

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.
Bradley T. J. Mettee, Jr.

I, or we, Harold Tschudi, 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 to R-5.5 zone to an R-5.5 zone; for the following reasons:

Error in original zoning.
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 reclassification 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

Address: 104 Baltimore-Annapolis Hwy., N.E.
Glen Burnie, Maryland 21061

W. Lee Harrison
Petitioner's Attorney

Address: 306 W. Joppa Road
Towson, Maryland 21204 (823-1200)

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of August, 1973, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of September, 1973, at 1:00 o'clock.

Harold Tschudi
Bradley T. J. Mettee, Jr., Legal Owner
Petitioner's Attorney
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR RECLASSIFICATION : IN THE
from D.R. 5.5 to B.L. zone : CIRCUIT COURT
SW corner Woodlawn Drive (Clark : FOR
Ave.) and Gwynn Oak Avenue :
2nd District - NW Sector : BALTIMORE COUNTY
Bradley T. J. Mettee, Jr. and : AT LAW
Harold Tschudi :
Petitioners :
Zoning File No. 72-85-R : Docket No. 9
Louis L. Caperton and : Folio No. 298
Alida J. Caperton : File No. 5041
Protestants - Appellants :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-9(4) of the Maryland Rules of Procedure, John A. Slawik, W. Giles Parker and Walter A. Reiter, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, W. Lee Harrison, Esq., 306 W. Joppa Road, Towson, Maryland, 21204, attorney for the Petitioners; Larry L. Lockhart, Esq., 6660 Security Boulevard, Baltimore, Maryland, 21207, attorney for the Protestants; and Mr. Wilbur H. Ripple, 6320 Windsor Mill Road, Baltimore, Maryland, 21207, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

cc: Harrison, Esq.
Lockhart, Esq.
Ripple
Zoning-Anderson
Pl.-R. Werneth
Land Acq.-Miller

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Telephone: 494-3130

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to W. Lee Harrison, Esq., 306 W. Joppa Road, Towson, Maryland, 21204, attorney for the Petitioners; Larry L. Lockhart, Esq., 6660 Security Boulevard, Baltimore, Maryland, 21207, attorney for the Protestants; and Mr. Wilbur H. Ripple, 6320 Windsor Mill Road, Baltimore, Maryland, 21207, on this 21st day of May, 1973.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

IN THE MATTER OF
A PETITION FOR RECLASSIFICATION OF
BRADLEY T. J. METTEE, JR.,
AND HAROLD TSCHUDI, PETITIONERS
FOR RECLASSIFICATION FROM D.R. 5.5 TO B.L. OF
SW CORNER WOODLAWN DRIVE (CLARK AVE.)
AND GWYNN OAK AVENUE, 2ND DIST. NW SECTOR

ORDER FOR APPEAL

MR. CLERK:
Please enter an appeal on behalf of Louis L. Caperton and Alida J. Caperton, two of the Protestants, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on May 1, 1973.

Larry L. Lockhart
Attorney for Protestants
6660 Security Blvd.
Baltimore, Maryland 21207 944-4474

Rec'd 5/17/73
12:30 pm

IN THE MATTER OF
THE APPLICATION OF
BRADLEY T. J. METTEE, JR.,
AND HAROLD TSCHUDI, PETITIONERS
FOR RECLASSIFICATION FROM D.R. 5.5 TO B.L. OF
SW CORNER WOODLAWN DRIVE (CLARK AVE.)
AND GWYNN OAK AVENUE, 2ND DIST. NW SECTOR

ORDER FOR APPEAL

MR. CLERK:
Please enter an appeal on behalf of Louis L. Caperton and Alida J. Caperton, two of the Protestants, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on May 1, 1973.

The Protestants, Louis L. Caperton and Alida J. Caperton, by their attorney, Larry L. Lockhart, file the foregoing Petition in accordance with Rule 12 of the Maryland Rules of Procedure, as follows:

1. That your Protestants have filed an Order of Appeal from the Order of the County Board of Appeals of Baltimore County dated May 1, 1973 ordering that the reclassification petitioned for in the above captioned case be granted.

2. That the decision of the County Board of Appeals of Baltimore County is arbitrary and unreasonable, being against the weight of facts before the Board; that the decision of the Board is based on facts and allegations not properly before the Board; that the Board alleges in their opinion that the Protestants "were not protesting because of any proposed rezoning of this property per se", which statement is against the evidence presented to the Board; that the evidence and testimony does not support the Board's opinion that the County Council erred in zoning said tract D.R. 5.5; and for other errors of fact and law which may be presented in the case.

3. That the relief sought by your Protestants is as follows:
a. That the Petition for Reclassification from D.R. 5.5 to B.L. be denied.

b. For such other and further relief, as the nature of these cause may require.

Larry L. Lockhart
Attorney for Protestants

Rec'd 5/17/73
12:30 pm

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.L. : COUNTY BOARD OF APPEALS
SW corner Woodlawn Drive (Clark : OF
Ave.) and Gwynn Oak Avenue : BALTIMORE COUNTY
2nd District - NW Sector :
Bradley T. J. Mettee, Jr. and : No. 72-85-R
Harold Tschudi, :
Petitioners :

OPINION

This case involves a tract of less than half an acre at the intersection of Woodlawn Drive and Gwynn Oak Avenue in the Second Election District of Baltimore County.

