IJF/ale/JMP

Re: Item No. 15 - Cycle 3 Petitioner - Leroy J. Shade, et ux Reclassification Petition

Dear Mr. Hackett:

I have just received a copy of Mr. Flanigan's supplemental letter dated December 8, 1982. I spoke with Mr. John Hessian, People's Counsel, concerning this lecter and he has agreed with me to stipulate that the letter would be offered into evidence as a supplement to Mr. Flanigan's previous letter dated March 29, 1982.

The principal difference in the December 8, 1982, letter is the reference to the 25 trips during the peak hour. expected to be generated by the subject property in the event of a reclassification. The reason for this distinction is that transportation deficient zones are determined on the basis of trips during the peak hour and not the trips per

The transportation map for the area of the subject property shows a T50 designation. This means that an additional 50 peak hour trips will be allowed before the area would reach a failing point, with no further development allowed until corrected. The 25 peak hour trips estimated by Mr. Planigan to be generated by the subject property, would not exceed the present requirements of the transportation map.

If the Board feels a need for any additional information, please feel free to contact me at your convenience.

V ry truly yours,

LJH:A

cc: John Hessian, Esquire Mr. Leroy J. Shade

County Board of Approis Room 200, Court House Towner, Maryland 21204 March 16, 1983

Lloyd J. Hammond, Esquire 204 Courtland Avenue Towson, Md. 21204

> Re: Case No. R-83-67 Leroy J. Shade, et ux

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

Very truly yours

Encl.

cc: Leroy J. and Dorothy L. Shade John W. Hessian, III, Esquire Mr. W. E. Hammond Mr. J. E. Dyer Mr. N. E. Gerber Mr. J. G. Harwell Board of Education

# CERTIFICATE OF PUBLICATION

TOWSON, MD., ..... Gctober 21 ...... 19.82-THIS IS TO CERTIFY, that the annexed advertisement was ublished in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. coescinoscale one time xancountervalues before the \_10th\_\_\_\_ day of \_\_\_\_\_ November \_\_\_, 19.82\_, the first publication appearing on the 21st day of \_\_\_\_\_October\_\_\_ 19 82

THE JEFFERSONIAN

Cost of Advertisement, \$\_\_\_\_\_

CERTIFICATE OF POSTINA MIS DEPARTMENT OF EALTIMORE COUNTY

R-83-67

aria HALL	Date of Posting /0-25-82
ettioner: Livy & Shade cation of property: NE / Corner of	et ux Recations of Walgrove Peda
reation of Signa: Both lost Con Ronda	ner of Reistratown and Walgrow
entertes:	Date of return: 10 - 29-82

IN THE MATTER OF THE APPLICATION OF LEROY J. and DOROTHY L. SHADE FOR REZONING OF PROPERTY NE corner Main Street and **Walgrove Road** 4th District From R-O to B.L. zone

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

WILLIAM E HAMMOND ZONING COMMISSIONER

Lloyd J. Hammend, Esquire

204 Courtland Avenue

Dear Mr. Hammand:

of the above property.

VALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVE TUE DIVISION MISCELLANEOUS CASH RECEIPT

PROU LETOY J. Shade c/c Mr. Hammond

(Leroy J. Shade, et us)

VALIDATION OR SIGNATURE OF CASHIER

Maryland 21204, before the hearing.

Towson, Maryland 21204

BEFORE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. R-83-67 Item #15 - Cycle III

OPINION

This case comes before the Board on a petition for reclassification of a parcel of land located on the northeast corner of Reisterstown Road (Main Street) and Walgrove Road in the Fourth Election District of Baltimore County. The subject property is presently zoned R-O and contains some .5 acres+. The requested reclassification is to a B.L. zone. The case was heard this day, November 10, 1982, in its entirety.

Mr. Leroy J. Shade, property owner, first testified as to the history of the subject site and the error in its present zoning. Mr. Shade stated that he first lived on the site in 1943, at which time he rented the property, and that in 1958 he purchased the site. At that time Walgrove Road did not exist, it being constructed only ten to twelve In December, 1981, Roy Rogers built the now existing facility, replacing an old home to do so. Mr. Shade would like to sell the property but as the area is now commercial he has received no offers at the R-O classification but could sell it if it was commercially zoned.

