

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John L. Strickland, 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 non-conforming zone to an BL-X zone; for the following reasons:

for the erection of stores and offices

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, a motel.

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.

Robert R. Fryer
Richard D. Gardner
Address: 2508 Midway Rd. #18
John W. Hession, Jr.
117 Alleghany Avenue
Towson, Maryland 21204
Vp. 3-8440 Petitioner's Attorney

John L. Strickland
Mary W. Strickland
Address: Ridgewood, Maryland 21139
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of August, 1966, 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 8th day of September, 1966, at 2:00 o'clock P.M.



DEPUTY Zoning Commissioner of Baltimore County.
(over)

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
2453 MARYLAND AVENUE
BALTIMORE, MARYLAND 21218

DESCRIPTION OF PROPERTY
NORTHEAST CORNER OF KENILWORTH AVENUE AND CHARLES STREET
IN THE 9TH ELECTION DISTRICT OF BALTIMORE COUNTY
PRESENT ZONING R-6 PROPOSED ZONING B-L

BEGINNING FOR THE SAME at the intersection formed by the North side of Kenilworth Avenue 80 feet wide and the east side of Charles Street and running thence binding on the North side of said Kenilworth Avenue North 88 degrees 03 minutes 20 seconds East 530.92 feet to the westernmost outline of a plat of Orchard Hills Cared August 1956, and filed among the Land Records of Baltimore County in Plat Book G.L.B. 23, folio 71, thence northerly and binding for part of the distance on the westernmost outline of said Orchard Hills North 14 degrees 08 minutes 40 seconds East 311.57 feet, thence North 60 degrees 53 minutes 20 seconds West 450.15 feet to the southeast side of said Charles Street, thence binding on the southeast and east side of Charles Street, as shown on State Roads Commission of Maryland Right-of-Way Plat #10807 the following three courses and distances, viz: first, South 83 degrees 39 minutes 00 seconds West 3.00 feet, second, South 58 degrees 47 minutes 11 seconds West 147.19 feet, and third, South 17 degrees 54 minutes 32 seconds West 436.00 feet, thence South 38 degrees 09 minutes 20 seconds East 93.25 feet to the place of beginning.

Containing 3.8 acres of land more or less.

RHP:f
8-15-66
5365-A

NOTE: This description is for zoning purposes only and is not to be used for the conveyance of property.

RE: Petition for Reclassification and Special Exception
NE/corner of Charles Street and Kennilworth Drive
9th District
John L. Strickland, Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 67-48-RX

This is a Petition to rezone 3.8 acres of land from an R-6 zone to a BL zone. For the purpose of the hearing, the land was divided into two tracts: the tract comprising 5.8 acres is the proposed situs of a four-story office building, the first floor of which would be set aside for retail sales; the other tract, consisting of three acres, for which a Special Exception is requested, is the proposed situs of an 180 unit motel. Sufficient off-street parking would be provided for the entire development.

The overall tract, which lies approximately 35 feet below the bed of Charles Street, is relatively flat. On the property now is a house, used as an office for the Egypt Farms Company. There are various garages, a caretaker's home, and four silos used for the storage of popcorn also on the tract. There are also numerous pieces of heavy equipment and trucks stored on the premises. The current operations constitute what are known as non-conforming uses. Just North of the property is a storm drainage area and then the Baltimore Beltway. Across the Beltway are various industrial uses now in operation. To the East and Southeast are a housing development and several apartment projects. Just across Charles Street on the West is a large high rise apartment known as Ruxton Towers.

Various expert witnesses testified to the need for an office building and motel in the immediate vicinity. They felt that commercial zoning at this location would be appropriate because of the low lying nature of the land and its proximity to the Beltway and Charles Street. These witnesses felt that R-6 zoning imposed by the Council was in error in that it would not be feasible to construct an R-6 development at this location. It was stated that when the R-6 zoning was imposed on the Map the Planning Office and the Council failed to consider the imminent construction of Charles Street extension and construction of the Beltway. However, this statement was completely refuted by Mr. George Cavell, Director of Planning, who stated emphatically that the County was well aware of the proposed construction of Charles Street and the Beltway when the subject zoning map was adopted.

Numerous zoning changes in the area were introduced into evidence. It was argued that the changes would justify rezoning the subject tract to commercial. However, Maryland Case Law specifically says that although zoning changes may justify a zoning reclassification, they do not necessarily compel a zoning reclassification. What the property owner must realize is that change or error in itself does not justify a particular reclassification. It must be borne in mind that the reclassification sought must be reasonable and appropriate and must blend in with the general

nature and character of the affected neighborhood. In this instance, while there has been a weak showing of error and a fairly strong case of change, the Deputy Zoning Commissioner feels that BL zoning on the subject property is not appropriate and reasonable and will not blend in with the general neighborhood.

