PETITION FOR ZONING RE-CIP SSIFICATION 75.45. PA AND/OR SPECIAL EXCEPTION (Olem 13,21)

_sone; for the following reasons:

In classifying the property D.R. 5.5, the County Council committed errors as set out on the attached exhibit, which is incorporated by reference herein; and

Since the property was last classified by the County Council, neighborhood has changed substantially in character, as set out the attached exhibit, which is incorporated by reference herein.

and (3) for a Special Exception, under the said Zoning Law and Zoning Regulations of Bal

Property is to be present and advertised as prescribed by Zoning Regu esification and/or Special Exception adve m 412 etc., upon fling of this petition, and further agree to sad are to be bound by the zoning

6057 Palls Road

A Emi ble Genna

Baltimore County, Md. 21209

oner of Baltimore County.

1.4-2-74

1 D. Nolan, Pelitheer's Attorney 204 W. Pennsylvania Avenus Address Topogn, Meryland 21204

ORDERED By The Zoning Co.

........, 197 _i that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-dat/Baltimore County, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106, County Office Building in Towson, ., 1974_., at _3390 o'clock

11th

BALTIMORE SSUNTY ZORING ADVISORY COMMITTEE

ames B. Byrnes, III

James D. Nolan, Esquir 204 West Pennsylvania Avenue Towson, Maryland 21204

> RE: Petition for Reclassification John P. Roche, et ux -Seventh Zoning Cycle

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.

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 advanced require.

The subject property is located on the east side of Falls Road, approximately 175' north of Fairfield Avenue, in the Minth Election District of Baltimore County. It is presently improved by six (6) row homes, which are presently occupied. Opposite the site on. Falls Road is a large unimproved commercial lot and

Directly adjacent to the site on the south is an existing two-story frame dwelling and two (2) commercial catablishments, presently utilized for radio and television repairs and clothing sales. A large vacant commercial lot exists directly to the north, between the subject property and Lake Avenue.

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF PALTIMORE COUNTY

TO THE ZONING COMMISSIONER OF TAXING C. BOCKET

I, or we, JOHN P. ROCHE and property situate in Baltimore
County and which is described in the description, and plat attached hereto and made a part hereof.

n for a Variance from Section 232.2b. to allow a side yard of zero (0) feet in lieu of the required twelve (12) feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Strict compliance with the Regulations would cause practical difficulty and unreasonable hardship due to the fact that the tract will utilise most of the existing brick row homes on the tract, which are already located on the tract, as shown.

The requested variance is in strict harmony with the spirit and intent of the Regulations, and this variance will have no adverse effect upon the health, safety, and general welfare of the area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of tition, and further agree to and are to be bound by the noning regulations and restrictions of imnore County adopted pursuant to the Zoning Law For Baltimore County.

James D. Nolan 204 W. Pennsylvania Aven Address Towage, Md. 21204

James D. Nolan, Esquire

Page 2 April 30, 1974

JBB, III/sw

cc: E. F. Raphel & Associates 201 Courtland Avenue Towson, Maryland 21204

Baltimore County, Md. 21209

6057 Falls Road

Tech

Legal Owner

, 197 4, that the subject matter of this petition be advertised, and Ralitmore County in two newspapers of general circulation through , 1974 , at 1:00 o'clock 11th

Genera

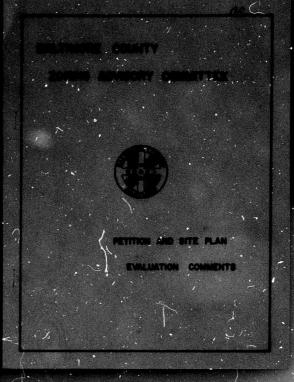
The Petitioner requests a Reclassification to Business, Local (B, $L_{\rm s}$) and proposes to retain four (4) of the existing row houses for use as retail stores. Off-street parking is proposed for sixteen (16) vehicles.

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 sub-nitted to this office prior to Monday, June 3, 1974, in order 50 allow 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, 1974 and October 15, 1974, will be forwarded to you well in advance of the date and time.