Mr. Walter A. Reiter, a real estate appraiser, testified as to the erro. of the present zoning. He described the area from Walgrove Road toward Reisterstown as being almost wholly commercial and from Walgrove Road toward Baltimore City as being residential and office use, and thus making Walgrove Road the normal place to end the commercial zoning, which would include the subject site. He noted on Petitioner's Exhibit #3 that the Roy Rogers restaurant is part B.L. and part R-O, but no office use is made of the R-O area. The R-O area is in fact larger than the B.L. area and is used for a vegetable stand, auto parking and a storm water management pond. He testified that the subject site is too old and too narrow to be converted to any practical office use

November 5, 1982

Re: Petition for Reclassification

Very truly yours,

AM E. HAMMOND

: Commissioner

This is to advise you that \_\_\_\_\_\_is due for advertising and posting

Please make the check payable to Baltimore County, Maryland, and remit

to Arlene January, Zoning Office, Room 113, County Office Building, Towson,

No. 112338

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NE/corner Reisterstown & Walgrove Rds.

Leroy J. Shade, et ux - Petitioners Case #R-83-67 Cycle III - Item #15 LEROY J. SHADE - R-83-67

and that the present use of the R-O zoned area of the Roy Ragers restaurant ruins any chance for Mr. Shade to use his property as presently zoned. He also testified that the County Council was aware of this situation during the 1980 map process and erred in not addressing it at that time. This concluded Petitioner's case.

Mr. James Hoswell, Planner for Baltimore County, testified in opposition to the petition. He described this property and the adjacent properties. He noted that the Planning staff created the issue regarding this property on the 1980 maps. He introduced transcripts related to this issue as People's Counsel's Exhibits #2 and #3, evidencing that the County Council studied this particular issue and classified it R-O. He further testified that the R-O classification provides a reasonable use of the property and furthermore, protects the residential properties located in the rear along Walgrove Road. This concluded the County's case.

The Board is constrained to corrider the zoning on only the subject site. There was no testimony contradicting Mr. Reiter's testimony that from the subject site towards Reisterstown the urea is commercial. There is, however, between the subject site and the Roy Rogers restaurant a parcel of R-O zoned land, even though it seems to be used for other than R-C purposes. If the Board were to grant the subject site B.L. zoning, the hodgepodge of zoning classifications in this area would only be heightened. The properties to the rear are all residential, the properties across Walgrove Road are zoned R-O and the property next-door to Roy Rogers is zoned R-O. The Board agrees with Baltimore County's position that the R-O zoning provides a reasonable use for this site at the present time and will so order. At some time in the future when the entire area is considered, Walgrove Road may be the logical demarcation line between commercial uses and R-O classifications, but the Board can find no error or change in the neighborhood at present to warrant reclassification of this individual site.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 16th ay of March, 1983, by the County Board of Appeals, ORDERED that the reclassification

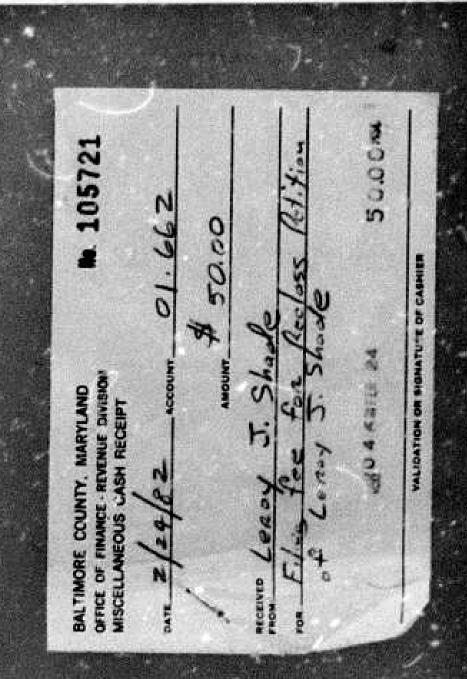
> REISTERSTOWN COMMUNITY TIMES Office of The Carroll County Times

