Petition for Zoning Re	e-Classification * 49	33
To The Zoning Commissioner of Baltimare County:—  Lor we Kemerood Construction Co., Inc.	map	1

RG Proof #1- All the parcel of land in the Fourteenth District of Altitures County on the Neglecturant labe of Wantless Awness and Next boundary of Baltickyes County these remoining Southeasterly and binding on the Newtowast Labe of Southeast County these remoining Southeasterly and binding on the Newtowast Labe of Labe

place of beginning.

Front J. 2-11 that parcel of lami on the Northeast side of Matliton Service and Control of Service Service and Service Se

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 mty adopted pursuant to the Zoning Law for Baltimore County

> Klamand Construction Co Ane By Chilip Book pres Address 3302 Archardale Road

March 1:60 ... that the subject matter of this petition be advertised, as required in a newspaper of general circulation throughout Baltiand that the public hearing hereon be had in the office of the the Reckord Bldg., in Towson, Baltimore County, on 19.60, at101000 clock ... A. M.

Smith T Harrison

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland #4933 Date of Posting 4-13-60 Posted for and 16 3 and to an a- 4 3 and Petitioner Herry over bountington by Inc remain at most little 1. - Desired with the form of th Posted by Leosy Q Dermand Date of return: 41460

NOTICE OF PONING PREFITON FOR RECLASSIFICATION—14TH DISTRICT RACLASSIFICATION—I CHI BESTRET

Portunati i pupittini, fadi with, the Zone
fig Commissalator of Ratitionic County, for
change or reclassification from file Zone
to an RG Zone of this property hereignafter
described, the Zoning Commissioner wit Rildescribed, the Zoning Commissioner wit Rilwith the Commissioner of Ratitioner
with the Commissioner of Ratitioner
with bodd a public hearing in Roson, 10:
Commy Office Ruiding, 111, W. Chesapeake
Avenue, Towney, Martfand, On Wednesday, April 27, 1968, At 10.00 A. M.

ened and described property should anged or reclassified as afor-said for ntial Cross, to wit:

4933

Cost of Advertisement

and it annearing that hy reason of. the above re-classification should be had. It Is Ordered by the Zoning Commissioner of Baltimore County this. , 19 ...., that the above described property or area should be and the same is sereby reclassified, from and after the date of this Order, from a ... the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of .. location and the fact that the petitioner failed to .... show sufficient changes, having taken place in the area to warrant the reclassification or that there was an error in the original zoning,

the above re-classification should NOT be had-It Is Ordered by the Zoning Commissioner of Baltimore County, this 17th day of June 19 60 that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a n "R-6".

Willia N. Culama

MICROFILMED

County Commissioners of Baltimore County

President

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson Raltimore County, Md. menantercuter April .... 19.69., the first publication appearing on the 8th day of April 19.60

> THE JEFFERSONIAN, Frank Streeth

SMITH AND HARRISO



----TOWSON 4, MAI June 23, 1960

4933

Wilsie H. Adams, Esq. Zoning Commissioner County Office Building Towson 4, Maryland

Petition for Reciassification of property on N.E. side Hamilton Ave. and West Boundary of Baltimore City, 14th Dist. Kenwood Construction Company, Petitioner

Dear Wr. Adams.

Please enter an appeal from your decision of June 17th, 1960 in the above entitled matter and forward the record to the County Board of Appeals, I enclose herewith our check for \$70.00 being the cost of said appeal.

Very truly yours. Smith & Harrison R. C. Murray, Richard C. Murray, Attorneys for Applicant

BALTIM RE COUNT, MARY ND

OFFICE OF FINANCE Ovision of Collection and Receipt COURT HOUSE TOWSON 4, MARYLAND

No. 0915 DATE 3/30/60

No. 2864

DATE 6/24/50

BILLED

\$ LO.00 40.00 PAID-B. House Guery, Lot. -- Office of Pa 3-3060 2424 . . . TIL+ 000

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.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

Division of Collection and Receip COURT HOUSE TOWSON 4, MARYLAND

6-24-60 7164 . . . TIL+ 6-2460 T104

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. CHARLES FREUND, ot al

John 978 1 36 9/20 OFFICE OF LAW IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

...... #4933

This soning appeal from the County Board of Appeals presents for review the Board's decision, with Doard Member, G. Mitchell Austin, dissenting, to re-lassify a tract of land in the light Election District from R-5 Residential to R-O Residential which would permit the erection of group houses.

