The property which is the subject of this petition is located to the north of Patterson avenue and to the west of the Western Maryland Railroad, "Brighton, Third District. The land is zoned $^{\alpha}A^{\alpha}$ Residential as is all the surrounding land.

The petitioner contends that the original roning of this land as "A" Residential was in error in view of its location and its undesirable surroundings. Due to the fact that the property is located adjacent to the railroad tracks, the petitioner contends that the proper soning of the land is either industrial or for group housing use. The petitioner stated that the reason is obvious for persons desiring higher cost housing avoid areas near railroads. The petitioner further contends that "conditions have been steadily changing in the area, that the older homes in the surrounding area have shown increasing signs of neglect and depreciation." The petitioner further states that the demand for modest priced houses has greatly exceeded the supply, making it necessary for row housing to meet public needs."

The protestants contend that all the development in the

has seen fit to develop a portion of his property with cottages in keeping with the present sening and that the logical and reasonable development of the remaining land should be for cottage use.

The burden upon the petitioner in this case is heavy. The Court in its opinion in the case of Kintner vs The Board of Zoning appeals of Baltimore County, stated as follows:

"The Third, Fourth, Righth and Eleventh Districts were then (1945) and still are used for individual cottage type purposes.

MICROFILMED

June 17, 1952

RECEIVED of Louis Singer, Atterney for Fairview Gardens, Inc., politioner, the sum of Thirty One (\$11.00) Dollars, being cost of petition for reclassification, advertising and posting property, brighton, 3rd District of Baltimore County.

Berfrord Building, (bar



The Pifth, Sixth, Seventh and Tenth Districts are primarily agricultural. The series in them was not interim or stop-cap but was comprehensive and correct. This is not to say that these districts are to be forever restricted to those uses, but is to say that those uses are to be changed only when justified by a genuine change in conditions."

The netitioner in this case has not shown that there is any change in conditions in this area since 1945. The railroad bordered his property at that time. The conditions which he pointed out which exist in "Brighton" existed in 1945. In addition, the petitioners contention that land along a railroad should be zoned industrial or for group houses is fallacious. In Pikesville, Ruxton, Riderwood and Lutherville, to state a few cases, substantial cottages have been and are now being constructed on lots bordering on the railroad right of way. The petitioner has sought to prove that a need exists for group housing in this area. He states that the demand for housing and the need for modern priced houses has greatly exceeded the supply making it necessary for row housing to meet the needs. The Court in the Kintner case in commenting upon a similar contention by the petitioner in that case stated that such a contention did not show a genuine change in conditions. The fact that a great many people lacking the means to nurchase individual homes and desire to move out in Baltimore County, and can only do so if row housing is available to them does not constitute a genuine change in conditions.

In view of the foresoins, it is the opinion of the Zoning Commission r of Haltimore County, that the petitioner has not shown the eriginal coming was in error or that a genuine Change in conditi taken place which would justify the reclassification to allow the

construction of group houses, and the petition should be denied.

MICROFILMED

It is this 2472 day of July 1952. ORDERED by the Zoning Commissioner of Baltimore County that the reclassification of the property described in the petition, be and the same is

MICROFILMED

FAIRVIEW GARDENS. INC. BUILDING CONTRACTORS

SASS FAIRLAWN AVE. BALTIMORE - IS MD 6305 LIBERTY RD. BALTO, 7, MD.

June 26, 1952

Dear Mr. Sherman:

This will authorize you to act as our agent at the Zoning hearing on June 30th, 1952 in connection with the rezoning application on the Beighton Property.

> Very truly yours, PATRYTEW GARDENS, INC. Blanche & Hoort

AGTICE OF ZOAING PETITION FOR

CERTIFICATE OF PUBLICATION TOWSON, MD Jone 30fig 17.

FILES JUN 23 1952

and published in Towson, Baltimor, County, Md., sans in cash

appearing on the 13th day of Jones 111.58-THE JEFFERSONIAN, No Secult

MICROFILMED

Petition for Zoning Re-Classification Aldr we Pairview Gardens, Inc.

Reasons for Re-Classification: In Brighton there are all kinds of houses. with a stream on one side and the Western Maryland Railroad on the other side. Therefore, in our opinion, this land is ideal

Size and height of building: front. 16. feet; depth 32 feet; bright 2 story. feet. Proof and side set backs of building from street lines: from: 25 ______feet; side______ Property to be post;d 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

Walte & Crismus President

#2295 2295

Address . 6305 Liberty Rd., Belto.7, Md.

ORDERED By The Zoning Commissioner of Baitimore County, this 12 May 1950. 7 that the subject matter of this petition be advertised, as required by the "Zening Law of Baltimore County," in a new spaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon he had in the office of the Zoning coner of Baltimore County, in the Reckord Bidg., in Towson, Baltimore County, on the ... day of June 19 52, at 1 '70 clock P. W

Zoning Commissioner of Bultimore County

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

2295 James Gayt Mendend Jane & are D' Macolini Jone Saver Barden Jone James Bardens Jone (See Mat)

breaken of full entraction of fault over sent amobile and that Ported to Blogs & Henry Date of return 6-18-52

MICROFILMED

MICROFILMED

The property which is the subject of this petition is located to the north of Patterson avenue and to the west of the Mestern Maryland Railroad, "Brighton, Third District. The land is zoned "A" Residential as is all the surrounding land.

