

71-127-RX **PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION AND VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **BUTLER & NEALE, 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, **2-B** 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-6** zone to an **RA** zone, for the following reasons:

There was a mistake or error in the original zoning and/or the character of the neighborhood has changed to such an extent as to warrant the requested reclassification. The following variances are also requested:
 Variance from Section 217.2 to permit a front yard setback of 52' instead of the required 60' to the center of Lincoln Avenue
 Variance from Section 217.3 to permit a side yard of 17' instead of the required 25'
 Variance from Section 217.4 to permit a rear yard of 25' instead of the required 30'.

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 **OFFICE**.

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.

BUTLER & NEALE, INC.
 by **Robert Neale, Pres.** Legal Owner
 Address: 821 Kent Avenue
 Baltimore, Md. 21228

James D. Nolan Petitioner's Attorney
 Nolan, Plumbhoff and Williams
 204 West Pennsylvania Ave.
 Baltimore, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County this 1st day of September, 1970, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of October, 1970, at 1:00 o'clock.

Edward D. Hendricks
 Zoning Commissioner of Baltimore County
 (over)

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
 from R-6 to R.A. zone; SPECIAL EXCEPTION FOR OFFICES AND : COUNTY BOARD OF APPEALS
 Office Building and : OF
 VARIANCES from Sections 217.2, : BALTIMORE COUNTY
 217.3 and 217.4 of Baltimore County : No. 71-127-RXA
 Zoning Regulations :
 Northeast Corner of Baltimore National :
 Pike and Lincoln Avenue :
 1st District :
 Butler & Neale, Inc. :
 Petitioners :

ORDER OF DISMISSAL

Petition of Butler & Neale, Inc. for reclassification from R-6 zone to R.A. zone, Special Exception for offices and office building, and Variances from Sections 217.2, 217.3 and 217.4 of the Baltimore County Zoning Regulations, on property located on the northeast corner of Baltimore National Pike and Lincoln Avenue, in the 1st District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of an Order of Dismissal of appeal filed August 4, 1972 (a copy of which is attached hereto and made a part hereof), from the attorney representing the Petitioner in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner requests that the appeal filed on behalf of said Petitioner be dismissed and withdrawn as of August 4, 1972.

IT IS HEREBY ORDERED, this 25th day of August, 1972, that said appeal be and the same is **DISMISSED**.

**COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY**
 John A. Slowik, Chairman
 W. Stan Parker
 Robert L. Gilland

PETITION FOR RECLASSIFICATION * BEFORE THE
 SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
 NE/CORNER OF BALTIMORE * OF
 NATIONAL PIKE AND LINCOLN * BALTIMORE COUNTY
 AVENUE - 1st District *
 BUTLER AND NEALE, INC. * No. 71-127-RXA
 PETITIONER * Item No. 359

ORDER OF DISMISSAL WITHOUT PREJUDICE

Mr. Clerk:
 Please enter the above entitled matter "DISMISSED WITHOUT PREJUDICE" on behalf of BUTLER AND NEALE, INC., Petitioner.

James D. Nolan
 James D. Nolan
 Nolan, Plumbhoff and Williams
 Attorneys for Petitioners
 204 West Pennsylvania Ave.
 Towson, Maryland 21204
 Telephone: 823-7800

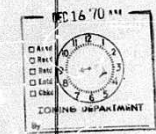
I HEREBY CERTIFY, that on this 1st day of August, 1972, a copy of the foregoing Order of Dismissal Without Prejudice was mailed to Stanley Sollins, Esquire, 2001 One Charles Center, Baltimore, Maryland 21201.

