

Petition for Zoning Re-Classification 1265

To The Zoning Commission of Baltimore County

I, or we, Erwin Huber, A. Huber, S. Huber, legal owner, of the property situate

on the north side of McCurdy Avenue and west side of Dulany Valley Road, described as follows: Beginning at end of 1st line of 1st parcel described in deed dated Jan 10, 1941 and extended to 1st line of 1st parcel described 108 from Prospect Hill Cemetery Co., of Baltimore County, No. 1143 Vol. 176, thence generally on said 1st line south 36 3/4 degrees east 279.5 feet to the north side of McCurdy Avenue, thence easterly along the north side of McCurdy Avenue 27.5 feet to the west side of Dulany Valley Road, 40 minutes east 74 feet to intersect the 7th line of 7th parcel first described, thence generally on said 7th line south 63 1/4 degrees west 325.9 feet, thence by a straight line to the place of beginning, as shown on plat filed with Zoning Department.

herely petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an A-Residential zone to an E-Commercial zone.

Reasons for Re-Classification: Natural growth and expansion of the Town.

Area as a governmental and cultural center.

Character of use for which above property is to be used: Retail store outlets.

Size and height of building: front 525 feet, depth 60-100 feet, center 125-30 feet, rear 125-30 feet, height 18-20 feet, rear 18-20 feet.
Front and side set backs of building from street lines: front 85 feet, side 75 feet.
Property to be posted as provided by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification, advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Erwin Huber
A. Huber
S. Huber
Local Owner
Address: Chestnut Avenue, Towson

ORDERED: By The Zoning Commission of Baltimore County, this 30th day of August, 1948, 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 herein be had in the office of the Zoning Commission of Baltimore County in the Reckord Bldg., in Towson, Baltimore County, on the 10th day of August, 1948, at 11:00 o'clock A. M.

Zoning Commissioner of Baltimore County
(over)

In view of the prospective traffic it is undesirable from the standpoint of public safety to have any commercial development on the west side of the Dulany Valley Road in this immediate vicinity, since it would involve a great amount of pedestrian and automobile crossing between the Butler Shopping Center and the one proposed on the site in question, which is near a rather steep grade, not at a street intersection and hence with no proper justification for a traffic light and within a short distance of the above-mentioned Expressway interchange.

Because of the very extensive area that has been provided on the east side of Dulany Valley Road for the Butler Shopping Center, it is difficult to see any justification for creating an additional one on the west side that would be isolated on the south by the cemetery and on the north by the proposed Expressway. The latter would provide a formidable traffic barrier between the site in question and pedestrian access to it from future residential development to the north.

For the reasons above stated, it is ORDERED by the Zoning Commission of Baltimore County this 10th day of August, 1948, that the above petition be and the same is hereby continued as residential property.

Charles H. Hays
Zoning Commissioner of Baltimore County

PETITION FOR RECLASSIFICATION #1265

LOCATION - North side of McCurdy Ave., west side of Dulany Valley Road 9th Dist.

PRESENT ZONING - "A" Residence

PROPOSED ZONING - "E" Commercial

DATE REQUESTED - August 2, 1948

DATE OF REPLY - August 20, 1948

The petition asks for commercial rezoning along the west side of Dulany Valley Road from McCurdy Avenue to the north end of the tract in question. Although the entire area of the tract proposed for rezoning is now the property of Prospect Hill Cemetery, only approximately the north half is still unused for cemetery purposes. The south half is used extensively for graves and therefore is very unlikely to be used for any other purpose in the foreseeable future. Inclusion of this half of the tract for rezoning appears to be an effort to tie the tract and to prevent it from having an appearance of spot zoning. The used portion of the cemetery along McCurdy Avenue and the usable part of the site in question. From the standpoint of use for retail shopping this zone is undesirable. An example of the unfavorable effect of a somewhat comparable situation appears in the recent closing of the Pilestone store on York Road just north of Washington Avenue, which was presumably too remote from the main concentration of retail establishments to enable it to compete with them.

Also involved is the question of public safety. This tract is considerably removed from other shopping facilities, and the intervention of the cemetery would make rather useless of Dulany Valley Road from McCurdy Avenue to the developable part of the tract. This factor is further emphasized by the fact that the State Roads Commission proposes to widen the pavement of Dulany Valley Road to a lane, plus an additional parking lane or road shoulder on each side. Because of the present steep bank on the west side, it appears probable that a high retaining wall will be needed. Therefore the extra cost necessary if the sidewalk were provided would add appreciably to the cost of widening.

