

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
 Charles G. Scherr and
 ADRIAN J. SCHERR, legal owners 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 DR 5.5 zone to DR 16 zone; and (2) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from DR 5.5 zone to DR 16 zone; for the following reasons:

To permit the erection of 36 garden-type apartments on the subject property.

See attached Description

and the Petitioner's Compliance with the applicable laws and ordinances of Baltimore County, to meet the herein described property, etc.

Property is to be posted and advertised as prescribed by Zoning Regulations.

Expenses, agree to pay expenses of above re-classification and 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: _____ Legal Owner: _____
 Address: 4805 Liberty Heights Avenue
 Baltimore, Maryland 21207

Protestant's Attorney: _____
 Address: _____
 Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of March, 1972, at 10:00 o'clock.

(over)

RE: PETITION FOR RECLASSIFICATION : BEFORE
 from D.R. 5.5 to D.R. 16 : COUNTY BOARD OF APPEALS
 SW/5 of Ingleside Avenue and the : OF
 SW right-of-way line of the : BALTIMORE COUNTY
 Baltimore County Beltway : No. 72-219-R
 1st District

ORDER OF DISMISSAL

Petition of Charles G. Scherr, et ux, for reclassification from D.R. 5.5 to D.R. 16 on property located on the southwest side of Ingleside Avenue and the southwest right-of-way line of the Baltimore County Beltway, in the First Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Petition and Order to Dismiss Appeal filed January 23, 1973 (a copy of which is attached hereto and made a part hereof) from the attorney for the petitioners and the attorney for the protestants.

WHEREAS, said attorneys request that the appeal filed on behalf of the protestants-appellants be dismissed and withdrawn as of January 23, 1973, pursuant to the Agreement filed simultaneously herewith (a copy of which is attached hereto and made a part hereof).

IT IS HEREBY ORDERED this 31st day of January, 1973, that said appeal be and the same is dismissed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik
 Walter A. Reiter, Jr.
 John A. Miller

CHARLES L. SCHERR, et al : BEFORE
 Petitioners :
 VS. : COUNTY BOARD OF APPEALS
 MARY MONGELLI, et al : OF
 Protestants : BALTIMORE COUNTY
 RE: PETITION FOR RECLASSIFICATION :
 No. 72-219-R

PETITION AND ORDER TO DISMISS APPEAL

MR. CHAIRMAN:
 Pursuant to the Agreement filed simultaneously herewith, would you please dismiss appeal heretofore filed by the above named Protestants in the above captioned case.

Aaron Margolis, Esq.
 Attorney for Petitioner

Harry S. Swartzwelder, Jr., Esq.
 Attorney for Protestants

LAW OFFICES
 AARON MARGOLIS
 506 TOWER BUILDING
 BALTIMORE STREET & GULFORD AVENUE
 BALTIMORE, MARYLAND 21202

January 22, 1973

M's Edith T. Eisenhart, Administrative Secretary
 County Board of Appeals
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Case No. 72-219-R
 Charles G. Scherr and wife -
 Reclassification, SW side
 Ingleside Avenue and Be tway,
 First District

Dear M's Eisenhart:

I transmit herewith Petition and Order to dismiss the above Appeal now pending for hearing on Tuesday, February 20, 1973 at 10:00 a.m. Along with the Petition and Order is a copy of the Agreement between the Petitioners and Protestants, which we request be filed with the records of this proceeding.

Thank you for your kind attention.

Very truly yours,
 Aaron Margolis

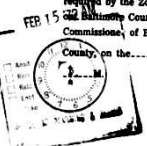
AM:mk

Enclosures

cc: Harry S. Swartzwelder, Jr., Esq.
 Mr. Charles G. Scherr

Rec'd 1-23-73
 9:30 AM

ORDER RECEIVED FOR FILING



CHARLES G. SCHERR
 506 TOWER BUILDING
 BALTIMORE ST. & GULFORD AVENUE
 BALTIMORE, MD. 21202
 1-73-219-R
 #72-219-R-22

AGAN & HOLDEFER, INC.
 SURVEYORS AND CIVIL ENGINEERS
 539 POPLAR STREET / CAMBRIDGE, MD 21031-3011 221-3350
 115 E. MAIN STREET / WESTMINSTER, MD 21157-3011 841-1790
 3-5 WASHINGTON STREET / EAPR, MD 21040-3011 822-5478

October 5, 1971

DESCRIPTION OF P & S REALTY COMPANY PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BALTIMORE COUNTY BELTWAY AND INGLESIDE AVENUE FOR ZONING RECLASSIFICATION FROM D.R. 5.5 TO D.R. 16 ZONE.

