

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" ZONE TO AN "R-4"
ZONE AND SPECIAL EXCEPTION FOR
OFFICES - 1st District - Frederick Bossi,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4402-IX

OPINION

The petitioner herein seeks a reclassification from an "R-6" Zone to an "R-4" Zone with a special exception for office use. The subject property fronts on the north side of Edmondson Avenue for a distance of 87 feet, beginning 256 feet west of Delray Avenue, and is 210 feet deep with a width of approximately 71 feet at the rear. The petitioner also owns additional land adjoining the rear boundary. His plans are to erect a building to contain apartments on the first and second floors and offices for his construction firm in the basement.

The Board originally heard the case on December 4, 1958, and, based on the testimony then before it, denied the reclassification on the basis that the petitioner had failed to show an error in original zoning or a substantial change in the neighborhood such as might justify reclassification. In that decision, however, the Board stated it felt the petitioner had not adequately presented his case. He was not represented by counsel at the time. Subsequent to that decision the petitioner appealed to the Circuit Court and on April 23, 1959 the Court remanded the case to the Board for further proceedings.

In additional testimony presented to the Board, it developed that the subject property is adjacent to the west by nonconforming business uses, consisting of a package liquor store, dry cleaning and barber shop. It was further testified that there have been a number of recent changes

along Edmondson Avenue, to wit: a gasoline service station on the north side of Edmondson Avenue at Harlem Lane, approximately 1700 feet to the east; a gasoline service station on the south side of Edmondson Avenue at Ingleside Avenue, approximately 500 feet to the west; and the Baltimore County Beltway Over-Pass approximately 1000 feet to the east.

Mr. George E. Garrelis, Deputy Director of the Office of Planning, stated that his Office is not opposed to the reclassification to "R-4"; further, that he feels it would provide a transitional zone between the "R-6" zone to the east and the nonconforming commercial uses to the west. He also testified that the proposed land use map for this area recommends commercial zoning from the subject property to Ingleside Avenue along the north side of Edmondson Avenue.

Based on the additional testimony taken subsequently to the close of the original case, the Board has no hesitancy in reversing its original Order and granting this reclassification and special exception; subject, however, to certain safeguards to the adjacent property owners. It is the opinion of the Board that the use sought by the petitioner will not be detrimental to the public health, safety and general welfare of the community and that there have been substantial changes in the neighborhood to justify this reclassification. We, therefore, grant the reclassification and special exception subject to the following restrictions and conditions:

1. That all construction be in accordance with a site plan approved by the Baltimore County Office of Planning.
2. That the driveway to the rear parking area be placed along the west boundary of the property.
3. That a retaining wall of sufficient height to prevent automobile head-lights shining into the residences on the east be constructed along the east side of the rear parking area.

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:

I, or we, FREDERICK BOSSI, Legal Owner
All that parcel of land in the 1st Dist. of Balto. County on the north side of Edmondson Ave., beg. 256 feet west of Delray Ave.; thence westerly and binding on the north side of Edmondson Ave. 70.27 feet; thence north 12 degrees 06 minutes west 240 feet; thence north 77 degrees 08 minutes east 80 feet; thence south 18 degrees 24 minutes east 120 feet; thence south 29 degrees 20 minutes east 120.34 feet to the place of beginning.

humbly petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 Zone to an R-4 Zone; and
(2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for OFFICE.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and 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.

Frederick Bossi
Legal Owner
108 Delray Ave. (24)
Address

4. That there be no signs other than a name-plate on the door.
5. That the off-street parking regulations be complied with.

ORDER

For reasons set forth in the foregoing opinion the property is hereby reclassified from an "R-6" Zone to an "R-4" Zone with a special exception for offices subject to the foregoing restrictions.

Any appeal from this decision must be in accordance with Rule 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John T. Agnew
John V. Rose
Deputy Zoning Commissioner

DATE: August 12, 1959

NOTE: Mr. Daniel M. Hubers did not sit in the above case.

The Special Exception is tentatively for one year (1) as of August 31, 1960.

John V. Rose
Deputy Zoning Commissioner

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BEFORE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 4402-IX

OPINION

This is a petition for reclassification from an "R-6" Zone to an "R-4" Zone and for a Special Exception to use the subject property for offices.

