

# Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, G. Clyde Andrew & Mary B. Andrew owner, of the property above described and being in the Eighth Election District of Baltimore County, and more particularly described as follows:

(See attached description)

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-10" zone to a "B-10" zone. Reasons for Re-Classification: To permit construction of facilities by owner to carry on and expand business conducted on the premises for over 10 years. The contour of the ground makes this ground unsuceptible to subdivision for residential purposes and your petitioner respectfully submits that an error was made when this property was zoned "R-10". Size and height of building: front feet, depth feet, height feet. See attached plat. Front and side set backs of building from street line: 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 Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

C. Clyde Andrew  
Mary B. Andrew  
Legal Owner  
Box 6741  
3812 W. Joppa Road  
Riderwood, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of July, 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 hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, on the 22nd day of August, 1956, at 11 o'clock A.M.

William M. Coleman  
Zoning Commissioner of Baltimore County

(over)

October 19, 1956

\$50.00

RECEIVED of Kenneth C. Proctor, Attorney for G. Clyde Andrew, and wife, petitioners, the sum of Fifty (\$50.00) dollars being cost of appeal to the Board of Zoning Appeals from the decision of the Zoning Commissioner denying reclassification of property on Ballona Avenue, 8th District.

Zoning Commissioner

01.623 \$50.00

RECEIVED  
AUG 19 1956  
COMPTROLLER'S OFFICE

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

SEE ATTACHED OPINION AND ORDER

It is Ordered by the Zoning Commissioner of Baltimore County this 19th day of August, 1956, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from a zone to a zone.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

It is Ordered by the Zoning Commissioner of Baltimore County, this 19th day of August, 1956, 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 zone.

Zoning Commissioner of Baltimore County

Approved \_\_\_\_\_  
County Commissioners of Baltimore County  
Date \_\_\_\_\_ By \_\_\_\_\_ President

August 16, 1956

\$45.00

RECEIVED of M. Anthony Muller, for the petition of G. Clyde Andrew, the sum of Forty-five (\$45.00) dollars, being cost of petition, advertising and posting the property on the Northwest side of Ballona Avenue and Baltimore County Highway, 8th District of Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

trd

11.633 \$45.00  
01.633 \$45.00

RECEIVED  
AUG 19 1956  
COMPTROLLER'S OFFICE

IN THE MATTER OF PETITION FOR RECLASSIFICATION FROM AN "B-10" ZONE TO A "B-10" ZONE + Ballona Avenue and Baltimore County Highway, 8th District - G. Clyde Andrew, and wife, Petitioners

BEFORE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Pursuant to the advertisement, posting of property and public hearing on the above petition, upon hearing the testimony and after having visited the subject area several times I am of the opinion that the request for reclassification should be denied.

The petitioner stated, "that the contour of the ground makes this ground unsuceptible to subdivision for residential purposes and your petitioner respectfully submits that an error was made when this property was zoned "B-10".

Since there was no attempt to establish the existence, or truth of either by proof or competent evidence at the time of the hearing, the Deputy Zoning Commissioner cannot feel that either of the petitioners' reasons are valid enough to warrant such a major reclassification.

In fact, there hasn't been any changes in this area since the adoption of the new Eighth District Zoning Map. The property in question actually adjoins a new development of very substantial homes, and it is considered that it's the subject property's proper and logical future use is for residential purposes.

This residential use of the property was recommended by both the Office of Planning and by the Zoning Department at the

time of the adoption of the new Eighth District Zoning Map.

The Ballway grading was in existence prior to January 1954. Therefore, it cannot be considered as a change in the area since the Ballway was in place before the adoption of the new Zoning Map. There was no testimony to show that the original zoning was erroneous and in fact up to the time of the adoption of the new Eighth District Zoning Map no one approached the Planning or the Zoning Department in an effort to have the property zoned on the the Land Use Map.

Upon completing a further investigation it is questionable if the present use of the property is even covered under the present Zoning Regulations.

Since the petitioners failed to show changes to warrant the reclassification or that the original zoning was erroneous, the petition should be denied for reclassification from an "B-10" Zone to a "B-10" Zone.

It is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of October, 1956, 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 an "B-10" Zone.

Charles D. Stapp  
Deputy Zoning Commissioner of Baltimore County

## OFFICE OF PLANNING

Inter-Office Correspondence

From - Daniel J. Stanton August 21, 1956

To - Alois H. Adams, Zoning Commissioner

Subject Zoning Petition #3890... Re-10 to B-10. Beginning at point on north side of Baltimore County Highway, 250 feet (northeasterly) from intersection of north side of right of way of Baltimore County Highway with east-west outline of Pennsylvania Railroad.

