

# 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 D.R. 16 + D.R. 5.5 zone to an B.L. 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

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

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

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

Contract Purchaser: Legal Owner(s):  
John W. Ruppert, et al.  
(Type or Print Name)  
Signature: *John W. Ruppert*  
Address: (Type or Print Name)  
City and State: Signature:  
Attorney for Petitioner: 2300 Sinclair Lane 276-6050  
(Type or Print Name) Address Phone No.  
Baltimore, Maryland 21213  
Signature: City and State  
Address: Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
James P. Beahn  
City and State: Name  
2319 Maryland Ave. 467-1645  
Attorney's Telephone No.: Address Phone No.  
Baltimore, MD 21218  
BACR-Form 1

RECEIVED  
COUNTY BOARD OF APPEALS  
JUN 30 A 9 05

John W. Ruppert, et al.  
2319 Maryland Ave., 400' N from  
Joppa Rd., 11th Dist.

8-86-113  
47

## PETITION FOR RECLASSIFICATION 11th Election District

LOCATION: East side of Harford Road, 403' North from Joppa Road

PUBLIC HEARING: Tuesday, October 15, 1985 at 10:00 a.m.

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: B.L.

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

Beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.

South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line

North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line

South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line

South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.

Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.

Being the property of John W. Ruppert, et al.  
as shown on the plat filed with the Zoning Department.

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

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

September 13, 1985

## NOTICE OF HEARING

RE: Petition for Reclassification  
2/8 Harford Rd., 400' N from  
Joppa Rd. - 11th Elec. Dist.  
John W. Ruppert, et al, Petitioners  
Case No. R-86-113 Cycle I - Item #1

TIME: 10:00 a.m.

DATE: Tuesday, October 15, 1985

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 04835

DATE: 1-30-85 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: *John W. Ruppert*

FOR: *John W. Ruppert*

8 BALD\*\*\*\*100.00 53024

VALIDATION OR SIGNATURE OF CASHIER

kpa

kennedy, porter & associates, inc.  
consulting engineers

2319 maryland avenue baltimore, maryland 21218 301-467-1645

January 25, 1985

Baltimore County  
Board of Appeals  
Towson, MD 21204

Ladies and Gentlemen:

We request the zoning reclassification of the rear portions of the property at 9621 Harford Road from D.R. 16 and D.R. 5.5 to B.L. for the following reasons:

The property is 1.29 acres, and is relatively narrow, being about 100 ft. wide. As now zoned, it has three separate zoning classifications including the front portion B.L. - C.N.A., the middle of D.R.16 and the rear of D.R.5.5. Only the front portion abuts a public street.

Therefore it is not practicable to use the lot for the assigned zoning classifications. Each individual residential zoning classification has such a small acreage that it is not feasible to split development up into such small areas.

The residential zoning looking south, adjoins the rear of a shopping center, and no public road connection exists to the residential zones. Although a street could be extended into the property it would use, approximately half the land.

This and poor view would affect the market ability of residential development. We believe it is not feasible to properly develop the land within the present zoning classifications.

Very truly yours,

KENNEDY, PORTER & ASSOCIATES, INC.

*James P. Beahn*  
James P. Beahn, P.E.  
Vice President

GG:d

charles r. kennedy, p.e./raughley l. porter, p.e.

kennedy, porter & associates, inc.  
consulting engineers

PROPERTY OF J. W. RUPPERT ET. AL.

REZONING REQUEST

Beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.

South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line

North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line

South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line

South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.

Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.

*James P. Beahn*  
April 1, 1985  
#9954

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 26, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 26, 1985.

THE JEFFERSONIAN,

*18 Venetian*  
Publisher

38.50

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 9/13/85

Posted for: *Reclassification*

Petitioner: *John W. Ruppert, et al.*

Location of property: *11th Harford Rd., 400' N from Joppa Rd.*

Location of Signs: *Harford Rd., 400' N from Joppa Rd., at property of John W. Ruppert*

Remarks:

Posted by: *M. L. Beahn* Date of return: 9/15/85

Number of Signs: *1*

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 25, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 25, 1985.

TOWSON TIMES,

*18 Venetian*  
Publisher

55.25

PETITION FOR  
RECLASSIFICATION  
11th Election District  
LOCATION: East side of Harford Road, 400' North from Joppa Road  
PUBLIC HEARING: Tuesday, October 15, 1985 at 10:00 a.m.  
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: B.L.  
All that parcel of land in the Eleventh District of Baltimore County beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.  
South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.  
Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.  
Being the property of John W. Ruppert, et al. as shown on the plat filed with the Zoning Department.  
BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY  
Sept. 26, 1985

IN THE MATTER OF THE  
PETITION FOR RECLASSIFICATION  
FROM D.R. 16 AND D.R. 5.5 ZONES  
TO B.L. ZONE  
R/S of Harford Rd., 435' N of  
Joppa Rd., 11th District  
JOHN W. RUPPERT, et al.,  
Petitioners

: BEFORE THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Case No. R-86-113

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

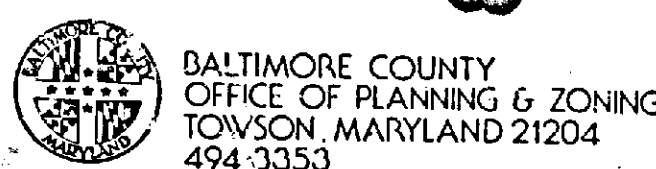
*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2158

I HEREBY CERTIFY that on this 7th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. John W. Ruppert, et al., 2300 Sinclair Lane, Baltimore, MD 21213, Petitioners; and Mr. James P. Beahn, 2319 Maryland Ave., Baltimore, MD 21218, Petitioners' Representative.

