

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Aaron L. Schreiber, 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 for a Variance from Section 217.3 providing for a 25' side yard set back to 6, 3', 15' and 15'. And Section 217.4 providing for a 30' rear yard set back to 20'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (a) undue hardship; (b) practical difficulty.

Extreme hardship and practical difficulty.

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 for her agreement and are to be bound by the zoning regulation and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: Aaron L. Schreiber, Legal Owner
Address: _____
Address: _____

W. Lee Harrison, Petitioner's Attorney
Address: 607 Loyola Federal Building
Towson, Maryland 21204
Protestant's Attorney: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day

of _____ 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 as the public hearing had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the _____ day of _____ 1966, at _____ o'clock

of _____ M. _____
Zoning Commissioner of Baltimore County.

MCA

MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1020 Cromwell Bridge 1, Baltimore, Md. 21204. Tel. 301/823-0900

DESCRIPTION

0.1212 ACRE PARCEL - NO. 1/2 LINDEN TERRACE - THIRD ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND.

Present Zoning - R6
Proposed Zoning - RA with special exception and side and rear yard variances.

Beginning for the same at a point in the center of Linden Terrace, at the distance of 150 feet as measured southwesterly along said center line of Linden Terrace from its intersection with the southwest side of Reisterstown Road, 66 feet wide, running thence and binding on said center line of Linden Terrace and along the fifth line of that parcel of land described in a deed from Louis Dalman and wife to Aaron L. Schreiber, dated April 4, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. 4600, page 335, S 52°46'10" W - 45.01 feet, thence leaving said center line of Linden Terrace and binding on the outlines of said parcel, N 37°13'50" W - 122.50 feet, N 52°46'10" E - 45.45 feet and S 37°01'35" E - 122.50 feet to the place of beginning.

Containing 0.1272 of an acre of land.

RLSmpl O. #66093

June 10, 1966

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-A zone, a
SPECIAL EXCEPTION for an office
building, and VARIANCES from
Sections 217.3 and 217.4 of the
Zoning Regulations, 150' from
SW/S Reisterstown Road,
3rd District
Aaron L. Schreiber, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
JF
BALTIMORE COUNTY
No. 67-63-RXA

OPINION

The petitioner in this case seeks a reclassification from the existing R-6 zone to an R-A zone with a special exception for an office building, and also variances from side and rear yard setback requirements. These were all denied by the Deputy Zoning Commissioner. It is from his Order that this appeal arises. The subject property is located on the northwest side of Linden Terrace approximately 150 feet from the southwest side of Reisterstown Road in the Third Election District of Baltimore County. The property is improved by a two-story residence which the petitioner would allegedly convert to partial office use if this petition is granted. Only residential homes front on this one block dead-end street which has ingress and egress only to Reisterstown Road.

While the petitioner has evidenced a commercial use abutting his property on the northeast side and a use permitting parking, access from his property, it should be noted that in each case creating these uses, restrictions were included in these Orders which clearly set out that these uses were oriented toward and exclusively for Reisterstown Road. For example: in both cases a restriction forbidding traffic access to Linden Terrace was included. In addition, screening with adequate shrubbery and lighting arrangements away from this residential street were required. Thus, the petitioner's evidence of change is indeed change, but to Reisterstown Road and not to Linden Terrace. To the contrary, evidence clearly exists that it was the expressed intention in the granting of these petitions, not to change the residential character of Linden Terrace. Therefore, it is the judgment of this Board that the evidence presented is not sufficient to meet the burden of proof required to show substantial change in the character of the neighborhood.

August 10, 1966
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

W. Lee Harrison, Require
607 Loyola Federal Building
Towson, Maryland 21204

SUBJECT: Reclassification from R-6 to RA
Special Exception - Office Use
Side and rear yard variances
for Aaron L. Schreiber, located
1/2 Linden Terrace 150' W of
Reisterstown Road, 3rd District
(Item 3, August 2, 1966)

Dear Sirs:

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

BUREAU OF ENGINEERING:
Water - Installation of water in Linden Terrace.
Sewer - Installation of sewer in Linden Terrace.
adequacy of existing utilities to be determined by developer or his engineer.
Road - Linden Terrace is to be developed as a minimum 30' road on a 30' right of way.

BUREAU OF TRAFFIC ENGINEERING: The entrance as shown does not meet minimum Baltimore County standards as to entrances.

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 10 days before the Zoning Commission's hearing.

The following members had no comment to offer:

Fire Bureau
Health Department
Industrial Development Commission
Board of Education
Buildings Department
State Roads Commission
Office of Planning and Zoning

Very truly yours,

James L. Dyer, Jr.
JAMES L. DYER, JR., President
Zoning Technician

JLD:lys

cc: Carlyle Brown-Bureau of Engineering
G. Richard Moore-Bureau of Traffic Engineering

Re: Aaron L. Schreiber - #67-63-RXA

as oriented to the subject property and the residential street of Linden Terrace. Also, the Board does not feel that the evidence offered would justify the rezoning sought based on error in the original map.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of July, 1967 by the County Board of Appeals, ORDERED that the reclassification, special exception and variances petitioned for, be and the same are hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rule of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

W. Giles Parker

Walter A. Reiter, Jr.

