PETITION FOR ZONING VARIANCE AND HEIGHT REGULATIONS

following reasons: (indicate hardship or practical dimensity)
1. Strict compliance with the Regulations would cause the Petitioners
practical difficulty and unreasonable hardship.

The requested variance is in spirit and harmony with the Regulations, and will in no way adversely affect the health, safety and general wel-fare of the area involved; but, rather, the requested variance and companion request for parking in a residential zone with the serve the public patronizing the requested garden and seed store.

, or we, agree to pay expenses of above Vi- petition, and further agree to and are to be bour Balings County adopted pursuant to the Zonir	ariance advertising, posting, etc., upon filing of this d by the zoning regulations and restrictions of g Law For Baltimore County.
Harry C Espey	Theodore Rade
Grace Espey Contract purchaser	Vivian Rade Legal Owner
Address 7416 Windsor Mill Road	Address Windsor Mill Road
Baltimore, Md. 21207	Baltimore, Md. 21207
ames D. Nolan Petitioner's Attorney	Protestant's Attorney
nd Nolan, Plumhoff and Williams Address -204 W. Pennsylvania Avenu	
	e 23-7800) f Baltimore County, this 25th day
	subject matter of this petition be advertised, as

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, THEODORE RADE AND Legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby sition for a Special Hearing Under Section 500.7 of the Zoning Hegulather of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for the use of land in a residential zone pursuant to Sec. 409.4 of the Regulations, to meet in part the parking requirements of Sec. 409.2 b.(6), all as shown on the zoning plats and descriptions filed herewith; the said use permit being in the interest of the public and in conformity with the letter and spirit of the Regulations.

Property is to be posted and advertised as prescribed by Zoning

Property 18 to be possess of above Special Hearing 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.

Varyer Espect Purchaser s Vivan Rade Legal Orner s SS 7416 Windsor Mill Road Address Windsor Mill Road

Baltimore, Md. 21207

James D. Molan Petitioner's Attorney and Nolan, Plumhoff and Williams Address 204 M. Pennsylvania Avenue Towson, Md. 21204 (823-7800)

RDERED By the Zoning Commissioner of Baltimore County, this25th

at 10:00 placack A. M.

oning Commissioner of Baltimore County

Baltimore, Md. 21207

Protestant's Attorney

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning I aw of Baltimore County, from and D.R.5.5 zone to and

B.R. zone; 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, the neighborhood has changed substantially in character, as set out on the attached exhibit which is incorporated by reference herein.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Not applicable

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 ons and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Theodore Rade

Vivian Rade Legal Owner S

Address Windsor Mill Road

Baltimore, Md. 21207

Protestant's Attorney

Harry C. Espey
Harry S. Espey
Grund Espey, Contract purchaser S

Address 7416 Windsor Mill Rd. Baltimore, Md. 21207

Sands D. Nolan Petitioner's Attorney
and Nolan, Plumhoff and Williams
25 Chies 204 N. Pennsylvania Ayenue
Toylon, Mayland 21204 (823-7800)

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day

of October 177.2., that the subject matter or this pection or surveised, as required by the 2 ning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore C., 43y, that pre-perty be posted, and that the public hearing be had before the Zoning Commencing of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 5th Agui la funca

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 4 - 8th Zoning Gele

James D. Nolan, Esq.
204 W. Pennsylvania Avenue
Towson, Md 2224
A 224
A 224
Towson, Md 22726
Townow, Md 22726
Towson, Md 2272

County Office Building 111 W. Chesapeake Avenu-Towson, Maryland 21204

Your Petition has been received and accepted for

filing this 25th

County, on the 5th

day of March 4 197 5 at 10:00 lock

A Eri De Menua.

Zoning Commissioner of Baltimore County.

