

IN THE MATTER OF THE APPLICATION OF FELIX L. DEUGWILLO, ET UX FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE NORTH SIDE OF CINDER ROAD, 185.2' EAST OF CENTERLINE OF YORK ROAD (2' CINDER ROAD) 4TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT D.R.5.5 TO BR OR BL

OPINION

This case comes before the Board as a Petition for Zoning Reclassification. The present zoning is D.R.5.5 and the requested zoning is for either a BR or BL zone. Included with the Petition for Reclassification is a documented site plan prepared by H. Malmud and Associates dated July, 1989 (see Petitioner's Exhibit No. 1).

A hearing was held by the Board on April 4, 1990. Testimony was taken and exhibits were admitted as evidence as the record will show.

The zoning history of the property will show that the site was reclassified from R-6 to BL on June 2, 1965. Mr. and Mrs. Felix Deugwillo, Petitioners in this case, were the contract purchasers on that Petition. At the time, the Petition indicated the proposed use as a beauty parlor. The size of the site and the structure were the same as presented in this Petition. A small porch addition has been constructed on the rear of the building. The site plan indicates a 10 foot wide driveway along the west side of the site to serve five parking spaces in the rear.

In 1971, the subject site and an addition 90 feet of land to the rear were zoned BL. In 1976, the rearmost 90 feet was rezoned

Felix L. Deugwillo, et ux, Case No. CR-90-174

to BR, and the subject site was classified as D.R.5.5. There were no issue numbers in the 1976 Comprehensive Map Process to correspond to this change. There has been no change to the zoning of the site or the surrounding area since that time. The Petitioner has maintained the use as a beauty shop since the original zoning reclassification in 1965. The rear yard is now occupied by a parking lot sufficient for 13 autos.

The Office of Planning and Zoning stated to the Planning Board that:

1. The Petitioner has submitted a documented site plan for a parcel of land, 0.228 acres in size.
2. The land use as provided within the documented site plan is a beauty shop housed in a one-story cape cod building originally constructed as a residence.
3. The documented site plan includes a site plan and elevations of the existing building.
4. Public water and sewer is available to the site.

The Planning staff recommended to the Planning Board that the Petitioner's request be granted for BL zoning only and not BR zoning. The BR zoning is not desirable. The Planning staff also stated, "An error was made in 1976 when the zoning maps were prepared for adoption." With the recommendation to grant the BL zoning, the staff requests that the following conditions should apply:

1. A landscape plan shall be submitted to the Baltimore County Landscape Planner prior to any improvement to the property.
2. Use of the property shall be limited to office and or beauty shop.

On January 18, 1990, the Planning Board met to consider Zoning Reclassification Petitions for Cycle II, 1989-90. The Planning

Felix L. Deugwillo, et ux, Case No. CR-90-174

Board recommended to this Board that the Petitioner's request for BL only be granted. This recommendation did not appear to have any conditions attached to it.

The Board after considering all of the testimony of the witnesses, exhibits, and the recommendation of the Planning Board, is of the opinion that the last classification of the property was established in error, and that the reclassification of the property from D.R.5.5 to BL is warranted by that error. Such reclassification shall contain certain conditions. Therefore, the Board shall issue an Order reflecting its opinion.

ORDER

It is therefore, this 10th day of July, 1990 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Reclassification from D.R.5.5 to BL is hereby GRANTED, subject to the following conditions:

1. A landscape plan shall be submitted to the Baltimore County Landscape Planner prior to any improvement to the property.
2. Use of the property shall be limited to office and/or beauty shop.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

John G. Disney

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, 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 of the property be reclassified, pursuant to the Zoning Law and Zoning Regulations of Baltimore County, from an PR-5.5 zone to an BR-5.5 zone; and (2) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

for a beauty shop

and (2) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

MAP NW/187A	40
3C	CC01
E.D. 5A	CC02
DATE 4-12-91	5A12
1000 BF	CC03
1000 BF	CC04
1000 BF	CC05
1000 BF	CC06
1000 BF	CC07
1000 BF	CC08
1000 BF	CC09
1000 BF	CC10
1000 BF	CC11
1000 BF	CC12
1000 BF	CC13
1000 BF	CC14
1000 BF	CC15
1000 BF	CC16
1000 BF	CC17
1000 BF	CC18
1000 BF	CC19
1000 BF	CC20

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Reclassification, Special Exception and/or Variance, pending, 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:

(Type or Print Name)

Signature

Address

Legal Owner(s):

FELIX L. DEUGWILLO

(Type or Print Name)

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Signature

Address

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

October 27, 1989

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, MD 21204

Zoning Reclassification Cycle II

Property Owner:

Case No./Hearing Date:

Location:

Existing Zoning:

Election District:

Councilmanic District:

Acres:

Proposed Zoning:

Dear Mr. Hackett:

Access to this site is very poor and cannot meet County standards for a commercial site.