This land was originally part of a larger tract encompassing Woodlawn Cemetery, which the petitioners have owned since 1956. It was isolated by County road construction. It was zoned R-6 before the latest zoning maps were adopted, and at that time was zoned D.R. 5.5. The petition is for B.L. (Business Local) zoning.

The lot is surrounded on all sides by commercial and publicly owned property. Immediately adjoining to the rear is a school and playground owned by Baltimore County. The half acre involved has been kept up by the owners and used by the community as a park, and particularly at Christmas time for a community Christmas tree, which appears to the Board to be an ideal use for this particular piece of property. However, to expect the owners to maintain this property and pay taxes thereon for the public benefit is too much to ask of private property owners and if such use were to be enforced by this Board, or any other authority, it would amount to confiscation of private property for public use without just compensation.

The Board had more than sufficient testimony from the owners and expert witnesses to convince it without question that this land could not possibly be used for residential development and, in fact, would be severely limited to the type of commercial use. The present zoning is in conflict with the "Master Plan" which shows a park in the area. The Planning Board said:

"Rezoning of this property, then R-6, was an issue before the Planning Board, and D.R. 16 was recommended to Council; however, the County Council reviewed the issue and adopted D.R. 5.5 zoning. This prop-

Mettee & Tschudi - 72-85-R

erty also was the subject of Zoning Petition #71-35-R, a request for B.L. zoning, denied by the Zoning Commissioner. It was appealed to the Board of Appeals; however, the adoption of the maps stopped further action.

"The recreational area behind the subject property includes a community building used by the residents for numerous functions. Reclassification of the subject property would constitute spot zoning in the sense that it would conflict with the Northwest Sector Master Plan proposals, which show a proposed park for this area."

Under these circumstances, we find as a fact that the County Council was in error in classifying this lot as D.R. 5.5 and the petition will, therefore, be granted reclassifying same to B.L. (Business Local).

The Board feels impelled to point out that, in its opinion, the proper use for this land would be as a park and agrees with the Planning Board to that extent, and sincerely hopes that the County will acquire this property for that use. We have been informed that efforts are being made in that direction which should solve any problems anticipated by the protestants who in effect were not protesting because of any proposed rezoning of this property per se, but simply because they understandably would object to any development of this property and would prefer to have it remain in its present use, which is as a park for the benefit of the entire community.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 1st day of May, 1973, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

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

John A. Slawik, Chairman

W. Giles Parker

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.L. : COUNTY BOARD OF APPEALS
SW corner Woodlawn Drive (Clark : OF
Ave.) and Gwynn Oak Avenue : BALTIMORE COUNTY
2nd District - NW Sector : No. 72-85-R
Bradley T. J. Mettee, Jr. and :
Harold Tschudi, :
Petitioners :

DISSENTING OPINION

This member of the Board does not agree with the majority in their ultimate conclusion and Order which would classify the subject property for Business Local use.

Certainly considering the testimony and evidence presented in the case, no reasoning person would wish to see this small 0.46 acre parcel developed for any use except as it is now used, i.e., as cited in the majority opinion, for community use in conjunction with the adjoining elementary school, park and playground. The Department of Recreation and Parks is now obtaining independent appraisals on the value of this parcel so that it might begin to negotiate with the property owners to purchase the subject property for use as park land. This is the ideal use of this site. With this fact, all agree. However, it is my opinion that in this instance this Board has an obligation to look beyond this possible acquisition by the County, and carefully consider the proper land use in the event the County would not buy this tract and private development of same would ensue.

The real and sole question to be decided by this Board is whether or not the County Council erred in March, 1971, when it zoned this tract D.R. 5.5 and not B.L.

This member of the Board thinks not. There is no evidence or testimony to support same. In fact, in the mind of this Board member, if this tract were zoned and developed in a B.L. use the resultant traffic with the ingress and egress problem from this small parcel of land would present a chaotic condition to the Woodlawn business community. I, for one, cannot say that this potentially serious traffic problem was not the basis for the County Council's action in March, 1971. Petitioner's Exhibit No. 1, the plat of the subject property, indicates the shape of this lot and its potential for creating serious traffic problems in entering and leaving this small point of land at the intersection of Woodlawn Drive with Gwynn Oak Avenue if same were to be developed for commercial usage. If a fast food

type enterprise were to be built on this point of land, the surrounding residential and business community would be adversely affected. I would point out that existing commercial use is only on one side of this site; i.e., southerly across Gwynn Oak Avenue (see Petitioner's Exhibit No. 1). On the other side of the subject property are the elementary school, the park, the playground and the Woodlawn Cemetery and Lake.