This petition for Reclassification is accepted for filing

Very truly yours

Camers & Byrnes I JAMES B. BYRNES, III , Chairman Zoning Advisory Committee



ORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

S. ERIC DINENNA, Zoning Commissioner

Petitioner John P. and Links G. Books

Petitioner's Attorney

Reviewed by Annual Reviewed by Mairman,
Zoning Advisory Committee

for filing this

Baltimore County, Maruland Bepartment Of Bublic Borks COUNTY OFFICE BUILDING

April 25, 1974

Mr. S. Eric DiNenna Zoning Commissioner Granty Office Building Towson, Maryland 2120h

Be: Item #21 (Cycle VII - Arril to October 197%)
**Torperty Owner: John Roche
**F/S Fells #4, 175* N. of Fairfield Rd.
**Existing Zoning: D.P. 5.5
**Proposed Zoning: R.L.
**No. of Acres: O.My Entrict: 9th

Bear Mr. DiNenna:

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

Falls Road is : State Road; therefore, all improvements, intersections, entrances and drainage securiosests as they aff of the road once under the jurisdiction of the Parallel Elizabeth (Fall State Road Translated Elizabeth (Fall State Road Translated Ro

Storm Drains:

The Patitioner must provide measury drainings facilities (temporary or permanent) to convert commang, any muisances or damages to adjacent properties, especially by the commentation of runface waters. Correction of any problem which may result, due to temporary the shallout of any problem which may result, due to responsibility of the Schitchore.

Sediment Control:

Development of this property through stripping, grading and subtlisation could result is a sedient polition problem, describe private and public holdings downstress of the property. A grading peralt is, therefore, necessry for all grading, including the stripping of top call.

Six houses are presently being serwed by the existing 10-inch public water main in Falls Road.

Item #21 (Sycle VII - April to Cotober 1976) Property Owner: John Rouhe Page 2 April 25, 1976

Sanitary Seve-

This property is in the Jones Falls drainage area which has a nuratorium on new connections imposed by the State Health Department. However, six houses are presently served by the existing 8-inch sanitary sever in Falls Hoad.

Very truly yours,

ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering

NW 7 B Topo

| Pursuant to the advertisement, posting of property, and public bearing or to a above petition and |
|--|
| It appearing that by remon of |
| A service of the service services report and an actual |
| |
| |
| |
| the above Reclassification should be had; and it further appearing that by reason of |
| |
| |
| as Charles from a definable and |
| a Special Exception for ashould be granted. |
| IT IS ORDERED by the Zoning Commissioner of Baltimore County this |
| day of |
| the same is hereby reclassified; from a to a |
| none, and/or a Special Exception for ashould be and the same is |
| granted, from and after the date of this order. |
| Zoning Commissioner of Baltimore County |
| Pursuant to the advertises sent, posting of property and public hearing on the above petition |
| and it appearing that by reason of |
| |
| |
| The state of the s |
| |
| the above re-classification should NCT HE HAD, and/or the Special Exception should NOT BE |
| GRANTED. |
| IT IS ORDERED by the Zoning Commissioner of Baltimore County, thisday |
| of |
| DENITED and that the above described property or area be and the same is hereby continued as and |
| to remain azone; and/or the Special Exception for |
| be and the same is hereby DENIED. |
| chair, and PAU Commodificated Sensor. |

Baltimore County Fire Department



075-7910

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

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: John Roche

Location: E/S Falls Road, 175' H of Fairfield Road

Zoning Agenda April 2, 1974

Item No. 21

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 and accordance with Baltimore County Standards and the standard of the standards and the standards are considered by the Department of Public Morks.
() 2. A second means of which cacess is required for the site.
() 3. The vehicle dead-end condition shown at

() 3. The vehicle dead-end condition shown at

| MX:ED3 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 Deginning of operations.
| () 5. The buildings and structures existing or proposed on the site shall compare with all applicable requirements of the Hational PL Protection Association Standard No. 101 |
| () 6. Sie plans are approved as drawn. | () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: Lun Jam Brang Approved: Approved Deputy Chief Deputy Chief Pire Prevention Bureau

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING

April 30, 1974

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

Re: Item 21 - Cycle Zoning 7 - April 1974 through October 1974 Property Owner: John Roche E/S Fells Roud, 175 feet N of Fairfield Road B.L. District 9

The subject petition is requesting a change from D.R. 5.5 to B.L. of .49 acres. This site in itself is of insufficient size to create any major traffic problems.

