## PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: JOHN NACLEOD AND ELSIE K, MACLEOD

legal owners of the property situate in Balt County and which is described in the description and plat attached hereto and made a part hereof, County and which is described in the description

B. L. rope to an 

\_zone; for the following reasons:

In classifying the property 8.L. the County Council committed errors as set out on the attached exhibit, which is incorporated by reference herein.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regu 

is to be posted and advertised as prescribed by Zoning Regulation or we, agree to pay expenses of above re-classification and/or Special Exception etc., upon filing of this petition, and further agree to and are to be bound by the zoning

Address ... 815 Frederick Ave.....

Catonsville, Md. 21228

BEFORE THE

ZONING COMMISSIONER

:::

James O. Molan

D. Nolan

2. W. Pennsylvania Ave.

Meryland 21204

T ...

, 197 \_\_,2that the subject matter of this petition be advertised, as of February required by the Zoning Law of Baltimore County, in two newspapers of gen that property be posted, and that the public hearing be had before the Zoning

-day of March

3 Ligna

• RE: PETITION FOR RECLASSIFI-

CATION N/S of Hollins Ferry Road, John MacLeod - Petitioner

OF BALTIMORE COUNTY NO. 72-222-R (Item No. 25)

\*\*\*

The Petitioner requests a Reclassification from a B. L. Zone to a B. R. one for a parcel c. property 'ocated on the north side of Hollins Ferry Road, twenty-five (25) feet east of Charleston Avenue, in the Thirteenth District of Baltimore County, containing 6.52 acres of land, more or less.

Evidence on behalf of the Petitioner indicated that he planned to construct retail wholesale type of operation, wherein the merchandise would be ware sed and sold from the same location.

It was further indicated that the property was zoned B. L. by a previous Petition in 1964, and that said zoning was reaffirmed on March 24, 1971, at the time of the adoption of the most recent Comprehensive Zoning Map.

Mr. Hugh Gelston, a qualified real estate broker and appraiser, testifie that he felt the Comprehensive Zoning Map, as adopted, was in error in classifying the subject property B. L. zoning. He cited that there is only one (1) parcel of B. R. zoning in the general Lansdowne area and that there is a need

The subject property is bordered on three (3) sides by residentially zoned d occupied properties and directly across from the subject property is an ntary school on Hollins Ferry Road.

Without reviewing the evidence further in detial but based on all the ence presented at the hearing, in the judgment of the Zoning Commission Baltimore County, the Comprehensive Zoning Map, as adopted on farch 24, 1971, by the Baltimore County Council, was not in error in classi fying the subject property B. L. zoning.

RE: PETITION FOR RECLASSIFICATION : from B.L. zone to B.R. zone N/S of Hollins Ferry Road 25' E. of Charleston Avenue

John MacLeon

#72-222

D

COUNTY BOARD OF APPEALS OF

No. 72-222-R

RAI TIMORE COUNTY

: : : : : ORDER OF DISMISSAL

Petition of John MacLead and Elsie K. MacLead for reclassification from B.L. zone to B.R. zone, on property located on the north side of Hollins Ferry Road 25 feet east of Charleston Avenue, in the 13th District of Baltimore County

WHEREAS, the Bc and of Appeals is in receipt of an Order of Dismissal of appeal filed August 21, 1973 (a copy of which is attached hereto and made a part hereof), from the attorney representing the Petitioner-Appellant in the above entitled matter.

WHEREAS, the said attorney for the said Petitioner-Appellant requests that the appeal filed on behalf of said Petitioner be dismissed and withdrawn as of August 21, 1973.

IT IS HEREBY ORDERED, this 22nd day of August, 1973, that said appeal be and the same is DISMISSED.

