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JUN 17 1953

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "F" INDUSTRIAL ZONE - S. W. Side Western Maryland R. R. - 3rd Dist. - S. Shapiro & Co., Inc., Petitioners.

The above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on October 23, 1952, having been referred back to the Board by the Circuit Court for Baltimore County for additional testimony; and it appearing from the facts and evidence adduced that the granting of the petition would not be detrimental to the health, safety, and general welfare of the community; therefore,

It is this 7th day of November, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that said property be reclassified from an "A" Residence Zone to an "F" Light Industrial Zone.

Chairman
Board of Zoning Appeals of Baltimore County

Approved:
County Commissioners of Baltimore County
Michael J. McGarry

Date: JUN 18 1953

OPINION OF THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

At the request of the Honorable Judge John B. Gontrom, Judge of the Circuit Court for Baltimore County, the Board of Zoning Appeals of Baltimore County had a hearing on a case entitled S. Shapiro & Company, Inc. vs. Board of Zoning Appeals of Baltimore County.

The case came on for hearing before the Board, testimony was taken, and counsel heard.

The Board is of the opinion that the matter of ingress and egress to the property in question is satisfactory and consideration is given that the right of way of Hood Avenue is 40 feet and the right of way into the property in question is 30 feet. It was noted that the entire area under consideration is less than 1 1/2 acres, and that the amount of traffic to and from this place, if it were reclassified to a Light Industrial Zone, would not be excessive. If at sometime in the future traffic would increase extensively, these roads could be widened and thus correct the objection. The subject property borders on a railroad for approximately 300 feet, and it was noted that there is no "A" Residence use development immediately adjoining the property; and, therefore, for this and the foregoing reasons the Board will pass its Order reclassifying the property from an "A" Residence Zone to an "F" Light Industrial Zone.

Approved:

County Commissioners of Baltimore County

Board of Zoning Appeals of Baltimore County
May 3, 1953

B SHAPIRO & COMPANY, INC. IN THE CIRCUIT COURT
VS. FOR BALTIMORE COUNTY
BOARD OF ZONING APPEALS OF BALTIMORE COUNTY
LAW

This is an appeal from the decision of the Board of Zoning Appeals of Baltimore County confirming the action of the Zoning Commissioner denying a petition for the reclassification of property along the Western Maryland Railroad in the Third District of Baltimore County.

The property in question is a strip running on the railroad 300 feet with a depth of 200 feet. It is approximately 1300 feet from other property located on the Western Maryland Railroad zoned for light industry.

The Petitioner desires to have the classification of the property changed from residential to light industrial. The property was originally purchased by a man named Siskind from Mrs Thomas who owns a tract of land of about fifty-seven acres surrounding the lot in question.

It appears that the Building Engineer issued a permit for the erection of a cinder block plant on this lot and the application for the permit was approved by the Zoning Department on March 5, 1946. The cinder block plant was operated for almost two years.

In the Fall of 1948, the property was bought by S. Shapiro and Sons at public auction and was settled for on January 19, 1949. When the Shapiros purchased the property Mr. Paul Schmidt, representing the purchaser checked with the Zoning Department and was informed that the property was zoned as light industrial and as such informed his clients. It develops that when, in 1950, the Shapiros undertook to sell the property a check revealed that the property was zoned as "A" Residential and the proposed sale of the plant was called off.

It appears that the late Zoning Commissioner, Mr. Timanus, prior to 1946, had undertaken to zone the particular section in

which the lot is located as light industrial but for some reason - apparently due to an oversight - the light industrial classification was not finally made.

The whole difficulty in this case appears to have resulted from mistakes made in the Zoning office first, in failing to go through with the original plan to classify the property as light industrial and second in approving the issuance of the original permit and third, in informing Mr. Schmidt, representing the Shapiros, that the property was zoned for light industrial when, in fact, it was still zoned as residential.

The residents of the neighboring development oppose the reclassification for various reasons. The main one, it appears to the Court, is that the means of ingress and egress to the lot and building in question are inadequate. This may be so but it appears to the Court that the County, having made the original mistake, should undertake to correct the condition if it does exist.

