

67-110-RX PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Pitt Pecora and Dolores Pecora 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 zone to an B-L zone, for the following reasons:

To permit the erection and operation of a delicatessen and confectionary store.

See attached description

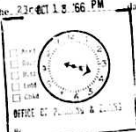
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for living quarters in a commercial building

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and on 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 Pitt Pecora
Legal Owner Dolores Pecora
Address 7926 Wise Avenue, Baltimore, Md. 21222

Petitioner's Attorney George D. Edwards
Address 6903 Dunhamway, Baltimore, Md. 21222

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 1966, that the subject matter of this petition be advertised in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of November, 1966, at 11:00 o'clock A.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: November 9, 1966

FROM: George E. Gavrellis, Director of Planning

SUBJECT: Petition #67-110-RX. North side of Wise Avenue 200 feet West of Stokesley Rd. Petition for Reclassification from R-6 to B-L Zone. Petition for Special Exception for Living Quarters in a commercial building. Pitt Pecora - Petitioner.

12th District

HEARING: Wednesday, November 23, 1966. (11:00 A.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 living quarters in a commercial building. It has the following advisory comments to make with respect to pertinent planning factors:

- The planning staff notes that the subject property is entirely surrounded by properties with residential zoning potentials. No commercial uses occur in close proximity to the subject property.
- It was the intent of the 12th District Master Plan and subsequent zoning map to affirm and retain the residential potentials which exist in the area vicinal to the subject property. In the opinion of the planning staff, creation of commercial zoning here would not be in accordance with the comprehensive plan affecting the area. Further, commercial zoning would establish land use potentials for this property which are not in harmony with those of adjacent properties. It also is to be noted that commercial zoning does exist in the general area.
- From a planning viewpoint, creation of commercial zoning here would constitute invalid spot zoning.

GEG:dms

RE: Petition for Reclassification :
and Special Exception :
N/S Wise Avenue 200 feet : ZONING COMMISSIONER
West of Stokesley Road : OF
12th District :
Pitt Pecora, Petitioner : BA' TIMORE COUNTY
NO. 67-110-RX

The Petitioners request a reclassification from an R-6 zone to a B-L zone and a Special Exception for living quarters in a commercial building.

The matter is best summed up in a memorandum from the Office of Planning and Zoning which reads as follows:

- The planning staff notes that the subject property is entirely surrounded by properties with residential zoning potentials. No commercial uses occur in close proximity to the subject property.
- It was the intent of the 12th District Master Plan and subsequent zoning map to affirm and retain the residential potentials which exist in the area vicinal to the subject property. In the opinion of the planning staff, creation of commercial zoning here would not be in accordance with the comprehensive plan affecting the area. Further, commercial zoning would establish land use potentials for this property which are not in harmony with those of adjacent properties. It also is to be noted that commercial zoning does exist in the general area.
- From a planning viewpoint, creation of commercial zoning here would constitute invalid spot zoning.

The requested zoning would amount to spot zoning.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of December, 1966, that the above reclassification be and the same is hereby DENIED and that the above described property for area be and the same is hereby continued as and to remain an R-6 zone; and the Special Exception for living quarters in a commercial building be and the same is hereby DENIED.

ZONING COMMISSIONER

RE: PETITION FOR RECLASSIFICATION :
from an R-6 zone to a B-L zone, and :
a SPECIAL EXCEPTION for living :
quarters in a commercial building, : COUNTY BOARD OF APPEALS
N/S Wise Avenue, 200' West of : OF
Stokesley Road, : BALTIMORE COUNTY
12th District :
Pitt Pecora, et al, : No. 67-110-X
Petitioners :

OPINION

This case comes before the Board on an appeal by the petitioners from an Order by the Zoning Commissioner denying the petitioners' request for reclassification from an R-6 zone to a B-L zone and a special exception for living quarters in a commercial building. The subject tract is located on the north side of Wise Avenue 200 feet west of Stokesley Road, east of Lynch Road, (known as 7926 Wise Avenue) in the Twelfth Election District of Baltimore County, and consists of approximately .996 acres with a frontage of approximately 168.49 feet on Wise Avenue and a depth of more than 200 feet. The subject property is entirely surrounded by residentially zoned property including the residences on the north side of Diehlwood Road. However, the rear of the subject property does not bound on Diehlwood Road but is separated from some by a small slice of unimproved land.

