

RE: PETITION FOR RECLASSIFICATION BEFORE THE
FROM an R-6 Zone to an R-6 Zone
Zone - N.W. of Oakmont Ave.
9th Dist. - Carwell Land
Company - Petitioner
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

OPINION AND ORDER

The foregoing petition seeks a reclassification from an R-6 Zone to an R-6 Zone under the Zoning Regulations for Baltimore County.

The petitioner made no serious attempt to show that the subject property was erroneously zoned at the time of the adoption of the comprehensive zoning plan, January 2, 1945 or since.

There have been numerous zoning changes in the vicinity of this property since 1945, but they consisted in the main of strip commercial zoning along Joppa Road plus three small tracts for group houses south of Joppa Road about one-half mile distant from the subject tract, upon which there have been no buildings as yet.

The area, except for the strip commercial along Joppa Road and two small light industrial spots, which are insignificant, is exclusively cottage residential. Most of the homes having been built since 1945, under the protection of cottage residential zoning, the owners of which vigorously protest the invasion of group houses on the basis of the evils of greater density of population which group houses permit, more particularly over-crowding of schools and public utilities which are wholly inadequate at the present time.

There were petitions bearing 1973 names protesting the proposed change in zoning.

While we realize that zoning cannot be done by platitude, we also realize the wishes of the people of a community, who have their all invested in their homes, should not be completely ignored. To grant the subject petition would be opening the

flood gates for the development of several hundred acres of group houses, which would bring problems concerning schools, utilities and traffic, which, according to the evidence, the authorities could not cope with; at any rate we believe that the question of whether or not the area North of Joppa Road should become a group house area or a mixed area is one that ought to await the completion of the land use study now being made for this district, therefore, we deem the petition to be premature until the completion of said study.

We further find that there have been no zoning changes in this area since 1945 which warrants or justifies the granting of the reclassification, therefore the reclassification is hereby denied.

BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

DATED Jan. 21, 1957

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, CARSWELL LAND COMPANY, legal owner, of the property situated 89
(SEE ATTACHED DESCRIPTIONS)

All that parcel of land in the Ninth District of Baltimore County on the Northwest side of Oakmont Avenue, beginning 165 feet Northeast of Joppa Road, thence Northeast and blinding on the Northwest side of Oakmont Avenue 341.57 feet; thence North 59 degrees 15 minutes West 200 feet; thence North 30 degrees 45 minutes East 300 feet to the Southwest side of Rose Avenue and running Southeast 140 feet; thence North 30 degrees 45 minutes East 1059.46 feet; thence North 40 degrees 45 minutes East 301.19 feet; thence North 25 degrees 27 minutes East 591 feet; thence North 66 degrees 45 minutes East 630 feet; thence South 41 degrees 27 minutes West 454.20 feet; thence South 19 degrees 45 minutes East 136.40 feet; thence South 26 degrees 37 minutes West 716.35 feet; thence North 63 degrees 29 minutes West 715.65 feet to the Southwest side of Sater Hill Road; thence Southeast and blinding on the Southwest side of Sater Hill Road 426.02 feet; thence South 23 degrees 37 minutes West 417.02 feet; thence South 28 degrees 34 minutes East 416.02 feet; thence South 23 degrees 46 minutes East 423.10 feet; thence North 66 degrees 56 minutes East 200 feet; thence South 23 degrees 46 minutes East 125 feet to the place of beginning containing 52,976 acres.

Size and height of building: front LAND feet; depth LAND feet; height LAND feet.
Front and side set backs of building from street lines: front LAND feet; side LAND 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.

CARSWELL LAND COMPANY

Charles E. Baratta
By CHARLES E. BARATTA Vice-President

Address CHARLES E. BARATTA 528
BALTIMORE 1, MD.

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of November, 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, 111 W. Chesapeake Ave. in Towson, Baltimore County, on the 12th day of December, 1956, at 3 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition

it is found that the above reclassification should be had.

It is Ordered by the Zoning Commissioner of Baltimore County, this 14th day of December, 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 residential zone to a residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

residential zone.

CARWELL LAND COMPANY
c/o JACK MEYERHOFF & SONS CO.
CHABLES & SHADOWN STREETS
BALTIMORE 1, MARYLAND

ATTENTION: MR. ROBERT MEYERHOFF
GENTLEMEN:

I AM PLEASED TO FURNISH THE FOLLOWING ADDITIONAL INFORMATION REGARDING THE PROVISION OF WATER AND SEWER FACILITIES TO SERVE THE SHANKLIN PROPERTY LOCATED NORTH OF JOPPA ROAD AND EAST OF SATYR HILL ROAD, IN THE NINTH ELECTION DISTRICT.

