

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-6 and B.L. to B.R.
W/S Cummings Avenue 150' : COUNTY BOARD OF APPEALS
NW of Baltimore National Pike, : OF
1st District : BALTIMORE COUNTY
Andrew Pessaro, et al., :
Petitioners : No. 68-67-R

OPINION

The petitioner in this case seeks a reclassification of a tract of land, containing approximately 1.87 acres, situated on the west side of Cummings Avenue 150 feet north of the Baltimore National Pike in the First Election District of Baltimore County. The tract of ground is irregular in shape having 264 feet of frontage on the east side of Leslie Avenue, and 524 feet of frontage on the west side of Cummings Avenue. The property is presently zoned R-6 and B.L.

The land uses and zoning surrounding the subject property are as follows: Across Leslie Avenue in a westerly direction the property is zoned B.M., and is presently improved with offices and warehouses. To the south of the property is a B.L. zone between the southern boundary of the property and the north side of Baltimore National Pike, and is presently improved with a gasoline service station. North of the property is a large tract of unimproved R-6 land. To the east of the property, across Cummings Avenue, the zoning is R-6 and is spottily developed with older modest cottage houses. There are three modest houses between the west side of the subject property on its southern portion, and the B.M. zone lying across Leslie Avenue.

The petitioner proposes to construct two one-story warehouse buildings on the subject property containing approximately 6800 square feet each. The structures will be oriented towards Leslie Avenue facing the B.M. zoning and warehouses that are presently in existence. Entrance to the buildings is proposed from the east side of Leslie Avenue, and no access is planned or proposed to Cummings Avenue, and testimony was heard by the Board that indicates the topography of the subject land would virtually prohibit construction of any access to the property from Cummings Avenue. Testimony given on behalf of the petitioner indicates that the subject property falls rather sharply from Leslie Avenue to the east from ten to twelve feet, and that there is a large ravine between Cummings Avenue and the proposed warehouse location.

A qualified real estate expert appearing on behalf of the petitioner stated that in his opinion the development of the subject site within its present R-6 classification would not be possible or feasible because of the ravine going through the center of the property. The real estate expert further testified that in his opinion the present R-6 zoning is erroneous because of the difficult topography of the property, and its proximity to the B.M. zone immediately across Leslie Avenue. Without going into detail as to

Andrew Pessaro - Case No. 68-67-R

his entire testimony, the expert for the petitioner testified to numerous and substantial changes in the character of the neighborhood since the adoption of the map. He cited specifically Case #64-82-R, Case #66-248-RX, and Case #67-220. He further stated that in his opinion the highest and best use of the property is Business Major zoning, and that the rezoning of the property to Business Major would not adversely affect or depreciate the neighborhood.

The protestants' main objection was to additional traffic that would use Leslie Avenue, and dust and dirt that would result mainly from the present unimproved condition of Leslie Avenue. However, testimony by a traffic expert appearing on behalf of the petitioner indicated any additional traffic generated by the reclassification of the subject property would be minimal, and that Leslie Avenue is adequate to handle the existing traffic and any additional traffic caused by the reclassification of the subject property. In addition, he stated that Leslie Avenue, which is presently 25 to 30 feet wide and unpaved, would be reconstructed to a paved width of 40 feet, thereby eliminating any problems that the residents may have with dust emanating from the road.

The Board finds, from all the testimony given before it, that development of the subject property within its present R-6 classification would be extremely difficult if not totally infeasible due to the topography of the tract. Existing Business Major uses facing the property across Leslie Avenue make it extremely unlikely that the property could be economically feasibly developed in its present R-6 classification, and that there have been more than sufficient changes in the character of the neighborhood to justify the reclassification of this property to a commercial use.