> COUNTY SOARD OF APPEALS OF BALTIMORE COUNTY

245 pm

PETITION FOR RECLASSIFICATION BEFORE THE N/S of Hollins Ferry Road, 25' E of Charleston Avenue, 13t. District COUNTY BOARD OF APPEALS John MacLeod - Petitioner No. 72-222-R (Item No. 25)

ORDER OF DISMISSAL WITHOUT PREJUDICE

. . . .

Mr. Clerk:

Please enter the above entitled appeal 'Dismissed Without Prejudice" on behalf of the Appellants John MacLeod, Elsie K. MacLeod and the Contract-Lessees Mr. Alvin Lapidus, et al.

> James D. Nolan Attorney for the Petitioner and Lessees Nolan, Plumhoff & Williams

I HEREBY CERTIFY that on this 21st day of Clugenst 1973, a copy of the foregoing Order of Dismissal Without Prejudice was mailed to Mr. Benjamin Volluse, President, Patapsco Terrace Improvement Association, Inc., 3271 Rverson Circle, Baltimore, Matyland 21227, and Ms. Janice Balderson, 3132 Ryerson Circle, Baltimore, Maryland, 21227,

James D. Nolan

PETITION FOR RECLASSIFICATION \*
N/S of Hollins Ferry Road, 25' E
of Charleste. Avenue, 13th District \*
John MacLeod - Petitioner
No, 72-222-R (Item No, 25) \* BEFORE THE ZONING COMMISSIONER \* OF BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Compatationer

Piease enter an Appeal to the Board of Appeals from your Order of March 2, 1973, and each and every part thereof, on behalf of the Petitioner Mr. John MacLeod and the Lessees, Mr. Alvin Lapidus, et al.

Attorney for the Petitioner and Lessees

Nolan, Plumhoff & Williams Nolan, Plumhoff & Williams 204 West Pennsylvania Ave. Towson, Maryland 21204 Telephone: 823-7800



NOLAN, PLUMHOF & WILLIAMS

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT TRACT B.L.

The Petitioners state that the County Council committed at least the following errors in classifying the subject parcel of 6.11 acres in a B.L. classification:

- 1. That a review of Lansdowne-Baltimore Highlands Map 2A reveals that no B.R. zoning whatsoever was placed on the said map by the Council despite a patent need for such zoning in this area.
- 2. That the available utilities are more than adequate to allow this property to be developed on a B.R. basis.
- 3. That a review of the Zoning Map in this area shows that the area is heavily saturated with B.L. zoning and various districts, but the need for B.R. zoning is totally unmet.
- 4. That the Council's error in placing this subject tract in a B.L. zone is readily understood when viewed against the background under which the Council labored during 1970-1971; including, but not only, a hostile press, an emotional and misinformed public, improper pressures, including even physical threats "rost every quarter, not to mention the magnitude of the task versus the time and resources available to the Council.
- 5. That the Council, in addition to its other handicaps, did not have the benefit of an adequate, adopted Master Plan as required by Section 22.12 et seq. of the Baltimore County Code (1968 edition); and, thus, the Council was like a ship without a rudder trying to navigate in a typhoon.
- 6. That the Council hearing of March 24, 1971, was not a proper, legally conducted legislative hearing, and this subject property and many other properties were not adequately or properly considered at that meeting, constituting further error by the

7. For such other and further reasons as may be disclosed upon minute study throughout this case, and further error by the Council is hereby assigned and will be noted when and as found.

Respectfully submitted,

James D. Nolan Attorney for the Property Owners

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IVED FOR FILING X

County Council at the time of the adoption of the Comprehensive Zoning Map in 1971, and reaffirmed the Order of 1964 granting B. L. zoning for the said The Comprehensive Zoning Map as adopted on March 24, 1971, is

It is obvious that the subject property was studied by the Baltimore

(1)

presumed to be correct and the burden of proving erfor is borne by the Petitioner. This burden has not been met.

