

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, A. J. Watkins & Sons, Inc., legal owner... of the property situated in the Eighth District of Baltimore County, at the southeast corner of Pots Spring Road, Spring and Margate Roads, thence southerly, on the west side of Pots Spring Road, 380 feet to the north side of Ridgely Road, thence westerly, on the north side of Ridgely Road, 510 feet to the east side of a proposed 20 foot driveway, thence southerly, on the east side of said driveway 210 feet to the south side of Margate Road, and thence easterly on the south side of Margate Road, 530 feet to beginning of road.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "B-1" zone to an "B-2" zone.

Reasons for Re-Classification: to permit the erection of garden type apartments.

buildings

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 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.

A. J. Watkins & Sons, Inc. Legal Owner

Address: 19 West Penna. Avenue - Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this... day of...

19... 19... 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 Rockwood Bldg., in Towson, Baltimore County, on...

the... day of... 19... at 10 o'clock A. M.

Zoning Commissioner of Baltimore County

(over)

(3-SIGNS)

July 15-16 10 A.M.

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

the above re-classification should be had.

It is Ordered by the Zoning Commissioner of Baltimore County this... day of...

19... 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...

established on November 14, 1955 granted the "B-1" zoning in the instant case.

The testimony at the hearing held on September 4, 1957 did not disclose that there had been any changes in the character of the neighborhood to warrant the change or that an error had been made in the zoning of the subject property.

"B-1", therefore,

the above re-classification should NOT be had.

It is Ordered by the Zoning Commissioner of Baltimore County, this... day of...

September... 19... 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 "B-1" zone.

(business local)

Deputy Zoning Commissioner of Baltimore County

Approved

County Commissioners of Baltimore County

Date...

By... President

RE: PETITION FOR RECLASSIFICATION FROM A "B-1" Zone to an "B-2" Zone - S. W. corner Pots Spring and Margate Roads, 8th District - A. J. Watkins & Sons, Inc., Petitioner

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 4189

OPINION

The petitioner in this case seeks a reclassification of the southwest corner of Pots Spring and Margate Roads in the Eighth Election District of Baltimore County from a "B-1" Zone to a "B-2" with the intention of erecting apartment dwellings on said property.

This petition in itself is most unusual as it seeks to upgrade zoning from a commercial use to a residential use.

A great deal of the petitioner's testimony dealt with the high purchase price of the property and the position that he now finds himself in where, in order to protect his financial investment, he must use the property for a higher density zoning in a residential category. It's use as a business property, the petitioner argues, has been greatly depreciated by other commercial zoning in the area and the fact that the acreage is too small for any substantial commercial development.

Mr. Charles U. of the Baltimore County Office of Planning, testified that his office recommended this property to be "business local" prior to June of 1955. However, because of commercial zoning of other properties in the neighborhood that they had recommended for "B-1" and "B-2" classification, the office does not feel that this 5.6 acres should have been commercially zoned.

Actually, they feel that the property should now be zoned "B-1" or "B-2" but the present position of the Office of Planning is that an "B-1" classification, properly planned, is less detrimental than the "B-2" zoning.

It is the opinion of the Board that there certainly has been no change in the neighborhood since June 1955. We do not feel that there was an error in original zoning. Possibly the land would be better suited for "B-1" or "B-2" use but the testimony of all of the protestants, the persons who live in much of the surrounding acreage of the said property, was to the effect that they bought their homes to get away from high density living, that they knew that this property was zoned business local when they purchased their homes and that is was their hope and desire that the property would be developed commercially for use that would be compatible to the persons living in the neighborhood.

We cannot construe original zoning to be an error when, since the zoning, they who have purchased and live in the area, did so with the knowledge of the original zoning and testify as to the desirability of this type of zoning.

Consequently, the Board concurs in the findings of the Zoning Department and denies the petition.

ORDER

For the reasons set forth in the foregoing Opinion, it is this... day of April, 1958, by the County Board of Appeals ORDERED that the aforesaid reclassification from a "B-1" Zone to a "B-2" Zone, be and the same is hereby denied.

COUNTY BOARD OF APPEALS

Approved: James J. Ryan

Noted: William H. Kay

NOTE: Mr. Charles U. Irish did not sit in the above case.