The original petition in this case requested a reclassification to B.R. However, the petitioner at the outset of the hearing moved that the petition be amended to request B.M. This Motion was denied by the Board. However, all of the testimony given in the case indicates that the proper classification for the property would be B.M. rather than B.R. It is within the Board's power, as long as the protestants are sufficiently notified of the proposed use of the property, to grant a reclassification to a less intensive use than that requested by the petitioner. Since B.M. is a more restrictive commercial zone than B.R. under the Baltimore County Zoning Regulations, the Board feels that it is within its power to grant the less intensive use. In addition, the Board finds as a fact that the more logical zoning is B.M. in that the property east of Leslie Avenue would then be zoned in the same classification as the property west of Leslie Avenue.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Pessaro, his wife, Fortunato Brundelre and Adriane Brundelre, I, or we, Andrew Pessaro and Helvy, legal owner R. 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 BL and R-6 zone to an ARCA zone, for the following reasons:

1. Error in the original Zoning Map; and
2. Changes in the neighborhood since the approval of the original Zoning Map;

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 prescribed by Zoning Regulations. I, 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.

Address 1012 Leslie Avenue Catonsville, Maryland 21228
Address 1012 Leslie Avenue Catonsville, Maryland 21228
Petitioner's Attorney
212 Washington Avenue
Address Towson, Maryland
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1968, 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 20th day of September, 1968, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

Andrew Pessaro - Case No. 68-67-R

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of October, 1968 by the County Board of Appeals, ORDERED that the subject property is hereby reclassified from B.L. and R-6 zones to a B.M. zone.

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

Walter A. Reiter, Jr.

John A. Miller

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

DESCRIPTION

PARCEL "A"

0.11, MORE OR LESS, ACRE PARCEL, WEST SIDE OF CUMMINGS AVENUE, 150 FEET, MORE OR LESS NORTH OF BALTIMORE NATIONAL PIKE, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Existing Zoning - "B-L"

Proposed Zoning - "B-R"

Beginning for the same at a point on the west side of Cummings Avenue, 30 feet wide, at a distance of 150 feet, more or less, as measured northerly along the west side of said Cummings Avenue from its intersection with the northwest side of Baltimore National Pike, running thence binding on the west side of said Cummings Avenue, (1) N 04°22'36" E - 40 feet, more or less, to the beginning of the second line of Baltimore County Zoning Description 1-BL-47, thence binding on a part of the second line of said zoning description (2) southwesterly - 117.88 feet, more or less, thence (3) S 04°22'36" W - 40 feet, more or less, and (4) N 83°04'00" E - 117.88 feet, more or less, to the place of beginning.

Containing 0.11 of an acre of land, more or less.

PPK:mpl

J.O. #67078



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FRANK E. CIGONE

1800 N. M. Bldg.
FIRST NATIONAL BANK BLDG.
TOWSON, MARYLAND 21204
October 18, 1967



Mr. John C. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Rose:

Re: Petition for Reclassification from BL and R-6 to BR - W/S Cummings Avenue, 150' NW Baltimore National Pike - 1st District - Andrew Pessaro, Fortunato Brundelre and Adriane Brundelre, Petitioners - No. 68-67-R

We hereby take an appeal to the County Board of Appeals on behalf of Andrew Pessaro and Helen Pessaro, and Fortunato Brundelre and Adrienne Brundelre, Petitioners, to the Order rendered in the above entitled case on September 21, 1967.

I am enclosing herewith check in the amount of \$40.00 covering the cost of this appeal.

Very truly yours,

Frank E. Cigone
David D. Downes
Attorneys for Petitioners

FEC:bl
Encl.
CC: Mrs. Hannah Lindsay

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

DESCRIPTION

PARCEL "B"

1.76, MORE OR LESS, ACRE PARCEL, WEST SIDE OF CUMMINGS AVENUE, 190 FEET, MORE OR LESS NORTH OF BALTIMORE NATIONAL PIKE, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Existing Zoning - "R-6"

Proposed Zoning - "B-R"

Beginning for the same at a point on the west side of Cummings Avenue, 30 feet wide, at a distance of 190 feet, more or less, as measured northerly along the west side of said Cummings Avenue, from its intersection with the northwest side of Baltimore National Pike, said beginning point being at the beginning of the second line of Baltimore County Zoning Description, 1-BL-47, running thence binding on the west side of said Cummings Avenue (1) N 04°22'36" E - 484.78 feet, more or less, thence (2) N 85°37'24" W - 191.25 feet, more or less, to a point on the west side of Leslie Avenue, 40 feet wide, thence binding on said west side of Leslie Avenue (3) S 04°22'36" W - 254.86 feet, more or less, thence (4) S 83°37'24" E - 75.62 feet, more or less, and (5) S 04°22'36" W - 243.20 feet, more or less, thence binding reversely on the zoning line herein referred to (5) northeasterly - 117.88 feet, more or less, to the place of beginning.

