

Petition for Zoning Re-Classification

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To The Zoning Commission of Baltimore County

Robert E. Day, Jr., et al., legal owners of the property situated on the northeast side of Maiden Choice Lane, near "Ridgewood" in the 13th District of Baltimore County, beginning 100' northwest of Shelbourne Road, 100' northwest of, on the side of Maiden Choice Lane, 285.00' with an average rectangular depth northwesterly of 306.00' of Robert E. Day, Jr. and wife, as shown on plat filed with the Zoning Department,

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "R-1" Residence zone to an "M-2" Commercial zone.

Reasons for Re-Classification: Character of use for which above property is to be used: Approved Commercial Use

Size and height of building: Front... feet; depth... feet; height... feet. Front and side set backs of building from street lines: Front... feet; side... feet.

For we, agree to pay expenses of above re-classification, 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.

Address: Robert E. Day, Jr. Margaret E. Day

ORDERED by The Zoning Commission of Baltimore County, this 20th day of November 1947, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be held in the office of the Zoning Commission of Baltimore County, in the Richard Bldg. in Towson, Baltimore County, on the 27th day of December 1947, at 10:00 o'clock A.M.

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...

It is Ordered by the Zoning Commission of Baltimore County this 20th day of November 1947, that the above described property or area should be and the same is hereby re-classified, from and after the date of this Order, from an "R-1" Residence zone to an "M-2" Commercial zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

It is Ordered by the Zoning Commission of Baltimore County, this 20th day of November 1947, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain in its present zone.

Zoning Commissioner of Baltimore County

Approved: County Commissioners of Baltimore County

RE: PETITION FOR RECLASSIFICATION A TO E NEIGHBORHOOD SIDE OF MAIDEN CHOICE LANE, NEAR "RIDGEWOOD", - 13TH DISTRICT - 100' NORTHWEST OF SHELBORNE ROAD - ROBERT E. DAY, JR. AND MARGARET E. DAY, PETITIONERS

Upon hearing on appeal on the 19th day of February, 1948, from the Order of the Zoning Commission of Baltimore County passed on the 17th day of December, 1947, granting the petition filed on the 10th day of October, 1947, and the petition filed on the 20th day of November, 1947, for reclassification of property described therein, from an "R-1" residence zone to an "M-2" commercial zone, and described as follows:

On the northeast side of Maiden Choice Lane, near "Ridgewood", in the 13th District of Baltimore County, beginning 100' northwest of Shelbourne Road, thence northwest, on said side of Maiden Choice Lane, 523.00' with an average rectangular depth northwesterly of 304'. Being property of Robert E. Day, Jr. and wife, as shown on plat filed with the Zoning Department.

The said two petitions are hereby considered together and the said two contiguous lots are hereby considered as one and upon as one tract of land, and it appearing from the evidentiary data submitted at said hearing that the said lots as a whole should be reclassified for the purpose of establishing a community center in which said whole tract of land is situated from the standpoint of the following considerations:

- 1 - That there are no shopping facilities within a radius of approximately one mile of said location; that there is existing at the present time a large population in all types of residential properties and there is much undeveloped land in said radius and an area of commercial building in neighboring communities; that a commercial shopping center will aid and encourage... 2 - That the granting of said reclassification and the use of said property for a commercial shopping center will not adversely affect the health, safety, morals and general welfare of the community... 3 - That the property at the present time is in the main non-residential, and that the greatest utility to which the property is susceptible is for commercial use.

THEREFORE, it is ORDERED by the Board of Zoning Appeals of Baltimore County this 20th day of May, 1948, that the Order of the Zoning Commission is hereby affirmed for the reasons as

above outlined and the above described parcel of land, in "R-1" reclassified, from and after the date of this Order from an "R-1" residence zone to an "M-2" Commercial Zone.

William G. Papp, Board of Zoning Appeals of Baltimore County

Approved: County Commissioners of Baltimore County

Date: 5/20/48 By: Charles H. Hall, President

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Land development and house construction which is prohibitive of any sizeable progress of cottage development. In order to meet the great, unfulfilled demand for moderate priced homes in the 13th District of Baltimore County, single-family group houses are feasible now or in the foreseeable future.

They retained Mr. Albert E. Palmer, outstanding registered civil engineer of Baltimore City, to develop a community plan which would meet the existing requirements of the Planning Department of Baltimore County, the County's Highway Department, the Zoning Law and Ordinances of the County as well as be applicable if and when the reclassifications applied for are finally approved and, finally, the Federal Housing Administration and its land planning department.

