COUNTY BOARD OF APPEALS 15TH OF RALTIMORE COUNTY No. 3042

A hearing was held by the Zoning Commissioner of Bultimore County on June 2, 1954 on file No. 3042 - j. Thos. Requard, et al - petition for a reclassification of from "F" and "G" Industrial to an "A" Residential on property located on the east side of North Point Road apposite East Baltle Grove Road in the 15th District of Baltimore

Under date of August 23, 1954, the reclassification was granted by the Zoning Commissioner of Baltimore County, Wilsie H. Adams.

On August 28, 1954, Mr. Clinton P. Pitts, attorney for the ?ennsylvania Railroad, filed an appeal to this decision. This case has remained open in the zoning files during these past eight and one-half years. During the past two years various efforts have been made to reach the parties in question. A registered letter, under date of February 15, 1963, was sent to the last known address of Mr. J. Thos. Requard and was returned for lack of a forwarding address.

The Board of Appeals has availed itself of every appartunity to reach the parties in question and having no testimony before it to warrant a reclassification, it is the unanimous opinion of the Board of Appeals that the property should revert to its ariginal zoning as it appeared on the zoning maps prior to Mr. Adams' decision of August 23, 1954.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

DATE: 2000 1 196 3

Potition No. 3042 District No. 15 Processed by D. Stanton Hearing Scheduled for Wed., June 2

Subject of Petition: From F (Light Industrial) and G (Newry Industrial) to 1 (Residential) - E.s. of North Point Rd. beginning opp. E. Battle Grove Rd.

In expressing the views of t. Planning Commission on this petition we should like to quote the following sections from a statement presented in October, 1953 concorning the petition for resoning of the truck immediately adjacent to the south of the property now under consideration. The previous potition was for a change from Industrial to Group House sonings

"About a year ago the Planning Commission was authorized by the Board of County Connicationers to undertake, through its technical staff, the preparation of a Land Use Plan for Baltimore County, and to restudy and revise the soning regulations and map so me to promote putting such a plan into effect over a pariod of time. One of the i cortant proposals in the new genine regulations is to recognise that from the standpoint of public health, safety, and goneral wolfare, it is just as important to keep residen. A developments from entering into industrial mones as it is to keep industries from inveding residential districts. From the early days of soming, the logic of keeping industrial uses from mixing in among dwellings was recognized. persons over questioned that it is reasonable and legal to keep industrial fuses, amoke, dust, odors, noises, and other AILA hazards or objectionable features away from houses; or to protect children from the safety hazards resulting from use of reeidential streets by heavy industrial vehicles going to and from plants. In recent years it has become recommised that this idea works both ways. That is to say, yegardless of how the tract is somed, houses and industry don't mix, particularly in the case of heavy industry. This is the main reason for proposing to keep new residential areas out of industrial xones.

"It is doubtful that anyone would question the importance of continuing to

SUNTON P. PITTS

JENIFER AND JENIFER OWBON & MARYLAND

-

3042

August 28, 1954

Mr. Vilsie H. Adems, Zoning Commissioner 303 Washington Avenue Towson 4, Maryland Re: Petition

Re: Petition for Reclassification from an *F* Industrial Zone and a *G* Heavy Industrial Zone to an *A* Residence Zone - E. S. Morth Point Road opp. Zest Dattle Grove Road, 12th Dist. J. Thos. Requard and Julius Requard, Petitioners

On behalf of The Penneylvania Railroad, please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision and Order of August 23, 1954, granting the reclassification in the above matter from an "F" Light Industrial Zone and a "G" Heavy Industrial Zone to an "A" Residence Zone and forward all papers pertaining to this matter to said Board of Zoning Appeals of Baltimore

Very truly yours,

KILUD AUG 3 0 1954

Dear Mr. Adams:

CPP:JS

Jenifer and Jenifer By Chiston P. Petts Attorneys for The Pennsylvania Railroad

desirable new industries into the right locations in Baltimore County in order to strengthen the tax base, and to counter-balance the translatus amount of new residenttal development in the County, very little of which comes envelope near to maying its way, through the real estate tax. Yet residential enconcements into an industrial zone, like the one proposed in this case, actually discourage new industries in their vicinity. Where residential developments precede industry in such cases, home owners sometimes tend to resent and to take steps to discourage the coming in of industrial uses nearby, even though the land is specifically zoned and intended

"Since the adoution of roming in Baltimore County, the tract in question may been zoned industrial - partly light and partly heavy. No one has quer hosed the appropriateness of such soming to date. In recent years two important facts have greatly increased the desirability of this immediate area for industry. One is the new industrial branch railroad, which would serve the tract in question. The other is a new 35-inch water main"(this has now been completed to Wise Ave. and North Point Road), "which will be (wailable very moon, Lack of an adequate public water supply has been the asjor factor in delaying industrial use of this locality up to this time. With feverable level land, access to a sanitary sewer, and being only a short distance from a dual highway - near Wise avenue which is soon to be widened - this tract and the land in general to the north and south of it somesr to have all the things that new industries would need.

"In Movember, 1952, the Planning Commission approved a plan for this same tract, showing 121 simple-family lots. At that time the Commission had no choice but to approve the plan, for soming regulations then permitted any type of real 'ential use in an industrial zone. As of October 1, 1953, however, a new zoning amendment is in effect, requiring a special permit for a new dwelling to be built in an industrial zone. We believe that edoption of this mining amendment by the Baltimor County Commissioners shows that they are convinced that it is important to preserve industrial zones for industry.

13042

Petition for Zoning Re-Classification /map #15-8 1. or we, J. Thamas Requard + "A"

5/4/54

in the 12th Dist. Balto County If The second is the second in the second in

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from anti- to Industrial zone to on A Residential lone Reasons for Re-Classification: To provide homes

Size and height of building; front Front and side set backs of building from street lines: front... Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay ex, cases 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 Ba'timore County.