John G. Rose, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification, Special Exception and Variance
SW/S Linden Terrace 150 feet W of Reisterstown Road
3rd Dist. Aaron L. Schreiber, Petitioner, NO. 67-63-RXA

Dear Mr. Rose:

Please note an appeal to the County Board of Appeals from the decision and Order of September 22, 1966, denying the above request on behalf of the Petitioner, Aaron L. Schreiber.

I enclose herewith check in the amount of \$75.00 to cover the costs of said appeal.

Very truly yours,

W. Lee Harrison
W. Lee Harrison
Attorney for Petitioner

b

Enc.

RE: Petition for Reclassification, Special Exception and Variance
SW/S Linden Terrace 150 feet SW of Reisterstown Road - 3rd District
Aaron L. Schreiber, Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF

BALTIMORE COUNTY

NO. 67-63-RXA

This Petition seeks the Reclassification of a small parcel of land from an R-6 zone to an R-A zone and a Special Exception for an office building. Side and rear yard setback Variances are also requested. The property is improved with a two-story home, which would be converted into offices, presumably real estate offices.

The matter was contested by several neighbors, who were primarily concerned with possible traffic congestion on Linden Terrace, which is a narrow dead end street approximately one block long. The neighbors also felt that the granting of this Petition would depreciate the value of their homes.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to meet the burden of proof in showing either error in the original zoning map or such substantial changes in the character of the neighborhood to justify the rezoning sought.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 22nd day of September, 1966, 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-6 zone; and the Special Exception for an office building be and the same is hereby DENIED. The requested Variances are likewise DENIED.

Edward O. Harding
DEPUTY ZONING COMMISSIONER

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

No. 40688
DATE 10/10/66

To: W. Lee Harrison, Esq.,
Loyola Federal Building
Towson, Maryland 21204

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

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
Cost of appeal - Aaron L. Schreiber, No. 67-63-RXA	\$70.00	\$75.00
Cost of posting - 1 sign	5.00	
		15.00

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

No. 40650
DATE 9/20/66

To: W. Aaron L. Schreiber
1/2 Linden Terrace
Pikesville, Md. 21208

BILLED TO: Zoning Dept. of Balto. Co.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
Advertising and posting of property #67-63-RXA	65.00	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.

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

No. 39496
DATE 8/20/66

To: W. Lee Harrison, Esq.,
607 Loyola Federal Building
Towson, Md. 21204

BILLED TO: Zoning Dept. of Balto. Co.

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
Petition for Reclassification, special exception & variance for Aaron L. Schreiber #67-63-RXA	95.00	95.00

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.

67-63 RXA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3RD Date of Posting: Sept 2, 1966
 Posted for: Relocation, Special Erection & Variance
 Petitioner: Arvin L. Schreiber
 Location of property: 150' x 150' Lot on Terrace 150' SW of Restriction Rd.
 Location of Signs: SW of Linden Terrace 150' SW of Restriction Rd.
 Remarks: J. Schreiber
 Posted by: J. Schreiber Date of return: Sept 8, 1966
3 signs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3RD Date of Posting: Nov 3, 1966
 Posted for: Appeal
 Petitioner: Arvin L. Schreiber
 Location of property: 150' x 150' Lot on Terrace 150' SW of Restriction Rd.
 Location of Signs: SW of Linden Terrace 150' SW of Restriction Rd.
 Remarks: J. Schreiber
 Posted by: J. Schreiber Date of return: Nov 3, 1966
1 sign

W. Lee Harrison, Esquire
 607 Loyola Federal Building
 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.

John U. Rose
 Zoning Commissioner

Petitioner: Arvin L. Schreiber

Petitioner's Attorney: W. Lee Harrison

Reviewed by: James S. Hines
 Chairman of
 Advisory Committee

DUPLICATE

CERTIFICATE OF PUBLICATION

TOWSON, MD. _____ 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., once ~~each~~
 for 3 successive weeks before the 19th
 day of August, 1966, the first publication
 appearing on the 1st day of _____ 1966.

THE JEFFERSONIAN
L. Frank Struth
 Manager

Cost of Advertisement, \$_____

**OFFICE OF
 THE BALTIMORE COUNTIAN**

THE COMMUNITY NEWS
 Baltimore, Md.

THE HERALD - ARGO
 Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

September 6, 1966.