LEWIS E. STENGEL ATTORNEY AT LAW 18 W. PENNSYLVANIA AVENUE TOWSON 4, MARYLAND

September 13, 1957

Mr. John G. Rose Deputy Zoning Commissioner Zoning Department County Office Building Baltimore 4, Maryland

Re: Petition for Reclassification from a "B-1" Zone to an "B-2" Zone - S. W. corner Pots Spring and Margate Road, 8th District - A. J. Watkins & Sons, Inc., Petitioner

Dear Mr. Rose:

Please enter an appeal to the Zoning Department of Baltimore County from your order of September 5, 1957, denying the reclassification in the above matter.

Very truly yours,

STENGEL AND ASKEW

BY: John L. Asker Attorneys for Petitioner

September 17, 1957

\$50.00

RECEIVED OF Stengel & Asker, attorneys, for A. J. Watkins & Sons, petitioner, the sum of Fifty (\$50.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying reclassification of property at the southwest corner of Pots Spring and Margate Roads, 8th District.

Zoning Commissioner

01.022

RECEIVED SEP 17 1957 COMPTROLLER'S OFFICE

July 1, 1957

\$35.00

RECEIVED OF A. J. Watkins & Sons, Inc., for petitioner, Augustine J. Muller, the sum of Thirty-five dollars to cover cost of petition, advertising, and posting of the property located on the Southwest corner of Pots Spring and Margate Roads - 8th District of Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

RECEIVED JUL 1 1957 COMPTROLLER'S OFFICE

August 12, 1957

\$4.75

RECEIVED OF A. J. Watkins & Sons, Inc. the sum of Eight Dollars and Seventy-five cents (\$8.75) to cover cost of additional signs and advertising of the property located on the Southwest corner of Pots Spring and Margate Roads - Eighth District of Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

01.022 - \$8.75

RECEIVED AUG 12 1957 COMPTROLLER'S OFFICE

Zoning Petition #4189, for rezoning a portion of the block of Dulany Forest, bounded by Pot Spring, Ridgely, and Margate Roads, from R.1. Zone to R. A. Zone. - 8th District

The area in which this rezoning has been proposed has traditionally been one of low density development. Even when provision of public sewer and water service to the Stella Maris Hospice made possible higher densities in the territory between it and central Towson, in the vicinity of Pot Spring and Dulany Valley Roads, the County Commissioners endorsed and stood behind the recommendation of the Planning Commission that the precedent of low-density, high-character development set by Hampton be consistently followed from the west side of Pot Spring Road all the way to the Loch Haven Reservoir, with a belt of R.20 zone west of Pot Spring forming a gradual transition to higher densities as York Road is approached. This policy was adhered to by the Commissioners in spite of several efforts to permit R.20 zoning between Pot Spring and Dulany Valley Roads, both before and after adoption of the new 8th District zoning plan on December 20, 1955.

In preparing Land Use and Zoning Plans for the 8th District, the Office of Planning showed as commercial the subject tract, having in mind a small neighborhood service type of facility. Nothing else was indicated on Pot Spring or Dulany Valley Roads. At that time no residential development existed within a quarter of a mile or more of the subject site. The then owner of the development, including this tract, indicated his intention of building an office for his firm, with two or three high grade specialty shops, consistent in all respects with the expected fine residential character of the surrounding area.

The Board of County Commissioners saw fit to create an additional commercial zone of 19.6 acres on Pot Spring Road just south of Cinder Road. This larger tract, closer to higher-density residential zones, essentially invalidated the subject property for neighborhood retail purposes, but the original smaller area was left on the Zoning Map, as adopted. Actually this Office believes it should properly have been returned to R.10 and R.20 zoning at that stage, (in view of the commercial zoning of the larger tract to the north), in keeping with the residential zoning around it.

