

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John J. Majewski & Wife, 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-16 Zone to an R-5 Zone for the following reasons: Error (See Attached Memorandum)

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 as a residence

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.

Contract purchaser: John J. Majewski
Helen E. Majewski, Legal Owner
Address: 311 Carroll Island Road

Petitioner's Attorney: John J. Majewski
Protestant's Attorney: John J. Majewski

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of July, 1971, 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 at Room 106, County Office Building in Towson, Baltimore County, on the 1st day of September, 1971, at 1:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

RUSSELL M. HERBERT - Surveyor
3009 N. Calvert Street
Baltimore 18, Maryland

Description of Majewski Property for Zoning

Beginning for the same at a point in the center of Carroll Island Road at the Southeast corner of a parcel of land conveyed from Majewski to Harkins by deed recorded among the land records of Baltimore County and running thence binding on the outlines of said parcel North 18 degrees 14 minutes East 222.87 ft thence North 71 degrees 46 minutes East 125 ft thence leaving said parcel and binding on the outlines of the lands conveyed from Gryzmak to John J. Majewski and wife North 18 degrees 14 minutes East 523.24 ft thence South 68 degrees 01 minutes East 421.39 ft thence South 21 degrees 13 minutes 20 seconds East 1095.32 ft thence North 88 degrees 36 minutes West 446.24 ft to the center of Carroll Island Road thence along centerline North 47 degrees 49 minutes West 122.78 ft thence North 46 degrees 40 minutes West 453.0 ft thence North 52 degrees 49 minutes West 50 ft to the place of beginning.

Being part of the land described in the deed from Gryzmak to J.J. Majewski and wife, and recorded among the land records of Baltimore County.

The above beginning point being also 720 feet west of the intersection of Carroll Island Road & Bowleys Quarters Road.

RE: PETITION FOR RECLASSIFICATION
W/S of Carroll Island Road,
1000' E of Bowleys Quarters
Road - 15th District
Petitioners:
NO. 72-44-R (Item No. 22)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R.5.5 Zone to a D.R.16 Zone, for a parcel of property located on the north side of Carroll Island Road, one thousand (1000') feet east of Bowleys Quarters Road, in the Fifteenth District of Baltimore County, consisting of fourteen (14) acres of land, more or less.

Testimony on behalf of the Petitioners indicated that the subject property was previously zoned R-7, and by adoption of the Comprehensive Zoning Map of March 24, 1971, the said property was "downshifted" and placed in a D.R.5.5 Zone. Mr. John J. Majewski indicated that he proposes to develop two hundred (200) units of garden type apartments and claims that since acquiring this R.A. zoning on May 4, 1965, has been unable to develop same due to lack of finances or ability to obtain financing. Mr. Frederick F. Klaus, eminent real estate appraiser and consultant on matters of zoning, testified that he felt the "downshifting," as indicated above, was confiscation of land, in that, the Petitioners had a constitutional right to their property and to its use as previously zoned R.A. The subject property immediately adjoins a contractor's storage yard to the west which enjoys a M.L. Zone. Also, White Marsh Boulevard, as proposed, would adjoin the subject property immediately to the northwest.

Residents of the area, in protest of the subject Petition, indicated a possibility of overcrowding of schools and the narrow road network being incapable of handling the traffic emanating from the two hundred (200) apartment unit complex.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the granting of D.R.16 for the

JOHN J. MAJEWSKI
HELEN E. MAJEWSKI
311 Carroll Island Rd.
Baltimore, Md. 21220

THE ZONING COMMISSIONER
OF
BALTIMORE COUNTY

STATEMENT OF CASE

On May 4, 1965 our property consisting of 14.7 acres was reclassified from an R 6 Zone to R A Zone. No appeal was taken, in fact, there was no opposition to the rezoning. The director of planning proposed in the Composite Guide plan that the subject property be used as a buffer between the M L and R-6 Zones and developed with apartments. On the strength of this I have spent a considerable amount of time and money in obtaining architectural and engineering plans and contracts for the development of the property.

Throughout this entire time I have tried to obtain long term financing, but due to high interest rates and tight money, I was unable to obtain the financing. Now, interest rates are lower and money is available for construction and long term financing.

The Planning Board resolution proposed D R 16 zoning for our property on the new zoning map; however, our D R 16 zoning was downshifted to D R 5.5 zoning. Our property has been confiscated.

