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#3633
MISSIONER
MAP

W.S. York Rd., box 1770 S. of
Quaker Bottom Road 6th Dist.

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CASE NO. 3633

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Baltimore County
Board in complia

18.7 acres, from the 8th District, about one-fourth mile south of Bedford frontage of a

reasoning to M. acre tract, with tory for the ma ed by the Fed s. The Company U. S. 40 east, erty as an exa at is conscious , and which wa her than in the s not necessari ctory which its e of its buildi ous and depreci ding planned to nce to the exis

dust, odors, characteristic of some give ample proof of those specific emissions and require Planning may be rigidly adhered to would be 150 feet the same distance building is, just in Towson. The distance 50 feet farther 190 feet from provision - as in off-street parking expansion. Many plant by way interchange at Shady

Page -2

Plan for

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Page 3

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Malcolm H. Bill,
Director

Director

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analyses

By Wilbur N. Adams
Wilbur N. Adams
Zoning Commissioner

#3633
9-28-9

3633
9-28-9

Posted by George R. Thompson Date of return: 9-29-53



Please enter an appeal from your
letter, dated November 10th, 1955, to the
Baltimore County.

TURNBULL AND BREWSTER
by: *John Grason Turnbull*
John Grason Turnbull
24 W. Penna. Avenue
Towson 4, Md.

RECEIVED of Malkin, Messian, Martin & Taylor, attorneys
for protestants, the sum of Twelve (\$12.00) Dollars, being cost
of certified copy of petition and other papers filed in the
matter of reclassification of property of Harry A. Dunmore,
west side of York Road, 1770 feet south of Quaker Cotton Road,
8th District.

Zoning Commissioner

RECEIVED of John Oason Turnbull, Attorney for Harry A. Dundore, petitioner, the sum of Fifty (\$50.00) Dollars, being cost of appeal from the decision of the Zoning Commissioner granting reclassification of property on the west side of York Road, 1770 feet south of Quaker Bottom Road, 6th District.

Zoning Commissioner

RECEIVED of Harry A. Dandore, the sum of Thirty Five (\$35.00) Dollars, being cost of petition for Reclassification, advertising and posting property, on the west side of York Road, beginning 1770 feet south of Quaker Bottom Road, 8th District, Baltimore County, Maryland.

It was necessary to post the above property with Three signs. Therefore, there is a balance of \$6.00 due. May we please have your check, payable to the COUNTY COMMISSIONERS OF BALTIMORE COUNTY, for the same.

Thank you.

Zoning Commissioner of Baltimore County

Hearings:
Monday, October 10, 1955
at 11:00 a.m.,
Reckord Building
Towson, Maryland
cos: W. P. Bolton Jr.
Duncan Building
Towson, Md, Maryland

PAID
SEP 21 1963
COUNTY COMMISSIONER
OF BALTIMORE COUNTY
BY *W.W.*

RECEIVED of Diecraft, Inc., the sum of Six, (\$6.00)
Dollars, being additional cost for posting property,
on the west side of York Road, beginning 1770 feet south
of Quaker Bottom Road, 8th District, Baltimore County,
Maryland.

Zoning Commissioner of Baltimore County

Reckord Building
Towson, Maryland.

PAID
SEP 21 1963
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY W. N. I.

Zoning—Comprehensive Plan—May Look To Potential Uses, Not Determinable At Passage Of Act—Subsequent Baltimore County Manufacturing, Restricted Zoning Provision, Approved. A zoning plan does not cease to be a comprehensive plan because it

[illegible]

ZAMINGO—Baltimore County—Manufacturing, Restricted Zones—Presumption That Legislation Establishing Was Correct—Burden Of One Attaching. The legislative determination of the County Commissioners of Baltimore County that there existed facts and conditions calling for the passage of the regulations as to Manu-

214 Md—4

facturing. Restricted in the manner in which they were paid, raises a strong presumption that the action was correct and the burden on one who attacks the legislation is to show—almost to demonstrate—that it was wrong.

Zoning-Baltimore County—Reclassification Of Residential Property To Manufacturing, Restricted Sustained. In the instant case, the Zoning Commission, the Planning Commission and the Board of Zoning Appeals approved the reclassification of 18 acres of a farm owned by the individual appellant from Residential to Manufacturing, Restricted for the purpose of holding down a one-story plant for the manufacturing of small precision instruments, guided missile parts and electrical and communication devices for the Federal Government. It was held that this action was not arbitrary, capricious or unreasonable.

Decided June 19, 1937

Appeal from the Circuit Court for Baltimore County
(BARNETT, J.).