IN MY LETTER OF APRIL 20, 1956 I INDICATED THAT GRAVITY SEWERS NECESSARY TO SERVE THIS PROPERTY, WHICH IS LOCATED IN THE MINEBANK-GUNPOWDER DRAINAGE AREA, WERE NOW ONLY IN THE STUDY STAGE AND WOULD NOT BE AVAILABLE FOR SOME TIME, AND THAT SERVING OF THE PROPERTY PRIOR TO INSTALLATION OF THE MINEBANK-GUNPOWDER FACILITIES WOULD HAVE TO BE OF SOME TEMPORARY NATURE AT THE TOTAL EXPENSE OF THE DEVELOPER. BASED ON PRESENT LAND USE AND ZONING MAPS, WHICH WOULD PERMIT APPROXIMATELY 200 DWELLING UNITS TO BE BUILT ON THE 53 ACRES INVOLVED, IT WAS INDICATED THAT ONE FEASIBLE METHOD OF TEMPORARILY SERVING THE PROPERTY WOULD BE TO CONSTRUCT A PUMPING STATION TO PUMP NORTHEASTLY ACROSS JOPPA ROAD INTO SATYR HILL ROAD AND CONNECT TO A PLANNED EXTENSION OF THE HERRING RUN SYSTEM TO THE HIGH POINT ON SATYR HILL ROAD SOUTH OF JOPPA ROAD.

IT WAS ESTIMATED THAT SUCH A PLAN WOULD NOT INVOLVE INCREASING THE SIZE OF ANY PART OF THE HERRING RUN EXTENSION TO SATYR HILL ROAD NOR WOULD IT LOAD THIS PLANNED EXTENSION SUFFICIENTLY TO RESTRICT DEVELOPMENT ADJACENT TO IT FOR POSSIBLY FIVE YEARS. BY THAT TIME, THE MINEBANK-GUNPOWDER FACILITIES WOULD BE UNDER CONSTRUCTION AND THE SEWAGE FLOW FROM THE SHANKLIN PROPERTY COULD BE DIVERTED TO ITS PROPER DRAINAGE SYSTEM. IF THE SHANKLIN PROPERTY WERE TO BE DEVELOPED UNDER A R-6 ZONING, WHICH WOULD RESULT IN APPROXIMATELY 300 DWELLING UNITS IN THE 53 ACRE TRACT INSTEAD OF 200 AS INDICATED ABOVE, THE SEWAGE FLOW WOULD BE APPROXIMATELY TWICE AS MUCH AND WOULD EXCEED THE CAPACITY OF HERRING RUN SEWER EXTENSIONS TO SATYR HILL ROAD REQUIRING THAT SECTIONS OF THE SEWER BE ENLARGED. THIS COST WOULD HAVE TO BE PAID BY THE DEVELOPER. IN ADDITION, THE PLANNED MINEBANK-GUNPOWDER FACILITIES WOULD HAVE TO BE INCREASED TO PROVIDE FOR THE EXTRA 100 HOUSES.

MEMO FROM JOHN B. FUNK
TO: WILLIS S. ADAMS (cont.) 12/15/56
Page 2.

SANITARY SEWERS (continued)

2. The proposed diversion of sanitary sewage flows through the Herring Run Sewer to serve the subject property has been predicated on serving a limited area which will have no greater area than R-6 density. Service to greater density north of Joppa Road would cause an overload in the downstream sewers. In addition, those areas presently in development within the Herring Run drainage area would be penalized in being denied sewerage capacity. Thus the proposed development of the Shanklin property for group homes would make it imperative to accelerate the Minebank Run installation.

John B. Funk
Director of Public Works

JBF:JH/rms

CC: Mr. David H. Fisher
Mr. J. Fred Gritz
Mr. Robert A. Whitford
Mr. Jerome B. Wolff

CARWELL LAND COMPANY
JANUARY 14, 1957
Page 2

TO PROVIDE A FULLY ADEQUATE WATER SUPPLY INTO THE AREA WILL NECESSITATE BOTH ADDITIONS AND EXTENSIONS TO THE EXISTING DISTRIBUTION SYSTEM.