Westminster, Md. October 21 19 82 THIS IS TO CERTIFY that the annexed PO38412 L36157

was published for One successive weeks previous to the 21st

news: r published in Westminster, Carroll County, Maryland.
REISTERSTOWN COMMUNITY TIMES THE WARROLL COUNTY TIMES

The last of the la



LEROY J. SHADE - R-83-67

from R-O to B.L. petitioned for, be and the same is hereby DENIED. Any appeal from this decision must be in accordance with Rules B-1 thru 8-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T Haskiel William T. Hackett, Chairman

William R. Evans

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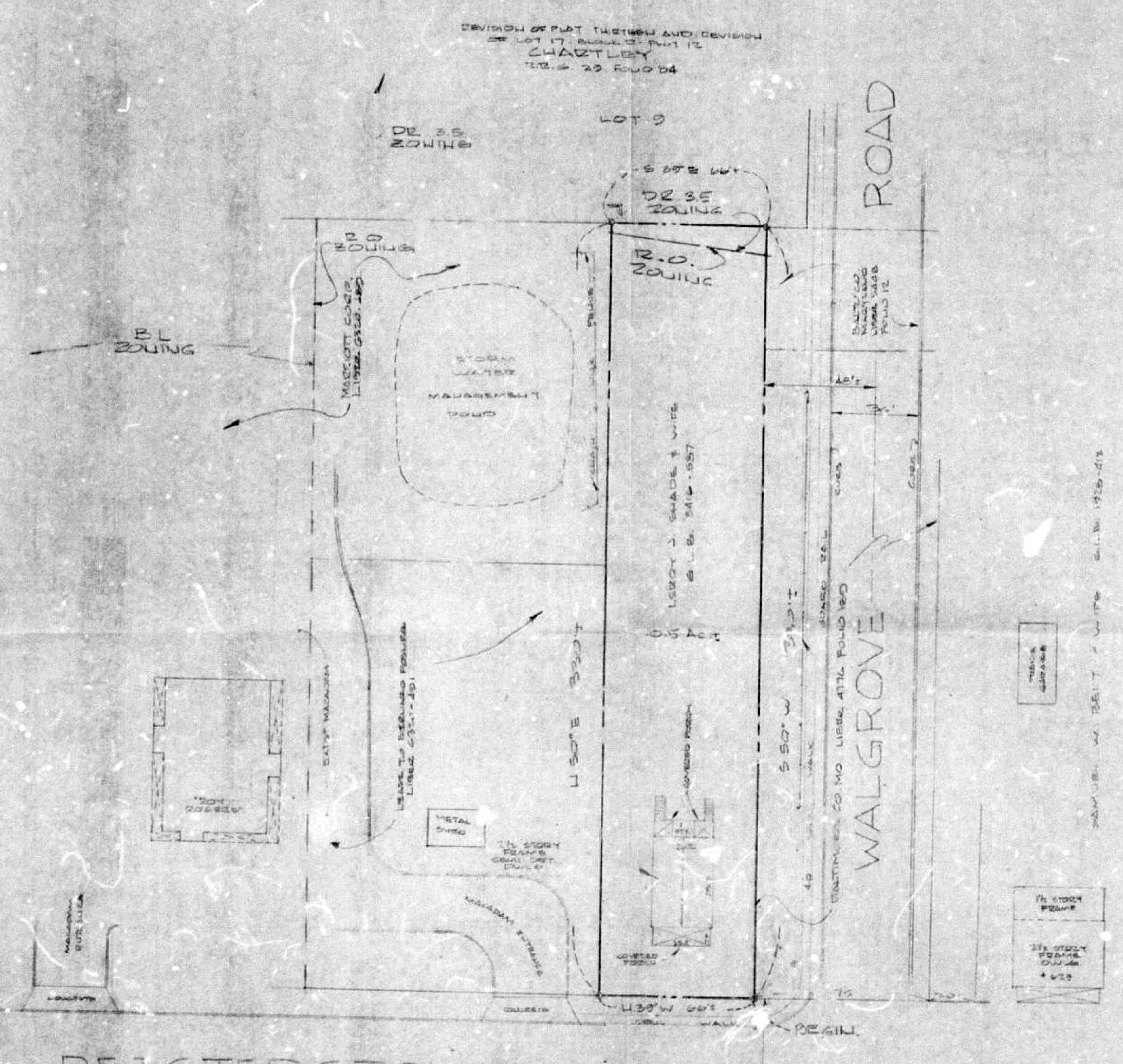
PLAT TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM RO ZONING TO BL ZONING

