

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County

Re: PETITION FOR RECLASSIFICATION OF THE PROPERTY OF THE BALTIMORE COUNTY BOARD OF APPEALS, BALTIMORE COUNTY, MARYLAND, TO RECLASSIFY THE PROPERTY OF THE BALTIMORE COUNTY BOARD OF APPEALS, BALTIMORE COUNTY, MARYLAND, FROM R-6 TO R-6A.

Beginning for the same in the 15th District of Baltimore County in the center of Bird River Road approximately 1000 feet east of Middle River Road; thence running North 10 degrees 30 minutes east 1000 feet; thence North 30 degrees 30 minutes east 951 feet; thence North 15 degrees 15 minutes east 899.40 feet; thence South 25 degrees 30 minutes east 941.10 feet; thence South 15 degrees 15 minutes west 500 feet; thence South 8 degrees 12 minutes east 151.70 feet; thence continuing the same course 15 feet to the center of Bird River Road; thence binding thereon 15 feet; thence North 8 degrees 12 minutes west 192.90 feet; thence South 15 degrees 15 minutes west 893.05 feet; thence South 30 degrees 30 minutes east 60 feet to the center of Bird River Road; thence binding on the center of said road south 60 degrees 30 minutes west 145 feet and south 25 degrees west 594.1 feet to the place of beginning. Containing 19 acres of land more or less.

Zoning Law of Baltimore County, from R-6 to R-6A. The above described property is located in an area being utilized for group home construction.

Site 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 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.

Edmund J. Fischer, Legal Owner

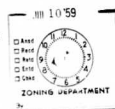
ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of September, 1959, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, this property be posted, and that the public hearing herein be had in the office of the Zoning Commissioner of Baltimore County, in the Second Bldg., in Towson, Baltimore County, on the 30th day of September, 1959, at 3 o'clock P.M.

Zoning Commissioner of Baltimore County

(over) SEP 4 1959

ROBERT PAUL MANN, Attorney at Law, 8 BUREAU BUILDING, TOWSON, MARYLAND

July 8, 1959



Spiro T. Agnew, Chairman, Board of Appeals, Baltimore County Office Building, Towson, Maryland

Re: Re-classification Petitions of William Peters, Jr., and Edmund J. Fischer, et al

Dear Mr. Agnew:

Please consider the above captioned cases as closed and complete. There will be no further testimony or evidence introduced by the Petitioners or Protestants.

Very truly yours,

Edmund J. Fischer, Attorney for Petitioners

Robert Paul Mann, Attorney for Protestants

Re: PETITION FOR RECLASSIFICATION OF THE PROPERTY OF THE BALTIMORE COUNTY BOARD OF APPEALS, BALTIMORE COUNTY, MARYLAND, TO RECLASSIFY THE PROPERTY OF THE BALTIMORE COUNTY BOARD OF APPEALS, BALTIMORE COUNTY, MARYLAND, FROM R-6 TO R-6A.

This is a Petition for Reclassification from R-6 to R-6A. The property is located in the 15th 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 Planning Board will make its recommendation to the Zoning Commissioner, who will hold hearings, make studies and will then recommend the comprehensive zoning map for the Fifteenth District to the County Council.

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

For the foregoing reasons, the Petition for Reclassification is denied.

ORDER

For the reasons set forth in the foregoing opinion, it is this 14th day of February, 1959, by the Zoning Commissioner of Baltimore County, ORDERED that the reclassification petition be and the same is hereby denied.

Edmund J. Fischer, Zoning Commissioner of Baltimore County

INSTRUCTIONS TO PETITIONERS FOR RECLASSIFICATION, SPECIAL ADVERTISING, POSTING AND RECORDING OF THE PETITION. BALTIMORE COUNTY, MARYLAND.

These instructions must be strictly followed:

1. Petition forms for all types of hearings will be supplied by the Zoning Department. The information to be filled in the blank spaces provided must be typed or printed and must be complete in every detail. Assistance may be had in making out the necessary petition by applying to the department. The written description of the property to be affected must be by meter and bounds, except that subdivision lots may be used in which event five copies of the plat of the subdivision must be filed with the petition.

2. Petitions must be signed by the legal owner or owners of the property described in petitions or his or their authorized agent under power of attorney in writing and filed with the petition.

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

(a) Petitions to Zoning Commissioners:	\$1.00 per acre:	\$10.00 minimum
(1) For a Reclassification		\$10.00
(2) For a Special Exception		\$10.00
(3) For a Variance		\$10.00
(4) For a Special Hearing		\$10.00
(b) Appeals to Board of Appeals:	\$2.00 per acre:	\$50.00 minimum
(1) For a Reclassification		\$50.00
(2) For a Special Exception		\$50.00
(3) For a Variance		\$50.00
(4) Any other appeal from an order by the Zoning Commissioner		\$10.00

Additional cost of advertising, if any, will be added to the above minimum charges. Each additional sign required will be \$1.00.