BEGINNING for the same at a point formed by the intersection of the west side of Ingleside Avenue with the southwest right of way line of the Baltimore County Beltway, thence leaving said place of beginning and running an' binding on the west side of Ingleside Avenue (1) South 27 degrees 59 minutes West 216 feet, more or less, thence leaving said west side of Ingleside Avenue and running the 3 following courses and distances, viz: (2) North 62 degrees 14 minutes West 271.23 feet, (3) North 15 degrees 03 minutes West 332.79 feet and (4) South 72 degrees 37 minutes East 132.78 feet to intersect the aforementioned southwest right of way line of the Baltimore County Beltway, thence running and binding on said right of way line, as shown on State Road Commission of Maryland Right of Way Plat No. 10681, the 2 following courses and distances, viz: (5) South 54 degrees 39 minutes East 240 feet, more or less, and (6) South 16 degrees 07 minutes 10 seconds East 30 feet, more or less, to the place of beginning. Containing 2.194 acres of land, more or less.

Subject, however, to an easement area shown on State Roads Commission of Maryland Right of Way Plat No. 10681.

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

L Alan Evans



THIS AGREEMENT, made this 3rd day of January, 1973, by and between CHARLES G. SCHERR and ADELE J. SCHERR, his wife, hereinafter called "Scherr," and MARY MONGELLI, individually, and GERARD CLOBY, individually and as President of Ingleside Improvement Association, hereinafter called "Neighbors."

WHEREAS, Scherr is the owner of a certain undeveloped tract of land consisting of 2.194 acres, more or less, and situate on the westerly side of Ingleside Avenue at the southwest corner of the intersection of Ingleside Avenue and Baltimore Beltway in the First Election District of Baltimore County, Maryland; and

WHEREAS, Scherr has heretofore applied to the Zoning Commissioner of Baltimore County to have the zone of the said tract of land reclassified from DR 5.5 to DR 16, being Case No. 72-219-R (Item No. 27); and

WHEREAS, the Zoning Commissioner of Baltimore County has, by his Order dated September 7, 1972, granted the said reclassification; and

WHEREAS, the Neighbors have filed an Appeal from the aforesaid Order of the Zoning Commissioner to the Baltimore County Board of Appeals; and

WHEREAS, after negotiations between the parties hereto, they have come to an agreement and understanding which they now desire to reduce to a written Agreement setting forth certain restrictions in the manner in which the said tract of land is to be developed and improved by Scherr, and in consideration of which, the Neighbors are to dismiss the Appeal filed by them to the Baltimore County Board of Appeals.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, the parties hereby covenant and agree with each other and for their respective heirs, personal representatives and assigns, as follows:

1. The Neighbors shall dismiss the Appeal filed by them and now pending before the Baltimore County Board of Appeals from the above mentioned Order of the Zoning Commissioner of September 7, 1972.

2. Scherr agrees that any development of the said property for apartments under the Zoning Classification of DR 16 shall be upon the following conditions:

(a) Any and all apartment buildings constructed on the property shall be similar in design and construction to the buildings shown on the photographs attached hereto and labeled "Exhibit No. 1 A through F."

(b) Such apartment buildings are to be 2 1/2 stories in height and arranged substantially similar to the layout shown on the attached plat called "Preliminary Plan - Proposed Apartments for P & S Realty Co." and marked "Exhibit No. 2." It being understood by the parties that the building layout on the said plat is not in conformity with the present zoning setback requirements and that in order to construct the buildings in that layout form, it will be necessary to obtain a special exception to the front setback requirement from 75 feet to 50 feet. It being further understood that Scherr will, upon the dismissal of the Appeal, apply for the said special exception and will prosecute the same with the cooperation, consent and approve of the Neighbors. It being also further understood that in the event said special exception cannot be obtained, Scherr will be permitted to proceed with the one building layout, said building being four stories and containing 40 apartment units, as shown on the "Preliminary Plan - Proposed Apartments for P & S Realty Co." attached hereto as "Exhibit No. 3."