Oct. 1989 to April 1990

Felix L. Deugwillo, et ux

C.R.-90-174; April 4, 1990

N/S Cinder Rd., 185.2' E of York Rd.

D.R.-5.5

8th

4th

0.228

B.R. or B.L.

Dear Mr. Hackett:

Access to this site is very poor and cannot meet County standards for a commercial site.

Very truly yours,

Michael S. Flanigan

Traffic Engineer Associate II

MSP/efm

RECEIVED
OCT 31 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

OCTOBER 13, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FELIX L. DEUGWILLO

Location: #2 CINDER ROAD

Item No.: CR-90-174

Central Sector

5

Noted and Approved

Planning Group

Special Inspection Division

JK/KEK

OCT 17 1989

Noted and Approved

Fire Prevention Bureau

Special Inspection Division

JK/KEK

OCT 17 1989

Noted and Approved

Fire Prevention Bureau

Special Inspection Division

JK/KEK

OCT 17 1989

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JK/KEK

OCT 17 1989

Noted and Approved

Fire Prevention Bureau

Special Inspection Division

JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 3, 1990

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, MD 21204

RE: Item No. 5
Case No. CR90-174
Petitioner: Felix L. Deugwillo, et ux
Re-Classification Petition

Dear Mr. Tanczyn:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or use and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Felix L. Deugwillo
607 Southwick Drive
Towson, MD 21204

cc:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: Feb Date of Posting: 3/10/90
Posted for: Reclassification
Petitioner: Felix L. Deugwillo, et ux
Location of property: 185.2' E of York Rd., 8th & 4th
Location of Sign: Leaving Cedar Rd., approx. 30 ft. roadway, on N. side of York Rd.
Remarks: 1. Property of Petitioner
Posted by: M. Haines Date of return: 3/14/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-5353

J. Robert Haines
Zoning Commissioner

OCTOBER 23, 1989



Dennis F. Rasmussen
County Executive

Felix L. and Esther S. Deugwilllo
877 Southwick Drive
Towson, Maryland 21204

Re: Petition for Zoning Re-classification
Case Number: CR-90-174
N/S Cinder Road, 185.2' E of C/L of York Rd.
8th Election District - 4th Councilmanic
Legal Owner(s): Felix L. Deugwilllo, et ux
Hearing Scheduled: Wednesday, April 4, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$589.23 is due for advertising and posting of the above property.
This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS HEARING OR THE ORDER WILL BE REVERSED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Mr. G. Stephens,
Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204,
before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: Michael P. Tanczyn, Esq.
File

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (301) 653-9511

DESCRIPTION OF #2 CINDER ROAD
TOWSON
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning on the north side of Cinder Road at a distance of 185.2 feet from the east side of York Road and thence binding on Cinder Road

- (1) North 86° 30' 00" East 40.74 feet, thence leaving Cinder Road and running the three (3) following courses and distances:
- (2) North 03° 00' 00" West 160.00 feet;
- (3) South 86° 30' 00" West 83.25 feet;
- (4) South 18° 22' 40" East 165.55 feet to the place of beginning.

Containing 9,919 square feet or 0.228 of an acre of land, more or less.

This description is intended for zoning purposes only and not for the conveyance of title.

