

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY,
Inc.

I, or we, Schofer Enterprises Co., Inc., 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-A zone to an B-L zone, and (2) for the following reasons:

There was error in original zoning, there have been numerous changes in the area since the original zoning, and of the four corners involved, this is the only corner not zoned B-L.

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 provided 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: Schofer Enterprises Co., Inc.
Legal Owner: Schofer Enterprises Co., Inc.
Address: 4310 Selma Avenue, Baltimore, Maryland 21207
Petitioner's Attorney: Samuel M. Almond, Jr.
Address: Samuel M. Almond, Jr., 2104 Valley 3-300

ORDERED BY The Zoning Commissioner of Baltimore County, this 12th day of August, 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 through 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 County, on the 19th day of September, 1965, at 1:00 o'clock.

Samuel M. Almond, Jr.
Zoning Commissioner of Baltimore County.
(over)

OPINION

The petitioner in this case requests a reclassification from an R-A zone to a B-L zone for a parcel of ground, twenty-one hundredths (0.21) of an acre in size, situated on the corner of Sulphur Spring Road and Selma Avenue in the Thirteenth Election District of Baltimore County.

The other three corners of the intersection are all zoned Business-Local. The subject lot is presently improved with a two and one-half story framed dwelling, and to the east of the subject lot are three existing frame dwellings on ground that is zoned R-A. Further to the east, again the zoning is Business-Local. The subject property has frontage on Sulphur Spring Road and Sulphur Spring Road as relocated at its intersection with Selma Avenue. An examination of the plat filed in the case as Petitioner's Exhibit (1), and the Baltimore County zoning map will more clearly picture the location of the property with regard to the intersection.

At the time of the adoption of the zoning map by Baltimore County in June of 1959, the County zoned a long strip of property along the east side of Southwestern Boulevard Business-Local; zoned both sides of Oregon Avenue, to the east, Business-Local; and left a very narrow strip of R-A land between the two large B-L zones. Apparently this was done in recognition of the existing residential use of this narrow strip of land.

The petitioner testified that he has owned the subject property for two years, and that he hopes to develop it with a small retail store or possibly an office building. He further testified that there had been numerous changes in the neighborhood since 1959 in the construction of various stores and offices within a three block radius.

A local realtor, Edward J. Warren, who has had twenty-one years experience in the real estate business in the area, testifying on behalf of the petitioner, stated that there was commercial property all around the subject lot and that, in his opinion, the reclassification of this small lot would not depreciate the three houses that lie immediately to the northeast. He also testified to numerous changes in the neighborhood: the relocation of Sulphur Spring Road; the new proposed Interstate 95 S, approximately six blocks south of the property; and various reclassifications from R-A and R-6 to Business-Local

Registration No. 1977



William M. Magnadier
County Surveyor
Professional Engineer and Land Surveyor
Geodetic Survey
Colesburg, Mo. 65204

Phone: Bal. 3-3807
Bal. 3-2382
Nat'l. 3-8477



For Purpose of Zoning Only - Reclassification from R-A. to B-L requested

All that piece or parcel of land situate, lying and being in the Thirteenth Election District of Baltimore County, State of Maryland, and described as follows:
Beginning for the same at a point in the center of the original Sulphur Spring Road distant northeasterly 147.08 feet from the intersection of the center line of Selma Avenue produced and the center line of the original Sulphur Spring Road running thence binding on the center of said Sulphur Spring Road North 49 degrees 37 minutes 20 seconds East 17.92 feet to the beginning of the second line of parcel 2 of the land which by Deed dated December 4, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.P. No. 2050, folio 206 was conveyed by Minute Man Realty Inc. to Elizabeth Roche, et al thence binding on the said second line South 40 degrees 22 minutes 40 seconds east 138.32 feet to the North side of relocated Sulphur Spring Road as laid on the State Roads Commission Plat No. 6530 contract No. B-332-5-411 thence binding on the right of way lines so laid out on said plat the following courses and distances, viz: Southwest by a line curving to the right an arc distance of 87.9 feet radius of which is 1014.74 feet Northerly by a line curving to the right an arc distance of 69.64 feet radius of which is 35.0 feet northeasterly by a line curving to the right an arc distance of 85.94 feet radius of which is 109.18 feet and north 40 degrees 22 minutes 40 seconds West 22 feet to the center of the original Sulphur Spring Road and place of beginning. The improvements thereon being known as No. 1407 Sulphur Spring Road.

