

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:

WE, Sheffield Land Corporation, John S. Williamson, Jr., and Barbara K. Williamson, his wife, and John S. Williamson, Sr., and Maude B. Williamson, his wife, legal owners of the property situate in the Eighth Election District of Baltimore County, more particularly described as follows:

BEGINNING at a point on the Easterly side of York Road, which point is located 950 feet, more or less, from the Southeast corner of York Road and Warren Road, and running thence South 10 degrees 54 minutes East 562.77 feet; thence leaving York Road and running for lines of division the following 13 courses and distances: (1) North 86 degrees 04 minutes East 15.65 feet; (2) South 44 degrees 03 minutes East 87 feet; (3) South 53 degrees 52 minutes East 87 feet; (4) South 37 degrees 53 minutes East 117 feet; (5) South 44 degrees 39 minutes East 50 feet; (6) South 57 degrees 15 minutes East 50 feet; (7) South 78 degrees 19 minutes East 50 feet; (8) North 80 degrees 12 minutes East 45 feet; (9) North 68 degrees 40 minutes East 46 feet; (10) North 7 degrees 54 minutes East 160.9 feet; (11) North 9 degrees 40 minutes West 45 feet; (12) North 4 degrees 30 minutes East 30.56 feet; (13) North 33 degrees 24 minutes East 50 feet; thence running for further lines of division South 70 degrees East 548.16 feet; South 13 degrees 44 minutes East 464.8 feet; South 77 degrees 31 minutes East 600 feet; North 13 degrees 44 minutes East 877.1 feet; North 77 degrees 16 minutes West 135 feet; North 13 degrees 25 minutes East 135 feet; South 77 degrees 16 minutes East 105 feet; North 13 degrees 44 minutes East 646 feet; North 77 degrees 16 minutes West 970 feet; South 12 degrees 44 minutes West 100 feet; North 77 degrees 16 minutes West 200 feet; North 12 degrees 44 minutes East 100 feet; North 77 degrees 16 minutes West 30 feet; South 12 degrees 44 minutes West 720.3 feet; North 77 degrees 16 minutes West 657 feet to the place of beginning.

John S. Williamson, Jr., and Maude B. Williamson, his wife, Legal Owners
Barbara K. Williamson, his wife, Legal Owners
Kenneth C. Proctor, their attorney, Campbell Bldg., Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of May, 1960, 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 held in the office of the Zoning Commissioner of Baltimore County, in the Beekman Building, in Towson, Baltimore County, on the 26th day of May, 1960, at 4:00 o'clock, A.M.

Zoning Commissioner of Baltimore County
(over)

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:

WE, Sheffield Land Corporation, John S. Williamson, Jr., and Barbara K. Williamson, his wife, and John S. Williamson, Sr., and Maude B. Williamson, his wife, legal owners of the property situate in the Eighth Election District of Baltimore County, more particularly described as follows:

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-10 & R-20 zone to an M-1 zone.

Reasons for Re-Classification: Changes in the character of the neighborhood.

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 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 County.

Sheffield Land Corporation, John S. Williamson, Jr., and Maude B. Williamson, his wife, Legal Owners
Barbara K. Williamson, his wife, Legal Owners
Kenneth C. Proctor, their attorney, Campbell Bldg., Towson 4, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of May, 1960, 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 held in the office of the Zoning Commissioner of Baltimore County, in the Beekman Building, in Towson, Baltimore County, on the 26th day of May, 1960, at 4:00 o'clock, A.M.

Zoning Commissioner of Baltimore County
(over)

MICROFILMED

RE: SHEFFIELD LAND CORPORATION
John S. Williamson, Jr., et al
Baltimore - East side of York Road 950' S. Warren Road, 4th District - From "R-10" Zone to "M-1" Zone

BALTIMORE COUNTY
No. 1071

DISSENTING OPINION

The petitioners in the instant case use as a basis of their arguments, that there has been a substantial change in the character of the surrounding neighborhood to sufficiently uphold their request for a higher classification of the subject tract. Further they use the argument that the abandoned stone quarry to the south is sufficiently related to the tract in question as to constitute an error as to original zoning classification by the Baltimore County Commissioner by its adoption of the land use map on December 30, 1955. Voluntary testimony was proffered by various witnesses on behalf of the petitioners setting forth new and varied zoning changes in the neighborhood of recent origin plus testimony as to the objectionable quality of the property insofar as residential development is concerned.

The writer upon a review of the land use map, observes that the majority if not all of the "M-1" classification in the immediate area is to the west of York Road. The petitioners claim that this "M-1" reclassification must be granted because the subject tract is committed to light industrial development and the trend on this section of York Road is towards change.

Assuming those allegations in regards to change be true, it is/considered opinion of this Board member that it would be incongruous and premature to reclassify the subject tract to such a permissive classification. It would seem to be more realistic in the mind of this writer, that, if a reclassification were granted, that said modification be to that of a class more in harmony with the surrounding development, which is predominantly that of residential and light commercial character. It would be foolish to presume that the mere fact that the petitioners show a change in the character of the neighborhood and/or an error in original zoning, that any change requested, should be granted. If a transposition is to take place in the area in question, it should be that which is in keeping with a logical and orderly zoning use contiguous with those now existing on the east side of York Road.

It is obvious to the undersigned eye, that it was the intention of the County Commissioner to restrict industrial zoning in this particular area to the west side of York Road, because of its accessibility to the Pennsylvania Railroad and its attendant sidings. This new reasoning

cannot be applied to the east side of York Road and to succeed to the petitioners' wishes at this time would tend to upset the general comprehensive zoning plan of the area.

Date: 2/27/61 G. Mitchell Austin

ALLISTON VANDER HORST
113
2/17/61



ALLISTON VANDER HORST
Appellant
vs.
NATHAN H. KAUFMAN, JR.,
G. MITCHELL ANSTIN and
CHARLES STEINBACK
being and constituting the
Joint Board of Appeals
of BALTIMORE COUNTY
Appellees
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Wiss. Docket 71 -
Folio 71
Case No. 2392

ORDER OF COURT

The above entitled case having duly come on for hearing, the proceedings having been read and considered, and counsel fully heard, it is this 21st day of August, 1961, by the Circuit Court for Baltimore County,

ORDERED that the Order of the County Board of Appeals dated the 2nd day of March, 1961, be and it is in all respects affirmed, effective as of 8/14/61.

Copy 1001
WALTER J. RASMUSSEN, Clerk
Deputy Clerk

JUDGE

Kenneth C. Proctor, Virginia S. Shaller,
Campbell Building
Towson 4, Maryland
Attn: Kenneth C. Proctor, Esq.

Re: Petition of Sheffield Land Corporation, et al, for Reclassification from "R-10" Zone to "M-1" Zone - East side of York Road 950' S. Warren Road, 4th District

Dear Mr. Proctor:

Attached are copies of Orders and Opinions of two members of the Board of Appeals granting the reclassification, in the above matter, and dissenting opinion of the other member of the Board.

Very truly yours

cc: J. Royall Tippet, Jr., Esq.,
806 Maryland Trust Building
Baltimore 2, Maryland

Samuel A. Green, Jr., Esq.,
Bancroft Building
Towson 4, Maryland

John V. Neustang, III, Esq.,
Campbell Building
Towson 4, Maryland

J. Royall Tippet, Jr., Esq.,
806 Maryland Trust Building
Baltimore 2, Maryland

Re: Petition of Sheffield Land Corporation, et al, for Reclassification from "R-10" Zone to "M-1" Zone - East side of York Road 950' S. Warren Road, 4th District - From "R-10" Zone to "M-1" Zone

Dear Mr. Tippet:

In accordance with Rule 1101-b of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the hearing appeal which you have taken to the Circuit Court for Baltimore County, in the above matter, within 30 days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript plus any other documents must be paid in time to transmit the same to the Circuit Court not later than 20 days from the date of any petition you might file in Court in accordance with Rule 1101-b.