Perhaps the County Council might have followed the recommendation of the Planning Board in March, 1971, and zoned this small parcel D.R. 16. If such were the case, a good land use might have been a small office building. Such a use would be allowable in a D.R. 16 zone with a special exception, and such a special exception could limit such things as the size of the building and the actual hours of use, as well as other factors which might add a measure of good land planning. The County Council did not choose to do so and if this petition had been for D.R. 16 with such a requested special exception, I would be more inclined to think that the County Council's action was error. The majority opinion quotes the second and third paragraphs of the Planning Board's comments to the Zoning Commissioner (Protestants' Exhibit A). Ironically, I feel that the very next paragraph of this same exhibit is more pertinent. In this next paragraph the Planning Board went on to say:

"The petitioner states that the County Council was in error in adopting D.R. 5.5 zoning here because this property is surrounded on two sides by major arterials and on one side by public land. To the contrary, we believe that the arterials and the public land effectively separate this property from commercial zoning and nearby commercial activities. We think that the County Council was correct in not extending commercial zoning across the street - i.e., Gwynn Oak Avenue - to include the subject property."

For the reasons set out above, I can readily understand why the County Council did not zone this property B.L. It is my opinion that it's County Council did not error when it failed to zone the subject property B.L., but was correct in not extending the commercial zoning. Therefore, I dissent from the conclusion and Order in this case.

Walter A. Ketter, Jr.

Date: May 1, 1973

RE: PETITION FOR RECLASSIFICATION
TOWNSHIP
SW/Corner of Woodlawn Drive :
(Clark Avenue) and Gwynn
Oak Avenue - 2nd District :
Mettee and Tschudi - :
Petitioners :
NO. 72-85-R (Item No. 40) :

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R. 5.5 Zone to a B.L. Zone, for a parcel of property located on the southwest corner of Woodlawn Drive (Clark Avenue) and Gwynn Oak Avenue, in the Second District of Baltimore County, containing 0.46 of an acre of land, more or less.

Testimony on behalf of the Petitioners indicated that the subject property is pie shaped, is the residue of property taken by the County for the improvement of the adjoining roads, and was part of a cemetery across from the subject property. Their claim for error in the Comprehensive Zoning Map was based on the fact that there is B.L. zoning immediately to the east, across Gwynn Oak Avenue, and to the south, fronting on Windward Mill Road. They further claimed that land immediately to the south and southwest is public land. Furthermore, the Baltimore County Planning Board had recommended, to the Baltimore County Council, D.R. 16 zoning with the intention that a Special Exception be sought for office use.

Residents of the area, in protest, were concerned that the granting of B.L. zoning would increase traffic at the intersection of Woodlawn Drive and Gwynn Oak Avenue. Testimony also indicated that the intersection was hazardous.

The Baltimore County Planning Board, in its recommendations to the Zoning Commissioner, indicated in Item No. 40 that they believe the Baltimore County Council was not in error in classifying this property D.R. 5.5. The Zoning Commissioner agrees.

The evidence presented, at the public hearing, did not meet the burden of proof in showing the Comprehensive Zoning Map in error.

For the foregoing reasons, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of January, 1972, 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 a D.P. 5.5 Zone.

[Signature]
Zoning Commissioner of
Baltimore County

RE: Petition for Reclassification
R-6 or DR 5.5 to B-1
Gwynn Oak Avenue and Clarke Avenue
Harold Tschudi and Bradley T. J. Mettee, Jr., Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MEMORANDUM

Now comes Harold Tschudi and Bradley T. J. Mettee, Jr.,

legal owners of the above captioned property, by W. Lee Harrison, their attorney, in accordance with Bill 72, Section 22, 22b, states that the reclassification should be granted and for reasons say:

The subject of this Petition is a clear cut error by the County Council in the adoption of the new zoning maps for Baltimore County. A parcel of land which is surrounded on two sides by major arterials and one side by public land in no way can be zoned DR-5.5. The criteria and common planning practices prohibits any such parcel of land to be zoned residential in any way. The parcel is adjacent to commercial zoning to the southeast, a cemetery to the northeast and northwest, and an elementary school site to the southwest. The only possible realistic zoning for the site is B-1 (Business-Local).

[Signature]
W. Lee Harrison
706 West Joppa Road
Towson, Maryland 21204
823-1200
Attorney for Petitioners.

The Circuit Court for Baltimore County TOWSON, MARYLAND 21204

May 24, 1973

Mrs. Edith T. Eisenhart
County Board of Appeals
County Office Building
Towson, Maryland 21204

Mettee and Tschudi - #72-85-R

Re: Appeal of Louis L. Caveron, et al
from the Order of the County Board
of Appeals of Baltimore County
dated May 1, 1973 - SW corner Wood-
lawn Drive (Clark Ave.) and Gwynn
Oak Ave., 2nd District, NW Sector
Misc. #5041

Dear Mrs. Eisenhart:

The above captioned Appeal has been assigned to me for hearing.

Will you please advise me as soon as the Record has been filed with the Clerk of our Court?

Very truly yours,

[Signature]
Kenneth C. Proctor.

KCP/lg

cc: Larry L. Lockhart, Esq.

