

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION & VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we, **FOOD FAIR STORES, INC.**, 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-1** zone to an **M-L-R** zone, and variances:

To permit the use of the property and improvements thereon by **Mary Harbor Company** to manufacture ladies' and men's wearing apparel; for the following reasons:

(See attached.)
Variance to Sec. 250.2 to permit a side yard of 12' instead of reg. 30'.
Sec. 250.3 to permit a rear yard of 37' instead of 40'. 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 for Baltimore County.

FOOD FAIR STORES, INC.

Contract purchaser

Address: Edison Hwy. & Duncameoood Lane, Baltimore, Maryland 21213

Protestant's Attorney

Robert L. Sullivan, Jr., Esq.
Address: Suite 1010, One Charles Center, Baltimore, Maryland 21201

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of October, 1969...

of October, 1969... 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 19th day of December, 1969, at 1:00 P.M.

Edward D. Hardesty
DEPUTY Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 7, 1969

Robert L. Sullivan, Jr., Esq.
Suite 1010
One Charles Center
Baltimore, Maryland 21201

RE: Type of Hearing: Reclassification & Variance from an R-1 zone to an M-L-R zone.
Location: N/S of Bird River Rd., 499.61' E. of Middle River Rd.
Petitioner: Food Fair Stores, Inc.
Commission Meeting of October 26, 1969
4th District
Item 90

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has held an on-site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a shopping center. All but one of the stores are closed at the present time. The property to the southeast is improved with a gasoline station to the north with existing R-1 property; to the south with dwellings, as well as to the southeast are dwellings. Bird River Road on the east side of the property is improved as far as concrete curb and gutter are concerned.

BUREAU OF ENGINEERING

Comments:

Since all utilities exist and all required highway improvements have been completed adjacent to the subject site, this office has no further comment.

FIRE DEPARTMENT

Burner shall comply with all Fire Department requirements when inspection is made by an inspector from the Baltimore County Fire Prevention Bureau.

JAMES S. SPANER & ASSOCIATES
PA. REGIONAL ENGINEERS & LAND SURVEYORS
8017 YORK ROAD - TOWSON, MD. 21204

By J.S.S. Date 10-1-69 Zoning description Bird River and Middle River Roads for Food Fair Stores, Inc. 10-108-BA

15th Election District - Baltimore County, Maryland

Beginning for the same at a point on the northwest side of Bird River Road (70 feet wide) as shown on Baltimore County Plat 104-108-BA where it is intersected by the third line of the parcel of land which by a deed dated July 29, 1956 and recorded among the Land Records of Baltimore County in Liber 111, No. 2760, folio 188 was conveyed by John H. Brown and wife to Trustees of Middle River Assembly of God Inc., said point of beginning being 109.61 feet northerly from the northeast side of Middle River Road (60 feet wide), and running thence ending on the northwest side of Bird River Road, (2) South 130° 13' 30" West 178.00 feet, thence parallel to and 278 feet southeasterly, measured at a right angle, from the 8th line of the parcel of land which by a deed dated July 29, 1956 and recorded as above in Liber 111, No. 2760, folio 188 was conveyed by Maple Crest Shopping Center, Inc. to Tulp Realty Company of Maryland, Inc., (3) North 169° 10' 10" West 631.71 feet to intersect the 7th line of the last mentioned conveyance, thence thence on a part thereof, (4) North 169° 18' 35" East 278.00 feet, thence with the 8th, 9th and part of the 10th lines of said last mentioned conveyance, (5) South 169° 10' 10" East 157.39 feet, (6) South 130° 13' 30" West 100.00 feet and (6) South 169° 10' 10" East 157.39 feet to the place of beginning.

Containing 3.433 Acres of land more or less.

Being a part of the parcel of land which by a deed dated July 29, 1956 and recorded among the Land Records of Baltimore County in Liber 111, No. 2760, folio 188 was conveyed by Maple Crest Shopping Center, Inc. to Tulp Realty Company of Maryland, Inc.



CERTIFICATE OF PUBLICATION

TOWSON, MD. NOV 13 1969 19.

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... before the... day of December, 1969... the first publication appearing on the 13th day of November, 1969.

THE JEFFERSONIAN

Cost of Advertisement \$.....

Robert L. Sullivan, Jr., Esq.
Suite 1010
One Charles Center
Baltimore, Maryland 21201
Item 90 Page 2

November 7, 1969

DEPT. OF TRAFFIC ENGINEERING

The subject site as PL could generate approximately 1500 trips a day. However, as M-L-R the subject site should generate only about 350 trips per day.

BUILDING ENGINEERS' OFFICE

Petitioner to comply with Baltimore County Building Codes, Rules and Regulations for any proposed work.

