PETITION OR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMPRESSORS OF BALTHRORE COUNTY:

I, or we and Wellerd A. Spilvoy and Thelms P. Spivwy, his wife,

I, or we and Wellersfers. Int. is play owner A of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
hereby postlies of that the soning status of the herein described property be re-classified, pursuant

See attached description unrow blue. See attached description unrow blue. See attached description of the seed Zoning Law and Zoning Beguisdone of Baltimore of property, for the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zoning Beguisdone of Baltimore of the seed Zoning Law and Zon

915 Breezewick Road

Towson, Maryland 21204

r of Baltimore County. 100 17

eporty is to be posted and advertised as prescribed by Zoning Regulations. For we, agree to pay expenses of above re-classification and/or Special Exception advertising, etc., upon Sling of this petition, and further agree to and are to be bround by the zoning does and restrictions of Ballimore County adopted pursuant to the Zoning Law for Ballimore

Contract purchaser

Address 2000 Vino Street

Baltimore, Maryland 21223

NED FOR

ORDER RE

Politicer's Attorney
212 Washington Avenue
rees Towson, Maryland 2120.

(over)

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

REASONS FOR REQUEST FOR RELLASSIFICATION

 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 DRS.5 zoning surrounded by Philadelphia Road, ML zoning, BL zoning and MLR zoning.

 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 DR5.5 parcel on the morth 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. & BR

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.

 The proposed reclassification will not adversely affect neighboring properties or be detrimental to adjoining uses.

 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. Downes
Attorney for Petitioners

JOSEPH D. THOMPSON, P.E.AL.S.

CIVIL ENGINEERS & LAND SURVEYORS

TOWSON, MARYLAND 21204 • VAlley 3-8820

E SCRIPTION 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 Philodelphia 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 or the dividing line butwoen that land zoned NLR and that land zoned NR 5,5 and running thence and binding on the Southeast side of Philodelphia 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 Philodelphia 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 ML and that land zoned ML and that land zoned DR 5,5 herein referred to and running thence and binding thereon North 41 Degrees 30 Minutes 00 Seconds West 577 feet, more or less, to the place of beginning.

CONTAINING 1.35 acres of land, more or less.



10.5.71

1.*

QUALIFICATION

(

B A Washington & Lee University, Lexington, Virginia.

Fifteen years Rea. Estate and insurance experience as partner and owner of H. Francies LeBrun Co., 111 W. Susquehanna Ave., Towson. Maryland.

Jicensed Real Estate Broker, State of Maryland.

Member, Baltimore County Appraiser's Society.

Member, Multiple Listing Service of Greater Ba - Acre.

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 Satate expert before Zoning Commissioner. Zoning Appeals Board, Assessment Appeals Board of Baltimore County, Circuit Court of Baltimore County, Circuit Court of Baltimore County and Maryland Tax Appeals Court.

SALE LeBrun

SCHOING - INSURANCE - REAL ESTATE - APPRAISALS

111 WEST BUSQUEHANNA AVENUE, TOWSON, MARYLAND 21204

REASONS TO GRANT ZONING

 Subject property lies in Commercial and Industrial corridor between Pulaski Highway and Old Fhiladelphia Road just north of Rosedale Avenue.

2. Subject property is surrounded by ML, MLR, & BL (CCC) land.

 Land lying on M/S Old Philadelphia Road opposite subject is unimproved to a depth of approximately 150' with cemetary behind. Rosedale Fire Hall owns unimproved property on N/M corner of Hamilton Avenue and Old Philadelphia Road and has its fire station on S/M corner.

 Planning Board (Item #17) has recommended M.L.R., see page 36.

 MLM development will not affect values of hearby homes and in fact only two existing homes on W/S Old Philadelphia Road have visibility to subject.

