IN THE MATTER OF THE APPLICATION OF JOHN J. SCHUSTER, JR., AND DIANE K. SCHUSTER -PETITIONERS FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTHEAST SIDE U.S. ROUTE 140, APPROXIMATELY 190' NW OF CENTERLINE WOLF AVENUE (112 WESTMINSTER PIKE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-98-54 (Out of Cycle)

* * * * * * * * * *

O P I N I O N

This case comes as a Petition for Reclassification pursuant to Baltimore County Code Section 2-356(i) in which the instant petition comes exempt from the cyclical procedures. The matter was heard in a single day of testimony and was deliberated in open session following the actual hearing.

Appearing for the Petitioner was Michael Paul Smith, Esquire; and participating in the proceeding was Peter Max Zimmerman, People's Counsel for Baltimore County. Testimony was limited in the Petitioner's case which consisted of testimony brought by Jeffrey Long of the Baltimore County Office of Planning, who testified at length concerning the reclassification petition.

The instant site is located along Westminster Pike, which is a major arterial roadway in Baltimore County. It is presently surrounded by a number of commercially zoned properties. The site itself contains approximately 5.7437 (+/-) acres and is currently zoned B.L., improved with a single-family, detached dwelling, plus several other accessory structures. Mr. Long testified that on June 5, 1997 the Baltimore County Planning Board had voted in accordance with Section 2-356(i) of the Baltimore County Code to

certify to the County Council that early action on the petition for zoning reclassification of the subject property was manifestly required. Subsequently, on July 7, 1997, the Baltimore County Council unanimously passed a resolution approving the Planning Board's certification. Thereafter, on September 22, 1997, Arnold "Pat" Keller, Baltimore County Planning Director, submitted a copy of the report of the Office of Planning to the Chairman of the Baltimore County Board of Appeals.

Mr. Long testified at length concerning the site and why the Office of Planning considered the County Council to be in error when the B.L. zone was applied to the site as part of the 1996 Comprehensive Zoning Map Process. He indicated that adjacent properties to the north were zoned D.R. 3.5 (unimproved properties), to the south, R.O. (single-family detached dwellings), to the east, R.O. (single-family detached dwellings), and to the west, M.L.R. (unimproved properties). He also stated that the site is currently serviced by public water and sewerage.

Mr. Long explained that regulations relative to Section 253 of the Baltimore County Zoning Regulations (BCZR) govern the M.L. zone. The M.L. zone itself allows "light manufacturing" uses, and transportation, storage or other quasi-public uses or utilities, and other industrial, quasi-industrial, transportation, storage, or quasi-public uses of utilities by special exception. These uses generally are limited by area regulations which specify that no building erected on a lot which abuts a residential zone can exceed

a height of 40 feet or three stories if any part of any such building is within 100 feet of the boundary line of such a residence or business zone. Since the property in question is within 100 feet of a residential zone boundary, the required setbacks are the same as those required in the M.R. zone; that is, 75 feet from front building line to front property line; 50 feet side yard property line; and 50 feet to rear yard property line.

Mr. Long also opined as to the regulations governing the B.L. zone which are to be found in Section 230 of the BCZR. The B.L. zone does permit a wide range of uses in addition to those uses permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density generally is limited by parking requirements and economic constraints. Building height is limited by the height tent regulations; setbacks include front yards not less than 10 feet or not less than 40 feet from the center line of the street, except as specified in Section 303.2 of the BCZR. No setback is required for rear or side yards, except for lots abutting a residential zone.

Mr. Long testified that Westminster Pike at the present time has more than sufficient commercial zoning to accommodate existing uses and to provide additional opportunities for future retail and service-related use expansion. Additionally, if the M.L. zone designation was granted, it would be in a more consistent zoning pattern with the parcel immediately adjacent, presently zoned

M.L.R. It was also the belief of the Planning Office that the present configuration of the site renders a potential use to encourage improvement of the property with other commercial uses which could not be available to the same extent as development under the M.L. classification.

Mr. Long also stated that a reclassification would present an excellent opportunity to safeguard the surrounding community; and that the county planner for the area was in total agreement with the classification proposal.

Taking into consideration the overall zoning history of the site, and a Master Plan concept, it was the Planning Office's opinion that the County Council was in error when the B.L. zone was applied to the subject property as part of the 1996 Comprehensive Zoning Map Process.

It should be noted that the Board's file does not reflect any evidence of protest relative to the Petition for Reclassification; and, also, at the time of the hearing, no protestants were at the hearing. Mr. Zimmerman introduced a number of exhibits (People's Counsel's Exhibit 1 through 8) and stated that, while People's Counsel was charged with the responsibility of defending the zoning maps, essentially, the Office of People's Counsel was in concurrence that the site should be reclassified to M.L.; and would not strenuously object to the reclassification.

Based upon the testimony of Mr. Long, and the evidence submitted by People's Counsel, this Board concludes that the

Baltimore County Council did err in applying the B.L. zoning classification as part of the 1996 Comprehensive Zoning Map Process. In People's Counsel v. A.V. Williams, 45 Md.App. 618: "Error can be established by showing that at the time of the comprehensive zoning, the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable for fruition in the future, so that the Council's action was premised initially on misapprehension....Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect."

This Board is convinced that the prospective reclassification of the property is warranted in that the Board concludes that the testimony and evidence overwhelmingly demonstrates that the appropriate zoning of the property is M.L. rather than the current B.L. classification. The Board also finds that present and proposed transportation, water supply, sewerage, solid waste disposal, schools, recreational and other facilities are adequate and available for possible uses under the proposed reclassification; and, further, that possible uses under the proposed classification are compatible with the surrounding community; that the proposed classification is consistent with the current and prospective classifications within the Master Plan, the County plan for sewerage and water supply facility, and the capital program. Finally, the Board concurs with the recommendation of the

Office of Planning by identifying this property for use as it is proposed.

Therefore, for all of the above reasons, the Board will grant the Petition for Reclassification and will so order.

O R D E R

IT IS THEREFORE, this 4th day of November, 1997 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from B.L. to M.L. be and is hereby **GRANTED**

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Acting Chairman

Thomas P. Melvin

Margaret Worrall

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

November 4, 1997

Michael Paul Smith, Esquire
BODIE, NAGLE, DOLINA,
SMITH & HOBBS, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. R-98-54 /John J. Schuster, Jr., and Diane E. Schuster -Petitioners

Dear Mr. Smith:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosure

cc: John J. and Diane E. Schuster
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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R-98-54

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the Property at 112 Westminster Pike, Reisterstown, MD 21136

This Petition shall be filed with the Department of Permits & Development Management

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 reclassified, pursuant to the Zoning Law of Baltimore County, from an BL zone to an ML zone, for the reasons given in the attached and (2) for a Special Exception under the 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 Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

Michael Paul Smith, Esquire

(Type or Print Name)

Signature

143 Main Street 410-833-1221

Address Phone No.

Reisterstown MD 21136

City State Zip Code

Legal Owner(s):

John J. Schuster, Jr.

(Type or Print Name)

John J. Schuster, Jr.

Signature

Diane E. Schuster

(Type or Print Name)

Diane E. Schuster

Signature

112 Westminster Pike (410) 833-5484

Address Phone No.

Reisterstown MD 21136

City State Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next TWO Months

ALL OTHER

REVIEWED BY: WCR/CAM DATE 8-8-97

Revised 9/5/95

R-98-54

BRIEF SUPPORTING RECLASSICATION

The petitioner's property is located along Westminister Pike, a principle arterial roadway in Baltimore County which is bounded by numerous commercially zoned properties. Westminister Pike, in and around the vicinity of the subject property, currently has a significant amount of commercial zoning to accommodate existing uses and provide opportunities for reasonable future commercial expansion. These factors indicate that the BL zoning which was applied to the petitioner's property as part of the 1996 Comprehensive Zoning Map process was not necessary in terms of augmenting potential commercial commercial expansion along this portion of Westminister Pike. Additionally, the property is bounded by MLR to the west; therefore, application of manufacturing zoning to the applicant's property would be a logical extension of compatible zoning and would result in a more orderly development pattern along this principle arterial, which has direct access to I 795 to the west and Reisterstown Road to the east. In light of the aforementioned and other factors associated with the subject property which will be addressed at the public hearing concerning the matter, the petitioner believes that the subject property's BL zoning is in error based in consideration of the purposes of the zoning regulations and maps, including but not limited to all of the following: population trends; availability and adequacy of present and proposed transportation facilities, water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area, consistency of the current prospective classification

with the master plan, the County plan for water and sewer supply facilities and the capital program.