In view of the change in zoning classification of our property, we are unable to proceed with our building plans. Not only will we be exposed to considerable financial loss, but the community will suffer because there is a need for this type of development.

The Whitmarsh Expressway's proposed right of way runs through the northeast side of the property, roughly paralleling Carroll Island Road about 475 feet away. Thus, the property, is a strip between the two roads.

Property on the northwest of the subject tract is zoned BL and ML and is used as a Contractors storage yard, Electric Welding shop, Beauty shop, Auto Body and Fender Repairing and Painting shop, and Truck Repair shop.

The subject property landscaped and developed with apartments will create a buffer which will lessen fire hazards, rodents, and noise from the adjacent ML, BL and Whitmarsh Expressway. Water, electric, gas and sewer are available at the property. The proposed R16 zoning is not arbitrary or inconsistent, but consistent and beneficial to the community.

full acreage would place an undue burden upon the school system and road networks of the area. The Comprehensive Zoning Map was not in error in placing the full property in a D.R.5.5 Zone but should have created a transitional buffer between the existing M.L. Zone and D.R.5.5 property to the east. The Planning Board recommendations of July 15, 1971, as submitted to the Zoning Commissioner, indicates the same. The M.L. Zone and White Marsh Boulevard, as proposed, necessitates the creation of a transitional buffer.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of December, 1971, that the following described property or area should be and the same is hereby reclassified from a D.R.5.5 Zone to a D.R.16 Zone:

BEGINNING for the same at a point in the center of Carroll Island Road at the Southeast corner of a parcel of land conveyed from Majewski to Harkins by deed recorded among the Land Records of Baltimore County and running thence binding on the outlines of said parcel North 18 degrees 14 minutes East 222.87 feet, thence North 71 degrees 46 minutes West 125 feet, thence leaving said parcel and binding on the outlines of the lands conveyed from Gryzmak to John J. Majewski, and wife, North 18 degrees 14 minutes East 523.24 feet, thence South 68 degrees 01 minutes East 421.39 feet, thence for a new line of division Southwesterly 785 feet, more or less, to intersect the aforementioned centerline of Carroll Island Road at a point South 46 degrees 40 minutes East 59 feet, more or less, from the end of North 46 degrees 40 minutes West 453.0 feet line of that parcel of land conveyed from Gryzmak to Majewski; thence binding on the centerline of Carroll Island Road and the aforesaid outline to the following courses and distances viz: North 46 degrees 40 minutes West 59 feet, more or less, North 52 degrees 49 minutes West 48 feet, more or less, to the place of beginning.

The above beginning point being 720 feet, more or less, East from the intersection of Carroll Island Road and Bowleys Quarters Road.

Containing 4.7 acres, more or less.

Said property is subject to the approval of a site plan by the State Highway Administration, the Bureau of Public Services and the Office of Planning and Zoning.

It is further ORDERED that the remaining property, consisting of 9.3 acres of land, more or less, be and the same is

- 2 -

F. W. Cannon 1899-1969
J. M. Cannon 1969-1971
R. M. Cannon 1971-

COONAN & Co., INC.
SURVEYORS & CIVIL ENGINEERS
Baltimore, Maryland 21201
1209 E. Thirty Six Street
August 20, 1971

Mr. John Majewski
Carroll Island Road
Middle River, Md

Dear Mr. Majewski,

I have studied your plat of the former subdivision for apartments and now since the rezoning regulations have changed it to DR 5.5 you are handicapped by these new requirements of transition areas and boundary restrictions which will leave you only one and a fraction acres to put the allowable buildings in.

This would require multilevel elevator type structures increasing the cost and would be conducive to the type people you would serve.

I therefore think you should have the zoning for apartment type buildings reassigned.

Very truly yours,
Russell M. Herbert

PINEY GROVE UNITED METHODIST CHURCH

201 BOWLEY'S QUARTERS ROAD
BALTIMORE, MARYLAND 21220

August 12, 1971

Mr. John J. Majewski
311 Carroll Island Road
Baltimore, Maryland 21220

Dear Sirs:

At the Council of Ministers meeting on August 10th, 1971, those present, found no objections to the proposed re-classification for the building of garden apartments on Carroll Island Road.

Yours in Christ Service,

Rev. George S. Rau

MODERATOR

ORDER RECEIVED FOR FILING

BY John J. Majewski

hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a D.R.5.5 Zone.

