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

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

See attached.

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

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

Legal Owner(s): Roadside Realty, Inc. Contract Purchaser: By: Melvin Berger (Type or Print Name) City and State

Attorney for Petitioner: (Dype or Print Name)

She she from Ste. 200, 102 W. Penrisylvania Avenue Address , Towson, MD 21204

City and State Attorney's Telephone No.: 828-4442

BARC-Form 1

CHE \$/20/86

P.O. Box 15018, Baltimore, MG 21208

City and State

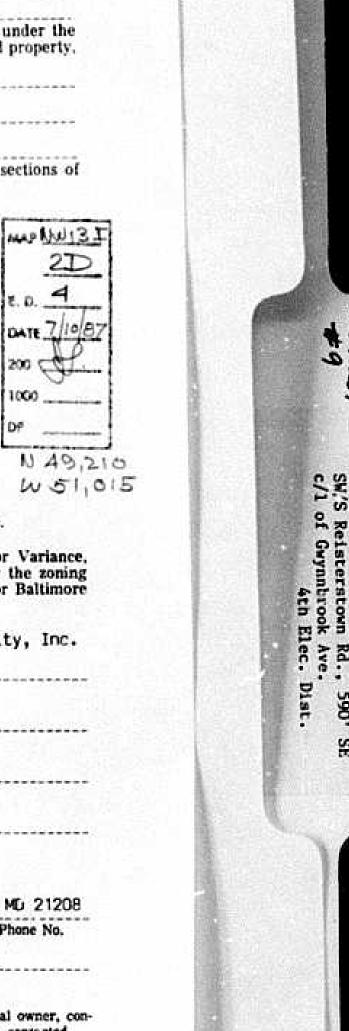
Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted

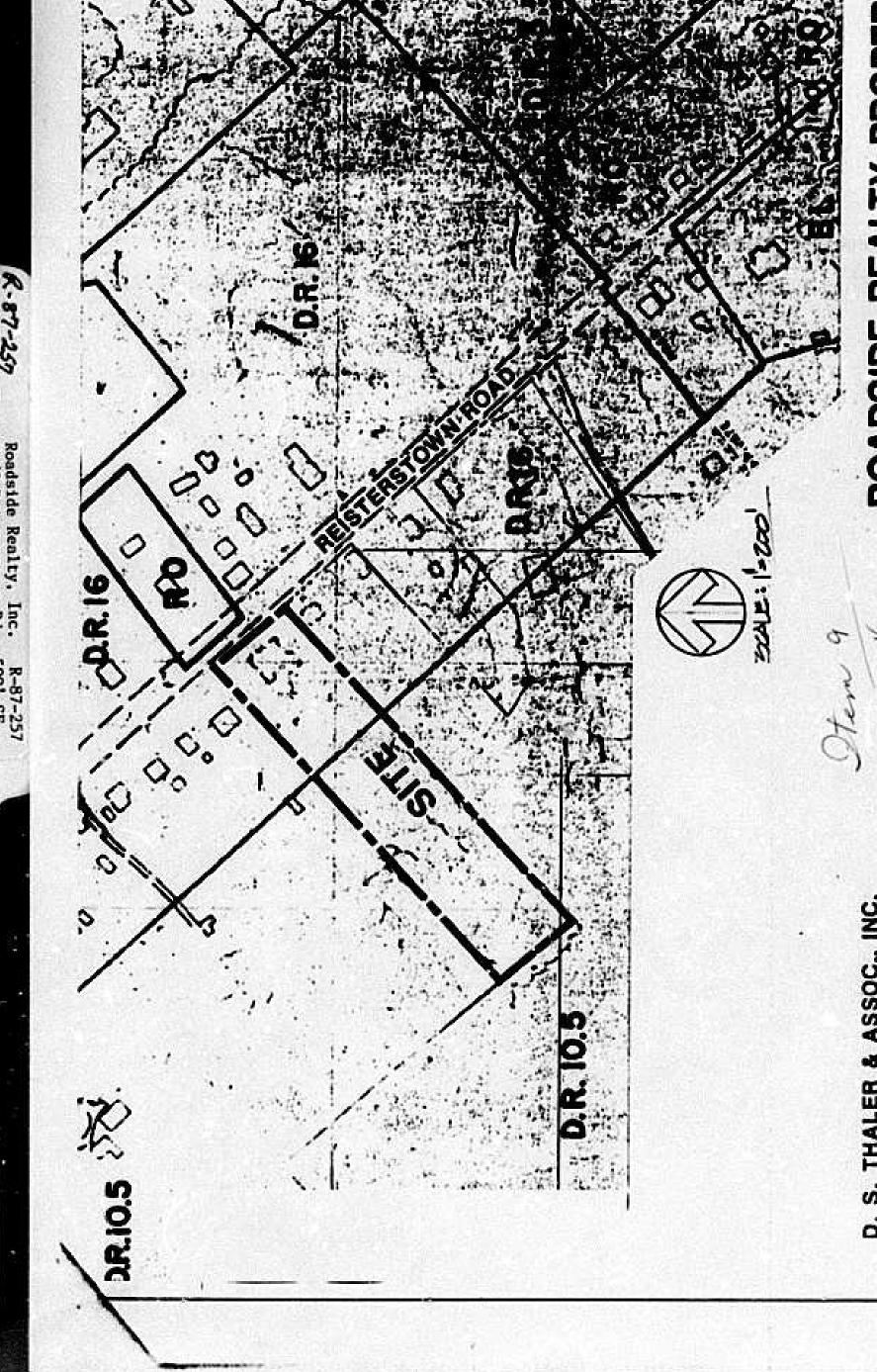
D.S. Thaler & Associates 484-4100

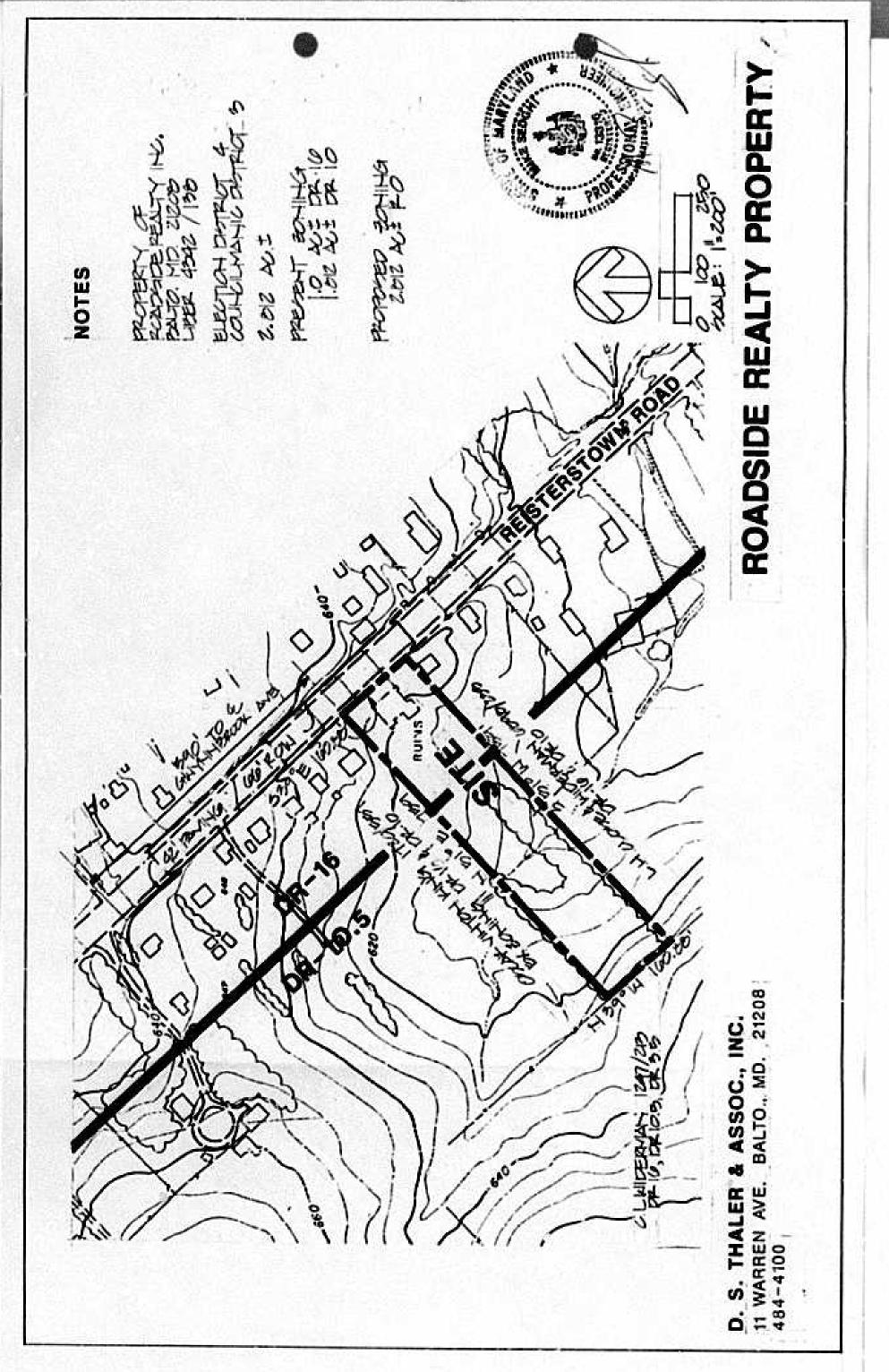
11 Warren Road, Baltimore, MD 21208

SignatureMelvin Berger

(Type or Print Name)







POINTS OF ERROR AND CHANGE

CONCERNING PROPERTY OF ROADSIDE REALTY, INC., Owner WEST SIDE REISTERSTOWN ROAD 590 FEET SOUTHEAST CENTERLINE OF GWYNBROOK AVENUE, 2.812 acres + -- FOURTH ELECTION DISTRICT

THE PETITIONER, Roadside Realty, Inc. (Owner) states that the County Council committed an error in classifying the subject property DR 16 & DR 10.5 and there are changes in the neighborhood supporting reclassification of the property to RO in that:

- 1. The property is zoned DR 16 and DR 10.5 and should have been classified in the RO zone.
- 2. There is insufficient RO zoning for offices in the area to adequately serve the community.
- 3. The DR 16 and DR 10.5 zoning placed on the property is not usable and is confiscatory in its application.
- 4. Due to the size, configuration, location and topography of the property, the DR 16 and DR 10.5 zones are confiscatory and do not recognize the potentials which the RO Zone allows to serve the community.
- 5. There are changes in the area which have created a demand for property zoned in the RO zoning classification which cannot be addressed by the current zoning DR 16 and DR 10.5.
- 6. The RO zone recognizes Master Plan objectives and the attendant opportunities presented by the growing and now developing commercial and other business uses and has available and adequate transportation, water supply and other public facilities compatible with the RO zone and character of the surrounding area.
