

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, **FREDERICK E. ZERLAUT**, his wife and **MARY M. ZERLAUT**, 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-A** zone to an **R-2-A** zone; for the following reasons:

1. Changes in the character of the neighborhood.
2. Error in the original zoning map.
3. Land cannot be used in its present classification.

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, 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 of Baltimore County.

LOUIS FARASCA
Contract purchaser
Address: **1034 L. Brown Ave.**
TOWSON, MARYLAND 21204
Protestant's Attorney

FREDERICK E. ZERLAUT
Legal Owner
Address: **1034 L. Brown Ave.**
TOWSON, MARYLAND 21204
Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of February, 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 March, 1968, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

Robert C. Morris, Inc., Surveyor
Old Court Road, Baltimore 21207, Md.

Description for approval of land on Melvin Ave., Catonsville, Md.

Beginning for the same at a point on the East side of Melvin Ave., South 10 degrees 10 minutes West 20 ft. from the South side of the Baltimore National Pike, said point being on the division line between lots 25 and 26, Block A, as shown on the Plat of McEnough Heights, said plat being recorded in the Land Records of Baltimore, in Plat No. 2, folio 6, thence running South 79 degrees 50 minutes East 100 ft., thence running South 10 degrees 10 minutes West 100 ft., thence running North 79 degrees 50 minutes East 100 ft. to the East side of Melvin Ave., thence running along Melvin Ave. North 10 degrees 10 minutes East 100 ft. to the point of beginning.

Containing 0.23 of an acre more or less and being lots 21 to 25 inc. of Block A, as shown on the Plat of McEnough Heights.

Robert C. Morris, Inc.
Robert C. Morris,

RE: PETITION FOR RECLASSIFICATION
from an R-A zone to a B.L. zone
E/S Melvin Avenue 20' S. of
Baltimore National Pike
1st District
Frederick E. Zerlaut, et al
Petitioners
No. 68-212-R

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY

ORDER FOR APPEAL

Dear Mr. Clerk:

Please enter an appeal in behalf of Mrs. Hannah Lindsay, one of the protestants, to the opinion and order of the County Board of Appeals of Baltimore County dated November 29, 1968.

Stanley Solins
Attorney for:
Hannah Lindsay, Protestant
111 W. Charles St.
Baltimore, Maryland, 21201

I HEREBY CERTIFY that on this 20th day of December, 1968, a copy of the foregoing Order For Appeal was delivered to the County Board of Appeals, County Office Building, Towson, Maryland, 21204.

Stanley Solins
STANLEY SOLINS

HANNAH LINDSAY
26 Cargill Avenue
Baltimore, Maryland 21220

and

MUTTIE PAGE
415 Melvin Avenue
Baltimore, Maryland 21220

vs.

WILLIAM S. BALDWIN, CHAIRMAN
W. GILES PARKER and JOHN A. SLONIK, constituting the
County Board of Appeals of
Baltimore County

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE #4119
Misc. Docket #8
Folio 307

ORDER

The above matter having come on for hearing on April 10, 1969, and after having read the record and examined the exhibits, and having considered argument of counsel, it is, this 14th day of April, 1969, for the reasons recited at the conclusion of the hearing aforesaid,

ORDERED, ADJUDGED and DECREED, that the Order of the County Board of Appeals of Baltimore County in its Case No. 68-212-R dated November 29, 1968, be and the same is hereby affirmed.

Costs to be paid by the appellants.

John E. Rouse
JUDGE

RE: PETITION FOR RECLASSIFICATION
from an R-A zone to a B.L. zone
E/S Melvin Avenue 20' S. of
Baltimore National Pike,
1st District
Frederick E. Zerlaut, et al
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-212-R

OPINION

The petitioner in this case seeks a reclassification of a .23 acre parcel of ground from R-A to B.L. (Business Local). The subject property is situated on the east side of Melvin Avenue; the northwest corner of the property being only 20 feet south of the Baltimore National Pike, in the First Election District of Baltimore County.

The zoning to the north of the subject property is Business Local, and is occupied by a Sinclair gasoline station. The zoning across Melvin Avenue from the subject property is Business Local, and is also used as a gasoline service station. The zoning to the south of the subject property is R-A, and is presently improved with a single family dwelling. The zoning to the east of the subject property, between the subject property and Winters Lane, is Business Local and a small portion of this property, approximately 40 feet by 100 feet (as shown on Petitioner's Exhibit #2), is owned by the petitioner. Melvin Avenue deadends at the northwest corner of the subject property, and there is no vehicular access from Melvin Avenue onto Baltimore National Pike.

