

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Country Homes, Ltd., 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an M-L zone, for the following reasons:

Error in original zoning and a genuine change in condition of the neighborhood.

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.

COUNTRY HOMES, LTD.
Contract purchaser
By: Robert E. Kanode, Legal Owner
Treasurer
Address:

SMITH, BOTTOM AND SMITH
By: Lloyd J. Hammond, Petitioner's Attorney
104 Jefferson Building
Address: Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of July, 1977, 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 100, County Office Building in Towson, Baltimore County, on the 17th day of August, 1977, at 11:00 o'clock.



(over)

SMITH, BOTTOM & SMITH

September 28, 1973

John A. Slowik, Chairman
County Board of Appeals
111 West Chesapeake Avenue
Towson, Maryland 21204

Re #71-62-RX Harvey R. Shipley & Sons, Inc.
#71-47-R Country Homes, Ltd.

Dear Mr. Slowik:

Both of the above-mentioned cases are regarded as moot since the adoption of the new maps. In fact, it has been my understanding that these old cases which have been pending since prior to the adoption of the said maps would be dismissed by the Board.

Please note that there is another case involving County Homes now pending before the Board, that being #72-223-R. This last mentioned case has arisen since the adoption of the maps and is not regarded as moot.

Very truly yours,

George Barrett Johns

GBJ/mjs

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R-6 to M-L R. :
NW/4 S Southwestern Blvd., (formerly : COUNTY BOARD OF APPEALS
Baltimore-Washington Blvd.) 875' :
N. of Clark Blvd. : OF
13th District :
County Homes, Ltd., : BALTIMORE COUNTY
Petitioner :
No. 71-47-R

ORDER OF DISMISSAL

Petition of County Homes, Ltd. for reclassification from R-6 to M-L R. on property located on the northwest side of Southwestern Boulevard (formerly Baltimore-Washington Boulevard) 875 feet north of Clark Boulevard, in the Thirteenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of Appeal filed October 2, 1973 to copy of which is attached hereto and made a part hereof from the attorney representing the petitioner-appellant in the above entitled matter.

WHEREAS, the said attorney for the said petitioner-appellant requests that the appeal filed on behalf of said petitioner be dismissed and withdrawn as of October 2, 1973.

IT IS HEREBY ORDERED this 11th day of October, 1973, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

John A. Miller

Robert L. Gilland

Respectfully submitted,

SMITH, BOTTOM & SMITH

by

Lloyd J. Hammond
104 Jefferson Building
Towson, Maryland 21204
823-6200
Attorneys for Petitioner

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
NW/4 S of Southwestern Boulevard, 875' : ZONING COMMISSIONER
N of Clark Boulevard - 13th District :
Country Homes, Limited - Petitioner :
NO. 71-47-R (Item No. 233) : OF
BALTIMORE COUNTY

The Petitioner seeks a Reclassification of his property, consisting of 6.15 acres, from an R-6 Zone to a M-L R. Zone. Plans call for the construction of an office building and warehouse complex.

Without reviewing the evidence in detail, the Zoning Commissioner feels that the Petitioner has failed to show either error in the original zoning map or such substantial changes in the character of the neighborhood to warrant a Reclassification.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of November, 1979, that the above Reclassification be and the same is hereby DENIED and that the above described property or a part be and the same is hereby continued as and to remain an R-6 Zone.

Zoning Commissioner of
Baltimore County

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX # 6828, TOWSON, MD. 21204

Description to Accompany Zoning Petition
for Reclassification (R-6 to M-L)
Property Northwest side of
Southwestern Blvd. at Baltimore-Washington Blvd.

April 1, 1970

Beginning for the same at a point on the northwest side of Southwestern Boulevard, formerly Baltimore-Washington Boulevard, as shown on State Roads Commission of Maryland Plat No. 2957, said beginning point being at a distance of 875 feet, more or less, as measured northeasterly along the northwest side of said Southwestern Boulevard from its intersection with the north side of Clark Boulevard and running thence binding on the northwest side of said Southwestern Boulevard the thirteen following courses and distances, viz:

- (1) North 33° 47' 40" East 437.60 feet.
- (2) North 30° 08' 30" East 24.58 feet.
- (3) North 28° 51' 40" East 22.30 feet.
- (4) North 27° 26' 50" East 25.17 feet.
- (5) North 25° 44' 10" East 29.01 feet.
- (6) North 24° 21' 30" East 20.27 feet.
- (7) North 22° 36' 10" East 38.57 feet.
- (8) North 21° 02' 10" East 14.44 feet.
- (9) North 20° 09' 40" East 14.42 feet.
- (10) North 19° 09' 40" East 19.24 feet.
- (11) North 17° 44' 10" East 28.79 feet.
- (12) North 15° 12' 00" East 28.76 feet.
- (13) North 14° 24' 10" East 12.82 feet.

