

73-54-RX PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Aaron L. Schreiber, 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 zone to an D.R. 16 zone, (2) Special Exception; for the following reasons:

SEE ATTACHED BRIEF

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Office.

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 Aaron L. Schreiber Legal Owner
Address 115 Slade Ave.
Pikesville, Md. 21208

Address 1416 Clarkview Rd. Balto., Md. 21209

Raymond Feinberg
Petitioner's Attorney

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 1973, 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 106, County Office Building in Towson, Baltimore County on the 20th day of September, 1973, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

The applicant herein desires a change in the zoning designation from DR5.5 to DR 16 with special exception for office use for the within described property for the following reasons. That the Planning Board and County Council erred in placing DR 5.5 zoning on said property because by virtue of the contiguous BL Zoning and Special Exceptions heretofore granted, now makes the within described property unsuitable for residential purpose, rendering to the applicant herein a great financial loss, that the said Planning Board and County Council further erred in that the entire neighborhood has undergone a great change in character for which the applicant feels that the requested change in zoning is now proper and just. That said requested zoning would create a buffer zone between the BL Zoning on Reisterstown Rd. on the East, and the residential zoning on the West.

The applicant further states that he will in no way change the outside structure of the within described property and will keep the property in good repair and screen any area as required by this Commissioner and that the applicant states that he intends to use said property for the sole use of a small real estate office.

Respectfully Submitted,

Aaron L. Schreiber

By: Raymond Feinberg, Atty.

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 zone to D.R. 16 zone; : COUNTY BOARD OF APPEALS
SPECIAL EXCEPTION for Office : OF
N/S of Linden Terrace 150 feet SW : BALTIMORE COUNTY
of Reisterstown Road :
3rd District :
No. 73-54-RX

OPINION

This case comes before the Board on an appeal by the Petitioner from a determination of the Deputy Zoning Commissioner dated March 6, 1973 denying the requested reclassification from D.R. 5.5 zone to a D.R. 16 zone, with a Special Exception for offices.

The property is located on the north side of Linden Terrace approximately 150 feet southwest of Reisterstown Road, in the 3rd Election District of Baltimore County, and comprises 5,423 square feet.

The Petitioner testified that he was requesting the proposed reclassification with a special exception in order to convert the existing building into offices from which to operate his own real estate business, and anticipates having a maximum of three people using the offices. The Petitioner indicated that he purchased the subject property approximately ten years ago and since that time the neighborhood has changed dramatically, with shopping areas alongside Reisterstown Road, a parking lot across Linden Terrace from his property, and the State Roads project at Slade Avenue, which has become a reality since the adoption of the zoning maps in that seven houses are proposed to be demolished on the south side of Slade Avenue, and the house which adjoins the rear of the subject property has already been removed. Two other of the houses owned by the State Highway Administration on Slade Avenue, which have not been demolished as of this time, are being rented on a temporary basis. Linden Terrace, the street on which the subject property faces, is a narrow thirty foot road on a fifty foot right of way and is a dead end street which forms a T intersection at Reisterstown Road. There are fourteen individual (detached) houses on this street. The properties on the corners at the intersection of Reisterstown and Linden Terrace are zoned commercial, and the subject property abuts the service station located on the northwest corner of Reisterstown Road and Linden Terrace.

RE: PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION : BEFORE THE
N/S of Linden Terrace, 150' SW of : DEPUTY ZONING
Reisterstown Road - 3rd District : COMMISSIONER
Aaron L. Schreiber - Petitioner :
NO. 73-54-RX (Item No. 4) : OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 5.5 Zone to a D.R. 16 Zone, and a Special Exception for Office Use. The property consists of 5,423 square feet and is located on the north side of Linden Terrace, 150 feet west of Reisterstown Road, in the Third Election District of Baltimore County.

The Petitioner, Mr. Aaron L. Schreiber, was represented by his attorney, Mr. Raymond Feinberg. Mr. Feinberg explained that the dwelling, presently located on the lot, is in good repair and has been rented (approximately 8 years) since Mr. Schreiber purchased it. However, changes have taken place in the neighborhood, i.e., building has been constructed on the heretofore vacant commercially zoned land.

Mr. Schreiber has had trouble renting the dwelling and has, in fact, rented at a loss in order to keep the building occupied. He felt that this was due to the property being located next door to the commercially zoned properties (service station) that front on Reisterstown Road and being directly across the street (Linden Terrace) from a parking lot.

If the request is granted, the Petitioner does not intend to make any exterior changes other than the installation of a parking area for three cars.

He felt that D.R. 16 zoning and a use of this nature would not be a detriment to the neighborhood, and that it would provide a buffer or transitional area between the commercial properties on Reisterstown Road and the residential homes on Linden Terrace west of his property.

Two area residents were present in protest of the Petitioner's request. Mr. Avram Meshulam who has lived at 15 Linden Terrace for 12 years, and

Aaron L. Schreiber - 73-54-RX

2.

