

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or William J. Burton, legal owner... 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 R-6 zone to an B-1 zone for the following reasons:
that it is a business site and is being used as such and for local business

see attached description

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.

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

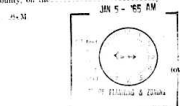
Contract purchaser

Address

Petitioner's Attorney

Address

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day of _____, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of February, 1965, at 11:00 o'clock.



Zoning Commissioner of Baltimore County

JEROME W. TAYLOR
ATTORNEY AT LAW
431 LEXINGTON AVENUE
NEW YORK, NEW YORK 10017
647-1100

April 6, 1965

Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: No. 65-206-R
Wm J. Burton
1/4 Corner Mace Ave. & Ida Ave.

Gentlemen:

Please enter by appearance as counsel for the following protestants in the above-captioned appeal:

Vernon & Dorothy Clarkson
Harry B. Zelowski
John & Geraldine Jurcek
Samuel T. Jones
Carl Jaworski
Charles Schickner

and others.

I would appreciate notice as to when the hearing is to take place.

Very truly yours,

Jerome W. Taylor

JWT/lt

cc: Maurice W. Baldwin, Esq.
Masonic Building
Towson, Md. 21204

MAURICE W. BALDWIN
ATTORNEY AT LAW
REAR PORCH
TOWSON, MARYLAND
VALLEY & BETH
Masonic Building

March 12, 1965

Mr. John G. Rose,
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification R-6 Zone to B-1 Zone
N.W. Corner Mace Ave. & Ida Ave. Wm J. Burton
Petitioner
65-206-R 15th District

Dear Mr. Rose:

Please enter an Appeal on behalf of the above subject.

Very truly yours,

Maurice W. Baldwin
Attorney for petitioner

MWB:bce

Enc.

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; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1965, that the herein described property or area should be and the same is hereby reclassified; from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

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 failure to show either or substantial changes in the neighborhood _____

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1965, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to remain a _____ zone, and/or the Special Exception for a _____ be and the same is hereby DENIED.

Edward D. Hinder
Deputy Zoning Commissioner of Baltimore County

0.344 ACRES PARCEL - NORTHWEST CORNER OF
MACE AVENUE AND IDA AVENUE - FIFTEENTH
DISTRICT - BALTIMORE COUNTY, MARYLAND
Present Zoning R-6
Proposed Zoning B-1

Beginning for the same at a point on the northeast side of Ida Avenue, 49 feet wide, at the distance of 155 feet as measured northwesterly along said northeast side of Ida Avenue from its intersection with the northwest side of Mace Avenue, 50 feet wide, running thence binding on a part of the division line between Lot No. 5 and Lot No. 2 to 4 as shown on a plat entitled Low-Star Terrace and recorded among the Land Records of Baltimore County in Plat Book W, P, C, 7, page 16, N. 21° 30' E. - 100 feet, thence S. 64° 30' E. - 155 feet to said northwest side of Mace Avenue, thence binding thence, S. 25° 30' W. - 80.00 feet, thence by a curve to the right with a radius of 20.00 feet, the distance of 31.41 feet to said northeast side of Ida Avenue, thence binding thence, N. 64° 30' W. - 135 feet to the place of beginning.

Containing 0.35 of an acre of land, more or less.

PS/jc
12/9/64
J. D. #44-246



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 29, 1965

FROM: George E. Gavrells, Director

SUBJECT: 65-206-R, R-6 to B-1, Northwest corner of Mace Avenue and Ida Avenue Being the property of Wm J. Burton and Dorothy C. Burton.

15th DISTRICT

HEARING: Monday, February 8, 1965 (11:00 A.M.)

The Planning Staff of the Office of Planning and Zoning has reviewed the subject petition and has the following advisory comments to make with regard to planning factors:

1. Reclassification of this one lot would appear to be spot zoning since all other property in the neighborhood would be zoned differently. Commercial zoning is not in accordance with the current comprehensive plan, nor is it consistent with planning proposals for comprehensive rezoning of the area. Such zoning would create land use potentials incompatible with those of adjacent properties.
2. As noted by the Bureau of Traffic Engineering, the practical capacity of Mace Avenue is already exceeded. A more intensive use at this corner would add to the present problem of congestion.

