

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, CARNEY LEASING CORP., 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 B.L. zone; for the following reasons:

- 1.) In classifying the subject property D.R.5.5, the Council committed errors as set out on the attached exhibit, which is incorporated by reference herein;
- 2.) Substantial changes have occurred in the neighborhood so as to alter its character since the property was classified by the Council, as set out on the attached exhibit, which is incorporated by reference herein.
- 3.) and the Petitioner hereby petitions for a Variance from Sec. 232.2 to permit a side yard of 0 ft. in a B.L. zone abutting D.R.5.5 zone, in lieu of the required side yard. (12') and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for N.A.

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
Carney Leasing Corporation
Dana M. James, Director
Legal Owner
Address: 3301 E. Joppa Road
Baltimore, Maryland 21234

Protestant's Attorney
James D. Nolan
Address: 204 M. Pennsylvania Ave.
Towson, Md. 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th day of October, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two or more 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 9th day of March, 1973, at 10:00 o'clock.

James D. Nolan
Zoning Commissioner of Baltimore County.

(over)

RE. PETITION FOR RECLASSIFICATION AND VARIANCE
SE/corner of Joppa Road and Ridgely Avenue - 11th District
Carney Leasing Corporation - Petitioner
NO. 73-208-RA (Item No. 8)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 5.5 Zone, and a Variance to permit a zero side yard setback instead of the required 12 feet.

The subject property consists of .85 of an acre, more or less, improved with a one story concrete block building used for the office and storage of a refrigerator repair company, and is situated on the southeast corner of Joppa Road and Ridgely Avenue in the Eleventh Election District of Baltimore County.

Testimony was presented by the Petitioner, a civil engineer, and a real estate appraiser and broker. The property was described as having been zoned in its entirety by Case No. 20-30-RS on July 16, 1951. A subsequent zoning map, adopted in 1966, also indicated the property as being zoned in its entirety. However, as a result of a drafting error, approximately five feet of the Petitioner's property was omitted from the B.L. zoning classification, and placed in a D.R. 5.5 residential classification.

Planning Board recommendations confirmed the drafting error and recommended that the Petitioner's request be granted.

Insofar as the Variance is concerned, the Petitioner presented testimony indicating that a hardship exists with regard to grades along the easternmost property line from which the zero Variance is requested. The Petitioner's property was described as having a difference in elevation of 15 to 20 feet below the adjoining property. It was the opinion of all present, that the Variance, if granted, would permit the building to serve as a retaining wall, and as such, would remove a possible danger to area children who presently play on the

eroding bank that exists between the adjoining property and the existing building.

After reviewing the above testimony and visiting the site, it is the opinion of the Deputy Zoning Commissioner that an error does exist insofar as the placement of the zoning line in relation to the Petitioner's property is concerned. It is also the opinion of the Deputy Zoning Commissioner that a hardship or practical difficulty also exists with regard to the Variance requested.

Therefore, it IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 14th day of March, 1973, that the herein described property or area should be and the same is hereby Reclassified from a D.R. 5.5 Zone to a B.L. Zone.

It is further ORDERED that a Variance to Section 232.2 also be granted to permit a zero side yard setback instead of the required 12 foot side yard setback, subject, however, to the following restrictions:

1. The Petitioner shall be responsible for, and shall replace any damage to the shrubbery or hedge, that presently exists on the property line between the two sites.
2. The Petitioner shall erect a barrier suitable to prevent children from gaining access to the roof of the proposed building from the adjoining property.
3. Approval of a site plan by the Department of Public Works, State Highway Administration and the Office of Planning and Zoning.

James E. Nolan
Deputy Zoning Commissioner of
Baltimore County

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

101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 - Valley 3-8820

DESCRIPTION FOR REZONING, JOPPA ROAD EAST OF
RIDGELY AVENUE, 11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the South Side of Joppa Road, 20 feet wide, at the distance of 170.24 feet measured Easterly along the South Side of Joppa Road from the East Side of Ridgely Avenue, 30 feet wide, and running thence and binding on the East Side of Joppa Road South 87 Degrees 26 Minutes East 5 feet, more or less, to the dividing line between Lot Nos. 33 and 34 as shown on a plat of Carney Grove, said plat being recorded among the Plat Records of Baltimore County in Plat Book WPC No. 7, folio 20 thence leaving the South Side of Joppa Road and binding on said dividing line South 2 Degrees 34 Minutes West 175.00 feet, thence binding on a part of the rear lot line of Lot No. 33, as shown on said plat North 87 Degrees 26 Minutes West 5 feet, more or less, thence leaving said rear lot line and running North 2 Degrees 34 Minutes East 175.00 feet to the place of beginning.

