

ANN DEFLORA, et al
VS
COUNTY BOARD OF APPEALS

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Misc. No. 2478

MEMORANDUM OPINION

This is an appeal by writ from a decision granting a zoning reclassification from "R-10" to "ML" of a tract of land owned by The Crandon Company by the County Board of Appeals. The land is situated in the Claysdon area of Baltimore County.

The Court has carefully examined the transcript of testimony before the Board, the Exhibits offered in the proceedings, and has had the benefit of argument by counsel.

The issue presented to the Court is a narrow one. It is not the function of the Court to annul or to refuse to zone; but the Court's consideration on appeal is limited strictly to a determination whether there was or was not evidence legally sufficient to justify the decision of the Board, or whether the same was arbitrary, unreasonable, or capricious. The Court may not give consideration to the question of the wisdom of the Board's decision.

The Court believes that it would serve no useful purpose to detail the evidence before the Board, beyond the statement that there is substantial evidence to support the decision of the Board; that there was an error in original zoning as applied to the property as to which reclassification was granted.

Covered by County Commissioners, 125 Md. 219.

Accordingly, the Order of the County Board of Appeals is affirmed.

JUDGE

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County:-

I, or we, _____, legal owner... of the property situated...

in the 4th Election District of Baltimore County 977 feet more or less Southwest of Wabash Avenue and distant 100 feet Southeast from the Southwest side of Chateworth Avenue running thence North easterly parallel and 100 feet distant from Chateworth Avenue 660 feet, thence South 77 degrees 44 minutes 40 seconds East 87.96 feet thence North 48 degrees 26 minutes East 431.84 feet more or less to the right of way line of the Western Maryland Railroad thence South 40 degrees 62 minutes 30 seconds East 835 feet more or less thence leaving the right of way line of said railroad South 39 degrees 09 minutes 30 seconds West 358 feet more or less, thence South 14 degrees 00 minutes East 490 feet thence South 22 degrees 00 minutes East 242 feet thence South 10 degrees 00 minutes West 66 feet more or less thence North 50 degrees 10 minutes West hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from R-10 to ML.

Reasons for Re-Classification:

Size and height of building: front... feet; depth... feet; height... feet.
Front and side set backs of building from street lines: front... feet; side... feet.
Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expense 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.

THE CRANDON COMPANY

BY: *Edward F. Shepler*

Edward F. Shepler, President

Legal Owner

Address 5114 Relistoratow Rd., #15

ORDERED BY the Zoning Commissioner of Baltimore County, this... day of...

June, 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 hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Beekton Bldg., in Towson, Baltimore County, on the... day of... 1960, at 1:00 o'clock, P. M.

Zoning Commissioner of Baltimore County

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

It is Ordered by the Zoning Commissioner of Baltimore County this... day of... 1960, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from... to...

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition, evidence of either an error in the original zoning or changes in the character of the neighborhood since the adoption of the Zoning Map on January 13, 1957...

It is Ordered by the Zoning Commissioner of Baltimore County, this... day of... 1960, 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 to and remain as...

William A. Gorman
Zoning Commissioner of Baltimore County

Approved... County Commissioner of Baltimore County

Date... By... President

Re: PETITION FOR RECLASSIFICATION
from an R-10 zone to an ML zone
977 sq. Wabash Ave 100' S.E. of
Chateworth Avenue, 4th Dist.
The Crandon Company-Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 5015

The Petitioner sought originally to reclassify two tracts of ground in the 4th District of Baltimore County, however, at the outset of the petitioner's case by stipulation of Counsel, the petition designated 977 sq. was withdrawn, leaving petition 5015, a tract of 66 acres remaining. The petitioner seeks to reclassify this 66 acre of ground now zoned R-10 to an ML classification. General testimony was to the effect that the property lies to the southeast of the Western Maryland Railroad with a general boundary on the northwest being Chateworth Avenue. Wabash Avenue at the present time represents the only practical ingress and egress to the subject property. The topography of the ground is principally that of being low and marshy lying below the above mentioned railroad tracks to a depth of 10-15 feet.