RE: PETITION FOR RECLASSIFICATION :
From an R-6 zone to a B-1 zone, :
NW corner Mace & Ida Avenues, :
15th District :
Wm J. Burton, et al, :
Petitioners :
Baltimore County :
No. 65-206-R

REPORT

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 65-206-R

OPINION

This is an application for a change from R-6 residential zoning to B-1 (business local) of a lot fronting 100 feet on Mace Avenue at the corner of Ida Avenue in the Fifteenth District of Baltimore County. The lot is completely surrounded by developed R-6 land and private homes, except that directly across the street from this property is the First Baptist Church. The proposed use is for a 7-11 store, which will be open seven days every week from 7:00 A.M. until 11:00 P.M. The front of the store would face directly toward the front door of the sanctuary of the Baptist Church. There are some commercial uses and non-conforming uses on Mace Avenue but none very close to the subject property. Several neighbors appeared to testify that the proposed 7-11 store would be a convenience to them, being within walking distance of their homes.

Based on the petitioner's case, the Board can find no sufficient evidence of any error in the adoption of the original zoning, or of any sufficient change in the neighborhood to warrant the change in classification.

There were numerous protestants who presented expert testimony to the effect that the petitioned change would amount to the worst form of "spot zoning" and would be detrimental to the health, welfare and safety of the neighborhood. Among the witnesses so testifying were Mr. Daniel W. Rubens, a qualified real estate and appraisal expert and a former member of this Board, and Mr. George

Wm J. Burton, et al - 65-206-R

E. Gavrells, Director of the Office of Planning and Zoning of Baltimore County; also Mr. Eugene J. Clifford, of the Traffic Department of Baltimore County, and the Reverend John Vernon Brooks, Pastor of the First Baptist Church, in addition to many residents of the neighborhood.

For the above reasons, the application for rezoning will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ day of April, 1965 by the County Board of Appeals, ORDERED that the reclassification petitioned for be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1150, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

H. Bruce Alderman, Acting Chairman

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

M. J. H. H. H.

January 11, 1965
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND
Mr. Wilmer J. Button
Sharon Road
Rocks
Harford County, Maryland
SUBJECT: *Reclassification From Sub to B-1 for Wilmer J. Button located on the Northwest corner of Ida Ave. and Race Ave.*
The Zoning Advisory Committee has reviewed the subject petition. makes the following comments:

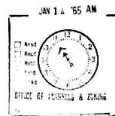
REPORT OF TRAFFIC ENGINEERING: This Bureau will make a field inspection of the subject site and submit any necessary comments at a later date.

The following members have no comment to offer with regard to the proposed development plan:

Bureau of Engineering
Board of Education
Fire Department
Industrial Commission
Housing Department
State Roads Commission
Office of Planning and Zoning
Health Department

cc: Richard Moore - Bureau of Traffic Engineering

Closer
Enclosures



Yours very truly,

James M. Dyer
James M. Dyer
Chief of Permits and
Petition Processing

INTER-OFFICE CORRESPONDENCE
DIVISION OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson 4, Maryland

TO: Mr. James M. Dyer
FROM: C. Richard Moore
SUBJECT: Item 1 ZOC - 1-5-65 - Wilmer Button

Date: January 13, 1965

The subject plat dated December 6, 1964 results in the following comments.

Race Avenue has a practical capacity of 900 vehicles per hour. This capacity is presently exceeded several hours a day and any additional traffic is unsatisfactory.

Enclosed please find traffic counts on Race Avenue.

C. Richard Moore
C. Richard Moore, Engineer IV
Bureau of Traffic Engineering

TRAFFIC ENGINEERING DIVISION
BALTIMORE COUNTY, MARYLAND
SUMMARY FORM FOR VEHICULAR VOLUMES
MINOR CONTROL COUNT

ON *Race Ave. near Eastern Rd.*
DATE *Jan 11, 1965* CLASS *General*

TIME	TOTAL	% OF G.T.
7 AM - 8 AM	798	6.81
8 - 9	469	4.01
9 - 10	377	3.23
10 - 11	430	3.68
11 - 12	412	3.52
12 M - 1 PM	412	3.52
1 - 2	515	4.41
2 - 3	515	4.41
3 - 4	660	5.66
4 - 5	1,024	8.77
5 - 6	1,022	8.75
6 - 7	546	4.69
7 - 8	671	5.74
8 - 9	650	5.56
9 - 10	531	4.55
10 - 11	443	3.78
11 - 12	446	3.81
12 M - 1 PM	446	3.81
1 - 2	792	6.77
2 - 3	76	.65
3 - 4	41	.35
4 - 5	14	.12
5 - 6	759	6.51
6 - 7		
GRAND TOTAL	11,677	

29.56
TOTAL PERCENTAGE
BETWEEN
AND
GRAND TOTAL

TRAFFIC ENGINEERING DIVISION
BALTIMORE COUNTY, MARYLAND
SUMMARY FORM FOR VEHICULAR VOLUMES
MAJOR CONTROL COUNT (DIRECTIONAL)