Application to Zoning Commissioner for Baltimore County for zoning reclassification of land from Residential to Manufacturing, Restricted by Harry A. Dondoe. From an order of the Board of Zoning Appeals for Baltimore County affirming the action of the Zoning Commissioner in granting the reclassification, John S. Huff and others, protestants, took the case to the Circuit Court for Baltimore County by *certiorari*. The applicant landowner intervened. That Court, by order,

Order affirmed, with costs.

The cause was argued before COLLINS, HAWDERSON, HAMMOND and PRESCOTT, JJ., and GINTNER, J., Associate Judge, Second Judicial Circuit, specially assigned.

A. Frederick Taylor, with whom were Smulbin, Hanson, Martin & Taylor and R. Carleton Sharrett on the brief, to respondents.

IN THE MATTER OF
PETITION FOR RE-
CLASSIFICATION
HARRY A. WUNDORF,
Petitioner

BEFORE THE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

OPINION

This is the first Petition for "Manufacturing Restricted" which has come before us.

Section 250 of the Zoning Regulations states the purpose of this zone to be "to provide greater freedom in the selection of industrial areas and at the same time to secure and maintain effective control over the location, type and arrangement of industrial uses and to protect the uses in neighboring residential zones. . . ."

In accordance with the provisions of Section 250, the Petitioner filed a Petition with the Zoning Commissioner accompanied by a development plan for the tract showing a proposed building, provision for future enlargement thereof, provision for original and future parking areas and other details.

As required by the Regulations the Zoning Commissioner transmitted this plan to the Planning Commission for recommendation, and that Commission made its recommendations in writing to the Zoning Commissioner. Among other things this recommendation said:

"The immediate vicinity is characterized by large farms rather than being a 'developed residential' area. In view of the very sparsely settled character of the land both to north and south of the site, the Office of Planning does not believe that the number of employees contemplated for this plant would induce traffic problems or conditions of such a nature as to make public safety an appreciable factor in connection with the proposed rezoning."

"The very purpose of creating this type of zone in the Zoning Regulations that were adopted last March was to provide the flexibility necessary to meet the requirements of the new type of industry previously referred to as wanting a processing environment in keeping with the attractive nature of the factory building and its setting."

"The Office of Planning believes that this petition by the Die-Craft Corporation is a logical and appropriate application of the purpose for which the Office of Planning prepared this type of zone to be created, and for which the Board of County Commissioners adopted this zone as a part of the revised Zoning Regulations. The Office of Planning further believes that the conditions under which the Zoning Commissioner would grant the petition for this specific proposed use alone, and subject to approved provision of adequate planting, lawn, parking space, etc., are sufficient guarantee of consideration for the general welfare of the area."

"In view of all the above factors, the Office of Planning and specifically the Planning Board, by favorable action thereon, recommend approval by the Zoning Commissioner of this petition by the Die-Craft Corporation."

The Zoning Commissioner approved the Petition and the plan. From this decision the Protestants have appealed to this Board.

We find ourselves in agreement with the recommendations of the Planning Commission and the decision of the Zoning Commissioner.

A number of residents of the Sparks community appeared before us. Some opposed the Petition, but an even larger number, including owners of large tracts of land in the immediate vicinity, came before us to voice their approval of the proposal. It is obvious that a substantial portion of the residents of this now essentially rural area understand and appreciate the advantages of having controlled industrial operations in areas of the County which have heretofore been what is generally referred to as "open country." Such industrial operations provide employment for those living in the rural areas, help solve our traffic problems by keeping traffic out of the congested areas, and generally help to create a proper balance between residents' areas where our people live and industrial areas where they earn their living.

The principal problems in connection with these "Manufacturing Restricted" Zones are two, as we see them. The first is that they must not be permitted to invade and adversely affect existing residential areas. The second is that the uses permitted, the layout of the buildings, grounds and parking areas must be suitable in the first instance and must, as the Regulations state:

" . . . be so maintained that they will not adversely affect vicinal properties."

We conclude that the present proposal meets both tests.

As has been said, the surrounding area is rural in character and there are no dwellings in close proximity which could be directly affected by the operation.

We have carefully examined the proposed plan as to the layout of the buildings, parking areas, etc., and believe it is a sound plan which will not in any manner do injury to the community. Of course, as the Regulations provide, all uses of the property zoned must be in strict compliance with the approved development plan and must continue to be so maintained. Upon failure to do so, the property could be reclassified back to residential use.

There is one aspect of the proposal over which the Regulations give us no control. That is the architectural design and type of construction of the building to be erected. We think this presents a serious problem because we are convinced that this community will be happy to live with a well designed and constructed building, but will be dissatisfied with a building of poor design and cheap construction.