Therefore IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_ 2 day of \_ March\_, 1973, 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

CIVIL ENGINEERS & LAND SURVEYORS 101 SHELL BUILDING . 200 EAST JOPPA ROAD

MESCRIPTION FOR REZONING, HOLLINS FERRY ROAD AND CHARLESTON AVENUE, 13TH DISTRICT, BALTIMORE COUNTY,

TOWSON, MARYLAND 21204 . VAlley 3-8820

BEGINNING for the same at a point on the North side of Hollins Ferry Road, 70 feet wide, at the distance of 25 feet measured Easterly from the East side of Charlesto Avenue, 60 feet wide, said point being at the cut off connecting the North side of Hollins Ferry Road and the East side of Charleston Avenue and running thence and binding on said cut off North 44 Degrees 09 Minutes 14 Seconds West 36,84 feet to the East side of Charleston Avenue herein referred to and running thence and binding thereon North 3 Degrees 18 Minutes 40 Seconds East 47.25 feet, Northerly by a curve to the left with a radius of 730.00 feet the distance of 84.08 feet, and North 3 Degrees 20 Minutes 18 Seconds West 177.32 feet thence leaving the East side of Charleston Avenue and running North 87 Degrees 06 Minutes 0º Seconds East 879.55 feet and South 10 Degrees 34 Minutes 00 Seconds West ~67.29 feet to the North side of Hollins Ferry Road herein referred to and running thence and binding thereon Due West 306,29 feet, Westerly by a curve to the left with a radius of 2535,00 feet the distance of 113,07 feet and South 87 Degrees 26 Minutes 40 Seconds West 338,69 feet to the place of

CONTAINING 6,52 acres of land, more or less,



10,14,71

Item #25 (Cycle Octo) 1971 - April 1972) Property Cumer: John. d Elsie K. Macleod Page 2 Kovember 2, 1971

#### Sediment Control:

Development of this property through stripping, grading and stabilisation could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, messary for all grading, including the stripping of top soil.

Sediment control drawings will be required.

Public water facilities are available to benefit this property. The proposed private improvement ist be reviewed by the Baltimore City, Mater Division for adequacy of water mupply.

Supplementary fire hydrants and improvements to the public system may

Service within the site from the public system must be in accordance with the Baltimora County Ballding, Plumbing and Fire Prevention Codes. The service commettion to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

#### Sanitary Sewer:

Public sanitary sewer facilities are available to benefit this property. revenents to the public system may be required.

The Petitioner is entirely responsible for the construction of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

ELISARTH N. DIVER, P.E. Chief, Bureau of Engineering

SW 6 B & C Topo Sheets

LAW OFFICES OF NOLAN, PLUMHOFF & WILLIAMS

O4 WEST PENNST VANIA AVENUE

August 23, 1972

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

> Re: Petition for Reclassification for John MaCleod #72-222-R Hollins Ferry Road and Charleston Avenue

#### Dear Commissioner DiNenna

FAILE PLUMHOFF

It is my understanding that the DR 16 Reclassification on First Cycle Case No. 47, namely, a petition by John MaCleod covering a 3.79 acre tract immediately to the west of the tract in this case was granted, and that no appeal has been taken.

We would respectfully direct your attention to this case, both as a zoning change in the neighborhood and as all the more reason to permit this office's client, Mr. St. John, to construct the commercial enterprise which he proposes on the neighboring

Thanking you for your consideration of this nearby zoning change, I am, with best personal regards,

Sincerely,

James D. Nolan

JDN:ak Alvin Lapidus, Esquire Mr. Edward St. John

-- NIC 24 '72 14 -

JONING UNPASIME

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

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

RE: Property Owner: John and Flyie K. Macland Location: N/E Cor. Hollins Ferry Rd. and Charleston Ave. Present Zoning: B.L.
Proposed Zoning: Reclass. to B.R.
13th District Sector: Southwestern No. Acres: 6.52 Item No. 25

The following comments were compiled after a field investigation and an in-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 northeast corner of Hollins Ferry The subject property is located on the northeast corner of Hollins Ferry Road and Charleston Avenue. There is a large wocant lat partially wooded on its northernmost boundary. There are row homes on the northeast and southwest side of the subject property. Directly to the south is the Riverview Elementy School The property to the west of the subject side is vacant land and was the subject of a reclassification petition under the previous cycle Case No. 72-95-R

The petitioner's plat as submitted does appear to meet the Zaning Commissioner's rules of procedure.