A preliminary plan based upon the requirements of the County departments and the Federal Agency named above has been developed. It has four cardinal aspects of particular significance at this hearing:

- First: Existing streets touching the project - Maiden Choice Lane and Shelbourne Road - are to be greatly widened and the new streets within the development are to meet modern requirements in width and in providing for future connection in the street plan in the hundreds of acres of undeveloped land lying southwest of the subject tract. Second: All the lots fronting on Shelbourne Road are to remain in the "R-1" residence zone and are to be improved with cottages. Third: The land lying behind this cottage front and fronting on Maiden Choice Lane for six hundred feet, more or less, northwesterly from old Maiden Choice Lane is planned for group houses. It is to be noted that directly opposite it is located an existing group house community known as Elm Hills. Fourth: The proposed neighborhood shopping center front on Maiden Choice Lane for 750 lineal feet, beginning at a point 150 feet northwest of Shelbourne Road, on three sides it is completely surrounded by land owned by Messrs. Davis & Tolman. On the fourth side - the front side - it faces the property of the second of the above named appellants, Mr. and Mrs. Robert E. Day, Jr.

The location of the proposed neighborhood shopping center was determined after careful analysis and consideration. Three basic factors determined the site of the site:

- First: It fronts on Maiden Choice Lane which is to be widened to 70 feet and which will serve as the gateway and as the access highway from Hillsdale Avenue to "Westland Hills" and the populous new neighborhoods which will inevitably be developed on the hundreds of acres of undeveloped land lying southwest of "Westland Hills". Second: It faces a commercial poultry plant which exists on land recognized by the Zoning Commission of Baltimore County as being "at the present time in the main non-residential". Third: The topography of the site is generally level - a requisite of a modern shopping center providing off-street parking facilities.

After reaching their conclusions on a feasible development program, Messrs. Davis & Tolman immediately recognized that their neighbors, Mr. and Mrs. Robert E. Day, Jr., had some very strong claims for the use of an "M-2" commercial zone, particularly in light of the fact that the existing commercial poultry business is a more tightly restricted use under the Zoning Law and regulations of Baltimore County than the uses generally permitted in an "M-2" commercial zone without a special permit.

Messrs. Davis and Tolman reviewed their program with Mr. and Mrs. Day in a friendly manner. Mr. and Mrs. Day revealed that they, themselves, had been engaged in essentially zoning their commercial poultry business and in establishing their property a retail poultry, dairy and food store along with other types of retail stores as the neighborhood center.

One of published findings of forward-looking zoning and planning agencies that two, three, four and even as much as five square feet of off-street parking area should be provided for each square foot of gross floor area of commercial building in modern shopping centers. It is generally recognized that considerably more area than that owned by Mr. and Mrs. Day ought to be incorporated into the proposed center in order to afford a variety and the many different shops required to meet the varied needs of a suburban neighborhood.

In view of the plans of Mr. and Mrs. Day to convert their property to retail use, Messrs. Davis and Tolman, co-operated by reducing the acreage they originally considered submitting to the County for "M-2" commercial zoning, they also co-operated by standing aside while Mr. and Mrs. Day filed their petition and secured the orders from the Zoning Commission which recognized their claims and granted an "M-2" commercial zone classification for their property.

Mr. and Mrs. Day filed two petitions on their tract and two hearings were held before the Zoning Commission. Two petitions were filed instead of one as the first one covered land exclusively devoted to commercial poultry business while the second one covered contiguous land used both for the commercial poultry business and as a site for their own residence. The Zoning Commission did not labor any fine distinction between the two parcels of land but recognized both parcels as a single tract and ordered it classified as an "M-2" commercial zone on and after the 13th day of December, 1947.

Immediately after the issuance of the Zoning Commission's order on the petitions filed by Mr. and Mrs. Day, Messrs. Davis & Tolman, on the 15th day of December, 1947, a public hearing was properly advertised and posted for Tuesday, January 13, 1948, but to that date no one had appeared to protest and at his request, it was postponed one day and was held Wednesday, January 21, 1948, at which time Mr. and Mrs. Day were present and Mr. and Mrs. Day were present and Mr. and Mrs. Day were present and Mr. and Mrs. Day were present.