We are not un mindful of the legal problem thus presented. It may be that architectural design is a matter of aesthetics and therefore not the proper subject of zoning. We are advised that the Courts of our State have not as yet passed on this question and that some progress along this line has been made in other states with Court approval. We think that further study of this problem should be made.

The legal question has been raised that we cannot reclassify this property because there is no showing either that there was a mistake in the original zoning or that there has been such a change in conditions as to warrant a change of zoning.

It is true that there has been no substantial change in the neighborhood. It was rural at the time of the adoption of the original Zoning Map in 1945 and it remains substantially the same today. The only significant changes have been the construction of the Baltimore-Harrisburg Expressway a short distance to the west of the property, and the erection of a building now occupied by a bank a short distance to the north of the property. We do not believe that these minor changes would be sufficient to justify a reclassification to industrial use under the rule as laid down by our Court of Appeals.

However, we believe that the "Manufacturing Restricted" Zone is in a different situation and that the rules generally applicable to reclassifications should not be applied to this one.

We agree with the contention of the Petitioner that the "Manufacturing Restricted" Zone is in the nature of a Special Exception and that the rules applying to Special Exceptions should control.

We think it clear that this is so by reason of the very nature of the zone. It was intended to permit light industrial operations under controlled

conditions in areas to which such operations would not ordinarily conform. We believe that this zone should be considered as though it were a Special Exception subject to the standards set out in Section 502.1 of the Zoning Regulations, and we so decide.

The evidence shows that the property mentioned and described in the Petition filed herein is to be used for the manufacture, engineering, designing, testing, fabrication, finishing and assembly, of various small components, assemblies, sub-assemblies, tools and dies, for aircraft, electronics and communications systems, radar, guided missiles, computers, instruments, electrical appliances and devices, which we find to be a proper and suitable use for a "Manufacturing Restricted" classification under Sections 250, 251 and 252 of the existing Zoning Regulations.

Applying the standards set forth in this section, we find that the Petition for reclassification to "Manufacturing Restricted" should be granted based on the plan submitted with the Petition and approved by the Planning Commission and the Zoning Commissioner, and we will sign an Order accordingly.

ORDER

For the reasons as set forth in the foregoing Opinion, it is this 14th day of July, 1956, by the Board of Zoning Appeals of Baltimore County,

ORDERED that the property mentioned and described in the Petition filed herein be and the same is hereby created as a "Manufacturing Restricted" Zone in accordance with Sections 250, 251 and 252 of the Zoning Regulations for Baltimore County, dated March 30, 1955, for the purposes hereinbefore set forth.

IT IS FURTHER ORDERED that the use of said property shall be in strict compliance with the development plan filed with said Petition and approved by the Planning Commission and the Zoning Commissioner and filed in this proceeding marked "Proposed Site Plan for a new Plant for Die-Craft."

IT IS FURTHER ORDERED that all buildings and the grounds surrounding the same shall be continuously maintained in accordance with said approved plan so that they will not adversely affect vicinal property.

IT IS FURTHER ORDERED that no building shall be erected on said tract of land except in accordance with said approved plan showing "Proposed Building"

and "Future Expansion of Building" and that no parking areas shall be used except as shown on said approved plan.

BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Thomas A. Wundorf
Carl F. Wundorf
Charles A. Wundorf

1640

John S. Huff
William J. Wundorf
Roland O. Wundorf & Daniel Roffel, Committee
in their behalf of other interested parties

Aug. 10, 1956 Petitioner's petition for writ of certiorari and appeal from the decision of the Board of Zoning Appeals for Baltimore County and Order of Court thereon directing that the writ be issued. fd. App. of R. C. Shomelle, Jr. A. Frederick Taylor & Malcolm Nusslein, Martin & Taylor for the Petitioner - same day writ issued. Copy sent Aug. 14, 1956, David Huff's ret. fd. - Sept. 11, 1956 Transcript of Record fd. (Special file) Sept. 21, 1956 Petition & Order - of Court granting Harry A. Wundorf leave to intervene as a party defendant. Sept. 21, 1956 App. of W. Lee Harrison for Intervenor fd. Same day answer of Intervenor fd. Oct. 8, 1956 App. of Wm. P. Bolton, Jr. for the defendant (Wundorf) (Short):

Harry A. Wundorf - Intervenor
US

Re. of appeals -
Oct. 8, 1956 - Hon. Lester Barrett Reading
Re. of appeals. Dec. 7, 1956 Action of Board
of Zoning Appeals affirmed. Opinion fd.
Jan. 4, 1957 Petitioner's appeal to the Court of
Appeals of Maryland fd. Jan. 21, 1957 Sustained
fd. Feb. 1, 1957 Case mailed to Court of Appeals
of Md. fd. July 26, 1957 Order affirmed with
Costs mandate from Court of appeals fd. July 25, 1957
Petition and Order of Court to withdraw exhibits
fd.