*Peter Max Zimmerman*  
Peter Max Zimmerman

RECEIVED  
COUNTY BOARD OF APPEALS  
JUN 30 A 9 59

APR 14 1986



ARNOLD JABLON  
ZONING COMMISSIONER

October 2, 1985

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

RE: Petition for Reclassification  
E/S Harford Rd., 400' N from  
Joppa Rd., 11th Elec. Dist.  
John W. Ruppert, et al, Petitioners  
Case No. R-86-113 Cycle I - Item #7

This is to advise you that \$710.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Barbara Galliard, Zoning Office, Room 109, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Callahan*  
ARNOLD JABLON  
Zoning Commissioner

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

No. 012443

DATE 10-30-85 ACCOUNT R-01-615-000

AMOUNT \$ 710.75

RECEIVED FROM P. & R. Property

Advertising and Posting R-86-113

FOR 8 6096\*\*\*\*7107514 2310F

VALIDATION OR SIGNATURE OF CASHIER

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Edith Eisenhart  
Board of Appeals  
TO: Nick Commodari  
FROM: Zoning Office

Date April 2, 1985

SUBJECT: Revised Plan and Description  
Item No. 7 - Cycle 1  
Petitioner - J. W. Ruppert, et al

Attached is a revised site plan and description for the above referenced property that should be placed in your file. The old plat and description may be discarded.

NBC:bsc

cc: File

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 12, 1985

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

000  
Nicholas B. Commodari  
Chairman

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

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

RE: Item No. 7 - Cycle No. 1  
Petitioner - John W. Ruppert, et al  
Reclassification Petition

Dear Mr. Beahn:

This reclassification petition has been filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle I). 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, description, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before Tuesday, April 30, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your clients' proposal to reclassify the rear portion of the subject property from a D.R. 15 and D.R. 5.5 zone to a B.L. zone, this hearing is required. This property was the subject of a previous zoning hearing (Case No. 79-84-XSPHA) for the construction of offices and related parking areas. Said case was eventually dismissed.

After a number of discussions with your surveyor, the site plans and descriptions were revised to reflect the correct distance of this property from the centerline of Joppa Road and the location of the existing zoning lines. A further review of the petition forms indicates that the property is owned by John W. Ruppert, et al, however his name is the only one that appears on the petition forms. If there are other property owners, they should also sign the forms.

Item No. 7 - Cycle No. 1  
Petitioner - John W. Ruppert, et al  
Reclassification Petition  
April 12, 1985

In view of the fact that the submitted site plan does not indicate a proposed development, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and the Committee (if a hearing is required) will be written when a proposed development is indicated.

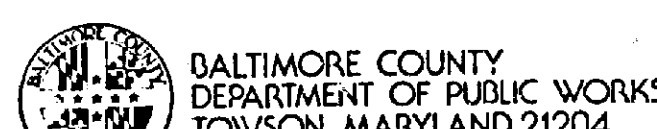
If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date which will be between September 1 and December 31, 1985, will be forwarded to you in the future.

Very truly yours,

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

NBC:bsc

Enclosures



HARRY J. PISTEL, P.E.  
DIRECTOR

March 15, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #7 - Cycle I - 1985  
Property Owner: John W. Ruppert, et al  
E/S Harford Road 400' N. from Joppa Road  
Existing Zoning: D.R. 16 & D.R. 5.5  
Proposed Zoning: B.L.  
Acres: 1.29 District: 11th

Dear Mr. Jablon:

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

### General Comments:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A no public facilities are involved, this office has no comment.

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.

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Very truly yours,

*James A. Markle*  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:PM:ROP:bs

cc: File



William K. Holman  
Secretary  
Hal Kassoff  
Administrator

March 15, 1985

Mr. William Hackett, Chairman  
Board of Appeals  
County Office Building  
Towson, Maryland 21204

Attn: Mr. N. Commodari

Re: Reclassification Petitions  
Cycle I - 1985  
Meeting of March 6, 1985  
Property Owner: John W. Ruppert, et al  
Location: E/S Harford Rd  
Route 147, 400' N. from  
Joppa Road  
Existing Zoning: D.R. 16 &  
D.R. 5.5  
Proposed Zoning: B.L.  
Acres: 1.29  
District: 11th

Dear Mr. Hackett:

On review of the submittal of 1-25-85, the State Highway Administration offers the following comments.

The existing right of way for Route 147, Harford Road is 60' (30' each side) and the proposed right of way for Harford Road is 80' (40' each side).

It is requested the site plan be revised prior to the proposed zoning change.

