

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Joseph L. Soley, 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 reclassified, pursuant to the Zoning Law of Baltimore County, from an DR-3.5 and D.R. 16 zone to an B.L. zone, for the following reasons:

Error in original zoning and a genuine change in conditions.

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:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification 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 Joseph L. Soley Legal Owner
Address 308 W. Joppa Road
Address 308 W. Joppa Road
W. Lee Harrison, Petitioner's Attorney
Protestant's Attorney

Address 308 W. Joppa Road
Towson, Maryland (823-1200)
ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of August, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1972, at 10:00 o'clock A.M.

Joseph L. Soley
Zoning Commissioner of Baltimore County

(over)

MCA 
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-823-0900

DESCRIPTION

0.4 ACRE PARCEL, PROPERTY OF JOSEPH L. SOLEY, EAST SIDE OF
CHARLES STREET AVENUE, SOUTH OF BELLONA AVENUE, NINTH ELEC-
TION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "B-L" Zoning

Beginning for the same at a point on the eastern Right of Way Line of Charles Street Avenue, sixty-six feet wide, and distant S 06° 15' E 585 feet, more or less, along said Right of Way Line from its intersection with the centerline of Fairview Road extended easterly, running thence and binding on the northern outline of the area zoned DR-16, (1) N 89° 15' E 304 feet, more or less, thence binding on the west side of LaGrange Lane, 20 feet wide, (2) S 05° 35' E 15 feet more or less, to the dividing line between lots 10 and 11, as shown on the Plat of Woodbrook Highlands and to the end of the first line of the land conveyed to Theodore E. Mayer and wife by deed recorded among the Land Records of Baltimore County in Liber W. R. 3596, page 546, thence binding reversely on said first line and on a part of said last mentioned dividing line, (3) S 89° 45' W 140 feet, more or less, thence binding reversely on the last line of said last mentioned land, (4) S 00° 15' E 75.00 feet to a point in the dividing line between lots 11 and 12, as shown on said Plat of Woodbrook

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 and D.R. 16 zone to
B.L. zone
E/S Charles Street 585 feet South
of Fairview Road
9th District
Joseph L. Soley
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-58-R

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner dated August 21, 1973 wherein the petitioned reclassification from D.R. 3.5 and D.R. 16 to B.L. was denied. The subject property is located on the east side of Charles Street approximately 585 feet south of Fairview Road, in the 9th Election District of Baltimore County. It encompasses 3.5 acres of land, with approximately 675 feet of frontage on Charles Street.

The Petitioner's proposal is indicated on his plans, which are in evidence in the subject case. It is interesting to note, however, on this point that the revised plat submitted, as required at the initial hearing date of December 17, 1974, was received. However, the letter from the Maryland Department of Transportation included in the file on this case referring to the revised plat was still not in conformance with the comment of that agency dated April 28, 1971, November 2, 1971 and April 11, 1972.

The Petitioner presented a professional engineer under whose direction the plat was prepared. He indicated that the utilities were adequate and available to the subject site. Also a traffic engineer testified that there would be no significant effects upon the property. There was an allegation of error from the engineer concerning the portion of the subject property which is zoned D.R. 16, in that it cannot be used in that zoning classification due to the size and shape of that zoned parcel in consideration of the required setbacks.

Frederick P. Klaus, a well-known real estate expert, also testified on behalf of the Petitioner, and indicated to the Board that the commercial area to the south of the subject property was placed in a C.N.S. District, and it was his contention that this was an error, as it does not meet the criteria required for a C.N.S. District. He indicated

Joseph L. Soley - No. 73-58-R

2.

that in order to meet such criteria, it would require the rezoning of the subject property to B.L. He likewise referred to the error of the D.R. 16 zoned parcel.

The Protestants in this matter were numerous, and three of them took the stand in opposition to the petition, and their complaints were varied, such as noise, pollution, congestion in the area, adverse effect upon property values and aesthetics, etc.

Also appearing on behalf of the Protestants was David R. Horn, a real estate expert, and he indicated that there have been no significant changes since the adoption of the Comprehensive Zoning Map, and he further controverted the testimony from the Petitioner's expert regarding the C.N.S. District, in that in his opinion it was proper.

Also appearing for the Protestants was a traffic engineer, and it was his opinion that Charles Street was already heavily travelled and that the traffic impact of proposal would be far greater than that indicated by the Petitioner. He further indicated that Charles Street is presently inadequate and that the proposal would be extremely hazardous; and further, that this area presently has one of the highest accident rates in the State of Maryland.

