

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Urban T. Lewis and Naomi F. Lewis, legal owners 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-5 zone to an SE-3-F zone; and (2) that the zoning status of the herein described property be re-classified pursuant to the Zoning Law of Baltimore County, from an R-5 zone to an SE-3-F zone, for the following reason:

Entire area over the years has become Business local zoning.

See attached description

I, or we, Urban T. Lewis and Naomi F. Lewis, legal owners 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-5 zone to an SE-3-F zone; and (2) that the zoning status of the herein described property be re-classified pursuant to the Zoning Law of Baltimore County, from an R-5 zone to an SE-3-F zone, for the following reason:

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

Entire area over the years has become Business local zoning.

RE: PETITION FOR RECLASSIFICATION
from an R-5 zone to a B.L. zone
SW/S of Wise Avenue 355'
SE of Lynch Road,
12th District
Urban T. Lewis, et ux,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-62-R

MAP #12
SEC 4-A
SE-A-F
BL

OPINION

Petition was filed in this case for reclassification of a portion of the property owned by Mr. and Mrs. Urban T. Lewis, located on the southwest side of Wise Avenue approximately 350 feet southeast of Lynch Road, in the Twelfth Election District of Baltimore County. Mr. and Mrs. Lewis built a home on this property in 1954, and lived there until 1966.

At the time of the adoption of the zoning map, on May 1, 1956, the property adjoining the Lewis property and approximately one-third of the Lewis property were zoned B.L., and the balance of the Lewis property was zoned R-6. The lot is a long narrow lot, approximately 92 feet by 468 feet, and the dividing line between the B.L. and R-6 crosses it diagonally from the northwest corner to a point about midway on the back line, which is approximately 92 feet, facing on an existing paved alley.

Since the adoption of the map, the general atmosphere of the neighborhood has become almost completely commercial. Mr. Lewis and other witnesses testified that the area has changed from rural to urban over the past eighteen years, that the area is now a bowling alley built next door to the Lewis property, and there have been at least fifteen zoning changes within three-quarters of a mile of the subject property, almost all of which are on Wise Avenue, including three filling stations in close proximity, at least two shopping centers, and a bowling alley next door to the subject property.

The contract purchaser of the subject property is Donald O. Fedder, who has operated a pharmacy at 201 Wise Avenue for eighteen years. His proposed use of the property would include professional offices in conjunction with a pharmacy, which would require B.L. zoning.

Urban T. Lewis - #69-62-R

Mr. Richard L. Smith, a qualified engineer with Matz, Childs and Associates, presented a plat prepared by him showing the proposed construction and zoning, and the area for which rezoning is requested amounts to approximately three-quarters of an acre.

Mr. Wilsie H. Adams, a former Zoning Commissioner of Baltimore County and now in business as a realtor and zoning consultant, testified that he had been thoroughly familiar with the property for years, and that in his opinion the petition should be granted because of the numerous changes in the area (see Petitioner's Exhibit #3), and further, that the subject property has presently no utility whatsoever for residential use; that in his opinion he could not sell this property for residential purposes; and that the proposed use would actually increase the value of neighboring properties rather than detract from them. He further testified that the present property could be used by utilizing the portion of it already zoned B.L., but that this would present problems of site planning which would be much worse with respect to the effect on the neighboring properties, and that the portion of the property under the present B.L. zoning could be used for many purposes not as salutary as the proposal made herein.

Mr. Leslie H. Graef, Deputy Director of the Office of Planning and Zoning for Baltimore County, stated that his Planning Staff did not recommend the granting of this petition and suggested as an alternative, R-A zoning with a special exception for offices, which would, of course, foreclose its use for a pharmacy in connection with professional offices.

The Board does not agree with this conclusion, and finds as a fact that there have been sufficient changes in the neighborhood to warrant the reclassification, and further, that there was error in the original zoning in running the dividing line between B.L. and R-6 diagonally through the Lewis property. From the plat plan (Petitioner's Exhibit #2) it can be seen that the portion of the Lewis property zoned B.L. would have no access from Wise Avenue except through the R-6 portion thereof.