There is every reason to expect greatly increased traffic on that section of Dulany Valley Road along the site in question. Such traffic will be derived from prospective further residential development along Dulany Valley Road, from the lower portion of the Butler Shopping development on the east side of the highway, and from the prospective circumferential Expressway which will probably have an interchange with Dulany Valley Road only a short distance north of this tract. It may be affirmed by the petitioner that it is expected that most of the patronage would come to the shopping area by cars, for which off-street parking space would be provided. In view of the prospective traffic, however, it is undesirable from the standpoint of public safety to have any commercial development on the west side of the highway in this immediate vicinity that would involve a certain amount of the pedestrian and automobile crossing between the Butler Shopping Center and this one, near the foot of a rather steep grade, not at a street intersection and hence with no proper justification of a traffic light, and within a short distance of the expressway interchange.

Because of the very extensive area that is to be provided on the east side of Dulany Valley Road in connection with the Butler shopping center, it is difficult to see where there would be justification for creating a small drive-in area on the west side that would be isolated on the south by the cemetery and on the north by the proposed circumferential Expressway. The latter would provide a formidable traffic barrier between the site in question and pedestrian access to it from any future residential development to the north.

Erwin Huber
Charles H. Huber, A. Huber, S. Huber

Nicola H. Hill, Director
Baltimore County Planning Commission

cc: Charles H. Huber
Christian H. Hill
Nathan L. Smith
William W. Hoffman
John K. Huff
John H. Koffel
H. Sidney Warfield

RE: PETITION FOR ZONING RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE OF PROPERTY DESCRIBED IN ZONING PETITION #1265 - 9TH DISTRICT OF BALTIMORE COUNTY.

The petition in the above-entitled case was filed by Erwin Huber and Ethel S. Huber, his wife, as Legal Owners of the property situate on the westermmost side of Dulany Valley Road, running northerly from McCurdy Avenue a distance of 179.95' with an average depth westerly of about 300'. The southermost half of said property is a part of Prospect Hill Cemetery in which there are interred more than 200 bodies. Many of these grave lots have been conveyed in fee simple by unrecorded deeds for the purpose of sepulture only, subject, however, to such rules and regulations of the Cemetery Company and its Cemetery.

This southermost one-half of said land is very much above the grade of the road, and it hardly seems feasible and probable that the bodies interred there will be removed and the lot graded for commercial use even if the applicants have the right to do so, which is questionable. The inclusion of this half of the tract for rezoning appears to be an effort to tie the entire tract to an existing commercial zone in order to give greater validity to the petition and to prevent it from being "spot zoning".

The used portion of said land for cemetery purposes, and also because of its topography places it at or seven hundred feet or more of permanently non-commercial space between the present commercial area along McCurdy Avenue and the usable part of the site in question. The reclassification of the usable part of the entire tract would be "spot zoning" notwithstanding the attempt of the petitioners to tie it in with an existing commercial zone, as above set forth.

From the standpoint of commercial use, and particularly for retail shopping, the gap created by the land used for cemetery purposes makes the remainder of the land highly undesirable for commercial use and to reclassify it would be bad neighborhood planning. Also involved is the question of public safety. There is every reason to expect greatly increased traffic on the Dulany Valley Road along the site in question. This increase will result from further residential development in the vicinity and from the prospective circumferential Expressway which will have an interchange with the Dulany Valley Road a short distance north of this tract and the proposed Butler Shopping Center to the south. This traffic heard will be further increased by the fact that the State Roads Commission proposes to widen the pavement of Dulany Valley Road to a lane, plus an additional parking lane or road shoulder on each side. Because of the present steep bank on the west, it appears probable that a high retaining wall may be needed. Therefore, the extra cost if a sidewalk were provided would add very appreciably to the cost of widening the road and probably would not be met by the developer of the usable portion of the tract for commercial use and would leave the existing commercial area to the south disconnected by a sidewalk with this usable portion of this whole tract which would create an intolerable traffic hazard.

July 20, 1948

FORFEIT of Walter R. Miller, Attorney for
Erwin & Ethel S. Huber, legal owners, the sum of
Thirty Two (\$32.00) Dollars, being cost of petition
for reclassification, advertising and posting property
for reclassification, advertising and posting property
north side of McCurdy Ave and west side of Dulany Valley
Road, 9th District of Baltimore County.

Receiving:
Monday, August 10, 1948
at 11:00 a.m.