C. Richard Moore

CRM/ol

Maryland Department of Trans-

Bernard M. Evans

April 22 1076

Mr. S. Eric DiNenna Zoning Commissioner County Office Bldg. Towson, darvland

Attention: Hr. James Burne

Ret ITEM 21
Sew nith Zoning Cycle, April, 1974
Froperty Owners John Roche
Location: E/S Falls Road (Route 25)
1/51 N. of Fairfield Route
Calasting Conings D.R. 5.5.
Market State Conings D.R. 5.5.
No. of Acres D.A.9
Districts 3rd

Dear Sie

The entrance must be a depressed curb-type with 36" depression

There must be a ninious of 5' tangent standard curb from the north property line to the beginning of the transition. There should be a minious of 2' between the drive and the building. The plan should be revised prior to the hearing.

The 1973 Average Daily Traffic Count on this section of Falls Road is ... 7.800 vehicles.

Very truly yours.

Charles Lee, Chief Bureau of Engineering Access Permits

De

May 20, 1974

RE: Petition for Reclassification John P. Roche, et ux - Petitioners Item 21-7th Soning Cycle

Very truly yours.

JAMES B. BYRNES, III Chairman, Zoning Advisory Committee

ComesiB. Bym. C.T.

by J. E. Meyers

P.O. Box 717 / 300 West Presion Street Reltimore, Maryland 2120

BALTIMORE COUNTY ZONING ADVISORY COMMITTE.

This office is in receipt of revised plans and/or descriptions which reflect the required changes of the participating agency(s) of the Zoning Advisory Committee.

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

James D. Nolan, Esq. 204 West Pennsylvania Avenu Towson, Maryland 21204

Dear Mr. Molan:

AMES R. RYPNES . TT

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

the shove Variance should be had; and it further appearing that by reason of

197 that the bossis Battelon day a Vantanas of

Pursuant to the advertisement, posting of troperty and public hearing on the above petition

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this __

PT IS ORDERED by the Zoning Commissioner of Baltic

same is granted, from and after the date of this orde

the show Variance should NOT BE CRANTED



April 9. 1974

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

Dear Mr. DiMenna:

Comments on the following item, Zoning Advisory Committee Meeting April 2, 1974, are as follows:

Property Owner: John Roche Location: E/S Palle Rd., 175' N of Fairfield Rd. Kristing Zoning: D.R.S.5 Proposed Zoning: B.L. No. of Acres: 0.49 District: 3

Metropolitan water and sever are available.

Air Poliution 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 buring and processing equipment. Additional information may be obtained from the Division of Air Follution and Industrial Nysieme, Baltimore County Department of Mealth.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Frotection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas H. Devlin, Director sureau of environmental Services

HVB/cas

OF BALTIMORE COUNTY

April 2. 197h-Ownle VII

Dear Mr. DiNenna

Very truly yours,

WNP/ml

BOARD OF EDUCATION

TOWSON, MARYLAND - 21204

Date: April 16, 1974

Mr. S. Eric DiMenns. Zoning Commissione: County Office Building Towson, Maryland 2)204

Property Owner: John Rochs
Location: Z/S Falls Road, 175' N. of Fairfield Road
Present Zoning: D.R. 5.5
Proposed Zoning: B.L.

No adverse effect on student population.

H. EMSLIE PARKS. POLICE

TRR -. TD

oc: E. F. Rahel Associates

to you in the near future.