Attached is a copy of the Certificate of Notice, also bill in the amount of \$11.00.

Very truly yours

cc: Messrs. Haskins & Haskins,
806 Maryland Trust Building
Baltimore 2, Md.

Samuel A. Green, Jr., Esq.,
Bancroft Building
Towson 4, Md.

Secretary

John V. Neustang, III, Esq.,
Campbell Building
Towson 4, Md.

J. Royall Tippet, Jr., Esq.,
806 Maryland Trust Building
Baltimore 2, Maryland

to
Baltimore County, Maryland
c/o Zoning Department,
113 County Office Building
Towson 4, Maryland

Cost of certified copies of documents in the matter of reclassification of property of Sheffield Land Corporation, et al, Baltimore

\$11.00

Pld 4/4/61

44371
MAP
#8
SEC. 3-D
ML

ALISTON VANDER HOGST
York Road
Cockeysville, Maryland
Applicant
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ANSWER TO ORDER FOR APPEAL TO THE CIRCUIT COURT FOR
BALTIMORE COUNTY AND ORIGINAL AND CERTIFIED COPIES
OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:
Please file, etc.

Secretary to County Board of
Appeals of Baltimore County

ALISTON VANDER HOGST
York Road
Cockeysville, Maryland
Applicant
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

TO THE HONORABLE THE JUDGE OF SAID COURT:

And now come Nathan M. Kaufman, Jr., G. Mitchell Austin
and Charles Steigbock, Jr., constituting the County Board of Appeals
of Baltimore County, and in answer to the Order for Appeal directed
against them in this case, herewith return the record of proceedings
had in the above entitled matter, consisting of the following certified
copies or original papers on file in the office of the Zoning Department of
Baltimore County:

1. NOTICE OF HEARING FROM ROBERT G. ZONING
COMMISSIONER OF BALTIMORE COUNTY.
2. Petition of Sheffield Land Corp., John S. Williamson,
Jr., and Barbara K. Williamson, his wife, and John S.
Williamson, Jr. and Harold B. Williamson, his wife,
for reclassification of property from an "R-20" Zone
to an "M-1" Zone, located on east side of York Road
950 feet south of Warren Road, 8th District, filed.
3. Order of Zoning Commissioner directing a development
and posting of property - date of hearing June 8,
1960 at 10:00 a.m.
4. Certificate of publication in newspaper, filed.
5. Certificate of posting of property on May 25, 1960,
filed.
6. At 10:00 a.m. hearing held on petition by Zoning
Commissioner, case held and curia.

June 17, 1960 Order of Deputy Zoning Commissioner granting the
reclassification from an "R-20" Zone to a "M-1"
Zone.

27, " Order of appeal to County Board of Appeals from
decision of Deputy Zoning Commissioner granting the
reclassification from "R-20" Zone to "M-1" Zone,
filed.

Sept. 15, " Hearing on appeal before the Board of Appeals.

March 2, 1961 Order of Board of Appeals granting the reclassification
from "R-20" Zone to "M-1" Zone.

Feb. 28, " Interim Opinion of filed by G. Mitchell Austin,
Board member.

March 29, " Order for Appeal to the Circuit Court for Baltimore
County, filed.

30, " Certificate of Notice sent out.

May 1, " Description of landings taken at the appeal hearing
filed.

" Petitioner's Exhibit No. 1 - Plat of J. S. Williamson's
property.

" Petitioner's Exhibit Nos. 2 and 3 - Aerial photographs.

" Protestants' Exhibit No. 1 - List of persons living
in vicinity of property.

" Petition of Protest filed.

Record of proceedings filed in the Circuit Court for
Baltimore County.

Record of proceedings pursuant to which said Order

was entered and said Board acted are permanent records of the Zoning Department
of Baltimore County and are now on file in the Zoning Department and your Respondents
respectively request that it would be convenient and appropriate
to file the same in this proceeding but your Respondents will produce
any and all such rules and regulations together with the zoning use district
maps at the hearing on this petition or whenever directed to do so by this
Court.

Respectfully submitted

Secretary to County Board of
Appeals of Baltimore County

NOTICE OF ZONING PETITION FOR
RECLASSIFICATION - 8th DISTRICT

Pursuant to petition filed with the Zoning Commissioner of Baltimore
County for change or reclassification from R-20 and R-20-Zone to an "M-1" Zone
of the property hereinafter described, the Zoning Commissioner of Baltimore
County, by authority of the Zoning Act and Regulations of Baltimore County,
will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland:

On Wednesday, June 8, 1960

at 10:00 A.M.

to determine whether or not the following mentioned and described property
should be changed or reclassified as aforesaid for Manufacturing Light to mix

All that parcel of land in the 8th District of Baltimore County
beginning at a point on the easterly side of York Road, which point is located
950 feet, more or less, from the southeast corner of York Road and Warren Road,
and running thence South 10 degrees 54 minutes East 561.77 feet thence leaving
York Road and running for lines of division the following 13 courses and distances:
(1) North 86 degrees 04 minutes East 15.45 feet; (2) South 14 degrees 00 minutes
East 87 feet; (3) South 55 degrees 58 minutes East 87 feet; (4) South 31 degrees
53 minutes East 117 feet; (5) South 14 degrees 39 minutes East 50 feet; (6) South
57 degrees 15 minutes East 50 feet; (7) South 76 degrees 19 minutes East 50 feet
(8) North 80 degrees 12 minutes East 15 feet; (9) North 60 degrees 10 minutes East
16 feet; (10) North 7 degrees 54 minutes East 160.9 feet; (11) North 7 degrees
10 minutes West 16 feet; (12) North 14 degrees 30 minutes East 20.56 feet; (13)
North 33 degrees 24 minutes East 50 feet thence running for further lines of
division South 70 degrees East 54.16 feet; South 13 degrees 14 minutes West
164.0 feet; South 77 degrees 31 minutes East 600 feet; North 13 degrees 14 minutes
East 877.1 feet; North 77 degrees 16 minutes East 305 feet; North 13 degrees
25 minutes East 135 feet; South 77 degrees 16 minutes East 305 feet; North 13
degrees 14 minutes East 600 feet; North 77 degrees 16 minutes East 910 feet;
South 12 degrees 14 minutes West 100 feet; North 77 degrees 16 minutes East 300 feet;
North 12 degrees 14 minutes East 100 feet; North 77 degrees 16 minutes East 300 feet;
South 12 degrees 14 minutes West 100 feet; North 77 degrees 16 minutes East
600 feet to the place of beginning, as shown on a plat filed with the zoning
Department, being property of Sheffield Land Corporation, John S. Williamson, Jr.,
et al., and John S. Williamson, Sr., et al.

BY ORDER OF
WILLIAM H. AINS
ZONING COMMISSIONER
OF BALTIMORE COUNTY

March 29, 1961

J. Royal Tippey, Jr., Esq.,
606 Maryland Trust Building
Baltimore 8, Maryland

Re: Petition of Sheffield Land Corp.,
John S. Williamson, et al.
Petitioners - East Side of York
Road 950 ft. Warren Road, 8th
District - From "R-20" Zone to
"M-1" Zone

Dear Mr. Tippey:

In accordance with Rule 1101-b of the Rules of
Procedure of the Court of Appeals of Maryland, the County Board of
Appeals is required to submit the record of proceedings of the zoning
appeal which you have taken to the Circuit Court for Baltimore County,
in the above matter, within 30 days.

The cost of the transcript of the record may be paid
by you. Certified copies of any other documents necessary for the
completion of the record must also be at your expense.

The cost of the transcript plus any other documents
must be paid in full to transmit the same to the Circuit Court not
later than 30 days from the date of any petition you might file in
Court in accordance with Rule 1101-b.