June 19, 1973

6/14/73 - Appeal dropped - per telephone conversation between Mr. Lockhart and Mr. Perkins, Court Reporter. Mr. Lockhart did not order transcript of testimony and is not pursuing appeal as Baltimore County has purchased this property.

E. T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County



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

Lester Matz
John C. Childs
Associates
Ronald W. Broyles
George W. Bushby
Robert W. Craban
Leonard M. Glase
Edmund F. Hais
Norman P. Harman
Paul Lee
Fred P. Merriam
Wilson P. Outen
Paul B. Smeton

DESCRIPTION

0.46 ACRE PARCEL, WESTERNMOST CORNER GWYNN OAK AVENUE AND CLARKE AVENUE, SECOND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for B-L Zoning

Beginning for the same at a point on the northwest side of Gwynn Oak Avenue at the end of the sixth or S 44° 02' 40" W 13.94 foot line of the 20,000 square foot more or less exception in the deed from the Woodlawn Cemetery Company and others to Baltimore County, Maryland, dated January 4, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.C. 4109, page 251, running thence and binding on the outlines or said 20,000 square foot exception seven courses: (1) N 45° 57' 20" W 102.00 feet, (2) N 02° 39' 56" W 148.15 feet to the southwest side of Clarke Avenue, thence binding thereon, (3) southeasterly, by a curve to the right with a radius of 665.00 feet for a distance of 36.77 feet, the chord of said arc being S 65° 25' 50" E 36.77 feet, (4) S 63° 50' 47" E 71.58 feet, and (5) southeasterly, by a curve to the right with a radius of 79.00 feet for a distance of 135.98 feet, the chord of said arc being S 14° 32' 11" E 119.80 feet to the northwest side of Gwynn Oak Avenue, thence binding thereon, (6) southwesterly, by a curve to the right with a radius of 369.00 feet for a distance of 59.70 feet, the chord of said arc being

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports



- 2 -

S 77° 24' 33" W 59.64 feet, and (7) S 41° 02' 40" W 13.94 feet to the place of beginning.

Containing 0.46 of an acre of land, more or less.

RLS:mpl

J. C. #70072

April 12, 1971

W. LEE HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204
January 27, 1972

S. Eric DiNenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification, SW/Corner of Woodlawn Drive (Clark Avenue) and Gwynn Oak Avenue - 2nd District Mettee and Tschudi - Petitioners NO. 72-85-R (Item No. 40)

Dear Mr. DiNenna:

Please note an appeal to the County Board of Appeals from your decision and order dated January 7, 1972, denying the request for reclassification on behalf of the Petitioners above named.

I enclose herewith check in the amount of \$75.00 to cover the costs of said appeal.

Sincerely yours,

[Signature]
W. Lee Harrison

b/enc.

CC: Larry L. Lockhart, Esq.
James F. Miller, Esq.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mrs. B. Anderson, Zoning Dept. Date: July 27, 1973

FROM: E. T. Eisenhart, Board of Appeals

SUBJECT: Zoning File No. 72-85-R - Mettee & Tschudi

Enclosed herewith is Petitioners' Exhibit #1 and Protestants' Exhibit A, which were entered into evidence at the hearing before the Board in the above entitled case. These exhibits were mentioned in the Dissenting Opinion filed in this case, which file was returned to you on June 19, 1973.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals

Encl.

ITEM NO. 40

494-3211

PROPERTY OWNER: Harold Tschudi, et al
LOCATION: S/W Corner of Gwynn Oak Avenue and Woodlawn Drive
ELECTION DISTRICT: 2

ACREAGE: 0.46

GEOGRAPHICAL GROUP: III

FUNCTIONAL CATEGORY: C

RECOMMENDED DATE OF HEARING: During the period 9/8/71-9/12/71; consecutively with Item No. 39

ZONING PRIOR TO 3/24/71:

R.6

EXISTING ZONING (as adopted by County Council, 3/24/71):

D.R. 5.5

ZONING REQUESTED BY PETITIONER:

B.L.

72-85-R

PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 5.5)

This property, located on the southwest corner of Gwynn Oak Avenue and Woodlawn Drive, abuts the Woodlawn Elementary School and a public park on its southwest side. A cemetery exists to the north and commercial uses, including a restaurant and bar, two beauty shops, offices, and memorial sales, exist on the east side of Gwynn Oak Avenue. The petitioner is requesting reclassification of .46 acres from D.P. 5.5 to B.L., proposing to construct a retail store.

Rezoning of this property, then R.6, was an issue before the Planning Board, and D.R. 16 was recommended to Council; however, the County Council reviewed the issue and adopted D.R. 5.5 zoning. This property also was the subject of Zoning Petition #71-358, a request for B.L. zoning, denied by the Zoning Commissioner. It was appealed to the Board of Appeals; however, the adoption of the maps stopped further action.