(c) Scherr will cause the property to be fenced with 6 foot roundwood basket weave fencing with live screening on the Virginia Avenue (Valcour Road) side of the property. All parking lot lighting shall be shielded and directed downward.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

WITNESS:
 Charles G. Scherr (SEAL)
 Adele J. Scherr (SEAL)
 Mary Mongelli (SEAL)
 Gerard Cloby, Individually and as President of Ingleside Improvement Association (SEAL)
 Neighbors

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204
 OLIVER L. MYERS
 Chairman
 MEMBERS
 BUREAU OF ENGINEERING
 DEPARTMENT OF TRAFFIC ENGINEERING
 STATE ROADS COMMISSION
 BUREAU OF FIRE PREVENTION
 HEALTH DEPARTMENT
 PROJECT PLANNING
 BUILDING DEPARTMENT
 BOARD OF EDUCATION
 ZONING ADMINISTRATION
 INDUSTRIAL DEVELOPMENT

Mr. George E. Gownley, Director
 Office of Planning & Zoning
 Room 301, Jefferson Building
 Towson, Maryland 21204

RE: Property Owner: Charles G. and Adele J. Scherr
 Location: S/W Cor. int. of Balto. Co. Beltway and Ingleside Ave.
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to D.R. 16 1st District Sector: Southwestern
 No. Acres: 2.194
 Item No. 27

The following comments were compiled after a field investigation and an on-office review which will provide the Planning Board and/or the petitioner with pertinent information of possible development problems.

The subject property is located on the southwest side of Ingleside Avenue and the south side of the Baltimore County Beltway. It is presently vacant with the surrounding properties improved with dwellings ten (10) to thirty (30) years of age in excellent repair. To the north is the Baltimore County Beltway, Ingleside Avenue, at this location, is not improved with concrete curb and gutter. There is a small stream located at the southern most portion of this property.

This property was the subject of a petition in June 1970, Case No. 70-220-R. The petitioner's plat does appear to meet the Zoning Commissioner's rules of procedure.

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

JJDjr:mh

APR 27 1973

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
 SW/S of Ingleside Avenue, 30' : ZONING COMMISSIONER
 from the SW/S of the Baltimore : OF
 County Beltway - 1st District :
 Charles G. Sherr, et al - : BALTIMORE COUNTY
 Petitioners :
 NO. 72-219-R (Item No. 27) :

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 southwest side of Ingleside Avenue, thirty (30) feet from the southwest side of the Baltimore County Beltway, in the First District of Baltimore County, containing 2.194 acres of land, more or less.

Evidence on behalf of the Petitioners indicated that the property had been reclassified from a R. 6 Zone to a R. A. Zone prior to the adoption of the Comprehensive Zoning Map by the then Deputy Zoning Commissioner, S. Eric DiNenna, and subsequently by the Baltimore County Board of Appeals. The property was zoned R. A. when the Baltimore County Council, in the adoption of the Comprehensive Zoning Map on March 24, 1971, "down-shifted" it to the present D. R. 5.5 classification.

The northern boundary of the property is contiguous with the Baltimore County Beltway, and the property has a topography problem, in that, the traffic lanes of the Beltway are approximately twenty-five (25) feet above the level of the subject site. This slope has a grade of approximately sixty (60) per cent. Several streams pass through the property and, because of this reason, the Petitioner claims there is a lack of feasibility for development into single family dwellings. It was stated that development of the property into apartments would be more economical. Sewer and water facilities are available and adequate.

Evidence further indicated that the widening of Ingleside Avenue is to take place in 1973 and 1974. This would allow a fifty-four (54) foot right-

of-way with a forty-four (44) foot paving.

The Petitioner cited the topography of the property, the contiguous proximity of the property to the Baltimore County Beltway and the several streams that run through the property, as the reasons for error, which make development of single family dwellings impossible.

Residents of the area, in protest of the subject property, indicated that the traffic along Ingleside Avenue was very heavy. They feel that the granting of this Petition would be detrimental to their health, safety and welfare.

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 subject property, as classified, is in error. The property should enjoy a D. R. 16 classification.

