

Petition for Zoning Re-Classification

To the Zoning Commissioner of Baltimore County—

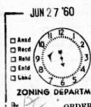
I, or we, Arline D. Brooks legal owner... of the property situated

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

Reasons for Re-Classification: Change in conditions, construction of
R-10 Development, South of Property: Extension of Adequate
Sewer, Water & Storm Drains to Property.

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, printing, 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.



Send notices 5/1 to M. William Adelson, Esq.
1035 Mathieson Building (2)

The Zoning Commissioner of Baltimore County, this 27th 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 be held in the office of the Zoning Commissioner of Baltimore County, in the Record Bldg., in Towson, Baltimore County, on the 3rd day of August, 1960, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

CROSS AND SHRIVER
 BALTIMORE 2

November 7, 1960

Zoning Commissioner of Baltimore County
 County Office Building
 Towson 4, Maryland

Re: Petition for Reclassification
N. W. Cor. Baltimore-Harrisburg Expressway and Seminary Avenue
8th District - Arline D. Brooks,
Petitioner
No. 5042

Dear Sir:

Please note an appeal to the Board of Zoning Appeals from the decision of John G. Rose, Deputy Zoning Commissioner, dated October 10, 1960, in the above captioned case on behalf of:

Mr. and Mrs. T. Edward Hambleton
 Mercantile-Safe Deposit & Trust Company, Trustees under the Will of Frank S. Hambleton
 Mrs. Jack Symington
 Mr. and Mrs. James Meddigan
 Mr. and Mrs. J. Pile Symington
 Mr. and Mrs. Granger Harburg

and enter the appearance of the undersigned on their behalf.

Yours very truly,

Nicholas Shriver, Jr.

Thomas D. Washburne

CC: M. William Adelson, Esq.

Description of Part of the Property of Arline D. Brooks

June 14, 1960

Beginning for the same at a point on the North right-of-way line of Seminary Avenue 80.00 feet wide as shown on State Road's Commission of Maryland Right-of-Way Plat #10561, said point of beginning being on the first or North 8° 36' East 951 foot two inch line of the land conveyed by Blue Grass Farms, Inc. to Arline D. Brooks by deed dated April 27, 1935, and recorded among the Land Records of Baltimore County in Liber C. W. B., Jr. 954, folio 94, at a point distant 912.08 feet from the end of said line, and running thence binding on the remainder of said first line, as now surveyed North 1° 39' 10" East 912.08 feet to a stone, thence binding reversely on part of the last line of the land conveyed by Blue Grass Farms, Inc. to Azabella Hambleton Symington by deed dated November 9, 1933, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 914, folio 264, as now surveyed North 0° 55' 32" West 25.00 feet, thence for lines of division the four following courses and distances viz: first North 82° 15' 10" East 850.10 feet, second North 1° 13' 00" West 506.69 feet, third North 15° 25' 56" East 47.08 feet and fourth North 0° 55' 06" East 1301.56 feet to intersect the second or South 69° 11' 06" East 1564.63 foot line of the land conveyed by Arline D. Brooks to Williams Construction Company, Inc. by deed dated April 5, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2458, folio 85 at a point distant 752.28 feet from the beginning of said second line, thence binding on the remainder of said second line and all of the third line of the above last mentioned deed the two following courses and distances as now surveyed viz: first South 76° 09' 24" East 812.35 feet and second North 54° 50' 36" East 302.59 feet to intersect the West right-of-way line of the Baltimore Harrisburg Expressway

RE: PETITION FOR RECLASSIFICATION
N. W. Cor. Baltimore-Harrisburg Expressway and Seminary Avenue,
8th District - Arline D. Brooks,
Petitioner
OF
BALTIMORE COUNTY
No. 5042

The petitioner in this case seeks the reclassification of a tract of 87,728 acres of a 90 acre tract from an "R-20" Zone to an "R-10" Zone, at the northwest corner of Baltimore-Harrisburg Expressway and Seminary Avenue.

The property may best be described as located along 850 feet of Seminary Avenue and 1500 feet of the Baltimore-Harrisburg Expressway, being the northeast corner of the two roads. Actual inspection of the property confirms testimony that there is a marked rise in the land to the west.

Evidently the Office of Planning & Zoning was not too sure of itself concerning the subject property in November of 1955 and at the present time its staff studies are again incomplete.

On approaching the property going from east to west along Seminary Avenue from Country Club Park, an "R-20" development, thence across the Baltimore-Harrisburg Expressway, there the thorough development presently zoned "R-10" for a distance of about 2700 feet lies on the south side and the subject property for 850 feet on the north side. The property on the north side of Seminary Avenue is zoned "R-20" for about 2700 feet.

Approaching on Seminary Avenue, from west to east, the northern side is described by Mr. George J. Givrellis, Deputy Director of Planning as an "R-20" area looking down on Therochild across Seminary Avenue.

