

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County--

I, Joseph H. Punte, legal owner of the property situate

Beginning for the same in the center of Eastern Avenue at the beginning of a parcel of land which by a deed dated April 15, 1900 and recorded among the Land Records of Baltimore County in Liber N.B. 11, 261 folio 41 was conveyed by the Baltimore Pleasure Club of the City of Baltimore to Louis and thence running in the center of Eastern Avenue South 29° 20' West 270 feet more or less and thence leaving said Eastern Avenue and running South 40° 40' East 200 feet, South 29° 20' West 470 feet, South 22° 35' East 1320 feet, North 83° 36' East 945 feet, North 15° 24' East 1415 feet, North 62° 49' East 275 feet, North 52° West 300.82 feet, South 79° 49' West 347.5 feet, North 62° 49' East 401.5 feet, North 76° 35' West 441.71 feet to the place of beginning.

Containing 42 acres of land more or less.

Being a part of a parcel of land which by a deed dated March 22, 1940 and recorded among the Land Records of Baltimore County in Liber T.B.S. #1723 folio #405 was conveyed by Bernice Samorodin to Joseph H. Punte at al.

Size and height of building: front 18 feet; depth 32 feet; height 30 feet. Front and side set backs of building from street lines: front 25 feet; side 25 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.

Joseph H. Punte
Margaret E. Punte
Legal Owner

Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of July, 1957, 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 Rockford Bldg., in Towson, Baltimore County, on the 21st day of August, 1957, at 1 o'clock P.M.

Zoning Commissioner of Baltimore County
(over)

JOSEPH H. PUNTE and MARGARET E. PUNTE, his wife
VS
BOARD OF APPEALS FOR BALTIMORE COUNTY

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
LAW

In this case a reclassification from R-6 zone to R-2 zone was denied by the county board of zoning appeals because of a lack of sanitary and school facilities in the area at the time of this application. From the record it is indicated that the question of sanitary facilities was the most important consideration that actuated the Commissioner and the board in denying the application. At the hearing before the Court a letter from Mr. John Punte was introduced without objection stating that Area (1), the area in question, can be served at the present time through the Eastern Avenue sanitary system and the question of sanitary facilities is eliminated.

In the case of Misquot Realty, Inc. vs Board 216 Map 110, the Court stated:

"It should be noted here that this case involves an application for reclassification from one residential sub-category to another not the removal of the land from the use category in which it was placed was originally zoned, as was the situation in many of the cases presented to this Court. In this respect, the situation is, to a certain degree, different from the application to reclassify property zoned as residential to commercial or industrial. The change involved here is the difference between permitting the erection of approximately 7.5 houses per acre and/or about 6 houses per acre. There was testimony that a better and more economical development could be achieved by the group housing than by the cottage type home."

In the case at bar the application for rezoning was denied by the Board of Zoning Appeals but the facts are almost identical with the case of the Misquot Realty corporation. It would seem that, in the interest of consistency, if the Misquot Realty Company property should have been rezoned from R-6 to R-2 zone, the property in question should receive the same treatment. Indeed, the main objection to the rezoning - the question of sanitary facilities - has, as stated, been eliminated by the action of the county.

The property in question is almost surrounded by group housing. The reclassification of the 12 acres of the Punte tract would be disruptive and unreasonable, particularly in view of the fact that the

concerning the sewers. There was no objection at the hearing either from the county authorities or any residents of the community to the rezoning.

For the reason given the action of the Board will be reversed - and the property directed to be rezoned from R-6 zone to R-2 zone.

June 6, 1959

John B. Santorum
JUDGE OF THE COURT

True Copy Test
WALTER A. HANSEN, Clerk
Per W. A. Hansen
Deputy Clerk

John G. Rose
Deputy Zoning Commissioner
of Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification
from R-6 Zone to R-2 Zone
S.E. side of Eastern Avenue
opposite Wilbur Ave-15th District
Joseph H. Punte, petitioner

Dear Mr. Rose:

Please enter an appeal in the above referenced matter to the County Board of Appeals. Enclosed you will find my check in the amount of \$20.00 to cover the cost of same.