QUESTIONS TO BE SUBMITTED WITH ZONING PETITION

Notes: Please answer all questions that apply.

Date: 7-8-59 Election District Number: 15th Petition No. 1

1. Property location: Bird River Road (Street name and Block No. If any, North, East, South or West)

2. Interior lot or corner lot?

3. Date property acquired by present owner: September 3, 1959

4. Name of legal owner, if other than petitioner:

5. Name of person other than legal owner who may be contacted for added information: Charles T. Hunsley Tel. No. 4-4444

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

7. Approximate number of square feet of total floor area:

8. Number of employees (present) (future)

9. Has a petition been denied by any of the following in the past 18 months? (yes or no) Board of Appeals No Court of Appeals No

10. Zoning Commissioner Circuit Court No Board of Appeals No Court of Appeals No

If yes, please give date: Edmund J. Fischer (signed)

THIS FORM MUST BE SUBMITTED IN DUPLICATE

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Mr. Clerk: Please enter an appeal in the above-entitled cause to the County Board of Appeals.

Edmund J. Fischer, Petitioner.



WILLIAM PETERS and ALICE PETERS vs. EDMUND J. FISCHER. IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Case Nos. 4539-4540 (Combined)

SPIRO T. AGNEW, CHARLES STEINBOCK, JR., and DANIEL HUBERS, Constituting the Board of Zoning Appeals of Baltimore County

ORDER 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 24th day of June, 1961.

ORDERED by the Circuit Court for Baltimore County, in accordance with Section 23-27 of the 1960 Cumulative Supplement to the Baltimore 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, if any, that may have taken place from September 8, 1958, to the present time relative to:

- (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) In any other pertinent testimony.

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Mr. Concessionary: Please strike my appearance in the above entitled case.

Edmund J. Fischer, Petitioner.



EDMUND J. FISCHER vs. SPIRO T. AGNEW, Chairman, CHARLES STEINBOCK, JR., and DANIEL H. HUBERS, Constituting the Board of Appeals for Baltimore County, Maryland, a municipal corporation, and their successors. Case No. 4540

ORDER

Upon the foregoing Petition and Affidavit, it is, this 14th day of September, 1959, by the Circuit Court for Baltimore County,

ORDERED, that a writ of Certiorari be issued to Spiro T. Agnew, Chairman, Charles Steinbock, 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 said matter 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 be made and served upon the Defendants' attorney within ten (10) days from the date of this Order; and

IT IS FURTHER ORDERED, 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 conspicuously 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. RASMUSSEN, Clerk

James J. Lindsey, Deputy Clerk

EDWARD J. FISCHER

IN THE
CLERK OF COURT
FOR
BALTIMORE COUNTY

EDWARD J. FISCHER, Chairman
CHARLES STEINBOCK, Jr., and
DAVID L. HUBBARD,
constituting the Board of Appeals
for Baltimore County, Maryland,
a municipal corporation, and
their successors

Case No. 1550

PETITION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Edward J. Fischer, by E. Scott Moore, his attorney,
respectfully represents:

1. That your Petitioner is a property owner and taxpayer of Baltimore County, Maryland.
2. That on September 4, 1959, your Petitioner filed a Petition with the Zoning Commissioner for Baltimore County for a reclassification of 19 acres of land located on the North side of Bird River Road, 1000 feet East of Middle River Road in the 15th Election District of Baltimore County from an "R-6" Residential Zone to an "R-40" Residential Zone, the property mentioned being more particularly described in the Petition above-referred to; and that subsequent to the filing of said Petition and after public hearing the Zoning Commissioner for Baltimore County passed an Order dated February 18, 1959, denying the Petition for reclassification.
3. That your Petitioner entered an appeal therefrom and a hearing was had on said appeal before the Board of Appeals for Baltimore County and that on September 8, 1959, the said Board of Appeals for Baltimore County passed an Order denying the reclassification from an "R-6" Residential Zone to an "R-40" Residential Zone for the above-described property consisting of 19 acres as aforesaid.
4. That your Petitioner is aggrieved and injured by the above-mentioned decision and Order of the Board of Appeals for Baltimore County dated September 8, 1959, and that the decision and Order should be annulled by this Honorable Court for the following reasons:

December 10, 1959

Mr. William H. Adams
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Dear Mr. Adams:

Our attention has been called to a petition to remove two parcels of land on the northwest side of Bird River Road, Middle River, for the erection of group homes. This area appears to be just beyond a proposed housing development known as Maple Crest which is located within two miles of the center of the Martin Airport. We felt that it was incumbent upon us to call attention to the County authorities of the risks involved in building schools or residences in the area of Maple Crest. Consequently, we feel the same danger exists for the housing development now proposed.

