

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ervin J. Carveny and Joan W. Carveny, legal owner(s) 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.L. zone to an none to an

R.L. zone; for the following reasons:
Drafting error committed by the Planning Department in preparation of new Zoning Map. See copy of letter attached.

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 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.

County: _____
Contract purchaser: Ervin J. Carveny
Address: 803 Stoneleigh Road
Baltimore, Md. 21213
877-2218
Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 6th 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of September, 1973, at 10:00 o'clock.

Zoning Commissioner of Baltimore County

(over)

- 2 -

Ervin J. Carveny, Esq.
Item 32
August 27, 1973

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

JOHN J. DILLON JR., Chairman
Zoning Advisory Committee

JJDjr:JD

Enclosure

cc: APR, Land Surveyors
3320 Rosalie Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Item 32

Ervin J. Carveny, Esq.
803 Stoneleigh Road
Baltimore, Maryland 21213

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 10th day of August, 1973.

S. Eric DiMenna
S. ERIC DIMENNA,
Zoning Commissioner

Petitioner Ervin J. Carveny, et ux

Petitioner's Attorney Ervin J. Carveny
cc: APR Associates, Land Surveyors
3320 Rosalie Avenue
Baltimore, Md. 21234

Reviewed by *John J. Dillon Jr.*
Chairman
Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

August 27, 1973

Ervin J. Carveny, Esq.
803 Stoneleigh Road
Baltimore, Maryland 21213

RE: Reclassification Petition
Item 32
Ervin J. Carveny, et ux -
Petitioners

Dear Mr. Carveny:

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.

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 on the west side of Sherwood Road, opposite Beechwood Road, in the 9th District of Baltimore County. This property is a 12.91 foot strip of land that is at the end of a piece of property owned by the petitioner, approximately 168 feet from the edge of Sherwood Road.

This Reclassification came about as a result of an error that was discovered on the previous petition (Case No. 73-85), which was a request for an automotive service station and carwash.

Since the proposed use of this property would be in conjunction with the remainder of the site, when that is developed, this Committee has no further comment, and the comments made at the previous hearing remain valid.

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. MELSER
DEPUTY TRAFFIC ENGINEER

August 9, 1973

Mr. S. Eric DiMenna
County Office Building
Towson, Maryland 21204

Re: Item 32 - ZAC - August 7, 1973
Property Owner: Ervin J. Carveny, et ux
W/S Sherwood Road, opposite Beechwood Road
Reclassification from D.R.S.5 to B.L.
District 9

Dear Mr. DiMenna:

The petitioner does not plan a major expansion of the existing B.L. zone and no major traffic problems are anticipated.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF/pk

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

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

August 20, 1973

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

Re: Item #32 (1973-1974)
Property Owner: Ervin J. Carveny, et ux
W/S Sherwood Rd., opposite Beechwood Rd.
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Reclassification from D.R. 5.5 to B.L.
District: 9th No. Acres: 1.289 sq. ft.

Dear Mr. DiMenna:

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.

General:

The comments supplied for this property in connection with Item #216 (1971-1972) remain valid and applicable to this Item #32 (1973-1974). These comments are referred to for your consideration.

Very truly yours,

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

END:HAM:PMR:ss

1-MW Key Sheet
28 MB 2 Top Sheet
MS 7 A Topo
50 Top Map

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

August 14, 1973

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

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

Dear Mr. DiMenna:

Comments on Item 32, Zoning Advisory Committee Meeting
August 7, 1973, are as follows:

Property Owner: Ervin J. Carveny, et ux
Present Zoning: B.L. and D.R. 5.5
Proposed Zoning: Reclass. from D.R. 5.5 to B.L.
Location: W/S Sherwood Rd., opposite Beechwood Rd.
District: 9
No. Acres: 1.289 sq. ft.

Metropolitan water and sewer are available.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all 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.