R-98-54

A. L. Snyder
Surveyor
1911 Hanover Pike
Hampstead, Maryland 21074

(301)239-7744 (301)833-5791

Certificate of Survey

September 3, 1985

all that lot or parcel of ground situate lying and being in the Fourth Election District of Baltimore County Maryland, on the northeast side of The Westminster Pike (U. S. Rte. 140) and which is more particularly described as follows:

Beginning for the same at a steel pin now set in the northeastern right of way line of the Westminster Pike (U.S. Rte. 140) in the fifth or S $46\frac{1}{4}^{\circ}$ W 51 2/10 perches line of that parcel of land which was conveyed by Murray E. Shreeve to Charles Edward Feltzer by deed dated February 1, 1941, and recorded among the Land Records of Baltimore County Maryland in Liber C.W.B., Jr. 1148 folio 175 etc., said point being distant 33.19 feet from the end thereof and being also in the northwestern boundary of Lot One of the Jacob Wolf Subdivision recorded among the said Land Records in Liber W.P.C. 338 folio 556 etc., thence with the northeastern right of way line of Westminster Pike as shown on State Roads Commission of Maryland Plat No. 4852

1.) N 48° 22' 00" W 317.62 feet to a steel pin now set in the southeastern boundary of the land belonging to The William H. Smith Co., Inc. (G.L.B. 2969 folio 380 etc.), thence bounding thereon

2.) N 47° 49' 39" E 720.86 feet to a steel pin now set in the third or S 77° 21' E 357.5 feet line of that parcel of land which was conveyed by Jacob W. Wolf and Sarah A. Wolf, his wife, to Samuel Adams and Mary Jane Adams, his wife, by

deed dated May 31, 1916, and recorded among the Land Records of Baltimore County Maryland, in Liber W.P.C. 463 folio 33 etc., (now the lands of Virginia L. Wiley - E.H.K.,Jr. 6366 folio 438 etc., from Virginia L. Wiley personal representative of the estate of Wilbur W. Wiley, deceased), thence running with and binding on the third and fourth lines thereof the following two courses and distances

3.) S 77° 18' 45" E 214.50 feet to a steel pin now set, thence

4.) S 44° 29' 27" E 70.12 feet to a steel pin now set at the end of the third or S 14° 20' W 77 feet 6 inches line of that lot of ground which was conveyed by Gertrude S. Peltzer to John D. Spangler and Olive R. Spangler, his wife, by deed dated February 15, 1956, and recorded among the said Land Records in Liber G.L.B. 2876 folio 63 etc., said point being also the beginning of the third or S 40° 26' E 150 feet line of that lot of ground which was conveyed by Meriam M. Boone and Harry F. Boone, her husband, to Raymond L. Long, Sr. and Dorothy M. Long, his wife, by deed dated October 11, 1982, and recorded among the said Land Records in Liber E.H.K., Jr. 6444 folio 841 etc., thence running with and binding on a part of the said third line

5.) S 41° 06' 57" E 69.30 feet to a steel pin now set at the northeast corner of Lot Eleven as shown on the plat of "Jacob W. Wolf's Subdivision", recorded among the said Land Records in Liber W.P.C. 338 folio 556 etc., thence with the northwestern boundary thereof and Lots 11, 10, 9,8,7,6,5 and 1

6.) S 47° 45' 33" W 811.61 feet passing 0.28 feet north-

westerly from a tall pipe heretofore set at 142.89 feet and through a stone heretofore set at 539.02 feet to the place of beginning.

Containing 5.7437 acres of land more or less.

Subject to the easement area as shown on the attached plat, which easement is shown on State Roads Commission of Maryland Plat No. 4852.

Being the same parcel of land which was conveyed by Murray E. Shreeve, widower to Charles Edward Peltzer, by deed dated February 1, 1941, and recorded among the Land Records of Baltimore County Maryland in Liber C.W.B.,Jr. 1148 folio 175 etc., Saving and excepting that parcel of land which was conveyed by C. Edward Peltzer, Gwynn Nelson et al to the State Roads Commission of Maryland by deed dated January 7, 1942, and recorded among the said Land Records in Liber C.H.K. 1257 folio 53 etc.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
REGISTERED
PROPERTY LINE SURVEYOR

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044401

DATE 9/17/97 ACCOUNT R001-6150

AMOUNT $ 2.00

RECEIVED FROM:

FOR: Copies

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
9/17/1997 9/17/1997 10:14:02
REG W304 CASHIER LSMI LXS DRAWER 4
5 MISCELLANEOUS CASH RECEIPT
Receipt # 020439 OFLN
CR NO. 044401
2.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

GGS

No fee for reclass or sign per AJ.

Please have Dave make up sign for posting.

Sophia
8/12/97

Kathi -

Jeff Long is revising plan. The list below needs to be added to the plan

Sophia

- DISTANCE TO NEAREST INTERSECTING STREET
- NAME ADDRESS
- TELEPHONE #
- INDICATE NOT IN CHESAPEAKE CRITICAL AREA
- NOT IN 100yr FLOOD ZONE

R-98-54

CERTIFICATE OF POSTING

Post 1/16

RE: Case No.: R-98-54

Petitioner/Developer: _____

_____

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 112 WESTMINSTER PIKE

The sign(s) were posted on 9-5-97
(Month, Day, Year)

Sincerely,

Dennis Rinux
(Signature of Sign Poster and Date)

DENNIS RINUX
(Printed Name)

111 W. CHESAPEAKE AVE
(Address)

TOWSON MD 21204
(City, State, Zip Code)

887-3351
(Telephone Number)

9/96
cert.doc

TO: PATUXENT PUBLISHING
FOR: 8/21/97 Issue- Jeffersonian

Please forward billing to:

Michael Paul Smith, Esq.
143 Main Street
Reisterstownl, MD 21136
410-833-1221

NOTICE OF HEARING

CASE NUMBER: R-98-54
112 Westminster Pike
NE/S U.S. Route 140, approximately 190' NW of c/l Wolf Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): John J. Schuster, Jr. and Diane E. Schuster

Petition to reclass property's zoning from B.L. to M.L.

HEARING: WEDNESDAY, OCTOBER 1, 1997 at 1:00 p.m., Room 48 Old Courthouse, 400 Washington Avenue, Towson, Maryland.

KRISTINE K. HOWANSKI, CHAIRMAN
COUNTY BOARD OF APPEALS

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 12, 1997

NOTICE OF HEARING

CASE NUMBER: R-98-54
112 Westminster Pike
NE/S U.S. Route 140, approximately 190' NW of c/l Wolf Avenue
4th Election District - 3rd Councilmanic
Legal Owner(s): John J. Schuster, Jr. and Diane E. Schuster

Petition to reclass property's zoning from B.L. to M.L.

HEARING: WEDNESDAY, OCTOBER 1, 1997 at 1:00 p.m., Room 48 Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Kristine K. Howanski

KRISTINE K. HOWANSKI, CHAIRMAN
COUNTY BOARD OF APPEALS

KKH:ggs

cc: John and Diane Schuster
Michael Paul Smith, Esq.

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR ZONING RECLASSIFICATION 112 Westminster Pike, NE/S U.S. Route 140, appx. 190 feet NW of c/l Wolf Avenue 4th Election District, 3rd Councilmanic John J. & Diane E. Schuster, Jr. Petitioners	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. R-98-54

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
COUNTY BOARD OF APPEALS
97 AUG 19 PM 1:41

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esq., 143 Main Street, Reisterstown, MD 21136, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

August 19, 1997

Ms Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson MD 21204

RE: Baltimore County
Item No. 54
Case #R-98-54
Shuster Property
NE/S US 140
190' west of Wolf Avenue
Mile Post 10.15

Dear Ms. Eubanks:

We have reviewed the referenced case and we have no objection to approval, of the rezoning request.