THIS IS TO CERTIFY, that the annexed advertisement of

Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTIAN, a group of these weekly newspapers published in Baltimore County, Maryland, once a week for One ~~successive~~ weeks before the 6th day of September, 1966, that is to say the same was inserted in the issues of

September 1, 1966.

THE BALTIMORE COUNTIAN

By: Paul J. Morgan
 Editor-in-Chief

**PETITION FOR
 RECLASSIFICATION AND
 SPECIAL EXCEPTION
 AND VARIANCE**

ZONING: From R-4 to R.A.
 Zone

Petition for Special Exception for Office and Office Building, Petition for Variance for side and rear yards.

LOCATION: Southeast side of Linden Terrace 150 feet from the southwest side of Restriction Road.

DATE & TIME: MONDAY, SEPTEMBER 19, 1966 at 2:00 P.M.

PUBLIC HEARING: Room 109, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Deputy Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Ordinances of Baltimore County, will hold a public hearing:

Present Zoning: R-4.

Proposed Zoning: R.A.

Petition for Special Exception for Office and Office Building, Petition for Variance from the Zoning Ordinance of Baltimore County to permit 4.5 feet on the west side yard and 15 feet on the east side yard instead of the required 25 feet and to permit 28 feet for a rear yard instead of the required 30 feet.

The Zoning Ordinance to be excepted as follows:

Section 217-3 - Side Yards - 25 feet.

Section 217-4 - Rear Yard - 30 feet.

All that parcel of land in the Third District of Baltimore County.

Beginning for the same at a point in the center of Linden Terrace, at the distance of 150 feet as measured southwesterly along said center line of Linden Terrace from its intersection with the southwest side of Restriction Road, 15 feet wide, running thence and blinding on said center line of Linden Terrace and along the fifth line of that parcel of land described in a deed from Louis Dalmann and wife to Aaron L. Schreiber, dated April 4, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.C. 4089, page 325, S 32 degrees 49' 10" W - 45.01 feet, thence leaving said center line of Linden Terrace and starting on the outlines of said parcel, N 77 degrees 17' 20" W - 122.50 feet, N 52 degrees 46' 10" E - 43.45 feet and S 27 degrees 01' 32" E - 122.50 feet to the place of beginning.

Containing 0.1772 of an acre of land.

Being the property of Aaron L. Schreiber as shown on plat plan filed with the Zoning Department, Hearing: Date Monday, September 19, 1966 at 2:00 P.M.

Public Hearing: Room 109, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
 EDWARD D. HARDESTY,
 DEPUTY ZONING
 COMMISSIONER OF
 BALTIMORE COUNTY.

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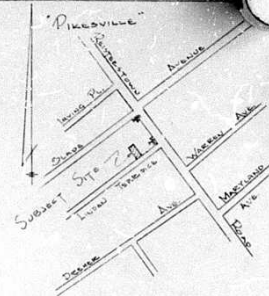
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BY ORDER OF
 EDWARD D. HARDESTY,
 DEPUTY ZONING
 COMMISSIONER OF
 BALTIMORE COUNTY.

Room 109, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.



LOCATION PLAN
SCALE: 1"=500'

Car Et #1

1. AREA OF TRACT EQUALS 5.4283 AC. (0.1272 ACRES)
2. EXISTING ZONING OF TRACT "R-2G"
3. EXISTING USE OF TRACT "RESIDENTIAL" & "OFFICE USE"
4. PROPOSED ZONING OF TRACT "RA WITH SPECIAL EXCEPTION & SUE & ZONE VARIANCE:
5. PROPOSED USE OF TRACT "OFFICE USE"
6. EXISTING STRUCTURE COULD BE REMOVED FOR OFFICE USE
7. AREA OF STRUCTURE (ALL FLOORS) EQUALS 1818 SQ. FT.
8. PERMITTED ZONING CODE (SUE TRACT) IS "R-2G"
9. EXISTING CODE (SUE TRACT) FROM 25' TO 5.5' & 15' TO 15'
10. PERMITTEE IS REQUESTING A VARIANCE TO SECTION 217.4 OF THE ZONING CODE (REAR YARD) FROM 30' TO 25'.
11. OFF-STREET PARKING NOT REQUIRED. (TOTAL FLOOR AREA IS LESS THAN 3000 SQ. FT.)
12. PERMITTEE WILL PROVIDE 5 OFF-STREET PARKING SPOTS 8'x20'.

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION, SPECIAL EXCEPTION
AND
VARIANCES
TO PROPERTY KNOWN AS
1/2 LUDEN TERRACE
ELECTION DISTRICT 2
DARTMOUTH COUNTY, MO.
SCALE: 1"=10' JUNE 19, 1966

LINDEN TERRACE
(Ex. 45' R/W, Future 50' R/W)

MATZ, CHILDS & ASSOCIATES
1020 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

J. G. NO.	DRAWN BY	TRAILED BY	CHECKED
66093	RLS		