

2153

MICROFILMED

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
Edward M. Wheeler & wife vs. Board of Zoning Appeals
Lawrence H. Grims
Case No. 1142-3 Misc.
Mar. 4, 1954- Judge Murray - Action of Board affirmed
Final Dec.
By A. M.
MICROFILMED
GEORGE L. HYERLY, Clerk

It is currently recognized that it is not the best type of zoning to string out commercial developments along a radial highway but that instead, local shopping centers should be developed with proper depth providing for off-street parking facilities.

The present commercial area in Pikesville extends along the Reisterstown Road for a distance of 2600 feet. The commercial area from the city line along the Reisterstown Road extends for 1200 feet, and in both of these areas there is ample room for expansion of commercial uses.

It would appear that two of the most heavily traveled lateral roads, namely, Milford Hill Road and Sudbrook Lane, should be extended easterly so as to be through streets, and thus provide for proper handling of traffic.

The further extension of commercial area, as anticipated by the petitioners, would tend to further traffic hazards along this road; and since they have failed to show a need such as to justify reclassification of this property in view of other commercial properties available in this section, the reclassification should not be had; and the Board will pass its order denying the applications and reversing the action of the Zoning Commissioner of Baltimore County as to both petitions.

L. B. Smith
James A. Redmond, Jr.
Carl A. Mullen
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. M. Slie Reisterstown Road, 130.59 feet N. W. Milford Hill Road, 3rd District - Lawrence H. Grims, Petitioner

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on May 15, 1952, granting 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 there is no need for the reclassification and no error shown in the original County zoning, therefore,

It is this 17th day of July, 1952, Ordered by the Board of Zoning Appeals of Baltimore County that the order of the Zoning Commissioner of Baltimore County granting the petition for reclassification be and the same is hereby reversed and the petition denied.

L. B. Smith
James A. Redmond, Jr.
Carl A. Mullen
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY

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2153
17 July, 1952
C.E. 3/4/1954

This is a joint appeal by the Colonial Village Improvement Association of Baltimore County from an order of the Zoning Commissioner of Baltimore County dated March 19, 1952, granting the reclassifications from "A" Residence Zones to "E" Commercial Zones in regard to the properties described in these petitions.

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

The property under the Wheeler petition is located at the westernmost corner of Reisterstown Road and Rose Avenue, Rose Avenue being 550 feet northwest of Milford Hill Road, Pikeville, Third District of Baltimore County. The property known as the Orion tract of land is located on the west side of Reisterstown Road between Rose Avenue and Golly Road. The Orion property is immediately across Rose Avenue to the south of the first mentioned property.

The Zoning Map of Reisterstown Road and the Pikeville area discloses that the west side of Reisterstown Road from the city line to a point 120 feet north of Milford Hill Road is zoned "E" Commercial; continuing north the land from this point for a distance of approximately 1500 feet, including the property in question, is zoned "A" Residential. The land from this point continuing northerly is zoned commercial for a distance of approximately 575 feet to a point 110 feet north of Irving Place; and thence continuing in a northerly direction for a distance of approximately 600 feet to Clarendon Avenue the property is zoned "A" Residential, which is the beginning of the commercial zone in the community of Pikeville proper. This commercial zone extends from the north side of Clarendon Avenue a distance of approximately 2600 feet to a point 300 feet north of Helleny

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RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. M. Slie Reisterstown Road, 130.59 feet N. W. Milford Hill Road, 3rd District - Lawrence H. Grims, Petitioner

The property which is the subject of this petition is located on the west side of Reisterstown Road, between Golly Road and Rose Avenue, Pikeville, Third District. The lot is unimproved. In the two blocks between Golly Road and Rose Avenue are the Exchange Building of the Chesapeake & Potomac Telephone Company, a church, a non-conforming commercial use, the vacant lot of Edward and Helen F. Wheeler and the lot which is the subject of this petition. The Wheeler lot is also the subject of a petition for reclassification to an "E" Commercial Zone at this time.

The properties across Reisterstown Road, between Smith and Randall Avenues, are improved with cottages. The Telephone Company building herebefore mentioned is a large quasi-commercial building. The commercial enterprise being operated to the north of the Wheeler lot has a very depressing effect upon the remainder of the properties in the two blocks between Truher Avenue and Golly Road. Much junk is stored around the building and the building itself is not kept in a very good state of repair.

Reisterstown Road is a very heavily travelled thoroughfare, the truck traffic being especially heavy. In view of the uses to which the properties to the north have been put and the heavy commercial traffic on Reisterstown Road, it does not appear that the reasonable use of this property is for residential purposes. To require the petitioner to develop this property for residential use in view of the heavy traffic on Reisterstown Road would be unreasonable and arbitrary. It is true that the residential properties on the east side of Reisterstown Road in this section are unimproved and will keep, but it is doubtful if any of these houses would have been constructed under present day conditions.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that the legal and equitable use of the property in question is for commercial use and the reclassification should be had.

