

72-2272 PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Doris A. North, Leo J. Henn, Jr.

As the 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.R. zone, for the following reasons:

(See attached brief.)

See attached description

and the following reasons: under the existing zoning law, the property is zoned D.R. 5.5, which is not conducive to residential purposes.

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.

Doris A. North, 3300 Hollins Ferry Rd.
Baltimore, Md. 21227
Leo J. Henn, Jr.,
Mardel Henn
Contract purchaser
2614 Gebb Ave., Baltimore, Md. 21227
Address:

Protestant's Attorney
Saunders M. Almond, Jr.,
Address: Jennifer Building, Towson, Md. 21204
Phone: 825-7600

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 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 28th day of March, 1973, at 10:00 o'clock.

Almond, Jr.
Zoning Commissioner of Baltimore County.

(over)

MALCOLM E. HUDKINS ASSOCIATES
SURVEYORS AND LAND DEVELOPERS
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-828-8080

September 28, 1972

REZONING PETITION - DR 5.5 to BR:

Beginning for the same at the intersection of the south line of Gebb Avenue with the west line of Hollins Ferry Road thence binding on said west side of Hollins Ferry Road South 02° 12' 00" East 50.02 feet and South 01° 50' 00" East 116.92 feet thence North 72° 04' 00" East 223.75 feet thence North 17° 56' 00" East 157.00 feet to the said north line of Gebb Avenue thence binding thereon South 72° 04' 00" East 166.99 to the place of beginning.

Containing 0.704 Acres of land more or less.

Saving and excepting from the above description all that parcel of land lying within Baltimore City and more particularly described as follows:

Beginning for the same at the intersection of the south side of Gebb Avenue with the west side of Hollins Ferry Road thence binding thereon South 02° 12' 00" East 20 feet more or less to the division line between Baltimore City and Baltimore County thence binding northwesterly 90 feet more or less to intersect the said south side of Gebb Avenue thence binding thereon South 72° 04' 00" East 82 feet more or less to the place of beginning.

Containing 0.2771 square feet of land more or less.

Malcolm E. Hudkins
Registered

Malcolm E. Hudkins
Professional Surveyor

RE: PETITION FOR RECLASSIFICATION
SW corner of Hollins Ferry Road
and Gebb Avenue - 13th District
Doris A. North, et al - Petitioner
NO. 73-227-R (Item No. 41)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request by the Petitioners to reclassify their property from a D.R. 5.5 Zone to a B.R. Zone. The property in question consists of .8 of an acre, more or less, and is located at the southwest corner of Hollins Ferry Road and Gebb Avenue, in the Thirteenth Election District of Baltimore County.

The property is presently improved with two dwellings, one being a rather old converted schoolhouse in good repair, is located adjacent to the Baltimore City - Baltimore County dividing line.

In addition to the Petitioner, Mrs. Doris A. North, testimony was given by Mr. A. J. Mueller, a registered professional civil engineer, past Zoning Commissioner, and past County Commissioner.

Both the Petitioner and Mr. Mueller described the property as being in a changing neighborhood. The property to the north or opposite side of Gebb Avenue is located in Baltimore City and is zoned and utilized for residential purposes. The property adjoining on the west is zoned D.R. 5.5 and is improved with a dwelling. The property to the south is also zoned D.R. 5.5 however, this lot is vacant and is apparently being utilized as setback area for an adjoining electrical contractor's shop and warehouse. The property to the east or on the opposite side of Hollins Ferry Road is zoned and utilized for a Manufacturing, Light use. The property north and catty-cornered to the site in question is located in Baltimore City and is zoned and improved for a shopping center use. Other major land uses in the area, within Baltimore County, consists of the Lansdowne Junior High and Middle School and commercial warehousing complex.

BRIEF OF PETITIONERS

September 29, 1972

Re: Petition for Zoning Reclassification
from DR-5.5 to a BR Zone.

The Brief of Doris A. North, Leo J. Henn, Jr. and Mardel Henn, owners of the properties known as 3300 Hollins Ferry Road and 2614 Gebb Avenue, in the 13th Assessment District of Baltimore County, State of Maryland, respectfully represents:

FIRST: That the nature of the neighborhood has changed greatly over the past six years. The area was primarily used for farmland and residences. Three years ago, a large shopping center was developed immediately across Hollins Ferry Road to the East, and the recent Master zoning plans changed the adjacent land to the South and East to M.L.