Without reviewing the evidence further in detail, but based upon all of the evidence presented, it is the opinion of this Board that there have been no significant changes in the neighborhood of the subject proposal, nor is there any substantial proof of error warranting the reclassification requested. The only evidence of error presented before this Board was of the D.R. 16 portion of the subject property and the possibility of the C.N.S. District to the south being placed there without meeting the proper criteria. The error in connection with the D.R. 16 is certainly not sufficient to justify reclassification to B.L., for the error complained of was indicated by the Planning Department to be down shifted to D.R. 3.5. In this connection we agree with the opinion of the Zoning Commissioner in this case that it is beyond our scope of review to down shift the Petitioner's property. However, as is obvious, we do not feel that this warrants an increase or granting of the reclassification to B.L. Furthermore, we do not feel that the alleged lack of proper criteria for the C.N.S. District to the south is a compelling reason for placing the subject property into a B.L. classification. If, in fact, the C.N.S. District

Joseph L. Soley - No. 73-58-R

3.

is in error, the Board is not going to compound the situation by reclassifying the subject property to perfect an erroneous district classification on some other and unrelated property. This is more properly a matter to be considered under comprehensive rezoning by the County Council and the appropriate agencies of Baltimore County.

For the foregoing reasons, the petition for reclassification to B.L. from D.R. 3.5 and D.R. 16 will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of March, 1976, by the County Board of Appeals ORDERED, that the reclassification petitioned for from D.R. 3.5 and D.R. 16 to B.L. zone, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 to B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman
W. Giles Parker
Robert L. Gilford

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MATZ, CHILDS & ASSOCIATES, INC.

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5 and 6, as shown on the Plat of Woodbrook Highlands, thence binding on a part of said dividing line, (5) N 89° 45' E 57.9 feet, more or less, to a point on the west side of the avenue, twenty feet wide, shown on said plat and referred to in said deed, said avenue being now known as LaGrange Lane, thence binding on the west side of said LaGrange Lane three courses; (6) S 11° 25' W 118.6 feet, more or less, (7) S 18° 35' E 200.0 feet, more or less, and (8) S 05° 35' E 54 feet, more or less, thence binding on the northern outline of the area zoned DR-16, (9) S 89° 15' W 304 feet, more or less, thence binding on said eastern Right of Way Line of Charles Street Avenue, (10) N 00° 15' W 585 feet, more or less, to the place of beginning. Containing 3.1 acres of land, more or less.

WJW:mpi

J.O. #70242

April 10, 1972

MCA 
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Bridge Rd., Baltimore, Md. 21204. Tel. 301-823-0900

DESCRIPTION

3.1 ACRE PARCEL, PROPERTY OF JOSEPH L. SOLEY, EAST SIDE
OF CHARLES STREET AVENUE, SOUTH OF BELLONA AVENUE,
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for "B-L" Zoning

Beginning for the same at a point at the intersection of the centerline of Fairview Road extended easterly, and the eastern Right of Way Line of Charles Street Avenue, 66 feet wide, running thence and binding reversely on a part of the last line of the parcel described in the deed to Joseph L. Soley recorded among the Land Records of Baltimore County in Liber O.T.G. 4921, page 236, (1) S 88° 17' E 150.1 feet, more or less, thence binding reversely on the second line of said third parcel and continuing the same course along the third line of the second parcel of said land, in all, (2) S 00° 15' E 80.93 feet to a point in the second line of the first parcel of said land, thence binding on a part of said last mentioned second line and on all of the third line of said first parcel two courses; (3) S 86° 07' 30" E 52.66 feet, and (4) S 01° 12' W 135.42 feet to the end of said third line and to a point in the dividing line between lots

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Highlands, and thence binding on a part of said last mentioned dividing line, (5) S 89° 45' W 165.0 feet, more or less, thence binding on said eastern Right of Way Line of Charles Street Avenue, (6) N 00° 15' W 90 feet, more or less, to the place of beginning.

Containing 0.4 of an acre of land, more or less.

WHW:jmk

J.O. No. 70242

April 10, 1972



RE: PETITION FOR RECLASSIFICATION
CATION
E/S of Charles Street, 585' S
of Fairview Road - 9th District
Joseph L. Soley, Petitioner
NO. 73-58-R (Item No. 19)
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner requests a Reclassification from a D. R. 3.5 Zone and a D. R. 16 Zone to a B. L. Zone for a parcel of property located on the east side of Charles Street, five hundred and eighty-five (585) feet south of Fairview Road, in the Ninth Election District of Baltimore County, and containing a total of 3.5 acres of land, more or less.

For the purpose of this Opinion, the subject property is to be divided into two (2) parcels. Parcel A contains 3.1 acres of land, more or less, and Parcel B contains 0.4 acres of land, more or less.

At the inception of the hearing, it was brought to the Zoning Commissioner's attention that a problem existed as to the correct classification of Parcel B. Accordingly, Mr. Norman E. Gerber, Chief of the Community Planning Division, Office of Planning and Zoning of Baltimore County, was summoned by the Zoning Commissioner to testify at the hearing. He testified that the property to the south of the subject site, commonly known as the "Charles Fountain Apartments," was classified to a R. A. Zone in the early 1960's. As a result of that classification, the subject property and the Charles Fountain Apartment site were mis-plotted on the Comprehensive Zoning Map, in that the Charles Fountain Apartment site was shifted approximately thirty (30) feet to the north. At that time, the R. A. Zone encompassed approximately ninety (90) feet of the subject tract. Upon the adoption of the Comprehensive Zoning Map, on March 24, 1971, this was not discovered.