The question of change in the character of the neighborhood was not considered by this Board, leaving only that question as to whether the Baltimore County Council erred in its designation of subject property. Malcolm Hill, Director of Baltimore County Office of Planning and Zoning, testified that property adjacent to a railroad does not inherently make it adaptable to residential use, however, no was of the opinion that the property under consideration was not suitable for residential use. There was further testimony on behalf of the petitioner through J. Walter Jones, Real Estate Appraiser, that the most logical and appropriate use of this property was as that asked by the petitioner. His testimony related that access to the property was meant to be desired and that a stream running northwest to southeast on the property would create almost insurmountable problems if residences were built on the property. The Board heard testimony that due to the rough topography, plus the fact that the railroad is adjacent thereto, and the problems

that would be encountered in crossing the above mentioned stream would certainly under present day conditions all but eliminate this tract from residential consideration.

The Board is unanimous in its opinion that the Baltimore County Council did in fact err in placing this property in its present category, and feels that the cost of 1-6 feet fill required to make this property suitable for residences is economically unfeasible and places an undue burden on the land owner to obtain a fair and reasonable use of his land. The members of the Board also feels that the railroad tracks without question, could and would, be detrimental to any prospective home purchaser in this area. The very nature of the subject tract lends itself to an ideal manufacturing location with easy access to rail facilities.

ORDER

For the reasons set forth in the foregoing opinion, it is this 14th day of September, 1961, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William A. Gorman
Chairman
Charles H. Starnes
J. Mitchell Austin

THE CRANDON COMPANY
Petitioner
Reclassification from an R-10 Zone to an M-L Zone. Property 977 S.W. Wabash Avenue 100' S.E. Chateworth Avenue, 4th District
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Mr. Clerk:

Please note an Appeal to the Baltimore County Board of Appeals in the within case.

John Warfield Armiger
John Warfield Armiger
Attorney for Petitioner
Masonic Building
Towson 4, Maryland
Valley 5-1753



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

It is Ordered by the Zoning Commissioner of Baltimore County this... day of... 1960, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from... to...

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition, evidence of either an error in the original zoning or changes in the character of the neighborhood since the adoption of the Zoning Map on January 13, 1957...

It is Ordered by the Zoning Commissioner of Baltimore County, this... day of... 1960, 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 to and remain as...

William A. Gorman
Zoning Commissioner of Baltimore County

Approved... County Commissioner of Baltimore County

Date... By... President

Continued

970 feet more or less thence North 65 degrees 30 minutes West 420 feet thence North 42 degrees 40 minutes West 87 feet more or less to the beginning. Containing 23.31 acres, more or less.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 8197
DATE 11/8/61

To: Seitz & Harrison
The Jefferson Building
Towson 1, Maryland
BALTIMORE County Board of Appeals

REPORT TO ACCOUNT NO. 01522
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST

Costs paid for Certified documents filed for the Crandon Company
\$0.00

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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 3997
DATE 10/27/60

To: Lewis L. Flansburg, Esq.,
Masonic Building
Towson 1, Md.
BALTIMORE Zoning Department of Baltimore County
213 County Office Bldg., Towson 1, Md.

REPORT TO ACCOUNT NO. 01522
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST

Cost of appeal to Board of Appeals and posting property
\$50.00

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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 2910
DATE 7/14/60

To: John Warfield Armiger, Esq.,
Masonic Building
Towson 1, Maryland
BALTIMORE Zoning

REPORT TO ACCOUNT NO. 01522
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
COST

Advertising signs - Chateworth Ave.
\$50.00

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.

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 2515

DATE 4/14/60

TO: John Warfield Arndger, Esq.

Masonic Building

Towson 4, Md.

BILLED BY: Zoning

DEPOSIT TO ACCOUNT NO.	TOTAL AMOUNT
01622	\$ 50.00
QUANTITY	COST
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE Petition for Reclassification-Cranston Co. PAID - Baltimore County, Md. - Office of Finance 6-15-60 6 6 6 3 • • • TIL + 0-15-60 6 6 6 3 • • • TIL + 50.00 50.00	

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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

#5015

District: 4th Date of Posting: 6-28-60

Posted for: Lot 1-10 zone to an M-1 zone

Petitioner: The Crandon Company

Location of property: 350 ft. S.W. of Urbach, 004, 100 ft. S.E. of Chatsworth Avenue, etc. See plat.

Location of Signs: See signs at the Eastern end of Urbach Ave, another 100 ft. south 575 ft. another 715 ft. another 80 ft. southwest of another 100 ft. S.E. of Chatsworth Avenue.

Remarks: _____

Posted by: George K. Shumard Date of return: 6-29-60

Signature

[illegible]

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Keldersdown, Md.