Mr. Givrellis had this to say:

"Staff studies aimed at comprehensive evaluation on long range land use potentials have not been made for the general area. Accordingly the staff has no insight as to the ultimate effect the subject reclassification petition on the zoning of properties westerly to Falls Road and the corresponding effect on neighborhood patterning, circulation, schools, and utility systems".

Thus, a decision must be made at this time from information available at the time of the present hearing.

Description of Part of the Property of Arline D. Brooks

June 14, 1960
 Sheet 2

(Route III) thence binding on the West right-of-way line of said Baltimore Harrisburg Expressway as shown on State Roads Commission of Maryland Right-of-Way Plat #10559 as now surveyed. Southerly along a curve to the right with a radius of 4483.66 feet for a distance of 15.62 feet, said curve being subtended by a chord bearing South 15° 01' 54" West 15.62 feet to intersect the ninth or South 61° 51' West 1172 feet and six inch line of the above herein mentioned deed from Blue Grass Farms, Inc. to Arline D. Brooks at a point distant 596.90 feet from the end of said ninth line, thence binding on the remainder of said ninth line all of the tenth and part of the eleventh line of the above mentioned deed from Blue Grass Farms, Inc. to Arline D. Brooks, the three following courses and distances as now surveyed viz: first South 54° 50' 36" West passing over a pipe, 596.90 feet to a pipe, second South 33° 54' 24" East 66.00 feet and third South 2° 32' 18" East 757.52 feet to intersect the West right-of-way line of said Baltimore-Harrisburg Expressway thence binding on the West right-of-way line of said Baltimore-Harrisburg Expressway as shown on State Roads Commission of Maryland Right-of-Way Plat #10559, 10557, and 10558 as now surveyed South 20° 56' 45" West 1836.77 feet to intersect the North right-of-way line of said Seminary Avenue, thence binding on the North right-of-way line of Seminary Avenue as shown on said State Roads Commission of Maryland Right-of-Way Plat #10561 the nine following courses and distances as now surveyed viz: first North 88° 02' 55" West 76.61 feet, second Westerly along a curve to the left with a radius of 5769.58 feet for a distance of 384.81 feet said curve being subtended by a chord bearing North 89° 57' 33" West 384.76 feet, third South 88° 07' 48" West 73.86 feet, fourth North 1° 52' 12" West 25.00 feet, fifth South 88° 07' 46" West 35.00 feet, sixth South 1° 52' 12" East 25.00 feet, seventh South 88° 07' 48" West

While the Symington property will be affected in some way, neither the Symington property or other adjoining properties will be affected in such way as to be detrimental to the health, safety, or general welfare of the locality involved. The Minebrook Run Sewer Interceptor will now take care of the sewer problem existing in 1955. There is no longer seems to be a sewer or water problem.

The lay of the land, or topographical line, clearly indicates that this property is tied in to the "R-10" and "R-20" land nearby and not the "R-20" land.

It is this 14th day of October, 1960, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the above property, or area should be and the same is hereby reclassified, from and after the date of this Order, from an "R-20" Zone to an "R-10" Zone.

Deputy Zoning Commissioner of Baltimore County

Description of Part of the Property of Arline D. Brooks

June 14, 1960
 Sheet 3

71.10 feet, eighth Westerly along a curve to the right with a radius of 1869.86 feet for a distance of 176.64 feet, said curve being subtended by a chord bearing North 89° 09' 49" West 176.08 feet, and ninth North 86° 27' 27" West 31.05 feet to the place of beginning.

Containing 47.728 acres of land more or less.

Subject to a slope easements as shown on State Roads Commission Right-of-Way Plats #10,561, 10,557 and 10,558.

Subject also to a stream change area as shown on State Roads Commission Right-of-Way Plat #10559.

Being part of the land conveyed by Blue Grass Farms, Inc. to Arline D. Brooks by deed dated April 27, 1935, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 954, folio 94.

