RE- PETITION FOR RECLASSIFICATION : from an R-6 Zone to a B-L Zone, VARIANCES from Sections 232.2, 222 5 232 3 and 409.2b (6) of the Zaning Regulations

—— Relair Road and NW corner Belair i Perry View Roads, Edward R. Bromwell, Petitioner

COUNTY BOARD OF APPEALS

T

OF

BALTIMORE COUNTY No. 65-134-RA

OPINION

The petitioner here seeks a reclassification from an R-6 Zone to a B-L (Business-Local) Zone of a piece of property fronting 215 feet along Belair Road and 200 Fret deep along Perry View Road, the subject property being at the northwest corner of Belair and Perry View Roads. The petitioner also seeks a variance to permit an 0 foot setback on the north side of the property instead of the setback as required by the

Across the street from the property is a strip of B-L zoning that was placed on the original zoning map adopted in 1945. The property immediately north of the subject property is zoned R-A with a special exception for doctor's affices. Ine property to the south of Perry View Road is zoned R-6. The nearest B-L property on the west side of Belair Road is some 265 feet north at the corner of Belair Road and Baker Avenue.

The petitioner testified to several changes in the neighborhood since the adoption of the map in 1945. However, only a few of these changes were to B-L zoning and there is no B-L on the west side of the Belair Road south of the property for a distance of approximately 5200 feet. There was testimony by the petitioner that there is a need for additional B-L zoning in the area, however, this was strongly disputed by the protestants The petition was opposed by Mr. George E. Gavrelis, Director of Planning for Baltimore County, who stated that he did not see any reason why the commercial zoning should jump the Belair Road here and that commercial zoning that had occurred in the area did not arily compel the rezoning of this property.

The Board feels that the question of whether or not this property should be rezoned is extremely close but also, in the opinion of the Board, the petitioner in this case did not meet the heavy burden of proving error or sufficient change in the character

EVANS SURVEYORS AND 4200 ELSRODE AVENUE - BALTIMORE 14, MARYLAND - HAMIILON G-2144 POPLAR STREET - CAMBRIDGE, MARYLAND - AC 8-3300 #65-134 P.A. MAPY

Ammet 28 1964.

DESIGRIPATION OF 9602 & 9604 HETAIR ROAD

HEADERSHIP for the same at the corner formed by the intersection of the 98/20/64 mide of Belair Road, 60 feet wide, with the northeast side of Ferry View Avenue, 50 feet wide, thence leaving said place of beginning and running and binding on northwest side of Belair Road North 49 degrees 49 minutes 00 seconds East 215.86 fest, thence leaving said northwest side of Belsir Road and running the two following courses and distances, vis: North 40 degrees 11 minutes 00 seconds West 200.00 feet and South 49 degrees 49 minutes 00 seconds West 215.86 feet to said northeast size of Perry View Average, thence running and binding on said northeast side of Ferry View Avenue South AO degrees 11 minutes OO seconds East 200.00 feet to the place of beginning, Containing 0.001 agree of land nore or less



HILLIAN

BL

of the neighborhood to warrant the requested rezoning. In examining the map it is interesting to note that all of the B-L zoning seems to be clustered around the intersection of Belair and Joppa Roads, almost one mile to the south, and the intersections of Kahlston and Force Roads and the Relair Road. The Board also is of the opinion that there is not assessed to a good for additional R-I wasing in the great. This of course could change drastically if the area begins to build up in the next few years

For the reasons set forth above the Board denies the requested reclassification. Since the reclassification sought is being denied there is no reason to discuss the

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 13th day of May 1965 by the County Board of Anneals OR DERED that the reclassification and variance petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure 1961 edition

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR RECLASSI
FICATION From "R-6" Zone to
"B-1." Zone NW. Cor. Belair
k Perry View Roads, 1lth Dist.
Variances to Sec. 232. 2; 232. 5
of Zoning Regulations 232. 2 Claude C. Meise and Edward R. . BALTIMORE COUNTY Bromwell Petitioners

BEFORE THE ZONING COMMISSIONER

No. 55-134-RA

ORDER OF APPEAL

MR. CLERK.

Please enter an Appeal in the above-captioned

case in behalf of the Petitioners

John Warfield Armigot Attorney for Petitioners 406 Jefferson Building Towson, Maryland 21204 VAlley 5- 7666

Zoning Commissioner of Baltimore County

FROM AREA AND HEIGHT REGULATIONS #65-124 RA PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF RALTIMORE COUNTY:
Claude C. Meise and
L. or we. Edward R. Bromweil _____legal owners.of the property situate in Baltimore et.