The confusion arose when an earlier Petition was submitted on the subject property, which was subsequently withdrawn and dismissed without prejudice. This Petition did not indicate on its plats any D. R. 16 zoning but indicated the entire property to be zoned as D. R. 3.5.

Mr. Joseph L. Soley, Petitioner, testified that he intended to construct nine (9) local service type stores selling high-quality merchandise. He did not intend to construct a shopping center with food stores, et cetera. He testified that the houses on the subject property are presently rented and occupied. These houses range in age from sixty (60) to ninety (90) years old.

Mr. Richard L. Smith, a qualified engineer, testifying for the Petitioner, indicated that water and sewer facilities are available. He further testified that there would be no entrance into LaGrange Lane, which lies to the east of the subject property, and that there would only be one (1) entrance to said property from Charles Street.

Mr. Frederick P. Klaus, a real estate appraiser and consultant, stated that he was familiar with the property and indicated that there are several service stations to the south of the subject site. He cited the fact that the Charles Fountain Apartments are directly to the south of the property and many of the apartments have been converted to offices. He felt that there would be no adverse effect if the Reclassification were granted for the properties across LaGrange Lane. He further stated that there would be no adverse effect upon the houses across Charles Street from the subject property, as Charles Street is a major feeder street into Baltimore City. He indicated that the locality of the subject property, with its accessibility to arterial roads, was excellent.

Mr. Bernard Willemain, a qualified land planner and consultant, stated that a substantial change in the character of the neighborhood was the anticipated increase in the amount of traffic due to the extension of Charles Street and the ramp at the Harrisburg Expressway, which is presently under construction. It would have a detrimental effect upon the residences, but would have a good effect upon the business. He further stated that there was no service type center of the like, proposed by Mr. Soley, in the area. He indicated that this type of high-quality merchandise center would be beneficial for the people living in

-2-

this general vicinity. It was also testified to that the subject property was at issue before the Baltimore County Council and Planning Board prior to the adoption of the Comprehensive Zoning Map on March 24, 1971.

Residents of the area, in protest of the subject Petition, indicated that this type of shopping center would not only increase traffic along Charles Street, but would have a detrimental effect upon the value of their homes, health, safety, and general welfare.

The main issue before the Zoning Commissioner is whether or not the Comprehensive Zoning Map, as adopted on March 24, 1971, was in error in classifying the subject property D. R. 3.5 and D. R. 16. The other issue at hand, as propounded by the Petitioner, was there has been a substantial change in the character of the neighborhood, warranting the Reclassification.

With reference to error, it is a well founded law that the burden of proving error, in the Comprehensive Zoning Map, is borne by the Petitioner. No substantial evidence was presented by the Petitioner indicating error. The Petitioner did not meet the burden of proof.

As to change, the Petitioner's attempts to support the fact that the new ramp from Charles Street to the Harrisburg Expressway, presently under construction, is a substantial change in the character of the neighborhood in the area of the subject property. The change that they cited is far removed from the subject property. It is the Zoning Commissioner's opinion that, although there may be some increased traffic as a result of the new ramp, this in itself is not a substantial change justifying the Reclassification request.

It was expressed by the attorney for the Protestants, that the Zoning Commissioner has the authority to down-shift that portion of the property known as Parcel B, presently zoned D. R. 16. There is no doubt in the Zoning Commissioner's mind that the classification of D. R. 16, on Parcel B, is in error. The question arises as to whether or not the Zoning Commissioner is

-3-

empowered to reduce or down-shift the zoning of the subject property when it comes within the jurisdiction of the Zoning Commissioner and subsequently the subject of a Petition. This is a matter that must be considered very seriously inasmuch as every Petition filed before the Zoning Commissioner would be subject to down-shifting instead of an increase of reclassification. Without deciding whether or not the Zoning Commissioner is empowered to down-shift the property in question, it is strongly suggested that the Baltimore County Planning Board and staff, as well as the Baltimore County Council, in its next adoption of the Comprehensive Zoning Map, take into consideration this subject property, known as Parcel B, and classify it according to comprehensive planning. Parcel B, presently zoned D. R. 16, is in error in its classification but should not be changed to a higher classification and should be put in its proper residential context.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of August, 1973, that the Reclassification be and the same is hereby DENIED and that the described property or area be and the same is hereby continued as and to remain a D. R. 3.5 Zone and a D. R. 16 Zone.

H. L. Soley
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Board of Appeals Date: June 10, 1975
FROM: Franklin T. Hogans, Jr.
Chairman, Zoning Plans
Advisory Committee
SUBJECT: Item 10, Zoning Cycle III
(73-58-R)
Joseph L. Soley, Petitioner
6311 North Charles Street
Reclassification D.R. 3.5 to B.L.