THE COMMUNITY PRESS
Dundell, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

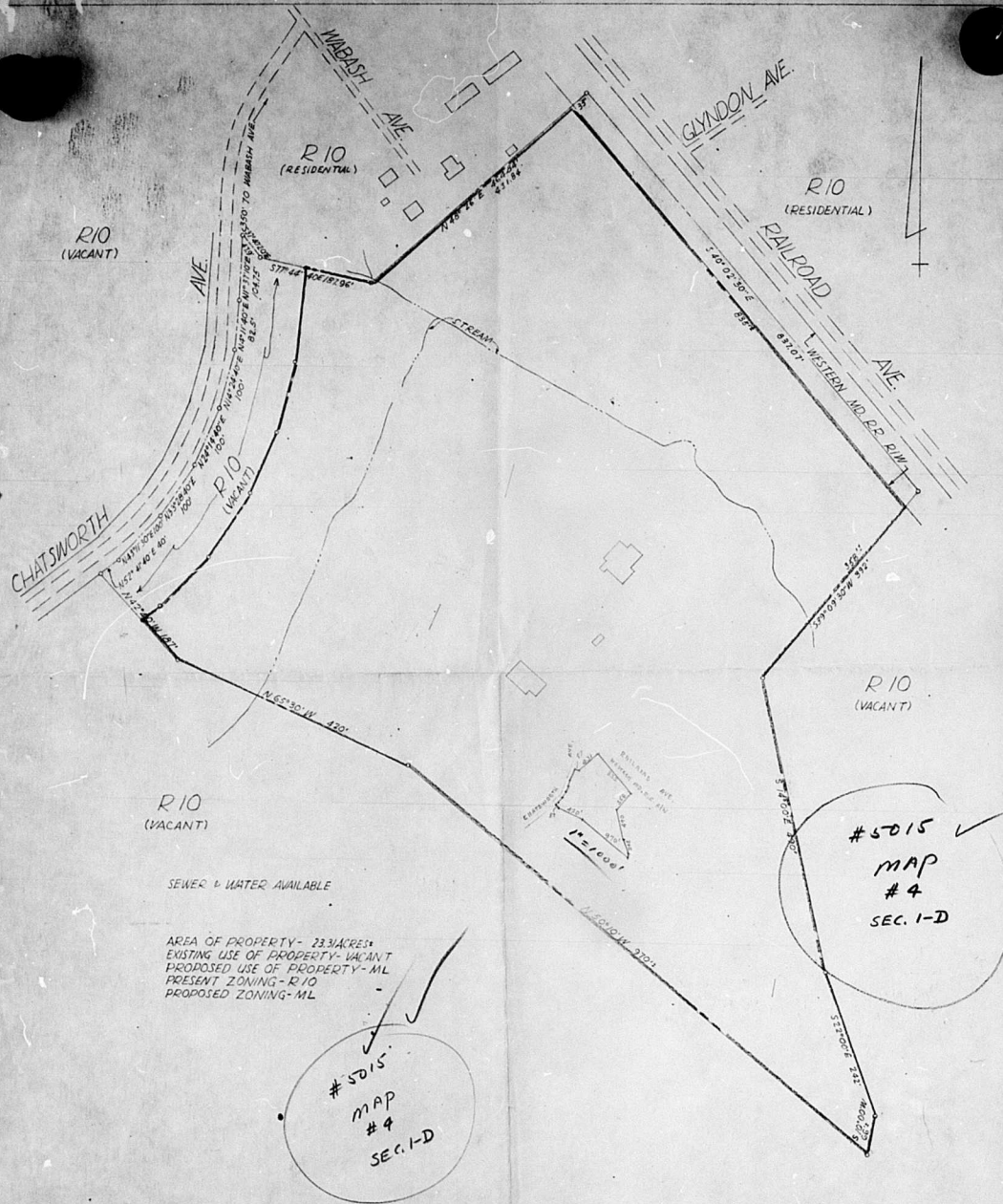
August 1, 1960

THIS IS TO CERTIFY, that the annexed advertisement of
Wilsie H. Adams, Zoning Commissioner for
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for Two successive weeks before
the 1st day of August, 1960, that is to say
the same was inserted in the issues of
June 24, July 1, 1960.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager



MULLER, RAPHEL & ASSOCIATES, INC.
REG. ENGINEERS & SURVEYORS
201 COURTLAND AVE.
TOWSON 4, MARYLAND

PLAT TO ACCOMPANY ZONING PETITION
4TH ELECT. DIST. BALTO CO., MD.
SCALE: 1" = 100' MAY 23, 1960