Zoning Commissioner of Baltimore County

MAR 25 1971

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		GEO Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, GC, CA										
Reviewed by: <i>[Signature]</i>	Revised Plans: Change in outline or description <u>Yes</u> <u>No</u>									
Previous case: _____	Map # <u>4B 53</u>									

TELEPHONE 444-2413

**BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE**

No. 78638
DATE: April 14, 1971

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

TO: **John A. Majumdar**
311 Carroll Island Road
Baltimore, Md. 21238

Billing Dept. of Baltimore County

REPORT TO ACCOUNT NO. 04-432

RETURN THIS PORTION WITH YOUR RECEIPTANCE

AMOUNT	DETAILS	TOTAL AMOUNT
50.00	Position for Baltimore location - Carroll Island Road	50.00

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

Mr. John A. Majumdar
311 Carroll Island Rd
Baltimore, Md. 21238

Form 22

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing this
27th day of July, 1971

[Signature]
EDWARD D. HANDEY
Zoning Commissioner

Petitioner John A. Majumdar and wife

Petitioner's Attorney _____ Revised by *[Signature]*
Chairman of the
Advisory Committee

TELEPHONE 494-2413

**BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE**

No. 84949
DATE: May 14, 1971

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

TO: **John A. Majumdar**
311 Carroll Island Road
Baltimore, Md. 21238

Billing Dept. of Baltimore County

REPORT TO ACCOUNT NO. 04-432

RETURN THIS PORTION WITH YOUR RECEIPTANCE

AMOUNT	DETAILS	TOTAL AMOUNT
104.00	Advertising and posting of property	104.00

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

LOCATION MAP
SCALE 1"=500'

BEUCH MARK

X-9973 FLEV. 22.100
GAL SPIKE IN MACADAM NORTH
WEST CORNER INTERSECTION
BOULEVARD QUARTERS + CARROLL
ISLAND ROAD.

REFERENCE DRAWINGS

SEWER
60-460-1
60-460-1
60-790-1
60-500-4
55-1003-4
55-1304-1

a permit is required before cutting or trimming any part of any tree on the right-of-way of a public or county road. Violators will be prosecuted. For permits call the District's Control Office, 101 St. Maryland.

"THE OUTSIDE OF ALL MANHOLES SHALL BE PROVIDED WITH A COATING OF WATERPROOF BITUMASTOL COMPOUND, SIMILAR TO INCRATOL OR APPROVED EQUAL FROM THE BASE OF MANHOLE TO THE UNDERSIDE OF THE FRAME COVER"