This Committee has reviewed the revised plan submitted as per your informal request concerning the above referenced matter, and such comments are enclosed herewith.

(Enclosures)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

XXXXXXXXXXXXXXXXXXXX
Chairman

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTION
DEPARTMENT OF TRAFFIC ENGINEERING
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERING
PROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BOARD OF EDUCATION
OFFICE OF THE BUILDINGS ENGINEER

To: Board of Appeals
From: Franklin T. Hogans, Jr.

The site plan as revised to indicate buildings, uses, and zoning within 200 feet is now in accord with the previous comments of this office dated May 8, 1972. The means of lighting the parking areas has also been noted on the revised plan. Any screening required for parking areas adjacent to residential zones or uses must be a minimum height of four (4) feet.

Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman,
Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

February 20, 1975

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

Dear Mr. DiNenna:

Comments on Item 10, Zoning Cycle #3, are as follows:

Property Owner: Joseph L. Soley
Location: 6311 North Charles Street
Existing Zoning: D. R. 3.5
Proposed Zoning: Reclassification to B.L.
No. of Acres: 3.5
District: 9th

Metropolitan water and sewer are available.

Food Protection Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

Water Resources Administration Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

Shopping Center and Apartment House Comments: Approval for a shopping center or apartment house is based upon owner responsibility for the collection, storage and disposal of refuse in accordance with Health Department requirements.

Comments on Item 10
Zoning Cycle #3

February 20, 1975

Page 2

Jones Falls Moratorium: A moratorium was placed on new sewer connections in the Jones Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973, therefore approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mcg

CC--L.A. Schuppert
W.L. Phillips
J.A. Hessina

Re: Petition for Reclassification : BEFORE THE
Charles Street ZONING COMMISSIONER
DR-3.5 to B-1
Joseph L. Soley, Petitioner : OF BALTIMORE COUNTY

MEMORANDUM

Now comes Joseph L. Soley, legal owner of the above captioned property, by W. Lee Harrison, his attorney, and in accordance with Bill 72, Section 22, 22(b) states that the reclassification requested should be granted and for reasons says:

The subject property fronts on one of the major arterial roads in Baltimore County (Charles Street Avenue). It is bounded on the north by commercial uses ranging from offices to Automotive Service Stations. The remainder of the surrounding zoning is residential in character. The County Council failed to recognize the logical extension of the commercial zoning on Charles Street Avenue thereby adopting the DR-3.5 zone in error.

A need exists in the area for an orderly developed planned shopping area which would be compatible if not better than the existing commercial immediately to the south. Therefore, we request that the error be corrected and the proper zoning be B-1.

W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
823-1200
Attorney for Petitioner

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

June 5, 1975

Mr. Franklin Hagan
Office of Planning & Zoning
County Office Building
Towson, Md. 21204

Re: Zoning Cycle #3
Joseph L. Soley
Petitioner Case No.
73-58-R
Item 10
Charles St. (Rte 139)

Dear Mr. Hagan,

The subject revised plan, dated January 9, 1975, is not in conformance with our comments of April 26, 1971, November 2, 1971 and April 11, 1972.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering Access Permits

CL-JEH/es

by: John E. Meyers

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County Fire Department



Towson, Maryland 21204
818-7310

J. Austin Deitz
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Joseph L. Soley

Location: 6311 North Charles Street

Item No. 10

Zoning Agenda April 4, 1975

Gentlemen: Comments are the same as those of April 17, 1972.

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead-end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *[Signature]* Noted and Approved:

Planning Group
Special Inspection Division

Deputy Chief
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Franklin T. Hagan, Chairman Date: May 28, 1975

Zoning Plans Advisory Committee
FROM: John L. Wimbley

SUBJECT: Hearing Case No. 73-58-R
Item 10
Zoning Cycle #3
Joseph L. Soley - Petitioner

As per request of correspondence dated February 14, 1975, received March 28, 1975, the comments as previously submitted would be sufficient for the plan as revised.

[Signature]
John L. Wimbley
Planning Specialist II
Project and Development Planning

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

February 19, 1975

Bureau of Engineering
ELLISWORTH H. DIVER, P.E. CHIEF

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

Re: Item #10 (Cycle III - April - October 1972)
Property Owner: Joseph L. Soley
6311 North Charles Street
Present Zoning: D.R. 3.5
Proposed Zoning: Reclassification to B-1
District: 9th No. of Acres: 3.5 Acres

Dear Mr. DiNenna:

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

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site as previously submitted are sufficient for the presently revised plan (revised January 9, 1975).

However, this property is tributary to the Jones Falls Sewerage System, subject to State Health Department imposed moratorium restrictions.