If the Zoning Commissioner grants this petition it is recommended that he exclude the easternmost part of the tract from the reclassification. This part of the property, about 6 acre, is presently in residential use and it is understood that the petitioner does not at present intend to develop it for commercial purposes in any case. The B-10 development, it adjains a new development of very substantial homes, and it is considered that its proper and logical future use is for residential purposes.

DJS/gh

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
ZONING RESOLUTION NO. 1

RESOLVED by the County Council of Baltimore County, Maryland, that Zoning Re-classification No. 3890, dated October 15, 1956, reclassifying the property therein described from "B-10 Residential" to "Business Roadside" on petition of G. Clyde and Mary B. Andrew, is hereby approved.

Zoning Resolution No. 1 adopted by the County Council of Baltimore County at its Second Legislative Meeting held March 19, 1957.

William F. Moen  
WILLIAM F. MOEN, Secretary

#3890  
MAD #9  
+ 8-B  
BR

October 17, 1956

Mr. Charles L. Fitzpatrick  
Deputy Zoning Commissioner  
County Office Building  
Towson 4, Maryland

Re: Petition for Reclassification from an  
"R-10" Zone to a "B. R." Zone -  
Bellona Ave. & Baltimore County Beltway,  
8th District -  
G. Clyde Andrew and wife - Petitioners.

Dear Mr. Fitzpatrick:

Please note an appeal from your Order passed  
in this matter under date of October 15, 1956, to the Board  
of Zoning Appeals.

Very truly yours,

*Kenneth C. Proctor*  
Kenneth C. Proctor  
Attorney for Petitioners.

KCP/lgr

I HEREBY CERTIFY that a copy of the foregoing  
notice of appeal was mailed by me this 17th day of October,  
1956, to Johnson Bowle, Esq., Duncan Building, Towson 4,  
Md., Attorney for Protestants.

*Kenneth C. Proctor*  
Kenneth C. Proctor.

IN THE MATTER OF PETITION FOR  
RECLASSIFICATION From an "R-10"  
Zone to a "B. R." Zone - Bellona  
Avenue and Baltimore County  
Beltway, Eighth District -  
G. Clyde Andrew, and wife,  
Petitioners

BEFORE  
BOARD OF ZONING APPEALS  
OF BALTIMORE COUNTY  
NO. 3890

### OPINION

This is a petition for the reclassification from an "R-10"  
Residential to "Business Roadside" of a tract of land lying on the north  
side of the new Baltimore County Beltway just west of Charles Street  
Avenue in Lutherville.

The entire tract contains 3.59 acres but it appears from  
the plat that there are actually two separate lots, the westerly-most  
containing 3.53 acres and another lot to the east thereof containing  
0.6 acres.

On the new zoning map of the Eighth District, finally  
adopted April 12, 1956, the property was zoned "R-10 Residential"  
in conformity with the surrounding area.

The petitioner contends that this residential classifica-  
tion was erroneous and that the property is not adaptable for residen-  
tial use.

As to the west portion of the property contained within the  
3.53 acre tract there is a sound basis for this contention. There is a  
large contractor's storage yard in operation immediately to the west  
which is operating under a special permit granted in 1948. The petitioner  
in this case has a similar operation on a portion of the subject property

under a special permit granted in 1946.

These operations do clearly make this property undesirable  
for residential purposes. It is also important to note that a commercial  
operation on the west portion of the subject property would not adversely  
affect any existing residential properties.

The Beltway acts as a screen for the protection of the  
residence area to the south and the residences to the north, facing  
Lincoln Avenue, are so far removed as not to be affected.

The situation with respect to the 0.6 acre tract is different.  
It is in close proximity to the residential section to the east and we  
do not think it should be zoned for commercial use.

We are advised that no request was made for commercial  
zoning of any portion of this tract when the Eighth District map was  
under consideration. If such a request had been made it may be that  
it would have been given a commercial classification at that time.

As to the westernmost portion of the subject tract which  
is contained within the outlines of the 3.53 tract, as shown on plat  
filed in this proceeding, we have concluded that the original zoning on the  
Eighth District Map above referred to was erroneous and we will grant  
the reclassification to "Business Roadside".

As to the easternmost portion of the tract which is contained  
within the outlines of the 0.6 acre tract as shown on the plat we find  
that the "R-10 Residential" classification was proper and we will refuse  
the reclassification as to this tract.