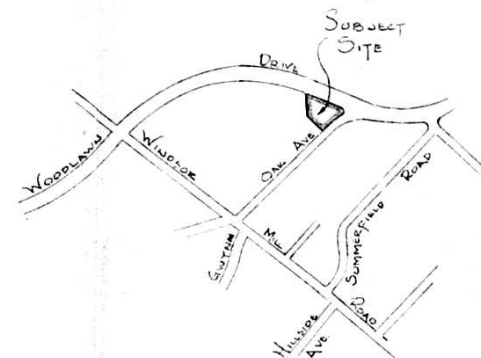
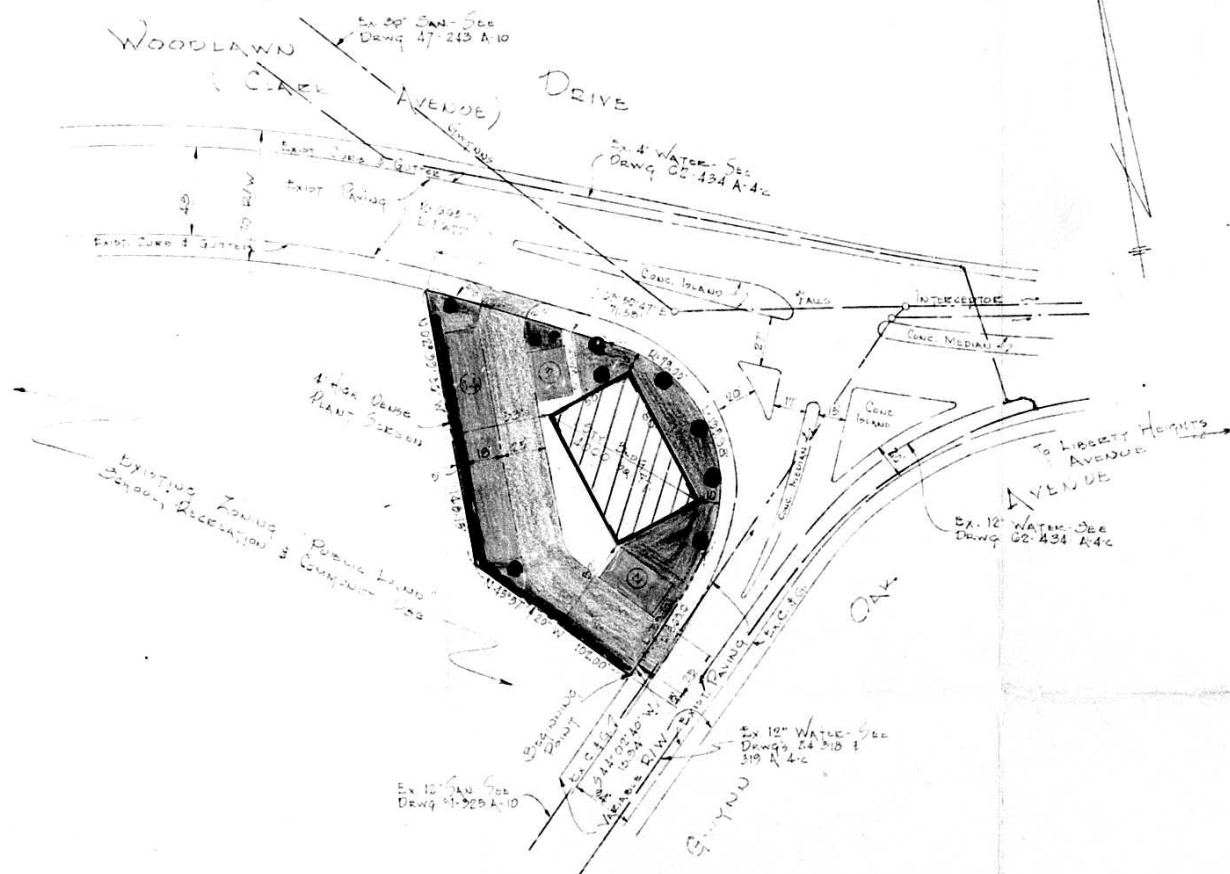
The recreational area behind the subject property includes a community building used by the residents for numerous functions. Reclassification of the subject property would constitute spot zoning in the sense that it would be in conflict with the Northwest Sector Master Plan proposals, which show a proposed park for this area.

The petitioner states that the County Council was in error in adopting D.R. 5.5 zoning here because this property is surrounded on two sides by major arterials and on one side by public land. To the contrary, we believe that the arterials and the public land effectively separate this property from commercial zoning and nearby commercial activities. We think that the County Council was correct in not extending commercial zoning across the street—i.e., Gwynn Oak Avenue—to include the subject property.

It is therefore recommended that the existing zoning, D.R. 5.5, be retained.