The other protestants, representing residents of the neighborhood, expressed

Urban T. Lewis - #69-62-R

their opposition because of increases in traffic, the construction of numerous other commercial uses, including gasoline stations and the bowling alley, and the absence of actual need for a drug store and offices on this site. These protestants may have understandable reasons for objecting to the present situation in the neighborhood as is the case in all areas of Baltimore County where there has been a change from rural to urban over the past fifteen years. However, we do not believe the objections as expressed are sufficiently weighty to require the Board to deny this petition for reclassification. For the foregoing reasons the petition will be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day of December, 1969, by the County Board of Appeals, ORDERED that the portion of the Lewis property as described in the description attached to the petition, is hereby rezoned from R-6 to B.L.

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
William S. Baldwin, Chairman

W. Giles Parker
W. Giles Parker

John A. Slawik
John A. Slawik

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th
Posted for: Urban T. Lewis
Petitioner: Urban T. Lewis
Location of property: SW/S of Wise Ave. 355' SE of Lynch Rd
Location of signs: Signs posted on front of 2917 Wise Ave.
Remarks: None
Posted by: William T. Xanor
Date of return: Oct. 24-68

October 3, 1968

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

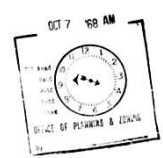
RE: Petition for Reclassification
SW/S of Wise Avenue 355' SE
of Lynch Road - 12th District
Urban T. Lewis, et ux -
Petitioner
No. 69-62-R

Dear Mr. Commissioner:

Appeal is hereby taken in the above captioned Petition for Reclassification by the Petitioners Urban T. Lewis and Naomi F. Lewis, from the adverse decision of the Zoning Commissioner of Baltimore County dated September 12, 1968.

Very truly yours,
William T. Xanor
William T. Xanor
Attorney for Petitioners

WTV:mkw



(1) SIGN. CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th
Posted for: HEARING WED. SEPT. 11, 1968 At 11 P.M.
Petitioner: URBAN T. LEWIS
Location of property: SW/S OF WISE AVE. 355' SE OF LYNCH ROAD
Location of signs: (1) POSTED IN YARD OF 2917 WISE AVE.
Remarks:
Posted by: W. H. BROS.
Date of return: AUG. 29, 1968

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

William J. Xanor, Esq.,
3 South Place
Baltimore, Maryland 21202

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

Your Petition has been received and accepted for filing this 16th day of July, 1968.

John E. Ross
John E. Ross,
Zoning Commissioner

Petitioner: Urban T. Lewis
Petitioner's Attorney: William J. Xanor, Esq. Reviewed by: John E. Ross
Chairman of Advisory Committee

August 1, 1968

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 29, 1968
FROM: Leslie M. Groef, Deputy Director of Planning

SUBJECT: Petition #89-62-R. Reclassification from R-6 to B-1 Zone. Southwest side of Wise Avenue 353 feet Southeast of Lynch Road. Urban T. Lewis, Petitioner

12th District
HEARING: Wednesday, September 11, 1968 (8:00 P.M.)

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

- Although the subject property is adjacent to commercial zoning, it is well buffered from the use of the adjacent premises and falls most logically within the residential context of Wise Avenue to the southeast. If any relief is required here -- and we do not believe that it is -- it should be only an R.A. reclassification for transitional purposes.
- Commercial zoning as requested -- a small increment of street frontage -- would lead to the kind of piecemeal, disjointed, dis-early strip-commercial development that has already plagued too many of the motorways in the greater Dundalk area. From a planning viewpoint, this reclassification would be detrimental to the public interest.

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

SUBJECT: Reclassification from an R-6 zone to an Business Local zone, for Urban T. Lewis, located SW of Wise Avenue 353' SE of Lynch Road 12th District (Item 27, July 30th, 1968)

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

BUREAU OF ENGINEERING:
Water - Existing 12" and 36" water in Wise Ave.
Sewer - Existing 30" sewer in Wise Ave. to be determined by developer or his engineer.
Adequacy of existing utilities to be determined by developer or his engineer.
Road - Wise Avenue is an existing improved road to which further improvements will not be required.

BUILDING ENGINEER'S OFFICE:
Petitioner must meet Building Code requirements.

BUREAU OF TRAFFIC ENGINEERING:
This office will review and make 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 Commission's hearing.