Petitioner Theodore and Vivian Rade

Petitioner's Attorney James D. Nolan cc: Robert C. Norris, Reg. Surveyor Old Court Road Raltimore, Md. 21207

Reviewed by Grand Branch

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1974

COUNTY OFFICE BUILDING 111 W. Chosepeake Avenu-Towson, Maryland 21304 James D. Nolan, Esq. 204 W. Pennsylvania Avenue Towson, Maryland 21204

> pr. Peclassification and Special Hearing Petition
> Item 4 - 8th Zoning Cycle
> Theodore and Vivian Rade Petitioners

MEMBERS

HEALTH DEPARTMENT BUREAU OF FIRE PREVENTION

DEPARTMENT OF

STATE HIGHWAY

BUREAU OF ENGINEERING

PROJECT AND SEVELOPHENT PLAN

INDUSTRIAL DEVELOPMENT COMMISSION

OFFICE OF THE BUILDINGS ENGINEE

The Zoning Plans 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 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 recent as to the appropriateness of the requested zoning.

The subject property is located on the southwest side of Windsor Mill Road, approximately 2500 feet southe st of Rice's Lane, in the 2nd Election District of Baltimore County, and is presently wooded and unimproved, as is the property immediately adjoining to the southeast. A storage area for building supplies and materials exist opposite the site on Windsor Mill Road, and a type wheeling abouts the property to the northwest.

The petitioner is requesting a Reclassification from the existing DR 5.5 zone to a Business Roadside sons, as well as a Special Hearing for off street parting in a residential zone for the rear portion of the site presently zoned RDP. A 6000 square foot retail store is proposed with two points vehicular access from Windsor Mill Road. Off street parking in provided for 42 vehicles.

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

Re: Item 4 - 8th Zoning Cycle Page 2 October 25, 1974

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 December 1, 197%, in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not be an additing, which will be reduced to you well an additing, which will be reduced to you well in advance of the date and time.

Very truly yours,

Camic B. Benso I JAMES B. BYRNES,III Chairman, Zoning Plans Advisory Committee

cc: Robert C. Norris, Reg. Surveyor Old Court Road Baltimore, Md. 21207

Baltimore County. Maryland Bepartment Of Public Barks

COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Mr. S. Eric LiNenna Zoning Commissioner County Office Auilding Towson, Maryland 21204

Bureau of Engineering

Tion #8 (Cycle 711) - cotober 107% - April 1978' Property Owner: Theodore 6 Titian Bade #86 of Minder 7113 84, 2500 197 of Notes Lane Existing Lonius: 2-8, 3-5 Proposed Lonius: 3-8, 3-5 Proposed Lonius: 3-8, 3-5 Section 1988 -

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

Windsor Mill Road is an ultimate 40-foot ourb and gutter roadway on a 50-foot right-of-way.

In accordance with the drainage policy, the Petitioner is responsible for the total and cost of drainage facilities required to carry the storm water run-off through property to be developed to a scitable outfall.

The Petitioner must provide necessary drainage facilities (temerary or parament) to prevent creating any missance or damages to signeent creating any missance or damages to signeent creating or parameter. Correction of any problem with any result, due to ferroper grading or improve installation of drainage facilities, would be the full responsibility of the Petitioner.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment collution problem, denoting private inequality toldings downstream of the property. Agrading permit is, therefore necessary for all grading, including the stripping of top tol.

There is an existing 12-inch water main in Mindsor Mill Road, which extends from Bolling Road approximately 1250 feet northwest. This line appears to be 950 feet-from the subject site.

The second secon	
Pursuant to the advertisement, posting of p	property, and public hearing on the above petition
nd it appearing that by reason of the following	g finding of facts
**	2)
ne above Variance should be had; and it furth	er appearing that by reason of
Variance	should be granted
IT IS ORDERED by the Zoning Commission	ner of Baltimore Couaty this
ay of 197, that t	Pe harmin Petition for a Variance should be and the
ame is granted, from and after the date of t	his order.
	Zoning Commissioner of Baltimore County
Pursuant to the advertisement, posting of p	property and public hearing on the above petition
nd it appearing that by reason of	
and the same was a same as a same a same as a same a s	

ne above Variance should NOT BE GRANTE	BD.
IT IS ORDERED by the Zoning Commission	ner of Baltimore County, thisday
I	bove Variance be and the same is hereby DEN/ED
	Zoning Commissioner of Baltimore County

Pursuant to	o the advertises	ment, posting	of propert	y, and publ	ic
hearing on the	above petition	and it appear	ring that by	reason of	the
following finding	ng of facts				
	277403150				
the above Specia	al Hearing for_				
by reason of					
			sho	uld be gran	ted.
IT IS ORDER	RED by the Zoni	ng Commission	ner of Baltin	more County	this
day of.		_, 196, th	nat the here	in Petition	for
Special Hearing	should be and	the same is q	granted, from	m and after	the
date of this or	der.				
				The b	
	NAME OF TAXABLE PARTY.				