HEALTH DEPARTMENT

No health problems are anticipated with the proposed change in zoning.

ZONING ADMINISTRATION DIVISION

The petitioner will be required to submit revised plans in accordance with comments by Project Planning Division prior to the hearing.

Very truly yours,

EDWARD D. HARDESTY

DLH:JD
Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Deputy Zoning Commissioner Date: November 21, 1969

FROM: Mr. George E. Cavellis, Director of Planning

SUBJECT: Petition 70-108-BA. Reclassification from R-1 to M-L-R. Variance to permit a side yard of 12 feet instead of the required 30 feet and to permit a rear yard of 37 feet instead of the required 40 feet. North-west side of Bird River Road 499.41 feet Northeast of Middle River Road. Food Fair Stores, Inc., Petitioners

15th District

HEARING: Wednesday, December 3, 1969 (1:00 P.M.)

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

1. The preliminary Baltimore County comprehensive zoning map approved by the Planning Board shows the subject property as remaining within the R-1 zoning classification. Although the staff is recommending that the Planning Board propose that the property be reclassified as M-L-R, we are not in a position to say that this recommendation will necessarily be approved by the Board.

Further, the staff recommendation covers more land than the property embraced by the subject petition. The staff is proposing that the present M-L-R zone to the northeast be extended, leaving no gaps, while the petitioner is proposing creation of a separate M-L-R zone—in short, a spot zone. The staff is opposed to M-L-R zoning of the subject property unless it is to be a (contiguous) extension of the present zone.

This petition illustrates the confusion that can result if two methods of zoning reclassification are being employed more or less concurrently. It is suggested that the subject petition be withdrawn aside from eliminating confusion, such an action would eliminate the possibility that a zoning reclassification authorized by a petition would be disallowed upon adoption of the new comprehensive zoning map.

2. We do not believe that it is possible to comment appropriately with respect to the requested variance until such time as the plans required under Sections 251 and 252 of the zoning regulations are submitted and reviewed.

OFFICE OF



ESSEX, MD. 21221 November 17, 1969

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardesty, Deputy Zoning Commissioner of Baltimore County

was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 17th day of Nov., 1969 last to wit: was inserted in the issue of November 13, 1969.

STROMBERG PUBLICATIONS, Inc.

B. Ruth Morgan

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
TOWSON, MARYLAND 21204

No. 57002

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map, the above Reclassification should be had; and it further appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the Variances requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved, ~~the above Reclassification should be had, and it further appearing that by reason of~~ Variances to permit a side yard of twelve (12) feet instead of the required thirty (30) feet; and to permit a rear yard of thirty-seven (37) feet instead of the required forty (40) feet should be granted.

~~a Special Exception for~~ should be granted

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15
day of December, 1969, that the herein described property or area should be and the same is hereby reclassified; from a BL zone to a MLR

Variances to permit a side yard of twelve (12) feet instead of the re-
zone, and ~~the Special Exception for~~ should be and the same is
quired thirty (30) feet; and to permit a rear yard of thirty-seven (37) feet in-
stead of the required forty (40) feet should be and the same is granted, from and after the date of this order
after the date of this Order, subject Edward D. Hardisty
to approval of the site plan by DEPUTY Zoning Commissioner of Baltimore County
the Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196____, that the above re-classification 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 a _____ zone; and/or the Special Exception for _____ be and the same is hereby DENIED.

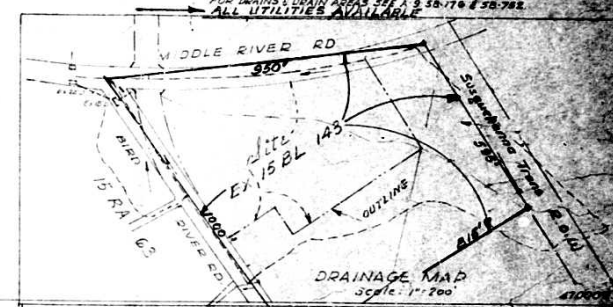
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE 12/15/69 JC HARRIS

BY

ADMINISTRATIVE



MAP
4-B
EASTERN
AREA
NE-SW
MLR

Comm Bldg App. # 577-60 FWA 1960/2 22550018
Preliminary Plat. for Jonesburg
Food Fair, Inc.
 Olden Park & Bird Run Roads.
 Date: 11-15-60 Elio Co. Md.
 Oct 13/10, 1960 Acres: 111.50
 Owners: William W. Wilson & Sons - 10000 Am. Chas. Bldg., Balt. Md. 21201
 by: John D. Dygdon & Associates - 8017 York Rd. - Towson, Md. 21204