It is this 17th day of March, 1952, ORDERED by the Zoning Commissioner of Baltimore County that the above described property or area should be and the same is hereby reclassified, from and after the date of this order, from an "A" Residence Zone to an "E" Commercial Zone.

L. B. Smith
James A. Redmond, Jr.
Carl A. Mullen
BOARD OF ZONING APPEALS OF
BALTIMORE COUNTY

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Street.

On the east side of Reisterstown Road beginning at the city line and continuing north the property is zoned commercially for a distance of 1100 feet to a point approximately 250 feet south of Randall Avenue; and from this point continuing north for a distance of approximately 1175 feet to a point 160 feet south of Slade Avenue, the property is zoned "A" Residential; and from this point continuing north the property is zoned "E" Commercial for a distance of 450 feet to a point 200 feet north of Slade Avenue; from this point continuing northerly the property is zoned "A" Residential for a distance of approximately 1300 feet to a point opposite the extension easterly of the north side of Hawthorne Avenue; and from this point continuing northerly the property is zoned commercially for a distance of 2800 feet to the south side of Old Court Road, this area being the commercial zone in the community of Pikeville proper.

It can be seen from the foregoing and an inspection of the Zoning Map that the Reisterstown Road from the city line to Old Court Road is composed of five distinct areas, namely, the commercial zone at the city line extending northerly to a point 120 feet north of Milford Hill Road; a residential zone extending from this point to the small commercial area at Slade Avenue; a residential zone between this commercial area and the main shopping area at Pikeville.

The two residential zones, heretofore mentioned, are improved with substantial cottages with the exception of several scattered non-conforming uses and with the exception of the G. & F. Telephone Building. These residential areas on the Reisterstown Road, together with the residential areas existing to the east and west on the side streets, are well kept and the houses are in good state of repair.

MICROFILMED

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County -
I, LAWRENCE H. GRIMS, legal owner... of the property situate on the southeast side of Reisterstown Road, 3rd District of Baltimore County, beginning 130.59 feet northwest of center line of Milford Hill Road, thence northeasterly on the southeast side of Reisterstown Road, 150 feet, thence South 55 degrees 57 minutes east 135 feet thence South 15 degrees 37 minutes east 160 feet and thence North 57 degrees 11' east 125 feet,

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence Zone to an "E" Commercial Zone.

Reasons for Re-Classification: *App. from owner*

Size and height of building: front... feet; depth... feet; height... feet.
Front and side setbacks of building from street lines: front... feet; side... feet.
Property to be posted as prescribed by Zoning Regulations.

I, LAWRENCE H. GRIMS, 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.

L. B. Smith
James A. Redmond, Jr.
Carl A. Mullen
Address: 307 Church Lane
Legal Owner

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of December, 1952, 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 Commissioner of Baltimore County, in the Howard Bldg., in Towson, Baltimore County, on the 29th day of January, 1953, at 10:00 o'clock P. M.

Towson, Maryland

#2153
Date of Posting: 12-22-51

District: 3rd

Posted for: Asst. A. Resendiz gone to an "C" Commercial zone

Petitioner: Lawrence H. Brown

Description of Property: S.W. angle intersection by 106 ft. x W. of railroad tracks, the north side of SE 1st St., lot 1, 157 ft. x 57 ft. N. of 1st Ave. 57 ft. x 106 ft. S.W. corner 106 ft. x 57 ft.

Location of property: S.W. angle of Rustonville Road 508 ft. westward of Midway Mill Road

Remarks:

Posted by: George R. Hummel

Date of return: 12-22-51

[illegible]

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~XXXXXX~~ ~~XX~~ 2 times ~~XXXXXX~~ before the 9th day of January 1952, the first publication appearing on the 21st day of December 1951.