Very truly yours,

Oliver L. Myer OLIVER L. MYERS, Chairman

DATE .

1 2 35, 312

JJDJr.:msh

BAL. MORE COUNTY, MARYLA. J

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

BAL AORE COUNTY, MARYL 'ID

INTER-OFFICE CORRESPONDENCE

SUBJECT. Item #55 (Cycle October 1971 - April 1972)
Property Owner: John and Elsis K. Meslaed
Location: M/c correr Hollins Parry Road and Charleston Avenue
Present Zoning: R...
Proposed Zoning: haclass, to B.R.
District: 11th Sector: 5. threate...
No. Acres: 6.52
No. Acres: 6.52

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection

This plan is in agreement with the tentative plan for Patapaco Terrace as approved March 18, 1961.

Hollins Forry Road is an existing public road which is to be improved to a Mi-foot cross-section on a 70-foot right-of-way in conjunction with the development of this site.

Public storm drains are required to convey offsite run-off through this

A public storm drain system in Charleston Avenue will be necessary to the north to pick up an existing system at the intersection of Higley Avenue. (Drawing  $\#_{i}$ 0-01),  $_{i}$ -0.

A public storm drain system through the shopping center site will be necessary to pick up the public system shown on Drawing #5h-Olh, A-9, as well as additional offsite drainage to this site.

The Petitioner must provide necessary drainage facilities (temporary or premarent) to prevent creating any misanose or damages to adjacent properties, appearailly by the consentration of surface vaters. Correction properties, appearailly by the consentration of surface vaters. Correction and the consentration of surface vaters. Correction contains a second of the consentration of the consentration of the contains and the contains a second of the contains and the contains a second of the contains and the contains a second of the contains a s

Charleston Avenue is a proposed road which is to be improved with a 36-foot cross-section on a 60-foot right-of-way. Sidewalks and entrances must be installed in accordance with the standards of the Department of Public Works.

FROM Ellsworth N. Diver, P.E.

Date November 2, 1971

S. Eric DiNenna Attn: Oliver L. Myers

Storm Drains:

November 4, 1971

FROM: C. Richard Moore

SURJECT: Item 25 - Cycle Zoning II Property Owner: John & Elsie K, Macleod Hollins Ferry Road and Charleston Avenue Reclass, to BR

The subject petition is requesting a change from BL to BR which create no major change in trip density.

CRM: nr

BALTIMOTO CONTROL CONT

DISTRICT SECRETARY CONTRACTOR (TESTING OF PERSON . . . ( -171 - Aren 7:

Petitioner: John & Elsie K. Michelle

Location NIE can Herem. Fenn. Po 4 Chineses Lie.

District: 13

Present Zoning: B :

Proposed Zoning: But

No. of Acres: 4.51

Comments: to REFERE ON TRANSPORT POPULATION SINCE THE IS ALTERDY ZONED COMMERCIAL

S. Eric DiNenna, Zoning Commissioner Attention: Mr. Hyers

FROM: Fire Prevention Bureau Fire Department

SUBJECT: Property Owner: John of Diplo I. Macleod

LOCATION:

mil for cities ferry road and Charleston Avenue

ITEM #2

goning Agenda: Op le for % wher 71

(x) 1. 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

( ) 2. A second means of access is required for the site.

( ) 3. The dead-end condition shown at \_\_

exceeds the maximum allowed by the Pire Department.

( ) 4. The site shall be unde to 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 prior to occupancy or commencement of operations.