mls 4/16/73

We, the undersigned, being property owners and or voters or residents and voters, wish to provest the proposed rezoning of the east side of Falls Road - 6059 - 6061 - 5063 - 6065 - 6067 - 6069 - from residentall Address Owner Resident Voter Donald TA Fair 1211 Furfice and Marie Bomboff 1210 Facilità la Barbara Diachel 1204 Facifica are 1 Midded C legting 6054 tall Edj. Dane front of Der For but he Lind Whitan 1200 touped an Ova Deluociile 1201 fai fieldans Fro Oliveres 1201 texpeler la V Care Sentle 1201 Aufull 1205 Fan Fell Am Pul R. Lee Mayer m. Du The P. Dugan Ellet Y. Pall 1815 Faufuld an 1208 Tainfield cour Falls Rd 6047 Falls Pd may fell Mary E. Byax 6012 talls Road Michael & Ryans 60 12 Falls Road Elai M. Catt 6012 talls Ed John E. Pahl 6072 Talls Road Pauline Sandas 6025 Stanton a _ -Leroy dandere 6025 Stanton me _ Ma John to 15 Stanton and Man John to 15 Stanton a Man Stanton to 17 Stanton a Man Chiley Stanton to Multipostopia 6019 stanton to Multipostopia 6019 stanton to Multipostopia 6019 stanton to Multipostopia 6019 fall', Rd yest Elbard to 351 fall', Rd yest Elbard to 351 fall', Rd yest Elbard to 351 fall', Rd -V ~ John Mounda 605, Fall's Pol V Circlete Musch 10051 Falls. Pd.

Goung French 1009 Fran Pd.

Jamela Booly 6549 Hall Pd. 1 Page 1 0

Resident Xola Hischel 1209 Fairfuld and 1209 Fairfuld Ave 1209 Francisco Ave 1209 Fairfuld are L Don Girchel 1 V. Sisehil 121 taishild an mmo m. C. Brodland Chester A Palmet 1213 Fairfull are Eilean J Palper 1213 Fairfield are Mabel I Shook 1215 Junfuld are Mande V. Weils 1215 Fairfuld ar 1 Joseph a. Uproceld 1214 Fairfield ave Will Lalin 1314 Faile Star James e wilt for 1214 taight air. Mary ann Shema 1208 Fairfill an Mary ann Shema 1208 Fairfill Ale William A Ball 6020 Jalk Bl Shehiff Ball 6020 Jalk Bl Hung Stockfair 1306 appliety are Niku Stockfair 1306 appliety are agree 1 february 1306 appliety are agree 1 february 1306 appliety are ~ V 1 U June R. Selly 1217 Fairfield Ave Charles Whitley 13.7 Faufuran gan Can 5913 talked, 1 V mrs Slady Cox 5-919 mills red Mrs. Spary Little 5435 Leele Pet Mrs. Chapt 4 were 1313 Cobury Rd. James J. Spara 1313 Cobury Rd. Heater Chiloney 1316 Calmy Rd. Arthur Muloney 1316 Calmy Rd. Orthur Muloney 1316 Calmy Bd. Mus m J. Ryan 1314 ashing Rd V Mrs & J. Brynn 1312 Achury R. C.E. Newford 1312 Gebury R. Romaine Claggets 1307 Appletyllar Leggy Coolby 1309 Leppletyllar Witten & Spelly use V Dorothyd. Hagy 1304 applety Ju.

Address

Name

Property Owner Address Resident Voter Ma de Ola 1310 appli Dinna Paine 1320 applely Que The Land W. Bower 1313 apply a Rolph & Wood 1313 apply a goe gamette Suppled 1321 applely au yes yes yes Jose & Welky Jone & Welkell 1317 apply are Displaine Whydia 1317 apply are May K Bewes 6001 attensition munico Hommon Michael Weld Good attenunt Il yes Mis milton Parks 1205W. Kake and Mrs. 38. H. Haytman 1213 W. Lakelle upo Mymingay 12134 dallar ges many Dagne 13334 Sakan ago aleda Ha OR 6 021 Stanton May ges. Heler Mann 6023 Stantoslere yes yes Margaret Baker 6070 Falls Road yes

75-45-RA

HOLAN, PLUMHOFS & WILLIAMS TOWSON, NO.

RE: PETITIONS FOR RECLASSIFICATION ; BEFORE THE AND VARIANCE
E/S of Falls Road, 175' N of
Fairfield Avenue - 9th Election
District
Ohn P. Roche, et ux fetitioner
N). 75-45-RA (Item No. 21) : ZONING COMMISSIONER : BALTIMORE COUNTY • • • • • • • • • • • • • • • •

ORDER FOR APPEAL

MR. COMMISSIONER.

