

FILED JUL 30 1952

Angeline J. Miller, Esq.
Zoning Commissioner of Baltimore County
Township 4, Maryland

Re: Petition for Reclassification from an "A" Residence Zone to a "B" Residence Zone, from an "A" Residence Zone to a "B" Residence Zone and an "A" Residence Zone to an "A" Commercial Zone - S.S. Edmondson Avenue, 1st District - Colonial Gardens, Inc., Petitioner

Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner dated July 21, 1952 in the above application for zoning reclassification from an "A" Residence Zone to an "A" Commercial Zone, and forward transcript of record to the Board of Zoning Appeals for Baltimore County.

Michael Paul Smith
Michael Paul Smith, Attorney for
Protestants and Appellants

Dated July 30, 1952

RE: PETITION FOR RECLASSIFICATION - First and second parcels from an "A" Residence Zone to a "B" Residence Zone; third parcel from an "A" Residence Zone to a "B" Residence Zone and fourth parcel from an "A" Residence Zone to an "A" Commercial Zone - S.S. Edmondson Ave., 1st District - Colonial Gardens, Inc., Petitioner

The property which is the subject of this petition is for the reclassification from an "A" Residence Zone to a "B" Residence Zone and from an "A" Residence Zone to an "A" Commercial Zone, is located west of Rolling Road and to the north of Edmondson Avenue, Calverville, First District. The petitioner has constructed thirty cottages on the adjoining land. The plan presented by the petitioner is for the development of semi-detached houses and a commercial area on the south edge of the property fronting on Edmondson Avenue. The reclassification of the parcels to allow the construction of semi-detached group houses will be considered in this Order.

"All of the residential land in the Rolling Road section and the section to the west is classified "A" which allows the construction of cottages. The closest group house land is located at the northeast corner of Edmondson and Maple Avenue, a distance of a mile and a quarter.

An inspection of the area in question discloses the fact that the Rolling Road, Edmondson Avenue and Old Federal Road section has been improved with substantial cottages. The land of the petitioner which has been developed has been built up with substantial brick houses. Many of the lots in this area are spacious, thus affording a low density of population. The reclassification of the land of the petitioner to allow the construction of semi-detached group houses would completely alter the character of the neighborhood.

The petitioner did not prove that the reclassification of this property to allow the construction of multi-type housing was justified by any change of conditions in the area. No new industries have been introduced into the area and no change have taken place in the type of residential development. The only change that has taken place since the adoption of the Regulations and Restrictions in 1945 has been the construction of group houses. This in itself does not justify a change in the classification of residential types.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that the reclassification of the properties described in the petition to allow the construction of semi-detached and group houses should be denied.

The final portion of the petition had to do with the reclassification of an area on the north side of Edmondson Avenue for a shopping center. It is the contention of the residents of the area that there is no need for additional shopping facilities. It

was testified that the stores at the "junction" located at Edmondson Avenue and Dutton Avenue supply the neighborhood and together with the commercial area in Calverville property, their shopping needs are taken care of.

The Baltimore County Planning Commission in considering this petition stated in part as follows:

"The proposed location is at the center of a neighborhood area that contains about 1000 people. Completion of the railway power facilities will attract additional development to the area. A neighborhood of this size should have a commercial center. This need is independent from that of a community center or regional center, as it should not be necessary to leave the neighborhood for food, drugs, habed goods or similar services."

Edmondson Avenue is the main or primary thoroughfare through this part of Calverville. The north-south street called Lee Drive intersects of these two streets, Edmondson Avenue and Lee Drive, will be a focal point for traffic movement and this appears to be a logical place for a local shopping center."

It would appear from the foregoing that a local shopping center with adequate off-street parking facilities would provide desirable and needed services in this section. The small shopping center at Calverville has no parking facilities. The main shopping center in Calverville is already over-crowded and the all other communities in Baltimore County of a like nature, but in the area of parking problems.

It would appear that the land which is the subject of this petition would lend itself to the development of a shopping center if properly planned. The petitioner has submitted a plan which seems to meet the requirements. The buildings and the parking lot, as shown on the plan, have been built before the level of the surrounding streets. The center being constructed in this manner and properly landscaped should not be obnoxious to surrounding property.