Very truly yours,

[Signature]
ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:PM:es

0-WK Key Sheet
31 NW 3 Pos. Sheet
NW 8 A Topo
79 Tax Map

LAW OFFICE
W. LEE HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204
August 29, 1973

AREA CODE 410
(823-1200)

ADDRESS
G. NICHOLS AVENUE
COWDEN C. GREEN

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

Re: Petition for Reclassification
E/S of Charles Street, 585'
S of Fairview Road - 9th District
Joseph L. Soley - Petitioner
No. 73-58-R (Item No. 10)

Dear Mr. DiNenna:

Please note an appeal to the Board of Appeals from the decision and Order dated August 21, 1973 denying the above requested petition on behalf of Mr. Joseph L. Soley, the Petitioner.

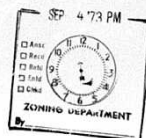
Enclosed please find a check in the amount of \$53.00 to cover the cost of said appeal.

Yours truly,

[Signature]
W. Lee Harrison
W. Lee Harrison

WLH/cs

Enclosure



August 21, 1973

W. Lee Harrison, Esquire
106 West Joppa Road
Towson, Maryland 21204

Re: Petition for Reclassification
E/S of Charles Street, 585'
S of Fairview Road - 9th District
Joseph L. Soley - Petitioner
NO. 73-58-R (Item No. 10)

Dear Mr. Harrison:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
[Signature]
S. ERIC DINENNA
Zoning Commissioner

SEDCe

Attachment:

cc: Benjamin Rosenberg, Esquire
1899 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

John C. Turnbull, II, Esquire
610 Bosley Avenue
Towson, Maryland 21204

LAW OFFICE
BROOKS & TURNBULL
610 BOSELEY AVENUE
TOWSON, MARYLAND 21204

June 26, 1973

CHARLES E. BROOKS
JOHN GRASON TURNBULL, II
VILLAGE 9 WHITE

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

Re: Joseph L. Soley Property
Charles Street near Bellona Avenue
Case No. 73-58-R
Item 10 9th District

Dear Mr. DiNenna:

Please enter the appearance of Charles E. Brooks and John Grason Turnbull, II on behalf of the Protestants, James Cooke and Murray Hill Association in connection with the above entitled case.

We would appreciate being advised as to any and all developments in this matter and would appreciate confirmation from your office that your decision is presently being held sub curia.

Thanking you for your cooperation, I remain,

Very truly yours,

[Signature]
CHARLES E. BROOKS

[Signature]
JOHN GRASON TURNBULL, II

CEB:JOTII:sk

cc: Mr. James Cooke
W. Lee Harrison, Esquire

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Eric DiNenna, Zoning Commissioner
FROM: Norman E. Gerber, Chief
Master Plans Section
SUBJECT: Joseph L. Soley Property

Date: September 18, 1972

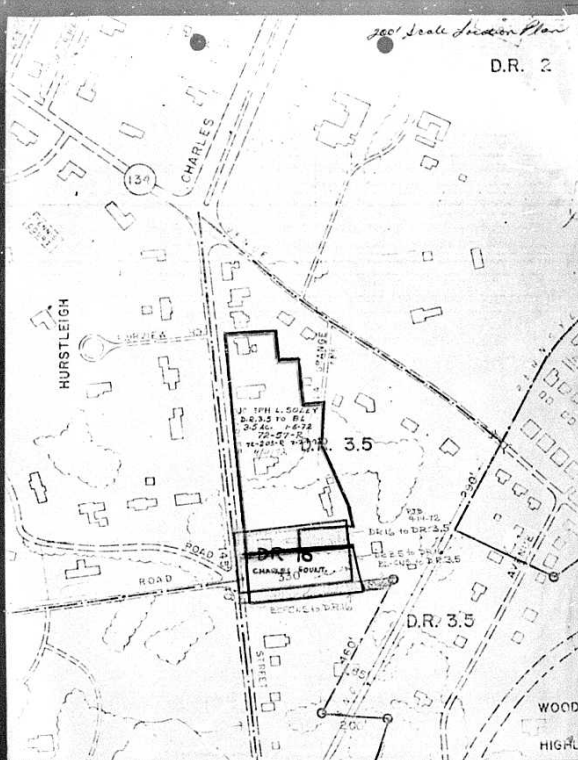
It was recently discovered by the staff that an error in the plotting of the location of the R.A. zoning for the Charles Fountain Apartment property was committed when the zoning was granted in 1962. (R.A. 5213) That same error was carried over from the old 200 scale zoning maps onto the new maps adopted on March 24, 1971.

The Joseph L. Soley property is now zoned D.R. 3.5 for 80'± on the southernmost portion and D.R. 3.5 for the remainder.

I am writing this memo to inform you that there was no intent by the staff or Board to recommend any changes in the zoning for this area when the recommended zoning maps were transmitted to the County Council.

I am attaching a sketch of the two properties plotted on a zoning map.