Very truly yours,

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

HVB:mgd

cc: W.L. Phillips

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error in the original zoning map and the health, safety and general welfare of the community not being adversely affected,

the above Re-classification should be had, and it further appearing that by reason of

It is ORDERED by the Zoning Commissioner of Baltimore County this 17th day of September, 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. This Special Exception for a B.L. zone should be and the same is hereby 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 re-classification 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 1973, that the above re-classification 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

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



August 9, 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 32, Zoning Advisory Committee Meeting, August 7, 1973, are as follows:

Property Owner: Ervin J. Cerveny, et ux
Location: W/S Sherwood Road, opposite Beechwood Road
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Reclassification from D.R. 5.5 to B.L.
Election District: 9th
No. Acres: 1,289 square feet

Since the plan submitted does not indicate any site improvement, this office will withhold any comments until such time as a site development plan is submitted.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3211 ZONING 484-3281

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 10, 1973

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

Z.A.C. Meeting of: August 7, 1973

Re: Item 32
Property Owner: Ervin J. Cerveny, et al
Location: see agenda
Present Zoning: B.L. and D.R. 5.5
Proposed Zoning: Reclassification from D.R. 5.5 to B.L.

District: 9
No. Acres: 1,289 sq. ft.

Dear Mr. Dinenna:

No adverse effect on student population.

WHP/ml

Very truly yours,
W. Nick Petrovich
Field Representative

apr
associates
land surveyors

2320 ROSALIE AVE.
BALTIMORE, MD 21234
PHONE: 444-4329

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR REZONING
BALTIMORE CITY-COUNTY BOUNDARY
WEST OF SHERWOOD ROAD
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point in the Northerly boundary of Baltimore City, said point being situate Due West 168.33 feet from the point of intersection of said Northerly boundary line of Baltimore City with the Westerly side of Sherwood Road, 60 feet wide; thence running from said point of beginning and binding alone said Northerly boundary of Baltimore City Due West 12.91 feet to the Westerly outline of the land now of Ervin J. Cerveny, thence binding along the outlines of said land North 21 degrees 40 minutes 06 seconds East 111.13 feet and North 86 degrees 38 minutes 10 seconds East 3.26 feet to a point distant 150 feet from the centerline of Sherwood Road; thence leaving the outline and running through the land of Ervin J. Cerveny South 07 degrees 11 minutes 40 seconds East 18.75 feet and South 21 degrees 40 minutes 06 seconds West 91.34 feet to the point of beginning; containing 1,289 square feet.

6/27/1973



County Council of Baltimore County County Office Building, Towson, Maryland 21204

August 7, 1973

COUNCILMEN

First District
FRANCIS X. ROSALE
Second District
GARY HUGHES
Third District
WALTER TYRIS, JR.
Fourth District
WEBSTER C. DOVE
Fifth District
HARRY J. BARTENFELDER
Sixth District
FRANCIS C. BARNETT
Seventh District
WALLACE A. WILLIAMS

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

Dear Mr. Dinenna:

Please be advised that the attached Planning Board Resolution concerning the petition of Ervin J. and Joan West Cerveny to change the zoning classification of their tract on the west side of Sherwood Road opposite Beechwood Road from D.R. 5.5 to B.L. was approved by the County Council at their meeting on Monday, August 6, 1973.

Very truly yours,

Herbert E. Hohenberger
Secretary

HEH:bl

Enc: 1

CC: Mr. William D. Fromm



WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



July 20, 1973

The Honorable Harry J. Bartenfelder
Chairman, Baltimore County Council
Towson, Maryland 21204

Dear Sir:

At its regular meeting on Thursday, July 19, 1973, the Baltimore County Planning Board, under the provisions of Subsection 22-22 (i) of the Baltimore County Code 1960, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest on the petition of Ervin J. and Joan West Cerveny to change the zoning classification of their tract on the west side of Sherwood Road opposite Beechwood Road from D.R. 5.5 to B.L.

