

72-163-XA PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.
Millard A. Spivey & Thelma F. Spivey, his wife,
I, or we, Millard A. Spivey, Inc., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception to the Zoning Regulations of Baltimore County to permit a one (1') foot setback from a residential zone line instead of the required seventy-five (75') feet and a Special Exception for a Wireless Transmitting and Receiving Structure.

(1) for a Variance from Section 255.2 and/or Section 243.1 of the Baltimore County Zoning Regulations to permit a setback from a residential zone boundary of one (1') foot instead of the required one hundred (100) feet and/or seventy-five (75) feet for the reason that strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship in that the rear of the subject property lies in a storm drain area and the DR 5.5 property is owned by the petitioners and granting of the requested variance would not adversely affect any other persons.

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 a Wireless Transmitting and Receiving Structure.

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.

WALLCRAFTERS, INC.
By Michael H. Santos
Contract purchaser
Address 2000 Vine Street
Baltimore, Maryland 21223

Millard A. Spivey
Legal Owner
Address 915 Breezwick Road
Towson, Maryland 21204

David D. DOWNS
Petitioner's Attorney
Address 212 Washington Avenue
Towson, Maryland 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of November, 1972, 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 106, County Office Building in Towson, Baltimore County, at the 17th day of January, 1973, at 1:00 o'clock.

Eric D. Thompson
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE 2/9/72
BY Charles C. Hargreaves

RE: PETITION FOR VARIANCE AND SPECIAL EXCEPTION
SE/S of Philadelphia Road, 190 and 200' N of Rosedale Avenue
15th District
Millard A. Spivey - Petitioner
NO. 72-163-XA (Item No. 94)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This is a request for a Variance to permit a one (1') foot setback from a residential zone line instead of the required seventy-five (75') feet and a Special Exception for a Wireless Transmitting and Receiving Structure.

Testimony indicated that the contract purchasers planned to construct a warehouse and office with a floor area of 36,220 square feet. Other improvements are to include a loading dock, paved parking area and wireless transmitting and receiving structure.

The Petitioner's engineer described the site as being irregular in shape with a severe change in grade along the rear of the property as it traverses Red House Run. The Engineer explained that the buildable area of the site was further reduced by the construction of a twenty-seven (27") inch sanitary line along the north side of the Red House Run flood plain, and a two hundred (200') foot strip of residential zoning along Philadelphia Road at the front. He pointed out that the one (1') foot setback Variance requested, represented a one (1') foot setback from a zone line and that the actual setback from the front property line would be between eighty-five (85') feet and two Hundred (200') feet.

In answer to objections of area residents regarding the three hundred (300') foot height of the antenna and its location within two hundred (200') feet of Philadelphia Road, the developers agreed to relocate the structure to a point at the rear of the property, which would be approximately four hundred (400') feet from said road.

Therefore, it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a Wireless Transmitting and Receiving Structure should be granted; and it further appearing that by reason of the following findings of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the Variance requested would grant relief with substantial injury to the public health, safety, and general welfare of the locality involved the above Variance to permit a one (1') foot setback from a residential zone line instead of the required seventy-five (75') feet should be granted subject to resubmission of revised plans and descriptions indicating the new locations of the antenna tower.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of February, 1972, a Special Exception for a Wireless Transmitting and Receiving Structure should be and the same is Granted, and a Variance to permit a one (1') foot setback from a residential zone line instead of the required seventy-five (75') feet should be and the same is Granted, from and after the date of this Order subject to the above condition and also subject to the approval of a site plan by the Office of Planning and Zoning, Bureau of Public Services, and the State Highway Administration.