OPTIVION

JUL 13'61 AM \_

At the request of Counsel the Court as made an inspection of the property which was extremely helpful in understanding and analyzing the record made before the Board and in determining whether its decision was reasonably debatable which is, of course, the question here presented for decision.

The property lies in what was aptly described as a sort of "pocket" bounded by the Baltimore City line, Hamilton Avenue, McCormick Avenue and Hazelwood Avenue. Its situation is unusual in that except for a small frontage on Hamilton Avenue it is set back a considerable distance from the other streets, the intervening property being in other ownership, and to a large extent already developed and improved by individual homes.

To the west, in Baltimore City but adjoining the subject property, is a quite large group house development known as "Cedonia". To the south is another large area, partly in the County and partly in the City, which is now soned for group houses and where construction is now in progress.

Both sewer and water are now readily available to service the property and while the road system is not ideal it appears sufficient to serve the property until such \*ime as more adequate roads are provided as they inevitably must be not only here but in many other sections of the metropolitan area of the County.

The Roard based its decision to reclassify on changed conditions since the adoption of the 19h5 zoning map.

The fact of changed conditions here is not only "reasonably debatable" but seems obvious. In 1945 this was a semi-rural area. It now has group

housing on two sides and a rodern high speed expressway on another. It has been, so to speak, "swallowed up" in the continuing outward spread of metropolitan Bal-

Whatever the real reasons for the opposition of nearby owners of individual homes the impact, if any, on them will be greatly decreased, as has already been stated, by reason of the fact that the subject property is relatively isolated from them except on the Hamilton Avenue frontage where the Board reserved a set back of 200 feet in order to effect the same purpose.

This Court finds itself in agreement with the decision of the majority of the Board to the effect that there have been substantial changes in this area in the fifteen years since the original soning of 1945 and that the subject property is suitable for group house development.

It follows that, in the opinion of this Court, the decision of the Board was not arbitrary or unreasonable.

Judge

The Order of the Board of Appeals is affirmed.

July 7, 1961

RE: PETITION FOR RECLASSIFICATION FROM "R-6" Zone to "R-0" Zone Parcel 1. N.E. Side Hamilton BERME Ave. and W. Boundary of Balti-more County; Parcel 2, N.E. Side Hamilton Ave. 185' S.E. CCINTY BOIRD OF APPEARS Boundary of Baltimore Con Kenwood Construction Com BALLTHORE COUNTY No.1933

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

A 68.3 acre tract located on the northeast side of Hamilton

The bulk of the property lies roughly within the upper

Just across the Baltimore City Line and bordering the

Further to the south of the property in Baltimore County

OPINION

Avenue just east of and having a partial common boundary with the Baltimore

part of a (Y) formed by the intersection of Hamilton Avenue and

Longdon Lane, extended. An elementary school tract, with projected

use for 1965, is located along a substantial portion of the eastern

edge of the subject property. The property is divided by the Susque-

southwest side of Hamilton Avenue lies a large group house development

known as Cedenia, which development presently contains some 600 to 700

homes. Construction began in Codonia early in 1958 and has progressed

Codonia from Hamilton Avenue is proposed by the patitionar to be extended

lies another "R-G" tract, reclassified in the middle of 1958 from "R-6" to "R-G" by action of the Zoning Commissioner of Baltimore County. This

steadily since that time. One of the main roads allowing access to

into the subject tract should this reclassification be allowed.

hanna Trabamission Line and Water Tunnel along its northeast corner.

City Line is the subject of this petition.

18.9 acre parcel was approved and ratified by the County Council for group houses by Bill 39 enacted the same year. Sower and water facilities are both available, having

been made more readily accessible by the development of Codonia.

#4933

MAP

#11+144

The Baltimore County Office of Planning and Zoning, while not specifically approving of this petition, indicates through the testimony of Mr. George E. Cavrelis, that this area is appropriate

It is the opinion of the majority of the Board that the t of two large group house areas in the ismediate vicinity have an impact on the subject tract that cannot be disregarded. It is unrealistic to expect that the cottage development preferred by the protestants will everbecome a reality for this neighborhood. Further, the presence of an adequate school site, easy access to utilities, and the presence of the Susquehanna Transmission Line and Water Tunnel all point to the practicability of "R-O" use. We find that there have been substantial changes in the neighborhood and we find them more than suffimiant to justify the requested reclassification. However, for the safety and protection of residences along Hamilton Avenue we reserve from the granting of this petition an area extending 200 feet back from the edge of Hamilton Avenue right-of-way.