There is no question but that water and sewer are available and adequate. Furthermore, it would appear that there would be no serious traffic congestion in the area if the land were rezoned for some other type development other than R-6. While there was great alarm expressed by the neighbors as to possible traffic congestion, all doubt has been resolved in the Deputy Zoning Commissioner's mind by Dr. Ewell, a well known expert and professor in traffic control.

It is interesting to note that while Mr. Cavell opposed commercial zoning on the Petitioner's property, he did not oppose a Petition requesting RA (apartment zone). It would appear from the record of evidence submitted that RA zoning would be appropriate and reasonable-- particularly when one considers the proximity of the tract to the existing apartment projects to the Southeast and the high rise apartment across Charles Street. It would also appear to impose a hardship on the Petitioner if he is compelled to develop his property as an R-6 community.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14 day of March, 1967, 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 R-6 to remain an R-6 zone; and the Special Exception for a motel be and the same is hereby DENIED.

Edward D. Hardisty
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-6 zone to B-L zone, and for : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION FOR MOTEL : OF
NE corner Charles Street and Kenilworth Drive, 9th District :
John L. Strickland, et al, Petitioners : BALTIMORE COUNTY
Robert R. Fryer and :
Rodney D. Gardner, Contract Purchasers : No. 67-48-RX

ORDER OF DISMISSAL

Petition of John L. Strickland, et al (Robert R. Fryer and Rodney D. Gardner, Contract Purchasers) for reclassification from an R-6 zone to B-L zone, and for special exception for a motel on property located on the northeast corner of Charles Street and Kenilworth Drive, in the 9th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of letter of dismissal of appeal filed July 24, 1968 (a copy of which is attached hereto and made a part hereof) from the petitioners-appellants in the above entitled matter.

WHEREAS, the said petitioners-appellants request that the appeal filed on behalf of said petitioners be dismissed and withdrawn as of July 24, 1968.

It is hereby ORDERED, this 30th day of July, 1968 that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Bolowin
William S. Bolowin, Chairman

W. Giles Parker
W. Giles Parker

John A. Slowik
John A. Slowik

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardisty Date: August 28, 1966
Deputy Zoning Commissioner

FROM: George E. Gove Director

SUBJECT: Petition #67-48-RX. Reclassification from R-6 to B-L, Special Exception for a Motel, Northeast corner of Charles Street and Kenilworth Drive. Being the property of John L. Strickland.

9th District

HEARING: Thursday, September 8, 1966 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B-L zoning together with Special Exception for a motel. It has the following advisory comment to make with respect to pertinent planning factors:

1. An objective of the 9th District Comprehensive Zoning Map was to maintain Charles Street essentially in a non-commercial context. With the exception of a small node of commercial zoning at the City line, none of the Charles Street frontage is zoned for or devoted to commercial usages. The Planning staff affirms the objective of the Zoning Map and expresses its opposition to the creation of commercial zoning on the subject tract.

GEG:bms

HD Form 7-2941

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
2453 MARYLAND AVENUE
BALTIMORE, MARYLAND 21218

DESCRIPTION OF PROPERTY
AT THE NORTHEAST CORNER OF KENILWORTH DRIVE AND CHARLES STREET
IN THE 9TH ELECTION DISTRICT OF BALTIMORE COUNTY
PRESENT ZONING R-6 PROPOSED ZONING B-L
WITH SPECIAL EXCEPTION FOR A MOTEL

BEGINNING FOR THE SAME at a point on the north side of Kenilworth Drive, said point being situate North 88 degrees 03 minutes 20 seconds East 10 feet plus or minus from the intersection of said north side of Kenilworth Drive with the east side of Charles Street, thence leaving said point of beginning and running with and binding along said north side of Kenilworth Avenue North 88 degrees 03 minutes 20 seconds East 392 feet plus or minus to a point; thence leaving said north side of Kenilworth Avenue and running North 14 degrees 08 minutes 40 seconds East 282 feet plus or minus to a point; thence North 60 degrees 53 minutes 20 seconds West 200 feet plus or minus to a point, thence southwesterly 170 feet plus or minus to a point in a line drawn parallel to and 80 feet from the east side of Charles Street said point being located 305 feet plus or minus in a northeasterly direction from the point of beginning; thence South 17 degrees 54 minutes 32 seconds West 365 feet plus or minus to the point of beginning.

Containing 3.8 acres of land more or less.

RHP:f
8-15-66
5365-A

NOTE: This description is for zoning purposes only and is not to be used for the conveyance of property.



James E. Crockett
6/15/66

BRANCH OFFICE: 25 WEST COURTLAND STREET • BEL AIR • MARYLAND • TEENAGE 8-8368

Aug 12, 1966

John W. Hession, Jr., Esq.
117 Alleghany Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Reclassification & Special Exception for John L. Strickland #67-48-RX

TIME: 2:00 P.M.

