

CHARLES A. SPANN &
ANNA K. SPANN, his wife,
Appellants,
vs
J. KEMP BARTLETT, JR.,
HOWARD E. MARTIN,
EDWARD L. MARTIN,
Constituting the
Board of Zoning Appeals
for Baltimore County,
Appellees.

To the Honorable Judge of said Court:

And now come J. Kemp Bartlett, Jr., Howard E. Martin and Edward L. Martin, constituting the Board of Zoning Appeals for Baltimore County, and in answer to the writ of certiorari issued against them in this case, herewith submit the record of proceedings had in the above entitled matter, consisting of the following copies of original papers on file in the office of the Zoning Department of Baltimore County:

1. Certificate of publication of report of Zoning Commissioner as to zoning rules and regulations,
2. Final Order of County Commissioners of Baltimore County upon report of Zoning Commissioner,
3. Petition for Zoning Re-classification and Orders of Zoning Commissioner and Board of Zoning Appeals thereon,
4. Certificate of posting of Re-classification Notice,
5. Certificate of publication of notice of hearing on petition for Zoning Re-classification,
6. Exhibits filed with the Zoning Commissioner and the Board of Zoning Appeals as follows:

- A. Plat of property
- B. Sketch of proposed building
- C. Plat of section surrounding property
- D. Four aerial photographs of vicinity numbered 1, 2, 3 and 4.
- E. Opinion of the Zoning Commissioner setting forth the pertinent facts and the grounds on which the decision appealed from.

Respectfully submitted,

Attorney for Board of Zoning Appeals for Baltimore County.

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175

THE PRINCIPAL COMPANY
INCORPORATED
1000 E. BALTIMORE STREET
BALTIMORE, MARYLAND

TELEPHONE
PLAZA 3-81

JAN OFFICE
J. CALVIN GARNER
110 FLOOR CENTRAL SAVINGS BANK BLDG
SOUTHWEST CORNER CHARLES & LEHIGH STS
BALTIMORE MD

RESIDENCE TELEPHONE
LIBERTY 8-80

August 23rd, 1941.

Board of Zoning Appeals,
Reckord Building,
Towson, Maryland.

Gentlemen:

I enclose herewith Appeal of Charles A. Spann and Anna K. Spann, his wife, from the Order of the Zoning Commissioner dated August 14th, 1941, approving the application of The Fiduciary Company and re-classification of area on the north side of Taylor Avenue east of Loch Raven Boulevard.

Kindly acknowledge receipt of this Appeal and advise me when the Appeal will be heard.

Very truly yours,

[Signature]

JCG:DMV
REGISTERED.

Sept. 10, 1941.

J. Calvin Garner, Esq.,
J. M. Livingston, Esq.,
Baltimore, Md.

Dear Mr. Garner:

Re: Re-classification
The "Fiduciary Company"
Taylor Avenue

The Board of Zoning Appeals passed their Order yesterday sustaining my Order, as Zoning Commissioner, in the above matter re-classifying the property for the use petitioned for.

Very truly yours,
JOHN J. TIMMONS,

Zoning Commissioner

177-10

cc: Harbort L. Wynne,
Michael Paul Smith.

RE: RE-CLASSIFICATION TO
COMMERCIAL USE, PROPERTY
ON NORTH SIDE OF TAYLOR
AVENUE, 1700 FEET EAST OF
LOCH RAVEN BOULEVARD.
THE FIDUCIARY COMPANY,
Petitioner
HEARING HELD AUGUST 11, 1941
BEFORE ZONING COMMISSIONER
OF BALTIMORE COUNTY

OPINION

The petition in the above matter is for the zoning re-classification, for commercial use, to permit the erection of a building by The Price Corporation, a division of The Bendix Radio organization, to be used as an Office and Instrument Laboratory and for light manufacturing of meteorological and aviation instruments and for research or experimental work in connection therewith. The evidence adduced shows the property described in the petition as a tract of land situated on the north side of Taylor Avenue, beginning 1700 feet westerly from Loch Raven Boulevard, fronting about 1745 feet on the northernmost side of said avenue and with an average depth northerly of about 800 feet; only a small portion of the land will be used for the erection of buildings and of parking areas.

