RE: PETITION FOR REGIASSIFICATION from an #R-6# Zome to an #R-6# Zome to an #R-6# Zome to an Boiling Road and Fowers lane lst District - Frederick R. Dichlmann, et al., Fetitioner COUNTY BOARD OF APPEARS that he had visited the present plant of American Metaseal Corporation on Route 40 and found no evidence of noise, smoke or odors. The present plant Petition for Zoning Re-Classification 6. That the building be limited to one story const BATTTHORE COUNTY operates one shift and has employed a maximum of 9 employees. Mr. Gayrelia To The Zoning Commissioner of Baltimore County:-DATE: __ legal owners._ of the property situate MAP 7. All parking areas st. 1 be paved and maintained to further said that in his opinion "M-R" would be a proper classification No. 1.808 I, or we. Contract Purchasers nmylde for the best soultery conditions because of the proximity to Houte hO and the Beltway and also because of the 8. All lights projecting from the building, or used to in the First Election District of Baltimore County, on the northwes in the First Election District or Baltimore County, on the northwise County, on the northwise County, on the northwise County, on the northwise County of the County of th This is a petition of Frederick R. Diehlmann et al., for a MR illuminate the parking lots, shall be reflected away It is the opinion of the Board of Appeals that it would not Reclassification from an "R-6" Zone to an "H-R" Zone for a parcel of land from adjoining properties and roadways. be reasonable to expect the property owner to exact homes on this site ofth of approximately 5.6 acres located on the Morthwest corner of Holling Road commercial uses to the south and across Rolling Road. Furthermore, it feels and Powers Lane, approximately 600 feet North of Route 40. ORDER the strip of County owned land would serve as a buffer between the subject The property at the present time is idle but it has been property and the residences to the north. It does not believe that any of For the reasons set forth in the aforegoing Opinion, it is used in the past by the U.S. Army and the Maryland National Guard as an Antithe six points of Section 502.1 would be violated if this petition were day of October, 1961 by the County Board of Appeals, OMDERED Aimment Marring Station. that the reclassification petitioned for, be and the same is hereby hereby petition that the zoning status of the above described property be re-classified, pursuant to the The subject property is bounded on the south by Powers Lane The Reclassification of this property from an "R-6" Zone to and on the other side of this lane is a Drive- In Restaurant. On the north Reasons for Re-Classification: To permit appropriate M.R. uses. an "N-R" Zone should be granted with the following restrictions: Any appeal from this decision must be in accordance with side, the land is bounded by a parcel of land 155 feet wide which is owned by Baltimore County. Across Rolling Road from the subject property, there 1. The north building line of the proposed building Rule No. 1101 of the Raiss of Practice and Procedure of the Court of Appeals an Automobile Dealer selling New and Used Cars and also a Science Building, should not extend bayond the north building line of of Maryland. the principal amount of which is Insecticides. the Science Center building on the opposite side of Size and height of building; front 80 feet; depth 160 feet; height 1 story feet. If the petition is granted, the property owner plans to sell Rolling Road. COUNTY BOARD OF APPRAIS Front and side set backs of building from street lines; front 90 feet | Mai; side | 100 feet 2. That the property shall be used only for the present the land to the American Metascal Corporation, who will erect a one-story Property to be posted as prescribed by Zoning Regulations building for their metal treating process. This process consists of the metal treating processes now being carried on by I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing application of heat and plastic scalants to metal parts used by various American Metaseal Corporation and its affiliated of this petition, and further agree to and are to be bound by the zoning regulations and res letions of Defense Plants and others. Connany, Metatreat, Tre tt-bi--- County about a payment to the Zoning Law for Baltimore