(X) 5. 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.

( ) 6. The Fire Department has no comment on the proposed site.

Note: Above comments indicated with a chr :k apply.

## BALTI. DRE COUNTY, MARYLAI.

INTER-OFFICE CORRESPONDENCE

UT THE PARTICULAR STATE OF THE
ober 22, 1971
55 8999
eting, October 21, 1971

25. Property Owner: John and Elsie K. Macleod
Location: N/\* Cor. Hollins Ferty Rd. and
Charleston Ave.
Present Zoning: B.L.
Proposed Zoning: Reclass. to B.R.
District: 13th
Sector: Southwestern
No. Acres: 6.52

Metropolitan water and severs must be extended to building site before building permit is approved.

Food Services Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, 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 Departmen of Health.

Sanitarian II

Water and Sever Section
BUREAU OF ENVIRONMENTAL HEALTH

HVB: ca



#### CERTIFICATE OF PUBLICATION

BALTHORE COUNTY. MD. March 9, 1972
THIS IS TO CENTRY. That the ennexed advantagement was
published in THE TIMES, a weekly newsruper printed and published
in Saltimere County. Md. ence in each of One
successive weeks before the 2781
day of Karch, 1972, the first publication

THE TIMES

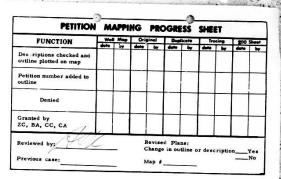
John M. Martin

Cost of Advertisement. \$ 25.50 PO J 8525 Rev. No. B1625



### CERTIFICATE OF PUBLICATION

st of Advertisement, \$....



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# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District. 13	Date of Posting APRIL 2019
Posted for . ATPEAL	
Petitioner JOHN MAC LEGS	
Location of property: 1/5 OF HA	MASTERRY Rd. 25.17. F. OF AUG CHENYRD, WILL BASSIAN, Rd.
Location of Signs (2) N.S. a.E.Halle	esterny Rd. 35 Fin The State Rd.
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200 16	Pennsylvania Ave	ş
Tennen.	Moles, Bog. Samplianto Ass Saryland 21204	Š

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BALTIMORE COUNTY OFFICE OF PLANNING AND ZONEM

County Office Building 111 V. Chesepastic Avenue

Your Patition has been received and accepted for filling

his 22nd day of February

A Little Williams - Zaning Commissioner

Potitioners John and Elpio E. Instead
Potitioner's Attorney Joseph B. Males

tound by Mines J. Marcoft Chairman of Advisory Commission District. 13 TH

District. 13 TH

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District of RECLASSIFICATION.

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	BALTIMORE COMNTY, MARYLAND OFFICE OF FINANCEREVENUE DIVIT IN MISCELLANEOUS CASH RECEIPT	111,08
	DATE July 13, 1973 ACCOUNT	-01-662
	AMOUNT	\$15.00 (
A	white cashies Pink Acetev Newton A. Williams, Esquire Cost of Posting Property of John M	VELLOW - CUSTOMER
	Hearing N/S of Hollins Ferry Road, 25' E	
	15th District 18 6 3 Full 13 Case No. 72-222-R	1 5.0 CHS

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	<b>th.</b> 2108
DATE March 27, 1972 ACCOUNT	01-662
AMOUNT_	\$135.00
Alvin Lapidus, Esq. 505 Blaustein Building	* YELLOW - CUSTOMER
dvertising and posting of peoperty	for John MacLeod

BALTIMORE COUNTY, PARYLAND office of PMARCE: REVEN DIVISION MISCELLANEOUS CASH RECEIPT	271
DATE NOV. 3, 1971 ACCOUNT	01-662
AMOUNT_	\$50.00
MHITE CASHIER PHE ASSECT HOSSES, No. 18, 21204 M. Penna, Ave. Tousses, Hd. 21204 Petition for Reclassification	II and
Petition for Metissiffication	