James D. Nolan
 James D. Nolan

59228
 1/3c
 12/15/70
 PETITION FOR RECLASSIFICATION * BEFORE THE
 SPECIAL EXCEPTION & VARIANCES * ZONING COMMISSIONER
 NE/CORNER OF BALTIMORE * OF
 NATIONAL PIKE AND LINCOLN * BALTIMORE COUNTY
 AVENUE - 1st District *
 BUTLER AND NEALE, INCORPORATED * No. 71-127-RXA
 PETITIONER * Item No. 359

ORDER FOR APPEAL

Mr. Commissioner:
 Please enter an appeal to the Board of Appeals of Baltimore County from your Order of November 26, 1970, denying the requested reclassification, special exception and variances requested in the Petition herein, and each and every part of your said Order and findings, on behalf of my client, the Petitioner, Butler and Neale, Incorporated.



James D. Nolan
 James D. Nolan
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204
 Telephone: 823-7800
 Attorney for Petitioner,
 Butler & Neale, Inc.

I HEREBY CERTIFY that on this 16th day of December, a copy of the foregoing ORDER FOR APPEAL was mailed to Stanley Sollins, Esquire, 2001 One Charles Center, Baltimore, Maryland 21201.

James D. Nolan
 James D. Nolan

PROPERTY OF BUTLER AND NEALE, INC. (COUNTY BELTWAY EXIT 15)

I. DESCRIPTION OF PROPERTY

This property is located in the northwest quadrant of the interchange number 15 of the Baltimore County Beltway with U.S. Route 40 West. The property is presently undeveloped, but is located in an area which is particularly suited to office building development. At present, the property is wooded with about 170 foot frontage on the east side of Lincoln Avenue, which intersects with U. S. Route 40 West. The south boundary of the property runs about 250 feet fronting on the westbound off-ramp right-of-way of the Beltway.

II. PRESENT ZONING

This property is presently zoned R-6.

III. REQUESTED ZONING

This property is better suited for residential apartment (RA) use with a special exception for office use, and it is this classification which is requested, namely, RA with a special exception for office use.

IV. BASIS FOR REQUESTED ZONING

In the past ten years the area immediately surrounding the subject property has undergone an extremely intensive development--beneficial to both the economy of the County and to the area immediately affected. West of the subject property on the north side of Route 40 West is located a Shell Oil gasoline station, a drive-in movie, and an indoor first-run movie house. Just east of the subject property and on the other side of the Beltway is located one of the major shopping centers in the metropolitan Baltimore area, to wit, the Westview and Ingleside Shopping Centers. In the southwest quadrant of interchange #15 are several small houses which front on an access road which runs west to Winters Lane where

gasoline service stations are located on both corners. In the southeast quadrant is located a large Quality Court motel, a Chrysler-Dodge dealership and a high-rise Howard Johnson Motel.

The transportation needs of the area are well met by both Route 40 West and by the County Beltway. There is heavy traffic volume on both main routes and the volume is handled well. The area surrounding the commercial development along Route 40 West is primarily residential, composed of older homes.

The subject property is well-suited to development for the purpose of fine office building development because of the easy access to major transportation routes. There would be no interference with currently existing traffic patterns, but such a use will be tastefully done so that the general appearance of the immediate area would be improved.

Further, the subject property is completely inadequate for R-6 zoning. The traffic flow at this location is too heavy to allow for pleasant and desirable residential development. The commercial growth of the area has been so great in the past ten years as to preclude any reasonable expectation that a residential R-6 type development could be economically feasible or socially desirable, but rather would detract from the nature and function of the area as a commercial center.

James D. Nolan
 James D. Nolan, attorney for
 Butler and Neale, Inc.

JOAN & HOLDEFER, INC.
 SURVEYORS AND CIVIL ENGINEERS
 4300 ELKROCK AVENUE / BALTIMORE, MD. 21214 (301) 426-2144
 539 POPLAR STREET / CAMDEN, MD. 21613 (301) 228-7300
 115 E. MAIN STREET / WESTMINSTER, MD. 21157 (301) 848-1900
 13 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-8433

May 1 1970.

Description of Property Located at the Northeast Corner of U. S. Route 40 (Baltimore National Pike) and Lincoln Avenue 1st Election District, Baltimore County, to be Resoned from R-6 to RA Zone with Special Exception for Offices.

