

# PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Daniel C. Joseph, 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 AK-6A zone; for the following reasons:

1. Error in adoption of the map.
2. Change in the character of the neighborhood.

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.

Living Fishman Contract purchaser  
Daniel C. Joseph Legal Owner  
1205 Fidelity Building, Balto. 2, Md.

Address: 6137 Chillum Place, N.E., Washington 11, D.C.

Leroy W. Preston Petitioner's Attorney  
425 St. Paul Place, Baltimore 2, Maryland

Louis L. Fleury Protestor's Attorney  
102 Jefferson Building, Towson, Maryland, Tel. 622-9200

ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 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, to be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of July, 1965, at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Ross, Zoning Commissioner Date: June 24, 1965

FROM: George E. Gavalis, Director

SUBJECT: Petition 66-12-R "R-6 to R-A Zone Northwest side of Washington Avenue 500 feet Northeast of Liberty Road. Being the property of Daniel C. Joseph"

2nd District

HEARING: Thursday, July 8, 1965 (1:00 P.M.)

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

1. Adjacent property in the same ownership as the subject parcel was reclassified from R-6 to R-A, by R.A. under petition 65-88-R. I am commenting on that petition, we said "the staff believes that the Comprehensive Zoning Map correctly established the proper land use relationships along this portion of Liberty Road. Existing commercial uses were affirmed with commercial zoning and buffering for it were provided by apartment zoning. Single family residential zoning along both sides of Liberty Road was retained. Similarly, changes in the matter of land use have not occurred in the area so as to justify apartment zoning here."

Across Washington Avenue, R-A zoning was established on another lot under petition 65-128-XXA. Our comment on that petition was that "the planning staff does not believe that the 2nd District Zoning Map was in error here. It believes the character of land usage here firmly is in R-6 dwellings and that the creation of apartment zoning would be spot zoning."

2. Although the earlier reclassifications were granted, we do not believe that this justifies still further reclassification of land in this vicinity - particularly when the reclassification would apply to land situated on an inadequate road, such as Washington Avenue. Our feeling here is that enough is enough; more than enough is too much.

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 the same is 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 on error in the original zoning or such a change in the character of the neighborhood

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16 day of July, 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 confirmed as and to remain a R-6 zone; and on the Special Exception should NOT BE GRANTED.

Edward D. Hardisty  
Deputy Zoning Commissioner of Baltimore County

MICROFILMED

RE: PETITION FOR RECLASSIFICATION  
from an R-6 zone to an R-A zone  
NW/5 of Washington Avenue 500' NE  
of Liberty Road,  
2nd District  
Daniel C. Joseph,  
Petitioner

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 66-12-R

### OPINION

This is an application for a change from R-6 to R-A zoning of approximately one acre of land which was and is part of a larger tract which had been rezoned R-A in case No. 65-88-R decided on September 21, 1964. The one acre involved in the within petition was mistakenly not included in the original application because it had been expected that it would be taken by the Department of Education of Baltimore County for school purposes. This did not occur.

Protestants appeared and stated at the hearing that they had made an agreement with the petitioners as to the location of parking facilities and wished to withdraw their opposition, and produced no testimony in the case. Thereupon the petitioners put into evidence sufficient testimony to make a prima facie case to show sufficient error and change, and in the absence of any opposition the Board will grant the application for change in zoning to R-A as per the petition.

### ORDER

For the reasons set forth in the foregoing Opinion, it is this 21st day of February, 1966 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

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

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
COUNTY OFFICE BUILDING  
TOWSON, MARYLAND 21204

June 1, 1965

Leroy W. Preston, Esq.,  
425 St. Paul Place  
Baltimore, Maryland 21202

Louis L. Fleury, Esq.,  
102 Jefferson Building  
Towson, Maryland 21204

Outlines:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:  
Utilities: Water - Existing 12" water in Washington Avenue sewer - Existing 8" sewer in Washington Avenue Adequacy of existing utilities to be determined by developer or his engineer.  
Storm Drains - A drainage system exists in Washington Avenue.  
Road - Washington Avenue is an existing improved road to which no further improvements are necessary in this area.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning ten (10) days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Bureau of Traffic Engineering  
Office of Planning and Zoning  
Board of Education  
State Roads Commission

Fire Bureau  
Health Department  
Buildings Department  
Industrial Development Commission

Leave very truly,

James S. Ross  
June 1, 1965  
Petition and Permit Processing

cc: Mr. C. Brown,  
Bureau of Engineering

TELEPHONE  
623-3000

## BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 32048

DATE 8/18/65

TO: Louis L. Fleury, Esq.,  
102 Jefferson Building  
Towson, Maryland 21204

Office of Planning and Zoning  
119 County Office Bldg.,  
Towson, Maryland 21204

| REPORT TO ACCOUNT NO.                         | 01-622                                               | TOTAL AMOUNT |
|-----------------------------------------------|------------------------------------------------------|--------------|
| QUANTITY                                      | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | COST         |
| Cost of appeal - property of Daniel C. Joseph |                                                      | \$70.00      |
| No. 66-12-R                                   | posting                                              | 5.00         |
|                                               |                                                      | \$75.00      |
|                                               |                                                      | 75.00        |

