

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Edward J. Warren, 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 (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... to an... B.L.... for the following reasons:

See attached description
(See attached brief)

and (2) 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.

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.

Contract purchaser Edward J. Warren
Legal Owner
Address 1016 Plover Drive
Baltimore, Md. 21227
Protestant's Attorney John E. Cicone
411 Jefferson Building
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of July, 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 166, County Office Building in Towson, Baltimore County on the 8th day of September, 1972, at 1:00 o'clock.

Eric DiNenna
Zoning Commissioner of Baltimore County

(over)

The property that remains between the improved parking area and the northernmost property line is approximately ninety (90) feet in width. Since this portion of the property is part of an overall tract, and cannot be expected to support or defray the cost of improvements to Herbert Run, it does not seem logically or reasonable to expect it to remain in a D. R. 3.5 classification. However, a residential buffer strip of a lesser width should be retained between the subject property and the residential property.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 22nd day of December, 1972, that the herein described property or area should be and the same is hereby Reclassified from a D. R. 3.5 Zone to a B. L. Zone, saving and excepting therefrom the two (2) following parcels that are to remain in a D. R. 3.5 classification. All that area between the center line of Herbert Run and the north zero 1 degree 43 minute - 40 second east 242.62 foot property line; a thirty (30) foot wide buffer strip; being located adjacent to and binding on the south side of the south 66 degree 43 minute 30 second east 209.57 foot property line, between the westernmost right of way of Leeds Avenue as laid out 49 feet wide, and the center line of Herbert Run.

Further, the Reclassification and all future improvements shall be subject to a plan approved by the Department of Public Works, Department of Traffic Engineering, and the Office of Planning and Zoning.

James E. Hagan
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
CATION : DEPUTY ZONING
W/S of Leeds Avenue, 32.5' N of :
Maiden Choice Lane - 13th District :
Edward J. Warren - Petitioner : COMMISSIONER
NO. 73-41-R (Item No. 26) :
OF
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County this 32nd day of January, 1973, that the Order, dated December 22, 1972, passed in this matter, should be and the same is hereby AMENDED on Page 3 by deleting all reference to D. R. 3.5 and in lieu thereof, inserting D. R. 5.5.

James E. Hagan
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
CATION : DEPUTY ZONING
W/S of Leeds Avenue, 32.5' N of :
Maiden Choice Lane - 13th District :
Edward J. Warren - Petitioner : COMMISSIONER
NO. 73-41-R (Item No. 26) :
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D. R. 5.5 Zone to a B. L. Zone. The tract in question is located on the west side of Leeds Avenue approximately ninety-three (93) feet north of Maiden Choice Lane, in the Thirteenth District of Baltimore County and consists of .7 of an acre, more or less.

The Petitioner's attorney described the property as having one hundred and eighty-three (183) feet of frontage on Leeds Avenue with a depth of 209.57 feet along the north property line, and a depth of 129.94 along the south property line. The rear or westernmost third of the property is traversed and/or bisected by Herbert Run Stream and accompanying flood plain area. The front portion of the property is improved with an existing one (1) story block office building with a depth of seventeen (17) feet and a length of eighty (80) feet. The present zoning map establishes B. L. zoning on approximately twenty-five (25) percent of the overall tract and D. R. 5.5 zoning on the other seventy-five (75) percent. The B. L. - 5.5 zoning line, as presently established, bisects the existing office building approximately in the center. The following reasons were given as basis for error in the present zoning map:

1. The present zoning designation does not permit the highest, best or most logical use of the property and has depreciated the land, improvements and use by placing it in a non-conforming category.
2. Properties directly adjacent to existing site opposite Leeds Avenue are zoned and used commercially.
3. Zoning lines, as presently mapped, do not conform to property lines.

- 1 -

Mr. Edward J. Warren testified in his own behalf. His testimony was, in effect, as follows:

Mr. Warren explained that he has on several occasions, observed the zoning maps during the past several years both before and after the present maps were adopted. However, because property lines are not indicated on the map, he had misinterpreted the amount of zoning in the area of his property. Property was commercially zoned in its entirety. The error was discovered while processing a request to relocate a neighborhood hardware store on the undeveloped portion of the subject property.

Mr. Warren also pointed out that, under the present classification (D. R. 5.5), the undeveloped portion of the property falls within the residential transitional area and, as such, can only be developed with a one (1) one-family detached dwelling unit that could not be expected to defray the cost of the required improvements to the Herbert Run flood plain area.

The only area residents present at the hearing were Mr. and Mrs. John Forgacs, who reside on the adjoining property at 4606 Leeds Avenue. They indicated that they had been informed that their home was located within the alignment of the proposed Lansdowne Boulevard Extended, and that their attendance at the hearing was for the purpose of observing and perhaps gaining additional information, with regard to this alignment.