The potitioner contends that the original rouling of this land as "A" Mesidential was in error in view of its location and its undesirable surroundings. Due to the fact that the property is located adjacent to the railroad tracks, the petitioner contands that the proper soming of the land is either industrial or for group housing use. The patitioner stated that the reason is obvious for persons desiring higher cost housing avoid areas mar railroads. The petitioner further contends that "conditions have been steadily changing in the area, that the older hours in the surrounding area have shown increasing siens of neglect and depreciation." The petitioner further states that the Weenand for modest priced houses has greatly exceeded the supply, making it necessary for row housing to meet public meeds."

The protestants contend that all the development in the Third District has been cettage typo residential, that the petitioner has seen fit to develop a portion of his property with cottages in keeping with the present soming and that the logical and reasonable development of the remaining land should be for cottage use.

The burden upon the petitioner in this case is heavy. The Court in its opinion in the case of Kintner vs The Seard of Zening appeals of Baltimore County, stated as follows: "The Third, Fourth, Fighth and Misventh Districts were then (1985) and still are used for individual cottage type purposes.

MICROFILMED

The Fifth, Sixth, Seventh and Tenth Districts are primarily agricultural The moning in them was not interin or stop-gap but was comprehensive and correct. This is not to say that these districts are to be forever restricted to those uses, but is to say that those uses are to be changed only when justified by a genuine change in conditions."

The petitioner in this case has not shown that there is any change in conditions in this area since 1945. The railroad bordered his property at that time. The conditions which he pointed out which exist in "Brighton" existed in 1945. In addition, the petitioners contention that land along a railroad should be soned industrial or for group houses is fallacious. In Pikesville, Ruxton, Riderwood and Lutherville, to state a few cases, substantial cottages have been and are now being constructed on lots bordering on the railroad right of way. The petitioner has sought to prove that a need exists for group ho mine in this area. He states that the demand for housing and the need for modern priced nouses has greatly exceeded the supply making it necessary for row housing to meet the needs. The Court in the Kintne case in commenting upon a similar contention by the petitioner in that case stated that such a contention did not show a genuine change in conditions. The fact that a great many people lacking the means to purchase individual homes and desire to move out in Baltimore Count, and can only do so if row housing is available to them does not constitute a genuine change in conditions.

In view of the foregoing, it is the opinion of the Zoning Cormission r of Baltimore County, that the petitioner has not shown the original coming was in error or that a genuine charge in conditions has taken place which would justify the reclassification to allow the construction of group houses, and the petition should be denied.

MICROFILMED

It is this 24 th day of July 1952, ORDERED by the Zoning Commissioner of Raltimore County that the reclassification of the property described in the petition, be and the same is

- \$ \$295 2295 Petition for Zoning Re-Classification

Ald we, ... Pairview dardons, Inc.

Reasons for Re-Classification. In Brighton there are all kinds of houses with a strong on one oldo and the Western Maryland Railroad on. the other side. Therefore, in our opinion, this land is ideal.

Size and height of building: from 16 .. feet, depth. .. 32 .. feet; height 2 .ctory...feet. Front and side set backs of building from street lines; from, 25 feet; side for Property to be posted as prescribed by Zening 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 reming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Haltimore County.

Wallet Gusmur Practions

Address 6305 Liberty Bd., Beltg.7, Md.

May 1955. Athat the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a new spaper of general oriculation 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 Reckord Edg., in Yuseon, Baltimore County, on the . . . 1992 at 1 Owelock D. M.

Zoning Commissioner of Baltimore County

MICROFILMED

Orrige Protest Towest 7577

FAIRVIEW GARDENS, INC. BUILDING CONTRACTORS

5453 FAIRLAWN AVE. BALTIMORE - 15, MD. 6305 LIBERTY RD. BALTO, 7, MD.

June 26, 1952

Mal Sherman, |||13 Park Heights Ave., |Balto. 15, Md. Doar Mr. Sherman:

This will authorize you to act as our agent at the Zoning hearing on June 30th, 1952 in connection with the rezoning application on the Brighton Property.

> Very truly yours, PAIRVIEW GARDENS, INC.

Blanche C. Storm

FIED JUN 23 1967 CERTIFICATE OF PUBLICATION

MICLISSIPICATION PLETITION FOR

TOWSON, MD June Sofigit published in THE JEFFERSONIAN, a weekly newspaper printed

appearing on the 1344, day of Just

THE JEFFERSONIAN,

Cod of Advertisement, 5.

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland # 2295 Sauras Barbar Jone & an D' Barbar Jone Sauras Lavoras Mer (See Olet) B-18-52

Orloge old interesting forth base land landful and feet the standing of pellers of the throne beauty and goods on the copy allogent

MICKOFILMED

Monday, Juno 30, 1952 nt 1100 Palle Rechard Building, (bacement)

of Baltimore County,

Hearings

Tospon Mi. PAID JUN 1 7 1952 OF BALTIMORE COUNTY

Zoning Comissioner

Juno 17, 1952

PECSIVED of Louis Singar, Attorney for Pairvious

Carriend, Inc., potitioner, the sum of Thirty One (S1.00)

adverticing and posting property, Brighton, 3rd Metrict

Collars, being cost of petition for reclassification,

MICROFILMED

MICROFILMED

NO PLAT IN THIS FOLDER