> 619 4 621 MAIL STEEST LA ELECTION DISTRICT, ENLINORE CO., MARYLANDE SCALE: 1" 1000" FEIDUADN 17,1952

W.T. SADLER SOT MAIL SICEST BRISTERSTOWN, MD. 21134

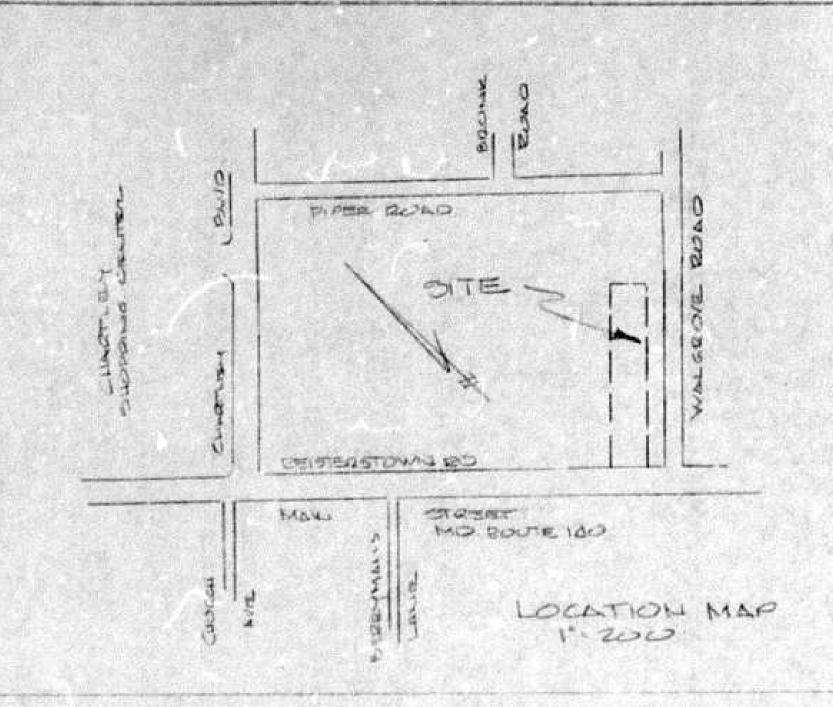


SCALE : 1"= 200" FEBRUARY 17, 1982 W. I SAPLER PRISTE VENOVILL IND. 183



REISTERSTOWN

(MD. RIE 140)



ACCOMPANY PETITION FOR RECLASSIFICATION FROM 20 ZOHING TO BL ZOHING FOR PROPERTY LOCATED ON

619 + 621 MAIL STREET (MO BTE. 140) BOLTIMORE COMMITT, MACYLAND

SEALE : 1" 30"