CONTAINING 0.02 acres of land, more or less.



9/28/72

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL IN CLASSIFYING THE SUBJECT PROPERTY D.R.5.5 CHANGES IN THE AREA

The Petitioner states that the County Council committed at least the following errors in classifying the subject parcel D.R.5.5:

- 1.) The property has been for many years used in its entirety for commercial purposes, and it was classified as it should have been in its entirety as B.L. on the 1966 Northeastern Area Map, and it was error for the Council to convert a strip approximately 5 ft. more or less in width at the property's eastern border into a D.R.5.5 zone, thereby rendering this portion of the property a non-conforming use.
- 2.) That Joppa Road in this area is continuing to increase in traffic and change in character from a residential road to essentially a commercially oriented small business type arterial street, and it was error for the Council to fail to recognize this fact and place the entire property as it should have been and as it previously was in a B.L. zone.

3.) That the requested zoning was completely in harmony with the character of the neighborhood, and it was error for the Council to fail to recognize this fact.

4.) And for such other and further reasons as shall be disclosed by a minute study of this tract.

CHANGES IN THE NEIGHBORHOOD

That since the Council zoned this property, the following changes have occurred in the neighborhood which have substantially altered its character.

1.) A short distance to the north on Summit Avenue property has been affected by zoning action in Case No. 72-113A.

2.) As previously stated, traffic has continued to increase at a substantial rate on Joppa Road daily changing its character more and more to a commercial arterial traffic carrier.

3.) That since the property was classified by the Council erroneously in 1971, further improvements have been planned, are being planned, and are in fact in many locations being carried out to further improve and increase the capacity of Joppa Road.

4.) Such other and further changes as shall be disclosed by a minute study of this area and which shall be brought out at the time of the hearing hereon.

Respectfully submitted,

James D. Nolan
James D. Nolan
Attorney for Petitioner

JOSEPH D. THOMPSON, P.E., L.S.
CIVIL ENGINEERS & LAND SURVEYORS
101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 - Valley 3-8820

DESCRIPTION FOR ZONING VARIANCE, JOPPA ROAD AND
RIDGELY AVENUE, 11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the corner formed by the intersection of the

South Side of Joppa Road, 30 feet wide, and the East Side of Ridgely Avenue, 30 feet wide, and running thence and binding on the South Side of Joppa Road North 89 Degrees 07 Minutes East 100.24 feet and South 87 Degrees 26 Minutes East 75.00 feet to the dividing line between Lot Nos. 33 and 34 as shown on a plat of Carney Grove, said plat being recorded among the Plat Records of Baltimore County in Plat Book WPC No. 7, folio 20, thence leaving the South Side of Joppa Road and binding on said dividing line South 2 Degrees 34 Minutes West 175.00 feet thence binding on the rear lot lines of Lot Nos. 33, 32, 31, 30, 29, 28, and 27, as shown on said plat, North 87 Degrees 26 Minutes West 249.39 feet to the East Side of Ridgely Avenue herein referred to and running thence and binding on the East Side of Ridgely Avenue North 26 Degrees 19 Minutes East 184.71 feet to the place of beginning.

CONTAINING 0.85 acres of land, more or less.



9/28/72

PETITION MAPPING PROGRESS SHEET										
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: <u>9/28/72</u>	Revised Plans: Change in outline or description ☐ Yes ☐ No									
Previous case: <u>9/28/72</u>	Map # _____									

MAY 25 1973

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

Bureau of Engineering
EUGENE W. H. DIVER, P.E. CHIEF

October 17, 1972

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

Re: Item #8 (Cycle Zoning IV - Oct. 1972 - April 1973)
Property Owner: Carney Leasing Corporation
S/S Joppa Road, 170' E. of Ridgely Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. from D.R. 5.5 to B.L.
District: 11th No. Acres: 0.02 acres

Dear Mr. DiNenna:

This property is fully improved with regard to public works. No further public works improvements to this site are required.

