

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. W. Side Reisterstown Road, 1465 Feet S. W. Delight Road, 14th District - Samuel H. Jackson, Petitioner.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on May 3, 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, as revised and amended, that there is no need for such and no showing that the original zoning in Baltimore County was erroneous in failing to set up a reclassification of a commercial area as pertaining to the property; therefore,

It is this 30th day of June, 1952, ordered by the Board of Zoning Appeals of Baltimore County that the petition for reclassification, as revised and amended, be and the same is hereby denied.

U.S. Angell
Chairman

Carl F. Fisher

Samuel H. Jackson
Board of Zoning Appeals of
Baltimore County

S. H. JACKSON
1465 S. W. DELIGHT RD.
BALTIMORE, MD.

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Samuel H. Jackson from an order of the Acting Zoning Commissioner of Baltimore County dated March 4, 1952, 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 West side of Reisterstown Road in the Fourth Election District of Baltimore County approximately 1465 feet Southeast of Delight Road.

At the time of the hearing under this petition by the Acting Zoning Commissioner due consideration was given to all the property covered in the petition and upon appeal to this Board, it was requested that the area be reduced to 400 feet on Reisterstown Road by a depth of 625 feet, more or less; and that the property, if reclassified, would be used for a shopping center.

There was no showing by the petitioner that the original Zoning Laws of Baltimore County were erroneous in failing to set up a commercial area at this point or that subsequent to that time the conditions have changed to justify re-zoning. The record also shows that there are other tracts of land which are unimproved at the present time which can be used for commercial purposes.

The Board is of the opinion that to reclassify this property under the conditions would be improper zoning. It will,

2193

2193

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, Samuel H. Jackson, legal owner... of the property situate in the 4th District of Baltimore County on the southwest side of Reisterstown Road beginning 1485 feet southeast of Delight Road, thence southeasterly and binding on the southwest side of Reisterstown Road 390.17 feet, thence south 34 degrees 00 minutes west 1406.08 feet, thence north 15 degrees 37 minutes east 185 feet, thence south 47 degrees 10 minutes east 223 feet, thence north 31 degrees 04 minutes west 808 feet, thence north 36 degrees 00 minutes east 245 feet, thence north 43 degrees 30 minutes east 496 feet, thence south 31 degrees 04 minutes east 622 feet, thence north 63 degrees 30 minutes east 727.45 feet to place of beginning.

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. W. Side Reisterstown Road, 1465 Feet S. W. Delight Road, 14th District - Samuel H. Jackson, Petitioner.

The property which is the subject of this petition is located on the west side of Reisterstown Road lying between Old Church and Delight Roads and bounded on the west by Old Church Road.

There was a very vigorous protest registered by the residents of the surrounding area and a petition has been received on which there are approximately 100 signatures. All of these protestants feel that the project is not needed in this locality and that it will definitely depreciate the value of the adjacent property and will also constitute a nuisance to the neighborhood in general.

It was noted from an inspection of the property, described above, that the proposed entrance on Reisterstown Road would be a potential traffic hazard in view of the fact that it would empty into Reisterstown Road at a location where the visibility in either direction would not be more than 300 feet. It was also mentioned by the petitioner that there was possibility of having an exit to the rear of the property emptying into Old Church Road. This would create a terrific congestion of traffic on a very narrow road which is definitely detrimental.

It was further noted that the operation of this open air movie would continue until midnight and it is felt that the continuous reflection and noise from this area would create a nuisance to the residents of the surrounding properties.

It is the opinion of the Acting Zoning Commissioner of Baltimore County that the granting of this reclassification, from an "A" Residence Zone to an "E" Commercial Zone, would cause congestion in the roads and streets and create a traffic hazard and would affect the general welfare of the neighborhood.

It is this 27th day of March, 1952, ORDERED by the Acting Zoning Commissioner of Baltimore County 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 an "A" Residence Zone.

J. Charles Edmunds
Acting Zoning Commissioner of
Baltimore County

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.R.E.S. zone to an E.Com. zone.

Reason for Re-Classification: APPROVED COMM. USE -
(OPEN AIR THEATRE)

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.

