

APR 14 1987

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

August 7, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
S/S of Powers Lane, 210' W of the c/l of Rolling Rd.
1st Election District
G. Edward Omert - Petitioner
Case No. R-87-89 (Item No. 1, Cycle III)

TIME: 10:00 a.m.

DATE: Thursday, September 4, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

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

No. 18431

DATE: 2/27/86 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Cook, H. D. + J.

FOR: Reclass + Redistrict Powers La.

8 8104*****10001 3238F

VALIDATION OR SIGNATURE OF CASHIER

T. Hackett, Chairman
Board of Appeals

People's Counsel for
Baltimore County

THE ZONING OFFICE FOR
THIS CASE APPROXIMATELY A
AND THE SIGN AND POST RETURNED
OR THE ORDER SHALL NOT BE ISSUED.

Report to the BOARD OF APPEALS OF BALTIMORE COUNTY by the BALTIMORE COUNTY PLANNING BOARD

ZONING RECLASSIFICATION PETITIONS

CYCLE III
1986

ADOPTED JULY 17, 1986

ITEM NO. 1

PROPERTY OWNER: G. Edward Omert ACREAGE: 2.33
LOCATION: S/S of Powers Lane, 210' W. of Rolling Road
ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1

RECOMMENDED DATE OF HEARING: September 4, 1986

ZONING PRIOR TO ADOPTION OF 1984 COMPREHENSIVE ZONING MAP: D.R.3.5; D.R.16
EXISTING ZONING: D.R. 3.5; D.R. 16
REQUESTED ZONING: B.R.-C.S.A.; B.L.-C.S.A.

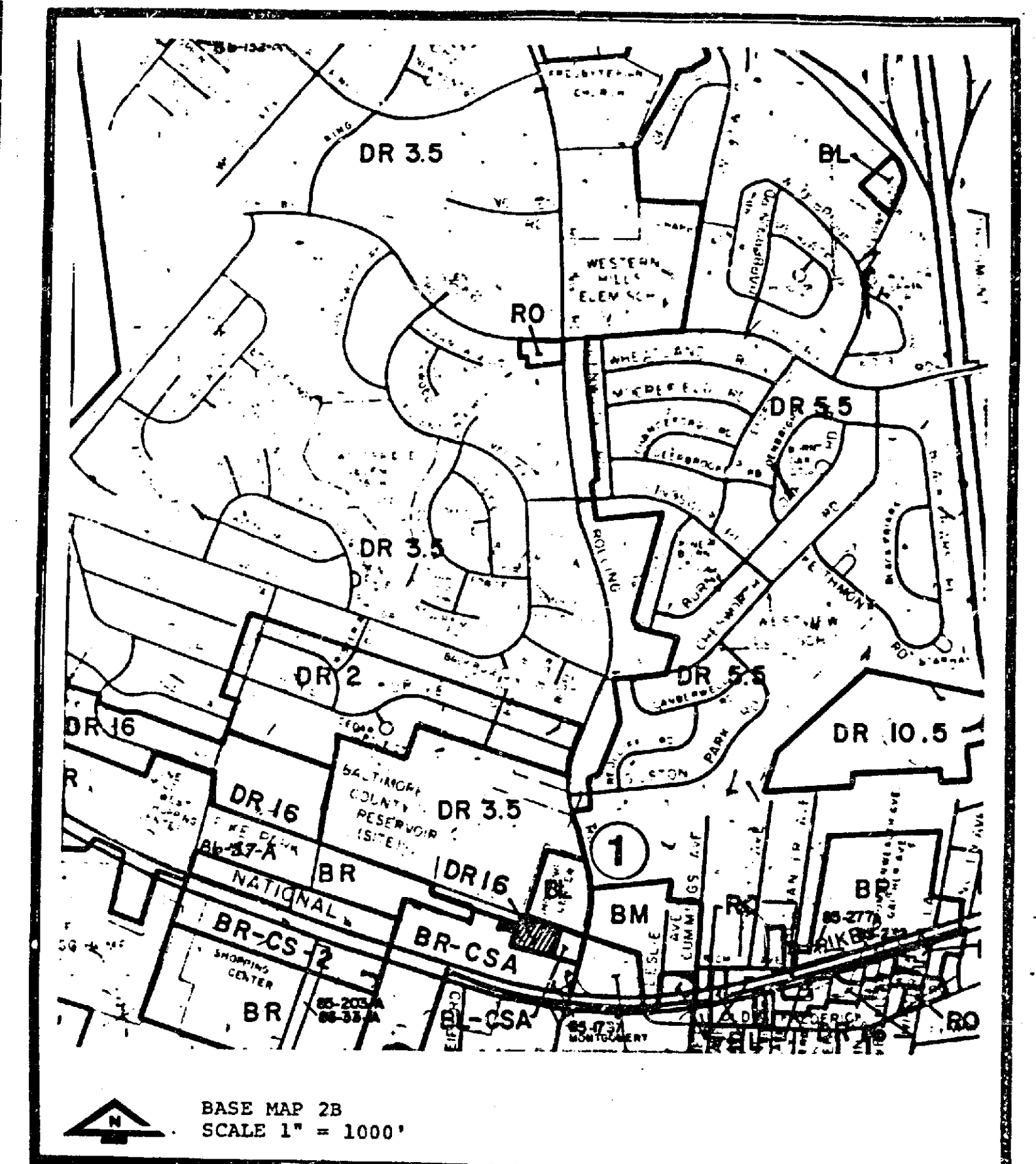
PLANNING BOARD RECOMMENDATION: B.R.-C.S.A.; B.L.-C.S.A.

