

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Paul T. Carey, 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 R-16 zone to an R-1 zone and a variance to Section 409.2 to permit 2 parking spaces in-
stead of the required 8.
409.2.0. (1)

To provide conformity of zoning with existing use.
To provide for the best and proper use of the premises; present zoning divides property.

And a Variance from Section 409.2c.4 to permit parking of a street property line instead of the required 8'

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 alcoholic beverage package store and living quarters in an attached building.

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
Paul T. Carey
Paul T. Carey Legal Owner
Address: 1902 Old Eastern Avenue
Baltimore, Maryland 21221
Protestant's Attorney
Charles W. Paine
1760 Eastern Boulevard
Baltimore, Maryland 21221

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of August, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 14th day of October, 1973, at 1:00 o'clock.

Ronald J. Kearns
Zoning Commissioner of Baltimore County.

(over)

1:00P
10/14/73

In Re: PETITION OF PAUL CAREY FOR ZONING RE-CLASSIFICATION BALTIMORE COUNTY ZONING DEPARTMENT

MEMORANDUM

FACTS: Paul T. Carey has been for 30 years the owner of the subject property located on the north-west corner of Eastern Avenue and Wilbur Road in the Middle River section of Baltimore, County. The property is known as either 1 Wilbur Road or 1902 Old Eastern Avenue, and is further identified as Lot #23 as shown on the Plat of Section 1, Edgewater Addition, Fifteenth District.

In 1949, following proper application to and hearing before the Zoning Commissioner of Baltimore County, the property was zoned BL. This designation remained until 1969-70 when the zoning maps of Baltimore County were re-drafted, at which time, unknown to Mr. Carey, the subject property was partially re-zoned to R-16 residential.

Since 1949 the property owner has owned and operated a Package Goods Liquor Store facing Old Eastern Avenue at the 1902 address. The neighborhood is mixed residential and commercial, with most of the commercial enterprises being located along Old Eastern Avenue. Directly across Old Eastern Avenue from the subject property is a used car lot and a meeting hall; on the same side of Eastern Avenue are found a V.P.W. Hall, beauty salon and tavern.

The line of demarcation from BL zone to R zone cuts across the subject property, passing directly through the Package Goods Store. Thus, part of the property is now properly zoned,

while the balance is not.

ERROR: The subject property, having been properly zoned in 1949 for the accommodation of the package-goods liquor store, should not have had the zoning changed in 1970-71 when the new area zoning maps were adopted. Further error was committed by running the zoning line directly through the property involved. There was no valid reason for changing the zoning on this particular property since the use of the property had not changed in two decades. The neighborhood is commercial in character, at least along Old Eastern Avenue.

CONCLUSION: Based upon the facts of the situation as presented and upon the error in the placement of the line of demarcation from BL zone to R zone, it is respectfully submitted that the subject property be zoned BL in its entirety.

Ronald J. Kearns
Solicitor For Petitioner

RONALD J. KEARNS
ATTORNEY AT LAW
1760 EASTERN AVENUE
BALTIMORE, MD.
TELEPHONE 680-0000

PROTESTANT'S
EXHIBIT

THE UNDERSIGNED, ARE OPPOSED TO ANY FURTHER
EXTENSION OF COMMERCIAL ZONING ON WILBUR ROAD.

NAMES	ADDRESSES
<u>Mont & Hershman</u>	<u>3 Wilbur Rd. Baltimore</u>
<u>Joseph Handley</u>	<u>4 Wilbur Road Baltimore 21221</u>
<u>W. Howard V. Biggle</u>	<u>Wilbur Rd. Baltimore 21221</u>
<u>Michelle Marie Bagel</u>	<u>7 Wilbur Rd. Baltimore 21221</u>
<u>Kornia Smith Hershman</u>	<u>3 Wilbur Rd. Baltimore 21221</u>
<u>Mona Vanelslander</u>	<u>5 Wilbur Rd. Baltimore 21221</u>
<u>P.H. Hershman</u>	<u>5 Wilbur Rd. Baltimore 21221</u>
<u>W.T. Porter</u>	<u>12 Wilbur Rd. Baltimore 21221</u>
<u>Mrs. Paul J. Pith</u>	<u>8 Wilbur Rd. Baltimore 21221</u>
<u>Mrs. James Lebege</u>	<u>1910 Eastern Ave. Baltimore 21221</u>
<u>Mrs. Martha Ford</u>	<u>1910 Eastern Ave. Baltimore 21221</u>
<u>Wm. L. G. Jones</u>	<u>1910 Eastern Ave. Baltimore 21221</u>

NAMES

ADDRESSES

BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 13, 1973

COUNTY OFFICE BLDG.
151 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
CULTURAL
DEVELOPMENT