SECOND: The property known as 3300 Hollins Ferry Road was primarily occupied by the Petitioners' mother as a residence for the past 39 years, but her recent death has necessitated a sale of the property, and the residential use is not a logical one for a prospective purchaser.

Respectfully submitted,

Saunders M. Almond, Jr.
Attorney for the Petitioners.

Homes in close proximity to the subject site were described as being of the older variety and in need of repair. The area in general was not considered conducive to residential purposes.

Comments by the Department of Traffic Engineering gave no indication of existing overcrowded conditions on surrounding roads, but indicated that the site, as presently zoned, would generate approximately 40 trips per day, and if reclassified to B.R., would generate 340 trips per day.

Since the Petitioner is not requesting an increase in the residential density, the Board of Education had no comment with regard to the number of pupils attending area schools. However, they did express concern as to the possible uses permitted by B.R. zoning. This concern was brought about by the fact that the subject property is located immediately adjacent to the Lansdowne Middle School, which has had problems with students and a local restaurant.

Since the subject property is located adjacent to the Baltimore City - Baltimore County line and any changes in zoning would have an impact on both jurisdictions comments were solicited from the Baltimore City Department of Planning. Their comment was, in part, as follows:

"The Baltimore City Department of Planning has generally opposed reclassification of single parcels for commercial use. In the absence of a rational zoning pattern for the area, this could lead to increased pressures for commercial zoning of the adjacent residential properties along Gebb Avenue.

The Baltimore City Department of Planning recommends against the rezoning of this property for commercial use."

Recommendations of the Baltimore County Planning Board were also negative. However, due to the close proximity of the property to commercial and manufacturing type uses, they did recommend that some relief be offered in the way of office type zoning.

After reviewing the above testimony, recommendations, and making an on site field inspection of the subject property and area in general, it is the

- 2 -



December 18, 1972
Mr. John J. Dillor, Jr.
Chairman
Baltimore County Zoning Advisory Committee
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

REZONING SOUTHWEST CORNER HOLLINS FERRY ROAD AND GEBB AVENUE

The Baltimore City Department of Planning has reviewed the rezoning application for the same property at the southwest corner of Hollins Ferry Road and Gebb Avenue. This proposal would change the zoning from the residential DR-5.5 category to the BR classification.

The subject property lies immediately south of the City-County line in the vicinity of Hollins Ferry Road and Patapsco Avenue. The area north of the subject property is zoned and developed residentially (R-4) west of Hollins Ferry Road, while the land to the east is improved with a shopping area which is zoned B-2-1.

The Baltimore City Department of Planning has generally opposed reclassification of single parcels for commercial use. In the absence of a rational zoning pattern for the area, this could lead to increased pressures for commercial zoning of the adjacent residential properties along Gebb Avenue.

The Baltimore City Department of Planning recommends against the rezoning of this property for commercial use.

DAVID REICH
DIRECTOR

Mr. James Howell
Office of Planning and Zoning
Room 301, Jefferson Building
Towson, Maryland 21204

223 East Saratoga Street
Fourth Floor
Baltimore, Maryland 21202
(410) 782-2000, ext. 100

opinion of the Deputy Zoning Commissioner that the reclassification as requested should not be had. However, the map is in error in not establishing a more practical use of the subject property. Many of the properties west of the subject site along Gebb Avenue are in good repair and well maintained with some new homes having been constructed in this area. The close proximity of commercial and manufacturing uses and the traffic conditions along Hollins Ferry Road warrant a buffer type zone or use on the Petitioner's property which is not conducive to residential purposes.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 30th day of April 1973, that the above Reclassification be and the same is hereby DENIED.

It is further ORDERED that the herein described property or area be Reclassified from a D.R. 5.5 Zone to a D.R. 16 Zone, and a Special Exception for an Office Building should be and the same is Granted from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

James E. Dillor
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE April 29, 1973

BY John P. Harvey

PROPERTY OF
MATILDA A. NORTH
ELECTION DISTRICT NO. 13
BALTIMORE COUNTY, MD.
SCALE 1"=200' SEPT 23, 1972

PREPARED BY
MALCOLM E. HUDKINS
305 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

JUN 27 1973

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE
October 13, 1972

Saunders M. Almond, Jr., Esquire
Jenifer Building
Towson, Maryland 21204

RE: Petition for Reclassification
D.R. 5.5 Zone to B.R.
S/S of Gehb Avenue, W/S of
Hollins Ferry Road
13th District
Doris A. North, et al -
Petitioners
Item No. 41
Fourth Zoning Cycle

Dear Mr. Almond:

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 southwest corner of Hollins Ferry Road and Gehb Avenue, in the Thirteenth District of Baltimore County. All but a very small portion of the corner is located in Baltimore City.