Attached is a copy of the Certificate of Notice, also
will in the amount of \$11.00.

Very truly yours

Secretary

cc: Messrs. Hinkley & Singler,
606 Maryland Trust Building
Baltimore 8, Md.

Samuel A. Evans, Jr., Esq.,
Venable Building
Towson 14, Md.

John W. Hinkley, III, Esq.,
Venable Building
Towson 14, Md.

RE: RECLASSIFICATION OF PROPERTY
OF SHEFFIELD LAND CORPORATION,
et al., E. S. York Road 950' S.
Warren Road, 8th District -
From "R-20" Zone and "R-20"
Zone to "M-1" Zone

RESPONSE
DISPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 44371

The petitioners in the above entitled matter seek the
reclassification of property on the easterly side of York Road 950 feet
south of Warren Road, in the 8th District of Baltimore County from an
"R-20" Zone and "R-20" Zone to a "M-1" Zone.

The petitioners by counsel, Kenneth C. Proctor, Esq.,
requested leave to amend the description to read as follows:

BEGINNING at a point on the easterly side of York Road,
which point is located 950 feet, more or less, from the southeast corner
of York Road and Warren Road, and running thence South 10 degrees 54
minutes East 561.77 feet; thence leaving York Road and running for
lines of division the following 13 courses and distances: (1) North
86 degrees 04 minutes East 15.45 feet; (2) South 14 degrees 00 minutes
East 87 feet; (3) South 55 degrees 58 minutes East 87 feet; (4) South
31 degrees 53 minutes East 117 feet; (5) South 14 degrees 39 minutes
East 50 feet; (6) South 57 degrees 15 minutes East 50 feet; (7) South 76
degrees 19 minutes East 50 feet; (8) North 80 degrees 12 minutes East
15 feet; (9) North 60 degrees 10 minutes East 16 feet; (10) North 7
degrees 54 minutes East 160.9 feet; (11) North 9 degrees 10 minutes West
degrees 24 minutes East 50 feet; (12) North 13 degrees 14 minutes East
16 feet; (13) North 33 degrees 24 minutes East 50 feet thence running for further lines of
division South 70 degrees East 54.16 feet; South 13 degrees 14 minutes West
164.0 feet; South 77 degrees 31 minutes East 600 feet; North 13 degrees 14 minutes
East 877.1 feet; North 77 degrees 16 minutes East 305 feet; North 13 degrees
25 minutes East 135 feet; South 77 degrees 16 minutes East 305 feet; North 13
degrees 14 minutes East 600 feet; North 77 degrees 16 minutes East 910 feet;
South 12 degrees 14 minutes West 100 feet; North 77 degrees 16 minutes East 300 feet;
North 12 degrees 14 minutes East 100 feet; North 77 degrees 16 minutes East 300 feet;
South 12 degrees 14 minutes West 100 feet; North 77 degrees 16 minutes East
600 feet to the place of beginning, as shown on a plat filed with the zoning
Department, being property of Sheffield Land Corporation, John S. Williamson, Jr.,
et al., and John S. Williamson, Sr., et al.

Leave to amend the petition is hereby granted.

It is clear that at the time of the adoption of the

Land Use Map for the 8th District there was an error in the map and
the original zoning of the subject tract.

It is this 17th day of June, 1960, by the Deputy Zoning
Commissioner of Baltimore County, ORDERED that the above described property
or area should be and the same is hereby reclassified, from and after the
date of this Order, from an "R-20" Zone and an "R-20" Zone to a "M-1"
Zone, subject, however, to approval of plans for ingress and egress by
the State Roads Commission.

Deputy Zoning Commissioner
of Baltimore County

Messrs. Proctor, Royston & Heallier,
Bankroll Building
Towson 14, Maryland

Att. Kenneth C. Proctor, Esq.

Re: Petition of Sheffield Land
Corp., et al., Baltimore -
E. S. York Road 950' S. Warren
Road, 8th District -

Dear Mr. Proctor:

Notice is hereby given that in accordance with
Rule 1101-b of the Rules of Procedure of the Court of Appeals of
Maryland, an appeal has been taken to the Circuit Court for Baltimore
County, from the decision of the County Board of Appeals
granting the reclassification in the above matter.

Attached is a copy of the Certificate of Notice.

Very truly yours

Secretary

ALLSTON VANDER HORST

York Road
Cockeysville, Maryland

Appellant

vs.

NATHAN H. KAUFMAN, JR.

G. MITCHELL AUSTIN

and

CHARLES STEINBAOK

being and constituting

the

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal on behalf of Allston Vander Horst in the above entitled matter from the majority opinion and order of the County Board of Appeals dated March 2, 1961, in the County Board of Appeals Case No. 4971, by which land of John S. Williamson and others on the East Side of York Road, South of Warren Road, in the Eighth District of Baltimore County was reclassified from "R-20" Zone to "M-L" Zone.

ALLSTON VANDER HORST

Allston Vander Horst

Appellant

vs.

J. ROYALL TIPPETT, JR.

J. Royall Tippet, Jr.

HINKLEY AND SINGLEY

Hinkley and Singley

Attorneys for Allston Vander Horst

206 Maryland Trust Building

Baltimore 2, Maryland

Phone 2-7943

I HEREBY CERTIFY that a copy of the foregoing Order

for Appeal was served upon the County Board of Appeals in the

manner prescribed by Rule 306 of the Maryland Rules of Procedure

this 29th day of March, 1961.

J. ROYALL TIPPETT, JR.

J. Royall Tippet, Jr.

Attorney for Appellant

HINKLEY AND SINGLEY

Hinkley and Singley

Attorneys for Allston Vander Horst,

Petitioner and Appellant

1. And for other and further reasons to be

made known at the hearing hereon.

WHEREFORE, your Petitioner respectfully prays that

the aforementioned order of the County Board of Appeals dated

the 2nd day of March, 1961, may be reversed, set aside and

annulled.

AND as in duty bound, etc.

ALLSTON VANDER HORST

Allston Vander Horst

Petitioner and Appellant

vs.

J. ROYALL TIPPETT, JR.

J. Royall Tippet, Jr.

HINKLEY AND SINGLEY

Hinkley and Singley

Attorneys for Allston Vander Horst,

Petitioner and Appellant

I HEREBY CERTIFY that a copy of the above Petition

of Allston Vander Horst, Appellant, was served upon the County

Board of Appeals in the manner prescribed by Rule 306 of the

Maryland Rules of Procedure this 29th day of March, 1961.

J. ROYALL TIPPETT, JR.

J. Royall Tippet, Jr.

Attorney for Petitioner

and Appellant

ALLSTON VANDER HORST

York Road

Cockeysville, Maryland

Appellant

vs.

NATHAN H. KAUFMAN, JR.

G. MITCHELL AUSTIN

and

CHARLES STEINBAOK

being and constituting the

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

PETITION OF ALLSTON VANDER HORST, APPELLANT

The Petition of Allston Vander Horst, Appellant herein, respectfully shows:

1. That your Petitioner is now, and for several years prior hereto has been, the owner of approximately five acres of land on the east side of York Road, south of Warren Road in the Eighth District of Baltimore County which is improved by a dwelling in which he resides.

2. That the property of John S. Williamson, Jr. and others involved herein adjoins your Petitioner's property immediately to the north and northwest and that the two properties are so located that part of the property of the said John S. Williamson, Jr. and others lies between your Petitioner's property and the York Road to the west;

3. That said property of your Petitioner and also said property of John S. Williamson, Jr. and others has been zoned in a residential "R-20" classification since the adoption of the Land Use Map for the Eighth District of Baltimore County on December 20, 1955.

July 21, 1960

J. Royall Tippet, Jr., Esq.,
206 Maryland Trust Building
Baltimore 2, Maryland

Dear Mr. Tippet:

As requested in your letter of July 20, 1960 the Board of Appeals has postponed the hearing on the appeal of the hearing when scheduled by the Board.