Edith T. Eisenhart

PET EXHIBIT No 1



LOCATION PLAN
SCALE: 1"=500'

75-85-R

GENERAL NOTES

1. AREA OF PARCEL EQUALS 0.40 ACRES
2. EXISTING ZONING "R-6"
3. EXISTING USE "NO USE"
4. PROPOSED ZONING "B-1"
5. PROPOSED USE "RETAIL STORE"
6. OFF-STREET PARKING
 - A. TOTAL FLOOR AREA - 4,000 SQ. FT.
 - B. REQUIRED PARKING - 20 UNITS
 - C. PROPOSED PARKING - 31 UNITS
7. DRAINAGE OF PARCEL WILL BE IN ACCORDANCE WITH THE POLICY OF THE BALTO. CO. DEPT. OF ENGINEERING

PLAN TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
AT
WOODLAWN DR. & GWYNN OAK AVE.
ELECT. DIST. 2
SCALE: 1"=50'
BALTO. CO., MD.
MAY 1, 1970
REVISED: AUG. 7, 1970

MATZ, CHILDS & ASSOCIATES 1020 GROMWELL BRIDGE ROAD BALTIMORE, MARYLAND 21204			
I.D. NO.	DRAWN BY	TRACED BY	CHECKED BY
70072	RLS		PL



MICROFILMED



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 21, 1971

DEPARTMENT OF TRAFFIC ENGINEERING

The subject petition is requesting a change of .45 acres from D.R. 5.5 to B.L. Considering the size of the property alone, this change could not create a major traffic problem. However, due to the existing traffic patterns and design of the intersection, it makes commercial uses on this corner undesirable.

STATE ROADS COMMISSION:

The subject plan indicates entrance channelization that is generally acceptable to the State Roads Commission. The entrance to Gwynn Oak Avenue will be subject to the Commission's approval and permit.

BOARD OF EDUCATION:

Drainage of the subject reclassification for a "retail store" would intensify already serious traffic problems at the Woodlawn Elementary School which is situated adjacent to the property in question.

Furthermore, if such a commercial installation is allowed, it could provide a place for students to congregate, thereby creating additional problems for the administrative staff of Woodlawn Elementary.

BUREAU OF ENVIRONMENTAL HEALTH:

Public water and sewer are available to the site.

Food Control Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health, for review and approval.

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.

FIRE PREVENTION BUREAU:

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be located at intervals of 300 feet along an approved road.

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

ZONING ADMINISTRATION DIVISION:

It appears that this is the only piece of property at this intersection that is not zoned public land. It is not a very large piece of property and would not create any additional traffic capacity to the two streets. However, due to the configuration of the intersection, it is possible that some traffic potential could exist as the entrances are proposed. It is a very undesirable site for commercial use since it is adjacent to a school and some problems could be anticipated with the students lingering at this location if the petitioner was allowed to develop the site as proposed.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS
Chairman

OLM:msh

cc: Mr. Edward D. Hardesty
Zoning Commissioner

Mr. W. Lee Harrison
306 West Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardesty Date: May 10, 1971
ATTN: Oliver L. Myers

FROM: OLIVER L. MYERS, P.E.

SUBJECT: Item #40 (April - October Cycle 1971)
Property Owner: Harold Tschudi, et al
Location: 371 Cor. Gwynn Oak Avenue & Woodlawn Dr.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass to B.L.
District: 202 Sector: Northwestern
No. Acres: 0.46

All required highway improvements along Woodlawn Drive and Gwynn Oak Avenue have been completed. The entrance locations are subject to approval by the Department of Traffic Engineering and all entrances and public sidewalks shall be constructed in accordance with Baltimore County standards. Existing water and sanitary sewer facilities are available as indicated on the subject plan; therefore, this office has no further comment in regard to the plan submitted for review by the Zoning Advisory Committee.

Stanley Diver
STANLEY DIVER, P.E.
Chief, Bureau of Engineering

ENDS/STANDARDING

cc: File (3)

*1" S.E. Key Sheet
10 N.W. 21 Position Sheet
N.W. 3P 200' Scale Topo

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Edward D. Hardesty
ATTN: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: Item 40 - Cycle Zoning
Property Owner: Harold Tschudi, et al
371 corner Gwynn Oak Avenue & Woodlawn Drive
Reclassification to B.L.

Date: May 13, 1971

The subject petition is requesting a change of .45 acres from DR 5.5 to B.L. Considering the size of the property alone, this change could not create a major traffic problem. However, due to the existing traffic patterns and design of the intersection, it makes commercial uses on this corner undesirable.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:r

COMMISSIONER MEMORANDUM
DAVID H. FISHER
CHIEF OF ENGINEERING
AND DIRECTOR OF HIGHWAYS
B. HALEY P. WINDFIELD
WALTER BUCHAN
LARRY H. STANLEY
ARTHUR H. PACE, JR.
FRANK THOMP
WILLIAM L. WILSON

STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRESTON STREET
BALTIMORE, MD. 21201

May 5, 1971

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

Dear Mr. Hardesty:

The subject plan indicates entrance channelization that is generally acceptable to the State Roads Commission. The entrance to Gwynn Oak Avenue will be subject to the Commission's approval and permit.