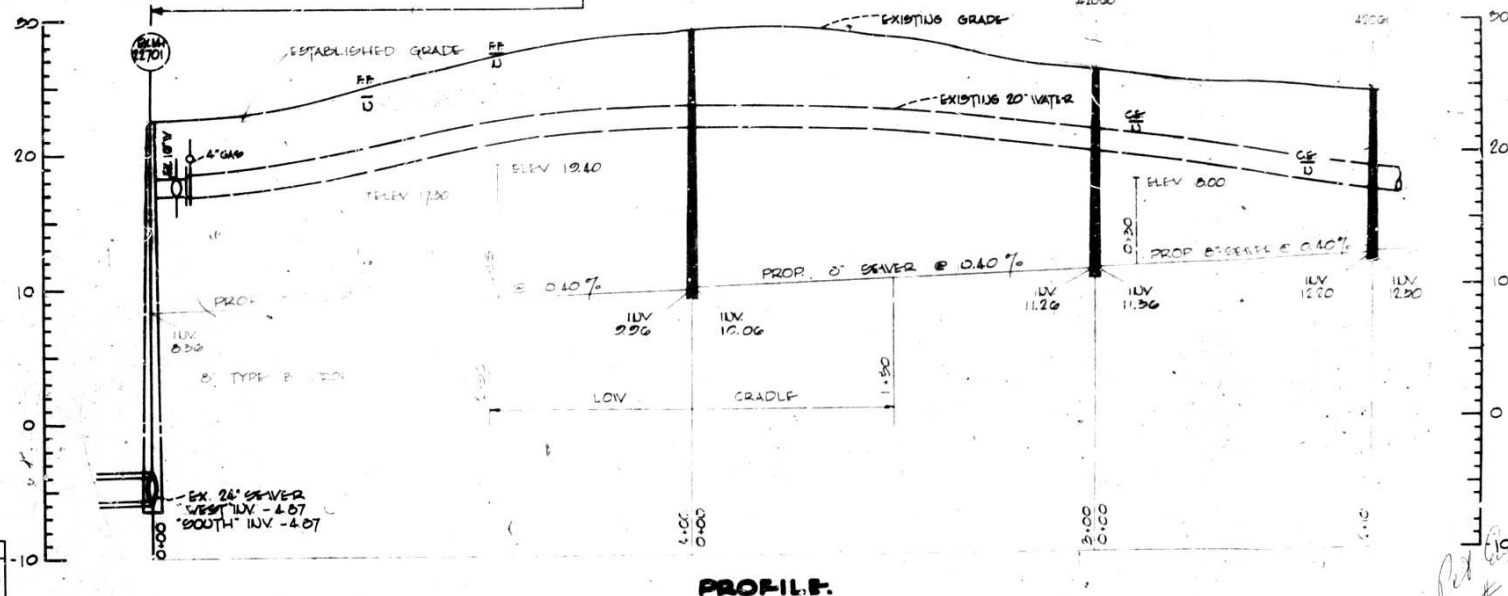
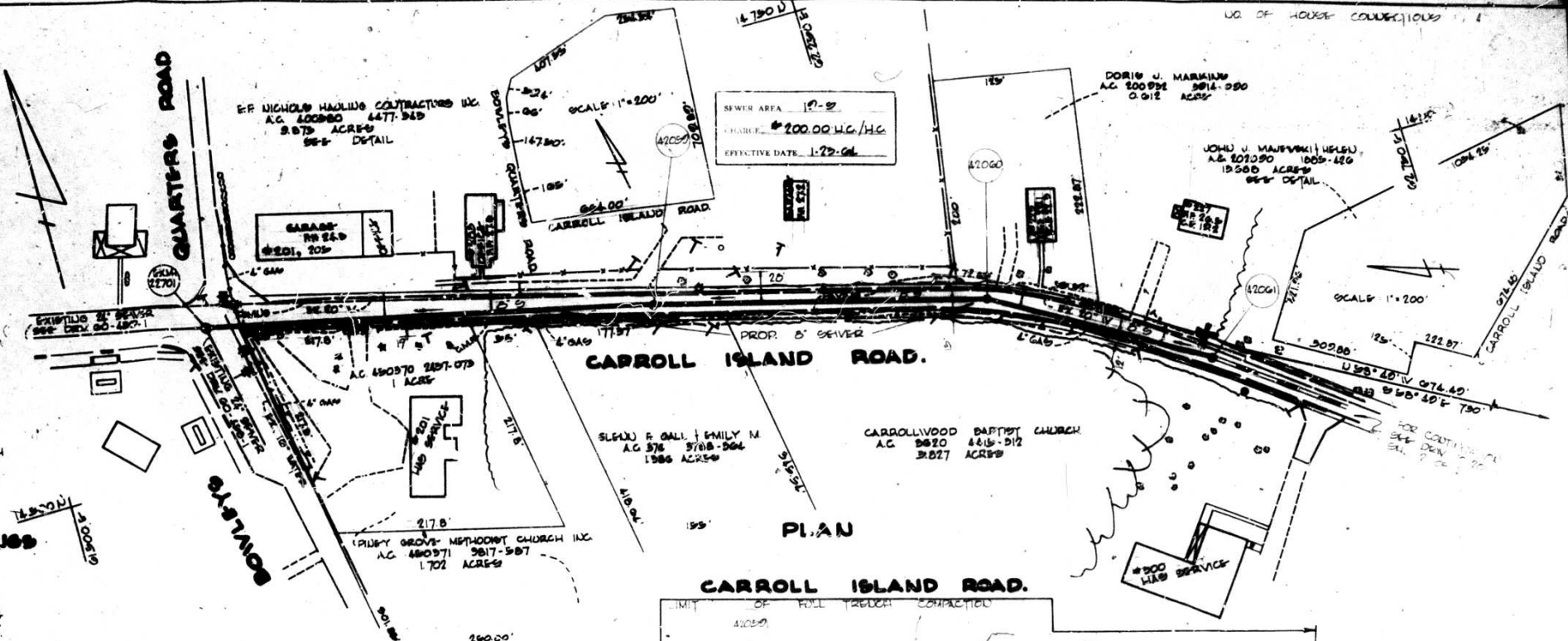
"CONNECTION OF THE SEWER TO THE EXISTING SYSTEM SHALL NOT BE MADE UNTIL FINAL INSPECTION AND INFILTRATION TEST HAS BEEN SUCCESSFULLY COMPLETED"

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

CONTRACTOR - please notify Fire Bureau before a fire hydrant is taken out of service, removed or relocated. Please Call Fire Headquarters, VALLEY 5-7310, prior to starting any work involving fire hydrants.