There is a "fringe" or wooded area surrounding the property on the north, east and west sides and the building to be erected will be further screened on the south, toward Taylor Avenue, by the planting of suitable shrubbery, and due to the topography of the land and other wooded areas, between the proposed site of building and the Loch Raven Boulevard, any buildings erected cannot be seen from Loch Raven Boulevard, except from a point far south of its intersection with Taylor Avenue. The building to be erected, to be used for the purposes aforesaid, will be most attractive in design, will be heated by oil burner and will be located at least 200 feet north or away from Taylor Avenue and the roadways turned out

will be from material purchased from other establishments as there will be no manufacturing of articles from the raw material, and consequently no smoke or other objectionable features attributed to industrial plants.

It was also shown by the evidence that the Company has been for years past, and is now almost entirely engaged in general manual work. The evidence was that at least 90% of its present output was for national defense purposes.

It was shown that the articles manufactured were for the great part very small in size and also that there would be no appreciable noise emanating from the plant.

It was also brought out in the evidence that the Federal Government insisted that this concern locate its plant away from industrial areas, or the laboratory and research work, as well as the delicate nature of instruments made up, required some quiet location away from surrounding noises and other obnoxious of industrial areas.

The evidence shows that there will be ample parking facilities provided, those of the employees to the rear of the building and for visitors or those having business with the concern in a front provided parking area.

The evidence also shows that the grantor of the above tract owns all the land to the north and west of the area in question and running out to Arch Avenue Boulevard, all of which area is to be used for residential purposes, and it is self-evident that the owner of the property would not have made the sale to the petitioning Company if the location of this establishment would develop or render undesirable the balance of this property for residential purposes.

The protest against the granting of this re-classification comes from a single party who lives, by all lines, at

least one mile from the proposed site and it is doubtful whether the building to be erected can be seen from the home of the protestant.

The area in question adjoins a most undesirable cottage development on the east on Taylor Avenue and opposite the Hillside Golf Course and in close proximity and across Taylor Avenue is the Moreland Memorial Cemetery, all of which does not make the tract desirable for residential purposes.

There was no evidence whatsoever, nor does the nature of the use to which the property and building will be put, which shows that this use will be detrimental to the health, safety, morals and the general welfare of the community involved, nor was there any evidence, nor can it be assumed, that any congestion of the roads will occur, nor will a fire hazard be created, nor will there be any improper interference with school transportation and other public requirements and convenience, nor endanger the public safety.

It appears to the Zoning Commissioner, due to the location of the property in question, its undesirable use for residential purposes, and for the further reasons above stated, that the greatest utility use of the area sought to be re-classified is for commercial purposes.

In view of the facts and circumstances which I have above outlined, and other considerations, which do not need to be considered, I see no alternative but to grant the re-classification as petitioned for and will accordingly sign my Order, as Zoning Commissioner, to this effect.

Zoning Commissioner.

Petition for Zoning Re-Classification

To the Zoning Commission of Baltimore County

Know all men by these presents, that the undersigned, legal owner of the property situated on the north side of Taylor Avenue, in the 8th Election District of Baltimore County, Maryland, containing 1.00 acre, more or less, and known as Parcel 10, Block 1, Seven Boulevard, running easterly on north side of Taylor Avenue, 175 feet to the easternmost outline of the whole tract, thence with said easternmost outline with an easterly depth northerly of 175 feet more or less. Being the southeasternmost portion of land owned by T. A. Hahn, et al., to The Trust Company, dated Dec. 30, 1937, Liber C.W. 222, 11046, folio 469, Ac.

hereby petition that the above described property or area (being within the Baltimore County Metropolitan District) be changed or re-classified (as to zoning) from a residential use area (residential) to a commercial use area (commercial).