Very truly yours,
Charles Lee, Chief
Development Engineering Section
John E. Myers
John E. Myers
Asst. Development Engineer

CLJ:JEM:mk

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING

OF APRIL 27 & 28 (CYCLE ZONING)

Petitioner: Harold Tschudi, et al
Location: 371 Cor. Gwynn Oak Ave. & Woodlawn Dr.
District: 2
Present Zoning: DR 5.5
Proposed Zoning: B.L.
No. of Acres: 0.46

Comments: SEE ATTACHED SHEET

Re: Woodlawn
Re: B.L. Reclassification Request at Woodlawn Drive and Gwynn Oak Avenue

1. Drainage of the subject reclassification for a "retail store" would intensify already serious traffic problems at the Woodlawn Elementary School which is situated adjacent to the property in question.
2. Furthermore, if such a commercial installation is allowed it could provide a place for students to congregate thereby creating additional problems for the administrative staff of Woodlawn Elementary.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: May 14, 1971

FROM: Ian I. Forrest

SUBJECT: Item 40

FROM: Harold Tachudi, et al

SUBJECT: Item 40

40. Property Owner: Harold Tachudi, et al
Location: S/W corner Gwynn Oak Ave. & Woodlawn Dr.
Present Zoning: D.R. 5.5
Proposed Zoning: Residential to B.L.
District: 2nd Sector: Northwestern
No. Acres: 0.46

Public water and sewers are available to the site.

Food Control Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County Department of Health for review and approval.

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
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

11/7/71

5/12/71

Location: S/W corner Gwynn Oak Ave. & Woodlawn Dr.

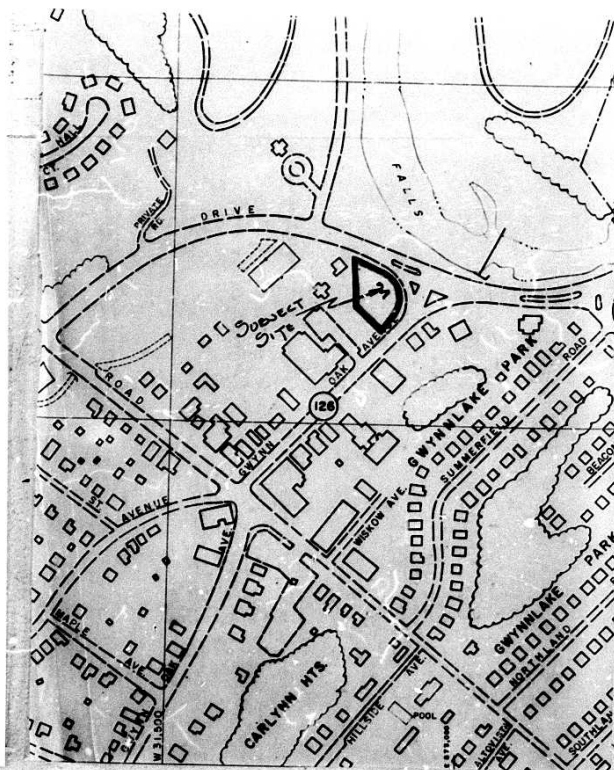
Item #40

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be located at intervals of 300 feet along an approved road.

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

Respectfully submitted:

St. Thomas Kelly
FACULTY
DATE: 5/12/71



TELEPHONE 494-5413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE: April 26, 1971

TO: V. Lee Harrison, Esq.
306 W. Joppa Road
Towson, Md. 21204

FROM: Zoning Dept. of Baltimore County

RECEIVED BY: [Signature]

AMOUNT TO ACCOUNT NO. 01-662

QUANTITY: 1

DETACH ALONG PERFORATION

RETURN THIS PORTION WITH YOUR RECEIPT

COPIES: 1

Position for Subclassification for Harold Tachudi, et al
Superior Blvd. and Clarke Ave.

50.00

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Date of Posting: Sept. 11, 1971

Posted for: REZONING

Petitioner: BRADLEY T. J. KELLY, TACHUDI

Location of property: S.W. corner of WOODLAWN DR. & CHARM AVE. ANN. CORN. CHARM AVE.

Location of Sign: N.E. of WOODLAWN DR. 25 FT. E. of CHARM AVE. ANN. CORN. CHARM AVE.

Remarks: [Signature]

Posted by: [Signature]

Date of return: Sept. 24, 1971

CERTIFICATE OF PUBLICATION

Pikesville, Md. September 9, 1971

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each of one time before the 27th day of September, 1971, the first publication appearing on the 9th day of September, 1971.

THE NORTHWEST STAR

[Signature]
Manager

Cost of Advertisement, \$ 28.49

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 9, 1971

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 27th day of September, 1971, the first publication appearing on the 9th day of September, 1971.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 9, 1971

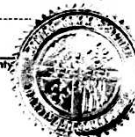
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time before the 27th day of September, 1971, the first publication appearing on the 9th day of September, 1971.

THE JEFFERSONIAN
[Signature]
Manager

True Copy Test:

Cost of Advertisement, \$

Zoning Commissioner of Baltimore County



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Date of Posting: Sept. 11, 1971

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Location of property: S.W. corner of WOODLAWN DR. & CHARM AVE. ANN. CORN. CHARM AVE.

Location of Sign: N.E. of WOODLAWN DR. 25 FT. E. of CHARM AVE. ANN. CORN. CHARM AVE.