August 8, 1989

Disk 17 CINDER



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-5353

J. Robert Haines
Zoning Commissioner

March 9, 1990



Dennis F. Rasmussen
County Executive

Felix L. and Esther S. Deugwilllo
877 Southwick Drive
Towson, Maryland 21204

Re: Petition for Zoning Re-classification
Case Number: CR-90-174
N/S Cinder Road, 185.2' E of C/L of York Rd.
8th Election District - 4th Councilmanic
Legal Owner(s): Felix L. Deugwilllo, et ux
Hearing Scheduled: Wednesday, April 4, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$589.23 is due for advertising and posting of the above property.
This fee must be paid before an Order is issued.

receipt

No 1781

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0014150

Number: 1781

Date

CR-90-174

3/16/90

M9000563

PUBLIC HEARING FEES

QTY

PRICE

080 -POSTING SIGNS / ADVERTISING 1 X \$589.23

TOTAL: \$589.23

LAST NAME OF OWNER: DEUGWILLLO

B 007*****5892314 3203F
Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 8, 1990.

THE JEFFERSONIAN,

S. Zake Orban
Publisher

NOTICE OF HEARING
Petition for
Zoning Re-classification
Case Number: CR-90-174
N/S Cinder Road, 185.2' E of C/L of York Rd.
8th Election District
4th Councilmanic
Legal Owner(s): Felix L. Deugwilllo, et ux
Felix L. Deugwilllo, et ux
877 Southwick Drive
Towson, Maryland 21204
Beginning on the north side of Cinder Road at a distance of 185.2 feet from the east side of York Road and thence binding on Cinder Road
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(4) South 18° 22' 40" East 165.55 feet to the place of beginning.
Containing 9,919 square feet or 0.228 of an acre of land, more or less.
Petition to reclassify the property from an D.R. - S.5 to an R.R. - S.1 zone.
DATE: WED. APR. 4, 1990
LOCATION: Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT,
County Board of Appeals
JT 8116 March 7, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 7, 1990.

TOWSON TIMES,

S. Zake Orban
Publisher

NOTICE OF HEARING
Petition for
Zoning Re-classification
Case Number: CR-90-174
N/S Cinder Road, 185.2' E of C/L of York Rd.
8th Election District
4th Councilmanic
Legal Owner(s): Felix L. Deugwilllo, et ux
Felix L. Deugwilllo, et ux
877 Southwick Drive
Towson, Maryland 21204
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DATE: WED. APR. 4, 1990
LOCATION: Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT,
County Board of Appeals
JT 8116 March 7, 1990

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

September 21, 1989

Baltimore County Board of Appeals
111 West Chesapeake Avenue, Room 314
Towson, MD 21204

Re Felix and Esther Deugwilllo
2 Cinder Road, Timonium, Maryland

Gentlemen

Enclosed herewith please find the Environmental Impact Statement for the above property as required for the Reclassification Petition filed August 31, 1989.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc Mr. & Mrs. Felix Deugwilllo

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (301) 653-9511

September 19, 1989

To: Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Subject: Environmental Impact Statement
#2 Cinder Road, Timonium

The site at #2 Cinder Road is and has been for a number of years an existing Beauty Shop. The footprint of the existing building, 1029 square feet, more or less, will not change.

The total area of the lot is 9,919 square feet, more or less, with an existing escadade and stone parking lot behind the building which will remain unchanged.

There are no outdoor uses to cause odors, air pollution, toxic wastes or any harm or nuisances to people, the land or water. There are no streams, wetlands or floodplains on the site.

H. Malmud
Herbert Malmud

cc: Mr. & Mrs. Felix L. Deugwilllo

File: Westbury Pre-CRG

89 SEP 22 AM 11:07
RECEIVED
COUNTY BOARD OF APPEALS

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

August 31, 1989

Honorable William T. Hackett
Baltimore County Board of Appeals
111 West Chesapeake Avenue, Room 314
Towson, MD 21204

Re 2 Cinder Road
Property of Felix & Esther Deugwilllo

Dear Mr. Hackett

The purpose of this letter is to confirm that the environmental impact statement, required for the Reclassification Petition filed August 31, 1989, is being prepared and will be forwarded as soon as I receive it following review.