Please enter an appeal in this matter on behalf of the Petitioners John P. Roche and Linda C. Roche to the County Board of Appeals for Baltimore County from your Opinion and Order of Pebruary 21, 1975, and each and every part thereof, in the above entitled proceedings, wherein and whereby the requested B.L. reclassification was denied.

James D. Nolan Notar, Plumboff Milliams Notan, Plumboff Milliams Attorneys for the Petitioners 204 W. Pennsylvania Avenue Towson, Maryland 21204 823-7800

MAD 1 1 175 PM

** > 3

V 634

I HEREBY CERTIFY that on this //th day of March, 1975, a copy of the foregoing ORDER FOR APPEAL was mailed, postage prepaid to the following:

Donald T. Fair, Esq. 228-229 Tower Building Baltimore, Md. 21202

Mr. Charles C. McGill 1222 Lake Falls Road Baltimcre, Md. 21210

Mrs. Phyllis Sachs, President Mt. Washington Improvement Association, Incorporated 2415 Ken Oak Road Baltimore, Md. 21209

James D. Nolan

February 21, 1975

James D. Nolan, Esquire 204 West Pennsylvania Aw Towson, Maryland 21204

Politicus for Reclassification and Variance E/S of Falls Recd, 175' N of Fairfield Avenue - 9th Election John P. Roche, et us - Petiti NO, 75-45-RA (Bess No. 21)

VIV

Order in the above referenced matter

Very truly yours,

S. ERIC DE NENNA

SED/sew

Mr. Charles C. McGill 1222 Lake Falls Read ere, Maryland 21210

75-45-RA 1-5,6N

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 9th Date of Posting APRIL 11, 1975 Posted for APPEAL Petitioner JOHN P. ROCHE, CT LX Location of property: E/S FALLS Rd. 175' N. OF FHIRFIELD AVE. Location of Signs: FRONT 6063 FALKS Rd Posted by Llouis A. Roland Date of return APRIL 18, 1975

> 75-45-R 2-SIGNS 6

CERTIFICATE OF POSTING

| District 9th | Date of Posting Sept. 28 1974 |
|--|--|
| Posted for: & PETITION FOR RECLASS Petitioner: JOHN P. ROCHE | Date of Posting SEFT 28 1974 SEFICATION @ PETITION FOR VARIANCE |
| Location of property: E/S OF FALLS RE | 175' N OF FAIRFIELD AVE. |
| Location of Signa: FRONT 6063 FA | LLS ROAD |
| Remarks: | |
| Posted by Thomas K. Woland Signature | Date of return: OCT. 4, 1974 |

2-5,6NS

Page 3

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY Toursen, Maryland

| District. | US FOR @ RECLASSIFICATION @ VARIANCE | 4,19 |
|--------------------------|--|-------|
| Posted for: 1 1111/06 | OS PORCO HECKISSIPICATION CE VINCHARCE | ••••• |
| Petitioner: JOHN | P. Koche | |
| Location of property: E | IS OF FAILS Pd. 175' N. OFFAIRFIE | LO A |
| | | |
| | | |
| | - 6057 Falls RS | |
| Location of Signat F.R.C | ONT 6057 FALLS Rd. | |
| Location of Signa: FRG | ONT 6057 FALLS P. | |
| | DAT 6057 FALLS Rd. | |

| PETITION | | | | 3/6/24 | | 1382 | 33533330 | 1400 | | - |
|--|----------|----|----------|--------|------------------|------|----------|-------|-----------|-----------|
| FUNCTION | Watt 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: | | | (| | d Pla e in ou | | or des | ripti | | Yes No |

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING County Office Building III W. Chesnpeake Avenu Towson, Maryland 21204

No. 14746 BALTIMORE COUNTY, MARYLA OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEPT DATE April 29, 17/4 ACCOUNT 01-662 DISTRIBUTION Nessro, Kolan, Plumbor & Williams
201 W. Tunna. Ave.
Towns. A. 2120h
Peuition for Reclassification for John P. Roche



Mr. S. Eric DiNenna, Zonina Commissione Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building Towse, Maryland 21204

Comments on Item #21, Zoning Cycle VII, April, 1974, to October, 1974, are as follows:

Property Owner: John Rac'se Location: E'S ralls Roud, 175° N of Fairfield Road Existing Zoning: D. R.5.5 Proposed Zoning: B.L. No. of Acres: 0.49 District: 37d

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zering in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a

The driveway or shown on the site plan is unacceptable as it does not meet the required standard for a commercial driveway. There is no turn around area provided and insufficient parking and maneuvering area at the rear of the building.

