

WILLIAM T. BIRNBAUM
HELVY J. GOLDMAN and
PHILIP E. KLEIN
VS
Board of Zoning Appeals
of Baltimore County

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
LAW

ORDERED the seventh day of July, 1955 that the
action of the Board in the above-entitled matter be and is
herby sustained.

July 7, 1955

John B. Gontus, Judge

2842

CHARLES B. BOLEY

BALDWIN & BOLEY
ATTORNEYS AND COUNSELLORS AT LAW
715 PAUL STREET
BALTIMORE 1

June 1, 1954

Board of Zoning Appeals of
Baltimore County,
Towson, 4, Maryland

Gentlemen:

Wm. Bierman, M. Edwin Goldman
& Philip E. Klein, Petitioners,
VS
Board of Zoning Appeals of
Baltimore County

Please strike out my appearance for the Petitioners in the above case.

Very truly yours,

Charles B. Boley
Charles B. Boley

CBB:mbh

TELEPHONE, SARATOGA 7-1234

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "W" RESIDENCE ZONE -
Property beginning on W. Boundary of
Baltimore City 260 ft. S. of Int. of
Hesterstown Road & W. Boundary of Baltimore
City - Wm. Bierman, M. Edwin Goldman
and Philip E. Klein, Petitioners

The petitioners are the owners of a tract of land containing
forty seven and one half (47-1/2) acres in the Third District of
Baltimore County. They also own land adjoining the tract in
question in Baltimore City, which is zoned for Group Houses but
which has not been developed as yet.

Testimony showed that if the subject property could be re-
zoned for Group Houses it would have a market value two and a half
(2-1/2) times greater than its present value as cottage residential.

The owners are of course, anxious to appreciate the value of
their land and contend that the normal access to the tract will be
over streets to be laid out in the existing group house zone in
Baltimore City and that the necessity of passing through a group
house zone in order to reach a cottage zone has a depreciating effect
upon property in the cottage zone.

This Board is not convinced that this is necessarily true, but
if it is, the petitioners knew this before they bought the land and
since they own the adjoining group house land, which is undeveloped,
they need not develop it for group houses but may develop it for
cottages if they see fit.

One of the petitioner's own Real Estate Experts testified
that to put group houses along side of and in the same area with the
fire type of cottage homes in Colonial Village, lowering the subject
tract, would have a very definite depreciating effect upon these homes
since, says he, group houses and cottages do not mix and for this
reason, we see no need to extend the group house zone in Baltimore
City into Baltimore County merely to enable the petitioners to make
money at the expense of existing home owners.

We believe that the subject tract is desirable and suitable for
cottages and was correctly so zoned. If it is less desirable by
reason of the necessity to pass through the group house zone in
Baltimore City, the petitioners have it within their power to develop
the group house zone in Baltimore City with cottages so as to conform
with Baltimore County zoning.

The character of the homes in the Third District of Baltimore
County is exclusively cottage residential with the exception of a
small piece of land containing about three acres which was reclassified
to group houses in 1950 in order to enable a developer to complete
his project of group houses in Baltimore City since the tract of land
which he was developing over-lapped into Baltimore County, the very
small parcel containing less than three acres.

We do not find that this reclassification or any commercial
or industrial reclassification in this District changes the character
of the neighborhood so as to warrant a reclassification of the subject
tract.

A further reason for refusing the reclassification of the
subject property is that it would cause too great a density of
population in this area and would overload public facilities and
schools.

It is therefore ordered by the Board of Zoning Appeals this
17th day of JUNE, 1954, that the Zoning Commissioner is
hereby affirmed and the petition for reclassification is hereby denied
and the area is to be and remain an "A" Residential Zone.

Charles B. Boley
Chairman

Carl F. Hadden
Member

Charles B. Boley
Member

Board of Zoning Appeals of Baltimore
County.