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of_____ the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ------tay of_____, 196__, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of preperty, and public hearing on the above petition and it appearing that by reason of..... the above Reclassification should be had; and it further appearing that by reason of ... IT IS ORDERED by the Zoning Commissioner of Baitimore County this the same is hereby reclassified: from a zone to a zone, and/or a Special Exception for a..... granted from and after the date of this order Zoning Commissioner of Baltimore County 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

of ________197 ____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

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

be and the same is hereby DENIED Zoning Commissioner of Baltimore County

Item #h (Cycle WIII - Cotober 1976 - April 1975) Property Cumer: Theodore & Vivian Hade Page 2 Catober 25, 1976

There is no public sener available to serve this sito.

Facuum & River

1-NE Key Short 1-SS Key Sheet 87 Tax Man

Baitimore County Fire Department

J. Austin Deitz



Towson, Maryland 21204

Office of Planning and Bning Baltimore County Office Building Towson, Haryland 2120h

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Theodore & Vivian Rade

Location: SW/S of Windsor Mill Rd. 2,500 ft. SE/ of Rices Lune

Item No. 4

Zoning Agenda Cycle #6 - Cotober 1, 1974

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.

- (I) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300. Feet along an approved read in accordance with Baltimore County Standards as published by the Department of Public Works. (MEDI AVAILAGES)
- () 2. A second means of vehicle access is required for the site.
 () 3. The vehicle dead-end condition shown at
- EXCESSE the seature allowed by the Fire Department.

 () i. The site shall be made to comply with all applicable parts of the parts of t
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Planning Group (Special Inspection Division

Laul H Reinche

Deputy Chief Fire Prevention Bureau



November 6, 1974

Mr. S. Eric DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21:204

Comments on Item 4 , Zoning Cycle VIII, October, 1974, are as follows:

Property Owner: Theodore and Vivian Rade Location: SW/s of Windor Mill Road 2,300 fr. SE of Rices Lane Existing Zonney R.D.P. and D. 8.3.5 Proposed Zoning: 8.R. Variance from Section 238.2 to permit a rear yard of 4 fr. instead of 30 ft. and a Special Hearing to permit off street parking in a residential zone. No. of Acres: 0.43 District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning 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 site plan should clear's indicate all uses and buildings adjacent to and across the street from the subject property. An overall plan must be submitted to determine compliance with the Subdivision Regulations.

Very truly yours, goh seembles

John L. Wimbley Planning Specialist II Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLIFFORD. P.E.

October 28, 1974

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

Re: Item 4 - Cycle Zening 8 - October 1974 through April 1975
Property Owner - Theodore & Vivian Rade
SV/S of Unidoor HII Rodu, 2500 ft. S of Aires Lone
B.R. with special hearing to permit off street parking in a residential District 2

The subject petition is requesting a change from D.R. 3.5 to B.R. with a special hearing to permit off street parking in a residential zone to the present of the presence of

CRM/rmg

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-



October 16, 1974

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

Comments on Item $\begin{picture}(4,0)\put(0,0){\line(0,0){120}}\put(0,0){\line(0$

Property Owner: Theodore & Vivian Rade Location: SW/S of Windser Mill Rd. 2,500 ft. SE/ Existing Cof Elecs Law. 5.R. 5.5 Proposed Zoning: B.R. VARIANCE from Sec. 236.2 to permit a rear yard of 4 ft. instead of JO ft. and a SPECIAL HEARING to permit off street parking in a residential zone.

No. of Acres: 0.43 District: 2nd

Metropolitan water must be extended to site; complete soil evaluation nieded.

site may be subject to a permit to construct and a permit to operate any and all fuel burning and precessing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Ballisore County Department of Health.