Very truly yours,

*Charles Lee*  
Charles Lee, Chief  
Bureau of Engineering  
Access Permits

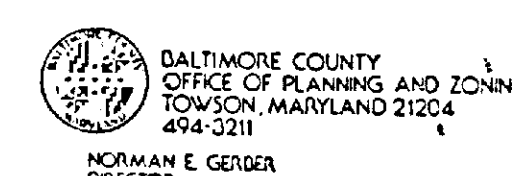
By: George Wittman

RECEIVED  
COUNTY BOARD OF APPEALS  
MAR 19 1985

EL:GW:maw  
cc: Mr. J. Ggle

My telephone number is (301) 659-1350

Typewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 545-0451 D.C. Metro - 1-800-462-2602 Statewide Toll Free  
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

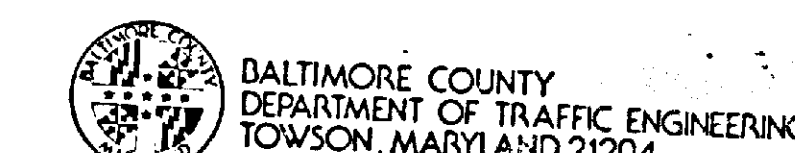
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment at this time.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) The site and calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on
- ( ) Landscaping: Must comply with Baltimore County Landscape Manual.
- ( ) The property is located in a deficient service area as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic Services Area Capacity Use Certificate has been issued. The deficient service is
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic Services Area are re-evaluated annually by the County Council.
- (X) Additional comments:  
Any future Development on this site must be subject to the development regulations of 301-22-98.

cc: James Hensell

Eugene A. Bober  
Chief, Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

March 27, 1985

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

Cycle I Meeting of March 6, 1985  
Item No. - 7  
Property Owner: John W. Ruppert, et al

Location: E/S Harford Road 400' N. from Joppa Road  
Existing Zoning: D.R. 16 & D.R. 5.5  
Proposed Zoning: B.L.

Acres: 1.29  
District: 11th

Dear Mr. Hackett:

As presently zoned, this site can be expected to generate approximately 90 trips per day and with the proposed zoning approximately 450 trips per day.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Assoc. II

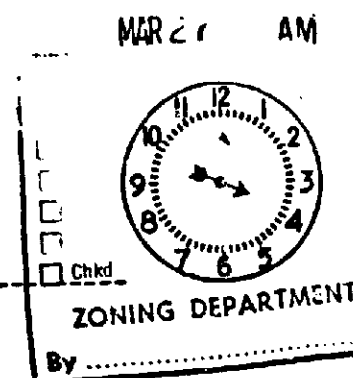
MSF/ccm

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. William Hackett, Chairman, Board of Appeals  
 FROM: Ian J. Forrest  
 SUBJECT: Reclassification Petitions  
 CYCLE I - 1985  
 Meeting of March 6, 1985

Date: March 20, 1985



The Baltimore County Department of Health has reviewed the following Reclassification Petitions and does not anticipate any health hazards at this time regarding these Petitions.

- Item #1 - Helena D. Gibbons
- Item #2 - Paul Gambrell, et al
- Item #3 - Nelson L. Bond, Jr., et al
- Item #4 - Conservation Associates
- Item #5 - Greater Baltimore Medical Center
- Item #6 - Josef of Vienna, Inc.
- Item #7 - John W. Ruppert, et al

Ian J. Forrest, Director  
 BUREAU OF ENVIRONMENTAL SERVICES

RECEIVED  
 COUNTY BOARD OF APPEALS  
 MAR 25 P 1000



BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

PAUL H. REINCKE

March 11, 1985

William Hackett  
 Chairman, Board of Appeals  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, MD 21204

Attention: Nick Comodari, Chairman  
 Zoning Plans Advisory Committee

RE: Property Owner: John W. Ruppert, et al

Location: E/S Harford Rd. 400' N. from Joppa Road

Item No.: 7 Zoning Agenda: 3/6/85, Cycle -1

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: *Pat. J. Kelly 3-4-85* Noted and *Roy W. Kemmer*  
 Planning Group Approved: Fire Prevention Bureau  
 Special Inspection Division

/mb

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Mr. William T. Hackett, Chairman, Appeals Board  
 TO: C/O Nicholas Comodari, Zoning Department Date: March 12, 1985

FROM: Charles E. Pugh, Chief, Building Plans Review C.E.P.

SUBJECT: Cycle I - 1985, Meeting Scheduled 3/6/85  
 ITEM #7) Owner - John W. Ruppert, et al, E/S Harford Road 400' N. from Joppa Road

Conversion of property from one use to another use requires the structures involved to comply with the Building Code in force at the time a permit is applied for and before the structure can be used. Existing structures will require a Change of Use/Occupancy permit as well as alteration permits to upgrade the structure to meet the Code requirements for the new proposed use.

New structures shall be designed from the footings up to comply with the correct Use Group as provided for in Article 3 of the current 1981 Code.

Compliance with the State Handicapped Code is required for the buildings and the site.

Set backs from interior lot lines, other buildings on the same lot, and street lot lines for fire separations shall also comply to the Building Code in force at the time an application is made for the permit. This currently involves Table 401, Table 507 and Section 506, of the current 1981 B.O.C.A. Code known as the Baltimore County Building Code as adopted by Bill 1-82. The 1984 Edition of B.O.C.A. has been approved by the County Council and will become effective on permits filed 45 days after its enactment.

No further comments at this time.

CEB/vv

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Nicholas Comodari, Zoning Department Date: April 15, 1985

FROM: C.E. Pugh, Chief, Building Plans Review C.E.P.

