Petition for Zoning Re-Classification #3222 To The Zoning Commissioner of Baltimore County:-I, or we, Charles Lo. Purphrey __legal owner___ of the property situate All that parcel of land in the Thirmenth District of Baltimore County, on the east side of Annapolis Road, beginning 120 feet south of Delaware Amenus; themes southerly and birding on the east side of Annapolis Road 1261.96 feet with a rectangular depth easterly of 200 feet. A-B Reasons for Re-Classification TPPBOYED Comm Y LIGHT INDUSTRAL USE 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 Raltimore County adouted pursuant to the Zoning Law for Baltimore County. Railes L. Tumphery Aldrew Z. E. Redwood St. Plaza 2-5957 ORDERED By The Zoning Commissioner of Baltimore County, this 12t day of October 1954, 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 Reckord Building, in Towson, Baltimore County, on the 19.5h. at .2:00o'clock ... P.M.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONIN' DEPARTMENT OF BALTIMORE COUNTY
TOWSON, Maryland

10/20 m

Description 13 the Description of Paris of Property of the St. Second for Carlo St. Second fo

3 + 70 F

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of ... the above re-classification should be had It Is Ordered by the Zoning Commissioner of Baltimore County this ... hereby reclassified, from and after the date of this Order, from a ... Zoning Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that proposes wer the line of the gouthern approach road to the Harbor Tunnel passes in an east and west direction through the above property, the petition is premature, the above re-classification should NOT be had: October 1954, 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 a R . " δ^n Wilsie N. adame County Commissioners of Baltimore County President

15.20

SCRIVED of Charles L. Pemphroy the sue of \$15.20

Zoning Comissioner

BECEIVE

JUL 1 1955

COMPTROLLER'S OFFICE

being cost of certified copy of polition and other papers

filed in the matter of reclassification of preperty,

Annapolis Bond, 13th District.

NOV 1 7 1954

PETITION FOR RECLASSIFICATION FROM AN "A" Residence Zone to an "E" Commercial and an "F" Litte Industrial Zone, east side of Annapolis Road, (2) feet south Delaware Avenue, 13th Election District of Baltimore County, Charles L. Pumphrey, Petitioner

: BEFORE THE ZONING
COMMISSIONER OF

BALTIMORE COUNTY

manna

Mr. Commissioner:

Please enter my appearance as counsel for the

Petitioner in the above entitled matter, Charles L. Pumphrey.

TURNBULL AND BREWSTER

John Grason Turnbull 24 W. Penna. Avenue Towson 4, Md. Attorney for Petitioner Petition No. 3222 District 13

Hearing Scheduled for Wed., Oct. 20, 1954

Attention: Mr. Adams

Subject of Petition: From A to 1 - and from A to F - E.s. of Annapolis Ed. 1201 S. of Delaware Avenue

While there is no objection from a land-use point of view to the proposed mange there is a major road proposal which affects the property.

The line of the southern approach road to the Marbor Tunnel passes in an eastwest direction through the property. The rose will be of expressway character and will require a righto-france of considerable width.

The State Rosas Commission are swere of the proposed zoning change.and here

It is recommended that if the Zoning Commissioner grants the petition he excitude from the order that part of the property which is required for the needs of the State Roads Commission.

10-18-54 bb

October 7, 195

845.00

ECCUYED of Charles L. Poulvey, potitioner, the one of Forty Five (50.500) Pollars, being cost of puttion for Re-classification, edwertising and positing property, formapolis Hoad, south of Release Avenue, 19th Hastrick, Buitforce County, Navyland.

Zoning Commissioner of Baltimore County

Hearing: Wechesday, October 20, 195h at 2:00 p.m. Reckord Building, Toxoon, Md.



MODITUD offinities L. Purphrey the sum of Thirty (800,00) Deliars, being out of appeal to the Boars of Zening Appeals of Baltimose County from the decision of the Zening Consissioner desping reclassification of property for Light Instantial lies on the east side of Amesicalis Rest, 120 feet mouth of Delianne Armund, 31th Misteries.

Zonine Complicationer

comber 10, 1951,

#3222

#3222

CHAPLES L. POMPRET ¥3 CHAPLES H. DOING ot al. IN THE CIRCUIT COURT

FOR BALTIMOLE COUNTY MISC. NO. 1189

OPINION

..........

This is an appeal from an Order of the old Zoning Sourd passed on April 13, 1955 denying the reclassification of property on the southeast side of Annapolis Hoad from an A Residence Jone to an E Cummercial and an Y Light-Industrial Zone. The transcript of the record was filed in this Court on July 14, 1955, but for reasons unknown to the Court the Appeal was not argued until the spring of 1957. Seconde of the lapse of time involved it appeared necessary to this Court to take additional evidence, the same being necessary for the proper disposition of the matters and persuant. to the provision of Section 532 H of the Public Local Law, and with the consent of counsel for the applicant and the protestants, the Court appointed George H. Borry Referes to take additional testimony and report to the Court. This procedure was ordered by this Court on april 24, 1957. However, the Order was not filed with the Clork's Office until May 2, 1957. On June 11, 1998 testimony was taken before the Referee and a transcript thereof, together with the Referee's report, was given to the Court on August 12, 1958 and will be filed with the proceedings in this case.

