LOUIS WEISS, et al

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

H. GUY CAMPBELL PANIEL W. HUBERS, CARL T. VOHDEN Constituting the Board of Zoning Appeals of Baltimore County

ORDER

Upon the foregoing Petition, Affidavit and Assents, it is, this the / 7 Day of December, 1954, by the Great Court for Baltimere County, ORDERED, that the proceeding in the above entitled case be remanded to the Zoning Commissioner of Baltimore County for appropriate action therein.

S/J. B. Fortnum

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CWSCN 4, MO.

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It was also noted that by the agreement dated October 13, 1952, between the Feitleners and the proposed purchaser of the land that the property would be divided into twelve sections, as shown by the plat attached to said agreement, giving to the purchaser an option at any time to purchase near, giving to the purchase given time. It would appear that unless the purchaser took all the land, which he would not be obliged to do, that the planned community development might develop into a hephaser development.

It was also noted that one section of the land by a company controlled by the Fettitoners (adjoining) has been partly developed; into octage, but that enterprise is now in the hands of receiver. The Board will, therefore, pass its Order denying the reclassification of the property as partitioned.

RB: PRITION FOR RECLASSIFICATION, 1st d parcels from an "A" Settlemes Zone to a "S" Residence Zone; to a "S" Residence Zone; to a "D" Ry "ence Zone and the 15th parcel Zone, Louis Metas, Max Meiss, Abreham and Milliam Meiss, Fettlemers.

The appeal in the above entitled matter coming on for hearing on the 15th day of June, 1951, before the Board of Zoning Appeals of Baltimore County from an order of the Zoning Commissioner of Baltimore County dated Pebrusiy 2h, 1951, greating the realizification of parcels 1, 2. 3, h, 5, 6, 7, and 8 from an "A" Residence Zone to a "B" Residence Zone, and granting the realizatification of parcels 10, 11, 12, 13, and 11, from an "A" Residence Zone to a "B" Residence Zone, and granting the realizatification of parcels 15 from an "A" Residence Zone to an "B" Commercial Zone; and it appearing from the facts and evidence adduced at the appeal that the granting of these reclassifications would be detrimental to the health, safety, and general welfare of the community and for ressons set forth in the Opinion; therefore,

It is this 2.5 day of August, 1953, Ordered by the Board of Zoning Appeals of Baltimore County that the petition

S. Some amphill

Last 4 Voludio:

Januar OF Souling Sopress of

Charles H. Doing, Esquire Zoning Commissioner of Baltimore County Towson -4, Baltimore County, Maryland

Re: Petition for Reclausification of property on S. S. Dogwood Road, Opposite Goymn Cak Avenue and Englewood Avenue, Moodlewn First District of Baltimore County, Louis Weise, Max Weise, Abraham Weiss and Milliam Weise Petitioners

Dear Mr. Doing:

Please enter an appeal from the decision of Augustine
J. Maller, former Zoning Courissioner for Bultimore County, in the
above entited matter to the Board of Zoning Appeals for Bultimore
County, and tremantiall the papers in and case to the Board of
Zoning Appeals for Bultimore County.

The Gwynn Lake Park Improvement Association The Woodlawn Emprovement Association The Eolling Hidge Improvement Association The Mindsor-Lorraine Improvement Association The Colonial Park Civic League The Lions Club of Woodlawn The Lionses Club of Woodlawn

John S. Mahle
Attorney for the Appellants:

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by The Coymun Lake Fark Improvement Association, The Woollawn Improvement Association, The Rolling Ridge Improvement Association, The Volonial Fark Civic League, The Linns Club of Woollawn, and The Lioness Club of Woollawn from an Order of the Zoning Commissioner of Haltimore County dated Yebruary 2h, 1955, granting a reclassification of parcels 1, 2, 3, 5, 5, 6, 7, and 8 from an "A" Residence Zone to a "B" Residence Zone, and parcels 10, 11, 12, 13, and lh from an "A" Residence Zone to a "B" Residence Zone as "B" Residence Zone, and parcels 15 from an "A" Residence Zone to a "B" Residence Zone, and the denying of the reclassification of the 9th parcel from an "A" Residence Zone to a "B" Residence Zone.

