

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, Mr. K. G. Gathright, legal owner... of the property situate in the 1st District of Baltimore County, on the Northeast corner of Edmondson and Oakdale Avenues, thence running Northerly and binding on the North side of Edmondson Avenue 137.75 feet; thence North 74 degrees 42 minutes East 65.5 feet; thence South 22 degrees 50 minutes West 50 feet to the East side of Oakdale Avenue; thence Southerly and binding on the East side of Oakdale Avenue 105 feet to the place of beginning.

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 AM-2 zone.

Reasons for Re-Classification:

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 reclassification, advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

W. K. G. Gathright
Legal Owner
Address 181 Woodland Street

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1956, 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 herein be had in the office of the Zoning Commissioner of Baltimore County, in the Eckford Building, in Towson, Baltimore County, on the 11th day of March, 1956, at 2:00 o'clock P.M.

W. K. G. Gathright
Zoning Commissioner of Baltimore County

(over)

\$100.00

RECEIVED from J. Carroll Munsterer for three zoning matters, the sum of One Hundred and Eight (\$108.00) dollars, for petitions, advertising and posting property.
Thank you.

Zoning Commissioner
of Baltimore County

Carroll H. Gathright - \$15.00
John F. Munsterer - \$15.00
Mr. K. Gathright - \$35.00

Mr. Willie Adams, Zoning Commissioner
for Baltimore County
Towson 4, Md.

Dear Mr. Adams:

You have before you for consideration at this time an application to change the zoning at the northeast corner of Edmondson and Oakdale Avenues from residential to commercial use.

There is no commercial zoning on the north side of Edmondson Avenue from Hinters Lane through to Old Frederick Road except for the store at the northeast corner of Hinters Lane. The present commercial area on the south side of Edmondson Avenue at Catonsville Junction adequately meets the needs of the area, and there is no good reason for a request in the present case except a possible profit for the present owners to the detriment of every other residential owner in the area. For this reason, I urge that you deny the application for a change at this location.

Mrs. Kaufman and the writer are the joint purchasers of the property at 4 North Helling Road, which is located approximately three squares from the subject location.

Very truly yours,

J. P. Kaufman

JPG/em

RE: PETITION FOR RECLASSIFICATION FROM AN "R-1" ZONE TO A "P.D.L." ZONE - N. E. Cor. Edmondson and Oakdale Aves., 1st District - Joe K. Gathright, Petitioner

Upon hearing on the above petition for reclassification of property, from an "R-1" Zone to a "P.D.L." Zone, from the facts presented at the hearing, it is the opinion of the Deputy Zoning Commissioner that to rezone the subject property and in keeping with the highest standards in zoning and also according to the Courts I shall refer to the case of Temink vs Board of Zoning Appeals 205 Md 189 in which Judge Delaplaine, for the Court said:

"It is an established rule that where an application is made for reclassification of a tract of land from one zone to another, there is a presumption that the zones established by the original ordinance were well planned and arranged and were intended to be more or less permanent, subject to change only when there are genuine changes in conditions. Thus, before a Zoning Board rezones a property, there should be proof of either that there was some mistake in the original zoning or that the character of the neighborhood had changed to such an extent that reclassification ought properly to be made."

It is my firm conviction that the character of the neighborhood has not changed to the extent that a reclassification should be granted, nor, have there been any other changes in conditions. There was no persuasion, or cag by the petitioner to convince the Board, or have the Board believe otherwise as was stated by Judge Delaplaine in his opinion.

It is also my belief that the above described petition is premature and completely lacking in plans as is stated in Section.

500.9 of the Zoning Regulations.

The First Election District of Baltimore County is presently being studied by the Planning Board for Baltimore County for proper and logical land use, this study in effect will become in time the Zoning Map for that area.

As was stated in a recent decision of the Court of Appeals in the matter of Whitman Zim vs the Board of Zoning Appeals, and quoting the last portion of the final paragraph, "For the solution of problems like these it would seem that the County Commissioners should bear the chief responsibility, through the utilization of a Planning Commission setup to deal with the overall picture in a more objective way. We understand that such a study is in progress. In the meantime reclassifications or special exceptions should not be granted except where there is a clearer showing of original mistake or subsequent changes than appears from this record. We find it unnecessary to discuss the other points argued."

It is because of these reasons and also because there was no need shown for such a reclassification. On the contrary there isn't any need as was stated on the petitions signed by 310 persons and the 59 protestants who were at the hearing; also because of the many gas stations and ultra modern shopping centers built in this area, and, further, the petitioners failed to comply with the Section 500.9 of the Zoning Regulations.

It is, therefore, this 22nd day of March, 1956, ORDERED by the Deputy Zoning Commissioner of Baltimore County, that the aforesaid petition be and the same is hereby denied.

W. K. G. Gathright
Deputy Zoning Commissioner
of Baltimore County

OFFICE OF THE BALTIMORE COUNTIAN

THE COMMUNITY PRESS
Baltimore, Md.
THE COMMUNITY PRESS
Dundalk, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

March 3, 1956.

THIS IS TO CERTIFY, that the annexed advertisement of Willie H. Adams, Zoning Commissioner of Baltimore County, was inserted by THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 3rd day of March, 1956, that is to say the same was inserted in the issues of

February 27 and March 2, 1956.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager

NOTICE OF ZONING PETITION FOR RECLASSIFICATION

Whereas a petition filed with the Zoning Commissioner of Baltimore County, for change of reclassification from an R-1 Zone to an R-1 Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson 4, Maryland, on Wednesday, March 14, 1956 at 2:00 P.M.

In determining whether or not the zoning hereinafter described and described generally should be changed or reclassified as proposed, the Zoning Commission will be guided by the facts and circumstances as shown on the plan filed with the Zoning Department, including the property of the petitioner.

By Order of
WILLIE H. ADAMS,
Zoning Commissioner
of Baltimore County.
Feb. 24 March 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 2-27-56
Posted for Willie H. Adams, Zoning Commissioner
Petitioner Mr. K. G. Gathright
Location of property N. E. Cor. of Edmondson & Oakdale Avenues, etc.
Location of Signs Northeast corner of Edmondson & Oakdale Avenues
Remarks:
Posted by Loyle J. Munsterer Date of return 3-1-56

OAKDALE

AVENUE

N 22° 54' E 105'

N 75° 30' W 44.11'

N 2. 101

EDMONDSON AVENUE

BALTIMORE TRAMWAY TRACTS

108.67'

WILE K. CATHWRIGHT
GEORGE E. CATHWRIGHT
G.L.B. 2153-105

N 22° 54' E 105'

S 22° 42' N 65.61'

#3762
MAP
#1-A

PLAT AS PER DEED
SCALE 1"=20' DEC. 1925
CHAS. W. HEMLER.