## ORDER

For the reasons set forth in the aforegoing Opinion, it is this 19th day of January, 1961, by the County Board of Appeals, ORDERED that the following portion of the subject property is reclassified from an "R-6" Zone to an "R-G" Zone:

BANKER No. ] - RECIDITED for the case at a point on the City-Gomity Line 35 School mayor or lines, north of Nortlien Awa, (asid point being 300 feet at line 350 feet, seece or less; themes feet 11 degrees 11 dinner San 651,77 feet; thomes Sorth 50 degrees 50 minutes San 505,78 feet; thomes Sorth 65 general 52 minutes San 505,78 feet; thomes Sorth 65 general 52 minutes San 505,78 feet; thomes Sorth 75 degrees 27 minutes Sant 100,78 feet; thomes Sorth 75 degrees 27 minutes Sant 100,78 feet; thomes Sorth 75 degrees 27 minutes Sant 100,78 feet; thomes Sorth 75 degrees 27 minutes Sant 100,78 feet; thomes Sorth 75 degrees 27 minutes Sant 100,78 feet; thomes 100

So Deginning.

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COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NOTE: Any appeal from the above decision must be in accordance with Rule No. 1101 of the Rule s of Practice and Procedure of the Court of

DISSENTING OPINION

The writer in discenting to the majority opinion on a 68.3 acre tract located on the northeast side of Hamilton Avenue just east of and having a partial common boundary with the Baltimore City Line feels that the retition should be denied for the following reasons: Testimony was given by the Ealtimore County Office of Planning and Foring to the effect that the proper public services were not available at this time for higher density soning of the subject tract, and further testimom was given that a serious shortage of police and fire protection is being folt in the community at the time of this hearing. The writer feels that the granting of any petition for higher density soning would only worsen an already bad situation. While testinony was given that provisions for these services are in the making, they are not available at

The writer also feels that the fact that the subject tract lies just across the Baltimore City Line from that group house development known as Codonia, should have no bearing as to the general character of this essentially rural pointherhood.

The protestants gave convincing testimony to this weller that the property in question is ideally suited for cottage type development and that there is no reason why this type development could not oconomically take place in the area at this time without any problem

Much to do was made by the petitioners of the fact that a parcel of ground just south of and accross the Northeastern Expressway was recently reclassified from "R-6" to "R-q"; said property being referred to as Zoming File No. 1/709 and also referred to in Baltimore County Council Bill 39, passed on April 8, 1960. The

#4933

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Petitioners stated that this reclassification was a major ground for a change in the character of the neighborhood. This Board momber in reviewing the decision given by the Baltimore County Zening Countsioner on February 17, 1960, found the Commissioner had this to say when granting

"Mis major highest (Northeast Represency) forms a natural sonials boundary, within which a uniform senting use should be contained, since the Expression of the State of the Contained since the Expression of the State of the resultant of the Contained since the sential sential to the southeast, and oversadeously to the saturation of the southeast, and oversadeously to the saturation of the southeast, and oversadeously the State of the State of

This Board member feels that if any credibility is to be given to the decision of the Zoning Commissioner, them this should sufficiently repudiate the basic argument of the potitioners in the instm t case.

This Board member feels that the patition should be denied for the above stated reasons.

D. Mitchell aust

BALTIMORE COUNTY, MARYLAND No. 4516 OFFICE OF FINANCE DATE 3/17/61 COURT HOUSE
TOWSON 4. MARYLAND COST Cost of cartified copies of PALL - Bulliance Courty, Md. -- Office of Place 3-1761 6595 · · TL-9.00 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.

TELEPHONE VALLEY 3-3000 BALTIM RE COUNTY, MARYIND No. 2924 OFFICE OF FINANCE DATE 7/14/60 COURT HOUSE
TOWSON 4, MARYLAND COST 7-15-60 0097 . . TIL-1000 -IMPORTANT! MAKE CHECKS PAYABLE TO BALT!MORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIM RE COUNTY, MARYIND Na. 2452 OFFICE OF FINANCE DATE 5/16/60 COURT HOUSE
TOWSON 4. MARYLAND BILLED Zoning \$ 10.00 DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE 2-1660 4 8 0 9 · · · IXL-1000 >- 1660 + 800 + . . . TII-0000 IMPORTANTIMAKE 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.

Dato: Jan. 19, 1961