ROLLBACK for the same at the intersection of the north side of U.S. Route 40 with the east side of Lincoln Avenue, 40 feet wide, as laid out and shown on Block G Plat of Catonsville Pines recorded among the Land Records of Baltimore County in Plat book C.V.B.R., 12 folio 89, thence leaving said place of beginning and binding on the north side of U.S. Route 40 and on the right of way line of Ramp "H" leading to Baltimore County Beltway the 5 following courses and distances, viz: Northeastly 125 feet, more or less, thence North 17 degrees 22 minutes East 9 feet, thence Northeastly 35 feet, more or less, thence North 17 degrees 76 feet, more or less, thence Northeastly 31 feet, more or less, to the west side of Cargill Avenue, 40 feet wide, as shown on said plat, thence leaving said Ramp "H" and binding on the west side of Cargill Avenue North 17 degrees 22 minutes East 76 feet, more or less, to the southern line of Lot 11 on said plat, thence binding on southern line and the southern line of Lot 30 North 72 degrees 38 minutes West 220 feet to the east side of Lincoln Avenue, thence binding on said Avenue South 17 degrees 22 minutes West 40 feet to the southern line of Lot 32 of said plat, thence binding on said line South 72 degrees 38 minutes East 110 feet to the end of said line, thence binding on the rear line of Lots 33 and 34 South 17 degrees 22 minutes West 40 feet to the southern line of Lot 34, thence binding thereon North 72 degrees 38 minutes West 110 feet to the east side of Lincoln Avenue, thence binding on the east side of Lincoln Avenue the 3 following courses and distances, viz: South 17 degrees 22 minutes West 129.77 feet to point of curve thence by a curve to the left in a southeasterly direction with a radius of 15 feet for a distance of 31.07 feet to the place of beginning.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

L. Alan Evans



ALAN EVANS, PE, EIT
 10000 GREEN LANE
 GREENBELT, MARYLAND 21740
 CAMDEN, MD. 21613
 EASTON, MD. 21601
 RICHMOND, MD. 21891

59228
 5/4/70
 1/4c

59228
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Rec'd 5/4/70
 11-4-70
 LAW OFFICE
 NOLAN, PLUMBHOFF
 & WILLIAMS
 TOWSON, MD.

59228
 5/4/70
 1/4c

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner
 FROM: Mr. George E. Gowell, Director of Planning
 SUBJECT: Petition #71-127-RXA. Northeast corner of Baltimore National Pike and Lincoln Avenue. Petition for Reclassification from R-6 to R.A. Zone. Petition for Special Exception for Offices and Office Building. Petition for Variance to permit a front yard of 52 feet instead of the required 60 feet to the center of Lincoln Ave.; and to permit a side yard of 17 feet instead of the required 25 feet; and to permit a rear yard of 25 feet instead of the required 30 feet. Butler & Neale, Inc. - Petitioners

1st District

HEARING: Thursday, October 15, 1970 (1:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to R.A. zoning, together with special exception for offices and front, side and rear yard variances.

The Planning Board has recommended creation of R.A. (U. R. 16) zoning here in connection with comprehensive remapping proposals for the area. The recommendation was made broadly as a result of the general relationships of this area to major transportation features of the Beltway and Route 40 West and shopping and commercial activity occurring along Route 40 at a "town" scale. This recommendation has elicited pointed objections from the residents of the Planning Board's hearing and, as an issue, it is in the process of reevaluation. In any case, the Planning Staff has examined the subject property in the field and is of the opinion that the subject petition for special exception does not meet the standards of Section 502.1 of the Zoning Regulations.

We feel that an office use here does not constitute a transitional kind of a use between Route 40 and residences since examination of the property clearly indicates that it is not related to Route 40 at all. Fencing, natural growth along the State right-of-way, and the practical impossibility of access directly to Route 40 serve to relate the subject property to R-6 residential uses on Lincoln and Cargill Avenues. A use permit for parking on the first lot on the westerly side of Lincoln Avenue also serves to separate the subject property from commercial activity along Route 40. Creation of office uses here then would result in establishing use potentials which are not in conformity with those of adjoining or "surrounded" single family residences; they also would not be conducive to the general health, welfare and safety of the locality.