This property consists of a vacant 0.55-acre parcel zoned D.R. 3.5 and a nursing home on a 1.78-acre parcel zoned D.R. 16. To the south and west are commercial properties oriented to Baltimore National Pike; to the east, commercial properties oriented to Rolling Road. To the north, opposite the D.R. 16 zoned parcel, is a small shopping center located on the opposite side of Powers Lane. To the north, adjacent to the D.R. 3.5 parcel, is vacant, D.R.3.5 zoned land along the south side of Powers Lane; to the north-east, single-family dwellings on D.R. 3.5 zoned land. The petitioner is requesting a change from D.R. 3.5 and D.R. 16 to B.R.-C.S.A. and B.L.-C.S.A. zoning and has chosen to submit plans that do not show a proposed use for the property.

Prior to the adoption of the 1984 Comprehensive Zoning Map, the property was zoned as it is today. During the preparation and processing of this map, the zoning of the subject property was not identified as a specific issue before either the Planning Board or the County Council; consequently, the Council reaffirmed the existing zoning.

The Planning Board is of the opinion that the petitioner's request for commercial zoning be granted. The Board believes that the D.R. 16 zoned parcel should be reclassified so as to conform to the zoning to the north, east and south. In view of the shopping center entrance and parking lot on the opposite side of Powers Lane, there is no particular reason to retain residential zoning here. As to the D.R. 3.5 zoned parcel, commercial zoning will permit its incorporation into the commercial facilities oriented to Baltimore National Pike and another D.R. 3.5 zoned property, 60' in depth, remains as a buffer along that section of Powers Lane.

It is therefore recommended that the petitioner's request, B.R.-C.S.A. and B.L.-C.S.A., be granted.



Location of Property Under Petition

Report by the
Director of Planning and Zoning
to the
Baltimore County Planning Board