INVOICE		BALTIMORE COUNTY, MARYLAND		No. 4027	
TELEPHONE VALLEY 3-3000		OFFICE OF FINANCE		DATE 11/10	
Division of Collection and Receipts		COURT HOUSE		TOWSON 4, MARYLAND	
TO: Messrs. Cross & Shriver, Mercantile Trust Building Baltimore 2, Md.		BILLED BY: Zoning Department of Baltimore County 113 County Office Bldg., Towson 4, Md.		TOTAL AMOUNT \$ 70.00	
DEPOSIT TO ACCOUNT NO. 01622		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		COST	
QUANTITY		Cost of appeal to Board of Appeals - #5042		70.00	
		22-460 2871		70.00	
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		No. 3450	
TELEPHONE VALLEY 3-3000		OFFICE OF FINANCE		DATE 8/1/60	
Division of Collection and Receipts		COURT HOUSE		TOWSON 4, MARYLAND	
TO: Rodgers Form Apartments Inc. 6211 Ballows Ave. Baltimore 12, Md.		BILLED BY: Zoning		TOTAL AMOUNT \$ 70.00	
DEPOSIT TO ACCOUNT NO. 01622		DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE		COST	
QUANTITY		Advertising and signs-Arlene D. Brooks property		70.00	
		8-150 8639		70.00	
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 <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON 4, MARYLAND		No. 4041 DATE 11/10/60 <i>5042</i>
TO: Messrs. Greig & Shriver, Mercantile Trust Building Baltimore 2, Md.		Billing Department of Baltimore County 113 County Office Building Towson 4, Md.		
REPORT TO ACCOUNT NO. 01.622				
QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE			COUNT
Cost of posting property for appeal hearing, E. W. Cox, Harrisburg-Springway and Santary Ave. R signs	<i>11-1030 2956 0 0 0 711</i> <i>11-1030 2956 0 0 0 711</i>			\$10.00
3				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.				

50422
MAP
SEC. 4-6

Along the south side of Sentinay Avenue, extending from the Depueway westward for a distance of approximately 1500 feet, is the Thernishlag, Section 3; popularly designated as Longford. This is an existing farm development which was designated as such on the zoning map of the area adopted December 20, 1925. It is a farm tract, the R-30-0 property to its north by nothing more than the width of Sentinay Avenue, a flate road with adequate right-of-way, but presently paved in this area to a width not greater than 35 feet.

The A. W. Williams property to the north of the land under consideration, is, in fact, a large tract of land, well known and testifying for the plaintiffs, "undisputed north land with little residential value." This land has been primarily used for the excavation of dirt for use in the improvement of the road fronting the same, and for other barren purposes. Both of the Williams property to the Gill and the estate property, upon which the building of the 1925 map of the 1925 map has been struck down by the County. The exact residential development of Longford and Thernishlag, which is a large tract of land and across Flannan Road, lies the north-west 1/4 of the development of Pine Valley, and just north of Pine Valley is the 30 acre Sugar tract, reassessed by the County Council in 1925 in the Fall of 1925.

To the west of the Brooks property on the north side of Sentinay Avenue are what Mr. George B. Gavellin, Deputy Director of Planning and Zoning Commission, has designated as the "Longford" property, a large holding of long tenure by a few persons. They overlook the R-30-0 developments of Longford and Thernishlag, being separated from them only by the width of the Sentinay Avenue right-of-way.

Immediately across the Depueway to the east and north of

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: S. 41 Date of Posting: 7.20.60
#5042
Posted for: Ans. A. 22 Zone to Ans. A. 10 Zone
Petitioner: Robert H. Grothe
Location of property: Q. N. Carroll Highway, Lot 1 Baltimore Harpersburg Expressway, Baltimore, Md.
Location of Sign: Along right of way of Baltimore Harpersburg Expressway, 1/2 mile S. of intersection with Baltimore Harpersburg Expressway, Baltimore, Md.
Remarks: 1/2 mile S. of intersection with Baltimore Harpersburg Expressway, Baltimore, Md.
Posted by: George J. Harmon Date of return: 7.21.60
Signature

#5042
MAP
#9
SEC-3-C

north side of Sennary Avenue, the eastern boundary of the property is the north side of Sennary Avenue, along the Expressway for about 1800 feet, from the new bridge to the location of the old black track road. The old black track road was along Sennary Street for approximately 925 feet, at which point it crossed the existing right-of-way of the Springfield Property. The Sennary Avenue frontage of 650 feet carries back consistently along the Springfield narrow shaded area in its present northern location. This application of the remaining Brooks Property. Along the northeastern side, the instant land abuts the Williams tract, an irregular distance of rather variable a flat-ditched golf drive, with a base of the head of the ditch forming the boundary. The local owner's view is that the Sennary Avenue intersection except for the Muldrot, and the entire edge of the shaft is included in the boundary of the Expressway. The enclosed portion of the Brooks tract rests on the head of the driver and lays against the inner side of the shaft.

Especially, the land slopes generally upward from Sennary Avenue and the southern boundary of the property runs westward. The old Brooks mansion and the reserved acreage around it include the subsidiary areas. As Sennary Avenue approaches the viaduct, it oblique appreciably, leaving much of the southern boundary of the Brooks property in an undesirable disposition.

As to water, Mr. Wolf indicated that it will be rationalized this place are always under way to correct the problem by 1964. We take notice from our own experience that these matters are not likely to be operational prior to that time.