Reasons for Re-Classification: Not in built-up residential area and acquired in connection with National Defense work.

Character of commercial use for which above property is to be used: Office, laboratory and manufacturing of meteorological and aviation instruments.

Material of Construction of Building: concrete foundation, steel frame, brick walls.

Size and height of building: front 175 feet; depth 125 feet; height 25 feet.

Front and side set backs of building from street lines: front 200 feet; side 200 feet.

Property to be posted as presented by Zoning Department.

Whereas, by the provisions of above re-classification, advertising, etc., upon filing of this petition, not to exceed \$200.00, and further agree to and are to be bound by the rules, regulations, provisions and requirements herein set forth and as set forth in the resolutions and orders of the Zoning Commission of Baltimore County, pursuant to the Zoning Act for Baltimore County and as amended by or referred to in the "Application for Building Permits" now adopted and used in the Baltimore County Metropolitan District.

THE TRUST COMPANY
Arch. Sold, Pres. Legal Owner
Address: Fidelity Building, Baltimore, Md.

ORDERED by the Zoning Commission of Baltimore County, this 16th day of July, 1941.

That the subject matter of this petition be advertised, as required by the Zoning Act, in a newspaper of general circulation throughout the Metropolitan District of Baltimore County, that property be posted, and that the public hearing herein be held in the office of the Zoning Commission of Baltimore County, in the Court House, in Towson, Baltimore County, on the 24th day of August, 1941, at 10 o'clock A.M.

By the Zoning Commission of Baltimore County
Zoning

the granting of the above Re-Classification

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD. Aug 1941
THIS IS TO CERTIFY that the above advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 11th day of August, 1941, the first publication appearing on the 11th day of August, 1941.
THE JEFFERSONIAN.
Manager

ZONING DEPARTMENT-BALTIMORE COUNTY, MD.
Certificate of Posting of Re-Classification Notice
Date of Return: 7/17/41
Date of Posting Property: 7/17/41
Date of Signs on Property: 7/17/41
Location of property: N. 806 TAYLOR AVE
J. H. E. R. G. E. 6555 RAYMOND BLVD.
Re-Classification Petitioned for: INDUSTRIAL
Petitioners: FIDUCIARY CO.
Remarks:
Inspector making return: H. C. GORTSLICH

\$10.00
RECEIVED of The Fiduciary Company, the sum of Ten (\$10.00) Dollars, being cost of advertisement and inspection of property, North side of Taylor Avenue, 175' W. of Arch Avenue Boulevard, 8th district, pursuant to petition being filed for re-classification from residential use to commercial.

Zoning Commissioner

PAID
JUL 19 1941
JURY COMMISSIONERS IN
BALTIMORE COUNTY

APPLICATION FOR BUILDING PERMIT

9th District Baltimore County, Md. 11, 1941
To: Building Inspector.
Application is hereby made for a Building Permit as follows:
Present Owner: William P. Pries & Sons Address of Present Owner: 111 Central Ave.
Former Owner: William P. Pries & Sons Address of Former Owner: 111 Central Ave.
Builder's Name: William P. Pries & Sons Architect's Name: J. A. H. H. H. H. H.
Use of Building: Office, laboratory, high precision manufacturing
Type of Building: meteorological and aviation instruments
Location of Building: North side of Taylor Avenue
Between what intersecting streets or roads: 175' W. of Arch Avenue
Distance of Building: 175' (N.E. or W.) from (the nearest intersecting street or road)
Name of development: Size of Lot: 1.00 acre
Number of Lot, Block and Section on Plat:
Front set back of building: 200' from front property line, being the right of way line of street or road
Side set back of building: 200' from right of way line of side street or road or side property line
Rear set back of building: 200' from rear property line
Size of Building: Front: 175' depth: 125' height: 25' from grade to top of roof
Character of Construction: concrete foundation, steel frame, brick walls
Plans and specifications of above building to be furnished Building Engineer if requested.
Is existing building: Replaced: None of Enlarged: None of
Describe Repairs, etc.:
Water Supply: Metropolitan
Sewage Disposal: (State if Metropolitan Water or Sewer, etc.)
ACTUAL TOTAL VALUE of new Building, repairs, etc., at time of completion: \$25,000.00
NOTE
1. This application and the permit, if issued, are both subject to the following provisions:
2. The approval of this application or because of permit does not constitute a building restriction.
3. Work must be carried within limits of lot, front, side and rear area as may be required.
4. The person to build and new application made. Building permit to be issued within reasonable time, after the application and building permit, if issued, are subject to the provisions of the "Zoning Act" and the "Baltimore County Metropolitan Law", Planning Code, and all of the rules and regulations thereof.
I, or we, certify that the answers to above questions are true and I, or we, agree to above requirements.
William P. Pries & Sons
By: William P. Pries & Sons
Approved As To Zoning Only. (Applicant not to fill in this space)
Date: Dec 11, 1941
Jury Building Permit: J27
By: Zoning Commissioner
Approved As To Construction
Date: Dec 11, 1941
By: Building Inspector