Count Protestants to the potition stated that the erection of this 3. That the plant may operate only between the hours of Jon of Bullows Just Allows Que Frederick R. Clie holmann plant would increase traffic hazards on Rolling Road and would have an 7 a.m. and 9 n.m.. Cecelia C. Diehlmanners 4. That new entrances and exits shall be provided to adverse effect on the homes in "Mesterlee", a sub-division located to the north of the Baltimore County property. the property, subject to the approval of the Department Allow Dutton Ct 10x8 Address 5801 Balto. Nat. Pipe In the case of Huff vs. Board of Zoning Appeals, 71h Maryland of Planeina Tel. 10. Ri 7-2320 Tel.No. Ri7-6969 h8. the Court of Appeals has said that the WM-RW Zone is analogous to a 5. All work carried on in this operation must be confined ORDERED By The Zoning Commissioner of Baltimore County, this 15.45...... to the building, other than for normal loading and day of special exception. This statement would seem to indicate that like a February 19 60 that the subject matter of this petition be adviced a subject matter of this petition be adviced by special exception, it is necessary to prove that the granting thereof will unloading of materials. by the "Zoning Law of Baltimore County," is a newspaper of general not create any of the conditions set forth in Section 502.1 of the Baltimore more County, that property be bosted, and that the public hearing her the 21st day of March ZONING Zoning Commissio Tel. No. BALTIMORE COUNTY; MARY ND Ma 4195 BALTIM RE COUNTY, MARYIMND OFFICE OF PLANNING TELEPHONE OFFICE OF FINANCE TELEPHONE DATE 1/13/61 COURT HOUSA TOWSON 4, MARYLAND OFFICE OF FINANCE No. 0999 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING From George E. Gavrelis: Deputy Director March 21, 1960 DATE 5/4/60 COURT HOUSE
TOWSON 4. MARYI AND Mr. Wilsie H. Adams: Zoning Coumissioner Zoning Department of Baltimore County 113 County Office Bldge, Subject # h898 R-6 to M.R. NM corner of Rolling Rd. Frederick & Cocilia Dienlaam
1 Dutton Ct. #28 and Powers Lanc. Property of F.& C. Diehlman, 1st DISTRICT Cost of certified copies of documents filed in matter of property of Fred. R. Diehlman, et al NM/cor. Rolling Rd. & Powers Lane-1st Dist. 18.00 March 21, 1960 (11:00 A.H.) REARING TENE: 11:00 A.M. FAID- Editions Create, and - Office of the The Office of Planning has reviewed the petition for reclassification of the subject property from R-6 to H.R. coming together with the specific proposal of the American Metaceal Corporation to erect an office and plant at the Fill - College Court Sid - Office of Pla DATE: Monday, March 21, 1960 subject property from N-0 to N.D. zone of the American Metaseal Corporation to -outhwest corner of tract. Its recomm PLACE: _Boom 106, County Office Building, 111 W. Chesapeake Avenue 2-060 4200 : : : : : : : Towson, Karyland man 1-1361 4669 · · · IIL-The Office of Planning endorses the reclassification and the proposed use The Office of Planning codorses the reclassification and the proposes use by the sarries netwages from the control of the tract on Sollin which was the control of the control of the control of the tract white for manufacturing uses as limited and controlled in the NLR zone. The development plans as proposed by American Metascal are in accord with the spirit and intent of the NLR zone and are considered by the Office of Planning to be catificatery. IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. Zoning Commissioner of Baltimore County IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLASE RETURN UPPER SECTION OF THIS BILL WITH YOUR RENITTANCE. George E. Garrelis BERDE Pull RECEIPT CERTIFICATE OF POSTING PAID - Bultimore CRAP, Lot - Office of France NG DEPARTMENT OF BALTIMORE COUNTY I pare jumbile be 500 Be Ton Towson, Maryland not created prelining plan X top to # 4898 RECEIVED of: Smith & Harrison, Attorneys. TOCATION OF PROPERTY 29 60 15-207 . . ILL - 9600 Date of Pesling 3-9-60 on Buld with a wither place - new have hering Posted for an St- be gare to an m- R 30ml X to Bend the MR 3 own - End a week of her the Alexander - Battley God - Such and clade out with ATCUNT: \$ 46.00 Z-2960 1527 . . UL-Logotion of property M. W. Beiner of Rolling Read & Sawsia San att 01634 \$ 46.00 Location of Signal of story of W. Conget Rolling Road & Santa Sant and