Very truly yours,

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

CC--W.L. Phillips

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON MARYLAND - 21204

Date: October 8, 1974

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

Z.A.C. Meeting of: October 1, 1974 (Cycle #8)

Re: Item 4Property Orner: Theodore & Vivian Rade
SM/S of Windsor MIII Rd. 2,500 ft. S.E. of Rices Lane
Location: R.D.P. & D.R. S.P.
Present Zoning: R.D.P. & D.R. S.P.
Proposed Zoning: B. Warlance from Section 238.2 to permit a rear yard of
Proposed Zoning: B. Warlance from Section 238.2 to permit a rear yard of
4 ft. Instead of 30 ft. and a Special Hearing to permit
off street parking in a residential zone.

No adverse effect on student population.

Very truly yours W. Wick Letrous W. Nick Petrovich., Field Representativ

60

WNP/ml

W FMELLE BARKS.

MARCUS M. BOTSARD ALVIN LORECK

RICHARD W. TRACEY, V.M.D.

Also testifying in behalf of the Petition was the land surveyor, who prepared the plats filed with the request, and an expert realtor and appraisor.

The Petitioner's proposed site was described as being directly opposite a nine acre, more or less, commercially zoned tract on the north side of Windsor Mill Road. Said commercially zoned site is improved with a lumber vard, sawmill operation, bus company, hardware store and storage area. It was felt that since this site was fully utilized when the maps were adopted in 1971, the County Council had erred in not providing additional commercially zoned land, which was needed at that time. The Petitioner's real estate expert also felt that the Council had erred in not placing the Petitioner's property in a zone compatible with the commercially zoned areas on the opposite side of Windsor Mill Road.

The Planning Board recommendations, with regard to whether or not the site should be reclassified, included the following statements:

> "It is the opinion of the Planning Board that D.R.5.5 zoning is appropriate here, that ample commercial opportunities have been provided in the area, and that the zoning map is correct. There is an area zoned B. L. -C. N. S. at the inter-section of Windsor Mill and Rolling Roads; a vacant strip of section of Windsor Mill and Rolling Roads; a vacant strip of B. L. zoned properties is located on the north side of Windsor Mill and Rolling Roads; a vacant strip of B. L. zoned properties is located on the north side of Windsor Mill Road, east of Pine Avenue. Certainly no listing of commercial opportunities would be complete without mention of the myriad number of commercial uses and commercially-zoned properties along the nearby section of the Liberty Road corridor.

In evaluating this petition, the site and the surrounding area can best be described as semi-rural in character. It is true that B.R. zoned land lies just across the road from the subject property, but this was provided to encompass the lumber company perty, but this was provided to encompass the inner company (operation and storage areas) that has existed for many, many years. The Planning Board is of the opinion that the granting of the petitioner's request for commercial zoning could open of the petitioner's request for commercial zoning count open the door to additional strip-commercialization of the area. It should be noted that the comprehensive zoning map, adopted by the County Council in March, 1971, and the <u>Baltimore County</u> 1980 Guideplan establish a policy of discouraging the expansion of existing commercial strips or the establishment of new ones. DE DETITION FOR DEG ACCIEICATION from D.R. 5.5 zone to B.R. zone; VARIANCE from Section 238.2 of Baltimore County Zoning Regulation
SPECIAL HEARING for Off-Street Parking in Residential Zone S/S of Windsor Mill Rd. 2500 feet SE of Rices Lane 2nd District

05 BALTIMORE COUNTY N- 75 - 100 - PASPH

COUNTY BOARD OF APPEALS

Theodore Rade, et ux Harry C. Espey, et us

County

.

ORDER OF DISMISSAL

Petition of Theodore Rade, et ux (Harry C. Espey, et ux, contract purchasers), for reclassification from D.R. 5.5 zone to B.R. zone, variance from Section 238 2 of the Baltimore County Zoning Regulations, and special hearing for off-street parking in residential zone, on property located on the south side of Windson Mill Road 2500 feet southeast of Rices Lane, in the 2nd Election District of Baltimore

WHEREAS, the Board of Appeals notifie tall parties of record in the above entitled matter that this Board considers said case to be most (copy of said letter is attached hereta)

THEREFORE, this Board, on its own Motion, will dismiss the within named annea

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COLINITY

The People's Counsel entered his appearance and requested to be notified of future hearing dates and the passage of any preliminary or final Order. He did not attend the hearing.