DATE: Thursday, September 8, 1966

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND.

Edward D. Hardisty
DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

AUG 02 1966

RE: Petition for Reclassification and Special Exception
NE/corner of Charles Street and Kennilworth Drive
7th District
John L. Strickland, Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 67-48-RX

ORDER FOR APPEAL

MR. COMMISSIONER:
PLEASE note an appeal to the Board of Appeals from your denial of the above entitled application on March 14, 1967, and forward all papers in connection therewith to said Board of Appeals for hearing.

John W. Hession, Jr.,
Attorney for Petitioner
117 Allegheny Avenue
Towson, Maryland 21204
Valley 3-8640



July 23, 1968

County Board of Appeals
Court House
Towson, Maryland 21204

Re: John L. Strickland, et al.
North side of Kennilworth Drive
and East side of Charles Street
No. 67-48-RX

Gentlemen:

Please be advised that the undersigned who, as the parties who held an option for the purchase of the above-captioned tract of land and who were the proponents and appellants in the above-captioned rezoning matter, are hereby requesting that the appeal be withdrawn without prejudice.

Sincerely yours,

Robert M. Fryer

Rodney D. Gardner
Rodney D. Gardner

cc: John W. Hession, Jr., Esquire

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

NO. 42961
DATE 7/24/68

TO: Rodney D. Gardner 2552 Yuman Parkway
Baltimore, Md. 21211

BILLED BY: Balto. County Zoning Dept.

DEPOSIT TO ACCOUNT NO.	QUANTITY	REMARKS	TOTAL AMOUNT
01-622		Advertising and posting of property for John L. Strickland #67-48-RX	\$9.00
			\$0.00
			\$0.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

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

NO. 39472
DATE 9/12/66

TO: John W. Hession, Jr., Esq.
117 Allegheny Ave.
Towson, Md. 21204

BILLED BY: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	REMARKS	TOTAL AMOUNT
01-622		Petition for Reclassification & Special Exception for John Strickland #67-48-RX	\$0.00
			\$0.00
			\$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.

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 23, 1966

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 each of 11 consecutive weeks before the 11th day of September, 1966, the first publication appearing on the 11th day of August, 1966.

THE JEFFERSONIAN

L. L. Lankford
Manager

Cost of Advertisement, \$.....

John W. Hession, Jr., Esq.
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

2 day of August, 1966.

Petitioner John L. Strickland

Petitioner's Attorney John W. Hession, Jr. Reviewed by

JOHN G. ROSE
Zoning Commissioner

James S. Key
Chairman of
Advisory Committee

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

NO. 44400
DATE 4/20/67

TO: John W. Hession, III, Esq.
117 Allegheny Ave.
Towson, Md. 21204

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

DEPOSIT TO ACCOUNT NO.	QUANTITY	REMARKS	TOTAL AMOUNT
01-622		Cost of appeal - John L. Strickland #67-48-RX	\$70.00
			\$70.00
			\$0.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

OFFICE OF
THE BALTIMORE COUNTY
THE COMMUNITY NEWS
Rosedown, Md.
THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue
CATONVILLE, MD.

August 28, 1966

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTY, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 22nd day of August, 1966, that is to say the same was inserted in the issues of August 18, 1966.

THE BALTIMORE COUNTY

Paul J. Morgan
Editor and Manager



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 924 Date of Posting Aug 20, 1966

Posted for: Reclassification from R-1 to R-2 & Special Exception

Petitioner: John L. Strickland

Location of property: NE corner of Charles St. & Kennilworth Drive

Location of Signs: NE corner of Charles St. & Kennilworth Drive & Kennilworth Drive & E. side of Charles St.

Remarks: 2 signs

Posted by: J. Hession

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 924 Date of Posting April 28, 1967

Posted for: Appeal

Petitioner: John L. Strickland et al.

Location of property: NE corner of Charles St. & Kennilworth Drive

Location of Signs: NE corner of Charles St. & Kennilworth Drive & Kennilworth Drive & E. side of Charles St.

