

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Harry A. Smuck

I, or we, and Thelma R. Smuck, 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 M-L zone; for the following reasons:

hereby petition for a Variance from Sections 255-11, (243.1, to permit 30 ft. Setback for Bldg. "A" in lieu of required 75 ft. Setback from a through highway.) (243.4, to permit a 75 ft. Rear Yard for Bldg. "A" from 300°-11'-12" E 604.01 ft line in lieu of 125 ft restriction at a residential zone boundary) (243.4, to permit a 75 ft. Rear Yard for Bldg. "B" from 300°-12'-14" W 777.02 ft line in lieu of 125 ft restriction at a residential zone boundary) (243.4, to permit a 75 ft. Side Yard for Bldg. "B" from 389°-48" W 365.50 ft line in lieu of 125 ft restriction at a residential zone boundary.) for the following reasons: (indicate hardship or practical difficulty)

Topography of the land is such that it must be completely altered with fill and grading. Such regrading causes loss of a substantial part of the land. Thus, to make land more feasible for development for light industrial purposes, it is essential to bring building lines as close as practicable to adjoining property to side and rear, which is dedicated to cemetery use; the remainder of the adjoining property comprises railroad uses and interstate highway use.

See Attached Description

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 zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Joseph R. Rudolph, purchaser
Maryland Bedding Company
Address 725 North Haven, 21205

Thelma R. Smuck, Legal Owner
Address Baltimore, Maryland 21225

Joseph W. Spedtor
Petitioner's Attorney
Address Or Charles Center 21201

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of February, 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 15th day of March, 1965, at 10 o'clock

3 P.M.

Zoning Commissioner of Baltimore County.

Description of Land to be Rezoned
from R-6 to M-L

February 10, 1965
Sheet 2

Parcel B, containing 0.755 acres of land more or less.
Beginning for Parcel B at a point on the eighth or southwesterly 1425 feet, more or less line of Zoning Area 13-R-6-B, said point of beginning being distant 307.15 feet, measured southwesterly along said eighth line of Zoning Area 13-R-6-B, from the west right-of-way line of the Baltimore County Beltway, and running thence binding on part of said eighth line of Zoning Area 13-R-6-B as now surveyed South 58° 48' 30" West 394.56 feet, thence for lines of division the two following courses and distances as now surveyed viz: first North 0° 12' 14" East 203.25 feet, and second North 89° 48' 48" East 336.80 feet to the place of beginning.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Harry A. Smuck

I, or we, and Thelma R. Smuck, 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 M-L zone; for the following reasons:

Error in original zoning and change in general neighborhood.

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.

Joseph R. Rudolph, purchaser
Maryland Bedding Company
Address 725 North Haven, 21205

Thelma R. Smuck, Legal Owner
Address Baltimore, Maryland 21225

Joseph W. Spedtor
Petitioner's Attorney
Address Or Charles Center 21201

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3 P.M.

Zoning Commissioner of Baltimore County.

Description to Accompany Request
for Zoning Variances in M.L. Zoning Area February 10, 1965

Beginning for the same at a point on the west right-of-way line of the Baltimore County Beltway, said point of beginning being the beginning of the third or southwest 1425 foot more or less line of Zoning Area 13-M-L-10 and running thence binding on said west right-of-way line of said Baltimore County Beltway the six following courses and distances as now surveyed viz: first northwesterly along a curve to the left with a radius of 3312.75 feet, for a distance of 126.65 feet, said curve being subtended by a chord bearing North 34° 23' 17" West 126.65 feet, second North 58° 24' 15" West 206.14 feet, third North 38° 31' 31" West 48.98 feet, fourth North 38° 41' 58" West 44.76 feet, fifth North 38° 44' 03" West 54.95 feet, and sixth North 31° 04' 32" West 52.46 feet, thence for lines of division the seven following courses and distances viz: first South 51° 15' 57" West 51.32 feet, second South 0° 11' 12" East 604.01 feet, third South 89° 48' 48" West 365.50 feet, fourth South 0° 12' 14" West 777.02 feet, fifth North 88° 43' 00" East 656.93 feet, sixth North 46° 53' 47" East 44.71 feet, and seventh North 54° 31' 27" East 199.78 feet to intersect the said west right-of-way line of said Baltimore County Beltway, thence binding on said west right-of-way line of said Baltimore County Beltway the six following courses and distances as now surveyed viz: first North 10° 13' 19" West 152.79 feet, second North 29° 49' 24" East 140.85 feet, third North 17° 39' 54" East 141.44