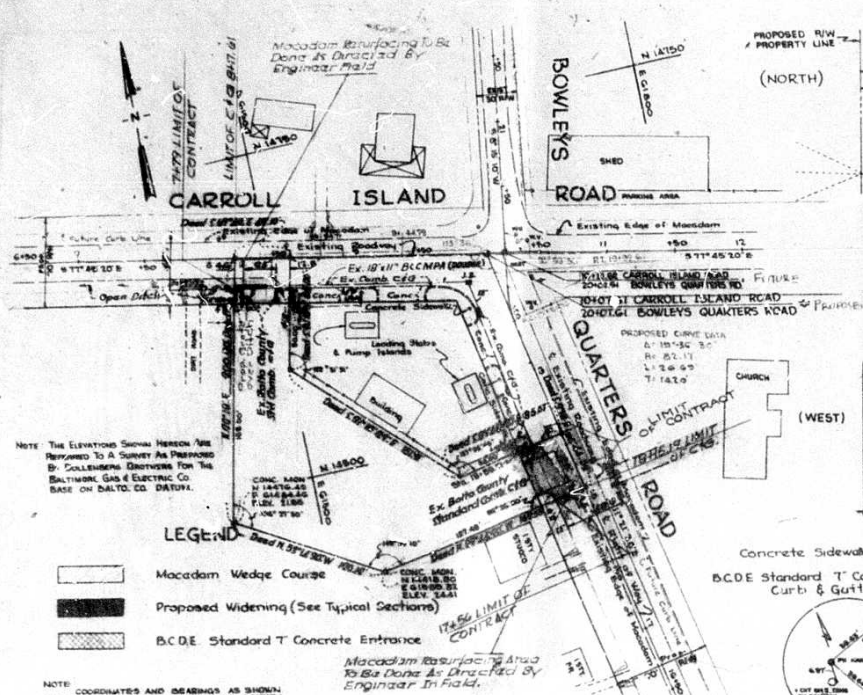
CONTRACTOR - Please notify Baltimore Gas & Electric Co. LE, 9-8000, Ext. 691 at least three days before starting work shown on this drawing.

ALL WORK TO BE DONE IN ACCORDANCE
WITH BALTIMORE COUNTY DESIGN STAND-
ARDS AND SPECIFICATIONS, DATED 1984



PROFILE.

[illegible]

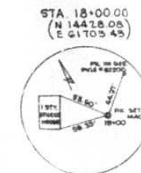
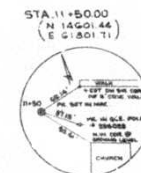
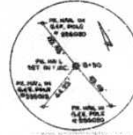
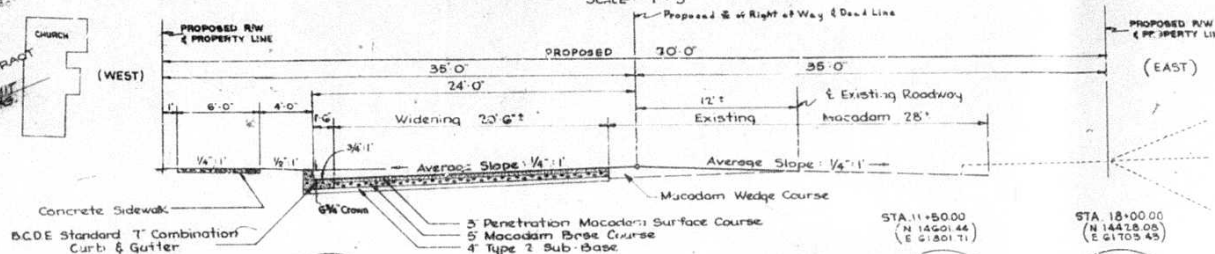


CONTRACTOR:
 Notify The Following Utilities At Least 5 Days Before Starting Work Shown on This Drawing:
 Balto Telephone System, 599-9900, Ext. 649
 Long Distance Cable, D.Y. 599-9900, Ext. 559
 Balto Gas & Electric Co., 599-8000, Ext. 691

