

PETITION FOR (1) ZONING RECLASSIFICATION
(2) SPECIAL EXCEPTION

To the Zoning Commissioner of Baltimore County:

I, or we, John H. & Pauline A. Reminger Legal Owner

All that parcel of land in the Eleventh District of Baltimore County on the Northwest side of Philadelphia Road, beginning 1695 feet Southwest of Allender Road; thence Southwesterly and binding on the Northwest side of Philadelphia Road 285 feet; thence North 55 degrees 45 minutes West 730.9 feet; thence South 15 degrees 30 minutes West 295 feet; thence South 56 degrees 28 minutes East 750 feet to the place of beginning.

herby petition (1) that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-6 Zone to an R-10 Zone; and (2) for a Special Exception, under said Zoning Law and Zoning Regulations of Baltimore County, to use the above described property, for Trailer Park

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above reclassification and Special Exception, 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.

John H. & Pauline A. Reminger
Legal Owner
Emma Reid
Address

ORDERED BY the Zoning Commissioner of Baltimore

County this 10th day of June, 1956, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 16th day of June, 1956, at 11 o'clock A.M.

Zoning Commissioner of Baltimore County

above property, (1) a Special Exception for a trailer park, and (2) a special exception for a trailer park, and it appearing that by reason of location and from the testimony presented at the hearing that the Northeastern Expressway would act as a barrier between this property and that of the protestants, the granting of which would not be detrimental to the health, safety, morals and the general welfare of the community, therefore:

It is this 10th day of August, 1956, by the Zoning Commissioner of Baltimore County that the aforesaid petition should be and the same is hereby granted, the first, for reclassification from an R-6 Zone to an R-10 Zone and, second, for a special exception for a Trailer Park, subject, however, to the approval of plan for the development of said property by the Department of Public Works and also the regulations of the Baltimore County Health Department.

John H. & Pauline A. Reminger
Zoning Commissioner of Baltimore County

IN THE MATTER OF PETITION FOR RECLASSIFICATION AND SPECIAL EXCEPTION FOR TRAILER PARK, Northeast side of Old Philadelphia Road, 1695 feet Southwest of Allender Road, 11th District John H. Reminger and Pauline A. Reminger, Petitioners

BEFORE

BOARD OF ZONING APPEALS

OF BALTIMORE COUNTY

3861-RX

OPINION

This is an appeal from an Order of the Zoning Commissioner reclassifying a tract of land from an "R-6" Zone to an "R-10" Zone and granting a special exception for a Trailer Park.

The property in question is located on the northeast side of Old Philadelphia Road 1695 feet southwest of Allender Road. It contains 6.2 acres, therefore, is more than five acres which is required for a Trailer Park.

The property is in an area which has remained rural. The surrounding properties are of cheap construction and the immediate vicinity has not substantially changed for a number of years.

The protest comes from a development known as "Forge Acres" which lies to the southwest a considerable distance from the property. It is also most important to note that the new Northeastern Expressway will eventually be located between the subject property and the development of Forge Acres and will act as a complete barrier between the two. We do not see how the residents of Forge Acres will be directly affected in any manner

by the operation of a Trailer Park at this location.

The Office of Planning finds no conflict between general planning objectives and the location of a trailer park on this site. The Board of Zoning Appeals owns adjoining property and made no objection to the reclassification and special exception.

It should be pointed out that Section 144 of the Zoning Regulations provides specific requirements as to the operation of a trailer park which are designed to prevent the overcrowding of such parks and to provide for proper sanitary facilities and other public requirements.

The request for reclassification is to a higher classification to which there can be no logical objection. In our opinion the granting of a special exception for trailer park at this location will in no manner adversely affect the surrounding community. It is also our opinion that this is a suitable place for such an operation and that there is a demand for trailer space in this section of the County which ought to be provided.

For the reasons set forth we will sign an Order granting the reclassification and special exception applied for.

BOARD OF ZONING APPEALS

OF BALTIMORE COUNTY

John H. & Pauline A. Reminger
Emma Reid
Legal Owner

ORDER

For the reasons set forth in the aforesaid Opinion, it is this 16th day of November, 1956, by the Board of Zoning Appeals of Baltimore County, ORDERED that the property described in the petition filed herein be reclassified from an "R-6" Zone to an "R-10" Zone and a special exception granted for the operation of a Trailer Park.