The location of the proposed neighborhood shopping center was determined after careful analysis and consideration. Three basic factors determined the site of the site: First: It fronts on Maiden Choice Lane which is to be widened to 70 feet and which will serve as the gateway and as the access highway from Hillsdale Avenue to "Westland Hills" and the populous new neighborhoods which will inevitably be developed on the hundreds of acres of undeveloped land lying southwest of "Westland Hills".

It is not valid grounds for granting the appeal to reverse the orders of the Zoning Commission in this matter on the contention of traffic congestion and danger to the safety of the neighborhood when it is reasonably minded that it is within the innermost bounds of all sane and the characteristic of the undeveloped physical situation, engineering exists today to so design a pattern of widening, opening, designing and constructing streets and off-street parking facilities as to avoid the congestion and dangers feared by the appellants.

Certainly, Baltimore County and her citizens must realize that new neighborhoods and new neighborhood shopping centers are inevitable with the growth of the County. In very simple logic, the answer to the problems of the County is not to ban but to plan. The recent appointment by the Baltimore County Commissioners of outstanding men as Chief Engineer and Director of Planning attests to a policy of planning - not banning - growth and development.

The proposed plan of development now before your Board for its consideration in reaching a decision in this matter incorporates the recommendations of the Planning Department of Baltimore County, the Highway Department of Baltimore County and the Land Planning Department of the Federal Housing Administration.

Attention is called to six major features of the proposed plan of development which are particularly pertinent in its relation to motor traffic moving to and from the proposed shopping center and the new homes to be built in and around the proposed shopping center. These six major features are:

- First: A strip of land of an even depth of 30 feet and measuring approximately 300 lineal feet has been reserved along the entire Maiden Choice Lane and on Shelbourne Road to be devoted free of use to Baltimore County to be dedicated to widening Maiden Choice Lane to a width of 70 feet and to widening Shelbourne Road to 60 feet. Second: Westland Hills Boulevard - the proposed 70-foot street entering and bisecting the proposed shopping center from the southeast - will afford a 42-foot paved roadway. It will safely carry traffic which will never be likely to come to the commercial center area served by the new center. Most of the traffic over this Boulevard will not even enter Maiden Choice Lane but will merely proceed to and return directly from the shopping center's off-street parking spaces. Third: Westland Hills Boulevard - the major motor entrance-exit on Maiden Choice Lane of the segment of the proposed shopping center owned by Messrs. Davis and Tolman - has been planned in co-ordination with the entrance-exit of Mr. and Mrs. Day so that it is directly opposite them. This provides a single point of control of cross traffic. Westland Hills Boulevard has been planned to intersect Maiden Choice Lane at a distance of approximately 350 feet northwesterly of Shelbourne Road because at that point there is a relatively level plateau on which it will be easier to construct an unobstructed up and down Maiden Choice Lane in accordance with a 4:1 grade. Fourth: Off-street parking space will be provided and reserved in the ample ratio to the ground area of the commercial buildings and the ratio maintained will be that ratio required in the Zoning Ordinance lawfully approved by this Board and the Commissioners of Baltimore County if such approval is officially granted. Noteworthy in respect to the off-street parking spaces is the plan to provide one on each side of Westland Hills Boulevard and one on each side of Maiden Choice Lane. This is an advantageous arrangement for providing several exits and inlets. Noteworthy is the deep set-back of the houses fronting on Maiden Choice Lane as this set-back allows an unobstructed view of traffic approaching the intersection. Fifth: Gateway Terrace - the single residential street intersecting Maiden Choice Lane northwest of the proposed shopping center will divert around the shopping center the major part of the motor traffic destined for the residential area of the development. The funneling of this residential traffic through a single wide street into and from Maiden Choice Lane eliminates the hazards involved in a plan providing several exits and inlets. Noteworthy is the deep set-back of the houses fronting on Maiden Choice Lane as this set-back allows an unobstructed view of traffic approaching the intersection. Sixth: The proposed street plan has been designed in relation to surrounding areas so that as these areas are developed the streets will interrelate into a broad community pattern.

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November 19, 1947

\$18.00 ✓

RECEIVED of Robert E. Day, Jr. and wife, the sum of Eighteen (\$18.00) Dollars, being cost of petition for reclassification, advertising and posting of property, northeast side of Maidens Choice Lane, near Ridgewood, 13th District of Baltimore County.

