#4539 Petition for Zoning Re-Classification MAPSX

To The Soning Commissioner of Baltimore County:-

I, or we, WILLIAM PETERS, Jr. & ALICE PETERS legal owner... of the property stuate 15-8 I, or we million Armon, Jr. & ALIC. ARMON. head source of the property sizes 15 representables to the state of machine country, millionizable in the scatter of third livers loads approximately. The country of the cou

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an. Re6 zone to an. R.O. zone

Beasons for Re-Clasification: The above described property is located in an area being utilized for group home construction.

Size and height of building; front______feet; depth_____feet; height____ Front and side at backs of building from street lines: front. 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 Cou

> Non H. Letus acia 7 Petera

Addres 18th Easternaly Le

ORDERED By The Zoning Commissioner of Baltimore County, this September 19.50, that the subject matter of this petition be advertised, as required by the "Zonine Law of Bultimore County." a newspaper of general circulation throughout Balt. more 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 Reckerd Bldg., in Towson, Baltimore County, or 19 58 at 2 o'clock Po.M alay of Books M 12/10/58

Zoning Commissioner of Baltimore Count

(4-515NS) SEP 4 REC'D 345

Petition for Zoning Re-Classification 4539

To The Zoning Commissioner of Baltimore County :-

I, or we. MILLIAN PERSON, Fr. & ALICE PERSON. legal owner. of the property situ in the 18th District of Maltimore County, BEGINNESS in the center of Bird River Read approximately 2500 feet last of Middle River Read approximately 2500 feet last of Middle River Read and running thomse Borth 34 degrees

hereby petition that the zoning status of the	above	described property	be	re-clas	sified, pursuant	to t
Various Law of Maltinoper County County	3-6	No.			B.G.	****

Reasons for Re-Classification: . The above described property is located in an area being utilized for group home construction.

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

I or we agree to tay 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 ounty adopted pursuant to the Zoning Law for Baltimore County

ORDERED By The Zoning Commissioner of Baltimore County, then... by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property he mosted, and that the public hearing hereon be had in the office of th Zoning Commissioner of Baltimore County, in the Reckord BMg, in Towson, Baltimore County, or

. 1958 .. at 2 ... clock 7. ... M

INSTRUCTORS TO PETITIONERS FOR RECLASS. ICATION, SPECIAL ENGETTIONS, VARIANCE AND SPECIAL PRACTICES DATES. THE SON ING COMMISSIONER OF BALTIMORE COUNTY

These instructions must be strictly followed:

a. Petition forms for all types of hearings with as empiried by the Coming Deprivate. To information to be filled in the blank spec provided must be typed or printed and must be complete in every detail. Assistance and he had in asking out the necessary spetition by applying to this department, the complete of the provided by the complete of the provided by bounds, except that subdivision lof maders may be used in which event five copies of the plat of the subdivision must be filled with the petition.

Petitions must be signed by the legal owner or owners of the y described in petitions or his or their authorized agent under por reey in writing and filed with the petition.

Petition must be accompained by cash, check, or money order, payable to the Treasurer of Baltimore County, Maryland. The amount is d upon the following charges:

(a) Petitions to Zoning Comm (1) For a Reclassification (2) For a Special Exception (3) For a Variance (4) For a Special Hearing

(b) Appeals to Board of Appeals:
(1) For a Reclassification \$2.00
(2) For a Special Exception
(3) For a Variance
(b) Any other appeal from an order by the
Zoning Commissioner \$2.00 per acre; \$50.00 minimum

Additional cost of advertising, if any, will be added to the above charges. Each additional sign required will be \$3.00

QUESTIONNAIRE TO HE SUBMITTED WITH ZONING PETITION

830.00

Note: Please answer all questions that apply Date: 7-25-58 Election District Number: 15th Petition Ne.:

1. Property Location: Street names and house No. if any; North, East, South or West side of atroot; Ecrth, East, South or West from nearest interest Street or Read's

2. Interior lot or corner lat?

3. Date property acquired by present owners_ 4. Names of legal owner, if other than petitioner:

Name of person other than legal owner who may be contacted for added information: Charles J. Maries Tel. No. Yer Je.