Filed Feb. 8, 1955

2842

RE: PETITION FOR RECLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO A "W" RESIDENCE ZONE -
Property beginning on W. Boundary of
Baltimore City 260 ft. S. of Int. of
Hesterstown Road & W. Boundary of Baltimore
City - Wm. Bierman, M. Edwin Goldman
and Philip E. Klein, Petitioners

Pursuant to the advertisement, posting of property and public
hearing on the above petition and it appearing that for the reasons
stated below the zone reclassification should NOT be had:

1. That the only change being 2.7 acres from an "A" Residence
Zone to a "W" Residence Zone to complete the group house
zoning on a plot of ground owned by the Maryland Realty
Company, Incorporated, known as "Crestwood", all of which
was in Baltimore City except the aforesaid 2.7 acres in
Baltimore County. There are no other group houses in
the Third District.
2. That the Baltimore City line is a buffer zone on one side
and the other three sides of this tract are all zoned
"A" residential.
3. Colonial Village is a valuable cottage community, the value
of which would be substantially depreciated by the develop-
ment of group houses and would be detrimental to the
general welfare of those residents of Baltimore County who
have invested substantial sums in "A" residential property
which adjoins this tract.
4. That it is apparent there was no mistake in the original
zoning or that the character of the neighborhood has
changed to such extent as to warrant this reclassification,
5. That additional school facilities would add to the already
overburdened situation which now exists in the Pikesville
area.

It is this 2nd day of February, 1954, ORDERED by the
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.

William T. Birnbaum
Zoning Commissioner
Baltimore County

Mr. Wilton H. Adams,
Zoning Commissioner of
Baltimore County,
Towson, Maryland

Please enter in appeal to the Board of
Zoning Appeals of Baltimore County from your decision denying
the reclassification, in the above matter, and transmit all
papers to said Board.

William T. Birnbaum
M. Edwin Goldman
Philip E. Klein
Petitioners

Feb. 8, 1955

Baltimore County Planning Commission
303 Washington Avenue
Crown 4, Maryland

WILLIAM W. BRADY, CHAIRMAN
ALFRED G. BECKER, JR., VICE CHAIRMAN
JAMES C. COVY
AUGUSTINE A. HULL
JOHN K. RUFF

January 18, 1954

MEMORANDUM

TO: Wilton Adams, Zoning Commissioner
FROM: Malcolm H. Hill
SUBJECT: Zoning Petition #2842, 3rd Election District

I shall note herewith several factors which appear to be pertinent
in determining the advisability of reclassifying this tract to group
houses.

1. Existing Land Use - The tract in question consists of 47 1/2 acres
in Baltimore County and not quite 19 acres in Baltimore City. The
portion in Baltimore City is now so zoned that it can be built up in
10-foot group houses. The remainder of what might be called the
western or northeast boundary of the property involves a sliver of
property line and the City line. This includes 816 feet of boundary
line of the tract and is the only place where it abuts an existing
group house development. The triangular northern boundary and the
entire western boundary abut on Colonial Village, which is developed
with single family houses. This subdivision, which was constructed
before the formation of the Planning Commission, has made no allowance
whatever for access to or from the property in question. All abutting
lots in Colonial Village back onto this property. The irregularly
shaped southern boundary abuts on undeveloped property, most of which
I believe is owned by St. Vincent's Home or at least is institutionally
owned. The latter property abuts on the Western Maryland Railroad, and
its only apparent access would be either through the property in
question or through the St. Vincent's Home property, a short distance
out from the railroad.

2. Street Access to This Property - The only present street access
to this property is by way of a street through the before-mentioned
group house development known as Crestwood and from Hesterstown Road
through the City portion of the property in question, which was noted
above as being zoned so as to permit group houses. In other words,
any use of this land for future development would mean that it could
be approached only through an existing group house development or
through land in Baltimore City belonging to the same owner as the property
in question, who wish to develop it for group houses. Such a condition
would certainly be a deterring factor in considering the development
of this property for single-family residences. As previously pointed

out, the layout of Colonial Village has already precluded any possibility
of access through the streets of that development.

3. Character of The Site Itself - This office is particularly conscious
of inherent site characteristics which may make a tract unsuitable for
group houses. One of the most important of these is the gradient of the
land. In the case of this property, the slope is gradual and would offer
no grading problem in connection with development for group houses.
The slope is as much as not to produce high banks or appreciable grades
on streets.

4. Relation Between Proposed Group House Use and Utilities - Public sewer
and water are both available for this development. So far as we have
been able to learn, no problem of sewer capacity would be involved in
developing this property for group houses. There appear to be no problems
in connection with surface drainage because the land all slopes gently
toward the natural watercourses at the Baltic near the City line, which
in turn drains into Guyton Falls about 2000 feet southward.