The Board was impressed by the testimony of George E. Gavrellis, Director of Planning for Baltimore County, who testified that it was the intent of the Twelfth District Master Plan and subsequent zoning map to affirm and retain the residential potentials which exist in the area vicinal to the subject property, and creation of commercial zoning here would not be in accordance with the comprehensive plan affecting the area. In addition, Mr. Gavrellis stated that if some unique need not supplied or possibly to be supplied elsewhere existed, then, in a given situation, it might not be spot zoning; however such is not the case here. In his opinion, creation of commercial zoning at the subject property would constitute invalid spot zoning. The Board concurs with this conclusion, there having been no evidence of any unique need that this sought after reclassification might provide which would not be readily available within the general area.

Wilsie H. Adams, well-known real estate and zoning consultant, testified for the petitioners, and presented a long and well-prepared list of alleged changes within this area since the adoption of the zoning map. While reviewing each change from this lengthy list the Board was impressed by the fact that not one reclassification has been granted on Wise Avenue, east of Lynch Road, in the vicinity of the subject property. Mr. Adams also testified that, in his judgment, there was no error in the map as originally adopted. No other testimony concerned itself with this subject. The Board agrees with Mr. Adams; there was no such error.

WISIE H. ADAMS
7926 WISE AVENUE

RESERVED for the same on the north side of Wise Avenue (65 feet wide) as shown on Baltimore County Bureau of Rights-of-Way Plat No. 52-090 Highway Liber No. 154 folio 185 at a point distant 200 feet westerly from the center of Stokesley Road, said point of beginning being at station 914.20+59 as shown on said Plat, thence bearing on the north side of said, Wise Avenue as shown on said Plat north 65 degrees 22 minutes 28 seconds west 168.49 feet to intersect the second or north 27 degrees 13 minutes east 254.70 foot line of that tract of land which by deed dated September 11, 1950 and recorded among the Land Records of Baltimore County in Liber T. No. 1309 folio 11 etc. was conveyed by Elizabeth Anna Diehl et al to Pitt Pecora and wife at a point distant 31.02 feet from the beginning of said line thence leaving said road and running with and binding on a part of said second line and in the east side of Lot 1 as shown on the Plat of Section 1 Diehlwood as filed among the Land Records of Baltimore County in Plat Book G. L. R. No. 23 folio 10 and the east side of Lot 1 Block "B" as shown on the Plat of Section 2 Diehlwood as filed among the Land Records of Baltimore County in Plat Book G. L. R. No. 25 folio 25 north 20 degrees 06 minutes 30 seconds east 223.61 feet to the south side of Parcel "A" as shown on said lastly described Plat, thence binding on the south side of said parcel and running with and binding on the third line of said deed south 71 degrees 06 minutes 30 seconds east 177.75 feet to the end of said line and to the northwest side of a 20 foot road as laid out in deed dated September 11, 1950 and recorded among the

DAVID W. DALLAS, JR.
CIVIL ENGINEER
2715 OLD MARSHALL RD. BALTIMORE, MD. 21206
DEPT. 1020

Land Records of Baltimore County in Liber L. No. 206 folio 8 etc. thence running with and binding on a part of the fourth line of said firstly described deed and on the northwest side of said 20 foot road south 18 degrees 51 minutes 00 seconds west 211.75 feet to the north side of said Wise Avenue, thence binding on the north side of said Wise Avenue westerly by a line curving to the north with a radius of 5691.03 feet for a distance of 15.07 feet to the place of beginning.

CONTAINING 0.996 acres of land more or less

BEING part of that tract of land which by deed dated September 11, 1950 and recorded among the Land Records of Baltimore County in Liber T. No. 1309 folio 11 etc. was conveyed by Elizabeth Anna Diehl, et al to Pitt Pecora and wife.