- 7. The present zoning does not take into effect the relocation of Pleasant Hill Road and the opening of the Northwest Expressway I-75 M

BENJAMIN BRONSTEIN ATTORNEY AT LAW SUITE 200 IOZ WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

March 20, 1987

William Hackett, Chairman County Board of Appeals Room 219 Court House TG./Son, ND 21204

RE: Roadside Realty Property Case No. R-87-257

Dear Mr. Hackett:

Enclosed please Order of Dimissal to be filed in the above entitled matter. Thank you for your kind attention.

(301) 888 4442

Very truly yours, Dergumen Mohoku Benjamin Bronstein



County Board of Appeals of Baltimore County Room 200 Court House Comson, Maryland 2120-1 (301) 494-3180

June 2, 1987

Benjamin Bronstein, Esq. Suite 200, 102 W. Pennsylvania Ave. Towson, Maryland 21204

Dear Mr. Bronstein:

Re: Case No. R-87-257 Roadside Realty, Inc.

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled matter.

> Very truly yours, June Holmen, Secretary

Encl. cc: Roadside Realty, Inc. D. S. Thaler & Associates James Earl Kraft Phyllis C. Friedmap Norman E. Gerber James G. Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois

8. For such further and other reasons as may be disclosed upon more detailed review during the pendency of this Petition assigning error by the Council and change in the neighborhood. Respectfully submitted,

BENJAMIN BRONSTEIN

ROADSIDE REALTY, INC.

#R-87-257 Item #9, Cycle IV, 1986-87

SW/S Reisterstown Road, 590' SE c/l of Gwynnbrook Avenue

4th District 2.812 acres

August 28, 1986 Petition Filed

D.R.16 and D.R.10.5 to R.O.