First, as to the question of error, we recognize that the sever situation was so different to the proper consideration of other factors existing at the time the map was adopted. However, we do not believe that in an instance where other conditions such as require higher density zoning, the measure should be in the proceedings of the lower density zoning, and thereby perform an act of economic confiscation upon the property owner, such confiscation to continue until the next comprehensive study. There are no necessary and then easily lifted without any formal proceeding. In the case before us, the impact of the Expressway (which is irrefragable), by measurement on Pettitman's exhibit No. 2, within 100 yards or 5% of the applicant's 180 lot, is such that there should have been no doubt that the "No-Go" was unreasonable. The County Commission has already, therefore, lawfully reclassified the properties affected by the Expressway to a lower density and related upon their administrative controls so long as they remain suitable to that application. In our opinion, to do otherwise constituted error.

Further error is manifest in the classification of Longford as "no-go," such development had subject to the same problems over the subject property. However, it is recognized by many planning experts as being sound to use a narrow road such as Sennary Avenue for a transition in points of geographical fluctuation or at least at our property lines. We believe that the use of Sennary Avenue in this respect amounted to additional error.

So far as changes are concerned, the reclassification of the Yeager Property is less than one mile away, in the Fall of 1960 is the permanent. Both the 1955 and 1960 maps show the property as being classified because of the 1955 sewer availability. The County Commission revised this decision in 1960, and the property was placed in part on it be change in conditions brought about by the Lincoln Highway project. It applies to the Yeager case in this respect must also apply to the Brooks property.

Having determined that both error and substantial justice,

As has been previously indicated, the Breake program was inaugurated "B-1" by the County Engineer, George E. Wolfe, (then Deputy Director of the Bureau of Engineering), George E. Garvillo and Bernard M. Kilbourne, (both heretofore identified), that the subject property was not considered for any degree of "B-1" because of the critical nature of the situation in the area brought about by the supposed limitations of the Island Land Reclamation Act. The existing public law day restriction imposed by Baltimore City with reference to said interceptor. It was not until 1955 that the Hinkley Interceptor, a new major sewer conduit to be built out of "B-1" was substantially completed. The subject property was then subjected to pressure on the Island Land Receptor, made higher density zoning feasible in that area. We are not to conceive that the subject property has been fully considered in the case of White vs County Board of Appeals (118 A 2d 103) by Mr. Wolfe's aforementioned testimony was to the effect that sewer

50402
MAP
#49
SEC-C

authorities on traffic, Dr. Shell is reduced into the same as Positioner's Exhibit No. 5, a traffic flow chart indicating the available routes; with restriction, to discontinue traffic from the area under consideration. Dr. Wolfe's testimony is that the subject property was not considered in that indicates that this reclassification, so far as traffic is concerned, will cause no problem. According to the further stated that, should the area be developed as requested, Secondary Avenue would still only be a one-quarter of the capacity that it has at the present time. The subject property is the intersection of Sappa and Thornton Roads is in the process of being improved. After careful study, we find that higher density to the degree said will not create any traffic problems.

Noting now to the consideration of the general welfare of the vital properties, we are at the very outset, impressed by the fact that Longford has entered and will continue to carry a much more potent effect upon the estate properties heretofore mentioned, with the possible exception of the Symington property, than the granting of this reclassification. The testimony indicates that the land under consideration is not viable to meet of the estate properties to the west. So far as the Symington property is concerned, the entire boundary on some 600 feet might have a slight effect over and above the existing affect provided by the Longford developments. However, we must not lose sight of the fact that the Secondary Avenue Avenue Overpass, and Longford have combined to render the existing section of the subject property unsatisfactory. To expect one to construct and build on this problem which has economically feasible in "B-200" areas is completely unrealistic in this instance. Therefore, natural hazard to the Symington lands heretofore weighed against an "B-200" area is hereby eliminated. We find that the scales tip substantially in favor of this reclassification.

Mr. Raymond F. Allen, a resident of Lutherville, testified with regard to pedestrian safety. The subject property is in the general area problem of lack of sidewalks. The Board is sympathetic to the points raised by Mr. Allen but finds it entirely unrealistic to make a single property owner shoulder the burden of an "B-200" area.

For the above reasons set forth the reclassification is granted.

ORDER

For reasons set forth in the aforesaid Ordinance, it is this 4th day of March, 1960, by the County Board of Appeals, Ordinance that the aforesaid petition for reclassification be and the same is hereby ~~reclassified~~ **reclassified** from an "B-200" area to an "B-1" area.

Any appeal from this decision must be in accordance with Rule No. 3201 of the Rules of Practice and Procedure of the Court of Appeals

of Maryland.

MAR - 7 61 AM

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William McLaughlin
Spencer J. Rogers
G. Mitchell Smith

☐ ASSE
☐ REC'D
☐ REC'D
☐ GENL
☐ CLERK

ZONING DEPARTMENT

94

