

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

112 That parcel or land in the 1st District of Baltimore County, on the North side of Edmondson Avenue beginning 153.29 feet East of Oakdale Avenue, thence Easterly and binding on the North side of Edmondson Avenue 101.4 feet, thence North 11 degrees 13 minutes East 137.13 feet, thence Westerly 12 feet, thence Southwesterly 136 feet to the place of beginning.

west 132.3 feet to an iron pipe; thence due west, or nearly west 12 feet or less to the westernmost outline of the so 12 feet or less to the westernmost outline of the whole lot formerly belonging to James and Margaret Mallory; thence southerly binding thereon 134 feet or less to the place of beginning.

herby petition that the zoning status of the above described property be re-classified, pursuant to the

Zoning Law of Baltimore County, from an R-6 zone to an R-1 zone.

Reasons for Re-Classification: property to be used for single detached dwellings

Size and height of building: front—20—feet, depth—30—feet, height—ONE—story

Front and side set backs of building from street lines: front—unetermined—feet, side—unetermined—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 are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

James H. Gathwright
J. Carroll Monnester
Legal Owner

Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 14th 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 Rebeck Building, in Towson, Baltimore County, on the

14th day of March, 1956, at 3 o'clock P.M.

3/14/56
3 P.M.
Zoning Commissioner of Baltimore County

(over)

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

Beginning for the same at an iron pipe in the north line of Edmondson Avenue at the southeast corner of the residence lot now owned or formerly owned by George Gathwright, and running thence easterly along the north side of Edmondson Avenue 101.4 feet or less to an iron pipe set in the westernmost line of the lot now owned or formerly owned by George E. Mallory; thence north 11 degrees, 13 minutes west 132.3 feet to an iron pipe; thence due west, or nearly so 12 feet or less to the westernmost outline of the whole lot formerly belonging to James and Margaret Mallory; thence southerly binding thereon 134 feet or less to the place of beginning.

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3 P.M.
Zoning Commissioner of Baltimore County

(over)

MICROFILMED

RE: PETITION FOR RECLASSIFICATION FROM AN "R-6" ZONE TO A "R-1" ZONE. N. S. Edmondson Avenue, Reg. 153.29 East of Oakdale Ave., 1st Dist., Carroll B. Monnester and J. Carroll Monnester, Petitioners

Upon hearing on the above petition for reclassification of property from an "R-6" Zone to a "R-1" Zone, from the facts and testimony 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 Court, I shall refer to the case of Tenisk vs Board of Zoning Appeals, 205 Md 489, in which Judge Delaplaine, for the Court, said:

"It is an established rule that when an application is made for reclassification of a tract of land from one zone to another, there is the 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 the property, there should be proof of either that there was some mistake in the original zoning or that the character of the neighborhood has 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, has there been any other changes in conditions. There was no persuasion, or cause, 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 on 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.

An was stated in the recent decision of the Court of Appeals in the matter of Milman Kim 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 clear showing that appears from the 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 89 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 Section 500.9 of the Zoning Regulations.

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

Deputy Zoning Commissioner of Baltimore County

NOTICE OF ZONING PETITION FOR RECLASSIFICATION
The following petition for reclassification from an "R-6" Zone to an "R-1" Zone of the property owned by Carroll B. Monnester and J. Carroll Monnester, 1st District, Baltimore County, will be heard by the Board of Zoning Appeals, Baltimore County, on Wednesday, March 15, 1956, at 3 o'clock P.M. at the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Board of Zoning Appeals is authorized to determine whether or not the following petition and described property should be changed or reclassified as provided for in the Zoning Law of Baltimore County.
All that parcel of land in the 1st District of Baltimore County, on the North side of Edmondson Avenue beginning 153.29 feet East of Oakdale Avenue, thence Easterly and binding on the North side of Edmondson Avenue 101.4 feet, thence North 11 degrees 13 minutes West 132.3 feet to an iron pipe; thence due west, or nearly so 12 feet or less to the westernmost outline of the whole lot formerly belonging to James and Margaret Mallory; thence southerly binding thereon 134 feet or less to the place of beginning.
The Board of Zoning Appeals is authorized to determine whether or not the following petition and described property should be changed or reclassified as provided for in the Zoning Law of Baltimore County.
Feb. 24 March 2

OFFICE OF THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
Baltimore, Md.
THE HERALD-ANGUS
Catonville, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

THIS IS TO CERTIFY, that the annexed advertisement of *Wesley H. Adams, Zoning Commissioner of Baltimore County* was inserted in 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 issue of February 24 and March 2, 1956.