Benjamin Bronstein, Esquire Counsel for Petitioner Suite 200, 102 W. Pennsylvania Ave. Towson, MD 21204

Roadside Realty, Inc. Melvin Berger P.O. Box 15018 Baltimore, MD 21208

Petitioner

D.S. Thaler & Associates 11 Warren Road Baltimore, MD 21208

Civil Ergineers

James Earl Kraft Baltimore County Board of Education 940 York Road 21204

Phyllis Cole Friedman, Esquire People's Counsel

Norman E. Gerber James G. Hoswel! Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois

CERTIFICATE OF POSTINA ZONNIO DEPARTMENT OF BALTIMORE COUNTY 1P-87-257

District Held	Date of Posting 3-18-67
Milleonfrest	<u></u>
Petitioner: Rossoide Ris	Rusterstein Roll 500 5 E J
Location of Signe: Class front	suffered property
	Date of return: 3-27-87
Posted by Al Signature	Date of return

BEFORE THE COUNTY IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM BOARD OF APPEALS D.R. 16 & D.R. 10.5 to R.O. ZONE SW/S Reisterstown Rd., 590' SE of C/L of Gwynnbrook Avenue OF BALTIMORE COUNTY 4th District * Case No. R-87-257 Item 9, Cycle IV ROADSIDE REALTY, INC., Petitioner ************

ORDER OF DISMISSAL

Please dismiss the Petition for Zoning Reclassification filed in the above entitled proceeding.

> Suite 200/ 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 828-4442 ATTORNEY FOR PETITIONER

I HEREBY CERTIFY that on this _26 day of March, 1987, a copy of the foregoing Order of Dismissal to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, at Room 223, Court House, Towson, MD 21204 and D.S. Thaler & Associates, 11 Warren Road, Baltimore, Maryland, 21208.

BEFORE

IN THE MATTER OF THE APPLICATION OF COUNTY BOARD OF APPEALS ROADSIDE REALTY, INC.

SE OF THE CENTER LINE OF GWYNNBROOK AVENUE BALTIMORE COUNTY FOR RECLASSIFICATION FROM

D.R. 16 and D.R. 10.5 to R.O. No. R-87-257 4th DISTRICT

ORDER OF DISMISSAL

Petition of Roadside Realty, Inc., for Reclassification from

D.R. 16 and D.R. 10.5 to R.O. zone on property located on e southwest side of Reisterstown Road, 590' southeast of the center line of Gwynnbrook Avenue, in the Fourth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of Appeal filed March 24, 1987 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the appeal filed on behalf of the said Petitioner be dismissed and withdrawn as of March 24, 1987.

IT IS HEREBY ORDERED this 2nd day of June , 1987, that said appeal be and the same is DISMISSED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

mount of the Lawpepee E. Schmidt, Acting Chairman

Patricia Phipps

CERTIFICATE OF PUBLICATION

TOWSCN, MD., ______March_19___, 1987

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 en March 1919.87

THE JEFFERSONIAN,

The County Sweet of Appeals for Ballmore County, by authority of the Baltmore County Charter, and hoad a public hearing To exclusely the property from a D.R. 16 and D.R. 10.5 Zone to an R.O. At that parcel of land in the 40 cake 500 lest coulteast of the co-terine of Gaynetetto Assum and then continuing the following four courses and discourse: 1. South 30" East 100 M best. 2. South 51" 75A.00 best. 3. North 30" 160.00 best.

LOCATION: Southwest Side of Rectargoon Road, 500 best South east of the Centerine of Geynatics

PLELIC HEARING Tuesday, Apr 2, 1987, at 10:00 a.m.

eving the property of Piceatoide Re-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 19 19 87

OWINGS MILLS TIMES.

Publisher

Maryland Department of Transportation

Hal Kassoff

November 5, 1986

Re: Baltimore County

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

Item #9

ATT: James Dyer October, 1986-April 1987 Zoning Reclassification Cycle IV

Property Owner: Roadside Realty, Inc. Location: SW/S Reisterstown Road (Route 140) 590' SE emeterline of Gwynnbrook Laisting Zoning: D.R. 15 and D.R. 10.5 Election District: 4th Acres: 2.812

Proposed Zoning: R.O.

Dear Mr. Hackett:

On review of the submittal and field investigation, the State Highway Administration offers the following comments for a proposed zoning change.

All commercial access to the site must be reviewed and approved by the S.H.A. -Bureau of Engineering Access Permits through S.H.A. Permit.

In addition, the developer must show a proposed 60' right-of-way (40' half section) for Reisterstown Road, Maryland Route 140.