SUBJECT: Zoning Advisory Committee Meeting  
 Scheduled 4/9/85

- Item #281 See Comment
- Item #282 No Plat Submitted
- Item #283 Standard Comment
- Item #284 Standard Comment
- Item #285 Standard Comment
- Item #286 See Comments
- Item #287 Standard Comments
- Item #134 (Revised) See Comments
- Cycle I - #7 (Revised) No Further Comment

CEB/vv

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 19, 1985

Mr. William Hackett  
 Chairman, Board of Appeals  
 Baltimore County Office Building  
 1121 West Chesapeake Avenue  
 Towson, Maryland 21204

Zoning Cycle #1

RE: Item No: 7  
 Property Owner: John W. Ruppert, et al  
 Location: E/S Harford Road 400' N. from Joppa Road  
 Present Zoning: D.R. 16 & D.R. 5.5  
 Proposed Zoning: B.L.

School Situation September 1984

| School            | Enrollment | Capacity | Over/Under |
|-------------------|------------|----------|------------|
| Carney Elementary | 320        | 546      | - 26       |
| Pine Grove Middle | 635        | 1269     | -634       |
| Parkville High    | 1432       | 1990     | -558       |

Student Yield With:

|            | Existing Zoning | And | Proposed Zoning |
|------------|-----------------|-----|-----------------|
| Elementary |                 |     |                 |
| Middle     |                 |     |                 |
| High       |                 |     |                 |

Acres too small to affect student population.

Very truly yours,  
*John Dameron*  
 John Dameron, Field Representative  
 Department of Planning

JD/lh



## County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

October 30, 1985

Mr. James P. Beahn  
 2319 Maryland Avenue  
 Baltimore, Md. 21218

Dear Mr. Beahn:

Re: Case No. R-86-113

Item #7, John W. Ruppert, et al

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. Holmen*  
 John W. Holmen, Secretary

Encl.  
 cc: John W. Ruppert, et al  
 Phyllis C. Friedman  
 Arnold Jablon  
 Jean Jung  
 James E. Dyer  
 Norman E. Gerber  
 James Hoswell  
 James E. Kraft

IN THE MATTER OF : BEFORE  
 THE APPLICATION OF : COUNTY BOARD OF APPEALS  
 JOHN W. RUPPERT, ET AL :  
 FOR RECLASSIFICATION OF : OF  
 PROPERTY LOCATED ON THE : BALTIMORE COUNTY  
 EAST SIDE OF HARFORD ROAD, :  
 400 FEET NORTH FROM JOPPA :  
 ROAD - 11th DISTRICT :  
 : No. R-86-113, Item #7

## O P I N I O N

This case was brought before the Board as a Petition for a Reclassification of the property located on the southeast side of Harford Road, 400 feet north of Joppa Road. The property is owned by John W. Ruppert and Michael Palmisano and is presently zoned BL, DR 16, and DR 5.5.

That portion of the site zoned BL fronts Harford Road and comprises .4 acre of the 1.3 acre site. Improvements on this portion consists of two buildings, a florist shop and a former residential structure presently being utilized as an office for the property owner.

The subject of this hearing is the remaining two-thirds of the property (approximately), zoned DR 16 and DR 5.5. The Petitioners request that this Board reclassify these sections to be in conformance with the .4 acre and apply the BL zone to the remaining sections. These sections, hereafter denoted as A and B, have no structural improvements and remain wooded.

The property is approximately 100 feet wide and 550 feet deep. It is bounded on the west by Harford Road, on the north by a residential property with a house erected about 50 feet from the subject site property line on the east by a residential development, and on the south by a Mars Super-market.

To grant the Petitioners' request, it is impingent upon the Petitioners to show some evidence of error in the Comprehensive Zoning Process, a process just completed four months prior to the Petitioners' purchase of the property. This Board finds no such evidence.

John W. Ruppert, et al  
 Case No. R-86-113, Item #7

While the varied zoning coupled with the unsightly view of the adjoining supermarket from Sections A and B make development difficult, this Board sees no reason to reclassify the zoning from a residential zone to BL. The owners currently have the advantage of having the front third of the property, that portion with the greatest commercial value, zoned BL. The remaining sections as zoned offer the adjoining residential properties an appropriate transition from a residential zone to a highly commercial zone. Most important, the zone applied to Sections A and B do not prohibit development of the land, and therefore, do not prohibit the owners' use of the land.

Although this hearing pertains only to Sections A and B, it is inappropriate and inconsistent with the Baltimore County Zoning Regulations and the law to consider the property in a piecemeal fashion. The subject site must be considered as a whole. Therefore, the question of reclassification of the entire parcel would be better addressed in the next Comprehensive Zoning Process.