BOARD OF ZONING APPEALS

OF BALTIMORE COUNTY

John H. & Pauline A. Reminger
Emma Reid
Legal Owner

BEFORE THE ZONING

COMMISSIONER OF BALTIMORE COUNTY

APPEAL

Mr. Clerk:

Please enter an appeal from the decision of the Zoning Commissioner in the above matter, dated August 10th, 1956, and forward all papers to the Board of Zoning Appeals for Baltimore County.

TURNBULL AND BREWSTER

by:

Daniel B. Brewster
Daniel B. Brewster
Attorney for Petitioners
24 W. Penna. Ave.
Towson 4, Md.



TURNBULL AND BREWSTER

JOHN DAVEN THURNBULL
DANIEL B. BREWSTER
JAMES H. COOK

September 2, 1958

Honorable Wilaie Adams
Zoning Commissioner
County Office Building
Towson 4, Maryland

Dear Wilaie:

Re: Board of Zoning Appeals
of Baltimore County and
John Reminger, et al
vs. Kermit Bailey, et al.

The Court of Appeals of Maryland by date of May 6th, 1958, sustained Judge Raine, and thereby denied the petition of the applicant for a special exception and reclassification in order to utilize his property for a trailer camp. In spite of this mandate of the Court, it has been brought to my attention that the trailer park is still in operation.

I, therefore, respectfully request that your office take whatever steps are necessary to enforce the zoning regulations of Baltimore County in respect to this property.

Thanking you for your cooperation, I am

Sincerely yours,

DBB/etn

CC: Mr. Norman Milburn

and Brewster

the above matter dated August 10th, 1956, and forward all papers to the Board of Zoning Appeals for Baltimore County.

\$36.00

RECEIVED of John H. Remington, petitioner, the sum of Thirty-eight (\$38.00) dollars, being cost of petition for Zoning Reclassification and Special Exception, advertising and printing property on the Northwest side of Philadelphia Road, beginning 1695 feet Southwest of Allender Road, Eleventh District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING:

Monday, July 16, 1956
at 11:00 A. M.

Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

01.632 - 110.00
01.633 - 36.00

RECEIVED
JUL 27 1956
COMPTROLLER'S OFFICE
9710

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#3861

District: 11th Date of Posting: 7-3-56
Posted for: *Lot R-6 zone to R-10 zone & special exception for trailer park*
Petitioner: *John H. Remington*
Location of property: *W. side of Philadelphia Rd. beg. 1695 ft. S.W. of Allender Road, 11th Dist.*
Location of Signs: *Northwest side of Philadelphia Rd. 1695 ft. Southwest of Allender Road*
Remarks: *None*
Posted by: *George W. Bushby* Date of return: 7-5-56



STATE OF MARYLAND
STATE ROADS COMMISSION
FOR THE LOCATION OF STATE ROADS
BALTIMORE 3 MD

July 13, 1956

Re: Old Philadelphia Road,
Maryland Route #7,
Petition No. 380-N/X,
Zoning Change From R-6 to R-10.

Mr. O. M. Stirling, Jr.,
Office of Planning,
Baltimore County Office Building,
Towson 4, Maryland.

Dear Mr. Stirling:

This office has received notification of the above petition for rezoning from R-6 to R-10 and special exception for Trailer Park, 11th District, which is located on the northwest side of Philadelphia Road, beginning at 1,695 feet southwest of Allender Road.

The hearing will be held on July 16, 1956.

We are requesting a 50-foot deformation from, and parallel to, the center of existing surfacing, to conform with our proposed improvement of this State Route 7.

Very truly yours,
George W. Bushby
George W. Bushby,
Assistant Location Engineer,
Property Section.

GWB:t

cc: Mr. Frank V. Dreyer.
Mr. Edward D. Reilly.

Sept. 11, 1956

\$50.00

RECEIVED of Turnbull & Brauster, Attorneys, for protestants, the sum of Fifty (\$50.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner granting the reclassification and special exception for a Trailer Park, northwest side of Philadelphia Road 1695 feet southwest of Allender Road, 11th District.