PAID
JUL 25 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

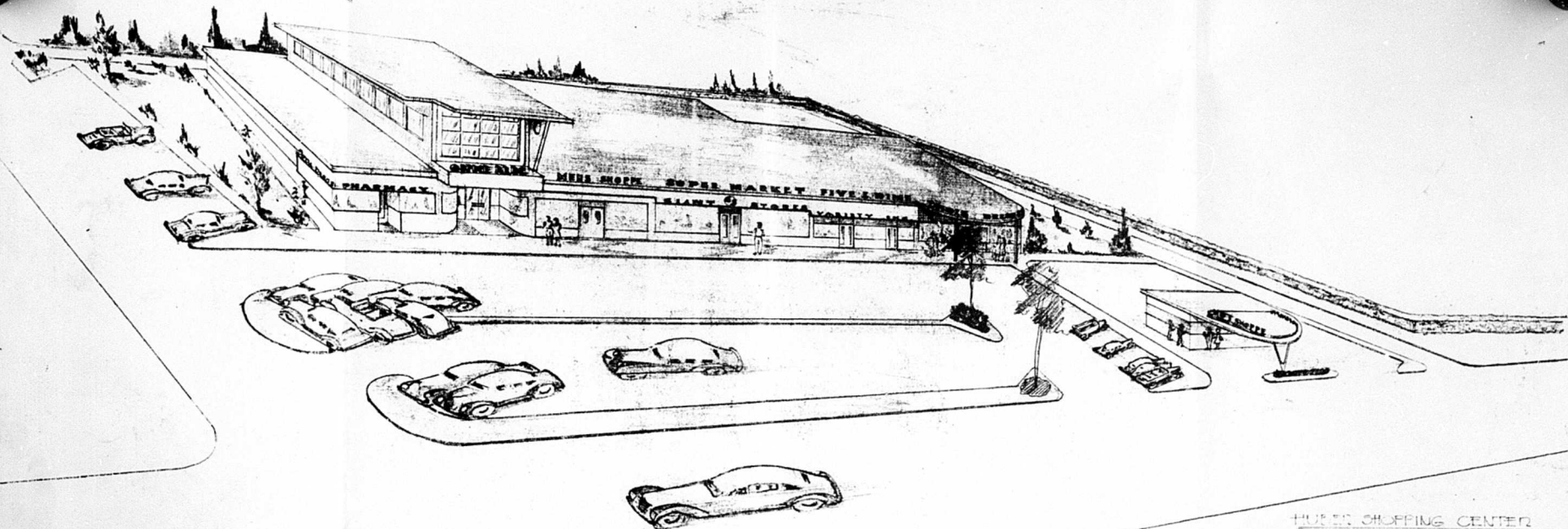
1265

District: 7
Posted for: Commercial
Petitioners: Erwin Huber & wife
Location of property: North side of McCurdy Ave & west side of Dulany Valley Road
Location of Signs: at sign Northwest corner of McCurdy Ave & Dulany Valley Road & signs on west side of Dulany Valley Road 100-200-300-400 ft north of N. Smith Ave
Posted by: Harry J. Galt
Date of return: Aug 4/48

