

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

JOSEPH B. JARBOE, Jr. and
I, or we, FRANCES J. SEIDLICH, legal owners, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an R-A zone; for the following reasons:

1. There was error in the original map which failed to zone this property for apartment use.
2. There have been changes in the neighborhood since the adoption of the original map which would justify a re-classification of this property.

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 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 County.

Address: 116 S. President Ave.
Legal Owner

Address: 116 S. President Ave.
Contract purchaser

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of January, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of March, 1965, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

RE: PETITION FOR RECLASSIFICATION:
SE/S Paradise Avenue 100' S/W
Tanglewood Ave., 1st Dist.,
Joseph Jarboe, Jr.,
Petitioner

BEFORE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No. 65-232-R

The petitioner in the above matter has requested a reclassification from R-6 Zone to R-A Zone on property on the southeast side of Paradise Avenue 100 feet southwest of Tanglewood Road, in the First District of Baltimore County.

This property at one point touches another property previously considered for apartment zoning, said petition having reached the Maryland Court of Appeals and known as Shadybrook Improvement Association, Inc., et al vs L. W. Molloy, 232 Md at Page 265.

The subject property is in a worst location as far as a traffic pattern is concerned than the Molloy property. Absolutely no case was made insofar as error in zoning is concerned. The only change that has taken place worthy of note is the fact that the University of Maryland intends to build in the general vicinity. There is no question but that the building of the University of Maryland will result in many changes in the Catonsville and Arbutus areas but no tie-in was shown between the subject property and such change.

The Maryland Court of Appeals made it very clear with its views concerning apartment zoning insofar as the Molloy property, which is contiguous to the subject property, is concerned.

The last two paragraphs in that case read as follows:

"The fact is as the appellants strongly urge, that the rezoning of the subject property as R-A would create the entering wedge of such zoning in the tract above described between Helden Choice Lane and the Beltway. Boundaries, as we have said, must be drawn somewhere, and that street appears to be a logical or natural place at which to draw the dividing line in this area. To grant the reclassification here sought would, in our view, amount to improper spot zoning which would be inconsistent with the comprehensive plan for this area shown by the 1960 rezoning map. See Hewitt vs. Baltimore County and George F. Becker Co. v. Johns, both cited above.

"We hold that the heavy burden resting upon the appellee to show error on the part of the legislative body, the County Council, in the comprehensive rezoning applicable to the property here involved has not been met; and accordingly we must reverse the order of the Circuit Court, and remand the case with directions to reverse the action of the Board of Appeals and to reinstate the action of the Zoning Commissioner which denied the appellee's application for reclassification."

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: May 3, 1965
Posted for: Appeal
Petitioner: J. B. Jarboe, Jr. & Frances J. Seidllich
Location of property: SE/S Paradise Avenue 100' SW of Tanglewood Avenue
Location of Signs: SE/S Paradise Ave. 25' E of Catonsville Road line R.R. tracks
Remarks: 2 signs
Posted by: J. B. Jarboe, Jr. Date of return: May 13, 1965

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: March 6, 1965
Posted for: Reclass from R-6 to R-A
Petitioner: Joseph Jarboe, Jr.
Location of property: SE/S Paradise Ave. 100' SW of Tanglewood Ave.
Location of Signs: SE/S Paradise Ave. 100' SW of Tanglewood Ave.
Remarks: SE/S Paradise Ave. 100' SW of Tanglewood Ave.
Posted by: J. B. Jarboe, Jr. Date of return: March 11, 1965

For the above reasons the above reclassification should NOT BE HAD.
It is this 31st day of March, 1965, by the Zoning Commissioner of Baltimore County, ORDERED that the above reclassification be and the here 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 Zone.

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 4, 1965

THIS IS TO CERTIFY that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 23rd day of March, 1965, the first publication appearing on the 4th day of March 1965.