Schofer Enterprises Co., Inc. - #66-74-R

within a three to four block radius. He further testified that, in his opinion, it was not feasible to develop the subject lot in its present R-A classification.

A witness for the protestants, Mr. William J. Slattery, who resides on the north side of Old Sulphur Spring Road in close proximity to the property, testified that the traffic was heavy during the peak shopping hours, and that at times traffic backs up to the Southwestern Boulevard. The protestants also alleged that there was no need for additional commercial zoning in the area as there are a number of vacant stores in the immediate neighborhood.

The Board feels that the action of the County in placing the subject property in an R-A zone was illogical due to the fact that it is surrounded on three sides by Business-Local zoning, and further, that the extremely small size of the tract precludes it from being developed in its R-A classification. There also have been numerous reclassifications from residential to commercial uses in the immediate vicinity since the adoption of the map in 1959 that justify this request.

Therefore, the petition for reclassification from an R-A zone to a B-L zone will be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of October, 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. G. Parker

John A. Slowik

RE: PETITION FOR RECLASSIFICATION
NE/S of Sulphur Spring Road
147.08' N of Selma Avenue
13th District
Schofer Enterprises Co., Inc.

BEFORE THE
DEPUTY ZONING COMMISSIONER
CP
BALTIMORE COUNTY
NO. 66-74-R

The Petitioner seeks a Reclassification of his property from an R-A zone to a B-L zone. Plans call for the conversion of the existing home into offices.

This particular tract as improved is situated on the NE corner of Sulphur Spring Road just N of Selma Avenue. The other three corners are zoned B-L by virtue of the original zoning map. It was admitted that no zoning changes have taken place in the immediate neighborhood since adoption of the 13th District Zoning Map.

Planning comments indicate the Comprehensive Zoning Map for the 13th District provides a north-south strip of R-A zoning which serves the purpose of protection for the existing residential development while still permitting greater use potentials. This protection would be lost were the requested B-L reclassification granted. Further, the present zoning of the property provides a rational transition between residential and commercial uses.

The Petitioner contends that this office should follow the "four corner rule." Following this theory means that in view of the commercial zoning of the other three corners, the Petitioner's property should automatically be re-zoned. The Deputy Zoning Commissioner is unable to follow this line of reasoning, for to do so would destroy the over all purpose and effect of the comprehensive re-zoning map.

Most of the protestants appearing at the hearing resided in the residential section immediately S. of the subject tract. Their concern primarily dealt with the matter of traffic in the immediate area and the preservation of the existing zoning map.

After reviewing all evidence as presented the Deputy Zoning Commissioner is of the opinion the Petitioner has failed to show an error in the original zoning or such changes in the character of the neighborhood that would justify granting the zoning sought.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner this 19 day of November, 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 and to remain an R-A zone.

Edward D. Hardisty
Deputy Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13TH Date of Posting: Sept. 1, 1965
Posted for: Reclassification from R-A to B-L
Petitioner: Schofer Enterprises Co., Inc.
Location of property: NE/S of Sulphur Spring Rd. 147.08' N of Selma Ave.
Location of Signs: NE/S of Selma Ave. at Sulphur Spring Rd. and Selma Ave.
Remarks: at 1407 Sulphur Spring Rd. near Selma Ave.
Posted by: J. G. Parker Date of return: Sept. 9, 1965
Signature: J. G. Parker

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13TH Date of Posting: Nov. 31, 1965
Posted for: Reclassification from R-A to B-L
Petitioner: Schofer Enterprises Co., Inc.
Location of property: NE/S of Sulphur Spring Rd. 147.08' N of Selma Ave.
Location of Signs: NE/S of Selma Ave. at Sulphur Spring Rd. and Selma Ave.
Remarks: at 1407 Sulphur Spring Rd. near Selma Ave.
Posted by: J. G. Parker Date of return: Jan. 6, 1966
Signature: J. G. Parker

RE: PETITION FOR RECLASSIFICATION
NE/S of Sulphur Spring Road
147.08' N of Selma Avenue
13th District
Schofer Enterprises Co., Inc.