ON *Race Ave. near Eastern Rd.*
DATE *Jan 11, 1965* CLASS *General*

TIME	Direction	Direction	TOTAL	% OF G.T.
7 AM - 8 AM	252	467	719	6.15
8 - 9	140	329	469	4.01
9 - 10	178	200	378	3.23
10 - 11	246	184	430	3.68
11 - 12	239	173	412	3.52
12 M - 1 PM	239	173	412	3.52
1 - 2	352	163	515	4.41
2 - 3	352	163	515	4.41
3 - 4	367	293	660	5.66
4 - 5	367	293	660	5.66
5 - 6	367	293	660	5.66
6 - 7	367	293	660	5.66
7 - 8	367	293	660	5.66
8 - 9	367	293	660	5.66
9 - 10	367	293	660	5.66
10 - 11	367	293	660	5.66
11 - 12	367	293	660	5.66
12 M - 1 PM	367	293	660	5.66
1 - 2	367	293	660	5.66
2 - 3	367	293	660	5.66
3 - 4	367	293	660	5.66
4 - 5	367	293	660	5.66
5 - 6	367	293	660	5.66
6 - 7	367	293	660	5.66
TOTAL	6,345	5,452	11,797	

PERCENTAGE OF
24-Hour TOTAL
DURING THE
PEAK HOUR
(Both
Directions)

PERCENTAGE OF
24-Hour TOTAL
DURING THE
PEAK HOUR
(One
Direction)

TRAFFIC ENGINEERING DIVISION
BALTIMORE COUNTY, MARYLAND
SUMMARY FORM FOR VEHICULAR VOLUMES
MINOR CONTROL COUNT

ON *Race Ave. near Simmons Rd. B.*
DATE *Jan 11, 1965* CLASS *General*

TIME	TOTAL	% OF G.T.
7 AM - 8 AM	832	7.15
8 - 9	423	3.65
9 - 10	361	3.11
10 - 11	367	3.17
11 - 12	423	3.65
12 M - 1 PM	423	3.65
1 - 2	423	3.65
2 - 3	423	3.65
3 - 4	423	3.65
4 - 5	423	3.65
5 - 6	423	3.65
6 - 7	423	3.65
7 - 8	423	3.65
8 - 9	423	3.65
9 - 10	423	3.65
10 - 11	423	3.65
11 - 12	423	3.65
12 M - 1 PM	423	3.65
1 - 2	423	3.65
2 - 3	423	3.65
3 - 4	423	3.65
4 - 5	423	3.65
5 - 6	423	3.65
6 - 7	423	3.65
GRAND TOTAL	10,305	

TOTAL PERCENTAGE
BETWEEN
AND
GRAND TOTAL

TRAFFIC ENGINEERING DIVISION
BALTIMORE COUNTY, MARYLAND
SUMMARY FORM FOR VEHICULAR VOLUMES
MINOR CONTROL COUNT

ON *Race Ave. near Simmons Rd. B.*
DATE *Jan 11, 1965* CLASS *General*

TIME	TOTAL	% OF G.T.
7 AM - 8 AM	766	6.61
8 - 9	516	4.47
9 - 10	312	2.69
10 - 11	320	2.76
11 - 12	331	2.85
12 M - 1 PM	371	3.19
1 - 2	327	2.81
2 - 3	440	3.78
3 - 4	598	5.12
4 - 5	750	6.42
5 - 6	640	5.47
6 - 7	444	3.81
7 - 8	219	1.87
8 - 9	325	2.78
9 - 10	325	2.78
10 - 11	325	2.78
11 - 12	325	2.78
12 M - 1 PM	325	2.78
1 - 2	325	2.78
2 - 3	325	2.78
3 - 4	325	2.78
4 - 5	325	2.78
5 - 6	325	2.78
6 - 7	325	2.78
GRAND TOTAL	8,397	

29.1%
TOTAL PERCENTAGE
BETWEEN
AND
GRAND TOTAL

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: 2 and 3 Greenleaf
Capitola, Md.

BILLED BY: Zoning Department of Balto. Co.

REPORT TO ACCOUNT NO. 01-622

QUANTITY: 43.60

DESCRIPTION: Advertising and posting of property for Wilmer J. Button

65-208-2

2-265 9773 • 28520 TIM- 360

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: William H. Dyer, Jr.
Sharon Road
Rocks, Maryland 21150

BILLED BY: Office of Planning & Zoning
119 County Office Building
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-622

QUANTITY: 575.00

DESCRIPTION: Cost of appeal - Wilmer J. Button, petitioner
posting

65-208-2

2-265 1642 • 28610 TIM- 7500

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Mr. Wilmer J. Button
Sharon Road
Rocks, Harford Co., Md.

