

Petition for Zoning Re-Classification #4781

To The Zoning Commissioner of Baltimore County--

DATE: September 28, 1959

I, Helen Silver, widow, of the property situated in the Second District of Baltimore County, beginning for the same at a point on the North side of a 40 feet right-of-way known as Englewood Avenue, (said point being approximately 175 feet from the point where the southerly right-of-way line of said Englewood Avenue intersects the southerly right-of-way line of Windsor Mill Road), leaving said right-of-way for lines of division, the following four courses and distances, Vias, North 45 degrees 52 minutes West 113 feet, South 44 degrees 08 minutes West 40.5 feet, South 45 degrees 52 minutes East 37 feet, South 13 degrees 45 minutes West 38 feet to a point on the North side of the said 40 feet right-of-way known as Englewood Avenue, binding on the same in an Easement direction of 80 feet to the point of beginning.

I hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 to an R-1.

Reason for Re-Classification: Owner desires to use property for office building or retail store.

Size and height of building: front.....feet; depth.....feet; height.....feet.
Front and side set backs of building from street lines: front.....feet; side.....feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expense of above reclassification, 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 of Baltimore County.

Ordered by The Zoning Commissioner of Baltimore County, this 28th day of September, 1959, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Rockland Bldg., in Towson, Baltimore County, on the 16th day of November, 1959, at 2 o'clock P.M.

Attorneys: Bernard J. Hedeary, Jr.
304 Courtland Avenue
Tel. No. Valley-5-6579

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of:

the above reclassification should be had.

It is Ordered by the Zoning Commissioner of Baltimore County, this 28th day of September, 1959, that the above described property or area should be, and the same is hereby reclassified, from and after the date of this Order, from an R-6 to an R-1.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that the character of the neighborhood has not changed since the former hearing on the subject property on January 29, 1958, by the Zoning Commissioner, to grant the reclassification would be an entering wedge for future commercial zoning of the entire property and adjacent properties, therefore:

the above re-classification should NOT be had.

It is Ordered by the Zoning Commissioner of Baltimore County, this 28th day of September, 1959, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an R-6 (residence).

Zoning Commissioner of Baltimore County

County Commissioners of Baltimore County

Date: By: President

RE: Petition for Reclassification from R-6 Zone to R-1 Zone
N.E. Englewood Avenue, 175' S. Windsor Mill Road, 2nd District
Helen Silver, Petitioner

RESPONSE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
#4781

The petitioner, Mrs. Helen Silver, herein seeks to reclassify the rear portion of her property, on which she resides, at 6400 Walnut Avenue in the Woodlawn section. The property which is the subject of this petition fronts on Englewood Avenue for approximately 86 feet and is approximately 110 feet deep. The petitioner plans to erect an office building and retail store on this site if the reclassification is granted.

It was testified that a private parking lot is located directly across Englewood Avenue with a confectionery store adjoining this lot on its toward Windsor Mill Road. The business section of the community on Windsor Mill Road is about 150 feet from the subject property. There is no commercial activity on Walnut Avenue or on Englewood Avenue below the above mentioned parking lot.

J. Lee Smith, a realtor, stated that, in his opinion, the property was not suited for residential purposes because of the parking lot across the street and its proximity to the business section on Windsor Mill Road. He said the proposed office building would serve as a buffer zone between the commercial area and the residences on Walnut Avenue.

George E. Garvolis, Deputy Director of Planning of Baltimore County, recommended that the present R-6 zoning be maintained. He said that reclassification would be the entering wedge of commercialization on Englewood Avenue and that it would adversely affect the value of existing homes in the neighborhood.

A number of home owners in the area objected to the proposed reclassification on the grounds that it would deplete the value of their properties.

- 2 -

The Board is of the opinion that the petitioner has failed to show an error in the original zoning of this property or that a substantial change on Englewood or Walnut Avenues has occurred such as might justify reclassification. It is further believed that a reclassification of this property would adversely affect the value of surrounding residential properties. The subject property is an integral part of the residential property at 6400 Walnut Avenue in that it constitutes a major portion of the side and rear yard. Any reclassification, would, in effect, be a subdivision of one lot into two zoning classifications.

ORDER

For the reasons set forth in the foregoing opinion, it is this 14th day of March, 1960, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and same is hereby denied.

Any appeals from this decision must be in accordance with Rule No. 1101 (b) of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

By: J. Lee Smith
J. Lee Smith

SEP 29 1959
BALTIMORE COUNTY
ZONING DEPARTMENT

WINDSOR MILL RD., 175' S.
N.E. Englewood Ave., 175' S.
R-6 (res.)

4781

PETITION FOR RECLASSIFICATION FROM R-6 to R-1.
Property on N. S. Englewood Avenue 175 feet South of Windsor Mill Road, 2nd District.
Helen Silver, Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

MR. COMMISSIONER:

Please enter an Appeal to the Board of Zoning Appeals in the above entitled matter from your Order dated December 3, 1959, denying the Petition.

Richard J. Hedeary, Jr.
Attorney for Petitioner
304 Courtland Avenue
Towson, Maryland
Valley 5-6579

December 9th, 1959.

DEC-59
ZONING DEPARTMENT

OFFICE OF PLANNING

Inter-Office Correspondence

From: George E. Garvolis November 13, 1959
To: Mr. Hedeary
Subject: #4781 R-6 to R-1 N. S. Englewood Ave. beginning 175 feet W. of Windsor Mill Road. Approx. 0.2 acres

Helen Silver
Room 108 November 16, 1959 : 2:00 P.M.

