

RE: PETITION FOR RECLASSIFICATION
from R-6 zone to R-A zone; for
Special Exception for Offices and
Office Building; and for
Variance from Section 217.3 and
Section 217.2 of Baltimore County
Zoning Regulations.
West Side of York Road 229' South of
Cavan Drive,
9th District
James G. Stratakis, et al.
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 67-74-RXA

OPINION

This case involves an application for reclassification of the property from R-6 to an R-A zone, with a special exception for offices and a request for some variances relating to side yard and front yard depths. The property concerned is located on the west side of York Road and more than half of it actually abuts on the Beltway interchange ramp. It consists of two separate old frame houses, one of which has an existing driveway directly onto the ramp and the other of which has an existing driveway a few feet north of where the ramp begins. They are both owned by the applicant and are occupied as homes at present on a rental basis. Both of the homes are located as far as possible from the paved highway that would be allowed by the Zoning Regulations for any new construction; hence this request for setback variances. The property is zoned R-6. All of the land on both sides of York Road north of the Beltway is zoned residential, either R-6 or R-10, all the way to Westbury Road on the west and to a point approximately 150 feet north of Greenridge Road on the east, and the character of this neighborhood has been and remains residential. A reclassification of the subject property to R-A would, of course, maintain its residential zoning and would allow no commercial uses other than the requested use for offices under a special exception.

The plat plan for development presented by the petitioner (Exhibit #1) is in evidence, and together with the testimony in the case shows that the petitioner proposes to eliminate the driveway entrance onto the ramp and to have one driveway located

James G. Stratakis, et al

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in the northernmost portion of the lot leading to parking spaces in the rear of the existing buildings, and the testimony indicated that the intention of the petitioner is not to construct any new buildings but to remodel the present existing residences for office use, which seems to be Board to be a reasonable request.

In addition to testimony presented by the applicant, James G. Stratakis, testimony was presented by a qualified realtor, appraiser and land use expert and by an engineer and traffic expert, and without going into the details of their testimony in this Opinion, this Board finds that the proposed plat of land use as prepared by Matz, Childs & Associates, Inc. showed an improvement trafficwise over the present existing conditions; that the requested special exception meets all of the requirements of Section 502.1 of the Zoning Regulations; and that there was error in the original zoning, as at the time of the adoption of the zoning map the location of these houses with respect to the location of the Beltway ramp was apparently overlooked, and it would be impossible to use this land for any new construction under an R-6 classification. The variances requested are for no more than what presently exists on the property, due not to anything done by the owners, but due entirely to the widening of York Road and the construction of the Beltway ramp along the front of the property as it previously existed. The reclassification from R-6 and R-A will therefore be granted, as will the special exception for office use, provided that it must be used strictly in accordance with the proposed use testified to by the applicant, i.e.:

- (1) That there be no construction other than remodeling of the existing buildings for office use;
- (2) That the egress and ingress be as proposed on the Matz, Childs plat (Petitioner's Exhibit #1);
- (3) That there will be adequate screening by dense planting on the north and west sides of the tract as shown on the said plat;
- (4) That the variance from Section 217 of the Zoning Regulations

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, James G. Stratakis, et al., legal owners of the property situated 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 from 25' side yard to 12' and 13' and (Section 217.2) from 20' front yard to 16' and (Section 217.2) and 13' (Section 217.2)

Practical difficulty and extreme hardship.

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 Offices and Office Building.

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.

Contract purchaser: Katherine Strakes
Address: 713 York Road
Townson, Maryland 21204
Protestant's Attorney: Edward D. Hardisty
Address: 607 Loyola Federal Building
22 W. Pennsylvania Avenue
Townson, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of September, 1966, at 2:00 o'clock P.M.

Edward D. Hardisty
Deputy Zoning Commissioner of Baltimore County

James G. Stratakis, et al

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shall be granted, as requested, and as shown on the said plat;

(5) That the plat filed in this case as Petitioner's Exhibit

#1 shall become a part of this Order, and any use of the property must be carried out as shown therein; and

(6) That any building permit to be issued shall be subject to the approval of the site plan and other details by the Department of Planning and Zoning for Baltimore County and the State Roads Commission.

Only two protestants appeared in this case and the protest was mainly based upon their fears that any change in zoning would lead to further commercialization or strip zoning north from the Beltway on York Road. The Board wishes to make it clear that it does not agree with this position, and certainly the reclassification within the residential zone area and the special exception as granted should not have any effect upon any future application for business zoning in this immediate area.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 5th day of December, 1967, by the County Board of Appeals ORDERED, that the reclassification, special exception and variances requested be granted, subject to and limited by the restrictions as stated in the Opinion.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowik

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Katherine Strakes and Mary Antonakos
I, or we, James G. Stratakis, et al., legal owners of the property situated 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 R-A zone; for the following reasons:

Error in original zoning and a genuine change in conditions

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 Offices and Office Building.

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.