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

TELEPHONE  
623-3000

## BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 31954

DATE 7/9/65

TO: Messrs. O'Connor and Preston  
St. Paul Place at Franklin  
Baltimore, Md. 21202

Office of Planning and Zoning  
119 County Office Bldg.,  
Towson, Maryland 21204

| REPORT TO ACCOUNT NO.                                    | 01-622                                               | TOTAL AMOUNT |
|----------------------------------------------------------|------------------------------------------------------|--------------|
| QUANTITY                                                 | DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE | COST         |
| Advertising and posting of property for Daniel C. Joseph |                                                      | \$4.50       |
| No. 66-12-R                                              |                                                      |              |
|                                                          |                                                      | 4.50         |

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

### LEWIS L. FLEURY

Attorney at Law  
102 JEFFERSON BUILDING  
TOWSON, MD. 21204



Mr. John G. Ross,  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Petition for Reclassification  
R-6 to R-A, Zone  
NW/5 of Washington Avenue 500'  
Northeast of Liberty Road  
2nd District  
Daniel C. Joseph-Petitioner  
No. 66-12-R  
Our File No: 18471

Dear Mr. Commissioner:

Please note an Appeal from the ruling of the Deputy Zoning Commissioner, Edward D. Hardisty, dated July 16, 1965, denying the above reclassification and forward all records to the Board of Appeals of Baltimore County.

Very truly yours,

Louis L. Fleury

cc: Leroy W. Preston, Esquire  
425 St. Paul Place  
Baltimore, Maryland 21202

### WATZ, CHILDS & ASSOCIATES, INC.

Engineers & Surveyors - Soil Planners  
1120 Connell Building, Baltimore, Maryland 21201  
623 - 0700

### DESCRIPTION

NEW ACRES PARCEL, NORTHWEST SIDE OF WASHINGTON  
AVENUE, SECOND ELECTION DISTRICT, BALTIMORE CO., MD.

Present Zoning - R 6

Proposed Zoning R-A

Beginning for the same at a point on the northwest side of Washington Avenue, 50 feet wide, as shown on a plat entitled "Richland" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, page 98, said point of beginning being at the division line between Lots 228 and 229 as shown on said plat, and also located N. 25° 10' 00" E., 500 feet, as measured along said northwest side of Washington Avenue, from its intersection with the northeast side of Liberty Road, running thence and binding on said northwest side of Washington Avenue, N. 25° 10' 00" E., 150 feet to the division line between Lots 225 and 226 as shown on said plat, thence binding thereon, N. 64° 50' 00" W., 300 feet, thence S. 25° 10' 00" W., 150 feet, thence along said first mentioned division line, S. 64° 50' 00" E., 300 feet to the place of beginning.

Containing 1.033 acres of land.



RS:607

5/24/65

2. O. 664048

# **CERTIFICATE OF POSTING** ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

No. 66-12-R

District: 2nd Date of Posting: Aug 28 1965

Posted for: Appeal

Petitioner: Daniel C. Joseph

Location of property: NW 1/3 Washington Ave. 500' NE of Liberty Rd.

Location of Sign: NW 1/3 Washington Ave. 500' NE of Liberty Rd.

Remarks: J. H. Hesse

Posted by: J. H. Hesse Date of return: Sept 2 1965

## **PETITION FOR RECLASSIFICATION** 2nd DISTRICT

ZONING: From R-4 to R.A.  
Zone:  
LOCATION: Northwest side of Washington Avenue 500 feet Northeast of Liberty Road.  
DATE & TIME: THURSDAY, JULY 8, 1965 at 1:00 P.M.  
PUBLIC HEARING: Room 109, 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-4  
Proposed Zoning: R.A.  
All that parcel of land in the Second District of Baltimore County

Beginning for the same at a point on the northeast side of Washington Avenue, 50 feet wide, as shown on a plat entitled "Richard" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, page 59, said point of beginning being at the division line between Lots 228 and 229 as shown on said plat, and also located North 25 degrees 10 minutes 00 seconds East, 150 feet, as measured along said northeast side of Washington Avenue, from its intersection with the northeast side of Liberty Road, running thence and ending on said northeast side of Washington Avenue, North 25 degrees 10 minutes 00 seconds East, 150 feet to the division line between Lots 225 and 226 as shown on said plat, thence binding thereon, North 84 degrees 50 minutes 00 seconds West, 300 feet, thence South 25 degrees 10 minutes 00 seconds West, 150 feet, thence along said first mentioned division line, South 84 degrees 50 minutes 00 seconds East, 300 feet to the place of beginning.  
Containing 1.033 acres of land.