It is suggested that the petitioner contact the owner of the adjacent property to the north and

Very truly yours, hely John L. Wimbley Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 105 WEST CHESAPEAKE AVENUE AREA CODE 301 PLANNING 494-3211 ZONING 494-3391

It is further ORDERED that the Variance be and the same is hereb

DENIED

RE: PETITION FOR RECLASSIFICATION from D.R. 5.5 zone to B.L. zone; VARIANCE from Section 232.2b of the Baltimore County Zoning Regulations E/S Falls Road 175 feet North of Fairfield Avenue

BEFORE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

John P. Roche, et u

9th District

No. 75 - 45 - RA

. ORDER OF DISMISSAL

Petition of John P. Roche, et ux for reclassification from D.R. 5.5 zon to B.L. zone, and Variance from Section 232.2b of the Baltimore County Zoning Regula tions, on property located on the east side of Falls Road 175 feet north of Fairfield Avenue in the 9th Election District of Baltimore County

WHEREAS, the Board of Appeals notified all parties of record in the above entitled matter that this Borard considers said case to be moot (copy of said letter

THEREFORE, this Hoard, on its own Motion, will dismiss the within

IT IS HEREBY ORDERED, this 24th day of January, 1977, that said petition be and the same is declared moot and the petition dismissed.

POINTS OF ERROR COMMITTED BY THE COUNTY COUNCIL

IN CLASSIFYING THE SUBJECT PROPERTY D.R.5.5

That the County Council committed at the very least the fol-lowing errors, and very probably additional errors in classifying the subject property D.R.5.5:

1. That this area, particularly the frontage along Falls Road, is no longer suited for residential use, but it is ideally located to carve area commercial needs by appropriate commercial zoning such as the requested B.L. zoning, and it was error for the Council to place the property in a residential zone.

2. That it is impossible to economically build new D.R.5.5

housing on this property due to topography problems, problems caused by the traffic on Falls Road and the cost of razing the existing improvements, which improvements are beyond economic refurbishing for residential use, and it was error for the Council to place the property in a residential zone in view of these facts.

Por such other and further errors as may be disclosed by a minute study of the property, which errors will be brought out at the time of the hearing hereon.

CHANGES IN THE AREA

1. Traffic has considerably increased on Falls Road. The need for commercially zoned land in the area has in-creased since the Council last considered the property, and the subject property is ideally suited to serve this need.

That a parcel of ground directly across Falls Road at the northwest corner of Falls Road and Fairfield Avenue was re-classified to B.L. in Case No. 74-58-RA on October 24, 1973.

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

Respectfully submitted,

Attorney for the Petitioners

James D. Nolan

That since the property was last zoned by the County Council the following changes have occurred in the area:

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

RE: PETITIONS FOR RECLASSIFI-CATION AND VARIANCE E/S of Falls Road, 175' N of Fairfield Avenue - 9th Flection District John P. Roche, et ux - Peti-

BEFORE THE ZONING COMMISSIONED OF

BALTIMORE COUNTY NO. 75-45-RA (Item No. 21)

This matter comes before the Zoning Commissioner as a result of a Petition filed by John P. Roche, et ux, for a Reclassification from a D. R. 5. Zone to a B. L. Zone and a Variance to permit a side yard setback of zero feet in lieu of the required 12 feet. The subject property is located on the east side of Falls Road, 175 feet north of Fairfield Avenue, in the Ninth Election District of Baltimore County, and contains 0.31 of an acre of land, more or less

Testimony on behalf of the Petitioner indicated that he is the cwner of the subject property as well as many other properties in the general vicinity. He intends to utilize four of the six dwellings now on the property as specialty sl.ops. Parking would be provided on the rear portion of the subject property. The vicinity of the subject property was adequately described by several witnesses for the Petitioner. It was cited that there has been a recent change directly across Falls Road from the subject property, under Case No. 74-58-RA. This seems to be the only change in the general vicinity and said property has not yet been developed.