THE JEFFERSONIAN

Cost of Advertisement, \$

District: 3rd #2155
 Posted for: W. T. Newell 30000 on "e" Commercial zone Date of Posting: 1-16-52
 Picturizer: Lawrence H. Brown
 Location of property: On E. 5th and 6th between 1st & 2nd Sts. N. of 1st St. N. of 2nd St. N. of 3rd St. N. of 4th St. N. of 5th St. N. of 6th St. N. of 7th St. N. of 8th St. N. of 9th St. N. of 10th St. N. of 11th St. N. of 12th St. N. of 13th St. N. of 14th St. N. of 15th St. N. of 16th St. N. of 17th St. N. of 18th St. N. of 19th St. N. of 20th St. N. of 21th St. N. of 22th St. N. of 23th St. N. of 24th St. N. of 25th St. N. of 26th St. N. of 27th St. N. of 28th St. N. of 29th St. N. of 30th St. N. of 31th St. N. of 32th St. N. of 33th St. N. of 34th St. N. of 35th St. N. of 36th St. N. of 37th St. N. of 38th St. N. of 39th St. N. of 40th St. N. of 41th St. N. of 42th St. N. of 43th St. N. of 44th St. N. of 45th St. N. of 46th St. N. of 47th St. N. of 48th St. N. of 49th St. N. of 50th St. N. of 51th St. N. of 52th St. N. of 53th St. N. of 54th St. N. of 55th St. N. of 56th St. N. of 57th St. N. of 58th St. N. of 59th St. N. of 60th St. N. of 61th St. N. of 62th St. N. of 63th St. N. of 64th St. N. of 65th St. N. of 66th St. N. of 67th St. N. of 68th St. N. of 69th St. N. of 70th St. N. of 71th St. N. of 72th St. N. of 73th St. N. of 74th St. N. of 75th St. N. of 76th St. N. of 77th St. N. of 78th St. N. of 79th St. N. of 80th St. N. of 81th St. N. of 82th St. N. of 83th St. N. of 84th St. N. of 85th St. N. of 86th St. N. of 87th St. N. of 88th St. N. of 89th St. N. of 90th St. N. of 91th St. N. of 92th St. N. of 93th St. N. of 94th St. N. of 95th St. N. of 96th St. N. of 97th St. N. of 98th St. N. of 99th St. N. of 100th St. N. of 101th St. N. of 102th St. N. of 103th St. N. of 104th St. N. of 105th St. N. of 106th St. N. of 107th St. N. of 108th St. N. of 109th St. N. of 110th St. N. of 111th St. N. of 112th St. N. of 113th St. N. of 114th St. N. of 115th St. N. of 116th St. N. of 117th St. N. of 118th St. N. of 119th St. N. of 120th St. N. of 121th St. N. of 122th St. N. of 123th St. N. of 124th St. N. of 125th St. N. of 126th St. N. of 127th St. N. of 128th St. N. of 129th St. N. of 130th St. N. of 131th St. N. of 132th St. N. of 133th St. N. of 134th St. N. of 135th St. N. of 136th St. N. of 137th St. N. of 138th St. N. of 139th St. N. of 140th St. N. of 141th St. N. of 142th St. N. of 143th St. N. of 144th St. N. of 145th St. N. of 146th St. N. of 147th St. N. of 148th St. N. of 149th St. N. of 150th St. N. of 151th St. N. of 152th St. N. of 153th St. N. of 154th St. N. of 155th St. N. of 156th St. N. of 157th St. N. of 158th St. N. of 159th St. N. of 160th St. N. of 161th St. N. of 162th St. N. of 163th St. N. of 164th St. N. of 165th St. N. of 166th St. N. of 167th St. N. of 168th St. N. of 169th St. N. of 170th St. N. of 171th St. N. of 172th St. N. of 173th St. N. of 174th St. N. of 175th St. N. of 176th St. N. of 177th St. N. of 178th St. N. of 179th St. N. of 180th St. N. of 181th St. N. of 182th St. N. of 183th St. N. of 184th St. N. of 185th St. N. of 186th St. N. of 187th St. N. of 188th St. N. of 189th St. N. of 190th St. N. of 191th St. N. of 192th St. N. of 193th St. N. of 194th St. N. of 195th St. N. of 196th St. N. of 197th St. N. of 198th St. N. of 199th St. N. of 200th St. N. of 201th St. N. of 202th St. N. of 203th St. N. of 204th St. N. of 205th St. N. of 206th St. N. of 207th St. N. of 208th St. N. of 209th St. N. of 210th St. N. of 211th St. N. of 212th St. N. of 213th St. N. of 214th St. N. of 215th St. N. of 216th St. N. of 217th St. N. of 218th St. N. of 219th St. N. of 220th St. N. of 221th St. N. of 222th St. N. of 223th St. N. of 224th St. N. of 225th St. N. of 226th St. N. of 227th St. N. of 228th St. N. of 229th St. N. of 230th St. N. of 231th St. N. of 232th St. N. of 233th St. N. of 234th St. N. of 235th St. N. of 236th St. N. of 237th St. N. of 238th St. N. of 239th St. N. of 240th St. N. of 241th St. N. of 242th St. N. of 243th St. N. of 244th St. N. of 245th St. N. of 246th St. N. of 247th St. N. of 248th St. N. of 249th St. N. of 250th St. N. of 251th St. N. of 252th St. N. of 253th St. N. of 254th

\$20.00

HECKING of John Grason Turnbull, Attorney for
Eugene H. Grims, petitioner, the sum of Twenty (\$20.00)
Dollars, being cost of petition for reclassification,
advertising and posting property, southwest side of Hais-
terston Road, 430 feet northwest of Milford Mill Road,
3rd District.

Zoning Commissioner

Hearing:
Wednesday, Jan. 30, 1952
at 1:00 p.m.
Reckord Building,
Towson, Md.

PAID
JAN 15 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY V. Washfield

October 8, 1952

\$12.10

RECEIVED of John Orason Turnbull, Attorney for Messrs. Wheeler and Grinn, petitioners, the sum of \$12.50 being acct of certified copies of petition and other papers in the matter of reclassification of property on Reisterstown Road, 3rd District.

Zoning Commissions

PAID
OCT 9 - 1952
COUNTY COMMISSIONER
OF BALTIMORE COUNTY
BY *Walter Wilson*

NO PLAT
IN
THIS FOLDE

PAID
APR 29 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *W. W. [illegible]*