THE BALTIMORE COUNTIAN
By *Paul J. Morgan*
Editor and Manager

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: Feb. 24-25-26
Posted for: Carroll B. Monnester and J. Carroll Monnester
Petitioners: Carroll B. Monnester and J. Carroll Monnester
Location of property: 153.29 feet East of Oakdale Avenue, 1st Dist.
Location of Sign: North side of Edmondson Avenue at 153.29 feet East of Oakdale Avenue
Remarks: George E. Monnester
Posted by: George E. Monnester Date of return: 3-1-56

MEMORANDUM
TO: Mr. Miles Adams, Zoning Commissioner
FROM: Mr. C. N. Stirling, Jr., Office of Planning
SUBJECT: Zoning Petitions #3761, #3762, and #3763
(1) Land on northwest corner of Carville Avenue and Old Edmondson Avenue.
(2) Land at southeast corner of Oakdale Avenue and Old Edmondson Avenue.
(3) Land on north side of Old Edmondson Avenue beginning 153.29 feet east of Oakdale Avenue.

It is recommended that the Zoning Commissioner deny the reclassification to business local of the three parcels numbered 1, 2, 3, above. This recommendation is being made for the following reasons:

- (1) It is considered preferable to locate a shopping center on one side of a major road rather than on both sides. When the center is on only one side, traffic confusion is reduced and danger to pedestrians is minimized. In the case of Catonsville Junction, the pedestrian factor is unusually strong due to the great width of Old Edmondson Avenue in the shopping center area.
- (2) Parking facilities are already inadequate for the existing shops and more have been planned for by the petitioners. At present there is an area in the middle of Old Edmondson Avenue which is used for parking. Much here and take the street-way into town.
- (3) Parking facilities will be even more restricted when Old Edmondson Avenue is resurfaced, following a new design which provides that East bound and West bound traffic be separated by a middle grass-way. The Highway Department has already completed detailed plans for this change. Present North curb lines will be held to in the neighborhood of Oakdale Road and a particularly large triangular island of grass will replace much of the parking space now utilized. There is open and suitable development as here, if this is secured and developed, the center of the shopping area will be even further to the South and 2nd development North of Edmondson Avenue will become even more illogical.

1950 TO: Mr. Miles Adams Re: Zoning Petition #3761, #3762, and #3763

(2)

(1) A change at this time is not suitable to the natural development of the area. The neighborhood served by the Old Edmondson Avenue or Catonsville Junction shopping center is a large, homogeneous area of single family dwellings surrounded by single houses. Almost all of these dwellings were built before 1920 and no significant building has been done in the area since that time. The neighborhood has a definite character and unity that has for many years been in good adjustment with the shopping center in its present form and size. On the other hand, none of the dwellings are obsolete. All appear to have been built since 1920 and most are being kept in good repair.

Doubtless a time will come when all these houses will seem to be outmoded and many will be razed. The arrival of this later period is already foretold by the conversion of some single-family dwellings into apartments that has already occurred. But these are indications of the future, not indexes to the present, if our problem is the accommodation of business uses. In so far as involving significant differences, it is to be expected for 10 or 15 years.

The changes in zoning presently petitioned for would tend to upset the neighborhood's balance of forces and would interrupt the natural course of its life cycle. If any reclassification is permissible for the purpose of relieving the alleged property devaluation in the parcels being studied, the next logical change would be to higher density residential use. And it is even doubtful whether this could be justified at the present time.

03/02

OAKDALE AVENUE

West
12'

Purchased by
Merrill and
Guthrie

RICHARD WATERMAN
&
ELIZABETH WATERMAN

EDMONDSON AVENUE

#3763
MAP
#1-A

RICHARD H. WATERMAN
&
ELIZABETH C. WATERMAN
DISTRICT 1, BALTO. CO.
SCALE 1" = 20' JAN. 3, 1955
PLAT AS PER DEED
CHAS. W. HEMLER.