Remarks: [Signature]

Posted by: [Signature]

Date of return: Sept. 24, 1971

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 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, CC, CA										
Reviewed by: [Signature]			Revised Plans:							
Previous case: 71-35-R			Change in outline or description:							
			Map # 10-28							

V. Lee Harrison, Esq.
306 W. Joppa Road
Towson, Md. 21204

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 17th day of August 1971

[Signature]
ERIC DYREDA,
Zoning Commissioner

Petitioner: Harold Tachudi and
Bradley T. J. Kelly, Esq.
Petitioner's Attorney: V. Lee Harrison

Reviewed by: [Signature]
Chairman of
Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

1525

DATE: Feb. 1, 1972 ACCOUNT: 01-662

AMOUNT: \$75.00

WHITE - CASHIER
DISTRIBUTED
PURCHASER
YELLOW - CUSTOMER

No. 72-85-R - Cost of petition fee \$70.00 1 sign \$5.00
S/W Cor. Woodlawn Drive & Gwynn Oak Ave.
Mattos & Tachudi, W. Lee Harrison, Esq.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

203

DATE: Oct. 8, 1971 ACCOUNT: 01-662

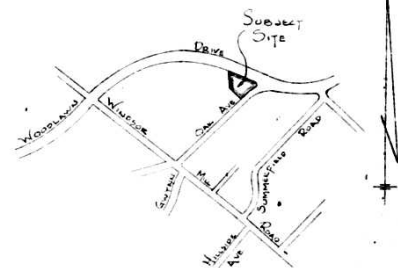
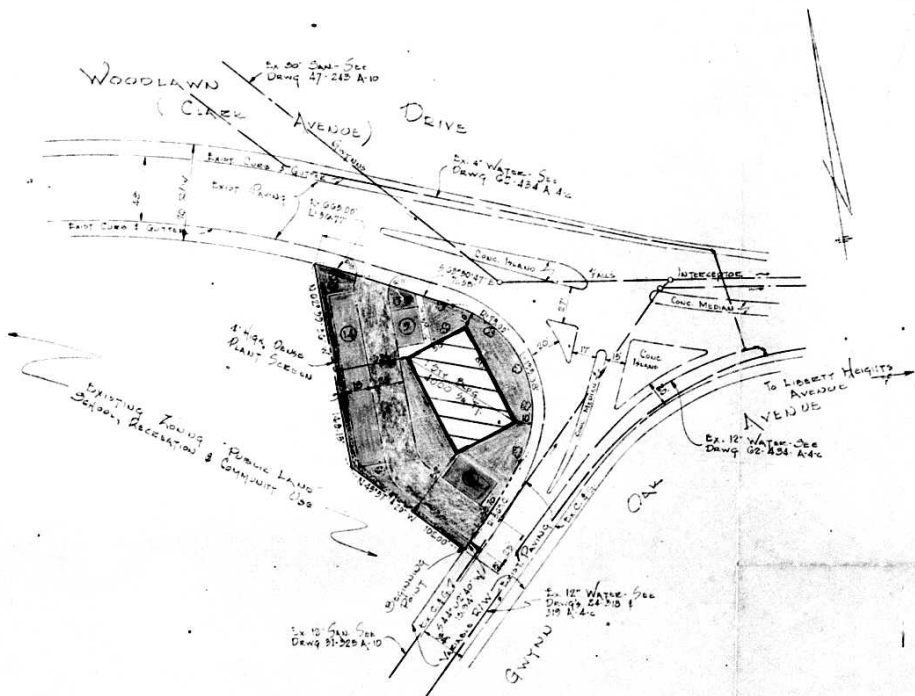
AMOUNT: \$116.99

WHITE - CASHIER
DISTRIBUTED
PURCHASER
YELLOW - CUSTOMER

Harold Tachudi & Bradley T. J. Kelly
S/W Cor. Woodlawn Drive & Gwynn Oak Ave.
Mattos & Tachudi, W. Lee Harrison, Esq.

Advertising and posting of property 72-85-R

JUL 03 1973



LOCATION PLAN
SCALE 1"=500'

GENERAL NOTES

1. AREA OF PAVEMENT SIGNALS 0.15 ACRES
2. EXISTING ZONING "R-2" (OR "DE B.B.")
3. EXISTING USE "NO USE"
4. PROPOSED ZONING "B-1"
5. PROPOSED USE "RETAIL STORE"
6. OFF-STREET PARKING:
 - A. TOTAL FLOOR AREA - 4,000 SQ. FT.
 - B. REQUIRED PARKING - 20 UNITS
 - C. PROPOSED PARKING - 21 UNITS
7. DESIGN OF PAVEMENT SHALL BE IN ACCORDANCE WITH THE POLICY OF THE DIST. CO. DEPT. OF ENGINEERING

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
AT
WOODLAWN DR. & GWYNN OAK AVE.
ELECT. Dwg. 2
SCALE 1"=500'
BANTO CO., MD.
April 12, 1971

MATZ, CHILDS & ASSOCIATES
1025 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
L & M. DRAWN BY: TALLEY BY: CHILDS
70072 RLS PL