After reviewing the petitioner's letter and a copy of the zoning map, the Planning Board concluded that a drafting error had apparently been made at the time the zoning boundary lines were drawn. The Board agreed that it had not intended to change the zoning classification of this tract of land when the Board forwarded its recommended zoning maps to the County Council.

Copies of the petition and of the letter addressed to the Chairman of the Planning Board are attached. I will provide additional information upon your request. Notification to the Zoning Commissioner of the Council's action on this matter is necessary so that timely action can be taken by him in accordance therewith.

Sincerely,

William D. Fromm, Secretary
Baltimore County Planning Board

WDF:JCH:cm

cc: The Honorable Francis X. Rosale
The Honorable Gary Hughes
The Honorable G. Walter Tyris, Jr.
The Honorable Webster C. Dove
The Honorable Francis C. Barnett
The Honorable Wallace A. Williams
Mr. Herbert E. Hohenberger
Mr. S. Eric Dinenna

Attachments

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 484-3211 ZONING 484-3281

ERVIN J. CERVENY
ATTORNEY AT LAW
6509 YORK ROAD
BALTIMORE, MARYLAND 21212
377-8200
377-6338

June 28, 1973

Mr. Charles Hayman
Planning Board
301 Jefferson Building
Towson, Maryland 21204

Reference: 6509 Sherwood Road, 9th
Election District, Baltimore
County, Maryland. Petition
for Re-Classification from
DR 5.5 to B.L.

Dear Mr. Hayman:

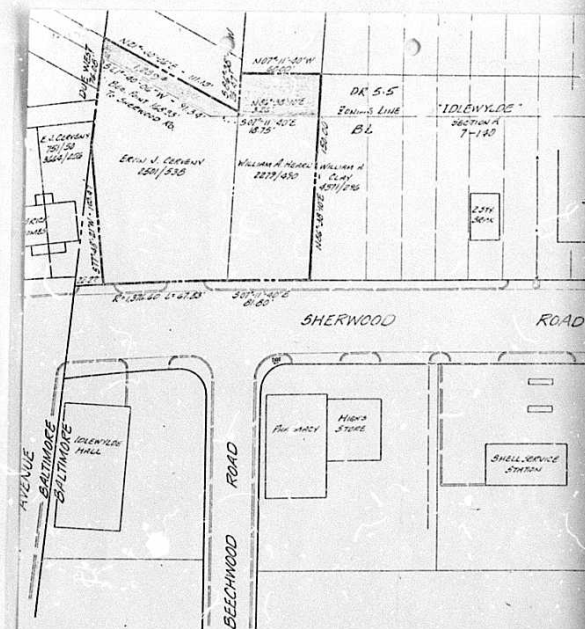
Enclosed herewith is Petition for Re-Classification to correct a drafting error made by the Planning Staff and/or County Council in adopting the existing zoning map for the 9th Election District of Baltimore County in March 1971. The subject property was zoned B.L. in its entirety by the Zoning Commissioner in June 30, 1967, Case No. 67-233RA. When the existing map was adopted for District 9, the Zoning was placed on the map and the County Council apparently thought it was affirming the existing zoning. However, through a drafting error, the rear 12.91 ft. portion of the subject property was zoned DR 5.3 instead of remaining B.L. as acknowledged in attached letter from Baltimore County dated January 6, 1971.

It would seem to me to be an unreasonable hardship upon this petitioner to require him to have his petition heard within the normal cycle process as we could not get a hearing on the petition until March 1 - April 15, 1974, not including the time for decision and 30 day appeal period. It can be readily understood that considerable loss of revenue and availability of zoned property would be a result of this delay.

For the reasons stated above, I respectfully request that this Petition be treated as an emergency measure and be heard out of the normal cycle process.