The case came on for hearing before the Board, testi-

The property which is the subject of this Petition
is a treet of land consisting of approximately 327 seres located
on the south side of Dogwood Road apposite Guyun Oak and Englewood
Avenues as Mondlann.

The Patitioners propose to develop the treat of land into a planned occumity, providing a school site, park area, church sites, and the development of a large number of semi-deteched houses and group houses, along with numerous cottages in accordance with the plat filed in this case. This type of planning of corumnities has not favorably with various Fleaning Cormissions and has attempted to integrate various types of housing and living units within a given area. The more fact that such a plan neets the approval of a Flanning Cormission standard does not in Itsaff make such halon of sufficient hasts

HE: FETTICES FOR RECLASSIFICATION, 1st 8 parcels from an "A" Besidence Zone to a "P" Residence Zone, the Physical from an "A" Ensidence Zone to a "P" parcel from an "A" Ensidence July, 31th and lith parcels from an "A" Residence Zone to a "P" Residence Zone and the 35th passed from an "A" Residence Zone to an "P" Commercial Missts, Puttingers Towns, Arbeits and William Missts, Puttingers Towns, Arbeits and William

The property which is the subject of this position is located on the south side of legenced Ross, opposite Guymn Cak and Englawood Avenumes, Woodland, First District. The property consists of 377.5 acres. The plan for the development of this property as proposed by the positioner is for the development of a conserval atte of 21.6 acres; as chool site of 16.7 acres; two church sites comprising 8.8 acres; park areas comprising 10.3 acres; areas comprising 10.3 acres; areas comprising 10.3 acres; areas comprising 10.3 acres; areas comprising the existing devolting and accessory buildings) and the covalepment of the remaining 230.6 acres with 300 cottages; 210 controlled browness and 30 crown boxes.

The plan indicates that the conserval area as proposed lies at the southwest corner of Depreced Rend and Englewood Armse, if extended southwest, I was testified by the positioner that the conserval buildings would have to be located to the south of Deed Ren as the area between Lead Run and Depreced Read is not sufficient the locate buildings in this area. The conserval buildings would, therefore, be located a distance or approximately loO feet from Depreced Read. The remaining fromtage on Depreced Read from Englewood Armse to the externment outline of the property would be kept in park areas to an average depth of 160 feet with the exception that a church site has been planned in this particular areas more the externment outline of the property.

The plan indicates that the closest cottages to Dogwood Ros would be located a distance of 150 feet from said read. The plan also indicates that the closest send-deteched houses to Dogwood Road would be 550 feet from said read. The plan indicates that the closest group houses would be located a distance or 1000 feet from said read.

for res/assirying the property from the standpoint of soning. It is to be noted from a look at the soning map that there are no commercial, semi-detached, or group-home somes in this immediate area, and that the whole section has been zoned "A" Residential.

There was some testimony that there was a need for this type of planned community in this area and that there was a demand for group and semi-detached homes. There was also a considerable amount of testimony to the effect that there was no need for the same. It was also noted that one of the experts testifying as to the need had a substantial pecuniary interest in this case, as set forth in the agreement dated October 13, 1952, and is a part of this record. The Board can find no error in the original zoning of the land in question, nor that there has been a sufficient change since the soning took effect on January 1, 1945, to justify a reclassification of the property. The Board is aware that there is a large acreage of land zoned for group housing southeast of Engleside Avenue. There are some existing group homes approximately li miles away to the southwest of Engleside Avenue, but not abutting on said Avenue. The Board is also of the opinion that large scale group homes, as proposed by the Petitioners, would be a considerable strain on the public utilities, the highway system, and the limited school facilities in this area. While it is true that the County may expand these utilities and facilities, it would not be as critical if the property would be used under its presently zoned classification. Such planned corvainities, as proposed by the Petitioners, if located in a proper section conforming to good zoning procedures would not have this serious effect.