Contract purchaser: Katherine Strakes
Address: 713 York Road
Townson, Maryland 21204
Protestant's Attorney: Edward D. Hardisty
Address: 607 Loyola Federal Building
22 W. Pennsylvania Avenue
Townson, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 14th 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of September, 1966, at 2:00 o'clock P.M.

Edward D. Hardisty
Deputy Zoning Commissioner of Baltimore County

67-74-RXA

MAP #9
SEC-3-C
NE-11-A
RA-X

JAMES G. STRATAKIS, ET AL
W/S York Road 229' south of Cavan Drive
Reclassification from R-6 to R-A
SE - Offices and Office Building
Variance from Section 217.3 to permit side yards of 12' and 15' for Lot #1134 and 16' for Lot #1138 instead of the required 25', and
Variance from Section 217.2 to permit front yard setback of 16' for Lot #1134 and 15' for Lot #1138 instead of required 30'

NO. 67-74-RXA
9th District
0.6422 Acre

Aug. 16, 1966 petition filed
Mar. 1, 1967 Reclassification, SE and variances DENIED by D.Z.C.
" 6 Order of Appeal to C. B. of A.
Dec. 5 Reclassification, SE and variances GRANTED, subject to and limited by restrictions - by the Board

GRANTED

RE: Petition for Reclassification
Special Exception and Variance
W/S York Road 229 feet South
of Cavan Drive
9th District
James G. Stratakis, et al.
Petitioner

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY
NO. 67-74-RXA

The Petitioner seeks a reclassification of his property from an R-6 zone to an R-A zone, a special exception for offices and several variances.

Without reviewing the testimony in detail, the Deputy Zoning Commissioner is of the opinion that the Petitioner has failed to show error in the original zoning map or such changes in the character of the neighborhood to justify the reclassification.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th 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 and to remain an R-6 zone; and the Special Exception for offices be and the same is hereby DENIED. The requested Variances are also DENIED.

Edward D. Hardisty
DEPUTY ZONING COMMISSIONER

☐ A-1
☐ R-1
☐ R-2
☐ E-1
☐ C-1
 ZONING DEPARTMENT

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. 40671

DATE 9/29/66

TO: **Jama Strathis Enterprises**
710 York Road
Towson, Md. 21204

BILLED BY **zoning Dept. of Balto. Co.**

DEBIT TO ACCOUNT 901-622		TOTAL AMOUNT
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	755.00
		COST