There were no area residents or representatives of the community who opposed the request. There were, however, several area residents in attendance who supported the request.

Without reviewing all evidence and testimony in detail but based on all testimony and evidence presented, it is the opinion of the Deputy Zoning Commissioner, that the Petitioner has failed to prove error or that any substantial change has occurred in the character of this neighborhood that would justify reclassifying the Petitioner's property from residential to commercial. The property does lie opposite the commercially zoned tract. However, this commercial zone was established to encompass businesses that have existed for many years. It should also be noted that this commercial zone has a depth of 620 feet, which is not conducive to undesirable strip zoning.

No other commercially zoned properties exist on either side of Windsor Mill Road, between Rolling Road and Old Court Road, a distance of two miles. To reclassify the Petitioner's . 73 cf an acre site, which lies about half way between these two roads and is flanked on both sides and the rear by many acres of residentially zoned land, would be both spot zoning and the beginning of a strip con nercial zone. For these reasons the Petitioner's request must be

Not withstanding the above facts, testimony presented during the course of the hearing as well as the turnout of area residents who supported the reuest raises questions as to whether or not additional commercially zoned land might be needed in this rural section of Baltimore County. Any such zoning should, however, be accomplished comprehensively by the map process and

404-3100

County Board of Appeals Room 219, Court House

Dagambar 22 1976

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

Re: Theodore Rade, et ux (H. C. Espey, et ux, contr. pur.) C--- NI- 75-100-DASPH

As the Patitioner, or representative thereof, in the above referenced case, you are hereby advised that said case now pending before the Board of Appeals is office concluding that any reclassification case pending before this Board on the date of the adoption of new comprehensive zoning maps (i.e. 10/15/76) is moot.

Therefore, unless you present written objection and/or an amended appeal, where applicable, to the Board within thirty (30) days from the date hereof, an Order of Dismissal shall be executed by this Board.

Very truly yours

ee: John W. Hessian, III. Esa

should be done in such a manner as to avoid spot and/or strip zoning

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this ______ day of April, 1975, that the herein requested Reclassification from a D. R. 3. 5 Zone to a B. R. Zone should be and the same it hereby DENIED. Said denial renders the Variance and Special Heads ing for off-street parking in a residential zone moot, and they shall also be DENIED

DE DETITION FOR RECLASSIFICATION VARIANCE AND SPECIAL HEARING S/S of Windsor Mill Road, 2200' SE of Disco Lang Bed District Rices Lane - 2nd District Theodore Rade - Petitioner NO. 75-188-RASPH (Item No. 4)

111 111 111

DEPONE THE INCOURT TOMBY

FOR BALTIMORE COUNTY

200 000 000

This Petition represents a request for a Reclassification from a D. R. 5.5 Zone to a B. R. Zone, a Variance to parmit a rear yard of four feet in stead of the required 30 feet, and a use permit for parking in a residential zone. The property in question contains 1.2 acres, more or less, and is situated on the southwide of Windsor Mill Road, approximately 2,000 feet wer of Rolling Road, in the Second Election District of Baltimore County.

the 1.2 acre tract at the time the Petition was filed, has since purchased the property in fee and was, at the time of this hearing, the legal owner. Mr. Espey also resides on, ownes and operates the 22 acre poultry farm immediately adjoining the rear of the subject property. At the present time and for the last eleven years, Mr. Espey has operated the feed, grain and garden supply business at the corner of Windsor Mill and Rolling Roads.

The building that presently houses his business is rented and was desribed as not being ideally suited for his operation. The site has no off-street as which to apeak of and the landowner's plans for the building's future are no clear. The proposed site, which is the subject of these proceedings, would ned and granted the Variance and use permit for parking, provide adequate parking circulation for traffic. Traffic would enter and leave the subject site by way of two 24 Cot driveways, and his store would be designed and constructed for his specific use.