County and which is described in the description and plat attached hereto and made a part hereof,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To enf. see strictly the provisions of the Zoning Regulations above referred to would deprive the Converse of the Montage Regulations and deprive the Converse of the Montage Regulations and deprive his department of the Montage Regulations and deprive the Montage Regulations and deprive the Montage Regulations and the Proposed building is designed for storage. Beautiput 100 repair total, floor space, the parking provided is in excess of the requirements of the Baltimore Country Zonitag Regulations.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the ramin; regulations and restrictions of Balimore County adopted pursuant to the Zoning Law For Baltimore County.

Attorney in Fact 2528 North Calverplant Springerchaser
Baltimore 18, Maryland
Address

John Warfield Annigor 406 Jefferson Building Towson, Maryland 21204 VA 5 7666 or NO 6 0490

Address 9604 Belain Rd 9602 Belair Rd Fred V Cardwell

ORDERED By The Zoning Commissioner of Baltimore County, this 5th

BALTIMORE COUNTY, MARYIMAND

INTER-OFFICE CORRESPONDENCE

TO John G. Rose, Zoning Commissioner Date October 23, 1964

PROM George E. Gayrelis, Director

SUBJECT. 465-134-RA R-6 to B-L and Variance to permit a side yard of zero feet instead The second of the required 25 feet, to permit a F.A.R. of 2.6 instead of the required 3.0; to permit a rear yard of 17 feet instead of the required 20 feet. Northwest corner of Belair Road and Perry View Road. Being property of Cloude C. Melie and Edward Bromwell.

11th District

HEARING.

Friday, November 6, 1964 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-L zoning bageher with variances to the side yerd, rear yard and floor orear ratio require it has the following advisory comments to make with respect to pertinent planning factors:

- 1. The subject property is situated at the northwesterly corner of Balgir and Perry View Roads. The wholeel property is introduced at the nonthewasterly corner of Balais and Berry Vites Roads. The westerly side of balais Road bears is developed in electrical or institutional case. In the second control of the second control of the second control of the general case of Berry Hall, Perry Vites Road. Although commercial rezentle has occurred in the general case of Berry Hall, the planning stell does not conclude at all thet commercial canning should group Balais Road and be established on the subject property. Bather, a desirable zoning trend has been established on the property insomediately to the north—operateur zoning with Special Exception for offices.
- The comprehensive plan approved by the Planning Board subject to public hearing does not recommend commercial zonling or land uses for the subject property. Creation of commercial zonling would not be in accordance with a comprehensive plan for the area.
- A basic purpose and function of zoning is to prevent the overcrowding of land and undue concentration of population. Variances must comply with the spirit and intent of the Zoning Regulations. From a planning viewpoint, the selback and area requirement as astablished angulations, from a planning viewpoint, the latebox died deed requirements a establishment of the properties of the prop

Claude C. Meise and
I, or we. Edward B. Bronwell legal owners of the property situate in Baftimore #11 +1+12 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 he re-classified, pursuant zone to an 10/20/04

____zone; for the following reasons: 1 Error on original Land Use Man

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Constant changes in the neighborhood since the adoption of the original Land Use Map for the 11th District.

AND/OR SPECIAL EXCEPTION

PETITION FOR ZONING RE-CLASSIFICATION

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for ...

Property is to be posted and advertised as prescribed by Zoning Regulations L or we agree to pay expenses of above re-classification and/or 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

Perry View Investment Corporation Claude C. Meter Attorney in fact 2528 North Calvert Street Baltimore 18 Edward R. Bromwell and Owner Address ! Place Belain Rd John Warfield Armiger and Jefferson Buildings Towson, Maryland 2204 VA 5 7666 or NO 6 0490 4602 Bolan Rd Jeruil Cardwell Petitioner's Attorney 7701 Protestant's Attorney #36

ORDERED By The Zoning Commissioner of Baltimore County, this 5yh 195. 4 that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore OCT -5 TA II day of ... Resember

Charle More Friest Perry View Investment Corporation Edward R. Bromwalleal Oaner

Petitioner's Attorney

770, Belin 81 +36 , 196.4., that the subject matter of this petition be advertised. a

ZONING COMMISSIONER

BALTIMORE COUNTY

RE- PETITION FOR RECLASSIFICATION + PETITION FOR RECLASSIFICATION 1 From "9.6" Zone to "81." Tone N/W Cor. Bel Air. 5 Perry View 1 Road:, 11th District -Variances to Sec. 232.2; 232.5; of Zoning Regulations - 232.3 Claude C. Meise and Edward R.: Bromwell, Pstitioners

The petitioner in the above matter seeks reclassification of property at the northwest corner of Bel Air and Perry View Roads, in the Eleventh District of Baltimore County.