right 500ft Morth of Lawre Senten W.S. of Rolling Load. Posted by State of Hernand Date of return: 3-16-60

REFORE

rge E. Gavrelis, Deputy Director of Planning, stated

RS: PSTIFICN FOR REGLASSIFICATION from PR-5° Zone to "Mar" Zone N. W. Cor. Rolling Ross and Powers Lame, lat District -Pred. R. Diehlman and Cecilia Diehlman, Patitioners

...

BEFORE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY No. 1898

OPINION

The natior came on for hearing and the protestants nade a preliminary notice to distinct the appeal on the basis that the putitioner had failed to comply with Section 250,2 of the Zening Regulations. The particulars of the protestants' objections went to the putitioner's failure to file a preliminary development plan designating the projected uses of the complete tract of a little more

The positioner contends that the preliminary development plan smindted was complete incofar as the projected Material building with communities and building utilizing approximately alphaym more than one and one-half arms of the trast; further, that its failure to supply at the time the specific information required by the Zening Replations for the remainize of the trast should not have the position. The **first** of the positions argument in its respect was that further applications could preparly be made to this Board in the future, thoreby perfecting the detail required with regard to the balance of the trast, and the Beard could then pass on the utilization of the remaining portion.

or semi-precious metals or stones, sheet metal (excluding large stampings such as motor vehicle fenders and bodies), light sted or other light metal mesh, plpp, rods, sheet strips, wire, or similar component parts, shalls, teatiles, tobacco_wax, wood and _rates.

250.7 - No dwellings are permitted.

251 - "B-L" Zone Regulations are applicable and there is no

252.1 - Front yard - Plan 3-P-1 indicates compliance.

252.2 - Side yard - Plan S-P-1 indicates compliance.

252.3 - Rear yard - Plan S-P-1 indicates compliance.

252.4 - Permitted use of lot is 25% of the land area. Building area allowed is 61,000 square feet. Building area is 48,210 square feet. Requirement has been met.

252.5 - Submitted plan S-P-1 indicates compliance, with parking, etc.

252.6 - This section on display of products and storage of materials is subject to constant enforcement.

The Court of Appeals in Buff v Board of Zoning Appeals of Baltimore County, 21h Mi. at page 62, commented further concerning the "M-8" Zone:

"We read the provisions of the Regulations as to the purpose and intent in establishing "Net" Zones and as to the mechanic employed to be serve that in not the mechanic employed to be serve that in notification of the serve that the server that the server residential zones and not adversely affect viscianly properties; to send that an area cannot be property send or exceed Manufact, the viscous properties; to send that a rare cannot be read to the complement point and serve the purpose of the enabling set; that is, that the soning will be not only in the position of the regulations be read as we read then, it is clear that the Manufacturing, Restricted theseinfection is as appealed exception, and served the server of the

While we recognize the validity of the positioner's contention that "NeW areas originating by land use maps are subject to later modification, we do not think this applies in the instant situation. Under Section 250.1 of the Toming Regulations it is clearly indicated that "NeW scores may be designated on the soming map and/or may be created by polition in accordance with the proceedure cuttimed in the following sections (undersoring supplies). Section 250.2 requires such a potition to be accompanied by complete (undersoring provides) prolitionsy development planes.

The plane in this case are incomplate and the Board finds itself with no definite information on more than three and one-shalf acres of the subject property. The Board feels that without such information it cannot maintain offsetive control over the preparty as it is required to do by the Regulations. Moreover, we feel that under the existing Regulations we have no statutory suthertity to entertain a patition to reopen a matter already fully interested by use.