ZONING RECLASSIFICATION PETITIONS CYCLE III 1986

Baltimore County Office of Planning and Zoning
May 31, 1986

NO.	PETITIONER	LOCATION	ACREAGE	EXISTING ZONING	REQUESTED ZONING	RECOMMENDED ZONING
1	G. Edw. Omert	S/S of Powers Lane, 210' W. of Rolling Rd.	2.33	D.R. 3.5	B.R.-C.S.A. B.L.-C.S.A.	B.R.-C.S.A. B.L.-C.S.A.
2	Thomas Lane Partnership	W/S of Thomas Lane, 1150' N. of Windsor Hill Rd.	19.27	D.R. 10.5	D.R. 10.5	D.R. 10.5
3	Louis P. Jones, Jr., et al	N/E corner of Tommoore & Marriotti Lns.	1.0	D.R. 5.5	B.L.	D.R. 5.5
4	Town Center Associates B. L.V. Partnership	1575' S/S of the Intersection of Painters Mill & Music Fair Rd.	4.13	M.L.-I.M.	B.M.	M.L.-I.M.
5	Wanda K. Walsh et al	N/S/S of Westminister Pike, 136' N/S of Wolf St.	0.45	R.O.	B.L.	R.O.
6	Wanda K. Walsh, et al	N/S/S of Westminister Pike, 204' N/S of Wolf St.	0.5	R.O.	B.L.	R.O.
7	Jon A. Thompson, et al	S/S of York Rd., approx. 600' W. of I-40	25.97	R.G. 5	B.L.	R.G. 5
8	Stanley E. Carter, et al	W/S of Stony Batter Rd., 3300' W. of Sunshin Ave.	5.15	R.G. 2	R.G. 5	R.G. 2
9	William A. Schulte, et al	S/S corner of Breckin & Jerusalem Rds., also, S/S of Breckin Rd.	1.78	B.M. R.G. 5	B.R.	B.M. R.G. 5
10	Robert L. Barney, et al	S/S corner of Falls Rd. & Hollins Ln.	1.5	D.R. 5.5	B.L.	D.R. 5.5
11	Falls Fairfield Limited Partnership	S/S corner of Lake & Stanton Aves.	0.58	D.R. 5.5	B.L.	D.R. 5.5

* Documented Site Plan
** Verbal
*** Special Exception for a Class B Office Building

DISCUSSION

Of the 19 zoning reclassification petitions that are included in this report, four of them (III-2, III-5, III-6 and III-19) were identified as specific issues during the 1984 Comprehensive Zoning Map process. With the exception of Item Nos. 1 and 18, it is the opinion of the Director that the existing zoning adopted by the County Council in 1984 is correct.

Item No. 1 is a request for a change from D.R. 3.5 and D.R. 16 to the B.R.-C.S.A. and B.L.-C.S.A. zoning classifications. On part of this 2.33-acre parcel of land is a nursing home; the remainder is vacant. Because of the rezoning of adjacent properties to commercial classifications, this office does not believe that the resulting zoning pattern is a rational one. Consequently, it is recommended that the subject request be granted.

Item No. 2 is a request for a change from D.R. 10.5 to the D-2 zoning classification for a 19.27-acre wooded property. This parcel of land was part of Issue No. 2-45 during the processing of the 1984 Comprehensive Zoning Map. At that time, a portion of the entire ownership was zoned D-1, while the subject parcel was reaffirmed in the D.R. 10.5 zoning classification. This office is of the opinion that either the D.R. 10.5 zoning should be retained or that the property should be reclassified as D.R. 5.5. All of the adjacent roads are residential in character and single-family residences are located along the east and west sides of the property. This office believes that the development of an office park here would impinge upon the firmly established residential character of the neighborhood. The subject request should be denied.

Item No. 3 is a request for a change from D.R. 5.5 to the B.L. zoning classification. The property is bounded by a shopping center to the south (oriented to Liberty Road), by the Scotts Branch Elementary School grounds, and by single-family dwellings on D.R. 5.5 zoned land. This office believes that the firmly established line between the commercial uses oriented to Liberty Road and the residential area north of Tommoore Lane should be affirmed. To allow the spread of commercial uses into this residential area along Marriotti Lane would be unwarranted; there are ample opportunities for commercial uses along Liberty Road. The subject request should be denied.