This property, having been the subject of a Petition prior to this time which was granted by the then Deputy Zoning Commissioner, S. Eric DiNenna, and by the Baltimore County Board of Appeals, had previously enjoyed a R. A. classification. It is evident that the Baltimore County Council, in the adoption of the Comprehensive Zoning Map, did not take into consideration these factors. Also, they did not consider the fact that several streams run through the subject property, the contiguous nature of the property to the Baltimore County Beltway and the sixty (60) per cent slope from the Baltimore County Beltway to the subject property. This was vividly pointed out by the Baltimore County Board of Appeals, in Case No. 70-220-R, on Page 3 of their opinion:

"Considering the evidence and testimony presented in this case, it is the opinion of this Board that the Petitioner has sufficiently proven original error and change in the character of the neighborhood to warrant the granting of the Reclassification from a R. 6 to R. A. Whether or not, in fact, the Baltimore County Beltway was open prior to the adoption of the existing map, the Board personally viewed the subject property and was very impressed with the predominance of the twenty-four (24) foot hill at the Beltway and the subject property. Whether this fact be error or change, it certainly seems to prohibit the use of this property for R. 6 single family or semi-detached residences. The streams and storm drain factors are quite significant at this site and would also seem to reflect upon the ultimate use of this land."

(the equivalent to the present DR 16). An Appeal was taken from the decision of the Zoning Commissioner and, subsequently, after hearing and substantial testimony, the County Board of Appeals of Baltimore County passed an Order on February 1, 1971 granting the reclassification of the zoning of the property to an RA classification. The County Board of Appeals based its decision on the apparent error in the previous zoning map, which, among other things, had not taken into account the topography of the property, its location adjacent to the Beltway and the fact that it could not be used for R-6 single family or semi-detached residences. It also found that there had been significant changes in the character of the neighborhood to warrant the reclassification.

The Petitioners submit that the present classification by the County Council in the Comprehensive Zoning Map constitutes unquestioned error by reason of its failure to recognize the factors which the Zoning Commissioner and the County Board of Appeals found which convinced them that there was sufficient error in the zoning map to compel them to order the reclassification of the property. If the decisions of the Zoning Commissioner and the County Board of Appeals in the prior case were correct as your Petitioners insist they were, then the Zoning Commission must now find that the error in the zoning map persists and has not been remedied or alleviated, but, on the contrary, has been compounded by incorporating the original error in the new classification.

The placing of a D. R. 5.5 classification would, according to the evidence presented and the opinion of the Baltimore County Board of Appeals as aforementioned, be confiscatory in nature.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of September, 1972, that the herein described property should be and the same is hereby reclassified from a D. R. 5.5 Zone to a D. R. 16 Zone from and after the date of this Order, 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.

[Signature]
 Zoning Commissioner of
 Baltimore County

HARRY S. SWARTZWELDER, JR.
 ATTORNEY AT LAW
 400 TOWSON BLVD.
 210 E. REDWOOD STREET
 BALTIMORE, MARYLAND 21204
 767-6939
 October 2, 1972
 8408 JOHNS HOPKINS
 ROAD, BALTIMORE, MD. 21131
 837-8380

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

RE: Petition for Reclassification S.W./S. of
 Ingleside Avenue, 30 ft. from the S.W./S
 of the Baltimore County Beltway - First
 District Charles G. Sherr, et al Petitioners. Case No. 72-219-R

Dear Mr. DiNenna:

Please enter an Appeal from the Order of the Zoning Commissioner of Baltimore County entered on September 7, 1972, in the above case on behalf of Mary Mongelli and Gerald Kloby, two of the protestants herein.

I am enclosing herewith my check in the amount of \$75.00 to cover this Appeal.

Very truly yours,

[Signature]
 Harry S. Swartzwelder, Jr.

HSS/rb
 enclosure



ORDER RECEIVED FOR FILING

DATE: *[Signature]*
 BY: *[Signature]*

ORDER RECEIVED FOR FILING

DATE: *[Signature]*
 BY: *[Signature]*

ORDER RECEIVED FOR FILING

DATE: *[Signature]*
 BY: *[Signature]*

MEMORANDUM IN SUPPORT OF PROPOSED ZONING RECLASSIFICATION

The subject property consists of approximately 2.194 acres fronting 216 feet on the west side of Ingleside Avenue at the southwest corner of the intersection of Ingleside Avenue and Baltimore Beltway in the First Election District. At the time of its acquisition in January, 1970 by the Petitioners and since the adoption of the last zoning map prior thereto, the said property was zoned R-6 (residence, one and two family). By virtue of the adoption of the 1971 Comprehensive Southwestern Sector Zoning Map for Baltimore County, the subject lot of ground was reclassified as Density Residential, DR 5.5. The Petitioners contend and will establish that the said classification of Density Residential, DR 5.5 constitutes an error in the zoning map and that the property should properly have been classified Density Residential, DR 16.