Enclosure: 1
NEG:rw
cc: Albert Quinlan
Pan Radesheim



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DYER, P.E., CHIEF

April 13, 1972

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

Re: Item #10 (Cycle April - October 1972)
Property Owner: Joseph L. Soley
6311 North Charles Street
Present Zoning: D.R. 3.5
Proposed Zoning: Reclassification to R.L.
District: 9th No. Acres: 3.5 Acres

Dear Mr. Myers:

The subject property constitutes the same property previously reviewed by the Zoning Advisory Committee and known as Cycle Zoning Item #2 (April - October 1971) and Cycle Zoning Item #5 (October 1971 - April 1972). The comments furnished by this office in connection with Items #2 and #5 remain valid and in effect. We are enclosing herewith a xerox copy of those comments which are applicable to the current petition.

Very truly yours,

Ellsworth N. Dyer
ELLSWORTH N. DYER, P.E.,
Chief, Bureau of Engineering

END:ELN:CMK:iss

Encl: sure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Pardesty
ATTN: Oliver L. Myers
FROM: Ellsworth N. Dyer, P.E.

Date: May 3, 1971

SUBJECT: Item #2 (April - October 1971)
Property Owner: Joseph L. Soley
Location: E/S Charles St. Avenue, S. of Bellona Avenue
Present Zoning: D.R. 3.5
Proposed Zoning: R.L.
District: 9th Sector: Central
No. Acres: 3.5

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

This site has frontage on Charles Street Avenue and LaGrange Lane.

Charles Street Avenue is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Route Commission requirements.

LaGrange Lane is an existing County Road, which shall ultimately be improved to minor residential standards. Highway improvements to this site, including curb, gutter and sidewalks in accordance with the standards of the Baltimore County Department of Public Works for a 30-foot closed road position on a 50-foot right-of-way will be required for any grading or building permit application.

Access should be from Charles Street only. LaGrange Lane would be inadequate with full improvements.

Storm Drains

Provisions for accommodating storm drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

Item #2 (April - October 1971)
Property Owner: Joseph L. Soley
Page 2
May 3, 1971

Storm Drains (Cont'd)

Public drainage facilities are required for any offsite drainage facilities and any onsite facilities serving offsite areas, in accordance with the standards of the Baltimore County Department of Public Works.

Onsite drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Codes.

Offsite rights-of-way appear to be necessary for the provision of public drainage facilities to this site. If so, a record plat, grading or building permits cannot be approved prior to acquisition of such rights-of-way.

Charles Street Avenue is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Sediment Control

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Grading studies and sediment control measures will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading and building permits.

Water

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

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

Sanitary Sewers

Public sanitary sewer facilities are available to benefit this property.

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

Item #2 (April - October 1971)
Property Owner: Joseph L. Soley
Page 3
May 3, 1971

The plat submitted does not adequately reflect the existing or required public improvements to this site for public highways and storm drain facilities or private improvements onsite for storm drain facilities, water system and sanitary sewerage system.

The plan should be revised to reflect these items.

Ellsworth N. Dyer
ELLSWORTH N. DYER, P.E.,
Chief, Bureau of Engineering

END:ELN:CMK:iss

cc: File (3)

Key Sheet: 0-NR
Position Sheet: 31 NW 3
Topo: 8 A NW
Tax: 79

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

DIRECTOR

Wm. T. MILLER

DEPUTY TRAFFIC ENGINEER

April 28, 1972

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

Re: Cycle Zoning III
Item 10 - ZAC - 4-4-72
Property Owner: Joseph L. Soley
6311 North Charles Street
Reclassification to R.L. - District 9

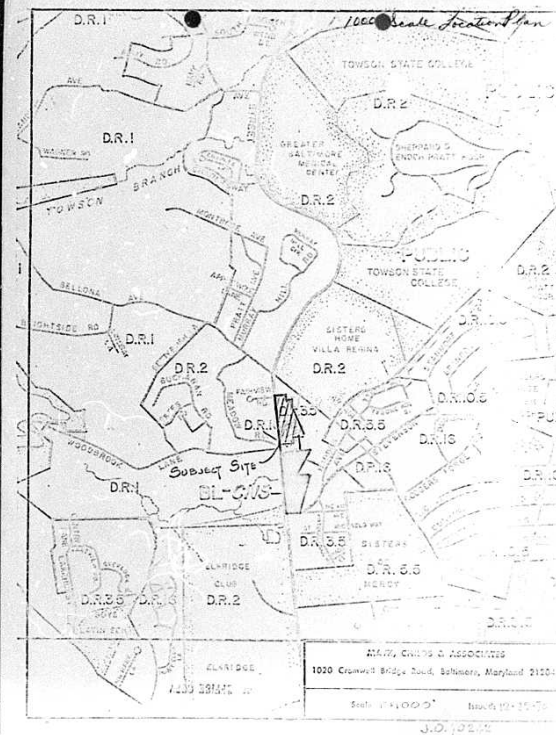
Dear Mr. Myers:

The subject petition was reviewed as Item 2 under Cycle I and Item 8 under Cycle 2. The following comment remains valid. "The subject petition, as presently zoned, will generate 120 trips per day. As R.L. the trip density will be 1750 per day. The existing volume on Charles Street is 20,400. This increased trip density should not create serious capacity problems to Charles Street, except in the vicinity of the entrance. The entrance as shown is also insufficient for handling traffic circulation."