You will be duly notified of the date and time of the hearing when scheduled by the Board.

Very truly yours

Secretary

cc: Samuel A. Green, Jr., Esq.,
Masonic Building
Towson 4, Maryland

John W. Hessian, III, Esq.,
Campbell Building
Towson 4, Maryland

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Miscellaneous Docket No.

Case No.

Page No.

4. That Sheffield Land Corporation, John S. Williamson, Jr. and others filed their petition with the Zoning Commissioner for reclassification of a large area of land east of the York Road fronting partly on the east side of York Road and partly on the south side of Warren Road, requesting reclassification from "R-10" and "R-20" Zones to an "M-L" Zone; at the hearing before the Deputy Zoning Commissioner, the request was amended and limited to land classified "R-20" and fronting on the east side of York Road beginning at a point 950 feet south of the southeast corner of York Road and Warren Road and fronting 562.77 feet on York Road with an irregular outline to a depth of 620 feet from the York Road; that the hearing before the Deputy Zoning Commissioner was held on June 8, 1960, and your Petitioner appeared and protested the proposed change at said hearing; that on June 17, 1960 the Deputy Zoning Commissioner signed an order reclassifying the land as limited by amendment from an "R-20" to an "M-L" Zone.

5. That your Petitioner filed an appeal from said order of the Deputy Zoning Commissioner to the Board of County Appeals and a hearing thereon was held on September 15, 1960, and your Petitioner again appeared and protested the proposed change; and that on March 2, 1961, an order was signed by two members of the Board (with one member dissenting) approving the reclassification.

6. That your Petitioner is a taxpayer of Baltimore County and of the State of Maryland and is a party aggrieved as a result of said reclassification.

7. That the said order of the County Board of Appeals of March 2, 1961 is improper, an abuse of administrative discretion, was illegal and null and void for the following reasons:

- 2 -

FREDERICK J. SINGLEY, JR.
ATTORNEY AND COUNSELLOR AT LAW
JAMES H. SINGLEY
FREDERICK J. SINGLEY, JR.
JAMES H. SINGLEY
JAMES H. SINGLEY, JR.
JAMES H. SINGLEY, JR.

HINKLEY AND SINGLEY

ATTORNEYS AND COUNSELLORS AT LAW

206 MARYLAND TRUST BUILDING

BALTIMORE 2, MARYLAND

July 20, 1960

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Reclassification of properties of Sheffield Land Corporation and Harvey C. Jones and Jean Lee Jones, Petitioners - E.S. York Road south of Warren Road, 8th District

Dear Sirs:

I acknowledge with thanks your letter of July 15, 1960, notifying me that the hearing on the appeal from the decision of the Deputy Zoning Commissioner in the above matters has been scheduled for Thursday, August 18, 1960 at 10:00 A.M.

I expect to be on my vacation on August 18, 1960 and do not plan to return until early in September. I would appreciate it if you would be good enough to postpone the hearing until after September 8, 1960.

Very truly yours,

J. Royall Tippet, Jr.

JRT, Jr/m

cc: Samuel A. Green, Jr., Esq.,
Masonic Building
Towson 4, Maryland
John W. Hessian, III, Esq.,
Campbell Building
Towson 4, Maryland
Kenneth C. Proctor, Esq.,
Campbell Building
Towson 4, Maryland

a. That the County Board of Appeals misconstrued the evidence.

b. That the County Board of Appeals incorrectly applied the evidence to the law in the case.

c. That the majority opinion and the order of the County Board of Appeals was based upon incorrect legal premises.

d. That there were no legally sufficient facts to support the majority opinion and order of the County Board of Appeals.

e. That there is no evidence to justify the conclusion that there was "an error in the map".

f. That there is no evidence to justify a conclusion that a change has taken place in the area on which such a reclassification could be based.

g. That the reclassification would result in a loss of value of your Petitioner's property without compensation and would be confiscatory and unconstitutional.

h. That the reclassification is not in conformity with other properties in the area.

i. That the Board of County Appeals by its order herein has attempted to overthrow the plan adopted for the area whereby the York Road serves as a barrier between residential and manufacturing sections, without reason or cause or authority to do so.

j. That there is no evidence that the reclassification is required for the health, safety, or welfare of the community.

k. That there is no evidence to justify a conclusion that the property involved cannot be profitably used as residential property.

- 3 -

July 15, 1960

COUNTY BOARD OF APPEALS

Assignments for Thursday, August 18, 1960 at 10:00 a. m.

#4971

Petition for reclassification of property of Sheffield Land Company east side of York Road 950' S. Warren Road, 8th District - reclassification granted by Deputy Zoning Commissioner - Petitioner and protestants represented by counsel

#4972

Petition of Harvey C. Jones, et al., for reclassification of property on east side of York Road 2000' south of Warren Road - Reclassification granted by Deputy Zoning Commissioner - Petitioners and protestants represented by counsel

cc: Mr. Kaufman
Mr. Agnew
Mr. Austin
Mr. Perkins
Planning
Solicitor

SHEPHERD LAND CORPORATION,
John S. Williamson, Jr., et al,
Petitioners - East side of
York Road, 950' S. of Warren
Road, 8th District - from
"B-10" Zone to "B-1" Zone

REPOSE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 1071

OFFICE

The original petition in this matter was amended during the course of the hearing before the Deputy Zoning Commissioner and the petitioners have indicated satisfaction with the lesser depth. Therefore, the property to be considered by the Board in this instance is as fully described in the opinion of the Deputy Zoning Commissioner dated June 1, 1960. The effect of the amendment was to bring the depth of the property sought for reclassification into a harmonious relationship with the portion of the zone property, reclassified of even date herewith, and the previously existing "B-1" property owned by Crest Contracting Company which abuts the Jones land to the south. The net effect of this reclassification and the Jones reclassification is to extend to the north the existing "B-1" depth of approximately 650 feet along the east side of York Road.

Along the west side of York Road and extending far past the property under discussion lie large tracts already zoned for manufacturing use. The York Road at this point is a 66 foot three-lane highway and, in our opinion, does not represent a logical line of division between "B-1" and "B-20" zones. (Traffic is not a factor in this case.) We believe that a line parallel with the eastern boundary of the Crest property and extending north is a more practicable zone division. Moreover, the adverse topographical variations between the subject property and that adjoining to the south make residential development economically unfeasible. This is especially true where, as in this instance, the manufacturing land overlooks the property in question.

It is to be noted that the Office of Planning & Zoning recommended this reclassification to "B-1" to the amended depth, stating: "at such reclassification is a reasonable and logical extension of the industrial zoning to the south. Mr. Carroll, Assistant for the Planning Office, stated that he had considered it appropriate to continue this 650 foot band to the Warren Road."

Although there is evidence that the subject property is not completely useless as residential acreage, it seems uncontested that the impact of the industrial land to the west and north, along with the topographical considerations already discussed, would make residential use possible only when accompanied by severe economic hardship to the owner. Since reasonable property use is a right and not a privilege, the refusal of this reclassification would deprive the owners of their economic entitlement and would have confiscatory overtones.

August 16, 1960

Notified of appeal hearing scheduled for Thursday,

September 29, 1960 at 10:00 a.m.

County Board of Appeals
Council to Board

Proctor, Rayston & Mueller counsel for petitioners

J. Royall Tippet, Jr. " " protestants

Samuel A. Green, Jr. " " " "

John W. Hession, III, " " " "

The petitioners have based their case on both change and error. However, the Board does not see the necessity for relying on changes inasmuch as for the reasons stated above, the map appears to be clearly in error. The petition is therefore granted as amended, subject to approval of plans for ingress and egress by the State Roads Commission.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of March, 1961, by the County Board of Appeals, ORDERED that the aforesaid reclassification as amended from "B-20" Zone to "B-1" Zone is hereby granted as amended.