April 15, 1975

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

> RE: Petition for Reclassification Variance and Special Hearing S/S of Windsor Mill Road, 2500' SE of Rices Lane - 2nd District Theodore Rade - Petitioner NC. 75-188-RASPH (Item No. 4)

Dear Mr. Nolan:

I have this date passed my Order in the above captioned matter in

Very truly yours

JAMES E. DYER Deputy Zoning Commissioner

JED/me

Attachments

- 2 -

DATE

. 3 -

- 4 -

ZONING DESCRIPTION FOR A USE PERMIT FOR PARKING IN A RESIDENTIAL ZONE FOR A PARCEL LOCATED TO THE REAR OF A PROPOSED COMMERCIAL PARCEL ON THE SOUTH SIDE OF WINDSOR MILL ROAD

Beginning for the same at a point in the centerline of Windsor Mill Road, said point being two thousand two hundred twenty (2, 220) feet more or less Westerly of the intersection of Windsor Mill Road and Rolling Road and two thousand five hundred eighty (2,580) feet more or less Easterly of the intersection of Windsor Mill Road and Rice's Lane, in the Second Election District of Baltimore County, and said point being also on an extension of the Fourth or South 25 degrees West 23.1 perch line of the third parcel of land described in a deed from Dorothy M. Keigler to Thomas E. Weidemeyer and wife, dated April 4, 1952 and recorded among the Land Records of Baltimore County in Liber G. L. B. 2093, folio 235 etc.; thence running and binding on said fourth line and on a part thereof South 27 degrees 32 minutes West 226.9 feet more or less to a point where the said fourth line is intersected by the zoning division line between the D.R.5.5 zone to the North and the R.D.P. zone to the South, said point on said zoning division line being the beginning point for the residentially zoned parcel for which this use permit is sought; (1) thence running and binding on the aforesaid fourth line and on a part thereof South 27 degrees 32 minutes West 163 feet more or less to a point; (2) thence running South 62 degrees 31 minutes East 120.86 feet to a point on the North 32 degrees 9 minutes 30 seconds East 841,37 foot line of the entire parcel to be conveyed from



0

The Petitioners state that the County Council committed at least the following errors, and very probably additional errors in classifying the subject property D.R. 5.5:

POR THE SUBJECT PROPERTY

- 1. That the subject property is located on the South side of Windsor Mill Road and directly confronts a business roadside zone of 660 feet in length and 620 feet in depth, which zone is utilized for a charter bus service, headquarters terminal, and storage area, as well as a large lumber yard, hardware store and saw mill operation having numerous buildings, and the subject property and other properties along the Southern frontage of Windsor Mill Road should also have been placed in a similar commercial zone, namely, B.R.
- 2. That the B.R. zone on the opposite side of Windsor Mill Road was fully utilized in March of 1971, and additional commercial land was then needed in the area, and could have and should have been provided on the subject property and neighboring properties directly across Windsor Mill Road.
- 3. That the provision of additional $\beta.\,R.$ zoning on the South side of Windsor Mill Road is in the best interests of the area and would in no way be harmful to other residents' propert'ss in the area, and it was error for the Council to fail to recognize this fact in March
- 4. For such other and further errors as shall be disclosed by a minute study of this property and area, which errors shall be brought out at the time of the hearing hereon.

CHANGES IN THE AREA

The Petitioners state that the following changes have occurred in the area since the property was last zoned by the County Council: Theodore Rade and Virian Rade, his wife, to Harry C. Espey and Grace Espey, his wife; (3) thence running and binding on said line North 32 degrees 09 minutes 30 seconds East 150.0 feet more or less to a point on the aforesaid zoning division line: (4) thence running and binding on said zoning division line and on a part thereof Northwesterly to the point

Containing 0.1.3 Acres more or less.



loberta, Donio

1. That the Hebbville area has greatly developed since 1971, further emphasizing and aggravating the need for additional commercial opportunities in the area.

2. That there have been innumerable changes in the areas of development, real estate, and financing, since March of 1971, including construction costs which have virtually escalated out of reach for many types of residential housing, interest costs, which have resulted in a large scale suspension on development of large scale residential and commercial construction, as well as a virtual nonavailability of ordinary construction funds as well as long term financing for many portions of the economy; and the subject property and the Southern frontage along Windsor Mill Road is of moderate derth and size, far better suited to serve commercial needs than larger commercial areas a considerable distance away which have proven impractical to build on, due to the previously mentioned factors as well as other factors relating to public services.

3. And such other area changes as shall be disclosed by a minute study of this area, which changes shall be brought out at the time of the hearing hereon.