BALTIMORE "QUINTY, MARYLA OFFICE OF FINALLE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE April 2, 1973 Accou	UNT 01-662
رسام ۱۸	S70.00
WHITE - CASHIER PING - AGE	No. 72-222-R
/	No. 72-222-R 1, 25' E of Charleston



D2.105 PROPOSED DRIVE PROPOSED STORES DR 10.5 PROPOSED DRIVE PROPOSED PARKING (2) b PROPOSED PARKING (3) ROAD FEX. Orain FER Dran - HOLLINSO FERRY - (70' R/W) RIVERVIEW ELEM. SCH. JOSERH D. THOMPSON ENGINEER & SURVEYOR TOT SHELL BLDG 200E JOPPS RD TOWSON, MD. 21204



VICILITY MAP

PATETING ZONING BL
PROPERSON ZONING BR
LEFA OF SITE & 52 AUF
PATENSON SECTION STATES
STUDIO 220 220 SPACES

PARENT OF THE PARENT STO GRACE

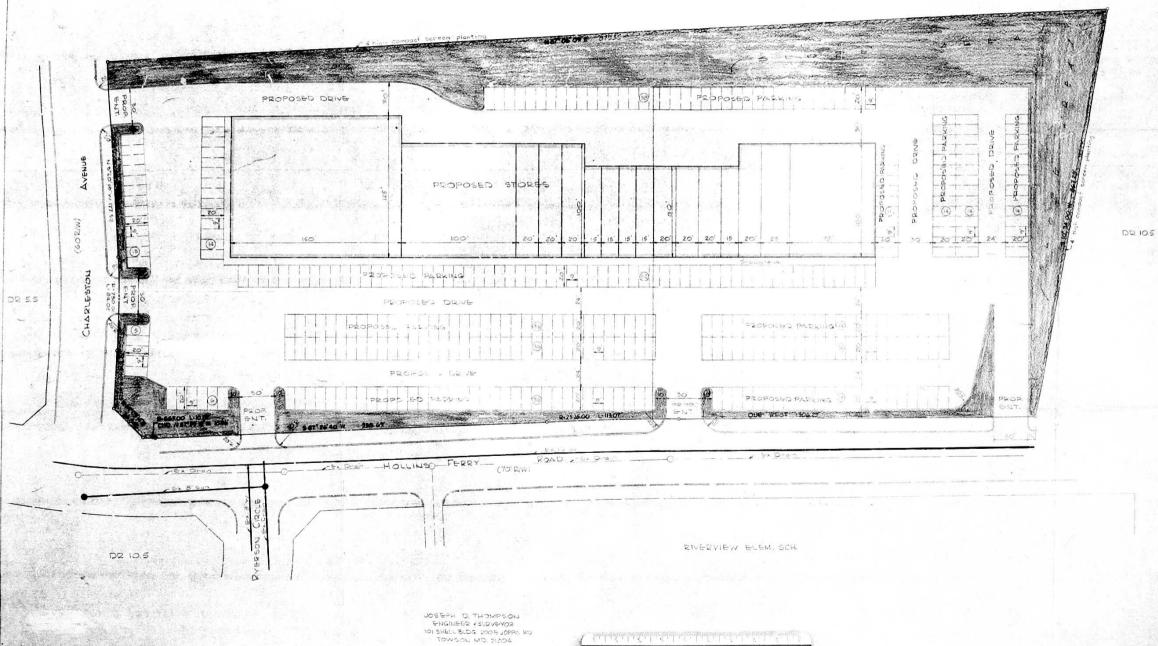
Quele 1 E. Spellman

PLAT FOR REZONING

LANDSDOWNE SHOPPING PLAZA HOLLINS FERRY RD & CHARLESTON AVE.

ELECT. DIST Nº 13 BALTO CO MD S SCALE: 1":30" OCT 14, 1971

MICROFILMED



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