

RE: PETITION FOR RECLASSIFICATION
from "B-10" and "B-20" Zones to
an "R-10" Zone - H. Kaufman
Road W. of Pine Valley Road,
8th Dist., Henry Kaufman,
Petitioner
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4554

OPINION

This is a petition for reclassification from "B-10" and "B-20" Zones to an "R-10" Zone of an unimproved tract of land of approximately 21 acres on the north side of Timonium Road, west of Pine Valley Road in the Eighth District.

In late 1955, after study by the Department of Planning and the required public hearings, the zoning map for this area was enacted into law. The law is well established that there is a presumption in favor of the validity of this map, which presumption must be overcome by the property owner to justify this reclassification.

The petitioners attempt to show that the original zoning was in error and that the highest and best use of the subject property would be under the classification of "R-10".

Mr. George E. Gervais, Deputy Director of the Office of Planning, testified that he is opposed to the reclassification because the original zoning was not in error and there have been no changes in the immediate neighborhood since the zoning map was adopted. The evidence in this case does not show any error in the original zoning of the subject property but rather that it was part of a well developed plan for the entire area.

After careful consideration, the Board is of the opinion that there has been no substantial change in conditions in the immediate neighborhood; that no error in original zoning exists; that there are no factors which would seriously impair the development of the subject property in its present category; and further, that the claim that houses are sold more readily with smaller lots is not a valid reason for reclassification to a higher density.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of July, 1959, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby denied.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Spun 7 days
Charles H. Gervais
George E. Gervais

RECEIVED PAUL ROSE
N. LEE HARRISON
PAUL A. FLETCHER
JOHN B. HENDERSON

LAW OFFICES
SMITH AND HARRISON

TELEPHONE VALLEY 2-8800
212 WASHINGTON AVENUE
TOWSON 4, MARYLAND

January 19, 1959

John G. Rose, Esq.
Zoning Department of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Reclassification from
R-40 and R-20 Zones to an R-10 Zone
W.S. Timonium Road W. Pine Valley Road
8th District, Henry Kaufman, Petitioner

Dear Mr. Rose:

Please note an Appeal to the County Board of Appeals
from your Order of January 15, 1959.

Very truly yours,

N. Lee Harrison
N. Lee Harrison

WJH:g

JAN 20 1959



Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, HENRY KAUFMAN, legal owner, of the property situated BEGINNING for the same in the center of Timonium Road distant 550' W. from the center of Pine Valley Road thence leaving the said center of said Road and running North 14 degrees East 1206, 15', North 73-1/4 degrees West 729, 30', North 80-1/4 degrees West 89, 10', North 85-1/2 degrees West 183, 15', North 79 degrees W. 74', N. 82 degrees 13'W, 99' 2', N. 89 degrees 30'W, 30' 2', S. 89 degrees 2', S. 89 degrees 13'W, 360, 11' to the said center of Timonium Rd, thence on same S. 78 degrees E. 122, 30' and S. 74 degrees 10' E. 348, 15' to the place of beginning.

BEING 21 acres more or less of the Henry Kaufman property as shown on the Plot Plan filed with the Zoning Department of Baltimore County, which accompanies this petition.

I hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-40 and R-20 zone to an R-10 zone.

Reasons for Re-classification:

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 of Baltimore County.

Henry Kaufman
Legal Owner
c/o Kenneth C. Proctor
Campbell Building, Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of November, 1958, 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 Reckard Bldg. in Towson, Baltimore County, on the 11th day of January, 1959, at 11 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

NOV 19 1958

January 26, 1960

\$10.00

RECEIVED of Paul R. Koch, Attorney, for 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 on north side of Timonium Road, west of Pine Valley Road, 8th District, Henry Kaufman, petitioner.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

1-2699 3771 • • • TIL - 5000
1-2699 3771 • • • TIL - 5000

December 19, 1958

\$40.00

RECEIVED of Kenneth C. Proctor, attorney for petitioner, Henry Kaufman, the sum of Forty Dollars (\$40.00) to cover cost of petition, advertising and posting property situate on the center of Timonium Road West from Pine Valley Road.