ING - RESTRICTED DISTRICT

ZONING PLAT

SCALE 1"=50'



SEPTEMBER 1955

VICINITY SKETCH

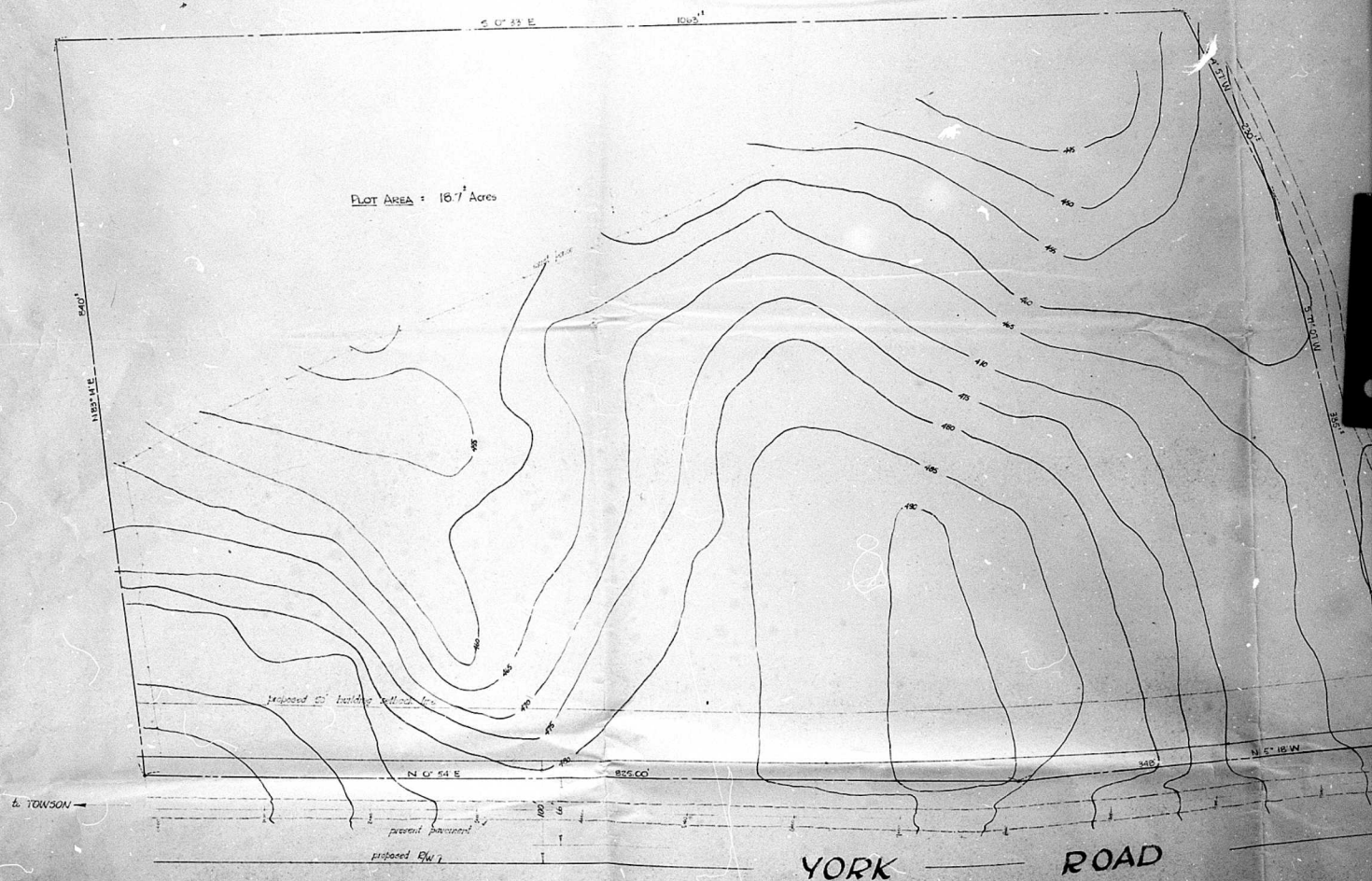
1"=1 MI

LOCATION: 8th DISTRICT, BALTIMORE
COUNTY, MARYLAND



ROAD

PROPOSED MANUFACTURING - REST



DEVELOPER: DIECRAFT, INC.

8643 PULASKI HIGHWAY

BALTIMORE 21, MD.