DAVID W. DALLAS, JR.
CIVIL ENGINEER
2715 OLD MARSHALL RD. BALTIMORE, MD. 21206
DEPT. 1020

GEORGE D. EDWARDS

ATTORNEY AT LAW
PROFESSIONAL BUILDING
4902 DUNHAMWAY
BALTIMORE, MARYLAND 21206
ATW 5-0800

December 1, 1966

Re: Pitt Pecora, et al - #67-110-RX

Considering the above, the Board finds that the evidence offered does not prove sufficient change in the area surrounding the subject property to warrant this reclassification. Further, considering the fact that the subject property is entirely surrounded by residentially zoned property, the Board agrees that a commercial reclassification in this case would be an example of invalid spot zoning.

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 and special exception 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 Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

Walter A. Keller, Jr.

Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Reclassification and Special Exception
N/S Wise Avenue 200 feet, West of Stokesley Road, 12th District
Pitt Pecora, Petitioner - No. 67-110-RX

Dear Sir:

Please enter an Appeal from my decision of December 1, 1966, in the captioned matter to the County Board of Appeals.

I am enclosing herewith my check in the amount of \$70.00 representing the filing fee.

Thank you for your cooperation.

Very truly yours,

George D. Edwards

GDE/de
Enc.

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWEN 4, MARTIN
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

to the north with a radius of 500-28 feet for a distance of 15.07 feet. In the place of bearing.

CONTAINING 6,996 acres of land more or less

Being part of that tract of land which by deed dated September 14, 1910 and recorded among the Land Records of Baltimore County in Liber T18 No. 1889 folio 11 et., was conveyed by Elizabeth Ann Diehl, et al to Pitt Peora and wife.

Being the property of Pitt Peora and Dolores Peora as shown on plat plan filed with the Zoning Department.

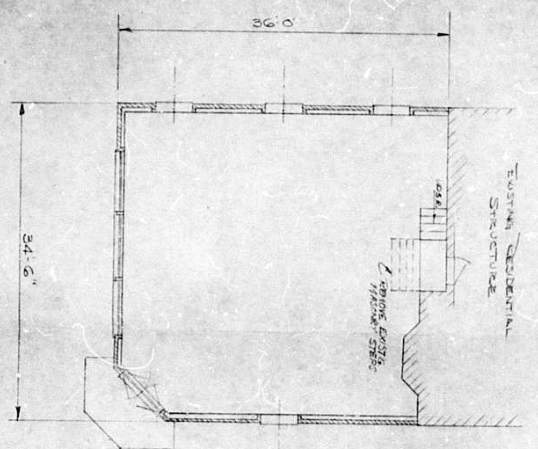
Hearing: Wednesday, November 23, 1956 at 11:50 A.M.

Public Hearing: Room 103, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Post #1

0.8
x 1.5
8.8



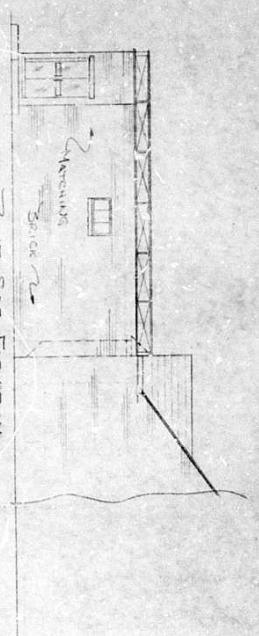
Scale 1/8" = 1'-0"

PRELIMINARY

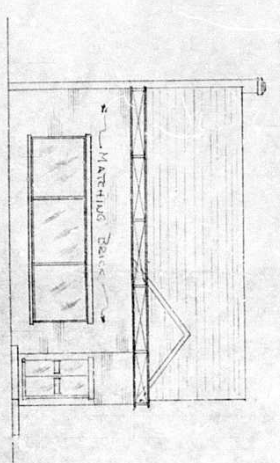
PROPOSED FLOOR PLAN
SHOWING FRONT ADDITION FOR
HISTORIC BUILDING RECORD
725 WEST 10TH ST., DARTO CO. MD.

SH 242
H.C.
9.7.66

0.8
x 1.5
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RIGHT SIDE ELEVATION
Scale 1/8" = 1'-0"



FRONT ELEVATION
Scale 1/8" = 1'-0"

PRELIMINARY

PROPOSED ELEVATIONS -
SHOWING FRONT ADDITION FOR
HISTORIC BUILDING RECORD
725 WEST 10TH ST., DARTO CO. MD.

SH 242
H.C.
9.7.66