The property is currently improved with two (2) existing dwellings, one which faces on Hollins Ferry Road and the other fronts on Gehb Avenue. There is also a small one (1) car garage located on the property. The property on the north side of Gehb Avenue is located in Baltimore City and is improved with residential dwellings. The property on the east side of Hollins Ferry Road is zoned M. L. and the city property is zoned B-2-1 and is improved with a shopping center. No curb and gutter exist on Hollins Ferry Road or Gehb Avenue at this location.

A revised site plan shall be submitted to this office that reflect the comments of the Bureau of Engineering. I suggest that the petitioner pay particular attention to the comments of the Bureau of Engineering and the Department of Traffic Engineering.

Saunders M. Almond, Jr., Esquire
Page Two
October 13, 1972

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

Very truly yours,
John J. Dillon
John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

JJD:vtc

Enclosures

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

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

October 13, 1972

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

Re: Item #41 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Doris North, Leo J. Henn, Jr. and Mardel Henn
S/S Gehb Ave., W/S of Hollins Ferry Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. from D.R. 5.5 to B.R.
District: 13th No. Acres: 277.71 sq. ft.

Dear Sir:

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.

Highway Comments:

Hollins Ferry Road is an existing public road proposed for improvement as a collector with a 40-foot curb to curb cross-section on a 60-foot right-of-way. Improvements have been designed through the frontage of this site, left: Job Order S-179-50 and right-of-way plat 67-222, but are not correctly shown on the petitioner's plat.

Gehb Avenue is an existing road used for local residential access which is to be improved as a 30-foot curb to curb cross-section on a 50-foot right-of-way. Gehb Avenue is called to be an existing 30-foot right-of-way and plotted to be a 40-foot right-of-way on the petitioner's plat. This should be clarified by the petitioner's engineer. The 15-foot highway widening for the Gehb Avenue frontage as plotted on the petitioner's plat will be adequate for the improvement necessary if located properly. A 15-foot widening would be necessary if the 30-foot existing right-of-way called is correct.

Note: The "4-foot high Dense Screening" called and shown on the frontage of Gehb Avenue and Hollins Ferry Road is plotted in the proposed highway widening and slope easement area instead of within the resulting fee lot.

Storm Drain Comments:

The subject property lies within the Patapsco Watershed.

Item #41 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Doris North, Leo J. Henn, Jr. and Mardel Henn
Page 2
October 13, 1972

Storm Drain Comments: cont'd)

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.

Proposals for draining the improvement proposed have not been indicated on the Petitioner's plat.

Sediment Control Comments:

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

Water Comments:

Public water is available to serve this property.

Sanitary Sewer Comments:

Public sanitary sewerage is available to serve this property.

This property is served by sanitary sewers from the Maiden Choice Run Drainage Area.

Very truly yours,

Ellsworth H. Diver
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:HAMCK:iss

SW 5 B Topo
G-SE Key Sheet
15 SW 7 Position Sheet
109 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MELZER
CHIEF DEPT. TRAFFIC ENGINEERING

October 30, 1972

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

Re: Cycle Zoning IV
Item #41 - ZAC - Oct. 72 to Apr. 73
Property Owner: Doris North, Leo J. Henn, Jr. & Mardel Henn
S/S Gehb Avenue W/S of Hollins Ferry Road
Reclass. from DR 5.5 to BR
District 13

Dear Mr. DiNenna:

The subject petition is requesting a zoning reclassification from DR 5.5 to BR. As presently zoned, this site would generate approximately 40 trips per day. The reclassification would generate approximately 340 trips per day.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

NSP:nc

Baltimore County Fire Department

J. Austin Davis
Chief

Towson, Maryland 21204
622-7319

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Mr. Jack Dillon Acting
Zoning Advisory Committee

Re: Property Owner: Doris North, Leo J. Henn, Jr. and Mardel Henn

Location: S/S Gehb Avenue, W/S of Hollins Ferry Road

Item No. 41 Zoning Agenda IV ZONING CYCLE
October 1972 - April 1973

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.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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 is _____ 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.
- () 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. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *John A. Kelly* Noted and
Planning Group Approved: _____
Special Inspection Division Deputy Chief
Fire Prevention Bureau

nls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 10, 1972

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

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

Dear Mr. DiNenna:

Comments on F-classification, Zoning Advisory Committee Meeting, October 4, 1971, are as follows:

Property Owner: Doris North, Leo J. Henn, Jr. and Mardel Henn
Location: S/S Gehb Ave., W/S of Hollins Ferry Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.R.
District: 13
No. Acres: 277.71 sq. ft.