The Petitioner appeared before the Board in proper person without counsel. At the close of the presentation of the Petitioner's evidence the Board was of the unanimous opinion that he had failed to show an error in the original zoning or a substantial change in the neighborhood to justify the reclassification. The Board is, however, of the opinion that the Petitioner was not adequately prepared to properly present his case and that there is a possibility that important evidence was not available for the Board's consideration at the hearing.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of December, 1958, by the County Board of Appeals of Baltimore County, ORDERED that the petition for reclassification from an "R-6" Zone to an "R-4" Zone be and the same is hereby denied.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John T. Agnew
John V. Rose
Deputy Zoning Commissioner

PAUL F. HARRIS
ATTORNEY AT LAW
611 EDMONDSON AVENUE
CATONSVILLE 3, MD.
July 11, 1958

Mr. Spiro T. Agnew, Chairman
County Board of Zoning Appeals
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from an "R-6" Zone to an "R-4" Zone and Special Exception for Offices, M/s of Edmondson Ave., beg. 256' W. of Delray Ave. - 1st Dist., Frederick Bossi - Petitioner

Dear Mr. Agnew:

Kindly enter an Appeal in the above captioned case. Attached is a check covering the filing costs in the amount of \$60.00.

Yours truly,
Paul F. Harris

PFH:do

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" ZONE TO AN "R-4"
ZONE AND SPECIAL EXCEPTION FOR
OFFICES - 1st District - Frederick Bossi - Petitioner

BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4402-IX

Upon hearing on the above petition (1) for reclassification from an "R-6" Zone to an "R-4" Zone and (2) for a special exception to use said property for Offices, and it appearing that by reason of location, the safety, health and the general welfare of the locality not being detrimentally affected, the reclassification and special exception should be granted. This plot lies between several commercial uses and is residential on the other side.

The Office of Planning recommends the change, as it will provide a transition from the commercial uses to the residential uses. However, the petitioner shall file a recorded plat, as agreed upon, with the Office of Planning. Also, a plan shall be submitted for approval by the Office of Planning for ingress and egress and screen planting on the residential side of the property, therefore:

It is this 11th day of July, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition should be granted, first for reclassification from an "R-6" Zone to an "R-4" Zone and second for a special exception to use said property for Offices.

William H. Harris
Zoning Commissioner
of Baltimore County

\$6.00

RECEIVED OF Smalin & Henkel, attorneys for petitioner Frederick Bossi, the sum of Six (\$6.00) dollars, being cost of certified copy of petition and other papers filed in the matter of reclassification and special exception for offices on north side of Edmondson Avenue, 256' West of Delray Avenue - 1st District.

Zoning Commissioner
of Baltimore County

PAID - Baltimore County, Md. - Office of Finance

Z-459 6:12 P.M. • • • TIL - 6:00
Z-459 6:12 P.M. • • • TIL - 6:30

01.621

March 12, 1958

\$40.00

RECEIVED of Frederick Bossi, petitioner, the sum of Forty Dollars (\$40.00), being cost of petition, advertising and posting property situate on the North side of McCanderson Avenue 700 feet East of Engleside Avenue, First District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

01.622 - \$40.00

RECEIVED
MAR 12 1958
COMPTROLLER'S OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 4-9-58
Posted for: R-6 Zone to an R-A Zone & Special Exception for Office
Petitioner: Frederick Bossi
Location of property: W. of Edmondson Ave., approx. 250 ft. W. of Secley
Avenue, etc. See Map. Known as 606 Edmondson Avenue.
Location of Signs: Partition property known as 606 Edmondson Avenue.
Remarks: _____
Posted by George R. Hummel Date of return: 4-10-58
Signature

N 77° 08' 60" E 50'
TURNAROUND

REZONING OF
PART OF LOT 15 OF THE
PLAT OF DEL REY
OWNER: FREDERICK BOSSI
108 DEL REY AVE 28 MD.

SCALE 1"=20'

DISTRICT 1
PRESENT USE: NONE
PRESENT ZONING: R-6

EXISTING BL ZONING
AND USE

PARKING

OUT

IN

LOT 1

LOT 2

EXISTING R-6 ZONING
AND USE

1 STORY
BRICK RESIDENCE
604

1 STORY
BRICK RESIDENCE
602

BARBER
SHOP

CLEANING
&
PRESSING

LIQUOR
STORE &
OFFICES

PROPOSED
2 STORY
BRICK

PROPOSED R-4
ZONING
2200 SQ FT
EA FLOOR

40' 0"

45' 0"

10' WIDENING STRIP

700' FROM INGLESIDE

256' FROM CORNER OF DEL REY

#4402RX

OF EDMONDSON AVENUE

#1
Per
Exhibit