

May 19, 1952

Board of Zoning Appeals of Baltimore County
Towson 4, Maryland

In re: Petition for Reclassification from
"A" Residence Zone to an "E" Commercial
Zone - S. E. Side Loch Raven Boulevard,
563.43 feet Southwest of Taylor Avenue, 9th District,
William H. Walker, Petitioner

Gentlemen:

Please enter an appeal from your decision in
the above entitled matter and transfer all papers and
records in connection therewith to the Circuit Court for
Baltimore County.

Very truly yours,

John L. Arkew
Attorney for Petitioner

jlw/d
cc: J. Elmer Weisheit

FILED MAY 20 1952

MICROFILMED

IN THE MATTER OF * BEFORE
THE PETITION OF * AUGUSTINE J. MUELLER,
WILLIAM H. WALKER * ZONING COMMISSIONER
FOR ZONING RECLASSIFICATION * FOR
BALTIMORE COUNTY
APPLICATION NO. 2066

NOTICE OF APPEAL

Re: Application for zoning reclassification from "A"
residential to "E" commercial of two contiguous lots of
ground located on the southeast side of Loch Raven Boulevard
southwest of Taylor Avenue in the Ninth Election District
of Baltimore County.

Mr. Commissioner:

Please note and docket an appeal to the Board of
Zoning Appeals of Baltimore County on behalf of Messrs.
Arthur F. Gnu and George J. Seidel, taxpayers and citizens
of Baltimore County, by their attorneys, McKenrick and
Weisheit and J. Elmer Weisheit, Jr., from your final Order
rendered August 28, 1951 granting the zoning reclassification
in the above petition and/or reason for said appeal
the Messrs. Gnu and Seidel do jointly and severally state
that they are aggrieved by said decision.

McKENRICK AND WEISHEIT

J. Elmer Weisheit, Jr.
J. Elmer Weisheit, Jr.

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "E" COMMERCIAL
ZONE - S. E. Side Loch Raven Boulevard,
563.43 Ft. S. W. Taylor Ave., 9th District,
William H. Walker, Petitioner

The appeal in the above entitled matter coming
on for hearing before the Board of Zoning Appeals of Baltimore
County on January 11, 1952, denying the petition for
reclassification of the property described therein from an
"A" Residence Zone to an "E" Commercial Zone; and it appearing
from the facts and evidence adduced at the appeal that the
granting of the petition would be detrimental to the safety
and general welfare of the community, and that there is no
need for further extension of the commercial area; therefore,

It is this 24th day of April, 1952, ordered by the
Board of Zoning Appeals of Baltimore County that the order of
the Zoning Commissioner of Baltimore County denying the petition
for reclassification be and the same is hereby ratified and
affirmed.

L. H. Campbell
Chairman

James W. Williams

Carl F. Johnson
Board of Zoning Appeals of
Baltimore County

MICROFILMED

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by William H. Walker and Rebecca
M. Walker, his wife, from an order of the Zoning Commissioner
of Baltimore County dated November 21, 1951, denying the
petition for reclassification from an "A" Residence Zone to
an "E" Commercial Zone in regard to the property described in
said petition.

The case came on for hearing before the Board,
testimony was taken for and against said petition, and counsel
for both sides heard.

The property which is the subject of this petition
is located on the Southeast side of Loch Raven Boulevard,
563.43 feet Southwest of Taylor Avenue, and having a frontage
of 140 feet on said Boulevard and a depth of 179.7 feet. The
Petitioners proposed to use the property for stores, and it
was testified by one of the Petitioners that since the adjoining
property on the North, as well as the land on the rear of the
property in question, has already been reclassified from an
"A" Residence Zone to an "E" Commercial Zone under separate
petitions, that the granting of this petition would be a
natural extension of the commercial area. While this may be
true, it is not the only basis of this Board in arriving at
its decision as to whether or not there should be a further
extension of the commercial area. It will be noted that the
property lying immediately to the North consists of a large
tract of land which was intended to be used as a shopping
center, but as yet there has been no such use put into effect.