Ronald J. Kearns, Esq.
1760 Eastern Boulevard
Baltimore, Maryland 21221

Re: Reclassification Petition
Item 37
Paul T. Carey - Petitioner

Dear Mr. Kearns:

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

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located at the intersection of Wilbur Road and Old Eastern Avenue, in the 15th District of Baltimore County. This property is currently improved with a 1 1/2 story frame dwelling that fronts on Wilbur Road and is attached via a small carport at the rear of an existing brick and masonry structure that is used as a liquor store. Petitioner is requesting a reclassification of his property from a R-16 to a Business Local zone. Curb and gutter exists along Eastern Avenue and Wilbur Road at this location. The property on the opposite side of Eastern Avenue is improved with an auto sales company and Suedel's Marine and Boat Yard. Also, the entrance to the marine basin is opposite Wilbur Road at this location on Pulte Lane.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to Friday, June 1, 1973 in order to allow

Ronald J. Kearns, Esq.
Item 37
April 13, 1973

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time for final Committee review and 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 September 1, 1973 and October 15, 1973 will be forwarded to you well in advance of the date and time.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman, Zoning Advisory Committee

JJDjr:JU

(Enclosure)

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

Bureau of Engineering
ELLENWORTH N. GIVENS, P.E. CHIEF

April 13, 1973

Mr. R. Eric Dillman
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #187 (1972-1973)

Property Owner: Paul T. Carey
151 N. Chesapeake Ave. and 1760 Wilbur Road
Present Zoning: D-16 and B-1
Proposed Zoning: Reclass to B-1 and a Variance from Section 109.2 to permit 2 parking spaces instead of required 7 spaces
District: 15th No. Acres: 0.11 acres

Dear Mr. Dillman:

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:

Eastern Avenue is an improved County road on a 60-foot right-of-way in the vicinity of this property. No further highway improvements are required at this time for Eastern Avenue.

Wilbur Road, an existing County road is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements will be required in connection with any grading or building permit application. Sidewalk required along the frontage of this property. The construction, or reconstruction, of sidewalk, curb and gutter, entrance etc. required in connection with the further development of this site will be the full responsibility of the developer.

The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through striping, 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 striping of top soil.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of ~~error~~ to the original zoning map, the Reclassification should be had, that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for Living Quarters in a Commercial Building should be granted; and that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of the Variances requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit two parking spaces in lieu of the required eight spaces and to permit parking 20 feet from a street property line in lieu of the required eight feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26 day of February, 1973, that the herein described property or area should be and the same is hereby reclassified from a D.R. 16 Zone to a B.L. Zone.

Zone a Special Exception for Living Quarters in a Commercial Building should be and the same is GRANTED, and Variances to permit two parking spaces in lieu of required eight spaces and to permit parking 20 feet from a street property line in lieu of the required eight feet, 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.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above reclassification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 196, 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 zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Mr. S. Eric DiNenna
April 23, 1973
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Item #187 (1972-1973)

Storm Drain:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage 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 & Sanitary Sewer:

Public water supply and sanitary sewerage are available and serving this property.

Very truly yours,

Samuel A. Riser
Samuel A. Riser, P.E.
Chief, Bureau of Engineering

ENCLOSURES

1-32 Key Sheet
10 BE 32 4 33 Position Sheet
25 3 H 4 1 Topo
20 Tax Map

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MELSER
CHIEF DEPUTY TRAFFIC ENGINEER

April 27, 1973

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

Re: Item 37 - Cycle Zoning V - April to Oct, 1973
Property Owner: Paul T. Carey
Eastern Ave, 6 Wilbur Road
Reclass. to B.L. - District 15

Dear Mr. DiNenna:

The subject petition is of insufficient size to create any major traffic problems. It should be pointed out that three parking spaces are not sufficient to serve the types of uses proposed and existing on the site.

Very truly yours,

E. Richard Moore
E. Richard Moore
Assistant Traffic Engineer

CRM:mc

Baltimore County Fire Department



Towson, Maryland 21204

822-7310

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

Attention: Mr. ~~Samuel A. Riser~~ Chairman
Zoning Advisory Committee

Re: Property Owner: Paul T. Carey

Location: N/W/2 of Eastern Avenue and N/E 1/2 of Wilbur Road

Item No. 187 Zoning Agenda Tuesday, March 27, 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 100 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 head-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.
- () 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.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *[Signature]* Noted and Approved: Deputy Chief
Planning Group Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 17, 1973

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 item 187, Zoning Advisory Committee Meeting March 17, 1973, are as follows:

Property Owner: Paul T. Carey
Location: N/W/2 of Eastern Avenue and N/E/2 of Wilbur Rd.
Present Zoning: D.R. 16 and B.L.
Proposed Zoning: Reclass to B.L. and a Variance from Section 409.2 to permit 2 parking spaces instead of required 7 spaces.
District: 15
No. Acres: 0.11