The petitioner also requested variances to Sections 232.2; 232.3 and 235.5 of the Baltimore County Zoning Regulations to permit a side yard of zero feet instead of the required 25 feet; to permit a FAR of 2.6 instead of the required 3.0 and a rear yard of 17 feet instead of the required 20 feet.

As the petitioner failed to prove an error in the zoning or that sufficient change in the area warrants the requested zoning, reclassification should be DENIED.

Commission I is this first day of November, 1964, by the Zoning Commission of Baltimor Count, DEDEED that the above reclassification and the same is hereby DEDIES and the same is hereby DEDIES and the the above described property or area be and the same is continued and to remain an "R-6" Zone, that

az that that It is furtherORDERED/The above variances requested be and the same are DENIED.

TELEPHONE 823-3000 #65-134. RA CENTRICATE OF POSTERS CERTIFICATE OF PUBLICATION COURSES DEPARTMENT OF GALTMORE COUNTY Towney, Nuryland Date of Poeting 10-15-64 Date of Proteins Proceeding 22 Lindburg 200 6 64 97 1/100 9.21. THIS IS TO CERTIFY, that the annexed advertisement was Location of property P. M. L. Core of Barbaria and Heavy Veine Rds. Louise a signe on Balan the Laguery Th from Walkerryn to brown the Designer growth of them Defaut No. 65-134-RA Remarks Protect of Parks of Parks of Period of Period 10-27-64 PETITION FOR RECLASSIFICA-Comment Control and State of the Control and S #65.134.RA BALIMORE COUNTY, MAINLAND No. 27542 CERTIFICATE OF POSTING OFFICE OF FINANCE DATE 11/4 64 ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland Perry View Investment Corp. 2528 N. Calvert St. Baltimore, Md. 21218 Date of Posting 12-10-64 Petitioner Chandle C maise & Edw K Brownell \$58.00° Location of property NW. COR, Belate & and from Ven del T TO ACCOUNT NO. 01-622 50.00 evertising and posting of property for Claude Meise Location of Signer & 1 on Para Veine Chine Comes. 10 for talephone #65-134-RA Common of Signal Common field the Common of Posted by Make Suparire Data of return 2 17-6 11-460 6337 · 27542 52P-50.00 #65-134. RA IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND CERTIFICATE OF POSTING MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWS
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. 7 Jugar ZONING DEPARTMENT OF BALTIMORE COUNTY Touson, Maryland District for If for early one for day there I to Y As Miller A. 21. Date of Posting 10-15-64 BAL ORE COUNTY, MAPLAND OFFICE OF FINANCE No. 25389 Petitioner Claude meise DATE 10/8/64 Location of property. M. W. Love of Belain and Hong Live Role Division of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND Zoo Padonia Road, East Cockeysville, Nd. Location at Signed on about the language the first to allowing to house It 2 August 34900 5 BILLECToning Department of Baltimore Posted by Robert Le Marchelle \$50.00 Petition for Reclassification & Variance for Glaude Heiss, et al BALTIMON COUNTY, MARYL TELEPHONE OFFICE OF FINANCE No. 27610 Pirition of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND DATE 12-2-64 John Warffeld Armiger, Esq., Jefferson Building Towson 4, Md. POSTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND Office of Planning & Zéning 119 County Odfice Bldg., Tomas 4, Md. ALL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSC LEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. DEPOSIT TO ACCOUNT NO. 01-622 Cost of appeal - property of Claude C. Meise, et al 16-264 7360 # 27610 HP-70.00 IMPORTABLE MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

BALTIMO COUNTY, MARYLAND OFFICE OF FINANCE on of Collection and COURT HOUSE TOWSON 4, MARYLAND John Warfield Anxiger, Esq., Jefferson Building Toxson 4, Md.

No. 27663

Cost of posting property for appeal hearing \$10,00 Claude C. Meise, et al, 1--865 8763 * Z7663 HP-

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

> CERTIFICATE OF PUBLICATION TOWSON, MD. . . October 16, . . . 1964. THIS IS TO CERTIFY that the annexed advertisement was and published in Tow 1. Baltimore County, Md., XXXXXXXXXXXX

appearing on the 16th day of October THE JEFFERSONIAN.