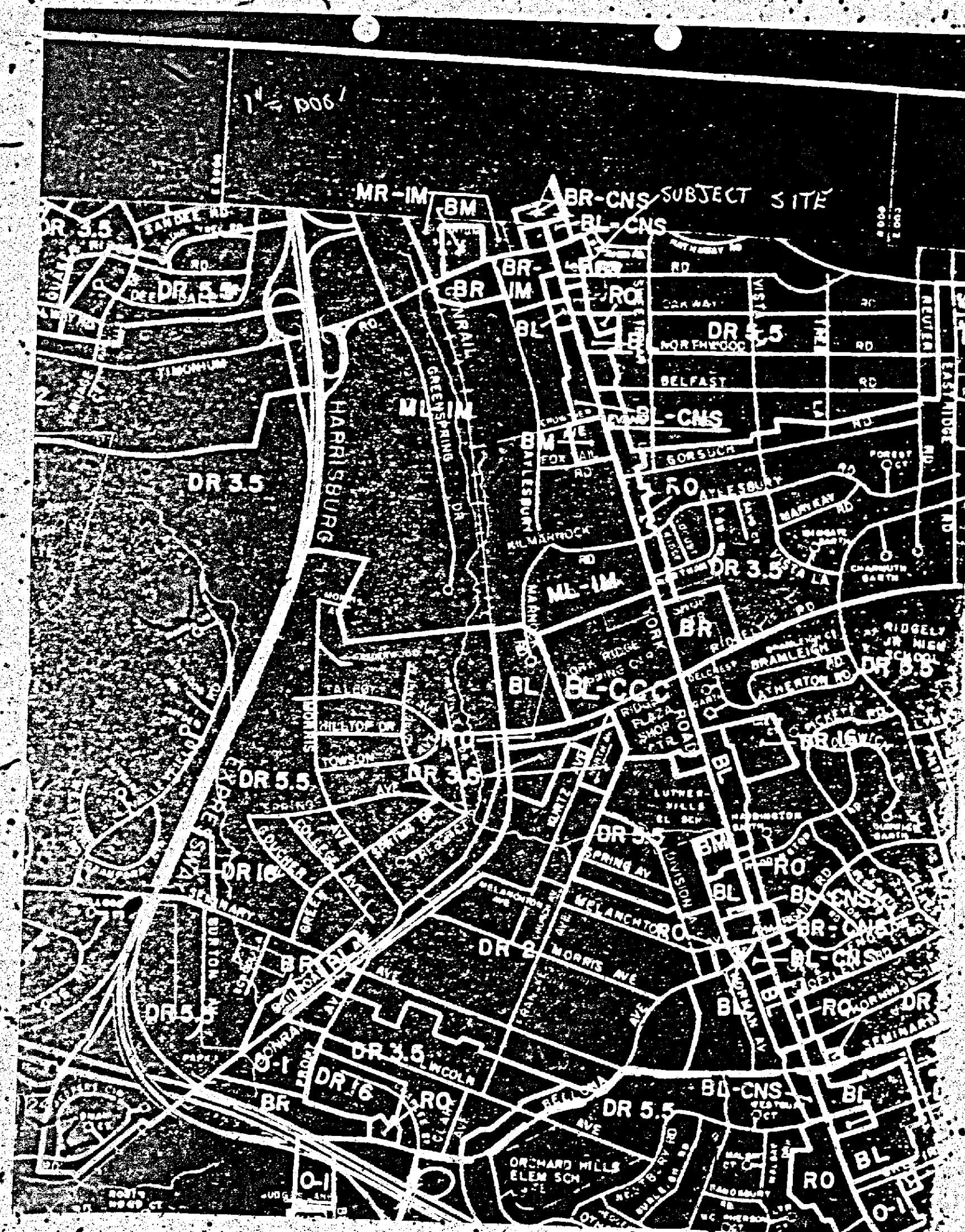
Should there be any further questions, don't hesitate to contact me. Thank you very much.