In support of its position, the Petitioners point to proceedings of the Zoning Commissioner of Baltimore County as well as the County Board of Appeals of Baltimore County for the reclassification of the zoning of the subject property filed and acted upon prior to the enactment of the new Comprehensive Zoning Map. Those proceedings for reclassification were commenced in April of 1970 and resulted in an Order of the Commission dated June 15, 1970, approving the reclassification of the zoning of the subject property from R-6 to RA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner
 ATTN: Oliver L. Myers
 FROM: Ellsworth N. Diver, P.E.

Date: October 26, 1972

SUBJECT: Item #77 (Cycle October 1971 - April 1972)
 Property Owner: Charles G. and Adela J. Sherr
 Location: S/W Cor., Int. of Balto. Co. Beltway
 and Ingleside Ave.
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass to D.R. 16
 District: 1st Sector: Southwestern
 No. Acres: 2.194

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee as Item #179 (1969-1970) Zoning Order #70-220-R. The comments furnished by this office in connection with Item #179 remain valid and in effect. We are enclosing herewith a xerox copy of those comments which are applicable to the current zoning petition.

[Signature]
 ELLSWORTH N. DIVER, P.E.
 Chief, Bureau of Engineering

END:EMH:PMH:mb
 Enclosure

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING

OF DECEMBER 1971 - APRIL 1972

Petitioner: CHARLES G. AND ADELA J. SHERR
 Location: SW COR. INT. OF BELTWAY & INGLESIDE AVE
 District: 1
 Present Zoning: DR 5.5
 Proposed Zoning: DR 16
 No. of Acres: 2.194

Comments: A CHANGE TO DR 16 WOULD NOT INCREASE THE
 POTENTIAL ELEMENTARY SCHOOL YIELD. THE AREA AS CURRENTLY
 ZONED COULD ULTIMATELY YIELD APPROXIMATELY 8 POTENTIAL
 STUDENTS WHILE A CHANGE TO THE TYPE OF APARTMENT
 DWELLINGS COULD YIELD APPROXIMATELY 6 POTENTIAL STUDENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

Aaron Margolis, Esq.,
Item 27
Page 2

RE: Type of Hearing: Reclss. to D.R. 16
Location: S/W Cor. Int. of Balto. Co.
Beltsay and Ingleside Ave.
Petitioners: Charles G. and Adele J. Scherr
District: 1st
Item No. 27

Dear Sirs:

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 southeast side of Ingleside Avenue and the south side of the Baltimore County Beltway. It is presently vacant with the surrounding properties improved with dwellings ten(10) to thirty(30) years of age, in excellent repair. To the north is the Baltimore County Beltway. Ingleside Avenue, at this location, is not improved with concrete curb and gutter. There is a small stream located at the southernmost portion of this property.

BUREAU OF ENGINEERING:

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee as Item #179 (1959-1970) Zoning Order #70-220-8. The comments furnished by this office in connection with Item #179 remain valid and in effect. We are enclosing herewith a xerox copy of those comments which are applicable to the current zoning petition.

BOARD OF EDUCATION:

A change to D.R. 16 would not increase the potential elementary pupil yield. The area as currently zoned could ultimately yield approximately 8 potential students, while a change to the type of apartments proposed could yield approximately 6 potential students.

DEPT. OF TRAFFIC ENGINEERING:

Due to the size of the site, there should be no major increase in trip density.

Aaron Margolis, Esq.,
Item 27
Page 2

STATE HIGHWAY ADMINISTRATION:

The subject plan indicates no adverse effects to the State Highway.

FIRE PREVENTION:

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101, "Life Safety Code", 1957 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

HEALTH DEPARTMENT:

Metropolitan water and sewer are available to building 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:

The property was the subject of a petition in June 1970, Case No. 70-220-8. The petitioner's plot does appear to meet the zoning Commissioner's rules of procedure.

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
OLIVER L. MYERS, Chairman

JJD:JD

Enc.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

Aaron Margolis, Esq.,
Item 27
Page 2

RE: Type of Hearing: Reclss. to D.R. 16
Location: S/W Cor. Int. of Balto. Co.
Beltsay and Ingleside Ave.
Petitioners: Charles G. and Adele J. Scherr
District: 1st
Item No. 27

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Aaron Margolis, Esq.,
Item 27
Page 2

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Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JJD:JD

Enc.