Item No. 4 is a request for a change from M.L.-I.M. to the B.M. zoning classification. The property is at the end of Music Fair Road, south of Painters Mill Road, in an area zoned M.L.-I.M. A large section of the road providing access to the area is substandard; the area is flood prone. Despite the two commercial uses on this and the adjacent site, the area is primarily industrial in use. To grant B.M. here would be "spot zoning". Finally, commercial uses in the general area should be funneled into the Owings Mills Town Center, not siphoned off into industrial areas. The subject request should be denied.

Item Nos. 5 and 6 are requests for a change from R.O. and D.R. 3.5 to the B.L. zoning classification. It should be noted that both properties have received CRG approval for office use (IV-280), contingent upon obtaining

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 27, 1986

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

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

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 1 - Cycle No. III
Petitioner: G. Edward Omert
Reclassification Petition

Dear Mr. Howard:

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

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/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 N/A 19. 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 the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page Two
Item No. 1, Cycle III
August 27, 1986

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 494-3391 or the commenting agency.

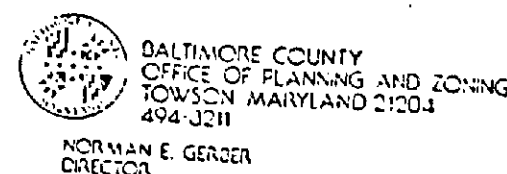
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb (MS018)

Enclosures

cc: George William Stephens, Jr.
303 Allegheny Avenue
Towson, Md. 21204



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

APRIL 22, 1986

Re: Zoning Advisory Meeting of CYCLE III-RECLASS
Item # 1 - CYCLE III
Property Owner: G. Edward Ommert
Location: S/S Powers Lane, 210' W. of c/l of Rolling Road

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.
- () 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 parking 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 22-93 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 [blank].
- () Landscaping: Just comply with Baltimore County Landscape Manual. Bill 175-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- (X) The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 175-79, and as conditions change are reevaluated annually by the County Council.
- (X) Additional comments:
MEET FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 175-79
"THE DEVELOPMENT REGULATIONS"

cc: James Howell

Eunone A. Oster
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
DIRECTOR

May 19, 1986

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

Cycle III
Item No. 1
Property Owner: G. Edward Ommert
Contract Purchaser: Circuit City Stores, Inc.
Location: S/S Powers Lane, 210' W of the c/l of Rolling Road
Existing Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: B.R.-C.S.A. and B.L.-C.S.A.
Acres: 2.33 acres
District: 1st Election District

Dear Mr. Hackett:

The existing D.R. 3.5 and D.R. 16 zoning for this site can be expected to generate approximately 225 trips per day. The proposed B.R., B.L.-C.S.A. zoning can be expected to generate approximately 1130 trips per day.

With any development of this site, Powers Lane must be improved including the D.R. zone.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500

PAUL H. REINCKE
CHIEF

May 13, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: William Hackett
Chairman, County Board of Appeals

Re: Property Owner: G. Edward Ommert
Circuit City Stores, Inc.
Location: S/S Powers Lane, 210' W. of the c/l of Rolling Road

Item No. 1
Zoning Agenda: Cycle III
4/86 - 10/86

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 or 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 [blank] 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: *John F. O'Neill*
Noted and Approved
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