MEMORANDUM OF RESTRICTIONS

1. The existing strip of woodland and standing trees now located on the east and west portion of the property to be conveyed, and as shall be shown in detail on a plat, to be preserved, shall forever be left standing and undisturbed except for the removal of so much thereof as shall be necessary for the action of the proposed building. Friez shall have the right there- after to remove additional trees from said property only with the consent in writing of the authority, its successors and assigns.
2. No building shall be erected on said property within two hundred feet of the north side of Taylor Avenue as now laid out.
3. The property to be restricted against use for residence and commercial purposes (other than a laboratory and office and such buildings necessary in connection with the manufacturing business of Friez.)



LAW OFFICES
MICHAEL PAUL SMITH
TELEPHONE 8
PLAZA 888 D

838-838 BALTIMORE TRUST BUILDING
BALTIMORE & LIGHT STREETS
BALTIMORE, MARYLAND

August 15, 1941

John J. Timmons, Esq.
Zoning Commissioner
Newkirk Building
Baltimore, Maryland

Dear Jake:

I send you herewith copy of the proposed restrictions to be placed on the land being purchased by the Friez Division of the Bendix Radio Organization from the P. H. & S. Corporation. At the hearing in this case, you asked me to furnish you with these restrictions.

Very truly yours,
Michael Paul Smith

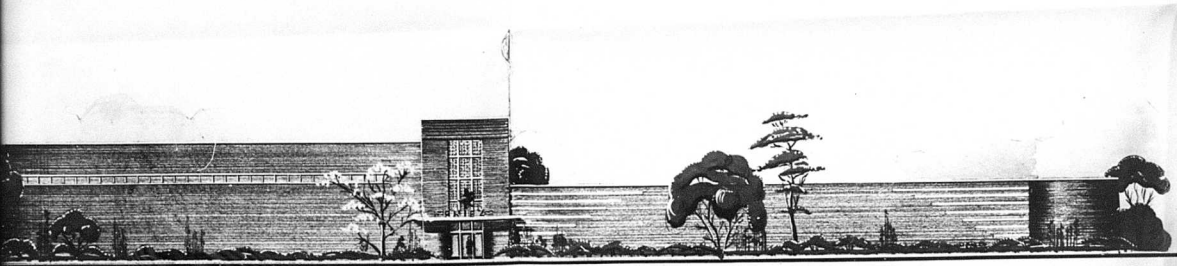
MPS
LPS
RPS.



PLOT & LOCATION PLAN
for
OFFICES & LABORATORY BUILDINGS
JULIAN P. FRIEZ & SONS

Division of
BENDIX AVIATION CORPORATION
BALTIMORE MARYLAND

Scale: 100 feet equals one inch.
1" = 100'



OFFICES & LABORATORY BUILDING

JULIAN P. FRIEZ & SONS

DIVISION OF
BENDIX AVIATION CORPORATION
BALTIMORE MARYLAND