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner

Date: March 2, 1965

FROM: George E. Gavrelis, Director

SUBJECT: 65-248-RA-8-6 to M-L Variance to permit 30 feet setback for Building "A" in lieu of the required 75 feet setback from a through highway; and to permit a 75 feet rear yard for Building "A" from South 00 degrees 11 minutes 12 seconds East 604.01 feet in lieu of 125 feet restriction at a residential zone boundary; and to permit a 75 foot rear yard for Building "B" from South 00 degrees 12 minutes 14 seconds West 777.02 foot line in lieu of 125 feet restriction at a residential zone boundary; to permit a 75 foot side yard for Building "B" from South 89 degrees 48 minutes West 365.50 foot line of 125 foot restriction of residential zone boundary; to permit 1.0 foot setback from North 10 degrees 13 minutes 19 seconds West 158.79 feet line in lieu of 50 feet required. South side of Baltimore County Beltway West of the Baltimore and Ohio Railroad. Being the property of Harry A. Smuck and Thelma M. Smuck.

13th District

HEARING: Tuesday, March 16, 1965 (9:30 A.M.)

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

1. The reclassifications requested would correct an inequity in the zoning map. It would be difficult for the owner to utilize the subject parcels as they are now zoned.
2. With regard to the variances requested, it would appear that the petitioner is attempting to use his site at a greater intensity than was contemplated within the purposes of the M. L. Zone; smaller development could be worked out that would be within the limitations of M.L. zoning, still affording the developer a reasonable use of his land. We take particular exception to the encroachments of Buildings "A" and "C" (see petitioner's plat) on the required buffer strip along the Beltway. These would be totally out of line with established County policy.

Leslie H. Groef
Deputy Director

Description of Land to be Rezoned
from R-6 to M-L

February 10, 1965

Parcel A, containing 2.988 acres of land more or less
Beginning for Parcel A at a point on the west right-of-way line of the Baltimore County Beltway, said point of beginning being the beginning of the eighth or southwesterly 1425 foot more or less line of Zoning Area 13-R-6-B, and running thence binding on part of said eighth line of Zoning Area 13-R-6-B as now surveyed South 58° 48' 30" West 473.66 feet, thence for lines of division the two following courses and distances viz: first North 0° 11' 12" West 526.76 feet and second North 51° 15' 57" East 51.32 feet to intersect the said west right-of-way line of the Baltimore Beltway, thence binding on said west right-of-way line of the Baltimore County Beltway the six following courses and distances as now surveyed viz: first South 31° 04' 32" East 52.46 feet, second South 38° 44' 03" East 54.95 feet, third South 38° 41' 58" East 44.76 feet, fourth South 38° 31' 31" East 48.98 feet, fifth South 58° 24' 15" East 206.14 feet, and sixth southeasterly along a curve to the right with a radius of 3312.75 feet, for a distance of 126.65 feet, said curve being subtended by a chord bearing South 34° 23' 17" East 126.65 feet to the place of beginning.

Description to Accompany Request
for Zoning Variances in M.L. Zoning Area

February 10, 1965
Sheet 2

feet, fourth North 12° 18' 08" West 238.52 feet, fifth North 10° 51' 19" West 151.91 feet, and sixth northwesterly along a curve to the left with a radius of 3312.75 feet for a distance of 114.26 feet to the place of beginning.

Containing 19.748 acres of land more or less.

JEROME B. WOLFF
Consulting Engineer
SUITE 105, JEFFERSON BUILDING
TOWSON 4, MARYLAND

File # 65-248
Approved Plan
7/2/65

July 29, 1965

Re: Maryland Bedding Company
Building Permit

Department of Planning & Zoning
Baltimore County
County Office Building
Towson, Maryland 21204

Dear Sirs:

This is to advise you that there will be a total of 100 employees, including office, manufacturing and warehouse personnel contemplated for the subject property. There are a minimum of 136 spaces provided in the parking area.