James S. Hargreaves
Deputy Zoning Commissioner
Baltimore County

ORDER RECEIVED FOR FILING
DATE 2/9/72
BY Charles C. Hargreaves

JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

1180 101 SHELL BUILDING - 200 EAST JOFFA ROAD
TOWSON, MARYLAND 21204 - Valley 3-8820

DESCRIPTION FOR SPECIAL EXCEPTION TO ZONING, PHILADELPHIA ROAD, NORTHEAST OF ROSEDALE AVENUE, FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the two following courses and distances from the North east side of Rosedale Avenue, North 48 Degrees 30 Minutes 00 Seconds East 633 feet, more or less, measured along the Southeast side of Philadelphia Road and South 33 Degrees 21 Minutes East 405 feet, more or less, and running thence South 69 Degrees 36 Minutes East 30.00 feet, North 20 Degrees 24 Minutes East 30.00 feet, North 69 Degrees 36 Minutes West 30.00 feet and South 20 Degrees 24 Minutes West 30.00 feet to the place of beginning.

1-27-72



JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

1180 101 SHELL BUILDING - 200 EAST JOFFA ROAD
TOWSON, MARYLAND 21204 - Valley 3-8820

DESCRIPTION FOR ZONING VARIANCE, PHILADELPHIA ROAD, NORTHEAST OF ROSEDALE AVENUE, FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the Southeast side of Philadelphia Road, 50 feet wide, at the distance of 360 feet, more or less, measured northwesterly from the Northeast side of Rosedale Avenue and running thence and binding on the Southeast side of Philadelphia Road North 48 Degrees 30 Minutes 00 Seconds East 407.50 feet thence following the Southeast side of Philadelphia Road and running South 85 Degrees 30 Minutes 20 Seconds East 181.97 feet, North 63 Degrees 00 Minutes 30 Seconds East 210.00 feet, South 1 Degree 26 Minutes 18 Seconds East 244.99 feet, South 3 Degrees 38 Minutes 38 Seconds East 235.06 feet, South 14 Degrees 50 Minutes 33 Seconds West 71.52 feet, South 25 Degrees 22 Minutes 48 Seconds West 49.30 feet, South 43 Degrees 04 Minutes 49 Seconds West 134.72 feet and North 58 Degrees 51 Minutes West 658.26 feet to the place of beginning.

CONTAINING 6.12 acres of land, more or less.

11,18,71

JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS

1180 101 SHELL BUILDING - 200 EAST JOFFA ROAD
TOWSON, MARYLAND 21204 - Valley 3-8820

DESCRIPTION FOR SPECIAL EXCEPTION TO ZONING, PHILADELPHIA ROAD, NORTHEAST OF ROSEDALE AVENUE, FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the two following courses and distances from the Northeast side of Rosedale Avenue North 48 Degrees 30 Minutes 00 Seconds East 633 feet, more or less, measured along the Southeast side of Philadelphia Road and South 53 Degrees 21 Minutes East 190 feet, more or less, and running thence South 53 Degree: 21 Minutes East 30.00 feet, North 36 Degrees 39 Minutes East 30.00 feet, North 53 Degrees 21 Minutes West 30.00 feet and South 36 Degrees 39 Minutes West 30.00 feet to the place of beginning.

Wood
See new owner
7-27-72

11,18,71

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenno, Zoning Commissioner Date: January 13, 1972
FROM: George E. Cavellis, Director of Planning

SUBJECT: Petition 72-163-XA. Southeast side of Philadelphia Road 190 feet, more or less, and 360 feet north of Rosedale Avenue.
Petition for Special Exception for Wireless Transmitting and Receiving Structure.
Petition for Variance for Side Yard.
Millard A. and Thelma F. Spivey - Petitioners

15th District

HEARING: Monday, January 15, 1972 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to make:

There are no objections to a wireless transmitting and receiving structure on this site. However, because of the height of the proposed tower, the site of the structure should be moved so as to minimize the danger to the existing residential area and to Philadelphia Road.

The setback variance appears to be acceptable since the residential property is in the same ownership and the petitioner intends to raze the existing dwelling.