We have, in this case, an instance of a real hardship being inflicted upon innocent citizens by reason of an error in one of the County departments. The value of the building does not appear to be great, but it might have been worth many thousands of dollars more. Such a mistake could completely ruin a property owner. It seems to the Court that those who rely upon statements by County officials should receive some protection and also some consideration by this Court.

The Court is referring this matter back to the Zoning Board with the suggestion and request that it may be gone into anew. It is possible that the County authorities can work out some plan whereby the means of ingress and egress to this property can be improved.

John B. Gontrom, Judge

March 17, 1952

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "F" INDUSTRIAL ZONE - S. W. Side Western Maryland Railroad, 300 ft. east of Hood Ave., 3rd Dist. of Baltimore Co. - S. Shapiro & Co., Inc., Petitioner.

Appeal in the above entitled matter coming on for hearing on May 4, 1950 before the Board of Zoning Appeals of Baltimore County from an Order of the Zoning Commissioner of Baltimore County dated April 13, 1950 denying the petition for reclassification, described therein, from an "A" Residence Zone to an "F" Industrial Zone, and it appearing from the facts and evidence adduced at the appeal hearing that the granting of this petition would be detrimental to the safety, morals and the general welfare of the community; therefore:

It is this 8th day of June, 1950, ORDERED by the Board of Zoning Appeals of Baltimore County that the order of the Zoning Commissioner of Baltimore County denying the petition be and the same is hereby affirmed.

Chairman
Board of Zoning Appeals of Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

This is an appeal by S. Shapiro & Co. Inc., owners of the property described in the petition from the order and decision of the Zoning Commissioner dated April 13, 1950, by which order the petition for reclassification of the property, from an "A" Residence Zone to an "F" Industrial Zone, was denied.

The case came on for hearing before the Board, testimony was taken and considered by the Board and counsel for both sides heard.

The property, which is the subject of the petition, is located on the south side of the Western Maryland Railroad 300 feet east of Hood Avenue, near Pikesville, in the Third District of Baltimore County. The petitioner has already erected a building on this property without having it reclassified. The Board feels that to reclassify the land involved herein would be "spot zoning" and that the roads are entirely inadequately to serve an industrial use such as the petitioner desires to subject this property to. The property adjacent to this land is all in an "A" Residence Zone and the homes are very attractive and the Board feels that the reclassification would depreciate the value thereof.

The Board, therefore, will sign an Order affirming the decision of the Zoning Commissioner refusing the reclassification.

Chairman
Board of Zoning Appeals of Baltimore County

REC'D APR 19 1950

In the matter of the petition for reclassification from an "A" Residence Zone to an "F" Industrial Zone - S. Shapiro & Co. Inc. - 3rd Dist. of Baltimore Co. - S. Shapiro & Co. Inc., Petitioners.

Mr. Commissioner:

Please enter an Appeal to the Board of Zoning Appeals from your Order dated April 13, 1950.

John B. Gontrom
Judge of the Circuit Court for Baltimore County

THE BALTIMORE COUNTY LAW DEPARTMENT

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PAUL MARTIN
SOLICITOR
CHARLES W. FIELD, JR.
JOHN B. GONTROM
WALTER A. HALL
JAMES A. FINE

August 12, 1952

Mr. Augustine J. Haller
County Department of Baltimore Co.
Washington Ave.
Towson, Maryland

Dear Sir:

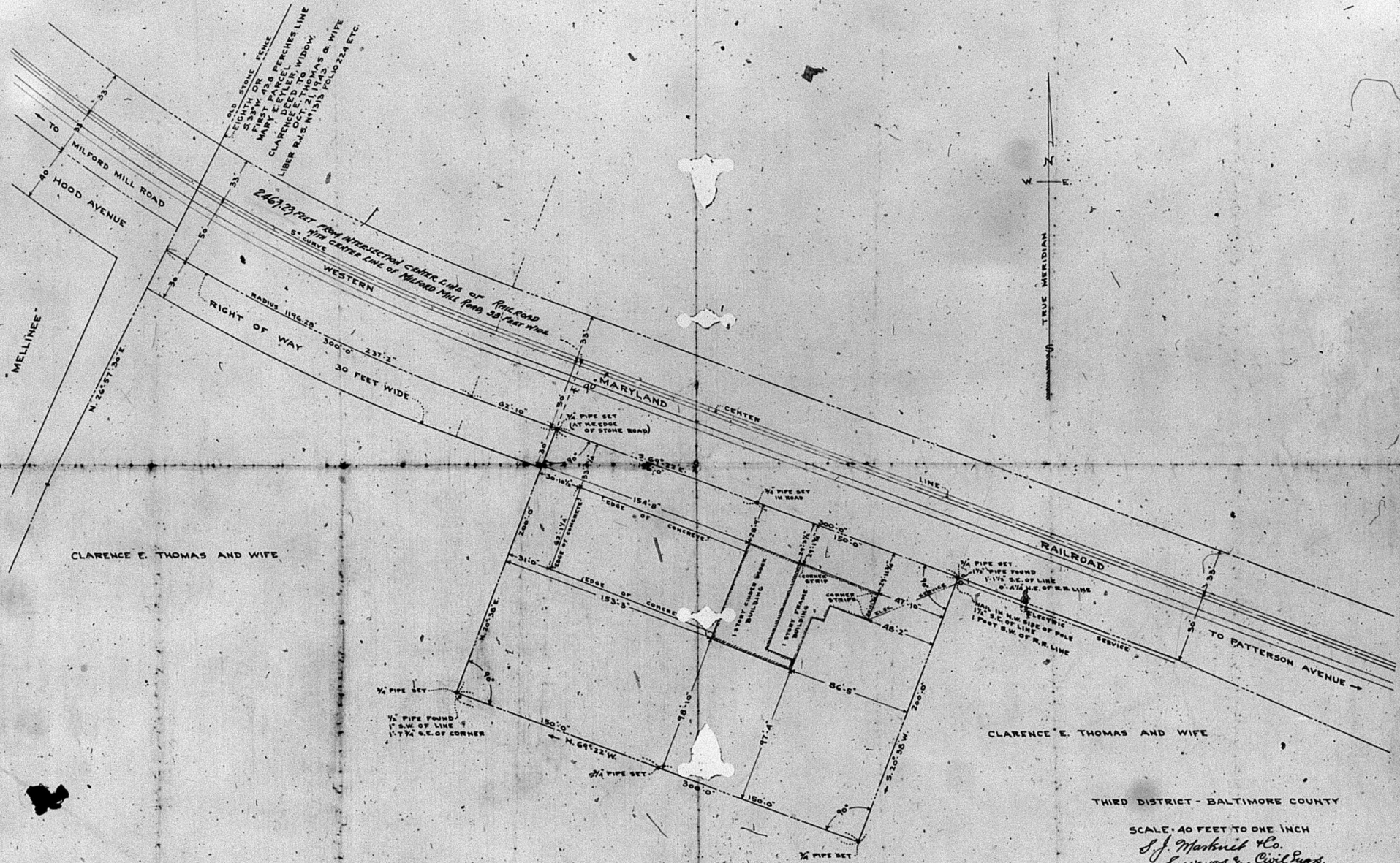
I received a letter from Mr. Francis T. Beach requesting that the Zoning Appeal case of S. Shapiro & Co., Inc. vs. Daniel J. Rowley, et al., be set down for hearing by the Board. I understand that Judge Gontrom referred this matter back to the Board with the following: "The Court is referring this matter back to the Zoning Board with the suggestion and request that it may be gone into anew. It is possible that the county authorities can work out some plan whereby the means of ingress and egress to this property can be improved."

Mr. Beach requested that he have a couple weeks' notice in order to prepare the case.

Very truly yours,
Charles W. Field, Jr.

OWJ/Jr/S

BOWIE & BOWIE
ATTORNEYS-AT-LAW
TOWSON, MD



THIRD DISTRICT - BALTIMORE COUNTY

SCALE: 40 FEET TO ONE INCH

S. J. Markel & Co.
Surveyors & Civil Engrs.
Baltimore, Jan. 10, 1949
By *Howard C. Sutton* Reg. No. 753

DISTANCE FROM MILFORD MILL ROAD ADDED MARCH 23, 1950.