IN THE MATTER OF THE PETITION
OF COUNTRY HOMES, LTD. for
zoning reclassification from
R-6 to M-L

MEMORANDUM IN SUPPORT OF APPLICATION

The Petitioner's property comprises approximately 6 1/2 acres located on the westerly side of Southwestern Boulevard where it merges with Washington Boulevard. The present zoning is R-6. Your Petitioner submits that the existing zoning classification is in error and that use of the subject parcel for single family detached or semi-detached homes is not practical or economically feasible for the following reasons:

(a) The geography and topography of the parcel precludes an efficient sub-division into six thousand square foot lots. Ingress to and egress from the parcel must be from the southbound lane of Southwestern Boulevard and any street pattern within the parcel must encounter the grades resulting from the differences in grade running west from the highway. Sub-division studies produce lots much larger than normal in R-6 zoning -- indicated lots per acre are minus 3.

(b) The parcel does not have available access to any public road or street except the southbound lane of Southwestern Boulevard, a highly used industrial State highway without any provision for pedestrian traffic.

(c) The subject property is surrounded by industrial highways (Southwestern Boulevard and Washington Boulevard), main line railroads (B & O - C & O and Penn-Central) and industrially used property. Adjoining, except for separating highways, are plants of Calvert Distillery to the south, Maryland Housing Corporation to the north and General Motors Diesel Locomotive Shops to east and north.

(d) Building of homes on the site in view of the established industrial character of the surrounding land is not economically feasible. Prospective purchasers and mortgage financing sources would not accept a home investment under such surroundings.

(e) Zoning should be M-L (restricted) thereby enabling public authority to provide adequate protection to the presently developed R-6 residential area adjoining on the westerly line.

Description to Accompany Zoning Petition
for Reclassification (R-6 to M-L)
Property Northwest side of
Southwestern Blvd. at Baltimore-Washington Blvd.

March 17, 1970

thence leaving said Southwestern Boulevard and running the five following courses and distances, viz:

- (1) North 7° 33' 21" West 64.20 feet.
- (2) North 12° 38' 43" West 100.00 feet.
- (3) North 23° 53' 43" West 200.00 feet.
- (4) South 49° 19' 17" West 535.17 feet.
- (5) South 15° 12' 00" East 638.07 feet.

to the point of beginning.

Containing 6.125 Acres of land, more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Zoning Commissioner

FROM: Richard B. Williams
Project planning Division

SUBJECT: Zoning Advisory Agenda Item #233

Date: May 11, 1970

April 14, 1970
Country Homes, Ltd.
N/W side of Southwestern Blvd.

This plan has been reviewed and there are no site-planning factors requiring comment.



Mr. Edward A. Hardesty
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Zoning Adv. Comm. Meet 4/14/70
Re: Property Owner:
Country Homes, Ltd.
Location: N/W side of Southwestern
Blvd. (Route 1)
Present Zoning: MLK
Proposed Zoning: MLK
13th District
No. Acres: 6.125+ acres

Dear Mr. Hardesty:

The intersection of the proposed entrance with Southwestern Boulevard at the existing road from the Boulevard to Oakland Road is undesirable, however, it appears that this is the best location for the entrance.

The entrance will be subject to State Roads Commission approval and permit.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section

by: John C. Meyers
Asst. Development Engineer

CJL:tlbk

LAW OFFICES
SMITH, BOTTOM & SMITH

November 30, 1970

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/8 Southwestern Boulevard
875' N of Clark Boulevard
13th District
Country Homes, Limited
No. 71-47-A (Item No. 233)

Dear Sir:

Please note an appeal on behalf of Country Homes, Limited, to the County Board of Appeals from the Order of the Zoning Commissioner dated November 24, 1970 in the above entitled matter.

Attached is check for \$70.00 fee.

Very truly yours,

George B. Johns

gbs/d

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Zoning Commissioner

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

Date: August 14, 1970

SUBJECT: Petition #71-47-R, Northwest side of Southwestern Boulevard, formerly B. I. Home Washington Boulevard 875 feet north of Clark Boulevard.
Petition for Reclassification from R-6 to M.L.R.
Country Homes, Ltd. - Petitioners

13th District

HEARING: Monday, August 17, 1970 (11:00 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to M.L.R. zoning. We note that the site plan calls for an office and wholesale furnishing and appliance display center. We question whether or not such wholesale sales activity could occur here since no warehouse or storage function is called for. (See Section 241.1 of the Zoning Regulations) In any case, the comprehensive rezoning map approved by the Planning Board last winter recommends that the present zoning be retained.