The Petitioner objected primarily on the basis of the traffic congestion which develops at the aforesaid intersection of Reisterstown Road and Linden Terrace; namely, that it is difficult for traffic to emerge from Linden Terrace onto Reisterstown Road owing to the heavy volume of traffic and traffic congestion on Reisterstown Road itself. There was also testimony from Protestants that they feel that Linden Terrace is a separate entity and should be treated as a neighborhood of its own. However, the testimony elicited from the Protestants to a great degree substantiated the Petitioner's claim of change in the neighborhood in that Linden Terrace contained all individually owned and occupied families, and now at least three of the homes are rented and occupied by more than one family. Two of the other homes are rented to single families, at least one of the residents operating a dressmaking shop in her home, and three of the houses presently are for sale.

Testimony indicated there was no difficulty with meeting the requirements of Section 502.1 of the Zoning Regulations relating to Special Exceptions, other than perhaps the congestion of traffic. However, there was testimony from an expert witness that the proposed use, due to the size parcel involved, would not produce any more traffic trips per day than its present residential use, and that there would be little or no increase in trip density and therefore could not compound or magnify any traffic problems which may already be existing.

In view of the above, the Board feels that the Petitioner has met the burden in showing substantial change in the neighborhood, and in fact, showed changes continuing up until the present time and on into the immediate future, with particular regard to the acquisitions and construction, etc., by the State Highway Administration at the intersection of Slade and Reisterstown Road, which property abuts the northern boundary lines of the property owners on the north side of Linden Terrace.

The Board therefore finds that the property contained in this petition should be reclassified to a D.R. 16 zone, with a Special Exception for office use.

Mr. Joseph Fenstle who has lived at 11 Linden Terrace for 53 years. Their testimony was, in effect, as follows. If granted, the change would lead to other changes, and a change in use from residential to commercial would increase a bad traffic condition on a small residential street.

They indicated that the only changes in the immediate vicinity in the past eight to ten years has been the construction of the service station, and the parking lot constructed on residential property across from the Petitioner's property. Both uses were objected to by the residents on Linden Terrace, and appeals were not taken because access to Linden Drive had been denied in both cases.

They pointed out that the Petitioner's property was originally part of the properties purchased for the construction of the service station, and that part of the yard area had actually been incorporated in the service station site. They felt that since the Petitioner's property represents residue from that development, it should be expected to serve in its present zoning classification as a buffer for the remaining homes on Linden Terrace.

They also stated that they represented the majority of residents on Linden Terrace, and that most of them had lived in the neighborhood for a period of 50 years or more. It was their contention that inroads of commercial zoning should not be allowed to encroach on their residential area which consists of a short dead end residential street. The present zoning lines should not be changed until such time as conditions have changed to a point that would justify remapping the entire street for commercial uses.

OPINION

After reviewing the above testimony and making a personal field survey of the neighborhood, it is the opinion of the Deputy Zoning Commissioner that the action of the Baltimore County Council in placing a D.R. 5.5 zoning designation on the subject property was correct.

Aaron L. Schreiber - 73-54-RX

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of December, 1973, by the County Board of Appeals ORDERED, that the reclassification petitioned for, from D.R. 5.5 to D.R. 16 zone, and the Special Exception for office use, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Chairman

W. Giles Parker

Robert L. Gilland

Many residents have lived on this narrow residential street for 50 years and have, through the years, steadfastly objected to the intrusion of offices and commercial type uses that would increase traffic within their neighborhood. As a result, changes have not occurred on this residential street that would justify the Petitioner's property being reclassified.

Therefore, IT IS ORDERED this 6th 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 a D.R. 5.5 Zone, and the Special Exception for Office be and the same is hereby DENIED.

James S. L...
Deputy Zoning Commissioner of Baltimore County

UNRECORDED FOR FILING

DATE March 6, 1973

BY James S. L...

UNRECORDED FOR FILING

DATE March 6, 1973

BY James S. L...

UNRECORDED FOR FILING

DATE March 6, 1973

BY James S. L...

FEB -1 1974

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers Date: March 29, 1972
FROM: H.V. Bonner
SUBJECT: Item 4 - Reclassifications - Zoning Advisory Committee Meeting March 28, 1972

4. Property Owner: Aaron Schreiber
Location: N/W/S Linden Terrace, 150' S/W of Reisterstown Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16 and special exception for offices
District: 3
No. Acres: 0.1272

Metropolitan water and sewer being available to the site, no health hazards are anticipated.