Very truly yours,

Eugene W. H. Diver
EUGENE W. H. DIVER, P.E.
Chief, Bureau of Engineering

ENCLOSURE

VE 9 E Topo Sheet

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. DIRECTOR
WILLIAM T. MALESE DEPUTY TRAFFIC ENGINEER

October 26, 1972

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

Re: Cycle Zoning IV
Item 8 - ZAC - Oct. 72 to Apr. 73
Property Owner: Carney Leasing Corporation
S/S Joppa Road E. of Ridgely Road
Reclass. from D.R. 5.5 to B.L.
District 11

Dear Mr. DiNenna:

The subject petition is requesting a zoning change from BL and DR 5.5 to BL. The zoning change from DR 5.5 is such a small site, that no increased trip generation is expected.

Should the present use of the site change in the future, driveway locations may be required to be relocated.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
832-7310

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

Attention: Mr. Donald J. Dillon, Acting
Zoning Advisory Committee

Re: Property Owner: Carney Leasing Corporation

Location: S/S Joppa Road, 170' E of Ridgely Road

Item No. 8 Zoning Agenda IV ZONING CYCLE
October 1972 - 1973 (April)

Gentlemen:

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
- () 4. EXCEEDS the maximum allowed by the Fire Department. 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: *John A. Dillon* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

ms
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 17, 1972

DONALD J. ROOP, M.D., M.P.H.
HEALTH OFFICE AND COUNTY HEALTH OFFICE

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

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, October 4, 1972, are as follows:

Property Owner: Carney Leasing Corporation
Location: S/S Joppa Road, 170' E of Ridgely Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.L.
District: 11
No. Acres: 0.02

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:an



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Dunsby
Acting Director
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
464-3311

October 24, 1972

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

Dear Mr. DiNenna:

Comments on Item #8, IV Zoning Cycle, October 1972-April 1973, are as follows:

Property Owner: Carney Leasing Corporation
Location: S/S Joppa Road, 170' E of Ridgely Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass from D.R. 5.5 to B.L.
District 11
No. Acres: 0.02 acres

The site plan must be revised to show the following:

- a. Complete parking calculations.
- b. The required 8 foot buffer strip between the parking and the street property along with the curbing required to maintain the 8 foot buffer.
- c. The use of the buildings must be clarified.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

James D. Nolan, Esq.,
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 8
Carney Leasing Corporation

Dear Mr. Nolan:

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 southeast corner of Joppa Road and Ridgely Avenue, in the 11th District of Baltimore County. This property is currently improved with a converted service station for a use of an electrical contractor. The subject of this petition concerns a 5 foot strip that is located on the easternmost side of this property that was apparently not included in the adoption of the new zoning maps for this area. The property immediately to the east of this property is currently improved with a two-story dwelling that sits in elevation much higher than the subject property. There is a steep bank between this property and the property to the east. The property to the south and the rear of this site is also improved with a residential dwelling. There is an existing tavern on the west side of Ridgely Avenue which is not indicated on the submitted site plan. There is also a variance request for a zero side yard along the easternmost property line. The site plan indicates this will be for a one-story warehouse addition. I recommend that the petitioner reconsider the use of this proposed addition because a warehouse is not a permitted use in the Business Local zone.

A revised site plan should be submitted which indicates the use and entrances of this commercial property on the west side of Ridgely Avenue. Also the parking calculations are to be revised in accordance with the parking requirements and the 8 foot buffer strip from the right of way line shall be indicated.

This petition is accepted for filing on the date of the enclosed filing certificate. However, all corrections to site plans as requested shall be submitted to this office prior to Thursday, February 1, 1973 in order to allow time for advertising. Failure to comply may result in this petition not being scheduled for a

James D. Nolan, Esq.,
Page 2
October 13, 1972

Hearings. Notice of the hearing date and time, which will be between March 1, 1973 and April 15th, 1973 will be forwarded to you in the near future.

Very truly yours,
John A. Dillon
John A. Dillon, Esq.,
Chairman,
Zoning Advisory Committee

JJD:JD

Enclosure

Date: October 20, 1972

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

Re: Item #8
Property Owner: Carney Leasing Corporation
Location: S/S Joopa Road, 170' E of Ridgley Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass from D.R. 5.5 to B.L.