It was the feeling of the Planning Board that the subject property was more related to the adjoining residential community than any nearby non-residential usage and that those residential potentials should be retained.

GEG:nh



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardesty
Zoning Commissioner

FROM: Ellsworth N. Diver, P.E.

SUBJECT: Item 233 (1969-1970)
Property Owner: Country Homes, Ltd.
N/W side of Southwestern Boulevard
Present Zoning: R-6
Proposed Zoning: MLK
District: 13th
No. Acres: 6.125+ acres

Date: April 27, 1970

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Southwestern Boulevard is a State Road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Ingress and egress is not desirable from Ruby Avenue an existing 30-foot curbed residential street.

The status of the 30-foot right-of-way cannot be determined, however, the County does not propose any road improvements at this time.

Storm Drains:

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Southwestern Boulevard is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item 233 (1969-1970)
Property Owner: Country Homes, Ltd.
Page 2
April 27, 1970

Sediment Control: (Cont'd)

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Water and Sanitary Sewer:

Public water and sanitary sewer are available to serve this site with the appropriate right-of-way easements and private extensions.

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:HAM:ROP:ss

C-W Key Sheet
25 SW 15 Position Sheet
SW 6 & 7 D Tape

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner

FROM: H. B. Staab - Industrial Development Commission

SUBJECT: ZAC Item 233 - April 1470 Agenda
Country Homes, Ltd.
Southwestern Boulevard - 13th Election District

Date: April 21, 1970

The Industrial Development Commission has reviewed the subject petition and inspected the site. It appears that the proposed use of the site by a single user is the most logical use for this property.

The Industrial Development Commission recommends that the request for reclassification to MLK be given favorable consideration.

H. B. STAAB
Director

BALTIMORE COUNTY, MARYLAND

ZONING ADVISORY COMMITTEE MEETING
OF April 14, 1970

Petitioner: Country Homes, Ltd.
Location: NW/8 of Southwestern Blvd.
District: 13
Present Zoning: R-6
Proposed Zoning: MLK
No. of Acres: 6.125+

Comments: Would not increase student population

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. O. L. Myers, Plans Review Date: April 16, 1970

FROM: Everett Reed, Plans Review

SUBJECT: #233 County Homes, Ltd.
N/W side of Southwestern Blvd.
District 13

Petitioner to comply with all applicable requirements of the Baltimore County Slog. Code, and rules and regulations when plans are submitted.

Everett B. Reed
Everett Reed, Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: April 21, 1970
Attn: Mr. Myers

FROM: Inspector Thomas E. Kelly
Fire Department

SUBJECT: Property Owners Country Homes, Ltd.

Location: N/W side of Southwestern Boulevard
Item #233 Zoning Agency April 14, 1970

Owner shall be required to comply to all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Inspector T. E. Kelly

cc: Mr. T. J. Hanna III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: April 30, 1970

FROM: Ian J. Forrest

SUBJECT: Item 233 - Zoning Advisory Committee Meeting, April 14, 1970

233. Property Owner: Country Homes, Ltd.
Location: N/W side of Southwestern Blvd.
Present Zoning: R-6
Proposed Zoning: MLR
District: 13th
No. Acres: 6.125 ± acres

Public water and sewers to be extended.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

Chief
BUREAU OF ENVIRONMENTAL HEALTH

TJF/cn

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 75432

DATE: 12/4/70

To: George A. Johns, Esq.,
104 Jefferson Building
Towson, Md. 21204

County Office
109 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO.	DETAILS ALONG WITH INFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
7-47-7	Cost of posting property of Harvey Shipley No. 41-47	\$70.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 75453

DATE: 12/28/71

To: George A. Johns, Esq.,
104 Jefferson Building
Towson, Md. 21204

County Office
109 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO.	DETAILS ALONG WITH INFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
7-47-3X	Cost of posting property of Harvey S. Shipley 1 sign No. 71-47-3X	4.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 69364

DATE: Nov. 24, 1971

To: (Cash, Checks and Bonds)
County Office of Baltimore County

County Office
109 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO.	DETAILS ALONG WITH INFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
7-47-1	Postage for Certified Mail for County Office, Md.	\$5.00