The Court has considered all of the testimony taken before the Zoning Board, the Court has heard arguments of gounsel and the Court has carefully conducted the testimony and report of the Referee.

The Court should not substitute its judgment for that of the administrative body, but where there is clear and obvious error in the material findings of the administrative body, the Court should not hesitate to reverse its action. When the Zoning Board denied the reclassification requested it did so on the basis that there was no error in the original soning, nor any showing "that sufficient changes have taken place in the character of the michiganori, since the original moning, to purpose the reclassification sought". This Court agrees that there was no error in the original moning. but that there has been a very substantial and material chance in the character of the area which not only justifies but demands the reclassification of the subject property; and that under the circumstances of this case the denial of the reclassification sought would be completely arbitrary and illegal, practically amounting to a confiscation of the patitioner's property.

Since the original soning the subject property was bisected by an approach to the Baltimore Earbor Tunnel. In connection with this project the State condessed approximately fifteen acres of the petition's property, leaving approximately eighteen acres remaining. The northern boundary of the putitioner's property is an elevated express-way rising at 1 ast thirteen feet above the petitioner's land. The Court agrees with the Referee that this construction has completely changed the general aspect of this property and has seriously affected its usefulness for residential development. No reasonable person, using a modicum of common sense, could find otherwise. On the south the property is bounded by a high voltage power line; on the east by a railroad right of way and beyond the tracks is a power station and a county dump. On the west side is the Old Annapolis Road. The subject property is isolated from the rest of the community by these barriers. There is no evidence that the reclassification of the subject property would be detrimental to the health. safety, morals or coneral wolfare of the community. Without repeating the findings contained in the Referee's report, the Court shall merely state that it is completely in accord with those findings and any contrary finding is

County Council of Baltimore County

Maryland RILL No. 205

Introduced by Mr. Dignan (1st), Councilman

Entitled AN ACT, to approve Zoning Reclassification No. 3222, dated August 12, 1988, and to amend the official Zoning Map of Battimore County, grant to Section 5226/e of the Code of Public Local Laws of Battimore County, 1955 edition.

Putter Local Laws in Statemers County Cancel of Baltimore County, Marylan Called Carlos (Section No. 3222, date County, Marylan Carlos (Section No. 3222, date County, Carlos (Sectio

Election Defroit of the property of the proper

By the County Council, December 23 4958. I hereby certify that this is the original of Bill No. 35, which was introduced and read the first time on the ar we date.

By Order: Lee S. Thomson, Secretary

local's arbitrary and carricious, and this Court will reas an Order reversing the Board of Zoning Appeals and granting a reclassification of the patitioner's property abutting on the Old Annapolis Road to "Business-Local" for a depth of to hundred feet, and reclassifying the remainder of the petitioner's property, being that portion abutting the railroad right of way, as "Manufacturing-Light".

August 12, 1958

1 750.30 feet to a point 200 feet east of Annapolis Road; thence ta northerly and parallel to Annapolis Road 1285 feet plus or 1b minus to place of beginning.

SECTION 2. And be it further enacted, that the official Zoning Map of Baltimore County is hereby amended in accordance with the reclassification described in Section 1 hereof, and the Zoning Commissioner of Baltimore County is hereby directed and au-thorized to make said amendment upon the official Zoning Map.

SECTION 3. And be it further enacted, that this Act is hereby declared to be an emergency measure affecting the public health, safety or welfare, and, having been passed by the affirmative vote of five (5) members of the County Council the same shall take effect from the date of its enactment.

READ AND PASSED this 6th day of January, 1959

Lee S. Thomson, Secretary

PRESENTED to the County Executive, for his approval this 7th day of January, 1959. Lee S. Thomson, Secretary

APPROVED AND ENACTED: January 15, 1959 Christian II. Kahl

I HEREBY CERTIFY THAT BILL No. 205 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON JANUARY 15,

Augustine J. Muller Chairman, County Council

February 3, 1959

The notition in the above entitled case is for a reclassification of property from an "A" Residence Zone to an "E" Commercial Zone and an "F" Light Industrial Zone, in an "A" Residence

RE: PETITION FOR RECLASSIFICATION FROM AN "A" PERIPERS DURS TO MYS COMPENSATION FROM AN "A" ESSIEDING SOURS TO MYS COMPENSATION SOURS TO MYS COMPENSATION SOUR AND AN "YS LIGHT INDUSTRIAL ZONS - Property located at a point 200 feet S.S. of Ammapolis Road, 100 feet S. Delaware Ave., 13th District - Chas. L. Pughrey, Petitions

The evidence failed to show an error in the original soning or that sufficient changes have taken place in the character of the neighborhood, since the original soning, to warrant the reclassification sought. It was testified by the protestants that there is considerable connercially moned property undeveloped in the area and that there is no further need for commercialization. To reclassify the subject property would be detrimental to the safety and the general welfare of the community and be "spot zoning".

It is this 13th day of April, 1955, ORDERED by the Zonine Commissioner of Baltimore County, that the aforesaid ORDER of the Zoning Commissioner denying the reclassification is hereby affirmed.

Board of Zoning Appeals

NO PLAT IN THIS FOLDER