Four signs are required for posting this property, therefore a balance of Nine Dollars (\$9.00) is due.

Zoning Commissioner
of Baltimore County
PAID - Baltimore County, Md. - Office of Finance

RECEIVED

Wednesday, January 14, 1959
at 11:00 A. M.

12-2250 4834 • • • TIL - 4000
Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

01622-\$40.00

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Road W. of Pine Valley Road,
8th District - Henry Kaufman,
Petitioner
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NO. 4554-V

The petitioner in this case seeks the reclassification of property described in the petition from "B-10" and "B-20" Zones to an "R-10" Zone.

The Zoning Commissioner recommended that the zoning as now constituted be adopted and incorporated in a Land Use Map only after a thorough examination of the facts before him.

On December 6, 1955, the County Commissioners held a public hearing to hear objections to the Zoning Commissioner's Final Report. One of the appellants/appeared and protested the adoption of the Final Report, but two weeks later the County Commissioners approved and signed a new zoning map incorporating the recommendations of the Zoning Commissioner.

On June 26, 1957 the Court of Appeals of Maryland in the case of Fuller, et al, vs County Commissioners of Baltimore County 214 Md. 168 affirmed the action of the County Commissioners.

There being no evidence of error or substantial change since the Court of Appeals' ruling the petition is denied.

Date: January 15, 1959

Deputy Zoning Commissioner
of Baltimore County

August 14, 1959

\$10.00

RECEIVED of Messrs. Proctor, Boynton & Walker, attorneys for Henry Kaufman, Petitioner, the sum of Ten (\$10.00) Dollars being cost of certified copies of documents filed in the matter of reclassification of property on Timonium Road, west of Pine Valley Road, 8th District.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Finance

8-1799 4503 • • • TIL - 1000
8-1799 4503 • • • TIL - 1000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#11554

District 8th Date of Posting 1-2-59

Posted for: an R-40 + R-20 Zone to an R-10 Zone

Petitioner: Henry Kaufman

Location of property: West of Pine Valley Rd. & Timonium Rd. Subd.

Location of Signs: One sign 600 ft. another 765 ft. another 895 ft. another 945 ft. west of Pine Valley Road on the N.S. of Timonium Road.

Remarks: _____

Posted by George R. Hummel Date of return: 1-3-59
Signature

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#1554

District 8th Date of Posting 1-2-59

Posted for: An R-40 and R-20 Zones to an R-10 Zone

Petitioner: Henry Kaufman

Location of property: West of Pine Valley Rd. and Timonium Rd. etc. See Plat

Location of Signs: One sign 600 feet, another 765 feet, another 895 feet, another 945 feet West of Pine Valley Road on the North side of Timonium Road.

Remarks: _____

Posted by George R. Hummel Date of return: 1-3-59
Signature

PRESENT ZONING. R-40

PRESENT ZONING R-20

N 89° 30' W 30' 1/2"
N 87° 15' W 74' 1/2"
N 85° 1/2' W 183.15'
N 80° 1/2' W 89.10'

PRESENT ZONING
R-40

PRESENT
ZONING
R-40

HENRY KAUFMAN
21.1 A±
W.P.C. G18-3GG

PRESENT
ZONING
R-20

PRESENT ZONING
R-10

PRESENT ZONING R-6

PINE VALLEY
P.B.G.L.B. 14-90

PRESENT ZONING

PLOT PLAT TO ACCOMPANY
PETITION FOR ZONING RE-CLASSIFICATION
OF PART OF

HENRY KAUFMAN PROPERTY

8TH ELECT. DIST. BALTO. CO., MD
SCALE 1" = 200' NOV 17, 1958

#4554-V
NEW MAP #9
SEC. 3-C

PRESENT ZONING
R-20

PRESENT ZONING
R-20

TIMONIUM

ROAD

THOMPSON AND GRACE
ENGINEERS & SURVEYORS
12 ALLEGANY AVE.
TOWSON 4, MD.