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 73779

DATE: Feb. 27, 1971

To: (Cash, Checks and Bonds)
County Office of Baltimore County

County Office
109 County Office Bldg.,
Towson, Md. 21204

REPORT TO ACCOUNT NO.	DETAILS ALONG WITH INFORMATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT
7-47-1	Advertising and posting of property for County Office, Md.	\$4.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204



WANDALLSTOWN, MD. 21227

THIS IS TO CERTIFY that the annexed advertisement was inserted in the following

- ☐ Catonsville Times ☐ Times in Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times

weekly newspapers published in Baltimore County, Maryland, once a week for 17 successive weeks before the 17 day of August 1970, that it to say, the same was inserted in the issues of July 30, 1970

Cost of Advertisements: \$25.50

STROMBERG PUBLICATIONS, INC.

BY John D. Miller

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 30, 1970

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 17th day of August, 1970, the first publication appearing on the 30th day of July, 1970.

Cost of Advertisement, \$

THE JEFFERSONIAN

Manager

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: JAN 2 - 1971

Posted for: APPEAL

Petitioner: Country Homes, Ltd.

Location of property: N.W. side of Southwestern Blvd. East of Baltimore Ave. Blk. 875 ft. N. of Clark Blvd.

Location of Signs: 1. N.W. side of Southwestern Blvd. & Clark Blvd. 2. N.W. side of Southwestern Blvd. 750 ft. E. of Clark Blvd.

Remarks: (Signature)

Posted by: (Signature) Date of return: Jan 4 - 1971

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 7-31-70

Posted for: Reclassification

Petitioner: Country Homes, Ltd.

Location of property: N.W. side of Southwestern Blvd. - 875 ft. N. of Clark Blvd.

Location of Signs: 1. 1200' N.W. side of Clark Blvd. on N.W. side of Southwestern Blvd. 2. N.W. side of Southwestern Blvd. 750 ft. E. of Clark Blvd.

Remarks: (Signature)

Posted by: (Signature) Date of return: 8-5-70

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

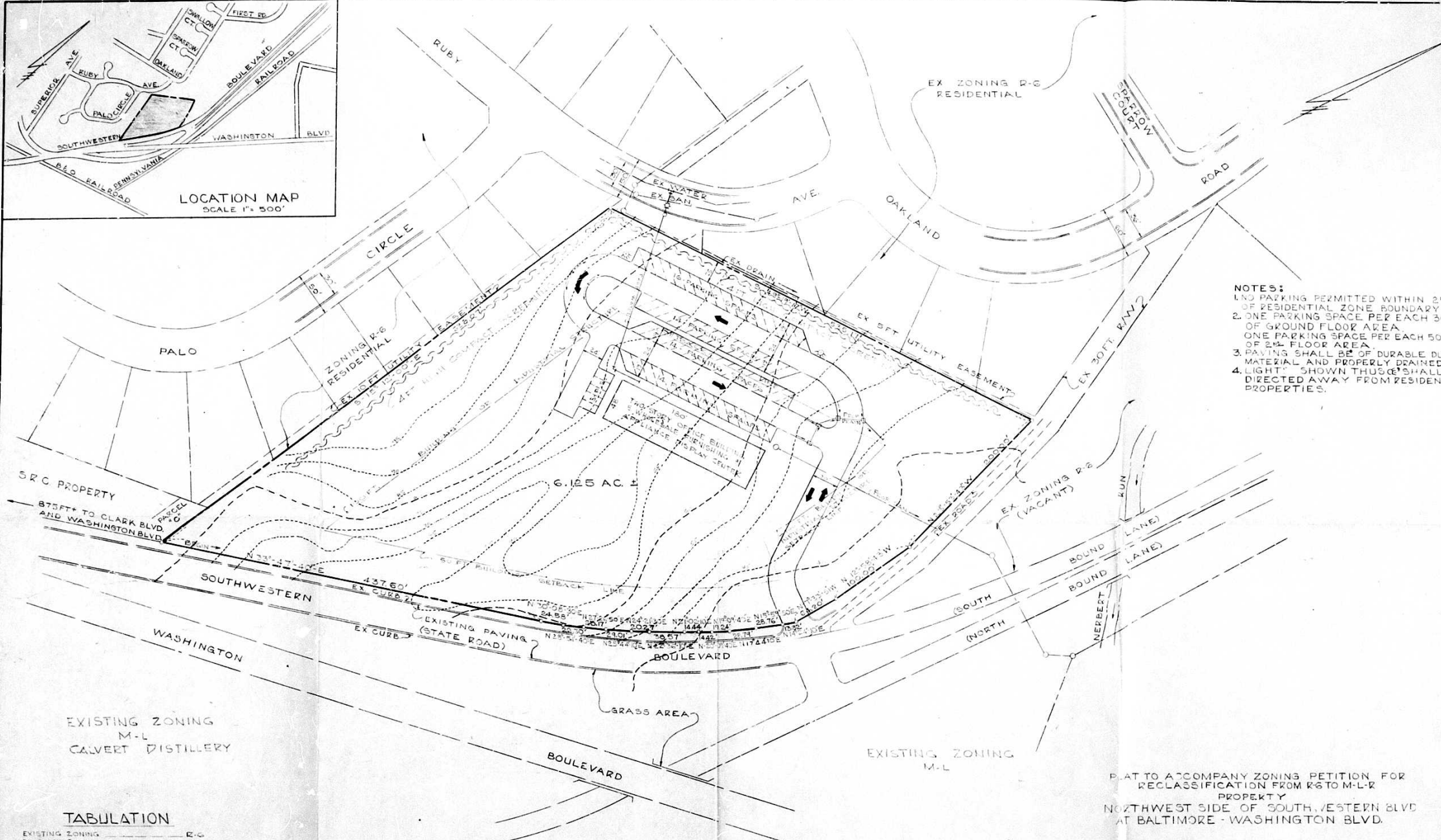
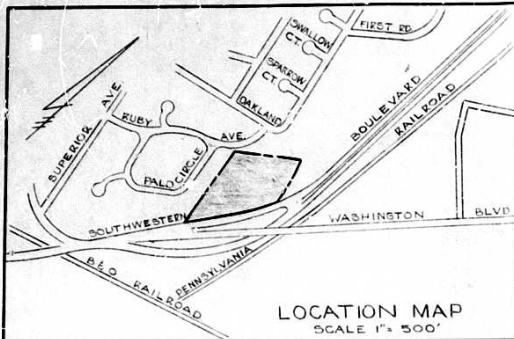
County Office Building
131 M. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 7th day of July, 1970