DISCUSSIONS WITH THE BUREAU OF WATER SUPPLY OF BALTIMORE CITY AND THE DEPARTMENT OF PUBLIC WORKS OF BALTIMORE COUNTY HAVE TAKEN PLACE, AND A TENTATIVE PLAN HAS BEEN WORKED OUT TO PROVIDE ADEQUATE WATER SUPPLY FOR THIS AREA. THE FIRST PHASE OF THIS WORK, WHICH WILL BE ADEQUATE TO SERVE APPROXIMATELY AN ADDITIONAL 1500 PERSONS OVER A PERIOD OF 5 YEARS, WILL BE STARTED IN 1957 AND WILL BE FOLLOWED WITH ADDITIONAL FACILITIES TO PERMIT THE UNRESTRICTED DEVELOPMENT OF THE AREA. IF THE INCREASED DENSITY OF THIS AREA WERE LIMITED TO THIS DEVELOPMENT, THEN THE ALTERATION TO THE PRESENT PROPOSED SYSTEM WOULD BE MINOR. HOWEVER, IF DEVELOPMENT OF THE AREA WERE TO TAKE PLACE AT GREATER DENSITIES THAN NOW INDICATED BY LAND USE MAPS AND EXISTING ZONING, THEN ALTERATIONS TO THE EXISTING SYSTEMS WOULD BE SUBSTANTIAL.

WITH kindest regards, I remain

VERY TRULY YOURS,

JOHN B. FUNK
DIRECTOR OF PUBLIC WORKS

JBF:JH/rms

CC: Mr. Fisher
Mr. Gritz
Mr. Zapp

DEC - 1 1956
y 103

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 30, 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., November 26, 28 & 30, 1956, before the 12th day of November, 1956, the first publication appearing on the 26th day of November 1956.

THE JEFFERSONIAN,
P. J. Smith
Manager.

Cost of Advertisement, \$.....

OFFICE OF PLANNING

Inter-Office Correspondence

MEMORANDUM

From: Mr. Melinda H. Hill, Director
To: Mr. Melinda H. Adams, Zoning Commissioner
Subject: Zoning Petition #1003... R-6 to R-1

Northwest side of Joppa Road, 52.978 acres
9th District. Hearing December 12, 1956

At the November 30, 1956 meeting of the Zoning Advisory Committee it was agreed that comment would be in order from our office regarding this proposal, and it was understood that the matter would be brought before the Planning Board.

Unfortunately we could not include this topic in the Board's business during the December 5, 1956 meeting. Thus, I should like to request that you delay passing an order on the Petition until comment can be prepared after discussion at the meeting of December 12, 1956.

The proposal is, as you know, of major importance, since, if granted, it could become the entering wedge for big acreages of the R-3 Zone in an entirely new section.

MD:gh

DEPARTMENT OF PUBLIC WORKS
OF BALTIMORE COUNTY
Inter-Office Correspondence

From: JOHN B. FUNK
To: MR. WILLIS S. ADAMS
Subject: Availability of Utilities - Shanklin Tract
Area North of Joppa Road between Harford Road and Delany Valley Road.

WATER SUPPLY:

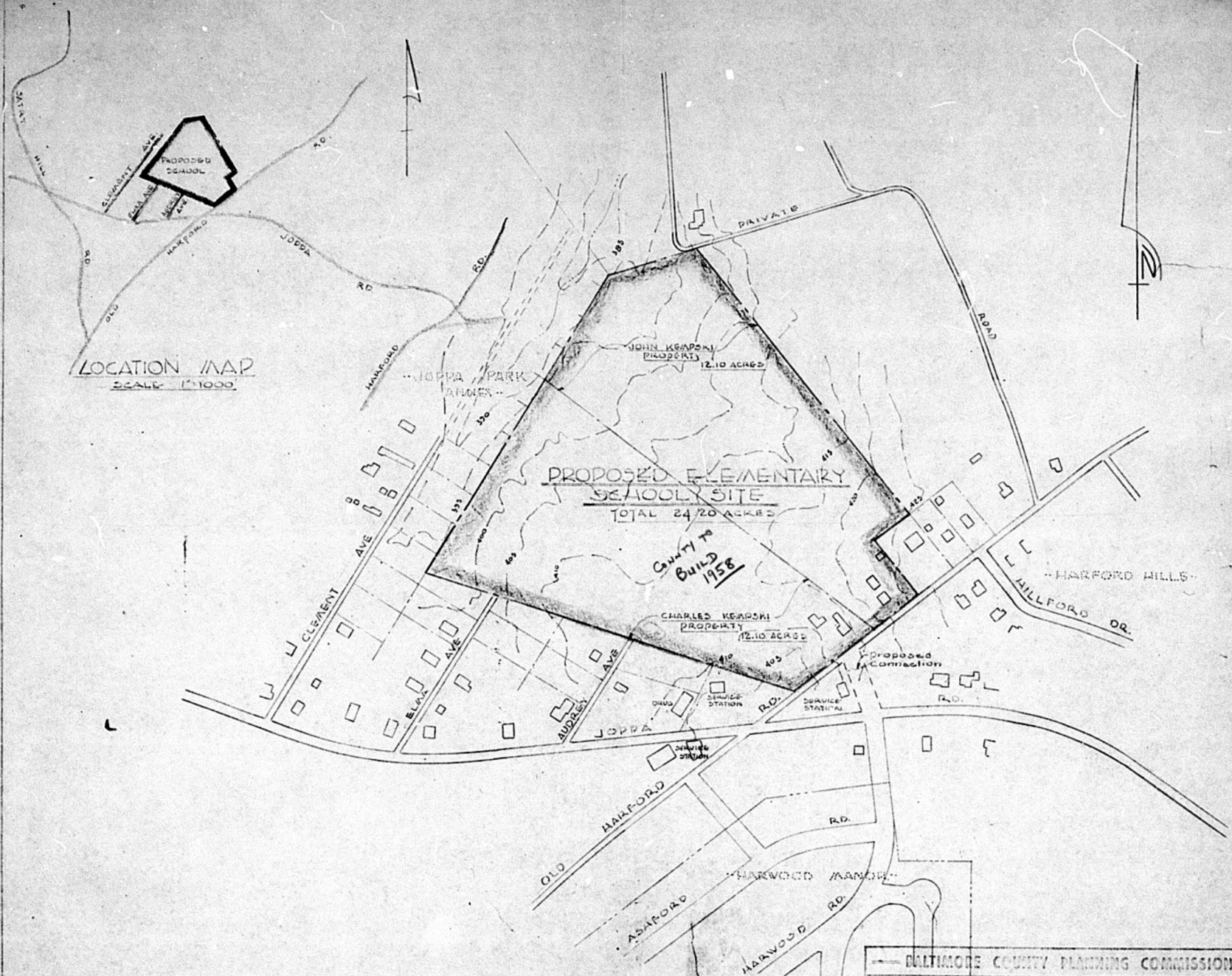
1. A serious water supply exists in the subject area. We have proposed an expedient method of reinforcing this area to the City of Baltimore. It is estimated that these expedient reinforcements, which will be satisfactory for a period of from two to three years, will cost \$200,000.

For at least two to three years, it will be necessary to restrict the amount of the development in this area to 1/6 of all of the development now proposed. The total restriction for the area is to 1500 persons within the next two years. All of the water mains which are planned either as expedient or permanent installations are based upon no greater than R-6 densities north of Joppa Road.

2. In the event group houses are adopted north of Joppa Road, the program of construction must be accelerated and a new source of supply shed. Our estimate of cost in the Joint City-County Water Report of a new filtration plant and water supply mains for the Minebank Run area is over four million dollars.

SANITARY SEWERS:

1. If proposed developments north of Joppa Road are allowed to have densities greater than R-6, it will be necessary to push forward the date of extension of the Whitmarsh-Stemmers Run sanitary sewer extension. Based on our present construction schedule, it is expected that approximately 1-1/2 miles of force main and interceptor and a new pumping station at Whitmarsh can be completed by 1962 to reach the Perry Hall area. From that point easterly it will be necessary to provide 3-1/2 miles of interceptor and force main to reach the subject area. It is estimated that the cost of the total system, which would reach three and one-half million dollars. Our projected Capital Improvement Program does not contemplate this expedient in less than a five to ten year period.



NOTE: PROPERTY LINES TAKEN
FROM BOUNDARY PLAT O-245

BALTIMORE COUNTY PLANNING COMMISSION			
PROPOSED SITE FOR OLD HARFORD ELEMENTARY SCHOOL			
SCALE 1"=200'	DIST. DISTRICT 9th	DRAWN BY A. VILLEY	
DATE JAN. 4, 1955	REF. PHOTOGRAMMETRIC NE 100-7		

C
112a