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RE: PETITION FOR RECLASSIFICATION FROM AN "A" AND "C" RESIDENCE ZONE TO A "D" RESIDENCE ZONE - Property lying to South of Wilkins Ave., North of Shelbourne Road, West of Second Ave., and Westland Gardens Apts., Arbutus, 13th Dist., Malden Choice, Inc., and Wilton Farm Dairy, Inc., Petitioners.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on April 2, 1953, denying in part the reclassification as requested in regard to the property described therein; it appearing from the facts and evidence adduced at the appeal the granting of the petition would not be detrimental to the health, safety, and general welfare of the community, and for reasons set forth in the Opinion the property should be reclassified from "A" and "C" Residence Zones to "D" Residence Zone; therefore,

It is this 30th day of April, 1953, Ordered by the Board of Zoning Appeals of Baltimore County that this property be reclassified from "A" and "C" Residence Zones to "D" Residence Zone; subject, however, to the providing of parking areas in the rear of the properties fronting on Westland Boulevard and on Wilkins Avenue, and the provision for alleys as shown on the plat of Malden Choice Village dated March 11, 1953, a copy of which is attached hereto and made a part of this Order. This Order is not subject to the conditions and provisions as set forth by the Zoning Commissioner of February 27, 1953.

Approved:
County Commissioners
of Baltimore County
by *Robert P. Hamill*
President

Date: JUN 4 1953

W. J. Campbell
Chairman
Carl F. Miller
Secretary
Samuel W. Salmons
Board of Zoning Appeals of
Baltimore County

RE: PETITION FOR RECLASSIFICATION FROM AN "A" AND "C" RESIDENCE ZONE TO A "D" RESIDENCE ZONE - Property lying to South of Wilkins Ave., North of Shelbourne Road, West of Second Ave., and Westland Gardens Apts., Arbutus, 13th Dist., Malden Choice, Inc., and Wilton Farm Dairy, Inc., Petitioners.

The property which is the subject of this petition is located between Wilkins Avenue and Shelbourne Road to the west of Malden Choice Lane and the Westland Gardens Apartments project, Arbutus, Thirteenth District. The property comprises 77 acres of land. The southernmost portion comprising approximately 28 acres is at the present time zoned "C" Residential; the northernmost portion of the property, comprising 49 acres, is presently zoned "A" Residential. The present petition is for reclassification of both parcels to a "D" Residence Zone to allow the construction of group houses.

The petitioner, in view of the decision of the Court in the case of *Kintner vs. the Board of Zoning Appeals*, has sought to prove that the reclassification of this property to permit the erection of group houses is warranted due to the fact that many changes have taken place in the Thirteenth District since the time of the original zoning. There was no attempt to prove that the original zoning was incorrect.

The petitioner stated that these changes fall in three categories, the first, the increasing and rapid industrialization of the Thirteenth District; the second, the change in the residential character of the neighborhood since 1945; and the third, the location of the proposed beltway through the property in question.

In regard to the first of these changes the petitioner offered considerable testimony to show there had been an increase in industrialization in the Thirteenth District, and with the lack of industrial areas in which to expand in the City, more industrialization is expected in the future in this area.

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Malden Choice, Inc., and Wilton Farm Dairy, Inc., from an Order of the Zoning Commissioner of Baltimore County dated February 27, 1953, in regard to the property therein described.

The case came on for hearing before the Board, testimony was taken, and counsel heard.

The property which is the subject of this petition is located between Wilkins Avenue and Shelbourne Road to the West of Malden Choice Lane and the Westland Gardens Apartments project, Arbutus, Thirteenth District. The property comprises of 77 acres of land with the southernmost portion of approximately 28 acres and bearing a "C" classification, and the northernmost portion of approximately 49 acres with an "A" classification. The petitioners requested a reclassification to a "D" Residence Zone.

The Board is of the opinion that since January 2, 1945, there have been numerous changes in this area as far as the uses of land are concerned, in that large tracts of land in this area have been reclassified so as to permit garden-type apartments to be erected, as well as a rapid industrialization in the Thirteenth District. Some of the persons appearing for the protestants testified that they preferred group homes to apartment type properties. The only concern of the witnesses for the protestants seemed to be the danger from bad drainage; and the Board will, therefore, pass its Order reclassifying the properties from "A" and "C" Residence Zones to "D" Residence Zone; subject, however, to the providing of parking areas in the rear of the properties fronting on Westland Boulevard and on Wilkins Avenue, and the provision for alleys as shown on the plat of Malden Choice Village dated March 11, 1953, a copy of which is attached hereto and made a part of this Order. This

The second change which the petitioner stated has taken place in the residential development since 1945. The petitioner submitted a letter from the Building Engineer of Baltimore County which stated briefly that since 1948 building permits were issued for 811 group houses; 889 apartments and 921 individual houses in the Thirteenth District. The petitioner contends that the construction of 1300 multiple type family units as compared to 921 individual units shows a specific trend as to the development of the area and proves that there is a demonstrated need for group houses.

The third way in which the petitioner elicits the nature of the area has changed is by the proposed construction of the beltway through the property in question. The petitioner maintains that the property being bisected as it is by this through highway is not suitable for the construction of higher priced individual homes.