The Loch Raven Boulevard is a very heavily traveled
artery during certain hours of the day and certain days of the
week, and the Board is of the opinion that the extension of
the commercial area would increase the traffic hazard and

and cause an undue concentration of vehicular traffic on the
Boulevard in close proximity to the intersection of Taylor
Avenue.

It was brought out in the testimony that the
Petitioners knew or could have known of the recorded restrictions
against commercial use of the land at the time they bought the
property, and they should not feel aggrieved by any adverse
decision of this Board which would deny them the right to use
the property for other than residential purposes. It is
understood, however, that the Board is not ruling on the legality
or enforcement of the recorded restrictions; but it certainly
does appear that the Petitioners do not come before this Board
in the same light as those who request a reclassification
without such prohibitions in their title deeds or chain of
title.

From the testimony in this case and after viewing
the property, the Board is of the opinion that the granting
of this reclassification would be detrimental to the safety
and general welfare of the community; and further, that there
is no need for further extension of the commercial area; and,
therefore, it will sign an order denying the reclassification.

L. H. Campbell
Chairman

James W. Williams

Carl F. Johnson
Board of Zoning Appeals of
Baltimore County

MICROFILMED

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to establish such facts.

TO THE END THEREFORE:

That the Zoning Commissioner for Baltimore County
under the power and authority vested in him by the Zoning
Rules and Regulations for Baltimore County should amend
the final Order heretofore passed in these proceedings to
stay the operation of same pending the outcome of a hearing
to be granted upon the within Petition.

McKENRICK AND WEISHEIT

J. Elmer Weisheit, Jr.
J. Elmer Weisheit, Jr.

RE: PETITION FOR RECLASSIFICATION FROM AN
"A" RESIDENCE ZONE TO AN "E" COMMERCIAL
ZONE - S. E. Side Loch Raven Boulevard,
563.43 Ft. S. W. Taylor Ave., 9th Dist.,
William H. Walker, Petitioner

The property which is the subject of this petition is located
on the southeast side of Loch Raven Boulevard, 563 feet southwest
of Taylor Avenue, Ninth District. The case was originally set for hearing
on the 27th day of August 1951 at 10:00 a.m. At this hearing there
were no protestors in attendance, the only persons appearing being
the parties who signed the petition, namely, William H. Walker and his
counsel.

Subsequent to this hearing and the passing of an Order
by the Zoning Commissioner granting the reclassification, a petition
was filed by counsel for the residents of the area requesting that
the Order of the Zoning Commissioner be stayed and that an additional
hearing be conducted for the reason that the entire proceeding was
illegal and contrary to law for the following reasons among others:

1. The original petition was signed by only one of the lawful
legal owners of the premises involved and page 15 paragraph
2 of the Zoning Rules and Regulations for Baltimore County
specifically require all legal owners must sign the
application.
2. The property was not posted "for at least ten (10) days
prior to the date of such hearing" as the aforementioned
regulations require and which is a matter of public record
in the files of this case.
3. The purported notice of the petition was not posted in a
prominent location on the premises as required by law.

It being apparent that the allegations of counsel for the
protestants were correct, an additional hearing was granted and the
case heard de novo. Upon the filing of the proper petition by
William H. Walker and Rebecca M. Walker and posting of the property
as required by law, the additional hearing was held on October 9, 1951
at 10:00 a.m.

It was testified by the petitioner that the logical and
reasonable use of the property is for commercial. The property to
the north is zoned commercially and the property to the east,
immediately to the rear of the lots in question, is zoned for
commercial use and, therefore, the proper use of this property
being zoned in as it is by commercially zoned land, is for commercial
use and that the use of this property as such would not be detrimental
to the health, safety and general welfare of the community.

The protestors in this case contend that the commercial-
ization of the lot in question will have a detrimental effect upon
the use of their properties for residential use. The Petition property
is located to the south of the lot in question is improved with a
frame dwelling and was recently sold for \$20,000. The Greater property

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:—
William H. Walker and
Rebecca M. Walker

Legal owners of the property situate

on the southeast side of Loch Raven Boulevard, in the Ninth Election District of Baltimore County, beginning 560.0 feet southwest of Taylor Ave., thence southwesterly, on the southeast side of Loch Raven Boulevard, 110 feet; thence South 53 degrees 35 minutes east 179.7 feet; thence North 35 degrees 25 minutes east 110 feet and thence North 53 degrees 35 minutes west 179.7 feet to beginning

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence zone to an "A" Commercial zone.
Reasons for Re-Classification: 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.
Property to be posted as prescribed by Zoning Regulations.