Mr. John G. Rose
Zoning Commissioner

Please enter an appeal in the above entitled zoning matter from the Order of the Deputy Zoning Commissioner this 19th day of November, 1965, to the Baltimore County Board of Appeals.

Samuel M. Almond, Jr.
Attorney for the Petitioner

I hereby certify that I have mailed a copy of the above Order to Norman F. Summers, 4612 Leeds Avenue, Baltimore, Maryland 21229, this 18th day of December, 1965.

Samuel M. Almond, Jr.
Scandarra M. Almond, Jr.

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. September 2, 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 05 successive weeks before the 19th day of September, 1965, the first publication appearing on the 19th day of September, 1965.

THE TIMES

Cost of Advertisement: \$25.00
Publication Order #2704
Registration No. 66-74-R

PETITION FOR RECLASSIFICATION
13th DISTRICT
ZONING: From R-A to B-L
Zone:
LOCATION: Northeast side of Sulphur Spring Road 147.08 feet North of Selma Ave.
DATE & TIME MONDAY, SEPTEMBER 20, 1965 at 1:00 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204
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-A
Proposed Zoning: B-L
All that parcel of land in the Thirteenth District of Baltimore County
Beginning for the same at a point in the center of the original Sulphur Spring Road distant northeasterly 147.08 feet from the intersection of the center line of Selma Avenue produced and the center line of the original Sulphur Spring Road running thence binding on the center of said Sulphur Spring Road North 49 degrees 37 minutes 20 seconds East 17.92 feet to the beginning of the second line of parcel 2 of the land which by Deed dated December 4, 1951 and recorded among the Land Records of Baltimore County in Liber G.L.P. No. 2050, folio 206 was conveyed by Minute Man Realty Inc. to Elizabeth Roche, et al thence binding on the said second line South 40 degrees 22 minutes 40 seconds east 138.32 feet to the North side of relocated Sulphur Spring Road as laid on the State Roads Commission Plat No. 6530 contract No. B-332-5-411 thence binding on the right of way lines so laid out on said plat the following courses and distances, viz: Southwest by a line curving to the right an arc distance of 87.9 feet radius of which is 1014.74 feet Northerly by a line curving to the right an arc distance of 69.64 feet radius of which is 35.0 feet northeasterly by a line curving to the right an arc distance of 85.94 feet radius of which is 109.18 feet and north 40 degrees 22 minutes 40 seconds West 22 feet to the center of the original Sulphur Spring Road and place of beginning. The improvements thereon being known as No. 1407 Sulphur Spring Road.
Being the property of Schofer Enterprises Co., Inc., as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, September 20, 1965 at 1:00 P.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

[illegible]

TOWSON, MD., September 2, 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 a week~~
at 1 time ~~annexed weeks~~ before the 20th
day of September 1965 the first publication
appearing on the 2nd day of September
1965.

THE JEFFERSONIAN,
Wm. J. ...
Manager

Cost of Advertisement, \$... ..

2. The petitioner's plat indicates that offices are to be established in the present building on the subject lot. We believe that this use would best be permitted by means of a special exception, with no reclassification.