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CMK:rw





ORIGINAL

CERTIFICATE OF PUBLICATION

3 SIGNS 73-58-12

3-SIGNS 73-58-R

3-SIGNS 73-58-1

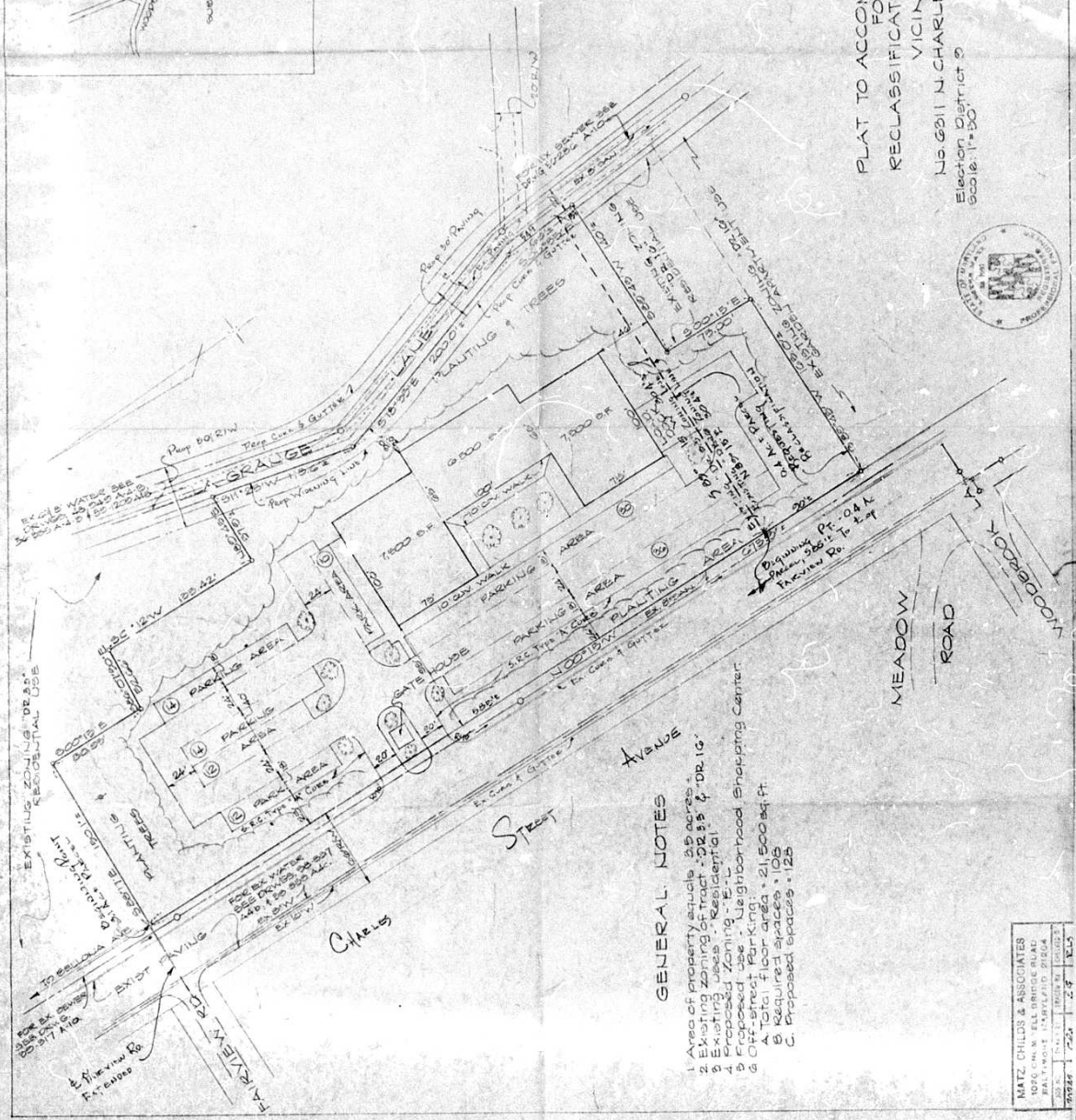
73-58-

Item # 10

No. 2199No. 12798No. 12402No. 7044



LOCATION PLAN
SCALE: 1"=500'



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
115 0211 N. CHARLES STREET AVENUE
Baltimore County, Maryland
March 20, 1972
Revised: April 10, 1972