F682UARY 17,1962

APPLICAHT

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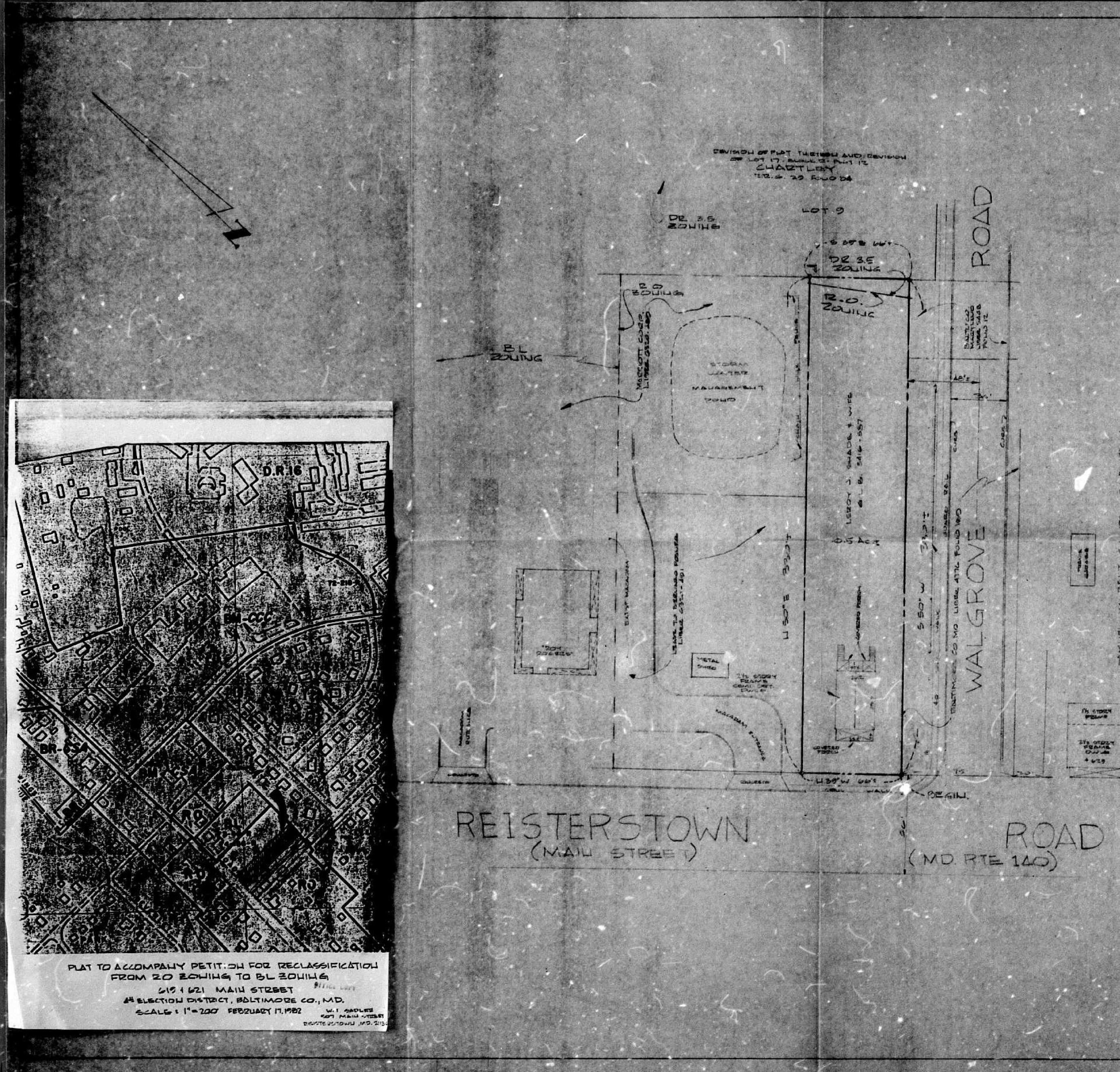
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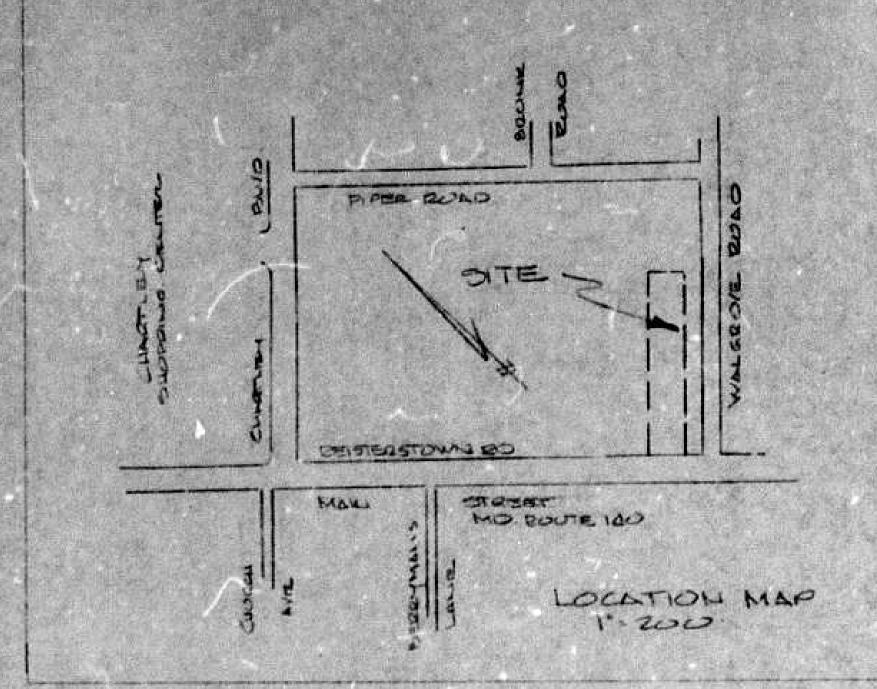
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Eor. Wayrens W.T. SAPLER SURVEYORS SOT MAIN STREET PERMERATOULL NO 2186