Containing 1.76 acres of land, more or less.

PPK:mpl

J.O. #67078



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

David D. Downes, Esq.,
212 Washington Avenue
Towson, Maryland 21204

SUBJECT: Reclassification from an R-6 and
B-1 to a B-1, zone, for
Andrew Passaro, et al, located
on the NE of Cummings Avenue,
150' North of Baltimore National Pike
1st District
(Item 6, August 22nd, 1967)

Dear Mr. Downes:

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

BUREAU OF ENGINEERING:
Water - Existing 8" water in Cummings Ave. However, the
Sewer - Design has been completed on a sanitary which could serve this site. However, the
petitioner in this case has failed to grant the R/W's required to construct these
facilities.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Leslie Avenue is to be developed as a 40' road on a 50' R/W.
Cummings Ave. is to be developed as a 30' road on a 50' R/W.

BUREAU OF TRAFFIC ENGINEERING: Due to the nature of the intersection of the Baltimore
National Pike and Leslie Avenue any increased trip density on Leslie Avenue will be
considered undesirable.

PROJECT PLANNING DIVISION: This department will review and submit any necessary
comments at a later date.

ZONING ADMINISTRATION DIVISION: If the petition is granted, no occupancy may be made
until such time as plans have been submitted and approved and the property inspected
for compliance to the approved plan.

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 Commissioner's hearing.

The following members had no comment to offer:

Health Department
Bureau of Fire Prevention
State Roads Commission
Building Engineer
Board of Education
Industrial Development

Very truly yours,

JAMES E. DUNN, Principal
Zoning Technician

cc: Carlyle Brown-Hur, of Engr.
C. Richard Moore-Hur, of Traffic Engr.
Albert V. Quibby-Project Planning

TELEPHONE 823-3000 EXT. 387

INVOICE No. 48446
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Messrs. Downes & Oeltz
212 Washington Ave.
Towson, Md. 21204

DATE: Aug. 29, 1967

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Petition for Reclassification for Andrew Passaro, et al #68-67-R	\$50.00
1	Cost of appeal - Andrew Passaro, et al No. 68-67-R	\$70.00
1	posting	5.00
	TOTAL	\$125.00

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

TELEPHONE 823-3000 EXT. 387

INVOICE No. 49638
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Frank E. Ciccone, Esq.,
First National Bank Bldg.,
Towson, Md. 21204

DATE: 10/18/67

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Cost of appeal - Andrew Passaro, et al No. 68-67-R	\$70.00
1	posting	5.00
	TOTAL	\$75.00

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 8, 1967

FROM: George E. Cavellis, Director

SUBJECT: Petition #68-67-R, Reclassification from B-1 and R-6 to B-1.
West side of Cummings Avenue 150 feet Northwest of Baltimore
National Pike. Being the property of Andrew Passaro, et al.

1st District

HEARING: Wednesday, September 20, 1967 (11:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the
subject petition and offers the following comments:

- Not only is Cummings Avenue a residential street, but the condition of
both Cummings and Leslie Avenues makes them unsuitable for access to
commercial development.
- A small portion of the subject property is commercially zoned, and
commercial zoning is adjacent to the property to the west, across
Leslie Avenue. The commercial zoning was established by map, and,
therefore, from a planning viewpoint, could not constitute a change;
rather, the commercial zoning thus established represented a cut-off
point beyond which commercial intrusion was not intended.
- A particularly irrational zoning pattern would occur should the subject
petition be approved, since there would remain a residential parcel only
75 feet wide surrounded on all sides by commercial zoning.
- In view of the above considerations, we are opposed to the subject petition.

