2437

RE: PETITION FOR REDIASSIFICATION FROM AN "A" AND "C" RESIDENCE ZOME TO A "D" "ESIDENCE ZOME TO A "D" "ESIDENCE ZOME TO A "D" "STATE OF THE STATE OF

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; a 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 30 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 Maiden 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.

Robert & Ham

JUN 4 1953

ard of Zoning Appeals of Baltimore County

2437

NE: PETITION FOR RECLASSIFICATION FROM AN "A" AND "C" RESILENCE ZORE TO A "D" A "D" RESILENCE ZORE TO A "D" A "D"

The property which is the subject of this petition is located between Milkins Avenue and Shelbourne Road to the west of Maiden Choice Lane and the Westland Gardens Apartments project, Arbutus, Thirteenth District. The property comprises 77 acres of land. The southermost portion comprising approximately 28 acres is at the present time zoned "O" Residential; the northermost portion of the property, comprising h5 acres, is presently somed "A" Residential. The present petition is for reclassification of both parcels to a "P" Essidence 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 Zoming 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 soning 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 actor of the neighborhood since 1915; and the whird, the location of the proposed beltway through the property in question.

In regard to the first of these changes the petitioner offered rable testimony to show there had been an increase in incustrialization 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 BALTIMORE COUNTY

This is an appeal by Maiden Choice, Inc., and Wilton Parm 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 Maiden 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 45 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 spartment 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 Wilking Avenue, and the provision for alleys as shown on the plat of Maiden 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

is in the residential development since 1915. The petitioner submitted

a letter from the Buildings Engineer of Haltimore County which stated

briefly that since 19h8 building permits were issued for 811 group

houses; h89 apartments and 921 individual houses in the Thirteenth

multiple type family units as compared to 921 individual units shows

The third way in which the petitioner claims the nature

The potitionar contends that the public utilities in the

The petitioner, through expert testimony, sought to prove

As proposed in the revised plan the petitioner has set

The school problems which exist all over Baltimore County

a specific trend as to the development of the area and proves that

of the area has changed is by the proposed construction of the

Seltway through the property in question. The potitioner maintains

that the property being bisected as it is by this through highway

is not suitable for the construction of higher priced individual

form of sewers and later are adequate for a development of this type

and size. A check with the Chief Engineer of the Metropolitan District

that the interior roads are adequate to take care of the traffic. This

aside a strip along the stress through the property for storm drainage

also exist in Arbutus. In accordance with the recommendation of the

Planning Commission, it is felt that in any resoning of this property

that the over-all density should not be increased over and above that

which is now allowed under the present soning. In soning the property

in such manner, no increase in the number of school children would be

control as required by the Department of Public Works.

there is a demonstrated need for group houses.

correborates this contention.

amears to be true.

District. The patitioner contends that the construction of 1300

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

-2-

The aught Board of Zoning Appeals of IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM AN "A" AUD "OR RESIDENCE FORE THE FROMERTY S. WILETINS AVENUE, N. SKELBOUGHER BOAD, W. 20D. AVENUE, ARCUTUS 137H DIST. AVENUE, ARCUTUS 137H DIST. AND WILLTON FARM DEATH, INC., FETITICHERS,

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

.......

FILED MAR 6 1953

MR. COMMISSIONER

W 4 01

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.

Steater J. Crotte: Hector J. Crotti, 1214 Mercantile Trust Building, Baltimore-2, Maryland.

5. m. Julius G. Maurer, 548 Equitable Building, Baltimore-2, Maryland, Attorneys for the Appellants.

Due to the fact that the southermost portion of the property is zoned "C" Residential, which allows for the construction of spartments 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.

Commissioner of Baltimore County that the reclassification of the southermost 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 "O" Residence Zone. It is the recommendation of the Planning Commission that this area be improved with either semidetached houses or cottages where driveway could be installed for each house and which might preclude parking on Westland Roulevard, a very important street. This southern portion of the property is better adapted, from a topographical standpoint, for the construction

It is the opinion of the Zoning Commissioner of Baltimore County that the northernmost portion of the property should be somed "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 wery 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

-3-

In view of the aforegoing, it is the opinion of the Zoning of group houses than the northermost portion.

It is this 27 day of February, 1953, CRDEWED 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 mpm Residence Zone. It is further OFDEFED by the Zoning Commissioner of Baltimore County that the northermost portion of the land now somed "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 Herberts Run have been completed and the storm water problem, which now exists in this area, has been corrected by Baltimore County.