BUREAU OF ENGINEERING

Zoning Plat - Comments

March 13, 1970

179. Property Owner: Charles G. Scherr
(1959-1970)

Location: S/W cor. Beltsay and Ingleside Ave.
District: 1st
Present Zoning: R-6
Proposed Zoning: R-6 to RA
No. Acres: 2.194

Highways:

Ingleside Avenue, an existing road, will be improved as a 44-foot closed section, with flexible paving on a 34-foot right-of-way. Highway improvements including highway right-of-way widening will be required in connection with any subsequent grading or building permit applications. All on-site roadways are to be private roads subject to requirements of the Fire Bureau.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Sediment Control:

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.

Storm Drains:

In accordance with the drainage policy for this type development, the Applicant is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Applicant's cost responsibilities include the acquiring of easements and right-of-way - both on-site and off-site - including the dealing in fee to the County of the rights-of-way. Preparation of all construction, right-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County's overhead both within and outside the development, are also the responsibilities of the Applicant.

The Developer must furnish the Bureau of Engineering with a drainage study in connection with any subsequent grading or building permit applications. Within a closed drainage system or open storm drainage based upon a 50-year return frequency may be employed through this property. Open storm drainage requires a drainage renovation or easement of sufficient width to cover the flood plain of a 50-year design storm. However, a minimum width of 50 feet is required.

179. Property Owner: Charles G. Scherr
(1959-1970)
Page 2

Storm Drains: (Cont'd)

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

The Baltimore County (1-595) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Vectors:

Public water is available to serve this property.

Sanitary Sewers:

Public sanitary sewerage is available to serve this property.

Phone:

N-4E Key Sheet
6 and 7 SW 22 and 23 Position Sheets
S1 27 Topo
101 Topo

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21284

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Attn: Oliver L. Myers Date: November 4, 1971

FROM: C. Richard Moore

SUBJECT: Item 27 - Cycle Zoning II
Property Owner: Charles G. & Adele J. Scherr
Baltimore County Beltsay & Ingleside Avenue
Reclss. to DR 16

Due to the size of the site, there should be no major increase in trip density.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM:mr



STATE HIGHWAY ADMINISTRATION

300 WEST PULASKI STREET
BALTIMORE, MD. 21201

November 2, 1971

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

Attn: Mr. O. L. Myers

ITEM: 27

Re: Baltimore County Reclassification cycle for the period of October 7 to April 172 Southwestern Section
Property Owner: Charles G. and Adele J. Scherr
Location: S/W Cor. Int. of Balto. Co. Beltsay and Ingleside Ave.
Present Zoning: D.R. 5-5
Proposed Zoning: Reclss. to D.R. 16
District: 1st Sectors S/W No. Acres: 2.194

Dear Mr. DiNenna:

The subject plan indicates no adverse effects to the State

Highway.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

CLJ:mbk

1516 72-219-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15E Date of Posting: March 4, 1972
Posted for: RECLASSIFICATION
Petitioner: CHARLES G. SCHARR
Location of property: SW/S of Ingleside Ave. and 7th SW R/W
LINE OF BALTIMORE COUNTY BELTWAY
Location of Sign: W/S OF INGLESIDE 100 FT. S. OF BELTWAY
Remarks:
Posted by: Charles G. Scharr Date of return: March 6, 1972
Senator

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: <u>CSM</u>	Revised Plans: Change in outline or description				Yes		No			
Previous case:	Map # <u>1-21</u>									

Aaron Margolis, Esq.
506 Tower Building
Baltimore, Md. 21202

Item No. 27

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 15th day of February 1972

Eric DiNenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioners: Charles G. and Adele J. Scharr

Petitioner's Attorney Aaron Margolis Reviewed by: Advisory Committee
Chairman of
Advisory Committee

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

No. 5088

DATE October 18, 1972 ACCOUNT 01-662

AMOUNT \$75.00

DISTRIBUTION
WHITE - CASHIER
HARRY S. SWARTZELDER, Jr., Esquire
Cost of Appeal on Case No. 72-219-R
SW/S of Ingleside Avenue and the SW Right-of-Way
Line of the Baltimore County Beltway - 1st Dis-
trict
Charles G. Scharr, et al - Petitioners
75.00 REC

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

No. 249

DATE Oct. 27, 1971 ACCOUNT 01-662

AMOUNT \$50.00

DISTRIBUTION
WHITE - CASHIER
Sherrin Court Apts.
4905 Liberty Heights Ave.
Baltimore, Md. 21207
Petition for Reclassification for Charles G. Scharr
50.00 REC