mustice

DESCRIPTION OF 9642 & 9604 BELAIR ROAD

TIFICATE OF PUBLICATION

OFFICE OF OF BALTIMORE COUNTY THE Community Press

DUNDALK, MD., 10-14-64 THIS IS TO CERTIFY, that the annexed advertisement of

"Claude C. Meise"

was inserted in THE COMMUNITY PRESS, a weekly news

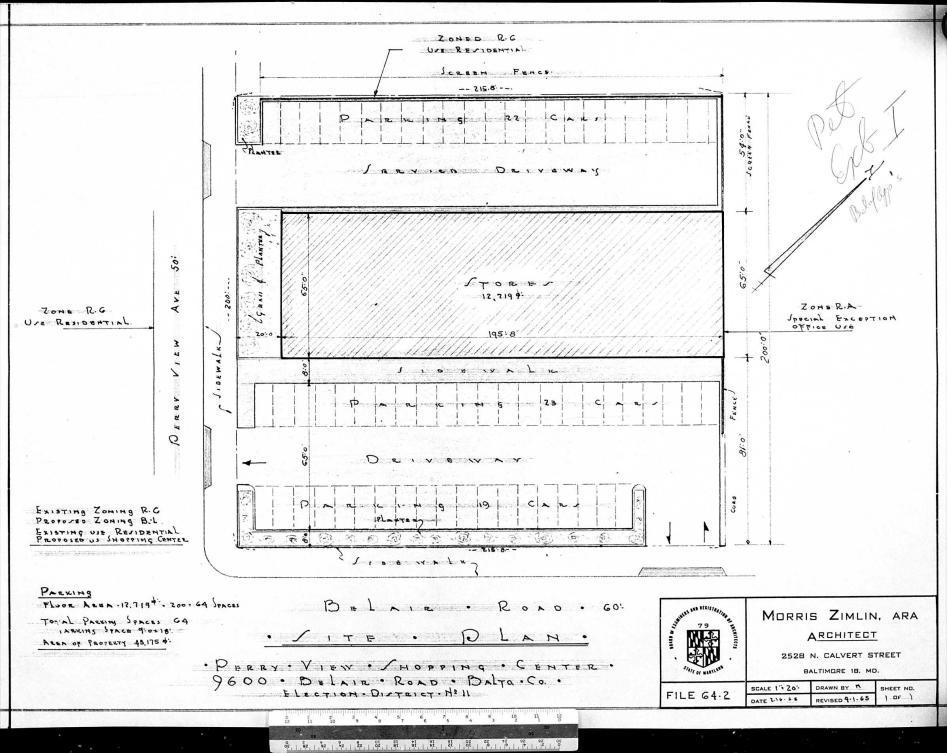
paper published in Baltimore County, Maryland, once a weel successive weeks before the

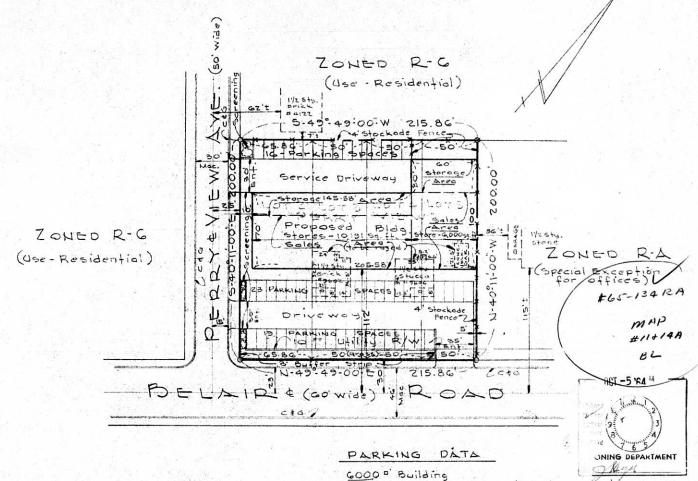
13th day of October the same was inserted in the issues of

By Mrs. Palmer Price

19 64; that is to say

Stromberg Publications, Inc. Publisher





Notes:

Election District - Nº 11
Area of prop. - 0.991 Ac.t., 43,172 sq. ft.
Existing Zoning - R-G
Proposed Zoning - B.L.
Existing Use - Residential
Proposed Use - Shopping Ceriter
Area of Bldgs- 16,191 sq. ft.
% of Bldg. Coverage - 37.6%
Nº Parking Space - 58
Size of Parking Space - 9×18

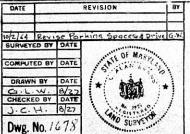


MICROFILMED

GOOD " Building
30% of Bldg. will be used for Storage & Equipment
Usable floor Area = 4200 = 200 21 spaces
10,191 " Buildings
30% of Bldg. will be used for Storage & Equipment
Usable floor Area = 7,134 = 200 = 36 spaces
Total Spaces Required = 57

Total Spaces Provided : 58

AN EVANC



28 26 24 22 20 18 16 14 12 10 8 6 4 2 0

L. ALAN EVANS

SURVEYORS & CIVIL ENGINEERS
4200 ELSRODE AVE - PHONE HA 6-2144
BALTIMORE 14, MARYLAND
- branch office -

E FOFLAR STREET - PHONE AC 8-3350 CAMBRIDGE, MARYLAND STATE OF MARYLAND REG NO 2860

J. Glan Guans