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:mc

William D. Fromm
JEROME W. KLEBERGER
Director
Jefferson Building
Suite 301
Towson, MD 21204
(410) 321-1111



S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesaapeake Ave.
Towson, MD 21204
(410) 321-1111

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 17, 1973

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 187, Zoning Advisory Committee Meeting, March 27, 1973, are as follows:

Property Owner: Paul T. Carey
Location: N/W/2 of Eastern Avenue and N/E/2 of Wilbur Road
Present Zoning: D.R. 16 and B.L.
Proposed Zoning: Reclass to B.L. and a Variance from Section 409.2 to permit 2 parking spaces instead of required 7 spaces
District: 15
No. Acres: 0.11 acres

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

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 27, 1973

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

Re: Item 187 Z.A.C. Meeting of: March 27, 1973
Property Owner: Paul T. Carey
Location: N/W/2 of Eastern Avenue and N/E/2 of Wilbur Road
Present Zoning: D.R. 16 and B.L.
Proposed Zoning: Reclass to B.L. and a Variance from Section 409.2 to permit 2 parking spaces instead of required 7 spaces

District: 15
No. Acres: 0.11 acres

Dear Mr. DiNenna:

Acres too small to have an effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

-ap/ml



HAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS
8013 BELAIR RD. BALTIMORE, MD 21206 (301) 668-1501

March 5, 1973

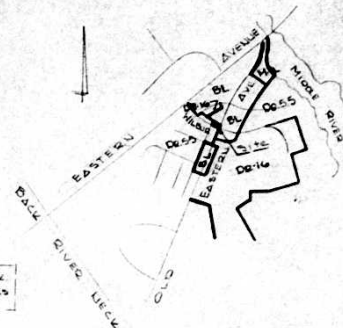
DESCRIPTION TO ACCOMPANY PLAT FOR RECLASSIFICATION FROM D 10 TO B.L. ZONE.

BEGINNING FOR THE SAME at the corner formed by the intersection of the northwest side of Old Eastern Avenue and the northeast side of Wilbur Road, thence leaving said place of beginning and running and binding on the northeast side of Wilbur Road the 2 following courses and distances, viz: (1) Westerly with a curve to the right with a radius of 25 feet for a distance of 39.20 feet (2) North 66 degrees 45 minutes 01 seconds West for 30.00 feet, thence leaving the northeast side of Wilbur Road and running the 2 following courses and distances, viz: (3) North 23 degrees 18 minutes 21 seconds East 85.00 feet (4) South 65 degrees 45 minutes 01 seconds East 54.87 feet to the northwest side of Old Eastern Avenue, thence running a d binding thereon (5) South 23 degrees 14 minutes 59 seconds West 80.00 feet to the place of beginning.

Containing 0.11 acres of land, more or less.
This description has been prepared for zoning purposes only and is not intended to be used for conveyance.



J. Carroll Hagan
J. Carroll Hagan



LOCATION PLAN
SCALE 1:1000

BL. ZONE
MOUNTAIN AUTO SALES

GENERAL NOTES:

- [illegible]

ROUTE
1 AVE
(Dust Highway)

PARKING NOTES:

1. PARENTS SOURCE OF INFO: 1220* - 7
2. PARENTS RESIDENCE: 1
TOTAL: 8

REVIEWS

- 2 SPACES
(VARIABLE ABOVE)
 $\frac{1}{2}$

PLAT TO ACCOMPANY ZONING PETITION

#1902 OLD EASTER AVE. #1 WILBUR ROAD

15th ELECTION DISTRICT

SALTIAGE COUNTY, MD.

F02

PAUL T. CARRY - 1 WILBUR ROAD - BALTIMORE COUNTY, MD 21221

MAP: 4/13
NO 3-4
ELECTION
DISTRICT: 15
D TO: 3-19-73
TYPE: 22
2-2-73
LY: 4/13
FISCAL:
22

EVANS, HAGAN & HOLDEFER, INC.		
DATE	REVISION	BY
5-5-78	Per E. Hagan	EH
PROJECT		
SURVEYORS AND CIVIL ENGINEERS		
8012 BELAIR ROAD / BALTIMORE, MD. 21226		
(201) 648-1501		
NEW PLYMOUTH DRIVE / CAMDEN, NJ 08102 / (201) 852-0222 110 E. GARY STREET / HIGHTSTOWN, NJ 08520 / (201) 982-0875 10 S. WASHINGTON STREET / GAITHERSBURG, MD 20878 / (301) 948-1100		
 DATE Jan 27, 1978 PAGE 1 of 20		