

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
 Millard A. Spivey and Thelma F. Spivey, his wife,
 I, or we, and Wallcrafters, Inc., 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 an D.R. 5.5 zone to an M.L. zone; for the following reason: There was error in the adoption of the zoning map by virtue of its failure to extend the existing ML zone to the south side of Philadelphia Road and by leaving a small parcel of DR 5.5 zoning surrounded by Philadelphia Road, ML zoning, BL zoning and MLR zoning.

See attached description

MAN 11/2
 SECTION 11/2
 DISTRICT 11/2
 D. H. 11/2
 TYPE 11/2
 HEARING 11/2
 INDEXED 11/2

and 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. We, 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. Millard A. Spivey
 Contract purchaser Thelma F. Spivey
 Address 2000 Viro Street Address 915 Breezewick Road
 Baltimore, Maryland 21223 Towson, Maryland 21204
David B. Quinn Eric D. DiNenna
 Petitioner's Attorney Protestor's Attorney
 Address 212 Washington Avenue
 Address Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd 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 had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of April, 1972, at 10:00 o'clock (over)

ORDER RECEIVED FOR FILING
 DATE 4/23/72 BY John A. Kelly

RECEIVED
 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 111 WEST CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21286
 APR 23 1972
 #72-2312
 #17

ATTACHED TO AND MADE A PART OF PETITION FOR ZONING RECLASSIFICATION BY MILLARD A. SPIVEY AND THELMA F. SPIVEY, HIS WIFE AND WALLCRAFTERS, INC.

REASONS FOR REQUEST FOR RECLASSIFICATION

1. There was error in adoption of the zoning map by virtue of its failure to extend the existing ML zone to the south side of Philadelphia Road and by leaving a small parcel of DR 5.5 zoning surrounded by Philadelphia Road, ML zoning, BL zoning and MLR zoning.
2. Philadelphia Road is proposed to be widened to eighty (80) feet and forms a natural barrier between the parcel requested to be reclassified and the DR 5.5 parcel on the north side of Philadelphia Road.
3. The land between the southernmost line of the parcel requested to be reclassified and Pulaski Highway is all zoned M.L. & B.R.
4. The highest and best use of the parcel requested to be reclassified is ML as the adjoining ML classified land is owned by the Petitioners and will form a continuous ML use from the south side of Philadelphia Road to Red House Run.
5. The proposed reclassification will not adversely affect neighboring properties or be detrimental to adjoining uses.
6. The Petitioners were not the owners of the land requested to be reclassified at the time of the Planning Board and County Council hearings on the new zoning maps.
7. As shown on the Plat of Rezoning the petitioners intend to raze the existing dwelling on the land requested to be reclassified.

Respectfully submitted,

David D. Doones
 Attorney for Petitioners

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

101 SHELL BUILDING - 200 EAST JOFFA ROAD
 TOWSON, MARYLAND 21204 - Valley 3-8830
DESCRIPTION FOR REZONING, PHILADELPHIA ROAD, NORTHEAST OF ROSEDALE AVENUE, FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the Southeast side of Philadelphia Road, 50 feet wide, at the distance of 540 feet, more or less, measured Northeasterly from the Northeast side of Rosedale Avenue, said point being on the dividing line between that land zoned MLR and that land zoned DR 5.5 and running thence and binding on the Southeast side of Philadelphia Road North 48 Degrees 30 Minutes 00 Seconds East 227.50 feet to the dividing line between that land zoned DR 5.5 and that land zoned BL thence leaving the Southeast side of Philadelphia Road and binding on said zoning line South 85 Degrees 30 Minutes 20 Seconds East 181.97 feet and North 63 Degrees 00 Minutes 30 Seconds East 178 feet, more or less, to the dividing line between that land zoned DR 5.5 and that land zoned ML and running thence and binding on said zoning line South 48 Degrees 30 Minutes 00 Seconds West 577 feet, more or less, to the dividing line between that land zoned MLR and that land zoned DR 5.5 herein referred to and running thence and binding thereon North 41 Degrees 30 Minutes 00 Seconds West 175 feet, more or less, to the place of beginning.