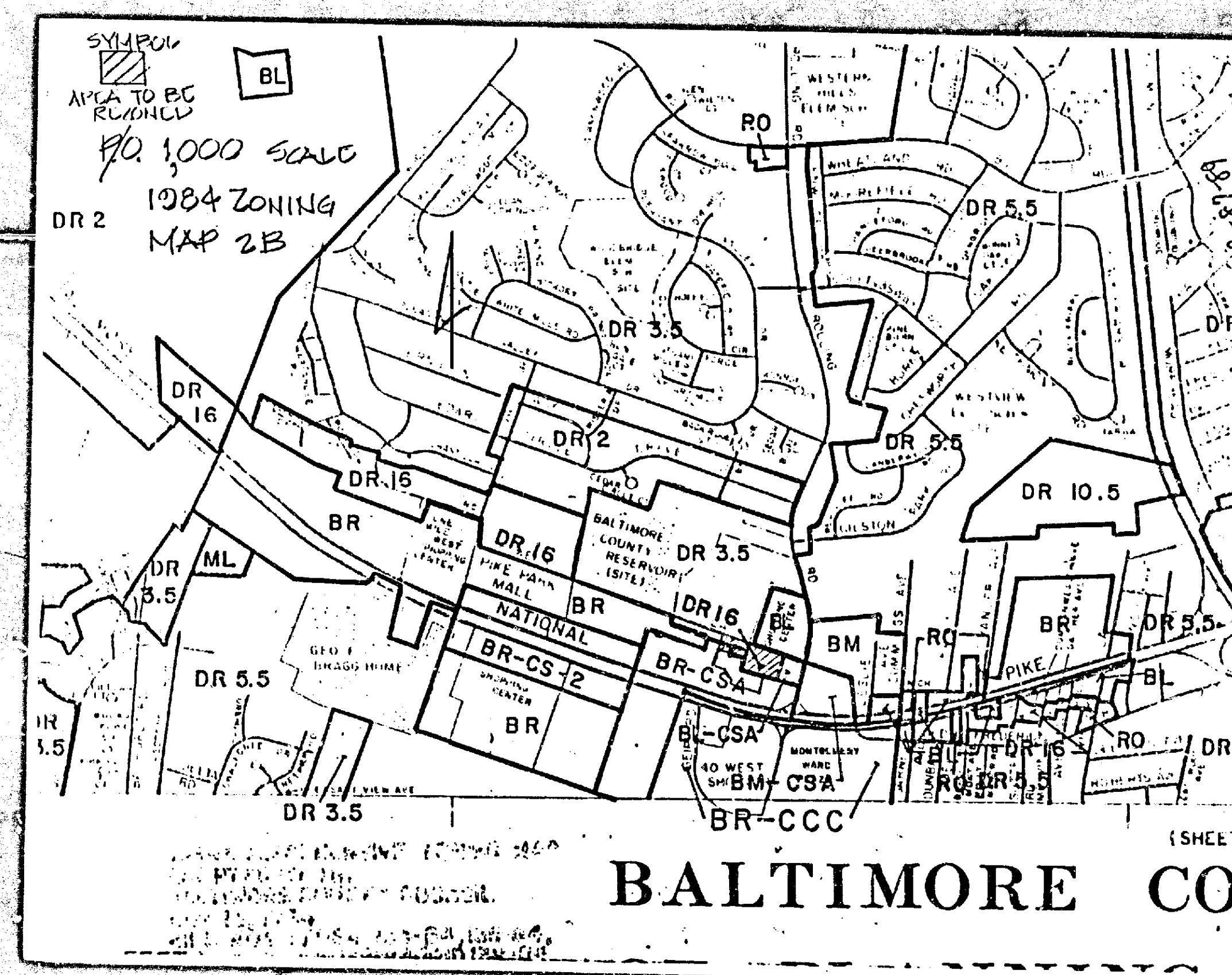
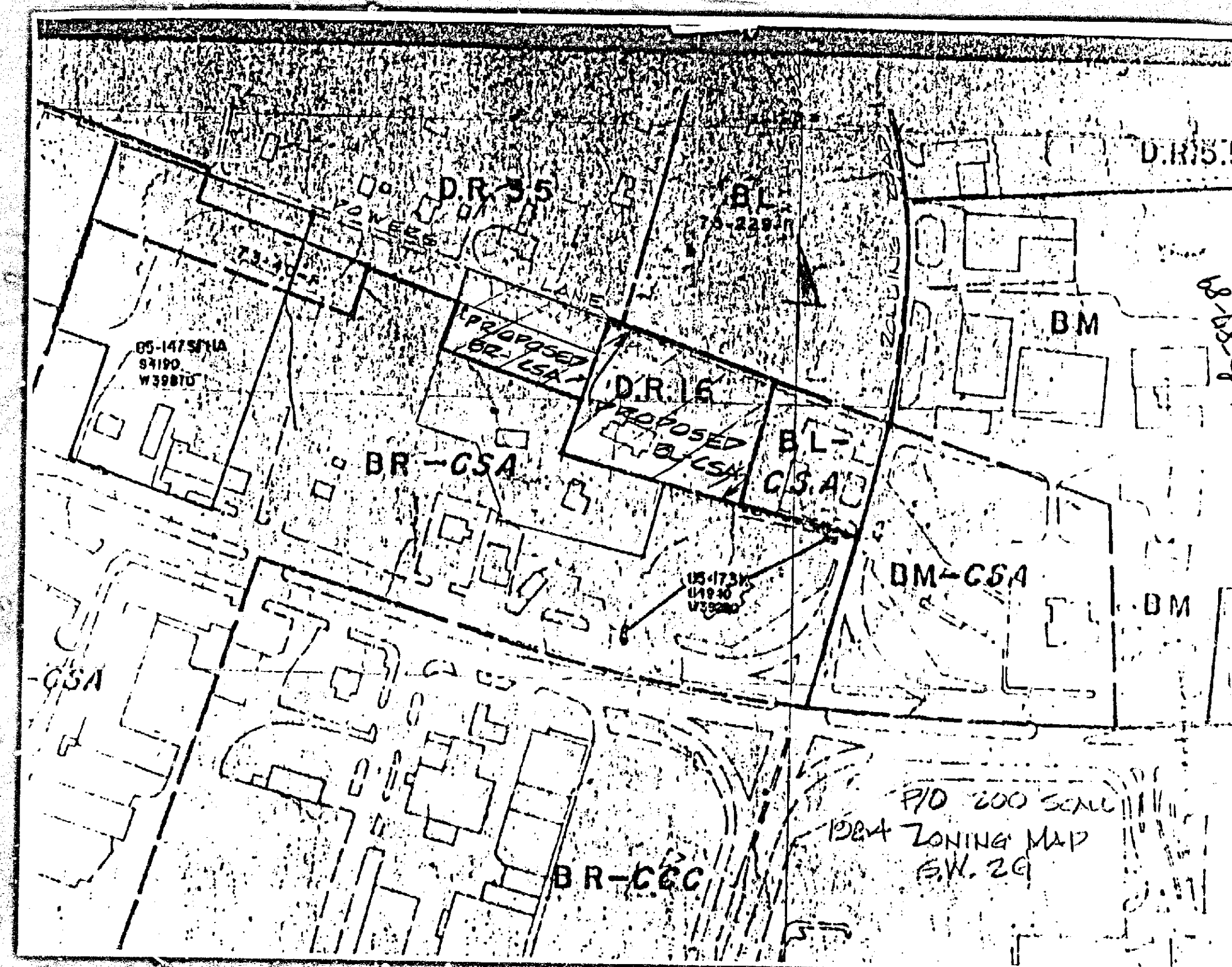
TO: William F. Hackett - Chairman
Appeals Board Date: June 24, 1986
FROM: Charles E. "Ted" Purnham
Plan Review Chief, Department of Permits & Licenses
SUBJECT: April - October 1986 - Zoning Classification - Cycle III