2437 Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:

WALLIEN CHOICE, INC. and

MODER We, WILLTON FARM DAIRY, INC. local owner # of the property situate in the First and Thirteenth Election Districts of Baltimore County, outlined on accompanying plat, see motes and bounds description attached hereto for descrip-

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.& C Residential rone to act. D. Residential rone.

Remons for Re-Classification Changes in the character of the neighborhood (1st and 13th Election Districts of Baltimore County) which have taken place pince the enactment in 150 of the original config. which still remains in affect, successful development of this tract of land except with modest pricumite of the kind west conceptable to own and operate, there are not to the configuration of the configur

Size and height of building: front 16 feet; depth 31 feet; height 30 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 Beltimore County adopted pursuant to the Zoning Law for Baltimore County.

MATICH, CHOICE, INC.

BY: Gusipe allered WILTON PARM DAIRY, DIG.

Prosident
Logal Owners Address o/o Julius U. Mauer, Esq. 548 Equitable Bldg. Baltimore 2, Ed.

ORDERED By The Zoning Commissioner of Bultimore County, this 20th day of November 19.52, 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 be had in the office of the Zoning Commissioner of Raltimore County, in the Reckard Bldg., in Towson, Baltimore County, on the 22nd day of December 1952 at 10: 00 clock 4. M.

Zening Commissioner of Baltimore County

2437

December 1, 1962

18-519NS)

SECTIVED of Hostor Clotti, Attorney, the sum forty one (did.oc) Dollars, being cost of potition for reclassification, exertising and posting of property Sectionly side Millors avenue, lat and 13th Untwice of Nationer County.

Monthly, December 22, 1952 hat 10100 map.
Descend of the Eschord Delicing.
Tousen, Waryland

PAID DEC 3 - 1952 COUNTY COMMISSIONERS OF BALTIMORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

#2437 Bearin 1. 4.1.3.
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Prosesson Miscolar Clarify Lot, of Middlery Jacons Marry Misco."
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Leaving of property Ideas Mr. Middlery Lacons Marry Misco.

Sels. Mad. District 1st + 13 th

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Monday, December 22, 1851 at 10:00 A.M.

properly should be changed or relatefully as affection of fine Grey-Hennest.

All that parted of land in the lat and 100 "Blisteries of Oslit-more County, beginning for the same on the Confernity Safe, with the county of the same on the Confernity Safe, with the county of the count

FILED DEC 9 1952 OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY PRESS

Dandalk, Md. THE COMMUNITY NEWS Ericteratours, Md.
THE HERALD-ARGUS

CATONSVILLE, MD. No. 1 Newburg Avenue

December 13 1952

2437

THIS IS TO CERTIFY, that the annexed advertisement of Augustine J. Muller, Gones Commencer of Bathemore Courty
was inverted in THE BALTIMORE COUNTIAN, a group of

three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 1324 day of Lucantus, 1852, that is to say the same was inserted in the issues of

December 5 and 12, 1952. THE BALTIMORE COUNTIAN

By P.J. Maryon Editor and Manager.

N TICE OF ZONING PETITION FOR REGIASSIFICATION FIRST AND THIRTHENTY DISTRICTS

Personnt to polition filed with the Eering Commissioner of there County for change or reclassification from an "A" and "yo done some to a "D" Besidence some of the property far-simther orfod, the Zening Commissioner of Ballismre County, by authority the Zening and and Engalations of Zeltimres County, by Authority the Zening in the House of Zeltimres County, will held a like Baring in the House in the Bear of Latings County, will held a like Baring in the House of Latings County, will held a like Jacks (Mysicals)

On Monday, December 22, 1962

at 10:00 a.m.

to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Group Housest

All this parent of rule in the lat and 13th Estricts of Markets Country to the country of the co

December 9, 1952

MCGIVED of Bacter J. Clotti, Attorney for Maiden Choice, Inc., petitioner, the sum of Seven (\$7.00) Dollars being additional cost of advertising and posting property south side of Wilkins Avenue.

Zoning Commissioner

Herating t

Nenday, Dec. 22, 1952 at 10:00 a.m.

PAID DEC 1 5 1952 OF BALTIMORE COUNTY

Harch 6, 1953

322.00

MCSIVED of Julius G. Maurer, Attorney, for Maiden Choice, Inc. and Wilton Ferns Dairy, Inc., Appellants, the sum of Teenty Two (122.00) Dellars, being cost of appeal to the Spard of Ecuing Appeals of Daltimore County from the decision of the Loning Commissioner rendered in the matter of reclassification of property, South Wilkins Avenue, north Shalbourna Road, 17th District.

Woodner Commissioner

PAID MAR 0.61953