Metropolitan water and sewer are available to the site.

Food Service 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.

Very truly yours,

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

HVB:mne

cc: L.A. Schuppert

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 23, 1972

Mr. S. Eric Milson
Zoning Department
County Office Building
Towson, Maryland 21204

Re: Item #41
Property Owners: Doris North, Leo J. Henn, Jr. and Mardel Henn
Location: S/S Calk Avenue, W/S of Hollins Ferry Road
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass from D.R. 5.5 to B.R.

District: 13
No. Acres: 827.71 square feet

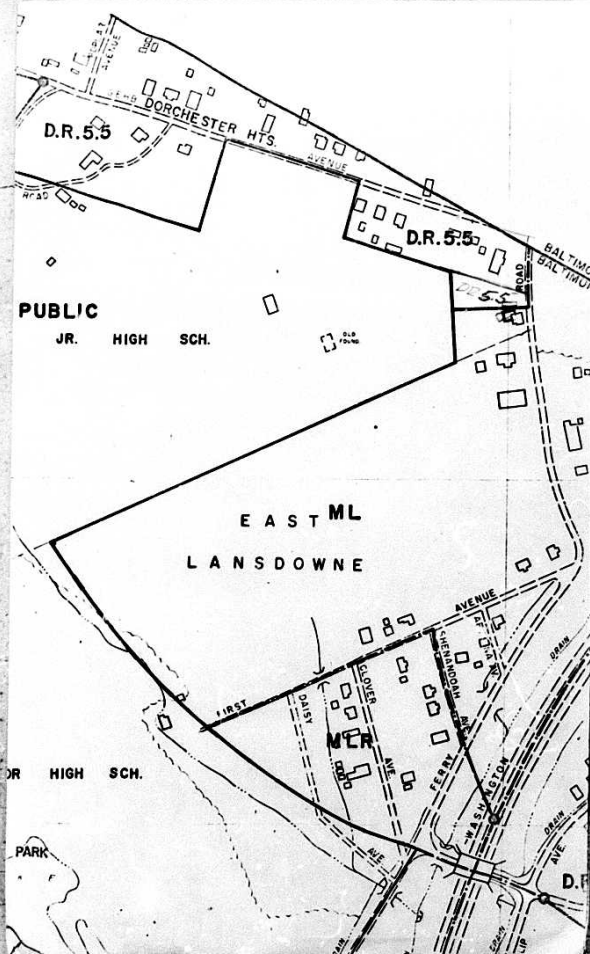
See Map, Baltimore

The existing D.R. 5.5 area could yield at best two (2) pupils while a rezoning to B.R. would not yield any students. However, the zoning commission should be made aware of the proximity of this land to question to the Lansdowne Middle School. The principal of this school has expressed concern because of the possibilities offered by the B.R. type zoning. Last year, it seems, he had a great deal of trouble with students and a local Gino's Drive-In. The land we have here is immediately adjacent to the school property.

Very truly yours,

W. Elmer Fubovich
W. Elmer Fubovich
Field Representative

W. Elmer



CERTIFICATE OF PUBLICATION

TOWSON, MD. March 8, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on the 8th day of March, 1973 the 1st publication appearing on the 8th day of March, 1973.

THE JEFFERSONIAN
W. Elmer Fubovich
Manager

Cost of Advertisement, \$

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 16, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of the 28th successive weeks before the 19th day of March, 1973, the first publication appearing on the 11th day of March, 1973.

THE TIMES

John W. Martin
Manager
John W. Martin

Cost of Advertisement \$ 25.50

PO # 1567
Reg. No. 2673

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: MARCH 10, 1973
Posted for: RECLASSIFICATION
Petitioner: DORIS A. NORTH
Location of property: S.W. COR. OF HOLLINS FERRY RD. & CALK AVE.
Location of Sign: W/S OF HOLLINS FERRY RD. S. OF CALK AVE.
A.T. CRIDER
Remarks: [Signature]
Posted by: [Signature] Date of return: MARCH 15, 1973

PETITION MAPPING PROGRESS SHEET

FUNCTION	Map	Original	Duplicate	Tracing	200 Sheet
	date	date	date	date	date
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: [Signature]					
Revised Plans: Change in outline or description					
Previous case: [Signature]					

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
Zoning Department
Towson, Maryland 21204

Your Petition has been received and accepted for filing.