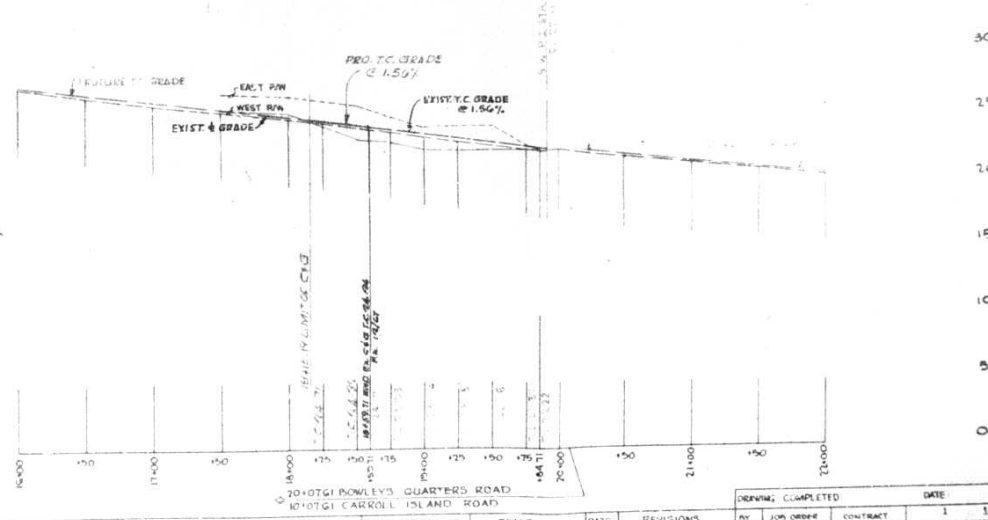
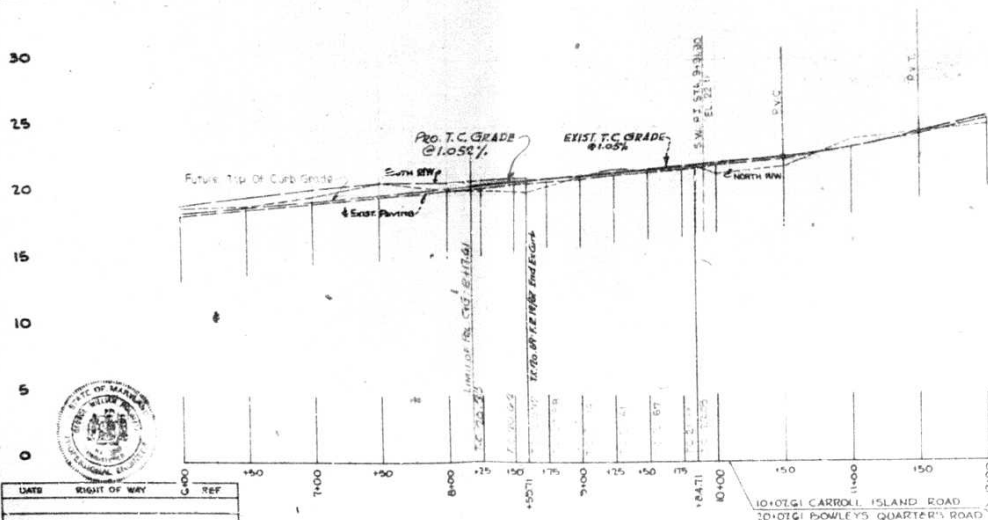
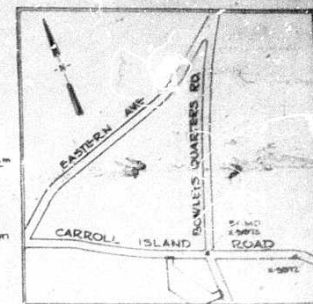
CARROLL ISLAND ROAD
 SCALE
 1"=50' HORIZONTAL
 1"=5' VERTICAL

CARROLL ISLAND ROAD PROPOSED PAVEMENT SECTION

SCALE: 1"=5'



BOWLEYS QUARTERS ROAD
 SCALE
 1"=50' HORIZONTAL
 1"=5' VERTICAL



DATE	SIGHT OF WAY	REF	DATE	SIGHT OF WAY	REF
1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17

DEPARTMENT OF PUBLIC WORKS		BUREAU OF ENGINEERING		BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING		DISTRICT NO. 15		SCALE		DATE		REVISIONS		BY		JOB ORDER		CONTRACT		DATE	
1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17	1/1/17