THE TIMES

Manager: John M. Martin

Cost of Advertisement, \$27.50
Baltimore Order #6737
Registration No. 32621

RE: PETITION FOR RECLASSIFICATION : BEFORE
from an R-6 zone to an R-A zone, : COUNTY BOARD OF APPEALS
SE/S Paradise Avenue 100' SW of :
Tanglewood Avenue, :
First District : OF
Joseph J. Jarboe, Jr. and : BALTIMORE COUNTY
Frances J. Seidllich, :
Petitioners : No. 65-232-R

ORDER OF DISMISSAL

Petition of Joseph J. Jarboe, Jr. and Frances J. Seidllich for reclassification from an R-6 zone to an R-A zone of property located on the southeast side of Paradise Avenue 100 feet southwest of Tanglewood Avenue in the First District of Baltimore County.

Whereas the Board of Appeals is in receipt of an Order of Dismissal dated November 18, 1965 from the attorney representing the petitioners-appellants in the above entitled matter.

Whereas the said attorney for the said petitioners-appellants requests that the appeal filed on behalf of said petitioners, be dismissed and withdrawn as of November 18, 1965.

It is thereby ORDERED this 19th day of November, 1965 that said appeal be dismissed without prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

RE: PETITION FOR RECLASSIFICATION * BEFORE THE
SE/S Paradise Avenue 100' S/W * COUNTY BOARD OF
Tanglewood Avenue, 1st District, * APPEALS OF
Petitioner-Joseph Jarboe, Jr. * BALTIMORE COUNTY

ORDER OF DISMISSAL

TO: COUNTY BOARD OF APPEALS
At the request of the Petitioner please enter the above Appeal "DISMISSED".

WILLIAM F. MOSNER
Attorney for Petitioner
34 West Chesapeake Avenue
Towson, Maryland 21204

I HEREBY CERTIFY that on this 18 day of November 1965, a copy of the foregoing Order of Dismissal was mailed to John H. Hessey, IV, Esquire, 1311 Fidelity Building, Baltimore, Maryland 21201 and to Marvin I. Singer, Esquire, 416 Court Square Building, Baltimore, Maryland 21202.

WILLIAM F. MOSNER

L. ALAN EVANS SURVEYORS AND CIVIL ENGINEERS

1400 ELWOOD AVENUE - BALTIMORE 14, MARYLAND - HAMILTON 6-2144

October 6 1964.

DESCRIPTION OF 14 ACRES FRONTING PARADISE AVENUE, 100 FEET, MORE OR LESS, SOUTHWEST OF TANGLEWOOD ROAD

BEGINNING for the same on the southeast side of Paradise Avenue at the distance of 100 feet more or less from the intersection of said southeast side of Paradise Avenue with the southwest side of Tanglewood Road, said place of beginning also being in the third line of the land which by deed dated August 22, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1594 folio 93, thence leaving said place of beginning and running and binding on said southeast side of Paradise Avenue and in part on the fifth line of the first parcel of the aforementioned deed, referring all courses to said deed, South 45 degrees West 617.1 feet to the beginning of said first parcel of the aforementioned deed, thence leaving said southeast side of Paradise Avenue and running and binding on the first and second lines of said first parcel of the aforementioned deed the two following courses and distances, viz: South 40 degrees 15 minutes East 396.0 feet and South 47 degrees East 557.70 feet to the end of said second line, thence running and binding in part on the third line of said first parcel and in part on the second line of the second parcel of the aforementioned deed, in all, North 45 degrees 45 minutes East 643.5 feet to the end of said second line of said second parcel, thence running and binding on the third line of said second parcel North 46 degrees 45 minutes West 961.12 feet to the place of beginning.

Containing 14 acres of land more or less.



L. Alan Evans

LAW OFFICE
POWER AND MOSNER
34 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

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

#65-232R

Date February 5, 1965

TO: Mr. James E. Dyer
FROM: C. Richard Moore
SUBJECT: Item #6 ZAC January 26, 1965 - Joseph Jarboe, Jr.
Paradise Avenue

Review of the subject plat dated January 11, 1965 results in the following comment.