For the aforegoing reasons the patition is denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is

1th day of December, 1960, by the County Board of Appeals,

OMNOCO that the reclassification petitioned for, be and the same is bereby

Any appeal from this decision must be in accordance with Rule 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOUND OF APPEALS OF BATTHORE COUNTY

April 1000 Miles of Appeals

A hillfull Muslim

The subject property consists of 5,605 acres on the norththe Baltimore Mattomal Pies sign [4] per la Baltimore Pies sign [4]

On the northeast corner of Baltin Sational File and side of Bulling Boad is as Robert Ball Glothing Store. The land on the east side of Bulling Food is some "Bullinnes Bulger" for the intersection of the state of

between the two the cell with of borth bolling Book from the Double T Dince going morth is "Mod's powers, approximately 170 feet orth of the proposed "Mod" site is a strip approximately 170 feet wide leading from Sorth Bolling Book into the proposed Controlling Deeples under may and would have park like appeter. This would serve as a buffer between the "Mod' Zone and the very fine residential sections to the north,

In considering this site in comparison with other sites in Ealtimore County it would seem that it lends itself to "3-15," 9-3-W or "3-8". That the politicomer is willing to confine hisself to the "4-8" Zone is a choice favorable to adjacent residential neighborhoods.

If the zoning is in accord and in harmony with the comone or more of the purposes of the embling good; that is, to serve one or more of the purposes of the embling statute, and so bears a substantial relationship to the public health, safety, morals and general walfare it is valid.

tests, therefore, it is that <u>CCYI</u> day of Aproximents and Deputy Montage eq. 11 is that <u>CCYI</u> day of Aproximents are supported to the test of the te

Deputy Zoning Commissioner

RE: PETITION FOR REGLASSIFICATION : FROM *B_6* ZONE TO *M_8* ZONE N. W. Cor. Rolling Road and : Fowers Lane, lst District Fred. R. Dieblasan and Cecilia: C. Dieblasan Fettioners

BEFORE

DEPUTY ZONING COMMISSIONER

OF BATTIMORE COUNTY

No.4898

............

The purpose of this reclassification from 1967 Zone to the property of Parlyand and Metartest, Joc. The protitioners substituted plans labeled 5-7-1 and 4-7 to the Zoning Commissioner who in turn forwards altitures Commy Young Regulations. On Nursh 2, 1550, Mr. Congre 5, Garrolla, Deputy Director of the Office of Planning and recommendations of the Office of Planning and recommendations.

The Office of Planning has reviewed the potition for reclassification of the subject property from Wmo-G to Wmo-H sconing together with the specific proposal of the American Netaseal Corporation to erect an office and plant at the southwest corner of the trat-

The Office of Planning endorses the reclassification and the proposed use by the American Notassal Corporacian proposed use by the American Notassal Corporacian production to the Bulletone National Pice makes it enhantly suited for manufacturing uses as linited and proposed by American Notassal area in second with the spirit and intent of the "Notassal area in second with the spirit and intent of the "Notassal area in second considered by the Office of Planning to be satisfactory."

The leading case concerning the Manufacturing Restricted Zone is Huff, et al, v. Board of Zoning Appeals of Baltimore County, 2th. Md. i.8. At page St of the Huff case the Court has this to say:

The very purpose of creating this type of Lond in the Contry Emphasized that were adopted last Kareh was to provide the flexibility necessary to meet the requirements of the new type of insularly previously referred with the attractive mature of the factory building and tis setting. Many such insularises do not meet or desire access to salireads. It by therefore, difficult to make the contractive mature of the factory building and all or more than a few of such sites in locations that seat the particular needs of certain industries, bance where the contractive contraction of the contraction of the "Myp2" Zoco. Whether or not the politicers have complied with Section 250 will be corneldered section by section.

50.1 - The politicers meets the conditions as set forth on page 54 of the Buff case.

500.1 - All requirements were met. The area considered is 5,500

The authority of the Deputy Zoning Commissioner to hear the petition was challenged.