BILLED BY: Zoning Department of Balto. Co.

REPORT TO ACCOUNT NO. 01-622

QUANTITY: 50.00

DESCRIPTION: Petition for Special Exemption

65-208-2

2-265 7063 • 27581 TIM- 5000

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Mr. Wilmer J. Button
Sharon Road
Rocks, Harford County, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

January 12, 1965

Your petition has been received and accepted for filing this
12th day of January, 1965

JOHN G. ROSE
Zoning Commissioner

Owner Name: Wilmer J. Button
Reviewed by: *James M. Dyer*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: July 25, 1964
 Posted for: APPEAL
 Petitioner: Charles Costea, et al
 Location of property: N.W. cor. York Rd. & Ramp to Beltway 293.98'
of Cavan Street
 Location of Signs: W/s York Rd on lanes of 1134-1136-1138 York Rd
 Remarks: J.S. Boese
 Posted by: J.S. Boese Date of return: July 30, 1964

PETITION FOR
RECLASSIFICATION
15th DISTRICT
ZONING From R-6 Zone
B.L. Zone.
LOCATION: Northwest corner
of Mace Avenue and Ida Avenue
DATE & TIME: MONDAY,
FEBRUARY 8, 1965 at 11:00 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and Regulations
of Baltimore County, will hold a
public hearing:

Present Zoning: R-6
Proposed Zoning: B.L.
All that parcel of land in the
Fifteenth District of Baltimore
County,

Beginning for the same at a
point on the northeast side of
Ida Avenue, 40 feet wide, at the
distance of 155 feet as measured
northwesterly along said north-
east side of Ida Avenue from its
intersection with the northwest
side of Mace Avenue, 50 feet wide,
running thence binding on a part
of the division line between Lot
No. 5 and Lots No. 2 to 4 as
shown on a plat entitled Lou-Har
Terrace and recorded among the
Land Records of Baltimore
County in Plat Book W.P.C. 7
page 16, N. 25 degrees 30' E -
100 feet, thence S. 64 degrees 30'
E - 155 feet to said northeast
side of Mace Avenue, thence
binding thereon S. 25 degrees
30' W - 80.00 feet, thence by a
curve to the right with radius
of 20.00 feet, the distance of
31.41 feet to said northeast side
of Ida Avenue, thence binding
thereon, N. 64 degrees 30' E -
135 feet to the place of beginning.
Containing 0.35 of an acre of
land, more or less.

Being the property of Wilmer
J. Button and Dorothy C. Button,
as shown on plat plan filed with
the Zoning Department.

Hearing Date: Monday, Feb-
ruary 8, 1965 at 11:00 A.M.
Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