District: 11
No. Acres: 0.02 acres

Dear Mr. Dilegna:

'Amount of acreage too small to have any effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WIP:ld

T. BAYARD WILLIAMS, JR. - HUSBAND
MRS. EDNA M. WILLIAMS - TEL. BRADSHAW
MRS. MARGARET. HENRY-C

EUGENE D. HEFF
H. RUSSELL KNIGHT
ALVIN L. GORDY

H. ENSLIE PAGES
 214, 20 W. TRACE, V.M.M.
 MR. RICHARD E. BUCKLEY

TOWSON, MD., February 25, 1923

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing on the 19th day of _____, 1913, and continuing until the _____ day of _____, 1913, the last publication appearing on the _____ day of _____, 1913.

THE JEFFERSONIAN

THE JEFFERSONIAN,
G. Frank Stricker
Manager.

Cost of Advertisement, \$_____

ESSEX, MD. 21221 February 19 - 19 73

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinenna
Zoning Commissioner of Baltimore County

was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one ~~xxxxxxx~~ week before the 19 day of February 19 73 that is to say, the same was inserted in the issue of February 15, 1973.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan

473-208-RA

District: 114 Date of Posting: 2-15-73
 Posted for: Heavenly Jrs. Mar. 9th 1973 @ 10:00 A.M.
 Position: Heavy Laying, Cows
 Location of property: 155th Ave. & Jappa Rd. and Ridgely, Mo.
 Location of Range: 2 Jappa Contol on Jappa Rd. 2 Jappa Contol
on Ridgely Ave
 Remarks:
 Posted by: Neal H. Hoot Date of return: 2-22-73

County Office Building
111 N. Chesapeake Avenue
Tulsa, Maryland 21206

Your Petition has been received and accepted for filing
this 15th day of October 1972.

Petitioner Gray Lending Corporation
 Petitioner's Attorney R. Nelson Reviewed by [Signature]
 Advisory Commission

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE March 9, 1973 ACCOUNT 01-669

AMOUNT \$37.17

WHITE - CARMER **DISTRIBUTION** **YELLOW - CLOTHES**
PHN - AGENCY

James F. Nolan, Esq.
 205 W. Penna. Ave.
 Towson, Md. 21204
 Advertising and printing of property for Canner
 Leasing Company
 672-5014

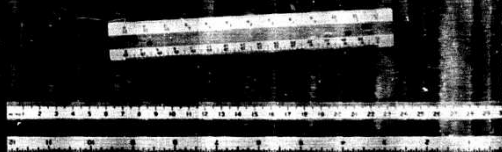
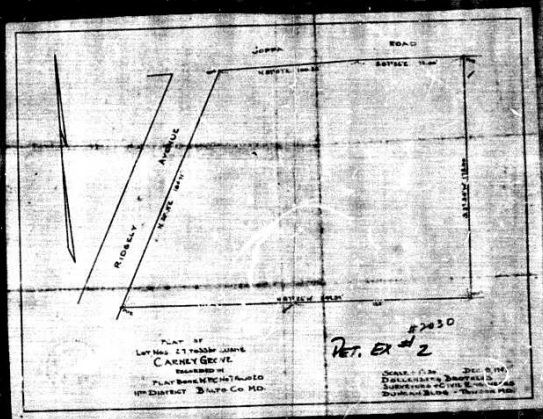
BALTIMORE COUNTY, MARYLAND No. 5750
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