OPINION

Based on the above testimony and the recommendations of the Baltimore County Planning Board, it is the opinion of the Deputy Zoning Commissioner, that an error does exist, insofar as the zoning designation on the subject property is concerned.

The last paragraph of the Planning Board recommendation under Item No. 26 states:

"The Planning Board therefore recommends that B. L. zoning for that portion of the property encompassing the existing office building and parking area and that said zoning extends to the center line of Herbert Run; D. R. 5.5 zoning should be retained for the remainder of the property, so as to buffer this commercial operation from the adjacent residences."

- 2 -

MARYLAND SURVEYING AND ENGINEERING CO., INC.

6707 WHITESTONE ROAD • BALTIMORE, MARYLAND 21207 • TELEPHONE: 301-944-9291
ENGINEERING • SURVEYING • PLANNING

ZONING DESCRIPTION
EDWARD J. WARREN PROPERTY
4616 LEEDS AVENUE

Beginning for the same at a point on the West Side of Leeds Avenue, 40 feet wide said point being situated N 23° 08' 30" E, 92.5 feet more or less from the intersection form: by the North Side of Maiden Choice Lane 40 feet wide and the West Side of Leeds Avenue 40 feet wide; thence leaving said Point of Beginning and running and binding Northwesterly 96 feet more or less along the present zone line separating the B.L. zoned area from the D.R. 5.5 area; thence running and binding on said zoning line Southwesterly 70 feet more or less; thence leaving the aforesaid zoning line and running N 66° 43' 30" W, 8 feet more or less; thence N 01° 43' 40" E, 242.62 feet; thence S 66° 43' 30" E, 209.57 feet to intersect with the Northwesterly Side of Leeds Avenue; thence running and binding on said Leeds Avenue S 23° 08' 30" W, 183 feet more or less to the place of beginning.

Containing 0.708 acres more or less.

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

RE: Property of Edward J. Warren

Dear Mr. DiNenna:

I am filing a petition in the above-subject case and wish to cite as a basis the following reasons which constitute error in the zoning maps signed March 24, 1971.

1. Existing use has become non-conforming because of Council action in zoning the subject site.
2. Properties directly adjacent to existing site opposite Lee's Avenue are both zoned and used commercially.
3. Zoning lines do not conform to property lines.
4. And for such other and further sufficient reasons to be shown at the hearing hereof, which will show the error in the adoption of the maps, and change in the character of the neighborhood.

Very truly yours,

Frank E. Cicone
Frank E. Cicone

FEC:kn

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972

COUNTY OFFICE BUILDING
111 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

MEMBERS
COUNTY OFFICE BUILDING
111 E. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

RECLAMATION OF
EDWARD J. WARREN
4616 LEEDS AVENUE
BALTIMORE, MARYLAND 21227

SCALE: _____ ft. - 1 inch
File No. _____

Signed This 24th day of March, 1972
J. Stuart Russell

Very truly yours,
Oliver L. Hagan
Oliver L. Hagan, Chairman
John J. Hagan
John J. Hagan, Secretary