It is requested the site plan be revised prior to a hearing date being set.

very truly yours,

Charles Lee, Chief Bureau of Engr. Access Permits

by: George Wittman

CL-GW:ea

cc: J. Ogla

My telephone number is 301-333-k350 Teletypewriter for Impaired Hearing or Speech 36.2 25.45 Baltimore Metro — 565 0451 D.C. Metro — 1-800 492 5062 Statewide Toll cive P.O. Box 717 / 207 North Calvert St., Baltimore, Maryland 21203 - 0717

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

STEPHEN E. COLLINS

December 10, 1986

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

> Item No. 9 Cycle IV Property Owner: Roadside Realty Location: "eisterstown Road

Dear Mr. Hackett:

It is recommended that all access to this site be by way of the future 24 ft. access road proposed as part of the Pleasant Hills Development. Several offsite properties are involved in this road extension so that it may not be extended to this site in the near future. A representative of the State Highway Administration's Bureau of Engineering Access Permits has indicated to this department that there is limited sight distance along the Reisterstown Road frontage because of a crest just north of this site. It is, therefore, recommended that no access be permitted to Reisterstown Road as a condition of any R.O. zoning granted to the property.

The projected trip generation for the existing zoning is 285 trips/day, and the projected trip generation for the proposed zoning is 1210 trips/day.

Very truly yours,

For C. Richard Moore Deputy Director

CRM:GMJ:1t

: BEFORE THE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

Case No. R-87-257 (Item 9, Cycle IV) ROADSIDE REALTY, INC., Petitioner

111111 ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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 People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 5th day of February, 1987, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and D. S. Thaler & Associates, Il Warren Rd., Baltimore, MD 21208, who requested notification.

Benjamin Bronstein, Esquire Suite 200 102 West Pennsylvania Avenue Towson, Maryland 21204

March 3, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION SW/S of Reisterstown Rd., 590' SE of the c/1 of Gwynnbrook Ave. 4th Election District Roadside Realty, Inc. - Petitioner Case No. R-87-257

10:00 a.m. Tuesday, April 7, 1987 DATE:

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND Hackett, Chairman CHANG OF . MIE - MENERULE DANGED ard of Appeals ZONING OFFICE FOR ADVERTISING AND Y A WEEK BEFORE THE HEARING. THE HE ZONING OFFICE ON THE DAY OF THE

MENTEN BENJAMIN BROWSTEIN, ES

9138***** 13000:a 3298F

FILLING FEE FOR RECEASIFICATION

ROADS SE REGETY , THE - PETITIONER VALIDATION OF CAPHIER

Thaler & Associates

timore, Maryland 21208

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

ARNOLD JADLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

March 26, 1987

Renjamin Bronstein, Esquire Suite 200 102 West Pennsylvania Avenue Towson, Maryland 21204

> RE: PETITION FOR ZONING RECLASSIFICATION SW/S of Reisterstown Rd., 590' SE of the c/1 of Gwyn brook Ave. 4th Election District - 3rd Councilmanic District Roadside Realty, Inc. - Petitioner Case No. R-87-257

Dear Mr. Bronstein:

We acknowledge receipt of your request to dismiss the above-entitled zoning reclassification case. Your client is liable to the Zoning Office for advertising and posting costs in connection with this case. Before the Board of Appeals will issue its Order of Dismissal concerning this matter, it will be necessary for your client to send us a check for \$260.28, payable to "Baltimore County, Maryland", to cover these costs. Please remit the check to the attention of Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. Also, we request that your client please return the sign

and post posted on the property to the Zoning Office. Thank you for your cooperation in this matter.

Zoning Commissioner

AJ:med

Chairman, Board of Appears for Baltimore County

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD - BALTIMORE, MARYLAND 21208 - (201) 484-4160

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION PROPERTY OF ROADSIDE REALTY

Beginning at point on the west side of Reisterstown Road, said point located 590 feet southeast of the centerline of Gwynnbrook Avenue and then continuing the following four courses and distances

- 1. South 39" East 160.88 feet;
- South 51 West 759.00 feet;
- 3. North 39 West 160.88 feet;
- 4. North 51 East 759.00 feet to the place of beginning.

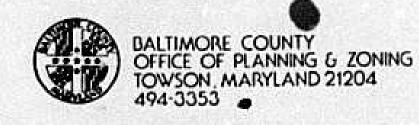
Prepared by: D.S. Thaler & Associates, Inc.