In view of the foregoing it is the opinion of the Zoning Commissioner of Baltimore County that a need, if not now existing, will arise upon the development of surrounding land for residential use for a local shopping center. This location seems to be a proper one and it is, therefore, the opinion of the Zoning Commissioner that the reclassification should be had, subject to certain provisions and restrictions.

It is this 21st day of July 1952 ORDERED by the Zoning Commission of Baltimore County that the petition for reclassification of the first, second and third parcels to allow the construction of semi-detached and group houses be denied and the same is hereby continued as an "A" Residence Zone.

It is further ORDERED that the fourth parcel described in the petition be and the same is hereby reclassified, from an "A" Residence Zone to an "A" Commercial Zone, subject to the following provisions and restrictions:

1. That no signs other than the signs on the stores be displayed in the area.
2. That no neon signs or flood lights be employed in the area.
3. That no amplifying system of any kind be used.

Angeline J. Miller
Zoning Commissioner of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, *Colonial Gardens, Inc.*, legal owner, of the property situate *see attached surveyor's description and refer to Plat 2 of Colonial Gardens filed herewith.*

herely petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an *A* zone to an *B* zone.

Reasons for Re-Classification: *To construct semi-detached houses as per plat 2 of Colonial Gardens filed herewith.*

Size and height of building: front *30* feet; depth *100* feet; height *10* feet.
Front and side set backs of building from street lines: front *10* feet; side *10* feet.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expense 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.

Colonial Gardens, Inc.
Legal Owner
Address *620 N. Calvert Street*

ORDERED By The Zoning Commissioner of Baltimore County, this *20th* day of *May*, 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 Richard Bldg., in Towson, Baltimore County, on the *18th* day of *June*, 1952, at 11:00 o'clock A.M.

John J. Brown, City
Zoning Commissioner of Baltimore County
(over)

VERNON C. LUTZ

SURVEYOR AND CIVIL ENGINEER
Town, Street and Roadway Surveys - a Topographical Work, a Surveying and Mapping

City Planning - Building Operations
4200 ELSBRO AVENUE
TELEPHONE: BALTIMORE 3144
BALTIMORE 14, MARYLAND
April 3, 1952

Description of Area B Residential Zoned (Semi-Detached 2) Colonial Gardens Plat 2

BEGINNING for the same on the north side of Edmondson Avenue 100 feet wide and in the first line of the second parcel of the deed from Howard J. King, et al to Colonial Gardens, Inc. and duly recorded among the Land Records of Baltimore County, at a point situate, referring all courses to the true meridian as established by the Metropolitan District of Baltimore County, North 78 degrees 20 minutes East 120.34 feet along said line from the beginning thereof; said point also being at the intersection of the east side of a 55-foot wide street with the above mentioned line; from said point, also being at the intersection of the north side of the same street, thence leaving said place of beginning and binding reversely along said line and along the north side of Edmondson Avenue, South 78 degrees 20 minutes East 120.34 feet to the beginning of the above mentioned first line; thence leaving Edmondson Avenue and binding along the easternmost outline of the whole tract the nine following courses and distances, viz: North 15 degrees 59 minutes 40 seconds East 486.08 feet, South 72 degrees 45 minutes 30 seconds East 117.96 feet, North 17 degrees 50 minutes East 203.34 feet to the south side of Rockwell Avenue; thence crossing Rockwell Avenue and continuing the same course in all North 17 degrees 50 minutes East 404 feet to the north side of Rockwell Avenue (said point being situate North 72 degrees 10 minutes West 307 feet along the north side of Rockwell from the northwest side of Rolling Road); thence North 17 degrees 36 minutes East 400 feet to the south side of a proposed street to be known as Beverly Road; thence crossing Beverly Road and continuing the same course in all, North 17 degrees 36 minutes East 40 feet to the north side of Beverly Road (said point being situate North 72 degrees 10 minutes

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Area B-Semi-Detached 2 Page Two