## O R D E R

For the reasons set forth in the foregoing Opinion, it is this 30th day of October, 1985, by the County Board of Appeals, ORDERED that the Petitioners' request for a zoning reclassification on the subject property from D.R. 16 and D.R. 5.5 to a B.L. zone, be DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF  
 BALTIMORE COUNTY  
*Lawrence E. Schmidt*  
 Lawrence E. Schmidt, Acting Chairman  
*Patricia Phipps*  
 Patricia Phipps  
*Diana K. Vincent*  
 Diana K. Vincent

APR 14 1986



# 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 D.R. 16 + D.R. 5.5 zone to an B.L. 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

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

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

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

Contract Purchaser: Legal Owner(s):  
John W. Ruppert, et al.  
(Type or Print Name)  
Signature: *John W. Ruppert*  
Address: (Type or Print Name)  
City and State: Signature:  
Attorney for Petitioner: 2300 Sinclair Lane 276-6050  
(Type or Print Name) Address Phone No.  
Baltimore, Maryland 21213  
Signature: City and State  
Address: Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
James P. Beahn  
City and State: Name  
2319 Maryland Ave. 467-1645  
Attorney's Telephone No.: Address Phone No.  
Baltimore, MD 21218  
BACR-Form 1

RECEIVED  
COUNTY BOARD OF APPEALS  
JUN 30 A 9 05

John W. Ruppert, et al.  
2319 Maryland Ave., 400' N from Joppa Rd.  
JUN 28, 1985

## PETITION FOR RECLASSIFICATION 11th Election District

LOCATION: East side of Harford Road, 403' North from Joppa Road

PUBLIC HEARING: Tuesday, October 15, 1985 at 10:00 a.m.

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: B.L.

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

Beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.

South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line

North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line

South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line

South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.

Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.

Being the property of John W. Ruppert, et al.  
as shown on the plat filed with the Zoning Department.

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

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

September 13, 1985

## NOTICE OF HEARING

RE: Petition for Reclassification  
2/8 Harford Rd., 400' N from  
Joppa Rd. - 11th Elec. Dist.  
John W. Ruppert, et al, Petitioners  
Case No. R-86-113 Cycle I - Item #1

TIME: 10:00 a.m.

DATE: Tuesday, October 15, 1985

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 04835

DATE: 1-30-85 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: *John W. Ruppert*

FOR: *John W. Ruppert*

8 BALD\*\*\*\*100.00 53024

VALIDATION OR SIGNATURE OF CASHIER

kpa

kennedy, porter & associates, inc.  
consulting engineers

2319 maryland avenue baltimore, maryland 21218 301-467-1645

January 25, 1985

Baltimore County  
Board of Appeals  
Towson, MD 21204

Ladies and Gentlemen:

We request the zoning reclassification of the rear portions of the property at 9621 Harford Road from D.R. 16 and D.R. 5.5 to B.L. for the following reasons:

The property is 1.29 acres, and is relatively narrow, being about 100 ft. wide. As now zoned, it has three separate zoning classifications including the front portion B.L. - C.N.A., the middle of D.R.16 and the rear of D.R.5.5. Only the front portion abuts a public street.

Therefore it is not practicable to use the lot for the assigned zoning classifications. Each individual residential zoning classification has such a small acreage that it is not feasible to split development up into such small areas.

The residential zoning looking south, adjoins the rear of a shopping center, and no public road connection exists to the residential zones. Although a street could be extended into the property it would use, approximately half the land.

This and poor view would affect the market ability of residential development. We believe it is not feasible to properly develop the land within the present zoning classifications.

Very truly yours,

KENNEDY, PORTER & ASSOCIATES, INC.

*James P. Beahn*  
James P. Beahn, P.E.  
Vice President

GG:d

charles r. kennedy, p.e./raughley l. porter, p.e.

kennedy, porter & associates, inc.  
consulting engineers

PROPERTY OF J. W. RUPPERT ET. AL.

REZONING REQUEST

Beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.

South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line

North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line

South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line

South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.

Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.

*James P. Beahn*  
April 1, 1985  
#9954

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 26, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 26, 1985.

THE JEFFERSONIAN,

*18 Venetian*  
Publisher

38.50

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 9/13/85

Posted for: *Reclassification*

Petitioner: *John W. Ruppert, et al.*

Location of property: *11th Harford Rd., 400' N from Joppa Rd.*

Location of Signs: *Harford Rd., 400' N from Joppa Rd., on property of John W. Ruppert, et al.*

Remarks: *See Baltimore*

Posted by: *M. L. Beahn* Date of return: *9/15/85*

Number of Signs: *1*

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 25, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 25, 1985.

TOWSON TIMES,

*18 Venetian*  
Publisher

55.25

PETITION FOR RECLASSIFICATION  
11th Election District  
LOCATION: East side of Harford Road, 400' North from Joppa Road  
PUBLIC HEARING: Tuesday, October 15, 1985 at 10:00 a.m.  
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: B.L.  
All that parcel of land in the Eleventh District of Baltimore County beginning at the first or South 85° East 594.00 foot line of a deed from W.C. & L. Enterprises, Ltd., to A.T.C. Systems Engineering, Inc. dated January 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber 6368 at Folio 154, said point of beginning also being on the east side of Harford Road (Maryland Route 147) and approximately 435.00 feet north of the centerline of Joppa Road; thence running with the first or South 85° East 594.00 foot line.  
South 85°00'00" East, 594.00 feet to a point; thence running with the second or North 3°30' East 100.04 foot line of the aforesaid deed North 3°30'00" East, 100.04 feet to a point; thence running with the third or North 85° West 534.22 foot line North 85°00'00" West, 534.22 feet to a point; thence running with the fourth or South 34°15' West 32.6 foot line South 34°15'00" West, 32.60 feet to a point; thence running with the fifth or South 34°45' West 82.5 foot line South 34°45'00" West, 82.50 feet to the point of beginning, containing 56,192 square feet or 1.29 acres.  
Saving and excepting that area zoned B.L.C.N.S. located in the front of the property, containing approximately 0.38 of an acre.  
Being the property of John W. Ruppert, et al. as shown on the plat filed with the Zoning Department.  
BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY  
Sept. 26, 1985