The subject property creates some concern due to the expected 1100 vehicles per day generated by this site which will use Paradise Avenue and Prospect Avenue. Paradise Avenue varies in width of pavement from 15' to 20' without parking restrictions, and Prospect Avenue is a one way street north with a variable width of 14' to 18' with parking on both sides.

C. Richard Moore, Engineer IV
Bureau of Traffic Engineering

CRM:mr



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date Feb. 19, 1965

FROM: George E. Gavett, Director
Petition #65-232-R
SUBJECT: R-6 to R-A. Southeast side of Paradise Avenue 100 feet Southwest of Tanglewood Avenue. Being the property of Joseph B. Jarboe, Jr. and Frances J. Seidlich.

1st DISTRICT

HEARING: Wednesday, March 3, 1965 (11:00 A.M.)

The Planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments with regard to planning factors:

1. The present zoning of the subject tracts is proper and consistent with the surroundings. The map for this area can be said to have been tested at the Court of Appeals level in a case involving a nearby parcel. The Court ruled that parcel, also classified as R-6, to be correctly zoned.
2. The site in this case does not meet reasonable locational standards for apartment zoning, particularly with regard to access.

RE: PETITION FOR RECLASSIFICATION * BEFORE
SE/S Paradise Avenue 100' S/W Tanglewood Ave., 1st Dist. JONING COMMISSIONER
Joseph Jarboe, Jr., Petitioner



OF
BALTIMORE COUNTY
No. 65-232-R

Petitioners in the above case hereby appeal from the decision of the Zoning Commissioner of Baltimore County dated March 31, 1965, which said decision refused to reclassify Petitioner's property from R-6 to R-A.

POWER AND MOSNER

JOSEPH B. JARBOE, JR.

BY: WILLIAM F. MOSNER
Attorneys for Petitioner
34 West Chesapeake Avenue
Towson, Maryland 21204

FRANCES J. SEIDLICH

I HEREBY CERTIFY that on this 29th day of April 1965, a copy of the foregoing Notice of Appeal was mailed to John H. Hessey, IV, Esquire, 1311 Fidelity Building, Baltimore, Maryland 21201 and Marvin I. Singer, Esquire, 416 Court Square Building, Baltimore, Maryland 21202, attorneys for Protestants.

Wm. Mosner

TELEPHONE 623-3000

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

No. 28552
DATE 2/15/65

TO: Messrs. Power and Mosner
34 W. Chesapeake Avenue
Towson, Md. 21204

BILLED BY: Zoning Department of Balto. Co.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Petition for Reclassification for Jarboe #65-232-R	\$5.00
1	PAID - Baltimore County, Md. - Office of Finance	
2-1665 200 *	28552 TIP-	\$0.00

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.

TELEPHONE 623-3000

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

No. 30556
DATE 4/15/65

TO: Mr. F. Mosner, Esq.
34 West Chesapeake Avenue
Towson, Maryland 21204

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

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Cost of appeal - Property of J. B. Jarboe, Jr. et al #65-232-R	\$70.00
1	PAID - Baltimore County, Md. - Office of Finance	
2-1665 4454 *	30556 TIP-	70.00

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.

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 5, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on March 5, 1965, before the 23rd day of March, 1965, the first publication appearing on the 5th day of March 1965.

THE JEFFERSONIAN,
L. Frank Shustler
Manager.

Cost of Advertisement, \$.....

William F. Mosner, Esq.
34 W. Chesapeake Ave.
Towson, Md. 21204

February 1, 1965

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition has been received and accepted for filing this 26th day of January, 1965.