The plan the indicates that a 16.7 are ended site has been located mean the conter of the proposed residential development on land suitable for that purpose. In addition to the park area along logwood Rood an additional park area of considerable size has been located on the southwest corner of the property, adjoining the largest concentration of group houses. The plan also shows that the group houses have been grouped into three concentrations of sheet equal size and one concentration consisting of approximately thirty five houses. The westermost connentration of group houses is expensed from the others by the school site and by the area reserved around the nain dwelling on the property. The other two concentrations If near the easternments and ordermost boundries of the property and are separated

In addition to the church site heretofore mentioned, an additional church site has been located near the southermost extremity of the property midway between the easternmost and westernmost outlines.

The area along Dead has and its tributaries how been kept in park areas, or flood control strips have been set up as required by the Sions Herr Popartment of the Dipartment of Phillic Works, the development has been planned in kneptup with the present thinking of the Flanning Commission and the Zoning Department as to country control in group house areas and as to the size of Jonometrations of agroup houses. As the plan indicates, such concentration of

from each other by two tiers of cottages. The development of the

cottages where it will not interfere with nlane for flood control.

The gross residential density for the development of this property

"O" apartment momes as shown on the plan does not appear to be

practical and should be denied, this area to be developed with

has been planned at five families per sere.

group houses comprises roughly 300 houses. This means that each house in any concentration is within reasonable access to a park area or to the school tile where recreational areas are provided.

The property in question has r ther been planned in accordance with the suggested policy of the Planning Commission in that the ratio of group houses to semi-detached houses and cottages is approximately 60% group houses to 10% somi-detached and cottages This appears to be a fair proportion of the different types of regidential uses and helps in keeping down the over-all density. This plan is also in keeping with the recommendations of the Federal Housing Administration in setting up planned communities whereby the various types of housing are provided so that it is not necessary for a person living in a community who wishes to live in a cottage rather than a group house, or vice versa, to move to another neighborhood. The inclusion of the commercial site is also generally a recommendation of the Federal Housing Administration in such a project, as a neighborhood compr sing 1500 housing units would need its own neighborhood shopping facilities. The plan as submitted by the petitioner is generally in keeping with the suggested development of a community area where group houses are included.

Existence introduced at the hearing by the witnesses for the petitioner was to the effect that in their opinion the devalopment of this property as proposed would not be detrimental to surrounding properties and in no way have a depreciating affect upon property values in the area.

Protestants to the reclassifications to allow the property to be developed as proposed, twelfiled that Onyon Oak Avenue, Englaved Avenue and Degreed Road are insdequate to carry the additional traffic

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## Petition for Zoning Re-Classification

Description Attached

Zoning Law of Baltimore County, from an A. Residential zone to an E. Commercial zone.
Reasons for Re-Classification: Development of an integrated community
Size and height of building: frontfeet; depthfeet; heightfeet.
Front and side set backs of Puilding from street lines: front
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
Baltimore County adopted pursuant to the Zoning Law for Baltimore County.
Smalling Odbiahan wen
Louis Weiss Ahraham Weiss
Min aren William Wellow Level Owner
Max Wilsa Co-nertners trading as Walas Motor Co

hereby petition that the roning status of the above described property be re-classifed, pursuant to the B.C. & D Residential &

ORDERED By The Zoning Commissioner of Haltimore County, this. 194th. day of JSSMINEZ. 1952, that the subject matter of the prition be advertised, as required by the "Zoning Law of Ballimore County," in a new-paper of general circulation threespoot Ballimore County, that property be posted, and that the public hearing forcess be had in the office of the Zoning Commissioner of Daltimore County, in the Rockerd Bilde, in Towner, Ballimore County, on the 1945 of the Zoning Commissioner of Daltimore County, in the 2 January 2 JSS 2 John State County 2 JSS 2

Zoning Commissioner of Baltimore County

(over)

generated by such advelopment as proposed. In edition, it was testified that the shopping facilities in Noclaum were inadequate to take care of the additional people and that the school facilities in Woodlaum are also at the present time inadequate to take care of the children in that area. It was also testified that transportation facilities were inadequate to surve the people in this development, and that the development as proposed would be detrimental to the general welfare of the community and the position should be dented.