Mr. Edward D. Hardesty
 Petition #71-127-RXA.
 Butler & Neale, Inc. - Petitioners

-2-

October 14, 1970

GEG:mh

Access to the property by vehicles going easterly on Route 40 would have to be by means of Winters Lane and Weyner Street and thence Lincoln Avenue. As such, extraneous traffic would be introduced onto a series of minimal streets and conditions of undue congestion or traffic hazard could occur. Finally, the variances being sought indicate that overcrowding is possible based on the size and shape of the tract.

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

the above Reclassification should be had; and it further appearing that by reason of.....

a Special Exception for a..... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of..... 1970, that the herein described property or area should be and the same is hereby reclassified; from..... to..... and/or a Special Exception for a..... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show error in the original zoning map or substantial changes in the character of the neighborhood, failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations, and failure to show practical difficulty or unreasonable hardship.....

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED and the Variances should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of..... 1970, that the above reclassification 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 an..... R-6..... Zone, and/or the Special Exception for an Office Building and Office..... be and the same is hereby DENIED.

and that the Variances be and the same are hereby DENIED.

RECEIVED FOR
 PROCESSING
 BY: [Signature]
 DATE: 5-4-70
 OFFICE OF
 PLANNING & ZONING

James D. Nolan, Esq.
 Item 359
 Page 2
 September 1, 1970
 Jc Harris clh.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 1, 1970

James D. Nolan, Esq.
 Nolan, Plunhoff and Williams
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204

RE: Type of Hearing: Reclassification from an R6 zone to an RA zone, and Special Exception for offices
 Location: NW/4 Baltimore National Pike, Int. with W/S Lincoln Avenue
 Petitioner: Butler & Neale, Inc.
 Committee Meeting of June 2, 1970
 1st District
 Item 355

Dear Mr. Nolan:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comment is a result of this review and inspection.

The subject property is presently improved with an existing dwelling which will be razed at the time the petition is granted. The property is horseshoe shaped and surrounds an existing dwelling. The properties to the west and north are improved with dwellings, 20 to 30 years of age, in good repair. The property on the south is bounded by the Baltimore National Pike, US Route 40, Lincoln Avenue and Calwell Avenue are not improved as far as concrete curb and gutter are concerned.

BUREAU OF ENGINEERING

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

Highways

Baltimore National Pike is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Lincoln Avenue is an existing street which has been previously improved as a 24-foot closed roadway section within a

James D. Nolan, Esq.
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September 1, 1970

40-foot right-of-way and is proposed to be further improved in the future as a 40-foot closed roadway section within a 60-foot right-of-way. Highway right-of-way widening and improvements would be required in connection with any subsequent grading or building permit applications.

Cargill Avenue is an existing dead-end street which has been improved with 18-foot macadam paving within the 40-foot right-of-way and is proposed to be further improved in the future as a 30-foot closed roadway section within a 50-foot right-of-way. Access to this site from Cargill Avenue is not required, therefore, no further highway improvements or right-of-way widening is required adjacent to this site.

Storm Drains

Baltimore National Pike is a State Road; therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

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.

Sediment Controls

Development of this property through striping, 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 striping of top soil.

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 Sewers

Public water supply and sanitary sewerage is available to serve this property.

DEPT. OF TRAFFIC ENGINEERING

The subject petition is requesting a change from R6 to RA with special exception for offices, or half an acre. As R6 the site will generate 25 trips per day, and 60 trips per day as RA. While as an office building, it will generate 90 trips per day. The 17 foot driveways do not meet County standards.

James D. Nolan, Esq.
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September 1, 1970

The trip generation should not create any capacity problems. However, due to the width and intersections of Lincoln Avenue and Baltimore National Pike, an office building would be undesirable on this site.