Very truly yours,

Jerome B. Wolff

JBW:cjl

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

To: The Maryland Building Co.
705 S. Enoch Street
Baltimore, Md. 21205

REPORT TO ACCOUNT NO. 05-000

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Advertising and posting of property for Harry Smith	\$135.50

PAID - Baltimore County, Md. - Office of Finance

5-1345 1774 • 28614 TIP - 13550

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: The Maryland Building Co.
705 S. Enoch Street
Baltimore 21205, Md.

REPORT TO ACCOUNT NO. 05-000

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Postage for Reclassification & Variance for Harry Smith	\$5.00

PAID - Baltimore County, Md. - Office of Finance

2-1945 445 • 28556 TIP - \$5.00

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 POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13TH Date of Posting: Feb 27 1965

Posted for: Baltimore County, Md. and Variance

Petitioner: Harry Smith

Location of property: 13th and Enoch Street, Baltimore, Md.

Location of Sign: 13th and Enoch Street, Baltimore, Md.

Remarks: 50 SW of Enoch Street

Posted by: [Signature] Date of return: March 4 1965

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. February 25, 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 five consecutive weeks before the 15th day of March 1965, the first publication appearing on the 25th day of February 1965.

THE TIMES
Manager: [Signature]

Cost of Advertisement: \$ 05.00
Purchase Order A7266
Requisition No. F7638

RE: PETITION FOR RECLASSIFICATION
From R-6 Zone to M-L Zone -
Variances to Sections 255.1 (243.1); 243.2 and 238.1 of the Baltimore Co. Zoning Regulations -
S/S Baltimore County Beltway W. of B. & O. Railroad, 13th Dist., Harry A. Smuck and Thelma H. Smuck, Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-248-RA SW-6C

The petitioners in the above matter have requested reclassification of property on the south side of the Baltimore County Beltway west of the Baltimore & Ohio Railroad, from an R-6 Zone to a M-L Zone and variances to Sections 255.1 (243.1); 243.2 and 238.1 of the Baltimore County Zoning Regulations.

Testimony presented by the petitioners proved an error in the original zoning of the subject property and a change in the area of the general neighborhood to warrant the reclassification.

For the above reasons the reclassification should be granted.

The variances requested will grant relief to the petitioner without substantial injury to the public health, safety and the general welfare of the locality involved and should be granted as follows:

Sec. 255.1 (243.1) to permit a 30 foot setback for Building "A" in lieu of the required 75 foot setback from a through highway;

Sec. 243.2, to permit a 75 foot rear yard for Building "A" from 5 00 degrees 11 minutes 12 seconds east 604.01 feet line in lieu of 125 foot restriction in a residential zone boundary;

Sec. 243.4, to permit a 75 foot rear yard for Building "B" from 5 00 degrees 12 minutes 14 seconds west 777.02 feet line in lieu of 125 foot restriction at a residential zone boundary;

Sec. 243.4, to permit a 75 foot side yard for building "B" from 5 00 degrees 48 minutes west 365.50 feet line in lieu of 125 foot restriction at residential zone boundary, and

Sec. 238.1 to permit a setback from N 10 degrees 13 minutes 19 seconds west 158.79 feet line in lieu of the required 50 feet.

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 24, 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. once in each of five consecutive weeks before the 15th day of March 1965, the first publication appearing on the 24th day of February 1965.

THE JEFFERSONIAN
Manager: [Signature]

Cost of Advertisement: \$ 05.00

It is this 3rd day of June, 1965 by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from an R-6 Zone to a M-L Zone.

It is further ORDERED that the herein petition for the variances described above should be and the same is granted from and after the date of this Order.

The site plan for the development of the said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. February 25, 1965