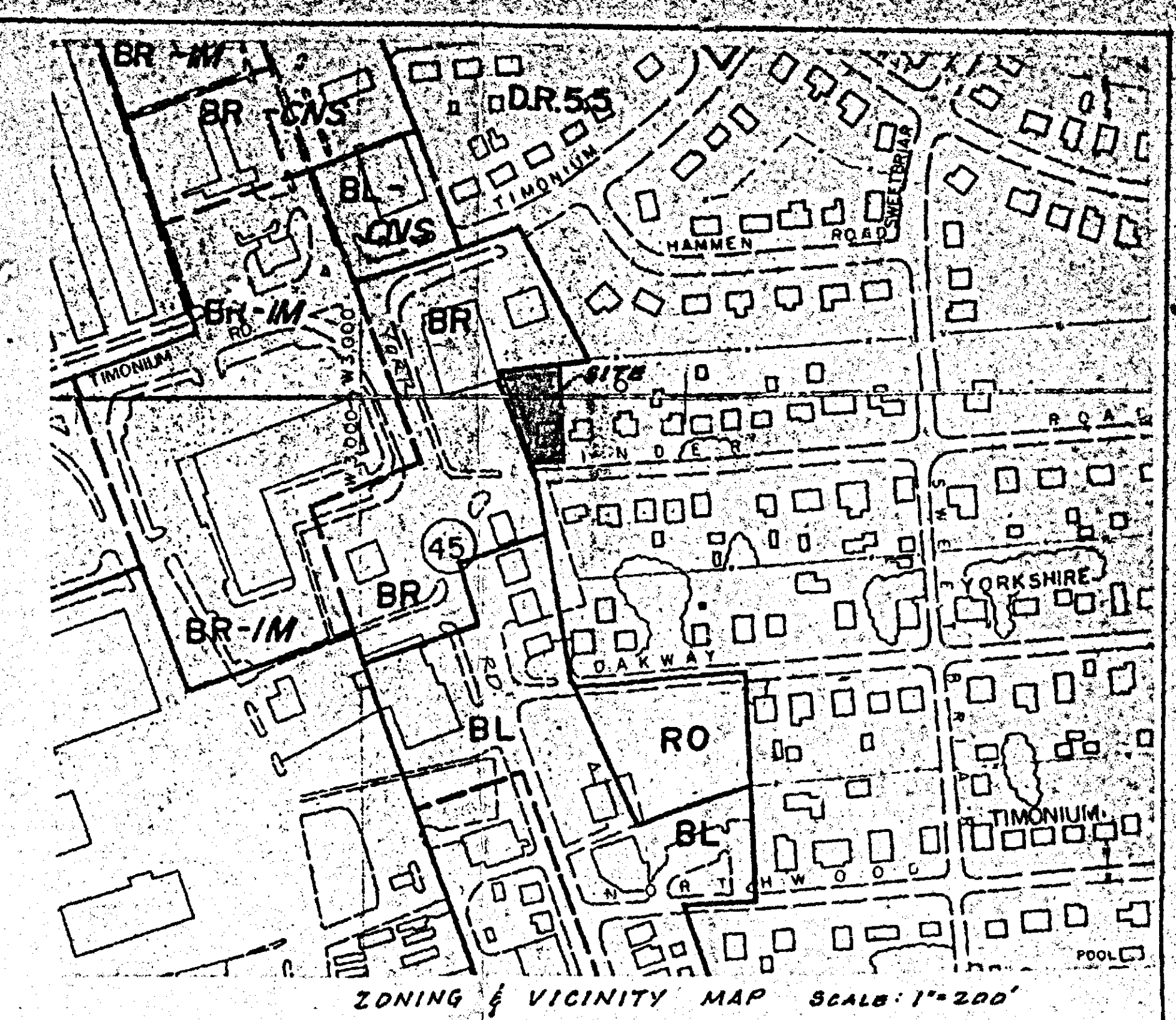
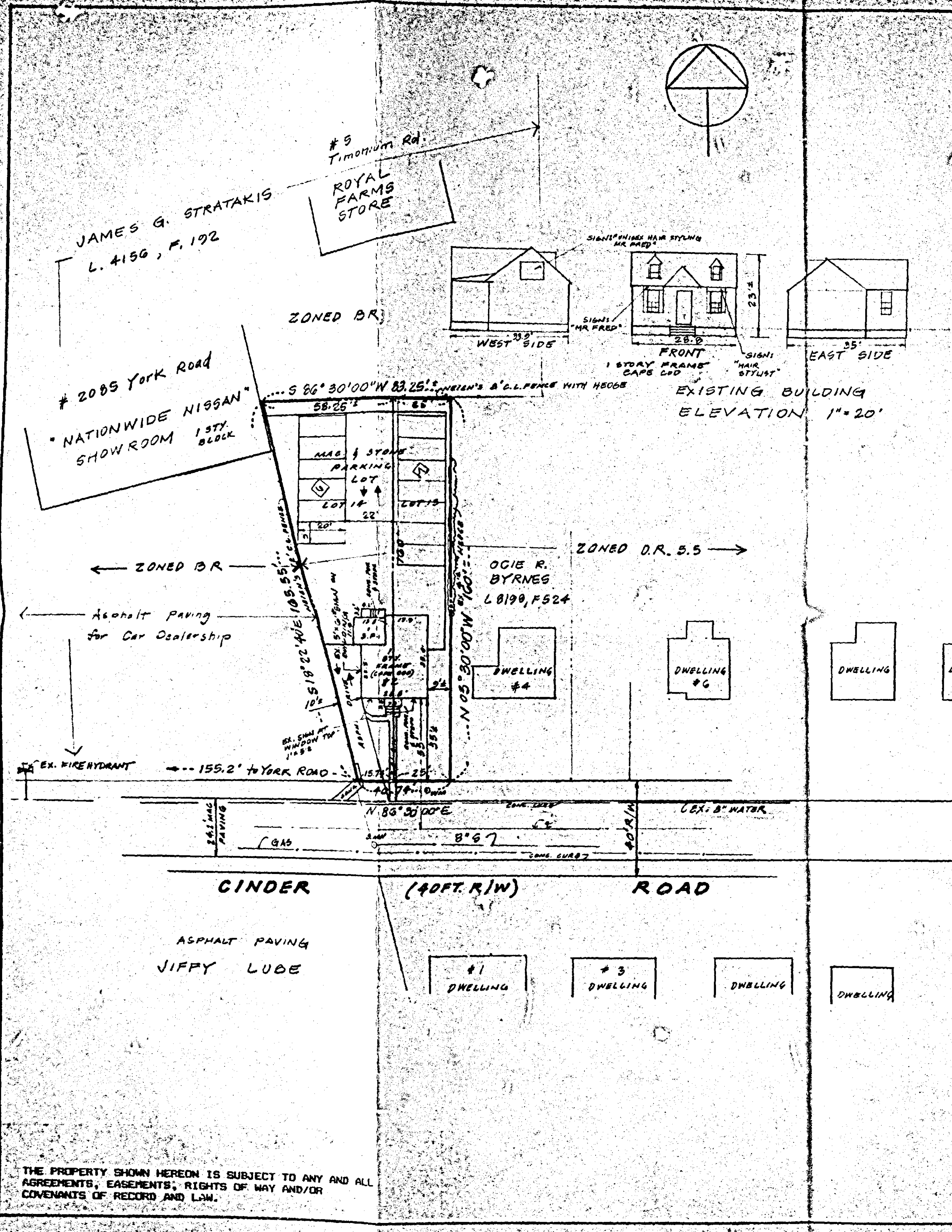
Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc Mr. H. Malmud
Mr. & Mrs. Felix Deugwilllo