> Jacquel Hymand Shower former Legal Owner

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd1954., that the subject matter of this petition be advertised, as required by the "Zoning 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 Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the

a

Zoning Commissioner of Baltimore County

"At present there are so few dwellings in this locality, on the easterly side of North Point Boulevard, that provis, in of school fectilities offers no problem. A future elementary school is being planned for, across the Boulevard, in the Battle grove area. To reach this school, pupils in the group house area proposed by this petition, and of course to a lesser extent, by the one-family development which could be built on the same truct, would seen walking across this dangerous dual highway by all elementary school children who would live in this area. The number of pupils from this tract alone would not juntify building a school of if on this side of the Roulevard. Construction of enough houses to furnish a sufficient number of public to justify a school would mean diverting of so much acreage from industrial to residential use as to be a serious encrosoment on this desirable and for cal industrial district.

The development of the additional tract for residential use, however dense, would not mid enough school children . alter the situation. The total houses which would result from the development of the tract under consideration, the adjoining treet, already moned, and the existing dwellings in the area to the east of North Point Hoad would total about 600. This many families would yield about 300 elementary school pupils, which would not be nearly enough to warrant what the Board of Education consider a minimum size school.

Furthermore, land use studies indicate that the combined facilities of both the existing Gray Manor Elementary School and the new school planned for the Battle Grove Area, both of which are on the west side of North Point Road, would be inadequate to accomposate the pupil load which would result from the proposed residential development of these two tracts on the east side of the road. Both of the e schools will be 24 room facilities, the mixings size which the Board of Education consider practicable. Both will be entirely filled by pupils coming from houses or the west of North Point Road. Buer Caser, on the west, and Marth Point Road, on the east of this area create barriers which would make it functionally and aconomic ally difficult to schedule a third school in this area. Therefore, it appears that

post there being an apprecia area of univeleged injustrial property, it does not seem proper to demy the petitioner the right to use his property on afcressid as it adjoins an existing "A" Residence Zone.

It Is Ordered by the Zoning Commissioner or Baltimore County this. 23.44. day of

hereby reclassified, from and after the date of this Order, from a. n.F. & G. Industrial ... sone

Pursuant to the advertisement, posting of property and public hearing on the above petit

to a.p. "A" Postdence

appearing that by reason of ...

Olilow N. Cedam

the shore re-classification should NOT be had

above described property or area be and the same is hereby continued as and to remain a

Zoning Commissioner of Baltimore County

County Commissioners of Baltimore County

even though elementary echool pupils were sent across North Point Road to school it would be extremely difficult to accommodate them after they got there,

It should be pointed out that there is limited land available in the industrial areas of the County affording suitable sites for new and emmading industry. An industrial survey made by the Planning Commission in 1951 indicated that 49% of existing industrial concerns in the County reported that their present sites were inniequate for future excession. As an indication of the depand for industrial eites in the Patenaco Rier Reck eres three industries have recently bought land for 290,000 square feet of plant space in the area somed for industrial use. Two of these sites are to the south of the property under consideration and ore is to the

The Land Use Plan for this area is nearly completed and indicates that he area should remain to industrial use. This land to at present in sericultural uses me it has been for many years. It does not seen that any hardship will result from its remaining in this use until it is needed for industry. There are also ary uses such as golf driving ranges, baseball batting ranges, etcl, to which it could be put. The fact that the owner cannot find an immediate buyer for industrial use does not necessarily mean that the land should be resented for residential use in order to make a quick sale possible,

In view of the various reasons mentioned, the Planning Commission believes that it is to the best interst of the public health, safety, and experal welfare of the citizens of Baltimore County that this property not be rezoned for houses.

O.K. mildice

RECEIVED of Delmar Transfer the sum of Thirty (\$30,00) Dollars being cost of appeal to the Board of Zoming Appeals of Baltimore County from the decision of the Zening Countsalouser granting reclassification of property on the east side of North Point Road, opposite East Battle Grove Road, from an *F" Industrial Zone to an "A" Residence Zone.

Zoning Constanioner



May 11, 1954

RECEIVED of J. H. Require Realty Cr., the sum of Teenty Nine (829.00) Dollars, being cost of petition for Reclassification, advertising and posting property, east side of North Point Road, beginning opposite East Sattle Grove Hoad, 15th District, Baltimore County, Maryland.

Zoning Commissioner

Wednesday, June 2, 2954 at 11:00 a.m. Reckord Building Towson, Md.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#3042 See Orang Transmissing of gratted the grant Earlieth How he, and the 1364 must profess of the set of the grathe of frankent the another 1364 must grat to the self of the grather of frankent the another Posted to & large Sea Thermond . Date of return 5- 26-54

\$30.00

RECEIVED of Clinton P. Patts, Attorney for The Pennsylvania Railroad, appellant, the cum of Thirty(830.00) Dollars, being cost of appeal to the Board of Zoming Appeals or Baltimore County from the decision of the Zoming Commissioner granting reclassifiation of property of J. Thos. and Julius Requard - cast North Point Road, opp. Battle Grove Road, 12th District.

Zoning Commissioner



Order F 2513 Req # B 1760

MAY 2 4 1954

#3642 Certificate Of Publication

ESSEX, MD., May Soth., 195.4 THIS IS TO CERTIFY, That the annexed advertisement was published in THE EASTERN ENTERIAISE, a weekly newspaper published in Essex, Baltimore County, Md., once in each of __2 __ successive weeks before the __2nd day of _____Juna _____195 .4., the first publication appearing on the _____13thaa_____ day of __May 195..4..

THE EASTERN ENTERPRISE, INC.

NO PLAT IN THIS FOLDER