The new owner (or contract purchaser), Mr. Watkins, now proposes R. A. zoning of the major portion of the tract. No effort is exemplified in the petitioner's site plan to simulate the low density character of the surrounding development, as might have been done. The number of apartments- 76, is close to the maximum density permitted in an Apartment Zone in any part of Baltimore County. This site plan shows 13 apartments per gross acre. That figure compares as follows with other garden apartment projects in the Towson area, all of which are adjoined by areas essentially of the R.6 or R. C. types. Drumcastle has 16.8 apartments to the gross acre; Rodgers Forge, 15.9 apartments; Hampton Hill apartments; Dulany Valley, 15.9. With a density of 10.5 the Donnybrook Apartments have a deep front setback from Burke Avenue and Millen Road. The site plan submitted herewith has setbacks of only 30 feet from all three streets on which the proposed apartments would front. In short, the site plan clearly shows an effort to obtain the maximum number of apartment units possible in any apartment zone, with the minimum setbacks possible therein. This is being proposed in a new residential area in which the petitioner himself is building houses for sale on acre and half-acre lots, the minimum front yard setbacks for which are 50 ft. and 40 ft. respectively. In addition to the 76 apartments he proposes to add more commercial and office floor space than was ever anticipated by the original owner for the entire block acreage.

A few months ago at the time of the Jack Meyerhoff Company's proposal to rezone most of the former Dr. Whitham property from R.20 and R.10 to R.10 and R.6, Mr. Watkins indicated his interest in participating in preserving the low density character of this area immediately to the south of Dulany Forest and Hunters Hill. How can one reconcile this attitude with his proposal - a few months later - after the Meyerhoff petition had been withdrawn - to rezone property surrounded on all sides by R.10 and R.20 zones so as to provide, as shown on his submitted plat, as many as 13 family units to the acre?

It is conceivable that an acceptable site plan for apartments could be worked out, for a much lower density than the maximum permitted in an R. A. Zone. Such a plan, with deep front yard setbacks from all streets, with offstreet parking unobtrusively located

and well screened by existing trees and other means if necessary, and through skillful grouping of apartment units, could approximate the character of its residential surroundings. The site plan submitted by the petitioner, however, reveals no such effort to seek harmony with the high character and low density of its residential neighbors, present and prospective. In effect it merely selects one block in the very midst of low density residences to propose the very highest residential density possible in Baltimore County. The Office of Planning must view this proposal in its present form as a flagrant example of spot zoning.

James H. Die

August 5, 1957

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4189

District 8th Date of Posting 7-2-57
Posted for: Am B-1 zone to an R. A. zone
Petitioner: G. J. Watkins & Sons, Inc.
Location of property: S.W. corner of Pot Spring Rd. and Margate Rd.
etc. See Plat
Location of Signs: On S.W. cor. of Pot Spring Rd. & Margate Rd. on the corner
N.W. cor. of Pot Spring Rd. & Ridgely Rd. and the S.E. of Margate Rd.
See Plat for details
Posted by: George R. Hummel Date of return: 7-3-57

NOTICE OF EXISTING PETITION
FOR REZONING ACTION
8th DISTRICT

Presented to Millen Road with the
Zoning Commission of Baltimore
County, Maryland, for consideration
on July 15, 1957, a petition
submitted by G. J. Watkins & Sons, Inc.
for the rezoning of a portion of the
block bounded by Pot Spring Road,
Ridgely Road, and Margate Road, from
R.1. Zone to R. A. Zone. The property
is located on the South side of
Pot Spring Road, between the
intersections of Pot Spring Road and
Ridgely Road, and is bounded on the
North by the intersection of Pot Spring
Road and Margate Road. The property
is shown on the plat submitted with
the petition, and is located on the
South side of Pot Spring Road, between
the intersections of Pot Spring Road
and Ridgely Road, and is bounded on
the North by the intersection of Pot
Spring Road and Margate Road. The
property is shown on the plat submitted
with the petition, and is located on
the South side of Pot Spring Road,
between the intersections of Pot Spring
Road and Ridgely Road, and is bounded
on the North by the intersection of
Pot Spring Road and Margate Road.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 5, 1957

THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of two successive weeks before the 15th day of July, 1957, the first publication appearing on the 28th day of June, 1957.

The UNION NEWS
H. J. Reynolds
Manager

FROM
Union News

CERTIFICATE OF PUBLICATION
OF

Reclassification of District.

Filed 195