TELEPHONE 823-3000 EXT. 387

INVOICE No. 48483
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TO: Messrs. Downes & Oeltz
212 Washington Ave.
Towson, Md. 21204

DATE: Sept. 21, 1967

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DESCRIPTION	TOTAL AMOUNT
1	Advertising and posting of property for Andrew Passaro #68-67-R	72.25
	TOTAL	72.25

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

David D. Downes, Esq.,
212 Washington Avenue
Towson, Maryland 21204

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

Your petition has been received and accepted for filing this
15th day of August 1967

Petitioner: Andrew Passaro

Petitioner's Attorney: David D. Downes, Esq.

Reviewed by: James E. Dunn
Chairman of Advisory Com.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: Sept. 14, 1967

Posted for: Andrew Passaro

Petitioner: Andrew Passaro

Location of property: W. Cummings Ave. 150' N. of Baltimore
National Pike

Location of Signs: N. of Baltimore Nat. Pike 45' E. of Cummings Ave.

Remarks:

Posted by: J. E. Dunn Date of return: Nov. 3, 1967

(1 Sign)

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21204 1967

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 in each
of one time, successive weeks before the 31st
day of September 1967, the first publication
appearing on the 31st day of September
1967.

THE JEFFERSONIAN,
J. E. Dunn, Publisher

Cost of Advertisement, \$...