GEO:NEC:msh

BALTIMORE COUNTY BOARD OF EDUCATION

BOARD ADVISORY COMMITTEE MEETING
OF Dec. 7, 1971

Petitioner: Spivey
Location: Side Yard Rd., 1/2 mi. N.E. of Rosedale Ave.
District: 15
Present Zoning: M.L.
Proposed Zoning: S.E.
No. of Acres: 6.12

Comments: NO BEARING ON STUDENT POPULATION

MAY 01 1972

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 17, 1971

David D. Barnes, Esq.,
212 Washington Avenue
Towson, Maryland 21204

RE: Type of Hearing: Special Exception
Location: 2575 Philadelphia Rd., 360' W.
of Rosedale Avenue
Committee Meeting of Nov. 30, 1971
15th District Petitioner: Willard Spivey, et al
Item 94

Dear Sir:

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 comments are a result of this review and inspection.

The subject property is located on the east side of Philadelphia Road, 360 ft. north of Rosedale Avenue. It is currently a large undeveloped tract with some old buildings in front of the property and an old slaughter house on the property to the southeast. There is no curb and gutter existing at this location at this time.

BUREAU OF ENGINEERING:

General:

The comments supplied by this office, dated October 27, 1971, in connection with Item #12 (Zoning Cycle October 1971 - April 1972) remain valid and applicable. A copy of these comments is attached for your consideration.

BUILDINGS DIVISION'S OFFICE:

No comment from this office at this time.

FIRE DEPARTMENT:

Fire hydrants for the proposed site (see required) shall be in accordance with Baltimore County standards.

The hydrants shall be located at intervals of 300' along the edge of road.

David D. Barnes, Esq.,
Item 94 - Page 2
December 17, 1971

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "The Life Safety Code", 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

STATE HIGHWAY ADMINISTRATION:

The frontage of the subject site must be curbed with concrete. The roadside face of curb is to be 20' from and parallel to the center line of Philadelphia Road.

It is our opinion that the plan should be revised prior to a hearing date being assigned.

DEPT. OF TRAFFIC ENGINEERING:

No traffic problems are anticipated at this site.

HEALTH DEPARTMENT:

Metropolitan water and sewer are available to the site.

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.

ZONING ADMINISTRATION DIVISION:

This property is also the subject of a reclassification petition under the last cycle. This petition is accepted for filing; however, revised plans will be required as noted by the State Highway Administration prior to the hearing.

This petition is accepted for filing on the date of the enclosed filing certificate. Dates of the hearing date and time, which will be held not less than 10, nor more than 30 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
Oliver L. Myers
OLIVER L. MYERS, Chairman

JLM:JD
Ency

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall 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, CC, CA										
Reviewed by: JCB										
Previous case:										

Revised Plans:
Change in outline or description: Yes
Map: #

David D. Barnes, Esq.,
212 Washington Avenue
Towson, Maryland 21204

Item 94

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 10th day of December 1971

Michael H. Myers
Zoning Commissioner

Petitioner: Willard Spivey, et al

Petitioner's Attorney: David D. Barnes

Reviewed by: *Michael H. Myers*
Chairman of
Advisory Committee

ORIGINAL

OFFICE OF

THE ESSEX TIMES

ESSEX, MD. 21221 January 7 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinanna
Zoning Comm. - Honors of Baltimore County
was inserted in THE ESSEX TIMES, a weekly newspaper published in
Baltimore County, Maryland, once a week for ONE WEEK
week before the 7 day of January 1972 that is to say, the same
was inserted in the issue of December 30, 1971.

STROMBERG PUBLICATIONS, Inc.

By *Jeannette Schwartz*

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 30, 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 a week
on one time ~~one week~~ before the 17th
day of January 1972, the said publication
appearing on the 30th day of December
1971.