Owner Name: Joseph Jarboe
Reviewed by: James E. Dyer

JOHN G. ROSE
Zoning Commissioner

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING

TOWSON 4, MARYLAND

February 1, 1965

NAP
#1
SER. 2-A

William Mosner, Esquire
Power & Mosner, Attorneys
34 W. Chesapeake Avenue
Baltimore, Maryland 21204

SUBJECT: Reclassification from R-6 to R-A. Same for Joseph B. Jarboe et al located on the SE/S of Paradise Ave. 100' SW of Tanglewood Ave.

The Zoning Advisory Committee has reviewed the subject petition makes the following comments:

Bureau of Traffic Engineering: This office will review the site and submit comments at a later date.

Health Department: The existing and/or proposed sanitary sewer should be indicated on the plans prior to the hearing.

Fire Department: See previous comments dated October 23, 1964.

The following members had no comments to make:

Office of Planning and Zoning
Board of Education
Industrial Commission
Buildings Department
Buildings Department
Bureau of Engineering

Yours very truly,

James E. Dyer
Chief of Permit and
Petition Processing

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James A. Dyer, Chairman Date January 28, 1965

FROM: Capt. Paul H. Heinicke & Lt. Charles F. Morris, Sr.
Fire Bureau - Plans Review
SUBJECT: Joseph Jarboe, Jr.
SE/S Paradise Avenue - 100' S.W. of Tanglewood Avenue
District 1 1-26-65

Comments: made on this site on 10-23-64.

PHR/mj1

TELEPHONE 623-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 3203
DATE 6/15/65

TO: Messrs. Power and Mosner
34 W. Chesapeake Avenue
Towson, Md. 21204

BILLED BY: Zoning Dept. of Balto. Co.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property for J. B. Jarboe #65-232-R	\$65.00
1	PAID - Baltimore County, Md. - Office of Finance	
2-645 4454 *	32033 TIP-	65.00

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.



site plan

LEGEND FOR SITE PLAN

- APARTMENT BLDGS & NUMBER OF UNITS EACH BLDG
- 5'-0" SCREENING AREA
- 4'-0" CONCRETE WALKS
- PARKING SPACES & NUMBER OF SPACES EACH AREA
- SHRUBS

SCALE 1"=50'

DENSITY CALCULATIONS
 LOCATION: 1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
 EXISTING USE OF PROPERTY: UNDEVELOPED - WOODED
 PROPOSED USE OF PROPERTY: GARDEN TYPE APARTMENTS
 EXISTING ZONING OF PROPERTY: R-6
 PROPOSED ZONING OF PROPERTY: 2A

NET AREA OF PROPERTY: 14.6 ACRES ± (SHOWN ON TAX RECORD)
 GROSS AREA OF PROPERTY: 14.7 ACRES ±
 TOTAL NUMBER OF APTS. ALLOWED NET-14.6 X 18 = 2628 UNITS
 TOTAL NUMBER OF APTS. ALLOWED GROSS-14.7 X 16 = 2352 UNITS
 TOTAL NUMBER OF APTS. REQUESTED 188 UNITS APPROX. 13.5 PER A
 TOTAL NUMBER OF PARKING SPACES REQUIRED - 188
 TOTAL NUMBER OF PARKING SPACES PROVIDED - 242

MAP #1
 SEC. 2A
 RA

*** SITE PLAN ***
 FOR - APARTMENT - PROJECT
 EAST SIDE OF PARADISE AVE. APPROX. 100 FT. SOUTH OF TANGLEWOOD ROAD
 KNOWN AS 115 PARADISE AVE. 1ST ELEC. DIST. BALTO. CO. MARYLAND

J. NORMAN HENKEL, et al
 OWNERS & DEVELOPERS
 704 CHASING CROSS ROAD
 1ST ELECTION DISTRICT BALTO. COUNTY, MARYLAND

L. ALAN EVANS
 SURVEYOR & CIVIL ENGINEER
 4100 ELSTREE AVE. BALTO. 14, MD

DATE: Jan No: DRAWN BY: [Signature]