I, or 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.

Samuel H. Jackson

Legal Owner

Address 3604 Talman Rd. Balto. 7

ORDERED BY The Zoning Commissioner of Baltimore County, this, Sixth day of February, 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 held in the office of the Zoning Commissioner of Baltimore County, in the Reckard Bldg., in Towson, Baltimore County, on the 27th day of February, 1952, at 10 o'clock A. M.

Zoning Commissioner of Baltimore County
(over)

therefore, pass its order denying the petition for reclassification.

U.S. Angell
Chairman

Carl F. Fisher

Samuel H. Jackson
Board of Zoning Appeals of
Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE - S. W. Side Reisterstown Road, 1465 Feet S. W. Delight Road, 14th District, Samuel H. Jackson, Petitioner.

REMOVED
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter an appeal from Order passed on March 4, 1952 denying the reclassification in the above matter and transmit all papers to the Board of Zoning Appeals of Baltimore County.

John J. Cochran
Counsel for Petitioner

5/8-130

BALTIMORE COUNTY BUILDING & ZONING DEPARTMENT
Inter-Office Correspondence

From: Augustine J. Haller June 4, 1952
To: Board of Zoning Appeals
Subject: Petition for Re-Classification - Samuel H. Jackson
Southeast Side of Reisterstown Road, 14th Dist.

I have been informed by the Board that the petitioner, in the above entitled matter, at the time of the hearing before the Board submitted his petition in such manner as to consider only the portion of the property fronting on Reisterstown Road for commercial use for a shopping center rather than the consideration of the whole proposed for the operation of an outdoor movie theatre. In view of this the matter before the Board is the consideration of the reclassification from an "A" Residence Zone to an "E" Commercial Zone, of the property fronting 390.17 feet on Reisterstown Road with a depth of approximately 700 feet. It is the intention of the Board that if this reclassification is granted to erect a shopping center.

I have discussed this matter with the Planning Commission staff and am informed that Mr. Jackson has sold off several residential parcels of land but has not had the plat approved by the Planning Commission. In addition at a recent hearing before me on a petition of father is, having for a special permit for a cabin camp on the property opposite the Jackson property, Mr. Jackson appeared as a witness and testified that he was opposed to such use of the property as he had disposed of some of his property for residential use and felt that such use would be detrimental to the proper enjoyment of this property for residential use.

Mr. Jackson's present petition is for the reclassification for the operation of a shopping center. It is not felt that there is any need for a shopping center proper in such a location as the surrounding country is very sparsely settled. There is ample commercial property owned in the area and the reclassification of acres or eight acres of land for commercial use for the construction of a shopping center is very premature.

In my best view in view of the fact that the property across Reisterstown Road has been zoned for commercial use the 390.17 foot frontage to a depth of 700 feet (the depth of residential lots) may be used commercially as so to allow the owner to use it for commercial use in keeping with the zoning across Reisterstown Road. If in the future the owner of this property procures a buyer or wishes to show a specific need for a greater depth, the depth could be increased any time upon petition.

Augustine J. Haller June 4, 1952
Board of Zoning Appeals

Petition for Re-Classification - Samuel H. Jackson
Southeast Side of Reisterstown Road, 14th Dist.

I have been informed by the Board that the petitioner, in the above entitled matter, at the time of the hearing before the Board submitted his petition in such manner as to consider only the portion of the property fronting on Reisterstown Road for commercial use for a shopping center rather than the consideration of the whole proposed for the operation of an outdoor movie theatre. In view of this the matter before the Board is the consideration of the reclassification from an "A" Residence Zone to an "E" Commercial Zone, of the property fronting 390.17 feet on Reisterstown Road with a depth of approximately 700 feet. It is the intention of the Board that if this reclassification is granted to erect a shopping center.

I have discussed this matter with the Planning Commission staff and am informed that Mr. Jackson has sold off several residential parcels of land but has not had the plat approved by the Planning Commission. In addition at a recent hearing before me on a petition of father is, having for a special permit for a cabin camp on the property opposite the Jackson property, Mr. Jackson appeared as a witness and testified that he was opposed to such use of the property as he had disposed of some of his property for residential use and felt that such use would be detrimental to the proper enjoyment of this property for residential use.