IN THE MATTER OF THE  
PETITION FOR RECLASSIFICATION  
FROM D.R. 16 AND D.R. 5.5 ZONES  
TO B.L. ZONE  
R/S of Harford Rd., 435' N of  
Joppa Rd., 11th District  
JOHN W. RUPPERT, et al.,  
Petitioners

BEFORE THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Case No. R-86-113

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

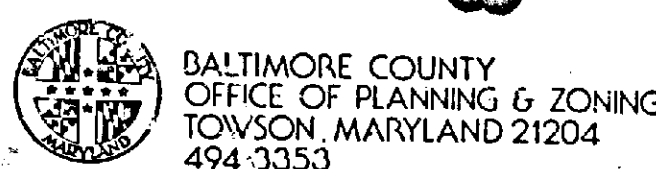
*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2158

I HEREBY CERTIFY that on this 7th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. John W. Ruppert, et al., 2300 Sinclair Lane, Baltimore, MD 21213, Petitioners; and Mr. James P. Beahn, 2319 Maryland Ave., Baltimore, MD 21218, Petitioners' Representative.

*Peter Max Zimmerman*  
Peter Max Zimmerman

RECEIVED  
COUNTY BOARD OF APPEALS  
JUN 30 A 9 59



ARNOLD JABLON  
ZONING COMMISSIONER

October 2, 1985

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

RE: Petition for Reclassification  
E/S Harford Rd., 400' N from  
Joppa Rd., 11th Elec. Dist.  
John W. Ruppert, et al, Petitioners  
Case No. R-86-113 Cycle I - Item #7

This is to advise you that \$710.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Barbara Galliard, Zoning Office, Room 109, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Callahan*  
ARNOLD JABLON  
Zoning Commissioner

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

No. 012443

DATE 10-30-85 ACCOUNT R-01-615-000

AMOUNT \$ 710.75

RECEIVED FROM P. & R. Property

Advertising and Posting R-86-113

FOR 8 6096\*\*\*7107514 2310F

VALIDATION OR SIGNATURE OF CASHIER

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Edith Eisenhart  
Board of Appeals  
TO: Nick Commodari  
FROM: Zoning Office

Date April 2, 1985

SUBJECT: Revised Plan and Description  
Item No. 7 - Cycle 1  
Petitioner - J. W. Ruppert, et al

Attached is a revised site plan and description for the above referenced property that should be placed in your file. The old plat and description may be discarded.

NBC:bsc

cc: File

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 12, 1985

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

000  
Nicholas B. Commodari  
Chairman

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

Mr. James P. Beahn  
2319 Maryland Avenue  
Baltimore, Maryland 21218

RE: Item No. 7 - Cycle No. 1  
Petitioner - John W. Ruppert, et al  
Reclassification Petition

Dear Mr. Beahn:

This reclassification petition has been filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle I). 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, description, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before Tuesday, April 30, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of your clients' proposal to reclassify the rear portion of the subject property from a D.R. 15 and D.R. 5.5 zone to a B.L. zone, this hearing is required. This property was the subject of a previous zoning hearing (Case No. 79-84-XSPHA) for the construction of offices and related parking areas. Said case was eventually dismissed.

After a number of discussions with your surveyor, the site plans and descriptions were revised to reflect the correct distance of this property from the centerline of Joppa Road and the location of the existing zoning lines. A further review of the petition forms indicates that the property is owned by John W. Ruppert, et al, however his name is the only one that appears on the petition forms. If there are other property owners, they should also sign the forms.

Item No. 7 - Cycle No. 1  
Petitioner - John W. Ruppert, et al  
Reclassification Petition  
April 12, 1985

In view of the fact that the submitted site plan does not indicate a proposed development, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and the Committee (if a hearing is required) will be written when a proposed development is indicated.

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, 1985, 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



HARRY J. PISTEL, P.E.  
DIRECTOR

March 15, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #7 - Cycle I - 1985  
Property Owner: John W. Ruppert, et al  
E/S Harford Road 400' N. from Joppa Road  
Existing Zoning: D.R. 16 & D.R. 5.5  
Proposed Zoning: B.L.  
Acres: 1.29 District: 11th

Dear Mr. Jablon:

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

### General Comments:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A no public facilities are involved, this office has no comment.

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.

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Very truly yours,

*James A. Markle*  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:PM:ROP:os

cc: File



William K. Holman  
Secretary  
Hal Kassoff  
Administrator

March 15, 1985

Mr. William Hackett, Chairman  
Board of Appeals  
County Office Building  
Towson, Maryland 21204

Attn: Mr. N. Commodari

Re: Reclassification Petitions  
Cycle I - 1985  
Meeting of March 6, 1985  
Property Owner: John W. Ruppert, et al  
Location: E/S Harford Rd  
Route 147, 400' N. from  
Joppa Road  
Existing Zoning: D.R. 16 &  
D.R. 5.5  
Proposed Zoning: B.L.  
Acres: 1.29  
District: 11th

Dear Mr. Hackett:

On review of the submittal of 1-25-85, the State Highway Administration offers the following comments.

The existing right of way for Route 147, Harford Road is 60' (30' each side) and the proposed right of way for Harford Road is 80' (40' each side).