Any appeal from this decision must be in accordance with Rule No. 1103 of the Rules of Procedure and Practice of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Noted M. L. J.
April 3, 1961

#4971
MAP
#8
SEC.3-D
ML

RE: RECLASSIFICATION OF PROPERTY
OF SHEPHERD LAND CORPORATION,
et al, S. S. York Road 950' S.
Warren Road, 8th District -
from "B-10" Zone and "B-20"
Zone to "B-1" Zone

REPOSE

DEPUTY ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No. 1071

The petitioners in the above entitled matter seek the reclassification of property on the easterly side of York Road 950 feet south of Warren Road, in the Eighth District of Baltimore County from an "B-10" Zone and "B-20" Zone to a "B-1" Zone.

The petitioners by counsel, Kenneth C. Proctor, Esq., requested leave to amend the description to read as follows:

"BEGINNING at a point on the easterly side of York Road, which point is located 950 feet, more or less, from the southeast corner of York Road and Warren Road, and running thence South 10 degrees 55 minutes East 568.77 feet; thence leaving York Road and running for times of division the following 13 courses are distances: (1) North 56 degrees 04 minutes East 154.8 feet; (2) South 14 degrees 03 minutes East 87 feet; (3) South 51 degrees 52 minutes East 87 feet; (4) South 37 degrees 51 minutes East 117 feet; (5) South 14 degrees 32 minutes East 50 feet; (6) South 15 degrees 15 minutes East 50 feet; (7) South 78 degrees 17 minutes East 50 feet; (8) North 50 degrees 15 minutes East 15 feet; (9) North 68 degrees 10 minutes East 16 feet; (10) North 7 degrees 54 minutes East 160.9 feet; (11) North 9 degrees 10 minutes West 15 feet; (12) North 8 degrees 30 minutes East 30.56 feet; (13) North 33 degrees 54 minutes East 50 feet; thence running for further times of division South 70 degrees East 138 feet, more or less, to a point 650 feet from the center line of York Road if a line were projected from such center line and at right angles to York Road to such point and 117 feet, more or less, to a point in the North 77 degrees 16 minutes West 657 feet line of the description of the entire tract and running thence along the easterly side of such line 424 feet, more or less, to the point of beginning."

Leave to amend the petition is hereby granted.

It is clear that at the time of the adoption of the

Land Use Map for the Eighth District there was an error in the map and the original zoning of the subject tract.

It is this _____ day of June, 1960, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from an "B-10" Zone and an "B-20" Zone to a "B-1" Zone, subject, however, to approval of plans for ingress and egress by the State Roads Commission.

Deputy Zoning Commissioner
of Baltimore County

August 16, 1960

Messrs. Proctor, Rayston & Mueller,
Campbell Building
Towson 1, Maryland

Att. Kenneth C. Proctor, Esq.

Re: Reclassification of property
of Shepherd Land Company and
Harvey C. Jones, et al, on
S. S. York Road, S. of Warren
Road, 8th District

Dear Mr. Proctor:

The date for the hearing on the appeal filed in the above matter has been scheduled for Thursday, September 14, 1960 at 10:00 a.m. in Room 105, County Office Building, Towson, Maryland.

Very truly yours

Secretary

August 16, 1960

J. Royall Tippet, Jr., Esq.,
606 Maryland Trust Building
Baltimore 2, Maryland

Re: Reclassification of property
of Shepherd Land Company and
Harvey C. Jones, et al, on
S. S. York Road, S. of Warren
Road, 8th District

Dear Mr. Tippet:

The date for the hearing on the appeal filed in the above matter has been scheduled for Thursday, September 14, 1960 at 1:00 a.m. in Room 105, County Office Building, Towson, Maryland.

Very truly yours

Secretary

cc: Samuel A. Green, Jr., Esq.,
Kessette Building
Towson 1, Maryland

John W. Hession, III, Esq.,
Campbell Building
Towson 1, Maryland

July 21, 1960

Messrs. Proctor, Rayston & Mueller,
Campbell Building
Towson 1, Maryland

Att. Kenneth C. Proctor, Esq.

Re: Reclassification of property of
Shepherd Land Company and Harvey
C. Jones, et al, S. S. York Road
South of Warren Road, 8th Dist.

Dear Mr. Proctor:

As requested by counsel for the protestants, the hearing on the appeal scheduled for Thursday, August 18, 1960, in the above matter, has been postponed to a later date.

You will be duly notified of the date and time of the hearing when scheduled by the Board.

Very truly yours

Secretary

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

WE, Sheffield Land Corporation, John S. Williamson, Jr., and Barbara K. Williamson, his wife, and John S. Williamson, Sr., and Maude B. Williamson, his wife, legal owners of the property situate in the Eighth Election District of Baltimore County, more particularly described as follows:

BEGINNING at a point on the Easterly side of York Road, which point is located 950 feet, more or less, from the Southeast corner of York Road and Warren Road, and running thence South 10 degrees 54 minutes East 562.77 feet; thence leaving York Road and running for line of division the following 13 courses and distances: (1) North 86 degrees 04 minutes East 15.65 feet; (2) South 44 degrees 03 minutes East 87 feet; (3) South 53 degrees 52 minutes East 87 feet; (4) South 37 degrees 53 minutes East 117 feet; (5) South 44 degrees 39 minutes East 50 feet; (6) South 37 degrees 15 minutes East 50 feet; (7) South 78 degrees 17 minutes East 50 feet; (8) North 80 degrees 12 minutes East 45 feet; (9) North 48 degrees 40 minutes East 46 feet; (10) North 7 degrees 54 minutes East 160.9 feet; (11) North 9 degrees 40 minutes East 45 feet; (12) North 4 degrees 35 minutes East 30.36 feet; (13) North 33 degrees 24 minutes East 50 feet; thence running for further lines of division South 70 degrees East 543.16 feet; South 13 degrees 41 minutes East 46.8 feet; South 77 degrees 31 minutes East 600 feet; North 13 degrees 44 minutes East 877.1 feet; North 77 degrees 16 minutes East 191 feet; North 13 degrees 25 minutes East 135 feet; South 77 degrees 16 minutes East 305 feet; North 13 degrees 44 minutes East 466 feet; North 77 degrees 16 minutes East 970 feet; South 12 degrees 44 minutes East 100 feet; North 77 degrees 16 minutes East 200 feet; North 12 degrees 44 minutes East 100 feet; North 77 degrees 16 minutes East 30 feet; South 12 degrees 44 minutes East 720.3 feet; North 77 degrees 16 minutes East 657 feet to the place of beginning.

Sheffield Land Corporation
John S. Williamson, Jr., and
Barbara K. Williamson, his wife,
Legal Owners
Kenneth C. Proctor,
their attorney,
Campbell Bldg., Towson 4, Md.

ORDERED BY The Zoning Commissioner of Baltimore County, this 14th day of May, 1960, 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 the public hearing herein be held in the office of the Zoning Commissioner of Baltimore County, in the Beekton Building, in Towson, Baltimore County, on the 8th day of June, 1960 at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County
(over)

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

WE, Sheffield Land Corporation, John S. Williamson, Jr., and Barbara K. Williamson, his wife, and John S. Williamson, Sr., and Maude B. Williamson, his wife, legal owners of the property situate in the Eighth Election District of Baltimore County, more particularly described as follows:

hereby petition that the zoning status of the above described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R-10 & R-20 zone to an M.L. zone.

Reasons for Re-Classification: Changes in the character of the neighborhood.

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 reclassification, advertising, posting, etc., upon filing of the 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.

Sheffield Land Corporation
John S. Williamson, Jr., and
Barbara K. Williamson, his wife,
Legal Owners
Kenneth C. Proctor,
their attorney,
Campbell Bldg., Towson 4, Md.