Very truly yours,

Joseph H. Punte
Joseph H. Punte
Margaret E. Punte

JHR/dw

Filed
Aug 29 1957

safe guard. As recently as seven weeks ago, we made our position clear on the question of adequate sanitary facilities in the case of Lawrence H. Roberts which involved a similar question. For the foregoing reasons, the request for a reclassification is denied without prejudice to refile same when the sanitary and school facilities are presently available.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 31st day of October, 1957 by the County Board of Appeals, ORDERED that the Reclassification petitioned for be and the same is hereby denied.

COUNTY BOARD OF APPEALS

Carl J. Pini
John J. Ryan
William H. J. J.

RE: PETITION FOR RECLASSIFICATION
OF APPROXIMATELY 42 ACRES OF
land on the southeast side of
Eastern Ave. opposite Wilbur
Ave. - 15th District - from
an R-6 Zone to an R-2 Zone
Joseph H. Punte - Petitioner

REPORT
R-6
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
#218

OPINION

This petition seeks the reclassification of approximately 42 acres of land on the southeast side of Eastern Avenue opposite Wilbur Avenue in the 15th Election District of Baltimore County from an R-6 Zone to an R-2 Zone.

Determination of the suitability or unsuitability of the requested R-2 classification is felt by the Board to be premature at this time due to the uncontradicted testimony of Officials from Departments of Public Works and Education, which indicates a serious lack of sanitary and school facilities in the area.

Although the petitioner ably points out that he cannot avoid other County Agencies which have the power to restrict or even forbid the actual construction of group dwellings until the needed facilities are provided, and argues that, therefore, the zoning should not be refused on that ground alone; we do not agree with his conclusion that the Board is entitled to rely upon the adequate functioning of such other Agencies.

A reclassification, by its very nature, is a quasi-legislative act, and before performing such act, the Board must consider all factors relative to the welfare of the public and, should any factor be found wanting, refuse reclassification without regard to the possibility of a later administrative

September 10, 1957

\$84.00

RECEIVED of Jos. H. Punte and Margaret E. Punte,
Eighty Four (\$84.00)
the sum of ~~Eighty Four (\$84.00)~~ Dollars, being cost of appeal to
the County Board of Appeals from the decision of the Deputy
Zoning Commissioner denying reclassification of property
on the southeast side of Eastern Boulevard opposite Wilbur
Avenue, 15th District.

Zoning Commissioner

01.622

RECEIVED
SEP 11 1957
COMPTROLLER'S OFFICE

By BW

September 4, 1957

\$40.00

RECEIVED of Drury Land, Inc., for petitioner Joseph
H. Punte, the sum of Forty Dollars (\$40.00), being cost of
petition, advertising and posting property situate on the
Southeast side of Eastern Avenue, beginning opposite Wilbur
Avenue, Fifteenth District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

trd

01.622 - \$40.00

RECEIVED
SEP 4 - 1957
COMPTROLLER'S OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4218