CONTAINING 1.35 acres of land, more or less.



10.5.71

QUALIFICATION

B A Washington & Lee University, Lexington, Virginia.
 Fifteen years Real Estate and insurance experience as partner and owner of H. Francis LeBrun Co., 111 W. Susquehanna Ave., Towson, Maryland.
 Licensed Real Estate Broker, State of Maryland.
 Member, Baltimore County Appraiser's Society.
 Member, Multiple Listing Service of Greater Baltimore.
 Member, Real Estate Board of Greater Baltimore.
 Member, Brokers Round Table of Baltimore County.
 Have done Real Estate appraisals for Circuit Court, Solicitors Office, Bureau of Land Acquisition all of Baltimore County, and the State Roads Commission of Maryland. Have testified as Real Estate expert before Zoning Commission, Zoning Appeals Board, Assessment Appeals Board of Baltimore County, Circuit Court of Baltimore County, Circuit Court of Harford County, and Maryland Tax Appeals Court.

SALE
 LeBrun
 BONDING - INSURANCE - REAL ESTATE - APPRAISALS
 111 WEST SUSQUEHANNA AVENUE, TOWSON, MARYLAND 21204
 BR 1581 - BR 8880

- REASONS TO GRANT ZONING**
Reasons for Petition
1. Subject property lies in Commercial and Industrial corridor between Pulaski Highway and Old Philadelphia Road just north of Rosedale Avenue.
 2. Subject property is surrounded by ML, MLR, & BL (CCC) land.
 3. Land lying on W/S Old Philadelphia Road opposite subject is unimproved to a depth of approximately 150' with cemetery behind. Rosedale Fire Hall owns unimproved property on N/W corner of Hamilton Avenue and Old Philadelphia Road and has its fire station on S/W corner.
 4. Planning Board (Item #17) has recommended M.L.R., see page 36.
 5. ML development will not affect values of nearby homes and in fact only two existing homes on W/S Old Philadelphia Road have visibility to subject.
 6. No adverse comments to this request by Baltimore County Zoning Committee.
 7. Proposed improvement to be located on rear portion of subject property and that portion is presently zoned ML.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21286
 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

November 8, 1971

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

RE: Property Owners Millard Spivey, et al
 Location SE/S Phila. Rd., 350' NE of Rosedale Ave.
 Present Zoning: D.R. 5.5
 Proposed Zoning: Reclass. to M.L.
 15th District Sector: Northeastern
 No. Acres: 1.35 Item 17

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 east side of Philadelphia Road just north of Rosedale Avenue, and is currently improved with an old existing frame dwelling. The remainder of the property is all wooded. To the north of this property there are existing dwellings and to the south is an old dwelling and slaughter house which is now abandoned. There is no existing curb and gutter along Philadelphia Road.

As the plat that is submitted indicates that all proposed development will be to the rear of this property, it appears that the petition and plats are in accordance with these regulations. Also a Variance has been applied for the proposed one-story building at the rear of this property under a separate petition.

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

JJDjr:ljd

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

TO: S. Eric DiNenna
 Attn: Oliver L. Myers
 FROM: C. Richard Moore
 SUBJECT: Item 17 - Cycle Zoning II
 Property Owner: Millard Spivey, et al
 Philadelphia Road NE of Rosedale Avenue
 Reclass. to M.L.
 Date: November 2, 1971

The subject petition is requesting a reclassification of 1.35 acres from DR 5.5 to M.L. This reclassification should not create any major increase in trip density. The proposed drive shown on the plan is 100 wide and may create problems to the developer.

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CRN:nr

David B. Quinn, Esq.
 212 Washington Avenue
 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 23rd day of February, 1972
Eric D. DiNenna
 Zoning Commissioner
 Petitioner: Millard Spivey, et al
 Petitioner's Attorney: David B. Quinn Reviewed by: Oliver L. Myers
 Chairman of Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		SDO 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>[Signature]</u>			Revised Plans:				Change in outline or description		Yes	No
Previous cases:			Map #							