The petitioner contends that the public utilities in the form of sewers and water are adequate for a development of this type and size. A check with the Chief Engineer of the Metropolitan District corroborates this contention.

The petitioner, through expert testimony, sought to prove that the interior roads are adequate to take care of the traffic. This appears to be true.

As proposed in the revised plan the petitioner has set aside a strip along the stream through the property for storm drainage control as required by the Department of Public Works.

The school problems which exist all over Baltimore County also exist in Arbutus. In accordance with the recommendation of the Planning Commission, it is felt that in any re-zoning of this property that the over-all density should not be increased over and above that which is now allowed under the present zoning. In zoning the property in such manner, no increase in the number of school children would be allowed.

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Order is not subject to the conditions and provisions as set forth by the Zoning Commissioner of February 27, 1953.

W. J. Campbell
Chairman
Carl F. Miller
Secretary
Samuel W. Salmons
Board of Zoning Appeals of
Baltimore County

IN THE MATTER OF THE PETITION :
FOR RECLASSIFICATION FROM AN :
"A" AND "C" RESIDENCE ZONE TO :
PROPERTY S. WILKINS AVENUE :
N. SHELBOURNE ROAD, W. 2ND. :
AVENUE, ARBUTUS 13TH DIST., :
MALDEN CHOICE, INC., AND :
WILTON FARM DAIRY, INC., :
PETITIONERS :
BALTIMORE COUNTY

By, COMMISSIONER:

Please enter an Appeal to the Board of Zoning Appeals of Baltimore County from the Order of the Zoning Commissioner passed in these proceedings February 27, 1953.

Robert J. Cline
Rector J. Cline,
1214 Mercantile Trust Building,
Baltimore-2, Maryland.
Thomas G. Murphy
442 Equitable Building,
Baltimore-2, Maryland.
Attorneys for the Appellants.

Due to the fact that the southernmost portion of the property is zoned "C" Residential, which allows for the construction of apartments at a higher density than in the construction of group houses, it was the general feeling of the residents of the area that the group house zoning should be allowed provided the over-all density would be kept to a reasonable figure.

In view of the foregoing, it is the opinion of the Zoning Commissioner of Baltimore County that the reclassification of the southernmost portion of the property, from a "C" Residence Zone to a "D" Residence Zone should be allowed with the exception of the portion of the property fronting on Westland Boulevard, this property to remain a "C" Residence Zone. It is the recommendation of the Planning Commission that this area be improved with either semi-detached houses or cottages where driveway could be installed for each house and which might preclude parking on Westland Boulevard, a very important street. This southern portion of the property is better adapted, from a topographical standpoint, for the construction of group houses than the northernmost portion.

It is the opinion of the Zoning Commissioner of Baltimore County that the northernmost portion of the property should be zoned "D" Residential so as to allow the construction of group houses but that on this portion of the property the gross residential density should be restricted to five units per acre. This portion of the property is traversed in some areas with very steep grades and the beltway cuts this portion of the property in half. Due to these facts it appears that no greater density of housing units could be put upon the land. In addition, under such a plan the critical school problems would not be aggravated due to the fact that no more housing units would be allowed than under the present cottage zoning.

It is this 27th day of February, 1953, ORDERED by the Zoning Commissioner of Baltimore County that the southernmost portion of the property now zoned "C" Residential be and the same is hereby reclassified, from and after the date of this Order, to a "D" Residence Zone. It is further ORDERED by the Zoning Commissioner of Baltimore County that the northernmost portion of the land now zoned "A" Residence Zone, be and the same is hereby reclassified, from and after the date of this Order from an "A" Residence Zone to a "D" Residence Zone, subject to the provision that the gross density shall not exceed five housing units per gross acre, subject to the filing of a plan approved by the Baltimore County Planning Commission for the development of the entire project, and also subject to the provision that no applications for building permits shall be approved as to zoning for the construction of any houses until the three bridges over the west branch of Harpers Run have been completed and the storm water problem, which now exists in this area, has been corrected by Baltimore County.

Robert J. Cline
Zoning Commissioner
of Baltimore County

PAID
MAR 6 6 1953
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *u*

DESCRIPTION FOR ZONING

BEGINNING for the same on the Southerly side of Wilkema Avenue at the point formed by the intersection of the Southerly side of said Avenue with the Easterly side of Second Avenue as shown on the Plat of Wilkema Terrace and running thence binding on the Southerly side of said Wilkema Avenue South 74 degrees 19 minutes West 1376.50 feet to the Easterly property line of the Spring Grove State Hospital, thence running with and binding on the outline of said property the seven following courses and distances: South 15 degrees 44 minutes East 251.37 feet, South 47 degrees 02 minutes 30 seconds East 14.56 feet, South 51 degrees 23 minutes West 661.90 feet, South 39 degrees 26 minutes 30 seconds East 773.76 feet, South 14 degrees 05 minutes 36 seconds East 609.32 feet, South 59 degrees 59 minutes West 128.90 feet and South 43 degrees 45 minutes East 1330.00 feet more or less to a point distant 150 feet measured Northwesterly at right angles to the North side of Shelburne Road, thence running parallel and distant 150 feet from the North side of said road, North 45 degrees 53 minutes East 1120 feet more or less, thence North 51 degrees 48 minutes West 1270 feet more or less, North 50 degrees 59 minutes East 75.90 feet, North 47 degrees 42 minutes 30 seconds West 703.74 feet, North 45 degrees 18 minutes 30 seconds East 899.83 feet to a point in line with the Easterly side of Second Avenue as shown on said Plat of Wilkema Terrace, thence running with and binding on the Easterly side of said Avenue North 15 degrees 44 minutes West 705.63 feet to the place of beginning.