District 15th

Date of Posting 8-8-57

Posted for: City of Baltimore to and from B-S Zone

Petitioner: Joseph H. & Margaret E. Punte

Location of property: S.E. of Eastern Ave., beg. opp. Wilbur Avenue

the S.E. Block

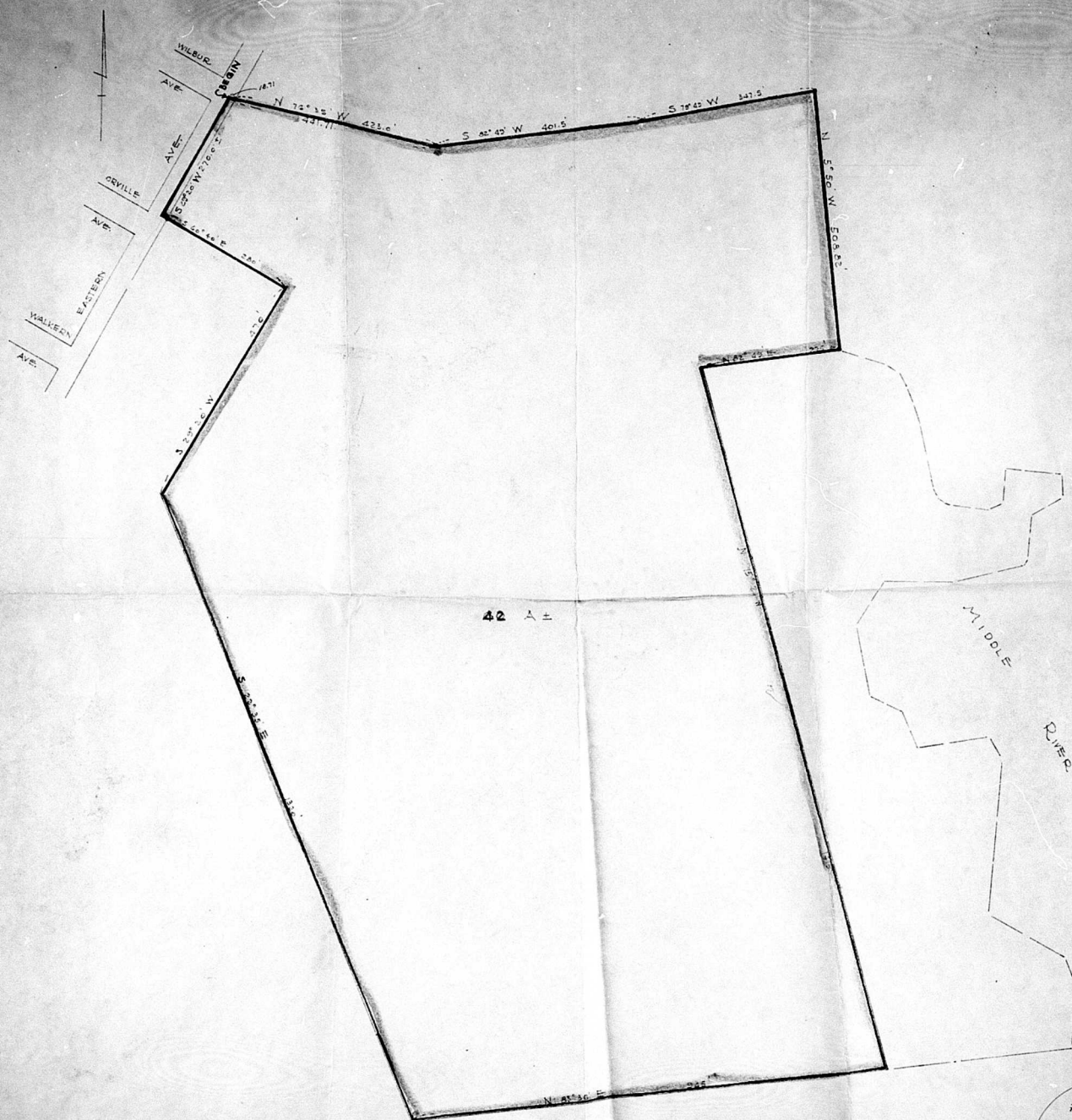
Location of Signs: On opp. corner of Eastern Ave. & 15th St. opposite Wilbur Avenue

Avenue

Remarks: _____

Posted by George A. Hammond Date of return: 8-9-57

Signature



#4218

MAP
15-B

AREA TO BE REZONED

FROM

R-G TO R-G

SALTO, CO. MD.

SCALE 1"=100'

ELECT. DIST. NO. 15

JULY 19, 1987

George William Stephens, Jr.,
and Associates, Inc.
Engineers
5 McDuffy Avenue,
Towson, Maryland