The following members had no comment to offer:

Project Planning Division
Health Department
Bureau of Fire Prevention
State Roads Commission
Board of Education
Industrial Development

Very truly yours,

James E. Over,
Zoning Supervisor

JED:JO

cc: Carlyle Brown-Sur, of Engr.
Elmer C. Hoppert-Building Engineer's Office
C. Richard Moore-Bureau of Traffic Engineering

ORIGINAL

THE DUNDALK TIMES

DUNDALK, MD. 21222 August 26, 1968

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE DUNDALK TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One ~~week~~ week before the 26th day of Aug., 1968, that is to say, the same was inserted in the issue of August 22, 1968.

STROMBERG PUBLICATIONS, Inc.

By Ruth Margaree

CERTIFICATE OF PUBLICATION

TOWSON, MD. AUG 22, 1968

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, 1968, the date of publication appearing on the 22nd day of August 1968.

THE JEFFERSONIAN

By L. Leach Struth

Cost of Advertisement, \$.....

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

DESCRIPTION

0.76 ACRE PARCELS, SOUTHWEST SIDE OF WISE AVENUE.

355 FEET, MORE OR LESS, SOUTHEAST OF LYNCH ROAD, 12TH

ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR B-1 ZONING

Beginning for the same at a point on the southwest side of Wise Avenue, 65 feet wide, at the distance of 355 feet, more or less, as measured southeasterly along the southwest side of said Wise Avenue from its intersection with the southeast side of Lynch Road, 60 feet wide, running thence, binding on the southwest side of said Wise Avenue and running for the two following courses and distances: (2) S 32° 15' W - 468 feet, more or less, and (3) N 55° 52' W - 44 feet, more or less, to the end of the second line of a Baltimore Zoning Description 12-B-L-46, thence binding reversely on a part of said second line, (4) Northeasterly - 428 feet, more or less, thence (5) N 32° 15' E - 43 feet, more or less to the place of beginning.

Containing 0.76 acres of land, more or less.

PPK:impl

J.O. #66141

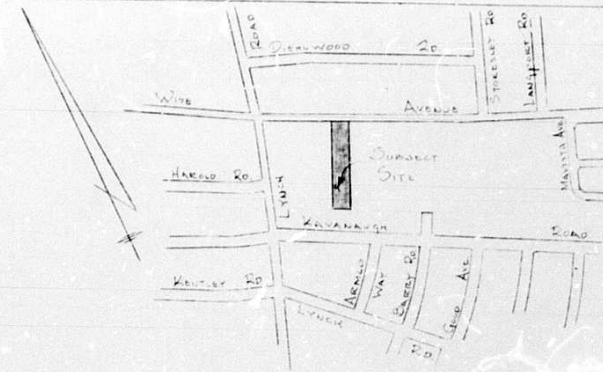
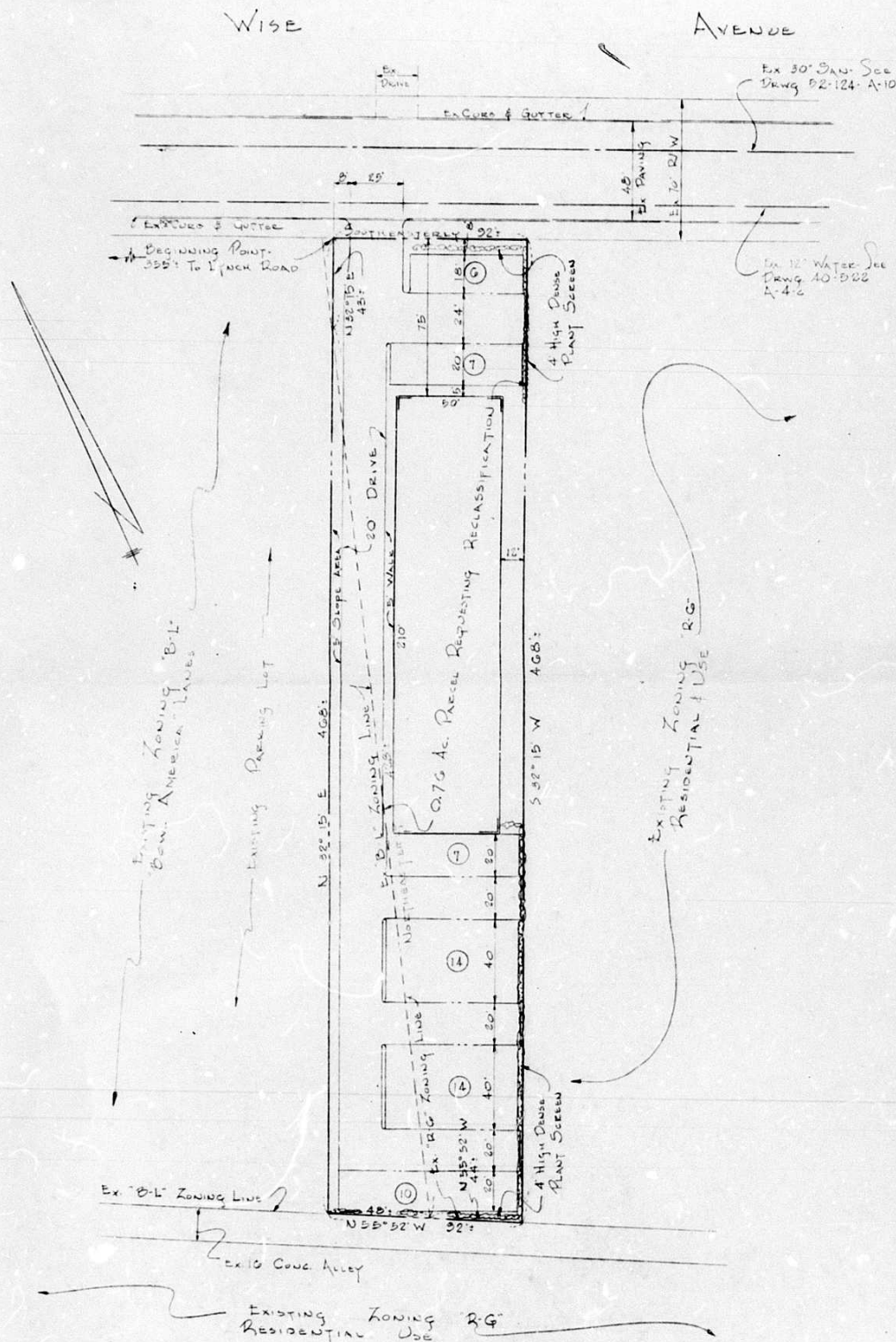
April 3, 1968