6. No ad/erse comments to this request by Baltimore County Zoning

 Proposed improvement to be located on rear portion of subject property and that portion wheth is presently zoned ML. BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1971

oliver L. MYERS Chairman

H

OLIVER L. MYERS Chairmen

BUREAU OF ENGINEERING DEPARTMENT OF TRAFFIC ENGINE; RING

STATE ROADS COMMISSIO BUREAU OF FIRE PREVENTION HEALTH DEPARTMENT PROJECT PLANNING BUILDING DEPARTMENT BOARD OF LDUCATION

INDUSTRIAL

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

6

RE: Property Owner: Millard Spivey, et al Location: SE/S Phila. Rd., 360 ME of Rosedale Ave. Present Zoning: DR. 95.5 Proposed Zoning: Raclass. to M.L. 15th District Sectors Mortheastern No. Acres: 1,35 Item 17

The following comments were compiled after a field investigation and an in-office review which wil' 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 Roadella Avenue, and is currently improved with an old existing frame duelling. The remainder of the property is all wooded. To the north of this property there are existing duellings and to the south is an old duelline and slaughter house which is now obenedued. There is no existing curb and gutter along this lade him to the south is now existing curb and gutter along this lade him key.

As the plat that is submitted indicates that all proposed development will be to the rear of this property, it appears that the patition 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 patition.

Very truly yours,
Myes
OLIVER L. HYERS, Chairman

JJDJr.:JD

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF TRAFFIC JAGGERING
JUFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORESPONDENCE

S. Eric DiNenna
TO. Attn: Oliver L. Myers
FROM: C. Richard Moore

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.

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

C. Richard Moore Assistant Traffic Engineer

Date November 2, 1971

H:nr

FUNCTION	Well Map		Original		Duplicate		Trocing		200 Sheet	
Telletion	date	by	tale	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline									6	
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by:	/		C	hange	d Plan	dine o	r desc	riptio	<u>-</u>	

Growing With Baltimore County Since 1935

JUN 26 1972

P	tursuant to the advertisement, posting of property, and public hearing on the above petition and
it app	earing that by reason of error onthe origina) zoning map and the health, safety
and g	eneral welfare of the community not being adversely affected.
the ab	ove Reclassification should be had; and the durcher appearing that by announce of coccess coccess
·	
».Spec	el fluorites for traccomocomocomocomocomocomocomocomocomocides i des grantes.
п	IS ORDERED by the Zoning Commissioner of Baltimore County this
	April
110	te is hereby reclassified; from a D.R. 5.5
	I, from and after the date of this order, subject/ts/approval of the site plan by
State of Put	Highway Administration, Bureau Services and the Office of Zoning Commissioner of Baltimore County
Pu	migrant to the advertisement, posting of property and public hearing on the above petition
and it a	Pearing that by reason of
	8
	÷
the abo	ve re-classification should NOT BE HAD, and/or the Special Exception should NOT BE
GRANT	100 E
GRACNI	ED.
IT	IS ORDERED by the Zoning Commissioner of Baltimore County, thisday
of	
DENIEL	and that the above described property or area be and the same is hereby continued as and
to rema	in azone; and/or the Special Exception for
	be and the same is hereby DENIED.

David D. Downes, Esq.

ZONING ADMINISTRATION DIVISION:

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

This patition 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 zore than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Oliver L. Myens

Very truly yours,

Zoning Commissioner of Raltimore County

OLIVER L. MYERS, Chairman

JJDJr.:JD

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

David D. Downes, Esq., 212 Washington Avenue Towson, Haryland 21204

RE: Type of Hearing: Reclass, to H.L. Location: SE/S Phila, RG., 360' NE of Resorble Ave. Petitioner: Millerd Spivey, et al 15th District Item 17

D1. No. 17 ()

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 just north of Rosadale Avenue and is currently improved with an old existing frame dealing. The remainder of the property is all wooded. To the north of this property there are existing denlings, and to the south is an old dealing and slaughter house which is now abundaned. There is no existing curs and gutter stong Philadelphia Road.

BUREAU OF ENGINEERING:

The following commants are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Philadelphic Road is . State road; therefore, ell improvements, intersections, entrances and drainage control on this road will be subject to State Highway Administration requirements.

DATE & TIME WEDN PRILS, 1972 at 1:00 P.M.

The subject site is traversed by Red House Run, a major tributary of Back River. The site has recently been subject to considerable inundation.