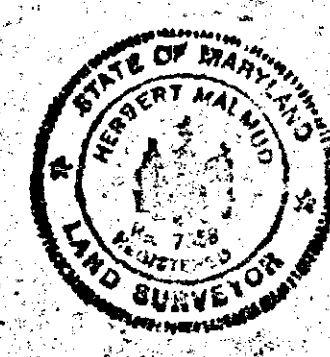




- NOTES
1. OWNER: FELIX L. DEUGWILLO & ESTHER S. DEUGWILLO
DEED REFERENCE: LIBER 4493, FOLIO 126
LOTS 14 & 15 "YORKSHIRE" P.B. WPC #7, PART 1-21.
 2. EXISTING ZONING: D.R. 5.5
PROPOSED ZONING: BR
 3. EXISTING USE: BEAUTY SHOP - HOURS OF OPERATION: 7AM - 7PM
TOTAL NUMBER OF EMPLOYEES: 10
 3. Total Area of Property: 9,919 S.F., +/-
 4. PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
 5. PARKING DATA:
FLOOR AREA: 1042 S.F. ÷ 1000 = 1.04 X 3.3 =
3.4 PARKING SPACES REQUIRED
13 PARKING SPACES PROVIDED
TYPICAL SPACE SHOWN: 9' X 20'
ALL SPACES TO BE STRIPED.