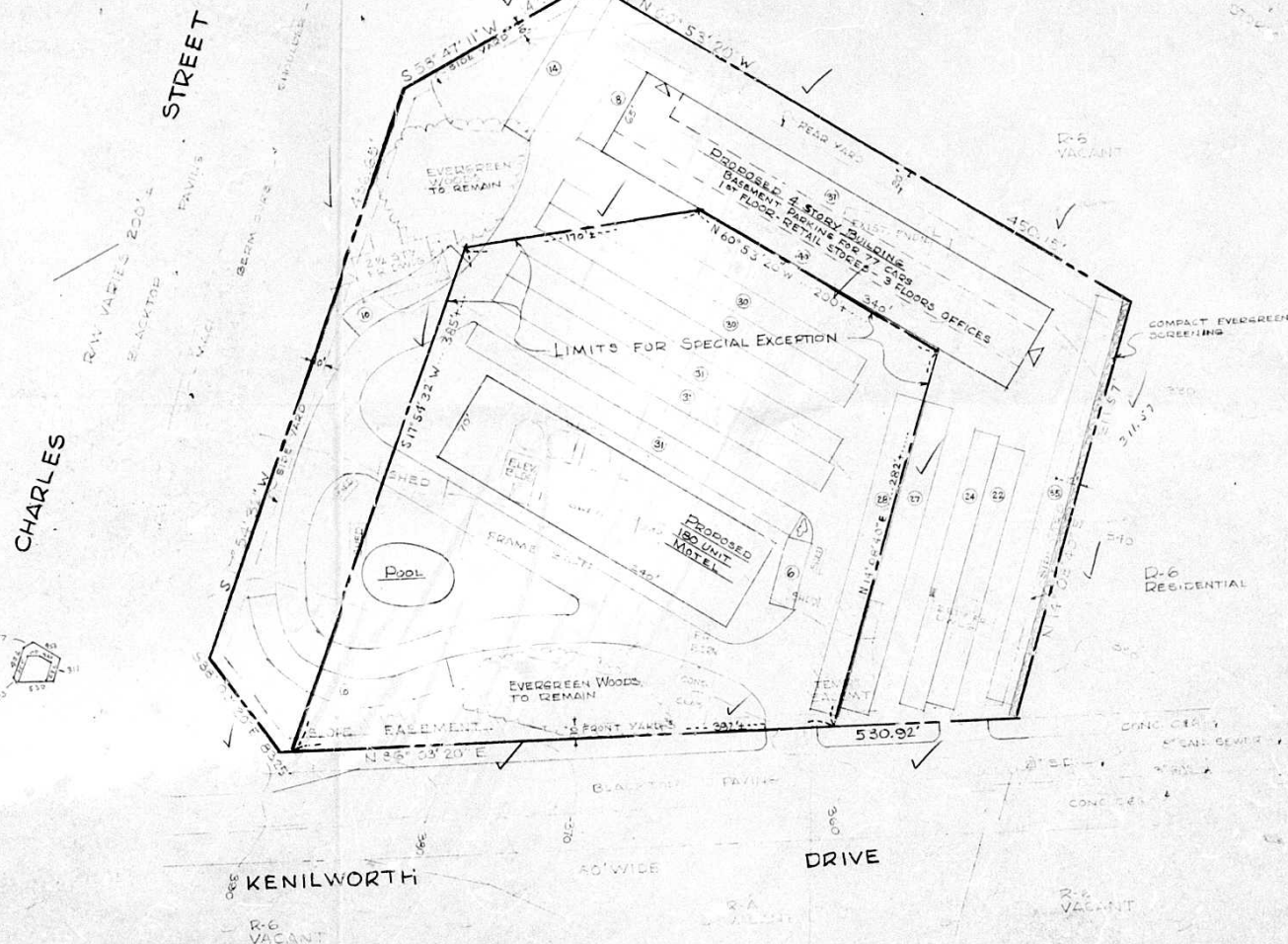
Remarks: 2 signs

Posted by: J. Hession

AUG 02 1976



VICINITY PLAN
SCALE: 1" = 1/2 MILE



- GENERAL NOTES:**
- EXISTING BUILDING - D-6
 - PROPOSED BUILDING - B-1
 - EXISTING USE - AGRICULTURE
 - PROPOSED USE - HOTEL
 - TOTAL AREA - 5.82 AC.
 - AREA FOR WHICH SPECIAL EXCEPTION FOR MOTEL IS REQUESTED 3.02 AC.
 - OFF-STREET PARKING REQUIREMENTS
- | REQUIREMENT | 180 UNITS @ 1 PER UNIT | 180 |
|-----------------------|------------------------|------------|
| RETAIL STORES | 22000 + 200 | 110 |
| OFFICES | 22000 + 500 | 44 |
| 3 RD FLOOR | 22000 + 500 | 44 |
| 4 TH FLOOR | 22000 + 500 | 44 |
| TOTAL - PARKING REQ. | | 222 SPACES |
| PARKING PROVIDED | | 224 SPACES |

#67-48RX

OFFICE
COPY

MAP #9
SEC. 3-C
NW-11-A
BL-X



JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS-LAND SURVEYORS
2453 NABYLING AVENUE
BALTIMORE, MARYLAND 21218
HO 7-2841 WD 5315

PLAT TO ACCOMPANY ZONING PETITION

FOR:
RDG ASSOCIATES
2508 MD. AVE. BALTIMORE MD. 21218

CHARLES ST. & KENILWORTH AVE.
BALTIMORE COUNTY, MARYLAND
ELECTION DIST. NO. 1
SCALE: 1" = 50' MAY 13, 1966