The Office of Planning has reviewed the subject petition for reclassification from R-6 to R-1 zoning and has the following advisory comment to make:

- The Master Plan of Zoning adopted by the Planning Board as part of the Master Plan for the Second District recommends that the subject property be retained in its present R-6 zoning category. Englewood Avenue is with the exception of its intersection with Windsor Mill Road, a residential street. Creation of additional commercial zoning here would extend commercial uses along a side street to the added detriment of existing single family dwellings on the southerly side of Englewood Avenue.
- Inasmuch as the existing semi-detached dwelling on the lot which contains the subject property now is adjacent to commercial property, we do not see how an extension of commercial zoning into the rear portion of the lot can accrue to the residential resale value of the existing dwelling. As it stands now, the existing dwelling has a rear yard set-back from existing commercial zoning ranging from 76 to 90 feet and provides, by virtue of space, its own protection. Creation of R-6 zoning on the rear portion of the lot would leave the existing dwelling only 30 feet from commercial zoning. Hence of this dwelling for residence purposes would be much more difficult. It appears, therefore, that granting the subject petition would be but an entering wedge for ultimate commercial zoning of the entire property and thence adjacent properties.
- If additional commercial zoning is justified in the vicinity of Woodlawn, reclassification should be achieved on the basis of a comprehensive approach to the problem wherein provision also is made for building proper and logical stopgap points and transitional zones into the Zoning Map.

0211ms

\$50.00

RECEIVED OF Bernard J. Hedeary, Jr., Attorney for Helen Silver, petitioner, the sum of Fifty (\$50.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Zoning Commissioner denying reclassification of property on Englewood Avenue 175' S. Windsor Mill Road, 2nd District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Planning

11-11-59 9066 • • • TIL - 5000
11-11-59 9066 • • • TIL - 5000

01623

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 N. CALVERT STREET
BALTIMORE, MARYLAND
21202

WALTER H. ADAMS
PLANNING COMMISSIONER

NOTICE OF HEARING

Mrs. Helen Silver
6400 Walnut Ave.
Baltimore 7, Md.

Re: N/S Englewood Ave. & 175' South of Windsor Mill Rd., 2nd Dist.
Helen Silver-Petitioner

TIME: 2:00 P.M.
DATE: Monday, November 16, 1959
PLACE: Room 108, County Office Building, 111 N. Calver Street, Avenue
TOWSON, MARYLAND

Zoning Commissioner
of Baltimore County

RECEIPT

PAID - Baltimore County, Md. - Office of Planning
RECEIVED OF: Bernard J. Hedeary, Jr., Attorney for Helen Silver
LOCATION OF PROPERTY: SEE ABOVE
AMOUNT: \$10.00 11-28-59 7555 • • • TIL - 4000
204 Courtland Ave., Md. 11-28-59 7555 • • • TIL - 4000

Zoning Commissioner
of Baltimore County

01623 440.00

NOTICE OF ZONING
PETITION FOR
RECLASSIFICATION
2ND. DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from R-6 Zone to a B-L Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Monday, November 16, 1959
at 2:00 P.M.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Business Local to wit:

All that parcel of land in the Second District of Baltimore County on the North side of a 40 foot right-of-way known as Englewood Avenue, said point being approximately 175 feet from the point where the Northerly right-of-way line of said Englewood Avenue intersects the Southerly right-of-way line of Windsor Mill Road, leaving said right-of-way for lines of division, the following four courses and distances, viz: North 45 degrees 52 minutes West 113 feet, South 44 degrees 08 minutes West 46.5 feet, South 45 degrees 52 minutes East 37 feet, South 13 degrees 45 minutes West 38 feet to a point on the North side of the said 40 feet right-of-way known as Englewood Avenue binding on the same in an Easterly direction of 80 feet to the point of beginning, as shown on plat plan filed with the Zoning Department, being property of Helen Silver.

BY ORDER OF
WILSIE H. ADAMS
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Oct. 30 - Nov. 6.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.

THE HERALD - ARGUS
Catonsville, Md.

THE COMMUNITY PRESS
Dundalk, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

November 7, 19 59.

THIS IS TO CERTIFY, that the annexed advertisement of
Wilsie Adams, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for 2 successive weeks before
the 7th day of November, 19 59, that is to say
the same was inserted in the issues of

October 30 - Nov. 6, 1959.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

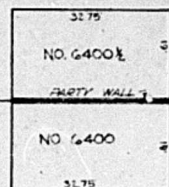
#4781
Date of Posting 11-4-59
District 2nd
Posted for: Am B-6 Zone to am B-1 Zone
Petitioner: Helen Silver
Location of property: W/S of Englewood Ave. 175 ft. South of Windsor Mill Road. etc. See Plat.
Location of Signs: North side of Englewood Avenue 200 ft. South of Windsor Mill Road.
Remarks: _____
Posted by George R. Hummel Date of return: 11-5-59
Signature

SITE PLAN for PROPOSED B-L ZONE

WALNUT STREET

part of Broodacres Subdivision

Lots: 111 and part of 112



5000' in lot

Lot 111

Lot 112

Lot 113

Lot 114

Lot 115

Lot 116

Lot 117

Lot 118

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