This is the City of Baltimore.

[Signature]

Posting Department

Posting Department

Posting Department

Posting Department

Posting Department

Posting Department

Posting Department

Posting Department

Posting Department

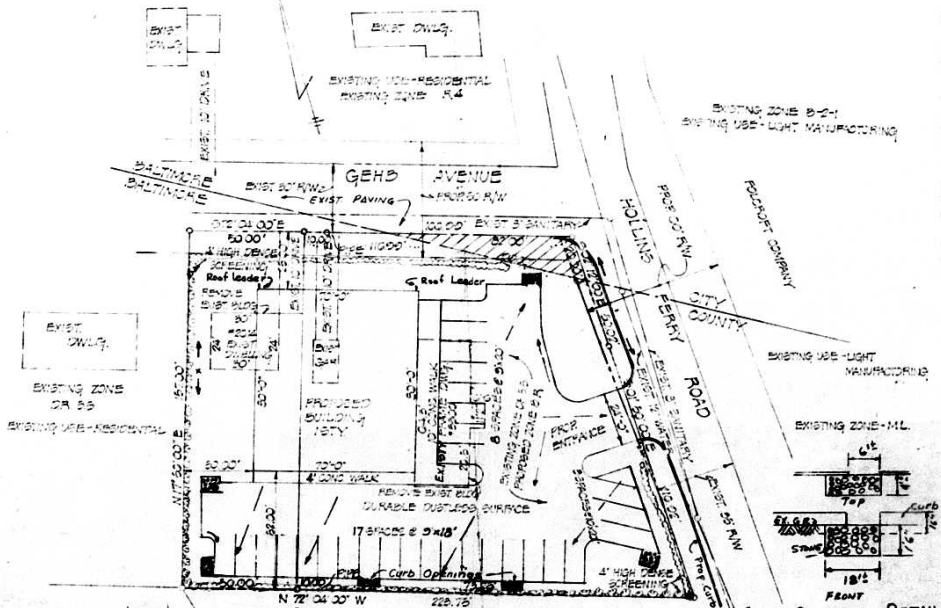
Posting Department

Posting Department

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT
Check # 89, 1973
DATE: [Signature]
AMOUNT: \$8.38
WHITE - CASHIER
Doris A. North
3300 Hollins Ferry Rd.
Baltimore, Md. 21207
Advertising and mapping of property - 873-027-8

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT
Check # 89, 1973
DATE: [Signature]
AMOUNT: \$8.38
WHITE - CASHIER
Doris A. North
3300 Hollins Ferry Rd.
Baltimore, Md. 21207
Advertising and mapping of property - 873-027-8

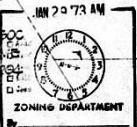
JUN 27



EXISTING ZONE
PUBLIC USE

MALCOLM E. HOOKINS #41
805 W. CHESAPEAKE AVE.
TOWSON MARYLAND 21284

REVISED PLANS



EXISTING ZONE OR 55

DENSITY CALCULATIONS

- 1 AREA OF LOT 10 555 ACRES
- 2 AREA OF BUILDING 5000 SQ FT
- 3 OFF STREET PARKING 18 SPACES
- 4 200 SQ FT OF PROPOSED BUILDING
- 5 PARKING REQUIRED 200 - 220 + 23 SPACES
- 6 PARKING SHOWN 200 SPACES
- 7 PARKING SPACES MEASURE 10' X 20'

EXISTING ZONE - M.L.

GENERAL NOTES

- 1 EXISTING ZONING OR 55
- 2 PROPOSED ZONING B-1
- 3 EXISTING USE - RESIDENTIAL
- 4 PROPOSED USE - RETAIL AREA

PROPERTY OF

MATILDA A. NORTH

ELECTION DISTRICT NO 15
BALTIMORE COUNTY MD
SCALE 1"=20' SEPT 23, 1972

Revised: January 26, 1973.

PLAT TO ACCOMPANY APPLICATION
FOR ZONING RECLASSIFICATION