Comment of the contract of the contract of

David D. Downes, Esq. Item 17 Page 2

In accordance with the dramage policy for this type development, the Petitioner is responsible for the total actual cost of dramage facilities Petitioner is responsible for the total actual cost of drainage facilities resurted to carry the storm water run-off through the property to b. developed to a suitable outfail. The Petitioner's cost responsibilities include the acquiring of easements and rights-of-way both on site and off site - including the decoding in fee to the County of the rights-of-way, Preparation of all cost struction, rights-of-way and easement developes and eatleant developes the decoding in the total control of the responsibilities of the Petitioner. of the Petitioner.

Open stream drainage requires a drainage reservation 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.

On site drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private. Therefore, construction and maintenance shall be the Petitioner's responsibility, subject to the Baltimore County Building and Plumbing Codes.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent proporties, especially by the concentration of surface unters, Correction of any problem which may result, due to feroper grading or improper installation of drainage facilities, would be the full responsibility of the Patitioner.

The Petitionar's intention: with regard to drainage control, public or private are not indicated on the plan received.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sodimant pollution problem, champing private and public holdings domastream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Water and Sanitory Sowers

Public water and sanitary sowers are available to provide service to this property.

BOARD OF EDUCATION:

Very little affect on student population of anything, it would result in a loss of 1 or 2 potential pupils.

N. MEN

District 15 Posted for Heavy Wed spr. 5" 17126 / 60 5.Me Petitioner Mil ard A Spiny Location of propert, SE/S & Phila Rd 5 to E & Resedul an Location of Signe I Segin Posted on SE/S & The Rel Opper 5 40' East of Resetale on BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE SION

INDUSTRIAL DEVELOPMENT COMMISSION:

FIRE DEPARTMENT:

HEALTH DEPARTMENT:

The Industrial Development Commission has reviewed the subject petition and visited the site. As expressed at the time the maps were being prepared, this office believes the use of residential strip zoning along industrial zones is inappropriate and tends to dater orderly development of land.

The Industrial Development Commission believes the logical classification for this property is <u>Industrial</u> and recommends that the petition be given favorable consideration.

Fire hydrants for the proposed sise(are required and) shall be in accordance with Baltimore County Standards.

The hydrants shall be located at intervals of 300 feet along an approved read.

The owner shall comply with all applicable requirements of the National Fire Protection Association Standard No. 10:, "The Life Safety Code", 1967 Edition, and the Fire Pruvention Co."n when construction plans are submitted for approval.

The proposed entrance to the subject site must be eligned at or near 90° to Philadelphia Road. The frontage of the site must be curbed with concrete curb and gutter.

It is our opinion that the plan should be revised prior to a hearing date being assigned, The entrance will be subject to State Highway Administration approval and permit.

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 Haryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Saltinna County Department of Health

CERTIFICATE OF POSTING

#72-231-R

Date of Posting 3-16-72

Date of return 3-23-72

No. 2117

BALTIMORE COUNTY, MARYLA'D MISCELLANEOUS CASH RECEIPT DATE Oct. 27, 1971 ACCOUNT 01-662 AMOUNT \$50.00 PINK - ACTION Messrs. Downes & Deltz 212 Washington Ave. Towson, NJ. 21204 Petition for leclassification for Millard As Spingymet al

March 30, 1972Account 01-662

PINK - AGENCY HERSTE, Domes & Dette 212 Vashington villow-cutomen Neestra, Domes & Dette 212 Vashington virlown, Md. 21204
Advertising and gaging of property for Hillard Splyys 722-231-8

AMOUNT \$128.50

SFFICE OF RANDALLSTOWN, MD. 21133 | Harch 20 - 19 72 Present Zoning DR 5.5 Proposed Zoning ML All that pared of land in the Steamh District of Baltimore THIS IS TO CERTIFY that the amount advertisement of Eric Disease.
Zening Commissioner of Baltimere County was unserted in the following. Catorsville Times Dardalk Times XX Free Lines Towson Times Artic is Times L. Community Times - sublished on Baltim seck for __ one of Karch 19 72 the issue of March 9, 1972. STROMBERG PUBLICATIONS. INC.

CERTIFICATE OF PUBLICATION

appearing on the 16th day of Harch

10 72 THE JEFFERSONIAN

Cost of Advertisement, \$