An imposion of the property and the surrounding area indicates that the arm signs to be couth of Degroed Boas is generally underwelped with the exception of a small tow-corry cotage development to the west of the property in question and a small con-story cotage development to the eart of the property in question. The houses in the development to U: west are frame-makestos shingle construction and sell on the present market for appreciately \$\frac{1}{2}\text{OO}(0.00)\$ plus a ground rank. The property to the east has been developed with frame-makestos shingle bungloon which sell on the present market for appreciately \$\frac{1}{2}\text{OO}(0.00)\$ plus a ground rank. The property to the north of Degroed Boad in Woodlam proper, is improved with moderate prized outtages with the exception of a few substantial continues of fatter small free.

Degened Read at the present time is a winding manadem road. Englawsed and Wayma Ouk Armanes are considerably more improved with curb and gutter. The shopping facilities and parking facilities in Woodlawn at the intersection of Onyma Ouk Areans and Minisor Mill Read are very imadequate at the present time.

A check with the Netropulitan District indicates that both water and severs are available to this property and are adequate to take care of the inc regard demand generated by this project. As outfall sever of sufficient size traverses the property along Dead Run. A 12 inch water main is also located on Dogwood Road and will adequately serve the project.

In considering the testimony presented in this case, the plan of the petitioner, and the physical characteristics of the area, it appears that the development of the property as proposed, with the exception of the apartments, would not be detrimental to the health, safety and general welfare of the community and the reclassification of the various narcels netitioned should be had. This is based upon the Capling that the potitioner has presented a plan which, in almost every detail, meets the requirements of the County for the proper development of such a project. The petitioner has kept within the gross residential density of five families per acre which is possible under cottage zoning. The petitioner has so planued the project that there is a reasonable ratio of grown houses to cottages and senidata had beenen. The Patitionar has divided the group house concentwations so that there will be no undue over-crowding of land in certain areas. The petitioner has placed the group houses on terrain which is suitable for such construction. The petitioner has provided a school site, recreational areas, church sites, and flood control strips as requested and required by the various County departments. The petitioner has planned and provided sufficient interior roads to take care of the traffic generated by the project.

A check with the Gidef Engineer of the Department of Twhile Norks indicates that the flooting which might take place in the future along Dead Bun will be eliminated with the construction of a new bridge at the susterment extremity of the property and with the widening of the existing stream channel by the County. In addition, it appears that with the development of the property in question, the newseary improvements to Degeood New would have to be undertaken by the County in order to handle the increased traffic. These improvements together with improved transportation facilities would meconsarily follow the commencing of building in the area and not precede it.

It can also be readily seen that the development of the commercial area with adequate parking facilities might be a velocus service to the whole Woodlawn community. The comstruction of the school on the site previded would also be a necessity if the project is devalopment.

In view of the aforegoing it is the opinion of the Zoming Commissioner of Baltimore County that the development of the property as planned, with the acception of the gar'un type apertment areas, will not be detrimental to the health, safety and general melfare of the community and the realmentfunctions doubt he hod.

It is this Add day of Pebruary, 1953, OMERED by the Zeming Consistence of Bultimore County, that the following properties or areas should be and the sems MTP burbly reclassified from aniafter the date of this orders

The lsi, 2nd, 3rd, ith, 5th, 6th, 7th ann 8th parcels from "A" haddeno Gose to a "P" haddeno Eone. The 10th, 1th, 12th, 1th and 1th parcels from an "A" Residence Eone to a "P" Residence Eone, and The 15th parcel from an "A" Residence Eone to an "P" Commercial Eone.

It is further ONDERED that the 9th parcel, described in the potition, from am "A" Residence Zone to a "O" Residence Zone, be and the seme is hereby denied and is continued as and humains am "A' Parichence Zone.