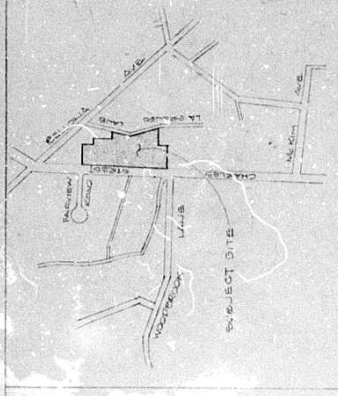
MATZ, CHILDS & ASSOCIATES
1050 CHASE TELL BRIDGE BLVD.
BALTIMORE, MARYLAND 21201

20222	20223	20224	20225	20226	20227	20228	20229	20230	20231	20232	20233	20234	20235	20236	20237	20238	20239	20240
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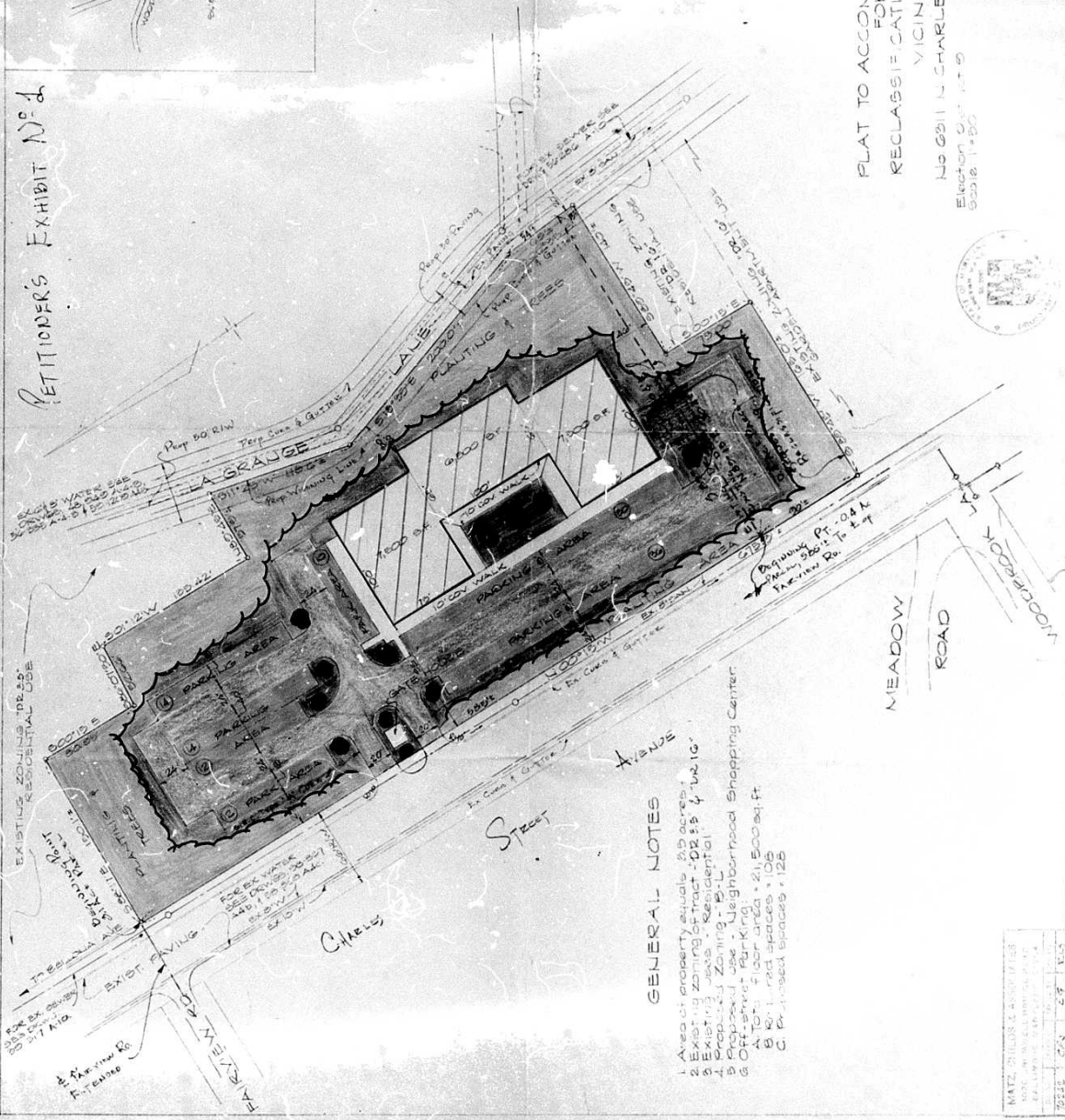
GENERAL NOTES

1. Area of property equals 3.5 acres.
2. Existing zoning of tract: "DR-15 & DR-16".
3. Existing uses: Residential.
4. Proposed zoning: "B-L".
5. Proposed use: Neighborhood Shopping Center.
6. Off-street parking: 21,500 sq. ft.
7. Required spaces: 105.
8. Proposed spaces: 125.

PETITIONERS EXHIBIT No. 1



LOCATION PLAN
SCALE: 1"=500'



PLAT TO ACCOMPANY PETITION
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