However, we will require the owner to obtain an access permit through this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

a. Nine (9) copies of the site plan showing the SHA requirements.
b. Completed application.
c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only**) in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection**).
c. An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.
e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

My telephone number is 410-545-5603 (Fax# 410-209-5026)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG/eu

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug 14, 97

FROM: R. Bruce Seeley RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 18, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 54

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUG 19 1997

August 14, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: John J. Schuster, Jr. & Diane E. Schuster

Location: DISTRIBUTION MEETING OF August 18, 1997

Item No.: R-98-54 Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: August 29, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for September 2, 1997
Item No. 054 (Out-of-Cycle
Reclassification)

The Development Plans Review Division has reviewed the subject zoning item. Site is subject to Development Regulations of Baltimore County.

RWB:HJO:jrb

cc: File

ZONE902.054

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

TO: Baltimore County Planning Board

DATE: May 20, 1997

FROM: Arnold F. "Pat" Keller, III

SUBJECT: Schuster Property
Map 48 Parcel 702
5.7 +/- Acre Parcel located
located on the north
side of Westminister Pike,
250 feet west of Wolf Avenue

The attached letter from John J. Schuster, Jr., requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property from BL to ML.

Section 2-356(I) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, we recommend to the Board that certification for early action upon this zoning reclassification petition is required.

Arnold F. "Pat" Keller, III

AFK:JL

Attachmentr

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on Recycled Paper

Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

June 6, 1997

Hon. Joseph Bartenfelder
Chairman, Baltimore County Council
County Courthouse
Towson, MD 21204

Re: Certification on Reclassification Petition - Schuster Property

Dear Councilman Bartenfelder:

At a regularly scheduled meeting on June 5, 1997, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the John J. Schuster, Jr. property on Westminster Pike is manifestly required.

Enclosed is the report on this matter by the Office of Planning, as accepted by the Planning Board. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Secretary

AFK/TD/rlh

Enclosure

cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
Virginia W. Barnhart, County Attorney
Patrick Roddy, Assistant County Attorney
Robert J. Barrett, Spec. Asst. to the Co. Executive
Robert O. Schuetz, Chairman, Board of Appeals
Arnold Jablon, Director, Permits & Development Management
Peter Max Zimmerman, People's Counsel
John J. Schuster, Jr., Petitioner

RECLSCER.DOC

97 JUN 11 AM 7:56
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COUNTY BOARD OF APPEALS

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Poss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** August 21, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File:
R-98-54 /John J. Schuster, Jr. & Diane E. Schuster
(Out-of-Cycle)

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. R-98-54)

JOHN J. SCHUSTER, JR. & DIANE E. SCHUSTER — R-98-54
NE/s U.S. Route 140, approximately — (Out-of-Cycle)
190' NW of c/l Wolf Avenue
(112 Westminster Pike) — 4th Election District
3rd Councilmanic District

From B.L. to M.L. / 5.7437 +/- acres

June 5, 1997	Planning Board Meeting and recommendation for early action.
July 7	Approved by County Council.
August 8	Petition for Reclassification filed by Michael Paul Smith, Esquire, on behalf of John J. Schuster, Jr., and Diane E. Schuster, Petitioners.

---

* Michael Paul Smith, Esquire — Counsel for Petitioners
BODIE, NAGLE, DOLINA,
SMITH & HOBBS, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

John J. and Diane E. Schuster — Petitioners
112 Westminster Pike
Reisterstown, MD 21136

James Earl Kraft /Bd of Education

People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

3rd /B. McIntire

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:		John J. Schuster, Jr. -Petitioner Case No. R-98-54 (out of cycle)	
DATE	:	October 1, 1997 /at conclusion of hearing	
BOARD /PANEL	:	Charles L. Marks Thomas P. Melvin Margaret Worrall	(CLM) (TPM) (MW)
SECRETARY	:	Kathleen C. Bianco Administrator	

Those present included Counsel for Petitioner and People's Counsel for Baltimore County.

PURPOSE --to deliberate issues in Case No. R-98-54, out of cycle Petition for Reclassification.

CLM: In accordance with the public meeting laws, the Board will now deliberate the matter which was the subject of the hearing a few minutes ago.

The Baltimore County regulations do permit a vehicle for a Petitioner to seek reclassification of property through proof of error or mistake on the part of the County Council, or change in the character of a neighborhood since the last comprehensive maps.

In the case just here, based upon my review of the file and expert testimony of Mr. Long, and the evidence produced before the Board at the hearing, it is evident, at least to me, that the County Council did err in B.L, based upon Mr. Long's comprehensive testimony, by reason of the subject site's size, configuration, setback problems, etc., that M.L. is deemed more appropriate for this site of 5+ acres.

As Mr. Zimmerman has explained, the People's Counsel is charged with the responsibility of defending the zoning maps, and he indicated, in his opinion and in accordance with other agencies of the County, that the site should be reclassified to M.L., and in defense of the maps, he would not oppose this reclassification. There were no protestants nor any evidence of opposition to the reclassification, and no protestants present at the hearing.

In my opinion, the subject site would be more appropriately zoned M.L. from B.L., and the Board should so order.

TPM: Basically, I agree with everything Mr. Marks has said. There

was no opposition from the community. And based on Mr. Long's testimony and evidence, should be granted.

MW: I agree.

CLM: The Board will issue an Order in due course, and any party in opposition thereto can secure an appeal to the Circuit Court for Baltimore County in accordance with the Maryland Rules of Procedure.

There being no further business, this meeting is adjourned.

****

Respectfully submitted,

Kathleen C. Bianco
Administrator

R 98-54 /John J. Schuster, Jr. /Out of Cycle
N/s Westminster Pike, 250' W of Wolf Avenue
3rd Councilmanic District

8/08/97 -Mr. Michael Smith stopped in CBA office; "sent by PDM" -- was here regarding Schuster Reclass scheduled for 8/28/97 -- Gwen & Kate /PDM said they can't get advertisement out and it would have to be rescheduled.

Kcb contacted Gwen Stephens this date. She advised Kcb that the Petition had only been filed today; was still being reviewed for completeness, and she could not have ad run prior to a hearing as early as 8/28/97. Advised her that we would look for another date on the Board's docket, prior to 10/05/97, and advise of same, should rescheduling in fact be necessary.

8/11/97 -Memo to PDM -- reassigned hearing date is now Wednesday, October 1, 1997 at 1:00 p.m. Contacted Gwen by telephone; she will send to the CBA a copy of Notice of Hearing when sent (none had been sent to date inasmuch as Petition had not been filed). Also advised Sophie of revised hearing date.

10/01/97 -Hearing concluded before Board (C.M.W.) Deliberation following hearing. Petition for Rec granted; opinion/order to be issued; appellate period to run from date of written Order.

R-98-54

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: Arnold Jablon, Director
Department of Permits & Development Management

DATE: July 15, 1997

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Request for Reclassification /Property located on the N/side Westminster Pike, 250' W of Wolf Avenue in the Third Councilmanic District /Petition filed by John J. Schuster, Jr.
Approval by County Council July 7, 1997
Date for Hearing before the Board - 8/28/97 @ 1:00 p.m.

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, August 28, 1997 at 1:00 p.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its July 7, 1997 meeting (a copy of Resolution 70-97 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of August 28, 1997.

Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Gwen Stephens /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable T. Bryan McIntire
Baltimore County Council

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: Arnold Jablon, Director
Department of Permits & Development Management

DATE: August 11, 1997

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Reassignment of Hearing Date -- Out-of-Cycle Request for Reclassification /John J. Schuster, Jr. /Petitioner
Third Councilmanic District
Approval by County Council July 7, 1997
Reassigned Date for Hearing before the Board - 10/01/97 @ 1:00 p.m.

The hearing for the subject reclassification request has been rescheduled to Wednesday, October 1, 1997 at 1:00 p.m. from the previously scheduled date in August. This rescheduling was necessitated by the late filing of the Petition for Reclassification by the Petitioner, which precluded advertisement of this matter in time for the August hearing date.