Date:

August 14, 1986



CIVIL ENGINEERS - SITE PLANNERS - SURVEYORS - LANDSCAPE ARCHITECTS



ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

April 14, 1987

Benjamin Bronstein, Esquire Suite 200 102 West Pennsylvania Avenue Towson, Maryland 21204

> RE: PETITION FOR ZONING RECLASSIFICATION SW/S of Reisterstown Rd., 590' SE of the c/1 of Gwynnbrook Ave. 4th Election District - 3rd Councilmanic District Roadside Realty, Inc. - Petitioner Case No. R-87-257

Dear Mr. Bronstein:
This is to advise you that _______is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204.

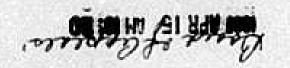
Very truly yours,

Zoning Commissioner

AJ:med

c.c. VMr. William T. Hackett

Board of Appeals for Baltimore County



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

Arnold Jablon Zining Commissioner

May 11, 1987



Mr. Melvin Berger Roadside Realty, Inc. P.O. Box 15018 Baltimore, Maryland 21208

RE: PETITION FOR ZONING RECLASSIFICATION SW/S Reisterstown Rd., 590' SE of the c/1 of Gwynnbrook Ave. 4th Election District - 3rd Councilmanic District \ \V Roadside Realty, Inc. - Petitioner Case No. R-87-257

Dear Mr. Berger:

A review of our records reveals that Roadside Realty, Inc., the Petitioner, has not reimbursed the Zoning Office for advertising and posting costs which it has expended regarding this case. Please have a check issued in the amount of \$260.28, payable to "Baltimore County, Maryland", and remit same to the attention of Miss Margaret E. du Bois, Zoning Office, Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

Failure on your part to do this will result in my being forced to refer this matter to the Baltimore County Office of Law for collection.

Zoning Commissioner

AJ:med

c.c. Benjamin Bronstein, Esquire

bl. c.c. Mr. William T. Hackett, Chairman County Board of Appeals

PETITION FOR RECLASSIFICATION

Case No. R-87-257

LOCATION:

Southwest Side of Reisterstown Road, 590 feet Southeast of the Centerline of Gwynnbrook Avenue

Tuesday, April 7, 1987, 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:

To reclassify the property from a D.R. 16 and D.R. 10.5 Zone to an R.O. Zone

All that parcel of land in the 4th Election District of Baltimore County

Beginning at point on the west side of Reisterstown Road, said point located 590 leet southeast of the centerline of Gwynnbrook Avenue and then continuing the following four courses and distances:

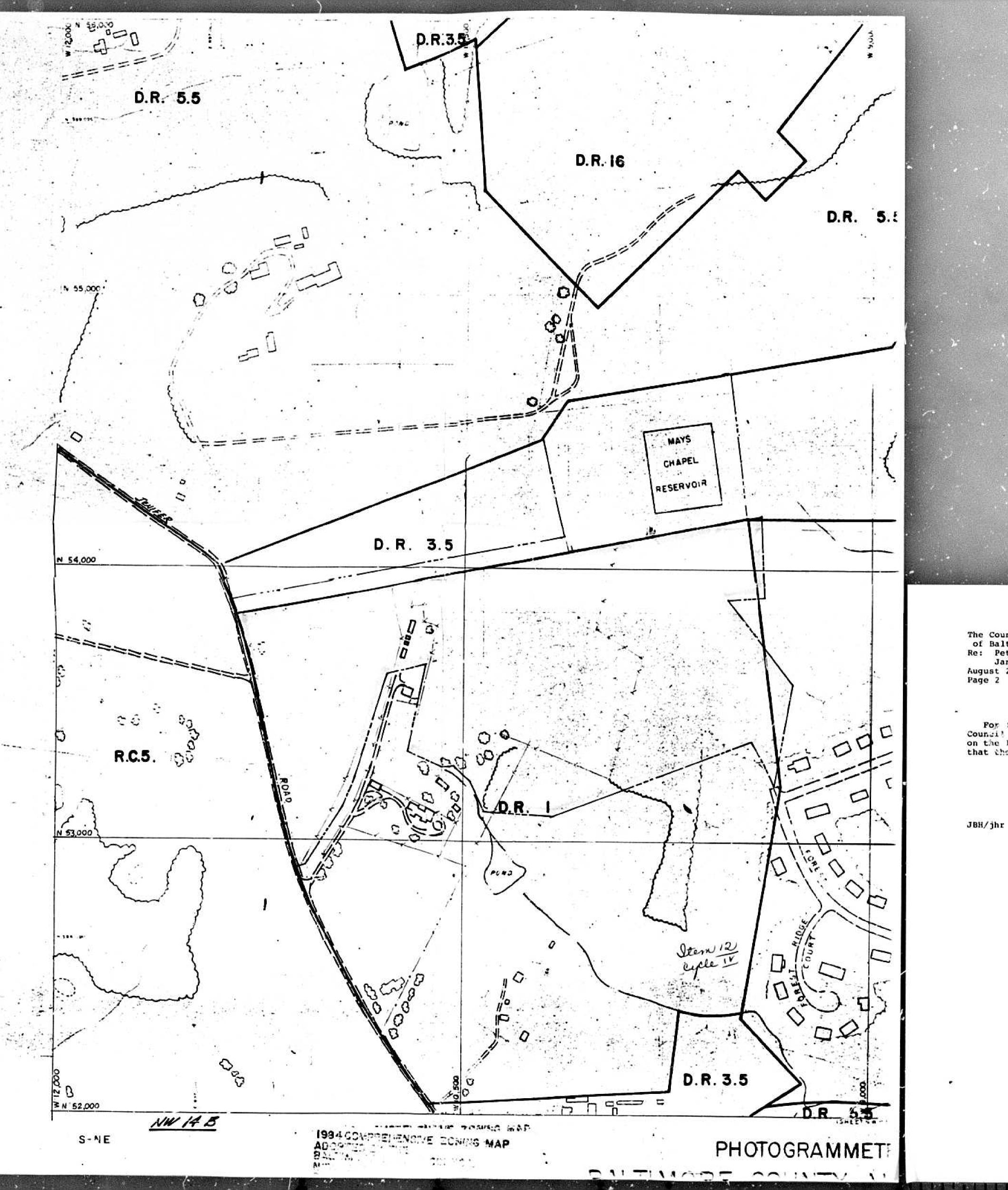
- 1. South 39 East 160.88 feet;
- 2. South 51 West 759.00 feet;
- North 39 West 160.88 feet;
- 4. North 51 East 759.00 feet to the place of beginning.