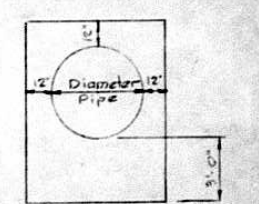
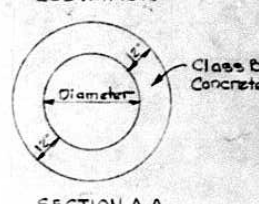
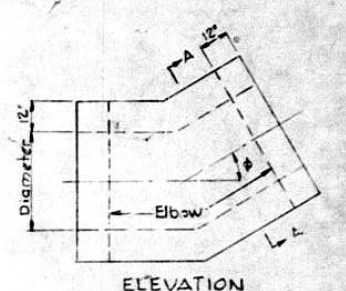
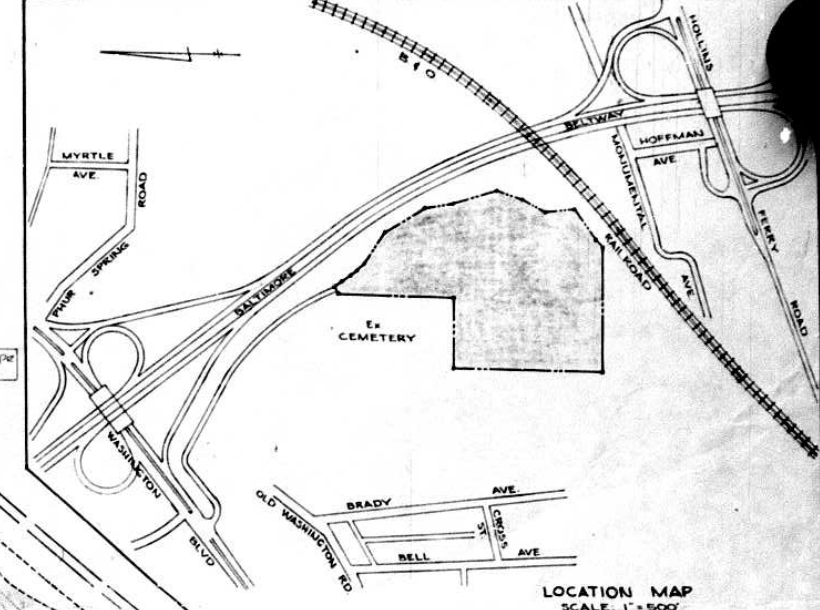
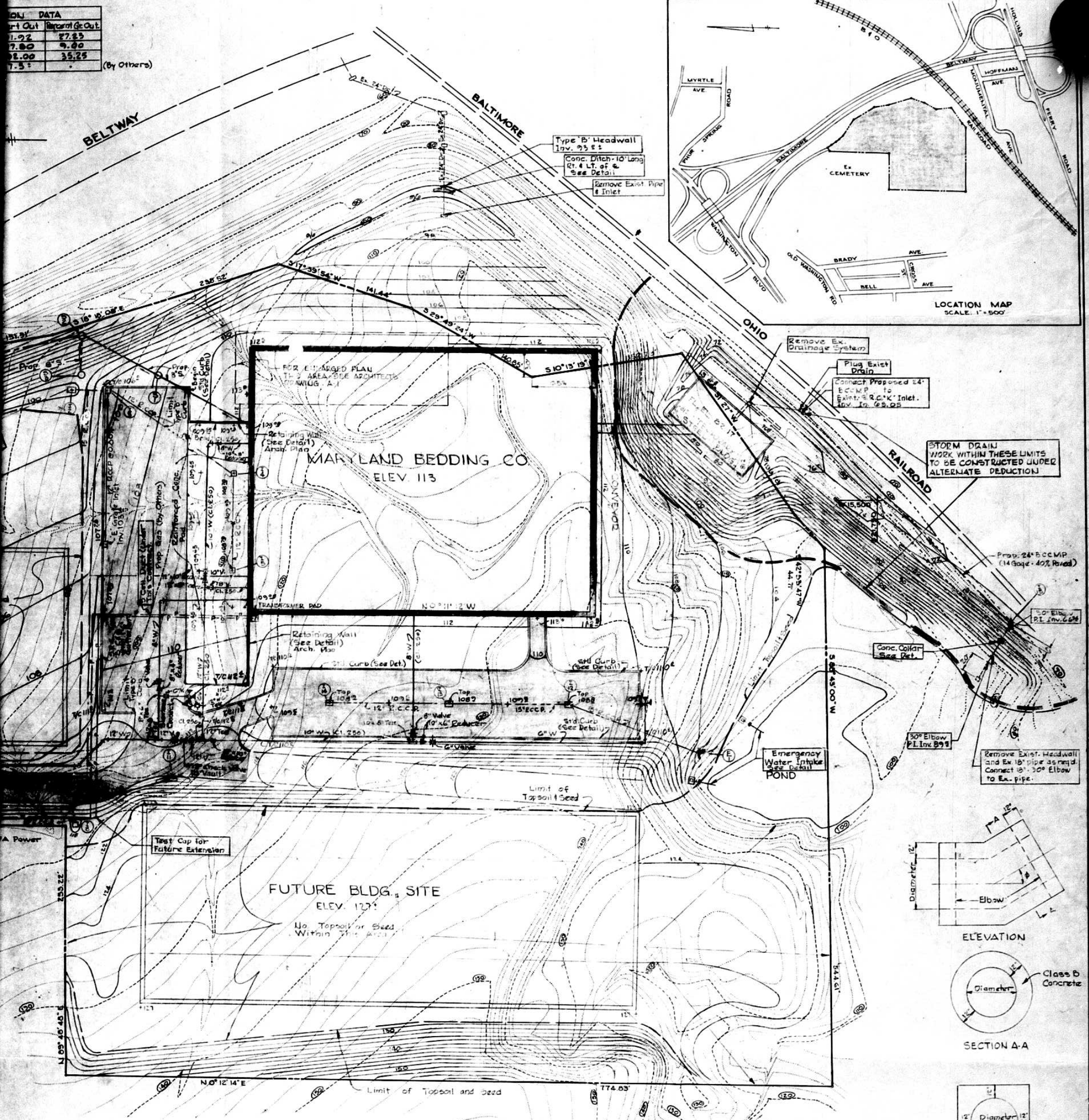
THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of five consecutive weeks before the 15th day of March 1965, the first publication appearing on the 25th day of February 1965.