ORDERED BY The Zoning Commissioner of Baltimore County, this 14th day of May, 1960, 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 the public hearing herein be held in the office of the Zoning Commissioner of Baltimore County, in the Beekton Building, in Towson, Baltimore County, on the 8th day of June, 1960 at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County
(over)

ALAN VAN DER HOVE
York Road
Oxon Hill, Maryland
Applicant
vs
MAYOR H. KENNEDY, JR.,
G. MITCHELL AUSTIN
and
CHARLES STEINBOCK, JR.,
Attorneys for the
County Board of Appeals
of BALTIMORE COUNTY

IN THE
CIRCUIT COURT

BALTIMORE COUNTY

SHORTEST DATE OF NOTICE

Mr. Clerk:

pursuant to the provisions of Rule 110B-6 (b) of the Maryland Rules of Procedure, Nathan W. Kaufman, Jr., G. Mitchell Austin and Charles Steinbock, Jr., submitting the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it, namely: Messrs. Proctor, Regan & Muller, Campbell Building, Towson 4, Maryland, Attorneys for the Petitioners; J. Royall Tippetts, Jr., Esq., 806 Maryland Trust Building, Baltimore 2, Maryland; Messrs. "Hickley & Singler, 806 Maryland Trust Building, Baltimore 2, Maryland; Samuel A. Green, Jr., Esq., Messrs. Messers Building, Towson 4, Maryland and John W. Heston, III, Esq., Campbell Building, Towson 4, Maryland; Attorneys for the Protesting Party a part thereof.

Gerrilla H. Thomas,
Assistant Collector
County Office Building
Towson 4, Md. 7-3000 ext. 316

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to Messrs. Proctor, Regan & Muller, Campbell Building, Towson 4, Maryland, Attorneys for the Petitioners; J. Royall Tippetts, Jr., Esq., 806 Maryland Trust Building, Baltimore 2, Maryland; Messrs. Hickley & Singler, 806 Maryland Trust Building, Baltimore 2, Md. Samuel A. Green, Jr., Esq., Messers Building, Towson 4, Maryland and John W. Heston, III, Esq., Campbell Building, Towson 4, Maryland, Attorneys for the Protesting Party on this _____ day of March, 1961.

Gerrilla H. Thomas

TELEPHONE VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: J. Royall Tippetts, Jr., Esq.,
806 Maryland Trust Building
Baltimore 2, Md.

BILLED BY: Zoning Department
113 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 2

DETAILS: Cost of certified copies of documents in the matter of reclassification of property of Sheffield Land Corp., et al, Petitioners

TOTAL AMOUNT: \$11.00

PAID: \$11.00

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

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: J. Royall Tippetts, Jr., Esq.,
806 Maryland Trust Building
Baltimore 2, Md.

BILLED BY: Zoning Department
113 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 1

DETAILS: Cost of certified copies of documents in the matter of reclassification of property of Sheffield Land Corp., et al, Petitioners

TOTAL AMOUNT: \$11.00

PAID: \$11.00

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

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Proctor, Regan & Muller
Campbell Building
Towson 4, Md.

BILLED BY: Zoning

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 1

DETAILS: Petition for Re-Classification

TOTAL AMOUNT: \$10.00

PAID: \$10.00

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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th

Date of Posting: 5-25-60

Location of property: 113 County Office Bldg., Towson 4, Md.

Location of Signs: 113 County Office Bldg., Towson 4, Md.

Posted by: [Signature]

Date of return: 5-26-60

TELEPHONE VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: J. Royall Tippetts, Jr., Esq.,
806 Maryland Trust Bldg.,
Baltimore 2, Md.

BILLED BY: Zoning Department of Baltimore
113 County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 1

DETAILS: Order of Appeal to County Board of Appeals - Sheffield Land Company

TOTAL AMOUNT: \$10.00

PAID: \$10.00

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

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Kenneth C. Proctor, Esq.,
Campbell Building
Towson 4, Md.

BILLED BY: Zoning

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 1

DETAILS: Additional Advertising - Sheffield Land Co. & Williamson

TOTAL AMOUNT: \$6.75

PAID: \$6.75

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

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

To: Sheffield Land Corp.,
John S. Williamson, Jr., et al
John S. Williamson, Sr., et al

BILLED BY: Zoning

DEPOSIT TO ACCOUNT NO. 01.622

QUANTITY: 1

DETAILS: Notice of Hearing

TOTAL AMOUNT: \$10.00

PAID: \$10.00

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.

RE: RECLASSIFICATION OF PROPERTY
OF SHEPHERD LAND CORPORATION,
et al, E.S. York Road 950' S.
Warren Road, 8th District -
From "R-10" Zone and "R-20"
Zone to "M-L" Zone

BEFORE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
NO. 4971

ORDER OF APPEAL ON BEHALF OF ALLSTON VANDER HORST

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Please enter an appeal in the above case to the
Board of Zoning Appeals from the Order of the Deputy Zoning
Commissioner dated June 17, 1960, whereby the property described
in said Order was reclassified from an "R-10" and "R-20" classifica-
tion to an "M-L" classification.



J. Royall Tippet, Jr.
806 Maryland Trust Building
Baltimore 2, Maryland
Plaza 2-7945
Attorney for
Allston Vander Horst,
Appellant

Mr. John E. Rose,
Deputy Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
Townson 4, Maryland

Re: Reclassification of property
Shepherd Land Corporation, et al,
E.S. York Road 950' S. Warren
Road, 8th District - from an
"R-10" Zone and "R-20" Zone to a
"M-L" Zone

Dear Mr. Rose:

Enclosed herewith is an Order of Appeal on
behalf of Allston Vander Horst in the above case.

Very truly yours,

J. Royall Tippet, Jr.

WST:jrm

Re: Kenneth G. Proctor, Esq. → Samuel A. Green, Jr., Esq.
Masonic Building
Townson 4, Maryland
→ John W. Heenan, III, Esq.
Campbell Building
Townson 4, Maryland

HINKLEY AND SINGLEY
ATTORNEYS AND COUNSELLORS AT LAW
806 MARYLAND TRUST BUILDING
BALTIMORE 2, MARYLAND

JOHN HINKLEY
1008-1010
FREDERICK J. SINGLEY
1002-1010
BALTIMORE
PLAZA 2-7945

June 24, 1960

RE: SHEPHERD LAND CORPORATION
John E. Williams, Jr., et al,
Williams - East side of
York Road 950' S. Warren
Road, 8th District - From
"R-10" Zone to "M-L" Zone

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4971

DISSENTING OPINION

The petitioners in the instant case use as a basis of their
arguments, that there has been a substantial change in the character
of the surrounding neighborhood to sufficiently uphold their request for
a higher classification of the subject tract. Further they use the argument
that the abandoned stone quarry to the south is sufficiently related to
the tract in question as to constitute an error as to "vital zoning
classification by the Baltimore County Commissioners by the adoption of the
land use map on December 29, 1957. Valuable testimony was presented
by various witnesses on behalf of the petitioners setting forth many and
various zoning changes in the neighborhood of recent origin plus testimony
as to the desirability of the property in question as residential
development is encouraged.

The writer upon a review of the land use map, observes that the
majority of such all of the "M-L" classification in the immediate area is to
the west of York Road. The petitioners claim that this "M-L" reclassi-
fication must be granted because the subject tract is converted to high
industrial development and the tract on this portion of York Road is
classified "M-L".

The Assessor, these allegations in regard to change he tries
to be considered opinion of this Board member that it would be (consequence
and premature to reclassify the subject tract to such a permanent classifi-
cation. It would seem to be more equitable in the kind of zoning
that if a reclassification were granted, that said modification be to that
of a class more in harmony with the surrounding development, which is pre-
sented in the character of the neighborhood and/or in error in original zoning
that any change requested, should be granted. If a transformation is to
take place in the area in question, it should be that which is in keeping
with a logical and orderly zoning map consistent with those now existing
on the east side of York Road.