6. What will be the maximum height of the building or buildings? ____feet.

7. Approximate number of square feet of total floor areas

8. Number of employees: (present)____ (future) Has a petition been denied by any of the following in the past 18 months? (yes or no)

Zening Cermissioner No Board of Appeals No Circuit Court of Appeals No

If yes, please give date:

THIS FORM MUST BE SUBMITTED IN DUPLICATE

RE: PETITION #1539 for RECLASSI-FICATION from an "Rad" Zone to an "Rad" Zone - N.S. Bird River Road 2500 E. Middle River Road, 15th Distrift, Wm. Peters, Jr.

COUNTY BOARD OF APPEAUS

BALTIMORE COUNTY

PRITITION #4540 for RECLASSIFI-CATION from "R-6" Zone to an "R-6" Zone - N. S. Bird River Road, 1000' east of Middle River Road, 15th

. OPINION

of law and fact, the Board suggested that they be combined for hearing. Counsel for both sides favored the consolidation, and it was so ordered.

The Petitioners request reclassifications to permit group house uses, both properties being in the "R-6" category at the present time. The Fischer property consists of approximately 18 acres, partially fronting along the north side of Bird River Road about onequarter mile east of Middle River Road; the Peters property contains close to 77 acres and is situate on the same side of Bird River Boad, about one-half mile east of the Fischer tract.

The Peters land is bounded by existing "R-6" on all sides except the north, where it touches the rear of commercial properties fronting on Pulaski Highway. The environs of the Fischer tract are as follows: to the southwest, directly across Bird River Road, lies Maple Crest, a 100 acre group house undertaking now in the process of develop ment; to the west is a ten agre tract which was zoned for business use in 1958; to the east, north and southeast are other "R-6" properties. Angling to the northeast through the northermost continue of the Piacher land are electrical high tension lines.

The Applicants have successfully shown, without contest, that the general area in which these properties lie has undergone marked urbantestion since the original soning in 1965. As to the Peters property. wer, the change in the immediate neighborhood, in our opinion, has not been sufficient to justify its reclassification to "R-O". Briefly, the reclassification of the Peters land would amount to "upot zoning" at its worst. There is no need for the higher wity use, nor can we agree with Petitioner's contention that individual house development is not feasible for the area. In addition, Joseph D. Thompson, a consulting engineer, testified that the Peters tract is not completely sewerable at the present time. Finally, and to us most conclusively, the school situation in the area is critical and cannot stand further overloading. We find the scales tipped overwhelmingly against the Peters reclassifi-

With regard to the Fischer property, there are, undeniably, substantial changes in the immediate neighborhood. The zoning of Naple Crest in the Fall of 1952, followed by the commercial zoning of the ten acre tract to the west in 1958, are both immediate and major changes. These changes are sufficient to justify reclassification, provided such reclassification will not adversely affect conditions definitive of the public welfare, such as these set forth in Section 502.1 of the Zoning Regulations, relating particularly to special exceptions.

In the leading case of Price v Cohen. 213 Nd. 457, our Court of Appeals refused to allow the reclassification of property, notwithstanding a substantial change in the immediate neighborhood. because of the existence of dangerous traffic conditions which would

company affect the public welfare, sire, the Appellate Court implied'y stated that a valid reason to deny a special exception was also sufficient cause to prevent a reclassification, regardless of the fact that the reclassification met the test of substantially changed conditions in the

Applying the reasoning in the Price case to the Fischer petition, we find from the evidence presented by Mr. Gavrelis, the Diputy Director of Planning of Baltimore County, and Mr. Grim , an Administrative Assistant to the Salithore County S perintend at of Schools, that the requested a classification would adversely affect the public

In the first place, it would represent a departure from the

comprehensive plan for the area, hich plan will seen be submitted by the Office of Planning to the Zoning Commissioner and the County Council for approval and enactment. Accordly, it would suggest the concested and already seriously evercrowied conditions in the schools of the area. Finally, it would open up new acreage on the north side of Bird River Road to higher density soning, and would in time cause further departures from the comprehensive plan and further overcrowding of the schools.

For the aforegoing reasons, the instant petitions are jointly and severally denied.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

Date: 9/8/59

OF BALTIMOUS COUNTY

NOTE: Mr. Bubers did not sit in one above case.