Therefore, the assigned hearing date for hearing by the Board is Wednesday, October 1, 1997 at 1:00 p.m.

Should you have any questions, please call me at extension 3180.

Attachment

cc: Carl Richards, Jr. /PDM
Gwen Stephens /PDM
Jeffrey Long /Planning
Office of People's Counsel
The Honorable Bryan T. McIntire
Baltimore County Council

Gwen: Please call me with the case number as soon as one has been assigned; also, forward a copy of the Notice of Hearing for our file and information.

Thanks
Kathi

file copy

Baltimore County
Office of Planning

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3211
Fax: (410) 887-5862

September 22, 1997

TO: Kristine K. Howanski, Chairman
Baltimore County Board of Appeals

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Schuster Property - Case No. R 98-54

At its regularly scheduled monthly meeting on June 5, 1997, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for Zoning Reclassification of the subject property was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on July 7, 1997.

Enclosed herewith is a copy of the report of the Office of Planning.

Arnold F. 'Pat' Keller, III

AFK:JL:rlh

Enclosure

RECEIVED
COUNTY BOARD OF APPEALS
97 SEP 22 PM 3: 34

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Printed with Soybean Ink
on Recycled Paper

CASE NO. R-98-54

PETITIONER: Schuster Property

REQUESTED ACTION: Reclassification to ML (Manufacturing, Light)

EXISTING ZONING: BL

LOCATION: 112 Westminister Pike

AREA OF SITE: 5.743 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR 3.5	Unimproved property
South:	RO	Single-family, detached dwellings
East:	RO	Single-family, detached dwellings
West:	MLR	Unimproved property

SITE DESCRIPTION:

The subject property is currently improved with a single-family, detached dwelling and several accessory structures.

WATER AND SEWERAGE:

The parcel is served by public water and sewer, and the area is designated as W-1, S1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The property has direct access to Westminister Pike, a principle arterial highway.

ZONING HISTORY:

In 1996, the Northwest Reisterstown Community Association raised an issue to rezone 33.80 acres of land-in multiple ownership-from OR-2 to DR 3.5 (29.5 acres) and BLR (4.3 acres). The Baltimore County Planning Board recommended to the County Council that 23.5 acres be rezoned MLR and the remaining acreage be rezoned to the DR 3.5 classification. On October 8, 1996, the County Council adopted an overlay which rezoned the property to DR 3.5 (11.9 acres), BL (7.9 acres) and MLR (14.0 acres). The subject property was rezoned to BL as a result of the Council's action.

MASTER PLAN / COMMUNITY PLANS:

The site is designated single-family, detached, rural standards on the 1995 Proposed Land Use Map (adopted by the Baltimore County Planning Board on June 15, 1995).

PROPOSED vs. EXISTING ZONING:

Regulations governing the ML zone may be found in Section 253 of the Baltimore County Zoning Regulations (BCZR). The ML zone permits light manufacturing uses, and transportation, storage, or quasi-public uses or utilities and other industrial, quasi-industrial, transportation, storage, or quasi-public uses of utilities by special exception. These uses are limited by area regulations which require that no building erected on a lot which abuts a residence zone shall exceed a height of 40 feet or three stories if any part of any such building is within 100 feet of the boundary line of such a residence or business zone. Since the property is within 100 feet of a residential zone boundary, the required setbacks are the same as those required in the MR zone: 75 feet from front building line to front property line; 50 feet side yard property line; and 50 feet to rear yard property line.

Regulations governing the BL zone may be found in Section 230 of the BCZR. The BL zone allows a wide range of uses in addition to those uses permitted in the residential zone immediately adjoining the property. Density is regulated by a floor area ratio of 3.0. However, density is generally limited by parking requirements and economic constraints. Building height is limited by the height tent regulations; setbacks include front yards not less than 10 feet or not less than 40 feet from the centerline of the street, except as specified in Section 302.2 of the BCZR. No setback is required for rear or side yards, except for lots abutting a residential zone.

OFFICE OF PLANNING ANALYSIS AND RECOMMENDATION:

Based upon the information provided and analysis conducted, staff recommends the applicant's request be granted for the reasons as follows:

1. Westminister Pike currently has a sufficient amount of commercial zoning to accommodate existing uses and to provide additional opportunities for future retail and service related use expansion.

2. The property is located immediately adjacent to a parcel zoned MLR and the rezoning to ML would result in a more consistent zoning pattern.

3. Commercial zoning at the scale and depth of its present configuration has the potential to encourage improvement of the property with commercial uses which could not be buffered to the same extent as development under the ML classification.

MISTAKE/CHANGE/ERROR:

For the reasons stated above, the Office of Planning believes the County Council was in error when the BL zone was applied to the subject property as part of the 1996 Comprehensive Zoning Map Process.

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Stephen G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

July 8, 1997

Kristine K. Howanski, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Ms. Howanski:

Attached please find a copy of Resolution 70-97 to approve the Planning Board's certification that the zoning reclassification petition filed by John J. Schuster, Jr., for the property located on the north side of Westminster Pike, 250 feet west of Wolf Avenue and situated in the Third Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its July 7, 1997 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

R07097.

97 JUL -9 PM 1:13
RECEIVED
COUNTY BOARD OF APPEALS

8/28
100

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1997, Legislative Day No. 14

Resolution No. 70-97

Mr. T. Bryan McIntire, Councilman

By the County Council, July 7, 1997

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by John J. Schuster, Jr. for the property located on the north side of Westminster Pike, 250 feet west of Wolf Avenue and situated in the Third Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 5, 1997, has certified that early action on the Petition for Zoning Reclassification filed by John J. Schuster, Jr. requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by John J. Schuster, Jr. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R07097

READ AND PASSED this 7th day of July, 1997.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

Joseph Bartenfelder
Chairman, County Council

ITEM: Resolution 70-97

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF AUGUST 18, 1997

$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
# Agenda, Petition and Plat

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Gwendolyn Stephens)
#	PDM, Zoning Review Work File (Roslyn Eubanks)
*	PDM, Project Management (David Flowers)
*	PDM, Code Enforcement (Helene Kehring)
*	PDM, Zoning Review (Joseph Merrey)
$&	PDM, Development Plans Review (Robert W. Bowling)
$*	Planning Office Director (Pat Keller)
#	Planning Office (Jeffrey Long)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Bruce Seeley) - 2 plats
*	DEPRM, Air Quality Management (Jerry Siewierski); MS #3404
&	State Highway Administration, Access Permits Division (David N. Ramsey)
&	PDM, Building Plans Review (Lt. Robert Sauerwald); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Bill Carroll)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS 1315

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Roslyn Eubanks. If you have any questions regarding these zoning petitions, please contact either Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

Revised 6/2/97

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 12, 1997

TO: Baltimore County Zoning Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Supervisor (410-887-3391)

SUBJECT: Out-of-Cycle Open Zoning Reclassification Petition
Case Number R-98-54
Legal Owner: John J. Schuster, Jr. & Diane E. Schuster
Contract Purchaser: N/A
Address: 112 Westminster Pike
Description: NE/S U.S. Route 140, approximately 190 feet NW of centerline Wolf Avenue
4th Election District; 3rd Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON JUNE 5, 1997 AND BY RESOLUTION #70-97 OF THE BALTIMORE COUNTY COUNCIL DATED JULY 7, 1997 (ATTACHED). PURSUANT TO SECTION 2-356(I) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF OCTOBER 1, 1997. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:scj

ZONING ADVISORY COMMITTEE
MEETING OF AUGUST 18, 1997

Case Number:	R-98-54
Item Number:	54
Hearing Date/Time:	October 1, 1997 -- 1:00 p.m.
Legal Owner:	John J. Schuster, Jr. & Diane E. Schuster
Contract Purchaser:	N/A
Location:	NE/S U.S. Route 140, approximately 190 feet NW of centerline Wolf Avenue (112 Westminster Pike)
Existing Zoning:	B.L.
Proposed Zoning:	M.L.
Area:	5.7437 +/- Acres
District:	4th Election District 3rd Councilmanic District
Attorney:	Michael Paul Smith

112 WESTMINSTER ROAD
REISTERSTOWN, MD. 21136

May 23, 1997

Arnold F. "Pat" Keller, 111, Director
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: Request to take Petition for
Zoning Reclassification Out-of-Cycle
5.7 +/- acre parcel located on the
north side of Westminster Pike
Issue No. 3-042

Dear Mr. Keller:

The purpose of this letter is to request that the Petition for Zoning Reclassification for the above referenced property be taken out-of-cycle.