Water Supply & Sewerage & Drainage & Highways & Structures & Engineering & Reports

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204
Invoice No. 56230
DATE: Aug 13, 1968
TO: William J. Yarworth, Esq.,
2 Market Place
Dundalk, Md. 21222
REPORT TO ACCOUNT NO. 01-622
QUANTITY: 1
Description: Cost of appeal - Property of Urban T. Lewis
68-62-R
TOTAL AMOUNT: \$75.00
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
Invoice No. 56284
DATE: Sept. 13, 1968
TO: William J. Yarworth, Esq.,
2 Market Place
Dundalk, Md. 21222
REPORT TO ACCOUNT NO. 01-622
QUANTITY: 1
Description: Advertising and posting of property for Urban Lewis
68-62-R
TOTAL AMOUNT: \$42.50
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
Invoice No. 56340
DATE: 10/18/68
TO: Wm. T. Yarworth, Esq.,
2 Market Place,
Dundalk, Maryland 21222
REPORT TO ACCOUNT NO. 01-622
QUANTITY: 1
Description: Cost of appeal - Property of Urban T. Lewis
68-62-R
TOTAL AMOUNT: \$75.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF TRACT EQUALS 0.23 ACRES
2. AREA OF PARCEL REQUESTING RECLASSIFICATION EQUALS 0.76 AC
3. EXISTING ZONING OF PARCEL - R.C. & B.L.
4. EXISTING USE OF PARCEL - RESIDENTIAL USE
5. PROPOSED ZONING OF PARCEL - B.L.
6. PROPOSED USE OF PARCEL - RETAIL STORE
7. TOTAL FLOOR AREA EQUALS 10,500 SQ. FT.
8. REQUIRED OFF-STREET PARKING EQUALS 53 SPOTS
9. PROPOSED OFF-STREET PARKING EQUALS 53 SPOTS
10. EXISTING BUILDING ON SITE TO BE REMOVED

#69-62-R
OFFICE COPY

Zoning Map
12
SEC. 4A
SE 4F
BL

PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
AT
7917 WISE AVENUE
ELECTION DISTRICT 12
SCALE: 1"=40'
BALTIMORE COUNTY, MD.
APRIL 15, 1968



MATZ, CHILDS & ASSOCIATES, INC.			
100141 RLS			
PL			