FEB. 14, 1973

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: 
 Previous case: _____

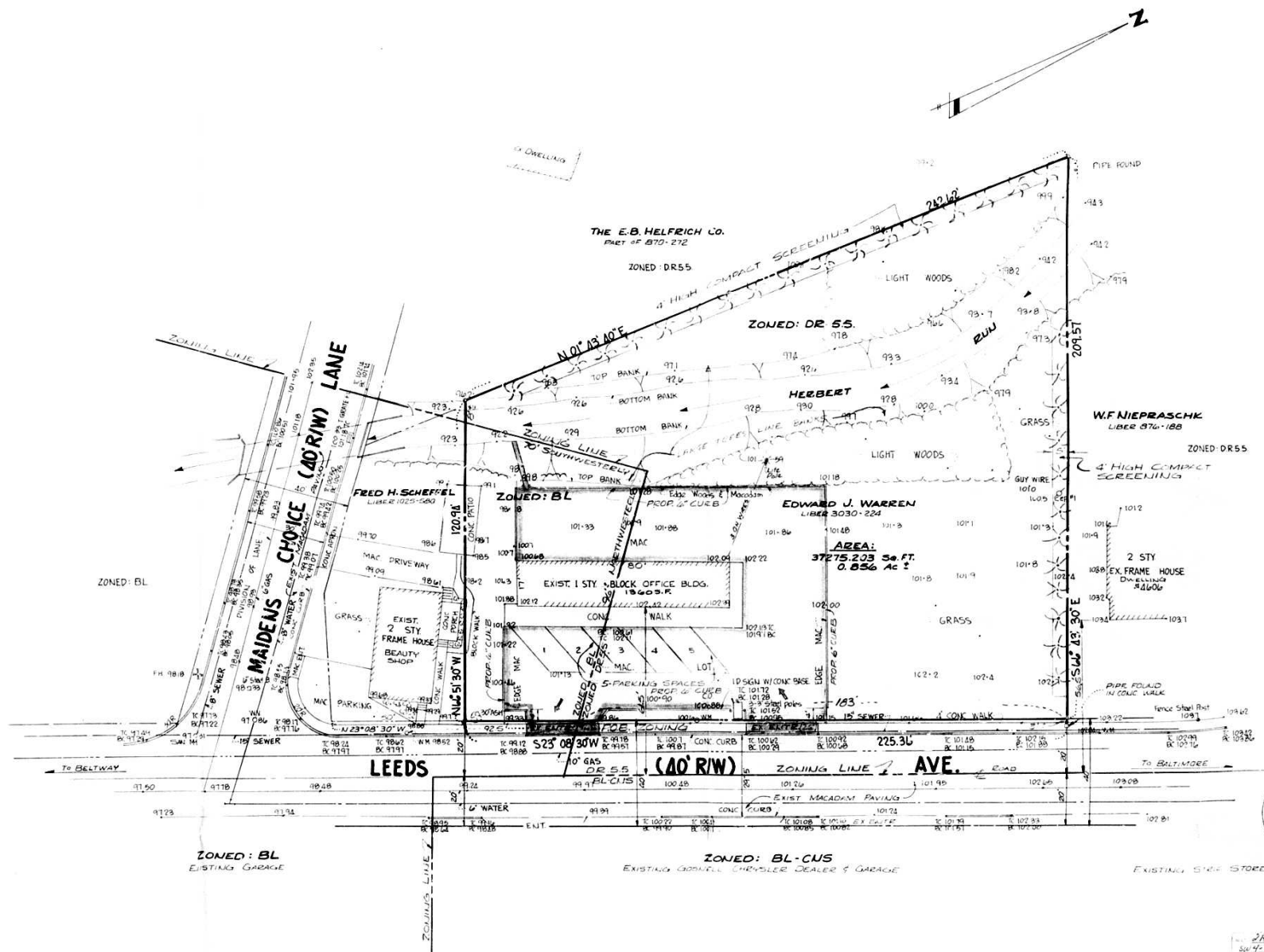
Revised Plans:
 Change in outline or description _____ Yes
 _____ No
 Map # _____



LOCATION MAP
SCALE: 1"=2000'

- NOTES:
1. COORDINATES AND BEARINGS SHOWN ARE BASED ON DEEDS
 2. ELEVATIONS SHOWN ARE BASED ON ASSUMED ELEVATION OF 100.00' SEE FILE # 79646
 3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
 4. THE LINES AND GRADES OF THE PROPOSED ROADS SHOWN HAVE BEEN OBTAINED FROM PLANS OF THE LOCAL HIGHWAY AGENCIES. THEY ARE SUBJECT TO CHANGE UNTIL ACTUAL CONSTRUCTION.
 5. UTILITY COMPANIES:
CHESAPEAKE & POTOMAC TELEPHONE COMPANY
320 ST. PAUL STREET, MORE, MD. 21202
BALTIMORE GAS & ELECTRIC COMPANY
LEWIS & LIBERTY STREETS, BALTIMORE, MD. 21202

'LEEDS'
PLAT: 1 SECTION: B



ZONING NOTES

1. EXISTING ZONING: PART BL & PART DR 5.5
2. PROPOSED ZONING: BL
3. EXISTING USE: OFFICES
4. PROPOSED USE: OFFICES
5. PARKING REQUIRED: 5 SPACES
6. PARKING PROVIDED: 5 SPACES
7. EXIST ELECTION DISTRICT: 13TH

ZONING MAP NO. 2A



ENGINEER'S CERTIFICATION
I HEREBY CERTIFY THAT I HAVE SURVEYED THIS PROPERTY
AND THE MARKERS ARE IN PLACE AS DESIGNATED.
DATE: 3-20-72
BY: Robert Cassell, P.E. & L.S. No. 11857

4616 LEEDS AVE.
19TH. DIST. BALTIMORE CO. MD.
FOR
EDWARD J. WARREN INC.
610 EDMONDSON AVE.
BALTO. 21218 MD.
ZONING PLAN

CHECKED BY: J.E.B.
SCALE: 1"=20'
AUTH. NO.:
DRAWN BY: E.M.N.
DATE: 3-20-72
FILE: 2280
PREPARED BY:
MARYLAND SURVEYING AND ENGINEERING CO., INC.
SUBSIDIARY OF LYON ASSOCIATES, INC.
6707 WHITE STONE ROAD
BALTIMORE COUNTY, MARYLAND 21207
TELEPHONE 301-944-9291

FEB. 14, 1973