CR-90-177

Item 5, Cycle II
PLAT TO ACCOMPANY PETITION
FOR ZONING RECLASSIFICATION
2 CINDER ROAD
TIMONIUM
COUNCILMANIC DISTRICT NO 4
ELECTION DISTRICT NO 8
BALTIMORE COUNTY, MD.
SCALE: 1"=30' DATE: JULY, 1989

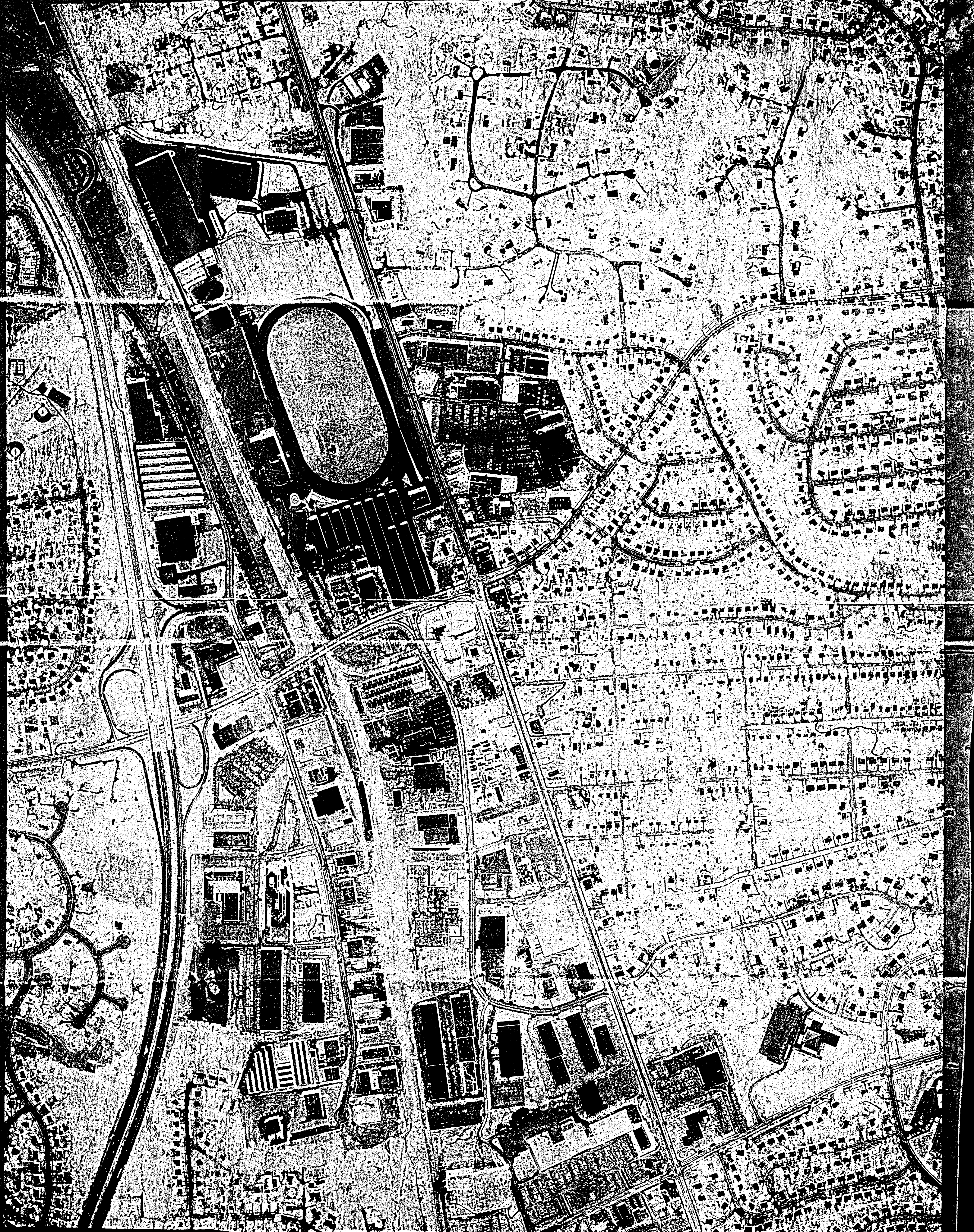


Prepared by:
H. MALMUD & ASSOCIATES, INC.
100 Church Lane
Baltimore, Maryland 21208
Telephone (301) 553-9311