Edward D. Hardesty
Zoning Commissioner

Petitioner: Country Homes, Ltd.
Petitioner's Attorney: Edward A. Johns, Esq.
Reviewed by: (Signature)
Chairman of the Advisory Committee





- NOTES:**
1. NO PARKING PERMITTED WITHIN 25 FT. OF RESIDENTIAL ZONE BOUNDARY.
 2. ONE PARKING SPACE PER EACH 300 SQ. FT. OF GROUND FLOOR AREA. ONE PARKING SPACE PER EACH 500 SQ. FT. OF 2ND FLOOR AREA.
 3. PAVING SHALL BE OF DURABLE, DUST-FREE MATERIAL AND PROPERLY DRAINED.
 4. LIGHTS SHOWN THUS SHALL BE DIRECTED AWAY FROM RESIDENTIAL PROPERTIES.

EXISTING ZONING
M-L
CALVERT DISTILLERY

TABULATION

EXISTING ZONING	R-6
PROPOSED ZONING	M-L-E
EXISTING USE	VACANT
PROPOSED USE	OFFICE & WHOLESALE FURNISHING & APPLIANCE DISPLAY CENTER
GROSS AREA	6.682
NET AREA	6.125 AC.
AREA IN PUBLIC ROADS (OR EASEMENTS)	0.557 AC.
PROPOSED BUILDING SIZE	2-STY 180'x48' (17,280 S.F.)
PROPOSED NO. PARKING SPACES REQUIRED	47 (INT'L 27, 2ND FL 18)
PROPOSED NO. PARKING SPACES PROVIDED	63
FLOOR AREA RATIO	0.66

NOTE:
WATER MAIN IS TO BE EXTENDED IN SOUTHWESTERN BLVD FROM END OF EX. MAIN TO WASHINGTON BLVD. BY BALTO. CO. (ALIGNMENT IS NOW UNDER STUDY)

PLAT TO ACCOMPANY ZONING PETITION FOR RECLASSIFICATION FROM R-6 TO M-L-E PROPERTY NORTHWEST SIDE OF SOUTHWESTERN BLVD AT BALTIMORE - WASHINGTON BLVD.

BALTO. CO. MD.
SCALE 1"=50'
ELECT. DIST. NO. 13
MARCH 5, 1970

OFFICE COPY

2A
SW-7D

JOSEPH WILLIAM FRYBURN, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 MIDDLEBURY AVE.
TOWSON, MD. 21204