This Petition was originally submitted as part of the 1996 Comprehensive Zoning Map Process. It is my understanding that it was the intention of the County Council to rezone the subject property to the ML (Manufacturing Light) zone. Unfortunately, at some point in the rezoning process, an error was made and the property was reclassified to the BL (Business Local) zone.

My wife and I believe that the error should be rectified in order to reflect the County Council's intent to rezone the property to the ML classification. Therefore, we request that you present this issue to the Baltimore County Planning Board in the month of June, for certification to the County Council that early action on the out-of-cycle rezoning request is manifestly required in the public interest.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

John J. Schuster, Jr.

PC#1

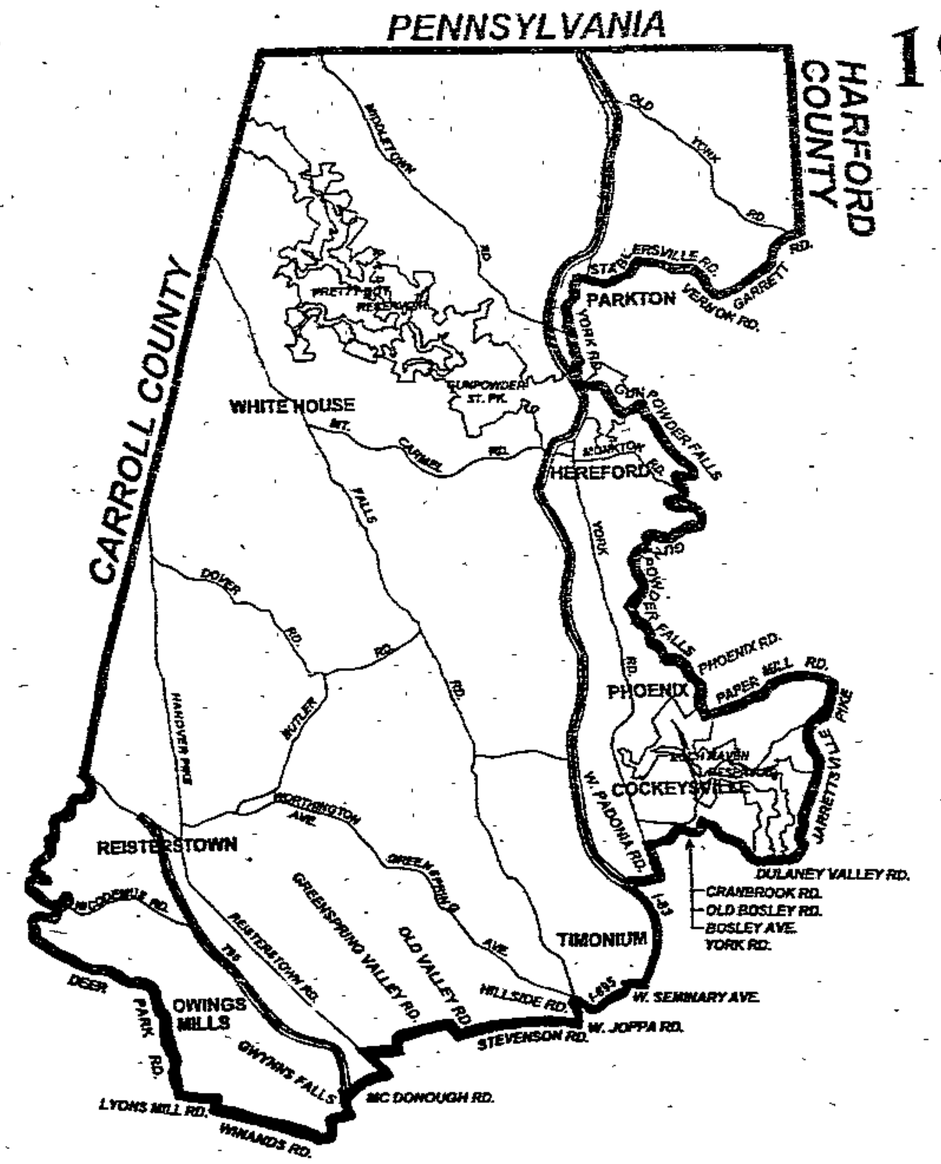
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP

Final Log of Issues
Adopted October 8, 1996

Carole S Demilio DPC →

BALTIMORE COUNTY COUNCIL

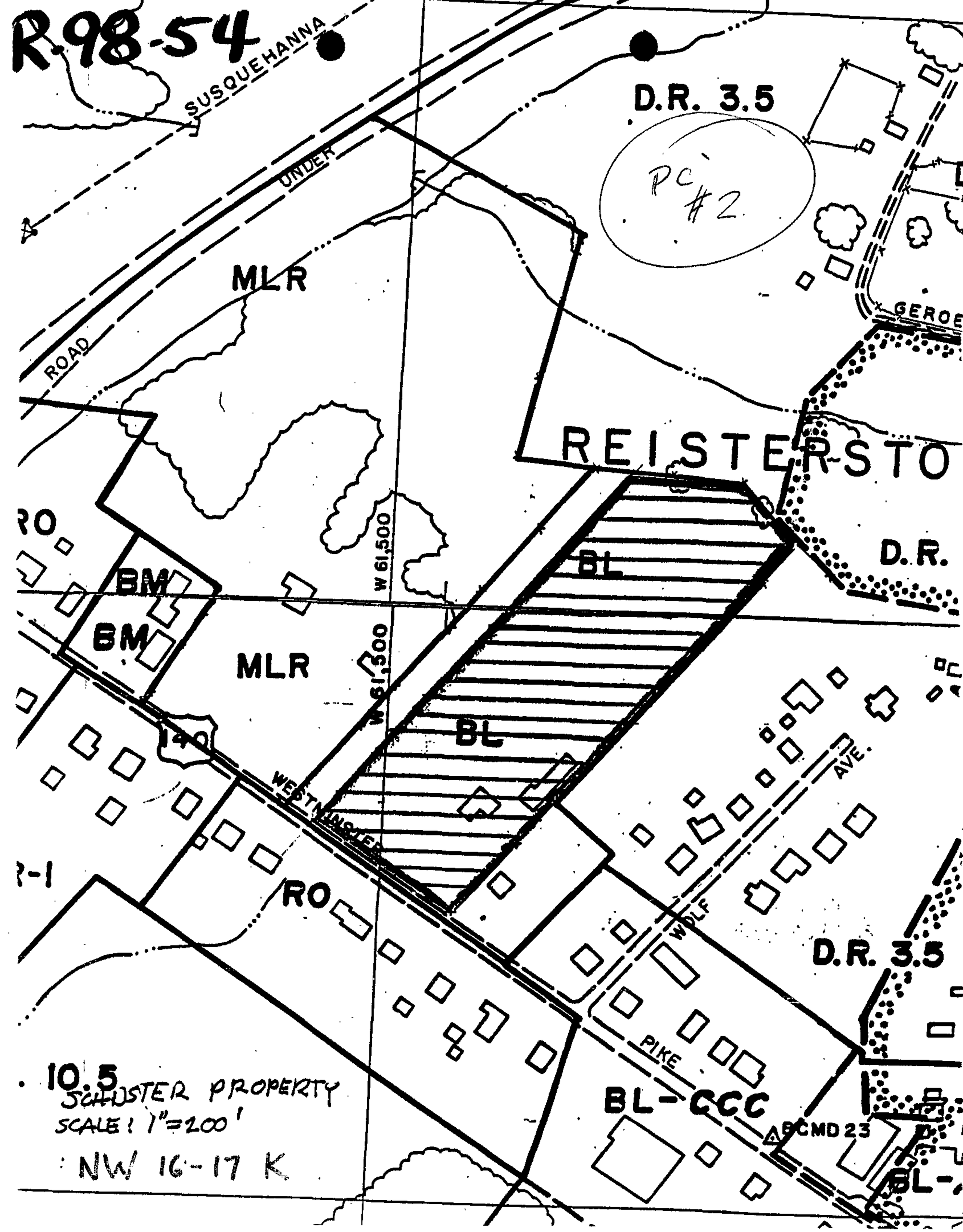
THIRD COUNCILMANIC DISTRICT

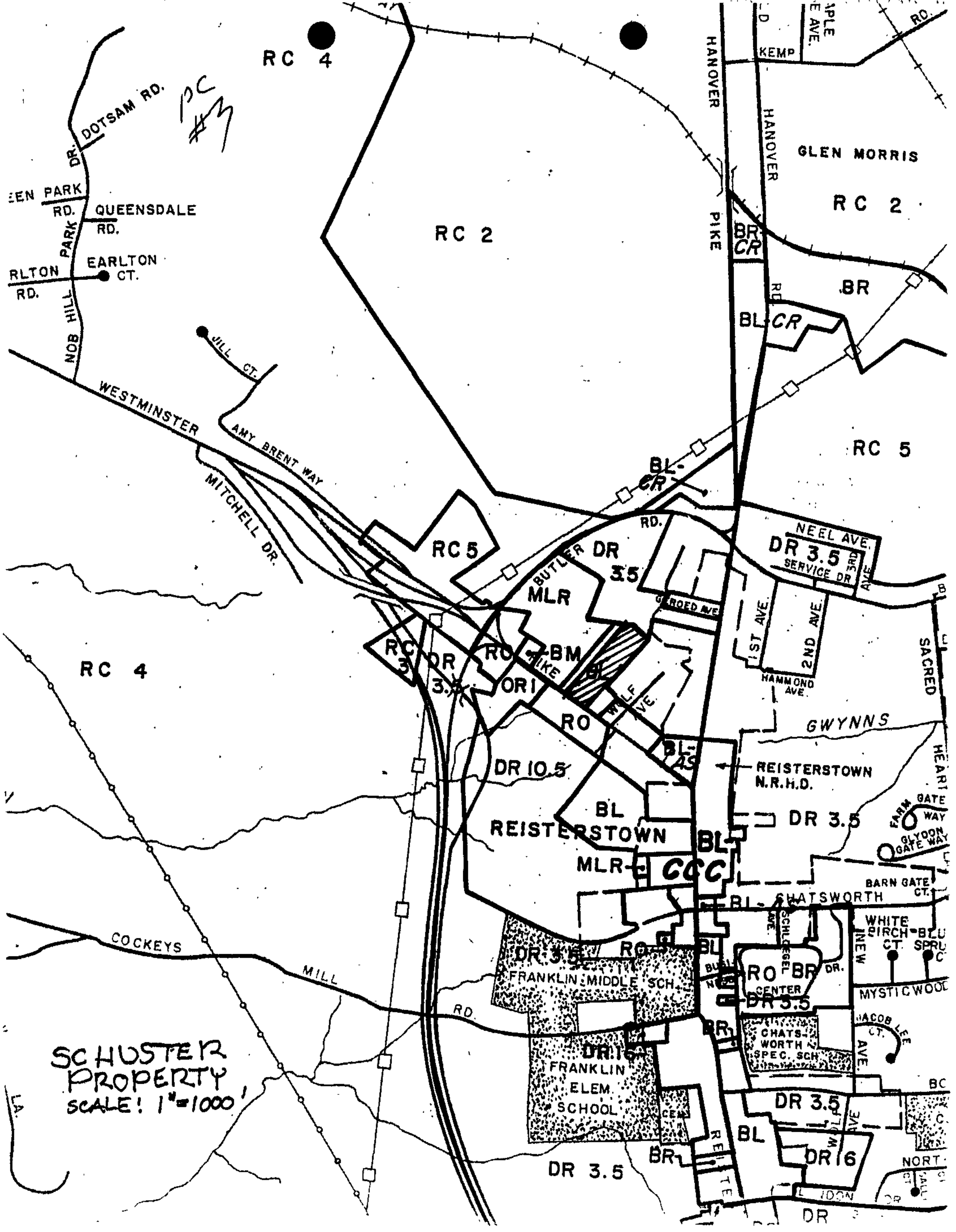


1996 COMPREHENSIVE ZONING PROCESS

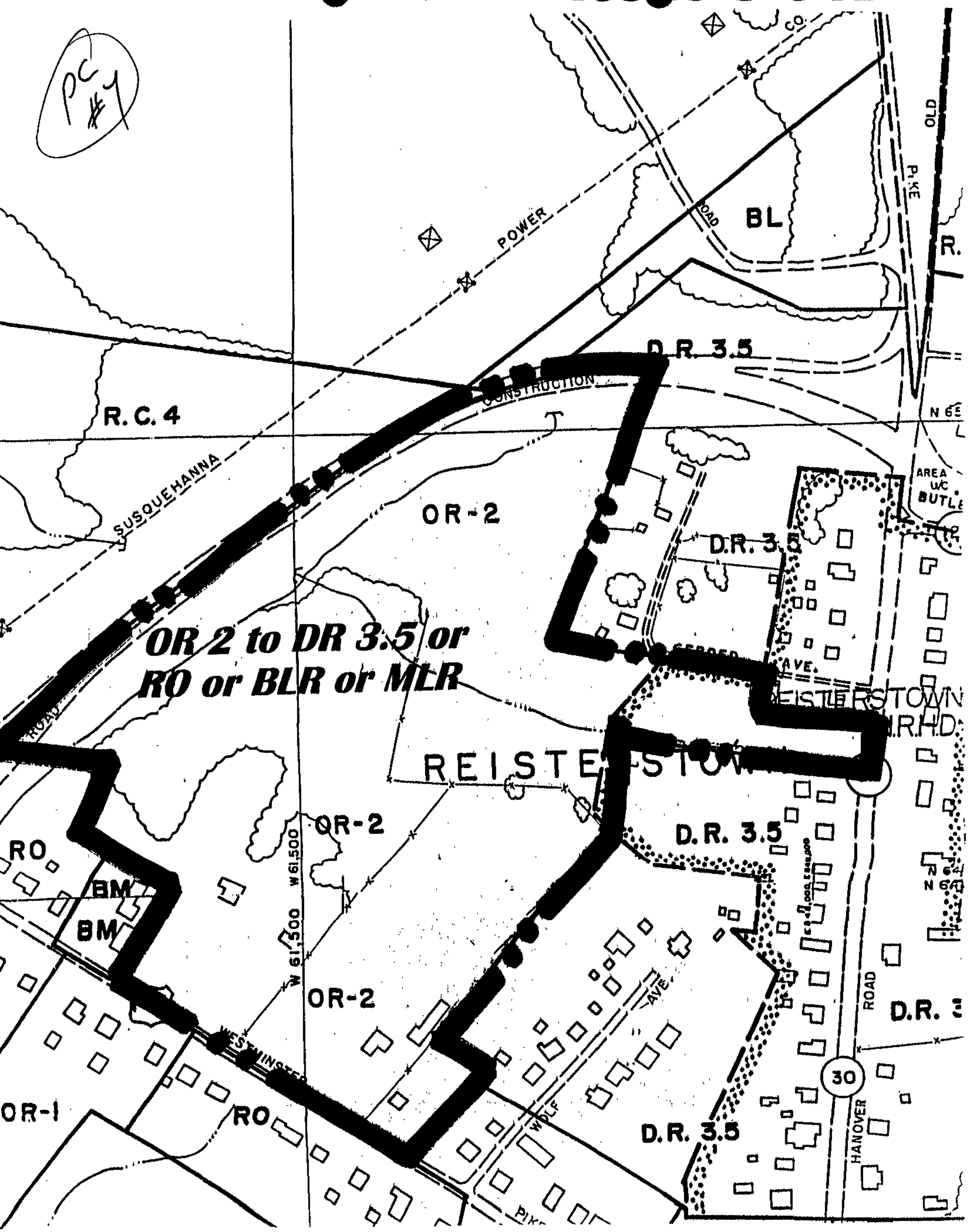
Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Planning Board Recommendations	County Council Decisions	Comments
3-042	Northwest Reisterstown Community Assoc.	North side of Rt. 140, 2000' west of Hanover Pike.	OR 2 33.800 Total 33.800	DR 3.5 29.500 BLR 4.300 Total 33.800	DR 3.5 10.300 MLR 23.500 Total 33.800	DR 3.5 11.900 BL 7.900 MLR 14.000 Total 33.800	Overlay adopted.
3-043	Northwest Reisterstown Community Assoc.	East side of Reisterstown Road, 120' north of Glyndon Drive (337 Main Street).	DR 16 7.500 Total 7.500	DR 3.5 7.500 Total 7.500	DR 16 7.500 Total 7.500	DR 16 7.500 Total 7.500	
3-044	Manekin Corporation	Southeast side of Pleasant Hill Road 1000' southwest of I-795.	ML IM 156.310 Total 156.310	BM 156.310 Total 156.310	ML IM 156.310 Total 156.310	ML IM 156.310 Total 156.310	See Issue 3-039.