Advertising and posting of property for **Jama S. Strathis, et al**
#27-JV-26A

75.00

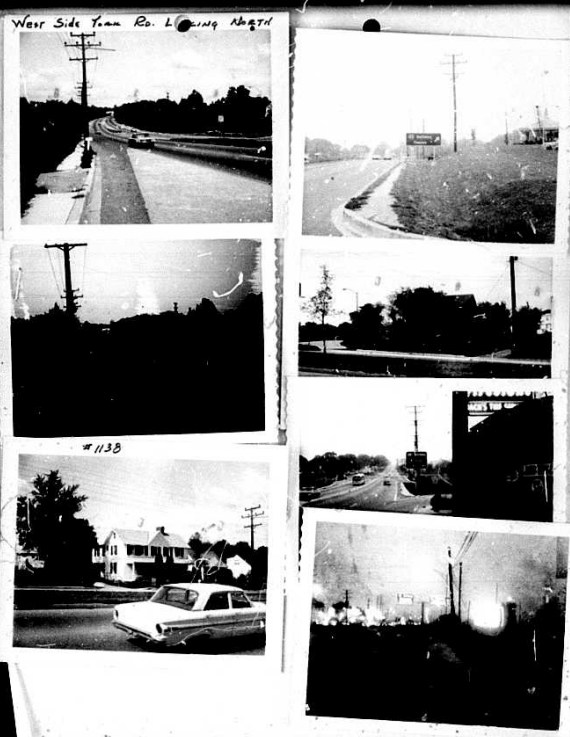
Y 2966 4430 * 00671 TIF=

75.00

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

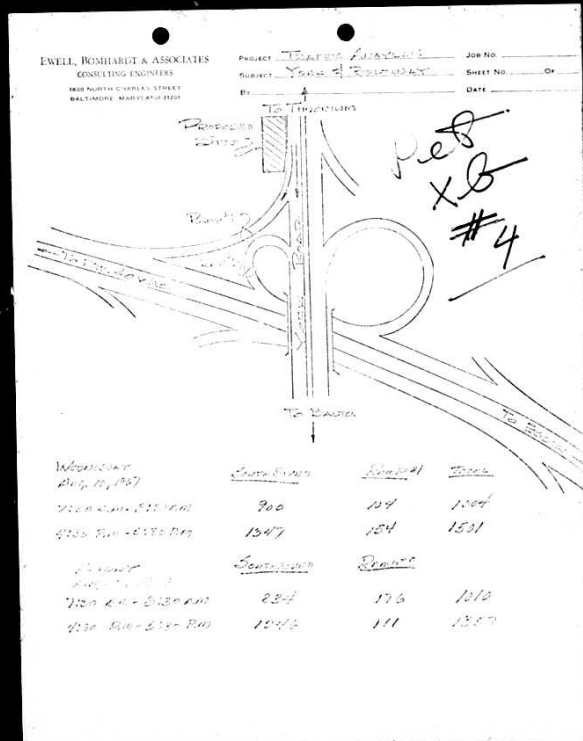
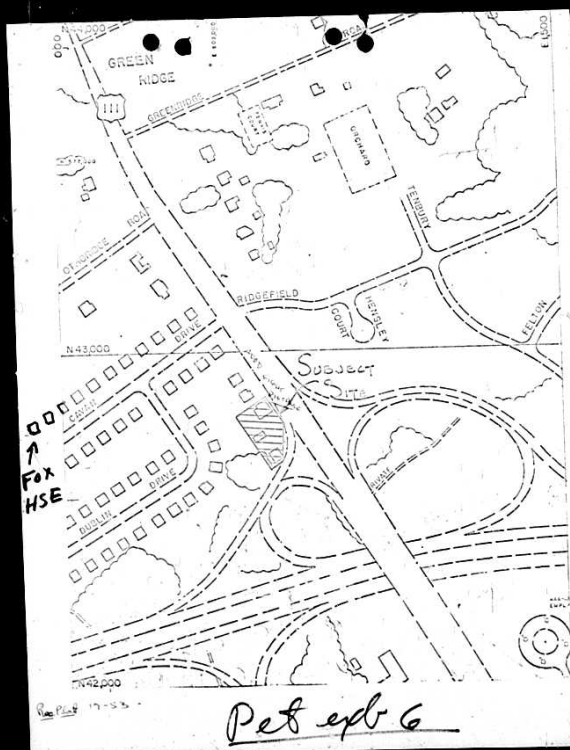
District: 9TH Date of Posting: Sept 10, 1966
 Posted for: Relocation & Special Exception for Variance
 Petitioner: James C. Stralakis, et al.
 Location of property: W. York Rd. 227' S. of Carson Dr.
 Location of Signs: W. York Rd. 235' S. of Carson Dr.
 Remarks: _____
 Posted by: J. B. [Signature] Date of return: Sept 15, 1966
 3 signs

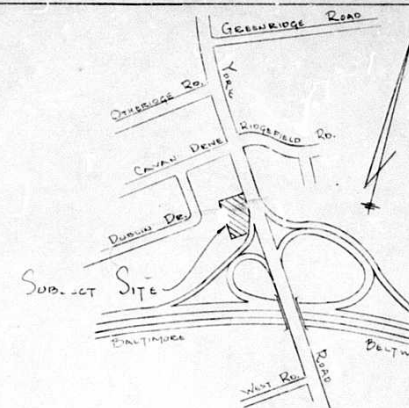


67-74 RXA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: March 25, 1967
 Posted for: Typical
 Petitioner: James C. Stralakis, et al.
 Location of property: W. York Rd. 227' S. of Carson Dr.
 Location of Signs: W. York Rd. 235' S. of Carson Dr.
 Remarks: _____
 Posted by: J. B. [Signature] Date of return: March 30, 1967
 1 sign





LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF TRACT "EQUALS 0.6442 ACRES
2. EXISTING ZONING OF TRACT "R-6"
3. EXISTING USE OF TRACT "RESIDENTIAL"
4. PROPOSED ZONING OF TRACT "R-A WITH SPECIAL EXCEPTIONS, FRONT & SIDE YARD VARIANCES"
5. PROPOSED USE OF TRACT "OFFICE USE"
6. PETITIONER WILL RENOVATE EXISTING BUILDINGS FOR OFFICE USE.
7. PETITIONER IS REQUESTING A VARIANCE TO SECTION 217.5 OF THE ZONING CODE FROM 25' TO 12' @ 15' (#1134), & 10' @ 15' (#1138), SIDE YARDS
8. PETITIONER IS REQUESTING A VARIANCE TO SECTION 217.2 OF THE ZONING CODE FROM 30' TO 10' (#1134), & 15' (#1138) FRONT YARDS
9. OFF-STREET PARKING
 - a. TOTAL AREA OF GROUND FLOORS (EXCLUDING GAR & BREZZEWAY) EQUALS 2580 SQ. FT.
 - b. TOTAL AREA OF ADDITIONAL FLOORS EQUALS 2120 SQ. FT.
 - c. TOTAL FLOOR AREA EQUALS 3000 SQ. FT.
 - d. REQUIRED OFF-STREET PARKING (85×18) EQUALS 14 UNITS.
 - e. PROPOSED OFF-STREET PARKING (9×20) EQUALS 18 UNITS.

OFFICE COPY

MAP
#9
SE 1,3-C
NE-11-A
RA-X

PLAT TO ACCOMPANY PETITION
FOR

DECLASSIFICATION, SPECIAL EXCEPTION & VARIANCES
TO PROPERTY KNOWN AS
N^o 1134 THEN 1138 YORK ROAD
ELECTION DISTRICT 3
SCALE: 1"=20'

BAYMORE CO., MD.
JUNE 23, 1966