It is requested the site plan be revised prior to the proposed zoning change.

Very truly yours,

*Charles Lee*  
Charles Lee, Chief  
Bureau of Engineering  
Access Permits

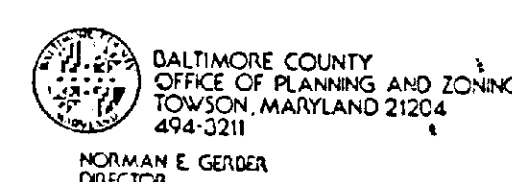
By: George Wittman

RECEIVED  
COUNTY BOARD OF APPEALS  
MAR 19 1985

EL:GW:maw  
cc: Mr. J. Ggle

My telephone number is (301) 659-1350

Typewriter for Impaired Hearing or Speech  
303-7555 Baltimore Metro - 505-0451 D.C. Metro - 1-800-462-2602 Statewide Toll Free  
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment at this time.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) The site and calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on
- ( ) Landscaping: Must comply with Baltimore County Landscape Manual.
- ( ) The property is located in a deficient service area as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic Services Area Capacity Use Certificate has been issued. The deficient service is
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The basic Services Area are re-evaluated annually by the County Council.
- (X) Additional comments:  
Any future development on this site must be subject to the development regulations of 301-22-98.

cc: James Hensell

Eugene A. Bober  
Chief, Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

March 27, 1985

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

Cycle I Meeting of March 6, 1985  
Item No. - 7  
Property Owner: John W. Ruppert, et al

Location: E/S Harford Road 400' N. from Joppa Road  
Existing Zoning: D.R. 16 & D.R. 5.5  
Proposed Zoning: B.L.

Acres: 1.29  
District: 11th

Dear Mr. Hackett:

As presently zoned, this site can be expected to generate approximately 90 trips per day and with the proposed zoning approximately 450 trips per day.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Assoc. II

MSF/ccm

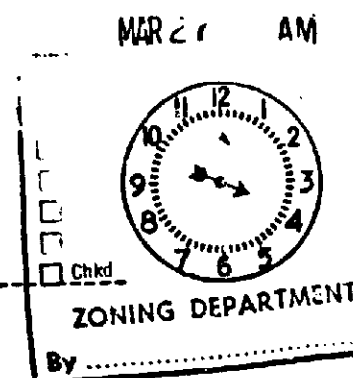
APR 14 1985

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. William Hackett, Chairman, Board of Appeals  
 FROM: Ian J. Forrest  
 SUBJECT: Reclassification Petitions  
 CYCLE I - 1985  
 Meeting of March 6, 1985

Date: March 20, 1985



The Baltimore County Department of Health has reviewed the following Reclassification Petitions and does not anticipate any health hazards at this time regarding these Petitions.

- Item #1 - Helena D. Gibbons
- Item #2 - Paul Gambrell, et al
- Item #3 - Nelson L. Bond, Jr., et al
- Item #4 - Conservation Associates
- Item #5 - Greater Baltimore Medical Center
- Item #6 - Josef of Vienna, Inc.
- Item #7 - John W. Ruppert, et al

Ian J. Forrest, Director  
 BUREAU OF ENVIRONMENTAL SERVICES

RECEIVED  
 COUNTY BOARD OF APPEALS  
 MAR 25 P 1:00 PM



BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

PAUL H. REINCKE

March 11, 1985

William Hackett  
 Chairman, Board of Appeals  
 Office of Planning and Zoning  
 Baltimore County Office Building  
 Towson, MD 21204

Attention: Nick Comodari, Chairman  
 Zoning Plans Advisory Committee

RE: Property Owner: John W. Ruppert, et al

Location: E/S Harford Rd. 400' N. from Joppa Road

Item No.: 7 Zoning Agenda: 3/6/85, Cycle -1

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.

REVIEWER: *Patricia Phipps* Noted and *Roy W. Kemmer*  
 Planning Group Approved: Fire Prevention Bureau  
 Special Inspection Division

/mb

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Mr. William T. Hackett, Chairman, Appeals Board  
 TO: C/O Nicholas Comodari, Zoning Department Date: March 12, 1985

FROM: Charles E. Pugh, Chief, Building Plans Review C.E.P.

SUBJECT: Cycle I - 1985, Meeting Scheduled 3/6/85  
 ITEM #7) Owner - John W. Ruppert, et al, E/S Harford Road 400' N. from Joppa Road

Conversion of property from one use to another use requires the structures involved to comply with the Building Code in force at the time a permit is applied for and before the structure can be used. Existing structures will require a Change of Use/Occupancy permit as well as alteration permits to upgrade the structure to meet the Code requirements for the new proposed use.

New structures shall be designed from the footings up to comply with the correct Use Group as provided for in Article 3 of the current 1981 Code.

Compliance with the State Handicapped Code is required for the buildings and the site.

Set backs from interior lot lines, other buildings on the same lot, and street lot lines for fire separations shall also comply to the Building Code in force at the time an application is made for the permit. This currently involves Table 401, Table 507 and Section 506, of the current 1981 B.O.C.A. Code known as the Baltimore County Building Code as adopted by Bill 1-82. The 1984 Edition of B.O.C.A. has been approved by the County Council and will become effective on permits filed 45 days after its enactment.

No further comments at this time.