Wille H. Adams,
Zoning Commissioner

RECEIVED
SEP 13 1956
COMPTROLLER'S OFFICE
9710

OFFICE OF PLANNING

Inter-Office Correspondence

From: *Mr. Stirling Jr.* Date: *July 12, 1956*
To: *Mr. Wille H. Adams, Zoning Commissioner*
Subject: *Petition #3861 - R-6 to R-10 and Special Exception for Trailer Park, 11th Dist. Northwest side of Philadelphia Rd., beginning 1695 feet Southwest of Allender Road. Hearing scheduled July 16, 1956.*

- (1) There is no apparent conflict between present general planning objectives and the location of a trailer park on this site.
- (2) The Board of Education property which adjoins the parcel on its southeast corner was purchased to serve the nearby school. The existing building is small and obsolescent and no new building or expansion of the site is planned at present. Mr. Stirling of the Board of Education told the writer in a telephone conversation, 7/12/56, that he feels the Board of Education would have no objection to the proposal for a trailer park and he does not expect to register any objection.
- (3) Widening of the Old Philadelphia Road (Route 7) right-of-way in this location is contemplated. A letter from the Maryland State Roads Commission giving exact specifications has been requested and will be forwarded to you.
- (4) In the case of all trailer parks where there is no present or likely future access to public sewer and water systems, the proposed on-site handling of such utilities would be subject to approval by County and State Health authorities. It is suggested, therefore, that if a Special Exception is granted, it be noted as subject to assurance of satisfactory provision for sanitary arrangements.

CUS/gm

1X

although in a manner just the reverse of the usual situation presented. Since the only evidence shows that the area possesses the characteristics of an R-6 zone, it may be undesirable from a long range planning point of view for this reclassification to be approved. The granting of a special exception does not bind the owner to use the property for the specific purpose and if this owner, for example, chooses to develop the property with residential units on each ten thousand square feet, its much action would not conform with the surrounding area, if the development of the area is restricted to an R-60 basis when the land use map is eventually adopted. The reclassification from R-6 to R-10 may be a step in the right direction, but this Court expresses no opinion on the propriety of this reverse spot zoning.

The Board contended that the Northeastern Expressway will act as a buffer between the subject property and residential developments in the general area. However, there is no competent evidence of when this arterial highway will be constructed, nor is there any competent evidence before the Board as to its future location. The Board also refers to certain findings by the Office of Planning. The record of the proceedings before the Board discloses that no representative of the Office of Planning testified, nor was there any report filed at the time of the hearing. "It must be kept in mind that the personal knowledge of the members of the Board, or of some other officials upon whom they rely, cannot be considered as evidence as to a change in conditions in a neighborhood or a need for reclassification". This statement is from the case of *Tennak vs. Board of Zoning Appeals*, 205 Md. 497. In this case the Court of Appeals remanded, and that course of action seems proper in this case.

It is therefore Ordered that this case be remanded to the Board of Appeals for rehearing and redetermination of all of the issues involved.

John E. Reilly
JER

AUG 1 1956

KENNY DAILY, et al. IN THE CIRCUIT COURT
VS
FOR BALTIMORE COUNTY
CHARLES E. DUNN, et al.
Contesting the Board of Zoning Appeals of Baltimore County. Case No. 1665.

OPINION

This appeal involves a 6.2 acre tract on the northwest side of Old Philadelphia Road in the Eleventh Election District. The property was originally classified a residential, and when the county later adopted a system classifying residential property according to the size of the area in which only one dwelling unit could be erected, the subject property was automatically placed in the R-6 category, pending the adoption by the county authorities of comprehensive land use map for the Eleventh District. This R-6 classification was done on a temporary basis, as a matter of practical expediency. The testimony in the case shows that the only development in the general neighborhood is on an R-10 basis. The petitioner, acting without counsel, wanted to use his property for a trailer camp, which is permitted in an R-10, R-20 or R-40 zone. For that reason he was advised to file an application for a reclassification from R-6 to R-10, and this reclassification was approved by the Board of Zoning Appeals and, at the same time, a special exception was approved allowing the owner to use the property for the purpose of a trailer camp. In its opinion the Board stated that the request for reclassification is to a higher classification to which there can be no logical objection. This statement is debatable because it may be said to constitute spot zoning.

FILED

SEP 18 5 PM 4.08

CLERK OF THE COURT

January 15, 1957

\$7.20

RECEIVED of Turnbull & Brauster, Attorneys for protestants the sum of \$7.20 being cost of certified copy of petition and other papers filed in the matter of reclassification and special exception for Trailer Park, northwest side of Philadelphia Road, 1695 feet southwest of Allender Road, 11th District.

Zoning Commissioner

01.633 Zoning Law Change

RECEIVED
JAN 15 1957
COMPTROLLER'S OFFICE
9710

**NO PLAT
IN
THIS FOLDER**