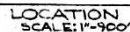
DATE Nov. 6, 1972 ACCOUNT 03-662

AMOUNT **\$50.00**

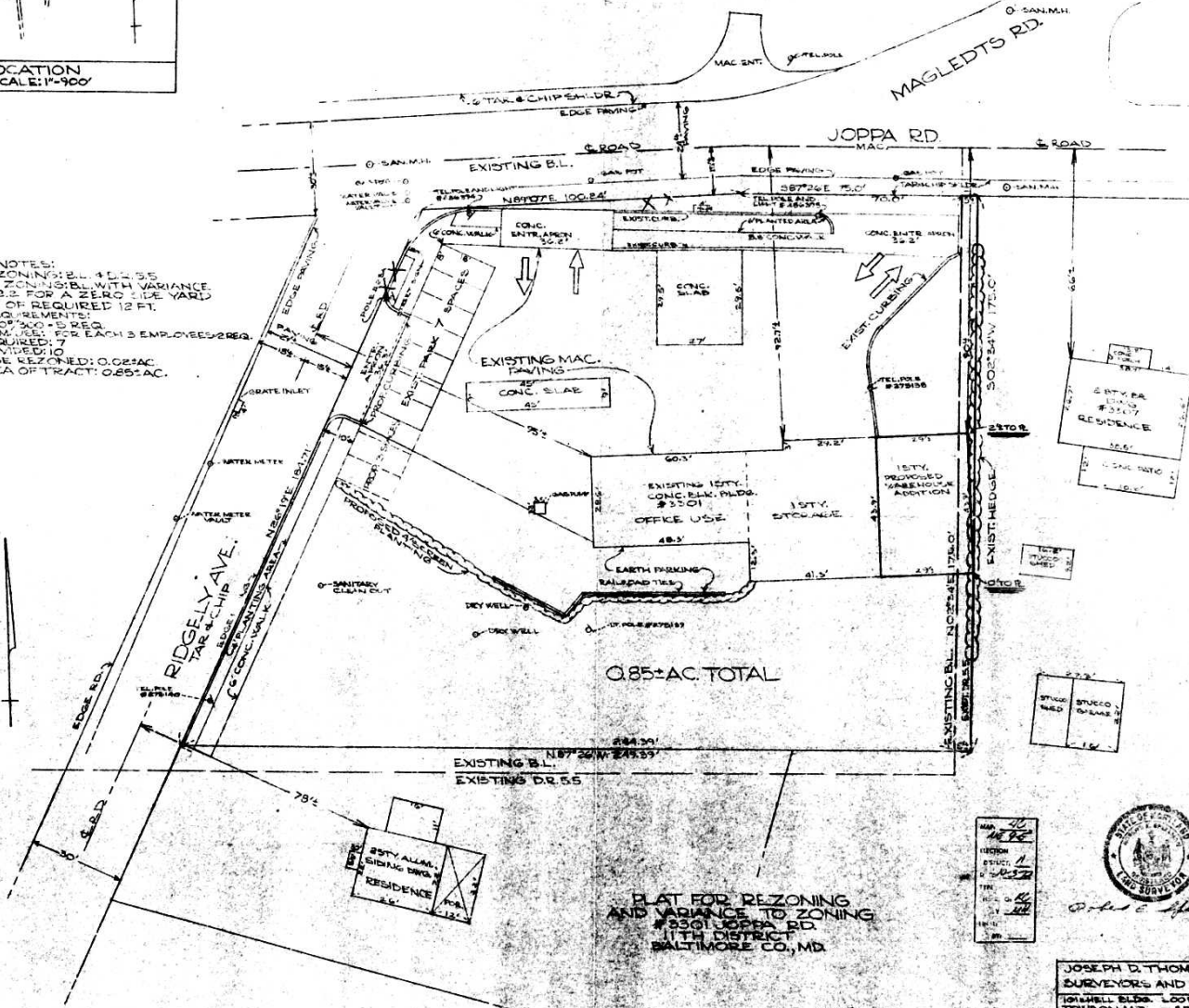
DISTRIBUTION
WHITE - LAMAR **BLUE - AGENT** **YELLOW - CUSTOMER**
BROWN, Blum, Campbell and Williams
24 E. Penn. Ave.
Boston, M. 21204
Petition for Reclassification & Variance for
Quarry Leasing Prop. **500.00**







GENERAL NOTES:
EXISTING ZONING: R-1, L-1, L-2, L-3, L-4
PROPOSED ZONING: BL WITH VARIANCE
FROM Z-2.2 FOR A ZERO SIDE YARD
INSTEAD OF REQUIRED 12 FT.
PARKING REQUIREMENTS:
OFFICE: 1 PARKING SPACE PER 200 SQ. FT.
OTHER COMM. USE: FOR EACH EMPLOYEE 2 PARKING SPACES
TOTAL REQUIRED: 7 PARKING SPACES
TOTAL LOT AREA: 1.02 AC.
TOTAL AREA OF TRACT: 0.85 AC.



PLAT FOR REZONING
AND VARIANCE TO ZONING
#3301 UOPPA RD.
11TH DISTRICT
BALTIMORE CO., MD.

JOSEPH D. THOMPSON
SURVEYORS AND ENGINEERS
101 HILL BLVD. LOOE JOPPA RD.
TOWSON, MD. SEPT. 29, 1972
SCALE: 1" = 20'