CEB/vw

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Nicholas Comodari, Zoning Department Date: April 15, 1985

FROM: C.E. Pugh, Chief, Building Plans Review C.E.P.

SUBJECT: Zoning Advisory Committee Meeting  
 Scheduled 4/9/85

- Item #281 See Comment
- Item #282 No Plat Submitted
- Item #283 Standard Comment
- Item #284 Standard Comment
- Item #285 Standard Comment
- Item #286 See Comments
- Item #287 Standard Comments
- Item #134 (Revised) See Comments
- Cycle I - #7 (Revised) No Further Comment

CEB/vw

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 19, 1985

Mr. William Hackett  
 Chairman, Board of Appeals  
 Baltimore County Office Building  
 1121 West Chesapeake Avenue  
 Towson, Maryland 21204

Zoning Cycle #1

RE: Item No: 7  
 Property Owner: John W. Ruppert, et al  
 Location: E/S Harford Road 400' N. from Joppa Road  
 Present Zoning: D.R. 16 & D.R. 5.5  
 Proposed Zoning: B.L.

School Situation September 1984

| School            | Enrollment | Capacity | Over/Under |
|-------------------|------------|----------|------------|
| Carney Elementary | 320        | 546      | - 26       |
| Pine Grove Middle | 635        | 1269     | -634       |
| Parkville High    | 1432       | 1990     | -558       |

Student Yield With:

|            | Existing Zoning | And | Proposed Zoning |
|------------|-----------------|-----|-----------------|
| Elementary |                 |     |                 |
| Middle     |                 |     |                 |
| High       |                 |     |                 |

Acres too small to affect student population.

Very truly yours,  
*John Dameron*  
 John Dameron, Field Representative  
 Department of Planning

JD/lh



## County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

October 30, 1985

Mr. James P. Beahn  
 2319 Maryland Avenue  
 Baltimore, Md. 21218

Dear Mr. Beahn:

Re: Case No. R-86-113

Item #7, John W. Ruppert, et al

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. Holmen*  
 John W. Holmen, Secretary

Encl.  
 cc: John W. Ruppert, et al  
 Phyllis C. Friedman  
 Arnold Jablon  
 Jean Jung  
 James E. Dyer  
 Norman E. Gerber  
 James Hoswell  
 James E. Kraft

IN THE MATTER OF : BEFORE  
 THE APPLICATION OF : COUNTY BOARD OF APPEALS  
 JOHN W. RUPPERT, ET AL  
 FOR RECLASSIFICATION OF : OF  
 PROPERTY LOCATED ON THE : BALTIMORE COUNTY  
 EAST SIDE OF HARFORD ROAD, :  
 400 FEET NORTH FROM JOPPA :  
 ROAD - 11th DISTRICT :  
 : No. R-86-113, Item #7

## O P I N I O N

This case was brought before the Board as a Petition for a Reclassification of the property located on the southeast side of Harford Road, 400 feet north of Joppa Road. The property is owned by John W. Ruppert and Michael Palmisano and is presently zoned BL, DR 16, and DR 5.5.

That portion of the site zoned BL fronts Harford Road and comprises .4 acre of the 1.3 acre site. Improvements on this portion consists of two buildings, a florist shop and a former residential structure presently being utilized as an office for the property owner.

The subject of this hearing is the remaining two-thirds of the property (approximately), zoned DR 16 and DR 5.5. The Petitioners request that this Board reclassify these sections to be in conformance with the .4 acre and apply the BL zone to the remaining sections. These sections, hereafter denoted as A and B, have no structural improvements and remain wooded.

The property is approximately 100 feet wide and 550 feet deep. It is bounded on the west by Harford Road, on the north by a residential property with a house erected about 50 feet from the subject site property line on the east by a residential development, and on the south by a Mars Super-market.

To grant the Petitioners' request, it is impingent upon the Petitioners to show some evidence of error in the Comprehensive Zoning Process, a process just completed four months prior to the Petitioners' purchase of the property. This Board finds no such evidence.

John W. Ruppert, et al  
 Case No. R-86-113, Item #7

While the varied zoning coupled with the unsightly view of the adjoining supermarket from Sections A and B make development difficult, this Board sees no reason to reclassify the zoning from a residential zone to BL. The owners currently have the advantage of having the front third of the property, that portion with the greatest commercial value, zoned BL. The remaining sections as zoned offer the adjoining residential properties an appropriate transition from a residential zone to a highly commercial zone. Most important, the zone applied to Sections A and B do not prohibit development of the land, and therefore, do not prohibit the owners' use of the land.

Although this hearing pertains only to Sections A and B, it is inappropriate and inconsistent with the Baltimore County Zoning Regulations and the law to consider the property in a piecemeal fashion. The subject site must be considered as a whole. Therefore, the question of reclassification of the entire parcel would be better addressed in the next Comprehensive Zoning Process.

## O R D E R

For the reasons set forth in the foregoing Opinion, it is this 30th day of October, 1985, by the County Board of Appeals, ORDERED that the Petitioners' request for a zoning reclassification on the subject property from D.R. 16 and D.R. 5.5 to a B.L. zone, be DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF  
 BALTIMORE COUNTY  
*Lawrence E. Schmidt*  
 Lawrence E. Schmidt, Acting Chairman  
*Patricia Phipps*  
 Patricia Phipps  
*Diana K. Vincent*  
 Diana K. Vincent

APR 14 1986