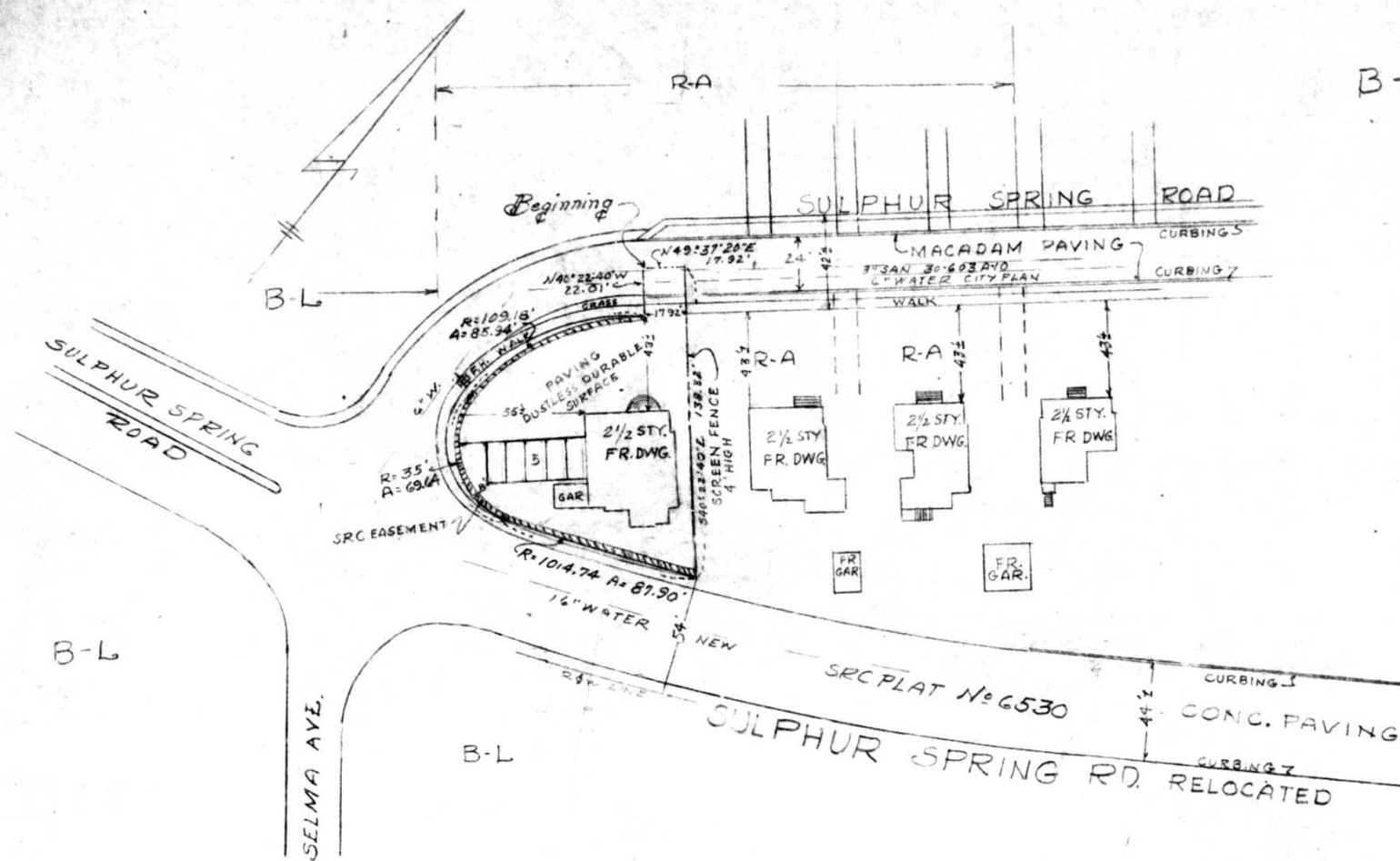
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
ON UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

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.

BILLED BY: Zoning Dept. of Balto. Co.

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.

cc: Mr. James E. Dyer-Office of Planning and Zoning
Zoning Administration Division
Mr. Richard Moore-Bureau of Traffic Engineering
Mr. Carlyle Brown-Bureau of Engineering
Mr. John Guerr-Sate Roads Commission



B-L

Per Exhibit #1
Self appeals

B-L

#66-74R

MAP
#13

SEC. 2A
13A

BL

SW-S-D
DNR 20 '65

☐ Abs.	
☒ Rec.	
☐ Ret.	
☐ Entd.	
☐ Chkd.	
ZONING DEPARTMENT	
By <i>O. J. P.</i>	

FOR PURPOSE OF ZONING ONLY
13TH ELECTION DISTRICT OF BALTIMORE COUNTY, MD.

AREA = 0.21 AC. ±
PRESENT ZONING = RA
PROPOSED ZONING = B-L
PRESENT USE = RESIDENCE
PROPOSED USE = 1ST, 2ND & 3RD FLOORS = OFFICES
FLOOR SPACE = 1ST, 2ND & 3RD FLOOR = 4500 SQ. FT.
PARKING SPACES NOT REQUIRED AS BUILDING HAS ONLY 4500 SQ. FT. (409.2 L.C.S.)
PARKING SPACES SHOWN = 5



Wm M. Maynadier

WILLIAM M. MAYNADIER
COUNTY SURVEYOR
CIVIL ENGINEER & LAND SURVEYOR
COURT HOUSE TOWSON 4, MD.
SCALE 1" = 50' JULY 14TH 1965