PRITION POR RECLASSIFICATION from an "R.5" Zone to an "R.0" Zone - Bird River Road Approximately e 2500 feet East of Middle River Road-15th District - William Peters, Jr. -Petitioner BALTIMORE COUNTY #L539

Please strike my appearance in the above entitled case.



REPORT THE

ZOSTNO COMMISSIONER OF



RE: PETITION FOR RECLASSIFICATION from an "R.6" Zone to an "R.C." Zone - Bird River Read approximatel 2500 feet East of Middle River Read 15th District - William Peters, Jr. ZONING CONSTRUCTOR OF

This is a Petition for Reclassification from Ruf Residence zone to R-G Group House zoning in the Fifteenth District of Baltimore County on Bird River Road.

The proposed land use map for this area (Fifteenth District) has been completed and a Master Plan for this area is expected to be adopted within the next few months, following which the Flanning Board will make its recommendation to the Zoning Commissioner, who will hold hearings, make studies and will then recommend the comprehensive sening map for the Pifteenth Mistrict to the County Courcil.

There are many problems in the area that will have to be considered in adopting the comprehensive soning map and they should all be considered together. The proper coming for the subject property should swait the classification determined on the final comprehensive zoning map to be adopted in the near future.

For the aforegoing reasons, the Petition for Reclassification

ORDER

For the reasons set forth in the aforegoing opinion, it is this 1874 day of February, 1959, by the Zening Commissioner of Balumore County, ONDERED that the reclassification petition be and the same is hereby dantad.

Comissioner timere Countr

IN THE WILLIAM PETERS, JR. and ALICE PETERS, his wife CURCUIT COURT FOR BALTIMONE COUNTY SPING T. AGNOW, Chairman, CHARLES STRINGOUX, R. and DANIEL S. HUBERS, constituting the Fourd of Appeals for Baltimore County, Haryland, a murbipal corporation, and Case No. 4539

.......... ORDER

OHDERED, that a Writ of Certiorari be issued to Spiro T. Agnew, Chairman, Charles Steinbook, Jr. and Daniel W. Hubers, constituting the Board of Appeals for Baltimore County, to review the decision and Order of the Board of Appeals for Baltimore County dated September 8, 1959, and requiring that Board to return to the Court all papers, records and proceedings in saidmatter and a transcript of all testimony and exhibits presented before the Board in connection with said proceedings to enable this Court to review said Order and decision of the Board, and that a return to this Petition shall benede and served upon the Defendants' attorney within ten (10) days from the date of this

IT IS FURTHER ONDERED, that the said Board of Appeals for Baltimore County shall return to this Court all the original papers, or certified or sworn copies thereof, and the return shall concisely set forth such other facts as may be pertinent to show the grounds of the decision and Order appealed from, together with a transcript of all testimony taken at the hearing and copies of the exhibits filed therewith.

True Copy Test WALTER J. RASHUSSEN, Clork Per B. EULEN Deputy Clerk

PETITION FOR RECLASSIFICATION FROM : BEFORE ZONING COMMISSIONER BALTIMORE COUNTY

APPEAL

Mr. Clerks

Please enter an appeal in the above-cntitled cause to the County Board of Appeals.

Department of Baltimore County as are also the use district maps

and your Respondents respectively suggest that it would be inconvenien

ppropriate to file the same in this proceeding, but your

Remondents will produce any and all such rules and regulations 'agether

Respectfully submitted

Secretary to Board of . speaks

with the goning use district map at the hearing on this petition or

whenever directed to do so by this Court.

elea B. Petere William Peters, Jr. & Alice F. Peters

17 59 ----

CLERK COURT. 1 N21 M I:49

3

CIRCUIT COURT and FOR EDMUND L. FISCHER BALTIMORE COUNTY AT LAW Case Nos. 4539-4540 SPIRO T. AGNEW, CHARLES STEINBOCK, JP., and DANIEL HUBERS, Constituting the Board of Zoning Appeals of Baltimore County ORD ER OF COURT The above-entitled cause having come on for hearing, counsel having been heard, and transcript of all testimony having been read, it appears to the Court that over 1-1/2 years have elapsed from the date of the final order of the County Board of Appeals to the date of this hearing and that in order to properly adjudicate this matter as justice may require it is, this 2/May of June, 1961, ORDERED by the Circuit Court for Baltimore County, in accorded with Section 23-27 of the 1960 Cumulative Supplement to the Baltimore

WILLIAM PETERS and ALICE PETERS

County Code, 1958, and Article VI Section 604 of the Charter of Baltimore County, Maryland, that these proceedings be remanded to the County Board of Appeals for re-hearing for the purposes of determining the changes, ifany, that may have taken place from September 8, 1958, to the present

(1) The adoption of a comprehensive plan for the Fifteenth Election District of Baltimore County by the Office of Planning and Zoning and the Baltimore County Council.