Zonika Cosmissioner
er Baltimore County

Orosin House Person White

Deciming for the same at a point in the center line of a proposed 15t slary situated Northeasterly 1000 plan or minus at a right angle from a point on the Easterment cuilline of the whole treat in the conveyance from G. F. Anderson to Iculas Mains, et al., aforementioned, said point on Easterment cuilline both 2005 plan or minus seasured Southwesterly along said cuilline from the center line of Engence Societ, running themes on the center line of each 26t alley the following four courses and distances: Sorthwesterly 550° plan or minus, Southwesterly 150° plan or minus to the souther line of a proposed 50° struct, running themes along the Sorthwesterly 150° plan or minus to the center line of a proposed 16° alley, running themes the four fallering courses and distances: Sorthwesterly 150° plan or minus to be called the structure of the structure

Containing 10.5 serve plus or sinus. Being Fardel \*D\* as shown on the plat filed with the Zoning Department of Saltimore County.

broup.

Deplining for the seem at a point Lossied at the intersection of a proposed 15° allay and a proposed 60° street, said allay being Northeasterly 700° place or simms free the Restrances cuttine of deet referred to in the shows description of Percel 70°, said point or Esterament cuttine being Southerly 1206° place or simms from the Southerly 1206 and the said allay the three following courses and distances Dorbassterly 1200° place or simms, Southeasterly 100° place or simms, Southeasterly 100° place or simms, Southeasterly 100° place or simms, Southeasterly 110° place or size at the North side of a proposed 60° sizes, these continuing rame line series and street 60° place or form or said 50° size at the four following courses and distances: Southeasterly 500° place or sizes, Southeasterly 500° place or sizes and South-Laterly 110° place or sizes to the Sorth side of a proposed 50° sizes to not to the south time of a proposed 10° alloy, remain Southeasterly 500° place or sizes to the south to the Southeasterly 500° place or sizes to the content time of a proposed 10° alloy, remain Southeasterly 500° place or sizes to the southeasterly 500° place or sizes to the southeasterly 500° place or sizes to the southeasterly 500° place or sizes 10° pl

Containing 11.2 acros plus or minus, being parcel "E" as shown on the plat filed with Zoning Dypertment of Baltimore County.

Orosp House Parcel "J";

Abstratts for the same at a point in the desher line of a proposed LC allay situated at right angles and datumi 150% plue or since from the sender line of Degmost med and Easterly 1330; plue or since research along the center line of Degmost med and Easterly 1330; plue or since research along the center line of purposed Rood from the Northmest corner of the shall treat of the converyance from 0. H. Anderson to louds Malan, et al., running theses clong the center line of said 154 allay Southeastarly 1300 plue or minus to the center line of a proposed 50° sizes, running that the first line of any proposed 50° plue or minus to the center line of any proposed 15° allay running theses along the center line of said allay the three full-cing courses and distances: "Sectorly 200" plue or ninus, Earthwesterly 20° plue or ninus, Earthwesterly 20° plue or ninus to the place of beginning.

Containing 1.6 acres plus or minus, bring Purcel \*J" as shown on the plat file\* "th the Zening Department of Haltimore County,