Being the property of Roadside Realty, Inc. as shown on the plat plan filed with the Zoning Department.

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

No. 35877 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCZ - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-01-515-000 AMOUNT \$ 260.78 Mr. B. J. Fumpian, c/o Mr. Melvin Berger, Balto., Md. 27,20d VERTISING & PURTING COSTS RE CASS #R-87-257 B 0055=****28026:a 2024F

VALIBATION OR SIGNATURE OF CASHIER



The County Board of Appeals
of Baltimore County
Re: Petition for Reclassification
Jane I. Purinton, Petitioner
August 27, 1986
Page 2

For the foregoing reasons it is submitted that the County Council erred in not reclassifying this property to D.R.5.5 on the 1984 Comprehensive Map and it is respectfully requested that the Petition for Reclassification be granted.

Yours truly,

LAW OFFICES

COOK, HOWARD, DOWNES & TRACY

TOWSON, MARYLAND 214U4

	SECRET - 91150.03 2		
JOHN B. HOMERS	CONSTRUCT A MODRIA 14		JAMES D. C. DOWN
MANYS F. DOWNER	PORTAL MOTTHER		(1976 1979)
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JOSEPH C MCH. JA	CAPACITY BALLOGIT DO	August 27, 1986	TELEPHONE
	Africa a bactor	Continues a service access	(30) 623 404
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THE CONTRACT WATER AND THE PARTY OF			(301) 621 0147

The County Board of Appeals of Baltimore County
Roca 200
Old Court House
Towson, Maryland 21204

Towson, Maryland 21204

Re: Petition for Reclassification
Property located 310 ft. southeast of the corner
of Jenifer and Chatterton Road
Existing Zoning D.R.1 and D.R.2
Requested Zoning: D.R.5.5
Jane I. Purinton, Petitioner