The petitioner proposes to construct on the property a retail furniture store, 70 feet by 45 feet, and proposes entrances from Winters Lane and Melvin Avenue; the primary entrance will be through Winters Lane.

The petitioner produced expert testimony that there had been numerous zoning changes in the immediate neighborhood since the adoption of the comprehensive zoning map in 1960. He further testified that the property, almost entirely surrounded by commercial uses which were not in existence at the time of the adoption of the map in 1960. He also testified that the reclassification to Business Local would not have any adverse effect on the neighborhood because the subject property now has Business Local zoning on three sides. He further stated that he did not believe that the existing R-A zoning on the subject property to be correct in that it is too close to Baltimore National Pike with its heavy commercial uses and traffic to be a good site for apartment development, and also that the size of the property being only .23 acres is too small to properly develop in its R-A classification.

RE: PETITION FOR RECLASSIFICATION
E/S Melvin Avenue 20 feet S of
Baltimore National Pike - 1st District
Frederick E. Zerlaut, Petitioner
NO. 68-212-R

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner seeks a reclassification of his property consisting of .23 acres from an RA zone to a BL zone. Plans call for the construction of a retail furniture store.

This parcel of land fronts 100 feet on Melvin Avenue and lies only 20 feet from the edge of Baltimore National Pike (Route 40 W.). Across Melvin Avenue is a gasoline service station, immediately to the north is another gasoline service station, on the east and southeast are RE zoned tracts, part of which is also owned by the Petitioner. On the north is RA zoned property improved with a dwelling house. Since the Petitioner owns all the property immediately to the east, the overall tract would have access to both Melvin Avenue and Winters Lane, the latter intersecting the aforementioned Route 40.

The Zoning Advisory Committee comments that Melvin Avenue will soon be developed into a 30 foot paved road on a 40 foot right-of-way and apparently will be opened through to Route 40. The Office of Planning and Zoning offered no adverse comments on this Petition.

Numerous zoning changes were also introduced into evidence. There is little doubt that the Petitioner's request is reasonable and should be granted.

Neighborhood fears of traffic congestion on the adjacent streets are not supported by the facts in as much as traffic ingress and egress will be principally by means of Melvin Avenue, Winters Lane and Route 40.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 29th day of March, 1968, that the herein described property or area should be and the same is hereby reclassified from an RA zone to a BL zone from and after the date of this Order, subject to approval of the site plan Bureau of Public Services and the Office of Planning and Zoning.

Philip D. Hardin
Deputy Zoning Commissioner

Frederick E. Zerlaut - #68-212-R

The residents of the nearby neighborhood opposed the petition citing the possibility of increased traffic, and the possible depreciation of their homes by the reclassification of this property to commercial use.

The Board, from the evidence presented, finds that the property could not be reasonably used in its existing R-A zoning due to the effect of the heavy commercial uses adjoining the property on three sides, and further, that there have been more than sufficient changes from residential uses to commercial uses in the immediate neighborhood to warrant the reclassification of this property.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 29th day of November, 1968 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

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

John A. Miller

John A. Slowik

February 19, 1968

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

William F. Mosner, Esq.,
30 West Chesapeake Avenue
Towson, Maryland 21204

SUBJECT: Reclassification from R-A to B-L, for
Frederick E. Zerlaut, located E/S Melvin Avenue,
S/W/Cr. Baltimore National Turnpike
1st District
(Item 100, February 13, 1968)

Dear Sir:

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

BUREAU OF ENGINEERING:
Water - Existing 8" water in Melvin Avenue
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Existing 8" sanitary sewer in Melvin Avenue
Road - Both Melvin Ave. and Winters Lane are to be improved as minimum 30' roads on 40' R/W's.
It appears that the State road sign on Baltimore National Pike must be relocated to accommodate the proposed improvements to Melvin Avenue.

BUREAU OF TRAFFIC ENGINEERING:
This office will review and make any necessary comments at a later date.

STATE ROADS COMMISSION:
Since there are no State roads involved this office has no comment.

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:

Project Planning Division
Health Department
Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James E. Miller
JAMES E. MILLER, Acting Supervisor

JEM:jde

cc: Carlyle Brown-Bur. of Engr.; C. Richard Moore-Bur. of Traffic Engr.; John Mayers-Bur. of

ORDER RECLASSIFIED FOR FILING
DATE 2/24/68
BY Stanley Solins

Filed 12/24/68
9 AM