The Court of Appeals in the Huff case was very definite as to delegation of power at page 61:

of poor at page 61.

We find there was no improper despition of poor to the Planning Commission, the Zening Commission, towards the Planning Commission, the Zening Commission, towards the Planning Commission, the Zening Commission of London, 1998, and the Planning Commission of Man 279, we said, speaking of the statute there applications to the Planning Commission of a laidated such that the Indian Section, and the Planning Commission of the Indian Section, and the Planning Commission of the Indian Section, and the Indian Section, are sufficient on the Indian Section, are sufficient to the Speaking Commission of the Indian Section, are sufficient to the Speaking Commission of the Indian Section, are sufficient commission. We said further that exception such as that permission was not provided to the Speaking Commission of the Indian Section, are sufficient composition than a third predicts. We said further that exception such as that permission the Section, are sufficient composition than the Indian Section, are sufficient composition to the Section and Section 1998.

250.2 - All requirements were set. The area considered is 5,60k acres. The point was raised that other buildings may be created on the tract at a later date. It was indicated that the prelimizary development plans would, therefore, not be complete. That question is not before us in this particular. The prittion is for one building only.

in this petition. The petition is for one building only.

250.3 - A copy of the development plans was delivered to the Office
of Planning ty the Zoning Consistent or Rebrary 26, 1960 and the Office
of Planning made its recommendations on March 21, 1960. Requirements for
this section were met.

250.4 - The order will be passed and is subject to appeal.

250.5 - The Baltimore County Building Engineer will not issue a building permit until requirements of this section have been met.

250.6 - The petitioner has a permitted use as set forth in the following paragraph:

"Manufacture, compounding, assembling, machining or other comparable treatment of articles of aerchandise from the following previously prepared materials; bone, causas, callophane, cloth, cork, feathers, folt, fibre, tur, glame, bair, horn, lamber, paper, phetics, precious

PREMERICK R. DIEHIMAN, et al

. IN THE GENOUET COURT

ys Josh J. httl., et al POR BALTINGEN COUNTY

MISC. DOCKY No. 7 Folio LE Gasa No. 2333

CLINION

The County Doard of Appeals dended a potalism for the creation of a "Menufacturing Larsteintest" some on the grounds that the relationship had not complied with Section 250.7 of the Joseph Repulsations. The Board held plant The plane in this dates are thoroughles and the Beard finds itself with no drive the information on more than three mot omn-buff serve of the subject property.

The subject treet ownitine slightly were then 5 acres. The plan filled with the petition shows a proposed building and like apparenances, including incomparing areas, rice, which willies only about we never upt a buil of the ortire treet with mothing to indicate any editation proposal with respect to the two of the remainder of the treet groups that it will remain as upon and uncompied link. The plan appears to be complete for all other receipts and to fully comply with the provisions of Dection 250.1 of the hegitations which require or prolintarry development plan "showing the entiring top-graphy, proposed graining, nervesting and alsoning, acteus, locations, and character of proposed structures,

The Board concluded that because a large portion of the tract was, in effect, designated as "open area" the plan-was not complete.

The Court helds that this construction of the legislation is in error. There is noticing in dection 250 static requires that the entire trains in life airse or more must be tard. On the contrary it is clear that my portion of the traint may be devoted to repen areas as one done by the feditioner of our

The question as to whether or not the "open area" may later be used for buildings or other permitted uses is not now before the Gourt nor was at bofore the Beard. The sole quotion now presented is whether the plan presented compiled with Section 250.2 or the Regulations and the Court holds that it did.

The question as to future amondami of the plan will become definite if, as is antisipated, County Council Mill Yes, 56 becomes law. Fordion No. 3 of this Mill authoritys the Zenicy Consistence to Secure changes in come a rule most requests and after public hearing.

The declares of the Board to reversed and the case remoded for further proceedings not inconsistent with this opinion.

June 2, 1961