On May 10, 1957, we wrote Mr. M. J. Birmingham, the then Baltimore County Executive, and advised him that the extended center line of the northwest-southeast runway on the Martin Airport will pass over the center of the Maple Crest development. All jet aircraft will use this runway in taking off and landing. Airplanes taking off will normally fly at elevations of 400 to 5,000 feet over this area and the majority of flights would be at the lower end of this altitude range. Typical landings would have a glide slope starting at an altitude of 1200 feet about 1 1/2 miles from the near end of the runway. Consequently, aircraft following the normal glide slope for landing would be flying at 400 to 1,000 feet over this area.

Also, we wish to call your attention to a report from the President's Airport Commission of 1957 which includes sections relative to the establishment of attractive noise around airports. This report states in substance the following:

"Beyond the runway extensions, a fan-shaped zone at least two miles long should be established in which land use can be controlled. This zone should be 6,000 feet wide at its outer limits. It should contain no schools, hospitals, churches or other places of public assembly, and no buildings tall enough to constitute flight path obstructions. Use of this land should be

Mr. William H. Adams
Zoning Commissioner

- 2 - December 10, 1959

restricted to agricultural purposes so far as possible with residential buildings confined to its more distant sections. Factories, though less undesirable than housing in the noise areas, should be located off the sides of the airport.

Due to the fact that a school is already in the northern half of this sector, our flight traffic is necessarily directed to the northern sector where this new housing is proposed. As a result, the traffic pattern will be concentrated in this limited zone, and there are no flight techniques possible to bypass this area without endangering the schools in the vicinity or the proposed housing development.

In view of the facts just stated, we believe that the granting of this petition would result in serious risks to the public.

Sincerely,

A. L. Varrinier
Vice President & General Manager
Baltimore Division

(a) That the Order of the Board of Appeals for Baltimore County constitutes an arbitrary and capricious act and a gross abuse of their discretion.

(b) That there was no substantial evidence before the Board of Appeals for Baltimore County to justify and support its Order of September 8, 1959, in that, among other things, the Board ignored the fact that there had been a substantial change in the nature of the community.

(c) And for such other and further reasons as may be shown at the hearing hereof.

TO THE HONORABLE COURT:

(a) That a Writ of Certiorari be granted by this Honorable Court directed against said Defendants constituting the Board of Appeals for Baltimore County to reject the decision and Order of said Board dated September 8, 1959, in the within proceedings, and prescribing therein the time within which a return thereto shall be made.

(b) That the Board of Appeals for Baltimore County may be required to return to this Honorable Court the original papers acted on by it, or a certified copy thereof, together with a copy of all records in said proceedings and a transcript of all testimony taken before that Board in connection with the proceedings, as well as a copy of the Order entered by the Board.

(c) That this Honorable Court may permit your Petitioner to take such other and further testimony as may be necessary for the proper disposition of the matter.

(d) That this Honorable Court may reverse, set aside, annul and declare void and of no effect the decision and Order of the Board of Appeals for Baltimore County dated September 8, 1959, denying reclassification from an "R-6" Residential Zone to an "R-40" Residential Zone of the property mentioned in paragraph 2 herein.

(e) That this Honorable Court may direct the Zoning Commissioner for Baltimore County to issue an Order reclassifying the subject property to an "R-40" Residential Zone.

(f) And for such other and further relief as the nature of their case may require.

AND AS IN LITV BOUND, etc.

Edward J. Fischer

E. Scott Moore,
Attorney for Petitioner,
Duncan Building
Towson 4, Maryland
Valley 5-0511

SUBSCRIBED AND SWORN TO before me this _____ day of September, 1959,

Notary Public

RECEIPT

Date: --- Feb. 27, 1959 ---

RECEIVED OF: --- Edward J. Fischer ---

LOCATION OF PROPERTY: --- Bird River Road - 1000' - N. Middle River Road ---

AMOUNT: --- Fifty (\$50.00) ---

--- Zoning Commission of Baltimore County ---

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4540

Date of Posting: 11-26-58

District: --- 14 ---

Posted by: --- [Signature] ---

Petitioner: --- [Signature] ---

Location of property: --- [Signature] ---

Location of Sign: --- [Signature] ---

Remarks: --- [Signature] ---

Posted by: --- [Signature] ---

Date of return: 11-28-58

6-23-70