It is obvious to the undersigned guy, that it was the
intention of the County Commissioners to restrict industrial zoning in this
particular area to the west side of York Road, because of its accessibility
to the Pennsylvania Railroad and its attendant sidings. This same reasoning

SHEPHERD LAND CORPORATION,
John E. Williams, Jr., et al,
Williams - East side of
York Road 950' S. of Warren
Road, 8th District - From
"R-10" Zone to "M-L" Zone

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4971

The original petition in this matter was amended during the
course of the hearing before the Deputy Zoning Commissioner and the
petitioners have indicated satisfaction with the lesser depth. Therefore,
the property to be considered by the Board in this instance is as fully
1960. The effect of the amendment was to bring the depth of the property
sought for reclassification into a harmonious relationship with the por-
tion of the Jones property, reclassified in the same date heretofore, and the
previously existing "M-L" property owned by Great Contracting Company,
which abuts the Jones land to the south. The net effect of this reclassi-
fication and the Jones reclassification is to extend to the north the
existing "M-L" depth of approximately 600 feet along the north side of
York Road.

Along the west side of York Road and extending for past
the property under discussion 31 lot tracts already zoned for
residential use. The York Road at this point is a 66' wide three-lane
highway and, in our opinion, does not represent a logical line of
division between "M-L" and "R-20" zones. (Traffic is not a factor in
this case.) We believe that a line parallel with the eastern boundary
of the Great property and extending north is a more reasonable zoning
division. However, the severe topographical variations between the
subject property and that adjoining to the south make residential
development economically unfeasible. This is especially true where
quarries, the manufacturing land overlooks the property in
question.

It is to be noted that the Office of Planning and Zoning
recommends this reclassification to "M-L" to the amended depth
of the industrial zoning in a reasonable and logical exten-
sion of the industrial zoning to the south. Dr. J. J. Smith, Secretary
of the Planning Office, stated that he had considered it appropriate
to continue this 600 feet line to the Warren Road.

Although there is evidence that the subject property is not
completely useless as residential purposes, it seems unwise to reclassi-
fy the industrial land to the west and south, along with the
topographical - commercial already discussed, would make residential
zoning possible only when accompanied by severe economic hardship to the
county. Also reasonable property use to a right and not a privilege,
the refusal of this reclassification would deprive the owners of their
economic investment and could have satisfactory outcomes.

The petitioners have based their case on both change and
error. However, the Board does not see the necessity for relying
on change in zoning, as for the reasons stated above, the map appears
to be clearly in error. The petition is therefore granted as amended,
subject to approval of plans for ingress and egress by the State Roads
Commission.

ORDER

For the reasons set forth in the foregoing opinion, it is
this 15th day of February, 1961, by the County Board of Appeals,
ORDERED that the aforesaid reclassification as amended from "R-20" Zone
to "M-L" Zone is hereby granted as amended.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

4971

July 15, 1960

Neenan, Proctor, Royson & Mueller,
Campbell Building
Townson 4, Maryland
Att. Kenneth G. Proctor, Esq.

Re: Reclassification of property
Shepherd Land Company on
east side of York Road 950'
S. Warren Road, 8th District

Dear Mr. Proctor:

The date for the hearing on the appeal filed
in the above matter from the decision of the Deputy Zoning Com-
missioner granting reclassification has been scheduled for Thursday
August 18, 1960 at 10:00 a.m.

Very truly yours

Secretary

J. Royall Tippet, Esq.,
806 Maryland Trust Building,
Baltimore 2, Maryland

Re: Reclassification of property
of Shepherd Land Corporation
and Kirby D. Jones and Joan
Lee Jones, Petitioners - E. S.
York Road south of Warren Road,
8th District

Dear Mr. Tippet:

The hearing on the appeals filed by you from
the decision of the Deputy Zoning Commissioner granting reclassi-
fication of property, in the above matter, had been scheduled
for Thursday, August 18, 1960 at 10:00 a.m.

Due to the heavy backlog of cases to be heard
by the County Board of Appeals unless notification is received within
10 days from the date of this letter, postponement will not be granted
except in cases of extreme emergency.

Very truly yours

Secretary

cc: Samuel A. Green, Jr., Esq.,
Masonic Building
Townson 4, Maryland

John W. Heenan, III, Esq.,
Campbell Building
Townson 4, Md.

Kenneth C. Proctor, Esq.
Campbell Building
Towson 4, Maryland

Re: Williamson, Sheffield Land Corp.
8th Dist-W/G York Rd. 950' SE/Cor.
York & Warren Rd.

Dear Mr. Proctor:

This is to advise you there is an additional Six Dollars and Seventy-five Cents due(\$6.75) for advertising re the above subject property.

Kindly send check payable to Baltimore County for same.

Yours very truly,

Wladis Hadasa
Zoning Commissioner

June 17, 1960

J. Royal Tippett, Esq.
806 Maryland Trust Building
Baltimore 2, Maryland

Re: Reclassification of property
Sheffield Land Corporation, et al,
1. S. York Road 950' S. Warren
Road, 8th District - from an "R-10"
Zone and "R-20" Zone to a "R-1"
Zone -

Dear Mr. Tippett:

I have today passed my Order granting the reclassification of property, in the above matter, from an "R-10" Zone and an "R-20" Zone to a "R-1" Zone in accordance with the amended description of property furnished the Zoning Department by counsel for the petitioners.

Attached is a copy of said Order describing the property so zoned and stating my reason for the granting of the reclassification as requested.

Very truly yours

Deputy Zoning Commissioner

cc: Samuel A. Green, Jr., Esq.,
Hessie Building
Towson 4, Maryland

John W. Hession, III, Esq.,
Campbell Building
Towson 4, Maryland

Normal objection to the modification
of the petition made at the hearing this
8th day of June, 1960, is hereby waived
for the reason that an entirely new case
is presented.

J. Russell Tippett, Esq.
Attorney for Albert Cordell

INDUSTRIALLY ZONED AND USED LAND - 8th and 9th DISTRICT

BALTIMORE COUNTY

9th Election District

	Vacant	Occupied by Industry	Total
M.R.	85	20	65
M.L.	80	140	220
Total	135	150	285

8th Election District

M.R.	80	250	330
M.L. 250' road	570 2/3 acres vacant	320	1180
M.H.	0	220	-220
Total	650 2/3 acres	790	1730

1/ Includes small encroaches of commercial and/or residential uses, etc.

2/ Does not include quarry owned property, assuming this land is held for its mineral deposit value.

John T. Russell, Esq.
Attorney for Albert Cordell
Geo. Hall/h
June 7, 1960

June 17, 1960

J. Royal Tippett, Esq.
806 Maryland Trust Building
Baltimore 2, Maryland

Re: Reclassification of property
Sheffield Land Corporation, et al,
1. S. York Road 950' S. Warren
Road, 8th District - from an "R-10"
Zone and "R-20" Zone to a "R-1"
Zone -

Dear Mr. Tippett:

I have today passed my Order granting the reclassification of property, in the above matter, from an "R-10" Zone and an "R-20" Zone to a "R-1" Zone in accordance with the amended description of property furnished the Zoning Department by counsel for the petitioners.

Attached is a copy of said Order describing the property so zoned and stating my reason for the granting of the reclassification as requested.

Very truly yours

Deputy Zoning Commissioner

cc: Samuel A. Green, Jr., Esq.,
Hessie Building
Towson 4, Maryland

John W. Hession, III, Esq.,
Campbell Building
Towson 4, Maryland

For protectants

Leah K. Knapp, Chief Compliance Officer, Planning & Zoning

La. Hallman - Pearson Drive, Catonsville. June 1958
5.5 acres from original lots.