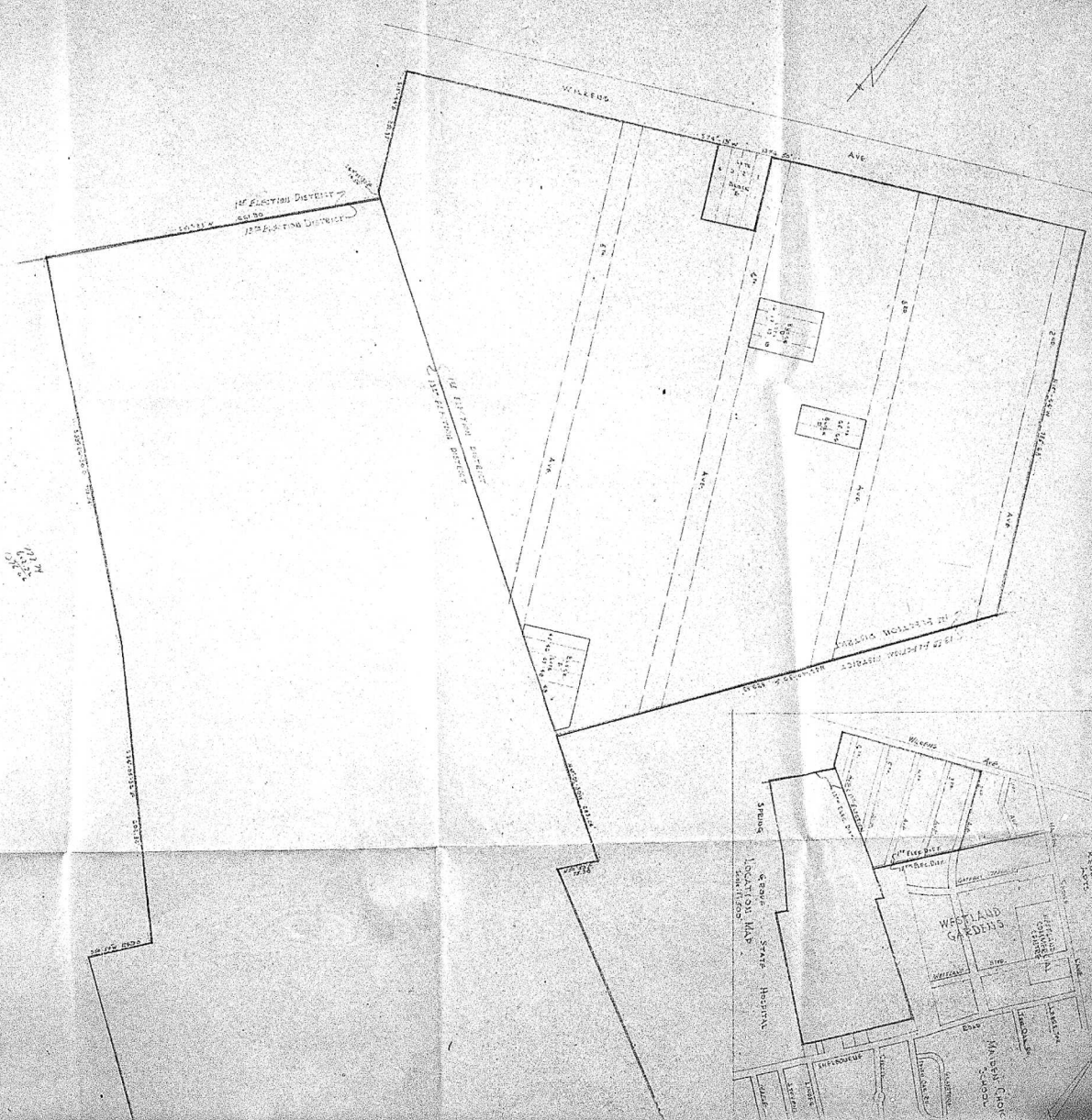
SAVING AND EXCEPTING Lots Nos. 15, 17, 19, 21, 23, 25, and 27 Block "A" and Lots Nos. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27 Block "B" Wilkema Terrace.

3/7/53

SPRING GROVE

SENECA

STATE



#2437

THOMSON, GRACE & MAYES
ENGINEERS
Dunlop Road Belfast
YOUNG Street London E.C. 2

PLAT OF
PROPERTY TO BE
REZONED
1ST & 13TH Elec. Dist. - BALTIMORE COUNTY
Scale 1"=100'
March 29, 1953

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22074