THE JEFFERSONIAN

L. L. Lank
Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

#72-163-XA

District: 15th Date of Posting: 12-29-72
Posted for: *Michael H. Myers*
Petitioner: *Willard A. Spivey*
Location of property: *SE 1/4 of Block 64, Lot 4, 360' W. of Rosedale Ave.*
Location of Sign: *On Road 360' W. of Rosedale Ave.*
Remarks: *Michael H. Myers*
Posted by: *Michael H. Myers* Date of return: 1-6-72

BALTIMORE COUNTY, MARYLAND No. 1495
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Jan. 17, 1972 ACCOUNT 01-662

AMOUNT \$71.00

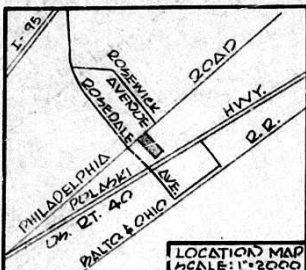
DISTRIBUTION
WHITE - CASHIER
Peters, Dennis & Gelfe
212 Washington Ave.
Towson, Md. 21204
Advertising and posting of property for Willard A. Spivey,
et al
#72-163-XA 73 DEC 72

BALTIMORE COUNTY, MARYLAND No. 1461
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

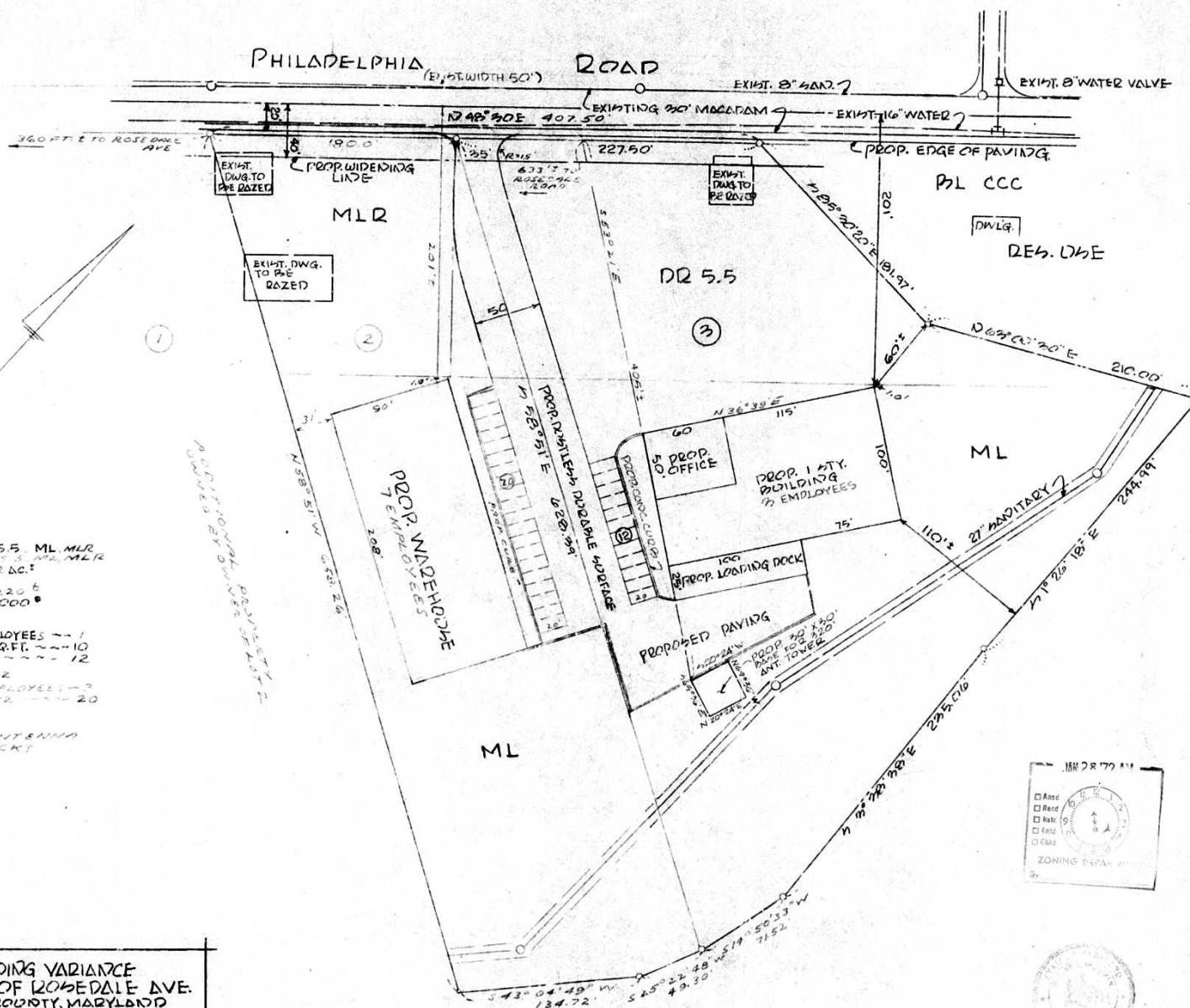
DATE Dec. 27, 1971 ACCOUNT 01-663

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
Peters, Dennis & Gelfe
212 Washington Ave.
Towson, Md. 21204
Petition for Special Exception and Variance for
Willard A. Spivey et al
#72-163-XA 50 DEC 72