Item # 1
Property Owner: G. Edward Ommert
Contract Purchaser: Circuit City Stores, Inc.
Location: S/S Powers Lane, 210' W of c/l of Rolling Road
Existing Zoning: D.R. 3.5 and D.R. 16
Proposed Zoning: B.R.-C.S.A. and B.L.-C.S.A.
Acres: 2.33 Acres
District: 1st Election District

Any proposed improvements to the property shall comply to the Building Code in force at the time. Currently this is known as Council Bill #17-85 and includes the adoption, the changes and amendments to the 1984 Edition of the B.O.C.A. Basic National Building, Mechanical and Energy Codes.

As there are no structures shown or proposed, I have no further comment.

CEB/vw



Petitioner's
Et. #3

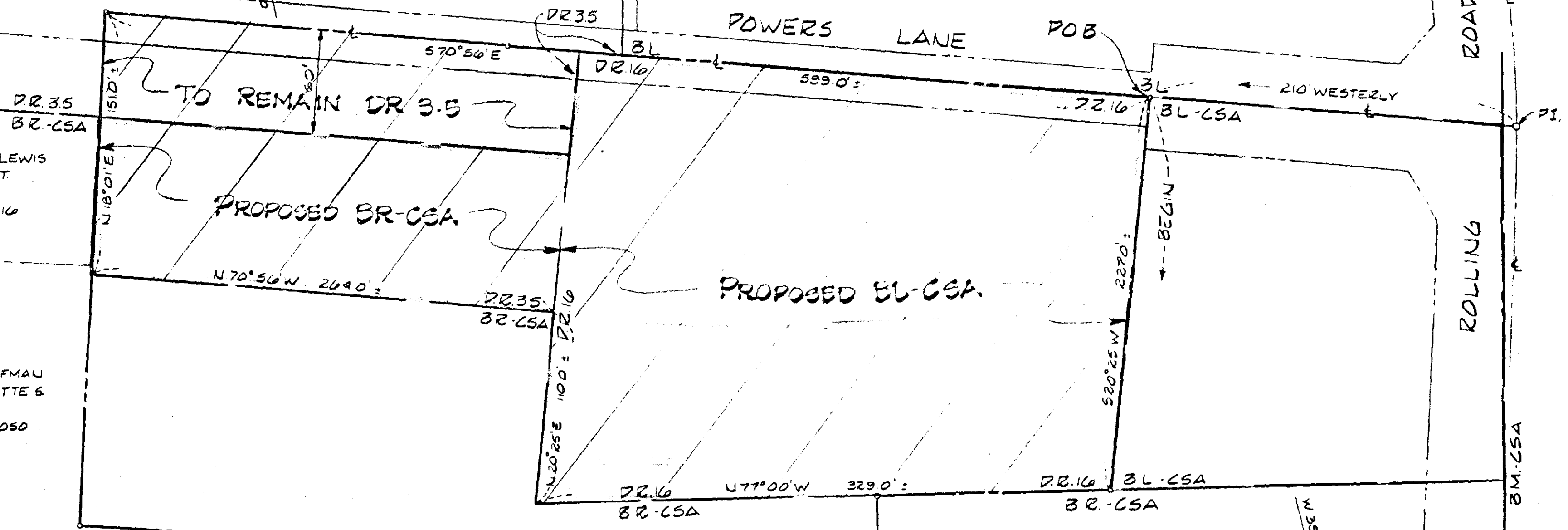


LOCATION MAP
SCALE 1"=2000'

CATONSVILLE CONGREGATION
OF JEHOVAH'S WITNESSES
EXISTING DR.35 01-03-001670

ROLLING ROAD PLAZA, INC.
410 STR REALTY, INC.
53.01/670 6727/435
01-02-470370 01-13-855240

EXISTING 3L



ROBERT P. LEWIS
& ANNE T.
19-00-012116

JOHN A. HOFFMAN
& BERNADETTE S.
4850/196
01-08-654050

AZCHWAY
MOTORS, INC.
4444/13
16-00-001942

CATON RADIO
& TELEVISION
SERVICE, INC.
6379/650
01-14-000380

GEORGE E. PAUL
& CAROL M.
5257/739
01-03-670031

SUN OIL COMPANY OF
PENNSYLVANIA
6009/704
01-12-400460

DOUBLE T DINER
THOMAS DOXANAS ET AL.
6116/157
01-19-640563

EXISTING 3R

PETITIONER:
CIRCUIT CITY STORES, INC.
2040 THABRO STREET
RICHMOND, VIRGINIA 23230
804-257-4244

PLAT TO ACCOMPANY A PETITION
FOR RECLASSIFICATION FROM DR.16
TO BL-CSA AND DR.3.5 TO BR-CSA

CIRCUIT CITY

BALTIMORE COUNTY, MD FEBRUARY 24, 1986
ELECTION DISTRICT #1 SCALE 1"=50'
PJ 5444

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120