1972 Aerial

PET EXH #8

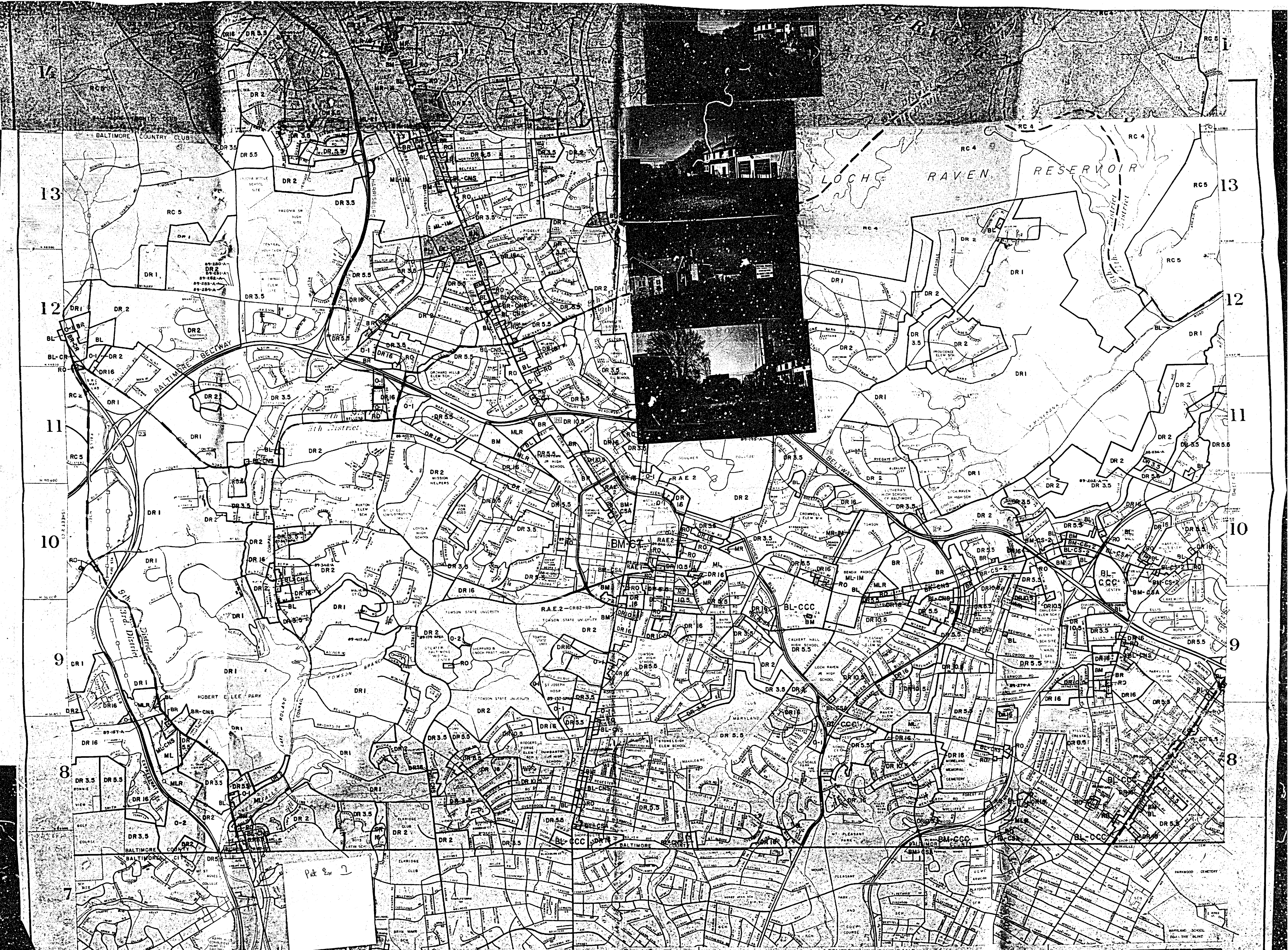


BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	TIMONIUM	N.W. 13-A
DATE OF PHOTOGRAPHY JANUARY 1986		





BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council

TOWSON

BALTIMORE COUNTY BASE MAP SERIES

ISSUED DATE	REVISED DATE
JAN. 83	FEB. 74
MAY. 83	JUN. 74
AUG. 83	FEB. 75
MAY. 83	MAY. 75
MAY. 83	JAN. 76
JAN. 83	JAN. 76

3C