West 307 feet along said side from the northwest side of Rolling Road); thence North 17 degrees 50 minutes East 200 feet; thence North 72 degrees 10 minutes West 261.50 feet and North 4 degrees 19 minutes West 50 feet; thence leaving the outline of the whole tract and running for a new line of division, South 89 degrees 30 minutes West 430 feet; thence South 5 degrees 45 minutes West 97 feet to the north side of Beverly Road; thence binding along the north side of Beverly Road by a curve to the left with a radius of 1350 feet in a northwesterly direction for a distance of 125 feet to the east side of a proposed street to be known as Lee Drive; thence binding along the easternmost side of Lee Drive by a curve to the right with a radius of 800 feet in a southerly direction for a distance of 150 feet; thence leaving Lee Drive and running South 77 degrees 30 minutes East 297 feet to the west side of a proposed street to be known as Colonial Gardens Road; thence binding thereon North 29 degrees East 120 feet to the south side of Beverly Road; thence binding along Beverly Road by a curve to the right with a radius of 1300 feet in an easterly direction for a distance of 223 feet to a point of reverse curve; thence by a curve to the left with a radius of 1000 feet in an easterly direction for a distance of 86 feet to the southeast corner of Beverly Road and another proposed 50 foot street; thence along the east side of said street, South 25 degrees 10 minutes West 147 feet to a point of curve; thence by a curve to the right with a radius of 1050 feet in a southerly direction for a distance of 252 feet to the north side of Rockwell Avenue; thence crossing Rockwell Avenue, South 41 degrees West 55 feet to the south side of Rockwell Avenue; thence by a curve to the left with a radius of 400 feet in a southerly direction for a distance of 135 feet to the end of said curve; thence still binding along the east side of said proposed street South 15 degrees 59 minutes West 573 feet to the place of beginning.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, *Colonial Gardens, Inc.*, legal owner, of the property situate *see attached surveyor's description and refer to Plat 2 of Colonial Gardens filed herewith.*

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

Reasons for Re-Classification: *To construct semi-detached houses as per plat 2 of Colonial Gardens filed herewith.*

Size and height of building: front *30* feet; depth *100* feet; height *10* feet.
Front and side set backs of building from street lines: front *10* feet; side *10* feet.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expense 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.

Colonial Gardens, Inc.
Legal Owner
Address *620 N. Calvert Street*

ORDERED By The Zoning Commissioner of Baltimore County, this *18th* day of *May*, 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 Richard Bldg., in Towson, Baltimore County, on the *18th* day of *June*, 1952, at 11:00 o'clock A.M.

John J. Brown, City
Zoning Commissioner of Baltimore County
(over)

June 2, 1952

\$86.00

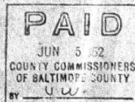
RECEIVED of John J. Brennan, Attorney for Colonial Gardens, Inc., petitioner, the sum of Eighty Six (\$86.00) Dollars being cost of petition for reclassification, advertising and posting property, Edmondson Avenue and Rockwell Avenue, 1st District of Baltimore County.

Zoning Commissioner

Hearing:

Wednesday, June 18, 1952

at 10 a.m.
Basement
Record Building
Bovson, Md.

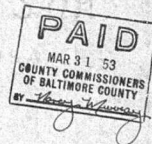


March 31, 1953

\$16.20

RECEIVED of Messrs. Smith & Smith, Attorneys, the sum of Sixteen Dollars and Twenty Cents (\$16.20) being cost of certified copies of petition and other papers filed in the Circuit Court for reclassification of property on Edmondson Avenue, 1st District, Colonial Gardens, Inc., Petitioner.