Being the property of Daniel C. Joseph as shown on plat plan filed with the Zoning Department.  
HEARING DATE: THURSDAY, JULY 8, 1965 at 1:00 P.M.  
Public Hearing: Room 109, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.  
By Order Of  
John G. Hesse  
Zoning Commissioner Of Baltimore County

## **CERTIFICATE OF PUBLICATION**

BALTIMORE COUNTY, MD. June 17, 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 18th day of July, 1965, the first publication appearing on the 17th day of June 1965.

THE TIMES  
Manager  
John H. Martin

Cost of Advertisement, \$ 21.50  
Purchase Order #1552  
Requisition No. #5816

Larry M. Preston, Esq.  
425 W. Red Place  
Baltimore, Md. 21202

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  
1st day of June, 1965

Owners Name: Daniel C. Joseph  
Reviewed by: John G. Hesse  
JOHN G. HESSE  
Zoning Commissioner

TELEPHONE  
682-2000

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

No. 30687  
DATE 6/15/65

TO: Louis L. Flurry, Esq.  
Attorney at Law  
Towson, Md. 21204

| QUANTITY | DESCRIPTION                                                   | TOTAL AMOUNT |
|----------|---------------------------------------------------------------|--------------|
| 1        | Petition for Reclassification for Daniel C. Joseph<br>66-12-R | 50.00        |
|          |                                                               | 50.00        |

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.

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All that parcel of land in the Second District of Baltimore County  
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Containing 1.033 acres of land.

Being the property of Daniel C. Joseph as shown on plat plan filed with the Zoning Department.  
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John G. Hesse  
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By Order Of  
John G. Hesse  
Zoning Commissioner Of Baltimore County

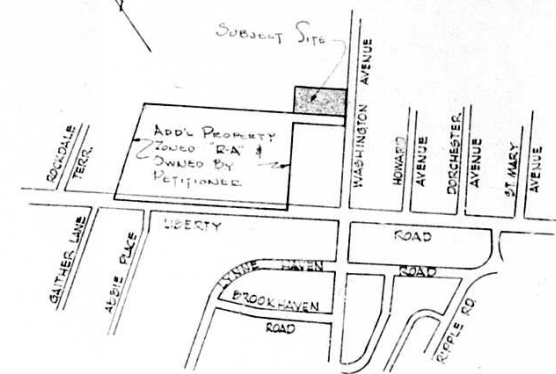
## **CERTIFICATE OF PUBLICATION**

TOWSON, MD. June 18, 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 one week successive weeks before the 18th day of July, 1965, the first publication appearing on the 17th day of June 1965.

THE JEFFERSONIAN  
Manager  
L. L. Flurry

Cost of Advertisement, \$



Note: Liberty Road will ultimately be improved with GOM paving, curb and gutter within 60 ft. R/W.

1. TOTAL ACREAGE OF TRACT OWNED BY PETITIONER EQUALS 11.03 ACRES
2. ACREAGE ZONED "R-1" EQUALS 10.42 ACRES
3. ACREAGE TO BE RECLASSIFIED EQUALS 10.23 ACRES
4. PRESENT ZONING OF TRACT "R-1"
5. PRESENT USE OF TRACT "NO USE"
6. PROPOSED ZONING OF TRACT "R-1"
7. PROPOSED USE OF TRACT "GARDEN APARTMENTS"
8. DENSITY CALCULATIONS (BASED UPON TOTAL ACREAGE)
  - a) GROSS ACREAGE OF TRACT EQUALS 12.30 ACRES
  - b) NET ACREAGE OF TRACT EQUALS 11.57 ACRES
  - c) TOTAL NUMBER OF APARTMENT UNITS PERMITTED EQUALS 120
  - d) NUMBER OF APARTMENT UNITS PROPOSED EQUALS 120
  - e) GROSS RESIDENTIAL DENSITY EQUALS 15.23
  - f) NET RESIDENTIAL DENSITY EQUALS 17.23
9. REQUIRED OFF-STREET PARKING UNITS (85x20) EQUALS 120
10. PROPOSED OFF-STREET PARKING UNITS (85x20) EQUALS 228

LIBERTY ROAD & WASHINGTON AVE.  
2ND ELECTION DISTRICT  
Sec 8-1-100  
BALTIMORE COUNTY, MARYLAND  
MAY 12, 1965

MAP  
2-B  
WESTERN  
AREA  
NW-6-G  
RA



MATZ, CHILDS & ASSOCIATES  
C/O CHARLES STREET  
BALTIMORE, MARYLAND 21218

DESIGNED: C.R.S.  
DRAWN: T.P.  
CHECKED: C.R.S.