### ORDER

For the reasons set forth in the foregoing Opinion

It is this 10TH day of January, 1957, ORDERED by the Board  
of Zoning Appeals of Baltimore County that the reclassification  
herein requested be and is hereby granted as to that portion of  
the property described as follows:

BEGINNING for the same at a point on the north side of  
the right-of-way line of the Baltimore County Beltway, said point  
being 200 feet measured northeasterly along said right-of-way line  
of said Beltway from the intersection of the eastern outline of the  
Pennsylvania Railroad and the north side of the right-of-way line  
of the Baltimore County Beltway and running thence and ending on  
said Beltway, the following courses and distances, viz: North 11 degrees  
04 minutes East 10 feet, South 73 degrees 50 minutes East 660.20  
feet, South 60 degrees 35 minutes East 271.40 feet, South 64 degrees  
04 minutes East 350 feet, South 25 degrees 36 minutes 50 seconds  
North side of the right-of-way line of the Baltimore County Beltway  
and thence bearing on said North side of the Baltimore County Beltway  
North 59 degrees 30 minutes West 469 feet, South 29 degrees 30 min-  
utes West 20 feet, North 59 degrees 30 minutes West 356 feet, North  
29 degrees 30 minutes East 26 feet, North 59 degrees 30 minutes West  
103 feet, North 29 degrees 30 minutes East 14 feet, North 59 degrees  
30 minutes West 101 feet, South 29 degrees 30 minutes East 14 feet,  
North 59 degrees 30 minutes West 70 feet to the place of beginning.

As to the remainder of said property the reclassification  
be and is hereby refused.

*Samuel B. Shuler*  
Carl J. Miller

Board of Zoning Appeals  
of Baltimore County

Approved:

By

Date:

### CERTIFICATE OF PUBLICATION

TOWSON, MD., August 10, 1956

THIS IS TO CERTIFY that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., 22nd  
at 2 times successively before the 22nd  
day of August 1956, the first publication  
appearing on the 22nd day of August  
1956.

THE JEFFERSONIAN,  
*Manager*  
Manager

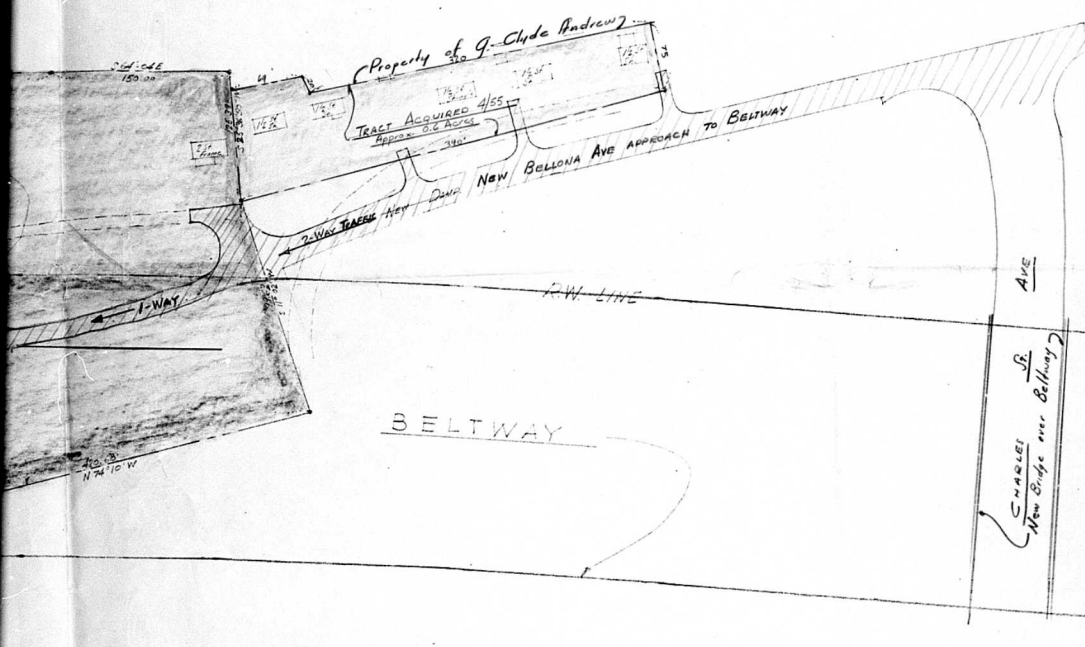
Cost of Advertisement, \$

AUG 13 1956

3890

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District *8th* Date of Posting *8-8-56*  
Posted for *Aspl. to Andrew & R. Zone*  
Petitioner: *C. Clyde Andrew & wife*  
Location of property: *W. of N. of Belton Dr. Beltway, south of Belton Dr.*  
*at N. of Belton Dr. & N. of Beltway, etc. in said*  
Location of Signs: *at N. of Belton Dr. & N. of Beltway, on N. of Belton Ave.*  
*at N. of Belton Dr. & N. of Beltway, on N. of Belton Ave.*  
Remarks: *at N. of Belton Dr. & N. of Beltway, on N. of Belton Ave.*  
Posted by *George R. Shuler* Date of return: *8-10-56*  
Manager



TO, CO.

PET'R #1