J. Board, 1st floor - Greenleaf Road - built the 1/2 acre

Sharon Knapp - Greenleaf Road - 1/2 acre

Margaret Knapp - Greenleaf Road - 1/2 acre 1954

Debra Knapp - ES 1/2 York Road

South York Road - 1/2 acre - M. Williamson &

South York Road - 1/2 acre - M. Williamson &

220 feet on York Road - common driveway with

M. Williamson. Consists of 5 acres

1/2 of York Road - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

620' of York Rd

George E. Knapp, Deputy Director, Planning
This is a corner - 1/2 acre in 1952 and 1953. (2 1/2 acres)
a 1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre
No change since 1953

1738 acres 8th Ball Greenleaf Road Road.
530 acres - 1/2 acre - 1/2 acre - 1/2 acre
1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre
1/2 acre - 1/2 acre - 1/2 acre - 1/2 acre

J. Board, 1st floor - Greenleaf Road - built the 1/2 acre

Sharon Knapp - Greenleaf Road - 1/2 acre

Margaret Knapp - Greenleaf Road - 1/2 acre 1954

Debra Knapp - ES 1/2 York Road

South York Road - 1/2 acre - M. Williamson &

South York Road - 1/2 acre - M. Williamson &

220 feet on York Road - common driveway with

M. Williamson. Consists of 5 acres

1/2 of York Road - 1/2 acre - 1/2 acre - 1/2 acre

KENNETH C. PROCTOR
CHARLES W. ROYSTON
OF ATTORNEYS
JAMES L. KELLEY, JR.
OF ATTORNEYS
GEORGE W. WITENBERG

PROCTOR, ROYSTON & MUELLER
ATTORNEYS AT LAW
COURT HOUSE
TOWSON, A. MARYLAND

June 8, 1960

Mr. John G. Rose
Deputy Zoning Commissioner
County Office Building
111 W. Chesaapeake Avenue
Towson 4, Maryland

Re: Application of Sheffield Land Corporation, et. al.
property - 4th Election District - East side York
Road, South of Warren Road.

Dear Mr. Rose:

This will confirm the statement made by me at the beginning
of the hearing today - that the Petitioners in the above entitled
matter were withdrawing their Application for Reclassification of
the tract described in the Petition, except for that portion describ-
ed as follows:

BEGINNING at a point on the Easterly side of York Road,
which point is located 950 feet, more or less, from the
Southeast corner of York Road and Warren Road, and
running thence South 10 degrees 54 minutes East 562.77
feet; thence leaving York Road and running for lines of
division the following 13 courses and distances: (1) North
86 degrees 04 minutes East 15.55 feet; (2) South 44 degrees
01 minutes East 87 feet; (3) South 53 degrees 52 minutes
East 27 feet; (4) South 27 degrees 51 minutes East 117 feet;
(5) South 44 degrees 39 minutes East 50 feet; (6) South 57
degrees 15 minutes East 50 feet; (7) South 78 degrees 19
minutes East 55 feet; (8) North 80 degrees 12 minutes East
45 feet; (9) North 68 degrees 40 minutes East 46 feet; (10)
North 7 degrees 54 minutes East 155.9 feet; (11) North 9 de-
grees 40 minutes West 45 feet; (12) North 4 degrees 10
minutes East 10.56 feet; (13) North 23 degrees 24 minutes
East 50 feet; thence running for further lines of division
South 70 degrees East 118 feet, more or less, to a point
620 feet from the center line of York Road if a line were
projected from such center line and at right angles to
York Road to such point; and running thence North 10 de-

Mr. John G. Rose,
Deputy Zoning Commissioner.
Re: Application of Sheffield Land Corporation, et. al.
Property - 4th Election District - East side York
Road, South of Warren Road.
June 8, 1960

Page No. 2

gress 54 minutes West (and parallel to York Road) 475
feet, more or less, to a point in the North 77 degrees
16 minutes West 657 foot line of the description of the
entire tract; and running thence along the course of such
line 648 feet, more or less, to the point of beginning.

Sincerely yours,

K. C. Proctor
Kenneth C. Proctor.

KCP/ljs

PROCTOR, ROYSTON & MUELLER
ATTORNEYS AT LAW
COURT HOUSE
TOWSON, A. MARYLAND

VALLEY 3-1000

KENNETH C. PROCTOR
CHARLES W. ROYSTON
OF ATTORNEYS
JAMES L. KELLEY, JR.
OF ATTORNEYS
GEORGE W. WITENBERG

June 15, 1960

Mr. Wilkie H. Adams
Zoning Commissioner
County Office Building
111 W. Chesaapeake Ave.
Towson 4, Maryland

Re: Williamson, Sheffield Land Corp.
8th District - E/S York Road 950'
SE/cor. York & Warren Roads.

Dear Mr. Adams:

The additional cost for advertising the subject
property, viz. \$6.75, referred to in your letter of May
31, 1960, was paid by me on the date of the hearing.

Very truly yours,

K. C. Proctor
Kenneth C. Proctor.

lg

1 ALSTON VANDER HORST, 1 IN THE
2 Appellant 1
3 SHEFFIELD LAND CORPORATION, 1 CIRCUIT COURT FOR
4 JOHN S. WILLIAMSON, 1
5 Intervening Appellants; 1 BALTIMORE COUNTY
6 vs. 1
7 NATHAN H. KAUFMAN, JR., 1 File No. 2392
8 C. MITCHELL AUSTIN, and 1 Docket Misc. 7
9 CHARLES STEINBERG, being 1 Folio 71
10 and constituting the COUNTY 1
11 BOARD OF APPEALS OF BALTIMORE 1
12 COUNTY, 1
13 Appellees 1
14 - - - - - 1
15 ALSTON VANDER HORST, 1 IN THE
16 Appellant 1
17 vs. 1 CIRCUIT COURT FOR
18 NATHAN H. KAUFMAN, JR., 1 BALTIMORE COUNTY
19 C. MITCHELL AUSTIN, and 1
20 CHARLES STEINBERG, being 1
21 and constituting the COUNTY 1
22 BOARD OF APPEALS OF BALTIMORE 1
23 COUNTY, 1
24 Appellees 1
25 HARVEY C. JONES and 1
26 JEAN LEE JONES, 1
27 Intervening Appellees 1
28
29 *****
30 August 16, 1961
31 Before: HONORABLE JOHN GRASON TURNBULL, Judge

COMMISSION MEMBERS

JOHN B. FUNK,
CHAIRMAN OF COMMISSION
AND DIRECTOR OF HIGHWAYS

PAUL J. BAILEY
HARLEY P. BRINSFIELD
LANDALE G. CLAGETT
THOMAS N. KAY
JOHN J. McMULLEN
WILLIAM B. OWINGS



STATE OF MARYLAND
STATE ROADS COMMISSION

300 WEST PRESTON STREET

BALTIMORE 1, MD.

[MAILING ADDRESS: P. O. BOX 717, BALTIMORE 3, MD.]

June 6, 1960

DIVISION OF ENGINEERING

NORMAN M. PRITCHETT,
CHIEF ENGINEER
WALTER C. HOPKINS,
DEPUTY CHIEF ENGINEER
CORDY A. GOLDBERGER,
DIRECTOR HIGHWAY CONSTRUCTION
G. BATES CHAIRES,
DIRECTOR HIGHWAY MAINTENANCE

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

RE: Zoning Petition No. 4971
R-10 Zone and R-20 Zone to an M-L Zone
East side York Road (Route 45)
950' South Warren Road

Dear Mr. Adams:

This office has reviewed the subject petition and has no objection to the change, however, if the Zoning Commissioner should see fit to grant the petition, it is requested that the plans for egress and ingress be made subject to the approval of the State Roads Commission.

Thank you for your cooperation.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

BY: John L. Duerr
Asst. Development Engineer

JLD/ns

ZONING PLAT