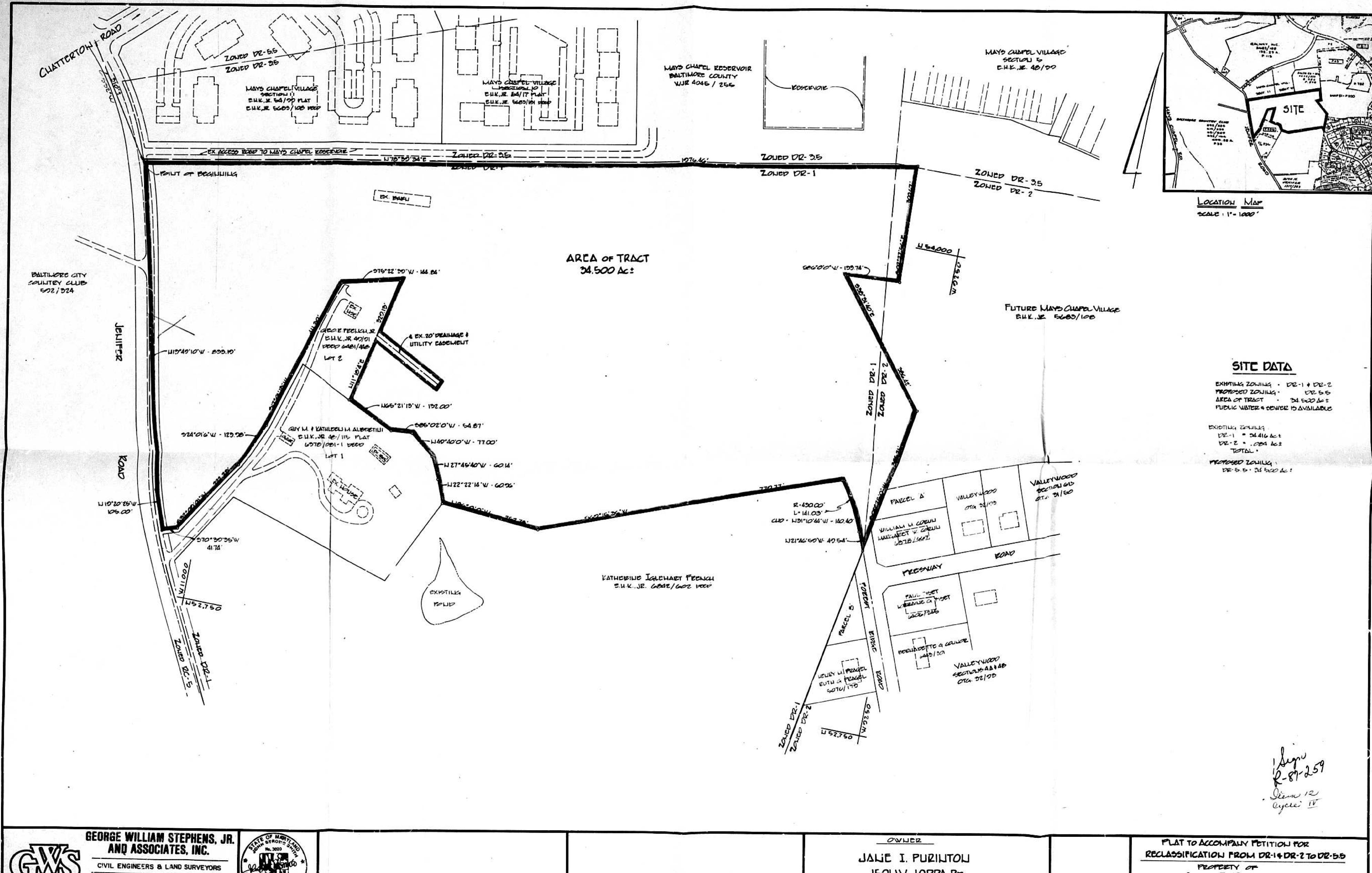
Dear Board Members:

This firm represents Jane Furinton in her request to reclassify approximately 34% acres of property from D.R.1 (and a small portion of D.R.2) to D.R.5.5 located on the east side of Jenifer Road just south of the intersection of Chatterton and Jenifer Roads.

A review of the 200 and 1,000 scale zoning maps shows that the Purinton property is located approximately in the middle of development at higher densities along Jenifer Road from Timonium Road on the south and northerly to Padonia Road.

To leave the present D.R.l and D.R.2 zoning classifications on this property while allowing for much higher density development along almost all of the remaining property on the west side of Jenifer Road was, it is submitted, error on the part of the County Council. No planning objective could possibly be served as the property clearly cannot be utilized for D.R.l development.

Petitioner further submits that had the subject of this reclassification petition been raised on the 1984 Comprehensive Map, Council surely would have realized that sound planning principles dictated that this property be rezoned from D.R.1 and D.R.2 to D.R.5.5.



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



1501 W. JOPPA RD. TOWSON, MARYLAND ZIZON 823-5176

JAHE I. PURILITON

8TH ELECTION DISTRICT - BALTIMORE CO. MARYLAND SCALE: 1"-100" DATE: JULY ,1986