DR 5.5



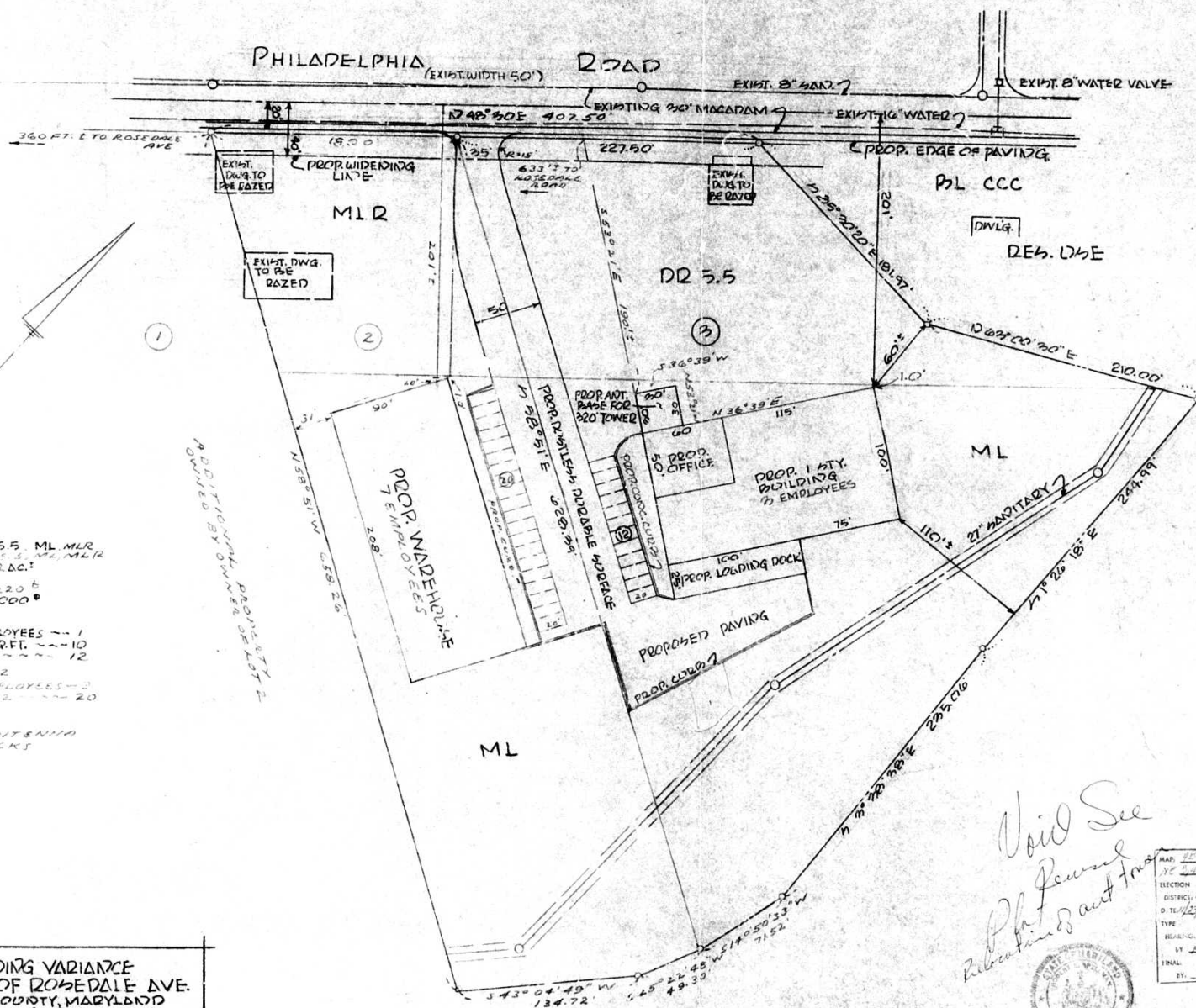
GENERAL NOTES

EXISTING ZONING --- DR 5.5, ML, MLR
 PROPOSED ZONING --- DR 5.5, ML, MLR
 AREA OF TRACT --- 6.12 AC.
 TOTAL WAREHOUSE SPACE --- 33,220 S.F.
 TOTAL OFFICE SPACE --- 3,000 S.F.
 PARKING REQUIRED: LOT 3
 WAREHOUSE 100' 3' EMPLOYEES --- 1
 OFFICE SPACE 1 FOR 300 S.F. --- 10
 PARKING PROVIDED: LOT 3 --- 12
 WAREHOUSE 1 FOR 3 EMPLOYEES --- 3
 PARKING PROVIDED: LOT 3 --- 20
 SPECIAL EXCEPTION
 H.P. 55.5 RADIO ANTENNA
 25' 2.5' 2' 11' SHOCK

PLAT FOR ZONING VARIANCE
 PHILADELPHIA RD. N.E. OF ROSEDALE AVE.
 15TH ELEC. DIST. BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=50'
 NOVEMBER 19, 1971



JOSEPH D. THOMPSON
 professional engineer & surveyor
 101 SHELL BUILDING
 200 EAST JEFFERSON RD.
 TOWSON, MD. 21204



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EXISTING ZONING-----DR 55, ML MR
PROPOSED ZONING-----DR 55, ML MR
AREA OF TRACT-----6.12 AC.

TOTAL WAREHOUSE SPACE--33,220 5
TOTAL OFFICE SPACE-----39,000 8

PARKING REQUIRED: LOT 3 EMPLOYEES -- 1
WAREHOUSE SPACE 100,000 SQ. FT. -- 10
PARKING PROVIDED: LOT 3 -- 12

PARKING REQUIRED: LOT 2
WAREHOUSE 1 PARK 3 EMPLOYEES -- 3
PARKING PROVIDED: LOT 2 -- 2

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5. NEW 142 EXCAVATION
1425 253.5 RADIO ANTENNA
1425 255.2 SET BACKS

PLAT FOR ZONING VARIANCE
PHILADELPHIA RD. N.E. OF ROSEDALE AVE.
15TH ELEC. DIST. BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' NOVEMBER 19, 1971

VOID SEE
Plat General
Relocation of cut track

MAP 12
ELECTION DISTRICT 15
D. T. 2371
TYPE 36
HEARING 6
BY 12
FINAL
BY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20246

JOSEPH D. THOMPSON
professional engineer & surveyor
101 SHELL BUILDING
200 EAST WOPPA RD.
TOWSON, MD. 21204