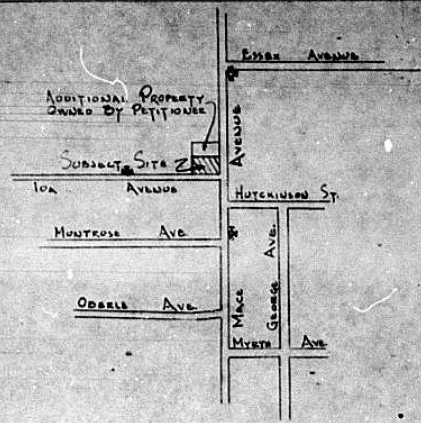
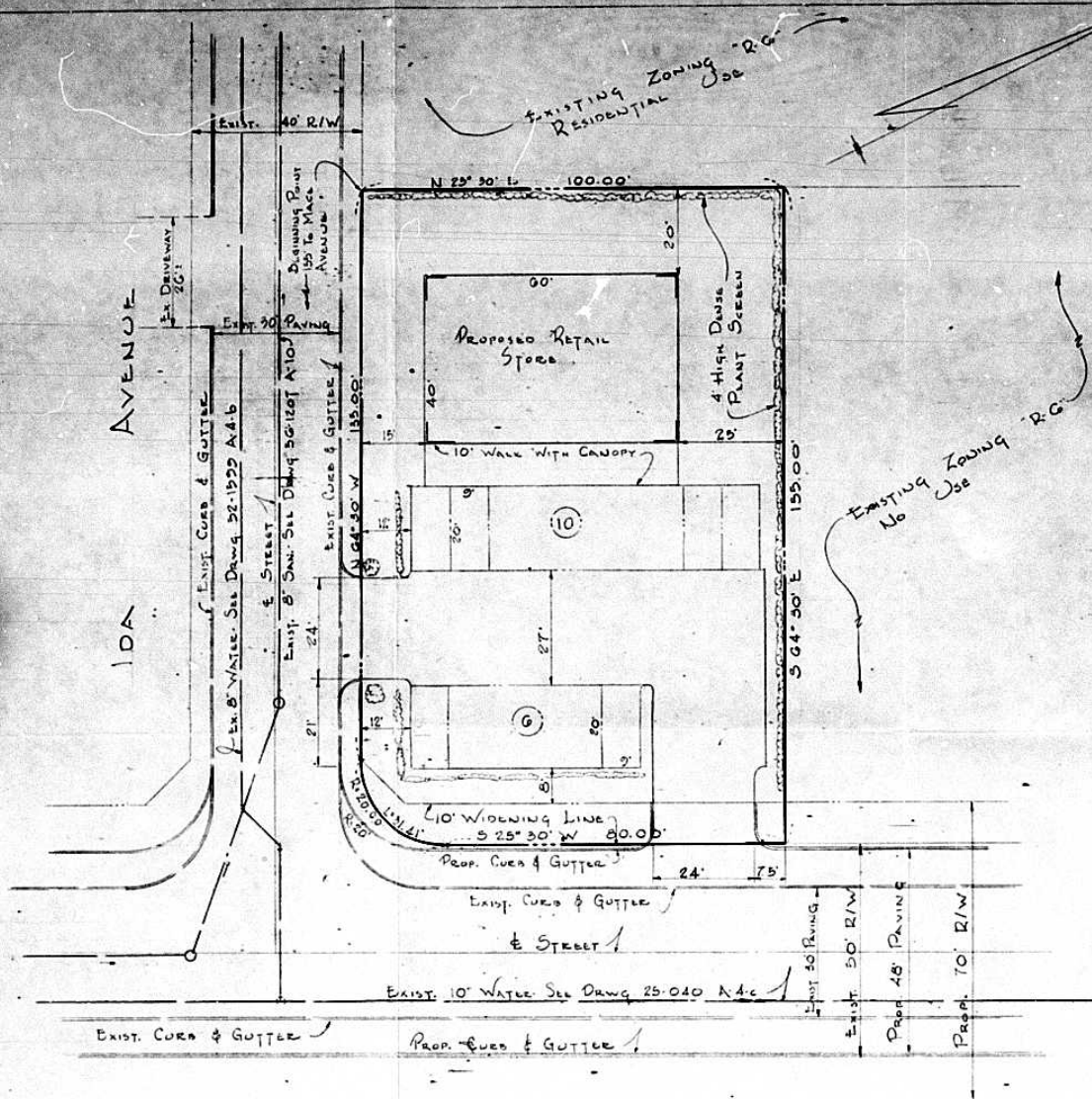
OFFICE OF
The Community Press

DUNDALK, MD., January 22, 19 65

THIS IS TO CERTIFY, that the annexed advertisement of
"Wilmer J. Button"
was inserted in THE COMMUNITY PRESS, a weekly news-
paper published in Baltimore County, Maryland, once a week
for 1 successive weeks before the
19th day of January 19 65; that is to say,
the same was inserted in the issues of 1-20-65

Stromberg Publications, Inc.
Publisher.

By Mrs. Palmer Price
Mrs. Palmer Price



LOCATION PLAN
SCALE: 1" = 500'

GENERAL NOTES

1. TOTAL AREA OF TRACT EQUALS 0.55 ACRES.
2. EXISTING ZONING OF TRACT "R-G"
3. EXISTING USE OF TRACT "No Use"
4. PROPOSED ZONING OF TRACT "B-L"
5. PROPOSED USE OF TRACT "RETAIL STORE"
6. TOTAL FLOOR AREA OF STORE EQUALS 2400 SQ. FT.
7. REQUIRED OFF-STREET PARKING EQUALS 12 SPACES
8. PROPOSED OFF-STREET PARKING EQUALS 16 SPACES
9. 10A AVENUE HAS BEEN IMPROVED WITH 30' PAVING, CURB & GUTTER ON A 40' R/W. SEE ROAD DWG'S C-1951.
10. SEE LOCATION PLAN FOR FIRE HYDRANT LOCATIONS.

Petr. Ex 1

PLAN TO ACCOMPANY PETITION
FOR

RECLASSIFICATION OF PROPERTY
VICINITY

MACE AND 10A AVENUES

ELECTION DISTRICT 15
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
DEC. 3, 1964