> Respectfully submitted, James D. Novan James D. Nolan nolan, Plumhoff - Williams Nolan, Plumhoff and Williams Attorneys for Petitioners

ZONING DESCRIPTION FOR A PORTION OF THE RADE PROPERTY ON THE SOUTH SIDE OF WINDSOR MILL ROAD REQUESTING A RECLASSIFICATION. FROM D, R. 5.5 to B. R. (BUSINESS ROADSIDE)
AND REAR YARD VARIANCE

Beginning for the same at a point in the centerline of Windsor Mill Road, said point being two thousand two hundred twenty (2, 220) feet more or less Westerly of the intersection of Windsor Mill Road and Rolling Road and two thousand five hundred eighty (2, 580) feet more or less Easterly of the intersection of Windsor Mill Road and Rice's Lane, in the Second Election District of Baltimore County, and said point being also on an extension of the fourth or South 25 degrees West 23.1 perch line of the third parcel of land described in a deed from Dorothy M. Keigler to Thomas E. Weidemeyer and wife, dated April 4, 1952, and recorded among the Land Records of Baltimore County in Liber G. L. B. 2093, folio 235, etc.; (1) thence running and binding on said fourth line and on a part thereof South 27 degrees 32 minutes West 226.0 feet more or less to a point where the said fourth Hne is intersected by the zoning division line between the D.R.5.5 zone to the North and the R.D.P. zone to the South; (2) thence running and binding on said zoning division line and on a part thereof East 133.0 feet more or less to a point on the North 32 degrees 09 minutes 30 seconds East 841.37 foot line of the entire parcel to be conveyed from Theodore



Petition for Reclassification, : BEFORE THE Variance and Special Hearing . DEPUTY ZONING COMMISSIONER S/S or Windsor Alli Road, 2500' SE of Rices Lane - 2nd District - Thoodore Rade, Petitioner · BALTIMORE COUNTY NO. 75-188-RASPH (Item No. 4)

. ORDER FOR APPEAL

DEAR MR COMMISSIONER:

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Please note an appeal to the County Board of Appeals from your Opinion and Order in the above entitled matter dated April 15, 1975, and each and every part thereof.

> James D. Nolan Nolan, Plumhoff and Williams 204 W. Pennsylvania Avenue Towson, Maryland 21204 823-7800 Attorneys for Petitioner

I HEREBY CERTIFY that on this 2nd day of May, 1975, a copy of the foregoing Order for Appeal was mailed or hand delivered, to JOHN W. HESSIAN, III, People's Zoning Counsel and to CHARLES E. KOUNTZ, JR., Deputy People's Zoning Counsel, both at The County Office Building, Towson, Maryland 21204.

> mes P. Wolsen James D. Nolan

NOLAN, PLUMH & WILLIAMS TOWSON, MD.



Rade and Vivian Rade, his wife, to Harry C. Espey and Grace Espey, his wife; (3) thence running and binding on said line North 32 degrees an -terree 30 seconds East 225 0 feet more or less to the center line of Windsor Mill Road, the said line passing through a pipe now set on the South side of Windsor Mill Road; (4) thence running along and binding on the center line of the said Windsor Mill Road Northwesterly 152.0 jeet more or less to the place of beginning.

Containing 0.73 acres more or less.



PETITION SOF RECLASSIVICATION
AND VARIANCE AND SPECIAL MEANING
FOR A PEAK VATO, SPECIAL MEANING
FOR A PEAK VATO, SPECIAL MEANING
FOR OPT-STREET PRANTING
FESTIVETAL 20 E.
7-th side of Windson Will head
7500 feet Southeast of hites Lane,
One distributions of hites Lane,
One distribution : BEFORE THE : ZONING COMMISSIONED . FOR BALTIMORE COLUMN THEODORE BADE : Case No. 75-188-RASPH

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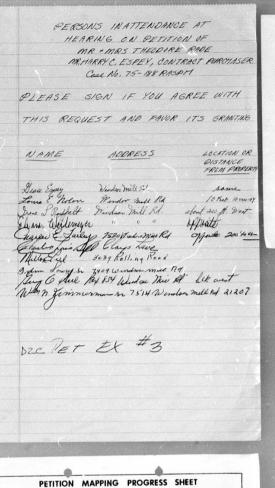
ORDEL TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I rereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

I HEREBY CERTIFY, That a copy of the foregoing Order to Enter Appearance was this 3 day of March, 1975, mailed to James D. Nolan, Esquire, Nolan Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, attorney for Petitioner.