REC'D AUG 4 1948

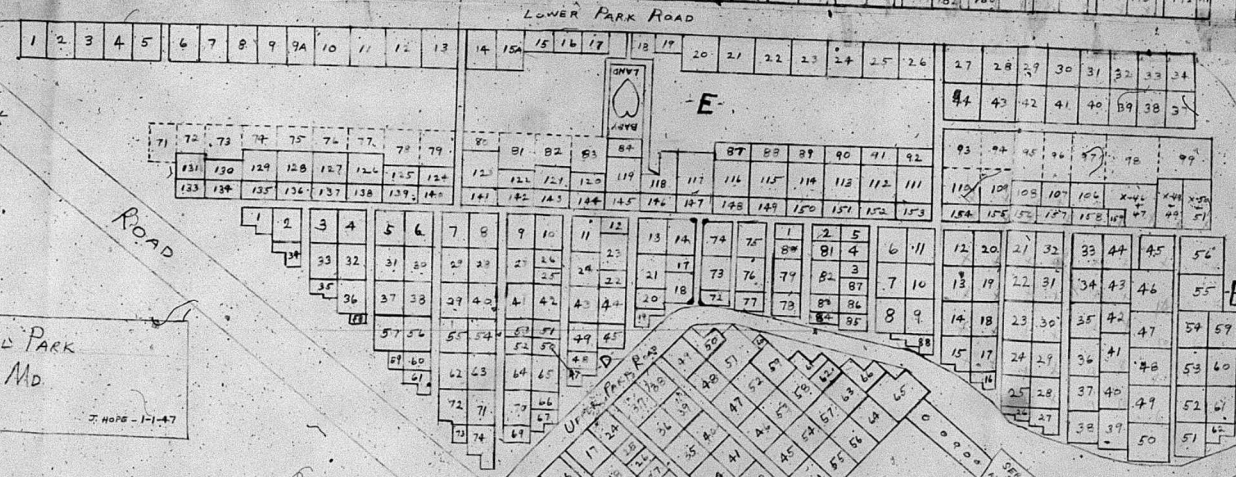
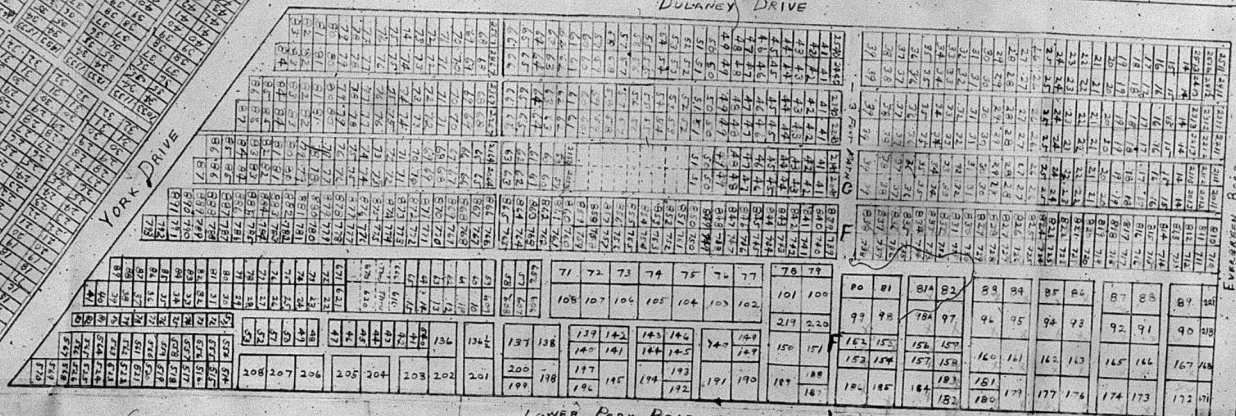
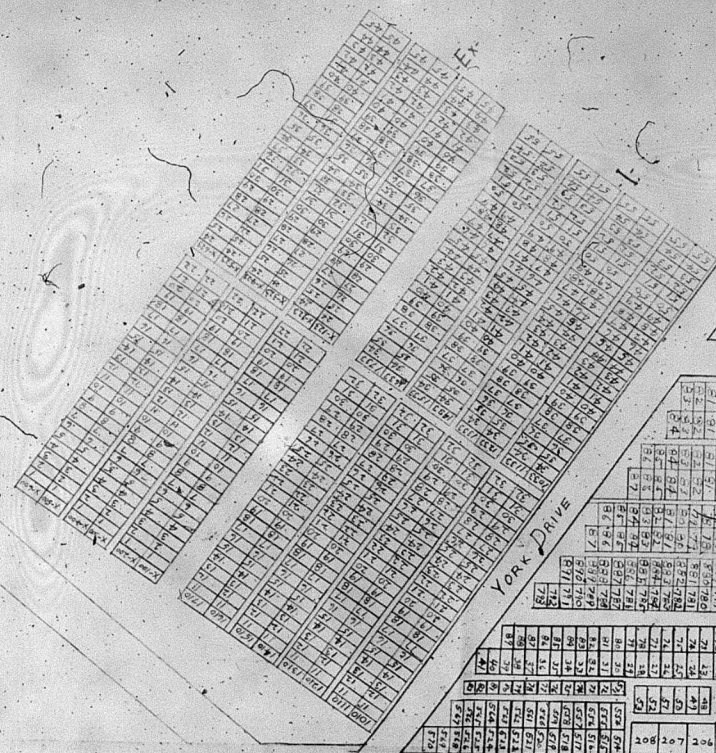
CERTIFICATE OF PUBLICATION

TOWSON, MD. August 10, 1948
THIS IS TO CERTIFY that the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the day of August, 1948, the first publication appearing on the 10th day of August, 1948.
THE JEFFERSONIAN,
Harry J. Galt Manager
Cost of Advertisement, \$10.00



THURSDAY SHOPPING CENTER
TOWSON MD

OFFICE OF H. A. MILLER, AIA, ARCHITECT
BALTO. MD.



PROSPECT HILL PARK
TOWSON - MD
Scale 1" = 150'
J. Hops - 1-1-47

WASHINGTON AVE

UPPER PARK ROAD

M.E. CHURCH

DULANEY VALLEY ROAD