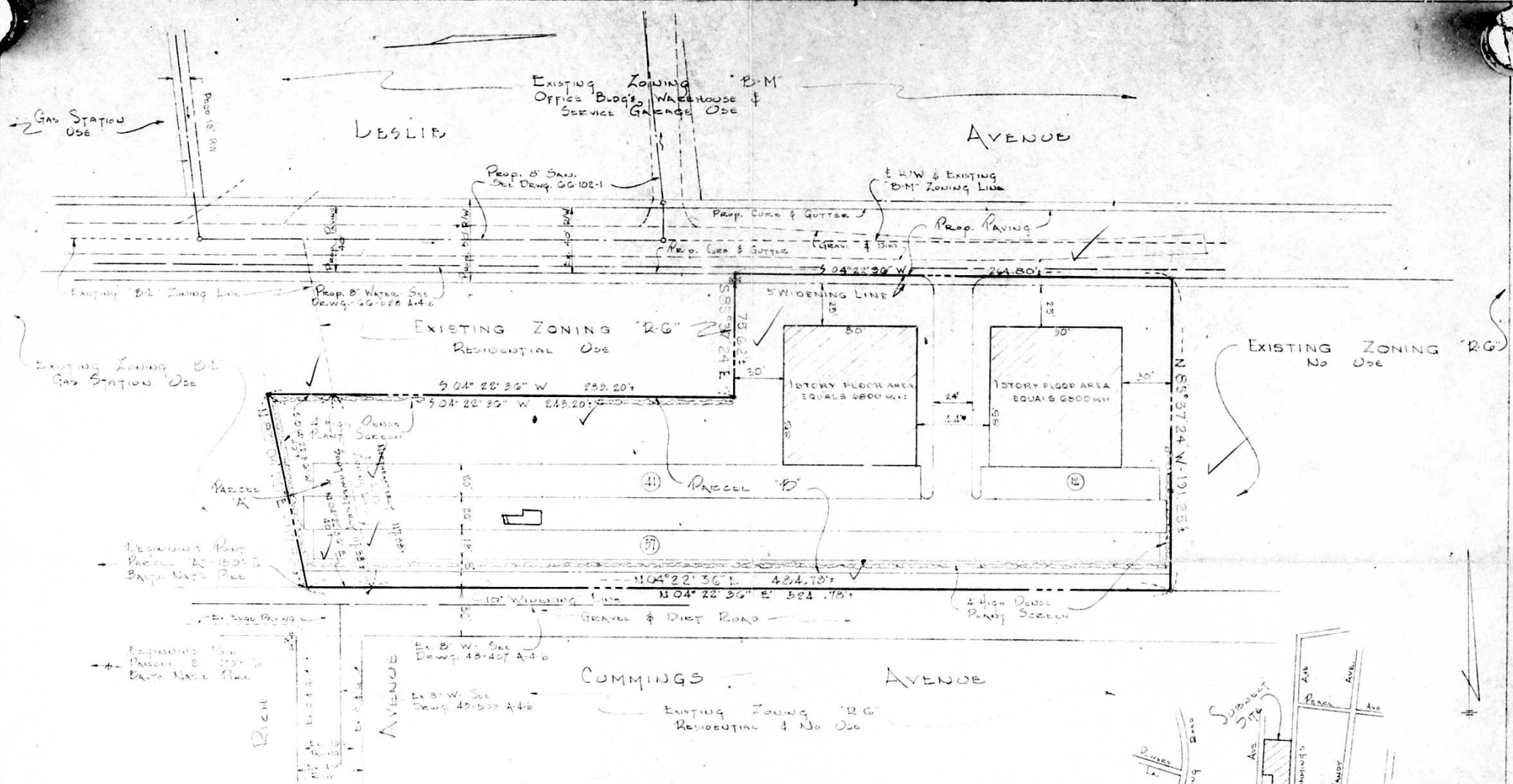
PETITION FOR RECLASSIFICATION
1st DISTRICT

ZONING: From B-1 and R-6 to B-1.

LOCATION: West side of Cummings
Avenue 150 feet Northwest of
Baltimore National Pike.
DATE & TIME: Wednesday, September
20, 1967 at 11:00 A.M.
PUBLIC HEARING: Room 108, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the
Zoning Act and Regulations of Baltimore County, will hold a public
hearing on the subject petition at the time and place hereinabove
stated.

Proposed Zoning: B-1 and R-6.
Existing Zoning: B-1 and R-6.
All that parcel of land in the
First District of Baltimore County,
containing 0.11 of an acre of
land, more or less, and being
the same as a part of the
second line of said Cummings
Avenue, 30 feet wide, as
distance of 150 feet, more or
less, as measured northwardly
along the west side of said
Cummings Avenue from its
intersection with the northeast
side of Baltimore National Pike,
said beginning point being at
the beginning of the second line
of said Cummings Avenue (1)
N 81 degrees 22'30" E - 44.4
feet, more or less, and (2)
N 85 degrees 37'24" E - 73.
42 feet, more or less, and (3)
S 81 degrees 22'30" W - 204.00
feet, more or less, and (4)
S 85 degrees 37'24" W - 234.20
feet, more or less, and (5)
N 81 degrees 22'30" E - 44.4
feet, more or less, and (6)
S 81 degrees 22'30" W - 204.00
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S 85 degrees 37'24" W - 234.20
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N 81 degrees 22'30" E - 44.4
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S 81 degrees 22'30" W - 204.00
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S 81 degrees 22'30" W - 204.00
feet, more or less, and (223)
S 85 degrees 37'24" W - 234.20
feet, more or less, and (224)
N 81 degrees 22'3



- NOTES**
1. TOTAL AREA OF 1.87 ACRES.
 2. EXISTING ZONING "B-L" & "R-C".
 3. EXISTING ZONING "B-L" & "R-C".
 4. PROPOSED ZONING "B-M" & "R-C".
 5. PROPOSED USE "Office Bldg, Warehouse & Service Garage Use" ON 1ST FL. & "Office Use" ON 2ND FL.

OFF-STREET PARKING DATA

TYPE	AREA	REAR PARKING	PROPOSED PARKING
WAREHOUSE (1ST FL.)	10,000 SQ. FT.	10 UNITS	40 UNITS
OFFICE (2ND FL.)	10,000 SQ. FT.	20 UNITS	70 UNITS



WATZ CHILDS & ASSOCIATES
1020 CROWLEY BLVD. 6TH FLOOR
BALTIMORE, MARYLAND 21204



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
EAST SIDE LESLIE AVE.
ELECTION DISTRICT 1
SCALE: 1"=40'

NORTH OF BALTO. NATL PIKE
BALTIMORE CO., MD.
JULY 23, 1967

MAP
2-B
WESTERN
AREA
SW-2-G
BR
68-67R

OFFICE COPY