JOB HO. 5.9940





PLAT TO

ACCOMPANY PETITION FOR RECLASSIFICATION

FROM 20 ZONING TO BL ZONING

FOR PROPERTY LOCATED ON

40 ELECTION PIETRIC BOLTIMORE COUNTY, MARTINE

SCALE: 1. 30. EBSCHARY 17.1982

APPLICAHT

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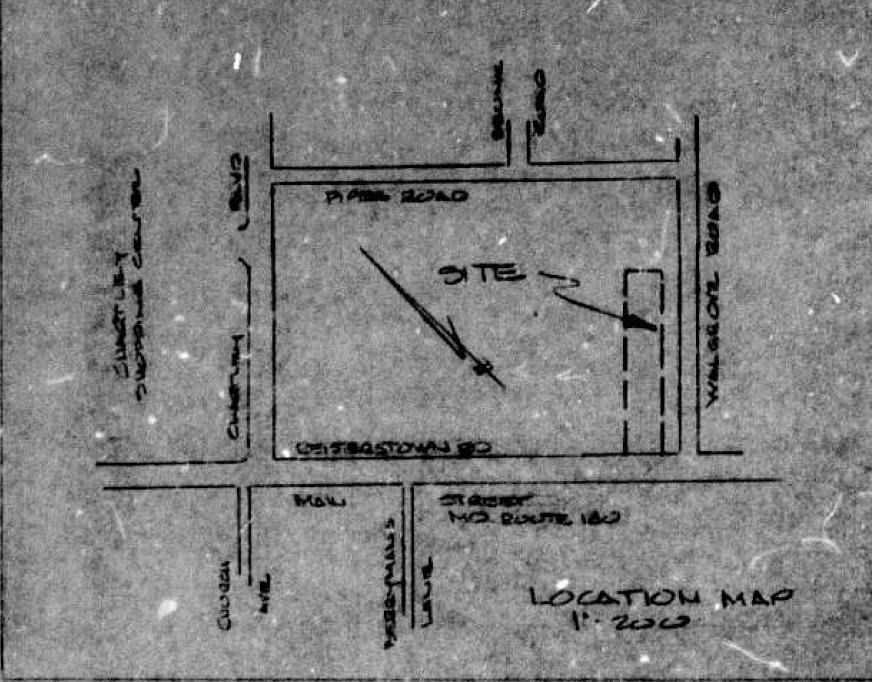
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PLAT TO
ACCOMPANY PETITION FOR RECLASSIFICATION
FROM BO EDWING TO BL BOWING

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SCALE : 1'- 30'

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