R-98-54


SUSQUEHANNA
UNDER
ROAD
D.R. 3.5
PC #2
MLR
GEROE
REISTERSTO
D.R.
BL
W 61,500
BM
BM
MLR
BL
140
WESTMINSTER
AVE.
RO
WOLF
D.R. 3.5
PIKE
BL-CCC
MD 23
10.5
SCHUSTER PROPERTY
SCALE: 1"=200'
NW 16-17 K


PC #3
RC 4
RC 2
RC 5
DOTSAM RD.
DR.
EEN PARK RD.
QUEENSDALE RD.
PARK
RLTON RD.
EARLTON CT.
NOB HILL
JILL CT.
WESTMINSTER
AMY BRENT WAY
MITCHELL DR.
HANOVER
KEMP
HANOVER PIKE
GLEN MORRIS
BR
CR
BL
RD.
NEEL AVE.
DR 3.5
SERVICE DR
3RD AVE
GEROED AVE
1ST AVE.
2ND AVE.
HAMMOND AVE.
SACRED
BUTLER
MLR
DR 3.5
RC 3
DR 3.5
RO
BM
PIKE
ORI
WOLF AVE
GWYNNS
DR 10.5
REISTERSTOWN N.R.H.D.
REISTERSTOWN
CCC
FARM GATE WAY
GLYDON GATE WAY
BARN GATE CT.
CHATSWORTH
WHITE BIRCH CT.
BLUE SPRUCE
MYSTICWOOD
COCKEYS
MILL
SCHLOEGEL AVE
CENTER
FRANKLIN MIDDLE SCH.
CHATSWORTH SPEC. SCH
JACOB LEE CT.
FRANKLIN ELEM. SCHOOL
SCHUSTER PROPERTY
SCALE! 1"=1000'

Issue 3-042


PC #7
POWER
CO.
OLD
PIKE
BL
R.
D.R. 3.5
CONSTRUCTION
R.C. 4
SUSQUEHANNA
OR-2
D.R. 3.5
AREA
U/C
BUTLE
OR 2 to DR 3.5 or
RO or BLR or MLR
AVE.
REISTERSTOWN
I.R.H.D.
REISTERSTOW
D.R. 3.5
RO
BM
BM
W 61,500
OR-2
OR-2
WESTMINSTER
AVE.
ROAD
D.R.
30
OR-1
RO
WOLF
D.R. 3.5
HANOVER
PIKE

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1997, Legislative Day No. 14

PC #5

Resolution No. 70-97

Mr. T. Bryan McIntire, Councilman

By the County Council, July 7, 1997

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by John J. Schuster, Jr. for the property located on the north side of Westminster Pike, 250 feet west of Wolf Avenue and situated in the Third Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-356(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated June 5, 1997, has certified that early action on the Petition for Zoning Reclassification filed by John J. Schuster, Jr. requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i), may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by John J. Schuster, Jr. be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R07097

READ AND PASSED this 7th day of July, 1997.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

Joseph Bartenfelder
Chairman, County Council

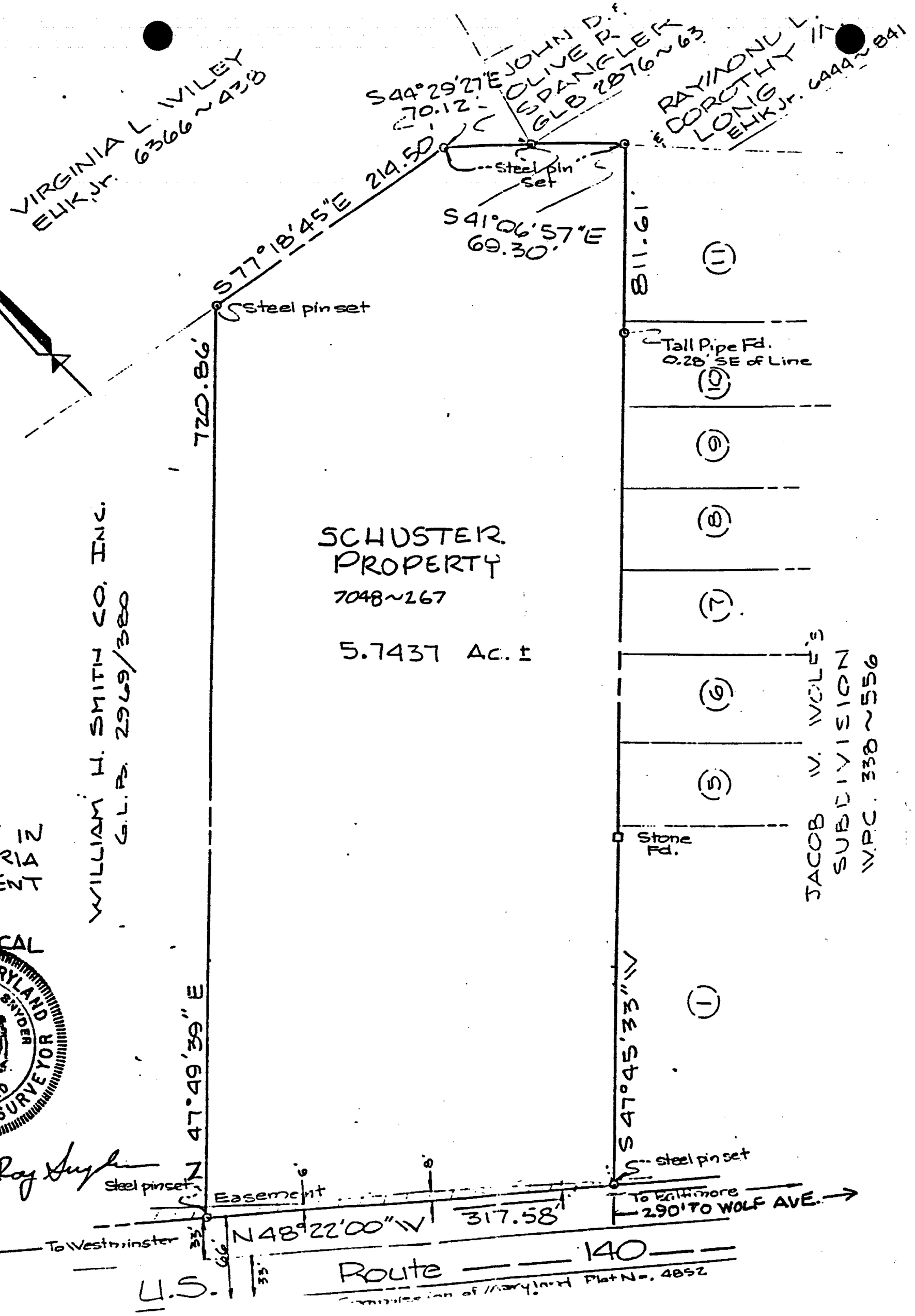
ITEM: Resolution 70-97

PETITIONERS:

JOHN J. SCHUSTER
DIANE E. SCHUSTER
112 WESTMINSTER PIKE
REISTERSTOWN MD 21136
(410) 833-5484

R-98-54

Rev 8/13/97



GENERAL NOTE:

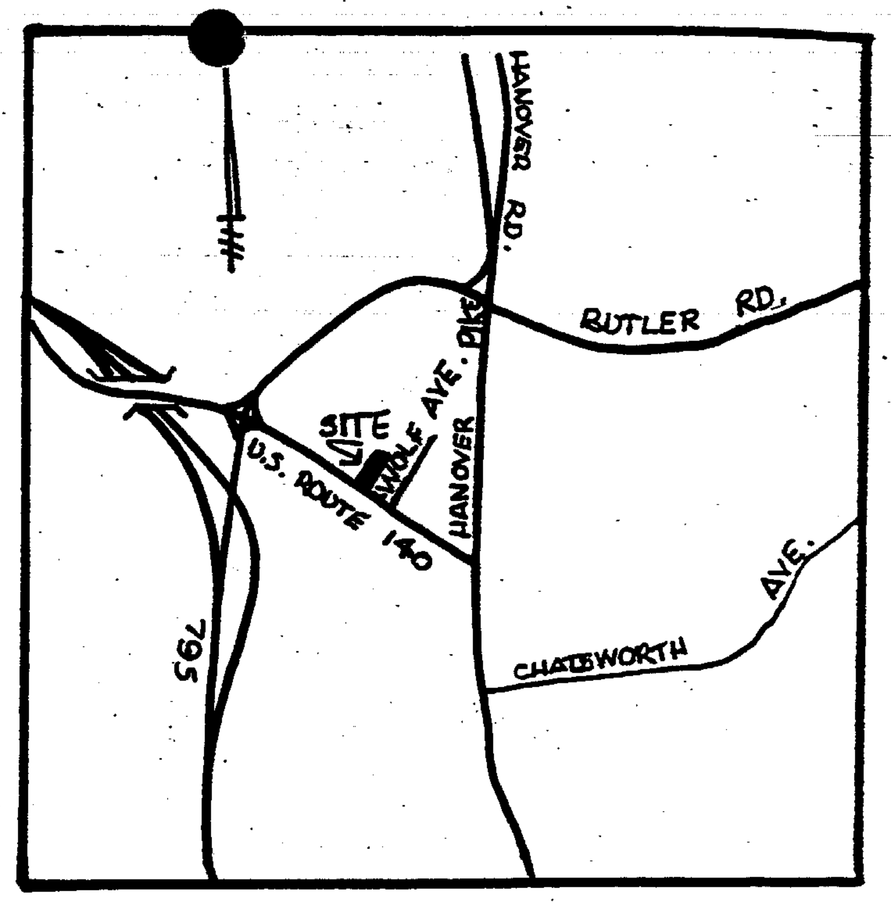
THE SUBJECT PROPERTY IS NOT IN AN AREA AFFECTED BY MORATORIA NOR IS IT AN AREA WITH DEFICIENT BASIC SERVICES.

NOT IN CHESAPEAKE BAY CRITICAL AREA

NOT IN 100 YEAR FLOOD PLAN

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 28
REGISTERED
PROPERTY LINE SURVEYOR

Albert LeRoy Snyder



VICINITY MAP
SCALE: 1" = 2000'

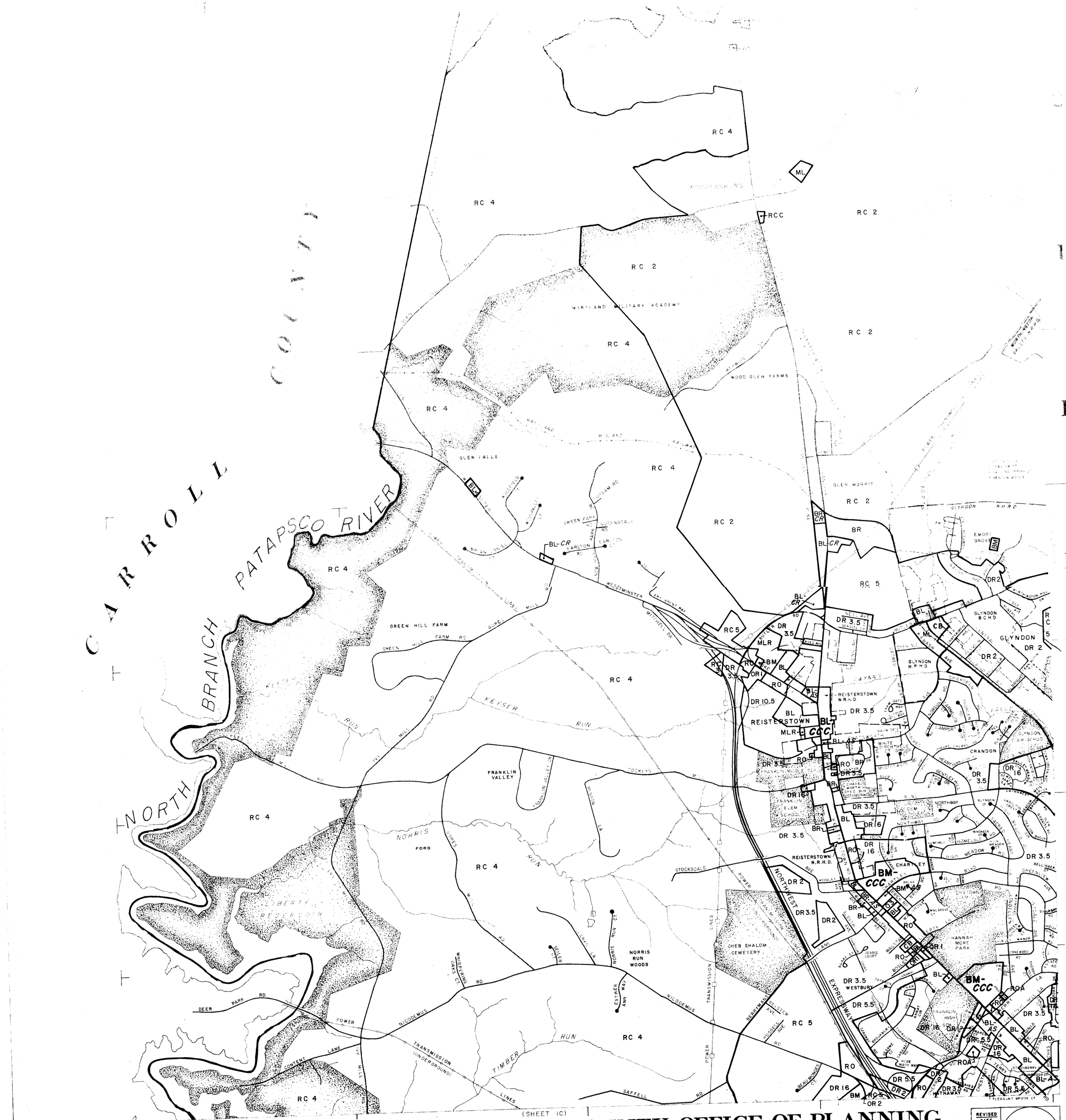
SITE DATA

DEED REFERENCE	7048/267
COUNCILMANIC DIST.	3
SITE AREA	5.743 Acs +/-
TAX ACCT. NOS.	0416015250
TAX MAP	48
PARCEL NOS	702
EXISTING ZONING	BL
PROPOSED ZONING	ML
UTILITIES	WATER-EXISTING SEWER-EXISTING

OPEN SITE PLAN
TO ACCOMPANY
RECLASSIFICATION
PETITION

WESTMINSTER PIKE
SCHUSTER PROPERTY
ELECTION DIST. No. 4
BALTIMORE COUNTY
MARYLAND

SCALE 1" = 100'
DATE 7/10/97



BALTIMORE COUNTY OFFICE OF PLANNING

REISTERSTOWN

BALTIMORE COUNTY BASE MAP SERIES —