Mr. Jackson's present petition is for the reclassification for the operation of a shopping center. It is not felt that there is any need for a shopping center proper in such a location as the surrounding country is very sparsely settled. There is ample commercial property owned in the area and the reclassification of acres or eight acres of land for commercial use for the construction of a shopping center is very premature.

In my best view in view of the fact that the property across Reisterstown Road has been zoned for commercial use the 390.17 foot frontage to a depth of 700 feet (the depth of residential lots) may be used commercially as so to allow the owner to use it for commercial use in keeping with the zoning across Reisterstown Road. If in the future the owner of this property procures a buyer or wishes to show a specific need for a greater depth, the depth could be increased any time upon petition.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 4th Date of Posting 2-13-52
 Posted for an "A" Residential Zone to an "E" Commercial Zone
 Petitioner Samuel S. Jackson
 Location of property S.W. 1/4 of Section 10, T. 14 S., R. 1 E., Containing 3.75 Acres, more or less, being the same as the property shown on the map of Baltimore County, Maryland, as filed in the Office of the Zoning Commissioner, Baltimore County, Maryland, on February 15, 1952.
 Location of Signs One sign on the S.E. corner of the lot, and one on the S.W. corner of the lot, both signs being 10 feet high and 4 feet wide.
 Remarks: _____
 Posted by George R. Hummel Date of return 2-13-52

FILED FEB 18 1952

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 15, 1952.

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~~ xxx 2 times ~~xxxxxx~~ before the 27th day of February 1952, the first publication appearing on the 29th day of February 1952.

THE JEFFERSONIAN,
A. J. Smith
 Manager.

Cost of Advertisement, _____

NOTICE OF HEARING PETITION FOR RECLASSIFICATION—4TH DIST.

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from "A" Residential Zone to an "E" Commercial Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in the Board Room in the basement of the Record Building, Towson, Maryland.

On Wednesday, February 27, 1952, at 10 A. M., and the following mentioned and described property should be changed or reclassified as hereinafter for Approval Commercial Use.

All that parcel of land in the 4th District of Baltimore County, at the southwest side of Reisterstown Road, containing 1.85 feet southeast of De-light Road, thence southeasterly and thence on the southeast side of Reisterstown Road 281.1 feet, thence south 24 degrees 50 minutes west 1184.52 feet, thence north 15 degrees 45 minutes west 122 feet, thence south 47 degrees 15 minutes east 24 feet, thence north 21 degrees 50 minutes west 311 feet, thence north 24 degrees 50 minutes east 545 feet, thence north 23 degrees 20 minutes east 166 feet, thence north 91 degrees 04 minutes east 421 feet, thence north 84 degrees 10 minutes east 1214.3 feet to place of beginning, thence property of Samuel S. Jackson as shown on said plat and with the buildings and zoning department.

By Order of
 ZONING COMMISSIONER OF
 BALTIMORE COUNTY
 Feb. 8-14.

2/93

April 15, 1952

\$22.00

RECEIVED of John J. Omlin, Attorney for Samuel S. Jackson, Petitioner, the sum of Twenty Two (\$22.00) Dollars being cost of appeal to the Board of Zoning Appeals of Baltimore County from decision of Zoning Commissioner denying the reclassification of property on southeast side of Reisterstown Road.

Zoning Commissioner

PAID
 APR 15 1952
 COUNTY COMMISSIONERS
 OF BALTIMORE COUNTY
 BY S. Wayfield

February 1, 1952

\$25.00

RECEIVED of Samuel S. Jackson the sum of Twenty Five (\$25.00) Dollars, being cost of petition for reclassification, advertising and posting of property, southwest side of Reisterstown Road, 4th District of Baltimore County.

Zoning Commissioner

Hearing:
 Wednesday, February 27, 1952
 at 10 A. M.
 in the basement of The Record Building
 Towson, Maryland

PAID
 FEB 8 1952
 COUNTY COMMISSIONERS
 OF BALTIMORE COUNTY
 BY S. Wayfield