We, the undersigned, 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.

William H. Walker
Rebecca M. Walker
Legal Owner

Address

ORDERED By The Zoning Commissioner of Baltimore County, this day of August, 1951, 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 had in the office of the Zoning Commissioner of Baltimore County, in the Record Bldg., in Towson, Baltimore County, on the day of August, 1951, at o'clock A. M.

Zoning Commissioner of Baltimore County

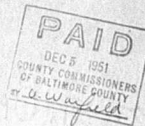
(over)

December 4, 1951

\$22.00

RECEIVED of John L. Askew, the sum of Twenty Two (\$22.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the reclassification of property, Loch Raven Boulevard, 9th District, William H. Walker, petitioner.

Zoning Commissioner



the Chase property and the Kintlin property, being all of the lots between the Pittsford property and the Golf Course with the exception of the Walter Kintlin lot, are improved by substantial stone houses, ranging in value up to \$50,000.

It is contended also by the petitioners that all the lots fronting on Loch Raven Boulevard, south of the presently zoned commercial property, were restricted against commercial use and that they each bought their properties knowing that the other lots were so restricted. It is the argument of counsel for the petitioners that in view of these restrictions it is improper for the Zoning Commissioner to reclassify this property for commercial use.

In addition to the residents of this section, the Loch Raven Boulevard Shopping Center, Incorporated, also protests the reclassification of this property. This Corporation maintains that the severally zoned property which they own at the southeast corner of Loch Raven Boulevard and Taylor Avenue, was bought with the full knowledge that the remaining property of the shopping center was restricted against commercial use and that it would be improper and unjust for the Zoning authorities of Baltimore County to authorize a violation of these restrictions.

The Baltimore County Planning Commission has proposed that Loch Raven Boulevard be improved for a dual two highway to far north asappa road. If this proposal is acted upon the property in question could only be approached by north bound traffic. It is estimated too close to the intersection of Taylor Avenue to justify a break in the median strip without creating a very serious traffic hazard.

In view of the traffic hazard involved as pointed out by the Planning Commission and the apparent detriment to the general welfare of the community as testified by the property owners in the area and in view of the present unfavorable restrictions which were placed upon the property by the grantor, and it appearing that no change of restriction has taken place and it appearing that the Zoning Commissioner of Baltimore County that the opinion of the Zoning Commissioner of Baltimore County that the above reclassification would not be in.

It is ordered by the Zoning Commissioner of Baltimore County, this day of August, 1951, that the above petition be and the same is hereby denied and that the above described property remain in "A" Residence zone.

George R. Hummel
County Clerk of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

2066

District: 9th Date of Posting: 8-17-51
Posted for: An "A" Residence from "C" Commercial

Petitioner: William H. Walker
Location of property: Southeast side of Loch Raven Blvd. 600.0 ft. southwest of Taylor Ave.
Location of signs: Southeast side of Loch Raven Blvd. 678 ft. southwest of Taylor Ave.
Remarks: George R. Hummel

Date of return: 8-17-51

August 10, 1951

\$20.00

RECEIVED of John L. Askew, Attorney for William H. Walker, Petitioner, the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting property on the southeast side of Loch Raven Boulevard, 600.59 feet southwest of Taylor Avenue, 9th District of Baltimore County.

Zoning Commissioner

Hearing:
Monday, August 27, 1951
10:00 A.M.

July 6, 1952

\$8.20

RECEIVED of John L. Askew, Attorney for William H. Walker, et al, petitioners, the sum of \$8.20 being cost of certified copies of petition and other papers filed in the matter of appeal to the Board of Zoning Appeals - reclassification of property on southeast side of Loch Raven Boulevard, 9th District.

Zoning Commissioner

PAID
JUL 8 - 1952

NO PLAT
IN
THIS FOLDER