FUNCTION Descriptions checked and outline plotted on map Petition number added to Granted by ZC, BA, CC, CA Ravised Plans: Reviewed by: J. J. H. Change in outline or description____Yes Previous case:

Present Zoning: D.R. 5.5	
Treatment Stocking D.R. 5.2. Treatment Stocking R.R., Treatment Stoc	
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Petition for Special Hearing to	
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Containing 0.43 Acres more	
Being the property of Throdo Rate and Vivian Rate, as shown that plan filed with the Zoning I partment.	
Rate and Vivian Rade, as shown that plan filed with the Zoning E	
pariment.	301

CERTIFICATE OF PUBLICATION

TOWSON MD February 13 THIS IS TO CERTIFY, that the annexed advertisement was sublished in THE JEFFERSONIAN, a weekly newspa, r printed day of _____Herch______, 19.75., the first publication appearing on the ____l3th_day of __February_ THE JEFFERSONIAN,

G. Leank Streeten

Cost of Advertisement, 8

75-188-P.ASPH 3-SIGNS

CERTIFICATE OF POSTING STMENT OF BALTIMORE COUNT

Date of Posting FeB. 15 1975 Posted for Petitions For & Bechassification (VARIANCE) SPECIAL HEARING Putitioner THEODORE RABE

Location of property: 5/5 of Winson Alleh Rd. 2500 SE of Rices Lane Location of Signas \$5 oF 1 MDS OR MILL Pd. 2500 Taly - SE OF RICES LANE Date of return: Fe6, 21, 1975 Posted by Llionias R. Roland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received . this 35th day of

Petitioner Theather Rade dusubmitted by Will Petitioner's Attorney William Maley Reviewed by Thogans

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

BALTIMORE COUNTY OFFICE OF FINANCE - REV MISCELLANEOUS CA	ENUE DIVISION	No. 17124
DATE Hov. 20, 19	74 ACCOUNT 01-	662
*	AMOUNT_\$5	0.00
WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER
James D. Holan, 1 201, W. Penna. Ave Tosson, Md. 21201 Petition for Recol Hering for Theodor	assification, Vari	ance and Special

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - LEVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 20266
DATE May 7, 1975 ACCOUNT	01-662
AMDUNT_	\$70.00
WHITE CASHIER PINK - ACENCY James D. Nolan, Esquire	VELLOW - CUSTOMER A
Cost of Filing of an Appeal on Ga (Item No. 4) S/S of Windsor Mill Road, 2500' Election District 85 mm 8 Theodore Rade, et ux - Petitione	SE of Rices Lane - 2nd

FROM COST OF Posting Property of T for an Appeal Hearing S/S of Windsor Mill Road, 2500' S Election District of 1 6 = pt. 9 Case No. 75-188-RASPH (Item No.	SE of Rices Lane - 2nd 5.00%
From Cost of Posting Property of T for an Appeal Hearing S/S of Windsor Mill Road, 2500' S	SE of Rices Lane - 2nd
FOR Cost of Posting Property of T for an Appeal Hearing	
	heodore Rade, et ux.
RECEIVED Newton A. Williams, Esq.	
AMDUNT	43.00
	\$5.00
DATE October 8, 1975 ACCOUNT	01-662
OFFICE OF FINA CE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	NO. 20000
BALTIMORE COUNTY, MARYLAND	No. 25906

LEGALS

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1-5,60

75-188-RASPH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland Date of Posting NAY 24 1995 Petitioner THEOLORE RADE, STUX Lication of property \$15. 6F WINDSOR MULL PJ 2500 SE 6F RICES LAKE Location of Signas S/S OF WINDSOR MILL Pd 2500 tai - SE

OF RICES LANE Remarks
Posted by Thomas A. Balana Date of return MAY 21, 1975

0 DZCPET EX #2 REVISIONS SCALE 1" = 200" MAPS, 4-20-67