(2) The flight patterns of the planes belonging to the Martin Company and the Maryland National Guard. (3) Or any other pertinent tentimony.

Reid 8.26

Towson, Maryland

4539 Date of Posting _//-26-58 Posted for: Garal- 63 cont to ango y 3 cone Petitioner: William and gluce Setus Location of property: Cashiff Barof Stewer At agree 250ft. 8. frischtly Auni Road it Sie Plat Location of Signa: Color go 2 500 ft levellet 2:50 ft analy 1 30 oft, and the 36 off East Amuelle Seas Set on the Mouth as bof Bud Sever food

Remarks:

Posted by Johnson Date of return: 41-28-58

Dec. 10, 1958 At 2:00 p. m. hearing hold on potition No. 1639 " 3 100 p. m. " " " 15 lo.

Cases held sub curta. Order of Zoning Commissioner denying the petitions for reclassification. Feb. 18, 1959

Orders of appeals to the Board of Appeals from Order of Zoning Commissioner denying reclassifications.

May 21 . Hearing on appeals before the Board of Appeals. Order of Board of Appeals denying both petitions for reclassification. Sept. 8, 1959 Cet. 5, *

Write of certiorari and appeal to the Gircuit Court for Baltimore County served on the Board of Appeals. Transcript of testinony taken at the appeal hearing before the Board of Appeals filed. Photographs Nos. 1 to 10, filed as Petitioner's exhibits.

Plat filed as Petitioner's Bonfait No. 11. Plat filed as Protestants' Exhibit "A". Orcup House Zoning in the Essex-Middle River area filed as Protestants' Edibit "B" Petition of protest filed as Protestants'

School Picture of Vicinity of the Martin Plant. Letters and petition of protest. Photographs filed as Protestants Exhibits "E"1 to "E" 31, inclusive.

Minutes of Baltimore County Planning Board. Map of group house study in Essex-Middle River community.

Record of proceedings filed in the Circuit Court for Baltimore County. Nov. 3, 1960

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zining

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date: _ _ Embruary 27, 1962 __ REFERRED of: - Miliam Potors, Jr.,-

WILLIAM PETERS, JR. and ALICE PETERS, his wife

TO THE HOMOPABLE, THE JUDGE OF SAID COURT:

...........

G. Mitchell Austin, constituting the Board of Appeals of Baltimore County,

case herowith return the record of proceedings had in the above entitled

matters consisting of the following certified copies or original papers

on file in the office of the Zoming Department of Baltimore County:

No. 1539-1540 ZONING ENTRIES FIGURE OF LOUNTY

and in answer to the write of certifrari directed against themin this

And now come Nathan H. Kaufman, Jr., Spire T. Agnew and

Position of Wm. Paters, Jr. and Alice Paters, his wife, for reclassification of property in the centur of Bird River Road approximately 2500 feet seat of Mitch Road point Roads (25th District, from an "Bed" Jone to an "Bed" zone, and INOO' cast of Whide River Road.

Order of Zoning Commissioner directing acvertisement and positing properties - date of hearing set for Depember 10, 1958 at 2:00 and 3:00 p. m. respectively.

Certificate of posting property properties, filed.

Cortificates of publication in meespaper, filed.

Case Nos. 1539 and 1510

Sept. 4, 1958

EDMOND J. FISCHER

LANGUAGE TRANSPORTER RESPONDENCE STATE FOR THE PARTY STATE FOR THE AMPONNI: One Bandred and Pifty (4150.00) Dollars

RECEIPT

2-27-59 6910 . . IIL+ 15000 Coming Commissioner of Baltimore County

IN THE CIRCUIT COURT

BALTIMORE COUNTY

Misel. 2114 2113

FOR