Hart Bonner
Sanitarian II
Water and Sewer Section

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
Office of Engineering
ELLISWORTH H. DIVER, P.E., Chief
April 26, 1972
Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204
Re: Item #4 (Cycle April - October 1972)
Property Owner: Aaron Schreiber
N/W/S Linden Terrace, 150' S/W of Reisterstown Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16 and Special Exception for offices
District: 3rd No. Acres: 0.1272 acres

Dear Mr. Myers:

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

Highways:

Linden Terrace is an existing macadam street, maintained by the Bureau of Highways, which is proposed to be improved as a 30-foot closed roadway section within a 50-foot right-of-way as depicted on the subject plat. Highway right-of-way will be required in connection with any subsequent grading or building permit application and highway improvements will be required in conjunction with the future highway contract for the existing service station.

The entrance location is subject to the approval of the Department of Traffic Engineer and shall be constructed in accordance with Baltimore County Standards.

Storm Drains:

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

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve this property.

Very truly yours,

Ellisworth H. Diver
ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:BAK/RND:as

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 8, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 4, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owners: Aaron Schreiber
Location: N/W/S Linden Terrace, 150' S/W of Reisterstown Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. to D.R. 16 and special exception for offices
District: 3
No. Acres: 0.1272 acres

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

Richard B. Williams
Richard B. Williams
Planner II
District Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204
DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
Wm. T. MILLER
DISTRICT TRAFFIC ENGINEER

April 28, 1972

Mr. Oliver L. Myers
Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning III
Item # - ZAC - 3-28-72
Property Owner: Aaron Schreiber
N/W/S Linden Terrace SW of Reisterstown Road
Reclass. to DR 16 & special exception for offices
District 3

Dear Mr. Myers:

Due to the size of the proposal, little increase is expected in trip density. It is expected, however, that difficulty in gaining access to Reisterstown Road from Linden Terrace will remain and should the land on Linden Terrace be converted to office use, serious problems can be expected at the intersection above.

Very truly yours,

E. J. Clifford
E. J. Clifford
Assistant Traffic Engineer

CRM:mr

BOARD OF EDUCATION OF BALTIMORE COUNTY

ITEM #

TOWSON, MARYLAND 21204

Property Owner: Aaron Schreiber
District: 3
Present Zoning: DR 5.5
Proposed Zoning: DR 16 + S.E. for offices
No. Acres: 0.1272

No effect on student population

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 4, 1972

Raymond Feinberg, Esq.,
1415 Clarkview Road
Baltimore, Maryland 21209

Re: Reclassification Petition
3rd Zoning Cycle
Item #4
Aaron L. Schreiber

Dear Sirs:

The Zoning Advisory Committee has reviewed the plan submitted with the above referenced petition and has made an on site field inspection of the property. The attached comments are a result of this review and inspection.

The subject property is located on the north side of Linden Terrace, 150' west of Reisterstown Road, in the 3rd Election District of Baltimore County. The property is currently improved with a two story brick dwelling that is in good condition. The properties on the west side and the south side are residential homes of like quality. The property on the east side of this site is an existing American Oil service station, and there is an existing group of stores on the southwest corner of Reisterstown Road and Linden Terrace. There is no curb and gutter existing along Linden Terrace and the sidewalks are in need of repair.

ZONING ADMINISTRATION DIVISION

The Petitioner's plat should be revised to indicate the size and type of screening from the adjoining residential areas and indicate that the parking area will be properly curbed and paved. Also, dwellings and driveways on the south side of Linden Terrace must be indicated on the revised plan.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

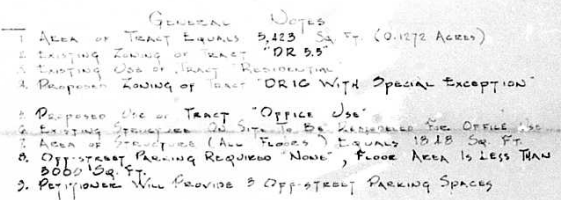
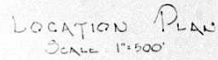
John J. Miller
John J. Miller, Jr., Planning Tech. II

OLR:JJD:JD

W. ENGLISH PARKS DIVISION
EUGENE D. MEUS, CHIEF
WES. ROBERT A. BERRY

MRS. JOHNNIE M. BRIDGEMAN
JOSEPHINE M. BRIDGEMAN
ALVIN L. BRIDGEMAN
JOSHUA B. BRIDGEMAN, ARCHITECT

T. BAYARD WILLIAMS, JR.
RICHARD W. FRISCH, M.D.
MRS. RICHARD W. FRISCH



PLAT TO ACCOMPANY PETITION
FOR
DECLASSIFICATION
AND

SPECIAL EXCEPTION
TO PROPERTY KNOWN AS
1/2 LINDEN TERRACE
ELECTION DISTRICT 2
SHEAR: 1-110
DARTMOUTH COUNTY, MO.
MAY 13, 1972



MATZ, CHILDS & ASSOCIATES			
1020 CROMWELL BRIDGE ROAD			
BALTIMORE, MARYLAND 21204			
J. B. NO.	DRAWN BY	PARCEL BY	CHECKED BY
66093	RLS		PL

LINDEN TERZACE
(Ex 45' R/W, Future 50' R/W)