Zoning Commissioner

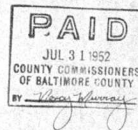


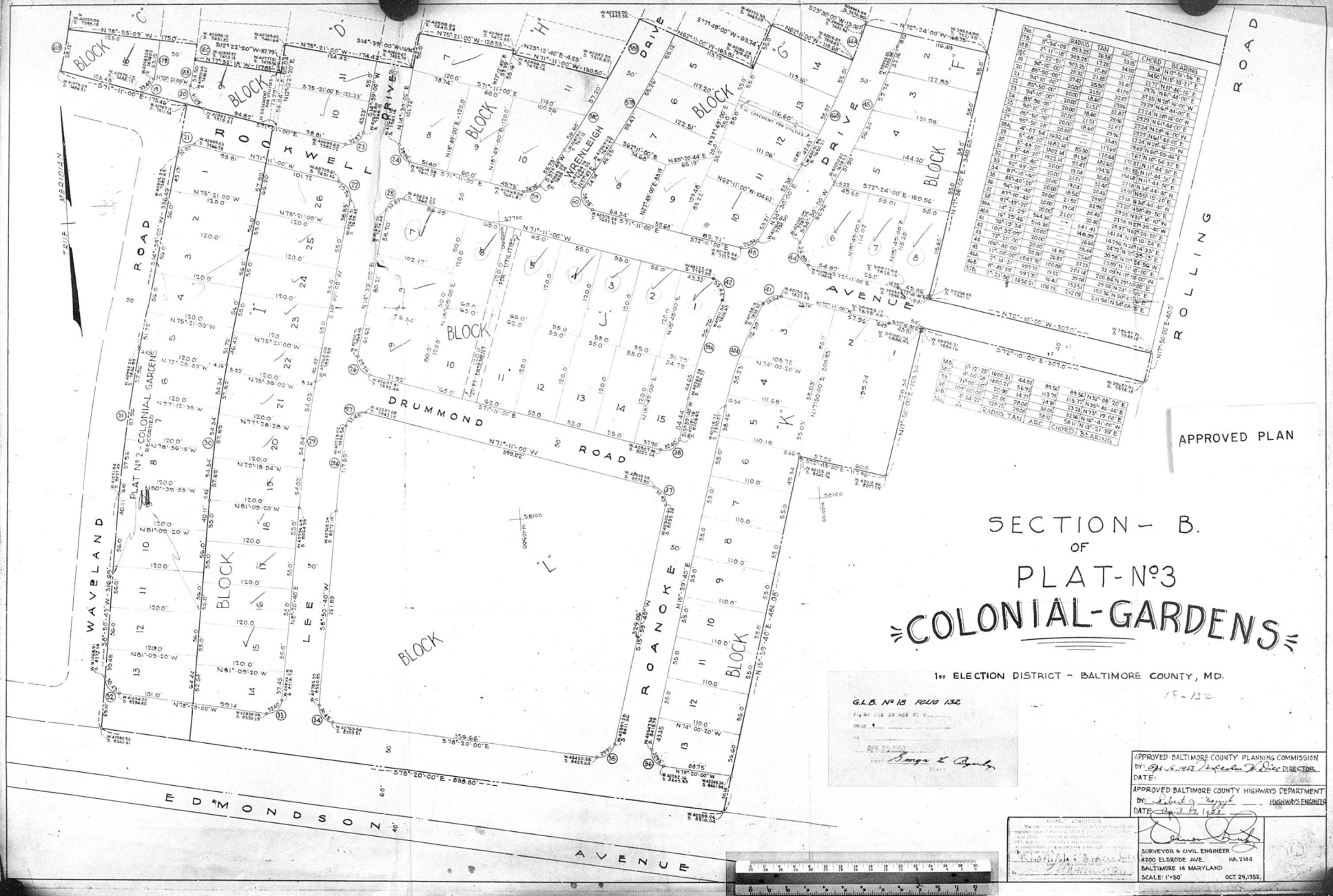
July 31, 1952

\$22.00

RECEIVED of Michael Paul Smith, Attorney for Protestants, 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 granting reclassification of property on north side of Edmondson Avenue, from an "A" Residence Zone to an "E" Commercial Zone, Colonial Gardens, Incorporated, Petitioner.

Zoning Commissioner





SECTION - B.
OF
PLAT-Nº3
"COLONIAL-GARDENS"

1st ELECTION DISTRICT - BALTIMORE COUNTY, MD.

G.L.B. Nº 13 JULIO 132

APR 22 1952
Borg & Co.

APPROVED BALTIMORE COUNTY PLANNING COMMISSION
BY: *[Signature]* DIRECTOR
DATE: *[Date]*

APPROVED BALTIMORE COUNTY HIGHWAYS DEPARTMENT
BY: *[Signature]* HIGHWAYS ENGINEER
DATE: *[Date]*

SURVEYOR & CIVIL ENGINEER
2400 ELSDORF AVE. HA 2143
BALTIMORE 14 MARYLAND
SCALE: 1"=50' OCT 29, 1952