THE TIMES
Manager: [Signature]

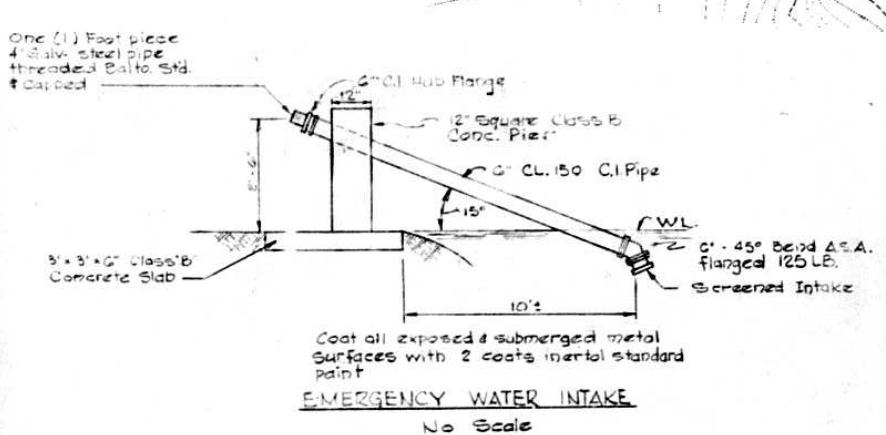
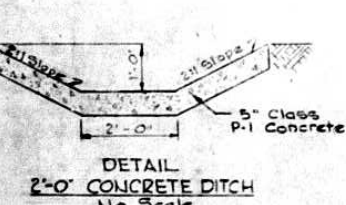
Cost of Advertisement: \$ 05.00

ION DATA	
Part Out	Part of Out
1.22	27.25
7.00	9.00
12.00	35.25
1.5	

(By Others)



STORM DRAIN RESTAINING COLLAR
DETAIL
CONCRETE COLLAR FOR
ELBOW & STRAIGHT SECTION
No Scale



PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *Albert J. Quinlan*
DATE: 7/27/66

SITE PLAN MARYLAND BEDDING COMPANY

BALTO. CO. MD.
SCALE: 1"=50'
ELECT. DIST. 13
APRIL 10, 1965
REV. MAY 12, 1966
REV. JUNE 12, 1966
JEROME B. WOLFE
CONSULTING ENGINEER
1015 10th St. N.E.
ATLANTA, GA. 30309

LEGEND:
ORIGINAL GRADE SHOWN THUS:
FINISHED GRADE SHOWN THUS:
SPOT ELEVATIONS SHOWN THUS: + 378.4