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

No. 1584

DATE March 17, 1972 ACCOUNT 01-662

AMOUNT \$175.00

DISTRIBUTION
WHITE - CASHIER
P. and S. Realty Co.
4905 Liberty Heights Ave.
Baltimore, Md. 21207
Advertising and posting of property
#72-219-R
125.00 REC

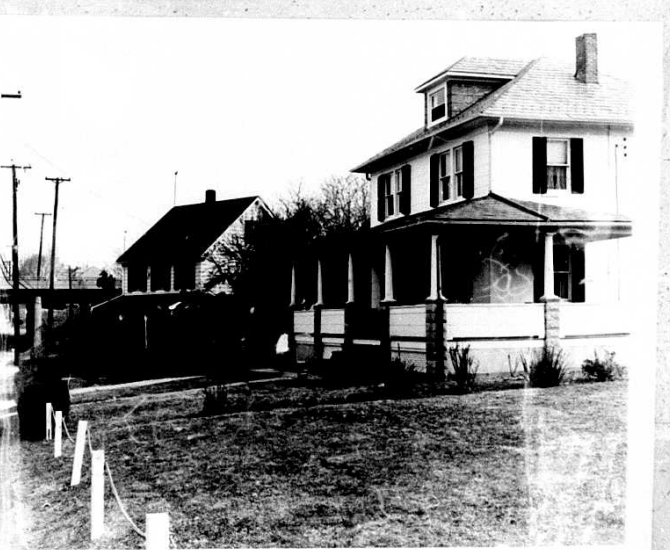




EXHIBIT 1-A



EXHIBIT 1-B



EXHIBIT 1-C



EXHIBIT 1-D

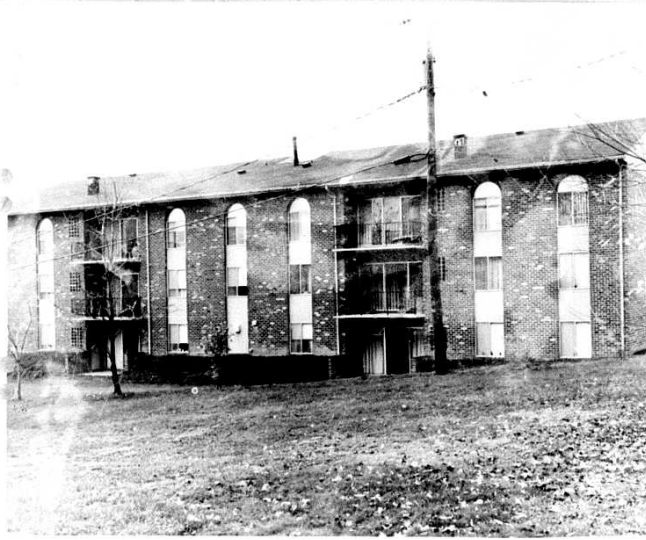


EXHIBIT 1-E

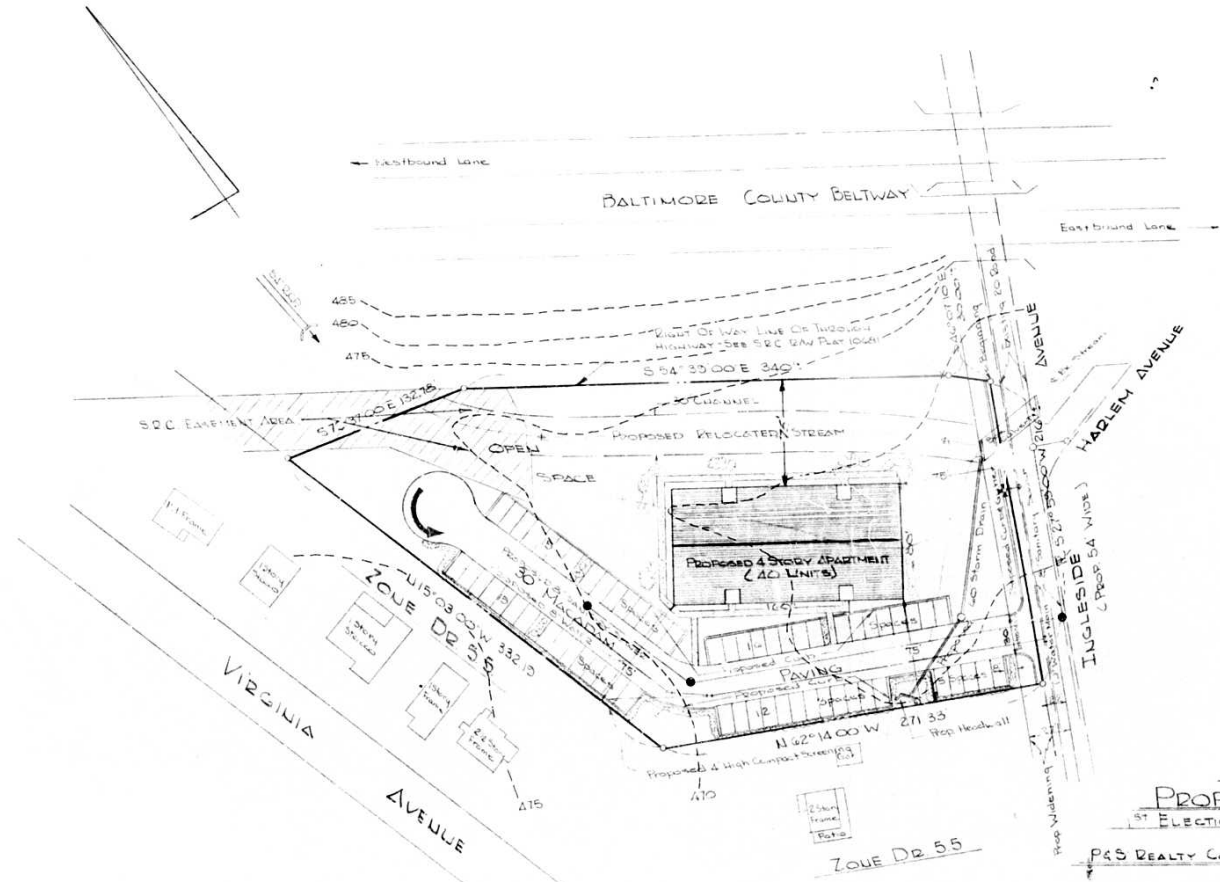
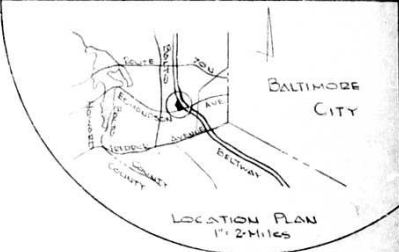


EXHIBIT 1-F

AGREEMENT

Between
**CHARLES G. SCHERR and
ADELLE J. SCHERR, his wife**
And
**MARY WINGGELL, individually
and
GERARD W. WINGGELL, individually and as
President of
Ingleside Improvement Assoc.,**

**AARON MARCOGLIS
ATTORNEY AT LAW
BALTIMORE, MARYLAND**



- GENERAL NOTES:**
- 1 EXISTING ZONE _____ DQ 55 ZONE
 - 2 PROPOSED ZONE _____ DQ 14 ZONE