HEALTH DEPARTMENT

Public water and sewers are available.

Air Pollution: 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.

BUILDING ENGINEER'S OFFICE

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations when plans are submitted; also, see Parking Lots, Section 409.10 h.

BOARD OF EDUCATION

Would not increase student population.

FIRE DEPARTMENT

This office has no comment on the proposed site.

STATE ROADS COMMISSION

The subject plan indicates no direct access to Baltimore National Pike, therefore, the State Roads Commission has no comment.

ZONING ADMINISTRATION DIVISION

Revised plans in accordance with the Bureau of Engineering comments as to road widening must be submitted to this office prior to the hearing.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JO
Enc.

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 24, 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..... days before the..... day of..... 1970, the said publication appearing on the..... day of..... 1970.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$.....

RECEIVED FOR
 PROCESSING
 BY: [Signature]
 DATE: 5-4-70
 OFFICE OF
 PLANNING & ZONING

OFFICE OF THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 Sept. 28, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One..... weeks before the 28 day of Sept. 28, 1970, that is to say, the same was inserted in the issue of Sept. 24, 1970.

STROMBERG PUBLICATIONS, Inc.

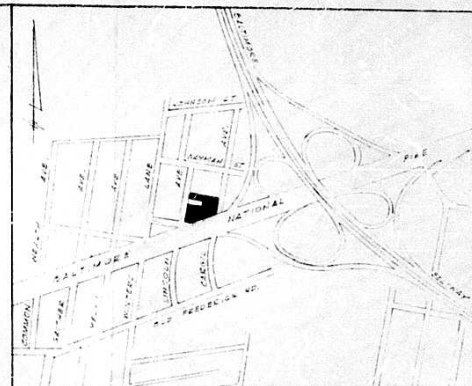
By: Ruth Morgan

ORIGINAL

NOV 03 1972

ZONE: D-2-G
USE: RESIDENTIAL

ZONE: D-2-G
USE: RESIDENTIAL



LOCATION MAP
SCALE: 1" = 100'

NOTES:

ELECTION DISTRICT NO. 1 BALTIMORE COUNTY, MD.
EXISTING ZONING: D-2-G
PROPOSED ZONING: RA WITH SPECIAL
EXCEPTION FOR OFFICE BUILDING
VARIANCE FROM SECTION 21.2 TO PERMIT A FRONT
SETBACK OF 50' INSTEAD OF THE REQD 30' &
OF LINCOLN AVE
VARIANCE FROM SECTION 21.3 TO PERMIT A REAR
YARD OF 10' INSTEAD OF THE REQD 15'
VARIANCE FROM SECTION 21.4 TO PERMIT A REAR
YARD OF 25' INSTEAD OF THE REQD 30'
PRESENT USE: RESIDENTIAL EVACANT
PROPOSED USE: OFFICE BUILDING
TOTAL AREA: 12,000 SQ. FT.
TOTAL AREA BLDG. 1ST FLOOR - 4,000 SQ. FT.
TOTAL AREA BLDG. 2ND FLOOR - 3,000 SQ. FT.
NO. OF SPACES REQD - 17
NO. OF SPACES PROVIDED - 17
SIZE OF PARKING SPACES: 3' x 20' - 180 SQ. FT.

REMARKS:
CARGIL AVE.

RAMP "H" N.
BALTO. CO. BELTWAY

ZONING PLAT
OF
LOTS 5 TO 10, 31, 32 & 35 TO 40
BLOCK "G"
"PLAT OF CATONSVILLE PINES"
FOR
OUTLETS & NEALE
31. WEST AVENUE
BALTIMORE, MD.

#71-127RXA

MRP
3-2
WESTERN
AREA
SW-2-F
RA-XA



EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS
4200 BLURDIE AVENUE / BALTIMORE, MD. 21214
(301) 426-2144

DATE: _____ SCALE: 1" = 30'