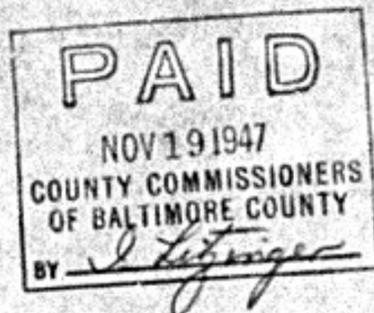
Zoning Commissioner

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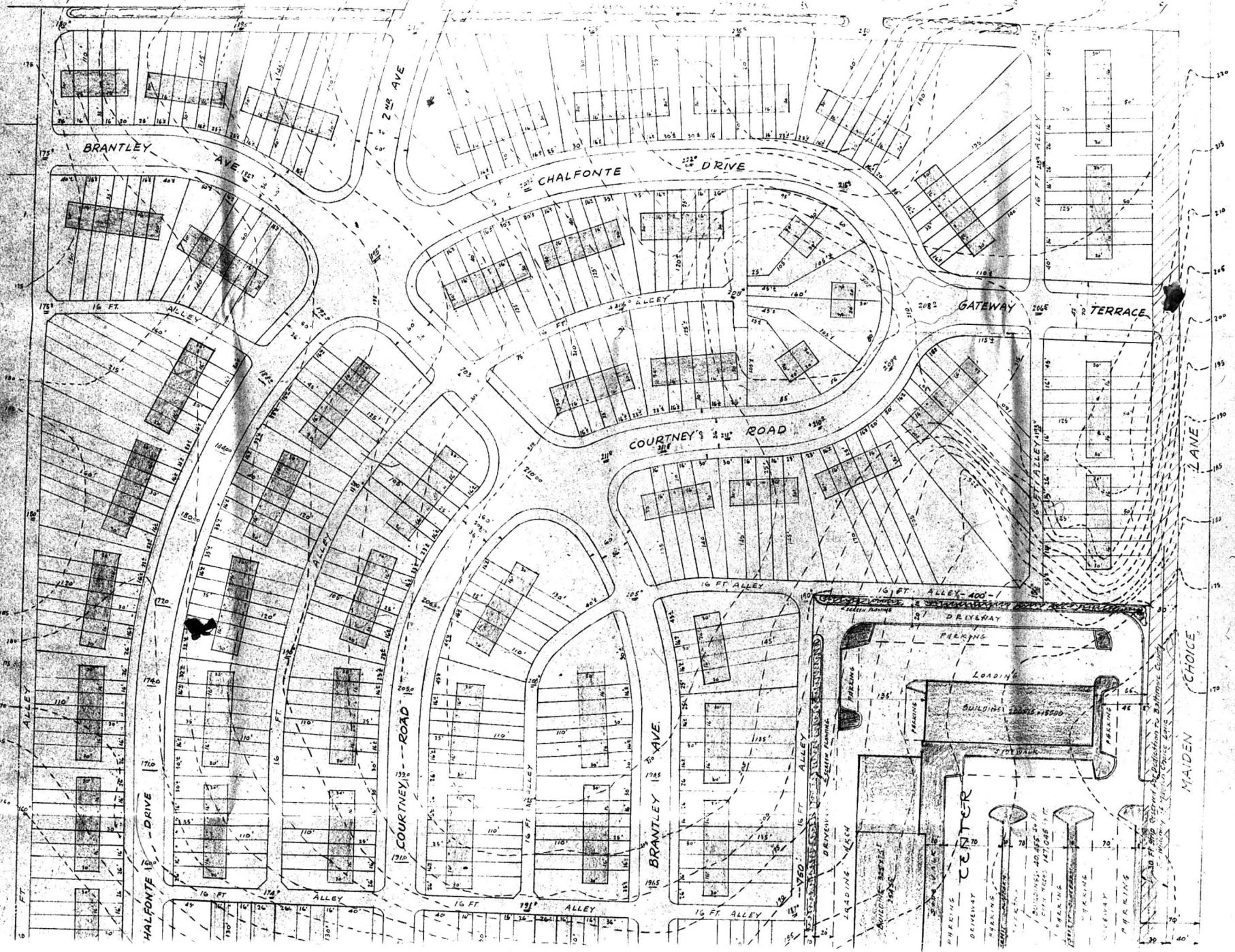
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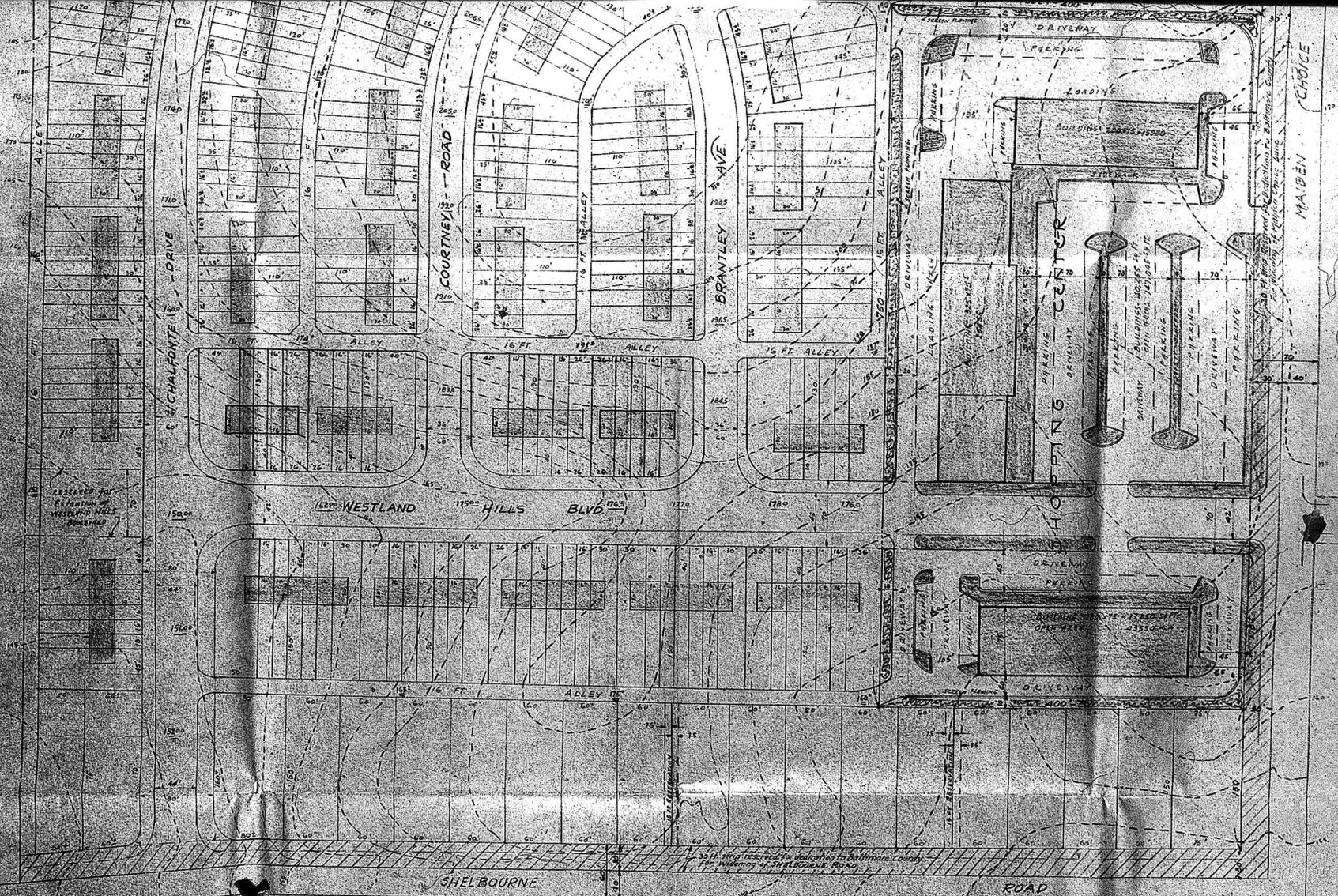
Tuesday, December 9, 1947

at 10:00 o'clock A. M.









PRELIMINARY PLAN  
 OF  
 PROPOSED  
 SUBDIVISION  
**WESTLAND HILLS**  
 TO BE DEVELOPED BY

**DAVIS & TOLZMAN**  
 13<sup>TH</sup> DISTRICT  
 BALTO. CO. MD.

OUTLINE AND TOPOGRAPHY BY OTHERS

391 HOUSES  
 20 LOTS  
 HOUSES 16'x30'  
 ALL ALLEYS 16 FT WIDE  
 25 FT BRIDGEWAY BETWEEN COURSE  
 10 FT SIDEYARDS ON CORNER LOTS AT ALLEYS (MIN.)  
 15 FT SIDEYARDS  
 STREETS (MIN.)



ALBERT D. POMEROY  
 REGISTERED ENGINEER & LAND SURVEYOR  
 OFFICE 312 NICHOLLS ST BALTO. MD.  
 SCALE 1"=50' ISSUED 2-18-1943