

FILED JUL 4 1953

Sept. 14 1953

Mr. Charles H. Davis,
Zoning Commissioner,
301 Washington Avenue,
Towson, Maryland

Dear Mr. Davis:

Please consider the appeal filed by me on behalf of the protestants to the granting of the reclassification of property of Irvin Baylor, south side of Milford Hill Road, 150 ft. west of Halesboro Road.

Very truly yours,

James A. Redmond, Jr.
James A. Redmond, Jr.

DAS FICHE 542

FILED JUL 18 1952

OFFICE ROOM 502

James A. Redmond, Jr.
ATTORNEY - AT - LAW

12 W. FRENCH AVE.
TOWSON 4, MD.

July 9, 1952

Board of Zoning Appeals
Towson 4, Maryland

Gentlemen:

Please enter the appeal of the protestants from the ruling of the Zoning Commissioner passed in his above matter.

Sincerely yours,

James A. Redmond, Jr.
James A. Redmond, Jr.

2276

SEE PETITION FOR RECLASSIFICATION FROM AN "R" ZONING DISTRICT - S. E. Milford Hill Road, 150 Ft. W. of Halesboro Road - Third District - Irvin Baylor, Petitioner

The property which is the subject of this petition is the rear portion of a lot, the front 150 feet of which has been zoned commercially. The property is located at the southeast corner of Halesboro and Milford Hill Roads, Pikesville, in the Third District. The portion of the lot which is now zoned "R" residential has a frontage of 15 feet on Milford Hill Road extending easterly 150 feet to an alley, hereinafter so called, and a distance of 21 1/2 feet and a depth at its southern end of 27 1/2 feet. The front portion of the property which is now zoned commercially is being used for the operation of two filling stations and a driveway plant. The second story of the large stone building on the lot is being used for apartments. The rear portion of the lot is unoccupied.

It is the contention of the petitioner that he should have the right to use all of his property for commercial use and to keep the use of the smaller portion would amount to confiscation. The petitioner also contends that all of his property should have been zoned commercially when the original zoning was adopted and that the limitation of the rear portion was an error. The petitioner pointed out that the plan of Sublot 71124, which is recorded in the office of the Clerk of the Circuit Court, shows this entire lot to be reserved for business and that persons having residential property in the area should have been given notice that this was the situation and that they could expect the whole lot to be used for commercial purposes.

The petitioner of the area in protecting the extension of this commercial zoning to include the whole lot contends that the use of the rear of this property for commercial purposes would increase the existing traffic conditions on Milford Hill Road. Milford Hill Road has only a 30 feet right-of-way and approximately a 10 foot wide parking is allowed on both sides of the road, causing considerable congestion. Also Milford Hill Road is a throughway from Halesboro Road to Liberty Road and is heavily traveled. Not only is the already traffic heavy but the industrial enterprises located at the Halesboro end of the road are a source of local traffic.

It is further contended by the petitioner that the use of the alley in the rear of the property for parking is done only by the residents of the area.

In order for the petitioner to substantiate his right to an extension of the commercial use, it is the opinion of the zoning Commissioner of Baltimore County that he must prove that the original zoning of his property was incorrect or that conditions have changed since the original zoning. It is the opinion of the zoning Commissioner of Baltimore County that the original zoning of this property was correct and that the original zoning of this property was correct. To require the petitioner to allow use of all portion in the rear to remain idle and not be used in connection

With the operation of a business enterprise on the front of the property would amount to confiscation of this portion of the property. Even though the use of the alley for parking is commercially zoned property would tend to impair the effectiveness of the alley to the residents of the area in the opinion of the Council. In this case, the petitioner also has the right to use that portion of the property which is now zoned commercially. It would appear unreasonable not to allow him to use an additional 15 feet thus taking in all of his property. It is the opinion of the petitioner that the zoning of this property should be changed to the same zoning as the original zoning. This being the case it would be desirable to keep the same right in the additional 15 feet.

In view of the foregoing it is the opinion of the zoning Commissioner of Baltimore County that to deny the reclassification of the rear of this property for commercial use would be unreasonable and arbitrary and the reclassification should be held.

It is, therefore, this 30th day of June, 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 "R" Residential Zone to an "C" Commercial Zone, subject to the provision that any buildings which might be erected on the property along the Milford Hill Road have a setback of at least 17 feet from the center line of said road or an line with the existing dwellings on the south side of said road to the west.

Charles H. Davis
Zoning Commissioner
of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County

I, Irvin Baylor, legal owner of the property situate

all that parcel of land on the south side of Milford Hill Road beginning 250 feet west of Halesboro Road, thence westerly and ending on the south side of Milford Hill Road 150 feet, thence easterly 150 feet to a 10 foot alley, thence southerly and ending on the east side of said 10 foot alley 150 feet, thence easterly 150 feet to a point 150 feet west of Halesboro Road, thence northerly and parallel to Halesboro Road 250 feet to place of beginning.

herely petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-1 zone to an C-1 zone.

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 zoned as provided 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.

Irvin Baylor
Legal Owner
Address Towson Md

ORDERED: By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 enclosed 104d, in Towson, Baltimore County, on the _____ day of _____, 1952 at 10:00 o'clock, P. M.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 5-29-52
Posted for: Irvin Baylor
Petitioner: Irvin Baylor
Location of property: 551 Milford Hill Rd. 150' W. of Halesboro Rd. 150' E. of 10' Alley
Remarks: George R. Hummel Date of return: 5-29-52

FILED JUN 2 1952

CERTIFICATE OF PUBLICATION

TOWSON, MD., this 27th day of June, 1952.
THIS IS TO CERTIFY that the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., newspaper.
RECEIVED BY THE JEFFERSONIAN on the _____ day of _____, 1952.
THE JEFFERSONIAN
W. J. Carroll

RECEIVED BY S. Taylor the son of Henry Thorne (1880-20) Dollars, being part of petition for reclassification, advertising and posting of property of S. E. Milford Hill Road, 150 feet west of Halesboro Road, 3rd District of Baltimore County.

Received Monday June 27 1952 at 2 P. M.

PAID
MARY & SONS
COUNTY COMMISSIONER'S OFFICE
OF BALTIMORE COUNTY

10'
10'
3875'

Not use alley

Alley
149'0"

Reclassified Area

260'

Lot # 2
Colonial Village - Reservoir
for business as shown
ON Plat. Dated May 1943
120'0"

PART
OF #1

30'

not use meadow
meadow

L. Maxtor - Owner

W. H. Bradford Rd.

1267
1266-8

35
12
47

N.

150'0"

187.75'

218'0"

160'0"

Roisters Ferry Rd.

May 19, 1952