5. The Public School Picture - Our preliminary land use studies indicate
that whether this property is developed in group houses or cottages, a
site should be provided on it for an elementary school. This assumption
is based on a study of the total and potential population in this part
of the County and takes into consideration other existing and proposed
schools and school sites as well as other significant factors. It was
estimated that if the property were developed for group houses, there would
be need for 7 to 8 classrooms; if developed for cottages, there would
be need for 11 to 12 classrooms. The Board of Education has a policy of
building in units of six rooms - that is 6, 12, 18, or 24. The owners
of the property have written a letter to the Board of Zoning Commissioners,
with copies to the Board of Education and Planning Commission, stating
that they will cooperate with Baltimore County in establishing a school
site if officials feel that one is necessary. They have also stated
in value that the price to be paid by the County would not reflect any increase
in value that might result from a change of zoning from single family
to group houses.

It has not been customary in the past for the Planning Commission to
make specific recommendations for or against a proposed change of zoning,
but to present facts which might be of assistance to the zoning officials
in making a decision. We are now, however, in the process of preparing
a Land Use Plan for Baltimore County. The plan in this area has not yet
been prepared enough to justify making a specific recommendation for a
certainly settled. It appears to me, however, in view of all the facts
involved, and particularly the fact that street access to this property
will only be possible through streets occupied by group houses, that
there is considerable justification for recommending the suitability of
this tract for group house development.

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, WILLIAM FLEMMING, M. EBYN GOLDMAN, PHILIP E. KLEIN the property situate All that parcel of land in the Third District of Baltimore County, beginning on the west boundary of Baltimore City at a point distant 960 feet south of the intersection of Reisterstown Road and west boundary of Baltimore City; thence blinding on said Baltimore City line and running southerly 1000 feet; thence the following courses and distances south 1/2 degrees 44 minutes west 220.53 feet, north 20 degrees 55 minutes west 140.53 feet; thence north 55 degrees 04 minutes west 529.45 feet, south 64 degrees 57 minutes west 759.71 feet, north 1/2 degrees 34 minutes west 360 feet, north 23 degrees 23 minutes east 282.13 feet, north 25 degrees 05 minutes east 1454.30 feet, south 39 degrees 45 minutes east 165.31 feet, south 25 degrees 08 minutes 100.53 feet, north 17 degrees 11 minutes east 105.08 feet, north 11 degrees 50 minutes east 616.43 feet, north 14 degrees 19 minutes east 32.29 feet to place of beginning, containing 47.401 acres more or less.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "R-1" zone to an "D" zone.

Reasons for Re-Classification: (Change 484.558)

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.

William Fleming
M. Ebyn Goldman
Philip E. Klein
Legal Owner

Address 211 E. Fayette St.
Bm 10-140

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of December, 1953, 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 between be had in the office of the Zoning Commissioner of Baltimore County, in the Rockford Bldg., in Towson, Baltimore County, on the 28th day of January, 1954, at 2:00 o'clock P. M.

Zoning Commissioner of Baltimore County
(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd Date of Posting 1-6-54
Posted for William Fleming, M. Ebyn Goldman, Philip E. Klein
Petitioner: William Fleming, M. Ebyn Goldman, Philip E. Klein
Location of property on the west boundary of Baltimore City at a point distant 960 feet south of the intersection of Reisterstown Road and west boundary of Baltimore City
Remarks: George E. Hummel Date of return 1-7-54

February 9, 1954

\$23.00

Received of Messrs. Fleming, Goldman & Klein, the sum of This or (\$23.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the order of the Zoning Commissioner denying reclassification of property beginning on the west boundary of Baltimore City 960 feet S. of the intersection of Reisterstown Road and west boundary of Baltimore City, 3rd District.

Zoning Commissioner

PAID
FEB 9 - 1954
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY 21.21

August 12, 1954

\$6.20

RECEIVED of Service Realty, Co., Inc. the sum of \$6.20 being cost of certified copy of petition and other papers filed in the matter of reclassification of property, beginning on the west boundary of Baltimore City 960 feet south of Reisterstown Road, 3rd District, Messrs. Fleming, Ebyn Goldman and Philip E. Klein, petitioners.