Oroup

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Group Noves Parcel Wills

Reginning for the same at a point at the intersection of a proposed 16' alley and a proposed 50' street, seld point being located Southeasterly 290' plus or minus from a point on the Westermost outline of the whole tract referred to in the above-mentioned conveyence from C. H. Anderson to Louis Weise, et al, said point on the Westeramost outline being Southwesterly 1050; more or less from the center line of Dogwood Boad running Southeasterly, thence on the Morth side of said street. 280° to the center line of a proposed 16° allay, running themos Southwesterly along the center lims of said alley and seroes a proposed 60' street 600' plus or minus to the South side of a proposed 60° street, rurwing thence along the South side of said 60' street Southeasterly 195' plus or mirus to center line of a proposed 16' allay, running thence on center line of said allay Southwesterly 230' plus or minus to the North side of a proposed 60% street, running themee across said street Southwesterly 280' plus or minus to the North side of a proposed 60' street, running thence on the North side of said street, Northwesterly 170°, running thence Southersterly acress said street 60' plus or minus to the Northwest side of a proposed 60' street, running thence along Morthwest side of said street Seuthmen sorly 630' plus or minus to a point 180' plus or minus from the Westernmost outline of the aforementioned correvance from C. M. Anderson to Louis Weiss, at al. rumning toence Northeasterly parallel to said Westermest outline 250° plus or minus to the South side of a proposed 60' street, running thence on the South side of said street Southeasterly 120' plus or minus, running thence Northeasterly and across said 50' street 65' plus or minus to the center line of a proposed 16' alley, running along the center line of said alley the two following courses and distances: Northearterly 160° plus or minus and Northwesterly 130° plus or minus to the Southcest side of a proposed 60' street, running thence along the Southeast side of said street 353' plus or minus to the center line of a proposed 16' allay, running thence along the center line of said 16' alley the two following courses and distences: Southeasterly 130' plus or minus and Northeasterly 130' plus or minus and Northeasterly 770' plus to the place of beginning

Containing 15.6 sorum plus or minus, baing Rerest was about on the platfilled with the Zoning Department. Bultimare Geomy.

Oremp.

March 5, 1953

323,00

RECEIVED Of John S. Hahle, Attorney, the sum of Taenty two (\$22,00) beliars being cost of appeal for pesition for reclassification south side Dogscod Road, Louis Weiss, et al. 1st District

Zordny Oppodesioner

PAID

MAR 5 - '3

COUNTY CHAMISSIONERS
OF ACT HOME COUNTY
OF THE HOME

January 19, 1953

£130.00

HECHIMP of Louis Weiss, et al. the sum of Ono Numbered and Thirty Four (83%,00) bollers, being cost of patition for reclassification, advertising and posting of property, Degreed Rose, Jul Matrift.

Zoring Ucean saiemer

Bearings Konday, Jun. 19, 1953 at 1:00 pake Reckord Eldge, Towner, Md.

PAID

JAN 18 53

COUNTY COMMISSIONERS

OF SALTIMORE COUNTY

BY THE COUNTY

Soud-detached Parcel Witz

Regimning for the same at a point measured Serbmant along the Southermont cutlins 1500 more or less from the Southermont cutlins 1500 more or less from the Southermont cutlins of whole treat of couragement of G. H. Anderson to Lorde Watney, et al., remains themont at claff trights to the said Southermont cutlins of said trues. Northwaterly 100 more or less to the Southermant and of as proposed 60' stront, running themone Serbmant aids of and 60' stront, running themone saids and 60' stront, running themone for limes of division the two courses and distances, Destroyal Poly 15' more or less to the Post aids of a proposed 60' stront, running themone along the Seat title of daid 60' stront 50' more or less and Southerstand themone for limes of division the two following courses and distances; Southwasterly 200' more or less and Southerly 360' more or less to the Southermonet cutlins of the shalls treat of couragement of Anderson to Weine, running themose along aid outside Southeasterly 365' more or less to the Southermonet.

Containing 3.3 Acres more or less. Being Parcel 900 as shown on the plat filled mith the Edding Department of Baltirwe County.

Dea

September 2, 1991

825,00

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MONTYD of John S. Niells, Attorney for protestants, the man of Tearly Four (201,00) Dellars, being solitional control for stenographic services in the nature of reclassification of property on Deposed Wass, Max integs, at d.g. putiliners.

Zoning Counterioner



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OFTEN LANGE THIS W

July 27, 1954

\$25.20

RECEIVEL of Eugene H. Feinblatt, attorney for Weiss Brothers, petitioners. the sam of \$25.20 being cost of certified copy of petition and other papers fixed in the matter of reclassification of property, Degwood Road, 1st District of Baltimore County.

Zoning Comissioner



GARDEN CONSTRUCTION CORP., DEVELOPERS DEVELOPMENT SECURITY SITE PROPOSED IN THE VICINITY OF THE SOCIAL LAND Social Security Site