Testimony, as to error in the present classification, indicated that the nighest and best use of the subject property is a B. L. Zone and that there are veral commercial properties directly across the street and to the north of

Several residents of the area, in protest of the subject Petition, indicated that they were fearful of additional traffic along Falls Road and that they were aware of any plans to widen Falls Road in this vicinity.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the subject Petition should not be granted. The Baltimore County Planning

> "It is the opinion of the Planning Board that the current coning is appropriate for this property, that ample commercial opportunities have been proved in the area, and that the zoning man is correct

8

The Zoning Commissioner concurs

Board Recommendations, under Item No. 21, state:

Furthermore, the Director of the Baltimore City Planning Department

'Although this rezoning application is relatively insignificant, there are important precedents with which the City

The first of these concerns is the problem of creeping zoning. One need only look at the various arterials radiating from the City to observe the visual and economi chaos created through piecemeal zoning throughout the region. Much of the excess commercial zoning of the old City Zoning Ordinance was reduced to less intensive clas-sifications through the new Zoning Ordinance. The City has had reasonable success in holding commercial zoning to the boundaries adopted in April, 1971 with the new Zoning Map.

The burden of proving error or substantial changes in the character of the neighborhood is borne by the Petitioner. In the instant case, this burden has not been met. Also, by reason of failure to show practical difficulty or unreasonable hardship, the Variance should not be granted

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore county, this 2/4 day of February, 1975, that the Reclassification be and the same is hereby DENIED and that the subject property be and the same hereby continued as and to remain a D.R. 5.5 Zone

-2-

E. F. RAPHEL & ASSOCIATES 201 COURTLAND AVENUE ON MARYLAND 2120

OFFICE: 825-3900

March 29, 1974

DESCRIPTION TO ACCOMPANY PETITION FOR RECLASSIFICATION FROM DR5.5 TO BL ZONE PART (PROPERTY OF JOHN ? . ROCHE

Beginning for the same at a point in the center line of Falls Road, 50' wide, at the distance of 175, more or less, measured northerly on the center of Falls Road, from the intersection of the center of Falls Road and the center of Fairfield Avenue, said point being at the beginning of the land which by deed dated August 21, 1913 and recorded among the Land Pecords of Baltimore County in Liber WPC415, folio 537, was conveyed by William P. Roche to John P. Roche et al, thence leaving Falls Road and binding on a part of the lat line in the aforesaid deed, N80°30'E 132.00', thence leaving said line and running for a line of division S8'00'E 103.00' to intersect the 3rd line of the aforesaid deed at the distance of 73.58' from the beginning of said 3rd line, running thence and binding on a part of said 3rd line, 580*30'W 132.00' to the center of Falls Road. running thence and binding on 'he center of Falls Road and binding on the 4th line of the aforesal eed, N8*00'W 103.00' to the place

Containing 0.31 Acres of land more or less.

Peing part of the land which by deed dated August 21, 1913 and recorded among the Land Records of Baltimore County in Liber WPC415, folio 557, was conveyed by Milliam P. Roche to John F. Poche et al.

LAW OFFICES COOK, MURRAY, HOWARD & TRACY ERCANTILE-TOWSON BUILD: 409 WASHINGTON A/ENUE

April 18, 1975

County Board of Appeals County Office Building Towson, Maryland 21204

Gentlemen

Flease strike my appearance as one of the attorneys the protestants in the above.

Sincerely,

RCM/njb

Rec'el 4/21/25

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EXPRESENAY

CERTIFICATE OF PUBLICATION

19 74 THE JEFFERSONIAN

TOWSON IMES TOWSON, MD. 21204 August 26, THIS IS TO CERTIFY, that the annexed advertisement of S. bric S. Dinenna, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published e County, Maryland, once a week for One was inserted in the issues of August 23, 1974.

STROMBERG PUBLICATIONS, Inc.

By Ruth Morgan



≥ PETITIONERS' EXHIBIT 2