Zoning Commissioner

PAID
AUG 1 1954
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY 21.21

February 9, 1954

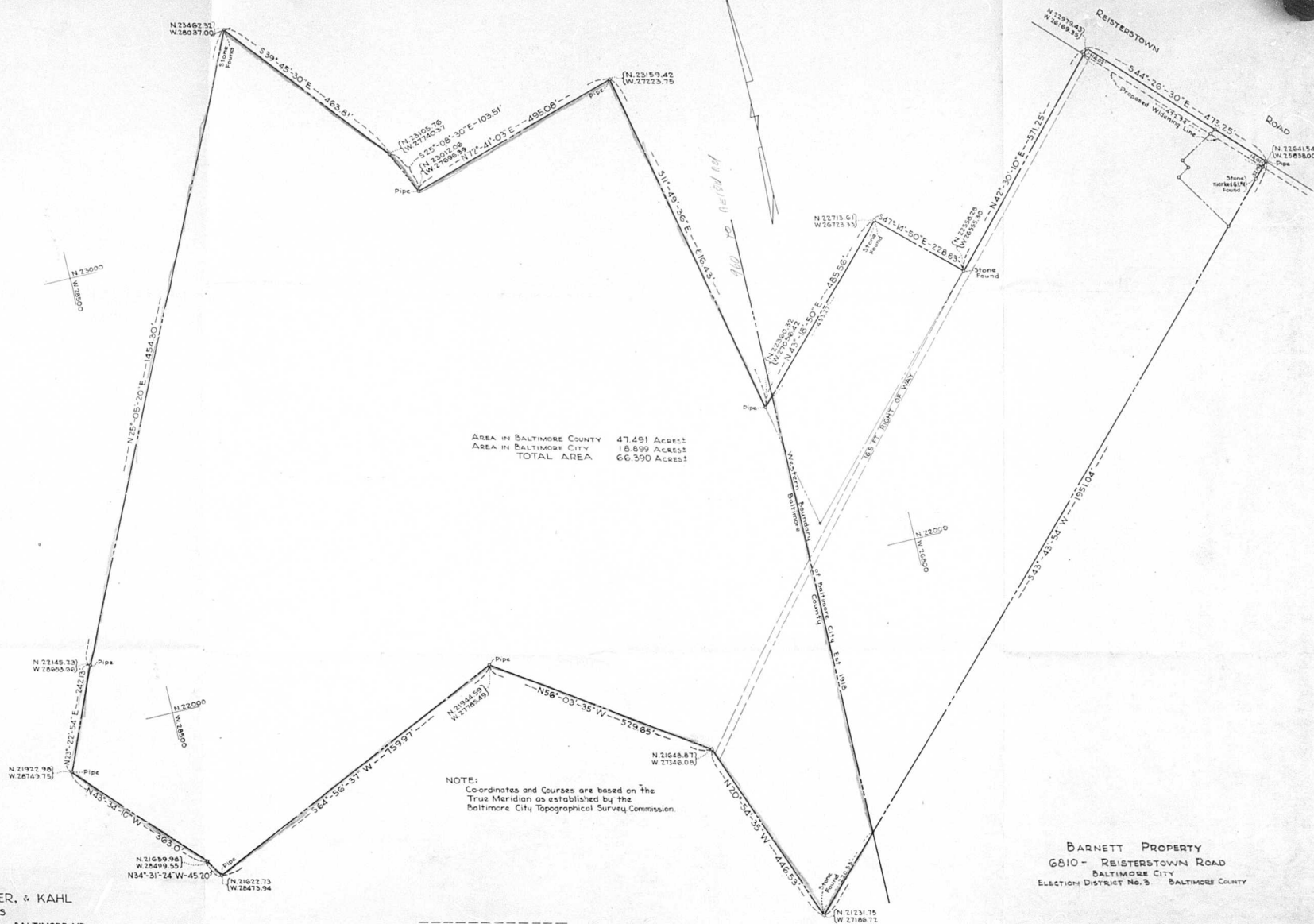
\$23.00

RECEIVED of Messrs. Fleming, Goldman & Klein the sum of Twenty Three (\$23.00) Dollars, being cost of petition for reclassification, advertising and posting property, beginning on the west boundary of Baltimore City 960 feet south of Reisterstown Road, 3rd District.

Zoning Commissioner

PAID
FEB 9 - 1954
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY 21.21

H 2842
MAP
H 283A



RUMMEL, KLEPPER, & KAHL
ENGINEERS
1021 N. CALVERT ST. BALTIMORE, MD.

WILLIAM R. KAHL
REGISTERED ENGINEER