 - 3 EXISTING USE _____ VACANT
 - 4 PROPOSED USE _____ GARDEN APTS.
 - 5 LOCATION _____ 1ST ELECTION DIST.
 - 6 GROSS AREA _____ 2.268 AC.

- ALLOWED DENSITY:**
- 1 No. Of Units Allowed _____ 226 @ 16.3425
 - 2 OPEN SPACE REQUIRED _____ 15%
 - 3 PARKING REQUIRED _____ 153%

- PROPOSED DENSITY:**
- 1 Proposed No. Of Units 24 _____ 28 @ 24 DENSITY UNITS
 - 2 TOTAL No. Of DENSITY UNITS _____ 152 @ DENSITY 12 DU/AC
 - 3 TOTAL No. Of DWELLING UNITS _____ 26 DWELLING UNITS
 - 4 No. Of PARKING PROVIDED _____ 68 SPACES
 - 5 AREA Of Prop. OPEN SPACE _____ 0.31 AC.

**PRELIMINARY PLAN
PROPOSED APARTMENTS**

ST. ELECTION DISTRICT BALTIMORE COUNTY MD.
FOR
P&S REALTY CO.-4905 LIBERTY HEIGHTS AVE - BALTO. MD. 21207



EVANS, HAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS
2013 BELAIR ROAD / BALTIMORE, MD 21236
(301) 648-1501
L. Plan Evans
DATE 10-15-71 SCALE 1"=50'



REVISED 10-11-71

EXHIBIT 3