

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO A "B" RESIDENCE ZONE - S. S. Joppa Road 400 ft. E. Harford Road, 11th District - Robert L. Carney, Petitioner

The property covered by this petition is located on the south side of Joppa Road, beginning 400 feet east of Harford Road, with a frontage on Joppa Road of 735 feet. Joppa Road on the north side for the most part is constructed with cottage type development. On the south side the majority of the area is undeveloped with the exception of the 400 feet immediately east of Harford Road and which is some ~~partially~~. The area on the east side of Harford Road and lying directly adjacent and contiguous to the property covered by this petition is built up with cottages for a depth of approximately 400 feet easterly from Harford Road.

The petitioner stated that it is his opinion that this property is suitable for group houses only and for which a said petition has been filed. It is well known that the Eleventh District of Baltimore County, up to the present time, does not contain any group houses. However, it is the contention of the petitioner that group houses will have to start somewhere in the Eleventh District.

In a recent decision handed down by Judge J. Howard Murray, of the Circuit Court for Baltimore County, he refers to the case of Kracke vs Weinberg, 79-4 (2-4), 387, which was presented before the Court of Appeals, in which he stated as follows:

"The Court of Appeals in said case used very simple language to state the legal basis which must be shown to exist before a re-classification or re-zoning is permitted".

Also in the decision as handed down by Judge Murray, he further stated and I quote as follows:

"The third, fourth, eighth and eleventh districts were then and still are used for cottage type purposes. The fifth, sixth, seventh and tenth districts are primarily agricultural. The zoning in them accordingly was not interim or stop-gap but was comprehensive and correct. This is not to say that these districts are to be forever restricted to these uses, but it is to say that these uses are to be changed only when justified by a genuine change in conditions".

If this petition were granted it could definitely be a case of "spot zoning" in view of the fact that group house areas do not exist in this district. As mentioned above from questions in a recent decision of Judge Murray, the original zoning was comprehensive and correct in that the Eleventh District was set up for individual cottage type areas.

In view of the foregoing it is the opinion of the Acting Zoning Commissioner of Baltimore County that the character of the community has not changed to the extent that the original zoning was incorrect and said petition, if granted, would be detrimental to the entire community and the reclassification should be denied.

It is this 2nd day of February, 1953, ORDERED by the Acting Zoning Commissioner of Baltimore County, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain an "A" Residence Zone.

J. Charles Hemmelt
Acting Zoning Commissioner
of Baltimore County

Petition for Zoning Re-Classification

To The Zoning Commission of Baltimore County:-

I, Robert L. Carney, of the legal owner of the property situate 11 that parcel of land in the 11th District of Baltimore County on the south side Joppa Road beginning 400 feet East of Harford Road, thence along the south side of Joppa Road 735 feet, thence South 5 degrees 15 minutes West 1954.33 feet, thence South 84 degrees 47 minutes West 1110.25 feet, thence North 4 degrees 32 minutes East 1712.95 feet, thence South 80 degrees 27 minutes East 376.33 feet, thence North 5 degrees 47 minutes East 252.33 feet to place of beginning

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

Reason for Re-Classification: Group houses

Size and height of building: front feet, depth feet, height feet.
Front and side set backs of building from street lines: front feet; side 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 Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Robert L. Carney
Robert L. Carney
Address: 11th District
11th District

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of December, 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 hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Record Bldg., in Towson, Baltimore County, on the 19th day of January, 1953, at 11:00 o'clock A.M.

1/19/53
HAM
Zoning Commissioner of Baltimore County
(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 1-7-53
Posted for: Robert L. Carney
Petitioner: Robert L. Carney
Location of property: S. S. Joppa Road 400 ft. E. Harford Road, thence along the south side of Joppa Road 735 feet, thence South 5 degrees 15 minutes West 1954.33 feet, thence South 84 degrees 47 minutes West 1110.25 feet, thence North 4 degrees 32 minutes East 1712.95 feet, thence South 80 degrees 27 minutes East 376.33 feet, thence North 5 degrees 47 minutes East 252.33 feet to place of beginning
Remarks: Approved
Posted by: George K. Johnson Date of return: 1-8-53

FILED JAN 12 1953

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 9, 1953

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. between the 10th day of January, 1953, the first publication appearing on the 2nd day of January, 1953.

THE JEFFERSONIAN
W. J. Jefferson
Manager

Cost of Advertisement, \$

Esquire Union Skin
MADE IN U.S.A.

January 19, 1953

\$23.00

RECEIVED of Robert L. Carney the sum of Twenty Three (\$23.00)
Failure being cost of petition for publication, advertising
and posting property, south side Joppa Road.

Acting Commissioner

Heard at:
Monday, Jan 19, 1953
at 11:00 a.m.
Record Bldg.
Towson, Md.

PAID
JAN 19 53
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
By *W. J. Jefferson*