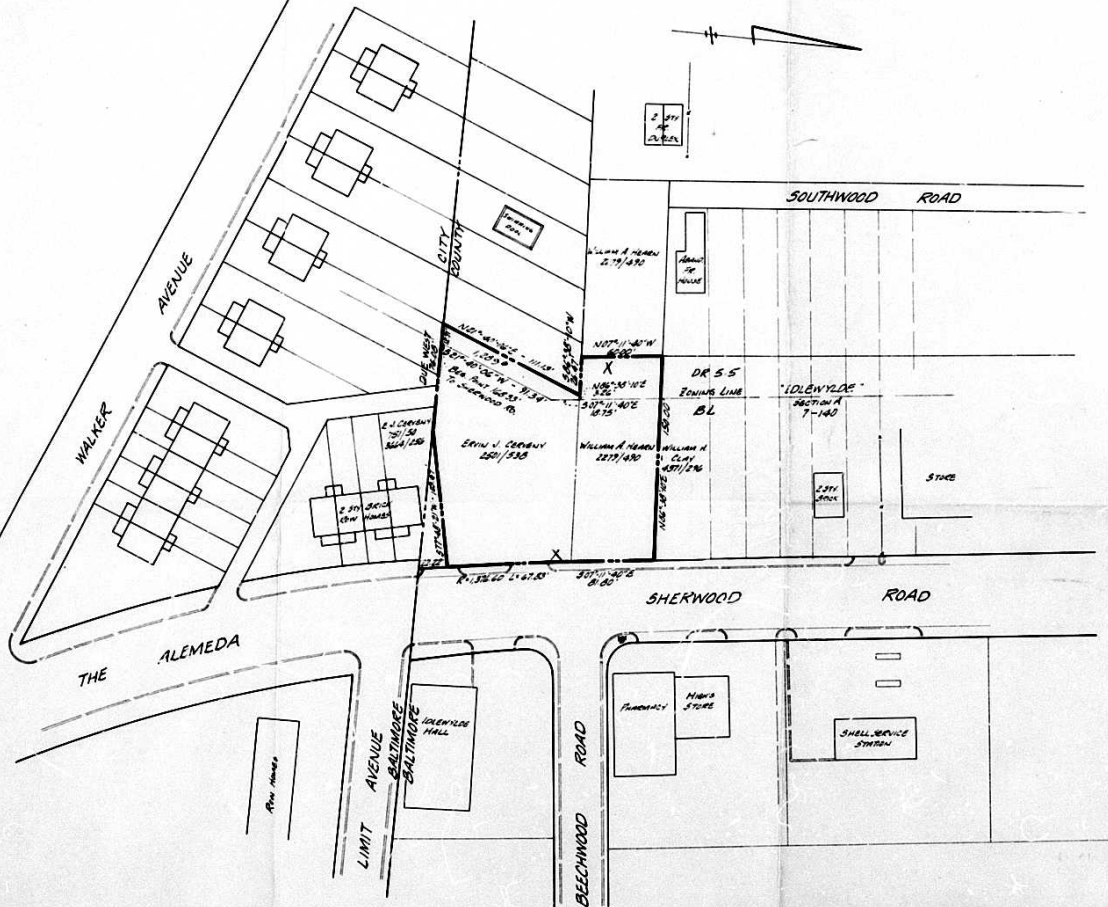
Very truly yours,

Ervin J. Cerveny
Petitioner



* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

MAP NO.
 1167-2
 SECTION
 9
 DATE
 7-27-73
 TYPE
 RECD. C. 81
 BY
 1167-2
 1167-2



REVISED: 6-27-73
opr
 associates land surveyors
 A. P. RATYCH, L.S.
 800 N. MAIN ST.
 BALTIMORE, MD. 21201
 PHONE: 548-1748

PLAT TO ACCOMPANY
 PETITION FOR REZONING
 AMERICAN OIL COMPANY
 6203 SHERWOOD ROAD
 9TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=50'
 JULY 28, 1973

